

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

Case No. 50-2009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

NOTICE OF TAKING VIDEOTAPED DEPOSITION DUCES TECUM

YOU ARE HEREBY NOTIFIED that on **Friday, January 12 2018, at 9:00 a.m.** at the Law Offices of Edwards Pottinger LLC, 425 N. Andrews Avenue, Suite 2, Ft. Lauderdale, Florida 33301-3268, Plaintiff/Counter-Defendant Jeffrey Epstein will take the videotaped deposition by oral examination for purposes of discovery and for use as evidence in said cause, or both, of:

EARLEEN COTE

The videotaped deposition will be taken before a court reporter, a Notary Public, or any officer authorized to administer oaths by the laws of the state where the deposition is conducted, and a person who is neither a relative, nor employee, nor attorney, nor counsel of any of the parties and who is neither a relative nor employee of such attorney or counsel, and who is not financially interested in the action. The deposition will continue from day to day until complete.

The witness shall produce by **January 5, 2018**, those documents identified in the Subpoena Duces Tecum attached.

Court reporting services shall be provided by Palm Beach Reporting Service (1665 Palm Beach Lakes Blvd., Suite 1001, West Palm Beach, Florida 33401; 561-471-2995) and the video equipment will be operated by Visual Evidence (601 N. Dixie Hwy., Suite A, West Palm Beach, Florida 33401; 561-655-2855).

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on December 20, 2017, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

LINK & ROCKENBACH, PA
1555 Palm Beach Lakes Boulevard, Suite 301
West Palm Beach, Florida 33401
(561) 727-3600; (561) 727-3601 [fax]

By: /s/ Scott J. Link

Scott J. Link (FBN 602991)

Kara Berard Rockenbach (FBN 44903)

Angela M. Many (FBN 26680)

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*Trial Counsel for Plaintiff/Counter-Defendant
Jeffrey Epstein*

SERVICE LIST

<p>Jack Scarola Searcy, Denny, Scarola, Barnhart & Shipley, P.A. 2139 Palm Beach Lakes Boulevard West Palm Beach, FL 33409 mep@searcylaw.com jsx@searcylaw.com scarolteam@searcylaw.com <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i></p>	<p>Nichole J. Segal Burlington & Rockenbach, P.A. Courthouse Commons, Suite 350 444 West Railroad Avenue West Palm Beach, FL 33401 njs@FLAppellateLaw.com kbt@FLAppellateLaw.com <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i></p>
<p>Bradley J. Edwards Edwards Pottinger LLC 425 N. Andrews Avenue, Suite 2 Fort Lauderdale, FL 33301-3268 brad@epllc.com staff.efile@pathtojustice.com <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i></p>	<p>Marc S. Nurik Law Offices of Marc S. Nurik One E. Broward Boulevard, Suite 700 Ft. Lauderdale, FL 33301 marc@nuriklaw.com <i>Counsel for Defendant Scott Rothstein</i></p>
<p>Jack A. Goldberger Atterbury, Goldberger & Weiss, P.A. 250 Australian Avenue S., Suite 1400 West Palm Beach, FL 33401 jgoldberger@agwpa.com smahoney@agwpa.com <i>Co-Counsel for Plaintiff/Counter-Defendant</i> <i>Jeffrey Epstein</i></p>	

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BRADLEY J. EDWARDS, individually,

Defendants/Counter-Plaintiff.

SUBPOENA DUCES TECUM FOR VIDEOTAPED DEPOSITION

THE STATE OF FLORIDA TO:

TO: Earleen Cote
Kubicki Draper
One East Broward Blvd., Suite 1600
Ft. Lauderdale, FL 33301

YOU ARE COMMANDED to appear before a person authorized by law to take depositions on Friday, January 12, 2018, at 9:00 a.m. at the Law Offices of Edwards Pottinger LLC, 425 N. Andrews Avenue, Suite 2, Ft. Lauderdale, Florida 33301-3268, for the taking of your videotaped deposition in this action. If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorneys, and unless excused from this Subpoena by the attorneys or the Court, you shall respond to this Subpoena as directed.

