

5/29/2009
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE NO. 2,

CASE NO.: 08-CV-80119-
MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

JANE DOE NO. 3,

CASE NO.: 08-CV-80232-
MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

JANE DOE NO. 4,

CASE NO.: 08-CV-80380-
MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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JANE DOE NO. 5,

CASE NO.: 08-CV-80381-
MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-CV-80994-
MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-CV-80993-
MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-CV-80811-MARRA/JOHNSON

Plaintiff,

vs.

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JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-CV-80893-MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 08-CV-80469-
MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 09-CV-80591-
MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

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JANE DOE NO. 102,

CASE NO.: 09-CV-80656-
MARRA/JOHNSON

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

**PLAINTIFFS JANE DOE NO. 101 AND JANE DOE NO. 102's MOTION FOR
LEAVE TO FILE UNDER SEAL RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION TO STAY OR, IN THE ALTERNATIVE, TO UNSEAL
THE NONPROSECUTION AGREEMENT**

Pursuant to Rule 5.4 of the Local Rules of the United States District Court for the Southern District of Florida, Plaintiffs Jane Doe No. 101 and Jane Doe No. 102 (together, the "Plaintiffs") by and through their undersigned attorneys, hereby file this Motion For Leave to File Plaintiffs Jane Doe No. 101 and Jane Doe No. 102's Response in Opposition to Defendant's Motion to Stay and/or Continue Action for Time Certain Based on Parallel Civil and Criminal Proceedings With Incorporated Memorandum of Law Under Seal, and, as grounds, state as follows:

1. Undersigned counsel seek to file this Response in Opposition to Defendant Jeffrey Epstein's Motion to Stay under seal in order to abide by this Court's August 21, 2008 Order to Compel Production and Protective Order entered in Case No. 08-80736-CIV-MARRA/JOHNSON (the "Protective Order"). The Protective Order prohibits Plaintiffs from disclosing the Non-Prosecution Agreement (the "NPA") or its terms to any third party. The sealed document should be maintained under seal for the duration of this Court's August 21, 2008 Protective Order.

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2. Undersigned counsel recognize that this Court has previously unsealed documents referring to the NPA. We seek to comply with the Protective Order for this new and independent filing in an abundance of caution, until directed otherwise by the Court.

3. If this Court denies Plaintiffs' instant motion, Plaintiffs seek appropriate disclosure of the NPA pursuant to this Court's recent order in Case No. 08-80736-CIV-MARRA/JOHNSON (DE #36) denying Plaintiffs Jane Doe No. 1 and Jane Doe No. 2's motion to unseal the NPA. As stated in that Order, the NPA has not been filed with the Court. Plaintiffs Jane Doe No. 101 and Jane Doe No. 102 would then have "a specific tangible need to be relieved of the restrictions" of the Protective Order because consideration of the terms of the NPA is necessary for this Court to resolve Defendant's Motion to Stay.

WHEREFORE,

1. Plaintiffs respectfully request this Court to enter an Order granting Plaintiffs Jane Doe No. 101 and Jane Doe No. 102 the right to file under seal their Response in Opposition to Defendant's Motion to Stay and/or Continue Action for Time Certain Based on Parallel Civil and Criminal Proceedings With Incorporated Memorandum of Law.

2. In the alternative, Plaintiffs respectfully request this Court to unseal the Non-Prosecution Agreement in order to allow Plaintiffs to concretely respond to Defendant's Motion to Stay.

3. Finally, Plaintiffs respectfully request this Court to grant such other and further relief to which this Court finds the Plaintiff otherwise entitled.

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Date: May 29, 2009

Respectfully submitted,

PODHURST ORSECK, P.A.
Attorneys for Plaintiffs Jane Doe No.
101 and Jane Doe No. 102

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1.A.3

On May 29, 2009, undersigned counsel conferred with counsel for Defendant in a good faith effort to resolve the issues raised in this motion, and Defendant's counsel advised that Defendant opposes this motion.

Date: May 29, 2009

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that, on this 29th day of May, 2009, we electronically filed the foregoing document with the Clerk of the Court using CM/ECF. We also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

Respectfully submitted,

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SERVICE LIST

JANE DOE NO. 2 v. JEFFREY EPSTEIN
Case No. 08-CV-80119-MARRA/JOHNSON
United States District Court, Southern District of Florida

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