

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

Case No. 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

JOINT PRETRIAL STIPULATION

Pursuant to this Court's Order Specially Setting Jury Trial Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein") and Defendant/Counter-Plaintiff Bradley Edwards ("Edwards") hereby submit this Joint Pretrial Stipulation.

A. List of All Pending Motions: The trial of this matter is special set to commence on March 13, 2018. The parties anticipate that additional Motions will be filed before that date. Presently, the following Motions/Requests are pending:

1. 9/21/17, Edwards' four Motions to Compel and the following related filing:
 - a. 11/27/17, Epstein's Omnibus Response in Opposition to Edwards' Four Motions to Compel.
2. 10/5/17, Epstein's Motion for Sanctions Pursuant to Violation of Confidential Settlement Agreement Against Edwards and His Counsel and the following related filing:
 - a. 11/8/17, Edwards' Response in Opposition.
3. 10/26/17, Edwards' Motion for Protective Order.
4. 11/6/17, Epstein's Supplemental Motion to Compel Discovery, and the following related filings:
 - a. 11/15/17, Edwards' Response in Opposition to Epstein's Supplemental Motion to Compel Discovery;

- b. 9/25/17, Epstein's Motion to Compel Discovery Responses from Edwards; and
 - c. 9/28/17, Edwards' Memorandum in Opposition to Epstein's Motion to Compel Discovery Responses.
- 5. 11/8/17, Edwards' Request for Judicial Notice Pursuant to Florida Statutes Section 90.202 and 90.203, and the following related filings:
 - a. 11/17/17, Epstein's Objection to Edwards' Request for Judicial Notice; and
 - b. 11/28/17, Epstein's Notice of Filing Supplemental Authority.
- 6. 11/13/17, Edwards' Motion in Limine Addressing Scope of Admissible Evidence and the following related filings:
 - a. 11/17/17, Edwards' Supplement to Motion in Limine Addressing Scope of Admissible Evidence;
 - b. 11/22/17, Epstein's Opposition to Edwards' Motion in Limine Addressing Scope of Admissible Evidence; and
 - c. 12/11/17, Edwards' Second Supplement to Motion in Limine Addressing Scope of Admissible Evidence.
- 7. 11/17/17, Edwards' Objection to Notice of Production from Non-Parties and the following related filing:
 - a. 11/13/17, Epstein's Notice of Production from Non-Parties.
- 8. 11/22/17, Epstein's Request for Judicial Notice.
- 9. 12/1/17, Edwards' Motion for Leave to Propound Limited Requests for Admission.
- 10. 12/4/17, Edwards' Notice of Filing Deposition Transcript Excerpts and Discovery Responses by Epstein Implicating the Fifth Amendment (as to Sections II – V only).
- 11. 12/4/17, Edwards' Notice of Filing Deposition Transcript Excerpts and Discovery Responses by Epstein Implicating the Attorney-Client Privilege.
- 12. 12/4/17, Edwards' Request for Judicial Notice Pursuant to Florida Statutes Section 90.202 and 90.203.
- 13. 12/8/17, Edwards' Notice of Filing Preliminary Objections and Counter Designations to Epstein's Deposition Designations.
- 14. 12/15/17, Epstein's Motion for Leave to Disclose Expert Witness

