

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 STRIKE DEFENDANT/COUNTER-PLAINTIFF'S DAMAGES
EXPERT WITNESS, DR. BERNARD JANSEN, AND TO EXCLUDE HIS TESTIMONY**

Plaintiff/Counter-Defendant, Jeffrey Epstein ("Epstein"), moves to strike Defendant/Counter-Plaintiff Bradley J. Edwards' ("Edwards") damages expert, Dr. Bernard Jansen, and to exclude the admission of his testimony because it does not assist the trier of fact, and states:

INTRODUCTION

Edwards is Attempting to Recover Damages Based on a Defamation Action

Despite protestations to the contrary and this Court's rulings, Edwards plans to seek damages based on a defamation action. Edwards' expert confirms this and Edwards has illustrated this in both statements made to the Court and in discovery:

- March 24, 2011: In his Case Management Statement, Edwards informed the Court that, because he had to defend against Epstein's "spurious claims," he had to endure "the public embarrassment of having been branded as a participant in one of history's largest and most notorious Ponzi schemes." (D.E. 284, p. 2.)

- October 4, 2011 and November 29, 2011: While in his original Counterclaim filed December 21, 2009, Edwards alleged that Epstein's Complaint was "nothing more than a press release" (D.E. 18, ¶ 11), in his October 4, 2011, Amended Counterclaim and November 29, 2011, Second Amended Counterclaim, he characterized it as a "**highly defamatory** press release." (D.E. 388, ¶ 13) (D.E. 413, ¶ 9).
- January 6, 2012: In Answers to Interrogatories, Edwards stated that: "Bradley Edwards has described the special damages he has sustained and will continue to sustain in the future in his currently pending counterclaim. He has been falsely accused of immoral, unethical and illegal conduct impugning his professional integrity, his professional competence, and his fitness to practice law. **Such accusations are defamatory per se** and Florida law conclusively presumes the damages that inevitably arises from such **defamation**. The false accusations have been disseminated repeatedly throughout not only the South Florida legal community but nationally and internationally." (Ex. A, No. 1, e.s.)

In addition, in response to the interrogatory asking Edwards to explain the basis of his claim that his reputation had been injured, he simply responded, "**Defamation per se**." (Ex. A, No. 5, e.s.)

To another request, Edwards responded: "Epstein's malicious, unsupported, unsupportable, false accusations of Bradley Edwards' knowing involvement and active participation in a massive Ponzi scheme singled Mr. Edwards out from among all other innocent RRA employees. Those accusations were the only source **falsely** linking Bradley Edwards to Rothstein's criminal enterprise, and absent those allegations there is no basis to believe that Bradley Edwards' impeccable professional reputation would have been tarnished by his brief employment with Rothstein Rosenfeldt & Adler." (Ex. A, No. 6.)

- May 21, 2012 and January 9, 2013: In his Third and Fourth Amended Counterclaims, Edwards continued to characterize Epstein's Complaint as a "**highly defamatory** press release." (D.E. 490, ¶ 9, e.s.) (D.E. 571, ¶ 9, e.s.).
- September 25, 2017: In recent Answers to Interrogatories, Edwards continued to base his claims on alleged defamatory statements: "The allegations of Epstein's maliciously filed Complaint **are defamatory per se**." (Ex. B, No. 35, e.s.)
- October 10, 2017: In opposition to Epstein's Motion to Stay, Edwards referenced Epstein's alleged "**malicious lies**": "... the poisonous effects of Epstein's **malicious lies** about Edwards remain judicially unremedied. Edwards is entitled to his day in Court to publicly prove that the scurrilous claims made by Epstein were nothing but a baseless attempt at extortion." (D.E. 1012, p. 12, e.s.)
- November 10, 2017: Edwards testified at his deposition that there "still looms this **false allegation** over my head." (Ex. C, p. 12, e.s.) Edwards claimed that his reputation suffered damage that "unless and until a jury returns a verdict in my favor, can't be undone." (Ex. C, p. 36.)

“WEAK” – An Opinion or a Verifiable Statement of Fact?

In the recent hearings before this Court, Edwards has focused, in large part, on Epstein’s allegation in the original Complaint that Edwards’ clients’ cases were “weak.” (D.E. 5, ¶42h.) (11/29/17 Tr. 65:22-66:3.)¹ (“But the fact of the matter is that Bradley Edwards was sued for ginning up, fabricating, constructing those three cases, and others, as a knowing participant in Florida’s largest Ponzi scheme” (11/29/17 Tr. 62:21-25.) This Court commented during dialogue with counsel that the allegations in the original Complaint said “weak”:

[T]he allegation ... in subparagraph h ... “Rothstein and the litigation team ... knew or should have known that their three filed cases were weak and had minimal value ...

(11/29/17 Tr. 80:17-81:7.)

Epstein’s allegation, however, is nothing more than the author’s subjective belief of the economic value of the three civil cases. The view that something is “weak” falls within the classic definition of an opinion, is not a statement of fact and, thus, is not actionable even if this was a defamation case. *Zorc v. Jordan*, 765 So. 2d 768, 771 (Fla. 4th DCA 2000) (“A false statement of fact is absolutely necessary if there is to be recovery in a defamation action.”). *Fid. Warranty Services, Inc. v. Firststate Ins. Holdings, Inc.*, 74 So. 3d 506, 515 (Fla. 4th DCA 2011) (“A party cannot recover for defamation based on statements which are pure opinion.”).

Consistent with Edwards’ testimony, pleadings, argument, and now damages expert, there can be no question: Edwards is attempting to “clear his name” by proving that individual allegations pled by Epstein in the original civil proceeding against Edwards were false. The cherry-picking of individual statements in one entire original civil proceeding to determine the truth or falsity of any statement is appropriate for a defamation action, not a malicious prosecution action governed by the existence of probable cause to initiate an original civil

¹ Excerpts of the November 29, 2017, hearing transcript are attached as **Exhibit D**.

proceeding. Of course, defamation for the complaint's allegations is barred by the absolute litigation privilege. Therefore, Edwards continually attempts to morph an element from the tort of defamation (whether any given statement pled by Epstein was true/false and made with good/bad motives)² and superimpose the defamation element onto his onerous burden of proving the lack of probable cause. If allowed, this would be reversible error.

Edwards' Expert has no Opinion on Damages

The error is compounded by the fact that Dr. Jansen's testimony is focused on simply identifying internet sources that published articles that mentioned Edwards and Rothstein without regard to the actual damages proximately caused by the malicious prosecution (if any). Edwards, in this one count malicious prosecution action, can only recover actual damages. (Edwards may take the position that if he has no actual damages then he is entitled to nominal damages, i.e., \$1.) Dr. Jansen's testimony is not helpful to the trier of fact as required by section 90.702, Florida Statutes for *either* category of damages.

No Testimony Related to Actual Damages

Dr. Jansen did not testify about any actual proximately caused damages. Edwards' expert could not and did not opine that Edwards' reputation was harmed, that Edwards has made less money, or even that he has suffered attorneys' fees damages as a result of the original civil proceeding. Dr. Jansen candidly admitted he had performed zero research on the impact the "defamatory statements" had on any of the readership or what opinions were formed. Simply, Dr. Jansen offers nothing to assist the trier of fact or even support Edwards' claim of damages

² Florida Standard Jury Instruction (Civil); 405.9 Issues on Plaintiff's Claim, Defamation.

allowable under Florida Standard Jury Instructions 406.12 for malicious prosecution and Florida law (reasonable expenses, including lawyers' fees, injury to reputation, mental anguish).³

Perhaps even more compelling, Dr. Jansen's research revealed only the number of "hits" a particular publication or news media outlet on the internet received by a reader over an average period of 30 days covering when a Rothstein article was published. (Jansen's 12/1/17 Tr. 50.) (Ex. E.) Critically, his research did *not* reveal *what* the viewer read on a particular website, i.e., whether it was an article involving Rothstein, stock prices, or pictures from the most recent Palm Beach gala. (Jansen's 12/1/17 Tr. 48.) (Ex. E.) Rather, Dr. Jansen testified that his calculation of the number of hits based on a day an article was published reflected "the daily traffic that that particular site received." *Id.* When questioned further, it turned out that the "hits" were not for an actual day, but were an "average over a week or month or something like that...[because] you can't look at a particular date." *Id.* Dr. Jansen candidly admitted that the trafficking services he used provide an average readership over a period of time and "[t]he exact readership numbers are not typically available for the individual articles." *Id.* at 50, 49.

Clearly, this guesswork testimony does not relate to actual damages when there is no concrete nexus between the internet "hit" and someone reading or even glancing at the actual article referencing Rothstein and Edwards. How could it when it is an "average" over time for a particular media outlet website. This testimony fails to meet a basic section 90.401 relevance test.

³ Edwards also alleges special damages of "fear of physical injury to himself and members of his family; d. the loss of the value of his time required to be diverted from his professional responsibilities;" in his Fourth Amended Counterclaim, but these are unsupported by Florida law. (D.E. 571 at 11). *See Ware v. United States*, 971 F. Supp. 1442, 1471 (M.D. Fla. 1977) and *Burchell v. Bechert*, 356 So. 2d 377, 379 (Fla. 4th DCA 1978).

Expert Testimony Unnecessary for Nominal Damages and Subject to 90.403 Balancing

Recognizing the missing link of actual damages in Dr. Jansen's testimony, Edwards' fallback damages position is that even without actual damages, he is entitled to seek the recovery of nominal damages (i.e., \$1). If the recovery of nominal damages is even allowed by this Court, Dr. Jansen's testimony is prejudicial and certainly not helpful to the trier of fact. For nominal damages of \$1, the "nine million hits" testimony offers nothing of assistance for a jury.

Rather, the inflammatory testimony is subject to a section 90.403 balancing analysis. Section 90.403, Florida Statutes provides that, "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 presentation of cumulative evidence." Here, even if there is any tangential relevance to Dr. Jansen's counting exercise, the probative value is far outweighed by the unfair prejudice of saying the words "nine million hits." In reality, Dr. Jansen cannot identify a single person who read anything about Edwards. The only reason for Edwards to submit this testimony is to inflame the jury and prejudice them into thinking the nine million hits to a website equated to nine million people who read the Rothstein article, changed their mind and did not hire Edwards, or now think he was engaged in a Ponzi scheme with Rothstein. But none of these conclusions were drawn by Dr. Jansen and his internet counting.

Simply, Edwards has a failure to connect the causation dots necessary to prove damages and wants to use the inflammatory and irrelevant testimony of Dr. Jansen to prejudice or confuse the jury about damages. As indicated above, Dr. Jansen's testimony only counted "hits" to a publication's website, not actual readers of the article found referencing Rothstein and Edwards. To allow this irrelevant, confusing, prejudicial testimony would constitute reversible error.

Edwards' Admissions of No Reputational Damage

Furthermore, Edwards has testified that he has “resurrected” any damage that was done to his reputation:

On August 17, 2012, Edwards’ counsel, Jack Scarola, made a public statement to the media which he believes was “successful in discrediting Mr. Epstein’s charges.” (Jansen’s 12/1/17 Tr. 62.) (Ex. E.)

“With respect to reputation, I believe that over the course of the last three years I have done a pretty darn good job resurrecting any damage that was done to my reputation in this community.” (Edwards’ 5/15/13 Tr. 25.) (Ex. F.)

“Do I believe that right now my reputation is better than it has been at any time in the past, yes.” (Edwards’ 5/15/13 Tr. 41.) (Ex. F.)

“I have done a good job of resurrecting my reputation from the point in time where people initially believed, hey, where there is smoke there is fire or something – this guy must be guilty of something.” (Edwards’ 5/15/13 Tr. 56.) (Ex. F.)

“As I said then, have I done a good job at resurrecting whatever damage was done? Yes, I did.” (Edwards’ 10/10/13 Tr. 233.) (Ex. G.)

“I have not claimed an economic loss as a result of my reputation.” (Edwards’ 10/10/13 Tr. 238.) (Ex. G.)

Dr. Jansen Does Not Meet Section 90.702

Dr. Jansen’s testimony must be precluded because it has no relevance in this malicious prosecution action and only further stretches Edwards’ flawed defamation action not pled and not allowed. Dr. Jansen admitted that he was instructed by Edwards and his counsel to look for “defamatory statements.” Because Edwards’ expert did not testify to damages at all, his irrelevant testimony has a real danger of confusing the jury. Simply, Dr. Jansen’s opinion provides no legitimate expert testimony for the jury to consider in this action. Epstein asks this Court to strike Dr. Jansen from Edwards’ expert witness list and preclude his trial testimony.

RECORD FACTS

On October 6, 2017, almost eight years after filing his Counterclaim, Edwards disclosed Dr. Jansen for the first time on his Sixth Amended Witness List with no explanation, as follows:

EXPERT:

159. Bernard J. Jansen, Ph.D.

(D.E. 1010.) The Court's July 20, 2017, Order Specially Setting Jury Trial required the following information at the time of listing the expert:

1. The subject matter about which the expert is expected to testify;
2. The substance of the facts and opinions to which the expert is expected to testify;
3. A summary of the grounds for each opinion;
4. A copy of any written reports issued by the expert regarding this case; and
5. A copy of the expert's curriculum vitae.

(D.E. 938.)

Edwards produced Dr. Jansen's report on October 20, 2017, a copy of which is attached as **Exhibit H**. Dr. Jansen was tasked to respond to the following question:

9. *What is the level of dissemination of defaming statements associating Mr. Bradley J. Edwards with the illegal activities of Mr. Scott Rothstein as a result of Mr. Jeffrey Epstein's lawsuit against Mr. Edwards?*

(Ex. H, p. 3, e.s.)

Dr. Jansen disclosed that he simply calculated the number of internet hits which associated Edwards with Rothstein. In focusing his analysis to "online dissemination" of the defamatory statements, Dr. Jansen reached the following opinion:

15. *The defaming statements associating Mr. Bradley J. Edwards with the illegal activities of Mr. Scott Rothstein as a result of Mr. Jeffrey Epstein's lawsuit against Mr. Edwards have been disseminated to at least 74 online media or other sites in 104 separate stories or articles with a combined 9,669,542 potential daily visitors since the lawsuit was filed to the date that I filed this report, inclusive.*

(Ex. H, p. 5, e.s.)

Dr. Jansen did not even consider who was responsible for disseminating information to the press. In other words, did Epstein issue a press release? Did Edwards comment to the press? Did Edwards contact the press? Did Epstein contact the press? Simply put, who disseminated to the press the alleged defamatory statements?

Nowhere in Dr. Jansen's report does he opine on the impact to Edwards' reputation or character, nor does he mention Edwards' shame, humiliation, mental anguish or hurt feelings. Finally, Dr. Jansen does not reference how much Edwards spent on attorneys' fees in connection with the original civil proceeding.

Edwards himself is confused about the information Dr. Jansen collected. He testified at his November 10, 2017, deposition that Dr. Jansen's report was based on quantifying the number of people who had seen articles associating him with "derogatory and defamatory statements." (Edwards' 11/10/17 Tr. 285-286.) (Ex. C.) Nothing is further from the truth.

Dr. Jansen testified at his deposition taken on December 1, 2017, that his opinion reached in this case was "that the defamatory statements against Mr. Edwards [linking] into the Ponzi scheme of Mr. Rothstein were disseminated to 74 different media sites, in 104 different articles, to 9,665,542 daily media visitors." (Jansen's 12/1/17 Tr. 6, e.s.) (Ex. E.) Dr. Jansen calculated the number of times Edwards' and Rothstein's names were together in an article, but had no opinion regarding whether anyone actually read the articles or of any damages suffered by Edwards. (Ex. E.)

In fact, Dr. Jansen conceded he performed no research into what impact, if any, the number of publications had on anyone:

3 Q. Okay. Did you do any research to see what
4 impact the statements had on any of the readership?

5 A. No.

6 Q. Did you do any research into whether -- what
7 opinions were formed about Mr. Edwards by anyone who
8 read any of the articles?

9 A. No.

10 Q. Did you do any research into whether the
11 impact on the readership in forming an opinion about
12 Mr. Edwards was different after Mr. Scarola made his
13 statements in 2012 to the press?

14 A. No.

15 Q. When you did your research did you interview
16 any readers that actually read one of the articles that
17 you cite to in your report?

18 A. No.

(Jansen's 12/1/17 Tr. 64.) (Ex. E.)

Dr. Jansen could not even identify one person who actually read any of the publications:

1 Q. -- right? Can you identify one person that
2 actually read one of the 104 articles?

3 A. I didn't look for a person, so no.

(Jansen's 12/1/17 Tr. 65.) (Ex. E.)

Finally, although Dr. Jansen used the term "defamatory statements" and plugged in statements provided to him by either Mr. Edwards or Mr. Scarola, he never made any determination of what was defamatory or not. (Jansen's 12/1/17 Tr. 7-8.) (Ex. E.) Candidly, Dr. Jansen testified:

15 Q. Right. So the person who made the decision to
16 label whatever statements you researched defamatory was
17 not you?

18 A. Whether they were defamatory or not was not my
19 decision.

Id. at 8. He clarified that, “I did an IT investigation. You’re asking me kind of a legal question.”

Id. Again, Dr. Jansen confirmed his opinion had nothing to do with evaluation or analysis of whether any statement was defamatory or not:

22 Q. Right. Okay. And so whether or not that
23 statement was defamatory or not is not an analysis you
24 engaged in?

25 A. The defamatory part, no.

Id. at 10. If the word “defaming” was removed from the task given to him, it would not change his work of calculating the number of times he found statements regarding Edwards. *Id.* at 16.

APPLICABLE LAW

I. Litigation Privilege Precludes a Defamation Action Against Epstein

“The law has long recognized that judges, counsel, parties, and witnesses should be absolutely exempted from liability to an action for defamatory words published in the course of proceedings, regardless of how false or malicious the statements may be....” *Debrincat v. Fischer*, 217 So. 3d 68, 69 (Fla. 2017) [e.s.]. Because of this, Epstein cannot be sued for the claimed falsehood of any allegation pled in his original civil proceeding or any of the amendments filed against Rothstein and Edwards.

II. Malicious Prosecution Action Focuses on “Original Civil Proceeding” Not Hand-Picked Allegations

Because of the established litigation privilege, Edwards necessarily pled – but does not really want to try -- the tort of malicious prosecution. Although the tort of malicious prosecution has an ancient existence in the state of Florida, the elements have not changed. *Compare Tatum Bros. Real Estate & Inv. Co. v. Watson*, 109 So. 623, 626 (Fla. 1926) and *Debrincat, supra*. To prevail in a malicious prosecution action, a plaintiff must establish (1) an original civil proceeding; (2) present defendant was the legal cause of the original proceeding; (3) termination

of the original proceeding constituted a bona fide termination of that proceeding in favor of the present plaintiff; (4) an absence of probable cause for the original proceeding; (5) malice on the part of the present defendant; and (6) damages as a result of the original proceeding. *Debrincat*, 217 So. 3d at 70 [e.s.].

Based on this longstanding Florida jurisprudence, there can be no narrow focus in this action on a single count, a hand-picked allegation, or a segregated paragraph in the original proceeding, or even a statement made or published in the press or on the internet to determine if it was false or true. Rather, this Court is bound by established law to focus on whether probable cause existed for Epstein to file the “original proceeding.”

III. Damages in a Civil Malicious Prosecution Action are Not Presumed

“The gravamen” of a malicious prosecution claim “is injury to character.” *Cate v. Oldham*, 450 So. 2d 224, 227 (Fla. 1984). A malicious prosecution plaintiff may recover “damages to a person, property, or reputation[] shown to have proximately resulted from a previous civil or criminal proceeding.” *Tatum Bros. Real Estate & Inv. Co. v. Watson*, 92 Fla. 278, 288 (1926). Next, a malicious prosecution plaintiff may recover damages for his shame, humiliation, mental anguish, and hurt feelings. *Ware v. United States*, 971 F. Supp. 1442, 1471 (M.D. Fla. 1997)(“[S]hame, humiliation, mental anguish, and hurt feelings flowing from [plaintiff’s] prosecution . . . are legitimate grounds for monetary relief in an action for malicious prosecution.”) (citation omitted). Third, a malicious prosecution plaintiff is entitled to the attorneys’ fees he incurred in connection with the underlying action. *See Burchell v. Bechert*, 356 So. 2d 377, 379 (Fla. 4th DCA 1978) (summary judgment improper where plaintiff had incurred attorneys’ fees in underlying action).

“It is basic hornbook law that, in an action for malicious prosecution, ‘the plaintiff may recover all damages that are the natural and probable consequences of the action complained

of,” but “[t]he damages must be certain and proximate and not uncertain, contingent or speculative.” *Ware v. United States*, 971 F. Supp. 1442, 1470-71 (M.D. Fla. 1997)(citations omitted).

Moreover, unlike a criminal malicious prosecution action where a malicious prosecution for *criminal* prosecution can be actionable “per se,” a plaintiff in a civil action must prove the damages sought. *See Adler v. Segal*, 108 So. 2d 773, 775 (Fla. 3d DCA 1959)(malicious prosecution action based on acquittal in underlying criminal prosecution; court held that “there is substantial authority that a malicious prosecution is actionable per se, and ‘certain kinds of damage necessarily follow from the wrongful prosecution itself, and so will be assumed by the law to exist’”; *citing Tidwell v. Witherspoon*, 21 Fla. 359, 361 (Fla. 1885) (“An accusation of crime under the forms of the law or a pretense of bringing a guilty man to justice is made in the most imposing and impressive manner and may inflict a deeper injury upon the reputation of the party accused than the same words uttered under any other circumstances.”); *see also* Restatement (First) of Torts § 670, comment a. (“The institution of criminal proceedings necessarily carries with it a defamatory accusation of criminal conduct, and the rules which determine the right to recover for the resulting harm to reputation and distress are the same as those applicable in actions for defamation”); *compare Burchell v. Bechert*, 356 So. 3d 377 (Fla. 4th DCA 1978)(applying *Adler*’s holding but dicta because court already determined damages element met by record evidence of attorneys’ fees incurred in defending the lawsuits).

A. *Dr. Jansen Failed to Provide Any Opinion on Actual Damages in a Malicious Prosecution Action*

The Florida cases cited in Section III outline the damages allowed in a civil malicious prosecution action. Dr. Jansen failed to opine on any of these categories. Significantly, Dr. Jansen offered no opinion on reputational injury because he had no knowledge regarding

whether there was any impact on the readership in forming an opinion about Edwards. (Jansen's 12/1/17 Tr. 64.) (Ex. E.) Likewise, he offered no opinion regarding whether the original civil proceeding caused Edwards shame, humiliation, mental anguish, and hurt feelings. He had no opinion of harm to Edwards' reputation, loss of business, client departures, or any other category of potential damage. Finally, Dr. Jansen certainly had no opinion regarding Edwards incurring attorneys' fees.

Rather, Dr. Jansen performed, in his own words, an "IT investigation" simply calculating by internet searches how many times the statements given to him by Edwards or his counsel appeared. (Jansen's 12/1/17 Tr. 8.) (Ex. E.) This fails to meet Edwards' burden of proving malicious prosecution damages and provides no testimony helpful to the trier of fact.

