

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

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. 1<sup>st</sup> DCA 2009). *Gosman v. Luzinski*, 937 So. 2d 293, 296 (Fla. 4<sup>th</sup> 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.

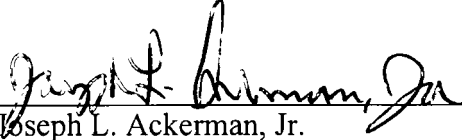
**I HEREBY CERTIFY** that a true and correct copy of the foregoing was emailed and mailed this 8th day of July, 2011 to:

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

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*

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

JEFFREY EPSTEIN,

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

Plaintiff,

Case No. 50 2009CA040800XXXXMB AG

v.

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

Defendants.

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. 3<sup>rd</sup> Avenue, 21<sup>st</sup> 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 3rd, 2011.

For the Court

By: Joseph L. Ackerman, Jr.  
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  
Espirto Santo Plaza  
1395 Brickell Avenue, 14<sup>th</sup> Floor  
Miami, FL 33131  
Telephone: (305) 789-9200



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.**

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

**Case No. 50 2009CA040800XXXXMB AG**

**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.

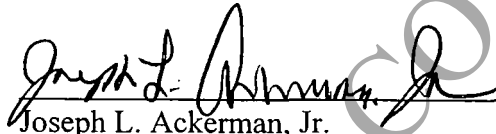
**Place:** Fowler White Burnett, P.A.  
One Financial Plaza  
100 Southeast 3rd Avenue, 21st Floor  
Fort Lauderdale, Florida 33394

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, 14<sup>th</sup> 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, 1<sup>st</sup> 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

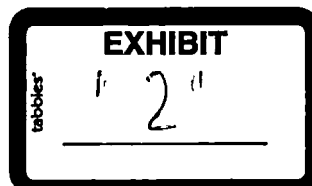
Agent Nebit Kirkendahl  
Agent Jason Richard

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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305.728.7579 fax  
[lsanchez@fowler-white.com](mailto:lsanchez@fowler-white.com)

Espirito Santo Plaza  
1395 Brickell Avenue  
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Miami, Florida 33131

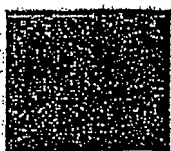
[www.fowler-white.com](http://www.fowler-white.com)

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:** Hmstettln@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, bates 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.

B I O



**BERGER SINGERMAN**  
attorneys at law

**Charles H Lichtman**

350 East Las Olas Boulevard  
Suite 1000  
Fort Lauderdale, FL 33301  
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\*\*\*\*\*

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