

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

Case No. 50-2009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

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**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S  
MOTION IN LIMINE ON DEFENDANT/COUNTER-PLAINTIFF'S NEWLY  
DISCLOSED TRIAL EXHIBITS AND TO EXCLUDE DEPOSITION  
TESTIMONY OF WITNESSES WHO WERE NOT DEPOSED IN THIS MATTER**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), files this Motion in Limine directed at the newly disclosed exhibits on Defendant/Counter-Plaintiff Bradley J. Edwards' December 7, 2017, Second Amended Exhibit List (D.E. 1109) and to exclude certain witnesses disclosed on Edwards' November 9, 2017, Seventh Amended Witness List (D.E. 1042) to testify by deposition, and states:

**PRELIMINARY STATEMENT**

**Original Timely Exhibits and Rulings**

On November 9, 2017, Edwards filed his Amended Exhibit List identifying 142 exhibits. (D.E. 1043.) (**Exhibit A.**) On November 15, 2017, Epstein filed his Objections to Edwards' exhibits. (D.E. 1058.) In addition, on November 17, 2017, Epstein filed his Revised Omnibus Motion in Limine which, in part, asked the Court to sustain those objections. (D.E. 1070.) The

Court heard extensive arguments on Epstein's objections at special set hearings on November 29, 2017, and December 5, 2017, and made specific findings. (11/29/17 Tr. 160-187; 12/5/17 Tr. 64-82; 146-235.) (**Exhibit B.**) On January 16, 2018, the Court memorialized those findings in an Order. (D.E. 1149.) (**Exhibit C.**)

*Edwards' New 79 Untimely Exhibits*

This Motion addresses *new* exhibits revealed by Edwards on December 7, 2017, with the filing of Edwards' Second Amended Exhibit List identifying 218 exhibits, which modified some of his earlier disclosed exhibits and identified 79 new items.<sup>1</sup> (D.E. 1109.) (**Exhibit D.**) At no time during the special set hearings did Edwards' counsel advise the Court that he planned to amend the Exhibit List or that the parties and Court were working from an incorrect list. Epstein filed his written objections to Edwards' Second Amended Exhibit List on December 15, 2017. (D.E. 1120.) (**Exhibit E.**)

Epstein incorporates the introduction and background sections of his November 17, 2017, Revised Omnibus Motion in Limine (D.E. 1070) and, for brevity purposes, has not restated those sections here.

**THE COURT'S RULINGS**

At the November 29, 2017, and December 5, 2017, hearings, this Court made clear that it would not allow the parties to stray too far afield from the malicious prosecution claim. (11/29/17 Tr. 178:8-23.) The Court is not going to allow the parties to try a child molestation case. (11/29/17 Tr. 187:2-8.) The Court is also not going to allow the introduction of tangential matters into this case which would either directly or indirectly inflame the jury. (12/5/17 Tr. 81:12-16.)

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<sup>1</sup> While Edwards produced many of the new exhibits on November 9, 2017, he never identified them as trial exhibits on his November 9, 2017, Exhibit List and Epstein was not aware that he intended to rely on them at trial at the time of filing his Revised Omnibus Motion in Limine.

The relationship between the value (“weak” allegation) of Edwards’ three clients’ claims (L.M., E.W. and Jane Doe) and Epstein’s claimed probable cause will be permitted in a manner that benefits the dignity of the courtroom without pejorative commentary. (12/5/17 Tr. 83:1-8.) Edwards is going to be allowed to provide testimony and speak generically about the evidence that relates to his three clients or as it relates to his preparation and evaluation of their cases. Otherwise, the Court sustained many of Epstein’s objections based on relevance and because the exhibits’ probative value was substantially outweighed by the danger of unfair prejudice under section 90.403, Florida Statutes. The Court indicated that before certain exhibits could be referenced or allowed at trial they would need to be discussed outside the presence of the jury. (12/5/17 Tr. 198:19-199:5.) The Court also deferred ruling on Epstein’s objections concerning exhibits identified to support Edwards’ punitive damages claim. (12/5/17 Tr. 163:17-164:15.) While the Court will allow Edwards to speak generically about claims of plaintiffs he did not represent, he may not go into detail about those cases. (12/7/17 Tr. 4:25-6:24.) Finally, the Court ordered Edwards to produce those exhibits already listed, but that had not already been produced, by December 20, 2017. (12/5/17 Tr. 216, 219, 226, 228.)

#### **THE NEWLY IDENTIFIED EXHIBITS**

Edwards’ newly identified exhibits can be grouped into several categories:

**A. Virginia Giuffre a/k/a Virginia Roberts**

Edwards identified thirty-one new exhibits specifically referencing or relating to Virginia Giuffre a/k/a Virginia Roberts, who was *not* one of Edwards’ three clients. For instance, Edwards has listed Ms. Roberts’ medical records (Ex. 133), twenty-three photographs in which Ms. Roberts appeared (Exs. 136, 137, 139, 142-157, 159, 165, 173, 174), travel related documents (Exs. 175,

176, 177), an FBI interview form for Ms. Roberts (Ex. 181), the docket of Ms. Roberts' lawsuit against Epstein (Ex. 178), and an application for her passport (Ex. 201).

The Court has already determined that Edwards may discuss his three clients' claims, but other than discussing the general number of claims of other individuals he did not represent, specific information about those other claims will not be allowed. (12/7/17 Tr. 4:25-6:24.) In addition, the Court has already sustained Epstein's relevancy objection as to a photo depicting Ms. Roberts with Ghislaine Maxwell and Prince Andrew (Ex. 121) and will only allow such exhibits if the context comes up and only after it is discussed outside the presence of the jury. Epstein requests his objections to these thirty-one newly disclosed exhibits concerning Ms. Roberts also be sustained.

**B. Travel and Airplane Related Exhibits**

Although Edwards has conceded that his three clients never traveled with Epstein, he has listed exhibits relating to travel: airport codes (Ex. 185) and a brochure for a Boeing Super 727-100 (Ex. 200). The Court has already sustained Epstein's objections to passenger manifests and flight logs (Ex. 51, 52) recognizing that they bear no relevance to the malicious prosecution action. (12/5/17 Tr. 198:13-199:8.) These new trial related documents similarly have no place at the trial of Edwards' malicious prosecution Counterclaim and Epstein's objections should be sustained.

**C. Phone Records**

Edwards has identified Sara Kellen's cellular phone records (Exs. 190-192). Ms. Kellen is not a party to this lawsuit and the Court has already sustained Epstein's objection as to Edwards' Trial Exhibit No. 11 which identified Ms. Kellen's phone records. (12/5/17 Tr. 149:20-150:1; 159:12-160:7.) The Court should uphold the same ruling as to these exhibits.

**D. Photographs**

Edwards has identified nineteen other photographs (scenic, various individuals, Epstein, properties) (Exs. 138, 140, 141, 158, 160-164, 166-172, 184, 205 and 206). While Ms. Roberts is not depicted in these photographs, Epstein assumes Edwards intends to use many of them with that witness. With the exception of Exhibit No. 205, which Edwards may claim relates to his punitive damages claim (and which the Court has earlier deferred ruling on such items), the photographs have no bearing on the issues of this malicious prosecution action and Epstein's objections should be sustained.

**E. Other Individuals**

Edwards has identified exhibits relating to Epstein's alleged former housemen, Alfredo Rodriguez and Juan Alessi: Alfredo Rodriguez' sentencing transcript, criminal complaint and plea agreement (Exs. 202-204) and Juan Alessi's sworn statement and deposition transcripts (Exs. 197-199). He has also identified deposition transcripts relating to Ghislaine Maxwell (Ex. 180) and Epstein's brother (Ex. 182). None of this testimony was given in this case or relates specifically to Edwards' three clients, and therefore cannot be used at trial as set forth more fully below.

Edwards has also identified a "typed list of victims/co-conspirators unique to the investigation of Jeffrey Epstein" (Ex. 179). Many of the names on this list are alleged victims who were minors at the time they filed suit and it is unknown if they have given up their right to remain anonymous. Furthermore, the Court has already ruled that, while the number of claims can be discussed, the specific nature of the claims of individuals not represented by Edwards cannot be discussed in detail. (12/7/17 Tr. 4:25-6:24.)

**F. Criminal Records**

Edwards has identified a number of criminal records involving Epstein: March 2008 Summary of the Case from the Assistant U.S. Attorney (Ex. 183), a Statement from an unidentified victim (Ex. 188), Santa Monica Police Report from 1997 (Ex. 194), Epstein's Guilty Plea (Ex. 207), Palm Beach County State Attorney's file (Ex. 208) and Palm Beach County Incident Reports (Exs. 59 and 69). The Court has already deferred ruling on plea related documents, but it has sustained Epstein's objections to criminal type records on the basis of relevancy and section 90.403 prejudice and has only allowed them to be introduced if the context comes up, outside the presence of the jury (i.e., Exs. 13, 15, 48, 49, 50). (12/5/17 Tr. 150:4-152:11; 153:16-160:24, 159:12-160:7; 197:24-199:6.) Epstein respectfully requests that these exhibits be treated in the same way.

**G. Punitive Damages**

Based on the Court's earlier rulings, Epstein anticipates the Court will defer ruling on three exhibits which Edwards may claim support his punitive damages claim as follows: video of Epstein's property inspection (Ex. 6), DVD of search warrant walk through of Epstein's home (Ex. 187), and folder titled "planes" (Ex. 195).

**H. Other Records**

Edwards has identified a number of other exhibits including, a hand drawing of Bart Simpson (Ex. 134), a proposed joint letter to the Special Master (Ex. 135), a March 3, 2011, newspaper article (Ex. 186), evidence of Epstein's donations to law enforcement (Ex. 189), a checking account ledger for November 2004 (Ex. 193), and house information (Ex. 196) which in no way relate to Edwards' malicious prosecution Counterclaim. Furthermore, the Court has already sustained Epstein's objections to similar items (i.e., donations to law enforcement, Ex. 45;

Epstein's house contacts, Ex. 66). Epstein requests that the Court sustain his objections to these new exhibits.

**EPSTEIN'S OBJECTIONS TO UNTIMELY NEW EXHIBITS**

Epstein has raised the following objections to Edwards' untimely identified new exhibits:

**LEGEND FOR EPSTEIN'S OBJECTIONS:**

- 1 – All Objections
- 2 – All Objections except Authenticity
- 3 - Relevance
- 4 – Probative value substantially outweighed by danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence
- 5 – Privileged
- 6 - Opinion
- 7 – Hearsay
- 8 – Authenticity
- 9 – Other (please identify basis of objection)
- 10 – Completeness
- 11 – Overbroad
- 12 – Not provided to Counsel for Epstein Prior to Filing Pretrial Stipulation
- 13 – Not a proper exhibit
- 14 – Trade secrets/Confidential

No.	Edwards' Exhibit Description	Epstein's Objections
6.	Video of Epstein Property Inspection 01/18/10	3, 4, 8
59.	Palm Beach Police Department Incident Report dated 07/25/06 (unredacted)	3, 4, 7, 8
69.	Palm Beach Police Department Incident Report dated 07/19/06 (redacted)	3, 4, 7, 8
133.	Medical Records: New York Presbyterian Hospital re: Virginia Guiffre, 2001	3, 4, 6, 7, 8, 10
134.	Hand Drawing of Bart Simpson (signed by Matt Groening)	3, 4, 7, 8
135.	Proposed Joint Letter to the Special Master	3, 4, 6, 7, 8
136.	Front and Back of Hard Copy Color Photo Virginia (Mar-A- Lago)	3, 4, 7, 8
137.	Color photo of Virginia Roberts on ferry "New York"	3, 4, 7, 8
138.	Scenic photo of Time Square	3, 4, 7, 8

<b>No.</b>	<b>Edwards' Exhibit Description</b>	<b>Epstein's Objections</b>
139.	Virginia Roberts photo on back of ship	3, 4, 7, 8
140.	Picture of room in New York	3, 4, 7, 8
141.	Color photo of man on horse (New Mexico Ranch)	3, 4, 7, 8
142.	Color photo of Virginia Roberts at Zorro Ranch standing in front of gate sign with "Z" (New Mexico Ranch)	3, 4, 7, 8
143.	Virginia Roberts photo on horse front of ranch	3, 4, 7, 8
144.	Virginia Roberts photo standing against rocks (red coat)	3, 4, 7, 8
145.	Virginia Roberts standing against rocks (red coat) (far) (with back photo white; back date).	3, 4, 7, 8
146.	Virginia Roberts photo riding horse blue jacket far	3, 4, 7, 8
147.	Virginia Roberts photo on side of horse hand up	3, 4, 7, 8
148.	Virginia Roberts photo on side of horse	3, 4, 7, 8
149.	Virginia Roberts photo outside next to tables	3, 4, 7, 8
150.	Virginia Roberts photo red coat leaning on rail	3, 4, 7, 8
151.	Virginia Roberts photo standing outside next to fireplace	3, 4, 7, 8
152.	Virginia Roberts photo standing in front of ranch	3, 4, 7, 8
153.	Virginia Roberts photo with hand over head(black/white)	3, 4, 7, 8
154.	Virginia Roberts photo standing next to piano	3, 4, 7, 8
155.	Virginia Roberts photo in front of fireplace(museum)	3, 4, 7, 8
156.	Virginia Roberts photo in front of wagon in museum	3, 4, 7, 8
157.	Color photo of Virginia Roberts in front of museum exhibition (Santa Fe, New Mexico)	3, 4, 7, 8
158.	Photograph in Spain Jeffrey Epstein and Ghislaine Maxwell in front of building	3, 4, 7, 8
159.	Virginia Roberts (Australia Storage): Photo Book 2	3, 4, 7, 8
160.	Cover photo book 2	3, 4, 7, 8
161.	Scenic photo (with back photo white)	3, 4, 7, 8
162.	Scenic photo (with back photo white)	3, 4, 7, 8
163.	Scenic photo (with back photo white)	3, 4, 7, 8
164.	Scenic photo (with back photo white)	3, 4, 7, 8



<b>No.</b>	<b>Edwards' Exhibit Description</b>	<b>Epstein's Objections</b>
165.	Virginia Roberts steps with trees overhead	3, 4, 7, 8
166.	Scenic photo (with back photo white)	3, 4, 7, 8
167.	Scenic photo (with back photo white)	3, 4, 7, 8
168.	Scenic photo (with back photo white)	3, 4, 7, 8
169.	Scenic photo (with back photo white)	3, 4, 7, 8
170.	Scenic photo (with back photo white and black)	3, 4, 7, 8
171.	Scenic photo (with back photo white and black)	3, 4, 7, 8
172.	Scenic photo (with back photo white and black)	3, 4, 7, 8
173.	Virginia Roberts on steps with children (with back photo white and black)	3, 4, 7, 8
174.	Virginia Roberts on street white wall (far) (with back photo white and black).	3, 4, 7, 8
175.	Travel envelope	3, 4, 7, 8
176.	Singapore Airlines Travel Cover with handwritten notes by Virginia Roberts	3, 4, 7, 8
177.	Thailand Hotel Receipts	3, 4, 7, 8
178.	Court Docket for Jane Doe No. 102 v. Epstein	3, 4, 7, 8, 13
179.	Typed List of Victims/ Co-Conspirators unique to the investigation of Jeffrey Epstein	3, 4, 7, 8, 10
180.	Ghislaine Maxwell deposition, 04/22/16	3, 4, 7, 8, 14
181.	FBI Form 302 - Interview of Virginia Giuffre in Australia (Redacted) 03/17/11	3, 4, 7, 8, 10
182.	Mark Epstein Deposition	3, 4, 7, 8
183.	March 19, 2008, email of Assistant U.S. Attorney Ann Marie Villafana (Summary of the Case) (Coonan File)	3, 4, 7, 8, 10
184.	Color photos of Ghislaine Maxwell, one with Jeffrey Epstein	3, 4, 7, 8
185.	Airport Codes (Demonstrative)	3, 7, 8, 10
186.	March 3, 2011 - New York Post: Uppity Tranny to Epstein: Pay Up!	3, 4, 7, 8
187.	DVD of Epstein PBPD 358 El Brillo Search Warrant Walk Through 05/11/09; DVD Audio from Cassettes, Part 1	3, 4, 7, 8, 12 (only photo of DVDs provided)
188.	[Alex Hall] Redacted Transcript taken by Detective Joe Recarey and Detective Dawson (with Exhibits) 10/11/05	3, 4, 7, 8, 10

<b>No.</b>	<b>Edwards' Exhibit Description</b>	<b>Epstein's Objections</b>
189.	Palm Beach Police Investigation: Palm Beach PD Records; Wachovia Bank Account	3, 4, 7, 8, 10, 11
190.	Folder titled Sara Kellen Cell Phone Summary by Detective Recarey: Enclosing phone records. SAO FOIA Disc 7 (State Files)	3, 4, 7, 8, 10, 11
191.	Folder titled Sara Kellen Cell: Sara Kellen Cell Phone Usage 09/2005-10/2005	3, 4, 7, 8, 10, 11
192.	Folder titled Sara Kellen: AT&T February 12, 2005 Statement	3, 4, 7, 8, 10, 11
193.	Demand Deposit Account Statement History for Household Bank Account Jeffrey Epstein or Ghislaine Maxwell or Alfredo Rodriguez	3, 4, 7, 8, 10, 14
194.	Santa Monica Police Report (May 12, 1997)	3, 4, 7, 8
195.	Folder titled PLANES: Information relating to Epstein's planes/aircrafts collected by the State Attorney's Office unique to the investigation of Jeffrey Epstein	3, 4, 7, 8
196.	Palm Beach House/Information Sheet	3, 4, 7, 8
197.	Sworn Statement of Juan Alessi taken by Palm Beach Police Department	3, 4, 7, 8
198.	Juan Alessi Deposition (Vol. I) 09/08/09	3, 4, 7, 8
199.	Juan Alessi Deposition (Vol II) 09/08/09	3, 4, 7, 8
200.	Brochure for Boeing Super 727-100	3, 4
201.	Passport application; issued January 12, 2001	3, 4, 7, 8, 10
202.	Sentencing Transcript, Alfredo Rodriguez	3, 4, 6, 7
203.	Criminal Complaint — Alfredo Rodriguez	3, 4, 6, 7
204.	Plea Agreement — Alfredo Rodriguez	3, 4, 7, 8
205.	Photos of Jeffrey Epstein's properties and planes	3, 4, 7, 8, 10
206.	Photos of Jeffrey Epstein employees and former employees	3, 4, 7, 8, 10
207.	Jeffrey Epstein Guilty Plea documents	3, 4
208.	Palm Beach County State Attorney's Response to Public Records Request (including audio recordings)	3, 4, 6, 7, 8, 10, 11, 13

## ARGUMENT

### **1. The 79 New Exhibits are Untimely Pursuant to this Court's Order**

At Edwards' urging, this Court declined to extend any of the original pretrial deadlines. (D.E. 1059; D.E. 1086.) Although Epstein requested the recalculation of pretrial deadlines based on the trial continuance from December 2017 to March 2018, Edwards objected "to any effort to expand existing deadlines." *Id.* On November 27, 2017, this Court agreed with Edwards and granted Edwards' Motion to Reconfirm Existing Pretrial Deadlines, finding that, "to the extent that wholesale additional discovery will not be permitted but individual discovery requests may be allowed on a matter by matter basis only if the discovery requests are impacted by the Court's ruling on motions currently pending to be heard ...." (D.E. 1086, e.s.)

The 79 new exhibits were a result of Edwards' lack of diligence, not any ruling of this Court. Exhibit Lists were due on October 6, 2017. Epstein takes no issue with the timeliness of Edwards' October 6, 2017, Revised Exhibit List (D.E. 1011), Edwards' November 9, 2017, Amended Exhibit List (D.E. 1043), and Edwards' November 16, 2017, Amended Exhibit List (D.E. 1067), which were filed *before* Epstein spent substantial time preparing a Motion in Limine to address those exhibits and the parties spent days arguing Epstein's objections before the Court. The timing of Edwards' December 7, 2017, Second Amended Exhibit List (D.E. 1109), after the Court finished hearing argument on Epstein's objections, should not be allowed because the Exhibit List is untimely.

### **2. The Newly Identified Exhibits Must be Excluded Pursuant to Sections 90.401 and 90.403, Florida Statutes.**

All of the newly identified exhibits on Edwards' December 7, 2017, Second Amended Exhibit List (D.E. 1109) must be excluded because they are irrelevant by neither tending to prove or disprove any material fact in this malicious prosecution action. *See* § 90.401, Fla. Stat. To the

extent Edwards could argue that any of the exhibits are relevant, any alleged “probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence.” § 90.403, Fla. Stat., *Dailey v. Multicon Dev., Inc.*, 417 So. 2d 1106, 1107 (Fla. 4th DCA 1982). “‘Unfair prejudice’ has been described as ‘an undue tendency to suggest decision on an improper basis, commonly, though not necessarily, an emotional one.’ This rule of exclusion ‘is directed at evidence which inflames the jury or appeals improperly to the jury’s emotions.’” *Wright v. State*, 19 So. 3d 277 (Fla. 2009); *Byrd v. BT Foods, Inc.*, 26 So. 2d 600 (Fla. 4th DCA 2009). *See also Canales v. Compania De Vapores Realma, S.A.*, 564 So. 2d 1212 (Fla. 3d DCA 1990) (holding any probative value of testimony about marriage proposal plaintiff purportedly made offering money to woman to marry him so that he could avoid deportation, on issue of plaintiffs credibility, was far outweighed by its prejudicial effect); *DeSantis v. Acevedo*, 528 So. 2d 461 (Fla. 3d DCA 1988) (finding probative value of the defendant’s cross-examination of the plaintiff and his main witness about prior unrelated incidents that insinuated that both the plaintiff and the witness had been dishonest was outweighed by prejudicial nature of questions).

Edwards’ inclusion of the newly identified exhibits on his Second Amended Exhibit List further demonstrates that Edwards intends to inject and focus on prejudicial and inflammatory allegations and evidence that have no bearing on the malicious prosecution Counterclaim. Epstein requests that this Court remain consistent in its rulings and sustain his objections to the additional exhibits. The newly disclosed exhibits have no bearing on any material issue in this lawsuit and only serve to mislead the jury from Edwards’ burden of proving Epstein lacked probable cause by moving the focus to matters relating to settled claims or concluded lawsuits.

**3. Exhibits Relating to Prior Convictions and Criminal Matters Must Also Be Excluded.**

Certain exhibits on Edwards' Second Amended Exhibit List (D.E. 1109) must also be excluded based on well-settled law that evidence of prior convictions, acquittals or arrests is irrelevant in a civil action and thus inadmissible. *Eggers v. Phillips Hardware Co.*, 88 So. 2d 507 (Fla. 1956); *Kelley v. Mutnich*, 481 So. 2d 999, 1001 (Fla. 4th DCA 1986). As such, Epstein's conviction, as well as any testimony or evidence of any other criminal investigation, is inadmissible. This includes, for example, documents relating to a 1997 Santa Monica Police Report (Ex. 194), Epstein's Guilty Plea (Ex. 207), the Palm Beach County State Attorney's file (Ex. 208), and other newly identified exhibits on Edwards' Second Amended Exhibit List that relate to the criminal investigation and proceedings.

At the December 7, 2017, hearing the Court deferred ruling on these type of documents:

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
14.	All probable cause affidavits related to criminal investigation of Jeffrey Epstein	3, 4, 7, 8, 10	<u>12/5/17 Tr. 152:14-153:13</u> Deferred. The Court recognizes that this exhibit is more specific and it is potentially critical to the analysis as it relates to the strength of the cases that are involved
29.	The Palm Beach State Attorney's Criminal file against Jeffrey Epstein	3, 4, 6, 7, 8, 10, 11, 13	<u>12/5/17 Tr. 168:17-175:1</u> Sustained in part and overruled in part. If Edwards had access to formulate his positions as to the legitimacy of his three clients' claims, this file may come into play. The individual pages are not subject to admission and would need to be discussed outside the presence of the jury.

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
30.	All documents related to Jeffrey Epstein's 6/30/08 conviction	3, 4, 7, 8, 12	<u>12/5/17 Tr. 175:2-179:25</u> Deferred. Because of the uncertainty, the Court defers ruling until further information is developed in order to make a cogent and knowledgeable decision
31.	Jeffrey Epstein's criminal plea colloquy	3, 4, 7, 8, 12	<u>12/5/17 Tr. 175:2-180:5</u> Deferred. Because of the uncertainty, the Court defers ruling until further information is developed in order to make a cogent and knowledgeable decision. If the exhibit does not have anything to do with Edwards' three clients, the Court is inclined to sustain the objection
44.	Probable Cause Affidavits prepared against Jeffrey Epstein and Sarah Kellen	3, 4, 7, 8, 10	<u>12/5/17 Tr. 195:19-196:2</u> Deferred. If the Affidavit was prepared against Epstein himself, then it is relevant, unless it relates to any issues of Mr. Edwards' knowledge and his diligence and the like relating to his preparation of the cases on behalf of his three clients.
64.	Jeffrey Epstein's Booking photograph	3, 4, 7, 8, Document says cannot rely on this for legal action	<u>12/5/17 Tr. 203:5-204:2</u> Deferred

Because none of these documents relate to Edwards' three clients, Epstein respectfully requests that the Court sustain his objections to these exhibits.

**4. Other Exhibits Must be Excluded as Inadmissible Hearsay.**

In addition to being irrelevant, all of the newly identified exhibits are inadmissible hearsay. “Hearsay is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” § 90.801(c), Fla. Stat. In fact, many of these documents contain double hearsay, so that even if Edwards could establish an exception for the first layer of hearsay, the documents still contain inadmissible hearsay. Many of these documents contain contents that are entirely based upon prior statements made by individuals and other extrinsic documents; all of which undeniably do not fall into an exception. *See Reichenberg v. Davis*, 846 So. 2d 1233 (Fla. 5th DCA 2003). “The problem here is that, in both reports, the authors simply related the substance of what the witnesses had told the authors. These witness’s statements, even though contained within the business records, do not fall within the exception, because they were not based upon the personal knowledge of an agent of the “business.” *Id.* at 1234; *see also Harris v. Game and Fresh Water Fish Com’n*, 495 So. 2d 806, 808 (Fla. 1st DCA 1986); *Van Zant v. State*, 372 So. 2d 502 (Fla. 1st DCA 1979). Accordingly, any hearsay documents, and any reference or testimony related thereto, must be excluded.

**5. Certain Exhibits Should be Excluded as Inadmissible Opinion Testimony.**

Other documents on Edwards’ Second Amended Exhibit List (D.E. 1109), identified by the number “6” in the objections column, irrefutably contain opinion statements about Epstein who is party to, and possible witness in, this case, rendering it improper opinion testimony about the credibility of a witness. *Alvarado v. State*, 521 So. 2d 180 (Fla. 3d DCA 1988). In *Childers v. State*, 936 So. 2d 585 (Fla. 1st DCA 2006), the court was faced with a similar issue, and in denying the admission of the information/documents, avowed:

admission of the notice would have been similar to admitting an opinion by the State concerning Junior’s character, truthfulness, and credibly. Such opinion

testimony regarding a witness' reputation for truthfulness is clearly inadmissible. See *Antone v. State*, 382 So.2d 1205, 1213-14 (Fla. 1980) (holding improper a question of a witness which sought "to elicit the individual and personal view of the witness."); *Hernandez v. State*, 575 So.2d, 1321, 1322 (Fla. 4th DCA 1991) (holding that it was reversible error to admit testimony of police officers and teacher that sexual abuse victim was truthful. "A witness invades the jury's exclusive province when that witness gives his or her personal views of the credibility of another witness."); *Alvarado v. State*, 521 So.2d 180, 181 (Fla. 3d DCA 1988) (holding that an opinion of a witness concerning his or her belief as to the truthfulness of another witness clearly inadmissible."); *Morrison v. State*, 818 So.2d 432, 451 (Fla. 2002) (holding that it was improper to allow personal opinion to establish reputation for truthfulness without laying a foundation based on knowledge of the witness' reputation in community for truthfulness); *Wyatt v. State*, 578 So.2d 811, 813 (Fla. 3d DCA 1991) (holding that section 90.405, Florida Statutes, does not permit opinion testimony regarding evidence of character); Ehrhardt, Florida Evidence § 405.2 at 258 ("Opinion testimony, concerning a person's character has traditionally been inadmissible on the basis that it is too unreliable; it will be tainted by the underlying prejudice and bias, of the person expressing the opinion on expressing the opinion.").

*Id.* at 595-96.

**6. Exhibits Should be Excluded for Other Reasons as Well.**

Other exhibits are overbroad and vague, so that they should also be excluded as identified by an "11" in the objection column.

**7. The Deposition Transcripts and Witnesses Presented Through Deposition Testimony Should Not be Allowed**

On his November 9, 2017, Seventh Amended Witness List (D.E. 1042), Edwards identified four nonparties whom he intends to call as witnesses through deposition testimony:

- 154. Mark Epstein
- 155. Adriana Ross (Adriana Mucinska)
- 156. Louella Rabuyo
- 157. Alfredo Rodriguez

(D.E. 1042) **Exhibit F.** Edwards has not filed deposition designations for these individuals or specified the transcripts on which he intends to rely. Furthermore, none of these witnesses'



depositions have been taken in *this* matter and, thus, Epstein's counsel has not had an opportunity to cross exam them on the issues presented in this case.

Furthermore, on his December 7, 2017, Second Amended Exhibit List, Edwards has identified transcripts for some of these witnesses and for other individuals:

- 106. Statements, deposition transcripts, videotaped depositions and transcripts taken in connection with this *and all related cases* and exhibits thereto
- 180. Ghislaine Maxwell deposition, 04/22/16
- 182. Mark Epstein deposition
- 198. Juan Alessi deposition (Vol. I) 9/08/09
- 199. Juan Alessi deposition (Vol. II) 09/08/09
- 202. Sentencing Transcript, Alfredo Rodriguez

(D.E. 1109) **Exhibit D.**

a. *Not Provided Testimony in this Action*

Edwards can only present depositions taken in this matter because no prior litigation involving Epstein pertained to the malicious prosecution's essential elements of probable cause and malice. It is error to allow the admission at trial of the other lawsuit's discovery depositions of nonparty witnesses as substantive evidence:

We hold that the admissibility of a discovery deposition of a nonparty witness as substantive evidence continues to be governed by rule 1.330(a)(3). We reach this conclusion for two reasons. First, rule 1.330(a)(3) has not been amended and continues to require certain prerequisites before the deposition of a nonparty is admissible at trial. Second, section 90.803(22) [former testimony] requires that "the party against whom the testimony is now offered ... had an opportunity *and similar motive* to develop the testimony by direct, cross, or redirect examination." (Emphasis added.) **An attorney taking a discovery deposition does not approach the examination of a witness with the same motive as one taking a deposition for the purpose of presenting testimony at trial.**

**... it was error to allow the presentation of a deposition of a nonparty witness as substantive evidence . . . .**

*Friedman v. Friedman*, 764 So. 2d 754, 755 (Fla. 2d DCA 2000) (emphasis added).

None of the individuals identified on Edwards' Seventh Amended Witness List (Nos. 154-157) or identified through transcripts on Edwards' Second Amended Exhibit List (Nos. 180, 182, 198, 199, 202) have provided deposition testimony in *this case* and it is improper to allow their depositions to be used at the trial in this matter.

- Mark Epstein is Epstein's brother and resides in New York. His deposition has not been taken in this case. Edwards has identified on his Exhibit List the September 21, 2009, transcript of Mark Epstein's deposition taken in the matter of *Jane Doe v. Jeffrey Epstein*, U.S. District Court, Southern District of Florida Case No. 08-80893 (Ex. 182). Edwards represented "Jane Doe" in that action and conducted the deposition, however, he did not ask any specific questions about his three clients. Furthermore, Mark Epstein testified that he never visited Epstein during the alleged periods of time in Edwards' clients' Complaints. Also, while Epstein's counsel was present at this deposition, he did not have the opportunity to question the witness about the motives and issues in *this* malicious prosecution action.
- Adriana Ross (Adriana Mucinska) is an alleged former assistant of Epstein who resides in Miami Beach, Florida. Her deposition was not taken in this matter and Edwards has not identified or produced a transcript on which he intends to rely.
- Louella Rabuyo is alleged to be Epstein's former housekeeper and resides in Palm Beach County. Her deposition has not been taken in this matter and Edwards has not identified or produced a transcript on which he intends to rely.
- Alfredo Rodriguez is alleged to be Epstein's former houseman who was incarcerated, but is now deceased. His deposition was not taken in this matter and Edwards has not identified or produced a deposition transcript on which he intends to rely.
- Ghislaine Maxwell is alleged to be Epstein's former girlfriend and assistant. Her deposition has not been taken in this matter. Edwards has identified on his Exhibit List the transcript of Ms. Maxwell's **confidential** deposition taken in the matter of *Virginia L. Giuffre v. Ghislaine Maxwell*, U.S. District Court Southern District of New York, Case No. 15-cv-07433 (Ex. 180). Epstein was not even a party to that action and, thus, his counsel did not attend or question the witness. It is further unclear if Edwards has obtained the permission from the parties in that matter to disclose confidential testimony in this action.

- Juan Alessi is alleged to be Epstein's former houseman who resides in West Palm Beach. His deposition has not been taken in this case. Edwards has identified on his Exhibit List the transcript of Mr. Alessi's September 8, 2009, deposition taken in the matter of *Jane Doe No. 2 v. Jeffrey Epstein*, U.S. District Court, Southern District of Florida, Case No. 08-CV-80119 (Exs. 198, 199). Edwards was not counsel of record in that matter, and the transcript produced does not reflect that he was even at the deposition or that the questions relate to his clients.

This deposition testimony is obviously intended to do little more than unfairly inflame and prejudice the jury with irrelevant information from Epstein's criminal case and prior civil cases which have settled or are concluded.

Moreover, the above-mentioned witnesses do not have personal knowledge of this matter as required by section 90.604, Florida Statutes, which states in pertinent part, that "a witness may not testify to a matter unless evidence is introduced which is sufficient to support a finding that the witness has personal knowledge of the matter." § 90.604, Fla. Stat. (2017). Likewise, the collateral matter rule states that litigation of purely collateral matters for the sole purpose of impeaching a party or witness is improper. *Dempsey v. Shell Oil Co.*, 589 So. 2d 373, 377 (Fla. 4<sup>th</sup> DCA 1991). A matter is considered collateral if it is not material and would not be admitted for any purpose other than the contradiction. *Id.* Thus, unless these witnesses have knowledge and can speak to what Epstein believed when he filed suit against Edwards, their testimony would be irrelevant and collateral and their deposition testimony should not be allowed.

Florida Rule of Civil Procedure 1.330 provides:

**(a) Use of Depositions.** At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice of it so far as admissible under the rules of evidence applied as though the witness were then present and testifying in accordance with any of the following provisions:

\*\*\*

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds: (A) that the witness is dead; (B) that the witness is at a greater distance than 100 miles from the place of trial or hearing, or is out of the state, unless it appears that the absence of the witness was procured by the party offering the deposition; (C) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; (D) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; (E) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used; or (F) the witness is an expert or skilled witness.

\*\*\*

**(b) Objections to Admissibility.** Subject to the provisions of rule 1.300(b) and subdivision (d)(3) of this rule, objection may be made at the trial or hearing to receiving in evidence any deposition or part of it for any reason that would require the exclusion of the evidence if the witness were then present and testifying.

While deposition testimony from a different proceeding may be admissible if the party to whom it is offered was provided with an opportunity to examine the deponent, because Epstein did not have the opportunity to develop the testimony based on the issues in *this* litigation (Edwards' malicious prosecution Counterclaim), it would be error to allow the deposition testimony relating to issues not relevant in this litigation.

Accordingly, Epstein seeks to exclude Edwards' use of deposition testimony from Mark Epstein, Adriana Ross (Adriana Mucinska), Louella Rabuyo, Alfredo Rodriguez, Ghislaine Maxwell, Juan Alessi, and any other witness whose testimony was taken in other cases because such testimony is irrelevant, misleading, confusing, and prejudicial, and the witnesses lack any knowledge regarding the issue at hand in this matter.

### **CONCLUSION**

For the reasons stated above, and in reliance upon the applicable law cited herein, Epstein respectfully requests that this Court enter an Order *in Limine* precluding Edwards, his counsel, and his witnesses from making any argument, statement, evidence or comment, as well as precluding from use at trial, the exhibits listed above and deposition testimony from other matters.

