

JEFFREY EPSTEIN,

Plaintiff,

vs.

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

Defendants.

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

CASE NO.: 502009CA040800XXXXMBAG

JUDGE: HAFELE

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S MOTION TO  
OVERRULE OBJECTIONS AND COMPEL DEFENDANT/COUNTER-PLAINTIFF  
BRADLEY EDWARDS TO ANSWER QUESTIONS**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), by and through his undersigned counsel and pursuant to Rule 1.380(a) of the *Florida Rules of Civil Procedure*, hereby moves this Court for entry of an order directing Defendant/Counter-Plaintiff Bradley J. Edwards ("Edwards") to respond to questions asked of him at his deposition taken on March 23, 2010, and again on May 15, 2013, and to such follow up questions as are appropriate. In support of this Motion, Epstein states:

**INTRODUCTION**

On March 23, 2010, counsel for Epstein deposed Edwards (hereinafter "the first deposition"). During that examination, Edwards refused to answer numerous questions to which he, his counsel, or both, objected. Most of the objections asserted by Edwards's counsel were impermissibly verbose, suggestive objections that were often parroted by Edwards. In a continuation of that deposition (hereinafter "the second deposition"), which occurred on May 15, 2013, Edwards was again asked all of the questions to which he initially objected, and both he and his counsel asserted the same objections<sup>1</sup>. As demonstrated more fully below, there is no

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<sup>1</sup> Rather than asking each individual question and asserting each objection again, Edwards was asked if he would

basis in law for the objections asserted by Edwards, and Edwards must, therefore, be compelled to respond.

### MEMORANDUM OF LAW

Information supporting an allegation pled in a Complaint is the very definition of discoverable information under the Florida Rules of Civil Procedure. *See* FLA. R. CIV. P. 1.280(b). As such, the objections raised by Edwards in his depositions were legally impermissible, as were his counsel's narrative objections. "Testimony taken during a deposition is to be completely that of the deponent, not a version of the testimony which has been edited or glossed by the deponent's lawyer." *Quantrachrome Corpage v. Micrometrics Instrument Corp.*, 189 F.R.D. 697, 701 (S.D. Fla. 1999). Rule 1.310(c) of the *Florida Rules of Civil Procedure* governs depositions upon oral examination and states, in relevant part:

Examination and cross-examination of witnesses may proceed as permitted at the trial....**Any objection during a deposition shall be stated concisely and in a nonargumentative and nonsuggestive manner. A party may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation on evidence directed by the court, or to present a motion under subdivision (d). Otherwise, evidence objected to shall be taken subject to the objections.**

FLA. R.CIV. P.1.130(c) (2015) (emphasis added). Rule 1.310(d) permits a litigant to terminate an examination when a lawyer improperly uses speaking objections to prevent meaningful discovery. *Quinones v. State*, 766 So. 2d 1165, 1168 (Fla. 3d DCA 2000) (speaking trial **objections** containing improper editorials).

During the course of Edwards's two depositions, Edwards and/or his counsel asserted more than one hundred fifty-four (154) objections. In total, Edwards objected approximately sixty-five (65) times based on attorney-client privilege; approximately seventy (70) times based on work product privilege; approximately eight times (8) based on economic privacy

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assert the same objections to the questions, and both he and his counsel answered affirmatively.

privilege; approximately six (6) times based on relevance; one (1) time based on facts not in evidence; one (1) time based on a hypothetical question; two (2) times based on no proper predicate; one (1) time based on not reasonably calculated to lead to the discovery of admissible evidence; and one (1) time based on an unspecified, generic privilege.<sup>2</sup> More than a quarter of these objections were speaking objections by Edwards's counsel that went beyond the scope of what is permitted in a deposition as provided in the *Florida Rules of Civil Procedure* and relevant case law.

As this analysis demonstrates, Edwards neither complied with the spirit of Rule 1.130(c) of the *Florida Rules of Civil Procedure* nor the case law applicable to this issue. Irrefutably, the minimal testimony provided was either an edited version of Edwards's counsel's speaking "objection" or an impermissible instruction from counsel that Edwards not answer the pending question. *Smith v. Gardy*, 569 So. 2d 504, 507 (Fla. 4th DCA 1990) (stating that the witness "indeed should have answered, and the arrogance of the defense attorney in instructing the witness not to answer is without legal justification. Nowhere in the Florida Rules of Civil Procedure is there a provision that states that an attorney may instruct a witness not to answer a question.").

Edwards has impermissibly hidden behind unavailing privileges and objections, some of which are not even recognized as proper under Florida law, in an effort to thwart Epstein's attempts to gather the facts and prepare for defending against this suit at trial. As such, Edwards's objections must be overruled, Edwards must be compelled to provide answers for these questions, and counsel for Edwards must be instructed to limit his interruptions and testimony.<sup>3</sup>

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<sup>2</sup> This analysis does not take into account the fact that Edwards reasserted each and every objection asserted during the first deposition when so asked during the second deposition: to wit: When asked by counsel for Epstein: "As you said you would not answer any of the questions that were propounded to you before and objected to." Edwards responded: "My objection to those previous questions would be my objection today." *Deposition of Edwards dated 2013*, page 98, lines 8-12.

<sup>3</sup> It is significant to note that other jurisdictions have sanctioned counsel for just this behavior during

**THE DEPOSITION QUESTIONS AND OBJECTIONS ON GROUNDS OF  
ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT PRIVILEGE**

Delineated below is each instance in which Edwards purports to assert the attorney-client privilege, the work-product privilege, or both.

Q: And what type of information did you put into Q-task regarding the claims against Mr. Epstein? *Transcript of Deposition dated March 23, 2010*, page 54; lines 9-10

MR. SCAROLA: We're going to object and that I will instruct you not to answer on the basis of both attorney-client and work-product privileges. *Id.* at page 54; lines 14-17.

Q: Why did E.W. come, why did she hire you in the first place? What was the purpose? *Transcript of Deposition dated March 23, 2010*, page 89; lines 2-3.

A: This is going to get into attorney-client privileged information as to why she hired me which would incorporate the things that she told me that related to my representation, therefore, I am invoking the privilege and not answering. *Id.* at page 89; lines 4-8.

Q: With regard to E.W. you filed a case – well, let me ask you this: Do you know how E.W. come to contact Mr. Howell? Did he ever relate that to you? *Id.* at page 89; lines 9 -12.

MR. SCAROLA: If it's in information that you obtained from your client, I instruct you not to answer. If it's information that you obtained from Mr. Howell, I also instruct you not to answer. Both instructions are on the basis of attorney-client and work-product privileges. *Id.* at page 89; lines 3-19.

THE WITNESS: Attorney-Client and work-product privileges. *Id.* at page 89; lines 20-21.