B. Stipulated Facts:

1. On June 30, 2008, Epstein entered a guilty plea for one count of felony solicitation of prostitution, a third-degree felony, and one count of procuring a person under the age of 18 for prostitution, a second-degree felony. (Plea, D.E. 1107.)
2. Edwards was admitted to The Florida Bar in March 2002. (Edwards' 11/10/17 Depo. 43:10-12.)
3. After being admitted to the Florida Bar, Edwards worked as an Assistant State Attorney at the Broward State Attorney's Office for approximately three years. (Edwards' 5/15/13 Depo. 6:11-15; Edwards' 11/10/17 Depo. 50:3-5.)
4. After leaving the Broward State Attorney's Office, Edwards went to work for the law firm of Kubicki Draper, where he worked for approximately three years handling insurance defense matters. (Edwards' 5/15/13 Depo. 7:3-10; Edwards' 11/10/17 Depo. 56:10-58:5.)
5. Edwards formed a Florida limited liability company on April 16, 2007, by the name of "The Law Office of Brad Edwards & Associates, LLC." (Sunbiz.org.)
6. Edwards began working at Rothstein, Rosenfeldt and Adler, P.A. ("RRA") in April 2009. (Edwards' 3/23/10 Depo. 13:19-22.)
7. Edwards' association with RRA terminated at the end of October or beginning of November 2009. (Edwards' 3/23/10 Depo. 15:5-11.)
8. While an employee of RRA, Edwards represented himself to the public, including Epstein, as a partner of RRA. (Edwards' 11/10/17 Depo. 189:22-192:9.)
9. Scott Rothstein ("Rothstein") was the managing partner and CEO of RRA. (Edwards' 11/10/17 Depo. 267:12-13.)
10. Rothstein voluntarily relinquished his law license in November 2009 and was disbarred by the Florida Supreme Court on November 25, 2009. (11/25/09 Opinion, *The Florida Bar v. Rothstein*, Supreme Court of Florida, Case No. SC09-2146.)

11. Rothstein was arrested and arraigned in federal court in Broward County, Florida on December 1, 2009. (12/1/09 Information, *United States of America v. Rothstein*, United States District Court, Southern District of Florida, Case No. 09-60331 (D.E. 1).)
12. In August and September 2008, while working at The Law Office of Brad Edwards & Associates, LLC, Edwards filed three separate lawsuits against Epstein on behalf of three separate clients: L.M., E.W. and Jane Doe. (8/14/08 Complaint, *Jane Doe v. Jeffrey Epstein*, United States District Court, Southern District of Florida, Case No. 08-CV-80893 (D.E. 1); 9/11/08 Complaint, *L.M. v. Jeffrey Epstein*, 15th Judicial Circuit Court, Palm Beach County, Case No. 50-2008-CA-028051 (D.E. 4); 9/11/08 Complaint, *E.W. v. Jeffrey Epstein*, 15th Judicial Circuit Court, Palm Beach County, Case No. 50-2008-CA-028058 (D.E. 4).)
13. Epstein does not admit or deny the truth of the allegations in the lawsuit brought by Edwards when he was a sole practitioner on behalf of his three clients (L.M., E.W. and Jane Doe). However, Epstein does not challenge Edwards' good faith when he filed the lawsuits against Epstein.
14. While an employee of RRA, Edwards was the lead attorney on the L.M., E.W. and Jane Doe cases against Epstein. (Edwards' 11/20/17 Depo. 78:3-6; 120:11-18.)
15. While an employee of RRA, Edwards was the sole employee of RRA who made strategic decisions on the L.M., E.W. and Jane Doe cases against Epstein. (Edwards' 11/20/17 Depo. 85:2-15.)
16. While an employee of RRA, Edwards did not represent any individuals other than L.M., E.W. and Jane Doe with regard to claims against Epstein. (Edwards' 3/23/10 Depo. 291:8; Edwards' 11/10/17 Depo. 77:1-7.)
17. On July 24, 2009, while Edwards was employed by RRA, a Complaint was filed on behalf of L.M. in the United States District Court for the Southern District of Florida. (7/24/09 Complaint, *L.M. v. Jeffrey Epstein*, United States District Court, Southern District of Florida, Case No. 09-CV-81092 (D.E. 1).)
18. L.M. already had a state court action pending against Epstein at the time the July 24, 2009, federal Complaint was filed which was based on the same facts and circumstances. (Edwards' 11/10/17 Depo. 316:11-20.)

