

IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CIVIL DIVISION  
CASE NO. 502009CA040800XXXXMB-AG  
Judge David F. Crow

JEFFREY EPSTEIN,

Plaintiff,

v.

SCOTT ROTHSTEIN, individually and  
BRADLEY J. EDWARDS, individually,

Defendants.

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**AMENDED COMPLAINT**

The Plaintiff, Jeffrey Epstein, (hereinafter "Epstein"), by and through his undersigned attorneys, files this action against the Defendants, Scott Rothstein, individually ("Rothstein"), and Bradley J. Edwards ("Edwards"), individually. The Plaintiff alleges as follows:

**GENERAL ALLEGATIONS**

1. The Plaintiff is an individual who resides in Palm Beach County, Florida.
2. The Defendant Rothstein is an individual formerly residing in Broward County, Florida, and was licensed to practice law in the state of Florida.
3. In November, 2009, Rothstein voluntarily relinquished his law license in midst of the collapse of a firm in which he was a member, called Rothstein, Rosenfeldt & Adler, P.A. ("RRA").
4. Rothstein was disbarred by the Florida Supreme Court on November 20, 2009. Subsequently, Rothstein was arrested, arraigned in federal court, pled guilty and ultimately was sentenced to fifty (50) year prison sentence for fraud, and racketeering based on an alleged \$1.2 billion dollar Ponzi scheme designed, among other things, to infuse funds into his law firm.

5. At all times relevant, Rothstein was the managing partner and chief executive officer of RRA.

6. Defendant Edwards is an individual residing in Broward County, Florida, and is licensed to practice law in the state of Florida.

7. At all times material to this action, Edwards was a partner and/or shareholder in RRA.

8. Rothstein and others initiated a course of criminal conduct which included a scheme to defraud various investors by purchase assignments of alleged structured pay out settlements allegedly reached on behalf of RRA for clients, including clients who had claims against the Plaintiff, in exchange for immediate payments to these clients of a discounted lump sum amount. In fact, the purpose of the investments was to personally enrich Rothstein and other members of the firm, to sustain the daily operations of RRA, and specifically for funds to invest in the prosecution of the claims against the Plaintiff.

9. In November, 2009, a dissolution action was filed against RRA, which ultimately went into bankruptcy.

10. At or near the time that Rothstein and others were initiating this Ponzi scheme, RRA was also bringing actions against Epstein in three civil cases, alleging sexual assault and battery. The cases were *Jane Doe v. Epstein*, Case No. 08-CIV-80893, ("Jane Doe") U.S. District Court, Southern District of Florida; *L.M. v. Epstein*, ("LM") Case No. 50-2008 CA 028051XXXXMB-AB; and, *E.W. v. Epstein*, ("EW") 50 2008 CA 028058XXXXMB-AB. ("Epstein Actions")

11. The lead attorney for RRA handling the Epstein Actions was Defendant, Edwards.

12. While Edwards has stated that only a limited number of people in RRA were involved in the prosecution of the Epstein actions, in fact subsequent records clearly indicate that a significant number of lawyers, secretaries/paralegals and investigators were involved prosecuting the Epstein Actions. On multiple occasions many attorneys of the firm met and were involved with the prosecution of the Epstein Actions.

13. The representations made by Rothstein to investors included but were not limited to the following:

(1) That RRA had sophisticated eavesdropping equipment. In fact, the firm had an audio recording system within the firm;

(2) That RRA had former law enforcement officers who would sift through potential Defendant's garbage looking for damaging evidence for the purpose of obtaining larger settlements that far exceeded the value of any legitimate damage claim;

(3) That he had meetings with the victims of Epstein's alleged assaults and their families regarding the structured settlements;

(4) That in addition to the Epstein Actions, approximately another fifty (50) anonymous females were to be clients and had claims for hundreds of millions of dollars and that RRA and its attorneys would sue Epstein unless he paid exorbitant settlement amounts to protect his high profile friends;

(5) That if the potential investors did not make investments as promised, RRA risked losing the cases they had against Epstein to other lawyers;

(6) That he had promised the clients of the Epstein cases monies by a certain time and that that failure of the investors to make those investments would cause RRA to lose these clients;

(7) That one of the Epstein clients felt that Rothstein had lied to her repeatedly about funding, and that she was one step away from going to another lawyer and going to The Florida Bar.

