

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

JEFFREY EPSTEIN,

Plaintiff,

Complex Litigation, Fla. R. Civ. Pro. 1201

Case No. 50 2009 CA 040800XXXXMBAG

vs.

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

Defendants.

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S MOTION
FOR PROTECTIVE ORDER TO PRECLUDE OPPOSING COUNSEL AND
DEFENDANT/COUNTER-PLAINTIFF FROM MAKING EXTRA-JUDICIAL
STATEMENTS AND COMMENTARY TO THE MEDIA AND PRESS,
WITH INCORPORATED LEGAL AUTHORITIES**

Plaintiff/Counter-Defendant, JEFFREY EPSTEIN ("EPSTEIN"), by and through his undersigned counsel and pursuant to Rule 1.280(c) of the Florida Rules of Civil Procedure, files this Motion for Protective Order to Preclude Opposing Counsel and Defendant/Counter-Plaintiff From Making Extra-Judicial Statements and Commentary to the Media and Press, and, as grounds therefor, states:

1. On March 11, 2011, the British publication "The Telegraph" published an article entitled "Convicted paedophile Jeffrey Epstein is facing a new criminal investigation and is involved in a civil suit with a lawyer." [Exhibit 1]. The source for much of that Article's information is Jack Scarola, Esq., counsel for the Defendant/Counter-Plaintiff, Bradley J. Edwards.

2. In fact, Mr. Scarola is quoted to have said the following:

- a. "We would be very keen to speak with Prince Andrew, given his relationship with Jeffrey Epstein."
- b. "We want to obtain additional details on the scope of Mr. Epstein's alleged sexual abuse of children — when, where, how frequently and the extent to which it involved the transport of children inside and outside the United States for sex."
- c. "We have reason to believe that Prince Andrew has been in the company of Mr. Epstein while Mr. Epstein has been in the company of under-aged children."

[Exhibit 1].

3. That same day, the Palm Beach Daily News published an article entitled "Jeffrey Epstein address book 'Holy Grail' of famous manes." [Exhibit 2]. This article refers to the fact that "[t]he British press has been having a field day digging up new details about Epstein's friendship with Prince Andrew." [Exhibit 2].

4. Two days later, another British publication, "The Observer," reported: "Edwards' lawyer, Jack Scarola, said last week that his team intended to try and get a statement from the prince [Andrew] about what he may or may not have seen while attending parties with Epstein." [Exhibit 3].

5. Any published comments by Mr. Scarola are clearly generating other articles about EPSTEIN. All statements and comments by Mr. Scarola to the press and media must therefore stop immediately.

6. This Court has the undeniable discretion to control and prohibit such extra-judicial commentary in order to insure that Plaintiff/Counter-Defendant EPSTEIN receives a fair trial. *See State ex. rel. Miami Herald Publishing Co. v. McIntosh*, 340 So. 2d 904, 910 (Fla. 1976). Courts in Florida may take steps to protect against pretrial publicity. *See Sheppard v.*

Maxwell, 384 U.S. 333, 348, 86 S. Ct. 1507, 16 L. Ed. 2d 600 (1966); Sentinel Communications Co. v. Watson, 615 So. 2d 768, 769 (Fla. 5th DCA 1993). The limitations imposed by the court on communications between lawyers and/or litigants and the media are permissible for good cause shown in order to assure a fair trial. *See* State ex. rel. Miami Herald Publishing Co. v. McIntosh, 340 So. 2d 904, 910 (Fla. 1976); *see also* Florida Freedom Newspapers, Inc. v. McCrary, 520 So. 2d 32, 35 (Fla. 1988).

7. The Florida Supreme Court in McIntosh recognized that restrictions on extrajudicial comment are within the power of the trial judge when it said:

Limitation placed on lawyers, litigants and officials directly affected by court proceedings may be made at the court's discretion.... Muzzling lawyers who may wish to make public statements ... has long been recognized as within the court's inherent power to control professional conduct.

State ex rel. Miami Herald Publishing Co. v. McIntosh, 340 So. 2d at 910. Thereafter, the Supreme Court in McCrary stated: "Prohibition on comment is an acceptable alternative to prior restraint." Florida Freedom Newspapers, Inc. v. McCrary, 520 So. 2d at 35-36 (order prohibiting public comment on evidence and charges against two defendants by members of state attorney's office and sheriff's was proper preventive measure where prejudicial publicity threatened to impair the right to a fair trial).

8. Any communications by Mr. Jack Scarola and Mr. Bradley J. Edwards, as attorneys and officers of the court, with the media and press are also limited by the requirements of Rule 4-3.6 of the Rules Regulating The Florida Bar. Rule 4-3.6, entitled "Trial Publicity," states:

(a) Prejudicial Extrajudicial Statements Prohibited.
A lawyer shall not make an extrajudicial statement that a reasonable person would expect to be

disseminated by means of public communication if the lawyer knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding due to its creation of an imminent and substantial detrimental effect on that proceeding.

