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,
_____/

RESPONSE IN OPPOSITION TO EPSTEIN'S REVISED OMNIBUS MOTION IN LIMINE

Counter-Plaintiff, Bradley J. Edwards, by and through undersigned counsel, hereby files this Response in Oppositions to Jeffrey Epstein's Revised Omnibus Motion in Limine, and as grounds therefor states as follows:

Summary

Jeffrey Epstein's ("Epstein") Revised Omnibus Motion in Limine makes a desperate, 32-page attempt to change the facts of this case in order to alter Bradley Edwards' ("Edwards") burden of proof. Epstein's clear purpose is to avoid the admission of evidence that he lacked probable cause to file the underlying claims against Edwards. Prior to addressing and refuting Epstein's motion in detail, it is important that Edwards's burden in proving his malicious prosecution claim is accurately defined.

Bradley Edwards has the burden to prove that there was no reasonable basis for Epstein to believe that Edwards manufactured and fabricated the claims Edwards was pursuing on behalf of

clients against Epstein and that Edwards's purpose in creating false claims was to knowingly aid in the perpetration of a massive Ponzi scheme. Since Epstein has blocked relevant discovery through 5th Amendment privilege assertions into what he knew at the time he sued Bradley Edwards, and since he has expressly chosen not to assert an advice of counsel affirmative defense thereby preserving his attorney-client privilege, Edwards must prove the absence of the probable cause element through circumstantial evidence. The most compelling circumstantial evidence as to what Epstein knew are the facts relating to what Epstein did. Epstein could not reasonably believe Edwards "manufactured"/"ginned up"/ "crafted"/ "fabricated" claims against Epstein if Epstein did what Mr. Edwards alleged he did. Accordingly, Plaintiff Edwards contends that the burden of proof is properly described as follows:

1. Plaintiff Edwards starts by proving the truth of the claims he brought on behalf of L.M., E.W. and Jane Doe, the propriety of the discovery he pursued and the procedures he followed in the prosecution of those claims as well as the complete absence on his part of any knowledge of or participation in the Ponzi scheme.

2. Then, to establish Epstein's motive to target Bradley Edwards for extortionist purposes, the Plaintiff will prove the leadership role Bradley Edwards had in the joint prosecution effort of the multiple civil claims being prosecuted against Epstein with their attendant punitive damage exposure as well as the Crime Victim's Rights Act case challenging Epstein's Non-Prosecution Agreement, which was spearheaded by Bradley Edwards and exposes Epstein to lengthy incarceration for his extensive history of child molestations.

3. Having proven the truth of Epstein's serial child molestation, the Plaintiff meets his initial burden of establishing the absence of probable cause. Proof of Epstein's motive to file false claims against Bradley Edwards (to extort Mr. Edwards into abandoning or compromising the interests of his clients) while not necessary to establishing a prima facia case corroborates the absence of probable cause, the existence of malice, and the foundation for an award of punitive damages.

4. The burden then shifts to Epstein. Epstein must attempt to establish either that the claims he brought against Brad Edwards were true or must establish that even though his claims were not true he, nevertheless, had a reasonable basis to believe the claims against Edwards were true- that is, that Epstein reasonably believed the claims Edwards was pursuing on behalf of LM, EW and Jane Doe against him were fabricated AND reasonably believed that Bradley Edwards was prosecuting these fabricated claims as a knowing participant in the Ponzi scheme. He must prove both to escape liability, but obviously, he must do so without relying on evidence that he has withheld through his earlier privilege assertions. In addition, Epstein faces the further obstacles of:

    i. His complete failure to defend against Edwards' Motion for Summary Judgment;
    ii. The res judicata effect of his voluntary dismissal of the claims against Bradley Edwards;
    iii. The absolute bar of the litigation privilege to support any damage claim arising out of Edwards' litigation conduct in the child molestation cases;
    iv. The fact that if the molestation cases were not fabricated, Epstein could not have been damaged by a fraud perpetrated without his knowledge against third parties with whom he never had any relationship;
    v. His criminal guilty pleas; and
    vi. His payment of $5.5 million in civil settlements on Bradley Edwards's three cases alone, which are the cases Epstein claims were fabricated.

In the context of this proper understanding of Edwards' burden of proof order, Plaintiff Edwards submits the following response to Epstein's Revised Omnibus Motion in Limine.

A. Epstein Has Repeatedly Made Clear That He Alleged That Edwards' Cases Were "Manufactured" / "Ginned Up" / "Crafted" / "Fabricated"

The foundation upon which Defendant Epstein's Revised Omnibus Motion in Limine is built begins with the following claims:

1. "This case is not, and has never been, about whether or not the claims filed in 2008 against Epstein by Edwards' clients are true." Mot. in Limine at p. 2.

2. Epstein never alleged "that Edwards did anything improper in regard to the conduct of this limitation until *after* Edwards joined RRA. *Id.* (emphasis in original).

These assertions are demonstrably false and are simply another attempt by Epstein to retroactively change the allegations in his December 7, 2009 Initial Complaint as well as the sworn testimony that Epstein gave in his March 17, 2010 deposition. Edwards incorporates the record citations contained in his Supplement to Motion in Limine Addressing Scope of Admissible Evidence (a copy of which is attached as an Appendix to this Response for purposes of convenient reference), which lays out in detail that the overriding foundation of Epstein's claims against Edwards was that Edwards had "manufactured" lawsuits on behalf of his clients, which had "minimal to no value" and were instead being used by Edwards for the "sole purpose" of knowingly funding Rothstein's Ponzi scheme. *See, e.g.,* Edwards' Supp. Mot. in Limine at p. 2. To now claim that this case "is not, and has never been, about whether or not" Edwards' clients' claims were true is therefore belied by the allegations contained in Epstein's Initial Complaint.

Moreover, if Epstein had not alleged that the cases being pursued against him by Edwards were fabricated, Epstein would have no claim against Edwards based only upon Epstein's allegation of Edwards' participation in Rothstein's Ponzi scheme for at least two reasons. First, Edwards' litigation conduct is absolutely privileged under Florida law. *See, e.g., Echevarria, McCalla, Raymer, Barrett & Frappier v. Cole*, 950 So. 2d 380 (Fla. 2007). Second, Epstein was not a victim of the Ponzi scheme and therefore he suffered no legally cognizable damage as a result of Rothstein's misconduct. Epstein therefore had to, and in fact did, allege that the lawsuits being pursued by Edwards were fabricated. Epstein even sued one of his victims, L.M., and in the Initial

Complaint he explicitly stated that the sexual contact he engaged in with L.M., E.W., and Jane Doe was "knowledgeable, voluntary and consensual." Initial Complaint at ¶ 49.

Furthermore, although Epstein now alleges that his claims only relate to work performed by Edwards while an attorney at RRA beginning in April 2009, that is simply not true. Edwards filed the victims' cases in 2008, before he joined RRA. Edwards pled for damages in excess of $50,000,000 when he filed the initial lawsuits in 2008, before he joined RRA. Edwards began serving discovery related to the $15 million bond issuance on March 23, 2009, before he joined RRA.[1] Yet all of these litigation actions by Edwards, which preceded his time at RRA, are cited by Epstein as "evidence" that Edwards was an active participant in the Ponzi scheme that Rothstein began in 2005 (when Edwards was still at the State Attorney's Office). Thus, although Epstein would like to replead his allegations to only cover Edwards' six (6) month tenure at RRA, that has never been what this case is about.

B. Epstein Misunderstands the Difference Between Direct and Circumstantial Evidence

Epstein's Revised Omnibus Motion in Limine also builds its foundation on the following demonstrably false assertion, references to which are replete throughout the motion:

According to Epstein, the third support on which he rests his defense is that Bradley Edwards has no evidence, either direct **or circumstantial**, regarding whether Epstein had

[1] A copy of the First Request for Admissions served on Epstein by Bradley Edwards in the Jane Doe federal case is attached hereto as Exhibit '1'. As the Court will recall, Epstein makes much of the subsequent bond motion filed in July as evidence that Bradley Edwards was "pumping" his clients' "manufactured" claims to further the Rothstein Ponzi scheme. Yet as this March 23, 2009 pleading shows, Edwards was taking discovery on the bond issue in March of 2009, before he started at RRA. The pleading is clearly filed by Bradley Edwards on behalf of Bradley Edwards and Associates, LLC.

"probable cause" to file the underlying claims in this action, or whether he acted with "malice." *See, e.g.,* Mot. in Limine at p. 1 ("In recent deposition testimony, Edwards admitted that he has no evidence of Epstein's intent . . .').

Epstein is correct that apart from Epstein's obvious knowledge of his own criminal conduct, Edwards does not have direct evidence as to what was in Epstein's mind at the time he filed this malicious lawsuit (because Epstein has repeatedly hidden behind the 5th Amendment and attorney-client privileges). However, Edwards has, and intends to put forward, an abundance of circumstantial evidence as to both probable cause and malice. *See, e.g.,* Edwards' Dep. Tr. at pages 272-76. Specifically, that Epstein committed all the heinous crimes that he was being accused of, and therefore Epstein could not have had probable cause to initiate this lawsuit, and in fact Epstein's motive was to instead extort Edwards. And it is that very circumstantial evidence that Epstein's Revised Omnibus Motion in Limine improperly asks this Court to exclude.

C. Epstein's Remaining Building Blocks Crumble Under the Weight of the Law and the Uncontested Record Facts

After changing the underlying facts to suit his desired narrative and making the obviously incorrect assertion that Edwards has "no evidence" to prove either probable cause or malice, Epstein spends the next 30-odd pages attempting to keep out any and all circumstantial evidence that Edwards is clearly entitled to introduce to meet his burden of proof. Specifically, Epstein continues building his house on the following blocks:

3. The discovery pursued by Bradley Edwards was not reasonably calculated to lead to admissible evidence and therefore, supports the conclusion that Bradley Edwards was a knowing participant in the Ponzi scheme.

4. Evidence of other claims against Epstein and the criminal charges against him are irrelevant to any pending issue.

5. Exhibits listed by Bradley Edwards are inadmissible hearsay.

6. The federal lawsuit filed by Bradley Edwards had no legitimate purpose and therefore supports the conclusion that Bradley Edwards was a knowing participant in the Ponzi scheme.

7. Edwards cannot rely on any adverse inference based upon Epstein's 5th Amendment assertions.

Every one of those blocks crumbles under the weight of any reasonable application of the law to the uncontested record evidence.

i. The discovery pursued by Bradley Edwards was reasonably calculated to lead to admissible evidence even in the absence of a direct link to the conduct alleged by Edwards' three individual clients.

Setting aside the fact that Epstein suffered no cognizable legal damage as a result of the discovery pursued by Edwards (due to the litigation privilege), all discovery pursued by Bradley Edwards on behalf of his clients was appropriate given: (1) the pending Punitive Damage claim against Epstein; (2) Florida Statutes § 90.404(2)(a), which permits similar fact evidence of other wrongs, or acts to be introduced into evidence to prove a material fact at issue (such as motive); (3) the 18 USC 2255 Federal claims requiring a federal interstate nexus; and (4) Federal Rule of Evidence 415, which makes evidence of prior sexual molestations admissible.

Defendant Epstein conveniently ignores all four factors listed above. As an example, on page 4 of his Revised Omnibus Motion in Limine, Epstein claims that the following questions posed to Epstein at his 2009 deposition were "outrageous and irrelevant":

> Q (by Edwards): "Mr. Epstein, did you ever care about any of the feelings of the minor girls that you were engaging in sex with?"
>
> Q (by Edwards): "Isn't it true that at the time you were inserting your fingers into the vagina of these little kids, all you cared about was your own sexual gratification?"

These questions are **clearly** relevant to the victims' punitive damage claims. Additionally, as Edwards was actively seeking to overturn Epstein's NPA and was a lead attorney quarterbacking the civil lawsuits being prosecuted against Epstein, evidence and testimony related to Epstein's potential criminal and civil liability as a result of his actions is clearly relevant to establish his motive in filing the Initial Complaint (which goes to both probable cause and malice).

ii. The Exhibits that Epstein Challenges are Not Hearsay When They Are Not Being Offered to Prove the Truth of the Matters Asserted.

