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,
_____/

RESPONSE IN OPPOSITION TO PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S MOTION TO OVERRULE OBJECTIONS AND COMPEL DEFENDANT/COUNTER-PLAINTIFF BRADLEY EDWARDS TO ANSWER QUESTIONS

Counter-Plaintiff Bradley J. Edwards ("Edwards"), by and through his undersigned counsel and pursuant to Rule 1.380 of the Florida Rules of Civil Procedure, hereby moves this Court to enter an order Denying Plaintiff/Counter-Defendant Jeffrey Epstein's Motion To Overrule Objections And Compel Defendant/Counter-Plaintiff Bradley Edwards To Answer Questions, and in support thereof states as follows:

INTRODUCTION

As the Court is well aware, at this stage in the proceedings, Epstein has dismissed his claim against Edwards and all that remains to be tried is Edwards' malicious prosecution counter-claim against Epstein. In March, 2010, Epstein took Edwards' deposition and now, seven-and-a-half-years later (!), he asks the Court to rule on certain objections that Edward's legal counsel raised during the deposition. Epstein's belated request is simply untimely.

In any event, the pending counter-claim turns on *Epstein's* state of mind – i.e., whether *he* had a valid basis for bringing a lawsuit against Edwards. Despite this narrowing of the case, Epstein continues to attempt to force Edwards to answer a series of detailed questions about his legal representation of sexual abuse clients. At his deposition, Edwards (through legal counsel) properly raised objections to these questions, including attorney-client privilege, work product privilege, and for other well-founded reasons. Epstein has failed to provide any sound basis for overruling the objections. Accordingly, the Court should deny his motion to overrule the objections.

MEMORANDUM OF LAW

The attorney-client privilege is provided for in section 90.502, Florida Statutes (2010), which states that "[a] client has a privilege to refuse to disclose, and to prevent any other person from disclosing, the contents of confidential communications when such other person learned of the communications because they were made in the rendition of legal services to the client." § 90.502(2), Fla. Stat. (2010). "The purpose of the [attorney-client] privilege is to encourage clients to make full disclosure to their attorneys." *Genovese v. Provident Life & Accident Ins. Co.*, 74 So. 3d 1064, 1067 (Fla. 2011), *as revised on denial of reh'g* (Nov. 10, 2011) (*quoting Fisher v. United States,* 425 U.S. 391, 403 (1976)). It is also important to note that "the attorney/client privilege belongs to the client, not the attorney." *Neu v. Miami Herald Pub. Co.,* 462 So. 2d 821, 825 (Fla. 1985).

The work product doctrine provides an additional level of protection for attorneys involved in litigation and is outlined in Florida Rule of Civil Procedure 1.280(b)(3), which states that:

> a party may obtain discovery of documents and tangible things otherwise discoverable under subdivision (b)(1) of this rule and prepared in anticipation of litigation or for trial by or for another party or by or for that party's representative, including that party's attorney, consultant, surety, indemnitor, insurer, or agent,

> only upon a showing that the party seeking discovery has need of the materials in the preparation of the case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of the materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

The rationale supporting the work product doctrine "is that 'one party is not entitled to prepare his case through the investigative work product of his adversary where the same or similar information is available through ordinary investigative techniques and discovery procedures.'" *Millard Mall Servs., Inc. v. Bolda*, 155 So. 3d 1272, 1274–75 (Fla. 4th DCA 2015) (*quoting Southern Bell Tel. & Tel. Co. v. Deason,* 632 So.2d 1377, 1384 (Fla. 1994)). If the moving party fails to show that the substantial equivalent of the material cannot be obtained by other means, the discovery will be denied. *Millard Mall Servs., Inc. v. Bolda*, 155 So. 3d at 1275.

EPSTEIN'S MOTION, FILED AS LONG AS SEVEN-AND-A-HALF-YEARS AFTER THE DEPOSITION, SHOULD BE DENIED AS UNTIMELY

Epstein took Edwards' first deposition on March 23, 2010—more than seven-and-a-half years ago. Epstein took Edwards' second deposition on May 15, 2013—more than four years ago. Now, with the trial rapidly approaching, Epstein has filed a motion challenging certain objections that Edwards' legal counsel interposed years ago.

