

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

JEFFREY EPSTEIN,

Complex Litigation, Fla. R. Civ. Pro. 1.201
CASE NO.

Plaintiff,

v.

SCOTT ROTHSTEIN, individually,
BRADLEY J. EDWARDS, individually,
STUART ROSENFELDT, individually,
WILLIAM BERGER, individually,
RUSSELL ADLER, individually,
DEBBIE VILLEGAS, individually,
DAVID BODEN, individually,
ANDREW BARNETT, individually,
KENNETH JENNE, individually,
MICHAEL FISTEN, individually,
L.M., individually,
E.W., individually, and
JANE DOE, individually

Defendants.

_____ /

COMPLAINT

Plaintiff, JEFFERY EPSTEIN, (hereinafter "EPSTEIN"), by and through his undersigned attorneys, files this action against Defendants, SCOTT ROTHSTEIN, individually, BRADLEY J. EDWARDS, individually, STUART ROSENFELDT, individually, WILLIAM BERGER, individually, RUSSELL ADLER, individually, DEBBIE VILLEGAS, individually, DAVID BODEN, individually, ANDREW BARNETT, individually, KENNETH JENNE, individually, MICHAEL FISTEN, individually, L.M., individually, E.W., individually, and JANE DOE, individually. Accordingly, EPSTEIN states:

General Allegations

1. This is an action for damages in excess of \$15,000.00, exclusive costs, interest, and attorneys' fees.

2. Plaintiff, EPSTEIN, is an adult and currently is residing and works in Palm Beach County, Florida.

3. Defendant, SCOTT ROTHSTEIN ("ROTHSTEIN"), is an individual residing in Broward County, Florida, and was licensed to practice law in the State of Florida. In November 2009, ROTHSTEIN voluntarily relinquished his law license in the midst of the implosion of Rothstein, Rosenfeldt and Adler, P.A. ("RRA"). He was disbarred by the Florida Supreme Court on November 20, 2009.

4. At all times relevant hereto, ROTHSTEIN was the managing partner and CEO of RRA.

5. Defendant, STUART ROSENFELDT ("ROSENFELDT"), is an individual residing in Broward County, Florida and is licensed to practice law in the State of Florida. At all times relevant hereto, ROSENFELDT was the President of RRA.

6. Defendant, ROTHSTEIN and ROSENFELDT, are the principal owners of equity in RRA and each co-founded RRA.

7. Defendant, RUSSELL ADLER ("ADLER"), is an individual residing in _____ County, Florida and is licensed to practice law in the State of Florida. At all times relevant hereto, ADLER was the third-named partner of RRA and thus was an employee, agent, associate, partner, shareholder, and/or other representative of RRA.

8. Defendant, BRADLEY J. EDWARDS (“EDWARDS”), is an individual residing in Broward County, Florida and is licensed to practice law in the State of Florida. At all times relevant hereto, EDWARDS was an employee, agent, associate, partner, shareholder, and/or other representative of RRA.

9. Defendant, WILLIAM BERGER (“BERGER”), is an individual residing in Palm Beach County, Florida and is licensed to practice law in the State of Florida. At all times relevant hereto, BERGER was an employee, agent, associate, partner, shareholder, and/or other representative of RRA.

10. Defendant, DEBBIE VILLEGAS (VILLEGAS), is an individual residing in Broward County, Florida. At all times relevant hereto, VILLEGAS was the Chief Financial Officer of RRA, and/or an employee, agent, and/or other representative of RRA.

11. Defendant, DAVID BODEN (“BODEN”), is an individual residing in Broward County, Florida. At all times relevant hereto, BODEN was a partner and General Counsel of RRA, and was ROTHSTEIN’S “right-hand man” and an essential participant in the scheme referenced *infra* by, among other things, recruiting and soliciting investors and drafting documents to induce investors into funding the fabricated settlements (existing or in the future) outlined below including, but not limited to, the Civil Actions (defined below) involving Epstein.

12. Defendant, ANDREW BARNETT (“BARNETT”), is an individual residing in Broward County, Florida. At all times relevant hereto, BARNETT was Director of Corporate Development of RRA, and was an essential participant in the scheme referenced *infra* by, among other things, recruiting, soliciting and inducing investors to

fund the fabricated settlements outlined below including, but not limited to, the Civil Actions (defined below) involving Epstein.

13. Defendant, ANDREW BARNETT ("BARNETT"), is an individual residing in Broward County, Florida. At all times relevant hereto, BARNETT was Director of Corporate Development of RRA, and was an essential participant in the scheme referenced *infra* by, among other things, recruiting, soliciting and inducing investors to fund the fabricated settlements outlined below including, but not limited to, the Civil Actions (defined below) involving Epstein.

14. Defendant, KENNETH JENNE ("JENNE"), is an individual residing in _____ County, Florida. At all times relevant hereto, JENNE was an employee of RRA, and was an essential participant in the scheme referenced *infra* by, among other things, recruiting, soliciting and inducing investors to fund the fabricated settlements outlined below including, but not limited to, the Civil Actions (defined below) involving Epstein.

15. Defendant, MICHAEL FISTEN ("FISTEN"), is an individual residing in _____ County, Florida. At all times relevant hereto, FISTEN was an employee of RRA, and was an essential participant in the scheme referenced *infra* by, among other things, recruiting, soliciting and inducing investors to fund the fabricated settlements outlined below including, but not limited to, the Civil Actions (defined below) involving Epstein.

