

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,

Defendants.

/

**NOTICE OF FILING DEPOSITION TRANSCRIPT EXCERPTS AND DISCOVERY
RESPONSES BY JEFFREY EPSTEIN IMPLICATING THE ATTORNEY-CLIENT
PRIVILEGE**

Counter-Plaintiff, Bradley J. Edwards, by and through undersigned counsel, hereby files this Notice of Filing Deposition Transcript Excerpts and Discovery Responses by Jeffrey Epstein Implicating the Attorney-Client Privilege, and as grounds therefor states as follows:

Summary

At the November 29, 2017 pre-trial hearing, the Court requested that Counter-Plaintiff Bradley J. Edwards specifically identify the discovery responses provided by Jeffrey Epstein implicating the Attorney-Client privilege. This Notice of Filing outlines the specific questions and answers in Epstein's March 17, 2010 deposition testimony in which Epstein raised the privilege, as well as citations to Epstein's Answers to Interrogatories dated September 16, 2010 and Amended Answers to Interrogatories dated August 20, 2013, which Edwards proffers for introduction at trial and relies upon to preclude Epstein from offering testimony concerning matters as to which discovery was precluded through privilege assertions.

I. MARCH 17, 2010 DEPOSITION

a. Page 48, Line 9 through Page 49, Line 11;

Q. Among the allegations of wrongdoing against Mr. Edwards which you contend form the basis of this lawsuit is something having to do with sending an investigator to California.

Would you tell me, please, more specifically what it is that Mr. Edwards did with regard to sending an investigator to California which you contend justifies a legal claim against Mr. Edwards.

MR. PIKE: Form. And also mischaracterizes the witness' testimony.

THE WITNESS: Reported widely in the newspapers is the use of illegal activities, wire taps, and methods by the Rothstein firm while Mr. Edwards had basically been bringing these cases.

The investigator, Mr. Fisten, who's mentioned in the Complaint, represented himself as an FBI agent, falsely represented himself as an FBI agent.

BY MR. SCAROLA:

Q. Do you have any personal knowledge of anything that Mr. Fisten did while Mr. Fisten was in California?

MR. PIKE: To the extent that you can answer that question without disclosing my conversation or my firm's conversation or any of your attorneys' conversations with you, you can answer the question.

THE WITNESS: I'm sorry. Based on attorney/client privilege, I can't answer.

b. Page 51, Lines 5-13

Q. Do you have any personal knowledge that Bradley Edwards was ever involved in obstructions of justice?

MR. PIKE: To the extent that you can answer that question without disclosing any attorney/client communications with any of your attorneys, you can answer that question.

THE WITNESS: It's attorney/client privilege, I'm afraid.

c. Page 52, lines 19-22

Q. Do you have any personal knowledge that Bradley Edwards ever forged Federal Court Orders and/or Opinions?

A. It's attorney/client privilege.

d. Page 52, lines 23-25 through page 53, lines 1-4

Q. Do you have any personal knowledge that Bradley Edwards was ever involved in the marketing of non-existing Epstein settlements?

MR. PIKE: Same instruction.

THE WITNESS: I'm sorry. I would like to answer that question, but on attorney/client privilege I cannot today.

e. Page 53, lines 6-24

Q. It is alleged in your Complaint that you were subject to, quote, abusive investigatory tactics. Other than those matters previously referred to in earlier questions, is it your contention that Bradley Edwards had any personal involvement in any other, quote, abusive investigatory tactics?

MR. PIKE: Form.

THE WITNESS: It's been widely reported in the newspapers that Mr. Edwards' firm was engaged in widely -- wildly abusive practices throughout the State of Florida in order to fleece unsuspecting investors out of millions of dollars.

The U.S. Attorney's Complaint alleges his firm engaged in a corrupt criminal enterprise. Mr. Scherer's Complaint alleges monstrous amounts of fraud and discovery abuse. I have no personal knowledge, separate from the attorney/client privileged information, regarding Mr. Edwards.

f. Page 54, lines 1-10

Q. Do you have any personal knowledge that Bradley Edwards ever filed legal papers that were unsupportable?

MR. PIKE: I'm going to object to form. And to the extent you can answer that question without disclosing any attorney/client communications with any of your attorneys, I'm going to allow you to answer that question.

THE WITNESS: I'm afraid it's attorney/client privilege.

g. Page 63, Line 23 through Page 64, Line 3;

Q. So it is your contention that Mr. Edwards was part of a criminal enterprise?

A. Yes, it is.

Q. Knowingly part of a criminal enterprise?

MR. PIKE: Form.

