

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

JEFFREY EPSTEIN

Complex Litigation, Fla. R. Civ.
Pro.1201

Plaintiff,

v.

Case No. 50 2009CA040800XXXXMB
AG

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

Defendants.

SHANIAH E. CLERK
PALM BEACH COUNTY
CIRCUIT COURT CLERK

2010 APR 13 PM 4:12

EPSTEIN'S REQUEST TO PRODUCE TO EDWARDS

Defendant, JEFFREY EPSTEIN ("Epstein"), pursuant to Fla. R. Civ. P. 1.350, requests that Defendant, BRADLEY J. EDWARDS ("Edwards"), produce or make available for inspection documents responsive to the requests below within thirty (30) days from the date of service:

DEFINITIONS AND INSTRUCTIONS

A. "Document" means any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or transcribed, including the **originals** and all non-identical copies, whether different from the original by reason of any notation made on such copy or otherwise, including, but not limited to, correspondence, memoranda, notes, messages, letters, purchase orders, telegrams, teletype, telefax bulletins, e-mails, electronic data, meetings, reports, or other communications, interoffice and intra-office telephone calls, diaries, chronological data, minutes, books, reports, charts, ledgers, invoices, worksheets, receipts, returns, trade information regarding fabric, carpets, samples

etc..., computer printouts, prospectuses, financial statements, schedules, affidavits, contracts, cancelled checks, transcripts, statistics, surveys, magazine or newspaper articles, releases (and any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphs or aural records or representations of any kind, including, without limitation, photographs, charts, graphs, microfiche, microfilm, video tape, recordings, motion pictures and electronic, mechanical or electric recordings or representations of any kind (including, without limitation, tapes, cassettes, discs and recordings), and including the file and file cover.

The term "Document" also means any and all computer records, data, files, directories, electronic mail, and information of whatever kind whether printed out or stored on or retrievable from floppy diskette, compact diskette, magnetic tape, optical or magnetic-optical disk, computer memory, hard drive, zip drive, jaz drive, orb drive, microdisk, external memory stick, software, or any other fixed or removable storage media, including without limitation, all back-up copies, dormant or remnant files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file, or file fragment.

B. "Communications" means any oral or written statement, dialogue, colloquialism, discussion, conversation or agreement.

C. "Plaintiff" means **L.M. (L.M. v. Jeffrey Epstein, Palm Beach County Case #502008CA028051XXXXMB), E.W. (E.W. v. Jeffrey Epstein, Palm Beach County Case #502008CA028058XXXXMB), Jane Doe (Jane Doe v. Jeffrey Epstein, United States District Court Case #08-civ-80893-Marra/Johnson)**, and any other person who is or was represented by Rothstein Rosenfeldt & Adler that has not

yet filed an action against Jeffrey Epstein, and any employee, agent or attorney for any plaintiff and/or any other person acting for or on behalf of any plaintiff, or under her authority and control.

D. "RRA" means Rothstein Rosenfeldt & Adler, P.A.

E. "Money" means any tangible thing of value.

F. "Costs" include, but are not limited to, court costs, filing fees, Sheriff's service and any other necessary service of legal papers or notices or subpoenas, court reporters' charges, long distance telephone charges, postage, courier services or Federal Express or UPS, investigative costs, investigative bills, photocopies, faxes, Westlaw computerized research, travel expenses, and witness fees and expert witness fees and costs.

G. "Trustee" means Herbert Stettin as bankruptcy trustee for RRA.

REQUEST FOR PRODUCTION¹

1. For the time period from March 1, 2009 to present, any and all documents between, or on behalf of RRA, its employees or agents or clients, and any third party regarding a purported settlement of any litigation between Jeffrey Epstein and a RRA client or Plaintiff, or the financing of any litigation between Jeffrey Epstein and a RRA client or Plaintiff, (whether existing clients or fabricated clients), including but not limited to:

- a. Documents indicating that litigation with Jeffrey Epstein has been settled;
- b. Soliciting or receiving money in return for settlement funds allegedly paid or to be paid by Jeffrey Epstein;
- c. Soliciting money to help finance ongoing litigation against Jeffrey Epstein;
- d. Soliciting money to be given to, or used on behalf of, the Plaintiffs in litigation against Jeffrey Epstein;
- e. Communication between third party investors or potential investors and the Plaintiffs or their attorneys involved in litigation against

¹ Due to the potential volume of documents involved, the parties and the Court should consider appointment of a special master and/or an in camera inspection to address any objections, claims of privilege and generally manage the production of documents.

Jeffrey Epstein;

f. Payments made by RRA to or on behalf of any Plaintiff.

2. Any and all fee agreements that exist or have existed between the following:

- a. Any Plaintiff and Bradley J. Edwards or any entity with which he has been associated;
- b. Any Plaintiff and the law firm RRA.

3. All emails, data, correspondence, memos, or similar documents between Bradley J. Edwards, Scott W. Rothstein, William Berger and Russell Adler and/or any attorney or representative of RRA and any investor or third party (person or entity) regarding Jeffrey Epstein or which mentions Jeffrey Epstein (including Mike Fisten, Kenneth Jenne, Patrick Roberts or Rick (Rich) Fandrey).

4. All emails, data, correspondence, memos, or similar documents between Bradley J. Edwards, Scott W. Rothstein, and/or any attorney or representative of RRA regarding Jeffrey Epstein or which mentions Jeffrey Epstein (including Mike Fisten, Kenneth Jenne, Patrick Roberts or Rick (Rich) Fandrey).

5. All agreements or documents of any nature which were provided to or received from an investor or potential investor relating to any case (real or fabricated) involving Jeffrey Epstein and any of the following:

- a. Scott W. Rothstein
- b. Bradley J. Edwards
- c. RRA
- e. any entity formed by RRA or Bradley J. Edwards or Scott W. Rothstein to create investment opportunities for third party investors to invest in any plaintiff's case against Jeffrey Epstein

6. All fee sharing agreements between Bradley J. Edwards, RRA, or Scott W. Rothstein and/or any other attorney or investor relating to any aspect of any Plaintiff's case.

7. All documents made available to any investor or potential investor by Bradley J. Edwards, RRA, Scott W. Rothstein or any of Scott W. Rothstein's entities to solicit "investors" for any case involving Jeffrey Epstein.

8. All document reflecting the names and addresses of all individuals or entities who invested or purported to invest in any aspect of any case against Jeffrey Epstein.

9. All documents evidencing the Costs and payment of any bill or Costs in each Plaintiff's case against Jeffrey Epstein, and the source(s) for said payments of any Costs.

10. All documents received by you or your current firm wherein the Trustee of RRA has asserted a lien for attorney's fees or Costs arising out of work done and Costs incurred related to the Plaintiffs' cases during the time Plaintiffs' were represented by RRA.

11. All documents and tangible things retrieved from the trash at 358 El Brillo Way, Palm Beach, Florida which is alleged to be the home of Jeffrey Epstein.

12. All conversations recorded from any telephones which purported to be that of Jeffrey Epstein that are contained in any media (audio tapes, CDs, DVDs, zip drives, hard drives or any other electronic format and any written transcriptions).

13. All conversations recorded from any telephones which purported to be from Jeffrey Epstein's attorneys including Roy Black, Alan Dershowitz or Jack Goldberger, that are contained in any media (audio tapes, CDs, DVDs, zip drives, hard drives or any other electronic format and any written transcriptions).

14. All intercepted phone conversations authorized by RRA including but not limited to any one of its attorneys or investigators or anyone retained by or working for RRA related to Jeffrey Epstein that are saved or stored in any media (audio tapes, CDs, DVDs, zip drives, hard drives or any other electronic format and any written transcriptions).

15. All intercepted or acquired electronic mail (e-mails) to or from Jeffrey Epstein authorized by RRA including but not limited to any one of its attorneys or investigators or anyone retained by or working for RRA.

16. All intercepted or acquired electronic mail (e-mails) to and from the attorneys for Jeffrey Epstein including but not limited to: Roy Black, Alan Dershowitz or Jack Goldberger, authorized by RRA including but not limited to any one of its attorneys or investigators or anyone retained by or working for RRA.

17. All documents supporting the contention that a sexual assault took place on an airplane purportedly owned by Jeffrey Epstein or a Jeffrey Epstein entity at any time between 1998 and 2005.

18. All documents related to the amount of all Costs that were incurred by you in the representation of you and/or your law firm in representing Jane Doe, L.M. and E.W. prior to joining RRA.

19. All documents setting forth to the amount of Costs were incurred by RRA in its representation of Jane Doe, L.M. and E.W. during the time you were employed by RRA (or that is being claimed by the Trustee).

20. In the attached transcript dated July 31, 2009, you stated to Judge Hafele with regard to the E.W. and L.M. cases the following:

"What the evidence is really going to show is that Mr. Epstein – at least dating back as far as our investigation resources have permitted, back to 1997 or '98 – has every single day of his life, made an attempt to sexually abuse children.

We're not talking about five, we're not talking about 20, we're not talking about 100, we're not talking about 400, which I believe, is the number known to law enforcement, we are talking about thousands of children, and it is through a very intricate and complicated system that he devised where he has as many as 20 people working underneath him that he is paying well to schedule these appointments, to locate these girls."

(A) Provide all documents to support this assertion including any documents which are the source of the information.

21. All documents related to or mentioning potential deponents in the Jane Doe, L.M. or E.W. cases.
22. All documents that support your claim of damages in your counterclaim in this case.
23. The written fee agreement with the Searcy Denney firm for their representation of you in this case.
24. All emails exchanged between you (or anyone of your behalf) and one or more of the following individuals wherein Epstein, a Palm Beach billionaire or a similar reference was mentioned:
 - a. Scott Rothstein
 - b. Russell Adler
 - c. William Berger
 - d. Michael Fisten
 - e. Kenneth Jenne
 - f. David Boden
 - g. Deborah Villegas
 - h. Andrew Barnett
 - i. Patrick Roberts
 - j. Richard (Rick) Fandrey
 - k. Christina Kitterman.
25. A copy of your RRA business card.
26. Any employment agreements, letter agreements or memos given to you by RRA or a representative or agent of RRA describing your compensation and benefits at RRA.

27. All documents and communications from Herbert Stettin, as bankruptcy Trustee for RRA, asserting liens against recoveries in:

- a. L.M. v. Epstein, Case No. 502008CA028051XXXXMB
- b. E.W. v. Epstein, Case No. 502008CA028058XXXXMB
- c. Jane Doe v. Epstein, Case No. 08-CV-80119-MARRA/JOHNSON

Certificate of Service

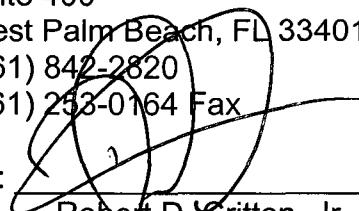
I HEREBY CERTIFY that a true copy of the foregoing was sent by fax and U.S. Mail to the following addressees on this 12th day of April, 2010:

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IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY, FLORIDA

E.W.,

Plaintiff,

vs.

Case No. 502008CA028058
XXXXMB AD

JEFFREY EPSTEIN,

Defendant.

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PROCEEDINGS BEFORE THE  
HONORABLE JUDGE DONALD W. HAFELE

July 31, 2009  
8:30 a.m.

205 N. Dixie Highway  
West Palm Beach, FL 33401

Jennifer DiLorenzo, court reporter

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| <p>IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT IN<br/>AND FOR PALM BEACH COUNTY, FLORIDA</p> <p>E.W.,</p> <p>Plaintiff,</p> <p>vs. Case No. 502008CA028058<br/>XXXXMB AD</p> <p>JEFFREY EPSTEIN,</p> <p>Defendant.</p> <p>-----</p> <p>PROCEEDINGS BEFORE THE<br/>HONORABLE JUDGE DONALD W. HAFELE</p> <p>July 31, 2009<br/>8:30 a.m. - 9:05 a.m.</p> <p>205 N. Dixie Highway<br/>West Palm Beach, FL 33401</p> <p>Jennifer DiLorenzo, court reporter</p>                                                                                                                                                                                                                                                       | <p>Proceedings in the Matter of E.W. vs. JEFFREY EPSTEIN.<br/>July 31, 2009 8:30</p> <p>THE COURT: Good morning, gentlemen.<br/>We're here this morning on the Plaintiff's<br/>motions to add punitive damages. Who will be<br/>arguing on behalf of the Plaintiff?</p> <p>MR. EDWARDS: Brad Edwards, Your Honor.</p> <p>THE COURT: Alright, Mr. Edwards.</p> <p>MR. EDWARDS: Do I need to go to the<br/>podium or is right here fine?</p> <p>THE COURT: Whichever you prefer.</p> <p>MR. EDWARDS: Your Honor, with our motion<br/>we filed - and, I believe, Your Honor has it -<br/>the discovery that was submitted to Mr. Epstein,<br/>which consists of Requests for Admissions,<br/>Requests for Production, Interrogatories, as<br/>well as Interrogatory responses under oath by my<br/>client.</p> <p>THE COURT: Do you have any cases that<br/>speak to the presumption relative to the<br/>Defendant exercising his Fifth and Sixth<br/>Amendment rights during the deposition testimony<br/>and/or during any other discovery?</p> <p>MR. EDWARDS: Sure, Your Honor.</p> <p>THE COURT: I know that Mr. Critton in his</p> |
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>APPEARANCES OF COUNSEL</p> <p>On behalf of the Plaintiff:<br/>ROTHSTEIN, ROSENFIELD &amp; ADLER<br/>BY: WILLIAM J. BERGER, ESQ.,<br/>Mizner Park Office Tower<br/>Suite 675<br/>225 NE Mizner Boulevard<br/>Boca Raton, FL 33432<br/>561-322-7761<br/>wberger@rra-law.com</p> <p>ROTHSTEIN, ROSENFIELD &amp; ADLER<br/>BY: BRADLEY J. EDWARDS, ESQ.,<br/>401 East Las Olas Boulevard<br/>Suite 1650<br/>Fort Lauderdale, FL 33394<br/>954-522-3456<br/>bedwards@rra-law.com</p> <p>On behalf of the Defendant:<br/>BURMAN, CRITTON, LUTTIER &amp; COLEMAN<br/>BY: ROBERT D. CRITTON, JR., ESQ.,<br/>515 North Flagler Drive<br/>Suite 400<br/>West Palm Beach, FL 33401<br/>561-842-2820<br/>rcrit@bclclaw.com</p> | <p>reply memorandum indicated some conflict in<br/>terms of the nature of the discussions of the<br/>appellate courts relative to that issue.</p> <p>MR. EDWARDS: May I approach?</p> <p>THE COURT: Thank you.</p> <p>MR. EDWARDS: I'm going to present the<br/>case of Fraser vs. Security and Investment out<br/>of the Fourth DCA.</p> <p>The pertinent part, it says: "Our<br/>conclusion is consistent with the prevailing<br/>rule that the Fifth Amendment does not forbid<br/>adverse inferences against parties to civil<br/>actions when they refuse to testify in response<br/>to probative evidence offered against them: the<br/>amendment 'does not preclude the inference where<br/>the privilege is claimed by a party to a civil<br/>cause.'"</p> <p>It skips down and says: "Such a rule is<br/>both logical and utilitarian. A party may not<br/>trample upon the rights of others and then<br/>escape the consequences by invoking a<br/>constitutional privilege - at least not in a<br/>civil setting."</p> <p>The final paragraph on that page says:<br/>"Nor are we persuaded that the fact of</p>            |

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| <p>1 invocation of the privilege is irrelevant and<br/>2 immaterial." "In the case" -- Sorry, "Mr.<br/>3 Justice Brandeis... observed that 'Silence is<br/>4 often evidence of the most persuasive<br/>5 character."</p> <p>6 Clearly, this case, out of our district<br/>7 court, is an indication that adverse inferences<br/>8 may be drawn.</p> <p>9 Right now we are at a punitive damages<br/>10 stage. We are not at a stage where we are<br/>11 talking about the admissibility of evidence. We<br/>12 are --</p> <p>13 THE COURT: Speaking only of a proffer to<br/>14 establish punitive damages as required under<br/>15 768.721, correct?</p> <p>16 MR. EDWARDS: Exactly, and I was going to,<br/>17 for the record, read that part of 768.721: "In<br/>18 a civil action, there is a" --</p> <p>19 THE COURT: I think we can skip that.</p> <p>20 MR. EDWARDS: Okay.</p> <p>21 THE COURT: The statute speaks for itself<br/>22 and it's a part of the record today, so why<br/>23 don't you go ahead and proceed?</p> <p>24 MR. EDWARDS: The reasonable showing, by<br/>25 way of proffer, that there is an intentional</p>                                                                                              | <p>1 we're not talking about 400, which, I believe,<br/>2 is the number known to law enforcement, we are<br/>3 talking about thousands of children, and it is<br/>4 through a very intricate and complicated system<br/>5 that he devised where he has as many as 20<br/>6 people working underneath him that he is paying<br/>7 well to schedule these appointments, to locate<br/>8 these girls.</p> <p>9 He particularly goes after a very<br/>10 vulnerable and impressionable age group that --</p> <p>11 THE COURT: To use the quotation, "the<br/>12 evidence will show the Defendant sought out<br/>13 underprivileged and economically disadvantaged<br/>14 minor females," and later go on to say,<br/>15 "influenced them away from the typical<br/>16 adolescent lifestyle as a result of his<br/>17 allegedly criminal acts."</p> <p>18 MR. EDWARDS: And that is exactly what<br/>19 he's done. The age group begins as young as<br/>20 12 years old and as old as 16 years old. There<br/>21 will be evidence that at 16 years old, many of<br/>22 the girls are told, "You're getting too old for<br/>23 me."</p> <p>24 He very clearly targets this specific age<br/>25 group and has a method to this; that is, "Get</p>                                                   |
| 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>1 misconduct or gross negligence on behalf of the<br/>2 Defendant.</p> <p>3 Intentional misconduct is defined as "the<br/>4 Defendant had actual knowledge of the wrong<br/>5 permissible conduct and the high probability<br/>6 that injury or damage to the claimant would<br/>7 result and, despite that knowledge,<br/>8 intentionally pursued that course of conduct<br/>9 resulting in injury or damage."</p> <p>10 In this case, we have intentional<br/>11 misconduct of the worse kind. This is a case<br/>12 that has been presented to the public through<br/>13 public relations people for the Defendant at<br/>14 times as "five or six bad under-aged prostitutes<br/>15 from a high school that, as one of their stops,<br/>16 wound up at Mr. Epstein's home," and that's not<br/>17 the case at all.</p> <p>18 What the evidence is really going to show<br/>19 is that Mr. Epstein - at least dating back as<br/>20 far as our investigation and resources have<br/>21 permitted, back to 1997 or '98 - has every<br/>22 single day of his life, made an attempt to<br/>23 sexually abuse children.</p> <p>24 We're not talking about five, we're not<br/>25 talking about 20, we're not talking about 100,</p> | <p>1 the girls inside the house and I will do the<br/>2 rest," and he creates this God-like aura for<br/>3 these girls and --</p> <p>4 THE COURT: Let's talk about - pardon me<br/>5 for interrupting you - let's talk about the<br/>6 precise claims that are being made here. You're<br/>7 dealing with E.W. and L.M. - they're pseudonyms<br/>8 for purposes of this litigation. Why don't we<br/>9 speak to those two individuals at this juncture<br/>10 and how the punitive damage proffer is<br/>11 sufficient or insufficient relative to them<br/>12 individually, please?</p> <p>13 I understand the global allegations and I<br/>14 understand the allegedly wide scale situation<br/>15 that you're suggesting as you've alleged here,<br/>16 but I want to go now to the precise claims made<br/>17 by these two Plaintiffs who are in front of the<br/>18 Court today, and whether or not that proffer is<br/>19 sufficient to satisfy the case law, including<br/>20 the case that Mr. Critton cited, and that is:<br/>21 The Estate of Despain, D-E-S-P-A-I-N, vs. Avante<br/>22 Group, Inc., which is found at 900 So.2d. 637,<br/>23 and that was a Fifth District Court of Appeal<br/>24 case, decided in 2005.</p> <p>25 MR. EDWARDS: Yes, Your Honor, and that is</p> |

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| <p style="text-align: center;">9</p> <p>1 the case that states: "a 'proffer' according to<br/>   2 traditional notions of the term, connotes merely<br/>   3 an 'offer' of evidence and neither the term<br/>   4 standing alone nor the statute itself calls for<br/>   5 an adjudication of the underlying veracity...is<br/>   6 merely a representation of what evidence the<br/>   7 defendant proposes to present."</p> <p>8 We can turn to the sworn Interrogatory<br/>   9 answers, No. 8, wherein L.M. and, similarly,<br/>   10 E.W., in slightly different words, states: "I<br/>   11 was touched, battered, and fondled by Defendant<br/>   12 Jeffrey Epstein during the incidents described<br/>   13 in the complaint. I observed the Defendant<br/>   14 touch and fondle himself. I observed the<br/>   15 Defendant ejaculate numerous times. I was made<br/>   16 to touch the Defendant. I also observed sexual<br/>   17 acts and had sexual acts perpetrated on me by<br/>   18 Defendant Jeffrey Epstein. At various times I<br/>   19 was unclothed, as was the Defendant and others.<br/>   20 At all times material, I was a child under the<br/>   21 age of 18 years old. The Defendant also used me<br/>   22 to bring him other minor girls and he controlled<br/>   23 and brainwashed me" --</p> <p>24 THE COURT: Just a second.<br/>   25 (Telephone interruption.)</p> | <p style="text-align: center;">11</p> <p>1 the Defendant. I also observed sexual acts and<br/>   2 had sexual acts perpetrated on me and was forced<br/>   3 to perform on me, including oral sex and other<br/>   4 activities. At various times I was unclothed,<br/>   5 as was Defendant and others. At all times<br/>   6 material, I was a child under the age of<br/>   7 18 years. I was a victim of various criminal<br/>   8 acts and sexual exploitation. I was induced and<br/>   9 coerced by the Defendant into acts of<br/>   10 prostitution."</p> <p>11 THE COURT: Thank you. You were going to<br/>   12 speak to a legal point --</p> <p>13 MR. EDWARDS: Right.</p> <p>14 THE COURT: -- before I asked you to read<br/>   15 into the record those Interrogatory answers. Go<br/>   16 ahead.</p> <p>17 MR. EDWARDS: Where we left off was the<br/>   18 coercion into prostitution. What makes these<br/>   19 crimes so egregious is the fact that these girls<br/>   20 that we're talking about were all beginning<br/>   21 their grooming process with Mr. Epstein when<br/>   22 they're 14 and 15 and 16 years old.</p> <p>23 There is a specific statute, which we have<br/>   24 filed, and a cause of action under our<br/>   25 complaint, that is under 796.09, Coercion, civil</p>                                                          |
| <p style="text-align: center;">10</p> <p>1 MR. EDWARDS: -- "and brainwashed me into<br/>   2 believing this lifestyle was healthy and normal<br/>   3 for a girl my age. I was a victim of various<br/>   4 criminal acts and sexual exploitation. I was<br/>   5 induced and coerced by Defendant into acts of<br/>   6 prostitution."</p> <p>7 While we're on the coercion and<br/>   8 prostitution, there is a specific --</p> <p>9 THE COURT: Before you move on, that's<br/>   10 L.M.'s --</p> <p>11 MR. EDWARDS: Yes, Your Honor.</p> <p>12 THE COURT: -- Answer to Interrogatories?<br/>   13 Why don't you read into the record E.W.'s Answer<br/>   14 to Interrogatories so the record is clear?</p> <p>15 MR. EDWARDS: I apologize, Your Honor.</p> <p>16 THE COURT: Take your time.</p> <p>17 MR. EDWARDS: Answer to Interrogatory No.<br/>   18 8 for E.W. indicates: "My injuries are<br/>   19 emotional and psychological and are the direct<br/>   20 result of Defendant Jeffrey Epstein's actions.<br/>   21 I was touched, battered, and fondled by the<br/>   22 Defendant during the incidents described in the<br/>   23 complaints. I observed the Defendant touch and<br/>   24 fondle himself. I observed the Defendant<br/>   25 ejaculate numerous times. I was made to touch</p>                                                                                           | <p style="text-align: center;">12</p> <p>1 cause of action.</p> <p>2 Reading 796.09, Paragraph 1: "A person<br/>   3 has a cause of action for compensatory and<br/>   4 punitive damages" - this is in the statute -<br/>   5 "against a person who coerced them into<br/>   6 prostitution," and it goes on to define what<br/>   7 coercion means, and it is exactly what happened<br/>   8 in this case.</p> <p>9 This statute allows for punitive damages<br/>   10 on a statutory level irrespective of the age of<br/>   11 the person that is coerced into prostitution.</p> <p>12 THE COURT: And the coercion that you're<br/>   13 talking about are the alleged acts as between<br/>   14 these two Plaintiffs and Mr. Epstein as opposed<br/>   15 to, I think, there's something in one of the<br/>   16 Interrogatories that suggests that there may<br/>   17 have been prostitution that followed, at least<br/>   18 one of the Plaintiff's, involvement with Mr.<br/>   19 Epstein, but you're speaking solely about the<br/>   20 prostitution issues as it concerns the<br/>   21 Plaintiffs here and Epstein; is that accurate?</p> <p>22 MR. EDWARDS: I believe, if I understand<br/>   23 what you are saying, I mean, in terms of<br/>   24 damages, if one of the Plaintiffs - and I can<br/>   25 represent - if one of the Plaintiffs was led</p> |

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| <p style="text-align: center;">13</p> <p>1 into a life of prostitution after being<br/>2 indoctrinated into this deviant lifestyle at an<br/>3 early age by Mr. Epstein - she was not a<br/>4 prostitute prior to that - and I relate that<br/>5 similar to kids of that age being brought over<br/>6 to somebody's house that is as powerful and<br/>7 wealthy as him and he has, let's say, cocaine on<br/>8 the table, and they do that for three years.<br/>9 They think it's fun at the time, but after that<br/>10 they have this addiction that continues on.<br/>11 This is something similar to what happened to<br/>12 one of the clients.</p> <p>13 But, yes, the coercion into prostitution<br/>14 is something that on a statutory level already<br/>15 allows for punitive damages, and that's<br/>16 irrespective of the age.</p> <p>17 THE COURT: Again, I'm trying to<br/>18 understand the factual basis. There's<br/>19 allegations that Mr. Epstein paid these young<br/>20 ladies \$200 to massage him and then subsequent<br/>21 thereto, there was some type of alleged sexual<br/>22 activity. Are you speaking to that specifically<br/>23 when you're talking about the statutory remedy<br/>24 or are you speaking about something distinct<br/>25 from that?</p> | <p style="text-align: center;">15</p> <p>1 intentional misconduct and/or gross negligence.<br/>2 I think the record is very clear at this<br/>3 point, especially after this proffer, that if<br/>4 any case is deserving of punitive damages being<br/>5 added, it's this one.</p> <p>6 THE COURT: Alright. Thank you. I'll<br/>7 give you a couple minutes to wrap up after Mr.<br/>8 Critton finishes his argument.</p> <p>9 MR. EDWARDS: Thank you, Your Honor.</p> <p>10 THE COURT: Thank you.</p> <p>11 MR. CRITTON: May it please the Court. As<br/>12 the Court knows, I represent Mr. Epstein in this<br/>13 matter.</p> <p>14 Your Honor, a couple of things to start -<br/>15 the case that Mr. Edwards cites deals with<br/>16 inferences, deals with inferences at trial time<br/>17 as distinct from inferences that, I believe, are<br/>18 sufficient to carry the day, so-to-speak, in the<br/>19 absence of other evidence with Mr. Epstein's<br/>20 claim of Fifth Amendment privilege. As well, we<br/>21 cited to the court cases - and I'll get to in<br/>22 just a minute - that specifically address that<br/>23 issue.</p> <p>24 Secondly, we're not here on - and I think<br/>25 the Court, I think, I kind of at least got the</p>                                                                        |
| <p style="text-align: center;">14</p> <p>1 MR. EDWARDS: No, that's specifically what<br/>2 I am talking about --</p> <p>3 THE COURT: Okay.</p> <p>4 MR. EDWARDS: -- Mr. Epstein paying them<br/>5 and using their age, their economic - their lack<br/>6 of wealth - the fact that these are poor,<br/>7 disadvantaged children with very little parental<br/>8 guidance to his advantage to induce them into<br/>9 acts of prostitution.</p> <p>10 THE COURT: I'll give you two minutes to<br/>11 wrap up, please.</p> <p>12 MR. EDWARDS: Okay.</p> <p>13 Your Honor, while I know that we are<br/>14 focusing on E.W. and L.M., there are certain<br/>15 defenses that have been made such as, "The girls<br/>16 were" - "we didn't know that they were over 18,<br/>17 otherwise we wouldn't have done this," where we<br/>18 are going to be able to show there are hundreds<br/>19 and hundreds and hundreds of girls and none of<br/>20 them were over the age of 18.</p> <p>21 Many of these girls, including my clients,<br/>22 told him that they were under the age of 18 and<br/>23 he continued to do this misconduct, which is<br/>24 exactly what the statute or what the punitive<br/>25 damages statute speaks to when it talks about</p>                                    | <p style="text-align: center;">16</p> <p>1 drift is we're not here on other claims - we're<br/>2 here on E.W. and L.M.'s claim today to add<br/>3 punitive damages and, in fact, "Do they meet the<br/>4 standard under the applicable statute in this<br/>5 instance?"</p> <p>6 What I think is the most striking part<br/>7 about this - and while I believe that the<br/>8 evidence may be - their perception, the<br/>9 Plaintiffs' perception of the evidence - may be<br/>10 different than ourselves, but I think the<br/>11 evidence in this case will show, at least L.M.<br/>12 and E.W., were prostitutes before they ever met<br/>13 Mr. Epstein, they remain prostitutes, and they<br/>14 are still prostitutes today.</p> <p>15 THE COURT: But is my role today one of<br/>16 weighing the evidence or one of determining<br/>17 whether or not there's a sufficient record in<br/>18 order to allow a punitive damage claim to stand?</p> <p>19 I mean, in one of the cases, I believe -<br/>20 it's the case of State of Wisconsin Investment<br/>21 Board vs. Plantation Square Associates, that's<br/>22 found at 761 F.Supp 1569 - Judge Hugler<br/>23 (phonetic) of the federal court provided an<br/>24 excellent discussion of the distinction between<br/>25 the proofs necessary to sustain a claim for</p> |

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| <p style="text-align: center;">17</p> <p>1      punitive damages even at summary judgment, much<br/>2      less a trial, and compared that with the<br/>3      relatively lighter burden of simply making a<br/>4      proffer of record evidence to support a claim<br/>5      for punitive damages.</p> <p>6      MR. CRITTON: Right.</p> <p>7      THE COURT: Aren't we at that stage; that<br/>8      is, the latter stage right now?</p> <p>9      MR. CRITTON: Yes, and I very well<br/>10     understand the distinction and, I believe, I<br/>11     understand what the Court's role is in this<br/>12     particular instance in making that<br/>13     determination.</p> <p>14     A couple of the issues though, in<br/>15     particular - with a camera here today, for some<br/>16     unknown reason, showing up at this hearing - is<br/>17     there were references to drugs, alcohol, other<br/>18     instances that are not applicable to this case.<br/>19     There's no pleadings on that particular issue,<br/>20     and I'm concerned about that, is that there's an<br/>21     attempt to jack this up in the media, as I said,<br/>22     with the camera here today, for no other<br/>23     hearing. It's ridiculous under the<br/>24     circumstances, and to make all of these wild<br/>25     allegations against Mr. Epstein for which there</p>                                                   | <p style="text-align: center;">19</p> <p>1      FBI agent and a U.S. attorney that was there at<br/>2      the time - and she talked about going over to<br/>3      Mr. Epstein's house. She said, "I had a fake<br/>4      ID." She was told to make certain that she was<br/>5      18. She told Mr. Epstein she was 18, and she<br/>6      said it was her understanding that all of the<br/>7      other girls that she brought for this horrific<br/>8      experience - she continued to bring other girls<br/>9      and go herself on a number of occasions.</p> <p>10     She said that she, herself -- On Page 8,<br/>11     it asks, "Did she ever call you?" - and I assume<br/>12     that was someone else - and she goes, "No. I<br/>13     gave Jeffrey my number and, I said, you know, if<br/>14     you want me to give you a massage again,<br/>15     basically I'm more than anxious to come."</p> <p>16     On Page 9, L.M. says, "I willingly took" -<br/>17     "so I willingly, the first time, took off my top<br/>18     when I gave him the massage and nothing more<br/>19     than that."</p> <p>20     She goes on to say in her testimony at<br/>21     Page 10, her sworn statement, "I said, I told<br/>22     Jeffrey, 'I heard that you like massages<br/>23     topless.'"</p> <p>24     "And he said 'Like, yeah.' He said, 'But<br/>25     you don't have to do anything that you don't</p> |
| <p style="text-align: center;">18</p> <p>1      is absolutely no evidentiary proof nor was that<br/>2      submitted here in support of their proffer, I<br/>3      did want to address at that.</p> <p>4      So let me get to the heart of the issue.<br/>5      I think the most distinguishing part of this<br/>6      particular case that's different; that is, L.M.<br/>7      and E.W., is the fact that L.M. gave a sworn<br/>8      statement to the FBI in this instance.</p> <p>9      Again, there's a strong distinction. She<br/>10     gave a sworn statement back in '05 or in '06.<br/>11     She had - L.M. did - she had an attorney, Mr.<br/>12     Eisenberg, it was before she had a civil lawyer<br/>13     who's seeking millions of dollars under these<br/>14     circumstances, and the testimony of L.M. at that<br/>15     time was very significant and it flies directly<br/>16     in the face of her "sworn testimony" or her<br/>17     "sworn interrogatories."</p> <p>18     The Court had Mr. Edwards read in L.M.'s<br/>19     answer and E.W.'s answer to their<br/>20     Interrogatories as to what allegedly occurred<br/>21     with Mr. Epstein and, "Oh, surprise," they were<br/>22     almost verbatim, word for word, as to what<br/>23     allegedly happened.</p> <p>24     But at the time of her sworn statement to<br/>25     the FBI, L.M. said on 4/24/07 - again, it was an</p> | <p style="text-align: center;">20</p> <p>1      feel comfortable with."</p> <p>2      "And I said, 'Okay,' but I willingly took<br/>3      it off" - this is L.M. at the time. This is her<br/>4      sworn testimony.</p> <p>5      At Page 17, the police officer or the FBI<br/>6      agent says, "and when he turned over then did he<br/>7      touch you at all or was he just" -- Her answer<br/>8      was, "No, I did not touch him, he did not touch<br/>9      me. He didn't even want..." and I assume to<br/>10     "touch you."</p> <p>11     She goes on to say, "He didn't want me to<br/>12     touch him and he didn't touch me."</p> <p>13     She goes on and on in this statement,<br/>14     L.M., in the statement and she says, "We had<br/>15     fun."</p> <p>16     "It was positive," on Page 18.</p> <p>17     On Page 19, "You know, I would wear<br/>18     panties. Willingly one time, because we were<br/>19     making jokes and everything, and willingly one<br/>20     time, I had, yes, I was totally nude, but I was<br/>21     fine with that."</p> <p>22     She talks about within the statement the<br/>23     other girls that she brought over. Again, she's<br/>24     testified or she gives the Interrogatory answer<br/>25     that this was outrageous to her, but, yet she</p>                                                                                                 |

