

1 he will do it, but that's where this battle
2 need to be fought.

3 As a matter of comity, your Honor,
4 this Court should defer to Judge Marra
5 because, A, he has already ruled on the
6 disclosure of the nonpros agreement, but
7 even more importantly, the supremacy clause
8 requires you to defer to the federal laws
9 of criminal procedure that say these
10 matters should be protected and should not
11 be disclosed unless the district court says
12 so.

13 If the Court is going to go on and
14 wants to go to the issues that would be
15 contained if it were not dealing with a
16 grand jury proceeding, obviously there's a
17 test that the Court must then use under the
18 Rules of Judicial Administration and it
19 says matters can be sealed but they should
20 be sealed if there's a compelling
21 government interest or if the sealing is
22 important to the administration of justice.
23 There's a couple other criteria, but the
24 ones obviously that would apply in this
25 case are the compelling government

1 interest, and the importance to the
2 administration of justice.

3 Again, we are dealing with a secret
4 grand jury matter. We cannot circumvent
5 that secrecy by asking the Court to invoke
6 its unsealing power.

7 THE COURT: Thank you.

8 MR. GOLDBERGER: Thank you, your
9 Honor.

10 THE COURT: Let me go over to the
11 other parties and we'll get back to
12 Mr. Goldberger and his client. Post, who
13 wants to go first?

14 MS. SHULLMAN: Mr. Edwards.

15 THE COURT: Mr. Edwards.

16 MR. EDWARDS: Your Honor, inasmuch as
17 Mr. Epstein is relying on Judge Marra's
18 order to support the argument that the
19 nonprosecution agreement needs to remain
20 sealed, I'd like to address that if you are
21 inclined to be persuaded by that argument
22 at all.

23 The orders that have now been moved
24 into evidence are in case No. 80736, and
25 just to put that order in context in

1 actuality, the order says -- specifically
2 puts it back on this Court and confers
3 authority on this Court over this
4 particular document, when in the second
5 page of the February 12th, 2009 order, it's
6 misdated 2009 but it's a 2009 order, and
7 the last two sentences read: If and when
8 petitioners have a specific tangible need
9 to be relieved of the restrictions, they
10 should file an appropriate motion, which we
11 believe we have done in this case, if a
12 specific tangible need arises in the civil
13 cases, which are in circuit court in Palm
14 Beach County, then relief should be sought
15 there and notice to all parties, so to give
16 the Court context for that order, there was
17 a state court plea taken June 30th, 2008,
18 where Mr. Epstein pled guilty to the state
19 court cases as it related to two victims.

20 Now, parallel to that, there was an
21 investigation in federal court where the
22 United States attorney's office and the FBI
23 had more than 30 victims of sex abuse of
24 Mr. Epstein's and they were working with
25 these girls and their cases. Now, several

1 of those girls came to me and said, hey,
2 we're worried that there's a secret deal
3 going on between Epstein and the U.S.
4 attorney's office, so I filed an emergency
5 petition against the U.S. attorney's office
6 asking the federal court to intervene and
7 get in the middle of this and not let this
8 deal go forward without meaningfully
9 conferring with these girls because I was
10 alleging it violated the Crimes Victim's
11 Rights Act; these girls have a right to be
12 heard. That emergency motion was filed
13 July 7th, 2008, and I have that for the
14 Court, and I'd like to enter that into
15 evidence as well.

16 THE COURT: We'll mark that as EW's
17 Exhibit No. 1.

18 MR. EDWARDS: And an emergency
19 hearing was held four days later in front
20 of Judge Marra, who was randomly assigned
21 to this case at the time the plea was taken
22 and the prosecution agreement was sealed.
23 Judge Marra had nothing to do with the
24 agreement, with Epstein, he didn't know
25 anything about it.

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1 So four days later now we're in front
2 of him and the United States attorney's
3 office says for the first time, sorry,
4 girls, you are too late, the deal has
5 already been done as to all of your federal
6 cases and it resulted in the nonprosecution
7 agreement that is attached in the state
8 court case. Judge Marra turned to us and
9 said, what is your remedy.

10 At that point in time I said we don't
11 know because we don't know what protections
12 are inside that agreement, so we want you
13 to unseal it, that's where the motion for
14 protective order came about where he gave
15 us the agreement so we can look at it and
16 determine what remedy, if any, was
17 available. Once we had that agreement
18 under the caveat that we were not able to
19 disseminate to third parties and reviewed
20 it and saw there is very little protection
21 for the girls, we asked to unseal it
22 completely, so that we can talk to third
23 parties, to victim's rights groups and get
24 some insight as to what our possible remedy
25 would be.

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1 And so our reason for wanting him to
2 unseal it at that time was we want to be
3 able to talk to other people, and that's
4 where this order from February 12th, 2009,
5 came in, and he denied that motion to
6 unseal it for three reasons.

7 First and foremost, this
8 nonprosecution agreement was not sealed in
9 my Court, you are talking to the wrong
10 judge, you need to go back, so we're
11 getting the back and forth here and it's
12 not in my court, I can't mess with some
13 other judge's order. Obviously, there was
14 a hearing held and that document was sealed
15 for a reason, I'm not privy for those
16 reasons, so I'm not going to override
17 whatever that judge was thinking when they
18 sealed that document.

19 Second, your reason is you just want
20 to talk to other people about them, and if
21 I'm going to override some other judge's
22 order, I need to have a more compelling
23 reason than you just want to talk to people
24 about.

25 Third, if and when a specific need

1 arises in any of the civil cases, which by
2 the time this order was coming about they
3 were stacking up in state and federal court
4 against Mr. Epstein, petition that court,
5 petition the appropriate court, and he
6 implies that appropriate court is this
7 court where it was initially sealed, which
8 we've done in this case.

9 This court has none of the problems
10 that Judge Marra had in that it was sealed
11 in this courtroom. We have noticed
12 Mr. Epstein to be heard at this hearing,
13 which is one of the requirements that
14 Judge Marra placed on us, and a specific
15 need has arisen. It has been sealed for
16 over a year now, correct, Mr. Goldberger is
17 correct, but the specific need is arising
18 because we are in the middle of discovery.
19 And this document is, as Mr. Goldberger
20 said, a great inducement to Mr. Epstein
21 pleading guilty to sex crimes in state
22 court, and to ultimately being labeled a
23 sex offender, and the only document that
24 pertains to my clients, my client as a
25 victim of Mr. Epstein's sex crime, so at

1 the very least, we should be allowed to ask
2 people in deposition and do discovery about
3 how this document came about. There is a
4 need here.

