

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

Case No. 50-2009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

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**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S  
MOTION TO RE-OPEN DISCOVERY TO TAKE DEPOSITIONS**

Plaintiff/Counter-Defendant, Jeffrey Epstein (“Epstein”), moves the Court for permission to re-open discovery for the limited purpose of taking the depositions of two of Defendant/Counter-Plaintiff Bradley J. Edwards’ (“Edwards”) three clients (L.M. and Jane Doe) and states:

**BACKGROUND**

Edwards is attempting to clear his name by proving that the individual allegations pled by Epstein in the original civil proceeding against Edwards were false. (“[T]his case is my only chance to finally set the record straight.”) (Edwards’ 11/10/17 Tr. 8:19-21.)<sup>1</sup> (“I want to right the wrong that’s been done.”) (Edwards’ 11/10/17 Tr. 9:9-11.) Edwards claims that he has experienced anxiety every single day since the Complaint was filed in December 2009 and he is seeking compensation for that anxiety and reputational damages. (“The more reminders that I

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<sup>1</sup> Excerpts of Mr. Edwards’ November 10, 2017, Deposition Transcript are attached as **Exhibit A**.

have of the case, and the fact that there still looms this false allegation over my head, that is clearly a trigger.”) (Edwards’ 11/10/17 Tr. 12:6-8.) (“Until the truth is known and this case is behind me, [my anxiety is] the same.” (Edwards’ 11/10/17 Tr. 24:14-15.) (“The anxiety is directly related to the harm done to my reputation as a consequence of the filing of this false lawsuit making up that I am a criminal associated with who is known to be a terrible and horrible person [Rothstein].” (Edwards’ 11/10/17 Tr. 23:5-16.) (“[M]y reputation ... suffered damages that, unless and until a jury returns a verdict in my favor, can’t be undone.”) (Edwards’ 11/10/17 Tr. 36:6-14.)

The “false allegations” that has caused Edwards this anxiety and tarnished his reputation relate to his alleged participation in Rothstein’s Ponzi scheme. (Edwards’ 11/10/17 Tr. 12:9-14.) Edwards believes he has had a cloud over his head as a result of the filing of the lawsuit in December 2009 and that his reputation was destroyed by it. (Edwards’ 11/10/17 Tr. 22:5-17.) To the contrary, however, Edwards’ counsel has stated that he was successful in discrediting Epstein’s allegations. (Jansen’s 12/1/17 Tr. 62:24-25.)<sup>2</sup> In addition, Edwards himself testified that his reputation has been “resurrected” and is “better than it has been”:

“With respect to reputation, I believe that over the course of the last three years I have done a pretty darn good job resurrecting any damage that was done to my reputation in this community.” (Edwards’ 5/15/13 Tr. 25:1-4.)<sup>3</sup>

“Do I believe that right now my reputation is better than it has been at any time in the past, yes.” (Edwards’ 5/15/13 Tr. 41:3-4.)

“I have done a good job of resurrecting my reputation from the point in time where people initially believed, hey, where there is smoke there is fire or something – this guy must be guilty of something.” (Edwards’ 5/15/13 Tr. 56:12-16.)

“As I said then, have I done a good job at resurrecting whatever damage was done? Yes, I did.” (Edwards’ 10/10/13 Tr. 233:17-19.)<sup>4</sup>

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<sup>2</sup> Excerpts of Dr. Jansen’s December 1, 2017, Deposition Transcript are attached as **Exhibit B**.

<sup>3</sup> Excerpts of Mr. Edwards’ May 15, 2013, Deposition Transcript are attached as **Exhibit C**.

<sup>4</sup> Excerpts of Mr. Edwards’ October 10, 2013, Deposition Transcript are attached as **Exhibit D**.

Edwards also admitted that he did not lose any clients and that he has made more income in the past eight years than he did in the eight years before the lawsuit was filed. (Edwards' 11/10/17 Tr. 30:17-31:2; 49:4-13.)

