IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR PALM BEACH COUNTY

Case No. 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

v.

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

Defendants,

DEFENDANT/COUNTER-PLAINTIFF'S SECOND AMENDED PROPOSED JURY INSTRUCTIONS AND VERDICT FORM

Defendant/Counter-Plaintiff, BRADLEY J. EDWARDS, by and through undersigned counsel, hereby files his Second Amended Proposed Jury Instructions and Verdict Forms for trial in the above-styled matter. These Second Amended Proposed Jury Instructions and Verdict Form incorporate all prior submissions and revisions and contain certain edits to Instruction 201.1 (Description of the Case).

No.	Cite	Jury Instruction	Accepted (Y/N)
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I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 26th day of November, 2018.

/s/ David P. Vitale Jr.
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PROPOSED JURY INSTRUCTIONS

201.1 DESCRIPTION OF THE CASE

Welcome. The Clerk will now administer your oath.

Now that you have been sworn, I'd like to give you an idea about what we are here to do. This is a civil trial. A civil trial is different from a criminal case, where a defendant is charged by the state prosecutor with committing a crime. The subject of a civil trial is a disagreement between people or companies [or others, as appropriate], where the claims of one or more of these parties have been brought to court to be resolved. It is called "a trial of a lawsuit."

This case concerns the following. Beginning in the summer of 2008, Bradley Edwards represented three females, L.M., E.W. and Jane Doe, who claimed they had been repeatedly sexually molested by Jeffrey Epstein. At the same time, dozens of other alleged victims were identified as having been sexually molested by Jeffrey Epstein, and many of those underage children retained lawyers in order to file civil claims against Epstein. Attorney Edwards took a leading role in coordinated discovery efforts in those sexual abuse lawsuits.

Also in the summer of 2008, Attorney Edwards was lead counsel in a separate lawsuit against the federal government, which sought to invalidate a plea agreement that Epstein had entered into with the federal government. In that Agreement, the Federal Government agreed not to file Federal criminal charges against Epstein in exchange for Epstein pleading guilty to two state felony charges concerning his alleged molestation of children. He was registered as a Sex Offender and sentenced to 18 months incarceration followed by a period of house arrest. He was also required not to challenge the civil claims of approximately 40 young women identified by Federal Authorities as victims of his abuse, if those victims agreed to limit their damage claims.

In April of 2009, Attorney Edwards took a job at the Rothstein Rosenfeldt and Adler law firm. Approximately six months later, while Attorney Edwards was prosecuting his clients' sexual molestation/abuse claims against Epstein and pursing the separate federal action to invalidate Epstein's plea Agreement, it was publicly disclosed that the senior partner in the Rothstein Rosenfeldt Adler law firm, Scott Rothstein, had secretly been engaged since 2005 in a massive Ponzi scheme. Rothstein's scheme raised hundreds of millions of dollars from 2005 to 2009 and was one of the largest frauds in U.S. history. While Rothstein's Ponzi scheme began years before Attorney Edwards sued Epstein and years before Attorney Edwards was employed by Rothstein's law firm, after Edwards joined the firm, Rothstein used the claims against Epstein to attract additional Ponzi scheme investors by selling them interests in non-existent settlements of both filed and made-up cases. The fact that Rothstein used the pending claims against Epstein to attract investors in the Ponzi scheme is not disputed. Epstein sued Edwards for knowingly assisting Rothstein in the Ponzi scheme and accused Edwards in that Complaint of committing a number of serious criminal offenses. Whether Epstein had probable cause to support that claim is an issue to be decided in this case.

Rothstein's scheme was disclosed by the media in November of 2009, and on December 1, 2009 Rothstein was indicted by the federal government. Except in Epstein's lawsuit, Bradley Edwards's name was never associated with Rothstein's criminal scheme and he was never charged with any wrongdoing. Nonetheless, six days later, Jeffrey Epstein sued Rothstein, Bradley Edwards, and L.M., one of Epstein's victims. At the time Epstein filed this lawsuit, he had already settled thirteen sexual molestation claims brought by other underage females, and he faced more than two dozen additional pending sexual molestation claims, including the three cases being pursued by Mr. Edwards on behalf of L.M., E.W., and Jane Doe. Mr. Edwards also continued to pursue the federal action to invalidate Epstein's please, which if successful, could expose Jeffrey Epstein to a possible lengthy Federal prison sentence.

In his 5-count lawsuit, Jeffrey Epstein alleged that Mr. Edwards committed numerous crimes against Epstein by prosecuting fabricated or exaggerated sexual abuse claims in civil lawsuits on behalf of Mr. Edwards' three underage clients, L.M., E.W., and Jane Doe. According to Jeffrey Epstein's lawsuit, these claims were "weak" and had "minimal value," and the real reason Mr. Edwards pursued those allegedly false sexual molestation claims on behalf of the minor child victims was to knowingly assist in a criminal Ponzi scheme. In the lawsuit, Jeffrey Epstein also sought, in part, to stop all of the lawsuits being prosecuted by Edwards against Epstein.

In this case which you have been selected to serve as jurors, Mr. Edwards contends that Jeffrey Epstein filed knowingly false allegations against Bradley Edwards, that he filed those false allegations in 2009 in the absence of probable cause and with malice, and that Jeffrey Epstein continued to prosecute these knowingly false allegations against Bradley Edwards for years.

This case therefore concerns whether Jeffrey Epstein had probable cause to file and continue that lawsuit against Attorney Bradley Edwards, alleging that Mr. Edwards had committed criminal acts against Jeffrey Epstein by prosecuting fabricated or exaggerated sexual abuse claims in civil lawsuits on behalf of three underage female children, L.M., E.W. and Jane Doe, who Edwards alleged were repeatedly sexually molested by Jeffrey Epstein over a period of years. Epstein claims he had probable cause to file the claims against Edwards in 2009 and that he had probable cause to continue pursuing those claims through the time when Epstein dismissed those claims in August 2012.

Although Jeffrey Epstein sued Bradley Edwards based, in part, on the allegation that the lawsuits were not well-founded, he has recently conceded that all of the lawsuits Attorney Edwards filed on behalf of L.M., E.W. and Jane Doe were filed by Bradley Edwards in good-faith.

Mr. Edwards further contends that Jeffrey Epstein filed the lawsuit against Attorney Edwards in order to intimidate Mr. Edwards into abandoning or cheaply compromising his clients' claims, and to intimidate the dozens of other victims who were pursuing claims against Jeffrey Epstein. Mr. Edwards further contends that Jeffrey Epstein filed this suit out of malice for Mr. Edwards, who was coordinating much of the discovery being taken by all of the alleged underage victims, not just L.M., E.W., and Jane Doe. Finally, Mr. Edwards contends that Jeffrey Epstein filed this lawsuit to punish Attorney Edwards for the lawsuit Attorney Edwards filed against the federal government, in which Attorney Edwards, on behalf of his clients, sought to

overturn the plea agreement Jeffrey Epstein had entered into with the federal government which in essence immunized Jeffrey Epstein from being federally prosecuted for the federal sex offenses the government had discovered had been committed against at least 40 minors..

