

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

Case No. 50 2009CA040800XXXMB AG

JEFFREY EPSTEIN

Plaintiff,

v.

SCOTT ROTHSTEIN, individually,  
BRADLEY J. EDWARDS,  
individually, and [REDACTED], individually,

Defendants.

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**EPSTEIN'S MOTION FOR JUDGMENT ON THE PLEADINGS  
OR ALTERNATIVE MOTION FOR SUMMARY JUDGMENT ON  
EDWARDS' COUNTERCLAIM FOR ABUSE OF PROCESS**

Plaintiff/Counter-Defendant, JEFFREY EPSTEIN ("Epstein"), pursuant to Fla. R. Civ. P. 1.140(c), moves for judgment on the pleadings or, alternatively, moves for summary judgment pursuant to Fla. R. Civ. P. 1.510(b), on the Counterclaim for abuse of process filed by Defendant/Counter-Plaintiff, Bradley J. Edwards ("Edwards"), and states:

**Background and Procedural Posture**

1. On December 21, 2009, Edwards answered the Complaint filed by Epstein and asserted a Counterclaim (attached as **Exhibit A**).
2. Epstein filed a Motion for More Definite Statement and Motion to Dismiss Edwards's Counterclaim as it was unclear what cause of action Edwards was attempting to assert.
3. On January 26, 2010, the Court entered an order (attached as **Exhibit B**) reflecting that "upon stipulation of counsel [ ], the claim is solely an abuse of process

claim.”

4. On March 15, 2010, Epstein filed his Answer and Affirmative Defenses to Edwards's Counterclaim (attached as **Exhibit C**).

5. Edwards fails to sufficiently plead and has no evidence to support a claim against Epstein for abuse of process. Therefore Epstein is entitled to judgment on the pleadings or, alternatively, summary judgment.

#### **Legal Standard**

6. In passing on a motion for judgment on the pleadings made by defendant, “all well pleaded material allegations of the complaint and all fair inferences to be drawn therefrom must be taken as true and the inquiry is whether the plaintiff has stated a cause of action by his complaint.” See Reinhard v. Bliss, 85 So. 2d 131, 133 (Fla. 1956); Martinez v. Florida Power & Light Co., 863 So. 2d 1204, 1205 (Fla. 2003); Lutz v. Protective Life Ins. Co., 951 So. 2d 884, 888 (Fla. 4th DCA 2007). “The test we apply in this instance is the same as if defendant has made a motion to dismiss the complaint for ‘failure to state a cause of action’ under [Fla. R. Civ. P. 1.140(b)].” See Bliss, 85 So. 2d at 133; Martinez, 863 So. 2d at 1205; see also Lutz, 951 So. 2d at 888 (holding that “[j]udgment on the pleadings may be granted when the moving party is clearly entitled to a judgment, as a matter of law, based solely on the content of the pleadings.”).

7. A movant is entitled to summary judgment “if the pleadings, depositions, answers to interrogatories, admissions, affidavits, and other materials as would be admissible in evidence on file show that there is not genuine issues as to any material fact and that the moving party is entitled to a judgment as a matter of law.” See Fla. R.

Civ. P. 1.510(c). However, a defendant is entitled to summary judgment "when there is a complete absence of evidence to support the plaintiff's claims." See Laschke v. Brown & Williamson Tobacco Corp., 766 So. 2d 1076, 1077 (Fla. 2d DCA 2000), citing Holl v. Talcott, 191 So. 2d 40, 43-44 (Fla. 1966).

### Argument

8. Epstein is entitled to judgment on the pleadings or, alternatively, summary judgment on Edwards's Counterclaim for abuse of process because Edwards fails to allege, and there is absolutely no evidence of, any wrongful act or misuse of process after the initial process was issued.

9. The crux of Edwards's Counterclaim is that Epstein filed the instant action "for the sole purpose of further attempting to intimidate Edwards, [REDACTED], and others into abandoning or settling their legitimate claims for less than their just and reasonable value." See Counterclaim ¶9.

10. These allegations fall short of establishing a cause of action for abuse of process. Florida courts have repeatedly held that the act constituting misuse of the process must occur after process was issued. See Whitney Information Network, Inc. v. Gagnon, 353 F.Supp.2d 1208, 1212 ([REDACTED] Fla. 2005) (dismissing abuse of process claim where count "merely alleges that plaintiffs filed the lawsuit for a variety of improper or unlawful purposes, and [failed] to allege any post-issuance abuse of process."); McMurray v. U-Haul Co., Inc., 425 So. 2d 1208, 1209 (Fla. 4th DCA 1983) (finding that while appellants' alleged complaint was filed for a multitude of improper purposes such as to coerce settlement of appellant's debt, appellants failed to state a cause of action

for abuse of process because they failed to alleged an act which constituted misuse of the process after it was issued).