### **CERTIFICATE OF SERVICE**

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on February 1, 2018, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

LINK & ROCKENBACH, PA  
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(561) 727-3600; (561) 727-3601 [fax]

By: /s/ Scott J. Link

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Primary: [Angela@linkrocklaw.com](mailto:Angela@linkrocklaw.com)  
Secondary: [Tina@linkrocklaw.com](mailto:Tina@linkrocklaw.com)  
Secondary: [Troy@linkrocklaw.com](mailto:Troy@linkrocklaw.com)  
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*Trial Counsel for Plaintiff/Counter-Defendant  
Jeffrey Epstein*

**SERVICE LIST**

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<p>Bradley J. Edwards Edwards Pottinger LLC 425 N. Andrews Avenue, Suite 2 Ft. Lauderdale, FL 33301-3268 <a href="mailto:brad@epllc.com">brad@epllc.com</a> <a href="mailto:staff.efile@pathtojustice.com">staff.efile@pathtojustice.com</a> <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i></p>	<p>Marc S. Nurik Law Offices of Marc S. Nurik One E. Broward Boulevard, Suite 700 Ft. Lauderdale, FL 33301 <a href="mailto:marc@nuriklaw.com">marc@nuriklaw.com</a> <i>Counsel for Defendant Scott Rothstein</i></p>
<p>Jack A. Goldberger Atterbury, Goldberger &amp; Weiss, P.A. 250 Australian Avenue S., Suite 1400 West Palm Beach, FL 33401 <a href="mailto:jgoldberger@agwpa.com">jgoldberger@agwpa.com</a> <a href="mailto:smahoney@agwpa.com">smahoney@agwpa.com</a> <i>Co-Counsel for Plaintiff/Counter-Defendant</i> <i>Jeffrey Epstein</i></p>	

# EXHIBIT A

NOT A CERTIFIED COPY

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,

\_\_\_\_\_/

**COUNTER-PLAINTIFF'S, BRADLEY J. EDWARDS,**  
**AMENDED EXHIBIT LIST**

COMES NOW the Counter-Plaintiff, BRADLEY J. EDWARDS, and hereby files his  
Amended Exhibit List as follows:

**INDEX TO OBJECTIONS**

- |  |   |
|--|---|
| O. No objection  | 5. Privileged                                 |
| 1. All objections  | 6. Opinion                                    |
| 2. All objections, except authenticity   | 7. Hearsay                                    |
| 3. Irrelevant or immaterial  | 8. Authenticity lacking                       |
| 4. Probative value substantially outweighed by danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence | 9. Other (please identify basis of objection) |



**Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.****Case No. 502009CA040800XXXXMBAG****Counter-Plaintiff's, Bradley J. Edwards, Amended Exhibit List**

<b>Counter-Plaintiff</b>			<b>Marked</b>	<b>Marked for</b>
<b>No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>in Evidence</b>	<b>Identification</b>
1.	All applicable criminal statutes.			
2.	All applicable Florida Statutes.			
3.	Photos and information of Jeffrey Epstein's homes, airplanes and automobiles.			
4.	Order confirmation from <u>Amazon.com</u> for purchase of books SM 101: A Realistic Introduction," "Slave Craft: Roadmap for Erotic Servitude-Principles, Skills and Tools" and "Training Miss Abernathy: A Workbook for Erotic Slaves and Their Owners".			
5.	Non-Prosecution Agreement.			
6.	Jane Doe 102 Complaint.			
7.	Messages taken from message pads found at Epstein's home.			
8.	Documents related to Jeffrey Epstein produced by Alfredo Rodriguez.			
9.	Jeffrey Epstein's flight logs.			
10.	Jeffrey Epstein's phone records.			
11.	Sarah Kellen's phone records.			
12.	Jail Visitation Logs.			
13.	Jeffrey Epstein's probation file.			
14.	All probable cause affidavits related to criminal investigation of Jeffrey Epstein.			
15.	Victims' statements to the FBI related to criminal investigation of Jeffrey Epstein.			
16.	Video of Search Warrant of Jeffrey Epstein's home being executed.			
17.	Application for Search Warrant of Jeffrey Epstein's home.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Amended Exhibit List

<b>Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.</b> <b>Case No. 502009CA040800XXXXMBAG</b> <b>Counter-Plaintiff's, Bradley J. Edwards, Amended Exhibit List</b>				
<b>Counter-Plaintiff</b>			<b>Marked</b>	<b>Marked for</b>
<b>No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>in Evidence</b>	<b>Identification</b>
18.	Complaint Jane Doe v. Epstein and all subsequent Amended Complaints.			
19.	All records of homes, properties, bank accounts and any/ all records related to Jeffrey Epstein's assets.			
20.	Jeffrey Epstein's passport (or copy).			
21.	Jeffrey Epstein's driver's license (or copy).			
22.	List of corporations owned by Jeffrey Epstein.			
23.	Yearbooks of Jane Doe.			
24.	2002 Royal Palm Beach High School Year Book.			
25.	2001 Royal Palm Beach High School Year Book.			
26.	2003 Palm Beach Gardens High School Year Book.			
27.	Affidavit and Application for Search Warrant on Jeffrey Epstein's home.			
28.	Notepads found in Jeffrey Epstein's home and/or during trash pulls outside of his home during criminal investigation.			
29.	The Palm Beach State Attorney's Criminal file against Jeffrey Epstein.			
30.	All documents related to Jeffrey Epstein's 6/30/08 conviction.			
31.	Jeffrey Epstein's criminal plea colloquy.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Amended Exhibit List

<b>Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.</b> <b>Case No. 502009CA040800XXXXMBAG</b> <b>Counter-Plaintiff's, Bradley J. Edwards, Amended Exhibit List</b>				
<b>Counter-Plaintiff</b>			<b>Marked</b>	<b>Marked for</b>
<b>No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>in Evidence</b>	<b>Identification</b>
32.	List of properties and vehicles in Larry Visoski's name.			
33.	All of Jeffrey Epstein's Responses to Requests for Production, Requests for Admission, Answers to Interrogatories in this matter, and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092.			
34.	All discovery related responses of Jeffrey Epstein in this matter and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092.			
35.	Jeffrey Epstein's Answers and Affirmative Defenses in all civil cases against him.			
36.	All Complaints in which Jeffrey Epstein is/was a defendant.			
37.	Jeffrey Epstein's Deposition testimony and discovery responses in this case and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092.			
38.	Jeffrey Epstein's Deposition testimony and discovery responses in State Court cases LM v. Jeffrey Epstein, Case No. 502008CA028051XXXXIMB AB and E.W. v. Jeffrey Epstein, Case No. 502008CP003626XXXXMB.			
39.	Jeffrey Epstein Deposition Testimony and discovery responses in State Court case Jeffrey Epstein v. Scott Rothstein, et al. Case No 502009CA040800XXXXMBAG.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Amended Exhibit List

<b>Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.</b> <b>Case No. 502009CA040800XXXXMBAG</b> <b>Counter-Plaintiff's, Bradley J. Edwards, Amended Exhibit List</b>				
<b>Counter-Plaintiff</b>			<b>Marked</b>	<b>Marked for</b>
<b>No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>in Evidence</b>	<b>Identification</b>
40.	Any and all newspaper articles, online articles or publications related to Jeffrey Epstein.			
41.	Report and Analysis of Jeffrey Epstein's assets.			
42.	Video footage (DVD) of walk through site inspection of Jeffrey Epstein's home..			
43.	Photos of all of Jeffrey Epstein's properties, cars, boats and planes.			
44.	Probable Cause Affidavits prepared against Jeffrey Epstein and Sarah Kellen.			
45.	Documents related to or evidencing Jeffrey Epstein's donations to law enforcement.			
46.	Victim Notification Letter from US Attorney's Office to Victim.			
47.	Expert Dr. L. Dennison Reed's Report of Victim.			
48.	Palm Beach Police Department Incident Report dated 4/20/06.			
49.	All reports and documentation generated by Palm Beach Police Department related to Jeffrey Epstein.			
50.	All Witness Statements generated by Palm Beach Police Department relating to Jeffrey Epstein.			
51.	Passenger Manifests of Jeffrey Epstein's aircraft and private plane flight logs.			
52.	Passenger lists for flights taken by Jeffrey Epstein.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Amended Exhibit List

<b>Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.</b> <b>Case No. 502009CA040800XXXXMBAG</b> <b>Counter-Plaintiff's, Bradley J. Edwards, Amended Exhibit List</b>				
<b>Counter-Plaintiff</b>				
<b>No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>Marked in Evidence</b>	<b>Marked for Identification</b>
53.	Letter from Jeffrey Epstein to Alberto Pinto regarding house island project.			
54.	Jeffrey Epstein's bank statements.			
55.	Jeffrey Epstein's tax returns.			
56.	MC2 emails involving communications of Jeffrey Epstein, Jeff Fuller, Maritza Vasquez, Pappas Suat, Jean Luc Brunel and Amanda Grant.			
57.	DVD of plea and colloquy taken on 6-30-08.			
58.	Transcript of plea and colloquy taken on 6-30-08.			
59.	Massage Table.			
60.	No Contact Orders entered against Jeffrey Epstein.			
61.	Criminal Score Sheet regarding Jeffrey Epstein.			
62.	Documents evidencing Jeffrey Epstein's Community Control and Probation.			
63.	Jeffrey Epstein's Sex Offender Registrations (from various states).			
64.	Jeffrey Epstein's Booking photograph.			
65.	CAD calls to 358 EL BRILLO WAY, PALM BEACH FL 33480.			
66.	List of Jeffrey Epstein's House contacts.			
67.	Documents related to Jeffrey Epstein's investments.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Amended Exhibit List

<b>Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.</b> <b>Case No. 502009CA040800XXXXMBAG</b> <b>Counter-Plaintiff's, Bradley J. Edwards, Amended Exhibit List</b>				
<b>Counter-Plaintiff</b>				
<b>No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>Marked in Evidence</b>	<b>Marked for Identification</b>
68.	Letter from Chief Michael Reiter to Barry Krischler.			
69.	List of planes owned by Jeffrey Epstein.			
70.	Letter from Guy Fronstin to Assistant State Attorney dated 1-11-06.			
71.	Letter from Guy Fronstin to Assistant State Attorney dated 1-13-06.			
72.	Letter from Guy Fronstin to Assistant State Attorney dated 2-17-06.			
73.	Letter from Guy Fronstin to Assistant State Attorney dated 4-6-06.			
74.	Letter from Guy Fronstin to Assistant State Attorney dated 4-10-06.			
75.	Letter from Goldberger dated 6-22-06.			
76.	All subpoenas issued to State Grand Jury.			
77.	Documents related to the rental of a vehicle for Vanessa Zalis.			
78.	Ted's Sheds Documents.			
79.	Documents related to property searches of Jeffrey Epstein's properties.			
80.	Arrest Warrant of Sarah Kellen.			
81.	Police report regarding Alexandra Hall picking up money dated 11-28-04.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Amended Exhibit List

<b>Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.</b> <b>Case No. 502009CA040800XXXXMBAG</b> <b>Counter-Plaintiff's, Bradley J. Edwards, Amended Exhibit List</b>				
<b>Counter-Plaintiff</b>			<b>Marked</b>	<b>Marked for</b>
<b>No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>in Evidence</b>	<b>Identification</b>
82.	List of Trilateral Commission Members of 2003.			
83.	Alan Dershowitz Letter dated 4-19-06 and Statute 90.410.			
84.	Guy Fronstin letter dated 4-17-06.			
85.	Jeffrey Epstein Account Information.			
86.	Jeffrey Epstein Criminal Closeout Sheet.			
87.	JEGE, Inc. Passenger Manifest.			
88.	Hyperion Air Passenger Manifest.			
89.	Flight information for Dana Burns.			
90.	Passenger List Palm Beach flights 2005.			
91.	Jeffrey Epstein notepad notes.maria.			
92.	Pleadings of Jane Doe 1 and 2 v. US case.			
93.	Jeffrey Epstein 5 <sup>th</sup> Amendment Speech.			
94.	Reiter letter to Krisher dated 5-1-06.			
95.	Alexandra Hall Police Report dated 11-28-04.			
96.	Victim's school records and transcripts.			
97.	Victim Notification letter dated 7-9-08.			
98.	Police report of Juan Alessi theft at Jeffrey Epstein's home.			
99.	Victim's Medical Records from Dr. Randee Speciale.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Amended Exhibit List

<b>Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.</b> <b>Case No. 502009CA040800XXXXMBAG</b> <b>Counter-Plaintiff's, Bradley J. Edwards, Amended Exhibit List</b>				
<b>Counter-Plaintiff</b>				
<b>No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>Marked in Evidence</b>	<b>Marked for Identification</b>
100.	All surveillance conducted by law enforcement on Jeffrey Epstein's home.			
101.	Emails received from Palm Beach Records related to Jeffrey Epstein.			
102.	All items listed on the Palm Beach Police Property Report Lists.			
103.	All copies of convictions related to Jeffrey Epstein.			
104.	Jeffrey Epstein criminal records.			
105.	All documents produced by Palm Beach Police Department prior to the deposition of Detective Recarey.			
106.	Statements, deposition transcripts, videotaped depositions and transcripts taken in connection with this and all related cases and exhibits thereto.			
107.	Any and all expert witness reports and/or records generated in preparation for this litigation by any party to this cause.			
108.	Demonstrative aids and exhibits including, but not limited to, charts, diagrams and models, surveys, photographs and similar material including blow-ups of the listed items/exhibits.			
109.	Edwards' reserves all objections to Epstein's Exhibits.			
110.	Edwards reserves the right to supplement and/or amend his Exhibit List.			



<b>Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.</b> <b>Case No. 502009CA040800XXXXMBAG</b> <b>Counter-Plaintiff's, Bradley J. Edwards, Amended Exhibit List</b>				
<b>Counter-Plaintiff</b>			<b>Marked</b>	<b>Marked for</b>
<b>No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>in Evidence</b>	<b>Identification</b>
111.	By listing an Exhibit, Edwards is not waiving his right to object to same at trial and does not waive their right to amend same.			
112.	All exhibits listed by Epstein subject to Edwards' objections.			
113.	All pleadings and attachments in the action under the Crime Victims Rights Act prosecuted by Bradley Edwards on behalf of victims of Epstein's criminal molestations.			
114.	Edwards' Motions for Summary Judgment, all attachments thereto and all Undisputed Facts.			
115.	All time records and hourly billing documentation produced in discovery.			
116.	All deposition testimony and discovery responses by Epstein submitted in this action.			
117.	All pleadings filed by Epstein in the Rothstein bankruptcy proceeding.			
118.	All submissions by Epstein in connection with the Rothstein deposition.			
119.	All Settlement Agreements between Epstein and victims of his sexual molestations.			
120.	Phone Journal taken from Epstein's home and produced to the FBI by Alfredo Rodriguez.			
121.	Photo depicting Virginia Roberts, Ghislaine Maxwell and Prince Andrew.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Amended Exhibit List

<b>Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.</b> <b>Case No. 502009CA040800XXXXMBAG</b> <b>Counter-Plaintiff's, Bradley J. Edwards, Amended Exhibit List</b>				
<b>Counter-Plaintiff</b>				
<b>No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>Marked in Evidence</b>	<b>Marked for Identification</b>
122.	All flight logs for any Epstein owned or controlled aircraft			
123.	All emails produced by Defendant and/or all emails produced by Plaintiff in this case.			
124.	Evidence of contributions to the Palm Beach Police Dept.			
125.	Dr. Bernard J. Jansen Expert Report, Attachments and Back-up Documents, October 20, 2017.			
126.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M., Complaint, December 7, 2009.			
127.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M, Fourth Amended Counterclaim, January 9, 2013.			
128.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M, Plaintiff/Counter-Defendant Jeffrey Epstein's Answer and Affirmative Defenses to Defendant/Counter-Plaintiff Bradley Edwards's Fourth Amended Counterclaim, February 21, 2013.			
129.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M, Notice of Voluntary Dismissal, August 16, 2012.			
130.	Brad Edward's Times Records and Billing Records related to this matter.			
131.	Jeffrey Epstein's NY State Online Sex Offender Registry Profile.			
132.	New York Post article: Billionaire Jeffrey Epstein: I'm a sex offender, not a predator, February 25, 2011			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Amended Exhibit List

<b>Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.</b> <b>Case No. 502009CA040800XXXXMBAG</b> <b>Counter-Plaintiff's, Bradley J. Edwards, Amended Exhibit List</b>				
<b>Counter-Plaintiff No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>Marked in Evidence</b>	<b>Marked for Identification</b>
133.	Any and all responses to Subpoenas Duces Tecum with or without deposition.			
134.	All Interrogatories and Answers thereto, Requests to Produce and Responses, Requests for Admissions and Responses thereto.			
135.	Any and all documents produced in this action.			
136.	Any and all depositions taken in this action.			
137.	Any documents or other exhibit attached to or used during any deposition in this action.			
138.	Any and all exhibits, documents, etc. referred to in any deposition.			
139.	Any and all documents and exhibits designated by all parties to this action.			
140.	Any and all exhibits needed for impeachment or rebuttal.			
141.	Any and all pleadings filed in this action.			
142.	Any and all records produced or that will be produced by all records custodians relative to this action.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Amended Exhibit List

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 9<sup>th</sup> day of November, 2017.



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Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Amended Exhibit List

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# EXHIBIT B

NOT A CERTIFIED COPY

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

3 Case No. 502009CA040800XXXXMB

4  
5 JEFFREY EPSTEIN,  
6 Plaintiff,

7 vs.

8 SCOTT ROTHSTEIN, individually,  
9 BRADLEY EDWARDS, individually,  
Defendants/Counter-Plaintiffs.

10 \_\_\_\_\_/  
11  
12 TRANSCRIPT OF PROCEEDINGS

13  
14 DATE TAKEN: Wednesday, November 29th, 2017  
15 TIME: 10:04 a.m. - 3:55 p.m.  
16 PLACE 205 N. Dixie Highway, Room 10C  
West Palm Beach, Florida  
BEFORE: Donald Hafele, Presiding Judge

17  
18 This cause came on to be heard at the time and place  
aforesaid, when and where the following proceedings were  
19 reported by:

20 Sonja D. Hall  
21 Palm Beach Reporting Service, Inc.  
1665 Palm Beach Lakes Boulevard, Suite 1001  
22 West Palm Beach, FL 33401  
(561) 471-2995  
23  
24  
25



<p style="text-align: right;">157</p> <p>1 the flaw in the argument is what I perceive</p> <p>2 to be a lack of recognition of, not only</p> <p>3 Mr. Epstein's rationale for filing his suit,</p> <p>4 but the focus, or lack thereof, on</p> <p>5 Mr. Edwards' responsibility and burden -- a</p> <p>6 strict one and a strong one according to</p> <p>7 onerous -- used by one of the cases in being</p> <p>8 able to prove probable cause here.</p> <p>9 And Mr. Scarola has used in his</p> <p>10 briefing this building-block approach. And</p> <p>11 I think the same type of analogy or picture</p> <p>12 can be utilized here when speaking about the</p> <p>13 motive. What was the probable cause in</p> <p>14 actuality from the counter-plaintiff</p> <p>15 Edwards' standpoint for Epstein doing what</p> <p>16 he did?</p> <p>17 As I indicated before, but didn't use</p> <p>18 the analogy, what you and Mr. Link provided</p> <p>19 to the Court provides, not only building</p> <p>20 blocks for potentially Mr. Epstein's</p> <p>21 probable cause, but likewise provides</p> <p>22 building blocks for Mr. Edwards' proving</p> <p>23 that he did not have probable cause.</p> <p>24 And as far as the Court is concerned,</p> <p>25 if the guilty plea came after he filed suit,</p>	<p style="text-align: right;">159</p> <p>1 not suggesting there were more than one</p> <p>2 combined plea -- would be relevant, that it</p> <p>3 would be relevant to the issue of probable</p> <p>4 cause, and it would be relevant,</p> <p>5 potentially, to the issue of malice.</p> <p>6 And that, again -- with the Court</p> <p>7 looking at it from both sides and analyzing</p> <p>8 it from both sides, it could be used by</p> <p>9 Mr. Epstein. It could be used by</p> <p>10 Mr. Edwards. But it provides at least some</p> <p>11 relevancy, defined again as proving or</p> <p>12 tending to prove or disprove a material</p> <p>13 fact. The material fact is the element of</p> <p>14 probable cause and perhaps malice.</p> <p>15 So again, I am going to rule that they</p> <p>16 would be admissible.</p> <p>17 Next issue, please.</p> <p>18 But again, we are going to completely</p> <p>19 and entirely stay away from any type of</p> <p>20 pejorative comments. I understand that</p> <p>21 sometimes things are said in the heat of</p> <p>22 deposition that would never be repeated at</p> <p>23 trial. Again, I'm certainly ordering that</p> <p>24 that not take place.</p> <p>25 All right. We want to go back to some</p>
<p style="text-align: right;">158</p> <p>1 then there might be some reasonable argument</p> <p>2 to separate it out and say, Judge, he hadn't</p> <p>3 even filed suit -- the suit was filed</p> <p>4 -- strike that.</p> <p>5 He hadn't pled guilty. The guilty plea</p> <p>6 came three years after he filed this suit</p> <p>7 for malicious prosecution, then it would</p> <p>8 probably be a relevancy argument that may or</p> <p>9 may not win the day.</p> <p>10 But when looking at it from a building</p> <p>11 block type of analysis, as I have in the</p> <p>12 most simplest terms, in looking at it from</p> <p>13 both sides, which I am incumbent to do, as</p> <p>14 Mr. Scarola alluded to, this is but one item</p> <p>15 that could be argued to have fueled</p> <p>16 Mr. Epstein to have filed this lawsuit, thus</p> <p>17 making it relevant.</p> <p>18 Now, the fluidity issue that I spoke</p> <p>19 about is, I'm willing to look at it, again,</p> <p>20 if there's a case on point that specifically</p> <p>21 says otherwise. But for purposes of this</p> <p>22 particular matter, the Court would find</p> <p>23 absent the production of a case that would</p> <p>24 say otherwise, that Mr. Epstein's guilty</p> <p>25 pleas -- I understand it's combined, so I'm</p>	<p style="text-align: right;">160</p> <p>1 of these -- in the time that we have left,</p> <p>2 let's go back to some of these exhibits and</p> <p>3 see if we can work through them.</p> <p>4 MS. ROCKENBACH: Thank you, Your Honor.</p> <p>5 We had identified and have highlighted,</p> <p>6 starting with number three, photographs and</p> <p>7 information of Mr. Epstein's homes, planes</p> <p>8 automobiles. I'm not sure what relevance</p> <p>9 that would have as to why he filed a</p> <p>10 malicious prosecution action.</p> <p>11 THE COURT: Let's take them one at a</p> <p>12 time.</p> <p>13 Mr. Scarola, what's your position?</p> <p>14 MR. SCAROLA: His homes and his</p> <p>15 automobiles are evidence with respect to his</p> <p>16 pecuniary circumstances, obviously a</p> <p>17 relevant matter when we are talking about a</p> <p>18 punitive damage claim.</p> <p>19 THE COURT: Typically, though, net</p> <p>20 worth is what is considered, not</p> <p>21 necessarily -- unless it's impeachment,</p> <p>22 i.e., you'll have a picture of a home that</p> <p>23 he owns in the US Virgin Islands -- I think</p> <p>24 that he has some connection with one of</p> <p>25 those islands. And I'm not trying to</p>

1 suggest anything as far as anything  
2 inappropriate. But I can conceive of this  
3 situation that if Mr. Epstein testifies that  
4 his net worth is X, comprised of A, B and C  
5 in large part, but you find an asset that he  
6 has not taken into account that's worth  
7 twice as much of his claimed net worth --

8 MR. SCAROLA: I know he has a minimum  
9 net worth of --

10 I don't mean to interrupt, Your Honor,  
11 but Mr. Epstein refuses to provide any  
12 evidence with regard to his net worth, so we  
13 are obliged to offer circumstantial evidence  
14 of his net worth, unless and until those  
15 objections based on Fifth Amendment grounds  
16 are overruled on the basis that they are  
17 non-testimonial.

18 THE COURT: I think that's a subject  
19 for another motion.

20 MS. ROCKENBACH: It is, Your Honor.

21 MR. SCAROLA: It is. But Your Honor  
22 should not be deciding this issue on the  
23 basis of the premise that we are going to  
24 get evidence from Mr. Epstein as to what  
25 Mr. Epstein's net worth is.

1 discussed, referenced, admitted. I think  
2 it's also a receipt from Amazon for the  
3 book, by the way. It's an order  
4 confirmation. If my memory serves correct,  
5 it's a receipt for the purchase of a book.  
6 It has nothing to do with malicious  
7 prosecution.

8 THE COURT: Mr. Scarola.

9 MR. SCAROLA: In fact, it does. I  
10 might explain to Your Honor that many of the  
11 items that are on this list that are being  
12 challenged, a vast majority of them, were  
13 part of an appendix to the motion for  
14 summary judgment that was not defended  
15 against by Mr. Epstein.

16 THE COURT: Let me ask you this. Was  
17 this particular exhibit located prior to the  
18 suit being filed by Mr. Epstein?

19 MR. SCAROLA: Yes, sir.

20 MS. ROCKENBACH: It's the receipt  
21 located by whom?

22 THE COURT: By anybody. For the  
23 purposes of this case.

24 MR. SCAROLA: These are items --

25 THE COURT: In other words, was it

1 THE COURT: Agreed.

2 MR. SCAROLA: All he has told us is  
3 he's willing to stipulate to a net worth in  
4 excess of \$100 million. Well, it makes a  
5 difference as to whether it's 100 million,  
6 200 million or a thousand million, that is,  
7 a billion dollars, or \$2 billion.

8 So even if we're left with a Fifth  
9 Amendment assertion, we are back to the same  
10 issue that was raised by the defense, and  
11 that is, there needs to be some evidence  
12 independent of the Fifth Amendment assertion  
13 that would allow the inference to be --

14 THE COURT: I'm going to cut you off.  
15 I'm going to defer on number three.

16 Number four is the Amazon receipt for  
17 the "SM 101: A Realistic Introduction,  
18 Slave Craft: Roadmap for Erotic  
19 Servitude-Principles, Skills and Tools" and  
20 "Training Miss Abernathy: A Workbook for  
21 Erotic Slaves and Their Owners."

22 MR. SCAROLA: I never read it.

23 Your Honor, if I might --

24 MS. ROCKENBACH: It has no relevance,  
25 Your Honor. Prejudicial. Should not be

1 discovered in a lawsuit that was filed prior  
2 to Mr. Epstein filing this suit?

3 MR. SCAROLA: No, sir. It was  
4 discovered when a search warrant was  
5 executed by law enforcement shortly after  
6 the criminal allegations were made against  
7 Mr. Epstein before any of the civil lawsuits  
8 were filed.

9 So law enforcement gets probable cause  
10 to execute a search warrant on Mr. Epstein's  
11 home. And one of the things that is  
12 found -- or many of the things that are  
13 described here are found during the course  
14 of the execution of that search warrant and  
15 formed probable cause for the criminal  
16 charges against Mr. Epstein.

17 Even more significantly, they formed  
18 the basis for the civil lawsuits that were  
19 filed on behalf of L.M., E.W. and Jane Doe,  
20 that is, this is all evidence taken into  
21 account in substantiating the validity of  
22 the claims of these three particular victims  
23 of Mr. Epstein.

24 And all of these things are delineated  
25 in the motion for summary judgment that

<p style="text-align: right;">165</p> <p>1 Mr. Epstein does not defend against and</p> <p>2 voluntarily dismisses his case on the eve of</p> <p>3 the hearing.</p> <p>4 Your Honor is well aware of</p> <p>5 procedurally he would have been obliged well</p> <p>6 in advance of the hearing to file his</p> <p>7 opposition to the motion for summary</p> <p>8 judgment. He doesn't do that.</p> <p>9 Why is that significant in the context</p> <p>10 of this case? Because, as we have heard</p> <p>11 from the defense, they are going to</p> <p>12 challenge whether there is a bona fide</p> <p>13 termination of the claim against Mr. Edwards</p> <p>14 in favor of Mr. Edwards. Was the abuse of</p> <p>15 process claim terminated under such</p> <p>16 circumstances as to indicate a bona fide</p> <p>17 termination?</p> <p>18 How do we make that decision? Well,</p> <p>19 the only way to make that decision is to</p> <p>20 talk about the motion for summary judgment,</p> <p>21 what supported the motion for summary</p> <p>22 judgment, and the fact that the motion for</p> <p>23 summary judgment was not opposed. A</p> <p>24 voluntary dismissal was taken, and the</p> <p>25 statute of limitations permitted to expire</p>	<p style="text-align: right;">167</p> <p>1 collateral to the summary judgment -- the</p> <p>2 summary judgment motion was made and then</p> <p>3 not challenged. For those reasons, I'm</p> <p>4 going to sustain the objection at this time,</p> <p>5 again, subject to context for being able to</p> <p>6 readdress it, if necessary.</p> <p>7 MR. SCAROLA: Number four is sustained?</p> <p>8 THE COURT: Yes, sir, for the reasons</p> <p>9 stated in the record.</p> <p>10 MR. SCAROLA: Understood.</p> <p>11 THE COURT: The NPA, I have already</p> <p>12 indicated that the inclination would be --</p> <p>13 if properly predicated -- would be allowed.</p> <p>14 The Jane Doe, one of two complainants -- I</p> <p>15 don't see any -- what would be the grounds</p> <p>16 for objecting to that?</p> <p>17 MS. ROCKENBACH: I'm not sure what the</p> <p>18 relevance is. I'm not the proponent of the</p> <p>19 evidence, but I don't see what relevance</p> <p>20 there would be of Jane Doe's complaint.</p> <p>21 The relevance in this malicious</p> <p>22 prosecution action might be the allegations</p> <p>23 of this complaint, this action. But when we</p> <p>24 start bringing in other complaints as</p> <p>25 exhibits for a jury to read, I think that</p>
<p style="text-align: right;">166</p> <p>1 without ever refiling those claims.</p> <p>2 So as long as bona fide termination</p> <p>3 remains an issue, the motion for summary</p> <p>4 judgment is clearly relevant and material.</p> <p>5 And this is all part of the motion for</p> <p>6 summary judgment.</p> <p>7 Many of these things, in addition to</p> <p>8 that, forms the basis for the explanation of</p> <p>9 Mr. Edwards' conduct when he was a member of</p> <p>10 RRA, and demonstrate that he wasn't abusing</p> <p>11 the process in any respect at all while he</p> <p>12 was prosecuting these claims. He was</p> <p>13 pursuing very relevant and material avenues</p> <p>14 of discovery reasonably calculated to lead</p> <p>15 to admissible evidence.</p> <p>16 So that's my full response to this.</p> <p>17 THE COURT: The objection is sustained</p> <p>18 on two grounds: on relevancy and also 403</p> <p>19 analysis.</p> <p>20 I will entertain the introduction</p> <p>21 outside the presence of the jury, if it</p> <p>22 becomes necessary.</p> <p>23 The other concern I have is that, at</p> <p>24 best, it appears to sound like it may be</p> <p>25 impeachment on a collateral matter,</p>	<p style="text-align: right;">168</p> <p>1 goes far afield from --</p> <p>2 THE COURT: This is the same Jane Doe</p> <p>3 or a different Jane Doe?</p> <p>4 MR. SCAROLA: Same Jane Doe.</p> <p>5 THE COURT: Overruled.</p> <p>6 Next issue.</p> <p>7 MR. SCAROLA: Excuse me, Your Honor.</p> <p>8 There are two Jane Does. This is Jane Doe</p> <p>9 102.</p> <p>10 Jane Doe 102 was a Bob Josefsberg</p> <p>11 client.</p> <p>12 And just so I orient Your Honor with</p> <p>13 regard to this matter, under the terms of</p> <p>14 the non-prosecution agreement, the federal</p> <p>15 court appointed Bob Josefsberg as counsel on</p> <p>16 behalf of all unrepresented victims to</p> <p>17 protect the interest of unrepresented</p> <p>18 victims turn the terms of the</p> <p>19 non-prosecution agreement.</p> <p>20 One of those multiple victims being</p> <p>21 represented by Mr. Josefsberg was an</p> <p>22 individual identified as Jane Doe 102. She</p> <p>23 has since been publicly identified as</p> <p>24 Virginia Roberts/Virginia Giuffre.</p> <p>25 And the specific allegations in this</p>

<p style="text-align: right;">169</p> <p>1 complaint include the transport of Jane Doe</p> <p>2 Number 2 on Mr. Epstein's private jets to</p> <p>3 various homes owned by Mr. Epstein in</p> <p>4 various locations inside and outside the</p> <p>5 United States.</p> <p>6 THE COURT: She's expected to be a</p> <p>7 witness?</p> <p>8 MR. SCAROLA: Yes, sir.</p> <p>9 THE COURT: Live witness?</p> <p>10 MR. SCAROLA: Live.</p> <p>11 THE COURT: At this point I'm going to</p> <p>12 find that, if, in fact, she is a witness,</p> <p>13 that it would be cumulative, and hence I am</p> <p>14 going to sustain the objection on those</p> <p>15 grounds.</p> <p>16 MR. SCAROLA: May I just finish my</p> <p>17 argument as to why this complaint was of</p> <p>18 significance? Because she does -- she does</p> <p>19 allege in the complaint that she was</p> <p>20 molested onboard the airplane, and that she</p> <p>21 was prostituted out to third parties onboard</p> <p>22 the airplane, which provided the basis for</p> <p>23 Mr. Edwards seeking airplane logs and the</p> <p>24 testimony of pilots and the testimony of</p> <p>25 others identified in the flight logs as</p>	<p style="text-align: right;">171</p> <p>1 has been listed as a witness for years in</p> <p>2 this matter.</p> <p>3 THE COURT: You'll have to do a written</p> <p>4 motion. But I want to be consistent with</p> <p>5 what I said recently, and that is that it's</p> <p>6 not -- the continuance is not -- and I</p> <p>7 emphasize not -- designed to be a wholesale</p> <p>8 reopening of discovery; that the Court would</p> <p>9 take that up on an issue-by-issue basis,</p> <p>10 but, without pre-deciding anything, unless</p> <p>11 it can be demonstrated to the Court that</p> <p>12 there was unavailability, that there was a</p> <p>13 late filing, that there was some type of</p> <p>14 inability of a witness to testify, something</p> <p>15 along those lines.</p> <p>16 These witnesses have been listed for a</p> <p>17 lengthy period of time. Again, this was not</p> <p>18 the purpose of the motion that was filed and</p> <p>19 it was not the import of the order of the</p> <p>20 Court.</p> <p>21 Let's talk about number seven.</p> <p>22 MS. ROCKENBACH: Messages taken from</p> <p>23 message pads found at Mr. Epstein's home.</p> <p>24 THE COURT: What do the messages say?</p> <p>25 MR. SCAROLA: They relate to arranging</p>
<p style="text-align: right;">170</p> <p>1 being present on the plane.</p> <p>2 THE COURT: That's fine. I don't have</p> <p>3 a problem with Mr. Edwards testifying. If</p> <p>4 it becomes an issue in terms of credibility</p> <p>5 or whatever it might be, then I will take</p> <p>6 another look at it. But on the basis of the</p> <p>7 arguments that I have heard, the objection</p> <p>8 is sustained for the reasons that I</p> <p>9 provided.</p> <p>10 MR. SCAROLA: Understood. Thank you,</p> <p>11 sir.</p> <p>12 MS. ROCKENBACH: Your Honor, before we</p> <p>13 leave, based on Your Honor's ruling, I would</p> <p>14 make an ore tenus motion for leave to depose</p> <p>15 Virginia Roberts, because now it has become</p> <p>16 clear that she is going to be testifying,</p> <p>17 based on Mr. Scarola's statement and Your</p> <p>18 Honor's ruling.</p> <p>19 THE COURT: Wasn't she scheduled to</p> <p>20 come to court from Australia? Wasn't that</p> <p>21 the lady?</p> <p>22 MR. SCAROLA: That's where she's</p> <p>23 living. She was scheduled to come to court.</p> <p>24 She was available to be deposed previously.</p> <p>25 They chose not to take her deposition. She</p>	<p style="text-align: right;">172</p> <p>1 sexual massages with minors. I can't tell</p> <p>2 you from memory -- but Mr. Edwards may be</p> <p>3 able to -- whether there are specific</p> <p>4 references to our three clients.</p> <p>5 THE COURT: Not to be overly technical</p> <p>6 or hypertechnical here, is Mr. Edwards</p> <p>7 serving as co-counsel?</p> <p>8 MR. SCAROLA: Yes, Your Honor. I think</p> <p>9 I've told Your Honor before, we don't</p> <p>10 anticipate him taking an active role in the</p> <p>11 trial, but he remains as co-counsel of</p> <p>12 record in this case.</p> <p>13 THE COURT: Fair enough.</p> <p>14 Mr. Edwards, would you like to comment</p> <p>15 on that?</p> <p>16 MR. EDWARDS: Sure, Your Honor. The</p> <p>17 message pads include the names of many of</p> <p>18 the underaged females that visited and set</p> <p>19 up appointments at Mr. Epstein's home,</p> <p>20 including L.M., E.W. and Jane Doe.</p> <p>21 THE COURT: Have they been</p> <p>22 authenticated by Mr. Epstein? Or did he</p> <p>23 take the Fifth on that?</p> <p>24 MR. EDWARDS: He has taken the Fifth on</p> <p>25 questions related to that. They have been</p>

1 authenticated in other depositions by  
2 Detective Vicari, although those were taken  
3 in other cases. But he's an available  
4 witness who could testify as to the chain of  
5 custody, where he found the message -- where  
6 he found the messages and how he gathered  
7 them during the search warrant.

8 THE COURT: The relevancy, Mr. Scarola?

9 MR. SCAROLA: They clearly relate to  
10 the validity of the claims on behalf of  
11 these three victims of Mr. Epstein. They  
12 corroborate that these young women were  
13 there at his home on many occasions, and  
14 along with a large number of other underage  
15 females who were being routinely molested by  
16 Mr. Epstein.

17 MS. ROCKENBACH: Your Honor, may I  
18 reply? This is inflammatory. These message  
19 pads may be relevant had Mr. Edwards not  
20 settled the three lawsuits in which he  
21 represented those three women. But they are  
22 not relevant in the malicious prosecution  
23 case whether my client had probable cause to  
24 file this action or not. Or malice.

25 We are definitely getting far afield in

1 terms of the exhibits. And it looks like --  
2 and I understand why Mr. Edwards would want  
3 to try exhibits that were relevant to his  
4 clients' action because the exhibits that  
5 should be relevant in the malicious  
6 prosecution case are the facts and  
7 circumstance, or the lack of facts and  
8 circumstances on which my client relied in  
9 filing this lawsuit -- the civil action --  
10 the civil proceeding.

11 Message pads regarding these  
12 appointments are absolutely 90.403  
13 prejudicial and not -- which prejudicial  
14 effect clearly outweighs any remote  
15 probative value in this action.

16 MR. SCAROLA: It seems to me that we  
17 are going, unfortunately, around the same  
18 mulberry bush. The validity of the claims  
19 is an issue.

20 In addition to that, the viability of  
21 the claims against Mr. Epstein from a  
22 criminal perspective is part of why he was  
23 so concerned about this non-prosecution  
24 agreement being set aside.

25 He knew that there was a mountain of

1 evidence that would prove that he was a  
2 serial child molester, that there were  
3 dozens and dozens of victims of his  
4 molestations, which were occurring multiple  
5 times a day, day after day after day.

6 And the only way he could foresee at  
7 this point in escaping the criminal exposure  
8 that was clearly going to result in  
9 convictions, because of this mountain of  
10 evidence available, was to scare off the one  
11 person who was challenging that  
12 non-prosecution agreement through the Crime  
13 Victims' Rights Act case.

