

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

IN RE: CASE NO. 09-34791-RBR

ROTHSTEIN ROSENFELDT ADLER, P.A., CHAPTER 11

Debtor.

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**JEFFREY EPSTEIN'S EXPEDITED MOTION TO BE EXCUSED FROM  
ATTENDING SHOW CAUSE HEARING**

**(In order to grant effective relief Expedited Hearing Requested on or before October 24, 2018, so that the Court may rule prior to the October 26, 2018, hearing)**

Jeffrey Epstein ("Epstein") moves the Court, on an expedited basis, to be excused from attending the **October 26, 2018**, show cause hearing, and states:

**INTRODUCTION**

On April 20, 2018, this Court entered its Order to Show Cause (the "Show Cause Order") why Fowler White and Epstein should not be held in contempt and scheduled an evidentiary show cause hearing for August 23 and 24, 2018. (D.E. 6366.) The hearing was reset to October 26, 2018, at 10:00 a.m. (D.E. 6431.) In its Show Cause Order, the Court ordered Epstein to sit for a limited deposition and to attend the show cause hearing in person. (D.E. 6366.)

Epstein respectfully requests to be excused from attending the show cause hearing because his deposition was taken on October 13, 2018, for a period of two hours and Epstein has filed a Declaration in support of his position.<sup>1</sup> There is nothing left to add to Epstein's testimony and it would be unnecessary and duplicative to require Epstein, who resides in the U.S. Virgin Islands, to travel to Florida for the hearing.

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<sup>1</sup>Epstein's deposition transcript and Declaration are attached as **Exhibits A and B**, respectively.

There are no disputed facts material to this show cause proceeding regarding Epstein. The Movants in these show cause proceedings (Farmer Jaffe, Bradley J. Edwards and L.M.) have acknowledged that Epstein did not have the disc or even know of the disc's existence before being advised by Link & Rockenbach in February 2018. Further, Epstein has testified that he only received select documents from the disc in February 2018. The select documents were provided to Epstein after Link & Rockenbach located the disc in Fowler White's boxes in February 2018. Because there are no material facts in dispute, live testimony will have no impact on this Court's determination of whether there was a violation by Epstein of the November 2010 Agreed Order.

As this Court will see, there is not a shred of evidence that Epstein knew about the disc before learning about it from Link & Rockenbach in February 2018. Movants' position is that Epstein violated the November 2010 Agreed Order because Link & Rockenbach – Epstein's "agent" -- found the disc in 2018 and provided select copies of documents from it to Epstein. This Court has already ruled that everything post Link & Rockenbach is not a violation of the November 2010 Agreed Order but, rather, is a State Court issue, and will not be considered at the Show Cause hearing. Therefore, there is no further live testimony that can be elicited from Epstein that would benefit the Court in deciding if Epstein violated the November 2010 Agreed Order. Epstein respectfully requests to be excused from personally attending the Show Cause hearing. Epstein will be represented at the hearing by his counsel, Chad Pugatch and Scott J. Link.

### **ARGUMENT**

#### **A. What Happened to the Disc in 2018 is Not a Violation of This Court's November 2010 Agreed Order.**

The Court was clear that issues relating to what happened after Link & Rockenbach found the disc in 2018 are State Court issues and not to be considered in the Show Cause proceedings.

EDWARDS: ... The representation was made on the record by Mr. Link that he provided it within his law firm and his client, that being Mr. Epstein. When further asked by the court, has Mr. Epstein been provided with copies of the documents, or the contents of these privileged documents? Mr. Link replied, I just said my client, my law firm and my client, and I can saw legal counsel, Mr. Goldberger. So, that's it. So we now know that this information that was improperly obtained was disseminated not only to Mr. Epstein, the adversary who now has this information, it was also ---

COURT: Take that up in the state court.

(Apr. Tr. 39:15-40:3.)<sup>2</sup>

SCAROLA: Your Honor has made repeated reference to being permitted to inquire of Mr. Epstein about his possession of the disk. Your Honor's order related not only to the electronic documents, but related as well to any copies of the documents that were made. Mr. Link has made it clear in his representations to your Honor today, and he has stated previously that he sent copies of the privileged documents to Mr. Epstein. Mr. Epstein, we know, retained those documents, and retention of those documents is a clear violation of your Honor's order. What we would like to be able to inquire about, in addition to whether Mr. Epstein had possession of the disk, is whether Mr. Epstein had possession of copies of any of the information obtained from that disk, including the e-mail ---

COURT: But the disc wasn't discovered until Link found it in the 36 boxes.

SCAROLA: Well, yes, sir, that's what has been represented to the Court, but what Mr. Link has said is that he transferred that information to Mr. Epstein.

COURT: After he found it.

SCAROLA: Well, he obviously couldn't transfer it before.

COURT: But that's what you're litigating in state court.

SCAROLA: No, sir, I'm sorry, that's not what we're litigating in state court. What we are litigating in state court is the malicious prosecution claim. What we want to be able to litigate before your Honor is violation of this Court's order, and retention of documents obtained from that disk is a clear violation of your Honor's order.

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<sup>2</sup>The April 13, 2018, hearing transcript (D.E. 6367) shall be referred to as "Apr. Tr."

COURT: I disagree with you. .... Take that up in your state court litigation.

(Apr. Tr. 43:19-45:6.)

**B. Epstein has Provided Sworn Testimony and His Attendance at the Show Cause Hearing is Not Necessary.**

The Court allowed Movants to take Epstein's deposition limited to the issue of his knowledge and possession of the disc. (Apr. Tr. 36:2-9.) The Show Cause Order also provided for the filing of sworn declarations. (D.E. 6366, ¶ 5 i.v.) Specifically, it provides:

Unless otherwise ordered, the direct testimony of each witness, except adverse, hostile or rebuttal witnesses, shall be presented by sworn declarations consisting of a succinct written statement of the direct testimony which that witness would be prepared to give if questions were propounded in the usual fashion at the Show Cause Hearing. ...

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Objections to any portions of the statements may be raised at the time the sworn declaration of each respective witness is offered to the Court. The witness shall then be sworn and asked if the statement correctly reflects the testimony that would be given if the witness was asked the appropriate questions. Assuming an affirmative answer, opposing counsel may then cross-examine the witness. At the conclusion of cross-examination, the party whose witness is on the stand may conduct oral redirect examination in the usual manner.

*Id.*

Well before his deposition was taken, Epstein provided a sworn Declaration attesting to these matters. In addition, on October 13, 2018, Epstein sat for more than two hours and answered all questions relating to the alleged federal civil contempt for alleged discovery violations and Movants had an opportunity to cross exam Epstein about the Declaration. There is simply nothing within the scope of this Court's ruling that Epstein has not answered.

At the April 13, 2018, hearing Edwards' counsel informed the Court that:

SCAROLA: ... and as far as Jeffrey Epstein is concerned, obviously he was personally prohibited by the express language of the Court's order from possessing or accessing any of this information, and he would certainly want to take Mr. Epstein's deposition.

While representations have been made with regard to the extent that Mr. Epstein has been in possession of, or had access to this privileged information, the record is completely devoid of any sworn representation by Mr. Epstein, and clearly that is essential in terms of this Court fashioning, or first of all determining who is responsible for these very serious violations, and in fashioning an appropriate response.

(Apr. Tr. 17:8-19.)

Epstein has now provided not only his direct testimony but two hours of cross examination. In his Declaration, Epstein attested that he had no personal knowledge of how the disc came into Fowler White's possession (Ex. B, ¶ 5) and that he had never seen the disc (Ex. B, ¶ 6). Epstein confirmed this testimony during his deposition:

- Q. How is it that you can tell us under oath today that you had no prior knowledge of Fowler White having come into possession of a disc relating to your litigation?
- A. So, to be clear, to the best of my recollection today, the answer is no. I have no recollection whatsoever.

(Ex. A, 25:4-10.) *Also see* Ex. A, 25:24-26:8.

- Q. Have you ever communication with any agent of Fowler White about the disc that was turned over by them to Link & Rockenbach?
- A. No. Not to the best of my knowledge.
- Q. Have you ever communicated with Tonja or Fred Haddad about the Fowler White disc?
- A. Not to the best of my knowledge.
- Q. Did you ever receive a copy of the disc itself?
- A. No.

(Ex. A, 56:4-13.)

Edwards' counsel has admitted that it is not Edwards' contention that Epstein had the disc, but that after the disc was located by Link & Rockenbach, Epstein was provided alleged privileged information contained on the disc. While Edwards asked questions of Epstein about dissemination to others, what he read from the disc and things of that nature, those questions, among many others, exceeded the scope of inquiry allowed by this Court. This Court has already ruled that for purposes of the Show Cause proceedings it was not going to allow Movants to ask question regarding what material Epstein received after Link & Rockenbach discovered the disc. Consequently, any issues that remain unresolved after Epstein's deposition as to those questions is of no moment in these proceedings. The alleged privileged e-mails and all issues related to privilege and waiver are currently pending before the State Court.

### **CONCLUSION**

As the sole basis for seeking to hold Epstein liable for a violation of the November 2010 Agreed Order, Movants contend that Epstein's receipt from Link & Rockenbach in 2018 of documents from the disc was somehow a violation of the nearly eight-year-old November 2010 Agreed Order. The Court has already flatly rejected that argument and determined that all issues relating to what happened after Link & Rockenbach found the disc in 2018 are matters exclusively for the State Court that will not be considered at the Show Cause proceedings. Rather, the Show Cause proceedings are limited, as to Epstein, regarding whether he was aware of Fowler White's possession of the disc and whether he possessed the disc or any alleged privileged documents at any time before Link & Rockenbach found it. Epstein's two hours of cross examination provides all the testimony necessary to determine if Epstein violated the November 2010 Agreed Order. There is nothing left to cross examine Epstein about within the parameters set by this Court.

Because cross examination would be duplicative of the testimony already given, Epstein's testimony at the Show Cause hearing would provide no further benefit to the Court.

Accordingly, Epstein respectfully requests that he personally be excused from attending the show cause hearing.

**GOOD-FAITH CERTIFICATION**

Epstein's counsel certify that on October 18, 2018, they asked Movants' counsel if Movants would oppose the relief sought herein. Movants oppose the relief sought.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 19, 2018, a true and correct copy of the foregoing was served electronically to all registered users on the CM/ECF system, which includes counsel identified on the service list below.

RICE PUGATCH ROBINSON STORFER &  
COHEN, PLLC



By: */s/ Chad P. Pugatch*

CHAD P. PUGATCH (FBN [REDACTED])  
cpugatch@rprslaw.com

- AND -

I hereby certify that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this Court set forth in Local Rule 2090-1(A).

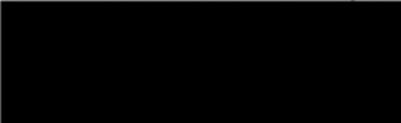
LINK & ROCKENBACH, PA



By: /s/ Scott J. Link  
SCOTT J. LINK (FBN 602991)  
scott@linkrocklaw.com

*Counsel for Jeffrey Epstein*

**SERVICE LIST**

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2077028

# EXHIBIT A

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

Case No. 502009CA040800XXXXMB

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

vs.

SCOTT ROTHSTEIN, individually;  
BRADLEY EDWARDS, individually,

Defendants/Counter-Plaintiffs.