Exhibits such as law enforcement investigative reports, witness statements, depositions in other cases and aircraft flight logs, are not inadmissible hearsay[2] because they are not offered to

[2] Somewhat ironically, Epstein's Revised Omnibus Motion in Limine attempts to demonstrate Epstein's probable cause to initiate this lawsuit by relying on a variety of media articles and unsworn pleadings, all of which are inadmissible hearsay unless offered for the sole purpose of proving a basis for Epstein's state of mind – a reasonable belief of Edwards' guilt even if he was actually innocent. Unfortunately for Epstein, no such conclusion can be drawn from the sources he cites, because **none of the sources** purportedly relied upon by Epstein name Edwards as a co-conspirator in the Ponzi scheme that Rothstein ran from 2005 to 2009. And Edwards was only at RRA for six (6) months in 2009, after the Ponzi scheme had been running for years. (at least, according to the hearsay Epstein purports to have relied upon in filing this claim). Tellingly, Epstein did not name Rosenfeldt or Adler, the other named partners at RRA, or former Circuit Court Judge William Berger, Edwards' active RRA co-counsel in the Epstein cases who is actually mentioned in one of the articles, as defendants in this malicious lawsuit. Only Edwards, the attorney who was

prove the truth of the matters asserted. Rather they are evidence of what Edwards relied on to form the reasonable basis for his pursuit of discovery calculated to lead to admissible evidence. That is, these exhibits establish the foundation for Edwards' state of mind in believing, for example, that specific individuals were passengers on Epstein's private planes together with minors who were transported interstate for purposes of sexual abuse and prostitution. Certainly, Epstein cannot claim that Edwards "sought inflammatory discovery that was not relevant to Edwards' clients' allegations against Epstein," Mot. in Limine at p. 2, and then object to the very exhibits that establish **why** the discovery was being pursued in the first place. Moreover, the Exhibit related to Epstein's criminal conviction and registered sex offender status is admissible to establish Epstein's motive to file this malicious lawsuit against Edwards to avoid imprisonment by intimidating any other victims from coming forward.

iii. The 234-page federal lawsuit filed by Bradley Edwards had a well-justified purpose pursuant to the terms and conditions of Epstein's Non-Prosecution Agreement and the timing of its filing was dictated by an expiring statute of limitation.

Epstein makes much of the fact that Edwards filed a second, federal lawsuit on behalf of L.M. in the summer of 2009. *See, e.g.,* Mot. in Limine at p. 2 (referring to the L.M.'s federal action as a "duplicative lawsuit"). According to Epstein, this lawsuit was filed for the "sole purpose" of furthering the Ponzi scheme. As Edwards explained in painstaking detail in his November 10, 2017 deposition, however, the real purpose behind the L.M. federal lawsuit was two-fold: (1) to take advantage of Epstein's Non-Prosecution Agreement, which prevented Epstein from contesting liability for any civil action brought pursuant to 18 U.S.C. 2255, and (2) to prevent the statute of

actively pursuing multi-million dollar civil actions *and* the federal action to invalidate the NPA was targeted by Epstein.

limitations from running on L.M.'s claims.[3] And as Edwards testified, the state and federal L.M. lawsuits sought entirely different relief.

Specifically, Edwards filed the 2009 federal action because Epstein had committed 156 separate acts of sexual assault against L.M. while she was still a minor. It was Edwards' position that, under Epstein's NPA, L.M. was entitled to compensation for each separate assault. Edwards' legal theory was that the NPA could not possibly only require Epstein to pay a statutory penalty for the first sexual assault, and then allow Epstein to commit the next 155 sexual assaults for free. Obviously, Edwards will be able to establish to the members of the jury that Epstein in fact sexually assaulted L.M. 156 times, so Epstein could not possibly have based his probable cause on this lawsuit. But given that Epstein has challenged the validity of this lawsuit and contended that it was filed for the "sole purpose" of pumping a Ponzi scheme, Edwards must be permitted to establish that he had a well-justified purpose for pursing this relief: to avoid the statute of limitations and to take advantage of Epstein's NPA, the details of which Epstein was fully aware of when he filed the malicious Initial Complaint against Edwards.

Finally, Epstein's argument that the scrivener's error regarding the filing of the action under "Espstein" is a red herring because the case was quickly consolidated with the other federal actions pending against Epstein, and he actively defended the case without being formally served. That consolidation also undermines Epstein's Assertion that he was damaged by the need to incur attorney's fees in responding to Edwards's federal action, because regardless of the filing of the

[3] A copy of the relevant portions of Edwards' deposition transcript is attached hereto as Exhibit '2'. [page 317-324].

federal claim on behalf of L.M., the discovery was being pursued simultaneously by other attorneys with other cases, the legitimacy of which has never been and could not be cancelled.

iv. Edwards is Entitled to an Adverse Inference Jury Instruction on Epstein's 5th Amendment Assertions.

Every authority relied upon by Epstein to challenge the ability to draw adverse inferences from Epstein's assertions of his Fifth Amendment right to remain silent expressly qualifies the limitation advanced by Epstein – it applies only when the assertion of the Fifth Amendment right is the sole basis supporting the inference.[4]For example, Epstein states, and Edwards agrees, that the Fourth District Court of Appeal permits an adverse inference instruction when a defendant "refuse[s] to testify in response to probative evidence offered against them . . ." *See* Mot. in Limine at p. 17 (*citing Fraser v. Sec. & Inv. Corp.*, 615 So. 2d 841, 842 (Fla. 4th DCA 1993). An appropriate jury instruction addressing the limitation on drawing adverse inferences from Epstein's fifth amendment assertions in not opposed by Edwards.

Here, there is abundant and overwhelming evidence to support the inferences sought to be drawn. Three obvious examples should suffice: Epstein pled guilty to two felonies related to the sexual molestation of children and voluntarily entered into an agreement with the federal government further confessing his serial molestation. In addition, when called upon to support his claims against Edwards in response to Bradley Edwards's Motion for Summary Judgment, he

[4] Edwards also cites to the *Coquina Investments v. Rothstein* case for the incorrect proposition that Edwards cannot use Epstein's 5th Amendment assertion as circumstantial evidence related to probable cause and malice. *See* Mot. in Limine at p. 20. Yet *Coquina* concerned whether an adverse inference could be drawn against TD Bank when it was the bank's employee, Mr. Spinosa, asserted the 5th Amendment privilege. The Court in that case held that Spinosa's 5th Amendment assertions were not a proper basis for finding defendant TD Bank liable. Here, however, Epstein is both the asserter of the privilege and the defendant against whom the adverse inference is sought to be applied.

completely failed to produce any evidence to support his claims and dismissed all of his false and malicious assertions. Finally, after full public disclosure of Rothstein's Ponzi scheme and after his malicious attempt to extort Bradley Edwards failed, Epstein paid $5.5 million to settle the three cases he alleged that Bradley Edwards had fabricated and were worthless.

Conclusion

For the foregoing reasons, every element of Epstein's Revised Omnibus Motion in Limine should be denied.

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 22nd day of November, 2017.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 08-CV-80893-MARRA/JOHNSON

JANE DOE,

Plaintiff

vs.

JEFFREY EPSTEIN,

Defendant

PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT

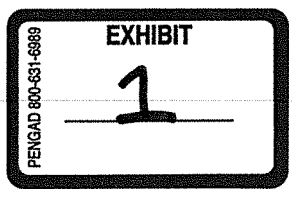
COMES NOW the Plaintiff, Jane Doe, by and through her undersigned counsel, and files this her First Request for Admissions to the Defendant, JEFFREY EPSTEIN, and requests said Defendant admit or deny the following facts, in accordance with Federal Rules of Civil Procedure:

DEFINITIONS

The term "you" means and refers to the Defendant, JEFFREY EPSTEIN.

ADMISSIONS

1. Your net worth is greater than $10 million.
2. Your net worth is greater than $50 million.
3. Your net worth is greater than $100 million.
4. Your net worth is greater than $500 million.



5. Your net worth is greater than $1 billion.

6. Since being incarcerated you have, directly or indirectly (through the services or assistance of other persons), conveyed money or assets in an attempt to insulate or protect your money or assets from being captured in any civil lawsuits filed against you.

7. You own or control, directly or indirectly, real estate property in the Caribbean.

8. You own or control, directly or indirectly, real estate property in foreign countries.

9. In the last 2 years you have transferred assets and/or money and/or financial instruments to countries outside the United States.

10. You have provided financial support to the modeling agency MC2.

11. You committed sexual assault against Plaintiff, a minor.

12. You committed battery against Plaintiff.

13. You digitally penetrated Plaintiff when she was a minor.

14. You offered Plaintiff more money contingent upon her having sex with you or giving you oral sex.

15. You intended to harm Plaintiff when you committed these sexual acts against her.

16. You knew Plaintiff was under the age of 16 when you sexually touched and fondled her.

17. You intend to hire investigators to intimidate and harass Plaintiff during this litigation.

18. You were engaged in the act of trafficking minors across state or country borders for the purposes of sex or prostitution between 2000 and the present.

19. You coerced Plaintiff into being a prostitute and remaining in prostitution.

20. You are guilty of the following offenses against Jane Doe:

A. Procuring a minor for the purpose of prostitution as defined in F.S. 796.03

B. Battery as defined by Florida Statutes

C. Sexual Battery

21. You are moving significant financial assets overseas, outside of the direct territorial reach of the U.S. and Florida Courts.

22. You are making asset transfers with the intent to defeat any judgment that might be entered against you in this or similar cases.

23. You currently have the ability to post a bond of $15 million to satisfy a judgment in this case without financial or other difficulty.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the above and foregoing has been provided via United States mail to the following addressees, this 23 day of March, 2009.

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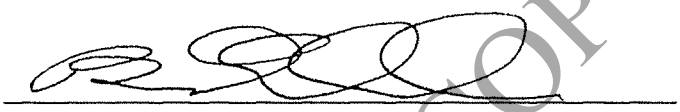
Respectfully Submitted,

THE LAW OFFICE OF BRAD EDWARDS & ASSOCIATES, LLC

By: 

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

Case No. 502009CA040800XXXXMB

JEFFREY EPSTEIN,

Plaintiff,

vs.

SCOTT ROTHSTEIN, individually;
BRADLEY EDWARDS, individually,

Defendants/Counter-Plaintiffs.
_____/

VOLUME I

VIDEOTAPED DEPOSITION

OF

BRADLEY EDWARDS

Taken on Behalf of Plaintiff

Friday, November 10th, 2017
10:02 a.m. - 6:16 p.m.
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409

Examination of the witness taken before

Sonja D. Hall
Palm Beach Reporting Service, Inc.
1665 Palm Beach Lakes Boulevard, Suite 1001
West Palm Beach, FL 33401
(561) 471-2995

non-prosecution agreement with the federal government, there was a provision within that agreement that said that if one of his victims brought a case against him exclusively under 18 USC 2255, then only under that circumstance of bringing that case exclusively under that count would Jeffrey Epstein not contest liability and agree to a minimum statutory damage amount of $150,000. He later contested and said that an earlier application of the statute applied and it should only be $50,000.

But nonetheless, that was the general principle. That statute did not allow for punitive damages. And as I just explained, we assessed the punitive damages as being extraordinary in the case.

So that's the answer to that question in terms of the difference of the damages that we were claiming in the state action, which contained a claim for punitive damages and proceeded under common law theories of battery or intentional affliction, emotional distress. Those kinds of things in the federal claim was to proceed under 18 USC 2255.

What happened in the summer of 2009 was that it was realized -- like I said, not by me -- it was initially realized by Mr. Cassell, but I agreed,

that L.M.'s case was proceeding only in state court, and that we had not taken advantage at all of the provision in the non-prosecution agreement, which would allow for statutory damages under 18 USC 2255, and that L.M.'s birthday -- 21st birthday, I believe -- was coming up in August, and that the statute of limitations would run -- or begin to run at that birthday for bringing the 2255 claims.

