

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

4                   JEFFREY EPSTEIN,

5                   Plaintiff,

6                   vs.

Case No. 502009CA040800XXXXMBAG

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

11                  Defendants.

**CERTIFIED COPY**

12                   EXCERPT TRANSCRIPT OF PROCEEDINGS

13                  DATE TAKEN:    Thursday, October 25th, 2012

14                  TIME:            1:30 p.m.- 2:23 p.m.

15                  PLACE           205 N. Dixie Highway, Room 9C  
16                                   West Palm Beach, Florida

17                  BEFORE:        David Crow, Presiding Judge

18                  This cause came on to be heard at the time and place  
19                  aforesaid, when and where the following proceedings were  
20                  reported by:

21                                   Sonja D. Hall  
22                                   Florida Professional Reporter  
23                                   Palm Beach Reporting Service, Inc.  
24                                   1665 Palm Beach Lakes Boulevard, Suite 1001  
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By JACK A. GOLDBERGER, ESQUIRE

## DIRECT EXAMINATION

1  
2 BY MR. LEWIS:

3 Q What is your profession?

4 A Attorney.

5 Q At some point in time were you employed by  
6 the law firm of RRA, the way it's been called in this  
7 case?

8 A Yes, from approximately April of 2009 until  
9 what Mr. Haddad described as implosion around, I  
10 believe, November 1st, 2009, but possibly the day  
11 before.

12 Q And in what capacity were you employed by  
13 that firm?

14 A I was an attorney. I was an employee there.

15 Q And when you came to the firm, did you  
16 bring some cases with you where you were prosecuting  
17 some cases on behalf of some minor children against  
18 Mr. Epstein for him molesting them?

19 A Yes. There were two different  
20 classifications of cases all revolving around the same  
21 issue. I filed them all around the same time in 2008.  
22 One, I represented -- ultimately I represented, I  
23 believe, 10 to 12 victims of Jeffrey Epstein. But  
24 while I was at RRA, I represented at least three files  
25 that were being litigated. I had filed those in 2008.

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1           In addition to those files, I was  
2           litigating, and still currently litigating, another  
3           case on behalf of all of Jeffrey Epstein's minor  
4           victims against the United States Attorney's Office  
5           wherein the allegations are that the U.S. Attorney's  
6           Office improperly gave Jeffrey Epstein immunity from  
7           prosecution of the crimes against these victims in  
8           violation of the Crime Victims Rights Act. That  
9           case is currently pending in front of Judge Marra.  
10          Jeffrey Epstein has intervened in that case and  
11          certainly is interested in knowing the information  
12          that we have regarding those allegations.

13                 And if -- one of the things that we are  
14                 asking for in that case is to overturn the immunity  
15                 agreement which would open him back up to  
16                 prosecution. Those causes were all being litigated  
17                 while I was at RRA, and the Crime Victims Rights Act  
18                 case is still active today.

19                 Q       Now, who was your supervisor at RRA, your  
20                 direct supervisor?

21                 A       Russell Adler was the head of the personal  
22                 injury tort division. He was in charge of the  
23                 division, and that's the division that I was in.

24                 Q       And did you have communications from time  
25                 to time with Mr. Adler regarding these cases against

1 Mr. Epstein?

2 A It was more than just from time to time.  
3 Russell Adler knew what was going on with the cases, we  
4 had Epstein meetings where myself, former Judge Bill  
5 Berger, Russ Adler, other members of the firm would  
6 talk about Epstein, talk strategy about Epstein. Our  
7 mental impressions were out on the table, so to speak;  
8 discovery, strategy was discussed. Not only that, the  
9 intimate details of our clients was discussed. Things  
10 that all fall into the parameter of work product  
11 privilege and attorney-client privilege, and that's  
12 just in-person communication.

13 Q In addition to in-person communications  
14 with Mr. Adler on a regular basis regarding these  
15 cases, was there also a computer program at the firm  
16 called Q Task?

