

IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT, IN AND  
FOR PALM BEACH COUNTY, FLORIDA  
CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

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

Defendant,

---

**DEFENDANT/COUNTER-PLAINTIFF'S SUPPLEMENT TO PROPOSED JURY  
INSTRUCTIONS AND VERDICT FORM**

Defendant/Counter-Plaintiff, Bradley J. Edwards, by and through undersigned counsel, hereby files his Supplement to Proposed Jury Instructions and Verdict Form, and as grounds therefor states as follows:

1. On November 9, 2017, Edwards filed his Proposed Jury Instructions and Verdict Form.
2. Edwards hereby adds the following additional proposed jury instruction to that pleading:

Federal Rule of Evidence 415 and Florida Statute 90.404 provide that in a civil case involving a claim for relief based on a party's alleged sexual assault or child molestation, the Court may admit evidence that the party committed any other sexual assault or child molestation.

As a consequence of these provisions in both federal and state law, proper pretrial discovery by Bradley Edwards in the civil lawsuits against Jeffrey Epstein was not limited to the investigation of the offenses alleged to have been committed by Jeffrey Epstein against the three clients represented by Bradley Edwards. The law expressly allowed Mr. Edwards to conduct discovery of and to fully investigate any other sexual assault or child molestation which may have been committed by Jeffrey Epstein.

EDWARDS ADV. EPSTEIN

Case No.: 502009CA040800XXXXMBAG

Defendant/Counter-Plaintiff's Supplement to Proposed Jury Instructions and Verdict Form

Page 2 of 3

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 14<sup>th</sup> day of Nov., 2017.



---

JACK SCAROLA

Florida Bar No.: 169440

Attorney E-Mail(s): [jsx@searcylaw.com](mailto:jsx@searcylaw.com); and  
[mimceann@searcylaw.com](mailto:mimceann@searcylaw.com)

Primary E-Mail: [scarolateam@searcylaw.com](mailto:scarolateam@searcylaw.com)

Searcy Denney Scarola Barnhart & Shipley, P.A.

2139 Palm Beach Lakes Boulevard

West Palm Beach, Florida 33409

Phone: (561) 686-6300

Fax: 561-383-9451

Attorneys for Bradley J. Edwards

**COUNSEL LIST**

Scott J. Link, Esq.  
Link & Rockenbach, P.A.  
[Scott@linkrocklaw.com](mailto:Scott@linkrocklaw.com)  
[Kara@linkrocklaw.com](mailto:Kara@linkrocklaw.com)  
1555 Palm Beach Lakes Boulevard  
Suite 301  
West Palm Beach, FL 33401  
Phone: 561-727-3600  
Fax: 561-727-3601  
Attorneys for Jeffrey Epstein

William Chester Brewer, Esquire  
[wcblaw@aol.com](mailto:wcblaw@aol.com); [wcblawasst@gmail.com](mailto:wcblawasst@gmail.com)  
250 S Australian Avenue, Suite 1400  
West Palm Beach, FL 33401  
Phone: (561)-655-4777  
Fax: (561)-835-8691  
Attorneys for Jeffrey Epstein

Jack A. Goldberger, Esquire  
[jgoldberger@agwpa.com](mailto:jgoldberger@agwpa.com);  
[smahoney@agwpa.com](mailto:smahoney@agwpa.com)  
Atterbury Goldberger & Weiss, P.A.  
250 Australian Avenue S, Suite 1400  
West Palm Beach, FL 33401  
Phone: (561)-659-8300  
Fax: (561)-835-8691  
Attorneys for Jeffrey Epstein

Nichole J. Segal, Esquire  
[njs@FLAppellateLaw.com](mailto:njs@FLAppellateLaw.com);  
[kb@FLAppellateLaw.com](mailto:kb@FLAppellateLaw.com)  
Burlington & Rockenbach, P.A.  
444 W Railroad Avenue, Suite 350  
West Palm Beach, FL 33401  
Phone: (561)-721-0400  
Attorneys for Bradley J. Edwards

Bradley J. Edwards, Esquire  
[staff.efile@pathtojustice.com](mailto:staff.efile@pathtojustice.com)  
425 N Andrews Avenue, Suite 2  
Fort Lauderdale, FL 33301  
Phone: (954)-524-2820  
Fax: (954)-524-2822

Fred Haddad, Esquire  
[Dee@FredHaddadLaw.com](mailto:Dee@FredHaddadLaw.com);  
[Fred@FredHaddadLaw.com](mailto:Fred@FredHaddadLaw.com)  
Fred Haddad, P.A.  
One Financial Plaza, Suite 2612  
Fort Lauderdale, FL 33394  
Phone: (954)-467-6767  
Fax: (954)-467-3599  
Attorneys for Jeffrey Epstein

Tonja Haddad Coleman, Esquire  
[tonja@tonjahaddad.com](mailto:tonja@tonjahaddad.com);  
[efiling@tonjahaddad.com](mailto:efiling@tonjahaddad.com)  
Tonja Haddad, P.A.  
315 SE 7th Street, Suite 301  
Fort Lauderdale, FL 33301  
Phone: (954)-467-1223  
Fax: (954)-337-3716  
Attorneys for Jeffrey Epstein

Marc S. Nurik, Esquire  
[marc@nuriklaw.com](mailto:marc@nuriklaw.com)  
One E Broward Blvd., Suite 700  
Fort Lauderdale, FL 33301  
Phone: (954)-745-5849  
Fax: (954)-745-3556  
Attorneys for Scott Rothstein

NOT A CERTIFIED COPY

IN THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT, IN AND  
FOR PALM BEACH COUNTY, FLORIDA  
CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,  
vs.

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

Defendant,

/

**DEFENDANT/COUNTER-PLAINTIFF'S SECOND SUPPLEMENT TO PROPOSED  
JURY INSTRUCTIONS AND VERDICT FORM**

Defendant/Counter-Plaintiff, Bradley J. Edwards, by and through undersigned counsel, hereby files his Second Supplement to Proposed Jury Instructions and Verdict Form, and as grounds therefor states as follows:

1. On November 9, 2017, Edwards filed his Proposed Jury Instructions and Verdict Form.
2. On November 14, 2017, Edwards filed his Supplement to Proposed Jury Instructions and Verdict Form, which added an additional proposed jury instruction based upon Federal Rule of Evidence 415 and Florida Statute Section 90.404.
3. Edwards hereby adds the following additional proposed jury instruction, pursuant to *Liabos v. Harman*, 215 So. 2d 487, 489-90 (Fla. 2d DCA 1968) (copy attached):

In order for probable cause to exist on the part of Jeffrey Epstein, the facts known to Jeffrey Epstein must be such that a prudent man would set in motion the filing of a civil lawsuit. Where, however, it would appear to a cautious man that further investigation is justified before filing a civil lawsuit, then the failure to perform that additional investigation may form the basis to conclude that such person lacked probable cause to file the civil lawsuit.

4. Edwards further adds the following additional proposed jury instruction:

Jeffrey Epstein has conceded and does not dispute that he filed the Complaint at issue against LM, Scott Rothstein, and Bradley Edwards on December 7, 2009, and he continued to prosecute claims against Bradley Edwards until he voluntarily dismissed those claims on August 16, 2012.

In determining what Jeffrey Epstein's intention was at the time he filed and prosecuted claims against Bradley Edwards, the law presumes that he intended the natural and probable consequences of his acts. Accordingly, if you find that Jeffrey Epstein filed and prosecuted false claims against Bradley Edwards then he is presumed to have intended to file and prosecute false claims, unless that presumption is rebutted by other evidence.