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| <p>21</p> <p>1 brought other girls to experience this. She<br/>2 says - now that she has a civil lawyer seeking<br/>3 money damages - now "it's a bad experience."<br/>4 Now all of a sudden, "He touched me, he did<br/>5 these things to me."</p> <p>6 She references - at least, on Page 29 of<br/>7 the statement, Judge - there's a "W" that's<br/>8 referenced. "W" I would represent to be E.W. in<br/>9 the E.W. complaint, and I think we established<br/>10 that when Mr. Berger and I were arguing a prior<br/>11 motion to you. So she talks about E.W. on Page<br/>12 29.</p> <p>13 That's when she starts saying, she says,<br/>14 "EW" - "she," meaning E.W., "was my baby's<br/>15 father's girlfriend at the time."</p> <p>16 Then on Page 30, "How old was E.W.?"<br/>17 "She was 17."</p> <p>18 Alright, so you have 12, 13, 14, 15, 16.<br/>19 You have L.M. saying "W" was 17 at the time.<br/>20 "And what happened when 'W' came over?"<br/>21 She said the same thing, "She went a few<br/>22 times."</p> <p>23 On Page 31, L.M. testified under oath to<br/>24 the FBI and the United States attorney, "None of<br/>25 my girls ever had a problem. And they'd call</p>                                | <p>23</p> <p>1 L.M. and E.W. in their Answers to<br/>2 Interrogatories have made all sorts of, what we<br/>3 believe in part, are baseless or in large part<br/>4 baseless allegations, but we also have sworn<br/>5 testimony of L.M. on this instance.</p> <p>6 We don't have it of E.W., but we have L.M.<br/>7 testifying about her own experience under oath:<br/>8 That it was positive; that he never used force,<br/>9 that she willingly did a number of times<br/>10 including giving topless massages; that Mr.<br/>11 Epstein never touched her; that she never<br/>12 touched him inappropriately, all she did was<br/>13 basically give him massages; that E.W., in this<br/>14 instance, as well as all the other girls that<br/>15 she took, she spoke with them afterwards, they<br/>16 begged to go back to Mr. Epstein's home, and<br/>17 none of them, not one of them ever complained.</p> <p>18 So there's a large chasm between what is<br/>19 now being asserted in Answers to Interrogatories<br/>20 and mere allegations in the complaint between<br/>21 what the sworn testimony, at least L.M., was<br/>22 under the circumstances, as it relates to<br/>23 herself and what she was told by E.W. and other<br/>24 girls.</p> <p>25 Thank you, Your Honor.</p> |
| <p>22</p> <p>1 me. They begged me, you know, for us to go to<br/>2 Jeffrey's house because they loved Jeffrey.<br/>3 Jeffrey is a respectful man, he really is. I<br/>4 mean, he all thought we were of age, always,<br/>5 that's what's so sad about it."</p> <p>6 And she goes on, Page 36, and the FBI says<br/>7 to her, "Now, when you were working for him, you<br/>8 were going over to Jeffrey's house to give him<br/>9 massages, did you have a boyfriend?"</p> <p>10 "Yeah."</p> <p>11 "And how did your boyfriend feel about<br/>12 it?"</p> <p>13 "He was" -- L.M. says, "He was a jealous<br/>14 little boy, but he didn't care, 'Bring home the<br/>15 bacon,'" and the statement goes on and on, Your<br/>16 Honor. I know you've had an opportunity read it<br/>17 before and I reference again today.</p> <p>18 There's clearly a distinction conflict<br/>19 between L.M., now that she has a civil lawyer<br/>20 and she wants money, versus at the time that she<br/>21 didn't want money and she gave a statement under<br/>22 oath to the FBI and the United States attorney's<br/>23 office.</p> <p>24 I recognize the Court's role in this. I<br/>25 recognize the standard. I recognize that both</p> | <p>24</p> <p>1 THE COURT: Thank you.<br/>2 Mr. Edwards, I'll give you a couple<br/>3 minutes here.</p> <p>4 MR. EDWARDS: Your Honor, I want to<br/>5 address the statement that was made by L.M. to<br/>6 the FBI and how that even came about. This is a<br/>7 girl who, at the time of the statement, was<br/>8 fairly unaware of the investigation against Mr.<br/>9 Epstein, who is now, as we know, a convicted sex<br/>10 offender.</p> <p>11 An attorney showed up to her house, paid<br/>12 for by Mr. Epstein, to represent her despite -<br/>13 and told her that, "For your role, you could<br/>14 possibly be implicated in some wrongdoing."</p> <p>15 MR. CRITTEN: Your Honor, just --<br/>16 MR. EDWARDS: He represent --<br/>17 MR. CRITTEN: -- note my objection. This<br/>18 is complete hearsay here. He was aware of what<br/>19 was filed. He didn't file any affidavits for<br/>20 his client in opposition. I would object to any<br/>21 of this.</p> <p>22 THE COURT: Alright. I don't want to get<br/>23 into any of the details. I don't think it's<br/>24 necessary at this juncture, which probably leads<br/>25 me to my question to you; that is: Is the</p>                                                                                                 |

