

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

CIVIL DIVISION
CASE NO. 502009CA040800XXXXMBAG
Judge David F. Crow

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiffs.

**PLAINTIFF/COUNTER-DEFENDANT, JEFFREY EPSTEIN'S RESPONSE TO
DEFENDANT/COUNTER-PLAINTIFF, BRADLEY J. EDWARDS' MOTION FOR
PROTECTIVE ORDER REGARDING SUBPOENA TO TRUSTEE, HERBERT
STETTIN FOR RECORDS OF COMMUNICATIONS BY AND BETWEEN
ROTHSTEIN, ROSENFELDT & ADLER, P.A. AND GOVERNMENT/LAW
ENFORCEMENT OFFICERS**

Plaintiff/Counter-Defendant, Jeffrey Epstein ("Epstein"), by and through his undersigned counsel and pursuant to the Florida Rules of Civil Procedure, files this his Response to the Motion for Protective Order filed by the Defendant/Counter-Plaintiff, Bradley J. Edwards ("Edwards"), relating to a subpoena issued by Epstein to the bankruptcy trustee for Rothstein, Rosenfeldt & Adler, P.A. ("RRA"), for records of communications by and between RRA and government and law enforcement officials relating to Jeffrey Epstein.

1. On January 4, 2011, counsel for Epstein sent a subpoena for records of emails and documents by and between RRA and government and law enforcement officials relating to Jeffrey Epstein. A copy of the subpoena is attached as Exhibit "1".

2. The records requested are relevant because of the allegation in Epstein's Amended Complaint relating to Defendant's plan to interfere with the Non-Prosecution

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Agreement ("NPA") that Epstein entered into with the federal government (Paragraphs 24-27, 29(4)-(5).

3. At the time the subpoena was issued, the case was set for trial on eight week docket beginning March 7, 2001 through April 29, 2011. Florida Rule of Civil Procedure 1.310(b)(1), allows for subpoenas directly to third parties for records.

4. Counsel for the bankruptcy trustee has conducted a specified search to comply with this request. *See Exhibit "2".*

5. Counsel for the bankruptcy trustee has prepared a disk with approximately 10,000 records responsive to this request and is prepared to turn-it-over to the parties once this Court rules on this motion or otherwise addresses its stay of discovery to the bankruptcy trustee. *See Exhibit "3".*

6. There is no need for an in-camera review, or the appointment of a special master because the claim of privilege asserted by Edwards does not apply. This subpoena is for records relating to communications with a third party where no privilege exists. It is also well established that a voluntary disclosure waives any privilege. *See* § 90.507 of the *Florida Statutes* (2006); *Walker v. Riverside Logistists, Inc.*, 14 So. 3d 1122, (Fla. 1st DCA 2009). *Gosman v. Luzinski*, 937 So. 2d 293, 296 (Fla. 4th DCA 2006), relied upon by Edwards does not apply, because in *Gosman*, the request was directed to a party who had to make the production, not a third party who is already prepared to produce the records, and has not raised a burdensome objection. Moreover, no legitimate claims of privilege can exist because RRA was adverse to law enforcement in the Criminal Victim Rights Act lawsuit identified in paragraph 29(4) of the Amended Complaint.

7. Consequently, there is no need for an in-camera review or the appointment of a special master.

WHEREFORE, Plaintiff/Counter-Defendant, Jeffrey Epstein, respectfully requests that this Court deny Defendant/Counter-Plaintiff, Bradley J. Edwards' Motion for Protective Order lifting the stay Order allowing the bankruptcy trustee to provide the documents subpoenaed.

I HEREBY CERTIFY that a true and correct copy of the foregoing was emailed and mailed this 8th day of July, 2011 to:

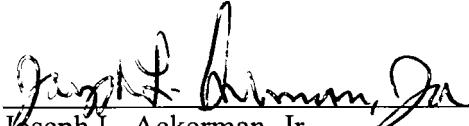
Jack Scarola, Esq.
Searcy Denney Scarola Barnhart & Shipley, P.A
2139 Palm Beach Lakes Blvd.
P.O. Drawer 3626
West Palm Beach, FL 33409

Jack A. Goldberger, Esq.
Atterbury Goldberger & Weiss, P.A.
250 Australian Avenue South, Suite 1400
West Palm Beach, FL 33401-5012

Marc S. Nurik, Esq.
Law Offices of Marc S. Nurik
One E. Broward Blvd., Suite 700
Ft. Lauderdale, FL 33301

Jeffrey Epstein v Scott Rothstein, et al.
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Respectfully submitted,



Joseph L. Ackerman, Jr.