B. *Dr. Jansen's Testimony Fails to Assist the Trier of Fact – if Allowed to Consider – Nominal Damages in a Malicious Prosecution Action*

Epstein by no means abandons his opposition to Edwards' argument of nominal damages in a malicious prosecution action. In fact, the Florida Standard Jury Instructions confirm Epstein's position that while "nominal" damages are awardable in a defamation action (405.10-f.)⁴, they simply do not exist in a malicious prosecution action (406.12). However, Epstein points out that if this Court allows this argument to be presented to the jury, Dr. Jansen provides no helpful testimony or opinions – none are needed for nominal damages. Epstein will be unfairly prejudiced if Edwards is allowed to present "expert" evidence concerning the number of potential visitors to a website in order to establish nominal damages under section 90.403, Florida Statutes.

⁴ If you find for (claimant) but find that no [loss] [injury] [or] [damage] has been proved, you [should] [may] award nominal damages. Nominal damages are damages of an inconsequential amount which are awarded to vindicate a right where a wrong is established but no damage is proved.

IV. Section 90.702, Florida Statutes Governs Expert Witness Testimony and Dr. Jansen Fails to Meet the Threshold Requirement of Assisting the Trier of Fact or Determining a Fact in Issue

A trial court has wide discretion in determining which matters are proper subjects of expert opinion testimony. *Bryant v. Buerman*, 739 So. 2d 710, 712 (Fla. 4th DCA 1999). However, that discretion is not without limits. *Nathanson v. Houss*, 717 So. 2d 114 (Fla. 4th DCA 1998). Relevant evidence is evidence tending to prove or disprove a material fact and is generally admissible. §§ 90.401, 90.402, Fla. Stat. (2017). The concept of materiality is included within the section 90.401 definition of relevancy; the evidence must “tend to prove or disprove a material fact.” *Jordan ex rel. Shealey v. Masters*, 821 So. 2d 342, 349 (Fla. 4th DCA 2002). When evidence is offered to prove a fact which is not a matter in issue, it is said to be immaterial. *Id.* Finally, “[r]elevant evidence is inadmissible if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence.” § 90.403, Fla. Stat. (2017).

Edwards submits Dr. Jansen as a “damages” expert. However, Dr. Jansen fails to assist the trier of fact in understanding the evidence or in determining a fact in issue, a threshold requirement for expert testimony to be admissible. *See* § 90.702, Fla. Stat. (2017). Even if qualified in his area of expertise, for an expert’s opinion to be admissible, it must tend to prove or disprove an issue in dispute. Unless Dr. Jansen’s opinion is relevant to a fact or issue in the case, it is inadmissible. *See Sunbeam Television Corp. v. Mitzel*, 83 So. 3d 865, 876 (Fla. 3^d DCA 2012)(“As a threshold matter, the expert’s opinion must be relevant, that is, the evidence must prove or tend to prove a fact in issue.”). Providing no opinions regarding actual or nominal damages, Dr. Jansen must be stricken as a witness and his testimony precluded.

CONCLUSION

Edwards has no actual damages. That is why he wants to try a per se defamation action. However, the litigation privilege is absolute and bars a defamation suit. Here, Edwards tried to use Dr. Jansen to say Edwards' reputation has been harmed by "defamatory statements" that he found on the internet, yet he could not opine if the statements were in fact "defamatory." He wants to put before the jury that nine million viewers all thought horrible things about Edwards, yet he could not say who disseminated the alleged defamatory statements. Importantly, Dr. Jansen cannot opine if anyone read the articles, or if the publications had any impact on the readership in forming an opinion about Edwards or if the articles caused any compensable damages. Clearly, Dr. Jansen has no relevant testimony that would be helpful to the trier of fact. Therefore, Epstein respectfully requests that this Court strike the report and exclude Dr. Jansen's testimony.

CERTIFICATE OF SERVICE

I certify that the foregoing document has been furnished to the attorneys listed on the Service List below on January 9, 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.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff(s),

vs.

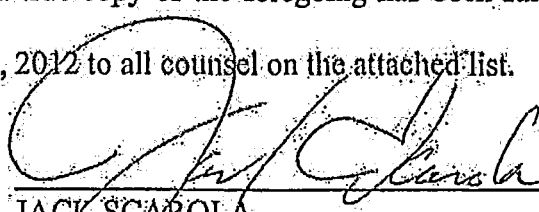
SCOTT ROTHSTEIN, individually,
BRADLEY J. EDWARDS, individually, and
L.M., individually,

Defendant(s).

**NOTICE OF SERVING ANSWERS TO PLAINTIFF'S THIRD SET
OF INTERROGATORIES TO DEFENDANT/COUNTER-PLAINTIFF
BRADLEY J. EDWARDS**

COMES NOW the Defendant/Counterplaintiff, Bradley J. Edwards, by and through his undersigned counsel, and hereby files this Notice with the Court that Answers to Plaintiff's Third Set of Interrogatories propounded by the Plaintiff, Jeffrey Epstein, on December 9, 2011, have been furnished to the attorney for the Plaintiff.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by Fax and U.S. Mail this 6th day of January, 2012 to all counsel on the attached list.



JACK SCAROLA

Florida Bar No.: 169440

Searcy Denney Scarola Barnhart & Shipley, P.A.

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West Palm Beach, Florida 33409

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Attorney for Bradley J. Edwards

COUNSEL LIST

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Fax: (954)-745-3556
Attorneys for Scott Rothstein

ANSWERS TO PLAINTIFF'S
THIRD SET OF INTERROGATORIES TO BRADLEY J. EDWARDS

1. Identify each and every fact that supports the allegations set forth in your Second Amended Counterclaim, by providing:

a. a detailed description of the damages you allege you have suffered, including, but not limited to, those you claim have resulted in

(1) injury to your reputation, and

(2) interference in your professional relationships; and

b. a detailed description of the special damages you allege that you have suffered, including, but not limited to:

(1) the loss of the value of your time diverted from your professional responsibilities, and

(2) the cost of defending claims against you in this lawsuit.

ANSWER:

The identification of "each and every fact that supports" specific allegations would require the disclosure of the mental impressions and thought processes of counsel and is accordingly protected by the work-product privilege. Subject to and without waiving that privilege, Bradley Edwards has described the special damages he has sustained and will continue to sustain in the future in his currently pending counterclaim. (He has been falsely accused of immoral, unethical, and illegal conduct impugning his professional integrity, his professional competence, and his fitness to practice law.) (Such accusations are defamatory per se and Florida law conclusively presumes the damage that inevitably arises from such defamation.) (The false accusations have been disseminated repeatedly throughout not only the South Florida legal community but nationally and internationally.)

In addition, Bradley Edwards has been obliged to divert time, effort, and attention from the productive practice of his profession to defend against the tortuous misconduct of Epstein. Every minute diverted from his professional pursuits impeded his ability to advance the claims and interests of existing clients and precluded him from undertaking other and additional responsibilities. Time records made available in response to Epstein's Request to Produce detail (at a minimum) the extent of the diversion Mr. Edwards has suffered. Cost invoices for expenditures incurred in defending against Epstein's misconduct have also been made available

in response to Epstein's Request to Produce. Those damages are ongoing and continuing in nature.

2. Explain in detail how your reputation has been injured as a direct result of this action against you from the filing of this action to the present. With specificity, identify the following:

- a. Your alleged reputation prior to the filing of this action;
- b. Any and all persons who have made statements about your reputation after the filing of this action;
- c. Any and all communications, whether verbal or written, made about your reputation; and
- d. The date, manner, and substance of communications in which said statements have been made about your reputation.

ANSWER:

See above.

- a. Excellent
- b. None are presently known except Epstein and his numerous lawyers including the attorneys presently engaged in advancing Epstein's malicious prosecution of Edwards and his extortionate abuse of process.
- c. See 2b above.
- d. See the pleadings, filings, and on-the-record statements made in this case and the RRA bankruptcy proceedings.

3. Explain in detail how the filing of this action against you has interfered with your professional relationships and for each such relationship:

- a. identify its nature and the person with whom you have or had the relationship;
- b. specify exactly how the relationship has been interfered with;
- c. identify each person with knowledge of the interference; and
- d. identify actual damages as a result of such interference.

ANSWER:

See answer to #1 above. Persons with knowledge of the interference include the parties to this action, all present and prior attorneys of record, all persons on the certificate of service of Epstein's Motion to Depose Rothstein filed in the RRA bankruptcy proceedings, all attorneys, judges, and observers in Court on every occasion that

argument has been presented in support of Epstein's spurious claims against Edwards, all persons exposed to media coverage of Epstein's spurious claims against Edwards.

Actual damages sustained by Edwards include:

- the costs incurred in defending against Epstein's outrageous misconduct;
- the value of Edwards' diverted time and attention;
- the value of compensation for the injury to Edwards' professional reputation as liquidated by a jury.

4. Identify each and every witness that has knowledge of the damages you seek to recover in this action, including but not limited to your employer, your partners, your family members, associates, colleagues, referral sources, and clients and, for each, describe the nature of his or her knowledge.

ANSWER:

Steve Jaffe, Gary Farmer, Seth Lehrman have knowledge of the extent to which Bradley Edwards' time and attention were diverted by Epstein from gainful professional pursuits, Bradley Edwards' professional reputation, competence, integrity, and character.

Former Federal Judge Paul Cassell has knowledge of the same matters described above. Earleen Cote, Esq. has knowledge of the same matters described above.

5. Explain the basis for your claim that your reputation has been injured by the allegations against you in this action.

ANSWER:

(Defamation per se.)

6. Explain the method by which you have distinguished injury to your reputation resulting directly from allegations against you in this action from injury to your reputation resulting from your having been a partner in the defunct firm of Rothstein Rosenfeldt & Adler.

ANSWER:

(Epstein's malicious, unsupported, unsupportable, false accusations of Bradley Edwards' knowing involvement and active participation in a massive Ponzi scheme singled Mr.

(Edwards out from among all other innocent RRA employees. Those accusations were the only source falsely linking Bradley Edwards to Rothstein's criminal enterprise, and absent those allegations there is no basis to believe that Bradley Edwards' impeccable professional reputation would have been tarnished by his brief employment with Rothstein Rosenfeldt & Adler.) Indeed, the vast majority of RRA employees were presumed innocent and have escaped any taint from their employment with the firm.

7. Identify all fees and costs that you have incurred for the defense of this action against you.

ANSWER:

See Bradley Edwards' contemporaneous production.

8. If you have a written engagement agreement with the firm of Searcy Denney Scarola Barnhart & Shipley, P.A. describe the date of the agreement, the scope of services and the terms on which your counsel are to be compensated.

ANSWER:

See Bradley Edwards' contemporaneous production.

9. If you do not have a written engagement agreement with the firm of Searcy Denney Scarola Barnhart & Shipley, P.A., describe the terms of your oral representation agreement, the scope of services and the terms on which your counsel are to be compensated.

ANSWER:

N/A

10. Identify any other attorney and firm with whom you have any relationship in connection with your defense of this action.

ANSWER:

None

11. If you (or another on your behalf) have paid any legal fees and costs incurred for the defense of this action, provide the amounts paid and the date of each payment.

ANSWER:

See Bradley Edwards' contemporaneous production.

12. State, by week or month, the amount of hours that you devoted to your professional work since the filing of this action against you (in 2009, 2010 and 2011) and describe in detail the source of this information (e.g., time sheets, personal diary, manual or computer calendar).

ANSWER:

Unknown, although Bradley Edwards estimates that in the ordinary course of his work he devotes approximately 60 hours per week to professional activities. This total regularly increases immediately prior to and during trials.

13. State, by week or month, the amount of hours that you have devoted to your professional work during the two years prior to the filing of this action against you (in 2007 and 2008) and describe in detail the source of this information (e.g., time sheets, personal diary, manual or computer calendar).

ANSWER:

Unknown, although Bradley Edwards estimates that in the ordinary course of his work he devotes approximately 60 hours per week to professional activities. This total regularly increases immediately prior to and during trials.

14. State the amount of gross income that you received from providing services as a lawyer for each of the years 2007, 2008, 2009, 2010 and 2011 and identify the source of that income (including the payor of the same).

ANSWER:

Objection. Irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence and an unwarranted invasion of Bradley Edwards' right to economic privacy.

15. State the amount of gross income that you received from the provision of goods or services other than while acting as a lawyer for each of the years 2007, 2008, 2009, 2010 and 2011 and identify the source of that income (including the payor of the same).

ANSWER:

Objection. Irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence and an unwarranted invasion of Bradley Edwards' right to economic privacy.

16. State the amount of hours that you have devoted to pro bono work for the years 2007, 2008, 2009, 2010 and 2011 and substantiate your answer with the names of the cases or causes for which you provided such service.

ANSWER:

Objection. Irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

17. You claim damages for emotional distress, embarrassment, and mental anguish as a result of this action against you. Have you sought professional medical or psychological services? If so,

- a. identify each provider of such services;
- b. state the dates during which you received treatment or assistance for such services; and
- c. state the amount of money you have paid for such services.

ANSWER:

No.

18. If you have not sought professional medical or psychological services, please explain why.

ANSWER:

I have managed to deal with the emotional and psychological stress without professional assistance and have preferred to avoid the potential stigma that sometimes attaches to treatment for emotional and psychological issues.

19. If you claim to have suffered any loss of income, wages, or other remuneration as a result of the claims made against you in this action, describe in detail

- a. the nature of the lost income, whether by wages or other remuneration (e.g., loss of clients, loss of earnings for hours engaged in the practice of law, etc.);
- b. the amount of lost income, whether by wages or other remuneration, for each period for which you typically receive the above (e.g., if you bill or otherwise keep track of legal services you provide by the hour, the number of hours which you were unable to perform such services for each month) since the filing of this action;
- c. the duration of the loss, i.e., the date the loss commenced and concluded;
- d. the basis for determining the loss, i.e., identify the specific client and matter; and
- e. the method used in calculating your loss of income, whether by wages or other remuneration, for the period you have claim to have suffered damages.

ANSWER:

See Bradley Edwards' contemporaneous production.

20. If you are claiming that you have suffered loss of future earning capacity as a result of the allegedly wrongful conduct, describe with specificity:

- a. the duration of the lost future earning capacity;
- b. the amount of the lost future earning capacity, and
- c. the basis for your calculation.

ANSWER:

Undetermined at this time.

21. If you are claiming to have lost business or employment opportunities as a result of the allegedly wrongful conduct of the plaintiff, describe each with specificity and, for each, state the amount of money damages you seek to recover.

ANSWER:

Undetermined at this time.

22. Describe the method used in calculating your loss of future earnings.

ANSWER:

N/A

23. With respect to each alleged lost business opportunity, please state for each the following:

- a. the name and address of the employer, client, attorney or entity who offered or presented the business opportunity that you claim was lost;
- b. the nature and scope of work involved in the lost business opportunity;
- c. the amount of compensation or remuneration you estimated that you would earn or be paid had you undertaken the opportunity and the basis for that estimation; and
- d. the date you determined that you had lost the business opportunity.

ANSWER:

N/A

24. State each instance in which you have spoken to or communicated with the press or any other media representative relating to Plaintiff Jeffrey Epstein. Provide the identity of each contact, the date of the contact, and a description of the communication.

ANSWER:

Objection. Attorney work product privilege except to the extent that Bradley Edwards is identified as a source of information in published reports which are as easily available to Jeffrey Epstein as to Bradley Edwards through internet searches.

25. Identify the confidential source(s) listed on your Privilege Log in this case dated February 23, 2011.

ANSWER:

Objection. Attorney-work product.

26. Identify the legal basis for including a confidential source in your Privilege Log.

ANSWER:

Attorney work product privilege

27. Provide an explanation for your belief that law enforcement is still investigating the Plaintiff/Counter-Defendant Jeffrey Epstein. Identify contacts with government/law enforcement, media, other attorneys, or anyone else from which you claim to form this belief, including the names, dates, substance of communication, etc.

ANSWER:

Objection. Attorney work-product and statutorily restricted communications with law enforcement and prosecutorial authorities. Irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

28. Identify the basis for your claim that others still persist in prosecuting claims against the Plaintiff/Counterdefendant Jeffrey Epstein. Identify the persons still prosecuting claims against the Plaintiff/Counterdefendant or with knowledge of the persons still prosecuting claims against him, including names, dates of contact with such persons, substance of communication, etc.

ANSWER:

Objection. Attorney work-product and statutorily restricted communications with law enforcement and prosecutorial authorities. Irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

29. Provide support for your claims in Paragraphs 9 and 25 of the Second Amended Counterclaim in which you allege the sole purpose of filing civil claims was never to recover monetary damages, that Plaintiff/Counterdefendant Jeffrey Epstein knew he never suffered monetary damages, that he knowingly asserted baseless and unsupportable claims, etc.

ANSWER:

See Bradley Edwards' Motion for Summary Judgment and attachments.

30. Identify all clients and list all payments made to clients in connection with their cases against the Plaintiff/Counter-Defendant Jeffrey Epstein.

ANSWER:

Objection. Irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. However, to the extent deemed relevant, since Epstein directly settled the claims and made the payments, the information requested is readily available to him.

31. Identify all third parties (non-clients) who received or made payments in connection with the client cases or purported client cases against the Plaintiff/CounterDefendant Jeffrey Epstein and with specificity: (1) explain the relationship of such third parties; (2) list the payments made to or by each; and (3) list the date of payments and purpose of payments. Your answer should include without limitation all investigators, witnesses, referring persons, referring attorneys, outside counsel, outside experts. It should also include any and all payments made to or by investors in any of the client cases against the Plaintiff/CounterDefendant Jeffrey Epstein or payments made by or to any other person in connection with the client cases.

ANSWER:

Objection. Irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

32. Identify all attorneys who worked on the client cases against Plaintiff/CounterDefendant Jeffrey Epstein, including, but not limited to, the attorneys formerly at Rothstein Rosenfeldt & Adler; the attorneys at Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, PL; outside attorneys and referring attorneys.

ANSWER:

Bradley Edwards, Paul Cassell, Matt Weissing, Steve Jaffe and Bill Berger rendered substantive services in the prosecution of claims against Jeffrey Epstein. Russell Adler was in attendance at multiple depositions but was not an active participant.

33. Identify all members of support staff, paralegals, secretaries, investigators, etc. who worked on client cases against the Plaintiff/CounterDefendant Jeffrey Epstein, including but not limited to, Bradley Edwards' office; the attorneys formerly at Rothstein Rosenfeldt & Adler; the office of Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, PL; and offices of outside attorneys and referring attorneys.

ANSWER:

Shawn Gilbert, Wayne Black, Jacquie Johnson, Beth Williamson, Susan Sterling, Mike Fisten, Pat Roberts, Pat Diaz

34. Identify any agreements, proposals, offers, discussions, negotiations, etc. related to the sale or development of any movie, book, or other rights or similar deals.

ANSWER:

None


BRADLEY J. EDWARDS

STATE OF FLORIDA)

Palm Beach
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 6th day of January, 2012
by *Jack Scarica Esq. for* Bradley J. Edwards, who is personally known to me or who has produced
_____ (type of identification) as identification and who did/did
not take an oath.

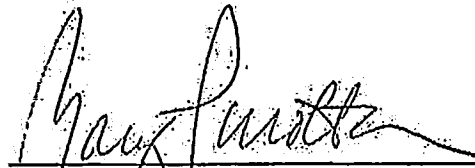

Notary Public
State of Florida at Large
My Commission expires:
Commission No:



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(s),

vs.

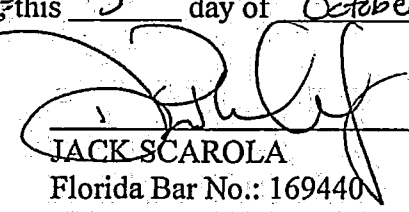
SCOTT ROTHSTEIN, individually,
BRADLEY J. EDWARDS, individually, and
L.M., individually,

Defendant(s).

NOTICE OF SERVING ANSWERS TO INTERROGATORIES

Bradley J. Edwards, by and through his undersigned counsel, hereby files this Notice of Serving Answers to Interrogatories with the Court propounded by Jeffrey Epstein on September 5, 2017, and said Answers to Interrogatories have been furnished to the attorneys for Jeffrey Epstein.

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 5th day of October, 2017.



JACK SCAROLA

Florida Bar No.: 169440

Attorney E-Mail(s): jsx@searcylaw.com; and
mmccann@searcylaw.com

Primary E-Mail: _scarolateam@searcylaw.com

Searcy Denney Scarola Barnhart & Shipley, P.A.

2139 Palm Beach Lakes Boulevard

West Palm Beach, Florida 33409

Phone: (561) 686-6300

Fax: 561-383-9451

Attorneys for Bradley J. Edwards

35. Please describe with particularity any and all evidence, circumstances and events upon which you rely in asserting that your reputation was damaged as alleged in your Counterclaim, including, without limitation, specifically describing how that damage is attributable to Epstein's lawsuit against you.

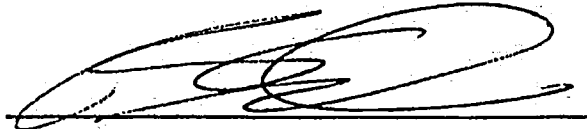
RESPONSE: The allegations of Epstein's maliciously filed Complaint are defamatory per se.

36. Please explain in detail the amount of time required to be diverted from your professional responsibilities including, but not limited to, the time lost, each date on which the time was lost, the case/matter on which you would have otherwise spent the time, your billable hourly rate, if any, you allege to have lost, and for each case/matter identified, please provide the amount of income derived by you, your firm, or any entity acting on your behalf in that matter. Please detail all other evidence, methods and calculations on which you intend to rely to quantify the damages you claim are attributable to time diverted from your professional responsibilities as alleged in your Counterclaim.

RESPONSE: Time diverted from Bradley Edwards' professional responsibilities is reflected in previously produced time records and will be updated prior to the expiration of discovery. Counter-Plaintiff, however, objects to this interrogatory on the grounds that the number of interrogatories propounded by the Counter-Defendant, including subparts, substantially exceeds the maximum number permitted without leave of court.

37. For each payment or distribution made by you, Rothstein, Rosenfeldt & Alder, Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman PL and/or any other law firm through which you have provided legal services and/or any other lawyer and/or law firm to Beth Williamson in connection with any claims asserted against Jeffrey Epstein state, identify, and describe the amount of the payment, the date of payment, the source of the payment proceeds, the reasons for the payment, and any promises, contracts, agreements, understandings and arrangements regarding said payment, and all amendments, modifications and supplements of the same, pursuant to which such payment was made.

RESPONSE: Objection: The information sought is not relevant, material or reasonably calculated to lead to the discovery of admissible evidence. The interrogatory seeks to invade the economic privacy of the Counter-Plaintiff and all others encompassed within the extraordinarily broad scope of Definition #5 of Counter-Defendant's Interrogatories. Reference to "the period in question" is vague and ambiguous.



Signature of Answering Party

STATE OF)

COUNTY OF)

The foregoing instrument was acknowledged before me this 28th day of September, 2017 by Brad Edwards who is personally known to me or who has produced _____ (type of identification) as identification and who did/did not take an oath.



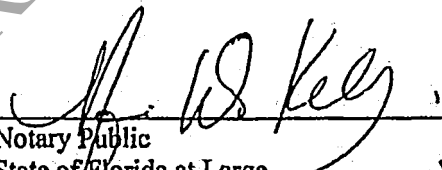

Notary Public
State of Florida at Large
My Commission expires:
Commission No:

EXHIBIT C

NOT A CERTIFIED COPY

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.

