

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

JUDGE: HAFELE

vs.

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

Defendants/Counter-Plaintiff,

**PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S NOTICE OF
SCHEDULING CONFLICT WITH TRIAL DATE AND ALTERNATIVE
MOTION TO CONTINUE TRIAL DATE**

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein"), by and through his undersigned counsel and pursuant to Rule 2.550 of the *Florida Rules of Judicial Administration*, hereby files this Notice of Scheduling Conflict and alternative Motion to Continue the trial date set for this matter. In support of this Motion, Epstein states:

This matter is set for Calendar Call on October 14, 2016 for the trial period commencing October 24, 2016. Trial is expected to take ten (10) days. Lead trial counsel for Jeffrey Epstein is Fred Haddad, Esq. Mr. Haddad is currently set for trial during this Trial Period, not including the instant case, on the following criminal cases; some of which are specially-set trial dates:

1. State v. Dustin Yearby	Broward	10/17/16	Trial Date
2. State v. Ramon Colindres	Broward	10/17/16	Trial Date
3. State v. Christopher Toppino	Monroe	10/24/16	Trial Date
4. State v. Christopher Stamas	Monroe	10/24/16	Trial Date

5. State v. Jack Fuller	Broward	10/24/16	Trial Date
6. State v. Terone Woods	Broward	10/31/16	Trial Date
7. State v. Joni Donley	Broward	11/07/16	Trial Date
8. State v. Jean-Paul Pienaar	Broward	11/14/16	Trial Date
9. State v. Thomas Maffei	Broward	11/14/16	Trial Date
10. State v. Jeffrey Buffa	Broward	11/28/16	Trial Date
11. State v. Morgan Vanvleet	Broward	11/28/16	Trial Date
12. State v. Brandon Sims	Broward	11/28/16	Trial Date
13. State v. Shahrouz Rahimi	Broward	11/28/16	Trial Date
14. State v. Christopher Wright	Broward	12/05/16	Trial Date

Rule 2.550 of the *Florida Rules of Judicial Administration* governs calendar conflicts and not only requires a party to provide written notice of the scheduling conflict, but also provides as follows:

(a) Guidelines. In resolving calendar conflicts between the state courts of Florida or between a state court and a federal court in Florida, the following guidelines must be considered:

(1) Any case priority status established by statute, rule of procedure, case law, or otherwise shall be evaluated to determine the effect that resolving a calendar conflict might have on the priority case or cases.

(2) Juvenile dependency and termination of parental rights cases are generally to be given preference over other cases, except for speedy trial and capital cases.

(3) **Criminal cases are generally to be given preference over civil cases.**

(4) Jury trials are generally to be given preference over non-jury trials.

(5) Appellate arguments, hearings, and conferences are generally to be given preference over trial court proceedings.

(6) The case in which the trial date has been first set generally should take precedence.

Rule 2.550 FLA. R. JUD. ADMIN. (emphasis added). Accordingly, and in compliance with Rule 2.550 of the *Florida Rules of Judicial Administration*, Epstein hereby gives written notice of lead counsel's trial scheduling conflicts.

Alternatively, Epstein requests that this trial be continued or stayed until the Florida Supreme Court renders its Opinion on the certified conflict between the Fourth District Court of

Appeal's decision in this matter and the decision rendered by the Third District Court of Appeal in *Wolfe v. Foreman*, 128 So. 3d 67 (Fla. 3d DCA 2013). *Debrincat v. Fischer*, Case No. SC15-1477, is the lead case in which the Florida Supreme Court will decide the certified conflict issue. Oral Argument was held before the Florida Supreme Court on August 31, 2016.

The granting of a motion for continuance is within the sound discretion of the trial court. *In re Gregory*, 313 So. 2d 735, 736 (Fla. 1975). It is proper for this Court to grant Epstein's Motion to Continue this matter while the Florida Supreme Court is considering an issue that involves the same issues as those with which these same parties are faced. *Bergman v. Kaplan*, 922 So. 2d 982 (Fla. 4th DCA 2005). In *Bergman*, the Fourth District Court of Appeal found that the trial court had departed from the essential requirements of the law in denying the Petitioner's motion to stay the proceedings when there was a pending appeal from an order that involved the same parties and issue. *Id.* The *Bergman* court further opined that "[i]n these types of cases, courts have recognized the injurious affect of multiple, conflicting orders and the need for the circuit courts not to interfere with the jurisdiction of the courts of appeal when issues are then pending before them." *Id.* at 983. See also *Allstate Ins. Co. v. Titusville Total Health Care*, 848 So. 2d 1166, 1167 (Fla. 5th DCA 2003) ("Courts have often held that it is appropriate for one court to stay an action in order to avoid a waste of judicial resources if a similar issue is pending in another action and will be dispositive."); *Solomon v. Gordon*, 4 So. 2d 710, 711 (Fla. 1941) ("Where two actions are pending between the same parties involving the same state of facts and aiming to accomplish substantially the same result, the court may stay proceedings in the latter action until the other shall have been heard and decided and the same rule applies where the prior action is pending on appeal."); *Pilevsky v. Morgans Hotel Group Mgmt., LLC*, 961 So. 2d 1032, (Fla. 3d DCA 2007).

Consequently, and in reliance upon the argument contained herein, Epstein respectfully

requests that this Court continue the trial date in this matter until such time as the Florida Supreme Court renders its Opinion in the *Debrincat v. Fischer* matter.

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served, via electronic service, to all parties on the attached service list, this September 19, 2016.

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CASE NO. 502009CA040800XXXXMBAG

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