

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

Case No. 50-2009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S
MOTION TO COMPEL COUNTER-PLAINTIFF
BRADLEY J. EDWARDS TO IDENTIFY HIS TRIAL WITNESSES

Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein") moves to compel Counter-Plaintiff Bradley J. Edwards ("Edwards") to identify the witnesses he actually intends to call at trial and the subject matter of their testimony, and states:

INTRODUCTION

Edwards' operative Witness List identifies a total of 169 witnesses, which includes 165 individual witnesses and four general categories (No. 77, "Any additional individuals identified as victims"; No. 151, Epstein's witnesses; No. 152, rebuttal witnesses; and No. 153, "All people on Jeffrey Epstein's Inmate Visitor Log while he was in jail). Most of the listed witnesses have no personal knowledge concerning Edwards' malicious prosecution claims against Epstein or Epstein's probable cause for filing and continuing his proceeding against Edwards, making speculation as to the specific subject matter of their permissible testimony impossible. Edwards should be required to pare down this excessive number of witnesses for what should be less than

a five-day malicious prosecution trial¹ and to identify the permissible subject matter about which the witnesses will testify. Without knowing which of the more than 169 witnesses will actually be called to testify at trial, who may be called from the general categories of witnesses who were not individually named, and what permissible testimony they will give, it is impossible for Epstein's counsel to properly prepare for the trial and Epstein will be substantially and unfairly prejudiced. Clearly, Edwards is attempting to try previously settled lawsuits involving his past three clients rather than the instant malicious prosecution cause of action. Edwards' intention to do so is plainly evidenced by the extensive grandstanding of his counsel, Jack Scarola, to the press in numerous attempts to taint the jury pool and prevent Epstein's right to a fair trial, spanning from 2013 to present:

- “Trump is on a star-studded witness list for an upcoming trial in Palm Beach County Circuit Court that attorney Jack Scarola promises will be the **first public airing** of Epstein's lurid lifestyle.” <https://www.palmbeachpost.com/news/national-govt--politics/how-many-degrees-separation-between-trump-and-sex-offender-epstein/WC1WNrtBC6uc9jCqk4COsL/> (March 12, 2017).
- “A trial that promises to offer the **first public airing** of convicted sex offender Jeffrey Epstein's activities with teenage girls at his Palm Beach mansion is to be held in December....” <https://www.palmbeachpost.com/news/crime--law/trial-date-set-for-lawsuit-against-billionaire-sex-offender-epstein/VJbBnxT9PK4AXk0mbLchBK/> (July 7, 2017).
- Scarola agreed he would refrain from describing Epstein as “a billionaire pedophile” or “a convicted child molester.” He said he does intend to call Virginia Roberts Giuffre to testify. In a civil lawsuit, she claimed Epstein turned her into a sex slave at age 15 when she was working at Mar-a-Lago in Palm Beach.... While **Trump, Prince Andrew and Clinton** are also on Scarola's witness list, he has said it is doubtful he will call the three powerful men to testify.” <https://www.mypalmbeachpost.com/news/crime--law/judge-delays-tries-rein-rated-civil-trial-jeffrey-epstein/CmoG1vhJenQwhdL4ufW0IK/> (November 29, 2017).

¹Before Edwards moved to separate his Counterclaim from Epstein's main claim, the parties believed the trial would require ten days. Without half of the action, Edwards' malicious prosecution action should require less than five days.

- Attorney Jack Scarola said it will be the **first time the victims will have a chance to tell their stories.**
<https://www.palmbeachdailynews.com/news/local/newest-lawsuit-against-epstein-expected-include-victim-testimony/CZ14s0ESb0Q4rib7njc1hL/> (October 20, 2013).

While this Court has stated that it will protect the judicial process and allow testimony “befitting of the known integrity of the history that has been pervasive in the 15th Judicial Circuit,”² Edwards intends to create a very different environment at trial. Indeed, Edwards has listed every conceivable person who may have had some connection, however slight, to the criminal proceedings against Epstein or any civil proceedings against him, and even those who had no connection at all (e.g., President Trump, former President Clinton, and David Copperfield, to name only a few). The exhaustive list of witnesses includes other tort claimants who Edwards never represented, the family members of tort claimants, counsel who represented other tort claimants, law enforcement, investigators, dignitaries, public officials, Epstein’s associates, and celebrities with whom Epstein has socialized, and others with no connection at all to this malicious prosecution case. The vast majority of these witnesses have no place at the trial of this case. Their testimony would serve only to inflame or unfairly prejudice the jury and turn what should only be an orderly trial, focused on a few key issues pertaining to a single claim of malicious prosecution, into an unruly spectacle of multiple mini sex trials involving allegations of conduct from up to twenty years ago. Surely, if Edwards is allowed to present more than 169 witnesses, the potential for this trial to devolve into a circus extending well beyond any reasonable duration and resulting in a mistrial cannot be overstated.

²March 8, 2018, Afternoon Hearing Transcript 28:1-7. (Exhibit A.)

EDWARDS' WITNESS LISTS

In the last eight years, Edwards has filed **nine** Witness Lists and **four** Rebuttal Witness Lists, each time increasing the number of witnesses, as follows:

- June 30, 2010 - Witness List (D.E. 100) – **7 witnesses**: **1 individual and 6 general categories**.
- June 25, 2013 – Witness List (D.E. 638) - **14 witnesses**: **7 individuals and 7 general categories**.
- August 19, 2013 – Rebuttal Witness List (D.E. 649) - **2 witnesses**: **1 individual and 1 general category**.
- January 7, 2014 – Amended and Supplemental Witness List (D.E. 791) - **15 witnesses**: **8 individuals and 7 general categories**.
- March 4, 2014 – Rebuttal Witness List (D.E. 806) - **2 witnesses**: **1 individual and 1 general category**.
- August 15, 2016 - Second Amended and Supplemental Witness List (D.E. 902) - **28 witnesses**: **17 individuals and 11 general categories**.
- August 25, 2016 – Rebuttal Witness List (D.E. 905) - **3 witnesses**: **2 individuals and 1 general category**.
- August 31, 2016 – Third Amended and Supplemental Witness List (D.E. 907) – **14 witnesses**: **13 individuals and 1 general category** *(in addition to August 15, 2016, List; not replacing – bringing the total to 42 witnesses)*.
- June 30, 2017 – Fourth Amended and Supplemental Witness List (D.E. 935) – **1 witness**: **1 individual** *(in addition to August 15, 2016, and August 31, 2016 Lists; not replacing – bringing the total to 43 witnesses)*.
- July 21, 2017 – Fifth Amended and Supplemental Witness List (D.E. 939) - **158 witnesses**: **153 individuals and 5 general categories**.
- October 6, 2017 – Sixth Amended and Supplemental Witness List (D.E. 1010) - **159 witnesses**: **154 individuals and 5 general categories**.

- October 16, 2017 – Rebuttal Witness List (D.E. 1015) - **2 witnesses:** **1 individual and 1 general category.**
- November 9, 2017 – Seventh Amended and Supplemental Witness List (D.E. 1042) - **169 witnesses:** **165 individuals and 4 general categories (Operative List) (Exhibit B).**

In his July 12, 2017, Interrogatories to Edwards, Epstein attempted to discover the subject matter of each witness's testimony. For more than 120 of these witnesses, Edwards responded with an overly generalized and intentionally vague description:

Each of the witnesses listed below as numbered 25-157 (with the exception of records custodians) has information pertaining to the malicious prosecution elements or absence of probable cause and malice. If called, each could provide information regarding the truth of the claims prosecuted by Edwards against Epstein, and the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages.

(8/11/17 Answers to Interrogatories) (**Exhibit C**). This general description provides no meaningful information about the specific subject matter of each witness's testimony which should be provided at this stage. It is equivalent to Edwards stating nothing more than that the witnesses will be testifying as to the issues to be proven at trial.

RULINGS OF THIS COURT

While deciding the extent of Epstein's deposition testimony which would be allowed at trial, the Court recognized that the trial should proceed on a level playing field and that graphic type questions would not be allowed:

I want to make sure that the record is clear, and that's this. I have an obligation, as both sides are well aware, to ensure that we are working on a level playing field to the extent that it is possible. I have the obligation, as Ms. Rockenbach points out, to be the gatekeeper of evidence and to ensure to the best of my ability that we are not going to be engaging in pejorative name-calling types of questioning just for the sole purpose of information.

So to the extent that it would be needed to go in front of the jury, any questions that deal with the issue of Mr. Epstein's lawsuits brought by Mr. Edwards on behalf of the respective clients, would be germane. And any invocation ... would be germane and relevant and found to be admissible. That's the core ruling of the Court. Now, when it comes to issues of general graphic questioning, such as what has been exemplified by way of the counter-defendant's motion, those will not be permitted.

(11/29/17 Tr. 70:18-71:6; 72:16-73:5).³

The Court further recognized that the trial was not to be used to test Epstein's criminal guilt but, rather, should focus on Edwards' malicious prosecution claim:

I don't want this to turn into is a case testing whether or not Epstein was an alleged serial child molester. It would not, in my view, pass muster legally, and I don't want to try this case twice.

I think that we should be extremely circumspect when it deals -- when we are dealing with global issues of molestation of graphic descriptions of any types of alleged molestation, *except where we are dealing with claims that have been brought on behalf of those represented by Mr. Edwards.*

The risk of error, if we go beyond that intended limitation, is significant. *And I want to make sure that we, again, are focused on the elements of the claim.* And whether it be for compensatory damages associated with Mr. Edwards' claim or punitive damages associated with Mr. Edwards' claim, we are still dealing with a malicious prosecution claim, solely a malicious prosecution claim.

