

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

CIRCUIT CIVIL DIVISION AG  
CASE NO.:50-2009-CA-040800-XXXX-MB

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

vs.

SCOTT ROTHSTEIN, individually,  
BRADLEY J. EDWARDS, individually,  
and [REDACTED], individually,

Defendants/Counter-Plaintiffs.

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West Palm Beach, Florida

July 6, 2017

8:45 - 8:53 a.m.

The above-styled cause came on for hearing before the Honorable Donald W. Hafele, Presiding Judge, at the Palm Beach County Courthouse, West Palm Beach, Palm Beach County, Florida, on the 6th day of July, 2017.

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APPEARANCES:

For The Plaintiff/Counter-Defendant:

WILLIAM CHESTER BREWER, P.A.  
250 Australian Ave  
West Palm Beach, FL 33401  
By WILLIAM CHESTER BREWER, ESQUIRE

ATTERBURY, GOLDBERGER & WEISS, P.A.  
250 Australian Ave  
West Palm Beach, FL 33401  
By WILLIAM CHESTER BREWER, ESQUIRE

For The Defendants/Counter-Plaintiffs:

SEARCY, DENNEY, SCAROLA, BARNHART & SHIPLEY, P.A.  
2139 Palm Beach Lakes Blvd.  
West Palm Beach, FL 33401  
By JACK SCAROLA, ESQUIRE

ALSO PRESENT:

Bradley Edwards

E X H I B I T S

(No Exhibits Marked During This Hearing.)

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

3                   MR. SCAROLA: Good morning, Your Honor.

4                   MR. BREWER: Good morning, Your Honor.

5                   THE COURT: Good morning. I'm not  
6                   contemplating anyone appearing by phone, so  
7                   we'll proceed.

8                   The order indicated that at least one  
9                   attorney from each side must appear in person,  
10                  and I see that Mr. Goldberg is here as well.  
11                  So, we have at least two attorneys here on  
12                  Mr. Epstein's side. Mr. Scarola is here in  
13                  person as well.

14                  MR. SCAROLA: Mr. Edwards is also here and  
15                  is pro se in this matter.

16                  THE COURT: Okay, I didn't see him. Good  
17                  morning. Appearance please.

18                  MR. SCAROLA: Jack Scarola and Bradley  
19                  Edwards on behalf of Bradley Edwards, Your  
20                  Honor.

21                  MR. BREWER: Chester Brewer and Jack  
22                  Goldberg on behalf of Jeffrey Epstein.

23                  THE COURT: Thank you for being here this  
24                  morning. We had a motion earlier relative to  
25                  setting the case for trial and the Court's

1 concerns at that time regarding the need, or  
2 lack thereof, relative to discovery and a  
3 motion scheduling order. And I asked that  
4 you-all be here today to address those issues.

5 So, since it's the counter-plaintiff's  
6 original motion to set the cause for trial, why  
7 don't we start with Mr. Scarola. Your thoughts  
8 on the subject, please.

9 MR. SCAROLA: We would like the earliest  
10 possible trial, Your Honor, for this 2009  
11 matter.

12 THE COURT: All right. Do you see a need  
13 for a discovery schedule or a scheduling order  
14 relative to any motions that may be  
15 contemplating?

16 MR. SCAROLA: In light of motions we  
17 simply filed on Mr. Epstein's behalf, it  
18 probably wouldn't be a bad idea.

19 THE COURT: All right. Mr. Brewer?

20 MR. BREWER: Yes, sir. There are three  
21 motions, I guess, that are pending that are  
22 important. One is our motion to strike  
23 portions of the witness in exhibit list. That  
24 same motion has been filed every time that  
25 Mr. Scarola has filed a witness exhibit list.

1           The problem in a nutshell is in his  
2 witness list, he doesn't list names and  
3 addresses for a lot of folks; he does for some.  
4 But a lot of them are groups of people, as in  
5 anybody whose name appears on discovery, or  
6 anybody whose name appears in an interrogatory.

7           THE COURT: Well, typically I don't allow  
8 that. But I don't like to give advice or  
9 opinions. So, I'll wait until the motion is  
10 before me at that time.

11           MR. BREWER: There's two different  
12 motions, Your Honor. One is Mr. Scarola's  
13 motion to expand interrogatories and our  
14 objections to that.

15           The objections in a nutshell are that they  
16 invade work product and there's a financial  
17 discovery to those interrogatories, which has  
18 been heavily litigated way back when. I think  
19 it was back when it was with Judge Crow.

20           And then finally we have filed recently,  
21 as Mr. Scarola mentioned, we filed a motion for  
22 summary judgment. So those are three pretty  
23 big motions.

24           THE COURT: Okay.

25           MR. SCAROLA: I would disagree that there

1 is anything of significance to be addressed  
2 with regard to any of those motions. But as  
3 Your Honor has stated, those are issues that  
4 will be dealt with when the matters are called  
5 up for hearing. Two of those motions are  
6 scheduled for hearing before Your Honor next  
7 week.