16. RRA is a Florida Professional Service Corporation, with a principal address of 401 East Las Olas Blvd., Suite 1650, Fort Lauderdale, FL 33401. In addition to its principal office, RRA also maintained seven offices in Florida, New York, and Venezuela, and employed over 70 attorneys and 200 support staff. RRA also maintains

an office at 1109 NE 2d Street, Hallendale Beach, Florida 33009-8515. RRA, through its attorneys, including those named as Defendants herein, conducted business throughout Florida, and relevant to this action, conducted business and filed lawsuits on behalf of clients in Palm Beach County, Florida. (RRA is currently a debtor in bankruptcy. RRA is not named as a Defendant).

17. Defendant, E.W. ("E.W."), is an individual residing in _____ County, Florida. At all times relevant hereto, E.W. was represented by RRA, ROTHSTEIN and the Litigation Team (defined below) and was an essential participant in the scheme referenced *infra* by, among other things, allowing portions of her alleged personal injury lawsuit to be sold to investors in exchange for upfront money (directly or indirectly) or the promise of money relative to the Civil Actions (defined below) involving Epstein.

18. Defendant, L.M. ("L.M."), is an individual residing in _____ County, Florida. At all times relevant hereto, L.M. was represented by RRA, ROTHSTEIN and the Litigation Team (defined below) and was an essential participant in the scheme referenced *infra* by, among other things, allowing portions of her alleged personal injury lawsuit to be sold to investors in exchange for upfront money (directly or indirectly) or the promise of money relative to the Civil Actions (defined below) involving Epstein.

19. Defendant, Jane Doe ("Jane Doe"), is an individual residing in _____ County, Florida. At all times relevant hereto, Jane Doe was represented by RRA, ROTHSTEIN and the Litigation Team (defined below) and was an essential participant in the scheme referenced *infra* by, among other things, allowing portions of her alleged personal injury

lawsuit to be sold to investors in exchange for upfront money (directly or indirectly) or the promise of money relative to the Civil Actions (defined below) involving Epstein.

SUMMARY OF ACTION

20. This case is an extension of a massive fraud and deception of unparalleled greed and abuse of the justice system by lawyers and law firms. The action of ROTHSTEIN and others, including RRA, is a blight on the legal profession and judiciary and an affront to every honest, hardworking attorney who renders services to clients, the community and the profession.

21. ROTHSTEIN and others sought to peddle influence and power, and in the process forged court orders and signatures (including Kenneth A. Marra, U.S. District Judge and Susan H. Black, U.S. Court of Appeals, 11th Circuit), prepared false and deceptive settlement documents involving EPSTEIN, and made false and deceptive representation involving Epstein and alleged settlements (current and future).

22. ROTHSTEIN and others in RRA, including ROSENFELDT, BERGER, ADLER and EDWARDS, abused the legal process, by not simply aggressively litigating existing cases, but conducting discovery and making media presentations that far exceeded the bounds of discovery but were done for the purpose of harassment and intimidation and to “pump” the “saleable” value of the Civil Actions (defined herein), so ROTHSTEIN and others could then market and secure millions from investors who bought into the the Ponzi scam.

23. Without the concerted efforts by ROSENFELDT, BERGER, ADLER AND EDWARDS (and others including JENNE, FISTON, E.W., L.M., and Jane Doe) ROTHSTEIN would not have been able to market and sell the Epstein cases to investors.

24. The Palm Beach Post in its editorial page opined that the suggestion ROTHSTEIN acted alone and was a one attorney show was not credible. Lawyers who proudly proclaimed they were partners in RRA until the implosion, tucked tail and now were mere employees who were shocked by ROTHSTEIN'S actions. Yet, the Litigation Team either knew or should have known that JENNE (convicted former Broward County Sheriff) and FISTEN (former disgraced Miami-Dade Police Officer) were carrying around banker's boxes of EPSTEIN files (estimated to be 13-14) of confidential, and privileged materials to show to investors; and that FISTEN was representing himself to be an active Miami-Dade Police Officer to gain access to and pry information from EPSTEIN'S employees and associates.

25. The RRA lawyers have years of experience - former state attorney, civil practitioners, a circuit court judge – all of whom probably have served on various Florida Bar committees. Yet they claim a lack of knowledge when:

- a. The firm had 24 hour security in the form of Broward County Sheriff's officers on each floor of the offices;
- b. ROTHSTEIN had 24 hour (firm paid) security at his home;
- c. Partners/attorneys/staff could not directly access ROTHSTEIN without going through extensive security checks/doors;

- d. Only ROTHSTEIN had access to firm financial accountants including Florida Bar Trust Accounts;
- e. Salaries far exceeded worth of attorney based on book of business, ability to generate business, political/judicial influence or collections; and
- f. ROTHSTEIN ran the entire firm without input from others more senior and experienced than him.

Factual Allegations

26. As more fully set forth herein, RRA held itself out as legitimately and properly engaging in the practice of law while, in reality, ROTHSTEIN and others in RRA were using RRA to bilk investors out of hundreds of millions of dollars. ROTHSTEIN and others in RRA devised an elaborate plan through which investors were assigned purported confidential, structured pay-out settlements, supposedly reached on behalf of RRA clients, in exchange for payments to these clients of a lower or discounted lump sum amount. Investors were being promised in excess of a 30% return on their investment. While some of the cases relied upon to induce investor funding were actual filed cases, it is believed that the confidential, structured pay-out settlements were all fabricated.