And so to deviate from that direction would be precarious and concerning to the Court, in particular, because when we're dealing with issue of probable cause, we're focusing on -- as I've made clear -- not only Mr. Epstein's stated intent, but I fully intend to allow circumstantial evidence, inclusive of the invocation of the Fifth Amendment relevant questions pertaining to the plaintiffs -- the counter-plaintiffs, more precisely -- Mr. Edwards' position to explain to the jury why -- or to the Court -- why Mr. Epstein brought this claim, what were the true motivating factors concerning same.

³Excerpts of the November 29, 2017, transcript are attached as **Exhibit D**.

To allow this to intrude into allegations of serial molestation is dangerous and is concerning.

(11/29/17 Tr. 98:3-99:20) (emphasis added).

While the Court will allow Edwards to present evidence concerning his three clients' (E.W., L.M. and Jane Doe) claims and general evidence about the number of other claims and Edwards' role in litigating those matters, other evidence concerning claims of other tort claimants who were not represented by Edwards will not be allowed:

SCAROLA: Your Honor suggested -- and I thought that I heard you correctly -- that evidence with regard to other claims actually filed against Epstein would be relevant and material. And clearly it is.

THE COURT: I believe what I said was those cases filed by Mr. Edwards or any claims that were made against Epstein by a client represented by Mr. Edwards.

(11/29/17 Tr. 96:6-14.)

So again, my ruling on that is if there are questions that have to do with this issue, globally they will be allowed to be asked subject to further argument as it relates to the multiplicity of the numerous victims that we are dealing with here as alleged.

(11/29/17 Tr. 118:22-119:3.)

... what may or may not be asked of Mr. Edwards and Mr. Epstein principally on these cases or these issues, the global order of the Court would be **that those individual claims would not be subject to discussion as to the merits**, as Mr. Scarola has stipulated. However, as it relates to both probable cause, i.e., motive and malice, the number of claims -- that is, speaking in terms of volume -- that Mr. Epstein was facing at the time that he brought the suit and continued the prosecution of that suit would be relevant. So that's the distinction being drawn by the Court, the detail, **the merits, whatever may have been discovered as it relates to those cases would not be individually admissible in evidence, or any of those details from those cases**. However, as I said, the sheer number of cases may be relevant, i.e., to tend to prove or disprove a material fact as it relates to probable cause and malice.

(12/7/17 Tr. 5:1-23)⁴ (emphasis added).

SCAROLA: Will we be permitted to discuss the fact that Mr. Edwards had taken a leadership role in coordinating the prosecution of all of those claims, that is, that it was a -- it was a unified effort on the part of multiple law firms that Mr. Edwards was playing a leadership role, which then led to a basis to focus upon Mr. Edwards because of that leadership role?

THE COURT: If that's based on fact, then I believe it would be -- you would be able to introduce that, yes.

(12/7/17 Tr. 6:3-14.)

The Court memorialized these rulings in its January 16, 2018, Order. (**Exhibit F**)

ARGUMENT

A. Edwards Must List his Actual Trial Witnesses, Not Grandstand for the Press

Edwards' designation of more than 169 witnesses is unnecessary, excessive, abusive and deliberately misleading. Edwards' Witness List is intentionally broad and the subject of the witnesses' testimony so vague as to force Epstein to expend time and resources preparing for mini trials on a much broader scope than what this Court has already ruled it will allow. It reflects an abusive strategy seemingly calculated to attract media attention, to cause Epstein to needlessly incur substantial costs, and to cause his counsel to divert precious time and resources from trial preparation on the key witnesses and issues in this case. Furthermore, Edwards' identification of general categories of witnesses, such as "[a]ny additional individuals identified as victims" (No. 77) and "[a]ll people on Jeffrey Epstein's Inmate Visitor Log while he was in jail" (No. 153), rather than specific individual witnesses, forces Epstein into an impermissible trial by ambush, at least with respect to unnamed witnesses within these categories. It should not be allowed as Epstein is unable to make any preparations to address these witnesses' testimony and, where

⁴ Excerpts of the December 7, 2017, hearing transcript are attached as **Exhibit E**.

necessary, to challenge their credibility. This Court should order Edwards to identify the individual witnesses he actually intends to call to testify at trial, whether live or by deposition. The failure to do so would be highly prejudicial to Epstein and impede the efforts of Epstein's trial team in preparing for the central and relevant issues of this case.

This is not Epstein's first time seeking this relief; however, the Court has yet to hear argument or to rule on this issue. Edwards filed his first excessive Witness List in July 2017. (D.E. 939.) In September 2017, Epstein filed his original Omnibus Motion in Limine which, in part, addressed the excessive number of witnesses. (D.E. 984.) In addition, Epstein's November 7, 2017, Supplemental Motion to Compel sought to compel Edwards to disclose the specific subject matter each witness was going to testify about. (D.E. 1039.) Finally, on February 16, 2018, Epstein moved for a case management conference asking the Court to determine, among other things, which witnesses would be called live versus through deposition. (D.E. 1206.) Although the trial was postponed in light of the appellate stay, the Court now should address the abuses in Edwards' Witness List, as the parties prepare for trial on the new date to be set by this Court. Specifically, Edwards should be required to (1) identify the specific witnesses he will call for trial, including from the general categories, and (2) specify the subject matter of their testimony.

Such a ruling is well within the Court's discretion and an appropriate exercise of its authority. "Without question, the trial court has discretion to limit the number of witnesses which may be called by the parties[.]" *Fogel v. Mirmelli*, 413 So. 2d 1204, 1207 (Fla. 3d DCA 1982) (citing *Ritter v. Jimenez*, 343 So. 2d 659, 662 (Fla. 3d DCA 1977)) ("[P]laintiffs contend that the trial court improperly limited them to four 'before and after witnesses.' The record fails to demonstrate any prejudice or harmful error stemming from this exercise of judicial discretion in limiting the number of witnesses. The limiting of a number of witnesses for a given side has long

been recognized as appropriate.”)). Indeed, under the circumstances, it is critical to ensure a fair and orderly trial “befitting of the known integrity of the history that has been pervasive in the 15th Judicial Circuit.”

B. Edwards Should Not Be Allowed to Secure an Unfair Tactical Advantage by Gaming the System

Now that it has been determined that it is only Edwards’ sole cause of action for malicious prosecution that is to be tried, Edwards should not be allowed to play “blind man’s bluff” in advance of the trial of his case. He has had ample time to prepare, and by this time he undoubtedly knows specifically how he intends to present his case. He should therefore be compelled to identify which of his more than 169 listed witnesses he actually intends to call at trial and specifically what they will testify about. Because of the excessive number of witnesses on Edwards’ Witness List with no conceivable personal knowledge of the issues which this Court has ruled it will allow to be presented at trial (*see below*), Epstein is unsure as to which witnesses Edwards is likely to call or the substance of their testimony, and therefore, Epstein is severely prejudiced in his trial preparation. Misleadingly disclosing more than 169 witnesses, most of whom have no relevant testimony, is abusive and diverts precious time and resources from the preparation of trial of relevant witnesses, particularly where Edwards has failed to provide any meaningful disclosure regarding the specific testimony to be elicited from his parade of witnesses. Rather than preparing exclusively for the trial of the relevant issues of this case, Epstein will be forced to speculate about and then challenge the irrelevant but highly and unduly prejudicial testimony of witnesses who may not even be called at trial. Epstein is also forced to prepare for “unknown” witnesses who fall within the general categories. Edwards should not be allowed to secure a tactical advantage over Epstein by gaming the system in this manner.

Edwards' designation of more than 169 witnesses and provision of overly vague descriptions of their potential trial testimony, if they testify at all, is the equivalent of non-disclosure leading to an impermissible trial by ambush. *See Dep't of Health & Rehab. Servs. v. J.B. By & Through Spivak*, 675 So. 2d 241, 243 (Fla. 4th DCA 1996) (citations omitted) (“[L]itigation should no[t] proceed as a game of blind man’s bluff. Civil trials are not to be ambushes for one side or the other.”). *See also Binger v. King Pest Control*, 401 So. 2d 1310, 1314 (Fla. 1981) (holding that compliance with pre-trial orders and directing proper disclosure of witnesses eliminates surprise and prevents trial by ambush).

The Court has clearly insisted on a level playing field and that this trial will not be used as a vehicle to try Epstein for his criminal charges or the tort claimants' claims. Rather, Edwards is limited to presenting evidence about his malicious prosecution action, his allegations that there was an absence of probable cause for Epstein to file suit and Edwards' three clients' claims as they relate to those allegations in this case. While this Court has ruled that Edwards may speak only generally about the claims of other plaintiffs he did not represent, as to the number of claims and his role in those matters, Edwards is not permitted to go into detail about the merits of those claims. Many of the witnesses identified on Edwards' Witness List, however, can offer no testimony on these limited issues, or their testimony would be cumulative, unduly prejudicial and present a significant risk of exceeding the limited scope of inquiry allowed by this Court. Consequently, they should not be allowed to testify at the trial.

The ultimate control over ambiguous and misleading witness disclosures is within the broad discretion of the trial judge which “focuses on prejudice in the preparation and trial of a lawsuit.” *Binger v. King Pest Control*, 401 So. 2d 1310, 1312 (Fla. 1981). Furthermore, section

90.612, Florida Statutes controls the “mode and order of interrogation and presentation” of witnesses and evidence and provides:

(1) The judge shall exercise reasonable control over the mode and order of the interrogation of witnesses and the presentation of evidence, so as to:

- (a) Facilitate, through effective interrogation and presentation, the discovery of the truth.
- (b) Avoid needless consumption of time.
- (c) Protect witnesses from harassment or undue embarrassment.

(Emphasis added.)

This Court, therefore, has the power and, indeed, the duty to facilitate the orderly conduct of the trial of this case. In accordance with that power and duty, this Court should order Edwards to specifically identify each witness he will actually call as a witness at trial, whether live or by deposition, and to identify the subject matter of their testimony. This will both facilitate discovery of the truth, avoid needless waste of judicial resources *and* avoid undue prejudice to Epstein.

