

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

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

Defendant(s).

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**SUPPLEMENT TO MOTION IN LIMINE ADDRESSING  
SCOPE OF ADMISSIBLE EVIDENCE**

Pursuant to Florida Statute §90.404(2), Bradley Edwards, by and through his undersigned counsel, files this Supplement to his November 13, 2017 Motion in Limine to address the scope of admissible evidence in the trial of the pending malicious prosecution claim, and as grounds therefore states as follows:

**Summary**

In addition to and in furtherance of the reasons set forth in the Motion in Limine Addressing Scope of Admissible Evidence, the following allegations from Epstein's Initial Complaint filed on December 7, 2009 and questions and answers from Epstein's deposition taken on March 17, 2010 support Edwards' request that the Court grant the Motion in Limine and confirm that evidence of Epstein's extensive pattern of victimization of minor females is admissible in this malicious prosecution case based upon the filing of the Initial Complaint on December 7, 2009.

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*A. Epstein's Initial Complaint Alleged that the L.M., E.W., and Jane Doe cases were "Manufactured" for the "Sole Purpose" of Funding Rothstein's Ponzi Scheme*

In his Initial Complaint filed on December 7, 2009 against Mr. Edwards, Epstein made the following allegations:

**¶ 49:** “ . . . rather than evaluating and resolving the [three victim] cases based on the merits (i.e. facts) which included knowledgeable, voluntary and consensual actions by each of the claimants<sup>1</sup> . . . RRA and the Litigation Team [which included Edwards, as defined] sought through protective orders and objections to block relevant discovery regarding their claimants.”

**¶ 52:** “ . . . In order to continue to bring in monies from investors, Rothstein and other co-conspirators used the Civil Actions [defined as the three victim cases being pursued by Brad Edwards], along with other manufactured lawsuits, as a means of obtaining massive amounts of money.”

Epstein therefore alleged that any sexual transgressions between he and L.M., E.W., and Jane Doe were consensual and that there was no valid basis for the lawsuits being pursued on those victim's behalf by Bradley Edwards. Epstein specifically alleged that those victims' claims were part of an unknown number of “manufactured lawsuits” being pursued against Epstein. The Initial Complaint further stated that Mr. Edwards pursued his clients' “manufactured” claims for the “sole purpose” of funding Rothstein's Ponzi scheme:

**¶ 30:** “By using the Civil Actions against Epstein as ‘bait’ and fabricating settlements regarding same, Rothstein and others were able to lure investors into Rothstein's lair and bilked [sic] them of millions of dollars which, in turn, was used to fund the litigation against Epstein for the sole purpose of continuing the massive Ponzi scheme.”

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<sup>1</sup> Unless otherwise stated, all emphasis is supplied.

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There can therefore be no question that, as it relates to probable cause and malice, one of the key issues in this malicious prosecution claim is whether Epstein had a good-faith belief that the LM, EW, and Jane Doe claims were “manufactured” for the “sole purpose” of funding a Ponzi scheme. In support of this spurious claim, Epstein alleged that any sexual contact with these minor children was “knowledgeable, voluntary, and consensual.” Mr. Edwards has the burden of proof to establish that Epstein lacked probable cause for these allegations, because Epstein had in fact molested and abused these children over the course of years. Mr. Edwards has every intention to, and is certainly entitled to, demonstrate to the members of the jury the truth of the claims being asserted by these victims against Jeffrey Epstein, which will also provide circumstantial evidence that Epstein had actual malice when he brought this claim, which was nothing more than an attempt to intimidate his victims and their attorneys.

*B. Epstein Confirmed in His Deposition That Mr. Edwards “Ginned Up” and “Crafted” the “False Claims Made By His Clients”*

The following questions and answers took place at the March 17, 2010 deposition of Jeffrey Epstein, all of which are consistent with Epstein’s underlying claim that Mr. Edwards “manufactured lawsuits” on behalf of L.M., E.W. and Jane Doe, despite the fact that any sexual acts were between these victims and Epstein were “knowledgeable, voluntary and consensual,” for the “sole purpose” of furthering Rothstein’s Ponzi scheme.

Dep. Tr. Page 13, lines 8-21 (alleging that victim L.M. was part of a conspiracy to create “fraudulent” and “fabricated” cases):

Q. Why are you suing L.M.?

MR. PIKE: Form.

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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.

Dep. Tr. page 25, lines 6-25 (alleging that Mr. Edwards' clients' claims were not worth the multi-million dollar damages that were being alleged):

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 positions 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.

Dep. Tr. page 30, lines 6-18 (alleging that Mr. Edwards' clients' claims were "false"):

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

MR. PIKE: Form.

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.

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Dep. Tr. Page 12, lines 12-21 (stating that “gin up these allegations” means to “craft” allegations, which included those brought by victim L.M.):

Q. What does “gin up these allegations” mean?

MR. PIKE: Form.