17 A Yes.

18 Q Can you explain to Judge Crow what Q Task  
19 is?

20 A Yes.

21 THE COURT: Say that again.

22 MR. LEWIS: Q Task, T-A-S-K, Judge.

23 Q Can you explain what that is, please?

24 A Russell Adler describes that program much  
25 better than I do. He was one of the creators of the

1 program, and it was a very good program. I only used  
2 it during the time at RRA. I think Russ Adler has  
3 described himself as an evangelist for the program.  
4 But it is basically a virtual boardroom for attorneys  
5 to communicate specifically back and forth, have  
6 meetings in a virtual manner so that you can discuss  
7 cases, details of cases, strategy on cases. And one of  
8 the projects -- actually, every case, I think, had a  
9 project within Q Task. Certain people who would give  
10 impact or input on cases were invited to the project.  
11 Both myself and Russ Adler were on those projects,  
12 which means everything that I posted or Bill Berger,  
13 for instance, posted, or Russ Adler posted -- I believe  
14 those were the main participants in that project --  
15 would have access to literally everything that was in  
16 that communication device.

17 Q Let's be very specific for Judge Crow. Did  
18 the Epstein project have a Q Task project associated  
19 with that case?

20 A There was an Epstein project.

21 Q Was Mr. Adler also on the Q Task list for  
22 that project?

23 A Yes. Meaning he had access to literally all  
24 of the privileged communications and privileged  
25 information, work product, attorney-client and

1 otherwise, all of it that I had access to, Mr. Adler  
2 also had access to.

3 Q And can you explain to the Judge what it  
4 was for?

5 A It was so that we could brainstorm, share  
6 ideas, discuss strategy, discuss discovery, discuss  
7 what was going on in the case, and we would not have to  
8 call formal meetings. We would communicate in a  
9 private manner about details involving any case going  
10 to that project.

11 Q Let's be specific about the Epstein case,  
12 which is why we are here to show that they have an  
13 unfair advantage by Mr. Haddad representing both  
14 Mr. Epstein and -- go ahead. Just keep it to the  
15 Epstein --

16 A The Epstein case was one project that I  
17 communicated ideas in, Russ Adler communicated ideas  
18 in. I was handling the case; I was the primary  
19 attorney. Any idea that I had to bounce off of any  
20 other attorney that was in this project, the other  
21 attorneys invited to that private project also had  
22 access to.

23 So Russ Adler had access to literally all  
24 of my mental impressions going on that were in this  
25 private site. It is designed -- basically designed

1 and utilized solely for the purpose of sharing  
2 privileged information amongst lawyers in the law  
3 firm.

4 Q Can you please share with the court whether  
5 or not you considered all of those communications  
6 with Mr. Adler and the other lawyers who were on that  
7 Q Task project privileged?

8 A Of course, so did Russ Adler, and, I believe,  
9 Mr. Haddad definitely won't dispute that.

10 Q Now, from your perspective, are you  
11 concerned with respect to all of the communications,  
12 personal communications that you had with Mr. Adler  
13 in person where you were talking about the Epstein  
14 case, all the communications that you had on Q Task  
15 that you considered privileged, that with Mr. Haddad  
16 representing Mr. Adler how that can give him a  
17 tactical advantage in his representation now of  
18 Mr. Epstein? Can you explain that to Judge Crow,  
19 please?

20 A I am concerned because Russ Adler had access  
21 to all of the information I knew. Mr. Haddad  
22 representing Jeffrey Epstein would be no different at  
23 this point than Russ Adler representing Jeffrey  
24 Epstein.

25 Jeffrey Epstein's lawsuit against me was

1 based exclusively on things that I did while at RRA.  
2 The allegations against Russ Adler had been made --  
3 similar allegations, but made by Scott Rothstein  
4 against Russ Adler.

5 Mr. Haddad has the task of defending Russ  
6 Adler in those allegations. I am assuming any  
7 information that would help to acquit or defend Russ  
8 Adler, that Mr. Haddad could ask his clients about  
9 those things. And if it would assist in that  
10 defense then he certainly would. And certainly, all  
11 of this information that is privileged that Russ  
12 Adler has, he would have the ability to share with  
13 his attorney -- probably should share with his  
14 attorney so that his attorney can effectively  
15 represent him.

