

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

JEFFREY EPSTEIN,

CASE NO. 502009CA040800XXXXMBAG

Plaintiff,

vs.

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

Defendant(s).

2012 OCT 19 PM 3:53
FILED
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL 3

NOTICE OF OBJECTION TO RESCHEDULING EDWARDS'
MOTION TO DISQUALIFY OPPOSING COUNSEL

COMES NOW Jeffrey Epstein, through the undersigned counsel, and files this Notice of Objection to Rescheduling the Motion to Disqualify presently set for October 25, 2012 and would state as follows:

1. The Court, ex mero motu, set a hearing on the pending Motion to Disqualify the undersigned for 25 October at 1:30pm.

2. After receiving notice of this hearing, the undersigned's secretary transmitted an email to Mary, attorney Scarola's secretary, on 11 October asking that they agree to request a reset of that date as the undersigned was already scheduled to leave town for a seminar with the National Association of Criminal Defense Lawyers in New Orleans [see email conversation, attached hereto as Exhibit A and confirmation of its receipt]. Neither attorney Scarola nor his office dained to reply to that email.

3. The undersigned's assistant in fact called the Court's chambers to see if the hearing could be rescheduled to 22 October due to the above conflict as well as the fact that the undersigned was already scheduled to appear in West Palm Beach before Judge Colbath on certain felony matters. Further, since this date was convenient as all parties in this matter previously cleared their schedules to appear before this Court on 22 October for attorney Scarola's punitive damages Motion in this case, which was withdrawn and cancelled on almost even date the undersigned had hoped it could

be heard then. However, the Court's Judicial Assistant advised such was not possible due to the length of time scheduled for the hearing.

4. About a week after the above referenced 11 October email noticing Haddad's conflict and without the courtesy of being advised of attorney Scarola's presently alleged conflict, his secretary sent an inquiry regarding whether the undersigned still had a conflict.

5. The response, some 30 minutes later by the undersigned's secretary, was to advise that the undersigned's conflict, the previously mentioned seminar in New Orleans also included a conflicting conference at the same time in New Orleans for his wife, a surgeon [ASPS annual convention], but she advised the secretary the undersigned was attempting to make later reservations [see email conversation attached hereto], since no response had been had to the earlier request.

6. Rather than acknowledge that attorney Scarola decided unilaterally to attempt to obtain a new date, and, advise that a call was placed to the "JA" [see email conversation attached hereto]. It was stated that the next available date for hearing was in early December.

7. The undersigned's secretary was advised attorney Scarola now asserted a conflict on 25 October with a hearing before Judge Brown in *Gauger v. Dougan*, and hence was seeking a reset of the disqualification hearing.

8. Judge Brown's hearing was set by Court Order of 18 September 2012.

9. Thus, from the date of 11 October attorney Scarola's office, and ipso facto, the attorney was well aware of that conflict and obviously attempted to "leave counsel hanging" until the last minute, despite being advised on 11 October of the undersigned's conflict with an out of state seminar.

10. Further, on 11 October, the undersigned, through his office, emailed attorney Scarola to see if he would accept service of process for Edwards for this hearing and he agreed [see email conversation attached hereto], knowing, it is submitted, he had a conflict, and not bothering to extend the courtesy of advising the undersigned of the same. The undersigned also has another attorney/witness under subpoena.

11. Edwards, through counsel, has noticed this matter for trial, and Mr. Epstein wants the undersigned to try the case. The issue of disqualification needs to be resolved for discovery to be conducted in a manner the undersigned, if trial counsel, directs.

12. Mr. Edwards moved to disqualify the undersigned; the undersigned filed a lengthy response with several exhibits refuting the allegations and setting forth facts and law that the undersigned submits was sufficient for outright denial of Edwards' barebones motion; at the very least an evidentiary hearing was mandated by the response.

