

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

JANE DOE,

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

Plaintiff,

Vs.

JEFFREY EPSTEIN, et al.

Defendant.

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Related Cases:

08-80119, 08-80232, 08-80380, 08-80381,
08-80994, 08-80811, 08-80893, 09-80469,
09-80591, 09-80656, 09-80802, 09-81092

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**PLAINTIFF JANE DOE'S MOTION FOR AN ORDER TO SHOW CAUSE AND FOR
AN ORDER TO COMPEL AND INCORPORATED MEMORANDUM OF LAW**

Plaintiff, Jane Doe, respectfully files this motion for entry of an order directed to Jean Luc Brunel and his counsel ordering them to show cause why they should not be held in contempt, for sanctions, and for an order compelling Jean Luc Brunel to appear for a deposition within 20 days. After plaintiff Jane Doe served Brunel with a subpoena for a deposition in this case, his attorney, on his behalf, represented that Brunel would appear for a deposition if Jane Doe would postpone the scheduled deposition date. As an accommodation to him, Jane Doe did postpone the scheduled deposition date, but then Brunel has not appeared as agreed for a deposition. After much communication in an attempt to coordinate Brunel's deposition, Brunel's counsel represented that Brunel was outside of the country, and thus unavailable, when in fact he was inside the country

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and easily available for a deposition. Because of these false representations, this Court should direct Brunel and his counsel to show cause why they should not be held in contempt. This Court should also compel Brunel to appear for the deposition that was previously scheduled and that he has avoided only through these false representations. Finally, the Court should sanction the appropriate person(s) for causing the undersigned to spend unnecessary time filing this motion.

BACKGROUND

Jane Doe personally served Jean Luc Brunel in New York City to appear for deposition in this case. The subpoena indicated a deposition date of September 22, 2009 at 10:00 A.M. in New York City, New York. Brunel is an important witness in this case, as he is a good friend of Epstein's and has information regarding Epstein's pattern and practice of obtaining young girls for sexual purposes, relevant issues not yet admitted by Defendant Epstein.

Shortly after Brunel was served, counsel for Jane Doe was contacted by Tama Beth Kudman, Esq., a licensed attorney in Florida. Kudman stated that she represented Brunel with regard to the subpoena and that she would produce Brunel for deposition in West Palm Beach if Jane Doe would agree not to go forward with the deposition date in New York. Counsel for Jane Doe honored that request, and with Kudman jointly arranged a deposition date for Brunel in West Palm Beach for October.

Shortly before his deposition was to take place, Ms. Kudman contacted counsel for Jane Doe to move that deposition date because of a personal conflict. Once again, counsel for Jane Doe agreed. After several conversations regarding the deposition of

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Brunel, Kudman asked that counsel for Jane Doe set Brunel for deposition in January of 2010, as that was a time when she could assure his availability.

In January, counsel for Jane Doe again contacted Ms. Kudman to arrange a mutually convenient deposition time. Ms. Kudman stated that Brunel would be in Florida the first week of February and she would work to coordinate his deposition for that time.

The undersigned's office contacted Ms. Kudman's office on several occasions in January to coordinate a February deposition date of Brunel. On January 29, 2010, Ms. Kudman returned the call and left a voicemail apologizing for not returning the call sooner and indicating that she had only been waiting to hear from Mr. Brunel as to his availability, and she invited the undersigned to contact her the following week to set it up. On February 5, 2010, counsel for Jane Doe contacted Ms. Kudman to coordinate Brunel's deposition. During that telephone conversation, Ms. Kudman represented that her client, Mr. Brunel, had previously left the country to go to his home country of France before the New Year. Ms. Kudman further represented that while she believed he was going to return, it turned out that he had no plans to return. Ms. Kudman also stated that if Brunel was in the country, she would make good on her representation that she would produce him. However, she had just spoken to him via a telephone call from him in France. Brunel told Kudman that he was staying there indefinitely with no plans to return. In subsequent telephone conversations, Ms. Kudman continued to represent that Mr. Brunel had been out of the country since sometime prior to the New Year and was not planning to return.

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Counsel for Jane Doe responded that this representation seemed quite strange, since Brunel has a significant business in the United States. Kudman replied that it was simply too expensive for him to return and that because of the expense he had no intentions of returning. Counsel for Jane Doe then pointed out that when Brunel was served, Kudman had promised he would be produced for deposition. Kudman replied that because he is in France with no plans to return there was simply nothing she could do. Kudman further advised counsel for Jane Doe that if he wanted to take Brunel's deposition in France, then it would be necessary to obtain a Letters Rogatory and go through the French Consulate. After these procedures, Kudman then indicated it would be necessary to take a trip to France for his deposition. Counsel for Jane Doe indicated that he might be willing to go through that process, but that he would like for Kudman to tell him if Brunel happened to return to the United States. Kudman promised that she would.