11. Additionally, the allegation that Epstein filed the claims against Edwards to intimidate him is inapposite. In Della-Donna v. Nova University, Inc., 512 So. 2d 1051, 1055 (Fla. 4th DCA 1987), the court granted summary judgment in favor of defendant on plaintiff's abuse of process claim, finding that the defendant demonstrated the nonexistence of a genuine issue of material fact **since there was no allegation or evidence of any act by defendant which constituted misuse of process after it was issued.** The court further noted that "filing a lawsuit with ulterior motive of harassment does not constitute abuse of process." Id. at 1056.

12. In Marty v. Gresh, 501 So. 2d 87, 90 (Fla. 1st DCA 1987), the court reversed a jury verdict in favor of plaintiff on his abuse of process claim and reasoned that while certain pre-process events may suggest a malicious intent, "the maliciousness or lack of foundation of the asserted cause of action itself is actually irrelevant to the tort of abuse of process." (Internal citation omitted). Moreover, the court noted that the facts alleged "speak to **pre-process** rather than **post-process** events, and hence fail to advance appellee's cause of action for abuse of process." Id. (Emphasis in original). The court concluded that "the trial court should have granted [defendant's] motion for a directed verdict" on plaintiff's abuse of process claim. Id.

13. Equally unavailing is Edwards's allegation that Epstein ignored the prior written notice requirement to initiate a civil theft claim. See Counterclaim ¶10. In Miami Herald Publishing Co. v. Ferre, 636 F.Supp. 970, 974-75 (■■■■). Fla. 1985), the court held

that defendants' allegations that plaintiffs abused process by commencing lawsuit and failing to follow procedures under Florida Public Record Act before lawsuit was commenced failed to state a claim for abuse of process "as neither involves the requisite allegation of post-issuance [abuse of process]." Nevertheless, Epstein was not required to give written notice as he did not assert a cause of action under Fla. Stat. §772.11, which requires a pre-suit written demand.

14. Edwards has failed to allege and there is a complete absence of evidence of any misuse of process after the instant lawsuit was filed and served. Accordingly, the Court must enter judgment on the pleadings or, alternatively, summary judgment in favor of Epstein of Edwards's Counterclaim for abuse of process.

WHEREFORE, Plaintiff/Counter-Defendant, JEFFREY EPSTEIN, requests the Court enter judgment on the pleadings or, alternatively, summary judgment in his favor on Defendant/Counter-Plaintiff's, BRADLEY J. EDWARDS, Counterclaim for abuse of process and grant any additional relief the Court deems just and proper.

**Certificate of Service**

I HEREBY CERTIFY that a true copy of the foregoing was sent by fax and U.S.

Mail to the following addressees on this <sup>21<sup>st</sup></sup> day of March, 2010:

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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 [REDACTED], individually,

Defendants,

ANSWER AND COUNTERCLAIM OF DEFENDANT, BRADLEY J. EDWARDS

Defendant, BRADLEY J. EDWARDS, individually, by and through his undersigned attorneys files his Answer and Counterclaim to the Complaint filed by Plaintiff, JEFFREY EPSTEIN, in the above-styled matter on December 7, 2009 as follows:

ANSWER

GENERAL ALLEGATIONS

1. Defendant, EDWARDS, denies the allegations contained in Paragraph 1 and demands strict proof thereof.
2. Defendant, EDWARDS, admits the allegations contained in Paragraph 2.
3. Defendant, EDWARDS, admits the allegations contained in Paragraph 3.
4. Defendant, EDWARDS, admits the allegations contained in Paragraph 4.



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5. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 5 and thereby denies these allegations and demands strict proof thereof.

6. Defendant, EDWARDS, admits that he is an individual residing in Broward County, Florida and is licensed to practice law in the State of Florida, otherwise Defendant, EDWARDS, denies the balance of the allegations contained in Paragraph 6 and demands strict proof thereof.

7. Defendant, EDWARDS, admits that Defendant, [REDACTED] is an individual residing in Palm Beach County, Florida represented by RRA and EDWARDS in a civil lawsuit against Epstein, and is now represented by EDWARDS but no longer represented by RRA. Otherwise Defendant, EDWARDS, denies the balance of the allegations contained in Paragraph 7 including but not limited to the allegation that [REDACTED] was ever represented by ROTHSTEIN and demands strict proof thereof.