C. **Many of the Witnesses on Edwards’ Current Witness List Do Not Have Personal Knowledge About the Malicious Prosecution Claim to be Tried and Any Testimony They Could Provide Would Be Prejudicial**

Only those witnesses Edwards identified who have personal knowledge of the relevant issues in this case should be allowed to testify. Section 90.604, Florida Statutes provides:

Except as otherwise provided in s. 90.702 [experts], a witness may not testify to a matter unless evidence is introduced which is sufficient to support a finding that the witness **has personal knowledge of the matter**. Evidence to prove personal knowledge may be given by the witness’s own testimony.

§ 90.604, Fla. Stat. (emphasis added).

“Relevant evidence” is defined as evidence tending to prove or disprove a material fact. § 90.401, Fla. Stat. As stated above, this Court has already determined the trial of this matter will be *focused on the elements of the claim*:

The risk of error, if we go beyond that intended limitation, is significant. *And I want to make sure that we, again, are focused on the elements of the claim.* And whether it be for compensatory damages associated with Mr. Edwards' claim or punitive damages associated with Mr. Edwards' claim, we are still dealing with a malicious prosecution claim, solely a malicious prosecution claim.

(11/29/17 Tr. 98:17-99:1) (emphasis added). Thus, to be relevant to the issues tried in this case, the testimony must focus on the elements of Edwards' malicious prosecution claim.

In answers to Interrogatories, Edwards claimed that almost every single listed witness has knowledge pertaining to the malicious prosecution elements or absence of probable cause and malice. Edwards knows that this is simply untrue. For instance, Edwards has listed at least 26 other tort claimants whom Edwards did not represent and their counsel, Landon Thomas a New York Times reporter (No. 29), Prince Andrew (No. 48), Leslie Wexner (No. 78), President Donald Trump (No. 79), David Copperfield (No. 86), former President William J. Clinton (No. 116), Mark Epstein (No. 154), law enforcement (i.e., Nos. 11, 12, 63, 69, 90, 102, 103, 104, 119, 120, 132), and many others. In fact, most of the 169 witnesses identified by Edwards do not have personal knowledge nor can they present relevant evidence.

Moreover, under section 90.403, Florida Statutes, even “relevant evidence is inadmissible if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentations of cumulative evidence.” Any limited probative value that Edwards might argue his witnesses can provide is substantially outweighed by the prejudice to Epstein and their testimony should not be allowed.

In addition, litigation of purely collateral matters for the sole purpose of impeaching a party or witness is improper. *Dempsey v. Shell Oil Co.*, 589 So. 2d 373, 377 (Fla. 4th DCA 1991). A matter is considered collateral if it is not material and would not be admitted for any purpose other than the contradiction. *Id.* Thus, unless Edwards' listed witnesses have personal knowledge of the matter at issue and can speak to what Epstein believed when he filed suit against Edwards, the witnesses' testimony would be irrelevant and collateral, and thus, inadmissible, even for purposes of impeachment.

Testimony of other tort claimants who Edwards never represented, the family members of tort claimants, counsel who represented other tort claimants, records custodians of schools Edwards' three clients attended, records custodians of medical practices Edwards' three clients received medical treatment, law enforcement, investigators, reporters, dignitaries, public officials, Epstein's associates and celebrities with whom Epstein has socialized can have no personal knowledge of facts relevant to the elements of Edwards' malicious prosecution claim. Their testimony would only serve to further unfairly prejudice Epstein and confuse the issues relevant to the elements of Edwards' claim, or would be cumulative, and outside the scope of what this Court said it would allow in order to maintain the level playing field and avoid reversible error of inquiry into matters well beyond this malicious prosecution action. Thus, none of the testimony of any of these witnesses should be allowed. In any event, Edwards should be compelled to designate each witness he actually intends to put on the stand and identify with specificity the subject matter which Edwards intends to elicit from each such designated witness, so that, *before* the witness is put on this stand, Epstein has an opportunity to challenge and this Court may determine whether the testimony will be irrelevant, compound, unduly prejudicial, or violate the limitations this Court has already imposed.

D. Edwards Should Not be Allowed to Try Other Cases at the Trial of This Matter

The Court has already found that the trial of this action will not be used to try any criminal case against Epstein or any of the prior civil actions against Epstein. Allegations in such other lawsuits against a defendant are not relevant and are highly prejudicial under section 90.403, Florida Statutes. See *Long Term Care Found., Inc. v. Martin*, 778 So. 2d 1100, 1102-03 (Fla. 5th DCA 2001). Likewise, “[i]t is inconsistent with the notions of fair trial for the state to force a defendant to resurrect a prior defense against a crime for which the defendant is not on trial.” *Jacobs v. Atl. Coast Ref., Inc.*, 165 So. 3d 714, 717 (Fla. 4th DCA 2015) (citation omitted) (finding that “because the prior case was settled, none of the allegations therein were proven”). Accordingly, witnesses who lack knowledge of facts or information germane to the specific issues in *this* litigation should be precluded from testifying at trial.

CONCLUSION

Edwards should not be allowed to make a circus out of this malicious prosecution trial and taint the jury with the spectacle of unduly prejudicial testimony. However, the excessively large number and wide array of individuals designated on his Witness List who have no connection to the relevant issues in this case clearly demonstrate his intention to do just that. By designating more than 169 potential witnesses without identifying which of them will actually testify at trial and specifically what they will testify about, Edwards is forcing Epstein into a game of blind man’s bluff, effectively conducting an impermissible trial by ambush. The Court should not allow Edwards to employ these abusive tactics. It is highly prejudicial, if not nearly impossible, and a monumental waste of time and resources, to require Epstein to speculate blindly as to the testimony that might be given by all 169 witnesses, most of whom can have no personal knowledge regarding the relevant issues this Court has permitted to be addressed at trial, and complete the substantial

preparation required to effectively cross examine each of them regarding such testimony. Edwards should be ordered to identify specifically each witness whom he actually intends to call at the trial of this matter, whether the testimony will be live or by deposition testimony and the subject matter of the testimony, so as to ensure Edwards will not exceed the permissible scope of trial established by this Court. Moreover, Edwards should be prohibited from introducing any witness or any testimony outside of that scope. In addition, once Edwards properly identifies his witnesses and the specific subject matter of their intended testimony, Epstein requests the right to make further challenges, as appropriate.

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on May 2, 2018, through the Court's e-filing portal pursuant to Florida Rule of Judicial Administration 2.516(b)(1).

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EXHIBIT A

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

Case No. 502009CA040800XXXXMB

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

vs.

SCOTT ROTHSTEIN, individually;
BRADLEY EDWARDS, individually,

Defendants/Counter-Plaintiffs.

TRANSCRIPT OF PROCEEDINGS

DATE TAKEN: Thursday, March 8th, 2018
TIME: 1:30 p.m. - 4:50 p.m.
PLACE 205 N. Dixie Highway, Room 10D
West Palm Beach, Florida
BEFORE: Donald Hafele, Presiding Judge

This cause came on to be heard at the time and
place aforesaid, when and where the following
proceedings were reported by:

Elaine V. Williams
Palm Beach Reporting Service, Inc.
1665 Palm Beach Lakes Boulevard, Suite 1001
West Palm Beach, FL 33401
(561) 471-2995

1 THE COURT: ~~Well, the objection is sustained~~
2 ~~(in the sense that I really do want to, as I~~
3 ~~(indicated) earlier, continue to as best as we can~~
4 ~~(conduct) the proceedings in a way that befits the~~
5 ~~(known) integrity of not only the attorneys here~~
6 ~~(before us) but also the history that has been~~
7 ~~(pervasive) in the 15th Judicial Circuit.~~ So I don't
8 want this to dissolve into an ethical discussion as
9 to whether or not someone committed some type of
10 ethical violation. That's really not my focus
11 today. And that focus is better suited for others
12 perhaps at a different time and even perhaps in a
13 different forum.

14 Really what has to be attempted to be divined
15 today is some type of representation by counsel for
16 Mr. Epstein as to what the source of these
17 documents were.

18 MS. ROCKENBACH: Yes, your Honor.

19 THE COURT: Why were they preserved, how were
20 they preserved, for what reason were they
21 preserved, did that preservation violate or come
22 close to violating an order of the bankruptcy
23 court, has the privilege been waived? And then we
24 get back again to the Binger analysis.

25 I did a quick word search, and the Fifth

EXHIBIT B

NOT A CERTIFIED COPY

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

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

Defendant,

_____ /

SEVENTH AMENDED AND SUPPLEMENTAL WITNESS LIST
OF COUNTER-PLAINTIFF BRADLEY J. EDWARDS

Counter-Plaintiff, BRADLEY J. EDWARDS, by and through his undersigned attorneys,
hereby supplements his list of witnesses for trial as follows:

WITNESSES EXPECTED TO BE PRESENTED

1. Bradley J. Edwards
- 2.. Jeffrey Epstein
3. Sarah Vickers (formerly Kellen)
c/o John Stephenson
1201 W. Peachtree Street
Atlanta, Georgia 30339
4. Nadia Marcinkova
c/o Erica Dubno
767 Third Avenue, Suite 3600
New York, New York 10017
5. Virginia Roberts Guiffre
c/o Stan Pottinger
49 Twin Lakes Road, Suite 100
South Salem NY 10590

6. Maria Farmer
c/o Peter Guirguis, Esq.
Mintz & Gold LLP
600 Third Avenue, 25th Floor,
New York 10016
7. Annie Farmer
c/o Peter Guirguis, Esq.
Mintz & Gold LLP
600 Third Avenue, 25th Floor,
New York, 10016
8. Nadia Bjorlin
13701 Riverside Drive, Suite 800
Sherman Oaks, CA 91423-2449
9. Alexandra Hall
c/o Robert C. Josefsberg, Esq.
Podhurst Orseck, PA
One S.E. 3rd Avenue, Suite 2700
Miami, FL 33131
10. Robert C. Josefsberg, Esquire
Podhurst Orseck, PA
One S.E. 3rd Avenue, Suite 2700
Miami, FL 33131
11. Detective Joseph Recarey
Palm Beach Police Department
345 South County Road
Palm Beach, FL 33480
12. Chief Michael Reiter
Palm Beach Police Department
345 South County Road
Palm Beach, FL 33480
13. John Connolly
c/o Simon & Schuster
1230 6th Avenue
New York, New York 10020

