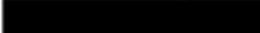


  
Joseph L. Ackerman, Jr.  


305.728.7524 fax  


October 13, 2010

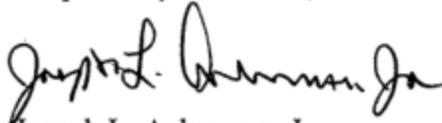
Honorable David F. Crow  
Palm Beach County Courthouse  
Room 9.1215  
205 N. Dixie Highway  
West Palm Beach, FL 33401

**Re: Epstein v. Rothstein, et al.**  
**Palm Beach Circuit Case No. 50 2009 CA 040800XXXXMB-AG**

Dear Judge Crow:

Enclosed please find a copy of the Joint Statement pursuant to this Court's Order for the Status Conference presently set for 1:30 p.m. on Friday, October 15, 2010. I have sent the original of this to the Clerk for filing. I have not yet received a signature page from Marc Nurik, counsel for Scott Rothstein. As soon as I receive it I will forward it to the court.

Respectfully submitted,

  
Joseph L. Ackerman, Jr.

Enclosure

Cc: All counsel of record

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

JEFFREY EPSTEIN,

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

Plaintiff,

Case No. 50 2009CA040800XXXXMB AG

v.

SCOTT ROTHSTEIN, individually,  
BRADLEY J. EDWARDS,  
individually, and [REDACTED], individually,

Defendants.

**JOINT STATEMENT PURSUANT TO  
RULE 1.201(b), FLA.R.CIV.PRO. AND CASE MANAGEMENT REPORT**

The parties to this action, Jeffrey Epstein, Scott Rothstein and Bradley J. Edwards, by and through their undersigned counsel and pursuant to this Court's Order dated September 2, 2010, file this their Joint Statement and Initial Case Management Report and would state as follows:

**A. BRIEF FACTUAL STATEMENT**

The Plaintiff seeks damages against the Defendants, Scott Rothstein and Bradley J. Edwards, based on an illegal Ponzi scheme in which the Defendants and others are alleged to have participated. The Plaintiff contends that the scheme involved marketing investments to outside investors in the lawsuits brought against the Plaintiff by a number of minor females who claimed to have been victims of sexual molestations by the Plaintiff. Those minor females were represented for a period of time first by Bradley J. Edwards, individually, and then by the now defunct Law Firm of Rothstein, Rosenfeldt & Adler, [REDACTED] ("RRA") when Edwards joined that firm. Some of these lawsuits were transferred to a newly formed firm of Farmer, Jaffee, Weissing, Edwards, Fistos & Lehrman, LP ("Farmer Jaffee"), of which Defendant Edwards became a member when Edwards left RRA.

The Plaintiff has alleged and claims to believe that the Defendants and perhaps other former employees of RRA conspired to use the Epstein/LM litigation and perhaps other litigation, to lure investors into making approximately \$13 million dollars worth of investments into phoney settlements by using pending real cases. The Plaintiff contends that he has been damaged as a result of these actions. However, the Plaintiff has refused to provide any substantive testimony regarding his allegations or claimed beliefs based upon the assertion of his Fifth Amendment privilege against self-incrimination.

Edwards denies being a participant in any Ponzi scheme, civil theft or criminal enterprise. Moreover Edwards claims that the real purpose of this lawsuit was to pressure Edwards and one of his clients LM in pending ligation. Edwards has claimed damage to his reputation, professional relationship and damages from this action. Rothstein has not filed an answer.

**B. LEGAL THEORIES**

Epstein has plead claims for damages based on Florida's Civil Remedies for Criminal Practices Act against all Defendants, claims for damages based on Florida Rico's Act against all Defendants, claims for damages for abuse of process against all Defendants and claims for damages for fraud against all Defendants and claims for damages based on conspiracy to commit fraud against all Defendants.

Edwards has denied the allegations of Epstein's claim for damages and has further asserted a counterclaim for damages for injury to his reputation, interference with his professional relationships, loss of value of his time and the cost of defending this action.

The claims against LM have been dismissed with prejudice pursuant to a settlement agreement by and between Epstein and LM in the civil lawsuit in which LM claimed she was sexually molested by Epstein.

Rothstein has not filed any specific pleadings in defense of Epstein's claims.

C. LIKELIHOOD OF SETTLEMENT

It is unlikely that this case can settle at this time.

D. LIKELIHOOD OF APPEARANCE IN ACTION OF ADDITIONAL PARTIES

Epstein claims that he has a good faith belief that other members of the former RRA may have participated in the Ponzi Scheme authored by Defendant, Rothstein to detriment of Epstein. However, Epstein has asserted his Fifth Amendment privilege against self-incrimination and has refused to answer any questions concerning his claimed belief. Epstein claims through his attorneys that until further discovery can occur by the production RRA records, it is difficult to identify possible additional parties.