27. Relevant to this action, EPSTEIN is currently named as a defendant in three civil actions alleging, inter alia, sexual assault and battery that were handled by RRA prior to its implosion – one of which is filed in federal court (Jane Doe v. Epstein, Case No. 08-CIV-80893, U.S.D.C. S.D. Fla.)(Jane Doe is a named Defendant herein), and two of which have been filed in state court in the 15th Judicial Circuit Court, Palm Beach

County, State of Florida, (L.M. v. Epstein, Case No. 502008CA028051XXXXMB AB; E.W. v. Epstein, Case No. 502008CA028058XXXXMB AB), (hereinafter collectively referred to as the "Civil Actions," and L.M and E.W. are also named Defendants herein). The Civil Actions were all filed in August and September of 2008.

28. In each of these Civil Actions, the Plaintiffs are or were represented by RRA and attorneys - ROTHSTEIN, ROSENFELDT, ADLER, EDWARDS and BERGER.

29. Based upon recently filed lawsuits, media reports, statements of law enforcement personnel (FBI and others), and statements of attorneys for investors (as more fully detailed herein), Defendant, ROTHSTEIN and others in RRA, illegally and unethically solicited investors to invest monies in and/or to buy a financial interest in the potential outcome or alleged settlement of pending or prospective lawsuits or claims or structured settlements which included, but were not limited to, the Civil Actions involving Epstein. In addition, investors were told that another fifty (50) plus females were represented by RRA, and, in an effort to extort settlements, told investors its attorneys would sue Epstein if necessary.

30. Upon information and belief, Defendants, ROSENFELDT, ADLER, EDWARDS and BERGER knew or should have known that ROTHSTEIN, BODEN, BARNETT, VILLEGAS, FISTEN and JENNE were utilizing RRA as a front for the massive Ponzi scheme and/or were selling an alleged interest or investment in the Civil Actions (and other claims) involving Epstein. Further evidencing that ROSENFELDT, ADLER, EDWARDS and BERGER knew or should have known and participated in the continuation of the massive Ponzi scheme, a front-page Palm Beach Post article, dated

November 24, 2009, reported on the recent filing of an amended forfeiture complaint by prosecutors against “dozens of ROTHSTEIN's real estate properties, foreign cars, restaurants and other assets – including \$12 million in the lawyer's bank account in Morocco, along with millions more donated to political campaigns and charitable funds.”

The article further reported that –

Attorney Scott ROTHSTEIN tapped into millions of dollars from his massive investment scam to cover payroll costs at his expanding Fort Lauderdale law firm, federal authorities said in court records released Monday.

ROTHSTEIN's law firm (RRA) generated revenue of \$8 million in one recent year, yet his 70-lawyer law firm had a payroll of \$18 million, prosecutors said. ROTHSTEIN, who owned half of RRA used investors' money from his Ponzi scheme to make up the shortfall, they said.

31. ROTHSTEIN, in an attempt to lure the entity known as D3 Capital Club, LLC, (“D3”), offered D3 “the opportunity” to invest in a pre-suit \$30,000,000.00 court settlement against EPSTEIN; this supposed settlement never existed and was entirely fabricated. To augment his concocted story, ROTHSTEIN, upon information and belief, invited D3 to his office to view thirteen (13) banker's boxes of case files in Jane Doe (one of the Civil Actions)¹ in an attempt to substantiate that the claims against EPSTEIN were legitimate and that the evidence obtained against him by RRA, ROTHSTEIN, ROSENFELDT, ADLER, EDWARDS and BERGER (the “Litigation Team”) was real.

32. Upon information and belief, ROTHSTEIN, BODEN, BARNETT and VILLEGAS offered other investors like the entity D3 fabricated investment opportunities in the Civil

¹ It appears that 13 out of the 40 boxes seized by the FBI as part of its investigation at RRA consisted of files relating to the Civil Actions involving EPSTEIN.

Actions involving EPSTEIN. FISTEN and JENNE assisted ROTHSTEIN, BODEN, BARNETT and VILLEGAS in making these offers as described above.

33. By using the Civil Actions against EPSTEIN as "bait" and fabricating settlements regarding same, ROTHSTEIN, BODEN, BARNETT, VILLEGAS, JENNE and FISTEN were able to lure investors into ROTHSTEIN'S lair and bilked them of millions of dollars which, in turn, was used to fund the litigation against EPSTEIN for the sole purpose of continuing the massive Ponzi scheme.

34. Upon information and belief, ROTHSTEIN, BODEN, BARNETT and VILLEGAS claimed their investigators (FISTEN and JENNE) discovered that there were high-profile witnesses onboard Epstein's private jet where some of the alleged sexual assaults took place and showed D3 (and possibly others) copies of a flight log purportedly containing names of celebrities, dignitaries, and international figures. Because of these facts, ROTHSTEIN claimed EPSTEIN offered \$200,000,000.00 for settlement of the claims held by various potential plaintiffs in actions against EPSTEIN. The supposed offer of a \$200 million dollar settlement was also false.

35. Also evidencing that the Litigation Team knew or should have known of the improper purpose that ROTHSTEIN, BODEN, BARNETT, VILLEGAS, FISTEN and JENNE were pursuing, and their participation in the continuation of the scheme, ROTHSTEIN used RRA's Litigation Team in the EPSTEIN cases to pursue issues and evidence unrelated to and unnecessary to the claims pled in the Civil Actions, but significantly beneficial to lure investors into the Ponzi scheme orchestrated by ROTHSTEIN, BODEN, BARNETT, VILLEGAS, FISTEN and JENNE.