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.

Epstein also repeatedly asserted his 5<sup>th</sup> Amendment privilege with regards to questions related to certain questions regarding his sexual molestation of L.M., E.W., and Jane Doe. Obviously, the fact that Epstein never intended to waive his 5<sup>th</sup> Amendment privilege when he brought this underlying claim is relevant and material to whether Epstein had probable cause to initiate this proceeding in the first place.

*C. Epstein's Initial Complaint Alleged LM, EW, and Jane Doe's Cases “Were Weak and Had Minimal Value*

Along with alleging that the three specific victim cases were “manufactured” for the “sole purpose” of funding a Ponzi scheme, Epstein's Initial Complaint repeatedly states that these cases had no real value:

¶ 42(h): “Rothstein and the Litigation Team knew or should have known that their three (3) filed cases **were weak and had minimal value** for the following reasons . . .”

¶ 7: “Defendant, L.M., . . . was an essential participant in the scheme referenced *infra* by, among other things substantially changing prior sworn testimony, so as to assist the Defendants in promoting their fraudulent scheme for the promise of a multi-million dollar recovery relative to the Civil Actions . . . involving Epstein, **which was completely out of proportion to her alleged damages.**”

¶ 43: “Rothstein, with the intent and improper motive to magnify his financial gain so [sic] continue to fund the fraudulent and illegal investment and/or Ponzi scheme, had Edwards demand **excessive money** from Epstein in the Civil Actions.”

¶ 46: “. . . However, the actual facts behind [L.M.’s] action **would never support such extraordinary damages.**”

¶ 51: “. . . Plaintiff Epstein has incurred and continues to incur monetary damages including, but not limited to, **having to pay an amount in excess of the Civil Actions’ true value. . .**”

Whether the cases brought by victims L.M., E.W., and Jane Doe were valid claims with real value therefore goes directly to both the probable cause and malice elements of Mr. Edwards’ malicious prosecution claim. Did Epstein have probable cause to allege that the claims were “weak and had minimal value,” and that L.M.’s claim in particular was supported by facts that “would never support such extraordinary damages”? If, in fact, Epstein’s allegation in paragraph 49 is true and the contact with those children was “knowledgeable, consensual, and voluntary,” then the jury may conclude that Epstein had probable cause to allege that those claims were instead “manufactured” for the “sole purpose” of furthering Rothstein’s Ponzi scheme. But when the jury learns that Epstein really did molest these young girls (for which he paid \$5.5 million in settlement monies), and that based upon their age it was legally impossible to consent to Epstein’s sexual molestations, the jury will determine that not only did Epstein lack probable cause for his allegations, but he had actual malice at the time the allegations were made. That evidence further supports the conclusion that the true purpose was to intimidate Epstein’s numerous victims and their attorneys, specifically Mr. Edwards, from continuing to prosecute victim claims, or to

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compromise claims below their true value. Those factual issues that Epstein's Initial Complaint put directly in contention should be, and will be, decided by the jury<sup>2</sup>.

*D. Although Epstein Conceded that He Paid L.M. for Some Form of Sex, the Initial Complaint Also Alleged that L.M. Was a Liar*

Although Epstein concedes in paragraph 46(a) that he was “one of L.M.’s many ‘Johns’,” he nonetheless insists that Mr. Edwards “manufactured” L.M.’s claim for the “sole purpose” of furthering Rothstein’s Ponzi scheme. In furtherance of these allegations, Epstein attacked L.M.’s credibility in detail throughout the Initial Complaint. Specifically, Epstein claimed that L.M.’s case was “weak and had minimal value” because L.M. did not have any type of sex with Epstein (*see ¶ 42(h)(i)*), she did not perform oral sex on Epstein (*see ¶ 42(j)*), and that Epstein did not coerce, induce or entice L.M. to commit any acts of sexual misconduct. (*see ¶ 47(b)*). Because L.M.’s claim was false, Epstein alleged that “the actual facts behind her action would never support such extraordinary damages” (*see ¶ 46*), and instead L.M.’s claim was manufactured to further Rothstein’s Ponzi scheme (*see ¶ 7*).

Certainly, whether Epstein had in fact abused and molested L.M. is therefore clearly relevant to both probable cause and malice.

*E. Epstein’s Initial complaint Alleged that the Broad Range of Discovery Engaged in By Mr. Edwards Was Performed Solely to Further Rothstein’s Ponzi Scheme*

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<sup>2</sup> Edwards maintains that at the close of the evidence the material undisputed facts will require the Court to direct a verdict in favor of Bradley Edwards on the issue of probable cause. That is, Epstein’s lack of probable cause to support his claims against Edwards will be determined as a matter of law in Edwards’ favor, particularly given the preclusive effect of Epstein’s Fifth Amendment assertions.

