

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 JEFFREY EPSTEIN'S
RESPONSE TO COUNTER-PLAINTIFF BRADLEY J. EDWARDS'
MOTION TO CHANGE CASE CAPTION**

Plaintiff/Counter-Defendant, Jeffrey Epstein ("Epstein"), responds to the Motion to Change Case Caption filed by Counter-Plaintiff Bradley J. Edwards ("Edwards"), and states:

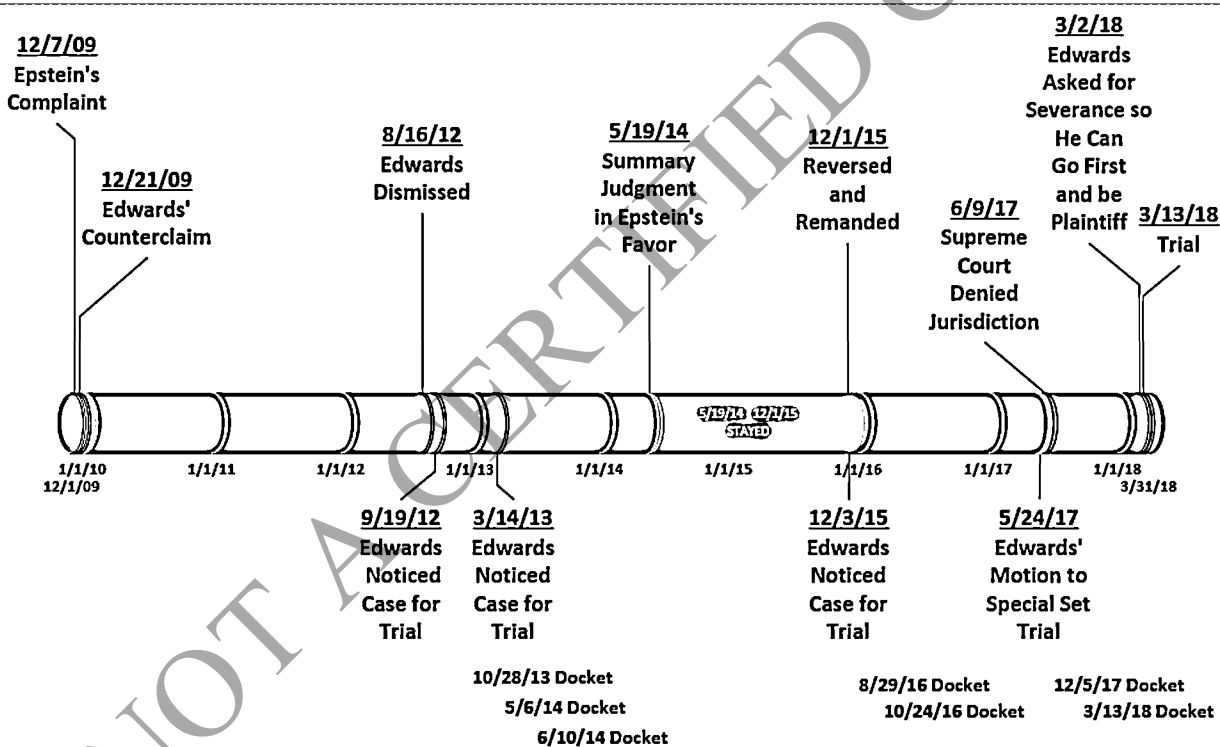
ARGUMENT

Edwards' March 26, 2018, Motion to Change Case Caption asks this Court to violate Florida law and should be denied. In addition, because the severance issue is currently pending on appeal, and until the Fourth District Court of Appeal makes a final determination on that issue, evaluating "prejudice" (as Edwards' claims in his Motion) and setting the trial is premature. Because trial of this matter has been stayed, including issues relating to severance (as confirmed by the Fourth District Court of Appeal on March 29, 2018), no juror confusion will result while the Fourth District Court of Appeal makes a final determination on the severance issue.

Pursuant to Trawick's Florida Practice and Procedure, § 6:2, "the names of the parties in the caption are never changed even when all original parties have ceased to be parties." In fact,

even where there is a dispute over the proper identity of a party and a party files a motion requesting a name change, changing the case style is error without an evidentiary hearing. *See Musicians Exch. Downtown Cafe, Inc. v. Mercede City Ctr., Inc.*, 613 So. 2d 134, 136 (Fla. 4th DCA 1993).

Edwards chose to file a counterclaim and be a counter-plaintiff in a lawsuit filed by Epstein. Epstein dismissed his claims against Edwards (without prejudice) on August 16, 2012. Since that time, Edwards has noticed this matter for trial (excluding the most recent) four times and the Court has set the matter on the trial docket seven times. Not once (before his eleventh-hour request), however, did Edwards seek to sever his claims or move the Court to change the case style.



While the Court granted Edwards' eleventh-hour request to sever the claims, that ruling is the subject of a Petition for Writ of Certiorari. Until such time as the Fourth District Court of Appeal makes a determination on that Petition, Edwards' Motion is both premature and in violation

of Florida law. *If* the Fourth District Court of Appeal upholds this Court's ruling, then the parties can discuss ways to address any "prejudice" or jury confusion that Edwards is concerned about.

CONCLUSION

Accordingly, Epstein respectfully requests that the Court deny Edwards' Motion to Change Case Caption.

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on March 29, 2018, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

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