

EXHIBIT G

Filing # 31912687 E-Filed 09/10/2015 03:19:57 PM

IN THE CIRCUIT COURT FOR THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY,
FLORIDA

BRADLEY J. EDWARDS and PAUL
G. CASSELL,

CASE NO.: 15-000072

Plaintiff(s),

JUDGE: LYNCH

v.

ALAN M. DERSHOWITZ,

Defendant.

**NON-PARTY JEFFREY EPSTEIN'S MOTION TO QUASH SUBPOENA AND
SUPPORTING MEMORANDUM OF LAW**

Jeffrey Epstein (hereinafter "Epstein"), a non-party to this action, by and through his undersigned counsel, hereby moves to quash the Subpoena *Duces Tecum* issued by Plaintiff and improperly served upon Epstein¹. As grounds therefor, Epstein states:

INTRODUCTION

The Plaintiff, Bradley J. Edwards ("Edwards"), and Epstein are involved in a separate and distinct lawsuit from the case at hand in the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida. In that case, Epstein is the Plaintiff/Counter-Defendant and Edwards is the Defendant/Counter-Plaintiff. Epstein prevailed on Summary Judgment as to both counts of Edwards's Complaint, and a Final Summary Judgment was entered by the trial court². Thereafter, Epstein successfully moved for an award of costs and attorneys' fees. The amount of

¹ While the distinction between "general appearance" and "special appearance" has been abolished, non-party Epstein submits that this Motion is a limited, special appearance. *Ward v. Gibson*, 340 So. 2d 481 (Fla.3d DCA 1976); FLA. R.CIV. P. 1.140(b).

² This Order is the subject of an appeal filed by Edwards that is currently pending in the Fourth District Court of Appeal.

costs and attorneys' fees to which Epstein is entitled is the only issue pending before the trial court. The trial court ordered the parties to attend mediation regarding the amount of costs and attorneys' fees to which Epstein is entitled. Epstein, rather than personally attending the mediation, sought to designate a representative to attend mediation. Counsel for Edwards, who is also counsel for Edwards in the case at bench, objected thereto and successfully moved the court for an order compelling Epstein to personally attend the mediation. A true and correct copy of Edwards's Motion to Compel Epstein's attendance, the Notice of Hearing, and the trial court's Order granting Edwards's Motion, are attached hereto as composite "Exhibit A." Epstein, in compliance with the court order, personally attended the mediation, which took place at Matrix Mediation, 1655 Palm Beach Lakes Boulevard, West Palm Beach Florida, on September 1, 2015. Within said mediation, Edwards had his process server enter the mediation room and serve Epstein with a Subpoena *Duces Tecum*, requiring Epstein to appear for the taking of his deposition in this matter on September 22, 2015, at counsel for the Plaintiff's office in West Palm Beach, Florida. A true and correct copy of the Subpoena *Duces Tecum* is attached hereto as "Exhibit B." Plaintiff improperly served Epstein with this Subpoena, as he did so while Epstein was attending mediation pursuant to a court order; an order requested by Edwards. Additionally, Edwards is well aware that Epstein is a legal resident of the U.S. Virgin Islands. Accordingly, as explained in more detail below, the Subpoena *Duces Tecum* served upon Epstein in this matter should be quashed.

MEMORANDUM OF LAW

Florida law has consistently held that parties attending court outside of the territorial jurisdiction of their residence "are immune from service of process while attending court and for a reasonable time before and after going to court and in returning to their homes."

Stokes v. Bell, 441 So. 2d 146, 146-47 (Fla. 1983) (quoting *Rorick v. Chancey*, 130 Fla. 442, 453, 178 So. 112, 116 (1937)) (emphasis added). In consistently upholding this rule, the Courts have expressed the great importance of affording this immunity to witnesses or parties to litigation:

As commonly stated and applied, it [the rule] proceeds upon the ground that the due administration of justice requires that a court shall not permit interference with the progress of a cause pending before it, by the service of process in other suits. . .

Id. at 147 (quoting *Lamb v. Schmitt*, 285 U.S. 222, 225 (1932)). Additionally, this rule works to prevent the delay of judicial administration and the chilling effect that a fear of lack of immunity would have on a person's right of access to the courts and/or the right to defend himself. *Id.* at 147.