5 THE COURT: I don't quite get -- I
6 don't think it's relevant to what my task
7 is here, but I don't get how it's relevant
8 in the civil cases what the federal
9 government did or didn't do with regard to
10 prosecuting Mr. Epstein. I don't get that,
11 but I don't know that I need to.

12 MR. EDWARDS: The standard for
13 discovery is just reasonably calculated to
14 lead to discovery of admissible evidence
15 and without going in depth we do have
16 intention --

17 MR. GERBER: Your Honor, can I --

18 MR. EDWARDS: And with respect to the
19 grand jury argument, you've seen the
20 document, it's only page five and six that
21 it's even referred to.

22 THE COURT: All right. Let me turn
23 it over to -- does the Post want to speak?

24 MS. SHULLMAN: I do, but I think he
25 wants to go first so whenever.

1 THE COURT: I haven't considered your
2 motion to intervene yet.

3 MR. KUVIN: I don't believe it was an
4 objection. When it was filed, there was no
5 objection by Mr. Goldberger or Mr. Critton.

6 THE COURT: Are you going to advocate
7 by motion to intervene or are you going to
8 be jumping into the merits of the sealing?

9 MR. KUVIN: I'll jump right into the
10 merits, I'm not going to duplicate anything
11 that was just raised or anything that the
12 press is going to raise, I have an
13 individual interest.

14 THE COURT: All right. Go ahead
15 Mr. Kuvin.

16 MR. KUVIN: Very briefly, your Honor.
17 I represent BB who has filed only a state
18 court action, she is not under the federal
19 jurisdiction of Judge Marra, she does not
20 subject herself to the federal jurisdiction
21 of Judge Marra, she was never provided an
22 opportunity to brief any issues before
23 Judge Marra with respect to that order that
24 was entered by Judge Marra or either order.
25 In addition, what's also very important is

1 she has never seen this document, so she
2 does not know what is in the contents of
3 the order, so the issue is raised by
4 Mr. Goldberger about the girls are able to
5 see the document and evaluate how they
6 might need to evaluate this document does
7 not apply to my client because she has
8 never seen it and, frankly, without
9 subjecting herself voluntarily to the
10 jurisdiction of Judge Marra, which she
11 chooses not to do, then she cannot get this
12 document, otherwise she would have to go to
13 federal court, submit herself to the
14 jurisdiction of the federal court to then
15 see a state court document, which does not
16 make any sense because if it is a state
17 court document in state court, as
18 previously stated under Judge Marra's
19 order, it is within your purview and your
20 jurisdiction to rule on a state court
21 document.

22 Finally, with respect to why the
23 document may be relevant, the contents of
24 that document speak to the issues of
25 whether or not Mr. Epstein can or cannot

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1 assert his fifth amendment right against
2 self incrimination, and we believe on a
3 good faith believe that on the contents of
4 that document speak to the issues of
5 whether or not he can or cannot deny the
6 claims that have been brought against him
7 both in state and federal court. In other
8 words, whether or not he must, in fact,
9 admit that he molested these 14 year old
10 girls, so, therefore, the content of that
11 document is paramount as to the issues in
12 the civil proceedings that are currently
13 pending in state court which is why we
14 would like that document.

15 THE COURT: Okay. Thank you. Thank
16 you so very much. Ms. Shullman from the
17 Post.

18 MS. SHULLMAN: Thank you, your Honor.
19 I feel a little bit like I have stepped
20 into the twilight zone here, so I'd like to
21 address a couple of the things we've
22 addressed and get us to what we are really
23 here to do today.

24 THE COURT: I don't know if you are
25 referring specifically to the courtroom or

1 the convoluted situation that brings us to
2 the courtroom.

3 MS. SHULLMAN: Just this whole
4 federal state situation. There is no hill
5 for the public and the press to march up in
6 Judge Marra's court as Mr. Edwards pointed
7 out, Judge Marra has specifically held the
8 agreement was not filed in this case under
9 seal or otherwise, so were I to march into
10 Judge Marra's courtroom and do my whole
11 public access spiel, he would say take it
12 to you, your Honor, because it's not a
13 record in my court. It is a record here,
14 and in the state court as we talked about
15 the last time, we were here, there's a
16 presumption of openness. The burden is on
17 Mr. Epstein to overcome that presumption.
18 While he filed a very brief memorandum
19 after our last hearing, which identified
20 for interest, he has by no means met the
21 test of either establishing those interest
22 or establishing the remainder of that test
23 which would be that closures no broader
24 than necessary ineffective no other
25 reasonable alternatives, so if I could, I'd

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1 like to sort of focus us back to the
2 inquiry we're here to make today in this
3 court, and that is whether your Honor is
4 going to provide public access to two
5 records that are, I think, indisputably in
6 your Honor's court file in this court's
7 file.

8 It's a plea agreement and an
9 addendum; those are historically and
10 typically open records.

11 Mr. Goldberger mentioned that the
12 plea agreement was sort of incidentally
13 filed in this court file, and that it was
14 sort of an afterthought that happened. He
15 never came into court intending that it
16 even be part of the court file, but
17 Judge Pucillo specifically said, this is a
18 significant inducement to accepting the
19 plea in my court. This agreement that you
20 have with federal prosecutors is
21 significantly the reason why you're
22 entering this plea before me. And she took
23 those records into the court file
24 presumably because they are significant to
25 this litigation. Even if there was an

1 incidental filing, which cannot possibly be
2 the case here, there is no mechanism in
3 Florida law to call a Mulligan and to pull
4 it out of the court file. As you know, the
5 Floridians have a constitutional right of
6 access, there's no mechanism in that law to
7 just say, oopsy, let's take it out of the
8 file, so they have to meet their burden and
9 they have to show under Rule 2.420 that one
10 of those interests is satisfied. They have
11 identified four here. I have not heard
12 them discuss them at any great length. But
13 I will go through them quickly.

14 The imminent threat to the fair,
15 impartial orderly administration of
16 justice, or to protect a compelling
17 government interest. As your Honor is
18 aware, the federal government is not here
19 today. I have spoken with the state
20 attorney's office who has indicated that
21 their only interest is in protecting to the
22 extent necessary because I've not seen
23 these documents the identity of the victims
24 of these crimes.