Q Explain to the ladies and gentlemen of the jury, if you would please, what the statute of limitations as applied under the circumstance meant. What was the significance of the statute of limitations?

A Well, the statute of limitations in any sense is you only have so long from the time that the tort or the crime is committed to bring a claim, otherwise it's waived forever.

So what we did not want to do is fail to bring the claim under 2255 and that claim expire at her 21st birthday, and it ultimately be a more beneficial claim to have brought and us not have the ability to bring it any more. Because it was also around that same time that we began to believe that -- there was an argument -- and perhaps the right argument -- the argument that I still believe

to this day probably we would win on, but it never got tested -- was that while Jeffrey Epstein, under 2255, would have to agree -- if you exclusively sued him under that -- would have to agree to admit to liability and to statutory minimum damages of 150,000. It was his position that that would be the maximum regardless of the number of times that he molested that particular person.

In L.M.'s circumstance, she had been molested by him for years and dozens and dozens and dozens of times. I don't know how many times. Maybe 100 times while a minor. So we started to think, you know what, if you settled one of these cases for $150,000, it's grossly undervaluing the case. If he has to admit to liability and you can multiply 150,000 times the number of offenses that he committed, it saves that victim from having to endure extensive discovery and intimidation that they -- especially L.M. -- was having to endure. And if we win that argument, then that's definitely the best way to try this case, especially for L.M.

Q Why that difference? Why would L.M. be shielded from abuse to which she was subjected in the state court proceeding if the determination was made to proceed in federal court under 18 USC 2255?

A If that determination was made in federal court, she would not have been shielded in state court, but we could have dismissed the state court claim and only proceeded under the federal case. Then we would be presenting a case in front of the jury where all of the -- let's call it dirt that Jeffrey Epstein had dug up about L.M. would not be -- would not all have to come into evidence, and we could save her some of the problems that we assessed as being problems with her case.

Q You spoke about the statute of limitations and L.M. turning 21. What is the statute of limitations that applies in a federal 18 USC 2255 claim?

A From recollection, there were two readings of the statute. I haven't seen the statute in a long time -- at least in a while -- but it's -- it uses some language that it's three years from the date that the disability no longer exists, which we interpret as her being a minor. So I think it's three years from the time that she's no longer a minor.

So at the time she turned 21, there was an argument that her 2255 claims, if we chose to proceed under them, would have expired.

Q Did the timing of the filing of that

federal action have anything to do with any factor, other than those that you have just described, the potential expiration of the statute of limitations and your desire to take advantage of the provisions of the non-prosecution agreement as a potential alternative to the state court claim?

A That is the only reason that we filed it at that time.

Q Did Scott Rothstein have any role whatsoever in that decision-making process?

A He never had any role in any decision-making process with anything to do with any of these cases, so no.

Q Did you become aware of the fact that your Epstein-related files at some point in time had been requested by Scott Rothstein?

A Yes.

Q How did you become aware of that?

A I think Mike told me -- Fisten.

Q Was there any explanation offered as to why Scott Rothstein wanted to see the Epstein-related files?

A That if these cases went to trial, he wanted to try the cases with me.

Q He who?

A He, Scott Rothstein, wanted to try the case with me. That's the explanation that I was given.

Q And was there anything suspicious about the head partner in the firm telling you that in this high-profile case he wanted to be part of the prosecution team?

A No. If my associate brought in a high-profile case right now, I would be the one to try the case, despite the fact that she may be the only one who knows anything about it. So there's nothing suspicious about that.

Q Files got returned to you?

A Yes, files did get returned to me.

Q And -- was there anything about the request for review of the files on the basis that Scott Rothstein was considering participating in the prosecution of those claims that aroused any suspicion on your part?

A No.

Q Was there anything else that went on in the short period of time that you were in that law firm that gave any cause for you to suspect that your files were being used in any way, directly or indirectly, in connection with any illegal activity of any kind?

A No. I was just a lawyer just working my case and trying to prove my case. That's it. I wasn't concerned with whatever other signals or signs there were. But there weren't any. The most suspicious thing was, there were police officers walking the hallway. But police officers in the building didn't give me that type of suspicion. It was an unnecessary degree of security over the law firm, at best. But with these files or any of the files, no suspicion whatsoever.

Q Who were your coworkers in that law firm? Who were the other lawyers that you were working with?

A Just generally who was in the law firm?

Q Yeah. Give us a general description of the quality of the people that were working for Rothstein, Rosenfeldt & Adler during the period of time that you became associated with the firm.

A Well, while I was at the firm, I worked with Bill Berger, who had just come off the bench. He was a judge.

Q There's been a number of references to Bill Berger having just come off the bench. Was Judge Berger a respected member of the judiciary in Palm Beach County?

A Very much so, and that's why I welcomed him to help with the file.

Q Did he leave under any circumstances that gave rise to any suspicion whatsoever?

MR. LINK: Object to the form.

THE WITNESS: Not at all.

BY MR. SCAROLA:

Q Who were the other people that you were working with?

A Like I said, I conducted -- I ran the files. But other people --

Q When I say working with, I'm not talking about limiting that question to people who worked on the Epstein files. Who were the other folks that were a part of this firm?

A Steve Jaffe, Gary Farmer, Matt Weissing. Gary's Farmer's father was an appellate judge. In fact, I think he was still on the bench then when we were working there together. Gary is a senator now. Matt Weissing, who became my partner. Steve Jaffe, same. Mark Fistos, same.

These are high-quality people. Good lawyers. The people that I associated with there, good lawyers, good people, not doing anything bad. They're just lawyers who are good lawyers. That's

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.
_____/

PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S APPENDIX IN SUPPORT OF HIS REVISED OMNIBUS MOTION IN LIMINE

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein") files this Appendix in support of his revised Omnibus Motion in Limine. Epstein will supplement this Appendix to attach the actual documents and testimony cited herein and in his revised Motion:

I. DOCUMENTS AND INFORMATION CITED OR REFERRED TO IN EPSTEIN'S COMPLAINT

A. Cited News Coverage: November 3–6, 2009

On November 3, 2009, the *South Florida Sun-Sentinel* printed an article entitled "Scott Rothstein's investment deals seemed too good to be true." Sally Kestin, Jon Burstein & Brittany Wallman, *Scott Rothstein's investment deals seemed too good to be true*, S. Fla. Sun-Sentinel, Nov. 3, 2009.[1] The *Sun-Sentinel* reported that "Rothstein attracted investors by promising huge returns and selling settlements he said he'd reached in sex discrimination and whistle-blower cases,

[1] Available at http://articles.sun-sentinel.com/2009-11-03/news/sfl-rothstein-investment-plan-11sbnov03_1_scott-rothstein-stuart-rosenfeldt-firm.

documents he gave prospective clients show." *Id.* The *Sun-Sentinel* quoted Alan Sakowitz, "a Miami lawyer and developer[] [who] told the Sun Sentinel he had met with Rothstein as a potential investor three times, but quickly became suspicious. 'I was convinced it was all a Ponzi scheme and I notified the FBI in detail how Scotty was hiding behind a legitimate law firm to peddle fake settlements,' Sakowitz said." *Id.* According to the *Sun-Sentinel*, a "spokesman for Banyan Income Fund, an investment group that collected $65 million and invested an undisclosed amount with Rothstein, said it contacted federal prosecutors in recent days with concerns about 'suspicious activity.'" *Id.* The *Sun-Sentinel* interviewed Rosenfeldt, who told the newspaper that "several of [his] co-workers may have done work for [Rothstein's] investment business without realizing its scope or nature." *Id.* The *Sun-Sentinel* reported that it had obtained "Rothstein's confidential offerings," which "describe[d] extremely high-paying but largely unregulated investment opportunities," one of which "offered investors a 36 percent return in three months, far more than the troubled stock and bond markets." *Id.* Sakowitz told the *Sun-Sentinel* that "Rothstein boasted of having sophisticated eavesdropping equipment and that former cops would sift through potential defendants' garbage," that "Rothstein claimed to have a 'huge volume of cases, an employer sleeping with the secretary or receptionist,'" and that Rothstein claimed he "offered his clients a way to avoid waiting for the [settlement] money by giving them a lesser amount, but in a lump sum up front[.]" *Id.* The *Sun-Sentinel* said that, according to Rothstein's offering documents, RRA "sought out sexual discrimination and whistle-blower cases and used former cops to dig up incriminating evidence," "the firm urged the targets of the claims to pay a settlement without a public lawsuit," "'[t]hese types of cases are highly confidential and thus, quite lucrative, because the defendants place a high premium on keeping the details of the case confidential,' and investors

"would receive the full settlement amount in three to 12 months, with a guaranteed minimum 20 percent return[.]"

On November 6, 2009, the *New Times Broward-Palm Beach* printed an article entitled "Scott Rothstein: The Jeffrey Epstein and Bill Clinton Ploy." Bob Norman, *Scott Rothstein: The Jeffrey Epstein and Bill Clinton Ploy*, New Times Broward-Palm Beach, Nov. 6, 2009.[2] According to the *New Times*, "[o]ne way" that Rothstein enticed investors "was by tricking [them] into believing that his firm was representing numerous underaged girls who had sex with Palm Beach billionaire and convicted child sex offender Jeffrey Epstein." *Id.* The *New Times* reported that "Rothstein claimed that he had flight logs showing that Epstein flew extremely prominent people, including former President Bill Clinton, on his private jet with some of the plaintiffs" and that Rothstein "told investors that Epstein, Clinton, and other celebrities involved basically had no choice but to settle these cases and that it was a veritable treasure-trove." *Id.* The *New Times* said that investors "then ponied up millions to invest in the settlements, pay out a portion of those settlements to the victims, and pocket the rest," but Rothstein was "fabricating the story" and there was "no indication that the former president, who was at one time a real friend of Epstein's, and other celebrity names bandied about by Rothstein were involved in any way." *Id.*

The *New Times* quoted "Fort Lauderdale attorney Bill Scherer, who [wa]s representing multiple Rothstein investors. . . . 'He used the [Epstein case] as a showpiece, as bait,' said Scherer. 'That's the way he raised all the money. He would use legitimate cases as bait for luring investors into fictional cases. All the cases he allegedly structured were fictional. I don't believe there was a real one in there.'" *Id.* The *New Times* mentioned "one legitimate case involving Epstein and

[2] Available at http://www.browardpalmbeach.com/news/scott-rothstein-the-jeffrey-epstein-and-bill-clinton-ploy-6471700.

an underaged girl" involving RRA; identified William Berger, not Edwards, as the attorney handling the matter; and reported that "[s]ources sa[id] they believe[d] Berger wasn't involved in Rothstein's scam." *Id.* A source described the Epstein fabrications as "one of Rothstein's more profitable creations," and told the *New Times* to "'[t]hink of the legitimate Epstein civil case as a car on the road, . . . [t]hen think of that car driving off the road onto heavy terrain and kicking into four-wheel drive. That's what happened here, and Rothstein was at the wheel.'" *Id.*

B. The Government's Civil Asset Forfeiture Complaint

On November 9, 2009, the United States Attorney's Office for the Southern District of Florida filed a civil forfeiture action against certain property of Rothstein. The complaint said Rothstein "and others" had been operating a Ponzi scheme since 2005. (S.D. Fla. Case No. 0:09-cv-61780-WJZ DE-1 ¶ 13.) The Government alleged that Rothstein had told potential investors that his firm had negotiated settlements between its clients and would-be defendants and that, under the terms of these settlements, the firm's clients would receive substantial payments in exchange for not filing "civil claims in sexual harassment and other labor-related cases." (*Id.* ¶ 14.) Rothstein offered investors an opportunity to purchase these settlements at a discount. (*Id.*) The firm's clients would receive less money, but they would be paid immediately in a lump sum. (*Id.*) Over time, the investors would receive the full value of the clients' settlements. (*Id.*) The problem, the Government alleged, was that the settlements were not real. (*Id.* ¶ 15.) Rothstein used new investors' money to pay older investors the money they were supposed to receive from the phony settlements they thought they had purchased. (*Id.*)