19. Edwards never formally served Epstein with the federal Complaint that was filed on behalf of L.M. against Epstein. (Edwards' 5/15/13 Depo. 34:10-20.)
20. L.M.'s July 24, 2009, federal Complaint against Epstein alleged that Epstein forced her into "oral sex," yet L.M. testified that she never engaged in oral, anal or vaginal intercourse with Epstein and she never touched his genitalia. (Edwards' Answer to Complaint ¶ 42(j) (D.E. 19).)
21. While Edwards was employed by RRA he made the decision to take the deposition of three pilots who had flown, at different times, airplanes used by Epstein, and sought the deposition of a fourth pilot as part of the litigation against Epstein. (Edwards' Answer to Complaint ¶ 36 (D.E. 19).)
22. On August 24, 2009, L.M. noticed the depositions of Epstein's pilots Lawrence Paul Visoski, Jr., and David Hart Rogers. L.M. requested they produce "[a]ll original flight logs from January, 1998 through present for any and all aircraft/airplanes/jets which [they] piloted or co-piloted that were owned or controlled by Jeffrey Epstein or Ghislaine Maxwell." (8/24/09 Notices of Deposition and Subpoena Duces Tecums, *L.M. v. Jeffrey Epstein*, 15th Judicial Circuit, Palm Beach County, Case No. 50-2008-CA-028051-XXXX-MB (D.E. 114, 115).)
23. In August 2009, while Edwards was employed by RRA, he noticed the deposition of Donald Trump in the *Jane Doe* litigation. (8/11/09 and 8/24/09, Re-Notices of Taking Videotaped Depositions, *Jane Doe v. Jeffrey Epstein*, United States District Court, Southern District of Florida, Case No. 08-80893.)
24. While Edwards was employed by RRA, he served Answers to Interrogatories on behalf of L.M. and E.W. indicating that he intended to call Bill Richardson, who was the governor of New Mexico at the time, as a trial witness as part of Edwards' clients' litigation against Epstein. (Edwards' Answer to Complaint ¶ 40 (D.E. 19).)
25. Edwards' three clients (L.M., E.W. and Jane Doe) never testified that they had sex with a celebrity, dignitary or international figure associated with Epstein. (Edwards' 11/10/17 Depo. 167:21-168:10.)
26. In August 2009, Edwards, on behalf of his client E.W., served a Request for Entry Upon Land seeking to inspect Epstein's entire home and property and to take videos

and photograph it. (8/10/09, Request for Entry Upon Land, *E.W. v. Jeffrey Epstein*, 15th Judicial Circuit, Palm Beach County, Case No. 50-2008-CA-028058-XXX-MB (D.E. 143).)

27. On August 20, 2009, the Court in the E.W. matter noted that E.W.'s request to inspect Epstein's entire home and property was withdrawn. (8/20/09, Order on Plaintiff's Request for Entry Upon Land, *E.W. v. Jeffrey Epstein*, 15th Judicial Circuit, Palm Beach County, Case No. 50-2008-CA-028058-XXX-MB (D.E. 151).)
28. In August and September 2009, Edwards, on behalf of his client L.M., served Notices of Production from Non-Parties evidencing his intent to obtain Epstein's medical records from Stephen Alexander, Bruce W. Markowitz and Charles J. Galecki. The Subpoenas sought, "[t]he complete medical file including MRIs, scans, X-rays and any other diagnostic test result, Intake Form, notes, reports, opinions, correspondence to or from third parties, correspondence to or from Jeffrey Epstein, referrals, medical bills, in short, your complete file." (8/19/09 and 9/11/09, Notice of Production from Non-Party, *L.M. v. Jeffrey Epstein*, 15th Judicial Circuit, Palm Beach County, Case No. 50-2008-CA-028051-XXXX-MB (D.E. 105, 127, 129).)
29. On August 14, 2009, Edwards, on behalf of his client L.M., served Notices of Production from Non-Parties evidencing his intent to obtain Epstein's prescription history from Lewis Pharmacy and Greens Pharmacy. The Subpoenas sought, "[a] complete computer printout of any and all prescriptions for medication, name and type of prescription, and all other documentation or information on or regarding Jeffrey Epstein." (8/14/09, Notice of Production from Non-Party, *L.M. v. Jeffrey Epstein*, 15th Judicial Circuit, Palm Beach County, Case No. 50-2008-CA-028051-XXXX-MB (D.E. 97, 100).)
30. On April 24, 2007, L.M., before she was a client of Edwards, provided a statement to the FBI.
31. In September 2009, while Edwards was employed by RRA, his client, L.M., testified at a deposition in her case against Epstein.
32. On June 19, 2009, Edwards, on behalf of his Jane Doe client, filed a Motion for Injunction Restraining Fraudulent Transfer of Assets, Appointment of a Receiver to Take Charge of Property of Epstein, and to Post a \$15 Million Bond to Secure

