

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JANE DOE,

Plaintiff,

v.

DARREN K INDYKE and RICHARD D. KAHN, in
their capacities as executors of THE ESTATE OF
JEFFERY E. EPSTEIN,

Defendants.

Case No. 1:20-cv-02365-LJL-DCF

**CO-EXECUTORS' STATEMENT ON PLAINTIFF'S
APPLICATION TO PROCEED ANONYMOUSLY**

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*Attorneys for Defendants Darren K. Indyke and Richard D. Kahn,
Co-Executors of the Estate of Jeffrey E. Epstein*

Defendants Darren K. Indyke and Richard D. Kahn, Co-Executors of the Estate of Jeffrey E. Epstein (the “Co-Executors”)¹, respectfully submit this Statement On Plaintiff Jane Doe’s (“Plaintiff”) Application to Proceed Anonymously (ECF No. 31) (the “Application”).

I. The Co-Executors Have Never Opposed The Right Of Alleged Victims To Maintain Anonymity And Do Not Do So Here.

The Co-Executors have never sought to prevent any alleged victim of Mr. Epstein from proceeding anonymously; they do not do so here. To the contrary, after Mr. Epstein’s death, the Co-Executors established and funded in its entirety the independently administered Epstein Victims’ Compensation Program, which gave Mr. Epstein’s alleged victims the opportunity to resolve their claims in complete confidence if they so desired.² The Program ultimately awarded nearly \$125 million to approximately 150 eligible claimants.³

Nevertheless, in this unique situation, the Co-Executors have determined that it is appropriate to bring to the Court’s attention material facts not contained in Plaintiff’s Application, so that the Court can rule on it with the benefit of all relevant information, as follows: (1) Plaintiff

[REDACTED] (2) Plaintiff has, [REDACTED]
[REDACTED]
[REDACTED] and (3) Plaintiff has [REDACTED]
[REDACTED]

¹ The captions in Plaintiff’s Notice of Motion to Proceed Anonymously (ECF No. 29), Memorandum of Law in Support of Plaintiff’s Application to Proceed Anonymously (ECF No. 31), and the Declaration of Daniel J. Kaiser (ECF No. 30) list more than two dozen defendants who are not parties to this action. Plaintiff’s Complaint (ECF No. 1), which has not been amended, was brought only against Darren K. Indyke and Richard D. Kahn, in their capacities as executors of the Estate of Jeffrey E. Epstein. Accordingly, this Statement is filed on behalf of the Co-Executors only.

² No claimant who participated in the Program is bound by any rules of confidentiality—to the contrary, they are free to tell their stories publicly.

³ See <https://www.epsteinvcp.com/documents/67>. (The Declaration of Bennet J. Moskowitz, filed contemporaneously herewith, provides true and correct copies of all [REDACTED])

II. Plaintiff's [REDACTED]

As Plaintiff explains in her Application, when determining whether to permit a party to proceed under a pseudonym, the Second Circuit considers at least ten non-exhaustive factors pursuant to *Sealed Plaintiff. Doe v. Zinsou*, 2019 U.S. Dist. LEXIS 131520, at *7-8 (S.D.N.Y. Aug. 6, 2019) (Ramos, J.) (citing *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 188-89 (2d Cir. 2008)). Relevant to this discussion are the factors related to Plaintiff's identity.

Plaintiff is [REDACTED] and has [REDACTED]

[REDACTED]. In fact, Plaintiff's [REDACTED]

[REDACTED], as follows:

[REDACTED]

[REDACTED]

This [REDACTED]

[REDACTED]

[REDACTED]

Plaintiff also volunteered [REDACTED]

[REDACTED]

Plaintiff has also [REDACTED]

[REDACTED]

[REDACTED]

Plaintiff was also [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Accordingly, it is subject to judicial notice. *See, e.g., Sharette v. Credit Suisse Int'l*, 127 F. Supp. 3d 60, 75 (S.D.N.Y. 2015) (“[A] court may take judicial notice of ‘a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.’” (citing *Island Software & Computer Serv., Inc. v. Microsoft Corp.*, 413 F.3d 257, 261 (2d Cir. 2005) (ellipsis in original)).

⁹ *Id.* at 5.

[REDACTED]

Plaintiff—

[REDACTED]

III. Conclusion

While the Co-Executors take no position on Plaintiff's Application to Proceed Anonymously, they believe the Court should decide it with the benefit of all relevant information.

Dated: New York, New York
August 13, 2021

Respectfully submitted,

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By: /s/ Bennet J. Moskowitz
Bennet J. Moskowitz

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