Attorney Edwards defended against Epstein's lawsuit, challenging it on the grounds that it had no legal or factual support. Shortly before the Court was scheduled to rule on Mr. Edwards' challenge, Epstein dismissed all of his claims against Attorney Edwards. Furthermore, Epstein allowed the statute of limitations to expire making it legally impossible for Epstein to bring any claims based on the conduct he sued upon in the original complaint. While Epstein denies Bradley Edwards' claim for malicious prosecution, Epstein has refused to answer any questions about the validity of the civil claims Edwards prosecuted on behalf of L.M., E.W., and Jane Doe.

Finally, although Epstein claimed that the cases being pursued by L.M., E.W. and Jane Doe were "weak" and had "minimal value" and were only being pursued by Edwards in furtherance of Edwards's participation in a criminal Ponzi scheme, Epstein eventually settled the claims brought by Bradley Edwards for a total of $5.5 million.

Your job as jurors will be to decide whether Jeffrey Epstein sued Bradley Edwards maliciously, and, if so whether and in what amount Bradley Edwards was damaged by the malicious claims brought against him by Jeffrey Epstein.

If you decide that Bradley Edwards was damaged by maliciously filed claims brought by Jeffrey Epstein, you will also be called upon to consider whether it is appropriate to award punitive damages against Jeffrey Epstein to punish him and to deter others from engaging in similar wrongdoing.

201.2 INTRODUCTION OF PARTICIPANTS AND THEIR ROLES

Judge/Court: I am the Judge. You may hear people occasionally refer to me as "The Court." That is the formal name for my role. My job is to maintain order and decide how to apply the rules of the law to the trial. I will also explain various rules to you that you will need to know in order to do your job as the jury. It is my job to remain neutral on the issues of this lawsuit.

Parties: A party who files a lawsuit is called the Plaintiff A party that is sued is called the Defendant.

Attorneys: The attorneys have the job of representing their clients. That is, they speak for their clients here at the trial. They have taken oaths as attorneys to do their best and to follow the rules of their profession.

Plaintiff's Counsel: The attorney on this side of the courtroom, Jack Scarola, represents Bradley Edwards and is the person who filed the claim in dispute. His job is to present his client's side of things to you. Mr. Scarola and his client will be referred to most of the time as "the plaintiff'. Mr. Scarola, will you please introduce who is sitting at the table with you?

Defendant's Counsel: The attorney on this side of the courtroom, Scott Link, represents Jeffrey Epstein, the one who has been sued. His job is to present his client's side of things to you. He and his client will usually be referred to here as "the defendant". Mr. Link, will you please introduce who is sitting at the table with you?

Court Clerk: This person sitting in front of me, (name), is the court clerk. He/She is here to assist me with some of the mechanics of the trial process, including the numbering and collection of the exhibits that are introduced in the course of the trial.

Court Reporter: The person sitting at the stenographic machine, (name), is the court reporter. His/Her job is to keep an accurate legal record of everything we say and do during this trial.

Bailiff: The person over there, (name), is the bailiff. His/Her job is to maintain order and security in the courtroom. The bailiff is also my representative to the jury. Anything you need or any problems that come up for you during the course of the trial should be brought to him/her. However, the bailiff cannot answer any of your questions about the case. Only I can do that.

Jury: Last, but not least, is the jury, which we will begin to select in a few moments from among all of you. The jury's job will be to decide what the facts are and what the facts mean. Jurors should be as neutral as possible at this point and have no fixed opinion about the lawsuit.

In order to have a fair and lawful trial, there are rules that all jurors must follow. A basic rule is that jurors must decide the case only on the evidence presented in the courtroom. You must not communicate with anyone, including friends and family members, about this case, the people and places involved, or your jury service. You must not disclose your thoughts about this case or ask for advice on how to decide this case.

I want to stress that this rule means you must not use electronic devices or computers to communicate about this case, including tweeting, texting, blogging, e-mailing, posting information on a website or chat room, or any other means at all. Do not send or accept any messages to or from anyone about this case or your jury service.

You must not do any research or look up words, names, maps, or anything else that may have anything to do with this case. This includes reading newspapers, watching television or using a computer, cell phone, the Internet, any electronic device, or any other means at all, to get information related to this case or the people and places involved in this case. This applies whether you are in the courthouse, at home, or anywhere else.

Many of you may have cell phones, tablets, laptops or other electronic devices with you here in the courtroom.

[1]You cannot have any cell phones, tablets, laptops, or other electronic devices in the courtroom. You may use these devices during recesses, but even then you may not use your cell phone or electronic device to find out any information about the case or communicate with anyone about the case or the people involved in the case. Do not take photographs, video recordings or audio recordings of the proceedings or your fellow jurors. At the end of the case, while you are deliberating, you must not communicate with anyone outside the jury room. If someone needs to contact you in an emergency, the court can receive messages and deliver them to you without delay. A contact phone number will be provided to you.

What are the reasons for these rules? These rules are imposed because jurors must decide the case without distraction and only on the evidence presented in the courtroom. If you investigate, research, or make inquiries on your own outside of the courtroom, the trial judge has no way to make sure that the information you obtain is proper for the case. The parties likewise have no opportunity to dispute or challenge the accuracy of what you find. That is contrary to our judicial system, which assures every party the right to ask questions about and challenge the evidence being considered against it and to present argument with respect to that evidence. Any independent investigation by a juror unfairly and improperly prevents the parties from having that opportunity our judicial system promises.

Any juror who violates these restrictions jeopardizes the fairness of these proceedings, and a mistrial could result that would require the entire trial process to start over. A mistrial is a tremendous expense and inconvenience to the parties, the court, and the taxpayers. If you violate

[1] Alternative B Instruction

these rules, you may be held in contempt of court, and face sanctions, such as serving time in jail, paying a fine or both.

All of your communications with courtroom personnel, or me, will be part of the record of these proceedings. That means those communications shall either be made in open court with the court reporter present or, if they are in writing, the writing will be filed with the court clerk. I have instructed the courtroom personnel that any communications you have with them outside of my presence must be reported to me, and I will tell the parties and their attorneys about any communication from you that I believe may be of interest to the parties and their attorneys.

However, you may communicate directly with courtroom personnel about matters concerning your comfort and safety, such as juror parking, location of break areas, how and when to assemble for duty, dress, what personal items can be brought into the courthouse or jury room.

If you become aware of any violation of these instructions or any other instruction I give in this case, you must tell me by giving a note to the bailiff.

201.3 EXPLANATION OF THE VOIR DIRE PROCESS

The last thing I want to do, before we begin to select the jury, is to explain to you how the selection process works.

Questions/Challenges: This is the part of the case where the parties and their lawyers have the opportunity to get to know a little bit about you, in order to help them come to their own conclusions about your ability to be fair and impartial, so they can decide who they think should be the jurors in this case.

How we go about that is as follows: First, I'll ask some general questions of you. Then, each of the lawyers will have more specific questions that they will ask of you. After they have asked all of their questions, I will meet with them and they will tell me their choices for jurors. Each side can ask that I exclude a person from serving on a jury if they can give me a reason to believe that he or she might be unable to be fair and impartial. That is what is called a challenge for cause. The lawyers also have a certain number of what are called peremptory challenges, by which they may exclude a person from the jury without giving a reason. By this process of elimination, the remaining persons are selected as the jury. It may take more than one conference among the parties, their attorneys, and me before the final selections are made.

