

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

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

Defendant(s).

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**COUNTER-PLAINTIFF, EDWARDS' SECOND RENEWED MOTION FOR LEAVE TO
ASSERT CLAIM FOR PUNITIVE DAMAGES**

Counter-plaintiff, BRADLEY J. EDWARDS, moves this Honorable Court for entry of an Order granting him leave to assert a claim for punitive damages against the Counter-defendant, JEFFREY EPSTEIN, and in support thereof would show that the evidence summarized herein satisfies the statutory prerequisites for the assertion of a punitive damage claim. Specifically, the evidence establishes that EPSTEIN's Complaint against EDWARDS;

1. was filed in the total absence of evidence to support any allegation of wrongdoing on the part of EDWARDS;
2. was filed in the total absence of evidence that EPSTEIN had sustained damage as a consequence of any misconduct other than his own well-established criminal enterprise;
3. was filed in the absence of any intention to meet his own obligation to provide relevant and material discovery;

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4. was filed for the sole purpose of attempting to intimidate both EDWARDS and EDWARDS' clients and others into abandoning their legitimate claims against EPSTEIN.

APPLICABLE LAW

To plead a claim for punitive damages, the claimant must show a "reasonable basis" for the recovery of such damages. *See Fla.R.Civ.P. 1.190(f); see also Globe Newspaper Co. v. King, 658 So.2d 518, 520 (Fla. 1995).* The showing required to amend is minimal. As stated in *State of Wis. Inv. v. Plantation Square Assoc.*, 761 F. Supp. 1569, 1580 (S.D. Fla. 1991):

[T]he court believes it must ultimately be a lesser standard than that required for summary judgment. Though the burden is on [the plaintiff] to survive a §768.72 challenge of insufficiency, *see Will v. Systems Engineering Consultants*, 554 So.2d 591, 592 (Fla. 3rd DCA 1989), the standard of proof required to assert Plaintiff's punitive claim must be lower than that needed to survive a summary adjudication on its merits. As the Florida courts have noted, a §768.72 challenge more closely resembles a motion to dismiss that additionally requires an evidentiary proffer and places the burden of persuasion on the plaintiff. *Id.* In considering a motion to dismiss, factual adjudication is inappropriate as all facts asserted—or here, reasonably established—by the plaintiff are to be taken as true. *Conley v. Gibson*, 355 U.S. 41, at 45-46, 78 S. Ct. 99, at 101-102, 2 L.Ed. 2d 80, 1581 at 84. As such, the court has given recognition only to those assertions of the defendants which would show Plaintiff's factual bases to be patently false or irrelevant, and has paid no heed whatsoever to the defendants' alternative evidentiary proffers.

State of Wis. Inv., 761 F. Supp. At 1580; *see also Dolphin Cove Assn. v. Square D. Co.*, 616 So. 2d 553 (Fla. 2d DCA 1993) ("Prejudging the evidence is not a proper vehicle for the court's denial of the motion to amend" to assert punitive damages claim).

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Section 768.72 provides for the amendment of a complaint either through evidence in the record *or* “proffered by the claimant.” As the statute suggests, a proffer of evidence in support of a punitive damage claim is sufficient and a formal evidentiary hearing is not required. *See Strasser v. Yalmanchi*, 677 So.2d 22, 23 (Fla. 4th DCA 1996), *rev. dismissed*, 699 So.2d 1372 (Fla. 1997); *Solis v. Calvo*, 689 So.2d 366, 369, n.2 (Fla. 3d DCA 1997). In fact, a hearing is not even required provided the trial court identifies the filings of the parties and indicates that its decision to grant the motion is based upon a review of the file and the respective documents filed.

The United States District Court for the Middle District of Florida has spoken clearly on the nature of a proffer in support of a motion to amend to assert a claim for punitive damages in *Royal Marco Point I Condo. Ass'n, Inc. v. QBE Ins. Corp.*, 2010 WL 2609367 (M.D. Fla. June 30, 2010). As the Court stated:

It is important to emphasize, at the outset, the limited nature of the review a court may undertake in considering the sufficiency of an evidentiary proffer under Fla. Stat. §768.72. Courts reviewing such proffers have recognized that “a ‘proffer’ according to traditional notions of the term, connotes merely an ‘offer’ of evidence and neither the term standing alone nor the statute itself calls for an adjudication of the underlying veracity of that which is submitted, much less for countervailing evidentiary submissions.” *Estate of Despain v. Avante Group, Inc.*, 900 So.2d 637, 642 (Fla. 5th DCA 2005) (quoting *State of Wisconsin Investment Board v. Plantation Square Associates, Ltd.*, 761 F. Supp. 1569, 1581 n. 21 (S.D. Fla. 1991)).

Therefore, “an evidentiary hearing where witnesses testify and evidence is offered and scrutinized under the pertinent evidentiary rules, as in a trial, is neither contemplated nor mandated by the statute in order to determine whether a reasonable basis has been established to plead punitive damages.” *Id.* (collecting cases).

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It is thus neither necessary nor appropriate for a court to make evidentiary rulings, weigh rebuttal evidence, or engage in credibility determinations in considering the sufficiency of the proffer.

“...a proffer should be evaluated by standards akin to those governing a motion to dismiss, where the truth of the plaintiff’s allegations are assumed, and not the more rigorous summary judgment standard, where the opposing party must show that there is sufficient admissible evidence in the record to support a reasonable jury finding in his favor.”

I. INTRODUCTION

The pleadings and discovery taken to date as confirmed by Epstein’s voluntary dismissal of all claims brought by him against Bradley J. Edwards, show that there is an absence of competent evidence to demonstrate that Edwards participated in any fraud against Epstein, show the propriety of every aspect of Edwards’ involvement in the prosecution of legitimate claims against Epstein, and further support the conclusion that Epstein sued Edwards out of malice and for the purpose of intending to intimidate Edwards and Edwards’ clients into abandoning or compromising their legitimate claims against Epstein. Epstein sexually abused three clients of Edwards – L.M., E.W., and Jane Doe – and Edwards properly and successfully represented them in a civil action against Epstein. Nothing in Edwards’s capable and competent representation of his clients could serve as the basis for a civil lawsuit against him. Allegations about Edwards’s participation in or knowledge of the use of the civil actions against Epstein in a “Ponzi Scheme” were never supported by probable cause or any competent evidence and could never be supported by competent evidence as they are entirely false.

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A. Epstein's Complaint

Epstein's Second Amended Complaint essentially alleged that Epstein was damaged by Edwards, acting in concert with Scott Rothstein (President of the Rothstein Rosenfeldt Adler law firm ("RRA") where Edwards worked for a short period of time). Epstein appeared to allege that Edwards joined Rothstein in the abusive prosecution of sexual assault cases against Epstein to "pump" the cases to Ponzi scheme investors. As described by Epstein, investor victims were told by Rothstein that three minor girls who were sexually assaulted by Epstein: L.M., E.W., and Jane Doe were to be paid up-front money to prevent those girls from settling their civil cases against Epstein. In Epstein's view, these child sexual assault cases had "minimal value" (Complaint ¶ 42(h)), and Edwards's refusal to force his clients to accept modest settlement offers was claimed to breach some duty that Edwards owed to Epstein. Interestingly, Epstein never states that he actually made any settlement offers.

The supposed "proof" of the Complaint's allegations against Edwards includes Edwards's alleged contacts with the media, his attempts to obtain discovery from high-profile persons with whom Epstein socialized, and use of "ridiculously inflammatory" language in arguments in court. Remarkably, Epstein has filed such allegations against Edwards despite the fact that Epstein had sexually abused each of Edwards's clients and others while they were minors. Indeed, in discovery Epstein has asserted his Fifth Amendment privilege rather than answer questions about the extent of the sexual abuse of his many victims. Even more remarkably, since filing his suit against Edwards, Epstein settled the three cases Edwards handled for an amount that Epstein insisted be kept confidential. Without violating the strict

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confidentiality terms required by Epstein, the cases did not settle for the “minimal value” that Epstein suggested in his Complaint. Because Epstein relies upon the alleged discrepancy between the “minimal value” Epstein ascribed to the claims and the substantial value Edwards sought to recover for his clients, the settlement amounts Epstein voluntarily agreed to pay while these claims against Edwards were pending will be disclosed to the court in-camera.

B. Summary of the Argument

The claims against Bradley J. Edwards, Esq., were frivolous for at least three separate reasons.

First, because Epstein elected to hide behind the shield of his right against self-incrimination to preclude his disclosing any relevant information about the criminal activity at the center of his claims, he was barred from prosecuting his case against Edwards. Under the well-established “sword and shield” doctrine, Epstein could not legitimately seek damages from Edwards while at the same time asserting a Fifth Amendment privilege to block relevant discovery. His case was therefore subject to summary judgment and on the eve of the hearing seeking that summary judgment Epstein effectively conceded that fact by voluntarily dismissing his claims.

Second, all of Edwards’ conduct in the prosecution of valid claims against Epstein was protected by the litigation privilege, a second absolute legal bar to Epstein’s claims effectively conceded by his voluntary dismissal.

Third, and most fundamentally, Epstein’s lawsuit was not only unsupported by both the applicable law, it was based on unsupported factual allegations directly contradicted by all of the

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record evidence. From the beginning, Edwards diligently represented three victims of sexual assaults perpetrated by Epstein. As explained in detail below, each and every one of Edwards's litigation decisions was grounded in proper litigation judgment about the need to pursue effective discovery against Epstein, particularly in the face of Epstein's stonewalling tactics. Edwards's successful representation finally forced Epstein to settle and pay appropriate damages. Effective and proper representation of child victims who have been repeatedly sexually assaulted cannot form the basis of a separate, "satellite" lawsuit, and therefore Edwards is entitled to summary judgment on these grounds as well.

The truth is the record is entirely devoid of any evidence to support Epstein's claims and is completely and consistently corroborative of Edwards's sworn assertion of innocence. Put simply, Epstein made allegations that have no basis in fact. To the contrary, his lawsuit was merely a desperate measure by a serial pedophile to prevent being held accountable for repeatedly sexually abusing minor females. Epstein's ulterior motives in filing and prosecuting this lawsuit are blatantly obvious. Epstein's behavior is another clear demonstration that he feels he lives above the law and that because of his wealth he can manipulate the system and pay for lawyers to do his dirty work - even to the extent of having them assert baseless claims against other members of the Florida Bar. Every one of Epstein's Complaints against Edwards was nothing short of a far-fetched fictional fairy-tale with absolutely no evidence whatsoever to support his preposterous claims. It was his last ditch effort to escape the public disclosure by Edwards and his clients of the nature, extent, and sordid details of Epstein's life as a serial child molester.

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ARGUMENT

II. THE RECORD AND PROFFERED EVIDENCE ESTABLISHES THAT EDWARDS'S CONDUCT COULD NOT POSSIBLY FORM THE BASIS OF ANY LIABILITY IN FAVOR OF EPSTEIN

A. The Summary Judgment Standard.

Rule 1.510(c), Florida Rules of Civil Procedure, provides that a court may enter summary judgment when the pleadings, depositions and factual showings reveal that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law. *See* *Snyder v. Cheezem Development Corp.*, 373 So. 2d 719, 720 (Fla. 2d DCA 1979); Rule 1.510(c), Fla. R. Civ. P. Once the moving party conclusively establishes that the nonmoving party cannot prevail, it is incumbent on the nonmoving party to submit evidence to rebut the motion for summary judgment. *See Holl v. Talcott*, 191 So. 2d 40, 43 (Fla. 1966). It is not enough for the opposing party merely to assert that an issue of fact does exist. *Fisel v. Wynns*, 667 So.2d 761, 764 (Fla.1996); *Landers v. Milton*, 370 So.2d 368, 370 (Fla.1979) (same).

Moreover, it is well-recognized that the non-moving party faced with a summary judgment motion supported by appropriate proof may not rely on bare, conclusory assertions found in the pleadings to create an issue and thus avoid summary judgment. Instead, the party must produce counter-evidence establishing a genuine issue of material fact. *See Bryant v. Shands Teaching Hospital and Clinics, Inc.*, 479 So.2d 165, 168 (Fla. 1st Dist. Ct. App. 1985); *see also Lanzner v. City of North Miami Beach*, 141 So.2d 626 (Fla. 3d Dist Ct. App. 1962) (recognizing that mere contrary allegations of complaint were not sufficient to preclude summary

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judgment on basis of facts established without dispute). Where the nonmoving party fails to present evidence rebutting the motion for summary judgment and there is no genuine issue of material fact, then entry of judgment is proper as a matter of law. *See Davis v. Hathaway*, 408 So. 2d 688, 689 (Fla. 2d Dist. Ct. App. 1982); *see also Holl*, 191 So. 2d at 43. Faced with these well-established legal principles, Epstein voluntarily dismissed his claims against Edwards on the eve of the hearing on Edwards Motion for Summary Judgment.

B. Epstein's Claim Regarding Edwards Had Absolutely No Factual Basis.

This was not a complicated case for granting summary judgment. To the contrary, the uncontested record clearly established that each and every one of Epstein's claims against Edwards lacked any merit whatsoever.¹

1. Epstein's allegations regarding Edwards' involvement in Rothstein's "Ponzi Scheme" were unsupported and unsupportable because Edwards was simply not involved in any such scheme.

a. Edwards Had No Involvement in the Ponzi Scheme.

The bulk of Epstein's claims against Edwards hinged on the premise that Edwards was involved in a Ponzi scheme run by Scott Rothstein. Broad allegations of wrongdoing on the part of Edwards were scattered willy-nilly throughout the complaint. None of the allegations provided any substance as to how Edwards actually assisted the Ponzi scheme, and allegations that he "knew or should have known" of its existence are based upon an impermissible pyramiding of inferences. In any event, these allegations all fail for one straightforward reason:

¹ The dismissal of Epstein's claims against Edwards did not affect Epstein's claims against Scott Rothstein. Epstein had already chosen to dismiss all of his claims against L.M., the only other defendant named in the suit.

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Edwards was simply not involved in any Ponzi scheme. He has provided sworn testimony and an affidavit in support of that assertion (attached), and there is not (and could never be) any contrary evidence.

Edwards was deposed at length in this case. As his deposition makes crystal clear, he had no knowledge of any fraudulent activity in which Scott Rothstein may have been involved. *See, e.g.*, Edwards Depo. at 301-02 (Q: “ . . . [W]ere you aware that Scott Rothstein was trying to market Epstein cases . . . ?” A: “No.”).

Edwards supplemented his deposition answers with an Affidavit that declares in no uncertain terms his lack of involvement in any fraud perpetrated by Rothstein. *See, e.g.*,

Edwards Affidavit attached to Statement of Undisputed Material Facts as Exhibit “N” at ¶8-10, ¶20, ¶22-23. Rothstein has also given sworn testimony (attached) in which he has clearly and unequivocally sworn that Edwards had absolutely no knowledge of or participation in the Ponzi scheme. Indeed, no reasonable juror could find that Edwards was involved in the scheme, as Edwards joined RRA well after Rothstein began his fraud and would have been already deeply in debt. In fact, the evidence of Epstein’s crimes is now clear, and Edwards’s actions in this case were entirely in keeping with his obligation to provide the highest possible quality of legal representation for his clients to obtain the best result possible.

In view of this clear evidence rebutting all allegations against Edwards, Epstein was obliged to “produce counter-evidence establishing a genuine issue of material fact.” *See Bryant v. Shands Teaching Hospital and Clinics, Inc.*, 479 So.2d 165, 168 (Fla. 1st Dist. Ct. App. 1985) in order to avoid summary judgment. Epstein could not and did not even attempt to do this.

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Indeed, when asked at his deposition whether he had any evidence of Edwards's involvement, Epstein declined to answer, purportedly on attorney-client privilege grounds:

Q. I want to know whether you have any knowledge of evidence that Bradley Edwards personally ever participated in devising a plan through which were sold purported confidential assignments of a structured payout settlement? . . .

A. I'd like to answer that question by saying that the newspapers have reported that his firm was engaged in fraudulent structured settlements in order to fleece unsuspecting Florida investors. With respect to my personal knowledge, I'm unfortunately going to, today, but I look forward to at some point being able to disclose it, today I'm going to have to assert the attorney/client privilege.

See Deposition of Jeffrey Epstein, Mar. 17, 2010 (hereinafter "Epstein Depo.") at 67-68.

Therefore summary judgment would clearly have been granted for Edwards on all claims involving any Ponzi scheme by Rothstein had the issue not been mooted by Epstein's dismissal of his claims.

b. Epstein's Allegations of Negligence by Edwards Were Unfounded and Not Actionable in Any Event.

In his Second Amended Complaint Epstein recognized at least the possibility that Edwards was not involved in any Rothstein Ponzi scheme. Therefore, seemingly as a fallback, Epstein alleged without explanation that Edwards "should have known" about the existence of this concealed Ponzi scheme. Among other problems, this fallback negligence position suffers the fatal flaw that it does not link at all to the intentional tort of abuse of process alleged in the complaint.

Epstein's negligence claim was also deficient because it simply fails to satisfy the requirements for a negligence cause of action:

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“Four elements are necessary to sustain a negligence claim: 1. A duty, or obligation, recognized by the law, requiring the [defendant] to conform to a certain standard of conduct, for the protection of others against unreasonable risks. 2. A failure on the [defendant’s] part to conform to the standard required: a breach of the duty 3. A reasonably close causal connection between he conduct and the resulting injury. This is what is commonly known as ‘legal cause,’ or ‘proximate cause,’ and which includes the notion of cause in fact. 4. Actual loss or damage.

Curd v. Mosaic Fertilizer, LLC, ___ So.2d ___, 2010 WL 2400384 at *9 (Fla. 2010). Epstein did not allege a particular duty on the part of Edwards that has been breached. Nor could Epstein explain how any breach of the duty might have proximately caused him actual damages. Summary judgment was therefore appropriate for these reasons as well.

Finally, for the sake of completeness, it is worth noting briefly that no reasonable jury could find Edwards to have been negligent in failing to anticipate that a managing partner at his law firm would be involved in an unprecedented Ponzi scheme. Scott Rothstein deceived not only Edwards but also more than 60 other reputable lawyers at a major law firm including multiple respected former judges. *Cf. Sun Sentinel, Fort Lauderdale*, Dec. 11, 2009, 2009 WLNR 25074193 at *1 (“Sure, some outlandish John Grisham murder plot[s] sound far-fetched. But if you asked me a few months ago if Scott Rothstein was fabricating federal court orders and forging a judge’s signature on documents to allegedly fleece his friends, as federal prosecutors allege, I would have said that was far-fetched, too.”). No reasonable lawyer could have expected that a fellow member of the bar would have been involved in such a plot. Nobody seemed to know of Rothstein’s Ponzi scheme, not even his best friends, or the people he did business with on a daily basis, or even his wife. Many of the attorneys at RRA had been there for years and

knew nothing. Edwards was a lawyer at RRA for less than 8 months and had very few personal encounters with Rothstein during his time at the firm, yet Epstein claims that he should have known of Rothstein's intricate Ponzi scheme. No doubt for this reason the U.S. Attorney's Office has now listed Edwards as a "victim" of Rothstein's crimes. *See Statement of Undisputed Facts* filed contemporaneously.

Epstein's Complaint does not offer any specific reason why a jury would conclude that Edwards was negligent, and he chose not to offer any explanation of his claim at his deposition. Accordingly, Edwards was entitled to summary judgment to the extent the claim against him was somehow dependent upon his negligence in failing to discover Rothstein's Ponzi scheme.

2. Edwards Was Entitled to Summary Judgment to the Extent the Claim Against Him Was Dependent on Allegations Regarding "Pumping the Cases" Because He Was Properly Pursuing the Interests of His Three Clients Who Had Been Sexually Abused by Epstein.

Epstein alleges that Edwards somehow improperly enhanced the value of the three civil cases he had filed against Epstein. Edwards represented three young women – L.M., E.W., and Jane Doe – by filing civil suits against Epstein for his sexual abuse of them while they were minors. Epstein purported to find a cause of action for this by alleging that Edwards somehow was involved in "pumping" these three cases to investors."

As just explained, to the extent that Epstein is alleging that Edwards somehow did something related to the Ponzi scheme, those allegations fail for the simple reason that Edwards was not involved in and was entirely ignorant of the existence of any such scheme. Edwards, for

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example, could not have possibly “pumped” the cases to investors when he never knew there were any investors and he never participated in any communication with investors.

Epstein’s “pumping” claims, however, fail for an even more basic reason: Edwards was entitled – indeed ethically obligated as an attorney – to secure the maximum recovery for his clients during the course of his legal representation. As is well known, “[a]s an advocate, a lawyer zealously asserts the client’s position under the rules of the adversary system.” Fla. Rules of Prof. Conduct, Preamble. Edwards therefore was required to pursue (unless otherwise instructed by his clients) a maximum recovery against Epstein. Edwards, therefore, cannot be liable for doing something that his ethical duties as an attorney required.²

Another reason that Epstein’s claims that Edwards was “pumping” cases for investors fails is that Edwards filed all three cases almost a year before he was hired by RRA or even knew of Scott Rothstein. Epstein makes allegations that the complaints contained sensational allegations for the purposes of luring investors; however, language in the complaints remained virtually unchanged from the first filing in 2008 and from the overwhelming evidence the Court can see for itself that all of the facts alleged by Edwards in the complaints were true.

Epstein ultimately paid to settle all three of the cases Edwards filed against him for more money than he paid to settle any of the other claims against him. At Epstein’s request, the terms of the settlement were kept confidential. The sum that he paid to settle all these cases is therefore not filed with this pleading and will be provided to the court for in-camera review.

² In a further effort to harass Edwards, Epstein also filed a bar complaint with the Florida Bar against Edwards. The Florida Bar has dismissed that complaint. See Statement of Undisputed Facts.

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Epstein chose to make this payment as the result of a federal court ordered mediation process, which he himself sought (over the objection of Jane Doe, Edwards' client in federal court) in an effort to resolve the case. *See* Defendant's Motion for Settlement Conference, or in the Alternative, Motion to Direct Parties back to Mediation, *Doe v. Epstein*, No. 9:08-CV-80893 (S.D. Fla. June 28, 2010) (Marra, J.) (doc. #168) attached hereto as Exhibit "A". Notably, Epstein sought this settlement conference – and ultimately made his payments as a result of that conference - in July 2010, more than seven months after he filed this lawsuit against Edwards.

Accordingly, Epstein could not have been the victim of any scheme to "pump" the cases against him, because he never paid to settle the cases until well after the Ponzi scheme had been fully disclosed, and well after Edwards had left RRA and had severed all connection with Scott Rothstein (December 2009).

In addition, if Epstein had thought that there was some improper coercion involved in, for example, Jane Doe's case, his remedy was to raise the matter before Federal District Court Judge Kenneth A. Marra who was presiding over the matter. Far from raising any such claim, Epstein simply chose to settle that case. He was therefore barred by the doctrine of res judicata from somehow re-litigating what happened in (for example) the Jane Doe case. "The doctrine of res judicata makes a judgment on the merits conclusive 'not only as to every matter which was offered and received to sustain or defeat the claim, but as to every other matter which might with propriety have been litigated and determined in that action.'" *AMEC Civil, LLC v. State Dept. of Transp.*, ___ So.2d ___, 2010 WL 1542634 at *2 (Fla. 1st Dist. Ct. App. 2010) (*quoting Kimbrell v. Paige*, 448 So.2d 1009, 1012 (Fla. 1984)). Obviously, any question of improper "pumping" of a

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particular case could have been resolved *in that very case* rather than now re-litigated in satellite litigation.

3. Edwards is Entitled to Summary Judgment on the Claim of Abuse of Process Because He Acted Properly Within the Boundaries of the Law in Pursuit of the Legitimate Interests of his Clients.

Epstein's Second Amended Complaint raised several claims of "abuse of process." An abuse of process claim requires proof of three elements: "(1) that the defendant made an illegal, improper, or perverted use of process; (2) that the defendant had ulterior motives or purposes in exercising such illegal, improper, or perverted use of process; and (3) that, as a result of such action on the part of the defendant, the plaintiff suffered damage." *S & I Investments v. Payless Flea Market, Inc.*, 36 So.3d 909, 917 (Fla. 4th Dist. Ct. App. 2010) (internal citation omitted). In fact, this Court is very familiar with this cause of action, as Edwards has correctly stated this cause in his counterclaim against Epstein. Epstein could not prove these elements, a fact effectively conceded by his dismissal of the abuse of process claim on the eve of the Summary Judgment hearing challenging the propriety of that claim.

The first element of an abuse of process claim is that a defendant made "an illegal, improper, or perverted use of process." On the surface, Epstein's Complaint appeared to contain several allegations of such improper process. On examination, however, each of these allegations amounted to nothing other than a claim that Epstein was unhappy with some discovery proceeding, motion or argument made by Edwards. This is not the stuff of an abuse of process claim, particularly where Epstein fails to allege that he was required to do something as the result of Edwards' pursuit of the claims against him. *See Marty v. Gresh*, 501 So.2d 87, 90

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(Fla. 1st Dist. Ct. App. 1987) (affirming summary judgment on an abuse of process claim where “appellant’s lawsuit caused appellee to do nothing against her will”).

In any event, none of the allegations of “improper” process can survive summary judgment scrutiny, because every action Edwards took was entirely proper and reasonably calculated to lead to the successful prosecution of the pending claims against Epstein as detailed in Edwards’ Affidavit.

Epstein also fails to meet the second element of an abuse of process claim: that Edwards had some sort of ulterior motive. The case law is clear that on an abuse of process claim a “plaintiff must prove that the process was used for an immediate purpose other than that for which it was designed.” *S&I Investments v. Payless Flea Market, Inc.*, 36 So.3d 909, 917 (Fla. 4th Dist. Ct. App. 2010) (*citing Biondo v. Powers*, 805 So.2d 67, 69 (Fla. 4th Dist. Ct. App. 2002)). As a consequence, “[w]here the process was used to accomplish the result for which it was intended, regardless of an incidental or concurrent motive of spite or ulterior purpose, there is no abuse of process.” *Id.* (internal quotation omitted). Here, Edwards has fully denied any improper motive, *See Statement of Undisputed Facts*, and Epstein has no evidence of any such motivation. Indeed, it is revealing that Epstein chose not to ask even a single question about this subject during the deposition of Edwards. In addition, all of the actions that Epstein complains about were in fact used for the immediate purpose of furthering the lawsuits filed on behalf of L.M., E.W., and Jane Doe. In other words, these actions all were both intended to accomplish and, in fact, successfully “accomplished the results for which they were intended” -- whether it was securing additional discovery or presenting a legal issue to the court handling the case or

ultimately maximizing the recovery of damages from Epstein on behalf of his victims. Accordingly, Edwards was entitled to summary judgment on any claim that he abused process for this reason as well—an argument which again was effectively conceded by Epstein's voluntary dismissal.

4. Edwards Was Entitled to Summary Judgment to the Extent Epstein's Claim Was Based On Pursuit of Discovery Concerning Epstein's Friends Because All Such Efforts Were Reasonably Calculated to Lead to Relevant and Admissible Testimony About Epstein's Abuse of Minor Girls.

Epstein alleged that Edwards improperly pursued discovery from some of Epstein's close friends. Such discovery, Epstein claims, was improper because Edwards knew that these individuals lacked any discoverable information about the sexual assault cases against Epstein.

Here again, Edwards was entitled to summary judgment, as each of the friends of Epstein were reasonably believed to possess discoverable information. The undisputed facts show the following with regard to each of the persons raised in Epstein's complaint:

- With regard to Donald Trump, Edwards had sound legal basis for believing Mr. Trump had relevant and discoverable information. *See Statement of Undisputed Facts.*
- With regard to Alan Dershowitz (Harvard Law Professor), Edwards had sound legal basis for believing Mr. Dershowitz had relevant and discoverable information. *See Statement of Undisputed Facts.*
- With regard to former President Bill Clinton, Edwards had sound legal basis for believing former President Clinton had relevant and discoverable information. *See Statement of Undisputed Facts.*
- With regard to former Sony Record executive Tommy Mottola, Edwards was not the attorney that noticed Mr. Mottola's deposition. *See Statement of Undisputed Facts.*

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- With regard to illusionist David Copperfield, Edwards had sound legal basis for believing Mr. Copperfield had relevant and discoverable information. *See Statement of Undisputed Facts.*
- With regard to former New Mexico Governor Bill Richardson, Edwards had sound legal basis for naming Former New Mexico Governor Bill Richardson on his witness list. *See Statement of Undisputed Facts.*

It is worth noting that the standard for discovery is a very liberal one. To notice someone for a deposition, of course, it is not required that the person deposed actually end up producing admissible evidence. Otherwise, every deposition that turned out to be a false alarm would lead to an “abuse of process” claim. Moreover, the rules of discovery themselves provide that a deposition need only be “reasonably calculated to *lead to* the discovery of admissible evidence.”

Fla. R. Civ. P. 1.280(b) (emphasis added).

Moreover, the discovery that Edwards pursued has to be considered against the backdrop of Epstein’s obstructionist tactics. As the Court is aware, in both this case and all other cases filed against him, Epstein asserted his Fifth Amendment privilege rather than answer any substantive questions. Epstein also helped secure attorneys for his other household staff who assisted in the process of recruiting Epstein’s minor victims. Those staff members in turn also asserted their Fifth Amendment rights rather than explain what happened behind closed doors in Epstein’s mansion in West Palm Beach. *See Statement of Undisputed Facts.* It is against this backdrop that Edwards followed up on one of the only remaining lines of inquiry open to him: discovery aimed at Epstein’s friends who might have been in a position to corroborate the fact that Epstein was sexually abusing young girls.

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In the context of the sexual assault cases that Edwards filed against Epstein, any act of sexual abuse had undeniable relevance to the case – even acts of abuse Epstein committed against minor girls other than L.M., E.W., or Jane Doe. Both federal and state evidence rules make acts of child abuse against other victims admissible in the plaintiff's case in chief as proof of “modus operandi” or “motive” or “common scheme or plan.” See Fed. R. Evid. 415 (evidence of other acts of sexual abuse automatically admissible in a civil case); Fla. Stat. Ann. 90.404(b) (evidence of common scheme admissible); *Williams v. State*, 110 So.2d 654 (Fla. 1959) (other acts of potential sexual misconduct admissible).

A second reason existed to support the propriety of discovery of Epstein's acts of abuse of other minor victims. Juries considering punitive damages issues are plainly entitled to consider “the existence and frequency of similar past conduct.” *TXO Production Corp. v. Alliance Resources Corp.*, 509 U.S. 443, 462 n.28 (1993). This is because the Supreme Court recognizes “that a recidivist may be punished more severely than a first offender . . . [because] repeated misconduct is more reprehensible than an individual instance of malfeasance.” *BMW of North America, Inc. v. Gore*, 517 U.S. 559, 577 (1996) (supporting citations omitted). In addition, juries can consider other similar acts evidence as part of the deterrence calculation in awarding punitive damages, because “evidence that a defendant has repeatedly engaged in prohibited conduct while knowing . . . that it was unlawful would provide relevant support for an argument that strong medicine is required to cure the defendant's disrespect for the law.” *Id.* at 576-77. In the cases Edwards filed against Epstein, his clients were entitled to attempt to prove that Epstein “repeatedly engaged in prohibited conduct” – i.e., because he was a predatory

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pedophile, he sexually assaulted dozens and dozens of minor girls. The discovery of Epstein's friends who might have had direct or circumstantial evidence of other acts of sexual assault was accordingly entirely proper. Edwards was therefore entitled summary judgment to the extent Epstein's claim was based on efforts by Edwards to obtain discovery of Epstein's friends. This contention also went unchallenged when Epstein dismissed his claims against Edwards.

III. EPSTEIN'S LAWSUIT MUST BE DISMISSED BECAUSE OF HIS REFUSAL TO PARTICIPATE IN REASONABLE DISCOVERY.

As is readily apparent from the facts of this case, Epstein filed a lawsuit but then refused to allow any real discovery about the merits of his case. Instead, when asked direct questions about whether he had any legitimate claim at all, Epstein hid behind the Fifth Amendment. As a result, under the "sword and shield doctrine" widely recognized in Florida case law, his suit could not have been legitimately prosecuted.

"[T]he law is well settled that a plaintiff is not entitled to both his silence and his lawsuit." *Boys & Girls Clubs of Marion County, Inc. v. J.A.*, 22 So.3d 855, 856 (Fla. 5th Dist. Ct. App. 2009) (Griffin, J., concurring specially). Thus, "a person may not seek affirmative relief in a civil action and then invoke the Fifth Amendment to avoid giving discovery, using the fifth amendment as both a 'sword and a shield.'" *DePalma v. DePalma*, 538 So.2d 1290, 1290 (Fla. 4th Dist. Ct. App. 1989) (*quoting DeLisi v. Bankers Insurance Co.*, 436 So.2d 1099 (Fla. 4th Dist. Ct. App. 1983)). Put another way, "[a] civil litigant's fifth amendment right to avoid self-incrimination may be used as a shield but not a sword. This means that a plaintiff seeking affirmative relief in a civil action may not invoke the Fifth Amendment and refuse to comply

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with the defendant's discovery requests, thereby thwarting the defendant's defenses." *Rollins Burdick Hunter of New York, Inc. v. Euroclassic Limited, Inc.*, 502 So. 2d 959 (Fla. 3rd Dist. Court App. 1983).

Here, Epstein's suit against Edwards purported to do precisely what the "well settled" law forbids. Specifically, he ostensibly sought to obtain "affirmative relief" – i.e., forcing Edwards to pay money damages – while simultaneously precluding Edwards from obtaining legitimate discovery at the heart of the allegations that formed the basis for the relief Epstein claimed to be seeking. As recounted more fully in the statement of undisputed facts, Epstein refused to answer such basic questions about his lawsuit as:

- "Specifically what are the allegations against you which you contend Mr. Edwards ginned up?"
- "Well, which of Mr. Edwards' cases do you contend were fabricated?"
- "Is there anything in L.M.'s Complaint that was filed against you in September of 2008 which you contend to be false?"
- "I would like to know whether you ever had any physical contact with the person referred to as Jane Doe in that [federal] complaint?"
- "Did you ever have any physical contact with E.W.?"
- "What is the actual value that you contend the claim of E.W. against you has?"

The matters addressed in these questions were the central focus of Epstein's claims against Edwards. Epstein's refusal to answer these and literally every other substantive question put to him in discovery deprived Edwards of even a basic understanding of the evidence alleged to support claims against him. Moreover, by not offering any explanation of his allegations,

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Epstein deprived Edwards of any opportunity to conduct third party discovery and opportunity to challenge Epstein's allegations.

It is the clear law that "the chief purpose of our discovery rules is to assist the truth-finding function of our justice system and to avoid trial by surprise or ambush," *Scipio v. State*, 928 So.2d 1138 (Fla.2006), and "full and fair discovery is essential to these important goals," *McFadden v. State*, 15 So.3d 755, 757 (Fla. 4th Dist. Ct. App. 2009). Accordingly, it is important for the Court to insure "not only compliance with the technical provisions of the discovery rules, but also adherence to the purpose and spirit of those rules in both the criminal and civil context."²² *McFadden*, 15 So.3d at 757. Epstein repeatedly blocked "full and fair discovery," and clearly never intended to provide the discovery that would have been essential to any intended legitimate, good faith prosecution of his claims.

IV. EDWARDS IS ENTITLED TO ADVERSE INFERENCES FROM EPSTEIN'S INVOCATION OF THE FIFTH AMENDMENT

Epstein's repeated invocations of the Fifth Amendment raise adverse inferences against him that leave no possibility that a reasonable fact finder could ever have reached a verdict in his favor. In ruling on a summary judgment motion, the court was obliged to fulfill a "gatekeeping function" and ask whether "a *reasonable* trier of fact could possibly" reach a verdict in favor of the plaintiff. *Willingham v. City of Orlando*, 929 So.2d 43, 48 (Fla. 5th Dist. Ct. App. 2006) (emphasis added). Given all of the inferences that are to be drawn against Epstein, no reasonable finder of fact could conclude that Epstein was somehow the victim of improper civil lawsuits

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filed against him. Instead, a reasonable finder of fact could only find that Epstein was a serial molester of children who was being held accountable through legitimate suits brought by Edwards and others on behalf of the minor girls that Epstein victimized.

“[I]t is well-settled that the Fifth Amendment does not forbid adverse inferences against parties to civil actions when they refuse to testify in response to probative evidence offered against them.” *Baxter v. Palmigiano*, 425 U.S. 308, 318 (1976); *accord Vasquez v. State*, 777 So.2d 1200, 1203 (Fla. App. 2001). The reason for this rule “is both logical and utilitarian. A party may not trample upon the rights of others and then escape the consequences by invoking a constitutional privilege – at least not in a civil setting.” *Fraser v. Security and Inv. Corp.*, 615 So.2d 841, 842 (Fla. 4th Dist. Ct. App. 1993). And, in the proper circumstances, “Silence is often evidence of the most persuasive character.” *Fraser v. Security and Inv. Corp.*, 615 So.2d 841, 842 (Fla. 4th Dist. Ct. App. 1993) (*quoting United States ex rel. Bilokumsky v. Tod*, 263 U.S. 149, 153-154 (1923) (Brandeis, J.)).

In the circumstances of this case, a reasonable finder of fact would have “evidence of the most persuasive character” from Epstein’s repeated refusal to answer questions propounded to him. To provide but a few examples, here are questions that Epstein refused to answer and the reasonable inference that a reasonable finder of fact would draw:

- Question not answered: “Specifically what are the allegations against you which you contend Mr. Edwards ginned up?” Reasonable inference: No allegations against Epstein were ginned up.
- Question not answered: “Well, which of Mr. Edwards’ cases do you contend were fabricated?” Reasonable inference: No cases filed by Edwards against Epstein were fabricated.

- Question not answered: “Did sexual assaults ever take place on a private airplane on which you were a passenger?” Reasonable inference: Epstein was on a private airplane while sexual assaults were taking place.
- Question not answered: “How many minors have you procured for prostitution?” Reasonable inference: Epstein has procured multiple minors for prostitution.
- Question not answered: “Is there anything in L.M.’s Complaint that was filed against you in September of 2008 which you contend to be false?” Reasonable inference: Nothing in L.M.’s complaint filed in September of 2008 was false – i.e., as alleged in L.M.’s complaint, Epstein repeatedly sexually assaulted her while she was a minor and she was entitled to substantial compensatory and punitive damages as a result.
- Question not answered: “I would like to know whether you ever had any physical contact with the person referred to as Jane Doe in that [federal] complaint?” Reasonable inference: Epstein had physical contact with minor Jane Doe as alleged in her federal complaint.
- Question not answered: “Did you ever have any physical contact with E.W.?” Reasonable inference: Epstein had physical contact with minor E.W. as alleged in her complaint.
- Question not answered: “What is the actual value that you contend the claim of E.W. against you has?” Reasonable inference: E.W.’s claim against Epstein had substantial actual value.

Without repeating each and every invocation of the Fifth Amendment that Epstein has made and the reasonable inferences to be drawn from those invocations of privilege, the big picture is unmistakably clear: No reasonable finder of fact could rule in Epstein’s favor on his claims against Edwards. Accordingly, Edwards was entitled to summary judgment based on the Fifth Amendment inferences that the jury would draw because Epstein has effectively conceded through invocation of the Fifth Amendment and by his later voluntary dismissal that all allegations against him were both reasonably based and true.

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The inferences against Epstein are not limited to those arising from his privilege assertions. Epstein's guilt is also reasonably inferred from his harassment of, intimidation of, efforts to exercise control over, and limitation of access to witnesses who might testify against him.

Epstein's efforts to intimidate his victims support the inference that Epstein knew that they were going to provide compelling testimony against him. The evidence that Epstein tampered with witnesses (later designated as his accomplices and co-conspirators) will be admissible to demonstrate his consciousness of guilt. “[I]t is precisely because of the egregious nature of such conduct that the law expressly permits the jury to make adverse inferences from a party's efforts to intimidate witnesses” *Jost v. Ahmad*, 730 So.2d 708, 711 (Fla. 2nd Dist. Ct. App. 1998) (internal quotation omitted). To be clear, Epstein's attempt to tamper with witnesses is “not simply admissible as impeachment evidence of the tampering party's credibility. The opposing party is entitled to introduce facts regarding efforts to intimidate a witness as *substantive evidence*.” *Id.* at 711 (emphasis in original) (internal citation omitted). This substantive evidence of Epstein's witness intimidation provides yet another reason why no reasonable jury could find in favor of his claims against Edwards.

V. EDWARDS WAS ENTITLED TO SUMMARY JUDGMENT ON THE BASIS OF HIS AFFIRMATIVE DEFENSE OF PRIVILEGE

Absolute immunity must be afforded any act occurring during course of judicial proceeding, regardless of whether act involves defamatory statement or other tortious behavior, such as tortious interference with business relationship, so long as act has some relationship to

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proceeding. *See Levin, Middlebrooks, Mabie, Thomas, Mayes & Mitchell, P.A. v. U.S. Fire Ins. Co.*, 639 So. 2d 606 (Fla. 1994). The immunity afforded to statements made during the course of a judicial proceeding extends not only to the parties in a proceeding but to judges, witnesses, and counsel as well. *Id.* The litigation privilege applies in all causes of action, whether for common-law torts or statutory violations. *See Echevarria, McCalla, Raymer, Barrett & Frappier v. Cole*, 950 So. 2d 380 (Fla. 2007). Defamatory statements made by lawyer while interviewing a witness in preparation for and connected to pending litigation are covered by the absolute immunity conferred by the litigation privilege. *See DelMonico v. Traynor*, 50 So. 3d 4 (Fla. Dist. Ct. App. 4th Dist. 2010); review granted, 47 So. 3d 1287 (Fla. 2010). The privilege extends to statements in judicial proceedings or those “necessarily preliminary thereto. *See Stewart v. Sun Sentinel Co.*, 695 So.2d 360 (Fla. 4th DCA 1997)(an attorney's delivery of a copy of a notice of claim to a reporter, which notice was a required filing prior to instituting suit, was protected by absolute immunity).