16 And I have a problem understanding how  
17 Mr. Haddad could represent Russ Adler in the exact  
18 accusations related to his actions at the time that  
19 he was at RRA when Scott Rothstein is alleging that  
20 he was, in Scott Rothstein's words, deeply involved  
21 in the Ponzi scheme and a co-conspirator, that Russ  
22 Adler is saying are false; and how Mr. Haddad can  
23 represent Russ Adler against those accusations and  
24 divorce himself from the knowledge that he learned  
25 from Russ Adler so that he can represent Jeffrey

1 Epstein in this action without utilizing information  
2 he learned or could learn from his client.

3 **THE COURT:** Let me -- I want to -- I'm  
4 confused. What lawsuit or claim is  
5 Mr. Haddad representing Mr. Adler in regards  
6 to allegations that he is involved in the  
7 Ponzi scheme?

8 **THE WITNESS:** I believe that from the  
9 very -- Mr. Adler has not been charged.

10 **THE COURT:** I am asking is there any  
11 pending either criminal or civil matter  
12 against Mr. Adler based upon allegations  
13 that he was involved in some way in this --  
14 you keep saying that he is defending him  
15 against these allegations. I want to know  
16 what case --

17 **THE WITNESS:** I am sure that Mr. Haddad  
18 would be better able to explain this. But  
19 Mr. Adler was from the very beginning a  
20 target of a criminal investigation. He has  
21 not been cleared as of yet to the extent  
22 that I know.

23 **THE COURT:** I understand that, sir.  
24 What I am asking you is -- I may have  
25 misunderstood. But I got the impression

1 here there is an active, pending litigation  
2 or criminal proceeding. And maybe there  
3 isn't. What you're talking about is the  
4 potential for some claim down the road or  
5 some possible criminal action or some sort  
6 of possible civil action, but anything  
7 pending right now, to your knowledge?

8 **THE WITNESS:** I don't know. There was  
9 also an adversary proceeding, which I  
10 believe also settled where --

11 **THE COURT:** The clawback --

12 **THE WITNESS:** Right. But other than  
13 that, I don't really know.

14 **MR. LEWIS:** Thank you very much, Your  
15 Honor. Just a few more questions.

16 BY MR. LEWIS:

17 Q To put everything in context, you heard  
18 Mr. Haddad in his opening statement in response to a  
19 statement I made to the court in our opening  
20 statement how is he going to cross-examine Mr. Adler  
21 about information that may be adverse to Mr. Epstein  
22 and Adler in this case. And you heard him say that,  
23 well, I probably wouldn't cross-examine Mr. Adler,  
24 Mr. Goldberger would do that. You heard him say  
25 that, right?

1           A     Yes.

2           Q     Now, practically, if he's a co-counsel, I  
3     guess he's also representing Mr. Epstein, too?

4           A     Yes.

5           Q     And Mr. Haddad is representing Mr. Epstein,  
6     too?

7           A     Right.

8           Q     Do you have a concern at all that all  
9     Mr. Haddad has got to do is say Mr. Goldberger, why  
10    don't you ask him this, don't ask this, that they can  
11    communicate things that you have asserted as  
12    privileged in our case that he knows from --

13                   MR. GOLDBERGER: Judge --

14                   THE COURT: This is not closing  
15    argument, counsel. Just ask the question.

16                   MR. LEWIS: I apologize, Judge. I want  
17    to get to the issue.

18                   THE COURT: Ask your question.

19    BY MR. LEWIS:

20           Q     Are you concerned about that? And can you  
21    please explain to the court what your concern is?

22           A     My concern is that any privileged information  
23    that Mr. Haddad wants, if we invoke a privilege all he  
24    has to do is ask Russ Adler. That's my concern.  
25    That's it.

1           MR. LEWIS: Thank you, Judge. I don't  
2           have any other questions for Mr. Edwards  
3           right now.

4           THE COURT: Cross-examination, sir?

5           MR. HADDAD: Yes, sir.

6                           **CROSS-EXAMINATION**

7           BY MR. HADDAD:

8           Q     Mr. Adler is a very close friend of yours,  
9           correct?

10          A     That's true.

11          Q     And Mr. Adler is the one who brought you  
12          into RRA, correct?

13          A     That's true.

14          Q     And as a matter of fact, if Mr. Adler were  
15          to testify for you, he would be a character witness,  
16          would he not?