THE WITNESS: Attorney/client privilege.

h. Page 66, Line 8-25 through Page 67, lines 1-4 through Page 67, Line 11;

Q. Have you ever personally witnessed Bradley Edwards engaged in money laundering?

MR. PIKE: Form.

THE WITNESS: Again, sir, the U.S. Attorney's Complaint of the Rothstein firm alleges money laundering, wire fraud, mail fraud, RICO claims of Mr. Edwards' partners and his firm, calling the firm the largest criminal enterprise in South Florida's history, accused of fabricating malicious cases, sir, of a sexually charged nature in order to fleece unsuspecting South Floridians out of millions of dollars.

BY MR. SCAROLA:

Q. And I'm trying to find out, Mr. Epstein, whether you have any evidence whatsoever that Mr. Edwards ever personally participated in any of that wrongdoing?

MR. PIKE: To that question, to the extent you can answer it without violating attorney/client and work product, you can answer the question.

THE WITNESS: I'm afraid it will be attorney/client privilege, sir.

i. Page 67, lines 6-12

Q. Do you have any evidence -- knowledge of any evidence whatsoever that Mr. Edwards ever participated in any effort to market any kind of investment in anything?

A. I would have to claim attorney/client privilege on that, sir.

MR. PIKE: Form.

j. Page 67, Line 22 through Page 68, Line 12;

Q. Yes, sir. I want to know whether you have any knowledge of evidence that Bradley Edwards personally ever participated in devising a plan through which were sold purported confidential assignments of a structured payout settlement?

MR. PIKE: Form.

THE WITNESS: I'd like to answer that question by saying that the newspapers have reported that his firm was engaged in fraudulent structured settlements in order to fleece unsuspecting Florida investors.

With respect to my personal knowledge, I'm unfortunately going to, today, but I look forward to at some point being able to disclose it, today I'm going to have to assert the attorney/client privilege.

k. Page 71, Lines 19-22

Q. Is it your contention that Bradley Edwards was ever personally involved in manufacturing false and/or fraudulent Court Opinions or Orders?

A. Attorney/client privilege.

l. Page 76, Line 24 through Page 77, Line 17;

Q. Do you have any information indicating that Bradley Edwards ever had any knowledge of anyone associated with the Rothstein firm holding meetings during which, quote, "false statements were made about the number of cases/clients that existed or RRA had against Epstein and the value thereof," unquote?

MR. PIKE: Form. Same objection.

THE WITNESS: My best recollection is the U.S. Attorney has accused the Rothstein firm of just those types of meetings where the partners got together, schemed to defraud local investors of millions of dollars by fabricating cases of a sexually charged nature. And whether Mr. Edwards personally participated, I'm going to at least today, sir, have to assert the attorney/client privilege, but look forward to one day disclosing it.

MR. SCAROLA: Move to strike all unresponsive portions of the answer.

m. Page 77, Line 23 through Page 78, lines 24 Page 79, Line 22;

Q. Do you have any knowledge that Bradley Edwards

fabricated a client to bring a claim against you?

MR. PIKE: Form.

THE WITNESS: I believe Mr. Scherer's Complaint --

BY MR. SCAROLA:

Q. I'm not asking about Mr. Scherer's Complaint. I'm asking about any evidence that you have.

MR. PIKE: The witness is basically been five words into his sentence and you're not allowing him to finish, once again.

So if you recall the question, then please respond.

THE WITNESS: Please repeat it back, please?

MR. PIKE: Madame Court Reporter, if you would.

(Pending question was read.)

MR. PIKE: Form.

THE WITNESS: The pleadings of Mr. Scherer and his claim against the Rothstein firm for a massive fraud, as well as Mr. Sakowitz's claims to -- at least in the -- described in the public press, because he went to the FBI, for fabricating cases that included initials.

With respect to anything specific with Mr. Edwards, I'm going to have to claim the attorney/client privilege today, sir.

n. Page 79, lines 1-7

Q. Do you have any -- do you have knowledge of

the existence of any evidence that Bradley Edwards knew that Rothstein was utilizing RRA as a front for a Ponzi scheme?

MR. PIKE: Form.

THE WITNESS: That's attorney/client privilege.

o. Page 79, lines 9-22

Q. Do you have knowledge of any evidence that would indicate Bradley Edwards should have known that Rothstein was utilizing RRA as a front for a Ponzi scheme?

MR. PIKE: Form.

THE WITNESS: At least today --

MR. PIKE: Wait.

THE WITNESS: Sorry.

