

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

Case: 50 2009 CA 040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

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

Defendants,

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**MOTION FOR A STAY OF SUBPOENA PENDING RULING ON PREVIOUSLY-FILED  
MOTION FOR SUMMARY JUDGMENT, FOR A PROTECTIVE ORDER, AND FOR  
SCHEDULING ORDER ON CREATING A PRIVILEGE LOG**

Defendant, Bradley J. Edwards, Esq., pursuant to Rule 1.280(c), Florida Rules of Civil Procedure, hereby moves for protection from an abusive subpoena issued by plaintiff Jeffrey Epstein through this Court and served on him and on bankruptcy trustee Herb Stettin.

Epstein has served a subpoena on Edwards and Stettin that will require Edwards to review more than 70,000 pages of materials to identify responsive documents and to assert appropriate privileges. Moreover, Epstein has contrived to have issues regarding this Court's subpoena litigated in the Bankruptcy Court for the Southern District of Florida through the happenstance that possession of the documents (records of a law firm) rests in the hands of Stettin. Epstein apparently contemplates that the bankruptcy court will make rulings on privilege issues that properly should be made by this Court.

Epstein's maneuvers threaten to burden both this Court and the bankruptcy court with making duplicative, potentially conflicting, and likely unnecessary rulings. Accordingly,

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CLERK OF COURT  
Palm Beach County, Florida

Edwards asks this Court to stay enforcement of *its* subpoenas for a brief period of time to permit this Court to first rule on the pending motion for summary judgment on all of Epstein's claims that have been filed by Edwards. If any of Epstein's claims somehow survive the pending summary judgment motion, then this Court could rule on the proper scope of the subpoena and any privilege or other issues which remain to be litigated. Edwards proposes a schedule to rapidly bring these issues to resolution and urges the Court to adopt it. Edwards also requests a protective order, narrowing the scope of the production requests made by Epstein and requiring billionaire Epstein to pay all reasonable costs associated with responding to his discovery requests.

### **BACKGROUND FACTS**

As this court is well aware from a summary judgment motion filed by Edwards, Plaintiff Jeffrey Epstein (a convicted sex offender) has sued legal counsel Bradley J. Edwards, Esq., for conduct that occurred in the course of Edwards' representation of multiple young female victims of Epstein's sexual abuse. Edwards filed and pursued civil lawsuits against Epstein to recover damages for Epstein's extensive pattern of molestations. In retaliation and to try and intimidate Edwards and his young clients, Epstein brought this lawsuit in this court alleging that Edwards had somehow fabricated and/or exaggerated the claims. Edwards has now filed a comprehensive motion for summary judgment against Epstein, detailing how he is entitled to judgment on each and every one of Epstein's frivolous claims.

Epstein has yet to file any response to Edwards' comprehensive summary judgment motion. Nonetheless, he continues to harass Edwards through discovery requests connected with this case. In particular, on April 12, 2010, Epstein propounded an extremely broad Request for

Production (RFP) to Edwards. *See* Exhibit “A.” Containing some 27 different requested items, the RFP seeks all sorts of electronically stored information, including a raft of internal emails between Edwards and other attorneys, paralegals, expert witnesses, investigators, and others who worked on the civil lawsuits against Epstein. On May 11, 2010, Edwards duly responded to the request for production. Through his legal counsel, Edwards noted that many of the requests sought attorney-client or work-product privileged information and others were overly broad and unduly burdensome. *See* Exhibit “B.”

While Edwards was raising his objections to the subpoena lodged against him, Epstein duplicated his requests by serving a separate subpoena for the same information. On April 16, 2010, four days after making the requests to Edwards – without waiting for his responses to the requests, much less a court ruling on Edwards’ objections – Epstein served a subpoena duces tecum for documents on bankruptcy court-appointed trustee, Herb Stettin.

A bit of background may be helpful here. Mr. Stettin never represented any of the underage females who had been sexually abused by Epstein. Instead, Mr. Stettin has possession of certain records related to this case – and many more entirely unrelated to this case – because he was court-appointed as bankruptcy trustee for the now-defunct law firm of Rothstein Rosenfeldt Adler (RRA). Edwards had a brief connection to RRA. For a short period of time during his representation of his young clients, Edwards was employed by RRA. It was then revealed that the law firm president, Scott Rothstein, had been running a criminal Ponzi scheme out of the law firm. Shortly after learning of the fraud, Edwards left RRA. Later, RRA declared bankruptcy and the bankruptcy court appointed Herb Stettin trustee of the estate of RRA, charging him with handling financial claims regarding the assets of the firm. RRA’s electronic

database, including all electronically stored files and emails, were left in the possession of Stettin. Because Stettin was not involved in the sexual abuse litigation against Epstein, he does not have detailed knowledge of the persons or subjects discussed in the various e-mails and other records.

On June 28, 2010, a hearing was set before this court on Epstein's Motion to Compel the Trustee to produce the documents responsive to Epstein's subpoena. On that date, Stettin's counsel, Edwards' counsel, and counsel for Epstein all met in the hallway outside the courtroom and worked out an agreed resolution to the dispute. All counsel agreed that Stettin would turn over to Edwards's counsel all documents responsive to the subpoena and that Edwards' counsel would then prepare a privilege log and produce all documents that are not subject to objection or privilege. At that point, Epstein could pursue any further arguments that he wanted in this Court regarding materials not produced. As a result of the agreement, the Court never held the hearing on the Motion to Compel. Epstein's counsel agreed to draft a proposed consent order for all the parties.

Despite the agreement between the parties, Epstein's counsel never prepared that agreed order. Instead, Epstein decided to launch litigation in yet another forum – the United States Bankruptcy Court for the Southern District of Florida. On July 14, 2010, Epstein filed a Motion to Compel production of numerous documents from Trustee Stettin in the bankruptcy proceeding being overseen by the bankruptcy court (Judge Raymond Ray). *See* Jeffrey Epstein's Motion to Compel Production of Documents from Trustee Pursuant to Document Production Protocol Established by DE #672, *In re: Rothstein Rosenfeldt Adler*, Case No. 09-34791-BKC-RBR (DE 807) (attached as Exhibit "C"). In his motion, Epstein recounted that he had served a subpoena

on the trustee. *See id.* at 2. Epstein did not inform the bankruptcy court, however, that he was seeking the same information from Edwards and that Edwards had raised claims of privilege. Nor did Epstein mention that he had previously filed a motion to compel before this Court. Instead, Epstein claimed to the bankruptcy court that “[p]roduction of these documents from the Trustee is critical to issues in the state court lawsuit. Without access to the emails in question, Movant will suffer unfair prejudice and will be unable to obtain information critical to his lawsuit.” *Id.* at 3. Epstein also stated that he was “willing to reimburse the Estate for its reasonable expenses incurred in reviewing the documents for privileged matters and preparing a Privilege Log.” *Id.* at 4.

In response, on July 19, 2010, Edwards filed a Motion for Protective Order (DE 818) (Exhibit “D”) and an amended Motion for Protective Order (DE 819) (Exhibit “E.”) to restrict this production so that privileged or other non-discoverable material was not produced. A hearing was held on that Motion and on August 13, 2010, the bankruptcy court entered an Order that appointed as Special Master former Broward County Circuit Judge Robert Carney to take all materials responsive to the subpoena from Stettin and to prepare a privilege log (DE 888) (Exhibit “F”).

Special Master Carney did take possession of the materials; however, after reviewing the materials he immediately realized that there were obvious problems if he (the Special Master) prepared a privilege log. Specifically, lacking familiarity with the sexual abuse litigation, the Special Master had no way to determine which materials were relevant and of those relevant materials, which were privileged. Moreover, the privileges were not the Special Master’s to assert or waive. Rather, the attorney-client privilege and other privileges were held by clients of

Edwards and Edwards himself. As a result of these problems, on September 20, 2010, Special Master Carney filed a Motion to Clarify Order Appointing Special Master (DE 1013). (Exhibit “G.”

On September 27, 2010, Edwards then filed another Motion for Protective Order (DE 1022) (attached as Exhibit “H”). In that motion, Edwards explained that “Epstein asks this [Bankruptcy] Court to usurp the properly exercised jurisdiction of the Circuit Court over a subpoena *duces tecum* issued by the state court in connection with an action pending before the state court.” *Id.* at 1. Edwards further noted that he had previously objected to this information being turned over in state court and that this was Epstein’s “attempt to backdoor his way into obtaining information to which he is not entitled.” *Id.* at 4.

On October 10, 2010, the bankruptcy court entered an amended order modifying the production procedures and the role of the Special Master (DE 1068) (attached as Exhibit “I”). In this Amended Order Respecting Production of Documents Regarding Jeffrey Epstein, the bankruptcy court directed the Trustee to produce all of the materials in question to Edwards’ law firm – Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman. Farmer, Jaffe was then directed to produce a privilege log of all materials. The privilege log was to be provided to the Special Master. The Special Master was, in turn, to “schedule a hearing . . . where all parties in interest will have the opportunity to provide written submissions respecting the privilege log and to make argument on all issues relevant to the applicability of privilege as to the documents listed on the Farmer Jaffe privilege log. That hearing shall be transcribed by a court reporter.” *Id.* at 3. Then, “[f]ollowing completion of the aforementioned hearing, the Special Master shall prepare a report making all appropriate findings and recommendations to the Court, which shall be served on all

parties in interest and filed with the Court, along with the transcript of the Special Master's hearing. . . . If an objection to the report is filed by any party in interest, then this Court shall schedule and hold a hearing to resolve with finality the issues of privilege as consistent with the appropriate law and procedures set forth herein." *Id.*

Following the entry of this order, Trustee's counsel delivered several disks containing more than 70,000 pages of materials to Farmer Jaffe. Some of these materials are e-mails from the RRA computers and other materials are electronically stored case files containing pleadings, discovery, correspondence between counsel and other case related materials. While some of these materials are connected with the Epstein litigation, many of them are not. Most of the materials do not appear to be responsive to the Epstein subpoena originally served.

