

**CONFIDENTIAL SETTLEMENT COMMUNICATION
IN FURTHER OF MEDIATION ORDER**

October 10, 2018

Via E-Mail

Niall McLachlan
Carlton Fields Jordan Burt, P.A.
Miami Tower
100 S.E. Second Street, Suite 4200
Miami, FL 33131-2113

Via E-Mail

Joseph Ianno, Jr.
Carlton Fields
525 Okeechobee Blvd.
Suite 1200
West Palm Beach, FL 33401

**Re: *Jeffrey Epstein v. Scott Rothstein and Bradley J. Edwards*
15th Judicial Circuit Case No. 50-2009-CA-040800XXXXMBAG**

***In re Rothstein Rosenfeldt Adler, P.A.*
U.S. Bankruptcy Court, Southern District of Florida, Case No. 09-34791-RBR**

Dear Niall and Joe:

I am writing on behalf of my client, Jeffrey Epstein, to put Fowler White and its carrier on further notice of Mr. Epstein's potential claims for malpractice and breach of fiduciary duty relating to Fowler White's representation of him in the above-referenced matters during the period of June 2010 through May 2012.

Potential Malpractice and Breach of Fiduciary Duty Claims Against Fowler White

First, in the very unlikely event the Bankruptcy Court awards sanctions against Epstein, he will seek recovery from Fowler White because Fowler White retained a copy of the disc without his knowledge.

Second, but for Fowler White's actions in retaining the disc, the show cause proceedings would never have been brought against Epstein. Epstein has expended substantial attorneys' fees and costs defending himself in the show cause proceedings.

Third, if the Bankruptcy Court finds that Fowler White's retention of the disc violated the Agreed Order, and as a result, the trial court does not allow Epstein to use the case-ending e-mails at trial and a verdict is awarded in Edwards' favor, Epstein will seek recovery from Fowler White for its malpractice and breach of fiduciary duty.

Fourth, Fowler White should have pursued an in camera inspection of the alleged privilege documents in 2011. Had Fowler White done so, the alleged privilege claims would have been resolved in Epstein's favor long ago.

Epstein has spent millions of dollars in attorneys' fees and costs defending Edwards' malicious prosecution claim based on his not having the case-ending e-mails back in 2011. If the trial court allows the e-mails to be used at trial, and a verdict is awarded in Epstein's favor, Epstein will hold Fowler White accountable for the millions of dollars of attorneys' fees and costs Epstein incurred from 2011 to the present, as well as the other damages caused by Fowler White. Had Fowler White timely taken the necessary action it should have, these emails would have been available to Epstein early in the litigation when they should have been, and among other things, Epstein would have maintained his claim against Edwards, would have prevailed on Edwards' Motion for Summary Judgment and would have been able to settle the case early and favorably based on those e-mails.

Conclusion

As the Agreed Mediation Confidentiality Order clearly provides, the mediation included not only the State Court and Bankruptcy Court proceedings, but "Epstein's potential claims against Fowler White." While we have very generally outlined Epstein's claims above, this information is provided without prejudice and Epstein reserves his right to assert any and all other claims or causes of action against Fowler White and its attorneys that he may later discover.

We look forward to working with you to resolve this matter.

Sincerely,

Scott J. Link

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