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1 IN THE CIRCUIT COURT OF THE 15TH JUDICIAL?
2 CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA

3 Complex Litigation, Fla.R.Civ.Pro.1201

4 CASE NO. 50 2009CA040800XXXXMB AG

5 JEFFREY EPSTEIN,

6 Plaintiff,

7 vs.

8 SCOTT ROTHSTEIN, individually,
9 BRADLEY J. EDWARDS, individually,
10 and L.M., individually,
Defendants.

11 _____ /
12
13 DEPOSITION OF
14 RUSSELL S. ADLER

15
16 Taken on Behalf of the Plaintiff

17 DATE TAKEN: Wednesday, April 20, 2011
18 TIME: 9:10 AM - 3:00 PM
19 PLACE: Fowler White Burnett, P.A.
20 One Financial Plaza - 21st Floor
21 100 Southeast 3rd Avenue
22 Fort Lauderdale, FL 33394

23 Examination of the witness taken before:
24 Lee Lynott, Certified Merit Reporter
25 Registered Professional Reporter
26 Certified Shorthand Reporter, Florida
27 Hi-Tech/United Reporting, Inc.
28 1218 SE 3rd Avenue

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3 APPEARANCE FOR THE PLAINTIFF:

4 FOWLER WHITE BURNETT, P.A.
5 BY: SUSAN APRIL, ESQUIRE
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7 100 Southeast 3rd Avenue
8 Fort Lauderdale, Florida 33394

9
10 APPEARANCE FOR THE DEFENDANT BRADLEY EDWARDS:

11 SEARCHY DENNEY SCAROLA BARNHART & SHIPLEY
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West Palm Beach, Florida 33409

12 APPEARANCE FOR THE WITNESS, RUSSELL S. ADLER:

13 FRED HADDAD LAW OFFICES
14 BY: FRED HADDAD, ESQUIRE
15 One Financial Plaza - Suite 2612
16 100 Southeast 3rd Avenue
17 Fort Lauderdale, Florida 33301
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10 * * *

11 PLAINTIFF'S EXHIBIT INDEX

12 Exhibit. Description Page No.
13 No. 1 Subpoena For Deposition Duces Tecum 6

14 DEFENDANT'S EXHIBIT INDEX

15 No. Description Page No.
16 ***** NONE *****
17
18
19
20
21
22
23
24
25

0004

1 THEREUPON,
2 THE COURT REPORTER: Do you swear or affirm
3 that the testimony you are about to give will be
4 the truth, the whole truth, and nothing but the
5 truth?
6 * * *

7 WHEREUPON,
8 RUSSELL S. ADLER
9 acknowledged having been first duly sworn to tell the
10 truth, testified upon his oath as follows:

11 THE WITNESS: I do.

12 DIRECT EXAMINATION

13 BY MRS. APRIL:

14 Q Sir, my name is Susan April. We met just a
15 few minutes ago I guess on the other side of the room
16 here. Thank you for coming today.

17 You know, of course, Mr. Haddad is your
18 lawyer today, right?

19 A Yes.

20 Q And you know Bill King over here?

21 A Just met him.

22 Q Just met him? And you were out in the
23 hallway talking to him for a moment?

24 A Yes.

25 Q Can I ask you what you were talking about?

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1 A What we were talking about?

2 Q Yeah.

3 A Just the fact that much of what we
4 anticipate that you're going to ask is protected by
5 the work-product privilege and I told him I would
6 invoke it as I see necessary.

7 Q Alrighty. Let me get down some basic
8 information. Is your full name Russell S. Adler?

9 A Yes.

10 Q Can I get your current address?

11 A I'm presently residing at [REDACTED]
12 [REDACTED]

13 Q Are you currently employed?

14 A Self-employed.

15 Q What is the name of your business?

16 A Russell S. Adler, P.A.

17 Q And where is your business address?

18 A 401 East Las Olas Boulevard, Suite 1400.

19 Q How long have you been with that firm as a
20 self-employed attorney?

21 A Since November 2009.

22 Q What's your date of birth, sir?

23 A [REDACTED].

24 Q Are you taking any medications or anything
25 that would impair your ability to testify truthfully

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1 today --

2 A No.

3 Q -- or impair your memory?

4 Did you see a Notice of Taking Deposition
5 with an attached subpoena for this deposition?

6 A I saw the subpoena. I don't know that I
7 ever saw the notice.

8 Q Did you bring any documents with you today?

9 A No.

10 Q Did you understand the subpoena to request
11 that you bring documents?

12 A Please show it to me.

13 Q I will.

14 A I may have read it. I don't recall what it
15 says as I sit here now.

16 (WHEREUPON, the document was marked as an
17 Plaintiff's Exhibit No. 1 for Identification and
18 attached).

19 A I guess you want me to look at the duces
20 tecum?

21 Q Please. Do you recall seeing that, sir?

22 A Briefly.

23 Q Can you tell me on page -- Well, it's
24 numbered Page 6 because it was numbered I guess as an
25 attachment to a notice, but where it says "requests"

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1 in the middle of Page 6.

2 A I'm looking at it.

3 Q Did you search for any documents that you
4 believe would be responsive to these requests?

5 A I'm reading it. Hold on.

6 Q Well, let's go through it because it will
7 save time I think.

8 A Go ahead.

9 Q The first one: Did you look to see if you
10 had documents evidencing any and all written
11 communications between you and Bradley Edwards
12 regarding any pending and/or contemplating litigation
13 against Jeffrey Epstein from September 2008 to the
14 present?

15 A Let me save you some time and paint with a
16 broad brush. Any communications between myself or
17 Brad Edwards - or I see you even have Scott Rothstein
18 listed in another one of these requests - during the
19 time that I was employed by the RRA firm is
20 work-product privilege and I invoke that privilege
21 and I will refuse to answer any questions concerning
22 any such communications. That privilege extends to
23 any of these documents that you're requesting that
24 fits within those parameters.

25 Q Well, let me --

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1 A As to Number 1, there is absolutely nothing
2 concerning this from, let's say, November or October
3 31st, 2009 through the present.

4 As to anything from 2008 through November
5 of 2009, that would be the time that I was employed
6 by RRA and you are not entitled to those documents
7 if, in fact, they even exist because it's
8 work-product privilege.

9 Q Well, let me ask you this question. You
10 just said if, in fact, they even exist. What I'm
11 asking you is, let's go back to my earlier questions:
12 Did you look to see if you have any documents,
13 whether or not they would be work-product, for that
14 period of time?

15 A I don't even have access to those documents
16 any more. They're the property of the bankruptcy

17 trustee --
18 (WHEREUPON, an off-the-record discussion
19 was had).
20 A First of all, you interrupted me in the
21 middle of my answer to the question.
22 Q I'm sorry. She barged in.
23 A Let me finish.
24 MRS. APRIL: How about you read it back?
25 (WHEREUPON, the requested testimony was
0009
1 read back by the court reporter).
2 THE WITNESS: They're the property of the
3 bankruptcy Trustee. I don't even know if I'm
4 still a member of any QTASK process concerning
5 these matters.
6 But in any event, the Trustee has made it
7 very clear that the files that were being
8 handled by the firm are the property of the
9 bankruptcy Trustee unless they have been
10 transferred out to another attorney, and they
11 were not transferred to me. So, no, I do not
12 have the right to see those files or access to
13 those files.
14 BY MRS. APRIL:
15 Q So you don't have them you're saying?
16 A Correct.
17 Q Therefore, you didn't look because you know
18 you don't have them?
19 A Correct.
20 Q I think, just to be clear, that you said
21 anything from November 1st, 2009 to the present is
22 nothing that exists that's responsive to Number 1?
23 A Correct.
24 Q Number 2, did you look to see if you had
25 any communications, and that would include e-mails,
0010
1 between you and Mr. Edwards about compensation or
2 benefits that he expected or requested from the firm
3 from September 2008 to October 31st, 2000 --
4 A There were no such communications --
5 Q Can I finish my question, sir? I know
6 you've been in depositions, right?
7 A Well, why don't you just ask me if I have
8 anything responsive to Number 2? You don't have to
9 read it to me on the record. I can read.
10 Q Sir, this will go smoother and faster. I
11 think I'm being courteous to you --
12 A It will go a lot faster --
13 Q If you're not going to let me finish my
14 questions, we're going to be here really long and I
15 have things to do also.
16 A If you insist on reading everything to me
17 that is right in front of me it is going to take
18 really long, but I'm not going to tell you how to
19 take your deposition. So, finish the question.

20 Q Thank you. Have you had a chance to look
21 at Number 2?
22 A Yes.
23 Q Do you have any documents that are
24 responsive?
25 A No.

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1 Q Did you look to see if you have any?
2 A No. But I was not even involved in Brad
3 Edwards' compensation or benefits when he was hired
4 by RRA, so I know I don't have anything -- I know
5 that there's nothing like that out there. And if
6 there is, I don't have access to it any way.
7 Q Let me ask you about that for a minute.
8 When Brad Edwards -- You know Brad Edwards, I take
9 it, because you mentioned his name several times?
10 A Yes.
11 Q When did you first meet Brad Edwards?
12 A Probably four or five years ago.
13 Q Where did you meet him?
14 A At the gym. I'm sorry. He appeared -- He
15 did some work on a case when he was with the Kubicki,
16 Draper firm. It was a personal injury case when he
17 worked for Earleen Cote.
18 Q Was that a case that you were involved in?
19 A Yes.
20 Q Were you on the same side?
21 A No.
22 Q He was opposing counsel?
23 A Defense counsel, yes.
24 Q Do you know what year that was?
25 A Nope.

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1 Q About five years ago?
2 A Approximately.
3 Q And then you mentioned something about --
4 A Wait a minute. Now, that would be probably
5 seven or eight years ago now that I think about it.
6 Sorry.
7 Q And Earleen Coat (pronouncing), is that the
8 name you said?
9 A C-o-t-e.
10 Q She was at the time an attorney at Kubicki,
11 Draper?
12 A Still is.
13 Q How did that case turn out?
14 A I don't even remember what case it was, so
15 I can't tell you how it turned out.
16 Q After that did you have any occasion to
17 communicate with him before he joined RRA? And I'm
18 going to use RRA for your former firm of Rothstein,
19 Rosenfeldt & Adler, if that's okay?
20 A I would see him at the gym from time to
21 time and we would have smalltalk, but that's about
22 it.