8. Defendant, EDWARDS, admits that non-party RRA was a Florida Professional Service Corporation, with a principal address of 401 East Las Olas Boulevard, Suite 1650, Ft. Lauderdale, FL 33401, and it conducted business and filed lawsuits on behalf of clients in Palm Beach County, Florida; however, RRA never filed a lawsuit on behalf of [REDACTED], nor did it file lawsuits on behalf of other victims against EPSTEIN. Those lawsuits were filed by EDWARDS prior to any association with or knowledge of RRA. Otherwise Defendant, EDWARDS, denies the balance of the allegations contained in Paragraph 8 and demands strict proof thereof.

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9. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 9 and thereby denies these allegations and demands strict proof thereof.

10. Defendant, EDWARDS, admits that RRA held itself out as legitimately and properly engaging in the practice of law, otherwise Defendant, EDWARDS is without knowledge to either admit or deny the balance of the allegations contained in Paragraph 10 and thereby denies these allegations and demands strict proof thereof.

11. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 11 and thereby denies these allegations and demands strict proof thereof.

12. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 12 and thereby denies these allegations and demands strict proof thereof.

13. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 13 and thereby denies these allegations and demands strict proof thereof.

14. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 14 and thereby denies these allegations and demands strict proof thereof.

15. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 15 and thereby denies these allegations and demands strict proof thereof.

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16. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 16 and thereby denies these allegations and demands strict proof thereof.

17. Defendant, EDWARDS, admits the allegations contained in Paragraph 17.

18. Defendant, EDWARDS, denies the allegations contained in Paragraph 18 and demands strict proof thereof.

19. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 19 and thereby denies these allegations and demands strict proof thereof.

20. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 20 and thereby denies these allegations and demands strict proof thereof.

21. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 21 and thereby denies these allegations and demands strict proof thereof.

22. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 22 and thereby denies these allegations and demands strict proof thereof.

23. Defendant, EDWARDS, admits that the identity of claimants against Epstein was shielded through the use of initials. All other allegations of Paragraph 23 are denied and Defendant demands strict proof thereof.

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24. Defendant, EDWARDS, admits that he represented claimants against Epstein on behalf of RRA. All other allegations of Paragraph 24 are denied and Defendant demands strict proof thereof.

25. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 25 and thereby denies these allegations and demands strict proof thereof.

26. Defendant, EDWARDS, denies the allegations contained in Paragraph 26 and demands strict proof thereof.

27. Defendant, EDWARDS, denies the allegations contained in Paragraph 27 and demands strict proof thereof.

28. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 28 except that EDWARDS admits the evidence against Epstein was, in fact, real.

29. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 29 and thereby denies these allegations and demands strict proof thereof.

30. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 30 and thereby denies these allegations and demands strict proof thereof.

31. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 31 except that EDWARDS specifically denies that he engaged in or had knowledge of any of the alleged unethical or illegal conduct.

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32. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 32 except that EDWARDS specifically denies that he engaged in or had knowledge of any of the alleged unethical or illegal conduct.

33. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 33 except that EDWARDS specifically denies that he engaged in or had knowledge of any of the alleged unethical or illegal conduct.

34. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 34 and thereby denies these allegations and demands strict proof thereof.

35. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 35 except that EDWARDS specifically denies that he engaged in or had knowledge of any of the alleged unethical or illegal conduct.

36. Defendant, EDWARDS, admits that he deposed three of Epstein's pilots, and sought the deposition of a fourth pilot, otherwise Defendant denies the balance of the allegations of Paragraph 36 and demands strict proof thereof.

37. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 37 and thereby denies these allegations and demands strict proof thereof.

38. Defendant, EDWARDS, admits the allegations contained in Paragraph 38, except that EDWARDS denies that he sought to subpoena Tommy Mattola.

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39. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 39 and thereby denies these allegations and demands strict proof thereof.

