

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

CIVIL DIVISION: "AG"
CASE NO.: 502009CA040800XXXXMB

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

vs.

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

Defendants/Counter-Plaintiffs.

**ORDER GRANTING COUNTER-DEFENDANT, JEFFREY EPSTEIN'S
MOTION FOR SUMMARY JUDGMENT**

THIS CAUSE having come before the Court upon Counter-Defendant, Jeffrey Epstein's Motion for Summary Judgment. Having reviewed the law and case file, having heard argument of counsel and being otherwise fully advised in the premises, the Court hereby determines as follows:

Plaintiff/Counter-Defendant, Jeffrey Epstein ("Epstein") filed suit against Defendant/Counter-Plaintiff, Bradley Edwards ("Edwards"). Edwards then filed a counter-claim against Epstein. Epstein subsequently dismissed his Complaint without prejudice. The counter-claim proceeded, undergoing several amendments. As it now stands, the Fourth Amended Counterclaim has two causes of action: abuse of process and malicious prosecution. Epstein moved for summary judgment arguing that the litigation privilege applies to both the abuse of process and malicious prosecution claims. This Court agrees and grants summary judgment in favor of Epstein.

The Court thoroughly reviewed *Levin, Middlebrooks, Moves & Mitchell v. U.S. Fire Ins. Co.*, 639 So. 2d 606, 608 (Fla. 1994), *Echevarria, McCalla, Raymer, Barrett & Frappier v. Cole*, 950 So. 2d 380 (Fla. 2007), and *Wolfe v. Foreman*, 38 Fla. L. Weekly D1540 (July 17, 2013). These cases provide the binding precedent in this area of law. All actions occurring during the course of a judicial proceeding are absolutely privileged, so long as the actions have some relation to the underlying proceeding. *Levin, Middlebrooks, Moves & Mitchell v. U.S. Fire Ins. Co.*, 639 SO. 2d 606, 608 (Fla. 1994). This position was reaffirmed in *Echevarria*. In *Wolfe*, the Third District Court of Appeal, quoting in large part from *Echevarria*, found specifically that the litigation privilege applies to malicious prosecution claims and acts occurring during the course of a judicial proceeding, if those acts bear some relation to the proceeding.

Edwards urged the Court to find that *Olson v. Johnson*, 961 So. 2d 356 (Fla. 2d DCA 2007), is in conflict with *Wolfe*, thereby allowing the Court to find that the privilege does not apply. However, *Olson* is inapplicable, because that case involved false statements made to a police officer prior to the judicial proceeding. The court found that the privilege did not apply, and that the malicious prosecution claim was not barred.

At the hearing on the motion, Edwards conceded that all of the allegations made in both the abuse of process and malicious prosecution claims are of acts occurring during the course of a judicial proceeding and bear some relation to the proceeding. Therefore, the Court finds that the absolute litigation privilege applies to both the abuse of process and malicious prosecution claims made herein. The Court also notes that the cases cited by Edwards involved malicious prosecution claims stemming from actions filed by the party themselves, not counsel. In the instant case, it was conceded that all filings were done by an attorney in good standing with the Florida Bar, rather than by the individual party. Accordingly, it is

ORDERED AND ADJUDGED that Counter-Defendant, Jeffrey Epstein's Motion for Summary Judgment is **GRANTED**.

DONE and ORDERED in Chambers, at West Palm Beach, Palm Beach County, Florida, this 19 day of May 2014.



DONALD NABELE
CIRCUIT JUDGE

Copies furnished to attached service list

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