17          A     I would think so.

18          Q     He considers you one of the finest lawyers  
19          around, does he not?

20          A     I believe so.

21          Q     He's expressed that to a number of people?

22          A     I believe so.

23          Q     Do you think that Mr. Adler is going to be  
24          a witness adverse to you?

25          A     I think that --

1 Q Answer the question please, sir.

2 THE COURT: Excuse me, sir.

3 If you can answer the question, answer,

4 but you can explain your answer if you can.

5 A I don't know what that question means.

6 Q Mr. Edwards, you will concede that

7 Mr. Epstein dropped his lawsuit against you, correct?

8 A Yes.

9 Q And the only thing pending now is your  
10 lawsuit against Mr. Epstein, correct?

11 A Right.

12 Q Would you concede that Mr. -- that RRA fell  
13 apart and the Feds came in from October to November  
14 of 2009?

15 A I believe so.

16 Q Would you agree that the files that were  
17 RRA files regarding Epstein were taken at that time?

18 A Right, Russ Adler no longer had access.

19 Q He had no access to Q Task or anything,  
20 correct?

21 A I don't know that.

22 Q Now, that was before I began to represent  
23 him, correct?

24 A I guess so.

25 Q Well, you would agree November 2nd was when

1 you guys were told this is it?

2 A That's right. I just don't know when you  
3 started representing him.

4 Q On November 2nd you sent an email, as a  
5 matter of fact, to Mr. -- I can't say his name.  
6 Epstein's lawyer at that time, Cuman (phonetic) or  
7 something like that?

8 A Okay.

9 Q And you asked him in an email if he would  
10 agree to reset the deposition because you had no  
11 access to files, your office or anything else,  
12 correct?

13 A That's true.

14 Q And you sent an email saying you were very  
15 surprised that he said no, correct?

16 A I don't remember which lawyer this is because  
17 it is a whole team of them. I don't doubt that this  
18 happened.

19 Q Well, I think you filed a joint motion to  
20 continue on the 14th of November, 2009 setting forth  
21 that you had no office, no files, no ability to do  
22 anything, and therefore you would request that it be  
23 continued?

24 A I don't remember doing that, but I don't  
25 quarrel with any of that because it is all true.

1           **MR. HADDAD:** May I show him a certified  
2           copy of the motion?

3           **A**    I am not disputing it. I haven't seen a copy  
4           in years.

5           **Q**    That looks like it?

6           **A**    Filed by Bob Crichton as a joint motion, yep.

7           **Q**    Now, did you today get to review a copy of  
8           an affidavit by Russell Adler that I filed this  
9           morning by email?

10          **A**    I saw it.

11          **Q**    And, of course, you are aware of your  
12          answer to Interrogatory 32 of the second set of  
13          interrogatories -- the third set of interrogatories  
14          to you, correct?

15          **A**    Am I aware of my answer to question  
16          Number 32?

17          **Q**    Yeah, where I put out there that you said  
18          in your answer to interrogatory that -- let me read  
19          it: Identify all attorneys who worked on the client  
20          cases against plaintiff-counter defendant Jeffrey  
21          Epstein, including, but not limited to the attorneys  
22          formerly at RRA, abbreviated, the attorneys of the  
23          former Jaffe -- that's your firm, correct?

24          **A**    Correct.

25          **Q**    -- and outside attorneys and referring

1 attorneys. And your answer was: Brad Edwards, Paul  
2 Cassel (phonetic) -- that's the lawyer in --

3 A Correct.

4 Q Matt Weissing, Steve Jaffe and Bill Berger  
5 rendered substantive services in the prosecution of  
6 the plaintiff Jeffrey Epstein. Russell Adler was in  
7 attendance, you said, at multiple depositions, but  
8 was not an active participant, correct?

9 A All true.

10 Q Russell Adler did not actively participate  
11 in your case at all, correct?

12 A Other than what you just described.

13 Q Now, is it not correct that none of the  
14 Epstein cases settled during the period of time that  
15 you were at RRA?

16 A That is true.

17 Q And you are aware, of course, that  
18 Mr. Rothstein said in his deposition that you  
19 attended with Mr. Scarola, that in fact you settled  
20 one of them that was part of the Ponzi scheme,  
21 correct?

