

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.

**COUNTER-DEFENDANT JEFFREY EPSTEIN'S MOTION TO UNSEAL
DISC AND PROPOSED TRIAL EXHIBITS FOR USE AT
BANKRUPTCY COURT SHOW CAUSE PROCEEDINGS AND DEPOSITIONS**

Counter-Defendant Jeffrey Epstein ("Epstein") moves to unseal the disc labeled "Epstein Bate Stamp" and the 47 documents identified on Epstein's March 5, 2018, Clerk's Trial Exhibit List for the limited purpose of the Bankruptcy Court's show cause proceedings and depositions, and in support thereof, states:

INTRODUCTION

Counter-Plaintiff Bradley J. Edwards ("Edwards"), along with Farmer Jaffe and Intervenor L.M., E.W. and Jane Doe (collectively, the "Bankruptcy Movants") have moved the Bankruptcy Court for an Order to show cause why a November 2010 Agreed Order¹ has not been violated and for sanctions. The subject of those proceedings is a disc labeled "Epstein Bate Stamp"

¹November 30, 2010, Agreed Order Cancelling Hearing on Motion for Relief from the Amended Order (DE 1068) and to Compel Jeffrey Epstein to Pay for the Production of All Documents in Response to His Requests Filed by Interested Party Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L., *In re Rothstein Rosenfeldt Adler, P.A.*, United States Bankruptcy Court, Southern District of Florida, Case No. 09-34791-RBR [D.E. 1194].

that Fowler White had in its files and turned over in February 2018 to Epstein's current trial counsel, Link & Rockenbach. The Bankruptcy Movants claim that Fowler White's retention of the disc is a violation of the November 2010 Agreed Order and they seek sanctions against Fowler White and Epstein for that retention. A show cause hearing is currently scheduled before the Bankruptcy Court on August 23 and 24, 2018.

The Bankruptcy Court has allowed limited depositions of Epstein and representatives of Link & Rockenbach and Fowler White. Those depositions are currently set on August 17, 20 and 21, 2018, respectively. This Court also allowed the deposition of Epstein on an additional limited basis, which is set on August 17, 2018.

Because the disc itself and the 47 exhibits Edwards claims are privileged have been sealed by this Court, Epstein respectfully moves to unseal those documents for the limited purpose of the Bankruptcy Court's show cause proceedings and the upcoming depositions.

BACKGROUND

During the March 8, 2018, hearing, the Court instructed Epstein to file under seal Link & Rockenbach's copy of the disc and exhibits identified on Epstein's March 5, 2018, Clerk's Trial Exhibit List which Edwards claimed were privileged. The exhibits were filed under seal to protect Epstein's appellate rights. The sealing was accomplished by the Court's April 6, 2018, Agreed Order Directing Clerk to Seal Filings.² (**Exhibit A.**)

As outlined in Epstein's Notices of Compliance with the Court's March 8, 2018, rulings, (**Composite Exhibit B**) Link & Rockenbach maintains in a **sealed** box in its offices: (1) the unredacted Appendix filed in the State Court Action; and (2) a set of the e-mail exhibits Epstein's counsel printed from the disc and identified on Epstein's March 5, 2018 Clerk's Trial Exhibit List

²There was some delay in the sealing because the case was stayed pending appeal.

which Edwards claims were late disclosed and/or identified on his 2011 privilege log³. In addition, Link & Rockenbach maintains in a **sealed** envelope with Fowler White's original boxes the original disc located in Fowler White's records.

ARGUMENT

The Bankruptcy Court's Show Cause hearing is an evidentiary hearing and the parties are required to submit exhibits to the Bankruptcy Court two days in advance of the hearing. The disc located in Fowler White's records and the 47 exhibits Epstein identified which were obtained from the disc are the central focus of the hearing. Similarly, the witnesses' testimony will be based on the disc and 47 exhibits.

Epstein asks the Court to allow his counsel to unseal the box maintained in Link & Rockenbach's offices for use solely during the Bankruptcy Court ordered depositions when Edwards' counsel is present. The box will then be resealed at the conclusion of each deposition. Epstein further requests that he be allowed to provide the Bankruptcy Court two days in advance of the show cause hearing with copies of the disc and 47 exhibits and that his counsel be allowed to unseal the box for the duration of the show cause evidentiary hearing.

CONCLUSION

Accordingly, Epstein seeks permission from the Court to allow his counsel, Link & Rockenbach, to unseal the box maintained in its offices for use as evidence at the Bankruptcy Court's show cause proceedings and as exhibits at the upcoming depositions as outlined above.

³The exhibits include both the 47 exhibits Edwards claims are privileged and other documents printed from the disc but which were earlier produced in the case.

CERTIFICATE OF SERVICE

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

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[redacted] [fax]

By: /s/ _____
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*Trial Counsel for Plaintiff/Counter-Defendant
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SERVICE LIST

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