Q: During that time that you have been involved in this case on behalf of E.W., has Mr. Howell participated in the case; that is, has he done work on the case? *Id.* at page 90; lines 20-23.

A: Yes. *Id.* at page 90; line 24.

Q: What kind of – what has he done? *Id.* at page 90; line 25.

MR. SCAROLA: Objection, attorney-client privilege and work-product. Instruct you not to answer. *Id.* at page 91; line 1-3.

Q: And what, for what purpose did Ms. L.M. originally hire you? *Transcript of Deposition dated March 23, 2010*, page 98; line 22-23.

MR. SCAROLA: I am going to object. That calls for attorney-client privilege. *Id.* at page 98; line 24-25.

Q: All right. At the time you began representing E.W. or at any time prior to the

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deposition. See e.g. *Van Pilsum v. Iowa State University of Science and Technology*, 152 F.R.D. 179 (S.D. Iowa 1993) ("The style adopted by [deponent's counsel]...will not be tolerated by this court. Merely because depositions do not take place in the presence of a judge does not mean lawyers can forget their responsibilities as officers of the court. They should conduct themselves accordingly."). The court in *Van Pilsum* ordered deponent's counsel to pay half the cost of the deposition, ordered the deposition rescheduled and barred deponent's counsel from excessive interruptions.

filing of the lawsuit against the United States Government in July of '08, did you learn whether she was listed as a, or deemed to be a victim by the United States Attorney's Office? *Transcript of Deposition dated March 23, 2010*, page 100; line 9-14.

MR. SCAROLA: If that information that you obtained in the course of the performance of your responsibilities in representation of any client, I would instruct you not to answer. If that information was obtained through some public source independent to the work that you performed as counsel, then you may respond. *Id.* at p.100; line 15-22.

THE WITNESS: I cannot respond. *Id.* at page 100; line 23.

Q: Prior to the filing of the lawsuit against Jane Doe 1 and Jane Doe 2 against the United States Government, did you learn from any source, maybe a document, maybe a telephone call or a conversation that you had with a third party separate from your client, that E.W. was a victim or was deemed to be a victim by the United States Government or the United States Attorney's Office? *Id.* at page 101; line 5-12.

MR. SCAROLA: Same objection and instruction. *Id.* at page 101; line 13-14.

Q: Same question with regard to L.M. Miller. *Id.* at page 101; line 16.

MR. SCAROLA: Same objection and instruction. *Id.* at page 101; line 21-22.

Q: Prior to your filing the lawsuit with United States Government, did you ever any conversations with the United States Attorney's Office... regarding, regarding, regarding the subject of the lawsuit or Jeffrey Epstein? *Id.* at page 101-102; line 24-6.

MR. SCAROLA: Same objection and instruction. *Id.* at page 102; line 7-8.

Q: Did you ever speak with Marie Villafana during, during the pendency of that litigation which is still pending today? *Transcript of Deposition dated March 23, 2010*, page 102-03; line 24-1.

MR. SCAROLA: Then, then the instruction remains the same. The objection remains the same. *Id.* at page 103; line 14-16.<sup>4</sup>

Q: So, even if, do you – even if you talked about it with Mrs. Villafana, even if your client Mr. Edwards spoke with Mrs. Villafana about a scheduling issue, it's your position that that is what, work-product? *Id.* at page 103; line 18-22.

MR. SCAROLA: That's correct. We are not going to discuss anything that Mr. Edwards did in the course of the prosecution of his claims on behalf of his clients. *Id.* at page 103-104; line 23-1.

The topic of the examination next turned to Scott Rothstein and his involvement in the Epstein cases. Counsel for Epstein asks Edwards to discuss Rothstein's general knowledge regarding the Epstein cases, specifically a meeting he attended in Rothstein's office with Russell

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<sup>4</sup>The objection is: "If that is information that you obtained in the course of your responsibilities in representation of any client I would instruct you not to answer. If that information was obtained through some public source independent of the work that you performed as counsel, than you may respond." Page 100, lines 15-22.

Adler:

Q: Was a question posed to you? *Transcript of Deposition dated March 23, 2010* at page 126; line 9.

A: The question was on the table at least from my perspective coming into the room and was then directed at me, what's the answer to this particular legal issue. *Id.* at page 126; line 10-12.

A. And what was the legal issue? *Id.* at page 126; line 13.

MR. SCAROLA: If this was an issue that was identified during the course of the legal proceedings to opposing counsel, then I am going to allow you to identify the issue without getting into any of the substance of the discussion regarding that issue. If it was an issue that was identified in the court of the proceedings to opposing counsel, I am going to object and instruct you not to answer on the basis of the work-product privilege. *Id.* at page 126-27; line 20-7.

A: Work product privilege. *Id.* at page 127; line 8.

The subject matter of the deposition turned to T.V stations requesting interviews with Edwards' clients:

Q: The question is, is, with regard to the T.V. station, you said multiple TV stations wanted to do interviews with your clients. Did I understand you correctly? *Transcript of Deposition dated March 23, 2010*, page 142; line 10-13.

A: You did. *Id.* at page 142; line 14.

Q: And you said that you didn't want any of your clients to do interviews, correct? *Id.* at page 142; line 15-16.

A: Right. *Id.* at page 142; line 17.

Q: Okay. So, why didn't you just say, no, I am not making any of my clients available? *Id.* at page 142; line 18-19.

MR. SCAROLA: I am going to object to the extent that that calls for either mental impressions or attorney-client privileged communications and instruct you not to answer. *Id.* at p.142; line 20-23.

A: I'm not going to answer based on privilege. *Id.* at page 142; line 25.

The subject matter of the deposition turned to the subpoena served on Ghislaine Maxwell:

Q: Do you, is she neither would you agree that neither Jane Doe nor L.M. have testified to any, that they had any connection whatsoever with Ghislaine Maxwell? *Transcript of Deposition dated March 23, 2010* at page 155; line 14-17.

A: Yes, I would agree. *Id.* at page 155; line 18.

Q: And what, what was, what is the purpose; that is, with regard to your three clients and only your three clients is they – what connection if any, did Ghislaine Maxwell have to those individuals? *Id.* at page 155; line 19-23.

MR. SCAROLA: Objection, work-product. Instruct you to not answer. *Id.* at 155; line 24-25.

Next, the subject matter of the deposition turned to the investigation of Epstein that was

conducted by RRA under the direction of Edwards:

Q: In this particular instance associated with Mr. Epstein, what investigators worked on Mr. Epstein's case during the time you were at RRA? *Transcript of Deposition dated March 23, 2010* at page 169; line 19-21.

A: If you want an exclusive list, I don't know. *Id.* at page 169; line 22.