14. RRA employed a number of investigators used in the prosecution of the Epstein Actions. Those investigators included, but were not limited to Michael Fisten ("Fisten") and Ken Jenne, ("Jenne"), employees of RRA. Fisten and Jenne were the primary investigators assigned to Edwards and to whom they reported to conduct their investigations of Epstein.

15. In October 2009, on other occasions, Rothstein directed that Fisten and Jenne bring into his office the case files for the Epstein Actions which numbered approximately nineteen (19) boxes. Dean Kretschmar, ("Kretschmar"), a representative of one of the investment companies was permitted by Rothstein to review the case files of RRA against Epstein.

16. On another occasions, some of the case files maintained by RRA for the prosecution of the Epstein Actions were at Rothstein's direction, brought by Fisten and/or Jenne into his office to show the investors that the cases and alleged victims actually existed and were actually pending.

17. Since Rothstein was actually showing the case files of Edwards and since the very investigators of Edwards were taking Edwards' case files for the Epstein Actions to show investors, Edwards knew or should have known of Rothstein's actions in using the Epstein Actions for the purpose of obtaining illegal investments.

18. Based on the representations of Rothstein and others, investors did in fact invest into the alleged structured settlement of the cases involving Epstein and others.

19. On or about September 24, 2007, Epstein entered into a Non-Prosecution Agreement ("NPA") with the federal government. Some of the material terms of the agreement included but were not limited to the following:

- (1) Epstein would plead guilty to a state felony charge and agreed to be a registered sex offender;
- (2) Would serve a eighteen (18) month sentence of incarceration;
- (3) Serve a period of one year community control.;
- (4) Agree to pay compensatory damages to approximately thirty (30) alleged victims, including but not limited to two clients represented by Edwards at RRA;
- (5) The United States would not prosecute Epstein for any federal offenses arising out of the alleged victim assaults.

20. As of July 2010, Epstein has settled with approximately 30 alleged victims, under confidentiality agreements, paid as required by the NPA the attorney's fees of the lawyers representing the alleged victims, fulfilled his requirement to serve a term of imprisonment, has registered as a sex offender, and has successfully completed his community control.

21. An assistant U.S. Attorney handling the hearing in federal court relating to the NPA, represented that it was not intent of the United States Government nor was the NPA designed to "hand them [the alleged Epstein victims] a jack pot or a key to the bank."

22. Notwithstanding the agreement reached by the United States Attorney's Office, the Florida State Attorney's Office and the Plaintiff, to resolve these matters, the Defendants as will be more fully set forth below, undertook a scheme to attempt to interfere with the provisions of the NPA, and attempted to use that interference for the purpose of obtaining the investments for the Ponzi scheme, to run the law firm, to fund the Epstein Actions and to extort Epstein to settle the claims by threat of further incarceration.

#### **ABUSE OF PROCESS**

23. The Plaintiff realleges each and every allegation contained in paragraphs 1 through 22 as if they were fully set forth here.

24. In the Epstein Actions, the Defendants, and others, made illegal, improper and perverted use of the civil process by utilizing the judicial process to conduct unreasonable and unnecessary discovery which included but is not limited to the following:

(1) Deposing three of Epstein's pilots, and seeking a deposition of a fourth pilot, who were deposed for over twelve (12) hours and were not asked one question relating to any of the claims of Edwards' clients. Instead they were asked many inflammatory questions that had no legitimate legal purpose;

(2) Notifying the Plaintiff that Edwards intended to take the depositions and was subpoenaing:

- (a) Donald Trump, (real-estate developer);
- (b) Alan Dershowitz (one of Epstein's criminal defense lawyers);
- (c) Bill Clinton (former President of the United States);
- (d) Bill Richardson (Governor of New Mexico and former U.S. Representative and Ambassador to the United Nations);
- (e) Tommy Mattola (former President of Sony Records);
- (f) David Copperfield (entertainer); and,
- (g) Any individuals who had knowledge of Epstein's charitable, political or other donations.