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 1st day of December, 2017.

  
\_\_\_\_\_  
JACK SCAROLA  
Florida Bar No.: 169440  
Attorney E-Mail(s): [jsx@searcylaw.com](mailto:jsx@searcylaw.com); and  
[mmccann@searcylaw.com](mailto:mmccann@searcylaw.com)  
Primary E-Mail: [\\_scarolateam@searcylaw.com](mailto:_scarolateam@searcylaw.com)  
Searcy Denney Scarola Barnhart & Shipley, P.A.  
2139 Palm Beach Lakes Boulevard  
West Palm Beach, Florida 33409  
Phone: (561) 686-6300  
Fax: 561-383-9451  
Attorneys for Bradley J. Edwards

**COUNSEL LIST**

Scott J. Link, Esq.  
Link & Rockenbach, P.A.  
[Scott@linkrocklaw.com](mailto:Scott@linkrocklaw.com)  
[Kara@linkrocklaw.com](mailto:Kara@linkrocklaw.com)  
1555 Palm Beach Lakes Boulevard  
Suite 301  
West Palm Beach, FL 33401  
Phone: 561-727-3600  
Fax: 561-727-3601  
Attorneys for Jeffrey Epstein

Marc S. Nurik, Esquire  
[marc@nuriklaw.com](mailto:marc@nuriklaw.com)  
One E Broward Blvd., Suite 700  
Fort Lauderdale, FL 33301  
Phone: (954)-745-5849  
Fax: (954)-745-3556  
Attorneys for Scott Rothstein

Jack A. Goldberger, Esquire  
[jgoldberger@agwpa.com](mailto:jgoldberger@agwpa.com);  
[smahoney@agwpa.com](mailto:smahoney@agwpa.com)  
Atterbury Goldberger & Weiss, P.A.  
250 Australian Avenue S, Suite 1400  
West Palm Beach, FL 33401  
Phone: (561)-659-8300  
Fax: (561)-835-8691  
Attorneys for Jeffrey Epstein

Nichole J. Segal, Esquire  
[njs@FLAppellateLaw.com](mailto:njs@FLAppellateLaw.com);  
[ktb@FLAppellateLaw.com](mailto:ktb@FLAppellateLaw.com)  
Burlington & Rockenbach, P.A.  
444 W Railroad Avenue, Suite 350  
West Palm Beach, FL 33401  
Phone: (561)-721-0400  
Attorneys for Bradley J. Edwards

Bradley J. Edwards, Esquire  
[staff.efile@pathtojustice.com](mailto:staff.efile@pathtojustice.com)  
425 N Andrews Avenue, Suite 2  
Fort Lauderdale, FL 33301  
Phone: (954)-524-2820  
Fax: (954)-524-2822

215 So.2d 487  
District Court of Appeal of Florida, Second District.

Beverly LIABOS, as Administratrix of the Estate  
of George P. Liabos, Deceased, Appellant,

v.

Gale HARMAN, Robert Teates, and  
Publix Super Markets, Inc., Appellees.

No. 68-5.

|

Oct. 25, 1968.

|

As Modified on Rehearing Nov. 27, 1968.

Action for malicious prosecution. The Circuit Court for Sarasota County, Robert E. Willis, J., granted summary judgment for the defendant store owner and his employees and the plaintiff appealed. The District Court of Appeal, Liles, Chief Judge, held that material issue of fact as to whether employees of store had probable cause for signing affidavit charging plaintiff with issuing worthless checks precluded grant of summary judgment.

Reversed and remanded.

West Headnotes (6)

[1] **Malicious Prosecution**

↳ Nature and Elements of Malicious  
Prosecution in General

An action for malicious prosecution lies where a civil or criminal proceeding has been commenced by the defendant against the plaintiff, such proceeding terminated in favor of the plaintiff, defendant did not have probable cause for commencing such prosecution, malice was present and plaintiff suffered damage.

4 Cases that cite this headnote

[2] **Malicious Prosecution**

↳ Probable Cause

Lack of probable cause by defendant to commence original civil or criminal judicial proceeding is mixed question of law and fact in malicious prosecution action.

2 Cases that cite this headnote

[3] **Malicious Prosecution**

↳ Probable Cause

When facts relied on by plaintiff in malicious prosecution action to prove lack of probable cause on part of defendant are in dispute, their existence is to be determined by jury.

1 Cases that cite this headnote

[4] **Malicious Prosecution**

↳ Probable Cause

Legal effect of facts relied upon by plaintiff in malicious prosecution action to prove lack of probable cause is question for the trial court.

1 Cases that cite this headnote

[5] **Malicious Prosecution**

↳ Grounds in General

“Probable cause” is a reasonable ground for suspicion, supported by circumstances sufficiently strong in themselves to warrant a cautious man in belief that person accused is guilty of offense with which he is charged.

6 Cases that cite this headnote

[6] **Judgment**

↳ Tort Cases in General

Material issue of fact as to whether employees of store had probable cause for signing affidavit charging plaintiff with issuing worthless checks precluded grant of summary judgment in malicious prosecution action against the store owner and the employees.

3 Cases that cite this headnote

#### Attorneys and Law Firms

\*487 John C. Dent, Jr., and Herb Blessing, of Lee & Blair, Sarasota, for appellant.

David S. Yost, of Cramer, Robinson, Ginsburg & Ross, Sarasota, for appellees.

#### Opinion

LILES, Chief Judge.

George Liabos, the deceased appellant, was arrested on warrants charging him with the crime of issuing worthless checks. The warrants were issued upon affidavits signed by appellees, Gale Harman and Robert Teates, both of whom were employed by Publix Super Markets, Inc., and both of whom were acting within the scope of their employment. Harman and Teates acted after several fellow employees visually identified George Liabos as the individual who had passed a number of worthless checks in Publix stores. Neither appellee, however, \*488 was an eye-witness to the passing of the checks; both acted solely upon information given them by others and apparently overlooked or ignored certain information casting a large measure of doubt on their conclusion regarding Liabos. They investigated Liabos' reputation with the Publix store in his community, for example, and found that he was considered to be both trustworthy and honest. In addition, they found that he was gainfully employed, and considered trustworthy by his employer. Further, they found that he drove a different car from that ascribed to the bad check artist, and that while the real culprit wore glasses, Liabos did not.

Despite these discrepancies, appellees signed the affidavits and Liabos was arrested. He was allowed to post bond, but only after he was detained in the custody of the police for several hours. The following day one Jess Leland Roberts was arrested and confessed to passing the worthless checks in question, whereupon Liabos was released from bond and the charge against him was dropped.

Appellant subsequently brought this suit for malicious prosecution against Harman, Teates, and Publix Super Markets, Inc. Appellees filed a motion for summary judgment, which the trial court granted, and this appeal ensued. Thereafter George Liabos died and his wife, as his administratrix, was substituted for him in this proceeding.

The issue before us is whether the court properly granted defendant-appellees a summary judgment in light of the facts disclosed.

[1] It is well established in Florida that an action for malicious prosecution lies where the following elements concur:

- 1) the commencement or continuance of an original civil or criminal judicial proceeding;
- 2) its legal causation by the present defendant against the plaintiff;
- 3) its bona fide termination in favor of the plaintiff;
- 4) the absence of probable cause for such prosecution;
- 5) the presence of malice; and
- 6) damage conforming to legal standards resulting to plaintiff.

