

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- Civil – Div.

Case No. 502009CA040800XXXXMB

Judge: AG – David Crow

**PLAINTIFF, JEFFREY EPSTEIN'S
MOTION TO TAKE JUDICIAL NOTICE**

Plaintiff, Jeffrey Epstein (“Epstein”), by and through his undersigned representative and pursuant to Sections 90.202(6)(12) and 90.203, Florida Statutes (2006), files this Motion to Take Judicial Notice and in support thereof would state the following:

1. The Defendant, Bradley J. Edwards (“Edwards”) has filed a Motion for Summary Judgment against Epstein, which is presently set for hearing before this Court on January 5, 2011.

2. The basis of the Plaintiff’s Response in Opposition to Edwards’ Motion for Summary Judgment concerns in part filed court records in the following Cases:

A. *In re Rothstein Rosenfeldt Adler*, [REDACTED], Debtor, Case No. 09-34791-RBR filed in the United States Bankruptcy Court, Southern District of Florida, Fort Lauderdale Division

B. *Herbert Stettin, Chapter 11 Trustee, Plaintiff v. Russell Adler and Katie Adler, Defendants*. ADD. PRO. NO. 10-02612-BKC-RBR-A

3. Section 90.202(6), Florida Statutes, provides this Court discretion to take judicial notice of “records of any court of this state...” *See also Michael Falls v. National Environmental Products, et al.*, 665 So. 2d 320, 321 (Fla. 4th DCA 1995) (holding that “it is fitting and proper that a court should take judicial notice of other actions...which bear a relationship to the case at bar”).

4. Section 90.202(12), moreover, allows this court to take judicial notice of records

that are “not subject to dispute because they are capable of accurate and ready determination by resort of sources whose accuracy cannot be questioned.”

5. The Plaintiff Epstein requests the court take judicial notice of the pleadings in its appendix filed in response and opposition to the Defendant Edwards' Motion for Summary Judgment. The appendix of pleadings is necessary to establish the efforts of Epstein in order to obtain records necessary for discovery and the actions of the Defendant Edwards in thwarting those efforts. The documents are accurate copies of the filed pleadings in the aforesaid cases. It is the understanding of the undersigned counsel that the court has access to PACER at www.flsb.uscourts.gov where the court can directly review these documents on line.

6. There is no prejudice to the Defendant Edwards to this motion because Edwards and his counsel have actively participated in the proceedings in bankruptcy court, with the exception of one document which is the last document in the appendix.

7. Alternatively, the Plaintiff requests leave to obtain certified copies of the documents from the court file and file those in the proceedings in this case when they become available.

8. The undersigned counsel certifies that he has attempted to resolve this matter without the need of a hearing with counsel for Edwards and will continue to do so.

WHEREFORE, Plaintiff, Jeffrey Epstein, respectfully requests the court take judicial notice of the records contained in the appendix of the Plaintiff Epstein which is filed in opposition to Defendant, Bradley J. Edwards' Motion for Summary Judgment, for the reasons set forth above.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been duly furnished via Email, Facsimile, U.S. Mail, Hand Delivery, Federal Express this 29th day of December, 2010 to:

Jack Scarola, Esq.
Searcy Denney Scarola Barnhart & Shipley, [REDACTED]
[REDACTED]

Marc S. Nurik, Esq.
Law Offices of Marc S. Nurik
[REDACTED]

By: Joseph L. Ackerman, Jr.
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Attorneys for Jeffrey Epstein, Plaintiff