

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.

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**[PROPOSED] 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**

This Court having previously entered an order directing that both Fowler White and Epstein were not to have “retained images or copies of the subject documents on [their] computer[s] or otherwise” DE 1194, and this Court having retained jurisdiction to ensure enforcement of its order, and it appearing for reasons explained by Farmer Jaffe its Motion for 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, that a prima facie case has been made this the Court’s order has been violated, now ORDERS as follows:

1. Fowler White and Epstein are directed within seven days of the entry of this order to show cause as to why they should not be held in contempt of the Court’s order, DE 1194.

2. Fowler White and Epstein (including all of Epstein’s past and present legal counsel) are directed, within seven days of the entry of this order, to provide to counsel for Farmer Jaffe all physical, electronic, and other information in their possession concerning the copying, retention, and dissemination of the documents covered by DE 1194 (and any materials disclosing the

contents of those documents), including (but not limited to) all information regarding the making, retention, and dissemination of an authorized disc containing these materials on and after December 8, 2010. This information shall include, but is not limited to, any electronic or other information showing the date on which copies were made, the authors of any such copies, and emails or transmission of such copies, and any discussion or reference to such copies. Epstein (and all of his past and present legal counsel) shall also provide all correspondence and billing records related to the copying, retention, and dissemination of the subject documents, the Bates stamping of the subject documents, or any other activity related to the November 30, 2011 Order from the day that the Epstein subpoena was issued on April 17, 2010 through the present.

3. Fowler White and Epstein (including all of Epstein's past and present legal counsel) will provide to Farmer Jaffe within seven days of the entry of this order a listing of all persons or entities to whom the subject documents (or any documents disclosing the contents of the subject materials) have been distributed, as well a certification of that they have asked for return of the subject materials.

4. All subject materials including all materials containing information derived from the subject materials which have not already been destroyed will be immediately gathered, catalogued, and delivered under seal to the Court. All materials already destroyed will be catalogued. The catalogue will identify the nature of the material, the person(s) in possession, the date and source of acquisition, the date possession was relinquished, and—if destroyed—the date of destruction. The catalogue will be filed with the Court and served on counsel for Farmer Jaffe within 7 days of the date of this Order. The catalogues will be promptly supplemented with any relevant information gathered subsequent to the initial filing and service.

5. Counsel for Farmer Jaffe is permitted to depose those persons with knowledge of the circumstances surrounding the copying, retention, or dissemination of the documents at issue in DE 1194.

6. An evidentiary show cause hearing will be held wherein Farmer Jaffe is afforded the opportunity to inquire into the facts and circumstances surrounding the wrongful retention and resulting dissemination of the subject privileged materials. Such inquiry should include, but not be limited to, testimony from Special Master Robert Carney, Jeffrey Epstein, Fowler White Attorney Joseph L. Ackerman, Fowler White Attorney Lilly Ann Sanchez, Jack Goldberger, Tina Campbell, Scott Link, Kara Rockenbach, and the currently unidentified attorneys that Mr. Link has represented are also working on this case on behalf of Epstein from the Gunster law firm.

7. Epstein will pay Farmer Jaffe reasonable attorneys' fees and expenses connected with Farmer Jaffe's efforts to determine the circumstances surrounding the retention and release of the materials and to undo any damage caused to Farmer Jaffe or its clients from the retention or release of the materials.

8. Farmer Jaffe is permitted to seek further relief and sanctions after the discovery described above is completed.

SO ORDERED this \_\_\_ day of March, 2018.

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Raymond B. Ray, Judge  
United States Bankruptcy Court