On November 2, 2010, Edwards filed a motion in bankruptcy court requesting relief from the Amended Order. *See* Motion for Relief from Amended Order [DE1068] and to Compel Jeffrey Epstein to Pay for the Production of all Documents in Response to His Request (DE 1120) (Attached as Exhibit "J"). It was then also discovered that the disks provided to Edwards were not identical to those provided to Special Master Carney and a meeting was set up between Special Master Carney and Edwards to compare the disks and get the correct disks in Edwards' hands to begin review of the materials. As a result, on November 10, 2010, Special Master Carney met with Edwards. The disk problem was sorted out, and Edwards was then provided the same materials that Special Master Carney had, from which Edwards was ordered pursuant to DE 1068 to begin preparing a privilege log.

During the meeting with Special Master Carney, it became apparent that the result of Edwards's creation of a privilege log and his anticipated objections to the production of

irrelevant and privileged materials was on a path for a hearing ultimately before the bankruptcy court ruling on the scope of this Court's subpoena and possible restrictions from it.

### **DISCUSSION**

#### **THIS COURT, RATHER THAN THE BANKRUPTCY COURT, IS THE PROPER FORUM FOR LITIGATING THE SCOPE OF SUBPOENAS SERVED IN THIS CASE.**

As is apparent from the foregoing recitation of the facts, Epstein has taken his meritless retaliatory lawsuit against Edwards into a different court – the bankruptcy court – and then sought to have rulings on the application of privileges in this Court's case made by that court. This backdoor approach is not proper, as the issues surrounding *this Court's subpoenas* belong before this Court for several reasons.

First and foremost, Epstein is now deploying his retaliatory lawsuit to burden Edwards and other lawyers at his firm with requests to review tens of thousands of pages of documents for privilege claims and other discovery issues. Because the Trustee has produced what amounts to every single piece of paper that even remotely relates to an Epstein case rather than just those documents responsive to the subpoena, Edwards is now forced to review more than 70,000 documents to create a privilege log.

While it might be appropriate to force the attorneys to review some portion of those documents if a viable lawsuit were at hand, Epstein's lawsuit is entirely meritless. As explained at length in Edwards' pending motion for summary judgment, Epstein's case should be summarily rejected for three separate reasons: First, under the well-established "sword and shield" doctrine, Epstein cannot assert a Fifth Amendment privilege to deny access to relevant discovery about his lawsuit while simultaneously trying to force Edwards to pay damages. Second, because Epstein has repeatedly taken the Fifth when asked numerous relevant questions



about his lawsuit, no reasonable jury could find in his favor. And third and most fundamentally, Epstein's lawsuit completely lacks any factual basis whatsoever and does not even make an attempt at alleging a viable damage theory.

If the Court were to agree with Edwards and grant his summary judgment motion on any of these three separate grounds, then it seems likely that the entire discovery dispute surrounding Epstein's subpoenas to Edwards and the trustee would be considerably narrowed or perhaps even eliminated entirely.<sup>1</sup> It makes no sense that extensive satellite litigation is on-going in the bankruptcy court about subpoenas in Epstein's case when Epstein's case itself is meritless and malicious. Of course, the bankruptcy court has to assume that Epstein's case has merit – as it is bound to recognize a presumptively valid subpoena that Epstein has issued through this Court. Only this Court can rule on the lack of merit to Epstein's case and then narrow or eliminate this separate litigation about the subpoenas.

Second, even assuming *arguendo* that Epstein's case could survive the pending summary judgment motion, the bankruptcy court is simply not the proper forum for determining privilege claims in this case. Without in any way challenging the legal acumen of the bankruptcy court, the ultimate issues of privilege in this case must be decided by this Court. Whatever the bankruptcy court may conclude about certain privilege arguments in the context of discovery, this Court will have to ultimately rule on those privilege claims at trial. It makes no sense to have two different judges taking time to rule on the same issues. Rather, one court should make one binding ruling one time on the privilege issues. The only court that can issue a final ruling

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<sup>1</sup> Even if the Court grants summary judgment for Edwards, this case will continue before this Court on Edwards' counterclaim against Epstein.

controlling at trial is this Court. Therefore, this Court should rule on the discovery issues as well.

Third, only this Court can fairly evaluate Edwards' claims regarding the scope of the subpoenas. Epstein has issued through this Court extremely broad subpoenas which are unduly burdensome on Edwards and his law firm. Yet the bankruptcy court does not have authority to grant relief from those subpoenas – only this Court can do that. Under rule 1.280(c) of the Florida Rules of Civil Procedure, the trial judge may limit or prohibit discovery “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” As explained in *Rasmussen v. South Florida Blood Service, Inc.*, 500 So.2d 533, 535 (Fla. 1987), under this rule trial judges possess “broad discretion” to restrict discovery. But that discretion rests in the “trial court,” *id.*, which obviously is familiar with the litigation pending before it. The bankruptcy court cannot exercise discretion to restrict this Court's subpoenas.

Finally, the bankruptcy court simply lacks jurisdiction to rule regarding privilege issues that have arisen in this Court's case. It is well settled that the bankruptcy court's jurisdiction is limited to “(1) cases under title 11 ...; (2) ‘core’ bankruptcy proceedings that either ‘arise under’ the Bankruptcy Code or ‘arise in’ a case under the Code, or (3) cases in which all interested parties ‘consent’ to the bankruptcy court having jurisdiction to enter a final order in a matter that is ‘related to’ a case under the Bankruptcy Code.” *In re Ray*, --- F.3d ---, 2010 WL 4160135 at \*4 (9<sup>th</sup> Cir. 2010) (internal quotations omitted). Ruling on privilege claims from a subpoena issued by this Court in a tort suit filed by Epstein (who is not a party to the bankruptcy proceeding) against Edwards (who is likewise not a party to the bankruptcy proceeding) does not

fall within any of these grants of jurisdiction to the bankruptcy court and therefore Epstein's proposed procedure is without jurisdictional foundation.

**THIS COURT SHOULD ENTER A PROTECTIVE ORDER AND ESTABLISH A  
SCHEDULE FOR RESOLVING THE PENDING SUMMARY JUDGMENT MOTION  
AND THEN ANY SURVIVING PRIVILEGE ISSUES.**

While Edwards could file a jurisdictional objection to the bankruptcy court ruling on this issue, he does not want to spawn further litigation that could delay a resolution of the privilege issues. Instead, Edwards proposes that this Court simply assert jurisdiction over *its* subpoena and the litigation that has arisen from it. The subpoena to Edwards and to the trustee that Epstein has propounded were issued on the authority of this Court. Accordingly, it is indisputable that this Court can simply withdraw or stay enforcement of *its* subpoena, thereby simply consolidating the litigation surrounding its subpoena into this Court. This Court could then make binding rulings on both the merits (or lack thereof) of Epstein's lawsuit and any surviving privilege issues concerning the subpoenas.

Edwards therefore respectfully proposes that the Court take the following actions:

1. Hold its scheduled hearing on Edwards' summary motion on January 5, 2011. The Court shall then rule on whether any of Epstein's claims survive Edwards' summary judgment motion. After making those rulings, the Court should then rule on whether Epstein's subpoenas should be quashed in light of its rulings. If the Court concludes that parts of the subpoenas remain viable, then the Court could rule on any remaining claims of privilege or other objections that have not been mooted by its summary judgment rulings.

2. Stay further enforcement of its subpoenas to the trustee and to Edwards pending further rulings by this Court on the merits of Epstein's underlying lawsuit and any privilege or other issues that Edwards might raise to the subpoenas.

3. Direct Edwards to prepare a privilege log regarding documents that are actually responsive to the subpoenas. Such privilege log shall be prepared within 30 days following this Court's ruling on Edwards' pending summary judgment motion assuming any claim by Epstein survives. At that time, Edwards shall also produce to Epstein any documents that are responsive to the subpoenas to Edwards and to the trustee and for which there is no privilege or other objection to production (i.e., vagueness in the subpoena or not reasonably calculated to lead to discovery of admissible evidence).

4. Epstein shall then file any objections to claim of privilege or other objections within 15 days following Edwards' response.

5. Edwards shall file any response to Epstein within 10 days following receipt of the objections.

In addition, it is clear that there is an imbalance of financial resources between billionaire Jeffrey Epstein and the parties on whom he is serving subpoenas. This Court possesses the authority to "direct[] the requesting party to pay the costs and expenses of providing discovery." PHILIP J. PADOVANO, FLORIDA CIVIL PRACTICE, § 10.3 at 354 (2007-08 edition) (*citing CBS, Inc. v. Jackson*, 578 So.2d 698 (Fla. 1991); *Mt. Sinai Med. Ctr., Inc. v. Perez-Torbay*, 555 So.2d 1300 (Fla. 3d DCA 1990)). Given the vast sums available to Epstein to pursue his meritless litigation, he should be directed to pay to Farmer, Jaffe and Stettin all costs associated with responding to

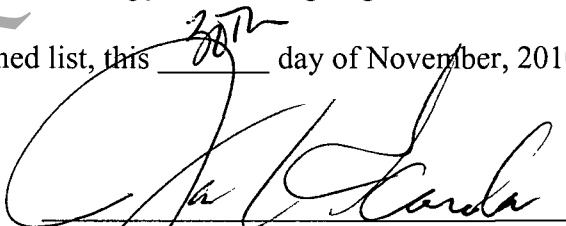
his discovery requests, including reasonable costs of attorney's time and any copying or other expenses.

Because proceedings are on-going in the bankruptcy court regarding these issues, Edwards is simultaneously giving notice to the bankruptcy court, the trustee, and the Special Master that this pleading is being filed and providing a copy of this pleading to each of them.

### CONCLUSION

This Court should stay further enforcement of its subpoena to Edwards and to the trustee Stettin pending further ruling on the pending summary judgment motion regarding Epstein's lawsuit. This Court should also enter a protective order narrowing the scope of Epstein's requests and requiring Epstein to pay all reasonable expenses associated with responding to his requests. This Court should then grant Edwards' pending summary judgment motion against Epstein, and then rule on any surviving privilege or other issues concerning Epstein's subpoenas.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Fax and U.S. Mail to all Counsel on the attached list, this 28<sup>th</sup> day of November, 2010.