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VIDEOTAPED DEPOSITION

OF

JEFFREY EPSTEIN

Saturday, October 13th, 2018  
9:07 a.m. - 11:00 a.m.  
1555 Palm Beach Lakes Boulevard, #930  
West Palm Beach, Florida 33401

Examination of the witness taken before

Sonja D. Hall  
Palm Beach Reporting Service, Inc.  
1665 Palm Beach Lakes Boulevard, Suite 1001  
West Palm Beach, FL 33401



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APPEARANCES:

For Plaintiff/Counter-Defendant:

LINK & ROCKENBACH, P.A.  
[REDACTED]

By SCOTT J. LINK, ESQUIRE  
By KARA BERARD ROCKENBACH, ESQUIRE

For Plaintiff/Counter-Defendant:

ATTERBURY, GOLDBERGER & WEISS, P.A.  
[REDACTED]

By JACK A. GOLDBERGER, ESQUIRE

For Defendants/Counter-Plaintiffs:

SEARCY, DENNEY, SCAROLA, BARNHART &  
SHIPLEY, P.A.  
[REDACTED]

ard

By JACK SCAROLA, ESQUIRE

For Fowler White:

CARLTON FIELDS, PA  
[REDACTED]

By JOSEPH IANNO, JR, ESQUIRE

For L.M., E.W. and Jane Doe:

S.J. QUINNEY COLLEGE OF LAW  
[REDACTED]

By PAUL G. CASSELL, ESQUIRE (Telephonically)

ALSO PRESENT

Above & Beyond Reprographics  
[REDACTED]

By Manuel Santiago, Videographer

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## I N D E X

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(No exhibits were marked.)

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1 THE VIDEOGRAPHER: We are on the video  
2 record. This is the 13th day of  
3 October 2018. The time is approximately  
4 9:07 a.m.

5 This is the videotaped deposition of  
6 Jeffrey Epstein in the matter of Jeffrey  
7 Epstein versus Scott Rothstein,  
8 individually; Bradley Edwards, individually;  
9 L.M. individually.

10 This deposition is being held at 1555  
11 Palm Beach Lakes Boulevard, West Palm Beach,  
12 Florida 33401.

13 My name is Manuel Santiago. I am the  
14 videographer representing Above & Beyond  
15 Reprographics.

16 Will the attorneys please announce  
17 their appearances for the record?

18 MR. SCAROLA: My name is Jack Scarola.  
19 I am counsel on behalf of Bradley Edwards.

20 MR. LINK: Scott Link and Kara  
21 Rockenbach on behalf of Mr. Epstein.

22 MR. GOLDBERGER: And Jack Goldberger on  
23 behalf of Jeffrey Epstein.

24 MR. SCAROLA: On the phone we have  
25 Professor Paul Cassell.

1 MR. CASSELL: Can I just chime in here?

2 Paul Cassell for L.M., E.W. and Jane Doe,  
3 intervenors in the Florida State court  
4 action.

5 THEREUPON,

6 JEFFREY EPSTEIN,

7 being a witness in the notice heretofore  
8 filed, and being first duly sworn in the above cause,  
9 testified on his oath as follows:

10 THE WITNESS: Yes.

11 DIRECT EXAMINATION

12 BY MR. SCAROLA:

13 Q Would you please state your full name?

14 A Jeffrey E. Epstein.

15 Q Would you list for us, please, each of your  
16 residence addresses?

17 MR. GOLDBERGER: I think it's beyond  
18 the scope. I'm going to object to Fifth  
19 Amendment.

20 You want him to invoke or you okay with  
21 me doing it?

22 MR. SCAROLA: We want Mr. Epstein to  
23 invoke any privilege that Mr. Epstein  
24 considers appropriate to invoke.

25 THE WITNESS: The Fifth.

1 BY MR. SCAROLA:

2 Q I'm sorry?

3 A The Fifth.

4 Q You are the same Jeffrey Epstein that is a  
5 party in the current state court proceedings in which  
6 Bradley Edwards has brought suit against you for  
7 malicious prosecution, correct?

8 A Correct.

9 Q Mr. Epstein, I'm going to hand you what I  
10 have marked as Exhibit Number 1 to this deposition.

11 Ask you to take a look at that document.

12 MR. SCAROLA: Paul, this is

13 Mr. Epstein's sworn declaration of fact that  
14 was filed in the bankruptcy court  
15 proceeding.

16 MR. CASSELL: I am familiar with that.

17 Thank you, Jack.

18 (Defendants/Counter-Plaintiffs' Exhibit  
19 Number 1 was marked for identification.)

20 BY MR. SCAROLA:

21 Q Do you recognize the document, Mr. Epstein?

22 A Yes.

23 Q Is that, in fact, your signature above the  
24 line that says Jeffrey Epstein?

25 A Yes.

1           **Q**     There is a signature to the left of yours at  
2 the bottom of the document. Whose signature is that?

3           **A**     I don't know.

4           **Q**     Who were the attorneys who were representing  
5 you at the time that this declaration was prepared on  
6 August 14, 2018?

7                   MR. LINK: Object to the form.

8                   THE WITNESS: Could you ask the  
9 question again?

10 BY MR. SCAROLA:

11           **Q**     Yes, sir.

12                   Who were the lawyers who were representing  
13 you in this matter on August 14, 2018?

14                   THE WITNESS: Scott Link.

15 BY MR. SCAROLA:

16           **Q**     Anyone else?

17           **A**     Jack Goldberg.

18           **Q**     Anyone else?

19           **A**     Darren Indyke.

20           **Q**     Anyone else?

21           **A**     Not that I recall.

22           **Q**     Who prepared this declaration?

23           **A**     I believe the Link firm.

24           **Q**     Was it sent to you initially in the form in  
25 which it presently appears?

1           **A**     I don't recall.

2           **Q**     Do you have any recollection whatsoever of  
3 having any input into the content of this declaration?

4           MR. LINK: So, Mr. Epstein, I just want  
5 to caution you. I don't want you to share  
6 any of our communications or conversations.

7           Okay. You can answer the question  
8 without disclosing anything we have talked  
9 about.

10          THE WITNESS: No.

11 BY MR. SCAROLA:

12          **Q**     You had no input?

13          **A**     I don't have anything separate from my  
14 attorneys. Any input I have is with conversations with  
15 my attorneys.

16          **Q**     That's not my question. I have not asked you  
17 whether you received any information from your  
18 attorneys.

19                 I asked you whether you had any input into  
20 the content of this declaration.

21          MR. LINK: Again, I am going to  
22 instruct you not to disclose any of our  
23 conversations and communications.

24                 You can simply answer yes or no to the  
25 question. If you remember it, then you can.

1 THE WITNESS: Sorry. So I'm clear, the  
2 conversations I had with you about this --

3 MR. LINK: We are not going to talk  
4 about.

5 THE WITNESS: So is that an answer of  
6 yes or no?

7 MR. LINK: If the question is, do you  
8 recall whether you made any changes to what  
9 was sent to you, I think you can answer yes  
10 or no.

11 MR. SCAROLA: That's not the question.

12 BY MR. SCAROLA:

13 Q I want to know whether you had any input  
14 whatsoever into the drafting of this declaration.

15 Was any of the information contained in  
16 this declaration -- included in the declaration as a  
17 consequence of input that you personally had? Or  
18 was it simply all drafted by somebody else for your  
19 signature?

20 MR. LINK: So, if you can answer that  
21 question without disclosing our  
22 communications, you can answer the question.  
23 If you can't answer it without disclosing  
24 our communication, Mr. Epstein, then you are  
25 instructed not to answer it.

1 BY MR. SCAROLA:

2 Q Your answer to the question, sir?

3 A I can't disclose anything -- I have only had  
4 a conversation with my attorney regarding this.

5 Q Yes, sir.

6 But my question does not ask you about any  
7 communication you had with your lawyers. I am  
8 asking you whether you had any input into the  
9 language that is included within this declaration.

10 Is anything here your -- the consequence  
11 of your input?

12 MR. LINK: So, let me just -- I have  
13 two questions for you, Mr. Scarola. One, I  
14 thought we were starting with the state  
15 court matter.

16 MR. SCAROLA: We are.

17 MR. LINK: I may have misunderstood,  
18 because this is a bankruptcy declaration.  
19 And there isn't anything in Judge Hafele's  
20 order that talks about bankruptcy testimony  
21 or spoke that you can inquire about.

22 Obviously, by signing this, he has  
23 adopted every statement in there as his own.  
24 So I'm not sure what we are doing at the  
25 moment.

1 BY MR. SCAROLA:

2 Q Can you answer the question, sir?

3 A I cannot answer the question.

4 Q Why?

5 A Anything I talked about with respect to this  
6 document is a conversation with my attorneys.

7 Q And I'm not asking about any communication  
8 you had with your lawyer. I want to know whether  
9 anything in this affidavit is as a consequence of your  
10 personal input.

11 MR. LINK: So, if there was anything  
12 you did separate and apart from our  
13 conversations, then you can tell him. If  
14 not --

15 THE WITNESS: No.

16 BY MR. SCAROLA:

17 Q No what?

18 A No.

19 Q Nothing in this affidavit was as a result of  
20 your personal input; is that correct?

21 MR. LINK: What he said was separate  
22 and apart.

23 My instruction is, you may not disclose  
24 any of our communications. If you can  
25 answer the question about something you did

1 separate and apart from my directions to you  
2 or our communications, you can answer the  
3 question. Other than that, you cannot.

4 MR. SCAROLA: Mr. Link, communications  
5 with counsel are privileged if they are  
6 intended to remain confidential.

7 If Mr. Epstein communicated something  
8 to you to include within this affidavit,  
9 that, obviously, was not intended to remain  
10 confidential. It was intended to be  
11 communicated in this particular filing.

12 MR. LINK: Mr. Scarola, I disagree with  
13 you. I'm instructing him not to answer if  
14 it's based on our communications period.

15 BY MR. SCAROLA:

16 Q The second paragraph of this affidavit says,  
17 "The law firm of Fowler White Burnett, PA, represented  
18 me" -- meaning you -- "in the state court proceeding  
19 from June 2010 through May 2012."

20 What were the terms on which you retained  
21 the Fowler White Burnett law firm?

22 MR. LINK: Mr. Scarola, you are  
23 exceeding the scope of the deposition in the  
24 state court matter.

25 There are four very specific limited

1 topics, none of which have you asked a  
2 single question about. I'm really trying to  
3 understand what --

4 Do you want to do the bankruptcy first?

5 MR. SCAROLA: No. No, sir. I want to  
6 do the state court proceeding first. I'm  
7 asking questions that relate directly to the  
8 topics that are defined within the state  
9 court order and I would like an answer to  
10 that question.

11 MR. LINK: Would you please tell me  
12 which topic you are focused on? There are  
13 only four.

14 MR. SCAROLA: This relates to all of  
15 them.

16 MR. LINK: It does not, Mr. Scarola.

17 MR. SCAROLA: We have a disagreement  
18 about that. If you are instructing him not  
19 to answer, then the court will make a  
20 determination as to whether that is or is  
21 not an appropriate instruction and whether  
22 we will or will not be back here to redepose  
23 Mr. Epstein once again.

24 Are you instructing him to the answer?

25 MR. LINK: Your question is what were

1 the terms of his engagement of Fowler White?

2 MR. SCAROLA: Yes, that's correct.

3 MR. LINK: Then I'm instructing him not  
4 to answer.

5 BY MR. SCAROLA:

6 Q Did you engage Fowler White on an hourly  
7 basis?

8 MR. LINK: I am instructing him not to  
9 answer.

10 BY MR. SCAROLA:

11 Q Did Fowler White present invoices to you for  
12 services that were rendered on an hourly basis?

13 MR. LINK: I am instructing him not to  
14 answer.

15 BY MR. SCAROLA:

16 Q Were you ever billed by Fowler White with  
17 invoices that included a description of the services  
18 that Fowler White rendered on your behalf?