Edwards is not seeking economic loss damages. ("I have not claimed an economic loss as a result of my reputation.") (Edwards' 10/13/13 Tr. 238:21-22.) What Edwards is upset about is that nine million strangers, whom he never met, never had conversations with and never interacted with, may have seen something on the internet that associated him with Rothstein's Ponzi scheme:

The people who don't know me, the 9 million people who read this who won't call me, that don't want to have anything to do with me because of this association, and this being what they remember from that period of time and my relationship to that period of time.

(Edwards' 11/10/17 Tr. 211:11-17.)

After more than eight years of litigation, however, Edward has not disclosed the monetary damages he is seeking. When asked how much he would be asking the jury to award for his anxiety and reputational damages since December 2009, he responded:

An amount of money that fairly and fully would measure the magnitude of the harm done to my reputation, and any consequential feels that have resulted or continued to exist because of the damage done to my reputation.

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What six people believe will measure the magnitude of harm that was done.

(Edwards' 11/10/17 Tr. 23:22-24:7.)

When asked how his alleged damages equated to that of his three clients, Edwards claimed that his reputation was hurt more in the community but that Epstein hurt his clients in a physical and emotional manner and caused certain lives to be destroyed. (Edwards' 11/10/17 Tr. 212:23-

213:2.) Edwards would not respond when asked if he suffered more harm than his clients. (Edwards' 11/10/17 Tr. 215:7-18.) Edwards testified that he negotiated fair settlements with Epstein of his three clients' claims and that he "did well for them." (Edwards' 11/10/17 Tr. 204:24-206:4.) Edwards settled the claims for his three clients for a total gross amount of \$5.3 million. (Edwards' 11/10/17 Tr. 288:24-289:3.)

Edwards wants tens of millions of dollars more for his "emotional distress" than he recovered collectively for his three clients. The way Edwards plans to "clear his name," recover damages and remove the anxiety and emotional distress he has suffered every single day over the last eight years is by bringing his three clients into Court – L.M., E.W. and Jane Doe – to testify about their claims against Epstein, which they settled more than seven years ago. The three individuals have no interest in and will receive no benefit from the outcome of this litigation and, in fact, released their claims against Epstein in July 2010. Edwards, however, for his own financial gain, plans to have them testify about their intensely personal claims, which all three decided to put behind them back in 2010, solely to gain a financial windfall from Epstein for filing a civil lawsuit against him.<sup>5</sup> Edwards' trial strategy to analyze and test the veracity of each of the individual allegations made in the Complaint, through the testimony of his clients, makes them key witnesses in this case. Two of the three women (L.M. and Jane Doe) have not been deposed in this case. The third woman's deposition (E.W.) was started, but was not completed and a request to reopen her deposition is the subject of a separate motion.

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<sup>5</sup> Edwards, in fact, wanted to drag in *all* anonymous alleged victims, even women he did not represent, for his own personal gain. The Court, however, is only allowing Edwards to talk about other claims in general terms.

## ARGUMENT

1. In its November 27, 2017, Order on Edwards' Motion to Reconfirm Pretrial Deadlines, this Court noted that it might allow limited discovery on a matter-by-matter basis upon proper motion to the extent the discovery was necessary as a result of the Court's rulings at the November 29, December 5 and December 7, 2017 hearings. (D.E. 1086.)

2. In his November 17, 2017, Revised Omnibus Motion in Limine, Epstein asked the Court to exclude certain trial testimony and evidence irrelevant to this action. (D.E. 1070.) While Epstein recognized that a limited amount of information regarding Edwards' prosecution of the cases for his three clients could potentially be germane to the issues, Epstein asked that any evidence and testimony that had no bearing on Edwards' malicious prosecution Counterclaim be precluded, as well as testimony and evidence from other cases in which Edwards did not represent other plaintiffs.