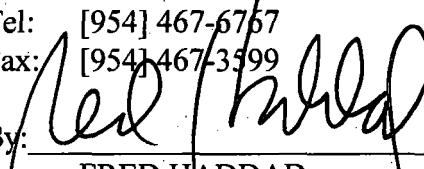
13. Rather than just acknowledge that, attorney Scarola caused the undersigned and other Broward co-counsel, both of whom have children in second grade, to make arrangements for their children so they could attend an 8:45am hearing just to hear attorney Scarola announce the obvious about the necessity of an evidentiary hearing. Realistically, this was not an unexpected move, but still inconvenient.

14. In thirty eight or more years of practice the undersigned cannot recall a single instance of not accommodating another lawyer, however attorney Scarola seems to think it proper to inconvenience other counsel without hesitation and not respond for almost a week when advised of conflicts by opposing counsel, thus the undersigned has no intention of accommodating such conduct, and objects to resetting the 25 October hearing.

WHEREFORE Jeffrey Epstein opposes the Motion to reset the hearing.

I HEREBY CERTIFY that a copy of the foregoing was furnished via Email to all counsel listed below, this 18TH day of October, 2012.

FRED HADDAD, P.A.
One Financial Plaza, Suite 2612
Fort Lauderdale, Florida 33394
Tel: [954] 467-6767
Fax: [954] 467-3599

By: 

FRED HADDAD
Florida Bar No. 180891
Dee@FredHaddadLaw.com

COUNSEL LIST

Jack Scarola, Esq.
E-mail: jsx@searcylaw.com & mep@searcylaw.com
2139 Palm Beach Lakes Blvd
West Palm Beach, Florida 33409

Jack Goldberger, Esq.
E-mail: jgoldberger@agwpa.com & smahoney@agwpa.com
250 Australian Avenue, South, Suite 1400
West Palm Beach, Florida 33401

Marc Nurik, Esq.
E-mail: marc@nuriklaw.com
One East Broward Blvd., Suite 700
Fort Lauderdale, Florida 33301

Bradley J. Edwards, Esq.
E-mail: bje.efile@pathtojustice.com & staff.efile@pathtojustice.com
425 N. Andrews Avenue, Suite 2
Fort Lauderdale, Florida 33301

Tonja Haddad Coleman, Esq.
E-mail: tonja@tonjahaddad.com & debbie@tonjahaddad.com
315 S.E. 7th Street, Suite 301
Fort Lauderdale, Florida 33301

Lilly Ann Sanchez, Esq.
E-mail: lsanchez@thelsfirm.com
1441 Brickell Avenue, 15th Floor
Miami, Florida 33131

Dee Soli

From: Mary E. Pirrotta <MEP@Searcylaw.com>
Sent: Thursday, October 18, 2012 10:08 AM
To: Dee Soli
Subject: RE: Epstein v. Edwards

Mr. Scarola asked me to inquire about getting a new date for the 10/25 hearing. I have a call into the JA but was only able to leave a message. The next available date on the online scheduling calendar is 12/3. Is your attorney available on 12/3 between 2-4 sometime for a 1 hr. hearing? I have not checked with any of the other opposing counsel yet. Please advise, thank you.

From: Dee Soli [mailto:Dee@fredhaddadlaw.com]
Sent: October 17, 2012 11:43 AM
To: Mary E. Pirrotta
Subject: RE: Epstein v. Edwards

Mr. Haddad's wife is a surgeon who has a conference in New Orleans and Mr. Haddad also has a conference in New Orleans. They are attempting to obtain other reservations for later flights at this juncture and I cannot reach either of them right now to see if they have been successful.

