IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE, proceeding under a pseudonym, Plaintiff, v. DONALD J. TRUMP and JEFFREY E. EPSTEIN, Defendants.	)	Case No.: JURY TRIAL DEMANDED

COMPLAINT FOR RAPE, SEXUAL MISCONDUCT, CRIMINAL SEXUAL ACTS, SEXUAL ABUSE, FORCIBLE TOUCHING, ASSAULT, BATTERY, INTENTIONAL AND RECKLESS INFLICTION OF EMOTIONAL DISTRESS, DURESS, FALSE IMPRISONMENT, AND DEFAMATION

Plaintiff Jane Doe, proceeding under a pseudonym, brings this action against Donald J. Trump and Jeffrey E. Epstein, and alleges that:

PARTIES

1. Plaintiff is an individual residing in and a citizen of the State of California.

2. Upon information and belief, Defendants Donald J. Trump and Jeffrey E. Epstein each reside in this District and are citizens of the State of New York.

JURISDICTION AND VENUE

3. Plaintiff is a citizen of the State of California for purposes of diversity jurisdiction under 28 U.S.C. § 1332.

4. Defendants are citizens of the State of New York for purposes of diversity jurisdiction under 28 U.S.C. § 1332.

5. This Court has original subject matter jurisdiction with respect to this action pursuant to 28 U.S.C. § 1332 as there exists complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds Seventy Five Thousand Dollars ($75,000.00), exclusive of interest and costs.

6. Defendants are each subject to the jurisdiction of this Court pursuant to 28 U.S.C. § 1332 with proper venue pursuant to 28 U.S.C. § 1391 as both defendants are residents of and/or are domiciled in this district and the events giving rise to the claims occurred in this district.

RAPE, SEXUAL MISCONDUCT, CRIMINAL SEXUAL ACTS, SEXUAL ABUSE, FORCIBLE TOUCHING, ASSAULT, BATTERY, INTENTIONAL AND RECKLESS INFLICTION OF EMOTIONAL DISTRESS, DURESS, AND FALSE IMPRISONMENT

7. Plaintiff was subject to acts of rape, sexual misconduct, criminal sexual acts, sexual abuse, forcible touching, assault, battery, intentional and reckless infliction of emotional distress, duress, false imprisonment, and threats of death and/or serious bodily injury by the Defendants that took place at several parties during the summer months of 1994. The parties were held by Defendant Epstein at a New York City residence that was being used by Defendant Epstein at 9 E. 71st St. in Manhattan. During this period, Plaintiff was a minor of age 13 and was legally incapable under New York law of consenting to sexual intercourse and the other sexual contacts detailed herein. NY Penal L § 130.05(3)(a). The rapes in the first, second, and third degrees; sexual misconduct; criminal sexual acts in the first, second, and third degrees; sexual abuse in the first, second, and third degrees; and forcible touching (and, on information

and belief, predatory sexual assault) detailed herein are unlawful under New York law, e.g., NY Penal L § 130.20-130.52, and 130.55-130.65 (and, on information and belief, 130.95) and constitute the torts of, *inter alia*, assault, battery, false imprisonment, and intentional or reckless infliction of emotional distress, including threats of force and serious bodily harm, under New York law. In addition, 18 U.S. Code § 2255 provides Plaintiff with a civil remedy for personal injuries because Plaintiff, while a minor, was a victim of violations of 18 U.S.C. §§ 1591, 2421, 2422(b), and 2423(a) and she suffered personal injury as a result of such violations. Declaration of Plaintiff Jane Doe, Exhibit A hereto; Declaration of Tiffany Doe, Exhibit B hereto; Declaration of Joan Doe, Exhibit C hereto; Jane Doe, Tiffany Doe, and Joan Doe are each pseudonyms as each woman wishes anonymity. Tiffany Doe, a witness, was an employee of Defendant Epstein. Exh. B. Joan Doe, a witness, was a childhood classmate of Plaintiff who, in the 1994-95 school year, was told by Plaintiff that Plaintiff was subject to sexual contact by the Defendants at parties in New York City during the summer of 1994. Exh. C.

8. Courts have discretion to allow proceeding anonymously where the need for privacy outweighs the public's interest in knowing their identity and any prejudice to the defendants. *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189 (2d Cir. 2008). This litigation involves matters that are highly sensitive and of a personal nature, and identification of Plaintiff would pose a risk of retaliatory physical harm to her and to others. Exh. A. All of the ten factors that the Second Circuit articulated as relevant to this analysis favor anonymity, especially factors 1-4, 7, and 10 (e.g., factors one and two: "whether the litigation involves matters that are 'highly sensitive and [of a] personal nature,'" and "'whether identification poses a risk of retaliatory physical or mental harm to the ... party [seeking to proceed anonymously] or

even more critically, to innocent non-parties'".), or are neutral with respect to anonymity. Protecting Plaintiff's anonymity is also appropriate as she is a rape victim.