Q: Did you direct Mr. Fisten to do investigations in California? *Id.* at page 170; line 8-9.

A: I directed Mr. Fisten to interview people and ultimately it was learned that they lived in California. *Id.* at page 170; line 10-11.

Q: And did Mr. Fisten go to California to interview those individuals? *Id.* at page 170; line 12-13.

A: To the best of my knowledge he did. *Id.* at page 170; line 14.

Q: Okay. And who did he go interview? *Id.* at page 170; line 15.

MR. SCAROLA: That is work product and I instruct you not to answer. *Id.* at page 170; line 16-17.

The witness did not answer.

Q: Did Mr. Fisten interview an individual by the name of Michael Friedman? *Id.* at page 170; line 23-25.

MR. SCAROLA: this is work-product and I instruct you not to answer... except to the extent as may have already been disclosed to the defense in any of the three cases that are currently pending. Any and all questions about investigative work will meet with the same objection and same instruction. *Id.* at page 172; line 1-9.

Next, the topic of the examination turned to the expenses incurred in the investigation of these cases both before Edwards joined RRA and after:

Q: Who was the first investigator that you believe was involved in investigating the Epstein cases? Just a name not topic? *Id.* at page 179; line 12-14.

MR. SCAROLA: Work-product, instruct you not to answer. *Id.* at page 179; line 15-16.

The witness did not answer. The discussion continues:

Q: Who other than Mr. Fisten from an investigator, from an internal investigator at RRA employee worked on doing investigation on the Epstein files? *Transcript of Deposition dated March 23, 2010*, page 181; line 19-23.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 181; line 24-52.

Q: You are claiming work-product? *Id.* at page 182; line 1-2.

MR. SCAROLA: Yes. *Id.* at page 182; line 3.

Q: Did you ever direct your investigators to go through Mr. Epstein's trash? *Id.* at page 184; line 22-23.

MR. SCAROLA: I am going to object, work-product, attorney-client privilege. *Id.* at page 184; line 24-25.

Q: Have you directed, did you ever direct – that is the investigators during the time you were at RRA and that's the question you're claiming the privilege over, correct? *Id.* at page 185; line 2-5.

MR. SCAROLA: **I am claiming the privilege with respect to any action that**

**was taken by Mr. Edwards or at Mr. Edwards' direction in ... connection with the investigation in prosecution of the claims against Mr. Epstein.** *Id.* at page 185; line 6-13 (emphasis added).

Q: Let me make my question clear, Mr. Edwards. With regard to your investigators, you gave direction with regarding the Epstein cases, during the time you were with RRA did you ever tell them or direct them to go through Mr. Epstein's trash? *Id.* at page 185; line 15-20.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 185; line 21-22.

Q: Did you ever direct the investigators to go through the trash of the lawyers who were representing Mr. Epstein, including myself? *Id.* at page 185-86; line 24-1.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 186; line 2-3.

MR. SCAROLA: **Mr. Edwards will not answer any questions regarding what he did or didn't do.** *Id.* at page 186; line 6-8 (emphasis added).

Q: Did you ever direct the investigators to, during the time you were at RRA, to conduct a surveillance on Mr. Epstein's property? *Id.* at page 186; line 19-22.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 186; line 23-24.

Q: Since the time you have left RRA in your current firm, have you conducted surveillance on Mr. Epstein's property? *Id.* at page 187; line 2-4.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 187; line 5-6.

Q: Have you instructed anyone, either of the in-house investigators to conduct surveillance of Mr. Epstein's property? *Id.* at page 187; line 8-10.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 187; line 11-12.

Q: Have you authorized investigators employed by RRA, either employees of the firm or an outside investigation firm, to walk around the perimeter of Mr. Epstein's home on or about March 17th of 2010? *Id.* at page 187; line 14-17.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 187; line 18-19.

Q: Let me ask you this: Were any informants, did you authorize your investigators to hire informant, informants? *Id.* at page 192; line 12-14.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 192; line 15-16.

Q: Did you authorize your investigators to do electronic eve's dropping? *Id.* at page 192; line 18-19.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 192; line 20-21.

Q: Did you ever authorize any investigators to enter Mr. property (sic), Mr. Epstein's property on March 17<sup>th</sup>, 2010? *Transcript of Deposition dated March 23, 2010*, page 198; line 11-13.

MR. SCAROLA: Objection. Instruct you not to answer on the basis of work-product privilege. *Id.* at page 198; line 14-16

Q: Let me just be clear. Are, are you aware of any investigators who entered Mr. Epstein's property on March 17<sup>th</sup>, 2010? *Id.* at page 198; lines 18-20.

MR. SCAROLA: Same objection as well as attorney-client privilege and instruct you not to answer. *Id.* at page 198; lines 21-23.

Q: Mr. Edwards, did you authorize any investigators to trespass on Mr. Epstein's property on March 17th of 2010? *Id.* at page 198-99; lines 25-2.

MR. SCAROLA: Same objection and instruction. *Id.* at page 199; line 3-5,

Q: Mr. Edwards, did you authorize investigators to hide in the bushes at Mr. Epstein's house in order to take photographs of either Mr. Epstein or any



associated objects on his property? *Id.* at page 199; line 6-10.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 199; line 11-12.

The subject matter of the examination turned to other investigators:

Q: Did he [Mr. Roberts] ever perform investigation work on any of the Epstein files? *Transcript of Deposition dated March 23, 2010*, page 200; line 7-8.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 200; line 14-15.

Q: Did Rich [Fandrey], did Rick perform any investigation on the Epstein, did you authorize Rick to perform any investigation on the Epstein files? *Id.* at page 200; line 22-23.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 200-01; line 25-1.[Objection. Instruct you not to answer on the basis of work-product privilege. PAGE 198 line 14-16; and Same objection as well as attorney-client privilege and instruct you not to answer. 198/21-23]

Q: Did you ever authorize or direct Mr. Jenne to perform any investigation on the Epstein files? *Id.* at page 201; line 4-6.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 201; line 7-9.

Q: If you're unaware of the existence of the entity called Blue Line Research and Development, LLC, would it be a correct statement that you have never authorized anyone from Blue Line Research and Development, LLC, to conduct any investigation of Jeffrey Epstein? *Id.* at page 201; line 19-24.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 201-02; line 25-1.

Q: Says he doesn't know them. How can that be an instruction? *Id.* at page 202; line 2-3.

MR. SCAROLA: Well, because I am not going to tell you, we're not going to answer any questions about either what he did or what he didn't do that are part of the work product involved in his representation of the Plaintiffs with claims against Mr. Epstein whom Mr. Edwards is representing. *Id.* at page 202; line 4-11.

