

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-Plaintiffs.

**PLAINTIFF/COUNTER-DEFENDANT'S MOTION TO AMEND ANSWER AND
AFFIRMATIVE DEFENSES TO THE FOURTH AMENDED COUNTERCLAIM**

Plaintiff/Counter-Defendant, Jeffrey Epstein, moves, pursuant to Florida Rule of Civil Procedure 1.190, to amend his Answer and Affirmative Defenses to Defendant/Counter-Plaintiff Bradley J. Edwards' Fourth Amended Counterclaim to add additional defenses which are provided by the First and Fourteenth Amendments of the United States Constitution, Article I, Section 4 of the Florida Constitution, and the Florida common law.

INTRODUCTION

Jeffrey Epstein's filing of a lawsuit against Bradley J. Edwards is a form of speech which is protected by the First and Fourteenth Amendments and Article I, Sections 4 and 5 of the Florida Constitution. *See Cate v. Oldham*, 707 F.2d 1176 (11th Cir. 1983). This protection exists in part because lawsuits are a form of petitioning government for relief, a right specifically secured by the First Amendment. *See United Mine Workers of Am. v. Pennington*, 381 U.S. 657 (1965); *Eastern R.R. Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127 (1961).

This protection also arises in part because lawsuits brought by public figures, such as Bradley J. Edwards, which seek compensation and punitive damages for harm to reputation are regarded as infringing on free speech rights. *See New York Times Co. v. Sullivan*, 376 U.S. 254 (1964); *Silvester v. American Broadcasting Cos., Inc.*, 839 F.2d 1491 (11th Cir. 1988). The protection requires that Edwards prove with convincing clarity that Epstein filed and prosecuted his lawsuit against Edwards with knowledge of the falsity of the claims advanced or reckless disregard for the truth of those claims. *See also McDonald v. Smith*, 472 U.S. 479, 482 (1985) (holding Petition Clause would not bar libel claim arising from petitioning activity if plaintiff met requirements of *New York Times Co. v. Sullivan*).

In addition, Epstein's lawsuit against Edwards made claims that Edwards has abused the process of this Court in order to defraud persons and entities to financially support the prosecution of litigation. Speech of this nature is a matter of public concern. Accordingly, the First and Fourteenth Amendments of the U.S. Constitution, as well as Article I, Section 4 of the Florida Constitution, prohibit the imposition of liability against Epstein absent proof of fault and also prohibit the award of presumed or punitive damages absent clear and convincing evidence of knowledge of falsity or reckless disregard for the truth. *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974).

Edwards' claims, also, are nothing more than defamation claims which are barred by defenses applicable to defamation claims. A plaintiff may not avoid defenses that apply to defamation actions by characterizing them as torts that are not subject to those restrictions. *Callaway Land & Cattle Co. v. Banyon Lakes C. Corp.*, 831 So. 2d 204 (Fla. 4th DCA 2002); *see also Tobinick v. Novella*, No. 9:14-cv-80781, 2015 WL 328236, at *11 (S.D. Fla Jan. 23, 2015); *Hill v. Allianz Life Ins. Co. of N. Am. Eyeglasses*, No. 6:14-cv-950-Orl-41KRS, 2016 WL 872936,

(M.D. Fla. Feb. 17, 2016); *Klayman v. Judicial Watch, Inc.*, 22 F. Supp. 3d 1240, 1256 (S.D. Fla. 2014), *aff'd*, No. 14-13855 (11th Cir. Feb. 17, 2015); *Ortego Trujillo v. Banco Central Del Ecuador*, 17 F. Supp. 2d 1334, 1339 (S.D. Fla. 1998); *Fridovich v. Fridovich*, 598 So. 2d 65, 70 (Fla. 1992) ; *Ovadia v. Bloom*, 756 So. 2d 137, 140 (Fla. 3d DCA 2000); *Orlando Sports Stadium, Inc. v. Sentinel Star Co.*, 316 So. 2d 607, 608 (Fla. 4th DCA 1975); *Clark v. Clark*, No. 93-47-CA, 1993 WL 528464 (Fla. 4th Cir. June 22, 1993). The proposed amendment clearly sets forth this principle as a defense to Edwards' Counterclaim.

Finally, the proposed amendments to the affirmative defenses sets forth that the Due Process Clauses of the U.S. and Florida Constitutions restrict the awarding of punitive damages and that statutory and common law procedures for awarding of punitive damages are inadequate to secure Due Process to Epstein.

THE RULES REQUIRE THAT THE AMENDMENTS BE ALLOWED

Rule 1.190(a) governs amendments to pleadings and provides, in relevant part, that "[l]eave of court shall be given freely when justice so requires." Justice requires the amendment because, if properly established, the additional affirmative defenses provide an absolute defense to all of the causes of action asserted by Edwards. *See Royal Trust Bank, N.A. v. Von Zamft*, 511 So. 2d 654 (Fla. 3d DCA 1987). Consequently, Epstein should be permitted to amend his pleadings.

The proposed amendment does not change Epstein's answer to the allegations of the Fourth Amended Counterclaim. Rather, it simply adds Affirmative Defenses which arise from the facts that (1) Edwards was a public figure at the time that Epstein filed his Complaint against Edwards and at all times thereafter; (2) the subject matter of the lawsuit on which Edwards' filed his claims is a matter of public concern, (3) Epstein's Complaint is a form of petitioning the government, and (4) Edwards' lawsuit seeks no relief other than for supposed harm arising from the publication of

defamatory statements and, therefore, it is subject to all defenses that are applicable to claims for libel or slander.

Assertion of the additional defenses will cause no prejudice to Edwards because Edwards has been aware of all of these facts from the outset of this litigation. No discovery is needed to test the veracity of the facts. The lack of prejudice to Edwards requires allowance of the proposed amendment. *New River Yachting Center, Inc. v. Bacchiocchi*, 407 So. 2d 607, 609 (Fla. 4th DCA 1981). Leave to amend should not be denied unless the privilege has been abused or the pleading is clearly not amendable. *Osborne v. Delta Maintenance & Welding, Inc.*, 365 So. 2d 425 (Fla. 2d DCA 1978). This determination should be governed by a policy favoring resolution of cases on their merits, unless the privilege of amendment has been abused. *Enstrom v. Dixon*, 354 So. 2d 1251 (Fla. 4th DCA 1978) (holding that “[i]t is the policy in this State to freely allow amendments to pleadings in order that causes may be tried on their merits and justice may be achieved. In exercising the discretion inherent in the trial court to allow or disallow amendments, all doubts should be resolved in favor of the former unless the privilege is abused”). Epstein has not abused his right to amend. Indeed, he has not amended his Answer and Affirmative Defenses to the Fourth Amended Counterclaim at all.

