

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

CASE NO.: 502009CA040800XXXX MB AG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

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

Defendant(s).
_____ /

PROCEEDINGS HELD BEFORE JUDGE DONALD HAFELE
PLAINTIFF'S MOTION TO SET CASE FOR TRIAL

HELD: Tuesday, June 6, 2017
 Palm Beach County Courthouse
 West Palm Beach, Florida
 8:45 a.m. - 9:21 a.m.

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APPEARANCES:

ON BEHALF OF THE PLAINTIFF(S):

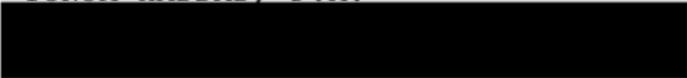
SEARCY, DENNEY, SCAROLA, BARNHART & SHIPLEY, P.A.



By: JACK SCAROLA, ESQUIRE

ON BEHALF OF THE DEFENDANT(S):

TONJA HADDAD, P.A.



By: TONYA HADDAD COLEMAN, ESQUIRE



P R O C E E D I N G S

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3 MR. SCAROLA: Good morning. Your Honor, I
4 first call the Court's attention to the objection
5 to this hearing that was filed by --

6 THE COURT: Right. I read that, and I'm not
7 terribly comfortable with going forward. The only
8 thing is -- what I don't have a problem with
9 discussing is the fact that I'm not certain why
10 you're here. In other words, have you filed a
11 notice to set the case for trial and has there been
12 some delay in not getting it set?

13 MR. SCAROLA: No, sir. At the time that this
14 case was continued at the request of Mr. Epstein it
15 was because your Honor was awaiting appellate
16 proceedings in the Supreme Court. We had requested
17 the case, since it was not formally stayed, that
18 the case be placed on a trial calendar.

19 Your Honor entered an order, and a copy of
20 that order is in the package that I left for your
21 Honor. Your Honor entered an order reflecting that
22 upon resolution of the Supreme Court proceedings,
23 this matter would be set. And your Honor commented
24 at that time that you would attempt to give us a
25 trail setting within 60 days because this is one of

1 those very old cases. Your Honor will note that
2 it's a 2009 case. We have been attempting to get
3 this matter to trial for a long time.

4 THE COURT: Okay. Well, I'm not -- what I'm
5 going to do is this: I'm going to ask you to speak
6 with counter-defendant's counsel and prepare a
7 discovery schedule and any kind of anticipated
8 motion schedule and the times and dates that you
9 think are appropriate, which should filter down to
10 a trial date.

11 Absent agreement in that regard, I'll invite
12 you to come back at an 8:45 when both sides are
13 available so that I can then hopefully flesh out
14 any type of disagreements, and we will come to some
15 type of trial date that will be satisfactory to the
16 parties and to the Court.

17 I'll be the one to make the ultimate decision
18 as to when it's going to be tried based upon what
19 I'm going to hear from the respective parties if
20 you all cannot work out a discovery and motion
21 schedule, as I have suggested, or as I'm going to
22 order.

23 I don't want to hear anything substantive now
24 in light of Miss Haddad's absence.

25 There's nobody else here for Mr. Epstein

1 today?

2 MR. SCAROLA: I would only note, your Honor,
3 as is reflected on the Certificate of Service, in
4 my communications with Miss Haddad I mentioned four
5 law firms representing Mr. Epstein. There are in
6 fact five law firms representing Mr. Epstein. Your
7 Honor may recall that there have repeatedly been
8 other lawyers that have appeared and substantively
9 argued matters before this Court, and the last time
10 the issue with regard to scheduling arose,
11 Mr. Haddad was represented to be lead counsel in
12 this case and the objection was raised that because
13 he had trial conflicts, this matter could not be
14 set on the basis of his trial conflicts.

15 So I've had a great deal of difficulty being
16 able to coordinate with opposing counsel when there
17 are five lawyers on the other side and a matter
18 such as this, respectfully, could have and should
19 have been handled by any one of those other five
20 law firms. So that's the reason --

21 THE COURT: I understand your position. And
22 as I said, I am very conscious of not only the
23 issues that you have raised, but also wanting to
24 make sure that everyone receives due process. And
25 my understanding is that you're out from the 9th to

1 the 23rd --

2 MR. SCAROLA: I'll have somebody else cover
3 for me, sir. I don't want this matter delayed
4 being set for trial. Mr. Edwards is co-counsel
5 with me in this matter, and he will be here if I'm
6 not available. I have offered those alternatives
7 to the other side, and I am just not getting
8 cooperation.

9 Our position is this case is ready for trial.
10 It was ready previously, it's ready now. I
11 respectfully suggest we don't need a schedule.
12 What we need is a trial date.

13 THE COURT: Okay.

14 MR. SCAROLA: But I'll certainly follow your
15 Honor's direction. I will contact opposing
16 counsel. I'll attempt to put something together.
17 But until we have a target to shoot for, it's going
18 to be very difficult to put together an order that
19 is going to be agreeable to both sides.

20 THE COURT: All right. As I said, I don't
21 want to get into anything beyond mere scheduling at
22 this time because I do want to respect the fact
23 that no one is here representing Mr. Epstein, and
24 Miss Haddad did indicate that she was starting
25 trial this morning until, I believe it's the 9th,

1 and then after that there was some time that you're
2 not going to be here, and then I'm out the
3 following week. So we'll do what we can. I'll do
4 the best I can to try to cobble something together
5 and get it out to you as soon as I can.

6 MR. SCAROLA: So -- I just want to make sure I
7 understand then. I'm relieved of the
8 responsibility of trying to set a schedule? Your
9 Honor is going to --

10 THE COURT: I'm going to enter an order in
11 that regard.

12 As I said, I'm trying to comport as best I can
13 with my ethical obligations to discuss only issues
14 of scheduling here.

15 MR. SCAROLA: I understand, sir. Thank you
16 very much, your Honor.

17 THE COURT: Okay. Thank you again.

18 (Thereupon at 9:21 a.m., the hearing was
19 concluded.)

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C E R T I F I C A T E

THE STATE OF FLORIDA,)
COUNTY OF PALM BEACH.)

I, Elaine V. Williams, Registered Professional Reporter, State of Florida at large, do hereby certify that I was authorized to and did report the above hearing at the time and place herein stated, and that it is a true and correct transcription of my stenotype notes taken during said hearing.

I further certify that I am not attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of party connected with the action, nor am I financially interested in the action.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of June, 2017.

Elaine V. Williams
Notary Public in and for the State of Florida
My Commission Expires 03/27/21
My Commission #GG 72248