MR. SCAROLA: So, in light of that and what I have attempted to make very clear with regard to the scope of our objections, If you continue to ask questions which it is clear fall within the scope of my instructions to Mr. Edwards and my announced intention with regard to the scope of those instructions, then we will terminate this deposition so that I can seek a protective order. My suggestion is that you move onto other areas that are outside the scope of that instruction if you have any other questions outside the scope. *Id.* at page 202; line 131-25.

Q: Let me be clear with you with regard to any, for purposes of following, asking any follow-up questions should the court determine that I am entitled to this information, you would agree that should the court determine I am entitled to ask the name of these individuals and possibly other questions is, is that by not asking questions I am in no way waiving my right to ask as many questions as the court ultimately determines as appropriate, proper and as the court allows, correct? *Id.* at page 203; line 4-15.

MR. SCAROLA: I absolutely agree. *Id.* at page 203; line 16.

The subject matter of the deposition turned to Alfredo Rodriguez. Counsel for Epstein

attempts to discuss the two separate dates on which Mr. Rodriguez was deposed in the Epstein cases and seeks to determine the scope of Mr. Edwards's knowledge of Mr. Rodriguez:

Q: Between those two dates, that is July 29<sup>th</sup> and August 7<sup>th</sup> of '09, did you speak with Mr. Rodriguez at all? *Transcript of Deposition dated March 23, 2010*, page 205; line 13-16.

MR. SCAROLA: Same objection [work product and attorney-client], same instruction to the extent that any such conversation may have occurred in connection with your representation of the Plaintiffs and claims against Mr. Epstein. *Id.* at page 205; line 17-21.

Q: All I am asking right now, not the substance but just so the record is clear I am just asking, did you speak with Mr. Rodriguez between July 29<sup>th</sup> and August 7<sup>th</sup>? *Id.* at page 205-06; line 23-1.

A: And if I did or if I didn't, either way that's going to be protected by the work-product privilege and I'm not going to give you that information because you're not entitled to it. *Id.* at page 206; line 2-5.

Q: I disagree even in a simple attorney-client privilege, you identify the date, you don't identify the subject, but you identify the date, who may have been present. *Id.* at page 206; line 6-9.

MR. SCAROLA: We understand your position and it's not necessary to articulate it on the record. *Id.* at page 206; line 10-12.

Q: I just want to be clear. And your position is the same is you're not talking. *Id.* at page 206; line 13-15.

MR. SCAROLA: Work-product. *Id.* at page 206; line 16.

The examination continues regarding Mr. Edwards's contact with Mr. Rodriguez:

Q: Subsequent to the deposition; this is, after Mr. Rodriguez's deposition, did Mr. Rodriguez contact you? *Transcript of Deposition dated March 23, 2010*, page 208; line 4-6.

MR. SCAROLA: Objection, instruct you not to answer. *Id.* at page 208; line 7-8.

Q: Well, that is – okay. This is a third party contacting Mr. Edwards. All right. *Id.* at page 208; line 9-11.

MR. SCAROLA: It is a witness in these proceedings... So anything that Mr. Edwards has done or may have done in connection with his investigation and prosecution of the claims against Mr. Rothstein it is our position is not the appropriate subject matter of inquiry in the context of this lawsuit, and is an attempt to invade the attorney-client and work-product privileges. I am instructing him not to answer. If the court, if the court determines that the scope of the privilege permits a response to those questions, we would be happy to respond to them. But we have an obligation to, to Mr. Edwards's clients to protect their rights to a fair trial and their rights to confidentiality, and for that reason we are obliged to interpret those privileges in their broadest sense unless and until the court decides that a more restrictive interpretation should be applied. *Id.* at page 208-09; line 15-13.

Q: Did you speak with Mr. Rodriguez between his first and second. *Id.* at page

209; line 23-24.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 210; line 25-26.

Q: Did Mr. Mr. Rodriguez ever make a request of you at any time for any type of monies for testimony, documents, or any other information associated with any existing or potential claimants directed to Mr. Epstein? *Id.* at page 210; line 3-7.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 210; line 8-9.

Q: Subsequent, after Mr. Rodriguez or from the time that Mr. Rodriguez completed his deposition on August 7<sup>th</sup> of 2009, did you have an occasion to speak with either the FBI, well, with the FBI regarding Alfredo Rodriguez? *Id.* at page 20; line 11-15.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 210; line 16-17.

Q: Did you after Mr. Rodriguez's completion of his deposition on August 7<sup>th</sup>, 2009, did you have an occasion to speak with any representative, a professional attorney, professional slash attorney for the U.S. Attorney's Office? *Id.* at page 210; line 19-23.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 210; line 24-25.

The subject matter of the examination next turned to Mr. Edwards's communications with Maria Villafana; attorney for the United States.

Q: My, my question is only did you speak with her prior to filing that complaint [Doe v. United States]? Just a yes or no and I am looking, that question is not asking for the substance. *Transcript of Deposition dated March 23, 2010*, page 215; line 16-19.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 215; line 21-22. [work product and attorney-client]

Q: Have the only conversations that you have had with Ms. Marie Villfana or Villafana, have they only been in the context of Jane Doe 1 and 2 versus United States of America, only in the context of that case? *Id.* at page 216; line 9-13.

MR. SCAROLA: Same objection. *Id.* at page 216; line 14.

Q: And I will separate out the extent that you were at the June 12<sup>th</sup> 2009 hearing in front of Judge Marra where she was present. *Id.* at page 216; line 15-18.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 216; line 19-20.

Q: Has Ms.—have you spoken, have you had an occasion to speak with Ms. Villafana with regard to the criminal complaint, Exhibit No. 1, involving Alfredo Rodriguez, Mr. Rodriguez? *Id.* at page 126; line 22-25.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 217/ line 1-2.

Q: Mr. Edwards, have you ever been interviewed by the FBI or the U.S. Attorney's office with regard to any of your clients? *Id.* at page 207; line 4-6.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 207; line 10-11.

The subject matter of the examination then turned to Mr. Edwards's conversations with FBI agents in connection with the Epstein cases:

Q: Have you spoken with either [FBI Agent] Nesbitt Kirkendahl or [FBI Agent]

Jason Richard relating to any Epstein related matter since July or August of 2008? *Transcript of Deposition dated March 23, 2010*, page 221; line 1-3.

MR. SCAROLA: I am going to instruct you not to answer on the basis of the privilege as previously described. *Id.* at page 221; line 4-6.

The subject matter of the examination then turned to **Mr. Edwards's purported interactions with anyone associated with the Epstein cases:**

Q: Mr. Edwards, among the Plaintiffs' lawyers, is there any type of joint prosecution agreement related to Mr. Epstein? *Transcript of Deposition dated March 23, 2010*, page 223; line 18-20.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 223; line 21-22.

