

JEFFREY EPSTEIN,

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

CASE NO.: 502009CA040800XXXXMBAG

JUDGE: HAFELE

Plaintiff,

vs.

SCOTT ROTHSTEIN, individually,
and BRADLEY J. EDWARDS,
individually.

Defendants.

_____/

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S MOTION TO STRIKE
DEFENDANT/COUNTER-PLAINTIFF BRADLEY EDWARDS'S DISCOVERY
OBJECTIONS AND COMPEL RESPONSES THERETO**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), by and through his undersigned counsel and pursuant to Rules 1.280 and 1.380 of the *Florida Rules of Civil Procedure*, hereby requests that this Court enter an Order Striking Defendant/Counter-Plaintiff Bradley Edwards's ("Edwards") Objections to Epstein's Discovery Requests¹ and Compelling Edwards to produce documents and/or Interrogatory responses responsive to Epstein's Requests. In support thereof, Epstein states:

¹ There are still outstanding damages discovery requests to which Edwards's Response is not due until after the Court's deadline date for the filing of this Motion. As such, an additional Motion may be required upon receipt of responses to same.

INTRODUCTION

The only claim currently pending before this Court is Defendant/Counter-Plaintiff Bradley Edwards's Fourth Amended Counterclaim against Epstein, for the single count of Malicious Prosecution; a claim for which damages are a required element. Edwards is also seeking an award of punitive damages. On April 5, 2010, April 12, 2010, and December 9, 2011, Epstein served upon Edwards various Discovery requests. On May 11, 2010 and January 6, 2012, respectively, Edwards served his responses thereto.²

As explained more fully below, Edwards's objections to Epstein's Requests are legally insufficient as a matter of law, and as such said objections must be stricken and production compelled. Additionally, the information sought in Epstein's Interrogatories and Requests for Production is germane to this litigation; is the subject of matters put at issue by Edwards in his Counterclaim and his prayer for Punitive Damages; and cannot be obtained in any other way, thereby mandating its disclosure. Accordingly these relevant, responsive documents must be turned over to Epstein.

SUMMARY OF THE ARGUMENT

In his responses to Epstein's Interrogatories and Requests for Production that are at issue in this Motion, Edwards raises, in one form or another, three impermissible and/or improper objections that must be stricken; to wit: relevance; privilege; and economic right to privacy. As explained more fully in the Memorandum of Law below, each of these objections as plead is insufficient as a matter of law, mandating that this Court compel responses from Edwards.

MEMORANDUM OF LAW

INTRODUCTION

² There were several other discovery requests and responses filed and responded to, but this Motion deals exclusively with those delineated above. The other outstanding discovery is addressed in a separate Motion.

Florida Law permits litigants ample latitude in discovery. Rule 1.280 of the *Florida Rules of Civil Procedure* memorializes this broad scope, and provides that

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action, whether it relates to the claim or defense of the party seeking discovery or the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

FLA. R.CIV. P 1.280(1) (emphasis added). As such, as long as the discovery requested is relevant to the cause of action as to any claim or defense, and is not otherwise subject to a privilege, it is discoverable.

The first of Edwards's objections Epstein seeks to strike in this Motion are the "blanket" objections. It is well-established law that "blanket" objections, such as "relevance," "overbroad," and "not likely to lead to the discovery of admissible evidence" are legally impermissible. Such objections must be set forth with specificity. *See Christie v. Hixson*, 358 So. 2d 859 (Fla. 4th DCA 1978). Discovery responses containing bare-boned objections, without more, are stricken as a matter of course. *Id.* *See also Murray Van & Storage, Inc. v. Murray*, 343 So. 2d 61 (Fla. 4th DCA 1977) (stating that an objection to discovery claiming that the sought-after information is not reasonably calculated to lead to discovery of admissible evidence is a legally insufficient reason to prevent discovery). In fact, "[t]he concept of relevancy is broader in the discovery context than in trial context; a party may be permitted to discover relevant evidence that would be inadmissible at trial, if it may lead to the discovery of relevant evidence." *Allstate Ins. Co. v. Langston*, 655 So. 2d 91, 93 (Fla. 1995). As provided in detail below, Edwards's objections to

Epstein's Discovery contain nothing more than the forbidden language, and as such must be stricken and responses compelled.