25 The Post in its motion to intervene

1 has already set forth that we have no
2 objection to redacting the victim's names
3 if, in fact, that is required because we
4 haven't seen the agreement. To avoid
5 substantial injury to innocent third
6 parties, again, absolutely no showing on
7 that test. I have no burden at this point,
8 but I will simply state that the law in
9 Florida is clear that Mr. Epstein doesn't
10 have standing to assert that interest.

11 And, finally, something else I heard
12 nothing about to avoid substantial injury
13 to a party which, I guess, presumably would
14 be Mr. Epstein by disclosure of matters
15 protected by a privacy right not generally
16 inherent in this specific type of
17 proceedings. Again, I have not heard any
18 attempt to meet the burden on that issue,
19 however, Florida law is equally clear that
20 participants in crimes lose their privacy
21 interest in the matters and facts and
22 circumstances of the commission of those
23 crimes, so Mr. Epstein surely cannot
24 establish that there is a separate privacy
25 interest not inherent in a criminal

1 prosecution regarding the molestation of
2 young girls.

3 The circumstances under which closure
4 is allowed in Florida are exceedingly
5 narrow. We first -- and before we do
6 anything else -- have to find that one of
7 those interests is met here, that it exists
8 and that the movant has met its burden in
9 demonstrating that it's significant enough
10 to require the court to consider closure.
11 That's not the end of inquiry. And, of
12 course, I have not yet heard anything else
13 about that second half of the test which
14 talks about the idea that closure is no
15 broader than necessary to protect that
16 interest and that it would be effective and
17 that there are no other alternatives.

18 In speaking of the federal litigation
19 there are instances when both Mr. Epstein's
20 lawyers and the federal prosecutors have
21 placed portions of the agreement into the
22 public court file. There are -- thus
23 attempts to seal those records in the
24 federal litigation have been unsuccessful,
25 so part of this agreement the cat is

1 already out of the bag. But there is also
2 an enormous public interest in what's going
3 on here, apart from the idea that this man
4 is accused of having many, many victims who
5 were all young children which, of course,
6 in itself creates a lot of public concern,
7 the chief of police at the time sent a
8 letter to the state prosecutors and said,
9 what are you guys doing, how are you
10 handling this, this is highly unusual; I
11 don't like what I'm seeing here. And even
12 went so far as to say, state attorney's
13 office, should you all step away from this
14 case.

15 So we have public interest from the
16 perspective of the police chief questioning
17 the state attorney's office about whether
18 it's doing its job. We have public
19 interest that's spurned by the idea that
20 some of the victims in the federal
21 prosecution -- in the federal court claimed
22 they weren't aware of it, we just heard
23 Mr. Edwards talk about the fact that his
24 clients weren't aware of the agreement
25 unless it all went down, so we have a

1 significant public interest about how
2 everybody in this litigation is doing their
3 job. There is nothing more fundamentally
4 important than the ability of the public
5 and the press to observe how its
6 government, all branches of its government,
7 do its job.

8 There are multiple, as Mr. Edwards
9 also mentioned, multiple civil lawsuits
10 that have spurned as a result of
11 Mr. Epstein's conduct, and, again, the
12 public has an interest in what's going on
13 in civil litigation matters.

14 In short, this matter involves a
15 major public interest from a lot of
16 different levels. There is no basis for
17 closure that has been asserted here. It's
18 a heavy burden to meet. We start with the
19 idea that openness is the right thing to do
20 but there is essentially no purpose served
21 at this point by keeping these agreements
22 sealed in this case.

23 Unless your Honor has any questions,
24 I think that's it.

25 THE COURT: Okay. Thank you so very

1 much. Ms. Burns, on behalf of the state of
2 Florida, anything you'd like to add or
3 advocate?

4 MS. BURNS: If I may, your Honor.

5 THE COURT: Sure.

6 MS. BURNS: Good afternoon, your
7 Honor.

8 THE COURT: Good afternoon.

9 MS. BURNS: Your Honor, the State is
10 not here to take a position on whether or
11 not this court should seal -- continue to
12 seal the records or unseal the records. We
13 are here merely to uphold the state laws
14 which require all of us as members of the
15 judicial system to protect the rights of
16 the confidentiality of the victims. I do
17 see two issues here, your Honor.

18 One is if you decide to unseal the
19 records based upon the arguments that have
20 been presented to you, then the State would
21 ask that the court first do an incamera
22 viewing, not just merely open up that
23 portion of the file for viewing by all
24 interested parties, first, that the Court
25 do an incamera viewing to make two

1 evaluations.

2 Number one, does the document, in
3 fact, have a relationship to the criminal
4 case in the state matter. And, number two,
5 evaluate the right of public access versus
6 the victim's right to confidentiality. If
7 this Court does decide to unseal those
8 records, then the State would ask that this
9 Court before making the document public
10 access, then make certain that in place is
11 that the victim's identities are amended to
12 initials if their names are used.

13 The State does have a concern
14 regarding the argument of the Federal Rule
15 Six in that is this Court bound by a
16 federal rule which perhaps has been made
17 unenforcible by virtue of making it a part
18 of the state file, so I think the Court
19 also would need to address that issue
20 before making its ruling.

21 THE COURT: All right, great. Thank
22 you so much.

23 MS. BURNS: Thank you, Judge.

24 THE COURT: One last chance for the
25 federal government, they're not here and

1 I'll let rebuttal of any other
2 presentation, Mr. Goldberger, or,
3 Mr. Critton, you'd like to make.

4 MR. GOLDBERGER: Thank you, your
5 Honor. As to the last argument made by
6 Ms. Burns as to the applicability of
7 Federal Rule 6 of the Rules of Federal
8 Criminal Procedure it's something that we
9 learned in the law school that the
10 supremacy clause controls and to the extent
11 there's a conflict between the federal
12 doctrine and the state doctrine, the
13 supremacy clause requires the federal rule
14 of law to apply and to control. And
15 certainly in this case you cannot use a
16 state procedure to circumvent a federal
17 rule of criminal procedure that confers
18 secrecy to a grand jury proceeding.

19 And the Palm Beach Post response to
20 the argument never made note of the grand
21 jury rule, they simply avoided that issue
22 and that in our mind is equally important
23 as the fact in the interest of comity this
24 Court should defer to the rulings of
25 Judge Marra already.