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Epstein also alleged that the broad range of the discovery conducted by Bradley Edwards into matters with no direct tie to Bradley Edwards's clients supports a reasonable suspicion that Bradley Edwards was fabricating claims to support the Ponzi scheme. Specifically, Epstein alleges that Mr. Edwards pursued "a civil litigation strategy that was unrelated to the merits or value of [his] clients' claims." (¶ Summary of Action). In support thereof, Epstein challenged virtually every litigation decision that Mr. Edwards made in pursuing the claims brought by L.M., E.W. and Jane Doe, including for example:

**¶ 31(e):** "[Mr. Edwards] utilized the judicial process **including, but not limited to, unreasonable and unnecessary discovery**, for the **sole purpose** of furthering a Ponzi scheme."

**¶ 34:** "[Mr. Edwards] relentlessly and knowingly pursued flight data and passenger manifests regarding flights Epstein took with these famous individuals **knowing full well that no underage women were onboard and no illicit activities took place.**"

**¶ 41:** "The **sole purpose** for the scheduling of these depositions or listing high profile friends/acquaintances as potential witnesses was, again, to 'pump' the cases to investors."

**¶ 42(a)-(l):** Challenging a litany of litigation decisions made by Mr. Edwards as being made solely "[i]n furtherance of the[] fraudulent scheme against Epstein."

**¶ 44:** "The actions described in paragraph 42 above herein **had no legitimate purpose** in pursuing the Civil Actions against Epstein, but rather were meant to further the fraudulent scheme and criminal activity of Rothstein so that he and others could fraudulently overvalue the settlement value of existing and non-existent claims against Epstein to potential investors."

**¶ 50:** "... Edwards' ... actions constitute fraud upon Epstein as ... the Litigation Team represented themselves to be acting in good faith and with the best interests of their clients in mind at all times **when in reality, they were acting in furtherance of the investment of Ponzi scheme described herein**"

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These allegations were made in support of the theme of Epstein's Initial Complaint: that Bradley Edwards had "manufactured" his clients' claims for the "sole purpose" of furthering Rothstein's Ponzi scheme. Whether Epstein knew, at the time he made them, that the allegations listed above were in fact false therefore goes directly to the elements of probable cause and malice, and Mr. Edwards is entitled to establish to the members of the jury that Epstein knew these allegations were false at the time he made them because (1) underage females were sexually assaulted on Epstein's airplane; (2) some of Epstein's high-profile friends/acquaintances were onboard when those assaults occurred; (3) because pursuant to Florida Statute §90.404(2) and Federal Rule of Evidence 415(G), evidence of other acts of sexual abuse and child molestation by Epstein against victims other than the three clients represented by Bradley Edwards was clearly admissible and the discovery into such other criminal conduct was entirely proper; and (4) because L.M., E.W., and Jane Doe had punitive damage claims pending against Epstein, the full scope of his punitive conduct was properly subject to discovery.

*F. Epstein's Initial Complaint Alleged That Epstein Had Not Molested Numerous Children, and That He Was Damaged By Mr. Edwards' Truthful Assertions to the Contrary*

One of the allegations in paragraph 42 that Epstein alleged had "no legitimate purpose in pursuing the Civil Actions against Epstein, but rather [was] meant to further the [Ponzi scheme]," was the following statement made by Mr. Edwards to a Federal Court on July 21, 2009:

What the evidence is really going to show is that Mr. Epstein – at least dating back as far as our investigation and resources have permitted, back to 1997 or '98 – has every single day of his life, made an attempt to sexually abuse children. We're not talking about give, we're not talking about 20, we're not talking about 100, we're not talking about 400, which, I believe, is the number known to law enforcement, we are talking about thousands of children . . . and it is through a very intricate and complicated system that he devised where he has as many as 20 people working

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underneath him that he is paying well to schedule these appointments, to locate these girls.

(¶ 42(e)). Epstein then alleges, in paragraphs 50, 51, and 52, that he has been damaged, in part, by Mr. Edwards' contention that Epstein is a serial and unrepentant child molester.

It is therefore beyond dispute that, in prosecuting his malicious prosecution claim, Mr. Edwards has the burden of proof to establish that Epstein did not have a good-faith basis to allege that he was damaged by Mr. Edwards' proclamation to the Federal Court (along with the host of other spurious and malicious allegations contained in the Initial Complaint). Why? Because Epstein really did molest all those young, innocent children, heinous crimes that he has callously compared to "stealing a bagel."

### **Conclusion**

For the foregoing reasons, Edwards respectfully requests that the Court grant his Motion in Limine Addressing Scope of Admissible Evidence.

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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 17<sup>th</sup> day of Nov., 2017.

  
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