36. For instance, the Litigation Team relentlessly and knowingly pursued flight data and passenger manifests regarding flights EPSTEIN took with other famous individuals knowing full well that no underage women were onboard and no illicit activities took place. ROTHSTEIN and the Litigation Team also inappropriately attempted to take the depositions of these celebrities in a calculated effort to bolster the marketing scam that was taking place.

37. One of Plaintiffs' counsel, EDWARDS, deposed three pilots, and sought the deposition of a fourth pilot (currently serving in Iraq). The pilots were deposed by EDWARDS for over twelve (12) hours, and EDWARDS never asked one question relating to or about E.W., L.M., and Jane Doe as it related to transportation of flights on any of EPSTEIN'S planes.

38. However, EDWARDS did ask many inflammatory and leading questions about the pilots' thoughts and beliefs, which will never be admitted at trial and could only have been asked for the purposes of "pumping" the cases and thus by using the depositions to sell the cases (or a part of them) to third parties. EDWARDS' office notified Defendant that he intended to take the depositions of and was subpoenaing:

- (i) Donald Trump (real-estate magnate and business mogul);
- (ii) Les Wexner (founder of the Limited Clothing Line, Victoria Secret etc...) and his wife Abigail Wexner;
- (iii) Alan Dershowitz (noted constitutional attorney and one of EPSTEIN'S criminal defense attorneys);
- (iv) Bill Clinton (Former President of the United States); and

(v) David Copperfield (illusionist).

39. The above-named individuals were friends of EPSTEIN with whom he had done business relative to philanthropic work over the years. None of the above-named individuals had any connection with any of the Litigation Team's clients, E.W., L.M. or Jane Doe)

40. Also based on media reports and Federal Bureau of Investigation (FBI) press conferences and releases, the massive Ponzi scheme and pattern of criminal activity meant to lure investors began sometime in 2005 and continued through the fall of 2009, when the scheme was uncovered by some of the investors and the FBI. In November of 2009, civil lawsuits were and continue to be filed against these Defendants (and others – i.e., ROTHSTEIN, BODEN, BARNETT and VILLEGAS) as result of their massive fraudulent and criminal scheme.

41. As part of this scheme, ROTHSTEIN, BODEN, BARNETT, VILLEGAS, FISTEN, JENNE, L.M., E.W., Jane Doe and ROTHSTEIN'S Litigation Team, individually and in a concerted effort, may have unethically and illegally:

- a. Sold, allowed to be sold and/or assisted with the sale of an interest in non-settled personal injury lawsuits (which are non-assignable and non-transferable) or sold non-existent structured settlements (including those cases involving Epstein);
- b. Reached agreements to share attorneys fees with non-lawyers;
- c. Used investor money to pay plaintiffs (i.e., L.M., E.W. and Jane Doe) "up front" money such that plaintiffs would refuse to settle the Civil Actions;

- d. Filed amended answers to interrogatories in the state court matters, E.W. and L.M., and listed additional high profile witnesses that would allegedly be called at trial, including, but not limited to:
 - (i) Tommy Mottola (American Music Executive);
 - (ii) Mortimer Zuckerman, (well known Publisher (US. News & Work Report), commentator and financier);
 - (iii) Bill Richardson, (Governor of New Mexico, formerly U.S. Representative and Ambassador to the United Nations); and
 - (iv) Any and all persons having knowledge of EPSTEIN'S charitable, political or other donations;²
- e. Conducted searches, wiretaps or intercepted conversations in violation of state or federal laws and Bar rules; and
- f. Utilized the judicial process including, but not limited to, substantial discovery, for the sole purpose of furthering the Ponzi scheme.

42. Any such actions by ROTHSTEIN, BODEN, BARNETT and VILLEGAS and the Litigation Team would be a violation of various Florida Bar Rules, including prohibiting the improper sharing of fees or costs and various conflict of issues rules.

43. As a result of the fraudulent investment or (Ponzi) scheme, ROTHSTEIN, BODEN, BARNETT and VILLEGAS and the Litigation Team in the Civil Actions against EPSTEIN may have compromised their clients' interests and, as to ROTHSTEIN and

² These high-profile celebrity "purported" witnesses have no personal knowledge regarding the facts on these "Three Cases", but were being contacted, subpoenaed or listed to harass and intimidate them and Epstein, and to add "star" appeal to the marketing effort of the Ponzi scheme.

the Litigation Team representing the Plaintiffs in the Civil Action, failed to give unbiased legal counsel because an outside investor(s) had been promised a financial interest in the outcome of the action. If a plaintiff is receiving payments from investment monies while her action is ongoing, this clearly impacts the plaintiff's decision of whether or not to settle the current litigation against EPSTEIN. As a result of the ongoing scheme, the plaintiffs in the Civil Actions against EPSTEIN may have been motivated to commit perjury or shade their testimony to gain the greatest return on the investment and to further promote the Ponzi Scheme. This clearly happened in the L.M. case where L.M. had given sworn testimony to an FBI agent and an Assistant United States Attorney before she hired Edwards and ultimately RRA. When she recently gave her deposition (in part), her testimony was significantly changed, she asserted her 5th Amendment right against self incrimination on multiple occasions and refused to answer relevant questions dealing with her claims. In essence, if the Litigation Team or any other named Defendants were counseling the Plaintiffs in the Civil Actions to either knowingly or unknowingly participate in an improper and unethical investment scheme, and the client was a participant, her case may be subject to dismissal in that it would be a fraud on the court.

44. As a result of the fraudulent investment or (Ponzi) scheme, L.M., E.W., and Jane Doe knowingly compromised their alleged interests in the Civil Actions.