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

JEFFREY EPSTEIN

Plaintiff,

v.

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

Defendants.

Complex Litigation, Fla. R. Civ.  
Pro.1201

Case No. 50 2009CA040800XXXXMB  
AG

**EPSTEIN'S REQUEST TO PRODUCE TO EDWARDS**

Defendant, JEFFREY EPSTEIN ("Epstein"), pursuant to Fla. R. Civ. P. 1.350, requests that Defendant, BRADLEY J. EDWARDS ("Edwards"), produce or make available for inspection documents responsive to the requests below within thirty (30) days from the date of service:

**DEFINITIONS AND INSTRUCTIONS**

A. "Document" means any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or transcribed, including the **originals** and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise, including, but not limited to, correspondence, memoranda, notes, messages, letters, purchase orders, telegrams, teletype, telefax bulletins, e-mails, electronic data, meetings, reports, or other communications, interoffice and intra-office telephone calls, diaries, chronological data, minutes, books, reports, charts, ledgers, invoices, worksheets, receipts, returns, trade information regarding fabric, carpets, samples

etc..., computer printouts, prospectuses, financial statements, schedules, affidavits, contracts, cancelled checks, transcripts, statistics, surveys, magazine or newspaper articles, releases (and any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphs or aural records or representations of any kind, including, without limitation, photographs, charts, graphs, microfiche, microfilm, video tape, recordings, motion pictures and electronic, mechanical or electric recordings or representations of any kind (including, without limitation, tapes, cassettes, discs and recordings), and including the file and file cover.

The term "Document" also means any and all computer records, data, files, directories, electronic mail, and information of whatever kind whether printed out or stored on or retrievable from floppy diskette, compact diskette, magnetic tape, optical or magnetic-optical disk, computer memory, hard drive, zip drive, jaz drive, orb drive, microdisk, external memory stick, software, or any other fixed or removable storage media, including without limitation, all back-up copies, dormant or remnant files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file, or file fragment.

B. "Communications" means any oral or written statement, dialogue, colloquialism, discussion, conversation or agreement.

C. "Plaintiff" means **L.M. (*L.M. v. Jeffrey Epstein, Palm Beach County Case #502008CA028051XXXXMB*)**, **E.W. (*E.W. v. Jeffrey Epstein, Palm Beach County Case #502008CA028058XXXXMB*)**, **Jane Doe (*Jane Doe v. Jeffrey Epstein, United States District Court Case #08-civ-80893-Marra/Johnson*)**, and any other person who is or was represented by Rothstein Rosenfeldt & Adler that has not



yet filed an action against Jeffrey Epstein, and any employee, agent or attorney for any plaintiff and/or any other person acting for or on behalf of any plaintiff, or under her authority and control.

D. "RRA" means Rothstein Rosenfeldt & Adler, P.A.

E. "Money" means any tangible thing of value.

F. "Costs" include, but are not limited to, court costs, filing fees, Sheriff's service and any other necessary service of legal papers or notices or subpoenas, court reporters' charges, long distance telephone charges, postage, courier services or Federal Express or UPS, investigative costs, investigative bills, photocopies, faxes, Westlaw computerized research, travel expenses, and witness fees and expert witness fees and costs.

G. "Trustee" means Herbert Stettin as bankruptcy trustee for RRA.

#### **REQUEST FOR PRODUCTION<sup>1</sup>**

1. For the time period from March 1, 2009 to present, any and all documents between, or on behalf of RRA, its employees or agents or clients, and any third party regarding a purported settlement of any litigation between Jeffrey Epstein and a RRA client or Plaintiff, or the financing of any litigation between Jeffrey Epstein and a RRA client or Plaintiff, (whether existing clients or fabricated clients), including but not limited to:

- a. Documents indicating that litigation with Jeffrey Epstein has been settled;
- b. Soliciting or receiving money in return for settlement funds allegedly paid or to be paid by Jeffrey Epstein;
- c. Soliciting money to help finance ongoing litigation against Jeffrey Epstein;
- d. Soliciting money to be given to, or used on behalf of, the Plaintiffs in litigation against Jeffrey Epstein;
- e. Communication between third party investors or potential investors and the Plaintiffs or their attorneys involved in litigation against

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<sup>1</sup> Due to the potential volume of documents involved, the parties and the Court should consider appointment of a special master and/or an in camera inspection to address any objections, claims of privilege and generally manage the production of documents.

- Jeffrey Epstein;
- f. Payments made by RRA to or on behalf of any Plaintiff.
2. Any and all fee agreements that exist or have existed between the following:
- a. Any Plaintiff and Bradley J. Edwards or any entity with which he has been associated;
- b. Any Plaintiff and the law firm RRA.
3. All emails, data, correspondence, memos, or similar documents between Bradley J. Edwards, Scott W. Rothstein, William Berger and Russell Adler and/or any attorney or representative of RRA and any investor or third party (person or entity) regarding Jeffrey Epstein or which mentions Jeffrey Epstein (including Mike Fisten, Kenneth Jenne, Patrick Roberts or Rick (Rich) Fandrey).
4. All emails, data, correspondence, memos, or similar documents between Bradley J. Edwards, Scott W. Rothstein, and/or any attorney or representative of RRA regarding Jeffrey Epstein or which mentions Jeffrey Epstein (including Mike Fisten, Kenneth Jenne, Patrick Roberts or Rick (Rich) Fandrey).
5. All agreements or documents of any nature which were provided to or received from an investor or potential investor relating to any case (real or fabricated) involving Jeffrey Epstein and any of the following:
- a. Scott W. Rothstein
- b. Bradley J. Edwards
- c. RRA
- e. any entity formed by RRA or Bradley J. Edwards or Scott W. Rothstein to create investment opportunities for third party investors to invest in any plaintiff's case against Jeffrey Epstein
6. All fee sharing agreements between Bradley J. Edwards, RRA, or Scott W. Rothstein and/or any other attorney or investor relating to any aspect of any Plaintiff's case.
7. All documents made available to any investor or potential investor by Bradley J. Edwards, RRA, Scott W. Rothstein or any of Scott W. Rothstein's entities to solicit "investors" for any case involving Jeffrey Epstein.
8. All document reflecting the names and addresses of all individuals or entities who invested or purported to invest in any aspect of any case against Jeffrey Epstein.
9. All documents evidencing the Costs and payment of any bill or Costs in each Plaintiff's case against Jeffrey Epstein, and the source(s) for said payments of any Costs.

10. All documents received by you or your current firm wherein the Trustee of RRA has asserted a lien for attorney's fees or Costs arising out of work done and Costs incurred related to the Plaintiffs' cases during the time Plaintiffs' were represented by RRA.

11. All documents and tangible things retrieved from the trash at 358 El Brillo Way, Palm Beach, Florida which is alleged to be the home of Jeffrey Epstein.

12. All conversations recorded from any telephones which purported to be that of Jeffrey Epstein that are contained in any media (audio tapes, CDs, DVDs, zip drives, hard drives or any other electronic format and any written transcriptions).

13. All conversations recorded from any telephones which purported to be from Jeffrey Epstein's attorneys including Roy Black, Alan Dershowitz or Jack Goldberger, that are contained in any media (audio tapes, CDs, DVDs, zip drives, hard drives or any other electronic format and any written transcriptions).

14. All intercepted phone conversations authorized by RRA including but not limited to any one of its attorneys or investigators or anyone retained by or working for RRA related to Jeffrey Epstein that are saved or stored in any media (audio tapes, CDs, DVDs, zip drives, hard drives or any other electronic format and any written transcriptions).

15. All intercepted or acquired electronic mail (e-mails) to or from Jeffrey Epstein authorized by RRA including but not limited to any one of its attorneys or investigators or anyone retained by or working for RRA.

16. All intercepted or acquired electronic mail (e-mails) to and from the attorneys for Jeffrey Epstein including but not limited to: Roy Black, Alan Dershowitz or Jack Goldberger, authorized by RRA including but not limited to any one of its attorneys or investigators or anyone retained by or working for RRA.

17. All documents supporting the contention that a sexual assault took place on an airplane purportedly owned by Jeffrey Epstein or a Jeffrey Epstein entity at any time between 1998 and 2005.

18. All documents related to the amount of all Costs that were incurred by you in the representation of you and/or your law firm in representing Jane Doe, L.M. and E.W. prior to joining RRA.

19. All documents setting forth to the amount of Costs were incurred by RRA in its representation of Jane Doe, L.M. and E.W. during the time you were employed by RRA (or that is being claimed by the Trustee).

20. In the attached transcript dated July 31, 2009, you stated to Judge Hafele with regard to the E.W. and L.M. cases the following:

"What the evidence is really going to show is that Mr. Epstein – at least dating back as far as our investigation resources have permitted, back to 1997 or '98 – has every single day of his life, made an attempt to sexually abuse children.

We're not talking about five, we're not talking about 20, we're not talking about 100, we're not talking about 400, which I believe, is the number known to law enforcement, we are talking about thousands of children, and it is through a very intricate and complicated system that he devised where he has as many as 20 people working underneath him that he is paying well to schedule these appointments, to locate these girls."

(A) Provide all documents to support this assertion including any documents which are the source of the information.

21. All documents related to or mentioning potential deponents in the Jane Doe, L.M. or E.W. cases.

22. All documents that support your claim of damages in your counterclaim in this case.

23. The written fee agreement with the Searcy Denney firm for their representation of you in this case.

24. All emails exchanged between you (or anyone of your behalf) and one or more of the following individuals wherein Epstein, a Palm Beach billionaire or a similar reference was mentioned:

- a. Scott Rothstein
- b. Russell Adler
- c. William Berger
- d. Michael Fisten
- e. Kenneth Jenne
- f. David Boden
- g. Deborah Villegas
- h. Andrew Barnett
- i. Patrick Roberts
- j. Richard (Rick) Fandrey
- k. Christina Kitterman.

25. A copy of your RRA business card.

26. Any employment agreements, letter agreements or memos given to you by RRA or a representative or agent of RRA describing your compensation and benefits at RRA.

