

ORDERED in the Southern District of Florida on _____

Raymond B. Ray, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION
www.flsb.uscourts.gov

CASE NO.: 09-34791-RBR
Chapter 11

IN RE:

ROTHSTEIN ROSENFELDT ADLER, P.A.,

Debtor.
_____ /

**STIPULATED PROTECTIVE ORDER BY AND BETWEEN
TRUSTEE AND CREDITORS**

Herbert Stettin, the Chapter 11 Trustee ("Trustee") of the Debtor, Rothstein RosefeldtAdler, P.A. ("RRA"), and Jeffrey Epstein, by and through this undersigned counsel, Fowler White Burnett, P.A., pursuant to this Court's May 18, 2010 oral ruling granting Trustee's Motion for Expedited Relief Seeking a Protective Order and Approving Proposed Document Production Protocol (D.E. #617), hereby agree to and request Court approval of the following stipulation:

It is expected that, to facilitate the sharing of RRA's information, including electronically stored information ("ESI"), Mr. Epstein's counsel has submitted search criteria, including names of targeted custodians, search terms, date ranges, to/from, subject line contents, or other criteria to the Trustee to be applied against ESI in the possession of the Trustee. It is further anticipated that the Trustee's counsel and Mr. Epstein's counsel have agreed upon certain search criteria prior to the resulting data being produced to MR. Epstein's counsel. Finally, both parties seek the protection of

the Court to ensure that they may share RRA information, including ESI, while preserving the privileges owed by RRA to its former clients. It is therefore ORDERED AND ADJUDGED:

1. All resulting data from the search terms provided to the Trustee by Mr. Epstein's counsel shall be made available to Mr. Epstein and his counsel after the entry of this Stipulated Protective Order. Counsel for MR. Epstein shall immediately return any documents, ESI or other RRA information produced by the Trustee that is, or appears that it may be protected by attorney/client privilege relating to RRA's representation of any former client. Should any such disclosure of attorney/client privileged or work-product doctrine protected documents occur, upon the Parties' compliance with the terms of this Stipulated Protective Order, that disclosure shall be deemed waived by that disclosure in his or any other action in any other Federal or State proceeding, pursuant to Federal Rule of Evidence 502(d)(e) and Federal Rule of Civil Procedure 26(b)(5)(B), regardless of state decisional law.

2. Neither Mr. Epstein nor its counsel shall publish, disseminate, or make public any documents or ESI, or the contents thereof, provided by the Trustee without first submitting the documents or ESI to be used to the Trustee or his counsel for authorization, unless MR. Epstein or his counsel obtained the identical information from another non-privileged source. The Trustee shall examine any documents or ESI to be used by Mr. Epstein's counsel for privilege or protection before authorizing its use by said counsel. Mr. Epstein's counsel must receive written authorization from the Trustee prior to any publication, dissemination, or use of any documents or ESI received from the Trustee which would make those documents or ESI public.

3. Neither the Trustee nor his counsel shall publish, disseminate, or make public the list of search criteria submitted by Mr. Epstein's counsel nor a list of the documents that ESI supplied to Mr. Epstein or his counsel unless so compelled by Court Order.

4. If any party identifies that privileged and/or protected documents of ESI have been produced to Mr. Epstein's counsel and said counsel fails to promptly return that protected information, and if any unauthorized publication of information provided by the Trustee to Mr. Epstein's counsel occurs in violation of this Stipulated Protective Order, the Trustee may move for injunctive relief on an emergency and/or expedited basis, including the application for an *ex parte* order enjoining possession, publication or other use of any RRA information, including documents or ESI.

5. This protective order is not intended to nor does it apply to any person or party not explicitly named herein.

Submitted by:

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Copies to:

Attorney Lilly Ann Sanchez shall serve this Order on all interested parties and file a certificate of service within 3 days of this Order.