Purpose of Questioning: The questions that you will be asked during this process are not intended to embarrass you or unnecessarily pry into your personal affairs, but it is important that the parties and their attorneys know enough about you to make this important decision. If a question is asked that you would prefer not to answer in front of the whole courtroom, just let me know and you can come up here and give your answer just in front of the attorneys and me. If you have a question of either the attorneys or me, don't hesitate to let me know.

Response to Questioning: There are no right or wrong answers to the questions that will be asked of you. The only thing that I ask is that you answer the questions as frankly and

as honestly and as completely as you can. You will take an oath to answer all questions truthfully and completely and you must do so. Remaining silent when you have information you should disclose is a violation of that oath as well. If a juror violates this oath, it not only may result in having to try the case all over again but also can result in civil and criminal penalties against a juror personally. So, again, it is very important that you be as honest and complete with your answers as you possibly can. If you don't understand the question, please raise your hand and ask for an explanation or clarification.

In sum, this is a process to assist the parties and their attorneys to select a fair and impartial jury. All of the questions they ask you are for this purpose. If, for any reason, you do not think you can be a fair and impartial juror, you must tell us.

202.1 INTRODUCTION

You have now taken an oath to serve as jurors in this trial. Before we begin, I am going to tell you about the rules of law that apply to this case and let you know what you can expect as the trial proceeds.

It is my intention to give you some of the rules of law but it might be that I will not know for sure all of the law that will apply in this case until all of the evidence is presented. However, I can anticipate most of the law and give it to you at the beginning of the trial so that you will better understand what to be looking for while the evidence is presented. If I later decide that different or additional law applies to the case, I will tell you. In any event, at the end of the evidence I will give you the final instructions on which you must base your verdict. At that time, you will have a complete written set of the instructions so you do not have to memorize what I am about to tell you.

The following are the rules of law expected to apply in this case.

[READ RELEVANT INSTRUCTIONS BEGINNING AT PG. 28]

202.2 EXPLANATION OF THE TRIAL PROCEDURE

Now that you have heard the law, I want to let you know what you can expect as the trial proceeds.

Opening Statements: In a few moments, the attorneys will each have a chance to make what are called opening statements. In an opening statement, an attorney is allowed to give you his/her views about what the evidence will be in the trial and what you are likely to see and hear in the testimony.

Evidentiary Phase: After the attorneys' opening statements the plaintiffs will bring their witnesses and evidence to you.

Evidence: Evidence is the information that the law allows you to see or hear in deciding this case. Evidence includes the testimony of the witnesses, documents, and anything else that I instruct you to consider.

Witnesses: A witness is a person who takes an oath to tell the truth and then answers attorneys' questions for the jury. The answering of attorneys' questions by witnesses is called "giving testimony." Testimony means statements that are made when someone has sworn an oath to tell the truth.

The plaintiffs' lawyer will normally question the witness first. That is called direct examination. Then the defense lawyer may ask the same witness additional questions about whatever the witness has testified to. That is called cross-examination. Certain documents or other evidence may also be shown to you during direct or cross-examination. After the plaintiffs' witnesses have testified, the defendant will have the opportunity to put witnesses on the stand and go through the same process. Then the plaintiffs' lawyer gets to do cross-examination. The process is designed to be fair to both sides.

It is important that you remember that testimony come from witnesses. The attorneys do not give testimony and they are not themselves witnesses.

Objections: Sometimes the attorneys will disagree about the rules for trial procedure when a question is asked of a witness. When that happens, one of the lawyers may make what is called an "objection." The rules for a trial can be complicated, and there are many reasons for the attorneys to object. You should simply wait for me to decide how to proceed. If I say that an objection is "sustained", that means the witness may not answer the question. If I say that the objection is "overruled", that means the witness may answer the question.

When there is an objection and I make a decision, you must not assume from that decision that I have any particular opinion other than that the rules for conducting a trial are being correctly followed. If I say a question may not be asked or answered, you must not try to guess what the answer would have been. That is against the rules, too.

Side Bar Conferences: Sometimes I will need to speak to the attorneys about legal elements of the case that are not appropriate for the jury to hear. The attorneys and I will try to have as few of these conferences as possible while you are giving us your valuable time in the courtroom. But, if we do have to have such a conference during testimony, we will try to hold the conference at the side of my desk so that we do not have to take a break and ask you to leave the courtroom.

Recesses: Breaks in an ongoing trial are usually called "recesses". During a recess you still have your duties as a juror and must follow the rules, even while having coffee, at lunch, or at home.

Instructions Before Closing Arguments: After all the evidence has been presented to you, I will instruct you on the law that you must follow. It is important that you remember these instructions to assist you in evaluating the final attorney presentations, which come next, and later, during your deliberations, to help you correctly sort through the evidence to reach your decision.

Closing Arguments: The attorneys will then have the opportunity to make their final presentations to you, which are called closing arguments.

Final Instructions: After you have heard the closing arguments, I will instruct you further in the law as well as explain to you the procedures you must follow to decide the case.

Deliberations: After you hear the final jury instructions, you will go to the jury room and discuss and decide the questions I have put on your verdict form. You will have a copy of the jury instructions to use during your discussions. The discussions you have and the decisions you make are usually called "jury deliberations." Your deliberations are absolutely private and neither I nor anyone else will be with you in the jury room.

Verdict: When you have finished answering the questions, you will give the verdict form to the bailiff, and we will all return to the courtroom, where your verdict will be read. When that is completed, you will be released from your assignment as a jury.

Finally, before we begin the trial, I want to give you just a brief explanation of rules you must follow as the case proceeds.

Keeping an Open Mind: You must pay close attention to the testimony and other evidence as it comes into the trial. However, you must avoid forming any final opinion or telling anyone else your views on the case until you begin your deliberations. This rule requires you to keep an open mind until you have heard all of the evidence and is designed to prevent you from influencing how your fellow jurors think until they have heard all of the evidence and had an opportunity to form their own opinions. The time and place for coming to your final opinions and speaking about them with your fellow jurors is during deliberations in the jury room, after all of the evidence has been presented, closing arguments have been made, and I have instructed you on the law. It is important that you hear all of the facts and that you hear the law and how to apply it before you start deciding anything.

Consider Only the Evidence: It is the things you hear and see in this courtroom that matter in this trial. The law tells us that a juror can consider only the testimony and other evidence that all the other jurors have also heard and seen in the presence of the judge and the lawyers. Doing anything else is wrong and is against the law. That means that you must not do any work or investigation of your own about the case. You must not obtain on your own any information about the case or about anyone involved in the case, from any source whatsoever. This includes reading newspapers, watching television or using a computer, cell phone, the Internet, any electronic device, or any other means at all, to get information related to this case or the people and places involved in this case. This applies whether you are in the courthouse, at home, or anywhere else. You must not visit places mentioned in the trial or use the internet to look at maps or pictures to see any place discussed during trial.

