

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

CASE NO. 502009CA040800XXXXMB

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

vs.

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

Defendants/Counter- Plaintiffs.

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S
OBJECTION AND RESPONSE TO IMPROPER FILING OF
SUPPLEMENTAL AUTHORITY**

INTRODUCTION

In December 2009, Jeffrey Epstein (“Epstein”) filed suit against Scott Rothstein (“Rothstein”) and Bradley J. Edwards (“Edwards”). In response to Epstein’s lawsuit, Edwards filed a Counterclaim, alleging therein two causes of action against Epstein; abuse of process and malicious prosecution. Both causes of action were premised upon Epstein’s initial filing of his lawsuit against Edwards. Epstein filed his Motion for Summary Judgment, asserting therein that both the abuse of process claim and the malicious prosecution claim filed by Edwards against Epstein were barred by the litigation privilege. Epstein’s Motion was argued before this Court on January 27, 2014, at which time this Court, after extensive argument and review of all written submissions and case law, granted Epstein’s Motion. Days later, Edwards filed a Motion for

Reconsideration. Three months later, Edwards has filed this purported “supplemental authority” in support of his initial Motion for Reconsideration. **However, this “supplemental authority” does nothing more than establish the fact that another trial court, just as this Court did in the case at hand, properly applied and followed the decision in *Wolfe v. Foreman*, 38 Fla. L. Weekly D1540 (July 17, 2013).** Accordingly, with no change in the law or facts since the Court’s original ruling, and with Edwards simply restating his disagreement with this Court’s findings, this filing of “supplemental authority” is wholly inappropriate. In fact, this “supplemental authority” contains no new or additional authority at all. Rather, it is a mere recitation of the contentions submitted by Edwards in his original Motion being argued by another attorney, which is in no way binding upon this Court. Accordingly, the Court should not entertain this “supplemental authority” submitted by Edwards.

ARGUMENT

Edwards, despite his interminable filings, has not identified *one* Florida case decided either after the *Wolfe* decision or the above-referenced Florida Supreme Court cases upon which the *Wolfe* court relied in rendering its ruling that establishes that this Court erred. Nor does his “supplemental authority.” Instead of accepting the Court’s ruling, Edwards invites this Court to hold that the Third District Court of Appeal committed error in *Wolfe*. The Florida Supreme Court, however, stated unequivocally that a “trial court may not overrule or recede from the controlling decision of” an appellate court. *See System Components v. FDOT*, 14 So. 3d 967, 973 n.1 (Fla. 2009); *see also State ex rel. Reynolds v. White*, 24 So. 160, 315 (1898) (“There is and can be no authority in an inferior court to correct mistakes made by this court in its conclusions of fact or its

interpretation of the law . . . If so, litigation would be interminable, the superior would be subordinated to the inferior, and the judgments of the superior could only be enforced when they coincided with the judgments of the inferior.”). In *Systems Components*, the Florida Supreme Court found that it was “improper” for a party to do what Edwards seeks to do in the case at hand; argue that the Court ignore appellate court precedent. *Id.* at 973 n.1, 985. This Court correctly recognized that at the Summary Judgment hearing. *See Transcript of Motion for Summary Judgment hearing* p. 56; lines 1-4.

CONCLUSION

WHEREFORE Plaintiff/Counter-Defendant Jeffrey Epstein respectfully requests that this Court disregard the “supplemental authority” submitted by Edwards.

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served, via electronic service, to all parties on the attached service list, this May 12, 2014.

/s/ Tonja Haddad Coleman
Tonja Haddad Coleman, Esq.
Florida Bar No.: 176737
Tonja Haddad, PA
5315 SE 7th Street
Suite 301
Fort Lauderdale, Florida 33301
954.467.1223
954.337.3716 (facsimile)
Attorneys for Epstein

SERVICE LIST

CASE NO. 502009CA040800XXXXMBAG

Jack Scarola, Esq.
jsx@searcylaw.com; mep@searcylaw.com
Searcy Denney Scarola et al.
2139 Palm Beach Lakes Blvd.
West Palm Beach, FL 33409

Jack Goldberger, Esq.
jgoldberger@agwpa.com; smahoney@agwpa.com
Atterbury, Goldberger, & Weiss, PA
250 Australian Ave. South
Suite 1400
West Palm Beach, FL 33401

Marc Nurik, Esq.
1 East Broward Blvd.
Suite 700
Fort Lauderdale, FL 33301

Bradley J. Edwards, Esq.
brad@pathtojustice.com; staff.efile@pathtojustice.com
Farmer Jaffe Weissing Edwards Fistos Lehrman
425 N Andrews Avenue
Suite 2
Fort Lauderdale, Florida 33301

Fred Haddad, Esq.
Dee@FredHaddadLaw.com
1 Financial Plaza
Suite 2612
Fort Lauderdale, FL 33301

Tonja Haddad Coleman, Esquire
Tonja@tonjahaddad.com; efiling@tonjahaddad.com
Law Offices of Tonja Haddad, P.A.
315 SE 7th Street, Suite 301
Fort Lauderdale, FL 33301

W. Chester Brewer, Jr.
Wcblaw@aol.com; wcbcg@aol.com
W. Chester Brewer, Jr., P.A.
250 S. Australian Avenue
Suite 1400
West Palm Beach, FL 33401