Next, Epstein seeks to strike the objections improperly made by Edwards by his assertion of privilege. Rule 1.280(5) of the *Florida Rules of Civil Procedure* delineates the requisites one must follow when claiming a privilege to information requested in discovery, and provides:

When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial preparation material, **the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.**

FLA. R.CIV. P 1.280(5) (emphasis added). As such, if a party alleges that information requested is protected by a privilege, then a privilege log must be prepared and attached to the response. See *TIG Insurance Corp. of America v. Johnson*, 799 So. 2d 339 (Fla. 4th DCA 2001). Florida Rule of Civil Procedure 1.280(b)(3) permits discovery of fact work product where the requesting party can show both the need for the information and the inability to obtain the substantial equivalent by other means. *Vesta Fire Ins. Corp. v. Figueroa*, 821 So. 2d 1233, 1234 (Fla. 5th DCA 2002); *Ashemimry v. Ba Nafa*, 847 So. 2d 603 (Fla. 5th DCA 2003). Accordingly, this production should be compelled.

Finally, although the general rule in Florida is that "personal financial information is not discoverable," this rule is not without exceptions. The pertinent exception here is that personal financial material is discoverable in cases where "such information is relevant to subject matter of the pending litigation." *Friedman v. Heart Institute of Port St. Lucie, Inc.*, 863 So. 2d 189, 194 (Fla. 2003); *Epstein v. Epstein*, 519 So. 2d 1042, 1043 (Fla. 3d DCA 1998). When a party voluntarily puts his personal financial information at issue, courts will compel production of

personal financial information. *Friedman*, 863 So. 2d at 194. A party's finances, if relevant to the disputed issues of the underlying action, are not excluded from discovery, and courts will compel production of personal financial documents and information if shown to be relevant by the requesting party. *Florida Gaming Corp. of Delaware v. American Jai-Alai, Inc.*, 673 So. 2d 523, 524 (Fla. 4th DCA 1996) (holding that the financial information at issue was relevant to the calculation of damages under the cause of action and as such financial discovery was proper). *See also Friedman v. Heart Institute of Port St. Lucie, Inc.*, 863 So.2d 189 (Fla. 2003). In the case at hand, it is irrefutable that Edwards's financial information is relevant; in fact, it was he who put it at issue in his claims for damages. The damages allegedly suffered by Edwards are not only a contested issue in this case but also a requisite element to his causes of action. Moreover, discovery relating to Edwards's financial incentives to join RRA and to engage in conduct in cooperation with Rothstein in support of RRA's illicit activities is most certainly relevant to Edward's allegations in this case and Epstein's defense of the same. Accordingly, the financial information sought must be turned over.

SPECIFIC DISCOVERY REQUESTS AND RESPONSES

I. Epstein's Discovery Requests to Edwards dated April 5, 2010

In response to Epstein's Interrogatories dated April 5, 2010, Edwards made the following impermissible objections: to wit:

5. Identify in detail the amount of all costs (including photocopies, telephone, fax, research, investigation, travel expenses, deposition related costs, expert costs, etc.) that were incurred by you in the representation of you and/or your law firm in representing Jane Doe, L.M. and E.W. prior to joining RRA.

ANSWER:

Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence, and is protected by the work product privilege.

6. Identify in detail the amount of all costs (including photocopies, telephone, fax, research, investigation, travel expenses, deposition related costs, expert costs, etc.) that were incurred by RRA in its representation of Jane Doe, L.M. and E.W.

during the time you were employed by RRA (or that is being claimed by the trustee in bankruptcy for RRA). Segregate by each of your 3 clients.

ANSWER:

Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence, and is protected by the work product privilege.

8. During the time you were employed/associates with RRA, state the names of all attorneys at the RRA firm with whom you discussed potential deponents or who participated in any decision to depose witnesses in the Jane Doe, L.M or E.W. cases.

ANSWER:

Objection, work product privilege and attorney client privilege.

