

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

CIVIL DIVISION -AG

CASE NO. 502009CA040800XXXXMB

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

vs.

SCOTT ROTHSTEIN, individually and  
BRADLEY J. EDWARDS, individually,

Defendants/Counter-Plaintiffs.

---

ORDER GRANTING COUNTER-DEFENDANT,  
JEFFREY EPSTEIN'S, MOTION FOR SUMMARY JUDGMENT

THIS CAUSE came before the court on Counter-Defendant, JEFFREY EPSTEIN'S, Motion for Summary Judgment regarding the Fourth Amended Counterclaim filed herein by Counter-Plaintiff and the court having reviewed the file and applicable precedent, having heard argument of counsel and being otherwise advised in the premises, it is hereupon

ORDERED AND ADJUDGED:

1. Mr. EPSTEIN filed suit against Mr. EDWARDS and Mr. EDWARDS thereafter filed a Counterclaim against Mr. EPSTEIN. After many months of litigation and on the eve of a hearing on Mr. Edwards' Motion for Summary Judgment, Mr. EPSTEIN dismissed his Complaint without prejudice. The Counterclaim proceeded and went through several amendments. The Fourth Amended Counterclaim at issue here contains two causes of action. Those causes of action are abuse of process and malicious prosecution.

2. The issue before the court is whether the absolute litigation privilege applies to causes of action for both abuse of process and malicious prosecution.

3. The court has reviewed Levin, Middlebrooks, Moves & Mitchell, v. U.S. Fire Ins. Co., 639 So.2d 606, 608 (Fla. 1994), Echevarria, McCalla, Raymer, Barrett & Frappier v. Cole, 950 So.2d 380 (Fla. 2007) and Wolfe v. Foreman, 38 Fla. L. Weekly D1540 (July 17, 2013). The court finds these cases to be binding. The court is bound by the holding of Levin, that all actions occurring during the course of a judicial proceeding, so long as the act has some relation to the proceeding, are absolutely privileged. This proposition was reaffirmed in Echevarria. While neither Levin nor Echevarria addressed claims for malicious prosecution, the Third District Court of Appeal in Wolfe, quoting in large part from Echevarria, found specifically that the litigation privilege applies to malicious prosecution claims and acts occurring during the course of a judicial proceeding, if those acts bear some relation to the proceeding.

4. During the hearing on this matter, it was conceded by counsel for Counter-Plaintiff that all of the allegations made in both the abuse of process claim are of acts occurring during the course of what purported to be a judicial proceeding and bear some relation to the proceeding. It was further conceded that the malicious prosecution claim was based on the filing and continued prosecution of the same judicial proceeding. Counter-Plaintiff contended, however, that the litigation privilege could not afford protection to a party who intentionally and maliciously initiated a baseless and sham proceeding as part of an effort at extortion.

5. The court finds that the record evidence taken in the light most favorable to Mr. Edwards (as is required on this motion for summary judgment) strongly supports Mr. Edwards' factual contentions about the nature of the claims initiated and prosecuted against him by Mr. Epstein, however, this Court is bound by the holding in Wolfe that the litigation privilege is absolute and applies to both the abuse of process claim and malicious prosecution claims made herein.

6. The Counter-Plaintiff urged the court that Olson v. Johnson, 961 So.2d 356 (Fla. 2d DCA 2007), is in conflict with Wolfe and that this conflict would allow this court to "peruse" other issues. However, the court finds Olson inapplicable because that case dealt with extra judicial false statements that were made to a police officer. The statements were not made during the course of a

judicial proceeding and were therefore not privileged.

For the reasons stated above, the Motion for Summary Judgment is granted.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida, this  
\_\_\_\_ day of \_\_\_\_\_, 2014.

---

DONALD HAFELE

CIRCUIT COURT JUDGE

COUNSEL LIST

William Chester Brewer, Esquire  
[REDACTED]; [REDACTED]  
250 S Australian Avenue, Suite 1400  
West Palm Beach, FL 33401  
Phone: (561)-655-4777  
Fax: (561)-835-8691  
Attorneys for Jeffrey Epstein

Phone: (954)-745-5849  
Fax: (954)-745-3556  
Attorneys for Scott Rothstein

Jack A. Goldberger, Esquire  
[REDACTED];  
Atterbury, Goldberger & Weiss, [REDACTED].  
250 Australian Avenue South, Suite 1400  
West Palm Beach, FL 33401  
Phone: (561)-659-8300  
Fax: (561)-835-8691  
Attorneys for Jeffrey Epstein

Tonia Haddad Coleman, Esquire  
[REDACTED];  
[REDACTED];  
Tonja Haddad, [REDACTED].  
315 SE 7th Street, Suite 301  
Fort Lauderdale, FL 33301  
Phone: (954)-467-1223  
Fax: (954)-337-3716  
Attorneys for Jeffrey Epstein

Bradley J. Edwards, Esquire  
[REDACTED]  
Farmer, Jaffe, Weissing, Edwards, Fistos  
425 North Andrews Avenue, Suite 2  
Fort Lauderdale, FL 33301  
Phone: (954)-524-2820  
Fax: (954)-524-2822

Fred Haddad, Esquire  
[REDACTED];  
Fred Haddad, [REDACTED].  
One Financial Plaza, Suite 2612  
Fort Lauderdale, FL 33394  
Phone: (954)-467-6767  
Fax: (954)-467-3599  
Attorneys for Jeffrey Epstein

Marc S. Nurik, Esquire  
[REDACTED]  
Law Offices of Marc S. Nurik  
One E Broward Blvd., Suite 700  
Fort Lauderdale, FL 33301