Duval Jewelry Co. v. Smith, 1931, 102 Fla. 717, 136 So. 878, 880; Tatum Bros. Real Estate & Inv. Co. v. Watson, 1926, 92 Fla. 278, 109 So. 623; Wilson v. O'Neal, Fla.App.1960, 118 So.2d 101; W. Prosser, *Torts* § 113 (3d ed. 1964). There is no doubt, and it is not seriously disputed, that five of these elements exist in the instant case. The only real controversy concerns whether or not the appellees had probable cause to institute the criminal proceedings against Liabos.

[2] [3] [4] It should first be noted that the lack of probable cause is a mixed question of law and fact. *Cold v. Clark*, Fla.App.1965, 180 So.2d 347. That is to say, when the facts relied on to prove a lack of probable cause are in dispute, their existence is to be determined by the jury as a question of fact. Their legal effect, on the other hand, is to be determined by the court, but only after these facts are admitted or found to be true. *Anderson v. Bryson*, 1927, 94 Fla. 1165, 115 So. 505; *Cold v. Clark*, *supra*.

[5] Probable cause has been properly defined as:

'A reasonable ground of suspicion, supported by circumstances sufficiently strong in themselves to warrant a cautious man in the belief

that the person accused is guilty of the offense with which he is charged.'

Dunnavant v. State, Fla.1950, 46 So.2d 871, 874; see also Thompson v. Taylor, Fla.App.1966, 183 So.2d 16, 19; Cold v. Clark, Fla.App.1965, 180 So.2d 347, 349. That is to say, in order for probable cause to exist the countenance of the situation must be such that a prudent man would set in motion the forces of a criminal proceeding. And where it would appear to a 'cautious man' that further investigation is justified before \*489 instituting that proceeding, then liability may attach for the failure to do so.

[6] Summary judgment in an analogous case was reversed in O'Brien v. Food Fair Stores, North Dade, Inc., Fla.App.1963, 155 So.2d 836.

In the present case, a jury may well decide that further investigation was warranted by the facts. We therefore reverse the decision of the lower court and remand for action consistent with this opinion.

PIERCE and MANN, JJ., concur.

All Citations

215 So.2d 487

---

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.

NOT A CERTIFIED COPY

NOT A CERTIFIED COPY

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

Case No. 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

v.

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

Defendants,

**DEFENDANT/COUNTER-PLAINTIFF'S PROPOSED JURY INSTRUCTIONS AND  
VERDICT FORM**

Defendant/Counter-Plaintiff, BRADLEY J. EDWARDS, by and through undersigned  
counsel, hereby files his Proposed Jury Instructions and Verdict Forms for trial in the above-styled  
matter.

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 9th day of November, 2017.



JACK SCAROLA  
Florida Bar No.: 169440  
Attorney E-Mail(s): [jsx@searcylaw.com](mailto:jsx@searcylaw.com); and  
[mmccann@searcylaw.com](mailto:mmccann@searcylaw.com)  
Primary E-Mail: [scarolateam@searcylaw.com](mailto:scarolateam@searcylaw.com)  
Searcy Denney Scarola Barnhart & Shipley, P.A.  
2139 Palm Beach Lakes Boulevard  
West Palm Beach, Florida 33409  
Phone: (561) 686-6300  
Fax: 561-383-9451  
Attorneys Bradley J. Edwards

**COUNSEL LIST**

William Chester Brewer, Esquire  
[wcblaw@aol.com](mailto:wcblaw@aol.com); [wcblawasst@gmail.com](mailto:wcblawasst@gmail.com)  
250 S Australian Avenue, Suite 1400  
West Palm Beach, FL 33401  
Phone: (561)-655-4777  
Fax: (561)-835-8691  
Attorneys for Jeffrey Epstein

Jack A. Goldberger, Esquire  
[jgoldberger@agwpa.com](mailto:jgoldberger@agwpa.com); [smahoney@agwpa.com](mailto:smahoney@agwpa.com)  
Atterbury Goldberger & Weiss, P.A.  
250 Australian Avenue S, Suite 1400  
West Palm Beach, FL 33401  
Phone: (561)-659-8300  
Fax: (561)-835-8691  
Attorneys for Jeffrey Epstein

Nichole J. Segal, Esquire  
[njs@FLAppellateLaw.com](mailto:njs@FLAppellateLaw.com); [kbt@FLAppellateLaw.com](mailto:kbt@FLAppellateLaw.com)  
Burlington & Rockenbach, P.A.  
444 W Railroad Avenue, Suite 350  
West Palm Beach, FL 33401  
Phone: (561)-721-0400  
Attorneys for Bradley J. Edwards

Bradley J. Edwards, Esquire  
[staff.efile@pathtojustice.com](mailto:staff.efile@pathtojustice.com)  
Farmer Jaffe Weissing Edwards Fistos & Lehrman, P.L.  
425 N Andrews Avenue, Suite 2  
Fort Lauderdale, FL 33301  
Phone: (954)-524-2820  
Fax: (954)-524-2822

Fred Haddad, Esquire  
[Dee@FredHaddadLaw.com](mailto:Dee@FredHaddadLaw.com); [Fred@FredHaddadLaw.com](mailto:Fred@FredHaddadLaw.com)  
Fred Haddad, P.A.  
One Financial Plaza, Suite 2612  
Fort Lauderdale, FL 33394  
Phone: (954)-467-6767  
Fax: (954)-467-3599  
Attorneys for Jeffrey Epstein

Tonja Haddad Coleman, Esquire  
[tonja@tonjahaddad.com](mailto:tonja@tonjahaddad.com); [efiling@tonjahaddad.com](mailto:efiling@tonjahaddad.com)  
Tonja Haddad, P.A.  
315 SE 7th Street, Suite 301

Fort Lauderdale, FL 33301  
Phone: (954)-467-1223  
Fax: (954)-337-3716  
Attorneys for Jeffrey Epstein

Marc S. Nurik, Esquire  
[marc@nuriklaw.com](mailto:marc@nuriklaw.com)  
One E Broward Blvd., Suite 700  
Fort Lauderdale, FL 33301  
Phone: (954)-745-5849  
Fax: (954)-745-3556  
Attorneys for Scott Rothstein

NOT A CERTIFIED COPY

## PROPOSED JURY INSTRUCTIONS

### **201.1 DESCRIPTION OF THE CASE**

Welcome. The Clerk will now administer your oath.

Now that you have been sworn, I'd like to give you an idea about what we are here to do.

This is a civil trial. A civil trial is different from a criminal case, where a defendant is charged by the state prosecutor with committing a crime. The subject of a civil trial is a disagreement between people or companies [or others, as appropriate], where the claims of one or more of these parties have been brought to court to be resolved. It is called "a trial of a lawsuit."

This case concerns whether Jeffrey Epstein had probable cause to sue Attorney Bradley Edwards alleging that Mr. Edwards had fabricated and exaggerated claims in civil lawsuits filed by Bradley Edwards that three underage females had been repeatedly sexually molested by Jeffrey Epstein over a period of years as part of a pattern of molestations of dozens of underage females. According to Jeffrey Epstein's lawsuit, the reason Mr. Edwards falsely accused Epstein of sexual molesting these underage females was to knowingly assist in a criminal scheme to defraud investors out of hundreds of millions of dollars by committing a series of felonies in cooperation with convicted Ponzi schemer, Scott Rothstein. Bradley Edwards contends that the lawsuits he filed on behalf of his 3 clients were well-founded, that he, Mr. Edwards was innocent of any wrongdoing. Jeffrey Epstein knew that Bradley Edwards was innocent, and Jeffrey Epstein knew that he, Jeffrey Epstein, was guilty of sexually molesting Mr. Edwards' 3 clients and dozens of other underage females.

