

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

JEFFREY EPSTEIN,

Plaintiff,

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

Case No. 50 2009CA040800XXXXMB AG

v.

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

Defendants.

PLAINTIFF JEFFREY EPSTEIN'S MOTION TO APPOINT COMMISSIONER

Plaintiff, JEFFREY EPSTEIN, files this Motion to Appoint Commissioner for the entry of an Order appointing ATG Legal Serve, or any qualified notary public in the States of Illinois as commissioner with full authority to take, report, transcribe and certify the depositions of Thane Ritchie and Michael Legamaro to be taken by Plaintiff, pursuant to Fla. Stat. §92.251, the Uniform Foreign Deposition Act, and states:

1. The purpose of this deposition is to obtain testimony regarding the witness' knowledge regarding issues pertaining to the subject lawsuit which is likely to lead to the discovery of admissible evidence in this action
2. Illinois law does not authorize the issuance of a subpoena for the taking of a deposition unless a commission has been appointed. Accordingly, the plaintiff moves for the Appointment of ATG Legal Serve, One S. Wacker Drive, 24th Floor, Chicago, IL 60606 as the commissioner to take the depositions of Thane Ritchie and Michael Legamaro.

WHEREFORE, Plaintiff, Jeffrey Epstein, respectfully requests that this Court grant his

FILED
DEC 28 2010
CLERK & CIVIL DIVISION
SHARON R. BOYD
CIRCUIT CLERK
THOMAS J. MOLLER

Motion to Appoint Commissioner.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 21st day of December, 2010 to Jack Scarola, Searcy Denney Scarola Barnhart & Shipley, Attorneys for Bradley J. Edwards, 2139 Palm Beach Lakes Boulevard, West Palm Beach, FL 33409 and Marc S. Nurik, Law Offices of Marc S. Nurik, Attorneys for Scott Rothstein, One E. Broward Blvd., Ste 700, Fort Lauderdale, FL 33301.

Respectfully submitted,



Joseph L. Ackerman, Jr.
Fla. Bar No. 235954

FOWLER WHITE BURNETT P.A.
Phillips Point
777 South Flagler, Suite 901
West Palm Beach, FL 33401
Telephone: (561) 802-9044
Facsimile: (561) 802-9976

[mah] W:\80743\MOTION69-App Comm Illinois.MSG {12/21/10-13:36}