

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.

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**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S  
UPDATED NOTICE OF COMPLIANCE WITH COURT'S RULINGS<sup>1</sup>**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein") hereby updates his March 8, 2018, Notice of Compliance with the Court's March 8, 2018, rulings and states:

**THE COURT'S RULINGS**

At that hearing, the Court made the following rulings:

- As to Intervenor's (E.W., L.M. and Jane Doe) request to temporarily seal the pleadings relating to the e-mails, the Court granted the request and asked for a proposed Order. (Morning Session, 3/8/18 4:16-5:1.)
- The sanitized redacted version of Epstein's Notice of Filing Appendix shall be filed under seal. (Afternoon Session, 3/8/18 75:20-23.)
- In order for Epstein to preserve his rights concerning the Court's rejection of the last-minute request for an in-camera inspection and the striking of his newly

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<sup>1</sup> Although no written Order has been entered yet on Defendant/Counter-Plaintiff Bradley Edwards' March 5, 2018, Motion to Strike Epstein's Untimely Supplemental Exhibits and to Strike all Exhibits and Any Reference to Documents Containing Privileged Materials Listed on Edwards' Privilege Log, Epstein has complied with and will continue to comply with the Court's rulings on the record.

disclosed exhibits, Epstein shall file under seal the newly disclosed trial exhibits which Edwards has claimed are privileged. (Afternoon Session, 3/8/18 62:2-63:1.) These do not include exhibits that were already in the Court file or used in this case. (Afternoon Session, 3/8/18 76:8-21.)

- Link & Rockenbach, PA's copy of the disc entitled "Epstein Bate Stamp" that is the subject of the dispute will be filed under seal. (Afternoon Session, 3/8/18, 75:12-18.)
- Link & Rockenbach, PA to retain Fowler White's boxes, including the original disc. (Afternoon Session, 3/8/18, 80:8-81:15.)

On Friday, March 9, 2018, at 4:15 p.m. the Fourth District Court of Appeal entered its Order staying the state court action pending its review. That stay was lifted, in part, on March 20, 2018, and Epstein hereby updates his Notice of Compliance.

#### **PLAINTIFF/COUNTER-DEFENDANT'S COMPLIANCE**

Plaintiff/Counter-Defendant Jeffrey Epstein's counsel, Link & Rockenbach, PA, has complied with the Court's rulings at the March 8, 2018, hearing as follows:

- Link & Rockenbach, PA has not made any further dissemination of the documents included in the Appendix in Support of Epstein's Response in Opposition to Edwards' Second Supplement to Motion in Limine Addressing Scope of Admissible Evidence, the newly disclosed trial exhibits in which Edwards claims a privilege, or other documents from the disc that Edwards has asserted privilege claims over.
- Neither Epstein nor his general counsel (Darren Indyke), were ever provided with a copy of the disc nor did they review or have access to the disc or the disc's contents. Epstein and his general counsel also never received the disc or alleged "privileged" documents from the Fowler White firm or any other former counsel. Rather, Epstein and his general counsel were provided with select e-mails by Link & Rockenbach, PA that were included in the Appendix or identified as trial exhibits. Immediately after the hearing on March 8, 2018, Link & Rockenbach, PA notified its client, its client's general counsel (who was at the hearing), its co-counsel (Jack Goldberger, who was at the hearing), and its litigation team working on this matter to destroy all hard copies and electronic versions of the documents obtained from the disc.
- Timothy Chinaris, a former Ethics Director of the Florida Bar who provided an expert affidavit in this action, was also not provided with a copy of the disc but, rather, received a binder (in paper form) containing the unredacted Appendix.

Mr. Chinaris was instructed to destroy the binder along with any electronic copies he may have had. Mr. Chinaris confirmed his compliance with this request.

- Neither the disc nor any of its contents were ever provided to the Gunster firm or any of its attorneys nor were the contents of the disc ever discussed with them.

NOT A CERTIFIED COPY

- On March 6, 2018, Epstein filed his Notice of No Objection to Attorney Paul Cassell, on Behalf of L.M., E.W. and Jane Doe, or Defendant/Counter-Plaintiff Bradley J. Edwards Moving to Seal Court Records Until the Court Makes a Determination on How the Documents Shall be Treated.