Q: Did you have- did you engage in weekly or monthly meetings among the Plaintiffs' lawyer to share investigative material regarding, that you had obtained regarding Mr. Epstein? *Id.* at page 223-24; line 24-2.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 224; line 3-4.

Q: During the time that you were with RRA, excuse me, and had investigation done on Mr. Epstein, was any of your investigation that you had performed turned over to any person outside of RRA or your clients? *Id.* at page 224; line 13-17.

MR. SCAROLA: Same objection, same instruction to the extent that that would encompass other attorneys with a shared interest in the prosecution of Mr. Epstein. If any of those materials were turned over to persons who did not have a direct interest to lawyers who did not have a direct interest in the prosecution of the claims against Mr. Epstein or to clients who did not have, to persons who did not have a direct interest in the pursuit of their claims against Mr. Epstein, then you can answer to that extent. *Id.* at page 224-25; line 18-5.

A: Privileged. *Id.* at page 225; line 6.

Q: And I just want to be clear, is there any written agreement and I know you, I want to make certain that the objection is there, is as we both know there are a number of claims. There are a number of claims that are outstanding against Mr. Epstein brought by a number of different lawyers. *Id.* at page 225; line 8-14.

MR. SCAROLA: The objection extends to both written agreements and oral agreements. *Id.* at page 225; line 15-16.

A: Yes. We both know that there are a lot of claims against Mr. Epstein for basically the same conduct. *Id.* at page 225; line 17-19.

Q: And my question to you is, is there any written agreement between the Plaintiff lawyers who have filed claims against Mr. Epstein regarding the sharing of information? *Id.* at page 225; line 21-24.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 225-26; line 25-1.

Q: In any of the directions that you ever gave to the investigators, did you ever put that in the form of a memo; that is, would you give them written directions? *Id.* at page 227; line 15-18.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 227; line 19-20.

After objecting to all the questions about investigators and their investigations on page 228 lines 1 through 13, Edwards admits that he received written and oral

reports from investigators – before he answers though, he asks Scarola if he should answer and Scarola says “yeah.” *Id.* at 229.

The discussion turns to the manner in which the cases were handled **while Edwards was a partner at RRA:**

Q: The one meeting that you had in Mr., Mr. Rothstein’s office with Russell Adler and some unknown person on the phone, were you given any direction at that time that certain discovery should be done or certain tactics should be used with regard to prosecuting the Epstein cases? *Transcript of Deposition dated March 23, 2010*, page 23; line 16-21.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 234; line 22-23.

Q: And what did, what did, what information did Mr. Rothstein send you that involved Mr. Epstein? *Transcript of Deposition dated March 23, 2010*, page 235; line 17-19.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 235; line 20-21.

Q: At the meetings that you, at the meetings that occurred where these various lawyers, Berger, Adler, Stone, Rob Buschel were present and Epstein was discussed, was the discovery that, discovery and/or investigation regarding Mr. Epstein was tat ever discussed? *Transcript of Deposition dated March 23, 2010*, page 236; line 8-13.

MR. SCAROLA: Same objection, same instruction. *Id.* at page 236; line 24-25.

The subject matter of the examination again turns its focus on the events surrounding the prosecution of the **Epstein cases in 2009; the crux of Epstein’s litigation against Edwards:**

Q: In setting these depositions; that is, in requesting these deposition be taken sometime in June and July of 2009 or requesting dates for them, did you have discussions with other attorneys in your firm as to the benefits that would exist in your case, your three cases against Mr. Epstein by taking these individuals’ depositions? *Transcript of Deposition dated March 23, 2010*, page 283; line 10-17.

MR. SCAROLA: Objection Same as grounds previously stated; **instruct you not to answer.** *Id.* at page 283; line 18-20.

Q: **Mr. Edwards, were you involved in the discussions regarding the deposing of any of the people of these individuals, Mr. Trump; that is, in discussions with any other lawyers in your firm including Scott Rothstein?** *Id.* at page 283; line 21-25.

MR. SCAROLA: **Same objection, same instruction.** *Id.* at page 284; line 1-2.

Q: Did you ever discuss with Mr. Rothstein or anyone on his behalf the value of **taking the depositions of Trump, Dershowitz, former president Clinton, David Copperfield, and Leslie Wexner as an inducement to get Mr. Epstein to settle his lawsuits?** *Transcript of Deposition dated March 23, 2010*, page 284; line 18-23.

MR. SCAROLA: Beyond what he has already responded, we would object on the

basis of work-product and attorney-client privilege and **I instruct you not to answer.** *Id.* at page 285; line 8-11.

A: okay. *Id.* at page 285; line 13

Q: Were you involved in any of the decision to pursue obtaining flight data from Mr. Epstein? Well, let me strike that. Were you involved in the decision to pursue flight data associated with any planes that were purportedly owned by Mr. Epstein? *Id.* at page 285; line 14-18.

MR. SCAROLA: I will allow Mr. Edwards to acknowledge whether he did or did not communicate about such matters with opposing counsel. But beyond that I would assert attorney-client and work-product privileges and instruct you not to answer. *Id.* at page 285; line 19-25.

Q: First, my question in the broad sense. **Were you involved in the discussion to pursue flight data associated with any planes purportedly own by Mr. Epstein?** *Id.* at page 286; line 2-5.

MR. SCAROLA: **My objection and my instruction stands.** *Id.* at page 286; line 9-10.

Q: **Did you have any discussions within your firm with regard to taking the deposition of celebrities or famous people who were on, purportedly on Mr. Epstein's planes so that they could be deposed such that would be an inducement to Mr. Epstein to settle his lawsuit?** *Id.* at page 286; line 12-17

MR. SCAROLA: **Same objection, same instruction.** *Id.* at page 286; line 18-19.

Q: **Isn't it true, Mr. Edwards, that in taking the deposition or in attempting to take the deposition of Donald Trump, you had no information that Mr. Trump had any knowledge of any female having; that is, underage female ever having been on Mr. Epstein's plane and been, and having been assaulted by him?** *Id.* at page 286-87; line 21-2.

MR. SCAROLA: What Mr. Edwards knew or didn't know in connection with this prosecution of pending claims is protected by a privilege. **I instruct him not to answer.** *Id.* at page 287; line 3-6.

Counsel for Epstein then examines Edwards regarding Officer Recarey:

Q: What was the purpose of your conversation? *Transcript of Deposition dated March 23, 2010*, page 288; line 13-14.

MR. SCAROLA: To the extent that the purpose of your conversation was unrelated to any pending legal matter, including in particular the claims against Mr. Epstein, you may answer. To the extent that it had anything at all to do with Mr. Epstein, you should not respond on the basis of privilege. *Id.* at page 288; line 15-21.