(b) Statements of Third Parties. A lawyer shall not counsel or assist another person to make such a statement. Counsel shall exercise reasonable care to prevent investigators, employees, or other persons assisting in or associated with a case from making extrajudicial statements that are prohibited under this rule.”

9. Rule 4-3.6 incorporates the “substantial likelihood of material prejudice” standard that the United States Supreme Court found to be a “constitutionally permissible balance between the First Amendment rights of attorneys in pending cases and the state’s interest in fair trials.” Gentile v. State Bar of Nevada, 501 U.S. 1030, 1075, 111 S. Ct. 2720, 2745, 115 L. Ed. 2d 888 (1991).

10. In a letter of March 18, 2011, in an effort to conserve this Court’s time and resources, undersigned counsel requested Mr. Scarola to enter into a written agreement guaranteeing that Mr. Scarola, Mr. Edwards, and their respective agents and employees will not engage in any extra-judicial commentary concerning MR. EPSTEIN’s alleged sexual abuse of or being with minor females.

11. The undersigned’s efforts have not, unfortunately, been successful. An e-mail response to the above March 18, 2011 letter was received on March 21, 2011 rejecting the request.

WHEREFORE, Plaintiff/Counter-Defendant, JEFFREY EPSTEIN, respectfully requests this Court, pursuant to the foregoing authorities and consistent with 4.3-6 of the Rules Regulating the Florida Bar, to issue a Protective Order barring Mr. Jack Scarola,

Defendant/Counter-Plaintiff Mr. Bradley J. Edwards, and their respective agents and employees, from participating, encouraging, assisting, or abetting in the dissemination of any out-of-court publicity or extra-judicial statements and commentary to the media and press concerning MR. EPSTEIN's alleged sexual abuse of or being with minor females. Additionally, the requested Protective Order should direct all parties and their counsel, and their respective agents and employees, not to participate, encourage, assist, or abet in the dissemination of any out-of-court publicity, statement and commentary in this matter which is injurious to Mr. Bradley Edwards' reputation.

Respectfully submitted,

By: _____

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via e-mail and U.S. Mail this 22nd day of March, 2011 to:

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The Telegraph

Convicted paedophile Jeffrey Epstein is facing a new criminal investigation and is involved in a civil suit with a lawyer

The Duke of York could be asked to give evidence in two separate legal cases involving Jeffrey Epstein, his paedophile friend, The Daily Telegraph has learnt.



Jeffrey Epstein and Ghislaine Maxwell stayed at Sandringham as guests of the Duke Photo: ALBANPIX/GEOFF PUGH

By Jon Swaine (<http://www.telegraph.co.uk/journalists/jon-swaine/>), in Palm Beach, Florida
10:00PM GMT 10 Mar 2011



Lawyers for a Florida attorney who is being sued by Epstein have disclosed that they want to take a statement from the Duke because they believe he may be able to shed fresh light on Epstein's alleged sex offences.

Meanwhile the FBI has indicated that it will reopen its criminal investigation into Epstein after receiving new information. He was convicted in 2008 for soliciting an under-age girl for prostitution. Sources in America have said the FBI could ask the Duke to give evidence as part of the new investigation.

Epstein, 58, was sentenced to 18 months in prison after admitting two sex offences as part of a plea bargain deal. But allegations were made against him by as many as 40 girls, of whom 17 have settled civil claims they brought against the billionaire.

Epstein is himself suing Brad Edwards, a lawyer for several of the girls. Epstein alleges that Mr Edwards was linked to a fraud committed by a former colleague — a claim dismissed by the local bar association — and that his clients' cases against Epstein were therefore invalid.

Further scrutiny on Duke of York over lobbying

(<http://www.telegraph.co.uk/news/uknews/theroyalfamily/8372507/Further-scrutiny-on-Duke-of-York-over-lobbying.html>)

Timeline: the Duke of York's questionable friends

(<http://www.telegraph.co.uk/news/uknews/theroyalfamily/8366227/Timeline-the-Duke-of-Yorks-questionable-friends.html>)

Labour MP: Prince Andrew is 'an embarrassment' (<http://www.telegraph.co.uk/news/newsvideo/uk-politics-video/8366220/Labour-MP-Prince-Andrew-is-an-embarrassment.html>)

Duchess negotiated debt pay-off for several months

(<http://www.telegraph.co.uk/news/uknews/theroyalfamily/8366981/Duchess-of-York-spent-nine-months-negotiating-with-convicted-paedophile-Jeffrey-Epstein-to-pay-off-her-debts.html>)

Mr Edwards, meanwhile, claims Epstein is abusing the legal system by seeking to intimidate other lawyers and girls, and is counter-suing the financier for substantial damages.