9. During the time you were employed/associates with RRA, state the names of all paralegals or investigators at the RRA firm with whom you discussed the potential deponents or who participated in any decision to depose witnesses in the Jane Doe, L.M. or E.W. cases.

ANSWER:

Objection, work product privilege and attorney client privilege.

Edwards first objects to Interrogatories numbered five (5) and six (6) on the purported grounds of “relevance, not reasonably calculated to lead to the discovery of admissible evidence.” However, an objection to discovery claiming that the sought-after information is not reasonably calculated to lead to discovery of admissible evidence is a legally insufficient reason to prevent discovery. *Murray Van & Storage, Inc. v. Murray*, 343 So. 2d 61 (Fla. 4th DCA 1977). Discovery responses containing bare-boned objections, without more, are stricken as a matter of course; as such objections must be plead with specificity. *Christie v. Hixson*, 358 So. 2d 859 (Fla. 4th DCA 1978). Furthermore, “[t]he concept of relevancy is broader in the discovery context than in trial context; a party may be permitted to discover relevant evidence that would be inadmissible at trial, if it may lead to the discovery of relevant evidence.” *Allstate Ins. Co. v. Langston*, 655 So. 2d 91, 93 (Fla. 1995). As such, Epstein submits that these objections be stricken and answers compelled.

Moreover, because a causal connection between the information sought from Edwards and its possible relevance to issues in the pending action is readily apparent, production of the

requested information is required. *Calderbank v. Cazares*, 435 So.2d 377 (Fla. 5th DCA 1983). Specifically, Edwards has sued Epstein for Malicious Prosecution, and as a result is claiming damages, including punitive damages, in the instant case. In support of his claim, Edwards asserts that he was not involved with the fraudulent Ponzi scheme at RRA, that the litigation he conducted in the Epstein cases both before and after joining RRA was appropriate and that Epstein was aware of this when Epstein filed suit against him. However, the allegations made by the Federal Government, the attorneys who filed the Razorback Complaint, the expenditures on improper pleadings, discovery and motion practice by Edwards in the cases he was litigating against Epstein while a Partner at RRA and while the Ponzi Scheme was then in critical need of additional investment and about to unravel, as well as a subsequent Federal court order characterizing one of those motions as entirely without merit (all of which are discussed in detail in Epstein's Motion for Summary Judgment), make Epstein's request for information about such expenditures, as well as the rationale for engaging in same, relevant. *See also Behm v. Cape Lumber Co.*, 834 So. 2d 285 (Fla. 2d DCA 2002) (**stating that proper discovery includes records and information that are relevant to the calculation of damages.** (emphasis added)) This request is narrowly tailored to include only the three cases Edwards was prosecuting against Epstein while he was a partner at RRA, which is the crux of this litigation; something put at issue by Edwards in his Counterclaim. Accordingly, Edwards should be compelled to respond.

Next, Edwards asserts that the remainder of the requested information in Interrogatories five (5) and six (6) and all of the information requested in Interrogatories eight (8) and nine (9) is protected by the work product privilege. This contention fails for two reasons: First, Edwards failed to properly assert the privilege as mandated by Rule 1.280 of the *Florida Rules of Civil Procedure* and prevailing case law, *see TIG Insurance Corp. of America v. Johnson*, 799 So. 2d

339 (Fla. 4th DCA 2001) (stating that failure to provide a reason for privilege **and** prepare a privilege log constitutes waiver of the privilege); and second, Florida Rule of Civil Procedure 1.280(b)(3) permits discovery of fact work product where the requesting party can show both the need for the information and the inability to obtain the substantial equivalent by other means. *Vesta Fire Ins. Corp. v. Figueroa*, 821 So. 2d 1233, 1234 (Fla. 5th DCA 2002); *Ashemimry v. Ba Nafa*, 847 So. 2d 603 (Fla. 5th DCA 2003). Here, Edwards failed to create a proper privilege log in response to the above-referenced requests. Additionally, the alleged work product (costs and expenses incurred in prosecuting cases against Epstein) is not only necessary to assert the alleged cause of action but also to properly assess the alleged damages suffered by Edwards. Finally, neither the information nor its substantial equivalent can be obtained by any other means, thereby satisfying Rule 1.280(b)(3) of the *Florida Rules of Civil Procedure*.