Dee Soli, Florida Registered Paralegal
FRED HADDAD, P.A.
One Financial Plaza, Suite 2612
Fort Lauderdale, Florida 33394
Tel: 954-467-6767
Fax: 954-467-3599
Email: Dee@FredHaddadLaw.com or Nolefan10@aol.com

CONFIDENTIALITY NOTICE: This e-mail transmission and any accompanying documents are solely for the use of the intended recipient and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosures, copying, distribution, or action taken or omitted in reliance on it is strictly prohibited. If you received this information in error, please notify the sender immediately and delete the original transmission. The sender does not assume any responsibility for changes made to this e-mail message and any attachments after transmission.

From: Mary E. Pirrotta [mailto:MEP@Searcylaw.com]
Sent: Wednesday, October 17, 2012 11:21 AM
To: Dee Soli
Subject: RE: Epstein v. Edwards

Does Mr. Haddad still have a conflict with the 25th or has that been resolved?

From: Dee Soli [mailto:Dee@fredhaddadlaw.com]
Sent: October 17, 2012 11:11 AM
To: Jack Scarola

Cc: Julianne Lorello; bje.efile@pathtojustice.com; staff.efile@pathtojustice.com; jgoldberger@agwpa.com; smahoney@agwpa.com; marc@nuriklaw.com; Debbie Fein; lsanchez@thelsfirm.com; Tonja Haddad Coleman (Tonja@tonjahaddad.com); Mary E. Pirrotta; Brad Edwards
Subject: RE: Epstein v. Edwards

Mr. Scarola, attached is a copy of the subpoena that you agreed to accept. The original subpoena and witness fee check is being delivered to your office.

Thank you, Dee

Dee Soli, Florida Registered Paralegal
FRED HADDAD, P.A.

One Financial Plaza, Suite 2612
Fort Lauderdale, Florida 33394

Tel: 954-467-6767

Fax: 954-467-3599

Email: Dee@FredHaddadLaw.com or Nolefan10@aol.com

CONFIDENTIALITY NOTICE: This e-mail transmission and any accompanying documents are solely for the use of the intended recipient and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosures, copying, distribution, or action taken or omitted in reliance on it is strictly prohibited. If you received this information in error, please notify the sender immediately and delete the original transmission. The sender does not assume any responsibility for changes made to this e-mail message and any attachments after transmission.

From: Jack Scarola [mailto:JSX@SearcyLaw.com]
Sent: Thursday, October 11, 2012 10:14 PM
To: Dee Soli
Cc: Julianne Lorello; bje.efile@pathtojustice.com; staff.efile@pathtojustice.com; jgoldberger@agwpa.com; smahoney@agwpa.com; marc@nuriklaw.com; Debbie Fein; lsanchez@thelsfirm.com; Tonja Haddad Coleman (Tonja@tonjahaddad.com); Mary E. Pirrotta; Brad Edwards
Subject: Re: Epstein v. Edwards

I will accept service.

On Oct 11, 2012, at 4:46 PM, "Dee Soli" <Dee@fredhaddadlaw.com> wrote:

Jack,

I understand Judge Crow has set the disqualification hearing for October 25. Are you willing to accept service for your co-counsel/witness Brad Edwards or would you prefer I have an investigator personally serve him? If I don't hear from you by Monday at noon I will assume you declined to accept service.

Fred

Dee Soli, Florida Registered Paralegal

FRED HADDAD, P.A.

One Financial Plaza, Suite 2612

Fort Lauderdale, Florida 33394

Tel: 954-467-6767

Fax: 954-467-3599

Email: Dee@FredHaddadLaw.com or Nolefan10@aol.com

CONFIDENTIALITY NOTICE: This e-mail transmission and any accompanying documents are solely for the use of the intended recipient and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosures, copying, distribution, or action taken or omitted in reliance on it is strictly prohibited. If you received this information in error, please notify the sender immediately and delete the original transmission. The sender does not assume any responsibility for changes made to this e-mail message and any attachments after transmission.