Moreover, as is clear from the Fourth Amended Counterclaim, Edwards’ status as a public figure and the fact that the lawsuit filed by Epstein against Edwards involves a matter of public concern will be in evidence at trial inasmuch as those facts are essential to Edwards’ claims. Rule 1.190(b) expressly provides that amendment of the pleadings shall be allowed to conform to the evidence.

CONCLUSION

WHEREFORE, Plaintiff moves this Court to permit the filing of the proposed Amended Answer and Affirmative Defenses to Edwards' Fourth Amended Counterclaim, a copy of which is attached as **Exhibit A**.

DATED: November 3, 2017.

Respectfully submitted,

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Jeffrey Epstein*

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on November 3, 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

IN THE CIRCUIT COURT OF THE
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SCOTT ROTHSTEIN, individually, and
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Defendants/Counter-Plaintiffs.

**JEFFREY EPSTEIN'S FIRST AMENDED ANSWER AND
AFFIRMATIVE DEFENSES TO THE FOURTH AMENDED COUNTERCLAIM**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), pursuant to Rule 1.110 of the Florida Rules of Civil Procedure, files his Answer and Affirmative Defenses to Defendant/Counter-Plaintiff Bradley Edwards' ("Edwards") Fourth Amended Counterclaim ("Counterclaim"), and states:

1. Epstein admits that the Counterclaim alleges an amount within the jurisdictional purview of the Court, but denies that Edwards is entitled to said amount.
2. Epstein is without knowledge as to Edwards' residential status, but admits that he is an attorney licensed to practice law in the State of Florida.
3. Epstein admits that he is *sui juris*, but denies he is a resident of Palm Beach County, Florida.

4. Epstein admits that he entered into a plea agreement that resulted in a felony conviction. Epstein further admits that the terms and conditions of the agreement speak for themselves. To the extent that Edwards has inaccurately summarized or interpreted any provision thereof in Paragraph 4 of his Counterclaim, Epstein denies the allegations.

5. Epstein admits that he was a party to civil actions brought forth by purported victims, but is without knowledge as to any further investigation by federal law enforcement, or Edwards' relationship with any other purported victims and therefore denies these allegations and demands strict proof thereof.

6. Epstein admits that, during certain times throughout the litigation, he asserted his rights against self-incrimination as afforded him by the Fifth Amendment to the United States Constitution. Epstein denies the remaining allegations contained in Paragraph 6 and demands strict proof thereof.

7. Epstein denies Paragraph 7, exception for the allegation therein stating that Edwards is involved in pending litigation in Federal Court under the Federal Crime Victims' Rights Act.

8. Epstein denies each and every allegation contained in Paragraph 8 and demands strict proof thereof.

9. Epstein denies each and every allegation contained in Paragraph 9 and demands strict proof thereof.

10. Epstein denies each and every allegation contained in Paragraph 10 and demands strict proof thereof.

11. Epstein admits some of the causes of action filed by him against Edwards are delineated in Paragraph 11 and its subparts. To the extent that Edwards has inaccurately

summarized or interpreted any provision thereof in Paragraph 11 of his Counterclaim, Epstein denies the allegations.¹

12. Epstein admits that in one of his Complaints he alleged some of the causes of action against Edwards as specifically stated in paragraph 11 and its subparts, but denies that he has ever asserted a cause of action for Civil Theft against Edwards as alleged in Paragraph 12. To the extent that Edwards has inaccurately summarized or interpreted any provision of Epstein's "Complaint" in Paragraph 12 of his Counterclaim,² Epstein denies the allegations. Epstein further denies the remaining allegations contained in Paragraph 12 and demands strict proof thereof.

13. Epstein denies each and every allegation contained in Paragraph 13 and its subparts and demands strict proof thereof. With respect to subsection (d) of Paragraph 13, Epstein further denies that Edwards' actions were afforded absolute protection under the litigation privilege. *See Delmonico v. Traynor*, 116 So. 3d 1205 (Fla. 2013).

14. Epstein denies each and every allegation contained in Paragraph 14 and demands strict proof thereof.

15. Epstein denies each and every allegation contained in Paragraph 15 and demands strict proof thereof.

16. Epstein denies each and every allegation contained in Paragraph 16 and demands strict proof thereof.

¹ Edwards fails to attach a copy of Epstein's Complaint or even reference the version of the Complaint to which he refers in this allegation.

² Edwards fails to attach a copy of Epstein's Complaint or even reference the version of the Complaint to which he refers in this allegation.

17. Epstein denies each and every allegation and claims for damages that is contained in Paragraph 17, including its subparts, and demands strict proof thereof.

18. Epstein admits that the Counterclaim alleges an amount within the jurisdictional purview of the Court, but denies that Edwards is entitled to said amount.

19. Epstein is without knowledge as to Edwards' residential status, but admits that he is an attorney licensed to practice law in the State of Florida.

20. Epstein admits that he is *sui juris*, but denies he is a resident of Palm Beach County, Florida.

21. Epstein admits that he entered into a plea agreement that resulted in a felony conviction. Epstein further admits that the terms and conditions of the agreement speak for themselves. To the extent that Edwards has inaccurately summarized or interpreted any provision thereof in Paragraph 21 of his Counterclaim, Epstein denies the allegations.

22. Epstein admits that he was a party to civil actions brought forth by purported victims, but is without knowledge as to any further investigation by federal law enforcement, or Edwards' relationship with any other purported victims and therefore denies these allegations and demands strict proof thereof.

