

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.

**FARMER JAFFE WEISSING EDWARDS FISTOS AND LEHRMAN
SUMMARY OF DAMAGES IN SUPPORT OF MOTION FOR ISSUANCE OF AN
ORDER TO SHOW CAUSE WHY FOWLER WHITE AND JEFFREY EPSTEIN
SHOULD NOT BE HELD IN CONTEMPT OF COURT, TO PERMIT DISCOVERY, TO
ASSESS SANCTIONS AND COSTS, AND FOR OTHER APPROPRIATE RELIEF**

Farmer Jaffe Weissing Edwards Fistos & Lehrman (“Farmer Jaffe”), through counsel, hereby files this Summary of Damages in Support of Farmer Jaffe’s Motion to Show Cause Why Fowler White and Jeffrey Epstein Should Not Be Held in Contempt of Court, to Permit Discovery, to Assess Sanctions and Costs, and for Other Appropriate Relief, and as grounds therefore states as follows:

Jeffrey Epstein issued a subpoena, through the Palm Beach State Court case of *Jeffrey Epstein v. Scott Rothstein, Bradley J. Edwards, and L.M.*, Fifteenth Judicial Circuit, in and for Palm Beach County, Florida Case No. 50-2009 CA 040800XXXX MB AG (hereinafter “the Epstein lawsuit”). The result of that subpoena was the production from the RRA trustee of approximately 27,000 emails to be delivered to Farmer Jaffe for the review and creation of a privilege log. On November 30, 2010, this Court ordered Epstein to bear the costs of the printing and Bates Numbering of the documents, and this Court retained jurisdiction to award sanctions on behalf of Farmer Jaffe, Edwards, or clients in the event that it was determined that Epstein or Fowler White retained images or copies of the subject documents on computer or otherwise. [DE

1194]. Epstein's counsel at the time in the Epstein lawsuit, Fowler White, did retain a copy of the documents or images in violation of the Court Order. The Epstein lawsuit, which remains pending eight years later on Edwards's malicious prosecution claim against Epstein only, was finally about to begin trial when Epstein's current counsel in the Epstein lawsuit, Link & Rockenbach, began using those improperly retained documents. Epstein's current counsel admitted that Epstein personally has also been provided materials covered by the Order. At this point, it is clear that Fowler White improperly retained images or copies of the subject documents and Epstein's trial counsel years later in that same litigation began using those improperly retained documents and sharing the documents with Epstein personally. Epstein and his counsel violated the Order.

Farmer Jaffe now requests the following relief that should be fashioned to remedy all harm caused by or derived from the original violation and all subsequent violations of this Court's Order:

1) Fowler White shall provide all documents which bear on the retention, review, or use of the materials retained in violation of this Court's order including any: (a) emails, memorandum or other writings of any kind, including internal or with their client Epstein, on the topic (b) as well as all billing records related to the documents, the review, retention or use thereof. This should include any summaries or notes which could have only been created from the improper review or retention of these documents.

2) Link & Rockenbach shall provide all documents which bear on the retention, review, or use of the materials retained in violation of this Court's order including any: (a) emails, memorandum or other writings of any kind, including internal or with their client Epstein, on the topic (b) as well as all billing records related to the documents, the review, retention or use thereof. This should include any summaries or notes which could have only been created from the improper review or retention of these documents.

3) Jeffrey Epstein shall provide all documents which bear on the retention, review, or use of the materials obtained or retained in violation of this Court's order including any emails on the topic, sent to or received from anyone. This should include any summaries or notes which could have only been created from the improper review or retention of these documents.

4) Monetary damages against Fowler White equal to the expense incurred by Farmer Jaffe in reviewing the more than 27,000 emails and the creation of a privilege log, which has been rendered meaningless due to the violation; this task required the time of numerous Farmer Jaffe employees and in total well over 100 hours of time. Farmer Jaffe seeks reimbursement for only a fraction of that time: 40 hours of attorney time at \$500/hour totaling \$20,000.

5) Reasonable attorneys' fees and costs expended in connection with the filing of the Motion for Order to Show Cause, and the subsequent actions related to this proceeding; yet to be determined, currently conservatively estimated at 15 hours at \$500/hour totaling \$7,500.

6) Daily sanction against Fowler White in the amount of \$1,000 per day for each day that the violation continues in order to coerce and ensure compliance with this Court's Order until such time that Fowler White proves to the Court that it is in full compliance. This sanction should be assessed from the day when it is proven as the first day of the violation.

7) Daily sanction against Jeffrey Epstein in the amount of \$1,000 per day for each day that the violation continues in order to coerce and ensure compliance with this Court's Order until such time that Jeffrey Epstein proves to the Court that he is in full

compliance. This sanction should be assessed from the day when it is proven as the first day of the violation.

I HEREBY CERTIFY that, pursuant to L.R. 9011-4(B) the undersigned counsel qualify 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 14th day of May, 2018.

I HEREBY CERTIFY that I am admitted to the Bar of the United State 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).

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 14, 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/ Brad Edwards
Brad Edwards

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