

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

Case No. 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

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**JOINT PRETRIAL STIPULATION**

Pursuant to this Court's Order Specially Setting Jury Trial Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein") and Defendant/Counter-Plaintiff Bradley Edwards ("Edwards") hereby submit this Joint Pretrial Stipulation.

- A. List of All Pending Motions:** The trial of this matter is special set to commence on March 13, 2018. The parties anticipate that additional Motions will be filed before that date. Presently, the following Motions/Requests are pending:
1. 10/5/17, Epstein's Motion for Sanctions Pursuant to Violation of Confidential Settlement Agreement Against Edwards and His Counsel;
    - a. 11/8/17, Edwards' Response in Opposition.
  2. 10/26/17, Edwards' four Motions to Compel and the following related filing:
    - a. 11/27/17, Epstein's Omnibus Response in Opposition to Edwards' Four Motions to Compel.
  3. 10/26/17, Edwards' Motion for Protective Order.
  4. 11/6/17, Epstein's Supplemental Motion to Compel Discovery, and the following related filings:
    - a. 11/15/17, Edwards' Response in Opposition to Epstein's Supplemental Motion to Compel Discovery;
    - b. 9/25/17, Epstein's Motion to Compel Discovery Responses from Edwards;

- c. 9/28/17, Edwards' Memorandum in Opposition to Epstein's Motion to Compel Discovery Responses;
  - d. 9/25/17, Epstein's Motion to Strike Edwards' Discovery Objections and to Compel Responses; and
  - e. 9/28/17, Edwards' Response to Epstein's Motion to Strike Discovery Objections and to Compel Responses.
5. 11/8/17, Edwards' Request for Judicial Notice Pursuant to Florida Statutes Section 90.202 and 90.203, and the following related filings:
    - a. 11/17/17, Epstein's Objection to Edwards' Request for Judicial Notice; and
    - b. 11/28/17, Epstein's Notice of Filing Supplemental Authority.
  6. 11/17/17, Edwards' Objection to Notice of Production from Non-Parties and the following related filing:
    - a. 11/13/17, Epstein's Notice of Production from Non-Parties.
  7. 11/22/17, Epstein's Request for Judicial Notice.
  8. 12/1/17, Edwards' Motion for Leave to Propound Limited Requests for Admission.
  9. 12/4/17, Edwards' Notice of Filing Deposition Transcript Excerpts and Discovery Responses by Epstein Implicating the Fifth Amendment (as to Sections II – V only).
  10. 12/4/17, Edwards' Notice of Filing Deposition Transcript Excerpts and Discovery Responses by Epstein Implicating the Attorney-Client Privilege.
  11. 12/4/17, Edwards' Request for Judicial Notice Pursuant to Florida Statutes Section 90.202 and 90.203.
  12. 12/8/17, Edwards' Notice of Filing Preliminary Objections and Counter Designations to Epstein's Deposition Designations.
  13. 12/11/17, Edwards' Supplemental Motion in Limine Addressing Scope of Admissible Evidence.

