

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 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, the evidence that Edwards produced in discovery to Epstein supports Epstein's continuation of his action 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 in its entirety as to all of the evidence, it is most assuredly not the only reason.

Edwards has conceded that he has incurred no economic loss for which he seeks recovery. Instead, he 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 a communication from Edwards himself, a little more than a month before Epstein filed suit against Edwards, in which Edwards specifically asks his co-counsel if there is "any way to bait [Epstein] into suing me?"

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. For example, time and again in filed pleadings and through counsel in open court Edwards has affirmatively asserted that his client's claims against Epstein were not weak. 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 cases Edwards was litigating against him were motivated by a need to "gin up" those cases. Unfortunately for Edwards, within the body of highly probative evidence that Edwards seeks to hide from the jury, there are numerous communications bearing directly on the weakness of those cases, including communications in which Edwards and his co-counsel admit 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 would undermine the value of those cases.

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 because, 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 to this court time and again 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 Rothstein's lack of connection to the Epstein cases and Edwards lack of knowledge regarding the Ponzi scheme a central evidentiary issue in Edwards' malicious prosecution case, particularly with regard to the elements of probable cause and malice. Understandably, however, the evidence that Edwards begs this court to exclude includes communications to and from Edwards in which 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, were exploring ways to structure the Epstein cases in order to "circumvent" the Florida Statute requiring court approval of the transfer of structured settlements. Inasmuch as Rothstein's Ponzi scheme was based on the transfer of structured settlements (albeit fictitious ones), communications between Edwards and Rothstein 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 Edwards had no knowledge of Rothstein's Ponzi scheme.

As briefly described above and as illustrated further herein, Epstein files this Appendix in order to assist the court in confirming the direct relevance and probative value of the types of documents Edwards is asking this Court to exclude from the trial.