The above individuals were friends and acquaintances of Epstein and none of whom had any connection or knowledge whatsoever with the claims of Edwards' clients.

(3) Asked outrageous questions of the Plaintiff in deposition which had no legitimate baring on the case or the issues to be tried, including questions regarding size of his genitalia;

(4) In *Jane Doe 2*, Edwards represented in pleading to the federal Magistrate that records of communications by and between the United States Government and Epstein's criminal defense lawyers in the plea negotiations of the criminal matters were likely to lead to relevant information in the *Jane Doe* proceedings. Instead, the real purpose of those records was to obtain them for use in a separately filed Criminal Victims Rights Act ("CVRA") which was specifically brought for the purpose of invalidating the NPA Agreement with no

legitimate legal basis, particularly after Mr. Epstein pleaded guilty, served a prison sentence, became a registered sex offender, and settled many civil actions including the two actions brought by Defendant Edwards. The CVRA does not confer on victims, the right to impair prosecutorial discretion of the Attorney General or the U.S. Attorney, nor does it create any right to invalidate a prosecutor's decision to settle a federal criminal investigation or decline prosecution;

(5) Conducted irrelevant and meritless discovery to obtain records from an alleged sex therapist, Dr. Leonard Bard in Massachusetts when issues relating to Epstein's mental, emotional states were not at issue and when Dr. Bard never treated the Plaintiff;

(6) Filed a Second Amended Complaint on behalf of *L.M.*, alleging that Epstein forced the minor into "oral sex" when Edwards knew or should have known of a prior F.B.I. statement where *L.M.* testified that she never engaged in such acts;

(7) Attempted to conduct discovery of celebrities and other famous people that allegedly had flown on Epstein's airplanes when alleged assaults took place even though none of our RRA's clients claim that they flown on Epstein's airplanes.

25. The Defendants used illegal and improper investigative tools in several instances including but not limited to the following:

(1) Trespassing on Epstein's property;

(2) Continual and inappropriate use of investigators for surveillance that interfered with Epstein's privacy and required implementation of security guards and a burglar system to prevent intrusions;

26. Edwards filed motions in Epstein Actions attempting to plead a cause of action for RICO when there was no good faith basis for doing so.

27. Edwards filed motions to freeze assets of Epstein without any evidence of hiding assets and prior to obtaining a judgment.

28. Edwards and others at RRA communicated with state and federal law enforcement officials during the course of the prosecution of the Epstein Claims after the NPA had been executed in an effort to invalidate it. Based on information and belief, there are in

excess of 10,000 emails or other communications with RRA and federal and state authorities relating to Epstein after the execution of the NPA.

29. The Defendants had an ulterior motive and purpose in conducting in making these improper uses of civil process which included but is not limited to:

- (1) Obtaining monies to further a lavish lifestyle;
- (2) Obtaining operating revenue so the that the firm could continue;
- (3) Obtaining funds for the investigation and prosecution of the Epstein Actions;
- (4) Attempts to extort significantly larger amounts of money from Epstein.

30. As a result of the above, the Plaintiff has been damaged, including but not limited to incurring additional and unnecessary attorney's fees and costs, the costs for installation of an alarm system and retention of security personnel in maintaining the integrity of his property.

WHEREFORE, the Plaintiff, Jeffrey Epstein, demands a trial by jury, a judgment against Defendant, Scott Rothstein, individually, and Defendant, Bradley J. Edwards, jointly and severally for compensatory damages, costs of this action, interest, and any other relief deemed appropriate by this Court.

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this \_\_\_\_ day of April, 2011 to: Jack Alan Goldberger, Esq., Atterbury, Goldberger & Weiss, P.A., 250 Australian Avenue South, Suite 1400, West Palm Beach, FL 33401-5012; Marc S. Nurik, Esq.,

Law Offices of Marc S. Nurik, One East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301; and Jack Scarola, Esquire, Searcy Denney Scarola et al., 2139 Palm Beach Lakes Boulevard, P.O. Drawer 3626, West Palm Beach, FL 33409.

Respectfully submitted,

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Joseph L. Ackerman, Jr.  
Fla. Bar No. 235954

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