VOLUME I

VIDEOTAPED DEPOSITION

OF

BRADLEY EDWARDS

Taken on Behalf of Plaintiff

Friday, November 10th, 2017
10:02 a.m. - 6:16 p.m.
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409

Examination of the witness taken before

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

1 A Just an anxious feeling to get this over
2 with.

3 Q And you had that anxious feeling every
4 single day from December 2009 through today
5 November 10th, 2017?

6 A ~~(The more reminders that I have of the case,~~
7 ~~(and the fact that there still looms this false~~
8 ~~allegation over my head,) that is clearly a trigger.~~

9 Q You said it looms this false allegation.
10 What is the false allegation looming over your head?

11 A That I was a participant in a Ponzi scheme
12 with one of the individuals that might be the most
13 hated person in South Florida, especially amongst our
14 profession.

15 Q Mr. Rothstein?

16 A Right.

17 Q But why is there an allegation hanging over
18 your head? The case against you was dismissed in
19 2012, correct?

20 MR. SCAROLA: Excuse me. Which case?

21 BY MR. LINK:

22 Q The case against you by Mr. Epstein was
23 dismissed in 2012, was it not?

24 A Right. The case was dismissed.

25 Q Five years ago the case was dismissed,

1 that those things are not true.

2 The lawyers I practice with know that
3 those things are not true. It's the rest of the
4 world that --

5 Q Oh, okay.

6 A Your reputation is made up of what society
7 thinks of you. The people who don't know me and only
8 got a snapshot of this person -- is Rothstein's
9 co-conspirator in a Ponzi scheme and continue to spread
10 that message from that point in time forward, whether
11 it's 9 million people or 100 million people, my
12 reputation right there suffered damages that, (unless
(13) (and) (until) (a) (jury) (returns) (a) (verdict) (in) (my) (favor), (can't)
(14) (be) (undone).

15 Q So these are the nameless, faceless folks
16 that you don't know, that you have never met, never
17 had conversations with, never interacted with, who
18 are -- that have impacted your reputation.

19 A Your question is way too extreme.

20 Q So you told me it's anyone who knows you,
21 knows for sure that there's nothing --

22 A I didn't tell you that.

23 Q You didn't?

24 A No. Who knows me well.

25 Q They have to know you well, right?

1 testimony.

2 Q I understand. He's the only one that
3 complied with the disclosure rules and has a report,
4 but the rest are listed as under the actual expert
5 witness section.

6 A I hear you.

7 Q So in looking at -- do you have the report
8 in front of you, which we just marked as Exhibit 22
9 for Bernard Jansen, PhD?

10 A Yeah.

11 Q When was Mr. Jansen retained?

12 A I don't know.

13 Q Your counterclaim has been pending since
14 December 2009, correct?

15 A Yes.

16 Q Do you know why Mr. Jansen did not provide
17 a report until 2017?

18 A Don't know.

19 Q Do you know why Mr. Jansen was not listed
20 on any exhibit list from the beginning of the case --
21 the first -- I think it was five -- maybe five or six
22 witness list to the court?

23 A (With) (certainty) (I) (don't) (know.) (I) (know) (the)
(24) (types) (of) (things) (he) (does.) (And) (typically) (his) (report) (is)
(25) (most) (useful) (right) (before) (trial,) (because) (it) (is) (a)

1 ~~quantification of the number of people who have seen~~
2 ~~the articles associated -- depending on the type of~~
3 ~~lawsuit in which he's testifying -- with the derogatory~~
4 ~~and defamatory statements, so --~~

5 Q Dr. Jansen --

6 MR. SCAROLA: Excuse me. I'm sorry.

7 You interrupted Mr. Edwards.

8 BY MR. LINK:

9 Q Did I, Mr. Edwards?

10 A Yes. I was almost finish, though.

11 So his report can't be completed until --
12 well, you want it to be complete as close up to the
13 trial as possible so that you can have the final
14 numbers.

15 Q I understand you can update reports. But
16 you could have retained him at any time, because
17 there were other trial settings and there would have
18 been a witness list, right?

19 A Well, we have been on appeal for a while,
20 but --

21 Q I understand. But you've had five trial
22 settings.

23 In any event, you have used Mr. Jansen
24 before, correct?

25 A I have used Mr. Jansen before. As a

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 Mr. Epstein?

2 **MS. ROCKENBACH:** Correct.

3 **THE COURT:** Mr. Scarola, thank you for
4 your patience. You may proceed, sir.

5 Thank you, Ms. Rockenbach and Mr. Link,
6 for your written and oral presentations.

7 **MR. SCAROLA:** Thank you very much, Your
8 Honor. If you don't mind, I'm going to
9 stand at the podium that says, Plaintiff.

10 Your Honor, there is a very fundamental
11 disagreement between present counsel for
12 Mr. Epstein and Mr. Edwards. You heard
13 Mr. Link say -- and I think I took down the
14 quote exactly -- we have never challenged
15 that these three cases were legitimate
16 cases.

17 Well, I can understand why it is that
18 at this point in the litigation, Mr. Link
19 wishes that they had never challenged that
20 these three cases were legitimate cases.

21 (But the fact of the matter is that)

22 (Bradley Edwards was sued for ginning up,)

23 (fabricating, constructing those three cases,)

24 (and others, as a knowing participant in)

25 (Florida's largest ever Ponzi scheme), that

1 to interrogatories in the state court
2 matters, E.W. and L.M., and listed
3 additional high-profile witnesses that would
4 allegedly be called at trial, including, but
5 not limited to:" And then various
6 individuals are identified.

7 And then paragraph 41. "The sole
8 purpose of the scheduling of these
9 depositions was, again, to pump up the cases
10 to investors. There is no evidence to date
11 that any of these individuals had or have
12 any knowledge regarding RRA's civil
13 actions."

14 **THE COURT:** For the record, that's a
15 quote from paragraph 41, as opposed to
16 argument.

17 **MR. SCAROLA:** Thank you. Sir. I'm
18 sorry.

19 If we go to page 18 of the complaint,
20 subparagraph H. "Rothstein" -- and again,
21 this is a quote.

22 "Rothstein and the litigation team knew
23 or should have known that their three filed
24 cases were weak and had minimal value for
25 the following reasons."

1 (Those reasons are listed.)

2 (Again, questioning the legitimacy of
3 the claims.)

4 Page 21, paragraph 44. "The actions
5 described in paragraph 42 above herein had
6 no legitimate purpose in pursuing the civil"
7 litigations (sic) "against Epstein, but
8 rather were meant to further the fraudulent
9 scheme and criminal activity of Rothstein."

10 Paragraph 46, the last line. "RRA and
11 the attorneys in the civil actions" --

12 Please remember, the civil action is a
13 defined term in the complaint. It's L.M.,
14 E.W. and Jane Doe's claims -- "needed to
15 create a fiction that included extraordinary
16 damages. However, the actual facts behind
17 her action would never support such
18 extraordinary damages."

19 Going down to the last sentence in
20 subparagraph A. "Under the circumstances,
21 her claim for damages against Epstein, one
22 of L.M.'s many johns during that same
23 period, would be so incredible and certainly
24 not likely to produce the extraordinary
25 settlements promised to RRA's investors."

1 hear what Mr. Link is trying to suggest so
2 that you can formulate your argument.

3 **MR. SCAROLA:** I know exactly --

4 **THE COURT:** I will give him a minute.

5 **MR. LINK:** I don't want to take long.

6 I just want to clarify, because Mr. Scarola
7 said that we have conceded that nothing was
8 fabricated.

9 What was fabricated was not the filing
10 of the three lawsuits in 2008. It was that
11 there were other claims in addition to those
12 three, and that one of these three settled
13 for 30 million, and that Mr. Epstein had
14 offered \$200 million. Those are the things
15 that we were talking about during that time
16 period.

17 **THE COURT:** (Well, the allegation,
18 though, in subparagraph H, which was already
19 read into the record -- I will read it
20 again, quote, Rothstein and the litigation
21 team -- parenthetically Mr. Scarola has
22 suggested that the litigation team is
23 defined as Mr. Edwards -- returning to the
24 quoted provisions -- knew or should have
25 known that their three filed cases were weak)

1 (and had minimal value -- and for the reasons)
2 (I have already gone through in addressing)
3 (what I think is going to be relevant as to)
4 (those three individuals if the contention is)
5 (still that these claims were not legitimate)
6 (during the period of time that Mr. Rothstein)
7 (ad Mr. Edwards worked together).

8 **MR. LINK:** I just want to make this
9 distinction. I don't want to beat this
10 horse too much. If you look at the
11 paragraph before that paragraph, it talks
12 about the \$500 million settlement.

13 **THE COURT:** I will take that in
14 consideration.

15 **MR. LINK:** So it's relative to that.

16 Second, Your Honor --

17 **MR. SCAROLA:** I'm sorry. I would like,
18 in the few minutes remaining, to be able to
19 make some points before --

20 **THE COURT:** Mr. Link, I am going to ask
21 you, then, to save your commentary for
22 rebuttal.

23 **MR. LINK:** I just was trying to answer
24 your questions.

25 **THE COURT:** I didn't know I had a

EXHIBIT E

NOT A CERTIFIED COPY

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

CASE NO.: 50-2009CA040 800XXXXMBAG

JEFFREY EPSTEIN,
Plaintiff/Counter-Defendant,
vs.
SCOTT ROTHSTEIN, individually,
and BRADLEY J. EDWARDS,
individually,
Defendant/Counter-Plaintiff.

VIDEOTAPED DEPOSITION OF
DR. BERNARD J. JANSEN
Taken on Behalf of the Plaintiff/Counter-Defendant
and Defendant/Counter-Plaintiff

DATE TAKEN: Friday, December 1, 2017
TIME: 9:23 a.m. - 11:21 a.m.
PLACE: Law Offices of Edwards Pottinger, LLC
425 N. Andrews Avenue, Suite 2
Fort Lauderdale, Florida 33301

Examination of the witness taken before:

Iliana Lugo, Court Reporter
Palm Beach Reporting
1665 Palm Beach Lakes Boulevard
Suite 1001
West Palm Beach, Florida 33401

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APPEARANCES

For the Plaintiff/Counter-Defendant:

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SEARCY, DENNY, SCAROLA, BARNHART
& SHIPLEY, P.A.
BY: JACK SCAROLA, ESQ.
2139 Palm Beach Lakes Boulevard
West Palm Beach, Florida 33409

Also Present:

ROBERT BARFIELD, Videographer, Visual Evidence
BRADLEY J. EDWARDS, Defendant/Counter-Plaintiff

THE VIDEOGRAPHER: Today is the 1st day of
December 2017. The time is 9:23 a.m. This is the
videotaped deposition of Doctor Bernard Jansen in
the matter of Epstein versus Rothstein and Edwards.
This deposition is being held at 425 North Andrews
Suite 2, Fort Lauderdale, Florida.
My name is Robert Barfield. I'm the
videographer from Visual Evidence, Inc.
Would the attorneys please announce their
appearances for the record?
MR. LINK: Yes.
MR. SCAROLA: My name is Jack Scarola. I'm
counsel on behalf of the Plaintiff, Bradley
Edwards. And Mr. Edwards is also present.
MR. LINK: Scott Link and Kara Rockenbach on
behalf of Mr. Epstein.
(Thereupon, Doctor Bernard J. Jansen was duly
sworn.)
MR. SCAROLA: I'm going to offer a stipulation
to you. And that is that rather than go through
the details of the witness' background, training,
and experience, we would agree that his curriculum
vitae will be marked as an exhibit to this
deposition and any portions of it may be read by

5 1 either party as if those entries in the CV were 2 responsive to appropriate questions during the 3 course of the deposition. 4 MR. LINK: That's acceptable. 5 MR. SCAROLA: Good. Thank you. 6 MR. LINK: Shall we go ahead and mark that as 7 Exhibit 1? 8 MR. SCAROLA: That's a good idea. 9 (Thereupon, the document referred to was 10 marked Plaintiff's Exhibit Number 1 for identification.) 11 THEREUPON: 12 DOCTOR BERNARD J. JANSEN 13 was called as a witness and, having been previously duly 14 sworn and responded "I do," was examined and testified 15 as follows: 16 DIRECT EXAMINATION 17 BY MR. LINK: 18 Q. Mr. Jansen, would you please take a look at 19 what we just marked as Exhibit 1 and tell us what that 20 is, please. 21 A. This is my CV, my curriculum vitae. 22 Q. And is that current through today? 23 A. I could check every page but it's a fairly 24 recent CV. 25 Q. Okay. Mr. Jansen, tell me what your opinions	7 1 A. As I outlined in my report in one of the 2 paragraphs that we can go through, I outlined explicitly 3 what the statements were that I used. 4 Q. I understand what a statement is. I don't 5 have any problem with you doing research. The research 6 that you did makes sense to me. If you plugged in a 7 sentence and wanted to see how many times it was used, 8 that makes sense to me. 9 A. Uh-huh. 10 Q. (I'm trying to understand the language and the 11 decision you made about a statement being defamatory) 12 and I want to know how you made a decision that whatever 13 statement you were researching was a defamatory 14 statement) 15 A) (The defamatory statements was something that I) 16 was provided, as I state in my report, that it was these 17 statements that linked Mr. Edwards to the Ponzi scheme 18 of Mr. Rothstein, that's what was provided to me, that 19 was my assignment) 20 Q) Okay, so you were told by either Mr. Edwards) 21 or Mr. Scarola what statement they thought was 22 defamatory) 23 A) (those were the statements I was told to look 24 for, yes) 25 Q) Okay, so did you make any determination of
6 1 are that you have reached in this case. 2 A) (The my opinion is that the defamatory 3 statements against Mr. Edwards leaking into the Ponzi) 4 scheme of Mr. Rothstein were disseminated to 74 5 different media sites, in 104 different articles, to 6 27,665,542 daily media visitors) 7 Q. You just used the words "defamatory 8 statements." Did you make a determination that there 9 was a statement in some publication that was defamatory? 10 A. I was given the gist of the statements that -- 11 the statements that linked Mr. Edwards to the Ponzi 12 scheme of Mr. Rothstein, and then I checked for the 13 explicit statement, those particular statements in each 14 of the 104 articles. 15 Q. I understand that, but I'm talking about the 16 word "defamatory." 17 "Defamatory" is a legal word; is it not? 18 A. I don't know whether it's a legal word or not. 19 Q. Well, what does it mean? When you were doing 20 your work you said you used "defamatory statements." 21 And I want to know what you concluded was a defamatory 22 statement and we'll talk about -- 23 A. Sure. 24 Q. -- the credentials you have to make that 25 determination for -- to say that to a jury.	8 1 What's defamatory?) 2 A) No) 3 Q. All right. Is there a way that you could 4 describe the statement from your words what you were 5 doing? Because the word "defamatory" is not your word, 6 is it, in this report? That's one of the lawyer's 7 words. 8 A. Well, it was a description I used for those 9 particular statements. It was provided to me, what 10 those statements were. 11 Q. Okay. So you chose the word "defamatory 12 statements"? 13 A. I didn't say that, no. I was provided that 14 these are the defamatory statements to look for. 15 Q. Right, so the person who made the decision to 16 label whatever statements you researched defamatory was 17 not you?) 18 A) Whether they were defamatory or not was not my 19 decision) 20 Q. Okay. Is there something about my question 21 that's causing you pause? 22 A. A little bit, yeah. (I did an in) 23 investigation) You're asking me kind of a legal 24 question. 25 Q. Uh-huh.

9 1 A. And I'm just telling you that I was provided 2 these statements. 3 Q. And the reason I'm asking is you told me your 4 opinion was about defamatory statements. And that has a 5 lot of significance to it. And I want to understand who 6 determined what statements were defamatory, whether you 7 did that or the lawyers for Mr. Edwards did that. 8 MR. SCAROLA: Objection, repetitious, asked 9 and answered. 10 A. Yeah, your question is asking kind of two 11 questions. 12 BY MR. LINK: 13 Q. You may answer both. Go ahead. 14 A. All right. The statements linking Mr. Edwards 15 to this Ponzi scheme by Mr. Rothstein, I mean, those 16 were statements I looked for. I looked for the explicit 17 statement, you know, those particular expression of 18 those statements. At -- the aspect of whether they were 19 defamatory or not from a legal aspect is not within my 20 purview. 21 Q. Right. Okay. So that must mean that the 22 language "defamatory statement" was provided to you by 23 either Mr. Scarola or Mr. Edwards. 24 A. Well, yeah -- yes, that particular subject 25 matter was provided, yes.	11 1 Q. Okay. So then what are the sub-categories of 2 opinions that you have? 3 A. Well, we can go over my report but -- and I'll 4 provide those. 5 Q. I have your report, but I want you to tell me 6 what opinions you're planning to provide to the jury. 7 MR. SCAROLA: And you should understand that 8 to the extent that it assists you in providing an 9 accurate response to any question that is asked 10 during the course of this deposition, you're free 11 to refer to anything that you'd like to. 12 I have a copy of your report here. If you 13 want to look at that, you are free to do that. As 14 long as Mr. Link knows what it is you're looking 15 at, if it helps you to give honest and accurate 16 answers, you're free to look at that. 17 MR. LINK: Jack, I don't agree to that. I 18 don't want you to hand him exhibits -- 19 MR. SCAROLA: I'm sorry that -- 20 MR. LINK: -- and tell him what he can do. 21 MR. SCAROLA: I'm sorry that you don't 22 agree -- 23 MR. LINK: I don't. 24 MR. SCAROLA: -- but that happens to be a 25 matter of law. He has a right to refresh his
10 1 Q. Okay. Do you have any other opinions in this 2 case other than the one you just shared with me? 3 A. Well, there's supporting opinions that I 4 outline in my report but that's the major -- that's what 5 I was asked to do, dissemination of these defamatory 6 statements. 7 Q. So -- okay, so you keep saying "defamatory 8 statements." And when you say that, the reason it 9 causes me concern is whether a statement is defamatory 10 is for a judge or jury to decide. 11 A. Okay. Then maybe I'm -- 12 Q. You're not the judge or jury in this case. 13 A. I making that statement in a colloquial sense 14 rather than the legal sense you're using it in. 15 Q. So what we're really talking about, though, is 16 a statement and how many times that statement was picked 17 up by the press; is that right? 18 A. The press -- yes, it was available on-line -- 19 Q. Do you -- 20 A. -- a particular type of subject matter for 21 these particular statements, yes. 22 Q. Right? Okay? And so whether or not that 23 statement was defamatory or not is not an analysis you 24 engaged in? 25 A. The defamatory part, no.	12 1 recollection to refer to anything that he wants to 2 during the course of the deposition as long as you 3 are aware of the fact that he's referring to 4 something and have a chance to look at it yourself. 5 MR. LINK: I don't want to argue with you. 6 Please let me take my deposition the way I want to. 7 MR. SCAROLA: You're free to do that. 8 BY MR. LINK: 9 Q. So what I'm asking is what your opinions are. 10 A. Uh-huh. 11 Q. And we'll get to your report. And if you 12 don't remember something, just tell me you don't 13 remember. 14 But, I want to know as you sit here what 15 you're going to tell the jury. And I understand opinion 16 number one is that you took a statement given to you by 17 Mr. Edwards and Mr. Scarola and you did your research to 18 see how many times you could find it in the press; 19 right? 20 A. A statement, yes, or similar statements that 21 related to it, yes. 22 Q. Got it. 23 What other conclusions or opinions did you 24 reach other than that one? 25 A. Well, the other sub-supporting -- sub-opinions

13 1 that support that particular opinion. 2 Q. I'm asking what are they, sir. 3 A. Okay. Well, that the statements were 4 distributed to 74 different on-line sites, that I 5 calculated the traffic to those particular sites. The 6 sites that I couldn't verify the traffic or didn't feel 7 I had reliable traffic numbers I didn't include. The 8 104 articles, I looked through each of those articles 9 for defamatory statements, using that colloquially. I 10 outlined 12 different steps of why that is a 11 conservative estimate, that 9,635,542, and give several 12 examples in my report. 13 Q. Okay. So that just sounds like the numbers 14 that you found when you did your singular opinion, which 15 is to see where this statement provided to you by the 16 lawyers was replicated in the press, and that's the 17 number of times that you saw that; is that right? 18 A. Well, that was one of my main opinion but you 19 asked for the sub-opinions and I've outlined it, that 20 9,665,542 -- 21 Q. Yeah. 22 A. -- was a conservative estimate. 23 Q. Okay. Any other opinions? 24 A. We can go through paragraph by paragraph in 25 the report but I gave you the --	15 1 with in deciding whether you would be retained in this 2 case was Mr. Scarola, not Mr. Edwards? 3 A. That is correct. 4 Q. Did you have contact with Mr. Edwards about 5 the content of your report? 6 A. Yes. 7 Q. And did you have contact with Mr. Edwards 8 about what -- the way your report is written? 9 A. Well, yes, he -- Mr. Edwards reviewed a draft 10 of the report. 11 Q. And gave you comments on the writing of the 12 report? 13 A. Yes, basically. 14 Q. Made some changes to it? 15 A. Made some suggestions, yes. 16 Q. Okay. And did you accept his suggestions? 17 A. Most of them wording changes, yes, and there 18 was one recommendation that he asked if I could include 19 in my report. 20 Q. And did you do that? 21 A. Yes. 22 Q. Okay. So you took his wording changes and you 23 made a material change to your report based on 24 Mr. Edwards asking you to do so; is that right? 25 A. He asked if I could include something and I
14 1 Q. That's it? 2 A. -- broadest opinion. 3 Q. Okay. When were you retained in this case, 4 sir? 5 A. By October 2017, on or about. 6 MR. LINK: Okay. Let's go ahead and mark the 7 report as Exhibit 2. 8 (Thereupon, a brief discussion was held off 9 the record, after which the deposition continued as 10 follows:) 11 (Thereupon, the document referred to was 12 marked Plaintiff's Exhibit Number 2 for identification.) 13 BY MR. LINK: 14 Q. Ready? Let's turn to page 3, sir. On page 3 15 you outline what your assignment was. 16 And who provided you with the assignment? Who 17 gave you what's in paragraph 9? 18 A. That would be Mr. Scarola. 19 Q. Mr. Scarola gave you paragraph 9? 20 A. Yeah. It's a -- and I added some words to the 21 thing to make it more in line with what I had to do but 22 that's basically just to looking for -- 23 Q. Okay. 24 A. -- those types of words. 25 Q. All right. So the person that you had contact	16 1 felt it was in line, so yes. 2 Q. Okay. So back to paragraph 9 for a second. 3 The question that you were asked by Mr. Scarola and 4 Mr. Edwards is: What is the level of dissemination of 5 defaming statements? 6 Did they give you any definition of what 7 "defaming" means? 8 A. The -- again, this "defaming" is kind of a 9 legal thing you're harping on here. I use it in a 10 colloquial expression. And they gave me what the 11 statements I was to look for. 12 Q. Right. So is the word "defaming" here really 13 superfluous from your standpoint? What you really 14 needed were the statements and not an adjective to 15 describe them for you to do your work? 16 A. For me to do my work? 17 Q. Yes, sir. 18 A. I needed the statements to look for. 19 Q. So if the word "defaming" wasn't in here it 20 wouldn't have changed the way you went about doing your 21 work, would it? 22 A. As long as I had the statements, no, it 23 wouldn't change my work. 24 Q. Okay. Turn to page 5, please. Look at 25 paragraph 15, if you would.