Epstein provides no reason why he failed to raise this issue much sooner. For example, if Epstein had concerns about privileges and other related objections that developed during the March 2010 deposition, he should have raised them with the Court before the May 2013 deposition. And even after the May 2013 deposition, Epstein has waited for years to raise any concern. Delaying to raise the issue years later is unfair both to Edwards—and to the Court—since the issues could have been resolved long ago without the need for a possible third deposition, which would need to be set on the eve of trial.

Nor does Epstein offer any clear reason why the Court should address these issues now as part of pre-trial discovery for a case set to go to trial shortly. It is important to note that Edwards will testify at trial, and Epstein will be of course free to ask any legitimate questions at that time. Should something develop during the course of the trial that makes an answer from Edwards relevant and admissible, the Court would always be free to direct an answer at that time. Epstein provides no explanation why the discovery at issue here is necessary *now* to help him prepare for trial. Accordingly, Epstein will suffer no prejudice if the Court denies his motion.

Entirely apart from any particular deadlines that may or may not have been set, it is well-settled "[t]rial courts have broad discretion in controlling discovery and in issuing protective orders." *Katzman v. Rediron Fabrication, Inc.*, 76 So.3d 1060, 1065 (Fla. 4th DCA 2011). Epstein offers no reason why this discovery at this late date is need to help him prepare for trial. Consider, for example on the very first questions Epstein seeks to force attorney Edwards to answer: "Why did E.W. come, why did she hire you in the first place? What was the purpose?" As the Court is aware, E.W. was one of Epstein's sexual assault victims. After Edwards filed a lawsuit against Epstein for the sex abuse, E.W. testified in the underlying civil case that Epstein sexually abused her. In the underlying civil case – as well as in this case – Epstein took the Fifth rather than answer the questions about his sexual abuse of E.W. Against that backdrop, Epstein does not explain why it is necessary for the Court to address the issue of whether attorney-client privilege properly was invoked to prevent question in this area (although, to be clear, the privilege obviously does apply).

The Court should exercise that discretion in favor of finding that Epstein's objections are simply raised too late.

EDWARDS HAS NOT "WAIVED" ANY PROTECTIONS.

Epstein also argues that the Edwards' has somehow "waived" these protections by filing his counterclaim. But it is important to understand the parameters of Edwards' counterclaim against Epstein, which alleges *Epstein* engaged in wrongful conduct against Edwards. *See* Fourth Amended Counterclaim by Edwards against Epstein (Jan. 9, 2013). That counterclaim thus turns on *Epstein's* state of mind, as demonstrated by one of the important allegations in the counterclaim:

> **EPSTEIN knew** at the time of the filing of the specified claims [against Edwards] and throughout his failed prosecution of those claims that he could not prosecute the claims to a successful conclusion because:
>
> > a. they were both false and unsupported by any reasonable belief or suspicion that they were true;
> > b. he had suffered no legally cognizable injury proximately caused by the falsely alleged wrongdoing on the part of EDWARDS;
> > c. he had no intention of waiving his Fifth Amendment privilege against self-incrimination in order to provide the relevant and material discovery that would be necessary in the course of prosecuting the claims, (even if they had any reasonable basis), and he knew that his prosecution would consequently be barred by the sword-shield doctrine;
> > d. EDWARDS' conduct in the prosecution of claims against EPSTEIN could not support the prosecution of a separate civil lawsuit against EDWARDS because of the absolute protection of the litigation privilege.

Fourth Amended Counterclaim at 5 (emphasis added).

As the highlighted language above makes clear, the issue to be tried in connection with Edwards' counter-claim against Epstein turns on what *Epstein* knew when *he* filed his lawsuit against Edwards. Questions of what happened in a private meeting when E.W. (for example) came to Edwards' law office for a private meeting cannot have any bearing on *Epstein's* knowledge.

