

JEFFREY EPSTEIN,

Plaintiff,

vs.

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

Defendants.

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

CASE NO. 502009CA040800XXXXMBAG

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S ANSWER AND
AFFIRMATIVE DEFENSES TO DEFENDANT/COUNTER-PLAINTIFF
BRADLEY EDWARDS' COUNTERCLAIM**

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

1. Epstein admits that the Counterclaim alleges an amount within the jurisdictional purview of the Court, but denies that Edwards is entitled to said amount.
2. Epstein is without knowledge as to Edwards' residential status, but admits that he is an attorney licensed to practice law in the State of Florida.
3. Epstein Denies that he is a resident of Palm Beach County, but admits the remaining allegations in Paragraph 3.
4. Epstein admits that he entered into a plea agreement that resulted in a felony conviction. Epstein further admits that the terms and conditions of the agreement speak for themselves. To the extent that Edwards has inaccurately summarized or interpreted any provision thereof in Paragraph 4 of his Counterclaim, Epstein denies the allegations.

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

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

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

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

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

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

11. Epstein admits that the causes of action asserted by him against Edwards in Epstein's initial Complaint are listed in Paragraph 11 and its subparts. However, Edwards fails to either attach the Complaint to which he is referring or otherwise identify the Complaint from which he derives his assertion. To the extent that Edwards has

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

12. Epstein admits that in his initial Complaint he asserted causes of action against Edwards as specifically stated in Paragraph 11 and its subparts, but denies that he has ever asserted a cause of action for Civil Theft against Edwards as alleged in Paragraph 12. To the extent that Edwards has inaccurately summarized or interpreted any provision of Epstein's "Complaint" in Paragraph 12 of his Counterclaim,¹ Epstein denies the allegations. Epstein further denies the remaining allegations contained in Paragraph 12 and demands strict proof thereof.

13. Epstein denies each and every allegation contained in Paragraph 13, including its subparts, and demands strict proof thereof.

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

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

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

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

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

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

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

20. Epstein Denies that he is a resident of Palm Beach County, but admits the remaining allegations in Paragraph 20.

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

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

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

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

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

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

27. Epstein admits that the causes of action asserted by him against Edwards in Epstein's initial Complaint are listed in Paragraph 27 and its subparts. However, Edwards fails to either attach the Complaint to which he is referring or otherwise identify the Complaint from which he derives his assertion. To the extent that Edwards has inaccurately summarized or interpreted any provision thereof in Paragraph 27 of his Counterclaim, Epstein denies the allegations.

28. Epstein admits that in his initial Complaint he asserted causes of action against Edwards as specifically stated in Paragraph 27 and its subparts, but denies that Epstein has ever asserted a cause of action for Civil Theft against Edwards as alleged in Paragraph 28. To the extent that Edwards has inaccurately summarized or interpreted any provision of Epstein's "Complaint" in Paragraph 28 of his Counterclaim,² Epstein denies the allegations. Epstein denies the remaining allegations contained therein and demands strict proof thereof.

29. Epstein denies each and every allegation contained in Paragraph 29, including its subparts, and demands strict proof thereof.

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

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

32. Epstein admits that he has Amended his Complaint over the course of this litigation, and submits that while some counts were dismissed by the Court, *without prejudice*, this constitutes neither abandonment of Epstein's claims nor a bona fide

² Edwards fails to either attach the Complaint to his Counterclaim or reference the specific Complaint to which he is referring in Paragraph 28.

termination thereof. As such, Epstein denies the remaining allegations contained in Paragraph 32 and demands strict proof thereof.

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

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

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

SECOND AFFIRMATIVE DEFENSE

For his Second Affirmative Defense, Epstein states that Edwards' Malicious Prosecution claim fails to state a claim upon which relief can be granted as is required under Rule 1.110 of the *Florida Rules of Civil Procedure*. Specifically, the requisite of a "bone-fide termination of the original proceeding in favor of the present plaintiff" as delineated by the Florida Supreme Court as one of the legally-mandated elements to bring forth a Malicious Prosecution claim, has not been, nor can it be, satisfied. *See*

Alamo rent-A-Car v. Mancusi, 632 So. 2d 1352, 1355 (Fla. 1994). The “original proceeding” to which Edwards refers in his Counterclaim is, in fact, the current litigation that is pending against him; to which there has not been an “ending in a manner indicating [Edwards’] innocence of the charges or allegations contained in the first suit.” See *Doss v. Bank of America, N.A.*, 857 So. 2d 991, 994 (Fla. 5th DCA 2003). See also *Yoder v. Adriatico*, 459 So. 2d 449, 451 (Fla. 5th DCA 1984) (stating that the tort of malicious prosecution requires, as an element, the prior termination of that claim and therefore malicious prosecution may not be brought as a counterclaim).

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

THIRD AFFIRMATIVE DEFENSE

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

Most importantly, however, Epstein submits that Edwards has not, nor will he, suffer any damages as a result of any actions allegedly taken by Epstein. In fact, Edwards still utilizes his litigious association with Mr. Epstein at his new firm Farmer, Jaffe, Weissing, Edwards, Fistos, & Lehrman to disparage Epstein, to seek new clients on whose behalf he can sue Epstein, to attract additional plaintiffs for whom he can file suit, and to achieve notoriety with the press. *See Composite Exhibit A attached hereto.*