23. Epstein admits that, during certain times throughout the litigation, he asserted his rights against self-incrimination as afforded him by the Fifth Amendment to the United States Constitution. Epstein denies the remaining allegations contained in Paragraph 23 and demands strict proof thereof.

24. Epstein denies each and every allegation contained in Paragraph 24 and demands strict proof thereof.

25. Epstein denies each and every allegation contained in Paragraph 25 and demands strict proof thereof.

26. Epstein denies each and every allegation contained in Paragraph 26 and demands strict proof thereof.

27. Epstein admits some of the claims initially filed by him against Edwards are delineated in Paragraph 27 and its subparts. To the extent that Edwards has inaccurately summarized or interpreted any provision thereof in Paragraph 27 of his Counterclaim, Epstein denies the allegations.³

28. Epstein admits that in one of his Complaints he alleged some of the causes of action against Edwards as specifically stated in Paragraph 27 and its subparts, but denies that he has ever asserted a cause of action for Civil Theft against Edwards as alleged in Paragraph 28. To the extent that Edwards has inaccurately summarized or interpreted any provision of Epstein's "Complaint" in Paragraph 28 of his Counterclaim,⁴ Epstein denies the allegations. Epstein further denies the remaining allegations contained in Paragraph 12 and demands strict proof thereof.

29. Epstein denies each and every allegation contained in Paragraph 29 and its subparts and demands strict proof thereof. With respect to subsection (d) of Paragraph 29, Epstein further denies that Edwards' actions were afforded absolute protection under the litigation privilege. *See Delmonico v. Traynor*, 116 So. 3d 1205 (Fla. 2013).

³ Edwards fails to either attach the Complaint to his Counterclaim or reference the specific Complaint to which he is referring in Paragraph 27.

⁴ Edwards fails to either attach the Complaint to his Counterclaim or reference the specific Complaint to which he is referring in Paragraph 28.

30. Epstein denies each and every allegation in paragraph 30 and demands strict proof thereof.

31. Epstein denies each and every allegation contained in Paragraph 31 and demands strict proof thereof.

32. Epstein admits that he amended his Complaint over the course of the litigation, and that some counts contained in his Complaint were dismissed *by the Court without prejudice*. However, Epstein denies that this constitutes abandonment of his claims and/or a bona fide termination of his claims in Edwards' favor. Epstein denies any and all remaining allegations contained in Paragraph 32 and demands strict proof thereof.

33. Epstein denies each and every allegation and claim for damages that is contained in Paragraph 33, including its subparts, and demands strict proof thereof.

Epstein denies Edwards is entitled to any demand made in his "WHEREFORE" clause, including any assertion of alleged Punitive Damages.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

For his First Affirmative Defense, Epstein states that Edwards' Abuse of Process claim fails to state a claim upon which relief can be granted as required under Rule 1.110 of the Florida Rules of Civil Procedure. Edwards did not, nor will he ever be able to, assert the three requisites required to properly plead same, to wit: 1) an illegal, improper, or perverted use of process *after it issues*; 2) an ulterior motive or purpose in exercising the illegal, improper, or perverted process; and 3) damages resulting therefrom. *S & I Invs. v. Payless Flea Mkt., Inc.*, 36 So. 3d 909, 917 (Fla. 4th DCA 2010); *Della-Donna v. Nova Univ., Inc.*, 512 So. 2d 1051, 1055 (Fla. 4th DCA 1987).

SECOND AFFIRMATIVE DEFENSE

For his Second Affirmative Defense, Epstein states that Edwards' Malicious Prosecution claim fails to state a claim upon which relief can be granted as is required under Rule 1.110 of the Florida Rules of Civil Procedure. Specifically, the requisite of a bona fide termination of the original proceeding in favor of the present plaintiff as delineated by the Florida Supreme Court as one of the legally-mandated elements to bring forth a malicious prosecution claim, has not, nor can it, be satisfied. *See Alamo Rent-A-Car v. Mancusi*, 632 So. 2d 1352, 1355 (Fla. 1994). The "original proceeding" to which Edwards refers in his Counterclaim is, in fact, the case Epstein voluntarily dismissed without prejudice and could refile at any time. A "bona fide termination" would prohibit re-filing. As such, there has not been the required "ending in a manner indicating [Edwards'] innocence of the charges or allegations contained in the first suit." *See Doss v. Bank of Am., N.A.*, 857 So. 2d 991, 994 (Fla. 5th DCA 2003). *See also Yoder v. Adriatico*, 459 So. 2d 449, 451 (Fla. 5th DCA 1984) (stating that the tort of malicious prosecution may not be brought as a counterclaim).

Indeed, it is well-settled law that an action for malicious prosecution cannot be filed until the original action is concluded, and that counts of a Complaint that are **dismissed without prejudice** are not deemed a "bona fide termination" in the party's favor. "Where dismissal is on technical grounds, for procedural reasons, or any other reason not consistent with the guilt of the accused, it does not constitute a favorable determination." *Union Oil of Cal. v. Watson*, 468 So. 2d 349 (Fla. 3d DCA 1985). Accordingly, Edwards fails to state a claim upon which relief may be granted.

THIRD AFFIRMATIVE DEFENSE

For his Third Affirmative Defense, Epstein states that Edwards' Counterclaim fails to properly plead his damages as required under the Florida Rules of Civil Procedure. *See Miami Nat'l Bank v. Nunez*, 541 So. 2d 1259, 1260 (Fla. 3d DCA 1989) (stating that a litigant cannot recover as damages his own time for participating in a litigation when counsel is engaged to represent him). Edwards further pleads damages for injury to his reputation, mental anguish, anxiety, and embarrassment, which are impermissible and improperly plead. Finally, Edwards fails to properly plead punitive damages as required by the Florida Rules of Civil Procedure.

