

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

Case No. 50-2009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S
MOTION TO MAKE COURT RECORDS CONFIDENTIAL**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), pursuant to the 15th Judicial Circuit's Administrative Order 2.303-9/09, moves the Court to make court records confidential, and in support thereof, states:

1. There is a dispute between Epstein and Defendant/Counter-Plaintiff Bradley Edwards ("Edwards") over the privileged nature of certain documents that were included on a disc recently obtained from Epstein's former counsel, Fowler White.

2. Epstein recently identified exhibits on his Clerk's Trial Exhibit List which included documents obtained from the disc. Edwards moved to strike those exhibits both on their untimely disclosure and because he alleged 49 of the exhibits were attorney-client privileged.

3. The Court held a hearing on March 8, 2018, at which time Edwards' Motion to Strike Epstein's Untimely Supplemental Exhibits and to Strike All Exhibits and Any Reference to Documents Containing Privileged Materials Listed on Edwards' Privilege Log was heard. The

Court struck Epstein's newly disclosed exhibits as untimely but did not make any findings on the privileged nature of the documents. In order for Epstein to preserve his rights concerning the Court's rejection of the *ore tenus* request for an *in camera* inspection and striking of Epstein's newly disclosed exhibits, the Court directed Epstein to file under seal the newly disclosed trial exhibits which Edwards has claimed are privileged. (3/8/18 Aft. Tr. 62:2-63:1.)

4. At the March 8, 2018, hearing, the Court also stated that the copy of the disc entitled "Epstein Bates Stamp" obtained from Fowler White's files should be filed under seal:

... that the one disk containing the documents that are being sought to be introduced at trial to take [sic] to record will be permitted to be filed under seal.

(3/8/18 Aft. Tr. 75:16-18.) The Court directed the Link & Rokenbach firm to maintain Fowler White's original files (including the original disc). (3/8/18 Aft. Tr. 80:8-81:15.)

5. Because the case was stayed on March 9, 2018, by the Fourth District Court of Appeal, Epstein could not move the Court to seal the disc and exhibits in accordance with Administrative Order 2.303-9/09. Epstein, however, on March 11, 2018, served a Notice of Service of Court's March 8, 2018, Hearing Transcripts and Compliance with Court's Rulings, a copy of which is attached as **Exhibit A**. Simultaneously with the filing of this Motion, Epstein is filing the disc and stricken trial exhibits under seal in compliance with the Court's rulings at the March 8, 2018, hearing.

6. While on March 12, 2018, *nunc pro tunc* to March 8, 2018, the Court entered an Agreed Order sealing two docket entries which referenced the contents of documents Edwards claimed are attorney-client privileged, the Order did not address the sealing of the disc and the stricken trial exhibits.

7. The Fourth District Court of Appeal's stay has now been lifted in part.

8. Epstein recognizes that Administrative Order 2.303-9/09 provides that a request to seal court records must be made by written motion and that the parties may not submit an agreed-upon order. Specifically, the Administrative Order provides:

1. A request to make court records ... confidential in any type of case must be made by written motion. Parties cannot submit an agreed-upon order. The Motion must be captioned "Motion to Make Court Records Confidential" ... The Motion must identify with particularity the records or hearing to be made confidential and the grounds upon which it is based. ...

3. A public hearing on any motion to seal a court record ... will be held as soon as practicable but no sooner than ten (10) days after notice is given to the public and the press. ...

4. A sealing order issued by a court must state with specificity the grounds for sealing and the findings of the court that justify sealing. ... The order must contain specific findings that the degree, duration, and manner of confidentiality are no broader than necessary to protect the interests listed in the Interim Rule of Judicial Administration 2.420(c)(9)(A). ...

Accordingly, to assure that the disc and stricken trial exhibits that Edwards claims are privileged are accepted by the Clerk under seal and remain under seal, Epstein requests an Order authorizing such filings and advising the Clerk that such filings shall remain under seal until further order of the Court. By filing this Motion, Epstein does not agree with Edwards' privilege assertions.

CERTIFICATION

This motion is being made in good faith and is supported by a sound factual and legal basis.