14 THE COURT: I'm going to defer on  
15 ruling on this. But it is not to be  
16 mentioned during opening statements. And it  
17 is going to be determined by the Court in  
18 the context in which I believe it would be  
19 necessary.

20 And I'm concerned about first -- as I  
21 mentioned earlier on in another exhibit --  
22 that this is collateral. That it would  
23 constitute impeachment on a collateral  
24 matter.

25 Again, I don't want to get back into

1 serial child molestation. I believe words  
2 to that effect were just utilized, so that's  
3 the reason for the ruling.

4 I think that right now, based upon what  
5 I'm looking at, which is not the actual  
6 messages, but just the recitation of an  
7 exhibit would be that there -- that any  
8 probative value would be materially  
9 outweighed by the prejudice.

10 MS. ROCKENBACH: Thank you, Your Honor.  
11 We are working off of Mr. Edwards' exhibit  
12 list. And the next one is eight, documents  
13 related to Mr. Epstein produced by Alfredo  
14 Rodriguez.

15 THE COURT: Alfredo Rodriguez was the  
16 houseperson, if I'm understanding?

17 MS. ROCKENBACH: Yes, Your Honor.

18 THE COURT: I don't know what that  
19 means. What specifically are we talking  
20 about?

21 MR. SCAROLA: We're talking about a  
22 book that contains a list of Jeffrey  
23 Epstein's victims, their names and telephone  
24 numbers, as well as a number of other  
25 contacts that Jeffrey Epstein has, who,

<p style="text-align: right;">177</p> <p>1 through other evidence, were established to</p> <p>2 be regular guests in his home.</p> <p>3 These provided corroboration of the</p> <p>4 testimony of L.M., E.W. and Jane Doe. They</p> <p>5 provided evidence of the extent of</p> <p>6 Mr. Epstein's molestation of children, which</p> <p>7 obviously supports the magnitude of the</p> <p>8 wrong in which he was engaged, which goes</p> <p>9 directly to the punitive value of the claims</p> <p>10 brought by L.M., E.W. and Jane Doe, that is,</p> <p>11 a jury faced with the task of making a</p> <p>12 determination as to the appropriate amount</p> <p>13 of punitive damages, is instructed that they</p> <p>14 shall take into consideration the magnitude</p> <p>15 of the wrong, and that includes the total</p> <p>16 number of victims involved in the offender's</p> <p>17 wrongdoing.</p> <p>18 THE COURT: I presume that by the time</p> <p>19 the case was settled that I or a predecessor</p> <p>20 judge in that division had found a valid</p> <p>21 claim for punitive damages in terms of those</p> <p>22 cases that we are dealing with here?</p> <p>23 MR. SCAROLA: Yes. There were multiple</p> <p>24 punitive damages claims pending.</p> <p>25 THE COURT: I would have expected so.</p>	<p style="text-align: right;">179</p> <p>1 and that is that I find that under 403 that</p> <p>2 the probative value -- any probative value</p> <p>3 is materially outweighed by the prejudice</p> <p>4 involved.</p> <p>5 MR. SCAROLA: May I ask a rhetorical</p> <p>6 question, Your Honor?</p> <p>7 THE COURT: Sure.</p> <p>8 MR. SCAROLA: When Mr. Epstein alleges</p> <p>9 that these cases were ginned up, when he</p> <p>10 alleges that asking in the complaint for</p> <p>11 \$50 million (sic) was totally out of line</p> <p>12 and supportive of his conclusions that this</p> <p>13 was a fabricated claim constructed solely</p> <p>14 for the purposes of supporting -- knowingly</p> <p>15 supporting a Ponzi scheme -- when he alleges</p> <p>16 that these cases really had no significant</p> <p>17 value, how can we not talk about what the</p> <p>18 punitive damage value of the cases were and</p> <p>19 why they had enormous punitive damage value</p> <p>20 when they are claims relating to a vast</p> <p>21 number of molestations by a billionaire?</p> <p>22 THE COURT: Because we are dealing with</p> <p>23 the three cases that Mr. Edwards represented</p> <p>24 these three individuals. And to allow</p> <p>25 records, information about anybody else at</p>
<p style="text-align: right;">178</p> <p>1 I just didn't know the timing.</p> <p>2 MR. SCAROLA: Yes.</p> <p>3 MS. ROCKENBACH: Your Honor's question</p> <p>4 got us directly to the point. This is</p> <p>5 relevant evidence for punitive damages in</p> <p>6 Mr. Edwards' clients' cases, not in this</p> <p>7 case.</p> <p>8 THE COURT: My concerns are, again,</p> <p>9 that we are going too far afield. And</p> <p>10 again, my best efforts are to try to keep</p> <p>11 this as a level playing field when it comes</p> <p>12 to focusing on the claims that are made in</p> <p>13 this particular case, that being the</p> <p>14 malicious prosecution case.</p> <p>15 And while I know and I have already</p> <p>16 indicated -- and I believe Epstein's counsel</p> <p>17 has conceded -- that it cannot be sanitized,</p> <p>18 and will not be sanitized, because it goes</p> <p>19 to many of the issues that are involved</p> <p>20 here -- and by way of Mr. Edwards'</p> <p>21 recitations, through Mr. Scarola, the</p> <p>22 motives that Mr. Epstein may have had to</p> <p>23 file the action at bar.</p> <p>24 But at the same time I am going to rule</p> <p>25 in the same way as I did as to number seven,</p>	<p style="text-align: right;">180</p> <p>1 this juncture would, in my view, be</p> <p>2 collateral to the allegations made by</p> <p>3 Epstein in his claim.</p> <p>4 And there's no contention here that</p> <p>5 Mr. Edwards, for whatever reason, went on</p> <p>6 some type of organized witch hunt so as to</p> <p>7 persecute or threaten Mr. Epstein with proof</p> <p>8 of other cases, proof of other alleged</p> <p>9 molestations, documents that are at issue or</p> <p>10 anything of that nature.</p> <p>11 MR. SCAROLA: That's exactly what was</p> <p>12 alleged, sir. It was alleged that Bradley</p> <p>13 Edwards was pursuing discovery with regard</p> <p>14 to molestations of other children that took</p> <p>15 place on an airline when none of Brad</p> <p>16 Edwards' clients were ever molested on the</p> <p>17 airplane, that he had no reasonable basis</p> <p>18 for doing that.</p> <p>19 THE COURT: Now, it seems to me we're</p> <p>20 engaging in a negative, proving up a</p> <p>21 negative.</p> <p>22 MR. SCAROLA: You lost me.</p> <p>23 THE COURT: You understand what I'm</p> <p>24 trying to say?</p> <p>25 MR. SCAROLA: No.</p>

<p style="text-align: right;">181</p> <p>1 THE COURT: If none of Mr. Edwards'</p> <p>2 clients were molested on an airplane, then</p> <p>3 it seems to me to be conceding my point, and</p> <p>4 that is, then there's no reason for these</p> <p>5 other issues to be introduced, because</p> <p>6 there's nobody that Mr. Edwards represented</p> <p>7 that was molested on an airplane.</p> <p>8 MR. SCAROLA: That's exactly my point,</p> <p>9 sir. That's the defense argument.</p> <p>10 THE COURT: Show me where that's --</p> <p>11 MR. SCAROLA: That's the defense</p> <p>12 argument that this was irrelevant discovery.</p> <p>13 THE COURT: Show me where that's in the</p> <p>14 complaint about the other alleged victims.</p> <p>15 MR. SCAROLA: We'll have that for you</p> <p>16 in just a moment, Your Honor.</p> <p>17 THE COURT: Let me take a look at that</p> <p>18 and see how it may or may not be conjecture.</p> <p>19 MR. SCAROLA: While we are finding</p> <p>20 that -- we will have that for you in just a</p> <p>21 moment -- Your Honor may recall that I</p> <p>22 referenced earlier -- and I have,</p> <p>23 unfortunately, misplaced the copy of the</p> <p>24 federal statute. I should have it -- I</p> <p>25 should have it in just a moment.</p>	<p style="text-align: right;">183</p> <p>1 Paragraph 35 states, quote, For instance,</p> <p>2 the litigation team relentlessly and</p> <p>3 knowingly pursued flight data and passenger</p> <p>4 manifests regarding flights Epstein took</p> <p>5 with these famous individuals knowing full</p> <p>6 well that no underaged women were on board</p> <p>7 and no illicit activities took place.</p> <p>8 Rothstein and the litigation team also</p> <p>9 inappropriately attempted to take the</p> <p>10 depositions of these celebrities in a</p> <p>11 calculated effort to bolster the marketing</p> <p>12 scam that was taking place, end quote.</p> <p>13 Next paragraph?</p> <p>14 MR. SCAROLA: Next paragraph.</p> <p>15 THE COURT: Quote, One of the</p> <p>16 plaintiffs' counsel -- strike that.</p> <p>17 One of plaintiff's counsel, Edwards,</p> <p>18 deposed three of Epstein's pilots and sought</p> <p>19 the deposition of a fourth pilot currently</p> <p>20 serving in Iraq.</p> <p>21 The pilots were deposed by Edwards for</p> <p>22 over 12 hours, and Edwards never asked one</p> <p>23 question relating to or about L.M., E.W. and</p> <p>24 Jane Doe, RRA's clients, as it related to</p> <p>25 transportation on flights of RRA clients on</p>
<p style="text-align: right;">182</p> <p>1 THE COURT: I mean, I'm looking at</p> <p>2 paragraphs 17 and 18, for example, where</p> <p>3 Mr. Epstein alleges, while relative to this</p> <p>4 action, Epstein is currently named as</p> <p>5 defendant in three civil actions alleging</p> <p>6 sexual assault and battery that were handled</p> <p>7 by RRA and his attorneys, including Edwards,</p> <p>8 prior to its implosion -- presuming he means</p> <p>9 RRA's and not Mr. Edwards' implosion -- one</p> <p>10 of which was filed in federal court -- and</p> <p>11 the two in state court that I have already</p> <p>12 identified. The civil actions were filed in</p> <p>13 August and September of 2008.</p> <p>14 Paragraph 18 then says, quote, What is</p> <p>15 clear is a fraudulent and improper</p> <p>16 investment of a Ponzi scheme was, in fact,</p> <p>17 conducted and operated by RRA and certain of</p> <p>18 the named defendants, which scheme directly</p> <p>19 impacted Epstein as a named defendant in</p> <p>20 these civil actions -- referencing the three</p> <p>21 at issue.</p> <p>22 MS. ROCKENBACH: Correct.</p> <p>23 THE COURT: Where is --</p> <p>24 MR. SCAROLA: Paragraphs 35 and 36.</p> <p>25 THE COURT: Let's take a look at those.</p>	<p style="text-align: right;">184</p> <p>1 any of Epstein's planes.</p> <p>2 But Edwards asked many inflammatory,</p> <p>3 leading and irrelevant questions about the</p> <p>4 pilots' thoughts and beliefs, which will</p> <p>5 never be admissible at trial, which could</p> <p>6 only have been asked for the purpose of</p> <p>7 pumping the cases, and thus by using the</p> <p>8 deposition to sell the cases or a part of</p> <p>9 them to third parties. End quote.</p> <p>10 Anything else?</p> <p>11 MR. SCAROLA: Those are two obvious</p> <p>12 references in the complaint to conduct on</p> <p>13 the part of Brad Edwards alleged to have</p> <p>14 been improper and forming part of the basis</p> <p>15 for abuse of process claims.</p> <p>16 THE COURT: The Court's ruling remains</p> <p>17 the same.</p> <p>18 MR. SCAROLA: I never like to argue</p> <p>19 after the Court has already ruled, but there</p> <p>20 is one additional point that I want to make.</p> <p>21 THE COURT: Sure.</p> <p>22 MR. SCAROLA: Your Honor, I have cited</p> <p>23 in -- we have cited in submissions to the</p> <p>24 Court, specifically the motion in limine</p> <p>25 addressing the scope of admissible evidence</p>

<p style="text-align: right;">185</p> <p>1 that we have filed. We have cited the</p> <p>2 provisions of Florida statute 90.404,</p> <p>3 subsection two, commonly known as the</p> <p>4 Williams Rule statute, which talks about</p> <p>5 evidence of other crimes.</p> <p>6 We have also cited the Federal Rules of</p> <p>7 Evidence, rule 415. And that rule expressly</p> <p>8 permits the introduction in evidence of the</p> <p>9 molestation of other children in any federal</p> <p>10 action, criminal or civil, involving the</p> <p>11 molestation of a child.</p> <p>12 Congress explained -- and quote, That</p> <p>13 in the submission to the Court -- the reform</p> <p>14 effected by these rules is critical to the</p> <p>15 protection of the public from rapists and</p> <p>16 child molesters. It's justified by the</p> <p>17 distinctive characteristics of the cases to</p> <p>18 which it applies.</p> <p>19 In child molestation cases, a history</p> <p>20 of similar acts tends to be exceptionally</p> <p>21 probative, because it shows an unusual</p> <p>22 disposition of a defendant, a sexual or</p> <p>23 pseudosexual interest in children that</p> <p>24 simply does not exist in ordinary people.</p> <p>25 Moreover, such cases require reliance</p>	<p style="text-align: right;">187</p> <p>1 materially outweighed by the prejudice.</p> <p>2 The Court's decision remains the same.</p> <p>3 I think it's bolstered by the fact that we</p> <p>4 are not trying the child molestation case.</p> <p>5 And the significance of the collateral cases</p> <p>6 is not, in my respectful view, necessarily a</p> <p>7 touchstone of this particular case and this</p> <p>8 particular analysis.</p> <p>9 We are going to have to call it a day.</p> <p>10 I thank you very much, again, for your</p> <p>11 arguments and your input, written and oral.</p> <p>12 Thank you, again.</p> <p>13 Again, thanks to our court reporter and</p> <p>14 our courtroom personnel also for their hard</p> <p>15 work and courtesies.</p> <p>16 Have a good rest of the week. We will</p> <p>17 see you back, if not before, on</p> <p>18 December 5th.</p> <p>19 MR. LINK: Thank you for your time.</p> <p>20 THE COURT: We will take up the</p> <p>21 remaining issues of evidence first, and then</p> <p>22 we will go back to the schedule, which I</p> <p>23 very much appreciate you all providing. We</p> <p>24 will adhere to that schedule as we continue</p> <p>25 on with the motions.</p>
<p style="text-align: right;">186</p> <p>1 on child victims, whose credibility can</p> <p>2 readily be intact in the absence of</p> <p>3 substantial corroboration.</p> <p>4 In such cases, there is a compelling</p> <p>5 public interest in admitting all significant</p> <p>6 evidence that will shed some light on the</p> <p>7 credibility of the charge -- excuse me -- of</p> <p>8 the charge and any denial by the defense.</p> <p>9 So --</p> <p>10 THE COURT: And Mr. Scarola, if we were</p> <p>11 trying a sexual molestation case, there may</p> <p>12 be a stronger argument. But the very point</p> <p>13 that I'm making is that we're not trying a</p> <p>14 sexual molestation case, per.</p> <p>15 Now, there may be elements and issues</p> <p>16 that may arise, depending upon the nature of</p> <p>17 Mr. Epstein's position relative to these</p> <p>18 matters. However, it does not change the</p> <p>19 Court's view that these messages taken from</p> <p>20 a message pad at Epstein's home relate to</p> <p>21 others and that the documents related to</p> <p>22 Epstein produced by his houseman,</p> <p>23 Mr. Rodriguez, that relate to others,</p> <p>24 remains irrelevant. And any probative</p> <p>25 value, if found to be relevant, would be</p>	<p style="text-align: right;">188</p> <p>1 We will be in recess.</p> <p>2 - - -</p> <p>3 (The above proceedings were</p> <p>4 concluded at 3:55 p.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>



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

Case No. 502009CA040800XXXXMB

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

vs.

SCOTT ROTHSTEIN, individually,  
BRADLEY EDWARDS, individually,

Defendants/Counter-Plaintiff.

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VOLUME I

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

<p style="text-align: right;">61</p> <p>1 Court is thinking from that standpoint,  2 perhaps ruling at this point, with the  3 caveat that, consistent with motions in  4 limine and the recognition by the appellate  5 courts -- much to my delight -- that there  6 are often situations where situations will  7 change and context is introduced to cause  8 the Court to, perhaps, vary its decision in  9 some regard. But that is afforded to me  10 once trial is underway.</p> <p>11 MR. LINK: Your Honor, before we start,  12 can I take you up on your three-minute break  13 opportunity, please?</p> <p>14 THE COURT: Sure. Not a problem. Take  15 a few minutes. Come on back in about five  16 minutes, please.</p> <p>17 (A recess was had 11:16 a.m. - 11:24 a.m.)</p> <p>18 MR. SCAROLA: May I make a procedural  19 inquiry, Your Honor?</p> <p>20 THE COURT: Yes.</p> <p>21 MR. SCAROLA: I assume that we are  22 starting on page 23 of Jeffrey Epstein's  23 revised omnibus motion in limine. Is that  24 correct?</p> <p>25 THE COURT: That's what I am</p>	<p style="text-align: right;">63</p> <p>1 we were reviewing.</p> <p>2 THE COURT: I actually have it.</p> <p>3 Thanks.</p> <p>4 MS. ROCKENBACH: You do. Okay.</p> <p>5 Our objections were filed November 15.</p> <p>6 That's obviously a separate document.</p> <p>7 THE COURT: That, I will take.</p> <p>8 MR. LINK: Your Honor, they are listed  9 in the motion starting on page three.</p> <p>10 THE COURT: I thought those were just  11 exemplars.</p> <p>12 MR. LINK: In the omnibus motion in  13 limine, it actually lists, I think, every  14 single one of the exhibits. They are  15 identified in here. So they are in two  16 places.</p> <p>17 THE COURT: Page three of the revised  18 omnibus motion in limine?</p> <p>19 MS. ROCKENBACH: Your Honor, it's the  20 original omnibus --</p> <p>21 THE COURT: Is that part of the --</p> <p>22 MR. SCAROLA: If we are working with  23 the witness list -- I mean with the exhibit  24 list, we will just work with the exhibit  25 list.</p>
<p style="text-align: right;">62</p> <p>1 understanding.</p> <p>2 Ms. Rockenbach?</p> <p>3 MR. SCAROLA: That's where we left off.</p> <p>4 MS. ROCKENBACH: Yes. The exhibit  5 section, which should be letter B.</p> <p>6 MR. SCAROLA: Well, the specific  7 exhibits that you are objecting to are  8 identified in this motion, correct?</p> <p>9 MS. ROCKENBACH: Actually, we  10 stopped -- we left off at Mr. Edwards'  11 exhibit list and we are on number nine.</p> <p>12 The revised omnibus motion in limine  13 identified examples of the objections that  14 we had. And we have listed and filed our  15 objections to the exhibit list.</p> <p>16 THE COURT: Where is the list of  17 exhibits?</p> <p>18 MR. SCAROLA: If you have an extra  19 copy, I need one also, please. I gave mine  20 to Sonja at the end of the last hearing.  21 And I was assuming we were going to be  22 basing this discussion on the motion.</p> <p>23 MS. ROCKENBACH: Your Honor, may I  24 approach? I have a copy for Mr. Scarola.  25 It is Mr. Edward's amended exhibit list that</p>	<p style="text-align: right;">64</p> <p>1 THE COURT: Let's do that.</p> <p>2 MR. LINK: That works for us, Your  3 Honor.</p> <p>4 THE COURT: Thanks.</p> <p>5 MR. SCAROLA: So I assume we are going  6 to take these one at a time?</p> <p>7 THE COURT: Yeah.</p> <p>8 MS. ROCKENBACH: Your Honor, the next  9 one that we were on was number nine,  10 Mr. Epstein's flight logs -- if I may  11 approach, I would like to give Your Honor  12 what was provided to my office from  13 Mr. Scarola. And it is a sampling, because  14 I think there were over 200 pages for this  15 particular exhibit.</p> <p>16 We've objected on the basis of  17 relevance, of 90.403, judicial value. And  18 these are flight logs of my client's planes.  19 They have no relevance to what is being  20 tried in this case, which is malicious  21 prosecution.</p> <p>22 Mr. Edwards testified that he knew that  23 his clients were not on my client's plane,  24 so the flight logs are completely  25 irrelevant.</p>

<p style="text-align: right;">65</p> <p>1 THE COURT: Okay, Mr. Scarola.</p> <p>2 MR. SCAROLA: Yes. Your Honor, one of</p> <p>3 the alleged bases for Jeffrey Epstein having</p> <p>4 concluded that Bradley Edwards was a knowing</p> <p>5 participant in the Rothstein Ponzi scheme is</p> <p>6 that the scope of the discovery that Bradley</p> <p>7 Edwards was seeking once he became a member</p> <p>8 of the Rothstein, Rosenfeldt, Adler firm</p> <p>9 expanded to include matters that he was not</p> <p>10 previously focusing on and which had no</p> <p>11 reasonable basis to lead to the discovery of</p> <p>12 admissible evidence.</p> <p>13 So he alleged that the abusive</p> <p>14 discovery that Bradley Edwards engaged in</p> <p>15 gave him reason to believe that he was only</p> <p>16 doing these things because he was knowingly</p> <p>17 supporting the Ponzi scheme.</p> <p>18 So Bradley Edwards obviously has an</p> <p>19 opportunity to explain what he did and why</p> <p>20 he did it. Yes, I was seeking discovery</p> <p>21 with regard to the airplane flight logs and</p> <p>22 who was on the airplane. And the reason why</p> <p>23 I did that was because, even though my own</p> <p>24 clients were not transported on the plane, I</p> <p>25 know that other young women were transported</p>	<p style="text-align: right;">67</p> <p>1 is information than rebuts the assertion by</p> <p>2 Jeffrey Epstein that this was an abusive</p> <p>3 discovery effort that supported my</p> <p>4 conclusion that Bradley Edwards was a</p> <p>5 knowing participant in the Ponzi scheme.</p> <p>6 That's what he alleges. In fact,</p> <p>7 portions of the deposition of Bradley</p> <p>8 Edwards have already been identified by the</p> <p>9 defense as they're intending to introduce</p> <p>10 this in evidence before the jury.</p> <p>11 I have some of those excerpts, if you</p> <p>12 Your Honor needs to take a look at them.</p> <p>13 They are offering that evidence with regard to</p> <p>14 these matters as part of their support for</p> <p>15 the lack of Bradley Edwards' probable cause</p> <p>16 to conduct this discovery, the assertion</p> <p>17 that this was an abuse of discovery process.</p> <p>18 Now, that's what they alleged in their</p> <p>19 complaint. Those specific allegations are</p> <p>20 included in the complaint. Those are false</p> <p>21 allegations.</p> <p>22 THE COURT: Show me those allegations</p> <p>23 that you are suggesting.</p> <p>24 MR. SCAROLA: From the complaint, Your</p> <p>25 Honor, or from the deposition testimony?</p>
<p style="text-align: right;">66</p> <p>1 on the plane for purposes of prostitution</p> <p>2 and sexual abuse. And I can prove that</p> <p>3 through the flight logs that list the other</p> <p>4 occupants on the airplane, including</p> <p>5 children who were being transported by</p> <p>6 Jeffrey Epstein.</p> <p>7 Part of what makes this is a viable</p> <p>8 federal claim is the intrastate and</p> <p>9 international transportation of children for</p> <p>10 purposes of prostitution.</p> <p>11 The federal law, specifically Federal</p> <p>12 Rule 41.5 -- excuse me 415.5(g) -- and I</p> <p>13 referenced this in an earlier argument to</p> <p>14 the Court -- expressly allows the</p> <p>15 introduction into evidence in any case</p> <p>16 involving a sexual offense against a child,</p> <p>17 the commission of any other sexual offense</p> <p>18 against a child.</p> <p>19 So, I was seeking evidence to prove a</p> <p>20 pattern of abuse of children including their</p> <p>21 transportation for purposes of prostitution.</p> <p>22 And I was doing that through flight logs</p> <p>23 that identified these children, flight logs</p> <p>24 that identified other witnesses, taking the</p> <p>25 depositions of pilots. And so all of this</p>	<p style="text-align: right;">68</p> <p>1 THE COURT: Either way, or both.</p> <p>2 MR. SCAROLA: Let me do both, then.</p> <p>3 THE COURT: Thanks.</p> <p>4 MR. SCAROLA: It's a little bit</p> <p>5 difficult for Your Honor to see on these</p> <p>6 copies what the defense has designated, but</p> <p>7 on page 153 it starts at line two and</p> <p>8 continues through -- it looks like the</p> <p>9 bottom of that page. And then on 276, 277,</p> <p>10 278 and 279, it's most of all of those</p> <p>11 pages.</p> <p>12 Then in the complaint, the allegation</p> <p>13 in paragraph 35 -- and I will pause, if Your</p> <p>14 Honor would like me to do that, while you</p> <p>15 are reading that.</p> <p>16 THE COURT: If you will, take a moment</p> <p>17 please. Thanks.</p> <p>18 I don't see much as far as what is set</p> <p>19 forth in the latter pages of the deposition</p> <p>20 of Mr. Edwards that even mentions the plane</p> <p>21 or its connection with the alleged underaged</p> <p>22 individuals on that plane.</p> <p>23 Let me look at the complaint.</p> <p>24 Paragraph?</p> <p>25 MR. SCAROLA: Thirty-three, 34, 35, 36.</p>

<p style="text-align: right;">69</p> <p>1 THE COURT: Okay. This is directed to</p> <p>2 primarily to Mr. Rothstein. It says "and</p> <p>3 others." But it says, quote -- paragraph</p> <p>4 34 -- Upon information and belief, Rothstein</p> <p>5 and others claimed their investigators</p> <p>6 discovered that there were high-profile</p> <p>7 individuals onboard Epstein's private jet</p> <p>8 where sexual assaults took place and showed</p> <p>9 D3 -- and possibly others -- copies of a</p> <p>10 flight log purportedly containing names of</p> <p>11 celebrities, dignitaries and international</p> <p>12 figures.</p> <p>13 Remind me who is D3?</p> <p>14 MS. ROCKENBACH: One of the investing</p> <p>15 companies that was being defrauded by</p> <p>16 Rothstein.</p> <p>17 THE COURT: Okay. I have read those</p> <p>18 other ones. Are there any other --</p> <p>19 MR. SCAROLA: Paragraph 35, Your Honor,</p> <p>20 then specifically references the litigation</p> <p>21 team. As you recall, the litigation team is</p> <p>22 defined as including Bradley Edwards.</p> <p>23 THE COURT: Thirty-five. For instance,</p> <p>24 the litigation team relentlessly and</p> <p>25 knowingly pursued flight data and passenger</p>	<p style="text-align: right;">71</p> <p>1 leading irrelevant questions about the</p> <p>2 pilots' thoughts and beliefs, which could</p> <p>3 only have been asked for the purposes of</p> <p>4 pumping -- that word is used in quotes --</p> <p>5 the cases and thus by using the depositions</p> <p>6 to sell the cases -- or a part of them -- to</p> <p>7 third parties, end quote.</p> <p>8 42(k). Told investigators, as reported</p> <p>9 in an Associated Press article, that</p> <p>10 celebrities and other famous people had</p> <p>11 flown on Epstein's plane when assaults took</p> <p>12 place. Therefore, even though none of RRA's</p> <p>13 clients claim they flew on Epstein's planes,</p> <p>14 the litigation team sought pilot and flight</p> <p>15 logs. Why? Again, to prime the investment</p> <p>16 pump, enquote, with new money without any</p> <p>17 relevance to the existing claims made by RRA</p> <p>18 the clients, end quote.</p> <p>19 MR. SCAROLA: Our position, obviously,</p> <p>20 is, Your Honor, that having made those</p> <p>21 specific allegations in the complaint,</p> <p>22 specifically allegations that no assaults</p> <p>23 took place on the plane, Mr. Epstein knew</p> <p>24 that that was untrue. He knew that children</p> <p>25 were being assaulted on the plane. He knew</p>
<p style="text-align: right;">70</p> <p>1 manifests regarding flights Epstein took</p> <p>2 with famous individuals knowing full well</p> <p>3 that no underage women were onboard and no</p> <p>4 illicit activities took place. Rothstein</p> <p>5 and the litigation team also inappropriately</p> <p>6 attempted to take the depositions of these</p> <p>7 celebrities in a calculated effort to</p> <p>8 bolster the marketing scam that was taking</p> <p>9 place. End quote.</p> <p>10 There's a 40-something that was</p> <p>11 mentioned.</p> <p>12 MR. SCAROLA: I don't know if Your</p> <p>13 Honor took a look at 36, but that's a</p> <p>14 specific reference to Mr. Edwards and his</p> <p>15 conduct of the discovery, and then 42(k).</p> <p>16 THE COURT: Thirty-six. One of</p> <p>17 Plaintiffs' counsel, Edwards, deposed three</p> <p>18 of Epstein's pilots, and sought the</p> <p>19 deposition of a fourth pilot. The pilots</p> <p>20 were deposed by Edwards for over 12 hours,</p> <p>21 and Edwards never asked one question</p> <p>22 relating to or about E.W., L.M. and Jane Doe</p> <p>23 as it related to transportation on flights</p> <p>24 of RRA clients on any of Epstein's planes.</p> <p>25 But Edwards asked many inflammatory and</p>	<p style="text-align: right;">72</p> <p>1 that there were high-profile individuals who</p> <p>2 were present on the plane. And Bradley</p> <p>3 Edwards had a reasonable basis to conduct</p> <p>4 this discovery pursuant to applicable</p> <p>5 Florida law and applicable federal law as</p> <p>6 well as, because it was reasonably</p> <p>7 calculated to lead to the discovery of</p> <p>8 admissible evidence.</p> <p>9 So the flight logs are clearly relevant</p> <p>10 and material for that purpose, as is all of</p> <p>11 the evidence with regard to what Mr. Epstein</p> <p>12 knew was occurring on those airplanes. And</p> <p>13 that directly contradicts what is included</p> <p>14 in this complaint as a basis for his belief</p> <p>15 that Bradley Edwards was fabricating these</p> <p>16 claims.</p> <p>17 THE COURT: Thanks, Mr. Scarola.</p> <p>18 MS. ROCKENBACH: Your Honor, may I use</p> <p>19 the Elmo for a minute?</p> <p>20 THE COURT: Sure.</p> <p>21 MS. ROCKENBACH: I really appreciated</p> <p>22 Mr. Link's presentation this morning based</p> <p>23 on the law, because after the November 29th</p> <p>24 hearing, I went back and I spent a good part</p> <p>25 of the weekend looking at malicious</p>

1 prosecution cases, because I thought I must  
2 have missed something. I must have missed  
3 something, because all I hear Mr. Scarola in  
4 court saying is he's going to prove that the  
5 allegations in the original proceeding that  
6 my client filed are false. And I never knew  
7 that to be a malicious prosecution action.

8 But my research yielded what Mr. Link  
9 indicated this morning, which is, the  
10 Debrincat case is the blueprint for this  
11 trial. The Debrincat case actually has the  
12 most guiding principle in it for this Court,  
13 which is going to, I think superimposes the  
14 entire exhibit list of Mr. Scarola's as it  
15 relates to a lot of these exhibits that go  
16 to one of the other lawsuits, whether it's  
17 Mr. Edwards' lawsuits on behalf of the three  
18 women who sued Mr. Epstein and was settled  
19 in 2010 -- that case is over -- or the  
20 exhibits go to one of the other lawsuits.

21 The statement in Debrincat that's so  
22 important is that Your Honor, Mr. Scarola  
23 and I, parties and witnesses, should be  
24 absolutely excepted from liability to an  
25 action for defamatory words published in the

1 course of judicial proceedings.

2 So when Mr. Scarola pulls out my  
3 complaint, my client's original proceeding  
4 and wants to parse through independent  
5 allegations or paragraphs and say, I'm going  
6 to prove that that statement is false and  
7 you should never pled it, that's not what  
8 the malicious prosecution law says. That's  
9 not what we are here to do.

10 We here for Your Honor to decide as a  
11 threshold matter, whether the facts that my  
12 client reasonably relied on existed at the  
13 time he commenced the original proceeding.

14 And, in fact, that's the Liabos case  
15 that Your Honor discussed with us back on  
16 November 29th, where there's a mixed  
17 question of fact of law, Your Honor has to  
18 do that threshold determination of if  
19 there's any question or dispute of those  
20 facts that my client relied on were not in  
21 existence. If the facts existed, then you  
22 have to determine, as the Court, whether my  
23 client had sufficient probable cause.

24 So what are the facts that my client  
25 relied on? They are not the flight logs.

1 He's not relying on those flight logs.  
2 That's a complete red herring for the Court.

3 I see why it's a focus, though, because  
4 Mr. Scarola wants to try other cases. This  
5 is not a sexual abuse case. It is not a  
6 federal court action, a Crime Victims'  
7 Rights action. It's not even a defamation  
8 case, which Your Honor clearly stated this  
9 morning when denying the affirmative  
10 defenses related to defamation.

11 So to allow flight logs into this  
12 malicious prosecution case is completely  
13 irrelevant to the issue of whether the facts  
14 that my client relied on when he filed the  
15 original proceeding were in existence at the  
16 time that he filed it.

17 The facts are that there was a civil  
18 action forfeiture proceeding against  
19 Rothstein filed with the U.S. Attorney's  
20 Office; that the Rothstein's firm was  
21 dissolving; that Mr. Edwards held himself  
22 out as a partner in that firm; that  
23 Mr. Edwards had the three lawsuits, which --  
24 he even concedes in his most recent  
25 deposition -- were used by Mr. Rothstein to

1 fabricate -- and that's the word that  
2 Mr. Edwards testified to under oath -- to  
3 fabricate -- and create a fantasy. That was  
4 another word Mr. Edwards used.

5 Those facts, did they exist? It sounds  
6 like we're in agreement. Those facts  
7 existed.

8 The Razorback lawsuit, brought by  
9 Mr. Bill Scherer, down in Fort Lauderdale,  
10 who was quoted in a newspaper article, my  
11 client read and relied on that said  
12 Mr. Rothstein was tricking investors. He  
13 used Epstein's cases as a showpiece and  
14 bait. Which Epstein cases? The one that  
15 Edwards had.

16 So the flight logs are irrelevant.  
17 They are far astray from what we are here to  
18 try. And they are an attempt to open up  
19 some other lawsuit, sexual --

20 By the way, the three clients of  
21 Mr. Edwards, Mr. Edwards concedes, were  
22 not -- you never heard Mr. Scarola deny  
23 that -- because Mr. Edwards conceded, they  
24 are not on my client's planes.

