

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

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

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S MOTION TO
FILE AN AMENDMENT TO HIS ANSWER AND AFFIRMATIVE DEFENSES
TO DEFENDANT/COUNTER-PLAINTIFF'S FOURTH AMENDED
COUNTERCLAIM**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), by and through his undersigned counsel and pursuant to Rule 1.190 of the *Florida Rules of Civil Procedure*, hereby moves this Honorable Court to permit the filing of the accompanying Amended Answer and Affirmative Defenses to Edwards's Fourth Amended Counterclaim to conform with the evidence.

Rule 1.190(a) of the *Florida Rules of Civil Procedure* governs amendments to pleadings, and provides, in relevant part, that "[l]eave of court shall be given freely when justice so requires." Fla. R.Civ. P. 1.190(a) (2013). Here, Epstein specifically reserved the right to amend his affirmative defenses when he filed his Answer and Affirmative Defenses to Edwards's Fourth Amended Counterclaim, and the only Amendment to the Answer and Affirmative Defenses is the addition of a Fifth Affirmative Defense, about which the Defendant/Counter-Plaintiff has recently sought discovery and is, therefore not

prejudiced by this amendment. *Bradford Builders, Inc. v. Department of Water and Sewers of City of Miami*, 142 So. 2d 137 (Fla. 3d DCA 1962) As such, Epstein should amend his pleadings to conform to the evidence. *Trans World Marine Corp. v. Threlkeld*, 201 So. 2d 614 (Fla. 3d DCA 1967); FLA. R.CIV. P. 1.190(b).

WHEREFORE Plaintiff/Counter-Defendant Jeffrey Epstein seeks leave to file the proposed Amendment to his Answer and Affirmative Defenses to Edwards's Fourth Amended Counterclaim as attached hereto.

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served, via electronic service, to all parties on the attached service list, this September 9, 2013.

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CASE NO. 502009CA040800XXXXMBAG

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