

FILED by <u>RB</u> ELECTRONIC	D.C.
Mar. 24, 2009	
STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLA. - MIAMI	

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

09-80469-Civ-RYSKAMP/VITUNAC

JANE DOE II)	CASE NO.:
)	
Plaintiff,)	
)	
vs.)	
)	
JEFFREY EPSTEIN,)	
and SARAH KELLEN,)	
)	
Defendants.)	
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COMPLAINT

1. Plaintiff, JANE DOE II, hereby sues JEFFREY EPSTEIN and SARAH KELLEN, and states:

JURISDICTION AND VENUE

2. This is an action for damages in excess of \$75,000, exclusive of interests, costs and attorney's fees.

3. Venue is proper in this Court as all acts occurred in Palm Beach County and all parties reside and/or do business herein.

PARTIES

4. Ms. DOE II is a natural person residing in Palm Beach County, Florida. During the events giving rise to this claim, she was a minor but has now reached majority. She files this suit under a pseudonym to protect her privacy because the acts alleged occurred while she was a minor.

SCANNED

5. Defendant EPSTEIN is a natural person, who is an adult, and who resides and/or does business in Palm Beach County, Florida, and who committed the acts alleged within the jurisdiction of Palm Beach County, Florida, within the boundaries of the United States District Court in and for the Southern District of Florida. Defendant KELLEN is a natural person, who is an adult, believed to reside in the State of New York, but who committed the acts alleged within the jurisdiction of Palm Beach County, Florida, within the boundaries of the United States District Court in and for the Southern District of Florida.

6. Defendant EPSTEIN is believed to now be incarcerated in the Palm Beach County Jail for crimes committed that are related to and/or similar to the claims in this case.

FACTS

7. Defendant EPSTEIN was, at all times relevant to this action, a part time resident of Palm Beach County, Florida. All acts complained of herein occurred at his estate residence in the Town of Palm Beach, Florida.

8. Defendant EPSTEIN has a history of enticing young women, who are minors (under 18 years of age), and soliciting them to engage in prostitution for his own sexual gratification.

9. Defendant EPSTEIN, in agreement with two (2) persons he employed for this purpose, HALEY ROBSON and Defendant KELLEN, conspired with these other two, and others, to solicit young women of the type Defendant EPSTEIN preferred, blonde, attractive in appearance, and younger than 18 years of age, to provide sexual gratification for him by engaging in acts of prostitution.

10. Defendants EPSTEIN and KELLEN entered into a criminal conspiracy to solicit young women for acts of prostitution, including the Plaintiff, here in Palm Beach County.

11. From about June, 2003 until on or about February, 2005, Defendants EPSTEIN and KELLEN persuaded, induced, or enticed the Plaintiff to come to Defendant EPSTEIN's home and provide Defendant EPSTEIN with "massages" which escalated into sexual encounters between Defendant EPSTEIN and the Plaintiff designed to fulfill his unnatural sexual desires for young women or even younger girls who were minors. These acts included Defendant EPSTEIN's request that he wanted the encounter to be like a "porn video." Defendant EPSTEIN would script lines for the Plaintiff to say, including calling out his name and requesting that he perform a certain sexual act "harder," while he touched the Plaintiff's vagina with a vibrator or with his fingers; alternately, he would masturbate in the presence of the Plaintiff after demanding her to disrobe and walk in front of him in provocative sexual poses. Defendant EPSTEIN would pay the Plaintiff a fee of \$200 on each occasion after he ejaculated while masturbating in the presence of the Plaintiff.

12. Defendant EPSTEIN touched Plaintiff's vagina, or penetrated Plaintiff's vagina, using his fingers and/or a vibrator on multiple occasions, during the time that Plaintiff was a minor, causing personal injury to her.

13. In violation of 18 U.S.C. §2422(b), Defendants EPSTEIN and KELLEN knowingly persuaded, induced, or enticed the Plaintiff to engage in acts of prostitution, when the Plaintiff was under the age of 18, approximately on or about the following dates that Plaintiff can document based on payments received: 6/16/03, 7/2/03, 4/9/04, 6/7/04, 7/30/04, 8/30/04, 10/9/04, 10/12/04, 10/30/04 and 11/9/04. In addition, Plaintiff believes that there were as many as 10 to 20 other occasions during this time frame that Defendant EPSTEIN solicited her and procured her to perform prostitution services, all during the time that she was a minor.

14. Plaintiff seeks damages for personal injury in accordance with 18 U.S.C. §2255(a) for each of the acts of prostitution set forth above for which Defendants solicited her, \$150,000 for each violation, for a total range of damages between \$1.5 million dollars to \$4.5 million dollars, jointly and severally, and a reasonable attorney's fees and costs, as permitted by the statute.

15. Defendant EPSTEIN has made an agreement with the United States Attorney's Office to not contest liability for claims brought exclusively pursuant to 18 U.S.C. §2255, in exchange for avoiding federal prosecution under 18 U.S.C. §2422(b), which provides a sentence of 10 years for each violation of the law.

WHEREFORE, Plaintiff demands judgment in her favor, and a jury trial on all issues so triable as of right.

Respectfully submitted,

BY: _____

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Date: 3/19/09

JS 44 (Rev. 2/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

NOTICE: Attorneys MUST Indicate All Re-filed

Mar. 24, 2009

STEVEN M. LARIMORE CLERK U.S. DIST. CT. S.D. OF FLA. - MIAMI

I. (a) PLAINTIFFS

JANE DOE II

(b) County of Residence of First Listed Plaintiff PALM BEACH (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

GARCIA LAW FIRM, P.A. 224 DATURA STREETM SUITE 900 WEST PALM BEACH, FL 33401

DEFENDANTS

JEFFREY EPSTEIN AND SARAH KELLEN

County of Residence of First Listed Defendant PALM BEACH (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED.

Attorneys (If Known)

ROBERT D. CRITTON, ESQ. JACK A. GOLDBERGER, ESQ.

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

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III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES.

V. ORIGIN

- 1 Original Proceeding
2 Removed from State Court
3 Re-filed (see VI below)
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

a) Re-filed Case YES NO b) Related Cases YES NO JUDGE DOCKET NUMBER 9:08-cv-80469-KAM

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): 18 U.S.C. §2422(b) LENGTH OF TRIAL via days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMANDS CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE March 19, 2009

FOR OFFICE USE ONLY AMOUNT 350 RECEIPT # 725609 IFP