

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

FILE NO. 502008CP003626XXXMB

E.W.,
Plaintiff,

v.

JEFFREY EPSTEIN,
Defendant.

PLAINTIFF'S MOTION FOR SPECIAL SET HEARING

Plaintiff, E.W., hereby files her Motion for Special Set Hearing, and states as follows:

1. Plaintiff filed an Amended Motion to Compel and for Sanctions on May 4, 2009 regarding Defendant, Jeffrey Epstein's refusal to answer certain deposition questions at his deposition on April 30, 2009 and requesting a date for the continuation of his deposition. See Motion attached as Exhibit "A".

2. Plaintiff is severely prejudiced by having to delay a hearing on this matter until November, 2009 which is the Court's first available date for a thirty minute special set hearing.

WHEREFORE, the Plaintiff respectfully requests that this Court enter an Order specially setting this matter for a thirty minute hearing as soon as possible, or in the alternative, place the instant matter on an "on-call" status at the Court's discretion, and grant whatever other relief the Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been forwarded by U.S. and Email Transmittal this ~~14~~ day of August, 2009, to Robert D. Critton, Jr., Esq., Burman, Critton, et al., 515 North Flagler Drive, Suite 400, West Palm Beach, FL 33401.

ROTHSTEIN ROSENFELDT ADLER
Attorneys for Plaintiff
401 East Las Olas Blvd., Suite 1650
Fort Lauderdale, Florida 33394
Telephone (954) 522-3456
Telecopier (954) 527-8663

By: 

Bradley J. Edwards
Florida Bar No. 542075
bedwards@rra-law.com
William J. Berger
Florida Bar No. 197701

H:\Brad Edwards\BJE Cases\Wild, Courtney (09-22784)\Motions\EPSTEIN M-COMPEL Motion for hearing date.doc

09-22784

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CIVIL DIVISION

E.W.

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant.

CASE NO.: 502008CA028058XXXXMB AD

PLAINTIFF'S AMENDED MOTION TO COMPEL AND FOR SANCTIONS

Plaintiff, E.W., moves to compel defendant to answer the pending question at his deposition and to reappear for his deposition and for sanctions on the following grounds:

1. On April 30, 2009, defendant refused to answer a question (about his thought processes when he was sexually molesting female children) and his attorney terminated the deposition without a valid ground to do so. This was done because defendant was on the verge of saying something damaging to his case and his attorney wanted to shut him up.

2. Pursuant to Rules 1.310(a) and 1.280(a)(2) and (4), plaintiff is entitled to an order compelling defendant to reappear for deposition, answer the pending question and others like it and pay plaintiff her reasonable fees and costs in bringing this motion.

3. Plaintiff is one of dozens of female victims who, as minors, were sexually molested or abused by defendant during 2001 – 2005 at his palatial mansion in Palm Beach County, Florida.

EXHIBIT "A"

4. Plaintiff has sued defendant for the intentional causes of action arising out of his monstrous actions.

5. At his deposition on April 30, 2009, defendant refused to answer and asserted the 5th amendment over 199 times. He even took the 5th when asked if he intended to leave the country once he is released from custody (expected release date is June or July 2009). A copy of the transcript is attached as Exhibit "A". A CD video recording of the deposition will also be filed.

6. Defendant refused to answer and his attorney terminated the deposition when asked the following highlighted question:

Q. By Mr. Edwards: Mr. Epstein, did you ever care about any of the feelings of the minor girls that you were engaging in sex with?

Mr. Burman: Object to the form.

The Witness: I intend to respond to all relevant questions regarding this lawsuit. However, at the present time my attorneys have counseled me that I cannot provide answers to any questions relevant to this lawsuit at this time, so I must accept their advice or I lose potential - - I risk losing my Sixth Amendment right to effective representation. And accordingly, I have to assert my Federal Constitutional rights as guaranteed by the Fifth, Sixth and Fourteenth Amendment to the United States Constitution.

Q. By Mr. Edwards: Did it ever occur to you that any of these girls were somebody's daughter - -

Mr. Burman: Object to the form.

Q. By Mr. Edwards: – when you were engaging in sex with them?

Mr. Burman: Object to the form of the question.