II. Epstein's Discovery Requests to Edwards dated April 12, 2010

In response to Epstein's Request to Produce dated April 12, 2010, Edwards made the following impermissible objections: to wit:

2. Any and all fee agreements that exist or have existed between the following:
 - a. Any Plaintiff and Bradley J. Edwards or any entity with which he has been associated;
 - b. Any Plaintiff and the law firm RRA.

ANSWER:

- a. Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence.

b. None.

6. All fee sharing agreements between Bradley J. Edwards, RRA, or Scott W. Rothstein and/or any other attorney or investor relating to any aspect of any Plaintiff's case.

ANSWER:

Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence; vague, overbroad, without waiving objection, there are no fee agreements with any investor.

9. All documents evidencing the Costs and payment of any bill or Costs in each Plaintiff's case against Jeffrey Epstein, and the source(s) for said payments of any Costs.

ANSWER:

Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence.

10. All documents received by you or your current firm where in the Trustee of RRA has asserted a lien for attorney's fees or Costs arising out of work done and Costs incurred related to the Plaintiffs' cases during the time Plaintiffs' were represented by RRA.

ANSWER:

Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence.

18. All documents related to the amount of all Costs that were incurred by you in the representation of you and/or your law firm in representing Jane Doe, L.M and E.W prior to joining RRA.

ANSWER:

Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence.

19. All documents setting forth to the amounts of Costs were incurred by RRA in its representation of Jane Doe, L.M. and E.W. during the time you were employed by RRA (or that is being claimed by the Trustee).

ANSWER:

Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence and protected by the work-product privilege.

23. The written fee agreement with Searcy Denney firm for their representation of you in this case.

ANSWER:

Objection.

Edwards objects to the above-cited Requests to Produce on the purported grounds of "relevance, not reasonably calculated to lead to the discovery of admissible evidence," when he bothers stating grounds at all. However, an objection to discovery claiming that the sought-after information is not reasonably calculated to lead to discovery of admissible evidence is a legally insufficient reason to prevent discovery. *Murray Van & Storage, Inc. v. Murray*, 343 So. 2d 61 (Fla. 4th DCA 1977). Discovery responses containing bare-boned objections, without more, are stricken as a matter of course; as such objections must be plead with specificity. *Christie v. Hixson*, 358 So. 2d 859 (Fla. 4th DCA 1978). As such, as long as the discovery requested is relevant to the cause of action as to any claim or defense, and is not otherwise subject to a privilege, it is discoverable. In fact, "[t]he concept of relevancy is broader in the discovery

context than in trial context; a party may be permitted to discover relevant evidence that would be inadmissible at trial, if it may lead to the discovery of relevant evidence.” *Allstate Ins. Co. v. Langston*, 655 So. 2d 91, 93 (Fla. 1995). In support of his Malicious Prosecution claim against Epstein, Edwards asserts that he was not involved with the fraudulent Ponzi scheme at RRA, that the litigation he conducted in the Epstein cases both before and after joining RRA was appropriate and that Epstein was aware of this when Epstein filed suit against him. In order for Epstein respond to and defend against these assertions, a comparison of the litigation Edwards conducted in the Epstein cases both before and after he joined the lawfirm that was using those same cases to perpetuate the Ponzi scheme is certainly relevant and appropriate. One significant aspect of that comparison involves an analysis of the amount of funds expended in connection with Edwards’s prosecution of cases against Mr. Epstein before and after Edwards joined RRA. Epstein’s requests are relevant to these issues, and Epstein submits that these objections are improper and should be stricken and that answers should be compelled.

Moreover, it is legally impermissible to object to a discovery request, then provide a response “without waiving the objection.” This kind of response fails to either object or respond to the Request, and is deemed an incomplete, or evasive, answer. Rule 1.380(a)(3) of the Florida Rules of Civil Procedure provides that “[f]or purposes of this subdivision an evasive or incomplete answer shall be treated as a failure to answer.” FLA. R.CIV. P 1.380. Accordingly, the responding party must either object to, or agree to produce, each item or category of items requested. Failure to do so can subject the party to sanctions under Rule 1.380(a)(3) of the *Florida Rules of Civil Procedure*. Consequently, Edwards must respond.