45. This fraudulent and illegal investment scheme is also evidenced by the recent filing of *Amended Complaint For Dissolution And For Emergency Transfer of Corporate Powers to Stuart A. Rosenfeldt, Or, In The Alternative, For the Appointment of A*

Custodian or Receiver by ROSENFELDT, individually, (a named Defendant herein), and RRA, against ROTHSTEIN, individually, (also a named Defendant herein). (Case No. 09 059301, In the Circuit Court of the Seventeenth Judicial Circuit, Broward County, Florida, Complex Business Div.), (hereinafter "RRA dissolution action, and attached hereto as **Exhibit 1**).

46. Plaintiff references the RRA dissolution action for the sole purpose that it acknowledges that RRA and ROTHSTEIN were in fact conducting an illegal and improper investment or Ponzi scheme based on promises of financial returns from settlements or outcomes of supposed legal actions, including the actions brought against Plaintiff EPSTEIN. The RRA dissolution action alleges in part that – "ROTHSTEIN, the managing partner and CEO of the firm (RRA), has, according to assertions of certain investors, allegedly orchestrated a substantial misappropriation of funds from investor trust accounts that made use of the law firm's name (RRA). The investment business created and operated by Mr. ROTHSTEIN centered around the sale of interests in structured settlements." See *Preliminary Statement* of RRA dissolution action, **Exhibit 1** hereto.

47. By referencing the RRA dissolution action and quoting certain allegations therein, Plaintiff in no way is in agreement with or admits ROSENFELDT's and RRA's version of how the fraudulent investment scheme was conducted and the extent and scope of the named Defendants knowledge and involvement. What is clear is that a fraudulent and improper investment or Ponzi scheme was in fact conducted and operated by RRA and certain of the named Defendants, which scheme directly impacted EPSTEIN as a

named defendant in the Civil Actions brought by ROTHSTEIN, the Litigation Team, L.M., E.W. and Jane Doe.

48. The details of this fraudulent scheme are being revealed on a daily basis through various media reports, including FBI press conferences. The most recent estimate of the financial scope of the scheme is as much as \$1 billion dollars.

49. Miami attorney and developer, Alan Sakowitz, was quoted in a recent article as saying that he had met with ROTHSTEIN as a potential investor in August of 2009, but became suspicious. He stated "I was convinced it was all a Ponzi scheme and I notified the FBI in detail how Scotty ROTHSTEIN was hiding behind a legitimate law firm to peddle fake investments." Attorney Sakowitz was also quoted as saying ROTHSTEIN had sophisticated eavesdropping equipment and former law enforcement officers who would sift through a potential defendants' garbage.

50. Additionally, Ft. Lauderdale attorney William Scherer represents multiple Rothstein related investors. He indicated in an article that RRA/Rothstein had used the "**Epstein Ploy** ... as a showpiece as bait. That's the way he raised all the money. He would use. . .cases as bait for luring investors into fictional cases. All the cases he allegedly structured were fictional. I don't believe there was a real one in there." In fact, on November 20, 2009, William Scherer, on behalf of certain clients, filed a 147 page Complaint against ROTHSTEIN, BODEN, VILLEGAS, BARNETT, TD Bank, N.A., Frank Spinosa, Jennifer Kerstetter, Rosanne Caretsky and Frank Preve asserting various allegations that further prove the massive Ponzi scheme behind the RRA façade; and

as of November 25, 2009, a 249 page Amended Complaint naming additional Defendants.

51. In addition, and upon information and belief, ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN and JENNE sometimes through brokers or middlemen, would stage regular meetings during which false statements were made about the number of cases against EPSTEIN and the value thereof, and they would show and share actual case files from the EPSTEIN actions with hedge fund managers.

52. Thus, the attorneys and clients may well have waived any attorney-client or work-product privileges that otherwise may have existed.

53. Within the actual files, investor-third parties became aware of the names of the existing Plaintiffs who filed anonymously against Epstein and have opposed disclosure of their legal names.

54. In furtherance of the scheme, RRA's letterhead was used in communications regarding investment opportunities in purported structured settlements. RRA's trust account was used to deposit hundreds of millions of dollars or wire transfer of monies from duped investors and other victims. RRA personally guaranteed payments.

55. ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, L.M., E.W., Jane Doe and the Litigation Team knowingly and with the intent and ulterior improper motive to extort excessive monies from EPSTEIN, and ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE and the Litigation Team have pursued the Civil Actions against EPSTEIN in an effort to gain as much as a financial gain as possible in order to attempt to continue the fraudulent and illegal investment and/or Ponzi scheme.

56. In furtherance of their illegal and fraudulent scheme against EPSTEIN, ROTHSTEIN, the Litigation Team and, at times, L.M., E.W., Jane Doe in the Civil Actions against EPSTEIN:

- a) Included claims for damages in Jane Doe's federal action in excess of \$50,000,000.00 rather than simply alleging the jurisdictional limits.
- b) Made Jane Doe available for TV media interviews without any legitimate legal purpose other than to "pump" the federal case for potential investors.
- c) Conducted and attempted to conduct completely irrelevant discovery unrelated to the claims in or subject matter of the Civil Actions for the purpose of harassing and embarrassing witnesses and EPSTEIN and causing EPSTEIN to spend tens of thousands of dollars in unnecessary attorneys' fees and costs defending what appeared to be discovery related to the Civil Actions but was entirely related to the furtherance of the Ponzi scheme.
- d) Went so far as to manufacture (i.e., ROTHSTEIN) false and fraudulent Court orders by forging the signature of U.S. District Judge, Kenneth A. Marra and U.S. Circuit Court Judge, Susan H. Black, 11th Circuit. See Composite Exhibit 2 hereto.
- e) After EDWARDS was recruited and joined RRA in the spring of 2009, the tone and tenor of rhetoric directed to cases against

