

IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CIVIL DIVISION
CASE NO. 502009CA040800XXXXMBAG
Judge David F. Crow

JEFFREY EPSTEIN,

Plaintiff,

v.

SCOTT ROTHSTEIN, individually and
BRADLEY J. EDWARDS, individually,

Defendants.

NOTICE OF HEARING (Specially Set- 15 min.)

PLEASE TAKE NOTICE that the undersigned has set down for hearing before the Honorable David F. Crow, one of the Judges of the above-styled Court, in his Palm Beach County Courthouse, 205 North Dixie Highway, Courtroom 9C, West Palm Beach, Florida 33401, on Tuesday, April 5, at 8:30 a.m., the following:

**EPSTEIN'S MOTION TO COMPEL/MOTION TO DETERMINE IF PRIVILEGE
CLAIMS ARE WAIVED**

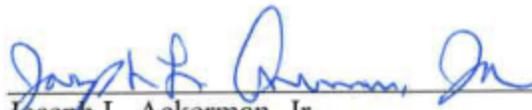
**The following procedures must be noted on all specially set hearing notices in
Division AG:**

- 1. The JA cannot cancel this hearing unless the issue is resolved.**
- 2. No add-ons are permitted without contacting the JA.**
- 3. Any Memorandums submitted are limited to 10 double-spaced pages.**
- 4. Any materials submitted are due at least 7 days prior to the hearing.**
- 5. The moving party is required to bring to the hearing a blank proposed Order with copies and envelopes.**

PLEASE GOVERN YOURSELVES ACCORDINGLY.

In accordance with the Americans With Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact Barry Blacey, ADA Coordinator for the Courts of Palm Beach County, 205 N. Dixie Highway, West Palm Beach, Florida 33401, Telephone Number (561) 355-4796, no later than seven days prior to the proceeding.

I **HEREBY CERTIFY** that a true and correct copy of the foregoing was emailed and mailed this 4th day of February, 2011 to Marc S. Nurik, Esq., One East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301; and Jack Scarola, Esquire, 2139 Palm Beach Lakes Boulevard, P.O. Drawer 3626, West Palm Beach, FL 33409.



Joseph L. Ackerman, Jr.
Fla. Bar No. 235954

FWLER WHITE BURNETT, P.A.
901 Phillips Point West
777 South Flagler Drive
West Palm Beach, Florida 33401



IN THE CIRCUIT COURT OF THE 15th JUDICIAL CIRCUIT
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CIVIL DIVISION
CASE NO. 502009CA040800XXXXMBAG
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JEFFREY EPSTEIN,

Plaintiff,

v.

SCOTT ROTHSTEIN, individually,
BRADLEY J. EDWARDS, individually,

Defendants.

**MOTION TO COMPEL/MOTION TO DETERMINE IF PRIVILEGE CLAIMS ARE
WAIVED**

Plaintiff/Counter-Defendant, Jeffrey Epstein, ("Plaintiff or Epstein") by and through his undersigned counsel files this his Motion to Compel; in the alternative, Motion to Determine that Privilege Claims of Bradley J. Edwards, ("Edwards") are waived. The grounds for this Motion are as follows:

1. On April 12, 2010, the Plaintiff served a Request to Produce to Defendant Edwards. A copy of the Request to Produce is Exhibit "1" to this motion.
2. On May 11, 2010, counsel for Edwards filed his Response to Plaintiff's Request to Produce. A copy of Edwards' Response to the Request to Produce is attached as Exhibit "2".
3. The Plaintiff asks the Court to note that these were requests for documents in Defendant Edwards possession or control as opposed to those documents or records in the possession or control of the bankruptcy trustee.
4. Paragraph 4 requests all emails, correspondence, etc. by and between Mr. Rothstein and Mr. Edwards on the one hand and several of their investigators relating to Mr.

Epstein's case. Objections were filed based on work product and/or attorney-client privilege; and to date, no privilege log has been filed.