Privileged and Confidential Electronic communication is not a secure mode of communication and may be accessed by unauthorized persons. This communication originates from the law firm of Searcy Denney Scarola Barnhart & Shipley, P.A. and is protected under the Electronic Communication Privacy Act, 18 U.S.C. S2510-2521. The information contained in this E-mail message is privileged and confidential under Fla. R. Jud. Admin. 2.420 and information intended only for the use of the individual(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. Personal messages express views solely of the sender and shall not be attributed to the law firm. If you received this communication in error, please notify the sender immediately by e-mail or by telephone at (800) 780-8607 and destroy all copies of the original message. Thank you.

*** eSafe scanned this email for malicious content ***

*** IMPORTANT: Do not open attachments from unrecognized senders ***

Privileged and Confidential Electronic communication is not a secure mode of communication and may be accessed by unauthorized persons. This communication originates from the law firm of Searcy Denney Scarola Barnhart & Shipley, P.A. and is protected under the Electronic Communication Privacy Act, 18 U.S.C. S2510-2521. The information contained in this E-mail message is privileged and confidential under Fla. R. Jud. Admin. 2.420 and information intended only for the use of the individual(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. Personal messages express views solely of the sender and shall not be attributed to the law firm. If you received this communication in error, please notify the sender immediately by e-mail or by telephone at (800) 780-8607 and destroy all copies of the original message. Thank you.

Privileged and Confidential Electronic communication is not a secure mode of communication and may be accessed by unauthorized persons. This communication originates from the law firm of Searcy Denney Scarola Barnhart & Shipley, P.A. and is protected under the Electronic Communication Privacy Act, 18 U.S.C. S2510-2521. The information contained in this E-mail message is privileged and confidential under Fla. R. Jud.

Admin. 2.420 and information intended only for the use of the individual(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. Personal messages express views solely of the sender and shall not be

attributed to the law firm. If you received this communication in error, please notify the sender immediately by e-mail or by telephone at (800) 780-8607 and destroy all copies of the original message. Thank you.

NOT A CERTIFIED COPY

Dee Soli

From: Dee Soli
Sent: Thursday, October 11, 2012 4:39 PM
To: 'MEP@Searcylaw.com'
Subject: Epstein v. Edwards

Mary, as you know the disqualification hearing was scheduled for October 25, a date when Fred will be out of town for a seminar in New Orleans. Would there be any objection to moving this hearing to the October 22 time slot now that the other Motion has been canceled?

Dee Soli, Florida Registered Paralegal

FRED HADDAD, P.A.

One Financial Plaza, Suite 2612

Fort Lauderdale, Florida 33394

Tel: 954-467-6767

Fax: 954-467-3599

Email: Dee@FredHaddadLaw.com or Nolefan10@aol.com

CONFIDENTIALITY NOTICE: This e-mail transmission and any accompanying documents are solely for the use of the intended recipient and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosures, copying, distribution, or action taken or omitted in reliance on it is strictly prohibited. If you received this information in error, please notify the sender immediately and delete the original transmission. The sender does not assume any responsibility for changes made to this e-mail message and any attachments after transmission.

Dee Soli

From: Mary E. Pirrotta <MEP@Searcylaw.com>
Sent: Thursday, October 11, 2012 4:41 PM
To: Dee Soli
Subject: Automatic reply: Epstein v. Edwards

I am currently out of the office. I will return the next business day at 8:00 a.m.

Privileged and Confidential Electronic communication is not a secure mode of communication and may be accessed by unauthorized persons. This communication originates from the law firm of Searcy Denney Scarola Barnhart & Shipley, P.A. and is protected under the Electronic Communication Privacy Act, 18 U.S.C. S2510-2521. The information contained in this E-mail message is privileged and confidential under Fla. R. Jud. Admin. 2,420 and information intended only for the use of the individual(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. Personal messages express views solely of the sender and shall not be attributed to the law firm. If you received this communication in error, please notify the sender immediately by e-mail or by telephone at (800) 780-8607 and destroy all copies of the original message. Thank you.

NOT A CERTIFIED COPY