More importantly, however, Epstein states that Edwards has not, nor will he, suffer any damages as a result of any actions allegedly taken by Epstein. In fact, this litigation with Epstein catapulted Edwards from an unknown solo practitioner to a partner at Rothstein, Rosenfeldt, Adler. Moreover, Edwards still utilizes his litigious association with Epstein at his new firm Farmer, Jaffe, Weissing, Edwards, Fistis & Lehrman, both on its firm website and firm Facebook page, to disparage Epstein, to seek new clients on whose behalf he can sue Epstein, to attract plaintiffs for whom he can file suit, and to achieve notoriety with the press. *See Composite Exhibit A attached hereto.*

FOURTH AFFIRMATIVE DEFENSE

For his Fourth Affirmative Defense, Epstein asserts that he is afforded absolute immunity pursuant to the "Litigation Privilege" because his actions were connected with, relevant to, and material to, the cause at hand. The Litigation Privilege protects actions taken that are related to the judicial proceeding. Litigation Privilege "arises immediately upon the doing of any act required or permitted by law in the due course of the judicial proceedings or as necessarily preliminary thereto." *Fridovich v. Fridovich*, 598 So. 2d 65 (Fla. 1992). This absolute immunity

afforded to Epstein pursuant to the Litigation Privilege appears on the face of the Counterclaim as filed by Edwards. As such, Edwards is barred from proceeding with the litigation,

FIFTH AFFIRMATIVE DEFENSE

For his Fifth Affirmative Defense, Epstein asserts that his lawsuit against Edwards upon which Edwards' claims are based is a form of petitioning government for redress. Accordingly, Edwards' claims are barred by the First and Fourteenth Amendments of the United States Constitution unless Edwards can show that Epstein's lawsuit was a "sham," as that term is used in the *Noerr-Pennington* doctrine. See *United Mine Workers of Am. v. Pennington*, 381 U.S. 657 (1965); *Eastern R.R. Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127 (1961). A lawsuit is regarded as a "sham" only if the lawsuit was objectively baseless in the sense that no reasonable litigant could realistically expect success on the merits and the lawsuit conceals an attempt to interfere directly with the business of the subject of the suit. In addition, Edwards' claims are barred by Article I, Section 5 of the Florida Constitution and the common law protection that Florida law provides to the filing of lawsuits unless Edwards can prove that Epstein's primary motivation for filing his lawsuit against Edwards was to inflict injury on Edwards and that Epstein used his privilege to sue Edwards to gratify feelings of malevolence toward Edwards. *Fridovich v. Fridovich*, 598 So. 2d 65 (Fla. 1992); *Nodar v. Galbreath*, 462 So. 2d 803 (Fla. 1984).

SIXTH AFFIRMATIVE DEFENSE

For his Sixth Affirmative Defense, Epstein asserts that Edwards, at the time that Epstein sued Edwards and all times thereafter, was a general or limited-purpose public figure who may not, in accordance with the First and Fourteenth Amendments of the United States Constitution and Article I, Section 4 of the Florida Constitution, prevail on his claims in the absence of clear and convincing evidence that Epstein knew of the falsity of the claims that he made against

Edwards or recklessly disregarded the falsity of those claims. *See New York Times Co. v. Sullivan*, 376 US 254 (1964); *Silvester v. Am. Broadcasting Cos., Inc.*, 839 F. 2d 1491 (11th Cir. 1988). *See also McDonald v. Smith*, 472 U.S. 479, 482 (1985) (holding Petition Clause would not bar libel claim arising from petitioning activity if plaintiff met requirements of *New York Times Co. v. Sullivan*). Edwards has no such evidence and, therefore, his claims fail.

SEVENTH AFFIRMATIVE DEFENSE

For his Seventh Affirmative Defense, Epstein asserts that the lawsuit filed by Epstein against Edwards upon which Edwards' claims are based involves a matter of public concern.

Accordingly, Edwards, whether a public figure or not, may not in accordance with the First and Fourteenth Amendments of the United States Constitution and Article I, Section 4 of the Florida Constitution, prevail on his claims in the absence of evidence that Epstein was negligent in failing to discover the falsity of the claims that he made against Edwards. *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974). Edwards has no such evidence and, therefore, his claims fail. In addition, Edwards may not, in accordance with the First and Fourteenth Amendments of the United States Constitution and Article I, Section 4 of the Florida Constitution, recover presumed or punitive damages without clear and convincing evidence that Epstein knew of the falsity of the claims that he made against Edwards or recklessly disregarded the falsity of those claims.

EIGHTH AFFIRMATIVE DEFENSE

For his Eight Affirmative Defense, Epstein asserts that Edwards' claims are nothing more than defamation claims which are barred by defenses applicable to defamation claims as set forth in the defenses above. A plaintiff may not avoid defenses that apply to defamation actions by characterizing them as torts which are not subject to those restrictions. *Callaway Land & Cattle Co., Inc. v. Banyon Lakes C. Corp.*, 831 So. 2d 204 (Fla. 4th DCA 2002); *see also Tobinick v.*

Novella, No. 9:14-cv-80781, 2015 WL 328236, at *11 (S.D. Fla Jan. 23, 2015); *Hill v. Allianz Life Ins. Co. of N. Am. Eyeglasses*, No. 6:14-cv-950-Orl-41KRS, 2016 WL 872936 (M.D. Fla. Feb. 17, 2016); *Klayman v. Judicial Watch, Inc.*, 22 F. Supp. 3d 1240, 1256 (S.D. Fla.2014), *aff'd*, No. 14-13855 (11th Cir. Feb. 17, 2015); *Ortega Trujillo v. Banco Central Del Ecuador*, 17 F. Supp. 2d 1334, 1339 (S.D. Fla. 1998); *Fridovich v. Fridovich*, 598 So. 2d 65, 70 (Fla. 1992) ; *Ovadia v. Bloom*, 756 So. 2d 137, 140 (Fla. 3d DCA 2000); *Orlando Sports Stadium, Inc. v. Sentinel Star Co.*, 316 So. 2d 607, 608 (Fla. 4th DCA 1975); *Clark v. Clark*, No. 93-47-CA, 1993 WL 528464 (Fla. 4th Cir. 1993).

NINTH AFFIRMATIVE DEFENSE

For his Ninth Affirmative Defense, Epstein asserts that the Fifth and Fourteenth Amendments of the United States Constitution and Article I, Section 9 of the Florida Constitution guarantee Due Process of law. The Florida common law and statutory principles that govern the awarding of punitive damages are not sufficient to assure Epstein Due Process of law. They do not adequately restrain the discretion of the jury, they do not ensure that the decision with respect to punitive damages will be made by the appropriate authority, they do not restrict punitive damages so that they are not disproportionate to the harm that was caused by the actions of Epstein, and they do not ensure that Epstein is protected from duplicative punishment for any acts in which he is found to have engaged.

