

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA
CASE NO: 09-062943 07

RAZORBACK FUNDING, LLC, et al,

Plaintiffs,

vs.

SCOTT W. ROTHSTEIN, et al,

Defendants.

DAY 1 - AFTERNOON SESSION

DEPOSITION OF SCOTT ROTHSTEIN

DATE TAKEN: Monday, December 12, 2011
TIME: 1:00 p.m. - 5:00 p.m.
PLACE: 99 N.E. Fourth Street, Miami, FL

Taken on Behalf of Razorback

Examination of the witness taken before:

Terri Wright
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1 funds that were supposed to be held in trust?

2 A It was simply what Frank and I had -- the whole
3 reason it stayed in, Mr. Preve and I discussed from time
4 to time the fact that anything we could do to add
5 additional levels of security for the investors was
6 good. So, it stayed in the package unless someone said
7 they didn't want it.

8 Q Now, the Epstein settlements were used by you
9 based on actual cases with Jeffrey Epstein --

10 A Yes, on that.

11 Q -- Palm Beach person?

12 A Yes.

13 Q Do you recall that?

14 A Yes.

15 Q And do you recall that my clients were D-3
16 investors who invested in that?

17 A I do.

18 Q That would be Discala and Von Allmen and other
19 people of the Razorback group?

20 A I do.

21 Q Do you recall when they came to your office and
22 you brought down boxes for Michael Legamaro to review?

23 A The boxes were actually already in my office.

24 Q Well, there's some testimony that you called and
25 asked Ken Jenne and Fistas to bring them down and they

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1 brought down boxes for you at a show, as to show these
2 are the real cases?

3 A I believe that a substantial number of the boxes
4 were already in my office. And there were additional
5 boxes and I did have people bring them to me. I don't
6 remember who brought them to me, but yes.

7 Q And do you recall Mr. Legamaro, what he did with
8 respect to his review of those boxes of the cases?

9 A I recall bringing the boxes in, the only real
10 recollection I have of that meeting was after meeting
11 with them and bringing the boxes in, I walked out for a
12 period of time, let them go through the boxes, came back
13 in, answered questions that they had and we went forward.

14 Q You pulled out some kind of a flight manifest;
15 do you recall that?

16 A Yeah. At some point in time I believe it was
17 either Brad Edwards or Russ Adler pointed out to me that
18 one of the pieces of evidence they were using in the
19 actual case was the flight manifest. And I actually used
20 that to make a fairly big show. I found that those most
21 of the time in these cases the more significant our
22 underlying investigation was and the more tantalizing it
23 was, the more interested the investors got. We had that
24 real piece of evidence and we used it to our advantage to
25 attempt to secure the investor.

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1 **Q** Did Russ help you make it more tantalizing, that
2 **manifest --**

3 **A** Did he help me?

4 **Q** Did he help you make it more tantalizing?

5 **A** The only way Russ would have helped me make it
6 more tantalizing was by just discussing the size of the
7 case. But other than that, no, he didn't do anything
8 that I recall during that meeting with regard to the
9 actual manifest. I did.

10 **Q** Didn't you add some sensational names to the
11 **manifest that weren't there to start with?**

12 **A** I did. I did.

13 **Q** Tell us about that.

14 **A** There were -- I said that there were additional
15 manifests -- if I remember correctly, I said there were
16 additional manifests that we had discovered containing
17 Bill Clinton's name, Prince Andrew, all being shown
18 flying with young girls on the plane.

19 **Q** And do you know whether -- let me back up.
20 **The original manifests that were in evidence in**
21 **the real case, didn't have those names on it?**

22 **A** No, but it's interesting you bring that up
23 because the way I came up with Bill Clinton and Prince
24 Andrew was Mr. Adler and Mr. Edwards both told me on
25 different occasions that the reason the case - when we

1 were discussing the actual real case, the reason it was
2 becoming so, quote, unquote, tasty because they had
3 information that he had been flying Bill Clinton around
4 and Prince Andrews around, the piece that was missing
5 from the real case was the connection to the young girls.

6 Q The young girls - connection to the young girls
7 was fiction, it was a lie?

8 A Not as far as Mr. Epstein is concerned but as
9 far as the other people are concerned, yes.

10 Q Do you know whether Adler - Mr. Adler
11 or Mr. Edwards injected any of that into the depositions
12 in the real case in order to assist with the Ponzi?

13 A I don't know -- No, no, I don't know whether
14 they did that or not. I wouldn't think they would.

15 Q When you were asked - this morning about Brad
16 Edwards you really hesitated. I don't know if you know
17 you did that. You were answering yes, no, maybe so. On
18 him you really paused.

19 A On the question as whether or not he would have
20 turned us in, you mean?

21 Q Whether he was a player or whether he was
22 involved and you didn't quite answer.

23 A Just because of the way I knew Brad and
24 socialized with him, I did not know that he was at that
25 level. There are certain people, Barry Stone, second he

1 found out about it would have absolutely done what was
2 appropriately - supposed to do from an ethical
3 standpoint. And then there were people who I would say
4 would never do that. And then there are people in the
5 middle. I believe Brad Edwards is probably in the
6 middle.

7 Q Did you have your investigators, that be Jenne
8 and Wayne Black and Fistas investigate Epstein himself
9 and try to get evidence from Epstein --

10 A I didn't know --

11 Q -- do you have of any knowledge of that?

12 A No, sir.

13 Q Did you instruct them to file any kind of
14 pleadings in federal Court or anything like that in order
15 to help you promote the Ponzi?

16 A No. As far as the Epstein case is concerned,
17 Mr. Scherer, I never asked Mr. Adler or Mr. Edwards or
18 anyone else associated with that case to do anything for
19 the purpose of furthering the Ponzi other than bring me
20 the boxes. That was all my creation.

21 Q Thank you.

22 I'm going to talk to you about Ted Morse a
23 little bit. You said he was one of your best friends, he
24 was one of your intercircle?

25 A Correct.

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