

JEFFREY EPSTEIN,  
Plaintiff,

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

vs.

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

CASE NO.: 502009CA040800XXXXMBAG

JUDGE: CROW

Defendants.  
\_\_\_\_\_ /

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S MEMORANDUM  
OF LAW IN OPPOSITION TO DEFENDANT/COUNTER-PLAINTIFF  
BRADLEY EDWARDS'S MOTION FOR A PROTECTIVE ORDER**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), by and through his undersigned counsel, hereby files his Memorandum of Law in Opposition to Defendant/Counter-Plaintiff Bradley Edwards's ("Edwards") legally and factually deficient Motion for Protective Order. In support thereof, Epstein states:

**INTRODUCTION**

On or about January 9, 2013, Edwards filed his Fourth Amended Counterclaim against Epstein, asserting therein that he suffered the following damages: "a) injury to his reputation; b) mental anguish, embarrassment, and anxiety; c) fear of physical injury to himself and members of his family; d) the loss of the value of his time required to be diverted from his professional responsibilities; e) the cost of defending against Epstein's [allegedly] spurious and baseless claims." Edwards likewise claims an entitlement to punitive damages. *See Edwards's Fourth Amended Counterclaim.*

On April 23, 2013 Epstein, in defending this action, served upon Edwards an Amended Notice of Taking Deposition *Duces Tecum*. Attached thereto was a "Schedule A," delineating specific and narrowly-tailored requests for copies of items directly related

to Edwards's allegations of damages in his Fourth Amended Counterclaim. A true and correct copy of the Amended Notice and "Schedule A" are attached hereto as "Exhibit A."

On April 25, 2013, Edwards served upon Epstein a one-sentence, factually and legally deficient Motion for Protective Order, alleging in its totality that the production requested by Epstein is "overly broad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and is unnecessarily intrusive into the financial privacy of BRADLEY EDWARDS." See *Edwards's Motion for Protective Order*, attached hereto as "Exhibit B." Edwards's Motion, therefore, not only fails to comport with the rudimentary requisites delineated in Rule 1.280(c) of the *Florida Rules of Civil Procedure*, but also blatantly disregards the threshold standard to assert entitlement to his requested relief. Accordingly, and as demonstrated more fully below, denial of Edwards's Motion for Protective Order is mandated.

#### MEMORANDUM OF LAW

Rule 1.280(c) of the *Florida Rules of Civil Procedure* affords the Court discretion to grant protective orders "**for good cause shown**" and "**to protect a party from annoyance embarrassment, oppression, or undue burden or expense** that justice requires." FLA. R.CIV. P. 1.280(c) (2012) (emphasis added); *Orlando Sports Stadium, Inc. v. Sentinel Star Company*, 316 So. 2d 607, 610 (Fla. 4th DCA 1975); *Gross v. Security Trust Company*, 453 So. 2d 944, 945 (Fla. 4th DCA 1984). The moving party, therefore, bears the burden of showing the requisite "good cause," as well as the alleged "annoyance, embarrassment, oppression, or undue burden." See *Sabol v. Bennett*, 672 So.2d 93 (Fla. 3d DCA 1996).

Here, Edwards fails to present *any* good cause in his Motion for Protective Order, and wholly disregards the requirement that he properly establish the alleged annoyance, embarrassment, oppression, or undue burden. Edwards asserts impermissible one-word, conclusory **objections** in support of his claim for a protective order; to wit: “overly broad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence.” *See Exhibit B*. These legal conclusions, which are actually objections plead without *any* factual basis, are not grounds for a protective order, as they fail in their entirety to establish annoyance, embarrassment, oppression, or undue burden. Likewise, it is well-established law that “blanket” objections, such as “relevance,” “overbroad,” and “not likely to lead to the discovery of admissible evidence” are legally impermissible. *See Christie v. Hixson*, 358 So. 2d 859 (Fla. 4th DCA 1978). Discovery responses containing bare-boned objections, without more, are stricken as a matter of course. *Id.* As such, as discussed in more detail below, they cannot form the basis for good cause for a protective order.