Epstein points to one paragraph of the Edwards' counterclaim as somehow constituting a broad waiver of attorney-client and work-product protections. Paragraph 8 of the counterclaim reads:

> While prosecuting the legitimate claims on behalf of his clients, EDWARDS has not engaged in any unethical, illegal, or improper conduct nor has EDWARDS taken any action inconsistent with the duty he has to vigorously represent the interests of his clients. **EPSTEIN has no reasonable basis to believe otherwise and has never had any reasonable basis to believe otherwise.**

Fourth Amended Counterclaim at 3 (emphases added). The key language in this paragraph is the highlight language, which concerns Epstein's "reasonable basis" for believing that Edwards was somehow not pursuing legitimate claims for his clients. Until Epstein is willing to testify that the sex abuse claims were illegitimate, he has no reason for deposing Edwards on any of these subjects. Of course, as the Court is well aware, Epstein has taken the Fifth rather than answer the simple foundational question of whether the sex abuse lawsuits against him were legitimate.

The only case that Epstein cites in support of his "waiver" theory is a federal decision from a federal magistrate judge involving application of the federal rules of civil procedure. Mot. at 19 (*citing Dunkin' Donuts Inc. v. Mary's Donuts, Inc.*, 206 F.R.D. 518 (2002)). Epstein does not quote from the case directly, but instead crafts his own description of the holding. But the case involved a situation where corporate plaintiff was refusing to provide a corporate representative to testify about the plaintiff's theory of the case. *See id.* at 520 ("Plaintiffs object to provide a corporate representative to testify as to the facts supporting their theory that Defendants underreported sales" and analyzing the issue under Fed. R. Civ. P. 30(b)(6)). Here, of course, Mr. Edwards has been deposed – twice – as long as seven years ago about his theories of the case. This case is vastly different than that one.

Moreover, even assuming for sake of argument, that any sort of waiver has taken place, the waiver would be expressly limited. Perhaps in contrast to federal law, under Florida law a party can "make a limited waiver of its attorney-client or work product privileges in this state." *Paradise Divers, Inc. v. Upmal*, 943 So. 2d 812, 814 (Fla. 5th DCA 2006) (*citing Volpe v. Conroy, Simberg*

& Ganon, P.A., 720 So.2d 537, 538–39 (Fla. 4th DCA 1998); *Shafnaker v. Clayton,* 680 So.2d 1109, 1111 (Fla. 1st DCA 1996); *E. Air Lines, Inc. v. Gellert,* 431 So.2d 329, 332 (Fla. 3d DCA 1983) (waiver by disclosure limited "to other unrevealed communications only to the extent that they are relevant to the communication already disclosed"); *see also Procacci v. Seitlin,* 497 So.2d 969 (Fla. 3d DCA 1986) (citing cases regarding limited waiver). As is apparent for portion of the Counterclaim discussed above, the only "waiver" that Edwards could even conceivably be making by filing his lawsuit would be with regard to situations where Epstein is claiming to have had a good faith and honest belief that Edwards was engaged in improper activities. But as the Court well knows, Epstein has not testified to any such belief – instead, taking the Fifth when asked the most basic questions about his crimes and Edwards' representation of clients attempting to hold Epstein accountable for them. Because any alleged "waiver" would be limited to any area where Epstein had pled such a belief, Epstein presents no basis for finding any waiver at all. *See Paradise Divers, Inc. v. Upmal*, 943 So. 2d 812, 814 (Fla. Dist. Ct. App. 2006) ("The limited waiver made by Paradise on the subject of maintenance and cure does not constitute a waiver of the attorney-client and work product objections made to protected investigative materials, mental impressions, or communications concerning other counts of the complaint.").

Finally, in addition to all these problems, Edwards simply is unable to somehow "waive" the attorney-client privilege, because that privilege belongs not to him but to his clients. *See Neu v. Miami Herald Pub. Co.,* 462 So. 2d 821, 825 (Fla. 1985) ("It is also important to note that "the attorney/client privilege belongs to the client, not the attorney.").

For all these reasons, the Court reject Epstein's argument that Edwards has "waived" any protections over confidential communications.

EDWARDS' OBJECTIONS ON GROUNDS OF ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT PROTECTION SHOULD BE SUSTAINED.