40. Defendant, EDWARDS, admits the allegations contained in Paragraph 40.

41. Defendant, EDWARDS, denies the allegations contained in Paragraph 41 and demands strict proof thereof.

42. Defendant, EDWARDS, denies the allegations contained in Paragraph 42 (a) and (b) and demands strict proof thereof. Defendant, EDWARDS, admits that he, Berger and Russell Adler (another named partner in RRA) all attended Epstein's deposition, otherwise Defendant, EDWARDS, denies the balance of the allegations contained in Paragraph 42 (c). Defendant, EDWARDS, denies the allegations contained in Paragraph 42 (d) and demands strict proof thereof. Defendant, EDWARDS, denies the allegations contained in Paragraph 42 (e) and demands strict proof thereof, except that EDWARDS admits that he addressed the Court on July 31, 2009, and the best evidence of the content of his statements is the official transcript of that proceeding. Defendant, EDWARDS, admits that he 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, in Jane Doe v. Epstein, Case No. 08-CV-80893-Marra/Johnson. The motion was reported in the press. Defendant, EDWARDS, admits that the motion was denied. The balance of the allegations contained in Paragraph 42 (f) are denied and Defendant demands strict proof thereof. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 42 (g) and thereby denies these allegations and demands strict proof thereof. Defendant,

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EDWARDS, denies the allegations contained in Paragraph 42 (h) and demands strict proof thereof. Defendant, EDWARDS, denies the allegations contained in Paragraph 42 (i) and

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demands strict proof thereof. Defendant, EDWARDS, admits the allegations contained in Paragraph 42 (j). Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 42 (k) and thereby denies these allegations and demands strict proof thereof. Defendant, EDWARDS, admits that they knew what it said and they knew the civil provisions in the agreement had no impact whatsoever on the three pending Civil Actions. The concept behind certain civil provisions in the NPA was to allow an alleged victim to resolve a civil claim with Epstein, maintain her complete privacy and anonymity and move on with her life, otherwise, Defendant, EDWARDS, is without knowledge to either admit or deny the balance of the allegations contained in Paragraph 42 (l) and therefore denies the balance of the allegations contained in Paragraph 42 (l) and demands strict proof thereof.

43. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 43 and thereby denies these allegations and demands strict proof thereof.

44. Defendant, EDWARDS, denies the allegations contained in Paragraph 44 and demands strict proof thereof.

45. Defendant, EDWARDS, denies the allegations contained in Paragraph 45 and demands strict proof thereof.

46. Defendant, EDWARDS, denies the allegations contained in Paragraph 46 and demands strict proof thereof.

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47. Defendant, EDWARDS, admits that [REDACTED] gave a sworn taped statement to the FBI and a subsequent deposition in the civil proceedings. The best evidence of the content of these statements is the transcript of each.

48. Defendant, EDWARDS, denies the allegations contained in Paragraph 48 and demands strict proof thereof.

49. Defendant, EDWARDS, denies the allegations contained in Paragraph 49 and demands strict proof thereof.

50. Defendant, EDWARDS, denies the allegations contained in Paragraph 50 and demands strict proof thereof.

51. Defendant, EDWARDS, denies the allegations contained in Paragraph 51 and demands strict proof thereof.

52. Defendant, EDWARDS, denies the allegations contained in Paragraph 52 and demands strict proof thereof.

53. Defendant, EDWARDS, denies the allegations contained in Paragraph 53 and demands strict proof thereof.

Count I—Violation of §§772.101, et seq., Fla. Stat.—Florida Civil Remedies for Criminal Practices Act—Against All Defendants

54. Defendant, EDWARDS, admits or denies the allegations contained in Paragraphs 1-53 as previously set forth herein.

55. Defendant, EDWARDS, denies the allegations contained in Paragraph 55 and demands strict proof thereof.

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56. Defendant, EDWARDS, denies the allegations contained in Paragraph 56 and demands strict proof thereof.

57. Defendant, EDWARDS, denies the allegations contained in Paragraph 57 and demands strict proof thereof.

58. Defendant, EDWARDS, denies the allegations contained in Paragraph 58 and demands strict proof thereof.

59. Defendant, EDWARDS, denies the allegations contained in Paragraph 59 and demands strict proof thereof.

Count II—Florida RICO—"Racketeer Influenced and Corrupt Organization Act"  
Pursuant to §§895.01, et seq., Fla. Stat. (2009), Against All Defendants

60. Defendant, EDWARDS, admits or denies the allegations contained in Paragraphs 1-53 and 55-59 as previously set forth herein.

61. Defendant, EDWARDS, denies the allegations contained in Paragraph 61 and demands strict proof thereof.

62. Defendant, EDWARDS, denies the allegations contained in Paragraph 62 and demands strict proof thereof.

63. Defendant, EDWARDS, denies the allegations contained in Paragraph 63 and demands strict proof thereof.

64. Defendant, EDWARDS, is without knowledge to either admit or deny the allegations contained in Paragraph 64 except Defendant, EDWARDS, admits that as of the filing of this Complaint, criminal charges have only been brought against ROTHSTEIN, otherwise

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Defendant, EDWARDS, denies the balance of the allegations contained in Paragraph 64 and demands strict proof thereof.

