

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

JEFFREY EPSTEIN

Complex Litigation, Fla. R. Civ. Pro.1201

Plaintiff,

Case No. 50 2009CA040800XXXXMB AG

v.

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

Defendants.

FILED
10 MAY 11 PM 4:44
PALM BEACH COUNTY FL
CIRCUIT CIVIL 4

**NOTICE OF FILING CORRECTED EXHIBIT "D" AS CITED IN
PLAINTIFF'S MOTION TO COMPEL BRADLEY EDWARDS
TO APPEAR FOR FOLLOW-UP DEPOSITION**

Plaintiff, JEFFREY EPSTEIN, hereby gives Notice of Filing Corrected Exhibit "D",
cited in Plaintiff's Motion to Compel Bradley Edwards to Appear for Follow Up Deposition and
in support thereof :

1. Plaintiff filed his Motion to Compel Bradley Edwards
to Appear for a Follow-Up Deposition on May 10, 2010.
2. Exhibit "D" attached to the Motion to Compel is
incorrect.
3. Plaintiff hereby files his corrected Exhibit "D" to
his Motion to Compel filed on May 10, 2010.

Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was sent by fax and U.S. Mail to
the following addressees on this 11th day of May, 2010:

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Epstein v. Rothstein, et al.

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By: 

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(Counsel for Defendant Jeffrey Epstein)

AFFIDAVIT OF BRADLEY JAMES EDWARDS

1. I am an attorney in good standing with the Florida Bar and admitted to practice in the Southern District of Florida. I am a partner in the law firm of Farmer Jaffe Weissing Edwards Fistos and Lehrman.
2. I am the lead attorney currently representing "Jane Doe" in the case of Jane Doe v. Jeffrey Epstein, case number 08-80893 in federal Court in the Southern District of Florida. I am the lead attorney representing Jane Doe, whose civil complaint alleges that Epstein sexually molested her numerous occasions when she was a minor.
3. Defendant Epstein has entered into a "non-prosecution agreement" (NPA) with the federal government for sex crimes against minors. Under that agreement, the federal government has agreed not to file criminal charges against Epstein for sex crimes committed against approximately thirty girls, including Jane Doe. In exchange, Epstein agreed to plead guilty to state law criminal charges involving solicitation of prostitution and procuring a minor for prostitution. The victim of the criminal charges to which he has pled was not Jane Doe.
4. Under the NPA, Epstein has agreed not to contest civil liability of any of his approximately thirty victims – provided that the victim agrees to limit themselves to the damages provided by 18 U.S.C. § 2255 (currently set at \$150,000). Jane Doe has not agreed to limit herself to pursuing only \$150,000 in damages. Therefore, the terms of the NPA purport to prevent Jane Doe from using the NPA to prove liability.
5. Epstein has filed an answer to Jane Doe's complaint, in which he has invoked his Fifth Amendment right to silence with respect to the allegations that he molested her as a child. Epstein has further argued that this Fifth Amendment invocation is the functional equivalent of, and must be treated as, a specific denial of the allegations.
6. Defendant Epstein's deposition has been taken on several occasions, in this and other related cases, and he has not provided any substantive discovery whatsoever. Instead, he invoked his 5th amendment privilege against self-incrimination when asked questions about his abuse of Jane Doe or other girls.
7. Defendant Epstein has also been served with Interrogatories and requests for production; all requests have been met with 5th amendment assertions and Epstein has not given Jane Doe any substantive testimony related her allegations.
8. Jane Doe's complaint contains a punitive damages claim, and Mr. Epstein has also elected to invoke the 5th Amendment on all questions that would relate to punitive damages issues, such as his intent when committing the crimes, his lack of remorse and his intent to recidivate.
9. Epstein has taken Jane Doe's deposition. During that deposition he has asked numerous questions of Jane Doe that suggest that she is fabricating her allegation of abuse by Epstein.
10. In addition to deposing Mr. Epstein, other attorneys and I have taken the depositions of his various co-conspirators (as labeled by the federal government in the NPA), including Sarah Kellen, Adriana Mucinska and Nadia Marcinkova. Each of those individuals was employed by Epstein to bring him underage girls for him to molest and to ensure that he was protected from detection by law enforcement, and thus those individuals could likely provide general testimony that would assist Plaintiff in proving liability and damages, including punitive damages. However, none of these individuals were

present during acts of sexual abuse by Epstein. In any event, ALL of those individuals have also invoked their 5th amendment rights against self-incrimination, and thus have left Plaintiff with no information about what Epstein or other conspirators inside his house were doing during the sexual abuse of Jane Doe and other minors girls. This creates a serious issue for Jane Doe in proving her sexual molestation claim against Epstein. By its nature, sexual molestation takes place in private, with only the abuser and the victim typically available to testify. In this case, Epstein's abuse of Jane Doe took place in private, with only Epstein and Jane Doe present during the abuse. Jane Doe has no other reasonable avenues of discovery to provide direct proof of claim of sexual abuse by Epstein.