While Attorney Edwards was prosecuting his clients' sexual abuse claims against Epstein, it was publicly disclosed that the senior partner in the Rothstein Rosenfeldt Adler law firm where Attorney Edwards worked, Scott Rothstein, had conducted a fraudulent scheme which, in part, had used the fact that sexual abuse claims against Epstein were being prosecuted by the firm to induce investors to buy interests in non-existent settlements. Rothstein's scheme raised hundreds of millions of dollars and was one of the largest frauds in U.S. history.

Mr. Edwards further contends that Jeffrey Epstein filed suit against Attorney Edwards for the sole purpose of attempting to intimidate Mr. Edwards into abandoning or cheaply compromising his clients' claims. Epstein eventually settled the claims being prosecuted by Attorney Edwards on behalf of his clients, the same claims that Epstein alleged in this lawsuit were fabricated, for approximately a total of \$5.5 million.

Attorney Edwards continued to defend against Epstein's lawsuit, challenging it on the grounds that it had no legal or factual support. Shortly before the Court was scheduled to rule on Mr. Edwards' challenge, Epstein dismissed all of his claims against Attorney Edwards. Furthermore, Epstein allowed the statute of limitations to expire making it legally impossible for Epstein to bring any claims based on the conduct he sued upon in the original complaint. Yet while Epstein denies Bradley Edwards' claim for malicious prosecution, he has refused to answer any

questions about the civil claims he says were fabricated or about the basis for claiming Bradley Edwards knowingly participated in a massive fraud.

The principal witnesses who will testify in this case are [TO BE COVERED DURING VOIR DIRE].

## **201.2 INTRODUCTION OF PARTICIPANTS AND THEIR ROLES**

Judge/Court: I am the Judge. You may hear people occasionally refer to me as "The Court." That is the formal name for my role. My job is to maintain order and decide how to apply the rules of the law to the trial. I will also explain various rules to you that you will need to know in order to do your job as the jury. It is my job to remain neutral on the issues of this lawsuit.

Parties: A party who files a lawsuit is called the Plaintiff. A party that is sued is called the Defendant.

Attorneys: The attorneys have the job of representing their clients. That is, they speak for their clients here at the trial. They have taken oaths as attorneys to do their best and to follow the rules of their profession.

Plaintiff's Counsel: The attorney on this side of the courtroom, Jack Scarola, represents Bradley Edwards and is the person who filed the claim in dispute. His job is to present his client's side of things to you. Mr. Scarola and his client will be referred to most of the time as "the plaintiff". Mr. Scarola, will you please introduce who is sitting at the table with you?

Defendant's Counsel: The attorneys on this side of the courtroom, (introduce by name), represent Jeffrey Epstein, the one who has been sued. His/Her job is to present his/her client's side of things to you. He/She and his/her client will usually be referred to here as "the defendant". (Attorney name), will you please introduce who is sitting at the table with you?

Court Clerk: This person sitting in front of me, (name), is the court clerk. He/She is here to assist me with some of the mechanics of the trial process, including the numbering and collection of the exhibits that are introduced in the course of the trial.

Court Reporter: The person sitting at the stenographic machine, (name), is the court reporter. His/Her job is to keep an accurate legal record of everything we say and do during this trial.

Bailiff: The person over there, (name), is the bailiff. His/Her job is to maintain order and security in the courtroom. The bailiff is also my representative to the jury. Anything you need or any problems that come up for you during the course of the trial should be brought to him/her. However, the bailiff cannot answer any of your questions about the case. Only I can do that.

Jury: Last, but not least, is the jury, which we will begin to select in a few moments from among all of you. The jury's job will be to decide what the facts are and what the facts mean. Jurors should be as neutral as possible at this point and have no fixed opinion about the lawsuit.

In order to have a fair and lawful trial, there are rules that all jurors must follow. A basic rule is that jurors must decide the case only on the evidence presented in the courtroom. You must not communicate with anyone, including friends and family members, about this case, the people and places involved, or your jury service. You must not disclose your thoughts about this case or ask for advice on how to decide this case.

I want to stress that this rule means you must not use electronic devices or computers to communicate about this case, including tweeting, texting, blogging, e-mailing, posting information on a website or chat room, or any other means at all. Do not send or accept any messages to or from anyone about this case or your jury service.

You must not do any research or look up words, names, maps, or anything else that may have anything to do with this case. This includes reading newspapers, watching television or using a computer, cell phone, the Internet, any electronic device, or any other means at all, to get information related to this case or the people and places involved in this case. This applies whether you are in the courthouse, at home, or anywhere else.

Many of you may have cell phones, tablets, laptops or other electronic devices with you here in the courtroom.

<sup>1</sup>You cannot have any cell phones, tablets, laptops, or other electronic devices in the courtroom. You may use these devices during recesses, but even then you may not use your cell phone or electronic device to find out any information about the case or communicate with anyone about the case or the people involved in the case. Do not take photographs, video recordings or audio recordings of the proceedings or your fellow jurors. At the end of the case, while you are deliberating, you must not communicate with anyone outside the jury room. If someone needs to contact you in an emergency, the court can receive messages and deliver them to you without delay. A contact phone number will be provided to you.

What are the reasons for these rules? These rules are imposed because jurors must decide the case without distraction and only on the evidence presented in the courtroom. If you investigate, research, or make inquiries on your own outside of the courtroom, the trial judge has no way to make sure that the information you obtain is proper for the case. The parties likewise have no opportunity to dispute or challenge the accuracy of what you find. That is contrary to our judicial system, which assures every party the right to ask questions about and challenge the evidence being considered against it and to present argument with respect to that evidence. Any independent investigation by a juror unfairly and improperly prevents the parties from having that opportunity our judicial system promises.

Any juror who violates these restrictions jeopardizes the fairness of these proceedings, and a mistrial could result that would require the entire trial process to start over. A mistrial is a tremendous expense and inconvenience to the parties, the court, and the taxpayers. If you violate

---

<sup>1</sup> Alternative B instruction.

these rules, you may be held in contempt of court, and face sanctions, such as serving time in jail, paying a fine or both.

All of your communications with courtroom personnel, or me, will be part of the record of these proceedings. That means those communications shall either be made in open court with the court reporter present or, if they are in writing, the writing will be filed with the court clerk. I have instructed the courtroom personnel that any communications you have with them outside of my presence must be reported to me, and I will tell the parties and their attorneys about any communication from you that I believe may be of interest to the parties and their attorneys.

However, you may communicate directly with courtroom personnel about matters concerning your comfort and safety, such as juror parking, location of break areas, how and when to assemble for duty, dress, what personal items can be brought into the courthouse or jury room.

If you become aware of any violation of these instructions or any other instruction I give in this case, you must tell me by giving a note to the bailiff.

### **201.3 EXPLANATION OF THE VOIR DIRE PROCESS**

The last thing I want to do, before we begin to select the jury, is to explain to you how the selection process works.

Questions/Challenges: This is the part of the case where the parties and their lawyers have the opportunity to get to know a little bit about you, in order to help them come to their own conclusions about your ability to be fair and impartial, so they can decide who they think should be the jurors in this case.