19 MR. LINK: I am instructing him not to  
20 answer.

21 BY MR. SCAROLA:

22 Q Were you kept informed as to what Fowler  
23 White did on your behalf in connection with their  
24 representation of you?

25 MR. LINK: I'm instructing him not to

1 answer. It exceeds the scope of the court's  
2 order.

3 BY MR. SCAROLA:

4 Q Your affidavit -- excuse me. Your  
5 declaration states that as part of Fowler White's  
6 representation of you, that they represented you in  
7 proceedings in the bankruptcy case concerning a  
8 subpoena that your original counsel issued to the  
9 bankruptcy trustee. Is that statement true?

10 A Yes.

11 Q Who was your original counsel that issued the  
12 subpoena to the bankruptcy trustee?

13 A I don't recall.

14 Q What was subpoenaed?

15 A The question again.

16 Q What was subpoenaed?

17 A I don't recall.

18 Q Were emails subpoenaed?

19 A I'm not sure what subpoena you are talking  
20 about. Sorry.

21 Q The one that you declared under penalty of  
22 perjury was issued by your original counsel to the  
23 bankruptcy trustee.

24 A I don't recall.

25 Q Did you ever come to learn that the trustee

1 in the bankruptcy for the law firm Rothstein,  
2 Rosenfeldt & Adler had been subpoenaed to produce  
3 emails contained on the server of that law firm?

4 **A** I don't recall.

5 **Q** Did it ever come to your attention that  
6 emails contained on the server of the law firm  
7 Rothstein, Rosenfeldt & Adler had been produced in  
8 connection with the state court civil proceedings by  
9 the bankruptcy trustee to a special master that had  
10 been appointed for purposes of determining what, if  
11 any, emails from that production would be turned over  
12 in response to the subpoena that was issued?

13 **A** Separate from any conversations with my  
14 attorney, I don't recall.

15 **Q** Did you ever learn that privilege was being  
16 asserted with respect to the production of any emails  
17 that were contained on a Rothstein, Rosenfeldt, Adler  
18 server?

19 **A** Separate from a conversation with my  
20 attorneys, I don't recall.

21 **Q** Are you aware, as you sit here today, that  
22 federal bankruptcy Judge Ray issued an order with  
23 respect to procedures to be followed in connection with  
24 responding to an email subpoena?

25 **MR. LINK:** Object to the form.

1 MR. SCAROLA: What's the problem with  
2 the form?

3 MR. LINK: You didn't give us any time.  
4 Is there more than one?

5 MR. SCAROLA: No, I did. I said as you  
6 sit here today.

7 MR. LINK: No, as to the order. But --  
8 If you can answer the question, you can  
9 answer question.

10 THE WITNESS: I'm sorry. You have to  
11 repeat it.

12 BY MR. SCAROLA:

13 Q Yes. As you sit here today, are you aware  
14 that federal bankruptcy Judge Ray issued an order  
15 concerning matters relating to the production of  
16 Rothstein, Rosenfeldt, Adler emails?

17 MR. LINK: Object to the form.

18 THE WITNESS: Outside conversations  
19 with my attorney, no.

20 BY MR. SCAROLA:

21 Q Have you ever seen an order issued by federal  
22 bankruptcy Judge Ray that impose restrictions on the  
23 possession of electronic data produced in response to a  
24 subpoena for emails from the Rothstein, Rosenfeldt,  
25 Adler law firm?

1 MR. LINK: Object to the form.

2 THE WITNESS: Outside of conversations  
3 with my attorney, no.

4 BY MR. SCAROLA:

5 Q Tell me about the conversations that you had  
6 with your lawyers relating to the terms of Judge Ray's  
7 order.

8 MR. LINK: I am going to instruct you  
9 not to answer that question.

10 BY MR. SCAROLA:

11 Q Have you ever personally seen any of the  
12 language that was included within Judge Ray's order?

13 A Outside of the conversations with my  
14 attorney, no.

15 Q Well, a conversation with your lawyer does  
16 not tell me anything in response to a question that  
17 asks what you have seen.

18 Have you ever seen any of the language  
19 included within Judge Ray's order that impose  
20 restrictions on the possession of electronic data  
21 relating to emails of the Rothstein, Rosenfeldt,  
22 Adler firm?

23 MR. LINK: So let me object to the  
24 form.

25 If you can answer the question

1 independent of communications with your  
2 lawyer -- so if you looked at the order on  
3 your own, then you can answer.

4 THE WITNESS: I don't recall.

5 BY MR. SCAROLA:

6 Q Are you aware that contempt proceedings are  
7 pending in the federal bankruptcy court?

8 A Yes.

9 Q What is your understanding of what those  
10 proceedings are about?

11 A It's in regards to the discovery of a disc  
12 that was in possession of Fowler White.

13 Q What is it in regard to that disc?

14 A That's not a very good question. Sorry.

15 Q I'm sorry?

16 A Can you ask a question?

17 Q The question is, what is it about this disc  
18 that is the subject matter of contempt proceedings in  
19 the bankruptcy court?

20 MR. LINK: So, again, if you can answer  
21 the question based on your own personal  
22 review of information rather than our  
23 communications, you can share that with  
24 Mr. Scarola.

25 THE WITNESS: Nothing outside my

1           conversations with the attorney.

2 BY MR. SCAROLA:

3           **Q**     Did you ever become aware that a subpoena was  
4 issued to the bankruptcy trustee to produce emails?

5           **A**     I don't recall.

6           **Q**     Did you ever become aware that a claim of  
7 privilege was asserted with regard to any of the emails  
8 on the Rothstein, Rosenfeldt, Adler server?

9           **A**     Outside of conversations with my attorney,  
10 no.

11          **Q**     Did your lawyer tell you that a claim of  
12 privilege had been made with regard to any of the  
13 emails on the RRA server?

14           MR. LINK: Mr. Scarola, you know better  
15 than to ask that question.

16           Mr. Epstein, do not answer that  
17 question.

18           MR. SCAROLA: Mr. Link, those happen to  
19 be matters as to which privilege is waived  
20 as a consequence of your own disclosures in  
21 your own affidavits and your own statements  
22 with respect to this case.

23           MR. LINK: I disagree with you.

24           MR. SCAROLA: That's fine.

25           MR. LINK: I'm going to instruct you

1 not to answer.

2 MR. SCAROLA: Just as long as you know  
3 that it is our position that there has been  
4 a waiver. You can instruct the witness not  
5 to answer and the court will make a  
6 determination with regard to that legal  
7 issue.

8 MR. LINK: There's no question.

9 And I will say this, for the record.  
10 You haven't asked a single question about  
11 the four topics that Judge Hafele  
12 specifically delineated for this limited  
13 deposition you could take.

14 But I am instructing you not to answer  
15 the question, Mr. Epstein.

16 BY MR. SCAROLA:

17 Q Paragraph four of your declaration, Exhibit  
18 Number 1, states, "In February 2018, Scott J. Link of  
19 Link & Rockenbach, PA, informed me that he had located  
20 a disc in Fowler White's files labeled," quote, Epstein  
21 Bate Stamp, unquote.

22 Did I read that accurately?

23 A Correct.

24 Q That was a communication from Mr. Link, your  
25 lawyer, to you, correct?

1           **A**     Yes.

2           **Q**     What else did Mr. Link tell you?

3                   MR. LINK:  So, I'm going to instruct  
4           you not to disclose any of your  
5           conversations that involved legal advice or  
6           strategy or protected communication.

7                   If you recall that I said anything  
8           other than I located a disc specific to that  
9           topic, you can answer.

10                   THE WITNESS:  I remember that.

11                   Everything else I talked with my attorneys.

12  BY MR. SCAROLA:

13           **Q**     Yes, I know you were talking to your lawyer.  
14           I want to know everything that your lawyer told you in  
15           this conversation that you have partially disclosed.

16                   MR. LINK:  So --

17  BY MR. SCAROLA:

18           **Q**     What else did he tell you?

19                   MR. LINK:  So, I'm going to instruct  
20           you not to answer based both on  
21           attorney-client privilege and exceeds the  
22           scope of Judge Hafele's order.

23  BY MR. SCAROLA:

24           **Q**     Your response?

25                   MR. LINK:  I have instructed him not to

1 answer.

2 BY MR. SCAROLA:

3 Q When in February of 2018 did you have this  
4 communication with Mr. Link?

5 A I don't recall specifically.

6 Q What was the form of the communication?

7 A I don't recall specifically.

8 Q When you tell me you don't recall  
9 specifically, that suggest that you may recall  
10 generally. What is your recollection with regard to  
11 the form that the communication took?

12 A It's not specifically -- I believe it was a  
13 phone call. But that's my best recollection.

14 Q Where were you when you received that phone  
15 call?

16 A No idea.

17 Q Did Mr. Link tell you why he was calling to  
18 tell you that he had located a disc?

19 MR. LINK: Mr. Epstein, I am going to  
20 instruct you not to answer the question.

21 BY MR. SCAROLA:

22 Q Did Mr. Link tell you what was on the disc?

23 MR. LINK: I'm going to instruct you  
24 not to answer.

25

1 BY MR. SCAROLA:

2 Q Did Mr. Link communicate to you at any time  
3 anything regarding the content of a disc that had been  
4 located in Fowler White's files?

5 MR. LINK: I am going to instruct you  
6 not to answer.

7 MR. SCAROLA: The basis of that  
8 instruction?

9 MR. LINK: Attorney-client privilege  
10 and exceeds scope of Judge Hafele's order.

11 BY MR. SCAROLA:

12 Q Had you known prior to Mr. Link's  
13 communication with you in February of 2018 that Fowler  
14 White had come into possession of a disc relating to  
15 anything having to do with the litigation in which you  
16 were involved?

17 MR. LINK: Can you read the first part?  
18 Did he say if or did you? I'm sorry, I  
19 missed the first words.

20 (Thereupon, the requested portion of the  
21 record was read back by the reporter as  
22 above duly recorded.)

23 MR. LINK: I'm going to object to form.

24 THE WITNESS: No.  
25

1 BY MR. SCAROLA:

2 Q How was it that you remember that?

3 A I'm sorry. The question again.

4 Q How is it that you can tell us under oath  
5 today that you had no prior knowledge of Fowler White  
6 having come into possession of a disc relating to your  
7 litigation?

8 A So, to be clear, to the best of my  
9 recollection today, the answer is no. I have no  
10 recollection whatsoever.

11 Q So the answer is not no. The answer is I  
12 don't remember. Is that correct?

13 MR. LINK: No. That's not what he  
14 said.

15 BY MR. SCAROLA:

16 Q Well, I want to know. Are you telling us,  
17 no, you didn't know; or are you telling us, I don't  
18 remember whether I knew or not?

19 A My best recollection is no. I can't be  
20 certain of anything, frankly. So the answer is -- with  
21 respect to most questions, my answer is no. But I  
22 can't be certain that someone hadn't told me something  
23 years ago. I have no recollection. I would say no.

24 Q Paragraph five of this declaration says, "I  
25 have no personnel knowledge of how the CD came to be in

1 Fowler White's possession."

2 Do you have any knowledge that, in fact,  
3 it did come to be in Fowler White's possession?

4 MR. LINK: So, you can -- other than  
5 our communications, you can answer the  
6 question.

7 THE WITNESS: It's only through  
8 communications with my attorney.

9 BY MR. SCAROLA:

10 Q So Mr. Link told you that he got the disc  
11 from Fowler White; is that correct?

12 MR. LINK: You can answer that  
13 question.

14 THE WITNESS: Correct.

15 BY MR. SCAROLA:

16 Q Did he tell you when he got it from Fowler  
17 White?

18 MR. LINK: If you remember, you can  
19 answer that question.

20 THE WITNESS: Sometime in February.

21 BY MR. SCAROLA:

22 Q Are you aware that William Berger was deposed  
23 in the state court civil proceeding?

24 A I don't recall.

25 Q Do you know who William Berger is?

1           **A**     No, sir.