C. Referenced News Coverage: November 12, 2009

On November 12, 2009, the *South Florida Sun-Sentinel* printed an article entitled "FBI doubts Rothstein ran a Ponzi scheme alone." Sally Kestin and Peter Franceschina, *FBI doubts*

Rothstein ran a Ponzi scheme alone, S. Fla. Sun-Sentinel, Nov. 12, 2009.[3] The *Sun-Sentinel* reported that "[t]he FBI confirmed Thursday what many have speculated since the Scott Rothstein scandal broke: The flashy lawyer could not have defrauded investors of hundreds of millions without help. 'I do not believe that this was a one-man show,' said John Gillies, head of the FBI in South Florida." *Id.*

D. The Investors' Complaint

On November 20, 2009, William Scherer, the attorney quoted in the *New Times* article on November 6, 2009, sued Rothstein, David Boden, Debra Villegas, Andrew Barnett, TD Bank, N.A., Frank Spinosa, Jennifer Kerstetter, Rosanne Caretsky, and Frank Preve on behalf of investors Razorback Funding, LLC, D3 Capital Club, LLC, BFMC Investment, LLC, Linda Von Allmen (as trustee of the Von Allmen Dynasty Trust), D&L Partners, LP, and Dean Kretschmar. (17th Jud. Cir. Case No. 062009CA062943AXXXCE DE-3.) The plaintiffs alleged Rothstein had "devised an elaborate plan to assign putative plaintiffs' confidential settlements with structured payments to investors at a lump sum discounted rate. In reality, while some of the cases relied upon to induce investor funding were real, all of the confidential settlements were purely fabricated. Indeed, returns to earlier investors were not made *via* structured payments, but instead were made with the principal obtained from later investors—a classic Ponzi scheme." (*Id.* ¶ 2.) The plaintiffs further alleged that "[i]nvestors were told that the Principal Conspirators had an extensive in-house private investigative team, including former F.B.I. and C.I.A. agents, whose singular task was to obtain compromising evidence against high-profile putative defendants. Rothstein's story was that the evidence and surveillance acquired, often supporting civil causes of

[3] Available at http:// http://articles.sun-sentinel.com/2009-11-12/live/fl-rothstein-associates-20091112_1_rothstein-rosenfeldt-adler-scott-rothstein-alan-sakowitz.

action ranging from sexual harassment to mass tort cover-ups to whistle-blower claims, was presented to the putative defendant who was then offered an opportunity to avoid litigation and the negative publicity associated therewith by agreeing to resolve the matter voluntarily by and through a confidential settlement with the putative plaintiff." (*Id.* ¶ 28.) The investors alleged that "Rothstein would show investors the purported settlement agreement in an attempt to substantiate the deal; however, because the settlements were pre-suit and confidential, the names of the putative plaintiffs and putative defendants were redacted." (*Id.* ¶ 34.)

The investors further alleged "the purported settlements, *albeit* fraudulent, were based on actual cases being handled by RRA"—including one of Edwards' cases against Epstein:

> One of the settlements involved herein was based upon facts surrounding Jeffrey Epstein, the infamous billionaire financier. In fact, RRA did have inside information due to its representation of one of Epstein's alleged victims in a civil case styled *Jane Doe v. Jeffrey Epstein*, pending in the Southern District of Florida. Representatives of D3 were offered "the opportunity" to invest in a pre-suit $30,000,000.00, court settlement against Epstein arising from the same set of operative facts as the *Jane Doe* case, but involving a different underage female plaintiff. . . . To augment his concocted story Rothstein invited D3 to his office to view the thirteen banker's boxes of actual case files in *Jane Doe* in order to demonstrate that the claims against Epstein were legitimate and that the evidence against Epstein was real. In particular, Rothstein claimed that his investigative team discovered that there were high-profile witnesses onboard Epstein's private jet where some of the alleged sexual assaults took place and showed D3 copies of a flight log purportedly containing names of celebrities, dignitaries and international figures. Because of these potentially explosive facts, putative defendant Epstein had allegedly offered $200,000,000.00 for settlement of the claims held by various young women who were his victims. Adding fuel to the fire, the investigative team representative privately told a D3 representative that they found three additional claimants which Rothstein did not yet know about. . . .
>
> Additionally, Rothstein used RRA's representation in the Epstein case to pursue issues and evidence unrelated to the underlying litigation, but potentially beneficial to lure investors into the Ponzi scheme. For instance, RRA relentlessly pursued flight data and passenger manifests regarding flights Epstein took with other famous individuals knowing full well that no under age women were on board and no illicit activities took place. RRA also inappropriately attempted to take the depositions of these celebrities in a deliberate effort to bolster Rothstein's lies.

(*Id.* ¶¶ 40–41.)

The investors also alleged that, "even after Rothstein's October 27, 2009 departure to Morocco, millions of dollars continued to flow out of RRA accounts from the Fort Lauderdale TD Bank accounts, indicative of an insider(s) maintaining operations of the Ponzi scheme." (*Id.* ¶ 102c.) The investors further alleged that "[a] Ponzi scheme cannot be operated without insider help. Plaintiffs believe that additional members of RRA, including its non-lawyer investigators, were used by Rothstein to perpetuate, promote and facilitate the Ponzi scheme. The details of these individuals['] or entities['] involvement¶ and participation is presently unknown but further allegations and counts will be added as discovery is conducted and information concerning the complicity of these individuals or entities is confirmed." (*Id.* ¶ 103.)

E. Cited News Coverage: November 24, 2009

On November 24, 2009, *The Miami Herald* printed an article entitled "Feds: Scott Rothstein Ponzi scheme paid salaries at law firm." Jay Weaver & Scott Hiaasen, *Feds: Scott Rothstein Ponzi scheme paid salaries at law firm*, The Miami Herald, Nov. 24, 2009. According to the article, "Rothstein's law firm generated revenue of $8 million in one recent year, yet his 70-lawyer firm had a payroll of $18 million, prosecutors said. Rothstein, who owned half of Rothstein Rosenfeldt Adler, used investors' money from his Ponzi scheme to make up the shortfall, they said." *Id.* The article further reported that "[t]he civil forfeiture is based on money-laundering allegations that Rothstein amassed his fortune by defrauding investors, prosecutors said. Investors bought shares in his fabricated confidential settlements from employment-discrimination and other civil cases during the past four years – investments that promised returns of up to 40 percent." *Id.*

F. Amended Complaints Filed By The Government & Investors

On November 23, 2009, and November 27, 2009, the United States Attorney's Office for the Southern District of Florida filed amended civil forfeiture complaints against Rothstein's

property. (S.D. Fla. Case No. 0:09-cv-61780-WJZ DE-14, DE-19.) The Government again alleged that Rothstein "and others" had been running a Ponzi scheme. *See id.*

Scherer filed an amended complaint on behalf of the investor plaintiffs on November 25, 2009. (*See* 17th Jud. Cir. Case No. 062009CA062943AXXXCE DE-12.) The amended complaint quoted a November 23, 2009, interview of Rothstein by the Sun-Sentinel: "Rothstein . . . stated that 'karma has caught up with him, but it will catch up with others too . . . You're in a town full of thieves, and at the end of the day, everyone will see. I'll leave it at that.'"[4] (*Id.* ¶ 7.) The plaintiffs did not amend their allegations concerning the cases against Epstein. (*See generally* 17th Jud. Cir. Case No. 062009CA062943AXXXCE DE-12.)

G. Rothstein Arrested; Criminal Information

On December 1, 2009, the FBI arrested Rothstein and the United States Attorney's Office for the Southern District of Florida filed a criminal information against him. The information identified RRA as a criminal enterprise. (S.D. Fla. Case No. 0:09-cr-60331-JIC DE-1 ¶ 2.) The government alleged that, from 2005 until November 2009, Rothstein and others had engaged in a pattern of racketeering activity that included mail fraud, wire fraud, money laundering, and conspiracy to launder money. (*Id.* ¶¶ 3–4.) According to the Government, Rothstein and his unidentified co-conspirators had operated a Ponzi scheme and obtained $1.2 billion from investors by fraud. (*Id.* ¶ 6.) The Government repeated its allegations that Rothstein had lied to investors,

[4] The amended complaint misquotes the article slightly. "'You're hurting my daughter, you're hurting my son,' [Rothstein] said. (Rothstein has a biological daughter who is 16, and the son he's talking about is someone he took on as a sort of mentor, he said this summer.) 'Haven't I already hurt them enough?' he asked, before delivering a final 'message' and hanging up. He called back this evening, responding to a text message. He said karma is going to get him, but it's going to get other people, too. 'You're in a town full of thieves, and at the end of the day, everyone will see. I'll leave it at that.'" Brittany Wallman, *Scott Rothstein: "You're in a town full of thieves"*, S. Fla. Sun-Sentinel, Nov. 23, 2009. Available at http://www.sun-sentinel.com/sfl-mtblog-2009-11-scott_rothstein_havent_i_hurt-story.html.

had told them that his firm had settled certain sexual harassment and whistleblower cases on behalf of its clients and obtained sizeable payouts, and had offered investors the opportunity to purchase these phony settlements at a discount. (*Id.* ¶¶ 10–11.) The Government alleged that Rothstein and his co-conspirators had "created false and fictitious documents, including confidential settlement agreements," and "made false statements to current investors in order to convince them to re-invest in additional purported confidential settlement agreements." (*Id.* ¶¶ 21, 23.)

II. EPSTEIN'S DEPOSITION TESTIMONY AND AFFIDAVIT REGARDING PROBABLE CAUSE

A. Epstein's Deposition—March 17, 2010

Epstein testified as follows:

Q. Why are you suing L.M.?

A. L.M. is part of a conspiracy with Scott Rothstein, Bradley Edwards, creating -- excuse me -- creating fraudulent cases of a sexually charged nature in which the U.S. Attorney has already charged the firm of Rothstein, a firm of which Bradley Edwards is a partner, was a partner, with creating, fabricating malicious cases of a sexual nature, including cases with respect to me, specifically, in order to fleece unsuspecting investors in South Florida out of millions of dollars.

Q. What role do you contend L.M. played in that conspiracy to create fraudulent cases?

A. L.M.'s testimony before she met Mr. Edwards was dramatically -- sworn testimony to the FBI was dramatically different after she came in contact with Mr. Bradley Edwards, where her testimony then changed to sort of a hostile and had claims of -- claims never made before, never made to anyone before, and allegations that I've read in her Complaint that that had been dramatically different from the ones she had spoken to the FBI about, sir.

(Tr. at 13:9–14:8.)

Q. Your Complaint in this action alleges that L.M. made claims for damages out of proportion to her alleged damages. What does that mean?

. . .

A. I believe that as part of the scheme to defraud investors in South Florida out of millions of dollars, claims of outrageous sums of money were made on behalf of alleged victims across the board. And the only way -- in fact, Scott Rothstein sits in jail. And what I've read in the paper, claims that I've settled cases for $200-million, which is totally not true. She has made claims of serious sum of money, which is outrageous.

(Tr. at 19:7–20:1.)

Q. Did Brad Edwards do anything that he shouldn't have done that forms the basis of your lawsuit against him?

. . .

A. Yes, many things.

Q. List them for me, please.

A. He has -- he has gone to the media out of, I believe, in an attempt to gin up these allegations. He has contacted the media. He has used the media for his own purposes. He has brought discovery -- he has engaged in discovery proceedings that bear no relationship to any case filed against me by any of his clients. His firm, which he's the partner of, has been accused of forging a Federal Judge's signature.

(Tr. at 23:4–19.)

Q. Besides having gone to the media in an attempt to, quote, gin up, unquote, these allegations and engaged in what you contend to be irrelevant discovery proceedings, what else did Mr. Edwards, personally, do that forms the basis for this lawsuit?

