

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

JEFFREY EPSTEIN,

Plaintiff,

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

Case No. 50 2009CA040800XXXXMB AG

v.

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

Defendants.

**PLAINTIFF JEFFREY EPSTEIN'S RENEWED MOTION TO APPOINT
COMMISSIONER TO TAKE DEPOSITION WITH RECORDS IN NEW YORK**

Plaintiff, JEFFREY EPSTEIN, files this Renewed Motion to Appoint Commissioner for the entry of an Order appointing TSG Reporting, or any qualified notary public in the State of New York as commissioner with full authority to take, report, transcribe and certify the deposition of A.J. Discala to be taken by Plaintiff, pursuant to Fla. Stat. §92.251, the Uniform Foreign Deposition Act, and states:

1. The purpose of this deposition is to obtain testimony regarding the witness's knowledge regarding issues pertaining to the subject lawsuit which is likely to lead to the discovery of admissible evidence in this action.

2. Previously, Plaintiff filed a Motion to Appoint Commissioner to take depositions in New York. This Court entered an Order granting this motion on January 3, 2011. A copy of said Order is attached hereto as Exhibit "1".

3. Plaintiff later discovered that no duces tecum was included after serving the New York Subpoena for Deposition on New York witness, A.J. Discala. Nor was a duces tecum

and/or Schedule "A" attached to the Notice of Taking Deposition as well. Therefore, the witness is not instructed to bring with him records to his deposition.

4. In an effort to rectify this issue and have the New York witness bring with him records to his deposition, the undersigned is renewing the Motion to Appointment Commissioner so that Plaintiff can re-serve the New York witness with a duces tecum and/or Schedule "A". A copy of Schedule "A" for this witness is attached hereto as Exhibit "2". New York counsel who is assisting in this process will prepare the New York subpoena duces tecum upon receipt of this Court's Order on Renewed Motion Appointing Commissioner in New York and serve witness, A.J. Discala.

5. New York law does not authorize the issuance of a subpoena for the taking of a deposition unless a commission has been appointed. Accordingly, the Plaintiff moves for the Appointment of TSG Reporting, 747 3rd Avenue, 10th Floor, New York, NY 10017, as the commissioner to take the deposition duces tecum of A.J. Discala.

WHEREFORE, Plaintiff, Jeffrey Epstein, respectfully requests that this Honorable Court grant his Renewed Motion to Appoint Commissioner for the grounds set forth above.

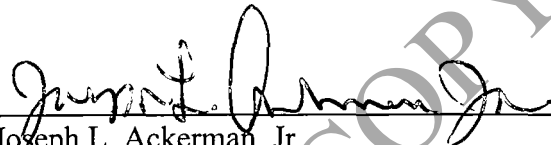
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was emailed and mailed this 24th day of February, 2011 to: Jack Scarola, Esquire, Searcy Denney Scarola Barnhart & Shipley, Attorneys for Bradley J. Edwards, 2139 Palm Beach Lakes Boulevard, West Palm

Epstein v Rothstein, et al.
Case No. 50 2009CA040800XXXXMB AG
Plaintiff's Renewed Motion to Appoint Commissioner in New York

Beach, FL 33409 and Marc S. Nurik, Esquire, Law Offices of Marc S. Nurik, Attorneys for Scott Rothstein, One E. Broward Blvd., Ste 700, Fort Lauderdale, FL 33301.

Respectfully submitted,



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

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

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AGREED ORDER ON PLAINTIFF'S MOTION TO APPOINT COMMISSIONER

THIS CAUSE, having come on before the Court upon Plaintiff Jeffrey Epstein's Motion to Appoint Commissioner, and the Court having heard argument of counsel, and being otherwise duly advised in the premises, it is,

ORDERED and ADJUDGED:

1. Plaintiff's Motion to Appoint Commissioner in the State of New York is hereby Granted.
2. The firm of U.S. Legal Support is authorized to act as commissioner to issue subpoenas, to take, videotape, report, transcribe and certify the deposition of A.J. DiScala in the above-styled case.

DONE and ORDERED in Chambers at West Palm Beach, Florida, this 03 day of
JAN 03 2011
JUDGE DAVID F. CROW

CIRCUIT JUDGE

cc: Jack Scarola, Esq., Searcy, Denney, et al. 2139 Palm Beach Lakes Boulevard, West Palm Beach, FL 33409
Marc S. Nurik, Esq. One E. Broward Blvd., Ste 700, Fort Lauderdale, FL 33301
Joseph L. Ackerman, Jr., Esq. Ackerman, Phillips Point- 901-W, 777 S. Flagler Dr. WPB, FL 33401



SCHEDULE "A"- A.J. DISCALA

1. Any and all documents, including but not limited to correspondence and emails by/between you and any of the following attorneys, employees or agents of the former Rothstein law firm regarding investment opportunities in any claim or litigation against Jeffrey Epstein:

- a) Scott Rothstein
- b) Russell Adler
- c) William Berger
- d) Bradley Edwards
- e) Michael Fisten
- f) Kenneth Jenne
- g) David Boden
- h) Deborah Villegas
- i) Andrew Barnett
- j) Patrick Roberts
- k) Richard (Rick) Fandrey
- l) Christina Kitterman

2. Any and all contracts and/or agreements, including all drafts and final versions, which were provided to you by any of the following attorneys, employees or agents of the former Rothstein law firm relating to any potential investment in any claim or litigation against Jeffrey Epstein.

- a) Scott Rothstein
- b) Russell Adler
- c) William Berger
- d) Bradley Edwards
- e) Michael Fisten
- f) Kenneth Jenne
- g) David Boden
- h) Deborah Villegas
- i) Andrew Barnett
- j) Patrick Roberts
- k) Richard (Rick) Fandrey
- l) Christina Kitterman

3. Any and all written notes regarding any meetings you were in attendance with any of the following attorneys, employees or agents of the former Rothstein law firm regarding any potential investment in any claim or litigation against Jeffrey Epstein.

- a) Scott Rothstein
- b) Russell Adler
- c) William Berger
- d) Bradley Edwards
- e) Michael Fisten



- f) Kenneth Jenne
- g) David Boden
- h) Deborah Villegas
- i) Andrew Barnett
- j) Patrick Roberts
- k) Richard (Rick) Fandrey
- l) Christina Kitterman

4. Any and all documents given to you by any of the following attorneys, employees or agents of the former Rothstein law firm regarding any potential investment in any claim or litigation against Jeffrey Epstein

- a) Scott Rothstein
- b) Russell Adler
- c) William Berger
- d) Bradley Edwards
- e) Michael Fisten
- f) Kenneth Jenne
- g) David Boden
- h) Deborah Villegas
- i) Andrew Barnett
- j) Patrick Roberts
- k) Richard (Rick) Fandrey
- l) Christina Kitterman

W:\80743\Discovery\Discala Schedule A - Duces Tecum