2           **Q**     Do you recall a former Palm Beach County  
3 circuit court judge having been involved as co-counsel  
4 in the prosecution of molestation claims against you by  
5 the Rothstein, Rosenfeldt, Adler firm?

6           THE WITNESS: Is this part of  
7 today's --

8           MR. LINK: If you remember that there  
9 was a --

10          THE WITNESS: I do not remember.

11 BY MR. SCAROLA:

12          **Q**     At the time that you had the communication  
13 with Mr. Link sometime in February of 2018, did  
14 Mr. Link discuss any of the data that was included on  
15 the disc that he was informing you about?

16          MR. LINK: Mr. Epstein, I am going to  
17 instruct you not to answer.

18 BY MR. SCAROLA:

19          **Q**     Have you ever received any documents that  
20 were represented to have been included on that disc?

21          MR. LINK: Object to the form.

22                 If you can answer that question without  
23 disclosing our communications you can answer  
24 it.

25          THE WITNESS: Anything I received, I

1 received from my attorneys.

2 BY MR. SCAROLA:

3 Q Yes. And I want to know whether you ever  
4 received any of -- any documents that were represented  
5 to you to have been printed from data on the disc that  
6 Mr. Link told you about in February of 2018.

7 MR. LINK: So, again, without  
8 disclosing our communications, you can  
9 simply tell him whether you were provided  
10 generally any documents, without disclosing  
11 any specific documents or our  
12 communications.

13 THE WITNESS: I don't believe so.

14 BY MR. SCAROLA:

15 Q What specific documents that originated on  
16 the disc did you receive?

17 MR. LINK: So, I'm going to instruct  
18 you not to answer that question based on  
19 attorney-client and work product.

20 BY MR. SCAROLA:

21 Q How many documents did you receive?

22 MR. LINK: That question you can  
23 answer, if you remember.

24 THE WITNESS: I don't remember.

25

1 BY MR. SCAROLA:

2 Q Can you characterize in any way the volume of  
3 documents that you received that you understood  
4 originated on the disc?

5 A I don't recall.

6 Q Was it more than one?

7 A Probably.

8 Q Was it more than two?

9 A Probably.

10 Q Was it more than three?

11 A I don't know what you mean by documents. Are  
12 you talking about pages?

13 Q Yes. Let's be very specific.

14 Did you receive more than three pages that  
15 you understood to have been printed out from the  
16 disc?

17 MR. LINK: Let me think about the  
18 question for a minute.

19 You can answer that question.

20 THE WITNESS: Yes.

21 BY MR. SCAROLA:

22 Q Was it more than 10?

23 A I would say less than 100, so we don't have  
24 to go through numbers.

25 Q That does indeed save us some time.

1 Was it more than 50?

2 **A** I don't recall.

3 **Q** Was it probably more than 50?

4 **A** I don't recall.

5 **Q** So the best you are able to tell us is that  
6 it was, more likely than not, more than three and less  
7 than 100 pages, and you can't narrow it down any  
8 further than that; is that correct?

9 **A** Correct.

10 **Q** How did you receive those pages?

11 **A** I don't recall.

12 **Q** Were they electronically transmitted to you?

13 **A** I don't recall.

14 **Q** Do you have any recollection of ever having  
15 received hard copies of documents generated from the  
16 disc?

17 MR. LINK: Object to the form.

18 You are talking about from me?

19 MR. SCAROLA: No, I didn't ask that.

20 THE WITNESS: Anything separate my  
21 attorneys, nothing.

22 BY MR. SCAROLA:

23 **Q** Pardon me?

24 **A** Anything separate from the attorneys,  
25 nothing.

1           **Q**     Okay. Well, that's not my question.

2           **A**     Okay.

3           **Q**     Did you ever receive from anyone any hard  
4 copies of pages that you understood to be generated  
5 from the disc?

6           MR. LINK: Okay. So, I am going to  
7 object to the form.

8                     There are thousands of pages that have  
9 been produced in this case from the disc.  
10 So that general generic --

11           MR. SCAROLA: Mr. Link, that's not a  
12 legal objection. If you have a legal  
13 objection, please state it. Anything other  
14 than that is nothing more than an attempt to  
15 coach the witness.

16           MR. LINK: It's not. It's an objection  
17 to the form.

18           MR. SCAROLA: That's fine. I  
19 understand.

20 BY MR. SCAROLA:

21           **Q**     Could you answer the question, please?

22           **A**     Could you repeat it?

23           **Q**     Yes, sir.

24                     Did you ever receive any hard copies of  
25 documents -- pages that you understood to have been

1 generated from the disc?

2 **A** Yes.

3 **Q** On how many separate occasions did you  
4 receive pages in hard copy form that you understood to  
5 have been generated from the disc?

6 **A** I would say less than 20.

7 **Q** Twenty occasions?

8 **A** Less than 20.

9 **Q** Let's go through each of those that you can  
10 remember and tell me about those occasions on which you  
11 recall having received hard copies of pages, which you  
12 understood to have been generated from the disc.

13 **A** Have you asked a question?

14 **Q** Pardon me?

15 **A** Have you asked a question?

16 **Q** Yes.

17 **A** What's the question?

18 **Q** I want you to tell me about each of the  
19 occasions -- we will start with the first one,  
20 chronologically, when you received hard copies of pages  
21 that you understood to have been generated from the  
22 Fowler White disc that Mr. Link told you about in  
23 February of 2018.

24 **MR. LINK:** Okay, you can answer that  
25 specific question. It's a different

1 question.

2 THE WITNESS: Sometime in February I  
3 was handed, from my attorneys, some  
4 documents. Is what I recall. Some  
5 documents from my attorneys. I was handed  
6 some documents.

7 BY MR. SCAROLA:

8 Q Who specifically handed you those documents?

9 A Darren Indyke.

10 Q Where were you?

11 A I believe in New York. I can't be certain.

12 Q How many pages did Mr. Indyke hand you on  
13 that occasion?

14 A Less than 100.

15 Q Were those pages accompanied by any cover  
16 letter?

17 A Not that I recall.

18 Q Were they accompanied by any summary of the  
19 contents?

20 A Not that I recall.

21 Q Were they accompanied by any index?

22 A Not that I recall.

23 Q What did Mr. Indyke tell you about the  
24 documents when he gave him to you?

25 MR. LINK: I'm going to instruct you

1 not to answer that question based on  
2 attorney-client privilege.

3 BY MR. SCAROLA:

4 Q What did you do with the documents when you  
5 received them?

6 A I read them, to the best of my recollection.

7 Q Did you read them in their entirety?

8 A I don't recall.

9 Q What did the documents say?

10 Let me withdraw that question.

11 If you were asked to recount the content  
12 of the documents, as you sit here today, would you  
13 be able to describe the contents of the documents?

14 A Some of them, I think.

15 Q Approximately, how many documents are there  
16 as to which you have the ability, as you sit here  
17 today, to describe the contents?

18 A When you say documents, you mean pages? I'm  
19 sorry?

20 Q Yes, sir. Pages.

21 A Well, I can remember the emails with respect  
22 to Brad Edwards --

23 Q Excuse me. Pardon me. I'm stopping you,  
24 sir. That's no responsive to my question. And I don't  
25 want you on this record to be disclosing the content of

1 any privileged documents.

2 My question is not to ask you to describe  
3 the content of those privileged documents, but to  
4 tell us how many pages of privileged material you  
5 have retained a recollection of that would enable  
6 you to describe that content as you sit here today.

7 So how many pages?

8 MR. LINK: You can answer that  
9 question.

10 I want to note for the record that you  
11 have made an assertion of privilege. We  
12 have challenged that privilege. And no  
13 court has ever made a determination that  
14 they are, in fact, privileged.

15 With that statement, you can answer the  
16 question, if you can.

17 THE WITNESS: I'm sorry. Can you  
18 repeat the question?

19 BY MR. SCAROLA:

20 Q Yes, sir.

21 As you sit here today, how many pages of  
22 the documents that you received from Mr. Indyke --  
23 something less than 100 documents --

24 A Yes.

25 Q -- would you be able to describe the contents

1 of?

2 **A** Again, I could describe the contents in  
3 detail on some that I remember. I have generalizations  
4 on others.

5 **Q** Let's break it down into two categories. How  
6 many pages could you describe the contents of in  
7 detail?

8 **A** Less than 10.

9 **Q** And how many pages could you describe the  
10 contents of generally?

11 **A** Probably at least another 20.

12 **Q** Are you aware that a claim of privilege has  
13 been asserted with regard to any of the documents that  
14 you received from Darren Indyke?

15 **MR. LINK:** So, again, if you have  
16 independent knowledge, separate and apart  
17 from communications with your lawyers, you  
18 can answer the question.

19 **THE WITNESS:** I have no independent  
20 knowledge.

21 **BY MR. SCAROLA:**

22 **Q** Are you aware that a claim of privilege has  
23 been asserted with regard to any of the documents or  
24 pages that you received from Darren Indyke?

25 **MR. LINK:** Same instruction,

1 Mr. Epstein.

2 THE WITNESS: Outside of conversations  
3 with my attorney, no.

4 BY MR. SCAROLA:

5 Q Regardless of where you received the  
6 information from, are you aware that a claim of  
7 privilege has been asserted with regard to any of those  
8 documents?

9 MR. LINK: So, Mr. Epstein, the source  
10 of information is important. If the sources  
11 of information are our communications or  
12 communications with your lawyers, I do not  
13 want you to disclose that.

14 If you have independent information --  
15 you have read something, you have seen  
16 something outside of our communications --  
17 you answer the question.

18 THE WITNESS: I have no independent  
19 knowledge.

20 BY MR. SCAROLA:

21 Q Do you have knowledge that you derived from  
22 your lawyers?

23 MR. LINK: Generally or about the  
24 topic?

25 MR. SCAROLA: About that specific

1 topic, the assertion of privilege with  
2 regard to any documents.

3 MR. LINK: We are not going to disclose  
4 any topics or anything that we talked about.  
5 I am instructing you not to answer.

6 BY MR. SCAROLA:

7 Q Have you ever seen a privilege log that  
8 listed any of the documents that you received from  
9 Mr. Indyke on that log?

10 A I don't recall.

11 Q Where did Mr. Indyke get the documents that  
12 he delivered to you?

13 A I don't know.

14 Q How do you know that the documents Darren  
15 Indyke delivered to you were documents that originated  
16 on the disc?

17 A Outside of -- I have no independent  
18 knowledge.

19 Q So that's information you received from your  
20 lawyers?

21 A I have no independent knowledge.

22 Q That's not my question.

23 Is that information you received from your  
24 lawyers? So they told you that the documents that  
25 you received from Darren Indyke came from the Fowler

1 White disc, correct?

2 MR. LINK: I do not want you to  
3 disclose your communications with your  
4 lawyers. I am going to instruct you not to  
5 disclose any information.

6 If you can answer any of his questions  
7 based on your independent knowledge or  
8 reviewed independently from discussion with  
9 your lawyers you can answer the question.

10 THE WITNESS: I have no independent  
11 knowledge.

12 BY MR. SCAROLA:

13 Q Have you ever reviewed the transcripts of any  
14 hearings that were held either in the circuit court, in  
15 the bankruptcy proceeding, or before Special Master  
16 Carney with regard the production of emails?