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on March 21, 2018, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

LINK & ROCKENBACH, PA



By: */s/ Scott J. Link* _____

Scott J. Link (FBN [redacted])

Kara Berard Rockenbach (FBN [redacted])

Rachel J. Glasser (FBN [redacted])

Primary: [redacted]

Primary: [redacted]

Primary: [redacted]

Secondary: [redacted]

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EXHIBIT A

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN AND
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JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

**PLAINTIFF/COUNTER-DEFENDANT NOTICE OF
SERVICE OF COURT'S MARCH 8, 2018, HEARING TRANSCRIPTS
AND COMPLIANCE WITH COURT'S RULINGS¹**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein") hereby serves the transcripts (morning and afternoon sessions) of the March 8, 2018, hearing, and provides his Notice of Compliance with the Court's rulings. Epstein will file this Notice with the Court once the stay is lifted.

THE COURT'S RULINGS

At that hearing, the Court made the following rulings:

- As to Intervenor's (E.W., L.M. and Jane Doe) request to temporarily seal the pleadings relating to the e-mails, the Court granted the request and asked for a proposed Order. (Morning Session, 3/8/18 4:16-5:1.)
- The sanitized redacted version of Epstein's Notice of Filing Appendix shall be filed under seal. (Afternoon Session, 3/8/18 75:20-23.)

¹ Although no written Order has been entered and the proceeding is stayed, Epstein has complied with and will continue to comply with the Court's rulings on the record.

- In order for Epstein to preserve his rights concerning the Court's rejection of the last-minute request for an in-camera inspection and the striking of his newly disclosed exhibits, Epstein shall file under seal the newly disclosed trial exhibits which Edwards has claimed are privileged. (Afternoon Session, 3/8/18 62:2-63:1.) These do not include exhibits that were already in the Court file or used in this case. (Afternoon Session, 3/8/18 76:8-21.)
- Link & Rockenbach, PA's copy of the disc entitled "Epstein Bate Stamp" that is the subject of the dispute will be filed under seal. (Afternoon Session, 3/8/18, 75:12-18.)
- Link & Rockenbach, PA to retain Fowler White's boxes, including the original disc. (Afternoon Session, 3/8/18, 80:8-81:15.)

On Friday, March 9, 2018, at 4:15 p.m. the Fourth District Court of Appeal entered its Order staying the state court action pending its review.

PLAINTIFF/COUNTER-DEFENDANT'S COMPLIANCE

Plaintiff/Counter-Defendant Jeffrey Epstein's counsel, Link & Rockenbach, PA, have complied with the Court's rulings at the March 8, 2018, hearing as follows:

- Link & Rockenbach, PA has not made any further dissemination of the documents included in the Appendix in Support of Epstein's Response in Opposition to Edwards' Second Supplement to Motion in Limine Addressing Scope of Admissible Evidence, trial exhibits or other documents from the disc that Edwards has asserted privilege claims over.
- On March 8, 2018, Link & Rockenbach, PA notified its client, its co-counsel (Jack Goldberger), its litigation team working on this matter, and its expert, Timothy Chinaris, to destroy all hard copies and electronic versions of the documents obtained from the disc and any copies of the discs that they had in their possession.
- On March 6, 2018, Epstein filed his Notice of No Objection to Attorney Paul Cassell, on Behalf of L.M., E.W. and Jane Doe, or Defendant/Counter-Plaintiff Bradley J. Edwards Moving to Seal Court Records Until the Court Makes a Determination on How the Documents Shall be Treated.
- Link & Rockenbach, PA is assisting Edwards' counsel to seal the redacted version of D.E. 1242, Epstein's Notice of Filing Redacted Appendix in Support of Response in Opposition to Edwards' Second Supplement to Motion in Limine Addressing Scope of Admissible Evidence, and D.E. 1252, Motion for Court to Declare Relevance and Non-Privileged Nature of Documents and Request for

Additional Limited Discovery, Evidentiary Hearing and Appointment of Special Master.

- Link & Rockenbach, PA has destroyed its paper copy of the Redacted Appendix that was filed in the Court file and has deleted the electronic version from its system.
- Link & Rockenbach, PA, has placed the Unredacted Appendix that was served but not filed in a sealed box that will be maintained in its office, unopened, for appellate purposes.
- In Edwards' March 5, 2018, Motion to Strike Epstein's Untimely Supplemental Exhibits and to Strike All Exhibits and Any Reference to Documents Containing Privileged Matters Listed on Edwards' Privilege Log, Edwards alleged the following exhibits identified by Epstein were privileged:

