

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,

Defendants.

**SUPPLEMENT TO EDWARDS' MOTION TO STRIKE EPSTEIN'S UNTIMELY
SUPPLEMENTAL EXHIBITS AND TO STRIKE ALL EXHIBITS AND ANY
REFERENCE TO DOCUMENTS CONTAINING PRIVILEGED MATERIALS LISTED
ON EDWARDS' PRIVILEGE LOG**

Counter-Plaintiff Edwards, by and through undersigned counsel, hereby files this Supplement to his Motion to Strike Epstein's Untimely Supplemental Exhibits and to Strike all Exhibits and Any Reference to Documents Containing Privileged Materials Listed on Edwards' Privilege Log, and in support states as follows:

1. On March 7, 2018, in the wake of extensive communications between counsel in this matter regarding the source of the untimely Supplemental Exhibits improperly obtained and publicly filed by Epstein, the undersigned received a hand-delivered communication from counsel for Epstein enclosing "a flash drive which duplicates the disc we located in Fowler White's files."
2. The enclosed flash drive contained three separate files respectively labeled: 1) "Bradley Edwards.pdf" containing 8,507 pages of documents, 2) "Epstein Searches.pdf" containing 17,348 pages of documents, and 3) "Scott Rothstein.pdf" containing 1,687 pages of

Edwards adv. Epstein

Case No. 502009CA040800XXXXMBAG

Supplement to Motion to Strike Epstein's Untimely Supplemental Exhibits and to Strike all Exhibits and Any Reference to Documents Containing Privileged Materials Listed on Edwards' Privilege Log

documents. The format provided clear indication that these emails were obtained prior to Farmer Jaffe Weissing Edwards Fistos & Lehrman reviewing and preparing a privilege log. In fact, the files were last modified on December 8, 2010, well before Edwards filed his 2011 Privilege Log.

3. Upon further investigation, it has been determined that the documents wrongfully in the possession of Epstein were originally formatted in the way described above by the law firm of Berger Singerman, as counsel for the Trustee of Rothstein Rosenfeldt Adler ("RRA") in the Federal Bankruptcy proceeding litigated before United States Bankruptcy Court Judge Raymond B. Ray in case 09-34791.

4. The subject documents were prepared by Berger Singerman in that exact format for the sole purpose of allowing Farmer Jaffe to review the documents in 2010 to determine whether applicable privileges applied to any or all of the communications. See Judge Ray's Order below.

5. It is also now clear where Epstein got the CD containing Edwards' privileged materials. Specifically, on November 30, 2010, Judge Ray entered an explicitly worded Order (attached as Exhibit 'A') concerning the documents that Epstein is attempting to improperly use on the eve of trial. [DE 1194].

6. Judge Ray's Order states in pertinent part:

[T]he law firm of Fowler White Burnett, P.A., will print a hard copy of all of the documents contained on the discs with Bates numbers added, and will provide a set of copied, stamped documents to the Special Master **and an identical set to Farmer, who will use same to create its privilege log . . . Fowler White will not retain any copies of the documents contained on the discs provided to it, nor shall any images or copies of said documents be retained in the memory of Fowler White's copiers. Should it be determined that Fowler White or Epstein retained images or copies of the subject documents on its computer or otherwise, the Court retains jurisdiction to award sanctions in favor of Farmer, Brad Edwards or his client.**

Edwards adv. Epstein

Case No. 502009CA040800XXXXMBAG

Supplement to Motion to Strike Epstein's Untimely Supplemental Exhibits and to Strike all Exhibits and Any Reference to Documents Containing Privileged Materials Listed on Edwards' Privilege Log

7. Epstein's counsel, Fowler White, therefore disregarded Judge Ray's Order and Epstein's trial counsel failed to take reasonable and appropriate steps to determine where, when, and how the documents were obtained, instead choosing to inject clearly privileged materials into the public record and repeatedly refusing to destroy those identified on Edwards' 2011 Privilege Log.

8. While Plaintiff fully intends to bring this flagrant disregard of the Federal Court's Order to the attention of Judge Ray as well as all other appropriate authorities and governing bodies, Plaintiff further moves this Court to take all necessary and appropriate action to adequately protect the confidential, privileged information contained within the documents discussed in Edwards' underlying Motion to Strike.

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 7th day of March, 2018.



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