

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

CASE NO.: 502009CA040800 AG

JEFFREY EPSTEIN,

Plaintiff(s),  
vs.

SCOTT ROTHSTEIN, etc., et al.,

Defendant(s).

OMNIBUS ORDER IN REGARD TO UPDATE DEPOSITION OF THE PLAINTIFF

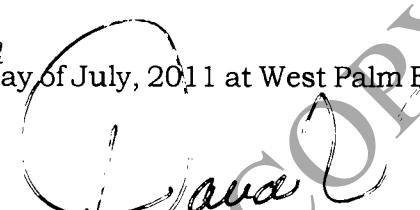
THIS CAUSE came before the Court upon various Motions in regard to the Defendant, BRADLEY J. EDWARDS' request for update deposition of JEFFREY EPSTEIN, as well as a Request to Produce served upon EDWARDS and Motions to Impose Sanctions against JEFFREY EPSTEIN. The Court has heard argument and has reviewed the pleadings and is otherwise fully advised in the premises. Based upon the foregoing, it is

CONSIDERED, ORDERED AND ADJUDGED as follows:

The Defendant shall be entitled to take an update deposition of the Plaintiff in regard to the specific issues identified and more specifically relating to public statements made by the Plaintiff regarding his criminal activity, testimony dealing with any claim the Plaintiff has waived his Fifth Amendment rights and/or has otherwise lost his Fifth Amendment rights. The Defendant EDWARDS' Motion to Compel and Impose Sanctions for Failure to Attend the Deposition is denied. In regard to the Request to Produce submitted to the Defendant EDWARDS by the Plaintiff under certificate of service the 7<sup>th</sup> day of April, 2011, the Court recognizes that there is a difference between "fact work product", "opinion work product", and "contention discovery". "Opinion work product" is almost never discoverable, "fact work product" is discoverable under limited circumstances, and, according to the most recent pronouncements from the Fourth District, "contention discovery" is allowed. Therefore, the Defendant shall respond to the

Request to Produce and assert any privilege in a privilege log, including any work product privileges. The Defendant may do so in a manner which will not divulge or otherwise disclose the nature of the documentation itself and if the parties cannot agree, the documents shall be submitted to the Court for an *in camera* review to determine whether the matters constitute "fact work product", "opinion work product" or merely "contention discovery".

DONE AND ORDERED this 1<sup>st</sup> day of July, 2011 at West Palm Beach, Palm Beach County, Florida.

  
DAVID F. CROW  
CIRCUIT COURT JUDGE

Copy furnished:

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