

JEFFREY EPSTEIN,

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

CASE NO.: 502009CA040800XXXXMBAG

JUDGE: CROW

Plaintiff,

vs.

SCOTT ROTHSTEIN, individually,
and BRADLEY J. EDWARDS,
individually.

Defendants.

PLAINTIFF/COUNTER-DEFENDANT EPSTEIN'S **AMENDED** RESPONSES
TO DEFENDANT/COUNTER-PLAINTIFF BRADLEY EDWARDS'S REQUEST
FOR PRODUCTION TO COUNTER-DEFENDANT (PUNITIVE DAMAGES)

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), by and through his undersigned counsel and pursuant to Rule 1.350 of the *Florida Rules of Civil Procedure*, hereby files this amended response to Defendant/Counter-Plaintiff Bradley Edward's Request for Production to Counter-Defendant (Punitive Damages), and answers as follows:

1. Please produce all Financial Statements prepared for or submitted to any Lender or Investor for the past five (5) years by you personally or on your behalf or on behalf of any entity in which you hold a controlling interest.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~Furthermore, this Request for Production is vague and inartfully drafted such that I am unable to formulate a proper response. The requested financial statements could be subject to work product privilege and/or Accountant/Client Privilege.~~

~~Additionally, it is well settled law that only current financial documents are relevant to a claim for punitive damages. *Lane v. Capital Acquisitions*, 242 F.R.D. 667 (S.D. Fla. 2005). Plaintiffs’ request for non-current financial information is irrelevant to a punitive damages determination, and a request as far back as five years is deemed overly broad. See *Lane v. Capital Acquisitions*, 242 F.R.D. 667 (S.D. Fla. 2005) (“[t]he Court, however, does find that Plaintiffs’ discovery requests are overbroad on their face in that some seek financial records for a five-year period.”).~~

2. Please produce the W-2’s and any other documents reflecting any income (including salary, bonuses, profit distributions, and any other form of income), including all gross and net revenue received by you directly or indirectly for the past five (5) years.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~In addition, this Request for Production is overbroad as to the five year request. See *Lane v. Capital Acquisitions*, 242 F.R.D. 667 (S.D. Fla. 2005). This Request for Production is vague as drafted such that I am unable to draft a proper response thereto. “Any other documents” may be subject to work product privilege, Accountant/Client Privilege and/or Attorney/Client Privilege. To the extent that this Request for~~

~~Production requests “any other documents reflecting any income” received by me “indirectly” and those documents, if any, contain confidential information of third parties, this Request violates the third parties’ rights to privacy under the Art 1, § 12 of the Florida Constitution. The requested documents, to the extent any exist, may be subject to confidentiality agreements and/or obligations entered into with third parties such that disclosure would be a violation thereof.~~

3. All tax returns filed with any taxing entity during the past five (5) years by you or on your behalf, or on behalf of any entity in which you hold or held a controlling interest at the time of filing.

~~ANSWER: ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.~~

~~This Request for Production is overbroad as to the five year request. See *Lane v. Capital Acquisitions*, 242 F.R.D. 667 (S.D. Fla. 2005). Furthermore, this Request for Production is vague, overbroad and inartfully drafted such that I am unable to formulate a response; to wit: “tax returns”, “any taxing entity” and “controlling interest” lacks specificity.~~

~~Additionally, to the extent that this Request for Production requests tax returns containing confidential information of third parties, this Request violates the third parties’ rights to privacy under the Art 1, § 12 of the Florida Constitution.~~

~~Without waiving the above refereneed objections, eCopies of my personal Individual Income Tax Returns on Form 1040 for the years 2010 and 2011 tax returns from 2010-2011 are provided herewith were provided with our prior response.~~

4. All bank statements or other financial statements which were prepared by or received by you, or on your behalf or by or on behalf of any entity in which you had an ownership interest of 10% or more at any time during the past five (5) years.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for

concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is overbroad as to the five-year request. See *Lane v. Capital Acquisitions*, 242 F.R.D. 667 (S.D. Fla. 2005). This Request for Production is overbroad in scope as to “all bank statements” and vague as to the request for “other financial statements” and “an ownership interest of 10% or more” such that Epstein is unable to formulate a satisfactory response. To the extent that this Request for Production is inartfully drafted, the Request is neither relevant nor reasonably likely to lead to the discovery of admissible evidence.~~