5. Paragraph 6 requested fee sharing agreements between Mr. Edwards, RRA and/or Scott Rothstein relating to any aspect of Mr. Epstein's case. Objections were based on relevance and other non-privilege grounds. Paragraph 31 of the Complaint demonstrates that these records are relevant. Moreover, in addition, the Defendant Edwards has a counterclaim that seeks damages for among other things his reputation, interference in professional relationships, loss of value of time required to be diverted from his professional responsibilities. The compensation relationship by and between Mr. Edwards and/or RRA are relevant to that issue and should be produced.

6. Paragraph 9 asks for costs or payment of costs made by the Rothstein firm against Mr. Epstein. Defendant Edwards' response is based on relevance and not on any claim of privilege. The Requests are relevant based on the allegations in Paragraphs 10, 13, 14 and 31 of the Complaint.

7. Paragraph 10 of the Request is similar to Paragraph 9 in that it requests documentation pertaining to any liens for any attorney's fees or costs asserted by the trustee for RRA. The objection is based on relevance. Paragraphs 10, 13, 14 and 31 of the Complaint shows that the allegation is relevant.

8. Paragraph 17 seeks documents supporting the contention made by the Plaintiff for alleged sexual assaults on airplanes. Defendant Edwards objects on several non-privilege grounds which include relevance, vague, over broad, etc. See Paragraphs 34-36 of the Complaint where this is a material part of the Plaintiff's abuse of process claim.

9. Paragraph 18 seeks records similar to those described in Paragraphs 9 and 10. Defendant Edwards has not made a privilege claim. The documents are relevant. See the allegations in Paragraphs 10, 13, 14 and 31 of the Complaint.

10. Paragraph 20 seeks the foundation for statements made to the court in one of the pending cases. The objection is based on work product for which no privilege log has been provided. Objections of vagueness and over broad have also been lodged.

11. Paragraph 21 seeks documents relating to potential deponents named by Edwards in each of the three (3) cases against Mr. Epstein. The objections include work product and attorney-client privilege for which no privilege log has been prepared. The documents are relevant based on the allegations contained in Paragraphs 38-41 of the Complaint and should be produced.

12. Paragraph 22 seeks documents supporting Mr. Edwards' claim for damages with a response of not yet determined. Plaintiff Epstein cannot formulate a defense to such a claim in absence of those damages and requests an order compelling the production of those records.

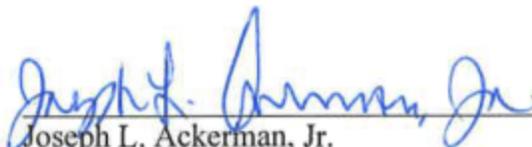
13. Paragraph 24 seeks emails exchanged between Mr. Edwards and a number of named individuals relating to Mr. Epstein. The objections are based on attorney-client work product privilege and no privilege log has been prepared.

14. Under the case of *TIG Insurance Corporation of America v. Johnson*, 799 So. 2d 339 (Fla. 4th DCA 2001) and its progeny, states that the failure to timely provide a privilege log may be grounds to determine that a waiver of privileges have occurred. Given the extraordinary passage of time without the preparation of privilege log, the Plaintiff submits those privileges have been waived.

15. The Plaintiff submits that the discovery request are reasonable, relevant and calculated to lead to other discoverable and admissible evidence.

16. The undersigned counsel certifies that this motion is made in good faith and not for the purpose of delay.

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 4th day of February, 2011 to Marc S. Nurik, Esq., One East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301; and Jack Scarola, Esquire, 2139 Palm Beach Lakes Boulevard P.O. Drawer 3626, West Palm Beach, FL 33409.



Joseph L. Ackerman, Jr.
Fla. Bar No. 235954

FOWLER WHITE BURNETT, P.A.
901 Phillips Point West
777 South Flagler Drive
West Palm Beach, Florida 33401



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Handwritten signature

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

JEFFREY EPSTEIN

Plaintiff,

v.

SCOTT ROTHSTEIN, individually,
BRADLEY J. EDWARDS,
individually, and L.M., individually,

Defendants.