Remarkably, after all of these representations had been made by Kudman, it turns out that Brunel was actually in the United States during the time when Jane Doe was trying to take his deposition. In fact, on February 16, 2010, counsel for Jane Doe took the deposition of Jeffrey Epstein's house manager, Janusz Banaziak. Mr. Banaziak was asked if he knew Mr. Brunel. In summary, he responded that he knew him as Mr. Epstein's friend. He elaborated that Mr. Brunel had stayed with Epstein at Epstein's Palm Beach home on at least two occasions in 2010. The first 2010 visit was in January, when Mr. Brunel stayed for approximately 3 days. Then Mr. Brunel stayed at Mr. Epstein's home from approximately February 10th or 11th through February 14th,

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2010. It was known by Epstein that Brunel was coming to stay at the house in February 2010, as he was picked up at the airport and driven to Epstein's home by Epstein's bodyguard, Igor Zinoviev, and after his stay with Epstein, Brunel was driven from Epstein's house to the airport by Sarah Kellen. *See deposition of Janusz Banaziak at page 154-161 and 168-16 attached hereto as Exhibit "A."*

MEMORANDUM OF LAW

As is readily apparent from the foregoing facts, Ms. Kudman has either made false representations about Mr. Brunel's whereabouts or Mr. Brunel has made false representations about his whereabouts that she passed on. In either case, they should be required to show cause why her and/or she should not be held in contempt of court for making false representations. *See, e.g., Acton v. Target Corp.*, 2009 WL 5214419 at *5 (W.D. Wash. 2009) (entering order to show cause why counsel should not be held in contempt for making false representations). In particular, Mr. Brunel and Ms. Kudman should explain how it came to pass that Mr. Brunel was in Florida at the very time that Jane Doe was attempting to take his deposition while Ms. Kudman was confidently reporting that he was unavailable in France. Given the known facts, Ms. Kudman was either an unwitting messenger who passed along false representations delivered to her by her client Mr. Brunel, or she was a knowing participant in Brunel and/or Epstein's attempt to obstruct discovery; either way a show cause order should be entered and the appropriate person(s) sanctioned and held in contempt.

Mr. Brunel and Ms. Kudman should also be required to provide a full explanation of who precisely is paying the attorney fees for Ms. Kudman's services. Most, if not all,

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of the witnesses that have been deposed in this and related cases against Epstein have appeared with counsel retained and paid for by Defendant Jeffrey Epstein. In this instance, we know that Mr. Epstein was together with his house guest, Mr. Brunel, at a time when Brunel's counsel was representing that Brunel was out of the country and could thus not attend a deposition. Mr. Epstein also knew at that time that the undersigned had been trying to coordinate Brunel's deposition for months. Therefore, there is no doubt that Mr. Epstein was assisting Mr. Brunel and/or Ms. Kudman in obstructing discovery. At the very least, Mr. Epstein was an accomplice, but was he the person paying the attorney to make false representations and tamper with important witnesses? While Mr. Epstein may be able to invoke his 5th amendment rights on such questions, Mr. Brunel and Ms. Kudman do not have that luxury, and at this point they should be required to provide these answers.

Again, as the facts make clear, Ms. Kudman has not delivered on promises made (as an officer of the court) to counsel for Jane Doe, and Mr. Brunel has not appeared for a deposition. As such, Jane Doe moves this Court to enter an order directing Mr. Brunel to promptly appear for a deposition in West Palm Beach within 14 days. He was properly served with a subpoena by Jane Doe, and only through deceitful maneuvers he has been able to avoid his deposition. This Court should not permit subpoenas to be avoided in this fashion.

WHEREFORE, Jane Doe respectfully requests the Court to direct Mr. Brunel and Ms. Kudman to show cause why they should not be held in contempt for making false representations in an effort to avoid a deposition. If the Court finds that they are in

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contempt, the Court should also impose appropriate sanctions, including attorney's fees for Jane Doe in connection with filing this motion. The Court should also compel Mr. Brunel to appear for a deposition within 14 days of the Court's order and grant any additional relief the Court deems just and proper.

PRE-FILING CONFERENCE

Counsel for Jane Doe has attempted to confer with Ms. Kudman about this motion, but she declined to make Brunel available for deposition, and in fact has again stated as recently as March 5, 2010 that Brunel has been out of the country since prior to the New Year with no plans to return.

DATED: March 10, 2010

Respectfully Submitted,

s/ Bradley J. Edwards
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 10, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all parties on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those parties who are not authorized to receive electronically filed Notices of Electronic Filing.

s/ Bradley J. Edwards
Bradley J. Edwards

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