~~Furthermore, to the extent that any such documents that may exist were prepared for or by me, such documents may be subject to certain privileges, including work product privilege, Accountant/Client Privilege and/or Attorney/Client Privilege and where any responsive documents, such such that may any exist for any such entity, involve third parties, such third parties’ rights to privacy are guaranteed and protected by Art. 1, § 12 of the *Florida Constitution*.~~

5. All financial statements which were prepared by you or on your behalf, or by or on behalf of any entity in which you held an ownership interest of 10% or more at any time during the past five (5) years.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is identical in all material respects to the Request for Production, no. 4. For this reason, each and every objection made thereto is applicable to this Request, and this Request for Production is overly burdensome.~~

6. The deeds and titles to all real property owned by you or held on your behalf either directly or indirectly at any time during the past five (5) years.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is overbroad as to the five year request. See *Lane v. Capital Acquisitions*, 242 F.R.D. 667 (S.D. Fla. 2005). To the extent that this Request for Production is vague and inartfully drafted, I am not able to form a response thereto.~~

~~Furthermore, to the extent that this Request for Production requires the disclosure of third parties’ financial information, this Request for Production violates those third parties’ rights to privacy as guaranteed by Art. 1, § 12 of the *Florida Constitution* of any party who has an interest in said entity.~~

7. All passbooks with respect to savings accounts, checking accounts and savings and loan association share accounts owned by you or on which you hold a right or have a held a right to withdraw funds at any time during the past five years.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~[ALTHOUGH PASSBOOKS ARE OLD AND OUTDATED AND NOT GENERALLY USED BY SOPHISTICATED INDIVIDUALS, I DON’T THINK YOU CAN MAY THE STATEMENT THAT THEY ARE NO LONGER IN USE AND CANNOT POSSIBLY EXIST. I WOULD ORDINARILY STATE THAT WE DON’T HAVE ANY, BUT AS WE ARE PLEADING THE FIFTH, I DO NOT THINK WE SHOULD DO SO] TThis Request for Production is inartfully drafted to the extent that passbooks are no longer used by the banking industry and therefore no documents responsive to this request exist. That aside, this Request for Production is overbroad as~~

~~to the five year request. See Lane v. Capital Acquisitions, 242 F.R.D. 667 (S.D. Fla. 2005).~~

~~This Request also is violative of third party's rights to privacy under Art 1, § 12 of the Florida Constitution in so far as it requests information regarding "share accounts." [SHOULDN'T YOU ALSO INCLUDE HERE THE LANGUAGE ABOUT RIGHT TO DRAW FROM ACCOUNTS DOES NOT NECESSARILY MEAN PART OF YOUR NET WORTH, ETC.— SEE RESPONSE TO 9 BELOW.]~~

8. All passbooks with respect to all savings accounts, checking accounts and savings loan association share accounts, owned by you in whole or in part jointly as co-partner, or joint venture, in any business enterprise, or owned by an entity in which you have or have had a controlling interest at any time during the past 5 years.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~[ALTHOUGH PASSBOOKS ARE OLD AND OUTDATED AND NOT GENERALLY USED BY SOPHISTICATED INDIVIDUALS, I DON'T THINK YOU CAN MAY THE STATEMENT THAT THEY ARE NO LONGER IN USE AND CANNOT POSSIBLY EXIST. I WOULD ORDINARILY STATE THAT WE DON'T HAVE ANY, BUT AS WE ARE PLEADING THE FIFTH, I DO NOT THINK WE SHOULD DO SO] TThis Request for Production is inartfully drafted to the extent that passbooks are no longer used by the banking industry and therefore no documents responsive to this request could possibly exist. That aside, this Request for Production is overbroad as to the five year request. See Lane v. Capital Acquisitions, 242 F.R.D. 667 (S.D. Fla. 2005).~~

~~Additionally, this request is violative of third party rights to privacy under Art 1, § 12 of the Florida Constitution in so far as it requests information regarding "share accounts." Furthermore, this Request for Production is vague, overbroad and inartfully drafted such that I am unable to formulate a response; to wit: "joint venture", "business enterprise" and "controlling interest" lack specificity.~~