27. All documents and communications from Herbert Stettin, as bankruptcy Trustee for RRA, asserting liens against recoveries in:

- a. L.M. v. Epstein, Case No. 502008CA028051XXXXMB
- b. E.W. v. Epstein, Case No. 502008CA028058XXXXMB
- c. Jane Doe v. Epstein, Case No. 08-CV-80119-MARRA/JOHNSON

**Certificate of Service**

I HEREBY CERTIFY that a true copy of the foregoing was sent by fax and U.S. Mail to the following addressees on this 12th day of April, 2010:

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By: 

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Florida Bar #224162  
Michael J. Pike  
Florida Bar #617296

*(Counsel for Defendant Jeffrey Epstein)*

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

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

Defendant.

**DEFENDANT BRADLEY J. EDWARDS RESPONSE TO PLAINTIFF'S REQUEST  
FOR PRODUCTION DATED APRIL 12, 2010**

Defendant, BRADLEY J. EDWARDS, hereby files his Response to Request for  
Production propounded by Plaintiff on April 12, 2010 as follows:

1. None.
2. a. Objection, relevance, not reasonably calculated to lead to the  
discovery of admissible evidence.  
b. None.
3. Objection as to communications to or from investigators as that is  
protected by the work-product and /or attorney-client privilege.
4. Objection; any such communications are protected by the work-product  
and /or attorney-client privilege.
5. None.
6. Objection, relevance, not reasonably calculated to lead to the  
discovery of admissible evidence; vague; overbroad, without waiving  
objection, there are no fee agreements with any investor.

7. None.
8. None.
9. Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence.
10. Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence.
11. None.
12. None.
13. None.
14. None.
15. None.
16. None.
17. Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence; vague; overbroad, ambiguous.
18. Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence.
19. Objection, relevance, not reasonably calculated to lead to the discovery of admissible evidence and protected by the work-product privilege.
20. Objection, vague overbroad and any and all such documents are protected by the work-product privilege.
21. Objection, vague overbroad and any and all such documents are protected by the work-product and attorney-client privilege.
22. Not yet determined.

- 23. Objection.
- 24. Objection; attorney-client privilege and/or work-product privilege.
- 25. None in Defendant's possession.
- 26. None.
- 27. None in Defendant's possession.

NOT A CERTIFIED COPY



Case No.: 502009CA040800XXXMBAG  
Edwards' Response to Request for Production dated 4/12/10

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been  
furnished via U.S. Mail to all counsel on the attached list on ~~April~~ <sup>FAX AND</sup> MAY 11<sup>th</sup>, 2010.

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By: 

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**

*Fort Lauderdale Division*

[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

IN RE:

ROTHSTEIN ROSENFELDT ADLER, P.A.,

Debtor.

Case No. 09-34791-BKC-RBR

Chapter 11

**JEFFREY EPSTEIN'S MOTION TO COMPEL  
PRODUCTION OF DOCUMENTS FROM TRUSTEE PURSUANT TO  
DOCUMENT PRODUCTION PROTOCOL ESTABLISHED BY DE #672**

JEFFREY EPSTEIN ("EPSTEIN"), by and through undersigned counsel, respectfully moves this Honorable Court pursuant to the provisions of Fed.R.Civ.37(a) (which is incorporated into bankruptcy practice by Fed.R.Bankr.P. 7037), for an Order compelling HERBERT STETTIN ("STETTIN"), the Chapter 11 Trustee for the Estate of ROTHSTEIN ROSENFELDT ADLER, P.A. ("RRA"), (a) to comply with the Document Production Protocol established by this Court at his request; (b) to produce documents pursuant to a Subpoena served upon him in a state court matter on April 17, 2010; and ( c ) where appropriate to furnish a Privilege Log. In support thereof, EPSTEIN would respectfully submit the following:

1. This Court, by virtue of the Order which established the Document Production Protocol (DE #672) has taken jurisdiction over all discovery sought of the Trustee. This Court generally has jurisdiction over such matters by virtue of 28 U.S.C. §§ 152 and 1334.

2. On May 6, 2010, STETTIN moved for expedited relief seeking a Protective Order with respect to discovery which had been served upon him by one group of creditors, and in doing

Case No. 09-34791-BKC-RBR

so requested approval of a proposed Document Production Protocol to be used across the board with respect to future document requests that he anticipated receiving from third parties, both within and outside this bankruptcy case (DE #617).

3. On May 18, 2010, this Court entered an "Order Granting Trustee's Motion Seeking a Protective Order and Approving Proposed Document Production Protocol" (DE #672). This Order established the process for anyone wishing discovery from the Trustee. Its operation is not limited to discovery in the bankruptcy case. Moreover, that Order at paragraph 7, retained jurisdiction with respect to all matters arising from or related to the implementation or interpretation of said Order; i.e., all discovery sought from the Trustee, without any limitation on the forum.

4. EPSTEIN is currently a party Plaintiff to a lawsuit in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Case No. 50-2009 CA 040800XXXX MB AG. The action is entitled *Jeffrey Epstein, Plaintiff vs. Scott Rothstein, individually, Bradley J. Edwards, individually, and L.M., individually*.

5. On or about April 17, 2010, counsel for EPSTEIN in the state court had served a Subpoena *Duces Tecum* for Deposition - Documents Only, on STETTIN in his capacity as Trustee, in an attempt to obtain documents relevant to issues in the state court case. A paralegal from BERGER SINGERMAN P.A., counsel for the Trustee, wrote to one of the counsel involved in the state court indicating that the Trustee had retrieved approximately six-thousand (6,000) emails that might be responsive to the Subpoena described above. The paralegal, one LUIS TORRES

Case No. 09-34791-BKC-RBR

("TORRES"), indicated that he anticipated finalizing review of the emails for attorney/client privilege information by May 28, 2010, and intended to produce the documents along with the Privilege Log by May 31, 2010 (Exhibit "A" attached - TORRES' letter). He verbally indicated that he had further responsive documents other than emails.

6. It did not happen.

7. In the meantime, on May 6, 2010, the Trustee had filed his Motion in this Court seeking to establish the Document Production Protocol and this Court entered its Order (DE #672 *supra*).

8. On the strength of the "Document Production Protocol" Trustee's counsel now demanded that Movant enter into a Joint Motion for Entry of Stipulated Protective Order and a Protective Order - the forms established by the Order setting the Document Production Protocol. Movant's counsel forwarded to TORRES, the paralegal, and CHARLES LICHTMAN, ESQ., the executed Joint *Ex Parte* Motion and the proposed Stipulated Protective Order. Counsel for the Trustee did not file them, nor have they ever produced the required information (notwithstanding that TORRES had written that the materials would be ready before the end of May 2010).

9. Production of these documents from the Trustee is critical to issues in the state court lawsuit. Without access to the emails in question, Movant will suffer unfair prejudice and will be unable to obtain information critical to his lawsuit. To date, the Trustee apparently claims privilege over all of these documents, but no Privilege Log has ever been provided. In addition, there is the potential that the "crime-fraud exemption" to the attorney/client privilege would ultimately apply rendering any claimed privilege, even one that is improperly claimed, to be moot.

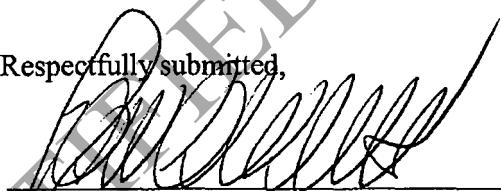
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10. Movant is willing to reimburse the Estate for its reasonable expenses incurred in reviewing the documents for privileged matters and preparing a Privilege Log.

11. Counsel for Movant certifies that we have communicated with Trustee and his counsel in an effort to resolve this issue prior to filing this Motion.

WHEREFORE, Movant respectfully prays that this Court (a) enter the standard stipulated Protective Order so that Movant will be in compliance with the Document Production Protocol; and (b) order the Trustee to comply with the Subpoena originally served on April 17, 2010 - almost three (3) months ago.

Respectfully submitted,

  
\_\_\_\_\_  
Ronald G. Neiworth  
Fla. Bar No. 152175

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*Attorneys for Jeffrey Epstein*

Case No. 09-34791-BKC-RBR

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 14, 2010, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Ronald G. Neiworth  
Ronald G. Neiworth



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GIVING BACK. MOVING FORWARD

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May 21, 2010

VIA FACSIMILE AND E-MAIL

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Re: Subpoena Directed to Herbert Stettin in the case styled L.M. v. Jeffrey Epstein,  
Case No. 502008CA028051XXXXMB AD


Dear Mr. Critton and Mr. Yarema:

Pursuant to the subpoena directed to Herbert Stettin ("Trustee") dated April 16, 2010 ("Subpoena") and the various communications we have had regarding the search parameters to be utilized in order to comply with the Subpoena, please be advised that the Trustee has retrieved approximately 6000 e-mails that might be responsive to the Subpoena. We want to make clear that the Trustee does not have the capability to run electronic searches over all of RRA's documents. Therefore, the 6000 e-mails which have been identified are from Scott Rothstein's and Bradley Edward's e-mail accounts. We anticipate finalizing the review of e-mails for attorney-client privilege information by Friday, May 28, 2010, and we intend to produce responsive documents, along with a privilege log, by Monday, May 31, 2010.

Should you have any questions or concerns, please feel free to contact me at 954.712.5127.

Sincerely,

BERGER SINGERMAN

  
Luis Torres  
Litigation Paralegal

cc: James C. Cunningham, Jr., Esq.

ANDREW HINKUS





Case No. 09-34791-BKC-RBR

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Case No. 09-34791-BKC-RBR

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

IN RE: CASE NO.: 09-34791-RBR  
ROTHSTEIN ROSENFELDT ADLER, P.A., CHAPTER 11  
Debtor.