**B. Stipulated Facts:**

1. On June 30, 2008, Epstein entered a guilty plea for one count of felony solicitation of prostitution, a third-degree felony, and one count of procuring a person under the age of 18 for prostitution, a second-degree felony. (Plea, D.E. 1107.)
2. Epstein's plea did not involve Edwards' clients (E.W., L.M. and Jane Doe).
3. Edwards took The Florida Bar Exam in July 2001. (Edwards' 11/10/17 Depo. 43:4-6.)
4. Edwards was admitted to The Florida Bar in March 2002. (Edwards' 11/10/17 Depo. 43:10-12.)
5. The Florida Bar raised concerns about Edwards' Character and Fitness Evaluation because of two arrest charges. One related to a juvenile underage drinking charge and the other related to the possession of a prescription drug without a prescription. (Edwards' 11/10/17 Depo. 43:13-46:8.)
6. After being admitted to the Florida Bar, Edwards worked as an Assistant State Attorney at the Broward State Attorney's Office for approximately three years. (Edwards' 5/15/13 Depo. 6:11-15; Edwards' 11/10/17 Depo. 50:3-5.)
7. In March 2008, Edwards, along with others, was sued by Donald Baker relating to his work at the Broward State Attorney's Office. (Edwards' 5/15/13 Depo. 52:18-19; 54:10-11; Edwards' 11/10/17 Depo. 51:15-18; 3/3/08 Complaint, *Donald D. Baker v. The City of Hollywood, et al.*, United States District Court, Southern District of Florida, Case No. 08-60294 (█. 1).)
8. Donald Baker alleged in his Complaint that Edwards falsely testified at an evidentiary hearing and conspired to mislead the court concerning a tampered video. (3/3/08 Complaint, ¶¶ 26, 41, 48, *Donald D. Baker v. The City of Hollywood, et al.*, United States District Court, Southern District of Florida, Case No. 08-60294 (D.E. 1).)
9. The allegations against Edwards in the *Baker* action were dismissed in June 2008. (Edwards' 5/15/13 Depo. 54:12-13; 6/17/08 Omnibus Order on Defendants' Motions to Dismiss, *Donald D. Baker v. The City of Hollywood, et al.*, United States District Court, Southern District of Florida, Case No. 08-60294 (D.E. 79).)

10. After leaving the Broward State Attorney's Office, Edwards went to work for the law firm of Kubicki Draper, where he worked for approximately three years handling insurance defense matters. (Edwards' 5/15/13 Depo. 7:3-10; Edwards' 11/10/17 Depo. 56:10-58:5.)
11. Edwards formed a Florida limited liability company on April 16, 2007, by the name of "The Law Office of Brad Edwards & Associates, LLC." (Sunbiz.org.)
12. Edwards did not employ any attorneys while he practiced law under the name of "The Law Office of Brad Edwards & Associates, LLC." (Edwards' 3/23/10 Depo. 65:18-66:1; Edwards' 11/10/17 Depo. 55:17-22.)
13. Edwards never read Florida Bar Rule 4-7.21 which provides a sole practitioner may not use the term "and Associates" as part of a firm name. (Edwards' 11/10/17 Depo. 56:3-9.)
14. Edwards began working at Rothstein, Rosenfeldt and Adler, P.A. ("RRA") in April 2009. (Edwards' 3/23/10 Depo. 13:19-22.)
15. Edwards' association with RRA terminated at the end of October or beginning of November 2009. (Edwards' 3/23/10 Depo. 15:5-11.)
16. While an employee of RRA, Edwards represented himself to the public, including Epstein, as a partner of RRA. (Edwards' 11/10/17 Depo. 189:22-192:9.)
17. Scott Rothstein ("Rothstein") was the managing partner and CEO of RRA. (Edwards' 11/10/17 Depo. 267:12-13.)
18. Rothstein voluntarily relinquished his law license in November 2009 and was disbarred by the Florida Supreme Court on November 25, 2009. (11/25/09 Opinion, *The Florida Bar v. Rothstein*, Supreme Court of Florida, Case No. SC09-2146.)
19. Rothstein was arrested and arraigned in federal court in Broward County, Florida on December 1, 2009. (12/1/09 Information, *United States of America v. Rothstein*, United States District Court, Southern District of Florida, Case No. 09-60331 (D.E. 1).)

