

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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**IN RE APPLICATION FOR CPLR 3102(E) ORDER Index No.
TO PRODUCE TAPE RECORDING**

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NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Affidavit of Bradley James Edwards dated September 14, 2010, the Affidavit of Michael Fisten dated September 14, 2010, the Affirmation of Robert Y. Lewis dated September 15, 2010, the accompanying Memorandum of Law and all exhibits attached thereto, Bradley James Edwards, as defendant and counterclaimant in the underlying Florida action, and Freeman Lewis LLP as his New York counsel will move this Court in the Motion Submissions Part Room 130, 60 Centre Street at 9:30 a.m. on October 29, 2010, or as soon thereafter as the matter can be heard, for an order pursuant to CPLR 3102(e) compelling a *Daily News* custodian of records to appear for a deposition duces tecum, and at said deposition to produce a certain audio tape in Daily News, L.P.'s custody and control of a conversation between George Rush, one of its reporters, and Jeffrey Epstein, and granting such other relief as the Court deems just.