22 A I don't remember that at all.

23 Q There's no question one of the cases  
24 settled?

25 A No question about it.

1 Q And you were there for a grand total of six  
2 months?

3 A At the most.

4 Q Six months at the most. You brought your  
5 files with you, you left with your files?

6 A True.

7 Q And you settled them later, correct?

8 A Over a year later.

9 Q Now, whatever work product -- and I don't  
10 know what work product you have or what you are  
11 talking about, you did have interviews with the Daily  
12 News, correct; for the reporter for the Daily News,  
13 regarding Jeffrey Epstein?

14 A Over the last few years.

15 Q Even at that time, yeah?

16 A I believe so.

17 Q You had an interview with a gentleman named  
18 Rush, George Rush?

19 A I think Epstein had an interview with George  
20 Rush.

21 Q Yeah, and then you called the guy back  
22 after that and you had a conversation with him, which  
23 you filed an affidavit on, right?

24 A Right.

25 Q And you used that affidavit and other

1 affidavits to make a determination of why you found  
2 it necessary to depose Bill Clinton, Donald Trump,  
3 Prince Albert -- was it Prince Albert? One of those  
4 guys, and all of those individuals, correct?

5 A I didn't --

6 THE COURT: Where are you going with  
7 this?

8 MR. HADDAD: To show that every single  
9 thing that he claimed would have been  
10 privileged, he put out in affidavits and  
11 interviews that he gave to the press.

12 THE COURT: That's going to be a neat  
13 trick if you don't know what he spoke to the  
14 press about.

15 MR. HADDAD: I'm sorry?

16 THE COURT: Go ahead.

17 MR. HADDAD: Well, Russ Adler is going  
18 to testify and I think that will clear that  
19 up.

20 THE COURT: Mr. Adler is not going to  
21 talk about attorney-client privilege  
22 communication he had with him, is he?

23 MR. HADDAD: He's got an affidavit I  
24 can show the court.

25 THE COURT: I have seen the affidavit.

1 I didn't see the emails. I'm not on your  
2 email list.

3 MR. LEWIS: We did object --

4 THE COURT: Just ask the question,  
5 okay. I was wondering where you were  
6 headed.

7 MR. HADDAD: I'm sorry, yes, sir.

8 BY MR. HADDAD:

9 Q You never had a conversation with Mr. Adler  
10 regarding Epstein until you got to RRA, correct?

11 A Correct.

12 Q And then when you were at RRA you advised  
13 him of these cases that you had, correct?

14 A What I advised him of, I believe, would be  
15 product privilege, which is the problem here.

16 Q I am talking about the existence of the  
17 case which is public record, not any inner workings,  
18 all right?

19 A Okay.

20 Q Did you not make the statement that Russ  
21 Adler learned about the case from the newspapers in  
22 your deposition?

23 A I might have.

24 Q You won't dispute that, correct?

25 A No.

1 Q Sir?

2 A I wouldn't dispute it.

3 Q Now, you have read Mr. Adler's deposition,  
4 correct, in this matter?

5 A At some point in time I did.

6 Q You have read my response in opposition to  
7 the motion to disqualify me, correct?

8 A Yes.

9 Q And do you disagree with Mr. Adler's  
10 assertions that he had nothing to do with the file  
11 and has no privileged information?

12 A Which question are you asking, that he had  
13 nothing to do with the file?

14 Q Do you agree with his assertions in his  
15 deposition that he had no privileged information or  
16 anything that was privileged regarding that case?

17 A I don't think he said that, so that's the  
18 problem. He invoked the privilege at the deposition  
19 where you represented him.

20 Q I understand that. He invoked every  
21 privilege he could in that deposition?

22 A Right, implying that --

23 Q My question to you is -- sir?

24 A -- implying that he had privileged  
25 information, and that's all I'm --



1 Q I will let it go at that point.

2 Do you have any -- you wouldn't, but okay.

3 The claim that now exists is your claim

4 for damages against Mr. Epstein, correct?