As Epstein notes, attorney-client and work product issues arose repeatedly during the course of attorney Edwards' deposition. This is hardly surprising, because Epstein's defense counsel repeatedly asked Edwards to answer questions about the details of his legal strategies and investigations during Edwards' deposition. By Epstein's count, Edwards raised attorney-privilege approximately 65 times and work product doctrine approximately 70 times. Mot. at 2.

Rather than go through each of the specific objections, Epstein has cherry-picked a few examples that he believes exemplify why the objections should be overruled. But even his selected examples (presumably the best he could find to make his arguments) demonstrate quite clearly that the objections should be sustained. For the convenience of the Court, Edwards will proceed to refute the examples cited by Epstein in the order they appear in his motion.

Initial Examples of Attorney-Client and Work Product Assertions

As a starting point, consider this exchange that Epstein highlights as one of his first examples:

> Q: Why did E.W. come, why did she hire you in the first place? What was the purpose? *Transcript of Deposition dated March 23, 2010,* page 89; lines 2-3.
> A: This is going to get into attorney-client privileged information as to why she hired me which would incorporate the things that she told me that related to my representation, therefore, I am invoking the privilege and not answering. *Id.* at page 89; lines 4-8.

Mot. at 4. Epstein offers no reason whatsoever for believe that this objection is even arguably improper. Indeed, it is not until 13 pages later in his motion that Epstein advances his general arguments about attorney-client privilege. *See* Mot. at 17. There, Epstein even writes that an attorney-client communication is one that relates "to the subject matter of the attorney's employment." Mot. at 17 (*citing Gold Coast Raceway v. Ehrenfeld*, 392 So.2d 1002, 1002 (Fla.

4th DCA 1981) (citations omitted)). Obviously, asking why E.W. sought to hire Edwards goes directly to the subject matter for which Edwards was hired and falls squarely within attorney-client privilege – even under the authorities Epstein has chosen to cite.

Of course the same protection would exist with regard to Epstein's questions about another of Edwards' sexual abuse clients, L.W. Epstein asked about why she hired Edwards:

> And what, for what purpose did Ms. L.M. originally hire you? *Transcript of Deposition dated March 23, 2010,* page 98; line 22-23.
> MR. SCAROLA: I am going to object. That calls for attorney-client privilege. *Id.* at page 98; line 24-25.

Mot. at 4. Here again, it is hard to imagine a subject more directly covered by the attorney-client privilege than this one.

Questions Related to Attorney Russell Adler

Epstein next discusses questions touching on attorney Scott Rothstein and legal research and factual investigation that Edwards conducted while representing his sex abuse clients. Mot. at 5-7. With regard to these objections, they are obviously well-founded attorney-client and work product objections.

Consider, for example, a question Epstein asked Edwards regarding a meeting between attorney Russell Adler and attorney Bradley J. Edwards regarding a legal issue that arose during the case.

> Q: Was a question posed to you? *Transcript of Deposition dated March 23, 2010* at page 126; line 9.
> A: The question was on the table at least from my perspective coming into the room and was then directed at me, what's the answer to this particular legal issue. *Id.* at page 126; line 10-12.
> Q. And what was the legal issue? *Id.* at page 126; line 13.
> MR. SCAROLA: If this was an issue that was identified during the course of the legal proceedings to opposing counsel, then I am going to allow you to identify the issue without getting into any of the substance of the discussion regarding that

> issue. If it was an issue that was identified in the cour[se] of the proceedings to opposing counsel, I am going to object and instruct you not to answer on the basis of the work-product privilege. *Id.* at page 126-27; line 20-7.
> A: Work product privilege. *Id.* at page 127; line 8.

Mot. at 6. Obviously these questions go directly at a "legal issue" that had arisen between lawyers during the course of the proceedings where Edwards was representing his sex abuse clients in their lawsuits against Epstein. It is hard to image a clearer example of a communication protected by the work-product doctrine. Indeed, exploring this subject would necessarily involve discussions of attorney Edwards' "mental impressions, conclusions, opinions, and theories" which "generally remain[] protected from disclosure." *Southern Bell Tel. & Tel. Co. v. Deason,* 632 So. 2d 1377, 1384 (Fla. 1994).

