

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

SCOTT ROTHSTEIN, etc., et al.,

Defendant(s).

ORDER ON COUNTER-PLAINTIFF BRADLEY EDWARDS'
MOTION TO DETERMINE STATUS OF PUNITIVE DAMAGE DISCOVERY
AND APPLICABILITY OF ADVERSE INFERENCE

THIS CAUSE came before the Court upon the Counter-Plaintiff, BRADLEY EDWARDS' Motion to Determine Status of Punitive Damage Discovery. The Court heard argument of counsel, has reviewed the submittals and is otherwise fully advised in the premises. At hearing, counsel for EDWARDS advised the Court that certain "net worth" discovery in regard to the punitive damage count against EPSTEIN had been objected to on the basis of the constitutional privilege against self-incrimination. All other objections to such discovery had been withdrawn. As such, EDWARDS now seeks a ruling from the Court in regard to an adverse inference (presumption) jury instruction and evidence preclusion at the time of trial. Based upon the foregoing, it is

CONSIDERED, ORDERED AND ADJUDGED as follows:

To the extent that the issue of amount of punitive damages is submitted to the jury at the bifurcated trial of this matter, the Court rules as follows:

1. The Counter-Plaintiff EDWARDS' request for jury instruction adverse inference instruction is deferred until the time of trial. At the time of trial, upon specific analysis of the specific question and answers, including those propounded in discovery, the Court will determine whether an adverse instruction will, or will not, be given and the

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specific instruction, if any, that will be given. Counsel for the parties shall be prepared at trial to propose such jury instructions.

2. The Motion to Preclude Evidence is also deferred until the time of trial. At the time of trial, this Court will determine whether certain testimony and/or documents will be precluded based upon non-compliance with this Court's Pretrial Order and/or a *Binger* analysis conducted by the Court at the time of trial.

3. Nothing in this Order shall be construed in and of itself as precluding the use of any answers submitted by EPSTEIN during discovery at trial if they are otherwise admissible.

DONE AND ORDERED this 15th day of November, 2013 at West Palm Beach,
Palm Beach County, Florida.



DAVID F. CROW
CIRCUIT COURT JUDGE

Copy furnished:
See attached list.

Copies furnished by e-mail

COUNSEL LIST

Jack Scarola, Esquire
jsx@searcylaw.com; mep@searcylaw.com
Searcy Denney Scarola Barnhart & Shipley PA
2139 Palm Beach Lakes Boulevard
West Palm Beach, FL 33409
Phone: (561) 686-6300
Fax: (561) 383-9451
Attorneys for Bradley J. Edwards

William Chester Brewer, Esquire
wcblaw@aol.com; wcbcg@aol.com
250 S Australian Avenue, Suite 1400
West Palm Beach, FL 33401
Phone: (561)-655-4777
Fax: (561)-835-8691
Attorneys for Jeffrey Epstein

Jack A. Goldberger, Esquire
jgoldberger@agwpa.com; smahoney@agwpa.com
Atterbury, Goldberger & Weiss, P.A.
250 Australian Avenue South, Suite 1400
West Palm Beach, FL 33401
Phone: (561)-659-8300
Fax: (561)-835-8691
Attorneys for Jeffrey Epstein

Bradley J. Edwards, Esquire
staff.efile@pathjustice.com
Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, FL
425 North Andrews Avenue, Suite 2
Fort Lauderdale, FL 33301
Phone: (954)-524-2820
Fax: (954)-524-2822

Fred Haddad, Esquire
Dee@FredHaddadLaw.com; haddadfm@aol.com
Fred Haddad, P.A.
One Financial Plaza, Suite 2612

Edwards adv. Epstein
Case No.: 502009CA040800XXXXMBAG

Fort Lauderdale, FL 33394
Phone: (954)-467-6767
Fax: (954)-467-3599
Attorneys for Jeffrey Epstein

Marc S. Nurik, Esquire
marc@nuriklaw.com
Law Offices of Marc S. Nurik
One E Broward Blvd., Suite 700
Fort Lauderdale, FL 33301
Phone: (954)-745-5849
Fax: (954)-745-3556
Attorneys for Scott Rothstein

Tonja Haddad Coleman, Esquire
tonja@tonjahaddad.com; Debbie@Tonjahaddad.com; efiling@tonjahaddad.com
Tonja Haddad, P.A.
315 SE 7th Street, Suite 301
Fort Lauderdale, FL 33301
Phone: (954)-467-1223
Fax: (954)-337-3716
Attorneys for Jeffrey Epstein