

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO:502008CA028051XXXXMB AB

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Plaintiff,

-vs-

JEFFREY EPSTEIN
AND █

Defendants.

DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON
COUNT 1 OF PLAINTIFF'S SECOND AMENDED COMPLAINT

EXCERPT OF HEARING BEFORE THE HONORABLE
DONALD HAFELE

Friday, April 9, 2010
Palm Beach County Courthouse
West Palm Beach, Florida 33401
11:00 - 12:04 p.m.

Reported By:

█
Notary Public, State of Florida
Prose Court Reporting
Job No.: 1275

Original

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3 CASE NO:502008CA028058XXXMB AB

4 [REDACTED]

5 Plaintiff,

6 -vs-

7 JEFFREY EPSTEIN
8 AND [REDACTED]

9 Defendants.

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1 APPEARANCES:

2 On behalf of the Plaintiffs, [REDACTED], [REDACTED] and
3 Jane Doe:

4 GARY FARMER, ESQUIRE
5 BRADLEY J. EDWARDS, ESQUIRE
6 FARMER, JAFFE, WEISSING, EDWARDS
7 FISTOS & LEHRMAN, [REDACTED].
8 [REDACTED]

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11 On behalf of the Defendant:

12 ROBERT D. CRITTON, JR., ESQUIRE
13 BURMAN, CRITTON, LUTTIER & COLEMAN, LLP
14 [REDACTED]

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1 E X C E R P T O F P R O C E E D I N G S

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3 THE COURT: Well, you know, I think that
4 you're right but what I want to do is this: I
5 would like to just be able to pin down the very
6 narrow issue of just, I guess, a long-time
7 belief that negligence equals accident or
8 unintentional activity. And I guess I really
9 need that fundamentally to be briefed so as to
10 make a final decision on the issue. Clearly I
11 recognize that the defense is saying to
12 themselves, in a respectful tone I trust, that
13 it doesn't really matter.

14 But the reason why I am concerned about it
15 is that while I recognize that in the insurance
16 context it's essentially a given, but as
17 Mr. Farmer I think points out properly, the
18 context of insurance is driven by contract, and
19 by the language of a policy. And I don't want
20 to be simply utilizing what I have been
21 probably indoctrinated with, and that is the
22 concept that negligence means essentially
23 unintentional acts as a matter of law.

24 Now, I know that seems to be at least the
25 implication and perhaps the clearer message of

1 those cases dealing with insurance law and
2 contracts of insurance, but I just need to be
3 comfortable with my ultimate decision and
4 that's where I just have the dilemma at this
5 juncture is can I comfortably enter summary
6 judgment under the thought process that clearly
7 what is claimed as intentional acts violative
8 of these six, or whatever, seven, eight
9 statutes, is somehow in a posit to the concept
10 of negligence as defined by the Florida law.
11 Do you understand what I am saying?

12 MR. CRITTON: Yes.

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STATE OF FLORIDA
COUNTY OF PALM BEACH

I, [REDACTED], Registered Professional Reporter and Florida Professional Reporter, State of Florida at large, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

Dated this 15th day of April, 2010.

[REDACTED]

Job #1275

[REDACTED] PROSE COURT REPORTING AGENCY, INC. [REDACTED]

Electronically signed by cynthia hopkins [REDACTED]

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