

IN THE CIRCUIT COURT OF THE 15th
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

v.

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

Defendants.

FILED
2010 JUL 19 PM 3:33
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL 3

DEFENDANT BRADLEY J. EDWARDS'S MOTION TO APPOINT COMMISSIONER

Defendant, Bradley J. Edwards, files this Motion to Appoint Commissioner and states:

1. Defendant wishes to depose the Records Custodian of The New York Daily News around ^{AUG.} July 31, 2010 in New York, NY. The deposition duces tecum notice for this witness is attached to this Motion.

2. New York law does not authorize the issuance of a subpoena for the taking of a deposition unless a commission has been appointed. Accordingly, the defendant moves for the appointment of Metro Attorney Service, Inc., 305 Broadway, 14th Floor, New York, NY 10007 as the commissioner to take the deposition duces tecum of the Records Custodian of The New York Daily News.

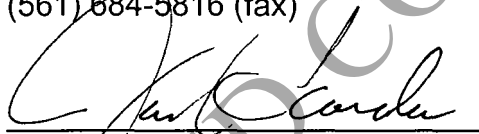
WHEREFORE, Defendant, Bradley J. Edwards, respectfully requests that this Honorable Court grant his Motion to Appoint Commissioner.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 19th, 2010 a copy of the foregoing has been served via U.S. Mail and ~~email~~ transmittal to all those on the attached service list.
~~FAX~~

Jack Scarola
Searcy, Denney, Scarola, Barnhart & Shipley
2139 Palm Beach Lakes Blvd
West Palm Beach, FL 33409
(561) 686-6300
(561) 684-5816 (fax)

By:


JACK SCAROLA
Florida Bar No.: 169440

SERVICE LIST

Robert D. Critton, Jr.
BURMAN, CRITTON, et al.
303 Banyan Boulevard, Suite 400
West Palm Beach, FL 33401

Jack Alan Goldberger, Esq.
Atterbury Goldberger et al.
250 Australian Avenue South
Suite 1400
West Palm Beach, FL 33401

Gary M. Farmer, Jr.
Farmer, Jaffe, Weissing,
Edwards, Fistos & Lehrman, P.L.
425 N. Andrews Ave., Suite 2
Fort Lauderdale, FL 33301

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NOTICE OF TAKING DEPOSITION DUCES TECUM

PLEASE TAKE NOTICE that Defendant, Bradley Edwards, will take the deposition duces tecum (See attached Exhibit "A") of:

NAME	DATE AND TIME	PLACE OF TAKING DEPOSITON
Records Custodian New York Daily News c/o Legal Department Attn: Anne Carrol 450, West 33rd Street New York, NY 10001	AUGUST 31, 2010 9:00 A.M.	US Legal Support 1 Penn Plz, #1410 New York, NY 10119-1410 Phone: (212) 759-6014

upon oral examination before US Legal Support, Notary Public, or any other notary public or officer authorized by law to take depositions in the State of New York. The oral examination will continue from day to day until completed. The depositions are being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the Rules of Court.

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on July 19th, 2010 a copy of the foregoing has been served via U.S. Mail and email transmittal to all those on the attached service list.

Jack Scarola
Searcy, Denney, Scarola, Barnhart & Shipley
2139 Palm Beach Lakes Blvd
West Palm Beach, FL 33409
(561) 686-6300
(561) 684-5816 (fax)

By:


JACK SCAROLA
Florida Bar No.: 169440

cc: US Legal (via email)

SERVICE LIST

Robert D. Critton, Jr.
BURMAN, CRITTON, et al.
303 Banyan Boulevard, Suite 400
West Palm Beach, FL 33401

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425 N. Andrews Ave., Suite 2
Fort Lauderdale, FL 33301

Exhibit "A" – DUCES TECUM

All taped conversations between George Rush and Jeffrey Epstein, including telephone recordings, all emails to and from Jeffrey Epstein or someone representing themselves to be Jeffrey Epstein. This request includes the 22 minute taped conversation that has already been identified between George Rush and Jeffrey Epstein as well as the transcript of that tape.

NOT A CERTIFIED COPY

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Defendants.

_____ /

SUBPOENA DUCES TECUM FOR DEPOSITION

THE STATE OF FLORIDA

TO: Records Custodian
New York Daily News, c/o Legal Department
Attn: Anne Carrol
450, West 33rd Street
New York, NY 10001

YOU ARE COMMANDED to appear at US Legal Support, 1 Penn Plz, #1410, New York, NY 10119-1410, on July 8/31, 2010 @ 9:00 a.m., and to have with you at that time and place the following:

All taped conversations between George Rush and Jeffrey Epstein, including telephone recordings, all emails to and from Jeffrey Epstein or someone representing themselves to be Jeffrey Epstein. This request includes the 22 minute taped conversation that has already been identified between George Rush and Jeffrey Epstein as well as the transcript of that tape.

If you fail to appear, you may be in contempt of court.

You are subpoenaed by the attorney whose name appears on this subpoena and unless excused from this subpoena by the attorney or the Court, you shall respond to this subpoena as directed.

Dated July 19th, 2010

By: _____

Jack Scarola, Esq.
FOR THE COURT

Searcy, Denney, Scarola, Barnhart & Shipley
2139 Palm Beach Lakes Blvd
West Palm Beach, FL 33409
(561) 686-6300