

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,

/

**RESPONSE IN OPPOSITION TO JEFFREY EPSTEIN'S SUPPLEMENTAL MOTION
FOR CONTINUANCE OF TRIAL**

Counter-Plaintiff Bradley J. Edwards ("Edwards"), by and through undersigned counsel, hereby files this Response in Opposition to Plaintiff/Counter-Defendant Jeffrey Epstein's Supplemental Motion for Continuance of Trial, and as grounds thereof states as follows:

1. On November 10, 2017, Epstein filed his Supplemental Motion for Continuance of Trial, which included the following incorrect assertions:
 - a. (1) Edwards changed his damages claim "by adding reputational damages" on October 6, 2017, when he disclosed expert witness Bernard J. Jansen, Ph.D.;
 - b. (2) Edwards' Seventh Amended Witness List disclosed for the first time that certain fact witnesses would also provide expert witness testimony, namely the attorneys who represented Epstein's child victims in sexual abuse litigation; and
 - c. (3) Edwards' Seventh Amended Witness List was the first time William Berger, Esq. was disclosed.

Reputational Damages

2. As to the first issue, Edwards has pled damages to his reputation in every malicious prosecution counterclaim that he has filed in this case, beginning in **2011**:

- a. (1) Amended Counterclaim at ¶ 12, filed October 4, 2011;
- b. (2) Second Amended Counterclaim at ¶ 33, filed November 29, 2011;
- c. (3) Third Amended Counterclaim at ¶ 33, filed May 21, 2012; and
- d. (4) Fourth Amended Counterclaim at ¶ 33, filed January 9, 2013.

3. Epstein has therefore been aware of the reputational damages claim for six years, and any claim to the contrary is wholly without merit and is belied by the pleadings in this case.

Expert Witness Disclosure

4. As to the second and third issues, Epstein has been on notice since **2010** that the attorneys who represented his child victims were expected to provide both fact and opinion testimony in this case. Specifically, on December 2, 2010, Edwards served his Answers to First Set of Expert Witness Interrogatories, in which he stated as follows in response to Epstein's request for the disclosure of all experts "whom you expect to call as an Expert witness at trial":

Bradley Edwards has not retained any experts at this time. However, it is expected that some or all of the attorneys who have prosecuted civil claims against Jeffrey Epstein arising out of his abuse of children will be called to testify on behalf of Edwards and may express opinions regarding the services rendered by Edwards on behalf of his clients.

Subsequent witness lists have consistently and repeatedly conveyed the same intent to rely upon the fact and opinion testimony of the attorneys who were simultaneously prosecuting child molestation claims jointly with Bradley Edwards against Epstein. Despite these disclosures, there was never a request to depose any of these attorneys at any

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time prior to November 13, 2017. That is, Epstein has waited over 7 years until less than 2 weeks before the close of discovery and only approximately 3 weeks before trial to seek discovery of these witnesses.

5. Moreover, these disclosures cover William Berger, Esquire, who in 2012 was disclosed as an attorney who provided substantive services in the prosecution of sexual abuse claims against Jeffrey Epstein. Specifically, Edwards' Answers to Epstein's Third Set of Interrogatories, which were served on January 6, 2012, included the following question and answer:

#32: Identify all attorneys who worked on the client cases against Plaintiff/Counter-Defendant Jeffrey Epstein, including, but not limited to, the attorneys formerly at Rothstein Rosenfeldt & Adler; the attorneys at Farmer, Jaffee, Weissing, Edwards, Fistos & Lehrman, PL; outside attorneys and referring attorneys

A: Bradley Edwards, Paul Cassell, Matt Weissing, Steve Jaffee and Bill Berger rendered substantive services in the prosecution of claims against Jeffrey Epstein. Russell Adler was in attendance at multiple depositions but was not an active participant.

Bradley Edwards was, in fact, specifically questioned about William Berger when deposed for the first time more than seven years ago in 2010.

A timeline of the entirety of Epstein's witness deposition efforts is attached as Exhibit A.

6. Edwards was also questioned about William Berger, Esq. at his March 23, 2010 deposition, more than seven (7) years ago. *See* Deposition Transcript at pages 42 and 118.

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Conclusion

For the foregoing reasons, Counter-Plaintiff respectfully requests that this Court deny Epstein's Motion for Continuance of Trial and Supplement thereto and allow this eight (8) year old case to finally proceed to trial.

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 14th day of Nov., 2017.



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EXHIBIT A
HISTORY OF EPSTEIN'S DEPOSITION CONDUCT

DATE OF NOTICE	WITNESS(ES)	DATE DEPO SCHEDULED	TAKEN
4/5/10	Scott Rothstein (c/o Marc S. Murkin, Esq.)	4/15/10	
4/6/10	Michael Fisten & Richard Fandry	4/19/10	
4/16/10	Herbert Stettin, Trustee in Bankruptcy for Rothstein Rosenfeldt Adler, PA	5/19/10	Cancelled 1/19/11
12/6/10	Gary Farmer (corrected) (Apparently misdated and should be 1/6/11)	1/26/11	Cancelled 1/24/11
12/16/10	Mike Fisten	1/19/11	
12/16/10	Russell Adler	1/20/11	Cancelled 1/19/11
12/16/10	Ken Jenne	1/25/11	Cancelled 1/21/11
12/16/10	Scott Rothstein	1/21/11	
12/16/10	Gary Farmer	1/26/11	Cancelled 1/24/11
12/16/10	Debra Villegas	1/27/11	Cancelled 1/24/11
12/16/10	A.J. Discala	1/28/11	YES (on 5/25/11)
12/16/10	Thane Richie	1/31/11	Cancelled 1/28/11
12/16/10	Michael Legamaro	2/1/11	Cancelled
12/16/10	Dean Kretschmar	2/4/11	YES (on 2/11/11)
1/4/11	Herbert Stettin, Trustee for Bankruptcy for RRA	1/20/11	Cancelled 1/19/11
1/6/11	Mike Fisten (corrected)	1/19/11	
1/6/11	Russell Adler (corrected)	1/20/11	Cancelled 1/19/11
1/6/11	Herbert Stettin, Trustee in Bankruptcy for RRA	1/20/11	Cancelled
1/6/11	Scott Rothstein (corrected)	1/21/11	YES 6/14/12
1/6/11	Ken Jenne (corrected)	1/25/11	Cancelled 1/21/11
1/6/11	Debra Villegas (corrected)	1/27/11	Cancelled 1/24/11
1/11/11	Dean Kretschmar (Re-Notice)	2/11/11	YES
1/19/11	Cancellation of Russell Adler	1/20/11	Cancelled
1/19/11	Cancellation of Herb Stettin		Cancelled

1/21/11	Cancellation of Ken Jenne	1/25/11	Cancelled
1/24/11	Cancellation of Debra Villegas	1/27/11	Cancelled
1/24/11	Cancellation of Gary Farmer	1/26/11	Cancelled
1/28/11	Cancellation of Michael Legamaro	2/1/11	Cancelled
1/28/11	Cancellation of Thane Ritchie	1/31/11	Cancelled
2/2/11	A.J. Discala	2/22/11	YES (on 5/25/11)
2/8/11	Thane Ritchie	2/22/11	Cancelled
2/23/11	A.J. Discala (Re-Notice)	2/23/11	YES (on 5/25/11)
2/23/11	Michael Legamaro	3/11/11	YES
3/4/11	R/C Herbert Stettin, Trustee in Bankruptcy for RRA	3/16/11	Cancelled
3/8/11	A.J. Discala (Re-Notice)	3/10/11	YES (on 5/25/11)
4/6/11	Russell Adler	4/20/11	YES
4/7/11	AJ Discala (Re-Notice)	5/12/11	YES (on 5/25/11)
4/13/11	AJ Discala (Re-Notice)	5/25/11	YES
5/16/11	Cara Holmes	6/10/11	Cancelled 6/6/11
6/6/11	Cara Holmes (Re-Notice)	6/21/11	Cancelled
6/6/11	Cancellation of Cara Holmes	6/10/11	Cancelled
10/24/12	Bradley Edwards	11/13/12	YES
4/5/13	Bradley Edwards	5/15/13	YES
4/23/13	Bradley Edwards (Amended)	5/15/13	YES
8/6/13	Bradley Edwards	10/10/13	YES
8/2/17	Attorney Coleman requested deposition dates for 4 witnesses: LM, EW, Jane Dow and Virginia Roberts		
8/2/17	Mr. Edwards' attorney responded with dates available in the first 2 weeks of October and to call to clear specific dates		
8/3/17	Ms. Coleman asked Mr. Edwards to confirm that he would accept service for the 3 clients (LM, EW and Jane Doe)		
8/3/17	Mr. Edwards confirmed that he would accept service		
8/9/17	Mr. Edwards requested that Ms. Coleman specify which dates in early October she chooses to take depositions		

8/9/17	Ms. Coleman selected 7 dates between Oct. 10 and October 19		
8/14/17	Mr. Edwards' counsel provided 3 dates 10/5, 10/11 and 10/12/17		
8/14/17	Ms. Coleman instructed Mr. Edwards counsel to hold 10/5, 10/11 and 10/12/17		
8/16/17	Mr. Edwards confirmed that he would make his clients available on any date		
8/29/17	Courtney Moody	9/12/17	YES
8/29/17	Bradley Edwards	11/10/17	YES
8/31/17	Re-Notice Courtney Moody	10/12/17	YES
10/5/17	Virginia Roberts		NO. Cancelled unilaterally by Epstein's counsel on 9.26.17
10/12/17	EW (in prison)	10/12/17	YES

Epstein's counsel noticed Virginia Roberts for 10/5/17 and EW (in prison) for 10/12. On 9/26/17, they unilaterally cancelled Virginia Roberts' deposition. Epstein's counsel never used 10/11/17 and never set anyone for 10/5/17. The only date they made use of was 10/12/17, the date EW was deposed.

No other depositions were attempted to be set until a request was made on 11/3/17 to depose Dr. James Jansen and a request was made on 11/3/17 to depose 8 attorneys.