

From: Tonja Haddad Coleman <[REDACTED]>
To: Jack Scarola <[REDACTED]>
CC: Mary McCann <[REDACTED]>, [REDACTED]
[REDACTED], Maria Kelljchian
[REDACTED], Fred Haddad <[REDACTED]>, jgoldberger Goldberger
[REDACTED]
Subject: RE: Epstein v. Edwards
Date: Tue, 26 Sep 2017 18:46:12 +0000
Importance: high

Mr. Scarola:

On our witness list we listed two attorneys-as possible rebuttal witnesses- to address whether, based on the information known at the time, there was probable cause for Epstein to file suit against Edwards and Rothstein. As much as you would like to make this a criminal case, it is not. These witnesses are listed as possible witnesses, depending on your case in chief - to establish probable cause. That is all.

Additionally, we are still awaiting dates on which you are available for us to depose Fisten, Jenne, Tatum, Corte and Villegas. Please advise.

Tonja Haddad Coleman, Esq.

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From: Jack Scarola [mailto:[REDACTED]]
Sent: Tuesday, September 26, 2017 12:54 PM
To: Tonja Haddad Coleman <[REDACTED]>
Cc: Mary McCann <[REDACTED]>, [REDACTED]
Maria Kelljchian <[REDACTED]>; Fred Haddad <[REDACTED]>; jgoldberger Goldberger
[REDACTED]
Subject: Re: Epstein v. Edwards

May I please have a response to the below email. Is your client intending to waive attorney-client privilege to enable us to depose his listed trial witnesses and others with information relevant to any testimony they may present?

On Sep 20, 2017, at 8:30 PM, Jack Scarola <[REDACTED]> wrote:

EFTA01003639

The notices of deposition referenced in your email were sent in direct response to your having listed two of Epstein's attorneys as trial witnesses. As communicated in letters to each of the subpoenaed witnesses, the dates chosen for the depositions will be adjusted to suit their schedules to the extent that can be done within the discovery limitations imposed by the Court. More significantly, they were also told that there would be no need to depose any of them if Epstein continues to assert the protection of the attorney-client privilege. However, he (and you) cannot attempt to call Epstein's lawyers to testify on his behalf while restricting our right to full and complete cross-examination. Which do you choose?

On Sep 20, 2017, at 9:03 AM, Tonja Haddad Coleman <[REDACTED]> wrote:

Mr. Scarola:

I am in receipt of your notices regarding your intent to serve subpoenas *duces tecum* to non-parties, as well as your deposition notices for them. All of the non-parties you intend to serve either are currently or were attorneys of my client and have represented him in connection with matters arising out of state and federal criminal prosecutions/investigations against him. Although I will formally address these issues with the Court, I am sure you must know that you are seeking irrelevant information that is undeniably privileged. As such, I offer you the opportunity to withdraw these notices before we bring this before the Court. Additionally, you failed to clear any of these dates or times with my office, or the offices of my co-counsel before unilaterally noticing them. As you well know, yesterday we requested dates to depose five more witnesses; to wit: [REDACTED], Mike Fisten, Ken Jenne, William Corte, and Debra Villegas. Acceptable deposition dates for these individuals must be part of any deposition schedule to which we ultimately agree. Accordingly, please provide dates on which you are available for these depositions.

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