9. Plaintiff was enticed by promises of money and a modeling career to attend a series of parties, with other similarly situated minor females, held at a New York City residence that was being used by Defendant Jeffrey Epstein. At least four of the parties were attended by Defendant Trump. Exhs. A and B. On information and belief, by this time in 1994, Defendant Trump had known Defendant Epstein for seven years (*New York*, 10/28/02, "'I've known Jeff for fifteen years. Terrific guy,'' Trump booms from a speakerphone. 'He's a lot of fun to be with. It is even said that he likes beautiful women as much as I do, and many of them are on the younger side. No doubt about it -- Jeffrey enjoys his social life.'"), and knew that Plaintiff was then just 13 years old. Exhs. A and B.

10. Defendant Trump initiated sexual contact with Plaintiff at four different parties. On the fourth and final sexual encounter with Defendant Trump, Defendant Trump tied Plaintiff to a bed, exposed himself to Plaintiff, and then proceeded to forcibly rape Plaintiff. During the course of this savage sexual attack, Plaintiff loudly pleaded with Defendant Trump to stop but with no effect. Defendant Trump responded to Plaintiff's pleas by violently striking Plaintiff in the face with his open hand and screaming that he would do whatever he wanted. Exhs. A and B.

11. Immediately following this rape, Defendant Trump threatened Plaintiff that, were she ever to reveal any of the details of the sexual and physical abuse of her by Defendant Trump, Plaintiff and her family would be physically harmed if not killed. Exhs. A and B.

12. Defendant Epstein had sexual contact with Plaintiff at two of the parties. The second sexual encounter with Defendant Epstein took place after Plaintiff had been raped by

Defendant Trump. Defendant Epstein forced himself upon Plaintiff and proceeded to rape her anally and vaginally despite her loud pleas to stop. Defendant Epstein then attempted to strike Plaintiff about the head with his closed fists while he angrily screamed at Plaintiff that he, Defendant Epstein, rather than Defendant Trump, should have been the one who took Plaintiff's virginity, before Plaintiff finally managed to break away from Defendant Epstein. Exhs. A and B.

13. The threats of violence against Plaintiff and her family continued, this time from Defendant Epstein, who again reiterated that Plaintiff was not to reveal any of the details of his sexual and physical abuse of her or else, specifically, Plaintiff and her family would be seriously physically harmed, if not killed. Exhs. A and B.

14. While still under threats of physical harm by coming forward and having no reason to believe that the threats have ever been lifted or would ever be lifted, Plaintiff, who has suffered from stress, emotional distress, mental pain and suffering, among other problems, ever since the assaults, was subjected to daily painful reminders of the horrific acts of one of the perpetrators, Defendant Trump, via mass media coverage of him starting on or about June 16, 2015 that, over a short period of time, became continuous and unavoidable. Exh. A.

15. As a direct and proximate result of the sexual assaults and rapes perpetrated by Defendants upon her, Plaintiff has suffered stress, emotional distress, and mental pain and suffering, as well as adverse physical consequences.

16. As a direct and proximate result of the sexual assaults and rapes perpetrated by Defendants upon her, Plaintiff has suffered physical pain and suffering.

17. As a direct and proximate result of the sexual assaults and rapes perpetrated by Defendants upon her, Plaintiff has been subjected to public scorn, hatred, and ridicule and has suffered threats against her life and physical safety.

18. As a direct and proximate result of the sexual assaults and rapes perpetrated by Defendants upon her, Plaintiff has incurred special damages, including medical and legal expenses.

19. The sexual assaults and rapes perpetrated by Defendants upon Plaintiff were intentional acts.

20. The conduct of Defendants demonstrates willful, reckless and intentional conduct that raises a conscious indifference to consequences.

21. At the appropriate time in this litigation, Plaintiff shall amend her complaint to assert a claim for punitive damages against Defendants in order to punish Defendants for their actions and to deter Defendants from repeating their conduct.