5 A Yes.

6 Q And that claim for damages is for abuse of  
7 process, correct?

8 A That's one of the counts, correct.

9 Q And the other is what, defamation?

10 A Malicious prosecution.

11 Q Malicious prosecution.

12 Those are separate and apart from the  
13 claims that you have with the United States of  
14 America, correct?

15 A Separate claims from that claim?

16 Q Yes.

17 A Yes, they are separate claims.

18 Q And you filed -- excuse me, Mr. Epstein's  
19 attorneys filed a lawsuit against you while you were  
20 actively prosecuting claims for the victims that you  
21 cited were of what occurred, correct?

22 A That's true.

23 Q And that is where your inner workings were,  
24 involving the plaintiffs who have already settled,  
25 correct? They have all settled?

1           A     They have settled. The case against Epstein  
2 has settled.

3           Q     That's what I'm saying. The case against  
4 Epstein has settled, the case against you by Epstein  
5 has settled?

6                     The case against you by Epstein has  
7 settled by his dismissal of the claims against you?

8           A     He dismissed the claim, right.

9           Q     So the only thing remaining is the claim  
10 that you have against him?

11          A     That's correct.

12          Q     For malicious prosecution and for abuse of  
13 process?

14          A     As well as the Crime Victims Rights Act.  
15 That's still ongoing.

16          Q     Okay, now, you made mention to the Judge of  
17 Mr. Adler's defense. Are you aware of anything that  
18 Mr. Adler has outstanding where I represent him?

19          A     By outstanding --

20          Q     Well, other than -- let me put the caveat.  
21 I am sure you've read -- he may have an appeal of a  
22 30-day suspension by Judge Brown for a failure to  
23 sign an affidavit and a fraudulent mortgage  
24 application. But other than that, are you aware of  
25 anything against Mr. Adler with whom you are very

1 friendly?

2           **A**     I talk to Russ Adler frequently. I know  
3 generally what he believes is going on with respect to  
4 Scott Rothstein's accusations. And I don't know  
5 exactly formally where that prosecution or potential  
6 prosecution is or if it will ever be. But that is the  
7 only thing that I know is ongoing that you have any  
8 role in representing him in.

9           **Q**     Let me ask you this. Based upon your  
10 long-term knowledge and friendship with Mr. Adler, is  
11 there any doubt in your mind he would never breach a  
12 confidence and share anything with me?

13           **A**     If he's --

14           **MR. LEWIS:** Your Honor, how --

15           **THE COURT:** Excuse me. Please stop. I  
16 think you are asking for credibility. This  
17 is character reference. I don't think  
18 that's --

19 **BY MR. HADDAD:**

20           **Q**     Okay, I will rephrase it. Do you have any  
21 information to remotely suggest that Russell Adler  
22 has passed one bit of information to me?

23           **A**     I would believe that Russ Adler will tell you  
24 all of the information that would assist you in  
25 representing him. And if the allegations against him

1 are that he was involved in a Ponzi scheme and emails  
2 would help to refute that, then I would hope that he  
3 would pass that on to you. But I don't know what he's  
4 given you, because I'm not involved in your  
5 attorney-client relationship.

6 Q Do you have any information that Russell  
7 Adler would in any way share any information with  
8 me -- share any information that's privileged with  
9 me, if there is any, regarding Jeffrey Epstein and  
10 this case?

11 A He shares a privilege with you. So if it  
12 helped in his defense, he would and he could and he  
13 should.

14 Q I am talking about the instant case.

15 A It's all related to the same subject matter.

16 Q Do you have any information, even remotely,  
17 that Mr. Adler was involved in a Ponzi scheme?

18 A No.

19 Q Did you ever hear any -- Mr. Adler has  
20 denied from the first day that he had any knowledge  
21 of the Ponzi scheme, correct?

22 A He has.

23 Q And he said the only way he found out about  
24 the Ponzi scheme was the same way you did, in the  
25 newspaper?

1           A     Correct. I have read that. I believe that.  
2                   MR. HADDAD: I don't have anything  
3           else.

4           THE COURT: Any redirect?

5           MR. LEWIS: Just real brief, Judge.

6                               REDIRECT EXAMINATION

7     BY MR. LEWIS:

8           Q     Were you deposed in the case that's pending  
9     before Judge Crow?

10          A     For hours. Eight hours, sure.

11          Q     And during the time that you were deposed,  
12     did you have occasion to assert work product  
13     privilege to questions that Mr. Epstein's lawyers  
14     were asking you?

