In his Motion in Limine, Edwards asks this court to exclude from the jury's consideration a substantial body of evidence consisting largely of written email communications by or to Edwards which are directly relevant to issues that Edwards himself has made central to this case.

Edwards Motion is based entirely on the argument that "Epstein cannot establish that he had probable cause to sue Bradley Edwards by relying upon evidence that he did not know about at the time he filed suit. All testimony and evidence regarding the internal activities at RRA learned subsequent to December 7, 2009 and offered to support the existence of probable cause are irrelevant to issues in the pending proceeding and should be excluded from evidence on that basis." (Mot. at ¶ 2.) As set forth in Epstein's Response, after Epstein filed suit against Edwards on December 7, 2009, the evidence that Edwards produced to Epstein in discovery gave Epstein additional justification to continue litigating that suit against Edwards, and it would be reversible error to hold that Epstein cannot offer this compelling evidence to the jury. Although this alone is more than ample reason to deny Edwards Motion as to all of the evidence produced by Edwards to Epstein after he filed suit on December 7, 2009, it is most assuredly not the only reason.

Edwards has conceded that he has incurred no economic loss for which he seeks recovery in his malicious prosecution case against Epstein. Instead, Edwards seeks damages based on mental and emotional anxiety he claims to have suffered from the negative allegations in the lawsuit Epstein filed against Edwards. Among the undeniably relevant evidence in the materials Edwards asks this court to exclude from the jury's consideration, is an email communication from Edwards himself, a little more than a month before Epstein filed suit against Edwards, in which Edwards specifically asks if there is **"any way to bait [Epstein] into suing me?"**(Doc. 4408). This email not only provides direct evidence that Edwards intended to engage in litigation related conduct to goad Epstein into bringing suit against him, but it also clearly demonstrates that Edwards could not possibly have suffered any anxiety or resulting damages from a lawsuit that he hoped he could cause Epstein to file against him.

Epstein already has provided ample direct extrinsic evidence that at the time he filed suit, he had probable cause to commence litigation against Edwards. Edwards has not disputed any of the evidence cited by Epstein. He has, in fact, corroborated much of it. Instead, Edwards claims that Epstein did not rely on the evidence Epstein cited to establish probable cause. Edwards provides no direct evidence that Epstein did not rely on the cited evidence, such as a writing or admissions from Epstein. Rather, Edwards claims that Epstein could not reasonably have relied on the cited evidence.

As an example, Edwards takes issue with Epstein's reliance on the allegations in a civil suit by defrauded Ponzi scheme investors to support probable cause for Epstein's separate lawsuit against Edwards. In their lawsuit, the Ponzi scheme investors alleged that litigation

strategies pursued in the cases Edwards was litigating against Epstein (the "Epstein Cases") while he was a partner at RRA were motivated by a need to "gin up" the value of the Epstein Cases in order to attract investors to the Ponzi scheme. Time and again in filed pleadings and through counsel in open court Edwards has affirmatively asserted that there was no need to "gin up" his client's claims against Epstein because they were not weak. And because they were not weak, Edwards argues that it was not possible for Epstein to believe that they were, regardless of any third-party allegations cited by Epstein that litigation strategies pursued in the Epstein Cases were motivated by a need to enhance the apparent value of the Epstein Cases. Unfortunately for Edwards, within the body of highly probative evidence that Edwards seeks to hide from the jury, there are numerous email communications from Edwards bearing directly on the weakness of those cases, including communications in which Edwards admits to the inferior value of the client cases, the lack of credibility of his clients, and the existence of relevant and admissible evidence of their history as prostitutes that undermines the value of those cases.