23 Q What gym was that?
24 A It was the, I think it was called The
25 Fitness Company and it was located in the 110 Tower
0013
1 across the street from the Broward County
2 courthouse.
3 Q During the time that you would see him at
4 the gym and have smalltalk occasionally, did you ever
5 have any conversations before or after the gym or did
6 you ever meet with him for social activity?
7 A No. Before he joined the firm, no. Or
8 right before he -- until right before he joined the
9 firm, no.
10 Q From the time that you met him when he
11 worked at Kubicki, Draper, other than seeing him at
12 the gym occasionally, you had no communication with
13 him until he joined the firm, is that correct?
14 A Until soon before he joined the firm,
15 correct.
16 Q Can you tell me, as best as you can recall,
17 how he was recruited or if he was recruited to join
18 the firm?
19 A He was not recruited to join. Well, I'll
20 tell you what happened, because that's subject to
21 interpretation.
22 I received a large verdict in a sexual
23 abuse case in Palm Beach County and it was in the
24 newspaper. Brad called me and said that, I read
25 about your verdict. And he told me that he had some
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1 sexual abuse cases as well.
2 And I told him, I said, Let's have lunch,
3 because I was looking for -- I was always on the
4 look-out for lawyers who I would potentially like to
5 work with and bring into the tort practice group at
6 the law firm. And so, we had lunch.
7 Q And was anyone else at the lunch?
8 A Nope.
9 Q What was the case that you got the large
10 verdict in, if you remember?
11 A It was called Doe or Jane Doe,
12 S-i-r-i-w-a-t.
13 Q How large was the verdict?
14 A \$24 million.
15 Q Did Christina Kitterman also work on that
16 case?
17 A She brought the case in. She did very
18 little on that file, if anything. I did pretty much
19 all the work.
20 Q So you had lunch with Brad Edwards. Where
21 did you have lunch?
22 A Yolo.
23 Q Can you tell me what the discussion
24 consisted of?
25 A He told me a little bit about his cases, I

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1 told him about my practice group with the law firm
2 and we talked about the possibility of him joining
3 the firm.

4 Q What cases did he tell you he had?

5 A The Jeffrey Epstein cases.

6 Q Do you know how many there were at that
7 time?

8 A I don't recall.

9 Q Were there more than three?

10 A I believe so, but I'm not positive.

11 Q Do you know how many of them were
12 designated, in other words, how they were named in
13 the court files?

14 A We didn't discuss that level of detail.

15 Q What did he tell you the cases -- what did
16 he tell you was the basis of the cases?

17 A He told me that he represented several
18 young girls who were - I'm not sure if he used the
19 word "molested," but that's the word that sticks in
20 my mind - molested by Jeffrey Epstein.

21 Q Did you know who Jeffrey Epstein was at
22 that time?

23 A No.

24 Q Did he explain to you who Jeffrey Epstein
25 was?

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1 A Briefly.

2 Q How long did you meet, was it just a lunch
3 hour?

4 A Correct.

5 Q Did he tell you how far along in discovery
6 he was in those cases?

7 A I don't believe so. I think we just spoke
8 about them generally.

9 Q Did he tell you what he thought they were
10 valued at?

11 A I don't think he did, no.

12 Q Prior to that lunch, when you would see him
13 at the gym, did you ever know that he worked on those
14 kinds of cases?

15 A No. I knew that at some point he had left
16 Kubicki, Draper and he was in solo practice, but I
17 didn't know really anything else about what kind of
18 cases he was handling.

19 Q From your experience with him or observing
20 his work at Kubicki, Draper, did you think he was a
21 good lawyer?

22 A Yes.

23 Q Or, did you have an opinion about his legal
24 skills?

25 A It was more that I liked the guy and I

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1 thought he was really sharp. I didn't have that many
2 dealings with him during that case that I could, you

3 know, in order to measure his skills as a lawyer.
4 Q Was it your impression during the lunch
5 meeting with Brad that he might be interested in
6 joining with the firm, with your firm?

7 A At the time, yes.

8 Q Did he tell you he was interested in doing
9 that?

10 A I think he was interested at that point,
11 sure.

12 Q What did you tell him about the prospects
13 of his being offered an opportunity to join your
14 firm?

15 A I believe I told him I'd --

16 MR. KING: Let me interpose an objection
17 here. If there were any discussions at all
18 relating to compensation then we're going to
19 invoke the financial and privacy privilege.

20 MRS. APRIL: What is that privilege since I
21 cannot find it and I've seen it invoked in Mr.
22 Edwards' deposition. Do you have some authority
23 for that?

24 MR. KING: It is well-recognized that
25 parties have a right to protect financial

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1 privilege unless -- financial information unless
2 it is otherwise deemed relevant. And we'll take
3 that position --

4 THE WITNESS: Well, hold on a second. Let
5 me save you some time, okay? I didn't discuss
6 compensation with him.

7 BY MRS. APRIL:

8 Q I don't think I even asked you that question
9 yet which is why I wanted to go back.

10 A It could have been part of an answer in
11 fairness.

12 MRS. APRIL: I think the objection is
13 premature and in the nature of coaching, with
14 all due respect. So, could you read my question
15 back and maybe you could answer it without
16 disclosing anything that you think is
17 improper.

18 (WHEREUPON, the last question was read
19 back by the court reporter).

20 A I told him I was interested in bringing him
21 in and that he should make an appointment to come in
22 and meet with Rothstein.

23 Q Is that how you left it when you ended your
24 lunch?

25 A I believe so, yes.

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1 Q Did you tell Scott Rothstein that you had
2 had a meeting with Brad Edwards?

3 A I'm sure I did at some point, yeah.

4 Q Did you recommend that Scott consider
5 offering him a position?

6 A Yes.

7 Q What is the next thing you recall about
8 Brad joining the firm, did Brad tell you he made an
9 appointment with Scott?

10 A I don't recall that, but I do recall he
11 joined the firm.

12 Q What month was it or what year and month
13 was it that you had the lunch meeting?

14 A I don't remember.

15 Q Do you know if Brad Edwards joined the firm
16 in 2009?

17 A I don't remember.

18 Q Do you know what day Rothstein, Rosenfeldt
19 & Adler stopped doing business?

20 A Well, we found out that there was a problem
21 on Halloween, October 31st, 2009. The day that the
22 entity formally stopped doing business I'm not clear
23 on, because a Trustee was appointed and then a
24 bankruptcy Trustee was appointed. And I don't know
25 the exact definition of operations, so I can't tell

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1 you any more than that.

2 Q Let's use Halloween as close enough. But
3 as a practical matter, you stopped working there on
4 or about Halloween of 2009?

5 A I stayed, I stayed around for a few more
6 weeks because I had to try and wind things up in
7 transition and everything happened very suddenly and
8 it was very shocking to everybody. So, I stayed
9 around for a couple of weeks until I made
10 arrangements to go into solo practice.

11 Q Do you recall testifying at another
12 deposition taken by Charles Lichtman in a case called
13 "In Re: Rothstein, Rosenfeldt & Adler," the
14 bankruptcy case?

15 A Yes. My deposition, yes.

16 Q Do you remember Mr. Lichtman asking you
17 whether you thought that Brad Edwards had joined the
18 firm around June of 2009?

19 A I don't recall that specific question and
20 answer, if you want to show it to me. But if it's in
21 the deposition transcript, I, obviously, was asked
22 about it.

23 Q But you don't actually know when he joined?

24 A I don't recall the specific year that he
25 joined, and I'm being very careful because I'm under

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1 oath today.

2 Q Yes, you are.

3 A I really don't know if it was late-'08,
4 early-'09 or what the date was. You probably know
5 about it, though.

6 Q Well, if I told you that I had seen
7 communications between RRA lawyers, including Brad
8 Edwards, that are starting in April of 2009, does

9 that refresh your memory at all?

10 A With all due respect, you represent Mr.
11 Epstein and I'm not going to take anything that you
12 tell me as the truth, especially if you're not going
13 to be showing me documents. So, don't ask me to
14 confirm communications that you claim to have without
15 showing them to me. I'm not doing that.

16 Q You don't know? Your best recollection is
17 late-'08 or sometime in the early part of '09, is
18 that what I understood your last --

19 Sir, can I ask you to not --

20 A Yes.

21 Q If you want to take a break or make phone
22 calls or do whatever you're doing on your phone, I'm
23 fine with that, but I would appreciate your giving us
24 your attention.

25 A I'm sorry. I just told someone to stop

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1 texting me, to leave me alone.

2 What was your question?

3 Q You are under oath and this is testimony.

4 MRS. APRIL: You want to read back the
5 last question?

6 (WHEREUPON, the requested testimony was
7 read back by the court reporter).

8 THE WITNESS: I don't have a specific
9 recollection as I sit here today. If I gave a
10 more exact answer under oath in my deposition in
11 a Trustee case then that was my sworn testimony
12 at the time and it is what it is.

13 BY MRS. APRIL:

14 Q You made a comment a moment ago that you
15 don't trust me because I represent Mr. Epstein. Can
16 I ask you what that has to do with whether -- Have
17 you ever met me before today?

18 A It has nothing to do with you personally or
19 even Mr. Epstein. You are taking my deposition in
20 litigation that I am not a party to.

21 Q That's right.

22 A I'm not going to take any lawyer's word
23 that they've seen something that they haven't even
24 shown me to use that as the basis for asking me
25 questions. If you want to ask me about specific

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1 documents or communications then show me the
2 document, mark it, and I will answer your questions
3 if I know the answer.

4 Q Have you talked to Brad Edwards about the
5 fact that he has been sued by Jeffrey Epstein in the
6 case that we're here on today, which is Jeffrey
7 Epstein vs. Scott Rothstein and Bradley Edwards, et
8 al?

9 A Yes, briefly.

10 Q What did he say to you and what did you say
11 to him?

12 A After he was sued, he told me about the
13 lawsuit and that he was being sued. That was about
14 all we talked about at that time. And then I
15 recently spoke with him about my upcoming deposition
16 for the same purpose I just mentioned to his lawyer,
17 because after I was subpoenaed for deposition I
18 called him and told him that I believe that
19 everything that we did at the law firm during the
20 pendency and handling of that case is work-product
21 privilege and I intend to invoke that privilege and
22 refuse to answer any questions encompassed by that
23 privilege unless ordered to do so by the judge.