1 As to Mr. Kuvin's argument that he
2 has a client that is in state court and is
3 not in federal court and therefore he
4 doesn't have a remedy in federal court.
5 With all due respect to Mr. Kuvin, that's
6 similarly wrong. Judge Marra's order
7 specifically dealt with a class of
8 individuals who were identified as victims
9 of Mr. Epstein's conduct, and Judge Marra's
10 order says that anyone who's been
11 identified by the United States attorney's
12 office as a victim has right to the
13 nonprosecution agreement under the same
14 rules.

15 Just so the Court understands, I know
16 we are talking like the Court understands
17 everything about this case. There was a
18 list of victims that was created at the
19 time that the nonprosecution agreement was
20 entered into and Mr. Kuvin's client is on
21 that list. That list was created by the
22 U.S. attorney's office. He has the same
23 rights to the nonprosecution agreement as
24 if he filed this case in federal court and
25 he knows that we've told him that he has

1 that access.

2 As to the fact that the
3 nonprosecution agreement is presumably not
4 filed in the federal case in our last
5 hearing in front of Judge Marra on June 5th
6 -- I'm sorry, June 12th, Mr. Edwards
7 advised Judge Marra that he had, in fact,
8 filed a nonprosecution agreement to no
9 one's surprise under seal in the federal
10 file, so the nonprosecution agreement
11 according to Mr. Edwards' declaration at
12 that hearing is contained in the federal
13 court system.

14 For all of those reasons, your Honor,
15 and the reasons that I previously indicated
16 to the Court, we would ask the Court to
17 defer to the federal court in this matter.

18 THE COURT: Okay. Thank you very
19 much. Here is what I'm planning on doing,
20 so you know where I'm going on this. I'll
21 make an oral announcement and I'll follow
22 it up with a written order so that you all
23 can have something to take to wherever you
24 want to take it.

25 I find that the appropriate procedure

1 to seal or close these documents has not
2 been met, so I'll deny the motion to seal
3 the documents. I'll grant the motion to
4 unseal them. I will take a look at the
5 documents. I will redact out of them
6 the -- what I'll do is, I'll leave the
7 originals intact sealed in the court file
8 to protect the names of any underage
9 victims.

10 I will make copies of those. I'll
11 redact out the names leaving -- expose the
12 initials of any of the individuals. I'll
13 get that done -- I'll get my written order
14 out granting and denying the respective
15 motions hopefully by the end of today. If
16 not today, tomorrow. I plan on releasing
17 the redacted versions probably Monday, so
18 that those will be available for public
19 consumption on Monday.

20 MR. GOLDBERGER: Your Honor, thank
21 you. Thank you for the oral pronouncement.
22 Your Honor, based on the Court's ruling, we
23 do have a motion to stay disclosure of the
24 nonprosecution agreement. The rules of
25 appellate procedure require us to file that

1 before, your Honor.

2 Your Honor, we do intend to take
3 certiorari on this to the Fourth District
4 Court.

5 THE COURT: That's why I figure
6 between the written rule and the disclosure
7 give you a chance to catch your breath and
8 do that. I guess you might want that. Is
9 Monday 5 p.m. enough time for you to get
10 over to the DCA?

11 MR. GOLDBERGER: Actually, your
12 Honor, the Rule of Appellate Procedure
13 maintains jurisdiction with you on this
14 matter to entertain the motion to stay.

15 THE COURT: So I need to handle the
16 motion to stay?

17 MR. GOLDBERGER: Correct, your Honor.

18 THE COURT: Do you want to argue that
19 now? Do you want to take a look at that,
20 catch your breath, come back and see me
21 Monday sometime; what's your pleasure?

22 MR. GOLDBERGER: We're ready to do it
23 now, your Honor. We're ready to do it now.

24 THE COURT: All right. Interveners,
25 your thoughts.

1 MR. KUVIN: Matter of procedure
2 point, I just want to make sure that the
3 motion to intervene is, in fact, granted.

4 THE COURT: You're BB's motion to
5 intervene is granted. Do you have a
6 written order for me to sign off on there?

7 MR. KUVIN: I can submit that.

8 THE COURT: Why don't you catch your
9 breath and come back tomorrow and I'll hear
10 argument. It will give me a chance to read
11 the motion, check out the rules, take a
12 look, got to get myself gassed up. Anybody
13 want to drop anything off for me to read
14 before the hearing, please do that. Why
15 don't we do that tomorrow morning, and why
16 don't we reconvene here tomorrow at 1:30 on
17 the motion to stay.

18 MR. GOLDBERGER: That's fine.

19 THE COURT: How does your schedule
20 look?

21 MR. GERBER: Your Honor, is it
22 possible to have it a little later, perhaps
23 an hour later tomorrow?

24 THE COURT: 2:30.

25 MR. GERBER: If possible.

1 THE COURT: How about a little later
2 than that still, let me take a look at our
3 official calendaring system here.

4 MR. CRITTON: Judge Colbath, I'm gone
5 tomorrow, I'm going to Gainesville at one
6 or 12:30-ish. I told my wife I would be
7 home at one. My daughter's birthday, 21,
8 she's having a party, I plan to be there.
9 Can we do it tomorrow morning any time, it
10 would be great.

11 THE COURT: Tomorrow morning is ugly.
12 This isn't going to take long.

13 MS. BURNS: This is a five-minute
14 motion.

15 THE COURT: Why don't we do this,
16 meet at 8:15?

17 MS. SHULLMAN: Your Honor, I'm not
18 going to be able to get my kids to school
19 if I have to be here at 8:15. My husband
20 is in California right now.

21 MR. GOLDBERGER: I don't mean to jump
22 in. I wonder if we can do some of this
23 telephonically.

24 MS. SHULLMAN: Yes, I can appear by
25 phone or I can have one of my partners.

1 THE COURT: In the morning what would
2 be a good start time for you?

3 MS. SHULLMAN: Nine would be better.
4 I can't drop them off before eight.

5 THE COURT: It's going to be brief
6 argument, let's do it 9:00 tomorrow
7 morning; 9:00 work for you?

8 MR. CRITTON: Yes, sir. Thank you.

9 MR. GOLDBERGER: Just very briefly,
10 the Court is going to look at the
11 nonprosecution agreement and do some
12 redacting, I believe. I just need to
13 advise the court in addition to Mr. Epstein
14 and perhaps victims mention the
15 nonprosecution agreement, there are third
16 parties who the Court needs to look about
17 redacting their names also, and that's
18 contained in the nonprosecution agreement.