14. Charles Lichtman, Esquire
Berger Singerman
300 East Las Olas Boulevard, Suite 1000
Fort Lauderdale, FL 33301
15. Courtney Wild
c/o Adam Horowitz.
Horowitz Law
425 North Andrews Avenue, Suite 2
Fort Lauderdale FL 33301
16. Antonio Figueroa (Tony)
Palm Coast, Florida
17. Records Custodian of Palm Beach Police Department
345 South County Road
Palm Beach, FL 33480
18. Records Custodian of United States Attorney's Office
for the Southern District of Florida
19. Records Custodian of the Federal Bureau of Investigations
20. Spencer Kuvn, Esquire
1800 S. Australian Avenue, #400
West Palm Beach, Florida 33409
21. Theodore Leopold, Esquire
Cohen Milstein
2925 PGA Boulevard, Suite 200
Palm Beach Gardens, Florida 33410
22. Rinaldo Rizzo
c/o Robert Lewis
228 East 45th Street | 17th Floor
New York, NY 10017
23. Adam Horowitz, Esquire
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25. Earleen Cote, Esquire
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26. Bernard J. Jansen, Ph.D.
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27. William Berger, Esquire
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Boca Raton, FL 33431

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28. Adriana Mucinska
1040 South Shore Drive
Miami Beach, FL 33141
29. Landon Thomas
c/o New York Times
620 Eighth Avenue
New York, NY 10018
30. Oren Kramer
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717 5th Avenue #12A
New York, NY 10022
31. Lawrence LaVecchio
United States Attorney's Office, Southern District of Florida
Broward Financial Center
Fort Lauderdale, Florida

32. Amanda Laszlo
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c/o Mike Miller
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c/o Bruce Reinhart
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62. ✓ Johanna Sjoberg
c/o Marshall Dore Louis
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Miami, FL 33128
63. Jason Richards
Federal Bureau of Investigation
16320 NW 2nd AVE., Miami, FL 33169

64. Shawna Rivera
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65. Tatum Miller
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Edwards Pottinger LLC
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66. Vanessa Zalis
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67. Virginia Alvarez
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68. Yolanda Lopez
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69. Nezbitt Kurkendall
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70. Daynia Nida
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Garcia Law Firm, P.A.
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71. Igor Zinoviev
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72. Pralaya Cuomo
Address Currently Unknown
73. Svetlana Pozhidaeva
9 East 71 Street
New York, NY 10021
74. Seth Lehrman
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Fort Lauderdale, FL 33301
75. Matt Weissing
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Fort Lauderdale, FL 33301
76. Maria Villafana
500 S. Australian Avenue, #400
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77. Any additional individuals identified as victims by the United States Attorney's
Office and whose identities were conveyed to Jeffrey Epstein as part of a list
supplied as it related to the NPA.
78. Leslie Wexner
Three Limited Parkway
Columbus, Ohio 43206
79. President Donald J. Trump
c/o Alan Garten, Esq.
725 Fifth Avenue
New York, NY 10022
80. Larry Visoski
1131 Pine Point Road
Riviera Beach, FL 33401
81. Maritza Vasquez
1293 SW 21st Terrace
Miami, FL 33145

82. Maximilia Cordero
c/o William Unroch, Esquire
140 West End, Apt. 30-BW
New York, NY 10023
83. Brittany Beale
c/o Spencer Kuvin
1800 S. Australian Avenue, #400
West Palm Beach, Florida 33409
84. Melissa Eaton
2915 Share Rd. 111
Tallahassee, FL 31312
85. Danielle Hendrick Dicenso
c/o Robert C. Josefsberg, Esq.
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One S.E. 3rd Avenue, Suite 2700
Miami, FL 33131
86. David Copperfield (David Seth Kokin)
11675 Glowing Sunset Lane
Las Vegas, NV 89135
87. Haley Robson
12247 72ND CT N
West Palm Beach, FL 33412
88. Michael Fisten
Weston, FL
89. Russell Adler
Delray Beach, FL
90. Marie Alessi
6791 Fairway Lakes Dr.
Boynton Beach, FL 33472
91. Janusz Banasiak
358 El Brillo Way
Palm Beach, FL, 33480

92. Beata Banasiak
358 El Brillo Way
Palm Beach, FL, 33480
93. Juan Alessi
6791 Fairway Lakes Dr.
Boynton Beach, FL 33472
94. Michael Friedman
53320 Avenida Madero
La Quinta, CA 92253
95. Jerry Goldsmith
13285 Silver Fox Lane
West Palm Beach, FL 33418-7942
96. Rosalie Freedman
53320 Avenida Madero
La Quinta, CA 92253
97. Valdson Cotrin
Address Currently Unknown
98. Dana Burns
301 East 66TH Street, Apt. 11P
New York, NY 10065
99. Cecelia Stein
Unknown, South Africa
100. Glenn Dubin
1040 5th Ave. Unit 15A
New York, NY 10028-0137
101. Abigail Wexner
Three Limited Parkway
Columbus, Ohio 43206
102. Officer Munyan
Palm Beach Police Department
345 South County Road

Palm Beach, FL 33480

103. Officer Minot
Palm Beach Police Department
345 South County Road
Palm Beach, FL 33480
104. Sgt. Sorge
Palm Beach Police Department
345 South County Road
Palm Beach, FL 33480
105. Christina Venero
Address Currently Unknown
106. Joseph Pagnano
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107. Stephan Kosslyn
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Cambridge, MA 02138-1802
108. Cecile Dejongh
23 8 Estate Mafolie
St. Thomas VI 00802
109. Tommy Mottola
302 Caribbean Road
Palm Beach, FL 33480-3012
110. Mike Sanka
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Beverly Hills, CA 90212
111. Cecilia Steen
S/A Witness #108
112. William "Bill" Riley
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Coral Springs, FL 33076

113. Howard Rubenstein
1345 Avenue of the Americas
New York, NY 10105
114. Robert Meister
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Palm Beach, FL 33480
115. Todd Meister
101 Seminole Ave
Palm Beach, FL 33480
116. President William J. Clinton
117. William Hammond
2965 Fontana Place
Royal Palm Beach, FL
118. Robert Roxburgh
5600 North Flagler Dr, #250
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119. Michele Pagan
Palm Beach Police Department
345 South County Road
Palm Beach, FL 33480
120. Michele Dawson
Palm Beach Police Department
345 South County Road
Palm Beach, FL 33480
121. Amy Fortimer
12309 North Old Country Road
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122. Anna Skidan
545 East 5th Street, Apt. 6E
New York, NY 10009

123. Christina Venero
971 NW Fresco Way, Apt. 208
Jensen Beach, FL 34957
124. Dara Gehringer (Dara Preece)
3139 Kingston Court,
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125. Juliana Barbosa
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126. Latasha Lowe
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West Palm Beach, Florida
128. Zack Bryan
1150 Larch Way
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129. Zinta Braukis
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Los Angeles, CA 90065-3241
130. Larry Morrison
11148 Cobblefield Dr..
Wellington, FL 33449
131. Story Cowles
801 S Olive Ave., Unit 201S
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132. Michael Dawson
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133. Salaam Kahlid Monroe
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Coral Gables, FL 33134
134. Jelitza Negrette
503 Chandlers Warf
Portland, ME 04101
135. Sergia Cordero
825 Brickell Bay Drive, #1141
Miami, FL 33131
136. Cassandra Rivera
5011 El Claro Circle
West Palm Beach, FL 33415
137. Randee Speciale
Palm Beach Victim Services
205 North Dixie Highway, #5.1100
West Palm Beach, FL 33401
138. Nicole Hesse
Address Currently Unknown
139. Steven Hoffenberg
Address Currently Unknown
140. Michael Stroll
Address Currently Unknown
141. Douglas Shoettle
243 Riverside, Dr.
New York, NY 10025
142. Ghislaine Maxwell
Address Currently Unknown
143. Amazon Records Custodian
144. Yellow Cab Records Custodian

145. Citrix Systems, Inc. Records Custodian
146. Federal Bureau of Investigation Records Custodian
147. Milton Girls Juvenile Facility Records Custodian
5770 East Milton Road
Milton, FL
148. School District of Palm Beach County Records Custodian
3344 Forest Hill Blvd., Suite C-124
West Palm Beach, FL 33406
149. St. Mary's Medical Center Records Custodian
901 45th Street
West Palm Beach, FL 33401
150. Wellington Reginal Hospital Records Custodian
10104 Forrest Hill Blvd.
Wellington, FL 33414
151. All witnesses that Defendants have listed on their Witness List not objected to by Plaintiff.
152. All rebuttal witnesses.
153. All People on Jeffrey Epstein's Inmate Visitor Log while he was in jail.

WITNESS TESTIMONY EXPECTED TO BE PRESENTED
BY MEANS OF DEPOSITION

154. Mark Epstein
30 Vandam Street
New York, NY 10013
155. Adriana Ross (Adriana Mucinska)
c/o Alan S. Ross, Esq.
156. Louella Rabuyo
358 El Brillo Way
Palm Beach, FL 33480
157. Alfredo Rodriguez

c/o Federal Public Defender or Bureau of Prisons
11349 SW 86TH Lane
Miami, FL

158. Scott Rothstein
c/o Mark Nurik
One East Broward Boulevard, Suite 700
Fort Lauderdale, Florida 33301

159. Jeffrey Epstein

160. Courtney Wild
c/o Adam Horowitz.
Horowitz Law
425 North Andrews Avenue, Suite 2
Fort Lauderdale FL 33301

EXPERT WITNESSES

161. Bernard J. Jansen, Ph.D.
c/o Jack Scarola
Searcy Denney Scarola Barnhart & Shipley
2139 Palm Beach Lakes Blvd.
West Palm Beach, FL 33409

The following witnesses are attorneys that are not retained or specially employed to provide expert testimony, but may provide opinions relating to the propriety of Brad Edward's conduct of discovery in the prosecution of the Epstein claims.

