

#291874

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

CASE NO.: 502009CA040800XXXXMABAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

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

Defendant,

DEFENDANT/COUNTER-PLAINTIFF, BRADLEY J. EDWARDS'
CASE MANAGEMENT STATEMENT

Defendant/Counter-Plaintiff, Bradley J. Edwards, by and through his undersigned attorneys and pursuant to Court Order and the provisions of Rule 1.201(b), F.R. Civ. P., hereby files his Case Management Statement in advance of the Case Management Conference scheduled before this Court on April 15, 2011.

A. As to the issues on the claims asserted by the Plaintiff against Mr. Edwards, it has been and remains the position of Mr. Edwards that there are not material issues of fact in dispute and the undisputed facts entitle Mr. Edwards to entry of a summary judgment. The Plaintiff has continued his unproductive, expensive and grossly burdensome fishing expedition to find non-existent evidence to support his fabricated theory that Mr. Edwards was a participant in a Ponzi scheme in which the Plaintiff was neither an investor nor a collateral victim in any respect. The Plaintiff has never been able to articulate a credible theory of either liability or damage, and he has failed to offer any explanation as to how he could possibly be entitled to maintain a claim for

affirmative relief while simultaneously hiding behind his constitutional protections to remain silent and deny Mr. Edwards any substantive response to a single relevant question. Accordingly, Mr. Edwards is unable to provide a brief statement describing Mr. Epstein's claims against him.

We contend that Mr. Epstein's suit was initiated and maintained solely as an effort to intimidate Mr. Edwards into abandoning his legitimate and fully justified efforts to vigorously prosecute damage claims on behalf of victims of Mr. Epstein's pedophilia. As to the issues on Mr. Edwards' counter-claim, we are prepared to proceed to trial on the counter-claim at the earliest available date.

B. Mr. Epstein has never been able to articulate any plausible theory of damages when repeatedly pressed by the Court to do so. No legally viable theory exists.

Mr. Edwards has been damaged by the expenditure of time, effort, resources and money to defend against Mr. Epstein's spurious claims and has endured the public embarrassment of having been branded as a participant in one of history's largest and most notorious Ponzi schemes.

C. Settlement is viewed by Mr. Edwards as highly unlikely.

D. No additional parties are anticipated to be added to the litigation.

E. In the event that the claim against Mr. Edwards were to be disposed of by Summary Judgment in advance of trial, Mr. Edwards would seek leave to amend the counter-claim to add a count for malicious prosecution arising out of the identical facts supporting the

pending claim for abuse of process. The malicious prosecution claim is premature until such time as the claims against Mr. Edwards have been disposed of in his favor.

There is a pending motion to assert a claim for punitive damages set for hearing on March 30, 2011.

We foresee no reasonable possibility of obtaining any significant admissions of fact or of documents from Mr. Epstein that will avoid unnecessary proof since it has been Mr. Epstein's obvious strategy from the inception of this litigation to use the litigation as a means by which to inflict the greatest possible burden on Mr. Edwards.

We are prepared to limit the number of retained experts to testify in support of the propriety of Mr. Edwards' actions and the total absence of a good faith basis to support Mr. Epstein's claims to two per side. We anticipate no expert testimony on compensatory damages. We may call one expert to address issues in the punitive damage phase of the trial regarding Mr. Epstein's pecuniary circumstances. We are prepared to disclose experts within 7 days following Mr. Epstein's disclosure.

Mr. Edwards has no objection to the use of juror notebooks, but their utility is doubtful as this is not expected to be a document-intensive case.

Mr. Edwards' Motion for Summary Judgment was denied solely on the grounds that Mr. Epstein had not completed his discovery. He has now received over 25,000 pages of e-mails and deposed multiple Ponzi scheme investors. Neither the documentary evidence nor the testimony

link Mr. Edwards in any way to participation in Mr. Rothstein's Ponzi scheme. The Motion for Summary Judgment should be rescheduled and granted.

- F. Jack Scarola will serve as lead counsel on behalf of Mr. Edwards.
- G. Mr. Edwards and third parties have motions for protective orders pending before the Court.
- H. This subsection has been addressed above.
- I. This subsection has been addressed above.
- J. Special Master Carney was appointed in the related bankruptcy proceeding to address discovery issues arising out of the issuance of a subpoena in this case to obtain documents formerly in the exclusive custody of the bankruptcy trustee. Mr. Edwards has repeatedly offered to stipulate to Judge Carney's appointment by this Court as Special Master to deal with identical issues which must ultimately be decided by this Court.

Copies of the documents which had previously been in the exclusive possession of the trustee have been transferred by the trustee to Mr. Edwards. The trustee's involvement and the involvement of the bankruptcy court have now become irrelevant to this proceeding. However, Judge Carney is still proceeding with a privilege analysis as directed by the bankruptcy court and remains willing to serve as Special Master in this proceeding to facilitate resolution of discovery issues. Mr. Edwards continues to consent to this appointment. Mr. Epstein has declined and continues to decline to agree to the appointment of a Special Master,

consistent with his utilization of the pending claim to inflict maximum damage on Mr. Edwards, who continues to prosecute NEW claims against Mr. Epstein on behalf of additional victims.

K. The trial of the counter-claim from jury selection to a Phase II punitive damage verdict is estimated to take 7 trial days.

L. Mr. Edwards sees no need for further case management conferences and is ready for trial.

M. Relevant documents include the charging documents in the State prosecution of Mr. Epstein, his plea of guilty and sentencing documents, the Federal Non-Prosecution Agreement, all civil Complaints filed against Mr. Epstein on behalf of his molestation victims, all documents attached to and referenced in Mr. Edwards' Motion for Summary Judgment, all time records reflecting time expended by Mr. Edwards, his associates, and staff on the defense of the spurious and baseless claims against him, all documents reflecting expenditures by and on behalf of Mr. Edwards in defending the pending claim, all media accounts referencing the claims against Mr. Epstein, Mr. Rothstein, and Mr. Edwards.

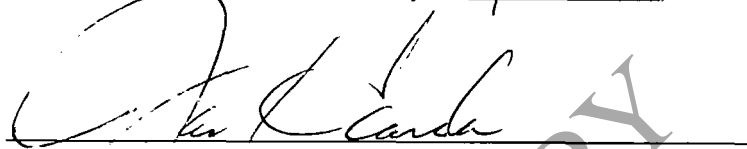
Potential witnesses include all persons referenced in Mr. Edwards' Motion for Summary Judgment, all attorneys who participated in presenting claims against Mr. Epstein on behalf of his molestation victims, and 2 "emotional distress" witnesses.

N. Plaintiff anticipates calling two witnesses with expertise in legal ethics.

O. None.

Edwards adv. Epstein
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I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by
Fax and U.S. Mail to all counsel on the attached list, this 24th day of March, 2011.



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