19 In other words, there are other
20 people beside Mr. Epstein and Mr. Victims
21 whose names are mentioned in the
22 nonprosecution agreement, and I would ask
23 the Court to look at those names also for
24 the purpose of redacting.

25 THE COURT: I'll like a look.

1 MR. EDWARDS: Your Honor, those are
2 not names of victims, those are
3 co-conspirators as listed in the agreement
4 and we would object to any redaction of
5 those names. I don't think there's any
6 standing to ask for that.

7 THE COURT: I'll take a look. All
8 right. See you all tomorrow morning at
9 nine. If you want to send anything to me
10 later this afternoon or tomorrow morning
11 before we take the bench, I'm happy to
12 receive it. Have a good afternoon.

13 (Proceedings concluded.)
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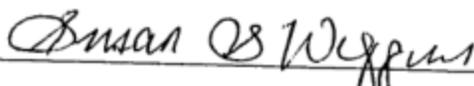
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C E R T I F I C A T E

THE STATE OF FLORIDA,
COUNTY OF PALM BEACH.

I, SUSAN S. WIGGINS, R.P.R. Official Court Reporter for the Fifteenth Judicial Circuit, Criminal Division, in and for Palm Beach County, Florida; do hereby certify that I was authorized to and did report the foregoing proceedings before the Court at the time and place aforesaid; and that the preceding pages numbered from 1 to 48, inclusive, represent a true and accurate transcription of my steno notes taken at said proceedings.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 29th day of June, 2009.



SUSAN S. WIGGINS, R.P.R.

SUSAN WIGGINS, R.P.R. AND OFFICIAL COURT REPORTER



RECYCLED PAPER



TO REORDER CALL 954-846-9399

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA)
)
vs.) CASE No. 2008CF009381AXX
)
JEFFREY EPSTEIN,)
)
Defendant.)
-----)

CERTIFIED COPY

PROCEEDINGS BEFORE THE COURT

PRESIDING: HONORABLE JEFFREY COLBATH

APPEARANCES:

ON BEHALF OF THE STATE:

BARRY E. KRISCHER, ESQUIRE
State Attorney
401 North Dixie Highway
West Palm Beach, Florida 33401
By: BARBARA BURNS, ESQUIRE
Assistant State Attorney

ON BEHALF OF THE DEFENDANT:

JACK GOLDBERGER, ESQUIRE
250 S Australian Ave Ste 1400
West Palm Beach, Florida 33401
And
ROBERT CRITTON, ESQUIRE
515 N Flagler Dr Ste 400
West Palm Beach, Florida 33401

ON BEHALF OF THE PALM BEACH POST:

DEANNA SHULLMAN, ESQUIRE
Thomas, LoCicero & Bralow
101 N.E. 3rd Avenue - Ste 1500
Fort Lauderdale, Florida 33301

ON BEHALF OF EW, THE INTERVENER:

WILLIAM J. BERGER, ESQUIRE
BRAD EDWARDS, ESQUIRE
225 NE Mizner Blvd Ste 675
Boca Raton, Florida 33432

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ON BEHALF OF EB,
MOTION INTERVENER'S PLEADING:
SPENCER KUVIN, ESQUIRE
2925 PGA Blvd Ste 200
Palm Beach Gardens, Florida 33410

June 26, 2009
Palm Beach County Courthouse
West Palm Beach, Florida 33401
Beginning at 9:59 o'clock, a.m.

1 BE IT REMEMBERED that the following
2 proceedings were had in the above-entitled cause
3 before the HONORABLE JEFFREY COLBATH, one of the
4 judges of the aforesaid court, at the Palm Beach
5 County Courthouse, located in the City of West
6 Palm Beach, State of Florida, on June 26, 2009,
7 beginning at 9:59 o'clock, a.m., with appearances
8 as hereinbefore noted, to wit:

9 THEREUPON:

10 THE COURT: Epstein.

11 MR. GOLDBERGER: Yes, your Honor.

12 THE COURT: Let me call up the State
13 of Florida versus Epstein. Let's have
14 everyone announce their appearance, please,
15 name on the record.

16 MR. CRITTON: Robert Critton and Jack
17 Goldberger on behalf of Mr. Epstein as well
18 as Barbara Compiani from the office of Jane
19 Walsh.

20 MS. SHULLMAN: Deanna Shullman of
21 Thomas, LoCicero and Bralow on behalf of
22 the Palm Beach Post.

23 MR. KUVIN: Spencer Kuvin on behalf
24 of the intervener BB.

25 MS. BURNS: Barbara Burns on behalf

1 of the State of Florida.

2 THE COURT: That's it.

3 MR. CRITTON: That's it, it's a wrap.

4 THE COURT: Okay. Orders. Who's not
5 here that I have to mail it to?

6 MR. GOLDBERGER: Mr. Edwards is not
7 here, your Honor.

8 THE COURT: Okay. Mr. Berger,
9 Mr. Edwards. Did I give you enough copies
10 of the order?

11 MR. GOLDBERGER: I ran out. I have
12 just enough. Do you want me to get a copy
13 to Mr. Edwards?

14 THE COURT: Yes, if you'd mail a copy
15 to Mr. Edwards. I got spares if anybody's
16 interested. Anybody need a spare?

17 MR. GOLDBERGER: We're good, your
18 Honor.

19 THE COURT: All right. Motion to
20 Stay, Mr. Goldberger.

21 MR. GOLDBERGER: Thank you, your
22 Honor.

23 THE COURT: Mr. Critton.

24 MR. CRITTON: Good morning, Judge
25 Colbath, do you have a copy of our Motion

1 to Stay?

2 THE COURT: I do, the one that was
3 handed up to me yesterday?

4 MR. CRITTON: Yes, sir, and I have a
5 proposed order in the event the Court
6 chooses to grant; may I provide that to the
7 Court as well?

8 Your Honor, as you know,
9 Mr. Goldberger and I represent Mr. Epstein.
10 We have hired Ms. Walsh and Ms. Compiani as
11 appellate counsel to assist in the filing
12 of a writ of certiorari. I know that comes
13 as no surprise to the Court in that whoever
14 prevailed and lost yesterday, I think the
15 Court recognized we probably filed a writ
16 of certiorari.

17 THE COURT: Let me ask real quick.
18 Anybody objecting to the defendant having
19 the ability to have my decision reviewed by
20 the appellate court before I release these
21 things? I mean, it seems pretty straight
22 forward.