EPSTEIN used by attorneys EDWARDS and BERGER changed dramatically in addressing the court on various motions from being substantive on the facts pled to ridiculously inflammatory and sound-bite rich such as the July 31, 2009, transcript when EDWARDS stated to the Court **(Mike to check this and transcript)**: “What the evidence is really going to show is that Mr. Epstein – at least dating back as far as our investigation and 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.” See July 31, 2009 Transcripts, p. 6, lines 18- 25, p. 7, lines 1 – 8. “ . . . The age group begins as young as 12 years old and as old as 16 years old.” p. 7, lines 19-20 **See Composite Exhibit 3** hereto.

- f) EDWARDS filed a specious Motion for Injunction Restraining Fraudulent Transfer of Assets, Appointment of a Receiver to Take Charge of Property of Epstein, and to Post a \$15 million Bond to

Secure Potential Judgment, in Jane Doe v. Epstein, Case No. 08-CV-80893-Marra/Johnson. The motion was reported in the press as was the ultimate goal (i.e., to “pump” the cases for investor following). However, the Court found “Plaintiff’s motion entirely devoid of evidence . . .”, and denied the motion *in toto*.

- g) ROTHSTEIN told investors he had another 52 females that he represented, and that Epstein had offered \$200 million to resolve, but that he could settle, confidently, these cases for \$500 million, separate and apart from his legal fees.
- h) ROTHSTEIN and the Litigation Team knew or should have known that these three (3) filed cases were weak and had minimal value for the following reasons:
 - (i) L.M. – lied to the FBI and Assistant U.S. attorney in a sworn statement or in her deposition; worked at numerous strip clubs; is an admitted prostitute and call girl; with substantial illegal drug use; and she asserted the 5th Amendment during her depositions in order to avoid answering pertinent questions.
 - (ii) E.W. – worked at eleven (11) separate strip clubs, including Cheetah (7th) which RRA represented and ROTHSTEIN may have owned an interest;

and E.W. also worked at Platinum Showgirls in Boynton Beach, which was the subject of a recent police raid where dancers were selling prescription painkillers and drugs to customers and prostituting themselves.

- (iii) Jane Doe (i.e., the Jane Doe in the Federal Case) worked at two (2) different strip clubs, including, Platinum Showgirls in Boynton, and had a significant pre-existing psychological history and drug use.
- i) Conducted ridiculous and irrelevant discovery such as subpoenaing records from an alleged sex therapist, Dr. Leonard Bard in Massachusetts; when the alleged police report reflected that EPSTEIN had only seen a chiropractor in Palm Beach named Dr. Baird. Obviously, no records existed for this alleged sex therapist, Dr. Bard, and the alleged subpoena for records was just another mechanism to “pump” the cases for investor appeal;
- j) Allowed a Second Amended Complaint to be filed on behalf of L.M. alleging that EPSTEIN forced the minor into “oral sex,” yet L.M. testified that she never engaged in oral, anal, or vaginal intercourse with EPSTEIN and she had not even touched his genitalia.

k) Asked irrelevant and inflammatory questions of various witnesses who were or had been employees of EPSTEIN, including the following:

Q. All right. When you read in the newspapers the allegations that Mr. Epstein was involved with numerous underage girls for sexual reasons, were you surprised?

A. I didn't believe it.

Q. Do you believe it today?

A. I don't believe it.

Q. You don't believe that Jeffrey Epstein was involved with underage girls in a sexual way?

MR. CRITTON: Form.

THE WITNESS: You're asking for my opinion, and I don't think my opinion is relevant in that matter.

BY MR. EDWARDS:

Q. I think it's relevant. Can you just tell me whether today you believe that Jeffrey Epstein has engaged in sex with underage girls?

MR. CRITTON: Form; speculation, irrelevant, always.

THE WITNESS: It's irrelevant.

BY MR. EDWARDS:

Q. I need an answer.

A. I don't believe he had sex with
underage women.

Q. Or engaged in any sexual acts with
underage women?

MR. CRITTON: Form.

THE WITNESS: No.³

Plaintiff's counsel asked the following similar questions at
the deposition of Larry Eugene Morrison, another one of Mr.
Epstein's pilots:

Q. Certainly you've read certain
newspaper articles about the
allegations, police reports, otherwise,
the allegations that occurred or have
been alleged to have occurred at his
Palm Beach mansion, correct?

A. Uh-huh.

Q. Correct?

A. Correct.

Q. Given the nature of those
allegations, would you leave your
daughter of 17, 16, 15 years old with Mr.
Epstein alone?

MR. PIKE: Form. Move to strike.

A. Yes.

³ See Excerpts of Deposition of Larry Visokski at 66-67; 181-82 (attached as composite **Exhibit "___"**)

Q. And despite pleading guilty to procuring underage girls for the purposes of sex, you still feel comfortable leaving a 13, 14, 15-year-old girl around him?

MR. PIKE: Form. Move to strike.

