

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

Case No. 50-2009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S
RESPONSE IN OPPOSITION TO DEFENDANT/COUNTER-PLAINTIFF BRADLEY J.
EDWARDS' UNILATERAL PRETRIAL STATEMENT**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Plaintiff") hereby responds to Defendant/Counter-Plaintiff Bradley J. Edwards' ("Defendant") Unilateral Pretrial Statement, which was prematurely filed with this Court on November 15, 2017 and states:

On November 14, 2017, the Honorable Donald Hafele granted Plaintiff's Motion for Continuance of Trial. In its Order, the Court found that, "there are simply too many significant, lengthy motions that are pending and need to be heard prior to December 5, 2017." *See* Order Granting Motion for Continuance of Trial attached as **Exhibit A**. Further, the Court recognized that "not knowing how the court will rule on critical issues would require counsel to try to strategize and plan their respective cases under extreme uncertainty and duress." *Id.*

Moreover, the outcome of the extensive and numerous pretrial motions, which are not scheduled to be heard until November 29, 2017, December 5, 2017 and December 7, 2017, will

likely lead to amendments of the parties' respective Exhibit and Witness Lists and further discovery.

Pursuant to this Court's July 20, 2017, Order Specially Setting Jury Trial, "Unilateral Pretrial Statements are disallowed, unless approved by the court, after notice and hearing showing good cause." See Order Specially Setting Jury Trial attached as **Exhibit B**.

Accordingly, Plaintiff objects to the filing of Defendant's Unilateral Pretrial Statement as it is premature until the Court determines the scope of the trial and what issues will be tried. Plaintiff certifies that he will cooperate in good faith to prepare the Pretrial Statement once the pending Motions have been resolved by the Court and in accordance with the Court's determination of the timing for filing Pretrial Statements.

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on November 16, 2017, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

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EXHIBIT A

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

CIRCUIT CIVIL DIVISION AG
CASE NO. 50-2009-CA-040800-XXXX-MB

JEFFREY EPSTEIN,
Plaintiff/Counter-Defendant,

v.

SCOTT ROTHSTEIN, individually, and
BRADLEY J. EDWARDS, individually,
L M,
Defendants/Counter-Plaintiff.

**ORDER GRANTING PLAINTIFF/COUNTER-DEFENDANT, JEFFREY EPSTEIN'S,
MOTION FOR CONTINUANCE OF TRIAL, SETTING HEARINGS AND RESETTING
CASE FOR SPECIAL SET TRIAL**

THIS CAUSE came before this court on the Plaintiff/Counter-Defendant, JEFFREY EPSTEIN's, Motion for Continuance of Trial and to Extend Pre-Trial Deadlines or, in the Alternative, Bifurcation of Trial, and the court, having heard arguments of counsel, having reviewed the motion and the attachments as well as the court file, and being fully advised of the premises it is:

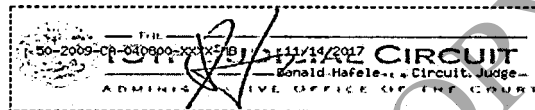
ORDERED AND ADJUDGED that the motion to continue is granted thereby mooting the remaining motions.

Under the circumstances of this unusual and relatively complex case, the court finds that there are simply too many significant, lengthy motions that are pending and need to be heard prior to December 5, 2017, the date that the trial was originally scheduled to commence. The court and counsel have tried to schedule these extensive and numerous pretrial motions but due to the busy schedules of all concerned, trying to hear all of the motions between now (November 14, 2017) and prior to December 5, 2017, would cause undue strain on the part of the court and counsel. At this late juncture, not knowing how the court will rule on critical issues would require counsel to try to strategize and plan their respective cases under extreme uncertainty and duress.

To stem this overriding concern but also taking into account the age of the case (the case's extensive appellate history is well known to the parties and will not be repeated here), the court specially sets this case Number 1 for the ten (10) day period commencing March 13, 2018 at 9:30 a.m. in Courtroom 10C. In the interim, lead counsel of record shall prepare a list of the parties' respective motions and the agreed sequence of the motions to be heard as well as the total anticipated time for argument (motion, response and rebuttal only). As to the written motions, only the motion and a response will be permitted. No reply briefs will be allowed

absent court order. This schedule shall be prepared and presented to the court no later than noon on November 17, 2017 as the court will be on vacation during Thanksgiving week. In addition to the November 29, 2017 date already provided (10:00 a.m. – 3:00 p.m. and allowing one hour and fifteen minutes for lunch), the court is opening up December 5, 2017 (10:00 a.m. – 3:00 p.m.) and December 7, 2017 (10:00 a.m. – noon) so that all pending motions (only) can be heard.

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida, this 14th day of November, 2017.



