

1 IN THE CIRCUIT COURT OF THE FIFTEENTH
2 JUDICIAL CIRCUIT, IN AND FOR
3 PALM BEACH COUNTY, FLORIDA
4 CASE NO.:502009CA040800X

5 JEFFREY EPSTEIN,

6 Plaintiff,

7 vs.

8 SCOTT ROTHSTEIN, individually,
9 BRADLEY J. EDWARDS,
10 individually, and [REDACTED],
11 individually,

ORIGINAL

12 Defendants.

13 _____/
14 West Palm Beach, Florida
15 August 10, 2015
16 9:50 a.m. - 10:05 a.m.

17 The above-styled cause came on for hearing
18 before the Honorable DONALD HAFELE, Presiding Judge, at the
19 Palm Beach County Courthouse, West Palm Beach, Palm Beach
20 County, Florida, on the 10th day of August, 2015.

21 APPEARANCES:

22 For The Plaintiff:

23 SEARCY DENNEY SCAROLA, BARNHART & SHIPLEY
24 2139 Palm Beach Lakes Blvd.
25 West Palm Beach, FL 33409
 By JACK SCAROLA, ESQUIRE

 For The Defendants:

 WILLIAM CHESTER BREWER, ESQUIRE
 250 S. Australian Avenue, Ste 1400
 West Palm Beach, FL 33401
 By WILLIAM CHESTER BREWER, ESQUIRE

1 (Whereupon, the following proceedings were
2 had.)

3 MR. SCAROLA: Good morning, Your Honor.

4 THE COURT: Hi, Gentlemen, how are you?

5 MR. SCAROLA: Fine. Thank you, sir.

6 MR. BREWER: Good morning, Your Honor.

7 MR. SCAROLA: Your Honor, we're here on a
8 motion to compel disclosure regarding fee claim
9 in this case.

10 Your Honor may recall that you entered an
11 order a little bit more than six months ago
12 entitling Mr. Epstein -- yes, Mr. Epstein to
13 recover fees against Bradley Edwards following
14 Your Honor's entry of a motion for summary
15 judgment in this case.

16 We have been attempting, since the entry
17 of that order, to determine the amount of the
18 fee claim. While we have been told generally
19 that it is a fee claim and that is in the seven
20 figure range, our efforts to obtain discovery
21 as to where within the seven figure range it is
22 have been unsuccessful. We've been informed
23 that Jay White was retained as an expert in
24 this case. According to information provided,
25 he has devoted at least 20 hours to the

1 analysis of this claim. Most recently, we got
2 unexecuted answers to interrogatories back that
3 indicate that Mr. White has not yet arrived at
4 an opinion with regard to the amount of the
5 claim. This is a matter that was set on Your
6 Honor's trial calendar currently. We've been
7 trying to get this information for quite some
8 time. We have a September 1 mediation that has
9 been ordered with regard to this. I've asked
10 to either have complete answers to
11 interrogatories, a report from Mr. White, or an
12 opportunity to depose Mr. White sometime
13 between now and the 1st of September. I'm told
14 he's unavailable, including no availability
15 evenings and weekends. And I offered to take
16 the discovery in the evening and on the weekend
17 if necessary in order to get an opinion or just
18 to get a report from him. I just want to know
19 what the number is.

20 THE COURT: Yes, sir.

21 MR. BREWER: There are so many
22 inaccuracies in what you just heard that I'm
23 really, frankly, taken aback. First of all, if
24 we did not provide them information, that's the
25 booklet of attorney's fee records that have

1 been provided to Mr. Scarola. We are set for
2 mediation, that is correct. To say that we
3 have stated that Mr. White is not available
4 nights and weekends -- if I might approach?

5 THE COURT: Give a copy to Mr. Scarola.

6 MR. BREWER: Certainly.

7 THE COURT: Okay.

8 MR. BREWER: Additionally, Your Honor, I'm
9 really almost at a loss for words from what I
10 just heard.

11 THE COURT: Relax. It's not worth a heart
12 attack.

13 MR. BREWER: Okay. We have had no
14 response to that letter or e-mail. Those dates
15 are still open. Mr. White is very, very busy
16 this month. He's got a two-week construction
17 defect case. He's the expert in a doctor/firm
18 split up case, and he's got two JQC trials that
19 he's having to deal with. And we were trying
20 to get this deposition pushed back into
21 September because of his schedule.

22 THE COURT: All right. Well --

23 MR. BREWER: And so we have now gone back
24 and said, you know, Mr. Scarola is quite
25 adamant, could you give us some dates, please.

1 And we've given dates and we've had no
2 response.

3 THE COURT: August 26th or the 27th?

4 MR. SCAROLA: Your Honor, what this
5 message says is Jay White doesn't have final
6 opinions, and I've told him to stop working on
7 this matter. I'm not going to take a
8 deposition only to have him say, I don't have a
9 final opinion in this matter. What I need is
10 for purposes of this mediation to know what the
11 amount of the claim is. That's all I've been
12 asking for.

13 THE COURT: Well, that's what I'm willing
14 to do. I mean, you know, you pushed mediation.
15 We've now had an opinion of the 4th District
16 Court of Appeal that specifically and
17 unequivocally created a conflict with the 3rd
18 District Court of Appeal's opinions upon which
19 I and Judge Blanc relied upon; Judge Blanc in
20 the case that the 4th decided, me in this case,
21 which we've gone through at length in both
22 writing and orally as far as the court was
23 concerned in terms of -- that case being the
24 3rd District Court of Appeal case citing
25 extensively from the leading cases from the

1 Florida Supreme Court on the motion of
2 prosecution issue.

3 But irrespective of that, Mr. Brewer, you
4 and your client have been pushing for
5 mediation. I have been steadfast in requiring
6 mediation. Now with respect to that opinion
7 from the 4th have required mediation on all of
8 the matters relating to the case, including the
9 attorney's fee claim and seeing where you-all
10 stood now that the 4th has spoken on the issue.
11 And again, while there may be distinguishing
12 characteristics between the case from the 4th
13 and the case from the 3rd, I'm not in a
14 position to make that call. The 4th District
15 Court of Appeal is in a position to do that.
16 But I am going to require that Mr. White be
17 deposed as long as Mr. Scarola's available on
18 August 26th, to be deposed on that date with
19 full opinions within five days -- or strike
20 that. At least five days prior to said
21 deposition, and it will be business days. He
22 shall also provide Mr. Scarola with a summary
23 of his final opinions so that Mr. Scarola can
24 tie together the hundred or so pages that have
25 been provided to him by way of the binder that

1 has been shown to me just as a matter of
2 cursory showing today, and I'm only estimating
3 the number of pages. It may be more. And be
4 prepared to be able to at least have that
5 information and armed with that information to
6 be able to synthesize those documents within a
7 reasonable time. That will be at least five
8 days prior -- business days prior to the
9 August 26th date that the deposition will be
10 set.

11 So if you guys would kindly sit down and
12 prepare this in accordance with the court's
13 order, I would appreciate that. Thank you very
14 much.

15 (Thereupon, the above proceedings were
16 concluded at 10:05 a.m.)
17
18
19
20
21
22
23
24
25

1
2
3
4 COURT CERTIFICATE5 STATE OF FLORIDA)
6 : SS
7 COUNTY OF PALM BEACH)8 I, TERRI CAMIZZI, Registered Professional
9 Reporter, certify that I was authorized to and did
10 stenographically report the foregoing proceedings and
11 that the transcript is a true record of my
12 stenographic notes.13
14 Dated this 17th day of August, 2015.15
16 
17 _____
18 TERRI CAMIZZI, RPR
19
20
21
22
23
24
25