162. Robert C. Josefsberg, Esquire
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Miami, FL 33131

163. Charles Lichtman, Esquire
Berger Singerman
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169. William Berger, Esquire
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Boca Raton, FL 33431

Plaintiff reserves the right to amend this list.


EDWARDS ADV. EPSTEIN

Case No.: 502009CA040800XXXXMBAG

Seventh Amended and Supplemental Witness List of Counter-Plaintiff Bradley J. Edwards

Page 20 of 22

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 9th day of November, 2017.



JACK SCAROLA

Florida Bar No.: 169440

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EDWARDS ADV. EPSTEIN

Case No.: 502009CA040800XXXXMBAG

Seventh Amended and Supplemental Witness List of Counterplaintiff Bradley J. Edwards

Page 21 of 22

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EDWARDS ADV. EPSTEIN

Case No.: 502009CA040800XXXXMBAG

Seventh Amended and Supplemental Witness List of Counterplaintiff Bradley J. Edwards

Page 22 of 22

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EXHIBIT C

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

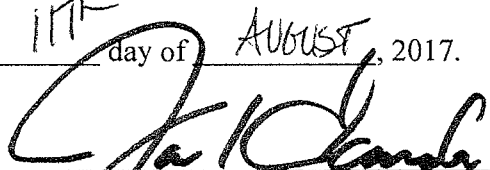
SCOTT ROTHSTEIN, individually,
BRADLEY J. EDWARDS, individually, and
L.M., individually,

Defendant(s).

NOTICE OF SERVING ANSWERS TO INTERROGATORIES
PROPOUNDED BY COUNTER-DEFENDANT JEFFREY EPSTEIN

Bradley J. Edwards, by and through his undersigned counsel, hereby files this Notice of Serving Answers to Interrogatories with the Court propounded by the Counter-Defendant, Jeffrey Epstein, on July 12, 2017, which have been furnished to the attorneys for the Counter-Defendant.

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 17th day of AUGUST, 2017.



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Attorneys for Scott Rothstein

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INTERROGATORIES

As to every individual identified on your List of Trial Witnesses, and each category/group of witnesses listed thereon, please provide with particularity the following:

1. The proper name, address, telephone number, electronic mail address, or other means of contact for each witness:

ANSWER:

	DESCRIPTION OF WITNESSES
	<u>WITNESSES EXPECTED TO BE PRESENTED</u>
1.	Jeffrey Epstein 2-3 (Expected to refuse to testify on each element of the claim for Malicious Prosecution). Consistent with prior assertions of privilege.
2.	Sarah Vickers (formerly Kellen) c/o John Stephenson 1201 W. Peachtree Street Atlanta, Georgia 30339 2-3 Expected to testify about each element of malicious prosecution except bonafide termination and damages. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages) Subject to assertions of privilege
3.	Nadia Marcinkova c/o Erica Dubno 767 Third Avenue, Suite 3600 New York, New York 10017 2-3 Expected to testify about each element of malicious prosecution except bonafide termination and damages. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages) Subject to assertions of privilege
4.	Virginia Roberts c/o Stan Pottinger

	DESCRIPTION OF WITNESSES
	<p>49 Twin Lakes Road, Suite 100 South Salem NY 10590</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages through her own knowledge and experiences with Epstein.</p>
5.	<p>Maria Farmer c/o Peter Guirguis, Esq. MINTZ & GOLD LLP 600 Third Avenue, 25th Floor, New York 10016</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages through her own knowledge and experiences with Epstein.</p>
6.	<p>Annie Farmer c/o Peter Guirguis, Esq. MINTZ & GOLD LLP 600 Third Avenue, 25th Floor, New York, 10016</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages through her own knowledge and experiences with Epstein.</p>
7.	<p>Nadia Bjorlin 13701 Riverside Drive, Suite 800 Sherman Oaks, CA 91423-2449</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages through her own knowledge and experiences with Epstein.</p>
8.	<p>Alexandra Hall c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA, 25 W FLAGLER STREET, STE 800, MIAMI, FL 33131</p>

	DESCRIPTION OF WITNESSES
	2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages through her own knowledge and experiences with Epstein.
9.	<p>Robert Josefsberg, Esquire PODHURST ORSECK, PA, 25 W FLAGLER STREET, STE 800, MIAMI, FL 33131</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages. Will confirm the propriety of Edwards' actions.</p>
10.	<p>Detective Joseph Recarey Palm Beach Police Department 345 South County Road Palm Beach, FL 33480</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages.</p>
11.	<p>Chief Michael Reiter Palm Beach Police Department 345 South County Road Palm Beach, FL 33480</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages.</p>
12.	<p>John Connolly c/o Simon & Schuster 1230 6th Avenue New York, New York 10020</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of</p>

	DESCRIPTION OF WITNESSES
	the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages.
13.	<p>Charles Lichtman, Esquire 350 East Las Olas Boulevard Suite 1000 Fort Lauderdale, FL 33301</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify as to the falsity of the claims made by Epstein against Edwards and the propriety of Edwards' actions.</p>
14.	<p>William Scherer, Esquire 633 S Federal Hwy #800 Fort Lauderdale, FL 33301</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify as to the falsity of the claims made by Epstein against Edwards.</p>
15.	<p>Antonio Figueroa (Tony) Palm Coast, Florida</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages through his own knowledge and experiences with Epstein.</p>
16.	Records Custodian of Palm Beach Police Department 345 South County Road Palm Beach, FL 33480
17.	Records Custodian of United States Attorney's Office for the Southern District of Florida
18.	Records Custodian of the Federal Bureau of Investigations
19.	<p>Spencer Kuvin, Esquire 1800 S. Australian Avenue, #400 West Palm Beach, Florida 33409</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages. Will also confirm the leadership role played by Edwards in the prosecution of civil claims against Epstein and the propriety of Edwards' actions.</p>
20.	<p>Theodore Leopold, Esquire 2925 PGA Boulevard Palm Beach Gardens, Florida 33410</p>

	DESCRIPTION OF WITNESSES
	2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages. Will also confirm the leadership role played by Edwards in the prosecution of civil claims against Epstein and the propriety of Edwards' actions.
21.	<p>Rinaldo Rizzo c/o Robert Lewis 228 East 45th Street 17th Floor New York, NY 10017</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages through his own knowledge and experiences with Epstein.</p>
22.	<p>Adam Horowitz, Esquire 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages. Will also confirm the leadership role played by Edwards in the prosecution of civil claims against Epstein and the propriety of Edwards' actions.</p>
23.	<p>Isidro M. Garcia, Esquire Garcia Law Firm, P.A. 224 Datura Street, Suite 900 West Palm Beach, FL, 33401</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages. Will also confirm the leadership role played by Edwards in the prosecution of civil claims against Epstein and the propriety of Edwards' actions.</p>
24.	<p>All of the Lawyers who Represented Victims of Jeffrey Epstein.</p> <p>2-3 Expected to testify about the malicious prosecution elements of absence of probable cause and malice. Will testify to the truth of the claims prosecuted by Edwards against Epstein, the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of</p>

	DESCRIPTION OF WITNESSES
	punitive damages. Will also confirm the leadership role played by Edwards in the prosecution of civil claims against Epstein and the propriety of Edwards' actions.
	<u>WITNESSES WHICH MAY BE CALLED IF NEED ARISES</u>
	2-3. Each of the witnesses listed below as numbered 25-157 (with the exception of records custodians) has information pertaining to the malicious prosecution elements of absence of probable cause and malice. If called, each could provide information regarding the truth of the claims prosecuted by Edwards against Epstein, and the likelihood that the discovery conducted by Edwards would have resulted in relevant information to proving aspects of the various sexual abuse cases being prosecuted by Edwards at the time, including on the issue of punitive damages.
25.	Adriana Mucinska 1040 South Shore Drive Miami Beach, FL 33141
26.	Landon Thomas c/o New York Times 620 Eighth Avenue New York, NY 10018
27.	Oren Kramer c/o Boston Provident, L.P. 717 5th Avenue #12A New York, NY 10022
28.	Lawrence LaVecchio United States Attorney's Office Southern District of Florida Broward Financial Center Fort Lauderdale, Florida. Will also confirm the leadership role played by Edwards in the prosecution of civil claims against Epstein and the propriety of Edwards' actions.
29.	Amanda Laszlo c/o Brad Edwards, Farmer Jaffe Weissing 425 North Andrews Avenue Fort Lauderdale FL 33301
30.	Evgenia Ignatieva 1650 Broadway, #910 New York, NY 10019
31.	Anouska DeGeorgiou 536 N. Edinburgh Avenue, Los Angeles, CA 90048
32.	Angelique Garcia c/o Adam Horowitz FARMER, JAFFE, WEISSING, ET AL. 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301
33.	Carolyn Andriamo c/o Jack Scarola SEARCY DENNEY, ET AL.

