

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

Case No. 50-2009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S
RESPONSE IN OPPOSITION TO DEFENDANT/COUNTER-PLAINTIFF BRADLEY J.
EDWARDS' MOTION TO RECONFIRM EXISTING PRE-TRIAL DEADLINES**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Plaintiff") hereby responds to Defendant/Counter-Plaintiff Bradley J. Edwards' ("Defendant") Motion to Reconfirm Existing Pre-Trial Deadlines and states:

In his November 6, 2017, Motion for Continuance of Trial and to Extend Pretrial Deadlines or, in the Alternative, Bifurcation of Trial, Plaintiff asked the Court:

If the continuance is granted, Plaintiff also requests that the current trial deadlines be reset based upon the new trial date, including allowing the parties to file amended Exhibit and Witness Lists and to identify experts.

(Motion for Continuance, p. 8.)

As the Court recognized in its November 14, 2017, Order granting Plaintiff's Motion for Continuance, there is currently "extreme uncertainty" of what issues will be tried and the Court's ultimate rulings on the parties' outstanding motions is critical to determine that. It is premature, therefore, to comply with the current pre-trial deadlines, including filing the Pre-Trial

Stipulation, Jury Instructions, and Verdict Forms, as those documents should focus on the issues that will be tried. In addition, the outcome of the pending Motions will likely lead to amendments of the parties' respective Exhibit and Witness Lists and further discovery. Plaintiff disagrees with Defendant's statement that the Court rejected all grounds raised for the continuance and that the parties must adhere to the current pre-trial schedule based on the December 5, 2017, trial date.

For instance, if Defendant is allowed to conduct multiple "mini trials" of the victims' cases, then Plaintiff will need to conduct further discovery (including taking 25 or more depositions). Furthermore, Defendant's recently disclosed expert report evidences that Defendant has changed his position regarding the relevance of printed or published media connecting Defendant to Plaintiff, which requires further discovery and the hiring and disclosure of Plaintiff's own expert witness(es). In addition, if Plaintiff's Supplemental Motion to Compel Discovery is granted, that could lead to further discovery and disclosures.

Plaintiff recognizes that the Court's Order granting his Motion for Continuance does not specifically address his request to extend the pretrial deadlines, and respectfully asks the Court to clarify its ruling and grant that request. Plaintiff further suggests that the parties comply with the timeframes set forth in the Court's July 20, 2017, Order Specially Setting Jury Trial (**Exhibit A**), which would provide for the following pre-trial schedule:

Due Date	Days Provided by Trial Order	Deadline
1/12/18	60 days prior to trial	DUE: Trial Exhibit Lists, Witness Lists, Expert Witness Lists and Expert Disclosures and Reports
1/22/18	50 days prior to trial	DUE: Rebuttal Witness Lists
2/12/18	30 days prior to trial	DEADLINE: To confer to discuss settlement, simplify the facts and issues, prepare a Pretrial Stipulation, list objections to exhibits, etc.
2/21/18	20 days prior to trial	DUE: Pretrial Stipulation, Jury Instructions, Verdict Forms and Deposition Designations; DEADLINE: To have <i>Daubert</i> Motions heard
3/2/18	10 days prior to trial	DEADLINE: To complete discovery; DUE: Counter Deposition Designations and Objections to Deposition Designations

Plaintiff did not request the extension of the pre-trial deadlines as a means to delay this matter as Defendant infers in his Motion to Reconfirm Existing Pretrial Deadlines. Rather, because it is unclear what issues will be tried, it is simply impossible to reasonably prepare for trial and adhere to the current pre-trial deadlines. Defendant will not be prejudiced by the extension of the pre-trial deadlines.

Accordingly, Plaintiff renews his request for an extension of the pre-trial deadlines as set forth herein and in his original Motion for Continuance of Trial and to Extend Pre-trial Deadlines and for the Court to deny Defendant's Motion.

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on November 16, 2017, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

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EXHIBIT A

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

CIRCUIT CIVIL DIVISION AG
CASE NO. 50-2009-CA-040800-XXXX-MB

JEFFREY EPSTEIN,
Plaintiff(s)

v.

SCOTT ROTHSTEIN, individually,
BRADLEY J. EDWARDS, individually,
and L M, individually,
Defendant(s).