First, with respect to Edwards’s allegation that the Schedule A requests are “overbroad,” the law is clear that a party may not assert such an allegation absent a showing—by properly asserting—that the volume of documents, hours required to compile same, or some other quantitative factor makes the request overbroad. Such an **objection** must be supported by “record evidence, such as an affidavit detailing the basis for claiming that the onus of supplying the information or documents is inordinate.” *Topp Telecom, Inc. v. Atkins*, 763 So. 2d 1197, 1199 (Fla. 4th DCA 2000). *See also Allstate Ins. Co. v. Boecher*, 733 So. 2d 993, 994 (Fla.1999) (noting the lack of “affidavits, depositions or other sworn testimony in the record to support Allstate’s

claims.”). Here, Edwards fails to do so, and further fails to explain how these allegedly overbroad requests are intended to annoy, embarrass, oppress, or unduly burden him, requiring that his Motion be denied.

Next, Edwards’s assertion in support of his Motion for a Protective Order that the requested information is “irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence” is equally deficient, as “[t]he concept of relevancy is broader in the discovery context than in trial context; a party may be permitted to discover relevant evidence that would be inadmissible at trial, if it may lead to the discovery of relevant evidence.” *Allstate Ins. Co. v. Langston*, 655 So. 2d 91, 93 (Fla. 1995). *See also Murray Van & Storage, Inc. v. Murray*, 343 So. 2d 61 (Fla. 4th DCA 1977) (stating that an objection to discovery claiming that the sought-after information is not reasonably calculated to lead to discovery of admissible evidence is a legally insufficient reason to prevent discovery). The party alleging the irrelevance bears the burden of establishing same. However, “[t]he purpose of modern discovery is to disclose items that may lead to evidence on the issues **as framed by the pleadings.**” *Caribbean Sec. Systems, Inc. v. Security Control Systems, Inc.*, 486 So. 2d 654, 656 (Fla. 3d DCA 1986) (emphasis added). Rule 1.280 of the *Florida Rules of Civil Procedure* memorializes this broad scope, and provides that

Parties may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the pending action, whether it relates to the claim or defense of the party seeking discovery or the claim or defense of any other party, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

FLA. R.CIV. P 1.280(1). As such, so long as the discovery requested is relevant to the cause of action as to **any claim or defense**, and is not otherwise subject to a privilege, it is discoverable. Here, it is Edwards's own pleadings that make each and every requested item relevant; it is he who put purported losses to his income, his reputation, and his time spent on other cases at issue. Furthermore, he specifically claims damages for his mental anguish, embarrassment, and anxiety, and as such Epstein is entitled- indeed required- to examine all alleged damages incurred as a result thereof. Accordingly, Edwards's one-sentence assertion, which is wholly devoid of either good cause or any law in support thereof, fails to satisfy the heightened requisite showing for an order of protection, mandating denial of Edwards's Motion.

Third, Edwards asserts that a protective order is warranted because the production requested "is unnecessarily intrusive into the financial privacy of BRADLEY EDWARDS<sup>1</sup>." See *Exhibit B*. However, because Edwards has put his financial status at issue by his assertion of damages, his Motion must be denied. When a party voluntarily puts his personal *and business* financial information at issue, courts will compel production of personal financial information. *Friedman v. Heart Institute of Port St. Lucie, Inc.*, 863 So.2d 189, 194 (Fla. 2003). A party's finances, if relevant to the disputed issues of the underlying action, are not excepted from discovery, and courts will compel production of personal financial documents and information if shown to be relevant by the requesting party. *Florida Gaming Corp. of Delaware v. American Jai-Alai, Inc.*, 673 So. 2d 523, 524 (Fla. 4th DCA 1996) (holding that the financial information at issue was relevant to the calculation of damages under the cause of action and as such financial discovery was proper). In the case at hand, it is irrefutable that

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<sup>1</sup> He does not, however, assert any privilege regarding this request as grounds for his Protective Order.

Edwards's financial information is relevant; in fact, it was he who put it at issue in his claims for damages; to wit: injury to his reputation; mental anguish, embarrassment, and anxiety; the loss of the value of his time required to be diverted from his professional responsibilities; and the cost of defending against Epstein's claims. The damages allegedly suffered by Edwards are not only a contested issue in this case but also a requisite element to each of his causes of action; actions which he brought and in which he claimed these damages. Accordingly, because Edwards put his financials, at issue, Edwards's Motion must be denied. *Medel v. Republic Nat. Bank of Miami*, 388 So. 2d 327 (Fla. 3d DCA 1980) (holding that trial court abused its discretion by its denial of plaintiff's motion to compel production of detailed financial data); *Charlton v. Tennant*, 365 So. 2d 418 (Fla. 2d DCA 1978).

