

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

SCOTT ROTHSTEIN, individually,
BRADLEY J. EDWARDS, individually,
and L.M., Individually,

Defendant.

MOTION FOR PROTECTIVE ORDER

█████ pursuant to Florida Rule of Civil Procedure 1.280(c), hereby files this Motion for Protective Order to prevent the depositions of any private investigators who are working on or have worked on the case of █████ v. Epstein and as grounds therefore would state:

1. In June of 2008, Jeffrey Epstein plead guilty to two felony cases related to his sexual abuse of minors, and he was incarcerated and forever labeled a sex offender; he remains on community control for these offenses as of the date of this motion.
2. █████ was one of his many (thought to be in the hundreds) of underage victims.

3. On September 11, 2008, [REDACTED] filed a civil complaint against Jeffrey Epstein for Mr. Epstein having molested [REDACTED] on many occasions when she was a minor child.
4. The case was originally filed by Brad Edwards while at the law firm of Brad Edwards and associates.
5. In or about April of 2009, Brad Edwards went to work for Rothstein Rosenfeldt Adler (RRA), and his cases, including the case of [REDACTED] v. Jeffrey Epstein, became cases of the RRA law firm.
6. The case of [REDACTED] versus Jeffrey Epstein was litigated through RRA from April 2009 until the firm's dissolution in October of 2009.
7. The law firm of RRA, like most if not all law firms, hired private investigators to perform investigative work in anticipation and furtherance of litigation.
8. Several private investigators, including Michael Fisten and Richard Fandry, were hired by RRA to perform investigative work on the [REDACTED] case, in anticipation and furtherance of litigation.
9. As has been well publicized, RRA suddenly disbanded in October/November 2009 when it was discovered that the firm's President, Scott Rothstein, stole firm money, which forced the firm into bankruptcy and it was ultimately uncovered that Mr. Rothstein ran a ponzi scheme out of the RRA law firm and consequently pled guilty to various federal crimes.

10. [REDACTED] is one of many females that was molested by Mr. Epstein as a minor, and as such the 20-plus lawsuits related to Mr. Epstein being a serial child molester have also received extensive publicity.
11. It should be noted that Mr. Epstein has not denied any of the claims alleged by these children against him, including those by [REDACTED], and has instead relied on his invocation of the 5th amendment as his sole defense in all of the filed civil cases.
12. On December 7, 2009, Jeffrey Epstein, in an attempt to exploit the demise of RRA, filed this frivolous lawsuit against Scott Rothstein, Brad Edwards, and [REDACTED], alleging basically that the three defendants conspired to sell settlements of cases against Jeffrey Epstein to third party investors.
13. Jeffrey Epstein filed this lawsuit, despite knowing that he could not substantiate the claims and in fact taking the 5th in his deposition in this case where he is a Plaintiff on all issues relevant to his claims.
14. The claims are completely unfounded, and there is an outstanding 57.105 letter to Mr. Epstein's attorney that was sent on behalf of Brad Edwards and [REDACTED]; those Motions will be before this court after the expiration of the 21 day notice period.
15. On March 23, 2010, Mr. Epstein took a day long deposition of attorney Brad Edwards (who is himself represented by Jack Scarola of Searcy Denney Scarola Barnhart and Shipley), and the questions were meant to invade

attorney-client and work-product privilege relation to the investigation of the cases against Jeffrey Epstein.

16. Jeffrey Epstein has now noticed the depositions of Michael Fisten and Richard Fandry, both private investigators that were hired to perform investigative work on behalf of [REDACTED], in pursuit of her cases against Jeffrey Epstein. Both depositions have been noticed unilaterally by Epstein for April 19, 2010.
17. Neither of these investigators are witnesses on any witness list nor is there any intent by [REDACTED] to call either investigator as a witness.
18. This Motion has been filed at the undersigned's first opportunity and noticed for hearing in accordance with the Court's local rules.

Memorandum in Support of Motion

Information relating to a matter which is the subject of litigation, which is received by a party's attorneys from investigators and adjusters in anticipation of or connected with litigation, is protected by the work product privilege. See Nevin v. Palm Beach County School Board, 958 So.2d 1003 (Fla. 1st DCA 2007), citing Seaboard Air Line R. Co. v. Timmons, 61 So.2d 426 (Fla. 1952); Federal Express Corp. v. Cantaway, 778 So.2d 1052 (Fla. 4th DCA 2001). Florida cases are clear that it is improper and impermissible to allow the taking of the deposition of an opposing party's investigator, so long as the investigator has not been listed as witnesses, as such a deposition would necessarily invade the work-product privilege and irreparably prejudice the case. See

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Huet v. Tromp, 912 So.2d 336 (Fla. 5th DCA 2005); see also 5500 North Corporation v. Willis, 729 So. 2d 508 (Fla. 5th DCA 1999).

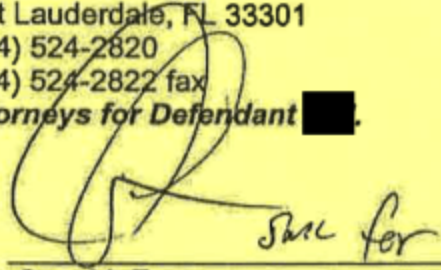
In this case, any questions by Jeffrey Epstein would only seek information related to the investigations of the civil actions against Mr. Epstein, and would thus clearly invade the work-product privilege. As such, this court must grant this Protective Order to prevent the depositions of these investigators from being taken.

WHEREFORE, [REDACTED] requests this Court to enter a protective order as set forth above.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail and email to all counsel on the attached list on April 14, 2010.

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