

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,

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**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

Florida Bar No.: 169440

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Plaintiff/Counter-Defendant,  
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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

<p style="text-align: right;">187</p> <p>1 THE COURT: I think that's what</p> <p>2 Mr. Link has offered.</p> <p>3 MR. SCAROLA: I thought that that's</p> <p>4 what it was, but I want that -- that's an</p> <p>5 important stipulation. There ought not to</p> <p>6 be any ambiguity.</p> <p>7 THE COURT: Mr. Link, are you willing</p> <p>8 to stipulate that the actions brought by</p> <p>9 Mr. Edwards on behalf of the three</p> <p>10 individuals that we have listed by way of</p> <p>11 either initials or Jane Dee that have been</p> <p>12 at center of this controversy, were brought</p> <p>13 in good faith, and that the allegations were</p> <p>14 well-founded?</p> <p>15 MR. LINK: There's a distinction, and</p> <p>16 that's this. Yes, they were brought in good</p> <p>17 faith. Can I say all of the allegations are</p> <p>18 true? I can't say that, Your Honor. We</p> <p>19 never put them to the test because we</p> <p>20 couldn't.</p> <p>21 I didn't represent Mr. Epstein at that</p> <p>22 time, so I think -- when you ask me would I</p> <p>23 say everything that was pled was true, I</p> <p>24 can't say that.</p> <p>25 THE COURT: But you are saying you're</p>	<p style="text-align: right;">189</p> <p>1 highlighted.</p> <p>2 MR. SCAROLA: I don't have it</p> <p>3 highlighted on mine either.</p> <p>4 THE COURT: Responses to requests for</p> <p>5 production, requests for admission, answers</p> <p>6 to interrogatories in this matter. And then</p> <p>7 there's a list of about 10 or so cases.</p> <p>8 MS. ROCKENBACH: Those were not this</p> <p>9 case before you in division AG. And this</p> <p>10 case number, you can --</p> <p>11 THE COURT: You're talking about AB?</p> <p>12 MS. ROCKENBACH: Yes. These are all</p> <p>13 '08 cases, '09 cases. I presume they are --</p> <p>14 Your Honor, perhaps Mr. Scarola can</p> <p>15 tell us the relevance, but they would not be</p> <p>16 relevant to this action.</p> <p>17 Bringing in discovery from other</p> <p>18 lawsuits seems to be creating mini-trials</p> <p>19 again within this suit.</p> <p>20 THE COURT: Well, depending upon the</p> <p>21 nature of the discovery, and obviously</p> <p>22 depending upon its relevance to the lawsuit</p> <p>23 that we are dealing with here, things like</p> <p>24 requests for admissions may be, pursuant to</p> <p>25 the law, transferable to a similar case.</p>
<p style="text-align: right;">188</p> <p>1 willing to stipulate that they were all made</p> <p>2 in good faith?</p> <p>3 MR. LINK: Yes, sir, absolutely.</p> <p>4 THE COURT: So stipulated. Thank you.</p> <p>5 That can be typed up and brought to the</p> <p>6 Court's attention, if necessary, during the</p> <p>7 pendency of litigation.</p> <p>8 MR. LINK: Thank you, Your Honor. I</p> <p>9 hope my stipulation helped.</p> <p>10 THE COURT: All right, we are up to</p> <p>11 number 40?</p> <p>12 MS. ROCKENBACH: I think we were at 33.</p> <p>13 I wish we were at 40.</p> <p>14 THE COURT: We did 32.</p> <p>15 MS. ROCKENBACH: We did 32.</p> <p>16 THE COURT: I indicated that 35 is the</p> <p>17 next highlighted one.</p> <p>18 That again, is a matter judicial</p> <p>19 notice, and depending upon whatever</p> <p>20 evidentiary value it may have, those are</p> <p>21 just answers in affirmative defenses in the</p> <p>22 civil cases against him.</p> <p>23 MS. ROCKENBACH: Your Honor, I'm sorry.</p> <p>24 I think we also objected to 33.</p> <p>25 THE COURT: I don't have it</p>	<p style="text-align: right;">190</p> <p>1 Answers to interrogatories, the same thing.</p> <p>2 Those things that are stated under oath have</p> <p>3 a more concrete type of affect than those</p> <p>4 that are not stated under oath.</p> <p>5 So what's your position, Mr. Scarola?</p> <p>6 MR. SCAROLA: Let me just state</p> <p>7 broadly, Your Honor, that as has been</p> <p>8 acknowledged in earlier argument before the</p> <p>9 Court, there is clearly an issue with regard</p> <p>10 to motive and intent on Jeffrey Epstein's</p> <p>11 part. And it is our theory of the case that</p> <p>12 Jeffrey Epstein singled out Bradley Edwards</p> <p>13 because he was leading a joint prosecution</p> <p>14 effort that included a number of other</p> <p>15 lawyers prosecuting multiple other cases,</p> <p>16 and that Brad was singled out, not only</p> <p>17 because of his leadership role, but because</p> <p>18 he faced a particular vulnerability.</p> <p>19 And what Mr. Epstein was attempting to</p> <p>20 do was to extort Bradley Edwards into either</p> <p>21 abandoning or compromising the interest of</p> <p>22 his clients and backing off on the</p> <p>23 prosecution of the Crime Victims' Rights Act</p> <p>24 case, which Mr. Edwards was prosecuting on a</p> <p>25 pro bono basis almost independently.</p>