How we go about that is as follows: First, I'll ask some general questions of you. Then, each of the lawyers will have more specific questions that they will ask of you. After they have asked all of their questions, I will meet with them and they will tell me their choices for jurors. Each side can ask that I exclude a person from serving on a jury if they can give me a reason to believe that he or she might be unable to be fair and impartial. That is what is called a challenge

for cause. The lawyers also have a certain number of what are called peremptory challenges, by which they may exclude a person from the jury without giving a reason. By this process of elimination, the remaining persons are selected as the jury. It may take more than one conference among the parties, their attorneys, and me before the final selections are made.

Purpose of Questioning: The questions that you will be asked during this process are not intended to embarrass you or unnecessarily pry into your personal affairs, but it is important that the parties and their attorneys know enough about you to make this important decision. If a question is asked that you would prefer not to answer in front of the whole courtroom, just let me know and you can come up here and give your answer just in front of the attorneys and me. If you have a question of either the attorneys or me, don't hesitate to let me know.

Response to Questioning: There are no right or wrong answers to the questions that will be asked of you. The only thing that I ask is that you answer the questions as frankly and as honestly and as completely as you can. You will take an oath to answer all questions truthfully and completely and you must do so. Remaining silent when you have information you should disclose is a violation of that oath as well. If a juror violates this oath, it not only may result in having to try the case all over again but also can result in civil and criminal penalties against a juror personally. So, again, it is very important that you be as honest and complete with your answers as you possibly can. If you don't understand the question, please raise your hand and ask for an explanation or clarification.

In sum, this is a process to assist the parties and their attorneys to select a fair and impartial jury. All of the questions they ask you are for this purpose. If, for any reason, you do not think you can be a fair and impartial juror, you must tell us.

## **202.1 INTRODUCTION**

You have now taken an oath to serve as jurors in this trial. Before we begin, I am going to tell you about the rules of law that apply to this case and let you know what you can expect as the trial proceeds.

It is my intention to give you some of the rules of law but it might be that I will not know for sure all of the law that will apply in this case until all of the evidence is presented. However, I can anticipate most of the law and give it to you at the beginning of the trial so that you will better understand what to be looking for while the evidence is presented. If I later decide that different or additional law applies to the case, I will tell you. In any event, at the end of the evidence I will give you the final instructions on which you must base your verdict. At that time, you will have a complete written set of the instructions so you do not have to memorize what I am about to tell you.

The following are the rules of law expected to apply in this case.

[READ RELEVANT INSTRUCTIONS BEGINNING AT PG. 20]

## 202.2 EXPLANATION OF THE TRIAL PROCEDURE

Now that you have heard the law, I want to let you know what you can expect as the trial proceeds.

Opening Statements: In a few moments, the attorneys will each have a chance to make what are called opening statements. In an opening statement, an attorney is allowed to give you his/her views about what the evidence will be in the trial and what you are likely to see and hear in the testimony.

Evidentiary Phase: After the attorneys' opening statements the plaintiffs will bring their witnesses and evidence to you.

Evidence: Evidence is the information that the law allows you to see or hear in deciding this case. Evidence includes the testimony of the witnesses, documents, and anything else that I instruct you to consider.

Witnesses: A witness is a person who takes an oath to tell the truth and then answers attorneys' questions for the jury. The answering of attorneys' questions by witnesses is called "giving testimony." Testimony means statements that are made when someone has sworn an oath to tell the truth.

The plaintiffs' lawyer will normally question the witness first. That is called direct examination. Then the defense lawyer may ask the same witness additional questions about whatever the witness has testified to. That is called cross-examination. Certain documents or other evidence may also be shown to you during direct or cross-examination. After the plaintiffs' witnesses have testified, the defendant will have the opportunity to put witnesses on the stand and go through the same process. Then the plaintiffs' lawyer gets to do cross-examination. The process is designed to be fair to both sides.

It is important that you remember that testimony come from witnesses. The attorneys do not give testimony and they are not themselves witnesses.

Objections: Sometimes the attorneys will disagree about the rules for trial procedure when a question is asked of a witness. When that happens, one of the lawyers may make what is called an “objection.” The rules for a trial can be complicated, and there are many reasons for the attorneys to object. You should simply wait for me to decide how to proceed. If I say that an objection is “sustained”, that means the witness may not answer the question. If I say that the objection is “overruled”, that means the witness may answer the question.

When there is an objection and I make a decision, you must not assume from that decision that I have any particular opinion other than that the rules for conducting a trial are being correctly followed. If I say a question may not be asked or answered, you must not try to guess what the answer would have been. That is against the rules, too.

Side Bar Conferences: Sometimes I will need to speak to the attorneys about legal elements of the case that are not appropriate for the jury to hear. The attorneys and I will try to have as few of these conferences as possible while you are giving us your valuable time in the courtroom. But, if we do have to have such a conference during testimony, we will try to hold the conference at the side of my desk so that we do not have to take a break and ask you to leave the courtroom.

Recesses: Breaks in an ongoing trial are usually called “recesses”. During a recess you still have your duties as a juror and must follow the rules, even while having coffee, at lunch, or at home.

Instructions Before Closing Arguments: After all the evidence has been presented to you, I will instruct you on the law that you must follow. It is important that you remember these instructions to assist you in evaluating the final attorney presentations, which come next, and later, during your deliberations, to help you correctly sort through the evidence to reach your decision.

Closing Arguments: The attorneys will then have the opportunity to make their final presentations to you, which are called closing arguments.

Final Instructions: After you have heard the closing arguments, I will instruct you further in the law as well as explain to you the procedures you must follow to decide the case.

Deliberations: After you hear the final jury instructions, you will go to the jury room and discuss and decide the questions I have put on your verdict form. You will have a copy of the jury instructions to use during your discussions. The discussions you have and the decisions you make are usually called "jury deliberations." Your deliberations are absolutely private and neither I nor anyone else will be with you in the jury room.

Verdict: When you have finished answering the questions, you will give the verdict form to the bailiff, and we will all return to the courtroom, where your verdict will be read. When that is completed, you will be released from your assignment as a jury.

Finally, before we begin the trial, I want to give you just a brief explanation of rules you must follow as the case proceeds.

Keeping an Open Mind: You must pay close attention to the testimony and other evidence as it comes into the trial. However, you must avoid forming any final opinion or telling anyone else your views on the case until you begin your deliberations. This rule requires you to keep an open mind until you have heard all of the evidence and is designed to prevent you from influencing how your fellow jurors think until they have heard all of the evidence and had an opportunity to form their own opinions. The time and place for coming to your final opinions and speaking about them with your fellow jurors is during deliberations in the jury room, after all of the evidence has been presented, closing arguments have been made, and I have instructed you on the law. It is important that you hear all of the facts and that you hear the law and how to apply it before you start deciding anything.

Consider Only the Evidence: It is the things you hear and see in this courtroom that matter in this trial. The law tells us that a juror can consider only the testimony and other evidence that all the other jurors have also heard and seen in the presence of the judge and the lawyers. Doing anything else is wrong and is against the law. That means that you must not do any work or investigation of your own about the case. You must not obtain on your own any information about the case or about anyone involved in the case, from any source whatsoever. This includes reading newspapers, watching television or using a computer, cell phone, the Internet, any electronic device, or any other means at all, to get information related to this case or the people and places involved in this case. This applies whether you are in the courthouse, at home, or anywhere else. You must not visit places mentioned in the trial or use the internet to look at maps or pictures to see any place discussed during trial.

