

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 REQUEST TO
PRODUCE TO DEFENDANT/COUNTERCLAIM PLAINTIFF BRADLEY J. EDWARDS
REGARDING EXPERTS**

Plaintiff/Counter-Defendant, Jeffrey Epstein, pursuant to Florida Rule of Civil Procedure 1.350, requests that Defendant/Counter-Plaintiff, Bradley J. Edwards, produce the following documents within the time permitted under Rule 1.350 or a shorter time as the Court may order pursuant to Plaintiff/Counter-Defendant's Motion to Shorten the Time to Respond.

DEFINITIONS

1. "Communication" or "communications" mean any oral, written or electronic utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, any *documents*, correspondence, letters, facsimiles, e-mails, text messages, voice recordings, video recordings, voicemail, instant messages, conversations, dialogues, discussions, interviews, conferences, meetings, consultations, agreements, and other understandings or exchanges between or among two or more people.

2. “*Document*” or “*documents*” mean all paper documents, graphic or auditory records or representations, tangible items, and electronically stored information, and shall have the broadest possible meaning accorded to it consistent with Florida Rule of Civil Procedure 1.280 (which is incorporated in this definition as if fully set forth), and includes, by way of illustration only and not by way of limitation, the following items which are in *your* possession, control, knowledge, or are known to *you*:

- a. All written, paper or printed material of any kind, including, but not limited to: all transmittal slips, memoranda, notes, schedules, agendas, notices, books, brochures, calendars, employment files, announcements, meeting minutes, records of meetings, records of conversations, newsletters, telegrams, summaries, lists, compilations, facsimile transmissions, transcripts, diaries, appointment books, agreements, contracts, reports, studies, checks, check stubs, invoices, financial statements, bank statements, receipts, *communications*, interoffice and intraoffice exchanges, conversations, inquiries, replies, correspondence, and letters, whether in person, by telephone, in writing, or by means of any other transmittal devices, and all originals, reproductions, copies, changes, amendments, drafts and all non-identical copies of the foregoing;
- b. Graphic or auditory records or representations of any kind, including, but not limited to: all images, photographs, charts, drawings, sketches, diagrams, maps, schematics, microfiche, microfilm, slides, videotapes, laser discs, digital versatile discs, Blu-ray discs, UltraViolet discs, cassette tapes, reel to reel tapes, recordings, sound bites, motion pictures, voice messages,

and all originals, reproductions, copies, changes, amendments, drafts and all non-identical copies of the foregoing; and

- c. Electronically stored information, electronic, mechanical and electrical records or representations of any kind including, but not limited to: all electronic *communications*, text messages, e-mails, instant messages, computer logs, network logs, Internet history, document files, spreadsheet files, presentation files, database files, desktop publishing files, source code files, object code files, executable files, data files, script files, project management files, text files, portable document format files, tabulated data files, virtual machine files, XML files, webpage files, image files, design files, GIS files, system files, compressed files, disk image files, audio files, video files, backup files, metadata and all originals, reproductions, copies, changes, amendments, drafts, and all non-identical copies of the foregoing (defined herein as “*ESI*”; each individual electronically stored *document* is defined herein as an “*ESI document*”).

For purposes of the foregoing, *documents* may be located, stored or archived in any physical location or on any electronic storage media, including, without limitation, any computer, server, appliance, cloud-based service, web-based service, database, internal hard drive, external hard drive, solid-state drive, hard or floppy diskette, compact disc, digital versatile disc, Blue-ray disc, UltraViolet disc, flash memory, flash card, thumb drive, cartridge, magnetic tape, mobile phone, tablet device, or personal digital assistant. Moreover, for purposes of the foregoing, the term “draft” means any earlier, preliminary, preparatory, or tentative version of all or part of a *document*, whether or not such draft was superseded by a later draft and whether or not the draft’s

terms are the same as or different from the final *document's* terms. Please note that "*Document*" and "*Documents*" as defined herein specifically include "*Communication*" and "*Communications*" as defined above.

3. "*Native Format*" means the file format of *ESI* in the application in which such *ESI* was originally created.

4. "*Person*" as used herein means any natural person or any entity, including, without limitation, any individual, public company, private company, firm, corporation, limited liability company, joint venture, trust, proprietorship, tenancy, association, partnership, business, agency, department, governmental body, bureau, board, commission, or any other form of public or private entity. With respect to an entity, *Person* shall include all subsidiaries and affiliates of the entity, as well as the present and former directors, officers, employees, attorneys, agents and anyone acting on behalf of, at the direction of, or under the control of, the entity or its subsidiaries or affiliates.