17 A I don't recall.

18 Q I am going to hand you what I will mark as  
19 Exhibit Number 2 to your deposition. It is an  
20 affidavit that purports to have been signed by you and  
21 filed in the circuit court proceedings in Palm Beach  
22 County.

23 I would like you to take a look at that,  
24 please. Tell me if you recognize that document.

25 (Defendants/Counter-Plaintiffs's Exhibit

1           Number 2 was marked for identification.)

2           MR. LINK: Mr. Scarola, do you have a  
3           copy for me?

4           MR. SCAROLA: That's the only one I  
5           have.

6           THE WITNESS: Okay.

7 BY MR. SCAROLA:

8           **Q** Is that your signature on that affidavit?

9           **A** Yes.

10          **Q** Did you, in fact, swear to the contents of  
11          that document?

12          **A** Yes, sir.

13          **Q** You had told us there were something less  
14          than 20 occasions in which you received documents that  
15          had been originally contained on the Fowler White disc.  
16          You told us about one of those occasions when  
17          Mr. Indyke handed you documents.

18                 What others do you remember?

19                 MR. LINK: Object to the form. That  
20                 was not his testimony. That was the second  
21                 question that you asked.

22                 The first question, I believe, was  
23                 general, as I made a statement thousands of  
24                 documents were produced.

25                 MR. SCAROLA: Is this the legal

1 objection that you are making, Mr. Link?

2 MR. LINK: It is, Mr. Scarola.

3 MR. SCAROLA: Then please state the  
4 legal basis of your objection, and don't  
5 attempt to coach the witness.

6 MR. LINK: I'm not coaching the  
7 witness. I'm correcting your misstatement.

8 MR. SCAROLA: That's fine. Your  
9 objection is there is no proper predicate  
10 for the question.

11 BY MR. SCAROLA:

12 Q Can you answer the question please?

13 MR. LINK: Mr. Scarola, I am going to  
14 finish, please, my objection, although, you  
15 did a good job of disrupting my thought,  
16 because I was on a roll there.

17 But in any event, your question --  
18 object to the form. It mistakes your prior  
19 question and the witness's prior testimony.

20 THE WITNESS: Sorry. Could you ask it  
21 again?

22 BY MR. SCAROLA:

23 Q How many other times -- or tell us about the  
24 other times that you received information generated  
25 from the Fowler White disc.

1           **A**     I don't have any specific recollection today.

2           **Q**     Can you give us any better estimate as to the  
3 number of times you received information from the  
4 Fowler White disc other than that it was less than 20?

5           **A**     No.

6           **Q**     What did you do with the documents that you  
7 received that you understood to have been generated  
8 from the Fowler White disc?

9                   MR. LINK: Object to the form.

10                   THE WITNESS: I'm sorry. I don't fully  
11 understand the question.

12 BY MR. SCAROLA:

13           **Q**     What did you do with the documents that  
14 Mr. Indyke gave you, which you understood to have been  
15 generated from the Fowler White disc?

16           **A**     I read them.

17           **Q**     And what did you do with them after you read  
18 them?

19           **A**     I left them on my desk.

20           **Q**     Which desk?

21           **A**     I don't remember exactly. I believe New  
22 York, as I said before.

23           **Q**     What happened to those documents after you  
24 left them on your desk?

25           **A**     After being informed by my counsel, I

1 destroyed them.

2 Q How?

3 A In a shredder.

4 Q When?

5 A The same day.

6 Q The same day that you received them from  
7 Mr. Indyke?

8 A The same day I was informed by Counsel to  
9 destroy them.

10 Q And when was that?

11 A Some time after February.

12 Q When in relation to having received them from  
13 Mr. Indyke?

14 A Sometime -- right after the court -- Indyke  
15 was in February. As soon as the court ordered me to  
16 destroy them, I destroyed them.

17 Q Did you ever communicate with anyone  
18 regarding the contents of those documents?

19 A Separate from my attorneys, I don't remember  
20 anybody else.

21 Q Which lawyers did you communicate with about  
22 the content of the documents?

23 A Scott Link, Darren, Jack.

24 Q Anyone else?

25 A Not that I recall.

1           **Q**     Was there anyone else at all at any time  
2 under any circumstance that you discussed the contents  
3 of the documents with?

4           **A**     I don't recall anybody except my attorneys.

5           **Q**     Did you have any communication with Bradley  
6 Edwards regarding the content of those documents?

7           **A**     I don't recall.

8           **Q**     Since receiving those documents, did you have  
9 any communication with Bradley Edwards at all about  
10 anything?

11          **A**     I don't recall.

12          **Q**     When you read the documents that you received  
13 from Mr. Indyke, did you learn anything that you had  
14 not previously known?

15          **A**     Yes.

16          **Q**     As you sit here today, would you be able to  
17 identify those things that you learned for the first  
18 time from among the documents that Mr. Indyke delivered  
19 to you?

20          **A**     I'm sure I can remember some of them.

21          **Q**     Was there anything in those documents that  
22 you already knew that was not being disclosed to you  
23 for the first time upon delivery of those documents to  
24 you?

25          **A**     I don't recall.

1           **Q**     We have marked as Exhibit Number 2 an  
2 affidavit, which you acknowledged to have been signed  
3 by you. Have you had a chance to read through that?

4           **A**     Yes, sir.

5           **Q**     You agree that there is nothing in this  
6 affidavit that relates to the content of any emails,  
7 correct?

8           **A**     I'm sorry. Which emails?

9           **Q**     The emails that you received from Darren  
10 Indyke.

11                   Let's establish that. The pages that you  
12 received from Darren Indyke were printouts of  
13 emails, were they not?

14           **A**     I believe some of them were.

15           **Q**     What else was in there besides email  
16 printouts?

17                   MR. LINK: You can say generally, if  
18 you remember, without describing what was  
19 provided to you.

20                   THE WITNESS: My best recollection is  
21 emails.

22 BY MR. SCAROLA:

23           **Q**     So you have no recollection of there being  
24 anything other than emails in the documents that you  
25 received from Mr. Indyke, correct?

1           **A**     I believe so.

2                    Could you ask that question again? You  
3 asked me a question. Sorry.

4            MR. LINK: I don't think there's any  
5 pending --

6            MR. SCAROLA: I don't think there's a  
7 pending question. There's about to be.

8 BY MR. SCAROLA:

9            **Q**     You understood that the purpose of Exhibit  
10 Number 2, your affidavit, was to describe all of the  
11 information that you relied upon in deciding to sue  
12 Bradley Edwards, correct?

13           **A**     No, sir.

14           **Q**     What was the purpose of this affidavit?

15           **A**     It was a general -- it did not fully  
16 encompass everything I might have seen prior to signing  
17 it. It was a general affidavit.

18           **Q**     I'm sorry.

19           **A**     It was a general discussion. It didn't list  
20 anything I had actually seen before signing this  
21 affidavit.

22           **Q**     So the affidavit does not include anything  
23 that you actually saw before signing the affidavit; is  
24 that correct?

25           **A**     I don't believe with any specificity, sir.

1           **Q**     What does that answer mean? I don't  
2 understand that.

3           **A**     I might have seen things that are not in this  
4 affidavit.

5           **Q**     All right. So what is it that you saw before  
6 signing this affidavit that related to your having had  
7 a good faith basis for filing the action against  
8 Bradley Edwards and Scott Rothstein in December of  
9 2009?

10                   MR. LINK: Mr. Epstein, I am going to  
11 instruct you not to answer the question. It  
12 far exceeds the scope of the deposition that  
13 was authorized by Judge Hafele.

14                   This is not a discovery deposition  
15 related to the case. Please do not answer  
16 the question.

17 BY MR. SCAROLA:

18           **Q**     Was there any information contained within  
19 the emails that form part of your alleged good faith  
20 basis for suing Bradley Edwards?

21                   MR. LINK: Object to the form.  
22 You can answer the question.

23                   THE WITNESS: Reading the emails in the  
24 Darren Indyke documents confirmed everything  
25 that was in this affidavit. Yes, sir.

1 BY MR. SCAROLA:

2 Q Was there any information contained within  
3 the emails that formed part of your good faith basis  
4 for suing Bradley Edwards?

5 MR. LINK: Again, I am going to  
6 instruct you not answer that question. It  
7 exceeds the scope of the court's order.

8 BY MR. SCAROLA:

9 Q Are you aware of the specific scope of the  
10 inquiry that Judge Hafele permitted during the course  
11 of this deposition?

12 Did you ever see his order that outlined  
13 what you were allowed to be asked about?

14 A Yes.

15 Q You are aware that topic number one was  
16 whether and to what extent Epstein reviewed any of the  
17 alleged privileged materials prior to March of 2018,  
18 correct?

19 THE WITNESS: Is that what it says?

20 MR. LINK: That's what it says.

21 THE WITNESS: Yes.

22 BY MR. SCAROLA:

23 Q Did you review any of the allegedly  
24 privileged materials prior to March 2018?

25 A That's a very general category. Which

1 privilege materials? It's 27,000 emails, so you are  
2 going to have to be specific.

3 Q Well, when you were preparing for this  
4 deposition, did you find out which of those 27,000  
5 emails were alleged to be privileged?

6 A No.

7 Q So as you sit here today, you are incapable  
8 of telling us whether you reviewed any of the alleged  
9 privileged materials prior to March 2018, because you  
10 have no idea what materials are alleged to be  
11 privileged. Is that what you're telling us?

12 MR. LINK: Object to the form. That it  
13 is not what he said.

14 THE WITNESS: I have recollection of  
15 reading some of the emails.

16 BY MR. SCAROLA:

17 Q So did you review any of the allegedly  
18 privileged materials prior to March 2018?

19 A Again, I understand alleged privileged  
20 materials encompass 27,000 emails, so I don't  
21 understand your question.

22 Q I want to know whether you reviewed any of --  
23 any email, which is alleged to have been privileged at  
24 any time before March of 2018.

25 MR. LINK: Object to the form.

1 THE WITNESS: Yes.

2 BY MR. SCAROLA:

3 Q How many emails alleged to have been  
4 privileged did you review prior to March of 2018?

5 A Again, your question.

6 MR. SCAROLA: Read it back, please.

7 (Thereupon, the requested portion of the  
8 record was read back by the reporter as  
9 above duly recorded.)

10 THE WITNESS: Can you tell me how many  
11 emails have been alleged to be privileged,  
12 so we are talking about something --

13 BY MR. SCAROLA:

14 Q I want to know which emails you reviewed,  
15 which you believed to have been alleged to be  
16 privileged, prior to March of 2018.

17 MR. LINK: That's a different question.  
18 You can -- if you understand, the question  
19 you can answer that.

20 THE WITNESS: I'm sorry. I didn't --  
21 ask it again, please.

22 MR. SCAROLA: Please read it back.

23 MR. LINK: Jack, do you mind if we try  
24 to clarify this so that we can move forward,  
25 because I think I understand what the

1 difficulty is?

2 MR. SCAROLA: I would like the question  
3 read back to see whether or not Mr. Epstein  
4 understands the question.

5 MR. LINK: Okay.

6 (Thereupon, the requested portion of the  
7 record was read back by the reporter as  
8 above duly recorded.)

