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April 4, 2018

The Honorable Rodney Smith
Circuit Court Judge
Dade County Courthouse
73 West Flagler Street
Room DCC 1304
Miami, FL 33130

RE: Brunel v. Epstein, et al
Case No. 14-21348

Dear Judge Smith,

Please be advised that the undersigned represents Mr. Jeffrey Epstein with regard to the defense in the above referenced matter.

We have been provided with a copy of a letter sent to you on March 29, 2018 by the attorney for the Plaintiffs, Mr. Joe Titone. It is unfortunate that Mr. Titone appears to be attempting, again, to engage in ex parte communication with the Court. Because of this ex parte communication we must respond by way of this letter.

We note as a preliminary matter that Mr. Titone's letter states that you were being provided with a Motion for Ruling on Service of Process on Defendant Jeffrey Epstein with attached exhibits, filed with the clerk on March 29, 2018. In fact, the motion that is attached to Mr. Titone's letter was Plaintiffs' Motion for Special Set Hearing/Status Conference.

To give procedural context to Mr. Titone's improper ex parte application to this Court, Mr. Titone is attempting to resuscitate a complaint initially filed nearly 4 years ago in August 2014, then amended to add Mr. Epstein as a defendant by asserting two undecipherable non-business causes of action against Mr. Epstein, personally. In the more than three years that have passed since Plaintiffs amended their complaint, they have made only two woefully inadequate efforts to serve process, one in March 2015 and another in November 2016. But neither of these efforts involved even an attempt at

personal service on Mr. Epstein and neither even remotely complied with the specific rules under Florida Statutes Section 48.031 for effecting service of original process.

This Court granted Mr. Epstein's Motion to Quash Service with respect to Plaintiffs' first failed service attempt. Although, Plaintiffs waited a full year to respond to that Motion to Quash and did not bother to show up for the hearing that Plaintiffs themselves set for that motion more than a year later, this Court generously gave Plaintiffs a 120 day extension to effect service in compliance with Florida Statutes Section 48.031 by not later than February 2, 2017, and ruled that if Plaintiffs failed to do so, then the case would be dismissed with prejudice and **"no further order of this Court shall be necessary."** Mr. Epstein's counsel notified Mr. Titone of the numerous problems with Plaintiffs' second failed attempt at service on December 7, 2016, a full two months before the Court's February 2, 2017 deadline, but Plaintiffs chose to ignore that notice as well and made no subsequent effort to effect service on Mr. Epstein, either before or at any time after the February 2, 2016 deadline passed.

Instead, on March 16, 2017, more than a month after the expiration of the February 2, 2017 deadline, Plaintiffs moved this Court for a ruling on their failed November 2016 service attempt. Mr. Epstein opposed that motion, filing on March 30, 2017 a Memorandum of Law detailing the numerous defects in that improper service attempt and also filed on that same date a Motion to Dismiss, reminding this Court of its ruling that Plaintiffs' failure to effect service by February 2, 2017 would result in an automatic dismissal with prejudice without further order of the Court. Plaintiffs made no attempt to set their motion for hearing. Seven months later, on October 16, 2017, Plaintiffs re-filed essentially the same Motion for Ruling on their improper service attempt a year earlier, but this time asked the Court to rule without a hearing. In that second request for a ruling without a hearing, Plaintiffs omitted to inform that Court that Mr. Epstein filed a detailed Memorandum in Opposition to Plaintiffs' March 16, 2017 Motion for a Ruling, as well as a Motion to Dismiss Plaintiffs' Amended Complaint for failure to comply with the Court's October 5, 2016 order. In effect, seven months after Mr. Epstein opposed the Plaintiffs' Motion for a Ruling on Service and filed a Motion to Dismiss Plaintiffs' Amended Complaint for failure to comply with the Court's October 5, 2016 service order, Plaintiffs sought to trick this Court into ruling without considering either of Mr. Epstein's submissions to this Court. Mr. Epstein addressed these issues in his Response to Plaintiffs' Motion for Ruling on Service of Process, filed two days later on October 18, 2017. In the face of Mr. Epstein's opposition, Plaintiffs have remained conspicuously silent until now.

Mr. Epstein's pleadings detailing the numerous defects in Plaintiffs' failed service, including his March 30, 2017 Memorandum in Opposition to Motion for Ruling on Service of Process, his March 30, 2017 Motion to Dismiss, and his October 18, 2017 Response to Motion for Ruling on Service of Process are attached for the Court's ready reference. There has been no change in the events outlined in those pleadings, other than the passage of even more time further mandating the dismissal of Plaintiffs' Amended Complaint. In the 1,151 days that have passed since a summons was issued to Mr. Epstein in this matter, Plaintiffs have never served him, and Mr. Epstein stands

by his pleadings.

Mr. Titone's letter states that he wishes to discuss the possibility of a settlement and/or mediation. It is incomprehensible that the Court could order mediation when service on Mr. Epstein has never been effected and the Court has no jurisdiction over him. Additionally, this entire matter was dismissed on February 2, 2017 by operation of this court's Order dated October 5, 2016.

Thank you for your consideration of this matter.

Very truly yours,

W. Chester Brewer, Jr.

WCB/slm
Enclosures
cc: Joe Titone, Esquire