25 So this, like many of the other

<p style="text-align: right;">77</p> <p>1 exhibits, Your Honor, must be precluded,  2 because they are wholly irrelevant. And if  3 there was any remote probative value, they  4 are prejudicial to talk about flight logs  5 and celebrities who may have been on my  6 client's planes.</p> <p>7 THE COURT: I think that the issue  8 itself -- meaning the tangential allegations  9 that were made that mentioned flight logs or  10 mentioned the good faith discovery aspects  11 of Mr. Edwards' plight relating to his three  12 clients -- has some relevancy.</p> <p>13 However, the flight logs themselves  14 would be subject to -- and the Court is  15 sustaining at this juncture the relevancy  16 objection, and also a 403 objection, and  17 that is, that while mentioning the fact that  18 Mr. Edwards in good faith -- whatever the  19 case may have been -- sought these flight  20 logs as part of his discovery process  21 representing the three young women, at the  22 same time the Court has expressly indicated  23 its significant reservations. And in fact,  24 it's condemnation of trying either those  25 cases in this courtroom -- as far as the</p>	<p style="text-align: right;">79</p> <p>1 about children being transported on the  2 airplane?</p> <p>3 THE COURT: The latter is the one that  4 will have to be discussed further, again, as  5 I pointed out earlier, when the context  6 comes up and it's introduced or attempted to  7 be introduced outside the presence of the  8 jury.</p> <p>9 To the, what I perceive to be three  10 questions, the two former questions, the  11 answer would be yes.</p> <p>12 MR. SCAROLA: Will the Court take  13 judicial notice of Florida Statute 90.404  14 (2), which is commonly referred to as the  15 Williams Rule, and Federal Rule 415(g),  16 which expressly permits the introduction of  17 evidence with regard to other sexual  18 assaults against children, so that the jury  19 is aware of the fact that Mr. Edwards, not  20 only had a good faith basis to conduct this  21 discovery, but quite arguably would have  22 been grossly negligent to have failed to  23 pursue it?</p> <p>24 THE COURT: The only thing I would say  25 to that, Mr. Scarola, is I don't want to mix</p>
<p style="text-align: right;">78</p> <p>1 malicious prosecution case is concerned --  2 or more importantly, that we are going to  3 potentially constructively try other either  4 underaged or over the age of consent --  5 albeit potential sexual assault claims -- in  6 this forum.</p> <p>7 So again, while it may become relevant  8 as to why Mr. Edwards went about his  9 business in seeking out those flight logs in  10 a matter of good faith discovery, the flight  11 logs themselves, in this Court's respectful  12 view based upon its ruling, are irrelevant.  13 And if there's any probative value at all,  14 they would be materially outweighed by the  15 prejudice of 403.</p> <p>16 MR. SCAROLA: May I raise a question,  17 Your Honor?</p> <p>18 THE COURT: Briefly.</p> <p>19 MR. SCAROLA: Thank you.</p> <p>20 Do I understand the Court's ruling to  21 be that Mr. Edwards is going to be able to  22 explain why he was seeking the discovery he  23 was seeking, why he was seeking the flight  24 logs, the fact that he did obtain flight  25 logs that confirmed independent information</p>	<p style="text-align: right;">80</p> <p>1 apples and oranges. And that is, I don't  2 want to place the Court's incriminator on  3 getting too far afield and turning this into  4 a case about alleged sexual exploitation,  5 particularly of others, outside of  6 Mr. Edwards' representation. That would  7 serve only to inflame the jury, and, again,  8 would cause the playing field to become  9 unlevelled, because the defense to the  10 malicious prosecution claim, i.e., Epstein  11 and his attorneys, would have to be fighting  12 claims that they may not even know about  13 much, much less the ones that they do.</p> <p>14 So again, I want to center on those  15 three claims that were brought by  16 Mr. Edwards on behalf of his clients, and  17 center on those aspects that would be  18 relevant to the malicious prosecution claim  19 and the alleged ginning up of those claims,  20 the alleged attempt to align himself with  21 Rothstein, the alleged attempt to factor  22 these cases, potentially Mr. Edwards'  23 conduct as it related to those factoring  24 matters.</p> <p>25 MR. SCAROLA: I am -- I am sorry. I</p>

<p style="text-align: right;">81</p> <p>1 didn't mean to interrupt.</p> <p>2 THE COURT: What I'm trying to say is</p> <p>3 things like flight logs, the danger of</p> <p>4 unfair prejudice. And also, in -- to answer</p> <p>5 your question regarding the cases that talk</p> <p>6 about the prior similar acts or perhaps even</p> <p>7 subsequent similar acts, those cases are</p> <p>8 from the forum of which the actual criminal</p> <p>9 claim, or perhaps even a civil claim that</p> <p>10 stems from the alleged assault, is being</p> <p>11 heard.</p> <p>12 Again, what I'm trying to emphasize is</p> <p>13 that I do not want to introduce tangential</p> <p>14 matters into this case which would either</p> <p>15 directly or indirectly, whether purposefully</p> <p>16 or not, inflame this jury.</p> <p>17 So that is the ruling of the Court.</p> <p>18 I want to move forward now on to the</p> <p>19 next issue that's being objected to, that is</p> <p>20 what is generically listed as Jeffrey</p> <p>21 Epstein's phone records.</p> <p>22 MS. ROCKENBACH: May I approach, Your</p> <p>23 Honor? And I can swap with the court</p> <p>24 Exhibits 10 and 9, the phone records that</p> <p>25 were produced to my office by Mr. Scarola.</p>	<p style="text-align: right;">83</p> <p>1 clear, and that is, that the relationship</p> <p>2 between the legitimacy of the three</p> <p>3 claims -- L.M., E.W. and Jane Doe -- are</p> <p>4 going to be permitted in a manner that</p> <p>5 befits the dignity of the courtroom, without</p> <p>6 pejorative commentary as to Mr. Epstein,</p> <p>7 nor, obviously, as to the three plaintiffs</p> <p>8 at issue.</p> <p>9 And as conceded by Epstein in his</p> <p>10 papers, once Mr. Mr. Link and Ms. Rockenbach</p> <p>11 became involved to the matter, and that is,</p> <p>12 there's no conceivable way that those issues</p> <p>13 can be ignored, because of the nature of</p> <p>14 Mr. Epstein's announced defense as well as</p> <p>15 his deposition testimony to the extent that</p> <p>16 he testified. And that is, that these three</p> <p>17 cases were a part of some type of an</p> <p>18 elaborate scheme by Rothstein and others,</p> <p>19 including the litigation team -- which is</p> <p>20 defined as including Edwards -- to somehow</p> <p>21 inflate, gin up, overexaggerate, whatever</p> <p>22 the case may be, the value of those cases to</p> <p>23 these investors, whatever damage was caused</p> <p>24 to Epstein as a result thereof.</p> <p>25 So that's the clear unadulterated</p>
<p style="text-align: right;">82</p> <p>1 Your Honor, the objection is identical</p> <p>2 to the last in that they are not relevant.</p> <p>3 My client's phone records, if there was any</p> <p>4 remote relevance as to who my client may</p> <p>5 have called on any given day, I don't think</p> <p>6 that's going to be -- I think it's</p> <p>7 prejudicial. I think there's a danger of</p> <p>8 prejudicing this jury.</p> <p>9 I am not quite sure what relevance</p> <p>10 Mr. Scarola thinks that phone records have</p> <p>11 to the malicious prosecution action, unless</p> <p>12 they think we may hear that there is going</p> <p>13 to be some attempt to prove the falsity of</p> <p>14 some individual allegation in the original</p> <p>15 proceeding, which is not what we should be</p> <p>16 doing here in this action.</p> <p>17 THE COURT: Thank you.</p> <p>18 MR. SCAROLA: I am -- I continue to be</p> <p>19 extremely puzzled by that statement, that we</p> <p>20 are not here to prove the falsity of claims</p> <p>21 in the original complaint.</p> <p>22 I would like some guidance from the</p> <p>23 Court.</p> <p>24 THE COURT: No need to be puzzled. I</p> <p>25 think I've already made myself abundantly</p>	<p style="text-align: right;">84</p> <p>1 ruling of the Court as to that issue.</p> <p>2 MR. SCAROLA: And I understand that,</p> <p>3 sir. My question to you is, if there is a</p> <p>4 specific allegation in the complaint --</p> <p>5 THE COURT: That was brought by</p> <p>6 Mr. Epstein.</p> <p>7 MR. SCAROLA: -- that was brought by</p> <p>8 Mr. Epstein against Mr. Edwards, does Your</p> <p>9 Honor's ruling contemplate that we get to</p> <p>10 prove that allegation is false? Without</p> <p>11 getting into what exhibit we are going to</p> <p>12 use to prove it's false, is there any issue</p> <p>13 about the fact that if he alleged it in the</p> <p>14 complaint and it's false, we get to prove</p> <p>15 it's false?</p> <p>16 THE COURT: There's no issue as far as</p> <p>17 I am concerned.</p> <p>18 MR. SCAROLA: Thank you, sir. I think</p> <p>19 that helps a great deal, because I have been</p> <p>20 hearing something entirely different</p> <p>21 repeatedly from the other side. I didn't</p> <p>22 understand how they can possibly be making</p> <p>23 that argument that we weren't permitted to</p> <p>24 prove the falsity of every false allegation</p> <p>25 in the complaint.</p>

1 the three-filed cases were weak. Let's just  
2 look at that statement.

3 They have the burden of proof and they  
4 come forward -- and I guess Mr. Edwards gets  
5 on the stand and he says, Jury, these cases  
6 were strong. They paid \$5.2 million --

7 MR. SCAROLA: \$5.5 million.

8 MR. LINK: -- \$5.5 million to settle  
9 them. I am now going to come forward and  
10 put on an expert -- I am going to put  
11 someone on to say that's a small number for  
12 these cases. These cases are weak, because,  
13 look, L.M. worked at a strip club. She an  
14 admitted prostitute, call girl. All of  
15 these things come into factoring.

16 What I'm asking, Judge, is if we are  
17 trying a probable cause/malicious  
18 prosecution case, then I would suggest to  
19 you that none of the specific allegations  
20 can lead to a conclusion of probable cause  
21 or not.

22 The overall flavor of the case, the  
23 overall complaint, when fairly read,  
24 absolutely comes into consideration. It  
25 does. Was there a reasonable basis to go

1 MR. SCAROLA: The same as my position  
2 with regard to these other exhibits. I  
3 don't know what Mr. Epstein is going to  
4 attempt to demonstrate with regard to these  
5 underlying claims.

6 If he is attempting to prove that they  
7 were fabricated, if he is defending against  
8 the assertion that these were well-founded,  
9 valuable claims, then the phone records may  
10 very well become relevant and material,  
11 because they include the names and telephone  
12 numbers of vast numbers of juveniles who  
13 were being sexually abused on a daily basis  
14 multiple times a day.

15 They include the names and telephone  
16 numbers of other witnesses to that abuse,  
17 which form the basis for Mr. Edwards seeking  
18 to take their depositions, because  
19 Mr. Epstein -- in the underlying cases, as  
20 he has in this case, asserted the Fifth  
21 Amendment privilege -- was not responding to  
22 questions. And so we needed to rely upon  
23 the testimony of third parties in order to  
24 establish the claims. The telephone records  
25 were part of the basis for identifying the

1 forward with this lawsuit? But  
2 cherry-picking a sentence or two in the  
3 complaint to prove it's falsity doesn't help  
4 you or the jury determine probable cause.

5 THE COURT: Again, I don't know how we  
6 found ourselves here. I just want to get  
7 back to the evidence. Again, I can't be  
8 making advisory opinions, orders, whatever  
9 the case might be.

10 I want to get back to the individual  
11 evidence provisions.

12 MR. LINK: Your Honor, I thank you for  
13 allowing me to finish. I appreciate it.

14 THE COURT: We are back on the phone  
15 records.

16 MS. ROCKENBACH: Your Honor, yes. I  
17 think we are on number ten, my client's  
18 phone records. I believe Your Honor has --

19 THE COURT: Yes. You gave those to me.

20 MS. ROCKENBACH: I did indicate that  
21 they have nothing to do with what my client  
22 knew, what information he relied upon when  
23 he instituted the original proceeding.

24 THE COURT: Mr. Scarola, your position  
25 on the phone records, please.

1 third parties who we sought to take  
2 discovery from.

3 So again, I really think that -- I  
4 haven't offered these. I don't know if I'm  
5 going to offer them. I won't talk about  
6 them unless and until I believe that a  
7 reasonable basis exists for me to do that,  
8 and then I will address that outside the  
9 presence of the jury.

10 I don't know what else I can say with  
11 regard to this and all these other matters.  
12 We are going through this, and I'm going to  
13 say the same thing over again.

14 So, for purposes of brevity, I will  
15 tell Your Honor that for future reference, I  
16 will simply say same argument. And now you  
17 know what it is I am adopting as the same  
18 argument.

19 THE COURT: I rarely see you  
20 frustrated. I'm glad you're human like the  
21 rest of us.

22 MR. SCAROLA: I clearly am, Your Honor.  
23 And I'm sorry there's frustration coming  
24 through in my voice, but there is  
25 frustration in my heart and in my mind.



<p style="text-align: right;">149</p> <p>1 THE COURT: Not a problem.</p> <p>2 It is the same ruling. Again, if the</p> <p>3 issue is one of reasonable discovery and</p> <p>4 why -- and if Mr. Epstein is going to claim</p> <p>5 that somehow Mr. Edwards was off on a wild</p> <p>6 goose chase, then clearly the fact that he</p> <p>7 was seeking to discover these phone records</p> <p>8 and the purpose for the discovery would be</p> <p>9 appropriate.</p> <p>10 However, at this juncture, as an</p> <p>11 exhibit that is the guts of the phone</p> <p>12 records, as a matter of relevancy, as a</p> <p>13 matter of privacy -- and I don't see</p> <p>14 anything in here with names -- they are just</p> <p>15 numbers.</p> <p>16 MS. ROCKENBACH: Correct. That's</p> <p>17 correct.</p> <p>18 THE COURT: So I'm going to make the</p> <p>19 same ruling as I did on number nine.</p> <p>20 MS. ROCKENBACH: Thank you, Your Honor.</p> <p>21 The same argument for Sarah Kellen's phone</p> <p>22 records, which I can bring to the bench.</p> <p>23 They do not have names. They have numbers.</p> <p>24 THE COURT: Mr. Scarola has indicated</p> <p>25 that would be the same objection. It would</p>	<p style="text-align: right;">151</p> <p>1 ruling -- or at least discussed that code</p> <p>2 section in relation to the federal code,</p> <p>3 which isn't applicable.</p> <p>4 This is not a molestation case. The</p> <p>5 probable cause affidavits that related to</p> <p>6 the criminal investigation are absolutely</p> <p>7 irrelevant to this malicious prosecution</p> <p>8 case. And if there was any remote relevant</p> <p>9 probative value to introducing them and</p> <p>10 parading them around the jury to tell the</p> <p>11 jury about what probable cause may have</p> <p>12 existed in these affidavits, it would</p> <p>13 absolutely prejudice my client and he would</p> <p>14 not receive a fair trial in this action.</p> <p>15 THE COURT: Is there anything specific,</p> <p>16 Mr. Scarola, that you can think of that</p> <p>17 would be in the probation file that the</p> <p>18 Court needs to know about now?</p> <p>19 MR. SCAROLA: Nothing Your Honor needs</p> <p>20 to know about now. Same argument.</p> <p>21 THE COURT: Okay. Same argument. Same</p> <p>22 ruling. Again, this would be akin -- to</p> <p>23 draw an analogy -- to in a personal injury</p> <p>24 action listing the plaintiff's employment</p> <p>25 file. And that would carry with it the same</p>
<p style="text-align: right;">150</p> <p>1 be the same ruling.</p> <p>2 Jail visitation logs. Same arguments,</p> <p>3 same ruling.</p> <p>4 Jeffrey Epstein's probation file.</p> <p>5 Let's speak about that.</p> <p>6 MS. ROCKENBACH: Your Honor, this would</p> <p>7 also implicate -- a probation file would</p> <p>8 trigger part of the evidence code that</p> <p>9 Mr. Scarola referenced earlier, which was</p> <p>10 90.404(2). His probation file is akin to</p> <p>11 any visitation logs or any aspect of the</p> <p>12 criminal action, which we are not trying in</p> <p>13 this case. Similar fact evidence of other</p> <p>14 crimes, wrongs or acts are inadmissible when</p> <p>15 the evidence is solely to prove bad</p> <p>16 character and propensity. And that's</p> <p>17 90.404(2).</p> <p>18 Mr. Scarola keeps referring to the</p> <p>19 second subsection of that evidence code,</p> <p>20 which is subsection B. And it says in a</p> <p>21 criminal case in which a defendant is</p> <p>22 charged with a crime involving child</p> <p>23 molestation, then this evidence becomes</p> <p>24 relevant.</p> <p>25 Your Honor did actually already make a</p>	<p style="text-align: right;">152</p> <p>1 general objection.</p> <p>2 Now, if there were certain things in</p> <p>3 the employment file that would be relevant, for</p> <p>4 example, there may be something in an</p> <p>5 employment file that shows a pre-existing</p> <p>6 injury of some sort, then that would be --</p> <p>7 that may well be relevant.</p> <p>8 But simply stating probation file</p> <p>9 without any specifics would be the same</p> <p>10 ruling. I am sustaining the objection.</p> <p>11 MS. ROCKENBACH: Thank you, Your Honor.</p> <p>12 Same argument for number 15, the</p> <p>13 victims' statements to the FBI.</p> <p>14 THE COURT: We are actually on 14.</p> <p>15 MS. ROCKENBACH: All probable cause</p> <p>16 affidavits. Yes, I indicated that that</p> <p>17 would be the same argument, because it</p> <p>18 relates to criminal investigation.</p> <p>19 THE COURT: Same argument?</p> <p>20 MR. SCAROLA: I would only point out,</p> <p>21 Your Honor, that clearly to the extent that</p> <p>22 Bradley Edwards had that sworn testimony</p> <p>23 when he initiated both his civil lawsuit --</p> <p>24 his civil lawsuits, and when he relied upon</p> <p>25 that in pursuing discovery, it's obviously</p>

<p style="text-align: right;">153</p> <p>1 relevant and material, depending upon what</p> <p>2 Mr. Epstein attempts to say, so it is the</p> <p>3 same argument.</p> <p>4 THE COURT: I am going to defer on</p> <p>5 number 14. I think that that is more</p> <p>6 specific. I think it is potentially</p> <p>7 critical to the analysis as it relates to</p> <p>8 the strength of the cases that are involved.</p> <p>9 I understand Mr. Link's argument</p> <p>10 regarding his position. But I also</p> <p>11 understand Mr. Scarola's argument regarding</p> <p>12 the fact that somehow they have to prove</p> <p>13 their probable cause case. And it's just</p> <p>14 not going to be Mr. Epstein's objective</p> <p>15 position that needs to be heard.</p> <p>16 All right. Next is number 15.</p> <p>17 "Victims' statements to the FBI related to</p> <p>18 the criminal investigation of Jeffrey</p> <p>19 Epstein."</p> <p>20 MS. ROCKENBACH: Your Honor, I have a</p> <p>21 copy of these if the Court would like to</p> <p>22 review them. They were produced by</p> <p>23 Mr. Scarola. They are approximately six</p> <p>24 pages. But they are absolutely irrelevant,</p> <p>25 inflammatory, prejudicial for my client in</p>	<p style="text-align: right;">155</p> <p>1 Mr. Scarola.</p> <p>2 MR. SCAROLA: Yes. Your Honor, I just</p> <p>3 want to supplement my argument in this</p> <p>4 respect. We have been focusing on -- in</p> <p>5 those comments in particular -- on the</p> <p>6 proprietary or reasonableness of Bradley</p> <p>7 Edwards' conduct, and whether Jeffrey</p> <p>8 Epstein was in a position to consider what</p> <p>9 was happening as contributing to a</p> <p>10 conclusion that Mr. Edwards was a knowing</p> <p>11 participate in a Ponzi scheme and</p> <p>12 fabricating claims against him.</p> <p>13 I think it's important that we</p> <p>14 articulate what the probable cause standard</p> <p>15 is. And I think that maybe I am in</p> <p>16 agreement with opposing counsel, but I want</p> <p>17 to be sure that I have stated it in what I</p> <p>18 consider to be an appropriate fashion.</p> <p>19 The issue is, would an objectively</p> <p>20 reasonable and caution person -- that's the</p> <p>21 objective part of the formula -- knowing</p> <p>22 what Jeffrey Epstein knew -- that's the</p> <p>23 subjective portion of formula -- have</p> <p>24 probable cause to believe that Bradley</p> <p>25 Edwards fabricated the claims against</p>
<p style="text-align: right;">154</p> <p>1 this action. Victims' statements. And they</p> <p>2 relate to the criminal case.</p> <p>3 THE COURT: Off the record.</p> <p>4 (A discussion was held off the record.)</p> <p>5 MS. ROCKENBACH: Your Honor, I quickly</p> <p>6 looked at the names on those particular</p> <p>7 victims' statements, and they do not relate</p> <p>8 to E.W., L.M., Jane Doe, who were</p> <p>9 represented by Mr. Edwards. For that reason</p> <p>10 they were not relevant.</p> <p>11 I know this Court has already said you</p> <p>12 were not going to allow or constructively</p> <p>13 try any of the sexual abuse/assault claims.</p> <p>14 And that is what this will be pointing to.</p> <p>15 THE COURT: Okay. I have read them.</p> <p>16 It is the same argument, same ruling, that</p> <p>17 is, that if it comes to a point where there</p> <p>18 is a contention by Mr. Epstein that</p> <p>19 Mr. Edwards acted in manner that was rash,</p> <p>20 that was in a manner that was without</p> <p>21 forethought, that he did not properly</p> <p>22 discover those issues that are -- that would</p> <p>23 form the basis of the claims that were</p> <p>24 brought on behalf of the three young women,</p> <p>25 then again we will revisit.</p>	<p style="text-align: right;">156</p> <p>1 Jeffrey Epstein and was a knowing</p> <p>2 participant in a massive Ponzi scheme.</p> <p>3 So there is both an objective and a</p> <p>4 subjective component.</p> <p>5 And when we talk about things like</p> <p>6 phone records and address book and</p> <p>7 appointment books and airplane logs, Jeffrey</p> <p>8 Epstein knew about the existence of those</p> <p>9 phone records. He knew about the address</p> <p>10 books. He knew about the appointment books</p> <p>11 and the airplane logs showing that children</p> <p>12 were being transported on those jet planes.</p> <p>13 He knew what was happening to those children</p> <p>14 on those jet planes. He knew some 40</p> <p>15 children had reported virtually identical</p> <p>16 crimes to law enforcement.</p> <p>17 So those are all things that he knew.</p> <p>18 He knew that he was paying children a bounty</p> <p>19 to bring other children, too. He knew he</p> <p>20 paid the three victims that are named in</p> <p>21 Bradley Edwards' complaints not only \$200</p> <p>22 per sexual massage, but also paid them 2 or</p> <p>23 \$300 for each other child that they brought</p> <p>24 to him. And he specified what it was he</p> <p>25 wanted and what would gather a premium and</p>

<p style="text-align: right;">157</p> <p>1 what wouldn't gather a premium.</p> <p>2 So when we talk about things like, did</p> <p>3 he know these were strong claims independent</p> <p>4 of the parade of horrors that he lists</p> <p>5 there about these young girls --</p> <p>6 incidentally, the vast majority of which</p> <p>7 things, if not all of them, occurred after</p> <p>8 he abused these children.</p> <p>9 As the sworn deposition of E.W.</p> <p>10 indicates, she was -- and I think I have</p> <p>11 already referenced this in prior argument to</p> <p>12 the Court. She was a middle school student</p> <p>13 doing well. She was doing well</p> <p>14 academically. She was participating in</p> <p>15 extracurricular activities.</p> <p>16 While she has a difficult home life, it</p> <p>17 had not impacted upon her personal conduct</p> <p>18 in any way that brought her in contact the</p> <p>19 criminal law or in any way whatsoever that</p> <p>20 resulted in her engaging in the kind of</p> <p>21 conduct, like stripping, or anything else</p> <p>22 that she has alleged to have been involved</p> <p>23 in, which all occurred after Jeffrey Epstein</p> <p>24 had abused her.</p> <p>25 So these are things that Epstein knew.</p>	<p style="text-align: right;">159</p> <p>1 from seven down now to where we are -- and</p> <p>2 that's number 15 -- is that while it is</p> <p>3 absolutely conceivable that this</p> <p>4 information -- some of this information may</p> <p>5 be relevant, what I'm trying to deal with</p> <p>6 here and distinguish is a discussion about</p> <p>7 what Mr. Epstein may or may not have known</p> <p>8 and the actual introduction of the records,</p> <p>9 which I don't believe have any real</p> <p>10 probative value themselves. That's a</p> <p>11 distinction.</p> <p>12 I don't want a jury getting bound up in</p> <p>13 trying to locate six phone numbers that may</p> <p>14 be similar, or six times an individual phone</p> <p>15 entry is listed, and automatically assume</p> <p>16 that it may have something to do in</p> <p>17 particular with one of these three young</p> <p>18 ladies that Mr. Edwards represented.</p> <p>19 The same thing with the probation file</p> <p>20 or the visitation logs. All of those</p> <p>21 things, while they may have something to do</p> <p>22 with the competing claims of knowledge,</p> <p>23 strength or weaknesses of the cases -- all</p> <p>24 of which, again, despite my disagreement, at</p> <p>25 least in some regard with Mr. Link -- and</p>
<p style="text-align: right;">158</p> <p>1 I appreciate the Court's concern to keep</p> <p>2 this focused on the claims of E.W., L.M. and</p> <p>3 Jane Doe. But that is focus of the claims</p> <p>4 on L.M., E.W. and Jane Doe. That's what</p> <p>5 Epstein knew about the strength of their</p> <p>6 claims.</p> <p>7 This is not a single, isolated</p> <p>8 incident. This is not a single, isolated</p> <p>9 victim. These are not three isolated</p> <p>10 victims who were abused on a single</p> <p>11 occasion. This was part of an extraordinary</p> <p>12 pattern of abuse.</p> <p>13 And that's why I am suggesting too,</p> <p>14 Your Honor, that I simply need to adopt the</p> <p>15 same argument. I'm not going to offer any</p> <p>16 of this evidence unless and until I satisfy</p> <p>17 the Court that it's relevant and material.</p> <p>18 And that's all I can say.</p> <p>19 THE COURT: In this particular victim</p> <p>20 statement dated 5/30/2008, it's from a Shana</p> <p>21 L.R., who I don't believe has anything to do</p> <p>22 with this particular case -- these three</p> <p>23 cases, that I'm aware of.</p> <p>24 And the point I'm trying to make as it</p> <p>25 relates to these exhibits that are listed</p>	<p style="text-align: right;">160</p> <p>1 those things being relevant to discuss as</p> <p>2 far as what Mr. Edwards had to sustain his</p> <p>3 claims, the actual documents themselves,</p> <p>4 unless there's an issue as to they don't</p> <p>5 exist, or there never were any phone</p> <p>6 records, or there never was a flight log,</p> <p>7 that's a different story.</p> <p>8 MR. SCAROLA: I take issue with none of</p> <p>9 what Your Honor said. I am in absolute</p> <p>10 agreement. I am not even going to offer</p> <p>11 them unless they fit that pattern.</p> <p>12 They have been listed here because we</p> <p>13 are obliged to list them, all exhibits that</p> <p>14 may reasonably become relevant and material.</p> <p>15 THE COURT: Fair enough. And I think</p> <p>16 that's the value of the discussion that we</p> <p>17 are having here today, that we can narrow</p> <p>18 some of issues -- narrow the intent of what</p> <p>19 these documents are sought for reasons --</p> <p>20 for the reasons why they're sought to be</p> <p>21 potentially introduced.</p> <p>22 Again, I don't think it's -- I think</p> <p>23 it's a good exercise. So let's go ahead and</p> <p>24 proceed further.</p> <p>25 MS. ROCKENBACH: Your Honor, number 16</p>

<p style="text-align: right;">161</p> <p>1 is the video of the search warrant of my</p> <p>2 client's home -- while being executed, the</p> <p>3 search. I don't have the video, but I</p> <p>4 presume by that -- it wasn't produced, but I</p> <p>5 presume by that description, it is the same</p> <p>6 ruling.</p> <p>7 THE COURT: The same ruling as in 17,</p> <p>8 the application for the search warrant is</p> <p>9 sustained.</p> <p>10 MR. SCAROLA: Let me just point out to</p> <p>11 Your Honor that the reason why that's listed</p> <p>12 is because the victims, including these</p> <p>13 three, give detailed descriptions of where</p> <p>14 they were in the house and what the interior</p> <p>15 looked like. And all of that is</p> <p>16 corroborated by the search warrant video.</p> <p>17 THE COURT: Again, it's with the</p> <p>18 proviso and caveat that I will re-examine</p> <p>19 each of these exhibits, if need be, when the</p> <p>20 context is pointed out. But for now, the</p> <p>21 same ruling is being issued.</p> <p>22 MS. ROCKENBACH: Number 18 -- actually,</p> <p>23 17. It's identified on the exhibit list by</p> <p>24 Mr. Edwards as the application for a search</p> <p>25 warrant of my client's home. And it's</p>	<p style="text-align: right;">163</p> <p>1 accounts and any/all records related to</p> <p>2 Jeffrey Epstein's assets."</p> <p>3 MS. ROCKENBACH: That was not produced,</p> <p>4 along with this passport. Nineteen and 20</p> <p>5 have not been produced. But I presume that</p> <p>6 this somehow relates to the punitive</p> <p>7 damages.</p> <p>8 MR. SCAROLA: It does.</p> <p>9 MS. ROCKENBACH: And there was a</p> <p>10 stipulation by my client in discovery -- I</p> <p>11 think it was discovery answers -- about net</p> <p>12 worth that was in excess --</p> <p>13 THE COURT: We talked about that.</p> <p>14 Mr. Scarola -- and understandably so -- is</p> <p>15 not going to accept that stipulation.</p> <p>16 So eventually, there is going to have</p> <p>17 to be further discussion. I presume that's</p> <p>18 part of the motion to compel on Thursday.</p> <p>19 MS. ROCKENBACH: Yes, Your Honor.</p> <p>20 MR. SCAROLA: It arises in the context</p> <p>21 of the Fifth Amendment assertion to requests</p> <p>22 for admission and our being able to draw</p> <p>23 adverse inferences from those requests.</p> <p>24 It has to do with responses to</p> <p>25 questions during the course of deposition.</p>
<p style="text-align: right;">162</p> <p>1 possible that by mistake Mr. Scarola's</p> <p>2 office produced a different document,</p> <p>3 because what was produced in this context</p> <p>4 was an order sealing affidavit and</p> <p>5 application for search warrant and related</p> <p>6 search warrant and inventory in return. And</p> <p>7 attached to that were the subpoenas to the</p> <p>8 custodian of records for BellSouth, T-Mobile</p> <p>9 and Cingular. So it looks like phone</p> <p>10 records.</p> <p>11 MR. SCAROLA: Sounds like the wrong</p> <p>12 exhibit.</p> <p>13 MS. ROCKENBACH: Sounds like the wrong</p> <p>14 exhibit, but we would object to -- on the</p> <p>15 same basis that the application for the</p> <p>16 search warrant of Mr. Epstein's home would</p> <p>17 not be relevant, would be prejudicial --</p> <p>18 THE COURT: I have already indicated</p> <p>19 the same as to number 17.</p> <p>20 MS. ROCKENBACH: Eighteen, Your Honor,</p> <p>21 is the complaint.</p> <p>22 THE COURT: That, again, is typically a</p> <p>23 matter of judicial notice, so we will deal</p> <p>24 with it, if we need to, at a later time.</p> <p>25 "All records of homes, properties, bank</p>	<p style="text-align: right;">164</p> <p>1 And, yes, there's a motion to compel,</p> <p>2 because we believe that the Fifth Amendment</p> <p>3 assertion with regard to some aspects of</p> <p>4 what have been requested -- for example,</p> <p>5 disclosures to banks -- would not be covered</p> <p>6 by the Fifth Amendment. That would be a</p> <p>7 waiver with regard to anything that was</p> <p>8 disclosed to third parties.</p> <p>9 Tax returns, same thing. Waiver.</p> <p>10 THE COURT: Deeds.</p> <p>11 MR. SCAROLA: Deeds, airplane</p> <p>12 registrations.</p> <p>13 THE COURT: That's fine. We will take</p> <p>14 them up, if it's necessary, at the</p> <p>15 appropriate time.</p> <p>16 Twenty is Mr. Epstein's passport.</p> <p>17 Again, I think that has to do somewhat with</p> <p>18 the issues we discussed as to the flight</p> <p>19 logs.</p> <p>20 Driver's license. I don't know what</p> <p>21 that might be relevant to.</p> <p>22 MR. SCAROLA: Same argument.</p> <p>23 THE COURT: Same ruling. I will</p> <p>24 sustain the objection at this time.</p> <p>25 List of corporations owned by</p>

<p style="text-align: right;">165</p> <p>1 Mr. Epstein. I presume that has to do with</p> <p>2 number 19 and the punitive damage claim.</p> <p>3 MR. SCAROLA: It does, Your Honor.</p> <p>4 THE COURT: We will deal with that at a</p> <p>5 later time.</p> <p>6 MS. ROCKENBACH: Twenty-three through</p> <p>7 26 have not been produced. And I presume --</p> <p>8 well, 23 says it's the yearbooks of Jane</p> <p>9 Doe. But I presume that these other</p> <p>10 yearbooks would implicate -- I don't know</p> <p>11 who they would implicate, actually. Quite</p> <p>12 honestly, they are vague. And I can't see</p> <p>13 what relevance these vague yearbooks are</p> <p>14 going to have in the malicious prosecution</p> <p>15 action.</p> <p>16 THE COURT: Same argument.</p> <p>17 MR. SCAROLA: These reflect the</p> <p>18 appearance of the victims at the time that</p> <p>19 Mr. Epstein was abusing them, Your Honor, to</p> <p>20 the extent there might be any argument that</p> <p>21 he was unaware. And that obviously is not a</p> <p>22 defense as a matter of law, but it might be</p> <p>23 argued in litigation if he were to try to</p> <p>24 contend -- he may try to contend that his</p> <p>25 abuses of minors were inadvertent and</p>	<p style="text-align: right;">167</p> <p>1 are deferring, Your Honor, until you hear</p> <p>2 testimony. And it sounds like the door</p> <p>3 would be that my client didn't know the age</p> <p>4 of the three clients of Mr. Edwards.</p> <p>5 THE COURT: At this point, yes.</p> <p>6 MS. ROCKENBACH: Thank you, Your Honor.</p> <p>7 Number 28 is similar to what you ruled</p> <p>8 upon the last hearing, which was number 7,</p> <p>9 messages taken from Mr. Epstein's home.</p> <p>10 This is notepads found in Mr. Epstein's home</p> <p>11 and/or doing trash pulls outside of his home</p> <p>12 during the criminal investigation.</p> <p>13 We are not in the criminal</p> <p>14 investigation. We are not trying that case.</p> <p>15 And notepads or trash pulled outside my</p> <p>16 client's home is irrelevant, prejudicial and</p> <p>17 should not be introduced.</p> <p>18 THE COURT: Do you have any of those?</p> <p>19 Have you received copies?</p> <p>20 MS. ROCKENBACH: I did. Yes, 28, I</p> <p>21 have a sampling. I think it was a very</p> <p>22 large exhibit, so -- and you will see</p> <p>23 that --</p> <p>24 May I approach, Your Honor?</p> <p>25 THE COURT: Sure. Okay, again, I have</p>
<p style="text-align: right;">166</p> <p>1 therefore less culpable. And we would show</p> <p>2 pictures of these victims from which the</p> <p>3 jury could draw their own conclusion as to</p> <p>4 whether this was inadvertent.</p> <p>5 It is not a defense as a matter of law.</p> <p>6 They were either of age or not of age. And</p> <p>7 he was either specifically requesting</p> <p>8 children or not specifically requesting</p> <p>9 children. But at any rate, they could</p> <p>10 clearly have relevance in that regard. And</p> <p>11 again, I'm not offering them at this point.</p> <p>12 But they are there in the event this becomes</p> <p>13 an issue.</p> <p>14 THE COURT: I feel comfortable</p> <p>15 deferring on 23 through 26. Twenty-seven is</p> <p>16 the same.</p> <p>17 MS. ROCKENBACH: As earlier -- as 14,</p> <p>18 and 15.</p> <p>19 THE COURT: The same as actually --</p> <p>20 MS. ROCKENBACH: Seventeen.</p> <p>21 THE COURT: So the same ruling.</p> <p>22 MS. ROCKENBACH: Same ruling for 27,</p> <p>23 which is sustained?</p> <p>24 THE COURT: Yes.</p> <p>25 MS. ROCKENBACH: And 23 through 26, you</p>	<p style="text-align: right;">168</p> <p>1 reviewed these materials. I am going to</p> <p>2 make the same finding I made earlier, the</p> <p>3 impact upon the issues as to preparedness,</p> <p>4 knowledge -- as far as Mr. Edwards is</p> <p>5 concerned -- his diligence as to discovery,</p> <p>6 if those are called into question, then</p> <p>7 these may be discussed. The fact that he</p> <p>8 had these materials probably will be able to</p> <p>9 be discussed.</p> <p>10 The actual documentation themselves,</p> <p>11 though, again, I think would be excessive</p> <p>12 and would be getting into other matters that</p> <p>13 would not be germane to the three young</p> <p>14 women who were involved here.</p> <p>15 So in essence, it's sustained in part,</p> <p>16 overruled in part.</p> <p>17 MS. ROCKENBACH: Number 29 is the Palm</p> <p>18 Beach State Attorney's Criminal file. It's</p> <p>19 over 2,000 pages. I have a sampling for</p> <p>20 Your Honor to look at if you're interested.</p> <p>21 THE COURT: No. Same ruling. And that</p> <p>22 is, if it gets to the issue like we</p> <p>23 discussed -- I'm going to repeat myself --</p> <p>24 then the fact that's it's a 2,000-page</p> <p>25 criminal investigation file that Mr. Edwards</p>

<p style="text-align: right;">169</p> <p>1 had some access to formulate his position as</p> <p>2 to the legitimacy of these three claims, if</p> <p>3 those are called into question -- because</p> <p>4 there are that busy equivocation regarding</p> <p>5 the legitimacy of those claims -- then</p> <p>6 again, it may come into play.</p> <p>7 The fact that there was a criminal file</p> <p>8 prepared -- no surprise to anyone -- won't</p> <p>9 be a surprise to the jury. But the</p> <p>10 individual pages therein would have to be</p> <p>11 further discussed at a later time.</p> <p>12 Mr. Scarola.</p> <p>13 MR. SCAROLA: Your Honor, this is one</p> <p>14 of the circumstances where the distinction</p> <p>15 that I referenced before probably becomes</p> <p>16 very clear. That is, during the course of a</p> <p>17 criminal prosecution, these criminal files</p> <p>18 probably would not have been available to</p> <p>19 Bradley Edwards. He may have had the same</p> <p>20 information from other sources. But they</p> <p>21 obviously were entirely available to Jeffrey</p> <p>22 Epstein.</p> <p>23 So these would have a significant</p> <p>24 impact on what Mr. Epstein knew in order to</p> <p>25 make a determination as to what a reasonably</p>	<p style="text-align: right;">171</p> <p>1 THE COURT: Again, we will have to</p> <p>2 figure that out as we go along.</p> <p>3 But again, the global ruling is the</p> <p>4 individual entries, unless there's something</p> <p>5 that is brought to my attention, would not</p> <p>6 be subject to admission. But the likelihood</p> <p>7 that the significance, if you will, of the</p> <p>8 file, the volume of a file would be</p> <p>9 particularly important as to Mr. Epstein's</p> <p>10 knowledge prior to filing the suit.</p> <p>11 MR. SCAROLA: Your Honor, I'm sure</p> <p>12 Ms. Rockenbach wouldn't intentionally</p> <p>13 misrepresent any fact to the Court, but</p> <p>14 could we know the basis for her claiming</p> <p>15 that Mr. Epstein did not have discovery in</p> <p>16 the criminal case?</p> <p>17 MS. ROCKENBACH: I don't think that my</p> <p>18 client would have access -- I could be</p> <p>19 wrong, but I cannot imagine my client would</p> <p>20 have access to the Palm Beach County State</p> <p>21 Attorney's criminal file. I'm not sure how</p> <p>22 my client would get his hands on the State</p> <p>23 Attorney's file.</p> <p>24 MR. SCAROLA: Well, I'm sure it's a</p> <p>25 reflection of Ms. Rockenbach not doing</p>
<p style="text-align: right;">170</p> <p>1 objective person could or could not rely</p> <p>2 upon in forming probable cause.</p> <p>3 THE COURT: Again, I'm more concerned</p> <p>4 with the sanitizing -- it goes more to</p> <p>5 attempting to sanitize, to the best of our</p> <p>6 ability, and to carve out and distinguish</p> <p>7 between the three claims that are brought in</p> <p>8 the global investigation that was done. And</p> <p>9 I think that it is pertinent to the analysis</p> <p>10 here.</p> <p>11 So again, the compilation of the file</p> <p>12 and if Mr. Edwards had knowledge and the</p> <p>13 extent of the file -- even if he didn't have</p> <p>14 access to it, which would be likely -- then</p> <p>15 that would be relevant, as I said, to</p> <p>16 Mr. Edwards.</p> <p>17 Also, I agree with Mr. Scarola that</p> <p>18 certainly the sheer amount of the file would</p> <p>19 have been known to Mr. Epstein, at least</p> <p>20 should have been known by Mr. Epstein. And</p> <p>21 that may be something you may or may not ask</p> <p>22 him. But that should have been known to him</p> <p>23 at time he filed the lawsuit.</p> <p>24 MS. ROCKENBACH: It was not, Your</p> <p>25 Honor. I have been informed it was not.</p>	<p style="text-align: right;">172</p> <p>1 criminal practice. But those of us who have</p> <p>2 engaged in criminal practice know that all</p> <p>3 evidence in the hands of the State Attorney</p> <p>4 is require to be turned over to the defense</p> <p>5 in the context of a criminal prosecution.</p> <p>6 So if it's simply a matter of</p> <p>7 Ms. Rockenbach not being familiar with that</p> <p>8 procedure, I understand that. But I want</p> <p>9 the record reflect there's no basis in the</p> <p>10 record to suggest that Jeffrey Epstein did</p> <p>11 not have all of the discovery to which he</p> <p>12 was entitled in the criminal case.</p> <p>13 THE COURT: I think it's more a matter</p> <p>14 of timing that I am concerned with. And</p> <p>15 that is, at the time he filed the suit</p> <p>16 versus whenever that information may have</p> <p>17 been turned over could be very distinct.</p> <p>18 MR. SCAROLA: He was well into the</p> <p>19 defense of his criminal prosecution at the</p> <p>20 time.</p> <p>21 THE COURT: By December of 2009?</p> <p>22 MR. SCAROLA: Yes.</p> <p>23 MS. ROCKENBACH: I do believe, Your</p> <p>24 Honor, though, that we are getting very far</p> <p>25 astray from probable cause -- which I</p>

1 appreciate Mr. Scarola's assistance with the  
2 knowledge of the criminal -- because I have  
3 not practiced -- I did do some appellate  
4 criminal work when I clerked at the Fourth  
5 District Court of Appeals, but that was a  
6 lifetime ago.

