

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION
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IN RE: CASE NO.: 09-34791-RBR
ROTHSTEIN ROSENFELDT ADLER, P.A., CHAPTER 11
Debtor.

BRADLEY EDWARDS' MOTION TO RESCHEDULE SHOW CAUSE HEARING SET FOR AUGUST 23-24, 2018

Bradley J. Edwards ("Edwards"), by and through undersigned counsel and pursuant to the Court's Order to Show Cause Why Fowler White and Jeffrey Epstein Should Not Be Held in Contempt and Scheduling Evidentiary Show Cause Hearing, hereby files this Motion to Reschedule Show Cause Hearing Set for August 23-24, 2018, and states as follows:

The Show Cause Order

On April 19, 2018, the Court entered its Order to Show Cause Why Fowler White and Jeffrey Epstein Should Not Be Held in Contempt and Scheduling Evidentiary Show Cause Hearing (the "Show Cause Order"). In the Show Cause Order, the Court scheduled an evidentiary hearing for August 23 and 24, 2018, in which Jeffrey Epstein and his prior counsel, Fowler White, are required to show cause as to why they should be not be held in contempt of Court.

The Evidentiary Hearing Should Be Rescheduled

i. Depositions

The Show Cause Order permits Edwards to take the deposition of Jeffrey Epstein, Fowler White, and Link & Rockenbach with regard to "the allegations of federal civil contempt regarding the alleged discovery violations of the Agreed Order." Order at p. 5. The parties diligently worked to set these depositions, and after coordinating the schedules of all six (6) attorney/law firms

representing the various parties in this matter, the three (3) depositions were set for July 29, 2018. Unfortunately, Mr. Epstein had an apparent medical conflict and requested that his deposition be rescheduled. This rescheduling necessitated the rescheduling of all depositions, as Edwards desires to depose Mr. Epstein *before* the corporate representatives of the two law firms are deposed. After additional schedule coordination, the depositions were agreed to be reset for August 17th.

Given that this is only one (1) week before the scheduled hearing, Edwards will not have sufficient time to conduct any additional discovery or take additional depositions that may be needed, depending on the testimony derived from these depositions.

ii. Paper Discovery

Given the evidentiary nature of the Show Cause hearing, and the fact that the parties are required to exchange exhibit binders prior to the hearing, Edwards' included *duces tecum* requests in his deposition notices to Mr. Epstein, Fowler White, and Link & Rockenbach. All three parties, however, have taken the position that *no* paper discovery is permitted in this case. Specifically, Fowler White filed an Objection to Re-Notice of Deposition Duces Tecum (DE 6399) and Motion for Protective Order [DE 6409] and Epstein filed a Responses and Objections to the Notices of Taking Video Deposition Duces Tecum of Epstein [DE 6388]. Apparently, their position is that Edwards (and Farmer Jaffe and the Intervenors) are limited to deposition testimony only and have no ability to test the credibility of that sworn testimony through impeachment by documents adduced in discovery. Edwards does not believe that was the Court's intention, particularly given the requirement in the Show Cause Order that the parties exchange exhibit binders in advance of the hearing. If no document discovery is permitted, what exhibits will the parties be exchanging?

As these Objections were not set *sua sponte* by the Court, Edwards is in the process of setting them for hearing at the first available date.

iii. Bradley Edwards' Recent Surgery

In addition to the delay in scheduling depositions (through no fault of Edwards) and the outstanding objections to Edwards' *duces tecum* requests, Bradley Edwards recently had surgery in New York and has only recently been cleared to fly and return home. Mr. Edwards will be unable to fully participate in the evidentiary hearing as scheduled. Given that Mr. Edwards, along with being a party, represents Farmer Jaffe, his medical condition alone necessitates rescheduling of the Show Cause hearing.

iv. The Show Cause Hearing Will Likely Require Only One (1) Day

The parties have recently exchanged correspondence regarding the length of the proposed Show Cause Hearing, as it is Edwards' position that only one (1) day is required. Edwards reasonably believes that this view is shared by, at a minimum, Farmer Jaffe and the Intervenors. Thus, rescheduling will conserve Court resources, as a single day should be sufficient.

Conclusion

Given the foregoing, Edwards respectfully requests that the Court reschedule the Show Cause hearing until the latter part of September or early October, or at any other time that is convenient for the Court. Edwards suggests that one (1) day will be sufficient.

I HEREBY CERTIFY that, pursuant to L.R. 9011-4(B) the undersigned counsel is qualified to practice before this Court.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on electronically to the examinee, the debtor, the attorney for the debtor, the trustee, all CM/ECF subscribers, and by email or U.S. Mail on those parties listed on the attached service list this 10th day of August, 2018.

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).

/s/ David P. Vitale Jr. _____

Jack Scarola

Florida Bar No.: [REDACTED]

David P. Vitale, Jr.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 10, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certified that the foregoing document is being served this day on all counsel of record or pro se parties identified on the on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ David P. Vitale Jr. _____

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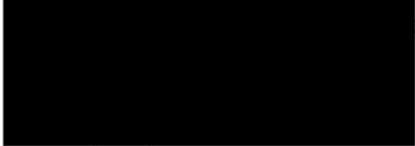
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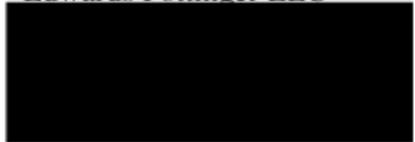
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