20. In August and September 2008, while working as a sole practitioner at The Law Office of Brad Edwards & Associates, LLC, Edwards filed three separate lawsuits against Epstein on behalf of three separate clients: L.M., E.W. and Jane Doe. (8/14/08 Complaint, *Jane Doe v. Jeffrey Epstein*, United States District Court, Southern District of Florida, Case No. 08-CV-80893 (D.E. 1); 9/11/08 Complaint, *L.M. v. Jeffrey Epstein*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 50-2008-CA-028051 (D.E. 4); 9/11/08 Complaint, *E.W. v. Jeffrey Epstein*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 50-2008-CA-028058 (D.E. 4).)
21. Epstein does not admit or deny the truth of the allegations in the lawsuits brought by Edwards' three clients (L.M., E.W. and Jane Doe) against him, but Epstein does not challenge that Edwards, as a lawyer, had a good-faith basis for bringing their lawsuits against Epstein.
22. When Edwards began working for RRA, he turned over the ownership of his files, including the cases filed by L.M., E.W. and Jane Doe against Epstein, to RRA. (Edwards' 11/10/17 Depo. 338:7-9; 338:17-24.)
23. Rothstein was one of the two equity shareholders at RRA who was ultimately responsible for the L.M., E.W. and Jane Doe cases filed against Epstein. (Edwards' 11/10/17 Depo. 338:25-339:7.)
24. While an employee of RRA, Edwards was the lead attorney on the L.M., E.W. and Jane Doe cases against Epstein. (Edwards' 11/20/17 Depo. 78:3-6; 120:11-18.)
25. While an employee of RRA, Edwards was the sole employee of RRA who made strategic decisions on the L.M., E.W. and Jane Doe cases against Epstein. (Edwards' 11/20/17 Depo. 85:2-15.)
26. While an employee of RRA, Edwards had frequent meetings with others who worked at the law firm to brainstorm what to do on the L.M., E.W. and Jane Doe cases against Epstein. (Edwards' 10/10/13 Depo. 143:17-20.)
27. There were at least eighteen attorneys, investigators and staff members at RRA working on the L.M., E.W. and Jane Doe cases against Epstein. (2/23/11 Privilege Log of Farmer, Jaffee, et al., *In re Rothstein Rosenfeldt Adler, P.A.*, Case No. 09-34791-RBR.)

28. Rothstein planned to try the L.M., E.W. and Jane Doe cases against Epstein with Edwards. (Edwards' 11/10/17 Depo. 321:23-322:2; 338:1-9.)
29. Rothstein communicated with Edwards on at least three occasions about the Epstein files. (Edwards' 3/23/10 Depo. 112:12-16; 113:10-14.)
30. While an employee of RRA, Edwards did not represent any individuals other than L.M., E.W. and Jane Doe with regard to claims against Epstein. (Edwards' 3/23/10 Depo. 291:8; Edwards' 11/10/17 Depo. 77:1-7.)
31. On July 24, 2009, while Edwards was employed by RRA, a Complaint was filed on behalf of L.M. in the United States District Court for the Southern District of Florida. (7/24/09 Complaint, *L.M. v. Jeffrey Epstein*, United States District Court, Southern District of Florida, Case No. 09-CV-81092 (D.E. 1).)
32. Although Edwards' name is the only name that appears under the signature block on the L.M. federal Complaint and Civil Cover Sheet, Edwards did not sign the Complaint or Civil Cover Sheet and he does not know whose signature appears on those documents. (Edwards' 11/10/17 Depo. 171:23-178:23; 7/24/09 Complaint and Civil Cover Sheet, *L.M. v. Jeffrey Epstein*, United States District Court, Southern District of Florida, Case No. 09-CV-81092 (D.E. 1).)
33. L.M. already had a state court action pending against Epstein at the time the July 24, 2009, federal Complaint was filed which was based on the same facts and circumstances. (Edwards' 11/10/17 Depo. 316:11-20.)
34. Edwards never formally served Epstein with the federal Complaint that was filed on behalf of L.M. against Epstein. (Edwards' 5/15/13 Depo. 34:10-20.)
35. L.M.'s July 24, 2009, federal Complaint against Epstein alleged that Epstein forced her into "oral sex" yet L.M. testified that she never engaged in oral, anal or vaginal intercourse with Epstein and she never touched his genitalia. (Edwards' Answer to Complaint ¶ 42(j) (D.E. 19).)
36. While Edwards was employed by RRA he made the decision to take the deposition of three pilots who had flown, at different times, airplanes owned or used by Epstein, and sought the deposition of a fourth pilot as part of the litigation against Epstein. (Edwards' Answer to Complaint ¶ 36 (D.E. 19).)