Complex Litigation, Fla. R. Civ.
Pro.1201

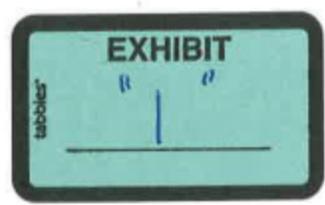
Case No. 50 2009CA040800XXXXMB
AG

EPSTEIN'S REQUEST TO PRODUCE TO EDWARDS

Defendant, JEFFREY EPSTEIN ("Epstein"), pursuant to Fla. R. Civ. P. 1.350,
requests that Defendant, BRADLEY J. EDWARDS ("Edwards"), produce or make
available for inspection documents responsive to the requests below within thirty (30)
days from the date of service:

DEFINITIONS AND INSTRUCTIONS

A. "Document" means any written or graphic matter or other means of
preserving thought or expression, and all tangible things from which information can be
processed or transcribed, including the **originals** and all non-identical copies, whether
different from the original by reason of any notation made on such copy or otherwise,
including, but not limited to, correspondence, memoranda, notes, messages, letters,
purchase orders, telegrams, teletype, telefax bulletins, e-mails, electronic data,
meetings, reports, or other communications, interoffice and intra-office telephone calls,
diaries, chronological data, minutes, books, reports, charts, ledgers, invoices,
worksheets, receipts, returns, trade information regarding fabric, carpets, samples



etc..., computer printouts, prospectuses, financial statements, schedules, affidavits, contracts, cancelled checks, transcripts, statistics, surveys, magazine or newspaper articles, releases (and any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphs or aural records or representations of any kind, including, without limitation, photographs, charts, graphs, microfiche, microfilm, video tape, recordings, motion pictures and electronic, mechanical or electric recordings or representations of any kind (including, without limitation, tapes, cassettes, discs and recordings), and including the file and file cover.

The term "Document" also means any and all computer records, data, files, directories, electronic mail, and information of whatever kind whether printed out or stored on or retrievable from floppy diskette, compact diskette, magnetic tape, optical or magnetic-optical disk, computer memory, hard drive, zip drive, jaz drive, orb drive, microdisk, external memory stick, software, or any other fixed or removable storage media, including without limitation, all back-up copies, dormant or remnant files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file, or file fragment.

B. "Communications" means any oral or written statement, dialogue, colloquialism, discussion, conversation or agreement.

C. "Plaintiff" means **L.M. (*L.M. v. Jeffrey Epstein, Palm Beach County Case #502008CA028051XXXMB*)**, **E.W. (*E.W. v. Jeffrey Epstein, Palm Beach County Case #502008CA028058XXXMB*)**, **Jane Doe (*Jane Doe v. Jeffrey Epstein, United States District Court Case #08-civ-80893-Marra/Johnson*)**, and any other person who is or was represented by Rothstein Rosenfeldt & Adler that has not

yet filed an action against Jeffrey Epstein, and any employee, agent or attorney for any plaintiff and/or any other person acting for or on behalf of any plaintiff, or under her authority and control.

D. "RRA" means Rothstein Rosenfeldt & Adler, P.A.

E. "Money" means any tangible thing of value.

F. "Costs" include, but are not limited to, court costs, filing fees, Sheriff's service and any other necessary service of legal papers or notices or subpoenas, court reporters' charges, long distance telephone charges, postage, courier services or Federal Express or UPS, investigative costs, investigative bills, photocopies, faxes, Westlaw computerized research, travel expenses, and witness fees and expert witness fees and costs.