A. Mr. Edwards, personally, engaged with his partners, Scott Rothstein, who sits in a Federal jail cell, potentially for the rest of his life, he shared information, what I've been told and -- excuse me -- what I've read in the newspapers, 13 boxes of information that had my name on it, with other attorneys at his firm. He counseled his clients to maintain a position alleging multi-million dollar damages in order for them to scam local investors out of millions of dollars. He and his -- many of his other partners already under investigation by the FBI and the U.S. Attorney have been accused by the U.S. Attorney of running a criminal enterprise.

Q. Anything else?

. . .

A. Not [that] I can think of at the moment?

Q. Okay. What media did Mr. Edwards go to?

A. I am aware of at least the Daily News in New York City. I have been told by other people that there were other media, local media. I've been told that the -- his investigator was sent to California to harass people representing his -- Brad Edwards' investigator -- representing fictitiously, fraudulently that he was a FBI agent to try to gather information for Mr. Edwards' claims.

(Tr. at 25:6–26:15.)

Q. What does an investigator going to California have to do with Mr. Edwards allegedly going to the media in an attempt to, quote, gin up, unquote, these allegations?

. . .

A. . . . It's part of Mr. Edwards' scheme to involve people who have nothing to do with any of his cases in order to, in fact, go back to the media and gin up his stories and make false allegations of people that have sexually charged nature cases in order to attempt to fleece investors, local investors out of millions of dollars. His firm has been accused by the U.S. Attorney of manipulating the media, by hiring investigators, by illegal wire taps, by illegal methods of eavesdropping in order to go to the media and generate cases.

Q. When did Mr. Edwards go to the Daily News?

A. I don't know.

Q. How did he go to the Daily News?

A. I don't know.

Q. What did he say to the Daily News?

A. I believe Mr. Edwards knows that. I don't know exactly what he said.

Q. What is the source of your information that he went to the Daily News at all, ever?

. . .

A. It's attorney/client.

Q. You said you were told by other people that he went to other media representatives?

A. Yes, sir.

Q. Who are the other people that told you that?

A. I don't recall at the moment.

Q. What did these other people who you don't remember tell you Mr. Edwards did with respect to other media representatives besides the Daily News?

A. Again, the question again?

Q. What did these other people tell you Mr. Edwards did with respect to going to other media?

. . .

A. Mr. Edwards went to the media to gin up his cases in order that the Rothstein firm could generate profits, falsely taking in investors, creating false stories to the local medias and

making statements to local press regarding false claims made by his clients in order that Scott Rothstein, who currently sits in jail, could defraud, along with his other partners of his firm, local Florida investors, Mr. Scarola, out of millions of dollars.

Q. When did these other people whose identity you can't remember tell you these things that Brad Edwards did.

A. Sometime in the past year.

Q. How many other people were there who told you these things about Mr. Edwards?

A. I don't recall with specificity.

Q. Well, do you recall in any degree how many there were?

A. I would say, probably five to ten.

Q. Where were you when these conversations took place that you can't -- the identity of those participants you can't remember?

Mr. Pike: So we're clear, within the last year -- correct? -- timewise?

Mr. Scarola: Well, that's what your client said. I don't believe a word he says, but that's what he said.

. . .

A. Again, sir?

Q. Yes, sir. Where did these conversations with these five to ten people take place whose identity you can't remember?

. . .

A. On the telephone.

Q. Who initiated the phone calls?

A. Sir, these questions, I have no -- I don't have any recollection.

Q. Did the people who were on the phone identify themselves or were these anonymous callers?

A. Sitting here today, Mr. Scarola, I don't recall with specificity.

Q. What specifically did Mr. Edwards allegedly communicate to the Daily News to quote, gin up these allegations, unquote?

A. The newspapers have quoted Mr. Edwards -- not quoted Mr. -- newspapers have made allegations referred to as Mr. Edwards' statements.

Q. Would you read the question back, please, Sandy?

. . .

A. He alleged that third parties had already been involved in some allegations to do with sexual misconduct.

Q. Which third parties?

A. I don't recall sitting here today.

Q. Involved how?

. . .

A. If I recall with specificity, if I had the articles in front of me, I would be able to recall. Maybe next time.

Q. What does "gin up these allegations" mean?

. . .

A. It means craft allegations of multi-million dollar cases; in fact, alleging in L.M.'s case damages of $50-million, settlements in order for Scott Rothstein and the rest of Mr. Edwards' partners to fleece unsuspecting investors out of millions and millions of dollars based on cases that didn't exist or alleged cases that I had settled.

(Tr. at 28:14–33:21.)

Q. Was your reference to, quote, gin up these allegations, unquote, a reference to allegations made against you?

. . .

A. As part of the vast conspiracy of the Rothstein firm and Mr. Edwards' participation in it, it has been alleged that many cases were fraudulently brought -- alleged that have been brought; ginned up, meaning, crafted, multi-million dollar numbers put on cases in order to fleece investors, where his partner, Scott Rothstein, currently sits in jail for just those purposes, Mr. Scarola.

Q. My question to you is: Did the reference to, quote, gin up these allegations refer to allegations against you?

A. Reported in the newspaper the answer is, yes. And others, but specifically me, yes, by the newspaper reports.

(Tr. at 34:3–22.)

Q. What specific discovery proceedings did Mr. Edwards engage in which you contend form the basis for your lawsuit?

A. The discovery proceedings of bringing my attorneys to various people that had nothing to do with any of his clients or these lawsuits.

Q. Which various people? Who?

. . .

A. For example, he tried to depose Bill Clinton, strictly as a means of getting publicity so that he and his firm could fraudulently steal, craft money from unsuspecting investors in South Florida out of millions of dollars.

(Tr. at 36:10–23.)

Q. You said something about Mr. Edwards sharing 13 boxes of information with somebody - -

A. Yes.

Q. -- as forming part of the basis for your lawsuit against Mr. Edwards, correct?

A. Correct.

Q. All right. With whom did Mr. Edwards share these 13 boxes of information?

A. It has been reported in the Scherer Complaint that he shared those boxes with the partners of his firm that was then formally accused by the U.S. Attorney, sir, of being a criminal enterprise.

. . .

Q. Do you remember my question?

A. You asked me who he shared it with?

Q. Yes.

A. The partners of his firm, sir.

Q. Okay. So part of the basis of your lawsuit is that Mr. Edwards allowed members of his own law firm to see 13 boxes of information; is that correct?

A. No, that's not correct. My claim is that the 13 boxes of information that were shown to investors by Mr. Edwards' partners, 13 boxes that we've been told by the press contain multiple cases, fraudulently -- and if you like the word -- fabricated in order to fleece

investors out of money. The 13 boxes were shared with investors, Mr. Edwards, Mr. Edwards' partners and some of those partners currently under indi[ct]ment, the others already sitting in jail.

(Tr. at 37:18–38:22.)

Q. Which newspaper said which case was fabricated?

A. Bob Norman's blog said most of the cases were fabricated, to my best recollection. The Scherer complaint alleged many fabricated cases, sir.

(Tr. at 39:7–12.)

Q. Among the allegations of wrongdoing against Mr. Edwards which you contend form the basis of this lawsuit is something having to do with sending an investigator to California. Would you tell me, please, more specifically what it is that Mr. Edwards did with regard to sending an investigator to California which you contend justifies a legal claim against Mr. Edwards[?]

. . .

A. Reported widely in the newspapers is the use of illegal activities, wire taps, and methods by the Rothstein firm while Mr. Edwards had basically been bringing these cases. The investigator, Mr. Fisten, who's mentioned in the Complaint, represented himself as an FBI agent, falsely represented himself as an FBI agent.

Q. Do you have any personal knowledge of anything that Mr. Fisten did while Mr. Fisten was in California?

. . .

A. I'm sorry. Based on attorney/client privilege, I can't answer.

(Tr. at 48:9–49:11.)

Q. Is it your contention that Mr. Edwards was involved in an illegal wire tap?

A. It was widely reported in the newspaper --

Q. I'm not asking [if] it was reported --

A. Excuse me.

Q. -- in the newspaper.

A. Excuse me.

Q. I want to know whether your contention is that Mr. Edwards was involved in an illegal wire tap.

. . .

A. It's been widely reported in the newspaper that his firm and his partners were involved in illegal wire taps, eavesdropping, hired former FBI and law enforcement officials in order to fabricate cases of a sexually charged nature against me and others.

Q. Do you have any personal knowledge of Mr. Edwards ever having engaged in any illegal wire tap?

A. I have no personal knowledge; however, what I read in the newspapers and is widely reported is that his firm, and I believe Mr. Sakowitz went to the FBI after he was told that the firm was engaged in illegal wire taps and his partners were engaged in illegal wire taps. The FBI, the U.S. Attorney has accused his firm of RICO, being the largest criminal fraud enterprise in South Florida's history and engaged in illegal wire taps. But the answer specifically to your question about personal knowledge, sir, no.

Q. Do you have any personal knowledge of Mr. Edwards ever having been involved in any illegal or improper eavesdropping?

A. It's been widely reported in the newspapers in South Florida that Mr. Edwards' firm, his partners were involved in illegal wire taps, illegal fact gathering, using what the newspapers quoted as sophisticated methods. Mr. Sakowitz, who was approached as an investor, and Mr. Scherer, who's filed a Complaint, alleges similar activities. But personal knowledge, myself, sir, no.

Q. Do you have any personal knowledge that Bradley Edwards was ever involved in obstructions of justice?

. . .

A. It's attorney/client privilege, I'm afraid.

Q. Do you have any personal knowledge that Bradley Edwards was ever involved in any actionable frauds?

. . .

A. . . . Outside of the newspapers, which have accused his firm of a monstrous fraud, purported to be the largest fraud in South Florida's history, accused by the U.S. Attorney, where his partner sits in jail -- excuse me -- reported in the newspapers of boxes of material on Jeffrey Epstein, separate and apart from the allegations of fraud by his partners, I cannot answer that question because of attorney/client privilege.

Q. Do you have any personal knowledge that Bradley Edwards ever forged Federal Court Orders and/or Opinions?

A. It's attorney/client privilege.

Q. Do you have any personal knowledge that Bradley Edwards was ever involved in the marketing of non-existent Epstein settlements?

. . .

A. I'm sorry. I would like to answer that question, but on attorney/client privilege I cannot today.

Q. It is alleged in your Complaint that you were subject to, quote, abusive investigatory tactics. Other than those matters previously referred to in earlier questions, is it your contention that Bradley Edwards had any personal involvement in any other, quote, abusive investigatory tactics?

. . .

A. It's been widely reported in the newspapers that Mr. Edwards' firm was engaged in widely -- wildly abusive practices throughout the State of Florida in order to fleece unsuspecting investors out of millions of dollars. The U.S. Attorney's Complaint alleges his firm engaged in a corrupt criminal enterprise. Mr. Scherer's Complaint alleges monstrous amounts of fraud and discovery abuse. I have no personal knowledge, separate from the attorney/client privileged information, regarding Mr. Edwards.

Q. Do you have any personal knowledge that Bradley Edwards ever filed legal papers that were unsupportable?

. . .

A. I'm afraid it's attorney/client privilege.

Q. Do you have any personal knowledge that Mr. Edwards was ever involved in any conduct that, quote, compromised the core values of both State and Federal justice systems in South Florida?

. . .

A. Can you just ask -- can you define for me what you mean by "personal knowledge," sir?

Q. Yes. Did you ever see, hear, smell, taste, or touch anything that communicated to you directly and not through the report of some third person or newspaper that Bradley Edwards was personally involved in compromising the core values of both State and Federal justice systems in South Florida.

Mr. Pike: Form. Same instruction with regard to attorney/client.

A. Yes. Are you suggesting that anyone who told me specifically or things that I might have read that specifically relate to him, is not what you've been asking me for?

Q. Yes, sir, that's exactly right.

A. You told me if I hear something, that's not personal knowledge.

Q. Not if you hear it from somebody else.

A. Who else would I hear it from, besides somebody else, sir?

Q. Well, if you heard it directly yourself.

A. From who?

Q. Maybe Mr. Edwards.

A. Uh-huh. Is that the only person, sir?

Q. That's the only person, that's correct.

A. Well, if it's the only person, separate from attorney/client privilege, I cannot answer that.

(Tr. at 49:13–55:22.)