65. Defendant, EDWARDS, denies the allegations contained in Paragraph 65 and demands strict proof thereof.

66. Defendant, EDWARDS, denies the allegations contained in Paragraph 66 and demands strict proof thereof.

67. Defendant, EDWARDS, denies the allegations contained in Paragraph 67 and demands strict proof thereof.

68. Defendant, EDWARDS, denies the allegations contained in Paragraph 68 and demands strict proof thereof.

Count III—Abuse of Process—Against All Defendants

69. Defendant, EDWARDS, admits or denies the allegations contained in Paragraphs 1-53, 55-59 and 61-68 as previously set forth herein.

70. Defendant, EDWARDS, denies the allegations contained in Paragraph 70 and demands strict proof thereof.

71. Defendant, EDWARDS, denies the allegations contained in Paragraph 71 and demands strict proof thereof.

72. Defendant, EDWARDS, denies the allegations contained in Paragraph 72 and demands strict proof thereof.

Count IV—Fraud—Against All Defendants

73. Defendant, EDWARDS, admits or denies the allegations contained in Paragraphs 1-53, 55-59, 61-68 and 70-72 as previously set forth herein.

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74. Defendant, EDWARDS, denies the allegations contained in Paragraph 74 and demands strict proof thereof.

75. Defendant, EDWARDS, denies the allegations contained in Paragraph 75 and demands strict proof thereof.

Conspiracy to Commit Fraud—Against All Defendants

76. Defendant, EDWARDS, admits or denies the allegations contained in Paragraphs 1-53, 55-59, 61-68, 70-72 and 74-75 as previously set forth herein.

77. Defendant, EDWARDS, denies the allegations contained in Paragraph 77 and demands strict proof thereof.

78. Defendant, EDWARDS, denies the allegations contained in Paragraph 78 and demands strict proof thereof.

79. Defendant, EDWARDS, denies the allegations contained in Paragraph 79 and demands strict proof thereof.

80. Defendant, EDWARDS, has retained the undersigned attorneys to defend this action against him and has agreed to pay them a reasonable fee and costs.

81. All allegations not otherwise expressly addressed are denied.

WHEREFORE, having fully answered the claims against him, EDWARDS demands judgment in his favor and an award of fees and costs pursuant to the prevailing party provisions of the applicable statutes pursuant to which Epstein has brought his claims.

COUNTERCLAIM

Bradley J. Edwards (EDWARDS) sues Jeffrey Epstein (EPSTEIN) and alleges:

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1. This is an action for damages in an amount in excess of the minimum jurisdictional limits of this Court.

2. Counter/plaintiff, EDWARDS, is sui juris, resides in Broward County, Florida, and is an attorney licensed to practice in the State of Florida at all times material hereto.

3. Counter/defendant, EPSTEIN, is sui juris and is a resident of Palm Beach County, Florida.

4. EPSTEIN is a convicted felon having entered into a plea agreement pursuant to which he effectively conceded his having engaged in illicit sexual activity with a large number of female children over an extended period of time in violation of both State and Federal criminal laws.

5. EPSTEIN was sued civilly by a large number of his victims. Many of the cases against him have been settled and others remain pending, as a consequence of which EPSTEIN continues to face the potential of huge civil judgments for both compensatory and punitive damages in favor of many victims of his depraved criminal exploitation of children including victims represented by EDWARDS.

6. In the face of overwhelming evidence of his guilt, EPSTEIN repeatedly asserted his Fifth Amendment Right against self-incrimination and refused to answer any substantive questions regarding his sexual exploitation of his minor victims. Lacking any substantive defense to the claims against him, EPSTEIN sought to avoid his compensatory and punitive liability by employing the extraordinary financial resources at his disposal to intimidate his victims into abandoning their legitimate claims or resolving those claims for substantially less than their just value.

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7. In some circumstances, EPSTEIN's tactics have proven successful, while other victims have thus far withstood this continued assault upon them and have persisted in the prosecution of their claims. EDWARDS' clients are among those who continue the prosecution of their claims.

8. While prosecuting the legitimate claims on behalf of his clients, EDWARDS has not engaged in any unethical, illegal, or improper conduct nor has EDWARDS taken any action inconsistent with the duty he has to vigorously represent the interests of his clients. EPSTEIN has no reasonable basis to believe otherwise.

9. Nevertheless, EPSTEIN has filed the claims herein against EDWARDS and EDWARDS' client, [REDACTED], for the sole purpose of further attempting to intimidate EDWARDS, [REDACTED], and others into abandoning or settling their legitimate claims for less than their just and reasonable value.