9 THE WITNESS: I still don't understand  
10 the question.

11 BY MR. SCAROLA:

12 Q Pardon me?

13 A I don't understand the question. Sorry.

14 Q You are aware that there are emails which  
15 Bradley Edwards alleges to be privileged emails,  
16 correct?

17 A I am aware that there -- I was told 27,000  
18 emails alleged -- in some form to be privileged.

19 Q Who told you that Bradley Edwards alleged  
20 27,000 emails were privileged?

21 MR. LINK: So, I don't want you to  
22 share our conversations or conversations  
23 with your lawyers.

24 If you can answer that question from  
25 whatever documents -- independent review

1           that the order or affidavit -- whatever you  
2           have seen related to the bankruptcy  
3           proceeding --

4                   THE WITNESS: I don't believe I have  
5           any independent knowledge.

6 BY MR. SCAROLA:

7           **Q**    You just said you were told that 27,000  
8           emails were alleged to have been privileged.

9           **A**    Sorry. That's not that I said. I said --

10                   MR. SCAROLA: Would you read back  
11           Mr. Epstein's answer, please?

12                   MR. LINK: Do you really not want to  
13           have a conversation to see if we can fix  
14           this confusion?

15                   MR. SCAROLA: I really don't want to.

16                   (Thereupon, the requested portion of the  
17           record was read back by the reporter as  
18           above duly recorded.)

19 BY MR. SCAROLA:

20           **Q**    Who told you?

21           **A**    My attorneys.

22           **Q**    Which one?

23           **A**    I don't recall.

24           **Q**    When?

25           **A**    I don't recall.

1 Q Was it before or after March of 2018?

2 A Before.

3 Q Was it before or after February of 2018?

4 A I don't recall.

5 Q What do you remember about that conversation?

6 MR. LINK: Again, I don't want you to  
7 share the details of the conversation.

8 MR. SCAROLA: He has already done that.  
9 He has already made an assertion of what he  
10 was told. That's a waiver of the privilege.

11 I want to know about the conversation  
12 in it's entirety.

13 MR. LINK: And I don't believe that it  
14 was a waiver of the privilege. He gave you  
15 non-privileged communication, and he's not  
16 going to share with you privileged  
17 communications.

18 As you said earlier, every  
19 communication isn't privileged. But the  
20 discussion would have been.

21 I have let you ask questions about  
22 dates and things of that nature that are not  
23 privileged, but I am going to instruct him  
24 not to answer your question.

25 And again, I offered on the record to

1 discuss with you what I think the impediment  
2 is to these general questions, because there  
3 were alleged privileged emails that were  
4 produced in the litigation -- before my law  
5 firm was retained -- voluntarily by  
6 Mr. Edwards and his law firm, so that there  
7 had been in the record alleged privileged  
8 emails for years in this case. And you have  
9 not asked specific questions about the  
10 emails that were located by my law firm in  
11 February as to your questions.

12 So I think your general questions about  
13 alleged privileged emails is not encompassed  
14 in what the court has asked or what we are  
15 here to talk about. And it's creating  
16 confusion, because there were many alleged  
17 privileged emails produced years ago.

18 BY MR. SCAROLA:

19 Q Did Mr. Link tell you the things that he just  
20 stated on the record at some time prior to today?

21 MR. LINK: You are not going to answer  
22 that question, Mr. Epstein.

23 BY MR. SCAROLA:

24 Q Were you told at the time that Mr. Indyke  
25 gave you the less than 100 pages that he said were

1 contained on the disc, that an allegation was made that  
2 any of those pages were privileged?

3 THE WITNESS: Can you repeat the  
4 question for me, please?

5 (Thereupon, the requested portion of the  
6 record was read back by the reporter as  
7 above duly recorded.)

8 MR. LINK: So if you can answer that  
9 general question because the source of  
10 information was from somebody other than  
11 Mr. Indyke and or your lawyers, then you can  
12 answer it.

13 THE WITNESS: I cannot answer it  
14 separate from that.

15 BY MR. SCAROLA:

16 Q Did your lawyers, including Mr. Indyke, tell  
17 you when they handed over those pages to you that  
18 there's an allegation that these pages contain  
19 privileged material?

20 MR. LINK: I am going to instruct you  
21 not to answer it.

22 Do you mind if we take a break?

23 THE VIDEOGRAPHER: Going off the record  
24 at 10:15 a.m.

25 (A recess was had.)

1 THE VIDEOGRAPHER: Going back on the  
2 record. The time is 10:26 a.m.

3 BY MR. SCAROLA:

4 Q Have you ever communicated with any agent of  
5 Fowler White about the disc that was turned over by  
6 them to Link & Rockenbach?

7 A No. Not to the best of my knowledge.

8 Q Have you ever communicated with Tonja or Fred  
9 Haddad about the Fowler White disc?

10 A Not to the best of my knowledge.

11 Q Did you ever receive a copy of the disc  
12 itself?

13 A No.

14 Q Do I understand correctly that you don't  
15 recall whether any information contained on disc was  
16 transmitted to you electronically? Is that correct?

17 MR. LINK: Object to the form.

18 THE WITNESS: We are only talking about  
19 recently, I take it, right?

20 I don't know what information was  
21 contained entirely on the disc. I have  
22 never seen the disc. I can't give you an  
23 answer in terms of what came off the disc in  
24 the past 10 years.

25 Can you ask a better question? I'm

1           sorry.

2 BY MR. SCAROLA:

3           **Q**     The information you received from Mr. Indyke,  
4 you were told, was information that originated on the  
5 Fowler White disc, correct?

6           MR. LINK: I don't want you to disclose  
7 any communications with your lawyers, but --

8           THE WITNESS: That is my belief.

9 BY MR. SCAROLA:

10          **Q**     Do you have a specific recollection that that  
11 information was conveyed to you in hard copy as opposed  
12 to having been sent to you electronically?

13          **A**     Correct.

14          **Q**     Were there any electronic communications that  
15 took place at any time that included any information  
16 derived from the disc?

17          MR. LINK: Object to the form.

18          THE WITNESS: It's a bad question. I  
19 don't have a time frame. I don't know what  
20 was -- came off the discs over the past  
21 eight years.

22 BY MR. SCAROLA:

23          **Q**     At any time since the beginning of  
24 February 2017 -- 2018, was any information conveyed to  
25 you electronically, which, as you sit here today, you

1 believe to have originated on the Fowler White disc?

2 **A** I don't believe so.

3 **Q** Have you had any electronic communications  
4 about the content of the Fowler White disc at any time  
5 since 2018?

6 **A** With who?

7 **Q** With anyone.

8 **A** Outside of my attorneys, no.

9 **Q** Have you had communications with your  
10 attorneys about information contained on the Fowler  
11 White discs since February of 2018?

12 **MR. LINK:** I am going to instruct you  
13 not to answer that question.

14 **BY MR. SCAROLA:**

15 **Q** This deposition was noticed duces tecum. You  
16 know what that means, correct?

17 **A** No. Sorry.

18 **Q** You don't know.

19 I'm going to hand you what we will mark as  
20 Exhibit Number 3.

21 (Defendants/Counter-Plaintiffs' Exhibit  
22 Number 3 was marked for identification.)

23 **BY MR. SCAROLA:**

24 **Q** Can you take a look at it and tell me whether  
25 you have ever seen it before?

1 MR. SCAROLA: Paul, this is a copy of  
2 the Re-Notice of Taking Video Deposition  
3 Duces Tecum.

4 MR. CASSELL: Thank you, Jack.

5 MR. LINK: Let me know when you are  
6 finished.

7 THE WITNESS: I'm finished.

8 MR. LINK: So, Mr. Epstein, you can  
9 answer the question -- I don't want you to  
10 disclose our communication. But if the  
11 question that's asked have you seen  
12 physically that document, then you can  
13 answer that. But I don't want you to  
14 disclose our communications about it and  
15 anything we discussed.

16 THE WITNESS: I have not seen it  
17 before.

18 BY MR. SCAROLA:

19 Q Were you informed that you had an obligation  
20 to bring with you at the time of this deposition those  
21 items that are described on the second page of Exhibit  
22 Number 3, quote, All communications and all records  
23 relating to all communications concerning or containing  
24 information derived from documents or data over which a  
25 claim of privilege was asserted by or on behalf of

1 Rothstein, Rosenfeldt, Adler PA; Farmer, Jaffe,  
2 Weissing, Edwards, Fistos & Lehrman, P.L.; or Bradley  
3 J. Edwards?

4 MR. LINK: I think -- which subpoena  
5 duces tecum are you looking at, Jack? Which  
6 case?

7 MR. SCAROLA: This is the subpoena  
8 duces tecum issued in the bankruptcy court  
9 proceedings.

10 MR. LINK: So in the bankruptcy court  
11 proceeding, we filed an objection to the  
12 subpoena duces tecum, and you and your law  
13 firm never responded, so there are no  
14 documents being produced in the bankruptcy  
15 matter.

16 BY MR. SCAROLA:

17 Q Do you have any documents that fit within the  
18 description that I just read?

19 MR. LINK: You are not going to answer  
20 that question.

21 MR. SCAROLA: And the basis for that?

22 MR. LINK: I filed my objection and it  
23 has sat there for months and you didn't  
24 respond to it or move to compel it. I am  
25 not going to let him answer any questions

1 about it.

2 BY MR. SCAROLA:

3 Q Have you conducted any search of  
4 electronically retained data on any communication  
5 device or computer that you have used since March of --  
6 excuse me -- since February of 2018 to determine  
7 whether there is stored on that device any  
8 communication or records relating to communications  
9 concerning or containing information derived from  
10 documents or data over which a claim of privilege has  
11 been asserted in these proceedings?

12 MR. LINK: So, Mr. Epstein, I do not --  
13 I am instructing you not to answer the  
14 question on the basis of both our assertion  
15 of an objection to the duces tecum that went  
16 unanswered in the federal court --  
17 bankruptcy court.

18 And secondly, it exceeds the scope of  
19 the deposition in the bankruptcy court,  
20 which was limited to asking you whether you  
21 had the disc or were aware of the disc that  
22 is subject to the bankruptcy proceeding  
23 before it was delivered -- before I located  
24 it. So I'm going to instruct you not to  
25 answer.

1 BY MR. SCAROLA:

2 Q I am going to mark as Exhibit Number 4 the  
3 Re-Notice of Taking Video Deposition Duces Tecum in the  
4 circuit court proceedings.

5 (Defendants/Counter-Plaintiffs' Exhibit  
6 Number 4 was marked for identification.)

7 BY MR. SCAROLA:

8 Q Hand that to you, sir, and ask you whether  
9 you have seen that before.

10 MR. LINK: Again, you can answer that  
11 specific question. I don't want you to  
12 testify or disclose about our communications  
13 that relate to that exhibit, but you can  
14 answer his very specific question.

15 THE WITNESS: No.

16 BY MR. SCAROLA:

17 Q Were you aware that you had an obligation to  
18 bring with you at the time of this deposition all  
19 documents tending to establish whether and to what  
20 extent Epstein reviewed any of the alleged privileged  
21 materials prior to March 2018; whether and to what  
22 extent Epstein reviewed any of the alleged privileged  
23 materials after March 2018; whether Epstein has any  
24 knowledge regarding compliance with the court's verbal  
25 rulings on the record at the March 8th, 2018 hearing

1 regarding destruction of those documents Edwards has  
2 claimed are privileged; whether and to what extent  
3 Epstein has shared any of the alleged privileged  
4 materials with anyone other than his attorneys,  
5 understanding that the documents are described as  
6 including, but not limited to all non-identical copies  
7 of writings, drawing, drafts, charts, photographs,  
8 phono-records, recordings, and/or any other data,  
9 compilations from which information can be obtained,  
10 translated, if necessary, by the party to whom the  
11 request is directed through detection devices into  
12 reasonably useable form?

13 Documents also include all electronic data  
14 as well as application metadata and system metadata.  
15 All inventories and rosters of information  
16 technology systems, for example, hardware, software  
17 and data, including but not limited to network  
18 drawings, lists of computing devices, servers, PCs,  
19 laptops, PDAs, cell phones with data storage and/or  
20 transmission features, programs, data maps and  
21 security tools and protocols.