A. Yes. I mean, with my daughter, yes. I don't know how he behaves around anybody else. I just know that the respect that he showed me, I feel safe with my daughter.⁴

- I) Told investors, as reported in an Associated Press article, that celebrities and other famous people had flown on EPSTEIN'S plane when assaults took place. Therefore, even though none (zero) of RRA's clients claim they flew of EPSTEIN'S planes, the Litigation Team sought pilot and plane logs. Why? Again, to prime the investment "pump" with new money without any relevance to the existing claims made by the RRA clients.

57. The actions described in **paragraph 56 (for now pike to check later)** above herein had no legitimate purpose in pursuing the Civil Actions against EPSTEIN, but rather were meant to further the fraudulent scheme and criminal activity of ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE and the Litigation Team so that they could fraudulently overvalue the settlement value of the claims against EPSTEIN to potential investors.

⁴ See Excerpts of Deposition of Larry Eugene Morrison at 135-36; 175-76; 184 (attached as composite Exhibit "___").

58. ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE and the Litigation Team's actions constitute a fraud upon EPSTEIN as RRA, ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE and the Litigation Team represented themselves to be acting in good faith and with the best interests of their clients in mind at all times when in reality, they were acting in furtherance of the investment or Ponzi scheme described herein. EPSTEIN justifiably relied to his detriment on the representations of RRA, and Defendants, ROTHSTEIN, ROSENFELDT, ADLER, BERGER, BODEN and EDWARDS, in how he conducted and defended the Civil Actions brought against him.

59. As a direct and proximate result of the fraudulent and illegal investment or Ponzi scheme orchestrated by ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE and the Litigation Team and as a result of the litigation tactics undertaken by them, Plaintiff EPSTEIN has incurred and continues to incur the following monetary damages including, but not limited to, having to pay an amount in excess of the Civil Actions' true value as a result of them refusing to settle because a percentage of any payment by EPSTEIN may have been promised to third party investors; incurring significant additional fees and costs as result of Defendants refusal to conduct settlement negotiations in a forthright and good faith manner because any monies paid by EPSTEIN is in reality a promised return on an investment; and incurred significant attorneys' fees and costs in defending the discovery that was not relevant, material and/or calculated to lead to the admissibility of evidence, but was done for the sole purpose of "pumping" the cases to investors.

60. EPSTEIN has also been injured in that the scope of the fraudulent and criminal or racketeering activity so permeated the RRA law firm that EPSTEIN has been prevented from fully and fairly defending the civil actions brought against him. In essence, the very existence of RRA was based on the continuation of the massive Ponzi scheme orchestrated by ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE and the Litigation Team. In order to continue to bring in monies from investors, ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE and the Litigation Team used the Civil Actions against EPSTEIN, along with other manufactured lawsuits, as a means of luring investors.

61. ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE and the Litigation Team are liable for damages caused to EPSTEIN – individually, and jointly and severally.

Count I – Violation of §§772.101, et seq., Fla. Stat. -
Florida Civil Remedies for Criminal Practices Act –
Against All Defendants

62. Plaintiff realleges and incorporates paragraphs 1 through ___ as if fully set forth herein.

63. RRA, ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, the Litigation Team, L.M., E.W., and Jane Doe each and collectively constitute an enterprise pursuant to §772.102(3), Fla. Stat. (2009).

64. ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, the Litigation Team, L.M., E.W., and Jane Doe engaged in a pattern of criminal activity as defined in §772.102(3) and (4), Fla. Stat. (2009).

65. As alleged herein, ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN and JENNE and the Litigation Team committed multiple predicate acts in violation of §772.103(1), (2), (3) and (4), Fla. Stat., including violations of Florida Statutes - Chapter 517, relating to securities transactions; Chapter 817, relating to fraudulent practices, false pretenses, and fraud generally (which includes E.W., L.M. and Jane Doe); Chapter 831, relating to forgery; §836.05, relating to extortion (which includes E.W., L.M. and Jane Doe); and Chapter 837, relating to perjury (which includes E.W., L.M. and Jane Doe). Substantially more than two predicate acts (i.e., the selling of or participation of the sale of fabricated settlements outlined herein, including the Civil Actions involving Epstein) occurred within a five-year time period.

66. As a direct and proximate result of ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, the Litigation Team and L.M., E.W., and Jane Doe's violations of §772.103, Fla. Stat., EPSTEIN has been injured.

67. Pursuant to §772.104(1), Fla. Stat., Plaintiff EPSTEIN is entitled to threefold of his actual damages sustained, reasonable attorney's fees and court costs, and such other damages as allowed by law.

WHEREFORE, Plaintiff EPSTEIN respectfully demands the entry of a judgment for damages against all the named Defendants.

Count II – Florida RICO -
“Racketeer Influenced and Corrupt Organization Act”
Pursuant to §§895.01, et seq., Fla. Stat. (2009),
Against All Defendants

68. Plaintiff realleges and incorporates paragraphs 1 through ___ as if fully set forth herein.

69. RRA, along with ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, the Litigation Team and L.M., E.W., and Jane Doe, each and collectively, constitute an enterprise pursuant to §895.02(3), Fla. Stat. (2009).

70. During all times relevant hereto, ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, the Litigation Team and L.M., E.W., and Jane Doe were and are associated with the enterprise, RRA, and each other.

71. Defendants, ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, the Litigation Team and L.M., E.W., and Jane Doe, as persons associated with the enterprise, RRA and each other (as an enterprise), unlawfully conducted or participated, directly or indirectly, in such an enterprise through a pattern of racketeering, § 895.03(3), Fla. Stat., as alleged above herein.