Do not provide any information about this case to anyone, including friends or family members. Do not let anyone, including the closest family members, make comments to you or ask questions about the trial. Jurors must not have discussions of any sort with friends or family members about the case or the people and places involved. So, do not let even the closest family members make comments to you or ask questions about the trial. In this age of electronic communication, I want to stress again that just as you must not talk about this case face-to-face, you must not talk about this case by using an electronic device. You must not use phones, tablets, computers or other electronic devices to communicate. Do not send or accept any messages related to this case or your jury service. Do not discuss this case or ask for advice by any means at all, including posting information on an Internet website, chat room or blog.

No Mid-Trial Discussions: When we are in a recess, do not discuss anything about the trial or the case with each other or with anyone else. If attorneys approach you, don't speak with them. The law says they are to avoid contact with you. If an attorney will not look at you or speak to

you, do not be offended or form a conclusion about that behavior. The attorney is not supposed to interact with jurors outside of the courtroom and is only following the rules. The attorney is not being impolite. If an attorney or anyone else does try to speak with you or says something about the case in your presence, please inform the bailiff immediately.

Only the Jury Decides: Only you get to deliberate and answer the verdict questions at the end of the trial. I will not intrude into your deliberations at all. I am required to be neutral. You should not assume that I prefer one decision over another. You should not try to guess what my opinion is about any part of the case. It would be wrong for you to conclude that anything I say or do means that I am for one side or another in the trial. Discussing and deciding the facts is your job alone.

202.3 NOTE-TAKING BY JURORS

If you would like to take notes during the trial, you may do so. On the other hand, of course, you are not required to take notes if you do not want to. That will be left up to you individually.

You will be provided with a note pad and a pen for use if you wish to take notes. Any notes that you take will be for your personal use. However, you should not take them with you from the courtroom. During recesses, the bailiff will take possession of your notes and will return them to you when we reconvene. After you have completed your deliberations, the bailiff will deliver your notes to me. They will be destroyed. No one will ever read your notes.

If you take notes, do not get so involved in note-taking that you become distracted from the proceedings. Your notes should be used only as aids to your memory.

Whether or not you take notes, you should rely on your memory of the evidence and you should not be unduly influenced by the notes of other jurors. Notes are not entitled to any greater weight than each juror's memory of the evidence.

202.4 JUROR QUESTIONS

Questions for the court or courtroom personnel:

During the trial, you may have a question about these proceedings. If so, please write it down and hand it to the bailiff, who will then hand it to me. I will review your question with the parties, and their attorneys, before responding.

Questions for witnesses:

You also may have a question you think should be asked of a witness. If so, there is a way for you to request that I ask the witness a question. After all the attorneys have completed their questioning of the witness, you should raise your hand if you have a question. I will then give you sufficient time to write the question on a piece of paper, fold it, and give it to the bailiff, who will pass it to me. Do not put your name on the question, show it to anyone or discuss it with anyone.

I will then review the question with the attorneys. Under our law, only certain evidence may be considered by a jury in determining a verdict. You are bound by the same rules of evidence that control the attorneys' questions. If I decide that the question may not be asked under our rules of evidence, I will tell you. Otherwise, I will direct the question to the witness. The attorneys may then ask follow-up questions if they wish. If there are additional questions from jurors, we will follow the same procedure again.

By providing this procedure, I do not mean to suggest that you must or should submit written questions for witnesses. In most cases, the lawyers will have asked the necessary questions.

301.1 DEPOSITION TESTIMONY, INTERROGATORIES, STIPULATED TESTIMONY, STIPULATIONS, AND ADMISSIONS

a. Deposition or prior testimony:

Members of the jury, the sworn testimony of (name), given before trial, will now be presented. You are to consider and weigh this testimony as you would any other evidence in the case.

b. Interrogatories:

Members of the jury, answers to interrogatories will now be read to you. Interrogatories are written questions that have been presented before trial by one party to another. They are answered under oath. You are to consider and weigh these questions and answers as you would any other evidence in the case.

c. Stipulated testimony:

Members of the jury, the parties have agreed that if (name of witness) were called as a witness, he/she would testify (read or describe the testimony). You are to consider and weigh this testimony as you would any other evidence in the case.

d. Stipulations:

Members of the jury, the parties have agreed to certain facts. You must accept these facts as true. (Read the agreed facts).

Jeffrey Epstein has conceded that Bradley Edwards had a good-faith basis to file all of the civil lawsuits alleging sexual abuse against Jeffrey Epstein on behalf of L.M., E.W., and Jane Doe. By conceding that all of the lawsuits were filed in good-faith, Jeffrey Epstein has not conceded that he in fact committed any of the alleged acts against L.M., E.W. and Jane Doe, only that Bradley Edwards had a good-faith basis to reasonably believe that Jeffrey Epstein had in fact committed the alleged acts. As to whether in fact he committed the alleged acts, Jeffrey Epstein has asserted his 5th Amendment right to remain silent.

e. Admissions:

1. Applicable to all parties:

Members of the jury, (identify the party or parties that have admitted the facts.) You must accept these facts as true. (Read the admissions).

2. *Applicable to fewer than all parties:*

Members of the jury, (identify the party or parties that have admitted the facts). You must accept these facts as true in deciding the issues between (identify the affected parties), but these facts should not be used in deciding the issues between (identify the unaffected parties). (Read the admissions).

301.2 INSTRUCTION WHEN FIRST ITEM OF DOCUMENTARY, PHOTOGRAPHIC OR PHYSICAL EVIDENCE IS ADMITTED

The (describe item of evidence) has now been received in evidence. Witnesses may testify about or refer to this or any other item of evidence during the remainder of the trial. This and all other items received in evidence will be available to you for examination during your deliberations at the end of the trial.

301.3 INSTRUCTION WHEN EVIDENCE IS FIRST PUBLISHED TO JURORS

The (describe item of evidence) has been received in evidence. It is being shown to you now to help you understand the testimony of this witness and other witnesses in the case, as well as the evidence as a whole. You may examine (describe item of evidence) briefly now. It will also be available to you for examination during your deliberations at the end of the trial.

301.4 INSTRUCTION REGARDING VISUAL OR DEMONSTRATIVE AIDS

a. Generally:

This witness will be using (identify demonstrative or visual aid(s)) to assist in explaining or illustrating his/her testimony. The testimony of the witness is evidence; however, these (identify demonstrative or visual aids) are not to be considered as evidence in the case unless received in evidence, and should not be used as a substitute for evidence. Only items received in evidence will be available to you for consideration during your deliberations.

b. Specially created visual or demonstrative aids based on disputed assumptions:

This witness will be using (identify demonstrative aids) to assist in explaining or illustrating his/her testimony. These items have been prepared to assist this witness in explaining his/her testimony. They may be based on assumptions which you are free to accept or reject. The testimony of the witness is evidence; however, these (identify demonstrative or visual aids) are not to be considered as evidence in the case unless received in evidence, and should not be used as a substitute for evidence. Only items received in evidence will be available to you for consideration during your deliberations.

301.5 EVIDENCE ADMITTED FOR A LIMITED PURPOSE

The (describe item of evidence) has now been received into evidence. It has been admitted only for the purpose of (describe purpose) as to (name party). You may consider it only for that purpose as it might affect (name party). You may not consider that evidence for any other purpose as to any other party.

