

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,

BRADLEY J. EDWARDS' MOTION IN LIMINE

Counter-Plaintiff, BRADLEY J. EDWARDS, by and through his undersigned counsel, and pursuant to Florida Statutes §§ 90.401-403, hereby files this Motion in Limine, and requests that the Court enter an Order precluding Counter-Defendant Jeffrey Epstein from making any reference in the presence of the jury to the following:

Comparison Between the Settlement Amounts of L.M., E.W. and Jane Doe and the Damages Sought by Bradley Edwards

1. In recent filings, Epstein has made clear that he intends to argue to the jury that Edwards' damage claims against Epstein should be discounted because Edwards is "selfish[ly]" seeking to recover "tens of millions of dollars more" than L.M., E.W. and Jane Doe. For example, in his Motion to Reopen Discovery to Take Depositions, filed January 10, 2018, Epstein argued:

Unapologetically, Edwards now seeks tens of millions of dollars more for his claimed 'emotional distress' than he recovered collectively for all three of his clients combined. Worse, he plans to 'clear his name,' recover damages and rid himself of his so-called 'anxiety' and 'emotional distress by forcing his three clients – L.M., E.W. and Jane Doe – into Court to rehash the details of their claims against Epstein, which they have settled and put behind them more than seven years ago.

The three individuals have no interest in and will receive no benefit from the outcome of this litigation and, in fact, released their claims against Epstein in July 2010. Edwards, however, for his own financial gain, plans to have them testify about their intensely personal claims solely to gain a financial windfall from Epstein for filing a civil lawsuit against him more than eight years ago.

2. Every argument made in the preceding paragraph is irrelevant and highly prejudicial, and Epstein should be precluded from making any mention of these inflammatory arguments in the presence of the jury.

3. First, any attempt to by Epstein to make a 'comparative verdict' argument by equating the settlement monies received by the three victims in their sexual molestation cases, totaling \$5.5 million, for emotional and physical damages they suffered, to the reputational damages that Edwards suffered in this malicious prosecution claim is barred by black-letter Florida law.

4. It is well-established in Florida that 'comparative verdict' arguments may not be permitted in a civil trial. See Wright & Ford Millworks, Inc. v. Long, 412 So. 2d 892, 894 (Fla. 5th DCA 1982). Typically, it is the plaintiff who indulges in a 'comparative verdict' argument by "suggesting to the jury that [the plaintiff] is no less entitled to recovery of a verdict than other injured plaintiffs." Div. of Corr. v. Wynn, 438 So. 2d 446, 449 (Fla. 1st DCA 1983). The argument to the jury is straightforward: Plaintiff A received \$1,000,000 in her motor vehicle crash case, which is why we feel that \$750,000 is more than reasonable for Plaintiff B in this (unrelated) case. Florida courts have repeatedly found that failure to prevent this type of argument, or sustain an objection after it is made, is reversible error. See id.

5. Here, it appears that Epstein intends to make a “comparative verdict” argument for a much different purpose: to impermissibly use the \$5.5 million in aggregate settlements received by L.M., E.W., and Jane Doe as a ceiling to cap Edwards’ damages by arguing to the jury that if Edwards only recovered \$5.5 million for his clients (who were sexually abused as children), how could he possibly ask the jury to award any more than that amount for reputational damages in which no physical harm was inflicted? Obviously, there is no relevance whatsoever to the comparison, as the parties were different, the cases were different, the claims were different, the damage categories were different, and the decision to settle a claim always involves compromise (particularly here given Epstein’s blatant attempt to intimidate L.M., E.W. and Jane Doe by suing L.M. and the attorney who represented all three). This argument has no potential to prove or disprove any material fact and, even if it did, would be unfairly prejudicial. Any such comparison is categorically barred by Florida law preventing a ‘comparative verdict’ argument. See id.

6. Second, any claim that Edwards is “forcing” his clients to testify for selfish motivations is highly prejudicial, not to mention patently untrue. Epstein filed this malicious lawsuit and claimed that L.M., E.W. and Jane Doe’s claims were weak and had minimal value, and that Edwards had fabricated the claims for the sole purpose of knowingly promoting Scott Rothstein’s Ponzi scheme. Any testimony that Edwards must offer to satisfy his burden of proof that Epstein lacked probable cause to make these claims is solely as a result of Epstein’s false claims, and Epstein’s suggestion otherwise is irrelevant and highly prejudicial. Edwards is simply following the legal standard by which he needs to prove his counterclaim. Any attempt to demonize Edwards for doing so is clearly improper and should be barred by the Court.

7. Finally, the fact that Epstein's three victims, L.M., E.W. and Jane Doe, will not be awarded any portion of either the compensatory or punitive damage award against Epstein has no relevance to any material fact in dispute. Those three victims are not named parties to and have asserted no claims in this lawsuit. Epstein's attempt to paint Edwards as "selfish" by seeking legal remedies available to him for the immense damage he has suffered from Epstein's malicious lawsuit is highly prejudicial and intentioned to mislead and confuse the jury. Again, this lawsuit is Epstein's doing, and the attempt to paint Edwards in a negative light for using our legal system to clear his name is blatantly improper and would serve as an attack on our justice system.

WHEREFORE, Counter-Plaintiff Bradley J. Edwards respectfully requests that this Court enter an Order granting this Motion in Limine and barring Epstein from presenting any argument, testimony, or other evidence related to the topics listed above, and awarding any such further relief as the Court deems just and proper given the circumstances.

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 6th day of February, 2018.

/s/ David P. Vitale Jr.

JACK SCAROLA

Florida Bar No.: 169440

DAVID P. VITALE JR.

Florida Bar No.: 115179

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

Scott J. Link, Esq.
Link & Rockenbach, P.A.
Scott@linkrocklaw.com
Kara@linkrocklaw.com
1555 Palm Beach Lakes Boulevard
Suite 301
West Palm Beach, FL 33401
Phone: 561-727-3600
Fax: 561-727-3601
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
425 N Andrews Avenue, Suite 2
Fort Lauderdale, FL 33301
Phone: (954)-524-2820
Fax: (954)-524-2822

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