TOLLING OF STATUTE OF LIMITATIONS

22. Any statute of limitations applicable to rape, sexual misconduct, criminal sexual acts, sexual abuse, forcible touching, assault, battery, intentional and reckless infliction of emotional distress, false imprisonment of a minor, if any, is tolled owing to the continuous and active duress imposed upon Plaintiff by Defendants that effectively robbed Plaintiff of her free will to commence legal action until the present time. *Cullen v. Margiotta*, 811 F.2d 698, 722 (2nd Cir.1987); *Ross v. United States*, 574 F. Supp. 536, 542 (S.D.N.Y. 1983). More particularly, Plaintiff was unrelentingly threatened by each Defendant that, were she ever to reveal any of the details of the sexual and physical abuse caused to her by Defendants, Plaintiff

and her family would be physically harmed if not killed. The duress has not terminated and the fear has not subsided. The duress is an element of or inherent in the underlying causes of action complained of herein. The duress and coercion exerted by Defendants has been such as to have actually deprived Plaintiff of her freedom of will to institute suit earlier in time, and it rose to such a level that a person of reasonable firmness in Plaintiff's situation would have been unable to resist. Exhs. A and B.

23. Both Defendants let Plaintiff know that each was a very wealthy, powerful man and indicated that they had the power, ability and means to carry out their threats. Indeed, Defendant Trump stated that Plaintiff shouldn't ever say anything if she didn't want to disappear like Maria, a 12-year-old female that was forced to be involved in the third incident with Defendant Trump and that Plaintiff had not seen since that third incident, and that he was capable of having her whole family killed. Exhs. A and B.

24. The duress had prevented Plaintiff from starting litigation before this year. However, as soon as she surfaced, she received threats. More specifically, shortly after her first complaint was filed in California on April 26, 2016, she started receiving threatening phone calls on her cell phone. Exh. A.

25. Defendants are equitably estopped from arguing that any statute of limitations has not been tolled as Defendants wrongfully forced Plaintiff to refrain from timely commencing this action by threats, duress, and other misconduct. Exhs. A and B. *Zimmerman v. Poly Prep Country Day School*, ___ F.Supp.2d ___ (2012), 2012 WL 3683393; *General Stencils, Inc. v. Chippa*, 18 N.Y.2d 125, 127 (1966)("a wrongdoer should not be able to take refuge behind the shield of his own wrongdoing.").

26. Moreover, this action has been brought before the facts giving rise to the estoppel have ceased to be operational (i.e., while still under threats of physical harm by coming forward and having no reason to believe that the threats have ever been lifted or would ever be lifted) and since Plaintiff has decided to seek redress at this time, Plaintiff seeks an order of protection in favor of Plaintiff and all associated with her so as to protect them from harm and harassment from Defendants and their agents and associates. Exh. A.

DEFAMATION

27. On information and belief, on or about April 28, 2016, Defendant Trump provided the following statement to American Media, Inc. and/or Radar Online LLC for publication on at least their website RadarOnline.com regarding Plaintiff's complaint ED CV 16-797-DMG (KSx) filed in the United States District Court for the Central District of California: "The allegations are not only categorically false, but disgusting at the highest level and clearly framed to solicit media attention or, perhaps, are simply politically motivated. There is absolutely no merit to these allegations. Period." The statement provided for publication by Defendant Trump was published by said website and has been republished elsewhere in whole or in part numerous times (and similar statements of an attorney for Defendant Trump were also published, including on September 22, 2016 by Courthouse News Service). The statements provided for publication by Defendant Trump and his agent and that were published by said websites are false as they pertain to Plaintiff.

28. The published statements are libelous on their face, and clearly expose Plaintiff to hatred, contempt, ridicule and obloquy.

29. As a proximate result of the above-described publications, Plaintiff has suffered loss of her reputation, shame, mortification, and injury to her feelings, all to her damage in an amount to be established by proof at trial.

30. The above-described publications were not privileged because they were published by Defendant Trump and his agent with malice, hatred and ill will toward Plaintiff and the desire to injure her.

31. As a direct and proximate result of Defendant Trump's defamation of Plaintiff, Plaintiff has been subjected to public scorn, hatred, and ridicule and has suffered other injury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants and for the following relief:

A. That judgment be entered against Defendants for special damages, compensatory damages, and punitive damages in an amount which shall be shown to be reasonable and just by the evidence and in excess of Seventy Five Thousand Dollars ($75,000.00), exclusive of interests and costs;

B. That all costs of this action be assessed against Defendants, including all reasonable attorney's fees, costs and expenses of this action;

C. That an order of protection in favor of Plaintiff and all associated with her be issued so as to protect them from harm and harassment from Defendants and their agents and associates; and

D. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury of all issues properly triable by jury in this action.