Potential Judgment. (6/19/09 Motion, *Jane Doe No. 2 v. Jeffrey Epstein*, United States District Court, Southern District of Florida, Case No. 08-CV-80119 (D.E. 165).)

33. In July 2010, Epstein settled the claims of Edwards' three clients (E.W., L.M. and Jane Doe). (Edwards' 11/10/17 Depo. 305:2-3.)
34. The Ponzi scheme through which Rothstein misrepresented claims and defrauded investors began in 2005 and ended in October 2009. (11/9/09 Verified Complaint for Forfeiture *In Rem ¶ 13, United States v. Real Properties Purchased by Scott Rothstein*, United States District Court, Southern District of Florida, Case No. 09-CV-61780 (D.E. 1).)
35. On November 20, 2009, certain investors of Rothstein's Ponzi scheme sued Rothstein in the Seventeenth Judicial Circuit Court, in and for Broward County, Florida. This lawsuit was part of the public record as of the date it was filed. (11/20/09 Complaint, *Razorback Funding, LLC, et al. v. Scott Rothstein, et al.*, 17th Judicial Circuit Court, Broward County, Florida, Case No. 062009CA062943AXXXCE.)
36. The United States government filed an Information against Rothstein on or about December 1, 2009. This criminal charge was public record as of the date it was filed. (12/1/09 Information, *United States of America v. Rothstein*, United States District Court, Southern District of Florida, Case No. 09-60331.)
37. On December 7, 2009, Epstein filed a civil Complaint in this action against Rothstein, Edwards and L.M. (12/7/09 Complaint, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXXMB (D.E. 5).)
38. On December 21, 2009, just 17 days after Epstein instituted the civil proceeding, Edwards filed a Counterclaim for abuse of process against Epstein. (12/21/09 Answer and Counterclaim, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXXMB (D.E. 19).)
39. Edwards represented L.M. in this litigation. (Edwards' 11/10/17 Depo. 255:5-11.)
40. Edwards did not charge L.M. for his representation of her in this litigation. (Edwards' 11/10/17 Depo. 255:12-19; 257:23-258:1.)

41. Edwards did not enter into any written representation agreement with L.M. concerning his representation of her in this litigation. (Edwards' 11/10/17 Depo. 255:20-256:8; 258:2-4.)
42. On January 21, 2010, a Default was entered against Rothstein in this litigation as to all claims in the December 7, 2009, Complaint against Rothstein. (1/21/10 Default, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXXMB (D.E. 27).)
43. In early August 2010, L.M. and Epstein entered into a Stipulation for Order of Dismissal With Prejudice as to L.M. Individually, Only. (8/5/10 Stipulation, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXXMB (D.E. 112).)
44. On August 9, 2010, the Court entered a Final Order of Dismissal With Prejudice as to L.M. Only approving L.M. and Epstein's Stipulation. (8/9/10 Final Order, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXXMB (D.E. 113).)
45. On January 5, 2011, Epstein moved to amend his Complaint, to eliminate certain paragraphs. (1/5/11 Plaintiff's Motion to Amend Complaint, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXXMB (D.E. 195).)
46. On April 12, 2011, Epstein filed an Amended Complaint against Rothstein and Edwards for abuse of process. (4/12/11 Amended Complaint, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXXMB (D.E. 303).)
47. On August 22, 2011, Epstein filed a Second Amended Complaint, which was corrected on August 24, 2011, bringing a claim for abuse of process against Edwards and for conspiracy to commit abuse of process against Rothstein. (8/22/11 Second Amended Complaint and 8/24/11 Notice of Scrivener's Error and Corrected Second Amended Complaint, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXXMB (D.E. 368, 370).)