A: Privilege. *Id.* at page 288; line 22.

Counsel for Epstein then discusses Ken Jenne:

Q: Did Mr. Jenne, did you ever direct Mr. Jenne to do any investigation on the Epstein cases? *Transcript of Deposition dated March 23, 2010*, at page 298; line 17-19.

MR. SCAROLA: Objection, work-product. *Id.* at page 298; line 20.

Q: Did Mr. Jenne ever do any investigation on the Epstein files? *Id.* at page 289; line 22-23.

MR. SCAROLA: Objection, work-product. *Id.* at page 298; line 24-25.

Q: At any time have you been given access to the pamphlet book and/or any of the yellow pages that have been referenced in the criminal indictment? *Transcript of Deposition dated March 23, 2010*, page 304; line 14-17.

MR. SCAROLA: I am going to instruct you not answer that question on the basis of attorney-client and work-product privilege. *Id.* at page 304; line 18-20.

Q: Have you had any communication, not a conversation but any communication with the criminal defense lawyer about obtaining a copy of the pamphlet and/or the pamphlet book or the yellow pages that are referenced in the criminal indictment that were at one time in the possession of Mr. Rodriguez and that he apparently was trying to sell to the cooperating witness? *Id.* at page 305; line 3-10.

MR. SCAROLA: I am going to instruct you not to answer any question about anything that you may have done in connection with the fulfillment of your responsibilities as counsel for the Plaintiffs in the three pending cases. *Id.* at page 305; line 11-15.

A: On what I have done or what I have not done, all of that is work-product. *Id.* at page 305; line 19-20.

Then, at his **second deposition**, Edwards was asked the following:

Q: Did you contact – did you have any contact with any persons who were listed in the book that was eventually produced by Mr. Rodriguez after he got arrested and the book was made public? *Transcript of Deposition dated May 15, 2013* (“*second deposition*”), page 88; line 17-20.

MR. KING: **Let me object. I don’t see the relevancy, immaterial.** *Id.* at page 88; line 21-22.

MR. KING: Well, along the lines that were taken last time with regard to whatever work product was involved in the investigation of his cases, in light of the current status of the case, in which the – you know, pending claim is what it is....I think it’s – it’s even more reinforced by those objections are and were raised. *Id.* at page 90; line 8-16.

Q: The reason I’m asking the question is, **did you initiate or attempt to initiate any new lawsuits based upon what you learned in there?** *Id.* at page 90; line 20-22.

MR. KING: The same objection. **Instruct him not to answer.** *Id.* at page 90; line 23-24.

Q: That’s not going into work product, it’s... *Id.* at page 90-91; line 25-1.

MR. KING: No, it is. *Id.* at page 91; line 2.

MR. KING: It goes to his mental process. *Id.* at page 91; line 5.

Q: And, I take it you won’t answer the question as to whether or not you were a confidential witness? *Id.* at page 91; line 9-10.

MR. KING: The same objection. *Id.* at page 91; line 11.

Q: Did you have any contact with Mr. Rodriguez after his sentencing? *Id.* at page

91; line 18.

MR. KING: Objection. The same instruction. *Id.* at page 91; line 22.

Q: Did you have any contact with Mr. Rodriguez' subsequent employer, Sid Goldman? *Id.* at page 91-92; line 25-1.

MR. KING: The same objection, all based on work product. *Id.* at page 92; line 2-3.

Q: Did you ever have any contact with Kendall Coffey regarding the propriety or ask him for an opinion of the propriety of taking that book from Mr. Rodriguez? *Id.* at page 95; line 1-4.

MR. KING: The same objections, work product. *Id.* at page 95; line 5.

A: And attorney-client privilege. *Id.* at page 95; line 8.

MR. KING: **And Government privilege.** *Id.* at page 95; line 9.

Q: Have you ever discussed with Mr. Scarola...any confidentiality agreements or anything that was obtained in the confidentiality agreements? *Id.* at page 96; line 18-24.

MR. KING: Objection. *Id.* at page 96; line 25.

A: Attorney-client privilege. *Id.* at page 97; line 1.

In the second deposition, Edwards was asked the following questions with respect to the objections asserted in his first deposition:

Q: If I were to ask you each of those questions. *Transcript of Deposition dated May 15, 2013*, page 88; lines 1-2

A: The same objection. *Id.* at line 3.

Q: -- they would be the same objections, your counsel would make the same objections, that way I don't have to redo for two and a half hours. *Id.* at page 88; lines 1-2

MR. KING: That's correct. *Id.* at page 88; line 7.

Q: As you said you would not answer any of the questions that were propounded to you before and objected to. *Id.* at page 98; lines 8-10.

A: My objection to those previous questions would be my objection today. *Id.* at page 98; lines 11-12.

Q: All right. It was set for a hearing April 12, 2011 and then again reset for another time and no one ever went -- the hearing never went forward, so those questions are still objected to, unresolved. So, we'll stoppage We will go from there, see what happens. *Id.* at page 98; lines 13-18.

MR. GOLDBERGER: Well, wait a minute. Just one thing... So if we had asked the same questions, he would have raised the same objections, so not only are we going to raise the previous objections, we are going to raise them as if they were made again today. *Id.* at page 98, line 20 - page 99, line 1.

A: I want to make a clean record too. If you had asked the same questions, I would have asserted at least the same objections. *Id.* at page 99; lines 3-5

MS. HADDAD COLEMAN: **Everybody understands this deposition will be continued after the Court rules on everything.** *Id.* at page 99; lines 24-25

A: Everybody understand the Court is going to rule on things and order me back



to a deposition or not order me back to a deposition, whatever the Court's going to do. *Id.* at page 100; lines 2-5.

MR. KING: From our – from our perspective, you understand we were not producing records here today, the financial records, because we were asserting the financial privacy privilege? *Id.* at page 100; lines 15-18.

MR. KING: So I gather that would have put you in a position where you would not have been able to, nor would you have proceeded with questions today. *Id.* at page 100; lines 20-23.

MR. HADDAD: We wouldn't even – no, as long as it's pending before the Court, I saw no purpose in having to reestablish that you were objecting. *Id.* at page 100; line 24- page 101; line 2.

As set forth in detail below, neither the attorney-client privilege nor the work product privilege is applicable to most of these speaking and argumentative objections made by counsel, and Edwards should be compelled to answer the questions/portions of the questions that are not protected thereby. As an attorney himself, Mr. Edwards is well aware of the rules regarding objecting at deposition. Mr. Edwards's legally baseless objections obstructed the deposition process and prevented discovery from concluding. The specific areas of questioning delineated above undeniably sought to elicit discoverable and relevant information pertaining to Edwards's allegations against Epstein, establishing both the impropriety of counsel for Edwards's objections and the necessity that Edwards respond to the questions.