9. The most recent bank ledger sheets in your possession, or accessible by you on the internet, with respect to all bank accounts in which you have a right to withdraw funds.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~Furthermore, this Request for Production is overbroad, vague and inartfully drafted since it requests documents regarding “all bank accounts” in which I have “a right to withdraw funds” without respect for any third party’s right to privacy as guaranteed under Art 1, § 12 of the Florida Constitution. This Request for Production violates third party’s rights to privacy under Art 1, § 12 of the Florida Constitution~~

~~Additionally, a party’s right to withdraw funds from a bank account does not necessarily mean that those funds in those bank accounts are owned by that party, or that that party has a discretionary right to access and use those funds, such that the funds are to be properly considered in the financial net worth for punitive damages.~~

10. The most recent bank ledger sheets in your possession, or accessible by you on the internet, with respect to all bank accounts owned by you solely, or jointly as co-partner, or joint venture, in any business enterprise, or owned by any entity to which you have a controlling interest.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is repetitive of Requests for Production no. 9. To the extent that this Request for Production requires production of the same information as above,~~

~~this Request is overly burdensome. The remaining objections to the above Requests for Production apply hereto, including the objection on behalf of third parties who enjoy a right to privacy under Art 1, § 12 of the *Florida Constitution*. Furthermore, this Request for Production is vague, overbroad and inartfully drafted such that I am unable to formulate a response; to wit: “joint venture”, “business enterprise” and “controlling interest” lack specificity.~~

11. All checkbooks for all accounts on which you were authorized to withdraw funds in the past five (5) years.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is repetitive of Requests for Production nos. 9 and 10, as by definition, a checkbook shows the same information as a bank ledger sheet. Therefore, all asserted objections to Requests for Production nos. 9 and 10 apply hereto as well.~~

~~Additionally, to the extent that this Request for Production is repetitive of the above, this request is overly burdensome. To the extent that this request is for documents over a period of five years, this Request is overbroad; see objections and case law cited above.~~

~~Moreover, to the extent that this Request for Production involves the privacy rights of third parties, those third parties enjoy a right to privacy under Art 1, § 12 of the *Florida Constitution*.~~

~~[THIS LAST OBJECTION NOT PARTICULARLY PERSUASIVE. YOU ARE SAYING THAT NOT ALL ACCOUNTS HAVE CHECKBOOKS, SO I CAN'T RESPOND? MY ANSWER WOULD BE THAT JUST PRODUCE THE CHECKBOOKS THAT YOU HAVE.]~~ Finally, to the extent that this Request for Production seeks “all checkbooks for accounts,” this Request is inartfully drafted and vague since not all accounts have checkbooks; therefore I am unable to formulate a response thereto.

Finally, see responses to Requests no. 7 and 8 above.

12. All corporate securities (stocks or bonds) owned by you, directly or indirectly.

ANSWER: This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is vague as to what is meant by “directly or indirectly” such that I am unable to formulate a satisfactory response.~~

~~Additionally, to the extent that this Request asks for anything “indirectly” owned by me, this Request for Production is violative of any third parties’ rights to privacy under the Art 1, § 12 of the Florida Constitution.~~

13. The latest available balance sheets and other financial statements with respect to any and all business enterprises of whatever nature in which you possess any ownership interest of 10% or more, whether as partner, joint venture, stockholder, or otherwise.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is vague as to the request for “other financial statements” such that I am unable to formulate a satisfactory response. Furthermore, this Request for Production is vague, overbroad and inartfully drafted such that I am unable to formulate a response; to wit: “business enterprise” and “ownership interest of 10% or more” lack specificity. However, to the extent that any such documents that may exist were prepared for or by me, depending upon the document, such document may be subject to certain privileges, including work product privilege, Accountant/Client Privilege and/or Attorney/Client Privilege.~~

~~Furthermore, this Request for Production violates the rights to privacy as guaranteed by the Florida Constitution, Art 1, § 12, to any party who has an interest in any of said business enterprises entity. Furthermore, to the extent that this Request for Production is repetitive of Request for Production no. 4, this Request is overly burdensome.~~