15          A     Yes.

16          Q     And those questions that you were asserting  
17     privilege to, would Mr. Adler have access to that  
18     information that you were asserting privilege to?

19          A     I don't remember the specific questions, but  
20     he had access to all information that I had access to  
21     at RRA. He had access to the information.

22                   He wasn't the active attorney prosecuting  
23     the file, but through Q Task he had access to all  
24     privileged information, yes.

25          MR. LEWIS: May I approach, Your Honor,

1 and show the witness one document?

2 BY MR. LEWIS:

3 Q Mr. Edwards, I am going to hand you a  
4 document, it's two pages. And first of all, can you  
5 tell the court what it is?

6 A A string of emails that -- four emails that  
7 began October 13th, 2010 from one of Russell Adler's  
8 other attorneys. By other, I mean other than Fred  
9 Haddad, and it is initially directed to Russ Adler and  
10 Fred Haddad. And it is asking: Russell, any idea what  
11 this is all about? It was in response to pleadings  
12 filed by Jeffrey Epstein's attorneys at the time in the  
13 bankruptcy case wherein they were attempting to gain  
14 access to privileged information, including emails at  
15 RRA, Q Task information. It was a list. The court is  
16 familiar with that subpoena.

17 Mr. Haddad apparently responds: Russ, I  
18 thought Sheer (sic), referring to Bill Sheerer, I  
19 presume --

20 Q Explain to the court who Mr. Sheerer was.

21 A Mr. Sheerer was representing some creditors  
22 in the bankruptcy proceeding, who were apparently a  
23 part of the purchase of fraudulent settlements that  
24 Scott Rothstein had made up out of thin air related to  
25 Jeffrey Epstein.

1           Q     And so Mr. Haddad is cc'd or whatever on  
2 this string. And what does Mr. Haddad do with  
3 respect to Mr. Adler after receiving this?

4           A     He forwards to Russ Adler an email that says:  
5 Russ, I thought Sheer filed for that discovery of  
6 Stettins stuff from RRA. You better reread in case you  
7 have to assert privilege. Your name was mentioned.

8                     This says to me Mr. Haddad is telling  
9 Russell to protect the privilege of the victims of  
10 the Epstein girls if need be, discussing privilege.

11                    Russell Adler responds back to Mr. Haddad  
12 with the message: Pedophile Jeffrey Epstein is  
13 trying to capitalize on the Rothstein situation by  
14 filing lawsuits and making baseless claims in the  
15 bankruptcy case that the lawsuits filed against him  
16 by Brad Edwards on behalf of the young girls Epstein  
17 molested were cooked up and fabricated as part of  
18 Rothstein's Ponzi scheme. This claim is ridiculous  
19 and Epstein has settled most of the molestation  
20 cases with Brad Edwards.

21                    Most of what Epstein and others are asking  
22 for is privileged, and Brad and Seth Lehrman, my  
23 current partner, are already fighting the disclosure  
24 of the materials sought in the notice.

25                    The only reason that I have this

1 information is because Russ forwarded it to me  
2 saying do I need to assert a privilege since my name  
3 was mentioned? And we told him back, no, we are  
4 protecting the same information. You are protecting  
5 privileged information relating to the girls, we are  
6 already protecting privileged information related to  
7 our communications and the girls, you don't have to  
8 additionally protect that same privileged  
9 information. So we took care of it, so that's the  
10 only reason I even have this email. I don't know  
11 what other emails exist.

12 Q Exactly. And the import of that is that  
13 privilege that he's asserting and Mr. Haddad asked  
14 him to assert, are these consistent with the  
15 privileges you have asserted in this case with  
16 respect to specific questions that Mr. Epstein's  
17 lawyer has asked you?

18 A Like I said, if my privilege is asserted  
19 here, the only thing that Mr. Haddad would have to do  
20 is ask his client, Russell Adler, who would be able to  
21 tell him all of the privileged communications, so long  
22 as Russell remembers those things.

23 Q Would that give Mr. Epstein a tactical  
24 advantage in his defense of the case that you have  
25 brought against him for abuse of process and

1 malicious prosecution?

