

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

JEFFREY EPSTEIN.

CASE NO. 502009CA040800XXXXMBAG

Plaintiff,

vs.

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

Defendant(s).

**NOTICE OF PROBABLE CONFLICT, WITHDRAWAL OF
MOTION TO CONTINUE FOR DATE CERTAIN IN FEBRUARY**

COMES NOW Jeffrey Epstein, through his undersigned counsel and gives the above Notice of Probable Conflict but would withdraw his Motion to Continue for Date Certain in February due to certain conflict resolutions and now has a conflict for January through May and would state as follows:

1. The matter is presently set for an eight week trial period beginning October 28, 2013. A calendar call is set for October 18, 2013. A hearing on what was the prior Motion to Continue is set for 10 October.
2. The undersigned is the attorney that will conduct the actual trial of this matter and on 13 September filed his initial Notice of Probable Conflict and Motions as a courtesy to the Court and other counsel. A hearing was not requested due to the ever changing status of trials as well as Edwards opposition to any continuance. The undersigned emailed counsel of the conflict resolution on 22 September, but due to undersigned's lack of computer skills, it did not go to Edwards counsel until 1 October [see attached emails].

But at hearing several weeks ago in this matter undersigned told Edwards attorney that there was no need to hear the Motion.

3. There are conflicts that presently exist with certain criminal trials that may impact the undersigned's availability to try this matter on certain dates during the period set.

4. Trial schedules and conflicts are resolving or arising so that no certain date of unavailability other than that set forth can be determined.

5. The undersigned on 23 September was to begin a multiple defendant 250 count "IRS" criminal trial in the United States District Court in Miami, which was to take at least two to three weeks to try [*United States v. Hachem, et al*, Case Number: 11-20831CR-Williams]. Trial was specially set for months but was resolved when the Government offered a one count misdemeanor, thus allowing further time for preparation of this trial and resolution of other matters that were conflicting.

6. On October 18, 2013, the same date as the calendar call in this matter and at the same time, the undersigned has a calendar call before United States District Court Judge Marra in West Palm Beach to determine which date in that two week trial period he will begin trial in *United States v. Daoud, et al*, Case Number: 12-60205CR-Marra, an obstruction and perjury Indictment arising out of occurrences in the Scott Rothstein ponzi scheme, which coincidentally is an issue in the case at bench. That case will take a little over a week to try if the co-defendant pleads guilty. Judge Marra's schedule, due to the length of George brothers "pill mill" case and the "psychic" case had been somewhat in a state of flux however, the undersigned has been advised he is the number one trial in *Daoud* on 21 October. The undersigned is also involved as counsel in *State v. McGinn*, Case Number: 2012-CF-00081, a felony matter set for trial in Monroe County. The undersigned will seek the week of October 28th on that matter. Edwards counsel has advised co-counsel, Ms. Haddad, who had been seeking a hearing on another issue in this case, that he is scheduled to begin trial in Okeechobee County on 4 November, so the supposed 12 day Epstein/Edwards trial could not begin until mid trial period, it would appear.

7. The undersigned was scheduled to try *United States v. Berman, et al*, Case Number: 13-60156CR-Zloch in the Southern District of Florida, a multiple defendant, multiple count business opportunities fraud and conspiracy matter that would had taken at least a month to try, beginning on November 8, 2013. All co-counsel moved for a continuance which was granted and the matter is set for trial in February 2014, hence the undersigned is not continuously engaged in a trial for the entire period, and is withdrawing the Motion to Continue for a date certain.

8. The undersigned is next set to try, again before Judge Marra, *United States v.*

Antonaras, Case Number: 13-80001CR-Marra, a bank fraud, mortgage fraud trial, set for December 6, 2013 for a two week docket, which also will take a week or more to try, however the undersigned is available prior to that date for trial in this matter.

9. The undersigned has two separate Racketeering [RICO] trials pending in the Circuit Court in Palm Beach County *State of Florida v. Squillante, et al*, Case Number: 2012-CF-008805-DXXX-MB [a drug racketeering conspiracy matter] and *State of Florida v. Gali, et al*, Case Number: 2010CF010982BMB [a Government program fraud conspiracy with numerous substantive acts], which are due to be tried. A calendar call in *Gali* was had before Judge Rosenberg on 16 September handled by Co-Defendant's attorney and the matter is now set for 12 November. The prosecutor on *Gali* has witness issues as a particular dialect of Arabic translator is needed for the informant, and has to be arranged.

10. The undersigned is also set for a trial call to schedule a date for trial in St. Lucie County in the matter of *State of Florida v. Britt Bailey*, Case Number: 562009CF002633, which has been continued numerous times, and was on 2 October set the matter specially for trial on 4 November. The undersigned has other cases also set for trial that date.