48. On November 3, 2011, Edwards moved for Final Summary Judgment on Epstein's Second Amended Complaint. (11/3/11 Renewed Motion for Final Summary Judgment, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (D.E. 401).)
49. Edwards appeared in this action as his own co-counsel on March 27, 2012, before the suit against him was dismissed. (Edwards' 11/10/17 Depo. 257:7-22; 3/27/12 Notice of Appearance, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (D.E. 468).)
50. On July 26, 2012, the Court set the hearing on Edwards' Renewed Motion for Final Summary Judgment to be held on August 17, 2012. (7/26/12 Order on Edwards' Motion to Reschedule Hearing, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (D.E. 512).)
51. Epstein dismissed his claims without prejudice against Edwards on August 16, 2012. (8/16/12 Notice of Voluntary Dismissal, *Jeffrey Epstein v. Scott Rothstein, et al.*, 15th Judicial Circuit Court, Palm Beach County, Case No. 502009CA40800XXXMB (D.E. 519).)
52. Edwards' income as a lawyer has been collectively greater from January 2010 to the present than it was from 2002 when Edwards started practicing law through January 2010. (Edwards' 11/10/17 Depo. 47:10-14; 49:4-13.)
53. Edwards is not claiming a loss of income as a result of his reputation being injured by Epstein's filing and continuation of this lawsuit. (Edwards' 10/10/13 Depo. 239:21-22.)
54. Edwards has not seen a doctor or taken any medication as a result of the anxiety caused by this lawsuit. (Edwards' 5/15/13 Depo. 57:23-58:5; Edwards' 11/10/17 Depo. 112:11-20.)

C. Statement of Issues of Fact for Determination at Trial:

1. **Case Against Rothstein.** What, if any, damages were sustained by Epstein and proximately caused by Rothstein? (Edwards does not agree with this language for the reason that the issue as stated fails to tie causation to Rothstein's operation of the Ponzi scheme. It is Edwards' position that failure to limit the issue in this way as to Rothstein has the potential of confusing the jury in determining whether Epstein had any probable cause to claim damages against Edwards arising out of the same circumstances.)

2. **Malicious Prosecution Counterclaim.** The following are issues of fact for determination at trial on Edwards' Counterclaim against Epstein:

A. **Epstein's Position:** Whether, in December 2009, when Epstein instituted his civil proceeding against Edwards, the facts and circumstances known to Epstein were not sufficiently strong to support a reasonable belief that the proceeding against Edwards was supported by existing facts and, thus, Epstein did not have probable cause to institute his civil proceeding. (This issue is based on the Standard Jury Instruction, but Edwards disputes it is appropriate.)

Edwards' Alternate Position: Whether, in December 2009, when Epstein instituted his civil proceeding against Edwards, the facts and circumstances known to Epstein were insufficient to support a belief on the part of a reasonably cautious person that Edwards had engaged in conduct that supported Epstein's claims against Edwards. (Epstein disputes this issue because it does not follow the Standard Jury Instruction. The parties agree that, in the absence of material disputed facts, the issue of whether probable cause existed to support the institution of the civil proceeding brought by Epstein against Edwards is an issue of law to be determined by the Court.)

B. If Epstein had probable cause to initiate the original civil proceeding against Edwards at the time the case was initially filed, whether a reasonably cautious person would have continued to prosecute the civil proceeding

against Edwards, based on new information acquired by Epstein after the case was filed. (The parties agree that in the absence of material disputed facts, the issue of whether Epstein's claim against Edwards was maintained when probable cause no longer existed is an issue to be determined by the Court.)