17 1 A. Yes. 2 Q. It says: "The defaming statements associating 3 Mr. Edwards with the illegal activities of 4 Mr. Rothstein..." 5 Do you see that? 6 A. Yes. 7 Q. What is the statement that you searched for? 8 A. Well, it was -- it varied slightly, you know, 9 document to document, but it was an association with -- 10 that Mr. Edwards was somehow knowingly involved with the 11 illegal activities of Mr. Rothstein. 12 Q. What was the word search that you used? 13 A. Well, again, to find the articles or the 14 statements in the articles. 15 Q. I want to know the word search that you were 16 looking for. As I understand your assignment, it was to 17 take the connection of Mr. Edwards with Mr. Rothstein 18 and Mr. Rothstein's illegal activities and prepare a 19 report and identify every place that there was a 20 reference to Mr. Edwards and Mr. Rothstein and the 21 illegal activities. Is that right? 22 A. You're going to have to say that one more 23 time. 24 Q. Okay. 25 A. Sorry.	19 1 involved with Rothstein's illegal activities? Is 2 that -- is that right? 3 A. That Mr. Edwards was involved with these 4 illegal activities and that so -- you're writing it down 5 like that was the only statement I searched for. But, 6 as I said, in each of these 104 articles that verbiage 7 changed likely article to article. 8 Q. Okay. Well, Mr. Scarola corrected me and 9 added the word "knowing." That's why I added the word 10 to my sentence. 11 Was that not a word that was important to you 12 in determining whether the statement you were supposed 13 to find was included in an article? 14 A. I don't understand the question. 15 Q. Well, I just asked you if the statement that 16 you were asked to locate to see how many times it was 17 disseminated was the one that reads like this: That 18 Edwards was knowingly involved with Rothstein's illegal 19 activity. 20 A. And I'm going to refer you to paragraph 15 21 that clearly states: Defaming statements associating 22 Mr. Bradley with illegal activities of Mr. Rothstein... 23 Q. Okay. So whether it was Mr. Edwards knew 24 about it or not was not germane to your research? 25 A. That's not what I said.
18 1 Q. I thought I understood that the assignment 2 that you had was to simply take Mr. Rothstein, 3 Mr. Edwards, and the concept of illegal activities, and 4 then search and see where in the Internet, the 5 newspapers, that combination of words exists. 6 MR. SCAROLA: I'm going to object to the 7 mischaracterization of the answer that was 8 previously given, which included a reference to the 9 fact that Bradley Edwards was a knowing participant 10 in the illegal activities. 11 MR. LINK: Thank you for that clarification. 12 MR. SCAROLA: You're welcome. 13 A. Well, I can take your question two different 14 ways, okay. One, what I used to look at these 15 documents, and those I outline in my report. 16 BY MR. LINK: 17 Q. Uh-huh. 18 A. And then the actual statements in each of 19 these documents. And those statements vary slightly, 20 you know, article to article. But it was somehow there 21 I as a reader of these articles would -- that the 22 article expressed that Mr. Edwards was somehow knowingly 23 involved in these illegal activities of Mr. Rothstein. 24 Q. Okay. So is that the key to this? The 25 article needed to show that Mr. Edwards was knowingly	20 1 Q. Well, I just read what you wrote here and it 2 just says associating him. It doesn't say whether he 3 knew or didn't know. 4 And I'm trying to really understand if you 5 were looking for articles that simply say: Edwards and 6 Rothstein. And Rothstein has illegal activity. Or you 7 were looking for articles that said: Mr. Edwards was a 8 known participant in the Ponzi scheme. 9 MR. SCAROLA: Object to the form of the 10 question as it excludes the possibility that both 11 were included. 12 A. The -- 13 MR. LINK: Good coaching. 14 BY MR. LINK: 15 Q. Go right ahead. 16 A. I don't understand the comment about the 17 coaching. 18 Q. No, it was just for Mr. Scarola's purposes. 19 A. Okay. Could you repeat the question? 20 Q. I probably can't. I don't remember what I 21 asked now, but I'll come up with another question. 22 MR. SCAROLA: I'd be happy to help, if you'd 23 like -- 24 MR. LINK: No, no -- 25 MR. SCAROLA: -- cause I remember it.

21 1 MR. LINK: -- I'll figure it out. 2 MR. SCAROLA: Okay. 3 MR. LINK: I'll figure it out. 4 BY MR. LINK: 5 Q. I'm trying to understand what was important to 6 you in doing your search -- 7 A. Uh-huh. 8 Q. -- because I understand the numbers. That 9 makes sense to me. That's sort of the easy part of 10 this. What I'm trying to understand is what you were 11 searching to find, so that I can then talk to you about 12 whether the articles you located satisfy the search 13 request you were seeking. 14 Does that make sense? 15 And when I read your sentence in paragraph 15, 16 if that's what you were looking for, then whether 17 Mr. Edwards knew or didn't know would not be important 18 to you in your search. 19 A. Nah, I -- you know, well, you can argue and 20 interpreter it how you would like. But as I explain in 21 my report, you know, I looked in these -- in the 22 articles where that Mr. Edwards was involved, knew 23 about, contributed to, that somehow had to get across in 24 these articles to me. 25 Q. Okay.	23 1 A. With the illegal activities. 2 Q. Got it. Okay. 3 All right. Will you turn to page 13, please. 4 When you were identifying articles in which there was 5 reference made to Mr. Rothstein's illegal activities and 6 Mr. Edwards' involvement or contribution to or knowledge 7 about those activities, did it matter to you where that 8 information came from? 9 And here is what I mean. Did you exclude, for 10 example, press statements by Mr. Scarola? 11 A. Well, there's two questions there. Let me 12 deal with the last one. I mean, I don't recall any 13 press -- looking at any press releases from Mr. Scarola, 14 so I don't think I included those. 15 Q. How about statements to the press by 16 Mr. Scarola? 17 A. The -- well, let me answer your other 18 question, which was -- which right now I forgot. 19 Q. Okay. So let's deal with the question of when 20 you were -- 21 A. Well, I want to make sure I answer your 22 question. It was a -- it actually was a very good 23 question and now I -- 24 Q. We're going to get back to it. 25 MR. SCAROLA: Do you want the earlier compound
22 1 A. So the exact -- yeah. 2 Q. Involved, knew about -- and I missed the third 3 one. 4 A. Involved, knew about -- 5 Q. Somehow involved, is that what it was? 6 MR. LINK: Jack, do you remember? 7 MS. ROCKENBACH: Contributed to. 8 MR. LINK: Contributed to. 9 MR. SCAROLA: Knew about. 10 MR. LINK: Involved, knew about, contributed 11 to. 12 MR. SCAROLA: Contributed to. 13 MR. LINK: Got it. Thank you. 14 BY MR. LINK: 15 Q. Okay. So -- so then you were focused on not 16 just that Mr. Edwards was employed at the Rothstein firm 17 and that the Rothstein firm was involved in illegal 18 activities. You were looking for articles that 19 connected Mr. Edwards to that illegal activity. 20 A. That is a very good example. Yes, there were 21 articles that, for example, said that Mr. Edwards was 22 employed in Mr. Rothstein's firm, and those articles I 23 didn't include. It had to be somehow that he was 24 somehow associated with this. 25 Q. With the illegal activities?	24 1 question read back to you? 2 THE WITNESS: Yes, the earlier compound 3 question read back. 4 MR. LINK: Read it back. How about it? 5 Objection sustained. 6 (Thereupon, the following was read by the 7 Court Reporter: 8 "Question: All right. Will you turn to page 9 13, please. When you were identifying articles in 10 which there was reference made to Mr. Rothstein's 11 illegal activities and Mr. Edwards' involvement or 12 contribution to or knowledge about those 13 activities, did it matter to you where that 14 information came from? 15 "And here is what I mean. Did you exclude, 16 for example, press statements by Mr. Scarola?") 17 A. Yes to the first question. Yes, it did matter 18 where it came from. 19 BY MR. LINK: 20 Q. Okay. Explain to me why and what you did to 21 narrow the field. 22 A. For example, I ignored several -- there's a 23 lot of documents -- court documents about this case that 24 are available on-line. I didn't link those bells. You 25 know, I just hit -- I --

25 1 Q. You did not? 2 A. Specifically court documents, no, I did not 3 include those. 4 Q. They're identified in your report, the court 5 documents. 6 A. Where are they identified? 7 Q. Okay. We will look at that. 8 So you excluded court documents? 9 A. Yes. Now, if -- the only disclose -- just to 10 clarify that, if an article referenced a court document 11 or had a snippet from a court document, you know, like 12 from a news article, then I included it. But if it was 13 just, you know, about some Florida Court Association 14 repository, no, I didn't include those. 15 Q. All right. Any other limitations? 16 A. They -- if, for example, there were articles 17 that just mentioned the case -- 18 Q. Uh-huh. 19 A. -- but didn't mention that -- had the 20 statements about Mr. Edwards being involved in these 21 illegal activities, I didn't include those. 22 There may have been some other examples. But 23 my real -- my real aspect was to focus on some type of 24 explicit publishing of these statements. 25 Q. All right. And so I take it then that you	27 1 statements or articles or interviews were created 2 by Mr. Edwards or Mr. Scarola, those are still 3 included in the number of items you identified with 4 statements?" 5 BY MR. LINK: 6 Q. Okay. Let me ask the question again. I think 7 we missed a couple of words. Let me see if I can break 8 it down. 9 So let's take it then -- for example, the 10 first article listed on page 13. Do you see that that's 11 an October 4th, 2017 article? 12 A. Well, I just want to -- that's a -- this is a 13 search result, a snippet linked to an article. 14 Q. Right. And I assume that that article that's 15 referenced here is one that you included as a hit in 16 looking for a statement, that's why you're showing it. 17 A. Well, no, because in Figure 1 I just give -- 18 trying to explain what I did in terms of search queries. 19 I would have to check that particular link, if I 20 included that first link in my report. 21 Q. Well, this -- okay, so all you're doing in 22 this example, and maybe I read it wrong, is it says: 23 Figure 1. 24 This is Figure 1, I think; right? 25 A. That is correct.
26 1 were not eliminating articles that, for example, if 2 Mr. Scarola or Mr. Edwards spoke to a reporter which led 3 to an article being written or they invited a reporter 4 to a hearing or had lunch with a reporter to talk about 5 the case, which created an article, you didn't exclude 6 those from your analysis? 7 MR. SCAROLA: Excuse me. 8 Objection, no proper predicate, and compound. 9 BY MR. LINK: 10 Q. You can answer it. 11 A. In each of the 104 documents I looked for the 12 expression of the statement that linked Mr. Edwards to 13 these illegal activities. 14 Q. So that if -- so that if some of the 15 statements or articles or interviews were created by 16 Mr. Edwards or Mr. Scarola, those are still included in 17 the number of items you identified with statements? 18 MR. SCAROLA: Objection, no proper predicate, 19 assumes facts not in evidence, no good faith basis 20 to suggest such things ever happened. 21 A. Can I have the question back? 22 MR. LINK: Please. 23 (Thereupon, the following was read by the 24 Court Reporter: 25 "Question: So that if some of the	28 1 Q. Google search results for search: edwards 2 epstein Ponzi scheme. 3 Right? 4 A. Yes. 5 Q. So these are the items that popped on that 6 search, and then you would read the article to see what 7 it said? 8 A. Yes, these are the first -- well, these are 9 the first five articles from that particular query. And 10 then I'd open into the article and then read what the 11 article said. 12 Q. Okay. And were you provided any parameters 13 from Mr. Scarola or Mr. Edwards for the time frame that 14 you should search for? 15 A. From them specifically I was not provided with 16 a time frame. 17 Q. Okay. Did they ask you to limit your search 18 to the time period that Mr. Epstein's Complaint against 19 Mr. Rothstein and Mr. Edwards was pending? 20 A. Not explicitly, no. 21 Q. Okay. Did you limit your search to that time 22 period? 23 A. Yes. 24 Q. All right. So that your search should not 25 contain any articles that go past 2012?

29 1 A. That is incorrect. 2 Q. All right. So then you did search for 3 articles that came into existence after Mr. Epstein's 4 Complaint against Mr. Rothstein and Mr. Edwards was 5 dismissed? 6 A. Let me -- let me go back. I misunderstood 7 your question. 8 Q. Uh-huh. 9 A. All right. I -- the lawyer talk of "claims," 10 "counterclaims," is throwing me a little bit. I did it 11 from the original lawsuit from Mr. Epstein against 12 Mr. Rothstein and Mr. Edwards and one other person. 13 Q. Uh-huh. 14 A. So, yeah, that's what -- when you said the 15 "lawsuit" that's what I was -- 16 Q. So you started your search December 7th, 2009. 17 That's when the lawsuit -- 18 A. Correct. 19 Q. -- was filed. And when did you end your 20 search to look for articles that would have been related 21 to that lawsuit? 22 A. The -- well, I stopped searching in around 17, 23 18, October. So I included every article that I ran 24 into. 25 Q. And were you aware when you did your search	31 1 Q. Okay. You have an appendix to Exhibit 2, 2 which is your written report in this case, that 3 identifies -- 4 MR. SCAROLA: Did you mean to give me this 5 copy? 6 MR. LINK: I meant to. 7 MR. SCAROLA: Oh, okay. 8 MR. LINK: I meant to. And the reason I did 9 is all of these articles are going to correspond to 10 the actual article itself, Jack, so we can tie them 11 in together. 12 MR. SCAROLA: Got it. Thank you. 13 MR. LINK: Let's go ahead and mark this 14 Exhibit 3. 15 (Thereupon, the document referred to was 16 marked Plaintiff's Exhibit Number 3 for identification.) 17 BY MR. LINK: 18 Q. All right. We're looking at Exhibit 3, which 19 is the appendix to the written report you prepared in 20 this case, is that right? 21 A. Yes. 22 Q. And under Reports and Articles Referenced, 23 those are the reports and articles that you found 24 contained the statement about Mr. Edwards and 25 Mr. Rothstein and illegal activities; is that right?
30 1 that the December 7th, 2009 lawsuit was dismissed in 2 2012? 3 A. I don't know exactly what you mean by 4 "dismissed." But in articles I've read, I read the 5 lawsuit was no longer pending. 6 Q. And that -- was that information that the 7 lawsuit was no longer pending in 2012 important to the 8 gathering of the articles that contained information 9 about Mr. Edwards and Mr. Rothstein? 10 A. Mr. -- for what I had to do, no. 11 Q. Okay. Do you know the time period that 12 Mr. Edwards filed his counterclaim against Mr. Epstein, 13 when that happened? 14 A. Except for here, no, I do not. 15 Q. Did it influence any of the research that you 16 did that Mr. Edwards filed a public counterclaim lawsuit 17 against Mr. Epstein within 30 days of December 9th, 18 2009? 19 A. I -- again, all the lawsuit stuff I don't 20 know. 21 Q. All right. Did you find any articles between 22 December 7th and when Mr. Edwards and his lawyer, 23 Mr. Scarola, filed their counterclaim lawsuit against 24 Mr. Epstein? 25 A. I have no idea what that means.	32 1 A. Well, no, not exactly. 2 Q. How do I have it wrong? 3 A. These reports and articles are articles that I 4 referenced in my report as footnotes and things like 5 that to support the textual things I'm writing. 6 Q. Well, were there additional articles that you 7 did not list in your report that you reviewed that 8 contain the statement that you were searching for? 9 A. Yes, there were. 10 Q. Okay. So I thought I heard you say that there 11 were approximately 108 articles you reviewed. On here 12 it lists 121. Which of the 108 articles that you 13 reviewed that contain the statement have you not 14 identified in your appendix, sir? 15 A. Well, one correction. It's 104. 16 Q. 104. Thank you. 17 A. And I do include the 104 articles. 18 Q. So then when I asked if every article that 19 included the statement about Mr. Rothstein and 20 Mr. Edwards and illegal activity that is part of your 21 calculation, if it was included in the appendix, the 22 answer is yes? 23 A. Well, that's not the question you asked me. 24 If you're asking me if all of those articles are listed 25 here in Appendix C, then the answer is yes.

33 1 Q. Okay. Great. So let's start with item number 2 2, which is -- 3 MR. SCAROLA: Could I make a suggestion? 4 MR. LINK: Yes, sir. 5 MR. SCAROLA: Because I think maybe you're a 6 little bit confused and it might be helpful if we 7 clarify something. 8 MR. LINK: Please. 9 MR. SCAROLA: There's a separate appendix that 10 appears at page 87. You are referencing an 11 appendix at page 79. 12 MR. LINK: Yeah. 13 MR. SCAROLA: It's the list that begins at 14 page 87, which is specifically labeled Links to 15 Articles Containing the Defaming Statements. 16 Do you see that? 17 MR. LINK: Yeah, but those are not the 18 articles. 19 MR. SCAROLA: If you're going -- 20 MR. LINK: Those are just links to them. You 21 can't actually get the article from doing that. We 22 tried. 23 MR. SCAROLA: Well, okay, I'm just suggesting 24 to you that maybe -- 25 MR. LINK: I understand.	35 1 MR. SCAROLA: No. 2 MR. LINK: Let's go ahead and mark this as 3 Exhibit 4, please. 4 (Thereupon, the document referred to was 5 marked Plaintiff's Exhibit Number 4 for identification.) 6 THE WITNESS: Can I stand up and get my water? 7 MR. LINK: Absolutely. 8 MR. SCAROLA: Want to take a short break? 9 We've been going for about an hour. 10 THE WITNESS: Yeah, that would be good. 11 THE VIDEOGRAPHER: The time is 9:59. Going 12 off the record. 13 (Thereupon, at 9:59 a.m. a recess was taken 14 until 10:04 a.m., after which the deposition continued 15 as follows:) 16 THE VIDEOGRAPHER: The time is 10:04. We are 17 back on the record. 18 BY MR. LINK: 19 Q. All right. So Jansen Exhibit 4, which 20 correlates to number 2, is this an article that contains 21 a statement in it that you then looked to see how many 22 touches or how many people logged on to read it? 23 A. I don't know. I can check it, if you want. 24 Q. Would you please? 25 A. I don't see a statement.
34 1 MR. SCAROLA: -- maybe you want to clarify the 2 relationship between Appendix C and Appendix D. 3 You might be -- you might be better able to focus 4 on where you want to go if you do that. 5 MR. LINK: I think I'm okay. 6 MR. SCAROLA: Okay. 7 MR. LINK: This is the only way we can get the 8 articles up because they were not attached. 9 THE WITNESS: I provided all the articles. 10 MR. LINK: Right. Some of them -- actually, 11 some I got, some were not there. 12 THE WITNESS: No, I provided hard copies -- 13 electronic copies of every single one. 14 MR. LINK: To? 15 THE WITNESS: Someone from your law firm who 16 contacted me. 17 MR. LINK: Okay. Well, we printed them. It 18 doesn't really matter. I think we have them. So 19 we will go through them. 20 And we're looking at number -- 21 What are we on, 4? 22 THE COURT REPORTER: Uh-huh. 23 MR. LINK: Which should have a number 24 corresponding to number 2 on here. 25 Jack, did I give you an article?	36 1 Q. Okay. So this would not be an article then 2 that would be included in your numbers? 3 A. If it doesn't contain the statement no, it 4 would not be included in the number. 5 Q. Could you explain to me why it's commented 6 upon in your written report if it doesn't contain the 7 statement? 8 A. Again, back to this section here. These are 9 reports and articles that were actually referenced in my 10 report as citations for some statements. This is not 11 the list of articles that contain the defaming 12 statements. 13 Q. I understand that, but you told me all 104 of 14 them are listed in this section of the appendix. 15 A. No, I did not. It's in Web Page Printouts 16 section of this appendix. 17 Q. So if I turn in your report to page -- 18 MR. LINK: Mr. Scarola is going to help me. 19 MR. SCAROLA: 87. 20 BY MR. LINK: 21 Q. -- 87, that's the list of articles; is that 22 right? 23 A. It's actually in two places. I have it in 24 that appendix with a nice list of each of the articles 25 and the domains. And then I also have it in Appendix C

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1 here in Web Page Printouts, which is a different section
2 of this appendix.

3 Q. Web Page Printouts.

4 Okay. So if I go to Web Page Printouts those
5 are the articles?

6 A. Yes, sir.

7 Q. Okay. Good. That helped. All right. So I'm
8 on the right appendix, wrong place.

9 So it starts with what I have numbered as 18.

10 A. Okay.

11 Q. Very helpful. Thank you.

12 A. Yes, sir.

13 Q. I don't have 18 here but I have 19. So let's
14 take a look at that.

15 MR. LINK: Let's go ahead and mark this as
16 Exhibit 5.

17 (Thereupon, the document referred to was
18 marked Plaintiff's Exhibit Number 5 for identification.)

19 BY MR. LINK:

20 Q. Okay. So Exhibit 5 correlates on page 80 to
21 the handwritten number 19.

22 MR. SCAROLA: Are you testifying?

23 MR. LINK: No. I'm making sure that -- I'm
24 not. I'm making sure that you understand what
25 we're looking at.

38

1 MR. SCAROLA: Because that didn't sound like a
2 question.

3 MR. SCAROLA: It's not. It's to make sure
4 that the record is --

5 A. I don't think I've seen this before, this
6 particular printout.

7 BY MR. LINK:

8 Q. You haven't seen this article?

9 A. No.

10 Q. All right.

11 A. I don't recall seeing it.

12 Q. Okay. So then if you haven't seen it, then it
13 would not have been referenced in the data that you
14 collected?

15 A. Well, this article. I mean --

16 Q. Okay.

17 A. -- this link is 19 so --

18 Q. Okay. And then you don't believe that this
19 article that is marked as Exhibit 5 is the article to
20 that link?

21 A. I can almost tell you it's not.

22 Q. All right.

23 A. I can explain that, if you'd like.

24 Q. Sure. Go ahead.

25 A. Yeah, this PressReader is -- I included all --

39

1 I grabbed the screenshots for each of these articles and
2 provide the link in the report and an actual screenshot
3 of the article in the collection of documents in my
4 report that was provided to, I guess, both attorneys.

5 MR. LINK: All right. Okay. Let's mark this
6 as the next exhibit, Exhibit 6.

7 (Thereupon, the document referred to was
8 marked Plaintiff's Exhibit Number 6 for identification.)

9 BY MR. LINK:

10 Q. This Exhibit 6 -- I'll do it a different way
11 now. This Exhibit 6, does that correlate to the
12 handwritten number 18 on page 80 of Exhibit 3?

13 A. Well, the URL is not here but the title is the
14 same. So, I mean -- yeah, the title is the same. The
15 URL is not here, so I can't say for sure it's the exact
16 same article but the title is the same.

17 Q. Okay. And is this the article that you would
18 have reviewed?

19 A. I can't remember all 104 articles. But, like
20 I said, the URL is not here, so I can't really say for
21 sure, but the title is the same.

22 Q. Do you see this --

23 MR. SCAROLA: Let me also point out that what
24 you have marked as Exhibit Number 6 clearly is only
25 a portion of this article.

40

1 MR. LINK: Oh, I understand that. I'm just
2 trying to make sure we've got the right articles.

3 MR. SCAROLA: Okay. Well, you don't have the
4 right article if all you've marked is a piece of
5 the article. We know that that's the case.

6 Correct?

7 MR. LINK: I'm not asking him to comment on
8 the article. Just if I've got the right --

9 BY MR. LINK:

10 Q. Is this the -- forget what all of the
11 information contained in the article. Is this the
12 article, title and author that is -- ties into
13 handwritten number 18, if you can tell?

14 A. Yeah, to be really honest with you, I can't
15 tell because the URL is not here. You know, the title
16 is the same.

17 MR. LINK: All right.

18 Let's mark this as Exhibit 7.

19 (Thereupon, the document referred to was
20 marked Plaintiff's Exhibit Number 7 for identification.)

21 BY MR. LINK:

22 Q. Exhibit 7 is an article from the New York
23 Post, October 5th, 2017. Does that tie -- is this the
24 article, if you look at the top, pressreader.com, that
25 ties into handwritten number 19?

41 1 A. Yes, the URL is the same. This looks like one 2 of my screenshots. So I believe this ties into number 3 19 that you've annotated on this appendix. 4 Q. Okay. So is this one of the articles that you 5 located that contained the statement you were searching 6 for? 7 A. I recall -- I recall this particular article, 8 so yes. 9 Q. All right. And what is the statement in here 10 that you found to fit the description of what you were 11 looking for? 12 A. If I recall this correctly, I believe it was 13 paragraph 6 that -- 1, 2, 3 -- excuse me, paragraph 5 is 14 why I included this. 15 Q. Okay. Anything else in here? 16 A. The article included at least one statement. 17 I mean, I can read the entire article but looks like 18 paragraph 5 there met my criteria. 19 Q. Okay. And you say that this article came out 20 in October of this year, just a couple of months ago? 21 A. Yes, I see that. 22 Q. All right. And do you know where the 23 information for this article came from? 24 A. The New York Post. 25 Q. No, I understand that. I mean for Lia	43 1 information they were quoted on included one of the 2 statements you were looking for? 3 A. I can't -- I wasn't specifically looking for 4 that. I can't recall. 5 Q. Okay. So who made the statement was not 6 important to you, simply that the statement existed? 7 A. That it occurred within the article; correct? 8 Q. And since this one was in 2017, that's about 9 five years after Mr. Epstein's lawsuit against 10 Mr. Rothstein -- against Mr. Edward was dismissed; 11 right? 12 A. I don't know. 13 Q. Well, you know that 2017 is five years more 14 than 2012? 15 A. Yes. I can do the math. 16 Q. Okay. When was the first article that you 17 found from -- I'm talking about from a timing 18 standpoint. What is the date of the first article that 19 you found that contained one of the statements you were 20 looking for? 21 A. I can't recall. 22 Q. Is there something you can look at that will 23 tell us the date of the first article that came out that 24 contained the statement that Mr. Scarola and Mr. Edwards 25 asked you to find?
42 1 Eustachewich, the author of the article. 2 A. I didn't investigate where the reporter or -- 3 Q. Or the source or where the information came 4 from or who she spoke with? 5 A. No, I did not. 6 Q. Do you know whether there are any quotes in 7 any of the articles you reviewed that were made by 8 Mr. Epstein? 9 MR. SCAROLA: Separate and apart from 10 Mr. Epstein's statements in the Complaint? 11 MR. LINK: Yes. I'm asking about the article. 12 MR. SCAROLA: I'm just asking to clarify the 13 question. 14 BY MR. LINK: 15 Q. Did Mr. Epstein give any quotes in any of the 16 articles that you researched? 17 A. Well, I wasn't looking for that, so I 18 really -- I don't know. 19 Q. Did Mr. Epstein's lawyers give any quotes in 20 any of the articles that you researched? 21 A. I can't say for sure but there seem to be 22 plenty of lawyer quotes so -- 23 Q. I agree there are lots of lawyer quotes. I'm 24 asking if Mr. Epstein's lawyers, not Mr. Edwards' 25 lawyers, Mr. Epstein's lawyers were ever quoted and the	44 1 A. Well, if we had all the electronic copies of 2 the articles we could look at the dates that they were 3 published. 4 Q. Do you have something with you that you can 5 look at? 6 A. I don't have -- I provided -- I provided those 7 particular documents, so I don't have them with me. 8 Q. You didn't keep a copy or on your computer or 9 anything? 10 A. Oh, yes, I have it. 11 Q. You have it? 12 A. I have the documents. 13 Q. Okay. So is there a way of looking at this 14 appendix or the report to determine the very first time 15 and which article you were able to locate one of the 16 statements you were searching for? 17 A. Not by looking at the report, no. 18 Q. When you go through -- when I'm looking at 19 this report I see dates on here, a lot of 2017s, 2015. 20 Can you identify one of these that has a 2009 21 publication date? 22 A. I mean, I can look through each of these 104 23 URLs, if you want me to. 24 Q. Just -- 25 A. I don't know.

45

1 Q. By taking a look at your appendix can you make
2 that determination?

3 A. Well, let me look at the URLs.

4 Q. Okay.

5 A. Now, just -- you know, a lot of these URLs
6 don't have dates.

7 Q. I understand. In looking at what's available
8 to you today can you find one of these that existed in
9 2009?

10 A. Well, let me look.

11 MR. SCAROLA: Have you done the search of
12 dates? Because if you've done it and you tell us
13 that it's not there for 2009, I'm willing to
14 stipulate to that.

15 BY MR. LINK:

16 Q. Go ahead. You can keep going.

17 A. No. Based on the URLs -- looking at the URLs
18 I cannot come to an article from 2009, if I recall the
19 question correctly.

20 Q. Okay. And in looking at the URLs can you tell
21 me how many of these articles were in existence before
22 2012 when the lawsuit against Mr. Edwards was dismissed?

23 A. Well, I could go through and look at them
24 again but it's probably just very similar. And to kind
25 of outline, in my reports, you know, there are certainly

46

1 documents that are no longer available.

2 Yeah, looking at these URLs, no.

3 Q. All right. Thank you.

4 (Thereupon, a document was marked Plaintiff's
5 Exhibit Number 8 for identification.)

6 BY MR. LINK:

7 Q. Exhibit 8 I believe ties into handwritten
8 number 20.

9 Could you take a look and see if I have that
10 right?

11 So far I think I'm about 1 for 10. Maybe 2
12 for 10. But I'm definitely not making the Hall of Fame.

13 A. The URL is cut off but this looks like what
14 you have annotated here as number 20.

15 Q. All right. And this is an article that you
16 have included as one of the articles that contains the
17 statement about Mr. Edwards you were searching for;
18 correct?

19 A. Yes.

20 Q. Can you show me where the statement is that
21 caused you to select this document?

22 A. Paragraphs 7 and 8.

23 Q. Paragraph 7 that starts with the words:
24 "Edwards worked at..."

25 A. No. "Epstein filed its original lawsuit..."

47

1 And then: "Edwards worked at..."

2 Q. Okay. So what is it in paragraph -- I'm going
3 to put a bracket -- would you put a bracket around the
4 two paragraphs for me, please? Or just identify them
5 with a star, however you want to, so we know which ones
6 we're looking at.

7 A. (Witness complied.)

8 Q. Okay. The first paragraph, what is it in that
9 statement or in that paragraph contains the statement
10 that you were searching for?

11 A. Well, "...alleging the attorney was involved
12 in false claims made by Ponzi schemer Scott Rothstein."
13 And then explains the illegal activities.
14 And then on the next paragraph it addresses
15 Edwards as being the attorney --

16 Q. Okay.

17 A. -- that the previous paragraph referenced.

18 Q. And this was a 2011 article, April 22nd, 2011?

19 A. That is the date.

20 Q. And in what paper was this article written?

21 A. Based on the URL, the Palm Beach Daily News.

22 Q. Are you familiar with that newspaper?

23 A. No, I'm not.

24 Q. Do you know what its subscription is, the
25 number?

48

1 A. I can look at my report.

2 Q. Okay. Where in your report does it say that?

3 A. Yes. On page 17, number 62, Palm Beach Daily
4 News, daily traffic 8,320.

5 Q. Okay. I'm sorry. I was distracted. Can you
6 do that one more time for me? I apologize.

7 A. Yes, sir. Page 17.

8 Q. Page 17?

9 A. And there's a table at the top.

10 Q. Uh-huh.

11 A. And item number 62.

12 Q. Yeah.

13 A. The Palm Beach Daily News. Is that the
14 correct? And then 8,320.

15 Q. All right. ~~So is that the number of hits that~~
16 ~~were on this article on June -- on April 22nd, 2011?~~
17 ~~A. (That's the daily traffic that that particular~~
18 ~~site received.)~~

19 Q. On that day?

20 A. ~~Well, it's -- as I said in my report, they~~
21 ~~typically have some -- you know, it's average over a~~
22 ~~week or month or something like that. (It's typically --~~
23 ~~there's not -- you can't look at a particular date.)~~

24 Q. Over what period of time did you consider? So
25 this is an April 22nd, 2011 article.

49 1 A. Uh-huh. 2 Q. What time frame did you consider in 3 determining 8,320 people reviewed this article? 4 A. The -- I went to SimilarWeb, went to the 5 appropriate time period and then got the daily unique 6 traffic. 7 Q. And so for that time period there was an 8 average daily traffic for the paper or for this article? 9 A. As I explained in the report, for the paper. 10 Q. For the paper? 11 A. The website. 12 Q. So how many people on April 22nd, 2011 read 13 this article? 14 A. That's what this number provides. The exact 15 readership numbers are not typically available for the 16 individual articles. 17 Q. Okay. Can you tell me of the 8,320 people 18 that looked at The Shiny Sheet during some period of 19 time in April 2011 how many actually read this article? 20 A. The -- let me kind of go back. I thought you 21 were referring to the palmbeachdailynews.com, not this 22 Shiny Sheet. 23 But this particular -- these numbers are used 24 for the particular readership. So it would be -- a way 25 of looking at it would be this would be a max but a	51 1 calculation, so I did the average. 2 Q. All right. So you came up with doing the math 3 8,320? 4 A. Correct. 5 Q. And that's the approximate number of people 6 that logged into the on-line site? 7 A. Or visited that particular site. 8 Q. Or visited that particular site. 9 But it's hitting the site, not this article? 10 A. That is correct. 11 Q. All right. So you can't tell me how many of 12 the folks that logged on to the Palm Beach Daily News on 13 April 22nd, 2011 actually even read the article about 14 Mr. Epstein and Mr. Edwards? 15 A. I did find out exact readership is difficult 16 to nearly impossible, especially when it comes to 17 on-line newspapers and things like that, because the way 18 people read. 19 Q. I understand that. So isn't my statement 20 true, you can't tell me how many people on that day 21 actually read this article? 22 A. No, that's not exactly true. What -- I think 23 the way to look at this number is this is an 24 approximation -- a good approximation of the readership, 25 and it specifically addresses my particular assignment,
50 1 conservative number on the number of readerships. 2 Q. Okay. Let's try this again. As I understand, 3 there were 8,320 people approximately because you did an 4 average based on some period of time; right? 5 A. Well, it's not I did an average. That's 6 typically how it's done if you're looking for a 7 particular period, you know, there. Because, especially 8 going back this far, you know, it's typically available 9 for a month or a given period. So these traffic 10 services, they do the averaging many times. 11 Q. Oh, so the 8,320 was provided to you by a 12 service? 13 A. Well, yes, I use -- it's one of the traffic 14 services I use. 15 Q. And so the date -- the question I'm asking is: 16 Did you take a month of information, and then -- let's 17 assume there were 30 days in it, and total that up and 18 then divide it by 30 -- 19 A. Yeah. 20 Q. -- to get an average? 21 A. That would be a way daily traffic is 22 calculated. 23 Q. But did you do that or did you pull it from a 24 service is what I'm asking you? 25 A. I believe SimilarWeb gives a monthly	52 1 which was to major a dissemination of these particular 2 statements. 3 Q. Well, as a part of your assignment, as I 4 understand it, the number you came up with would be the 5 number of individuals who this information was 6 disseminated to. 7 A. That is correct. 8 Q. Which means they had to read it; right? 9 If it's going to impact me and I'm going to 10 form an opinion about Mr. Edwards based on that read, if 11 I don't read it, then it hasn't impact my view of him. 12 Do you agree with that? 13 A. It depends what you mean by "read." 14 Q. Well, if I don't read this article, I don't 15 see the statement; do I? 16 A. Well, if you -- you know, I get many e-mails 17 from different newspapers and I go to different 18 newspaper sites and a lot of times there will be mini 19 stories on the pages and I'll read the headline and the 20 snippet from the particular paragraph and then read some 21 stories. 22 And so -- but you're asking a question that I 23 was not asked to actually investigate, the exact 24 readership of these particular articles. I was asked 25 the dissemination of these particular statements. And

1 that was my 9,669,542.

2 Q. But you're not telling us that number of
3 people actually read any one of these statements; are
4 you?

5 A. The exact readership, no.

6 Q. Okay. And you can't tell me as you sit here
7 today how many people actually read this article,
8 Exhibit 8, dated April 22nd, 2011; can you?

9 A. I could say it's -- you know, the number that
10 were disseminated to was 8,320. But, no, I can't say
11 the exact readership of that particular article.

12 Q. Okay. And you can't tell me the exact
13 readership of any of the articles that you located; can
14 you?

15 A. I'm going to go back to my role as an expert.
16 I mean, this is not like counting loose change in your
17 pocket. I mean, it's -- there's multiple -- there's
18 traffic numbers. And so these -- these particular
19 traffic numbers are what's used in the industry for
20 readership in audits.

21 Q. So let me try my question one more time.

22 Sir, you can't tell me the actual number of
23 people that read any one of these articles that you have
24 identified, can you, sir?

25 A. Although, as I tried to explain, but on the

1 articles were from the same website, I just included one
2 traffic number.

3 Q. Okay. So was it your assumption that the
4 exact same number of people that looked at the April
5 22nd, 2011 article looked at the October 20th, 2013
6 article?

7 A. It could have been more. It could have been
8 less. It could vary day by day a little bit.

9 Q. Only a little bit over a two-year period of
10 time?

11 A. I did not look -- we could look at a
12 particular site but if you look at -- if we can look at
13 the table, I mean, this particular newspaper published
14 seven different articles on this that contained the
15 defaming statements. I only counted one and so used one
16 unique physical period.

17 Q. Okay. So you just used the term "defaming
18 statements" again. Is that because that's what you were
19 told by Mr. Scarola and Mr. Edwards?

20 A. I'm using that as a way to look at it as maybe
21 some shorthand for the statements that were set forth in
22 the articles.

23 Q. Okay. So really what you were looking for
24 were statements, without giving them any color, is that
25 right, or characterization?

1 technical aspects of it but, no, the exact readership,
2 no.

3 Q. Take a look at this next one.

4 MR. SCAROLA: Exhibit number 9?

5 THE COURT REPORTER: Yes.

6 MR. LINK: Yes, sir.

7 (Thereupon, the document referred to was
8 marked Plaintiff's Exhibit Number 9 for identification.)

9 BY MR. LINK:

10 Q. All right. If I have done this right, Exhibit
11 9 I believe correlates to item handwritten number 21.

12 A. Okay. Let me check.

13 Yes, it looks like this is that particular
14 article.

15 Q. All right. Can you please tell me the number
16 of hits on October 20, 2013 to the Palm Beach Daily News
17 on-line paper for that day?

18 A. Well, there was -- we just looked at that. It
19 was 8,320.

20 Q. And you told me that was for a month period of
21 time in 2011. This is two years later. So I'm
22 asking -- you're not telling us that two years later the
23 exact same number of people were touching the website;
24 are you?

25 A. The -- in my report if an article -- multiple

1 A. The statements that associated Mr. Edwards
2 with illegal activities. That's what I'm looking for.

3 Q. So I'm just trying to figure out the
4 thoroughness of what you did.

5 A. Sure.

6 Q. So I understand that in 2011 you looked at a
7 month of log-on activity and then divided that number by
8 30 to come up with 8,000-some-odd number that we looked
9 at; right?

10 A. Well, I calculated the unique daily visitors.
11 Again, this particular website that you're pointing out
12 published seven different articles.

13 Q. Yes, sir, but not -- I apologize. I must be
14 doing a lousy job of asking questions and communicating
15 today. I thought we had really hammered this home,
16 which was that in 2011 you personally went to a service
17 and got 30 days of hits on the Palm Beach Shiny Sheet
18 website --

19 A. Yeah.

20 Q. -- and then did the math?

21 A. That's correct.

22 Q. You didn't do that in 2013?

23 A. Let me -- let me -- I see where you're getting
24 at now.

25 So, yes. Yeah, for the particular sites that

57 1 published multiple articles, yeah, I can't remember the 2 exact particular date I used in this one. They had 3 seven different articles published on these statements, 4 so I ignored six of them and just used one occurrence. 5 Q. Okay. So you ignored them. I got it. 6 Let's take a look at Exhibit 9. 7 A. Can you clarify that statement? I don't 8 understand by "I ignored them." 9 Q. You don't understand what? 10 A. Your statement. 11 Q. Which statement, sir? 12 A. The statement that said I ignored them. And I 13 want to make sure that you understood my response 14 correctly. 15 Q. I think you used the word "ignored." That's 16 what you said, you ignored -- you looked at one and 17 ignored six. That's what you said. 18 A. Okay. 19 MR. SCAROLA: The record will reflect what the 20 testimony was. 21 THE WITNESS: Yeah. 22 BY MR. LINK: 23 Q. That's what you said. 24 A. So let me -- 25 Q. You don't like that choice of words by	59 1 But I can look -- 2 Q. So in doing your search if you found a 3 statement then you would stop reading the article; is 4 that correct? 5 A. I didn't say that. I just said I would 6 include it if it contained the statement. 7 Q. Did you read the entire article once you 8 identified a statement? 9 A. Sometimes I did. Sometimes I did not. 10 Q. Okay. There you go, sir. 11 (Thereupon, the document referred to was 12 marked Plaintiff's Exhibit Number 10 for 13 identification.) 14 BY MR. LINK: 15 Q. Let's look at Exhibit 10, please, and I 16 believe this ties in with handwritten item 23. 17 A. Yes. 18 Q. Okay. So you see this as an August 2012 19 article -- 20 A. Yes. 21 Q. -- that was in the Palm Beach Post? 22 A. Yes. 23 Q. And this article announces that Mr. Epstein 24 has dropped his suit against Mr. Edwards; correct? 25 A. Says: "Billionaire sex offender drops..."
58 1 yourself? 2 A. If you're focusing on that particular word -- 3 well, you know what, you're right, I guess I did 4 ignore -- I did ignore six articles. 5 Q. That's what you said. 6 A. Yeah. 7 Q. Okay. So now let's look at this article. 8 A. Sure. 9 Q. What statement in Exhibit 9 did you identify 10 that met the parameters of your search? 11 A. I believe it would be paragraph 9. 12 Q. Okay. Will you put a star by the paragraph? 13 A. (Witness complied.) 14 Q. One, two, three, four, five -- the one that 15 starts with "Among..." 16 A. Yes. 17 Q. Okay. Any other statements in here? 18 MR. SCAROLA: Could we read that into the 19 record? Sorry. 20 MR. LINK: That's an exhibit in the record 21 already. I don't think we need to read it. 22 BY MR. SCAROLA: 23 Q. Were there any other statements in here? 24 A. Well, I can read the rest of the article but 25 if the article contained one statement I included it.	60 1 "Billionaire sex offender drops suit against 2 Scott Rothstein and one of his partners." Yes. 3 Q. Okay. Can you tell me in this article that 4 announces that Mr. Edwards is no longer a defendant in 5 the lawsuit brought by Mr. Epstein what is the phrase 6 that you isolated or located to fit your search? 7 A. Let me read the article. 8 Q. Uh-huh. 9 A. Yes. That would be the combination of the 10 first three paragraphs. 11 Q. Okay. And turn to page 2, if you will, of the 12 article. This is in October -- I'm sorry, August 2012; 13 correct? 14 A. Yes, August 2012. 15 Q. All right. And do you see Mr. Scarola quoted 16 in this article? 17 A. Yes. 18 Q. And do you see where Mr. Scarola says: 19 "Despite three years of trying, Epstein never produced 20 any evidence to shore up his allegations, said attorney 21 Jack Scarola." 22 A. Yes, I see that. 23 Q. Okay. And you see Mr. Scarola in the next 24 paragraph is quoted as well that: "He..." meaning 25 Epstein, "...filed these baseless, scurrilous..." -- and

61 1 that's a word only Mr. Scarola could get out of his 2 mouth in an articulate way -- "...claims for the purpose 3 of trying to extort Mr. Edwards into abandoning the 4 lawsuits on behalf of Mr. Epstein's young attorney 5 (sic)?" Do you see that? 6 A. Oh, Mr. Epstein's young victims. 7 Q. Young victims. Thank you. 8 A. Yes, I see that. 9 MR. SCAROLA: So that the record is clear, the 10 first paragraph attributes a statement to me but 11 it's not a quote. Agreed? 12 MR. LINK: Yes, sir. 13 MR. SCAROLA: But the second paragraph is a 14 quote. 15 MR. LINK: I agree. The second one is a 16 quote. 17 MR. SCAROLA: Although I would acknowledge the 18 statement attributed to me is at least an accurate 19 summary of what I said. 20 MR. LINK: Sounds like something you would 21 say. 22 MR. SCAROLA: It does. 23 MR. LINK: I agree. 24 BY MR. LINK: 25 Q. Did you take into consideration when you were	63 1 MR. LINK: I'll take that. 2 MR. SCAROLA: I knew you would. 3 MR. LINK: That was really good. 4 Did you write down the next question? That 5 was excellent. That was excellent. 6 THE WITNESS: You two have a relationship 7 here. 8 MR. LINK: For 30 years. Some days good; some 9 days bad. Depends on how we're doing. 10 THE WITNESS: Yeah, that's a long 11 relationship. 12 MR. SCAROLA: It's more a moment by moment. 13 MR. LINK: I think it is a moment by moment, 14 but always very much in respect of this gentleman. 15 THE WITNESS: That's right. That's the way it 16 should be. 17 BY MR. LINK: 18 Q. So let me try that again. 19 MR. LINK: Did you write that down? 20 MR. SCAROLA: No, I didn't, but it's on the 21 record. 22 A. I think I follow that. 23 BY MR. LINK: 24 Q. Okay. 25 A. I just looked if the article contained the
62 1 looking at articles after August 2012 the fact that 2 Mr. Scarola had publicly denounced what Mr. Epstein had 3 done and said to the world that Mr. Edwards was free and 4 clear of any taint or allegations essentially that 5 Mr. Epstein brought? 6 MR. SCAROLA: I'm going to object to the 7 question as compound. 8 A. I was going to say, you kind of lost me on the 9 main point there. 10 BY MR. LINK: 11 Q. Let me try it again. 12 So there are two statements in here that are 13 attributed to Mr. Scarola and one direct quote. Do you 14 agree with that? 15 A. Yes, I agree. 16 Q. And Mr. Scarola is making it clear that what 17 Mr. Epstein filed against Mr. Edwards had absolutely no 18 basis; true? 19 A. Yes, that seems to be the point taken. 20 Q. And did you take into consideration when doing 21 your Internet research that on August 17th, 2012 there 22 was a public statement by Mr. Edwards' lawyer that he 23 had essentially been -- 24 MR. SCAROLA: Successful in discrediting 25 Mr. Epstein's charges.	64 1 statements that I was looking for and whether whatever 2 else was in the article. 3 Q. Okay. Did you do any research to see what 4 impact the statements had on any of the readership? 5 A. No. 6 Q. Did you do any research into whether -- what 7 opinions were formed about Mr. Edwards by anyone who 8 read any of the articles? 9 A. No. 10 Q. Did you do any research into whether the 11 impact on the readership in forming an opinion about 12 Mr. Edwards was different after Mr. Scarola made his 13 statements in 2012 to the press? 14 A. No. 15 Q. When you did your research did you interview 16 any readers that actually read one of the articles that 17 you cite to in your report? 18 A. No. 19 Q. Can you quantify the total number of people 20 that have read any one singular article about 21 Mr. Edwards, just one article out of all of the ones 22 that you have identified? 23 A. I don't understand quantify. 24 Q. Yeah, you found 104 articles -- 25 A. Correct.