He is seeking to prove to the court that Epstein did sexually abuse dozens of children, allegedly at his Florida mansion in most cases, where the Duke enjoyed holidays and massages. Jack Scarola, the lawyer representing Mr Edwards, told The Daily Telegraph: "We would be very keen to speak with Prince Andrew, given his relationship with Jeffrey Epstein.

"We want to obtain additional details on the scope of Mr Epstein's alleged sexual abuse of children — when, where, how frequently and the extent to which it involved the transport of children inside and outside the United States for sex.

"We have reason to believe that Prince Andrew has been in the company of Mr Epstein while Mr Epstein has been in the company of under-aged children."

Asked whether he had any reason to suspect the Duke had been present while under-age girls were abused, Mr Scarola said: "That's not something I can publicly comment on. We have an ongoing investigation and an ongoing prosecution of a civil case. These are not matters of public record and I am restricted in what I can say on the public record."

There is no allegation that the Duke had sexual contact with any of the girls or that he was aware of any wrongdoing by Epstein.

Mr Scarola added: "Deposition testimony has been taken generally concerning Mr Epstein's association with many high-profile people."

Documents filed in the case so far include Epstein's private phone directory — which included numerous contact details for the Duke, along with masseuses and dozens of other prominent friends. They also include flight logs for Epstein's private jet, which detailed a trip the Duke took with him in 2000 and a 1998 meeting between Epstein, the Duchess of York and Princesses Beatrice and Eugenie.

Mr Scarola said he anticipated "significant procedural impediments" in obtaining sworn deposition from the Duke, due to his ability to claim diplomatic immunity. He said he may be forced to turn to international law.

"The Hague Convention specifically outlines procedures that must be followed for the citizen of one country to be compelled to give testimony regarding a case pending in another," he said.

A Buckingham Palace spokesman declined to comment.

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Prince Andrew's link to sex offender Jeffrey Epstein taints royalty in US

The Duke of York's friendship with billionaire convicted paedophile Jeffrey Epstein has put him on American front pages



Paul Harris in New York
The Observer, Sunday 13 March 2011

A [larger](#) | [smaller](#)



Prince Andrew is finding his friendships under international examination. Photograph: Facundo Arrizabalaga/EPA

The British press has a new admirer, Spencer Kuvin, a Florida lawyer who has fought several cases for young women alleging sexual abuse by the disgraced billionaire Jeffrey Epstein, is delighted – and relieved – that newspapers are now examining Prince Andrew's relationship with the convicted paedophile.

"I am glad the British press has picked this up," Kuvin told the *Observer*. "The British people have a right to ask why he [Prince Andrew] is hanging out with a convicted paedophile. I think that is a very good question to be asking."

Kuvin has been asking it for a while. He believes Epstein has in effect got away with most of his crimes because of his wealth and his connections with the powerful and well-connected across America and the world.

"He's fine. He has a great life," he said of the man who spent less than two years in jail after pleading guilty to child sex offences.

That is probably true. Florida law allows anyone to find out the whereabouts of a convicted sex offender via an online database. According to the website last week Epstein's location was St Thomas in the US Virgin Islands in the Caribbean. He owns a private island there: one that Prince Andrew has visited. "Epstein is probably sunning himself on a beach right now," Kuvin said.

The same cannot be said for the Duke of York. This weekend, as he considers the parlous state of his international reputation, he is likely to feeling a lot less comfortable than his one-time party friend.

It was not meant to be this way for the prince. America is supposed to be a happy hunting ground for the British royal family. It is a place where the people see them as

exotic celebrities to be feted, admired and placed alongside the homegrown "royalty" of Hollywood.

American citizens and politicians – freed from the burdens of paying for a civil list of their own – can indulge in the sort of innocent worship of monarchical "glam" that typified Britain in the 1950s.

So recent headlines in the US media have come as a bit of a shock. "Seen around town: Prince Andrew and Perv Billionaire," blared the *New York Post*. "Duchess of York apologises for accepting money from sex offender," read the *New York Daily News*. So much for the eager anticipation of a slew of good publicity around the marriage of Prince William and Kate Middleton.

It was not just the American tabloids. Even the *Wall Street Journal* ran a lengthy piece last week prompted by the fallout from Prince Andrew's long friendship and close relations with Epstein, 58, who served 18 months for sexual offences involving underage girls. No wonder *New York Post* columnist Andrea Peyser weighed in on the controversy about what she called a "bromance" between the pair. Prince Andrew, she concluded, was an "idiot prince".