#### CONCLUSION

Based on the arguments presented above and the authorities cited in support thereof, Plaintiff/Counter-Defendant Jeffrey Epstein respectfully requests that this Court Deny Defendant/Counter-Plaintiff Bradley Edwards's Request for a Protective Order, and grant such other and further relief as deemed necessary and proper.

/s/ Tonja Haddad Coleman  
Tonja Haddad Coleman, Esq.  
Fla. Bar No.: 0176737  
LAW OFFICES OF TONJA HADDAD, PA  
315 SE 7<sup>th</sup> Street  
Suite 301  
Fort Lauderdale, Florida 33301

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served upon all parties listed below, via Electronic Service, this April 28, 2013.

Electronic Service List

Jack Scarola, Esq.  
Searcy Denney Scarola et al.  
2139 Palm Beach Lakes Blvd.  
West Palm Beach, FL 33409

Jack Goldberger, Esq.  
Atterbury, Goldberger, & Weiss, PA  
250 Australian Ave. South  
Suite 1400  
West Palm Beach, FL 33401

Marc Nurik, Esq.  
1 East Broward Blvd.  
Suite 700  
Fort Lauderdale, FL 33301

Bradley J. Edwards, Esq.  
Farmer Jaffe Weissing Edwards Fistos Lehrman  
425 N Andrews Avenue  
Suite 2  
Fort Lauderdale, Florida 33301

Fred Haddad, Esq.  
1 Financial Plaza  
Suite 2612  
Fort Lauderdale, FL 33301

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Defendants.

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**AMENDED NOTICE OF TAKING DEPOSITION *DUCES TECUM***  
**(VIDEOTAPED)**

PLEASE TAKE NOTICE that Pursuant to Rule 1.410 of the *Florida Rules of Civil Procedure*, the undersigned attorney will take the deposition of **Defendant/Counter-Plaintiff Bradley J. Edwards** on **Wednesday, May 15, 2013 at 10:00AM** at **Empire Legal Support, Inc., 401 East Las Olas Boulevard, Suite 1400, Fort Lauderdale, FL 33301**, upon oral examination before Empire Legal Support, Notaries Public, or any other notary public or officer authorized by law to take depositions in the state of Florida. The oral examination will continue all day and day to day thereafter until completed. This deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the rules of Court.

If you fail to appear, you may be in contempt of court. You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed. This includes bringing with you the documents listed in "Schedule A" attached hereto.

We hereby certify that this date was coordinated with opposing counsel, and that a true and correct copy of this amended notice was served upon all parties listed in the service list below, via Electronic Service, this April 23, 2013.

/s/ Tonja Haddad Coleman

Tonja Haddad Coleman, Esq.

Fla. Bar No.: 0176737

LAW OFFICES OF TONJA HADDAD, PA

315 SE 7<sup>th</sup> Street

Suite 301

Fort Lauderdale, Florida 33301



**SCHEDULE A**  
**(To Bring With You For Deposition)**

1. Copies of income tax returns for the past five (5) calendar years of the Defendant/Counter-Plaintiff Bradley J. Edwards (hereinafter "Edwards") (2007-2012).
2. Income tax records for the current tax year, and copies of any estimated income tax returns filed for the current year for Edwards.
3. Copies of income tax returns, distributions, schedule K-1, and any and all other documents related to the gross income for the past four (4) calendar years of Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.
4. Copies of all documentation related to all settlements, attorneys' fees awards, jury verdict awards, and arbitration/mediation income received by Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L., and/or Bradley J. Edwards, PA.
5. Income tax records for the current tax year, and copies of any estimated income tax returns filed for the current year for Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.
6. A copy of Edwards's (or Bradley J. Edwards, PA's) partnership agreement with Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.
7. Copies of any and all memoranda, diaries, journals, appointment books, calendars, electronic mails, notes, correspondence, or other documents upon which you rely in support of your allegation of lost income/value of time diverted from your professional responsibilities as alleged in your Counterclaim.
8. Copies of any and all memoranda, diaries, journals, appointment books, calendars, electronic mails, notes, correspondence, or other documents upon which you rely in support of your allegation of injury to your reputation as alleged in your Counterclaim.
9. Copies of any and all receipts, reports, invoices, or other documents evidencing treatment for your mental anguish, embarrassment, and anxiety as alleged in your Counterclaim.
10. Copies of any and all receipts, reports, or invoices evidencing lost income suffered as a result of your mental anguish, embarrassment, and anxiety as alleged in your Counterclaim.
11. Copies of any and all memoranda, diaries, journals, appointment books, calendars, electronic mails, notes, correspondence or other documents upon which you rely in support of your claim for Punitive Damages.