Dated: September 30, 2016

Respectfully submitted,

/s/ *Thomas Francis Meagher*

Thomas Francis Meagher
SDNY Bar Code TM6707
One Palmer Square
Princeton, New Jersey 08542
Telephone: (609) 558-1500
tmeagher@thomasfmeagheresq.com

Of Counsel:
J. Cheney Mason
Law Office of J. Cheney Mason, P.A.
250 Park Avenue South, Suite 200
Winter Park, Florida 32789

DECLARATION IN SUPPORT OF PLAINTIFF'S REQUEST FOR PROTECTIVE ORDER

I, Jane Doe, the Plaintiff in this matter proceeding under a pseudonym, state as follows:

1. I am a competent adult over 18 years of age able to testify as to personal knowledge. The facts in this declaration are true and correct to the best of my knowledge, information, and belief, and I am competent to testify to them if called upon to do so.

2. I was subject to extreme sexual and physical abuse by the Defendants, including forcible rape, that took place at several parties of Defendant Epstein during the summer of 1994 in New York City at a residence used by Defendant Epstein. During this period, I was 13 years old.

3. More particularly, I traveled by bus to New York City in June 1994 in the hope of starting a modeling career. I went to several modeling agencies but was told that I needed to put together a modeling portfolio before I would be considered. I then went to the Port Authority in New York City to start to make my way back home. There I met a woman who introduced herself to me as Tiffany. She told me about the parties and said that, if I would join her at the parties, I would be introduced to people who could get me into the modeling profession. Tiffany also told me I would be paid for attending.

4. The parties were held at a New York City residence that was being used by Defendant Jeffrey Epstein. Each of the parties had other minor females and a number of guests of Mr. Epstein, including Defendant Donald Trump at four of the parties I attended. I understood that both Mr. Trump and Mr. Epstein knew that I was 13 years old.

5. Defendant Trump had sexual contact with me at four different parties in the summer of 1994. On the fourth and final sexual encounter with Defendant Trump, Defendant Trump tied me to a bed, exposed himself to me, and then proceeded to forcibly rape me. During the course of this savage sexual attack, I loudly pleaded with Defendant Trump to stop but he did not. Defendant Trump responded to my pleas by violently striking me in the face with his open hand and screaming that he would do whatever he wanted.

6. Immediately following this rape, Defendant Trump threatened me that, were I ever to reveal any of the details of Defendant Trump's sexual and physical abuse of me, my family and I would be physically harmed if not killed.

7. Defendant Epstein had sexual contact with me at two of the parties that summer. On the second occasion involving Defendant Epstein, Defendant Epstein forced himself upon me and proceeded to rape me anally and vaginally despite my loud pleas to stop. Defendant Epstein then attempted to strike me about the head with his closed fists while he angrily screamed at me that he, Defendant Epstein, should have been the one who took my virginity, not Defendant Trump, before I finally managed to break away from Defendant Epstein.

8. Immediately following this rape, just like Defendant Trump, Defendant Epstein threatened me not to ever reveal any of the details of Defendant Epstein's sexual and physical abuse of me or else my family and I would be physically harmed if not killed.

9. Both Defendants had let me know that each was a very wealthy, powerful man and indicated that they had the power, ability and means to carry out their threats. Indeed, Defendant Trump stated that I shouldn't ever say anything if I didn't want to disappear like Maria, a 12-year-old female that was forced to be involved in the third incident with Defendant Trump and that I had not seen since that third incident, and that he was capable of having my whole family killed.

10. The duress imposed on me by Defendants not to ever reveal any of the details of the sexual and physical abuse caused to me by Defendants has not terminated and the fear it has instilled in me has not subsided. Unfortunately, making matters worse for me, I was subjected to daily painful reminders of the horrific acts of Defendant Trump via mass media coverage of him starting last summer that, over a short period of time, became continuous and unavoidable.

11. The duress had prevented me from starting litigation before this year. However, as soon as I surfaced, I received threats. More specifically, shortly after my first complaint was filed in California on April 26, 2016, I started receiving threatening phone calls on a cell phone I then owned. The calls were never for more than 20 seconds or so before they hung up and they were always from a blocked or unavailable phone number according to my caller ID feature. Since I changed phone numbers, the threatening calls have completely stopped.

12. This litigation involves matters that are highly sensitive and of a personal nature, and I believe that identification of me would pose a risk of retaliatory physical harm to me and to others.

13. I have no reason to believe that the Defendants' threats have ever been lifted or will ever be lifted and so I request that the Court issue an order protecting me and my family from harm and harassment by the Defendants.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: June 18, 2016

Jane Doe, a pseudonym

DECLARATION IN SUPPORT OF PLAINTIFF'S REQUEST FOR PROTECTIVE ORDER

I, Tiffany Doe, a pseudonym, state as follows:

1. I am a competent adult over 18 years of age able to testify as to personal knowledge. The facts in this declaration are true and correct to the best of my knowledge, information, and belief, and I am competent to testify to them if called upon to do so.

