

JEFFREY EPSTEIN,
Plaintiff,

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

vs.

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

CASE NO. 502009CA040800XXXXMBAG

Defendants.

PLAINTIFF'S MOTION TO STRIKE DEFENDANT'S
NOTICE OF JURY TRIAL

Plaintiff Jeffrey Epstein, by and through his undersigned counsel and pursuant to Rule 1.440 of the *Florida Rules of Civil Procedure*, hereby moves this Court to enter an order striking the Defendant Bradley Edwards' notice of jury trial. In support thereof, Plaintiff states:

1. That Defendant's notice for jury trial is ambiguous as to which "action" is at issue and ready to be set for trial, as it does not delineate therein whether the notice is for Plaintiff's case in chief or Defendant's Counterclaim;

2. That with respect to Plaintiff's case in chief, Defendant's Motion for Summary Judgment is pending. Because this is a motion directed at Plaintiff's last pleading, Defendant's Notice of Jury Trial is improper. *See Naranja Princeton Community Development Corp. v. Cornerstone Development Group, Inc.*, 34 So. 3d 124 (Fla. 3d DCA 2010) (quoting Rule 1.440 of the *Florida Rules of Civil Procedure*);

3. That with respect to Defendant's Counterclaim, Defendant served his Notice for Jury Trial contemporaneously with his Motion to Compel Proper Answer or to

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2012 JUN 28 AM 11:18
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Deem Unanswered Allegations Admitted; a motion directed at Plaintiff's last pleading in Defendant's Counterclaim; thereby rendering his Notice for Jury Trial improper. *See id.*;

4. That because Defendant served his Notice of Jury Trial contemporaneously with his Reply to Affirmative Defenses to his own Counterclaim, Defendant's notice of jury trial is improper because it was filed sooner than 20 days after the service of the last pleading. *See id.*;

Wherefore Plaintiff Jeffrey Epstein respectfully requests that this Court strike Defendant Bradley Notice of Jury Trial, and such other and further relief as this Court deems just and proper.

WE HEREBY CERTIFY that Plaintiff attempted, as required, to resolve this matter prior to filing this Motion, and that a true and correct copy of the foregoing was served upon all parties listed on the attached service list, via electronic and US Mail, this June 27, 2012.



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