12. Copies of any and all documents you intend to introduce at trial in support of the allegations made by you in your Fourth Amended Counterclaim you filed in this matter.

SERVICE LIST

CASE NO. 502009CA040800XXXXMBAG

Jack Scarola, Esq.  
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2139 Palm Beach Lakes Blvd.  
West Palm Beach, FL 33409

Jack Goldberger, Esq.  
Atterbury, Goldberger, & Weiss, PA  
250 Australian Ave. South  
Suite 1400  
West Palm Beach, FL 33401

Marc Nurik, Esq.  
1 East Broward Blvd.  
Suite 700  
Fort Lauderdale, FL 33301

Bradley J. Edwards, Esq.  
Farmer Jaffe Weissing Edwards Fistos Lehrman  
425 N Andrews Avenue  
Suite 2  
Fort Lauderdale, Florida 33301  
Staff.

Fred Haddad, Esq.  
1 Financial Plaza  
Suite 2612  
Fort Lauderdale, FL 33301

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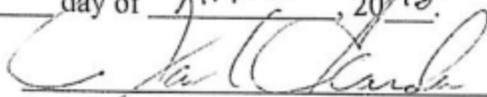
SCOTT ROTHSTEIN, individually,  
BRADLEY J. EDWARDS, individually, and  
L.M., individually,

Defendant(s).

MOTION FOR PROTECTIVE ORDER

BRADLEY EDWARDS, by and through his undersigned attorneys, move this Honorable Court for the entry of an Order of Protection limiting the production required in response to the attached Amended Notice of Taking Deposition Duces Tecum on the grounds that production requested is overly broad, irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence, and is unnecessarily intrusive into the financial privacy of BRADLEY EDWARDS.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 25<sup>th</sup> day of APRIL, 2013.

  
\_\_\_\_\_  
Jack Scarola

Florida Bar No.: 169440

Primary E-mail: [REDACTED]

Secondary E-mail(s): [REDACTED]

Searcy Denney Scarola Barnhart & Shipley, P.A.

2139 Palm Beach Lakes Boulevard

West Palm Beach, Florida 33409

Phone: [REDACTED]

Fax: [REDACTED]

Attorneys for BRADLEY J. EDWARDS

COUNSEL LIST

Jack A. Goldberger, Esquire  
[REDACTED];  
Atterbury, Goldberger & Weiss, P.A.  
250 Australian Avenue South, Suite 1400  
West Palm Beach, FL 33401  
Phone: [REDACTED]  
Fax: [REDACTED]  
Attorneys for Jeffrey Epstein

Bradley J. Edwards, Esquire  
staff.efile@pathtojustice.com  
Farmer, Jaffe, Weissing, Edwards, Fistos &  
Lehrman, FL  
425 North Andrews Avenue, Suite 2  
Fort Lauderdale, FL 33301  
Phone: [REDACTED]  
Fax: [REDACTED]

Fred Haddad, Esquire  
Dee@FredHadd[REDACTED];  
[REDACTED];  
Fred Haddad, P.A.  
One Financial Plaza, Suite 2612

Fort Lauderdale, FL 33394  
Phone: (954)-467-6767  
Fax: (954)-467-3599  
Attorneys for Jeffrey Epstein

Marc S. Nurik, Esquire  
[REDACTED];  
Law Offices of Marc S. Nurik  
One E Broward Blvd., Suite 700  
Fort Lauderdale, FL 33301  
Phone: [REDACTED]  
Fax: [REDACTED]  
Attorneys for Scott Rothstein  
Tonja Haddad Coleman, Esquire  
[REDACTED];  
Debbie@Tonjahaddad.com  
Tonja Haddad, P.A.  
315 SE 7th Street, Suite 301  
Fort Lauderdale, FL 33301  
Phone: [REDACTED]  
Fax: [REDACTED]  
Attorneys for Jeffrey Epstein