10. EPSTEIN has in his Complaint directly alleged that EDWARDS was a knowing participant in a civil theft and criminal enterprise when EPSTEIN was well aware that there is absolutely no evidence whatsoever to support such false assertions. Indeed, his Complaint is replete with speculation, conjecture, and innuendo and is entirely devoid of factual support for his spurious allegations. Indicative of his total disregard for the lack of any predicate for his claims, EPSTEIN has ignored the statutory requirement for written notice prior to the initiation of a civil theft claim.

11. EPSTEIN has ulterior motives and purposes in exercising such illegal, improper, and perverted use of process. His real purpose was to put pressure on EDWARDS, [REDACTED], and

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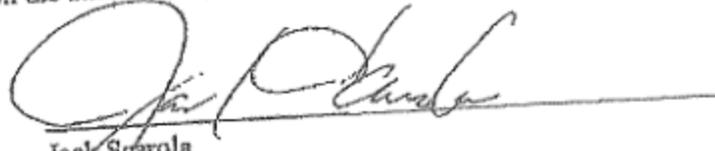
other victims by publishing what amounts to nothing more than a press release issued under the cloak of protection of the litigation privilege.

12. As a result of EPSTEIN's wrongful conduct as alleged, EDWARDS has suffered and will continue to suffer damages including but not limited to injury to his reputation, interference in his professional relationships, the loss of the value of his time required to be diverted from his professional responsibilities, and the cost of defending against EPSTEIN's spurious and baseless claims.

WHEREFORE, EDWARDS demands judgment against EPSTEIN for compensatory damages, costs, and such other and further relief as the Court may deem appropriate under the circumstances. Counter/plaintiff, EDWARDS, reserves the right to assert a claim for punitive damages upon satisfying the applicable statutory prerequisites.

Counter/plaintiff, EDWARDS, further demands trial by jury.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Fax and U.S. Mail to all counsel on the attached list, this 21st day of December, 2009



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SEARCY DENNEY

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

JEFFREY EPSTEIN

Complex Litigation, Fla. R. Civ. Pro.1201

Plaintiff,

Case No. 50 2009CA040800XXXXMB AG

v.

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individually, and [REDACTED], individually,

Defendants.

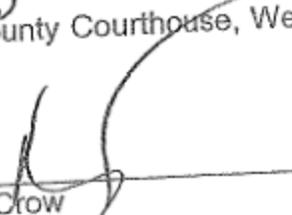
ORDER ON MOTION OF COUNTER-DEFENDANT, JEFFREY EPSTEIN, FOR A  
MORE DEFINITE STATEMENT AND MOTION TO DISMISS

THIS CAUSE came before the Court on Motion of Counter-Defendant, Jeffrey Epstein, for a More Definite Statement and Motion to Dismiss, and the Court having heard argument of counsel and being fully advised in these premises, it is hereby

ORDERED and ADJUDGED that Counter-Defendant's Motion is hereby ~~granted~~  
denied ten days to file an answer

based upon stipulations of counsel that  
the claim is solely an abuse of process claim

DONE AND ORDERED at Palm Beach County Courthouse, West Palm Beach,  
Florida, this 26<sup>th</sup> day of Jan, 2010

  
David F. Crow  
Circuit Court Judge

Copied furnished to:  
GARY M. FARMER, JR., ESQ., Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, PL. 425  
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33409, and JACK ALAN GOLDBERGER, ESQ., Atterbury Goldberger & Weiss, [REDACTED], 250  
Australian Avenue South, Suite 1400, West Palm Beach, FL 33401-5012



EFTA01076603

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

JEFFREY EPSTEIN

Plaintiff,

v.

SCOTT ROTHSTEIN, individually,  
BRADLEY J. EDWARDS,  
individually, and [REDACTED], individually,

Defendants.