	DESCRIPTION OF WITNESSES
	2139 PALM BEACH LAKES BLVD. West Palm Beach, FL 33409
34.	Ashley Davis c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA 25 W FLAGLER STREET, STE 800 MIAMI, FL 33131
35.	Brandy Brenson c/o Spencer Kuvn 1800 South Australian Ave #400 West Palm Beach, Florida, 33409
36.	Molly Smythe c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA 25 W FLAGLER STREET, STE 800 MIAMI, FL 33131
37.	Courtney Langley c/o Spencer Kuvn 1800 South Australian Ave #400 West Palm Beach, Florida, 33409
38.	Courtney Wild c/o Bradley Edwards, Esq. FARMER, JAFFE, WEISSING, ET AL. 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301
39.	Paul Cassell, Esq. 383 S. University Street Salt Lake City Utah, UT 84112
40.	Faith Pentek c/o Adam Horowitz FARMER, JAFFE, WEISSING, ET AL. 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301
41.	Teala Davies 1212 N. Clark Street West Hollywood, CA 90069
42.	Felicia Esposito Cartwright c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA 25 W FLAGLER STREET, STE 800 MIAMI, FL 33131
43.	Jennifer Amenold c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA 25 W FLAGLER STREET, STE 800

	DESCRIPTION OF WITNESSES
	MIAMI, FL 33131
44.	Jennifer Pitts Catino c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA 25 W FLAGLER STREET, STE 800 MIAMI, FL 33131
45.	Prince Andrew Albert Christian Edwards Duke of York, Buckingham Palace Road London SW1A 1AA
46.	Frederic Fekkai Address Currently Unknown
47.	Kara Henderson c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA 25 W FLAGLER STREET, STE 800 MIAMI, FL 33131
48.	Lesley Groff c/o Mike Miller 1114 Avenue of the Americas New York, NY 10036
49.	Dave Rogers c/o Bruce Reinhart 505 S. Flagler Drive, Ste 300 West Palm Beach, FL 33401
50.	Lauren Murphy c/o Adam Horowitz FARMER, JAFFE, WEISSING, ET AL. 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301
51.	Leigh Skye Patrick c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA 25 W FLAGLER STREET, STE 800 MIAMI, FL 33131
52.	Meagan Dorshel c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA 25 W FLAGLER STREET, STE 800 MIAMI, FL 33131
53.	Michelle Licata c/o Adam Horowitz FARMER, JAFFE, WEISSING, ET AL. 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301

	DESCRIPTION OF WITNESSES
54.	Molly Smythe c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA 25 W FLAGLER STREET, STE 800 MIAMI, FL 33131
55.	Tod Meister 101 Seminole Avenue Palm Beach, FL 38480
56.	Rhiannon Schwegel c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA 25 W FLAGLER STREET, STE 800 MIAMI, FL 33131
57.	Sabrina Ewart c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA, 25 W FLAGLER STREET, STE 800 MIAMI, FL 33131
58.	Saige Gonzales c/o Spencer Kuvn 1800 South Australian Ave #400 West Palm Beach, Florida, 33409
59.	Johanna Sjoberg c/o Marshall Dore Louis 40 NW third Street, Suite 200 Miami, FL 33128
60.	Jason Richards Federal Bureau of Investigation 16320 NW 2 nd AVE., MIAMI, FL 33169
61.	Shawna Rivera c/o Bradley Edwards, Esq. FARMER, JAFFE, WEISSING, ET AL. 425 N ANDREWS AVE., SUITE 2, FT. LAUDERDALE, FL 33301
62.	Tatum Miller c/o Bradley Edwards FARMER, JAFFE, WEISSING, ET AL. 425 N ANDREWS AVE., SUITE 2, FT. LAUDERDALE, FL 33301
63.	Vanessa Zalis c/o Adam Horowitz FARMER, JAFFE, WEISSING, ET AL. 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301

	DESCRIPTION OF WITNESSES
64.	Virginia Alvarez c/o Adam Horowitz FARMER, JAFFE, WEISSING, ET AL. 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301
65.	Yolanda Lopez c/o Adam Horowitz FARMER, JAFFE, WEISSING, ET AL. 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301
66.	Nezbitt Kurkendall Federal Bureau of Investigation 16320 NW 2 nd AVE. MIAMI, FL 33169
67.	Daynia Nida c/o Isidro M. Garcia Garcia Law Firm, P.A. 224 Datura Street, Suite 900 West Palm Beach, FL, 33401
68.	Igor Zinoview Address Crrrently Unknown
69.	Pralaya Cuomo Address Currently Unknown
70.	Svetlana Pozhidaeva 9 East 71 Street New York, NY 10021
71.	Seth Lehrman 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301
72.	Matt Weissing 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301
73.	Maria Villafana 500 S. Australian Avenue, #400 West Palm Beach, FL 33401. Will also confirm the leadership role played by Edwards in the prosecution of civil claims against Epstein and the propriety of Edwards' actions.
74.	Any additional individuals identified as victims by the United states Attorney's Office and whose identities were conveyed to Jeffrey Epstein as part of a list supplied as it related to the NPA
75.	Leslie Wexner Three Limited Parkway Columbus, Ohio 43206. Subject to assertions of privilege
76.	Donald Trump c/o Alan Garten, Esq. 725 Fifth Avenue

	DESCRIPTION OF WITNESSES
	New York, NY 10022. Subject to the assertions of privilege
77.	Larry Visoski 1131 PINE POINT ROAD RIVIERA BEACH, FL 33401
78.	Maritza Vasquez 1293 SW 21 st Terrace Miami, FL 33145
79.	Maximilia Cordero C/O ATTORNEY WILLIAM UNROCH 140 WEST END, APT 30-BW NEW YORK, NY 10023
80.	Brittany Beale c/o Spencer Kuvin 1800 S. Australian Avenue, #400 West Palm Beach, Florida 33409
81.	Melissa Eaton 2915 SHARE RD 111 TALLAHASSEE, FL 31312
82.	Danielle Hendrick Dicenso c/o Robert Josefsberg, Esq. PODHURST ORSECK, PA 25 W FLAGLER STREET, STE 800 MIAMI, FL 33131
83.	David Copperfield (David Seth Kokin) 11675 GLOWING SUNSET LN LAS VEGAS, NV 89135
84.	Haley Robson 12247 72ND CT N WEST PALM BEACH, FL 33412
85.	Michael Fisten Weston, FL
86.	Russell Adler Delray Beach, FL
87.	Marie Alessi 6791 FAIRWAY LAKES DR. BOYTON BEACH, FL 33472
88.	Janusz Banasiak 358 EL BRILLO WAY PALM BEACH FL, 33480
89.	Beata Banasiak 358 EL BRILLO WAY PALM BEACH, FL 33480

	DESCRIPTION OF WITNESSES
90.	Juan Alessi 6791 FAIRWAY LAKES DR. BOYTON BEACH, FL 33472
91.	Michael Friedman 53320 AVENIDA MADERO LA QUINTA CA 92253
92.	Jerry Goldsmith 13285 SILVER FOX LN WEST PALM BEACH, FL 33418-7942
93.	Rosalie Freedman 53320 AVENIDA MADERO LA QUINTA CA 92253
94.	Valdson Cotrin Address Currently Unknown
95.	Dana Burns 301 E 66TH ST APT 11P NEW YORK, NY 10065
96.	Cecelia Stein Unknown, South Africa
97.	Glenn Dubin 1040 5TH AVE UNIT 15A NEW YORK, NY 10028-0137
98.	Abigail Wexner Three Limited Parkway Columbus, Ohio 43206
99.	Officer Munyan Palm Beach Police Department 345 South County Road Palm Beach, FL 33480
100.	Officer Minot Palm Beach Police Department 345 South County Road Palm Beach, FL 33480
101.	Sgt. Sorge Palm Beach Police Department 345 South County Road Palm Beach, FL 33480
102.	Christina Venero S/A Witness #152
103.	Arnold Paul Prospari 215 WESTMINSTER RD WEST PALM BEACH, FL 33405-1654

	DESCRIPTION OF WITNESSES
104.	Joseph Pagnano 1217 S FLAGLER DR STE 301 WEST PALM BEACH, FL 33401
105.	Stephan Kosslyn 28 GARFIELD ST CAMBRIDGE MA 02138-1802
106.	Cecile Dejongh 23 8 ESTATE MAFOLIE ST THOMAS VI 00802
107.	Tommy Mottola 302 CARIBBEAN RD PALM BEACH FL 33480-3012
108.	Mike Sanka 449 S BEVERLY DR STE 101 BEVERLY HILLS, CA 90212
109.	Cecilia Steen S/A Witness #105
110.	William "Bill" Riley 5645 CORAL RIDGE DR # 391 CORAL SPRINGS FL 33076
111.	Howard Rubenstein 1345 AVENUE OF THE AMERICAS NEW YORK, NEW YORK 10105
112.	Robert Meister 101 SEMINOLE AVE PALM BEACH FL 33480
113.	Todd Meister 101 SEMINOLE AVE PALM BEACH, FL 33480
114.	President William J. Clinton
115.	William Hammond 2965 Fontana Place Royal Palm Beach, FL
116.	Robert Roxburgh 5600 North Flagler Dr, #250 West Palm Beach, Florida
117.	Michele Pagan Palm Beach Police Department 345 South County Road Palm Beach, FL 33480

	DESCRIPTION OF WITNESSES
118.	Michele Dawson Palm Beach Police Department 345 South County Road Palm Beach, FL 33480
119.	Amy Fortimer 12309 N OLD COUNTRY RD WELLINGTON, FL 33414
120.	Anna Skidan 545 E 5TH ST APT 6E NEW YORK, NY 10009
121.	Christina Venero 971 NW FRESCO WAY APT 208 JENSEN BEACH, FL 34957
122.	Dara Gehringer (Dara Preece) 3139 Kingston Court, West Palm Beach, Florida
123.	Juliana Barbosa 9 PINTA RD MIAMI FL 33133-2607
124.	Latasha Lowe c/o Adam Horowitz FARMER, JAFFE, WEISSING, ET AL. 425 N ANDREWS AVE., SUITE 2 FT. LAUDERDALE, FL 33301
125.	Melissa Hanes 115 Sunshine Blvd West Palm Beach, Florida
126.	Zack Bryan 1150 Larch Way Wellington, Florida
127.	Zinta Braukis 925 W AVENUE 37 LOS ANGELES, CA 90065-3241
128.	Larry Morrison 11148 COBBLEFIELD DR. WELLINGTON, FL 33449
129.	Story Cowles 801 S OLIVE AVE UNIT 201S WEST PALM BEACH, FL 33401
130.	Alan Dershowitz 26 RESERVOIR ST CAMBRIDGE, MA 02138 or TUDOR CITY PL