3. At the December 5, 2017, hearing, the Court made clear that it is going to allow the testimony of L.M., E.W. and Jane Doe relating to the legitimacy of their settled lawsuits. (12/5/17 Tr. 83:1-8.)<sup>6</sup>

4. Before the hearings, Epstein did not know in what direction the trial of this case was going to proceed given the three significant pretrial hearing dates and pending motions in limine. Now that the Court has ruled and made clear that it will allow testimony and evidence for Edwards' three clients, it is imperative that Epstein be allowed to take these depositions. Epstein's counsel asked the Court at the November 29, 2017, hearing to reopen the discovery for that purpose, but the Court did not rule upon that request at that time. ("One of the things we don't know, based on the rulings so far, is will E.W., L.M. and Jane Doe be taking the stand, because that's part of the

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<sup>6</sup> Excerpts of the December 5, 2017, hearing transcript are attached as **Exhibit E**.

motion in limine, what we have been talking about. ... If they are going to be called .... then I would like the opportunity to depose [them].”) (11/29/17 Tr. 138:19-140:22.)<sup>7</sup> Epstein will be prejudiced in his defense of Edwards’ malicious prosecution claim if he is not allowed to reopen discovery for this limited purpose.

5. Epstein’s prior counsel has already conducted a partial deposition of one of Edwards’ clients (E.W.); however, Edwards’ counsel instructed the witness not to answer questions relating to the Crime Victims’ Rights Act (“CVRA”) proceeding. That deposition is the subject of Edwards’ Motion for Protective Order that was set for hearing on December 7, 2017, but not reached. Because Edwards’ counsel and the Court have made it clear that the CVRA proceeding is going to be a focal point of this case, Epstein is filing a Response to Edwards’ Motion with a request to reopen E.W.’s deposition as well. Epstein incorporates those arguments herein.

#### **CONCLUSION**

For the reasons stated above and in Epstein’s Response to Edwards’ Motion for Protective Order, Epstein respectfully requests that discovery be reopened to allow him to conduct the depositions of Edwards’ clients.

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<sup>7</sup> Excerpts of the November 29, 2017, hearing transcript are attached as **Exhibit F**.

**CERTIFICATE OF SERVICE**

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on January 8, 2018, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

LINK & ROCKENBACH, PA  
1555 Palm Beach Lakes Boulevard, Suite 301  
West Palm Beach, Florida 33401  
[redacted] [fax]

By: /s/ \_\_\_\_\_  
Scott J. Link (FBN [redacted])  
Kara Berard Rockenbach (FBN [redacted])  
Angela M. Many (FBN [redacted])  
Primary: [redacted]  
Primary: [redacted]  
Primary: [redacted]  
Secondary: [redacted]  
Secondary: [redacted]  
Secondary: [redacted]  
Secondary: [redacted]

*Trial Counsel for Plaintiff/Counter-Defendant  
Jeffrey Epstein*

**SERVICE LIST**

<p>Jack Scarola Searcy, Denny, Scarola, Barnhart &amp; Shipley, P.A. 2139 Palm Beach Lakes Boulevard West Palm Beach, FL 33409 [REDACTED] [REDACTED] [REDACTED] <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i></p>	<p>Nichole J. Segal Burlington &amp; Rockenbach, P.A. Courthouse Commons, Suite 350 444 West Railroad Avenue West Palm Beach, FL 33401 [REDACTED] [REDACTED] <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i></p>
<p>Bradley J. Edwards Edwards Pottinger LLC 425 N. Andrews Avenue, Suite 2 Fort Lauderdale, FL 33301-3268 [REDACTED] [REDACTED] <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i></p>	<p>Marc S. Nurik Law Offices of Marc S. Nurik One E. Broward Boulevard, Suite 700 Ft. Lauderdale, FL 33301 [REDACTED] <i>Counsel for Defendant Scott Rothstein</i></p>
<p>Jack A. Goldberger Atterbury, Goldberger &amp; Weiss, P.A. 250 Australian Avenue S., Suite 1400 West Palm Beach, FL 33401 [REDACTED] [REDACTED] <i>Co-Counsel for Plaintiff/Counter-Defendant</i> <i>Jeffrey Epstein</i></p>	