Edwards Refusal to Allow His Clients to Go on Television

Epstein also points to the fact that Edwards *refused* to allow his sex abuse clients to be interviewed by television stations. Mot. at 6. Epstein does not explain how, consistent with his theory of the case, Edwards' efforts to *reduce* publicity could somehow be relevant to his case. But in any event, Edwards testified that investigating this subject would involve exploration of protected attorney-client communications (see Transcript of Deposition dated March 23, 2010, Id. at page 142; line 25), and Epstein offers no reason to doubt that assertion.

Subpoena to Maxwell

An equally obvious situation involving attorney work product is Epstein's question to Edwards about why he decided to serve a subpoena on Ghislaine Maxwell, the girlfriend of Epstein. *See* Mot. at 6. Maxwell is not one of the individuals that Epstein cites in his complaint as one of the persons Edwards allegedly asked to depose for improper purposes. Therefore, delving into the reasons for the subpoena would necessarily involve exploration of attorney Edwards' "mental impressions, conclusions, opinions, and theories" which have the highest level

of word production protection. *See Southern Bell Tel. & Tel. Co.*, 632 So. 2d at 1384. Epstein offers no sound reason for stripping Edwards of work product protection, particularly in light of the fact that *he* refused to answer any questions about which of his close associates were involved in his sexual abuse.

Edwards' Directions to His Investigator

Yet another obvious example of work product protection comes from Epstein's request that Edwards explain why Edwards' investigators in the case were investigating certain subjects. Mot. at 6-9. Here again, Epstein offers no sound reason for requiring Edwards to answers these questions. Epstein appears to forget that he voluntarily dismissed *his* claim against Edwards and what remains to be tried is Edwards' counter-claim against Epstein. The counterclaim turns on Epstein's malice toward Edwards – that is, what Epstein himself knew when he filed his (now dismissed) action against Edwards – not the confidential details of Edwards' investigation of the sex abuse cases – which, of course, Epstein could not have known (and does not allege that he knew). Illustrative of this point is this paragraph in the counterclaim alleging malice by Epstein:

> **EPSTEIN acted purely out of malice** toward EDWARDS and others, and he had ulterior motives and purposes in filing his unsupported and unsupportable claims. **EPSTEIN'S primary purpose** in both filing and continuing to prosecute each of the claims against EDWARDS was to inflict a maximum economic burden on EDWARDS in having to defend against the spurious claims, to distract EDWARDS from the prosecution of claims against EPSTEIN arising out of EPSTEIN'S serial abuse of minors, and ultimately to **extort EDWARDS** into abandoning the claims he was prosecuting against EDWARDS.

Fourth Amended Counterclaim at 4 (emphases added). Of course, in this case Epstein never testified that he was aware of Edwards undertaking certain investigations – and, most important, Epstein never testified that those investigations were unrelated to his sex abuse of minor girls. Epstein cannot even begin to show the kind of factual predicate that would be necessary to make these issues relevant to his case. He does allude vaguely to the issue of whether Edwards' engaged

in improper conduct. Mot. at 20. But here again, Epstein does not specify what improper conduct he genuinely and honestly believed Edwards was engaged in – and he refused to answer questions about these subjects at his deposition. He cannot carry *his* burden of showing why the Court should compel Edwards to answer questions about work-product protected information.

Edwards Investigation Concerning Alfredo Rodriguez

Epstein next contends that he wants to "determine the scope of Mr. Edwards's knowledge of Mr. [Alfredo] Rodriguez," Mot. at 10, citing to deposition questions on this subject. It appears to be undisputed that Rodriguez was a household employee of Epstein's during the relevant time frame when Epstein was sexually abusing girls in his home, so it is hard to understand how Edwards could even conceivably have been engaged in some sort of improper action in trying to determine what Rodriguez knew about the abuse. Moreover, the Court will recall that it is a matter of public record that Rodriguez was federally prosecuted for – and pled guilty to – transactions involving the "Holy Grail" of Epstein's contact list with minor girls and his associates. *See United States v. Alfredo Rodriguez*, Case. No. 10-80015-CR-Marra/Hopkins, DE 560-2 (statement of facts for plea agreement) (U.S. Dist. Ct. S.D. Fla. June 10, 2010) (noting Rodriguez's possession of documents from Epstein "including names of material witnesses and additional victims" and that, after being arrested, Rodriguez advised the FBI "he had witnessed naked girls whom he believed were minors at the pool area of Epstein's home, knew that his former employer [i.e., Epstein] was engaging in sexual contact with underage girls, and had viewed pornographic images of underage girls on computers in Epstein's home"). And, once again, Epstein refused to answer any questions about Rodriguez during his deposition – although he now seeks to force Edwards to answer questions on this subject.