Q. Your Complaint makes reference to a purpose in filing this lawsuit --

A. Yes.

Q. -- to vindicate the hardworking and honest lawyers and their clients who were adversely affected by the misconduct that is the subject of this Complaint.

A. Yes, sir.

Q. Who are those hardworking and honest lawyers on whose behalf you are bringing this Complaint?

. . .

A. Yes. The U.S. Attorney, sir, has accused the Rothstein firm of misusing the entire legal system, a level of abuse never seen before in the United States history, of forging documents, an affront to any decent lawyer, signing Judge's Orders, sending false statements to other lawyers. The people who have been -- excuse me -- the Complaint by the U.S. Attorney, in fact, describes the behavior of the law firm, as well as Mr. -- my Complaint says, Mr. Edwards being a part of that.

(Tr. at 57:2–57:25.)

Q. I want to know who the, quote, "hardworking and honest lawyers" are that are referred to in that section of your Complaint.

A. My attorneys, at least, are honest.

Q. Which ones?

A. All of them.

Q. And you say that you want to vindicate the hardworking and honest lawyers and their clients?

A. That's correct.

Q. Which clients?

A. Me, some of the other clients, in fact, abused by the Rothstein firm. I don't know the full extent. Hopefully when we get to trial, we're going to find out the extent of the people, the lawyers, the clients that were abused by Mr. Edwards and the Rothstein firm. We have asked for Scott Rothstein's deposition. We hopefully will get it. Maybe he will give us some insight on how other lawyers have, in fact, been handled and the abuses they've undergone, including forging a Federal Judge's signature, sir.

(Tr. at 59:11–25.)

Q. And did you mean to say what this sentence says, "the Rothstein racketeering enterprise endeavored to vindicate the hardworking and honest lawyers and their clients, who were adversely affected by the misconduct that is the subject of this Complaint?"

Mr. Pike: Okay. I'm going to move to strike. Mischaracterizes the language of the document. The document reads as follows, for purposes of the record: "The Rothstein racketeering enterprise endeavored to compromise the core values of both State and Federal justice systems in South Florida and to vindicate the hardworking and honest lawyers and their clients who were adversely affected by the misconduct that is the subject of this Complaint."

Q. Is that what you meant to say?

A. What I meant to say, it is -- seems to me somewhat unclear -- is that the Rothstein firm, along with Mr. Edwards, is part of a criminal enterprise, the largest -- excuse me -- the largest criminal enterprise in South Florida's history, forging Judges' signatures, engaging in illegal wire taps, illegal behaviors. And part of this lawsuit should vindicate, which means, I believe should set right. And if it's not clear, the Rothstein firm compromised the core values of our legal justice system. It abused every -- many of the precepts, the most basic values of the American justice system. And, in fact, I believe this lawsuit, part of the reason for filing this lawsuit, it will disclose the various techniques of attorney/client privilege, abuse of technique, abuse of discovery, illegal wire taps, forging signatures engaged in by both Mr. Edwards and his firm.

Q. So it is your contention that Mr. Edwards was part of a criminal enterprise?

A. Yes, it is.

Q. Knowingly part of a criminal enterprise?

. . .

A. Attorney/client privilege.

(Tr. at 62:13–64:3.)

Q. What knowledge do you have of Brad Edwards ever having personally engaged in mail fraud?

A. It's been widely reported in the press.

Q. I'm going to withdraw my question. What person knowledge do you have of Bradley Edwards ever having been engaged in any mail fraud?

A. Will you describe what you mean by "personal knowledge," sir?

Q. I mean direct observation through your senses on your part.

A. So are you asking me whether or not I've witnessed him sending something directly, putting physically in the mail, sir?

Q. I'm asking whether you have ever personally witnessed Bradley Edwards ever having engaged in mail fraud.

A. I'm not sure how that's possible for anybody to witness a mail fraud, so would you inform me how it's done?

Q. So the answer to my question is, you don't know; is that correct?

A. My answer to your question is -- . . . I've asked for a clarification.

Q. Have you ever personally witnessed Bradley Edwards engaging in mail fraud?

. . .

A. No, sir.

Q. Have you ever personally witnessed Bradley Edward -- Edwards engaged in wire fraud?

A. How would one -- I'm not sure how anyone would personal -- have personal knowledge, witness someone engaging in wire fraud, unless they were simply sitting over their computer looking at their bank accounts. So, unfortunately, I would have to say, no, sir.

Q. Have you ever personally witnessed Bradley Edwards engaged in money laundering?

. . .

A. Again, sir, the U.S. Attorney's Complaint of the Rothstein firm alleges money laundering, wire fraud, mail fraud, RICO claims of Mr. Edwards' partners and his firm, calling the firm

the largest criminal enterprise in South Florida's history, accused of fabricating malicious cases, sir, of a sexually charged nature in order to fleece unsuspecting South Floridians out of millions of dollars.

Q. And I'm trying to find out, Mr. Epstein, whether you have any evidence whatsoever that Mr. Edwards ever personally participated in any of that wrongdoing?

. . .

A. I'm afraid it will be attorney/client privilege, sir.

Q. Do you have any evidence -- knowledge of any evidence whatsoever that Mr. Edwards ever participated in any effort to market any kind of investment in anything?

A. I would have to claim attorney/client privilege on that, sir.

Q. Do you have knowledge of any evidence whatsoever that Mr. Edwards was ever a participant in devising a plan through which were sold purported confidential assignments of a structured payout settlement?

A. The newspapers and blogs have widely reported that Mr. Edwards' firm crafted -- would you repeat the question for me, again, sir? I'm sorry.

Q. Yes, sir. I want to know whether you have any knowledge of evidence that Bradley Edwards personally ever participated in devising a plan through which were sold purported confidential assignments of a structured payout settlement?

. . .

A. I'd like to answer that question by saying that the newspapers have reported that his firm was engaged in fraudulent structured settlements in order to fleece unsuspecting Florida investors. With respect to my personal knowledge, I'm unfortunately going to, today, but I look forward to at some point being able to disclose it, today I'm going to have to assert the attorney/client privilege.

Q. Your Complaint alleges that Rothstein and others in RRA were using RRA to market investments. Who are the others referred to in the Complaint?

A. From my understanding of the U.S. Attorney's Complaint, from Mr. Scherer's Complaint, it is the partners and people who held themselves out to be partners of the Roth -- Scott Rothstein, including Mr. Berger, Mr. Adler, Mr. Edwards and other people associated with the firm like Mr. Fisten, Diane Villegas, if that's how you pronounce her name, Russell Adler, and many of the other partners of his firm currently under investigation by either the Florida Bar or the U.S. Attorney or FBI or all of the above, sir.

Q. Which -- which source of information referenced in that answer specifically made reference to Mr. Edwards?

A. I don't recall, sir.

Q. But you do have a recollection that one or more of them did; is that correct?

A. I don't recall, sir.

(Tr. at 64:20–69:6.)

Q. Did anyone ever sift through your garbage looking for damaging evidence?

A. It's been widely reported in the newspapers, sir, that the Rothstein firm engaged in sifting through many people's garbage in order -- in an attempt to blackmail them.

(Tr. at 74:5–10.)

Q. Yes. I'd like to know what the answer to that question is. Did anyone ever sift through your garbage looking for damaging evidence?

. . .

A. I don't know.

(Tr. at 74:4–8.)

Q. Do you have any information indicating that Bradley Edwards ever had any knowledge of anyone associated with the Rothstein firm holding meetings during which, quote, "false statements were made about the number of cases/clients that existed or RRA had against Epstein and the value thereof," unquote?

. . .

A. My best recollection is the U.S. Attorney has accused the Rothstein firm of just those types of meetings where the partners got together, schemed to defraud local investors of millions of dollars by fabricating cases of a sexually charged nature. And whether Mr. Edwards personally participated, I'm going to at least today, sir, have to assert the attorney/client privilege, but look forward to one day disclosing it.

(Tr. at 76:24–77:15.)

Q. Paragraph 23 of your Complaint says that: "RRA, Rothstein and Edwards, claiming the need for anonymity with regard to existing or fabricated clients, they were able to effectively use initials," et cetera. Do you have any knowledge that Bradley Edwards fabricated a client to bring a claim against you?

. . .

A. I believe Mr. Scherer's Complaint --

Q. I'm not asking about Mr. Scherer's Complaint. I'm not asking about any evidence that you have.

. . .

A. The pleadings of Mr. Scherer and his claim against the Rothstein firm for a massive fraud, as well as Mr. Sakowitz's claims to -- at least in the -- described in the public press, because he went to the FBI, for fabricating cases that included initials. With respect to anything specific with Mr. Edwards, I'm going to have to claim the attorney/client privilege today, sir.

Q. Do you have any -- do you have knowledge of the existence of any evidence that Bradley Edwards knew that Rothstein was utilizing RRA as a front for a Ponzi scheme?

. . .

A. That's attorney/client privilege.

Q. Do you have any knowledge of any evidence that would indicate Bradley Edwards should have known that Rothstein was utilizing RRA as a front for a Ponzi scheme?

. . .

A. And today I'm going to have to assert the attorney/client privilege. . . . Separate from the communication I've had with my attorneys, I can't answer that question.

(Tr. at 77:19–80:6.)

Q. Do you have any evidence that Brad Edwards sold, allowed to be sold and/or assisted with the sale of an interest in non-settled personal injury lawsuits?

. . .

A. The newspapers have widely reported that the Rothstein firm engaged in illegal structured settlements of cases of a sexual nature, including specifically, me. We have subpoenaed the documents from Mr. Edwards and his firm and we have not been able to get them as of yet. I am confident that once we do, I will be able to answer your questions with more specificity.

Q. As you sit here today, do you have any evidence whatsoever to support an assertion that Bradley Edwards, individually and personally, sold, allowed to be sold and/or assisted with the sale of an interest in non-settled personal injury lawsuits?

. . .

A. You said, allowed to be sold. I'm going to assert attorney/client privilege to the answer, I'm afraid, but I'd like to answer that question.

Q. Do you have knowledge of any evidence indicating that Bradley Edwards ever reached agreements to share attorney's fees with non-lawyers?

. . .

A. In fact, Mr. Scarola, we have subpoenaed Mr. Edwards' documents and documents from his firm that I believe will, in fact, give me more specificity with the answers to that question. I'm looking forward to getting the -- that specific evidence. With respect to what we currently know, sitting here today, I'm unfortunately going to have to claim my attorney/client privilege.

Q. Do you today have any evidence to support an assertion that Bradley Edwards ever used investor money to pay L.M., E.W., and/or Jane Doe up-front money, such that they would refuse to settle civil actions?

. . .

A. I'm going to have to assert the attorney/client privilege, I'm afraid, though I'd like to answer that question as well, sir.

Q. Do you have any evidence to support the assertion that Bradley Edwards conducted searches, wire taps or intercepted conversations in violation of State or Federal laws and Bar rules?

A. Your question, once again asked did Mr. -- was Mr. Edwards personally involved in the eavesdropping? Did he walk to someone's house and sort of put a bug in their house? Did he, personally, stand outside? The question is, did Mr. Edwards' firm engage in this behavior in an attempt to defraud local investors out of millions of dollars? The U.S. attorney has filed a Complaint saying that they did. The Complaints filed by Scherer saying that his firm did. The Scherer Complaint says my name and the boxes of files that we've subpoenaed used my name, sir. We have requested information, but up until today have not received any. To give you a more specific answer, I'm afraid I cannot.

Q. Do you have knowledge of any evidence that Bradley Edwards ever conducted searches, wire taps or intercepted conversations in violation of State or Federal laws and Bar rules?

. . .

A. The newspapers and the U.S. Attorney's Complaint widely reported that Mr. Edwards' firm and people hired by his firm, investigators hired by his firm fraudulently representing themselves as FBI agents engaged in just those activities, sir.