2 MR. GOLDBERGER: Argumentative, Your  
3 Honor.

4 THE COURT: It is argumentative,  
5 Counselor.

6 MR. LEWIS: Your Honor, may I go ahead  
7 and mark this, please?

8 THE COURT: Exhibit Number 1.  
9 Any objection, Counsel?

10 MR. HADDAD: If I can cross-examine on  
11 it.

12 THE COURT: I will allow that.

13 (Plaintiff's Exhibit Number 1 was marked  
14 for identification.)

15 THE COURT: Are you finished, Counsel?

16 BY MR. LEWIS:

17 Q Sir, Mr. Adler was also deposed in this  
18 case pending before the court, correct?

19 A That's correct.

20 Q Did Mr. Adler on many occasions in that  
21 deposition invoke a work product privilege?

22 A His deposition has been filed. And  
23 basically, at the beginning of the deposition he said I  
24 am going to invoke privilege on all communications and  
25 everything else. So it was basically a standing

1 objection, and additionally, throughout the deposition  
2 he invoked privilege.

3 MR. LEWIS: Thank you very much, Judge.

4 THE COURT: Mr. Haddad, limited to the  
5 document.

6 MR. HADDAD: Yes, sir, limited to the  
7 document.

8 May I approach the witness?

9 RE-CROSS EXAMINATION

10 BY MR. HADDAD:

11 Q This email has a string of emails that  
12 begins with from Russell Adler to Katie Adler;  
13 Slatkin, who is the bankruptcy lawyer, Fred Haddad?

14 A Okay.

15 Q "What is this?" Dated October 13th,  
16 2010 --

17 A Correct.

18 Q -- at 10:46, correct?

19 A Yeah.

20 Q And that's the whole pedophile stuff,  
21 Epstein?

22 A Right.

23 Q Most of what Epstein is asking for is  
24 privileged. Brad and Seth Lehrman -- Brad, that's  
25 you -- are fighting the disclosures of the materials

1 sought, right?

2 A Right.

3 Q The sentence you left off is Russ Adler  
4 saying I am not involved in that battle?

5 A He wasn't.

6 Q Okay, you didn't tell that to the Judge.

7 A I think there's even a back page, if you  
8 wanted to read the last one.

9 Q There is a response, as opposed to being in  
10 that, is from me on October 14th, the next day. So  
11 the sequence you have is in error, correct?

12 A Okay.

13 Q Correct?

14 A Yes.

15 Q And my response was: Russ, I thought Sheer  
16 filed for the discovery of Stettins stuff from RRA.  
17 You better receive (sic) that in case you have to  
18 assert a privilege, correct?

19 A That appears to be correct.

20 Q You don't know whether I was discussing  
21 with him the Fifth Amendment privilege or  
22 attorney-client privilege?

23 A I have no idea what your discussions would  
24 be.

25 Q What kind of law do I practice?

1           A     What kind of law are we practicing in this  
2 case?

3           Q     It's pretty close to criminal.

4                     You know that --

5           **THE COURT:** We are in civil court,  
6 right?

7           **MR. HADDAD:** I am trying to be, Judge.

8           **THE WITNESS:** He forgot for a second.

9 BY MR. HADDAD:

10          Q     You don't know what privilege I was talking  
11 about, correct, Mr. Edwards?

12          A     No, I have no idea.

13          Q     And there was another response to that  
14 later that day. Brad said do I need to assert  
15 privilege since my name was mentioned? His response  
16 was: I don't think so, since my only communications  
17 were within the firm. He puts work product, and all  
18 of that was already being asserted by you guys?

19          A     Correct.

20          Q     I have never had any communication with any  
21 Epstein clients?

22          A     That's true.

23          Q     Now --

24                 **MR. HADDAD:** Okay, I will let it go,  
25 Judge. I said I would only go that far,

1           sorry.

2                   **THE COURT:** You can step down, sir.

3           Thank you for your time.

4                                   - - -

5                   (The requested portion of proceedings were  
6                   concluded at 2:23 p.m.)

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COURT CERTIFICATE

STATE OF FLORIDA )  
 : SS  
COUNTY OF PALM BEACH )

I, SONJA D. HALL, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true record of my stenographic notes.

Dated this 29th day of October, 2012.

  
\_\_\_\_\_  
SONJA D. HALL