E. THE PLAINTIFF'S PROPOSED TIME LIMITS (To Which Defendant, Edwards, Objects)

- (i) To join other parties and amend pleadings: 30 days after the production of the records from RRA by the bankruptcy trustee/special master;
- (ii) To file and hear motions: 60 days after the production of records from RRA by the bankruptcy trustee/special master;
- (iii) To identify any non-parties: 30 days after the production of the records from RRA by the bankruptcy trustee/special master;

- (iv) To disclose expert witnesses: 60 days before calendar call, deadline is  
November 29, 2010;

F. NAMES OF ATTORNEYS RESPONSIBLE FOR HANDLING THE ACTION

- 1) Plaintiff, Jeffrey Epstein  
Joseph L. Ackerman, Jr., Esq.  
Christopher F. Knight, Esquire
- 2) Defendant, Bradley J. Edwards  
Jack Scarola, Esq.
- 3) Defendant, Scott Rothstein  
Marc Nurik, Esq.

G. NECESSITY FOR A PROTECTIVE ORDER TO FACILITATE DISCOVERY

Unknown at this time.

H. THE PLAINTIFF'S PROPOSAL FOR THE FORMULATION AND SIMPLIFICATION OF ISSUES/TIMING OF MOTIONS FOR SUMMARY JUDGMENT AND PARTIAL SUMMARY JUDGMENT (To Which the Defendant, Edwards, Objects)

Sixty (60) days before discovery cut-off: December 20, 2010.

I. POSSIBILITY OF OBTAINING ADMISSIONS OF FACT/EXCHANGE OF DOCUMENTS AND STIPULATIONS REGARDING AUTHENTICITY

At this point, it is difficult to say what the possibility would be for obtaining admissions of fact and voluntarily exchange of documents and other evidence.

Many objections have already been asserted on the grounds of attorney-client work product privilege. A special master has been appointed in the bankruptcy proceedings to process those documents that have been requested from the former RRA that the Plaintiff believes are relevant to his claims. In addition, document requests to Defendant, Edwards and other discovery requests have been met with attorney-client work product and other objections.

It is also anticipated by the Plaintiff that requests for discovery from the Defendant to the Plaintiff will also require the court to rule on objections relating to privilege and matters that are irrelevant to this action. Defendant Edwards' position is that all of the Plaintiff's claims are ripe for entry of a summary judgment in favor of the Defendant Edwards.

J. SUGGESTIONS ON ADVISABILITY AND TIMING OF MAGISTRATE, SPECIAL MASTER, MEDIATION

Epstein recommends that the issue of a special master and mediation be addressed after the productions from documents from RRA. Once those documents are produced then it may resolve some of the pending objections that presently exist. Further, the special master in the bankruptcy proceeding may resolve some of the issues in this case which would eliminate the need for a special master or magistrate to spend some or all of his/her time on the issues present in this case.

Edwards has no interest in mediation.

K. PRELIMINARY ESTIMATE OF TIME REQUIRED FOR TRIAL

Plaintiff estimates 7-10 days for the entire case. 7-9 days for the trial of Edwards' counter-claims.

L. DESCRIPTION OF DOCUMENTS AND LIST OF FACT WITNESSES

The parties have already pursuant to an earlier court order submitted a list of documents and fact witnesses. Those exhibits and witness lists are incorporated herein by reference.

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M. NUMBER OF EXPERTS AND FIELD OF EXPERTISE

Unknown at this time for Plaintiff. Defendant Edwards anticipates calling two attorney standard of care and legal ethics experts, as well as two attorney fee/damage experts.

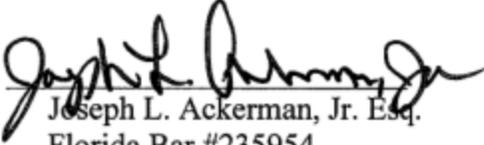
N. OTHER HELPFUL INFORMATION

None at this time.

DATED this 13<sup>th</sup> day of October, 2010.

Respectfully submitted,

FOWLER WHITE BURNETT, PA  
*Attorneys for Plaintiff*  
Phillips Point, West Tower  
777 South Flagler Drive, Suite 901 West Tower  
West Palm Beach, FL 33401  
(561) 802-9044  
(561) 802-9976

By: 

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Christopher Knight  
Florida Bar #607363

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Law Offices of Marc S. Nurik  
*Attorneys for Scott Rothstein*  
One E. Broward Blvd., Ste 700  
Fort Lauderdale, FL 33301  
(954) 745-5849  
(954) 745-3556 (fax)

By: \_\_\_\_\_

Jack Scarola, Esq.  
Florida Bar No. 169440

By: \_\_\_\_\_

Marc S. Nurik, Esq.  
Florida Bar No. 272817

N. OTHER HELPFUL INFORMATION

None at this time.

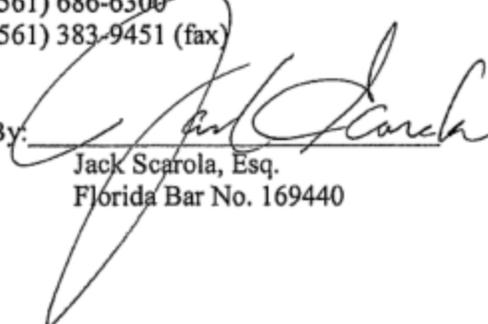
DATED this 15<sup>th</sup> day of October, 2010.

Respectfully submitted,

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