~~To the extent that this Request for Production is not specifically limited to only those documents related to my financial net worth, this Request for Production is neither relevant nor calculated to lead to the discovery of admissible evidence.~~

14. Your accounts receivable ledger or other company records which sets forth the names and addresses of all persons or business enterprises that are indebted to you and the amounts and terms of such indebtedness.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production requests information that is subject to the privacy rights of third parties through Art. 1, § 12 of the Florida Constitution.~~

~~Furthermore, any such documents may be subject to work product privilege, Accountant/Client Privilege, and/or Attorney/Client Privilege.~~

~~Depending upon the document, the documents responsive to this Request for Production may be the subjects of and subject to certain and various confidentiality agreements and/or obligations that may have been entered into between third parties and myself or my entities such that disclosure of same is prohibited.~~

~~To the extent that this Request for Production requests the names and addresses of “all persons or business enterprises,” this Request for Production is not relevant to the issue of my current financial net worth.~~

~~Furthermore, this Request for Production is inartfully drafted such that I am unable to formulate a response; to wit: “other company records” lacks specificity as to the “other records” and clarity as to the “company” to which the Request refers.~~

15. Copies of the partnership or corporate Income Tax Returns for any partnership or corporation in which you do possess or have possessed any ownership interest of 10% or more whether as partner, joint venture, stockholder or otherwise, for the last five (5) years.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. *See Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is not relevant and not likely to lead to the discovery of admissible evidence regarding my current financial net worth. This Request for Production is overbroad in time frame: For those entities in which I no longer possesses an interest, if any exist, those requested tax returns are irrelevant to my financial net worth, as any increase or decrease in his income as the result of the termination of my involvement in same is reflected in other documents that have been the subject of this Request for Production. *See Lane v. Capital Acquisitions*, 242 F.R.D. 667 (S.D. Fla. 2005). TONJA, I AM ALSO UNCLEAR AS TO WHAT THIS REQUEST IS ASKING FOR IT ASKS FOR PARTNERSHIP OR CORPORATE INCOME TAX RETURNS BUT DOES NOT SAY FOR WHAT PERIOD. THE FIVE YEARS REFERS TO THE TIME PERIOD IN WHICH JE POSSESSED AN OWNERSHIP INTEREST NOT THE YEARS OF THE RETURN, I THINK. SO THIS COULD MEAN ALL CORPORATE OR PARTNERSHIP INCOME TAX RETURNS EVER FILED FOR ANY ENTITY JE HAD AN INTEREST IN AT ANY TIME DURING THE PAST FIVE YEARS—SO I WONDER IF YOU SHOULD ADD THAT THE DRAFTING IS INARTFUL AND MAKES IT UNCLEAR WHAT IS BEING REQUESTED.~~

~~Additionally, this Request for Production is, therefore, also overbroad and overly burdensome as it is repetitious to the extent that it requests document production of information that is the subject of Requests for Production nos. 3, 4 and 5.~~

~~To the extent that this Request for Production involves the privacy rights of third parties, those third parties enjoy a right to privacy under Art 1, § 12 of the *Florida Constitution*, and providing the information would violate that right.~~

16. The title certificates, registration certificates, bills of sale, and other evidences of ownership possessed by you or held for your beneficial interest with respect to any of

the following described property owned by you or held directly or indirectly for your beneficial interest:

- a. Motor vehicles of any type;
- b. Commercial, business or construction equipment of any type; and
- c. Boats, launches, cruisers, planes, or other vessels of any type.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. *See Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is vague and inartfully drafted such that I cannot possibly craft a proper response thereto. To the extent that this Request for Production requests documents relating to those listed items in sub-points a through c that are held for my “beneficial interest,” and for which I do not hold legal title, such a Request is overbroad, not relevant, and not likely to lead to the discovery of admissible evidence.~~

~~Furthermore, to the extent that this Request for Production requires the disclosure of information related to third parties, they are protected from such disclosure under Art I, § 12 of the Florida Constitution.~~

17. All records pertaining to the transfer of any money or property interests or financial interests made by you in the past 5 years.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. *See Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is overbroad as to the five year request. *See Lane v. Capital Acquisitions*, 242 F.R.D. 667 (S.D. Fla. 2005). This Request for Production is~~