No.	Ex. No.	Bates No.	App. No.
1	13-1	02645	
2	13-4	00149	35
3	13-5	01527	3
4	13-6	04493-4495	
5	13-7	00014	36
6	13-11	00090	37
7	13-13	00133	68
8	13-15	08006	31
9	13-17	00026	70
10	13-19	01004	71
11	13-25	12289	33
12	13-30	26481	
13	13-34	26480	60
14	13-35	26356	
15	13-36	26570	
16	13-44	03731-03732	
17	13-45	06406-06408	
18	13-46	01686	48
19	13-47	11123-11125	50
20	13-49	11126-11127	32
21	13-52	25925	
22	13-53	25874	
23	13-56	11145	
24	13-60	03191-03192	4
25	13-66	04398-04402	2, 34
26	13-67	04408-04412	1
27	13-86	267477	11
28	13-88	08042-08044	16
29	13-89	26741-26742	13, 15

No.	Ex. No.	Bates No.	App. No.
30	13-90	08059-08061	17
31	13-93	26756-26758	9
32	13-94	08036-08038	19
33	13-97	26762	8
34	13-98	01117	21
35	13-100	08121-08123	20
36	13-101	26749-26752	23
37	13-102	08128-08130	24
38	13-103	08118-08120	22
39	13-104	08131-08133	25
40	13-105	08124-08126	26
41	13-106	08135-08138	10
42	13-107	27494	27
43	13-108	26760	
44	13-110	25997	28
45	13-111	25937	67
46	13-113	26604-26605	56
47	13-116	07019-07021	

- Edwards also objected to the following additional exhibits as being late disclosed:

No.	Ex. No.	Bates No.	App. No.
1	13-2	03037	54
2	13-3	03036	55
3	13-8	03998-04000	6
4	13-9	02231	
5	13-10	01300	
6	13-12	2906-2908	
7	13-14	11237	
8	13-18	01464	
9	13-20	01403	
10	13-21	02684-02685	51
11	13-22	01475	
12	13-24	03694	79
13	13-26	01166	38
14	13-27	01258	72
15	13-28	15113-15114	
16	13-31	26394	
17	13-33	25922	
18	13-37	00992	
19	13-40	01423	7
20	13-41	05071	
21	13-43	02043	81

No.	Ex. No.	Bates No.	App. No.
22	13-48	02088	
23	13-50	11128-11131	49
24	13-51	08459	
25	13-54	08348-08349	
26	13-55	08355	
27	13-61	27284	87
28	13-62	26893	89
29	13-64	01255	
30	13-65	26836-26837	90, 91
31	13-68	26807	92
32	13-69	26808-26809	93
33	13-70	27379	94
34	13-71	27293	95
35	13-72	26021	63
36	13-73	27270	96
37	13-74	27355	97
38	13-75	27325	100
39	13-77	27322	101
40	13-78	26777-26781	
41	13-79	26782-26786	102, 103, 104
42	13-80	26088-26089	105
43	13-81	25998	52
44	13-83	27072	108
45	13-85	Legamaro Depo Ex 6	
46	13-92	27522	109
47	13-96	Legamaro Production	
48	13-99	27051-20752	112
49	13-109	27025	111
50	13-112	26973	84
51	13-114	26737	57
52	13-115	26485	57
53	13-117	27013	58

- Link & Rockenbach, PA has marked the exhibits identified above and placed them in a sealed envelope for filing with the Court under seal once the stay is lifted in order to preserve Epstein's appellate record. Link & Rockenbach, PA will retain a set of these exhibits in a sealed envelope in the sealed box maintained in its offices for appellate purposes.
- With the exception of those documents it is maintaining in a sealed box for appellate purposes, Link & Rockenbach, PA has destroyed all hard copies of the documents it reproduced from the disc that Edwards has identified as privileged.

- Link & Rockenbach, PA has placed its copy of the disc in a sealed envelope, which will be filed under seal with the Court once the stay is lifted.
- Link & Rockenbach, PA has placed Fowler White's original disc in a sealed envelope which will be maintained with its original records at the offices of Link & Rockenbach, PA until further rulings by the Court.
- Link & Rockenbach, PA will maintain control of the Fowler White boxes until further rulings by the Court.
- Link & Rockenbach, PA has deleted the electronic duplicate of the disc and the electronic version of the exhibits identified above from its computer system and Dropbox.
- Link & Rockenbach, PA will work with its IT personnel to remove copies of any documents Edwards has claimed as privileged from its e-mail servers.

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on March 11, 2018, via e-mail and will be served with the Court once the stay is lifted.

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By: /s/ Scott J. Link

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