You are further directed to produce to Plaintiff/Counter-Defendant's counsel by January 5, 2018, the documents identified in the attached Exhibit "A."

Dated: December 20, 2017.

LINK & ROCKENBACH, PA.
1555 Palm Beach Lakes Boulevard, Suite 301
West Palm Beach, Florida 33401
(561) 727-3600; (561) 727-3601 [fax]

By:

Scott J. Link (FBN 602991)
Kara Berard Rockenbach (FBN 44903)
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Primary: Scott@linkrocklaw.com
Primary: Kara@linkrocklaw.com
Primary: Angela@linkrocklaw.com
Secondary: Tina@linkrocklaw.com
Secondary: Troy@linkrocklaw.com
Secondary: Tanya@linkrocklaw.com
Secondary: Eservice@linkrocklaw.com
*Trial Counsel for Plaintiff/Counter-Defendant
Jeffrey Epstein*

If you are a person with a disability who needs any accommodation in order to respond to this Subpoena, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Link & Rockenbach, 1555 Palm Beach Lakes Boulevard, Suite 301, West Palm Beach, Florida 33401 (561) 727-3600, at least seven days before your scheduled appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven days; if you are hearing or voice impaired, call 711.

Copies provided to:

SERVICE LIST

Jack Scarola Searcy, Denny, Scarola, Barnhart & Shipley, P.A. 2139 Palm Beach Lakes Boulevard West Palm Beach, FL 33409 mep@searcylaw.com jsx@searcylaw.com scarolteam@searcylaw.com <i>Co-Counsel for Defendant/Counter-Plaintiff Bradley J. Edwards</i>	Nichole J. Segal Burlington & Rockenbach, P.A. Courthouse Commons, Suite 350 444 West Railroad Avenue West Palm Beach, FL 33401 njs@FLAppellateLaw.com kbt@FLAppellateLaw.com <i>Co-Counsel for Defendant/Counter-Plaintiff Bradley J. Edwards</i>
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<p>Bradley J. Edwards Edwards Pottinger LLC 425 N. Andrews Avenue, Suite 2 Fort Lauderdale, FL 33301-3268 brad@epllc.com staff.efile@pathtojustice.com <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i></p>	<p>Marc S. Nurik Law Offices of Marc S. Nurik One E. Broward Boulevard, Suite 700 Ft. Lauderdale, FL 33301 marc@nuriklaw.com <i>Counsel for Defendant Scott Rothstein</i></p>
<p>Jack A. Goldberger Atterbury, Goldberger & Weiss, P.A. 250 Australian Avenue S., Suite 1400 West Palm Beach, FL 33401 jgoldberger@agwpa.com smahoney@agwpa.com <i>Co-Counsel for Plaintiff/Counter-Defendant</i> <i>Jeffrey Epstein</i></p>	

NOT A CERTIFIED COPY

EXHIBIT A

DEFINITIONS

1. “*Communication*” or “*communications*” mean any oral, written or electronic utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, any *documents*, correspondence, letters, facsimiles, e-mails, text messages, voice recordings, video recordings, voicemail, instant messages, conversations, dialogues, discussions, interviews, conferences, meetings, consultations, agreements, and other understandings or exchanges between or among two or more people.

2. “*Document*” or “*documents*” mean all paper documents, graphic or auditory records or representations, tangible items, and electronically stored information, and shall have the broadest possible meaning accorded to it consistent with Florida Rule of Civil Procedure 1.280 (which is incorporated in this definition as if fully set forth), and includes, by way of illustration only and not by way of limitation, the following items which are in *your* possession, control, knowledge, or are known to *you*:

