

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 JEFFREY EPSTEIN'S MOTION FOR CLARIFICATION

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), by and through his undersigned counsel and pursuant to Rule 1.530 of the *Florida Rules of Civil Procedure*, hereby seeks clarification of this Court's Order dated June 17, 2013, in which the Court directed Epstein to produce a privilege log for an *in camera* review as to the requested items/information for which he asserted his non-constitutional claims of privilege in response to Defendant/Counter Plaintiff Bradley Edwards's Net Worth Interrogatories and Requests for Production (hereinafter "the Order"). In support thereof, Epstein states:

SUMMARY OF PROCEEDINGS

On February 22, 2013, Epstein filed his responses to Edwards's Net Worth Interrogatories and Request for Production. On February 25, 2013, Edwards filed a Motion to Strike Untimely Objections to Financial Discovery. In that Motion, Edwards moved to strike all objections and privileges raised by Epstein *except his Constitutional Privilege against Self Incrimination*. On March 11, 2013, this Court entered its Order on Edwards's Motion in which it overruled all objections other than privilege. In that Order, this Court explicitly, and correctly, ruled that Epstein *shall not* file a privilege log as to any documents he contends are Constitutionally Privileged. Edwards did not, and has not, challenged that portion of this Court's Order.

Subsequently, the Court entered an Order on May 17, 2013, in which it compelled Epstein to create a privilege log as to all items/answers for which he asserted privileges. In response thereto, Epstein filed a Motion for Clarification/Reconsideration as to this Order, which this Court denied on June 17, 2013, but in so doing specifically avowed that

Because the Counter-Plaintiff has expressly limited his own objections to the Counter-Defendant's assertion of non-constitutional claims of privilege, this Court will not rule on the Counter-Defendant's assertion of Fifth Amendment privilege even though many of the requested documents appear to belong to corporations which do not possess Fifth Amendment rights. Accordingly, it is here by ORDERED and ADJUDGED that the Counter-Defendant's Motion for Clarification/Reconsideration of this Court's Order Dated May 17, 2013 is DENIED. This Court will proceed with the in camera review, as previously delineated under the Second Discovery Order, **and will rule upon all of the Counter-Defendant's asserted non-constitutional claims of privileges**, both for interrogatories and document production, after the in camera review is complete.

Order dated June 17, 2013 (emphasis added). A true and correct copy of this Order is attached hereto as "Exhibit A." In response thereto, Epstein filed Amended responses to Edwards's Net Worth Interrogatories and Request for Production, in which he only asserted

his Fifth Amendment Privilege against Self-Incrimination; the only one to which Edwards did not object and for which Epstein was not required by the Court's Order to produce anything for an *in camera* inspection.

ARGUMENT

A motion for clarification is the equivalent of a motion for rehearing. *Kirby v. Speight*, 217 So. 2d 871, 872 (Fla. 1st DCA 1969); *Dambro v. Dambro*, 900 So. 2d 724, 725-26 (Fla. 4th DCA 2005). As such, a motion for clarification is filed in accordance with Rule 1.530(b) of the *Florida Rules of Civil Procedure*. "The purpose of a Motion for a Rehearing is to give the trial court an opportunity to consider matters which it failed to consider or overlooked." *Pingree v. Quaintance*, 394 So. 2d 161, 162 (Fla. 1st DCA 1981). Here, Epstein is requesting guidance from this Court in light of the Amended responses to Edwards's Net Worth Interrogatories and Request for Production he filed, in which he only asserted his Fifth Amendment Privilege against Self-Incrimination. Pursuant to the plain language of this Court's Order dated June 17, 2013, it appears that Epstein is no longer required to produce anything for an *in camera* review. However, to ensure that Epstein is not failing to comply with an Order from this Court, Epstein seeks confirmation/clarification of this Court's ruling in light of his subsequently filed Discovery responses.

CONCLUSION

Accordingly, for all of the reasons delineated above and in reliance upon the applicable law cited herein, Jeffrey Epstein respectfully requests that this Court clarify its Court Order dated June 17, 2013, and such other and further relief as this Court deems proper.

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served upon all parties listed below, via Electronic Service, this October 22, 2013.

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