

DRAFT

April 7, 2010

Sent by Fax and U.S. Mail

Jack Scarola, Esq.
Searcy Denney Scarola Barnhart & Shipley, P.A
2139 Palm Beach Lakes Blvd.
West Palm Beach, FL 33409

Re: **Epstein v. Rothstein, et al.**

Dear Mr. Scarola:

I am in receipt of your March 17, 2010 letter providing my client and his attorneys with your F.S. §57.105 Notice.

As you are aware, USA filed a Complaint against Scott Rothstein on December 1st, 2009 alleging among other things, racketeering, conspiracy, money laundering conspiracy, mail and wire fraud conspiracy and wire fraud. The Complaint sets forth allegations directed to Mr. Rothstein and others as yet unnamed co-conspirators who participated in the Ponzi scheme. Mr. Rothstein through his attorney, Marc Nurik, has pled guilty to these incredible charges and is awaiting sentencing. Prior to receiving your Notice, and again as a result of receiving your Notice, I have sought and will continue to seek the deposition of Mr. Rothstein. Obviously, Mr. Rothstein can shed substantial light on issues that directly impact our clients. However, Mr. Nurik indicated to me that Mr. Rothstein would be unavailable for a deposition at any time in the near future. I have noticed Mr. Rothstein's deposition on April 15, 2010 (solely on the default issue), recognizing the fact that he might not appear and that his attorney will file a motion for protective order or he will assert a privilege and not testify. But his deposition testimony on the factual issues is critical in evaluating your Notice and Mr. Epstein's case against Mr. Edwards.

Additionally, as part of a preservation order sought and obtained in the Jane Doe case, a case principally handled by Mr. Edwards both prior to his employment/association with RRA, during his employment/association with RRA and at the current time, I served subpoenas in late 2009 directed not only to Mr. Edwards but as well Mr. Stettin in his then capacity as Receiver for RRA. The attorneys for Mr. Stettin in his current capacity, as the Trustee in bankruptcy for RRA, have failed to provide any documents in response to the subpoena. I have been unable to access relevant hard copy and electronic information which also would shed substantial light on

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the allegations in the Complaint which we filed and which is directly related to your F.S. §57.105 Notice.

Mr. Edwards, in response to his subpoena that I served him in Jane Doe advised me that he had no documents and no access to documents. In taking his deposition, it was clear to me he had not only the ability to access documents, but as well to produce them back at the time he was served with the subpoena in November of 2009. That is another issue that needs to be addressed with the court.

In January, 2010, we requested dates for Mr. Edwards' deposition. You threw a fit, claiming a right to depose Mr. Epstein first. Rather than to waste my client's money on a scheduling issue, we agreed to the March dates for your client following Mr. Epstein's deposition which took place on March 17, 2010. You and your client's schedule did not permit Mr. Edward's deposition to be taken until March 23, 2010. During Mr. Edward's deposition, which was not completed, you and your client asserted extensive objections to multiple relevant questions based on work product, attorney-client privilege and some ridiculous non-existent privilege with regard to communications by and between Mr. Edwards and representatives of the United States, including the USAO and FBI. The Counterclaim which you filed for your client is not legally supportable under Florida law. Until the transcript is reviewed and a motion to compel can be filed and brought in front of Judge Crow, my client and I are not in a position to reasonably and fairly evaluate the Notice which was sent.

We also have requested days for the completion of Mr. Edwards' deposition, taking the deposition of A.J. DiScala, Michael Legamaro, Michael Fisten and Richard Fandrey. While we obtained April 19, 2010 for Fisten and Fandrey, the dates that you have given for the others are months away, i.e. June of 2010. I find it hard to believe that you are the only person capable of representing Mr. Edwards in your firm. Therefore your Notice is unreasonable with the limitations that have been placed on us by you, your client and other with regard to discovery which we want and need to complete.

Cordially yours,

Robert D. Critton, Jr.

RDC/clz