

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,

/

**DEFENDANT/COUNTER-PLAINTIFF'S THIRD SUPPLEMENT TO PROPOSED
JURY INSTRUCTIONS AND VERDICT FORM**

Defendant/Counter-Plaintiff, Bradley J. Edwards, by and through undersigned counsel, hereby files his Third Supplement to Proposed Jury Instructions and Verdict Form, and as grounds therefor states as follows:

1. On December 5, 2017, Epstein's counsel stipulated that all actions brought by Edwards on behalf of L.M., E.W. and Jane Doe were brought in "good-faith":

THE COURT: Mr. Link, are you willing to stipulate that the actions brought by Mr. Edwards on behalf of the three individuals that we have listed by way of either initials or Jane Dee that have been at center of this controversy, were brought in good faith, and that the allegations were well-founded?

MR. LINK: There's a distinction, and that's this. Yes, they were brought in good faith. Can I say all of the allegations are true? I can't say that, Your Honor. We never put them to the test because we couldn't.

I didn't represent Mr. Epstein at that time, so I think -- when you ask me would I say everything that was pled was true, I can't say that.

THE COURT: But you are saying you're willing to stipulate that they were all made in good faith?

MR. LINK: Yes, sir, absolutely.

THE COURT: So stipulated. Thank you.
That can be typed up and brought to the Court's attention, if necessary, during the pendency of litigation.

MR. LINK: Thank you, Your Honor. I hope my stipulation helped.

12/5/17 Transcript at 187:7 – 188:9 (excerpt attached hereto as Exhibit 'A').

2. Edwards therefore adds the following additional proposed jury instruction, pursuant to the Court's order that the stipulation be typed up and brought to the Court's attention, as necessary:

Jeffrey Epstein has conceded that Bradley Edwards had a good-faith basis to file all of the civil lawsuits alleging sexual abuse against Jeffrey Epstein on behalf of L.M., E.W., and Jane Doe. By conceding that all of the lawsuits were filed in good-faith, Jeffrey Epstein has not conceded that he in fact committed any of the alleged acts against L.M., E.W. and Jane Doe, only that Bradley Edwards had good-faith basis to reasonably believe that Jeffrey Epstein had in fact committed the alleged acts. As to whether in fact he committed the alleged acts, Jeffrey Epstein has asserted the right to remain silent.

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Defendant/Counter-Plaintiff's Third Supplement to Proposed Jury Instructions and Verdict Form

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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 16th day of February, 2018.

/s/ *Jack Scarola*

JACK SCAROLA

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BRADLEY EDWARDS, individually,
Defendants/Counter-Plaintiff.

VOLUME II

TRANSCRIPT OF PROCEEDINGS

DATE TAKEN: Tuesday, December 5th, 2017
TIME: 10:02 a.m. - 4:35 p.m.
PLACE 205 N. Dixie Highway, Room 10C
West Palm Beach, Florida
BEFORE: Donald Hafele, Presiding Judge

This cause came on to be heard at the time and place aforesaid, when and where the following proceedings were reported by:

Sonja D. Hall
Palm Beach Reporting Service, Inc.
1665 Palm Beach Lakes Boulevard, Suite 1001
West Palm Beach, FL 33401
(561) 471-2995

1 Mr. Scarola, in a prior hearing, had
2 mentioned that this is not just about the
3 resolution of the CVRA. Mr. Epstein perhaps
4 has other matters that he could potentially
5 have criminal liability concerning in other
6 jurisdictions that would not be covered by
7 the NPA, which is part of the CVRA.

8 THE COURT: Let's put on the record
9 exactly what you're speaking about so that
10 if anyone needs to review this they
11 understand these acronyms completely.

12 MR. GOLDBERGER: So the first matter we
13 have, Your Honor, is what has been referred
14 to as the CVRA case. That is the Crime
15 Victims' Reporting (sic) Act. And that
16 matter is being litigated in federal court
17 in the Southern District of Florida court
18 before Judge Marra.

19 MR. SCAROLA: Excuse me. Since we are
20 doing this for purposes of the record, I
21 think that you may have mistaken. CVRA is
22 not crime victims' reporting act. It is the
23 Crime Victims' Rights.

24 MR. GOLDBERGER: Thank you very much.
25 I appreciate that, Mr. Scarola.

1 THE COURT: Continue on with the
2 discussion. Mr. Link, you were in
3 mid-thought.

4 MR. SCAROLA: I think Mr. Goldberger is
5 here to do the stay.

6 THE COURT: Let's go ahead and take
7 care of that.

8 Mr. Goldberger.

9 MR. GOLDBERGER: Thank you for taking
10 me out of order. One of those days I have
11 so much going on.

12 THE COURT: I completely understand. I
13 thank you also for adjusting your schedule
14 as well.

15 All right, let me get my materials
16 ready for that aspect of the case. I think
17 I am ready to go. Please proceed.

18 MR. GOLDBERGER: Thank you, Honor. So
19 we have a motion to stay your proceedings
20 pending at this time. I think it's
21 important for us to kind of discuss first
22 with the Court what it is that we are
23 seeking to have resolved before this case --
24 we would like to see it proceed.