11. Additionally, Mr. Epstein has recently filed a lawsuit against me personally that has no merit whatsoever, a fact known to Mr. Epstein and his attorneys. He filed the lawsuit against Brad Edwards, Scott Rothstein, and L.M. (another Epstein victim of his molestation). That lawsuit implies that L.M.'s civil case against him (currently pending in Florida state court) is fabricated and that L.M. and I have conspired to commit fraud against him (presumably that she made up the case against him, implying that he does not know L.M.). While the present subpoena before the Court has been filed by Jane Doe, the Court should be aware that attorneys representing L.M. may also file a subpoena for the George Rush tape shortly.

12. Despite Mr. Epstein and all of his co-conspirators, asserting a 5th amendment privilege against self-incrimination, George Rush of the New York Daily news did contact me to inform me that Mr. Epstein spoke personally with him about issues related to the various charges of sex abuse against him.

13. Paraphrasing from memory of my conversation with Mr. Rush, Mr. Epstein told him that he may have come "too close to the line" but that he should not have been punished as severely as he was and that his conduct was at most worthy of a \$100 fine. This is a statement that shows two things of great importance to Jane Doe's pending civil action. First, it is in effect an admission by Epstein of his liability to Jane Doe for sexually abusing her. Jane Doe does not have any other admission of Epstein of his sexual abuse of her and Epstein has filed an answer to Jane Doe's complaint that has the functional effect of denying abuse of her. Jane Doe has diligently pursued all possible ways of obtaining an admission from Epstein of his molestation of Jane Doe without success. Second, the statement to Mr. Rush is a clear demonstration that Epstein lacks remorse for committing felony child molestation against Jane Doe. This will be a central issue in the punitive damages case against Epstein at trial. Here again, Jane Doe has diligently pursued all possible ways of obtaining a statement from Epstein about his lack of remorse for abusing Jane Doe without success. There are no other reasonable means of obtaining a statement from Epstein on these subjects.

14. Mr. Rush also told me that Mr. Epstein spoke specifically about one of my clients, L.M., and he made derogatory remarks about her.

15. Additionally, Mr. Rush said that Epstein spoke directly about another civil case that was filed against him (Jane Doe 102 v. Epstein); that case alleges that Epstein repeatedly sexually abused a 15 year old girl, forced her to have sex with his friends and flew her on his private plane nationally and internationally for the purposes of sexually molesting and abusing her. Epstein flippantly told George Rush that that case was dismissed, in a way to indicate that the allegations are ridiculous and untrue.

16. Mr. Rush indicated that he taped the conversation between him and Mr. Epstein.

17. Mr. Rush also spoke at length to Michael Fisten, an investigator with my firm that was assisting with the investigation of the case. Mr. Fisten reported to me shortly after the conversation with Mr. Rush that he had such a conversation.

18. While research by other plaintiffs' attorneys and myself has uncovered other persons that were acquaintances of Mr. Epstein, specifically Donald Trump, Alan Dershowitz, Bill Clinton, Tommy Mottola, and David Copperfield, we have no information that any of those people (other than Mr. Dershowitz) have spoken to Mr. Epstein about Jane Doe or any of the other specific victims of Mr. Epstein's molestation. Mr. Dershowitz is acting as an attorney for Mr. Epstein, and therefore it is presumably unlikely to question him about any admissions that Epstein may have made regarding Jane Doe or other minors girls. Additionally, we have no information that any of those individuals or any other individuals have any taped statements of Epstein's own voice relating to these matters. George Rush's taped conversation with Mr. Epstein is the only known one in existence, making it very unique and it contains information not otherwise obtainable through other means or sources. Indeed, without the Rush tape conversation, the jury that handles the case will not hear any words from Epstein himself about his abuse of Jane Doe and other young girls. I have been informed by Epstein's attorney that Epstein intends to invoke his Fifth Amendment rights rather than answer any substantive questions about the abuse of Jane Doe and other girls at trial.