CONCLUSION

The evidence and law described herein provide not only a reasonable basis, but a compelling and unrebutted foundation supporting the conclusion that Epstein never had legitimate grounds to sue Bradley Edwards. Every one of his now dismissed claims was factually baseless and legally barred.

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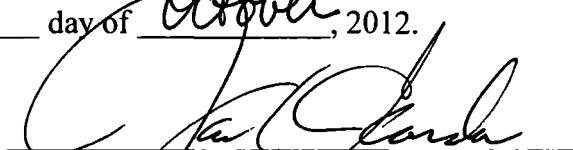
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The lack of foundation and legal impediments were so clearly obvious from the time the claims against Edwards were initiated that there could never have been a good faith belief in their propriety.

Equally obvious from the surrounding circumstances is the improper motive behind the litigation. If Edwards and his client, L.M. could be intimidated by the need to defend themselves against the litigation assault of a billionaire opponent, Epstein stood the chance of avoiding or at least limiting his extremely embarrassing and enormously costly civil liability and protecting himself from further criminal prosecution threatened by Edwards' prosecution of an action in Federal Court under the Crime Victims' Rights Act. This calculated effort at extortion is clearly supportive of punitive damage exposure.

Bradley Edwards' Motion to Amend to Assert a Claim for Punitive Damages should be granted.

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 19th day of October, 2012.



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AFFIDAVIT OF BRADLEY JAMES EDWARDS

1. I am an attorney in good standing with the Florida Bar and admitted to practice in the Southern District of Florida. I am a partner in the law firm of Farmer Jaffe Weissing Edwards Fistos and Lehrman.

2. I am the lead attorney currently representing "Jane Doe" in the case of Jane Doe v. Jeffrey Epstein, case number 08-80893 in federal Court in the Southern District of Florida. I am the lead attorney representing Jane Doe, whose civil complaint alleges that Epstein sexually molested her numerous occasions when she was a minor.

3. Defendant Epstein has entered into a "non-prosecution agreement" (NPA) with the federal government for sex crimes against minors. Under that agreement, the federal government has agreed not to file criminal charges against Epstein for sex crimes committed against approximately thirty girls, including Jane Doe. In exchange, Epstein agreed to plead guilty to state law criminal charges involving solicitation of prostitution and procuring a minor for prostitution. The victim of the criminal charges to which he has pled was not Jane Doe.

4. Under the NPA, Epstein has agreed not to contest civil liability of any of his approximately thirty victims – provided that the victim agrees to limit themselves to the damages provided by 18 U.S.C. § 2255 (currently set at \$150,000). Jane Doe has not agreed to limit herself to pursuing only \$150,000 in damages. Therefore, the terms of the NPA purport to prevent Jane Doe from using the NPA to prove liability.

5. Epstein has filed an answer to Jane Doe's complaint, in which he has invoked his Fifth Amendment right to silence with respect to the allegations that he molested her as a child. Epstein has further argued that this Fifth Amendment invocation is the functional equivalent of, and must be treated as, a specific denial of the allegations.

6. Defendant Epstein's deposition has been taken on several occasions, in this and other related cases, and he has not provided any substantive discovery whatsoever. Instead, he invoked his 5th amendment privilege against self-incrimination when asked questions about his abuse of Jane Doe or other girls.

7. Defendant Epstein has also been served with interrogatories and requests for production; all requests have been met with 5th amendment assertions and Epstein has not given Jane Doe any substantive testimony related her allegations.

8. Jane Doe's complaint contains a punitive damages claim, and Mr. Epstein has also elected to invoke the 5th Amendment on all questions that would relate to punitive damages issues, such as his intent when committing the crimes, his lack of remorse and his intent to recidivate.

9. Epstein has taken Jane Doe's deposition. During that deposition he has asked numerous questions of Jane Doe that suggest that she is fabricating her allegation of abuse by Epstein.

10. In addition to deposing Mr. Epstein, other attorneys and I have taken the depositions of his various co-conspirators (as labeled by the federal government in the NPA), including Sarah Kellen, Adriana Mucinska and Nadia Marcinkova. Each of those individuals was employed by Epstein to bring him underage girls for him to molest and to ensure that he was protected from detection by law enforcement, and thus those individuals could likely provide general testimony that would assist Plaintiff in proving liability and damages, including punitive damages. However, none of these individuals were

present during acts of sexual abuse by Epstein. In any event, ALL of those individuals have also invoked their 5th amendment rights against self-incrimination, and thus have left Plaintiff with no information about what Epstein or other conspirators inside his house were doing during the sexual abuse of Jane Doe and other minors girls. This creates a serious issue for Jane Doe in proving her sexual molestation claim against Epstein. By its nature, sexual molestation takes place in private, with only the abuser and the victim typically available to testify. In this case, Epstein's abuse of Jane Doe took place in private, with only Epstein and Jane Doe present during the abuse. Jane Doe has no other reasonable avenues of discovery to provide direct proof of claim of sexual abuse by Epstein.

11. Additionally, Mr. Epstein has recently filed a lawsuit against me personally that has no merit whatsoever, a fact known to Mr. Epstein and his attorneys. He filed the lawsuit against Brad Edwards, Scott Rothstein, and L.M. (another Epstein victim of his molestation). That lawsuit implies that L.M.'s civil case against him (currently pending in Florida state court) is fabricated and that L.M. and I have conspired to commit fraud against him (presumably that she made up the case against him, implying that he does not know L.M.). While the present subpoena before the Court has been filed by Jane Doe, the Court should be aware that attorneys representing L.M. may also file a subpoena for the George Rush tape shortly.

12. Despite Mr. Epstein and all of his co-conspirators, asserting a 5th amendment privilege against self-incrimination, George Rush of the New York Daily news did contact me to inform me that Mr. Epstein spoke personally with him about issues related to the various charges of sex abuse against him.

13. Paraphrasing from memory of my conversation with Mr. Rush, Mr. Epstein told him that he may have come "too close to the line" but that he should not have been punished as severely as he was and that his conduct was at most worthy of a \$100 fine. This is a statement that shows two things of great importance to Jane Doe's pending civil action. First, it is in effect an admission by Epstein of his liability to Jane Doe for sexually abusing her. Jane Doe does not have any other admission of Epstein of his sexual abuse of her and Epstein has filed an answer to Jane Doe's complaint that has the functional effect of denying abuse of her. Jane Doe has diligently pursued all possible ways of obtaining an admission from Epstein of his molestation of Jane Doe without success. Second, the statement to Mr. Rush is a clear demonstration that Epstein lacks remorse for committing felony child molestation against Jane Doe. This will be a central issue in the punitive damages case against Epstein at trial. Here again, Jane Doe has diligently pursued all possible ways of obtaining a statement from Epstein about his lack of remorse for abusing Jane Doe without success. There are no other reasonable means of obtaining a statement from Epstein on these subjects.

14. Mr. Rush also told me that Mr. Epstein spoke specifically about one of my clients, L.M., and he made derogatory remarks about her.

15. Additionally, Mr. Rush said that Epstein spoke directly about another civil case that was filed against him (Jane Doe 102 v. Epstein); that case alleges that Epstein repeatedly sexually abused a 15 year old girl, forced her to have sex with his friends and flew her on his private plane nationally and internationally for the purposes of sexually molesting and abusing her. Epstein flippantly told George Rush that that case was dismissed, in a way to indicate that the allegations are ridiculous and untrue.

16. Mr. Rush indicated that he taped the conversation between him and Mr. Epstein.

17. Mr. Rush also spoke at length to Michael Fisten, an investigator with my firm that was assisting with the investigation of the case. Mr. Fisten reported to me shortly after the conversation with Mr. Rush that he had such a conversation.

18. While research by other plaintiffs' attorneys and myself has uncovered other persons that were acquaintances of Mr. Epstein, specifically Donald Trump, Alan Dershowitz, Bill Clinton, Tommy Mottola, and David Copperfield, we have no information that any of those people (other than Mr. Dershowitz) have spoken to Mr. Epstein about Jane Doe or any of the other specific victims of Mr. Epstein's molestation. Mr. Dershowitz is acting as an attorney for Mr. Epstein, and therefore it is presumably unlikely to question him about any admissions that Epstein may have made regarding Jane Doe or other minors girls. Additionally, we have no information that any of those individuals or any other individuals have any taped statements of Epstein's own voice relating to these matters. George Rush's taped conversation with Mr. Epstein is the only known one in existence, making it very unique and it contains information not otherwise obtainable through other means or sources. Indeed, without the Rush tape conversation, the jury that handles the case will not hear any words from Epstein himself about his abuse of Jane Doe and other young girls. I have been informed by Epstein's attorney that Epstein intends to invoke his Fifth Amendment rights rather than answer any substantive questions about the abuse of Jane Doe and other girls at trial.

19. The Rush interview is, in any event, unique and not otherwise obtainable from other witnesses because it can be used to prove perjury (a federal crime) on the part of Epstein. Epstein lied about not knowing George Rush. See deposition of Jeffrey Epstein, taken in L.M. v. Jeffrey Epstein, case 50-2008-CA-028051, page 154, line 4 through 155 line 9, wherein Jeffrey Epstein clearly impresses that he does not recognize George Rush from the New York Daily News, despite the fact that he gave a personal interview that we all now know to have been tape recorded. It is therefore evidence of a criminal event. If we receive the tape, we intend to alert the appropriate law enforcement authorities, both federal and state, so that they can pursue any appropriate criminal investigation perjury charges.

20. The tape is also crucial for L.M. to dismiss the frivolous complaint filed by Jeffrey Epstein against her, as he clearly acknowledges knowing L.M., contrary to claims he makes in his complaint against her and also contradictory to other statements he has made in depositions related to knowing L.M. In that regard, this tape provides evidence of other false statements Epstein has made under oath.

21. During a telephone call with George Rush, he provided me more than a description of the tape, and in fact described the general tenor of the entire interview, so that nothing in the interview can be fairly regarded as confidential at this point.

22. As George Rush admitted in his affidavit, he played the tape for *at least* two other persons who also confirmed Epstein's arrogance as he speaks about his actions with minors.

23. The people for whom George Rush played the tape or told in detail of the information on the tape were not "sources" in the tradition sense of the word – all individuals were simply chatting with Mr. Rush about Mr. Epstein and his propensity to molest children. For example, when I discussed the tape with Mr. Rush, I was not a "source" in the traditional sense of that term. At no point did Mr. Rush tell me that I was a "source" for his reporting.

24. Because Epstein and all other co-conspirators have invoked the 5th amendment as to all relevant questions, this tape is the *only* way that Jane Doe can put Epstein's own perceptions of what he has done before the jury and the only way that Jane Doe can put Epstein's admissions and statements before the jury. As even a quick perusal of the more than 500 entries on the docket sheet for Jane Doe's (consolidated) case will confirm (see Case no. 9:08-80119 (S.D. Fla.) (case number for consolidated cases on discovery), Jane Doe and other plaintiffs have made exhaustive attempts to obtain information from Epstein about his abuse. These attempts have included repeated requests for admission, requests for production, interrogatories, and depositions – all the means that are listed in the Federal Rules of Civil Procedure for obtaining discovery. These means have all been exhausted without success. Neither

Jane Doe nor any of the other plaintiffs have been able to obtain even a single word of information from Epstein about his abuse of minor girls.

25. I made a good faith, albeit unsuccessful, effort to resolve this matter with Anne B. Carroll, representing the Daily News in order to avoid any court intervention. I explained that we needed this tape for several reasons, including those cited by her in her pleading. The tape is detrimental to Epstein's personal complaint against L.M. and me; the tape is evidence of perjury committed by Epstein; the tape is the Best Evidence of his lack of remorse for his actions and will be presented in the punitive damages phase of the civil trials against him; and, perhaps most important, the tape is the only way that the jury considering Jane Doe's case will be able to hear Epstein's voice and own statements about his abuse of Jane Doe and other minor girls. Without the tape, the jury will not have the opportunity to hear Epstein give any substantive information about Jane Doe's complaint. Indeed, they will not have the opportunity to even hear Epstein's voice utter any substantive words other than (in essence) "I take the Fifth." As part of our discussion, Ms. Carroll told me that it was a "stupid move" for Mr. Rush to play the tape or disclose the tape to other people as he likely waived any privilege and that, as a result of disclosing the tape, he was at risk of losing his job. I responded that it did not seem fair that Mr. Rush lose his job or be punished in any way, but that I had an absolute duty to represent my client and that I would be failing in that duty if I did not pursue this critical piece of evidence.

I declare under penalty of perjury that the foregoing is true and correct.

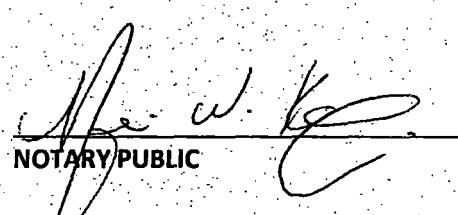
FURTHER AFFIANT SAYETH NAUGHT.

Dated this 23rd day of April, 2010.



Brad Edwards, Esq.

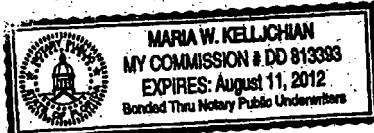
The foregoing instrument was acknowledged before me this 23rd day of April, 2010 by BRAD EDWARDS, who is personally known to me.



NOTARY PUBLIC

Print Name: _____

My Commission Expires:



DEFENDANT BRADLEY J. EDWARDS'S STATEMENT OF UNDISPUTED FACTS
Epstein v. Edwards, et al.
Case No.: 50 2009 CA 040800XXXXMBAG

EXHIBIT N

NOT A CERTIFIED COPY

AFFIDAVIT OF BRADLEY JAMES EDWARDS

1. I am an attorney in good standing with the Florida Bar and admitted to practice in the Southern District of Florida. I am currently a partner in the law firm of Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.
2. In 2008, I was a sole practitioner running a personal injury law firm in Hollywood, FL. While a sole practitioner I was retained by three clients, L.M., E.W., and Jane Doe to pursue civil litigation against Jeffrey Epstein for sexually abusing them while they were minor girls. I agreed to represent these girls, along with attorney Jay Howell (an attorney in Jacksonville, Florida with Jay Howell & Associates) and Professor Paul Cassell (a law professor at the University of Utah College Of Law). I filed state court actions on behalf of L.M. and E.W. and a federal court action on behalf of Jane Doe. All of the cases were filed in the summer of 2008.
3. My clients received correspondence from the U.S. Department of Justice regarding their rights as victims of Epstein's federal sex offenses. (True and accurate copies of the letters are attached to Statement of Undisputed Facts as Exhibit "M")
4. In mid June 2008, I contacted Assistant United States Attorney Marie Villafañá to inform her that I represented Jane Doe #1(E.W.) and, later, Jane Doe #2(L.M.). I asked to meet to provide information regarding Epstein. AUSA Villafañá did not advise me that a plea agreement had already been negotiated with Epstein's attorneys that would block federal prosecution. AUSA Villafañá did indicate that federal investigators had concrete evidence and information that Epstein had sexually molested at least 40 underage minor females, including E.W., Jane Doe and L.M.
5. I also requested from the U.S. Attorney's Office the information and evidence that they had collected regarding Epstein's sexual abuse of his clients. However, the U.S. Attorney's Office declined to provide any such information to me. The U.S. Attorney's Office also declined to provide any such information to the other attorneys who represented victims of Epstein's sexual assaults.
6. I was informed that on Friday, June 27, 2008, at approximately 4:15 p.m., AUSA Villafañá received a copy of Epstein's proposed state plea agreement and learned that the plea was scheduled for 8:30 a.m., Monday, June 30, 2008. She called me to provide notice to my clients regarding the hearing. She did not tell me that the guilty pleas in state court would bring an end to the possibility of federal prosecution pursuant to the plea agreement. My clients did not learn and understand this fact until July 11, 2008, when the agreement was described during a hearing held before Judge Marra on the Crime Victims' Rights Act action that I had filed.
7. In the summer of 2008 I filed complaints against Jeffrey Epstein on behalf of L.M., E.W., and Jane Doe.

8. In the Spring of 2009 (approximately April), I joined the law firm of Rothstein, Rosenfeldt and Adler, P.A. ("RRA"). I brought my existing clients with me when I joined RRA, including L.M., E.W., and Jane Doe. When I joined the firm, I was not aware that Scott Rothstein was running a Ponzi scheme at RRA. Had I known such a Ponzi scheme was in place, I would never have joined RRA.
9. I am now aware that it has been alleged that Scott Rothstein made fraudulent presentations to investors about the lawsuits that I had filed on behalf of my clients against Epstein and that it has been alleged that these lawsuits were used to fraudulently lure investors into Rothstein's Ponzi scheme. I never met a single investor, had no part in any such presentations and had no knowledge any such fraud was occurring. If these allegations are true, I had no knowledge that any such fraudulent presentations were occurring and no knowledge of any such improper use of the case files.
10. Epstein's Complaint against me alleges that Rothstein made false statements about cases filed against Epstein, i.e., that RRA had 50 anonymous females who had filed suit against Epstein; that Rothstein sold an interest in personal injury lawsuits, reached agreements to share attorneys fees with non-lawyers, paid clients "up front" money; and that he used the judicial process to further his Ponzi scheme. If Rothstein did any of these things, I had no knowledge of his actions. Because I maintained close contact with my clients, EW, LM and Jane Doe, and Scott Rothstein never met any of them, I know for certain that none of my clients were paid "up front" money by anyone.
11. Epstein alleges that I attempted to take the depositions of his "high profile friends and acquaintances" for no legitimate litigation purpose. This is untrue, as all of my actions in representing L.M., E.W., and Jane Doe were aimed at providing them effective representation in their civil suits. With regard to Epstein's friends, through documents and information obtained in discovery and other means of investigation, I learned that Epstein was sexually molesting minor girls on a daily basis and had been for many years. I also learned the unsurprising fact that he was molesting the girls in the privacy of his mansion in West Palm Beach, meaning that locating witnesses to corroborate their testimony would be difficult to find. I also learned, from the course of the litigation, that Epstein and his lawyers were constantly attacking the credibility of the girls, that Epstein's employees were all represented by lawyers who apparently were paid for (directly or indirectly) by Epstein, that co-conspirators whose representation was also apparently paid for by Epstein were all taking the Fifth (like Epstein) rather than provide information in discovery. For example, I was given reason to believe that Sarah Kellen, Larry Visoski, Larry Harrison, David Rogers, Louella Rabuyo, Nadia Marcinkova, Ghislaine Maxwell, Mark Epstein, and Janusz Banasiak all had lawyers paid for by Epstein. Because Epstein and the co-conspirators in his child molestation criminal enterprise blocked normal discovery avenues, I needed to search for other ordinary approaches to strengthen the cases of my clients. Consistent with my training and experience, these other ordinary approaches included finding other witnesses who could corroborate allegations of sexual abuse of my clients or other girls. Some of these witnesses were friends of Epstein. Given his social status, it also turned out that some of his friends were high-profile individuals.

12. In light of information I received suggesting that British socialite Ghislaine Maxwell, former girlfriend and long-time friend of Epstein's, was involved in managing Epstein's affairs and companies I had her served for deposition for August 17, 2009. (Deposition Notice attached to Statement of Undisputed Facts as Exhibit BB). Maxwell was represented by Brett Jaffe of the New York firm of Cohen and Gresser, and I understood that her attorney was paid for (directly or indirectly) by Epstein. She was reluctant to give her deposition, and I tried to work with her attorney to take her deposition on terms that would be acceptable to both sides. Her attorney and I negotiated a confidentiality agreement, under which Maxwell agreed to drop any objections to the deposition. Maxwell, however, still avoided the deposition. On June 29, 2010, one day before I was to fly to NY to take Maxwell's deposition, her attorney informed me that Maxwell's mother was deathly ill and Maxwell was consequently flying to England with no intention of returning and certainly would not return to the United States before the conclusion of Jane Doe's trial period (August 6, 2010). Despite that assertion, I later learned that Ghislaine Maxwell was in fact in the country on approximately July 31, 2010, as she attended the wedding of Chelsea Clinton (former President Clinton's daughter) and was captured in a photograph taken for US Weekly magazine.

13. Epstein alleges that there was something improper in the fact that I notified him that I intended to take Donald Trump's deposition in the civil suits against him. Trump was properly noticed because: (a) after review of the message pads confiscated from Epstein's home, the legal and investigative team assisting my clients learned that Trump called Epstein's West Palm Beach mansion on several occasions during the time period most relevant to my clients' complaints; (b) Trump was quoted in a *Vanity Fair* article about Epstein as saying "I've known Jeff for fifteen years. Terrific guy." "He's a lot of fun to be with. It is even said that he likes beautiful women as much as I do, and many of them are on the younger side. No doubt about it – Jeffrey enjoys his social life." Jeffrey Epstein: International Moneyman of Mystery; He's pals with a passel of Nobel Prize-winning scientists, CEOs like Leslie Wexner of the Limited, socialite Ghislaine Maxwell, even Donald Trump. But it wasn't until he flew Bill Clinton, Kevin Spacey, and Chris Tucker to Africa on his private Boeing 727 that the world began to wonder who he is. By Landon Thomas Jr.; (c) I learned through a source that Trump banned Epstein from his Maralago Club in West Palm Beach because Epstein sexually assaulted an underage girl at the club; (d) Jane Doe No. 102's complaint alleged that Jane Doe 102 was initially approached at Trump's Maralago by Ghislaine Maxwell and recruited to be Maxwell and Epstein's underage sex slave; (e) Mark Epstein (Jeffrey Epstein's brother) testified that Trump flew on Jeffrey Epstein's plane with him (the same plane that Jane Doe 102 alleged was used to have sex with underage girls) deposition of Mark Epstein, September 21, 2009 at 48-50; (f) Trump visited Epstein at his home in Palm Beach – the same home where Epstein abused minor girls daily; (g) Epstein's phone directory from his computer contains 14 phone numbers for Donald Trump, including emergency numbers, car numbers, and numbers to Trump's security guard and houseman. Based on this information, I believed that

Trump might have relevant information to provide in the cases against Jeffrey Epstein and accordingly provided notice of a possible deposition.

14. Epstein alleges that there was something improper in the fact that I notified him that I intended to take Alan Dershowitz's deposition in the civil suits against him. Dershowitz was properly noticed because: (a) Dershowitz has been friends with Epstein for many years; (b) in one news article Dershowitz comments that, "I'm on my 20th book... The only person outside of my immediate family that I send drafts to is Jeffrey" The Talented Mr. Epstein, By Vicky Ward on January, 2005 in Published Work, Vanity Fair; (c) Epstein's housekeeper Alfredo Rodriguez testified that Dershowitz stayed at Epstein's house during the years most relevant to my clients; (d) Rodriguez testified that Dershowitz was at Epstein's house at times when underage females where there being molested by Epstein (see Alfredo Rodriguez deposition at 278-280, 385, 426-427); (e) Dershowitz was reportedly involved in persuading the Palm Beach State Attorney's office not to file felony criminal charges against Epstein because the underage females lacked credibility and thus could not be believed that they were at Epstein's house, despite him being an eyewitness that the underage girls were actually there; (f) Jane Doe No. 102 stated generally that Epstein forced her to be sexually exploited by not only Epstein but also Epstein's "adult male peers, including royalty, politicians, academicians, businessmen, and/or other professional and personal acquaintances" – categories that Dershowitz and acquaintances of Dershowitz fall into; (g) during the years 2002-2005 Alan Dershowitz was on Epstein's plane on several occasions according to the flight logs produced by Epstein's pilot and information (described above) suggested that sexual assaults may have taken place on the plane; (h) Epstein donated Harvard \$30 Million dollars one year, and Harvard was one of the only institutions that did not return Epstein's donation after he was charged with sex offenses against children. Based on this information, I believed that Dershowitz might have relevant information to provide in the cases against Jeffrey Epstein and accordingly provided notice of a possible deposition.
15. Epstein alleges that there was something improper in the fact that I notified him that I intended to take Bill Clinton's deposition. Clinton was properly noticed because: (a) it was well known that Clinton was friends with Ghislaine Maxwell, and several witnesses had provided information that Maxwell helped to run Epstein's companies, kept images of naked underage children on her computer, helped to recruit underage children for Epstein, engaged in lesbian sex with underage females that she procured for Epstein, and photographed underage females in sexually explicit poses and kept child pornography on her computer; (b) newspaper articles stated that Clinton had an affair with Ghislaine Maxwell, who was thought to be second in charge of Epstein's child molestation ring. The Cleveland Leader newspaper, April 10, 2009; (c) it was national news when Clinton traveled with Epstein (and Maxwell) aboard Epstein's private plane to Africa and the news articles classified Clinton as Epstein's friend; (d) the flight logs for the relevant years 2002 - 2005 showed Clinton traveling on Epstein's plane on more than 10 occasions and his assistant, Doug Band, traveled on many more occasions; (e) Jane Doe No. 102 stated generally that she was required by Epstein to be sexually

exploited by not only Epstein but also Epstein's "adult male peers, including royalty, politicians, academicians, businessmen, and/or other professional and personal acquaintances" – categories Clinton and acquaintances of Clinton fall into; (f) flight logs showed that Clinton took many flights with Epstein, Ghislaine Maxwell, Sarah Kellen, and Adriana Mucinska, -- all employees and/or co-conspirators of Epstein's that were closely connected to Epstein's child exploitation and sexual abuse; (g) Clinton frequently flew with Epstein aboard his plane, then suddenly stopped – raising the suspicion that the friendship abruptly ended, perhaps because of events related to Epstein's sexual abuse of children; (h) Epstein's personal phone directory from his computer contains e-mail addresses for Clinton along with 21 phone numbers for him, including those for his assistant (Doug Band), his schedulers, and what appear to be Clinton's personal numbers. Based on this information, I believed that Clinton might have relevant information to provide in the cases against Jeffrey Epstein and accordingly provided notice of a possible deposition.

16. Epstein alleges that Tommy Mottola was improperly noticed with a deposition. I did not notice Mattola for deposition. He was noticed for deposition by a law firm representing another one of Epstein's victims – not by me.
17. Epstein alleges that there was something improper in the fact that I notified him that I intended to take the illusionist David Copperfield's deposition. Copperfield was properly noticed because: (a) Epstein's housekeeper Alfredo Rodriguez testified that David Copperfield was a guest on several occasions at Epstein's house; (b) according to the message pads confiscated from Epstein's house, Copperfield called Epstein quite frequently and left messages that indicated they socialized together; (c) Copperfield himself has had similar allegations made against him by women claiming he sexually abused them; (d) one of Epstein's sexual assault victims also alleged that Copperfield had touched her in an improper sexual way while she was at Epstein's house. Based on this information, I believed that Copperfield might have relevant information to provide in the cases against Jeffrey Epstein and accordingly provided notice of a possible deposition.
18. Epstein alleges that there was something improper in the fact that I identified Bill Richardson as a possible witness against him in the civil cases. Richardson was properly identified as a possible witness because Epstein's personal pilot testified to Richardson joining Epstein at Epstein's New Mexico Ranch. See deposition of Larry Morrison, October 6, 2009, at 167-169. There was information indicating that Epstein had young girls at his ranch which, given the circumstances of the case, raised the reasonable inference he was sexually abusing these girls since he had regularly and frequently abused girls in West Palm Beach and elsewhere. Richardson had also returned campaign donations that were given to him by Epstein, indicating that he believed that there was something about Epstein that he did not want to be associated with. Richardson was not called to testify nor was he ever subpoenaed to testify.
19. Epstein alleges that discovery of plane and pilot logs was improper during discovery in the civil cases against him. Discovery of these subjects was clearly proper and

necessary because: (a) Jane Doe filed a federal RICO claim against Epstein that was an active claim through much of the litigation. The RICO claim alleged that Epstein ran an expansive criminal enterprise that involved and depended upon his plane travel. Although Judge Marra dismissed the RICO claim at some point in the federal litigation, the legal team representing my clients intended to pursue an appeal of that dismissal. Moreover, all of the subjects mentioned in the RICO claim remained relevant to other aspects of Jane Doe's claims against Epstein, including in particular her claim for punitive damages; (b) Jane Doe also filed and was proceeding to trial on a federal claim under 18 U.S.C. § 2255. Section 2255 is a federal statute which (unlike other state statutes) guaranteed a minimum level of recovery for Jane Doe. Proceeding under the statute, however, required a "federal nexus" to the sexual assaults. Jane Doe had two grounds on which to argue that such a nexus existed to her abuse by Epstein: first, his use of the telephone to arrange for girls to be abused; and, second, his travel on planes in interstate commerce. During the course of the litigation, I anticipated that Epstein would argue that Jane Doe's proof of the federal nexus was inadequate. These fears were realized when Epstein filed a summary judgment motion raising this argument. In response, the other attorneys and I representing Jane Doe used the flight log evidence to respond to Epstein's summary judgment motion, explaining that the flight logs demonstrated that Epstein had traveled in interstate commerce for the purpose of facilitating his sexual assaults. Because Epstein chose to settle the case before trial, Judge Marra did not rule on the summary judgment motion. (c) Jane Doe No. 102's complaint outlined Epstein's daily sexual exploitation and abuse of underage minors as young as 12 years old and alleged that he used his plane to transport underage females to be sexually abused by him and his friends. The flight logs accordingly might have information about either additional girls who were victims of Epstein's abuse or friends of Epstein who may have witnessed or even participated in the abuse. Based on this information, I believed that the flight logs and related information was relevant information to prove the cases against Jeffrey Epstein and accordingly I pursued them in discovery.

20. In approximately November 2009, the existence of Scott Rothstein's Ponzi scheme became public knowledge. It was at that time that I, along with many other reputable attorneys at RRA, first became aware of Rothstein criminal scheme. At that time, I left RRA with several other RRA attorneys to form the law firm of Farmer Jaffe Weissing Edwards Fistos and Lehrman ("Farmer Jaffe"). I was thus with RRA for less than one year.
21. In July 2010, along with other attorneys at Farmer Jaffe and Professor Cassell, I reached favorable settlement terms for my three clients L.M., E.W., and Jane Doe in their lawsuits against Epstein.
22. On July 20, 2010, I received a letter from the U.S. Attorney's Office for the Southern District of Florida – the office responsible for prosecuting Rothstein's Ponzi scheme. The letter indicated that law enforcement agencies had determined that I was "a victim (or potential victim)" of Scott Rothstein's federal crimes. The letter informed me of my rights as a victim of Rothstein's federal crimes and promised to keep me informed about

subsequent developments in his prosecution. A copy of this letter is attached to this Affidavit. (A copy of the letter is attached to Statement of Undisputed Facts as Exhibit UU)

23. Jeffrey Epstein also filed a complaint with the Florida Bar against me. His complaint alleged that I had been involved in Rothstein's scheme and had thereby violated various rules of professional responsibility. The Florida Bar investigated and dismissed the complaint.
24. I have reviewed the Statement of Undisputed Facts filed contemporaneously with this Affidavit. Each of the assertions concerning what I learned, what I did, and the good faith beliefs formed by me in the course of my prosecutions of claims against Jeffrey Epstein as contained in the Statement of Undisputed Facts is true, and the foundations set out as support for my beliefs are true and correct to the best of my knowledge.
25. All actions taken by me in the course of my prosecution of claims against Jeffrey Epstein were based upon a good faith belief that they were reasonable, necessary, and ethically proper to fulfill my obligation to zealously represent the interests of my clients.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 7/21, 2010



Bradley J. Edwards, Esq.

DEFENDANT BRADLEY J. EDWARDS'S MOTION FOR FINAL SUMMARY JUDGMENT
Epstein v. Edwards, et al.
Case No.: 50 2009 CA 040800XXXXMBAG

EXHIBIT A

NOT A CERTIFIED COPY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-CIV-80893-MARRA/JOHNSON

JANE DOE,

Plaintiff,
vs.

JEFFREY EPSTEIN,

Defendant.

**DEFENDANT EPSTEIN'S MOTION FOR SETTLEMENT CONFERENCE, OR IN
THE ALTERNATIVE, MOTION TO DIRECT PARTIES' BACK TO MEDIATION**

Defendant, JEFFREY EPSTEIN, by and through his undersigned attorneys, pursuant to the Federal Rules of Civil Procedure and the Local Rules for the Southern District of Florida, moves this Court for an order requiring the parties to attend a Settlement Conference before Magistrate Judge Linnea R. Johnson, or in the alternative, for an Order directing the parties to reconvene at a second mediation on or before July 1, 2010, and as grounds set forth would state:

1. The above-styled matter is currently scheduled on the Court's trial docket beginning July 19, 2010. (D.E. #119, Order Re-Setting Trial Date and Pretrial Deadlines). The Court's Mandatory Pretrial Stipulation and Motions in Limine deadlines are set for July 1, 2010. In this regard, if the parties could reach an agreement at a settlement conference or a mediation before these pre-trial deadlines, it would result in substantial conservation of judicial resources and preparation time.
2. The parties attended mediation on April 5, 2010, at Matrix Mediation, LLC, with Rodney Romano serving as mediator, but were unable to reach an agreement. (See D.E. #139).

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3. Since the April 5, 2010 mediation, additional discovery has been completed and exchanged, including each parties' psychological (Plaintiff) and psychiatric (Defendant) expert depositions. As well, Defendant filed his Motion for Summary Judgment and Motion for Bifurcation. Both parties have exchanged witness and exhibit lists. Each party will be filing extensive Motions in Limine. Plaintiff's Trial Witness List has identified over 170 potential witnesses, and further, Plaintiff identifies over 140 trial exhibits, including composite exhibits that are hundreds of pages in length. It is conceivable this case could last 12- 20 trial days.

4. Additionally, since the parties attended mediation on April 5, 2010, Defendant has resolved all pending lawsuits, including Plaintiff, C.L. (Case No.: 10-80447) and JANE DOES Nos. 2-8 (Case Nos.: 08-80119, 08-80232, 08-08380, 08-80381, 08-80994, 08-80993, 08-80802), C.M.A. (Case No.08-80811), Jane Does Nos. 101, 102 and 103 (Case Nos. 09-80591, 09-80656, 10-80309), another Jane Doe (Case No. 08-80804), Jane Doe II (Case No. 09-80469), as well as other non-filed claims. Furthermore, Defendant has also resolved three state court claims. The only cases not resolved are this case and two (2) cases in state court (all three Plaintiffs are represented by Plaintiff's counsel, Brad Edwards, Esq. and his firm).¹

5. Plaintiffs in other filed cases were represented by various law firms as the court is aware.

6. With the additional discovery completed to date and with the motions, trial preparation and judicial rulings necessary to try this case, all yet to be done, Defendant

¹ There is also a case styled L.M. v. Jeffrey Epstein, CASE NO.: 09-CIV-81092 – MARRA/JOHNSON, which was never served on the Defendant. Defendant has filed a Motion to Dismiss.

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believes that a settlement conference or mediation is in the best interest of both parties to attempt resolution. There is no prejudice to either party.

7. Therefore, Defendant requests the Court issue an order directing the parties to attend a Settlement Conference before Magistrate Judge Johnson or that the Court direct the parties to attend a further mediation before July 1, 2010. Both Magistrate Judge Johnson and Rodney Romano (as the mediator in this case) are very familiar with the particular case and other claims that were asserted.

8. Defendant's Counsel has spoken with the secretary for the mediator, Rodney Romano, and she believes that he would be able to schedule a 2-3 hour mediation on short notice this week.

WHEREFORE, Defendant, JEFFREY EPSTEIN respectfully requests the Court to enter an Order directing the parties to attend a Settlement Conference before Magistrate Judge Linnea R. Johnson, or in the alternative, a mediation on or before July 1, 2010.

Rule 7.1 Certification

I hereby certify that counsel has communicated by telephone with Plaintiff's counsel in a good faith effort to resolve the issues set forth herein. Plaintiff's position is that the parties have already complied with the mediation requirements.

By: s/Robert D. Critton, Jr.
Robert D. Critton, Jr.
Michael J. Pike
Attorneys for Defendant Epstein

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Certificate of Service

I HEREBY CERTIFY that a true copy of the foregoing was electronically filed with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the following service list in the manner specified via transmission of Notices of Electronic Filing generated by CM/ECF on this 28th day of June, 2010:

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Respectfully submitted,

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

JEFFREY EPSTEIN,
Plaintiff,
vs. No. 502009CA040800XXXXMBAG
SCOTT ROTHSTEIN, individually,
and BRADLEY J. EDWARDS,
individually,
Defendants.

500 East Broward Boulevard,
Ft. Lauderdale, Florida
Thursday, June 14, 2012
9:14 a.m. - 12:37 p.m.

D E P O S I T I O N
Of
SCOTT ROTHSTEIN
(Via Video Conference)

Taken on behalf of the Trustee
pursuant to a notice of taking deposition

FRIEDMAN, LOMBARDI & OLSON
305-371-6677

1 APPEARANCES:

2
3 LAW OFFICES OF TONJA HADDAD, P.A. by
Tonja Haddad, Esq.
Attorney for the Plaintiff.

4
5 ATTERBURY, GOLDBERGER & WEISS, P.A., by
Jack Goldberger, Esq.
Attorney for the Plaintiff.

6
7
8 SEARCY DENNEY SCAROLA ET AL, by
Jack Scarola, Esq.
Attorney for the Defendant, Brad Edwards.

9
10 MARC NURIK, P.A., by
Marc Nurik, Esq.
Attorney for Scott Rothstein.
(Appearing via Video Conference.)

11
12 U.S. ATTORNEY'S OFFICE, by
Laurence LaVecchio, Esq.
Attorney for the Department of Justice.

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FRIEDMAN, LOMBARDI & OLSON
305-371-6677

1 I N D E X

2 WITNESS DIRECT CROSS REDIRECT RECROSS

3 SCOTT ROTHSTEIN
(By Ms. Haddad) 5
(By Mr. Goldberger) 92
(By Mr. Scarola) 121

4 EXHIBITS

5 PLAINTIFF'S FOR IDENTIFICATION

6 1 64
7 2 69
8 3 72

3
1 Thereupon:
2 SCOTT ROTHSTEIN,
3 was called as a witness and, having been duly sworn,
4 was examined and testified as follows:
5 THE WITNESS: I do.
6 MS. HADDAD: Good morning, Scott. How are
7 you?
8 THE WITNESS: Good morning, Tonja. How are
9 you?
10 MS. HADDAD: Fine, thank you. It's nice to
11 see you.
12 THE WITNESS: Good to see you, too.
13 MR. SCAROLA: Mr. Rothstein, I don't know
14 that you and I have met. I'm Jack Scarola, I'm
15 representing Brad Edwards and I know you know Brad
16 who's to my immediate left.
17 THE WITNESS: Hey, Brad, how are you?
18 Jack, good to see you.
19 MR. SCAROLA: Thank you.
20 MR. GOLDBERGER: Also present is another
21 Jack, Jack Goldberger, and I also represent Jeffrey
22 Epstein. To my right is Darryn Indyke --
23 THE WITNESS: Good morning, Jack.
24 MR. GOLDBERGER: How are you today?
25 And to my right is Darryn Indyke, who is

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305-371-6677

1 Mr. Epstein's in-house counsel.

2 MR. INDYKE: Good morning.

3 THE WITNESS: Good morning, sir.

4 MR. NURIK: Good morning, everyone.

5 MR. GOLDBERGER: Hi, Marc, how are you?

6 MR. NURIK: Good. You'll be seeing my
7 shoulder most of the day.

8 MR. GOLDBERGER: Okay.

9 DIRECT EXAMINATION

10 BY MS. HADDAD:

11 Q. Well, Scott, I know you've talked about this
12 probably more than you even care to, but I'd like to
13 start a little bit asking you about the scheme at your
14 firm and how and when it started and things of that
15 nature just very briefly because I know you've covered
16 it many times.

17 MR. SCAROLA: It has been covered and
18 protocol precludes asking questions that have already
19 been answered and covering areas that have already
20 been covered, so we do object.

21 MR. GOLDBERGER: Your objection is noted.

22 BY MS. HADDAD:

23 Q. When did this first start?

24 A. It started back in '05, '06. The question
25 is a little bit vague for me because it started in a

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1 different form than it ended because it started as
2 bridge loans and things of that nature, and then
3 morphed into the Ponzi scheme. But you are looking
4 back into the 2005 time frame for the very beginning.

5 Q. The 2005 time frame, that's when the bridge
6 loans started?

7 A. I can't be certain exactly what we were
8 doing. I need to see all the documents to tell you
9 what we were doing at what specific point in time.

10 Q. What made you decide to start doing this?

11 A. I started doing it out of greed and the need
12 to support the law firm, which was having significant
13 financial trouble at the time.

14 Q. And in 2005 had you moved over to 401 yet or
15 were you still in the building where Colonial Bank
16 was?

17 A. I don't remember.

18 Q. Do you recall approximately how many
19 attorneys you had working for you when it started?

20 A. I do not. Between five and ten, Tonja.

21 Q. Was it before you started acquiring
22 attorneys like you were acquiring cars and watches?

23 MR. SCAROLA: Object to the form of the
24 question, vague.

25 THE WITNESS: Yes.

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1 BY MS. HADDAD:

2 Q. Well, who were you partners with when it
3 first started?

4 A. Stu Rosenfeldt.

5 Q. Okay. Anyone else?

6 A. Susan Dolin, I believe. It was definitely
7 Stu Rosenfeldt, Michael Pancier, and Susan Dolin may
8 have been partners of ours at that time, I'm not
9 certain.

10 Q. Because if memory serves me correctly, you
11 went from being in the One Financial Plaza Building to
12 the building across the street, it was Rothstein,
13 Rosenfeldt, Dolin and Pancier; is that correct?

14 A. Yes.

15 Q. And it was some time later that you moved
16 into the 401 Building, correct?

17 A. You are skipping one step. I went from One
18 Financial Plaza to Phillips, Eisinger, Koss, Kusnick,
19 Rothstein and Rosenfeldt. Then Stu Rosenfeldt and I
20 broke off and formed Rothstein Rosenfeldt. And then
21 Rothstein, Rosenfeldt, Dolin, Pancier over at the
22 Colonial Bank Building. And then we took the space in
23 the 401 Building and eventually moved over there and
24 that's when the real growth started.

25 Q. And when you say, "that's when the real

1 growth started," do you mean both the scheme -- do you
2 mean the scheme and the firm or either one or both?

3 A. Both.

4 Q. Do you recall approximately when you took
5 the space in the 401 Building?

6 A. I do not.

7 Q. At the time everything imploded, how many
8 partners did you have at the firm, do you recall?

9 A. Are you saying partners and shareholders?

10 Because remember, we had both, two designations.

11 Q. I want to start with just attorneys that
12 had -- not in your firm name but named as "partner" on
13 the cards, for example.

14 A. I'd have to see a list of all the employees.
15 We had a bunch.

16 Q. Do you recall about how many attorneys you
17 had working there?

18 A. Approximately 70.

19 Q. In the year before, do you recall how many
20 you had?

21 A. I do not.

22 Q. So how many equity partners did you have or
23 shareholders? I'm not sure of the word that we are
24 using.

25 A. Actual shareholders, equity shareholders

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1 were two, me and Stu Rosenfeldt.

2 Q. And everyone else was just a partner for
3 title purposes?

4 A. There were shareholders for title purposes
5 and partners for title purposes.

6 Q. If someone was called a shareholder for
7 title purposes then, did they get to receive any of
8 the funds? Were they shareholders receiving money or
9 they were not considered shareholders in that sense?

10 MR. SCAROLA: Objection to the form of the
11 question.

12 THE WITNESS: What kind of funds are you
13 talking about?

14 BY MS. HADDAD:

15 Q. In general from the firm. When you say
16 equity shareholders, I understand that's you and Stu.
17 What I'm saying is, if you had someone else that was
18 named as a shareholder, why did you call them a
19 shareholder as opposed to a partner?

20 A. It was a title of prestige and achievement.

21 Q. So it was basically an ego thing, it had
22 nothing really to do with the finances or hierarchy of
23 the firm?

24 A. They got paid more generally, but it did not
25 have anything to do with distributions.

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1 Q. When you were hiring and bringing in all
2 these new attorneys, did everyone come in as a
3 partner?

4 A. No.

5 Q. How did you decide who came in as a partner
6 and who came in as an associate?

7 A. Depended upon their level of expertise,
8 practice, book of business. It was a decision Stuart
9 and I made together on a case-by-case basis.

10 Q. So you and Stu where the -- were in charge
11 of hiring?

12 A. Stuart and I tried to consult on every
13 hiring decision, yes.

14 Q. Did you guys also decide salaries?

15 A. I generally decided the salary and then let
16 Stu know what I was going to do. And he would say if
17 he thought it was okay or if he thought it was too
18 much or too little, but I generally had free reign in
19 that regard.

20 Q. Did someone's book of business directly
21 correlate to the salary that you would offer?

22 A. That is a very broad question because it
23 depends upon what other needs we had for that
24 individual.

25 Q. What do you mean by "what other needs"?

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11 A. Well, I'll give you a good example. My
12 lawyer, Mr. Nurik, his salary was directly related to
13 the fact that he was a great lawyer and had a solid
14 book of business.

15 Q. Yes.

16 A. David Boden, on the other hand, was, as I
17 previously testified, I don't know if you've had a
18 chance to read the testimony, but David Boden was not
19 only the general counsel to the law firm but he was
20 also -- acted as my consigliere in a significant
21 number of illegal operations and he was compensated
22 significantly for that, if that helps you understand
23 the difference.

24 Q. It does.

25 So, for example, when you were hiring former
judges, let's use that as an example, Pedro and Julio,
clearly they don't have a book of business coming in
because they haven't had clients, but they may carry
some sort of prestige or give some legitimacy, if you
will, to the firm. How would you decide the salary
for someone like that?

26 A. Stu and I would discuss it. It was more a
27 market issue than anything else, how much are judges
28 coming off the bench getting, how much business do we
29 think they can generate.

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12 Q. Would you need to look at someone's book of
13 business if they were coming in just solely to be a
14 rainmaker for the firm prior to hiring them?

15 A. I discussed it with them. There were not
16 many people that I recall that I actually looked at
17 their numbers. Once David Boden was working for me I
18 had him check people's numbers, but I rarely looked. I
19 took most people's words for what they were
20 generating.

21 Q. My recollection is, you were always looking
22 to bring in more people, to hire more people, some of
23 us were somehow able to resist you while others were
24 not. How would you decide who you were looking at to
25 bring into your firm?

26 A. We were trying to develop, on the legitimate
27 side of the law firm, we were trying to develop real
28 talent, real practice groups. I mean, Brad is a
29 perfect example, great lawyer, got a great reputation.
You know, it was our hope that, you know, he was going
to be one of the people to actually in some ways
rescue the firm because he had a practice group that
could generate substantial income. You know, on the
legitimate side that's what we were trying to do, we
were trying to find the best and the brightest.

25 Q. Okay. With respect to bringing people that

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1 you thought could bring a book of business, you just
 2 said Brad, for example, that he had a legitimate
 3 practice group with a good book of business. How did
 4 you know that?

5 A. Everyone in the tort world that I had spoke
 6 to spoke extremely highly of Brad, not only people I
 7 already had working for me but other people that knew
 8 him. He was very -- came very highly recommended to
 9 us.

10 Q. Like who, for example?

11 A. We wanted him in there. We were trying to
 12 develop a significant tort group and we thought that
 13 he'd be a great part of it.

14 Q. Who besides Russ told you that about Brad?

15 A. It would have been other people in the tort
 16 group. I don't want to guess, Tonja, as to which
 17 other people told me, but it was -- well more than
 18 Russ.

19 Q. Was it people within --

20 A. Might have been people in politics that I
 21 talked to that knew him because we had significant
 22 input at the gubernatorial level with regard to tort
 23 reform and the like, and there were people there who
 24 knew who Brad was. It was more than one person that
 25 told us that.

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1 Q. Okay. When you were looking at people to
 2 bring in to the firm to legitimize, as you said. Your
 3 firm had a very unique area of practice and had a very
 4 unique environment to which to work. How did you know
 5 or how did you come to decide what people may or may
 6 not fit into that?

7 A. Okay. Hang on one second. I think you just
 8 accidentally misstated my testimony.

9 I was not bringing the people in to
 10 legitimize the law firm. I was bringing them in to
 11 the legitimate side of the law firm. The bulk of the
 12 law firm, despite the lack of financial success, was a
 13 large group of very honest, hard working lawyers
 14 trying to do their best in difficult economic
 15 conditions. There were some that were obviously not
 16 legitimate. And the way I decided to bring people in,
 17 again, it's really everything I just told you. Are
 18 you looking for how I brought people into the Ponzi
 19 scheme?

20 Q. No, right now I'm just asking about the firm
 21 because, as I said, it's a very unique way in which to
 22 practice and a very unique workplace environment with
 23 politics and restaurants and parties at your home and
 24 things of that nature. I'm asking, personality wise,
 25 other than the book of business, how did you decide on

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1 people that would be a good fit?
 2 A. I looked for people that were outgoing, that
 3 had the type of personality. On the legitimate side
 4 of the business, people that had charisma that were --
 5 that could go out and hustle and try to develop a book
 6 of business if they didn't have it. And as one of the
 7 50 percent of the shareholders of the firm I was
 8 trying to hire people I wanted to work with.

9 Q. Okay. When you would see people from whom
 10 you would offer jobs, for example, as you mentioned
 11 earlier with Brad and his practice, if somebody stated
 12 that people told you that he was a good lawyer, did
 13 you need to see him in action, so to speak, prior to
 14 your deciding to hire them or would you just take
 15 people at their word for it?

16 A. Some of people I saw in action; he wasn't
 17 one of them. Steve Osber is an excellent example of
 18 that. I hired Steve after he was beating the living
 19 daylights out of me on the other side of a case. And
 20 I certainly would ask around about the people. But
 21 the people that I trusted -- see, I can't remember. I
 22 think Gary Farmer was working for me before Brad, and
 23 if I'm not mistaken he would have been one of the
 24 people that I went to with regard to Brad because we
 25 were really developing that whole tort group around

1 that time with Farmer and Fistos and Jaffe and
 2 Mr. Edwards.

3 Q. Do you know where Mr. Edwards was working
 4 when you first learned of him?

5 A. I don't recall whether he was working for
 6 someone or had his own practice, I don't recall.

7 Q. When did you first learn about Brad?

8 A. I don't remember the time frame.

9 Q. Do you recall when you first met with him
 10 regarding a job?

11 A. No. The easiest way to figure that out is
 12 to go look at his personnel file, it will have the
 13 notes saying when he met with me the first time.

14 Q. You don't have any recollection of your
 15 first meeting with him?

16 A. No. As you know, I was hiring people left
 17 and right and I was also unfortunately very busy doing
 18 things I shouldn't have been doing, so I don't have a
 19 specific recollection of when I hired him. I barely
 20 have a specific recollection of when I hired me.

21 Q. But you did, in fact, meet with him?

22 A. I'm certain I met with him before I hired
 23 him. I can't imagine -- although I did hire people
 24 without meeting them. I did hire people based on
 25 other people's word, if they were people within the

1 firm that I trusted. Because I always said, I had a
 2 very simple, you lie or die by what you are telling
 3 me. If you are telling me this guy is good and he's
 4 not good, that's on you, it's going to hurt your
 5 income. So I used to tell my partner, people that
 6 were recommending people to me, don't sell me a bill
 7 of goods just to get somebody in here because if you
 8 do that it's going to come back on you, it's going to
 9 affect your income and your ability to grow in the
 10 firm. So with that admonishment, I might have very
 11 well hired someone sight unseen based upon what
 12 someone else told me.

13 Q. But you did meet with Brad you say before he
 14 came in to work?

15 A. Now that I'm saying it out loud, I think I
 16 did but really I'm guessing. I don't have a specific
 17 recollection of meeting him.

18 Q. Do you recall if you knew that he had worked
 19 as an assistant state attorney for a few years prior
 20 to doing tort litigation?

21 A. I don't recall that one way or the other.

22 Q. So you wouldn't have asked Howard Scheinberg
 23 or anybody about him before he came to work there?

24 A. I can't say that I wouldn't have asked
 25 because, like I said, I might have asked. But

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1 unfortunately, you are taking a little tiny spot out
 2 of a very, very busy time period in my life and in the
 3 life of the firm, so I can't tell you one way or the
 4 other.

5 Q. I know you had a lot going on, I'm just
 6 trying to see if you remember anything specific about
 7 this.

8 Do you recall what salary you had offered
 9 Brad to come join the firm?

10 A. I do not. You have to just try to
 11 differentiate that what I knew then is a lot different
 12 than what I know now so ...

13 Q. Meaning?

14 A. Obviously meaning that at the point in time
 15 that I was hiring him or maybe a year after, I would
 16 be able to tell you what I was paying him, but now
 17 it's insignificant. I don't remember how much I was
 18 paying him.

19 Q. Did you learn about his book of business or
 20 know what kind of cases he was bringing in prior to
 21 hiring him?

22 A. I do know that he -- I discussed either with
 23 Russ, well, I know with Russ, and perhaps some other
 24 people, I knew about the Epstein case.

25 Q. What did you know about it?

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1 A. I knew that it was a significant case of
 2 potentially significant value against an extremely
 3 collectible pedophile, for lack of a better word.

4 Q. So was that case your primary motive in
 5 bringing Brad into the firm?

6 A. I doubt it. I mean, I can't tell you one
 7 way or the other, but I doubt that I would bring him
 8 in just for one case because what if the case fails,
 9 then I'm stuck with a lawyer who can't do anything,
 10 you know.

11 I'm not saying, Brad, that you couldn't do
 12 anything, I'm just saying that if I only relied on one
 13 case, then if I bring a lawyer in for one case and one
 14 case only, what do I do with him when the case is
 15 over.

16 Q. How did you know that this case would be a
 17 collectible case then?

18 MR. SCAROLA: I'm going to object to the
 19 form of the question because it misstated the prior
 20 testimony. The prior testimony was not that it was a
 21 collectible case but that it was a case against a
 22 "extremely collectible pedophile."

23 BY MS. HADDAD:

24 Q. What made you think that this case had any
 25 financial value?

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1 A. Epstein was a billionaire.
 2 Q. Okay. Did you know anything about the
 3 legitimacy or illegitimacy of the claims prior to
 4 knowing he was a billionaire?

5 A. I knew what I was told. I didn't check it
 6 out myself, but I trusted the people that told me.

7 Q. And who told you?

8 A. The only person I remember discussing it
 9 with, as I sit here today, is Russ Adler. But if
 10 Farmer and Jaffe and those guys were with me at the
 11 time, I likely would have discussed it with them as
 12 well.

13 Q. So were you aware of this case before you
 14 made an offer to Brad to join the firm?

15 A. Yes.

16 Q. You said you didn't -- I don't want to
 17 misquote you. You said you heard about it from other
 18 people, but you didn't do anything to know that
 19 personally. Was that before you made the offer of
 20 employment?

21 A. I made the offer of employment based upon
 22 what other people had told me about Brad.

23 Q. About Brad and his book of business or just
 24 Brad and his legal skills?

25 A. Okay. When I say Brad, I mean Brad and his

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1 correct?

2 A. To the best of my recollection, no.

3 Q. So you stated that you learned this case
4 was -- I don't want to misquote you and listen to a
5 long speaking objection, but what did you call this
6 case?

7 MR. SCAROLA: Who wants the quote?

8 THE WITNESS: It was a substantial case
9 with a -- what I perceived to be a highly collectible
10 pedophile as a defendant.

11 BY MS. HADDAD:

12 Q. Right. How did you know at the time when
13 you said these investors wanted to investigate and you
14 said you were going to create a fake settlement, how
15 did you know that this case was the case that you
16 could use?

17 A. From talking to all the people that I just
18 said, Adler, Fistas, Jaffe, Farmer, Mr. Edwards, to
19 the extent that I spoke to him about it.

20 Q. Did you speak with Mr. Edwards about the
21 case?

22 A. I don't have a specific recollection one way
23 or the other. I remember speaking to him at least
24 briefly the day or the day of or the day before the
25 "actual" investor's due diligence was going on as to

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1 what was going on. And I may have spoke to him, I
2 know I spoke to Russ, but I may have spoke to him as
3 well within a couple of days just prior to this due
4 diligence because I was trying to at least get some
5 information in my head that I could use when I was
6 creating this story for the investors.

7 Q. Scott, what's Q-task?

8 A. Q-task is a web based software system that I
9 had invested \$7 million in.

10 Q. And what was the purpose of this internet
11 system?

12 A. To be able to communicate in a secure
13 fashion and in a unique group fashion about specific
14 files.

15 Q. So forgive me, we all know I'm not good with
16 the computer. That was something that would be useful
17 within a law firm, why?

18 A. Because it allowed you to create groups and
19 have both general and private chats, organize data in
20 a very unique fashion. That was, at least to our way
21 of thinking, would have been very, very helpful in the
22 law firm setting with multiple practice groups.

23 Q. Did you belong to any groups on Q-task?

24 A. I'm certain that I did. I don't remember
25 which groups I belonged to. I never got into the full

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27
1 use of it. I tried to, but again, I was very busy
2 doing other things. But I know that Mr. Adler's group
3 used it extensively.

4 Q. Because it was your firm and, as you said,
5 you invested \$7 million in it, did you have the
6 ability to access a group if you wanted to?

7 A. Yes. And if I couldn't, I could get Russ to
8 give me access.

9 Q. So you didn't necessarily have to be invited
10 into the Q-task group for you to be able to utilize or
11 view the communications within it?

12 A. No, that's not true. I actually had to be
13 invited, that's what I was telling Russ to do, is to
14 have me invited.

15 Q. But I'm saying, the lawyers wouldn't have to
16 personally invite you, you can get someone within your
17 firm to give you access maybe without the lawyers
18 knowing?

19 A. No, I think it might have had a, quote,
20 unquote, confidential, super secret viewing
21 capability, but I don't recall it having that, and I'd
22 have no need to utilize that. Just invite me into the
23 group and let me see what's going on.

24 Q. Okay. I know that you are or were a very
25 hands-on person within certain of the practice groups

1 and with that, with the Q-task and the e-mails, did
2 someone assist you with reviewing everything and
3 letting you know what was going on within the groups?

4 MR. SCAROLA: Excuse me, I'm going to
5 object to counsel's testimony. Object to the form of
6 the question as leading.

7 THE WITNESS: I really don't even
8 understand the question.

9 Can you try to rephrase it for me, Tonja?

10 BY MS. HADDAD:

11 Q. Of course, I would.

12 Did you keep abreast of everything that was
13 going on in every practice group or was someone
14 through Q-task and e-mails, for example, or was
15 someone giving you information keeping you posted on
16 what was going on within the practice?

17 A. Well, as part of the tort group I had a
18 pretty good idea of what was going on there all the
19 time just because of the significant amount of
20 interaction, both legitimate and otherwise, that I had
21 with Russ Adler, so I was probably more up-to-date on
22 that group than any group other than the labor and
23 employment group, again, because I had such
24 significant interaction with Stu Rosenfeldt, both
25 legitimately and illegitimately, so I knew what was

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1 going on in that group.

2 I tried, as best as I could, given my time
 3 constraints, to stay on top of what was going on, you
 4 know, throughout the firm. But I relied on other
 5 people like Debra Villegas and Irene Stay and David
 6 Boden, Les Stracker to the lesser extent, to monitor
 7 what was going on in the different practice groups and
 8 keep me up to speed.

9 Q. Was there audio and video surveillance
 10 throughout the entire firm or only within your office?

11 A. No, through the entire office, not in the
 12 individual offices.

13 Hang on. Not in the individual offices but
 14 throughout the general office space.

15 Q. So in 2009 how many floors did you have?

16 A. Three, I think.

17 Q. And do you recall approximately how many
 18 attorneys you had working there at that time?

19 A. Approximately 70.

20 Q. And when you say "not the individual offices
 21 but the other areas," do you mean -- would that
 22 include conference rooms?

23 A. I didn't have surveillance in the conference
 24 rooms.

25 Q. So can you please tell me exactly where you

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1 had audio and/or video surveillance? We'll start with
 2 audio.

3 A. I don't have a specific recollection of
 4 every place I had video and audio, but it was in -- I
 5 had it set up so that in all of the common areas,
 6 including our shareholder's lounge, we had -- I had
 7 audio and video capabilities.

8 Q. When you say "capabilities," does that mean
 9 you didn't always turn it on or you just turned it on
 10 when you felt like it?

11 A. I turned it on when I felt like it, when I
 12 felt like seeing what was going on. I sometimes left
 13 the screen up because I had four computer screens on
 14 my desk, I sometimes left the screen on with the video
 15 of the reception area and some other general areas.
 16 But unless I wanted to see what was going on or listen
 17 to what was going on, I didn't turn it on. It would
 18 have been too distracting.

19 Q. Did the attorneys know that this
 20 surveillance existed?

21 A. You can see it in the -- it wasn't hidden,
 22 you can see it. There were globes up in the ceiling
 23 all over the office.

24 Q. Did you have -- you said -- you didn't --
 25 answer this, you said you didn't recall. Did you have

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1 any surveillance in the conference rooms?

2 A. No.

3 Q. Other than the common areas you just went
 4 over, in the hallways and the reception -- did you
 5 have it in the hallways, is that a common -- do you
 6 deem that a common area?

7 A. All the hallways pretty much with the
 8 exception of a few blind spots, I can see all the
 9 hallways.

10 Q. And this was on all three floors?

11 A. Yeah. For some reason I think we might
 12 have taken some space on a fourth floor, but I could
 13 be mistaken. But yes, on the three floors that we
 14 actively had a significant amount of space on, I tried
 15 to have surveillance on all the common areas of all
 16 that space.

17 Q. And what floor was Mr. Edwards' office on?

18 A. I don't recall.

19 Q. Did you have the tort group all together or
 20 was it divided up?

21 A. Except for Adler, Adler was on with -- near
 22 me, down the hall from me. The rest of the group was
 23 all together. I think they were on -- let's see.
 24 There were people up on 22. I was on 16. He must
 25 have been on the other floor that we were building

1 out, because I remember building out space and I
 2 remember Jaffe and all those guys moving into that
 3 space.

4 Q. If you were building up that space, do you
 5 recall when you put the surveillance in there?

6 A. It would have been while they were building
 7 it out or shortly thereafter.

8 Q. During 2009 it seems that you hired lots of
 9 former law enforcement people to work at the firm.

10 Why were they people you wanted to hire?

11 A. Severalfold. I had a significant amount of
 12 illegal activity going on with various law enforcement
 13 agencies throughout South Florida and hiring people
 14 from former law enforcement assisted me in engendering
 15 support and camaraderie with the law enforcement that
 16 I was actually utilizing in illegal activities.

17 Q. So you are saying --

18 A. Secondarily, I wanted to have a very strong
 19 investigative team, ultimately, to do both legitimate
 20 and illegitimate things for the law firm, and hiring
 21 former law enforcement was the best way to do that. I
 22 was hoping to actually ultimately create a group. Ken
 23 Jenne and I had talked about that extensively.

24 Q. Why did you hire Ken Jenne?

25 A. Prior to Ken going to prison, he and I were

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1 very friendly and he was extremely friendly with
 2 someone that was very close to me, Grant Smith.
 3 During the time that he was down in FDC Miami, I went
 4 down to visit him. And after speaking to him and
 5 after speaking to Grant, I told him, because he was
 6 talking to me about how many people had turned on him
 7 and abandoned him. And I told him that when he got
 8 out of jail that he had no worries, that I would give
 9 him a job.

10 Q. And what --

11 A. And that was the primary reason -- that was
 12 my primary reason for hiring him.

13 Q. What was it you were hiring him to do
 14 exactly?

15 A. Ultimate the goal was to head up on
 16 investigative arm within RRA, within the RRA entities.

17 Q. Well, while he was there, since that didn't
 18 happen, what was his obligation to the firm
 19 day-to-day?

20 A. He handled firm security issues and he did
 21 handle overseeing certain investigative things. We
 22 had an alcohol and beverage group that was forming and
 23 he was overseeing that. He was helping me find new
 24 people to staff it, that kind of thing.

25 Q. Did you have a lot of interaction --

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1 A. He had had significant -- as you know, he
 2 also had significant political connections and
 3 everyone who is not living under a rock knows I was
 4 doing everything I could to garner significant
 5 political power.

6 Q. I think many people miss your parties.

7 But, with respect to Mr. Jenne and his
 8 political connections, were you hiring him to utilize
 9 him with respect to any of the police department
 10 investigations? You had stated earlier you had
 11 dealings with police departments. I don't want --
 12 again, I don't want to put words in your mouth. You
 13 said you had dealings going on with various police
 14 agencies?

15 A. I had -- I mean, we had a criminal defense
 16 section in the law firm, so we had legitimate dealings
 17 with law enforcement. But I also had significant
 18 illegitimate things with law enforcement that had
 19 nothing to do with Ken Jenne.

20 Q. And how about with respect to former FBI
 21 agents you were hiring?

22 A. They were all people that were operating in
 23 a legitimate fashion within the law firm.

24 Q. In what role was that?

25 A. The investigative roles and the alcohol

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1 beverage roles and anything else Ken or other staff
 2 could think of to have them do.

3 Q. Let's talk about the investigative roles for
 4 a minute.

5 What kind of investigations were these teams
 6 running?

7 A. I do not know. You have to speak to lawyers
 8 that were actually utilizing them. I put it out there
 9 and Ken put it out there, that they were available to
 10 lawyers in the firm for use like in-house
 11 investigators. And what people did with them
 12 ultimately was up to them.

13 Q. Were they on salary or were their costs and
 14 fees associated with utilizing them within a specific
 15 practice group?

16 A. They were all on salary with me. The
 17 ultimate goal was to have it as a separate entity that
 18 could bill the law firm and have the clients at least
 19 defray some of the cost. I don't recall whether or
 20 not we ever got to that level or not.

21 Q. With all that in-house police action, why
 22 did you have police security surrounding you all the
 23 time?

24 A. I guess the best answer was I was paranoid,
 25 but I mean -- that's the simple answer to it. You

1 know, having -- there were mixed reasons. For
 2 example, I -- are you talking about my Fort Lauderdale
 3 police detail?

4 Q. Yes. You had it at the office and at your
 5 home, correct?

6 A. Yeah. There's a myriad of facts that
 7 motivated me to do that. One was that I really wanted
 8 the security for the office. Two was, I was paranoid
 9 and this is in no particular order. Three was the
 10 Melissa Lewis murder that shook the entire law firm
 11 and shook me terribly. I didn't want that to ever
 12 have to happen again. And four was, I wanted -- the
 13 more law enforcement you have around, the
 14 more legitimacy it adds to you and your appearance to
 15 the community. So there were a multitude of reasons.

16 I mean, I hired certain law enforcement to
 17 work for me that were just friends of mine that
 18 were -- that needed additional money, so I wanted to
 19 make sure that they had money, both guys that did the
 20 illegal stuff for me and guys that didn't do anything
 21 illegal for me.

22 Q. Let's go back to the Epstein case and when
 23 you decided to utilize it -- to use for the investors
 24 for your Ponzi scheme.

25 Do you recall approximately when it was that

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1 these investors were coming that you decided to use
2 the files?

3 A. My best recollection it was in 2009,
4 sometimes after April of 2009, but I don't have a
5 specific recollection beyond that.

6 Q. What makes you think it was after April of
7 2009?

8 A. Because, to the best of my recollection, the
9 Clockwork Group came in towards the middle of 2009.
10 When I say Clockwork, that's an umbrella term that I
11 use to mean the Von Allmen, AJ Discala, and other
12 investors that came in through that feeder fund.

13 Q. So that was around April 2009?

14 A. No, it was after, to the best of my
15 recollection. I mean, you can tell because all you
16 have to do is look and see when the first, very first
17 Clockwork investment is. Actually, you can pinpoint
18 it even closer. Look for the very first settlement
19 deal that we did that was related to the Epstein case,
20 within 60 days prior to that would have been when I
21 was meeting with those due diligence people, 30 to
22 60 days before that.

23 Q. So when you decided to use that case, take
24 me through exactly what you did to familiarize
25 yourself with that case.

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1 A. I talked to Russ Adler. I may have talked
2 to some of the other lawyers. I flipped through
3 certain boxes in the file.

4 Q. How did you get the boxes?

5 A. I asked someone to bring them to me.

6 Q. Do you know where those files were stored?

7 A. I do not.

8 Q. So you flipped -- sorry, please continue.

9 Flipped through some files?

10 A. I flipped through some files. I had the
11 files in my office. The day that the investor group
12 came in, I actually had Ken Jenne and some others
13 actually bring me some more of the boxes actually into
14 my office while the investors were there. I already
15 had some of the boxes with me.

16 Q. You say "Ken Jenne and others," who were the
17 others to whom you are referencing?

18 A. I don't specifically recall who carried them
19 in. I was very focused on my investors at that time.

20 Q. Were any of the lawyers present with you
21 when you were meeting with these investors?

22 A. During the actual meeting with them, no. I
23 recall that some of the lawyers may have met some of
24 the investors, but I don't recall who.

25 Q. Do you recall approximately when that

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1 happened?
2 A. No, it's the same dates that I was giving
3 you before.

4 Q. Okay. So you had, to further your Ponzi
5 scheme, you had to familiarize yourself with this case
6 so that you could speak intelligently with the
7 investors; is that correct?

8 A. Well, sort of because most of what I told
9 the investors was all things that I was creating as I
10 went.

11 Q. About this particular case, the Epstein
12 case?

13 A. Yes, from an investor -- you have to
14 understand how the inner working of the Ponzi scheme
15 were crafted but --

16 Q. Please tell me then.

17 A. I'm telling you -- hang on. From an
18 investor's standpoint, the investor is simply looking
19 for is the case believable. And once they get past
20 that, is it of such case -- excuse me, is it of such a
21 nature that it is possible to be generating a
22 significant amount of settlement dollars. And then
23 after that, their concern is simply on the due
24 diligence side of making sure we actually have the
25 money, that the documents pass -- the documents

1 unrelated to this case, documents related to the
2 settlements. Other than proving the existence of the
3 case, there's very little an investor, at least from
4 my end, investigates into the actual case. It was
5 more after having the case exist and not caring about
6 really what was going on in the case other than a lot
7 of money was going to be collected.

8 Q. Well, with respect to showing them that the
9 case existed and that there was a likelihood of a
10 possibility of a payday at the end, how did you
11 convince them of that? What did you use to convince
12 them of that?

13 A. I did two main things. One, I put the boxes
14 in my office while they were there. I told them to
15 specifically look at a couple of sheets of a flight
16 manifest that was in the file that Russ had shown me.
17 And I told them that it would be a breach of
18 attorney/client privilege for them to look at the
19 file, but that I was going to step out for a while and
20 leave them there with the boxes, wink, wink, and
21 that's what I did. I stepped out, I let them look at
22 whatever they wanted to look at. I came back in, they
23 were satisfied that it was a real case and I was off
24 and running.

25 Q. And these were the real legitimate files for

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1 this case; is that correct?

2 A. These were the legitimate files, yes.

3 Q. Nothing had been created at this time for
4 them to look through?

5 A. I didn't add anything to the case files.
6 The case files were significant enough by themselves.

7 Q. Do you know how long they were in your
8 office: days, weeks?

9 A. The people or the boxes?

10 Q. The boxes.

11 A. The boxes were in there probably a little
12 more than a week. I don't have a specific
13 recollection.

14 Q. Okay. Did you ever go through them?

15 A. Yes, I flipped through them at some point in
16 time.

17 Q. And what do you recall about what you saw in
18 the cases? Do you remember anything?

19 A. I remember seeing the flight manifest. I
20 don't recall seeing anything else. I'm sure I looked
21 at other things, but again, for my purposes it was
22 insignificant to me because the actual content of the
23 boxes was not necessary in the sale of the fake
24 settlements.

25 Q. Why was the flight manifest so interesting?

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1 to you?

2 A. Because of who was on it.

3 Q. Who was on it?

4 A. I don't recall, but I do recall saying to
5 the investors -- I recall having a conversation prior
6 to the investors coming in with Russ Adler and Russ
7 had told me that Epstein had flown Bill Clinton on his
8 plane, had flown Prince Andrew on his plane. And I
9 don't remember whether that was on any of the flight
10 manifests or not, but I left that to the investors'
11 imagination as to what they were being told about
12 Mr. Epstein and these other famous people that were
13 cavorting with Mr. Epstein and let them look at the
14 file.

15 You have to understand from an investor's
16 perspective -- hang on. From an investor's
17 perspective the only thing that matters to the
18 investor is that it's a real case and that they can
19 verify that real dollars are being paid. The fact
20 that it was a real case was evident, I had a lot of
21 boxes with real pleadings in it and a lot of other
22 information in it. The fact that there was real money
23 being paid was a fiction that was created by me and my
24 co-conspirators, everyone from bankers, to computer
25 people. So the actual role of the case, and I want to

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1 make sure you understand this, the actual role of the
2 actual physical case in the Ponzi scheme is, from my
3 perspective, minimal. It was just another vehicle for
4 me.

5 Q. After that initial meeting with the
6 investors where they looked at the file, what happened
7 with respect to their desire or lack of desire to
8 invest?

9 MR. SCAROLA: Excuse me. I'm going to
10 object to the form of the question, it assumes facts
11 not in evidence. There's been no testimony that the
12 investors actually looked at the files, only that
13 they were given the opportunity to look at the files.

14 BY MS. HADDAD:

15 Q. Was your video surveillance on when you left
16 the investors alone in your office?

17 A. No, no, I didn't have cameras in my office.
18 I didn't let people look in my office when I was in
19 there, that would have been bad.

20 Q. So you left them alone in there?

21 A. Yes.

22 Q. Do you recall for approximately how long?

23 A. No more than 20, 30 minutes. It was a short
24 period of time.

25 Q. When you went back in what happened?

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A. I went back to selling the Ponzi deal.

2 Q. And did you sell it?

3 A. I believe I did. You'd have to look at the
4 actual settlement documents to see if I put one
5 together for that, but I'm pretty sure we did.

6 Q. Do you recall if the investors asked you for
7 any additional information or any additional
8 documentation?

9 A. I don't recall one way or the other.

10 Q. After this initial meeting with the
11 investors, did you give any direction regarding this
12 particular case?

13 A. To whom?

14 Q. To any of the attorneys working on the
15 Epstein case.

16 A. No. I didn't interfere in how they were
17 running their cases. They were far more experienced
18 than I was in that type -- in handling that type of
19 case. As a matter of fact, I was practicing very
20 little real law at this point in time. I wouldn't
21 have had time to tell them or to get involved.

22 Q. Did you ever keep up with this case after
23 this initial meeting with the investors?

24 A. I'm certain that I talked to Russ Adler
25 about it from time to time, but my main focus by this

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1 point in time in 2009 was the Ponzi scheme.

2 Q. Did you try to sell this particular
3 settlement to any other investors?

4 A. I don't recall one way or the other.

5 Q. Okay. Did you ever have any conversations
6 with any of your investors about this Epstein case?

7 A. I don't recall one way or the other.

8 Q. I notice there's been a privilege log
9 produced with respect to e-mails. There seems to be
10 quite a bit of communication between you and Ken Jenne
11 with the topic being the Epstein case. Do you have
12 any recollection what that would be about?

13 A. I don't. As I sit here today, I don't have
14 a specific recollection of having significant e-mail
15 contact with Ken Jenne about the case. But if you are
16 telling me I did, I'll accept that, but I don't recall
17 what it was.

18 Q. Earlier you had stated that when you were
19 hiring good attorneys such as Mr. Edwards, looking at
20 their book of business was -- I don't want to put
21 words in your mouth -- it was the legitimacy of the
22 practice, it would bring in legitimate money to the
23 practice, is that what you were hoping to do?

24 A: Earlier when I testified I specifically
25 testified that I personally did not look at most of

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1 their book of business. This being said, I was
2 bringing in legitimate lawyers to form legitimate
3 practice groups to practice legitimate law, having
4 nothing to do with the Ponzi scheme.

5 Q. During the year 2009, were there any, to
6 your knowledge, any big settlements of any cases at
7 RRA?

8 A. To the best of my recollection, no. We had
9 a dismal year.

10 Q. The year 2009 was just dismal across the
11 board?

12 A. Some people did better than others, but yes,
13 overall it was for a firm of 70 lawyers, it was
14 dismal.

15 Q. So there were no big wins coming into the
16 firm as far as a financial windfall other than from
17 your other businesses?

18 A. The only significant capital coming into the
19 firm was money my co-conspirators and I were stealing.

20 Q. Was there any particular practice group that
21 you can remember that had a particularly non-dismal
22 year in 2009?

23 A. Mr. Nurik had a good year.

24 Q. Do you recall what the gross revenue was
25 from legitimate sources in 2009?

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1 A. It was somewhere between eight and
2 \$10 million, probably right around the nine million
3 mark.

4 Q. Do you know what your --

5 A. On its best day.

6 Q. What was your overhead for salaries in 2009,
7 do you recall?

8 A. I don't have a clue.

9 Q. Was it more than you brought in
10 legitimately?

11 A. With what I was paying in salaries, I'm -- I
12 mean, I'd be guessing. If it wasn't more than, it was
13 certainly close to it.

14 Q. That's just salary, that's not talking about
15 anything else, rent, overhead, things of that nature?

16 A. That's correct.

17 Q. Who was paying for the investigations of the
18 cases that were going on in 2009, the deposition
19 costs, the filing of complaints, and things of that
20 nature? Where did that money come from from your
21 firm?

22 A. It varied from case to case.

23 Q. For the tort group?

24 A. It was fronted by the law firm for the most
25 part.

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1 Q. For the most part.
2 What wasn't fronted by the law firm?
3 A. I recall there being a couple of agreements
4 that various tort lawyers had with certain clients
5 where they were going to assist in helping to pay the
6 costs. All the other costs would have been paid by
7 the law firm, both through legitimate and illegitimate
8 means.

9 Q. So when you say by "illegitimate means,"
10 where would the illegitimate means money come from?

11 A. It came from the Ponzi scheme, and all the
12 tentacles of the Ponzi scheme, other illegal activity.

13 Q. Such as?

14 A. Things I was doing with law enforcement,
15 things I was doing in politics, things that I was
16 doing with organized crime, things I was doing with
17 politicians, judges, other lawyers, bankers, business
18 people, things of that nature, I'm sure there's more.

19 Q. Do you recall if any of these Epstein cases
20 underwent significant investigation while the cases
21 were at your firm?

22 A. I'd be guessing. I don't remember.

23 Q. There was a meeting in 2009, July of 2009,
24 and it appears from the e-mail communications that it
25 was for everyone in the firm to attend and it was

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1 regarding the Epstein case. In fact, there was an
2 Epstein conference room that was reserved for it.
3 Were you present at that meeting?

4 A. I may have been.

5 Q. Do you recall?

6 A. I don't recall one way or the other.

7 Q. You don't recall it.

8 Do you recall anything about the Epstein
9 case in July of 2009?

10 A. I do not. Do you have something that might
11 refresh my recollection?

12 MS. HADDAD: Can we just take a five-minute
13 break right now?

14 THE WITNESS: Sure.

15 MR. GOLDBERGER: Thank you.

16 MS. HADDAD: Thanks.

17 [Short recess taken.]

18 BY MS. HADDAD:

19 Q. Scott, I was asking you before we took the
20 break about a meeting with respect to the Epstein
21 cases. There was a 159-page privilege log filed,
22 which I'm sure you don't have and are not aware of.
23 But in it there are many, many e-mails to both
24 attorneys at RRA, yourself, and Mr. Nurik regarding
25 the Epstein litigation. And all this resolved in July

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1 of 2009 about the Epstein meeting and some additional
2 investigation into the Epstein case.

3 Does that refresh your investigation as to
4 when you met with the investors in the
5 Discala/Clockwork Group?

6 A. It does not. The best thing to refresh my
7 recollection as to when I met with them would be to
8 see the deal documents.

9 Q. Okay. I unfortunately don't have those.

10 Do you recall if you took Discala and his
11 other investors to a football game in 2009?

12 A. Sure, I did.

13 Q. Okay. Would that be around the time you
14 were trying to get them to invest in the case?

15 A. It would have been around the time I was
16 trying to get them to invest in general. It's may
17 have been around the time that I was showing them the
18 Epstein file.

19 Q. Did you show them any files other than the
20 Epstein file?

21 A. I may have. I don't have a specific
22 recollection one way or the other.

23 Q. You testified earlier that you had over a
24 dozen boxes brought to your office that were related
25 to the Epstein case.

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1 MR. SCAROLA: Excuse me, Counsel. Counsel,
2 there has been no such testimony.

3 BY MS. HADDAD:

4 Q. You said there were several boxes brought to
5 your office by different people. You don't recall who
6 that is; is that correct?

7 A. Yes, I had some boxes already in my office
8 and I had Ken Jenne and some other people bring some
9 others. I don't remember how many boxes.

10 Q. Was it more than three?

11 A. Sure, it was more than three boxes, yes.

12 Q. Was it more than 10?

13 A. I don't believe so, no.

14 Q. You stated that you looked -- I don't want
15 to put words in your mouth. What did you look at
16 specifically in that case?

17 A. Other than looking at the flight manifest
18 that Russ Adler told me to look at, I have no specific
19 recollection as to what I looked at in that file.

20 Q. Do you know if there was more than one case
21 being prosecuted by your office against Mr. Epstein?

22 A. To the best of my recollection there were --
23 it was multiple plaintiffs.

24 Q. Okay. Do you recall if those cases were
25 pending in state or federal court?

1 A. I don't recall.

2 Q. Did you check?

3 A. I don't remember one way or the other. It
4 was insignificant to me.

5 Q. Well, then explain to me. You testified
6 earlier that what was important to the investors to
7 see is that there was a real case, correct?

8 A. Yes.

9 Q. What did you look at or show them -- what
10 did you look at, first of all, to see if it was, in
11 fact, a real case?

12 A. I knew it was a real case.

13 Q. How did you know?

14 A. Because my lawyers told me it was a real
15 case. I believed them.

16 Q. What lawyers told you that?

17 A. I already told you it was a mixture of Russ
18 and Jaffe and Fistros and Farmer and Mr. Edwards. I
19 mean, I knew it was a real case. We had all these
20 boxes, we had people really working on the file --

21 Q. How do you know --

22 A. -- or they were pulling a hell of a scam on
23 me. Not that I didn't deserve it but ...

24 Q. How did you know, you just said you knew
25 people were working really hard on this case. Who do

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1 you know was working on the case?

2 A. The only people that I knew for certain were
3 working on the case was Brad Edwards and Russ Adler
4 was doing his supervisory schtick, whatever that was.
5 But other than that, I don't know which other lawyers
6 were assisting Mr. Edwards. I didn't get involved at
7 that level.

8 As far as the Ponzi scheme goes, the only
9 thing I cared about, Tonja, was being able to show the
10 investors that this case that I was utilizing to steal
11 a significant amount of money from them was a real
12 case. That's all I cared about.

13 Q. That case came into your office through
14 Mr. Edwards, correct? He brought it with him when he
15 came to RRA?

16 A. Yes.

17 Q. He was lead counsel on the case, correct?

18 A. I assume he was lead counsel. I never
19 checked to see if he listed himself as lead counsel.

20 Q. Do you know if any additional complaints
21 were filed while the case was at RRA?

22 A. I have no idea one way or the other.

23 Q. Did you ever instruct, in furtherance of
24 your Ponzi scheme, Mr. Edwards or anyone in that
25 litigation group to file additional complaints?

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1 A. No.

2 Q. Who is Cara Holmes?

3 A. Who is who?

4 Q. Cara or Cara, C-a-r-a, Holmes?

5 A. To the best of my recollection, she was a
6 former FBI agent or maybe IRS agent. I don't know.
7 She was a former federal agent.

8 Q. Did you hire her to work for you?

9 A. It was either IRS or FBI.

10 Q. Did you hire her to work for you?

11 A. Yes, I hired her at the suggestion of Ken
12 Jenne.

13 Q. For what purpose?

14 A. To work in the group that he was overseeing.

15 Q. So what did she do for RRA while she was
16 there?

17 A. I don't remember.

18 Q. Did you ever mention her to your potential
19 investors from the Clockwork group?

20 A. It's a possibility because, as I was
21 building the Ponzi scheme, I frequently referred to
22 the fact that we had former state and federal law
23 enforcement working for us and on our investigative
teams. It added legitimacy to the Ponzi scheme.

24 Q. Didn't you tell investors that she could

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55
1 hack into a computer as part of her skills?

2 A. I certainly may have. I told the investors
3 a whole host of lies about what was going on about
4 with case and what people could do and did do.

5 Q. Did you ever personally utilize Cara Holmes'
6 skills in any of your cases?

7 A. I don't remember.

8 Q. Were you handling any cases during the 2009?

9 A. I was overseeing cases in 2009, but my
10 involvement was mostly supervisory. I was handling
11 very little that was legitimate at that point in time.

12 Q. Were you legitimately, when I say
13 "legitimately," were you invited into Q-task on any
14 particular cases that you can recall?

15 A. I'm certain I was. I don't recall one way
16 or the other.

17 Q. Do you recall if you were involved in
18 Mr. Epstein's case on Q-task?

19 A. I may very well have been, but I don't have
20 a specific recollection one way or the other.

21 Q. Do you know who invited you in?

22 A. I have no idea if I was invited in. And if
23 I was invited in, I have no idea who invited me.

24 Q. Once you decided to use this case in your
25 Ponzi scheme, did you go into Q-task to look at the

1 case or any communications.

2 A. I may have.

3 Q. Do you recall when that --

4 A. I may have.

5 Q. Do you recall when that may have happened?

6 A. I do not.

7 Q. Do you recall the first time you looked at
8 the flight manifest to which you referenced earlier?

9 A. Prior to the investors coming in. I don't
10 remember the date.

11 Q. Did you instruct anybody, to further your
12 Ponzi scheme, to investigate or check into anyone
13 whose name was listed on the flight manifest?

14 A. I may have, but with this clarification. If
15 I instructed someone to look into something, I did it
16 without that person knowing that I was involved in a
17 Ponzi scheme or that what they were doing was illegal
18 and it was just to get me additional information to
19 help with my sale of the fake settlements.

20 Q. So it was to further your --

21 A. So I may have asked someone -- I may have
22 asked someone to get me some additional information,
23 but as I sit here today, I don't recall ever asking
24 anyone to do anything on the file that was for the
25 purpose of furthering the Ponzi scheme, other than

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1 perhaps getting me a piece of information that I
2 needed.

3 Q. I'm going to try to refresh your
4 recollection as to whether or not you attended those
5 meeting in July of 2009. And it appears that in
6 between the dates of July 22nd, 2009 and July 24th,
7 2009, there was a number of communications through
8 e-mail by and between yourself, Mr. Adler, Brad
9 Edwards and Ken Jenne regarding an Epstein meeting
10 that was going to be taking place. Do you remember
11 that at all?

12 A. I think what you are referring to, and I'm
13 not certain, but I think that what you are referring
14 to is me making sure that the file was in the
15 condition in which I wanted it at the time the
16 investors were coming in. I don't think it had
17 anything to do with the actual functioning of the
18 Epstein case. I think it had to do with my
19 illegitimate purpose. That's the best of my
20 recollection, but if you have documents or something
21 that you can show me, that would be helpful.

22 Q. We are not privy to all of the e-mails
23 because they've been alleged as privileged or work
24 product, so I unfortunately can't show them to you.

25 But according to the privilege log between

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1 July 22nd and 23rd there were numerous e-mails sent
2 about the meeting. It was almost an all-hands-on-deck
3 type meeting where everybody needed to attend. It was
4 labelled the Epstein meeting with an Epstein
5 conference room reserved.

6 A. Yes.

7 Okay. What's your question and I will tell
8 you.

9 MR. SCAROLA: First I'm going to object to
10 counsel's testimony, but let's hear the question.

11 BY MS. HADDAD:

12 Q. The question is, does that refresh your
13 recollection as to whether or not this meeting took
14 place?

15 A. To the best of my recollection, I actually
16 had introduced some of the investors to some of the
17 people working on the Epstein case, and that is likely
18 the meeting that you are referring to. But for the
19 life of me, I don't have a specific recollection of
20 it.

21 Q. But it could be the meeting where you
22 introduced the Epstein litigation team to your Ponzi
23 investors?

24 MR. SCAROLA: Excuse me, I'm going to
25 object to the form of the question. It misstates the

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59 1 prior testimony. It has no predicate.

2 BY MS. HADDAD:

3 Q. That could have been the meeting in which
4 you introduced the Ponzi investors to people working
5 on the Epstein case?

6 MR. SCAROLA: Excuse me, counsel. The
7 testimony was that there may have been a meeting at
8 which investors may have been introduced to some
9 people working on the Epstein file. And your efforts
10 continuously to mischaracterize the prior testimony
11 are highly improper. I object.

12 BY MS. HADDAD:

13 Q. Scott, did you or did you not say that you
14 introduced some of the investors to some of the
15 lawyers on the Epstein case?

16 A. No, I actually said, Tonja, that I may have.
17 I have a recollection that I may have based upon you
18 just refreshing my recollection, but I just do not
19 remember one way or the other. This was, in the
20 scheme of what I was doing, insignificant. I was
21 simply trying to establish to the investors that this
22 was a real case, with real potential, with real
23 lawyers working on it. Other than that, it was of no
24 interest to me.

25 Q. How else would you convince them? You've

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1 mentioned letting them look through the litigation
2 boxes, you've mentioned the meeting. What other way
3 would you have convinced them that it was a real case?

4 A. I mentioned letting them look at boxes, what
5 they did when I was out of the office, that's -- I
6 don't know because I couldn't see what they were
7 doing. Number two, I may have introduced them to
8 people in the office. Number three, I'm certain that
9 when the people brought the boxes to my office I
10 introduced them to whoever was carrying the boxes.
11 And number four, the rest of it would have been all
12 stuff I created in my imagination because, again, it
13 was the sale of something that didn't exist. This was
14 not settling. There was no real settlement money.
15 There were no real settlement documents. I even
16 manufactured, I think, the actual plaintiff, because I
17 don't recall even knowing the plaintiff's real name or
18 if I did it was of no significance to me.

19 Q. How would you have manufactured a
20 plaintiff's name, would you have created additional
21 documents to further your Ponzi scheme using
22 Mr. Epstein as the defendant?

23 A. No.

24 Q. How would you --

25 A. The name just would have appeared on the

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1 confidential settlement agreement.

2 Q. Would they have already seen the documents
3 at that point?

4 A. I can't tell you one way or the other what
5 they had seen, because I don't know what they actually
6 looked at.

7 Q. Forgive me, you've now confused me so I'm
8 just going to ask you for some clarification.

9 You used a legitimate case and created fake
10 settlement documents, correct, in the simplest sense?

11 A. If this culminated in an actual sale of a
12 fake settlement, then the answer is yes.

13 Q. So it was a real case with a real plaintiff
14 and real defendant, just a fake settlement document?

15 A. No. Let me see if I can clarify this for
16 you. Over 90 percent of the settlements that I sold,
17 the fake settlements, were completely fictitious?

18 Q. Right.

19 A. A very small percentage of them were based,
20 at least in part, on some type of real litigation that
21 either had occurred or was currently occurring. I
22 utilized the Epstein case to bolster the visual for
23 the investors that a real case existed. Because as
24 these were being sold to more sophisticated investors,
25 the questions kept coming up, was there -- how do we

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1 know this is a real case? So I was finally able to
2 say this is how you know, here is a case file. I may
3 have, I don't remember specifically one way or the
4 other, but I may have utilized actual plaintiff names
5 from the cases filed, but I may have made them up. I
6 have no specific recollection one way or the other. I
7 was totally geared toward simply getting the investor
8 money into the Ponzi scheme.

9 Q. Were you aware that the day after this
10 meeting took place on July 24th, 2009, a new federal
11 complaint was filed against Epstein with one of the
12 same plaintiffs that was already pending in state
13 court?

14 A. I don't know that I was aware of that or
15 not. If they were filing it, someone may have told
16 me. I don't recall one way or the other.

17 Q. Did you ask anyone to file it to further
18 your Ponzi scheme?

19 A. No, I don't remember doing that.

20 Q. Do you recall any situation where you --

21 A. You do realize -- Tonja, hang on. I just
22 want to make sure this record is clear. Other than
23 Russ Adler, the people that were involved in the
24 Epstein case had absolutely nothing to do with the
25 Ponzi scheme.

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1 Q. Directly?

2 A. Or indirectly. They had nothing to do with
3 it.

4 Q. Yet the file was used for you to further
5 your Ponzi scheme. I'm not saying that they gave it
6 to you to use for the Ponzi scheme, I'm asking, you
7 used their case. I'm not -- the question is you used
8 the case?

9 A. I took advantage of some good, innocent
10 people for my own and my co-conspirator's illegal
11 purposes. Mr. Edwards is one of them, and for that I
12 am sorry, Brad.

13 Q. Did you ask anyone involved in the Epstein
14 case to file a federal complaint?

15 MR. SCAROLA: Objection, repetitious.

16 THE WITNESS: Without seeing a document,
17 Tonja, I can't tell you one way or the other. I
18 don't want to -- I do not want to guess. If you have
19 an e-mail where I'm saying to someone, file a federal
20 case, then obviously I did. But I have no specific
21 recollection of that.

22 BY MS. HADDAD:

23 Q. You do have a document with you, it's marked
24 for you, it's Bates stamped. It begins at EP 081 and
25 goes through through 264.

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1 A. Hold on one second.

2 Q. Okay. What number am I looking at?

3 A. It's a very large document. It's begins
4 with Bates Stamp Number 081 and ends with 264.

5 A. It's in the computer, hold on a second.
6 I have that in front of me.

7 Q. Do you see the date on that complaint
8 stamped?

9 A. I do.

10 Q. And there's -- give me one second, Scott,
11 sorry.

12 What was the date that complaint was filed?

13 A. What's the last page of the complaint,
14 what's the Bates number?

15 Q. The last page is 234. I'm sorry, 263 would
16 be the last page of the complaint.

17 [The Complaint referred to was marked for
18 identification as Defendant's Exhibit 1.]

19 MR. SCAROLA: You may want to call his
20 attention to the filing stamp on the first page.

21 MS. HADDAD: I did. I guess he didn't hear
22 me.

23 THE WITNESS: I'm sorry.

24 MS. HADDAD: It's stamped on the first
25 page.

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1 THE WITNESS: Hang on, the complaint is
 2 dated July 24th, 2009. It was entered onto the
 3 docket on July 27th, 2009.

4 MR. SCAROLA: Do you have another question?
 5 MS. HADDAD: I thought he was still looking.

6 Scott, are you done looking?

7 THE WITNESS: Yes, one second.

8 MS. HADDAD: That's what I thought.

9 THE WITNESS: No, hang on one second. It
 10 shows the stamp on the first page says July 24th,
 11 2009. The filing say electronically filed July 24th,
 12 2009. There's an entry onto the docket on July 27,
 13 2009, and the complaint is signed July 24th, 2009.
 14 That's all the dates I have.

15 BY MS. HADDAD:

16 Q. Okay. And back on Bates Stamp Page Number
 17 263, who's the attorney that filed this complaint?

18 A. I don't know if that's his signature, but
 19 the name is Brad Edwards.

20 Q. Okay. And does that e-mail --

21 A. With the squiggle on top of it.

22 Q. And does that e-mail address look like the
 23 correct e-mail address for RRA?

24 A. It is.

25 Q. So that is, in fact, a legitimate e-mail

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1 address from your firm; is that correct?

2 A. Yes.

3 Q. And were you filing any cases back in 2009
 4 in federal court? Do you remember how PACER works?

5 MR. SCAROLA: Which question would like
 6 answered?

7 THE WITNESS: I don't remember.

8 MR. SCAROLA: Objection, compound.

9 BY MS. HADDAD:

10 Q. Do you remember how PACER worked when you
 11 were filing a case, Scott?

12 A. I actually never actually did the actual
 13 electronic filing procedure. I had people that did
 14 that. I knew that we could file electronically.

15 Q. Do you know the purpose of your using your
 16 e-mail address when you were filing electronically in
 17 federal court?

18 A. I guess so you can get a receipt, but I have
 19 no idea.

20 Q. Did you ever receive an e-mail from federal
 21 court in your e-mail address that showed that a
 22 document had been filed with the stamps that you see
 23 on the top of that one?

24 MR. SCAROLA: Counsel, are you
 25 attempting

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1 THE WITNESS: I don't know one way or the
 2 other.

3 MR. SCAROLA: Are you attempting to
 4 establish that that complaint was filed in federal
 5 court by Brad Edwards?

6 MS. HADDAD: I'm asking him if he recalls
 7 the way it's drafted and why.

8 MR. SCAROLA: Just ask your question.

9 MS. HADDAD: I'm asking a question. If you
 10 have any objection, please lay it on the record.

11 MR. SCAROLA: No, what I want to do is try
 12 to save some time. If what you are trying to
 13 establish is that Brad filed the complaint in federal
 14 court on July 24th and used the PACER system, you
 15 don't need to ask any more questions about that, it
 16 happened.

17 MR. GOLDBERGER: We appreciate that, but
 18 when we depose you we'll ask you that question. But
 19 we are deposing Rothstein right now so let her ask
 20 her questions. Don't do this speaking stuff, let her
 21 ask the questions, okay?

22 MR. SCAROLA: Maybe.

23 MR. GOLDBERGER: Okay. Go ahead, Tonja.

24 BY MS. HADDAD:

25 Q. Scott, did you ever get e-mails like that

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1 from federal court?
 2 A. I'm certain I did; Tonja. I don't have a
 3 specific recollection of getting the one pertaining to
 4 this. I don't even know if they sent it to me. I
 5 would imagine they'd send it back to Mr. Edwards.

6 Q. The filing attorney?

7 A. I suspect, unless the PACER system is
 8 registered on my name, then maybe it comes to me, but
 9 I am completely guessing.

10 Q. But based upon the e-mail communications of
 11 July 22nd and the meeting occurring on July 23rd, this
 12 complaint was filed the day of this meeting; is that
 13 correct?

14 A. Okay. But here is the problem with your
 15 question, I don't remember whether or not there
 16 actually was a meeting. I said there may have been,
 17 and I don't have an independent recollection of this
 18 being filed. I do not have an independent
 19 recollection of whether I told someone to file this.
 20 And for the life of me, this I am certain of, if I
 21 told Mr. Edwards to file a complaint in federal court,
 22 if there wasn't a legitimate reason for him to do it,
 23 he wouldn't have done it.

24 Q. Do you recall if this federal case was filed
 25 when you decided to use the case for your Ponzi scheme

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1 and show it to your investors?

2 A. It may have been filed around that time,
 3 because I haven't been able to establish the exact
 4 time. It also certainly may have been utilized by me
 5 to further the Ponzi scheme. Also, I don't have an
 6 independent recollection of that either. Without
 7 seeing e-mail traffic, I can't tell you one way or the
 8 other exactly what was going on at that time.

9 Q. Well, then I'll point you to another e-mail
 10 which is marked as EP 001.

11 MR. EDWARDS: Let me see it.

12 MS. HADDAD: I sent a copy to your office.

13 MR. SCAROLA: He would like to see a copy
 14 now. Thank you.

15 [The E-mail referred to was marked for
 16 identification as Defendant's Exhibit 2.]

17 BY MS. HADDAD:

18 Q. Were you able to find it, Scott?

19 A. Got it. Yes, I have it.

20 Q. You have it, okay.

21 You said Cara Holmes used to be an FBI
 22 agent, correct?

23 MR. SCAROLA: No. What he said is --

24 THE WITNESS: FBI or IRS.

25

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1 BY MS. HADDAD:

2 Q. Or IRS. We'll use the blanket term federal
 3 agent. Is that a fair assessment?

4 A. Yes.

5 Q. Thank you.

6 Do you recall when you hired her to work for
 7 you?

8 A. I do not.

9 Q. Was it in 2009?

10 A. I don't have a recollection one way or the
 11 other.

12 Q. Okay. Have you ever seen this e-mail
 13 before?

14 A. I saw it when I was reviewing your exhibits.

15 Before that I have no independent recollection of
 16 having seen it. I'm not copied on it so ...

17 Q. Did you ever have any communications with
 18 Ms. Holmes about people that were close to

19 Mr. Epstein?

20 A. I do not remember.

21 Q. You stated earlier that you knew that

22 Mr. Epstein was a wealthy man. Is that a fair
 23 statement? You called him "collectible," was that

24 because he had money? [The WITNESS] --

25 MR. SCAROLA: He called him a billionaire

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1 too.

2 MS. HADDAD: Billionaire.

3 THE WITNESS: I knew he was a billionaire.

4 BY MS. HADDAD:

5 Q. Do you have any independent recollection in
 6 the month of July 2009 of this case being intensified
 7 in any way such as going after those close to
 8 Mr. Epstein?

9 A. I don't remember that one way or the other.

10 Q. If you knew that Mr. Epstein was a
 11 billionaire, do you have any recollection of asking
 12 someone to investigate those close to Mr. Epstein to
 13 further your Ponzi scheme?

14 A. I don't have an independent recollection of
 15 that one way or the other.

16 Q. Do you recall if you ever directed the
 17 depositions to be taken of the people who were listed
 18 on the flight manifest that you saw?

19 A. I don't recall one way or the other. I may
 20 have told the investors that I was going to take the
 21 depositions without ever intending to take them, but I
 22 don't recall one way or the other.

23 Q. Are you familiar with a gentleman by the
 24 name of Mr. Rodriguez, Alfredo Rodriguez?

25 A. No.

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1 Q. Never heard that name before?

2 A. Alfredo Rodriguez?

3 Q. Yes.

4 A. It's not ringing any bells to me.

5 Q. Do you remember hearing at your office with
 6 respect to Mr. Epstein's case that one of his former
 7 employees was willing to come forward with a big book
 8 of names?

9 A. I don't remember that one way or the other.

10 Q. You have no recollection of that.

11 Do you recall anyone approaching to ask if
 12 the office can purchase this book?

13 A. I don't recall that.

14 Q. Do you recall instructing any of the
 15 attorneys in your office to get an opinion from
 16 Kendall Coffey whether or not they can legally and
 17 legitimately purchase this book?

18 A. I don't recall that one way or the other.

19 [The Complaint referred to was marked for
 20 identification as Defendant's Exhibit 3.]

21 BY MS. HADDAD:

22 Q. Okay. I'm going to direct your attention to
 23 what's now Bates stamped as EP 002, which I'm sure you
 24 haven't seen before since you just said you didn't
 25 know who he was, but I'll give you a minute to look

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1 over it.

2 A. This is rather long. Do you want to direct
3 me to a specific portion of it?

4 Q. Sure. If you look at the Page Bates Stamp
5 EP 004, Paragraph 5 and 6.

6 A. Okay. I read number five.

7 Q. Would you please read number six as well?

8 A. Okay.

9 Q. Does this refresh your memory as to whether
10 or not anyone ever asked you in your office about
11 purchasing a book?

12 A. It does not.

13 Q. Do you know that the cooperating witness was
14 an attorney who worked for you at your firm?

15 A. I did not know that until you just said it
16 right now.

17 Q. According to Paragraph Number 5, "The
18 deposition of this Mr. Rodriguez occurred on
19 July 27th, 2009;" is that correct?

20 MR. SCAROLA: Is it correct that that's
21 what it says? I'm going to object to the form of the
22 question, it's vague and ambiguous.

23 BY MS. HADDAD:

24 Q. That's what's listed in the federal
25 complaint, correct?

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1 A. What does it say? Say it again.

2 Q. It says, "The first deposition occurred on
3 July 27th," correct?

4 A. Yes.

5 Q. Some three days after the federal complaint
6 was filed, correct, that we referenced earlier?

7 A. That's correct.

8 Q. And Paragraph 6 clearly delineates that in
9 August 2009 a phone call was received by the
10 cooperating witness that explained that this
11 Mr. Rodriguez had a list of other purported victims or
12 contact information for people who Mr. Edwards could
13 also potentially bring lawsuits for -- on behalf of;
14 is that correct?

15 A. I don't know one way or the other. You
16 know, Tonja, just so this record is clear, you know,
17 as I'm sitting here, I have a vague recollection of
18 perhaps Ken Jenne coming, talking to me and telling me
19 that someone in my office was going to cooperate with
20 someone in this investigation. But for the life of
21 me, I can't be certain of that. So much time has
22 passed, but as I'm reading this, and it could be
23 completely unrelated to this, I just want to make sure
24 the record is a hundred percent clear, it's possible
25 that Ken Jenne discussed that with me, but I don't

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1 I know who it was.
2 Q. You are testifying that you didn't know it.
3 had anything to do with the Epstein case, as you sit
4 here now, you don't remember?

5 A. No, no, I don't have a specific
6 recollection, and I want to just make sure so I answer
7 all your questions completely, is that as I'm sitting
8 here my recollection was refreshed that I have a vague
9 recollection of having a conversation with Ken Jenne
10 about the fact that someone in our office was going to
11 cooperate as a confidential informant for some law
12 enforcement agency, I just can't remember if it was
13 the Epstein case or not.

14 Q. Do you recall what you said to Mr. Jenne
15 about that?

16 A. No. What I just related to you is all I
17 remember. And I'm not even sure it had anything to do
18 with this.

19 Q. Who's Wayne Black?

20 A. Who?

21 Q. Wayne Black.

22 A. Sounds like the name of someone I hired, but
23 I could be mistaken. I don't recall.

24 Q. Okay. You don't recall ever meeting
25 Mr. Black?

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1 A. I may have. I don't recall one way or the
2 other. You have something that might refresh my
3 recollection?

4 Q. Do you know what he does for a living?

5 A. I do know the name. Sounds familiar to me,
6 but I can't recall one way or the other who he was or
7 what he did.

8 Q. Did you instruct your office to begin
9 investigating Mr. Epstein's pilot or his airplanes?

10 A. I do not recall one way or the other.

11 Q. You did testify that the flight manifest was
12 the one document you recall for sure looking at in
13 Mr. Epstein's case; is that correct?

14 A. Yes.

15 Q. And if it did, in fact, contain the names
16 that you are purporting that it claimed or that you
17 knew of, that would be something that would be juicy
18 for the investors to further your Ponzi scheme that it
19 was a collectible case; is that true?

20 A. I'm sorry, you have to repeat the question,
21 Tonja. I don't understand what you just asked me.

22 Q. If these big names were on this list, as you
23 seem to recall they were, that would be most helpful
24 to you and your Ponzi scheme investors in convincing
25 them it was a big case, right?

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1 A. If they were on there, or if I lied to them
 2 and told them they were on there, or if Adler told me
 3 they were on there and I repeated, all those things
 4 would have been helpful to the Ponzi scheme.

5 Q. You stated earlier that you -- the only
 6 thing you looked at was the flight manifest because
 7 you were told to look at it. Is that still true?

8 A. That's not what I testified to. I testified
 9 that I flipped through other parts of the file and
 10 that I didn't remember what I had flipped through. I
 11 remember looking at the flight manifest because
 12 Mr. Adler told me about it.

13 Q. You said that you met these investors in
 14 your office, but there were no cameras in your office,
 15 correct?

16 A. I didn't have cameras specifically in my
 17 office.

18 Q. You had these investors in your office for
 19 this particular Epstein case?

20 A. Yes.

21 Q. Do you recall if it was during work hours or
 22 after work hours?

23 A. I do not recall...

24 Q. Typically when you were meeting with your
 25 potential Ponzi investors, did you meet them during

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1 work hours or after work hours?

2 A. Both.

3 Q. Did you always meet with them in your office
 4 or did you do it more socially down at Bova or
 5 elsewhere?

6 A. Both.

7 Q. But with this particular case, do you recall
 8 meeting them at least one time in your office where
 9 they could look through the files?

10 A. Actually, that group of investors were
 11 looking at a lot of different cases or at least
 12 multiple different cases that we were attempting to
 13 lure them into the Ponzi scheme utilizing, so I met
 14 with them on multiple occasions, both in my office and
 15 at restaurants.

16 Q. Who is Mike Fisten?

17 A. Mike Fisten was a law enforcement officer of
 18 some type that I hired.

19 Q. Why did you hire him?

20 A. He was a Ken Jenne suggestion.

21 Q. And were you hiring him to start up your
 22 company with Mr. Jenne, as you indicated earlier?

23 A. I don't recall what the purpose of hiring
 24 him was. It had nothing to do with what Ken Jenne was
 25 doing for us.

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1 Q. So what did he do at RRA?

2 A. My best recollection is that he had been a
 3 former ADT officer and so it would reason that he
 4 would be working in our alcohol beverage practice that
 5 we were establishing.

6 Q. Do you know if he ever did any work for your
 7 firm as an investigator?

8 A. He may have. I don't have a specific
 9 recollection one way or the other.

10 Q. Did you ever speak to the press about the
 11 Epstein case?

12 A. I don't have a recollection one way or the
 13 other.

14 Q. Did you ever have Kip utilize the Epstein
 15 case to put any publicity or spin out there with
 16 respect to the case?

17 A. I don't have a specific recollection of that
 18 one way or the other.

19 Q. Did you ever instruct Brad or Russ to talk
 20 to the press about the case? We'll start with Brad
 21 then Russ.

22 A. I do not specifically recall getting
 23 involved at the publicity level of that case. I don't
 24 have a recollection one way or the other.

25 Q. Would that publicity have been good for your

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1 Ponzi scheme investors?

2 A. Not really.

3 Q. Would it have given more legitimacy to your
 4 allegation that it was a good case in which they
 5 should invest?

6 A. In the way that I was selling the Ponzi
 7 settlements, it would have likely been overkill.

8 Q. So did you ever instruct them not to speak
 9 to the press about the case?

10 A. I don't recall that either one way or the
 11 other.

12 Q. If it had gotten out there that the cases
 13 had not, in fact, settled, as you were claiming when
 14 you were selling the settlement, would that have
 15 hindered your case, your Ponzi investor's case?

16 A. Not really because they would have no way of
 17 knowing if I had created a fake plaintiff's name. I
 18 mean, there could have been something in the news
 19 that -- and I don't know that there was -- there could
 20 have been something in the news that says none of this
 21 settled. And I just simply would have created a fake
 22 name with my co-conspirators, created a fake set of
 23 settlement documents and handle it that way.

24 Q. Did you know where Mr. Epstein lived?
 25 A. I only knew that he was from Palm Beach,

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1 other than that, no.

2 Q. Okay. In 2009, did you ever have any firm
3 meetings?

4 A. Of any type?

5 Q. Of any type, in general, firm meetings.

6 A. I'm certain I did.

7 Q. Do you recall about how many?

8 A. I do not recall.

9 Q. Did you ever have any partner meetings?

10 A. Yes.

11 Q. Do you recall how many?

12 A. I do not.

13 Q. Do you recall how many partners you had at
14 the firm in 2009?

15 A. I do not.

16 Q. Do you recall how many fundraisers you had
17 at your home in 2009?

18 A. I do not.

19 Q. More than 10?

20 A. I'd be guessing, Tonja.

21 Q. Okay.

22 A. It's easy enough to check, there's state and
23 federal records of all that stuff.

24 Q. In 2009, did you still require the attorneys
25 from your firm to attend the fundraisers you would

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1 have?

2 A. You said "still require," which would have
3 meant that I testified --

4 Q. Sorry.

5 A. -- previously that it was requiring them.

6 Q. Did you require attorneys at your firm to
7 attend your fundraisers?

8 A. I asked them to, I urged them to, I tried to
9 cajole them into coming, but it wasn't an absolute
10 requirement.

11 Q. Do you recall between April and July of 2009
12 how many fundraisers you would have had?

13 A. I do not.

14 Q. Did you have fundraisers anywhere besides
15 your home in 2009?

16 A. I probably did, but I don't recall without
17 seeing the documents. If you have the invitation or
18 the e-mails, that would help me.

19 Q. Did you hold fundraisers at your office in
20 2009?

21 A. I may have. That wouldn't have been
22 unusual, but I don't have a specific recollection.

23 Q. Did you ever meet any of the plaintiffs in
24 the Epstein case?

25 A. I don't have a specific recollection of

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1 that.

2 Q. Do you recall ever revving copies of e-mails
3 from Mr. Jenne with respect to the plaintiffs in the
4 case that the subject matter would say "information we
5 need to use"?

6 A. I don't recall that one way or the other.

7 It's certainly possible.

8 Q. Do you recall ever reviewing anything that
9 was titled "causes of action against Epstein"?

10 A. I do not have a specific recollection of
11 that one way or the other.

12 Q. Do you recall ever reviewing with Mr. Jenne
13 or any other investigator in your firm any information
14 regarding Mr. Epstein's house staff or airplane staff?

15 A. I do not recall that one way or the other.

16 I may have, I may not have.

17 Q. Who is Bill Berger?

18 A. A former Palm Beach judge that we hired.

19 Q. Okay. What was his role at your firm?

20 A. He was a shareholder.

21 Q. What kind of practice?

22 A. Litigating cases.

23 Q. What kind of practice did he litigate? What
24 kind of cases did he litigate?

25 A. I don't recall specifically.

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1 Q. When did you hire him?

2 A. 2008 or 2009. I don't have a specific
3 recollection.

4 Q. If you hired lawyers who didn't have a book
5 of business, what kind of practice did they do at your
6 office?

7 A. It depended upon the lawyer. I would have
8 tried to get them to work with other lawyers in an
9 area that they either were proficient in or wanted to
10 become proficient in.

11 Q. Okay. You had a meeting at your office
12 during which you were asking about information
13 regarding referring attorneys, attorneys who had
14 referred business to the firm. Do you know what I'm
15 talking about? I believe it was back in December of
16 '08 or early 2009.

17 A. The way you are characterizing that meeting,
18 I had a lot of meetings like that.

19 Q. What was the purpose of those?

20 A. You are going to have to be more specific
21 for me, Tonja.

22 Q. Let's start generally then. What was -- you
23 said you had many meetings like that. Tell me what
24 these meetings were for?

25 A. Making sure that we were maximizing

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1 generation of business into the law firm.

2 Q. What kind of business, legitimate business
3 or the other --

4 A. Legitimate business.

5 Q. Sorry, I couldn't hear you.

6 A. Legitimate business. The general meetings
7 that you are discussing, that was legitimate business.

8 Q. So there was a meeting for all attorneys to
9 attend regarding generating business, those meetings
10 were for the legitimate business?

11 A. If it was addressed to all attorneys, yes.

12 Q. Okay. And if an e-mail went out to all
13 attorneys, did paralegals and support staff get it as
14 well or was it just directed to the attorneys?

15 A. Certain support staff probably were on that
16 list, like my CFO and COO, and perhaps my IT people,
17 but it was general for the attorneys.

18 Q. With respect to your IT people, did you have
19 the capability to review e-mails and internet activity
20 of all of your employees?

21 A. I did.

22 Q. Including attorneys?

23 A. I did.

24 Q. Did you ever utilize that tool?

25 A. Very infrequently. It was a pain because I

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1 had to have Curtis Renie or Bill actually come into my
2 office, set up a special icon to allow me to do that.
3 It was a real pain, so it was rare.

4 Q. Who else attended the meetings that you had
5 with the Clockwork group with respect to the investors
6 in the Epstein case?

7 A. There were multiple meetings with what I'll
8 call the Clockwork investors at various points in
9 time. A variety of people came in and out of the
10 meetings. Some of the meetings occurred down in Bova.
11 Other people came up to the meetings. Some of the
12 meetings involved Michael Szafranski, our fake
13 independent verifier. Some of the meetings may have
14 involved bankers and the like. I cannot tell you
15 specifically who was at those meetings.

16 Q. The specific meetings that we are talking
17 about with -- where you left the boxes at your office,
18 do you recall who else was there with you at that
19 meeting?

20 A. I only remember there being a handful of
21 people from the investment group and myself. I don't
22 recall -- and I remember the guys bringing the boxes
23 down, but they didn't stay for the meeting. There
24 may have been other people there, I don't recall one
25 way or the other who it was.

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1 Q. If the expenditures were being made on a
2 case that were substantial, did you have to approve
3 them or did you have a specific practice for them?

4 A. The head of a practice group could basically
5 approve them but Irene, our CFO, would generally run
6 them by me before she actually cut the check. If I
7 wasn't around she'd run it by Stu.

8 Q. So as the equity partners you had the
9 authority to make the determination what funds could
10 and could not be expended?

11 A. As the shareholders, as the two 50 percent
12 shareholders, we controlled the finances.

13 Q. And if Irene was coming to you to tell you
14 what the funding was for, to get approval rather,
15 would she tell you specifically what the funding was
16 for or just tell you "we need \$100,000"?

17 A. No, if it was a substantial expense --

18 Q. Tell me what you deem as substantial.

19 A. That would have been -- substantial to me
20 would have been based upon how much money we had in
21 our coffers at the time. So, if it was one of those
22 periods of time where we had 20 or \$30 million
23 floating around the law firm, Irene probably would
24 have just written a check without even letting me know
25 we were writing it. If it was one of those times

1 where we owed 20, \$30 million in Ponzi payments out
2 and she needed to write a check for even \$5,000, she
3 probably would have checked with me on that. So
4 substantial and whether or not she would have checked
5 with me depended upon the circumstance at the time.

6 Q. You stated earlier, and I think I'll get
7 this quote right, that 2009 was a dismal year; is that
8 correct?

9 A. For the legitimate law firm business, it was
10 a dismal year.

11 Q. So in the months immediately preceding the
12 dissolution of RRA, July to October of 2009, what
13 would you consider a substantial expense that had to
14 be approved?

15 A. It would vary literally from day-to-day.

16 Q. Do you have any independent recollection of
17 how you were doing in, say, July 2009?

18 A. The legitimate business was always doing
19 poorly in 2009, as far as I was concerned.

20 Q. So would you have --

21 A. The Ponzi scheme had its moments of
22 significant wealth and significant poverty, so it
23 varied from time to time. It was a daily thing.
24 Sometimes it was hourly. It just depended upon what
25 was coming in and what needed to go out.

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1 Q. So would you have to utilize the
2 illegitimate funds to fund the legitimate cases at
3 times?

4 A. Yes.

5 Q. And that varied daily you said?

6 A. Well, all the money was commingled together,
7 so we used whatever funds were in there to fund both
8 the legitimate and the illegitimate financial
9 requirements of the firm, the Ponzi scheme and other
10 legitimate and illegitimate things that were going on.

11 Q. If an outside agency or investigator was
12 being utilized for a case and they needed a signed
13 retainer agreement with your firm, would you have to
14 approve that?

15 A. It would depend upon the significance of the
16 expense. I didn't necessarily get involved in every
17 retention of every expert in every case.

18 Q. Okay. So it would depend on the cost or the
19 nature of the case?

20 A. Who the lawyer was, their level of
21 expertise, all things of that nature.

22 Q. If it was this gentleman who you have no
23 recollection of meeting, Mr. Black, and the attorney
24 was Mr. Edwards, was that something you needed to look
25 over?

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1 A. Did Wayne Black work for Ron Cacciato?

2 Q. Are you asking me --

3 A. I'm asking anyone in the room who wants to
4 talk to me.

5 Q. I love to talk to you, but I don't know the
6 answer to that question. He might have. Brad might
7 be able to tell you.

8 MR. EDWARDS: No.

9 THE WITNESS: When you said Wayne Black's
10 name again and that I hired him to do something, I
11 seem to think that he may have been associated in
12 some way with Mr. Cacciato, but I'm not sure one
13 way or the other. I don't remember whether or not I
14 met Mr. Black, it's possible I did, it's also
15 possible I did not. And I don't have an independent
16 recollection of retaining him to do anything or
17 whether I was part and parcel of the decision if we
18 did, in fact, retain him, whether I was part and
19 parcel of the decision to retain him.

20 BY MS. HADDAD:

21 Q. Traveling out of state for depositions for
22 the particular cases, did you have to approve that?

23 A. It would depend upon who the lawyers were,
24 the significance of the expense. It would have been
25 case by case. I certainly would not have been

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1 approving or disapproving Mr. Nurik's travel,
2 Mr. Rosenfeldt's travel, Mr. Boden's travel,
3 Mr. Lippman's travel. That was their own thing.

4 If a younger lawyer like a Shawn Birken came
5 to me and said he need to travel out of state for
6 something, if it was just for a deposition, I wouldn't
7 have gotten involved in that unless he was telling my
8 CFO, Ms. Stay, that he wanted to fly first class and
9 stay in the Ritz Carlton, then I would have gotten
10 involved. But other than that, no. The firm was too
11 big for me to get involved on a daily basis with all
12 that stuff.

13 Q. If Brad had to go out of state to take a
14 deposition, you wouldn't be the person to approve or
15 disapprove that?

16 A. Russ Adler would have handled that. And if
17 there was an issue, Russ would have come to me. And I
18 don't know what the relationship was specifically
19 between Brad and Russ, but it's certainly possible
20 that Brad just was going to go do what he needed to do
21 to properly handle the case and I would have trusted
22 him to do that.

23 MS. HADDAD: Can we just take a second. We
24 are going to take a minute, okay?

25 THE WITNESS: Sure.

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1 [Short recess taken.]

2 FURTHER DIRECT EXAMINATION

3 BY MR. GOLDBERGER:

4 Q. All right. Mr. Rothstein, Jack Goldberger,
5 I'm going to ask you some questions now. You
6 testified that you knew Jeffrey Epstein was a
7 billionaire. You did testify to that today, correct?

8 A. Yes.

9 Q. Okay. Tell me how you knew that. How did
10 you know that Mr. Epstein was a billionaire?

11 A. Russ Adler told me. I looked him up on the
12 internet.

13 Q. What did you look on the internet about
14 Mr. Epstein?

15 A. I don't recall, but I remember looking up an
16 seeing that he was very wealthy, that he was a
17 billionaire.

18 Q. Okay. So as far as learning that
19 Mr. Epstein was a billionaire, you learned via two
20 ways, one was from Russ Adler, correct? Is that
21 correct?

22 A. Yes, sir.

23 Q. And the other was through looking up
24 Mr. Epstein on the internet, correct?

25 A. Yes.

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1 Q. Okay. And you don't know what you reviewed
 2 on the internet in an effort to determine that
 3 Mr. Epstein was a billionaire; is that correct?

4 A. I do not recall.

5 Q. Do you know when you did that?

6 A. I do not.

7 Q. Was it prior to your needing to use the
 8 Epstein case to further your Ponzi scheme?

9 A. Yes.

10 Q. Okay. So prior to -- I think you indicated
 11 that you needed an influx of money at some point and
 12 that's when you decided to use the Epstein case in
 13 furtherance of the Ponzi scheme; is that correct?

14 A. Yes.

15 Q. So prior to that time though, prior to
 16 determining that you needed to use the Epstein case
 17 for the Ponzi scheme, you looked up Mr. Epstein and
 18 you spoke to Mr. Adler about his work; is that
 19 correct?

20 A. Yes.

21 Q. Why did you do that, Mr. Rothstein, if you
 22 weren't using the Epstein case at that point in your
 23 Ponzi scheme?

24 A. Because it was a legitimate case in the
 25 legitimate portion of RRA that I had reason to believe

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1 from speaking to Mr. Adler could bring in a
 2 significant amount of money to the firm.

3 Q. At that time Mr. Adler was one of your
 4 co-conspirators in the Ponzi scheme; is that correct?

5 A. By this time, yes, sir.

6 Q. Okay. When did Mr. Adler become a
 7 co-conspirator in your Ponzi scheme?

8 A. I don't recall the specific date.

9 Q. Was it before or after Mr. Adler recommended
 10 that Brad Edwards be hired at your firm?

11 A. Before.

12 Q. So before Brad Edwards was hired at RRA,
 13 Russell Adler was a co-conspirator of yours in the
 14 illegal part of the RRA firm; is that correct?

15 A. Yes.

16 Q. Then after that time you hired --
 17 Mr. Edwards was hired after Adler was your
 18 co-conspirator? You are laughing, you are smiling,
 19 why is that, sir?

20 A. Because when you say "RRA" that way, the
 21 speaker sounds, it sounds like you are roaring.

22 Q. Okay. I'll just say Rothstein, how about
 23 that? You know what I'm talking about if I just say
 24 Rothstein.

25 A. RRA is fine.

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1 Q. Okay. So Adler is your co-conspirator in
 2 the Ponzi scheme at the time that Brad Edwards is
 3 hired, correct?

4 A. Yes.

5 Q. Okay. Was it Adler who recommended to you
 6 that Brad Edwards be hired?

7 A. Yes. He was one of the people.

8 Q. Who else recommended that Edwards be hired?

9 A. I don't have a specific recollection of who
 10 it was, but others did.

11 Q. All right. But you have a recollection of
 12 Adler being one of the people, so let's talk about
 13 that, all right?

14 What did Adler tell you about Brad Edwards
 15 when you hired him? Did he tell you that he had these
 16 Epstein cases or an Epstein case in the fold?

17 A. Among other things, yes.

18 Q. What else did he tell you?

19 A. Told me he was a great lawyer and a great
 20 guy.

21 Q. Did he tell you what his history was, what
 22 Edwards' history was prior to coming to the Rothstein
 23 firm?

24 A. I'm certain that I asked him, but I don't
 25 have a specific recollection of that conversation.

1 Q. What did Adler tell you about the Epstein

2 case that Edwards had at the time you were
 3 contemplating hiring him to become a member of the
 4 Rothstein firm?

5 A. He told me that it was a huge case involving
 6 a billionaire pedophile and that it was a winner.

7 Q. Did you, when you heard that, did you think
 8 that that was a case that could become part of your
 9 Ponzi scheme?

10 A. No, I actually thought of it as a way to
 11 earn legitimate money to help me out of the Ponzi
 12 scheme.

13 Q. So at the time you hired Mr. Edwards and you
 14 were talking to Adler about Edwards, you were trying
 15 to get out from under the Ponzi scheme?

16 A. In the bulk of 2009 I was praying for some
 17 sort of legitimate influx of money to get out of the
 18 Ponzi scheme.

19 Q. Okay. So now Adler tells you about this
 20 Brad Edwards guy, did you know Brad Edwards before
 21 Adler talked to you about him? Had you run into him?

22 A. I may have. I don't have a specific
 23 recollection one way or the other.

24 Q. Okay. So now he tells you that you should
 25 consider hiring Brad Edwards, this is your

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1 co-conspirator talking to you, right? Is that
2 correct?

3 A. Yes.

4 Q. And he says, by the way, he's got this great
5 Epstein case involving this billionaire, correct?

6 A. Yes.

7 Q. Presumably then you had a meeting with Brad
8 Edwards when you met him; is that correct?

9 MR. SCAROLA: Presumably he had a meeting
10 when he met him?

11 MR. GOLDBERGER: I'm sorry, Mr. Scarola was
12 cutting you off when you answered, so go ahead, answer
13 again.

14 MR. SCAROLA: I didn't understand the
15 question.

16 BY MR. GOLDBERGER:

17 Q. Do you understand the question,
18 Mr. Rothstein?

19 A. I'm not sure I do because you asked me if I
20 had a meeting when I met him and I think that meeting
21 him is a meeting.

22 Q. Well, there was a meeting, correct?

23 A. I most likely met him before I hired him. I
24 most likely talked to him before I hired him because
25 that was my general way of doing business. It's all

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1 together possible that I gave Russ the okay to hire
2 him before, I just don't have a specific recollection
3 one way or the other.

4 Q. At some point, I take it, you learned,
5 whether you sat in on a meeting when Mr. Edwards was
6 hired or whether your co-conspirator hired him, at
7 some point you learned that Mr. Edwards, in fact, had
8 been hired by the firm; is that correct?

9 A. I'm certain that I gave the final okay to
10 hire him.

11 Q. Okay. When you were giving the final okay
12 to hire him, I assume there had to be discussion of
13 the money that he was going to be paid, correct?

14 A. With somebody, yes.

15 Q. Certainly with Mr. Edwards, right? I assume
16 he wanted to know how much he was getting paid.

17 A. Yes, but I don't have a specific
18 recollection of whether I discussed that with him or
19 whether I authorized Adler or maybe even Rosenfeldt to
20 discuss it with him. I don't recall.

21 Q. Do you have the slightest idea how much
22 money Mr. Edwards was paid when he first joined the
23 firm, what his salary was?

24 A. I don't have an independent recollection.

25 Q. Generally someone like Mr. Edwards at his

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1 level of accomplishment, and his age, you know what the
2 general salary would have been at your firm?

3 A. It didn't work that way.

4 Q. I see. Tell me how it worked.

5 A. It's a case-by-case basis.

6 Q. Tell me how it worked.

7 A. Case-by-case basis.

8 Q. And how did you make that determination on a
9 case-by-case basis?

10 A. Actual book of business, potential book of
11 business, potentiality for growth, character, what he
12 brought to the table, and obviously a function of how
13 much money we had available at the time.

14 Q. Okay. And you don't have any recollection
15 of the machinations that occurred in determining what
16 Mr. Edwards salary would be, correct?

17 A. I do not.

18 Q. But certainly one of the things you would
19 consider would be the book of business, i.e. the
20 Epstein case, right?

21 A. I'm certain that I did consider the Epstein
22 case.

23 Q. Do you know whether he brought any other
24 book of business --

25 A. But I'm also certain it wasn't the only

1 factor I considered.

2 Q. All right. Do you know whether he brought,
3 in his book of business, do you know whether he
4 brought any other cases to the firm other than the
5 Epstein case?

6 A. I don't recall one way or the other.

7 Q. Okay. Do you know whether your -- well, bad
8 question, I won't ask that.

9 Now, you've talked a lot about Ken Jenne
10 here this morning. Was Ken Jenne part of your Ponzi
11 scheme?

12 A. No, sir.

13 Q. Had nothing to do with it, right?

14 A. That's correct.

15 Q. Other than his having -- working for you as
16 an investigator, he was not one of your
17 co-conspirators, right?

18 A. He didn't work for me as an investigator, he
19 worked for me heading up our investigative division,
20 heading up our internal security, heading up my
21 personal security, and acting as a political advisor
22 to me.

23 Q. Okay. Did he serve any kind of
24 investigative function at all, after all, he was a law
25 enforcement officer at one point in his career?

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1 A. I note that he assisted the other people at
 2 the firm that were doing the investigative work. I
 3 don't know if he personally did investigative work.
 4 He may have.

5 Q. Do you know whether Mr. Jenne, in his role
 6 as your advisor or your political consultant, do you
 7 know if he was involved in any kind of illegality,
 8 illegal wire tapping or anything like that while he
 9 was at Rothstein?

10 MR. SCAROLA: Excuse me, I'm going to
 11 object to the form of the question, vague and
 12 ambiguous.

13 THE WITNESS: To my knowledge he was not.

14 BY MR. GOLDBERGER:

15 Q. To your knowledge, no?

16 A. Correct.

17 Q. Okay. You talked about having a bunch of
 18 fundraisers, I know you had a bunch of fundraisers
 19 that was kind of a deal at Rothstein. This was kind
 20 of a rock star law firm, right? I mean, you had lots
 21 of fundraisers, lots of parties, right? Was that the
 22 image you were trying to present?

23 A. In reality that's the way we were.

24 Q. Okay.

25 A. A lot of young lawyers having a good time,

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1 trying to make money.

2 Q. And these young lawyers, would you consider
 3 Mr. Edwards to be a young lawyer or a middle-aged
 4 lawyer?

5 A. Young lawyer.

6 Q. Okay. Was he one of young lawyers that came
 7 to these fundraisers at your home?

8 A. I don't recall whether he was there or not.
 9 I recall him being at some, but I didn't know if he
 10 was at all of them.

11 Q. Okay. You do recall him coming to some of
 12 the fundraisers, though, correct?

13 A. I recall him being at my home. It may have
 14 been for firm parties or other parties, it may have
 15 been for fundraisers there.

16 Q. And that was during the time period that the
 17 Ponzi scheme was still going on, correct?

18 A. Yes.

19 Q. Did Adler ever tell you about any
 20 discussions he had with Brad Edwards about the illegal
 21 part of the operations at Rothstein?

22 A. Can you reask the question, please?

23 Q. Sure. Sure.

24 Q. Did Russell Adler ever tell you Russell
 25 Adler is your co-conspirator, we've established that.

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1 Q. Did Russell Adler in the furtherance of your
 2 conspiracy ever tell you he had discussed with Brad
 3 Edwards about the illegal activities at RRA?

4 A. No.

5 Q. Now, you testified when asked about whether
 6 the press -- if you were involved in asking the press
 7 to run with the Epstein story, you said something to
 8 the effect, "the way I was selling the Ponzi scheme it
 9 would be overkill."

10 I didn't understand your answer like you
 11 didn't understand some of my questions, so I'd like
 12 you to kind of tell me what you meant by that.

13 A. I was selling purportedly confidential
 14 settlements. Confidentiality was the hallmark of the
 15 Ponzi scheme, so too much publicity would have created
 16 a problem for me in the sale of what was supposed to
 17 be a completely confidential settlement.

18 Q. I think what you are telling me, and I don't
 19 want to misstate what I think you are telling me, but
 20 is it true that you felt some publicity would be okay
 21 but too much would be counter to the purposes of the
 22 conspiracy. Is that a fair statement?

23 A. The way I was thinking about it at the time
 24 this was going on was that some publicity would assist
 25 in establishing for the potential investors that there

1 was a real case going on, but that within that I would
 2 have to create some sort of fictions in order to sell
 3 the fake product.

4 Q. Okay. At the time that you decided to use
 5 the Epstein case as part of your illicit Ponzi scheme
 6 theme, I think you testified earlier today, when you
 7 were in some dire straits, you needed an influx of
 8 money, right?

9 A. Yes.

10 Q. That's when you decided to use the Epstein
 11 matters, correct?

12 A. Yes.

13 Q. Okay. And you knew, I assume, being the
 14 Ponzi scheme mastermind here, that you needed to make
 15 sure that you had at least a working knowledge of the
 16 Epstein case so that you could answer questions to the
 17 investors. I recognize that you left the room and
 18 told them to look at it, but you had to some knowledge
 19 of the case, right?

20 MR. SCAROLA: Counsel, that's a
 21 misrepresentation of what the earlier testimony was.
 22 I object, no proper predicate.

23 MR. GOLDBERGER: Okay, let's go through the
 24 whole thing again.

25 MR. SCAROLA: No, you are not going to go

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1 through the whole thing again. Just because we have
 2 tolerated two lawyers asking questions, does not mean
 3 we are going to tolerate two lawyers asking the same
 4 questions.

5 MR. GOLDBERGER: Your objection is noted.

6 BY MR. GOLDBERGER:

7 Q. Okay. So let's talk about your need to use
 8 the Epstein case to further your conspiracy. You
 9 needed an influx of money, did you not?

10 A. Yes.

11 Q. Okay. You decided to use the Epstein case
 12 for that purpose, right?

13 A. Yes.

14 Q. And in order to use the Epstein case, you
 15 were going to meet with the investors and pitch the
 16 Epstein case with the investors, correct?

17 A. Yes.

18 Q. And in an effort to pitch the case to the
 19 investors, you had to have some knowledge of the case,
 20 did you not?

21 A. Some level of knowledge, yes, sir.

22 Q. Okay. And in order to gain that knowledge,
 23 you spoke to your co-conspirator, Russell Adler; is
 24 that correct? ...
 25 A. ...That's one of the things I did.

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1 Q. Okay. And do you remember what Adler told
 2 you specifically about the Epstein case that helped
 3 you have a basis of information to sell it to the
 4 investors?

5 A. Other than him telling me that it was a
 6 billionaire pedophile, other than him telling me about
 7 the flight manifest, I don't have a specific
 8 recollection of what else he told me.

9 Q. Did you actually look at the flight manifest
 10 at sometime, Mr. Rothstein?

11 A. Yes, sir.

12 Q. And what was it about those flight manifests
 13 that you felt would help you pitch the Epstein case to
 14 the investor?

15 A. I don't remember who specifically was on it,
 16 but I remember it looking juicy.

17 Q. You don't know who was on it?

18 A. I don't recall.

19 Q. Did you add any names to that manifest at
 20 any time?

21 A. I had -- you mean physically write names on
 22 there?

23 Q. Any way you want to interpret -- did you --
 24 not physically write any names on the manifest, but
 25 did you tell the investors that there were names on.

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1 the manifest that were actually not on the manifest?

2 A. I told the investors that there were other
 3 people that appeared on manifests, I don't recall
 4 whether it was that manifest or other manifests, and I
 5 got the names of those people from Russ Adler.
 6 Whether or not they actually appeared on the manifest
 7 or another manifest, I do not know.

8 Q. What names did you get from Russ Adler?

9 A. Russ Adler told me that Bill Clinton flew on
 10 Mr. Epstein's plane and that Prince Andrew flew on
 11 Mr. Epstein's plane.

12 Q. And is it your testimony today that you
 13 never looked at the manifest to see whether Bill
 14 Clinton or Prince Andrew's name were really on the
 15 manifest that you were going to use to pitch the
 16 investors?

17 A. It was my understanding they didn't have all
 18 the manifests.

19 Q. Okay. Did you ever ask for the manifests
 20 that purportedly had the name of Bill Clinton or
 21 Prince Andrew on it?

22 A. I probably did, but I don't have a specific
 23 recollection one way or the other.

24 Q. When you say you didn't have all the
 25 manifests, were all the manifests in your office --

1 ... were all the manifests within the law firm of RRA and
 2 you simply didn't have them in your office?

3 A. I have no idea one way or the other.

4 Q. Okay.

5 A. I did not have them.

6 Q. You were told by Russell Adler that you
 7 didn't have -- that you physically didn't have all the
 8 manifests, correct?

9 A. That's correct.

10 Q. But you don't know whether they were in the
 11 building somewhere, these other supposed manifests?

12 A. I have no idea one way or the other.

13 Q. You never asked for proof that Bill Clinton
 14 or Prince Andrew's name were on a manifest somewhere?

15 A. I didn't say that. I may very well have
 16 asked Adler or Ken Jenne to find the other manifests.

17 Q. Were you ever shown a manifest with the name
 18 Bill Clinton or the name Prince Andrew on them?

19 A. I do not recall one way or the other whether
 20 I saw that or not. I remember Adler telling me about
 21 it and then me repeating that information to the
 22 investors based upon Mr. Adler's representations to
 23 me.

24 Q. Now, you testified that you were told that
 25 the Epstein cases were "legitimate cases. Do you

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1 remember that testimony you gave this morning?

2 A. Yes.

3 Q. And you remember your testimony that you
4 were told they were legitimate cases by both Russ
5 Adler and Brad Edwards, do you remember that?

6 A. I never said that Mr. Edwards or Mr. Adler
7 said, "Scott, these are legitimate cases." I didn't
8 question them as to their legitimacy.

9 Q. You did testify that you talked to Brad
10 Edwards about the Epstein cases; is that correct?

11 MR. SCAROLA: No, counsel, that is a
12 misrepresentation of the earlier testimony.

13 MR. GOLDBERGER: No, it's not.

14 BY MR. GOLDBERGER:

15 Q. Did you talk to Brad Edwards about the
16 Epstein cases?

17 A. I do not recall one way or the other. That
18 was my prior testimony, that's still my testimony. I
19 don't -- I do not recall.

20 Q. We'll let the record speak --

21 A. I know I spoke to Adler about it.

22 Q. We'll let the record speak for itself. Your
23 testimony, as I am questioning you now, is that you do
24 not recall whether you spoke to Brad Edwards about the
25 Epstein cases; is that correct?

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1 A. If you are including within that me walking
2 past Brad in the hall and saying, "Hey, Brad how are
3 you? How is the Epstein stuff going?" Then it's very
4 likely that I talked to him about it in that manner.
5 But I have no specific recollection one way or the
6 other as to having any lengthy conversations with
7 Mr. Edwards about the case.

8 I had a co-conspirator who was deeply
9 involved in the Ponzi scheme that I could go to to get
10 any information I wanted, Mr. Adler. I didn't need to
11 go to Mr. Edwards.

12 Q. So if you had a question of your
13 co-conspirator, Russell Adler, about the Epstein case,
14 you would go ask Adler and would Adler always have the
15 answer for you or would he say he would get you the
16 answer?

17 A. Both.

18 Q. When he didn't have the answer, do you know
19 who he was getting the answer from?

20 MR. SCAROLA: Objection, predicate.

21 THE WITNESS: I don't know who he was
22 getting it from and I may have contacted other people
23 in the office who were working on the file to ask. I
24 may have asked Mr. Jenne, I may have asked Ms. Holmes,
25 Holmes, I many have asked a whole myriad of people.

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1 BY MR. GOLDBERGER:

2 Q. So Ms. Holmes was working on the Epstein
3 cases?

4 A. It's my refreshed recollection from seeing
5 one of those e-mails that she must have been.

6 Q. Okay. And Ms. Holmes you said was a former
7 federal law enforcement officer, was that your
8 testimony?

9 A. Yes.

10 Q. You don't know whether she was FBI or IRS,
11 correct?

12 A. I don't remember.

13 Q. Okay. And upon reflection, do you know
14 whether she was hired without your say-so based on
15 what Mr. Jenne told you or did you meet with her?

16 A. No, I actually -- I remember meeting with
17 Ms. Holmes.

18 Q. Okay. What do you remember about that
19 meeting?

20 A. I remember talking about her relative who
21 was a judge. I remember her telling me about her time
22 in law enforcement. I just don't remember which
23 agency.

24 Q. Did she tell you why she left law
25 enforcement?

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1 A. She may have, I don't recall one way or the
2 other.

3 Q. Did you ever ask Ms. Holmes to use any of
4 her prior contacts in law enforcement to assist you in
5 the Ponzi scheme to get information for you?

6 A. The question is kind of convoluted because
7 the way you are asking it, it seems like you are
8 intimating that Ms. Holmes knew. I may have asked
9 Ms. Holmes to get me information that I was going to
10 utilize with my co-conspirators in the Ponzi scheme,
11 but Ms. Holmes did not know that there was a Ponzi
12 scheme going on.

13 Q. All right. So you may have asked Ms. Holmes
14 to try and get some information for you from her
15 contacts in law enforcement, but it's your testimony,
16 and I don't dispute it, it's your testimony that she
17 knew nothing about the Ponzi scheme, correct?

18 A. I may have, I may not have. I do not
19 remember and she absolutely knew nothing about the
20 Ponzi scheme.

21 Q. Okay. Now, we talked about Brad Edwards
22 getting paid and the multilevel ways in which you
23 determined what a person's salary was. Do you know
24 whether Brad Edwards got any bonuses along the way
25 once the Epstein case was used as part of the Ponzi

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1 scheme?

2 A. He did not.

3 Q. So he was --

4 A. If he got a bonus, it was something he
5 earned.

6 Q. Did you make a determination as to what that
7 bonus would be?

8 A. If he got a bonus, I would have been
9 instrumental in determining it. You can determine if
10 he got a bonus by looking at our financial records, I
11 don't have an independent recollection one way or the
12 other.

13 Q. So you don't know whether he got a bonus at
14 all, correct?

15 A. That's correct.

16 Q. So I assume that if he got a bonus you
17 wouldn't know whether it occurred before or after the
18 Epstein case was used as part of the Ponzi scheme?

19 A. I don't know if he got a bonus, which means
20 I wouldn't know the time frame.

21 Q. But we would learn -- you are instructing
22 us, we would learn that by looking at when the Epstein
23 case was brought into the Ponzi scheme and we learn
24 that by looking at these -- what was the group that it --
25 was used to pitch to?

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1 A. Clockwork.

2 Q. So we would look at when the Clockwork group
3 was brought into this and the Epstein case was used
4 then and then we would look at the payroll records to
5 see whether Mr. Edwards got a bonus after the
6 Clockwork group was brought into the Ponzi scheme,
7 correct?

8 A. From a timing perspective, yes. But
9 Mr. Edwards had nothing to do with the Ponzi scheme,
10 nor was he rewarded even surreptitiously without his
11 knowledge for helping me with the Ponzi scheme. If he
12 was rewarded it was because he deserved, I felt he
13 deserved a reward, having nothing to do with the Ponzi
14 scheme. The bulk of this law firm had nothing to do
15 with the Ponzi scheme.

16 Q. I think you testified already, though, that
17 money was fundable in the firm, right? I mean, you
18 know, illegal money was used for legitimate purposes,
19 correct?

20 A. Yes.

21 Q. Okay. So, for example, investigations that
22 were done with the Epstein case, it's very possible
23 that legitimate Ponzi money was used to finance those
24 investigations?

25 A. I'd be guessing. It's certainly possible.

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1 because all the money went into a whole series of
2 pots, and if you look at, most of the pots were trust
3 accounts. If you look back, you look to see what my
4 CFO, who was also a co-conspirator was doing, she was
5 pulling the money from wherever she needed to to fund
6 whatever she needed to fund.

7 MR. LAVECCHIO: Off the record a second.

8 [Discussion off the record.]

9 BY MR. GOLDBERGER:

10 Q. Let me circle back to what you needed to
11 learn about the Epstein cases to help make your pitch
12 to the investors.

13 You talked about the manifest already,
14 correct, the flight manifest?

15 A. Yes.

16 Q. Okay. What else did you want to learn about
17 the case or what else did you learn about the case so
18 that you were conversant when you spoke to the
19 investors about the Epstein case?

20 A. I recall asking someone what the causes of
21 action were.

22 Q. Okay. Did you understand what they were?

23 A. I likely did at the time, I don't remember
24 what they were now.

25 Q. Okay. Do you know which case we are talking

1 about? By the way, you had a number of Epstein cases
2 in-house, do you know which case you were talking
3 about?

4 A. As I sit here today, no, sir, I don't
5 remember.

6 Q. Was it a state case or a federal case?

7 A. I don't remember one way or the other.

8 Q. All right.

9 A. I utilized all those boxes all together. I
10 don't remember which one I sold them.

11 Q. And the exhibits --

12 A. It's something completely fictitious that I
13 made up that I told them.

14 Q. The exhibit that you were shown earlier,
15 Exhibit Number 1, that's the long multi-page federal
16 lawsuit. Do you know whether that was part of the
17 information that you reviewed or shown to the
18 investors when you were pitching to them?

19 A. I do not remember one way or the other.

20 Q. Okay. Now, did you make any effort to learn
21 from your co-conspirator who the plaintiffs were in
22 this case, what kind of women they were?

23 A. Only that they were underage.

24 Q. Did anyone tell you that these women had --
25 some of these women had a history of prostitution?

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1 A. They may have told me that, I wouldn't have
2 cared one way or the other.

3 Q. Why would you not have cared about that,
4 Mr. Rothstein?

5 A. It had nothing to do with the sale of the
6 Ponzi scheme settlements.

7 Q. Okay. Were you told by anyone whether any
8 of the women involved as plaintiffs in the case may
9 have worked at adult clubs in the past? I mean strip
10 clubs, let's call it what it is.

11 A. I may have been told that one way or the
12 other. But again, it had nothing to do with the Ponzi
13 scheme sale of fake settlements.

14 Q. As part of the information that you were
15 told by you co-conspirator, Russell Adler, were you
16 told that some of the plaintiffs that you had in-house
17 had travelled on Mr. Epstein's airplane?

18 A. I believe Russ did tell me that.

19 Q. You know, in fact, that that was not true,
20 correct?

21 A. I have no idea one way or the other, nor did
22 I care.

23 Q. But your co-conspirator told you that,
24 right?

25 A. Mr. Adler did, in fact, tell me that certain

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1 of the underage women had travelled on Mr. Epstein's
2 plane.

3 Q. Did you ever meet any of the plaintiffs?
4 MR. SCAROLA: That's question that's been
5 asked and answered.

6 THE WITNESS: I do not have a specific
7 recollection of ever meeting them.

8 MR. SCAROLA: You are exhausting my
9 indulgence.

10 MR. GOLDBERGER: Fair enough.

11 MR. SCAROLA: You've exhausted my
12 indulgence.

13 BY MR. GOLDBERGER:

14 Q. Do you know whether any of your
15 investigators at the firm had any kind of high tech
16 surveillance equipment or, you know, wire tapping
17 equipment?

18 A. I believe they did.

19 Q. Do you know whether this was legal stuff or
20 illegal staff?

21 A. I did not know, nor did I care.

22 Q. Do you know if any of that stuff was used to
23 either wire tap or surveil Mr. Epstein?

24 A. I do not know one way or the other.

25 Q. What sort of equipment did you know that

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1 they had, meaning your investigators?
2 A. I had told Mr. Jenne and others involved in
3 the investigation arm of RRA to get whatever equipment
4 they thought they needed and to get the best stuff
5 that they could get. What they actually did, I can't
6 tell you.

7 Q. You know as part of the Epstein litigation,
8 and I'm talking about now after your using it in the
9 Ponzi scheme, do you know whether anyone at your firm
10 attempted to depose ex-President Bill Clinton?

11 A. I don't recall that, sir.

12 Q. Okay. How about Donald Trump, same
13 question?

14 A. I don't recall that. As a matter of fact,
15 we had represented Trump in some things, we had some
16 pretty close ties with him, so I can't imagine that
17 they would have done that with my authority.

18 Q. Okay.

19 A. I don't recall that.

20 Q. Do you know whether Adler would have --
21 would Adler have the authority to do that without
22 getting your permission?

23 A. The authority, no. Might he have tried,
24 yes.

25 Q. Okay. How about Alan Dershowitz, do you

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1 have any knowledge of your firm's attempt during the
2 Ponzi scheme to depose Alan Dershowitz?

3 A. No, sir. I don't have a recollection of one
4 way or the other.

5 Q. Okay. The name Kendall Coffey was brought
6 up before. Do you know who Kendall Coffey is?

7 A. Yes.

8 Q. Who do you know him to be?

9 A. Former U.S. attorney, current criminal
10 defense lawyer.

11 Q. Was he a friend of the firm's?

12 A. Represented RRA when I fled the country.

13 Q. So he was a friend of the firm, or a friend
14 of yours at least, right?

15 A. He wasn't a friend of mine.

16 Q. A friend of the firm?

17 A. No idea.

18 Q. He represented them when I fled the country.

19 I remember him coming in and doing like a show and
20 tell in my office on TV.

21 MR. GOLDBERGER: Patience gets rewarded.
22 I'm done.

23 Thank you, Mr. Rothstein. That's all the
24 questions that I have.

25 THE WITNESS: You are welcome.

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CROSS EXAMINATION

BY MR. SCAROLA:

Q. Mr. Rothstein, again, Jack Scarola on behalf of Brad Edwards. I want you to assume that Brad has testified under oath that you never had a substantive discussion with him regarding the Epstein case. Do you have any basis whatsoever to question the accuracy of that testimony?

A. I do not.

Q. I want you to assume that Brad has or will testify under oath that while you were copied on e-mails, you never attended a single legitimate meeting regarding the legitimate prosecution of the Epstein cases. Do you have any basis whatsoever to question the accuracy of that testimony?

A. No, sir.

Q. I want you to assume that Brad has or will testify under oath that you never directed the filing of any documents in the Epstein case, including the July federal complaint that's been marked as an exhibit to your deposition. Do you have any reason whatsoever to question the accuracy of that testimony?

A. No, sir.

Q. I want you to assume that Brad has or will testify under oath that you never directed the taking

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of a single deposition, or the propounding of any discovery in the Epstein cases. Do you have any reason to doubt the accuracy of that testimony?

A. No, sir.

Q. I want you to assume that Brad has or will testify that you did not provide any input whatsoever into the handling of the legitimate Epstein cases. Do you have any reason whatsoever to doubt the accuracy of that testimony?

A. No, sir.

Q. I want you to assume that Brad has or will testify that you never met any of the legitimate plaintiffs in the Epstein cases. Do you have any reason to doubt the accuracy of that testimony?

A. No, sir.

MS. HADDAD: I'm going to object to these same questions you keep asking, because Mr. Rothstein has testified at nauseam that he doesn't recall any of this and now you are asking him to bolster Mr. Edwards' either already given or purported testimony when he's testified he doesn't recall it.

BY MR. SCAROLA:

Q. I want you to assume that Brad has or will testify under oath that you never asked him once to report back to you on any factual matters regarding

the Epstein case. Do you have any reason to doubt the accuracy of that testimony?

A. No, sir.

Q. I want you to assume that Brad has testified repeatedly that he had absolutely no involvement in or knowledge of any illegal activity engaged in by you or any other RRA lawyer. Do you have any reason to doubt the accuracy of that testimony?

A. No, sir.

Q. I want to talk to you briefly about your personal perceptions of the significance of the testimony that you are giving today. If Brad Edwards had, in fact, been a participant in any of the illegal activities that you have been questioned about at any stage of this very lengthy deposition, and you knowingly concealed Brad Edwards' participation, what do you understand the personal consequences to be as a consequence of your having knowingly concealed Brad Edwards' participation?

A. I'll be violating my agreement with the United States government and I would run the risk of dying in prison.

Q. If Brad Edwards, contrary to what you have testified under oath and what Brad himself has repeatedly said, knew about anything having to do with

illegal activities at the RRA firm and you concealed your knowledge of Brad Edwards' knowledge of that illegal activity, what do you understand the consequences of that false testimony to be?

A. I'll be violating my agreement with the United States government and I would run the risk of dying in prison.

MR. SCAROLA: Thank you. I don't have any further questions.

THE WITNESS: Thank you, sir.

MR. NURIK: Mark, I don't know what your time frame is on your litigation, but the ability to receive the transcript, review it and prepare an errata sheet within what is normally the time allotted under the court rules cannot be accomplished in this case.

MR. GOLDBERGER: How much time are you generally --

MR. NURIK: I don't know.

Actually, the first set of errata sheets have just been prepared and finalized for the first deposition in December. I'm not suggesting it will take that long this time, but if you can give me an idea of what your time responsibilities are with the court, what the time limits are --

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1 MR. GOLDBERGER: Do you think it will be
2 less than a month, two months?

3 MR. NURIK: I don't think it will be less
4 than a month. First of all, a lot depends on the
5 ability to get the transcript to him to review.

6 MR. GOLDBERGER: Right.

7 MR. NURIK: And that's a whole procedure,
8 it's not normal circumstances that we are dealing
9 with.

10 MR. GOLDBERGER: If time becomes an issue,
11 we'll approach you and ask you to expedite.

12 MR. SCAROLA: Mark, I will tell that from
13 our perspective time is an issue.

14 MR. NURIK: Have at it then, Jack. Do what
15 you need to do to get it done.

16 MR. SCAROLA: There is a long pending
17 motion for summary judgment on Brad's behalf that has
18 been delayed for purposes of taking this deposition.
19 We are very anxious to be able to call that motion
20 for summary judgment up for hearing, so whatever can
21 be done reasonably to expedite the preparation of
22 this portion of this transcript would be appreciated.
23 We understand there are limitations beyond your
24 control, but to the extent you can do it, that would
25 be helpful. Thank you.

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1 MS. HADDAD: It's scheduled in a month,
2 Mark.

3 MR. NURIK: We'll cooperate.

4 MR. SCAROLA: Thank you very much.

5 [Thereupon, the taking of the deposition was
6 concluded at 12:37 p.m.]

7
8
9
10 SCOTT ROTHSTEIN
11 Sworn to and subscribed
before me this day
12 of 2012.
Notary Public, State
of Florida at Large.

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1 CERTIFICATE
2 STATE OF FLORIDA)
3 COUNTY OF MIAMI-DADE)
4
5 I, Pearlyck Martin, a Notary Public in and
6 for the State of Florida at Large, do hereby certify
7 that, pursuant to a Notice of Taking Deposition in
8 the above-entitled cause, SCOTT ROTHSTEIN was by me
9 first duly cautioned and sworn to testify the whole
10 truth, and upon being carefully examined testified as
11 is hereinabove shown, and the testimony of said
12 witness was reduced to typewriting under my personal
13 supervision and that the said Video Conference
14 deposition constitutes a true record of the testimony
15 given by the witness.

16 I further certify that the said Video
17 Conference deposition was taken at the time and place
18 specified hereinabove and that I am neither of
19 counsel nor solicitor to either of the parties in
20 said suit nor interested in the event of the cause.
21
22 WITNESS my hand and official seal in the
23 City of Miami, County of Dade, State of Florida, this
24 day of June 19, 2012.
25

Pearlyck Martin

1 FRIEDMAN, LOMBARDI & OLSON
2 Suite 924, Biscayne Building
3 19 West Flagler Street
4 Miami, Florida 33130
5 Telephone (305) 371-6677

6 June 21, 2012

7 IN RE: EPSTEIN VS. EDWARDS

8 SCOTT ROTHSTEIN C/O MARC NURIK
9 One East Broward Boulevard, Seventh Floor
10 Ft. Lauderdale, Florida 33301

11 Dear SCOTT ROTHSTEIN:

12 With reference to the deposition of
13 yourself taken on June 14, 2012, in connection with
14 the above-captioned case, please be advised that the
15 transcript of the deposition has been completed and
16 is awaiting signature.

17 Please arrange to stop by our office for
18 the purpose of reading and signing the deposition.
19 Our office hours are 9:00 a.m. to 4:00 p.m., Monday
20 through Friday. Please telephone in advance.

21 You may, however, read a copy of the
22 transcript, provided by any of the attorneys
23 connected with the case, denoting any corrections by
24 page and line number on a separate sheet of paper.
25 This correction page must be signed by you and
notarized and returned to us for filing with the
original.

If this has not been taken care of,
however, within the next 30 days, or by the time of
trial, whichever comes first, I shall then conclude
that the reading, subscribing and notice of filing
have been waived and shall then proceed to deliver
the original of the transcript to ordering attorney
without further notice.

Pearlyck Martin

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
CASE NO. 50 2009CA040800XXXXMB AG

Complex Litigation, Fla.R.Civ.Pro. 1201

JEFFREY EPSTEIN,

Plaintiff,

-vs-

VOLUME I OF 11

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

Defendants.

VIDEOTAPED DEPOSITION OF BRADLEY J. EDWARDS, ESQUIRE

Tuesday, March 23, 2010
10:00 - 5:07 p.m.

2139 Palm Beach Lakes, Boulevard
West Palm Beach, Florida 33401

Reported By:
Cynthia Hopkins, RPR, FPR
Notary Public, State of Florida
Prose Court Reporting
Job No.: 1333

(561) 832-7500 PROSE COURT REPORTING AGENCY, INC. (561) 832-7506

1 APPEARANCES:

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6 and

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11 and

12 On behalf of the Plaintiff:

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18 JACK SCAROLA, ESQUIRE
19 SEARCY, DENNEY, SCAROLA,
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21 ALSO PRESENT:

22 Jeffrey Epstein
23 Joseph Kozak, Videographer
24 Prose Reporting Services
25

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4 EXAMINATION DIRECT CROSS REDIRECT

5 BRADLEY J. EDWARDS, ESQUIRE

6 BY MR. CRITTON 5

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12 E X H I B I T S
13 - - -

14 EXHIBIT	15 DESCRIPTION	16 PAGE
PLAINTIFF'S EX. 1	ALFREDO RODRIGUEZ CRIMINAL COMPLAINT	211
PLAINTIFF'S EX. 2	COMPLAINT	239
PLAINTIFF'S EX. 3	JULY 22, 2009 FACSIMILE	276

1 - - -
2 P R O C E E D I N G S
3 - - -

4 Deposition taken before Cynthia Hopkins,
5 Registered Professional Reporter and Florida
6 Professional Reporter, and Notary Public in and for
7 the State of Florida at Large, in the above cause.

8 THE VIDEOGRAPHER: We are now on video
9 record. This is Media Number One in the
10 videotaped deposition of Bradley Edwards in the
11 matter of Jeffrey Epstein versus Scott
12 Rothstein, Bradley J. Edwards, and L.M.

13 Today is Tuesday, March 23rd, 2010 at
14 10:00 a.m. We're here in the law offices
15 of Searcy, Denney, Scarola, Barnhart &
16 Shipley, 2139 Palm Beach Lakes Boulevard,
17 West Palm Beach, Florida.

18 My name is Joe Kozak. I am the
19 videographer. The court reporter is Cindy
20 Hopkins from Prose, Prose Court Reporting
21 Agency.

22 Will counsel please introduce
23 yourselves, and then the court reporter
24 will swear in the witnesses.

25 MR. CRITTON: Bob Critton on behalf of the

1 Plaintiff, Jeffrey Epstein.

2 MR. GOLDBERG: Jack Goldberger on behalf
3 of the Plaintiff, Jeffrey Epstein.

4 MR. DERSHOWITZ: Alan Dershowitz on behalf
5 of the Plaintiff, Jeffrey Epstein, of counsel.

6 MR. SCAROLA: The record should reflect
7 that Mr. Epstein is also personally present.

8 My name is Jack Scarola. I am counsel on
9 behalf of the Defendant/Counter-Plaintiff, Brad
10 Edwards.

11 Thereupon,

12 (BRADLEY J. EDWARDS, ESQUIRE)

13 having been first duly sworn or affirmed, was
14 examined and testified as follows:

15 THE WITNESS: Yes.

16 DIRECT EXAMINATION

17 BY MR. CRITTON:

18 Q. Would you please tell us your full name
19 and home your home address.

20 A. Bradley James Edwards, 1109 Northeast Second
21 Street, Hallandale Beach, Florida, 33009.

22 Q. Date of birth, please.

23 A. 11/16/75.

24 Q. Mr. Edwards, have you ever had your
25 deposition taken before?

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1 A. No.

2 Q. Okay. But you've counseled, you've
3 obviously taken a number of depositions both as a
4 Plaintiff and as a Defendant. You're familiar with
5 all the rules?

6 A. I know the rules.

7 Q. All right. Again if I ask you a question
8 you don't understand, if you would ask me or if you
9 want me to rephrase it, I will be happy to do that.

10 A. Yes.

11 MR. SCAROLA: Mr. Edwards, Mr. Edwards,
12 knows the rules. You can skip the
13 preliminaries.

14 MR. CRITTON: Is that a form objection?

15 MR. SCAROLA: No.

16 MR. CRITTON: Just a talk.

17 MR. SCAROLA: It's a, it's a request that
18 you not waste our time.

19 MR. CRITTON: I am not wasting your time.
20 And if we hadn't gone through that, we would
21 have been done with them, Jack.

22 BY MR. CRITTON:

23 Q. Mr. Edwards, are you currently employed?

24 A. Yes.

25 Q. And by whom are you currently employed?

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1 A. I don't understand the question.

2 Q. For whom do you work at the current time?
3 Are you an employee?

4 A. I am a partner in the law firm of Farmer,
5 Jaffe, Weissing, Edwards, Fistos & Lehrman.

6 Q. Is that a professional association?

7 A. Yes.

8 Q. And you said you're a partner. Do you
9 have your own P.A. or is the only the Farmer -- what
10 was the second name, Jaffe?

11 A. Correct.

12 Q. And I will refer to it as Farmer, Jaffe,
13 if that's all right with you. Is Farmer, Jaffe
14 itself a P.A.; that is, are you a partnership of
15 P.A.'s?

16 A. Yes.

17 Q. Do you have your own professional
18 association?

19 A. Yes.

20 Q. Okay. What's it called?

21 A. Law Office of Brad Edwards, LLC.

22 Q. You are the sole member of that LLC?

23 A. Yes.

24 Q. And then your LLC is a partner of the
25 Farmer, Jaffe firm?

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1 A. Correct.

2 Q. And do you hold yourself out to the public
3 as being a partner of that firm; that is you
4 individually?

5 A. What do you mean by hold myself out to the
6 public?

7 Q. If I got your letter would your letter
8 say, if I received a letter from you would it say
9 Brad Edwards, partner, or something to that effect?

10 A. I don't think so.

11 Q. Okay. What does your card say? Do you
12 have a business card?

13 A. I do.

14 Q. Okay. What does your business card--

15 A. Attorney.

16 Q. -- reflect? And when you introduce
17 yourself to clients or other attorneys for the first
18 occasion, do you introduce yourself as a partner of
19 that firm if asked?

20 A. If asked are you a partner; is that your
21 question?

22 Q. Correct.

23 A. Would I say yes? The answer is yes.

24 Q. When did you start -- I want to strike
25 that. Do you consider yourself an employee of the

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1 partnership?

2 A. What do you mean by that?

3 Q. Do you understand what an employee is?

4 A. I work for the firm.

5 Q. You are certainly not --

6 A. I am employed there, so, yes.

7 Q. When did you start your association with
8 the Farmer, Jaffe firm?

9 A. Sometime during the month of November, 2009.

10 Q. And is that when the firm was incorporated
11 as a professional association?

12 A. I believe so.

13 Q. The attorneys who are in the current firm,
14 are they all former Rothstein Rosenfeldt Adler
15 attorneys; that is, the professional staff?

16 A. Yes.

17 Q. Is there anyone -- Let me strike that.

18 Do you have paralegals as well that
19 work there?

20 A. Yes.

21 Q. Are any of the paralegals former, and if I
22 refer to Rothstein Rosenfeldt Adler as RRA, or RRA,
23 is that all right with you?

24 A. I understand what you mean.

25 Q. Are there any other, are any of the

1 paralegals that are currently employed by Farmer,
2 Jaffe in any capacity whether they are independent
3 contractors -- well, let me strike that.

4 As employee's, I probably should ask
5 this question: Does the firm, Farmer, Jaffe have
6 employees --

7 A. Yes.

8 Q. -- separate and apart from the partners?

9 A. Yes.

10 Q. And they are actually employed by the
11 P.A., correct?

12 A. Correct.

13 Q. Does the firm have any paralegals that
14 came over from the RRA firm, RRA?

15 A. Yes.

16 Q. Who are they?

17 A. Maria and Beth.

18 Q. Does Maria have a last name?

19 A. Yes.

20 Q. What is it, please?

21 A. I believe it's pronounced Kelljian.

22 Q. Can you spell it?

23 A. I can give it my best shot; K-E-L-L-J-I-A-N.

24 Q. And Beth's last name is what, please?

25 A. Williamson.

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1 Q. She's your current secretary/paralegal, or
2 do you have a secretary as well?

3 A. I don't understand your question.

4 Q. Do you have -- is Beth Williamson your
5 paralegal?

6 A. She's a paralegal at the law firm of Farmer,
7 Jaffe, Weissing, Edwards, Fustos & Lehrman.

8 Q. Does she primarily work for you?

9 A. No.

10 Q. Do you have a secretary as well?

11 A. The law firm? Yes.

12 Q. The secretary who works primarily for
13 you --

14 A. No.

15 Q. You just use whoever is available from a
16 secretary standpoint?

17 A. No.

18 Q. Who do you primarily use for secretary
19 services?

20 A. There is nobody who could fall into the
21 category of who I primarily use.

22 Q. Ms. Williamson, who, by whom, who, who was
23 the attorney at RRA with whom she primarily worked?

24 A. I believe it was several attorneys, and I
25 can't tell you who the attorneys were that she worked

1 for or with.

2 Q. Did she work with you at all at RRA?

3 A. In some limited capacity, maybe.

4 Q. Did she ever work on any of the -- you
5 have three cases that you ever filed -- or let me
6 strike that.

7 There are three cases that are in
8 existence at the current time. One is Jane Doe
9 versus Mr. Epstein which is, is a federal court case
10 and the Plaintiff's name is Jane Doe. That is one
11 of your cases, correct?

12 A. Correct.

13 Q. Or one of the firm's cases at the current
14 time?

15 A. Correct.

16 Q. There is another case versus L.M. Versus
17 Jeffrey Epstein and a third called E.W. versus
18 Jeffrey Epstein, correct?

19 A. Yes.

20 Q. And as a result all three of those cases
21 currently now are firm cases, the Farmer, Jaffe firm
22 cases?

23 A. Yes.

24 Q. Did Mrs. Williamson work on any of those
25 cases?

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1 A. In what time period? What's your question?

2 Q. I'm sorry. During the time that you were
3 associated with RRA, did Mrs. Williamson work on
4 those cases?

5 A. Without you needing to ask 20 different
6 questions to get to your answer, I will tell you her
7 involvement was that after federal motions were drafted,
8 she was the person to literally file the motion. That
9 is her only involvement with the cases while at RRA

10 Q. She basically filed them through the Pacer
11 system?

12 A. Exactly.

13 Q. Prior to you working at Farmer, Jaffe by
14 whom were you employed? And by employed I mean in,
15 in a broad sense. You could have been an
16 independent contractor. You could have been a
17 partner. You could have been an employee.

18 A. The law firm of Rothstein Rosenfeldt Adler.

19 Q. When did you start working for RRA?

20 A. I believe April of 2009.

21 Q. Beginning of April?

22 A. Yes.

23 Q. I saw a pleading that was filed yesterday

24 and it was either E.M., I am sorry, L.M. or E.W.
25 that looked like there was a change of -- I'm sorry,

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1 notice of appearance or something by RRA. Would
2 that, in any way, if I asked you to assume that
3 that's correct, would that refresh your recollection
4 that it may have been at the end of March?

5 A. I don't understand that question at all.

6 Q. I saw a pleading that was filed or --
7 A. Yesterday you said.

8 Q. -- a paper that was filed. I was looking
9 at a pleading filed in either E.W. or L.M., and I
10 saw a paper that was basically a notice of
11 appearance on behalf of RRA. And it looked like it
12 was dated around March 30 of 2009.

13 A. Okay.

14 Q. Is it possible that you started your
15 association with RRA at an earlier date than April
16 of '09?

17 A. Assuming that what you said is true, if that
18 document says that, then it's possible that is an
19 accurate reflection of when I began.

20 Q. Did you start working with RRA before you
21 filed any documents representing that RRA or that
22 you had now an affiliation with RRA?

23 A. No.

24 Q. Where the -- again, I don't remember, --
25 whether there was a notice of additional counsel or

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1 ...substitution of counsel. Did you, were the
2 substitution of counsel's filed the exact date that
3 you started with RRA?

4 A. I don't remember.

5 Q. When did your association with RRA
6 terminate or end?

7 A. The end of October 2009 or the beginning of
8 November 2009.

9 Q. And how did it terminate? How did your
10 relationship with RRA terminate?

11 A. The firm closed.

12 Q. Did you get, notification -- when you say
13 closed, meaning what?

14 A. Meaning what everybody in this entire room
15 knows is that the firm went from operating to no longer
16 operating.

17 Q. And how did you receive notice; that is,
18 did you receive some sort of notice that told you
19 that RRA now is a defunct firm? Did you receive
20 notification that was in bankruptcy? What, if
21 anything, did you receive?

22 A. I didn't receive anything.

23 Q. And then how did your relationship with
24 RRA end?

25 A. Came to work on a Monday morning, and there

1 ...was a meeting that was held informing all the employees
2 including myself that the firm no longer was financially
3 able to survive and therefore would be immediately
4 closing down.

5 Q. Who was the spokesperson at the meeting,
6 the main individual who advised those assembled in
7 the room that that's what was going to occur?

8 A. I don't remember.

9 Q. Was it -- did Rosenfeldt speak at all at
10 that meeting?

11 A. I, I can't remember.

12 Q. Do you remember the date of the meeting?
13 A. I remember that it was a Monday.

14 Q. Do you remember it being in October or
15 November?

16 A. Either the very end of October or the very
17 beginning of November.

18 Q. Did anyone -- well, let me strike that.
19 Do you remember whether the person -- let me strike
20 that.

21 At the meeting who was present, and I
22 don't mean individual names. Who did it, by groups,
23 who did it include?

24 A. The meeting was held in a cafeteria type room
25 in the building where RRA maintained its offices. And

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1 the room was completely full to capacity with as many
 2 employees of the Rothstein, Rosenfeldt Adler firm as
 3 were in attendance at work that day.

4 Q. And included lawyers, paralegals, support
 5 staff, investigators?

6 A. Literally --

7 Q. -- everyone, I mean everyone who obviously
 8 showed up at the meeting?

9 A. I don't know.

10 Q. Did you see other lawyers there?

11 A. Yes.

12 Q. Did you see staff there?

13 A. Yes.

14 Q. Did you see paralegals there?

15 A. Yes.

16 Q. Did you see investigators there?

17 A. I can't necessarily remember whether or not I
 18 saw investor -- investigators there.

19 Q. And did more than one person speak at the
 20 meeting?

21 A. I don't remember.

22 Q. Okay. What else were you advised at the
 23 meeting, if anything?

24 A. It was -- I stayed for very little of that
 25 meeting. I don't know what was advised to others, but --

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1 what I heard was, firm is closing down. That's all I
 2 needed to hear and I left.

3 Q. Did you subsequent -- well, let me strike
 4 that. Did you, were you able to gain, gain access
 5 to the building that day? I am sorry, access to
 6 your, to the offices of the Rothstein firm that day?

7 A. Yes.

8 Q. And were you able to access any of your
 9 files or your e-mail at that time?

10 A. What time?

11 Q. That same day, that Monday that you were
 12 advised that the firm was shutting down.

13 A. Yes.

14 Q. And were you able to print documents?
 15 Well, let me strike that. Were you able to take
 16 documents relating to matters on which you worked
 17 from the firm?

18 A. What do you mean by was I able to?

19 Q. Were you able to access and take with you
 20 documents that related to files on which you were
 21 working the preceding Friday when you were at RRA?

22 A. I believe so.

23 Q. Did you take, did you actually remove --
 24 documents, papers, that were related to files that
 25 you had on which you were working from RRA that day?

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1 A. I don't believe so. I don't believe so.
 2 Q. Okay. Was anyone preventing you from
 3 taking anything?

4 A. No.

5 Q. Okay. Did you print out any documentation
 6 from your server or from the firm's server that day
 7 to take with you?

8 A. Not that I recall.

9 Q. Do you recall taking anything from
 10 RRA's office that day, that day being that same
 11 Monday?

12 A. No.

13 Q. Obviously Scott Rothstein was not there?

14 A. Correct.

15 Q. Have you ever spoken, excuse me, have you
 16 ever seen Mr. Rothstein since that Monday at the
 17 meeting?

18 A. What do you mean have I seen him?

19 Q. Seen him in person, I'm sorry.

20 A. No.

21 Q. Okay, have you spoken with him at any time
 22 since the Monday meeting at which time you were
 23 advised that the firm was shutting down?

24 A. No.

25 Q. Have you spoken on any, with anyone on his

1 behalf; that is, who purports to represent -- Mr. Rothstein since you left the firm that day?

2 A. No.

3 Q. Do you know Mr. Nurik?

4 A. Yes.

5 Q. Do you recognize -- are you aware that he
 6 represents Mr. Rothstein?

7 A. Yes.

8 Q. Okay. Have you spoken with him since that
 9 Monday?

10 A. He called me on a morning before a hearing to
 11 ask me where Judge Crow's courtroom was. And I told
 12 him, and that was the extent of that conversation.
 13 Otherwise, I have had zero communication with Marc
 14 Nurik.

15 Q. With regard to the firm being advised that
 16 the firm was shutting down on that Monday, did you
 17 subsequently return to the firm's offices? Let me
 18 strike that. How long did you stay at the firm that
 19 day?

20 A. I don't remember.

21 Q. Did you stay all day?

22 A. I believe so.

23 Q. Were you able to work on your files?

24 A. I don't understand the question.

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1 Q. Were you able to do legal work on the
2 matters that wherein you represent individuals?
3 A. Was I able to? Yes, I was physically able to
4 do that.

5 Q. Did you work on legal matters that day?

6 A. No.

7 Q. Did you subsequently, after that date, did
8 you return to the RRA offices?

9 A. Yes.

10 Q. And where are those offices or where were
11 those offices located?

12 A. Las Olas.

13 Q. The address, please?

14 A. I don't remember.

15 Q. With regard to the --

16 A. 401.

17 Q. Las Olas?

18 A. (Witness nods head.)

19 Q. Did you, did you after that Monday did you
20 return to the offices at 401 Las Olas, the RRA
21 offices?

22 A. Yes.

23 Q. And did you return every day thereafter
24 for a period of time?

25 A. No.

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1 Q. Was there a point in time that you were
2 prevented from entering your office or the offices
3 of RRA?

4 A. Yes.

5 Q. At what point in time were you prevented
6 from going into the offices?

7 A. I don't remember.

8 Q. How many days were you able to access the
9 offices before you were prevented?

10 A. I don't remember.

11 Q. You don't know whether it was a day or
12 three days or five days that you were allowed to go
13 into the office?

14 A. The period of time that I was able to go into
15 the office encompasses all of those things that you just
16 said, one day, three days, five days, yes. I can
17 definitely say with certainty I was able to do that.

18 Q. During the month of October were you
19 allowed to go into the office more than ten days?

20 A. Yes.

21 Q. Did they put -- well, let me strike that.
22 Did someone put restrictions on what your access was
23 to the office, the RRA office?

24 A. Yes.

25 Q. Okay. Who put the restrictions on the

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1 Q. Entry to the office?

2 A. I don't know.

3 Q. Well, who would, who would monitor whether
4 you came in or couldn't go into the office?

5 A. I don't know.

6 Q. Was there someone there?

7 A. Was there someone where?

8 Q. The impression I got is that there was
9 some limitation on your ability to access the RRA
10 offices after the Monday at which time you were
11 advised that the firm was shutting down. Did I
12 misunderstand you?

13 A. No, that's correct.

14 Q. Okay. Who then, if you know, or what, if
15 it was an entity, placed any restrictions on your
16 access to RRA offices?

17 A. I don't know.

18 Q. When you would go to the office -- well,
19 let me strike that. After how many days -- well,
20 let me strike that.

21 The very day, the same day that you
22 were advised that the office was closing down, were
23 there any individuals that were monitoring what, if
24 anything, was to be removed or not removed from the
25 office, like a security force, Broward County

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1 Q. Police, U.S. Marshals.

2 A. From my recollection there were at some point
3 in time, there were people in the office monitoring
4 activity in the office.

5 Q. Was that the first week after the Monday?

6 A. I don't recall.

7 Q. Did you ever, did you receive any
8 guidelines either at the Monday meeting or
9 thereafter as to what you could or could not remove
10 from the file, from the, I'm sorry from the RRA
11 offices?

12 A. I believe so.

13 Q. And who put those guidelines out, do you
14 recall?

15 A. No.

16 Q. Were they in a written form?

17 A. No.

18 Q. Okay. Was given in what form, how did you
19 learn what you could and could not take from the
20 office?

21 A. More rumor than anything else is what I
22 remember.

23 Q. Did you discuss that with other
24 individuals or other attorneys who were working at
25 RRA?

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1 A. Possibly.
 2 Q. Did you ever attempt to remove something
 3 from the office of the RRA offices and someone
 4 prevented you?
 5 A. No.
 6 Q. Did you ever -- and when I say remove I
 7 mean in the sense of physically remove; that is,
 8 take out boxes or take out files or something of
 9 that nature.
 10 A. I understand the definition of remove.
 11 Q. With regard to, there were also, I
 12 understand you had an e-mail server at the office?
 13 A. Okay.
 14 Q. Is that correct?
 15 A. Yes.
 16 Q. And I have seen something, there is
 17 something that's called Qtask. Are you familiar
 18 with Qtask?
 19 A. Yes.
 20 Q. And what do you understand Qtask or what
 21 did you understand that Qtask did; that is, as an
 22 electronic service?
 23 A. A web based network to store files and other
 24 materials.
 25 Q. In terms of electronic storage, or

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1 electronic data at the RRA firm, in addition to,
 2 excuse me, the e-mail server was and Qtask, was
 3 there anything else from an electronic storage or
 4 communication means through RRA?
 5 A. Yes.
 6 Q. What else was there?
 7 A. That stored electronic materials?
 8 Q. Right, or that you could communicate with
 9 someone else either inside or out of the firm. You
 10 had the server, e-mail server. You had Qtask. What
 11 else did you have?
 12 A. To communicate with others, e-mail and Qtask.
 13 Q. And how about within the confines of the
 14 firm, was there another electronic mail system or
 15 electronic system either for storage or for
 16 communication?
 17 A. To the best of my recollection, none for
 18 communication. Storage, yes. There were electronic
 19 paperless storage case management systems in place.
 20 Q. And with regard to the electronic case
 21 management system, were your files, including the
 22 three cases involving Mr. Epstein, were those cases
 23 on the electronic case management system?
 24 A. Yes.
 25 Q. And could you access the electronic case

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1 management system; that is, did you utilize the
 2 software that was available?
 3 A. Yes.
 4 Q. And had you ever used a system like that
 5 before you came to the RRA firm, RRA?
 6 A. I don't understand.
 7 Q. Okay. Had you ever used an electronic
 8 case management software system before you came to
 9 RRA?
 10 A. Yes.
 11 Q. Was yours the system that you had used
 12 before was that were you able to integrate that with
 13 RRA, with the RRA file or system when you got there,
 14 or did your files have to be put on the new RRA
 15 system?
 16 A. The latter.
 17 Q. In addition, so we had the e-mail server,
 18 Qtask, and electronic case management system. Was
 19 there any other type of electronic storage or system
 20 that was available for communication or storage at
 21 RRA?
 22 A. Not that I recall.
 23 Q. With regard to the e-mail system, well,
 24 with regard to the e-mail system, Qtask, and
 25 electronic case management, did you require, was

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1 there a password required to use or access each one?
 2 A. No.
 3 Q. Was there a password required to use any
 4 of the three?
 5 A. I don't believe so.
 6 Q. As I saw in an order that with the Qtask
 7 system that there was some sort of access code that
 8 was required to get into Qtask.
 9 A. I saw that too.
 10 Q. Did you ever have, did you ever have such
 11 a code or a password with regard to Qtask?
 12 A. I don't remember.
 13 Q. Has the receiver and/or it's, Mr. Seton or
 14 his attorneys asked for you to provide any passwords
 15 or information to access any of your files?
 16 A. I don't think so.
 17 Q. Do you understand that you have a
 18 requirement or you're required to give the password
 19 if requested by Mr. Seton?
 20 A. I don't know the password to give to anybody.
 21 I never knew there was a password.
 22 Q. Did you --
 23 A. I don't believe.
 24 Q. Did you use Qtask?
 25 A. I have used Qtask.

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1 Q. With regard to your, the files
 2 specifically, specifically the -- well, let me
 3 strike that. During the time you were at RRA, of
 4 the three files, Jane Doe, L.M., and E.W. or in
 5 addition to those three files, did you represent any
 6 other individuals who were potential claimants
 7 against Mr. Epstein?

8 A. I don't believe so.

9 Q. All right. I received notification from
 10 you as to a Ms. N.R.?

11 A. N.R.

12 Q. N.R. and Ms. D.F. I believe is her name?

13 A. Correct.

14 Q. Were either of those individuals, had
 15 either of those individuals contacted you prior to
 16 leaving the RRA firm?

17 A. I don't believe so.

18 Q. Is it your testimony then that none,
 19 neither Ms. N.R. nor Ms. D.F. would have had a fee
 20 agreement or representation agreement with the RRA
 21 firm because they hadn't contacted you prior to your
 22 departure from that firm; is that correct?

23 A. I'm not sure...

24 Q. Is it possible that Ms., either Ms. N.R.
 25 or Ms. D.F. contacted you before you left the RRA

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1 firm but you just didn't sign them up before you
 2 left?

3 MR. SCAROLA: Objection, calls for
 4 speculation.

5 THE WITNESS: Yes.

6 BY MR. CRITTON:

7 Q. Is there a reason that you would not have
 8 signed them up during the time you were with -- or
 9 let me strike that. Prior to the implosion, prior,
 10 prior to that Monday when you were advised that the
 11 RRA firm was closing down, had you made any plans to
 12 leave that firm, that is the RRA firm?

13 A. No.

14 Q. Okay. Had you discussed with any other
 15 attorneys in RRA departing from RRA or the RRA firm
 16 prior to that Monday meeting at which time you were
 17 advised that the firm was shutting down?

18 A. No.

19 Q. You indicated it's possible that Ms. N.R.
 20 or Ms. D.F. may have contacted you prior to your
 21 departure or prior to that Monday meeting. What
 22 makes you believe that?

23 A. I don't remember exactly the timing of any...
 24 communications between myself and Ms. D.F. or Ms. N.R.
 25 And it seems to me that it was around the time period

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1 either just before or just after I do believe I spoke
 2 with one or maybe both of them on at least one occasion
 3 before the disbandment of RRA

4 And I know for a fact I signed each
 5 one of the clients up after the disbandment of RRA
 6 I can't tell you with any degree of certainty
 7 whether they signed a fee agreement with RRA prior
 8 to the disbandment.

9 Q. Have you been able to do any transfers of
 10 your, of -- let me strike that. With regard to the
 11 e-mail server at RRA, have you had occasion to
 12 access that since that Monday; that is, the Monday
 13 meeting that you referred to in either late October
 14 or early November of '09?

15 A. Yes.

16 Q. All right. And have you had full access,
 17 at some point did you get full access to all of your
 18 e-mail that, that existed at least, that you had not
 19 removed -- let me start again.

20 Under an e-mail server you, you have
 21 the ability, obviously, to delete what you, what you
 22 choose, correct?

23 A. As do you.

24 Q. As do I, right. And were you using like a
 25 Microsoft Outlook program?

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1 A. I don't remember.

2 Q. Okay.

3 A. I am now.

4 Q. Well, with the program that you did have,
 5 could you delete it and then you would have to go
 6 into the delete it and further delete it to clean it
 7 out?

8 A. I don't remember.

9 Q. You don't remember back to October or
 10 September of '09 at this point?

11 A. That's just not what I do. I mean, I don't
 12 just delete e-mails. So I don't know what you had to
 13 do. You take me for somebody more e-mail savvy than I
 14 am about that.

15 Q. Do you basically save all your e-mails or
 16 had you in the past when you were at RRA?

17 A. I don't intentionally save or delete. They
 18 are just there.

19 Q. And when you, when you, at some point
 20 after the Monday meeting, were you able to transfer
 21 whatever e-mails you had from RRA to your current
 22 program?

23 A. At Farmer, Jaffe, Weissing?

24 Q. Correct.

25 A. No.

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1 Q. Were you at some point given access to all
 2 your e-mails so it could be downloaded either on a
 3 disk, hard disc, floppy disk, or some other storage
 4 medium so that you had access to all your prior
 5 e-mails when you were at RRA?

6 A. I don't know.

7 Q. Did you ever make that request to someone,
 8 either the receiver or anyone else associated with
 9 RRA?

10 A. I don't remember if I made that request.

11 Q. I thought you indicated earlier,
 12 Mr. Edwards, that you had access to some of your
 13 e-mails.

14 A. I had access to all of my e-mails on that
 15 Monday of the meeting, on the next day, on that Tuesday,
 16 right, the immediately following the meeting. 32:46 at
 17 some point in time it was cutoff and since that time,
 18 when it was cutoff, I don't believe I have ever had
 19 access back to my entire e-mail system.

20 Q. Okay. Have you had access to portions of
 21 your e-mail system?

22 A. Not that I remember.

23 Q. Have you attempted to obtain access or
 24 requested that you obtain access or information from
 25 your e-mail, from the RRA e-mail server?

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1 A. I don't remember.

2 Q. You say you don't remember. Would there
 3 have been a reason that you either requested or
 4 didn't request access to your prior e-mail? When I
 5 say prior I mean at RRA

6 A. Usually you read all of your e-mails and there
 7 shouldn't be anything that I had not read. However,
 8 there are some e-mails that you would like to keep
 9 around. So there may have been reason for me to have
 10 requested. However, I don't believe I was ever granted
 11 access to those e-mails, and I can't specifically
 12 remember requesting the e-mails.

13 Q. Within, within the e-mails you would have
 14 corresponded with or communicated with people
 15 outside of the firm and as well as people within the
 16 firm, true?

17 A. Ever, yes.

18 Q. During the time you were RRA

19 A. Did I ever communicate with somebody outside?
 20 I communicated with you.

21 Q. Correct.

22 A. So you know that to be true. Yeah, of course.

23 Q. I know that to be true. And my question
 24 is as well within the server or e-mail system with
 25 RRA, did you ever also communicate with other

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1 paralegals, other staff at RRA?

2 A. Yes.

3 Q. And would you see, receive, if it was
 4 something from one of the other partners at RRA
 5 would you receive; that is, did you get firm-wide
 6 e-mails from time to time about specific topics?

7 A. Yes.

8 Q. All right. When you, during the time that
 9 you went back to RRA, did you printout, and up until
 10 the time you were denied access to the e-mail
 11 server, did you ever print, printout any e-mails or
 12 transfer any e-mails that you can recall?

13 A. Not that I can recall.

14 Q. All right. With regard to the Qtask
 15 system, have you been, since that Monday have you
 16 been able to use that system in any fashion?

17 A. What do you mean by that?

18 Q. Have you been able to access Qtask either
 19 to look to see what was there or in the alternative
 20 pull information from so that you could printout
 21 information from Qtask?

22 A. I don't know. Probably.

23 Q. Okay. Have you attempted since that
 24 Monday -- well, after that Monday meeting -- let me
 25 strike that.

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1 Since the meeting that occurred on
 2 that Monday at which time you were advised the firm
 3 was shutting down, have you accessed Qtask for any
 4 reason?

5 A. I don't believe so.

6 Q. What kind of -- you said, you described
 7 earlier that Qtask was a web based network of files
 8 for files and other materials. And in what fashion
 9 did you use Qtask during the time you were with RRA,
 10 RRA?

11 A. Qtask is a project centric web-based program.
 12 So projects could be created. The project would
 13 normally be a case, and that case discussed with lawyers
 14 the way that you may gather around a table and discuss
 15 it. And at times I was invited to projects on various
 16 cases and utilized that system.

17 Q. Is that the only fashion that you would
 18 have used Qtask during the time you were with RRA?

19 A. Yes.

20 Q. And when you say a project, as an example,
 21 Jane Doe versus Jeffrey Epstein, if that had been
 22 put, just this is hypothetically and then I will ask
 23 you later whether that was in the system but if you
 24 wanted or let me strike that.

25 Could Jane Doe versus Jeffrey Epstein

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1 been put in the Qtask program for, for purposes of
2 creating a project?

3 A. Repeat it again.

4 Q. Okay. Could a case like Jane Doe versus
5 Jeffrey Epstein been put in the Qtask system as a
6 project so that you and others could look at it?

7 A. You mean is, is, is the project capable of
8 holding such a project?

9 Q. Yes, just generically.

10 A. Yes, yes.

11 Q. And in terms of the RRA system, did the
12 RRA system ever have as, as a project Jane Doe
13 versus Jeffrey Epstein?

14 A. I don't believe so.

15 Q. Did you ever look in the Qtask, Qtask
16 system to determine whether you or anyone on your
17 behalf or any other person in the firm had ever put
18 Jane Doe versus Jeffrey Epstein into the Qtask
19 system?

20 A. Yes.

21 Q. Okay. And what did you find or not find?

22 A. I don't remember if that was the name of
23 any project in the system. It could have been, but it
24 may not have been. I don't remember that as a specific
25 project in the system.

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1 Q. When you say a specific project, if I
2 understand you correctly, Mr. Edwards, that would
3 have been, as an example, it could be any case. It
4 could be a real estate case, it could be a labor
5 case, it could be Jane Doe versus Jeffrey Epstein,
6 but someone could, someone whether it was you or
7 someone else could put in facts and information
8 about the case?

9 A. Similar to any case management system that's,
10 it just happens to be web based, but you have the right
11 concept.

12 Q. Is the concept the same concept for an
13 electronic, for the third electronic system, you had
14 the electronic case management system?

15 A. I suppose at full capacity it, it may. I just
16 wasn't that adept at Qtask to know all of the
17 capabilities of Qtask.

18 Q. With regard to the third item which I am
19 going to come back to Qtask in just a minute, the
20 electronic case management software, what was the
21 name of that software?

22 A. I believe it's called Fortis.

23 Q. F-o-r-t-i-s?

24 A. I think so.

25 Q. I may have asked you, have you ever used a

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1 "Fortis system before you came to Rothstein" --
2 A. Had I ever used Fortis before I came to RRA?

3 Q. Yes.

4 A. No.

5 Q. Now, back to Qtask. Did you, do you have
6 a recollection -- let me strike that. Did you ever
7 personally ever put any information into the Qtask
8 system for a project --

9 A. Yes.

10 Q. -- on your cases?

11 A. Yes.

12 Q. Did you ever put, and I think you just
13 testified as to the best of your recollection, Jane
14 Doe versus Jeffrey Epstein was never put into the
15 Qtask system, correct?

16 A. As the name of a project?

17 Q. Yes, sir.

18 A. No. I don't believe so.

19 Q. Well, was, when you say the name of a
20 project, could, could information about Jane Doe
21 versus Jeffrey Epstein have gotten into the system
22 but not identified as a, quote, unquote, project?

23 MR. SCAROLA: Calls for speculation.

24 MR. CRITTON: Do you understand the

25 question, sir?

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1 THE WITNESS: I don't understand.
2 MR. SCAROLA: Are you asking whether that,
3 that capability existed?

4 MR. CRITTON: Sure.

5 THE WITNESS: Did the capability exist?

6 MR. CRITTON: Right. Again Mr. Scarola
7 didn't want to let me go through the
8 explanation because he thought you understand
9 it and I know you did, Brad. I know you
10 understand.

11 THE WITNESS: I don't know that I
12 understand that question. I want to make sure
13 that I answer your question accurately.

14 MR. CRITTON: See, cut me off too early,
15 earlier.

16 MR. SCAROLA: No, too late.

17 BY MR. CRITTON:

18 Q. Mr. Edwards, what I am trying to get is
19 you described the Qtask as being project centric.
20 And as I understood it, the project may be given a
21 label or a title?

22 A. Correct.

23 Q. So, it could be Jane Doe versus Epstein;
24 it could be Jane Doe; it could just be assault case;
25 is that correct, whatever you wanted to call or

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1 someone wanted to call the project?

2 A. You have the right idea.

3 Q. And if I understand it correctly is in
4 terms of the project, is if it was, if it was as an
5 example the Jane Doe case, you could, you or anyone
6 else could put information in about Jane Doe, might
7 not call it Jane Doe, but whatever amount of
8 information you or anyone else wanted to put in,
9 could put it into the Qtask so that other attorneys,
10 staff, investigators, paralegals, anyone who could
11 access the Qtask system, could see that project; is
12 that correct?

13 A. So that the people that were invited to the
14 project could see the project and those people only.

15 Q. And when you say invited to the project,
16 is, would, would, assuming you're the person who
17 created the project --

18 A. Okay.

19 Q. -- would you then set the parameters as
20 to, or the guidelines as to who could come into the
21 project?

22 A. Maybe.

23 Q. Okay. If, again, if it wasn't you, who
24 else could have set the parameters; that is, who
25 else can access the file?

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1 A. Let's say I am the lead on a project: I
2 believe that is what it was called the, I believe that
3 was the title given to the person that initiates the
4 project, if I want to then invite one or two or three or
5 100 other attorneys to that project to help work on
6 various aspects, I could do that.

7 And if I didn't choose to add
8 somebody, and another attorney said make me a lead
9 so that I can add somebody, that's another way that
10 that other lead could have invited somebody else to
11 the project.

12 And when you open up the interphase
13 of Qtask, you're immediately shown a portfolio of or
14 a photograph of the people that are invited to the
15 specific project and those people can access it.

16 Q. So, if it was, as an example, if it was,
17 if you were the lead person and you invited
18 Mr. Adler and you invited Mr. Berger in and
19 Mr. Rothstein in, there, when you punched up the
20 Qtask on the screen, I would see Mr. Rothstein's
21 picture. I would see yours. I would see
22 Mr. Berger's and Mr. Adler's?

23 A. Correct.

24 Q. As an example. A. Yes.

25 A. Yes.

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1 Q. Would I only see pictures or would I see
2 names as well?

3 A. I don't remember that.

4 Q. Would it be a correct statement that
5 during the time you were at RRA, you did use Qtask?

6 A. Yes.

7 Q. And did you ever put projects; that is,
8 did you ever as the lead create projects through the
9 Qtask system?

10 A. Yes.

11 Q. Would someone else, would, assuming that
12 you were the lead and you created the project, would
13 only you be able to add information to Qtask?

14 A. No.

15 Q. Okay. Was, was any invitee or person
16 allowed access, was he or she allowed to add to
17 Qtask?

18 A. Correct.

19 Q. Okay. Would he or she also be able to
20 delete from Qtask if they were an invitee?

21 A. I don't know that.

22 Q. Were you ever, did you ever -- in any -- I
23 assume that you were not only the lead but from time
24 to time you were invited into Qtask; is that
25 correct?

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1 A. That's correct.

2 Q. And during the time that you did, you,
3 when you were the lead, are you the one who chose
4 what went into the file, to the Qtask file?

5 A. No.

6 Q. Who would have made that decision?

7 A. Everybody in the, anybody that's invited can
8 add. I'm not the one that does it. Nobody has to come
9 to me to insert anything in the Qtask. You can add if
10 you're invited.

11 Q. Well, let's assume that you are, you're
12 the lead but you don't invite anyone; that is, you
13 create the 45:01 time project. You're the person
14 doing the adding, not staffwise but you're the
15 person that puts the information in.

16 A. I understood the question until you added the
17 segment about maybe some staff member helps you add the
18 Qtask. That just doesn't make sense with the program.

19 Q. Well, with Qtask, if you're the lead and
20 you don't invite anyone in because you're creating
21 the project itself, are you the person who chooses
22 exactly what goes in?

23 A. I am the person who puts in what goes in.

24 Q. All right. Are you, are you responding to
25 questions within Qtask where you put, you describe

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1 the case. You describe the facts. You describe the
 2 witnesses, things of that nature, or are you
 3 actually, can you -- well, first of all can you do
 4 that?

5 A. Can you describe the case and describe the
 6 facts? Yes, you can.

7 Q. And is that, when you say project centric,
 8 is that what you're doing very much like the
 9 electronic, much like the Fortis program?

10 A. It's not very much like the Fortis program in
 11 my mind, but it's, it is what you are doing, you're
 12 inputting information about a specific project.

13 Q. Can you put in the facts about a case,
 14 again just generically, can you put in facts about a
 15 particular case and then ask someone in your
 16 invitees to comment on what they think, might think
 17 the value of the case is or is not and give
 18 suggestions as to discovery and things of that
 19 nature? Is that all true?

20 A. Yes.

21 Q. And with regard to -- and once those
 22 invitees show up and they're photographed, then each
 23 of those individuals can have access to the file and
 24 add their thoughts or opinions.

25 A. Repeat it.

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1 Q. -- or suggestions. Let me strike that.
 2 With regard to the Qtask, once,
 3 once -- assuming that you're the lead, you create
 4 the project and then you, you say, okay, now it's in
 5 a form that I want to get some invitees involved.
 6 Do you then send that project; that is, you then on
 7 Qtask you list the invitees and those people would
 8 be, get some sort of cue that they had been invited
 9 to the project up to the Qtask system?

10 A. I don't remember the exact process for
 11 inviting, but there is a way to invite. And to the best
 12 of my recollection, they do receive a notification that
 13 they have been invited so that they can accept.

14 Q. Okay. Can, can someone who has not been
 15 invited also access the system?

16 A. No.

17 Q. Okay. And how do you know that?

18 A. That's just not how the system works.

19 Q. Well, it may not be how the system works,
 20 but say if Mr. Rothstein wanted to access when he
 21 was the head person at the RRA firm, he wanted to
 22 access the Q, Qtask system, do you believe that he
 23 would have been able to access the system whether
 24 you invited him or not?

25 A. No.

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1 Q. And why do you believe that to be true?

2 A. It's not how the system works.

3 Q. Well, at least as you understand the
 4 system?

5 A. Well, if you want to tell me that it works a
 6 different way, then maybe you can persuade me but that's
 7 how I understand the system.

8 Q. I am not, I'm not arguing with you.

9 MR. SCAROLA: Actually you are.

10 THE WITNESS: Assuming you had been on
 11 Qtask, it would help to get past all of these
 12 questions. If you had been on Qtask it would
 13 help to get past all of this and you would see
 14 exactly what I am trying to describe to you.

15 MR. CRITTON: I would like to get on
 16 Qtask.

17 THE WITNESS: Qtask.com.

18 BY MR. CRITTON:

19 Q. Okay. I'll remember that. With regard
 20 to, so as to whether or not Mr. Rothstein could have
 21 accessed it or Mr. Rosenfeldt or anyone else who was
 22 not an invitee at least from your knowledge, you
 23 believe they cannot access it?

24 A. Correct.

25 Q. Can you as well on Qtask, can you as well

1 post documents like an attachment?

2 A. I believe it has that capability. I think the
 3 answer is yes.

4 Q. Now, with regard to the three cases that
 5 you -- well, with regard to Jane Doe versus Jeffrey
 6 Epstein, I think you already told me you don't
 7 recall whether you put that in Qtask; is that
 8 correct?

9 A. I didn't tell you that.

10 Q. Okay. Let me ask you then: Did you ever
 11 use Qtask, you personally create a project as it
 12 related to Jane Doe's case against Mr. Epstein?

13 A. No.

14 Q. To your knowledge did you direct anyone --
 15 well, let me strike that. Did you direct anyone to
 16 create a project on Qtask for the Jane Doe case
 17 against Mr. Epstein?

18 A. No.

19 Q. Okay. Do you know have you ever have
 20 looked at the Qtask system -- let me strike that.

21 From what you were able to access of
 22 the Qtask system, did you ever go online on the
 23 Qtask system to determine whether anyone else had
 24 ever put the Jane Doe case against Mr. Epstein on
 25 Qtask?

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1 A. No.
 2 Q. And therefore as you sit here today, you
 3 don't know whether someone else, whether it was
 4 another attorney, whether it was an investigator or
 5 a staff person ever put the Jane Doe versus Epstein
 6 case on Qtask?

7 A. Or whether it was you, right.

8 Q. Right. As to L.M., did you ever put
 9 L.M.'s case or direct -- well, let me strike that.
 10 Did you ever create a project for L.M. on Qtask?

11 A. No.

12 Q. Did you ever direct that someone else
 13 create a project in Qtask for the L.M. case, L.M.
 14 versus Jeffrey Epstein case?

15 A. No.

16 Q. Do you have any knowledge as to whether --
 17 let me strike that. Did you ever go on Qtask or
 18 have you been able to determine whether anyone else
 19 within the RRA firm put the L.M. versus Jeffrey
 20 Epstein case or any aspects of it on Qtask? Have
 21 you looked or do you know?

22 A. I don't know.

23 Q. Has anyone told you that the L.M. case
 24 against Jeffrey Epstein was on Qtask?

25 A. No.

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1 Q. Okay. And so it's your testimony as far
 2 as you know the L.M. versus Jeffrey Epstein case was
 3 not ever on the Qtask system; is that correct?
 4 A. To the best of my recollection today.
 5 Q. When I describe both the Jane Doe versus
 6 Jeffrey Epstein case and the L.M. versus Jeffrey
 7 Epstein case being on Qtask, I don't necessarily
 8 mean just the pleadings. I mean any aspect of it,
 9 not necessarily the pleadings or the fact that the
 10 case was there but the factual circumstances
 11 surrounding either case.

12 A. I am not going to get into what my
 13 work-product privilege, I am not going to allow you to
 14 pierce that privilege. I am not going to tell you what,
 15 regarding those cases, was or was not on Qtask.

16 Q. Well, let me ask a specific question. So
 17 if you want to claim some sort of privilege so the
 18 record is clear.

19 A. Sure.

20 Q. With regard to, and let me go first to
 21 the, finally to the E.W. case. With regard to the
 22 E.W. versus Jeffrey Epstein case or any aspect of
 23 it, did you ever put E.W. into the Qtask system?

24 MR. SCAROLA: Let us save you some time.
 25 Why don't you ask whether the answers with

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1 regard to E.W. would be any different than the
 2 answers given with respect to the other two
 3 cases.

4 MR. CRITTON: I would have rather have it
 5 specific. Oftentimes judge want to see that.
 6 So I understand that if I want something broad
 7 later on, I would be glad to accept that, but
 8 thank you. Do you remember my question, sir.

9 THE WITNESS: No.

10 BY MR. CRITTON:

11 Q. Okay. With regard --

12 MR. SCAROLA: For the record let me
 13 observe I believe that your insistence upon
 14 asking the individual questions that you have
 15 now asked twice with regard to the other
 16 claims, and your refusal to ask the blanket
 17 question in the way in which I have suggested
 18 is an annoyance and embarrassment and a
 19 harassment of this witness which does nothing
 20 but unnecessarily consume his time.

21 BY MR. CRITTON:

22 Q. Mr. Edwards, with regard to E.W., did you
 23 ever put any aspects of that case; that is, not just
 24 the pleadings but any aspects of the E.W. versus
 25 Jeffrey Epstein case onto Qtask? Did you ever

1 create a project?

2 MR. SCAROLA: You may answer.

3 THE WITNESS: There was never a project
 4 entitled to my recollection E.W. versus Jeffrey
 5 Epstein, L.M. versus Jeffrey Epstein, Jane Doe
 6 versus Jeffrey Epstein. And you're asking was
 7 any information about those cases ever put onto
 8 Qtask?

9 MR. CRITTON: I didn't ask that question.

10 THE WITNESS: Okay.

11 MR. CRITTON: But I will in just a minute.

12 THE WITNESS: And my answer is no, those
 13 titles are not, I don't believe were ever on
 14 Qtask.

15 BY MR. CRITTON:

16 Q. Now, separate and apart from -- let me
 17 strike that. Let me just stay with E.W. with regard
 18 to E.W. Did anyone else at your direction put any
 19 information regarding E.W. into the Qtask system, an
 20 attorney, staff person, or secretary or another
 21 lawyer?

22 A. What do you mean by information?

23 Q. Any information about E.W. into the Qtask
 24 system?

25 A. I don't remember.

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1 Q. Okay. So we don't -- you gave a broader
 2 response to a question or that is you rephrased the
 3 question. So, let me ask it in a broader sense.

4 Was any information about the, your
 5 three clients put into the Qtask, about your three
 6 clients, Jane Doe, E.W., and L.M. versus Jeffrey
 7 Epstein, or against Jeffrey Epstein, was any
 8 information ever put into the Qtask system? I don't
 9 want to know the information, just whether you put
 10 information into the Qtask system.

11 A. Yes.

12 Q. Did you do it yourself or did you do it in
 13 conjunction with someone else?

14 A. Explain to me what you mean by did I do it in
 15 conjunction with somebody else.

16 Q. Well, is, you may have typed in the
 17 information yourself.

18 A. I strike one key; somebody else strikes
 19 another?

20 Q. No, you may have input all the information
 21 you want, whatever information you want to put into
 22 Qtask, you may have made the decision to do that.

23 All right. My question is someone else, a
 24 secretary, or a paralegal may have helped you; an
 25 investigator may have put some information in, at

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1 least at your direction regarding these three
 2 individuals' claims against Mr. Epstein?

3 A. Information that I put into Qtask is
 4 information that was inputted into Qtask by me.

5 Q. Did you ever direct anyone else to put any
 6 additional information in with regard to those three
 7 claims against Mr. Epstein?

8 A. I don't believe so.

9 Q. And what type of information did you put
 10 into Qtask regarding the claims against Mr. Epstein?

11 MR. SCAROLA: Read that back, please.

12 (The requested portion of the record was
 13 read by the reporter.)

14 MR. SCAROLA: We're going to object and
 15 that I will instruct you not to answer on the
 16 basis of both attorney-client and work-product
 17 privileges.

18 MR. CRITTON: I assume if Mr. Scarola
 19 asserts an objection, you're adopting that and
 20 you would assert it. So, we don't have to do
 21 that as a repetitious project here?

22 MR. SCAROLA: Correct.

23 MR. CRITTON: And that's correct.

24 MR. SCAROLA: You can, you can assume that
 25 my instructions to Mr. Edwards will be followed.

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1 by Mr. Edwards unless we expressly tell you
 2 otherwise.

3 MR. CRITTON: All right.

4 MR. SCAROLA: So, when I instruct him not
 5 to answer, he will follow that instruction.

6 MR. CRITTON: And you will do that,
 7 correct?

8 THE WITNESS: That's correct.

9 BY MR. CRITTON:

10 Q. With regard to the, the generic, and if I
 11 understood you correctly that there was generic or
 12 there was information put in on one, two, or three
 13 of your clients' claims against Mr. Epstein, did you
 14 have or identify individuals who were invitees to
 15 that Qtask file?

16 A. I'm sorry, what's your question?

17 Q. Did you designate individuals who could be
 18 invitees to that file?

19 A. Did I invite anybody into the project?

20 Q. Sure.

21 A. Yes.

22 Q. Okay. Who did you invite into the Qtask?
 23 And let me ask you this first, Mr. Edwards: With
 24 regard to the claims against Mr. Epstein, the only
 25 three -- well, and I probably need to step back.

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1 A. Would it, would it be a correct
 2 statement during the time that you with RRA that the
 3 only claims that you had against Mr. Epstein were
 4 Jane Doe, E.W., and L.M.?

5 A. The only clients I represented, yes.

6 Q. And not necessarily in a lawsuit but those
 7 are the only people that, that you and RRA
 8 represented in any, in any existing or potential
 9 claims against Mr. Epstein during the time you were
 10 with RRA?

11 A. I believe so.

12 Q. By the way, could, could an outside
 13 person, that is a person outside the firm access
 14 Qtask as well?

15 A. You can access it right now.

16 Q. Can -- did you ever allow someone who was
 17 not associated with RRA to access the Qtask file
 18 relating to Mr. Epstein?

19 A. No.

20 Q. Okay. Was there more than one file that
 21 was created associated with the claims against
 22 Mr. Epstein?

23 A. I don't remember.

24 Q. Did anyone to your knowledge -- well, let
 25 me strike that. Did anyone other than you create a

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1 Qtask file relating to claims again Mr. Epstein?
 2 A. To the best of my knowledge, no. I take that
 3 back. I don't know who created the project, but I am
 4 only aware of the project that I participated in related
 5 to Mr. Epstein and his molestation of many children,
 6 period.

7 Q. And what did you call the project; that is
 8 how it was identified on the Qtask system?

9 A. I don't remember.

10 Q. Do you recall when it was created?

11 A. No.

12 Q. Do you recall whether it was created
 13 within a month of your coming to RRA?

14 A. I don't remember.

15 Q. Do you recall whether it was, I think you
 16 said approximately the beginning of April of '09 you
 17 came to RRA, correct?

18 A. Correct.

19 Q. All right. And is it, just so the record
 20 is clear it's, your testimony is you don't recall
 21 whether you created the project in April, May, June,
 22 July, August, September or October relating to the
 23 claims against Mr. Epstein?

24 A. I don't remember if I created the project, . . .
 25 period.

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1 Q. Separate and apart from whether -- well,
 2 let me strike that. If you didn't create the
 3 project, who would have?

4 A. I don't know.

5 Q. Well, do you remember -- let me strike
 6 that. Do you know whether with regard to the
 7 project, and for purposes of at least this question,
 8 let me just call it the Epstein project, are you
 9 okay with that designation?

10 A. Yes.

11 Q. Okay. With regard to the Epstein project
 12 that was created in the Qtask system, if I am
 13 understanding correctly, you don't remember whether
 14 you created it or someone else did, correct?

15 A. Correct.

16 Q. Who would have had access to your files
 17 that could have created the Epstein project other
 18 than you?

19 A. That question makes no sense.

20 Q. Okay.

21 MR. SCAROLA: And it also assumes facts
 22 not in evidence and does not have a prior
 23 proper predicate.

24 THE WITNESS: That's why it doesn't make
 25 sense.

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1 BY MR. CRITTON: . . .
 2 Q. During the time that you were at RRA, did
 3 a number of people have access to the Epstein files
 4 either, either in a paper form or in an electronic
 5 form?

6 A. Either/or, yes.

7 Q. And maybe I should get a definition of,
 8 with regard to the Epstein files, you had three
 9 cases, Jane Doe, E.W., and L.M., correct?

10 MR. SCAROLA: Excuse me. You used Epstein
 11 file as a defined term earlier. Are you now
 12 using it generically?

13 MR. CRITTON: I am going to use it
 14 generically and when I come back to Qtask, I am
 15 off Qtask for just a minute. So that I have an
 16 understanding of how your filing was kept. And
 17 I will come back to Qtask. So, right now I am
 18 using the Epstein files in a generic form. Not
 19 using Qtask. Okay.

20 MR. SCAROLA: Okay.

21 BY MR. CRITTON:

22 Q. With regard to the Epstein files or
 23 matters, I know you had -- we know you have three
 24 cases that were filed that we have already
 25 identified, Jane Doe?

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1 A. That's good.
 2 Q. E.W. and L.M., correct?
 3 A. Correct.
 4 Q. Were all materials relating to Jeffrey
 5 Epstein kept, kept under, at least for filing, for
 6 filing purposes at RRA, were they kept under the
 7 Epstein designation or, or some other designation?

8 A. Yes.

9 Q. Okay. And what was the designation?

10 A. I don't remember but it was either under
 11 Epstein or some other designation.

12 Q. And at RRA, were there both paper files or
 13 paper information as well as electronic information
 14 that was stored or kept regarding the Epstein files?

15 A. Correct.

16 Q. Was RRA supposed to be or at least
 17 designed to be a paperless office?

18 A. Yes.

19 Q. And would every document that came that
 20 was associated with the Epstein files, again in the
 21 generic sense, was that scanned in or put into the
 22 system in some fashion at RRA?

23 A. To the best of my knowledge.

24 MR. CRITTON: Just two minutes.

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1 BY MR. CRITTON:

2 Q. With regard to the scanned system; that
3 is, to store the electronic records, was that put in
4 through the, through the Fortis program?

5 A. Yes, I believe so.

6 Q. And did you as well -- let me strike that.
7 Prior to coming to RRA had you ever worked in a
8 paperless file or in a paperless office?

9 A. I don't understand.

10 Q. Had you ever been working in an office
11 prior to coming to RRA that was designed to be
12 paperless?

13 A. No, but as I mentioned earlier, I have worked
14 with case management software that stores electronic
15 versions of files, so therefore there is a paperless
16 system.

17 Q. Did you as well when you came to RRA with
18 regard to the Epstein related matters or the content
19 of your Epstein investigation and files, had you
20 placed any of that on a prior, a previous paperless
21 system or did you have the paper itself or both?

22 A. Both.

23 Q. And during the time that you operated at
24 RRA, did you operate both with a, you individually
25 with regard to the Epstein files, did you operate

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1 both in a paper and a paperless manner?

2 A. No.

3 Q. Did you operate only in a -- well, in what
4 way did you operate?

5 A. Paperless.

6 Q. Okay. So if, if as an example I sent you
7 correspondence or answers to interrogatories or a
8 response to a pleading and it came in the mail,
9 would that document be scanned and then you would
10 toss away the paper?

11 A. I don't know.

12 Q. So, you may well have had paper in
13 addition to -- well, let me strike that. Do you
14 even know whether the document was scanned?

15 A. If you're telling me you sent correspondence
16 in the mail and I would later see that correspondence in
17 my virtual mailbox, I make the logical assumption that
18 it was scanned. I never observed anything being
19 scanned.

20 Q. Okay. And do you, if something came to
21 you by mail, whether it was some form of discovery
22 or request, and I will be in the state cases, where,
23 which is not a paperless system and you don't file
24 through Pacer, would you ever see the paper that
25 actually came to your office or would you only see

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1 it electronically?

2 A. For the most part I would see it
3 electronically, but I can't say that I have never seen a
4 piece of paper come in.

5 MR. CRITTON: Okay. Let me take a few
6 minute break.

7 MR. SCAROLA: Well, wait a second. Do you
8 want to break at this point?

9 THE WITNESS: Not really.

10 MR. SCAROLA: Okay. We would like to keep
11 going.

12 MR. CRITTON: Can I just go to the rest
13 room for two minutes?

14 MR. SCAROLA: Yes.

15 THE VIDEOGRAPHER: We're now off video
16 record. The time is 11:21 a.m.

17 (A brief recess was held.)

18 THE VIDEOGRAPHER: We're now on video
19 record. The time is 11:28 a.m.

20 BY MR. CRITTON:

21 Q. Couple, few more questions in Qtask. Did
22 you ever allow Mr. Rothstein, was he an invitee on
23 the Epstein-related projects?

24 A. I don't believe so.

25 Q. With regard to the third electronic, the

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1 Fortis' system where you, if I understand you
2 correctly, you input various information into that
3 Epstein regarding Epstein files; is that correct?

4 A. No.

5 Q. You never used those systems with regard
6 to Epstein files?

7 A. I used the systems. I never input anything
8 into the system. I think it gets scanned in.

9 Q. And could anyone in the firm access the
10 Fortis system?

11 A. I don't know.

12 Q. Could you access other files that weren't
13 necessarily yours within the Fortis system if you
14 wanted to?

15 A. I don't know.

16 Q. Mr. Edwards, with regard to your
17 employment with RRA, did you know any of the RRA
18 partners prior to coming to that firm in
19 approximately April of '09?

20 A. What do you mean by know them?

21 Q. Did you know them?

22 A. Yes.

23 Q. As either an acquaintance or a friend?

24 A. Yes.

25 Q. Did you have any friends at the RRA firm

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1 before joining them?

2 A. People that I would consider to be my friend,
3 yes.

4 Q. Who.

5 A. Russell Adler.

6 Q. And how did you know Mr. Adler?

7 A. We worked out at the same gym for about,
8 approximately four or five years.

9 Q. What were you doing, prior to your
10 association with RRA, what was your employment?

11 A. What?

12 Q. Were you working as a solo practitioner?
13 Were you working with another firm prior to coming
14 to RRA in April of 09?

15 A. Solo practitioner.

16 Q. How long had you been a solo practitioner?

17 A. Approximately two years.

18 Q. During the time you were a solo
19 practitioner, did you ever have any associates
20 working for you, solo imply that you're the only
21 one, is that true, or did you have associates that
22 actually worked for you?

23 A. Various times I had clerks, law school clerks,
24 but that was it.

25 Q. But no other lawyers?

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1 A. Right.

2 Q. Did you ever have an investigator work for
3 you?

4 A. Yes.

5 Q. Okay. Do you know an individual by the
6 name of Fisten, F-i-s-t-e-n?

7 A. I know an individual whose last name is
8 Fisten.

9 Q. All right. What's his first name, the one
10 you know?

11 A. Mike.

12 Q. Michael Fisten?

13 A. Yes.

14 Q. Mike Fisten ever do any work for you when
15 you worked as a solo practitioner at any time prior
16 to you joining RRA?

17 A. No.

18 Q. Did you know of Michael Fisten or Mike
19 Fisten prior to joining RRA?

20 A. No.

21 Q. With regard to the investigators that you
22 used prior to joining RRA, did you use, or were any
23 of those individuals ever employed by RRA during the
24 time you were there?

25 A. No.

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1 Q. How did it, how did it happen that you
2 came to be employed by RRA?

3 A. I was offered a job.

4 Q. And how did that come, how did that come
5 about?

6 A. Talking with Russell Adler.

7 Q. Had you ever had a case against Mr. Adler
8 or with Mr. Adler, either you were on the same side
9 or against?

10 A. Yes.

11 Q. On how many occasions?

12 A. I can't recall.

13 Q. Okay. Did Mr. Adler approach you or did
14 you approach him?

15 A. We worked out at the same gym. It wasn't
16 about approaching somebody.

17 Q. How did the topic come up?

18 A. He works at this law firm Rothstein Rosenfeldt
19 Adler, and would talk about it in a positive way for
20 years before I joined the firm.

21 Q. And how did it come up that you would be
22 interested in possibly working there; that is did he
23 say gee, Brad, you should come talk to me or did you
24 say I am interested in working for the firm?

25 A. He would ask if I would be interested in

1 joining the firm.

2 Q. Okay. And what happened then? What
3 ultimately happened that you, that you went from
4 just having an interest to actually contemplating or
5 being offered a position?

6 A. I didn't say I had an interest.

7 Q. So, what happened? How did you then end
8 up at RRA?

9 A. Numerous conversations with Russell Adler and
10 him telling me about some of the other people there that
11 I believed to be good lawyers, respected, ethical
12 lawyers, and that this is a good place to work, great
13 comradery, you have a team, I know you handle big cases;
14 this will be something that will be good for you. And
15 that was something I talked to him about seriously for
16 four months maybe before joining RRA before finally
17 agreeing to meet Scott Rothstein.

18 Q. All right. Had, did Mr. Adler ever
19 discuss with you parameters or potential income or
20 salary or whatever the compensation package would
21 be --

22 A. Not specifically.

23 Q. -- before you first met with
24 Mr. Rothstein?

25 A. Not specifically.

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1 Q. How many times did you meet with Scott
 2 Rothstein prior to accepting a position with RRA?
 3 A. Once.
 4 Q. Where did the meeting take place?
 5 A. The restaurant BOVA.
 6 Q. Did you understand Mr. Rothstein had an
 7 interest in BOVA?
 8 A. At the time?
 9 Q. Yes, sir.
 10 A. No.
 11 Q. Did you learn that during the time that
 12 you worked for RRA?
 13 A. Yes.
 14 Q. Okay. Who was present other than
 15 Mr. Rothstein when you met with him at BOVA?
 16 A. Nobody.
 17 Q. Who had set up the meeting?
 18 A. Russell.
 19 Q. And had anything been discussed at least
 20 as of that time with regard to what your opportunity
 21 was or in terms of compensation?
 22 A. Specifically, no.
 23 Q. How long did the meeting with
 24 Mr. Rothstein last?
 25 A. Ten minutes.

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1 Q. Did you have lunch with him or you just
 2 sat down and talked with him at the table at the
 3 restaurant?
 4 A. Sat down and talked to him.
 5 Q. Had you submitted any kind of a resume to
 6 Mr. Adler as to what your experience was?
 7 A. No.
 8 Q. So, you, at that time you are a solo
 9 practitioner. Mr. Adler calls you and says, or you
 10 express an interest. Mr. Adler says we have an
 11 interest in talking to you, and you set up a meeting
 12 with Mr. Rothstein. Is that pretty much it?
 13 A. You're now making things up that is totally
 14 inaccurate, and doesn't reflect what I have been telling
 15 you at all. I didn't express any interests. I wasn't
 16 looking for a job. I wasn't seeking him out. In fact,
 17 that is the exact opposite of what I have just gone
 18 through explaining to you about conversations at the gym
 19 that ultimately lead to him convincing me this is a good
 20 place to come into and me agreeing to this meeting with
 21 Scott Rothstein.
 22 Q. Okay. When you went to meet with Mr.
 23 Rothstein did you have any interest or was this just
 24 a throw-away meeting? Maybe I misunderstood. What
 25 did you let me strike that. What was the purpose

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1 of the meeting if you had no interest in considering
 2 an opportunity with RRA?
 3 A. For the most part placate Russell Adler.
 4 Q. Did Mr. Adler know the type of cases you
 5 had?
 6 A. Of course.
 7 Q. And was he aware as of that date you had
 8 filed the three cases against Mr. Epstein?
 9 A. I don't believe so.
 10 Q. Had you -- is it your belief that the
 11 three cases against -- well, let me strike that. Do
 12 you recall when the first meeting was or the only
 13 meeting that you had with Mr. Rothstein prior to
 14 joining the firm?
 15 A. It was prior to joining the firm.
 16 Q. All right. When was that?
 17 A. I don't remember.
 18 Q. Was it within a month of your joining RRA,
 19 two months, three months, six months?
 20 A. Definitely within six months of joining the
 21 firm. Definitely within three months of joining the
 22 firm. Within that three month period, I don't recall.
 23 Q. So, sometime between January and April of
 24 '09, you would have met with Mr. Rothstein for ten
 25 minutes?

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1 A. I believe so.
 2 Q. Okay. What did you talk about; that is,
 3 what was the substance of the meeting?
 4 A. Russell says you would be an asset to the
 5 firm. I will treat you fairly. How, how much do you
 6 expect to make? Okay. I can't do that, but as soon as
 7 you show your worth here, your salary is exponentially
 8 increased because at this firm we operate under a system
 9 of fairness. That was the gist of the meeting.
 10 Q. Did he ask you how much you were making at
 11 that time or how much you had made the preceding
 12 year, '08?
 13 A. I believe so.
 14 Q. What did you tell him?
 15 MR. SCAROLA: Objection. Instruct you not
 16 to answer on the basis of economic privacy.
 17 BY MR. CRITTON:
 18 Q. Did you tell him what you had made, total
 19 compensation for the year 2008?
 20 A. I don't remember.
 21 Q. Well, if I, if I understood you correctly,
 22 I thought he said is I can't meet that salary or
 23 that level of compensation, so you must have told
 24 him something.
 25 A. Yeah. I answered his question, what did you

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1 expect.

2 Q. What did you tell him that you expected?
3 MR. SCAROLA: Objection, economic privacy.

4 BY MR. CRITTON:

5 Q. All I am interested now, not necessarily
6 what you were earning but what you told him, i.e.,
7 Mr. Rothstein that you wanted to get or expected to
8 earn if you considered a job at RRA

9 MR. SCAROLA: Objection. Economic
10 privacy, instruct you not to answer. It's
11 neither relevant nor material nor reasonably
12 likely to lead to relevant material information
13 and invades the economic privacy of the
14 witness.

15 MR. CRITTON: Is that form?

16 BY MR. CRITTON:

17 Q. Mr. Edwards, you gave him a number, is
18 that correct? Him meaning Mr. Rothstein.

19 A. I believe so.

20 Q. And was the number that you gave him more
21 than you had earned for the year 2008 or less?

22 MR. SCAROLA: Same objection.

23 MR. CRITTON: Or the same?

24 MR. SCAROLA: Same objection, same
25 instruction.

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1 BY MR. CRITTON:

2 Q. Did you tell him that you -- did you tell
3 him that you wanted to make more money than you had
4 in the proceeding year?

5 MR. SCAROLA: Same objections and
6 instructions.

7 BY MR. CRITTON:

8 Q. Did he tell you how much you would be paid
9 if you came to work at RRA; that is, did he mention
10 a number: This is what your salary would be if you
11 come and work here?

12 A. I believe so.

13 Q. And what number did he say to you?

14 MR. SCAROLA: Objection and same
15 instruction.

16 BY MR. CRITTON:

17 Q. Did he also tell you that you would get an
18 economic incentive; that is, at the, at sometime
19 during the course of the year based upon your
20 production?

21 A. I would be compensated fairly.

22 Q. And that was it?

23 A. That was the gist.

24 Q. Okay. Did he talk about any benefits that
25 you would receive?

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1 A. Possibly.

2 Q. Do you recall what he said?

3 A. What do you mean by benefits?

4 Q. I mean would you get health insurance and
5 those types of things as well?

6 A. I believe that was discussed. I'm not sure.
7 I can't tell you I got them but I don't know.

8 Q. Did you discuss any of your cases that you
9 had with him?

10 A. No.

11 Q. Okay. Did you sign an employment
12 agreement at any time with RRA?

13 A. No.

14 Q. After the -- let me go back. Did you say
15 you did or did not discuss any of your current cases
16 with him?

17 A. Did not.

18 Q. Okay. Were you aware, had you discussed
19 your cases -- I think you said you had discussed
20 your cases or Russell Adler had an idea of the type
21 of cases you had?

22 A. Over the years Russ and I are friends; we
23 talked about cases.

24 Q. Did you say you had discussed the Epstein
25 cases with him? Him, meaning Adler.

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1 A. I don't believe I discussed the Epstein
2 cases with Russell Adler until after I was employed at
3 RRA

4 Q. Did you mention Mr. Epstein at your
5 meeting with Mr. Rothstein?

6 A. No.

7 Q. Did you mention any of your three clients
8 who were suing Mr. Epstein at the meeting with
9 Mr. Rothstein?

10 A. No.

11 Q. With regard to the, did you, did you
12 discuss with him if you came to work with RRA that
13 the cases -- well, let me strike that. Did he
14 mention that if, if you came and worked for the firm
15 that those cases would become the property of RRA?

16 A. No.

17 Q. Did you understand that to be true?

18 A. I mean, I suppose so.

19 Q. Okay. Did --

20 A. I understood that I was going to be an
21 employee of the firm, of course.

22 Q. Well, did, did you, at the conclusion of
23 the meeting did you say, yes, I would like to work
24 here or how did you leave it?

25 A. Think about it.

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1 Q. And how long did you think about it?
 2 A. I don't remember.
 3 Q. Did you, and who did you contact? Well,
 4 let me strike that. At some point did you make a
 5 decision --
 6 A. Yes.
 7 Q. -- to go work for RRA, correct?
 8 A. Correct.
 9 Q. Did Mr. Rothstein at the initial meeting
 10 tell you whether you would be a partner?
 11 A. No.
 12 Q. Did he describe that you would be at least
 13 to the public at large you would be described as a
 14 partner?
 15 A. No.
 16 Q. Did you understand who the partners
 17 were -- well, let me strike that. Is RRA, was RRA a
 18 PA?
 19 A. I don't know.
 20 Q. Did you ever find out during, up through
 21 today's date do you know whether RRA was a PA or an
 22 LLC or an LLP?
 23 A. No. --
 24 Q. Did you ever go online to look at who the
 25 officers and directors were, or had members, if it was

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1 an LLP?
 2 A. During the initial, initial meeting with Scott
 3 Rothstein, he told me there are only two equity partners
 4 of this law firm, and it will always be that way; myself
 5 and Stuart Rosenfeldt, period.
 6 Q. And did he say that they each own
 7 50 percent, or did he say, they were just partners?
 8 A. Did not say.
 9 Q. Prior to your -- let me strike that. I
 10 think as you said at some point you made a decision
 11 to join RRA?
 12 A. Right.
 13 Q. And who did you convey that to?
 14 A. Russell.
 15 Q. And what happened thereafter? That is,
 16 how did you go from then being a solo practitioner
 17 into RRA? How did you integrate yourself? What was
 18 the timing and what did you do?
 19 A. At some point in time I was no longer working
 20 in my Hollywood office and was working at RRA on Las
 21 Olas. So, physically I showed up to work at a different
 22 location.
 23 Q. And did someone -- well, let me strike
 24 that. From the time that you announced that you
 25 would go, you told Mr. Adler up until the time you

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1 ended up at RRA, how much time passed? --
 2 A. I don't know.
 3 Q. Prior to starting at RRA, did you have any
 4 further conversations with Mr. Rothstein; that is,
 5 up until the day that you showed up at that office?
 6 A. No.
 7 Q. And in terms of the cases; that is, the
 8 cases with L.M., with L.M., Jane Doe and E.W. those
 9 are cases that you had signed up when you were a
 10 sole practitioner; is that correct?
 11 A. Correct.
 12 Q. And with each of those cases there was a,
 13 there is also another lawyer that was involved --
 14 well, let me strike that. In one or more of those
 15 cases is Mr. Howell involved, or was he at the time
 16 you were a solo practitioner?
 17 A. What do you mean by involved?
 18 Q. Involved, was he a referring lawyer?
 19 A. Yes.
 20 Q. Was he the referring lawyer on all three
 21 of those cases?
 22 A. He was at least the referring lawyer directly
 23 on one.
 24 Q. Which one? I'm sorry. I didn't mean to
 25 interrupt you.

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1 A. I'm finished.
 2 Q. Which case was he the referring lawyer,
 3 Mr. Howell?
 4 A. E.W.
 5 Q. And he may be the referring lawyer on Jane
 6 Doe, and L.M., you just don't know as you sit here,
 7 or he is?
 8 A. He referred E.W.'s case.
 9 Q. And the other two cases is he is shown as
 10 the referring lawyer?
 11 A. Yes.
 12 Q. There is also a person named Cassell who I
 13 think is an attorney from Utah?
 14 A. Okay.
 15 Q. Do you recognize the name?
 16 A. Yes.
 17 Q. Okay. And what's his first name?
 18 A. Paul.
 19 Q. All right. Is he in any way a referring
 20 lawyer, considered a referring lawyer with regard to
 21 any of the three cases against Mr. Epstein?
 22 A. No.
 23 Q. What's his role?
 24 A. Handles certain appellate issues.
 25 Q. Okay. Is he, is he involved in as part

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1 of, as a potential recipient of any contingency fee
 2 or is he paid on an hourly basis, either when you
 3 were a sole practitioner during the RRA stages or at
 4 the current time?

5 A. Contingency.

6 Q. Does he get part, at least as it was set
 7 up as a sole practitioner was Mr. Cassell also on
 8 the contract with each of the three individuals?

9 A. I don't believe so.

10 Q. You don't -- he is not on any of the
 11 contracts, Mr. Cassell?

12 A. There is a contract that he is on but your
 13 question is when the cases were first signed up, was he
 14 on the initial contract. And I believe the answer to
 15 that is no.

16 Q. Prior to the time or during the time that
 17 you were in sole practice before you went to RRA was
 18 Mr. Cassell ever on any of the contracts with the
 19 three Plaintiffs?

20 A. Yes.

21 Q. Okay. When you moved to RRA, was a new
 22 fee agreement signed with each of the individuals,
 23 each of the three Plaintiffs?

24 A. No.

25 Q. Was there some form of an assignment?

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1 A. Well, not to my knowledge. I don't want to
 2 say no, but I don't know of any fee agreement that was
 3 signed with the client.

4 Q. As a -- from the time that the original --
 5 let me strike that. If I understood you correctly
 6 is as an example E.W. was your first case?

7 A. First client.

8 Q. First client, right. Mr. Howell would
 9 have referred the case, so he would have shown up as
 10 a referring order. And at some point Mr. Cassell
 11 also came on the contractor or a contract; is that
 12 correct?

13 A. A contract, yes.

14 Q. So, there was at least two contracts with
 15 regard to E.W.?

16 A. That I remember.

17 Q. And with regard to E.W., Jane Doe, and
 18 L.M., you don't recall any new contract being signed
 19 between those individuals and RRA; is that correct?

20 A. That is correct.

21 Q. And with regard to the, whatever the
 22 contingency fee was in each of those three
 23 contracts, was that to be split? When you went to
 24 RRA, how was it to be determined what RRA would
 25 receive versus what you would receive or Mr. Cassell

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1 or Mr. Howell, assuming there had been some
 2 resolution?

3 A. RRA would be standing in my shoes.

4 Q. And if I understand it correctly, there
 5 was never an assignment of your contracts; that is,
 6 as a solo practitioner to RRA; is that correct?

7 A. Correct.

8 Q. Okay. And it was your intent just
 9 whatever the contract said when you went from solo
 10 practitioner to RRA, if those cases had resolved
 11 during that time period, RRA, you would have paid
 12 RRA that portion to which you were entitled and
 13 Howell and a Cassell would have gotten their
 14 percentage?

15 A. Correct.

16 Q. And with regard to, with the new firm, the
 17 Farmer, Jaffe firm, where those new fee agreements
 18 have been signed with your three clients?

19 A. Yes.

20 Q. And are Mr. Cassell and Mr. Howell still
 21 on those contracts?

22 A. Yes.

23 Q. Has the receiver made a claim against the
 24 proceeds of these three cases; that is, he filed,
 25 Mr. Seton on behalf of or as trustee, has he filed a

1 "lien again those cases?"

2 A. No.

3 Q. Has he sent you any correspondence
 4 indicating that he intends to assert a lien against,
 5 for attorney fees and/or costs that were incurred
 6 during the time those cases were at RRA?

7 A. Not specifically related to those cases, but
 8 in general, that concept is something that has been
 9 communicated by a receiver or a trustee to us at Farmer,
 10 Jaffe, Weissing.

11 Q. Have you at any time; that is, have you
 12 acknowledged, has anyone at Farmer, Jaffe
 13 acknowledged their responsibility to repay monies to
 14 RRA?

15 A. I don't understand the question.

16 Q. If the case is settled, does Farmer, Jaffe
 17 intend to repay the receiver a portion of the fees
 18 at costs?

19 A. That issue has not been resolved.

20 Q. With regard to, with regard to the
 21 third-party --

22 (Interruption at the door.)

23 BY MR. CRITTON:

24 Q. Other than the attorneys is there -- with
 25 regard to the, other than the attorneys, is there

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1 anyone else other than, on any of these three cases;
 2 that is, potentially PPA, potentially your new firm,
 3 Mr. Cassell, Mr. Howell and the Plaintiff, does
 4 anyone else stand to benefit from a recovery in any
 5 of those cases?

6 A. No.

7 Q. Has anyone, has any interest in any of the
 8 three cases been assigned to a, to a third party
 9 other than a law firm or a lawyer or a law firm;
 10 that is, to an outside service?

11 A. No.

12 Q. Okay. Have any of the potential
 13 settlements -- I'm sorry. Have any of the potential
 14 proceeds from any settlement or verdict been
 15 assigned or sold to anyone to your knowledge?

16 A. No.

17 Q. Has E.W., Jane Doe, or L.M. sold,
 18 assigned, exchanged for consideration, money, or
 19 promises of money, any portion of their potential
 20 settlements?

21 A. No.

22 Q. Or recoveries?

23 A. No.

24 Q. If I understood you correctly, Mr. Edwards --
 25 --

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1 MR. SCAROLA: Let me interrupt for just a
 2 moment. I don't know whether the circumstance
 3 applies but I want to be sure, does the scope
 4 of your question include a letter of protection
 5 to a health care provider?

6 MR. CRITTON: No.

7 MR. SCAROLA: I don't know whether that
 8 has occurred in any of these cases, but I
 9 assume that's not what you're looking for?

10 MR. CRITTON: I wasn't, but no, I'm
 11 looking for -- I think it would not be applied
 12 to any of the three.

13 You understand I wasn't talking about
 14 health care providers. I am talking about
 15 some independent person or entity that may
 16 have purchased some interest or have been
 17 assigned some interest in any of those
 18 three lawsuits. Do you understand that?

19 THE WITNESS: I think I understood your
 20 question, and my answer was responsive and I
 21 was not thinking about letters of protection at
 22 the time that I gave my answer.

23 BY MR. CRITTON:

24 Q. With -- if I understood you correctly,
 25 E.W. was your first case?

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1 A. You understood me correctly.

2 Q. All right. And when did E.W. retain your
 3 services, please?

4 A. And by first case, just to clarify, she was my
 5 first client --

6 Q. I will rephrase it.

7 A. -- related to the matter that we're all
 8 familiar with that relates to things that happened to
 9 E.W. when she was young.

10 Q. Let me rephrase the question this way: If
 11 I understand your testimony is E.W., and I'm
 12 interested in Epstein cases, I am not interested in
 13 other portions of your practice. You understand
 14 that?

15 A. I do. And I think that you understand that
 16 this case, E.W.'s case and L.M. case did not begin as a
 17 case against Jeffrey Epstein. You know that and I know
 18 that, and that's why it's difficult for me to ask,
 19 answer these questions related to these clients because
 20 this began as a case against the United States
 21 Attorney's Office.

22 Q. All right. With regard to the, at least
 23 your first representation of any of your three
 24 clients that relate to Mr. Epstein in some fashion,
 25 your first client was E.W; is that correct?

1 A. That is correct.

2 Q. Do you recall when you first -- well, let
 3 me strike that. She was referred to you by
 4 Mr. Howell?

5 A. That is correct.

6 Q. Okay. And how did Mr. Howell know you?

7 A. I have known him for a long time.

8 Q. Law school?

9 A. No. I have known him since, I'm from
 10 Jacksonville Beach. He's from Jacksonville. I have
 11 known him when I was probably ten years old.

12 Q. Okay. Has Mr. Howell, prior to E.W., had
 13 he ever referred to you any other client?

14 A. Yes.

15 Q. Did it involve some sort of a sexual
 16 assault or battery?

17 A. Yes.

18 Q. How many clients prior to E.W. had
 19 Mr. Howell ever referred you?

20 A. I don't know.

21 Q. More than one?

22 A. Yes.

23 Q. When E.W. was referred to you, what was
 24 your understanding as to the nature of the
 25 representation, what would it be?

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1 A. I don't understand.

2 Q. Why did E.W. come, why did she hire you in
3 the first place? What was the purpose?

4 A. This is going to get into attorney-client
5 privileged information as to why she hired me which
6 would incorporate the things that she told me that
7 related to my representation, therefore, I am invoking
8 the privilege and not answering.

9 Q. With regard to E.W. you filed a case --
10 well, let me ask you this: Do you know how E.W. came
11 to contact Mr. Howell? Did he ever relate that to
12 you?

13 MR. SCAROLA: If it's information that
14 you obtained from your client, I instruct you
15 not to answer. If it's information that you
16 obtained from Mr. Howell, I also instruct you
17 not to answer. Both instructions are on the
18 basis of attorney-client and work-product
19 privileges.

20 THE WITNESS: Attorney-client and
21 work-product privilege.

22 BY MR. CRITTON:

23 Q. Did you, did Mr. Howell -- and I don't
24 want to know the information, at least right now --
25 did Mr. Howell give you any information about E.W.

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1 prior to her coming to see you or your seeing her?

2 A. Yes.

3 Q. Okay. And did E.W. for the first, on the
4 first occasion come to your office or did you talk
5 to her by phone or did you go to her place?

6 A. First time I talked to E.W.

7 Q. Yes, sir.

8 A. Was over the telephone.

9 Q. All right. And how long, how much time
10 transpired before E.W. retained your services; that
11 is, how many conversations did you have with her
12 before she ultimately retained your services?

13 A. One conversation over the telephone and then
14 the next meeting was in person at my office. That
15 meeting culminated with her retaining my services.

16 Q. And the initial conversation you had with
17 her, what did she relate to you?

18 A. That's attorney-client privilege information
19 that I am not going to divulge.

20 Q. During the time that you have been
21 involved in this case on behalf of E.W. has
22 Mr. Howell participated in the case; that is, has he
23 done work on the case?

24 A. Yes.

25 Q. What kind of -- what has he done?

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1 MR. SCAROLA: Objection, attorney-client
2 privilege and work-product. Instruct you not
3 to answer.

4 BY MR. CRITTON:

5 Q. Your second, your next client was whom
6 relating to Mr. Epstein or to the United States
7 Government?

8 A. I don't remember.

9 Q. You ultimately filed a case styled Jane
10 Doe 1 and 2 were petitioners versus the United
11 States of America in July of '08, correct?

12 A. That's correct.

13 Q. Okay. Who was Jane Doe 1?

14 A. E.W.

15 Q. Who was Jane Doe 2?

16 A. L.M.

17 Q. At the time that suit was filed, were you
18 representing Jane Doe-L.M., I'm sorry, Jane Doe?

19 A. I believe so, but I'm not sure.

20 Q. In terms of the work that you did for,
21 that you have done for all three of the individuals
22 when you were a solo practitioner, did you keep
23 track of the time; that is, did you keep time
24 records?

25 A. What's your question?

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1 Q. During the time that you were a solo
2 practitioner working on E.W., Jane Doe, whichever of
3 the three cases that you had, did you keep time
4 records?

5 A. Some.

6 Q. Do you keep time records on contingency
7 cases generally, or did you during that time period?

8 A. It's my intent to.

9 Q. Okay. Same would be true with, when you
10 were at RRA, did they have a time program?

11 A. They did have a time program.

12 Q. Did you input your time that you spent on
13 the Epstein related cases?

14 A. That was a requirement of the firm.

15 Q. Okay. So, you would have been put down
16 whatever time you spent, whether it was a
17 contingency fee case or an hourly case; is that
18 correct?

19 A. For the most part; that's correct.

20 Q. During the time that Mr. Howell has been
21 associated with the case, does he provide you with
22 time records as to the work or the amount of work
23 that he has done on the case?

24 A. No.

25 Q. Okay. Does he keep track of his time that

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1 he has spent on each of the cases?

2 A. I do not know.

3 Q. Did you -- has he prepared any pleadings
4 or documents associated with the cases?

5 MR. SCAROLA: You can answer that
6 question.

7 THE WITNESS: Define prepared.

8 BY MR. SCAROLA:

9 Q. All right. Prepared, prepared, start,
10 first of all, started from scratch; that is, has he
11 prepared any of the pleadings or papers that have
12 been filed in any of the three cases starting from
13 scratch that he would have been -- not because you
14 said this but he started with the complaint and you
15 may have changed it, but he started the preparation
16 of the document?

17 A. Your question is has he started the
18 preparation of a document now, right?

19 Q. Any document, any paper that's been filed
20 in the cases or I would say passed back and forth
21 between lawyers in any of the three cases?

22 A. Has he had edited revised, I mean what --

23 Q. Right now I am just asking did he start
24 the document such as a complaint or a similar-type
25 document?

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1 A. That was filed in the case?

2 Q. Correct.

3 A. No.

4 Q. Okay. Has he worked on documents, whether
5 it's editing, adding, deleting from pleadings that
6 you, pleadings or papers that you have prepared?

7 A. Yes. Bob, can you hand me that water?

8 Q. Yes.

9 A. Thanks. Appreciate it.

10 Q. You're welcome. Has he continued, did he
11 continued to be involved not only when you were a
12 solo practitioner but during the time that you were
13 with RRA with regard to editing or working on the
14 cases?

15 A. To an extent.

16 Q. Okay. Do you, how often on the cases have
17 you consulted with Mr. Howell? By that I mean
18 before a decision is made as to how you want to do
19 discovery or proceed with the filing of the pleading
20 or how you're going to respond, does Mr. Howell, do
21 you consult with Mr. Howell during the time you were
22 both solo practitioner and were at RRA?

23 A. Is your question asking for the answer to be
24 in a percentage? How often do I consult? I am just not
25 sure how to quantify.

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1 Q. Sure. I am okay with that. How often do
2 you consult with Mr. Howell with regard to those
3 three cases prior to the time that you started with
4 your current Farmer, Jaffe association?

5 A. It is an impossible question for me to answer
6 accurately with a percentage that I have spoken with
7 Mr. Howell about any particular document or anything.

8 Q. As to pleadings, do you discuss, do you
9 send it to him for his review, editing, before you
10 file a pleading?

11 A. Typically no.

12 Q. How often do you consult or have you
13 consulted with Mr. Howell during the time you were
14 with RRA?

15 A. What type of an answer do you want in terms of
16 how often have I?

17 Q. Do you do it once a day?

18 A. Have I ever? I have.

19 Q. Is it a pretty common practice that when
20 you're going to file or do something that you would
21 contact Mr. Howell?

22 A. Not at all.

23 Q. So, do you --

24 A. Not at all common I mean.

25 Q. So, during the course of the month, say

1 during the time that you were at RRA, how often
2 would you consult with Mr. Howell regarding the
3 cases? And I recognize every day or every week
4 might be different. Would you speak with him like
5 once a month, or two or three times a month, or
6 generally once every couple of months?

7 A. Depending on what was going on in the cases at
8 the time, at sometimes more than others.

9 Q. How did L.M. come to be a client of yours?

10 A. She called me.

11 Q. And how did she get your name?

12 MR. SCAROLA: To the extent that your
13 response to that question would require that
14 you reveal either work-product or
15 attorney-client privileged information, I
16 instruct you not to answer.

17 THE WITNESS: I simply don't know.

18 BY MR. CRITTON:

19 Q. Did Ms. L.M. hire you in the or -- I'm
20 going to strike that.

21 How many conversations did you have
22 with and/or meetings did you have with Ms. L.M.
23 before you hired her, or before she hired you. I'm
24 sorry.

25 A. I don't remember.

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1 Q. Did she ever come and meet you at your
2 office?

3 A. From the beginning of time until today?

4 Q. No. Back at the time prior to retaining
5 your services.

6 A. I don't remember.

7 Q. Did you ever meet her at her residence or
8 place of work? Let me ask you this: Have you ever
9 met her at her place of business or a place of
10 business?

11 A. No.

12 Q. Have you ever met her at her home, whether
13 it's an apartment or home, whatever?

14 A. Now, you're asking from the beginning of time
15 until now?

16 Q. No. Up until the time she hired you, did
17 you ever meet with her?

18 A. Okay.

19 Q. At her home or apartment.

20 A. To the best of my recollection, no.

21 Q. Did you -- did she sign, to the best of
22 your recollection did she sign a fee agreement?

23 Well, let me strike that. There is a, there is a
24 written fee agreement between L.M. and you and --
25 then --

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1 - BY MR. CRITTON:

2 Q. When you met Ms. L.M. at the park was
3 anyone else present?

4 A. Yes.

5 Q. Who?

6 A. I don't know.

7 Q. Male or female?

8 A. I presume both. It's a park.

9 Q. No, no, no. In the meeting that you had
10 with her -- my guess is there were probably a lot of
11 people in the park?

12 A. Correct.

13 Q. In the meeting that you had with Ms. L.M.
14 was anyone else present?

15 A. For the conversations between myself and
16 Ms. L.M., no.

17 Q. When you first met with E.W. was anyone
18 present for the conversations between you and
19 Ms. E.W.?

20 A. No.

21 Q. I think you told me at the time that the
22 complaint was filed or at the time that the Jane Doe
23 1 and 2 sued the United States Government which was
24 in early July, it was July 8th of '08, you don't

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1 A. Correct.

2 Q. -- her originally?

3 A. Correct.

4 Q. Did you ever meet her prior to her signing
5 that fee agreement?

6 A. Yes.

7 Q. And do you remember where that meeting
8 took place?

9 A. Generally, yes.

10 Q. Okay. Where?

11 A. A park.

12 Q. And what town?

13 A. I don't know.

14 Q. You don't know whether it was in Broward
15 County or Palm Beach County?

16 A. I do know.

17 Q. Which county?

18 A. Palm Beach County.

19 Q. Was that arranged by her to meet her
20 there?

21 A. Yes.

22 Q. And what, for what purpose did Ms. L.M.
23 originally hire you?

24 MR. SCAROLA: I am going to object. That
25 calls for attorney-client privilege

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1 recall whether you were representing Jane Doe at
2 that time?

3 A. I believe I was but I do not recall for sure.

4 Q. At the time do you know whether, at the
5 time that you represented Jane Doe 1, do you know
6 whether her name, whether she was considered a
7 victim by the United States Attorney's Office?

8 A. Ask your question again.

9 Q. All right. At the time you began
10 representing E.W. or at any time prior to the filing
11 of the lawsuit against the United States Government
12 in July of '08, did you learn whether she was listed
13 as a, or deemed to be a victim by the United States
14 Attorney's Office?

15 MR. SCAROLA: If that is information that
16 you obtained in the course of the performance
17 of your responsibilities in representation of
18 any client, I would instruct you not to answer.

19 If that information was obtained
20 through some public source independent of
21 the work that you performed as counsel,
22 then you may respond.

23 THE WITNESS: I cannot respond.

24 BY MR. CRITTON:

25 Q. With regard to the question, I am not

1 interested in what you learned from E.W. All right.
 2 Did you learn from either any correspondence or a
 3 telephone call with any third party that whether
 4 again prior to the -- let me start again.

5 Prior to the filing of the lawsuit
 6 against Jane Doe 1 and Jane Doe 2 against the United
 7 States Government, did you learn from any source,
 8 maybe a document, maybe a telephone call or a
 9 conversation that you had with a third party
 10 separate from your client, that E.W. was a victim or
 11 was deemed to be a victim by the United States
 12 Government or the United States Attorney's Office?

13 MR. SCAROLA: Same objection and
 14 instruction.

15 BY MR. CRITTON:

16 Q. Same question with regard to L.M. Miller.

17 MR. SCAROLA: Same objection and
 18 instruction.

19 BY MR. CRITTON:

20 Q. And same question with regard to Jane Doe.

21 MR. SCAROLA: Same objection and
 22 instruction.

23 BY MR. CRITTON:

24 Q. Prior to your filing the lawsuit with the
 25 United States Government, did you ever any-

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1 conversations with the United States Attorney's
 2 Office --

3 MR. SCAROLA: I assume --

4 BY MR. CRITTON:

5 Q. -- regarding, regarding, regarding the
 6 subject of the lawsuit or Jeffrey Epstein?

7 MR. SCAROLA: Same objection and
 8 instruction.

9 MR. CRITTON: These are third parties;
 10 where is the work product?

11 MR. SCAROLA: Work product has to do with
 12 anything that was done in connection with the
 13 representation of these three clients. If he
 14 had such conversations independent of his
 15 representation of those clients, then he can
 16 respond to the question.

17 BY MR. CRITTON:

18 Q. Well, let me ask you a broader question.
 19 After you filed the lawsuit against the United
 20 States of America, were you aware that Marie
 21 Villafana or the United States Attorney's Office
 22 represented the USA, correct?

23 A. Yes.

24 Q. All right. Did you ever speak with Marie
 25 Villafana during, during the pendency of that

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1 litigation which is still pending today?
 2 MR. SCAROLA: And I assume that question
 3 is qualified by inquiring as to whether such a
 4 conversation occurred with regard to any of the
 5 three individuals who he is representing claims
 6 against Mr. Epstein or the U.S. Attorney's
 7 Office, correct?

8 MR. CRITTON: Say that again?

9 MR. SCAROLA: Yes, sir. Are you asking
 10 whether such conversations occurred that were
 11 relevant to his prosecution of the claims on
 12 behalf of his three clients?

13 MR. CRITTON: Sure.

14 MR. SCAROLA: Then, then the instruction
 15 remains the same. The objection remains the
 16 same.

17 BY MR. SCAROLA:

18 Q. So, even if, do you -- even if you talked
 19 about it with Mrs. Villafana, even if your client
 20 Mr. Edwards spoke with Mrs. Villafana about a
 21 scheduling issue, it's your position that that is
 22 what, work-product?

23 MR. SCAROLA: That's correct. We are not
 24 going to discuss anything that Mr. Edwards did
 25 in the course of the prosecution of his claims

1 on behalf of his clients.

2 MR. CRITTON: So, any question that I ask
 3 you with regard to conversations that
 4 Mr. Edwards had with the U.S.A.O.'S office,
 5 whether it was Mrs. Villafana or anyone else
 6 from the time, with regard to the Jane Doe 1
 7 and Jane Doe 2 versus U.S.A. case, you would
 8 instruct Mr. Edwards not to answer those
 9 questions?

10 MR. SCAROLA: That is correct.

11 MR. CRITTON: So if I --

12 MR. SCAROLA: Obviously pending --

13 MR. CRITTON: -- let me just finish.

14 MR. SCAROLA: Obviously pending, obviously
 15 pending some instructions or guidance from the
 16 court with regard to how the court will
 17 interpret the work-product privilege in this
 18 context. I might also add that it is our
 19 position that any such inquiry exerts a
 20 chilling effect upon the work that Mr. Edwards
 21 continues to do on behalf of his three clients.

22 It is intended as a means to obtain
 23 discovery that would not otherwise be
 24 available in those pending claims. It is
 25 intended to annoy, harass, and embarrass

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1 Mr. Epstein in a lawsuit that has
 2 absolutely no foundation whatsoever, and
 3 was filed for purposes other than a
 4 legitimate claim against Mr. Edwards based
 5 upon any good faith belief that he engaged
 6 in any form of improper or tortious
 7 conduct and --

8 MR. CRITTON: Done?

9 MR. SCAROLA: -- those inquiries are not
 10 reasonably calculated to lead to the discovery
 11 of admissible and relevant evidence. So, for
 12 all of those reasons, we object.

13 MR. CRITTON: And let me just put on the
 14 record very briefly so at least at this point
 15 in time this is all information that clearly is
 16 relevant to the complaint as it's alleged.

17 I have received a, my client and I
 18 have both received a letter from you
 19 asserting a motion for fees and costs and
 20 certain sanctions under 57.105, by not
 21 allowing us to ask what are clearly, I
 22 believe, relevant material, basic
 23 discoverable information are preventing --
 24 our ability to get all of the facts here
 25 such that we can make a reasonable

1 decision as to whether or not the 57.105
 2 motion and letter which you sent to me was
 3 filed in good faith or has any basis in
 4 it. We're unable then to, we'll be in
 5 large part unable to evaluate our
 6 position.

7 MR. SCAROLA: And our position is that
 8 those are decisions that should well have been
 9 made, could have been made, and should have
 10 been made before you ever filed the claim.

11 MR. CRITTON: All right. Are we done?

12 MR. SCAROLA: Yes.

13 MR. CRITTON: All right.

14 MR. SCAROLA: At least for now.

15 MR. CRITTON: I'm shocked.

16 BY MR. CRITTON:

17 Q. With regard to, with regard to the claim
 18 Jane Doe 1 and Jane Doe 2 that is currently
 19 pending -- or let me strike that. Jane Doe 2 --
 20 Jane Doe 1 and Jane Doe 2 against the U.S.A. that
 21 was filed in July of '08, that case is still
 22 pending.

23 A. Okay.

24 Q. Is that correct?

25 A. That was a question, yes.

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1 Q. All right. And have any, have you had any
 2 discussions -- well, let me strike that. What's the
 3 status of that case?

4 A. It's still pending.

5 Q. Other than still pending is, is there,
 6 are there any outstanding motions?

7 A. No.

8 Q. I want to ask, to get back to one question
 9 with regard to both the Epstein and with regard to the
 10 Fortis system -- well, let me strike that.

11 With regard to the hard copies of the
 12 files that you had that is any paper files that you
 13 had associated with the Epstein files, where would
 14 they have been kept at RRA?

15 A. In a filing cabinet.

16 Q. And were the filing cabinets in your
 17 office or were they out in the general hallways?

18 A. They were filing cabinets in my office and in
 19 other locations in the office.

20 Q. Okay. With regard to the Epstein related
 21 matters, where did you keep those if they were --
 22 and by that that is the hard copies, did you keep
 23 those solely in your office or would they have been
 24 both in your office and in other places throughout
 25 RRA?

1 A. There were times when they were in my office
 2 and there were times when they were kept in filing
 3 cabinets elsewhere on one of the RRA floors. I believe
 4 there were five or six floors of RRA

5 Q. Okay. Was there a central storage, say if
 6 there were a number of files in this instance
 7 relating to Mr. Epstein, could you send those to
 8 basically central storage and if you wanted someone
 9 could go down and pick them up and bring them up to
 10 you?

11 A. I don't know.

12 Q. Well, if you wanted to access something
 13 that was in an Epstein file, and it wasn't in your
 14 office, how did you access it; that is, a hard copy?

15 A. You're speaking specifically about
 16 Mr. Epstein's cases or hypothetically with any cases?

17 Q. No, Mr. Epstein's cases?

18 A. As I sit here right now, I can't say with
 19 absolute certainty that I ever had a piece of the hard
 20 copy file requested for it to be brought to me.

21 Q. Well, with regard to Mr. Epstein's files,
 22 though, if they were in a location, would it be a
 23 correct statement that those were not, wasn't a
 24 locked location or a secure location within the
 25 contents of within the confines of the firm?

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1 A. I don't know that that's a correct statement.
 2 Q. You don't know one way or the other?
 3 A. The law firm was constantly expanding and
 4 constantly under construction. For the most part in the
 5 beginning the cases were kept in a, in a filing cabinet
 6 in my office and later were kept in a filing cabinet, I
 7 believe, in a locked storage location in another area of
 8 the office.

9 Q. And did any attorney have access to that
 10 storage area or do you know?

11 A. I believe any attorney could have had access.

12 Q. And if the attorney could have access, you
 13 wouldn't necessarily know about it, true?

14 A. Correct.

15 Q. In the trustee's filing that they made in
 16 response to my motion to preserve evidence, they
 17 indicated that 13 boxes relating to Jeffrey Epstein
 18 had been removed by the FBI or the government when
 19 they came into the RRA offices. Do you remember
 20 seeing that pleading?

21 A. No.

22 Q. Okay. Are you, were there, in fact, 13
 23 boxes of material or at least 13 banker's boxes of
 24 material that related to matters directed to,
 25 whether, whatever the content-related to Mr. Epstein.

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1 that you were aware of; that is, hard copies?

2 A. I don't know.

3 Q. Okay. Could have been more, could have
 4 been less; you just don't know?

5 A. Correct.

6 Q. If I understood your testimony,

7 Mr. Rothstein, Mr. Rosenfeldt, any other attorney or
 8 investigator could have accessed those files
 9 depending on where they were within the firm, true?

10 A. I am not sure exactly who could have accessed
 11 it. You asked me if the attorneys could and the
 12 attorneys had swipe cards for various locked areas.
 13 Each attorney I believe had access to any area where
 14 those files were located. I believe so.

15 Q. Okay. Well, during the time you were
 16 there did an individual by the name of Ken Jenne
 17 work there?

18 A. Yes.

19 Q. Okay. Did an individual by the name of
 20 Mike Fisten work for the firm --

21 A. Yes.

22 Q. -- for RRA? Were they employees of the
 23 firm or were they independent contractors?

24 A. I don't know.

25 Q. Okay. During the time they were there,

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1 did they also have swipe cards so that they could
 2 access different areas in the firm?

3 A. I believe so.

4 Q. With regard to when you joined RRA, did
 5 you ever have any further meetings with
 6 Mr. Rothstein; that is, from the day you started at
 7 RRA, did you ever meet Mr. Rothstein again?

8 A. By meet him again --

9 Q. Did you ever have a meeting with him again
 10 regarding your position in the firm?

11 A. No.

12 Q. Okay. Did you ever meet with him and a
 13 number of other individuals with regards to firm
 14 business?

15 A. No.

16 Q. Firm cases?

17 A. I don't believe so.

18 Q. Was Mr. Rothstein ever present in any
 19 meeting where any of your cases were discussed? Let
 20 me strike that. Was Mr. Rothstein ever present
 21 wherein at any meeting where any of the cases
 22 against Jeffrey Epstein were discussed? Don't tell
 23 me content; just was he ever present.

24 A. How would I know that? I don't know. He
 25 could, he could be in a meeting right now where the case

1 could be discussed for all I know.

2 Q. I'm sorry. Obviously, where you, where
 3 you were present. Where you ever present at a
 4 meeting where Mr. Rothstein was also present where
 5 the Epstein cases were discussed?

6 A. No.

7 Q. Did he ever call you to communicate with
 8 you, call you either by phone, video conference, in
 9 any fashion to discuss any act aspect of the cases
 10 that you had against Jeffrey Epstein?

11 MR. SCAROLA: You can answer that.

12 THE WITNESS: He has communicated about
 13 various, about legal issues related to the case
 14 as well as commented about the case to me on
 15 very few occasions but I would say less than
 16 three times.

17 BY MR. CRITTON:

18 Q. During the time that you, from April of
 19 '09 through late October of '09, correct?

20 A. In that time period, where, is that when
 21 these --

22 Q. Correct.

23 A. -- things happened?

24 Q. Well, that's the time you were there;
 25 that's what I am asking.

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1 A. When I was there.

2 Q. And do you, can you remember the date, any
3 specific date that you spoke with him?

4 A. No.

5 Q. Do you remember any specific month that
6 you would have had one of the -- well, what did you
7 say something less than five conversations? I don't
8 want to misquote you.

9 A. I said less than three conversations.

10 Q. All right. So, something less than three
11 conversations you had with Mr. Rothstein regarding
12 Epstein cases, either legal issue or a comment, some
13 comment about the case to you, correct?

14 A. Yes.

15 Q. All right. The first time that he ever
16 spoke to you, did he call you or did you call him?

17 A. I, I never called Scott Rothstein about
18 anything. Oh, take that back. About anything related
19 to Jeffrey Epstein.

20 Q. The first conversation that you can recall
21 where either a legal issue or a comment was made
22 about Jeffrey Epstein by Mr. Rothstein to you, he
23 obviously initiated the call? . . .

24 A. It wasn't a call. . .

25 Q. What was it? . . .

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1 A. A comment in passing. And I believe I was
2 sitting at a table in BOVA when he walked over to my
3 table and commented about Jeffrey Epstein.

4 Q. Okay. Who were you there with at the
5 time?

6 A. I don't remember.

7 Q. Were you with some friends? Were you with
8 other lawyers?

9 A. All right. I am jogging my memory. I, I have
10 no idea.

11 Q. What did he say?

12 MR. SCAROLA: To the extent that you can
13 answer that question without disclosing any
14 mental impressions with regard to the lawsuit
15 or any attorney-client privileged
16 communications, you can answer.

17 To the extent that it might invade
18 either the work-product or attorney-client
19 privilege, you should not respond.

20 THE WITNESS: Can I talk to you?

21 MR. SCAROLA: Sure.

22 (A brief recess was held.)

23 MR. SCAROLA: Are we on? . . .

24 THE VIDEOGRAPHER: Yeah. . .

25 MR. SCAROLA: The record should reflect

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1 that we have had an opportunity to consult and
2 I have advised Mr. Edwards that there is no
3 privilege protection for the particular
4 communications involved.

5 BY MR. CRITTON:

6 Q. What did he say?

7 A. He commented to me, I want you to get that
8 pedophile.

9 Q. And your response was what?

10 A. I didn't respond.

11 Q. All right. Second conversation that you
12 can remember, where were you?

13 A. I had just come out of the conference room on
14 the main floor after taking a deposition in another
15 case. And he walked by and said, did you get that F'ing
16 pedophile yet.

17 Q. And your response?

18 A. Again.

19 Q. No response.

20 A. Didn't respond.

21 Q. On the first occasion when he came over
22 and if I understand correctly, all he said was the
23 comment that you referenced and then he left. You
24 didn't respond and then he just made the comment and
25 then left?

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1 A. Right. He was walking by in his normal, loud,
2 ostentatious kind of way, greeting everybody in the
3 restaurant. Came over to my table and he feels, at
4 least my impression was obliged to say something to
5 everyone. And that's the comment he said to me.

6 And if you've ever seen him, he is
7 basically always just skipping around and he hoped
8 on over somewhere else. So, yes, it was in,
9 literally in passing.

10 Q. Okay. Now, how, how did he even know you
11 had cases involving Mr. Epstein?

12 A. I don't know.

13 Q. Because I think you testified earlier that
14 you had never discussed an Epstein case with
15 Mr. Rothstein one-on-one, correct?

16 A. Absolutely, true.

17 Q. You never discussed an Epstein case or
18 either of your three clients with Mr. Rothstein even
19 with a group of people around, correct?

20 A. Correct.

21 Q. All right. Do you remember a third
22 occasion that he spoke to you regarding Epstein
23 related occasion, cases?

24 A. Anything else that he ever spoke with me about
25 related to Epstein related issues is attorney-client and

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1 work-product privileged information that I am not going
2 to divulge.

3 Q. Okay. I am not -- I need to still ask the
4 last question though. I thought you said earlier is
5 that you never had any substantive conversations,
6 maybe I misunderstood, with Mr. Rothstein about the
7 Epstein cases. Did I misunderstand you?

8 A. I don't believe that that was -- I had
9 conversations at a point about legal issues related to
10 Jeffrey Epstein and that's, that's it.

11 Q. Was that a one conversation? Was that a
12 number of conversations that you had where legal
13 issues were discussed as to, separate and apart from
14 the two comments he made about the case to you which
15 you were, you waived any privilege, work-product or
16 attorney-client privilege?

17 A. I, I can't tell you. If you and I this
18 morning had a conversation and then we took a bathroom
19 break, and we had the same continuing conversation, I
20 don't know if that's one conversation or two. But I can
21 tell you the, the only time I remember Scott Rothstein
22 participating in any way, shape, or form in any
23 conversation related to anything substantive dealing
24 with, and not dealing with any specific client but a
25 legal issue, was on a particular one-day event, one-day

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1 conversation, if you want to call it.

2 Q. And that's at what time? At that time
3 legal issues were discussed?

4 MR. SCAROLA: Legal issue was the
5 testimony, a particular legal issue.

6 MR. CRITTON: Correct. A legal issue.
7 BY MR. CRITTON:

8 Q. When did that occur; that is, this one-day
9 discussion or a day discussion occur regarding a
10 specific legal issue?

11 A. I don't know.

12 Q. Was he present, he Mr. Rothstein and you
13 present at the same time?

14 A. Yes.

15 Q. Okay. Was anyone else there with you?

16 A. Yes.

17 Q. Who else was present?

18 A. Russ Adler, someone was on the telephone. I'm
19 not remembering who that was. I can't remember. I will
20 tell you if I do remember.

21 Q. Was Bill Berger there?

22 A. No.

23 Q. And, you don't. So, there was you. Well,
24 let me strike that. Where did the conversation take
25 place?

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1 A. Scott Rothstein's office.

2 Q. Had you been called up to meet with
3 Mr. Rothstein?

4 A. Yes.

5 Q. Okay. And who contacted you and told you
6 that Mr. Rothstein wanted to see you?

7 A. His, his secretary or paralegal or something.

8 Q. And did you get a call saying Mr.
9 Rothstein would like to see you right now, or was it
10 something that was scheduled?

11 A. It was not scheduled.

12 Q. So, you got a call and somebody told you,
13 come up, Scott, Scott wants to see you.

14 A. I don't remember exactly what was used, but it
15 was I believe, Russell is discussing a legal issue with
16 Scott Rothstein; come to his office.

17 Q. Okay. Was the legal issue, did it involve
18 one of the Epstein cases or the Epstein cases?

19 A. It, it was a legal issue related to -- yes.

20 Q. Okay. How long, how much time did you
21 spend -- well, let me strike that. So, when you
22 went up to Mr. Rothstein's office, it's -- I
23 understand you had to go through some security to
24 get in?

25 A. You've seen the video?

1 Q. I actually haven't.

2 A. Oh, really. Okay. Yeah, it's --

3 Q. In order to get into Mr. Rothstein's --

4 A. It's like a compound.

5 Q. Kind of concern you that this guy running
6 the firm had a compound?

7 A. I -- at the time, no. In retrospect, okay,
8 now that we all know how this whole thing unfolded, but
9 at the time, no.

10 Q. Had you ever worked in an office? And you
11 had worked at some big offices. You worked at the
12 State Attorney's office in Broward County?

13 A. True.

14 Q. You worked for, I think for Kubicki
15 Draper?

16 A. Correct.

17 Q. Did Mr. Kubicki, Gene Kubicki ever have a
18 compound around his office that you had to go
19 through any type of security either people and/or
20 locked doors or secured doors in order to access
21 him?

22 A. No.

23 Q. Had you ever worked other than the Broward
24 County Sheriff's, at the Broward County State
25 Attorney's Office with, and with Kubicki Draper, had

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1 you ever worked for a large firm?

2 A. No. You just named all the places I have
3 worked.

4 Q. All right. Is this the first time then
5 that you had been to Mr. Rothstein's office that he
6 called you up there?

7 A. No.

8 Q. You had been in his office before?

9 A. One time.

10 Q. And what was that occasion?

11 A. I was having back surgery, and I went there to
12 tell him I am having back surgery. As you know I had
13 back surgery, and I was telling him I don't know how
14 long I'm going to be off because, you know, the recovery
15 time is different for everybody.

16 Q. Is that the only thing you talked about,
17 the back surgery?

18 A. That's the only thing we talked about.

19 Q. Did the meeting you had with Scott, when
20 you went up, when you were called up to his office
21 that day, did that occur before your back surgery
22 episode or meeting or after?

23 A. ...After. ...
24 Q. So, you would, you had back surgery? ... I ...
25 ... think you were out two or three weeks and then you

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1 returned to the office, and then that meeting would
2 have occurred?

3 A. Yeah, that's correct.

4 Q. When you, in order to get into the office
5 just as you have described it as a bunker, how many,
6 did you have to go through any security people to
7 get into --

8 MR. SCAROLA: No, I think the description
9 was a compound.

10 MR. CRITTEN: I will use compound. Are
11 you more comfortable with compound or a bunker?
12 I have seen it described both ways. I haven't
13 seen the video, but I have seen it described
14 both ways.

15 THE WITNESS: I will describe it for you.
16 Well, first I will answer your question.
17 Security people, I don't know if there was ever
18 a time where one would have to go through
19 security people to get to his office. But on
20 the day or two days that I have been in his
21 office, I did not encounter any security
22 personnel.

23 BY MR. CRITTEN:

24 Q. Did you have to be buzzed into the office?
25 A. It was more complicated than that.

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1 Q. How many security, different security
2 levels did you have to go through in order to get,
3 to go have your meeting with Mr. Rothstein and
4 Mr. Adler?

5 A. Two.

6 Q. And to your recollection you don't
7 remember ever seeing a security person?

8 A. Right.

9 Q. Okay. Who was in the office?

10 A. Well ...

11 Q. I'm sorry.

12 A. I do not remember seeing a security person
13 manning the door or granting access to his office. I
14 saw security people every day in the office of RRA

15 Q. All right. And when you got into the
16 office, Mr. Rothstein was there?

17 A. Yes.

18 Q. Mr. Adler?

19 A. Yes.

20 Q. There was someone on the telephone who you
21 don't recall?

22 A. Yes.

23 Q. Okay. Was there anyone else present?

24 A. Not that I remember.

25 Q. Okay. Was there any investigators,

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1 was Mr. Jenne or Mr. Fisten present?

2 A. No.

3 Q. So, it was, you, Rothstein, Adler, and
4 someone on the phone; that's it?

5 A. From what I remember.

6 Q. How long did the meeting last?

7 A. I don't know how long the meeting lasted.

8 Q. Five minutes or was it a substantially
9 long meeting?

10 A. Do you want how long I was in the meeting, I
11 can give you an answer. How long the meeting lasted, I
12 have no idea.

13 Q. How long did the meeting last while you
14 were present?

15 A. Less than five minutes.

16 Q. Was the value of any of the three cases
17 discussed at all?

18 A. No.

19 Q. Did Mr. Rothstein, did Mr. Rothstein
20 appear to be knowledgeable about your cases?

21 A. No.

22 Q. Mr. Adler, was Mr. Adler someone that you
23 had discussed the cases with on a somewhat regular
24 basis --

25 MR. SCAROLA: Objection, compound.

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1 BY MR. CRITTON:

2 Q. -- not content. Was Mr. Adler someone
 3 that you had discussed these Epstein cases with
 4 prior to that meeting?

5 A. Yes.

6 Q. Was he familiar with the cases, generally?

7 A. He attended Jeffrey Epstein's deposition, so
 8 he heard the questions asked and heard the Fifth
 9 Amendment invocation and so the adverse inferences and
 10 was therefore informed --

11 MR. CRITTON: Move to strike as
 12 nonresponsive.

13 BY MR. CRITTON:

14 Q. My question is was he familiar generally
 15 with the subject matter of the litigation against
 16 Mr. Epstein?

17 A. In that he read the newspaper articles about
 18 molesting a bunch of children, yes, he was familiar with
 19 the subject matter.

20 Q. And he read -- did you provide him with
 21 copies of the pleadings in these cases when they
 22 came to RRA?

23 A. No.

24 Q. What was the topic? What was the legal
 25 issue that you discussed -- well, let me strike --

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1 that. Who raised the legal issue, did

2 Mr. Adler raise it or did Mr. Rothstein?

3 A. I don't know.

4 Q. Okay. Well, how did the, who started the,
 5 if you were there I think you said five minutes, who
 6 did the talking?

7 A. When I came in the, in the office, it was in
 8 the middle of a discussion.

9 Q. Was a question posed to you?

10 A. The question was on the table at least from my
 11 perspective coming into the room and was then directed
 12 at me, what's the answer to this particular legal issue.

13 Q. And what was the legal issue?

14 MR. SCAROLA: Let's talk for just a
 15 second.

16 THE VIDEOGRAPHER: Are we going off the
 17 record?

18 MR. SCAROLA: Actually, we don't even have
 19 to go off the record. Stay right here.

20 If this was an issue that was
 21 identified during the course of the legal
 22 proceedings to opposing counsel, then I am
 23 going to allow you to identify the
 24 issue without getting into any of the
 25 substance of the discussion regarding that.

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1 Q. Do you know what the name of his business
 2 was?

3 A. No.

4 Q. Is Rick still being employed at the
 5 current time by your firm to do investigation?

6 A. No.

7 Q. Is Mr. -- I asked you earlier if you knew
 8 Ken Jenne and Michael Fisten and you said yes and
 9 you knew that they had an association with RRA; is
 10 that correct?

11 A. Yeah, that's correct.

12 Q. And do you know whether they were
 13 employees or whether they were independent
 14 contractors?

15 A. You asked me that and I still have no idea.

16 Q. Did they have offices within RRA,
 17 Mr. Jenne and Mr. Fisten?

18 A. They, Mr. Jenne definitely had an office
 19 within RRA. Mr. Fisten was normally in the field and I
 20 assume he had a place to go in RRA. I don't know if you
 21 call it an office.

22 Q. Did you ever go --

23 A. That's it.

24 Q. Did you ever go meet with him within RRA?

25 A. Yes.

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1 issue.

2 If it was not an issue that was
 3 identified in the course of the
 4 proceedings to opposing counsel, I am
 5 going to object and instruct you not to
 6 answer on the basis of the work-product
 7 privilege.

8 THE WITNESS: Work-product privilege.

9 BY MR. CRITTON:

10 Q. Do you know an individual by the name of
 11 Fandry, F-a-n-d-r-y?

12 A. That name doesn't ring a bell right now.

13 Q. Do you know him to be -- does that name
 14 mean anything with regard to, as an investigator,
 15 Fandry?

16 A. That's a male?

17 Q. Pardon?

18 A. That's a first name or a last name?

19 Q. Last name, Richard Fandry.

20 A. I know an investigator named Rick that did
 21 work, was contracted out by RRA to do investigative
 22 work. I don't know his last name but --

23 Q. Did, did Rick ever do any work on any of
 24 the Epstein cases to your knowledge?

25 A. I believe so.

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1 Q. Where did you go -- did you go to an
2 office to meet him?
3 A. Well, I went to a particular area, a locked
4 area that I could get in with my swipe card and there
5 was a, a room like this. Is this an office?

6 Q. Sure.

7 A. Okay. Then yes.

8 Q. If you wanted to contact Mr. Fisten, did
9 you, did you have a number; that is, an inside
10 number?

11 A. I don't know.

12 Q. Did Mr. Fisten do work on the Epstein
13 related cases?

14 A. Yes.

15 Q. Okay. What kind of work did he do?

16 A. Investigator.

17 Q. Meaning what?

18 A. Meaning investigative work.

19 Q. Okay. Has Mr. Fisten continued to do --
20 let me strike that. When RRA imploded in early or
21 in late '09, in October of '09, did Mr. Fisten come
22 to work for your firm?

23 A. Yes.

24 Q. Farmer, Jaffe... Is he an employee of your
25 firm?

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1 A. Correct.
2 Q. How about Mr. Jenne, is he currently
3 employed by your firm?

4 A. No.

5 Q. Do Mr. Jenne and Mr. Fisten, to your
6 knowledge, have any association at the current time?

7 A. No.

8 Q. Have, has Mr. Fisten continued to do work
9 on behalf of your firm; that is, investigative work
10 relating to Mr. Epstein?

11 A. What do you mean has he continued to?

12 Q. Has he continued, has Mr. Fisten done,
13 continued to do investigative work since he had been
14 with Farmer Jaffe relating to the Epstein cases?

15 A. On, on many cases and Jeffrey Epstein's case
16 being one of them, yes, he's done some work.

17 Q. Has he, has he as well -- well, let me
18 strike that. Has Ken Jenne done any work for any
19 outside agency, investigative agency or entity, done
20 investigation work relating to Jeffrey Epstein here
21 in the State of Florida?

22 A. I don't, I don't know. I don't talk to him.

23 Q. Have you had any contact -- well, let me
24 strike that. Did you ever have any contact with
25 Mr. Jenne during the time you were at RRA?

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1 A. Yes.
2 Q. Did he ever do any work, or did you ever
3 direct him to do any work with regard to the Epstein
4 cases?

5 A. No.

6 Q. Did he know about the Epstein cases?

7 A. Yes.

8 Q. Okay. And how did he know? How did you
9 know he knew? Well, let me strike that. I think
10 you said you never directed him to do any work?

11 A. Right.

12 Q. Okay. And how do you know he was
13 knowledgeable about the Epstein cases?

14 A. I talked to him about it before.

15 Q. Did you discuss the facts and
16 circumstances of the cases with him?

17 A. Of L.M., E.W., and Jane Doe's specific
18 circumstances, no. In fact, I would say, I would
19 highly, it's highly unlikely that he would even know
20 their names.

21 Q. But you have discussed the Epstein cases
22 with him generically?

23 A. Right.

24 Q. And did he approach you about discussing
25 the Epstein cases or did you approach him?

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1 A. He would have approached me... I didn't know
2 him.

3 Q. Do you recall why -- let me strike that.
4 Do you recall how long you were at the firm, RRA
5 before he approached you to talk about the Epstein
6 cases?

7 A. My recollection is several months.

8 Q. Okay. On how many occasions did he
9 approach you to talk about the Epstein cases?

10 A. I don't know.

11 Q. More than once?

12 A. Yes.

13 Q. More than twice?

14 A. Yes.

15 Q. More than five times?

16 A. Yes.

17 Q. More than ten times?

18 A. Possibly.

19 Q. Okay. And with regard to Mr. Jenne did
20 you ever give him, was he ever an invite person on
21 your Qtask?

22 A. I do not believe so.

23 Q. Did, did you ever ask Mr. Jenne why he was
24 interested in your Epstein cases?

25 A. No.

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1 Q. Okay. And on each occasion he approached
2 you about talking about the Epstein cases?
3 A. On the first I occasion, definitely. I can't
4 say on every occasion that we had a conversation.
5 Q. And if I understood you correctly, you
6 never assigned Mr. Jenne any tasks, any task; is
7 that correct?
8 A. That's correct.
9 Q. Did you find it odd or strange that he
10 would want to talk to you about your Epstein cases?
11 A. No.
12 Q. Did you, did you -- Mr. Jenne reported to
13 whom as you understood?
14 A. I didn't understand anything.
15 Q. Do you know what his position with the
16 firm was?
17 A. No idea.
18 Q. Did he ever offer to help you with the
19 Epstein cases?
20 A. In some respect, I guess so. Generally, you
21 know, I, I can help. This is basically a criminal
22 matter; I can help. You know, that kind of thing. I am
23 not saying those are his exact words but paraphrasing
24 the gist of it; that's what I remember.
25 Q. Okay. Mr. Edwards, did you ever contact

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1 the media or the press when, that's located in New
2 York City, the State of New York, about any of the
3 Epstein cases?
4 A. I may have returned telephone calls that were
5 initiated by press to me.
6 Q. My, my question to you was, did you
7 initiate any telephone calls; that is, without
8 returning a call to the, to any member of the media
9 or press in New York regarding the Epstein cases?
10 A. Meaning the first conversation --
11 Q. Right.
12 A. -- between -- yeah. No, I did not.
13 Q. Who contacted you from New York with
14 regard to any Epstein related matter?
15 A. The press.
16 Q. Who?
17 A. I don't remember anybody's name.
18 Q. Give me anybody's name that you can
19 recall.
20 A. George Rush.
21 Q. What media, what did you understand his
22 association?
23 A. I believe New York Daily News.
24 Q. Do you remember when Mr. Rush contacted
25 you?

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1 A. No.
2 Q. When Mr. Rush contacted you, do you know
3 why he contacted you; that is, what -- well, let me
4 strike that. When he contacted you, did you take
5 his call right away or was his a call that you had
6 to return?
7 A. I don't remember.
8 Q. Do you remember speaking with a person
9 named John Canally?
10 A. Yes.
11 Q. Okay. What was Mr. Canally's association?
12 A. I don't know.
13 Q. Do you know who he was with at the time?
14 A. No.
15 Q. What did your discussion with Mr. Canally;
16 that is, what was Mr. Canally interested in and what
17 did you tell him?
18 MR. SCAROLA: Objection, compound.
19 THE WITNESS: I, I listened to him more
20 than told him anything.
21 BY MR. CRITTON:
22 Q. Did you provide him any information?
23 A. In the back and forth of the conversation, I,
24 you know, maybe general information that one could read
25 from the newspapers I talked to him about.

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1 Q. Did you speak with, other than -- on how
2 many occasions did you speak with Mr. Canally?
3 A. I don't know.
4 Q. On how many occasions have spoken with
5 Mr. Rush?
6 A. I don't know.
7 Q. More than once with Mr. Rush?
8 A. I would say so, yes.
9 Q. More than five times with Mr. Rush?
10 A. That's approximate, that's approximately
11 correct.
12 Q. Okay. Mr. Canally, did you speak with him
13 on more than one occasion?
14 A. Yes.
15 Q. On how many occasions have you spoken
16 with him?
17 A. I don't know.
18 Q. Five, two, three, your best estimate?
19 A. More than five.
20 Q. When was the last time you spoke with
21 Mr. Canally?
22 A. 2009.
23 Q. Have you had any contacts with the media
24 or the press during the year 2010, January,
25 February, March, and we're almost, well, we're

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1 almost at the end of March. In the last three
 2 months, starting in January 1st of 2010, have you
 3 had any contact with the press?

4 A. Not that I recall.

5 Q. Has the press contacted you, but you have
 6 not returned their calls?

7 A. On hundreds and hundreds of occasions.

8 Q. Well, my question is since the beginning
 9 of, since January 1st of 2010 has the press
 10 attempted to contact you?

11 A. Yes.

12 Q. And if I understand your testimony, you
 13 have not returned any of those calls?

14 A. To the best of my recollection I, I do not
 15 remember speaking with anybody from the press during
 16 this year, 2010.

17 Q. In 2010, do you have a recollection of
 18 having spoken with people but saying you can't quote
 19 me, i.e., I have no comment or I will tell you off
 20 the record?

21 A. I don't even remember having those
 22 conversations with anybody in 2010. If you know of
 23 something and can refresh my recollection, I, you may be
 24 able to remind me, but I don't think in 2010 I have had
 25 any of those conversations.

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1 Q. The conversations you had with George
 2 Rush, when you returned his call, what did Mr. Rush
 3 ask you? What was he inquiring about?

4 A. My response to Jeffrey Epstein's comments.

5 Q. Which comments?

6 A. A telephone conversation initiated by Jeffrey
 7 Epstein to George Rush related to the various cases and
 8 claims against Mr. Epstein.

9 Q. Did Mr. Rush call you -- I'm sorry, I will
 10 improve it. If I understand correctly when Mr. Rush
 11 called you, that's the first time you knew who he
 12 was?

13 A. I didn't know who he was before he called me,
 14 correct.

15 Q. What did Mr. Rush tell you what Jeffrey
 16 Epstein had said to him?

17 A. And I'm not sure that that was the first
 18 conversation I had with, with George Rush. Like I said
 19 I think I've talked to him three or four, five times.

20 Q. Okay. Well, let me see if I can place,
 21 can you give me a point in time when you first spoke
 22 to Mr. Rush and when you last spoke with him the
 23 approximately five-times that you related?

24 A. Each of those times were in 2009 between,
 25 earliest possible, June, I think, yeah; latest possible,

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1 I believe, November.

2 Q. And the first time that Mr. Rush called
 3 you, what was the subject?

4 A. Jeffrey Epstein.

5 Q. Okay. I assume you never talked with
 6 Mr. Rush about any topic other than Mr. Epstein,
 7 correct?

8 A. That's a safe assumption.

9 Q. When he first contacted you, can you
 10 differentiate what he said on the first occasion
 11 versus a later occasion?

12 A. I, I, no, in chronological order I can't right
 13 now. I haven't gone back and thought about this like
 14 this before.

15 Q. Did you ever correspond with Mr. Rush or
 16 Mr. Canally by e-mail?

17 A. Mr. Rush, I believe that answer is no. With
 18 Mr. Canally, yes.

19 Q. And so do you have copies of the e-mails
 20 that you and Mr. Canally exchanged?

21 A. No.

22 Q. Okay. Would they have been while you were
 23 at RRA, RRA?

24 A. Correct.

25 Q. With regard to Mr. Rush, if you did

1 communicate with him by e-mail, would it be during
 2 the time you were with RRA?

3 A. That's correct.

4 Q. Did you communicate with any other member
 5 of the press during the time, we'll come back to
 6 Mr. Epstein. During the time when you were at RRA,
 7 did you communicate with anybody else by, by either,
 8 first of all, by e-mail?

9 A. What is your question again? I'm sorry.

10 Q. Okay. Did you -- other than Mr. Rush who
 11 you're not sure you communicated by e-mail,
 12 Mr. Canally who you are sure you communicated by
 13 e-mail during the time you were at RRA, was there
 14 any member of the press, TV, written news media,
 15 television that you communicated with --

16 A. I'm sure.

17 Q. -- by e-mail?

18 A. I am sure there is.

19 Q. Okay. Do you remember any of their names
 20 other than Mr. Rush and Mr. Canally as you sit here
 21 today?

22 A. Not as I sit here today, I do not.

23 Q. Did you ever communicate with Jose
 24 Lambiet?

25 A. I don't know who that is.

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1 Q. He does a Page 2 or something with the,
2 Page 1, Page 2 of the Palm Beach Post?

3 A. No. I'm not, no.

4 Q. Okay. Have you ever spoken with Jane
5 Muskrat (phonetic)?

6 A. Again, I don't know who that is.

7 Q. Have you ever -- did you ever give or
8 allow one of your clients to give an interview to
9 one of the local TV stations?

10 MR. SCAROLA: Objection, compound.

11 THE WITNESS: One of my clients gave an
12 interview to one of the local television
13 stations.

14 BY MR. CRITTON:

15 Q. Which of your clients gave the interview?

16 A. Jane Doe.

17 Q. And did you organize that?

18 A. I assisted.

19 Q. Which, which TV station was it?

20 A. I don't remember.

21 Q. Do you remember who the person was from
22 the TV station that contacted you? Let me strike
23 that. How did it come about that Jane Doe gave an

24 interview to the TV station? -- ~~the television station~~ --

25 A. Various television stations have been

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1 interested over the course of these cases in having the
2 clients talk. I was adamant that that was not going to
3 happen and Jane Doe wanted that to happen.

4 Q. How did Jane Doe even know that that
5 opportunity existed? If you didn't want it to
6 happen when the news, when the news people, when the
7 TV stations called you why didn't you just say my
8 clients are not available for interview?

9 A. What's your question?

10 Q. The question is, is, with regard to the
11 T.V. station, you said multiple TV stations wanted
12 to do interviews with your clients. Did I
13 understand you correctly?

14 A. You did.

15 Q. And you said you didn't want any of your
16 clients to do interviews, correct?

17 A. Right.

18 Q. Okay. So, why didn't you just say, no, I
19 am not making any of my clients available?

20 MR. SCAROLA: I am going to object to the
21 extent that that calls for either mental
22 impressions or attorney-client privileged
23 communications and instruct you not to answer.

24 THE WITNESS: I'm not going to answer
25 based on the privilege.

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1 BY MR. CRITTON:

2 Q. Jane Doe, though, did give an interview,
3 correct --

4 A. That is correct.

5 Q. -- on TV and they blocked out her face?

6 A. That is correct.

7 Q. Were you there, were you present when she
8 gave the interview?

9 A. Yes.

10 Q. Okay. Did you see the interview on TV?

11 A. No.

12 Q. Did they give you a copy of the tape of
13 the interview?

14 A. I believe a copy of the tape was sent to me.

15 Q. Okay. Do you still have that in your
16 possession?

17 A. No.

18 Q. Who has it?

19 A. I believe it was destroyed.

20 Q. Who destroyed it?

21 A. Nobody destroyed it.

22 Q. Okay. You said, I think you said you
23 believe it's destroyed. How did it come to be
24 destroyed?

25 A. It was sent to me and it was kept in my house

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1 as I didn't believe it was any portion of the file and
2 my house flooded and the tape was destroyed.

3 Q. And did you try to play the tape?

4 A. I have never watched the tape.

5 Q. You still have it. You just think it's
6 destroyed?

7 A. No, I don't even have it.

8 Q. You threw it away?

9 A. It wasn't a matter of throwing anything away.
10 My entire house was full with water, every square inch
11 for 12 inches up the wall, and everything was just in
12 mud and got thrown in these huge bins and trashed so --

13 Q. All right. Have you ever spoken with
14 Michelle Daryan?

15 A. Yes.

16 Q. On how many occasions have you spoken with
17 her?

18 A. Several.

19 Q. Have you e-mailed, exchanged e-mails with
20 her?

21 A. Yes.

22 Q. During the time you, only during the time
23 you were with RRA?

24 A. I believe so. There, there could have been,
25 there could have been an e-mail. Oh I only think at RRA

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1 I believe that's right.

2 Q. As a result of Jane Doe speaking with the
3 press, did she receive any compensation?

4 A. No.

5 Q. Have any interviews been given separate
6 and apart from the TV interview that Jane Doe gave?
7 Did any of the other, did either of your other two
8 clients, E.W. or L.M., ever give an interview to,
9 written to, to the written media, not TV?

10 A. No.

11 Q. With regard to, back to George Rush, you
12 said that Mr. Rush, Mr. Rush contacted you. You
13 recontacted him, correct?

14 A. That's correct.

15 Q. Okay. And what was the subject matter?
16 What was Mr. Rush interested in talking with you
17 about?

18 A. Jeffrey Epstein.

19 Q. Okay. And what, what specifically about
20 Mr. Epstein? How did he even know you existed, did
21 he say?

22 A. I don't know. Or, or if I knew, I don't
23 remember how he knew that.

24 Q. Okay. Did you, did you talk to him?
25 A. Yes, I did talk to him.

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1 Q. Approximately, how many, how long have
2 your conversations been?

3 A. Short.

4 Q. And with regard to George Rush, what, you
5 said he was interested in talking about Jeffrey
6 Epstein. What was he interested in?

7 A. I don't remember specifically the issue, but
8 it seemed to me that he came to me with an issue each
9 time, something related to the case.

10 Q. Okay. The case being Mr. Epstein's case
11 or your three cases?

12 A. I think that it was typically in general
13 related to the various criminal acts committed by
14 Jeffrey Epstein against the large number of girls in
15 each of the states that Jeffrey Epstein has lived in. I
16 think that was like the gist of his communication to me.

17 Q. Well, did he?

18 A. Or why he was interested.

19 Q. Did he indicate to you that someone had
20 told him that, that certain acts had occurred in
21 other states or locations other than the State of
22 Florida?

23 A. I can't say with any degree of specificity
24 what was said, but that certainly is the impression that
25 I have right now thinking back. So, I believe that that

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1 was something he was conveying to me.

2 Q. Okay. Did he tell you that he had any
3 information that Mr. Epstein had been involved with
4 any other individuals in any other states, females?

5 A. I don't remember.

6 Q. Did you tell him or did you disclose to
7 him that you were aware of Mr. Epstein having been,
8 having assaulted underage females in other states?

9 A. I don't remember.

10 MR. CRITTON: Need to take -- why don't
11 we, why don't you change the tape now?

12 THE VIDEOGRAPHER: We're now off the video
13 record. It's 1:02 p.m.

14 (A luncheon recess was held.)

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