37. On August 24, 2009, L.M. noticed the depositions of Epstein's pilots Lawrence Paul Visoski, Jr., and David Hart Rogers. L.M. requested they produce "[a]ll original flight logs from January, 1998 through present for any and all aircraft/airplanes/jets which [they] piloted or co-piloted that were owned or controlled by Jeffrey Epstein or Ghislaine Maxwell." (8/24/09 Notices of Deposition and Subpoena Duces Tecums, [REDACTED] v. *Jeffrey Epstein*, 15th Judicial Circuit, Palm Beach County, Case No. 50-2008-CA-028051-XXXX-MB ([REDACTED]. 114, 115).)
38. Edwards' three clients ([REDACTED], E.W. and Jane Doe) never traveled on Epstein's airplanes. (Edwards' 3/23/10 Depo. 53:2-20; Edwards' 11/10/17 Depo. 166:10-167:2.)
39. While Edwards was employed by RRA, he had discussions with others working there and counsel for other plaintiffs who had cases against Epstein, about taking the depositions of Donald Trump, Alan Dershowitz, Bill Clinton and David Copperfield as part of the litigation against Epstein. (Edwards' 3/23/10 Depo. 283:5-9, Ex. 3 7/22/09 Letter; Edwards' 10/10/13 Depo. 206:22-207:4; 208:23-209:10; Edwards' Answer to Complaint ¶ 38 ([REDACTED]. 19).)
40. In August 2009, while Edwards was employed by RRA, he noticed the deposition of Donald Trump in the *Jane Doe* litigation. (8/11/09 and 8/24/09, Re-Notices of Taking Videotaped Depositions, *Jane Doe v. Jeffrey Epstein*, United States District Court, Southern District of Florida, Case No. 08-80893.)
41. While Edwards was employed by RRA, he served Answers to Interrogatories on behalf of [REDACTED] and E.W. indicating that he intended to call Bill Richardson, who is the governor of New Mexico, as a trial witness as part of Edwards' clients' litigation against Epstein. (Edwards' Answer to Complaint ¶ 40 ([REDACTED]. 19).)
42. Edwards' three clients ([REDACTED], E.W. and Jane Doe) never testified that they had sex with a celebrity, dignitary or international figure associated with Epstein. (Edwards' 11/10/17 Depo. 167:21-168:10.)
43. While Edwards was employed by RRA, he sought discovery from Dr. Leonard Bard, a sex therapist in Massachusetts, about treatment Epstein may have received.
44. Epstein never sought advice or treatment from Dr. Leonard Bard, a sex therapist in Massachusetts.

45. In August 2009, Edwards, on behalf of his client E.W., served a Request for Entry Upon Land seeking to inspect Epstein's entire home and property and to take videos and photograph it. (8/10/09, Request for Entry Upon Land, *E.W. v. Jeffrey Epstein*, 15<sup>th</sup> Judicial Circuit, Palm Beach County, Case No. 50-2008-CA-028058-XXX-MB (████. 143).)
46. On August 20, 2009, the Court in the E.W. matter noted that E.W.'s request to inspect Epstein's entire home and property was withdrawn. (8/20/09, Order on Plaintiff's Request for Entry Upon Land, *E.W. v. Jeffrey Epstein*, 15<sup>th</sup> Judicial Circuit, Palm Beach County, Case No. 50-2008-CA-028058-XXX-MB (████. 151).)
47. In August and September 2009, Edwards, on behalf of his client █████, served Notices of Production from Non-Parties evidencing his intent to obtain Epstein's medical records from Stephen Alexander, Bruce W. Markowitz and Charles J. Galecki. The Subpoenas sought, "[t]he complete medical file including MRIs, scans, X-rays and any other diagnostic test result, Intake Form, notes, reports, opinions, correspondence to or from third parties, correspondence to or from Jeffrey Epstein, referrals, medical bills, in short, your complete file." (8/19/09 and 9/11/09, Notice of Production from Non-Party, █████ v. *Jeffrey Epstein*, 15<sup>th</sup> Judicial Circuit, Palm Beach County, Case No. 50-2008-CA-028051-XXXX-MB (████. 105, 127, 129).)
48. On August 14, 2019, Edwards, on behalf of his client █████, served Notices of Production from Non-Parties evidencing his intent to obtain Epstein's prescription history from Lewis Pharmacy and Greens Pharmacy. The Subpoenas sought, "[a] complete computer printout of any and all prescriptions for medication, name and type of prescription, and all other documentation or information on or regarding Jeffrey Epstein." (8/14/09, Notice of Production from Non-Party, █████ v. *Jeffrey Epstein*, 15<sup>th</sup> Judicial Circuit, Palm Beach County, Case No. 50-2008-CA-028051-XXXX-MB (████. 97, 100).)
49. In September 2009, while Edwards was employed by RRA, one of his clients (████) testified at a deposition in her case against Epstein and made statements that were inconsistent with statements she had made about Epstein in 2007 to the FBI.
50. On June 19, 2009, Edwards, on behalf of his Jane Doe client, filed a Motion for Injunction Restraining Fraudulent Transfer of Assets, Appointment of a Receiver