7 But the probable cause issue is not  
8 whether or not my client knew about the  
9 State Attorney's file or the 2,000  
10 documents. It is whether my client had  
11 probable cause to institute the original  
12 proceeding based on a reasonable belief that  
13 Mr. Edwards participated or had connection  
14 to Mr. Rothstein's Ponzi scam. And that's  
15 the defamation by way of the jury  
16 instruction for probable cause, which is  
17 406.4.

18 So I'm not going anywhere outside of  
19 the Florida Supreme Court jury instruction  
20 definition and the case law.

21 But all of these exhibits that we  
22 are -- and the Court is incredibly patient  
23 with us going through -- relate to the  
24 criminal action and the criminal -- we are  
25 now on the Palm Beach County State

1 it. It is in the record.

2 MS. ROCKENBACH: Next are the documents  
3 related to Mr. Epstein's conviction. They  
4 weren't produced. I don't know what precise  
5 documents they were, but I really don't  
6 think it matters, because it relates to the  
7 criminal conviction and his plea colloquy  
8 that was heard before -- I believe it was  
9 Judge Debbie Pucillo on June 30, 2008.

10 This is not irrelevant under 401, it's  
11 prejudicial under 403, and it also  
12 implicates the conviction of certain crimes  
13 of impeachment under 90.610.

14 We discussed this with Your Honor at a  
15 prior hearing on November 29th about a  
16 procedure to do that. You can ask a witness  
17 on the stand. Have you ever been convicted  
18 of a felony or a crime involving dishonesty.  
19 If they say no, then you can absolutely use  
20 documents to impeach their lying under oath.

21 THE COURT: Remember we had that  
22 discussion between credibility and a factual  
23 issue, that being relevancy, whether or not  
24 something tends to prove or disprove a  
25 material fact. That's how we distinguished

1 Attorney's criminal file. So I guess  
2 whether my client had it or not is really  
3 irrelevant. It is an issue of what are we  
4 trying in this case, and we are not trying  
5 he criminal action.

6 THE COURT: I understand. But it gets  
7 back to his knowledge, his accountability,  
8 his constructive knowledge of the  
9 ramifications or potential ramifications  
10 that could arise when he filed this lawsuit  
11 in the first place. And those are all  
12 relevant as far as this Court is concerned,  
13 unless I am shown something otherwise by way  
14 of the case law.

15 So let's move on. I would rather go  
16 forward -- just to give you my thoughts on  
17 the subject.

18 Again, I am always inviting anyone to  
19 bring cases to my attention that may serve  
20 to change my mind, or at least influence the  
21 decisions that I am going to make.

22 MS. ROCKENBACH: Than you, Your Honor.  
23 It seemed Your Honor was sustaining, but I  
24 want to make sure I understand.

25 THE COURT: I have already explained

1 it the last time.

2 Mr. Scarola.

3 MR. SCAROLA: I only wanted to point  
4 out to Your Honor that a comment was made by  
5 Mr. Goldberger earlier today that's relevant  
6 to this discussion, and that is, he said  
7 that Jeffrey Epstein did not plead guilty to  
8 crimes involving these three victims. I  
9 don't believe that that is supported by the  
10 record.

11 I think what the record reflects -- and  
12 Your Honor has a copy of the conviction, so  
13 you might be able to correct me if I'm  
14 wrong, because it's been a while since I saw  
15 them. But I don't think that there is a  
16 victim named, strangely, in those pleas.

17 In fact, when Mr. Epstein was asked who  
18 did he plead guilty to prostituting or  
19 soliciting for prostitution, his response  
20 was, I don't remember. I don't know who it  
21 was that I pled guilty to soliciting for  
22 prostitution.

23 THE COURT: For reasons that may have  
24 to do with the minority status of the  
25 victims, it states -- has Mr. Epstein's

<p style="text-align: right;">177</p> <p>1 name, guilty plea checked off by way of an</p> <p>2 X, two case numbers. Charge: felony</p> <p>3 solicitation of prostitution count one,</p> <p>4 third degree felony; procuring person under</p> <p>5 18 for prostitution, second degree felony.</p> <p>6 It goes on by indicating the</p> <p>7 presentence investigation. PSI was not</p> <p>8 required or waived. The sentencing; credit</p> <p>9 for time served; other comments or</p> <p>10 conditions, including the registration and</p> <p>11 designation as a sexual offender;</p> <p>12 presentation of DNA sample, as is required</p> <p>13 in these types of pleas. And no</p> <p>14 unsupervised contact with minors, et cetera.</p> <p>15 MR. SCAROLA: My recollection is --</p> <p>16 THE COURT: To my knowledge, leafing</p> <p>17 through this, there is no specific</p> <p>18 designation of the victim by name or</p> <p>19 initials.</p> <p>20 Go ahead.</p> <p>21 MR. SCAROLA: That is my understanding</p> <p>22 as well. And the criminal complaints that</p> <p>23 resulted in those guilty pleas had to do, I</p> <p>24 believe, with a long list of individuals.</p> <p>25 So when Mr. Epstein pleads guilty and</p>	<p style="text-align: right;">179</p> <p>1 Second, in the colloquy, it identifies</p> <p>2 the minor victim. It's AD. It is not one</p> <p>3 of Mr. Edwards' clients.</p> <p>4 During Judge Pucillo's colloquy, AD is</p> <p>5 the minor that relates to that one count.</p> <p>6 But there is nothing in the record there</p> <p>7 that suggests child molestation or any plea</p> <p>8 to child molestation.</p> <p>9 THE COURT: It depends how you look at</p> <p>10 it. When someone is pleading guilty and is</p> <p>11 convicted of procuring a person under 18 for</p> <p>12 prostitution, I am not certain that's not a</p> <p>13 form of child molestation. But again, I am</p> <p>14 not here to parse words.</p> <p>15 The bottom line is that if it was a</p> <p>16 civil action directly related to the</p> <p>17 criminal prosecution -- again, my global</p> <p>18 understanding is that the plea -- a</p> <p>19 certified copy of the plea would be</p> <p>20 introduced into evidence.</p> <p>21 Here, because of the uncertainty, I'm</p> <p>22 going to defer ruling on this particular</p> <p>23 issue until really further information is</p> <p>24 developed in order to make a cogent decision</p> <p>25 and a knowledgeable one, for that matter.</p>
<p style="text-align: right;">178</p> <p>1 is unable to identify who it is that he pled</p> <p>2 guilty to molesting, I suggest to Your Honor</p> <p>3 that that is clearly a probative fact that</p> <p>4 the jury can take into consideration in</p> <p>5 adjudging the strength of these three cases,</p> <p>6 because he didn't say it wasn't one of these</p> <p>7 three individuals. What he said was, I</p> <p>8 don't remember who it was. And that clearly</p> <p>9 is a statement from which the jury could</p> <p>10 conclude, particularly in light of all the</p> <p>11 Fifth Amendment assertions from which</p> <p>12 adverse implication can be drawn when he</p> <p>13 refuses to acknowledge he even knew any of</p> <p>14 these three girls.</p> <p>15 Those circumstances taken together</p> <p>16 clearly are relevant and material in making</p> <p>17 a determination as to the viability of these</p> <p>18 three claims.</p> <p>19 MR. LINK: Your Honor, if I may.</p> <p>20 Mr. Scarola is dead wrong. He did not plead</p> <p>21 guilty to child molestation. You have just</p> <p>22 seen the plea.</p> <p>23 I know you have asked us not to do</p> <p>24 rhetoric. That is pure rhetoric. That is</p> <p>25 not the plea.</p>	<p style="text-align: right;">180</p> <p>1 Same thing with the plea column. If it</p> <p>2 doesn't have anything to do with any of the</p> <p>3 three individuals that Mr. Edwards</p> <p>4 represented, the likelihood is I am going to</p> <p>5 sustain the objection.</p> <p>6 MR. SCAROLA: For whatever assistance</p> <p>7 it may be to the Court, I believe that AD is</p> <p>8 the child who introduced E.W. to Jeffrey</p> <p>9 Epstein and was paid for bringing her to</p> <p>10 Jeffrey Epstein the first time.</p> <p>11 THE COURT: Again, that may have</p> <p>12 everything to do with the case that was</p> <p>13 tried as to E.W.'s case. Again, those</p> <p>14 tangential issues were something that were</p> <p>15 of extreme concern for the Court when it</p> <p>16 comes to this malicious prosecution claim,</p> <p>17 and the continue concern about undue</p> <p>18 information, and part of the reason why I am</p> <p>19 going to defer, but also keeping that very</p> <p>20 much in the forefront of my consideration,</p> <p>21 that being undue inflammatory information</p> <p>22 being imparted to the trier of fact.</p> <p>23 Number 32 is, "List of properties and</p> <p>24 vehicles in Larry Visoski's, V-I-S-O-S-K-I,</p> <p>25 name.</p>



1 He's one of the pilots.  
 2 MR. LINK: Yes, sir.  
 3 THE COURT: Relevancy?  
 4 MR. SCAROLA: Has to do with the  
 5 transfer of assets out of Jeffrey Epstein's  
 6 name, Your Honor.  
 7 And again, I don't know that that's  
 8 going to become a matter that we need to  
 9 deal with. It's listed. My argument is  
 10 what my argument was.  
 11 THE COURT: Thank you. Again, that  
 12 would be deferred until it needs to be --  
 13 MR. LINK: Your Honor, may I interrupt  
 14 for one second? Do you mind?  
 15 THE COURT: Pardon me?  
 16 MR. LINK: Do you mind if I interrupt  
 17 for one second?  
 18 I know we are getting passed where you  
 19 told us we could be, but I thought it might  
 20 be helpful if I clarify -- I heard you say  
 21 that we have been equivocating -- I don't  
 22 think you mean our team, but I think over  
 23 the years equivocating, and I would like to  
 24 put that to rest if I can. It might help us  
 25 going forward if you give me two minutes. I

1 know we are wrapping up now anyway.  
 2 THE COURT: Sure.  
 3 MR. LINK: If you don't mind.  
 4 THE COURT: Not at all.  
 5 MR. LINK: So there is no equivocation  
 6 about this. And I want to say these words  
 7 as carefully as I can, Your Honor. I can  
 8 never speak in final draft like Mr. Scarola  
 9 does, but I would try to get to at least a  
 10 rough draft.  
 11 Here is what I mean. The lawsuits  
 12 filed by Mr. Edwards were initiated in 2008  
 13 when he was a sole practitioner.  
 14 During that time period when he filed  
 15 them is when Mr. Epstein was serving time in  
 16 jail and is subject to the non-prosecution  
 17 agreement. We have never taken -- we are  
 18 not taking the position -- we are not taking  
 19 the position for this trial that the filing  
 20 of those three lawsuits were a fabrication.  
 21 During that time frame, pursuant to the  
 22 NPA, Mr. Epstein was not permitted to defend  
 23 the merits -- he was allowed to challenge  
 24 the amount of damages they were seeking, but  
 25 he was not allowed under the non-prosecution

1 agreement, essentially, to challenge  
 2 liability.  
 3 So there is nothing that we're saying  
 4 that took place between the filing in 2008  
 5 and when he joins Mr. Rothstein's firm that  
 6 we are calling into question as being  
 7 fabricated.  
 8 That doesn't mean that Mr. Epstein  
 9 agreed with every single thing these folks  
 10 said, or that he thought the amount they  
 11 were seeking was reasonable.  
 12 But I want it to be clear that we are  
 13 not intending to introduce evidence that,  
 14 from when he was a sole practitioner, that  
 15 the three cases were fabricated or made up,  
 16 or that the values were fabricated or used  
 17 as part of a Ponzi scheme.  
 18 All of the conduct that we have focused  
 19 on takes place between April 9, '09, when  
 20 Mr. Edwards joins the Rothstein firm and  
 21 when he leaves.  
 22 And one of the things this Court has  
 23 said that I think is really important -- and  
 24 I understand your ruling -- you and I have a  
 25 little disagreement about the way we think

1 it should go, but that happens to be almost  
 2 every day in the courtroom. But you have  
 3 made it really clear that we have to stand  
 4 behind the allegations of the complaint.  
 5 And I'm taking Your Honor as saying  
 6 that literally, that the plaintiff, too,  
 7 doesn't get to come in and say words that  
 8 aren't in the complaint, that they have to  
 9 point to words where it says there was a  
 10 fabrication and who made that fabrication.  
 11 The word that you pointed to was the  
 12 word weak. And we're going to have a trial  
 13 over whether the cases were weak or not weak  
 14 to somebody's subjective level.  
 15 But I want to be sure that it's really  
 16 clear, because all the things we've been  
 17 talking about -- the criminal activity, the  
 18 arrest records, the flight logs -- all of  
 19 that relates to, in my view, none of the  
 20 activity that is from April 9th, '09  
 21 backwards -- April 9, '09 backwards -- I may  
 22 have misspoken. I will clarify that in a  
 23 second.  
 24 And what I mean by that is this. The  
 25 cases that were filed by Mr. Edwards, he had

<p style="text-align: right;">185</p> <p>1 probable cause to file them. We are not</p> <p>2 saying that he didn't. We are not</p> <p>3 challenging his bringing those cases, and we</p> <p>4 are not going to complain about those cases.</p> <p>5 So information that led up to an arrest</p> <p>6 for phone records wouldn't only come in if</p> <p>7 we were saying those three cases in 2008</p> <p>8 were fabricated. We're not saying that.</p> <p>9 We're not saying that at all.</p> <p>10 What I'm hearing we are going to be</p> <p>11 doing in this trial is trying three</p> <p>12 molestation cases. These three victims --</p> <p>13 these three plaintiffs are going to get on</p> <p>14 the stand and we are going to try the</p> <p>15 molestation case. Were they touched? Where</p> <p>16 were they touched? When were they touched?</p> <p>17 How many times were they touched? What did</p> <p>18 they look like? What's their emotional</p> <p>19 reaction to it? Have they suffered damages?</p> <p>20 Have they become strippers as a result of</p> <p>21 the touching? That's what we're talking</p> <p>22 about trying in this malicious prosecution</p> <p>23 action.</p> <p>24 THE COURT: I am not sure we have been</p> <p>25 in the same courtroom. That's fine if you</p>	<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;">186</p> <p>1 are under that impression.</p> <p>2 Again, I am not here to answer</p> <p>3 questions or to give advisory opinions or</p> <p>4 make advisory statements. All I'm trying to</p> <p>5 do here today is trying to slog through as</p> <p>6 much as this evidence as I can to determine</p> <p>7 whether or not, at least on their faces, it</p> <p>8 would be admissible, it would be deferred;</p> <p>9 admissible and granted in part; is the</p> <p>10 objection sustained in part, denied in part,</p> <p>11 overruled in part; whatever the case might</p> <p>12 be.</p> <p>13 But I would like to get back to that</p> <p>14 and use the few more minutes to --</p> <p>15 MR. LINK: Do you mind if I just see</p> <p>16 what I just misstated so I can fix it on the</p> <p>17 record if I need to? It will take me 10</p> <p>18 seconds.</p> <p>19 MR. SCAROLA: If Mr. Link is offering a</p> <p>20 stipulation that allegations in the</p> <p>21 complaints on behalf of E.W., L.M. and Jane</p> <p>22 Doe as filed by Bradley Edwards were</p> <p>23 well-founded allegations, I will accept that</p> <p>24 stipulation, and that may help to abbreviate</p> <p>25 some of the issues that we have been facing.</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;">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;">191</p> <p>1 He had the assistance of the University</p> <p>2 of Utah law professor Paul Cassell. So his</p> <p>3 motive was to escape or reduce his liability</p> <p>4 in a large number of pending civil actions</p> <p>5 and to escape liability for an even larger</p> <p>6 number of potential criminal prosecutions.</p> <p>7 While the limitation that Your Honor</p> <p>8 has described applies to the probable cause</p> <p>9 issue for the reasons that Your Honor has</p> <p>10 stated, those reasons have no applicability</p> <p>11 when it comes to talking about motive and</p> <p>12 malice.</p> <p>13 When it comes to talking about motive</p> <p>14 and malice, I respectfully suggest the jury</p> <p>15 needs to understand why it is that somebody</p> <p>16 would take the risk of filing a malicious</p> <p>17 lawsuit, what did he have to gain by doing</p> <p>18 that.</p> <p>19 And what he had to gain was not simply</p> <p>20 to influence Bradley Edwards' prosecutorial</p> <p>21 decisions with regard to three cases, but to</p> <p>22 influence Bradley Edwards' decisions with</p> <p>23 regard to a large number of other pending</p> <p>24 civil lawsuits, and even more significantly,</p> <p>25 a claim that could expose Jeffrey Epstein to</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>	<p style="text-align: right;">192</p> <p>1 spend the rest of his life in jail.</p> <p>2 So that's the relevance and materiality</p> <p>3 that we have not directly addressed yet that</p> <p>4 does arise when we start talking about why</p> <p>5 are we going to be talking about all of</p> <p>6 these other claims.</p> <p>7 Your Honor is right. There are</p> <p>8 specific admissions included within those</p> <p>9 other pleadings. But the mere existence of</p> <p>10 those other cases that were being prosecuted</p> <p>11 on a coordinated basis does make a very</p> <p>12 significant difference in terms of motive.</p> <p>13 Thank you, sir.</p> <p>14 THE COURT: Okay. Thank you as well.</p> <p>15 Again, I am going to have to take these</p> <p>16 up on an issue-by-issue basis in order to</p> <p>17 determine the relevancy.</p> <p>18 Thirty-five, again, are the answers to</p> <p>19 affirmative defenses in all civil cases</p> <p>20 against him. Same ruling. I am going to</p> <p>21 have to take those up on an issue-by-issue</p> <p>22 basis.</p> <p>23 Thirty-six. All complaints in which</p> <p>24 Epstein was a defendant, same ruling. I</p> <p>25 will have to take those up on an individual</p>

<p style="text-align: right;">193</p> <p>1 basis. In other words, that means that I'm</p> <p>2 going to defer.</p> <p>3 The newspaper articles, online articles</p> <p>4 or publications related to Jeffrey Epstein.</p> <p>5 MS. ROCKENBACH: Number 40 was not</p> <p>6 produced. Actually, Mr. Scarola and I can</p> <p>7 get together and look at articles. There</p> <p>8 might be some that I agree to.</p> <p>9 MR. SCAROLA: They were produced in</p> <p>10 connection with Mr. Jansen's report. You</p> <p>11 have a copy of every one of them.</p> <p>12 MS. ROCKENBACH: Okay, so Jansen's</p> <p>13 report. So then this exhibit goes to</p> <p>14 Mr. Jansen, which I have a motion to strike</p> <p>15 and preclude that is in draft form that I</p> <p>16 was working on last night. So I think then,</p> <p>17 perhaps, the Court can take that up in the</p> <p>18 context of Mr. Jansen's testimony and that</p> <p>19 motion in that, Mr. Jansen is a damages</p> <p>20 expert that has testified about defamatory</p> <p>21 statements.</p> <p>22 What I started to say is, I would agree</p> <p>23 to some newspaper articles that my client</p> <p>24 relied on in bringing the original</p> <p>25 proceeding, because he has testified that he</p>	<p style="text-align: right;">195</p> <p>1 that now, as well.</p> <p>2 The video footage of the walk-through</p> <p>3 site inspection of Epstein's home is</p> <p>4 probably likely to closely resemble that of</p> <p>5 punitive damages, although it may be also</p> <p>6 this issue of whether or not there's going</p> <p>7 to be an exception taken to -- strike</p> <p>8 that -- to any of the individuals who are at</p> <p>9 issue, and their memory as to whether or not</p> <p>10 they recall what, if anything, maybe in or</p> <p>11 not in Mr. Epstein's home, and could be an</p> <p>12 issue of credibility and could be supported</p> <p>13 by way of the video.</p> <p>14 Again, I will take that up if that</p> <p>15 becomes an issue later on.</p> <p>16 The properties, cars, boats and planes</p> <p>17 of Mr. Epstein, again could be taken up</p> <p>18 later, if it becomes an issue.</p> <p>19 Probable cause affidavits prepared</p> <p>20 against Jeffrey Epstein and Sarah Kellen,</p> <p>21 same ruling I made earlier regarding</p> <p>22 probable cause. If the affidavit was</p> <p>23 prepared against Epstein himself, then it's</p> <p>24 relevant, unless it relates to any issues of</p> <p>25 Mr. Edwards' knowledge and his diligence,</p>
<p style="text-align: right;">194</p> <p>1 relied on these newspaper articles that</p> <p>2 connected Mr. Edwards to Mr. Rothstein's</p> <p>3 Ponzi scheme and that formed, in part, the</p> <p>4 basis for his probable cause to originate</p> <p>5 the proceeding.</p> <p>6 But as to the mountain of newspaper</p> <p>7 articles or periodicals or Internet hits</p> <p>8 that Dr. Jansen reviewed -- and I guess are</p> <p>9 attached to his report that I'm now hearing</p> <p>10 are Exhibit 40 -- we would absolutely object</p> <p>11 to, because they are not relevant in the</p> <p>12 malicious prosecution action.</p> <p>13 MR. SCAROLA: If we're going to take up</p> <p>14 Mr. Jansen in response to a motion that we</p> <p>15 haven't seen yet, may I suggest that we take</p> <p>16 up Mr. Jansen in response to a motion --</p> <p>17 THE COURT: At this point, to try to</p> <p>18 marshal the number of articles, online</p> <p>19 articles, newspaper articles and</p> <p>20 publications related to Jeffrey Epstein is</p> <p>21 close to impossible, so I'm not going to get</p> <p>22 into that right now.</p> <p>23 Report and analysis of Epstein's</p> <p>24 assets, again, likely goes to the punitive</p> <p>25 damages aspect. I'm not going to get into</p>	<p style="text-align: right;">196</p> <p>1 and the like, relating to his preparation of</p> <p>2 his cases.</p> <p>3 Forty-five. Documents relating to or</p> <p>4 evidencing Epstein's donation to law</p> <p>5 enforcement.</p> <p>6 MS. ROCKENBACH: Irrelevant and</p> <p>7 prejudicial, because then it reflects</p> <p>8 poorly. It's an insinuation that our system</p> <p>9 can be purchased, and that's just</p> <p>10 inappropriate. It's not appropriate for a</p> <p>11 malicious prosecution action whatsoever.</p> <p>12 THE COURT: Well, the likelihood,</p> <p>13 again, I am going to sustain the objection,</p> <p>14 unless I find that -- something that might</p> <p>15 have something reasonably to do with this.</p> <p>16 I understand the intent. But again, any</p> <p>17 probative value would be materially</p> <p>18 outweighed by the prejudice and the</p> <p>19 relevance.</p> <p>20 Forty-six. Victim notification letter</p> <p>21 from the U.S. Attorney's Office to victim.</p> <p>22 Again, I think that more closely aligns</p> <p>23 itself with that victims' rights case that's</p> <p>24 being brought.</p> <p>25 Again, I will sustain until such time</p>

<p style="text-align: right;">197</p> <p>1 as I find it may have something to do with</p> <p>2 the issues I described earlier.</p> <p>3 Mr. Dennison's -- Dr. L. Dennison</p> <p>4 Reed's report of victim. That's an expert?</p> <p>5 I don't know what that is.</p> <p>6 MS. ROCKENBACH: Ask Mr. Scarola.</p> <p>7 Psychological examination of [REDACTED] L.R.</p> <p>8 This is something that was in the federal</p> <p>9 court action.</p> <p>10 THE COURT: That was the same lady I</p> <p>11 tried to protect by not using her last name.</p> <p>12 MS. ROCKENBACH: I apologize, Your</p> <p>13 Honor, and agree to strike that.</p> <p>14 THE COURT: It's stricken. It will</p> <p>15 [REDACTED] R., middle initial L. It may have</p> <p>16 been a two-part name. Just identify her as</p> <p>17 [REDACTED] L.R. That would be the designation we</p> <p>18 use.</p> <p>19 MS. ROCKENBACH: I fail to see the</p> <p>20 relevance of a psychological report.</p> <p>21 THE COURT: Same ruling. Again, it</p> <p>22 doesn't have anything to do with the three</p> <p>23 ladies involved here.</p> <p>24 Palm Beach Police Department incident</p> <p>25 report. Does that have anything to do with</p>	<p style="text-align: right;">199</p> <p>1 indicated. And that it would not be</p> <p>2 necessarily the contents of the exhibit, but</p> <p>3 the ability to speak generically about the</p> <p>4 fact that he had those exhibits on hand when</p> <p>5 he did what he did.</p> <p>6 MR. SCAROLA: Thank you.</p> <p>7 THE COURT: Thanks.</p> <p>8 Same thing with 52, same ruling.</p> <p>9 Who is Alberto Pinto? What does he</p> <p>10 have to do with this?</p> <p>11 MS. ROCKENBACH: This is a contractor</p> <p>12 who my client hired to do a housing project.</p> <p>13 There is no relevance. We read the letter.</p> <p>14 We provided it to the Court.</p> <p>15 THE COURT: Anything, Mr. Scarola, on</p> <p>16 this?</p> <p>17 MR. SCAROLA: Same position, Your</p> <p>18 Honor.</p> <p>19 THE COURT: Same ruling finding it to</p> <p>20 be irrelevant, unless otherwise shown to the</p> <p>21 Court to relate to issues pertaining to</p> <p>22 those that the Court has indicated or others</p> <p>23 that may come up later on down the line. I</p> <p>24 am preliminarily going to sustain the</p> <p>25 objection.</p>
<p style="text-align: right;">198</p> <p>1 any of the three people here?</p> <p>2 MR. SCAROLA: I'm sorry. Was that a</p> <p>3 question, Your Honor?</p> <p>4 THE COURT: Yes.</p> <p>5 MR. SCAROLA: I believe it does.</p> <p>6 Again, I don't intend to offer it until such</p> <p>7 time as I have established its relevance.</p> <p>8 THE COURT: Same argument. And at this</p> <p>9 point -- thank you. That will be sustained,</p> <p>10 unless otherwise necessary.</p> <p>11 MS. ROCKENBACH: I don't have copies</p> <p>12 of --</p> <p>13 THE COURT: Same thing with 49. Same</p> <p>14 thing with 50. Same ruling with regard to</p> <p>15 51.</p> <p>16 MR. SCAROLA: I would only point out --</p> <p>17 when Your Honor is saying the same ruling,</p> <p>18 I'm sorry but I'm really not --</p> <p>19 THE COURT: Sustained, unless there's</p> <p>20 some reason for it to be provided as it</p> <p>21 relates to the three plaintiffs that</p> <p>22 Mr. Edwards represented, or it has to do</p> <p>23 with issues concerning his preparation, his</p> <p>24 evaluation of the cases, and all of the rest</p> <p>25 of those things that I have already</p>	<p style="text-align: right;">200</p> <p>1 Bank statements, tax returns have to do</p> <p>2 with the punitive aspects. I will defer on</p> <p>3 those.</p> <p>4 MC2 emails. MC2 is another person who</p> <p>5 has sued Mr. Epstein?</p> <p>6 MS. ROCKENBACH: I do not know that</p> <p>7 exhibit. MC2 was the investing company that</p> <p>8 was defrauded by Mr. Rothstein.</p> <p>9 THE COURT: I can't keep track --</p> <p>10 MS. ROCKENBACH: No. That's not right.</p> <p>11 I got that wrong. I don't have these</p> <p>12 emails. I don't.</p> <p>13 THE COURT: Can anybody answer who MC2</p> <p>14 may be?</p> <p>15 MR. SCAROLA: No, sir.</p> <p>16 THE COURT: We will have to take a look</p> <p>17 at those at a different time. At this point</p> <p>18 I will reserve.</p> <p>19 DVD of plea and colloquy. We talked</p> <p>20 about that earlier. Sustained, unless it</p> <p>21 becomes an issue we need to deal with later</p> <p>22 on. Preliminarily it's sustained.</p> <p>23 Transcript of plea and colloquy taken</p> <p>24 on 6/30/08. Same ruling.</p> <p>25 Massage table. Again, unless it</p>

<p style="text-align: right;">201</p> <p>1 becomes an issue as to one of these people</p> <p>2 indicating that -- strike that.</p> <p>3 Somebody that may indicate that a</p> <p>4 massage was done, someone denying the</p> <p>5 massage table ever existed, I don't think</p> <p>6 it's relevant.</p> <p>7 Again, it may come up as to massages</p> <p>8 being done and that type of thing, but the</p> <p>9 actual table is a good exemplar of going</p> <p>10 beyond, over the top of what we need to do</p> <p>11 here, that is, to bring the actual table.</p> <p>12 It's not like those instances where a</p> <p>13 vehicle is actually brought into a</p> <p>14 courtroom, or part of a vehicle is brought</p> <p>15 in for the jury to use the vehicle outside</p> <p>16 the courthouse. The vehicle is the</p> <p>17 actual --</p> <p>18 MR. SCAROLA: I don't anticipate</p> <p>19 bringing a massage table in, sir.</p> <p>20 THE COURT: All right. That's good to</p> <p>21 know. Thank you.</p> <p>22 No contact orders entered against</p> <p>23 Epstein, criminal score sheet regarding</p> <p>24 Epstein, documents evidencing Epstein's</p> <p>25 community control and probation, Epstein's.</p>	<p style="text-align: right;">203</p> <p>1 particular.</p> <p>2 THE COURT: I will take a look at that</p> <p>3 when the time comes, if it comes at all.</p> <p>4 Thank you.</p> <p>5 Booking photographs. Again, same</p> <p>6 ruling as I made on the other matters</p> <p>7 regarding the criminal aspects of the case.</p> <p>8 MR. SCAROLA: This would simply be a</p> <p>9 photograph, Your Honor.</p> <p>10 THE COURT: What's its relevancy?</p> <p>11 MR. SCAROLA: I'm not sure Mr. Epstein</p> <p>12 is going to be here.</p> <p>13 THE COURT: Are you planning to</p> <p>14 subpoena him?</p> <p>15 MR. SCAROLA: No, sir. No. If he</p> <p>16 chooses not to be here, I have videotaped</p> <p>17 deposition.</p> <p>18 THE COURT: That's fine.</p> <p>19 MR. SCAROLA: I want to be able to</p> <p>20 identify him as the person who got</p> <p>21 convicted.</p> <p>22 THE COURT: It could be duplicative of</p> <p>23 a video.</p> <p>24 MR. SCAROLA: It may be. Again, I just</p> <p>25 want to explain to Your Honor that's why</p>
<p style="text-align: right;">202</p> <p>1 sex-offender registrations.</p> <p>2 MR. SCAROLA: May we stop there?</p> <p>3 THE COURT: Yes.</p> <p>4 MS. ROCKENBACH: Before we stop, Your</p> <p>5 Honor, was about to rule on 60 through 62.</p> <p>6 THE COURT: Sixty through 62 is</p> <p>7 sustained for the reasons that I've already</p> <p>8 earlier indicated on the record.</p> <p>9 Sixty-three. Epstein's sex offender</p> <p>10 registrations.</p> <p>11 MR. SCAROLA: Yes, as part of</p> <p>12 Mr. Epstein's sex offender registration,</p> <p>13 particularly in the state of New York -- I'm</p> <p>14 not sure the extent to which it applies</p> <p>15 elsewhere -- he was obliged to disclose his</p> <p>16 ownership interest in vehicles, airplanes</p> <p>17 and residences, that is, he had to list all</p> <p>18 of those things. And one of the ways that</p> <p>19 we have identified Jeffrey Epstein's assets</p> <p>20 is through those sex offender registration</p> <p>21 disclosures that he was obliged make and did</p> <p>22 make.</p> <p>23 So it has to do with punitive damages</p> <p>24 in addition, perhaps, to something else.</p> <p>25 But it has to do with punitive damages in</p>	<p style="text-align: right;">204</p> <p>1 it's listed.</p> <p>2 THE COURT: I will defer.</p> <p>3 CAD calls. C-A-D.</p> <p>4 MR. SCAROLA: I can't tell you.</p> <p>5 THE COURT: Sustained.</p> <p>6 MS. ROCKENBACH: I have a copy of the</p> <p>7 exhibit that Mr. Scarola provided. They are</p> <p>8 Palm Beach Police Department --</p> <p>9 THE COURT: I have already sustained</p> <p>10 the objection for reasons that were</p> <p>11 indicated earlier.</p> <p>12 List of Epstein's house contacts. You</p> <p>13 have that one?</p> <p>14 MS. ROCKENBACH: I do. May I approach,</p> <p>15 Your Honor?</p> <p>16 THE COURT: Sure.</p> <p>17 MS. ROCKENBACH: It's a document titled</p> <p>18 Vehicles, Mail Deliveries --</p> <p>19 May I retrieve these?</p> <p>20 THE COURT: This looks like his</p> <p>21 vehicles, grocery stores that he shops at,</p> <p>22 health and beauty, utilities, storage, mail</p> <p>23 and delivery services, maintenance, travel,</p> <p>24 banking, bicycles, bookstore, cleaning</p> <p>25 service. Entertainment: Breakers, comedy</p>

<p style="text-align: right;">205</p> <p>1 corner, Mar-a-Lago. It goes to different</p> <p>2 servicing companies, such as extermination</p> <p>3 type of thing. It has a list of names and</p> <p>4 numbers.</p> <p>5 Okay, again the same ruling that I made</p> <p>6 earlier, and that is, that it would not be</p> <p>7 relevant, except for issues that I have</p> <p>8 discussed earlier that may impact upon</p> <p>9 particularly Mr. Edwards' diligence, what he</p> <p>10 had, particularly at the time of his employ</p> <p>11 with the Rothstein firm, and those things I</p> <p>12 have already mentioned in the record.</p> <p>13 Documents related to Epstein's</p> <p>14 investments would be a punitive damage issue</p> <p>15 that we will take up at a later time.</p> <p>16 Letter from Chief Reiter from the Palm</p> <p>17 Beach Police Department to Barry Krischer,</p> <p>18 it should be, instead of Krischler, I</p> <p>19 presume.</p> <p>20 MS. ROCKENBACH: That's correct. It's</p> <p>21 dated May 1st, 2006.</p> <p>22 THE COURT: Let me take a look at it.</p> <p>23 Sixty-nine is a list of planes owned by</p> <p>24 Epstein. That would be, again, reserved, if</p> <p>25 necessary, for the punitive damages</p>	<p style="text-align: right;">207</p> <p>1 investigating office, through its chief, is</p> <p>2 challenging the way in which his cases are</p> <p>3 being treated is relevant and material with</p> <p>4 regard to his taking the highly unusual step</p> <p>5 of filing a baseless malicious claim against</p> <p>6 Bradley Edwards, that is, Mr. Epstein filing</p> <p>7 that claim against Bradley Edwards.</p> <p>8 THE COURT: I'm sorry.</p> <p>9 MR. SCAROLA: Mr. Epstein knows that he</p> <p>10 is facing very substantial jeopardy. And</p> <p>11 that letter is corroborative of that. It's</p> <p>12 part of what he knows when he files the</p> <p>13 claim.</p> <p>14 THE COURT: The objection is sustained.</p> <p>15 MS. ROCKENBACH: The next set of items</p> <p>16 70 through 74, they are all letters from</p> <p>17 Mr. Epstein's lawyer, Guy Fronstin, prior</p> <p>18 counsel, to the assistant State Attorney</p> <p>19 Lanna Belohiavek from the Office of the</p> <p>20 State Attorney. They are all different, but</p> <p>21 they all relate to -- for instance, Exhibit</p> <p>22 Number 70 is a disclosure of third-party</p> <p>23 attorney fee payment where my client had</p> <p>24 offered to pay for his house manager, who</p> <p>25 was going to be giving a statement to the</p>
<p style="text-align: right;">206</p> <p>1 component of the case.</p> <p>2 Did you see these letters?</p> <p>3 MR. SCAROLA: It's been a long time.</p> <p>4 THE COURT: I couldn't imagine what</p> <p>5 relevancy it would have to do with this.</p> <p>6 Unless you can provide me any additional</p> <p>7 information, it's sustained.</p> <p>8 Fronstin. Was he one of Mr. Epstein's</p> <p>9 attorneys at one time?</p> <p>10 MS. ROCKENBACH: Yes, Your Honor.</p> <p>11 And these all are -- Exhibits 70, 71,</p> <p>12 72, 73, 74, are all letters from --</p> <p>13 MR. SCAROLA: I'm sorry. I'm having</p> <p>14 difficulty doing two things at once. I'm</p> <p>15 reading this letter. I would like -- I</p> <p>16 would like to comment that the Palm Beach</p> <p>17 Police Department was the principle</p> <p>18 investigating agency with regard to these</p> <p>19 claims. And obviously, the chief's position</p> <p>20 with regard to these claims is reflective of</p> <p>21 the quality of the claims that was called</p> <p>22 into question in the complaint by</p> <p>23 Mr. Epstein.</p> <p>24 So to the extent that Mr. Epstein is</p> <p>25 aware of the fact that the chief</p>	<p style="text-align: right;">208</p> <p>1 assistant state attorney. And it was in</p> <p>2 compliance with ethical rules. It</p> <p>3 actually is -- but it has no relevance.</p> <p>4 That's the point. It actually is a good</p> <p>5 thing, but here it shouldn't come in,</p> <p>6 because we are just getting too far astray.</p> <p>7 I have these documents and these</p> <p>8 folders if Your Honor would like to look at</p> <p>9 them.</p> <p>10 MR. SCAROLA: Part of what all the</p> <p>11 attorneys prosecuting claims against Jeffrey</p> <p>12 Epstein were dealing with, including Brad</p> <p>13 Edwards, was the degree of control that</p> <p>14 Mr. Epstein was exercising over various</p> <p>15 witnesses. And those letters evidence the</p> <p>16 degree of control that Jeffrey Epstein was</p> <p>17 exercising over various witnesses who were</p> <p>18 part of the then ongoing criminal</p> <p>19 investigation. That is why such things as</p> <p>20 the depositions of pilots and the</p> <p>21 subpoenaing of flight logs and the necessity</p> <p>22 to try to find third parties who were not</p> <p>23 under Mr. Epstein's influence to give sworn</p> <p>24 testimony concerning what was going on on</p> <p>25 airplanes became necessary.</p>

1 MS. ROCKENBACH: They may be relevant  
2 if we were trying Mr. Edwards' cases that  
3 were settled. They are not remotely  
4 relevant in this action.