1 Q. ~~Correct? Can you identify one person that~~
2 ~~actually read one of the 104 articles?~~
3 A. ~~I didn't look for a person, so no.~~
4 Q. Okay.
5 A. Well, beyond me.
6 Q. Well, you read them as part of your
7 assignment.
8 A. That's correct.
9 Q. How many hours did it take you to locate all
10 of the articles?
11 A. I can ballpark it.
12 Q. That's fair.
13 A. 17.25.
14 Q. That's a ballpark?
15 A. Yes. Because there's also some other stuff
16 going on there.
17 Q. He's better than you.
18 MR. SCAROLA: He's a scientist at ballparking.
19 BY MR. LINK:
20 Q. 17.25? You can't get it a little tighter than
21 that? That's as good as it gets?
22 A. I had to eliminate some times that I wasn't
23 actually looking for articles.
24 Q. 17.25. And how many hours in total have you
25 spent in developing your opinion that you're providing

1 with him on another -- on that case.
2 Q. Well, it's a case that you list with
3 Mr. Edward's name on in your resume; isn't it?
4 A. Yes. That's what I mean. He kind of
5 originally retained me but then went to another law
6 firm, so I just didn't understand.
7 Q. Explain to me what you mean by that, please.
8 So Mr. Edwards originally retained you and then what
9 happened?
10 A. Then a different law firm -- I kind of dealt
11 with a lawyer almost exclusively from a different firm.
12 So, you know, I don't know -- I listed them both.
13 Q. All right. And what work were you asked to do
14 in that case?
15 A. In that particular case I was asked to --
16 Ms. Maxwell called Ms. Giuffre a liar, and so I had to
17 look up the dissemination of those particular statements
18 on-line.
19 Q. So you were essentially doing the same work in
20 that case for Mr. Edwards that you're doing in this case
21 for Mr. Edwards?
22 A. Other than the statements being different,
23 it's very similar. And there were some other things in
24 this particular case.
25 Q. I'm sorry, I didn't understand you.

1 today?
2 A. In developing the opinion? For today?
3 Q. Up through today. I assume --
4 A. Oh --
5 Q. -- you can't talk about the future.
6 A. Yeah. I said I billed 17.25. And then, you
7 know, I did -- read some -- re-read my report and stuff
8 for deposition, so it would be three or four more hours.
9 Q. 20 --
10 A. 20, something like that.
11 Q. 20-something, okay.
12 And you charge how much an hour?
13 A. \$400.
14 Q. All right. Do you have any other opinions
15 that you're working on in this case?
16 A. In this case, no.
17 Q. And you have worked as an expert for
18 Mr. Edwards before; correct?
19 A. Yes.
20 Q. In what case was that, sir?
21 A. That was the Giuffre v. Maxwell case.
22 Again, it was a little -- I don't know. Yeah,
23 the whole lawyering, how you lawyers handle this, I
24 don't understand.
25 But, yes, as a lay person I would say I worked

1 A. What I'm saying there were a few other things
2 but the basic process and procedures were the same.
3 Q. Okay. And the statement that you were provide
4 in the Maxwell case, was that -- that you were supposed
5 to research, was that provided to you by Mr. Edwards?
6 A. Not by Mr. Edwards, no.
7 Q. By his co-counsel?
8 A. Another lawyer involved in the case, yes.
9 MR. LINK: All right. I don't have any other
10 questions.
11 Jack.
12 CROSS EXAMINATION
13 BY MR. SCAROLA:
14 Q. You were asked questions about articles that
15 quoted me and whether you had seen any articles that
16 quoted defense counsel. Do you recall that?
17 A. Yes, I recall that.
18 Q. Go back to Exhibit Number 9, if you would,
19 please.
20 A. Yes, sir.
21 Q. In this exhibit there is in paragraph 4 a
22 direct quote attributed to me --
23 A. Yes.
24 Q. -- correct?
25 A. I see that.

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1 Q. It says, quote: "This has been a long time
2 coming, and we're extremely anxious to have the
3 opportunity, for the first time, to lay out in detail
4 the terrible nature of Jeffrey Epstein's serial abuse of
5 dozens and dozens of children," unquote; correct?
6 A. Correct.
7 Q. It's not possible to make a determination from
8 what's included in this article whether that quote was
9 from a statement made in court or out of court; is it?
10 A. Not to me, no.
11 Q. Okay.
12 Going down two more paragraphs it reads: "At
13 a calendar call on Friday, Crow told lawyers for both
14 sides that he would have to specially set the trial
15 because of several factors: its estimated length, 'Mr.
16 Epstein's criminal issues,' Ponzi-scheme allegations
17 surrounding Edwards' former boss, and the expected
18 length of the time it will take to select jurors."
19 I want you to assume that the "Crow" that is
20 referenced as is described in 1, 2, 3, 4 -- the fifth
21 paragraph is Circuit Judge David Crow. Okay?
22 A. Okay.
23 Q. The next quote that appears is a quote from
24 the Judge himself, quote: "'With Mr. Scarola doing the
25 voir dire, it's going to take a long time to get through

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1 the process,' Scarola said."
2 So we know that the Judge is being quoted as
3 well; correct?
4 A. Uh-huh, correct.
5 Q. And it is probably a reasonable --
6 MR. LINK: And I second the statement by Judge
7 Crow.
8 MR. SCAROLA: Both you and Judge Crow are
9 likely accurate in that regard.
10 BY MR. SCAROLA:
11 Q. But, apparently there's some court proceeding
12 that was going on at which the Judge made this
13 statement, reasonable assumption?
14 A. Reasonable assumption based on those two
15 paragraphs, yeah.
16 Q. Then the next paragraph reads, quote: "'The
17 people involved are pretty well-known,' said Chester
18 Brewer, one of the Epstein's attorneys, after the
19 scheduling session."
20 Do you see that?
21 A. Yes, I see that.
22 Q. So, we know, assuming the accuracy of this
23 report, that Mr. Epstein's lawyers were speaking or one
24 of Mr. Epstein's lawyers was speaking to the press
25 outside the courtroom; correct?

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1 A. That would be a taken, yes.
2 Q. Or at least after the scheduling session?
3 A. Yeah.
4 Q. Whether the conversation took place in the
5 courtroom after the court proceeding or outside the
6 courtroom, this report --
7 A. Yeah.
8 Q. -- suggests that the lawyer was speaking to
9 the press after the court proceeding.
10 And it goes on to say, quote: "'So it's going
11 to take a lot of prospective jurors to find somebody
12 that doesn't already have an opinion in regard to some
13 of the people involved.'" Correct?
14 A. Correct.
15 Q. Okay. Then we have the specific paragraph
16 that you identified as a paragraph that qualified this
17 article for inclusion in your count; correct?
18 A. Correct.
19 Q. And if we go down to the bottom of the page,
20 we then have the following statement, one paragraph up:
21 "Fred Haddad, Epstein's attorney, declined to say
22 whether his client will be in the courtroom and/or
23 whether he will testify."
24 Then we have a direct quote attributed to
25 another one of Mr. Epstein's lawyers, according to this

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1 article, Fred Haddad, quote: "'We're defending this and
2 we'll make decisions based upon what the plaintiffs do,'
3 Haddad said. 'When you're on the defense, you have to
4 see what the offense does first. The trial will be very
5 interesting. There are a lot of legal issues as well as
6 factual issues.'"
7 Did I read that accurately?
8 A. It seemed accurate to me, yes.
9 Q. Okay. So going back to a question that was
10 asked of you by Mr. Link earlier, he asked to whether
11 there were quotes from Mr. Epstein's lawyers in any of
12 the press articles, we have now confirmed that in at
13 least this one article, two of Mr. Epstein's lawyers
14 were both speaking to the press outside the courtroom;
15 correct?
16 A. Correct.
17 Q. Okay. Did you actually read each of the 104
18 articles that you were able to identify to be sure that
19 there was a statement included in each of those 104
20 articles that linked Bradley Edwards to participation in
21 Scott Rothstein's massive Ponzi scheme?
22 A. Yes. I read either the entire article or up
23 to the point where I found this statement.
24 Q. All right. So Mr. Link has gone through a few
25 of those, and I'm not sure how he selected the ones that

1 he selected, but he's gone through a few. But if we
2 were to go through each of these 104 articles you would
3 be able to identify a specific statement that associated
4 Bradley Edwards as a participant in this massive Ponzi
5 scheme; is that correct?

6 A. That's correct, I did it.

7 Q. You have reached the conclusion that that
8 information was disseminated to an audience of over 9.6
9 million people; correct?

10 A. Correct.

11 Q. Did you come to a conclusion as to the
12 likelihood of whether the actual number of individuals
13 to whom that statement was disseminated exceeded 9.6
14 million people?

15 MR. LINK: Object to the form.

16 A. Well, yes, as I --

17 MR. SCAROLA: I'm sorry. Before you answer
18 the question, what's the problem with the form?

19 MR. LINK: It assumes that -- the way you
20 asked that readers actually saw the statement
21 versus it being disseminated in the web page that
22 people touched. He testified he could not identify
23 who in fact or the number that saw the statement.

24 MR. SCAROLA: Okay. Well, I think you've
25 mischaracterized my question, but just to be sure.

1 9,665,542. The first is that obviously I couldn't
2 locate all the articles by the time I filed my report.
3 So there's certainly articles out there that I haven't
4 located by the time I submitted the report. I only
5 looked at on-line sources. I didn't deal with prints or
6 broadcasts or anything like that. I didn't --

7 Q. So, for example -- and I apologize for
8 interrupting you. But one of the websites that we've
9 particularly focused on is the Palm Beach Daily News,
10 also phone as The Shiny Sheet. But what you looked at
11 were electronic accesses to their website; correct?

12 A. That is correct.

13 Q. You did not include the number of individuals
14 who subscribe to that newspaper and have it delivered to
15 their home; correct?

16 A. That's correct, I did not include those.

17 Q. You didn't look at the number of times that
18 people went to their local retail store and bought a
19 copy of The Shiny Sheet? That's not included in your
20 calculations; correct?

21 A. Correct.

22 Q. And the same would be true with regard to each
23 of those websites which also has a corresponding hard
24 copy publication, the Palm Beach Daily News, the --
25 excuse me, the Palm Beach Post, the Sun-Sentinel, the

1 let me make sure that I ask the question in the way
2 I intended it to be answered.

3 BY MR. SCAROLA:

4 Q. Can you tell us whether the conclusion you
5 reached that these statements were disseminated to an
6 audience of 9.6 million people is a conservative --

7 MR. LINK: Same objection.

8 BY MR. SCAROLA:

9 Q. -- conclusion?

10 A. Yes, it's a conservative -- very conservative
11 number as I outlined in my report.

12 Q. And describe for the benefit of the jurors, if
13 you would, please, why it is your opinion that the more
14 than 9.6 million number to which you have testified is a
15 conservative assessment of the number of people to whom
16 these statements were disseminated?

17 A. Okay.

18 MR. LINK: Object to the form.

19 A. I think to address this properly if I can just
20 refer to my report --

21 Q. By all means.

22 A. -- as the best way to address it.

23 Well, I had like 12 reasons why I took a very
24 conservative approach to the dissemination number
25 calculation. So likely much -- much more than

1 Miami Herald, The New York Times, or any of the other
2 periodicals that have both hard copies and website
3 access; correct?

4 A. Correct.

5 Q. Okay. So you were describing the reasons why
6 your number of distributions is conservative and I
7 interrupted you. So pick up, if you would, please.

8 A. Yes. I also didn't include statements in the
9 book Filthy Rich that was distributed, written by
10 Mr. James Patterson.

11 Q. Okay. There was an exhibit marked that made
12 reference to that book. That was Exhibit Number 4. And
13 while this exhibit makes reference to the book, it is
14 not one of those articles that contained -- Exhibit
15 Number 4 is not an article that contained an express
16 reference to the relationship between Bradley Edwards
17 and the Rothstein Ponzi scheme; correct?

18 A. That's correct.

19 Q. But do you know whether the book itself
20 contains express references to allegations that Bradley
21 Edwards was a knowing participant in the Ponzi scheme?

22 A. Yes, I know it does.

23 Q. Okay. But you didn't include any of those
24 James Patterson books that were sold in hard copy, that
25 got distributed through electronic means or wound up as

1 audio books? None of that's included; correct?

2 A. Correct.

3 Q. And obviously you don't know how many times
4 people who bought that book loaned it out to their
5 spouses, their friends, and neighbors, so that they
6 could read it; correct?

7 A. Correct.

8 Q. Okay. I have been given a notice that we are
9 almost about to run out of tape, so we'll break right
10 there. We'll take a short break; let them change the
11 tape.

12 THE VIDEOGRAPHER: The time is 11:04. We're
13 now going off the record.

14 (Thereupon, at 11:04 p.m. a recess was taken
15 until 11:11 a.m., after which the deposition continued
16 as follows:)

17 THE VIDEOGRAPHER: The time is 11:11. We're
18 back on the record. This is the beginning of Tape
19 2.

20 BY MR. SCAROLA:

21 Q. At the point at which we took our break you
22 were describing for the benefit of the jury why the more
23 than 9.6 million number is a conservative estimate of
24 the number of people to whom the statements that you
25 have identified were distributed, acknowledging that

1 whether they read them or not is not something that
2 you've looked at, but these were people to whom they
3 were distributed.

4 So why -- why else do you consider the number
5 to be a conservative number?

6 A. Yes. I didn't include any face-to-face
7 dissemination of people talking about the statements. I
8 didn't include any private on-line correspondence, like
9 e-mail, and stuff like that.

10 There are more than likely sites that had the
11 statements that I can no longer access. And, actually,
12 I ran into a few of those. I just couldn't get the
13 article, the activities, a few things like that. So I
14 didn't include those.

15 Of these 74 sites that contained the article,
16 I only included traffic for 58 percent of them because
17 the traffic number for the other sites -- the other 43
18 sites I just didn't feel comfortable that the numbers
19 were valid. So of the 74 sites -- of that 9.6 million
20 plus, even though the article -- I know the article was
21 posted on the 74 sites, I only included the traffic for
22 58 percent of those sites.

23 Q. And why did you consider the other traffic
24 numbers not to be reliable? What distinguished those
25 from those that you felt were sufficiently reliable?

1 A. As I mentioned -- talked about this in my
2 report. They were typically sites that were very, very
3 large or very small.

4 So like, you know, some the larger sites, it's
5 that -- maybe I'll give you a good example here. Like
6 the PressReader, for example, that is a site that
7 presents a lot of articles from a lot of different
8 newspapers. And so the traffic numbers that I was
9 getting were, you know, very inflated I felt, so I did
10 not include those numbers.

11 On the other sites, there are a lot of blog
12 sites and stuff like that from individuals that didn't
13 get a lot of traffic. Again, I felt that those traffic
14 numbers were not reliable or I couldn't get them, so I
15 did not include those.

16 Q. Okay. Continue, if you would, describing --

17 A. Yes.

18 Q. -- the basis for your assertion that the 9.6
19 million dollar numbers -- excuse me, the 9.6 million
20 number is a conservative number.

21 A. Yes. I didn't include sites that had articles
22 where they didn't have the statements but a link to an
23 article that had the statements. So unless it actually
24 appeared exactly in the article, I didn't include it.
25 So someone could be at a different site, follow the link

1 and could actually see it, but I didn't include those.

2 Many of these sites publish multiple articles
3 on multiple different days that contains the statements.
4 And there is an aspect of return readership. So I
5 didn't want to double-count traffic, so just to make it
6 very conservative even if they published seven articles
7 or five, I only counted it one time. So I didn't count
8 the multiple days.

9 And then also search results. Some of the
10 queries that I was using, you could submit the query and
11 you could see the actual statements in the search
12 results. You didn't need to go to the site.

13 So, like on my report on page 21 I give some
14 examples there that just enter a query and you see the
15 actual statements in the search results. You don't even
16 need to go to the site to -- I mean, you don't even need
17 to technically read the article. You just like search
18 and type in the query.

19 Q. Did you take into account in any way that
20 multiple individuals may be accessing the sites
21 simultaneously? Come on over here and take a look at my
22 monitor and see what's being reported about Brad
23 Edwards.

24 A. No, I did not include those.

25 Q. And what about the private forwarding of

81 1 website information, did you take that into account at 2 all? 3 A. As I mentioned, no, I didn't do any e-mail or 4 private forwarding, or anything like that. 5 Q. In conducting this work, did you rely upon 6 sources that are generally relied upon and considered to 7 be credible and authoritative within your area of 8 expertise? 9 A. Yes. 10 Q. Did you utilize methodologies that are 11 generally accepted within your area of expertise as 12 accurate means by which to reach the conclusions that 13 you've reached? 14 A. Yes. 15 Q. And are the opinions that you have expressed, 16 both in your written report and in your sworn testimony 17 today, opinions that you hold to a reasonable degree of 18 scientific certainty within your area of expertise? 19 A. Yes. 20 MR. SCAROLA: Thank you. I have no further 21 questions. 22 MR. LINK: Just a couple. 23 REDIRECT EXAMINATION 24 BY MR. LINK: 25 Q. Take a look at Exhibit 9 that Mr. Scarola was	83 1 Q. No, the statements from the lawyers. 2 Mr. Scarola went through in a painstaking way to show 3 you the three references in this article to 4 Mr. Epstein's lawyers. And I'm asking you if 5 Mr. Epstein's lawyers made any statement about 6 Mr. Edwards that would have triggered a hit in your 7 search results? 8 A. Not that I see, no. 9 Q. Can you point to any article that you reviewed 10 that contains a statement -- a quote by Mr. Epstein's 11 lawyer that would have triggered a hit on your search 12 request? 13 A. Okay. Again, I was just looking for the 14 particular statements. I didn't analyze if it was a 15 quote from a lawyer, but I don't recall any. 16 Q. And do you recall any quotes from Mr. Epstein 17 himself in any of the news articles that you reviewed, 18 all 104 that you told Mr. Scarola that you read the 19 entire article, that had a quote from Mr. Epstein that 20 would have hit your search request? 21 A. Before I answer this, I just want to clarify. 22 You said that I -- I said that I either read the entire 23 article or read it up to the point where I found the 24 statement, but I don't recall a statement from 25 Mr. Epstein.
82 1 asking you about, please. 2 A. Yes, sir. 3 Q. It's The Shiny Sheet article, October 20th, 4 2013. Do you have that in front of you? 5 A. Yes, sir. 6 Q. Mr. Scarola pointed out a couple of places 7 where Mr. Epstein's lawyers were either quoted or had a 8 statement attributed to them; correct? 9 A. Correct. 10 Q. Would you please point to anywhere in this 11 article where Mr. Epstein's attorneys said anything 12 about Mr. Edwards? 13 A. Well, let me just look in the article. I 14 don't see a quote. 15 Q. All right. And Mr. Scarola pointed out three 16 different statements. One by Mr. Brewer and two by 17 Mr. Haddad. 18 And is there anything in what Mr. Brewer or 19 Mr. Haddad said to the press that fits one of the search 20 parameters you were looking for? 21 A. From those statements? 22 Q. Yes, sir, that you were searching for. 23 A. No. I thought that my question was -- you 24 mean in terms of the article or in terms of the 25 statements from those lawyers?	84 1 Q. Do you remember seeing a press release by 2 Mr. Epstein related to Mr. Edwards in any way? 3 A. A press release from Mr. Epstein? 4 Q. Yes, sir. 5 A. I don't recall a press release from 6 Mr. Epstein. 7 MR. LINK: Okay. I have no other questions. 8 MR. SCAROLA: And I have no further questions. 9 MR. LINK: Thank you. 10 MR. SCAROLA: We will read. 11 THE VIDEOGRAPHER: The time is 11:21. We are 12 off the record. This concludes today's deposition. 13 (Thereupon, the taking of the deposition was 14 concluded at 11:21 a.m) 15 16 17 18 19 20 21 22 23 24 25

85

1 EXCEPT FOR THE CORRECTIONS MADE
2 HEREIN ON THE ERRATA SHEET BY ME,
3 I CERTIFY THIS IS A TRUE AND
4 ACCURATE TRANSCRIPT. FURTHER
5 DEPONENT SAYETH NOT.

6 _____
7 DR. BERNARD J. JANSEN

8 STATE OF FLORIDA)
9) SS:
10 COUNTY OF MIAMI-DADE)

11 Sworn and subscribed to before me
12 this _____ day of _____, 2017.
13 PERSONALLY KNOWN _____ OR I.D. _____

14 _____
15 Notary Public in and for the
16 State of Florida at Large
17 My Commission Expires:
18
19
20
21
22
23
24
25

87

1 CERTIFICATE OF OATH
2
3 STATE OF FLORIDA)
4) SS
5 COUNTY OF MIAMI-DADE)

6 I, the undersigned authority, certify that
7 DR. BERNARD J. JANSEN personally appeared before me and
8 was duly sworn.
9 WITNESS my hand and official seal this 4th day
10 of December, 2017.
11

12 _____
13 ILIANA LUGO
14 Notary Public - State of Florida
15 Commission No. DD733630
16 Commission Expires: 11/08/2019
17
18
19
20
21
22
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24
25

86

1 ERRATA SHEET
2 IN RE: Jeffrey Epstein v. Scott Rothstein, et al.
3 Case No. 50-2009CA040800XXXXMBAG
4 DEPO OF: DR. BERNARD J. JANSEN 12/1/17
5 DO NOT WRITE ON TRANSCRIPT - ENTER ANY CHANGES HERE

Page-Line #	Change	Reason
6		
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18 STATE OF FLORIDA)
19) SS
20 COUNTY OF MIAMI-DADE)

21 Under penalties of perjury, I declare that I
22 have read my deposition transcript, and it is true and
23 correct subject to any changes in form or substance
24 entered here.
25

26 _____
27 Date Signature

88

1 REPORTER'S DEPOSITION CERTIFICATE
2
3 STATE OF FLORIDA)
4) SS
5 COUNTY OF MIAMI-DADE)

6 I, Iliana Lugo, Court Reporter, certify that I
7 was authorized to and did stenographically report the
8 deposition of DR. BERNARD J. JANSEN; that a review of
9 the transcript was requested; and that the transcript is
10 a true and correct record of my stenographic notes.

11 I further certify that I am not a relative,
12 employee, attorney or counsel of any of the parties,
13 parties' attorney, or counsel connected with the action,
14 nor am I financially interested in the action.
15 DATED this 4th day of December, 2017.

