

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

June 19, 2018

CASE NO.: 4D18-0762

L.T. No.: 5802009CA040800XXXMB
AG

JEFFREY EPSTEIN

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

Appellant / Petitioner(s)

Appellee / Respondent(s)

BY ORDER OF THE COURT:

ORDERED that the court *sua sponte* vacates the order entered on April 27, 2018, in its entirety. After entry of the order and upon being advised petitioner filed a motion for rehearing of the denial of appellate fees, Judge Forst recused himself from the case because of matters transpiring after the order was entered. Judge Kuntz was randomly assigned to the panel for this case and has fully reviewed the appellate filings and record for this case. FURTHER ORDERED that that the petition for writ of mandamus is dismissed as moot. Although petitioner correctly asserted that the entire action was not "at issue" within the meaning of rule 1.440 when the prior notice for trial was filed, the trial date at issue has passed, and respondent has filed a new notice for trial; further,

ORDERED that this Court's March 29, 2018 order staying the setting of a trial date is discharged. The trial court may set a trial date within the time set forth in rule 1.440(c) from the March 20, 2018 notice for trial. No motion for rehearing will be entertained; further,

ORDERED that petitioner's March 19, 2018 request for oral argument is denied; further,

ORDERED that petitioner's March 19, 2018 motion for appellate attorneys' fees and costs is denied; further,

ORDERED that respondent's March 19, 2018 motion for appellate attorneys' fees is denied. FURTHER ORDERED that the petitioner's May 14, 2018 motion for rehearing of denial of petitioner's motion for appellate fees and costs is denied.

CIKLIN, CONNER and KUNTZ, JJ., concur.

Served:

cc: Kara Berard Rockenbach
Jack Alan Goldberger
Clerk Palm Beach

John Scarola
Nichole J. Segal
Hon. Donald W. Hafele

Philip M. Burlington
Rachel Jenny Glasser

dl

Lonnn Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