to Take Charge of Property of Epstein, and to Post a \$15 Million Bond to Secure Potential Judgment. (6/19/09 Motion, *Jane Doe No. 2 v. Jeffrey Epstein*, United States District Court, Southern District of Florida, Case No. 08-CV-80119 (█. 165).)

51. On November 5, 2009, the Federal Court denied Jane Doe's Motion finding that it was "entirely devoid of evidence of [Epstein's] alleged fraudulent transfers." The Federal Court further found that the evidence that Edwards presented (Epstein transferring title to approximately five vehicles) was clearly *de minimis*, "particularly in light of [Jane Doe's] repeated characterization of [Epstein] as a 'billionaire.'" (11/5/09 Order, *Jane Doe No. 2 v. Jeffrey Epstein*, United States District Court, Southern District of Florida, Case No. 08-CV-80119 (█. 400).)
52. Rothstein used details of Edwards' legitimate cases on behalf of █, E.W. and Jane Doe against Epstein to lure investors into purchasing some fictitious cases against Epstein that never existed. (Edwards' 5/15/13 Depo. 29:19-30:4; Edwards' 11/10/17 Depo. 123:8-17; 160:23-161:7.)
53. Edwards never had a \$30 million pre-suit settlement agreement with Epstein. (Edwards' 11/10/17 Depo. 161:8-10.)
54. Epstein never offered \$200 million to settle Edwards' claims for E.W., █, and Jane Doe. (Edwards' 11/10/17 Depo. 161:11-14.)
55. In July 2010, Epstein settled the claims of Edwards' three clients (E.W., █, and Jane Doe). (Edwards' 11/10/17 Depo. 305:2-3.)
56. Nothing Epstein did in this lawsuit impacted Edwards' professional obligations in representing his three clients. (Edwards' 11/10/17 Depo. 204:5-12; 205:10 - 206:5.)
57. The settlements Edwards negotiated with Epstein on behalf of his three clients (E.W., █, and Jane Doe) were fair. (Edwards' 11/10/17 Depo. 206:1-4; 214:19-215:5.)
58. The United States government filed a civil asset forfeiture action on November 9, 2009, against property owned by Rothstein, based on, among other things, allegations of wire fraud and fraudulent statements about structured settlements to investors. This proceeding was part of the public record as of the date it was filed.

(11/9/09 Verified Complaint for Forfeiture *In Rem, United States v. Real Properties Purchased by Scott Rothstein*, United States District Court, Southern District of Florida, Case No. 09-CV-61780 (█. 1).)

59. The Ponzi scheme through which Rothstein and his co-conspirators misrepresented claims and defrauded investors began in 2005 and continued through November 2009. (11/9/09 Verified Complaint for Forfeiture *In Rem* ¶ 13, *United States v. Real Properties Purchased by Scott Rothstein*, United States District Court, Southern District of Florida, Case No. 09-CV-61780 (█. 1).)
60. On November 20, 2009, certain investors of Rothstein's Ponzi scheme sued Rothstein and others in the Seventeenth Judicial Circuit Court, in and for Broward County, Florida. The Complaint alleged, among other things, that RRA was using one lawsuit against Epstein, the promise of three or more additional lawsuits against Epstein, a fabricated \$30 million pre-suit settlement with Epstein, and the fabricated claim that Epstein had offered \$200 million to settle claims held by other individuals. This lawsuit was part of the public record as of the date it was filed. (11/20/09 Complaint, *Razorback Funding, LLC, et al. v. Scott Rothstein, et al.*, 17<sup>th</sup> Judicial Circuit Court, Broward County, Florida, Case No. 062009CA062943AXXXCE.)
61. The United States government filed an Information for racketing conspiracy against Rothstein on or about December 1, 2009, which alleged that RRA was a criminal enterprise that was used by Rothstein and his co-conspirators to unlawfully obtain approximately \$1.2 billion from investors. This lawsuit was public record as of the date it was filed. (12/1/09 Information, *United States of America v. Rothstein*, United States District Court, Southern District of Florida, Case No. 09-60331.)
62. On December 7, 2009, Epstein filed a civil Complaint in this action against Rothstein, Edwards and █. (12/7/09 Complaint, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 5).)
63. On December 21, 2009, just 17 days after Epstein instituted the proceeding, Edwards filed a Counterclaim for abuse of process against Epstein. (12/21/09 Answer and Counterclaim, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 19).)
64. Edwards represented █ in this litigation. (Edwards' 11/10/17 Depo. 255:5-11.)