23 MS. SHULLMAN: We have an objection,
24 your Honor, to some extent. The -- you
25 know, the procedure in place here is very

1 similar to that for which they would have
2 to obtain a preliminary injunction.

3 THE COURT: Right.

4 MS. SHULLMAN: So to demonstrate
5 likelihood of success and irreparable harm,
6 I don't think they can do that. I think
7 the plan that you put in -- proposed
8 yesterday is a good one, that is you redact
9 and you release on Monday and that gives
10 them today and Monday to get to the Fourth,
11 otherwise, we're stuck in a position where
12 we have a 30-day window to appeal, and we
13 are all delay, delay, delay.

14 THE COURT: What if I do that? I
15 don't know if it's a difference with that
16 or distinction, but, procedurally, I was
17 thinking I was leaning yesterday towards
18 issuing the order that I just issued. I
19 think that that's a fairly accurate
20 rendition of the written version of my oral
21 pronouncement yesterday, but I order that
22 nothing -- that the redacted orders not be
23 released until -- I'll make it, you know,
24 five of five Monday. That will give you
25 Monday to get down to the Fourth to get

1 them to stop this from being released; what
2 do you think?

3 MR. CRITTON: Here's what the problem
4 is, Judge, is Ms. Compiani and Ms. Walsh
5 spoke to them yesterday and today, we need
6 a transcript from the hearing yesterday
7 which has not yet been obtained. They need
8 the underlying motions, they need some time
9 to research. It's not a matter of simply
10 filing a writ of petition and that stays
11 the release of the order. There would have
12 to be a separate motion that would be filed
13 with the Appellate Court. The Motion to
14 Stay that we file under Appellate Rule
15 9.310, subsection A, it provides that the
16 party that seeks review shall come to the
17 lower tribunal, which is the trial court,
18 which is you, in this instance, and then
19 it's within your discretion either to stay
20 or not to stay under the circumstances, and
21 we simply don't have the time within which
22 to file the appeal under those
23 circumstances.

24 There are two criteria that have
25 to be met here, one is the likelihood of

1 harm where no stay is granted, and the
2 second criteria, not necessary mutually
3 exclusive; that is, you don't have to have
4 both of them, but you certainly have to
5 give an indicia of both of them. The
6 second one is the likelihood of success on
7 the merits.

8 We believe that based upon the
9 Court decision, respectfully, that the
10 Court, that the Appellate Court, will quash
11 your order, for the reasons Judge Puccillo
12 was the one who requested that the document
13 in this -- this was argued yesterday, so
14 I'm going to be very brief. She is the one
15 who requested post sentencing, that the
16 document be filed under seal. It was her
17 request that the defense seceded to that
18 under the circumstances. That certainly
19 was inadvertent, could have just as easily
20 remained under seal with Mr. Goldberger or
21 with the State Attorney under those
22 circumstances.

23 Secondly, that it relates to the
24 portions of it, specifically, within the
25 MPA to deal with the grand jury proceeding,

1 that would be a violation of Federal Rule
2 Six. I note you just handed us your order
3 about two minutes ago, Judge, so no one's
4 had an opportunity to review it, certainly
5 appellate counsel has not had an
6 opportunity to review it. I don't know if
7 you dealt with the appellate rule, but I do
8 note that within your written order, that
9 you, basically, said that in the second to
10 last page, you said this order is no way to
11 be interpreted as permission not to comply
12 with U.S. District Court Judge Marra's
13 previous orders.

14 We respectfully submit that it would
15 not comply with Judge Marra's previously
16 issued orders. We also believe that the
17 supremacy clause, as Mr. Goldberger argued
18 yesterday in conjunction with comity
19 principle, that we think that there's a
20 substantial likelihood on success of the
21 merits on this.

22 With regard to the likelihood of
23 harm, this is a paramount issue here. It's
24 undisputed that this was a confidential
25 agreement. It's a confidential contract

1 between Mr. Epstein and the United States.
2 United States vigorously defended
3 Mr. Edwards when he came into federal court
4 and filed an action to have the MPA
5 released, Judge Marra subsequently entered
6 an order. Another attempt that was made to
7 make the MPA public again.

8 All plaintiffs' counsel has it.
9 The only ones that don't have it is the
10 Post, under the circumstances, and public
11 under the circumstances, but all the
12 plaintiffs' lawyers of the alleged victims,
13 they either have the MPA and the addendum,
14 which I will refer to as the MPA, or they
15 have the ability to get that. That is very
16 clear from Judge Marra's order.

17 So there's certainly no harm to
18 the plaintiffs from under these
19 circumstances. And the harm in this
20 instance is only to Mr. Epstein under the
21 circumstances because as Judge Letz
22 (phonetic) once said, it's very much like
23 an attorney/client privilege or a privilege
24 document where once the proverbial horse is
25 out of the barn, you can't get him back in.

1 We cited a case called Mariner versus
2 Baker 3 -- So. 39, So.2d 608 First District
3 1989. In the Mariner case, this was not a
4 usual incident report and the Court, I know
5 your Honor previously did a great deal of
6 personal injury work and related work,
7 you're very familiar. In fact, you
8 commented yesterday and said, I don't see
9 how the MPA is going to be admissible in a
10 civil proceeding anyway. Again, you're not
11 ruling on that ultimately, the judges in
12 both the State and federal court cases will
13 do that.

14 In the Mariner case, the judge
15 ordered that the defendants object at the
16 direction of incident reports. The judge
17 said, sorry, you've got to produce those
18 incident reports. And the Court said, give
19 them to me under seal because, again, we
20 are talking about incident reports as
21 distinct from an agreement between two
22 parties which was deemed to be confidential
23 between the United States government and
24 Mr. Epstein. Only irreparable harm here as
25 to Mr. Epstein because if it's released,

1 you cannot remedy that harm on appeal.

2 And in the Mariner case, if the judge
3 said, if you put the documents under seal,
4 which is exactly the situation we have now
5 is, I will grant the stay and let the
6 appellate court determine whether or not
7 incident reports, which have a much lower
8 threshold for production or for discovery
9 reasons, and, again, there's no harm in an
10 instance like that, even in an incident
11 report came out in the Mariner cases, so
12 what. It won't be used, you can't use any
13 of the information you obtained. In this
14 particular instance, because it is
15 confidential, there is no way the Court can
16 remedy the harm.

