

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR
PALM BEACH COUNTY, FLORIDA

JEFFREY EPSTEIN,)	
)	
Plaintiff,)	
vs.)	No. 502009CA040800XXXXMBAG
)	
SCOTT ROTHSTEIN, individually,)	
BRADLEY J. EDWARDS,)	
individually, and [REDACTED].,)	
individually,)	
)	
Defendants.)	

West Palm Beach, Florida
July 11th, 2017
8:45 a.m. - 8:59 a.m.

PLAINTIFF'S MOTION TO SET CASE FOR TRIAL

The above-styled cause came on for hearing before the Honorable Donald W. Hafele, Presiding Judge, at the Palm Beach County Courthouse, West Palm Beach, Palm Beach County, Florida, on the 11th day of July, 2017.

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APPEARANCES:

For The Plaintiff:

SEARCY DENNEY SCAROLA BARNHART & SHIPLEY,
P.A.
2139 Palm Beach Lakes Blvd.
West Palm Beach, Florida 33409
By JACK SCAROLA, ESQUIRE

For The Defendants:

TONJA HADDAD, PA
315 SE 7th Street, Suite 301
Fort Lauderdale, Florida 33301-3158
By TONJA HADDAD COLEMAN, ESQUIRE

For Jeffrey Epstein:

ATTERBURY, GOLDBERGER & WEISS, P.A.
250 Australian Ave. South, Suite 1400
West Palm Beach, Florida 33401
By JACK A. GOLDBERGER, ESQUIRE

1 THEREUPON, the following proceedings were had.

2 THE COURT: Okay.

3 MR. SCAROLA: Your Honor, Jack Scarola on
4 behalf of the plaintiff, Brad Edwards. This is
5 our motion to expand interrogatories. There
6 are two groups of interrogatories that we wish
7 permission to propound to defendant. The first
8 has to do with a 74 member witness list, and we
9 are seeking further details with regard to the
10 role that these 74 individuals are expected to
11 play in order to make a determination as to
12 whether depositions need to be taken of any of
13 these people.

14 The second group of interrogatories are
15 punitive damage interrogatories. The punitive
16 damage claim is pending, and it is clearly
17 appropriate that we be entitled to get detailed
18 information regarding the defendants' pecuniary
19 circumstances.

20 THE COURT: All right. Ms. Haddad?

21 MS. HADDAD COLEMAN: Good morning, Judge.
22 Tonja Haddad Coleman on behalf of the
23 defendant, Jeffrey Epstein. We have filed a
24 memorandum of law in opposition to
25 Mr. Scarola's motion. There is several

1 issues --

2 THE COURT: I haven't seen it. When was
3 it filed?

4 MS. HADDAD COLEMAN: Judge, it was hand
5 delivered to your office. It was filed on
6 June 24th and it was delivered to your office
7 on June 28th. I have the cover letter here.

8 THE COURT: Okay.

9 MS. HADDAD COLEMAN: May I approach?

10 THE COURT: I haven't seen it. Yes,
11 ma'am. I've looked through everything I've got
12 relevant to the case.

13 MS. HADDAD COLEMAN: Thank you, Judge.

14 THE COURT: Delivered to the 9th floor,
15 but that shouldn't be a major problem.

16 But anyway, go ahead.

17 MS. HADDAD COLEMAN: Your Honor, the
18 issues that we see facing the motion filed by
19 Mr. Scarola are two-fold. Number one, as you
20 will see in the attached exhibits to our
21 motion, Mr. Epstein has already filed
22 interrogatory responses related to his net
23 worth for the punitive damages, and we have
24 attached for your review a copy, a certified
25 copy of the notice of serving answers to

1 interrogatories.

2 And with respect to his interrogatories
3 for our 74 listed witnesses, Judge, at first
4 blush it looks like he's only requesting four
5 additional interrogatories. However, as you'll
6 see delineated in our motion, he is asking for
7 a plethora of information --

8 THE COURT: Yes, I read the
9 interrogatories, I understand that there's a
10 significant amount of work that would need to
11 be done with respect to delineating what those
12 individuals may have to say. But other than
13 that, what is your objection?

14 MS. HADDAD COLEMAN: Judge, the other
15 objection is that -- and, again, this is all
16 discovery issues, which I think the Court would
17 be better off specially setting, as you
18 discussed at the hearing last week, with
19 respect to all of the outstanding discovery.

20 Since 2013, which is the first time that
21 we filed a witness list, Mr. Scarola has filed
22 witness lists that have things such as all of
23 the listed victims --

24 THE COURT: Right. I've dealt with that
25 kind of peripherally at another hearing, and I

1 said to them, I don't typically allow that type
2 of grouping to go forward, but no one has
3 brought a motion.

4 MS. HADDAD COLEMAN: Yes, Judge, our
5 motion is pending. And we're requesting a
6 hearing date for that, and I think that because
7 this is a discovery motion, we might be better
8 off addressing all of this, because we may not
9 need 74 witnesses.

10 We're the defense here. Once we know what
11 Mr. Scarola is presenting in this case, instead
12 of the hundreds of people that seem to be
13 listed in his categories of witnesses that have
14 no proper names or addresses, we may not have
15 74 witnesses.

