

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**  
**APPENDIX IN SUPPORT OF RESPONSE IN OPPOSITION**  
**TO DEFENDANT/COUNTER-PLAINTIFF BRADLEY J. EDWARDS'**  
**SECOND SUPPLEMENT TO MOTION IN LIMINE ADDRESSING SCOPE OF**  
**ADMISSIBLE EVIDENCE**

Plaintiff/Counter-Defendant, Jeffrey Epstein ("Epstein"), hereby files this Appendix in support of his Response in Opposition to Defendant/Counter-Plaintiff Bradley J. Edwards' ("Edwards") Second Supplement to Motion in Limine Addressing Scope of Admissible Evidence.

**INTRODUCTION**

In his Motion, Edwards argues that "Epstein cannot establish that he had probable cause to sue Bradley Edwards by relying upon evidence that he did not know about at the time he filed suit. All testimony and evidence regarding the internal activities at RRA learned subsequent to December 7, 2009 and offered to support the existence of probable cause are irrelevant to issues in the pending proceeding and should be excluded from evidence on that basis." (Mot. at ¶ 2.)

It is obvious that Edwards does not want the jury to see the evidence because it contradicts the positions he has taken in this case in his sworn deposition testimony and will ultimately result

in a verdict in Epstein's favor. For example, on October 17, 2009, just 49 days before Epstein filed suit, Edwards asked Cassell if there was "any way to bait [Epstein] into suing me?" *See App. \_\_\_\_*. Another example is a string of e-mails on October 23, 2009, where Edwards, Rothstein and others were looking for ways to avoid the structured settlement statute in one of the Epstein cases. *See App. \_\_\_\_\_*. As set forth in Epstein's Response, the evidence that Edwards produced in discovery to Epstein supports not only Epstein's continuation of his action, it highlights Edwards' role in helping Rothstein structure a claim in the Epstein case that would not be subject to court scrutiny, as well as eliminating the notion that Epstein suing him was a surprise and caused emotional anxiety and it would be reversible error to hold that Epstein cannot offer this compelling evidence to the jury.

Epstein files this Appendix as an illustration for the Court to understand the types of documents Edwards is asking this Court to exclude from the trial. Because the documents are lengthy, Epstein has provided the Court with a summary below.<sup>1</sup>

#### **SUMMARY OF DOCUMENTS<sup>2</sup>**

[Typographical errors in quotes have not been corrected]

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<sup>1</sup> For the Court's consideration, we have reviewed the Court's file for a Confidentiality Stipulation and Order, we have searched former counsel's records, we have spoken with the lead counsel at Fowler White (Joseph Ackerman) and we have asked Edwards' counsel (David Vitale) if he was aware of any confidentiality restrictions on exhibits that would be submitted into evidence to see if there are any confidentiality orders or signed agreements that govern the way these documents are to be treated at trial. We have seen reference to confidentiality discussions in 2011 that relate to how the documents would be produced. Some of the documents have already been used during deposition. Generally, based on our review of the files, it appears that approximately 28,000 pages were reviewed by Mr. Edwards' law firm, approximately 3,000 pages were withheld as privileged and roughly 25,000 pages were produced on a disk with bates stamps but no watermark or confidentiality designations. Mr. Edwards testified in his deposition in 2013 that he reviewed 25,000 pages of documents and that those documents were produced to Epstein. In addition, it seems as though as late as a week before Epstein dismissed his lawsuit against Edwards the parties were still fighting over a significant number of documents that were marked privileged and have yet to be produced.

<sup>2</sup> Names of the alleged victims have been replaced with initials in this summary and the documents, but an unredacted version will be provided to the Court for the hearing.