16 _____
17 ILIANA LUGO, Court Reporter
18
19
20
21
22
23
24
25

1 December 5, 2017
2
3 DR. BERNARD J. JANSEN
4 c/o Searcy, Denny, Scarola, Barnhart
5 & Shipley, P.A.
6 Attn: Jack Scarola, Esq.
7 2139 Palm Beach Lakes Boulevard
8 West Palm Beach, Florida 33409
9 In Re: Jeffrey Epstein v. Scott Rothstein, et al.
10 Case No.: 50-2009CA040800XXXXMBAG
11 Depo of: Dr. Bernard J. Jansen
12 Taken on: December 1, 2017
13 # of pages: 88 Held Until: January 6, 2018
14 Dear Dr. Jansen:
15 This letter is to advise you that the transcript
16 of your deposition taken in the above-referenced
17 cause has been completed and is awaiting your
18 reading and signing.
19
20 Please contact our office to make arrangements to read
21 and sign your deposition transcript.
22 Our information is as follows:
23 Palm Beach Reporting
24 1665 Palm Beach Lakes Boulevard
25 Suite 1001
West Palm Beach, Florida 33401
Telephone (561) 471-2995

If the reading and signing has not been completed
prior to January 6, 2018, we shall conclude
that you have waived the reading and signing of the
transcript.
Your prompt attention to this matter is appreciated.
Sincerely,

Iliana Lugo, Court Reporter

cc Scott J. Link, Esq., Esq.
Jack Scarola, Esq.

EXHIBIT F

NOT A CERTIFIED COPY

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT, IN AND
FOR PALM BEACH COUNTY, FLORIDA
CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,
Plaintiff,

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

VIDEOTAPE DEPOSITION OF BRADLEY EDWARDS

May 15th, 2013
10:00 A.M. - 12:20 P.M.

401 East Las Olas Blvd., Suite 1400
Fort Lauderdale, FL

Stenographically Reported By:
WENDY ROBERTS, RPR
Notary Public, State of Florida
Empire Legal Support, Inc.
Fort Lauderdale Office
Phone: (954)241-1010

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ALSO PRESENT: JEFF EPSTEIN, PLAINTIFF
DEBRA FEIN, LAW CLERK

Page 4

1 Videotape Deposition taken before Wendy Roberts,
2 Registered Professional Reporter and Notary Public in
3 and for the State of Florida at Large, in the above
4 cause.

5 ---
6 THE VIDEOGRAPHER: We are now on the video
7 record. Today's date is May 15th, 2013. The time
8 is 10:17 a.m. This is the video deposition of
9 Bradley Edwards taken in the matter of Jeffrey
10 Epstein v. Scott Rothstein, Case
11 No. 502009CA040800XXXXMBAG.

12 We're located at 401 East Las Olas Boulevard,
13 Fort Lauderdale, Florida. The court reporter is
14 Wendy Roberts, the videographer is Anthony Estevez,
15 both with Empire Legal.

16 Would counsel please state their appearances
17 for the record.

18 MR. KING: William King, Searcy Denney Scarola
19 Barnhart & Shipley for Mr. Edwards.

20 MR. HADDAD: Fred Haddad on behalf of Jeff
21 Epstein.

22 MR. GOLDBERGER: Jack Goldberger, Atterbury,
23 Goldberger & Weiss on behalf of Jeffrey Epstein.

24 MS. HADDAD COLEMAN: Tonja Haddad Coleman on
25 behalf of Jeffrey Epstein.

1 (Pages 1 to 4)

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1 produced this time record. (With respect to reputation,
 2 I believe that over the course of the last three years I
 3 have done a pretty darn good job resurrecting any damage
 4 that was done to my reputation in this community).

5 Q Well, let's -- let's start with that. You
 6 don't -- you never had a reputation damage, did you?

7 MR. KING: Objection, form.

8 BY MR. HADDAD:

9 Q Okay. What damage, if any, did you initially
 10 have done to your reputation by the filing of a lawsuit
 11 against you that suggested that you were so aggressive
 12 as a lawyer someone was going to sue you?

13 A No, the lawsuit that was filed against me --

14 MR. KING: Object to form, argumentative.

15 A The lawsuit that was filed --

16 MR. HADDAD: I was paying a compliment.

17 MR. KING: Yes.

18 Go ahead.

19 A The lawsuit that was filed against me said
 20 that I was part of some racketeering scheme, said that I
 21 was involved in a Ponzi scheme, that I was
 22 co-conspirator of Scott Rothstein's and that I was
 23 committing fraud and conspiracy to commit fraud. A
 24 bunch of criminal actions were alleged against me. In
 25 fact, I think the complaint was entirely crimes that I

1 had committed as a lawyer, which is the exact opposite
 2 of the type of reputation that you want as a lawyer.

3 With that being said, that complaint, the
 4 various motions making those allegations about me being
 5 some form of co-conspirator in a Ponzi scheme was
 6 repeatedly filed and stated on the record and in
 7 hallways over at the bankruptcy court, because every
 8 lawyer who was anybody in South Florida had something to
 9 do with the bankruptcy proceedings over at the
 10 bankruptcy court. So I had to go over there
 11 continuously and fend off these lawyers who believed
 12 that there must be some merit to it, because somebody
 13 who has a lot of money is hiring lawyers who have a
 14 pretty good reputation to say these things, there's got
 15 to be something to it.

16 BY MR. HADDAD:

17 Q Name one case in which you were impleaded
 18 because of your alleged involvement with Scott
 19 Rothstein?

20 A I did not lose a single client.

21 Q Name one -- no, name one person who impleaded
 22 you, one other person in bankruptcy court, whether it be
 23 the clawback scheme, whether it be Shears, whatever the
 24 hell he calls what he did, whatever you call any of that
 25 stuff, name one person that impleaded you or asked

1 you -- joined you as party or a --

2 A It didn't happen.

3 Q -- defendant or anything?

4 A That did not happen.

5 Q Name one person, other than this lawsuit,
 6 which we'll get into later, other than this lawsuit,
 7 what newspaper article, what Daily Review article, what
 8 any article accused you of being involved in the Scott
 9 Rothstein debacle?

10 A I can't recite them off of my head.

11 Q Is there any?

12 A I believe that newspaper articles were written
 13 when the lawsuit was filed about me and Scott being
 14 accused of being some co-conspirator in a Ponzi scheme,
 15 yes.

16 Q All right. There were newspaper articles
 17 written quoting a pleading as opposed to someone
 18 suggesting you committed a criminal act; is that
 19 correct?

20 A I don't know the distinction that you are
 21 trying to make.

22 Q We'll worry about that later, I'm just asking
 23 you, do you know whether or not it was someone quoting a
 24 newspaper -- a -- a -- a legal pleading, or was it a
 25 individual making an accusation that you were a

1 criminal?

2 A The legal pleading made an accusation that I
 3 was a criminal and that was reported on.

4 Q I'm asking you, was there anything other --
 5 was there any person, reporter, anyone, any of the
 6 people you had all of these thousands of e-mails with,
 7 anyone who suggested that you were a criminal, other
 8 than the pleading filed that suggested because of
 9 Rothstein's inclusion of your cases as part of the basis
 10 for his Ponzi scheme that you were involved, other than
 11 that lawsuit?

12 A People believed that I was involved.

13 Q Who expressed that to you? You're a young
 14 lawyer, you're in the courthouse every day or almost
 15 every day, you're around town, correct?

16 A Yes.

17 Q You go to different restaurants. Name one
 18 person that came up to you and said, I can't believe you
 19 are not in jail, you are a Ponzi scheme or you are
 20 anything, name one person --

21 A There were lawyers over at the bankruptcy
 22 court, when I had to sit there listening to the things
 23 that were being said, that told me, you are going to be
 24 a target of mine given this information that we --
 25 that -- that is being told to us by Jeffrey Epstein and

1 BY MR. HADDAD:

2 Q Well, let me ask you this: In --

3 A Do I believe that right now my reputation is
4 better than it has been at any time in the past, yes.

5 Q All right. And as a matter of fact, since the
6 Rothstein case, you're now included, probably one of the
7 youngest guys there is, in Best Lawyers in America,
8 correct?

9 A Probably.

10 Q All right. There are not many guys that have
11 been practicing 11 years to be included in that.

12 A I agree.

13 Q And that is 100 percent for old people like
14 Goldberger, for the most part. You are included in that
15 based upon peer review and nothing else?

16 A That's true.

17 Q You --

18 A I mean, I don't ac -- actually don't know the
19 answer to that. I -- if you are saying that's what it
20 is, it might be.

21 Q Did you solicit anybody to become in that?

22 A No.

23 Q Did you receive a letter saying you have been
24 nominated for Best Lawyers in America?

25 A I don't think so.

1 A Maybe I should pay more attention to those
2 things. I don't know about all those old people.

3 Q Well, you do have -- I look at it from what
4 you do with them. Come on Brad, you have an ego,
5 everybody does. At any rate, you are considered in the
6 top 40 under 40, in that group, correct?

7 A Right.

8 Q And have you ever looked on the Web site for
9 that group to see the type of lawyers that are included
10 in that?

11 A No.

12 Q Okay. And you have that distinction of being
13 included and you promote it with your -- as most lawyers
14 would, correct?

15 A Personally, I don't, but I know that my law
16 firm does. I mean, we do have a PR firm for our law
17 firm.

18 Q Oh, is that who does all of that stuff?

19 A Yeah.

20 Q I mean, this is about a month's worth. All
21 right.

22 A You looked at a lot more than I have.

23 Q I have to do something to earn the money I
24 make.

25 A Thank goodness, right.

1 Q No, you just got a notice one day that you --

2 A Right.

3 Q -- are included, correct?

4 A Right, that's true.

5 Q Out of the whole world, out of thousands of
6 lawyers practicing law 10 years, you are notified, hey,
7 you are one of the best lawyers in America for what you
8 do?

9 A Right.

10 Q Okay. Now, you also are one of the top 40
11 lawyers under 40, correct?

12 A Right.

13 Q You are 37 years old?

14 A Correct.

15 Q And you are considered one of the top trial
16 lawyers in Florida?

17 A Right.

18 Q There is a group called the Top 100 Trial
19 Lawyers in America, correct?

20 A I think so.

21 Q That's part of what you are in?

22 A Okay.

23 Q Yeah, they have the top 100 trial lawyers for
24 old guys like Goldberger, Scarola, part of his firm and
25 all those old people, correct?

1 Q Now, you are also -- there is another service
2 called AVVO, are you familiar with that?

3 A Yes.

4 Q All right. And that's another unsolicited --
5 out of the top 40 under 40, you can't buy your way into
6 that one either, you didn't know you were getting that,
7 correct?

8 A That's true.

9 Q You get a notice, hey, you have just been
10 included in all of this stuff, whether you like it or
11 not, you are considered one of the top lawyers in
12 Florida.

13 A That's true.

14 Q Okay. Then you have AVVO where people can
15 arrest -- arrest, I see arrest records, two secrets
16 under your name here. I guess that is part of the
17 advertising that goes with having a Web site or
18 something. Five Farmer, Jaffe, Weissing attorneys
19 recognizes the best lawyers in America, that is pretty
20 good for a bunch of young lawyers, yeah?

21 A Yeah.

22 Q And AVVO, another one. Do you participate in
23 their promotion, AVVO, they promote lawyers I think, do
24 you participate in that at all?

25 A Not really.

1 me let you finish your question.

2 A Donald Baker, is that the --

3 MS. HADDAD COLEMAN: No, it's different.

4 THE WITNESS: Oh, different.

5 BY MR. HADDAD:

6 Q Oh, you got sued twice?

7 A Apparently.

8 Q All right. And then did -- let me ask you
9 about the -- I had it right here.

10 A I convicted some guy, he went to prison and
11 then sued the judge and every -- all the police and
12 everything else.

13 MR. GOLDBERGER: Here you go.

14 MS. HADDAD COLEMAN: This guy's name is
15 different.

16 MR. HADDAD: Yeah, Shaarbay, Sharbasom. I
17 guess that must be --

18 MR. GOLDBERGER: Spell it.

19 MR. HADDAD: -- the Arab guy. S-H-A-A-R-B-A-Y
20 versus --

21 A News to me.

22 BY MR. HADDAD:

23 Q -- various persons. Were you ever served with
24 a lawsuit? Among the persons sued was --

25 A No.

1 doesn't exist, correct?

2 MR. KING: Objection.

3 BY MR. HADDAD:

4 Q You concede that?

5 MR. KING: Objection, argumentative.

6 BY MR. HADDAD:

7 Q Well, would you concede -- never mind, we went
8 through it already.

9 A Yeah, we -- we talked about this.

10 Q I understand. Can you detail for me the
11 emotional distress, embarrassment, mental anguish and
12 humiliation --

13 A Okay.

14 Q -- that you have?

15 A Where I was beginning before --

16 Q Yes, sir.

17 A -- when we were talking about reputation. I
18 do believe that I have always practiced with the utmost
19 honest, integrity. And when a lawsuit was filed against
20 me accusing me of being dishonest and being a criminal
21 or -- to truncate this -- and I had to continue to go to
22 court and see lawyers who, for a period of time, and I
23 do believe that once the case was dismissed against me,
24 that window closed, but for a period of time they
25 believed the allegations against me. I think that there

1 Q -- Pete Weinstein, Michael Gates, Finkelstein,
2 Satz, Dan Callahan, Brad Edwards.

3 A No. I don't recognize that person's name. I
4 have never been served with that lawsuit, to my
5 recollection.

6 Q To your recollection, okay.

7 A No.

8 Q All right. But you said there was another
9 one, who else sued you?

10 A Donald Baker sued me and Mike Satz and Michael
11 Gates and all of the Hollywood Police Department.

12 Q And what happened with that case?

13 A It was dismissed.

14 Q All right. Would those predate the time that
15 you were sued by Mr. Epstein?

16 A Yes.

17 Q Okay. Now, tell me how --

18 A Well, I don't know about this new one that you
19 just told me about it, it may have been yesterday for
20 all I know.

21 Q All right.

22 A I am unaware of it.

23 Q Emotional distress, embarrassment, mental
24 anguish, humiliation, I will start with those, because
25 we know loss of reputation and standing in the community

1 was probably a point in time, based on some of the
2 e-mails that I have seen, that your co-counsel Tonja
3 believed that, which in terms of hurt feelings type of
4 things, yeah, that -- that wasn't -- that wasn't
5 something that I appreciated either. But having to be
6 in a courtroom where lawyers believed that I had done
7 these things that I had not done, it was humiliating.

8 Now there is another aspect of it which I
9 consider to be much more significant, because as we've
10 discussed, the case was dismissed against me and I do
11 feel that separate and apart from any involvement that I
12 have had prosecuting cases against Jeffrey Epstein, (i)
13 (have done a good job of resurrecting my reputation from
14 (the point in time where people initially believed, hey,
15 (where there is smoke there is fire or something -- this
16 (guy must be guilty of something.) And that was my
17 perception of things and that's a reasonable perception
18 based on what was filed.

19 Q All right. And I don't want -- I am not going
20 to be argumentative with you, obviously, but based upon
21 what the entirety of what the Ponzi scheme is, just
22 being involved in it, just being in that firm with your
23 cases there would give that perception to people,
24 wouldn't you agree?

25 A No. I think that most lawyers escaped fairly

EXHIBIT G

NOT A CERTIFIED COPY

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

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

Defendants.

VIDEOTAPE DEPOSITION CONT'D OF BRADLEY EDWARDS

VOLUME II OF II

PAGES 110 - 250

October 10th, 2013

10:00 A.M. - 2:30 P.M.

401 East Las Olas Blvd., Suite 1400
Fort Lauderdale, FL

Stenographically Reported By:

WENDY ROBERTS, RPR

Notary Public, State of Florida

Empire Legal Support, Inc.

Fort Lauderdale Office

Phone: (954)241-1010

EMPIRE LEGAL SUPPORT, INC.
(954) 241-1010

d2253581-25f4-499f-bc84-db44741f4cfd

1 are you claiming?

2 MR. KING: You asked the same question last
3 time.

4 MR. HADDAD: I don't remember it. I thought
5 the last time we said you -- taking time away from
6 your family and that stuff for economical --

7 MR. KING: He went -- but he went into great
8 detail, as you might recall, where he talked about
9 the fact that, you know, he would go to the -- he
10 would go over to the Courthouse and lawyers would
11 look at him, and his reputation was -- was impacted
12 by that and what -- what he was able to do to
13 truncate that later on.

14 MR. HADDAD: You're right.

15 BY MR. HADDAD:

16 Q Do you still maintain that stuff?

17 A (As I (said then), (have I done a good job at
18 (resurrecting whatever damage was done?) (Yes, I (did.) Is
19 there -- is there --

20 Q What was the -- what was the impact to you
21 from supposed -- and I don't mean that pejoratively,
22 damage to your reputation by being sued for being with
23 Rothstein?

24 A Uh, what -- for being falsely accused of
25 committing crimes I didn't accuse by Epstein.

1 If newspaper articles that were printed after the filing
2 of the claim against me is something that would support
3 that, then I guess to that extent, yes, but if you are
4 asking about medical documents or anything like that,
5 then the answer would be no. I'm not exactly sure what
6 you are getting at but I --

7 Q Well, for example, you are claiming your
8 reputation was injured.

9 A Right.

10 Q And based on the elements of proof required to
11 prove injury to damage to reputation, there are certain
12 factors that you must meet.

13 A Right.

14 Q I'm asking if you have any physical
15 documentation or any -- you've objected to all your
16 financial information, so I guess my question in plain
17 English is: How are you going to prove that you have
18 any kind of pecuniary -- pecuniary loss as a result of
19 an injury to your reputation if we don't have any
20 documents to back that up?

21 A I have not claimed an economic loss as a
22 result of my reputation. I haven't. And the only thing
23 that I can say to answer your question is, I know who
24 has hired me. I will never know who would have hired me
25 but elected not to because of what it was that they

EXHIBIT H

NOT A CERTIFIED COPY

I. INTRODUCTION

1. I have been retained by the law firm of Searcy Denney Scarola Barnhart & Shipley, PA. to provide expert analysis and opinion on behalf of Mr. Bradley J. Edwards in the case originally styled Jeffrey Epstein, Plaintiff, vs. Scott Rothstein, individually, Mr. Bradley J. Edwards, individually, and L. M., individually, Defendant, CASE NO.: 502009CA040800XX3OGMBAG, which is pending in the Circuit Court of the 15th Judicial Circuit, in and for Palm Beach County, Florida.

II. QUALIFICATIONS

2. I am an adjunct professor at the College of Information Sciences and Technology at The Pennsylvania State University, University Park, Pennsylvania, since 2017, where I have been employed since 2001. I was a tenure-track professor at The Pennsylvania State University from 2009 through 2016, departing as a tenured full professor in 2017. I am a principal scientist at the Qatar Computing Research Institute. I was a Senior Fellow at the Pew Internet & American Life Project, which is part of the Pew Research Center, from 2010-2012. I was a University Expert at the National Ground Intelligence Center from 2011 through 2014. Prior to my employment at The Pennsylvania State University, I was a Lecturer in the Computer Science Program at the University of Maryland (Asian Division) for 1 year, and before that, I was an Assistant Professor in the Department of Electrical Engineering and Computer Science at the United States Military Academy, a.k.a. West Point, for 3 years.

3. In addition to my academic credentials, my professional experience includes 20 years of practice in the U.S. military, serving in the Infantry as an enlisted soldier and then as a communications officer, working primarily in a variety of information technology-related positions.

4. I have authored approximately 250 academic publications, focusing on the areas of Web data, digital analytics, Web analytics, Web searching, Web search engines, social media, and

related areas. Approximately 200 of my publications address aspects of search analytics, Web analytics, online advertising, search engines, or Web searching. My recent research work focuses on online news analytics, which is the investigation of the online qualitative and quantitative attributes of news stories with other digital content, and social computing analytics, which is the investigation of social behavior using algorithmic methods. I am also the editor-in-chief of the international academic journal, Information Processing and Management, which is a top journal in information science field, and former editor-in-chief of the journal, Internet Research, a top-ranked journal in the web science domain. I have authored, co-authored, or co-edited four books, including Web Search: Public Searching of the Web (2007), Understanding User – Web Interactions via Web Analytics (2009) and Understanding Sponsored Search (2011). A copy of my complete Curriculum Vitae, which includes a list of all publications I have authored in the past 10 years, is attached as **Appendix A**.

5. My fields of professional expertise include web analytics, search engines, web searching, social media, online advertising, and related computer science and data science areas. In the course of my academic career, I have worked with a variety of search engines and information searching applications in order to understand user searching behavior on the Web and other environments. For example, as part of my Master's program in Computer Science, I designed and coded a text-based search engine. For my Doctorate program in Computer Science, I developed a program interface for Web search engines and implemented it on the Gigabyte search engine. In subsequent research, I have worked with the Microsoft Internet Information Services (IIS) and Verity commercial searching systems.

6. As a computer scientist, I have engaged and am experienced with the classic computer science areas, such as programming, software development, algorithms, and networking.

I have done extensive server set-up and log analysis. As my master's project, for example, I designed and coded a tool for network performance evaluation and monitoring. I have taught a wide variety of computer courses, including microcomputing, programming (in various languages), and the Web/Internet, at both the undergraduate and graduate level.

7. Concerning user searching behaviors on the Web and web analytics, I have worked directly with real-user searching data from several web search engines. I've also analyzed web data of visitor traffic and other attributes from a variety of websites and social media platforms. I've analyzed real-user data from online search marketing campaigns and user referral traffic to websites. I have conducted research and teaching concerning aspects of websites, including search engine keyword advertising. I've developed web analytics models and processes for analysis of business goals, and I have used web analytics data in both my research and teaching. I've also conducted other research on user searching behaviors. I have advised government agencies and companies in consulting and expert witness matters. A list of cases in which I have testified as an expert in deposition or trial in the past four years is attached as **Appendix B**. I am being compensated for my work on this case at the rate of \$400 per hour.

III. ASSIGNMENT AND MATERIALS CONSIDERED

8. In providing my expert opinion, I have been asked to respond to the following question:

9. (What is the level of dissemination of defaming statements associating Mr. Bradley)
(J. Edwards with the illegal activities of Mr. Scott Rothstein as a result of Mr. Jeffrey Epstein's)
(lawsuit against Mr. Edwards?)

10. For brevity, I refer to the statements associating Mr. Edwards with the illegal activities of Mr. Rothstein as a result of Mr. Epstein's lawsuit as the *defaming statements*, the *statements*, or the *defaming statements associating Mr. Edwards with Rothstein's illegal activities*.

11. The defaming statements associate Mr. Edwards with the illegal activities of a Mr. Scott Rothstein, who is a "notorious Ponzi schemer"¹. Now a debarred lawyer, he is serving a 50-year prison sentence² for operating the \$1.4 billion fraud from his Fort Lauderdale law firm office, including forging the signatures of three federal judges on fake legal documents³. Prior to prison, in addition to spending money lavishly via the fruits of his fraud⁴, he paraded as a philanthropist⁵, resulting in some recipients having to return his charitable gifts⁶. After originally fleeing the US⁷ with a reported 16 million in US dollars⁸, he returned to the US, agreeing to work with prosecutors in exchange for a reduced sentence. However, prosecutors withdrew the reduced sentence offer as they determined Mr. Rothstein lied during the investigation and was attempting to hide assets⁹.

