

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

CASE NO.: 502009CA040800XXXXMBAG

BRADLEY J. EDWARDS,

Plaintiff,

vs.

JEFFREY EPSTEIN,

Defendant,

L.M., E.W., and JANE DOE,

Intervenors.

/

**RESPONSE¹ TO EPSTEIN'S NOTICE OF SERVICE OF COURT'S MARCH 8, 2018
HEARING TRANSCRIPTS AND COMPLIANCE WITH COURT'S RULINGS**

Plaintiff, Bradley J. Edwards, by and through undersigned counsel, hereby serves this Response to Epstein's Notice of Service of Court's March 8, 2018 Hearing Transcripts and Compliance with Court's Rulings, and in support states as follows:

THE COURT'S RULINGS

Epstein's notice does not include the following rulings² by the Court:

- Defendant Epstein is prohibited from making any use of the 724 late-disclosed exhibits. Afternoon Session, 3/8/18 at 59:18-21
- Defendant Epstein is barred from referring to any of those records as it relates to the documents that were gathered from Fowler White or from any other source that would have included those records that were the subject of Judge Ray's order.

¹ This Response was inadvertently filed during the stay ordered by the Fourth District Court of Appeal. Edwards is reserving this Response now that the stay has been partially lifted, in an abundance of caution.

² Edwards understands Epstein's Notice to be solely related to those rulings that directly impact the late-disclosed exhibits or the documents and privileged materials that are the subject of Judge Ray's order. Edwards therefore has not included other rulings made by the Court at the March 8, 2018 hearing, such as the Court's reservation as to attorney's fees, the Court's directive that additional supplemental relief may be sought by Edwards and the Intervenors related to the Fowler White disc, or rulings related to other motions that were heard by the Court.

This order precludes anything coming in through the back door which would not be allowed through the front. Afternoon Session, 3/8/18 at 75:24-76:6.

EPSTEIN'S COMPLIANCE

The Notice states that Epstein, and his attorneys, are complying with the Court's rulings by, *inter alia*:

- On March 8, 2018, Link & Rockenbach, PA notified its client, its co-counsel (Jack Goldberger), its litigation team working on this matter, and its expert, Timothy Chinaris, to destroy all hard copies and electronic versions of the documents obtained from the disc and any copies of the disc that they had in their possession.

While these actions may be appropriate steps in complying with the Court's order, they fall far short of addressing all of the concerns that arise out of the unauthorized access to, retention of, and use of privileged materials. First, nothing should be destroyed that has not first been accurately catalogued with all information preserved relevant to how, when, from whom, and by whom it was created and received and to whom copies were distributed. Second, all *other* documents containing information derived from Edwards's privileged documents must also be gathered and catalogued. This includes, but is not limited to, email correspondence, internal memos, attorney's notes, prepared trial materials (such as prepared examination of any witnesses), and all the records relating to services performed concerning the privileged materials. Third, the limitation of reference to Link & Rockenbach P.A., Epstein, and Jack Goldberger, Esq. is clearly inadequate when numerous other attorneys and personnel have been engaged in rendering services to Epstein in the many years since the defense improperly created and retained the privileged documents. Every Epstein agent must be included in the information retrieval process.

The Court was very clear that its order "precludes anything coming in through the back door which would not be allowed through the front," and Edwards therefore serves this Response

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to ensure that *all* documents, whether in hard copy or electronic form, that in any way reference, refer to or contain the privileged materials have been gathered and catalogued and that no relevant information is destroyed in the process of addressing these critical privilege concerns.

Edwards again renews his right to seek sanctions for any further violation of Judge Ray's order, or the March 8, 2018 rulings of this Court.

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 21st day of March, 2018.


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