

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
NOTICE OF FILING ADVERSE INFERENCE JURY INSTRUCTION

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), pursuant to this Court's April 4, 2018, Order on Counter-Plaintiff Bradley J. Edwards' Motion for Adverse Inference Instruction, and in order to preserve his objection, hereby submits the attached alternate proposed adverse inference jury instruction.

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on April 24, 2018, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

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COUNTER-DEFENDANT’S PROPOSED JURY INSTRUCTION
ADVERSE INFERENCE - FIFTH AMENDMENT

An individual is constitutionally protected by the Fifth Amendment to the United States Constitution from being compelled to provide evidence against himself in a criminal proceeding and an adverse inference may not be inferred from the exercise of the Fifth Amendment right to remain silent. However, the prohibition against drawing an adverse inference that applies in a criminal proceeding does not apply in a civil lawsuit.

Therefore, if you find that Jeffrey Epstein invoked his Fifth Amendment privilege when asked relevant questions, then you may, but are not required to, infer that his answers would have incriminated him. You may consider this, together with the other evidence, in determining the issues of this case, but a Judgment against Jeffrey Epstein cannot rest solely on the adverse inference.

Source:

Florida Standard Jury Instruction (Civil) 301.11a; *Baxter v. Palmigiano*, 425 U.S. 308 (1976); *Coquina Investments v. Rothstein*, No. 10-60787-cv, 2012 WL 4479057 (S.D. Fla. Sept. 28, 2012)

Given	_____
Given as Modified	_____
Denied	_____
Withdrawn	_____