**MOTION FOR PROTECTIVE ORDER TO EXCLUDE THE PRODUCTION FROM  
TRUSTEE STETTIN OF PRIVILEGED DOCUMENTS AND TESTIMONY TO  
JEFFREY EPSTEIN**

Movant, L.M., moves this Court pursuant to 11 U.S.C. §105(a), Federal Rules of Bankruptcy Procedure Rule 7026 (which expressly incorporates Fed.R.Civ. P. 26(c)), and L.R. 7026-1 to request that the Court enter a protective order excluding the Trustee's production of any documents to Jeffrey Epstein because all requested documents are subject to a claim of attorney-client privilege and/or attorney work product, and in support thereof, states as follows:

**I. Introduction**

1. Jeffrey Epstein, through his counsel, seeks to pull the wool over the eyes of this honorable Court. Epstein asks this Court to usurp the properly exercised jurisdiction of the Circuit Court over a subpoena *duces tecum* issued by the state court in connection with an action pending before the state court.
2. Movant, L.M., respectfully requests that this honorable Court enter a protective order, consistent with the document production methodology already ordered by the Court [D.E. 672], deny Epstein's motion to compel, and prevent the Trustee's production to Epstein of any documents or ESI sought through his state court subpoena since such production consists entirely of documents and ESI which are subject to proper claims of attorney-client communications

privilege and/or attorney work product.

## **II. Background**

3. Movant, L.M. is a party plaintiff in a civil lawsuit<sup>1</sup> against party defendant Jeffrey Epstein in which she alleges that Epstein sexually exploited, abused, and/or assaulted her when she was a minors. The parties recently reached a confidential settlement of this lawsuit on the eve of trial.

4. Movant's counsel, Brad Edwards was employed by RRA. During this time Attorney Edwards securely and confidentially maintained hard-copies of certain file materials and maintained substantial parts of client case files and investigative files in the Qtask application and other software systems maintained by RRA.<sup>2</sup>

5. This Court has entered other Orders in this case to preserve the privileges of RRA's former clients. See Order Granting Motion for Protective Order, D.E. 672.

6. Epstein filed a lawsuit against Scott W. Rothstein, L.M.'s counsel Brad Edwards, and L.M. individually.<sup>3</sup> Epstein has sought to prove up his meritless claims against Attorney Edwards and L.M., in part, by invoking his Fifth Amendment privilege in deposition in this case seventy-seven times.<sup>4</sup>

7. On Date, Epstein's counsel had a subpoena *duces tecum* issued from the Circuit Court in

---

<sup>1</sup> *L.M. v. Epstein*, Case #08-CA-28051, 15<sup>th</sup> Judicial Circuit in and for Palm Beach County, Florida. Attorney Brad Edwards is plaintiff's counsel in this lawsuit. Epstein was also a party defendant in dozens of other civil lawsuits prosecuted by other woman who allege that Epstein sexually exploited, abused, and/or assaulted them when they were minors.

<sup>2</sup> See Motion for Protective Order to Exclude Production of Privileged Documents and Testimony from Qtask, Inc. [D.E. 355].

<sup>3</sup> *Epstein v. Rothstein, et al.*, Case #09-CA-040800-MBAG, 15<sup>th</sup> Judicial Circuit in and for Palm Beach County, Florida.

<sup>4</sup> Dep. Jeffrey Epstein, *Epstein v. Rothstein, et al.*, March 17, 2010, p. 6 – 128.

*Epstein v. Rothstein, et al.* seeking production from Trustee Herbert Stettin of Attorney Edwards case files and investigative files which relate to L.M. and his other legitimate clients who possessed *bona fide* claims or potential claims against Epstein.

8. On Date, L.M., through counsel, filed objections to the subpoena in the Circuit Court.
9. Likewise, L.M. filed a motion for protective order in the Circuit Court where the subject subpoena had been issued.
10. In addition, the Trustee filed a motion for protective order in the Circuit Court.
11. Thereafter, the Circuit Court entered an agreed order on these motions for protective order protecting privileged and work product materials from production to Epstein.
12. Now, Epstein has come to the Bankruptcy Court to pursue the discovery of privileged and attorney work product materials which the Circuit Court would not allow. See Epstein's Motion to Compel, DE 807.

### **III. Memorandum of Law**

#### **A. Discovery Issues Related to the State Court Issued Subpoena Are Not Properly Before the Bankruptcy Court**

Despite Epstein's stated position to the contrary, neither 28 U.S.C. §§ 152 or 1334 confer jurisdiction on this honorable Court to adjudicate a discovery matter arising purely under state law claims filed in state court which are not before the Bankruptcy Court. Epstein seeks to perform an end run around the Circuit Court's proper exercise of its jurisdiction to adjudicate matters pending before it, including subpoenas issued from that court. Moreover, the honorable Circuit Court has already ruled on a motion for protective order on the subject state court issued subpoena *duces tecum*. Accordingly, for reasons of comity, this honorable Court should deny Epstein's motion to compel.

**B. The Discovery Sought is Privileged and/or Attorney Work Product and Beyond the Permissible Scope of Discovery**

Privileges are invoked by the client who possesses the privilege or by the attorney on behalf of the client.

**i. Scope of Permissible Discovery**

Rule 26(b) excludes privileged matters from the scope of permissible discovery. Epstein seeks the production of documents from clients' privileged case files and investigative files. These documents are beyond the scope of discovery permitted by Rule 26(b).

**ii. Protective Orders**

Rule 26(c) states that a court may protect a party or person from whom discovery is sought, based on "good cause shown:"

A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending — or as an alternative on matters relating to a deposition, in the court for the district where the deposition will be taken. The motion must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (A) forbidding the disclosure or discovery;
- (B) specifying terms, including time and place, for the disclosure or discovery;
- (C) prescribing a discovery method other than the one selected by the party seeking discovery;
- (D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters;
- (E) designating the persons who may be present while the discovery is conducted;
- (F) requiring that a deposition be sealed and opened only on court order;
- (G) requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way; and

(H) requiring that the parties simultaneously file specified documents or information in sealed envelopes, to be opened as the court directs.

Fed.R.Civ.P. 26(c)

Epstein seeks the production from the Trustee of privileged, confidential, and attorney work product materials from the case files and investigative files of L.M. and other clients who possess claims against Epstein. The requested documents, relating to the *bona fide* cases of clients are not relevant or calculated to lead to the discovery of admissible evidence in the instant bankruptcy action or any adversary proceeding presently before this Court. Therefore, the requested documents are beyond the scope of permissible discovery. The requested materials are not discoverable under the Florida Rules of Civil Procedure, the Federal Rules of Civil Procedure, the Bankruptcy Rules of Civil Procedure or any other possibly applicable system of rules. Moreover, the document production methodology established by order of this Court was not intended to be a conduit of privileged and work product of RRA's former clients to the clients' litigation adversaries. Epstein's counsel distorts and misrepresents the purpose of the document production methodology by arguing that it was created to facilitate such improper discovery.

Epstein's counsel further attempts to skirt the issue of privilege by failing to meaningfully identify the nature of the requested materials, other than describing "emails" and documents "other than emails". The materials requested by Epstein, essentially case files, client files, and investigative files are patently and obviously privileged. Epstein's counsel offers no argument, cognizable under any set of possibly applicable rules, to demonstrate entitlement to these privileged and work product materials.

**WHEREFORE**, based on the foregoing, Epstein is not permitted to obtain production of

documents and ESI from the Trustee which comprise the privileged, confidential, or attorney work product portions of case files or investigative files, and Movant requests that the Court deny Epstein's motion to compel, grant the foregoing motion for protective order, and enter a protective order excluding the production of any documents or ESI by the Trustee which relate to any cases or matter of L.M. or other clients and granting any other relief the Court deems appropriate to protect the clients of Farmer Jaffe Weissing.

**I HEREBY CERTIFY** that, pursuant to L.R. 9073-1(D), Movant's counsel has contacted Epstein's counsel in a good faith attempt to resolve the matter without a hearing and I further certify that a true and correct copy of the foregoing was served on electronically to the examinee, the debtor, the attorney for the debtor, the trustee, all CM/ECF subscribers, and by email or U.S. Mail on those parties listed on the attached service list this **19th** day of **July**, 2010.

**I HEREBY CERTIFY** that I am admitted to the Bar of the United State District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(A).

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

IN RE: CASE NO.: 09-34791-RBR

ROTHSTEIN ROSENFELDT ADLER, P.A., CHAPTER 11

Debtor.

**AMENDED MOTION FOR PROTECTIVE ORDER TO EXCLUDE THE  
PRODUCTION FROM TRUSTEE STETTIN OF PRIVILEGED DOCUMENTS AND  
TESTIMONY TO JEFFREY EPSTEIN**

Movant, L.M., moves this Court pursuant to 11 U.S.C. §105(a), Federal Rules of Bankruptcy Procedure Rule 7026 (which expressly incorporates Fed.R.Civ. P. 26(c)), and L.R. 7026-1 to request that the Court enter a protective order excluding the Trustee's production of any documents to Jeffrey Epstein because all requested documents are subject to a claim of attorney-client privilege and/or attorney work product, and in support thereof, states as follows:

**I. Introduction**

1. Jeffrey Epstein, through his counsel, seeks to pull the wool over the eyes of this honorable Court. Epstein asks this Court to usurp the properly exercised jurisdiction of the Circuit Court over a subpoena *duces tecum* issued by the state court in connection with an action pending before the state court.

2. Movant, L.M., respectfully requests that this honorable Court enter a protective order, consistent with the document production methodology already ordered by the Court [D.E. 672], deny Epstein's motion to compel, and prevent the Trustee's production to Epstein of any documents or ESI sought through his state court subpoena since such production consists entirely of documents and ESI which are subject to proper claims of attorney-client communications

privilege and/or attorney work product.

## II. Background

3. Movant, L.M. is a party plaintiff in a civil lawsuit<sup>1</sup> against party defendant Jeffrey Epstein in which she alleges that Epstein sexually exploited, abused, and/or assaulted her when she was a minors. The parties recently reached a confidential settlement of this lawsuit on the eve of trial.

4. Movant's counsel, Brad Edwards was employed by RRA. During this time Attorney Edwards securely and confidentially maintained hard-copies of certain file materials and maintained substantial parts of client case files and investigative files in the Qtask application and other software systems maintained by RRA.<sup>2</sup>

5. This Court has entered other Orders in this case to preserve the privileges of RRA's former clients. See Order Granting Motion for Protective Order, D.E. 672.