17 With regard to the defendants in this
18 case, again, I think we've demonstrated
19 both irreparable harm, and we believe a
20 substantial likelihood on the success.
21 Again, how do you demonstrate a substantial
22 likelihood on the success? The fact that
23 we would -- if this Court thought that we
24 should prevail, my guess, you would not
25 have ruled as you did, but as the Court is

1 aware, oh, surprise to all of the lawyers
 2 here. Sometimes judges get reversed. I
 3 know that's a shock to most of the lawyers
 4 in this room and most of the courts, but
 5 that happens on occasion, and, therefore,
 6 we believe we can show through the
 7 supremacy clause, the grand jury reference
 8 that we will prevail and that your order
 9 will be quashed.

10 With regard to alleged harm by any
 11 other party, the Post in this instance
 12 reported at the sentencing of Mr. Epstein
 13 on or about June 30th of 2008. They waited
 14 until June 1st of '09. This was such a
 15 pressing issue, the Post wanted to get this
 16 desperately out to the public, they were so
 17 anxious to do it, that they waited 11
 18 months before they did anything.

19 Mr. Edwards, who is not here
 20 today, filed a federal court action and
 21 those issues were talked about and
 22 discussed at some length with regard to
 23 Judge Marra's two orders.

24 Judge Marra's rule, you can't get
 25 them, if you want to get them, go to that

1 case, that would be Judge Hafele or two of
 2 Mr. Edwards' cases are where is Mr. Kuvin's
 3 case is or Judge Marra, where Mr. Edwards'
 4 case is. Judge Marra can certainly control
 5 whether or not they should be released, and
 6 I've covered Mr. -- oh, and Mr. Edwards
 7 because he could have gone back to Judge
 8 Marra because he's got one federal court
 9 case -- did he try for that form and get
 10 it -- no, they came in here. He tried to
 11 do it in a run around Judge Marra.

12 He didn't file his motion until
 13 late May of '09. My guess is it was
 14 Mr. Edwards who probably said to the Post,
 15 gee, why don't you join in this, you
 16 haven't been here for 11 months, why don't
 17 you come in now, maybe intervene. And then
 18 Mr. Kuvin, on behalf of his client, BB
 19 estate court case, came in on June 11th,
 20 again, almost a year to the date after
 21 Mr. Epstein's sentence.

22 It's no burning issue, there's no
 23 fire here to put out, giving us 30 days, or
 24 at least a reasonable period of time to
 25 file petition for writ, and then if the

1 Court denies our stay at least asking the
2 appellate court for stay under the
3 circumstances. There's no harm to them.
4 The harm is only to Mr. Epstein, and we
5 think as a substantial likelihood, that we
6 would succeed.

7 Therefore, we would request the
8 Court grant a stay as I've suggested in my
9 proposed order for 30 days of giving
10 Ms. Walsh and Ms. Compiani an opportunity
11 to actually do their job under the
12 circumstances, so the court reporter
13 doesn't have to work over the weekend to
14 expedite transcripts for us, and secondly,
15 if we file within the 30 days, then let the
16 appellate court determine whether or not
17 the stay remains or not.

18 THE COURT: Thank you much.

19 Ms. Shullman, don't worry about
20 responding to the issue of motive or
21 seeking this relief or the timing of your
22 request or party's request. I don't think
23 that bears upon the merits of either
24 parties.

25 MS. SHULLMAN: The constitutional

1 right of access doesn't have a waiver
2 provision, your Honor.

3 THE COURT: Well, go ahead. Let me
4 hear -- I'm on board so far with
5 Mr. Critton's version of, Judge, if you let
6 it out, you let it out, so irreparable harm
7 is kind of easy. I think that it is a
8 two-prong test. I think he's got to jump
9 over both hurdles. I think he's got to
10 show some likelihood of success. If you
11 want to spend some energy arguing that
12 there's no irreparable harm, you may do so,
13 but if I hand it out today and everybody
14 gets to see it, you can't fix that
15 tomorrow.

16 MS. SHULLMAN: Sure.

17 THE COURT: So I think they've
18 established that.

19 MS. SHULLMAN: Let me address that
20 very briefly first, your Honor, to remind
21 you in meeting this burden that they failed
22 to meet yesterday, they identified four
23 interests which they liken now to the
24 motion to stay to the four harms.

25 One, of -- for the first three of

1 them, they mentioned they have no standing
2 to assert the compelling government
3 interest, the government didn't show up,
4 the imminent threat to the administration
5 of justice, again, that's the government's
6 issue. The innocent third party privacy
7 rights, they have no standing. The only
8 one is, he's not really articulated today
9 it's some sort of invasion of Mr. Epstein's
10 privacy rights.

11 Florida law is clear that those
12 who are participants in crimes do not have
13 privacy rights with respect to the facts
14 and circumstances surrounding those crimes.
15 So unless I'm going hear something outside
16 of the context of Mr. Epstein's criminal
17 prosecution, he has no privacy right in
18 this agreement.

19 THE COURT: Let me share with you
20 what I'm thinking about doing, even at the
21 conclusion of Mr. Critton's presentation,
22 and that is deny the motion to stay, but
23 delay the release of the records in
24 question until noon Friday. That will give
25 them a little bit of time to see if the

1 Fourth sees this case from a different
2 vantage point, a different light, and maybe
3 they'll look down and say, oh, Judge
4 Colbath, you missed it and, you know, stay
5 the matter. That will give them a
6 reasonable amount of time to get the
7 transcripts to go to the Fourth because I'm
8 a big fan of appellate review and making
9 case law.

10 MS. SHULLMAN: And I understand, your
11 Honor, if you are suggesting a week from
12 today, that's a little bit long. Remember
13 the status quo here, we are in sort of a
14 strange procedural posture because your
15 Honor decided that the initial closure was
16 improper, but the recent request for
17 closure was denied, so instead of a status
18 quo where we have a document that should be
19 released, it's under seal where it
20 shouldn't be, so any moment that it is kept
21 under seal is a serious deprivation of the
22 public and the press's right to access,
23 which you have already determined they
24 have, we think you are correct, of course,
25 so I would ask that any stay --

1 MR. CRITTON: She's pandering, your Honor.

2 MS. SHULMAN: I will say he

3 respectfully disagreed with you, so I think

4 a week is too long. I do this day in and

5 day out, I have spent many a weekend on

6 these matters in my career. If you want to

7 give them till Tuesday, I'll be kind, but

8 the fourth will act quickly on this. I

9 don't think that a week's delay is

10 necessary. I think, in fact, it under

11 minds the public purpose here.