III. Epstein’s Discovery Requests to Edwards dated December 9, 2011

In response to Epstein's Interrogatories dated December 9, 2011, Edwards made the following impermissible objections: to wit:

14. State the amount of gross income that you received from providing services as a lawyer for each of the years 2007, 2008, 2009, 2010 and 2011 and identify the source of that income (including the payor of the same).

ANSWER:

Objection. Irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence and an unwarranted invasion of Bradley Edwards' right to economic privacy.

15. State the amount of gross income that you received from the provision of goods or services other than while acting as a lawyer for each of the years 2007, 2008, 2009, 2010 and 2011 and identify the source of that income (including the payor of the same).

ANSWER:

Objection. Irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence and an unwarranted invasion of Bradley Edwards' right to economic privacy.

16. State the amount of hours that you have devoted to pro bono work for the years 2007, 2008, 2009, 2010 and 2011 and substantiate your answer with the names of the cases or causes for which you provided such service.

ANSWER

Objection. Irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

24. State each instance in which you have spoken to or communicated with the press or any other media representative relating to Plaintiff Jeffrey Epstein. Provide the identity of each contact, the date of the contact, and a description of the communication.

ANSWER:

Objection. Attorney work product privilege except to the extent that Bradley Edwards is identified as a source of information in published reports which are as easily available to Jeffrey Epstein as to Bradley Edwards through internet searches.

27. Provide an explanation for your belief that law enforcement is still investigating the Plaintiff/Counter-Defendant Jeffrey Epstein. Identify contacts with government/law enforcement, media, other attorneys, or anyone else from which you claim to form this belief, including the names, dates, substance of communication, etc.

ANSWER:

Objection. Attorney work-product and statutorily restricted communications with law enforcement and prosecutorial authorities. Irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

28. Identify the basis for your claim that others still persist in prosecuting claims against the Plaintiff/Counter-Defendant Jeffrey Epstein. Identify the persons still

prosecuting claims against the Plaintiff/Counter-Defendant or with knowledge of the persons still prosecuting claims against him, including names, dates of contact with such persons, substance of communication, etc.

ANSWER:

Objection. Attorney work-product and statutorily restricted communications with law enforcement and prosecutorial authorities. Irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

31. Identify all third parties (non-clients) who received or made payments in connection with the client cases or purported client cases against the Plaintiff/Counter-Defendant Jeffrey Epstein and with specificity: (1) explain the relationship of such third parties; (2) list the payments made to or by each; and (3) list the date of payments and purpose of payments. Your answer should include without limitation all investigators, witnesses, referring persons, referring attorneys, outside counsel, outside experts. It should also include any and all payments made to or by investors in any of the client cases against the Plaintiff/Counter-Defendant Jeffrey Epstein or payments made by or to any other person in connection with the client cases.

ANSWER:

Objection. Irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

First, Edwards objects to the above-cited Interrogatories numbered fourteen, fifteen, sixteen, twenty-four, twenty seven, twenty-eight, and thirty one on the purported grounds of “relevance, not reasonably calculated to lead to the discovery of admissible evidence.” The law is clear that an objection to discovery claiming that the sought-after information is not reasonably calculated to lead to discovery of admissible evidence is a legally insufficient reason to prevent discovery. *Murray Van & Storage, Inc. v. Murray*, 343 So. 2d 61 (Fla. 4th DCA 1977). Discovery responses containing bare-boned objections, without more, are stricken as a matter of course; as such objections must be plead with specificity. *Christie v. Hixson*, 358 So. 2d 859 (Fla. 4th DCA 1978). Furthermore, “[t]he concept of relevancy is broader in the discovery context than in trial context; a party may be permitted to discover relevant evidence that would be inadmissible at trial, if it may lead to the discovery of relevant evidence.” *Allstate Ins. Co. v. Langston*, 655 So. 2d 91, 93 (Fla. 1995). As such, Epstein submits that these objections be stricken and answers compelled.