406.1 INTRODUCTION

Members of the jury, you have now heard and received all of the evidence in this case. I am now going to tell you about the rules of law that you must use in reaching your verdict. You will recall at the beginning of the case I told you that if, at the end of the case I decided that different law applies, I would tell you so. These instructions are (slightly) different from what I gave you at the beginning and it is these rules of law that you must now follow. When I finish telling you about the rules of law, the attorneys will present their final arguments and you will then retire to decide your verdict.

406.2 SUMMARY OF CLAIMS

The claims in this case for your consideration are as follows:

Bradley Edwards claims that Jeffrey Epstein maliciously and without probable cause filed and continued to prosecute a lawsuit against Mr. Edwards. That lawsuit alleged that Mr. Epstein was injured by Mr. Edwards' commission of various criminal acts while pursuing fabricated or exaggerated sexual abuse claims against Jeffrey Epstein on behalf of three clients. According to the lawsuit Jeffrey Epstein filed against Mr. Edwards, Mr. Edwards pursued the claims solely as part of Mr. Edwards' knowing participation in an illegal Ponzi scheme with Scott Rothstein. Mr. Edwards claims that he was damaged by the false and malicious claims that Mr. Epstein filed against him.

Jeffrey Epstein denies that claim.

The parties must prove all claims and defenses by the greater weight of the evidence. I will now define some of the terms you will use in deciding this case.

406.3 GREATER WEIGHT OF THE EVIDENCE

"Greater weight of the evidence" means the more persuasive and convincing force and effect of the entire evidence in the case.

406.4 PROBABLE CAUSE

Probable cause means that at the time of instituting the civil proceeding against Bradley Edwards, the facts and circumstances known to Jeffrey Epstein were sufficiently strong to support a reasonable belief that the claims made by Jeffrey Epstein against Bradley Edwards were supported by existing facts.

In order for probable cause to exist on the part of Jeffrey Epstein, the facts known to Jeffrey Epstein must be such that a prudent man would set in motion the filing of the civil lawsuit. Where, however, it would appear to a cautious man that further investigation is justified before filing the civil lawsuit, then the failure to perform that additional investigation may form the basis to conclude that such person lacked probable cause to file the civil lawsuit.

Authority: *Liabos v. Harman*, 215 So. 2d 487, 489-90 (Fla. 2d DCA 1968)

406.5 LEGAL MALICE

One acts with legal malice in instituting or continuing a civil proceeding against another if he does so for the primary purpose of injuring the other, or recklessly and without regard for whether the proceeding is justified, or for any primary purpose except to establish what he or she considers to be a meritorious claim. In determining whether Jeffrey Epstein acted maliciously, you may consider all the circumstances at the time of the conduct complained of, including any lack of probable cause to institute or continue the proceeding[2].

[2] Durkin v. Davis, 814 So.2d 1246, 1248 49 (Fla. 2d DCA 2002) ("As to malice on the part of the defendants, the plaintiff need not allege actual malice; legal malice is sufficient and may be inferred from, among other things, a lack of probable cause, gross negligence, or great indifference to persons, property, or the rights of others. Here, the allegations supporting a lack of probable cause are evidence from which a jury could infer malice.") (emphasis added)

406.6 INSTITUTING OR CONTINUING A PROCEEDING

One is regarded as having instituted a civil proceeding against another if the proceeding resulted directly and in natural and continuous sequence from his actions, so that it reasonably can be said that, but for his actions, the proceeding would not have been instituted.

406.7 LEGAL CAUSE

a. Legal cause generally:

The malicious institution of a proceeding is a cause of loss, injury, or damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such loss, injury, or damage, so that it can reasonably be said that, but for the malicious institution of a proceeding, the loss, injury, or damage would not have occurred.

b. Concurring cause:

In order to be regarded as a legal cause of loss, injury, or damage the malicious institution of such a proceeding need not be the only cause. The malicious institution of a proceeding may be a legal cause of loss, injury, or damage even though it operates in combination with the act of another or some other cause if the malicious institution of a proceeding contributes substantially to producing such loss, injury, or damage.

c. Intervening cause:

The malicious institution of a proceeding may also be a legal cause of loss, injury, or damage even though it operates in combination with the act of another, some natural cause, or some other cause occurring after the malicious institution of a proceeding occurs if such other cause was itself reasonably foreseeable and the malicious institution of a proceeding contributes substantially to producing such loss, injury, or damage or the resulting loss, injury, or damage was a reasonably foreseeable consequence of the malicious institution of a proceeding and the malicious institution of a proceeding contributes substantially to producing it.

406.8 ISSUES ON CLAIM

The issues you must decide on Bradley Edwards' claim against Jeffrey Epstein are whether Jeffrey Epstein maliciously and without probable cause either instituted or continued a civil proceeding against Bradley Edwards which later terminated in favor of Bradley Edwards and, if so, whether that action was a legal cause of loss, injury, or damage to Bradley Edwards.

406.9 BURDEN OF PROOF ON CLAIM

If the greater weight of the evidence does not support Bradley Edwards' claim, your verdict should be for Jeffrey Epstein.

However, if the greater weight of the evidence supports Bradley Edwards' claim that Jeffrey Epstein either:

- Maliciously and without probable cause initiated a civil proceeding against Bradley Edwards; or
- Maliciously and without probable cause continued a civil proceeding against Bradley Edwards; or
- Maliciously and without probable cause both initiated and continued a civil proceeding against Bradley Edwards,

then your verdict should be for Bradley Edwards and against Jeffrey Epstein.

406.12 MALICIOUS PROSECUTION DAMAGES

If you find for Jeffrey Epstein, you will not consider the matter of damages. But, if you find for Bradley Edwards, you should award Bradley Edwards an amount of money that the greater weight of the evidence shows will fairly and adequately compensate Bradley Edwards for such loss, injury, or damage as the greater weight of the evidence shows was caused by the institution of the proceeding complained of.

If you find for Bradley Edwards, you shall consider the following elements of damage:

COMPENSATORY DAMAGES

a. Injury to reputation; shame, humiliation, mental anguish, hurt feelings:

Any injury to reputation and any shame, humiliation, mental anguish, and hurt feelings experienced in the past or to be experienced in the future. There is no exact standard for fixing the compensation to be awarded on account of such elements of damage. Any award should be fair and just in the light of the evidence.

b. Loss of Capacity for the Enjoyment of Life.

Any loss of capacity for the enjoyment of life experienced in the past or to be experienced in the future. There is no exact standard for measuring such damage. The amount should be fair and just in the light of the evidence.

c. Lost time. When lost time shown:

The reasonable value of any time lost in the past in defending against Jeffrey Epstein's lawsuit.

AMOUNT OF LOSS OR HARM IS UNCERTAIN OR DIFFICULT TO DETERMINE

In order to recover damages for a particular type of loss or harm, Bradley Edwards must prove by the greater weight of the evidence that such loss or harm was caused by Jeffrey Epstein's wrongful conduct. If Bradley Edwards proves the occurrence of such loss or harm by the greater weight of the evidence, Bradley Edwards is entitled to recover for that loss or harm even though the exact amount of that loss or harm cannot be determined.

Thus, if you find by the greater weight of the evidence that a particular type of loss or harm did occur as a result of Jeffrey Epstein's wrongful conduct, Bradley Edwards is entitled to recover for that loss or harm as long as there is some reasonable yardstick by which it can be measured – that is, as long as there is some reasonable basis for estimating or approximating the amount of the loss or harm. Bradley Edwards may not be denied damages merely because the amount of loss or harm is uncertain or difficult to determine. Any risk of uncertainty concerning the computation of damages is instead borne by Jeffrey Epstein.