24 Q You say "that case." What case are you
25 referring to, sir?

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1 A What do you mean that case?

2 Q You just made a statement that included a
3 reference, to quote, that case.

4 THE WITNESS: Can you read back my answer,
5 please?

6 (WHEREUPON, the requested testimony was
7 read back by the court reporter).

8 A To answer your question - and I apologize -
9 I was referring to the lawsuits against Jeffrey
10 Epstein that Brad Edwards was handling both before he
11 joined the RRA firm and after.

12 Q Earlier in your testimony you mentioned
13 that you couldn't remember the exact style of those
14 suits or the exact amount, the number of suits. Were
15 there additional suits filed against Jeffrey Epstein
16 by your firm after Brad Edwards joined the firm,
17 whenever that was?

18 A I don't recall, because I had very little
19 involvement in those cases at all. They were Brad's
20 cases when he joined the firm and they remained
21 Brad's cases after he joined the firm. I was merely
22 the head of the Tort Litigation Division and in an
23 administrative capacity. I don't think I did much of
24 anything in any of those Epstein cases, and that's
25 why I don't remember or I cannot tell you about the

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1 details you're asking.

2 Q Your position is: If you did talk to Brad
3 Edwards about cases against Jeffrey Epstein during
4 the time that you both worked at RRA that they're
5 subject, those conversations, to a work-product
6 privilege, right?

7 A Absolutely.

8 Q Have you read the complaint or the amended
9 complaint filed by Jeffrey Epstein against Brad
10 Edwards?

11 A No.

12 Q Have you read Brad Edwards' deposition
13 given in that case?

14 A Are you talking about in this case?

15 Q In this case?
16 A No.
17 Q Did Brad Edwards talk to you at all about
18 questions he was asked during his deposition in this
19 case?
20 A No.
21 Q You mentioned that you had these couple of
22 conversations with Mr. Edwards concerning this case
23 once when he told you he had been sued by Jeffrey
24 Epstein and then more recently when you said you
25 were -- you told him you were going to be deposed?

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1 A Correct.
2 Q What did he say to you in response to your
3 remarks?
4 A He just agreed with me that any questions
5 you ask me about any communications, thoughts,
6 discussions or, basically, anything else we did while
7 at the RRA firm handling those cases is work-product
8 privilege. That was it.
9 Q In your view, was the communication that
10 was held between you and Scott Rothstein, Brad
11 Edwards and several other attorneys at a conference
12 in Mr. Rothstein's office where boxes were in the
13 room from the Epstein cases, was that conversation
14 privileged? Do you remember there being such a
15 conversation, let me ask you that?

16 A I'm thinking. I remember a conference in
17 Rothstein's office soon before -- soon before October
18 31st sometime I think during that month. I do not
19 recall boxes from the Epstein case being present. If
20 they were, I didn't -- I wasn't aware of that at the
21 time. But if it was about that case, then it's
22 absolutely work-product privilege.

23 Q Do you remember testifying about the
24 subject matter of the discussion in your deposition
25 taken by Mr. Lichtman in the bankruptcy case?

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1 A I don't, but I'm happy to look at what
2 you're referring to if you would like to show it to
3 me.

4 Q I'm going to draw your attention to Page
5 131 and 132 of the deposition of Russell Adler taken
6 October 28th, 2010 by Charles Lichtman.

7 Rather than read it to you, because that
8 would make the record long, I'm going to ask you to
9 start looking at: "Did you have any involvement in
10 any" --

11 MR. KING: Let me look over your shoulder.
12 You don't have an extra copy, do you?

13 MRS. APRIL: Not that's not marked up.

14 A I've read the portions that you asked me to
15 read and, now, I recall a little more detail.

16 Q Do you remember Scott Rothstein calling you
17 and Mr. Edwards and Gary Farmer and perhaps others

18 into your office --
19 A Into his office?
20 Q -- into his office to ask you questions?
21 A Yes.
22 Q And you recall testifying - now that you've
23 looked at this - that you wanted to know about
24 whether or not a particular statute applied to a
25 sexual abuse case?

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1 A I remember exactly what I said --
2 MR. KING: Let me interpose an objection.
3 I didn't mean to cut you off. I want you to
4 complete your answer.
5 A I am not sure if at this point because of
6 my testimony in the Trustee case it is still
7 work-product or not work-product. Suffice it to say,
8 I do remember asking (sic) the questions and
9 answering them to the best of my ability in my
10 deposition on the pages that you referenced and I
11 stand by that testimony. Although, as to this case,
12 I am unsure as to whether or not that is work-product
13 privilege.

14 MR. KING: And we would assert it to the
15 extent that you intend to pursue it.

16 MRS. APRIL: I'm sorry. I didn't
17 understand your --

18 MR. KING: We would intend to assert the
19 work-product doctrine to the extent that you
20 intend to pursue it beyond the question you just
21 asked relating to whether or not his testimony
22 was his testimony.

23 A And I will point out that that testimony
24 was given in a deposition where I was being sued by
25 the Trustee that stands in the shoes of RRA. And

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1 it's my understanding that, by order of Judge Rey,
2 all privileges, work-product, attorney-client are
3 preserved and that's why I am not comfortable
4 testifying openly in this deposition about those
5 dealings and conversations in light of who the
6 parties are in this case.

7 In other words, I still think there is a
8 work-product privilege as to Mr. Epstein. And, if
9 I'm wrong, then the circuit judge in this case can
10 tell me so and order me to tell you more.

11 Q You mentioned that there was an order of
12 Judge Rey in connection with the case where the
13 bankruptcy Trustee sued you and your wife was sued in
14 that case, too, right?

15 A Yes.

16 Q Do you know specifically when that order
17 was entered where Judge Rey said that?

18 A I just have a recollection of knowing that
19 in the main bankruptcy case, of which the adversary
20 case against me was an offshoot, in the main

21 bankruptcy case there was a ruling that the Trustee
22 stood in the shoes of the law firm and that all
23 privileges were preserved, because I guess that's
24 what happens when a Trustee takes over a law firm.

25 Q Who represented you in that case?

0030

1 A In the bankruptcy adversary case?

2 Q Yes. Did Mr. Haddad represent you there as
3 well?

4 A Mr. Haddad represented me in that and I was
5 also represented by a few other lawyers.

6 Q Do you know who they were?

7 A Jason Slatkin, S-l-a-t-k-i-n, represented
8 me for most of the case. Before him, Tom Messana,
9 M-e-s-s-a-n-a, represented me.

10 Q Well, let me ask you this: Now that you've
11 looked at these couple of pages, irrespective of
12 work-product privilege, do you recall that Scott had
13 Epstein files in his office at the meeting you
14 described?

15 A I recalled it at the prior deposition that
16 you have shown me and I now recall it a little better
17 from reading it.

18 Q So there were Epstein boxes in Scott's
19 room?

20 A Apparently, in his office. Apparently,
21 there were and that's what I testified to in my prior
22 deposition.

23 Q Today I'm asking you, do you remember --
24 How did you know they were Epstein files?
25 That's a different question. It wasn't asked before.

0031

1 A Frankly, I don't remember how I recalled
2 that they were Epstein files. I mean, do I
3 specifically recall looking at the labels on it or
4 maybe there was writing on the boxes that they were
5 in? I just don't recall those details. I'm sorry.

6 Q When you're talking about boxes, are you
7 referring to standard sort of banker's box that law
8 firms keep files in?

9 A Yes.

10 Q Do you know whether there were a large
11 number of boxes or a small number?

12 A I don't remember whether or not I counted
13 the boxes. I probably didn't.

14 Q Do you think there were more than two?

15 A Probably.

16 Q Do you think there could have been as many
17 as 19?

18 A I really don't know. I am not comfortable
19 even giving an approximation under oath concerning
20 the number, the specific number of boxes.

21 Q So you have no idea whether there were --
22 Do you know how they were set up in the room; were
23 they on the table, on the floor, on the credenza?

24 A I just remember seeing boxes on the
25 floor.

0032

1 Q Were they stacked up on the floor or were
2 they spread around so that one could --

3 A I do not have that level of detail in my
4 recollection. I'm sorry.

5 Q Were you surprised that the boxes were in
6 Scott's office?

7 A I was either surprised or perplexed, or
8 both.

9 Q Do you recall if anybody who was in
10 attendance at that time looked at any papers in the
11 boxes, including Scott?

12 A During that meeting?

13 Q Yes.

14 A I don't think anyone -- I don't recall
15 seeing anyone pull anything out of boxes and start
16 looking through files at that meeting. We sat at a
17 table and there was a discussion.

18 Q Now, I'm a little unclear about the
19 position you're taking on work-product or whether
20 it's waived or whether it's preserved, so I'm going
21 to ask you some questions. And if you think there's
22 some privilege, I'm sure you'll tell me.

23 A Okay.

24 Q Did Scott Rothstein tell you during that
25 meeting that the questions that he was asking you had

0033

1 something to do with the Epstein cases?

2 MR. KING: We'll assert the work-product
3 doctrine to any conversations occurring during
4 the course of that meeting.

5 A But as to whether they pertain to Epstein
6 at all --

7 MR. KING: Because even the failure to
8 associate a particular statement with a
9 conversation could have significance from a
10 work-product standpoint, so we'll assert the
11 work-product doctrine.

12 A And so will I. I'll leave it up to the
13 judge, although you do have my sworn testimony from
14 the other case in front of you.

15 Q Let me ask you this: Without answering the
16 question, because this will make a difference as to
17 whether we need to come back after the judge rules.

18 A Yes.

19 Q Do you know the answer to that question?
20 In other words, you're not telling it to me, but do
21 you remember if he said that at all or are you
22 allowed to tell me that?

23 A I'm just saying that, as I sit here today,
24 I don't have a clear recollection of that specific
25 matter. I think it might be covered in my answers in

0034

1 the prior deposition from what you showed me. I have
2 not reviewed the entire deposition, for the record.
3 You directed me to two pages of my prior deposition
4 and those are the only two pages that I looked at.
5 And that deposition, I think we said this already,
6 was taken on --

7 Q Six months ago almost. October?

8 A Six months ago. October 28th, 2010.

9 Q A week short of six months.

10 Have you ever read the transcript of the
11 deposition that you gave in that case on October 28,
12 2010?

13 A Soon after I got a copy of the transcript,
14 I did.

15 Q Do you recall sitting here today who else
16 was in the room? At that time you said the Tort
17 Group, including Brad Edwards, Gary Farmer and maybe
18 Steve Jaffe. Do you recall whether Steve Jaffe was
19 there?

