

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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FILED
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL

**DEFENDANT/COUNTERPLAINTIFF, BRADLEY J. EDWARDS' MOTION FOR
ATTORNEY'S FEES PURSUANT TO FLA. STAT. §57.105**

Defendant/Counterplaintiff, BRADLEY J. EDWARDS, by and through his undersigned counsel, respectfully moves this Court, pursuant to §57.105, Fla. Stat., for an award of reasonable attorney's fees incurred in defending Plaintiff/Counterdefendant, JEFFREY EPSTEIN'S Motion for Attorney's Fees Pursuant to Fla. Stat. §57.105, and in support thereof states as follows:

1. Section 57.105 provides, in relevant part:

(1) Upon the court's initiative or motion of any party, the court shall award a reasonable attorney's fee to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense at any time during a civil proceeding or action in which the court finds that the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial:

Edwards adv. Epstein

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(a) Was not supported by the material facts necessary to establish the claim or defense; or

(b) Would not be supported by the application of then-existing law to those material facts.

2. The amendments to §57.105, Fla. Stat. expanded the scope of the statute to apply to any claim or defense. See *Boca Burger, Inc. v. Forum*, 912 So.2d 561 (Fla. 2005).

3. Pursuant to §57.105, Fla. Stat., attorney's fees may be awarded if the party or its counsel knew or should have known that the claim or defense asserted was not supported by the facts or an application of then-existing law. See, e.g., *Read v. Taylor*, 832 So.2d 219 (Fla. 4 DCA 2002).

4. On or about September 2, 2011, EPSTEIN filed a Notice of Intent to File a F.S. §57.105 motion seeking to sanction EDWARDS and his counsel for the prosecution of EDWARDS' Counterclaim against EPSTEIN. The assertion that the Counterclaim lacked factual and legal support is clearly spurious in light of the factual and legal support detailed in EDWARDS' pending Motion for Summary Judgment and Motion to Assert Claim for Punitive Damages. Moreover, at the very same time that EPSTEIN takes the position in his §57.105 motion that EDWARDS' claim is baseless; he has filed a Proposal for Settlement offering to pay hundreds of thousands of dollars to settle that same claim.

WHEREFORE, Defendant/Counterplaintiff, BRADLEY J. EDWARDS, respectfully requests that his Motion for Attorney's Fees Pursuant to §57.105, Fla. Stat., be granted and that this Court grant such other and further relief as deemed necessary and proper.

Edwards adv. Epstein

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I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by
U.S. Mail to all Counsel on the attached list, this 5th day of October, 2011.


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