

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

CASE NO.: 502009CA040800XXXMBAG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

SCOTT ROTHSTEIN, etc., et al.,

Defendant(s).

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ORDER ON COUNTER-PLAINTIFF BRADLEY EDWARDS'  
MOTION TO DETERMINE STATUS OF PUNITIVE DAMAGE DISCOVERY  
AND APPLICABILITY OF ADVERSE INFERENCE

THIS CAUSE came before the Court upon the Counter-Plaintiff, BRADLEY EDWARDS' Motion to Determine Status of Punitive Damage Discovery. The Court heard argument of counsel, has reviewed the submittals and is otherwise fully advised in the premises. At hearing, counsel for EDWARDS advised the Court that certain "net worth" discovery in regard to the punitive damage count against EPSTEIN had been objected to on the basis of the constitutional privilege against self-incrimination. All other objections to such discovery had been withdrawn. As such, EDWARDS now seeks a ruling from the Court in regard to an adverse inference (presumption) jury instruction and evidence preclusion at the time of trial. Based upon the foregoing, it is

CONSIDERED, ORDERED AND ADJUDGED as follows:

To the extent that the issue of amount of punitive damages is submitted to the jury at the bifurcated trial of this matter, the Court rules as follows:

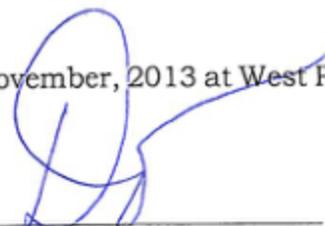
1. The Counter-Plaintiff EDWARDS' request for jury instruction adverse inference instruction is deferred until the time of trial. At the time of trial, upon specific analysis of the specific question and answers, including those propounded in discovery, the Court will determine whether an adverse instruction will, or will not, be given and the

specific instruction, if any, that will be given. Counsel for the parties shall be prepared at trial to propose such jury instructions.

2. The Motion to Preclude Evidence is also deferred until the time of trial. At the time of trial, this Court will determine whether certain testimony and/or documents will be precluded based upon non-compliance with this Court's Pretrial Order and/or a *Binger* analysis conducted by the Court at the time of trial.

3. Nothing in this Order shall be construed in and of itself as precluding the use of any answers submitted by EPSTEIN during discovery at trial if they are otherwise admissible.

DONE AND ORDERED this 15<sup>th</sup> day of November, 2013 at West Palm Beach,  
Palm Beach County, Florida.

  
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DAVID F. CROW  
CIRCUIT COURT JUDGE

Copy furnished:  
See attached list.

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