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.
_____/

TRANSCRIPT OF HEARING PROCEEDINGS

VOLUME II (Pages 29 - 34)

DATE TAKEN: September 28, 2011
TIME: 8:47 a.m.
PLACE: Palm Beach County Courthouse
              205 North Dixie Highway
              West Palm Beach, Florida
BEFORE: **DAVID CROW, Circuit Judge**

        This cause came on to be heard at the time and
place aforesaid, when and where the following
proceedings were stenographically reported by:

              Christine Phipps, RPR, FPR, CLR
              Realtime Systems Administrator

APPEARANCES:

On behalf of Plaintiff:

    FOWLER, WHITE, BURNETT, P.A.

    ███████████████████████

    West Palm Beach, Florida 33401-6170

    ██████████████

    BY: JOSEPH L. ACKERMAN, JR., ESQ.

    ██████████████████

    BY: CHRISTOPHER E. KNIGHT, ESQ.

    ███████████████████████████

On behalf of Bradley Edwards:

    SEARCY, DENNEY, SCAROLA
    BARNHART & SHIPLEY, P.A.

    ███████████████████████████████

    ████████████████████

    West Palm Beach, Florida 33402-3626

    ███████████

    BY: JACK SCAROLA, ESQ.

    ████████████████

1   Thereupon,

2   the following proceedings continued at 8:47 a.m.:

3   * * * * * * * * *

4   THE COURT: I'm just giving you divisional

5   requests in conjunction with the process,

6   malicious prosecution is the counterclaim that

7   was filed at the time where there were claims

8   in the main complaint that are no longer

9   existing and, in fact, deal with those claims,

10 you understand what I'm talking about, you had

11 all kinds of --

12   MR. SCAROLA: RICO, civil remedies for

13 criminal conduct.

14   THE COURT: Which have all been no longer

15 a part of the complaint, and I need you-all to

16 talk about does that -- how that affects the

17 claim of the defendant here against the

18 plaintiff. You understand what I'm getting at?

19   MR. SCAROLA: I will tell your Honor that

20 we will be filing a motion for leave to amend

21 to assert malicious prosecution of those now

22 dismissed and disposed of claims.

23   THE COURT: Perhaps you-all ought to wait

24 for punitive damages to get your motion filed

25 and there's an amendment. That was the next

1   thing I was thinking about.

2   MR. SCAROLA: That was our plan.

3   MR. ACKERMAN: Thank you, your Honor. I

4   didn't hear the beginning, but I'll read the

5   transcript, and as you know, when we first came

6   into the case and took over the complaint and

7   said we will be amending it on the facts we

8   have, and we will respond to your question.

9   THE COURT: I want to get the pleadings

10   set before we start doing substantive motions

11   in regard to those pleadings.

12   MR. ACKERMAN: And we're ready.

13   THE COURT: I think Mr. Scarola, if you're

14   going to do that, let's do that first before we

15   set the motion for punitive damages.

16   MR. SCAROLA: May I understand from that

17   comment that I have the court's leave to amend?

18   THE COURT: Is there an objection?

19   MR. KNIGHT: No, but I thought I heard you

20   say the opposite, you want punitive damages

21   heard first.

22   THE COURT: No, now I know he's amending,

23   I think it would be appropriate to have the

24   amended complaint, and we know the claims

25   before we determine whether punitives is

1   applicable to either/or all of those claims.

2   MR. ACKERMAN: Your Honor --

3   MR. SCAROLA: We'll get that done very

4   promptly.

5   MR. ACKERMAN: Since I don't know what's

6   in the amended complaint, if there's malicious

7   prosecution, that should come at the end, not

8   the beginning.

9   THE COURT: That's a different question.

10   The question is whether he can amend, not

11   whether or not --

12   MR. KNIGHT: Thank you, Judge.

13   THE COURT: You want to send me an order,

14   that's fine, I'll grant it, okay.   Thank you.

15   (Thereupon, the proceedings concluded at

16   8:54 a.m.)

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COURT CERTIFICATE

STATE OF FLORIDA

COUNTY OF PALM BEACH

    I, CHRISTINE PHIPPS, Registered Professional Reporter, 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 29th day of September, 2011.

_____
CHRISTINE PHIPPS, RPR, FPR, CLR
Realtime Systems Administrator

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