Epstein specifically reserves his right to amend these defenses and plead other affirmative defenses that may become known during his continuing investigation of this action and during discovery in this case.

DATED: November 3, 2017.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on November 3, 2017, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

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<p>W. Chester Brewer, Jr. W. Chester Brewer, Jr. P.A. 250 Australian Avenue S., Suite 1400 West Palm Beach, FL 33401 wcblaw@aol.com wcblawasst@gmail.com <i>Co-Counsel for Plaintiff/Counter-Defendant</i> Jeffrey Epstein</p>	<p>Jack A. Goldberger Atterbury, Goldberger & Weiss, P.A. 250 Australian Avenue S., Suite 1400 West Palm Beach, FL 33401 jgoldberger@agwpa.com smahoney@agwpa.com <i>Co-Counsel for Plaintiff/Counter-Defendant</i> Jeffrey Epstein</p>

COMPOSITE EXHIBIT A



Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.

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September 2012

Attorney Brad Edwards, who is representing several young men who say former youth pastor sexually abused and physically abused them was interviewed by CBS4 MIAMI.



Firm Supports RAINN DAY - September 27th

Farmer Jaffe Weissing is proud to support Rape, Abuse & Incest National Network's RAINN Day September 27th. RAINN Day is RAINN's annual campaign to raise awareness and educate students against sexual violence on college campuses. RAINN DAY is a grassroots program designed to empower college students to raise awareness of sexual violence and recovery resources on their campus. Click here to learn how Farmer Jaffe Weissing helps crime victims and victims of sexual assault.

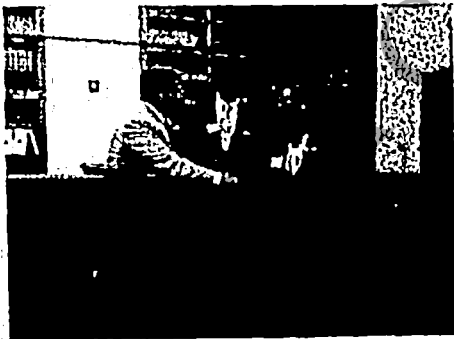
Attorney Steve Jaffe Interviewed in Elder Abuse Case

Naples News interviews attorney Steven Jaffe regarding his case involving elder abuse. A care facility took control of an ailing dementia patient's trust account 30 days before her death, with the assistance of a Fort Myers attorney. The case which was filed in 2011 is still pending.

Zambrano Named to Million Dollar and Multi-Million Dollar Advocates Forum®

Attorney Gabriel F. Zambrano has been certified as a member of both the Million Dollar Advocates Forum® and the Multi-Million Dollar Advocates Forum®. Fewer than 1% of U.S. lawyers are members. Forum membership acknowledges excellence in advocacy, and provides members with a national network of experienced colleagues for professional referral and information exchange in major cases. Members of the Multi-Million Dollar Advocates Forum must be Life Members of the Million Dollar Advocates Forum and must have acted as principal counsel in at least one case which has resulted in a multi-million dollar verdict, award or settlement.

October 2012



Gary Farmer, FJA President Presents Civil Justice & Merit Retention to FAMU Law Students

FJA President Gary Farmer meets with Florida Agricultural and Mechanical University (FAMU) law students to discuss the civil justice system and view the documentary "Hot Coffee. Here Gary shows his appreciation to the FAMU Law School Ambassadors for the Florida Justice Association (FJA).

FJA President Gary Farmer Addresses Law Students on Merit Retention & Judicial System



Florida Justice Association President Gary Farmer spoke to more than 120 law students at the Coastal Law School Outreach Reception about the importance of Justice and Merit Retention and why it matters. Students also watched a showing of "Hot Coffee," the 2011 documentary film that analyzes and discusses the impact of tort reform on the United States judicial system. Four other colleges and universities will be participating in similar discussions over the next couple of weeks.

Firm Attorneys Attend & Present at MTMP Seminar

Several of the firm's attorneys are attending the Mass Torts Made Perfect Seminar this week (October 10-13). Attorneys Gary Farmer and Matt Weissing presented Qui Tam – Blowing the Whistle on Corporate Fraud at the Securities and Business Torts Breakout session of the Mass Torts Made Perfect Seminar on October 12th.

Class Action Final Approval Granted

We obtained final approval of a Class Action case against Continental Casualty Company ("CNA") for systematic denial of long-term care insurance claims. We're very pleased to recover meaningful insurance benefits for a deserving group of Floridians and we are equally pleased to protect the status of nurse registries as covered providers

FJA Founders Awards Dinner



Gabe Zambrano, Gary Farmer (FJA President) and Seth Lehrman attended the Florida Justice Association's (FJA) Founder's Awards Dinner in Boca Raton on October 5th.

Gary Farmer, Sr. Addresses Florida Supreme Court Justices



Attorney Gary Farmer, Sr., argued before Florida's Supreme Court yesterday on behalf of the Respondent regarding an uninsured motorist insurance policy claim.

Supports National Crime Prevention Month

Farmer Jaffe Weissing proudly supports National Crime Prevention Month – October 2012, sponsored by the National Crime Prevention Council (NCPC). National Crime Prevention Month recognizes and celebrates the practice of crime prevention, while promoting awareness of important issues such as victimization, volunteerism, and creating safer, more caring communities. This year the firm wants to raise help awareness of the following crimes: sexual abuse & assault; negligent security and inadequate security; and nursing home abuse and neglect safety issues. Visit our Facebook, Google+ and Twitter feeds for ways to protect you and your family.

Welcome to the Farmer Jaffe Weissing Press Release section of our website.

Here you will find our breaking news and announcements from our firm. We welcome any inquiries. If you have any questions regarding a release or case, please contact us. For Archived Press Release click here.