### **ATTORNEY-CLIENT PRIVILEGE**

In Florida, the attorney-client privilege renders confidential “a communication between a lawyer and client...if it is not intended to be disclosed to third persons other than: (1) Those to whom disclosure is in furtherance of the rendition of legal services to the client; and (2) Those reasonably necessary for the transmission of the communication.” § 90.502 FLA. STAT. (2013). The subject matter of the protected communication “must relate to the subject matter of the attorney's employment.” *Gold Coast Raceway v. Ehrenfeld*, 392 So.2d 1002, 1002 (Fla. 4th DCA 1981) (citations omitted). It is important to note that attorney-client privilege “for confidential communications does not encompass work product.” *City of Williston v.*

*Roadlander*, 425 So.2d 1175, 1177 (Fla. 1st DCA 1983). The privilege is also waived once the information is divulged by or to a third party. *Id.*

Moreover, the attorney-client privilege is waived when a party injects into a case an issue that requires an examination of otherwise privileged communications. *Choice Restaurant Acquisition Ltd. V. Whitley, Inc.*, 816 So. 2d 1165 (Fla. 4th DCA 2002). When a party places information protected by the attorney-client privilege in issue through some affirmative act for his own benefit, the privilege will not be allowed to protect against disclosure of such information. *In re Campbell*, 248 B.R. 435 (M.D. Fla. 2000). Here, Edwards has made these underlying cases in which he represented these plaintiffs against Epstein the central issue of his current case against Epstein. Additionally, many of the questions for which Edwards asserted attorney-client privilege do not fall into this narrow definition of protected communications. In fact, many questions as phrased were not suggestive of the attorney-client privilege or work product privilege asserted by Edwards.

Accordingly, because Edwards has made his actions in prosecuting these cases against Epstein the sole issue in his litigation against Epstein, *see Edwards's Fourth Amended Counterclaim*, ¶¶ 24-33, he cannot now hide behind an alleged privilege when asked to provide the information about which he is basing his lawsuit and for which he is seeking damages.

### **WORK-PRODUCT DOCTRINE**

Attorney-client privilege and work product doctrine are not the same: Confidentiality of work product is based on public policy considerations, and is not strictly within the ambit of the attorney-client privilege. *City of Williston v. Roadlander*, 425 So.2d 1175, 1177 (Fla. 1<sup>st</sup>DCA 1983) (citations omitted). The work-product doctrine is outlined in Rule 1.280(b)(4) of the *Florida Rules of Civil Procedure*, which provides that:

a party may obtain discovery of documents and tangible things otherwise discoverable under subdivision (b)(1) of this rule and prepared in anticipation of litigation or for trial by or for another party or by or for that party's representative, including that party's attorney, consultant, surety, indemnitor, insurer, or agent, only upon a **showing that the party seeking discovery has need of the materials in the preparation of the case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means.**

FLA. R.CIV. P. 1.280(b)(4) (2013) (emphasis added). *See also Genovese v. Provident Life*, 74 So. 3d 1064, 1067 (Fla. 2011) (explaining the distinction between work product privilege and attorney-client privilege. Accordingly, unlike attorney-client privilege, which is completely immune from disclosure, work product is not absolutely protected, as there is a "good cause" exception. FLA. R.CIV. P. 1.280 (2013).

Further, it is well-established that a Plaintiff cannot assert work product privilege **to avoid answering questions regarding his own allegations in his complaint**, even if the information requested through questioning implicitly reveals his legal theory of his case. *See Dunkin Donuts Inc. v. Mary's Donuts, Inc.*, 206 F.R.D. 518 (S.D. Fla. 2002) (work product privilege may not be asserted by deponent to avoid providing information supporting contentions in plaintiffs complaint). "The rationale supporting the work product doctrine is that 'one party is not entitled to prepare his case thorough the investigative work product of his adversary where the same or similar information is available through ordinary investigative techniques and discovery procedures.'" *Southern Bell Tel. & Tel. Co. v. Deason*, 632 So. 2d 1377, 1384 (Fla. 1994). Here, the information sought by Epstein from Edwards in deposition is **not** "available through ordinary investigative techniques and discovery procedures." In fact, Edwards has flagrantly disregarded repeated Court Orders to provide this information about which he was questioned in deposition.

Additionally, the information sought through the above-cited questions for which

Edwards asserted work-product privilege in his deposition is crucial for Epstein's defense of this case, as it goes to the crux of Edwards's causes of action against him. As such, the information requested is not outside the scope of discovery. For example, in Paragraph 24 of Edwards's Fourth Amended Counterclaim, he specifically alleges that while prosecuting the cases against Epstein at RRA, he had "not engaged in any unethical, illegal, or improper conduct nor has EDWARDS taken any action inconsistent with the duty he has to vigorously represent the interests of his clients. EPSTEIN has no reasonable basis to believe otherwise and has never had any reasonable basis to believe otherwise." See *Edwards's Fourth Amended Counterclaim*, ¶ 24. Edwards must prove this allegation, and every other allegation, to prevail.

### **OTHER OBJECTIONS**

The following five (5) categories of objections made by Edwards and/or his counsel are not permissible in a deposition. Rule 1.280(b)(1) of the *Florida Rules of Civil Procedure* provides that a party may obtain discovery of

any matter, not privileged, that is relevant to the subject matter of the pending action, whether it relates to the claim or defense of the party seeking discovery or the claim or defense of any other party .... It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

1.280 FLA. R.CIV. P (2016). The discovery rules are to be liberally construed so as to permit any form of discovery within the scope of the rules. *National Convenience Stores, Inc. v. Embrey*, 375 So. 2d 358 (Fla. 4th DCA 1979).

### **I. FACTS NOT IN EVIDENCE**

The subject matter of the examination turned to the interview with George Rush:

Q: With Mr. Rush, if I asked you to assume that he would testify that you, you told him about the transportation that Mr. Epstein transported other women on the plane to have sex with them, what information did you have that was the basis of that claim at that time? *Transcript of Deposition dated March 23, 2010*, pages

154-55; lines 22-3.

MR. SCAROLA: I am going to object to the form of the question. It assumes facts not in evidence. It has no proper predicate. *Id.* at 24.

The Witness did not answer.

The law is clear that “assuming facts not in evidence” is not a proper objection in a deposition; a fact about which both Edwards and his counsel are well aware.

## II. HYPOTHETICAL QUESTIONS

Q: If Mr. Fisten, if I ask you to assume that Mr. Fisten represented to a witness out in California that he was an agent or working for the FBI, would you find that conduct appropriate by Mr. Fisten? *Transcript of Deposition dated March 23, 2010*, page 172; lines 10-14.

MR. SCAROLA: And I will tell you that you are not obliged to answer hypothetical questions. *Id.* at 15.

A: And therefore I am not going to answer that question. *Id.* at 18-19.

Q: If Mr. Fisten represented that he was associated with the Miami-Dade Police Department, Miami-Dade County Police Department, would you find that conduct inappropriate. *Id.* at 21-24.

MR. SCAROLA: Same instruction and I would also observe with regard to each of the hypothetical questions that you are asked that they are incomplete. And without knowing all of the surrounding circumstances, it would be impossible for any witness to pass judgment upon what may have occurred. *Id.*

## III. NO PROPER PREDICATE

The subject matter of the examination turned to Edwards’s compensation while at RRA and the payment of the expenses incurred in the litigation of the Epstein cases:

Q: Did you do any hourly billing yourself at all or were you strictly a contingency fee person? *Transcript of Deposition dated March 23, 2010*, page 196; lines 15-16.

A: 90 percent contingency. *Id.* at line 17.

Q: Where did you, where did you think that [the expenses incurred in the Epstein cases] money was coming from; that is the source of the money to pay the extensive bills that were being incurred on Epstein and other cases?

MR. SCAROLA: I am going to object to the extent the question calls – excuse me, I’m going to object because there is no proper predicate to the question, and that is that it was a matter that was ever given a thought by Mr. Edwards.

Q: What did you consider, what did you believe was the cost; that is, the source of the money that was being used to be paying these extensive costs that were being incurred in Epstein and other cases?

MR. SCAROLA: Objection, form and compound.

A: The law firm.

The subject matter of the examination turned to the interview with George Rush:

Q: With Mr. Rush, if I asked you to assume that he would testify that you, you told him about the transportation that Mr. Epstein transported other women on the plane to have sex with them, what information did you have that was the basis of that claim at that time? *Id.* at 154; line 22- page 153; line 3.

MR. SCAROLA: I am going to object to the form of the question. It assumes facts not in evidence. It has no proper predicate. *Id.*

The Witness did not answer.

In *Weyant v. Rawlings*, 389 So. 2d 710 (Fla. DCA 1980), the court held that “[f]ailure to lay a proper predicate was not a sufficient basis upon which to deny petitioner’s motion to compel, even if such an objection had not been waived. Rule 1.280(b)(1) specifically states that discovery is not subject to objection on the ground that the subject matter of the discovery will not be admissible at trial, provided the matter to be discovered appears reasonably calculated to lead to the discovery of admissible evidence.” *Id.* at 711.

#### **IV. NOT REASONABLY CALCULATED TO LEAD TO THE DISCOVERY OF ADMISSIBLE EVIDENCE**

The subject matter continues to be Alfredo Rodriguez and Epstein’s counsel attempts to question Edwards about his possible role in the criminal complaint against Mr. Rodriguez:

Q: Mr. Edwards, are you the cooperating witness who was referenced in the criminal complaint, Exhibit 1?

MR. SCAROLA: Could you explain to us for the record, please, how that line of inquiry is reasonably calculated to lead to admissible evidence in this case?

Q: I am not prepared to do that right now.

MR. SCAROLA: Then I am not prepared to allow Mr. Edwards to answer that question outside the presence of an Assistant United States Attorney who can make a judgment as to whether that is information that ought to be disclosed.

#### **FINANCIAL PRIVACY**

“While the general rule in Florida is that personal financial information is ordinarily discoverable only in aid of execution after judgment has been entered, **where materials sought by a party ‘would appear to be relevant to the subject matter of the pending action,’** the

**information is fully discoverable.”** *Friedman v. Heart Institute of Port St. Lucie, Inc.*, 863 So.2d 189, 194 (Fla. 2003) (citing to *Epstein v. Epstein*, 519 So. 2d 1042, 1043 (Fla. 3d DCA 1988)) (emphasis added). Since Edwards is claiming financial damages, and because it was he who put his finances at issue, he must provide the requested information to prove this claim. Significantly, this is not a proper objection during deposition.

Counsel for Edwards asserted “financial privacy” to every single question posed to Edwards during his deposition about his cases, salary, billing, and time spent on cases, as well as to all discovery requests regarding same. *See Deposition of Bradley Edwards 2010 and 2013*. However, in his Fourth Amended Counterclaim Edwards claims to have suffered the following special damages: “a. injury to his reputation; b. mental anguish, embarrassment and anxiety; c. fear of physical injury to himself and members of his family; d. the loss of the value of his time required to be diverted from his professional responsibilities; e. the cost of defending against Epstein’s spurious and baseless claims.” *See Edwards’s Fourth Amended Counterclaim*, ¶ 33. Moreover, the financial terms of Edwards’s relationship at RRA are relevant to any motivation Edwards may have had to cooperate with Rothstein and his co-conspirators regarding actions taken in the Epstein cases, and directly negate his assertions in his Counterclaim; issues he brought into this litigation. *See Edwards’s Fourth Amended Counterclaim*. ¶ 24.

The law is clear that proper discovery includes records and information that are relevant to the calculation of damages. *Behm v. Cape Lumber Co.*, 834 So. 2d 285 (Fla. 2d DCA 2002). When a party voluntarily puts his personal financial information at issue, courts will compel production of personal financial information. *Friedman v. Heart Institute of Port St. Lucie, Inc.*, 863 So. 2d 189, 194 (Fla. 2003). A party’s finances, if relevant to the disputed issues of the underlying action, are not excepted from discovery, and courts will compel production of personal financial

documents and information if shown to be relevant by the requesting party. *Florida Gaming Corp. of Delaware v. American Jai-Alai, Inc.*, 673 So. 2d 523, 524 (Fla. 4th DCA 1996) (holding that the financial information at issue was relevant to the calculation of damages under the cause of action and as such financial discovery was proper). In the case at hand, it is irrefutable that Edwards's financial information is relevant; in fact, it was he who put it at issue in his claims for damages. The damages allegedly suffered by Edwards are not only a contested issue in this case but also a requisite element to his cause of action against Epstein. Accordingly, the questions regarding financial information must be answered.

### **CONCLUSION**

Accordingly, for all of the reasons delineated above and in reliance upon the applicable law cited herein, Jeffrey Epstein respectfully requests that this Court enter an Order striking Bradley Edwards's Objections to the deposition questions delineated above, compelling him to respond in full to Epstein's questions, instructing counsel for Edwards to limit his objections to those permitted by law, and such other and further relief as this Court deems proper.

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served, via electronic service, to all parties on the attached service list, this September 25, 2017.

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