~~likewise vague and inartfully drafted such that I cannot craft a proper response thereto.~~

~~Further, depending upon the documents sought, such documents may be subject to work product privilege, Attorney/Client privilege, Accountant/Client privilege, and another party's right to privacy under Art 1, § 12 of the *Florida Constitution*.~~

~~To the extent that is Request for Production requests "all records" for the transfer of "any money or property interests," this request is overbroad, overly burdensome, and vague.~~

~~To the extent that this Request for Production involves the privacy rights of third parties, those third parties enjoy a right to privacy under Art 1, § 12 of the *Florida Constitution*, and providing the information would violate that right. To the extent that this Request for Production requires the disclosure of documents in violation of confidentiality obligations to third parties, I object to it as well.~~

18. Any and all memoranda and/or bills evidencing the amount and terms of all of your current debts and obligations.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). "[T]he act of production itself" may implicitly communicate "statements of fact" that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a "link in the chain of evidence" that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~To the extent that this Request for Production requires the disclosure of financial information regarding third parties, those third parties' right to privacy is protected by Art 1, §12 of the *Florida Constitution*.~~

~~Furthermore, this Request for Production requests documents that may be subject to confidentiality agreements and/or obligations that may have been entered into by and between third parties and myself or my entities such that disclosure is prohibited.~~

~~Further, depending upon the documents sought, such documents may be subject to work product privilege, Attorney/Client privilege, Accountant/Client privilege, and another party's right to privacy under Art 1, § 12 of the *Florida Constitution*.~~

~~To the extent that this Request for Production lacks specificity, it is vague, not relevant and not designed to lead to the discovery of admissible evidence.~~

19. All records indicating any and all income and benefits received by you from any and all sources for the past 5 years.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is overbroad as to the five year request. See *Lane v. Capital Acquisitions*, 242 F.R.D. 667 (S.D. Fla. 2005).~~

~~This Request for Production is overbroad in scope, and repetitive of Request for Production no. 2. Accordingly, to the extent that I am able to provide a response to this Request, said response has already been provided.~~

~~To the extent that this Request for Production involves the privacy rights of third parties, those third parties enjoy a right to privacy under Art 1, § 12 of the *Florida Constitution*, and providing the information would violate that right. To the extent that this Request for Production requires the disclosure of documents in violation of confidentiality obligations to third parties, I object to it as well.~~

~~Furthermore, this Request for Production requests documents that may be subject to confidentiality agreements and/or obligations that may have been entered into by and between third parties and myself or my entities such that disclosure is prohibited.~~

20. Copies of any and all brokerage account statements or securities owned by you individually, jointly with any person or entity or as trustee, guardian or custodian, for the past 5 years, including in such records date of purchase and amounts paid for such securities, and certificates of any such securities.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot

provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is overbroad as to the five year request. See *Lane v. Capital Acquisitions*, 242 F.R.D. 667 (S.D. Fla. 2005).~~

~~Additionally, this Request for Production is inartfully drafted such that I cannot formulate a proper response.~~

~~This Request for Production is not relevant and not likely to lead to the discovery of admissible evidence; to wit: assuming I was a trustee, guardian or custodian of any such intangibles, I would merely hold legal title and would not possess a beneficial interest in the asset.~~

~~Additionally, this Request for Production is prohibited from discovery as production of these requested documents will violate the beneficiary's rights to privacy as guaranteed by the Florida Constitution in Article 1, § 12. This right to privacy also applies to any party with whom I may jointly own any such interest. To the extent that this Request for Production requires the disclosure of documents in violation of confidentiality obligations to third parties, I object to it as well.~~

~~Furthermore, to the extent that the purchase price is irrelevant to my financial net worth at this time, this Request is not relevant and not designed to lead to the discovery of admissible evidence.~~

~~This Request for Production is overbroad since it requests documents that are not relevant to the issue of financial net worth for the purposes of punitive damages. Finally, to the extent that this Request for Production requests duplicative documents; *i.e.* both brokerage statements and the supporting stock certificates, this Request for Production is overly burdensome.~~

