

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).

LINK & ROCKENBACH, PA
1555 Palm Beach Lakes Boulevard, Suite 301
West Palm Beach, Florida 33401
(561) 727-3600; (561) 727-3601 [fax]

By: /s/ Scott J. Link
Scott J. Link (FBN 602991)
Kara Berard Rockenbach (FBN 44903)
Rachel J. Glasser (FBN 577251)
Primary: Scott@linkrocklaw.com
Primary: Kara@linkrocklaw.com
Primary: Rachel@linkrocklaw.com
Secondary: Tina@linkrocklaw.com
Secondary: Troy@linkrocklaw.com
Secondary: Eservice@linkrocklaw.com

*Trial Counsel for Plaintiff/Counter-Defendant
Jeffrey Epstein*

SERVICE LIST

Jack Scarola Karen E. Terry David P. Vitale, Jr. Searcy, Denny, Scarola, Barnhart & Shipley, P.A. 2139 Palm Beach Lakes Boulevard West Palm Beach, FL 33409 <u>mep@searcylaw.com</u> <u>jsx@searcylaw.com</u> <u>dvitale@searcylaw.com</u> <u>scarolateam@searcylaw.com</u> <u>terryteam@searcylaw.com</u> <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i>	Philip M. Burlington Nichole J. Segal Burlington & Rockenbach, P.A. Courthouse Commons, Suite 350 444 West Railroad Avenue West Palm Beach, FL 33401 <u>pmb@FLAppellateLaw.com</u> <u>njs@FLAppellateLaw.com</u> <u>kbt@FLAppellateLaw.com</u> <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i>
--	--

<p>Bradley J. Edwards Edwards Pottinger LLC 425 N. Andrews Avenue, Suite 2 Fort Lauderdale, FL 33301-3268 <u>brad@epllc.com</u> <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i></p>	<p>Marc S. Nurik Law Offices of Marc S. Nurik One E. Broward Boulevard, Suite 700 Ft. Lauderdale, FL 33301 <u>marc@nuriklaw.com</u> <i>Counsel for Defendant Scott Rothstein</i></p>
<p>Jack A. Goldberger Atterbury, Goldberger & Weiss, P.A. 250 Australian Avenue S., Suite 1400 West Palm Beach, FL 33401 <u>jgoldberger@agwpa.com</u> <u>smahoney@agwpa.com</u> <i>Co-Counsel for Plaintiff/Counter-Defendant</i> <i>Jeffrey Epstein</i></p>	<p>Paul Cassell 383 S. University Salt Lake City, UT 84112-0730 <u>cassellp@law.utah.edu</u> <i>Limited Intervenor Co-Counsel for L.M., E.W.</i> <i>and Jane Doe</i></p>
	<p>Jay Howell Jay Howell & Associates 644 Cesery Blvd., Suite 250 Jacksonville, FL 32211 <u>jayhowell.com</u> <i>Limited Intervenor Co-Counsel for L.M., E.W.</i> <i>and Jane Doe</i></p>

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 _____