MR. PIKE: Form. Same objections. Same attorney/client, work product as to the last question. Same objections here, attorney/client work product.

THE WITNESS: And today I'm going to have to assert the attorney/client privilege.

p. Page 83, Line 24 through page 84, line 15

Q. As you sit here today, do you have any evidence whatsoever to support an assertion that Bradley Edwards, individually and personally, sold, allowed to

be sold and/or assisted with the sale of an interest in non-settled personal injury lawsuits?

MR. PIKE: Before you answer that question, Madame Court Reporter, will you please read that question back to me?

(Pending question was read.)

MR. PIKE: To the extent you can answer that question without divulging attorney/client or work product information, you may answer that question.

MR. SCAROLA: Objection. Coaching.

THE WITNESS: You said, allowed to be sold. I'm going to assert attorney/client privilege to the answer, I'm afraid, but I'd like to answer that question.

q. Page 84, line 17 through Page 85, line 9

Q. Do you have knowledge of any evidence indicating that Bradley Edwards ever reached agreements to share attorney's fees with non-lawyers?

MR. PIKE: I'm sorry. Mr. Scarola, can you tell me what page of the Complaint you're referring to, if you are?

MR. SCAROLA: I'm not referring to any page of the Complaint, although I will tell you that that precise allegation is made in the Complaint.

THE WITNESS: In fact, Mr. Scarola, we have subpoenaed Mr. Edwards' documents and documents from his firm that I believe will, in fact, give me more specificity with the answers to that question. I'm looking forward to getting the -- that

specific evidence. With respect to what we currently know, sitting here today, I'm unfortunately going to have to claim my attorney/client privilege.

r. Page 85, line 11 through Page 86, Line 4;

Q. Do you today have any evidence to support an assertion that Bradley Edwards ever used investor money to pay L.M., E.W., and/or Jane Doe up-front money, such that they would refuse to settle civil actions?

MR. PIKE: Same instruction.

THE WITNESS: You'll have to get -- I need to hear the first part of the question. Do I have any evidence? Do I have knowledge of evidence? I'm sorry. What was the --

BY MR. SCAROLA:

Q. Do you have knowledge of any evidence to support that assertion?

MR. PIKE: To the extent you can answer that question without violating attorney/client, work product, please do so.

MR. SCAROLA: Objection. Coaching.

THE WITNESS: I'm going to have to assert the attorney/client privilege, I'm afraid, though I'd like to answer that question as well, sir.

s. Page 87, Lines 1-18

Q. Do you have knowledge of any evidence that Bradley Edwards ever conducted searches, wire taps or

intercepted conversations in violation of State or Federal laws and Bar rules?

MR. PIKE: Same instruction.

THE WITNESS: The newspapers and the U.S. Attorney's Complaint widely reported that Mr. Edwards' firm and people hired by his firm, investigators hired by his firm fraudulently representing themselves as FBI agents engaged in just those activities, sir.

BY MR. SCAROLA:

Q. Do you have any knowledge of any evidence that Bradley Edwards was ever aware of any such activities?

A. I'm going to have to --

MR. PIKE: Same objection.

THE WITNESS: -- assert the attorney/client privilege to that, sir.

t. Page 87, line 20 through Page 88, Line 14

Q. Do you have any knowledge that Bradley Edwards ever participated in or was aware of actions that utilized the judicial process, including, but not limited to, unreasonable and unnecessary discovery for the sole purpose of furthering a Ponzi scheme?

MR. PIKE: Same objection.

To the extent you can answer the question without disclosing attorney/client or work product information, do so.

THE WITNESS: The pleadings of Mr. Scherer with respect to the largest Ponzi scheme in South

Florida's history engaged in by Mr. Edwards' firm and Scott Rothstein, who currently sits in jail, probably for the rest of his life for engaging in, not only illegal wire taps and eavesdropping, but an abuse of the entire legal system, I believe speaks for itself.

Unfortunately, with respect to Mr. Edwards today, I'm going to have to assert the attorney/client, work privilege, sir.

u. Page 114, Line 1-7

Q. What day are you prepared to answer all these questions?

MR. PIKE: Form. Attorney/client and work product.

THE WITNESS: That's attorney -- I wish I could answer that question as well, but it's attorney/client privilege, sir.

v. Page 122, Line 9 through Page 123, Line 9;

Q. How are you going to go about finding out what the value of that loss is?

MR. PIKE: Attorney/client, work product. To the extent you can answer without disclosing our conversations or the conversations with your other attorneys that you've delineated, you can do so.