The salient fact remains that Edwards efforts to obtain information from Rodriguez fall squarely within work-product protection. For Edwards to answer questions would – once again – require direct exploration of Edwards' mental impressions about the case he was investigating. Epstein offers no sound reason for stripping Edwards of work product protection.

Edwards Efforts to Obtain Information About Epstein from the Government

Epstein next seeks to force Edwards to answer questions about his efforts to obtain information from the federal government about Epstein's crimes. Here again, as the Court well knows, it is a matter of public record that the federal government undertook an extensive investigation of Epstein's criminal sex abuse of minor girls. Ultimately this investigation produced a non-prosecution agreement, in which Epstein agreed to pled guilty to two Florida sex crimes in exchange for the federal government agreeing not to prosecute Epstein for federal crimes such as "knowingly and willfully conspiring with others known and unknown to commit an offense against the United States, that is, to use a facility or means of interstate or foreign commerce to knowingly persuade, induce, or entice minor females to engage in prostitution, in violation of Title 18, United States Code, Section 2422(b); all in violation of Title 18, United States Code, Section 371." *See* Epstein Non-Prosecution Agreement at 1; *see also id.* at 1-2 (recounting four other federal sex crimes involving minors covered by the federal non-prosecution agreement). Against that uncontested factual backdrop, Epstein efforts to depose Edwards as to why he was attempting to secure information from the Government about Epstein's federal sex crimes can have serve no other purpose than harassment – and Epstein never explains why he needs answers to the questions at issue as part of his defense.

But – once again – the salient point remains that Edwards' mental impressions and other reasons for pursuing investigation in this area is protected from disclosure by the work-product

doctrine. Epstein has not shown any good reason for the Court to deny protection here, particularly given the fact that he could have obtained any relevant information in other ways. *See, e.g., Universal City Dev. Partners, Ltd. v. Pupillo*, 54 So. 3d 612, 614 (Fla. 5th DCA 2011) (extending work product protection where litigant was free to obtain information through "discovery or public records requests to the law enforcement agencies").

Information Sharing Between Plaintiffs' Attorneys

Epstein next seeks to force Edwards to discuss any information-sharing arrangement that might have existed between the multiple plaintiffs' attorneys representing Epstein's victims and Edwards in the course of representing his victims. Mot. at 12-13. Here again, it is hard to understand how answers to such questions could have even the remotest relevance to the case at hand. Assuming for sake of discussion that such arrangements were put in place, they would simply be a standard device for sharing information between clients with a common goal: holding Epstein accountable for the sex offenses he committed against minor girls. Epstein offers no explanation as to why the existence and/or details such arrangements could be important to any jury evaluating this case. Of course, he never testified about having any concern about these arrangements when he was deposed.

But – once again – the salient point remains that Edwards' mental impressions and other reasons for creating any such arrangements is protected from disclosure by the work-product doctrine.

Edwards' Prosecution of Epstein Cases in 2009

Next Epstein seeks to force Edwards to discuss the confidential legal strategy underlying decisions made regarding investigation of some of Epstein's high-profile friends who might have had knowledge of Epstein's sex abuse. Mot. at 13-14. Here again, Epstein has never testified that

he had a good faith basis for believing that any efforts made by Edwards were somehow improper. Of course, instead of providing any such testimony, Epstein invoked his Fifth Amendment rights rather than answers questions about his friends during his deposition – allowing the Court and the jury to infer, from that fact alone, that these individuals would have had relevant information for Edwards to investigate.