- a. All written, paper or printed material of any kind, including, but not limited to: all transmittal slips, memoranda, notes, schedules, agendas, notices, books, brochures, calendars, employment files, announcements, meeting minutes, records of meetings, records of conversations, newsletters, telegrams, summaries, lists, compilations, facsimile transmissions, transcripts, diaries, appointment books, agreements, contracts, reports, studies, checks, check stubs, invoices, financial statements, bank statements, receipts, *communications*, interoffice and intraoffice exchanges, conversations, inquiries, replies, correspondence, and letters, whether in person, by telephone, in writing, or by means of any other transmittal

devices, and all originals, reproductions, copies, changes, amendments, drafts and all non-identical copies of the foregoing;

- b. Graphic or auditory records or representations of any kind, including, but not limited to: all images, photographs, charts, drawings, sketches, diagrams, maps, schematics, microfiche, microfilm, slides, videotapes, laser discs, digital versatile discs, Blu-ray discs, UltraViolet discs, cassette tapes, reel to reel tapes, recordings, sound bites, motion pictures, voice messages, and all originals, reproductions, copies, changes, amendments, drafts and all non-identical copies of the foregoing; and
- c. Electronically stored information, electronic, mechanical and electrical records or representations of any kind including, but not limited to: all electronic *communications*, text messages, e-mails, instant messages, computer logs, network logs, Internet history, document files, spreadsheet files, presentation files, database files, desktop publishing files, source code files, object code files, executable files, data files, script files, project management files, text files, portable document format files, tabulated data files, virtual machine files, XML files, webpage files, image files, design files, GIS files, system files, compressed files, disk image files, audio files, video files, backup files, metadata and all originals, reproductions, copies, changes, amendments, drafts, and all non-identical copies of the foregoing (defined herein as “*ESP*”; each individual electronically stored *document* is defined herein as an “*ESI document*”).

For purposes of the foregoing, *documents* may be located, stored or archived in any physical location or on any electronic storage media, including, without limitation, any computer,

server, appliance, cloud-based service, web-based service, database, internal hard drive, external hard drive, solid-state drive, hard or floppy diskette, compact disc, digital versatile disc, Blue-ray disc, UltraViolet disc, flash memory, flash card, thumb drive, cartridge, magnetic tape, mobile phone, tablet device, or personal digital assistant. Moreover, for purposes of the foregoing, the term “draft” means any earlier, preliminary, preparatory, or tentative version of all or part of a *document*, whether or not such draft was superseded by a later draft and whether or not the draft’s terms are the same as or different from the final *document’s* terms. Please note that “*Document*” and “*Documents*” as defined herein specifically include “*Communication*” and “*Communications*” as defined above.

3. “*Native Format*” means the file format of *ESI* in the application in which such *ESI* was originally created.

4. “*Person*” as used herein means any natural person or any entity, including, without limitation, any individual, public company, private company, firm, corporation, limited liability company, joint venture, trust, proprietorship, tenancy, association, partnership, business, agency, department, governmental body, bureau, board, commission, or any other form of public or private entity. With respect to an entity, *Person* shall include all subsidiaries and affiliates of the entity, as well as the present and former directors, officers, employees, attorneys, agents and anyone acting on behalf of, at the direction of, or under the control of, the entity or its subsidiaries or affiliates.

5. The terms “*you*” or “*your*” mean Earleen Cote and include all employees, staff, representatives, attorneys, accountants, agents and any other person acting under her control or on her behalf.

6. “*Relates to*” or “*relating to*” mean authorizing, concerning, constituting, comprising, containing, consisting of, connected with, describing, disclosing, discussing,

evidencing, explaining, mentioning, pertaining to, proposing, reflecting, regarding, referring to, directly or indirectly, setting forth, showing, or summarizing.

7. “*Lawsuit*” means the litigation styled *Jeffrey Epstein v. Scott Rothstein and Bradley J. Edwards*, Case No. 502009CA040800XXXXMBAG, pending in the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

8. “*Other Lawsuits*” means all lawsuits filed by Jane Doe, L.M., E.W. or any other clients represented by Bradley J. Edwards against Jeffrey Epstein from January 1, 2008 to the present.

9. “*Tagged Image File Format*” or “*TIFF*” refer to the CCITT Group IV graphic file format for storing bit-mapped images.