5. The terms "*you*" or "*your*" mean Bradley J. Edwards and his representatives, attorneys, accountants, agents and any other person acting under his control or on his behalf.

6. "*Relates to*" or "*relating to*" mean authorizing, concerning, constituting, comprising, containing, consisting of, connected with, describing, disclosing, discussing, evidencing, explaining, mentioning, pertaining to, proposing, reflecting, regarding, referring to, directly or indirectly, setting forth, showing, or summarizing.

7. "*Lawsuit*" means the litigation styled *Jeffrey Epstein v. Scott Rothstein and Bradley J. Edwards*, Case No. 502009CA040800XXXXMBAG, pending in the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.

8. “*Other Lawsuits*” means all lawsuits filed by Jane Doe, L.M., E.W. or any other clients represented by Bradley J. Edwards against Jeffrey Epstein from January 1, 2008 to the present.

9. “*Tagged Image File Format*” or “*TIFF*” refer to the CCITT Group IV graphic file format for storing bit-mapped images.

10. “*Experts*” refers to all expert witnesses disclosed on your Seventh Amended and Supplemental Witness List dated November 9, 2017, and all other individuals you intend to elicit expert testimony from at the trial of this matter including, but not limited to, Bernard J. Jansen, Robert C. Josefsberg, Charles Lichtman, Spencer Kuvin, Theodore Leopold, Adam Horowitz, Isidro M. Garcia, Earleen Cote and William Berger.

11. Where appropriate:

- a. use of the singular includes the plural, and vice versa;
- b. the past tense includes the present tense;
- c. the words “and” and “or” are both conjunctive and disjunctive;
- d. the words “all” and “any” mean “any and all”;
- e. the word “including” means “including without limitation”; and
- f. use of the masculine includes the feminine, and vice versa.

INSTRUCTIONS

General Instructions

1. In response to this Request for Production, you are required to furnish all information and documents which are, or have been, in your possession, custody, or control, or in your possession, custody, or control.

2. Unless otherwise specifically stated in each Request, the relevant time period shall be the period from January 1, 2008 to the present.

ESI Instructions

3. ESI Production Format. *ESI* shall be produced electronically, either in (1) *Native Format*, or (2) as single-page, uniquely and sequentially numbered Group IV *TIFF* image files. For each *ESI document*, all metadata must remain intact and all parent/child document relationships must be maintained. All *ESI* shall be collected using methods that prevent the spoliation of data.

4. Production Media. The production of *ESI* as described herein shall be made on an external hard drive, flash drive, CD or DVD ("*Production Media*"). The *Production Media* shall include a unique identifying label specifying: (a) *your* identity; (b) the date of the production of *ESI*; and (c) the Lawsuit name and number.

5. ESI of Limited Accessibility. If *you* contend that any *ESI document* responsive to this Request for Production is not reasonably accessible: (1) timely identify such *ESI document* with reasonable particularity; and (2) provide the basis for declining to produce the *ESI document*, including, for example, any limitations on access, the likely costs that might be incurred in accessing and producing the *ESI document*, the method used for storage of the *ESI document* and all locations in which the *ESI document* is kept.

6. TIFF Production. *ESI* produced as *TIFF* image files shall be produced as follows: (1) each production of *TIFF* image files shall be accompanied by a corresponding load file ("*Image Load File*"); (2) each *TIFF* image file must contain the same information and same physical representation as the *Native Format* file from which the *TIFF* image file was created; (3) each *TIFF* image file must not be less than 300 dpi resolution; (4) each *TIFF* image file shall be accompanied by an extracted text file containing the extracted text of the *Native Format* file from which the *TIFF* image file was created; (5) each extracted text file shall be named to match the

endorsed number assigned to the first page of each corresponding *TIFF* image file; (6) the extracted text files shall be accompanied by a Control List File (“*LST*”); (7) each production of *TIFF* image files shall be accompanied by an image cross-reference load file, such as Opticon (“*OPT*”), which shall provide the beginning and ending endorsed number of each *TIFF* image file and the number of pages it includes; and (8) each production of *TIFF* image files must be accompanied by a data load file (“*Data Load File*” or “*DAT*”) that contains both the hash value and all available metadata of the *Native Format* files from which the *TIFF* image files were created. Further, the following instructions apply to the production of *TIFF* image files:

- a. Processing Specifications. For each *Native Format* file that is converted to *TIFF* format: (1) all tracked changes shall be maintained so that all changes are visible; (2) OLE Embedded files shall not be extracted as separate *documents*; (3) author comments shall remain or be made visible; (4) hidden columns, cells, rows, worksheets and other hidden data shall remain or be made visible; (5) presenter notes shall remain or be made visible; and (6) to the extent *ESI* in a foreign language is produced, processing of such *ESI* shall be unicode-compliant.
- b. Document Unitization. If a *Native Format* file that is converted to *TIFF* format is more than one page, the unitization of the file and any attachments or affixed notes must be maintained as it existed when collected. If unitization cannot be maintained, the original unitization must be documented in the *Data Load File* or otherwise electronically tracked.

- c. Color. If a *Native Format* file that is converted to *TIFF* format contains color, the *TIFF* image file need not be produced in color. However, we reserve the right to make a request for a file to be produced in color.
- d. Where *TIFF* Image File Format is Impracticable. In the event that production of a *Native Format* file as a *TIFF* image would be impracticable, you shall produce such file in *Native Format* with all metadata intact. You shall provide a single page *TIFF* image placeholder referencing the title of the *Native Format* file not being produced as a *TIFF* image.
- e. Spreadsheets. All Microsoft Excel files, similar non-Microsoft spreadsheet files, and graphical compilations of spreadsheet data, shall be produced in *Native Format* with all cells, columns, rows and worksheets and other information unhidden and expanded.
- f. Right to Request *Native Format* files. We reserve the right to demand production in *Native Format* of any file produced by you as a *TIFF* image file.

REQUESTS FOR PRODUCTION

1. All correspondence between you and the Experts relating to the subject matter of the Lawsuit, the claims or defenses of the Lawsuit, or the Experts' opinions in relation to the Lawsuit.
2. All correspondence between you and the Experts relating to the Other Lawsuits.
3. All correspondence between the Experts and any persons relating to the Lawsuits.
4. All correspondence between the Experts and any persons relating to the Other Lawsuits.

5. All billing records, invoices, or statements and any and all retainer agreements, engagement letters or other contracts, relating to services performed, or to be performed, by the Experts in this Lawsuit or any of the Other Lawsuits.

6. All versions (including draft versions, final versions, current versions and prior versions) of resumes, *curriculum vitas* and biographies for the Experts.

7. All reports, and all draft versions of those reports, that have been prepared by the Experts or at the direction of the Experts in relation to their involvement in this Lawsuit. These reports include any written reports, whether typed, handwritten, printed, maintained as electronically stored information, or audio recorded.

8. All documents drafted by the Experts relating to the subject matter, or claims or defenses, of the Lawsuit.

9. Copies of any notes made by the Experts, or provided to the Experts in relation to that Experts' services in this Lawsuit.

10. All documents provided by you to the Experts in relation to the services being provided by the Experts in this Lawsuit.

11. All deposition transcripts, portions of deposition transcripts, or other statements or written materials provided by you to the Experts in relation to the services being provided by the Experts in this Lawsuit.

12. Any documents prepared by the Experts, provided to the Experts, obtained by the Experts, or reviewed by the Experts, whether intended for their use or not, in connection with this Lawsuit which concern the subject matter of the case.

13. All literature and documents that the Experts considered relevant to their assignment in this case and which they considered in the development of their opinions or conclusions concerning the subject matter of the Lawsuit.

14. All documents prepared by the Experts to illustrate or demonstrate any fact or opinion considered relevant to this Lawsuit and/or to the Experts' assignment, investigation, or opinions.

15. Without limitation to the time set forth in Instruction No. 2, copies of any articles, books, papers or other publications prepared by the Experts which relate to facts similar to the facts surrounding the subject matter of this Lawsuit.

16. Any and all materials considered, consulted, and used by the Experts as a basis or predicate for their opinions and conclusions, including, but not limited to, published reports by any private or government agency, textbooks, articles, data or documents provided by you, or government or industry standards or regulations.

17. Any and all models or demonstrative tools upon which the Experts have or plan to rely, in the formulation and expression of their opinions and conclusions concerning the subject matter of this Lawsuit.

18. All expert reports, testimony or affidavits of the Experts for any other matter given or made in the last ten years.

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on November 13, 2017, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

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