16 Furthermore, Judge, pursuant to the law,
17 which we have cited in our motion opposition,
18 the items that Mr. Scarola is asking us to
19 delineate for him include which exhibit we
20 expect to put forth through this witness, what
21 the testimony is we expect him to give pursuant
22 to contested issues. We don't even know what
23 issues he's presenting for his malicious
24 prosecution claim, so we couldn't possibly tell
25 him what our witnesses are going to be saying

1 until we know how he's presenting his case.

2 Furthermore, Judge, the law clearly stated
3 therein states that he's not entitled to try
4 his case through our work. Mr. Scarola needs
5 to conduct his own discovery on these witnesses
6 and there are less intrusive means other than
7 having us categorize 74 separate people; every
8 witness name, every exhibit, and a summary of
9 the testimony that we expect them to testify
10 about, when we're not even sure all 74 would be
11 germane to the trial because we don't know what
12 Mr. Scarola is presenting.

13 THE COURT: All right. Thank you.

14 MR. SCAROLA: The suggestion at this stage
15 of these proceedings that the defendant does
16 not know what this case is about and what the
17 issues are is, quite frankly, absurd. The
18 witness list that we have filed admittedly has
19 two or three categories of witnesses, and we
20 are addressing that. And I've told Ms. Haddad
21 that we will itemize each of the witnesses in
22 those categories. She'll have that by the end
23 of this week.

24 She knows who each of those witnesses are.
25 When we identify, as we have, each of the

1 plaintiffs' attorneys who have prosecuted
2 claims against Jeffrey Epstein, Jeffrey Epstein
3 and Ms. Haddad know who those plaintiffs'
4 lawyers are.

5 But we'll give them specific names and
6 addresses. When we identify each of Jeffrey
7 Epstein's victims who prosecuted claims against
8 Jeffrey Epstein, Jeffrey Epstein knows who
9 those individuals are. They're a matter of
10 public record. He settled those claims for
11 very substantial sums of money.

12 So, we'll cure that problem. And that
13 problem does not present any impediment
14 whatsoever to the defense understanding what
15 the issues in this case are. When they
16 identify 74 witnesses, they need to be prepared
17 to give us some indication as to what role they
18 anticipate these witnesses may play in this
19 lawsuit.

20 So, the interrogatories are reasonable,
21 they are appropriate, they are limited, and the
22 fact that prior answers to net worth
23 interrogatories were filed, which I believe to
24 be deficient to begin with. But the fact that
25 we got answers some years ago to net worth

1 interrogatories is not an appropriate objection
2 to our obtaining updated information regarding
3 this defendants' current pecuniary
4 circumstances.

5 Thank you, sir.

6 THE COURT: All right. Thank you, both.

7 The way I would have perceived this to go
8 would have been as follows: When Mr. Scarola
9 sends those types of interrogatories to you, I
10 think that there would be a corollary
11 responsibility on the part of the
12 counter-plaintiff. And remember, Mr. Epstein
13 was the one who brought the lawsuit in the
14 first place.

15 So, a suggestion of his uncertainty as to
16 what the issues are is difficult to
17 conceptualize. Irrespective of that, from the
18 standpoint of managing discovery, there's
19 really -- there's not been really presented to
20 me a legal objection. I've gone through, as
21 best I can, your memorandum. And other than
22 the burden of answering these questions, which
23 I understand to be significant, at the same
24 time I've heard no significant objection
25 that -- or have seen a case that would be on

1 point in order to suggest that I don't require
2 the answers to be given.

3 What I was going to say earlier is, I
4 don't have a problem if you want to send
5 essentially the same interrogatories to
6 Mr. Edwards, so as to develop the theme that
7 further, if there is any uncertainty. But in
8 trying to manage the discovery process, again,
9 while significant in terms of the nature of the
10 interrogatories, and I'm talking now about the,
11 what I'll call contention interrogatories or
12 proof interrogatories, I don't see anything
13 wrong with them, albeit it will take some time
14 to respond.

15 But I also don't see a problem with you
16 doing the same thing if you think that it would
17 be helpful to you, particularly where the
18 suggestion is made that the issues remain
19 somewhat clouded.

20 So I'm going to grant the motion to expand
21 the interrogatories, treat the net worth
22 interrogatories to the extent that the
23 responses were provided fully in the prior set
24 an updated interrogatories. Because it's true,
25 and I have seen for myself, particularly where

1 cases have been lingering, where there are
2 punitive damage issues involved, and net worth
3 changes significantly.

4 So, that's where we will leave it today.

5 Thank you both for your presentations and
6 wish you both a very pleasant rest of the week.

7 MR. SCAROLA: Thank you, sir. You too.

8 MS. HADDAD COLEMAN: Thank you.

9 (Thereupon, the hearing was concluded
10 at 8:59 a.m.)
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COURT CERTIFICATE

STATE OF FLORIDA)
 : SS
COUNTY OF PALM BEACH)

I, LINDA P. AUKAMP, RPR, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true record of my stenographic notes.

Dated this 4th day of August, 2017.

LINDA P. AUKAMP, RPR