20 A I have no greater recollection today than I
21 did at the time of my deposition. So if that's what
22 I said in my deposition, that's the best answer I
23 can -- that's better than the answer that I can give
24 you today, to tell you the truth.

25 Q On Page 132 of that deposition -- Excuse

0035
1 me. Strike that.

2 Do you recall, did you testify -- Since
3 October 31st, 2009, have you testified in any other
4 lawsuits, you, as a witness?

5 A No. Other than the adversary case against
6 me, no.

7 Q Have you settled that case?

8 A Yes.

9 Q So let me be clear on this, because I do
10 not know that it would be fruitful to go through a
11 dozen or more questions that you are going to claim
12 work-product to: It's your position that anything
13 that occurred during the time that RRA existed where
14 you talked to other lawyers in the firm in any way,
15 shape, or form about Jeffrey Epstein is subject to
16 work-product privilege?

17 A Correct. That's my understanding.

18 Q So I'm going to reserve the right to ask
19 you those questions when we have a ruling from the
20 court. We believe there's been a waiver, and you're
21 telling me you don't know or you're not sure there's
22 been a waiver?

23 A As I understand waivers of the work-product
24 doctrine, I am personally of the opinion that there
25 has not been a waiver at all. My prior deposition

0036
1 was compelled testimony that was given by way of a
2 subpoena in a case in which I was a defendant and I
3 had to answer those questions when asked by a

4 bankruptcy Trustee who stood in the shoes of the law
5 firm. I don't think that that constitutes any waiver
6 of the work-product privilege, especially as to the
7 person who was a defendant in those underlying
8 lawsuits and that's the person who you represent in
9 this case.

10 So that's my understanding, that's my
11 position that I'm taking. If the circuit judge
12 disagrees with me and he enters an order, I will do
13 what I'm ordered to do by the judge. But I say that
14 in an abundance of caution as well and in good faith,
15 of course.

16 Q You're not saying that the subpoena that
17 was delivered to you by giving it to your lawyer in
18 this case is less of a subpoena, are you?

19 You said you were compelled in that case
20 because you got a subpoena. Are you treating this
21 subpoena differently? This is a lawsuit.

22 A I know it's a lawsuit.

23 Q We issued a subpoena. Do you feel you were
24 not subpoenaed to testify truthfully and fully today?

25 A I don't know what you're talking about. I

0037

1 know what a subpoena is. I am here testifying under
2 oath.

3 Q Pursuant to the subpoena?

4 A Pursuant to a subpoena. I do not have the
5 documents that you are requesting. If they exist,
6 they're in the hands of the bankruptcy Trustee, so
7 talk to him.

8 Q Sir, thank you. I know how to talk to and
9 who to talk to.

10 A Okay.

11 Q My question to you is: You made a
12 statement a moment ago that you testified in a
13 certain way on October 28th, 2010 because you were
14 compelled by virtue of a subpoena in a case where you
15 were a party and the bankruptcy Trustee -- you were
16 required to give testimony.

17 Do you think that the subpoena that was
18 served today is any different? Do you think you're
19 not required to give testimony when asked?

20 A In the sense that I am required to give
21 pursuant to a subpoena, it's the same thing. It's
22 just that the parties are very different in this case
23 than they were in the adversary case against me.

24 Q Sir, you've been practicing how long?

25 A 24-and-a-half years.

0038

1 Q In 24-and-a-half years you have served
2 subpoenas on witnesses and parties?

3 A Yes.

4 Q Is there some distinction on whether or not
5 a person has to testify truthfully and fully
6 depending on whether they're a party and who is suing

7 who?

8 A I have told you my position in this case
9 very clearly as to the reasons behind my assertion of
10 the work-product privilege and my reasons why I don't
11 believe it has been waived. Any further questions
12 from you about my serving subpoenas and what
13 subpoenas mean, quite honestly, is badgering and it's
14 a waste of time. And I would request that you move
15 on and ask me other questions, because this is just
16 absolutely -- there's no purpose behind this
17 questioning other than to badger me.

18 Q Let's go back to your conversations with
19 Brad Edwards before he joined the firm.

20 A Yes.

21 Q I had asked you questions before. Let's
22 pick up there.

23 You had a lunch with Brad Edwards sometime
24 before he joined the firm and you're not sure when
25 that was, but can you tell me this: Following your

0039 1 lunch, do you know if Brad Edwards joined the firm?

2 A Yes.

3 Q Do you know whether it was a period of a
4 long stretch of time before he joined the firm or was
5 it a month or six months or a year? Can you tell me
6 approximately how long after you had that lunch that
7 he joined the firm?

8 A I don't recall. I'm sorry.

9 Q Was it a year?

10 A I don't recall. I'm sorry.

11 Q You have no recollection?

12 A It was less than a year.

13 Q All right.

14 A Okay.

15 Q Did you meet with him on any other
16 occasions for any reason to talk about a case, for
17 social reasons or otherwise, between the lunch at
18 Yolo's and his walking into the firm and saying I
19 work here now?

20 A I don't believe so.

21 Q Did he call you, e-mail you, or otherwise
22 communicate with you between the time of that lunch
23 and his becoming employed by RRA?

24 A I don't recall.

25 Q You don't recall. Do you have in your

0040 1 possession anywhere e-mails, hand notes written on
2 napkins or otherwise that would refresh your
3 recollection about the answer to that question?

4 A I might have copies of some e-mails. But,
5 if I do, I don't think I have any e-mail attachments
6 and I would certainly have no record of phone calls I
7 don't think.

8 Q When you say you might have some e-mails,
9 is that because you maintained e-mails on a personal

10 computer at home or are these e-mails that belonged
11 to the firm that you retrieved?

12 A I think I took a copy of some e-mails
13 before I physically left RRA.

14 Q Did you review those e-mails prior to
15 coming here today to see if any of them were
16 responsive to my subpoena?

17 A No.

18 Q And that's because you believed they were
19 not or you didn't think of it, or what?

20 A Didn't think of it, to be honest with
21 you.

22 Q Did you give Brad Edwards your e-mail
23 address at some point before he joined the firm?

24 A I --

25 Q Did you hand him a business card?

0041

1 A I don't specifically recall doing that, but
2 any lawyer can find any other lawyer's e-mail address
3 these days.

4 Q Well, did you send any e-mails to Brad?

5 A Just so we're clear here, the requests in
6 the subpoena in the duces tecum section keep asking
7 about written communications.

8 Q And you think an e-mail is not written?

9 A That is like some esoteric issue that I
10 really don't waste my time thinking about. Written
11 communications to me mean letters, notes, handwritten
12 stuff, printed, typed, things like that.

13 Q If you look at the subpoena on Page 5
14 there's something called "definitions." Number 2,
15 written Communications.

16 Sir, did you read the instructions in
17 definitions before you reviewed the subpoena?

18 A I don't recall.

19 Q If I say to you that the instructions on
20 this subpoena, that you're choosing not to look at,
21 says:

22 "Number 2. Written communications means any
23 documents evidencing communications between you and
24 another person or persons of any kind," would that
25 include an e-mail?

0042

1 A Let's put it this way, I will agree to go
2 back and look at the back-up I took to see if I have
3 anything that's responsive and that I do not feel was
4 privileged. And if I come across any such e-mails, I
5 will print those and produce those to you with a copy
6 to Brad's lawyer.

7 Q And, sir, if you determine that they are
8 privileged, will you let us know that they exist so
9 that we can deal with that at such time as the
10 privileged question is ruled upon?

11 A Sure.

12 Q Thank you.

13 I think you've testified, and I know that
14 Mr. King has objected, but I think your testimony to
15 a question I had not yet gotten to was that you
16 didn't know, but let me make it clear. Do you know
17 what salary and benefits were offered to Brad Edwards
18 when he joined RRA?

19 A No.

20 Q Do you know what salary and/or benefits he
21 received when he did join RRA?

22 A No. Other people handled that part of
23 it.

24 Q What people were those people? Who handled
25 it?

0043

1 A The ultimate hiring decision would have
2 been made by Scott Rothstein, as would the
3 compensation. The benefits part would have been
4 handled by either Debra or someone else who worked in
5 the administrative part of the firm.

6 Q Was that Debra Villegas?

7 A Yes.

8 Q Did Brad Edwards tell you prior to meeting
9 Scott Rothstein or, excuse me, prior to joining RRA
10 what he was or had been earning in prior years?

11 A I don't think I discussed that with him.

12 Q Did he give you any kind of a ballpark
13 about what he would need to make it worth his while
14 to move to the firm?

15 A That was not my issue to discuss with him.
16 So, no.

17 Q He didn't offer that information to you?

18 A Gratuitously? Voluntarily? No, I don't
19 think he did.

20 Q But he did contact you to say he might be
21 interested in joining up with you?

22 A I've already answered that question.

23 MR. HADDAD: Object to the form.

24 MR. KING: Objection.

25 BY MRS. APRIL:

0044

1 Q As part of your preliminary conversation,
2 is it your testimony there was no discussion
3 whatsoever about the range of money he would need to
4 move to the firm?

5 A The only discussion that I might have had
6 with him in that regard was to tell him that I need
7 to get him in to see Rothstein so he could work out
8 the details to see, you know, with respect to numbers
9 and money and all of that, because that was something
10 that Rothstein did. I had no involvement in any of
11 the finances of the firm or salaries or compensation
12 other than, of course, my own.

13 Q When you say you had no involvement, do you
14 mean not only that you didn't determine what salaries
15 or compensation people got but that you didn't know

16 what anyone else got? Is that clear or do you want
17 me to rephrase it?

18 A That's basically true, yeah. It wasn't my
19 concern.

20 Q I think you offered this information in an
21 earlier answer, that you were the head of a
22 department or a group of tort lawyers, am I
23 correct?

24 A Correct.

25 Q What did you call that department?

0045

1 A The Tort Practice Group. I hesitate,
2 because we also did class-action and mass tort.

3 Q All right.

4 A That fell under the umbrella of tort.

5 Q How many lawyers did you have working in
6 that group when the firm ended, broke up?

7 A When the firm ended, I think there were
8 nine of us.

9 Q And Mr. Edwards was one of the nine?

10 A Correct.

11 Q So your testimony is, you didn't know how
12 much money any of those lawyers had been paid that
13 year or any prior time?