8 THE COURT: Okay. Are they special set or  
9 are they 8:45s?

10 MR. SCAROLA: All I know is that they're  
11 on the calendar for next week and I can't tell  
12 you, ■ not sure.

13 MR. GOLDBERG: They're not specially set,  
14 Your Honor.

15 THE COURT: All right. So it looks like  
16 those motions can be done in a relatively due  
17 course. My inclination -- and if it's going to  
18 work for you-all, let me know. If it's not, I  
19 want to know why. Is to try to get the case  
20 tried before the end of the calendar year.  
21 Which means that the most likely docket that  
22 this would run would be beginning November 20th  
23 through January 26th of next year. So that's  
24 where ■ looking at it in terms of where I  
25 think it would be appropriately set. Where any

1 discovery that needs to be done can be  
2 completed. Where any motions that need to be  
3 heard can be dealt with accordingly.

4 What [REDACTED] also willing to do is if there  
5 are any motions that need to be addressed that  
6 are not addressed prior, I can put those  
7 motions on a docket and have a hearing as it  
8 relates to whatever motions remain between --  
9 or on the docket beginning September 25th, you  
10 go on right before that docket.

11 MR. SCAROLA: The records will reflect  
12 that Plaintiff's counsel has a broad grin on  
13 his face, he's happy with that date.

14 THE COURT: All right. Mr. Brewer, your  
15 thoughts?

16 MR. BREWER: No problem, Your Honor.

17 THE COURT: All right. So why don't we go  
18 ahead and do that then and we'll try our best.  
19 And I don't know what my docket looks like at  
20 this stage, I have several before that, so it's  
21 hard to know exactly what may be on one docket.  
22 But the inclination would be to probably go  
23 ahead and specially set the trial.

24 Was there an estimate? It was given 10  
25 days?

1           MR. SCAROLA: I believe so, Your Honor,  
2           yes.

3           THE COURT: All right. So that would  
4           accordingly be the time we're looking at.

5           What I'm going to do is this. After this  
6           hearing, I'll get together with my judicial  
7           assistant and we'll look at the dates that are  
8           available. Obviously, I recognize that we have  
9           the December holidays, as well as Thanksgiving,  
10          during that period of time and the New Year.  
11          So, I will do my best to schedule it  
12          accordingly. And we're potentially looking at,  
13          if there's no significant conflict, early  
14          December as probably the date. Okay?

15          MR. BREWER: Very good, sir.

16          THE COURT: Again, it's with the  
17          expectation that if you don't have a discovery  
18          schedule that you're going to work together in  
19          order to get to the date that I'm speaking  
20          about, calendar call is November 3.

21          But again, if everything works out and we  
22          have a special setting, it may not even need to  
23          be heard at calendar call, as long as we get  
24          anything that needs to be addressed done before  
25          that time. So that's where I think we should

1 be. Again, it is an old case and it should be  
2 tried, in my view, before the end of the  
3 calendar year if at all possible, but at least  
4 through January 18th. All right?

5 MR. GOLDBERG: Your Honor, just very  
6 briefly.

7 THE COURT: Sure.

8 MR. GOLDBERG: When you do meet with your  
9 JA to kind of set a trial date, that window is  
10 fine with me except for November. I have a  
11 trial in November that I know is going.  
12 December is fine. So, if you're looking for a  
13 date, I would prefer December.

14 THE COURT: Okay. Like I said, I think  
15 I'm looking for probably that week after  
16 Thanksgiving to start the trial is probably  
17 what I'm driving at. Because that way I'll  
18 know there won't be any loose ends as it  
19 relates to the Thanksgiving weekend. In other  
20 words, I'll have everything done that I need to  
21 get done, reasonably speaking, on that  
22 Wednesday. And then I know that I'll be able  
23 to start something fresh on that Tuesday,  
24 because I do special sets on Monday. So, we  
25 will do a four day trial week. Mondays will be

1 reserved, as they always are, for special set  
2 ones.

3 MR. BREWER: Your Honor, if I may? What  
4 was the docket in September --

5 THE COURT: For any motions that may be  
6 pending would be September 15th. I'm sorry,  
7 September 20th docket call, September 15th.

8 I'll revise it again. September 25th with  
9 a docket call of September 15th. The ladder  
10 one you can take as being correct.

11 MR. GOLDBERG: Thank you, Your Honor.

12 MR. SCAROLA: Thank you, your Honor.

13 MR. BREWER: Thank you, your Honor.

14 (The hearing concluded at 8:53 a.m.)  
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COURT CERTIFICATE

STATE OF FLORIDA        )  
                                      : SS  
COUNTY OF PALM BEACH )

I, [REDACTED], COURT REPORTER, certify  
that I was authorized to and did stenographically  
report the foregoing proceedings and that the  
transcript is a true record of my stenographic  
notes.

Dated this 10th day of July, 2017.

[REDACTED], COURT REPORTER