Similarly on 11 November in Dade County, Florida the undersigned has been set to begin a drug trafficking trial in *State of Florida v. Dindrah Perez*, Case Number: F12-5163 before Judge Venzer. This matter is expected to take several days to try.

11. The undersigned has another murder case set for 7 October in the Circuit Court in Broward County, *State of Florida v. Mallet*, Case Number: 11-11544CF10A which will similarly be continued and undersigned expects that to be set in the present trial period for the instant case if undersigned were available. The multiple defendant capital murder previously referenced is reset until spring of 2014.

12. The undersigned may be able to resolve some conflicts in the above matters if given an idea of a proposed start date.

13. The undersigned is thereafter occupied in trial through May or June 2014.

NOTICE OF OBJECTION AND RESPONSE

14. Jack Scarola, counsel for Edwards, has previously advised that he strongly objects to a continuance of the presently set trial date. Certainly if the undersigned is not already engaged

in a criminal trial, the trial of this rather simple tort case can be easily accomplished during time between any criminal trials and if in this trial any other Court will obviously have to await this trials conclusion.

I HEREBY CERTIFY that a copy of the foregoing was furnished via Email to all counsel listed below, this 3rd day of October, 2013.

FRED HADDAD, P.A.

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By: 

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Dee Soli

From: Dee Soli
Sent: Tuesday, October 01, 2013 4:06 PM
To: jsx@Searcylaw.com; Mary E. Pirrotta (MEP@Searcylaw.com)
Cc: Tonja Haddad Coleman (Tonja@tonjahaddad.com); jgoldberger@agwpa.com
Subject: FW: Epstein

Please see the emails below that took place on 22 September. Tonja included Mary in an email conversation about the continuation hearing, I happened to reply to it and Fred, who is not computer literate whatsoever, replied to my response as opposed to clicking on "reply all" to Tonja's original email and therefore it was not received by anyone other than Tonja and I. Dee

Dee Soli, Florida Registered Paralegal

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From: Fred Haddad [mailto:haddadfm@aol.com]
Sent: Sunday, September 22, 2013 5:01 PM
To: Dee Soli
Cc: Tonja Haddad Coleman
Subject: Re: Epstein

I never set a hearing, nor did my office especially for Tuesday since I have federal matters they were set in Miami and key west and will presently be in key west for a matter till tuesday evening then I will be in the district court in Miami Wednesday. I did not argue the motion as the 2 month trial I had beginning around nov 8 has been reset until february I know for sure however I am not available October 21 so depo needs to be reset. While that conflict for November is clear another judge may impose but that has not yet occurred

Sent from my iPhone

On Sep 22, 2013, at 4:44 PM, Dee Soli <Dee@fredhaddadlaw.com> wrote:

fred. I know nothing about a hearing on this nor was told to withdraw it. What am I suppose do?

Dee Soli, sent from my iPhone

Begin forwarded message:

From: Tonja Haddad Coleman <Tonja@tonjahaddad.com>
Date: September 22, 2013, 3:05:24 PM EDT
To: Jack Scarola <JSX@SearcyLaw.com>
Cc: Brad Edwards <brad@pathtojustice.com>, "Mary E. Pirrotta" <MEP@SearcyLaw.com>, Dee Soli <Dee@fredhaddadlaw.com>, "haddadfm@aol.com" <haddadfm@aol.com>
Subject: RE: Epstein

You will have to check with his secretary- I am copying her on this email- I did not receive a copy of the notice of hearing on it. Sorry.

Tonja Haddad Coleman, Esq.
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-----Original Message-----

From: Jack Scarola [<mailto:JSX@SearcyLaw.com>]
Sent: Sunday, September 22, 2013 3:02 PM
To: Tonja Haddad Coleman
Cc: Brad Edwards; Mary E. Pirrotta
Subject: Re: Epstein

My message does not reference a hearing tomorrow. It references the hearing set for Tuesday on your "Notice of Probable Conflict and Motion to Continue for Date Certain in February" which your father announced he was withdrawing. However, it has not been withdrawn and remains set for Tuesday.

On Sep 22, 2013, at 2:18 PM, "Tonja Haddad Coleman" <Tonja@tonjahaddad.com> wrote:

There is no hearing set for tomorrow. It was set for last Tuesday and the judge heard it last Monday. I can re-send you a copy of the notice showing September 17 UMC later today if you would like.

Tonja Haddad Coleman, Esq.

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-----Original Message-----

From: Jack Scarola [mailto:JSX@SearcyLaw.com]

Sent: Sunday, September 22, 2013 2:15 PM

To: Tonja Haddad Coleman

Cc: Brad Edwards; Mary E. Pirrotta

Subject: Epstein

Please advise whether Tuesday's hearing is being cancelled as stated in Court at the end of our last hearing. I have not yet seen a notice withdrawing the motion.

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