In *Stokes*, the Florida Supreme Court upheld the lower court's decision to abate service for lack of personal jurisdiction where the party was a permanent resident of the Bahamas and was served with process while defending himself in an unrelated civil matter in a Florida Courthouse. *Id.* at 148. In taking all of the well-founded policy reasons into consideration, the Florida Supreme Court held that non-residents are exempt from "service of civil process while they are attending, or traveling to or from, court proceedings outside the county of their residence as witnesses or suitors." *Stokes*, 441 So. 2d at 148 (emphasis added). *See also Cordoba v. Cordoba*, 393 So. 2d 589, 591 (Fla. 4th DCA 1981).

Similarly, in the case at hand, service of civil process on non-resident Epstein occurred while he was attending a court proceeding for a separate and distinct matter; a matter in which the party effectuating the service asked the court to order him to attend. At all times hereto, Epstein was a resident of the U.S. Virgin Islands. Had Epstein never been required by the court

to be present in West Palm Beach, he would not have physically been in that jurisdiction, thus preventing any service on him therein. Permitting this Subpoena to stand would be in direct contravention of the policy reasons supporting Florida's well established laws. Accordingly, the Subpoena *Duces Tecum* served upon Epstein in this matter should be quashed. *See also Lee v. Stevens of Florida, Inc.*, 578 So. 2d 867, 868 (Fla. 2d DCA 1991) (extending the immunity to alternative dispute resolution, stating that "the same policy reasons . . . exist in arbitration as they do in court.").

Additionally, it is important to note that serving Epstein with the Subpoena *Duces Tecum* in this matter while Epstein was attending a court-ordered mediation for another matter is likewise inapposite to the required procedures set forth in the *Florida Statutes* for effectuating service upon non-residents. Epstein's participation in the court-ordered mediation and, therefore, physical presence in the state, is not the type of conduct delineated by law which would subject him to personal jurisdiction within Florida. *See* § 48.193 FLA. STAT. (2013). Further, § 48.194 of the *Florida Statutes* provides for the service of process of non-residents of Florida outside of the State. § 48.194 FLA. STAT. (2013). In order to effectuate service of process upon Epstein, Edwards was required to serve Epstein at his place of residence and, his appearance at the court-ordered mediation did not act as an exception to this requirement under Florida law. *Id.*; *see also* § 48.193 FLA. STAT. (2013). As such, the Subpoena *Duces Tecum* served upon Epstein in this matter should be quashed.

CONCLUSION

For the reasons stated above, and in reliance upon the case law cited herein, non-party Jeffrey Epstein respectfully requests that this court quash the Subpoena *Duces Tecum* issued by

Plaintiff and improperly served upon Epstein, and for any further relief this Court deems necessary and proper.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service to Jack Scarola, Esquire, jsx@searcylaw.com and mep@searcylaw.com, Kendall B. Coffey, Esquire, kcoffey@coffeyburlington.com and service@coffeyburlington.com, Thomas Scott, Esquire, Thomas.scott@esklelegal.com, Steven Safra, Esquire, Steven.safra@esklelegal.com, Richard A. Simpson, Esquire, rsimpson@wileyrein.com, Kenneth A. Sweder, Esquire, ksweder@sweder-ross.com, on this September 10, 2015.

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

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

Defendant(s).

MOTION TO COMPEL ATTENDANCE

Bradley J. Edwards, by and through his undersigned attorneys, moves this Honorable Court for the entry of an Order compelling the attendance of Jeffrey Epstein at the Court-ordered mediation herein.

In support of this motion, Bradley J. Edwards would show that it is contrary to the intent of F.R. Civ. Procedure 1.720(e) for an individual party to fail to participate personally in a mediation absent special circumstances and without leave of Court. Epstein's untimely Certificate of Authority is ineffective to excuse his personal appearance.

EXHIBIT A

Edwards adv. Epstein
Case No.: 502009CA040800XXXXMBAG
Motion to Compel Attendance

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 17th day of July, 2015.



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Case No.: 502009CA040800XXXXMBAG
Motion to Compel Attendance

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IN THE CIRCUIT COURT OF THE
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CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

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

Defendant(s).

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that the undersigned has called up for hearing the following:

DATE: July 20, 2015

TIME: 8:45 a.m.

JUDGE: Honorable Donald Hafele (Palm Beach County Courthouse)

PLACE: 205 N. Dixie Highway, West Palm Beach, FL 33401

ROOM #: 9-C

SPECIFIC MATTERS TO BE HEARD:

Motion to Compel Attendance

I HEREBY CERTIFY that the undersigned has, before setting this matter for hearing, contacted opposing counsel in an effort to resolve or narrow the issues raised herein.

Edwards adv. Epstein
Case No.: 502009CA040800XXXXMBAO
Notice of Hearing

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 17th day of July, 2015.



