

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

CASE NO.: 502009CA040800 AG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

SCOTT ROTHSTEIN, etc., et al.,

Defendant(s).

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ORDER ON COUNTER-PLAINTIFF EDWARDS'  
RENEWED MOTION FOR LEAVE TO ASSERT CLAIM FOR PUNITIVE DAMAGES

THIS CAUSE came before the Court upon the Counter-Plaintiff, BRADLEY J. EDWARDS' Motion to Amend to Add a Claim for Punitive Damages in regard to his abuse of process and malicious prosecution claims. The Court heard argument of counsel, has reviewed the various authorities cited, the Memorandums submitted, and proffers made both for and against the Motion. Based upon the foregoing, the Court finds as follows:

Florida Statutes Section 768.72 provides that prior to a claim for punitive damages, the Plaintiff must make a showing through proffer of a "reasonable basis for recovery of such damages." *See Fla. Stat. §768.72. See also, Globe Newspaper Co. v. King*, 658 So.2d 518, 520 (Fla. 1995). While the burden is upon the party seeking punitive damages to make such an evidentiary proffer, the standard of proof is rather minimal, and it is inappropriate for this Court to weigh the evidence. As such, the standard closely resembles a Motion to Dismiss. The Court is required to take all the facts as set forth by the moving party as true unless patently false or irrelevant and the Court should not consider the alternative evidentiary proffers from the opposing party. *See, Dolphin Cove Assn v. Square D. Co.*, 616 So.2d 553 (Fla. 2<sup>nd</sup> DCA 1993). Given this rather minimal evidentiary standard, the Court finds that the Co-Defendant EDWARDS has made such a showing. It is therefore

CONSIDERED, ORDERED AND ADJUDGED that the Motion to Amend to Add Punitive Damages is hereby granted.

DONE AND ORDERED this 18<sup>th</sup> day of December, 2012 at West Palm Beach, Palm Beach County, Florida.



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DAVID F. CROW  
CIRCUIT COURT JUDGE

Copy furnished:

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