G. "Trustee" means Herbert Stettin as bankruptcy trustee for RRA.

REQUEST FOR PRODUCTION¹

1. For the time period from March 1, 2009 to present, any and all documents between, or on behalf of RRA, its employees or agents or clients, and any third party regarding a purported settlement of any litigation between Jeffrey Epstein and a RRA client or Plaintiff, or the financing of any litigation between Jeffrey Epstein and a RRA client or Plaintiff, (whether existing clients or fabricated clients), including but not limited to:

- a. Documents indicating that litigation with Jeffrey Epstein has been settled;
- b. Soliciting or receiving money in return for settlement funds allegedly paid or to be paid by Jeffrey Epstein;
- c. Soliciting money to help finance ongoing litigation against Jeffrey Epstein;
- d. Soliciting money to be given to, or used on behalf of, the Plaintiffs in litigation against Jeffrey Epstein;
- e. Communication between third party investors or potential investors and the Plaintiffs or their attorneys involved in litigation against

¹ Due to the potential volume of documents involved, the parties and the Court should consider appointment of a special master and/or an in camera inspection to address any objections, claims of privilege and generally manage the production of documents.

- Jeffrey Epstein;
- f. Payments made by RRA to or on behalf of any Plaintiff.
2. Any and all fee agreements that exist or have existed between the following:
- a. Any Plaintiff and Bradley J. Edwards or any entity with which he has been associated;
- b. Any Plaintiff and the law firm RRA.
3. All emails, data, correspondence, memos, or similar documents between Bradley J. Edwards, Scott W. Rothstein, William Berger and Russell Adler and/or any attorney or representative of RRA and any investor or third party (person or entity) regarding Jeffrey Epstein or which mentions Jeffrey Epstein (including Mike Fisten, Kenneth Jenne, Patrick Roberts or Rick (Rich) Fandrey).
4. All emails, data, correspondence, memos, or similar documents between Bradley J. Edwards, Scott W. Rothstein, and/or any attorney or representative of RRA regarding Jeffrey Epstein or which mentions Jeffrey Epstein (including Mike Fisten, Kenneth Jenne, Patrick Roberts or Rick (Rich) Fandrey).
5. All agreements or documents of any nature which were provided to or received from an investor or potential investor relating to any case (real or fabricated) involving Jeffrey Epstein and any of the following:
- a. Scott W. Rothstein
- b. Bradley J. Edwards
- c. RRA
- e. any entity formed by RRA or Bradley J. Edwards or Scott W. Rothstein to create investment opportunities for third party investors to invest in any plaintiff's case against Jeffrey Epstein
6. All fee sharing agreements between Bradley J. Edwards, RRA, or Scott W. Rothstein and/or any other attorney or investor relating to any aspect of any Plaintiff's case.
7. All documents made available to any investor or potential investor by Bradley J. Edwards, RRA, Scott W. Rothstein or any of Scott W. Rothstein's entities to solicit "investors" for any case involving Jeffrey Epstein.
8. All document reflecting the names and addresses of all individuals or entities who invested or purported to invest in any aspect of any case against Jeffrey Epstein.
9. All documents evidencing the Costs and payment of any bill or Costs in each Plaintiff's case against Jeffrey Epstein, and the source(s) for said payments of any Costs.

10. All documents received by you or your current firm wherein the Trustee of RRA has asserted a lien for attorney's fees or Costs arising out of work done and Costs incurred related to the Plaintiffs' cases during the time Plaintiffs' were represented by RRA.

11. All documents and tangible things retrieved from the trash at 358 El Brillo Way, Palm Beach, Florida which is alleged to be the home of Jeffrey Epstein.

12. All conversations recorded from any telephones which purported to be that of Jeffrey Epstein that are contained in any media (audio tapes, CDs, DVDs, zip drives, hard drives or any other electronic format and any written transcriptions).

13. All conversations recorded from any telephones which purported to be from Jeffrey Epstein's attorneys including Roy Black, Alan Dershowitz or Jack Goldberger, that are contained in any media (audio tapes, CDs, DVDs, zip drives, hard drives or any other electronic format and any written transcriptions).

14. All intercepted phone conversations authorized by RRA including but not limited to any one of its attorneys or investigators or anyone retained by or working for RRA related to Jeffrey Epstein that are saved or stored in any media (audio tapes, CDs, DVDs, zip drives, hard drives or any other electronic format and any written transcriptions).