ORDER SPECIALLY SETTING JURY TRIAL

THIS CAUSE came before this court on July 6, 2017 on Counter-Plaintiff, BRADLEY J. EDWARDS', Motion to Set Cause for Trial and the Court's Motion to Determine Need for Discovery/Motion Scheduling Order and the court having reviewed the Motion, heard argument and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that this case is specially set, number one, for jury trial on **Tuesday, December 5, 2017, at 9:30 a.m.**, (10 days reserved) in Courtroom 10C, Palm Beach County Courthouse, 205 North Dixie Highway, West Palm Beach, Florida 33401.

II. UNIFORM PRETRIAL PROCEDURE

- A. On the last business day no later than **60 DAYS PRIOR TO TRIAL**, the parties shall exchange lists of all trial exhibits, names and addresses of all trial witnesses, and names and addresses of all expert witnesses.
- B. On the last business day no later than **50 DAYS PRIOR TO TRIAL**, the parties shall exchange lists of names and addresses of all rebuttal witnesses.
- C. In addition to names and addresses of each expert retained to formulate an expert opinion with regard to this cause, both on the initial listing and on rebuttal, the parties shall provide:
 - 1. the subject matter about which the expert is expected to testify;
 - 2. the substance of the facts and opinions to which the expert is expected to testify;
 - 3. a summary of the grounds for each opinion;

Order Specially Setting Jury Trial

Case No: 50-2009-CA-040800-XXXX-MB

4. a copy of any written reports issued by the expert regarding this case; and
5. a copy of the expert's curriculum vitae.

D. On the last business day no later than **30 DAYS PRIOR TO TRIAL**, the parties shall confer and:

1. discuss settlement;
2. simplify the issues and stipulate, in writing, as to as many facts and issues as possible;
3. prepare a Pre-Trial Stipulation in accordance with paragraph E; and
4. list all objections to trial exhibits.

E. PRETRIAL STIPULATIONS MUST BE FILED. It shall be the duty of counsel for the Plaintiff to see that the Pre-Trial Stipulation is drawn, executed by counsel for all parties, and filed with the Clerk no later than **20 DAYS PRIOR TO TRIAL**. UNILATERAL PRETRIAL STATEMENTS ARE DISALLOWED, UNLESS APPROVED BY THE COURT, AFTER NOTICE AND HEARING SHOWING GOOD CAUSE. Counsel for all parties are charged with good faith cooperation in this regard. The Pre-Trial Stipulation shall contain in separately numbered paragraphs:

1. a list of all pending motions including MOTIONS IN LIMINE and DAUBERT MOTIONS requiring action by the Court and the dates those motions are set for hearing (MOTIONS IN LIMINE shall not be heard the day of trial or thereafter). All Daubert Motions must be heard 20 days before the start of the trial.
2. stipulated facts which require no proof at trial which may be read to the trier of fact;
3. a statement of all issues of fact for determination at trial;
4. each party's numbered list of trial exhibits with specific objections, if any, to schedules attached to the Stipulation;
5. each party's numbered list of trial witnesses with addresses (including all known rebuttal witnesses); the list of witnesses shall be on separate schedules attached to the Stipulation;
6. a statement of estimated trial time;
7. names of attorneys to try case;
8. number of peremptory challenges per party; and
9. each party's proposed jury instructions and verdict form, with citations to supporting authority, as schedules attached to the Stipulation.

F. FILING OF PRE-TRIAL STIPULATION. Failure to file the Pre-Trial Stipulation or a Court Approved Unilateral Stipulation as above provided may result in the case being stricken from the Court's calendar at its sounding or other sanctions.

G. ADDITIONAL EXHIBITS, WITNESSES OR OBJECTIONS. At trial, the parties shall be strictly limited to exhibits and witnesses disclosed and objections reserved on the

Order Specially Setting Jury Trial

Case No: 50-2009-CA-040800-XXXX-MB

schedules attached to the Pre-Trial Stipulation prepared in accordance with paragraphs D and E, absent agreement specifically stated in the Pre-Trial Stipulation or order of the Court upon good cause shown. Failure to reserve objections constitutes a waiver. A party desiring to use an exhibit or witness discovered after counsel have conferred pursuant to paragraph D shall immediately furnish the Court and other counsel with a description of the exhibit or with the witness' name and address and the expected subject matter of the witness' testimony, together with the reason for the late discovery of the exhibit or witness. Use of the exhibit or witness may be allowed by the Court for good cause shown or to prevent manifest injustice.

