

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

L.M.,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant,

CIRCUIT CIVIL DIVISION "AB"

CASE NO. 502008CA28051XXXXMB

ORDER ON NOTICE FOR JURY TRIAL

THIS CAUSE came before this court on notice that this action is at issue and ready to be set for jury trial of 6 days. This court has reviewed the court file and is otherwise fully advised in the premises. Based on the foregoing, it is

ORDERED AND ADJUDGED that this court sets this case for calendar call **Friday, September 17, 2010, at (9:45) a.m.** in Courtroom 11B, Palm Beach County Courthouse, 205 North Dixie Highway, West Palm Beach, Florida 33401. **At calendar call, this court will set the case for jury trial during the docket running from Monday, September 27, 2010, through Friday, December 3, 2010.** *The parties shall comply with the attached Uniform Pretrial Procedures.*

If the parties resolve this case before calendar call and/or trial, this court directs the parties to immediately notify this court's judicial assistant at 561-355-6550 and submit a proposed agreed order with stamped envelopes so that this court may set other trials in its place.

DONE AND ORDERED at Palm Beach County, Florida, this 12th May, 2010.

SIGNED AND DATED

MAY 12 2010

Donald W. Hafele, Circuit Judge JUDGE DONALD W. HAFELE

Copies furnished to:

Bradley J. Edwards, Esq., Attorney for Plaintiff
425 N. Andrews Ave., Ste. 2
Ft. Lauderdale, FL 33301
954-524-2820

Robert D. Critton, Jr.
303 Banyan Blvd., Ste. 400
West Palm Beach, FL 33401

Jay Howell, Esq.
644 Cesery Blvd., Ste. 250
Jacksonville, FL 32211

Jack Alan Goldberger, Esq.
250 Australian Ave. S., Ste. 1400
West Palm Beach, FL 33401

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator in the Administrative Office of the Court, 205 North Dixie Highway, Room 5.2500, West Palm Beach, Florida 33401; telephone number 561-355-2431 within two (2) working days of your receipt of this notice; if you are hearing or voice impaired, call 1-800-955-8771.

Si usted es una persona incapacitada que necesita de un servicio especial para participar en este proceso, usted tiene derecho a que le provean cierta ayuda sin costo alguno. Por favor pongase en contacto con el Coordinador de la Oficina Administrativa de la Corte ADA, situada en el 205 North Dixie Highway, Oficina 5.2500, West Palm Beach, Florida 33401, telefono 561-355-2431, dentro de los (2) proximos dias habiles despues de recibir esta notificacion; si tiene incapacidad de oir o hablar llame al 1-800-955-8771.

Si ou se yon moun ki infim, ki bezwen ninpot akomodasyon pou ka patisipe nan pwose sa-a, ou gen dwa, san'l pa koute'w anyin, pou yo ba'w kek sevis. Tanpri kontakte koordinate ADA ya nan Biro Administratif Tribinal nan cite Palm Beach la, ki nan 205 North Dixie Highway, Cham 5.2500, West Palm Beach, Florida 33401, numero telefom-nan se 561-355-2431, rele de (2) jou de le ou resevwa notis sa-a; si ou bebe ou byen soud rele 1-800-955-8771.

Si vous etes infirme, et en besoin de n'importe accommodation pour pouvoir participer a ces procedures, vous pouvez gratuitement recevoir, certains services. S'il-vous-plait contactez le coordinateur du Bureau Administratif du Tribinal de Palm Beach, situee a 205 North Dixie Highway, Chambre 5.2500, West Palm Beach, Florida 33401, numero de telephone 561-355-2431 durant deux (2) jours suivant la reception de cette note; si vous etes muets ou sourds, appelez 1-800-955-8771.

Uniform Pretrial Procedures

A. **Exchange of Exhibit and Witness Lists.** On the last business day no later than **60 DAYS BEFORE CALENDAR CALL**, the parties shall exchange lists of all trial exhibits, names and addresses of all trial witnesses, and names and address of all expert witnesses.

B. **Exchange of Rebuttal Witness Lists.** On the last business day no later than **30 DAYS BEFORE CALENDAR CALL**, the parties shall exchange lists of names and addresses of all rebuttal witnesses.

C. **Expert Witnesses.** In addition to the names and addresses of each expert retained to formulate an opinion with regard to this case, both on the initial listing and in the rebuttal listing, the parties shall provide:

1. the subject matter about which the expert is expected to testify;
2. the substance of the facts and opinions to which the expert is expected to testify;
3. a summary of the grounds for each opinion;
4. a copy of any written reports which the expert has issued in this case; and
5. a copy of the expert's curriculum vitae.

D. **Counsel Conference Required.** On the last business day no later than **25 DAYS BEFORE CALENDAR CALL**, the parties shall confer to:

1. discuss any remaining possibility of settlement;
2. simplify the issues and stipulate, in writing, to as many facts and issues as possible;
3. prepare a Pretrial Stipulation in accordance with Paragraph E; and
4. list all objections to trial exhibits.