Q. Do you have any knowledge of any evidence that Bradley Edwards was ever aware of any such activities.

A. I'm going to have to -- . . . assert the attorney/client privilege to that, sir.

Q. Do you have any knowledge that Bradley Edwards ever participated in or was aware of actions that utilized the judicial process, including, but not limited to, unreasonable and unnecessary discovery for the sole purpose of furthering a Ponzi scheme?

. . .

A. The pleadings of Mr. Scherer with respect to the largest Ponzi scheme in South Florida's history engaged in by Mr. Edwards' firm and Scott Rothstein, who currently sits in jail, probably for the rest of his life for engaging in, not only illegal wire taps and eavesdropping, but an abuse of the entire legal system, I believe speaks for itself. Unfortunately, with respect to Mr. Edwards today, I'm going to have to assert the attorney/client, work privilege, sir.

Q. Is it your contention that Mr. Scherer's Complaint even contains the name Bradley Edwards?

A. I don't recall, sir.

(Tr. at 83:11–88:18.)

Q. What are the damages that you claim to have suffered as a consequence of any wrongdoing on the part of Bradley Edwards?

A. The cost of ridiculous litigation, of having my attorneys prepare responses to wildly irrelevant discovery in various locations at a minimum, sir.

Q. Which lawyers?

A. Burman Critton, Jack Goldberger, and a bunch of the others, sir.

Q. Which ones? Name them for me, please.

A. Specifically -- I have so many lawyers defending me here against Mr. Edwards, I can't sit here -- at the moment I can't recall it with specificity.

Q. You don't remember any of your lawyers' names?

A. Uh, I do.

Q. Besides Mr. -- besides the Burman Critton firm and Mr. Goldberger?

A. Are you asking me for the firm, sir, or are you asking me for the names?

Q. I want as much information as you can give me about this element of damage which you claim; and, that is, the cost of legal services that you claim to be damages in this case.

A. Okay. . . . Mr. Roy Black.

Q. Okay. Who else?

A. Mr. Marty Weinberger. Mr. Alan Dershowitz. Mr. Jay Lefkowitz. The firm of Burman Critton Luttier. That's it for the moment.

Q. How much have you paid the law firm of Burman Critton and Luttier which you claim is damages?

A. Hundreds of thousands of dollars, sir.

Q. How much?

A. I don't have that figure offhand.

Q. Can you give us any better figure than hundreds of thousands of dollars?

A. No, not sitting here today.

Q. Are you paying them on an hourly basis?

A. Yes, sir.

Q. What is the hourly rate at which you are compensating members of the law firm?

A. They're ordinary rates.

Q. What are they?

A. I don't know.

Q. How much have you paid Mr. Goldberger?

A. I'm not aware total amount, sir.

Q. What is the hourly rate at which you're paying Mr. Goldberger?

A. His normal hourly rate.

Q. How much is that?

A. I don't know.

Q. How much have you paid Mr. Black which you claim as damages in this case?

A. Hundreds of thousands of dollars.

Q. Are you paying him on an hourly basis?

A. I believe so.

Q. What is the hourly rate?

A. I'm not -- I do not know, sir.

Q. How much have you paid Marty Weinberger?

A. I don't know the exact amount, sir.

Q. What's your best estimate?

A. More than a hundred thousand dollars.

Q. Are you paying him on an hourly basis?

A. I believe so.

Q. What's the hourly rate?

A. I don't know, sir.

Q. How much have you paid Alan Dershowitz?

A. Hundreds of thousands of dollars.

Q. Are you paying him on an hourly basis?

A. I believe so.

Q. At what hourly rate?

A. I don't know, sir.

Q. How much are you paying Jay -- how much have you paid Jay Lefkowitz?

A. I'm not sure, sir.

Q. Do you have any idea at all?

A. More than a hundred thousand dollars.

Q. Are you paying him on an hourly basis?

A. Yes, sir.

Q. What's the hourly rate?

A. I don't know.

Q. What is the form of payment to your lawyers? How do you transfer money to them?

A. I don't know, sir.

. . .

Q. Pardon me?

A. I don't know.

Q. Does someone do that on your behalf?

A. I would guess so.

Q. Who?

A. I don't know.

. . .

Q. Are there any other elements of damage, apart from the money paid to lawyers?

A. Yes, sir.

Q. What?

A. The stress and emotional damage of imperiling my friendships and business relationships with no relevance whatsoever to these cases, brought by a firm that whose partner sits in a Federal prison, who engaged in discovery to harass my friends and social contacts with no consideration or relevance to this case whatsoever, in an attempt to simply fleece -- partly fleece investors in South Florida out of millions of dollars, sir.

Q. What is the value of those losses?

. . .

A. I'm not sure yet, sir.

Q. Do you have any idea at all?

A. Not sitting here today.

Q. More or less than $10?

. . .

A. I would guess it's more than $10, sir.

Q. More or less than a hundred?

A. I would guess it's quite an amount of money.

Q. Is it more or less than a hundred?

A. Yes, sir.

Q. More or less than a thousand.

A. I would say it's more than 150,000.

Q. More or less than a million?

A. I don't know, sir.

Q. So somewhere between 150,000 and a million?

A. No, sir. It's not -- . . . No, sir. That's not what I said. I said, I did not know.

Q. Maybe more than a million?

A. Maybe.

Q. More or less than a billion?

. . .

A. I don't know.

Q, Maybe more than a billion?

A. Maybe more.

Q. How are you going to go about finding out what the value of that loss is?

. . .

A. I will respectfully decline to answer that.

Q. On what basis?

A. Attorney/client privilege.

Mr. Pike: And work product.

Q. Any other elements of damage?

A. Not -- there might be, but sitting here today, I can't think of them.

Q. Do you have written contracts with any of your lawyers?

A. I don't know.

Q. Who does?

A. I don't know.

(Tr. at 116:8–123:18.)

B. Epstein's Deposition—January 25, 2012

Epstein testified as follows:

Q. Yes, sir. Is it your contention that Bradley Edwards abusively prosecuted the federal court action on behalf of LM?

A. Yes, sir.

Q. How?

A. Bradley Edwards filed a 234-count federal complaint in conjunction with his partner Scott Rothstein to enable his partners at RRA to defraud south Florida investors of millions of dollars. His partner Scott Rothstein and his partner Mr. Adler have -- excuse me, Mr. Rothstein has now in deposition admitted that they needed to file a complaint to show investors that there was real action, in Mr. Rothstein's words, going on in federal court. The investors had not been able to find a filed complaint and had complained to Mr. Rothstein that there was no filed complaints two days, excuse me, before Mr. Edwards filed the federal complaint for 234.

Q. Were you ever served with that complaint?

A. Not to the best of my recollection.

Q. So one contention is that Mr. Edwards abusively prosecuted a federal court action on behalf of LM with which you were never served, correct?

A. I had -- I was notified that the case was, in fact, filed.

Q. But you were never served with the case, correct?

A. I was notified that the case was filed.

Q. But you were never served with the case, correct?

A. Not to the best of my recollection.

Q. Okay. What damage did you incur as a consequence of the filing of a complaint with which you were never served?

A. I incurred many legal -- much legal fees, many legal fees, in fact, to try to figure out why -- what was going on and, in fact, getting prepared to defend the case though I had not yet been served.

Q. Were the allegations in the federal complaint on behalf of LM any different than the allegations in the state court case on behalf of LM?

A. I don't recall.

(Tr. at 19:16–21:9.)

C. Epstein's Affidavit—June 30, 2017

Epstein set forth the following "good faith basis" for commencing his action against Rothstein and Edwards:

5. I filed the Action against Rothstein and Edwards because, based on the facts described below and in the Summary Judgment Motion, I believed at the time of filing my original Complaint that these two individuals, and other unknown partners of theirs at Rothstein, Rosenfeldt, Adler ("RRA"), engaged in serious misconduct involving a widely publicized illegal Ponzi scheme operated through their law firm (the "Ponzi Scheme") that featured the very civil cases litigated against me by Edwards, which were being used to defraud potential investors in the Ponzi Scheme.

6. In early November 2009, stories in the press, on the news, and on the internet were legion about the implosion of RRA, the Ponzi Scheme perpetrated at that firm, and the misuse in the Ponzi Scheme of certain civil cases then being litigated against me by RRA partner, Edwards. The cases Edwards was litigating against me, which are described in the Summary Judgment Motion (the "Epstein Cases"), were being used to defraud investors out of millions of dollars and to fund the RRA Ponzi Scheme.

7. In November 2009, I also became aware of news stories that as a result of the Ponzi scheme at RRA, the Florida Bar had commenced investigations into over one-half of the attorneys employed by RRA.

8. At or about the same time in November 2009, I also became aware that the law firm of Conrad Scherer filed a Complaint against Scott Rothstein and others, *Razorback Funding, LLC, et al. v. Scott W. Rothstein, et al.*, Case No. 09-062943(19) (hereinafter referenced as the "Razorback Complaint"), on behalf of some of the Ponzi Scheme investors.

9. Upon reviewing the Razorback Complaint, I learned that the Razorback Complaint detailed the use of the Epstein Cases (i.e.. the cases being litigated against me by Edwards) to defraud investors in the Ponzi Scheme; including, but not limited to, improper discovery practices and other methods to bolster the cases.

10. Prior to my filing the initial Complaint in the Action, I also became aware that the Federal government filed an Information against Scott Rothstein, which included allegations of RRA as an "Enterprise" in which Rothstein and his yet unidentified co-conspirators engaged in a racketeering conspiracy, money laundering conspiracy, mail and wire fraud conspiracy, and wire fraud, and specifically alleged that (a) potential investors were defrauded by Rothstein and other co-conspirators who falsely advised that confidential

settlement agreements were available for purchase, when the settlement agreements offered were fabricated; (b) the fabricated settlements agreements were allegedly available in amounts ranging from hundreds of thousands of dollars to millions of dollars and could be purchased at a discount and repaid to the investors at face value over time; (c) Rothstein and other co-conspirators utilized the offices of RRA and the offices of other co-conspirators to convince potential investors of the legitimacy of the and success of the law firm, which enhanced the credibility of the purported investment opportunity in these fictitious settlements; (d) Rothstein and other co-conspirators utilized funds obtained through the Ponzi Scheme to supplement and support the operation and activities of RRA, to expand RRA by the hiring of additional attorneys and support staff, to fund salaries and bonuses, and to acquire larger and more elaborate office space and equipment in order to enrich the personal wealth of persons employed by and associated with the RRA Enterprise.

11. Prior to filing the initial Complaint in the Action, consistent with the allegations made by the press, in the Razorback Complaint, and in the Rothstein Information, it was clear that the activity in the Epstein Cases being litigated by Edwards intensified substantially during the short six (6) months during which Edwards was a partner at RRA from April 2009 through the end of October 2009. Furthermore, during that six (6)-month period, questionable discovery like that detailed in the Razorback Complaint had taken place in the Epstein Cases being litigated against me by Edwards, including Edwards noticing the depositions of famous dignitaries and celebrities such as Bill Clinton and David Copperfield. However, the plaintiffs in the Epstein Cases had made no allegations of improper conduct against them implicating any celebrities or dignitaries.

12. Equally consistent with the allegations in the press and in the Razorback Complaint that the Epstein Cases were being deliberately misused for purposes unrelated to the litigation in order to lure investors into the Ponzi Scheme is the fact that on July 24, 2009, Edwards filed a two hundred thirty-four (234) page, one fifty-six (156) count federal complaint against me on behalf of a plaintiff, LM, for whom Edwards was already prosecuting a case against me in state court involving the same matters alleged in the federal complaint. The complaint was filed in federal court, but was never served on me or prosecuted, leading me to conclude that the only reason it was filed was to enhance the case files shown at the offices of RRA to potential investors in the Ponzi Scheme.