6. Epstein filed a lawsuit against Scott W. Rothstein, L.M.'s counsel Brad Edwards, and L.M. individually.<sup>3</sup> Epstein has sought to prove up his meritless claims against Attorney Edwards and L.M., in part, by invoking his Fifth Amendment privilege in deposition in this case seventy-seven times.<sup>4</sup>

7. On April 16, 2010, Epstein's counsel had a subpoena *duces tecum* issued from the Circuit

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<sup>1</sup> *L.M. v. Epstein*, Case #08-CA-28051, 15<sup>th</sup> Judicial Circuit in and for Palm Beach County, Florida. Attorney Brad Edwards is plaintiff's counsel in this lawsuit. Epstein was also a party defendant in dozens of other civil lawsuits prosecuted by other woman who allege that Epstein sexually exploited, abused, and/or assaulted them when they were minors.

<sup>2</sup> See Motion for Protective Order to Exclude Production of Privileged Documents and Testimony from Qtask, Inc. [D.E. 355].

<sup>3</sup> *Epstein v. Rothstein, et al.*, Case #09-CA-040800-MBAG, 15<sup>th</sup> Judicial Circuit in and for Palm Beach County, Florida.

<sup>4</sup> Dep. Jeffrey Epstein, *Epstein v. Rothstein, et al.*, March 17, 2010, p. 6 – 128.

Court in *Epstein v. Rothstein, et al.* seeking production from Trustee Herbert Stettin of Attorney Edwards case files and investigative files which relate to L.M. and his other legitimate clients who possessed *bona fide* claims or potential claims against Epstein.

8. On June 18, 2010, L.M., through counsel, filed objections to the subpoena in the Circuit Court.

9. Likewise, L.M. filed a motion for protective order in the Circuit Court where the subject subpoena had been issued.

10. In addition, the Trustee filed a motion for protective order in the Circuit Court.

11. Thereafter, the Circuit Court entered an agreed order on these motions for protective order protecting privileged and work product materials from production to Epstein.

12. Now, Epstein has come to the Bankruptcy Court to pursue the discovery of privileged and attorney work product materials which the Circuit Court would not allow. See Epstein's Motion to Compel, DE 807.

### **III. Memorandum of Law**

#### **A. Discovery Issues Related to the State Court Issued Subpoena Are Not Properly Before the Bankruptcy Court**

Despite Epstein's stated position to the contrary, neither 28 U.S.C. §§ 152 or 1334 confer jurisdiction on this honorable Court to adjudicate a discovery matter arising purely under state law claims filed in state court which are not before the Bankruptcy Court. Epstein seeks to perform an end run around the Circuit Court's proper exercise of its jurisdiction to adjudicate matters pending before it, including subpoenas issued from that court. Moreover, the honorable Circuit Court has already ruled on a motion for protective order on the subject state court issued subpoena *duces tecum*. Accordingly, for reasons of comity, this honorable Court should deny

Epstein's motion to compel.

**B. The Discovery Sought is Privileged and/or Attorney Work Product and Beyond the Permissible Scope of Discovery**

Privileges are invoked by the client who possesses the privilege or by the attorney on behalf of the client.

**i. Scope of Permissible Discovery**

Rule 26(b) excludes privileged matters from the scope of permissible discovery. Epstein seeks the production of documents from clients' privileged case files and investigative files. These documents are beyond the scope of discovery permitted by Rule 26(b).

**ii. Protective Orders**

Rule 26(c) states that a court may protect a party or person from whom discovery is sought, based on "good cause shown:"

A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending — or as an alternative on matters relating to a deposition, in the court for the district where the deposition will be taken. The motion must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (A) forbidding the disclosure or discovery;
- (B) specifying terms, including time and place, for the disclosure or discovery;
- (C) prescribing a discovery method other than the one selected by the party seeking discovery;
- (D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters;
- (E) designating the persons who may be present while the discovery is conducted;
- (F) requiring that a deposition be sealed and opened only on court order;



(G) requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way; and

(H) requiring that the parties simultaneously file specified documents or information in sealed envelopes, to be opened as the court directs.

Fed.R.Civ.P. 26(c)

Epstein seeks the production from the Trustee of privileged, confidential, and attorney work product materials from the case files and investigative files of L.M. and other clients who possess claims against Epstein. The requested documents, relating to the *bona fide* cases of clients are not relevant or calculated to lead to the discovery of admissible evidence in the instant bankruptcy action or any adversary proceeding presently before this Court. Therefore, the requested documents are beyond the scope of permissible discovery. The requested materials are not discoverable under the Florida Rules of Civil Procedure, the Federal Rules of Civil Procedure, the Bankruptcy Rules of Civil Procedure or any other possibly applicable system of rules. Moreover, the document production methodology established by order of this Court was not intended to be a conduit of privileged and work product of RRA's former clients to the clients' litigation adversaries. Epstein's counsel distorts and misrepresents the purpose of the document production methodology by arguing that it was created to facilitate such improper discovery.

Epstein's counsel further attempts to skirt the issue of privilege by failing to meaningfully identify the nature of the requested materials, other than describing "emails" and documents "other than emails". The materials requested by Epstein, essentially case files, client files, and investigative files are patently and obviously privileged. Epstein's counsel offers no argument, cognizable under any set of possibly applicable rules, to demonstrate entitlement to these privileged and work product materials.

**WHEREFORE**, based on the foregoing, Epstein is not permitted to obtain production of documents and ESI from the Trustee which comprise the privileged, confidential, or attorney work product portions of case files or investigative files, and Movant requests that the Court deny Epstein's motion to compel, grant the foregoing motion for protective order, and enter a protective order excluding the production of any documents or ESI by the Trustee which relate to any cases or matter of L.M. or other clients and granting any other relief the Court deems appropriate to protect the clients of Farmer Jaffe Weissing.

**I HEREBY CERTIFY** that, pursuant to L.R. 9073-1(D), Movant's counsel has contacted Epstein's counsel in a good faith attempt to resolve the matter without a hearing and I further certify that a true and correct copy of the foregoing was served on electronically to the examinee, the debtor, the attorney for the debtor, the trustee, all CM/ECF subscribers, and by email or U.S. Mail on those parties listed on the attached service list this **19th** day of **July**, 2010.

**I HEREBY CERTIFY** that I am admitted to the Bar of the United State District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(A).

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**ORDERED in the Southern District of Florida on August 13, 2010.**

Raymond B. Ray, Judge  
United States Bankruptcy Court

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION**  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

IN RE:

CASE NO.: 09-34791-RBR

ROTHSTEIN ROSENFELDT ADLER, P.A.,

CHAPTER 11

Debtor.

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**ORDER RESPECTING PRODUCTION OF  
DOCUMENTS REGARDING JEFFREY EPSTEIN**

THIS CAUSE came before the Court for hearing on August 4, 2010 upon (i) Motion to Compel Production of Documents from Trustee Pursuant to Document Production Protocol, as established by D.E. #672 (D.E. #807); (ii) Motion for Protective Order filed by Interested Party Farmer, Jaffe, Weissing, Edwards, Fistos and Lehrman, P.L. ("Farmer, Jaffe") (D.E. #818) and its related amendment (D.E. #819). The Court heard argument of all counsel present at the hearing, and being otherwise duly advised in the premises,

DOES HEREBY ORDER:

1. The Court appoints former Broward County Circuit Judge Robert Carney as Special Master who shall work with counsel for the Trustee to obtain documents responsive to the subpoena served upon the Trustee by Jeffrey Epstein to: (i) review all electronically stored information ("ESI") and other documents in the Trustee's possession, including Qtask data for purposes of determining the applicability of the attorney/client and work product privileges that may inure to the benefit of L.M., Brad Edwards, and other current or former clients of Farmer, Jaffe; (ii) segregate any such privileged documents; and (iii) prepare a privilege log in accordance with standard practice and law.

2. Prior to engaging in this document review, the Special Master shall meet with counsel for Epstein, counsel for Farmer, Jaffe and counsel for the Trustee to hear their respective positions concerning these matters. Upon completion of the review by the Special Master, the Special Master shall prepare and file a privilege log with the Court. No documents or ESI shall be released to anyone until such time as the Special Master has notified the Court that he has concluded his review of the responsive documents and is in a position to report to the Court his findings and to obtain further instruction. Upon the filing of such notice by the Special Master, the Court shall set a continued hearing on the pending motions identified above. All legal fees and costs incurred by the Special Master shall be paid by Epstein, who has agreed to pay directly all such fees and costs.

###



Submitted by:

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[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

IN RE:

CASE NO.: 09-34791-RBR

ROTHSTEIN ROSENFELDT ADLER, P.A.,<sup>1</sup>

CHAPTER 11

Debtor.  
\_\_\_\_\_ /

**MOTION TO CLARIFY ORDER APPOINTING SPECIAL MASTER**

Robert B. Carney, this Court's appointed Special Master by Order dated August 13, 2010 [D.E. #888], moves for clarification of the above referenced order in the following material respects<sup>2</sup>:

1. Does Paragraph 1 of the Order envision that the Special Master alone prepare a privilege log?

Discussion: While a first blush reading of the Order would seem to indicate that the Special Master solely would prepare the privilege log, this likely would create appellate issues later in the civil action. A strict reading would preclude Messieurs Farmer and Edwards not only from seeing the documents, but from having any hand in asserting the privilege that is theirs to assert. Such a strict interpretation would permit them only to argue the privileges asserted by the Master. Because they could not see the documents, the master, alone, would decide which documents and what privilege. Your Special Master is not aware of any case law or rule that would support such an interpretation and felt it prudent to bring this to the court's attention.

<sup>1</sup> The address and last four digits of the taxpayer identification number of the Debtor, Rothstein Rosenfeldt Adler, P.A., is 6600 NW 16th Street, Suite 11, [REDACTED] 7961).

<sup>2</sup> The content of this motion was written by the Special Master. However, the Trustee's counsel was asked to format and file this motion for the Special Master who is not on this Court's Electronic Filing System. Submission of this motion by Trustee's counsel does mean that the Trustee takes a position on the issues raised herein.