DONALD HAFELE
Circuit Judge

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EXHIBIT B

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

CIRCUIT CIVIL DIVISION AG
CASE NO. 50-2009-CA-040800-XXXX-MB

JEFFREY EPSTEIN,
Plaintiff(s)

v.

SCOTT ROTHSTEIN, individually,
BRADLEY J. EDWARDS, individually,
and L M, individually,
Defendant(s).

ORDER SPECIALLY SETTING JURY TRIAL

THIS CAUSE came before this court on July 6, 2017 on Counter-Plaintiff, BRADLEY J. EDWARDS', Motion to Set Cause for Trial and the Court's Motion to Determine Need for Discovery/Motion Scheduling Order and the court having reviewed the Motion, heard argument and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that this case is specially set, number one, for jury trial on **Tuesday, December 5, 2017, at 9:30 a.m.**, (10 days reserved) in Courtroom 10C, Palm Beach County Courthouse, 205 North Dixie Highway, West Palm Beach, Florida 33401.

II. UNIFORM PRETRIAL PROCEDURE

- A. On the last business day no later than **60 DAYS PRIOR TO TRIAL**, the parties shall exchange lists of all trial exhibits, names and addresses of all trial witnesses, and names and addresses of all expert witnesses.
- B. On the last business day no later than **50 DAYS PRIOR TO TRIAL**, the parties shall exchange lists of names and addresses of all rebuttal witnesses.
- C. In addition to names and addresses of each expert retained to formulate an expert opinion with regard to this cause, both on the initial listing and on rebuttal, the parties shall provide:
 - 1. the subject matter about which the expert is expected to testify;
 - 2. the substance of the facts and opinions to which the expert is expected to testify;
 - 3. a summary of the grounds for each opinion;

Order Specially Setting Jury Trial

Case No: 50-2009-CA-040800-XXXX-MB

4. a copy of any written reports issued by the expert regarding this case; and
5. a copy of the expert's curriculum vitae.

D. On the last business day no later than **30 DAYS PRIOR TO TRIAL**, the parties shall confer and:

1. discuss settlement;
2. simplify the issues and stipulate, in writing, as to as many facts and issues as possible;
3. prepare a Pre-Trial Stipulation in accordance with paragraph E; and
4. list all objections to trial exhibits.

E. **PRETRIAL STIPULATIONS MUST BE FILED.** It shall be the duty of counsel for the Plaintiff to see that the Pre-Trial Stipulation is drawn, executed by counsel for all parties, and filed with the Clerk no later than **20 DAYS PRIOR TO TRIAL**. **UNILATERAL PRETRIAL STATEMENTS ARE DISALLOWED, UNLESS APPROVED BY THE COURT, AFTER NOTICE AND HEARING SHOWING GOOD CAUSE.** Counsel for all parties are charged with good faith cooperation in this regard. The Pre-Trial Stipulation shall contain in separately numbered paragraphs:

1. a list of all pending motions including **MOTIONS IN LIMINE** and **DAUBERT MOTIONS** requiring action by the Court and the dates those motions are set for hearing (**MOTIONS IN LIMINE shall not be heard the day of trial or thereafter**). All Daubert Motions must be heard 20 days before the start of the trial.
2. stipulated facts which require no proof at trial which may be read to the trier of fact;
3. a statement of all issues of fact for determination at trial;
4. each party's numbered list of trial exhibits with specific objections, if any, to schedules attached to the Stipulation;
5. each party's numbered list of trial witnesses with addresses (including all known rebuttal witnesses); the list of witnesses shall be on separate schedules attached to the Stipulation;
6. a statement of estimated trial time;
7. names of attorneys to try case;
8. number of peremptory challenges per party; and
9. each party's proposed jury instructions and verdict form, with citations to supporting authority, as schedules attached to the Stipulation.

F. **FILING OF PRE-TRIAL STIPULATION.** Failure to file the Pre-Trial Stipulation or a Court Approved Unilateral Stipulation as above provided may result in the case being stricken from the Court's calendar at its sounding or other sanctions.

G. **ADDITIONAL EXHIBITS, WITNESSES OR OBJECTIONS.** At trial, the parties shall be strictly limited to exhibits and witnesses disclosed and objections reserved on the

Order Specially Setting Jury Trial

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schedules attached to the Pre-Trial Stipulation prepared in accordance with paragraphs D and E, absent agreement specifically stated in the Pre-Trial Stipulation or order of the Court upon good cause shown. Failure to reserve objections constitutes a waiver. A party desiring to use an exhibit or witness discovered after counsel have conferred pursuant to paragraph D shall immediately furnish the Court and other counsel with a description of the exhibit or with the witness' name and address and the expected subject matter of the witness' testimony, together with the reason for the late discovery of the exhibit or witness. Use of the exhibit or witness may be allowed by the Court for good cause shown or to prevent manifest injustice.