13. Also while a partner at RRA, Edwards filed a motion in Federal court in which he requested that the court order me to post a fifteen million dollar bond in the *Jane Doe* case. This case, according to the Razorback Complaint, was being touted at that same time to investors in the Ponzi Scheme. In connection with that motion, Edwards filed papers discussing my net worth and filed supplemental papers purporting to list in great detail my vehicles, planes and other items of substantial value, all at a time when, according to the accounts in the press, the Information and the Razorback Complaint, the Ponzi Scheme was unraveling and the need for new investors in the Ponzi Scheme was becoming urgent. The court rejected the Motion, calling it "devoid of evidence."

(15th Jud. Cir. Case No. 50-2009-CA-040800-XXXX-MB DE-931 ¶¶ 5–13.)

III. EDWARDS' DEPOSITION TESTIMONY

A. Edwards' Deposition—March 23, 2010

Edwards testified as follows:

Q: Did he ever call you to communicate with you, call you either by phone, video conference, in any fashion to discuss any aspect of the cases that you had against Jeffrey Epstein?

. . .

A: He has communicated about various, about legal issues related to the case as well as commented about the case to me on very few occasions but I would say less than three times.

(Tr. at 112:7–16.)

Q: All right. Do you remember a third occasion that he spoke to you regarding Epstein related occasion, cases?

A: Anything else that he ever spoke with me about related to Epstein related issues is attorney-client and work-product privileged information that I am not going to divulge.

(Tr. at 116:21–117:3.)

Q: All right. And when you got into the office, Mr. Rothstein was there?

A: Yes.

Q: Mr. Adler?

A: Yes.

Q: There was someone on the telephone who you don't recall?

A: Yes.

Q: Okay. Was there anyone else present?

A: Not that I remember.

Q: Okay. Was, were there any investigators, was Mr. Jenne or Mr. Fisten present?

A: No.

Q: So, it was, you, Rothstein, Adler, and someone on the phone; that's it?

A: From what I remember.

Q: How long did the meeting last?

A: I don't know how long the meeting lasted.

Q: Five minutes or was it a substantially long meeting?

A: Do you want how long I was in the meeting, I can give you an answer. How long the meeting lasted, I have no idea.

Q: How long did the meeting last while you were present?

A: Less than five minutes.

Q: Was the value of any of the three cases discussed at all?

A: No.

Q: Did Mr. Rothstein, did Mr. Rothstein appear to be knowledgeable about your cases?

A: No.

Q: Mr. Adler, was Mr. Adler someone that you had discussed the cases with on a somewhat regular basis . . . not content. Was Mr. Adler someone that you had discussed these Epstein cases with prior to that meeting?

A: Yes.

(Edwards March 23, 2010, Tr. at 123:15–125:5.)

Q: What lawyers, other than yourself, were involved in the Epstein cases during the time you were associated with RRA?

A: What do you mean by "were involved?" I guess all.

Q: What, what lawyers actually worked on the file? I know Mr. Berger worked on the Epstein cases, correct?

A: In some limited capacity, correct.

Q: Okay. Mr. Adler I know attended Mr. Epstein's deposition, correct?

A: Correct.

(Edwards March 23, 2010, Tr. at 230:15–231:1.)

B. Edwards' Deposition—October 10, 2013

Edwards testified as follows:

Q: Okay. At the meetings that you -- at the meetings that occurred with these various lawyers, Berger, Adler, Stone, Rob Buschel were present and Epstein was discussed, was the discovery that -- discovery and/or investigation regarding Mr. Epstein ever discussed?

A: I -- I would assume so.

Q: Well, I --

A: In meetings, that we were talking about, was Epstein discussed?

Q: Yeah, I -- I -- I assume, based upon the -- what we saw in the e-mails today, that is exactly the purpose of the meeting, correct?

A: Exactly, that was the purpose of the meeting.

(Edwards' Oct. 10, 2013, Tr. at 205:9–22.)

C. Edwards' Deposition—November 10, 2017

Edwards testified as follows:

Q: So there is some truth that Rothstein is weaving in, based on documents, the flight log that was obtained by you as the lead trial lawyer in the pending lawsuits?

A: There is some truth in the pending lawsuits?

Q: No. I'm saying that what Rothstein was doing -- we all --

A: He used actual evidence to support a fabricated story.

Q: And the actual evidence that was referred to here are these flight logs that you as the lead lawyer obtained and brought back to the Rothstein firm, right?

A: I maintain the evidence for all of my cases at the Rothstein firm where I worked, yes.

Q: That's all I was confirming.

A: Does it appear that Rothstein gained access to it and used it to support his fairytale? It does.

(Edwards' Nov. 10, 2017, Tr. at 163:20–164:14.)

Q: Were you reporting to Mr. Adler in how to represent the three Rothstein clients -- the three ladies -- on how to prosecute the Epstein matters?

A: Well, this email is dated April 8th, 2009, so I had just started at the firm. I had just got there. Russ Adler was one of the only lawyers that I had known for years before I got to the firm. And Russ Adler handled sexual abuse cases. So, especially in the beginning, I talked to Russ about how to kind of navigate through the complications with Jeffrey Epstein and with the type of

defense that was going on. So this just appears that Wayne Black and Russ Adler -- Wayne was the investigator -- that they were talking also about how to -- what we needed to do in the investigation. Yeah, Russ was definitely involved then. He didn't do much in the day-to-day, so I don't want to say anything to that.

Q: I understand. But I'm talking about on April 8th, 2009, it looks to me like he's giving you instructions on what to do. Do you agree?

A: Not giving me instructions on what to do. I mean, he's telling me bring Marc Nurik the non-prosecution agreement, is the instruction.

(Edwards' Nov. 10, 2017, Tr. at 259:22–260:22)

Q: Did you become aware of the fact that your Epstein-related files at some point in time had been requested by Scott Rothstein?

A: Yes.

Q: How did you become aware of that?

A: I think Mike told me -- Fisten.

Q: Was there any explanation offered as to why Scott Rothstein wanted to see the Epstein-related files?

A: That if these cases went to trial, he wanted to try the cases with me.

Q: He who?

A: He, Scott Rothstein, wanted to try the case with me. That's the explanation that I was given.

(Edwards' Nov. 10, 2017, Tr. at 321:14–322:2.)

Q: You were an employee, in your mind, and he was the lawyer ultimately at the firm responsible for the three clients, true?

A: There's seventy lawyers at the firm. They all work for him. Hundreds of files. He's still the equity partner of the firm, so they are the firm's files. They are not --

Q: I understand. You told me earlier. And I didn't realize that, that the interest that Bradley Edwards, PA had in three files, you gave up to Mr. Rothstein and became a salary employee, essentially.

A: Gave up to RRA.

Q: Mr. Rothstein's firm, correct?

A: Right. We've established this.

Q: And so that Mr. Rothstein was the lawyer at that firm as the -- one of two equity shareholders who was ultimately responsible for the three Epstein matters?

A: For every case in the entire firm, including those --

Q Including the three Epstein matters?

A: Every case, yeah.

(Edwards' Nov. 10, 2017, Tr. at 338:10–339:7.)

IV. ROTHSTEIN'S DEPOSITION TESTIMONY

Rothstein testified as follows in this case:

Q: You never spoke to Brad about this case?

A: I didn't say that, but I had a lot more interaction . . . If you talk to the people in the firm, if they are honest with you, they'll tell you my interaction was far more significant with Russ Adler, probably more so because he was a co-conspirator of mine. My interaction with Russ was far greater by many, many percents over my interaction with Brad, and then you go down the line. I had more interaction with Mr. Farmer than I did with Mr. Fistos, more interaction with Jaffe than I did with Mr. Edwards, and so on.

(Rothstein's June 14, 2012, Tr. at 23:24–24:13.)

Q: Right. How did you know at the time when you said these investors wanted to investigate and you said you were going to create a fake settlement, how did you know that this case was the case that you could use?

A: From talking to all the people that I just said, Adler, Fistos, Jaffe, Farmer, Mr. Edwards, to the extent that I spoke to him about it.

Q: Did you speak with Mr. Edwards about the case?

A: I don't have a specific recollection one way or the other. I remember speaking to him at least briefly the day or the day of or the day before the actual investor's due diligence was going on as to what was going on. And I may have spoke to him, I know I spoke to Russ, but I may have spoke to him as well within a couple of days just prior to this due diligence because I was trying to at least get some information in my head that I could use when I was creating this story for the investors.

(Rothstein's June 14, 2012, Tr. at 25:12–26:6.)

Q: Well, then explain to me. You testified earlier that what was important to the investors to see is that there was a real case, correct?

A: Yes.

Q: What did you look at or show them -- what did you look at, first of all, to see if it was, in fact, a real case?

A: I knew it was a real case.

Q: How did you know?

A: Because my lawyers told me it was a real case. I believed them.

Q: What lawyers told you that?

A: I already told you it was a mixture of Russ and Jaffe and Fistos and Farmer and Mr. Edwards. I mean, I knew it was a real case. We had all these boxes, we had people really working on the file --

Q: How do you know --

A: --or they were pulling a hell of a scam on me. Not that I didn't deserve it but [--]

Q: How did you know, you just said you knew people were working really hard on this case. Who do you know was working on the case?

A: The only people that I knew for certain were working on the case was Brad Edwards and Russ Adler was doing his supervisory schtick, whatever that was. But other than that, I don't know which other lawyers were assisting Mr. Edwards. I didn't get involved at that level.

(Rothstein's June 14, 2012, Tr. at 52:5–53:7.)

Rothstein testified as follows in *Razorback Funding, LLC v. Rothstein*, 17th Jud. Cir. Case No. 062009CA062943AXXXCE:

Q: You pulled out some kind of a flight manifest; do you recall that?

A: Yeah. At some point in time I believe it was either Brad Edwards or Russ Adler pointed out to me that one of the pieces of evidence they were using in the actual case was the flight manifest. And I actually used that to make a fairly big show. I found that those most of the time in these cases the more significant our underlying investigation was and the more tantalizing it was, the more interested the investors got. We had that real piece of evidence and we used it to our advantage to attempt to secure the investor.

(Rothstein's Dec. 12, 2011, Tr. at 59:14–25.)

Q: Didn't you add some sensational names to the manifest that weren't there to start with?

A: I did. I did.

Q: Tell us about that.

A: There were -- I said that there were additional manifests -- if I remember correctly, I said there were additional manifests that we had discovered containing Bill Clinton's name, Prince Andrew, all being shown flying with young girls on the plane.

Q: And do you know whether -- let me back up. The original manifests that were in evidence in the real case, didn't have those names on it?

A: No, but it's interesting you bring that up because the way I came up with Bill Clinton and Prince Andrew was Mr. Adler and Mr. Edwards both told me on different occasions that the reason the case – when we were discussing the actual real case, the reason it was becoming so, quote, unquote, tasty because they had information that he had been flying Bill Clinton around and Prince Andrews around, the piece that was missing from the real case was the connection to the young girls.

Q: The young girls – connection to the young girls was fiction, it was a lie?

A: Not as far as Mr. Epstein is concerned but as far as the other people are concerned, yes.

(Rothstein's Dec. 12, 2011, Tr. at 60:10–61:9.)

Q: When you were asked – this morning about Brad Edwards you really hesitated. I don't know if you know you did that. You were answering yes, no, maybe so. On him you really paused.

A: On the question as whether or not he would have turned us in, you mean?

Q: Whether he was a player or whether he was involved and you didn't quite answer.

A: Just because of the way I knew Brad and socialized with him, I did not know that he was at that level. There are certain people, Barry Stone, second he found out about it would have absolutely done what was appropriately – supposed to do from an ethical standpoint. And then there were people who I say would never do that. And then there are people in the middle. I believe Brad Edwards is probably in the middle.

(Rothstein's Dec. 12, 2011, Tr. at 61:15–62:6.)

Q: I'm trying to understand. I'm not going to have you go through all 13 boxes, but I'm trying to get a frame of reference. You're talking about a flight manifest or flight manifests for private jets, right?

A: Yes. This is a very small document. It may have been one or two pages. And I had it specifically set aside. I'd either ask Mr. Adler or Mr. Edwards to isolate the flight manifest.

(Rothstein's Dec. 19, 2011, Tr. at 2278:13–20)

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on November 17, 2017, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

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