- H. DISCOVERY.** Unless permitted by court order, all discovery must be completed no later than 10 DAYS BEFORE THE DATE SET FOR TRIAL. ABSENT A TRUE EMERGENCY, FAILURE TO COMPLETE DISCOVERY SHALL NOT CONSTITUTE GROUNDS FOR CONTINUANCE.
- I. PRE-TRIAL CONFERENCE.** No pre-trial conference pursuant to Fla. R. Civ. P. 1.200 is set by the Court on its own motion. If a pre-trial conference is set upon motion of a party, counsel shall meet and prepare a stipulation pursuant to paragraphs D and E and file the stipulation no later than 5 DAYS BEFORE THE CONFERENCE. Failure to request a pre-trial conference in a timely fashion constitutes a waiver of the notice of requirement of Rule 1.200. Motions for Summary Judgment will not be heard at any pre-trial conference.
- J. UNIQUE QUESTIONS OF LAW.** Prior to trial, counsel for the parties are directed to exchange and simultaneously submit to the Court appropriate memoranda with citations to legal authority in support of any unique legal questions which may reasonably be anticipated to arise during the trial.
- K. MODIFICATION TO UNIFORM PRE-TRIAL PROCEDURE.** Upon written stipulation of the parties filed with the court, the Pre-Trial Procedure, except for items II D-F, inclusive, may be modified in accordance with the parties' stipulation, except to the extent that the stipulation may interfere with the Court's scheduling of the matter for trial or hinder the orderly progress of the trial.
- L. PREMARKING EXHIBITS.** Prior to trial, each party shall meet with and assist the clerk in marking for identification all exhibits, as directed by the clerk.
- M. DEPOSITION DESIGNATIONS.** No later than 20 DAYS PRIOR TO TRIAL, each party shall serve his, her, or its designation of depositions, or portions of depositions, each intends to offer as testimony in his, her or its case in chief. No later than 10 DAYS PRIOR TO TRIAL, each opposing party shall serve his, her, or its counter (or "fairness") designations to portions of depositions designated, together with objections to

the depositions, or portions thereof, originally designated. No later than trial, each party shall serve his, her or its objections to counter designations served by an opposing party.

III. MEDIATION

- A. All parties are required to participate in mediation.
1. The appearance of counsel who will try the case and representatives of each party with full authority to enter into a complete compromise and settlement is mandatory. If insurance is involved, an adjuster with authority up to the policy limits or the most recent demand, whichever is lower, shall attend.
 2. At least **ONE WEEK BEFORE THE CONFERENCE**, all parties shall file with the mediator a brief, written summary of the case containing a list of issues as to each party. If an attorney or party filing the summary wishes its content to remain confidential, he/she must advise the mediator in writing when the report is filed.
 3. All discussions, representations, and statements made at the mediation conference shall be privileged consistent with Florida Statutes sections 44.102 and 90.408.
 4. The mediator has no power to compel or enforce a settlement agreement. If a settlement is reached, it shall be the responsibility of the attorneys or parties to reduce the agreement to writing and to comply with Florida Rule of Civil Procedure 1.730(b), unless waived.
- B. The Plaintiff's attorney shall be responsible for scheduling mediation. The parties should agree on a mediator. If they are unable to agree, any party may apply to the Court for appointment of a mediator in conformity with Rule 1.720 (f), Fla. R. Civ. P. The lead attorney or party shall file and serve on all parties and the mediator a Notice of Mediation giving the time, place, and date of the mediation and the mediator's name. The mediator shall be paid \$175.00 per hour, unless otherwise agreed by the parties.
- C. Completion of mediation prior to trial is a prerequisite to trial. If mediation is not conducted, or if a party fails to participate in mediation, the case, at the Court's discretion, may be stricken from the trial calendar, pleadings may be stricken, and other sanctions may be imposed.
- D. Any party opposing mediation may proceed under Florida Rule of Civil Procedure 1.700(b).

IV. NONCOMPLIANCE

NONCOMPLIANCE WITH ANY PORTION OF THIS ORDER MAY RESULT IN THE STRIKING OF THE CASE, WITNESSES, OR EXHIBITS, OR IMPOSITION OF SUCH OTHER SANCTIONS AS ARE JUST.

Order Specially Setting Jury Trial
Case No: 50-2009-CA-040800-XXXX-MB

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida this 20th day of July, 2017.



JUDGE DONALD HAFELE
Circuit Judge

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Order Specially Setting Jury Trial
Case No: 50-2009-CA-040800-XXXX-MB

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