The Witness: I intend to respond to all relevant questions regarding this lawsuit. However, at the present time my attorneys have counseled me that I cannot provide answers to these questions, as I have to accept their advice or risk losing my Sixth Amendment right to effective representation, Brad.

The Witness: Is it okay if I call you Brad?

Mr. Edwards: You can continue.

The Witness: And, accordingly, I assert my Federal Constitutional rights as guaranteed by the Fifth, Sixth and Fourteenth Amendment to the United States Constitution.

Q. By Mr. Edwards: When you were digitally penetrating these minor girls, did you care about the fact that you were emotionally or psychologically hurting them:

Mr. Burman: Object to the form of the question.

The Witness: I intend to respond to all relevant questions regarding this lawsuit. However, at the present time my attorneys have counseled me that I cannot provide answers to any questions relevant to this lawsuit, and I must accept this advice or risk losing my Sixth Amendment right to effective representation.

Accordingly, I assert my Federal Constitutional rights as guaranteed by the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

Q. By Mr. Edwards: We have heard over and over again that you intend to respond to this. When do you intend to respond to these questions.

Mr. Burman: Object to the form.

The Witness: I intend to respond to all relevant questions regarding this lawsuit. However, at the present time on advice of counsel I cannot provide answers to those questions at this time. I must accept advice of my counsel or risk losing my Sixth Amendment right to effective representation.

Accordingly, I'll have to assert my Federal Constitutional rights as guaranteed by the Fifth, Sixth, and Fourteenth Amendment to the United States Constitution.

Q. By Mr. Edwards: Isn't it true that at the time that you were sexually battering these minor girls, you didn't care what happened to them and only cared about your only personal sexual gratification.

Mr. Burman: Object to the form. We need to talk outside.

The Witness: Me too?

The Videographer: We're off the record at 2:35. (Thereupon a brief break was taken.)

The Videographer: We're back on the record at 2:36.

Mr. Burman: For the purposes of the record, I will tell you that this line of questioning, in my view, is way beyond the bounds of permissible discovery-type questions, and nothing but pure argument, and if you continue in this vein, I will stop the deposition and we will seek instruction from Judge Hafele about what's permissible and what's not.

Q. By Mr. Edwards: Isn't it true that at the time you were inserting your fingers into the vagina of these little kids, all you cared about was your own sexual gratification?

Mr. Burman: The deposition is over.

The Videographer: Conclude at 2:37, end of tape 2 of 2.

Mr. Berger: We're going to order instant copy, and we want the tape also, Mr. Videographer.

Mr. Burman: We want this as soon as they get theirs, we want ours.

(Thereupon, the deposition was adjourned at 2:38 p.m.)

7. The foregoing highlighted question is proper and within the permissible scope of discovery in this case. Defendant's motives and thought processes as he was sexually molesting E.W. and his many other child victims are relevant to the causes of action in the Complaint.

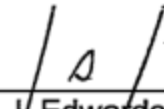
8. Therefore, pursuant to Rules 1.310(a) and 1.280(a)(2) and (4), plaintiff is entitled to an order compelling defendant to reappear for deposition, answer the pending question and others like it and pay plaintiff her reasonable fees and costs in bringing this motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via U.S. Mail and ~~Facsimile~~ this 4 day of May, 2009 to: Robert D. Critton, Jr., Esq., Burman, Critton, et al., 515 North Flagler Drive, Suite 400, West Palm Beach, FL 33401; Jay Howell, Esq., Jay Howell & Assoc., 644 Cesery Boulevard, Suite 250, Jacksonville, FL 32211; and Jack Alan Goldberger, Esq., Atterbury Goldberger et al., 250 Australian Ave. South, Suite 1400, West Palm Beach, FL 33401.

ROTHSTEIN ROSENFELDT ADLER
Attorneys for Plaintiff
401 East Las Olas Blvd., Suite 1650
Fort Lauderdale, Florida 33394
Telephone (954) 522-3456
Telecopier (954) 527-8663

By: _____


Bradley J. Edwards
Florida Bar No. 542075
bedwards@rra-law.com
William J. Berger
Florida Bar No. 197701
wberger@rra-law.com

H:\brad edwards\E.W. Amended Motion to Compel