Fla. Bar No. 235954

Email: jackerman@fowler-white.com

FOWLER WHITE BURNETT, P.A.
901 Phillips Point West
777 South Flagler Drive
West Palm Beach, Florida 33401
Telephone: (561) 802-9044
Facsimile: (561) 802-9976

Attorneys Jeffrey Epstein

W:\80743\RESPON45-Epstein's Response to Edwards' MPO re Trustee Records Government Communications-JLA.docx

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

JEFFREY EPSTEIN,

Plaintiff,

v.

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

Defendants.

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

Case No. 50 2009CA040800XXXXMB AG

SUBPOENA FOR DEPOSITION DUCES TECUM

THE STATE OF FLORIDA:

TO: Herbert Stettin, Trustee in Bankruptcy for Rothstein Rosenfeldt & Adler, PA
c/o Charles Lichtman
Berger Singerman, PA
200 S. Biscayne Blvd., Suite 1000
Miami, FL 33131

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at the law offices of Fowler White Burnett, P.A., One Financial Plaza, 100 S.E. 3rd Avenue, 21st Floor, Fort Lauderdale, FL 33394 on the 20th day of January, 2011, at 2:00 p.m., for the taking of your deposition in this action and to have with you at that time and place the following:

See Attached Schedule "A"

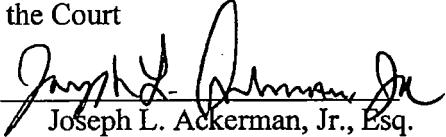
If you fail to appear, you may be in contempt of court.

You are subpoenaed to appear by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

Dated on January 30, 2011.

For the Court

By:


Joseph L. Ackerman, Jr., Esq.
Lilly Ann Sanchez, Esq.

Joseph L. Ackerman, Jr., Esq.

Lilly Ann Sanchez, Esq.

Fowler White & Burnett, P.A.

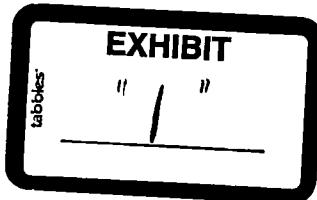
Attorneys for Plaintiff, Jeffrey Epstein

Esprito Santo Plaza

1395 Brickell Avenue, 14th Floor

Miami, FL 33131

Telephone: (305) 789-9200



Facsimile: (305) 789-9201

SCHEDULE "A"

1. Any and all email communications by/between any attorney and/or employee of the former Rothstein law firm, including but not limited to, Scott Rothstein, Russell Adler, William Berger, Michael Fisten, Ken Jenne, David Boden, Deborah Villegas, Andrew Barnett, Patrick Roberts, Richard Fandry, Christina Kitterman, Gary Farmer and Bradley Edwards, on the one hand, and any of the following regarding Jeffrey Epstein:
 - a) U.S. Attorney's Office;
 - b) State of Florida Attorney's Office;
 - c) Federal Bureau of Investigations;
 - d) City of Palm Beach Police Department;
 - e) Any investigator working for the State of Florida;
 - f) Any attorney, law firm and any agent of any attorney or law firm who represented any individual with a claim against Jeffrey Epstein.

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

JEFFREY EPSTEIN,

Plaintiff,

v.

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

Defendants.