BY MR. SCAROLA:

Q. Or you can just take the signal and say, I refuse to answer because it's attorney/client privilege.

A. I resent that.

MR. PIKE: Move to strike.

THE WITNESS: But it's okay. You can continue to try to harass me, sir. It doesn't work. The ladies and gentlemen of the jury, hopefully when they see the deposition will recognize and see these pile of tricks. The answer --

MR. SCAROLA: Hopefully they will.

THE WITNESS: Yes.

MR. PIKE: Move to strike.

THE WITNESS: I will respectfully decline to answer that.

BY MR. SCAROLA:

Q. On what basis?

A. Attorney/client privilege.

MR. PIKE: And work product.

w. Page 126 Lines 1 through 21;

THE WITNESS: As proportionate to the amount of damages, I think Mr. Edwards played a vital role. I believe his partners potentially played a role. I've only had any contact with Mr. Edwards, sir.

BY MR. SCAROLA:

Q. Which partners?

A. Beg your pardon?

Q. Which partners, besides Mr. Edwards and Mr. Rothstein, do you claim engaged in conduct that renders them liable to you?

A. I believe it's in the Complaint, sir. And I believe it's Mr. Adler, Mr. Berger. There's Mr. Jenne, Mr. Fisten, but those are not partners. So Mr. Berger, Mr. Adler -- and I forgot the names of the others at the moment, sir, but it's in the Complaint.

Q. Why didn't you sue them?

MR. PIKE: Form.

THE WITNESS: Attorney/client privilege, sir.

MR. PIKE: Work product.

II. EPSTEIN'S OBJECTIONS TO EDWARDS' GENERAL INTERROGATORIES DATED SEPTEMBER 16, 2010

7. Describe in detail all information, written or oral, which William Scherer or any attorney or agent of the law firm of Conrad Scherer has provided to you or your attorneys which relates to any allegation which has been asserted in this case against Bradley J. Edwards.

ANSWER: With regard to Interrogatory number 7, the Plaintiff/Counter-Defendant objects on the grounds that the information is protected by work product and attorney-client privilege at this time.

III. EPSTEIN'S AMENDED RESPONSES TO INTERROGATORIES DATED AUGUST 20, 2013

A. With regard to all communications that occurred at any time prior to the filing of your civil lawsuit against Bradley Edwards in which communication you expressed the position that Bradley Edwards was a knowing participant in the efforts of Scott Rothstein to defraud investors (the Scott Rothstein Ponzi scheme) or that Bradley Edwards engaged in any misconduct relating to the Scott Rothstein Ponzi scheme, state the following:

1. a detailed description of the contents of the communication;
2. all participants in and parties to the communication;
3. the date, time, place and circumstances of the communication including how the communication was made;
4. whether, when, how and why the contents of the communication were ever subsequently related to any other person;
5. whether and how the contents of the communication were ever memorialized in any manner and, if so, the identity of everyone having custody of such memorialization.

ANSWER: **No such non-privileged communication occurred. In other worst, I never had a conversation as delineated above with anyone other than my counsel(s), which would require the disclosures of information that is protected by the attorney/client privilege. *United Services Auto. Ass'n. v. Roth*, 859 So. 2d 1270, 1271 (Fla. 4th DCA 2003); *Nevin v. Palm Beach County School Bd.*, 958 So. 2d 1003 (Fla. 1st DCA 2007).** Accordingly, I assert the attorney/client privilege as provided for in § 90.502 of the *Florida Statutes*.

B. With regard to any request, direction, or authorization to sue Bradley Edwards communicated by you at any time prior to the filing of your civil lawsuit against Bradley Edwards, state the following:

1. a detailed description of the contents of the communication;
2. all participants in and parties to the communication;
3. the date, time, place and circumstances of the communication including how the communication was made;
4. whether, when, how and why the contents of the communication were ever subsequently related to any other person;
5. whether and how the contents of the communication were ever memorialized in any manner and, if so, the identity of everyone having custody of such memorialization.

ANSWER: **No such non-privileged communication occurred. In other worst, I never had a conversation as delineated above with anyone other than my counsel(s), which would require the disclosures of information that is protected by the attorney/client privilege. *United Services Auto. Ass'n. v. Roth*, 859 So. 2d 1270, 1271 (Fla. 4th DCA 2003); *Nevin v. Palm Beach County School Bd.*, 958 So. 2d 1003 (Fla. 1st DCA 2007).** Accordingly, I assert the attorney/client privilege as provided for in § 90.502 of the *Florida Statutes*.

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 4th day of December, 2017.

/s/ Jack Scarola

JACK SCAROLA

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