5 THE COURT: I tend to agree. Again,  
6 for the same reasons that I ruled earlier, I  
7 sustain the objection to these letters from  
8 this attorneys -- Mr. Epstein's attorneys to  
9 the assistant State Attorney.

10 Mr. Goldberger's letters, 75.

11 MS. ROCKENBACH: May I approach, Your  
12 Honor? It is dated June 22nd.

13 THE COURT: Off the record.

14 (A discussion was held off the record.)

15 THE COURT: I made an error confusing  
16 Mr. Salnick with Mr. Krischer. I apologize  
17 to them both. So I will need to take a look  
18 at that letter from Chief Reiter again and  
19 see if it changes my thought process in that  
20 regard.

21 MS. ROCKENBACH: Your Honor, I have it,  
22 if you want to take another look. It  
23 encloses a probable cause affidavit and case  
24 filing, packages from the police  
25 department -- Palm Beach Police Department

1 from the chief of police.

2 THE COURT: Sure. Sorry about that.

3 I'm going to take the same position as  
4 to number 68, so it's sustained for the  
5 reasons I have earlier indicated.

6 Number 75, the letter from  
7 Mr. Goldberger to Mr. Krischer.

8 Do you want to comment Mr. Scarola?

9 MR. SCAROLA: No, Your Honor. Same  
10 argument.

11 THE COURT: Same ruling. I'm going to  
12 sustain it. Also, it carries with it the  
13 potential of Mr. Goldberger having to be a  
14 witness. I just don't see it as necessarily  
15 even tangentially related to the three cases  
16 that we have.

17 I don't know if one of these young  
18 women were part of this. The one who is  
19 described here is not listed, even by  
20 initials, so I will take the same position I  
21 have taken earlier.

22 MS. ROCKENBACH: Your Honor, number 76,  
23 I'm not sure if you need the packet, but  
24 it's subpoenas that were issued.

25 THE COURT: No. It's the same ruling I

1 have made earlier with regard to other  
2 matters concerning the criminal file.

3 MS. ROCKENBACH: Thank you.

4 THE COURT: The documents related to  
5 the rental of vehicles for Vanessa Zalis.  
6 Who is she?

7 MS. ROCKENBACH: I don't know that -- I  
8 would have to have Mr. Scarola explain why  
9 rental -- and I don't even see rental  
10 agreements. I would expect to see a rental  
11 car: Alamo, Hertz or something. This  
12 document that was produced is FedEx labels,  
13 priority overnight FedEx labels to my client  
14 at his Palm Beach residence with a  
15 handwritten note and it says, "Contract up  
16 on February 2nd." Then it has a handwritten  
17 note Dollar Rent a Car. No relevance.

18 THE COURT: I don't know who this is.

19 Do you have any idea who we are talking  
20 about here?

21 MR. SCAROLA: Same argument.

22 THE COURT: Same ruling.

23 Ted Shed.

24 MR. SCAROLA: Same argument.

25 THE COURT: Same ruling.

1 Documents related to the property  
2 searches of Jeffrey Epstein's property.

3 MR. SCAROLA: Same argument.

4 THE COURT: Same ruling.

5 Arrest warrant of Kellen?

6 MR. SCAROLA: Same argument.

7 THE COURT: Same ruling.

8 Police report regarding Alexandra Hall  
9 picking up money, dated 11/28/04.

10 MR. SCAROLA: Same argument.

11 THE COURT: Same ruling. These are all  
12 sustained, unless shown to the Court later  
13 that there's a particular relevance to any  
14 of these documents. That's the same ruling  
15 I have indicated.

16 Eighty-two. List of Trilateral  
17 Commission Members of 2003. Do you know  
18 what that is?

19 MS. ROCKENBACH: I still don't, even  
20 after looking at the document. But it is on  
21 a website Bible Believers.org, a nine-page  
22 document with individual names of people.

23 THE COURT: It's refreshing the Bible  
24 is being mentioned during all of this.

25 MR. SCAROLA: Same argument.



1 THE COURT: Same ruling.  
 2 Alan Dershowitz's letter dated  
 3 April 19th, '06, and statute 90.410. I  
 4 guess this has to do with similar activity.  
 5 Same argument?  
 6 MR. SCAROLA: This is slightly  
 7 different, Your Honor. This has to do with  
 8 the allegation that there was a significant  
 9 change in the approach to prosecution of  
 10 these cases after Brad Edwards was employed  
 11 at RRA. And one of the elements that is  
 12 cited to is that he begins to take discovery  
 13 with regard to other victims.  
 14 In fact, there were multiple activities  
 15 that occurred prior to Brad's employment  
 16 with RRA that were directed at the discovery  
 17 of matters relating to other victims. And  
 18 the federal statute requires that a notice  
 19 be given to the other side of the intent to  
 20 rely upon evidence with regard to other  
 21 victims.  
 22 THE COURT: Did you take  
 23 Mr. Dershowitz's deposition as it relates to  
 24 this case?  
 25 MR. SCAROLA: No, sir. But I have had

1 the pleasure of deposing Mr. Dershowitz.  
 2 THE COURT: Not as it relates to this  
 3 case?  
 4 MR. SCAROLA: No.  
 5 MS. ROCKENBACH: I do not have a copy  
 6 of the letter, Your Honor. It was not in  
 7 production.  
 8 THE COURT: I will defer on that one.  
 9 Fromstin letter. Again, goes with the  
 10 same protections that I earlier indicated.  
 11 I will sustain.  
 12 Epstein's account information.  
 13 MS. ROCKENBACH: I don't know what that  
 14 means. It was not produced.  
 15 THE COURT: It will have to be produced  
 16 in the meantime.  
 17 MR. SCAROLA: Yes. I hope it will be.  
 18 It is listed, although it has not yet been  
 19 produced by Mr. Epstein in anticipation of  
 20 his being ordered to produce it.  
 21 THE COURT: Eighty-six. Epstein's  
 22 criminal close-out sheet will, again, be  
 23 sustained for reasons earlier stated on the  
 24 record.  
 25 The JEJE passenger manifest --

1 number 88 is Hyperion Air passenger  
 2 manifest. Same ruling. Same thing with the  
 3 flight information.  
 4 Eighty-nine. Passenger list, 90, same  
 5 ruling.  
 6 Notepad/notes, Maria.  
 7 MR. SCAROLA: Same argument.  
 8 THE COURT: Same ruling.  
 9 Pleadings of Jane Doe 1 and 2 vs. US  
 10 case.  
 11 MR. SCAROLA: That's the CVRA case,  
 12 Your Honor.  
 13 THE COURT: That will likely be  
 14 discussed -- obviously, it will be  
 15 discussed. How much of the pleadings that  
 16 need to be addressed will be a matter of the  
 17 Court's consideration later.  
 18 Epstein Fifth Amendment speech.  
 19 MR. SCAROLA: Those are just a  
 20 reference to deposition excerpts.  
 21 THE COURT: Reiter letter to Krischer.  
 22 That's already been talked about. That's a  
 23 duplication, unless he wrote another one.  
 24 I think it's a duplication. You can  
 25 check.

1 MR. SCAROLA: Sixty-eight isn't dated.  
 2 This one is dated. I don't know whether  
 3 they're two different letters or the same  
 4 one, Your Honor.  
 5 MS. ROCKENBACH: Ninety-four. It was  
 6 not produced to me.  
 7 THE COURT: I'm going to assume that  
 8 it's the same unless it's produced  
 9 separately. And it will be ordered to be  
 10 produced separately within 15 days, if not  
 11 already done.  
 12 Just like anything else, I'm ordering  
 13 it be produced -- that I may have ordered in  
 14 the past -- within a 15-day period.  
 15 Ninety-six. [REDACTED] police  
 16 report. Same ruling, same position taken by  
 17 Mr. Edwards's counsel.  
 18 Victim's -- individual -- says  
 19 victim's -- not plural -- school records and  
 20 transcripts. I don't know which victim  
 21 you're talking about. Maybe it's the young  
 22 lady who was the model student, as discussed  
 23 earlier, allegedly prior to Mr. Epstein's  
 24 involvement.  
 25 MS. ROCKENBACH: [REDACTED]

1 THE COURT: She's not one of the people  
2 involved here today.

3 MS. ROCKENBACH: That's correct.

4 THE COURT: I will sustain it.

5 MS. ROCKENBACH: Your Honor, if I may.  
6 I think I have a sampling of this exhibit.  
7 All the pages I have in front of me say  
8 Shana R.

9 THE COURT: Ninety-seven would be the  
10 same ruling.

11 Ninety-eight, the same ruling.

12 Ninety-nine, the same ruling.

13 One hundred. All surveillance  
14 conducted by law enforcement on Epstein's  
15 home. Same ruling.

16 One hundred one. Emails received by  
17 Palm Beach Records related to Jeffrey  
18 Epstein.

19 Who is Palm Beach records?

20 MS. ROCKENBACH: I don't know, and I  
21 don't have the exhibit. It was not  
22 produced.

23 THE COURT: Again, to be produced. At  
24 this time sustained. Same ruling.

25 One hundred and two. All items listed

1 pleadings and attachments in the action  
2 under the Crime Victims' Rights Act  
3 prosecuted by Edwards on behalf of victims  
4 of Epstein's criminal molestations.

5 As I have done earlier, to be  
6 consistent, I sustain the objection because  
7 of it's breadth, lack of specificity,  
8 without prejudice, to specific documents  
9 being provided within 15 days to the  
10 attorneys for Epstein.

11 MR. SCAROLA: I'm sorry. We are  
12 talking about 113?

13 THE COURT: Yes.

14 MR. SCAROLA: They have all of those,  
15 Your Honor. Mr. Epstein entered an  
16 appearance in the case. He was permitted to  
17 intervene, so they have got all of those  
18 pleadings. They're also --

19 THE COURT: That's fine. But I could  
20 imagine that in -- I think somebody  
21 mentioned eight or nine years' litigation --  
22 Mr. Goldberger pointed out earlier, not  
23 every one of those documents are going to be  
24 relevant here. So whatever the plaintiff is  
25 seeking to introduce as a result of that

1 on the Palm Beach Police Department property  
2 report lists. Same ruling.

3 One hundred and three. All copies of  
4 convictions related to Epstein. I have  
5 already ruled on that, at least globally  
6 that, until further inquiry is done and  
7 further information is received regarding  
8 the pleas and to whom they apply, I am not  
9 in a position to make definitive ruling on  
10 that.

11 One hundred and six -- strike that.

12 One hundred and four is Jeffrey  
13 Epstein's criminal records. That mirrors  
14 some of the things I've indicated. It would  
15 be sustained pending further inquiry or  
16 review based upon reasons stated already by  
17 the Court.

18 One hundred and five. All documents  
19 produced by Palm Beach Police Department  
20 prior to the deposition of Detective  
21 Recarey, R-E-C-A-R-E-Y.

22 Again, same ruling. I'm just going to  
23 ignore 106. It's a catch-all I usually  
24 don't rule on any way.

25 One hundred and thirteen. All

1 should be culled and should be provided to  
2 the other side.

3 MR. SCAROLA: And my response to that  
4 is, as I stand here right now, I don't know.  
5 I am listing it because it is potentially  
6 relevant. There's obviously been a lot of  
7 discussion to the Crime Victims' Rights Act  
8 case. And if Your Honor wants me to  
9 duplicate everything that's been filed in  
10 that case --

11 THE COURT: That's not what I'm  
12 suggesting, Mr. Scarola. What I'm saying is  
13 the problem that I have and how I usually  
14 rule on these matters is that when a file is  
15 identified as all pleadings and attachments,  
16 particularly whereas here, your client is an  
17 attorney who is the lead attorney in the  
18 prosecution of the CVRA claims, then he  
19 should be aware of what would be relevant as  
20 it relates to his malicious prosecution  
21 claim against Epstein. Not all of those  
22 documents will be relevant.

23 I wouldn't expect a defendant in a  
24 malicious prosecution claim, Epstein, to  
25 have to review the -- attorneys in

<p style="text-align: right;">221</p> <p>1 particular -- having to review all the</p> <p>2 documents and guessing which ones may or may</p> <p>3 not be introduced or sought to be introduced</p> <p>4 or considered to be introduced. So that's</p> <p>5 the issue that I'm dealing with.</p> <p>6 They must be culled and they must be</p> <p>7 provided to them -- 15 days maybe a little</p> <p>8 short in light of the holiday season, so I'm</p> <p>9 going to give you -- 1/13, 30 days.</p> <p>10 MS. ROCKENBACH: Thank you, Your Honor.</p> <p>11 MR. SCAROLA: May I simply state that</p> <p>12 at this stage in this litigation, not</p> <p>13 knowing what Mr. Epstein is going to attempt</p> <p>14 to say with regard to the defense, that</p> <p>15 every pleading in the Crime Victims' Rights</p> <p>16 Act case is potentially relevant? And every</p> <p>17 one of those pleadings is available on</p> <p>18 PACER. And he is a party to the litigation.</p> <p>19 So to comply with the Court's order -- I</p> <p>20 don't want to do something that Your Honor</p> <p>21 is telling me I ought not to do. But to</p> <p>22 comply with the order as you have described</p> <p>23 it, I would simply duplicate every pleading</p> <p>24 in that case that is on PACER so that I have</p> <p>25 the flexibility to introduce whatever I may</p>	<p style="text-align: right;">223</p> <p>1 MR. SCAROLA: Yes, sir. In light of</p> <p>2 the Court's ruling -- and I don't mean to be</p> <p>3 arguing after the ruling, I only want to</p> <p>4 understand it. What I would do is I would</p> <p>5 take 113, and I would have a separate</p> <p>6 listing of every pleading on PACER, and I</p> <p>7 would produce every pleading on PACER. And</p> <p>8 I don't want to do that if I'm doing</p> <p>9 something that Your Honor believes that I</p> <p>10 ought not to be doing.</p> <p>11 THE COURT: The reason why I say that</p> <p>12 is, number one, we already have enough paper</p> <p>13 that's involved here. Number two, clearly</p> <p>14 in my view, whether we're dealing with a set</p> <p>15 of medical records, whether we're dealing</p> <p>16 with a set of psychiatric records,</p> <p>17 admissions to hospitals, admissions to</p> <p>18 psychiatric facilities, rehabilitation</p> <p>19 facilities -- I have seen thousands of</p> <p>20 documents. I've done in camera inspections</p> <p>21 of thousands of documents. I have culled</p> <p>22 from them -- probably often out of thousands</p> <p>23 of documents -- 30, 40, 50, 70 pages of what</p> <p>24 I believe to be relevant.</p> <p>25 There are a number of documents that</p>
<p style="text-align: right;">222</p> <p>1 need to.</p> <p>2 THE COURT: That's why my suggestion is</p> <p>3 it would be -- that the objection would be</p> <p>4 sustained as the exhibit is phrased.</p> <p>5 It would be the same thing if you were</p> <p>6 to stand here today -- if we were in</p> <p>7 trial -- and say here are the 3,000 docket</p> <p>8 entries to the Crime Victims' Rights Act</p> <p>9 case, and I want the jury to review all</p> <p>10 3,000 docket entries, which comprise 7,000</p> <p>11 pages. I would say, No, it is not specific</p> <p>12 enough. No, the jury is not going to go</p> <p>13 through all of those without exactly knowing</p> <p>14 what they are looking for.</p> <p>15 And so as phrased, the objection is</p> <p>16 sustained.</p> <p>17 I have given you the opportunity to</p> <p>18 otherwise remedy the situation. But if</p> <p>19 that's the response that I'm getting -- and</p> <p>20 I respect that -- then that's the ruling of</p> <p>21 the Court.</p> <p>22 One hundred fourteen --</p> <p>23 MR. SCAROLA: I'm sorry. Again, I</p> <p>24 would, in light of Your Honor's comments --</p> <p>25 THE COURT: It was actually a ruling.</p>	<p style="text-align: right;">224</p> <p>1 deal with food that was eaten by a given</p> <p>2 individual per day that has no relevancy at</p> <p>3 all whatsoever with the treatment.</p> <p>4 There are other things that I can't</p> <p>5 think of right off the top of any head. But</p> <p>6 while they have to be documented by the</p> <p>7 hospital, they have to be documented by the</p> <p>8 rehab facility, they are not necessarily</p> <p>9 relevant to the inquiry at issue and can be</p> <p>10 culled out.</p> <p>11 What I'm saying is, with your client</p> <p>12 being the lead attorney on that case,</p> <p>13 despite Mr. Epstein being an intervener of</p> <p>14 some nature in that case, it's still</p> <p>15 incumbent upon the party offering the</p> <p>16 exhibits to present the most narrow</p> <p>17 compilation. And that is what I'm requiring</p> <p>18 you to do.</p> <p>19 I gave you and your client 30 days to</p> <p>20 cull those documents that in good faith are</p> <p>21 going to be sought and be admitted, not the</p> <p>22 entirety, because the likelihood of me</p> <p>23 admitting all of the docket entries over an</p> <p>24 eight-year period or nine-year period --</p> <p>25 whatever it might -- is highly unlikely</p>

<p style="text-align: right;">225</p> <p>1 because of jury confusion, because of time  2 and consideration of the jury's time when it  3 comes to that.  4 MR. SCAROLA: And I would never offer  5 it all.  6 THE COURT: So that's exactly what I'm  7 trying to say. The 30-day lead time that I  8 am giving is in consideration of the amount  9 of documentation that would have to be  10 reviewed, and that since Mr. Edwards would  11 likely be in the best position to be able to  12 cull out those documents that would  13 reasonably be calculated to be introduced  14 into evidence.  15 So that's the order of the Court. If  16 you take me up on it, that's fine. If you  17 don't, then, again, I am sustaining the  18 objection as phrased in number 113. So  19 that's with the caveat that I have described  20 and offered to you.  21 MR. VITALE: Your Honor, with regard to  22 101, you had given us 15 days to produce.  23 Would that also be extended to 30 days,  24 given the holiday?  25 THE COURT: No, because, again,</p>	<p style="text-align: right;">227</p> <p>1 THE COURT: Perhaps. If it's an issue  2 of fact, then it will be overruled.  3 Mr. Scarola, you want to get heard?  4 MR. SCAROLA: That's exactly what I was  5 going to say, Your Honor.  6 If they are contending that there's an  7 issue of fact as to whether there was a bona  8 fide termination, then the circumstance  9 under which the voluntary dismissal was  10 taken is obviously relevant and material.  11 What it was that was Jeffrey Epstein  12 declined to defend against is relevant and  13 material.  14 THE COURT: It is overruled.  15 One hundred and fifteen is time records  16 and hourly billing documentation produced in  17 discovery.  18 Is that Mr. Edwards' claim of lost time  19 and that type of thing?  20 MR. SCAROLA: Yes, Your Honor.  21 THE COURT: Well, that may come in as  22 far as damages to the malicious prosecution  23 claim.  24 Have you received any of that yet?  25 MS. ROCKENBACH: I have a circle here,</p>
<p style="text-align: right;">226</p> <p>1 everything, other than what I have just come  2 up with, I think you already should have  3 produced it. And if it hasn't been, then  4 that should be 15 days.  5 The Crime Victims' aspect is much  6 lengthier and comprises seven or eight years  7 of litigation. The exhibit list was  8 compiled and sent out on 9 November, which  9 is about three or four days short --  10 business days short of a month, so they  11 already should have been produced, but have  12 not. So those things that Ms. Rockenbach is  13 suggesting haven't been that would be 15  14 days, other than number 113.  15 Number 114. Edwards' Motion for  16 Summary Judgment. The Court would like to  17 take judicial notice.  18 MS. ROCKENBACH: I don't know that it's  19 an exhibit for the jury to consider. This  20 might go to -- I think -- I'm guessing -- it  21 was going to go to a legal argument before  22 Your Honor as to whether there was a bona  23 fide termination when my client dismissed  24 the original proceeding that he brought  25 against Mr. Edwards.</p>	<p style="text-align: right;">228</p> <p>1 meaning that it was not produced in the  2 context and pursuant to the Court's order.  3 THE COURT: You might want to get with  4 Mr. Vitale and see if you can --  5 MR. SCAROLA: It was produced prior to  6 Mr. Epstein's deposition. In response to a  7 request for production, all of those time  8 records have been produced.  9 THE COURT: Again, as I said with  10 regard to 113, the documents have to be  11 culled to some degree so that it can be  12 given to the other side as the exhibit  13 that's being sought to be introduced at  14 trial.  15 At this time it may still be going on,  16 so it may not be completed up to the time of  17 the trial. Just like medical records,  18 sometimes if there's ongoing treatment, even  19 though somebody is at maximum medical  20 improvement but they are still treating,  21 there could still be a continuing type of  22 exhibit.  23 MR. SCAROLA: These are time records of  24 Mr. Edwards' time devoted to the defense of  25 the maliciously filed claim. Once that</p>

1 claim was dismissed, he was no longer  
2 devoting time to the defense of the claim.

3 Those records have all been produced.  
4 They have been specifically identified. He  
5 has segregated out time spent in defense of  
6 the case from anything else, and they have  
7 that exhibit.

8 But if they need it to be re-produced  
9 to them again, and Your Honor directs that  
10 we need to re-produce it again, we will  
11 reproduce it again.

12 THE COURT: Again, I'm not directing  
13 another reproduction. Perhaps, as I said,  
14 Mr. Vitale can handle that issue with  
15 Ms. Rockenbach and it can be taken care of  
16 without further judicial intervention. I am  
17 sure it can.

18 Next is all claims filed by Epstein in  
19 the Rothstein bankruptcy proceeding. I  
20 would have to see those when the time comes.

21 All submissions by Epstein in  
22 connection with the Rothstein deposition.  
23 Again, I will see those when the time comes,  
24 if necessary. I will defer on those two.

25 All settlement agreements between

1 at a special-set hearing. So I would  
2 suggest that we set something in the near  
3 future for a half-hour hearing so that we  
4 can deal with those issues independently. I  
5 think it's worth some time to be taken.

6 Phone journal taken from Epstein's home  
7 and produced to the FBI by Rodriguez.  
8 That's the houseman. Same ruling as I made  
9 earlier with regard to that.

10 Photograph depicting Roberts, Maxwell  
11 and Prince Andrew.

12 MS. ROCKENBACH: No relevance to this  
13 action. It's prejudicial.

14 THE COURT: Same argument, Mr. Scarola?

15 MR. SCAROLA: Yes, sir. Same argument.

16 THE COURT: Sustained, unless further  
17 information develops to bring to the Court  
18 otherwise.

19 All flight logs. We talked about those  
20 before. Same ruling.

21 Evidence of contributions to the Palm  
22 Beach Police Department. Sustained. Same  
23 ruling.

24 MR. SCAROLA: Yes, sir. I did speak of  
25 that, the source of information regarding

1 Epstein and victims of sexual molestations.  
2 Again, I would have to see those when the  
3 time comes. I am most interested in the  
4 three individuals at issue.

5 MR. SCAROLA: Your Honor, there have  
6 been objections that have been raised to the  
7 production of those documents on the basis  
8 of a contractual confidentiality provision.

9 If the allegation remains that these  
10 cases -- the three at issue -- were somehow  
11 ginned up, then the value of the claims in  
12 general is at least discoverable with regard  
13 to making a determination as to whether the  
14 claims were ginned up.

15 And again, the degree of financial  
16 exposure that Mr. Epstein was facing is  
17 reflected by the settlements of all of the  
18 claims that he ultimately settled after the  
19 filing of this maliciously -- allegedly  
20 maliciously prosecuted lawsuit.

21 So we will be asking the Court to  
22 compel production of all of those settlement  
23 agreements.

24 THE COURT: That's something that  
25 probably will need to be dealt with probably

1 his assets.

2 THE COURT: And I think I deferred on  
3 that. If I didn't, that's the way I'm going  
4 to deal with it.

5 One hundred and thirty-two, New York  
6 Post article: Billionaire Jeffrey Epstein:  
7 I'm a sex offender, not a predator, February  
8 25, 2011.

9 MR. SCAROLA: These are direct quotes  
10 from Mr. Epstein. It's the article in which  
11 he compares the abuse inflicted upon  
12 children as the equivalent of stealing a  
13 bagel.

14 THE COURT: Unsworn statement out of  
15 court being used to prove the truth of the  
16 matter asserted?

17 MR. SCAROLA: No, sir. Being used to  
18 prove the fact that the statement was made,  
19 being used to prove the state of the  
20 speaker's mind, and being used for purposes  
21 of the jury's assessment of punitive  
22 damages.

23 We don't contend that molesting  
24 children is the equivalent of stealing a  
25 bagel.

<p style="text-align: right;">233</p> <p>1 If we were introducing this statement</p> <p>2 to prove the truth of the matter asserted,</p> <p>3 we would be advocating that molesting a</p> <p>4 child is the equivalent of stealing a bagel.</p> <p>5 THE COURT: No. I'm not sure that's</p> <p>6 the way that the hearsay rule is</p> <p>7 implemented.</p> <p>8 Ms. Rockenbach, your position?</p> <p>9 MS. ROCKENBACH: Thank you. We did</p> <p>10 raise hearsay. We raised relevance. We</p> <p>11 raised probative value substantially</p> <p>12 outweighed by the danger or unfair</p> <p>13 prejudice, confusion, misleading the jury,</p> <p>14 as well as hearsay and authenticity.</p> <p>15 This is a very good example of an</p> <p>16 inflammatory exhibit by Mr. Edwards, and it</p> <p>17 seeks to try to prove, I guess, that my</p> <p>18 client is a bad person or bad character</p> <p>19 evidence under 90.404. This is hearsay and</p> <p>20 it should not be admitted. It would be</p> <p>21 inflammatory and very prejudicial to my</p> <p>22 client.</p> <p>23 THE COURT: Any request for admissions</p> <p>24 sent out in response to that article?</p> <p>25 MR. SCAROLA: There may have been.</p>	<p style="text-align: right;">235</p> <p>1 Mr. Epstein does show up for trial, one of</p> <p>2 the very first questions I'm going to ask</p> <p>3 him is, Did you make this statement to the</p> <p>4 New York newspaper?</p> <p>5 THE COURT: Like I said, we will take</p> <p>6 that up when time comes. We can further</p> <p>7 discuss the objections at the same time we</p> <p>8 are going to be discussing the -- all</p> <p>9 settlement agreements, 119. All right.</p> <p>10 MS. ROCKENBACH: Thank you, Your Honor.</p> <p>11 THE COURT: Thanks a lot to our court</p> <p>12 reporter for staying and working through</p> <p>13 this, as we have, today.</p> <p>14 MR. SCAROLA: I assume that we are</p> <p>15 going to deal with Fifth Amendment issues as</p> <p>16 the first issue when we reconvene?</p> <p>17 THE COURT: Well, I thought we talked</p> <p>18 about those already.</p> <p>19 MR. SCAROLA: No, no. You remember</p> <p>20 that I identified every question and answer?</p> <p>21 THE COURT: You are talking about the</p> <p>22 individual questions and answers. Yes, sir.</p> <p>23 Absolutely. And we will take those up</p> <p>24 first, and then we will go to the motions to</p> <p>25 compel and motion for protective order, if</p>
<p style="text-align: right;">234</p> <p>1 There certainly were deposition questions</p> <p>2 concerning whether Mr. Epstein made</p> <p>3 statements to any third party regarding any</p> <p>4 of his molestation claims, and he asserted</p> <p>5 the Fifth Amendment with regard to those.</p> <p>6 So we would have the benefit of an adverse</p> <p>7 inference in that regard.</p> <p>8 And the statement of a party opponent</p> <p>9 is not a hearsay statement. I'm sorry.</p> <p>10 There's an exception to the hearsay rule for</p> <p>11 the statement of a party opponent. But it</p> <p>12 also goes to state of mind. And clearly the</p> <p>13 offender's attitude about the offense he</p> <p>14 committed is highly relevant in a punitive</p> <p>15 damages claim.</p> <p>16 THE COURT: I recognize the party</p> <p>17 opponent issue. Again, its application is</p> <p>18 of concern to me in this particular context</p> <p>19 where the information comes from a</p> <p>20 newspaper.</p> <p>21 So I would have to take a look at it.</p> <p>22 Maybe we can set that at the same time we</p> <p>23 are going to set that other issue about the</p> <p>24 other victims' information.</p> <p>25 MR. SCAROLA: I can assure you that, if</p>	<p style="text-align: right;">236</p> <p>1 we have the time, okay?</p> <p>2 Remember on Thursday, we're pretty much</p> <p>3 going to limit us to the morning. So we are</p> <p>4 going to from 10 to 12, 12:30, then that</p> <p>5 will be it. Okay. So try and govern your</p> <p>6 arguments accordingly, if you would, please.</p> <p>7 I am going to give you these materials</p> <p>8 back.</p> <p>9 Mr. Scarola, as I said, I'm going to</p> <p>10 impose upon you to prepare the orders as I</p> <p>11 have already indicated. I'm not sure at</p> <p>12 this point, since we do have these actual</p> <p>13 questions, that we can really prepare an</p> <p>14 order until we get this done on Thursday as</p> <p>15 to the Fifth Amendment global rulings that</p> <p>16 the Court has already made. And it may</p> <p>17 become more focused and be more specific</p> <p>18 once I have had an opportunity to go through</p> <p>19 all of these. And I appreciate the fact</p> <p>20 that you have done that and gotten them to</p> <p>21 me.</p> <p>22 In the meantime what I'm going to do is</p> <p>23 I'm going to keep some of this material.</p> <p>24 MR. LINK: Judge, thank you for your</p> <p>25 time today. We appreciate your patience for</p>

# EXHIBIT C

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

Case No. 50-2009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

**ORDER ON PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S  
REVISED OMNIBUS MOTION IN LIMINE  
SECTION B (EDWARDS' TRIAL EXHIBITS)**

THIS MATTER came before the Court for hearing on November 29, 2017, and December 5, 2017, upon Section B (Edwards' Trial Exhibit List<sup>1</sup>) of the Revised Omnibus Motion in Limine filed by Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein") (D.E. 1070). The Court, having reviewed the Motion and the Response filed by Defendant/Counter-Plaintiff Bradley J. Edwards ("Edwards") (D.E. 1089), having heard argument of counsel, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that:

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<sup>1</sup> Epstein's Revised Omnibus Motion in Limine was directed at Edwards' Amended Exhibit List dated November 9, 2017. (D.E. 1043.) On December 7, 2017, after two days of hearing and substantive Court rulings, Edwards filed a Second Amended Exhibit List (D.E. 1109) identifying 79 new items and modifying some of his earlier disclosed exhibits. This Order only addresses the exhibits identified on Edwards' November 9, 2017, Exhibit List. To the extent any exhibit numbers have been replaced with different items or new numbers have been added, those will be subject to a separate Order after the appropriate motion and hearing. The rulings set forth herein for all exhibits disclosed on Edwards' December 7, 2017, Second Amended Exhibit List that have not been modified will remain unchanged.



1. On or before December 20, 2017, Edwards shall produce to Epstein all trial exhibits that have not been previously produced in the form to be introduced at trial with the exception of Exhibit No. 113 which is addressed separately in paragraph 2 below. (12/5/17 Tr. 216, 219, 226, 228.)

2. On or before January 5, 2018, Edwards shall produce to Epstein the specific court filings to be used as trial exhibits from the Crime Victims' Rights Act proceeding (*Jane Does #1 and #2 v. United States of America*, U.S. District Court, Southern District of Florida, Case No. 08-80736-Civ-Marra/Johnson) designated as Edwards' Trial Exhibit No. 113. Edwards shall not produce each and every item identified on the Court's docket, but shall cull out the specific items he intends to use at trial. The Court hereby sustains Epstein's objection to Exhibit No. 113 as being overbroad. The Court will revisit this ruling if Edwards narrows the documents he intends to introduce at trial. (12/5/17 Tr. 218:25-226:14.)

3. As set forth in more detail below, the Court has sustained Epstein's objections to a number of Edwards' trial exhibits. Those objections will be sustained unless there is a showing at trial that the exhibits are relevant and material to the issues to be determined. For example, exhibits may be admissible if they relate to Edwards' three clients (L.M., E.W. and Jane Doe), if they relate to issues concerning Edwards' preparation and evaluation of his clients' cases, or for any other reason enunciated by the Court on the record at the November 29, 2017 and December 5, 2017 hearings. In those instances, Edwards will be allowed to speak generically about the facts surrounding those exhibits, but will not necessarily be allowed to introduce the exhibits at trial without further Order of the Court. The Court will make decisions on an item-by-item basis at the appropriate time. Any discussions relating to an exhibit to which an objection has been sustained shall be conducted outside the presence of the jury. (12/5/17 Tr. 153:16-160:24; 198:19-199:5.)

4. As set forth in more detail below, the Court defers rulings on Epstein's objections directed to Edwards' trial exhibits concerning Epstein's net worth and in support of Edwards' punitive damages claim. The Court will address these objections at the appropriate time. (12/5/17 Tr. 163:17-164:15.)

5. The Court makes the following specific findings:

**LEGEND FOR EPSTEIN'S OBJECTIONS:**

- 1 – All Objections
- 2 – All Objections except Authenticity
- 3 - Relevance
- 4 – Probative value substantially outweighed by danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence
- 5 – Privileged
- 6 - Opinion
- 7 – Hearsay
- 8 – Authenticity
- 9 – Other (please identify basis of objection)
- 10 – Completeness
- 11 – Overbroad
- 12 – Not provided to Counsel for Epstein Prior to Filing Pretrial Stipulation
- 13 – Not a proper exhibit
- 14 – Trade secrets/Confidential

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
1.	All applicable criminal statutes	3, 4, 7, 11, 12	Not addressed at hearing
2.	All applicable Florida Statutes	3, 4, 7, 11, 12	Not addressed at hearing
3.	Photos and information of Jeffrey Epstein's homes, airplanes and automobiles	3, 4, 7, 8, 10, 12	<u>11/29/17 Tr. 160:6-162:15</u> Deferred
4.	Order confirmation from Amazon.com for purchase of books "SM 101: A realistic Introduction," "Slave Craft: Roadmap for Erotic Servitude-Principles, Skills and Tools" and "Training Miss Abernathy: A Workbook for Erotic Slaves and Their Owners"	3, 4, 7, 8	<u>11/29/17 Tr. 162:16-167-9</u> Sustained
5.	Non-Prosecution Agreement	3, 4, 7, 8, 10	<u>11/29/17 Tr. 167:11-13</u> Overruled

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
6.	Jane Doe 102 Complaint	3, 4, 7, 13	<u>11/29/17 Tr. 167:14-170:9</u> Sustained
7.	Messages taken from message pads found at Epstein's home	3, 4, 7, 8, 11, 14	<u>11/29/17 Tr. 171:22-176:9</u> Deferred. Not to be mentioned during opening statements.
8.	Documents related to Jeffrey Epstein produced by Alfredo Rodriguez	3, 4, 7, 8, 11, 14	<u>11/29/17 Tr. 176:10-187:8</u> Deferred. Not to be mentioned during opening statements.
9.	Jeffrey Epstein flight logs	3, 4, 7, 8, 10, 11	<u>12/5/17 Tr. 64:8-81:17; 85:11-22</u> Sustained
10.	Jeffrey Epstein phone records	3, 4, 10, 11, 14	<u>12/5/17 Tr. 81:18-82:17; 146:14-149:19; 159:12-160:7</u> Sustained
11.	Sarah Kellen's phone records	3, 4, 8, 10, 11 14	<u>12/5/17 Tr. 149:20-150:1; 159:12-160:7</u> Sustained
12.	Jail Visitation Logs	3, 4, 7, 8, 11	<u>12/5/17 Tr. 150:2-3; 159:12-160:7</u> Sustained
13.	Jeffrey Epstein's probation file	3, 4, 7, 8, 11	<u>12/5/17 Tr. 150:4-152:11; 159:12-160:7</u> Sustained
14.	All probable cause affidavits related to criminal investigation of Jeffrey Epstein	3, 4, 7, 8, 10	<u>12/5/17 Tr. 152:14-153:13</u> Deferred
15.	Victims' statements to the FBI related to criminal investigation of Jeffrey Epstein	3, 4, 7, 8	<u>12/5/17 Tr. 153:16-160:24</u> Sustained
16.	Video of Search Warrant of Jeffrey Epstein's home being executed <sup>2</sup>	3, 4, 8	<u>12/5/17 Tr. 160:25-161:21</u> Sustained
17.	Application for Search Warrant of Jeffrey Epstein's home	3, 4, 7, 8, Cannot be read	<u>12/5/17 Tr. 160:25-162:19</u> Sustained
18.	Complaint Jane Doe v. Epstein and all subsequent Amended Complaints	3, 4, 7, 13, 12 (as to "subsequent Amended Complaints")	<u>12/5/17 Tr. 162:20-24</u> Deferred

<sup>2</sup> In his December 7, 2017, Second Amended Exhibit List, Edwards changed the description of this exhibit to: "Video of Epstein Property Inspection 01/18/10." This Order does not make any rulings on the new description and may be subject to a new Motion in Limine as Epstein deems appropriate.

