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,

Defendants.
_____/

RESPONSE IN OPPOSITION TO EPSTEIN'S MOTION FOR COURT TO DECLARE RELEVANCE AND NON-PRIVILEGED NATURE OF DOCUMENTS AND REQUEST FOR ADDITIONAL LIMITED DISCOVERY, EVIDENTIARY HEARING, AND APPOINTMENT OF A SPECIAL MASTER

Counter-Plaintiff Edwards, by and through undersigned counsel, hereby files this Response in Opposition to Epstein's Motion for Court to Declare Relevance and Non-Privileged Nature of Documents and Request for Additional Limited Discovery, Evidentiary Hearing, and Appointment of a Special Master[1], and in support states as follows:

1. Edwards incorporates by reference the timeline and arguments contained in his Motion to Strike Epstein's Untimely Supplemental Exhibits and to Strike all Exhibits and Any Reference to Documents Containing Privileged Materials Listed on Edwards' Privilege Log, filed on March 5, 2018.

2. In addition to those arguments, Edwards states as follows:

[1] For brevity, Edwards shall refer to Epstein's motion as the "Motion for Court to Declare Relevance."

A. Epstein's Counsel is Intentionally Referencing Privileged Materials in Public Filings.

3. First, to the extent that the claim of ignorance outlined in the first five pages of Epstein's Motion to Declare Relevance was ever legitimate, that claim ended once undersigned counsel notified Epstein's counsel that they were in possession of Edwards's privileged materials. As can be seen from the correspondence attached to Epstein's Motion to Declare Relevance, that notification first occurred on March 4, 2018. Moreover, on March 5, 2018, Edwards filed his Motion to Strike, in which he specifically identified 49 privileged communications listed on Edwards' 2011 Privilege Log that are being used by Epstein and his counsel.

4. Despite now having been provided with specific reference to each and every one of the privileged communications at issue, Epstein's counsel has refused to comply with their ethical obligations and has instead ***continued*** to specifically refer to and describe this information in the public record of the Court. The only logical conclusion that can be drawn from this willful disregard of the privileged character of these documents is that this is an attempt to cause a media circus, taint the jury pool, and prevent the parties to the Malicious Prosecution action from picking a jury as presently scheduled.

B. Epstein and His Counsel Have "Jumped the Shark."[2]

5. In his Notice of Filing Appendix, Epstein, through counsel, includes privileged materials under a section titled "Edwards' Direct Involvement in Rothstein's Ponzi Scheme." If nothing but consistent, Epstein, through counsel, then sprinkles throughout the Motion for Court to Declare Relevance direct accusations and implicit insinuations that, regardless of whether

[2] The idiom "jumping the shark" is a pejorative reference to an unsuccessful gimmick to salvage a failing enterprise.

Epstein had probable cause to institute or continue his malicious lawsuit against Edwards, it turns out that Edwards was secretly involved in the Ponzi scheme after all! For example, Epstein claims that the emails are "evidence that shows [Edwards'] direct participation with Rothstein to avoid the structured settlement statute for an Epstein case" and questions whether these e-mails "were turned over to the U.S. Attorney." See Epstein's Mot. at pages 8 and 7.

6. To be blunt, this accusation continues Epstein's baseless, malicious assault on Edwards' character. The Federal Government conducted a years' long investigation into Rothstein's criminal enterprise, which included access to every email on the RRA server. No one (aside from Jeffrey Epstein) ever suggested, implied, or insinuated that Brad Edwards had any involvement or knew anything about Rothstein's illegal activities. Brad Edwards was never even formally interviewed by the authorities. Yet Epstein now claims that an e-mail string between Scott Rothstein and at least five other attorneys, including Brad Edwards, who were never implicated in and had no involvement whatsoever in Rothstein's Ponzi scheme is direct evidence of Edwards' involvement. And this stunning revelation rests on evidence that has sat in the files of Epstein's legal army for over 5 years![3]

7. Is Epstein accusing Matt Weissing, Esq. of being directly involved in Rothstein's Ponzi scheme? Steven Jaffe, Esq.? How about Mark Fistos, Esq.? Were they all secret co-conspirators who have managed to avoid justice for the past nine years? Justice that only Jeffrey Epstein and his counsel can deliver upon? Does Epstein plan to report his "bombshell" findings to

[3] Edwards is somewhat confused as to how Epstein could have relied upon these privileged materials to continue his malicious lawsuit until August 16, 2012 if, as Epstein's counsel represents, the specific emails at issue were not discovered until a few weeks ago…

the U.S. Attorney's Office? How about the F.B.I.? Because the accusation made by Epstein, through his counsel, on the eve of this Malicious Prosecution trial is that Brad Edwards was directly involved in multiple felonies.[4] These are serious accusation, and Edwards and every other victim of this assault will welcome the chance to respond the moment Epstein again steps beyond the absolute protection of the litigation privilege.

8. Epstein, through counsel, also suggests that Jack Scarola, Esq. and Paul Cassell, Esq. may somehow be implicated in nefarious conduct and requests their depositions in a desperate attempt to avoid trial once again. The emails in question are evidence of nothing and are not relevant to this malicious prosecution claim, no matter how perverted a spin Epstein applies to them.

9. Epstein and his counsel are walking a very fine line in testing just how far Florida's absolute litigation privilege will go to protect them. Undersigned counsel looks forward to finding out the answer to this question, and the others he has posed, at the hearing on Thursday.

Conclusion

For the foregoing reasons, Epstein's Motion for Court to Declare Relevance and Non-Privileged Nature of Documents and Request for Additional Limited Discovery, Evidentiary Hearing, and Appointment of a Special Master should be denied.

[4] It seems we have come full circle from the Initial Complaint.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve to all Counsel on the attached list, this 6th day of March, 2018.

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