E. **Pretrial Stipulation Must be Filed.** It shall be the duty of Plaintiff's counsel to see that the Pretrial Stipulation is drawn, executed by counsel, and filed with the Clerk no later than **20 DAYS BEFORE CALENDAR CALL**. **UNILATERAL PRETRIAL STATEMENTS ARE DISALLOWED, UNLESS APPROVED BY COURT AFTER HEARING AND A SHOWING OF GOOD CAUSE.** Counsel for the parties are charged with good faith cooperation in this regard. The Pretrial Stipulation shall contain the following separately numbered paragraphs:

1. a list of all pending motions including **MOTIONS IN LIMINE** and **FRYE MOTIONS** requiring action by the Court and the dates those motions are set for hearing;
2. stipulated facts which require no proof at trial which may be read to the trier of fact;
3. a statement of all issues of fact for determination at trial;
4. each party's numbered list of trial exhibits, with specific objections if any, as schedules attached to the Stipulation;
5. each party's numbered list of trial witnesses with addresses (including all known rebuttal witnesses), with specific objections as schedules attached to the Stipulation;
6. a statement of estimated trial time;
7. names of attorneys to try the case;
8. number of peremptory challenges per party; and
9. each party's proposed jury instructions and verdict form, with citations to supporting authority, as schedules attached to the Stipulation.

F. **Filing of Pretrial Stipulation.** Failure to file the Pretrial Stipulation or a Court-approved Unilateral Statement as provided above may result in this Court striking the case from the trial calendar or other sanctions.

G. **Additional Exhibits, Witnesses or Objections.** At trial, the parties shall be strictly limited to exhibits and witnesses disclosed and objections reserved on the schedules attached to the Pretrial Stipulation prepared pursuant to Paragraphs D and E, absent agreement specifically stated in the Pretrial Stipulation or order of the Court upon good cause shown. Failure to reserve objections may constitute a waiver. A party desiring to use an exhibit or witness discovered after counsel have conferred pursuant to Paragraph D shall immediately furnish the Court and other counsel with a description of the exhibit or with the witness's name and address and the expected subject matter of the witness's testimony, together with the reason for the late discovery of the exhibit or witness. Use of the exhibit or witness may be allowed by the Court for good cause shown or to prevent manifest injustice.

H. **Discovery.** All discovery must be completed no later than **10 DAYS BEFORE CALENDAR CALL**, absent agreement for later discovery specifically stated in the Pretrial Stipulation or for good cause shown.

I. **Pretrial Conference.** No pretrial conference pursuant to Fla. R. Civ. P. 1.200 is set by the Court unless necessary. If a pretrial conference is set upon motion of a party, counsel shall meet and prepare a Stipulation pursuant to Paragraph E and file the Stipulation no later than **5 DAYS BEFORE THE CONFERENCE**. Failure to request a pretrial conference in a timely fashion constitutes a waiver of Rule 1.200. Motions for Summary Judgment will not be heard at any pretrial conference.

J. **Unique Questions of Law. BEFORE CALENDAR CALL,** counsel shall submit to the Court appropriate memoranda with citations to legal authority in support of any unique legal questions which may reasonably be anticipated to arise during the trial.

K. **Modification to Uniform Pretrial Procedure.** Upon written stipulation of the parties filed with the Court, these pretrial procedures may be modified in accordance with the parties' stipulation, except to the extent that the stipulation may interfere with this Court's scheduling of this case for trial or hinder the orderly progress of trial.

L. **Premarking Exhibits. BEFORE TRIAL,** each party shall meet with and assist the Clerk in marking for identification all exhibits as the Clerk directs.

M. **Deposition Designations.** No later than **20 DAYS BEFORE CALENDAR CALL**, each party shall serve any designation of depositions, or portions of depositions, that party intends to offer as testimony in that party's case-in-chief. No later than **10 DAYS BEFORE CALENDAR CALL**, each opposing party shall serve counter (or "fairness") designations to portions of depositions designated, together with objections to the depositions, or portions thereof, originally designated. No later than calendar call, each party shall serve its objections to counter designations served by an opposing party.

N. **Mediation.** All parties are ordered to participate in mediation and mediation must occur no later than **30 DAYS BEFORE CALENDAR CALL**. Counsel who will try the case and representatives of each party with full authority to enter into a complete compromise and settlement is mandatory. If insurance is involved, an adjuster with authority up to the policy limits or the most recent demand, whichever is lower, shall attend. Plaintiff shall initiate the selection of a mediator and the scheduling of mediation. The parties should agree upon a mediator and a date, time, and place convenient to the parties, their attorneys, and the

mediator. Plaintiff shall file with the Court, and mail copies to all parties and the mediator, a Notice of Mediation giving the time, place, and date of the mediation, and the mediator's name. The parties shall pay the mediator's regular hourly rate, with Plaintiff(s) paying 50% and Defendant(s) paying 50%, unless this Court orders otherwise. The parties must bring to the mediation their respective pro rata share of one hour's mediation cost, either by check or money order payable to the mediator, or in cash. If mediation takes less than one hour, there will be no pro rata refund. If mediation takes more than one hour, the mediator will bill the parties for any additional costs, in half hour increments. If the parties cannot agree on any of the foregoing, Plaintiff shall notify the Fifteenth Circuit Alternative Dispute Resolution Office at 561-355-2739, which will randomly assign a mediator, who shall set a date, time, and place for the mediation, which shall be binding upon the parties and their attorneys. If the parties settle this case before mediation, the parties must notify the mediator at least 48 hours before the scheduled mediation. Failure to do so will result in the minimum fee for one hour. At the commencement of mediation, the parties shall be prepared to give the mediator an oral summary of the issues in the case and have available copies of any documents upon which they intend to rely in support of, or in defense of, their claims. The parties shall ask the mediator to provide to this Court, within ten (10) days after mediation, a report indicating who attended mediation and whether the case settled or reached an impasse. If the parties do not appear for, participate, or complete mediation, this Court may impose sanctions. If a party opposes mediation, that party may proceed under Florida Rule of Civil Procedure 1.700(b).

O. **Noncompliance.** Noncompliance with any portion of this order may result in the striking of the case, witnesses, or exhibits, or imposition of such other sanctions as are just.