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
19.	All records of homes, properties, bank accounts and any/ all records related to Jeffrey Epstein's assets	12	<u>12/5/17 Tr. 162:25-164:15</u> Deferred
20.	Jeffrey Epstein's passport (or copy)	12	<u>12/5/17 Tr. 163:4-5; 164:16-19</u> Sustained
21.	Jeffrey Epstein's driver's license (or copy)	Cannot be read, 3, 14	<u>12/5/17 Tr. 164:20-24</u> Sustained
22.	List of corporations owned by Jeffrey Epstein	3, 4, 7, 8, 12	<u>12/5/17 Tr. 164:25-165:5</u> Deferred
23.	Yearbooks of Jane Doe	3, 4, 7, 8, 12	<u>12/5/17 Tr. 165:6-166:16; 166:25-167:6</u> Not produced Deferred
24.	2002 Royal Palm Beach High School Year Book	3, 4, 7, 8, 12	<u>12/5/17 Tr. 165:6-166:16 166:25-167:6</u> Not produced Deferred
25.	2001 Royal Palm Beach High School Year Book	3, 4, 7, 8, 12	<u>12/5/17 Tr. 165:6-166:16 166:25-167:6</u> Not produced Deferred
26.	2003 Palm Beach Gardens High School Year Book	3, 4, 7, 8, 12	<u>12/5/17 Tr. 165:6-166:16 166:25-167:6</u> Not produced Deferred
27.	Affidavit and Application for Search Warrant on Jeffrey Epstein's home <sup>3</sup>	3, 4, 7, 8, 10,	<u>12/5/17 Tr. 166:15-24</u> Sustained

<sup>3</sup> In his December 7, 2017, Second Amended Exhibit List, Edwards modified this exhibit to include additional descriptive language: "(from Palm Beach State Attorney's File, Exhibit #29)." The Court finds that this language does not substantially change the exhibit and, thus, the Court's ruling holds.

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
28.	Notepads found in Jeffrey Epstein's home and/or during trash pulls outside of his home during criminal investigation	3, 4, 7, 8, 10, 11, 14	<u>12/5/17 Tr. 167:7-168:16</u> Sustained in part and overruled in part. The impact upon the issues as to preparedness, knowledge, as far as Mr. Edwards is concerned – his diligence as to discovery – if those are called into question, then this exhibit may be discussed. The actual documents themselves are excessive and would be getting into other matters that would not be germane to Edwards' three clients and, therefore, may not be used until discussed outside the presence of the jury
29.	The Palm Beach State Attorney's Criminal file against Jeffrey Epstein	3, 4, 6, 7, 8, 10, 11, 13	<u>12/5/17 Tr. 168:17-175:1</u> Sustained in part and overruled in part. If Edwards had access to formulate his positions as to the legitimacy of his three clients' claims, this file may come into play. The sheer amount of the criminal file would also be relevant to Mr. Epstein's state of mind at the time he filed the underlying Complaint. The individual pages are not subject to admission and would need to be discussed outside the presence of the jury.
30.	All documents related to Jeffrey Epstein's 6/30/08 conviction	3, 4, 7, 8, 12	<u>12/5/17 Tr. 175:2-179:25</u> Deferred
31.	Jeffrey Epstein's criminal plea colloquy	3, 4, 7, 8, 12	<u>12/5/17 Tr. 175:2-180:5</u> Deferred
32.	List of properties and vehicles in Larry Visoski's name	3, 4, 7, 8, 11, 13, The exhibit provided was an entire Motion (which was denied) not just the identified item.	<u>12/5/17 Tr. 180:23-181:12</u> Deferred

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
33.	All of Jeffrey Epstein's Responses to Requests for Production, Requests for Admission, Answers to Interrogatories in this matter, and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092	3, 4, 11, 12, 13	<u>12/5/17 Tr. 188:23-192:17</u> Deferred
34.	All discovery related responses of Jeffrey Epstein in this matter and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092	3, 4, 11, 12, 13	Not addressed at hearing
35.	Jeffrey Epstein's Answers and Affirmative Defenses in all civil cases against him	3, 4, 11, 12, 13	<u>12/5/17 Tr. 192:18-22</u> Deferred
36.	All Complaints in which Jeffrey Epstein is/was defendant	3, 4, 11, 12, 13. This also includes a motion which is not part of the stated exhibit.	<u>12/5/17 Tr. 192:23-193:2</u> Deferred
37.	Jeffrey Epstein's Deposition testimony and discovery responses in this case and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092	3, 4, 11, 12, 13	Not addressed at hearing
38.	Jeffrey Epstein's Deposition testimony and discovery responses in State Court cases LM v. Jeffrey Epstein, Case No. 502008CA028051XXXXIMB AB and E.W. v. Jeffrey Epstein, Case No. 502008CP003626XXXXMB	3, 4, 11, 12, 13	Not addressed at hearing
39.	Jeffrey Epstein Deposition Testimony and discovery responses in State Court case Jeffrey Epstein v. Scott Rothstein, et al. Case No 502009CA040800XXXXMBAG	3, 4, 11, 12, 13	Not addressed at hearing
40.	Any and all newspaper articles, online articles or publications related to Jeffrey Epstein	3, 4, 7, 8, 11, 12	<u>12/5/17 Tr. 193:3-194:22</u> Deferred
41.	Report and Analysis of Jeffrey Epstein's assets	3, 4, 7, 8, 14	<u>12/5/17 Tr. 194:23-195:1</u> Deferred
42.	Video footage (DVD) of walk through site inspection of Jeffrey Epstein's home.	3, 4, 7, 8, 12	<u>12/5/17 Tr. 195:2-195:15</u> Deferred
43.	Photos of all of Jeffrey Epstein's properties, cars, boats and planes	3, 4, 7, 8, 14, 12 (as to cars and boats)	<u>12/5/17 Tr. 195:16-18</u> Deferred
44.	Probable Cause Affidavits prepared against Jeffrey Epstein and Sarah Kellen	3, 4, 7, 8, 10	<u>12/5/17 Tr. 195:19-196:2</u> Deferred

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
45.	Documents related to or evidencing Jeffrey Epstein's donations to law enforcement	3, 4, 7, 8, 10	<u>12/5/17 Tr. 196:3-19</u> Sustained
46.	Victim Notification Letter from US Attorney's Office to Victims <sup>4</sup>	3, 4, 7, 8, 14	<u>12/5/17 Tr. 196:20-197:2</u> Sustained
47.	Expert Dr. L. Dennison Reed's Report of Victim	3, 4, 6, 7, 8, 14	<u>12/5/17 Tr. 197:3-23</u> Sustained
48.	Palm Beach Police Department Incident Report dated 4/20/06	3, 4, 7, 8	<u>12/5/17 Tr. 197:24-198:10</u> Sustained
49.	All reports and documentation generated by Palm Beach Police Department related to Jeffrey Epstein	3, 4, 7, 8, 12	<u>12/5/17 Tr. 198:13-199:6</u> Sustained
50.	All Witness Statements generated by Palm Beach Police Department relating to Jeffrey Epstein	3, 4, 7, 8, 12	<u>12/5/17 Tr. 198:13-199:6</u> Sustained
51.	Passenger Manifests of Jeffrey Epstein's aircraft and private plane flight logs	3, 4, 7, 8, 10, 11, 12	<u>12/5/17 Tr. 198:13-199:6</u> Sustained
52.	Passenger lists for flights taken by Jeffrey Epstein	3, 4, 7, 8, 10, 11, 12	<u>12/5/17 Tr. 199:8</u> Sustained
53.	Letter from Jeffrey Epstein to Alberto Pinto regarding house island project	3, 4, 7, 8, 10	<u>12/5/17 Tr. 199:9-25</u> Sustained
54.	Jeffrey Epstein's bank statements	3, 4, 7, 8, 12, 14	<u>12/5/17 Tr. 200:1-3</u> Deferred
55.	Jeffrey Epstein's tax returns	3, 4, 7, 8, 12, 14	<u>12/5/17 Tr. 200:1-3</u> Deferred
56.	MC2 emails involving communications of Jeffrey Epstein, Jeff Fuller, Maritza Vasquez, Pappas Suat, Jean Luc Brunel and Amanda Grant	3, 4, 7, 8, 12	<u>12/5/17 Tr. 200:4-18</u> Not Produced Reserved ruling because documents not available
57.	DVD of plea and colloquy taken on 6-30-08	3, 4, 8, 12, 13	<u>12/5/17 Tr. 200:19-22</u> Sustained
58.	Transcript of plea and colloquy taken on 6-30-08	3, 4, 13	<u>12/5/17 Tr. 200:23-24</u> Sustained
59.	Massage Table <sup>5</sup>	3, 4, 12 (document marked as No. 59 is not a massage table)	<u>12/5/17 Tr. 200:25-201:21</u> Sustained

<sup>4</sup> In his December 7, 2017, Second Amended Exhibit List, Edwards modified this exhibit to include additional descriptive language: "(CW & SR) 07/09/2008." The Court finds that this language does not substantially change the exhibit and, thus, the Court's ruling holds.

<sup>5</sup> In his December 7, 2017, Second Amended Exhibit List, Edwards changed the description of this exhibit to: "Palm Beach Police Department Incident Report dated 07/25/06 (unredacted)." This Order does not make any rulings on the new description and may be subject to a new Motion in Limine as Epstein deems appropriate.

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
60.	No Contact Orders entered against Jeffrey Epstein	3, 4, 13	<u>12/5/17 Tr. 201:22-202:8</u> Sustained
61.	Criminal Score Sheet regarding Jeffrey Epstein	3, 4, 7, 8, 12	<u>12/5/17 Tr. 201:22-202:8</u> Sustained
62.	Documents evidencing Jeffrey Epstein's Community Control and Probation	3, 4, 7, 8	<u>12/5/17 Tr. 201:22-202:8</u> Sustained
63.	Jeffrey Epstein's Sex Offender Registrations (from various states)	3, 4, 7, 8	<u>12/5/17 Tr. 202:9-203:4</u> Deferred
64.	Jeffrey Epstein's Booking photograph	3, 4, 7, 8, Document says cannot rely on this for legal action	<u>12/5/17 Tr. 203:5-204:2</u> Deferred
65.	CAD calls to 358 EL BRILLO WAY, PALM BEACH FL 33480	3, 4, 7, 8	<u>12/5/17 Tr. 204:3-11</u> Sustained
66.	List of Jeffrey Epstein's House contacts	3, 4, 7, 8, 12 (document provided is not reflective of description)	<u>12/5/17 Tr. 204:12-205:12</u> Sustained
67.	Documents related to Jeffrey Epstein's investments	3, 4, 7, 8, 12, 14	<u>12/5/17 Tr. 205:13-15</u> Deferred
68.	Letter from Chief Michael Reiter to Barry Krischler	3, 4, 7, 8	<u>12/5/17 Tr. 205:16-22; 206:2-207:14; 209:15-210:5</u> Sustained
69.	List of planes owned by Jeffrey Epstein <sup>6</sup>	3, 4, 7, 8, 12 (document provided does not match description), 14	<u>12/5/17 Tr. 205:23-25</u> Deferred
70.	Letter from Guy Fronstin to Assistant State Attorney dated 1-11-06	3, 4, 7, 8, 10	<u>12/5/17 Tr. 207:15-209:9</u> Sustained
71.	Letter from Guy Fronstin to Assistant State Attorney dated 1-13-06	3, 4, 7, 8, 10	<u>12/5/17 Tr. 207:15-209:9</u> Sustained
72.	Letter from Guy Fronstin to Assistant State Attorney dated 2-17-06	3, 4, 7, 8, 10	<u>12/5/17 Tr. 207:15-209:9</u> Sustained
73.	Letter from Guy Fronstin to Assistant State Attorney dated 4-6-06	3, 4, 7, 8, 10	<u>12/5/17 Tr. 207:15-209:9</u> Sustained

<sup>6</sup> In his December 7, 2017, Second Amended Exhibit List, Edwards changed the description of this exhibit to: "Palm Beach Police Department Incident Report dated 07/19/06 (unredacted)." This Order does not make any rulings on the new description and may be subject to a new Motion in Limine as Epstein deems appropriate.



No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
74.	Letter from Guy Fronstin to Assistant State Attorney dated 4-10-06	3, 4, 7, 8, 10	<u>12/5/17 Tr. 207:15-209:9</u> Sustained
75.	Letter from Goldberger dated 6-22-06	3, 4, 7, 8	<u>12/5/17 Tr. 209:10-12; 210:6-21</u> Sustained
76.	All subpoenas issued to State Grand Jury	3, 4, 7, 8, 13	<u>12/5/17 Tr. 210:22-211:3</u> Sustained in part and overruled in part. If Edwards had access to formulate his positions as to the legitimacy of his three clients' claims, these documents may come into play. The sheer amount of the criminal file would also be relevant to Mr. Epstein's state of mind at the time he filed the underlying Complaint. The individual pages are not subject to admission and would need to be discussed outside the presence of the jury.
77.	Documents related to the rental of a vehicle for Vanessa Zalis	3, 4, 7, 8, document produced contains other items not identified on list	<u>12/5/17 Tr. 211:4-22</u> Sustained
78.	Ted's Sheds Documents	3, 4, 7, 8, document produced contains other items not identified on list	<u>12/5/17 Tr. 211:23-25</u> Sustained
79.	Documents related to property searches of Jeffrey Epstein's properties	3, 4, 7, 8, 14	<u>12/5/17 Tr. 212:1-4</u> Deferred
80.	Arrest Warrant of Sarah Kellen	3, 4, 7, 8	<u>12/5/17 Tr. 212:5-7</u> Sustained
81.	Police report regarding Alexandra Hall picking up money dated 11-28-04	3, 4, 7, 8, 10	<u>12/5/17 Tr. 212:8-15</u> Sustained
82.	List of Trilateral Commission Members of 2003	3, 4, 7, 8, 10	<u>12/5/17 Tr. 212:16-213:1</u> Sustained
83.	Alan Dershowitz Letter dated 4-19-06 and Statute 90.410	3, 4, 7, 8, 12	<u>12/5/17 Tr. 213:2-214:8</u> Not Produced Deferred
84.	Guy Fronstin letter dated 4-17-06	3, 4, 7, 8	<u>12/5/17 Tr. 214:9-11</u> Sustained
85.	Jeffrey Epstein Account Information	3, 4, 7, 8, 12, 14	<u>12/5/17 Tr. 214:12-20</u> Deferred

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
86.	Jeffrey Epstein Criminal Closeout Sheet	3, 4, 7, 8, 12	<u>12/5/17 Tr. 214:21-24</u> Sustained
87.	JEGE, Inc. Passenger Manifest	3, 4, 7, 8, 10, 11	<u>12/5/17 Tr. 214:25-215:3</u> Sustained
88.	Hyperion Air Passenger Manifest	3, 4, 7, 8, 10, 11	<u>12/5/17 Tr. 214:25-215:3</u> Sustained
89.	Flight information for Dana Burns	3, 4, 7, 8, 10, 11	<u>12/5/17 Tr. 215:4-5</u> Sustained
90.	Passenger List Palm Beach flights 2005	3, 4, 7, 8, 10, 11	<u>12/5/17 Tr. 215:4-5</u> Sustained
91.	Jeffrey Epstein notepad notes.re Maria	3, 4, 7, 8, 10, 12	<u>12/5/17 Tr. 215:6-8</u> Sustained
92.	Pleadings of Jane Doe 1 and 2 v. US case	3, 4, 12 (document provided is not what is identified on list), 13	<u>12/5/17 Tr. 215:9-17</u> Deferred
93.	Jeffrey Epstein 5 <sup>th</sup> Amendment Speech	3, 4, 12	<u>12/5/17 Tr. 215:18-20</u> Deferred. References to deposition excerpts not ruled upon fully; subject to specific line reference rulings which will be subject to a separate order
94.	Reiter letter to Krisher dated 5-1-06	3, 4, 7, 8, 12	<u>12/5/17 Tr. 215:21-216:14</u> Not produced Deferred
95.	Alexandra Hall Police Report dated 11-28-04	3, 4, 7, 8, 10	<u>12/5/17 Tr. 216:15-17</u> Sustained
96.	Victim's school records and transcripts	3, 4, 7, 8	<u>12/5/17 Tr. 216:18-217:8</u> Sustained
97.	Victim Notification letter <sup>7</sup>	3, 4, 7, 8	<u>12/5/17 Tr. 217:9-10</u> Sustained
98.	Police report of Juan Alessi theft at Jeffrey Epstein's home	3, 4, 7, 8, 12	<u>12/5/17 Tr. 217:11</u> Sustained
99.	Victim's Medical Records from Dr. Randee Speciale	3, 4, 6, 7, 8	<u>12/5/17 Tr. 217:12</u> Sustained
100.	All surveillance conducted by law enforcement on Jeffrey Epstein's home	3, 4, 7, 8, 12	<u>12/5/17 Tr. 217:13-15</u> Sustained
101.	Emails received from Palm Beach Records related to Jeffrey Epstein	3, 4, 7, 8, 12	<u>12/5/17 Tr. 217:16-24</u> Sustained

<sup>7</sup> In his December 7, 2017, Second Amended Exhibit List, Edwards modified this exhibit to include additional descriptive language: "to Virginia Roberts, 09/03/08." The Court finds that this language does not substantially change the exhibit and, thus, the Court's ruling holds.

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
102.	All items listed on the Palm Beach Police Property Report Lists <sup>8</sup>	3, 4, 7, 8, 12 (items not provided)	<u>12/5/17 Tr. 217:25-218:2</u> Sustained
103.	All copies of convictions related to Jeffrey Epstein	3, 4, 7, 8, 12	<u>12/5/17 Tr. 218:3-10</u> Sustained
104.	Jeffrey Epstein criminal records	3, 4, 7, 8, 12	<u>12/5/17 Tr. 218:12-17</u> Sustained
105.	All documents produced by Palm Beach Police Department prior to the deposition of Detective Recarey	3, 4, 7, 8, 10, 11,	<u>12/5/17 Tr. 218:18-22</u> Sustained
106.	Statements, deposition transcripts, videotaped depositions and transcripts taken in connection with this and all related cases and exhibits thereto	3, 4, 7, 8, 12, 13	<u>12/5/17 Tr. 218:22-23</u> No ruling; catch all
107.	Any and all expert witness reports and/or records generated in preparation for this litigation by any party to this cause	3, 4, 7, 8, 12, 13	Not addressed at hearing; catch all
108.	Demonstrative aids and exhibits including, but not limited to, charts, diagrams and models, surveys, photographs and similar material including blow-ups of the listed items/exhibits	12	Not addressed at hearing; catch all
109.	Edwards reserves all objections to Epstein's Exhibits	Not an exhibit	Not an exhibit
110.	Edwards reserves the right to supplement and/or amend his Exhibit List	Not an exhibit	Not an exhibit
111.	By listing an Exhibit, Edwards is not waiving his right to object to same at trial and does not waive their right to amend same.	Not an exhibit	Not an exhibit
112.	All exhibits listed by Epstein subject to Edwards' objections.	Not an exhibit	Not addressed at hearing; catch all
113.	All pleadings and attachments in the action under the Crime Victims Rights Act prosecuted by Bradley Edwards on behalf of victims of Epstein's criminal molestations.	3, 4, 7, 8, 12, 13	<u>12/5/17 Tr. 218:25-226:14</u> Sustained because of breadth, lack of specificity, without prejudice to specific documents being produced as set forth above. Specific documents must be culled out; all documents on the docket may not be identified; Edwards must narrow scope
114.	Edwards' Motions for Summary Judgment, all attachments thereto, and all Undisputed Facts	3, 4, 7, 8, 12, 13	<u>12/5/17 Tr. 226:15-227:14</u> Overruled

<sup>8</sup> In his December 7, 2017, Second Amended Exhibit List, Edwards modified this exhibit to include additional descriptive language: "and/or Property Receipts." The Court finds that this language does not substantially change the exhibit and, thus, the Court's ruling holds.

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
115.	All time records and hourly billing documentation produced in discovery.	3, 4, 7, 8, 12	<u>12/5/17 Tr. 227:15-229:17</u> Overruled. Edwards is ordered to produce/cull out within 15 days, if the documents have not already been produced
116.	All deposition testimony and discovery responses by Epstein submitted in this action.	3, 4, 7, 8, 12, 13	Not addressed at hearing; catch all
117.	All pleadings filed by Epstein in the Rothstein bankruptcy proceeding.	3, 4, 7, 8, 12, 13	<u>12/5/17 Tr. 229:18-20</u> Deferred
118.	All submissions by Epstein in connection with the Rothstein deposition.	3, 4, 7, 8, 12, 13	<u>12/5/17 Tr. 229:21-24</u> Deferred
119.	All Settlement Agreements between Epstein and victims of his sexual molestations.	3, 4, 7, 8, 12, 14	<u>12/5/17 Tr. 229:25-231:5</u> Deferred
120.	Phone Journal taken from Epstein's home and produced to the FBI by Alfredo Rodriguez	3, 4, 7, 8, 11, 14 (duplicative of Exhibit No. 8)	<u>12/5/17 Tr. 231:6-9</u> Deferred. Not to be mentioned during opening statement.
121.	Photo depicting Virginia Roberts, Ghislaine Maxwell and Prince Andrew	3, 4, 7, 8	<u>12/5/17 Tr. 231:10-18</u> Sustained
122.	All flight logs for any Epstein owned or controlled aircraft	3, 4, 7, 8, 10, 11, 12	<u>12/5/17 Tr. 231:19-20</u> Sustained
123.	All emails produced by Defendant and/or all emails produced by Plaintiff in this case	3, 4, 7, 8, 10, 12	Not addressed at hearing
124.	Evidence of contributions to the Palm Beach Police Dept.	3, 4, 7, 8, 10 duplicative of 45	<u>12/5/17 Tr. 231:21-232:4</u> Deferred
125.	Dr. Bernard J. Jansen Expert Report, Attachments and Back-up Documents, October 20, 2017	3, 4, 6, 7, 8, 10, 11, 13	Not addressed at hearing
126.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M., Complaint, December 7, 2009		Not addressed at hearing
127.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M., Fourth Amended Counterclaim, January 9, 2013	3, 4, 7, 13	Not addressed at hearing
128.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M., Plaintiff/Counter-Defendant Jeffrey Epstein's Answer and Affirmative Defenses to Defendant/Counter-Plaintiff Bradley Edwards's Fourth Amended Counterclaim, February 21, 2013	3, 4, 7, 13	Not addressed at hearing
129.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M., Notice of Voluntary Dismissal, August 16, 2012		Not addressed at hearing; no objections
130.	Brad Edward's [sic] Times Records and Billing Records related to this matter.	3, 4, 7, 8, 10, 12	Not specifically addressed at hearing but duplicative to Exhibit No. 115 and those rulings are incorporated herein

No.	Edwards' Exhibit Description	Epstein's Objections	Court's Ruling
131.	Jeffrey Epstein's NY State Online Sex Offender Registry Profile	3, 4, 7, 8	Not specifically addressed at hearing, but deferred with Exhibit 63
132.	New York Post article: Billionaire Jeffrey Epstein: I'm a sex offender, not a predator, February 25, 2011	3, 4, 7, 8	<u>12/5/17 Tr. 232:5-235:9</u> Deferred
133.	Any and all responses to Subpoenas Duces Tecum with or without deposition <sup>9</sup>	3, 4, 6, 7, 8, 10, 11, 12, 13, 14	Not addressed at hearing; catch all
134.	All Interrogatories and Answers thereto, Requests to Produce and Responses, Requests for Admissions and Responses thereto.	3, 4, 7, 8, 12, 13	Not addressed at hearing; catch all
135.	Any and all documents produced in this action.	12	Not addressed at hearing; catch all
136.	Any and all depositions taken in this action.	12, 13	Not addressed at hearing; catch all
137.	Any documents or other exhibit attached to or used during any deposition in this action	12, 13	Not addressed at hearing; catch all
138.	Any and all exhibits, documents, etc. referred to in any deposition	12, 13	Not addressed at hearing; catch all
139.	Any and all documents and exhibits designated by all parties to this action.	12, 13	Not addressed at hearing; catch all
140.	Any and all exhibits needed for impeachment or rebuttal	12	Not addressed at hearing; catch all
141.	Any and all pleadings filed in this action	12, 13	Not addressed at hearing; catch all
142.	Any and all records produced or that will be produced by all records custodians relative to this action	12, 13	Not addressed at hearing; catch all

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida this 16 day of January, 2018.

THE HONORABLE DONALD W. HAFELE  
CIRCUIT COURT JUDGE

<sup>9</sup> In his December 7, 2017, Second Amended Exhibit List, Edwards has shifted Exhibit Nos. 133 through 142 to Exhibit Nos. 209 through 218. Edwards has also identified new exhibits at Exhibit Nos. 133 through 208. This Order does not make any rulings on the new exhibits which may be subject to a new Motion in Limine as Epstein deems appropriate.

Copies provided to:

SERVICE LIST

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# EXHIBIT D

NOT A CERTIFIED COPY

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,

\_\_\_\_\_ /

**COUNTER-PLAINTIFF'S, BRADLEY J. EDWARDS,**  
**SECOND AMENDED EXHIBIT LIST**

COMES NOW the Counter-Plaintiff, BRADLEY J. EDWARDS, and hereby files his  
Amended Exhibit List as follows:

**INDEX TO OBJECTIONS**

- |  |   |
|--|---|
| O. No objection  | 5. Privileged                                 |
| 1. All objections  | 6. Opinion                                    |
| 2. All objections, except authenticity   | 7. Hearsay                                    |
| 3. Irrelevant or immaterial  | 8. Authenticity lacking                       |
| 4. Probative value substantially outweighed by danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence | 9. Other (please identify basis of objection) |



**Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M.**  
**Case No. 502009CA040800XXXXMBAG**  
**Counter-Plaintiff's, Bradley J. Edwards, Second Amended Exhibit List**

<b>Counter-Plaintiff</b>				
<b>No.</b>	<b>Description of Exhibit</b>	<b>Objection</b>	<b>Marked in Evidence</b>	<b>Marked for Identification</b>
1.	All applicable criminal statutes.			
2.	All applicable Florida Statutes.			
3.	Photos and information of Jeffrey Epstein's homes, airplanes and automobiles.			
4.	Order confirmation from <u>Amazon.com</u> for purchase of books SM 101: A Realistic Introduction," "Slave Craft: Roadmap for Erotic Servitude-Principles, Skills and Tools" and "Training Miss Abernathy: A Workbook for Erotic Slaves and Their Owners".			
5.	Non-Prosecution Agreement.			
6.	Jane Doe 102 Complaint.			
7.	Messages taken from message pads found at Epstein's home.			
8.	Documents related to Jeffrey Epstein produced by Alfredo Rodriguez.			
9.	Jeffrey Epstein's flight logs.			
10.	Jeffrey Epstein's phone records.			
11.	Sarah Kellen's phone records.			
12.	Jail Visitation Logs.			
13.	Jeffrey Epstein's probation file.			
14.	All probable cause affidavits related to criminal investigation of Jeffrey Epstein.			
15.	Victims' statements to the FBI related to criminal investigation of Jeffrey Epstein.			
16.	Video of Epstein Property Inspection, 01/18/10.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Second Amended Exhibit List

17.	Application for Search Warrant of Jeffrey Epstein's home.			
18.	Complaint Jane Doe v. Epstein and all subsequent Amended Complaints.			
19.	All records of homes, properties, bank accounts and any/ all records related to Jeffrey Epstein's assets.			
20.	Jeffrey Epstein's passport (or copy).			
21.	Jeffrey Epstein's driver's license (or copy).			
22.	List of corporations owned by Jeffrey Epstein.			
23.	Yearbooks of Jane Doe.			
24.	2002 Royal Palm Beach High School Year Book.			
25.	2001 Royal Palm Beach High School Year Book.			
26.	2003 Palm Beach Gardens High School Year Book.			
27.	Affidavit and Application for Search Warrant on Jeffrey Epstein's home ( <i>from Palm Beach State Attorney's File, Exhibit #29</i> ).			
28.	Notepads found in Jeffrey Epstein's home and/or during trash pulls outside of his home during criminal investigation.			
29.	The Palm Beach State Attorney's Criminal file against Jeffrey Epstein.			
30.	All documents related to Jeffrey Epstein's 6/30/08 conviction.			
31.	Jeffrey Epstein's criminal plea colloquy.			
32.	List of properties and vehicles in Larry Visoski's name.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Second Amended Exhibit List

33.	All of Jeffrey Epstein's Responses to Requests for Production, Requests for Admission, Answers to Interrogatories in this matter, and in cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092.			
34.	All discovery related responses of Jeffrey Epstein in this matter and in cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092.			
35.	Jeffrey Epstein's Answers and Affirmative Defenses in all civil cases against him.			
36.	All Complaints in which Jeffrey Epstein is/was a defendant.			
37.	Jeffrey Epstein's Deposition testimony and discovery responses in this case and in cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092.			
38.	Jeffrey Epstein's Deposition testimony and discovery responses in State Court cases LM v. Jeffrey Epstein, Case No. 502008CA028051XXXXIMB AB and E.W. v. Jeffrey Epstein, Case No. 502008CP003626XXXXMB.			
39.	Jeffrey Epstein Deposition Testimony and discovery responses in State Court case Jeffrey Epstein v. Scott Rothstein, et al. Case No 502009CA040800XXXXMBAG.			
40.	Any and all newspaper articles, online articles or publications related to Jeffrey Epstein.			
41.	Report and Analysis of Jeffrey Epstein's assets.			

42.	Video footage (DVD) of walk through site inspection of Jeffrey Epstein's home.			
43.	Photos of all of Jeffrey Epstein's properties, cars, boats and planes.			
44.	Probable Cause Affidavits prepared against Jeffrey Epstein and Sarah Kellen.			
45.	Documents related to or evidencing Jeffrey Epstein's donations to law enforcement.			
46.	Victim Notification Letter from US Attorney's Office to Victims (CW & SR), 07/09/2008			
47.	Expert Dr. L. Dennison Reed's Report of Victim.			
48.	Palm Beach Police Department Incident Report dated 4/20/06.			
49.	All reports and documentation generated by Palm Beach Police Department related to Jeffrey Epstein.			
50.	All Witness Statements generated by Palm Beach Police Department relating to Jeffrey Epstein.			
51.	Passenger Manifests of Jeffrey Epstein's aircraft and private plane flight logs.			
52.	Passenger lists for flights taken by Jeffrey Epstein.			
53.	Letter from Jeffrey Epstein to Alberto Pinto regarding house island project.			
54.	Jeffrey Epstein's bank statements.			
55.	Jeffrey Epstein's tax returns.			
56.	MC2 emails involving communications of Jeffrey Epstein, Jeff Fuller, Maritza Vasquez,			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Second Amended Exhibit List

	Pappas Suat, Jean Luc Brunel and Amanda Grant.			
57.	DVD of plea and colloquy taken on 6-30-08.			
58.	Transcript of plea and colloquy taken on 6-30-08.			
59.	Palm Beach Police Department Incident Report dated 07/25/06 (unredacted)			
60.	No Contact Orders entered against Jeffrey Epstein.			
61.	Criminal Score Sheet regarding Jeffrey Epstein.			
62.	Documents evidencing Jeffrey Epstein's Community Control and Probation.			
63.	Jeffrey Epstein's Sex Offender Registrations (from various states).			
64.	Jeffrey Epstein's Booking photograph.			
65.	CAD calls to 358 EL BRILLO WAY, PALM BEACH FL 33480.			
66.	List of Jeffrey Epstein's House contacts.			
67.	Documents related to Jeffrey Epstein's investments.			
68.	Letter from Chief Michael Reiter to Barry Krischler.			
69.	Palm Beach Police Department Incident Report dated 07/19/06 (redacted)D			
70.	Letter from Guy Fronstin to Assistant State Attorney, 01/11/06.			
71.	Letter from Guy Fronstin to Assistant State Attorney, 01/13/06.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Second Amended Exhibit List

72.	Letter from Guy Fronstin to Assistant State Attorney, 02/17/06.			
73.	Letter from Guy Fronstin to Assistant State Attorney, 04/06/06.			
74.	Letter from Guy Fronstin to Assistant State Attorney, 04/10/06.			
75.	Letter from Goldberger, 06/22/06.			
76.	All subpoenas issued to State Grand Jury.			
77.	Documents related to the rental of a vehicle for Vanessa Zalis.			
78.	Ted's Sheds Documents.			
79.	Documents related to property searches of Jeffrey Epstein's properties.			
80.	Arrest Warrant of Sarah Kellen.			
81.	Police report regarding Alexandra Hall picking up money dated 11-28-04.			
82.	List of Trilateral Commission Members of 2003.			
83.	Alan Dershowitz Letter dated 04/19/06 and Statute 90.410.			
84.	Guy Fronstin letter dated 04/17/06.			
85.	Jeffrey Epstein Account Information.			
86.	Jeffrey Epstein Criminal Closeout Sheet.			
87.	JEGE, Inc. Passenger Manifest.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Second Amended Exhibit List

88.	Hyperion Air Passenger Manifest.			
89.	Flight information for Dana Burns.			
90.	Passenger List Palm Beach flights 2005.			
91.	Jeffrey Epstein notepad notes, re: Maria.			
92.	Pleadings of Jane Doe 1 and 2 v. US case.			
93.	Jeffrey Epstein 5 <sup>th</sup> Amendment Speech.			
94.	Reiter letter to Krisher, 05/01/06.			
95.	Alexandra Hall Police Report, 11/28/04.			
96.	Victim's school records and transcripts.			
97.	Victim Notification letter to Virginia Roberts, 09/03/08			
98.	Police report of Juan Alessi theft at Jeffrey Epstein's home.			
99.	Victim's Medical Records from Dr. Randee Speciale.			
100.	All surveillance conducted by law enforcement on Jeffrey Epstein's home.			
101.	Emails received from Palm Beach Records related to Jeffrey Epstein.			
102.	All items listed on the Palm Beach Police Property Report Lists and/or Property Receipts.			
103.	All copies of convictions related to Jeffrey Epstein.			
104.	Jeffrey Epstein criminal records.			
105.	All documents produced by Palm Beach Police Department prior to the deposition of Detective Recarey.			

106.	Statements, deposition transcripts, videotaped depositions and transcripts taken in connection with this and all related cases and exhibits thereto.			
107.	Any and all expert witness reports and/or records generated in preparation for this litigation by any party to this cause.			
108.	Demonstrative aids and exhibits including, but not limited to, charts, diagrams and models, surveys, photographs and similar material including blow-ups of the listed items/exhibits.			
109.	Edwards' reserves all objections to Epstein's Exhibits.			
110.	Edwards reserves the right to supplement and/or amend his Exhibit List.			
111.	By listing an Exhibit, Edwards is not waiving his right to object to same at trial and does not waive their right to amend same.			
112.	All exhibits listed by Epstein subject to Edwards' objections.			
113.	All pleadings and attachments in the action under the Crime Victims Rights Act prosecuted by Bradley Edwards on behalf of victims of Epstein's criminal molestations.			
114.	Edwards' Motions for Summary Judgment, all attachments thereto and all Undisputed Facts.			
115.	All time records and hourly billing documentation produced in discovery.			
116.	All deposition testimony and discovery responses by Epstein submitted in this action.			



117.	All pleadings filed by Epstein in the Rothstein bankruptcy proceeding.			
118.	All submissions by Epstein in connection with the Rothstein deposition.			
119.	All Settlement Agreements between Epstein and victims of his sexual molestations.			
120.	Phone Journal taken from Epstein's home and produced to the FBI by Alfredo Rodriguez.			
121.	Photo depicting Virginia Roberts, Ghislaine Maxwell and Prince Andrew.			
122.	All flight logs for any Jeffrey Epstein owned or controlled aircraft.			
123.	All emails produced by Defendant and/or all emails produced by Plaintiff in this case.			
124.	Evidence of contributions to the Palm Beach Police Dept.			
125.	Dr. Bernard J. Jansen Expert Report, Attachments and Back-up Documents, October 20, 2017.			
126.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M., Complaint, December 7, 2009.			
127.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M, Fourth Amended Counterclaim, January 9, 2013.			
128.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M, Plaintiff/Counter-Defendant Jeffrey Epstein's Answer and Affirmative Defenses to Defendant/Counter-Plaintiff Bradley Edwards's Fourth Amended Counterclaim, February 21, 2013.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Second Amended Exhibit List

129.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M, Notice of Voluntary Dismissal, August 16, 2012.			
130.	Brad Edward's Times Records and Billing Records related to this matter.			
131.	Jeffrey Epstein's NY State Online Sex Offender Registry Profile.			
132.	New York Post article: Billionaire Jeffrey Epstein: I'm a sex offender, not a predator, February 25, 2011.			
133.	Medical Records: New York Presbyterian Hospital re: Virginia Guiffre, 2001.			
134.	Hand Drawing of Bart Simpson (signed by Matt Groening).			
135.	Proposed Joint Letter to the Special Master.			
136.	Front and Back of Hard Copy Color Photo Virginia (Mar-A-Lago).			
137.	Color photo of Virginia Roberts on ferry "New York".			
138.	Scenic photo of Time Square.			
139.	Virginia Roberts photo on back of ship.			
140.	Picture of room in New York.			
141.	Color photo of man on horse (New Mexico Ranch).			
142.	Color photo of Virginia Roberts at Zorro Ranch standing in front of gate sign with "Z" (New Mexico Ranch).			
143.	Virginia Roberts photo on horse front of ranch.			
144.	Virginia Roberts photo standing against rocks (red coat).			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Second Amended Exhibit List

145.	Virginia Roberts standing against rocks (red coat) (far) (with back photo white; back date).			
146.	Virginia Roberts photo riding horse blue jacket far.			
147.	Virginia Roberts photo on side of horse hand up.			
148.	Virginia Roberts photo on side of horse.			
149.	Virginia Roberts photo outside next to tables.			
150.	Virginia Roberts photo red coat leaning on rail.			
151.	Virginia Roberts photo standing outside next to fireplace.			
152.	Virginia Roberts photo standing in front of ranch.			
153.	Virginia Roberts photo with hand over head (black/white).			
154.	Virginia Roberts photo standing next to piano.			
155.	Virginia Roberts photo in front of fireplace (museum).			
156.	Virginia Roberts photo in front of wagon in museum.			
157.	Color photo of Virginia Roberts in front of museum exhibition (Santa Fe, New Mexico).			
158.	Photograph in Spain Jeffrey Epstein and Ghislaine Maxwell in front of building.			
159.	Virginia Roberts (Australia Storage): Photo Book 2.			
160.	Cover photo book 2.			
161.	Scenic photo (with back photo white).			
162.	Scenic photo (with back photo white).			
163.	Scenic photo (with back photo white).			