15. All intercepted or acquired electronic mail (e-mails) to or from Jeffrey Epstein authorized by RRA including but not limited to any one of its attorneys or investigators or anyone retained by or working for RRA.

16. All intercepted or acquired electronic mail (e-mails) to and from the attorneys for Jeffrey Epstein including but not limited to: Roy Black, Alan Dershowitz or Jack Goldberger, authorized by RRA including but not limited to any one of its attorneys or investigators or anyone retained by or working for RRA.

17. All documents supporting the contention that a sexual assault took place on an airplane purportedly owned by Jeffrey Epstein or a Jeffrey Epstein entity at any time between 1998 and 2005.

18. All documents related to the amount of all Costs that were incurred by you in the representation of you and/or your law firm in representing Jane Doe, L.M. and E.W. prior to joining RRA.

19. All documents setting forth to the amount of Costs were incurred by RRA in its representation of Jane Doe, L.M. and E.W. during the time you were employed by RRA (or that is being claimed by the Trustee).

20. In the attached transcript dated July 31, 2009, you stated to Judge Hafele with regard to the E.W. and L.M. cases the following:

"What the evidence is really going to show is that Mr. Epstein – at least dating back as far as our investigation resources have permitted, back to 1997 or '98 – has every single day of his life, made an attempt to sexually abuse children.

We're not talking about five, we're not talking about 20, we're not talking about 100, we're not talking about 400, which I believe, is the number known to law enforcement, we are talking about thousands of children, and it is through a very intricate and complicated system that he devised where he has as many as 20 people working underneath him that he is paying well to schedule these appointments, to locate these girls."

(A) Provide all documents to support this assertion including any documents which are the source of the information.

21. All documents related to or mentioning potential deponents in the Jane Doe, L.M. or E.W. cases.

22. All documents that support your claim of damages in your counterclaim in this case.

23. The written fee agreement with the Searcy Denney firm for their representation of you in this case.

24. All emails exchanged between you (or anyone of your behalf) and one or more of the following individuals wherein Epstein, a Palm Beach billionaire or a similar reference was mentioned:

- a. Scott Rothstein
- b. Russell Adler
- c. William Berger
- d. Michael Fisten
- e. Kenneth Jenne
- f. David Boden
- g. Deborah Villegas
- h. Andrew Barnett
- i. Patrick Roberts
- j. Richard (Rick) Fandrey
- k. Christina Kitterman.

25. A copy of your RRA business card.

26. Any employment agreements, letter agreements or memos given to you by RRA or a representative or agent of RRA describing your compensation and benefits at RRA.

27. All documents and communications from Herbert Stettin, as bankruptcy Trustee for RRA, asserting liens against recoveries in:

- a. L.M. v. Epstein, Case No. 502008CA028051XXXXMB
- b. E.W. v. Epstein, Case No. 502008CA028058XXXXMB
- c. Jane Doe v. Epstein, Case No. 08-CV-80119-MARRA/JOHNSON

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was sent by fax and U.S. Mail to the following addressees on this 12th day of April, 2010:

Gary M. Farmer, Jr., Esq.
Farmer, Jaffe, Weissing, Edwards, Fistos
& Lehrman, PL
425 N. Andrews Avenue, Suite 2
Fort Lauderdale, FL 33301

████████████████████
Attorneys for Defendant, L.M.

Jack Alan Goldberger, Esq.
Atterbury Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401-5012

████████████████████
Co-Counsel for Defendant Jeffrey Epstein

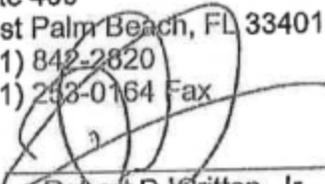
Jack Scarola, Esq.
Searcy Denney Scarola Barnhart &
Shiple, P.A.
2139 Palm Beach Lakes Blvd.
West Palm Beach, FL 33409

████████████████████
Attorneys for Defendant Bradley Edwards

MARC S. NURIK, ESQ.
Law Offices of Marc S. Nurik
One East Broward Boulevard
Suite 700
Fort Lauderdale, FL 33301