Moreover, because a causal connection between the information sought from Edwards and its possible relevance to issues in the pending action is readily apparent, production of the requested information is required. *Calderbank v. Cazares*, 435 So.2d 377 (Fla. 5th DCA 1983). Specifically, Edwards has sued Epstein for Malicious Prosecution, and as a result is claiming damages, and indeed must prove damages as an essential element of his claim. Edwards is also asserting a punitive damages claim against Epstein in this case. In support of his claim, Edwards asserts that he was not involved with the fraudulent Ponzi scheme at RRA, that the litigation he conducted in the Epstein cases both before and after joining RRA was appropriate and that Epstein was aware of this when Epstein filed suit against him. In order for Epstein respond to and defend against these assertions, a comparison of the litigation Edwards conducted in the Epstein cases both before and after he joined the lawfirm that was using those same cases to perpetuate the Ponzi scheme is certainly relevant and appropriate. One significant aspect of that comparison involves an analysis of the amount of funds expended in connection with Edwards's prosecution of cases against Mr. Epstein before and after Edwards joined RRA; especially when many of the tactics engaged in by RRA relative to the Epstein cases was questionable to many including the Federal court. As such, the above-referenced requests are, on their face, relevant to the instant cause of action, mandating that the information be provided. *See also Behm v. Cape Lumber Co.*, 834 So. 2d 285 (Fla. 2d DCA 2002) (**stating that proper discovery includes records and information that are relevant to the calculation of damages.** (emphasis added)),

Next, Edwards mistakenly objects to Interrogatories numbered fourteen, fifteen, and sixteen, which request his financial information, on the grounds of economic right to privacy. Although the general rule in Florida is that "personal financial information is not discoverable," this rule is not without exceptions. The pertinent exception here is that personal financial

material is discoverable in cases where “such information is relevant to subject matter of the pending litigation.” *Friedman v. Heart Institute of Port St. Lucie, Inc.*, 863 So. 2d 189, 194 (Fla. 2003); *Epstein v. Epstein*, 519 So. 2d 1042, 1043 (Fla. 3d DCA 1998). When a party voluntarily puts his personal financial information at issue, courts will compel production of personal financial information. *Friedman*, 863 So. 2d at 194; *Woodward v. Berkery*, 714 So. 2d 1027, 1036 (Fla. 4th DCA 1998). A party’s finances, if relevant to the disputed issues of the underlying action, are not excepted from discovery, and courts will compel production of personal financial documents and information if shown to be relevant by the requesting party. *Florida Gaming Corp. of Delaware v. American Jai-Alai, Inc.*, 673 So. 2d 523, 524 (Fla. 4th DCA 1996) (holding that the financial information at issue was relevant to the calculation of damages under the cause of action and as such financial discovery was proper). In the case at hand, it is irrefutable that Edwards’s financial information is relevant; in fact, it was he who put it at issue in his claims for damages. The damages allegedly suffered by Edwards are not only a contested issue in this case but also a requisite element to his causes of action. Moreover, Edwards’ financial remuneration after joining RRA are relevant to any motives he may have had after he joined RRA to cooperate with Rothstein in the use of the Epstein cases at RRA to perpetrate the Ponzi scheme. Accordingly, the financial information sought must be turned over.

Third, Edwards asserts “attorney work-product and statutorily restricted communications with law enforcement and prosecutorial authorities” as an objection to Interrogatories numbered twenty-seven and twenty-eight. Edwards cites no authority for the alleged “statutorily restricted communications with law enforcement and prosecutorial authorities,” and indeed there is no such privilege provided for in the law. Accordingly, a response to these Interrogatories is required. If this information were, in fact, attorney work product as asserted by Edwards, he