Do not provide any information about this case to anyone, including friends or family members. Do not let anyone, including the closest family members, make comments to you or ask questions about the trial. Jurors must not have discussions of any sort with friends or family members about the case or the people and places involved. So, do not let even the closest family members make comments to you or ask questions about the trial. In this age of electronic communication, I want to stress again that just as you must not talk about this case face-to-face, you must not talk about this case by using an electronic device. You must not use phones, tablets, computers or other electronic devices to communicate. Do not send or accept any messages related to this case or your jury service. Do not discuss this case or ask for advice by any means at all, including posting information on an Internet website, chat room or blog.

No Mid-Trial Discussions: When we are in a recess, do not discuss anything about the trial or the case with each other or with anyone else. If attorneys approach you, don't speak with them. The law says they are to avoid contact with you. If an attorney will not look at you or speak to you, do not be offended or form a conclusion about that behavior. The attorney is not supposed

to interact with jurors outside of the courtroom and is only following the rules. The attorney is not being impolite. If an attorney or anyone else does try to speak with you or says something about the case in your presence, please inform the bailiff immediately.

Only the Jury Decides: Only you get to deliberate and answer the verdict questions at the end of the trial. I will not intrude into your deliberations at all. I am required to be neutral. You should not assume that I prefer one decision over another. You should not try to guess what my opinion is about any part of the case. It would be wrong for you to conclude that anything I say or do means that I am for one side or another in the trial. Discussing and deciding the facts is your job alone.

### **202.3 NOTE-TAKING BY JURORS**

If you would like to take notes during the trial, you may do so. On the other hand, of course, you are not required to take notes if you do not want to. That will be left up to you individually.

You will be provided with a note pad and a pen for use if you wish to take notes. Any notes that you take will be for your personal use. However, you should not take them with you from the courtroom. During recesses, the bailiff will take possession of your notes and will return them to you when we reconvene. After you have completed your deliberations, the bailiff will deliver your notes to me. They will be destroyed. No one will ever read your notes.

If you take notes, do not get so involved in note-taking that you become distracted from the proceedings. Your notes should be used only as aids to your memory.

Whether or not you take notes, you should rely on your memory of the evidence and you should not be unduly influenced by the notes of other jurors. Notes are not entitled to any greater weight than each juror's memory of the evidence.

## 202.4 JURORQUESTIONS

### *Questions for the court or courtroom personnel:*

During the trial, you may have a question about these proceedings. If so, please write it down and hand it to the bailiff, who will then hand it to me. I will review your question with the parties, and their attorneys, before responding.

### *Questions for witnesses:*

You also may have a question you think should be asked of a witness. If so, there is a way for you to request that I ask the witness a question. After all the attorneys have completed their questioning of the witness, you should raise your hand if you have a question. I will then give you sufficient time to write the question on a piece of paper, fold it, and give it to the bailiff, who will pass it to me. Do not put your name on the question, show it to anyone or discuss it with anyone.

I will then review the question with the attorneys. Under our law, only certain evidence may be considered by a jury in determining a verdict. You are bound by the same rules of evidence that control the attorneys' questions. If I decide that the question may not be asked under our rules of evidence, I will tell you. Otherwise, I will direct the question to the witness. The attorneys may then ask follow-up questions if they wish. If there are additional questions from jurors, we will follow the same procedure again.

By providing this procedure, I do not mean to suggest that you must or should submit written questions for witnesses. In most cases, the lawyers will have asked the necessary questions.

### **301.1 DEPOSITION TESTIMONY, INTERROGATORIES, STIPULATED TESTIMONY, STIPULATIONS, AND ADMISSIONS**

*a. Deposition or prior testimony:*

Members of the jury, the sworn testimony of (name), given before trial, will now be presented. You are to consider and weigh this testimony as you would any other evidence in the case.

*b. Interrogatories:*

Members of the jury, answers to interrogatories will now be read to you. Interrogatories are written questions that have been presented before trial by one party to another. They are answered under oath. You are to consider and weigh these questions and answers as you would any other evidence in the case.

*c. Stipulated testimony:*

Members of the jury, the parties have agreed that if (name of witness) were called as a witness, he/she would testify (read or describe the testimony). You are to consider and weigh this testimony as you would any other evidence in the case.

*d. Stipulations:*

Members of the jury, the parties have agreed to certain facts. You must accept these facts as true. (Read the agreed facts).

*e. Admissions:*

*1. Applicable to all parties:*

Members of the jury, (identify the party or parties that have admitted the facts.) You must accept these facts as true. (Read the admissions).

2. *Applicable to fewer than all parties:*

Members of the jury, (identify the party or parties that have admitted the facts). You must accept these facts as true in deciding the issues between (identify the affected parties), but these facts should not be used in deciding the issues between (identify the unaffected parties). (Read the admissions).

**301.2 INSTRUCTION WHEN FIRST ITEM OF DOCUMENTARY, PHOTOGRAPHIC  
OR PHYSICAL EVIDENCE IS ADMITTED**

The (describe item of evidence) has now been received in evidence. Witnesses may testify about or refer to this or any other item of evidence during the remainder of the trial. This and all other items received in evidence will be available to you for examination during your deliberations at the end of the trial.

NOT A CERTIFIED COPY

### **301.3 INSTRUCTION WHEN EVIDENCE IS FIRST PUBLISHED TO JURORS**

The (describe item of evidence) has been received in evidence. It is being shown to you now to help you understand the testimony of this witness and other witnesses in the case, as well as the evidence as a whole. You may examine (describe item of evidence) briefly now. It will also be available to you for examination during your deliberations at the end of the trial.

NOT A CERTIFIED COPY

### **301.4 INSTRUCTION REGARDING VISUAL OR DEMONSTRATIVE AIDS**

*a. Generally:*

This witness will be using (identify demonstrative or visual aid(s)) to assist in explaining or illustrating his/her testimony. The testimony of the witness is evidence; however, these (identify demonstrative or visual aids) are not to be considered as evidence in the case unless received in evidence, and should not be used as a substitute for evidence. Only items received in evidence will be available to you for consideration during your deliberations.

*b. Specially created visual or demonstrative aids based on disputed assumptions:*

This witness will be using (identify demonstrative aids) to assist in explaining or illustrating his/her testimony. These items have been prepared to assist this witness in explaining his/her testimony. They may be based on assumptions which you are free to accept or reject. The testimony of the witness is evidence; however, these (identify demonstrative or visual aids) are not to be considered as evidence in the case unless received in evidence, and should not be used as a substitute for evidence. Only items received in evidence will be available to you for consideration during your deliberations.

### **301.5 EVIDENCE ADMITTED FOR A LIMITED PURPOSE**

The (describe item of evidence) has now been received into evidence. It has been admitted only for the purpose of (describe purpose) as to (name party). You may consider it only for that purpose as it might affect (name party). You may not consider that evidence for any other purpose as to any other party.

NOT A CERTIFIED COPY

#### **406.1 INTRODUCTION**

Members of the jury, you have now heard and received all of the evidence in this case. I am now going to tell you about the rules of law that you must use in reaching your verdict. You will recall at the beginning of the case I told you that if, at the end of the case I decided that different law applies, I would tell you so. These instructions are (slightly) different from what I gave you at the beginning and it is these rules of law that you must now follow. When I finish telling you about the rules of law, the attorneys will present their final arguments and you will then retire to decide your verdict.

## 406.2 SUMMARY OF CLAIMS

The claims in this case for your consideration are as follows:

Bradley Edwards claims that Jeffrey Epstein maliciously and without probable cause filed and continued to prosecute a lawsuit against Mr. Edwards. That lawsuit alleged that Mr. Edwards fabricated sexual abuse claims against Jeffrey Epstein on behalf of three clients. According to the lawsuit Jeffrey Epstein filed against Mr. Edwards, Mr. Edwards pursued the fabricated claims as part of Mr. Edwards' knowing participation in an illegal Ponzi scheme with Scott Rothstein. Mr. Edwards claims that he was damaged by the false and malicious claims that Mr. Epstein filed against him.