14 A Other than myself?

15 Q Of course, other than yourself.

16 A That's correct. That was not my function
17 in the firm to know that or to deal with that.

18 Q Did you ever make any suggestions or
19 recommendations to Mr. Rothstein about the work of
20 the --

21 You're the 9th, right? I mean, there was
22 eight, plus you in the group?

23 A Correct.

24 Q -- recommendations about the compensation
25 or bonuses that you thought should be paid to any of

0046

1 those who worked in your group?

2 A I really wasn't privy to that information.
3 That was something that Rothstein handled.

4 Q Does that mean, no, you didn't ever
5 recommend or suggest a bonus or salary for one of
6 your people?

7 A I think that is correct.

8 Q Do you know if Scott Rothstein or anyone at
9 RRA required Mr. Edwards to produce financials or
10 some information about the money he had made in the
11 prior years before joining the firm?

12 A I don't know.

13 Q You don't know? He didn't tell you that
14 was being asked of him?

15 A He didn't tell me one way or the other and
16 I never asked him about that.

17 Q When he joined the firm, you had been at
18 the firm -- In 2009, how long had you been there?

19 A I started in February 2005.
20 Q When you joined, Scott Rothstein is the one
21 who determined your compensation?

22 A Yes. Well, we talked about it and we made
23 an agreement.

24 Q But he was the one who made the decision
25 from the point of view of the firm as far as you

0047

1 know?

2 A Yeah.

3 Q Did he ask you to produce any financials or
4 documentation as far as what your book of business
5 was?

6 A Yes. But when I came to the firm it was
7 very different, under very different circumstances
8 than when Brad Edwards came to the firm.

9 Q How so?

10 A Because I had an up-and-going law firm with
11 me and I think it was two other lawyers. I literally
12 closed my office and Rothstein hired my entire staff.
13 And I hesitate, because I'm not sure if every single
14 staff member came over. I think a couple of them
15 might not have come over, but it was, you know, it
16 involved copying machines and it involved all kinds
17 of other issues. And, yes, I did give him financials
18 when I joined for I think two years.

19 Q Did your existing firm merge into the
20 Rothstein, Rosenfeldt & Adler firm?

21 A I don't know the definition, the legal
22 definition of the term "merger," so I am reluctant to
23 say yes or no, we did or did not merge. But suffice
24 it to say, I closed my doors at my law firm and my
25 firm became the Tort Practice Group of RRA.

0048

1 Q When you joined RRA did you, as part of
2 that transaction, sign over your then-existing
3 receivables to the new firm, RRA?

4 A Assign my receivables? Well, all of my
5 cases were contingency fee cases, so there were no
6 receivables, per se. There was certainly -- I think
7 a better way to put it is that the RRA firm
8 substituted in as counsel on all of my pending
9 lawsuits and there were probably a few, there were
10 some lawsuits that were carved out of the deal that
11 remained. The fees from which, if they ever came,
12 were my fees.

13 Q When you joined the firm and you brought
14 cases to RRA that were ongoing cases, did RRA
15 reimburse you or --

16 Your prior firm, what was it called, the
17 one you brought over?

18 A Karmin, K-a-r-m-i-n, Adler, P.A. I believe
19 was the name of the firm when I closed it and joined
20 RRA in February of 2005.

21 Q I take it you had incurred some

22 out-of-pocket expenses, costs in those cases when you
23 joined RRA?

24 A Yes.

25 Q Did RRA reimburse you or Karmin & Adler,

0049

1 P.A. for money that had already been spent on cases
2 that became theirs?

3 A I know that they did when those cases were
4 settled or resolved. I would get a check cut-back
5 for the costs that I had outlaid on those cases
6 before I joined the firm.

7 If you're asking: Did they write me checks
8 from the very beginning for monies I was
9 out-of-pocket for? I don't think they did.

10 Q In the case of Brad Edwards, if you know,
11 were you aware that some of the cases he brought over
12 that there had been costs incurred by him? He was a
13 sole practitioner, I think you said, before he joined
14 RRA.

15 A I probably assumed it at the time, but I
16 don't think we discussed it.

17 Q You don't know one way or another whether
18 RRA reimbursed him for those costs or how they were
19 handled?

20 A No, because that would go back to the terms
21 of his joining the firm which was not my
22 involvement.

23 Q Do you know whether he had - he, being Brad
24 Edwards - a written contract with the firm when he
25 joined?

0050

1 A I don't know.

2 Q Did you when you joined and you brought
3 over your firm, Karmin & Adler, P.A.?

4 A A formal written contract? The answer is:
5 No, we did not. There might have been some e-mails,
6 some checklists, stuff like that. But again, the
7 circumstances under which I closed my firm and moved
8 everything over to RRA was very different than hiring
9 one lawyer who was in solo practice at the time.

10 Q Did Mr. Edwards bring over cases besides
11 cases against Jeffrey Epstein?

12 A Yes.

13 Q Do you know or is there an inventory
14 someplace that is written that describes the cases
15 that were transferred over?

16 A Yes, there was.

17 Q And --

18 A But I do not have that or have access to
19 that.

20 Q At the time that the firm was still going
21 and Mr. Edwards joined --

22 A Yes.

23 Q -- did you have access to that inventory at
24 that point --

25 A Yes.

0051

1 Q -- so that you could confer with him about
2 cases?

3 A Well, what would have happened was, he
4 would have provided a case list at some point in time
5 and those cases would have been inputted into our
6 case management system at RRA. So, there would have
7 been a case list that was retrievable by a lawyer.

8 Q Did those cases not need to go through a
9 conflict process before he joined the firm?

10 A Yes, they did.

11 Q Were you involved with that at all?

12 A No.

13 Q Was it a person who oversaw that at your
14 firm?

15 A What person?

16 Q If there is such a person?

17 A There were people who performed conflict
18 checks. I don't remember specific names of people
19 who did it, but I know for a fact they were done and
20 they were done before an RRA firm file number would
21 be assigned to the file. In other words, you would
22 not get a firm file number until the conflict
23 checking process was done.

24 Q Were those people administrative people or
25 attorneys that did this process?

0052

1 A That did the conflict checks?
2 Administrative people or secretarial.

3 Q Do you know who they reported to or at
4 least at the highest level who was the highest level
5 administrative person in the firm?

6 A Debra Villegas.

7 Q Have you ever discussed the case that
8 you're here on today, Epstein versus Rothstein, with
9 Debra Villegas?

10 A No. I have not seen or spoken with her
11 since before October 31st, 2009.

12 Q So, Brad Edwards joins the firm. You're
13 not sure exactly when that was, but he came alone,
14 right? He didn't bring any other lawyers?

15 A Correct.

16 Q Did he sit anywhere in proximity to your
17 office; same floor?

18 A I'm trying to think where his office was.
19 At one point he was on the same floor. And then
20 after that, he got moved I believe up to another
21 floor or down to another floor.

22 Q Was that, was there a reason for that that
23 you're aware of?

24 A Yes.

25 Q What was it?

0053

1 A After Brad joined the firm some additional

2 space got built out, new space for us, and I think it
3 was on the 15th Floor. Brad was moved down there
4 when that space was completed.

5 Q Were other members of your group of nine
6 moved to that floor?

7 A Yes.

8 Q And you weren't?

9 A Correct.

10 Q Because you didn't want to move?

11 A I liked my office.

12 Q Fair enough. I understand the firm
13 utilized a system that's been referred to as QTASK?

14 A Yes.

15 Q Can you tell me what QTASK is?

16 A QTASK is a web-based project management and
17 collaboration tool.

18 Q Did you have anything to do with the
19 development or marketing of that tool?

20 A Yes.

21 Q Can you tell me when that started?

22 A Approximately 2007.

23 Q Does somebody own proprietary rights in
24 QTASK?

25 A What do you mean by proprietary rights?

0054

1 Q Copyright, patent?

2 A I don't know the details of that.

3 Q Do you own any part of QTASK?

4 A No.

5 Q Have you ever?

6 A No.

7 Q To your knowledge, did RRA own the rights
8 to use or market QTASK?

9 A Did we own the rights to use or market?
10 Scott Rothstein was an investor in QTASK personally.
11 Our firm was allowed to use QTASK. As far as
12 marketing QTASK, I was more of an evangelist than a
13 salesperson. I would tell people about it and I
14 would show it to them. And I also participated in
15 the design and specifications of particular features
16 and user interfaces in QTASK.

17 Q Is QTASK a tool that would allow the office
18 to have gone paperless? That term has been used
19 sometimes when talking about firms. Is it in lieu of
20 paper that you would use QTASK?

21 A QTASK is or can be used to store and manage
22 scanned images.

23 Q Did your tort group use it for that
24 purpose?

25 A For the most part, no. There was other

0055

1 software that was used to manage the scanned images
2 at RRA. That's not to say that some documents were
3 not stored in QTASK for one purpose or another or for
4 one case or another, but the firm officially used a

5 different software product to manage its scanned
6 images.

7 Q What product was that?

8 A That was called Fortis, F-o-r-t-i-s.

9 Q When Bradley Edwards joined the firm were
10 his case files brought over to RRA's offices? Paper
11 files, I mean.

12 A Were they physically brought over to RRA's
13 offices? I don't think I knew that at the time,
14 because the idea was if he was not paperless that all
15 of his files be imaged and brought into our image
16 management system at the firm, because we were a
17 paperless law firm. But did he physically bring over
18 all of his files? I don't know the answer to that
19 question.

20 Q So when you say "we were a paperless law
21 firm," using Fortis, for example, as you said --

22 A Yes.

23 Q -- you'd have images of documents in lieu
24 of paper copies?

25 A All files were supposed to be imaged or

0056

1 scanned, but there were exceptions to that. In other
2 words, some lawyers still used paper files over there
3 for various reasons and I cannot swear under oath
4 that every single file was, in fact, scanned or
5 imaged.

6 Q Do you know whether Mr. Edwards' files were
7 scanned or imaged when or about the time he joined
8 the firm?

9 A I'm sure some of them were, but I cannot
10 tell you if all of them were. You would have to ask
11 him.

12 Q Now, you referred earlier to the Epstein
13 cases. Those cases, did you ever actually have an
14 occasion to look at the cases; in other words,
15 whatever file he had whether it was scanned or in
16 paper?