Suggestion: That the Order appointing Special Master be clarified to insure that Messieurs Farmer and Edwards have the opportunity to review the documents and themselves make the decision regarding whether to assert a privilege. Since your Special Master would also have the documents any concerns of loss or tampering should be alleviated.

2. Does Paragraph 2 of the order envision that the job of the Special Master end with the preparation of the Privilege Log?

Discussion: Once the privilege log is prepared the next step would be line item review of each privilege and the context in which it asserted as well as the opposing reasons why it should not exist or why it should be abrogated. A strict reading of the Order would terminate the function of the Special Master upon completion of the privilege log and would leave the Bankruptcy Court with the task of sorting out the arguments and conducting hearings relative to the privileges. Since this is in the context of a state court civil action involving matters arguably outside the interest of the Bankruptcy Court, it might be more efficient for the arguments to be made to the Special Master with the Special Master then including in his report recommendations to the Bankruptcy judge regarding disposition.

Suggestion: That the Order appointing Special Master be clarified to encompass conducting a hearing regarding privileges asserted by Messieurs Farmer and Edwards. The Report of the Special Master would include the arguments from both sides regarding any privileges asserted and the recommended disposition of these claims.

Your Special Master has met with attorneys Lichtman, Sanchez, Farmer, and Edwards separately and together. Not all attorneys are in agreement with either the Request for Clarification or the suggestions of the Special Master outlined above which is the reason for requesting this hearing.

**I HEREBY CERTIFY** that I am admitted to the Bar of the United States District Court for the Southern District of Florida and that I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(A).

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was served via Regular U.S. Mail, postage prepaid, fax, email and/or overnight delivery, as indicated, upon all parties on the attached Service List this 20th day of September, 2010.

Dated: September 20, 2010.

Respectfully submitted,

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[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

IN RE: CASE NO.: 09-34791-RBR  
ROTHSTEIN ROSENFELDT ADLER, P.A., CHAPTER 11  
Debtor.  
\_\_\_\_\_ /

**MOTION FOR PROTECTIVE ORDER TO EXCLUDE THE PRODUCTION FROM  
TRUSTEE STETTIN OF PRIVILEGED DOCUMENTS AND TESTIMONY TO  
JEFFREY EPSTEIN**

Movant, Bradley J. Edwards, moves this Court pursuant to 11 U.S.C. §105(a), Federal Rules of Bankruptcy Procedure Rule 7026 (which expressly incorporates Fed.R.Civ. P. 26(c)), and L.R. 7026-1 to request that the Court enter a protective order excluding the Trustee's production of any documents or information to Jeffrey Epstein in the Deposition *Duces Tecum* served on Herbert Stettin, Trustee in the Bankruptcy for Rothstein Rosenfeldt Adler, P.A. ("RRA") because all requested documents are subject to a claim of attorney-client privilege and/or attorney work product, and in support thereof, states as follows:

**I. Introduction**

1. Jeffrey Epstein ("EPSTEIN"), through his counsel, seeks to pull the wool over the eyes of this honorable Court. Epstein asks this Court to usurp the properly exercised jurisdiction of the Circuit Court over a subpoena *duces tecum* issued by the state court in connection with an action pending before the state court.

2. Movant, Bradley J. Edwards ("EDWARDS") respectfully requests that this honorable Court enter a protective order, consistent with the document production methodology already ordered by the Court [D.E. 672], deny Epstein's motion to compel, and prevent the Trustee's production to Epstein of any documents or ESI sought through his state court subpoena since

such production consists entirely of documents and ESI which are subject to proper claims of attorney-client communications privilege and/or attorney work product.

## **II. Background**

3. EDWARDS was legal counsel for several young females that were molested by EPSTEIN and is currently legal counsel for additional females who were molested by EPSTEIN.

4. EDWARDS filed lawsuits against EPSTEIN on behalf of three females, LM, EW, and Jane Doe, who were molested by EPSTEIN numerous times when they were as young as 13 and 14 years old. Each of those lawsuits was originally filed in August or September of 2008, while EDWARDS was a sole practitioner.

5. In or about March or April of 2009, EDWARDS was hired to work at RRA, and as such he took his cases, which included cases against EPSTEIN, to RRA with him.

6. In November 2009, RRA collapsed when it was discovered that the firm's president, Scott Rothstein, was running a Ponzi scheme and otherwise engaging in criminal activity.

7. EDWARDS, and the vast majority of RRA attorneys and employees, were unaware of Rothstein's criminal activity.

8. EPSTEIN, in an effort to exploit Rothstein's criminal activity, filed a lawsuit against EDWARDS, ROTHSTEIN, and LM, alleging that there was a conspiracy to fabricate cases against him, including the case filed on behalf of LM. Notwithstanding the foregoing, EPSTEIN has settled all suits filed by EDWARDS to date, paying significant sums to resolve said cases. Prior to settling these cases, EPSTEIN was deposed in the underlying litigation filed by the child victims, and in this case, and in all depositions he has asserted his 5th Amendment privilege against self-incrimination. Despite all the foregoing, EPSTEIN has filed his frivolous claims against EDWARDS and his client.

9. EPSTEIN served a deposition *duces tecum* on Herbert Stettin, trustee for RRA, requesting documents and information that are clearly protected by attorney-client and work product privilege and/or which are the private property of EDWARDS or his clients or request information that is not reasonably calculated to lead to the discovery of admissible evidence.

10. Epstein is attempting to use his lawsuit against EDWARDS as a vehicle to pierce the attorney-client and work product privileges and gain access to privileged information related to civil actions against him.

11. Epstein served Requests for Production on EDWARDS; that discovery requested identical information to that sought by the *duces tecum* served on Herbert Stettin.

12. Appropriate work product and attorney-client privilege objections were made to those requests and responses were provided where there was no objection.

13. The Trustee for RRA is merely the custodian of these records and stands in the shoes of the former RRA attorneys and clients on issues such as this; in other words, the Trustee, EDWARDS, LM and all other current and former clients are essentially one and the same for purposes of attorney-client and work product issues. Therefore, EPSTEIN cannot request discovery from the RRA Trustee to circumvent any privilege already claimed by EDWARDS or his clients or to obtain information to which he is not entitled under the Rules.

14. EPSTEIN set a hearing on his Motion to Compel production of these materials before Judge Crow, the Court in which this case is pending.

15. Prior to Judge Crow hearing that Motion, an agreement was reached amongst the parties (including Trustee) that the materials responsive to the requests would be turned over by the Trustee to EDWARDS and that EDWARDS would then file a privilege log or make other appropriate objections.

16. EPSTEIN's counsel said he would prepare the Agreed Order to that effect but failed to do so.

17. EPSTEIN has now argued his entitlement to these documents before this Bankruptcy Court.

18. EDWARDS's counsel understands that a Special Master, Judge Robert Carney, has been appointed and delegated certain duties to monitor Electronically Stored Information to assist in the preparation of a privilege log.

19. The discovery Epstein is seeking should not be allowed as it is not discoverable because it is irrelevant and/or clearly protected by privilege.

20. The discovery requested also contains information that is the private property of EDWARDS or his clients.

21. An objection and Amended Motion for Protective Order [D.E. 819] was lodged on behalf of LM, invoking certain privileges, and the objections on behalf of EDWARDS and his current clients should also be recognized by this Court. EDWARDS adopts and incorporates by reference herein the Amended Motion for Protective Order filed by LM, but also asserts his own attorney-client and work product privileges as he is a named Defendant in EPSTEIN's frivolous lawsuit.

22. While objections on behalf of EDWARDS have already been made before Judge Crow who is presiding over this case, this Court should be aware of EPSTEIN's attempt to backdoor his way into obtaining information to which he is not entitled.

### **III. Memorandum of Law**

#### **A. Discovery Issues Related to the State Court Issued Subpoena Are Not Properly Before the Bankruptcy Court**

Despite Epstein's stated position to the contrary, neither 28 U.S.C. §§ 152 or 1334 confer jurisdiction on this honorable Court to adjudicate a discovery matter arising purely under state law claims filed in state court which are not before the Bankruptcy Court. Epstein seeks to perform an end run around the Circuit Court's proper exercise of its jurisdiction to adjudicate matters pending before it, including subpoenas issued from that court. Moreover, the honorable Circuit Court has already ruled on a motion for protective order on the subject state court issued subpoena *duces tecum*. Accordingly, for reasons of comity, this honorable Court should deny Epstein's motion to compel.

**B. The Discovery Sought is Privileged and/or Attorney Work Product and Beyond the Permissible Scope of Discovery**

Privileges are invoked by the client who possesses the privilege or by the attorney on behalf of the client.

**i. Scope of Permissible Discovery**

Rule 26(b) excludes privileged matters from the scope of permissible discovery. Epstein seeks the production of documents from clients' privileged case files and investigative files. These documents are beyond the scope of discovery permitted by Rule 26(b).

**ii. Protective Orders**

Rule 26(c) states that a court may protect a party or person from whom discovery is sought, based on "good cause shown:"

A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending — or as an alternative on matters relating to a deposition, in the court for the district where the deposition will be taken. The motion must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. The court may, for good cause, issue an order to protect a party or person from annoyance,



embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (A) forbidding the disclosure or discovery;
- (B) specifying terms, including time and place, for the disclosure or discovery;
- (C) prescribing a discovery method other than the one selected by the party seeking discovery;
- (D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters;
- (E) designating the persons who may be present while the discovery is conducted;
- (F) requiring that a deposition be sealed and opened only on court order;
- (G) requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way; and
- (H) requiring that the parties simultaneously file specified documents or information in sealed envelopes, to be opened as the court directs.

Fed.R.Civ.P. 26(c)

Epstein seeks the production from the Trustee of privileged, confidential, and attorney work product materials. The requested documents, relating to the *bona fide* cases of clients are not relevant or calculated to lead to the discovery of admissible evidence in the instant bankruptcy action or any adversary proceeding presently before this Court. Therefore, the requested documents are beyond the scope of permissible discovery. The requested materials are not discoverable under the Florida Rules of Civil Procedure, the Federal Rules of Civil Procedure, the Bankruptcy Rules of Civil Procedure or any other possibly applicable system of rules. Moreover, the document production methodology established by order of this Court was not intended to be a conduit of privileged and work product of RRA's former clients to the clients' litigation adversaries. Epstein's counsel distorts and misrepresents the purpose of the document production methodology by arguing that it was created to facilitate such improper

discovery.