19. The Rush interview is, in any event, unique and not otherwise obtainable from other witnesses because it can be used to prove perjury (a federal crime) on the part of Epstein. Epstein lied about not knowing George Rush. See deposition of Jeffrey Epstein, taken in L.M. v. Jeffrey Epstein, case 50-2008-CA-028051, page 154, line 4 through 155 line 9, wherein Jeffrey Epstein clearly impresses that he does not recognize George Rush from the New York Daily News, despite the fact that he gave a personal interview that we all now know to have been tape recorded. It is therefore evidence of a criminal event. If we receive the tape, we intend to alert the appropriate law enforcement authorities, both federal and state, so that they can pursue any appropriate criminal investigation perjury charges.

20. The tape is also crucial for L.M. to dismiss the frivolous complaint filed by Jeffrey Epstein against her, as he clearly acknowledges knowing L.M., contrary to claims he makes in his complaint against her and also contradictory to other statements he has made in depositions related to knowing L.M. In that regard, this tape provides evidence of other false statements Epstein has made under oath.

21. During a telephone call with George Rush, he provided me more than a description of the tape, and in fact described the general tenor of the entire interview, so that nothing in the interview can be fairly regarded as confidential at this point.

22. As George Rush admitted in his affidavit, he played the tape for *at least* two other persons who also confirmed Epstein's arrogance as he speaks about his actions with minors.

23. The people for whom George Rush played the tape or told in detail of the information on the tape were not "sources" in the tradition sense of the word – all individuals were simply chatting with Mr. Rush about Mr. Epstein and his propensity to molest children. For example, when I discussed the tape with Mr. Rush, I was not a "source" in the traditional sense of that term. At no point did Mr. Rush tell me that I was a "source" for his reporting:

24. Because Epstein and all other co-conspirators have invoked the 5th amendment as to all relevant questions, this tape is the *only* way that Jane Doe can put Epstein's own perceptions of what he has done before the jury and the only way that Jane Doe can put Epstein's admissions and statements before the jury. As even a quick perusal of the more than 500 entries on the docket sheet for Jane Doe's (consolidated) case will confirm (see Case no. 9:08-80119 (S.D. Fla.) (case number for consolidated cases on discovery), Jane Doe and other plaintiffs have made exhaustive attempts to obtain information from Epstein about his abuse. These attempts have included repeated requests for admission, requests for production, interrogatories, and depositions – all the means that are listed in the Federal Rules of Civil Procedure for obtaining discovery. These means have all been exhausted without success. Neither

Jane Doe nor any of the other plaintiffs have been able to obtain even a single word of information from Epstein about his abuse of minor girls.

25. I made a good faith, albeit unsuccessful, effort to resolve this matter with Anne B. Carroll, representing the Daily News in order to avoid any court intervention. I explained that we needed this tape for several reasons, including those cited by her in her pleading. The tape is detrimental to Epstein's personal complaint against L.M. and me; the tape is evidence of perjury committed by Epstein; the tape is the Best Evidence of his lack of remorse for his actions and will be presented in the punitive damages phase of the civil trials against him; and, perhaps most important, the tape is the only way that the jury considering Jane Doe's case will be able to hear Epstein's voice and own statements about his abuse of Jane Doe and other minor girls. Without the tape, the jury will not have the opportunity to hear Epstein give any substantive information about Jane Doe's complaint. Indeed, they will not have the opportunity to even hear Epstein's voice utter any substantive words other than (in essence) "I take the Fifth." Ms. Carroll has made it clear that Rush's disclosures were viewed unfavorably by his employer.

I declare under penalty of perjury that the foregoing is true and correct.

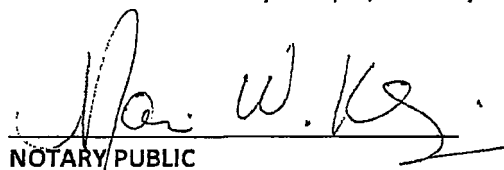
FURTHER AFFIANT SAYETH NAUGHT.

Dated this 23rd day of April, 2010.



Brad Edwards, Esq.

The foregoing instrument was acknowledged before me this 23rd day of April, 2010 by BRAD EDWARDS, who is personally known to me.



NOTARY PUBLIC

Print Name: _____

My Commission Expires: