

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

JEFFREY EPSTEIN,

Plaintiff,

v.

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

Defendants.

Complex Litigation
Fla.R.Civ.Pro. 1201- Civil – Div.

Case No. 502009CA040800XXXXMB

Judge: AG – David Crow

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FLORIDA
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FLORIDA

**PLAINTIFF, JEFFREY EPSTEIN'S
MOTION FOR CONTINUANCE OF JURY TRIAL**

Plaintiff, JEFFREY EPSTEIN, by and through his undersigned counsel and pursuant to Florida Rules of Civil Procedure, files his Motion for Continuance and in support thereof states as follows:

1. The Plaintiff commenced this action on December 7, 2009. The complaint seeks damages based on an illegal Ponzi scheme to market investments to outside investors in the lawsuits brought by a number of plaintiffs, represented by the now defunct law firm of Rothstein, Rosenfeldt & Adler, P.A., ("RRA") against the Plaintiff in this case.
2. Even though the case was technically at issue, on April 5th 2010, the Defendant Edwards prematurely moved to set this matter for jury trial.
3. On April 15, 2010, this Court set the case for a jury trial on the eight-week docket beginning October 25, 2010, with a docket call on October 15, 2010.
4. There have been no prior trial settings or continuances of trial settings for this case.
5. This case is not ready and cannot be ready to be tried on its presently scheduled trial docket. The Plaintiff has set forth below his reasons why the case cannot be ready for trial for its presently set docket. Pursuant to Fla.R.Jud.Admin. 2.545(e), the Plaintiff has consented to this Motion for Continuance, which is attached hereto as Exhibit "A".

6. RRA is under the jurisdiction of the United States Bankruptcy Court, Southern District of Florida. In those proceeding, the Plaintiff has sought the production of records from the Bankruptcy Trustee which has custody of records that are material to the Plaintiff's claims in this case. On August 13, 2010, Raymond B. Ray, Judge of the Bankruptcy Proceeding ordered the appointment of a special master to review the estimated 6000 or more documents for privilege claims and production. Defendant Edward's present law firm, Farmer Jaffe, Weissing, Edwards, Fistos and Lehrman, were present and argued a motion for protective order. A copy of Judge Ray's Order is attached as Exhibit "B" to this motion. Retired Broward County Circuit Judge Robert Carney has begun the process of reviewing the documents and hearing initial arguments on the privilege issue.

7. The Plaintiff needs to obtain all unprivileged documents and depose knowledgeable witnesses to properly prepare for trial. The documents are crucial to the Plaintiff's preparation of his claim. It is highly unlikely the Plaintiff will be able to obtain these records in time for the Plaintiff to conduct the necessary discovery in order to be ready to try this case on its presently set docket.

8. The Plaintiff anticipates that after receiving and reviewing these records that amendments to his pleadings will need to occur.

9. While a default has been entered against Defendant Rothstein, there is a pending motion to set aside the default together with a motion to strike the affidavit of Mr. Rothstein, seeing to set aside the default. If the court sets aside the default, the case will no longer be at issue.

10. Defendant Edwards frequently invoked the privileges of work product and attorney client for his answers to his deposition, which require a ruling by the court. Further if the

documents from the Bankruptcy trustee are produced, Defendant Edwards needs to be deposed on those documents.

11. Initial sets of discovery requests have been propounded by the Plaintiff and Defendant Edwards to which objections have been made and a court ruling will need to be made.

12. The Plaintiff anticipates at this time that the number of witnesses who may have relevant unprivileged knowledge of the issues in this case are likely to exceed twenty-five people. It is not possible realistically to depose these people until the records are reviewed from the Bankruptcy Trustee and all privilege claims are resolved.

