

**FILED**

March 29, 2021

ST-2020-CV-00155

TAMARA CHARLES  
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DISTRICT OF ST. THOMAS & ST. JOHN

\*\*\*\*\*

GHISLAINE MAXWELL,

Plaintiff,

v.

ESTATE OF JEFFREY E. EPSTEIN, DARREN  
K. INDYKE, in his capacity as EXECUTOR OF  
THE ESTATE OF JEFFREY E. EPSTEIN,  
RICHARD D. KAHN, in his capacity as  
EXECUTOR OF THE ESTATE OF JEFFREY  
E. EPSTEIN, and NES, LLC, a New York  
Limited Liability Company,

Defendants.

CIVIL NO. ST-2020-CV-00155

**BRIEF PURSUANT TO COURT'S MARCH 17, 2021 ORDER**

COME NOW the Co-Executors of the Estate of Jeffrey E. Epstein (the "Estate"),  
DARREN K. INDYKE and RICHARD D. KAHN, and hereby submit this brief pursuant to  
the Court's March 17, 2021 Order.

**DISCUSSION**

The Court's March 17, 2021 Order requests that the Estate address whether this case  
should be: (i) designated as complex, and (ii) assigned to the same judge as Case No. ST-2020-  
CV-00014 to avoid delay or inconsistent rulings.

The Court should not designate this matter complex. A "complex" case "requires  
exceptional judicial management to avoid placing unnecessary burdens on the court or the  
litigants and to expedite the case, keep costs reasonable, and promote effective decision making  
by the court, the parties, and counsel." V.I. R. Civ. P. 92(a). This is not such a case. Rather,  
it is a simple, one (1) issue dispute—whether Maxwell is entitled to indemnification of legal  
fees. Moreover, the Rule 92(c) factors do not weigh in favor of complex designation: the action

does not involve a large number of parties, claims, or claimants; the case does not require special expertise or case processing by the Complex Litigation Division judge or staff; and the case does not implicate the various potential efficiencies of coordinated proceedings.

Nor would coordination of this matter with Case No. ST-2020-CV-00014 (the "CICO action") significantly advance judicial efficiency. As noted above, this matter is a simple one, based on a nine (9) page complaint asserting three (3) indemnification claims and seeking as its sole remedy indemnification of legal fees and costs. The pending motion to dismiss in this matter raises two (2) arguments. By contrast, the Government's proposed Second Amended Complaint in the CICO action is seventy-six (76) pages long, asserts twenty-six (26) CICO claims, alleges a multi-decade long criminal enterprise, and seeks a laundry list of remedies, including forfeiture, divestiture, the dissolution of entities, injunctions, revocation of licenses, receivership, monetary penalties, and punitive damages. The Defendants' motion to dismiss the Amended Complaint raises at least ten (10) separate legal issues, none of which overlap with the issues raised in the motion to dismiss in this matter. Given the distinct nature of the claims and legal issues presented in the two matters, there is little risk of inconsistent rulings should the cases remain assigned to different judges. Nor are there issues of delay in either matter that would be alleviated by coordination of both matters before a single judge.

### **CONCLUSION**

For the reasons set forth above, the Court should not designate this matter complex nor assign the case to the same judge assigned to the CICO action.

Respectfully,

Dated: March 29, 2021

/s/ Christopher Allen Kroblin

**CHRISTOPHER ALLEN KROBLIN, ESQ.**

**SHARI N. D'ANDRADE, ESQ.**

**MARJORIE WHALEN, ESQ.**

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 29<sup>th</sup> day of March 2021, I caused a true and exact copy of the foregoing **Brief in Response to Court's March 17, 2021 Order**, which complies with the page or word limitation set forth in Rule 6-1(e), to be served via VIJEFS upon:

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/s/ Christopher Allen Kroblin