25 And I bring that up because

1 So that matter concerning the CVRA case
2 is pending before Judge Marra in the
3 Southern District of Florida. In that
4 matter, Mr. Edwards, as the attorney for
5 three individuals -- C.W., T.M. and Jane Doe
6 Number 1, who happen to be involved in this
7 case -- are seeking the unprecedented remedy
8 of setting aside Mr. Epstein's
9 non-prosecution agreement.

10 For the record, we need to establish
11 that there's a non-prosecution agreement in
12 place that prevents the US Attorney's Office
13 for the Southern District of Florida in
14 going forward on any criminal prosecution of
15 Mr. Epstein related to certain enumerated
16 offenses if Mr. Epstein complies with his
17 non-prosecution agreement.

18 Mr. Epstein has compiled with all parts
19 of that non-prosecution agreement. He has
20 served a sentence that was part of that
21 non-prosecution agreement, and he's going
22 about his life.

23 In an unprecedented action,
24 Mr. Edwards, on behalf of these individuals,
25 is seeking to set aside that non-prosecution

1 THE COURT: I think that's what
 2 Mr. Link has offered.
 3 MR. SCAROLA: I thought that that's
 4 what it was, but I want that -- that's an
 5 important stipulation. There ought not to
 6 be any ambiguity.
 7 THE COURT: Mr. Link, are you willing
 8 to stipulate that the actions brought by
 9 Mr. Edwards on behalf of the three
 10 individuals that we have listed by way of
 11 either initials or Jane Dee that have been
 12 at center of this controversy, were brought
 13 in good faith, and that the allegations were
 14 well-founded?
 15 MR. LINK: There's a distinction, and
 16 that's this. Yes, they were brought in good
 17 faith. Can I say all of the allegations are
 18 true? I can't say that, Your Honor. We
 19 never put them to the test because we
 20 couldn't.
 21 I didn't represent Mr. Epstein at that
 22 time, so I think -- when you ask me would I
 23 say everything that was pled was true, I
 24 can't say that.
 25 THE COURT: But you are saying you're

1 highlighted.
 2 MR. SCAROLA: I don't have it
 3 highlighted on mine either.
 4 THE COURT: Responses to requests for
 5 production, requests for admission, answers
 6 to interrogatories in this matter. And then
 7 there's a list of about 10 or so cases.
 8 MS. ROCKENBACH: Those were not this
 9 case before you in division AG. And this
 10 case number, you can --
 11 THE COURT: You're talking about AB?
 12 MS. ROCKENBACH: Yes. These are all
 13 '08 cases, '09 cases. I presume they are --
 14 Your Honor, perhaps Mr. Scarola can
 15 tell us the relevance, but they would not be
 16 relevant to this action.
 17 Bringing in discovery from other
 18 lawsuits seems to be creating mini-trials
 19 again within this suit.
 20 THE COURT: Well, depending upon the
 21 nature of the discovery, and obviously
 22 depending upon its relevance to the lawsuit
 23 that we are dealing with here, things like
 24 requests for admissions may be, pursuant to
 25 the law, transferable to a similar case.

1 willing to stipulate that they were all made
 2 in good faith?
 3 MR. LINK: Yes, sir, absolutely.
 4 THE COURT: So stipulated. Thank you.
 5 That can be typed up and brought to the
 6 Court's attention, if necessary, during the
 7 pendency of litigation.
 8 MR. LINK: Thank you, Your Honor. I
 9 hope my stipulation helped.
 10 THE COURT: All right, we are up to
 11 number 40?
 12 MS. ROCKENBACH: I think we were at 33.
 13 I wish we were at 40.
 14 THE COURT: We did 32.
 15 MS. ROCKENBACH: We did 32.
 16 THE COURT: I indicated that 35 is the
 17 next highlighted one.
 18 That again, is a matter judicial
 19 notice, and depending upon whatever
 20 evidentiary value it may have, those are
 21 just answers in affirmative defenses in the
 22 civil cases against him.
 23 MS. ROCKENBACH: Your Honor, I'm sorry.
 24 I think we also objected to 33.
 25 THE COURT: I don't have it

1 Answers to interrogatories, the same thing.
 2 Those things that are stated under oath have
 3 a more concrete type of affect than those
 4 that are not stated under oath.
 5 So what's your position, Mr. Scarola?
 6 MR. SCAROLA: Let me just state
 7 broadly, Your Honor, that as has been
 8 acknowledged in earlier argument before the
 9 Court, there is clearly an issue with regard
 10 to motive and intent on Jeffrey Epstein's
 11 part. And it is our theory of the case that
 12 Jeffrey Epstein singled out Bradley Edwards
 13 because he was leading a joint prosecution
 14 effort that included a number of other
 15 lawyers prosecuting multiple other cases,
 16 and that Brad was singled out, not only
 17 because of his leadership role, but because
 18 he faced a particular vulnerability.
 19 And what Mr. Epstein was attempting to
 20 do was to extort Bradley Edwards into either
 21 abandoning or compromising the interest of
 22 his clients and backing off on the
 23 prosecution of the Crime Victims' Rights Act
 24 case, which Mr. Edwards was prosecuting on a
 25 pro bono basis almost independently.