August 2012

Jury Awards \$13 Million to Woman Injured in Plummeting Elevator Accident

Partner Brad Edwards received a \$13 million verdict on August 31, following a two week jury trial. Thirteen years ago, Janice Beasley (41 years old) was riding in an elevator that plunged several floors before crashing to an abrupt stop. Ms. Beasley sustained significant permanent injuries which have confined her to a wheelchair for nearly 13 years. The defendants sought to avoid responsibility for this accident, which Ms. Beasley believed was both preventable and the cause of more than a decade of life-changing medical problems.



Five Farmer Jaffe Weissing Attorneys Included in The Best Lawyers in America®

The firm is pleased to announce that five of the firm's attorneys have been selected by their peers for inclusion in The Best Lawyers in America® 2013 (Copyright 2012 by Woodward/White, Inc. of Aiken, SC). The following attorneys were selected in their respective practice areas:

Gary M. Farmer, Jr. - Mass Torts Litigation / Class Action - Plaintiffs

Steven Jaffe - Mass Torts Litigation / Class Action - Plaintiffs

Matt Weissing - Personal Injury Litigation - Plaintiffs

Brad Edwards - Personal Injury Litigation - Plaintiffs

Gary Farmer, Sr. - Appellate Practice



Firm Sponsors ABOTA Annual Professionalism Seminar

The American Board of Trial Advocates (ABOTA), Fort Lauderdale Chapter held it's 1st Annual Professionalism Program in honor of Henry T. Latimer. Farmer Jaffe Weissing was one of several sponsors, where members of the Judiciary, their Judicial Assistants, and local members of the Bar explored issues facing the profession from the perspective of these groups. For photos of the event visit [ABOTA's Facebook Page](#).

Justice for Amputee in Plane Propeller Accident

The attorneys and staff at Farmer Jaffe Weissing are proud to have been able to assist out client Mr. Evans, whose arm had to be amputated as a result of an airplane propeller accident, in his pursuit of justice and fair compensation, and to hold Greenwich Insurance Co. to its obligations. This case highlights the importance of obtaining insurance coverage to account for the possibility that an injury could occur on ones premise and how too often insurance companies disregard their contractual obligations and leave prudent businesses exposed to potentially devastating judgments.

Floridians at the Mercy of Private Insurance Companies

Read Gary M. Farmer, Jr's important editorial on State Farm's recent request for a 14.9% insurance rate increase. Why does State Farm Insurance Co. seek a "statewide average increase"? The simple and sad answer: Because it can.



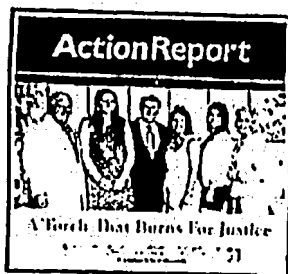
So what should homeowners and renter do? Ask for additional public hearing regarding the renters' insurance and all other insurance rate increases. And tell the Office of Insurance Regulation to reject State Farm's unreasonable price hikes.

Click here to read complete editorial. For the Tallahassee Democrat, click here.

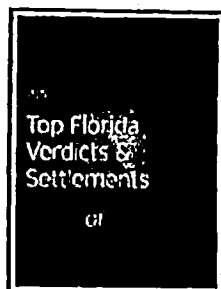
JULY 2012

A Torch That Burns For Justice

Meet the current Florida Justice Association President Gary M. Farmer, Jr. In the case of the Farmer family, the torch has been passed. Click here to view entire article.



Firm Cases Recognized as Top Florida Verdicts & Settlements for 2011



Firm Attorney's Matt Weissing, Brad Edwards and Gabriel F. Zambrano's cases were recently published in the Daily Business Review and VerdictSearch.com's Top Florida Verdicts and Settlements for 2011.

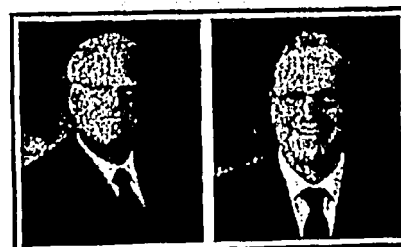
Matt Weissing and Brad Edward's premises liability case was against Festival Fun Parks LLC Doing Business as Boomers. A young man with a promising football career was shot in the parking lot and sustained permanent nerve injury due to the property's lack of security. Following a two-week trial, a Broward County jury returned a verdict in favor of the plaintiff for \$4,255,280.00.

Gabriel F. Zambrano and co-counsel's product liability case was against R.J. Reynolds Tobacco Company and Phillip Morris. They represented a widow whose husband was a smoker. The case alleged that the cigarettes caused the man's fatal lung cancer. A jury returned a verdict in favor of the plaintiff for \$3,551,277.00.

Class Action Case Against CNA Receives Preliminary Approval

Our client's class action case against CNA, for Attorney's Steven Jaffe and Mark Fistos discrimination against Nurse Registries in FL, has received preliminary approval from Federal Judge Zlock.

Farmer Jaffe Weissing attorneys Steven Jaffe and Mark Fistos were named Class Counsel. Final approval hearing is set for September 27th, 2012.



"We have total confidence that Judge Zlock will enter a final order at the September hearing, thus ending the discriminatory practices of CNA," said Jaffe. "Nurse Registries around the state should be very happy."

Gabriel F. Zambrano Joins Farmer Jaffe Weissing



We are pleased to announce that trial attorney Gabriel F. Zambrano has joined the Farmer Jaffe Weissing team. Zambrano's practice will focus on mass torts, defective drugs, defective medical products, personal injury and wrongful death litigation.

Zambrano gained national prominence as an early advocate on behalf of girls and women that suffered life altering blood clots, strokes or heart damage from use of the DROSPIRENONE (DRSP) containing birth control pills trademarked and manufactured by BAYER HEALTHCARE PHARMACEUTICALS: YASMIN, YAZ, BEYAZ & SAFYRAL. He is currently accepting and investigating cases involving PRADAXA (DABIGATRAN ETEXILATE), a FDA blood thinner and NUVARING VAGINAL RING contraceptives linked to fatal blood clots, strokes, pulmonary emboli and deep vein thrombosis.

Zambrano is also fluent in Spanish.

JUNE 2012

The Florida Justice Association Recognizes Achievements of Attorney Gary M. Farmer, Jr.