- H. DISCOVERY.** Unless permitted by court order, all discovery must be completed no later than 10 DAYS BEFORE THE DATE SET FOR TRIAL. ABSENT A TRUE EMERGENCY, FAILURE TO COMPLETE DISCOVERY SHALL NOT CONSTITUTE GROUNDS FOR CONTINUANCE.
- I. PRE-TRIAL CONFERENCE.** No pre-trial conference pursuant to Fla. R. Civ. P. 1.200 is set by the Court on its own motion. If a pre-trial conference is set upon motion of a party, counsel shall meet and prepare a stipulation pursuant to paragraphs D and E and file the stipulation no later than 5 DAYS BEFORE THE CONFERENCE. Failure to request a pre-trial conference in a timely fashion constitutes a waiver of the notice of requirement of Rule 1.200. Motions for Summary Judgment will not be heard at any pre-trial conference.
- J. UNIQUE QUESTIONS OF LAW.** Prior to trial, counsel for the parties are directed to exchange and simultaneously submit to the Court appropriate memoranda with citations to legal authority in support of any unique legal questions which may reasonably be anticipated to arise during the trial.
- K. MODIFICATION TO UNIFORM PRE-TRIAL PROCEDURE.** Upon written stipulation of the parties filed with the court, the Pre-Trial Procedure, except for items II D-F, inclusive, may be modified in accordance with the parties' stipulation, except to the extent that the stipulation may interfere with the Court's scheduling of the matter for trial or hinder the orderly progress of the trial.
- L. PREMARKING EXHIBITS.** Prior to trial, each party shall meet with and assist the clerk in marking for identification all exhibits, as directed by the clerk.
- M. DEPOSITION DESIGNATIONS.** No later than 20 DAYS PRIOR TO TRIAL, each party shall serve his, her, or its designation of depositions, or portions of depositions, each intends to offer as testimony in his, her or its case in chief. No later than 10 DAYS PRIOR TO TRIAL, each opposing party shall serve his, her, or its counter (or "fairness") designations to portions of depositions designated, together with objections to

the depositions, or portions thereof, originally designated. No later than trial, each party shall serve his, her or its objections to counter designations served by an opposing party.

III. MEDIATION

- A. All parties are required to participate in mediation.
1. The appearance of counsel who will try the case and representatives of each party with full authority to enter into a complete compromise and settlement is mandatory. If insurance is involved, an adjuster with authority up to the policy limits or the most recent demand, whichever is lower, shall attend.
 2. At least **ONE WEEK BEFORE THE CONFERENCE**, all parties shall file with the mediator a brief, written summary of the case containing a list of issues as to each party. If an attorney or party filing the summary wishes its content to remain confidential, he/she must advise the mediator in writing when the report is filed.
 3. All discussions, representations, and statements made at the mediation conference shall be privileged consistent with Florida Statutes sections 44.102 and 90.408.
 4. The mediator has no power to compel or enforce a settlement agreement. If a settlement is reached, it shall be the responsibility of the attorneys or parties to reduce the agreement to writing and to comply with Florida Rule of Civil Procedure 1.730(b), unless waived.
- B. The Plaintiff's attorney shall be responsible for scheduling mediation. The parties should agree on a mediator. If they are unable to agree, any party may apply to the Court for appointment of a mediator in conformity with Rule 1.720 (f), Fla. R. Civ. P. The lead attorney or party shall file and serve on all parties and the mediator a Notice of Mediation giving the time, place, and date of the mediation and the mediator's name. The mediator shall be paid \$175.00 per hour, unless otherwise agreed by the parties.
- C. Completion of mediation prior to trial is a prerequisite to trial. If mediation is not conducted, or if a party fails to participate in mediation, the case, at the Court's discretion, may be stricken from the trial calendar, pleadings may be stricken, and other sanctions may be imposed.
- D. Any party opposing mediation may proceed under Florida Rule of Civil Procedure 1.700(b).

IV. NONCOMPLIANCE

NONCOMPLIANCE WITH ANY PORTION OF THIS ORDER MAY RESULT IN THE STRIKING OF THE CASE, WITNESSES, OR EXHIBITS, OR IMPOSITION OF SUCH OTHER SANCTIONS AS ARE JUST.

Order Specially Setting Jury Trial
Case No: 50-2009-CA-040800-XXXX-MB

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida this 20th day of July, 2017.



JUDGE DONALD HAFELE
Circuit Judge

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Order Specially Setting Jury Trial
Case No: 50-2009-CA-040800-XXXX-MB

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