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Case No.: 502009CA040800XXXXMBAG
Notice of Hearing

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Edwards adv. Epstein
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Notice of Hearing

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Edwards adv. Epstein
Case No.: 502009CA040800XXXMBAG
Notice of Hearing

"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Americans with Disabilities Act Coordinator, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711."

"Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con Americans with Disabilities Act Coordinator, , por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacitación del oído o de la voz, llame al 711."

"Si ou se you moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedi sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk èd. Tanpri kontakte nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711."

IN THE CIRCUIT COURT OF THE
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CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

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Defendant(s).

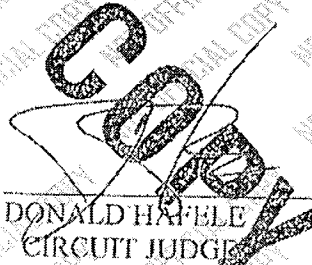
ORDER ON MOTION TO COMPEL ATTENDANCE [AT MEDIATION]

THIS CAUSE having come to be considered upon the MOTION TO COMPEL ATTENDANCE [at mediation], and the Court having reviewed the file and being fully advised in the premises, it is hereby,

ORDERED and ADJUDGED:

That the mediation scheduled for July 21, '15 is continued and shall be reset with 45 days. The attorney's fee hearing set on the August 3, '15 docket
DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida, this 20

day of July, 2015.


DONALD H. HALE
CIRCUIT JUDGE

Copies have been furnished to all counsel on the attached counsel list.

It is removed from the docket. Mr. Epstein is personal appearance shall be required at mediation.

Edwards adv. Epstein

Case No.: 502009CA040800XXXXMBAG

Order on Motion to Compel Attendance [at mediation]

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Order on Motion to Compel Attendance [at mediation]

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IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
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CASE NO.: CACE 15-000072

BRADLEY J. EDWARDS and PAUL G.
CASSELL,

Plaintiff(s),

vs.

ALAN M. DERSHOWITZ,

Defendant(s).

SUBPOENA

THE STATE OF FLORIDA

TO: Jeffrey Epstein*
358 El Brillo Way
Palm Beach, FL 33480

*to be served at an alternate location

YOU ARE COMMANDED to appear at Searcy Denney Scarola Barnhart & Shipley,
P.A., 2139 Palm Beach Lakes Boulevard, West Palm Beach, Florida, 33409 on September 22,
2015 at 10:00 a.m., and to have with you at that time and place the following:

Duces Tecum:

1. Any and all documents* reflecting or relating to communications between you
and Alan Dershowitz which communications concern:

Virginia Roberts;

Jane Doe #3;

EXHIBIT B

Edwards, Bradley vs. Dershowitz
Case No. CACE 15-000072
Notice of Production to Non Party Subpoena
Page 2

Allegations that Alan Dershowitz engaged in any sexual activity with a female under the age of 18;

Whether, when and by whom Alan Dershowitz was provided a massage arranged by you or pursuant to your direction;

Any and all photographs of Alan Dershowitz;

Any and all photographs of Virginia Roberts.

2. Any and all documents* reflecting or relating to any occasion on which Alan Dershowitz was in your physical presence or on any aircraft or vessel owned or controlled by you, or in any residence owned or controlled by you.

*"Documents" shall include, but not be limited to all non-identical copies of writings, drawings, graphs, charts, photographs, phono-records, recordings, and/or any other data compilations from which information can be obtained, translated, if necessary, by the party to whom the request is directed through detection devices into reasonably usable form.

"Documents" also include all electronic data as well as application metadata and system metadata. All inventories and rosters of your information technology (IT) systems—e.g., hardware, software and data, including but not limited to network drawings, lists of computing devices (servers, PCs, laptops, PDAs, cell phones, with data storage and/or transmission features), programs, data maps and security tools and protocols.

Edwards, Bradley vs. Dershowitz
Case No. CACE 15-000072
Notice of Production to Non Party Subpoena
Page 3

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with the production requirements of this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. You may mail or deliver the copies to the attorney whose name appears on this subpoena; however, such production does not eliminate the requirement for your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena.

If you fail to:

- 1) Appear as specified; and
- 2) Furnish the records; or
- 3) Object to this subpoena,

You may be in contempt of court. You are subpoenaed to appear by the following

Edwards, Bradley vs. Dershowitz
Case No. CACE 15-000072
Notice of Production to Non Party Subpoena
Page 4

attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

DATED this 28th day of AUGUST, 2015.



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