For example, in an October 17, 2009 email written by Edwards while he was litigating his cases at RRA, Edwards admits, "**Much better cases than ours have settled for less than 155k** (which is the most [Epstein] has paid)." (Doc. 4399). Barely a month after he joined RRA, Edwards conceded significant credibility problems with L.M., commenting in an April 27, 2009 email that:

> This is the client that is **now working as an escort**, also the one that the FBI told her baby may be taken from her if she didn't cooperate. . . In a nutshell, she gave a statement under oath to the US Attys. office, wherein she lied and testified very favorably for Epstein. **She will say that it was all a lie, that she was still under the mistaken belief that she loved Epstein and was told by him that if she cooperated with law enforcement then she would be in trouble for her role and would risk losing her baby**. . . **she was not given immunity for committing perjury**, which she is planning to admit to during our case. . . This one we must address soon because **she is going to testify at her depo very inconsistent with the statement**. (2) **she is planning to admit to her profession/lifestyle as a way of life introduced to her by Epstein** (Doc. 1527)

Less than a week later, in a May 1, 2009 email, Edwards complained, **"[L.M.] and [E.W.] are both high end prostitutes now and are servicing Epstein's friends and neighbors at this very second – not good, but something I have been trying to deal with for the past few hours (yes, they actually called me."** (Doc. 3551). Throughout his tenure at RRA, Edwards continued to struggle with the problems created by his client's histories as prostitutes from an early age, commenting in an October 14, 2009, "**We can't make that distinction with prostitution because that would require us to turn over her under 18 johns other than Epstein. Remember she started prostituting with others at age 16, so we can't into all that**. (Doc. 3191) And in an October 23, 2009 email to Rothstein and two other attorneys at RRA, Edwards wrote: **"[Epstein] did not entice our clients that way. It was strictly payment for services, and it's hard to allege a breach where both parties performed."** (Doc. 26762)

Edwards has also repeatedly asserted that it was impossible for Epstein to rely on third party allegations by the federal government and civil litigants that the litigation practices in the Epstein cases were engaged in by Edwards to support Rothstein's Ponzi scheme. According to Edwards, Rothstein had little or no connection to the Epstein Cases, Edwards had not worked with Rothstein on the Epstein Cases, and Edwards had no knowledge of anything to do with the Ponzi scheme. Edwards has asserted over and over that because there was no connection between Rothstein and Edwards in relation to the Epstein Cases, Epstein could not possibly believe there was. Ignoring the obvious disconnect in this argument – i.e., that Edwards' asserted innocence in no way precludes Epstein's reasonable belief to the contrary -- Edwards has nevertheless made the claims that Rothstein had no connection to the Epstein Cases and that Edwards had no knowledge regarding the Ponzi scheme central issues in Edwards' malicious prosecution case against Epstein. Specifically, Edwards has told this court that because Rothstein had no connection to the Epstein Cases and Edwards had no knowledge regarding Rothstein's Ponzi scheme, the allegations in Epstein's lawsuit against Edwards suggesting a connection between Rothstein and the Epstein Cases and Edwards and the Ponzi scheme must have been made by Epstein without probable cause and with malice.

Understandably, however, the evidence that Edwards begs this court to exclude includes a lengthy string of emails on October 23, 2009 that directly refute Edwards' claims that Rothstein had no involvement in the Epstein Cases and that Edwards had no knowledge regarding the Ponzi scheme. In those emails, which are described fully in the Appendix below, Edwards and a team of attorneys at RRA, including Rothstein, himself, and Russell Adler, another RRA attorney indicted as a result of the Ponzi scheme, explored in depth ways to structure the Epstein Cases in order to "circumvent" a Florida Statute requiring court approval to transfer structured legal settlements. A sampling of the October 23, 2009 emails from that lengthy string is provided below:

> Jenne to **Rothstein**, Nascimento and Fisten:
> " **Scott: The lawyers and investigators working the Epstein matter are meeting on the 12th Floor at 2pm today to discuss where we are in the investigation. If you have a moment, I know that everyone would love for you to be there.**" (Doc. 26477)
>
> **Rothstein** to Jaffe, **Edwards**, Fistos, Adler and Weissing:
> "I need all of you on the phone with fistos to resolve this." (Doc. 26741)
>
> **Edwards** to **Rothstein**, Jaffe, Fistos, Adler and Weissing:
> "I am on with him right now" (Doc. 26741)
>
> **Edwards** to **Rothstein**, Jaffe, Fistos, Adler and Weissing:
> "This issue is complicated. Scott needs a clear answer. Mark is looking at 626.99296 as it relates to RICO and I am looking at it as it relates to 18 USC 2255, as our 2 best possibilities for circumventing the 626 statute with a viable cause of action. We are both researching NOW and will get an answer ASAP." (Doc. 26756)