17 A Are you asking me if I ever sat and looked
18 through any of the Epstein files whether in paper or
19 digital form?

20 Q Yeah.

21 A I don't think I did, no.

22 Q What about PACER, did you ever use the
23 public access system that provides access to Federal
24 court filings to look at any of them?

25 A No.

0057

1 Q Do you use PACER now to look at any court
2 filings?

3 A I don't practice in Federal court, so the
4 answer is no. I don't even know how to use PACER.

5 Q Is it fair to say - and I don't know if
6 you'll think this is work-product or not, but I'll
7 ask you and you'll tell me - is it fair to say that

8 the information that you got about the Epstein cases
9 was given to you by other people rather than by
10 first-hand observation of documents?

11 A Any information I got about the Epstein
12 cases would have come from Brad Edwards. Can I swear
13 that I never looked at one piece of paper or looked
14 at one deposition from that case, no. I might have,
15 but I don't remember specifically looking at any
16 particular document or deposition.

17 I never had anything to do with those cases
18 except from an administrative viewpoint and I did
19 attend I think two depositions in that case, but I
20 did not participate in taking them.

21 Q Was one of them the brother of Jeffrey
22 Epstein, Mark?

23 A Yes, in New York City.

24 Q Why did you attend?

25 A Because I wanted to go up to New York any

0058

1 way. Brad was there and I just showed up for an hour
2 or something like that. It wasn't very long.

3 Q The other one you attended, was that also
4 in New York?

5 A No, that was Jeffrey Epstein. It was his
6 deposition or a part of his deposition, I should
7 say.

8 Q And why did you attend that one?

9 A Because it was being taken up on Australian
10 Avenue in West Palm Beach. I was up there for
11 hearings that morning I believe and, again, I just
12 wanted to stop in and see what was going on. I think
13 there were two other lawyers there, Brad and someone
14 else.

15 Q Something I forgot to ask you before. When
16 you were talking about the lawyers that were in your
17 group when RRA ended you said there were nine. Was
18 Christina Kitterman in your group?

19 A No.

20 Q Had she been in your group before?

21 A No. In the Tort Group?

22 Q In the Tort Group?

23 A No.

24 Q What kind of lawyer, what kind of practice
25 did she have?

0059

1 A Commercial litigation.

2 Q Was she at the firm at the end?

3 A Yeah.

4 Q The case I think you've mentioned before,
5 that was the \$24 million verdict?

6 A Yes. Thank you for mentioning that
7 again.

8 Q That originated through her?

9 A She brought it in. She knew the mother of
10 the girl who was molested.

11 Q Do you know where she's working now, Mrs.
12 Kitterman, if she's working?
13 A Yes.
14 Q Where is that?
15 A She's in private practice.
16 Q Her own?
17 A Yes.
18 Q I mean, I'm in private practice, too, but I
19 work at Fowler, White, Burnett.
20 A I know.
21 Q But she's on her own?
22 A Yes.
23 Q Do you know if she received any
24 compensation for being the person who brought in that
25 piece of litigation?

0060

1 A What, the \$24 million verdict?
2 Q Yes.
3 A She probably received nothing, because we
4 didn't collect any money on it. We didn't collect
5 the verdict. The guy filed bankruptcy.
6 Q Now, I want to go back to the request in
7 the subpoena because I'm not entirely clear now
8 whether or not you don't have any responsive
9 documents to the seven categories or whether some of
10 them might be contained in the e-mails that you had
11 forgotten to look at.
12 Did you previous, prior to today look to
13 see whether you had any written communications, I'm
14 going to include e-mails in that, between you and Mr.
15 Rothstein about Mr. Edwards?
16 A I think the only documents I would have, as
17 you define "documents", would be e-mails. And, no, I
18 did not look, but I will.
19 Q I think I've already asked you this, but
20 just so it will be clear. Number 4, I had asked
21 about written communications to or from Mr. Edwards
22 prior to his becoming an employee of RRA. And you
23 said those may be in the e-mails or not?
24 A If I have them, I will either produce them
25 or I will describe them and invoke privilege if I

0061

1 feel it's applicable.
2 Q Now, if it's a communication to or from Mr.
3 Edwards prior to his becoming an employee of RRA,
4 what privilege would you be invoking?
5 A I don't think there is a privilege for that
6 particular category. Well, none that I can think of
7 unless privacy --
8 MR. KING: From your standpoint, financial
9 privacy might be --
10 MRS. APRIL: Are you taking the position
11 that if I am looking for a job with a firm and I
12 send an e-mail to this fellow saying, Hey, I
13 gotta have six figures, big six figures, that

14 would be somehow a privileged communication?

15 MR. KING: In a certain type of case the
16 privilege may be overridden by other interests,
17 but in this particular case we continue to
18 assert the privilege for the reasons that Mr.
19 Scarola set forth in the earlier deposition.

20 There's absolutely nothing that would
21 outweigh -- there is nothing of interest in this
22 case from the defendant's perspective, from our
23 standpoint that would outweigh the interests of
24 our client with regard to financial privacy.

25 MRS. APRIL: We have a non-party witness

0062

1 here today, so I don't want to waste his time
2 with this silliness.

3 MR. KING: You just asked me what our
4 position was and I recounted it.

5 MRS. APRIL: I know, but I just wanted to
6 understand that you're saying your guy had some
7 kind of expectation of privacy if he
8 communicated with another person who he didn't
9 even work with and that it would be privileged?

10 MR. KING: No. Our position is what I've
11 set forth.

12 MRS. APRIL: Okay. You don't have to
13 repeat it. It speaks for itself, I guess.

14 BY MRS. APRIL:

15 Q Number 5. Between March 1, 2009 to the
16 present date we had asked you this: For any and all
17 documents between or on behalf of any agent of RRA,
18 including you, and any third party, meaning someone
19 who doesn't work at RRA, regarding a purported
20 settlement of any litigation between Mr. Epstein and
21 one of your clients.

22 Did you look to see if you had any such
23 documents?

24 A Settlement? That's settlement with
25 Epstein?

0063

1 Q Regarding a purported settlement, not
2 necessarily a settlement.

3 A I don't think any of the cases had settled
4 by the time -- by Halloween of 2009.

5 Q So the answer is: You don't think there
6 would be --

7 A In fact, I'm virtually certain none of them
8 had settled. And if none of them had settled, there
9 would be no such e-mails at least involving me.

10 Q Have you heard that Mr. Rothstein told
11 third parties, persons not in your firm, that there
12 were settlements that had occurred or were about to
13 occur with Mr. Epstein at some point?

14 A At some point in time did I hear it or --

15 Q Yes.

16 A I might have read it in the paper at some

17 time in 2010, but never, ever before Halloween of
18 2009 or even on Halloween of 2009.

19 Q So you don't have any documents that would
20 describe these purported settlements?

21 A I knew nothing of any purported settlements
22 at all before 2010.

23 Q And the way you learned about it was
24 through the press or just rumor or something?

25 A I think what I read in the newspaper.

0064

1 Q You don't believe everything you read in
2 the newspaper, do you?

3 A That's correct, I do not.

4 Q Did you look to see if you had any
5 documents, this is also part of Number 5, concerning
6 the financing of any litigation by an RRA client
7 against Mr. Epstein?

8 In other words -- Well, I don't know. Do
9 you have any such documents that concerns the
10 financing of those litigation matters?

11 A The only information I really have about
12 that is what I spoke about in my prior deposition in
13 the Trustee case.

14 Q And you don't have any documents about
15 that?

16 A I don't think I've ever seen any documents
17 about that.

18 Q If you don't mind looking at Number 5 just
19 for a minute, because there are Subparts a, b, c, d
20 and e.

21 A Yes.

22 Q Just to be clear then. You don't think you
23 have any documents concerning - let's go to "b," I
24 think you've answered "a" already - soliciting or
25 receiving money in return for settlement funds

0065

1 allegedly paid or to be paid by Epstein?

2 Not necessarily a document you created, but
3 that came into your possession from Mr. Rothstein or
4 anyone else?

5 A Absolutely. Well, before 2010 I didn't
6 know of any settlement or settlement funds or
7 anything having to do with that issue involving the
8 Epstein cases --

9 Q All right. Had you --

10 A -- except as specifically described in
11 answers to questions in my prior deposition when the
12 questions were asked of me by Mr. Lichtman and I
13 answered them. Those questions and answers touch on
14 some of the issues you're asking me about today.

15 Q In that deposition, do you recall
16 testifying that you did not know prior to the breakup
17 of the firm that Scott Rothstein was marketing
18 structured settlements to investors?

19 A I had no idea. I did not know at all.

20 Q Did you know or hear -- Let me break it
21 into two questions.

22 Did you know that Scott Rothstein was
23 marketing investments of any kind to anybody during
24 the time that you worked at RRA?

25 A I never knew anything about that when I
0066 worked at RRA.

2 Q Did you hear even as rumor that he was
3 selling some kind of investments?

4 A While I worked at RRA?

5 Q Yes.

6 A Absolutely not.

7 Q I assume your answer is going to be no, but
8 let me just ask you to look at Number 6 so that I'm
9 clear on the e-mails that you're going to go back and
10 look at don't cover this.

11 Number 6, we asked you if you had any
12 documents which purport to evidence any transfer of
13 funds or property from Epstein to RRA, Mr. Rothstein
14 or any other Rothstein-related entity for the
15 settlement of any case against Epstein, real or
16 fabricated?

17 A Same answer. During the time I was at RRA,
18 the Epstein cases were all pending. Nothing had been
19 settled. There were no monies or funds or transfers
20 that I knew of.

21 Q That's why the word "purport" is in there.

22 A Whatever, but I'm just telling you.

23 Q Number 7 I believe you've answered?

24 A I have.

25 Q You do not have any copies of any
0067

1 employment agreements or documents between Mr.
2 Edwards and RRA that describes compensation?

3 A Nope.

4 Q So whether or not it's privileged, you
5 don't have it, if it exists?

6 A I don't have it, if it exists.

7 Q Sir, you said you've been a lawyer for 24
8 years. Where did you go to law school?

9 A Nova.

10 Q And currently in your -- Is it Russell S.
11 Adler, P.A.?

12 A Yes.

13 Q Do you have other lawyers who work with you
14 as employees or partners?

15 A I have no employees or partners.

16 Q Prior to RRA I think you have said the firm
17 that you were with was Kartan (pronouncing)?

18 A Karmin.

19 Q Karmin & --

20 A It was Karmin & Adler, P.A., I believe.

21 Q Do you recall going through your prior
22 employment when asked by Mr. Lichtman about what

23 positions you had held as a lawyer before joining
24 RRA?