Epstein's counsel further attempts to skirt the issue of privilege by failing to meaningfully identify the nature of the requested materials, other than describing "emails" and documents "other than emails". The materials requested by Epstein, essentially case files, client files, and investigative files are patently and obviously privileged. Epstein's counsel offers no argument, cognizable under any set of possibly applicable rules, to demonstrate entitlement to these privileged and work product materials.

**WHEREFORE**, based on the foregoing, Epstein is not permitted to obtain production of documents and ESI from the Trustee which comprise the privileged, confidential, or attorney work product portions of case files or investigative files, and Movant requests that the Court deny Epstein's motion to compel, grant the foregoing motion for protective order, and enter a protective order excluding the production of any documents or ESI by the Trustee which relate to any cases or matter of Edwards's clients and granting any other relief the Court deems appropriate.

**I HEREBY CERTIFY** that, pursuant to L.R. 9073-1(D), Movant's counsel has contacted Epstein's counsel in a good faith attempt to resolve the matter without a hearing and I further certify that a true and correct copy of the foregoing was served on electronically to the examinee, the debtor, the attorney for the debtor, the trustee, all CM/ECF subscribers, and by email or U.S. Mail on those parties listed on the attached service list this 27<sup>th</sup> day of September, 2010.

**I HEREBY CERTIFY** that I am admitted to the Bar of the United State District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(A).

/s/ Seth M. Lehrman

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**ORDERED in the Southern District of Florida on October 15, 2010.**

Raymond B. Ray, Judge  
United States Bankruptcy Court

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION**  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

IN RE:

CASE NO.: 09-34791-RBR

ROTHSTEIN ROSENFELDT ADLER, P.A.,

CHAPTER 11

Debtor.

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**AMENDED ORDER RESPECTING PRODUCTION OF  
DOCUMENTS REGARDING JEFFREY EPSTEIN**

THIS CAUSE came before the Court for hearing on October 13, 2010 upon the Motion to Clarify Order Appointing Special Master (D.E. #1013) which pertains to this Court's Order Respecting Production of Documents Regarding Jeffrey Epstein (D.E. #888) ("Order 888"). The Court heard argument of all counsel present at the hearing, and being otherwise duly advised in the premises,

DOES HEREBY ORDER:

1. Order 888 is amended solely as follows:

a. Within two business days following receipt of this order, Berger Singerman, as counsel for the Trustee, Herbert Stettin ("Trustee"), shall deliver to Gary Farmer at the Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L. law firm ("Farmer Jaffe"), a copy of the CD produced pursuant to Order 888 to Judge Robert Carney as Special Master and which contains all electronically stored information ("ESI") and other documents in the Trustee's possession, respecting the subject matter of the subpoena previously served upon the Trustee related to L.M., Scott Rothstein, Brad Edwards and Jeffrey Epstein.

b. Farmer Jaffe shall review all documents contained on the CD and prepare a detailed privilege log within thirty (30) days of receipt of the CD. Farmer Jaffe shall serve the privilege log on all parties in interest to these proceedings and file same with the Court.

c. Contemporaneous with the service and filing of the privilege log, Farmer Jaffe shall provide to a reputable copy service an unredacted copy of the Trustee's CD of documents, and that copy service shall duplicate and date stamp all documents on the CD, and return all materials to Farmer Jaffe, who shall forthwith notify Trustee's counsel and the Special Master of the date stamp range of documents. Farmer Jaffe shall then extract from the hard copy duplicated documents solely those documents which it listed on the privilege log, and segregate those documents for submission to the Special Master and the Trustee's counsel. Farmer Jaffe shall furnish copies of the segregated documents to which it asserts a privilege both to the Special Master and the Trustee at Farmer Jaffe's cost.

d. To the extent that documents on the CD are duplicated and not subject to an assertion of privilege, they shall be forthwith provided to counsel for Epstein, counsel to the Razorback creditors, as well as to any other party who requests such documents, all at their own respective cost.

e. Following service and filing of the privilege log, the Special Master shall schedule a hearing to occur at the offices of Berger Singerman where all parties in interest will have the opportunity to provide written submissions respecting the privilege log and to make argument on all issues relevant to the applicability of privilege as to the documents listed on the Farmer Jaffe privilege log. That hearing shall be transcribed by a court reporter.

f. Following completion of the aforementioned hearing, the Special Master shall prepare a report making all appropriate findings and recommendations to the Court, which shall be served on all parties in interest and filed with the Court, along with the transcript of the Special Master's hearing.

g. Any party may file a written objection to the Special Master's report within ten days after service of same. If no party files an objection to the report, the Court shall approve the report and adopt same into a court order without further notice to the parties. If an objection to the report is filed by any party in interest, then this Court shall schedule and hold a hearing to resolve with finality the issues of privilege as consistent with the appropriate law and procedures set forth herein.

###

Submitted by:

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Copy furnished to:

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*(Charles H. Lichtman is directed to serve this Order to all parties of interest and to file a Certificate of Service.)*

2996606-3

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

IN RE: CASE NO.: 09-34791-RBR  
ROTHSTEIN ROSENFELDT ADLER, P.A., CHAPTER 11  
Debtor.  
\_\_\_\_\_ /

**MOTION FOR RELIEF FROM AMENDED ORDER [D.E. 1068]**  
**AND TO COMPEL JEFFREY EPSTEIN TO PAY FOR THE**  
**PRODUCTION OF ALL DOCUMENTS IN RESPONSE TO HIS REQUEST**

Movants, LM and Bradley J. Edwards, move this Court for relief from Amended Order [D.E. 1068] related to the production of documents requested by Jeffrey Epstein and to Compel Jeffrey Epstein to Pay for the Production of all Documents which he has requested, and in support thereof, states as follows:

1. Brad Edwards, an attorney employed by Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L. ("Farmer Jaffe Weissing"), has represented LM and other women who allege that they were sexually exploited, sexually abused, and otherwise victims of intentional and despicable conduct of Jeffrey Epstein. Epstein's conduct has been the subject of several lawsuits vigorously litigated by Mr. Edwards, as well as similar lawsuits filed by other well-known attorneys and law firms on behalf of other victims.

2. Epstein filed a frivolous lawsuit against Attorney Edwards and his client LM, who is one of Epstein's former victims, and through this lawsuit has sought voluminous discovery from the Trustee, including many documents which are patently subject to claims of privilege and/or attorney work product and/or privacy. Epstein's requests were so overbroad that they include the entire legitimate case files and investigative files of Attorney Edwards.

3. The Court previously entered Amended Order [D.E. 1068] which crafted a

procedure by which the undersigned counsel would have a reasonable opportunity to review those documents in the Trustee's possession which are responsive to Epstein's request. Accordingly, the Amended Order directed the Trustee to provide the undersigned counsel with documents and ESI in response to a state court subpoena duces tecum served by Jeffrey Epstein. This Amended Order directs the undersigned counsel to prepare and file a privilege log and imposes the expense associated with printing all documents produced by the Trustee on undersigned counsel.

4. Prior to receiving the CD from Trustee's counsel the undersigned, as well as perhaps all parties involved, was under the impression that the production consisted of approximately 6,000 pages of documents.

5. In fact, it was during, or just after, the hearing on Special Master's Motion to Clarify Order Appointing Special Master when Trustee's counsel realized that the Trustee may be in possession of additional ESI stored in a Fortis file system.

6. Consequently, the Trustee has now produced to the undersigned counsel two compact discs ("CDs") which contain approximately 74,000 pages of documents.

7. Additionally, one of the files produced by Trustee was a corrupt and unworkable file; on October 25, 2010 Movants requested that this corrupted file be resent to their office. In addition, Movants requested that the files be Bates stamped electronically so that a better record for the privilege log can be created. To date Movants still have not received the new disc(s).

8. Once Movants receive all files in a workable format, reviewing 74,000 pages of documents and creating a privilege log will take considerable more attorney time than was anticipated. Consequently, Movants are requesting an additional 30 days to complete this process.

9. In accordance with this Court's order, undersigned counsel have obtained an estimate of the printing and bates stamping costs associated with printing this 74,000 page collection of documents requested by Epstein. The cost of printing these documents exceeds \$7,000 (\$0.10 per page x 74,000 pages).

10. Epstein, through counsel, has previously represented to the Trustee that he is willing to bear the reasonable expense associated with this production, and in fact the original Order that contemplated Special Master Carney preparing the Privilege log (DE 888) directly stated, "All legal fees and costs incurred by the Special Master shall be paid by Epstein, who has already agreed to pay directly all such fees and costs."

11. With approximately 74,000 pages to print, bates stamp, review, and create a privilege log that can only be done by the attorneys that handled or are handling the Epstein-related cases, it will take many full days for the attorneys to complete, and the attorneys engaging in this exercise should be compensated for their time.

12. It is entirely reasonable that Epstein, the party seeking this discovery, bear the printing expense and other reasonable costs and attorney's fees associated with his discovery request.

**WHEREFORE**, based on the foregoing, LM and Attorney Edwards request that the Court grant this motion for relief from amended order [DE 1068] and enter an order which compels Epstein to prepay the cost of printing all documents responsive to his request as well as reasonable attorney's fees for this time-consuming task and enlarging the time for the undersigned counsel to file a privilege log by thirty days from the date that Epstein pays the printing costs, and granting any other relief the Court deems appropriate.

**I HEREBY CERTIFY** that, pursuant to L.R. 9073-1(D), Movant's counsel has

contacted Epstein's counsel in a good faith attempt to resolve the matter without a hearing and I further certify that a true and correct copy of the foregoing was served on electronically to the examinee, the debtor, the attorney for the debtor, the trustee, all CM/ECF subscribers, and by email or U.S. Mail on those parties listed on the attached service list this 2nd day of November, 2010.

**I HEREBY CERTIFY** that I am admitted to the Bar of the United State District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(A).

FARMER, JAFFE, WEISSING,  
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By: /s/ Seth Lehrman

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