Authority: Linton v. Pension Services Corp., 389 So. 2d 247 (Fla. 2d DCA 1980); Adams v. Dreyfusd Interstate Dev. Corp., 352 So. 2d 76 (Fla. 4th DCA 1977*); John Hancock Life Ins. Co. v. Mark-A, Inc.*, 324 So. 2d 674 (Fla. 2d DCA 1975); Conner v. Atlas Aircraft Corp., 310 So. 2d 352 (Fla. 3d DCA 1975); Asgrow-Kilgore co. v. Mulford Hickerson Corp., 301 So. 2d 441 (Fla. 1974); Saporito v. Bone, 195 So. 2d 244 (Fla. 2d DCA 1967); Nello L. Teer Co. v. Hollywood Golf Estates, 324 F.2d 669 (5th Cir. Fla. 1965); McCall v. Sherbill, 68 So. 2d 362 (Fla. 1953); Twyman v. Roell, 123 Fla. 2, 166 So. 215 (1936); Story Parchment Co. v. Paterson Parchment Paper Co., 282 U.S. 555, 563 (1931).

Maslenjak v. United States, 137 S. Ct. 1918, 1929 (2017) *citing Bigelow* v. *RKO Radio Pictures, Inc.*, 327 U.S. 251, 265 (1946) ("The most elementary conceptions of justice and public policy require that the wrongdoer shall bear the risk of the uncertainty which his own wrong has created")).

503.1 PUNITIVE DAMAGES — BIFURCATED PROCEDURE[3]

a. First stage of bifurcated punitive damages procedure:

There is an additional claim in this case that you must decide. If you find for Bradley Edwards and against Jeffrey Epstein, you must decide whether, in addition to compensatory damages, punitive damages are warranted as punishment to Jeffrey Epstein and as a deterrent to others.

The trial of the punitive damages issue is divided into two parts. In this first part, you will decide whether the conduct of Jeffrey Epstein is such that punitive damages are warranted. If you decide that punitive damages are warranted, we will proceed to the second part of that issue during which the parties may present additional evidence and argument on the issue of punitive damages. I will then give you additional instructions, after which you will decide whether, in your discretion, punitive damages will be assessed and, if so, the amount.

b(1). Punitive damages for acts of an individual defendant:

Bradley Edwards claims that punitive damages should be awarded against Jeffrey Epstein for his conduct in filing a lawsuit against Bradley Edwards with malice and in the absence of probable cause. Punitive damages are warranted against Jeffrey Epstein if you find by clear and convincing evidence that Jeffrey Epstein was guilty of intentional misconduct or gross negligence, which was a substantial cause of loss, injury, or damage to Bradley Edwards. Under those circumstances you may, in your discretion, award punitive damages against Jeffrey Epstein. If clear and convincing evidence does not show such conduct by Jeffrey Epstein, punitive damages are not warranted against Jeffrey Epstein.

"Intentional misconduct" means that Jeffrey Epstein had actual knowledge of the wrongfulness of the conduct and there was a high probability of injury or damage to Bradley Edwards and, despite that knowledge, he intentionally pursued that course of conduct, resulting in injury or damage. "Gross negligence" means that Jeffrey Epstein's conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

"Clear and convincing evidence" differs from the "greater weight of the evidence" in that it is more compelling and persuasive. As I have already instructed you, "greater weight of the evidence" means the more persuasive and convincing force and effect of the entire evidence in the case.

c. Second stage of bifurcated punitive damage procedure:

c(1). Opening instruction, second stage:

Members of the jury, I am now going to tell you about the rules of law that apply to determining whether punitive damages should be assessed and, if so, in what amount. When I finish with these instructions, the parties will present additional evidence. You should consider this additional evidence along with the evidence already presented, and you should decide any disputed factual issues by the greater weight of the evidence. "Greater weight of the evidence" means the more persuasive and convincing force and effect of the entire evidence in the case.

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[3] Instructions 503.1b(1)–b(4) are designed for use in most common-law tort cases. However, certain types of intentional torts may require a punitive damage charge appropriate to the particular tort. See, e.g., First Interstate Development Corp. v. Ablanedo, 511 So.2d 536 (Fla. 1987); Metropolitan Life Insurance Co. v. McCarson, 467 So.2d 277 (Fla. 1985). The same may be true when punitive damages are authorized by statute. See, e.g., Home Insurance Co. v. Owens, 573 So.2d 343, 346 (Fla. 4th DCA 1990).

c(2). Punitive damages — determination of amount:

You are to decide the amount of punitive damages, if any, to be assessed as punishment against Jeffrey Epstein and as a deterrent to others. This amount would be in addition to the compensatory damages you have previously awarded. In making this determination, you should consider the following:

(A). the nature, extent and degree of misconduct and the related circumstances, including the following:

i. whether, at the time of loss, injury, or damage, Jeffrey Epstein had a specific intent to harm Bradley Edwards and the conduct of Jeffrey Epstein did in fact harm Bradley Edwards, and

(B). The financial resources of Jeffrey Epstein.

However, you may not award an amount that would financially destroy Jeffrey Epstein.

You may in your discretion decline to assess punitive damages.

d. Closing instruction, second stage:

Members of the jury, you have now heard and received all of the evidence on the issue of punitive damages. Your verdict on the issues raised by the punitive damages claim of Bradley Edwards against Jeffrey Epstein must be based on the evidence that has been received during the trial of the first phase of this case and on the evidence that has been received in these proceedings and the law on which I have instructed you. In reaching your verdict, you are not to be swayed from the performance of your duty by prejudice or sympathy for or against any party.

Your verdict must be unanimous, that is, your verdict must be agreed to by each of you.

You will be given a form of verdict, which I shall now read to you:

When you have agreed on your verdict, the foreman or forewoman, acting for the jury, should date and sign the verdict. You may now retire to consider your verdict.

601.1 WEIGHING THE EVIDENCE

In deciding this case, it is your duty as jurors to decide the issues, and only those issues, that I submit for your determination by answering certain questions I ask you to answer on a special form, called a verdict form. You must come to an agreement about what your answers will be. Your agreed-upon answers to my questions are called your jury verdict.

The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received in evidence and all facts that were admitted or agreed to by the parties and any fact of which the court instructs you to accept.

In reaching your verdict, you must think about and weigh the testimony and any documents, photographs, or other material that has been received in evidence. You may also consider any facts that were admitted or agreed to by the lawyers. Your job is to determine what the facts are. You may use reason and common sense to reach conclusions. You may draw reasonable inferences from the evidence. But you should not guess about things that were not covered here. And, you must always apply the law as I have explained it to you.

601.2 BELIEVABILITY OF WITNESSES

Let me speak briefly about witnesses. In evaluating the believability of any witness and the weight you will give the testimony of any witness, you may properly consider the demeanor of the witness while testifying; the frankness or lack of frankness of the witness; the intelligence of the witness; any interest the witness may have in the outcome of the case; the means and opportunity the witness had to know the facts about which the witness testified; the ability of the witness to remember the matters about which the witness testified; and the reasonableness of the testimony of the witness, considered in the light of all the evidence in the case and in the light of your own experience and commons sense.