Jeffrey Epstein denies that claim.

The parties must prove all claims and defenses by the greater weight of the evidence. I will now define some of the terms you will use in deciding this case.

#### **406.3 GREATER WEIGHT OF THE EVIDENCE**

“Greater weight of the evidence” means the more persuasive and convincing force and effect of the entire evidence in the case.

NOT A CERTIFIED COPY

#### **406.4 PROBABLE CAUSE**

Probable cause means that at the time of instituting and continuing the civil proceeding against Bradley Edwards, the facts and circumstances known to Jeffrey Epstein were sufficiently strong to support a reasonable belief that the claims made by Jeffrey Epstein against Bradley Edwards were supported by existing facts.

NOT A CERTIFIED COPY

#### 406.5 MALICE

One acts maliciously in instituting or continuing a civil proceeding against another if he does so for the primary purpose of injuring the other, or recklessly and without regard for whether the proceeding is justified, or for any primary purpose except to establish what he or she considers to be a meritorious claim. In determining whether Jeffrey Epstein acted maliciously, you may consider all the circumstances at the time of the conduct complained of, including any lack of probable cause to institute or continue the proceeding.<sup>2</sup>

---

<sup>2</sup> Durkin v. Davis, 814 So. 2d 1246, 1248-49 (Fla. 2d DCA 2002) (“As to malice on the part of the defendants, the plaintiff need not allege actual malice; legal malice is sufficient and may be inferred from, among other things, a lack of probable cause, gross negligence, or great indifference to persons, property, or the rights of others. **Here, the allegations supporting a lack of probable cause are evidence from which a jury could infer malice.**”) (emphasis added).

#### **406.6 INSTITUTING OR CONTINUING A PROCEEDING**

One is regarded as having instituted or continued a civil proceeding against another if the proceeding resulted directly and in natural and continuous sequence from his actions, so that it reasonably can be said that, but for his actions, the proceeding would not have been instituted or continued.

NOT A CERTIFIED COPY

## 406.7 LEGAL CAUSE

### a. *Legal cause generally:*

The malicious institution or continuation of a proceeding is a cause of loss, injury, or damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such loss, injury, or damage, so that it can reasonably be said that, but for the malicious institution or continuation of a proceeding, the loss, injury, or damage would not have occurred.

### b. *Concurring cause:*

In order to be regarded as a legal cause of loss, injury, or damage the malicious institution or continuation of such a proceeding need not be the only cause. The malicious institution or continuation of a proceeding may be a legal cause of loss, injury, or damage even though it operates in combination with the act of another or some other cause if the malicious institution or continuation of a proceeding contributes substantially to producing such loss, injury, or damage.

### c. *Intervening cause:*

The malicious institution or continuation of a proceeding may also be a legal cause of loss, injury, or damage even though it operates in combination with the act of another or some other cause occurring after the malicious institution or continuation of a proceeding occurs if such other cause was itself reasonably foreseeable and the malicious institution or continuation of a proceeding contributes substantially to producing such loss, injury, or damage or the resulting loss, injury, or damage was a reasonably foreseeable consequence of the malicious institution or continuation of a proceeding and the malicious institution or continuation of a proceeding contributes substantially to producing it.

#### **406.8 ISSUES ON CLAIM**

The issues you must decide on Bradley Edwards' claim against Jeffrey Epstein are whether Jeffrey Epstein maliciously and without probable cause instituted or continued a civil proceeding against Bradley Edwards which later terminated in favor of Bradley Edwards and, if so, whether that action was a legal cause of loss, injury, or damage to Bradley Edwards.

NOT A CERTIFIED COPY

#### **406.9 BURDEN OF PROOF ON CLAIM**

If the greater weight of the evidence does not support Bradley Edwards' claim, your verdict should be for Jeffrey Epstein.

However, if the greater weight of the evidence supports Bradley Edwards' claim, then your verdict should be for Bradley Edwards and against Jeffrey Epstein.

NOT A CERTIFIED COPY

## 406.12 MALICIOUS PROSECUTION DAMAGES

If you find for Jeffrey Epstein, you will not consider the matter of damages. But, if you find for Bradley Edwards, you should award Bradley Edwards an amount of money that the greater weight of the evidence shows will fairly and adequately compensate Bradley Edwards for such loss, injury, or damage as the greater weight of the evidence shows was caused by the institution or continuation of the proceeding complained of.

If you find for Bradley Edwards, you shall consider the following elements of damage:

### COMPENSATORY DAMAGES

a. *Injury to reputation or health; shame, humiliation, mental anguish, hurt feelings:*

Any injury to reputation or health and any shame, humiliation, mental anguish, and hurt feelings experienced in the past or to be experienced in the future. There is no exact standard for fixing the compensation to be awarded on account of such elements of damage. Any award should be fair and just in the light of the evidence.

b. *Fear of physical injury to himself and members of his family.*

Any loss of capacity for the enjoyment of life experienced in the past or to be experienced in the future. There is no exact standard for measuring such damage. The amount should be fair and just in the light of the evidence.

c. *Lost earnings, lost time, lost earning capacity:*

(1). *When lost earnings or lost time shown:*

Any earnings lost and the reasonable value of any time lost in the past and any loss of ability to earn money in the future.

d. *The reasonable expenses, including lawyers' fees, necessarily incurred by Bradley Edwards in the proceeding complained of.*

e. *Punitive damages:*

There is an additional claim in this case that you must decide. If you find for Bradley Edwards and against Jeffrey Epstein, you must decide whether, in addition to compensatory damages, punitive damages are warranted as punishment to Jeffrey Epstein and as a deterrent to others.

*b(1). Punitive damages for acts of an individual defendant:*

Bradley Edwards claims that punitive damages should be awarded against Jeffrey Epstein for his conduct in filing a lawsuit against Bradley Edwards without probable cause to support the allegations of wrongdoing by Bradley Edwards, and with no intention to meet his own obligation to provide relevant and material discovery in support of this lawsuit. Bradley Edwards claims that Jeffrey Epstein's purpose for filing this lawsuit was instead to attempt to intimidate both Bradley Edwards and his clients and others into abandoning their legitimate sexual abuse claims against Jeffrey Epstein. Punitive damages are warranted against Jeffrey Epstein if you find by clear and convincing evidence that Jeffrey Epstein was guilty of intentional misconduct or gross negligence, which was a substantial cause of loss, injury, or damage to Bradley Edwards. Under those circumstances you may, in your discretion, award punitive damages against Jeffrey Epstein. If clear and convincing evidence does not show such conduct by Jeffrey Epstein, punitive damages are not warranted against Jeffrey Epstein.

“Intentional misconduct” means that Jeffrey Epstein had actual knowledge of the wrongfulness of the conduct and there was a high probability of injury or damage to Bradley Edwards and, despite that knowledge, he intentionally pursued that course of conduct, resulting in injury or damage. “Gross negligence” means that Jeffrey Epstein’s conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.

“Clear and convincing evidence” differs from the “greater weight of the evidence” in that it is more compelling and persuasive. As I have already instructed you, “greater weight of the evidence” means the more persuasive and convincing force and effect of the entire evidence in the case.