failed to provide a privilege log as legally required by Rule 1.280 of the *Florida Rules of Civil Procedure* and prevailing case law. *see TIG Insurance Corp. of America v. Johnson*, 799 So. 2d 339 (Fla. 4th DCA 2001) (stating that failure to provide a reason for privilege **and** prepare a privilege log constitutes waiver of the privilege). Moreover, Florida Rule of Civil Procedure 1.280(b)(3) permits discovery of work product where the requesting party can show both the need for the information and the inability to obtain the substantial equivalent by other means. *Vesta Fire Ins. Corp. v. Figueroa*, 821 So. 2d 1233, 1234 (Fla. 5th DCA 2002); *Ashemimry v. Ba Nafa*, 847 So. 2d 603 (Fla. 5th DCA 2003). Here, the alleged work product (communications between Edwards and the press), assuming it is even work product, cannot be obtained through any other means, thereby satisfying Rule 1.280(b)(3) of the *Florida Rules of Civil Procedure*.

Finally, Edwards asserts in his objection to Interrogatory numbered twenty-four that the information requested; communications with the press, is attorney work product privilege. This is not a legal or proper response, and as such Edwards should be compelled to provide a proper response to this Interrogatory.

In response to Epstein's Request to Produce dated December 9, 2011, Edwards made the following impermissible objections: to wit:

1. Each and every document that tends to support the claim in your Second Amended Counterclaim that you have suffered damage to your reputation as a result of the filing of this action against you.

ANSWER:

Objection. The identification of documents "that tend to support" a specific claim would require a disclosure of the mental impressions and thought processes of counsel and is accordingly protected by the work-product privilege.

2. Each and every document that tends to support the claim in your Second Amended Counterclaim that you have suffered damage as a result of interference in your professional relationships.

ANSWER:

Objection. The identification of documents "that tend to support" a specific claim would require a disclosure of the mental impressions and thought processes of counsel and is accordingly protected by the work-product privilege.

3. Each and every document that tends to support any claim you are making for special damages, including loss of income; this request specifically shall include, but not be limited to, production of your federal income tax returns for 2007, 2008, 2009, 2010, and records of income in 2011.

ANSWER:

Objection. The identification of documents "that tend to support" a specific claim would require a disclosure of the mental impressions and thought processes of counsel and is accordingly protected by the work-product privilege.

4. Each and every document that tends to support the claim in your Second Amended Counterclaim that you have suffered money damages resulting from the loss of the value of your time diverted from your professional responsibilities; this request specifically shall include, but not be limited to, the production of all your time and billing records, calendars and diaries from 2009 through the date on which you respond to this request.

ANSWER:

Objection. The identification of documents "that tend to support" a specific claim would require a disclosure of the mental impressions and thought processes of counsel and is accordingly protected by the work-product privilege.

5. Each and every document, including, but not limited to, invoices and statements, that tends to support the claim in your Second Amended Counterclaim that you have paid money or incurred obligations to pay money for your defense in this lawsuit.

ANSWER:

Objection. The identification of documents "that tend to support" a specific claim would require a disclosure of the mental impressions and thought processes of counsel and is accordingly protected by the work-product privilege.

11. Each and every document reflecting gross collections received from your providing services as a lawyer for each of the years 2007, 2008, 2009, 2010 and 2011.

ANSWER:

Objection. Overly broad, not reasonably calculated to lead to the discovery of admissible evidence, privileged pursuant to Bradley Edwards' right and the rights of his clients, law partners, and associates to economic privacy, and in some circumstances subject to contractual confidentiality provisions.

16. Each and every document reflecting the identity of the confidential source(s) listed on your Privilege Log dated February 23, 2011.

ANSWER:

Objection. Attorney work product privilege.

17. Each and every document reflecting the legal authority that justifies your refusal to disclose the identity of the person(s) identified as a confidential source in your Privilege Log dated February 23, 2011.

ANSWER:

Objection. Attorney work product privilege.

18. All closing statements for all clients who you represented that brought claims against the Plaintiff (and all other documents with respect to such clients), reflecting amounts paid to such clients or to you, your time, referring attorneys

and amounts paid to the same, advance costs, and payments to any other person or entity.

ANSWER:

Objection. Overly broad, not reasonably calculated to lead to the discovery of admissible evidence, privileged pursuant to Bradley Edwards' right and the rights of his clients, law partners, and associates to economic privacy, and in some circumstances subject to contractual confidentiality provisions.