12 THE COURT: All right. Any other

13 respondents want to go anything further?

14 MS. SHULMAN: The State Attorney's

15 office also advises me that Friday is a

16 holiday and the courts are closed.

17 THE COURT: Thank you for telling me

18 that. Friday is a holiday.

19 MR. KUVIN: July 4th.

20 THE COURT: The day of the birth of

21 our constitution.

22 MR. KUVIN: Good morning, your Honor.

23 On behalf of intervenor BB, obviously, the

24 Court is inclined to delay the disclosure

25

1 of this, but under Rule 9.310, if your
2 Honor were to issue such a stay, we would
3 point out the provision C of the rule,
4 which requires a posting of the bond.
5 We not only agree with your Honor's
6 ruling, but we believe such appeal they are
7 filing is absolutely frivolous and we are
8 going to be requesting fees and cost for
9 the filing of that appeal, so as a result,
10 we are requesting a bond be posted if a
11 stay of any type is issued in this case
12 because of the fact that we want to make
13 sure that our attorneys' fee and costs are
14 covered for the frivolous nature of the
15 appeal. And it's dictated strictly in
16 subsection A. It gives the Court the
17 authority. It says:
18 A stay pending review may be
19 conditioned upon a good and sufficient
20 bond, other conditions or both. Therefore,
21 we believe your Honor does have the
22 authority to issue such a requirement that
23 the posting of a bond be issued.
24 THE COURT: All right. Thank you
25 very much. I will deny the motion to stay.

1 I will delay the release of the documents

2 until noon Thursday. I will deny the

3 request to compel the movant, the

4 defendant, Mr. Epstein, to post a bond, and

5 I'll let the appellate court tell us and

6 teach us what the law on this case will be.

7 It's always interesting how these

8 cases unfold and come to us a little

9 different than everyone else. Now, let me

10 have the attorneys come up here and

11 approach.

12 (The following proceedings were held

13 sidebar, out of the hearing of the jury.)

14 THE COURT: I reviewed the two

15 documents, I didn't see any kids' names in

16 there. Everybody was hinting the

17 children's names or the initials' names. I

18 had my big black highlighter out, I don't

19 see anything worth redacting, so.

20 MR. GOLDBERGER: It's the plaintiff's

21 document that identifies the children's

22 names. It's a letter to me actually.

23 THE COURT: I was wondering if

24 everybody thought there was something in

25 there that wasn't in there.

1 MR. CRITTON: It's a test of your
 2 skills, your Honor.
 3 THE COURT: You're right, exactly.
 4 One is page one through seven, and the
 5 second one is just two pages that's not
 6 even signed by everybody.
 7 MR. GOLDBERGER: While we're all up
 8 here chatting, there are references to
 9 other names up here.
 10 THE COURT: Yes, Mr. Goldberger, and
 11 no one has identified in the document says
 12 these are people that are not going to be
 13 prosecuted. Mr. Kuvlin made the argument
 14 that these are co-conspirators. These are
 15 innocent people that have nothing to do
 16 with these proceedings. They have nothing
 17 to do with --
 18 MS. SHULMAN: They have a standing.
 19 THE COURT: I will renew my ruling
 20 that I gave you yesterday, and deny your
 21 request to redact those names out of there.
 22 All right, so I'll hang on to these till
 23 Thursday at noon, and anybody that comes --
 24 wants to come and get them, I don't know if
 25 there's a mechanism for -- I stand on the

1 courthouse steps and pass them out.
 2 MS. SHULTMAN: If there are no
 3 redactions to be made.
 4 THE COURT: No redaction.
 5 MS. SHULTMAN: I would do an order
 6 directing the Court to release them and
 7 they may become unsealed. You don't
 8 need --
 9 MS. COMPIANI: Your Honor, are you
 10 going to write up a written order
 11 denying --
 12 MR. GOLDBERGER: Are you going to do
 13 that?
 14 THE COURT: Put together a written
 15 order?
 16 MS. SHULTMAN: Denying the stay?
 17 THE COURT: Yes, A, denying the stay;
 18 B, delaying the disclosure or unsealing of
 19 these documents until noon Thursday; C,
 20 denying the motion for bond.
 21 MR. GOLDBERGER: And you'll need that
 22 order quickly.
 23 THE COURT: Yeah, fax that and we'll
 24 get it signed quick today.
 25 MR. GOLDBERGER: Are you forcing the

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court reporter to work over the weekend so
we can get a transcript?
MR. CRITTON: Thank you, your Honor,
for moving us this morning.
(Side bar conference held outside the
hearing of the jury concluded.)

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SUSAN S. WIGGINS, R.P.R.

Susan S. Wiggins

June 2009.

affixed my official signature this 29th day of
IN WITNESS WHEREOF, I have hereunto
proceedings.
transcription of my stenonotes taken at said
inclusive, represent a true and accurate
that the preceding pages numbered from 1 to 24,
the Court at the time and place aforesaid; and
to and did report the foregoing proceedings before
Florida; do hereby certify that I was authorized
Criminal Division, in and for Palm Beach County,
Court Reporter for the Fifteenth Judicial Circuit,
I, SUSAN S. WIGGINS, R.P.R., Official
COUNTY OF PALM BEACH,
THE STATE OF FLORIDA,

C E R T I F I C A T E

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been sent by E-Mail

and Federal Express this 30~~th~~ day of June, 2009, to:

JUDITH STEVENSON ARCO State Attorney's Office-West Palm Beach 401 North Dixie Highway West Palm Beach, FL 33401	JEFFREY H. SLOMAN U.S. Attorney's Office-Southern District 500 South Australian Avenue, Suite 400 West Palm Beach, FL 33401
--------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------

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------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------

HONORABLE JEFFREY COLBATH Palm Beach County Courthouse 205 North Dixie Highway Room 11F West Palm Beach, FL 33401	SPENCER T. KUVIN LEOPOLD-KUVIN, P.A. 2925 PGA Boulevard, Suite 200 Palm Beach Gardens, FL 33410 Counsel for B.B.
-------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------

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515 North Flagler Drive, Suite 400
West Palm Beach, FL 33401

and

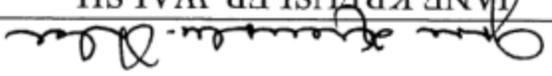
[REDACTED]

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West Palm Beach, FL 33401

and

[REDACTED]

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BARBARA J. COMPIANI of
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