The Florida Justice Association (FJA) recognized attorney Gary M. Farmer, Jr., as a recipient of their EAGLE Legend Award on Friday, June 15th at the Annual Convention on Marco Island. The EAGLE Legend Award is one of FJA's highest honors for lifetime leadership and commitment to supporting the goals of the FJA in protecting the legal rights and safety of the injured and Florida's Families. Farmer has personally given more than \$100,000 to FJA throughout his legal career.

In addition, the FJA presented Farmer with the EAGLE Top Recruiting Champion Award in recognition for recruiting and raising the most EAGLE money during 2011-2012. The FJA also presented Farmer with the 2012 Gold EAGLE Award for gaining distinction at the highest level of commitment to the values of FJA founders (time, financial resources and energy) by exhibiting a steadfast duty to protect and defend civil justice.

Attorney Gary M. Farmer Installed As President of the Florida Justice Association

Attorney , Gary M. Farmer, Jr. was installed as President of the Florida Justice Association (FJA), a statewide legal organization comprised of civil trial lawyers in the State of Florida. Farmer was



officially sworn in as the 53rd President during the Florida Justice Association's Annual Convention held on Friday, June 15, 2012, at the Marriott Beach Resort Golf Club & Spa on Marco Island.

Judge Grants Final Approval in David J. Stern Class Action

U.S. District Judge Robert N. Scola, Jr., entered an order on June 8, 2012, granting final approval of the class action law suit involving foreclosure attorney David J. Stern for violations of federal labor laws by him former employees. Attorneys Steven Jaffe, Gary M. Farmer, Jr., Mark Fistos, and Seth Lehrman, along with co-counsel Dawn Rapoport and Chandra Parker Doucette represented a class of hundreds of former employees of the Law Offices of David Stern, P.A., DJSP Enterprises, Inc. and Stern's affiliated foreclosure processing businesses.

Read Gary Farmer's 2011 Legislation Session Review in the SFLG

Attorney Gary M. Farmer, Jr. takes a look back at the 2012 Legislative Session in the South Florida Legal Guide. Farmer is an active Florida Justice Association lobbyist, who has spent more than six weeks each year for the past seven, working only on consumer protections and access to the courts.

Farmer Speaks to Students at Local School

Attorney Gary M. Farmer, Jr. spoke to students at Heron Heights Gary Farmer Elementary School in Parkland, Florida on June 1st on the importance of the Bill of Rights.



MAY 2012

Edwards Included in The National Trial Lawyers Association's Top 40 Under 40

Attorney Brad Edwards has been included as a member of The National Trial Lawyers Association's Top 40 Under 40. This invitation is extended exclusively to those individuals who exemplify superior qualifications, trial results, and leadership as a young lawyer under the age of 40.



Jaffe Presents at Private Care Association's Best Practices Conference

Attorney Steve Jaffe presented "Current Litigation Trends When Dealing With Denials on Long Term Insurance" at the 2012 Private Care Association of Florida's Best Practices Conferences for Registries in Fort Lauderdale.

APRIL 2012

Crohn's & Colitis Fundraiser - 4th Largest Ever

Attorney Steve Jaffe thanks everyone who donated and Team Lyndsay - Take Steps & Be Heard - Crohn's & Colitiswalked for Team Lindsay in the 2012 Take Steps for Crohns & Colitis on Saturday, April 28, 2012, at Arts Park on Young Circle in Hollywood. Team Lindsay helped raise more than \$5500, which helps support patient programs, education, and furthers crucial research. The entire even raise over \$160,000 - the 4th largest fundraiser.



Brad Edwards Runs for Victim's Rights

Run To Remember 5KAttorney Brad Edwards participated in the Broward Victim's Rights Coalition's Annual Run to Remember 5K in Hollywood on April 28, 2012. The event raised awareness and funds to benefit crime victims in Broward County.



Brad Edwards Presents Seminar on Enforcing Victims' Rights

Attorney Brad Edwards, an OVC Training Consultant, presented an 8-hour seminar on "Enforcing Victims' Rights" as part of the Palm Beach Victims' Rights Coalition's Extending the Vision Reaching Every Victim Program on April 26, 2012, in West Palm Beach. The seminar, which was part of a week-long series of programs by the Palm Beach Victims' Right Coalition, was also part of National Crime Victims' Rights Week (April 22-28).



Brad Edwards Presents Webinar on Maximizing Recovery for Sexual Abuse Victims

Attorney Brad Edwards presented an important online webinar on April 25, 2012, on "Maximizing Recovery for Sexual Abuse Victims" as part of SeminarWeb Live! FJA Webinar. This presentation was part of National Crime Victim's Rights Week.

Gary Farmer Presents at Auto Insurance Seminar

Attorney Gary M. Farmer, Jr. presented "Constitutional Issues Arising Under 'New PIP'" at the Florida Justice Association's Auto Insurance Seminar in Orlando on April 26.

Gary Farmer Presents at National Trial Lawyers Association Conference

Attorney Gary M. Farmer, Jr. presented "State Attorney General Gary FarmerActions in Drug Cases: Are You Wasting All of Your Hard Work?" at the National Trial

Lawyers Association's Mass Tort Made Perfect Conference in Las Vegas on April 20, 2012.

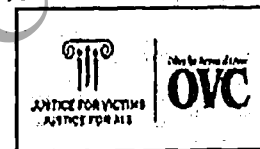
Gary Farmer, Sr. Presents at National Trial Lawyers Association Conference

Gary Farmer, Sr. was part of a panel that discussed "The Gary M. Farmer, Sr. Effects of the Precedent-Setting Mensing & Kendall Decisions" at the National Trial Lawyers Association's Mass Tort Made Perfect Conference in Las Vegas on April 18, 2012.



Farmer Jaffe Weissing Support National Crime Victims' Rights Week

Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman proudly support **National Crime Victims' Rights Week** - April 22 - 28, 2012, sponsored by the U.S. Department of Justice Office for Victims of Crime (OVC). To learn about how we help crime victims visit: www.pathtojustice.com, www.justicetovictims.com, or www.abuseandassault.com.