NOTICE OF TAKING DEPOSITION

PLEASE TAKE NOTICE that the undersigned attorney or an attorney of the firm will take the deposition of:

Name: **Herbert Stettin, Trustee in Bankruptcy for RRA**

Date and Time: **Thursday, January 20, 2011 at 2:00 p.m.**

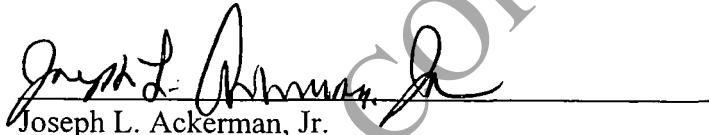
Place: **Fowler White Burnett, P.A.
One Financial Plaza
100 Southeast 3rd Avenue, 21st Floor
Fort Lauderdale, Florida 33394**

Upon oral examination before US LEGAL AKA KLEIN, BURY & ASSOCIATES, INC., Notary Public, or any other notary public or officer authorized by law to take depositions in the State of Florida. The oral examination will continue from day to day until completed. This deposition is being taken for the purposes of discovery, for the use at trial, or for such other purposes as are permitted under the rules of the Court.

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 4th

day of January, 2011 to Jack Scarola, Searcy Denney Scarola Barnhart & Shipley, Attorneys for Bradley J. Edwards, 2139 Palm Beach Lakes Boulevard, West Palm Beach, FL 33409 and Marc S. Nurik, 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.
Espirito Santo Plaza, 14th Floor
1395 Brickell Avenue
Miami, Florida 33131-3302
Telephone: (305) 789-9200
Facsimile: (305) 789-9201

cc: US Legal aka Klein, Bury & Associates, Inc.

Joseph L. Ackerman, Jr.

From: Lilly Ann Sanchez
Sent: Tuesday, February 08, 2011 4:02 PM
To: 'Charles H. Lichtman'
Cc: Joseph L. Ackerman, Jr.; CHRISTOPHER E. KNIGHT
Subject: names for subpoena

The following names are to be used in the search-
How long do you think it will take?

US Attorneys Office

Marie Villafana, Asst. US Attorney
R. Alexander Acosta, US Attorney
Jeffrey H. Sloman, 1st Asst. US Attorney
Matthew Menchel, Asst. US Attorney
Andrew Lourie, Asst. US Attorney

Palm Beach Police Department*

Sgt. Chris Keen
Lamont Lee
Detective Captain Gudger
Curtis D. Krauel
Joseph Recarey
Jennifer Sandman
Michael Dawson
Michelle Pagan
Gregory Parkinson

*All of these names were listed in the police report as the reporting officers

FBI

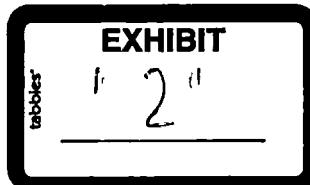
Agent Nebit Kirkendahl
Agent Jason Richard

State Attorney's Office

Barry E. Krischer, State Attorney
Lanna Belohlavek, Asst. State Attorney

Fowler White Burnett
ATTORNEYS AT LAW

► **Lilly Ann Sanchez**
SHAREHOLDER



[vCard](#) | [Biography](#) | [Website](#)

305.789.9200 main
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lsanchez@fowler-white.com

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Miami, Florida 33131

www.fowler-white.com

NOT A CERTIFIED COPY

From: Charles H. Lichtman [mailto:CLichtman@bergersingerman.com]
Sent: Wednesday, February 16, 2011 10:20 AM
To: Lilly Ann Sanchez; Robert Carney; Gary Farmer; Seth Lehrman
Cc: HMstettin@bellsouth.net
Subject: MORE DOCUMENTS re Epstein

As you know, Mr. Epstein's counsel served upon the Trustee a refined email search which sought documents reflecting communications between RRA lawyers and state and /or governmental officials, largely, if not all, law enforcement officers. I now have a disc of documents for each of you responsive to the subpoena, date stamped w pages 1 through 10214. I have not reviewed the disc at all, and based upon the search terms, I highly doubt there is anything that could qualify as privileged since the search terms by definition included solely third party communications. Nevertheless, in an abundance of caution, we will review our standard protective order just to make sure the estate is protected. Assuming that to be the case, I intend to then forward to each of you a copy of the disc.

BIO

BERGER SINGERMAN
attorneys at law

Charles H. Lichtman

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Suite 1000
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