Complex Litigation, Fla. R. Civ.  
Pro.1201

Case No. 50 2009CA040800XXXXMB AG

ANSWER TO COUNTERCLAIM

Plaintiff, JEFFREY EPSTEIN, (hereinafter "EPSTEIN"), by and through his undersigned attorneys, files this his answer to the Counterclaim and states:

1. Without knowledge and deny.
2. Admit.
3. Deny.
4. Epstein admits that he is a convicted felon having entered into a Plea Agreement with the State of Florida. As to the remaining allegations in paragraph 4, Epstein asserts his Fifth Amendment privilege against self-incrimination. See DeLisi v. Bankers Ins. Company, 436 So.2d 1099 (Fla. 4<sup>th</sup> DCA 1983); Malloy v. Hogan, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment's Self-Incrimination Clause applies to the states through the Due Process Clause of the Fourteenth Amendment - "[i]t would be incongruous to have different standards determine the validity of a claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in state or federal court."); 5 Fed.Prac. & Proc. Civ. 3d §1280 *Effect of Failure to Deny - Privilege Against Self-Incrimination* ("...court must treat the defendant's

EXHIBIT C

claim of privilege as equivalent to a specific denial.”). See also 24 Fla.Jur.2d Evidence §592. *Defendants in civil actions.* – “... a civil defendant who raises an affirmative defense is not precluded from asserting the privilege [against self-incrimination], because affirmative defenses do not constitute the kind of voluntary application for affirmative relief” which would prevent a plaintiff bringing a claim seeking affirmative relief from asserting the privilege.

5. Epstein admits he has been sued civilly by a number of individuals, and admits that a number of cases have been settled and other cases remain pending. As to the remaining allegations of paragraph 5, Epstein asserts his Fifth Amendment privilege against self-incrimination. See DeLisi v. Bankers Ins. Company, 436 So.2d 1099 (Fla. 4<sup>th</sup> DCA 1983); Malloy v. Hogan, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment’s Self-Incrimination Clause applies to the states through the Due Process Clause of the Fourteenth Amendment - “[i]t would be incongruous to have different standards determine the validity of a claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in state or federal court.”); 5 Fed.Prac. & Proc. Civ. 3d §1280 *Effect of Failure to Deny – Privilege Against Self-Incrimination* (“...court must treat the defendant’s claim of privilege as equivalent to a specific denial.”). See also 24 Fla.Jur.2d Evidence §592. *Defendants in civil actions.* – “... a civil defendant who raises an affirmative defense is not precluded from asserting the privilege [against self-incrimination], because affirmative defenses do not constitute the kind of voluntary application for affirmative relief” which would prevent a plaintiff bringing a claim seeking affirmative relief from asserting the privilege.

6. Epstein admits that he has asserted his 5<sup>th</sup> Amendment right against self incrimination as well as other constitutional rights. As to the remaining allegations of paragraph

6, Epstein asserts his Fifth Amendment privilege against self-incrimination. See DeLisi v. Bankers Ins. Company, 436 So.2d 1099 (Fla. 4<sup>th</sup> DCA 1983); Malloy v. Hogan, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment's Self-Incrimination Clause applies to the states through the Due Process Clause of the Fourteenth Amendment - "[i]t would be incongruous to have different standards determine the validity of a claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in state or federal court."); 5 Fed.Prac. & Proc. Civ. 3d §1280 *Effect of Failure to Deny – Privilege Against Self-Incrimination* ("...court must treat the defendant's claim of privilege as equivalent to a specific denial."). See also 24 Fla.Jur.2d Evidence §592. *Defendants in civil actions.* - "... a civil defendant who raises an affirmative defense is not precluded from asserting the privilege [against self-incrimination], because affirmative defenses do not constitute the kind of voluntary application for affirmative relief" which would prevent a plaintiff bringing a claim seeking affirmative relief from asserting the privilege.

7. Epstein admits that Edwards has clients prosecuting claims against him. As to the remaining allegations in paragraph 7, Epstein asserts his Fifth Amendment privilege against self-incrimination. See DeLisi v. Bankers Ins. Company, 436 So.2d 1099 (Fla. 4<sup>th</sup> DCA 1983); Malloy v. Hogan, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment's Self-Incrimination Clause applies to the states through the Due Process Clause of the Fourteenth Amendment - "[i]t would be incongruous to have different standards determine the validity of a claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in state or federal court."); 5 Fed.Prac. & Proc. Civ. 3d §1280 *Effect of Failure to Deny – Privilege Against Self-Incrimination* ("...court must treat the defendant's claim of privilege as equivalent to a specific

denial.”). See also 24 Fla.Jur.2d *Evidence* §592. *Defendants in civil actions.* – “... a civil defendant who raises an affirmative defense is not precluded from asserting the privilege [against self-incrimination], because affirmative defenses do not constitute the kind of voluntary application for affirmative relief” which would prevent a plaintiff bringing a claim seeking affirmative relief from asserting the privilege.

