

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

CASE NO.: 502009CA040800 AG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

SCOTT ROTHSTEIN, etc., et al.,

Defendant(s).

2011 OCT -4 PM 1:00  
SHARON R. BOCK  
PALM BEACH COUNTY, FLA.  
CIRCUIT COURT  
FILED

ORDER ON MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT

THIS CAUSE came before the Court upon the Defendant, BRADLEY EDWARDS' Motion to Dismiss the Plaintiff's Second Amended Complaint served August 23, 2011. The Court reviewed the Second Amended Complaint, the Defendant's Motion, the Plaintiff's Response, and other Memorandums filed both in support and opposition to the Motion. The Court has also reviewed the various authorities cited by the parties. Based upon review of the above, as well as being otherwise fully advised in the in premises, it is

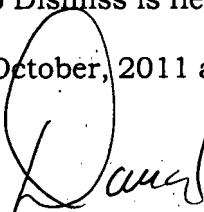
CONSIDERED, ORDERED AND ADJUDGED as follows:

It is well established upon Motion to Dismiss that this Court is limited to a review of the four corners of the Complaint and the well pled allegations therein. A Motion to Dismiss for failure to state a cause of action admits the well pled facts in the Complaint and reasonable inferences therefrom and the allegations must be construed in the light most favorable to the Plaintiff. Applying this standard to the four corners of the Complaint filed by the Plaintiff, the Court finds that the allegations are sufficient to plead a cause of action for "abuse of process" against the Defendant EDWARDS. The overwhelming majority of the Plaintiff's Motion to Dismiss and Supplemental Motion to Dismiss deal with the truthfulness of the allegations against the Defendant, affirmative defenses that may be available to the Defendant, EDWARDS, as well as the references outside the four corners

of the Complaint. These matters are more appropriately the subject matter of a Motion for Summary Judgment and/or defense at trial.

Based upon the foregoing, the Motion to Dismiss is hereby denied.

DONE AND ORDERED this 4th day of October, 2011 at West Palm Beach, Palm Beach County, Florida.

  
DAVID F. CROW  
CIRCUIT COURT JUDGE

Copy furnished:

JACK SCAROLA, ESQUIRE, 2139 Palm Beach Lakes Blvd., West Palm Beach, FL 33409  
JOSEPH L. ACKERMAN, JR., ESQUIRE, 777 S. Flagler Dr., 901 Phillips Point West, West Palm Beach, FL 33401

JACK GOLDBERGER, ESQUIRE, 250 Australian Ave. S., Suite 1400, West Palm Beach, FL 33401

MARC NURIK, ESQUIRE, One E. Broward Blvd., Suite 700, Ft. Lauderdale, FL 33301

GARY M. FARMER, JR., ESQUIRE, 425 N. Andrews Ave., Suite 2, Ft. Lauderdale, FL 33301

MARTIN WEINBERG, ESQUIRE, 20 Park Plaza, Suite 1000, Suffolk, MA 02116