

JEFFREY EPSTEIN,

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

CASE NO. 502009CA040800XXXXMBAG

Plaintiff,

vs.

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

Defendants.

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S ANSWER AND
AFFIRMATIVE DEFENSES TO DEFENDANT/COUNTER-PLAINTIFF
BRADLEY EDWARDS' COUNTERCLAIM**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), by and through his undersigned counsel and pursuant to Rule 1.110 of the *Florida Rules of Civil Procedure* hereby files his Answer and Affirmative Defenses to Defendant/Counter-Plaintiff Bradley Edwards' ("Edwards") Counterclaim, and states:

1. Epstein admits that the Counterclaim alleges an amount within the jurisdictional purview of the Court, but denies that Edwards is entitled to said amount.

2. Epstein is without knowledge as to Edwards' residential status, but admits that he is an attorney licensed to practice law in the State of Florida.

3. Epstein admits that he is a resident of Palm Beach County, Florida.

4. Epstein admits that he entered into a plea agreement, which speaks for itself. To the extent that Edwards has inaccurately summarized or interpreted any provision thereof, Epstein denies the allegations.

5. Epstein admits that he was a party to civil actions brought forth by Edwards on behalf of purported victims, but is without knowledge as to any further investigation by federal law enforcement. The remaining allegations in Paragraph 5 contain annotations that are wholly inapposite and unprincipled and serve no purpose other than to bolster Counter-Plaintiff's allegations and disparage Epstein and as such no response is warranted.

6. Epstein denies the allegations contained in Paragraph 6 and demands strict proof thereof.

7. Epstein denies the first sentence of Paragraph 7. Epstein admits that Edwards is involved in pending litigation in Federal Court under the Federal Victims' Right's Act.

8. All statements contained in Paragraph 8 are denied.

9. Epstein denies the multiple allegations contained in Paragraph 9 and demands strict proof thereof.

10. Epstein denies the multiple allegations contained in Paragraph 10 and demands strict proof thereof.

11. Epstein admits that the claims initially filed by him against Edwards are delineated in Paragraph 11 and its subparts.

12. Epstein admits that his Initial Complaint contained the allegations contained Paragraph 12, but denies the remaining allegations contained therein and demands strict proof thereof. I am concerned about the Civil Theft count so please advise at once if the requisite of sending the letter as required was not followed.

13. Epstein denies the multiple allegations contained in Paragraph 13 and demands strict proof thereof.

14. Epstein denies the allegations contained in Paragraph 14 and demands strict proof thereof.

15. Epstein denies the allegations contained in Paragraph 15 and demands strict proof thereof.

16. Epstein denies each and every allegation contained in Paragraph 16 and demands strict proof thereof.

17. Epstein denies each and every allegation and claim for damages that is contained in Paragraph 17 and demands strict proof thereof.

18. Epstein admits that the Counterclaim alleges an amount within the jurisdictional purview of the Court, but denies that Edwards is entitled to said amount.

19. Epstein is without knowledge as to Edwards' residential status, but admits that he is an attorney licensed to practice law in the State of Florida.

20. Epstein admits that he is a resident of Palm Beach County, Florida.

21. Epstein admits that he entered into a plea agreement, which speaks for itself. To the extent that Edwards has inaccurately summarized or interpreted any provision thereof, Epstein denies the allegations.

22. Epstein admits that he was a party to civil actions brought forth by purported victims, but is without knowledge as to any further investigation by federal law enforcement, or Edwards' relationship with any other purported victims.

23. Epstein admits that he asserted his rights as provided for in the Fifth Amendment to the United States Consstitution, but denies each and every allegation contained in Paragraph 23 and demands strict proof thereof.

24. Epstein denies each and every allegation contained in Paragraph 24 and demands strict proof thereof.

25. Epstein denies the multiple allegations contained in Paragraph 25 and demands strict proof thereof.

26. Epstein denies the multiple allegations contained in Paragraph 26 and demands strict proof thereof.

27. Epstein admits that his Initial Complaint contained the allegations contained Paragraph 27.

28. Epstein denies each and every allegation contained in Paragraph 28 and demands strict proof thereof. Again we have the civil theft issue in this allegation so please advise.

29. Epstein denies each and every allegation contained in Paragraph 29, including its subparts, and demands strict proof thereof.

30. Epstein denies each and every allegation contained in Paragraph 30 and demands strict proof thereof.

31. Epstein denies each and every allegation contained in Paragraph 31 and demands strict proof thereof.

32. Epstein admits that he has Amended his Complaint over the course of this litigation, and submits that the Complaints speak for themselves. Epstein denies the remaining allegations contained in Paragraph 32 and demands strict proof thereof.

33. Epstein denies each and every allegation and claim for damages that is contained in Paragraph 33 and demands strict proof thereof.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

For his First Affirmative Defense, Epstein states that Edwards' Abuse of Process claim fails to state a claim upon which relief can be granted as required under Rule 1.110 of the *Florida Rules of Civil Procedure*. Edwards did not, nor will he ever be able to, assert the three requisites required to properly plead same; to wit: 1) and illegal, improper, or perverted use of process *after it issues* (i.e., improper willful acts during the course of *a prior action or before the filing of the Complaint*); 2) an ulterior motive or purpose in exercising the illegal, improper, or perverted process; and 3) damages resulting therefrom. **Will add case law here**

SECOND AFFIRMATIVE DEFENSE

For his Second Affirmative Defense, Epstein states that Edwards' Malicious Prosecution claim fails to state a claim upon which relief can be granted as required under Rule 1.110 of the *Florida Rules of Civil Procedure*. Specifically, the requisite of a "bone-fide termination of the original proceeding in favor of the present plaintiff" as delineated by the Florida Supreme Court as one of the legally-mandated elements to bring forth a Malicious Prosecution claim, has not, nor can it, be satisfied. *See Alamo rent-A-Car v. Mancusi*, 632 So. 2d 1352, 1355 (Fla. 1994). The "original proceeding" to

which Edwards refers in his Counterclaim is, in fact, the current litigation that is pending against him; to which there has not been an “ending in a manner indicating [Edwards’] innocence of the charges or allegations contained in the first suit.” *See Doss v. Bank of America, N.A.*, 857 So. 2d 991, 994 (Fla. 5th DCA 2003). Indeed, it is well-settled law that an action for Malicious Prosecution cannot be filed until the original action is concluded and that dismissed counts of a Complaint are not deemed a “bona fide termination” in that party’s favor.

THIRD AFFIRMATIVE DEFENSE

For his Third Affirmative Defense, Epstein states that Edwards’ Counterclaim is brought in bad faith.

FOURTH AFFIRMATIVE DEFENSE

For his Fourth Affirmative Defense, Epstein states that Edwards’ Counterclaim fails to properly plead his damages as required as required under the *Florida Rules of Civil Procedure*. Edwards in fact has no damages and suffered no damages as a result of any actions allegedly taken by Epstein.

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served, via electronic and US Mail, to all parties on the attached service list.

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