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| <p style="text-align: center;">25</p> <p>1 weighing of evidence appropriate at this<br/>2 juncture?</p> <p>3 MR. EDWARDS: No, Your Honor, I don't<br/>4 believe that's the standard at this stage<br/>5 anyway, and I don't think that Mr. Critton<br/>6 believes that either.</p> <p>7 Just so the record's clear, we had nothing<br/>8 to do with the video camera being here, although<br/>9 that was implied. I don't know who did. I<br/>10 don't know if it was Mr. Critton, but it wasn't<br/>11 me.</p> <p>12 THE COURT: Dan is always welcome here.</p> <p>13 MR. EDWARDS: It's perfectly fine, but I<br/>14 don't like that being on the record, that it<br/>15 looks like I did it when I didn't.</p> <p>16 THE COURT: I understand. We have a<br/>17 record here. The official record is being taken<br/>18 down by our fine court reporter, so.</p> <p>19 MR. EDWARDS: Either way, sounds like what<br/>20 we just heard, that the reason that punitive<br/>21 should not be allowed here is because these<br/>22 14-year-old girls did this willingly.</p> <p>23 We know that they're 14 years old, Mr.<br/>24 Critton knows they were 14, 15 year olds. There<br/>25 were message pads and scheduling books in</p>                                                                                                           | <p style="text-align: center;">27</p> <p>1 The Court finds that, while I appreciate<br/>2 Mr. Critton's argument and while I appreciate<br/>3 his submission, that essentially at this stage,<br/>4 respectfully, he is, at this point, presenting<br/>5 countervailing evidentiary submissions.</p> <p>6 The Court further goes on in paraphrasing<br/>7 and then directly quoting Judge Hugler:<br/>8 "Therefore a proffer is merely a representation<br/>9 of what evidence the defendant proposes to<br/>10 present and is not actual evidence." Actually,<br/>11 that's a quote from Grim vs. State, 841 So.2d.<br/>12 455, 462, and that, I believe, is a Florida<br/>13 Supreme Court case, even though the citation<br/>14 itself is not complete.</p> <p>15 It goes on to say importantly - and that<br/>16 is in the Despain case - "A reasonable showing<br/>17 by evidence in the record would typically<br/>18 include depositions, interrogatories, and<br/>19 requests for admissions that have been filed<br/>20 with the court. Hence, an evidentiary hearing<br/>21 where witnesses testify and evidence is offered<br/>22 and scrutinized under the pertinent evidentiary<br/>23 rules, as in a trial, is neither contemplated<br/>24 nor mandated by the statute in order to<br/>25 determine whether a reasonable basis has been</p> |
| <p style="text-align: center;">26</p> <p>1 Epstein's possession indicating the dates, which<br/>2 would show how old those girls were, and that's<br/>3 evidence that will be presented in this case.</p> <p>4 There are serious statutes to protect<br/>5 these kids from this kind of conduct, and these<br/>6 second and third degree felonies were committed<br/>7 repeatedly against them, and this is a case<br/>8 where, at least in a civil case, punitive<br/>9 damages are warranted, Your Honor.</p> <p>10 Thank you, Your Honor.</p> <p>11 THE COURT: Thank you both. I'm going to<br/>12 grant the motion. In conformance with and<br/>13 following the Despain case, the Court indicates,<br/>14 in following the analysis of Judge Hugler - and,<br/>15 by the way, that analysis of Judge Hugler is<br/>16 commented upon on a supportive basis by several<br/>17 appellate courts - and in the Despain case under<br/>18 headnote 7 and 8 on Page 642 it states: "a<br/>19 'proffer' according to traditional notions of<br/>20 the term, connotes merely an 'offer' of evidence<br/>21 and neither the term standing alone nor the<br/>22 statute itself calls for an adjudication of the<br/>23 underlying veracity of that which is submitted,<br/>24 much less for countervailing evidentiary<br/>25 submissions."</p> | <p style="text-align: center;">28</p> <p>1 established to plead punitive damages," and I'll<br/>2 admit this citation from the Fifth District<br/>3 Court of Appeal, but, again, that is cited in<br/>4 Despain.</p> <p>5 Likewise, in Strasser vs. Yalamanchi, 677<br/>6 So.2d. 22, which is a Florida Fourth District<br/>7 Court of Appeal case from 1996, which is one of<br/>8 the paradigm cases on the proffering of punitive<br/>9 damage evidence, that states that "there was<br/>10 reasonable basis for recovery of punitive<br/>11 damages" can be demonstrated by either a<br/>12 presentation of supporting evidence already in<br/>13 the record or by a proffer of the evidence to<br/>14 come.</p> <p>15 I find that a combination of the Answers<br/>16 to Interrogatories - I will take into account,<br/>17 though, give little weight to the Fifth<br/>18 Amendment arguments of Plaintiffs - but<br/>19 certainly the Answers to Interrogatories on<br/>20 behalf of both of these individual Plaintiffs in<br/>21 this Court's view, and particularly in<br/>22 conjunction with the Coercion statute relative<br/>23 to prostitution, 796.09, would form a reasonable<br/>24 basis to establish at least a claim for punitive<br/>25 damages, recognizing that, again, the courts</p>                                            |

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1 have made clear that the proffer and the burden  
 2 on the moving party is much less than at summary  
 3 judgment or at trial, so I will allow the  
 4 amendments to proceed and, therefore, we do have  
 5 an amended complaint, so how much time will you  
 6 need, Mr. Critton, to respond?

7 MR. CRITTON: I just wrote to Mr. Berger  
 8 20 days I would like for both of them, if that's  
 9 agreeable with the Court.

10 THE COURT: Fine with me, as long as it's  
 11 fine with the Plaintiffs.

12 MR. BERGER: Yes, Your Honor. I drafted  
 13 an order and just showed it to Mr. Critton. It  
 14 just says: "Granted for reasons stated on the  
 15 record. Plaintiff may file an amended complaint  
 16 to allege a count for battery" - which is also  
 17 part of our motion, which was unopposed - "and  
 18 punitive damages. The defense shall have 20  
 19 days to respond."

20 THE COURT: I believe you already filed  
 21 the proposed amended complaint.

22 MR. EDWARDS: Yes, Your Honor. I filed it  
 23 with the motion.

24 MR. BERGER: I'll correct that.

25 THE COURT: You can indicate in there --

30

1 MR. CRITTON: Deemed filed.

2 THE COURT: -- "the amended complaint  
 3 shall be deemed filed as of the date of this  
 4 order from today."

5 MR. BERGER: We'll draft it out there and  
 6 present it to the bailiff.

7 THE COURT: Not a problem. Thank you very  
 8 much. Gentlemen, thank you for your arguments  
 9 and your submissions and have a good rest of the  
 10 week.

11 MR. CRITTON: If they get it typed I'll  
 12 take a copy.

13 (The hearing concluded at 9:05 a.m.)

31

## CERTIFICATE

3 STATE OF FLORIDA )  
 4 COUNTY OF BROWARD )

6  
 7 I, JENNIFER D. DiLORENZO, Shorthand  
 8 Reporter, certify that I was authorized to and did  
 9 stenographically report the foregoing proceedings and  
 10 that the transcript is a true and complete record of  
 11 my stenographic notes.

12 Dated this 5th day of August, 2009.

13  
 14 JENNIFER D. DiLORENZO,  
 15 COURT REPORTER