22 MR. LINK: So, we filed a written  
23 response and objection to the request. We  
24 have asserted attorney-client privilege  
25 where appropriate. We identified where no

1 documents existed. We, in fact, produced  
2 the only responsive non-privileged  
3 documents.

4 I will note for the record,  
5 Mr. Scarola, that we did all of that in  
6 advance of this deposition, even though we  
7 weren't required to do so by the Florida  
8 Rules of Civil Procedure that gave us 35  
9 days, I believe, to do that with mailing,  
10 and that information and objections and  
11 documents have been produced.

12 BY MR. SCAROLA:

13 Q Did you search the data storage of any cell  
14 phone that you used in order to make a determination as  
15 to whether any of those items described in this duces  
16 tecum exist?

17 MR. LINK: I am going to instruct you  
18 not to answer. We have filed our written  
19 response to the subpoena duces tecum.

20 As I just said, we did it in advance of  
21 deposition, even though we weren't required  
22 to under the Florida Rules of Civil  
23 Procedure, and we have produced all  
24 non-privileged documents.  
25

1 BY MR. SCAROLA:

2 Q And I am entitled to know whether any search  
3 was conducted in connection with this duces tecum.  
4 Would you answer that question, please?

5 MR. LINK: I am going instruct you not  
6 to answer it.

7 BY MR. SCAROLA:

8 Q Did you search any home computer or other  
9 device capable of electronically storing data to  
10 determine whether any documents exist within the scope  
11 of the request that I have just read?

12 MR. LINK: I'm going to instruct you  
13 not to answer.

14 Let the record reflect Mr. Epstein  
15 testified that he shredded the hard copies  
16 that he had. That's what he remembers  
17 receiving. We will stand by our written  
18 objections and production.

19 BY MR. SCAROLA:

20 Q As you sit here today, do you know whether  
21 there is any data on any electronic storage device that  
22 relates in any way to the content of the Fowler White  
23 disc?

24 MR. LINK: Mr. Epstein, you can answer  
25 that specific question, but you may not

1 disclose any communications between you and  
2 your attorneys.

3 MR. SCAROLA: That doesn't ask for any  
4 communications between Mr. Epstein and his  
5 lawyer.

6 BY MR. SCAROLA:

7 Q I would like to know whether, as you sit here  
8 today, you know whether there is any electronic data  
9 stored on any device to which you have access that  
10 contains any information derived from the Fowler White  
11 disc.

12 A Since I'm not really sure what total  
13 information contained from the Fowler White disc of at  
14 least 27,000 emails -- and you referenced something as  
15 being derived from it -- I would not be able to have  
16 any recollection -- any way possible to search in any  
17 way to see if there's anything that's been derived from  
18 27,000 emails.

19 Q Do you have files on any electronic storage  
20 device that relate to this litigation?

21 MR. LINK: Over the last 10 years?

22 BY MR. SCAROLA:

23 Q As you sit here today, do you know whether  
24 there is any electronic data on any electronic data  
25 storage device that relates to this litigation?

1 MR. LINK: I am going to object to the  
2 form. It is not limited -- I am going to  
3 instruct you not the answer. It is  
4 unrelated to the bankruptcy proceeding and  
5 Judge Hafele's topics.

6 If you want to try to narrow it,  
7 Mr. Scarola. I obviously communicated with  
8 Mr. Epstein, to this day, sometimes  
9 electronically.

10 If you want to tie it in to the court's  
11 order, then we will see if he can answer it.

12 MR. SCAROLA: My question stands. And  
13 he is instructed not to answer that  
14 question?

15 MR. LINK: Yes, sir.

16 BY MR. SCAROLA:

17 Q Thank you.

18 Mr. Epstein, have you made any effort to  
19 determine whether there is anything on any  
20 electronic storage device to which you have access,  
21 which information was generated since February of  
22 2018 relating to the contents of the Fowler White  
23 disc?

24 MR. LINK: I am going to instruct you  
25 not to answer.

1 MR. SCAROLA: And the basis of that  
2 instruction?

3 MR. LINK: It exceeds the scope of the  
4 deposition of bankruptcy proceeding and  
5 Judge Hafele's specific order and our  
6 objections that we filed in the circuit  
7 court and the bankruptcy court.

8 BY MR. SCAROLA:

9 Q Are you aware of the entry of an order  
10 requiring that all information derived from the Fowler  
11 White discs be destroyed or purged?

12 A You said derived from. I'm sorry. That's  
13 the problem I am having with your question.

14 MR. LINK: Object to the form. Thank  
15 you.

16 BY MR. SCAROLA:

17 Q Would you answer the question please?

18 A I don't know what derived from means. I'm  
19 sorry.

20 MR. LINK: As we have discussed, when  
21 you say the Fowler White disc, that a -- I'm  
22 assuming you mean the one that my law firm  
23 discovered. The disc generated thousands --  
24 tens of thousands of pages that were  
25 produced in this litigation.

1           These depositions -- this deposition we  
2           are here for today is limited by court order  
3           to the disc that I -- that my law firm  
4           located and received in February.

5           MR. SCAROLA: That's the Fowler White  
6           disc, isn't it.

7           MR. LINK: No. I don't know that it  
8           is.

9           MR. SCAROLA: That's the question that  
10          I'm asking. The question I'm asking relates  
11          specifically to the Fowler White disc and  
12          whether Mr. Epstein is aware of the entry of  
13          an order that required the destruction or  
14          purging of all information alleged to be  
15          privileged derived from the Fowler White  
16          disc.

17          MR. LINK: By definition we are now  
18          limiting that to the disc, which my office  
19          started reviewing on February 25th, 2018.  
20          If that's your clarification for all the  
21          questions, then let me hear the question  
22          again.

23          THE WITNESS: I don't know what derived  
24          from a disc with untold amount of  
25          information on it means. Sorry.

1 BY MR. SCAROLA:

2 Q I mean came from.

3 A No.

4 Q Data that came from the disc, printouts that  
5 came from the disc, information that came from the disc  
6 that was obtained from Fowler White and acquired,  
7 allegedly, sometime in February 2018 from Fowler White  
8 to Link & Rockenbach.

9 Do you now understand the question, sir?

10 A No. I don't not.

11 MR. LINK: I don't either.

12 Jack, are you asking him whether he as  
13 retained any of the allegedly privilege  
14 emails --

15 MR. SCAROLA: No. I was asking him  
16 whether he's aware of an order --

17 MR. LINK: Can I please finish, please?

18 Are you asking him -- because the  
19 question has changed -- are you asking him  
20 has he retained any of the copies or  
21 electronic copies of the documents that are  
22 the subject of the bankruptcy proceeding  
23 that were located by my law firm from a disc  
24 that we started reviewing on February 25th,  
25 2018?

1 I think that's a legitimate question,  
2 pursuant to both -- well, pursuant to Judge  
3 Hafele's order, not pursuant to the  
4 bankruptcy order.

5 But your question hasn't been tailored  
6 that way.

7 MR. SCAROLA: And that's because that's  
8 not the question I'm asking.

9 BY MR. SCAROLA:

10 Q I want to know whether you are aware of the  
11 entry of an order that restricted your possession of  
12 any information that was derived from the disc that  
13 Link & Rockenbach obtained from Fowler White in  
14 February of 2018.

15 A The word derived -- any conversation that  
16 anybody had in any way attached to that information, I  
17 cannot answer that question.

18 If you are asking me the question  
19 specifically -- you have to be more specific.  
20 Derived from -- I don't know what derive means.

21 MR. LINK: It can encompass our  
22 conversations.

23 THE WITNESS: It can encompass many  
24 conversations, and subjects not related to  
25 this hearing (sic).

1 BY MR. SCAROLA:

2 Q Are you aware of the entry of a court order  
3 that prohibited you from obtaining possession of any  
4 documents or electronic data that originated on the  
5 specific copy of the disc that had been in Fowler  
6 White's files and was turned over in copy form to Link  
7 & Rockenbach in February of 2018?

8 MR. LINK: I object to the form. I  
9 don't think there's an order that says that.

10 Do you have a court order you are  
11 referring to?

12 THE WITNESS: May I see a court order?

13 BY MR. SCAROLA:

14 Q Are you aware of any court order restricting  
15 your possession of that information?

16 A May I see the court order?

17 Q No, sir. I want to know whether you are  
18 aware of any court order that restricted your  
19 possession of that information.

20 A I don't know what that information you are  
21 referring to is.

22 Q The information that was contained --

23 A Are you going to let me finish?

24 MR. LINK: Let me -- let's take a  
25 pause. I think the problem we're having is

1 that the court order -- there's no court  
2 order that says he has to flush his memory.

3 THE WITNESS: Excuse me. Is there a  
4 court order?

5 MR. LINK: There is no court order that  
6 says what Mr. Scarola says.

7 Mr. Epstein has already answered your  
8 question that he received documents and he  
9 shredded them when I instructed him of Judge  
10 Hafele's oral ruling on March 8th, 2018.

11 BY MR. SCAROLA:

12 Q What do you know about that March 8th, 2018  
13 order?

14 MR. LINK: Mr. Scarola -- Mr. Scarola,  
15 this is -- no reason to get aggressive and  
16 be upset. If there's an order that you  
17 have -- because what you have recited is not  
18 accurate. If you have an order, please show  
19 us.

20 BY MR. SCAROLA:

21 Q Are you aware of an order entered by Judge  
22 Hafele in March of 2018 that related to the contents of  
23 the disc obtained from Fowler White's files?

24 MR. LINK: Mr. Scarola, that is a  
25 misrepresentation. There was no order

1 entered. There was a verbal ruling, which  
2 we complied with and filed, I believe, at  
3 least two notices of compliance. So you are  
4 misstating what transpired in March of 2018  
5 to this witness.

6 BY MR. SCAROLA:

7 Q Are you aware of any verbal ruling -- whether  
8 Mr. Link chooses to characterize as an order or  
9 something other than an order -- relating to the  
10 retention of documents or data derived from the Fowler  
11 White disc that Link & Rockenbach obtained from the  
12 files of Fowler White?

13 A I am going to take -- you will have -- again,  
14 if you choose your words more carefully, I would  
15 appreciate it. I don't know what derived from means.

16 Q Is it derived that you don't understand the  
17 meaning of, or from that you don't understand the  
18 meaning of?

19 A Derived from.

20 MR. LINK: It includes our  
21 conversations, Mr. Scarola. That's the  
22 issue.

23 MR. SCAROLA: Except that the question  
24 relates to documents or data.

25

1 BY MR. SCAROLA:

2 Q Are you aware of the entry of an order or the  
3 issuance of a ruling or the pronouncement of any court  
4 that restricted retention of documents or electronic  
5 data that was obtained from --

6 A Thank you.

7 Q -- the disc that Link & Rockenbach got from  
8 Fowler White's files?

9 A Yes.

10 Q What do you understand that ruling, order or  
11 direction to be?

12 A I was to have destroyed my copies I had of  
13 those emails.

14 Q Did you have any understanding as to whether  
15 that order, direction or ruling related to anything  
16 other than hard copies that you had?

17 A Anything -- I believe anything I had.

18 Q And that would include any electronic data  
19 that you had, correct?

20 A I believe so.

21 Q Did you make any effort whatsoever to  
22 determine whether you had any electronic data that fell  
23 within the scope of that ruling?

24 A Yes.

25 Q What did you do?

1           **A**     I don't remember.

2           **Q**     Is whatever you did an action that you took  
3 personally or did it involve anyone else's efforts?