C. Epstein's Position: Whether Epstein instituted or continued his civil proceeding against Edwards maliciously and without probable cause for the primary purpose of injuring Edwards or recklessly and without regard for whether the proceeding was justified. (This issue is based on the Standard Jury Instruction, but Edwards disputes it is appropriate.)

Edwards' Alternate Position: Whether Epstein instituted or continued his civil proceeding against Edwards with legal and/or actual malice. (Epstein disputes this issue because it does not follow the Standard Jury Instruction.)

D. Epstein's Position: Whether the continuation of the civil proceeding by Epstein against Edwards resulted directly and in natural and continuous sequence from Epstein's actions and, but for Epstein's actions, the proceeding would not have been continued. (Edwards disagrees that this is an issue and is of the position that, having conceded that Epstein is responsible for initiating the claim, and having waived any "advice of counsel" defense, it is impossible for Epstein to contend that responsibility for maintenance of the action up until the time of its voluntary dismissal is attributable to anyone but Epstein himself.)

E. Whether Epstein's civil proceeding against Edwards was terminated in favor of Edwards. (Edwards contends this is a legal issue for determination by the Court.)

F. Whether the institution or continuation of the civil proceeding by Epstein against Edwards was a substantial contributing cause of damage to Edwards and, but for the malicious institution or continuation of the proceeding, Edwards' damage would not have occurred.

G. What amount of money, if any, will fairly and adequately compensate Edwards for his compensatory damages that resulted from Epstein's institution or continuation of the civil proceeding against Edwards.

- H. Whether Epstein was guilty of intentional misconduct, reckless disregard or gross negligence which was a substantial cause of Edwards' damages.
- I. Whether punitive damages are warranted as punishment to Epstein for instituting or continuing his civil proceeding against Edwards and/or as a deterrent to others from filing a civil proceeding without probable cause.
- J. Whether the claimed damage is a result of statements made after the institution of the civil proceeding and are thus protected by the litigation privilege, even if any such statements are found to be untrue. (This issue is based on the Standard Jury Instruction, but Edwards disputes it is appropriate because he believes Epstein's Amended Complaints are "statements made after the institution of the civil proceeding" and are afforded no protection by the litigation privilege.)
- K. Bifurcated Proceeding: What amount, if any, should be assessed against Epstein for punitive damages as a punishment for instituting or continuing his civil proceeding against Edwards and/or as a deterrent to others.

D. Exhibit Lists (with Objections): The parties do not waive their right to amend their Exhibit Lists and to identify additional objections for those exhibits that have not yet been disclosed and/or provided to correspond with the parties' respective Exhibit Lists.

- 1. Edwards' Exhibit List and Epstein's Objections are attached as **Composite Exhibit A.**
- 2. Epstein's Exhibit List and Edwards' Objections are attached as **Composite Exhibit B.**

E. Witness Lists: The parties do not waive their right to amend their Witness Lists.

- 1. Edwards' Witness List is attached as **Exhibit C.**
- 2. Epstein's Witness List is attached as **Exhibit D.**

F. Estimated Trial Time: Edwards estimates 10 trial days; Epstein estimates 15-20 trial days.

G. Names, Addresses, and Telephone Numbers of Attorneys to Try the Case:

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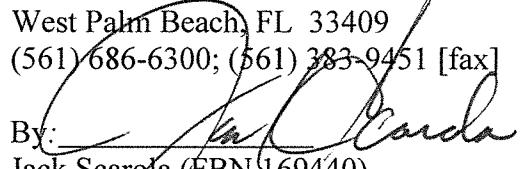
H. Number of Peremptory Challenges Per Party: Three.

I. Each Party's proposed jury instructions and verdict form, with citations to supporting authorities:

1. Edwards' proposed jury instructions and verdict form are attached as **Composite Exhibit E.**
2. Epstein's proposed jury instructions and verdict form are attached as **Composite Exhibit F.**

DATED: December 22, 2017.

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