164.	Scenic photo (with back photo white).			
165.	Virginia Roberts steps with trees overhead.			
166.	Scenic photo (with back photo white).			
167.	Scenic photo (with back photo white).			
168.	Scenic photo (with back photo white).			
169.	Scenic photo (with back photo white).			
170.	Scenic photo (with back photo white and black).			
171.	Scenic photo (with back photo white and black).			
172.	Scenic photo (with back photo white and black).			
173.	Virginia Roberts on steps with children (with back photo white and black).			
174.	Virginia Roberts on street white wall (far) (with back photo white and black).			
175.	Travel envelope.			
176.	Singapore Airlines Travel Cover with handwritten notes by Virginia Roberts.			
177.	Thailand Hotel Receipts.			
178.	Court Docket for Jane Doe No. 102 v. Epstein.			
179.	Typed List of Victims/ Co-Conspirators unique to the investigation of Jeffrey Epstein.			
180.	Ghislaine Maxwell deposition, 04/22/16			
181.	FBI Form 302 - Interview of Virginia Giuffre in Australia (Redacted) 03/17/11.			
182.	Mark Epstein Deposition.			

183.	March 19, 2008, email of Assistant U.S. Attorney Ann Marie Villafana (Summary of the Case) (Coonan File).			
184.	Color photos of Ghislaine Maxwell, one with Jeffrey Epstein.			
185.	Airport Codes ( <i>Demonstrative</i> ).			
186.	March 3, 2011 - New York Post: Uppity Tranny to Epstein: Pay Up!			
187.	DVD of Epstein PBPD 358 El Brillo Search Warrant Walk Through 05/11/09; DVD Audio from Cassettes, Part 1.			
188.	[Alex Hall] Redacted Transcript taken by Detective Joe Recarey and Detective Dawson (with Exhibits) 10/11/05.			
189.	Palm Beach Police Investigation: Palm Beach PD Records; Wachovia Bank Account.			
190.	Folder titled Sara Kellen Cell Phone Summary by Detective Recarey: Enclosing phone records. SAO FOIA Disc 7 (State Files).			
191.	Folder titled Sara Kellen Cell: Sara Kellen Cell Phone Usage 09/2005-10/2005.			
192.	Folder titled Sara Kellen: AT&T February 12, 2005 Statement.			
193.	Demand Deposit Account Statement History for Household Bank Account Jeffrey Epstein or Ghislaine Maxwell or Alfredo Rodriguez.			
194.	Santa Monica Police Report (May 12, 1997).			
195.	Folder titled PLANES: Information relating to Epstein's planes/aircrafts collected by the State Attorney's Office unique to the investigation of Jeffrey Epstein.			

196.	Palm Beach House/Information Sheet.			
197.	Sworn Statement of Juan Alessi taken by Palm Beach Police Department.			
198.	Juan Alessi Deposition (Vol. I) 09/08/09.			
199.	Juan Alessi Deposition (Vol II) 09/08/09.			
200.	Brochure for Boeing Super 727-100.			
201.	Passport application; issued January 12, 2001.			
202.	Sentencing Transcript, Alfredo Rodriguez.			
203.	Criminal Complaint – Alfredo Rodriguez.			
204.	Plea Agreement – Alfredo Rodriguez.			
205.	Photos of Jeffrey Epstein's properties and planes.			
206.	Photos of Jeffrey Epstein employees and former employees.			
207.	Jeffrey Epstein Guilty Plea documents.			
208.	Palm Beach County State Attorney's Response to Public Records Request ( <i>including audio recordings</i> ).			
209.	Any and all responses to Subpoenas Duces Tecum with or without deposition.			
210.	All Interrogatories and Answers thereto, Requests to Produce and Responses, Requests for Admissions and Responses thereto.			
211.	Any and all documents produced in this action.			
212.	Any and all depositions taken in this action.			
213.	Any documents or other exhibit attached to or used during any deposition in this action.			

Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Second Amended Exhibit List

214.	Any and all exhibits, documents, etc. referred to in any deposition.			
215.	Any and all documents and exhibits designated by all parties to this action.			
216.	Any and all exhibits needed for impeachment or rebuttal.			
217.	Any and all pleadings filed in this action.			
218.	Any and all records produced or that will be produced by all records custodians relative to this action.			

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 7<sup>th</sup> day of December, 2017.

  
\_\_\_\_\_  
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Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M..  
Case No.: 502009CA040800XXXXMBAG  
Counter-Plaintiff's, Bradley J Edwards, Second Amended Exhibit List

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# EXHIBIT E

NOT A CERTIFIED COPY

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

Case No. 50-2009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

---

**PLAINTIFF/COUNTER-DEFENDANT'S OBJECTIONS TO DEFENDANT/  
COUNTER-PLAINTIFF'S SECOND AMENDED EXHIBIT LIST**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein") hereby files his Objections to Defendant/Counter-Plaintiff, Bradley J. Edwards' ("Edwards") Second Amended Exhibit List dated December 7, 2017, and states:

**PRELIMINARY STATEMENT**

On November 9, 2017, Edwards filed his Amended Exhibit List identifying 142 exhibits. (D.E. 1043.) On November 15, 2017, Epstein filed his Objections to Edwards' exhibits. (D.E. 1058.) In addition, on November 17, 2017, Epstein filed his Revised Omnibus Motion in Limine which, in part, addressed those objections. (D.E. 1070.) The Court heard extensive arguments on Epstein's objections at special set hearings on November 29, 2017, and December 5, 2017, and made rulings on those objections. While, to date, an Order has not been entered memorializing those rulings, Epstein incorporates them herein.

On December 7, 2017, Edwards filed a Second Amended Exhibit List identifying 218 exhibits, which modified some of his earlier disclosed exhibits and identified 79 new items.<sup>1</sup> (D.E. 1109.) At no time during the special set hearings did Edwards' counsel advise the Court that he intended to amend the Exhibit List or that the parties and Court were working from an incorrect list.

Epstein will be filing a renewed Motion in Limine to address Edwards' newly disclosed exhibits. For ease of reference, Epstein has highlighted the changes and new items identified.

### **OBJECTIONS**

#### **LEGEND FOR OBJECTIONS:**

- 1 – All Objections
- 2 – All Objections except Authenticity
- 3 - Relevance
- 4 – Probative value substantially outweighed by danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence
- 5 – Privileged
- 6 - Opinion
- 7 – Hearsay
- 8 – Authenticity
- 9 – Other (please identify basis of objection)
- 10 – Completeness
- 11 – Overbroad
- 12 – Not provided to Counsel for Epstein Prior to Filing Pretrial Stipulation
- 13 – Not a proper exhibit
- 14 – Trade secrets/Confidential

No.	Edwards' Exhibit Description	Epstein's Objections
1.	All applicable criminal statutes	3, 4, 7, 11, 12
2.	All applicable Florida Statutes	3, 4, 7, 11, 12
3.	Photos and information of Jeffrey Epstein's homes, airplanes and automobiles	3, 4, 7, 8, 10, 12

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<sup>1</sup> While Edwards produced many of the new exhibits on November 9, 2017, he never identified them as trial exhibits on his Exhibit List and Epstein was not aware that he intended to rely on them at trial at the time of filing his Omnibus Motion in Limine.

No.	Edwards' Exhibit Description	Epstein's Objections
4.	Order confirmation from <u>Amazon.com</u> for purchase of books "SM 101: A realistic Introduction," "Slave Craft: Roadmap for Erotic Servitude-Principles, Skills and Tools" and "Training Miss Abernathy: A Workbook for Erotic Slaves and Their Owners"	3, 4, 7, 8
5.	Non-Prosecution Agreement	3, 4, 7, 8, 10
6.	Jane Doe 102 Complaint	3, 4, 7, 13
7.	Messages taken from message pads found at Epstein's home	3, 4, 7, 8, 11, 14
8.	Documents related to Jeffrey Epstein produced by Alfredo Rodriguez	3, 4, 7, 8, 11, 14
9.	Jeffrey Epstein flight logs	3, 4, 7, 8, 10, 11
10.	Jeffrey Epstein phone records	3, 4, 10, 11, 14
11.	Sarah Kellen's phone records	3, 4, 8, 10, 11 14
12.	Jail Visitation Logs	3, 4, 7, 8, 11
13.	Jeffrey Epstein's probation file	3, 4, 7, 8, 11
14.	All probable cause affidavits related to criminal investigation of Jeffrey Epstein	3, 4, 7, 8, 10
15.	Victims' statements to the FBI related to criminal investigation of Jeffrey Epstein	3, 4, 7, 8
16.	Video of <u>Epstein Property Inspection</u> , 01/18/10	3, 4, 8
17.	Application for Search Warrant of Jeffrey Epstein's home	3, 4, 7, 8, Cannot be read
18.	Complaint Jane Doe v. Epstein and all subsequent Amended Complaints	3, 4, 7, 13, 12 (as to "subsequent Amended Complaints")
19.	All records of homes, properties, bank accounts and any/all records related to Jeffrey Epstein's assets	12
20.	Jeffrey Epstein's passport (or copy)	12
21.	Jeffrey Epstein's driver's license (or copy)	Cannot be read, 3, 14
22.	List of corporations owned by Jeffrey Epstein	3, 4, 7, 8, 12
23.	Yearbooks of Jane Doe	3, 4, 7, 8, 12
24.	2002 Royal Palm Beach High School Year Book	3, 4, 7, 8, 12
25.	2001 Royal Palm Beach High School Year Book	3, 4, 7, 8, 12
26.	2003 Palm Beach Gardens High School Year Book	3, 4, 7, 8, 12

No.	Edwards' Exhibit Description	Epstein's Objections
27.	Affidavit and Application for Search Warrant on Jeffrey Epstein's home (from Palm Beach State Attorney's File, Exhibit #29)	3, 4, 7, 8, 10,
28.	Notepads found in Jeffrey Epstein's home and/or during trash pulls outside of his home during criminal investigation	3, 4, 7, 8, 10, 11, 14
29.	The Palm Beach State Attorney's Criminal file against Jeffrey Epstein	3, 4, 6, 7, 8, 10, 11, 13
30.	All documents related to Jeffrey Epstein's 6/30/08 conviction	3, 4, 7, 8, 12
31.	Jeffrey Epstein's criminal plea colloquy	3, 4, 7, 8, 12
32.	List of properties and vehicles in Larry Visoski's name	3, 4, 7, 8, 11, 13, The exhibit provided was an entire Motion (which was denied) not just the identified item.
33.	All of Jeffrey Epstein's Responses to Requests for Production, Requests for Admission, Answers to Interrogatories in this matter, and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092	3, 4, 11, 12, 13
34.	All discovery related responses of Jeffrey Epstein in this matter and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092	3, 4, 11, 12, 13
35.	Jeffrey Epstein's Answers and Affirmative Defenses in all civil cases against him	3, 4, 11, 12, 13
36.	All Complaints in which Jeffrey Epstein is/was defendant	3, 4, 11, 12, 13. This also includes a motion which is not part of the stated exhibit.
37.	Jeffrey Epstein's Deposition testimony and discovery responses in this case and cases 08-80119, 08-80232, 08-80380, 08-80381, 08-80994, 08-80811, 08-80893, 09-80469, 09-80591, 09-80656, 09-80802, 09-81092	3, 4, 11, 12, 13
38.	Jeffrey Epstein's Deposition testimony and discovery responses in State Court cases LM v. Jeffrey Epstein, Case No. 502008CA028051XXXXIMB AB and E.W. v. Jeffrey Epstein, Case No. 502008CP003626XXXXMB	3, 4, 11, 12, 13
39.	Jeffrey Epstein Deposition Testimony and discovery responses in State Court case Jeffrey Epstein v. Scott Rothstein, et al. Case No 502009CA040800XXXXMBAG	3, 4, 11, 12, 13

<b>No.</b>	<b>Edwards' Exhibit Description</b>	<b>Epstein's Objections</b>
40.	Any and all newspaper articles, online articles or publications related to Jeffrey Epstein	3, 4, 7, 8, 11, 12
41.	Report and Analysis of Jeffrey Epstein's assets	3, 4, 7, 8, 14
42.	Video footage (DVD) of walk through site inspection of Jeffrey Epstein's home.	3, 4, 7, 8, 12
43.	Photos of all of Jeffrey Epstein's properties, cars, boats and planes	3, 4, 7, 8, 14, 12 (as to cars and boats)
44.	Probable Cause Affidavits prepared against Jeffrey Epstein and Sarah Kellen	3, 4, 7, 8, 10
45.	Documents related to or evidencing Jeffrey Epstein's donations to law enforcement	3, 4, 7, 8, 10
46.	Victim Notification Letter from US Attorney's Office to Victims (CW & SR) 07/09/2008	3, 4, 7, 8, 14
47.	Expert Dr. L. Dennison Reed's Report of Victim	3, 4, 6, 7, 8, 14
48.	Palm Beach Police Department Incident Report dated 4/20/06	3, 4, 7, 8
49.	All reports and documentation generated by Palm Beach Police Department related to Jeffrey Epstein	3, 4, 7, 8, 12
50.	All Witness Statements generated by Palm Beach Police Department relating to Jeffrey Epstein	3, 4, 7, 8, 12
51.	Passenger Manifests of Jeffrey Epstein's aircraft and private plane flight logs	3, 4, 7, 8, 10, 11, 12
52.	Passenger lists for flights taken by Jeffrey Epstein	3, 4, 7, 8, 10, 11, 12
53.	Letter from Jeffrey Epstein to Alberto Pinto regarding house island project	3, 4, 7, 8, 10
54.	Jeffrey Epstein's bank statements	3, 4, 7, 8, 12, 14
55.	Jeffrey Epstein's tax returns	3, 4, 7, 8, 12, 14
56.	MC2 emails involving communications of Jeffrey Epstein, Jeff Fuller, Maritza Vasquez, Pappas Suat, Jean Luc Brunel and Amanda Grant	3, 4, 7, 8, 12
57.	DVD of plea and colloquy taken on 6-30-08	3, 4, 8, 12, 13
58.	Transcript of plea and colloquy taken on 6-30-08	3, 4, 13
59.	Palm Beach Police Department Incident Report dated 07/25/06 (unredacted)	<u>3, 4, 7, 8</u>
60.	No Contact Orders entered against Jeffrey Epstein	3, 4, 13
61.	Criminal Score Sheet regarding Jeffrey Epstein	3, 4, 7, 8, 12
62.	Documents evidencing Jeffrey Epstein's Community Control and Probation	3, 4, 7, 8

No.	Edwards' Exhibit Description	Epstein's Objections
63.	Jeffrey Epstein's Sex Offender Registrations (from various states)	3, 4, 7, 8
64.	Jeffrey Epstein's Booking photograph	3, 4, 7, 8, Document says cannot rely on this for legal action
65.	CAD calls to 358 EL BRILLO WAY, PALM BEACH FL 33480	3, 4, 7, 8
66.	List of Jeffrey Epstein's House contacts	3, 4, 7, 8, 12 (document provided is not reflective of description)
67.	Documents related to Jeffrey Epstein's investments	3, 4, 7, 8, 12, 14
68.	Letter from Chief Michael Reiter to Barry Krischler	3, 4, 7, 8
69.	Palm Beach Police Department Incident Report dated 07/19/06 (redacted)	3, 4, 7, 8
70.	Letter from Guy Fronstin to Assistant State Attorney dated 1-11-06	3, 4, 7, 8, 10
71.	Letter from Guy Fronstin to Assistant State Attorney dated 1-13-06	3, 4, 7, 8, 10
72.	Letter from Guy Fronstin to Assistant State Attorney dated 2-17-06	3, 4, 7, 8, 10
73.	Letter from Guy Fronstin to Assistant State Attorney dated 4-6-06	3, 4, 7, 8, 10
74.	Letter from Guy Fronstin to Assistant State Attorney dated 4-10-06	3, 4, 7, 8, 10
75.	Letter from Goldberger dated 6-22-06	3, 4, 7, 8
76.	All subpoenas issued to State Grand Jury	3, 4, 7, 8, 13
77.	Documents related to the rental of a vehicle for Vanessa Zalis	3, 4, 7, 8, document produced contains other items not identified on list
78.	Ted's Sheds Documents	3, 4, 7, 8, document produced contains other items not identified on list
79.	Documents related to property searches of Jeffrey Epstein's properties	3, 4, 7, 8, 14
80.	Arrest Warrant of Sarah Kellen	3, 4, 7, 8
81.	Police report regarding Alexandra Hall picking up money dated 11-28-04	3, 4, 7, 8, 10
82.	List of Trilateral Commission Members of 2003	3, 4, 7, 8, 10



No.	Edwards' Exhibit Description	Epstein's Objections
83.	Alan Dershowitz Letter dated 4-19-06 and Statute 90.410	3, 4, 7, 8, 12
84.	Guy Fronstin letter dated 4-17-06	3, 4, 7, 8
85.	Jeffrey Epstein Account Information	3, 4, 7, 8, 12, 14
86.	Jeffrey Epstein Criminal Closeout Sheet	3, 4, 7, 8, 12
87.	JEGE, Inc. Passenger Manifest	3, 4, 7, 8, 10, 11
88.	Hyperion Air Passenger Manifest	3, 4, 7, 8, 10, 11
89.	Flight information for Dana Burns	3, 4, 7, 8, 10, 11
90.	Passenger List Palm Beach flights 2005	3, 4, 7, 8, 10, 11
91.	Jeffrey Epstein notepad notes re Maria	3, 4, 7, 8, 10, 12
92.	Pleadings of Jane Doe 1 and 2 v. US case	3, 4, 12 (document provided is not what is identified on list), 13
93.	Jeffrey Epstein 5 <sup>th</sup> Amendment Speech	3, 4, 12
94.	Reiter letter to Krisher dated 5-1-06	3, 4, 7, 8, 12
95.	Alexandra Hall Police Report dated 11-28-04	3, 4, 7, 8, 10
96.	Victim's school records and transcripts	3, 4, 7, 8
97.	Victim Notification letter to Virginia Roberts, 09/03/08	3, 4, 7, 8
98.	Police report of Juan Alessi theft at Jeffrey Epstein's home	3, 4, 7, 8, 12
99.	Victim's Medical Records from Dr. Randee Speciale	3, 4, 6, 7, 8
100.	All surveillance conducted by law enforcement on Jeffrey Epstein's home	3, 4, 7, 8, 12
101.	Emails received from Palm Beach Records related to Jeffrey Epstein	3, 4, 7, 8, 12
102.	All items listed on the Palm Beach Police Property Report Lists and/or Property Receipts	3, 4, 7, 8, 12 (items not provided)
103.	All copies of convictions related to Jeffrey Epstein	3, 4, 7, 8, 12
104.	Jeffrey Epstein criminal records	3, 4, 7, 8, 12
105.	All documents produced by Palm Beach Police Department prior to the deposition of Detective Recarey	3, 4, 7, 8, 10, 11,
106.	Statements, deposition transcripts, videotaped depositions and transcripts taken in connection with this and all related cases and exhibits thereto	3, 4, 7, 8, 12, 13
107.	Any and all expert witness reports and/or records generated in preparation for this litigation by any party to this cause	3, 4, 7, 8, 12, 13

<b>No.</b>	<b>Edwards' Exhibit Description</b>	<b>Epstein's Objections</b>
108.	Demonstrative aids and exhibits including, but not limited to, charts, diagrams and models, surveys, photographs and similar material including blow-ups of the listed items/exhibits	12
109.	Edwards reserves all objections to Epstein's Exhibits	Not an exhibit
110.	Edwards reserves the right to supplement and/or amend his Exhibit List	Not an exhibit
111.	By listing an Exhibit, Edwards is not waiving his right to object to same at trial and does not waive their right to amend same.	Not an exhibit
112.	All exhibits listed by Epstein subject to Edwards' objections.	Not an exhibit
113.	All pleadings and attachments in the action under the Crime Victims Rights Act prosecuted by Bradley Edwards on behalf of victims of Epstein's criminal molestations.	3, 4, 7, 8, 12, 13
114.	Edwards' Motions for Summary Judgment, all attachments thereto, and all Undisputed Facts	3, 4, 7, 8, 12, 13
115.	All time records and hourly billing documentation produced in discovery.	3, 4, 7, 8, 12
116.	All deposition testimony and discovery responses by Epstein submitted in this action.	3, 4, 7, 8, 12, 13
117.	All pleadings filed by Epstein in the Rothstein bankruptcy proceeding.	3, 4, 7, 8, 12, 13
118.	All submissions by Epstein in connection with the Rothstein deposition.	3, 4, 7, 8, 12, 13
119.	All Settlement Agreements between Epstein and victims of his sexual molestations.	3, 4, 7, 8, 12, 14
120.	Phone Journal taken from Epstein's home and produced to the FBI by Alfredo Rodriguez	3, 4, 7, 8, 11, 14 (duplicative of Exhibit No. 8)
121.	Photo depicting Virginia Roberts, Ghislaine Maxwell and Prince Andrew	3, 4, 7, 8
122.	All flight logs for any Epstein owned or controlled aircraft	3, 4, 7, 8, 10, 11, 12
123.	All emails produced by Defendant and/or all emails produced by Plaintiff in this case	3, 4, 7, 8, 10, 12
124.	Evidence of contributions to the Palm Beach Police Dept.	3, 4, 7, 8, 10 duplicative of 45
125.	Dr. Bernard J. Jansen Expert Report, Attachments and Back-up Documents, October 20, 2017	3, 4, 6, 7, 8, 10, 11, 13
126.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M., Complaint, December 7, 2009	
127.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M., Fourth Amended Counterclaim, January 9, 2013	3, 4, 7, 13

No.	Edwards' Exhibit Description	Epstein's Objections
128.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M., Plaintiff/Counter-Defendant Jeffrey Epstein's Answer and Affirmative Defenses to Defendant/Counter-Plaintiff Bradley Edwards's Fourth Amended Counterclaim, February 21, 2013	3, 4, 7, 13
129.	Jeffrey Epstein vs. Scott Rothstein, Bradley J. Edwards and L.M., Notice of Voluntary Dismissal, August 16, 2012	
130.	Brad Edward's [sic] Times Records and Billing Records related to this matter.	3, 4, 7, 8, 10, 12
131.	Jeffrey Epstein's NY State Online Sex Offender Registry Profile	3, 4, 7, 8
132.	New York Post article: Billionaire Jeffrey Epstein: I'm a sex offender, not a predator, February 25, 2011	3, 4, 7, 8
133.	Medical Records: New York Presbyterian Hospital re: Virginia Guiffre, 2001	3, 4, 6, 7, 8, 10
134.	Hand Drawing of Bart Simpson (signed by Matt Groening)	3, 4, 7, 8
135.	Proposed Joint Letter to the Special Master	3, 4, 6, 7, 8
136.	Front and Back of Hard Copy Color Photo Virginia (Mar-A-Lago)	3, 4, 7, 8
137.	Color photo of Virginia Roberts on ferry "New York"	3, 4, 7, 8
138.	Scenic photo of Time Square	3, 4, 7, 8
139.	Virginia Roberts photo on back of ship	3, 4, 7, 8
140.	Picture of room in New York	3, 4, 7, 8
141.	Color photo of man on horse (New Mexico Ranch)	3, 4, 7, 8
142.	Color photo of Virginia Roberts at Zorro Ranch standing in front of gate sign with "Z" (New Mexico Ranch)	3, 4, 7, 8
143.	Virginia Roberts photo on horse front of ranch	3, 4, 7, 8
144.	Virginia Roberts photo standing against rocks (red coat)	3, 4, 7, 8
145.	Virginia Roberts standing against rocks (red coat) (far) (with back photo white; back date)	3, 4, 7, 8
146.	Virginia Roberts photo riding horse blue jacket far	3, 4, 7, 8
147.	Virginia Roberts photo on side of horse hand up	3, 4, 7, 8
148.	Virginia Roberts photo on side of horse	3, 4, 7, 8
149.	Virginia Roberts photo outside next to tables	3, 4, 7, 8
150.	Virginia Roberts photo red coat leaning on rail	3, 4, 7, 8

No.	Edwards' Exhibit Description	Epstein's Objections
151.	<u>Virginia Roberts photo standing outside next to fireplace'</u>	<u>3, 4, 7, 8</u>
152.	<u>Virginia Roberts photo standing in front of ranch'</u>	<u>3, 4, 7, 8</u>
153.	<u>Virginia Roberts photo with hand over head(black/white)'</u>	<u>3, 4, 7, 8</u>
154.	<u>Virginia Roberts photo standing next to piano'</u>	<u>3, 4, 7, 8</u>
155.	<u>Virginia Roberts photo in front of fireplace(museum)'</u>	<u>3, 4, 7, 8</u>
156.	<u>Virginia Roberts photo in front of wagon in museum'</u>	<u>3, 4, 7, 8</u>
157.	<u>Color photo of Virginia Roberts in front of museum'</u> <u>exhibition (Santa Fe, New Mexico)'</u>	<u>3, 4, 7, 8</u>
158.	<u>Photograph in Spain Jeffrey Epstein and Ghislaine'</u> <u>Maxwell in front of building.'</u>	<u>3, 4, 7, 8</u>
159.	<u>Virginia Roberts (Australia Storage): Photo Book 2</u>	<u>3, 4, 7, 8</u>
160.	<u>Cover photo book 2</u>	<u>3, 4, 7, 8</u>
161.	<u>Scenic photo (with back photo white)'</u>	<u>3, 4, 7, 8</u>
162.	<u>Scenic photo (with back photo white)'</u>	<u>3, 4, 7, 8</u>
163.	<u>Scenic photo (with back photo white)'</u>	<u>3, 4, 7, 8</u>
164.	<u>Scenic photo (with back photo white)'</u>	<u>3, 4, 7, 8</u>
165.	<u>Virginia Roberts steps with trees overhead</u>	<u>3, 4, 7, 8</u>
166.	<u>Scenic photo (with back photo white)'</u>	<u>3, 4, 7, 8</u>
167.	<u>Scenic photo (with back photo white)'</u>	<u>3, 4, 7, 8</u>
168.	<u>Scenic photo (with back photo white)'</u>	<u>3, 4, 7, 8</u>
169.	<u>Scenic photo (with back photo white)'</u>	<u>3, 4, 7, 8</u>
170.	<u>Scenic photo (with back photo white and black)'</u>	<u>3, 4, 7, 8</u>
171.	<u>Scenic photo (with back photo white and black)'</u>	<u>3, 4, 7, 8</u>
172.	<u>Scenic photo (with back photo white and black)'</u>	<u>3, 4, 7, 8</u>
173.	<u>Virginia Roberts on steps with children (with back photo'</u> <u>white and black)'</u>	<u>3, 4, 7, 8</u>
174.	<u>Virginia Roberts on street white wall (far) (with back'</u> <u>photo white and black).'</u>	<u>3, 4, 7, 8</u>
175.	<u>Travel envelope'</u>	<u>3, 4, 7, 8</u>
176.	<u>Singapore Airlines Travel Cover with handwritten notes by'</u> <u>Virginia Roberts'</u>	<u>3, 4, 7, 8</u>

No.	Edwards' Exhibit Description	Epstein's Objections
177.	<u>Thailand Hotel Receipts</u>	<u>3, 4, 7, 8</u>
178.	<u>Court Docket for Jane Doe No. 102 v. Epstein</u>	<u>3, 4, 7, 8, 13</u>
179.	<u>Typed List of Victims/ Co-Conspirators unique to the investigation of Jeffrey Epstein</u>	<u>3, 4, 7, 8, 10</u>
180.	<u>Ghislaine Maxwell deposition, 04/22/16</u>	<u>3, 4, 7, 8, 14</u>
181.	<u>FBI Form 302 - Interview of Virginia Giuffre in Australia (Redacted) 03/17/11</u>	<u>3, 4, 7, 8, 10</u>
182.	<u>Mark Epstein Deposition</u>	<u>3, 4, 7, 8</u>
183.	<u>March 19, 2008, email of Assistant U.S. Attorney Ann Marie Villafana (Summary of the Case) (Coonan File)</u>	<u>3, 4, 7, 8, 10</u>
184.	<u>Color photos of Ghislaine Maxwell, one with Jeffrey Epstein</u>	<u>3, 4, 7, 8</u>
185.	<u>Airport Codes (Demonstrative)</u>	<u>3, 7, 8, 10</u>
186.	<u>March 3, 2011 - New York Post: Uppity Tranny to Epstein: Pay Up!</u>	<u>3, 4, 7, 8</u>
187.	<u>DVD of Epstein PBPD 358 El Brillo Search Warrant Walk Through 05/11/09; DVD Audio from Cassettes, Part 1</u>	<u>3, 4, 7, 8, 12 (only photo of DVDs provided)</u>
188.	<u>[Alex Hall] Redacted Transcript taken by Detective Joe Recarey and Detective Dawson (with Exhibits) 10/11/05</u>	<u>3, 4, 7, 8, 10</u>
189.	<u>Palm Beach Police Investigation: Palm Beach PD Records; Wachovia Bank Account</u>	<u>3, 4, 7, 8, 10, 11</u>
190.	<u>Folder titled Sara Kellen Cell Phone Summary by Detective Recarey: Enclosing phone records. SAO FOIA Disc 7 (State Files)</u>	<u>3, 4, 7, 8, 10, 11</u>
191.	<u>Folder titled Sara Kellen Cell: Sara Kellen Cell Phone Usage 09/2005-10/2005</u>	<u>3, 4, 7, 8, 10, 11</u>
192.	<u>Folder titled Sara Kellen: AT&amp;T February 12, 2005 Statement</u>	<u>3, 4, 7, 8, 10, 11</u>
193.	<u>Demand Deposit Account Statement History for Household Bank Account Jeffrey Epstein or Ghislaine Maxwell or Alfredo Rodriguez</u>	<u>3, 4, 7, 8, 10, 14</u>
194.	<u>Santa Monica Police Report (May 12, 1997)</u>	<u>3, 4, 7, 8</u>
195.	<u>Folder titled PLANES: Information relating to Epstein's planes/aircrafts collected by the State Attorney's Office unique to the investigation of Jeffrey Epstein</u>	<u>3, 4, 7, 8</u>
196.	<u>Palm Beach House/Information Sheet</u>	<u>3, 4, 7, 8</u>
197.	<u>Sworn Statement of Juan Alessi taken by Palm Beach Police Department</u>	<u>3, 4, 7, 8</u>
198.	<u>Juan Alessi Deposition (Vol. I) 09/08/09</u>	<u>3, 4, 7, 8</u>

No.	Edwards' Exhibit Description	Epstein's Objections
199.	<u>Juan Alessi Deposition (Vol II) 09/08/09</u>	<u>3, 4, 7, 8</u>
200.	<u>Brochure for Boeing Super 727-100</u>	<u>3, 4</u>
201.	<u>Passport application; issued January 12, 2001</u>	<u>3, 4, 7, 8, 10</u>
202.	<u>Sentencing Transcript, Alfredo Rodriguez</u>	<u>3, 4, 6, 7</u>
203.	<u>Criminal Complaint — Alfredo Rodriguez</u>	<u>3, 4, 6, 7</u>
204.	<u>Plea Agreement — Alfredo Rodriguez</u>	<u>3, 4, 7, 8</u>
205.	<u>Photos of Jeffrey Epstein's properties and planes</u>	<u>3, 4, 7, 8, 10</u>
206.	<u>Photos of Jeffrey Epstein employees and former employees</u>	<u>3, 4, 7, 8, 10</u>
207.	<u>Jeffrey Epstein Guilty Plea documents</u>	<u>3, 4</u>
208.	<u>Palm Beach County State Attorney's Response to Public Records Request (including audio recordings)</u>	<u>3, 4, 6, 7, 8, 10, 11, 13</u>
209.	Any and all responses to Subpoenas Duces Tecum with or without deposition	3, 4, 6, 7, 8, 10, 11, 12, 13, 14
210.	All Interrogatories and Answers thereto, Requests to Produce and Responses, Requests for Admissions and Responses thereto.	3, 4, 7, 8, 12, 13
211.	Any and all documents produced in this action.	12
212.	Any and all depositions taken in this action.	12, 13
213.	Any documents or other exhibit attached to or used during any deposition in this action	12, 13
214.	Any and all exhibits, documents, etc. referred to in any deposition	12, 13
215.	Any and all documents and exhibits designated by all parties to this action.	12, 13
216.	Any and all exhibits needed for impeachment or rebuttal	12
217.	Any and all pleadings filed in this action	12, 13
218.	Any and all records produced or that will be produced by all records custodians relative to this action	12, 13

**CERTIFICATE OF SERVICE**

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on December 15, 2017, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

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By: /s/ Scott J. Link

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<p>Bradley J. Edwards Edwards Pottinger LLC 425 N. Andrews Avenue, Suite 2 Fort Lauderdale, FL 33301-3268 <a href="mailto:brad@epllc.com">brad@epllc.com</a> <a href="mailto:staff.efile@pathtojustice.com">staff.efile@pathtojustice.com</a> <i>Co-Counsel for Defendant/Counter-Plaintiff</i> <i>Bradley J. Edwards</i></p>	<p>Marc S. Nurik Law Offices of Marc S. Nurik One E. Broward Boulevard, Suite 700 Ft. Lauderdale, FL 33301 <a href="mailto:marc@nuriklaw.com">marc@nuriklaw.com</a> <i>Counsel for Defendant Scott Rothstein</i></p>
<p>Jack A. Goldberger Atterbury, Goldberger &amp; Weiss, P.A. 250 Australian Avenue S., Suite 1400 West Palm Beach, FL 33401 <a href="mailto:jgoldberger@agwpa.com">jgoldberger@agwpa.com</a> <a href="mailto:smahoney@agwpa.com">smahoney@agwpa.com</a> <i>Co-Counsel for Plaintiff/Counter-Defendant</i> <i>Jeffrey Epstein</i></p>	



# EXHIBIT F

NOT A CERTIFIED COPY

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,

\_\_\_\_\_ /

**SEVENTH AMENDED AND SUPPLEMENTAL WITNESS LIST**  
**OF COUNTER-PLAINTIFF BRADLEY J. EDWARDS**

Counter-Plaintiff, BRADLEY J. EDWARDS, by and through his undersigned attorneys,  
hereby supplements his list of witnesses for trial as follows:

**WITNESSES EXPECTED TO BE PRESENTED**

1. Bradley J. Edwards
- 2.. Jeffrey Epstein
3. Sarah Vickers (formerly Kellen)  
c/o John Stephenson  
1201 W. Peachtree Street  
Atlanta, Georgia 30339
4. Nadia Marcinkova  
c/o Erica Dubno  
767 Third Avenue, Suite 3600  
New York, New York 10017
5. Virginia Roberts Guiffre  
c/o Stan Pottinger  
49 Twin Lakes Road, Suite 100  
South Salem NY 10590

6. Maria Farmer  
c/o Peter Guirguis, Esq.  
Mintz & Gold LLP  
600 Third Avenue, 25<sup>th</sup> Floor,  
New York 10016
7. Annie Farmer  
c/o Peter Guirguis, Esq.  
Mintz & Gold LLP  
600 Third Avenue, 25<sup>th</sup> Floor,  
New York, 10016
8. Nadia Bjorlin  
13701 Riverside Drive, Suite 800  
Sherman Oaks, CA 91423-2449
9. Alexandra Hall  
c/o Robert C. Josefsberg, Esq.  
Podhurst Orseck, PA  
One S.E. 3<sup>rd</sup> Avenue, Suite 2700  
Miami, FL 33131
10. Robert C. Josefsberg, Esquire  
Podhurst Orseck, PA  
One S.E. 3<sup>rd</sup> Avenue, Suite 2700  
Miami, FL 33131
11. Detective Joseph Recarey  
Palm Beach Police Department  
345 South County Road  
Palm Beach, FL 33480
12. Chief Michael Reiter  
Palm Beach Police Department  
345 South County Road  
Palm Beach, FL 33480
13. John Connolly  
c/o Simon & Schuster  
1230 6th Avenue  
New York, New York 10020

14. Charles Lichtman, Esquire  
Berger Singerman  
300 East Las Olas Boulevard, Suite 1000  
Fort Lauderdale, FL 33301
15. Courtney Wild  
c/o Adam Horowitz.  
Horowitz Law  
425 North Andrews Avenue, Suite 2  
Fort Lauderdale FL 33301
16. Antonio Figueroa (Tony)  
Palm Coast, Florida
17. Records Custodian of Palm Beach Police Department  
345 South County Road  
Palm Beach, FL 33480
18. Records Custodian of United States Attorney's Office  
for the Southern District of Florida
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120. Michele Dawson  
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139. Steven Hoffenberg  
Address Currently Unknown
140. Michael Stroll  
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144. Yellow Cab Records Custodian

145. Citrix Systems, Inc. Records Custodian
146. Federal Bureau of Investigation Records Custodian
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153. All People on Jeffrey Epstein's Inmate Visitor Log while he was in jail.

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Plaintiff reserves the right to amend this list.


EDWARDS ADV. EPSTEIN

Case No.: 502009CA040800XXXXMBAG

Seventh Amended and Supplemental Witness List of Counter-Plaintiff Bradley J. Edwards

Page 20 of 22

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via E-Serve  
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