65. Edwards did not charge [REDACTED] for his representation of her this litigation. (Edwards' 11/10/17 Depo. 255:12-19; 257:23-258:1.)
66. Edwards did not enter into any representation agreement with [REDACTED] concerning his representation of her in this litigation. (Edwards' 11/10/17 Depo. 255:20-256:8; 258:2-4.)
67. [REDACTED] did not sign a conflicts waiver acknowledging Edwards' representation of her in this litigation, while he was also a named Defendant. (Edwards' 11/10/17 Depo. 256:9-25; 258:5-7.)
68. On January 21, 2010, a Default was entered against Rothstein in this litigation as to all claims in the December 7, 2009, Complaint against Rothstein. (1/21/10 Default, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB ([REDACTED]. 27).)
69. In early August 2010, [REDACTED] and Epstein entered into a Stipulation for Order of Dismissal With Prejudice as to [REDACTED]. Individually, Only. (8/5/10 Stipulation, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB ([REDACTED]. 112).)
70. On August 9, 2010, the Court entered a Final Order of Dismissal With Prejudice as to [REDACTED]. Only approving [REDACTED] and Epstein's Stipulation. (8/9/10 Final Order, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB ([REDACTED]. 113).)
71. On January 5, 2011, Epstein moved to amend his Complaint, to eliminate certain paragraphs. (1/5/11 Plaintiff's Motion to Amend Complaint, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB ([REDACTED]. 195).)
72. On April 12, 2011, Epstein filed an Amended Complaint against Rothstein and Edwards for abuse of process. (4/12/11 Amended Complaint, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB ([REDACTED]. 303).)
73. On August 22, 2011, Epstein filed a Second Amended Complaint, which was corrected on August 24, 2011, bringing a claim for abuse of process against

Edwards and for conspiracy to commit abuse of process against Rothstein. (8/22/11 Second Amended Complaint and 8/24/11 Notice of Scrivener's Error and Corrected Second Amended Complaint, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 368, 370).)

74. On August 23, 2011, Edwards moved to dismiss Epstein's Second Amended Complaint. (8/23/11 Motion to Dismiss Second Amended Complaint, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 385).)
75. On October 4, 2011, the Court denied Edwards' Motion to Dismiss Second Amended Complaint finding that the allegations were sufficient to plead a cause of action for abuse of process against Edwards. (10/4/11 Order on Motion to Dismiss Plaintiff's Second Amended Complaint, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 389).)
76. On November 3, 2011, Edwards moved for Final Summary Judgment on Epstein's Second Amended Complaint. (11/3/11 Renewed Motion for Final Summary Judgment, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 401).)
77. The Court set a hearing on Edwards' Renewed Motion for Final Summary Judgment on February 23, 2012. (11/28/11 Order on Motion to Schedule Hearing on Defendant/Counter-Plaintiff's Renewed Motion for Summary Judgment, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 423).)
78. On February 13, 2012, Epstein asked the Court to reschedule the February 23, 2012, hearing on Edwards' Renewed Motion for Final Summary Judgment to allow Epstein the opportunity to conduct the deposition of Scott Rothstein. (2/13/12 Motion to Continue Hearing on Edwards' Renewed Motion for Summary Judgment, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 455).)
79. On February 15, 2012, the Court granted Epstein's request to reschedule the February 23, 2012, hearing on Edwards' Renewed Motion for Final Summary Judgment. (2/15/12 Order on Epstein's Motion to Continue Hearing on Edwards'

Renewed Motion for Summary Judgment, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 457).)