It is hard to fathom the depths of the PR disaster that continues to unfold around the prince because of his links to Epstein. After he was snapped walking side by side with Epstein through Central Park last December, Andrew has seen his entire globetrotting existence as a trade ambassador put under the microscope. It has not borne up well.

Suddenly his life and times partying with Epstein have become public knowledge, complete with sordid details of being surrounded by young women and being present at topless pool parties. A woman, Virginia Roberts, who provided sexual services for Epstein and his rich friends while underage, saw the photograph and decided to speak about her experiences. Another picture rapidly surfaced, of Roberts side by side with the prince. To cap it all, Andrew's links to a whole series of unpleasant developing world autocrats and dictators have also come under fresh examination.

None of it has made a pretty picture and the royals – perhaps typically – have been slow to react in any meaningful way. First, the problem was ignored. Then it was dismissed. Only now, belatedly, have they begun to address it with reports that the Queen has talked to Andrew privately. It feels too little, too late.

Like many Europeans, perhaps, Andrew enjoyed the US because of the freedom and opportunities it afforded. The social scene in glittering hotspots like Manhattan and Florida's Palm Beach allowed him to free himself from the stuffy world of aristocratic Britain. He was courted and won over by the rich elite and he repaid the compliment.

No one knows why the prince carried on such a close friendship with a figure like Epstein for so long or why he refused to end it after Epstein went to jail. The facts alone should have been a warning sign. Epstein, a working class Brooklyn boy who became a super-wealthy money manager, was one of the world's most renowned playboys. But in 2008, after a three-year investigation into the young women he and his entourage procured, he wound up in jail. Nor was it an isolated incident. Epstein's case was ended via a plea bargain where he admitted guilt on a charge of felony solicitation of prostitution involving a minor. Yet as many as 40 young women had made allegations against him and, unusually, his plea deal allowed other accusers to sue him in civil court. So far at least 17 of them have settled civil cases against him.

The American drama is far from over for the prince. Instead the legal wranglings around Epstein and his exotic lifestyle threaten to drag the royal family right into the US court system.

Epstein is now suing Brad Edwards, a lawyer for some of the girls from the original investigation. In turn Edwards is counter-suing Epstein, alleging that the billionaire is using his vast resources to pursue expensive legal cases and thus intimidate other victims and their legal representatives. Either way, Andrew could be pulled into the mess as a witness. Edwards's lawyer, Jack Scarola, said last week that his team intended to try and get a statement from the prince about what he may or may not have seen while attending parties with Epstein.

Though the prince is likely to claim diplomatic immunity, that step will not keep his name out of the court papers or the headlines: it will just keep his presence out of the courtroom.

The same thing goes for previous cases involving Epstein. They amount to a potential source of PR torture for the royal family as media scrutiny continues. Recently released documents from a different case showed that two of Epstein's closest confidantes – his PA Sarah Ellen and an on-off girlfriend, Nadia Marcinkova – were repeatedly questioned by Kuvshinov about whether the prince had been involved in sexual acts with any of Epstein's entourage of young women. Both Ellen and Marcinkova declined to answer the questions and instead took the Fifth Amendment, which allows their legal silence.

Of course, there is no evidence or suggestion that Andrew was involved. But in PR terms there does not need to be. There is even a small chance that the FBI will use some of the new revelations emerging in the media to reopen the criminal case against Epstein, though legal experts think it unlikely.

Even the hint of a possibility of a federal probe is another reason for the headline writers to start sharpening their pens for those with links to Epstein.

Prince Andrew is not the only one. Epstein has partied in New York with numerous people since he left jail, including big names and celebrities like Katie Couric, George Stephanopoulos and Woody Allen. Perhaps they too should have known better.

ROYAL CONNECTIONS

■ **Ghislaine Maxwell**, 49, youngest daughter of Robert Maxwell, the former *Daily Mirror* proprietor, is considered one of Prince Andrew's more controversial friends. A decade ago, he was reported to have accompanied her to a "hookers and pimps" party in New York. Ghislaine moved to the US in 1991 after the death of her father and became a fixture on the Manhattan party circuit, where she befriended Jeffrey Epstein.

■ **Goga Ashkenazi**, 31, a glamorous Kazakh oil tycoon, claims to be a "close friend" of Prince Andrew. Ashkenazi, an Oxford-educated socialite and entrepreneur, said: "Britain is very lucky to have him." She was introduced to Andrew in 2001 and they have been friends since. She was his guest at Ascot in 2007, although she denies rumours that they have ever been a couple.

■ **Tarek Kaituni**, a convicted Libyan gun smuggler, is an old friend. In 2008 he and Andrew enjoyed a four-day holiday to Tunisia. Kaituni was convicted of buying a machine gun in 2005 and secretly attempting to transport it from Holland to France.

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