21. All records pertaining to the acquisition, transfer and sale of all securities by you or on your behalf for the past 5 years, such records to include any and all information relative to gains or losses realized from transactions involving such securities.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition

without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~To the extent that this Request for Production is duplicative of Request for Production no. 20, this Request for Production is overly burdensome. The information responsive to this Request would necessarily be included on the brokerage statements for the same time period. All objections from Request for Production no. 20 are incorporated by reference herein.~~

~~This Request for Production is also overbroad as to the five year period, and as such I assert the same objection as above. This Request for Production seeks information that is neither relevant to nor likely to lead to the discovery of admissible evidence in that it seeks historical financial information that has no relevance to my current financial net worth. See *Lane v. Capital Acquisitions*, 242 F.R.D. 667 (S.D. Fla. 2005).~~

~~To the extent that any response to this request is warranted, any such transactions are included in the responses to Requests for Production no. 2 and 3 above.~~

~~To the extent that this Request for Production involves the privacy rights of third parties, those third parties enjoy a right to privacy under Art 1, § 12 of the *Florida Constitution*, and providing the information would violate that right. To the extent that this Request for Production requires the disclosure of documents in violation of confidentiality obligations to third parties, I object to it as well.~~

22. All policies of insurance in which you or any entity controlled by you is the owner or beneficiary.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is not calculated to lead to the discovery of admissible evidence and is not relevant to the issue of my financial net worth, as any insurance policy on which I am the beneficiary is an unrealized asset that is not part of my *present* net worth, which is the issue at hand.~~

~~Furthermore, with respect to a ny policy, if any, on which I am the owner of the policy, production of same will violate the rights to financial privacy of the beneficiary as guaranteed under Art. 1, § 12 of the *Florida Constitution*.~~

23. Copies of any and all trust agreements in which you are the settlor or beneficiary together with such documents necessary and sufficient to identify the nature and current value of the trust res.

ANSWER: Objection. This Request for Production requires the identification of the existence of detailed financial information which communicates statements of fact. *Fisher v. United States*, 425 U.S. 391, 410 (1976). “[T]he act of production itself” may implicitly communicate “statements of fact” that are testimonial in nature. *United States v. Hubbell*, 530 U.S. 27, 35-36 (2000). I have a substantial and reasonable basis for concern that these statements of fact that are testimonial in nature could reasonably furnish a “link in the chain of evidence” that could be used to prosecute me in future criminal proceedings. See *Hoffman v. United States*, 341 U.S. 479, 486 (1951). I cannot provide answers/responses to questions relating to my financial history and condition without waiving my Fifth, Sixth and Fourteenth Amendment rights as guaranteed by the United States Constitution.

~~This Request for Production is neither relevant nor likely to lead to the discovery of admissible evidence since trust res is not relevant to the issue of my *present* financial net worth for the purposes of punitive damages.~~

~~Furthermore, the request for all supporting documentation is overly burdensome as drafted and vague as to the identity of same.~~

~~The documents responsive to this Request for Production, to the extent that any such documents exist, could be protected by work product privilege, Attorney/Client privilege, and/or Accountant/Client privilege. As such, to the extent that this Request seeks information that is covered by the work product privilege, Accountant/Client and or the Attorney/Client privilege, I assert said privileges, including those provided for in §§90.502 and 90.5055 of the *Florida Statutes*.~~

~~The valuation of certain assets is proprietary information that falls within the definition of trade secret as defined by §688.002(4) of the *Florida Statutes*. Accordingly, I object to the production of such information, as this information is also protected by the Florida Uniform Trade Secrets Act.~~

~~To the extent that this Request for Production involves the privacy rights of third parties, those third parties enjoy a right to privacy under Art 1, § 12 of the *Florida Constitution*, and providing the information would violate that right. To the extent that this Request for Production requires the disclosure of documents in violation of confidentiality obligations to third parties, I object to it as well.~~

~~Furthermore, production of the requested trust documents will violate the rights of privacy of the third parties to the trust as guaranteed by Art. 1, § 12 of the *Florida Constitution*.~~

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served upon all parties listed below, via Electronic Service, this ~~February 13~~ July 9, 2013.

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