80. The Court reset the hearing on Edwards' Renewed Motion for Final Summary Judgment to July 27, 2012. (3/9/12 Order on Status Conference Held March 6, 2012, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 461).)
81. Edwards appeared in this action as his own co-counsel on March 27, 2012, before the suit against him was dismissed. (Edwards' 11/10/17 Depo. 257:7-22; 3/27/12 Notice of Appearance, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 468).)
82. On April 11, 2012, Epstein supplemented his February 8, 2012, Motion to Compel. In the supplement, Epstein argued that, because of issues injected in the litigation and statements made in Edwards' Renewed Motion for Summary Judgment supporting documents, Edwards had waived his claim of privilege and should be compelled to produce documents previously withheld. (4/11/12 Epstein's Supplement to Motion to Compel Production of Documents from Edwards and for Sanctions, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 473).)
83. On May 7, 2012, the Court found that Edwards' production was insufficient on its face and ordered Edwards to file a more complete privilege log within 30 days. (5/7/12 Order on Epstein's Motion to Compel Production of Documents from Edwards and for Sanctions, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 483).)
84. On May 15, 2012, and May 30, 2012, Epstein moved to compel Edwards' for, among other things, compliance with the Court's Order. *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 487, 494).)
85. On May 15, 2012, Edwards sought clarification of the Court's May 7, 2012, Order. 5/15/12 Motion for Clarification of Recent Discovery Orders, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (█. 485).)

86. The Court reset the hearing on Edwards' Renewed Motion for Final Summary Judgment from July 27, 2012, to August 17, 2012, at Edwards' counsel's request because of a scheduling conflict. (7/26/12 Order on Edwards' Motion to Reschedule Hearing, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (████. 512).)
87. On August 3, 2012, the Court heard argument on Epstein's outstanding discovery motions and ordered Edwards to produce certain documents.
88. On August 8, 2012, Epstein moved to continue the August 17, 2012, hearing on Edwards' Motion to Reschedule Hearing, arguing that there was still outstanding discovery. (8/8/12 Plaintiff's Motion to Continue Summary Judgment Hearing, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (████. 517).)
89. On August 16, 2012, the Court denied Epstein's request to continue the August 17, 2012, hearing on Edwards' Renewed Motion for Final Summary Judgment. (8/16/12 Order on Plaintiff's Motion to Continue Summary Judgment Hearing, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (████. 518).)
90. Epstein dismissed his claims without prejudice against Edwards on August 16, 2012. (8/16/12 Notice of Voluntary Dismissal, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (████. 519).)
91. On August 17, 2012, the Court vacated the May 7, 2012, Order and stated that, within 10 days from the date of the Order, "Edwards shall file a written response specifically addressing the production sought in Paragraph 13 of Epstein's Motion to Compel and Amend Protective Order of March 9, 2012 as Ordered in this Court's April 10, 2012 Order. The response shall identify non-privileged responsive documents previously produced, shall be accompanied by all non-privileged responsive documents not previously produced, if any, and shall identify, in a proper privilege log as referenced in this Court's May 7, 2012 Order responsive documents withheld from production on the basis of any assertion of privilege. (8/17/12 Order on Outstanding Discovery Motions, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15<sup>th</sup> Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (████. 521).)

92. Edwards' income as a lawyer has been collectively greater from January 2010 to the present than it was from 2002 when Edwards started practicing law through January 2010. (Edwards' 11/10/17 Depo. 47:10-14; 49:4-13.)
93. Edwards did not lose a single client as a result of the lawsuit Epstein filed against him. (Edwards' 5/15/13 Depo. 26:20.)
94. Edwards is not claiming an economic loss as a result of his reputation being injured by Epstein's filing and continuation of this lawsuit. (Edwards' 10/10/13 Depo. 239:21-22.)
95. On August 17, 2012, Edwards' lawyer, Jack Scarola, made a public statement to the press which successfully discredited Epstein's claims against Edwards. (Jansen's 12/1/17 Depo. 62:20-25.)
96. Edwards has not seen a doctor or taken any medication as a result of the anxiety caused by this lawsuit. (Edwards' 5/15/13 Depo. 57:23-58:5; Edwards' 11/10/17 Depo. 112:11-20.)