Epstein never clearly explains why he needs a third deposition of Edwards to explore these subjects to prepare for trial. He himself has the best information about the connections between himself and his friends – and what sexual activities and/or minor girls his friends may have observed while interacting with him. In seeking to penetrate work product protection, Epstein must show that he is unable to obtain information from other sources. *See, e.g., Universal City Dev. Partners, Ltd. v. Pupillo*, 54 So. 3d 612, 614 (Fla. 5th DCA 2011) (under work product doctrine, "[i]f the moving party fails to show that the substantial equivalent of the material cannot be obtained by other means, the discovery will be denied."). Epstein obviously has "other means" to explore his friends' connections to his sex abuse – his own personal knowledge.

Moreover, the questions Epstein seeks to force Edwards to answer involve discussions between attorneys about why they made particular decisions in the course of litigating the sex abuse cases against Epstein. Such discussions are at the zenith of work product protection, since they go directly to attorney's mental impressions. The Court should not force a third deposition regarding such issues.

Assorted Objections

Epstein's brief concludes with various assorted objections, which he believes were improper. Mot. at 14-17. The reasons that Edwards has provided above apply equally to these objections here. The Court should not force a third deposition on these subjects. It is more

transparent now than ever that Epstein really just wants to know what Edwards knows about Epstein's criminal activities, when he learned it, how he learned it, as well as what information about Epstein's criminal activities that Edwards through is diligent investigation, has yet to learn.

CONCLUSION

Wherefore, Counter-Plaintiff respectfully requests that this Court deny Jeffrey Epstein's Motion to Compel Discovery Responses from Bradley J. Edwards, as the motion in untimely made and is without merit.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 28 day of Sept., 2017.

JACK SCAROLA
Florida Bar No.: 169440
Attorney E-Mail(s): jsx@searcylaw.com; and
mmccann@searcylaw.com
Primary E-Mail: _scarolateam@searcylaw.com
Searcy Denney Scarola Barnhart & Shipley, P.A.
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409
Phone: (561) 686-6300
Fax: 561-383-9451
Attorneys for Bradley J. Edwards

COUNSEL LIST

William Chester Brewer, Esquire
wcblaw@aol.com; wcblawasst@gmail.com
250 S Australian Avenue, Suite 1400
West Palm Beach, FL 33401
Phone: (561)-655-4777
Fax: (561)-835-8691
Attorneys for Jeffrey Epstein

Jack A. Goldberger, Esquire
jgoldberger@agwpa.com; smahoney@agwpa.com
Atterbury Goldberger & Weiss, P.A.
250 Australian Avenue S, Suite 1400
West Palm Beach, FL 33401
Phone: (561)-659-8300
Fax: (561)-835-8691
Attorneys for Jeffrey Epstein

Nichole J. Segal, Esquire
njs@FLAppellateLaw.com; kbt@FLAppellateLaw.com
Burlington & Rockenbach, P.A.
444 W Railroad Avenue, Suite 350
West Palm Beach, FL 33401
Phone: (561)-721-0400
Attorneys for Bradley J. Edwards

Bradley J. Edwards, Esquire
staff.efile@pathtojustice.com
Farmer Jaffe Weissing Edwards Fistos & Lehrman, P.L.
425 N Andrews Avenue, Suite 2
Fort Lauderdale, FL 33301
Phone: (954)-524-2820
Fax: (954)-524-2822

Fred Haddad, Esquire
Dee@FredHaddadLaw.com; Fred@FredHaddadLaw.com
Fred Haddad, P.A.
One Financial Plaza, Suite 2612
Fort Lauderdale, FL 33394
Phone: (954)-467-6767
Fax: (954)-467-3599
Attorneys for Jeffrey Epstein

Tonja Haddad Coleman, Esquire
tonja@tonjahaddad.com; efiling@tonjahaddad.com
Tonja Haddad, P.A.
315 SE 7th Street, Suite 301
Fort Lauderdale, FL 33301
Phone: (954)-467-1223
Fax: (954)-337-3716
Attorneys for Jeffrey Epstein

Marc S. Nurik, Esquire
marc@nuriklaw.com
One E Broward Blvd., Suite 700
Fort Lauderdale, FL 33301
Phone: (954)-745-5849
Fax: (954)-745-3556
Attorneys for Scott Rothstein