19. All records of your contacts with the press or other media outlets.

ANSWER:

Objection. Attorney work product privilege except to the extent that Bradley Edwards is identified as a source of information in published reports which are as easily available to Jeffrey Epstein as to Bradley Edwards through internet searches.

In these responses Edwards is asserting a work product privilege when asked about the specific information upon which he relies in asserting his claims against Epstein; information that is crucial to his prosecution of the case and Epstein's defense of same. It is also information, that Edwards himself put at issue in this case. Rule 1.280(5) of the *Florida Rules of Civil Procedure* delineates the requisites one must follow when claiming a privilege to information requested in discovery, and provides:

When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial preparation material, **the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.**

FLA. R.CIV. P 1.280(5) (emphasis added). As such, if a party alleges that information requested is protected by a privilege, then a privilege log must be prepared and attached to the response, or the privilege is waived. *See TIG Insurance Corp. of America v. Johnson*, 799 So. 2d 339 (Fla. 4th DCA 2001) (stating that failure to provide a reason for privilege **and** prepare a privilege log constitutes waiver of the privilege). Here, because Edwards repeatedly asserted privilege

response to each of the above-cited Requests to Produce and failed to provide a privilege log, he has waived his right to the privilege and production should be compelled.

Furthermore, Florida Rule of Civil Procedure 1.280(b)(3) permits discovery of work product where the requesting party can show both the need for the information and the inability to obtain the substantial equivalent by other means. *Vesta Fire Ins. Corp. v. Figueroa*, 821 So. 2d 1233, 1234 (Fla. 5th DCA 2002); *Ashemimry v. Ba Nafa*, 847 So. 2d 603 (Fla. 5th DCA 2003). Here, the alleged work product is the very information- the proof- upon which Edwards is relying to prosecute this cause of action against Epstein. As such, this information cannot be obtained through any other means, thereby satisfying Rule 1.280(b)(3) of the *Florida Rules of Civil Procedure* and requiring that Edwards respond.

Finally, Edwards asserts his economic right to privacy, and that of others, as grounds for his failure to provide responses to Requests to Produce numbered eleven and eighteen. However, it is well-settled law that personal financial material is discoverable in cases where “such information is relevant to subject matter of the pending litigation.” *Friedman v. Heart Institute of Port St. Lucie, Inc.*, 863 So. 2d 189, 194 (Fla. 2003); *Epstein v. Epstein*, 519 So. 2d 1042, 1043 (Fla. 3d DCA 1998). When a party voluntarily puts his personal financial information at issue, such as Edwards has done in the instant case, courts will compel production of personal financial information. *Friedman*, 863 So. 2d at 194. A party’s finances, if relevant to the disputed issues of the underlying action, are not excepted from discovery, and courts will compel production of personal financial documents and information if shown to be relevant by the requesting party. *Florida Gaming Corp. of Delaware v. American Jai-Alai, Inc.*, 673 So. 2d 523, 524 (Fla. 4th DCA 1996) (holding that the financial information at issue was relevant to the calculation of damages under the cause of action and as such financial discovery was proper). In

the case at hand, it is irrefutable that Edwards's financial information is relevant; in fact, it was he who put it at issue in his claims for damages. The damages allegedly suffered by Edwards are not only a contested issue in this case but also a requisite element to his cause of action. Moreover, Edwards' financial remuneration after joining RRA are relevant to any motives he may have had after he joined RRA to cooperate with Rothstein in the use of the Epstein cases at RRA to perpetrate the Ponzi scheme. Accordingly, the financial information sought must be turned over.

Finally, Epstein certifies that he, "in good faith, has conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action." FLA. R.CIV. P. 1.380.

CONCLUSION

Accordingly, for all of the reasons delineated above and in reliance upon the applicable law cited herein, Plaintiff Jeffrey Epstein respectfully requests that this Court enter an Order striking Bradley Edwards's Objections to the Discovery requests delineated above, compelling him to respond in full to Epstein's Discovery requests, and such other and further relief as this Court deems proper.

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served, via electronic service, to all parties on the attached service list, this September 25, 2017.

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