10. Where appropriate:

- a. use of the singular includes the plural, and vice versa;
- b. the past tense includes the present tense;
- c. the words “and” and “or” are both conjunctive and disjunctive;
- d. the words “all” and “any” mean “any and all”;
- e. the word “including” means “including without limitation”; and
- f. use of the masculine includes the feminine, and vice versa.

INSTRUCTIONS

General Instructions

1. In response to this Subpoena Duces Tecum, you are required to furnish all information and documents which are, or have been, in your possession, custody, or control, or in your possession, custody, or control.

2. Unless otherwise specifically stated in each request, the relevant time period shall be from the date Bradley J. Edwards applied to Kubicki Draper for employment to the present.

ESI Instructions

3. ESI Production Format. *ESI* shall be produced electronically, either in (1) *Native Format*, or (2) as single-page, uniquely and sequentially numbered Group IV *TIFF* image files. For each *ESI document*, all metadata must remain intact and all parent/child document relationships must be maintained. All *ESI* shall be collected using methods that prevent the spoliation of data.

4. Production Media. The production of *ESI* as described herein shall be made on an external hard drive, flash drive, CD or DVD ("*Production Media*"). The *Production Media* shall include a unique identifying label specifying: (a) *your* identity; (b) the date of the production of *ESI*; and (c) the Lawsuit name and number.

5. ESI of Limited Accessibility. If *you* contend that any *ESI document* responsive to this Subpoena is not reasonably accessible: (1) timely identify such *ESI document* with reasonable particularity; and (2) provide the basis for declining to produce the *ESI document*, including, for example, any limitations on access, the likely costs that might be incurred in accessing and producing the *ESI document*, the method used for storage of the *ESI document* and all locations in which the *ESI document* is kept.

6. TIFF Production. *ESI* produced as *TIFF* image files shall be produced as follows: (1) each production of *TIFF* image files shall be accompanied by a corresponding load file ("*Image Load File*"); (2) each *TIFF* image file must contain the same information and same physical representation as the *Native Format* file from which the *TIFF* image file was created; (3) each *TIFF* image file must not be less than 300 dpi resolution; (4) each *TIFF* image file shall be accompanied by an extracted text file containing the extracted text of the *Native Format* file from which the *TIFF* image file was created; (5) each extracted text file shall be named to match the endorsed number assigned to the first page of each corresponding *TIFF* image file; (6) the

extracted text files shall be accompanied by a Control List File (“*LST*”); (7) each production of *TIFF* image files shall be accompanied by an image cross-reference load file, such as Opticon (“*OPT*”), which shall provide the beginning and ending endorsed number of each *TIFF* image file and the number of pages it includes; and (8) each production of *TIFF* image files must be accompanied by a data load file (“*Data Load File*” or “*DAT*”) that contains both the hash value and all available metadata of the *Native Format* files from which the *TIFF* image files were created. Further, the following instructions apply to the production of *TIFF* image files:

- a. Processing Specifications. For each *Native Format* file that is converted to *TIFF* format: (1) all tracked changes shall be maintained so that all changes are visible; (2) OLE Embedded files shall not be extracted as separate documents; (3) author comments shall remain or be made visible; (4) hidden columns, cells, rows, worksheets and other hidden data shall remain or be made visible; (5) presenter notes shall remain or be made visible; and (6) to the extent *ESI* in a foreign language is produced, processing of such *ESI* shall be unicode-compliant.
- b. Document Unitization. If a *Native Format* file that is converted to *TIFF* format is more than one page, the unitization of the file and any attachments or affixed notes must be maintained as it existed when collected. If unitization cannot be maintained, the original unitization must be documented in the *Data Load File* or otherwise electronically tracked.
- c. Color. If a *Native Format* file that is converted to *TIFF* format contains color, the *TIFF* image file need not be produced in color. However, we reserve the right to make a request for a file to be produced in color.