72. The breadth and scope of ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, the Litigation Team and, potentially, L.M., E.W., and Jane Doe's racketeering activity continues to be investigated by the FBI, as numerous civil lawsuits against some of the Defendants and others continue to be filed by persons who have been damaged. As of the drafting of this Complaint, criminal chargers against the Defendants have yet to be formally brought.

73. Substantially more than two predicate acts (i.e., the selling of fabricated settlements outlined herein, including the Civil Actions involving Epstein) occurred within a five year time period.

74. Pursuant to §895.02, Fla. Stat., ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE and the Litigation Team engaged in a pattern of "racketeering activity"

through the commission of crimes as defined in § 895.02(1)(a)-(b), Fla. Stat., including Chapter 517, relating to securities; Chapter 817, relating to fraudulent practices, false pretenses, and fraud (including L.M., E.W., and Jane Doe) generally; Chapter 813, relating to forgery; §836.05, relating to extortion (including L.M., E.W., and Jane Doe); Chapter 837, relating to perjury (including L.M., E.W., and Jane Doe).

75. Pursuant to §895.05, Fla. Stat., Plaintiff seeks the following relief against Defendants, ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, the Litigation Team and L.M., E.W., and Jane Doe:

- a) Ordering ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE and the Litigation Team to divest themselves of any interest in the enterprise, RRA;
- b) Enjoin all Defendants from engaging in the same type of conduct and activities as described herein; and
- c) Temporarily enjoining ROTHSTEIN, the Litigation Team, L.M., E.W., and Jane Doe from the continuation of the Civil Actions brought against EPSTEIN until criminal charges have been formally brought against RRA and/or any of the Defendants, such that EPSTEIN may be allowed to evaluate whether a stay or dismissal of the Civil Actions against him is merited.

76. EPSTEIN further seeks an award of his reasonable attorney's fees and costs, and such other relief that this Court deems appropriate.

WHEREFORE, Plaintiff EPSTEIN respectfully demands the entry of a judgment for the relief sought and damages against the named Defendants.

**Count III – Abuse of Process –
Against All Defendants**

77. Plaintiff realleges and incorporates paragraphs 1 through ___ as if fully set forth herein.

78. After instituting the Civil Actions against EPSTEIN, the actions of Defendants, ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, the Litigation Team and L.M., E.W., and Jane Doe, as alleged in paragraphs ___ through ___ herein, constitute an illegal, improper or perverted use of process.

79. ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, the Litigation Team and L.M., E.W. and Jane Doe possessed ulterior motives or purposes in exercising such illegal, improper, or perverted use of process.

80. As a result of ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, the Litigation Team and L.M., E.W. and Jane Doe's actions, Plaintiff EPSTEIN suffered damages.

WHEREFORE, Plaintiff EPSTEIN respectfully demands the entry of a judgment for damages against all the named Defendants.

**Count IV – Fraud
Against All Defendants**

81. Plaintiff realleges and incorporates paragraphs 1 through ___ as if fully set forth herein.

82. ROTHSTEIN, ROSENFELDT, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE and L.M., E.W., and Jane Doe, by and through Defendants EDWARDS, BERGER and ADLER, made false statements of fact to EPSTEIN and his attorneys and agents, known to be false at the time made, and/or intentionally concealed material information from EPSTEIN and his attorneys and agents, for the purpose of inducing EPSTEIN to act in reliance thereon.

83. EPSTEIN did so act on the misrepresentation and/or concealment by incurring additional attorney's fees, costs, and expenses in attempting to defend the civil actions against him to the fullest of his abilities under the circumstances. In reality, because the Civil Actions against Plaintiff were being exploited and over-valued so as to lure additional investors, EPSTEIN has yet to be given a good faith opportunity for settlement and to attempt to extort as much money as possible from EPSTEIN to continue the massive fraud.

WHEREFORE Plaintiff EPSTEIN demands judgment against Defendants for damages incurred and for any other relief to which he is entitled under the law.

Conspiracy to Commit Fraud
Against All Defendants

84. Plaintiff realleges and incorporates paragraphs 1 through ___ as if fully set forth herein.

85. ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, L.M., E.W., Jane Doe and the Litigation Team conspired to commit a fraud upon EPSTEIN.

86. ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, L.M., E.W., Jane Doe and the Litigation Team combined by and through concerted action as

detailed herein to accomplish an unlawful purpose or accomplish some purpose by unlawful means. The unlawful purpose was, among other things, the orchestrating and continuation of the massive fraudulent Ponzi scheme and receipt of monies for the continuation of the scheme. The unlawful means includes, but is not limited to, the use of the Civil Actions against EPSTEIN in an unlawful, improper, and fraudulent manner.

87. As a direct and proximate result of ROTHSTEIN, BODEN, VILLEGAS, BARNETT, FISTEN, JENNE, L.M., E.W., Jane Doe and the Litigation Team's conspiracy to defraud EPSTEIN, EPSTEIN suffered damages.

WHEREFORE Plaintiff EPSTEIN demands judgment against Defendants for damages incurred and for any other relief to which he is entitled under the law.

Jury Trial

Plaintiff demands Jury Trial on all issues so triable.

By: _____

ROBERT D. CRITTON, JR., ESQ.



MICHAEL J. PIKE, ESQ.



Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following service list in the manner specified via transmission of Notices of Electronic Filing generated by CM/ECF on this __ day of _____, 2009:

Respectfully submitted,

By: _____
ROBERT D. CRITTON, JR., ESQ.

[REDACTED]

MICHAEL J. PIKE, ESQ.

[REDACTED]

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[REDACTED]

(Co-counsel for Defendant Jeffrey Epstein)