

*** FILED: PALM BEACH COUNTY, FL SHARON BOCK, CLERK. ***

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

JEFFREY EPSTEIN,

CASE NO. 502009CA040800XXXXMBAG

Plaintiff,

vs.

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

Defendant(s).

NOTICE OF PROBABLE CONFLICT, MOTION TO CONTINUE
FOR DATE CERTAIN IN FEBRUARY
[OPPOSED BY EDWARDS]

COMES NOW Jeffrey Epstein, through his undersigned counsel and gives the above Notice and would state as follows:

1. The matter is presently set for trial beginning October 28, 2013 for an eight week trial period.
2. The undersigned is the attorney that will conduct the actual trial of this matter.
3. There are conflicts that presently exist with certain criminal trials that may preclude the undersigned's availability to try this matter during the period set.
4. Trial schedules and conflicts are occurring, inter alia, due to schedule conflicts of either counsel or trial judges, and trials are being presently set that may well run into this Court's trial period.
5. The undersigned on 23 September is beginning a multiple defendant 250 count "IRS" criminal trial in the United States District Court in Miami, which will take at least two to three weeks to try [*United States v. Hachem, et al.* Case Number: 11-20831CR-Williams]. This has been specially set for months.
6. On October 18, 2013, the same date as the calendar call in this matter and at the same time, the undersigned has a calendar call before United States District Court Judge Marra in West

Palm Beach to determine which date in that two week trial period he will begin trial in *United States v. Daoud, et al.*, Case Number: 12-60205CR-Marra, an obstruction and perjury Indictment arising out of occurrences in the Scott Rothstein ponzi scheme, which coincidentally is an issue in the case at bench. That case will take a week to try if the co-defendant pleads guilty. Judge Marra's schedule, due to the length of George brothers "pill mill" case and the "psychic" case presently being tried, has been somewhat in a state of flux.

7. The undersigned is then presently scheduled to try, inter alia, *United States v. Berman, et al.*, Case Number: 13-60156CR-Zloch in the Southern District of Florida, a multiple defendant, multiple count business opportunities fraud and conspiracy matter that will take about a month to try, beginning on November 8, 2013. All co-counsel will be moving for a continuance, however as always the Court or government counsel may be otherwise disposed.

8. The undersigned is next set to try, again before Judge Marra, *United States v. Antonarus*, Case Number: 13-80001CR-Marra, a bank fraud, mortgage fraud trial, set for December 6, 2013 for a two week docket, which also will take a week or more to try.

9. The undersigned is set on 21 October in the Circuit Court in Broward County in a capital murder case, *State of Florida v. Bilotti, et al.*, Case Number: 08-3720CF10A, which is a potential trial due to severance issues and availability of other counsel, as the Judge prefers to try the non death defendants before the undersigned's client, however the non death defendants counsel are in trial. This may also not be an issue depending on the Court's status conference next week.

10. The undersigned has two separate Racketeering [RICO] trials pending in the Circuit Court in Palm Beach County *State of Florida v. Squillante, et al.*, Case Number: 2012-CF-008805-DXXX-MB [a drug racketeering conspiracy matter] and *State of Florida v. Gali, et al.*, Case Number: 2010CF010982BMB [a Government program fraud conspiracy with numerous substantive acts], which are due to be tried. A calendar call in *Gali* is set before Judge Rosenberg on 16 September, and a calendar call before Judge Kelley on *Squillante* on 19 September. Since, due to a specially set Federal trial [*Hachem*], the undersigned cannot try the above cases, it is expected they will "roll" into the trial period for this matter. The prosecutor on *Gali* has suggested sometime in October for as a particular dialect of Arabic translator is needed for the informant, and has to be arranged.

11. The undersigned is also set for a trial call to schedule a date for trial in St. Lucie County in the matter of *State of Florida v. Britt Bailey*, Case Number: 562009CF002633, which has been continued numerous times. That date for trial call is 2 October, but Judge Sweet is in a murder trial for three weeks and is placing the case on the 14 November docket.

Similarly on 11 November in Dade County the undersigned has been set to begin a drug trafficking trial in *State of Florida v. Dindrah Perez*, Case Number: F12-5163 before Judge Venzler. This matter is expected to take several days to try.

12. The undersigned has another murder case set for 7 October in the Circuit Court in Broward County, *State of Florida v. Mallet*, Case Number: 11-11544CF10A which will similarly have to be continued due to the *Hachem* trial and which the undersigned expects that to be set in the present trial period for the instant case if undersigned were available.

13. The undersigned is already specially set for January 21, 2014 on a Defendant who has been in custody for almost five years [*State of Florida v. Terrelonge, et al*, Case Number: 08-13463CF10D]. Also, the undersigned will be away January 13, 2014 through January 17, 2014 at a seminar which has been pre-arranged and pre-paid.

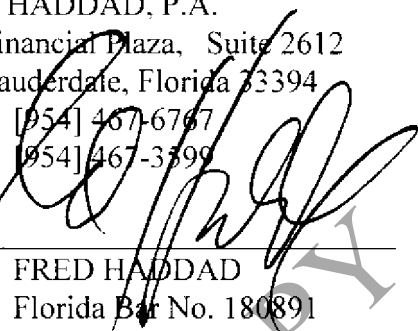
14. The undersigned would, since February 2014 is presently clear, ask that this matter be set in February 2014 for trial.

NOTICE OF OBJECTION AND RESPONSE

15. Jack Scarola, counsel for Edwards, has advised that he strongly objects to a continuance of the presently set trial date. Certainly if the undersigned is not already engaged in a criminal trial, the trial of this rather simple tort case can be easily accomplished during time between any criminal trials and if in this trial any other Court will obviously have to await its conclusion. However, the undersigned submits no criminal court judge, State or Federal, will defer starting a trial for an eight week civil docket, particularly since issues of liberty, as opposed to money, are at stake. The undersigned prefers to give notice early, before the calendar call, rather than be engaged in trial and inconvenience all other counsel.

I HEREBY CERTIFY that a copy of the foregoing was furnished via Email to all counsel listed below, this 13th day of September, 2013.

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