

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL  
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA  
CASE NO: [REDACTED]

L.M.

Plaintiff,

-vs-

JEFFREY EPSTEIN  
AND [REDACTED] [REDACTED],

Defendants.

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DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON  
COUNT 1 OF PLAINTIFF'S SECOND AMENDED COMPLAINT

EXCERPT OF HEARING BEFORE THE HONORABLE  
DONALD HAFELE

Friday, April 9, 2010  
Palm Beach County Courthouse  
West Palm Beach, Florida 33401  
11:00 - 12:04 p.m.

Reported By:  
Cynthia Hopkins, RPR, FPR  
Notary Public, State of Florida  
Prose Court Reporting  
Job No.: 1275

**Original**

[REDACTED] PROSE COURT REPORTING AGENCY, INC. [REDACTED]

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2 CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

3 CASE NO: [REDACTED]

4 E.W.

5 Plaintiff,

6 -vs-

7 JEFFREY EPSTEIN  
8 AND [REDACTED] [REDACTED],

9 Defendants.

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1 APPEARANCES:

2 On behalf of the Plaintiffs, L.M., E.W. and  
3 Jane Doe:

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5 BRADLEY J. EDWARDS, ESQUIRE  
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11 Phone: [REDACTED]

12 On behalf of the Defendant:

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17 West Palm Beach, Florida 33401  
18 Phone: [REDACTED]

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## 1           E X C E R P T   O F   P R O C E E D I N G S

2                           \*   \*   \*   \*   \*

3           THE COURT: Well, you know, I think that  
4           you're right but what I want to do is this: I  
5           would like to just be able to pin down the very  
6           narrow issue of just, I guess, a long-time  
7           belief that negligence equals accident or  
8           unintentional activity. And I guess I really  
9           need that fundamentally to be briefed so as to  
10          make a final decision on the issue. Clearly I  
11          recognize that the defense is saying to  
12          themselves, in a respectful tone I trust, that  
13          it doesn't really matter.

14          But the reason why I am concerned about it  
15          is that while I recognize that in the insurance  
16          context it's essentially a given, but as  
17          Mr. Farmer I think points out properly, the  
18          context of insurance is driven by contract, and  
19          by the language of a policy. And I don't want  
20          to be simply utilizing what I have been  
21          probably indoctrinated with, and that is the  
22          concept that negligence means essentially  
23          unintentional acts as a matter of law.

24          Now, I know that seems to be at least the  
25          implication and perhaps the clearer message of

1           those cases dealing with insurance law and  
2           contracts of insurance, but I just need to be  
3           comfortable with my ultimate decision and  
4           that's where I just have the dilemma at this  
5           juncture is can I comfortably enter summary  
6           judgment under the thought process that clearly  
7           what is claimed as intentional acts violative  
8           of these six, or whatever, seven, eight  
9           statutes, is somehow in a posit to the concept  
10          of negligence as defined by the Florida law.  
11          Do you understand what I am saying?

12                   MR. CRITTON: Yes.

13                           \* \* \* \* \*

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STATE OF FLORIDA  
COUNTY OF PALM BEACH

I, Cynthia Hopkins, Registered Professional Reporter and Florida Professional Reporter, State of Florida at large, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

Dated this 15th day of April, 20010.

*Cynthia J. Hopkins*  
Cynthia Hopkins, RPR, FPR



Job #1275