13. The Defendants will not be prejudiced by the Court granting Plaintiff's Motion for Continuance.

14. The filing of this Motion is made in good faith and not for the purposes of delay.

WHEREFORE, Plaintiff, Jeffrey Epstein, by and through his undersigned counsel requests this Court to enter an Order granting his Motion for Continuance and striking this case from the Jury Trial Docket presently set in this matter on the eight week docket beginning October 25, 2010 for the reasons stated above.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been duly furnished via Email, Facsimile, U.S. Mail, Hand Delivery, Federal Express this 18 day of August, 2010 to:

Gary M. Farmer, Jr., Esq.
Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, PL
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By: 
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Attorneys for Jeffrey Epstein, Plaintiff

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND FOR
PALM BEACH COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 50 2009 CA 040800 XXXXMB AG

JEFFREY EPSTEIN,

Plaintiff,

v.

SCOTT ROTSTEIN, individually, BRADLEY J.
EDWARDS, individually and L.M., individually,

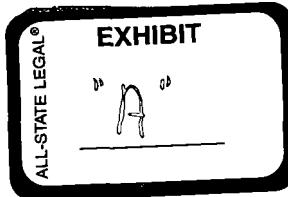
Defendants.

CONSENT OF PLAINTIFF,
JEFFREY EPSTEIN TO MOTION
TO CONTINUE TRIAL

PLEASE TAKE NOTICE that the Plaintiff, Jeffrey Epstein, pursuant to Fla. R.Jud.Admin. 2.545 (e), gives his consent to a Motion for Continuance of the Trial of this matter, presently set for the eight-week jury trial docket beginning October 25, 2010.

DATED this 16 day of August, 2010.

Jeffrey Epstein,
Plaintiff





ORDERED in the Southern District of Florida on August 13, 2010.

Raymond B. Ray, Judge
United States Bankruptcy Court

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION
www.flsb.uscourts.gov

IN RE:

CASE NO.: 09-34791-RBR

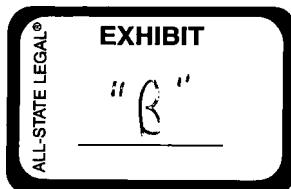
ROTHSTEIN ROSENFELDT ADLER, P.A.,

CHAPTER 11

Debtor.

**ORDER RESPECTING PRODUCTION OF
DOCUMENTS REGARDING JEFFREY EPSTEIN**

THIS CAUSE came before the Court for hearing on August 4, 2010 upon (i) Motion to Compel Production of Documents from Trustee Pursuant to Document Production Protocol, as established by D.E. #672 (D.E. #807); (ii) Motion for Protective Order filed by Interested Party Farmer, Jaffe, Weissing, Edwards, Fistos and Lehrman, P.L. ("Farmer, Jaffe") (D.E. #818) and its related amendment (D.E. #819). The Court heard argument of all counsel present at the hearing, and being otherwise duly advised in the premises,



DOES HEREBY ORDER:

1. The Court appoints former Broward County Circuit Judge Robert Carney as Special Master who shall work with counsel for the Trustee to obtain documents responsive to the subpoena served upon the Trustee by Jeffrey Epstein to: (i) review all electronically stored information ("ESI") and other documents in the Trustee's possession, including Qtask data for purposes of determining the applicability of the attorney/client and work product privileges that may inure to the benefit of L.M., Brad Edwards, and other current or former clients of Farmer, Jaffe; (ii) segregate any such privileged documents; and (iii) prepare a privilege log in accordance with standard practice and law.

2. Prior to engaging in this document review, the Special Master shall meet with counsel for Epstein, counsel for Farmer, Jaffe and counsel for the Trustee to hear their respective positions concerning these matters. Upon completion of the review by the Special Master, the Special Master shall prepare and file a privilege log with the Court. No documents or ESI shall be released to anyone until such time as the Special Master has notified the Court that he has concluded his review of the responsive documents and is in a position to report to the Court his findings and to obtain further instruction. Upon the filing of such notice by the Special Master, the Court shall set a continued hearing on the pending motions identified above. All legal fees and costs incurred by the Special Master shall be paid by Epstein, who has agreed to pay directly all such fees and costs.

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Submitted by:

Charles H. Lichtman, Esq.
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Telephone: (954) 525-9900
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clichtman@bergersingerman.com

Copy furnished to:

Charles H. Lichtman, Esq.
(Charles H. Lichtman is directed to serve this Order to all parties of interest and to file a Certificate of Service.)