Mr. Cassell's request was addressed, and granted by stipulation, at the March 8, 2018, hearing. Both Mr. Cassell and Edwards' counsel, however, failed to provide the Court with a proposed order at the hearing, which would have resulted in the immediate sealing of two docket entries that had not yet been opened to the public. While Mr. Cassell and Edwards' counsel had ample time during the hearing to have an Order prepared and signed by the Court, a proposed order was not circulated to Epstein's counsel until the following afternoon, Friday, March 9, 2018. Judge Hafele had made known to the parties that he would not be in Court on March 9, 2018, because of the Bench Bar Conference, but he advised where he could be found, if needed. Nevertheless, the Fourth DCA's stay was entered on March 9, 2018, within hours of the transmittal of the proposed order. Furthermore, on the evening of March 9, 2018, the Clerk opened the two docket entries that are at issue to the public.

During the weekend of March 10 and 11, 2018, Epstein's counsel worked tirelessly with Edwards' counsel to obtain emergency relief from the duty judge to seal the two docket entries at issue. The duty judge, however, deferred the matter to Judge Hafele. Accordingly, on the morning of March 12, 2018, Epstein's and Edwards' counsel went before the Court at 8:30 a.m. and obtained an Order, *nunc pro tunc*, sealing the two docket entries at issue:

1. Epstein's Notice of Filing Redacted Appendix in Support of Response in Opposition to Defendant/Counter-Plaintiff Bradley J. Edwards' Second Supplement to Motion in Limine Addressing Scope of Admissible Evidence (D.E. 1242, a 353-page filing with attachments containing actual emails as well as a summary of its contents); and
2. Epstein's Motion for Court to Declare Relevance and Non-Privileged Nature of Documents and Request for Additional Limited Discovery, Evidentiary Hearing and Appointment of Special Master (D.E. 1252).

The Clerk then sealed the two docket entries which had been open to the public for more than 48 hours.

- Link & Rockenbach, PA destroyed its paper copy of the Redacted Appendix that was filed in the Court file and deleted the electronic filed version from its system.

- Link & Rockenbach, PA placed the Unredacted Appendix that was served but not filed in a sealed box that will be maintained in its office, unopened, for appellate purposes.
- In Edwards' March 5, 2018, Motion to Strike Epstein's Untimely Supplemental Exhibits and to Strike All Exhibits and Any Reference to Documents Containing Privileged Matters Listed on Edwards' Privilege Log, Edwards alleged the following exhibits identified by Epstein were privileged:

No.	Ex. No.	Bates No.	App. No.
1	13-1	02645	
2	13-4	00149	35
3	13-5	01527	3
4	13-6	04493-4495	
5	13-7	00014	36
6	13-11	00090	37
7	13-13	00133	68
8	13-15	08006	31
9	13-17	00026	70
10	13-19	01004	71
11	13-25	12289	33
12	13-30	26481	
13	13-34	26480	60
14	13-35	26356	
15	13-36	26570	
16	13-44	03731-03732	
17	13-45	06406-06408	
18	13-46	01686	48
19	13-47	11123-11125	50
20	13-49	11126-11127	32
21	13-52	25925	
22	13-53	25874	
23	13-56	11145	
24	13-60	03191-03192	4
25	13-66	04398-04402	2, 34
26	13-67	04408-04412	1
27	13-86	267477	11
28	13-88	08042-08044	16
29	13-89	26741-26742	13, 15
30	13-90	08059-08061	17
31	13-93	26756-26758	9
32	13-94	08036-08038	19
33	13-97	26762	8
34	13-98	01117	21
35	13-100	08121-08123	20

<b>No.</b>	<b>Ex. No.</b>	<b>Bates No.</b>	<b>App. No.</b>
36	13-101	26749-26752	23
37	13-102	08128-08130	24
38	13-103	08118-08120	22
39	13-104	08131-08133	25
40	13-105	08124-08126	26
41	13-106	08135-08138	10
42	13-107	27494	27
43	13-108	26760	
44	13-110	25997	28
45	13-111	25937	67
46	13-113	26604-26605	56
47	13-116	07019-07021	

- Edwards also objected to the following additional exhibits which were printed from the disc as being late disclosed:

<b>No.</b>	<b>Ex. No.</b>	<b>Bates No.</b>	<b>App. No.</b>
1	13-2	03037	54
2	13-3	03036	55
3	13-8	03998-04000	6
4	13-9	02231	
5	13-10	01300	
6	13-12	2906-2908	
7	13-14	11237	
8	13-18	01464	
9	13-20	01403	
10	13-21	02684-02685	51
11	13-22	01475	
12	13-24	03694	79
13	13-26	01166	38
14	13-27	01258	72
15	13-28	15113-15114	
16	13-31	26394	
17	13-33	25922	
18	13-37	00992	
19	13-40	01423	7
20	13-41	05071	
21	13-43	02043	81
22	13-48	02088	
23	13-50	11128-11131	49
24	13-51	08459	
25	13-54	08348-08349	
26	13-55	08355	

No.	Ex. No.	Bates No.	App. No.
27	13-61	27284	87
28	13-62	26893	89
29	13-64	01255	
30	13-65	26836-26837	90, 91
31	13-68	26807	92
32	13-69	26808-26809	93
33	13-70	27379	94
34	13-71	27293	95
35	13-72	26021	63
36	13-73	27270	96
37	13-74	27355	97
38	13-75	27325	100
39	13-77	27322	101
40	13-78	26777-26781	
41	13-79	26782-26786	102, 103, 104
42	13-80	26088-26089	105
43	13-81	25998	52
44	13-83	27072	108
45	13-85	Legamaro Depo Ex 6	
46	13-92	27522	109
47	13-96	Legamaro Production	
48	13-99	27051-20752	112
49	13-109	27025	111
50	13-112	26973	84
51	13-114	26737	57
52	13-115	26485	57
53	13-117	27013	58

Edwards objected to other documents Epstein identified as newly disclosed trial exhibits, but those were obtained from public sources over which Edwards and Mr. Cassell cannot assert privilege claims and, therefore, they are not included as part of this Notice of Compliance.

- Link & Rockenbach, PA placed an exhibit sticker on the 100 newly disclosed exhibits identified above to correspond with Epstein's Clerk's Trial Exhibit List. Two sets of those exhibits were made. One has been retained by Link & Rockenbach, PA in a sealed envelope in a sealed box maintained at its offices for appellate purposes. The other set was initially retained in a sealed envelope at Link & Rockenbach, PA, however, on March 21, 2018, in light of the lifting of the Fourth District Court of Appeal's stay, in part, those exhibits were filed under seal. Epstein has also moved the Court to Make the Court Records Confidential in compliance with the 15<sup>th</sup> Judicial Circuit's Administrative Order 2.303-9/09

and set that Motion for hearing on April 9, 2018.

- With the exception of the trial exhibits and appendix items identified above which Link & Rockenbach, PA is maintaining in a sealed box for appellate purposes, Link & Rockenbach, PA has destroyed all hard copies of the documents it reproduced from the disc that Edwards has identified as privileged.
- Link & Rockenbach, PA placed its copy of the disc in a sealed envelope, which it retained at its offices until the stay was lifted. In that regard, on March 21, 2018, Link & Rockenbach, PA filed the disc under seal and moved the Court to make the court records confidential in compliance with the 15<sup>th</sup> Judicial Circuit's Administrative Order 2.303-9/09. That Motion is set for hearing on April 9, 2018.
- Link & Rockenbach, PA placed Fowler White's original disc in a sealed envelope which will be maintained with Fowler White's original records at the offices of Link & Rockenbach, PA until further rulings by the Court.
- Link & Rockenbach, PA will maintain control of the Fowler White boxes until further rulings by the Court.
- Link & Rockenbach, PA has deleted the electronic duplicate of the disc and the electronic version of the exhibits identified above from its computer system and Dropbox, the online service by which those documents were transmitted to counsel of record.
- Link & Rockenbach, PA began deleting electronic documents from its system and planned to work with IT personnel to remove copies of any documents Edwards has claimed as privileged from its e-mail servers. In light of Edwards' objection to the deletion of electronic documents, however, Link & Rockenbach, PA has not taken further steps to delete electronic documents. The Court made no rulings on the preservation of these documents and Link & Rockenbach, PA does not agree that the review Edwards' demanded is appropriate. Until the Court rules otherwise, however, Link & Rockenbach, PA will not delete any further electronic documents and will work with its IT personnel to preserve those documents.



### **CERTIFICATE OF SERVICE**

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on March 23, 2018, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

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