*c(2). Punitive damages — determination of amount:*

You are to decide the amount of punitive damages, if any, to be assessed as punishment against Jeffrey Epstein and as a deterrent to others. This amount would be in addition to the compensatory damages you have previously awarded. In making this determination, you should consider the following:

(A). the nature, extent and degree of misconduct and the related circumstances, including the following:

- i. whether the wrongful conduct was motivated solely by unreasonable financial gain;
- ii. whether the unreasonably dangerous nature of the conduct, together with the high likelihood of injury resulting from the conduct, was actually known by Jeffrey Epstein;
- iii. whether, at the time of loss, injury, or damage, Jeffrey Epstein had a specific intent to harm Bradley Edwards and the conduct of Jeffrey Epstein did in fact harm Bradley Edwards, and

(B). [the financial resources of Jeffrey Epstein

You may in your discretion decline to assess punitive damages.

### **601.1 WEIGHING THE EVIDENCE**

In deciding this case, it is your duty as jurors to decide the issues, and only those issues, that I submit for your determination by answering certain questions I ask you to answer on a special form, called a verdict form. You must come to an agreement about what your answers will be. Your agreed-upon answers to my questions are called your jury verdict.

The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received in evidence and all facts that were admitted or agreed to by the parties and any fact of which the court instructs you to accept.

In reaching your verdict, you must think about and weigh the testimony and any documents, photographs, or other material that has been received in evidence. You may also consider any facts that were admitted or agreed to by the lawyers. Your job is to determine what the facts are. You may use reason and common sense to reach conclusions. You may draw reasonable inferences from the evidence. But you should not guess about things that were not covered here. And, you must always apply the law as I have explained it to you.

## **601.2 BELIEVABILITY OF WITNESSES**

Let me speak briefly about witnesses. In evaluating the believability of any witness and the weight you will give the testimony of any witness, you may properly consider the demeanor of the witness while testifying; the frankness or lack of frankness of the witness; the intelligence of the witness; any interest the witness may have in the outcome of the case; the means and opportunity the witness had to know the facts about which the witness testified; the ability of the witness to remember the matters about which the witness testified; and the reasonableness of the testimony of the witness, considered in the light of all the evidence in the case and in the light of your own experience and commonsense.

You have heard opinion testimony on certain technical subjects from persons referred to as expert witnesses.

You may accept such opinion testimony, reject it, or give it the weight you think it deserves, considering the knowledge, skill, experience, training, or education of the witness, the reasons given by the witness for the opinion expressed, and all the other evidence in the case.

## **ADVERSE INFERENCE INSTRUCTION – FIFTH AMENDMENT**

An individual is constitutionally protected from being compelled to provide evidence against himself in a criminal proceeding and guilt of a crime may not be inferred from the exercise of the right to remain silent. However, the protection that applies in a criminal proceeding does not apply in a civil lawsuit, particularly when that lawsuit was begun by a person who then refuses to answer questions about the lawsuit.

Jurors may draw reasonable conclusions that the refusal to provide answers or to produce other information relating to a civil lawsuit based on a refusal to incriminate oneself is because those answers or that information would in fact be incriminating and otherwise harmful to the person refusing to provide the answers and information.

Simply put, if a party in a civil lawsuit refuses to answer questions on the grounds that the answers may tend to incriminate him, you may conclude that he is refusing to answer because, in fact, the answer would be incriminating, and you may consider the refusal as evidence against him.

#### **601.5 CONCLUDING INSTRUCTION (BEFORE FINAL ARGUMENT)**

That is the law you must follow in deciding this case. The attorneys for the parties will now present their final arguments. When they are through, I will have a few final instructions about your deliberations.

NOT A CERTIFIED COPY

## SECTION 700—CLOSING INSTRUCTIONS

Members of the jury, you have now heard all the evidence, my instructions on the law that you must apply in reaching your verdict and the closing arguments of the attorneys. You will shortly retire to the jury room to decide this case. Before you do so, I have a few last instructions for you.

During deliberations, jurors must communicate about the case only with one another and only when all jurors are present in the jury room. You will have in the jury room all of the evidence that was received during the trial. In reaching your decision, do not do any research on your own or as a group. Do not use dictionaries, the Internet, or any other reference materials. Do not investigate the case or conduct any experiments. Do not visit or view the scene of any event involved in this case or look at maps or pictures on the Internet. If you happen to pass by the scene, do not stop or investigate. All jurors must see or hear the same evidence at the same time. Do not read, listen to, or watch any news accounts of this trial.

You are not to communicate with any person outside the jury about this case. Until you have reached a verdict, you must not talk about this case in person or through the telephone, writing, or electronic communication, such as a blog, twitter, e-mail, text message, or any other means. Do not contact anyone to assist you, such as a family accountant, doctor, or lawyer. These communications rules apply until I discharge you at the end of the case.

If you become aware of any violation of these instructions or any other instruction I have given in this case, you must tell me by giving a note to the bailiff.

Any notes you have taken during the trial may be taken to the jury room for use during your discussions. Your notes are simply an aid to your own memory, and neither your notes nor those of any other juror are binding or conclusive. Your notes are not a substitute for your own

memory or that of other jurors. Instead, your verdict must result from the collective memory and judgment of all jurors based on the evidence and testimony presented during the trial.

At the conclusion of the trial, the bailiff will collect all of your notes and immediately destroy them. No one will ever read your notes.

In reaching your verdict, do not let bias, sympathy, prejudice, public opinion, or any other sentiment for or against any party to influence your decision. Your verdict must be based on the evidence that has been received and the law on which I have instructed you.

Reaching a verdict is exclusively your job. I cannot participate in that decision in any way and you should not guess what I think your verdict should be from something I may have said or done. You should not think that I prefer one verdict over another. Therefore, in reaching your verdict, you should not consider anything that I have said or done, except for my specific instructions to you.

Pay careful attention to all the instructions that I gave you, for that is the law that you must follow. You will have a copy of my instructions with you when you go to the jury room to deliberate. All the instructions are important, and you must consider all of them together. There are no other laws that apply to this case, and even if you do not agree with these laws, you must use them in reaching your decision in this case.

When you go to the jury room, the first thing you should do is choose a presiding juror to act as a foreperson during your deliberations. The foreperson should see to it that your discussions are orderly and that everyone has a fair chance to be heard.

It is your duty to talk with one another in the jury room and to consider the views of all the jurors. Each of you must decide the case for yourself, but only after you have considered the evidence with the other members of the jury. Feel free to change your mind if you are convinced that your position should be different. You should all try to agree. But do not give up your honest

beliefs just because the others think differently. Keep an open mind so that you and your fellow jurors can easily share ideas about the case.

I will give you a verdict form with questions you must answer. I have already instructed you on the law that you are to use in answering these questions. You must follow my instructions and the form carefully. You must consider each question separately. Please answer the questions in the order they appear. After you answer a question, the form tells you what to do next. I will now read the form to you: (read form of verdict)

You will be given (state number) forms of verdict, which I shall now read to you: (read form of verdict)

If you find for Bradley Edwards, your verdict will be in the following form: (read form of verdict)

If you find for Jeffrey Epstein, your verdict will be in the following form: (read form of verdict)

Your verdict must be unanimous, that is, your verdict must be agreed to by each of you. When you have agreed on your verdict and finished filling out the form, your foreperson must write the date and sign it at the bottom and return the verdict to the bailiff.

If any of you need to communicate with me for any reason, write me a note and give it to the bailiff. In your note, do not disclose any vote or split or the reason for the communication.

You may now retire to decide your verdict.