

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
Fort Lauderdale Division

IN RE:

ROTHSTEIN ROSENFELDT ADLER, P.A.
Debtor.

CASE NO. 09-34791-BKC-RBR

CHAPTER 11

**JEFFREY EPSTEIN'S RENEWED MOTION FOR ENTRY OF ORDER
GRANTING LEAVE TO DEPOSE SCOTT W. ROTHSTEIN AND FOR AN
ORDER RE-CERTIFYING TO THE DISTRICT COURT THE NEED
FOR MORE TIME TO DEPOSE SCOTT W. ROTHSTEIN**

COMES NOW, Interested Party Jeffrey Epstein, by and through his undersigned counsel, and hereby files his Renewed Motion for the entry of an Order granting Jeffrey Epstein leave to depose SCOTT W. ROTHSTEIN. The grounds for this Motion are as follows:

1. On June 2, 2011, this Court entered its *Agreed Order Granting, In Part: The Motion of Trustee Herbert Stetting to Issue a Writ of Habeas Corpus Ad Testificandum [D.E. 1595]; Gibraltar Private Bank & Trust's Motion for Leave to Depose Scott Rothstein and for Certification to District Court for Issuance of Writ of Habeas Corpus Ad Testificandum [D.E. 1660]; and Razorback Creditors' Motion for Issuance of Writ of Habeas Corpus Ad Testificandum to Depose Scott W. Rothstein in State Court Litigation [D.E. 1685] and Establishing Protocol for Examination and Deposition (the "Rothstein Deposition Protocol Order") [D.E. 1751].*

2. Paragraph 2 of the Rothstein Deposition Protocol Order states, *inter alia*, that "[a]ll parties who have not as of the date of this Order secured permission to depose [Scott] Rothstein and who wish to take his deposition shall: a) secure from the court in which the litigation is pending an order granting leave to depose Rothstein..."

3. On or about December 7, 2009, Jeffrey Epstein commenced litigation against SCOTT ROTHSTEIN and BRADLEY J. EDWARDS for damages. A copy of the Corrected Second Amended Complaint is attached hereto and incorporated by reference as Exhibit 1. A review of the Exhibit demonstrates the need for ROTHSTEIN's deposition in this case.

4. Pursuant to the Rothstein Deposition Protocol Order, Jeffrey Epstein seeks the entry of an Order granting leave to depose SCOTT W. ROTHSTEIN.

5. At a hearing on this matter held on December 9, 2011, the Court denied without prejudice Jeffrey Epstein's Motion [DE 2511] because it was determined that the scheduled Rothstein depositions were filled to capacity. The Court stated it would re-certify the need for further depositions of Rothstein.

6. Jeffrey Epstein renews his Motion to Depose Scott Rothstein. J. Epstein has already provided the U.S. Attorney the requested information for security screening.

7. Undersigned counsel, Joseph L. Ackerman, Jr., certifies that prior to filing this Motion, he contacted Charles Lichtman, attorney for the Trustee. The Trustee does not object to this Motion as long as the timing does not interfere with the Trustee's need to depose Mr. Rothstein in certain pending adversary proceedings.

WHEREFORE, for the reasons set forth above, Jeffrey Epstein respectfully requests that this Court enter an Order granting leave to depose SCOTT W. ROTHSTEIN and to re-certify to the District Court the need for more time to depose SCOTT W. ROTHSTEIN.

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Southern District of Florida, and I am in compliance with the additional qualifications to practice in this Court set forth in Local Rule 2090-1(A).

DATED: January 11, 2012.

Respectfully submitted,

s/John S. Graham

John S. Graham

Florida Bar No. 52147

[REDACTED]

Joseph L. Ackerman, Jr.

Florida Bar No. 235954

[REDACTED]

FOWLER WHITE BURNETT, [REDACTED].

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 11, 2012, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all electronic notice parties by CM/ECF and by U.S. Mail to: Jack Scarola, Esq., Searcy Denney Scarola Barnhart & Shipley, P.A., 2139 Palm Beach Lakes Blvd., West Palm Beach, FL 33409; Jack Alan Goldberger, Esq., Atterbury, Goldberger & Weiss, P.A., 250 Australian Ave. South, Suite 1400, West Palm Beach, FL 33401-5012; and Marc S. Nurik, Esq., Law Offices of Marc S. Nurik, One East Broward Blvd., Suite 700, Fort Lauderdale, FL 33301.

s/John S. Graham
John S. Graham, Esq.