8. Epstein denies that Edwards has not engaged in any unethical, illegal, or improper conduct and further denies that Edwards has not taken action inconsistent with the representation of his clients. As to the remaining allegations in paragraph 8, Epstein asserts his Fifth Amendment privilege against self-incrimination. See *DeLisi v. Bankers Ins. Company*, 436 So.2d 1099 (Fla. 4<sup>th</sup> DCA 1983); *Malloy v. Hogan*, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment’s Self-Incrimination Clause applies to the states through the Due Process Clause of the Fourteenth Amendment - “[i]t would be incongruous to have different standards determine the validity of a claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in state or federal court.”); 5 *Fed.Prac. & Proc. Civ.* 3d §1280 *Effect of Failure to Deny – Privilege Against Self-Incrimination* (“...court must treat the defendant’s claim of privilege as equivalent to a specific denial.”). See also 24 Fla.Jur.2d *Evidence* §592. *Defendants in civil actions.* – “... a civil defendant who raises an affirmative defense is not precluded from asserting the privilege [against self-incrimination], because affirmative defenses do not constitute the kind of voluntary application for affirmative relief” which would prevent a plaintiff bringing a claim seeking affirmative relief from asserting the privilege.

9. Epstein denies that he had filed this cause of action to intimidate anyone into abandoning and/or settling any claims that have been made against Epstein. As to the remaining

allegations in paragraph 9, Epstein asserts his Fifth Amendment privilege against self-incrimination. See DeLisi v. Bankers Ins. Company, 436 So.2d 1099 (Fla. 4<sup>th</sup> DCA 1983); Malloy v. Hogan, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment's Self-Incrimination Clause applies to the states through the Due Process Clause of the Fourteenth Amendment - "[i]t would be incongruous to have different standards determine the validity of a claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in state or federal court."); 5 Fed.Prac. & Proc. Civ. 3d §1280 *Effect of Failure to Deny – Privilege Against Self-Incrimination* ("...court must treat the defendant's claim of privilege as equivalent to a specific denial."). See also 24 Fla.Jur.2d Evidence §592. *Defendants in civil actions.* - "... a civil defendant who raises an affirmative defense is not precluded from asserting the privilege [against self-incrimination], because affirmative defenses do not constitute the kind of voluntary application for affirmative relief" which would prevent a plaintiff bringing a claim seeking affirmative relief from asserting the privilege.

10. The complaint is the best evidence of the allegations asserted by the Plaintiff, Epstein, and Epstein denies the remaining allegations of paragraph 10.

11. Epstein denies any ulterior motive, purpose or any illegal, improper or perverted use of process, and further denies the allegation regarding his "real purpose" relative to Edwards and ■■■. As to the remaining allegations in paragraph 11, Epstein asserts his Fifth Amendment privilege against self-incrimination. See DeLisi v. Bankers Ins. Company, 436 So.2d 1099 (Fla. 4<sup>th</sup> DCA 1983); Malloy v. Hogan, 84 S.Ct. 1489, 1495 (1964)(the Fifth Amendment's Self-Incrimination Clause applies to the states through the Due Process Clause of the Fourteenth Amendment - "[i]t would be incongruous to have different standards determine the validity of a

claim of privilege based on the same feared prosecution, depending on whether the claim was asserted in state or federal court.”); 5 Fed.Prac. & Proc. Civ. 3d §1280 *Effect of Failure to Deny – Privilege Against Self-Incrimination* (“...court must treat the defendant’s claim of privilege as equivalent to a specific denial.”). See also 24 Fla.Jur.2d *Evidence* §592. *Defendants in civil actions.* – “... a civil defendant who raises an affirmative defense is not precluded from asserting the privilege [against self-incrimination], because affirmative defenses do not constitute the kind of voluntary application for affirmative relief” which would prevent a plaintiff bringing a claim seeking affirmative relief from asserting the privilege.

12. Deny.

#### **AFFIRMATIVE DEFENSES**

1. First Affirmative Defense – Edwards fails to state a cause of action for abuse of process. Edwards has failed to allege any misuse of process after the instant lawsuit was filed and served. Accordingly, Edwards has failed to state a cause of action for abuse of process and his Counterclaim must therefore be dismissed.

2. Second Affirmative Defense – To the extent Edwards claims Epstein’s lawsuit/acts are tortious in nature, the litigation privilege is an absolute immunity that covers both defamatory statements and other tortuous behavior during a judicial proceeding.

**Certificate of Service**

I HEREBY CERTIFY that a true copy of the foregoing was sent by fax and U.S. Mail to the following addressees on this 15<sup>th</sup> day of March, 2010:

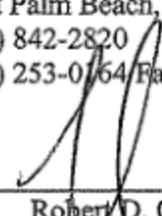
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