	DESCRIPTION OF WITNESSES
	APT 7K NEW YORK, NY 10017. Subject to assertions of privilege
131.	Michael Dawson Palm Beach Police Department 345 South County Road Palm Beach, FL 33480
132.	Salaam Kahlid Monroe 119 MENORES AVE APT 3 CORAL GABLES, FL 33134
133.	Jelitza Negrette 503 CHANDLERS WARF PORTLAND, ME 04101
134.	Sergia Cordero 825 BRICKELL BAY DR., #1141 MIAMI, FL 33131
135.	Cassandra Rivera 5011 EL CLARO CIRCLE WEST PALM BEACH, FL 33415
136.	Randee Speciale PALM BEACH VICTIM SERVICES 205 N DIXIE HIGHWAY # 5.1100 WEST PALM BEACH, FL 33401
137.	Nicole Hesse Address Currently Unknown
138.	Steven Hoffenberg Address Currently Unknown
139.	Michael Stroll Address Currently Unknown
140.	Douglas Shoettle 243 Riverside, Dr. New York, NY 10025
141.	Ghislaine Maxwell Address Currently Unknown
142.	Records Custodian Amazon
143.	Records Custodian Yellow Cab
144.	Records Custodian Citrix Systems, Inc.
145.	Records Custodian Federal Bureau of Investigation
146.	Records Custodian Milton Girls Juvenile Facility

	DESCRIPTION OF WITNESSES
	5770 EAST MILTON ROAD MILTON, FL
147.	Records Custodian School District of Palm Beach County 3344 FOREST HILL BLVD, SUITE C-124 West Palm Beach, FL 33406
148.	Records Custodian St. Mary's Medical Center 901 45 th STREET West Palm Beach, FL 33401
149.	Records Custodian WELLINGTON REGIONAL HOSPITAL 10104 FORREST HILL BLVD WELLINGTON, FL 33414
150.	All witnesses that Defendants have listed on their Witness List not objected to by Plaintiff, Jane Doe.
151.	All rebuttal witnesses.
152.	All People on Jeffrey Epstein's Inmate Visitor Log while he was in jail.
	<u>WITNESS TESTIMONY EXPECTED TO BE PRESENTED BY MEANS OF DEPOSITION</u>
153.	Mark Epstein 30 VANDAM STREET NEW YORK, NY 10013
154.	Adriana Ross (Adriana Mucinska) c/o Alan S. Ross, Esq.
155.	Louella Rabuyo 358 EL BRILLO WAY PALM BEACH, FL 33480
156.	Alfredo Rodriguez 11349 SW 86TH LN, Miami, FL C/O Federal Public Defender or Bureau of Prisons
157.	Scott Rothstein c/o Mark Nurik One East Broward Boulevard, Suite 700 Fort Lauderdale, Florida 33301

2. Each contested factual issue expected to be addressed by the witness, including identifying with particularity as to which element(s) of your claim for Malicious Prosecution this witness's testimony is applicable:

ANSWER: See response to number 1.

3. A detailed description of the testimony expected to be presented at trial by the witness as to each contested factual issue and element of your claim against Epstein:

ANSWER: See response to number 1.

4. A description of the Trial Exhibit List number of each exhibit expected to be introduced into evidence by the witness:

ANSWER: Unknown at this time which exhibits will be introduced through which witness.

5. A description of the Trial Exhibit List number of each exhibit introduced through other means about which the witness is expected to testify, together with a description of the witness' expected testimony regarding each exhibit:

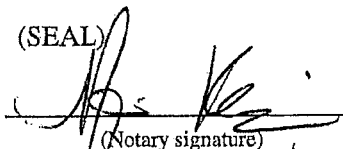
ANSWER: Unknown at this time the exhibits about which each witness will testify.

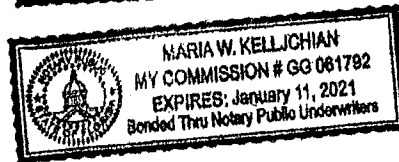
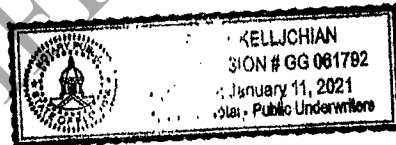
STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 11th day of August, 2017 by Brad Edwards, who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

X 

(SEAL)


(Notary signature)
Maria Kelljichian
(Notary name - print)
NOTARY PUBLIC, State of Florida



NOT A CERTIFIED COPY

EXHIBIT D

NOT A CERTIFIED COPY

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

3 Case No. 502009CA040800XXXXMB

4
5 JEFFREY EPSTEIN,
6 Plaintiff,

7 vs.

8 SCOTT ROTHSTEIN, individually,
9 BRADLEY EDWARDS, individually,
Defendants/Counter-Plaintiffs.

10 _____/
11
12 TRANSCRIPT OF PROCEEDINGS

13
14 DATE TAKEN: Wednesday, November 29th, 2017
15 TIME: 10:04 a.m. - 3:55 p.m.
16 PLACE 205 N. Dixie Highway, Room 10C
West Palm Beach, Florida
BEFORE: Donald Hafele, Presiding Judge

17
18 This cause came on to be heard at the time and place
aforesaid, when and where the following proceedings were
19 reported by:

20 Sonja D. Hall
21 Palm Beach Reporting Service, Inc.
1665 Palm Beach Lakes Boulevard, Suite 1001
22 West Palm Beach, FL 33401
(561) 471-2995
23
24
25

1 Court is concerned the case that -- strike
2 that.

3 The question and answer that was just
4 provided would be admissible. What we're
5 talking about, Mr. Scarola, are questions
6 that were cited in the motion and that the
7 court has chosen not to read, that are of a
8 graphic, sexual nature, and have, to my
9 recollection, a general form of question, as
10 opposed to specifics: Have you ever done
11 certain things to minors? Have you ever
12 been with prostitutes? Have you ever --
13 things of that nature.

14 **MR. SCAROLA:** I don't recall that last
15 question, but I understand the Court's -- I
16 understand the Court's concern.

17 **THE COURT:** Ms. Rockenbach's question.
18 (Again, I know you understand it, but I
19 want to make sure that the record is clear,
20 and that's this.) (I have an obligation, as
21 both sides are well aware, to ensure that we
22 are working on a level playing field to the
23 extent that it is possible.)

24 (I have the obligation, as
25 Ms. Rockenbach points out, to be the

1 (gatekeeper of evidence and to ensure to the
2 best of my ability that we are not going to
3 be engaging in pejorative name-calling types
4 of questioning, nor are we going to get into
5 inflammatory types of questioning just for
6 the sole purpose of information).

7 Now, I know you wouldn't do that. But
8 at the same time, as advocates, your
9 respective positions have to be clear-cut in
10 favor of your respective clients.

11 However, as I said earlier, it really
12 becomes an issue of drilling down into the
13 specifics before I can make rulings on the
14 actual questions that are being sought to be
15 introduced.

16 So the global aspect of the Court's
17 decision at this time, until I look at the
18 actual questions, is essentially this. And,
19 that is, that I'm going to permit -- and
20 we've already gotten a stipulation on the
21 record by Mr. Epstein's counsel, which I
22 appreciate -- that is, he's not going to be
23 receding from his Fifth Amendment
24 invocations. He's not going to be changing
25 his testimony, so as to necessitate further

1 discovery as it relates to his testimonial
2 evidence that has already been presented.

3 Therefore, those questions that deal
4 with, for example, the question that you
5 asked and answered, would be admissible.
6 Those, because of the reasons that I stated
7 earlier, would seem to make common sense to
8 me and seems to be the thrust of the
9 decisions of the court's, whether in Florida
10 or outside of Florida -- the vast majority
11 being outside of the state and some from the
12 federal courts -- and, that is, that the
13 Fifth Amendment cannot be used to take away
14 Mr. Edwards' ability to prove his case or
15 prove the probable cause element.

16 (So to the extent that it would be)
17 (needed to go in front of the jury, any)
18 (questions that deal with the issue of)
19 (Mr. Epstein's lawsuits brought by)
20 (Mr. Edwards on behalf of the respective)
21 (clients, would be germane.) (And any)
22 (invocation, such as what was illustrated)
23 (here, would be germane and relevant and)
24 (found to be admissible.) (That's the core)
25 (ruling of the Court.)

1 (Now, when it comes to issues of general
2 (graphic questioning, such as what has been
3 (exemplified by way of the
4 (counter-defendant's motion, those will not
5 (be permitted.)

6 The closer question, and the one that I
7 need to drill down further, is one of --
8 because the complaint -- and I appreciate
9 the fact that you brought this with you
10 today and provided it to me -- because the
11 complaint delineates the nature of the
12 allegations -- at least from a summary
13 perspective of the three claims -- how much
14 are we going to be able to introduce, if
15 those questions were asked? I haven't
16 memorized the deposition testimony.

17 There were at least two depositions, if
18 I'm not mistaken.

19 **MS. ROCKENBACH:** Yes, Your Honor.

20 **THE COURT:** Two depositions. I haven't
21 memorized that testimony.

22 But since the complaint -- let me cite
23 to you exactly where we are -- where I am
24 alluding to here. Page 18 and it states,
25 "Rothstein and the litigation team knew or

1 specifically on this aspect of the case,
2 because one of the things that the defense
3 is attempting to exclude is any reference to
4 anything other than L.M., E.W. and Jane Doe
5 cases.

6 (Your Honor suggested -- and I thought)
7 (that I heard you correctly -- that evidence)
8 (with regard to other claims actually filed)
9 (against Epstein would be relevant and)
10 (material.) (And clearly it is.)