- d. Where TIFF Image File Format is Impracticable. In the event that production of a *Native Format* file as a *TIFF* image would be impracticable, you shall produce such file in *Native Format* with all metadata intact. You shall provide a single page *TIFF* image placeholder referencing the title of the *Native Format* file not being produced as a *TIFF* image.
- e. Spreadsheets. All Microsoft Excel files, similar non-Microsoft spreadsheet files, and graphical compilations of spreadsheet data, shall be produced in *Native Format* with all cells, columns, rows and worksheets and other information unhidden and expanded.
- f. Right to Request Native Format files. We reserve the right to demand production in *Native Format* of any file produced by you as a *TIFF* image file.

REQUESTED DOCUMENTS

1. Kubicki Draper's employment and personnel files for Bradley J. Edwards, including, but not limited to, applications for employment, letters of referral, background checks, employment contracts, agreements, promissory notes, evaluations, reviews, summaries, notes, and communication (recognizing HIPAA laws, this request does not seek personal medical records).
2. Your current curriculum vitae.
3. Any reports prepared by you or at your direction, relating to your services or participation in this Lawsuit.
4. Copies of any notes made by you, or provided to you, relating to your opinions or conclusions in this Lawsuit, whether you relied on those notes or not.
5. Communications between you and any person relating to your analysis, opinions or conclusions in this Lawsuit.
6. Any photographs or videos taken by you, or provided to you, that you have observed and reviewed in relation to this Lawsuit.

7. Any deposition or hearing transcripts provided to you, or parts of deposition transcripts or any other statements or written materials provided to you, which you have examined or will examine in relation to this Lawsuit.
8. Any diagrams or drawings made by you or provided to you, which you have examined in relation to this Lawsuit.
9. Any statements or affidavits taken by you, at your direction, or provided to you for your review concerning any of the facts which are involved in this Lawsuit.
10. Any memoranda or written notice made by you, or provided to you, concerning the subject matter of this Lawsuit.
11. Any documents prepared by you, provided to you, or obtained by you or reviewed by you, whether intended for your use or not, and regardless of whether or not you actually reviewed or relied on those documents, in connection with this Lawsuit.
12. All literature and/or documents that you considered relevant to your assignment in this Lawsuit and which you considered in the development of your opinions or conclusions concerning the subject matter of the lawsuit.
13. All documents prepared by you to illustrate or demonstrate any fact or opinion considered relevant to this Lawsuit and/or to your assignment, investigation, or opinions.
14. Copies of any articles, books, papers or other publications prepared by you which relate to facts similar to the facts surrounding the subject matter of this Lawsuit.
15. Any and all materials considered, consulted, and used by you as a basis or predicate for your opinions and conclusions in this Lawsuit, including, but not limited to, published reports by any private or government agency, textbooks, articles, data or documents furnished by the party engaging your services, or government or industry standards or regulations.
16. Any and all models or demonstrative tools upon which you have or plan to rely, in the formulation and expression of your opinions and conclusions concerning the subject matter of this Lawsuit.
17. A copy of any retainer agreement or other agreement between you and Bradley James Edwards (or counsel for Bradley James Edwards) that sets forth the terms of your engagement in this matter, including, but not limited to, the fees for your services in this Matter.
18. A copy of all statements, bills, invoices, check stubs or any other document that reflects payment or compensation, or a request for payment or compensation, for your services in this Lawsuit.
19. All marketing materials that market or advertise your expert witness services.

20. A list of all other expert witness services performed for Bradley James Edwards, or any clients represented by Bradley James Edwards, in the last ten years.
21. A list of other depositions or trials in which you have testified from January 1, 2008 to the present.
22. All expert reports, testimony, videos and affidavits in which you have testified as an expert on any issue in the last ten years.
23. Copies of all publications, expert reports, depositions or other documents in which you have discussed, analyzed or otherwise referenced the subject of the scope of discovery in litigation.
24. Your file regarding your opinions, possible opinions, expert testimony, and/or consultation relating directly or indirectly to the issues in this Lawsuit.
25. All complaints filed against you with the Florida Bar, as well as all communications to you by the Florida Bar and all documents relating to any disciplinary proceedings or investigations conducted by the Florida Bar, or any committee of the Florida Bar.