25 A I don't specifically recall, but if he
0068 1 asked me, I would have told him.

2 Q So you graduated in 19 -- What year is 24
3 years ago?

4 A What, what year did I graduated from law
5 school?

6 Q Yes.

7 A 1986.

8 Q Can you just take me through your
9 employment, a summary of what you did first? I know
10 when you got to Karmin & Adler, but between law
11 school and that firm.

12 A So you would like to know my employment
13 history from 1986 forward, is that your question?

14 Q Yes.

15 A In 1986 I was employed by Sheldon J.
16 Schlessinger, P.A.

17 Q Okay.

18 A In early-1987 or in late-1986 I left his
19 employment and I went into solo practice for several
20 years. And then I joined the law firm of Roderman,
21 Spadara & Karmin in 1988. I'm sorry. In 1988 I
22 joined that firm Roderman, Spadaro & Karmin. Two
23 years later in 1990, Karmin and I split off and
24 formed Karmin & Adler.

25 Q And that brings us up to when you --
0069

1 A Basically, right. Carl, you know, we
2 brought some people on; some lawyers came, some
3 lawyers went. Carl went out on disability and I
4 bought him out in, I think, 2003 or 2002, but we kept
5 the firm name and I stayed there until I joined RRA
6 in February of 2005.

7 Q I believe you testified already that you've
8 settled the case that you gave testimony, I mean, the
9 adversary proceeding that the bankruptcy Trustee
10 filed against you?

11 A Yes.

12 Q And you're not a party in any other
13 lawsuits at present?

14 A At present, no.

15 Q Have you ever been a party in a lawsuit
16 other than that one?

17 A Yes.

18 Q When?

19 A In my whole life?

20 Q Yes.

21 A I was named in two other lawsuits arising
22 out of the RRA situation.

23 Q Are those suits pending?

24 A No. I settled one of them. The other I
25 believe I was dismissed from.

0070

1 Q And excluding --

2 A And have had other litigation other than
3 that.

4 Q Well, excluding like professional
5 negligence or anything relating to RRA, have you been
6 a party in any other lawsuit?

7 A Just maybe by a credit card company or I
8 think West Publishing sued me once, I didn't pay my
9 Westlaw bill. I think that's about it subject to
10 those parameters and subject to everything else I
11 disclosed to you.

12 Q What about a plaintiff, have you ever been
13 a plaintiff in a lawsuit?

14 A I think I sued someone in small claims
15 court in college that I think ran into my car, but I
16 think that's it.

17 Q Have you been deposed before last year when
18 you gave a deposition in the adversary proceeding
19 that Chuck Lichtman took your deposition?

20 A Have I ever been deposed in my life before
21 then?

22 Q Well, since you were a lawyer?

23 A Yes.

24 Q Were you deposed as a -- were any of them
25 concerning your legal practice?

0071

1 A There were two, I think there were two
2 malpractice suits against me. I might have been
3 deposed in one of them, but I'm not positive. And I
4 think I've been deposed a few times as like an
5 attorney's fees expert.

6 Q That's what I was going to ask you, as an
7 expert?

8 A Yeah. And I think that's it. There's
9 something else that there might have been another
10 time I testified, I just don't remember the details
11 of that.

12 Q You mentioned earlier that when you -- soon
13 after you gave the deposition October 28th, 2010 that
14 you did see the transcript and you looked at it?

15 A I read it over. I might not have read it
16 word for word, but I looked through it.

17 Q Well, typically, court reporters will give
18 you an Errata Sheet and ask the witness if they want
19 to make any corrections?

20 A I don't think I did. I might have said I
21 will read, but I don't think I made any corrections
22 to the Errata Sheet.

23 Q To your knowledge, were there any
24 inaccuracies in your statement?

25 A Not to my knowledge. But again, I did not

0072

1 read it word for word. In other words, I ended up
2 effectively waiving my right to read and make

3 corrections on the Errata Sheet by not returning
4 it.

5 Q Other than your own counsel and your
6 conversation with Brad Edwards, did you speak to
7 anyone else about the fact that you were being
8 deposed in this case?

9 A I might have told my wife. I'm not sure.

10 Q I understand. And again, I'm doing this to
11 save time. We can go through it more slowly, but
12 based on your prior testimony in answers to questions
13 by Mr. Lichtman, you were never actually an owner of
14 any equity in RRA, is that correct? You were
15 promised to be, but you never actually received any
16 stock, correct?

17 A Correct.

18 Q And that you had a title of vice-president,
19 but that was more of a title rather than a meaningful
20 functional title?

21 A It was just that, it was a title. I never
22 acted as vice-president in any capacity. It was a
23 title I was given.

24 Q Did you have the authority to hire or fire
25 at all?

0073

1 A Nope.

2 Q Even your secretary or some clerical
3 person?

4 A If I wanted to get rid of a secretary, I
5 could go to Debra and tell her, Please get rid of
6 them. And she would. So I guess I had the indirect
7 authority to do that.

8 Q You were head of your Tort Group. Was the
9 firm divided into other departments similar?

10 A Whether there other practice areas within
11 the firm, yes.

12 Q Do you know how many there were?

13 A Probably five or six.

14 Q Was there any discussion between you and
15 other lawyers at the firm, including Scott Rothstein,
16 about, well, vetting Mr. Edwards before he joined the
17 firm where you sat around the table and talked about
18 whether it would be a good idea to bring him on or
19 you didn't sit around the table but you talked?

20 A Other than telling Scott Rothstein that I
21 had met with Brad and I wanted to bring him into the
22 firm, no.

23 Q What about references or background checks
24 on Mr. Edwards, did you personally or did you ask
25 someone else to do that?

0074

1 A I didn't perform any. Whether the firm did
2 or not, I really don't know.

3 Q Do you know whether the firm typically
4 would do any kind of checks on lawyers before
5 bringing them on?

6 A What specifically do you mean by checks on
7 lawyers?

8 Q Calling the Florida Bar to make sure
9 they're in good standing, checking to see that they
10 really went to law school, whether they have any
11 convictions, things like that?

12 A I don't know one way or the other.

13 Q You didn't do it and you don't know?

14 A I did not do it for the most part, no. I
15 only hired lawyers that I knew.

16 Q In your testimony that you gave on October
17 28, 2010 you attribute, indirectly I think, Mr.
18 Edwards coming to the firm with Christina Kitterman
19 bringing in the case that was your \$24 million
20 verdict. Do you remember that?

21 MR. KING: Objection to form.

22 BY MRS. APRIL:

23 Q Let me ask you this, because it's not meant
24 to impeach you, it's just to get to a point. You
25 mentioned earlier that Brad Edwards saw some press

0075
1 about the case, the \$24 million case?

2 A That Christina Kitterman had brought in.

3 Q Yes.

4 A And Brad called me once he saw that.

5 Q So the connection there is strictly because
6 Christina brought in the case, you worked on the
7 case, the case got publicity, Brad called you about
8 it; that's the only connection between Christina
9 Kitterman and Brad Edwards?

10 A Christina Kitterman had nothing at all to
11 do with it other than the fact that she brought that
12 Doe vs. Siriwat case into our law firm.

13 Q Was Stuart Rosenfeldt part of your practice
14 area group?

15 A No.

16 Q Was he the head of a different group?

17 A Yes.

18 Q What was that group called?

19 A Labor and Employment.

20 Q Did Brad Edwards bring over to your
21 knowledge any Labor and Employment cases?

22 A I don't know.

23 Q If he did, he was in your group? He wasn't
24 like -- Could a person be in more than one group
25 depending on the kinds of cases they had?

0076
1 A I think that some groups were more
2 well-defined than others within that firm and some
3 groups were run differently than others from an
4 administrative viewpoint. I think some groups
5 weren't even run at all, they were just lawyers who
6 practiced in the same area and who just worked
7 together.

8 Q But when Brad joined the firm I think you

9 mentioned earlier that there was what I call an
10 inventory or a case list of what he brought over.
11 Did you personally look at the cases so you would
12 have an understanding of the nature of the book of
13 business he brought over?

14 Let me rephrase that. I don't mean
15 personally looked at the case files.

16 A Right.

17 Q But look at the style of the case and have
18 some conversation so you know what they were about?

19 A Once they got on our case list, I might
20 have sat with him and said, What's this case? What's
21 that about? What's this case? What's that about?

22 Q Were you aware whether any of them were
23 sexual harassment cases against an employer?

24 A Are you asking whether I am aware that any
25 of them were Labor & Employment cases?

0077

1 Q Well, no. Somebody might call it that.
2 Specifically, harassment cases by an employee against
3 an employer?

4 A I really would not know about that. Not to
5 say I wouldn't have access to that, but I was
6 concerned with the tort cases that I was
7 administratively overseeing.

8 Q Are you saying that if he did have a case
9 or cases of that type that, administratively, they
10 would be overseen by Stuart Rosenfeldt or someone
11 else?

12 A If Brad, hypothetically, brought a Labor &
13 Employment case into the firm, he would deal with
14 Stuart Rosenfeldt about that. If he told me he had
15 one, I would say, Go and talk to Stuart. Lawyers
16 were encouraged to bring in other kinds of cases that
17 other lawyers in the firm handled, but I didn't
18 really keep track of what cases Brad brought into the
19 firm that were not regarding personal injury or
20 tort.

21 Q When Brad came into the firm -- Well, let
22 me back up.

23 At Rothstein, Rosenfeldt & Adler, were
24 lawyers referred to as partners or shareholders and
25 associates?

0078

1 A People were given titles like that.

2 Q And when Brad came in was he considered in
3 the associate group or in the partner/shareholder, if
4 you know?

5 MR. KING: Objection. Form.

6 A He would have been either an associate or a
7 partner. I don't recall what type of title he was
8 given when he came in. I don't recall.

9 Q Is that something that he talked to you
10 about when you met with him about whether or not it
11 was important what his title was?

12 A I don't recall.
13 Q Do you know how in the firm it was
14 determined whether somebody was given the associate
15 title versus partner or shareholder?