Farmer Jaffe Weissing Advocates National Sexual Assault Awareness Month

Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, Sexual Assault Awareness Month (SAAM) - April 2012, sponsored by the the National Sexual Violence Resource Center (NSVRC). [View Release](#)



MARCH 2012

Brad Edwards Presents at Florida Justice Association's Workhorse Seminar

Attorney Brad Edwards presented "Maximizing Recovery for Brad Edwards Sexual Abuse Victims" as part of the Florida Justice Association's Workhorse Seminar on March 23 in Orlando.



Brad devotes a large amount of his practice to sexual abuse and sexual assault cases. He is a major advocate for victim's rights and has provided hundreds of hours of pro bono services each year to Victims Advocates Services and victims' rights groups throughout Florida.

Gary Farmer Presents at Florida Justice Association's Workhorse Seminar

Attorney Gary M. Farmer, Jr. presented Gary Farmer "Everything You Always Wanted To Know About Qui Tam Cases - But Were Afraid to Ask" at the Florida Justice Association's Workhorse Seminar on March 22 in Orlando.



Gary M. Farmer, Sr.'s 4th DCA Ruling Quoted in The Atlantic Magazine Regarding the Trayvon Martin Shooting

Gary Farmer, Sr.'s 4th DCA opinion was quoted in The Atlantic regarding the Trayvon Martin shooting... Here's how one Florida appellate judge, in a 2006 ruling, interpreted the low legal threshold necessary to move the burden of proof on self-defense from people like Zimmerman to prosecutors:



To repeat, the law did not require defendant to prove his justification of self-defense to any standard ...measuring an assurance of truth. He did not have to prove the exigency of self-defense to a near certainty (reasonable doubt) or even to a mere probability (greater weight). His only burden was to offer additional facts from which it could be true, that his resort to such force could have been reasonable (emphasis in original). Click this link to read Mr. Farmer's 2006 ruling.

Support Team Lindsay - Crohn's & Colitis Take Steps Walk

Once again Steffi and I (Steve Jaffe) have formed Team Lyndsay - Take Steps & Be Heard - Crohn's & Colitis Team Lindsay to walk in our annual Take Steps Walk on **Saturday April 28, 2012**. This year the Walk will be held in A **NEW LOCATION** at ArtsPark on Young Circle in Hollywood. Last year's event drew more than 1,500 people and raised over \$200,000. This year's event promises to be a fun filled evening for the entire family.



As you all know our daughter Lindsay was diagnosed with Crohn's disease when she was 15 years old. She has done remarkably well for herself despite the flair ups and hospitalizations that she has endured over the years. She became an accomplished scholarship athlete, playing soccer at Appalachian State University. She has graduated and is pursuing a career in Sports Administration. We are so proud of her. Unfortunately, others have not fared as well as Lindsay, nearly 1.5 million Americans, many who are children suffer from Crohn's and Colitis and the number of people being diagnosed each year is increasing. The funds we raise through the Take Steps Walk will help support world class scientific research and sponsor educational programs and services for those afflicted with these diseases. Our hope is that others will be able to manage the disease as well as Lindsay has so far.

We would really appreciate your support. Please visit [Team Lindsay page](#). Just [click on this link](#) and sign up to be a team member on Team Lindsay. It will be a fun night. There will be plenty of food and entertainment, if you are unable to attend the walk, any donation is greatly appreciated.

Firm Hosts Press Conference for Attorney Representing Trayvon Martin's Family

Benjamin Crump & Gary Farmer Our firm hosted a press conference today for Attorney Benjamin Crump of Parks and Crump in Tallahassee, who is representing Trayvon Martin's family, the young teenager shot and killed by watch captain George Zimmerman. Here Attorney Crump talks to Attorney Gary M. Farmer, Jr. before the news conference. For more photos of the news conference [click here](#).



Former Employees of David Stern Agree to Settlement

Approximately 800 former employees of foreclosure attorney David J. Stern, who alleged that Stern and DJSP Enterprise did not give them 60 days notice as required by the Federal Worker Adjustment and Retraining Notification or WARN Act, have reached a preliminary settlement. Our firm and co-counsel Dawn Rapoport and Chandra Parker Doucette represent the named plaintiffs and class members. A final hearing before U.S. District Judge Ursula Ungaro will be held in Miami in June. Media coverage includes the Sun-Sentinel and the Daily Business Review.

Seth Lehrman Guest Lectures at Nova Southeastern University Law School

Attorney Seth Lehrman was a guest lecturer at Nova Southeastern University's Law School. Seth presented on professional responsibility and ethics. His lecture focused on protecting clients' rights following the dissolution of a law firm.

X: Attorney
Seth
Lehrman

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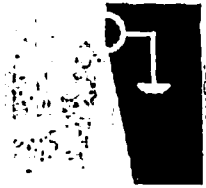
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Sexual Abuse | Sexual Assault

Sexual Abuse victims are not alone and they have rights, if and when they are ready to pursue them. At Farmer Jaffe Weissing, we want to empower victims to come forward, report crimes and hold perpetrators accountable; thereby educating the community and inspiring others to do the same.

Sexual Abuse Cases Under Investigation

Looking for Witnesses in Alleged Sexual Abuse Cases

We support crime victim's cases with intensive factual and legal research. We are investigating the following matters and issues that clients and other have brought to our attention. We are currently searching for witnesses to assist us in the following cases. If you have information, please contact us here or call 888-670-2451. You can remain anonymous.

- **YOUTH PASTOR J. LONDON** - Our law firm is actively investigating and representing victims claiming sexual abuse by former Youth Pastor J. London. Click video below to see exclusive interview.






- **JEFFREY EPSTEIN (Registered Sex Offender)** - Our law firm prosecuted numerous civil cases against registered sex offender Jeffrey Epstein. He is known to have molested children in various places, including on his private airplane. He is a registered sex offender in Florida, New York and the Virgin Islands.

- [Florida Sex Offender Flyer](#)
- [New York Sex Offender Flyer](#)
- [Virgin Island Sex Offender Flyer](#)

If you have any information about his molestations of children or other crimes of his that are known to you, please call our law firm. If you were a former employee or a victim yourself, or have any information regarding his criminal activity, please contact us. Your name can remain anonymous.

HOW CAN WE HELP YOU?

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