

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

Case No. 50-2009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

**COUNTER-DEFENDANT JEFFREY EPSTEIN'S RESPONSES AND OBJECTIONS
TO NOTICE OF TAKING VIDEO DEPOSITION DUCES TECUM**

Counter-Defendant Jeffrey Epstein ("Epstein"), pursuant to Florida Rule of Civil Procedure 1.350(b), responds and objects to the Duces Tecum contained in Counter-Plaintiff Bradley J. Edwards' ("Edwards") September 26, 2018, Notice of Taking Video Deposition Duces Tecum, and states¹:

EDWARDS' ORIGINAL DUCES TECUM

Edwards' original Duces Tecum sought:

All communications and all records relating to all communications concerning or containing information derived from documents or data over which a claim of privilege was asserted by or on behalf of Bradley J. Edwards.

¹Pursuant to Florida Rule of Civil Procedure 1.350 (30 days) and Florida Rule of Judicial Administration 2.514(b) (5 days), Epstein's Response is due on October 31, 2018. However, in the spirit of cooperation, Epstein has served his response in advance of his October 13, 2018, deposition.

* “Documents” shall include, but not be limited to all non-identical copies of writings, drawings, graphs, charts, photographs, phono-records, recordings, and/or any other data compilations from which information can be obtained, translated, if necessary, by the party to whom the request is directed through detection devices into reasonably usable form. “Documents” also include all electronic data as well as application metadata and system metadata. All inventories and rosters of your information technology (IT) systems—e.g., hardware, software and data, including but not limited to network drawings, lists of computing devices (servers, PCs, laptops, PDAs, cell phones, with data storage and/or transmission features), programs, data maps and security tools and protocols.

On July 18, 2018, Epstein objected to the *Duces Tecum* on the basis that the Court has not reopened document discovery and because the request sought (1) documents that are protected by the attorney-client privilege, (2) documents that have been sealed, and (3) access to Epstein’s computers and electronic devices. Epstein also pointed out that Epstein’s deposition was limited in scope to the following topics:

- Whether and to what extent Epstein reviewed any of the alleged privileged materials prior to March 2018.
- Whether and to what extent Epstein reviewed any of the alleged privileged materials after March 2018.
- Whether Epstein has any knowledge regarding compliance with the Court’s verbal rulings on the record at the March 8, 2018, hearing regarding destruction of those documents Edwards has claimed are privileged.
- Whether and to what extent Epstein has shared any of the alleged privileged materials with anyone other than his attorneys.
- Which, if any, of the alleged privileged materials Epstein plans to use to testify at trial.

Epstein reincorporates without restating his July 18, 2018, objection.

EDWARDS' SEPTEMBER 26, 2018, DUCES TECUM

Epstein's July 18, 2018, objections were heard on August 15, 2018, at which time, the Court allowed Edwards to narrow his document request to correspond with the deposition topics.

On September 26, 2018, Edwards filed a new Duces Tecum seeking the following documents:

All documents* tending to establish:

- Whether and to what extent Epstein reviewed any of the alleged privileged materials prior to March 2018.
- Whether and to what extent Epstein reviewed any of the alleged privileged materials after March 2018.
- Whether Epstein has any knowledge regarding compliance with the Court's verbal rulings on the record at the March 8, 2018, hearing regarding destruction of those documents Edwards has claimed are privileged.
- Whether and to what extent Epstein has shared any of the alleged privileged materials with anyone other than his attorneys.

* "Documents" shall include, but not be limited to all non-identical copies of writings, drawings, graphs, charts, photographs, phonorecords, recordings, and/or any other data compilations from which information can be obtained, translated, if necessary, by the party to whom the request is directed through detection devices into reasonably usable form. "Documents" also include all electronic data as well as application metadata and system metadata. All inventories and rosters of your information technology (IT) systems—e.g., hardware, software and data, including but not limited to network drawings, lists of computing devices (servers, PCs, laptops, PDAs, cell phones, with data storage and/or transmission features), programs, data maps and security tools and protocols.

EPSTEIN'S RESPONSE AND OBJECTION

A. General Response.

Epstein's current trial counsel, Link & Rockenbach, PA, received the disc which is the subject of Epstein's deposition from Epstein's former counsel, Fowler White, in February 2018. Epstein never received the disc nor did he know of the disc's existence before that time.

At the March 8, 2018 hearing, this Court directed the parties to seal the disc and ensure no further dissemination of the documents Edwards claimed were privileged. Link & Rockenbach, PA, took immediate steps to comply with this Court's March 8, 2018, directives as set forth in Epstein's Notices of Compliance. The disc has been sealed and Edwards' privilege claims are currently the subject of Epstein's request that the Court conduct an *in camera* review to make a determination as to whether the documents are privileged as claimed by Edwards.

B. Specific Response

Epstein objects to the first three bullet point requests because they seek documents that are protected by the attorney-client privilege and work product doctrine. Epstein does not have any non-privileged documents in response to the first three requests. Epstein, however, is producing evidence of his counsel's receipt of the disc.

In response to the fourth bullet point, Epstein states that no responsive documents exist because he did not share the alleged privilege materials with anyone other than his attorneys.

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on October 12, 2018, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

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