Rothstein to Fistos, Jaffe, Adler, Farmer and **Edwards**:
"Just give me any cause of action that we can work into the factual scheme of this case that is not a tort. That is all I need.
Please This is urgent." (Doc. 26762)

Adler to **Rothstein**, **Edwards** and Fistos:
"I just spoke to Brad about coming up with a contract claim (based on promises Epstein made to help their modelling careers etc) and he is calling some clients to verify that any such representation was made to any of them- he will get back with you very shortly on this. Thanks, ME (still in suspense)" (Doc. 26762)

Weissing to **Edwards**, Adler, Fistos and Jaffe:
"The problematic statute **cited by Scott in this morning's meeting** is 626.99296 entitled "Transfers of structured settlement payment rights" The purpose of the statute is "to protect recipients of structured settlements who are involved in the process of transferring structured settlement payment rights." This statute is going to apply wherever the recipient of a structured settlement then transfers those payment rights. Specifically, under 2 (m) "Structured Settlement" means an arrangement for periodic payment of damages for personal injuries established by settlement or judgment in resolution of a tort claim." The question posed is "What claim can we settle which is not a tort", and therefore does not fall within this statute. (Doc. 1117)

Rothstein to **Edwards**, Jaffe, Fistos, Adler and Weissing:
"So where are we……I need a solid answer.
Please" (Doc. 26749)

Fistos to **Edwards,** Adler, Weissing and Jaffe:
"I was thinking in terms of things we may not have alleged." (Doc. 8128)

Edwards to Fistos, Adler, Weissing and Jaffe:
"**I called all clients and none were promised anything (modeling contracts, etc.), so I really can't think of anything we have not alleged**." (Doc. 8131)

Weissing to **Edwards**, Fistos, Adler and Jaffe:
"**I'm sure Scott has thought this through**, **but is there any way to structure this other than the Transfer of a Structured Settlement**?" (Doc. 8135)

Fistos to Jaffe, **Rothstein**, Adler, **Edwards** and Weissing:
"Scott:
Here's where we are.
The Structured Settlement statute (FS 626.99296) refers to "torts." Based on the language of the statute and its history a "tort" would be a "personal injury" claim under Florida common law.
Currently, we have two claims in Epstein which don't squarely fit that definition: Civil

> RICO and 18 USC 2255. Civil Rico predicates we've alleged include violations of laws which are not based on "personal injury." Hence, as to those claims, they wouldn't fell under the definition of torts as stated in FS 626.99296. Brad was in contact with a Utah law professor (who knows the case) who opines that 18 USC 2255 is a federal statute, thus is doesn't fall within the ambit of FS 626.99296 because of the Supremacy Clause. I think this makes sense, and would take our 18 USC 2255 claim out of the FS 626.99296. That's the collective wisdom." (Doc. 27494)

Inasmuch as Rothstein's Ponzi scheme was based on the transfer of structured legal settlements (albeit fictitious ones), communications between Edwards and Rothstein, as well as other attorneys at RRA, regarding how to structure the Epstein Cases to circumvent a statute requiring court approval of such transfers, is directly relevant to Edwards' claims that Rothstein had no connection to the Epstein Cases and that Edwards had no knowledge of Rothstein's Ponzi scheme.

In addition to the above cited examples, the Appendix contains a comprehensive list and description of evidence that Epstein acquired in discovery after filing suit against Edwards on December 7, 2009. The evidence is highly probative and directly relevant to the issues that Edwards has made central to this case. Epstein files this Appendix in order to assist the court in confirming the direct relevance and probative value of the types of documents Edwards seeks to exclude from the trial.