16 A I did not know the specific criteria, but
17 that was ultimately up to Scott Rothstein.

18 Q Were there any attorneys at the firm who
19 were in a different category such as of counsel or
20 senior counsel or some other title?

21 A Was anyone of counsel? I'm not sure. I
22 just don't know.

23 Q When you met with Brad Edwards at Yolo
24 during your meeting when you talked to him about his
25 possibly joining RRA, did he describe to you his

0079
1 success rate, you know, his wins or losses or how he
2 had done in cases?

3 A We may have, but I do not specifically
4 recall.

5 Q Who besides Scott Rothstein in the firm - I
6 know now I think it's the Trustee, but at the time
7 the firm was still operating, besides Scott
8 Rothstein - who else would have known the
9 compensation package that was ultimately agreed upon
10 with Brad Edwards?

11 A I don't know for sure, but probably whoever
12 was involved in payroll and benefits and things like
13 that. I don't really know who had access to what on
14 that administrative side of the firm.

15 Q But some administrative person, you just
16 don't know who, or persons?

17 A I am not even sure under oath, you know.
18 Probably Irene Stay (phonetic), who was the
19 bookkeeper, probably had salary information I would
20 imagine, but there were several different people over
21 time who worked in that administrative part of the
22 office with Scott and Debra and all of those people.
23 They handled that.

24 Q Did you ever participate in any assessment,
25 review of the work of attorneys who worked with you,

0080
1 with Mr. Rothstein? In other words, where you
2 discussed with him how they were doing for purposes
3 of their year-end compensation or whether they would
4 have adjustments? Did you have any of those sort of
5 discussions with him?

6 A The only kind of discussions I recall, he
7 might have said, How is this person doing? Or, How
8 is that person doing? At one point I might have been
9 named to a Compensation Committee, but I don't think
10 that any Compensation Committee that I was ever
11 involved in ever even met. It was like something
12 that was said or discussed that Scott brought up, but
13 I never sat down and made compensation decisions or
14 reviewed the work for compensation purposes.

15 I oversaw the case list and the
16 distribution of cases among different attorneys and
17 staff members to make sure the cases were balanced.
18 Q Did you even, well, even fill out a written
19 evaluation of the lawyers that worked with you?
20 A No. Not a formal written evaluation.
21 Q What about an informal written evaluation
22 or an e-mail even?
23 A Did I ever send an e-mail to one of the
24 lawyers in my group about something on one of their
25 cases? I'm sure I did.

0081

1 Q No. No. I mean, to Mr. Rothstein or the
2 Compensation Committee? You said they never met, but
3 was there ever any collection of information when you
4 were there about how the eight other lawyers in your
5 group stacked up, how they were doing?
6 A There may have been some e-mails like that.
7 I don't specifically recall.
8 Q Do you remember if there were any ever done
9 on Brad Edwards?
10 A I don't recall. He wasn't there for that
11 long, you know.
12 Q Yes.
13 A He was probably there about a year, give or
14 take. That's why I was kind of fuzzy about whether
15 he started in '08 or '09.
16 Q You said you didn't read his deposition
17 given in this case?
18 A No, never did.
19 Q Do you know where he went to work after RRA
20 closed?
21 A Yes.
22 Q Where?
23 A The Farmer, Jaffe firm.
24 Q Did you consider going to that firm?
25 A Yes.

0082

1 Q Why didn't you go there?
2 A Because soon after they began discussing
3 forming that firm, more details about the extent of
4 Rothstein's criminal acts were coming out. I'm
5 trying to think of a way to word this. I began to be
6 concerned that just because my name was part of the
7 firm name that there could be some negative
8 association by outsiders with my name and I did not
9 want anything involving my name to affect or hurt the
10 lawyers who were forming that firm. And so, I chose
11 at that point in time to go into solo practice where
12 I still am today.
13 Q Now, Brad Edwards, he has testified in his
14 deposition or you have testified today that you knew
15 him also at The Fitness Factory, the gym?
16 A The Fitness Company.
17 Q The Fitness Company. Okay. And did you

18 ever talk about cases at the gym?
19 A In smalltalk I might have said something
20 like, I'm starting trial tomorrow, or, I just hit a
21 verdict. Just things like that. Things that lawyers
22 talk about in passing when they see each other.
23 Q What about Brad to you, did he give you
24 similar sort of smalltalk?
25 A Not that I really recall.

0083

1 Q So is it accurate to say that until Brad
2 Edwards called you about what I'm calling the \$24
3 million verdict, because it's easier than remembering
4 the name who went bankrupt, for me it is, until he
5 called you and said he had seen something in the
6 newspaper, did you even know the kinds of cases that
7 he was working on when you would see him at the gym?

8 A I knew he was handling personal injury
9 cases, but that's about all that I knew.

10 Q Did you know at that time he had any abuse
11 cases?

12 A At what time?

13 Q When you were seeing him at the gym, before
14 he called you --

15 A Before he called me that day to
16 congratulate me about my verdict, I did not know
17 anything about any sexual abuse cases that he had or
18 that he was handling.

19 MR. HADDAD: You guys go ahead.

20 MRS. APRIL: No. Why don't we take a
21 couple minute break, is that okay?

22 (WHEREUPON, a short break took place from
23 11:10 a.m. to 11:20 a.m.)

24 BY MRS. APRIL:

25 Q Did you ever go to Brad Edwards' office

0084

1 before he joined your firm?

2 A No. I might have been to the Kubicki,
3 Draper firm while he was a member there, but I never
4 went into his office at that firm.

5 Q At Kubicki, Draper, this was one case you
6 had where he was on the other side, he was on the
7 defense team?

8 A I had many cases over the years with
9 Earleen Cote and with Ken Oliver and other lawyers at
10 the Kubicki, Draper firm. When Brad Edwards was
11 there, he worked as an associate to Earleen Cote. I
12 only recall I think one case where Brad showed up
13 covering a depo or doing something for Earleen.

14 Q Were you ever in a case that went to trial
15 that he was at the trial?

16 A No. I never tried a case against him.

17 Q Did you ever see him in court before he
18 joined the firm?

19 A I might have seen him in the courthouse at
20 motion calendar. But did I ever see him in trial

21 before he joined the firm --
22 Q Well, I mean, a trial or a substantive
23 evidentiary hearing or something like that?
24 A No.
25 Q Did you have any information about his

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1 skills as a trial lawyer?
2 A I just knew that he had been a prosecutor
3 before he joined Kubicki, Draper and I knew that he
4 had been a defense attorney; I felt that defense
5 attorneys make good plaintiff lawyers when they
6 switch sides.
7 Q To your knowledge, did Brad Edwards use an
8 attorney to represent him in his negotiations with
9 Scott Rothstein?

10 A I don't think so.

11 Q I'm not clear if your prior answer covers
12 this, so let me just ask you: Was it typical at RRA
13 for lawyers who produced a lot of revenue for the
14 firm to get bonuses for that or do you know?

15 A Everybody had their own compensation
16 package. So the reason I cannot answer your question
17 is that I really wasn't familiar with the
18 compensation packages or even the bonus structure
19 that other lawyers had other than my own.

20 Q Do you know during the time that Brad
21 Edwards was with the firm what kind of collections,
22 if any, came into the firm as a result of his effort
23 on his cases or other cases he worked on?

24 A You call them collections. I call them
25 settlements or verdicts that were paid. I don't

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1 think he tried any cases, actual trials while he was
2 at RRA for the time that he was there.

3 Did he settle cases when he was there?
4 Probably, but I can't recall a specific case as I sit
5 here right now.

6 Q Is it accurate to say you don't know what
7 money came in as a result of his efforts through
8 settlement, for example?

9 A I would have kept track of that when we
10 were at the firm, but I don't know as I sit here
11 today.

12 Q That information, to your knowledge, would
13 be in the hands of the Trustee?

14 A Yes.

15 Q Do you recall learning of any settlement of
16 a Brad Edwards case? And I'm not talking now about
17 necessarily Mr. Epstein, but any case that Brad
18 Edwards brought in that was a significant settlement.

19 A First of all, to the best of my
20 recollection, none of the Epstein cases settled while
21 he was at the firm I think I told you.

22 Q I think you said that, yes.

23 A I think he may have settled one or two

24 others cases not involving Epstein while he was at
25 RRA during the short time he was there.

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1 Q Do you know if they were significant
2 settlements, you know, upwards of six figures, seven
3 figures?

4 A I have no recollection. I just don't know.
5 I don't think -- There were no seven-figure
6 settlements. There might have been six figures. Are
7 you talking about the fee or the gross settlement
8 amount?

9 Q Fee.

10 A I don't think there were any six- or
11 seven-figure settlements during the short time he
12 worked there on his cases, but I might be wrong.

13 Q Are you aware of the fact that RRA financed
14 costs for the cases against Jeffrey Epstein during
15 the time Brad Edwards was at the firm?

16 A I'm aware that the firm advanced costs or,
17 I should say, paid costs on those cases -- on cases
18 that were being handled by the Tort Group, that would
19 include Brad Edwards cases in the most general sense.

20 Can I tell you if I know for sure, can I
21 swear under oath that the firm advanced costs on the
22 Epstein cases? I can't tell you that. If I wanted
23 to know how much money RRA advanced or had put into
24 any case, I would have to get that through the
25 Bookkeeping Department because they kept those

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1 records, not me. That would typically occur before
2 mediation when I had to know what the cost would be
3 or when a case settled so that we could prepare the
4 Settlement Statement.

5 Q Do you know whether RRA loaned any money to
6 Brad Edwards when he was a lawyer at the firm?

7 A I do not know.

8 Q Do you know what individuals worked with
9 Brad Edwards on his cases?

10 A Which cases are you referring to?

11 Q Well, let's start with the Epstein cases.
12 Was there any particular lawyers or paralegals that
13 were assigned to him on those cases?

14 A At one point in time he did have a
15 secretary named Jackie, I don't know her last name.
16 He might have had -- There was a period of time that
17 he did not have his own secretary, so I don't -- I
18 cannot tell you as we sit here today which secretary
19 or secretaries other than Jackie worked on his
20 files.

21 Q Could it have been Jackie Johnson?

22 A I believe so.

23 Q What about attorneys, were there particular
24 attorneys? Did he have associate attorneys that
25 worked on his cases, more junior lawyers?

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