2. I originally met Jeffrey E. Epstein in New York City in 1990 when I was the age of 22. I attended a series of parties in that same year of 1990 where I was paid to entertain various guests of Mr. Epstein.

3. In the year 1991, I was promoted to the occupation of party planner in which my duties were to get attractive adolescent women to attend these parties.

4. I was hired by and paid directly by Mr. Epstein from the years of 1991-2000 to attract adolescent women to attend these parties, most of which were held at what is known as the Wexner Mansion located at 9 E. 71st St. in New York City.

5. In June, 1994 while performing my duties as a recruiter of adolescent women to attend Mr. Epstein's parties, I met a 13-year-old adolescent woman, the Plaintiff in this matter, at the Port Authority in New York City who said that she had come to New York City in the hope of starting a modeling career.

6. I persuaded the Plaintiff to attend a series of parties of Mr. Epstein that took place during the summer of 1994. I told her that, if she would join me at the parties, she would be introduced to people who could get her into the modeling profession and she would be paid for attending.

7. It was at these series of parties that I personally witnessed the Plaintiff being forced to perform various sexual acts with Donald J. Trump and Mr. Epstein. Both Mr. Trump and Mr. Epstein were advised that she was 13 years old.

8. I personally witnessed four sexual encounters that the Plaintiff was forced to have with Mr. Trump during this period, including the fourth of these encounters where Mr. Trump forcibly raped her despite her pleas to stop.

9. I personally witnessed the one occasion where Mr. Trump forced the Plaintiff and a 12-year-old female named Maria perform oral sex on Mr. Trump and witnessed his physical abuse of both minors when they finished the act.

10. I personally witnessed or was made immediately aware of the two occasions where my boss Mr. Epstein attempted to rape and sodomize the Plaintiff. I personally witnessed Mr. Epstein sexually and physically abuse other minor females even younger than her.

11. It was my job to personally witness and supervise encounters between the underage girls that Mr. Epstein hired and his guests.

12. I personally witnessed Mr. Trump physically threaten the life and well-being of the Plaintiff if she ever revealed any details of the physical and sexual abuse suffered by her at the hands of Mr. Trump.

13. I personally witnessed Mr. Epstein physically threaten the life and well-being of the Plaintiff if she ever revealed the details of the physical and sexual abuse she suffered at the hands of Mr. Epstein or any of his guests.

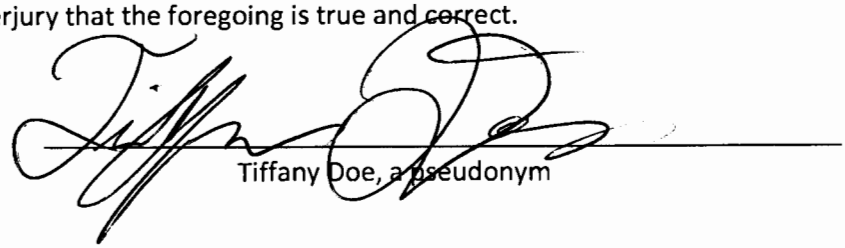
14. I personally witnessed Defendant Trump telling the Plaintiff that she shouldn't ever say anything if she didn't want to disappear like the 12-year-old female Maria, and that he was capable of having her whole family killed.

15. After leaving the employment of Mr. Epstein in the year 2000, I was personally threatened by Mr. Epstein that I would be killed and my family killed as well if I ever disclosed any of the physical and sexual abuse of minor females that I had personally witnessed by Mr. Epstein or any of his guests.

16. I am coming forward to swear to the truthfulness of the physical and sexual abuse that I personally witnessed of minor females at the hands of Mr. Trump and Mr. Epstein, including the Plaintiff, during the time of my employment from the years of 1990-2000 for Mr. Epstein. I swear to these facts under penalty of perjury even though I fully understand that the life of myself and my family is now in grave danger.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: June 18, 2016



Tiffany Doe, a pseudonym

DECLARATION

I, Joan Doe, a pseudonym, state as follows:

1. I am a competent adult over 18 years of age able to testify as to personal knowledge. The facts in this declaration are true and correct to the best of my knowledge, information, and belief, and I am competent to testify to them if called upon to do so.

2. In the 1994-95 school year, I was told by the plaintiff in Jane Doe v. Trump and Epstein (1:16-cv-04642, SDNY) that the plaintiff was subject to sexual contact by the Defendants at parties in New York City during the summer of 1994.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: July 23, 2016

Joan Doe

Joan Doe, a pseudonym