4           **A**     Separate from my attorneys, I don't believe  
5 so.

6           **Q**     Did you engage your attorneys to attempt to  
7 determine whether there was any electronic data that  
8 you had that fell within the scope of the court's  
9 ruling, direction or order?

10           MR. LINK: I'm going to instruct you  
11 not -- A, I am going to object to the form.  
12 And I don't understand the question. But I  
13 am going to object to you discussing --  
14 answering any question about what we  
15 discussed.

16           MR. SCAROLA: I haven't asked what you  
17 discussed. I am trying find out whether  
18 anything was done to comply with the court's  
19 order, which Mr. Epstein has said he  
20 understood to include purging electronic  
21 data.

22           MR. LINK: Then ask him --

23           MR. SCAROLA: If he said --

24           MR. LINK: Ask him, Did you have any  
25 data and you looked and you delete it, and

1 he will answer that question. Just like he  
2 said he shredded the hard copies.

3 BY MR. SCAROLA:

4 Q Did you look for any electronic data?

5 A I don't believe I had any.

6 Q Did you look for any electronic data?

7 A I don't believe I had any.

8 Q Let me try a third time.

9 A Okay.

10 Q Did you look for any electronic data or did  
11 you assume, because you didn't think you had any, that  
12 there was no need to look?

13 A I don't recall.

14 Q Did you engage the services of anyone else to  
15 attempt to determine whether you had any electronic  
16 data that you understood you were not supposed to have?

17 A Not to the best of my recollection.

18 Q What devices do you have upon which  
19 electronic data could be stored?

20 MR. LINK: I am going to object to the  
21 form and instruct you not to answer the  
22 question as framed.

23 MR. SCAROLA: I have no further  
24 questions of Mr. Epstein subject to our  
25 ability to re-examine him with regard to all

1 improper objections that have been raised,  
2 and with regard to items not produced that  
3 fall within the scope of the duces tecum of  
4 both notices.

5 MR. LINK: So you have completed both  
6 the circuit court and the bankruptcy  
7 deposition?

8 MR. SCAROLA: That is correct.

9 MR. LINK: Mr. Cassell, do you have --

10 MR. SCAROLA: Actually, it is not  
11 correct. I'm telling you they are not  
12 completed --

13 MR. LINK: Subject to your  
14 reservations.

15 MR. SCAROLA: Right.

16 MR. LINK: I got that.

17 Mr. Cassell, do you have questions for  
18 L.M. in the bankruptcy proceeding?

19 MR. CASSELL: I do.

20 MR. LINK: Okay. So I want the record  
21 to be clear, Mr. Cassell, that you do not  
22 have permission by the circuit court to ask  
23 any questions in the circuit court.

24 The bankruptcy court has allowed you to  
25 ask questions on behalf of L.M., directed

1           only in the bankruptcy proceeding, and  
2           the -- my question is do you have questions  
3           about the bankruptcy proceeding that have  
4           not been asked by Mr. Scarola?

5           MR. CASSELL: I do.

6           MR. LINK: Okay.

7           MR. CASSELL: And for the record, I  
8           would like to disagree with your assertion  
9           that we have been denied the opportunity to  
10          ask questions by the circuit court.

11          It is our position that, by virtue of  
12          having intervened in that matter, and in  
13          particular with matters connected to those  
14          that are being discussed today, we have the  
15          right to ask questions.

16          MR. LINK: There's actually a court  
17          order, Mr. Cassell, that gives Bradley  
18          Edwards permission to ask questions. There  
19          is no court order giving the intervenors the  
20          right to ask questions.

21          So I want to be clear we have closed  
22          the circuit court proceeding, because the  
23          only party that had permission, pursuant to  
24          Judge Hafele's order to ask questions, was  
25          Mr. Edwards, and Mr. Scarola -- subject to

1 your reservations, Jack -- has finished his  
2 deposition of the circuit court.

3 So we are now closing that matter and  
4 moving forward on the bankruptcy matter for  
5 additional questions by Mr. Cassell on  
6 behalf of L.M. and by Mr. Ianno on behalf of  
7 Fowler White.

8 MR. SCAROLA: And it is our position on  
9 behalf of Brad Edwards that once an  
10 intervention has been granted and permission  
11 is given to take discovery in the proceeding  
12 to any party, every other party, including  
13 intervenors to that proceeding, have a right  
14 to participate in the discovery process.

15 MR. LINK: We will see what Judge  
16 Hafele says.

17 Mr. Ianno --

18 MR. IANNO: Well, I think what we need  
19 to do is do the read or waive and then just  
20 splice it and start -- not to continue it.  
21 We will just close it off entirely and have  
22 the videographer start a whole new file and  
23 the court reporter start a whole new file.

24 MR. LINK: So, yes --

25 MR. CASSELL: Before we do that, I just

1 need to ask two small things for the record.

2 It will take about 30 seconds.

3 First, I join in the statement that  
4 Mr. Scarola just made. And second, I would  
5 amplify that it was my understanding that  
6 Mr. Epstein understood he could have  
7 questions asked of him today through his  
8 attorneys -- and, of course, there's no  
9 court order permitting that -- just as a  
10 defendant in an action is allowed to ask  
11 questions during a deposition, such as this  
12 one, intervenors are allowed to ask  
13 questions, particularly where the subject  
14 matter at issues goes directly to the  
15 interest of the intervenors, which is the  
16 privacy of their own confidential  
17 information, which was the subject that I  
18 intended to ask questions about.

19 MR. LINK: I understand. So we are  
20 going to not waive. We will read, please.

21 And this closes the circuit court  
22 proceeding. We understand your objections,  
23 Mr. Cassell, and Mr. Scarola's reservations  
24 to go back before Judge Hafele. And if we  
25 are instructed to come back, we will come

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back.

THE VIDEOGRAPHER: Going off the  
record. The time is 11 a.m. This marks the  
end of the deposition.

- - -

(The deposition was concluded  
at 11:00 a.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA        )  
                                  : SS  
COUNTY OF PALM BEACH )

I, the undersigned authority, certify that  
JEFFREY EPSTEIN personally appeared before me and was  
duly sworn.

WITNESS my hand and official seal this 19th  
day of October, 2018.

\_\_\_\_\_  
Sonja D. Hall  
Commission No.: GG 168652  
Notary Public - State of Florida  
My Commission Expires: 2-01-22

## 1 REPORTER'S DEPOSITION CERTIFICATE

2  
3 STATE OF FLORIDA )  
4 : SS  
5 COUNTY OF PALM BEACH )

6 I, SONJA D. HALL, certify that I was  
7 authorized to and did stenographically report the  
8 deposition of JEFFREY EPSTEIN; that a review of the  
9 transcript was requested; and that the transcript is a  
10 true and complete record of my stenographic notes.

11 I further certify that on the 19th day of  
12 October, 2018, I notified SCOTT J. LINK, ESQUIRE that  
13 the deposition of JEFFREY EPSTEIN was ready for  
14 reading and signing by the witness.

15 I further certify that I am not a relative,  
16 employee, attorney, or counsel of any of the parties,  
17 nor am I a relative or employee of any of the parties'  
18 attorney or counsel connected with the action, nor am  
19 I financially interested in the action.

20 Dated this 19th day of October, 2018.

21 \_\_\_\_\_  
22 SONJA D. HALL  
23  
24  
25

1 TO: JEFFREY EPSTEIN  
2 c/o SCOTT J. LINK, ESQUIRE  
3 LINK & ROCKENBACH, P.A.  
4

5 RE: JEFFREY EPSTEIN vs. SCOTT ROTHSTEIN,  
6 INDIVIDUALLY; BRADLEY EDWARDS, INDIVIDUALLY  
7

8 At the conclusion of your deposition given  
9 in the above-styled cause you indicated you wished to  
10 read and sign the transcript.  
11

12 This letter is to advise you that your  
13 deposition is ready, and we ask that you call our  
14 office at (561) 471-2995 at your earliest convenience  
15 for an appointment to come in.  
16

17 If you are a party in this action and your  
18 attorney has ordered a copy of this transcript, you  
19 may wish to read his copy and forward to us a  
20 photostatic copy of your signed correction sheet.  
21

22 It is necessary that you do this as soon as  
23 possible, since the transcript cannot be held beyond  
24 two weeks from the date of this letter.  
25

26 If you have any reason which you would like  
27 for me to place on your deposition as to your failure  
28 to sign the same, please advise.  
29

30 Thank you for your prompt attention.  
31

32 Very truly yours,  
33 PALM BEACH REPORTING SERVICE, INC.  
34 1665 Palm Beach Lakes Blvd.,  
35 Suite 1001  
36 West Palm Beach, Florida 33401

37 BY: SONJA D. HALL  
38

39 Date: October 19th, 2018  
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CORRECTION SHEET:

NAME: JEFFREY EPSTEIN

RE: JEFFREY EPSTEIN vs. SCOTT ROTHSTEIN,  
INDIVIDUALLY; BRADLEY EDWARDS, INDIVIDUALLY

The following corrections, additions or deletions were noted on the transcript of the testimony which I gave in the above-captioned matter held on October 13th, 2018:

PAGE(S)            LINE(S)            SHOULD READ

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

# EXHIBIT B

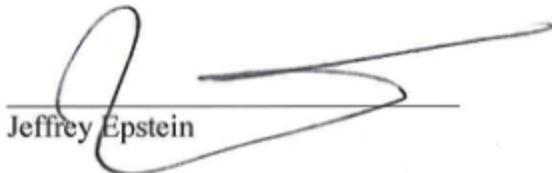
UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

IN RE: CASE NO. 09-34791-RBR  
ROTHSTEIN ROSENFELDT ADLER, P.A., CHAPTER 11  
Debtor.

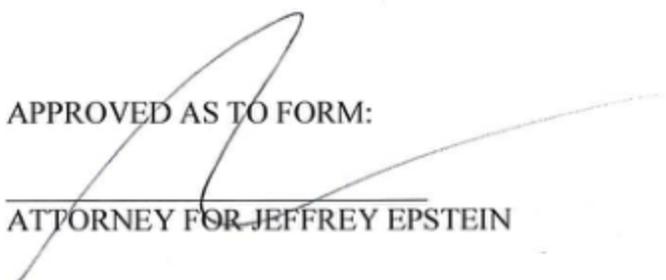
**JEFFREY EPSTEIN'S SWORN DECLARATION OF FACT**

1. My name is Jeffrey Epstein. I am the Plaintiff and Counter-Defendant in the action styled *Epstein v. Rothstein, Edwards, and L.M.*, No. 2009CA040800XXXXMBAG pending before the Fifteenth Judicial Circuit in and for Palm Beach County, Florida (the "state court proceeding").
2. The law firm of Fowler White Burnett, P.A. ("Fowler White"), represented me in the state court proceeding from June 2010 through May 2012. As part of that representation, Fowler White represented me in proceedings in this case concerning a Subpoena that my original counsel issued to the Bankruptcy Trustee.
3. In November 2017, I retained Link & Rockenbach, PA, to represent me in the state court proceeding.
4. In February 2018, Scott J. Link of Link & Rockenbach, PA informed me that he had located a disc ("CD") in Fowler White's files labeled "Epstein Bate Stamp."
5. I have no personal knowledge of how the CD came to be in Fowler White's possession.
6. I have never seen the CD nor received a copy of it.

Executed in the United States Virgin Islands, August 1<sup>st</sup>, 2018. I declare under penalty of perjury that the foregoing is true and correct.

  
Jeffrey Epstein

APPROVED AS TO FORM:

  
ATTORNEY FOR JEFFREY EPSTEIN