**C. Statement of Issues of Fact for Determination at Trial:**

**1. Case Against Rothstein.** What are the damages to Epstein his claims against Rothstein?

**2. Malicious Prosecution Counterclaim.** The following are issues of fact for determination at trial on Edwards' Counterclaim against Epstein:

- A. Whether, in December 2009, when Epstein instituted his civil proceeding against Edwards, the facts and circumstances known to Epstein were not sufficiently strong to support a reasonable belief that the proceeding against Edwards was supported by existing facts and, thus, Epstein did not have probable cause to institute his civil proceeding. (Epstein disputes this a jury issue.)
- B. Whether, after instituting the civil proceeding, information sufficiently strong to demonstrate that Epstein no longer had probable cause to continue

the civil proceeding came to his attention and he continued with the civil proceeding anyway.

- C. Whether Epstein instituted or continued his civil proceeding against Edwards maliciously and without probable cause for the primary purpose of injuring Edwards or recklessly and without regard for whether the proceeding was justified.
- D. Whether the institution or continuation of the civil proceeding by Epstein against Edwards resulted directly and in natural and continuous sequence from Epstein's actions and, but for Epstein's actions, the proceeding would not have been instituted or continued.
- E. Whether Epstein's civil proceeding against Edwards terminated in favor of Edwards and, if so, whether that action was a legal cause of damage to Edwards.
- F. Whether the institution or continuation of the civil proceeding by Epstein against Edwards caused damage to Edwards and, but for the malicious institution or continuation of the proceeding, Edwards' damage would not have occurred.
- G. What amount of money will fairly and adequately compensate Edwards for his compensatory damages that resulted from Epstein's institution or continuation of the civil proceeding against Edwards.
- H. Whether Epstein was guilty of intentional misconduct or gross negligence which was a substantial cause of Edwards' damages.
- I. Whether punitive damages are warranted as punishment to Epstein for instituting or continuing his civil proceeding against Edwards and as a deterrent to others.
- J. Whether the claimed damage is a result of statements made after the institution of the civil proceeding and thus protected by the litigation privilege, even if any such statements are found to be untrue.

K. Bifurcated Proceeding: What amount, if any, should be assessed against Epstein for punitive damages as a punishment for instituting or continuing his civil proceeding against Edwards and as a deterrent to others.

D. Exhibit Lists (with Objections): The parties do not waive their right to amend their Exhibit Lists and to identify additional objections for those exhibits that have not yet been disclosed and/or provided to correspond with the parties' respective Exhibit Lists.

1. Edwards' Exhibit List and Epstein's Objections are attached as **Composite Exhibit A**.
2. Epstein's Exhibit List and Edwards' Objections are attached as **Composite Exhibit B**.

E. Witness Lists: The parties do not waive their right to amend their Witness Lists.

1. Edwards' Witness List is attached as **Exhibit C**.
2. Epstein's Witness List is attached as **Exhibit D**.

F. Estimated Trial Time: 15-20 trial days

G. Names, Addresses, and Telephone Numbers of Attorneys to Try the Case:

For Jeffrey Epstein:  
Scott J. Link  
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Link & Rockenbach, PA  
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[REDACTED]

For Bradley J. Edwards:  
Jack Scarola  
David P. Vitale, Jr.  
Searcy Denney Scarola Barnhart & Shipley, [REDACTED].  
2139 Palm Beach Lakes Boulevard  
West Palm Beach, FL33409  
[REDACTED]

**H. Number of Peremptory Challenges Per Party: 3**

**I. Each Party's proposed jury instructions and verdict form, with citations to supporting authorities:**

1. Edwards' proposed jury instructions and verdict form are attached as **Composite Exhibit E.**
2. Epstein's proposed jury instructions and verdict form are attached as **Composite Exhibit F.**

DATED: December 15, 2017.

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*Bradley J. Edwards*

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