11 (THE COURT: (I believe what I said was
12 (those cases filed by Mr. Edwards or any)
13 (claims that were made against Epstein by a
14 (client represented by Mr. Edwards).

15 Tell me why you think that the
16 aggregate cases not having anything to do
17 with Mr. Edwards' representation or
18 Rothstein firm's representation -- because
19 Mr. Berger, I think, was involved in some
20 respects as well.

21 MR. SCAROLA: Co-counsel.

22 THE COURT: Solely as co-counsel -- I
23 believe that to be the case -- are you
24 suggesting that the aggregate cases would be
25 relevant?

1 with regard to other child molestations in
2 any child molestation claim.

3 **THE COURT:** (So let's talk about that
4 (for a minute.) (Because again, what I don't
5 (want this to turn into is a case testing
6 (whether or not Epstein was an alleged serial
7 (child molester.) (It would not, in my view,
8 (pass muster legally, and I don't want to try
9 (this case twice.)

10 (I think that we should be extremely
11 (circumspect when it deals -- when we are
12 (dealing with global issues of molestation of
13 (graphic descriptions of any types of alleged
14 (molestation, except where we are dealing
15 (with claims that have been brought on behalf
16 (of those represented by Mr. Edwards.)

17 (The risk of error, if we go beyond that
18 (intended limitation, is significant.) (And I
19 (want to make sure that we, again, are
20 (focused on the elements of the claim.) (And
21 (whether it be for compensatory damages
22 (associated with Mr. Edwards' claim or
23 (punitive damages associated with
24 (Mr. Edwards' claim, we are still dealing
25 (with a malicious prosecution claim, solely a

1 (malicious prosecution claim.)

2 (And so to deviate from that direction)
3 (would be precarious and concerning to the)
4 (Court, in particular, because when we're)
5 (dealing with issue of probable cause, we're)
6 (focusing on -- as I've made clear -- not)
7 (only Mr. Epstein's stated intent, but I)
8 (fully intend to allow circumstantial)
9 (evidence, inclusive of the invocation of the)
10 (Fifth Amendment relevant questions)
11 (pertaining to the plaintiff's -- the)
12 (counter-plaintiff's, more precisely --)
13 (Mr. Edwards' position to explain to the jury)
14 (why -- or to the Court -- why Mr. Epstein)
15 (brought this claim, what were the true)
16 (motivating factors concerning same.)

17 (To allow this to intrude into)
18 (allegations of serial molestation is)
19 (dangerous and is concerning.)

20 (You may proceed.)

21 **MR. SCAROLA:** Thank you, Your Honor. I
22 acknowledge the legitimacy of the Court's
23 concern. And I recognize the fact that the
24 Court, appropriately, under Rule 403, must
25 balance probative value against prejudice.

1 publicize and to sensationalize the
2 circumstances so as to increase the value of
3 at least the claims that were held by the
4 Rothstein firm.

5 **MR. SCAROLA:** Which I think is what
6 every lawyer is supposed to do within the
7 bounds of propriety, obviously. But our job
8 is to maximize the value of our clients'
9 claims.

10 **THE COURT:** And on the other side of
11 the coin is Mr. Edwards taking the position
12 that the impetus -- or an impetus for filing
13 the complaint at bar was the exposure of
14 Mr. Epstein, once again, to the ignominy of
15 having to face the publicity of a
16 non-prosecutorial agreement where there were
17 admissions, where there were agreements --
18 perhaps not admissions -- but agreements
19 that limited the prosecution of him as it
20 relates to multiple claimants or multiple
21 potential victims.

22 (So again, my ruling on that is if there
23 are questions that have to do with this
24 issue, globally they will be allowed to be
25 asked subject to further argument as it

1 (relates to the multiplicity of the numerous
2 victims that we are dealing with here as
3 alleged.)

4 Same as it goes with this 234-page
5 federal complaint. If there were any
6 questions that were asked of Mr. Epstein
7 where he refused to answer on Fifth
8 Amendment grounds, I find that the
9 information would be relevant. Therefore,
10 his failure to answer would be -- would be
11 able to be utilized if such questions were
12 asked of him regarding the 234-page federal
13 complaint filed on behalf of L.M. by
14 Mr. Edwards.

15 **MR. SCAROLA:** Let me just clarify one
16 point, and that is, we have been focusing on
17 questions that have already been asked of
18 Mr. Epstein. Obviously, we have the right
19 to call Mr. Epstein as an adverse witness.
20 We have the right to put him in that witness
21 chair in front of the jury and to ask him
22 questions that Your Honor has considered to
23 be appropriate that may not have been asked
24 at the time of his deposition.

25 So I want to make it clear that we

EXHIBIT E

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

Case No. 502009CA040800XXXXMB

JEFFREY EPSTEIN,

Plaintiff,

vs.

SCOTT ROTHSTEIN, individually,
BRADLEY EDWARDS, individually,

Defendants/Counter-Plaintiffs.

TRANSCRIPT OF PROCEEDINGS

DATE TAKEN: Thursday, December 7th, 2017
TIME: 10:01 a.m. - 12:57 p.m.
PLACE 205 N. Dixie Highway, Room 11B
West Palm Beach, Florida
BEFORE: Donald Hafele, Presiding Judge

This cause came on to be heard at the time and place
aforesaid, when and where the following proceedings were
reported by:

Sonja D. Hall
Palm Beach Reporting Service, Inc.
1665 Palm Beach Lakes Boulevard, Suite 1001
West Palm Beach, FL 33401
(561) 471-2995

1 obviously, ~~what may or may not be asked of~~
2 ~~Mr. Edwards and Mr. Epstein principally on~~
3 ~~these cases or these issues, the global~~
4 ~~order of the Court would be that those~~
5 ~~individual claims would not be subject to~~
6 ~~discussion as to the merits, as Mr. Scarola~~
7 ~~has stipulated.~~

8 ~~However, as it relates to both probable~~
9 ~~cause, i.e., motive and malice, the number~~
10 ~~of claims -- that is, speaking in terms of~~
11 ~~volume -- that Mr. Epstein was facing at the~~
12 ~~time that he brought the suit and continued~~
13 ~~the prosecution of that suit would be~~
14 ~~relevant. So that's the distinction being~~
15 ~~drawn by the Court, the detail, the merits,~~
16 ~~whatever may have been discovered as it~~
17 ~~relates to those cases would not be~~
18 ~~individually admissible in evidence, or any~~
19 ~~of those details from those cases.~~

20 ~~However, as I said, the sheer number of~~
21 ~~cases may be relevant, i.e., to tend to~~
22 ~~prove or disprove a material fact as it~~
23 ~~relates to probable cause and malice. So~~
24 that's the decision.

25 Next issue, please.

1 MR. SCAROLA: Excuse me. May I also
2 ask for this clarification, Your Honor?

3 ~~(Will) (we) (be) (permitted) (to) (discuss) (the)~~
4 ~~(fact) (that) (Mr.) (Edwards) (had) (taken) (a) (leadership)~~
5 ~~(role) (in) (coordinating) (the) (prosecution) (of) (all)~~
6 ~~(of) (those) (claims,) (that) (is,) (that) (it) (was) (a) --~~
7 ~~(it) (was) (a) (unified) (effort) (on) (the) (part) (of)~~
8 ~~(multiple) (law) (firms) (that) (Mr.) (Edwards) (was)~~
9 ~~(playing) (a) (leadership) (role,) (which) (then) (led) (to)~~
10 ~~(a) (basis) (to) (focus) (upon) (Mr.) (Edwards) (because) (of)~~
11 ~~(that) (leadership) (role)?~~

12 ~~(THE) (COURT:) (If) (that's) (based) (on) (fact,) (~~
13 ~~(then) (I) (believe) (it) (would) (be) -- (you) (would) (be)~~
14 ~~(able) (to) (introduce) (that,) (yes.)~~

15 MR. SCAROLA: Thank you, sir.

16 THE COURT: Because, again, it tends to
17 prove or disprove a material fact, i.e.,
18 probable cause, motive, malice.

19 Again, whether or not the jury accepts
20 that -- it's going to be up to the jury to
21 accept it, reject it, give it the weight it
22 deserves, or to infer anything that they
23 reasonably believe would be inferrible as a
24 result of that information.

25 The next issue, please.

EXHIBIT F

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

Case No. 50-2009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff/Counter-Defendant,

v.

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

Defendants/Counter-Plaintiff.

**ORDER ON PLAINTIFF/COUNTER-DEFENDANT JEFFREY EPSTEIN'S
REVISED OMNIBUS MOTION IN LIMINE SECTION D
(REFERENCES TO CASES NOT LITIGATED BY EDWARDS)**

THIS MATTER came before the Court for hearing on December 7, 2017, upon Section D of the Revised Omnibus Motion in Limine filed by Plaintiff/Counter-Defendant Jeffrey Epstein ("Epstein") seeking to exclude references to any cases against Epstein which were not prosecuted by Defendant/Counter-Plaintiff Bradley J. Edwards ("Edwards"). [D.E. 1070.] The Court, having reviewed the Motion and Edwards' Response [D.E. 1089], having heard argument of counsel, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the parties may speak generally about the number of claims that Epstein was facing at the time he initiated, and during his continuance, of this proceeding against Edwards. The details, the merits and what may have been discovered in cases against Epstein which were not prosecuted by Edwards will not be admissible into evidence, subject to the Court's reconsideration at trial as the evidence is presented. (12/7/17 Tr. 4:25-5:24.) Edwards, however, will be permitted to discuss generally, without testifying about any specific

case or claim, his leadership role in coordinating the prosecution of all of the claims. (12/7/17 Tr. 6:1-24.)

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida this 16
day of January, 2018.



THE HONORABLE DONALD W. HAFELE
CIRCUIT COURT JUDGE

Copies provided to:

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