You have heard opinion testimony on certain technical subjects from persons referred to as expert witnesses.

You may accept such opinion testimony, reject it, or give it the weight you think it deserves, considering the knowledge, skill, experience, training, or education of the witness, the reasons given by the witness for the opinion expressed, and all the other evidence in the case.

ADVERSE INFERENCE INSTRUCTION — FIFTH AMENDMENT

An individual is constitutionally protected by the Fifth Amendment to the United States Constitution from being compelled to provide evidence against himself in a criminal proceeding and guilt of a crime may not be inferred from the exercise of the Fifth Amendment right to remain silent. However, the prohibition against drawing an adverse inference that applies in a criminal proceeding does not apply in a civil lawsuit.

Therefore, if you find that Jeffrey Epstein refused to answer questions when confronted with relevant evidence against him on the ground that his answers may tend to incriminate him, then you may, but are not required to, infer that his answers would have incriminated him. You may consider this, together with the other evidence, in determining the issues of this case, but a Judgment against Jeffrey Epstein cannot rest solely on the adverse inference.

Authority: Fla. St. Jury Ins. 301.11a; Baxter v. Palmigiano, 425 U.S. 308 (1976); Coquina Investments v. Rothstein, No. 10-60786-cv-2012 WL 4479057 (S.D. Fla. Sept. 28, 2012).

FEDERAL RULE OF EVIDENCE 415 & FLORIDA STATUTE SECTION 90.404

Federal Rule of Evidence 415 and Florida Statute 90.404 provide that in a civil case involving a claim for relief based on a party's alleged sexual assault or child molestation, the Court may admit evidence that the party committed any other sexual assault or child molestation.

As a consequence of these provisions in both federal and state law, proper pretrial discovery by Bradley Edwards in the civil lawsuits against Jeffrey Epstein was not limited to the investigation of the offenses alleged to have been committed by Jeffrey Epstein against the three clients represented by Bradley Edwards. The law expressly allowed Mr. Edwards to conduct discovery of and to fully investigate any other sexual assault or child molestation which may have been committed by Jeffrey Epstein.

NATURAL AND PROBABLE CONSEQUENCES

Jeffrey Epstein has conceded and does not dispute that he filed the Complaint at issue against LM, Scott Rothstein, and Bradley Edwards on December 7, 2009, and he continued to prosecute claims against Bradley Edwards until he voluntarily dismissed those claims on August 16, 2012.

In determining what Jeffrey Epstein's intention was at the time he filed and prosecuted claims against Bradley Edwards, the law presumes that he intended the natural and probable consequences of his acts. Accordingly, if you find that Jeffrey Epstein filed and prosecuted false claims against Bradley Edwards then he is presumed to have intended to file and prosecute false claims, unless that presumption is rebutted by other evidence.

LITIGATION PRIVILEGE[4]

The law does not allow a separate lawsuit to be based on conduct that occurs in and is related to another legal proceeding. That protection, called the "litigation privilege" does not prevent the application of other remedies such as contempt of court proceedings, the filing of professional grievances, or prosecution for perjury, but lawsuits for damages are not allowed.

In his lawsuit against Bradley Edwards, Jeffrey Epstein alleged that Bradley Edwards engaged in discovery in the cases on behalf of L.M., E.W., and Jane Doe, including the noticing of certain depositions, that was improper and caused Jeffrey Epstein to spend money on attorney's fees to defend against that discovery. Jeffrey Epstein claims that these monies constitute damages that are recoverable in his independent lawsuit against Bradley Edwards.

However, if the investigation Bradley Edwards engaged in was reasonably calculated to lead to the discovery of admissible evidence regarding any part of the claims being pursued by L.M., E.W. and Jane Doe, including but not limited to their potential claims for punitive damages against Jeffrey Epstein, then the discovery conducted by Bradley Edwards was relevant to those proceedings and is protected by absolute immunity.

Thus, if you find that the discovery being taken by Bradley Edwards was relevant to the potential claims being pursued by his three clients, then you must also find that Jeffrey Epstein could not properly pursue an independent lawsuit against Bradley Edwards to recover any claimed damages for attorney's fees, as those claims were absolutely barred by Florida's litigation privilege.

[4] Echevarria, McCalla, Raymer, Barrett & Frappier v. Cole, 950 So. 2d 380, 383 (Fla. 2007) ("In Myers v. Hodges, 53 Fla. 197, 44 So. 357 (1907), this Court recognized the principle of the litigation privilege in Florida, essentially providing legal immunity for actions that occur in judicial proceedings. In that case, involving a libel suit based on statements contained in a complaint, this Court established a qualified litigation privilege, requiring that the alleged defamatory statements be relevant to the judicial proceeding. . . .Under our holding, once this threshold showing was met, the statements were entitled to immunity.").

JEFFREY EPSTEIN'S FAILURE TO TESTIFY AT TRIAL[5]

The failure of Jeffrey Epstein to appear or testify as to material facts within his knowledge creates an inference that he refrained from appearing or testifying because the truth, if revealed, would not be favorable to him.

[5] See Geiger v. Mather of Lakeland, Inc., 217 So. 2d 897, 898 (Fla. 4th DCA 1968) ("It is a general rule that the failure of a party to appear or testify as to material facts within his knowledge creates an inference that he refrained from appearing or testifying because the truth, if made to appear, would not aid his contention . . . This appears to be the clear weight of authority throughout the country.").

THE SWORD-SHIELD DOCTRINE[6]

Under Florida law, Jeffrey Epstein is not permitted to file a civil proceeding against Bradley Edwards and then invoke a privilege to avoid discovery on the claims made by Jeffrey Epstein against Bradley Edwards in that civil proceeding.

An issue you are deciding in this case is whether Jeffrey Epstein initiated and continued claims against Bradley Edwards in the absence of probable cause. If you find that Jeffrey Epstein was asked to provide information about whatever probable cause he may have had, and rather than provide that information he instead refused to answer relevant questions, then you are permitted, but are not required, to infer that Jeffrey Epstein's answers would have been adverse to his position and would have demonstrated a lack of probable cause.

[6] See DePalma v. DePalma, 538 So. 2d 1290, 1290 (Fla. 4th DCA 1989) ("It is well settled in this district that a person may not seek affirmative relief in a civil action and then invoke the fifth amendment to avoid giving discovery, using the fifth amendment as both a 'sword and a shield.'").

JEFFREY EPSTEIN'S FAILURE TO RAISE ADVICE OF COUNSEL AS A DEFENSE[7]

Jeffrey Epstein had the option in this case of claiming that, after he provided his attorney with a full and complete disclosure of all the facts known to Jeffrey Epstein, his attorney advised him to institute the civil proceeding against Bradley Edwards. This defense, called "advice of counsel," would have been a complete defense to Bradley Edwards' malicious prosecution action.

Jeffrey Epstein, however, chose not to raise this defense and failed to call any of his attorneys as a witness in support of his defense to Bradley Edwards' malicious prosecution claim. The failure of Jeffrey Epstein to present testimony of his own attorneys who are within his control and who may have knowledge of facts at issue justifies an adverse inference against Jeffrey Epstein.