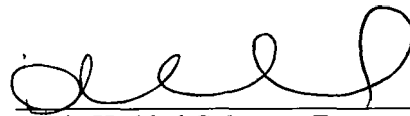
FOURTH AFFIRMATIVE DEFENSE

For his Fourth Affirmative Defense, Epstein asserts that he is afforded absolute immunity pursuant to the "Litigation Privilege" because at all times his actions were connected with, relevant to, and material to, his cause of action against Edwards. The Litigation Privilege protects actions taken that are functionally tied to the judicial proceeding, and "arises immediately upon the doing of any act required or permitted by law in the due course of the judicial proceedings or as necessarily preliminary thereto." *Fridovich v. Fridovich*, 598 So. 2d 65 (Fla. 1992). Epstein has **not taken any action** "outside the context of the judicial proceeding, such as...actions extrinsic to the litigation." *Suchite v. Kleppin*, 2011 WL 1814665, p.*3 (S.D. Fla. 2011) (citing to *American Nat. Title & Escrow of Florida, Inc. v. Guarantee Title & Trust, Co.*, 748 So. 2d 1054, 1056 (Fla. 4th DCA 1999)); *See also, Montejo v. Martin Memorial Medical Center, Inc.*, 935 So. 2d 1266, 1269 (Fla. 4th DCA 2006).

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

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served,

via electronic and US Mail, to all parties on the attached service list, this July 31, 2012.



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Sexual Abuse | Sexual Assault

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

Sexual Abuse Cases Under Investigation




Looking for Witnesses in Alleged Sexual Abuse Cases

We support crime victim's cases with intensive factual and legal research. We are investigating the following matters and issues that clients and other have brought to our attention. We are currently searching for witnesses to assist us in the following cases. If you have information, please [contact us here](#) or call 800-400-1098. You can remain anonymous.

- **JEFFREY EPSTEIN (CHILD MOLESTER)** - Our law firm prosecuted numerous civil cases against Billionaire child molester Jeffrey Epstein. He is known to have molested children in various places, including on his private airplane. He is a registered sex offender in

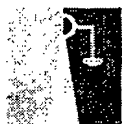
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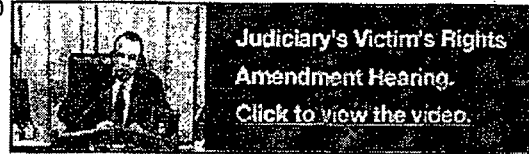
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Sexual Abuse

Sexual Abuse & Assault - Victim Rights Attorneys

According to a U.S. Health and Human Services study, more than 83,000 substantiated reports of sexually abused children were made in 2005 alone. The actual number of incidents of sexual abuse is likely much higher because it is believed that sexual abuse, especially amongst children, is significantly underreported. Sexual abuse and molestation cause great suffering for victims. Victims often deal with unimaginable humiliation and shame and it often leaves long-lasting emotional and psychological damage.



Perpetrators of Sexual Abuse & Neglect

The abuse and betrayal often arises out of institutions of trust—churches (Catholic Church, Dioceses), the entertainment industry (actors, managers, production assistants), schools (teachers), youth and scouting clubs (boy scouts, YMCA), athletic leagues (coaches) and other organizations (foster care). Powerful organizations like the Catholic Church have been able to shelter accused priest and clergy as there continues to be no mention of penalties, censures, or removal from office for bishops who continue to hide and cover-up for the abusive priests. Many sexual predators are often wealthy and powerful and able to focus vast resources and high profile legal teams in an attempt to deflect attention, avoid criminal liability, and deny justice to their victims.

Our attorneys also represent victims of child pornography where pedophiles and child molesters collect and distribute child pornography.

Holding Perpetrators of Sexual Abuse Accountable

Because sexual predators tend to abuse more than one victim, pursuing a civil lawsuit can help prevent the person who did the harm from doing the same to another child or person.

Recently Farmer Jaffe Weissing Attorney Brad Edwards pursued victim rights cases on behalf of ten women who, between 12 and 15 years of age, were sexually molested and abused by Palm Beach resident Jeffrey Epstein. Edwards proved that Epstein, now a registered pedophile, and his international sex trafficking criminal enterprise exploited them and hundreds of other underage girls.

Giving Sexual Abuse Victims A Voice

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

Attorney Brad Edwards has provided countless hours as a victims advocate, talking to individuals who have been victims of violent or sexual crimes and helping them through the many issues that crime victims encounter - such as options for payment of emergency and medical expenses, and understanding of the police investigation or criminal justice system, available counseling and options for pursuing civil justice for the crime committed.

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Our consultations with potential clients are free and confidential. If we take your case, we are only paid fees and costs of suit if we succeed in winning a recovery for you. We advance the costs of your case, too, so there's no cost to you of bringing your lawsuit or claim.

To tell us about your case or concern, please submit the form below or call the toll-free number indicated on the form. We will get back to you shortly.

CASE SUMMARY

Broward County Case Number: CACE12013722

Court Type: Civil Division - Circuit Court

Incident Date: N/A

Court Location: Central Courthouse

Magistrate ID / Name: N/A

State Reporting Number: 062012CA013722AXXXCE

Case Type: Neg. - Negligence Other

Filing Date: 05/11/2012

Case Status: Pending

Judge ID / Name: 13 Rosenberg, Robert A.

Style: John Doe 1 Plaintiff vs. Jeffrey Bernard London Defendant

Party Type	Party Name	Sex	Race	D.O.B.	D.O.D.	Attorneys / BarID * Denotes Lead Attorney
Plaintiff	Doe 1, John					* Weissing, Matthew D. Retained BarID: 559792
Defendant	London, Jeffrey Bernard					

There is no key date information available for this case.						
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Date	Description	Additional Text
05/29/2012	Affidavit	filed under seal
05/29/2012	Order Granting Motion	to proceed in this action under a pseudonym and keep true name in sealed envelope
05/24/2012	Summons Returned Served	05/21/12

There is no related case information available for this case.						
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