████████████████████
Attorneys for Defendant Scott Rothstein

BURMAN, CRITTON, LUTTIER & COLEMAN, LLP
303 Banyan Boulevard
Suite 400
West Palm Beach, FL 33401
(561) 842-2820
(561) 253-0164 Fax

By: 
Robert D. Critton, Jr.
Florida Bar #224162
Michael J. Pike
Florida Bar #617296
(Counsel for Defendant Jeffrey Epstein)

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN AND
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CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

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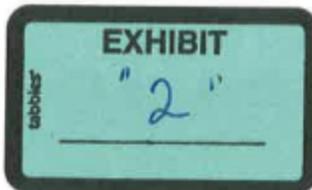
SCOTT ROTHSTEIN, Individually,
BRADLEY J. EDWARDS, Individually,
and L.M., Individually,

Defendant.

DEFENDANT BRADLEY J. EDWARDS RESPONSE TO PLAINTIFF'S REQUEST
FOR PRODUCTION DATED APRIL 12, 2010

Defendant, BRADLEY J. EDWARDS, hereby files his Response to Request for
Production propounded by Plaintiff on April 12, 2010 as follows:

1. None.
2. a. Objection, relevance, not reasonably calculated to lead to the
discovery of admissible evidence.
b. None.
3. Objection as to communications to or from investigators as that is
protected by the work-product and /or attorney-client privilege.
4. Objection; any such communications are protected by the work-product
and /or attorney-client privilege.
5. None.
6. Objection, relevance, not reasonably calculated to lead to the
discovery of admissible evidence; vague; overbroad, without waiving
objection, there are no fee agreements with any investor.



Case No.: 502009CA040800XXXXMBAG
Edwards' Response to Request for Production dated 4/12/10

7. None.
8. None.
9. Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence.
10. Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence.
11. None.
12. None.
13. None.
14. None.
15. None.
16. None.
17. Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence; vague; overbroad, ambiguous.
18. Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence.
19. Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence and protected by the work-product privilege.
20. Objection, vague overbroad and any and all such documents are protected by the work-product privilege.
21. Objection, vague overbroad and any and all such documents are protected by the work-product and attorney-client privilege.
22. Not yet determined.

Case No.: 502009CA040800XXXMBAG
Edwards' Response to Request for Production dated 4/12/10

23. Objection.
24. Objection; attorney-client privilege and/or work-product privilege.
25. None in Defendant's possession.
26. None.
27. None in Defendant's possession.

Case No.: 502009CA040800XXXXMBAG
Edwards' Response to Request for Production dated 4/12/10

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been
furnished via ^{FAX AND} U.S. Mail to all counsel on the attached list on ~~April~~ ^{MAY 11th}, 2010.

Jack Scarola
Searcy Denney Scarola Barnhart & Shipley, P.A.
Attorneys for Defendant, Bradley Edwards
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409



By: 
Jack Scarola
Florida Bar No.: 168440

Case No.: 502009CA040800XXXXMBAG
Edwards' Response to Request for Production dated 4/12/10

COUNSEL LIST

Robert D. Critton, Jr., Esquire
Michael J. Pike, Esquire
Burman, Critton, Luttier & Coleman LLP
303 Banyan Boulevard, Suite 400
West Palm Beach, FL 33401
[REDACTED] 20

Attorneys for Jeffrey Epstein

Jack Goldberger
Atterbury, Goldberger & Weiss, P.A.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401
Phone: (561)-659-8300
Fax: (561)-835-8691
Attorneys for Jeffrey Epstein

Gary M. Farmer, Jr.
Farmer, Jaffe, Weissing, Edwards,
Fistos & Lehrman, P.L.
425 N. Andrews Avenue, Suite 2
Fort Lauderdale, FL 33301
[REDACTED]

Attorneys for L.M.

Marc Nurik
Law Offices of Marc S. Nurik
One East Broward Boulevard, Suite 700
Fort Lauderdale, FL 33301
[REDACTED]

Counsel for Scott Rothstein