You therefore may, but are not required to, infer that Jeffrey Epstein failed to call his attorneys because his attorneys' testimony would have been unfavorable to Jeffrey Epstein's claim that Jeffrey Epstein had probable cause to initiate the civil proceeding against Bradley Edwards.

[7] See Paulk v. Buczynski, 106 So. 2d 100, 102 (Fla. 2d DCA 1958) ("As mentioned above, defendant alleged that the perjury prosecution against plaintiff was instituted upon advice of counsel. Such is a complete defense to an action for malicious prosecution; however, such advice of counsel must be based upon a full and complete disclosure of all the facts."). See Tri-State Systems, Inc. v. Department of Transportation, 500 So. 2d 212, 215 (Fla. 1st DCA 1986) ("[T]he failure of a party to present the testimony of a person within his control who has knowledge of the fact at issue justifies an inference adverse to that party."); see also Haliburton v. State, 561 So. 2d 248, 250 (Fla. 1990); McLaughlin v. Union-Leader Corp., 99 N.H. 492, 498 ([redacted]. 1955) (affirming trial court's ruling permitting counsel to comment on the opposing party's failure to call its attorney in defense of the claims).

601.5 CONCLUDING INSTRUCTION (BEFORE FINAL ARGUMENT)

That is the law you must follow in deciding this case. The attorneys for the parties will now present their final arguments. When they are through, I will have a few final instructions about your deliberations.

SECTION 700—CLOSING INSTRUCTIONS

Members of the jury, you have now heard all the evidence, my instructions on the law that you must apply in reaching your verdict and the closing arguments of the attorneys. You will shortly retire to the jury room to decide this case. Before you do so, I have a few last instructions for you.

During deliberations, jurors must communicate about the case only with one another and

only when all jurors are present in the jury room. You will have in the jury room all of the evidence that was received during the trial. In reaching your decision, do not do any research on your own or as a group. Do not use dictionaries, the Internet, or any other reference materials. Do not investigate the case or conduct any experiments. Do not visit or view the scene of any event involved in this case or look at maps or pictures on the Internet. If you happen to pass by the scene, do not stop or investigate. All jurors must see or hear the same evidence at the same time. Do not read, listen to, or watch any news accounts of this trial.

You are not to communicate with any person outside the jury about this case. Until you have reached a verdict, you must not talk about this case in person or through the telephone, writing, or electronic communication, such as a blog, twitter, e-mail, text message, or any other means. Do not contact anyone to assist you, such as a family accountant, doctor, or lawyer. These communications rules apply until I discharge you at the end of the case.

If you become aware of any violation of these instructions or any other instruction I have given in this case, you must tell me by giving a note to the bailiff.

Any notes you have taken during the trial may be taken to the jury room for use during your discussions. Your notes are simply an aid to your own memory, and neither your notes nor those of any other juror are binding or conclusive. Your notes are not a substitute for your own

memory or that of other jurors. Instead, your verdict must result from the collective memory and judgment of all jurors based on the evidence and testimony presented during the trial.

At the conclusion of the trial, the bailiff will collect all of your notes and immediately destroy them. No one will ever read your notes.

In reaching your verdict, do not let bias, sympathy, prejudice, public opinion, or any other sentiment for or against any party to influence your decision. Your verdict must be based on the evidence that has been received and the law on which I have instructed you.

Reaching a verdict is exclusively your job. I cannot participate in that decision in any way and you should not guess what I think your verdict should be from something I may have said or done. You should not think that I prefer one verdict over another. Therefore, in reaching your verdict, you should not consider anything that I have said or done, except for my specific instructions to you.

Pay careful attention to all the instructions that I gave you, for that is the law that you must follow. You will have a copy of my instructions with you when you go to the jury room to deliberate. All the instructions are important, and you must consider all of them together. There are no other laws that apply to this case, and even if you do not agree with these laws, you must use them in reaching your decision in this case.

When you go to the jury room, the first thing you should do is choose a presiding juror to act as a foreperson during your deliberations. The foreperson should see to it that your discussions are orderly and that everyone has a fair chance to be heard.

It is your duty to talk with one another in the jury room and to consider the views of all the jurors. Each of you must decide the case for yourself, but only after you have considered the evidence with the other members of the jury. Feel free to change your mind if you are convinced that your position should be different. You should all try to agree. But do not give up your

honest beliefs just because the others think differently. Keep an open mind so that you and your fellow jurors can easily share ideas about the case. I will give you a verdict form with questions you must answer. I have already instructed you on the law that you are to use in answering these questions. You must follow my instructions and the form carefully. You must consider each question separately. Please answer the questions in the order they appear. After you answer a question, the form tells you what to do next. I will now read the form to you: (read form of verdict)

You will be given (state number) forms of verdict, which I shall now read to you: (read form of verdict)

If you find for Bradley Edwards, your verdict will be in the following form: (read form of verdict)

If you find for Jeffrey Epstein, your verdict will be in the following form: (read form of verdict)

Your verdict must be unanimous, that is, your verdict must be agreed to by each of you. When you have agreed on your verdict and finished filling out the form, your foreperson must write the date and sign it at the bottom and return the verdict to the bailiff.

If any of you need to communicate with me for any reason, write me a note and give it to the bailiff. In your note, do not disclose any vote or split or the reason for the communication. You may now retire to decide your verdict.

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

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

Defendant,
_____/

VERDICT FORM

Please answer each of the following questions:

(1) Did Jeffrey Epstein initiate or continue a civil claim against Bradley Edwards maliciously and without probable cause?

Yes _____ No _____

If your answer is 'No', do not address question (2) below. If, however, your answer is 'Yes', please proceed to question (2)-(5).

(2) What is the amount of damage, if any, sustained by Bradley Edwards to his reputation and due to shame, humiliation, mental anguish and hurt feelings, as a consequence of the wrongdoing by Jeffrey Epstein?

$_____

(3) What is the amount of damage, if any, sustained by Bradley Edwards for loss of capacity for the enjoyment of life, as a consequence of the wrongdoing by Jeffrey Epstein?

$_____

(4) What is the amount of damage, if any, sustained by Bradley Edwards for lost time in the past, as a consequence of the wrongdoing by Jeffrey Epstein?

$_____

(5) Do you find by clear and convincing evidence that punitive damages are warranted against **Jeffrey Epstein**?

Yes _____ No _____

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

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

Defendant,
_____/

VERDICT FORM

Please answer each of the following questions:

(1) What is the total amount of punitive damages, if any, which you find, by the greater weight of the evidence, should be assessed against **Jeffrey Epstein**?

$_____

If you elect not to assess punitive damages against **Jeffrey Epstein**, you should enter a zero (0) as the amount of damages, and sign and date the verdict form.

[If you have elected not to assess punitive damages against Jeffrey Epstein then you should skip the remaining questions and sign and date the verdict form. If, however, you have elected to assess punitive damages against Jeffrey Epstein, then you should answer the following questions:]

At the time of loss, injury, or damage to Bradley Edwards, did **Jeffrey Epstein** have a specific intent to harm Bradley Edwards and did the conduct of **Jeffrey Epstein** in fact harm Bradley Edwards?

Yes _____ No _____