12. My analysis is based on my experience, training, knowledge, and education and is formed through the application of that experience, training, knowledge, and education in the

¹ Ponzi schemer Scott Rothstein lied to feds and should serve 50-year prison term, prosecutors say <http://www.sun-sentinel.com/local/broward/fl-reg-scott-rothstein-no-sentence-reduction-20170926-story.html>

² Miami, FL - Ponzi Schemer Scott Rothstein Gets 50-year Sentence <https://www.vosizneias.com/57450/2010/06/09/miami-fl-ponzi-schemer-scott-rothstein-gets-50-year-sentence/>; Florida Ponzi schemer jailed for \$1.2billion fraud currently serving a 50-year sentence and his wife officially divorce <http://www.dailymail.co.uk/news/article-3169768/Divorce-finalized-1-2B-Ponzi-schemer-Rothstein.html#ixzz4w3nn9pfa>

³ Miami, FL - Ponzi Schemer Scott Rothstein Gets 50-year Sentence <https://www.vosizneias.com/57450/2010/06/09/miami-fl-ponzi-schemer-scott-rothstein-gets-50-year-sentence/>

⁴ Rothstein Reveals How \$1.2 Billion Ponzi Scheme Money Was Spent <http://miami.cbslocal.com/2011/12/30/rothstein-reveals-how-1-2-billion-ponzi-scheme-money-was-spent>; The Ultimate Ponzi: Scott Rothstein Book Excerpts Reveal Juicy Details https://www.huffingtonpost.com/2013/03/12/scott-rothstein-book-the-ultimate-ponzi_n_2862093.html; Scott Rothstein's Cheating Life <http://www.browardpalmbeach.com/news/scott-rothsteins-cheating-life-6444966>

⁵ South Florida lawyer Scott Rothstein faces arrest in Ponzi scheme <http://www.tampabay.com/news/politics/stateroundup/south-florida-lawyer-scott-rothstein-faces-arrest-in-ponzi-scheme/1055500>

⁶ South Florida lawyer Scott Rothstein faces arrest in Ponzi scheme <http://www.tampabay.com/news/politics/stateroundup/south-florida-lawyer-scott-rothstein-faces-arrest-in-ponzi-scheme/1055500>; Scott Rothstein Charged with Racketeering <https://www.cbsnews.com/news/scott-rothstein-charged-with-racketeering/>

⁷ Ponzi schemer Scott Rothstein lied to feds and should serve 50-year prison term, prosecutors say <http://www.sun-sentinel.com/local/broward/fl-reg-scott-rothstein-no-sentence-reduction-20170926-story.html>

⁸ Rothstein Sentenced to 50 Years Behind Bars <http://www.nbcmiami.com/news/local/Rothstein-Sentenced-95951004.html>

⁹ Ponzi schemer Scott Rothstein lied to feds and should serve 50-year prison term, prosecutors say <http://www.sun-sentinel.com/local/broward/fl-reg-scott-rothstein-no-sentence-reduction-20170926-story.html>

principles of web data collection, web analytics, web search, search engines, websites, web traffic analysis, and related market analysis.

13. The materials that I considered in preparing this report are listed in **Appendix C**.

IV. SUMMARY OF OPINIONS

14. Based on my research and analysis in connection with this assignment, which is described in more detail in the body of this report, along with my own experience, training, knowledge, and education as stated, I have reached the following opinion:

15. (The defaming statements associating Mr. Bradley J. Edwards with the illegal activities of Mr. Scott Rothstein as a result of Mr. Jeffrey Epstein's lawsuit against Mr. Edwards have been disseminated to at least 74 online media or other sites in 104 separate stories or articles with a combined 9,669,542 potential daily visitors since the lawsuit was filed to the date that I filed this report, inclusive)

16. This number is conservative, and it is more likely than not, that the defaming statements have received wider dissemination due to factors, discussed in more detail later in this report, such as:

a. It is a reasonable assumption that I have not located all references to the defaming statements on every website by the time of the submission of this report. So, there may be more sites with articles containing the defaming statements that are **not** included in my calculations.

b. The focus of my analysis was the online dissemination of the statements. Therefore, I examined only online sources and **not** the dissemination of the statements made via print or broadcast media. It is reasonable to assume that the statements made were disseminated via these other channels.

c. I have not included dissemination of the defaming statements in the book, Filthy Rich¹⁰ by authors James Patterson and John Connolly. Therefore, this source of dissemination is **not** included in my analysis.

d. In my analysis, I have not attempted to measure face-to-face dissemination of articles containing the defaming statements. Therefore, these sources of dissemination are **not** included in the count of daily unique visitors.

e. Since I do not have access to certain online sources where articles containing the defaming statements may have been disseminated (e.g., email messages, personal social media messages, articles behind firewalls, etc.), these sources are **not** included in the count of daily unique visitors.

f. Given the nature of the Web, there are possibly sites that have hosted the defaming statements that I could not locate or where the statements have been removed. Therefore, these sources of dissemination are **not** included in the count.

g. Also, there are sites that hosted the articles containing the defaming statements where the visitor data is not accessible or where I could not confirm the number of visitors. In these cases, even though I had confirmed the site had posted one or more articles containing the defaming statements, I did **not** include these sites in my calculation of the unique daily visitors.

h. I did not consider the dissemination via social media platforms of articles containing the defaming statements. Therefore, these sources of dissemination are **not** included in the count of daily unique visitors.

¹⁰ James Patterson and John Connolly (2016) Filthy Rich: A Powerful Billionaire, the Sex Scandal that Undid Him, and All the Justice that Money Can Buy - The Shocking True Story of Jeffrey Epstein. Little, Brown and Company.

i. There were many sites that published multiple articles on multiple days that contained or referenced the defaming statements; however, I did **not** use these multiple articles from the same site with different publication dates in my calculations in determining the number of daily unique visitors who have been exposed to the articles containing the defaming statements.

j. I did not include unique daily visitors to articles that link from that article to one or more of the articles containing the defaming statements; unless the article directly referenced the defaming statements, I did **not** include it in my analysis.

k. I did **not** include the number of individuals who after reading the articles shared the articles or contents contained within those articles with others, which would include multiple individuals reading the same article at or about the same time at the same computer as well as all individuals who learned of the content of the articles from others who had read the articles.

l. Finally, I did not include the counts of those who may have been searching and saw the defaming statements made in the search results listing.

V. BACKGROUND WEB ANALYTICS FOR TRAFFIC ANALYSIS

17. In the course of forming this opinion, I implemented numerous web analytics and related techniques commonly used in the industry. In order to more clearly discuss these techniques, I define the following terms:

- **Direct Traffic**: visitors to a website that come from entering a website link into a browser location bar (e.g., not coming via a link on another website).
- **Dissemination**: the act of spreading or the circulation of information or articles.

- **Domain**: a specific Internet website that are administered as a unit and defined by an Internet Protocol (IP) address.
- **Reach**: the percentage or number of people who visit a website out of the total targeted population.
- **Referral Traffic**: visitors to a site that come from websites other than search engines.
- **Repeat Visits**: visitor traffic to a website in a given period that **just** includes multiple visits from the same set of IP addresses (i.e., IP addresses with more than one visit); provides a count of the people who have visited a site more than once in a given period. An individual is usually defined by a combination of IP address and browser within a given period but can also be defined by more sophisticated methods.
- **Search Engine**: a program and associated hardware and processes that allows people to find information on the Web, typically via the submission of queries consisting of terms.
- **Search Traffic**: visitors to a site that come from search engines rather than from other websites or via direct navigation.
- **Search**: a submission of a query to a search engine, usually in the form of terms forming a query.
- **Share**: sharing of an article or webpage typically via some social media platform.
- **Social Media**: content that is shared via a social networking website.

- **Unique Visits**: visitor traffic to a website within a given period that includes only the first visit (i.e., subsequent visits are ignored), which excludes repeat visits; provides a count of the individuals who have visited a site in a given period.

- **Unique Daily Visitors**: visitor traffic to a website who visits a site at least once in a given 24-hour period. Each visitor, to the site, is counted once during the reporting period, which means it excludes repeat visits; provides a count of the individuals who have visited a site on a given day.

- **Visits**: a count of all the traffic to a website in a given period, including both unique and repeat visits.

- **Web Analytics**: the measurement, collection, analysis, and reporting of web data.

18. In forming my opinion, I utilized accepted web analytics and related methodologies. To that end, I employed various publicly available online analytic services, as well as subscription-based services in conducting my research, including:

- **Alexa**: an online service that provides web traffic data and analysis.
- **Google Keyword Tool**: an online service that provides the number of searches for a given set of keywords in a given month on the Google search engine.
- **Google Trends**: an online service that shows how often a particular term is relatively searched on the Google search engine in a given period.
- **Quantcast**: an online service that provides web traffic data and analysis.
- **SimilarWeb**: an online service that provides web traffic data and analysis.

19. These tools offer a variety of data and analysis services, and they are frequently utilized by industry professionals in the search engine optimization, web analytics, and search engine marketing fields for the market, customer, and competitive analysis. Furthermore, where

possible, I did my own assessments, as outlined below, in order to validate the data and analysis results.

20. I also utilized search engines, primarily Google and Bing, to assess the dissemination of articles containing the statements.

21. When necessary, I used multiple data sources, which is a data verification technique known as triangulation¹¹, where one uses multiple and disparate sources for analysis and then compare the results from the separate analysis. If the results are similar, it reinforces the conclusion that the overall data analysis is valid.

22. In situations where I believed that I could not adequately verify the number of individuals or did not have confidence in the numbers in those situations, I did **not** include those numbers in the calculation.

23. Concerning the accuracy of the analysis, the number of domains where the statements have been disseminated is reliable, as this is straightforward to verify (i.e., the article is either posted on a site or it is not and the article either contains the defaming statements or no). If anything, this is an undercount, as some domains, for example, may have removed such articles, making them no longer available. There are possibly articles containing the defaming statements that I have not been able to locate by the time that I submitted this report.

24. Concerning traffic numbers for domains, the traffic services I used are the de facto industry standard, with billions of dollars in online advertising spend being based on these and related numbers¹². Therefore, I consider them reliable for the purpose employed here.

¹¹ Triangulation (social science) http://en.wikipedia.org/wiki/Triangulation_%28social_science%29

¹² U.S. Digital Advertising Will Make \$83 Billion This Year, Says EMarketer <http://www.adweek.com/digital/u-s-digital-advertising-will-make-83-billion-this-year-says-emarketer/>

25. My analysis is based on my experience, training, knowledge, and education and is formed through the application of that experience, training, knowledge, and education in the principles of web data collection, web analytics, web search, search engines, websites, and related areas.

VI. METHODOLOGY TO DETERMINE THE DISSEMINATION OF THE DEFAMING STATEMENTS AGAINST MR. EDWARDS

26. My opinion is that articles containing the defaming statements have been disseminated to at least 74 online media or other sites in 104 separate stories or articles with a combined 9,669,542 potential daily visitors.

27. This is a conservative estimate, and it is more likely than not, the statements have received wider dissemination due to factors outlined above.

28. Concerning the procedure employed in determining the dissemination of the statements, nearly every major news site that I investigated has carried some aspects of the overall case relating to Mr. Edwards and Mr. Epstein, or other parties involved. In fact, there are hundreds of news articles and postings concerning the general story from news outlets worldwide, with combined potential viewership in the multi-millions.

29. However, I was not interested in articles that **just** discussed the story in general or other aspects of the story. I was specifically interested in only those articles that referenced directly the defaming statements. Naturally, this narrow focus is a much smaller subset of news articles and other articles than are the articles addressing the overall story.

30. To isolate these articles of interest, I generated a series of queries¹³ that specifically targeted news articles from the case that addressed the defaming statements (e.g., *Jeffrey Epstein v. Scott Rothstein and Bradley J. Edwards lawsuit*) to retrieve a set of articles that directly related to the defaming statements¹⁴. I employed a modified snowball technique¹⁵, starting with one seed query, adding and modifying terms until I was not retrieving new results. I also located some articles via navigating from the set of retrieved articles.

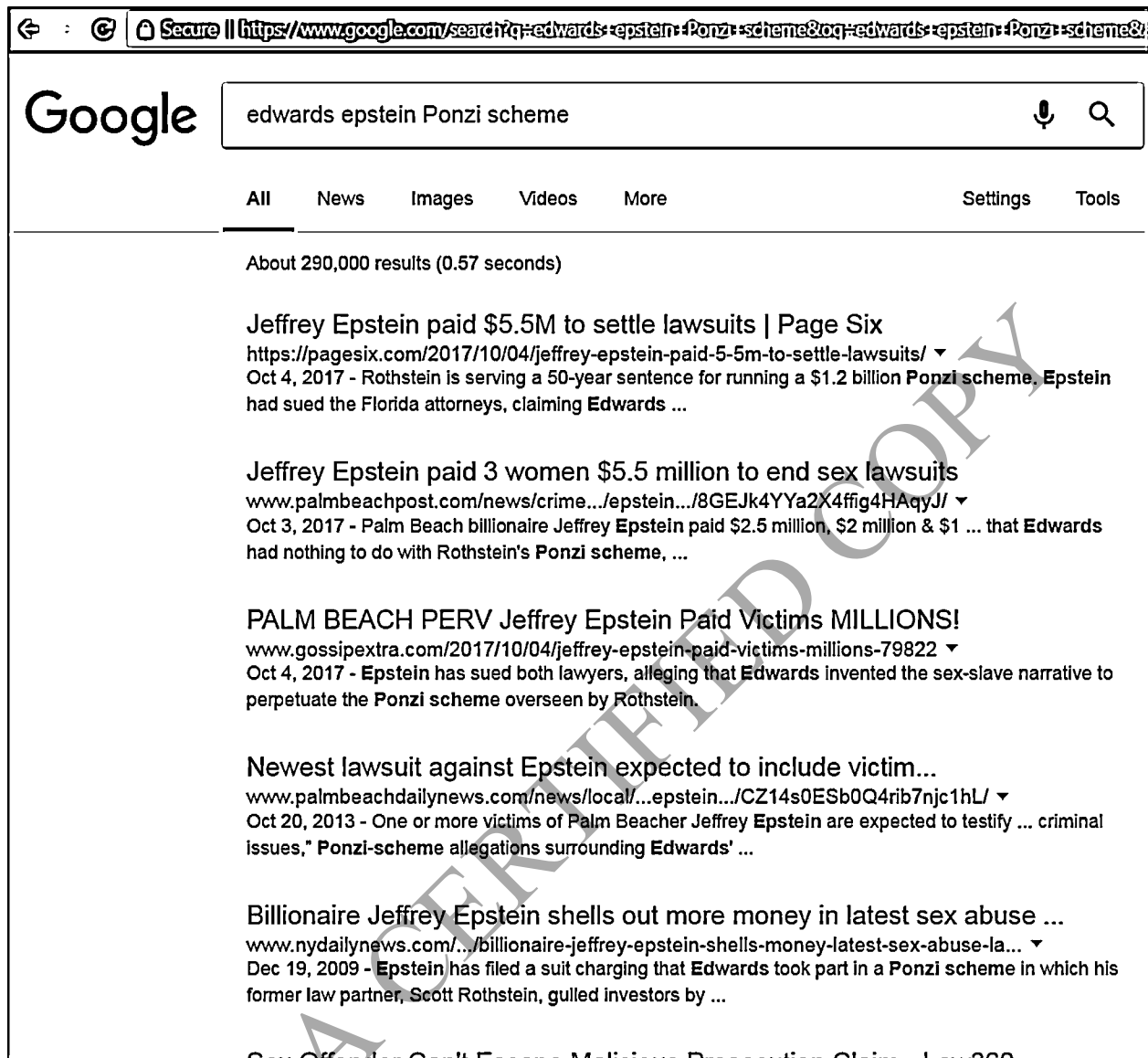
31. An example of a search engine results page in response to one of these queries is shown in Figure 1.

32. **Figure 1: Google search results for the search *edwards epstein Ponzi scheme*.**

¹³ *edwards epstein, edwards epstein Ponzi scheme, brad edwards Ponzi, brad edwards lawyer Ponzi, brad edwards dirty lawyer, Jeffrey Epstein v. Scott Rothstein and Bradley J. Edwards lawsuit, Edwards Epstein Attorney's Suit Against Billionaire Allowed as Long as Justices Say It's OK, Just an 'Ordinary Guy,' Lawyer Dishes on Surviving Rothstein, Battling Epstein.*

¹⁴ In addition to the queries, I located some articles via direction navigation.

¹⁵ https://en.wikipedia.org/wiki/Snowball_sampling



33. I then personally verified that each article contained the defaming statements, by reviewing each article used in my analysis to ensure that the articles directly referenced in some way the defaming statements.

34. So, articles relating to the overall story that did **not** mention the defaming statements were **not** included in the analysis.

35. In the end, I had a set of 104 online news articles or stories to the date that I filed this report that specifically referenced the defaming statements to conduct my analysis, as outlined below. These articles are listed in **Appendix D**.

36. Each of these 104 online articles was posted online. The 104 online articles were distributed among 74 unique domain websites (i.e., some websites posted multiple articles that contain the statements). These 74 domains are also listed in **Appendix D** with the specific articles links.

37. As seen from the list of domains that have published articles or stories containing references to the statement, many of these domains are those of major news organizations or sources, including BuzzFeed, Forbes, New York Daily News, Page Six, Radar Online, The Daily Mail, The Telegraph, etc.

38. There are regional Florida newspapers, where Mr. Edwards' law office is located, that published articles containing the defaming statements, including The Palm Beach Daily News and The Palm Beach Post.

39. I then used a variety of web analytics traffic services and other sources to get the unique daily visitor traffic for each of these domains. I used multiple services when necessary to get the unique daily visitor traffic for each of these domains, as these traffic services may use different techniques to arrive at their traffic numbers. In end, I used primarily SimilarWeb, as the service was generally providing the most consistent results across websites.

40. In cases where I determined I could not get unique daily visitor traffic numbers or the unique daily visitor traffic was not reliable, in my opinion, I did not include the unique daily visitor traffic numbers for that domain in the numbers. This usually occurred for the sites with a smaller number of daily visitors or sites with an extremely large number of daily visitors.

41. *Unique daily visitors* measure is an industry standard web analytics metric for measuring people that visit a website in a given day, also known as unique audience¹⁶. It is generally averaged out over multiple days with a given period, such as week or month, as there are normal daily fluctuations.

42. Table 1 shows the unique daily visitor traffic for the listed domains that posted articles or stories referencing the statements and the associated unique daily visitor traffic for each of those domains, along with the number of articles containing the defaming statements posted on that site.

43. **Table 1: Domains that published articles or stories containing the defaming statements with the domain's number of unique daily visitors and the number of articles containing the statements published on that domain to the date that I filed this report.**

No.	Domain	Domain Unique Visitor Traffic (Daily)	Number of Articles Published
1	15thcircuit.co.palm-beach.fl.us	a	1
2	aangirfan.blogspot.qa	a	1
3	able2know.org	18980	1
4	abovethelaw.com	51000	2
5	absolutewrite.com	37333	1
6	amlawdaily.typepad.com	a	1
7	anonhq.com	18689	1
8	archive.org	b	1
9	articles.sun-sentinel.com	14979	1
10	books.google.com.qa	b	1
11	cannonfire.blogspot.qa	a	1
12	casetext.com	20947	1
13	deeppoliticsforum.com	a	1
14	docplayer.net	42400	1
15	docuri.com	6024	1
16	forum.davidicke.com	11607	1
17	fullcontentdaily.com	a	1

¹⁶ Nielsen Online Ratings Metrics Guidelines, <http://digitalmeasurement.nielsen.com/files/metrics-guidelines.pdf>

No.	Domain	Domain Unique Visitor Traffic (Daily)	Number of Articles Published
18	girlsjustwannahaveguns.com	8461	1
19	ijr.com	63500	1
20	jonathanturley.org	11827	1
21	law.justia.com	92567	1
22	lawnewz.com	114800	1
23	mondoweiss.net	13949	1
24	nesaranews.blogspot.qa	6227	1
25	novaordemnews.blogspot.qa	a	1
26	pagesix.com	55600	1
27	peuplesobservateursblog.wordpress.com	a	1
28	radaronline.com	303367	1
29	seeker401.wordpress.com	a	1
30	sites.eveyo.com	21627	1
31	static1.squarespace.com	b	1
32	tabublog.com	a	2
33	theawarenesscenter.blogspot.qa	a	1
34	thegoldwater.com	21239	1
35	themillenniumreport.com	8640	1
36	www.4dca.org	a	2
37	www.abajournal.com	17782	1
38	www.alectomm.com	a	1
39	www.browardpalmbeach.com	17431	1
40	www.buzzfeed.com	717350	1
41	www.courthousenews.com	8785	1
42	www.dailybusinessreview.com	a	1
43	www.dailymail.co.uk	1245477	3
44	www.democraticunderground.com	114467	1
45	www.documentcloud.org	38367	1
46	www.facebook.com	b	1
47	www.fairfaxunderground.com	9860	1
48	www.floppingaces.net	a	1
49	www.floridabulldog.org	a	2
50	www.forbes.com	3942600	2
51	www.freerepublic.com	181467	1
52	www.garyeto.com	a	1
53	www.gossipextra.com	41647	3
54	www.gpo.gov	58667	1
55	www.ieyenews.com	a	1
56	www.justice-integrity.org	a	3

No.	Domain	Domain Unique Visitor Traffic (Daily)	Number of Articles Published
57	www.law.com	34000	1
58	www.law360.com	46333	1
59	www.librarything.com	105333	1
60	www.nydailynews.com	1785333	2
61	www.pacificpundit.com	6399	1
62	www.palmbeachdailynews.com	8320	7
63	www.palmbeachpost.com	183000	3
64	www.pressreader.com	b	5
65	www.redd.it.com	b	1
66	www.rigorousintuition.ca	a	1
67	www.scribd.com	b	3
68	www.slideshare.net	b	1
69	www.sott.net	112333	1
70	www.talkleft.com	a	3
71	www.telegraph.co.uk	4828	2
72	www.the5thstate.asia	a	1
73	www.veteranstoday.com	46000	1
74	www.yumpu.com	b	2
		9,669,542	104

^a - Unique daily visitor traffic not available

^b - Unique daily visitor traffic not verifiable

44. As shown in Table 1, there are 74 domains that hosted 104 articles containing the defaming statements against Mr. Edwards with these defaming statements begin disseminated to, conservatively, a potential 9,669,542 daily visitors to these websites.

45. I used each domain's unique daily visitor count to calculate the dissemination of the articles containing the statements to various websites and potentially to visitors to that site (i.e., as visitors to the news sites, these individuals could have been exposed to the articles containing the statements), using the unique daily visitor number only once for each domain, regardless whether that domain published more than one article referring to the statements.

VII. RESULTS FOR ANALYSIS OF THE DISSEMINATION OF THE DEFAMING STATEMENTS AGAINST MR. EDWARDS

46. Based on my analysis as outlined above, my opinion is that *the defaming statements associating Mr. Edwards with the illegal activities of Mr. Rothstein as a result of Mr. Epstein's lawsuit against Mr. Edwards have been disseminated to at least 74 online media or other sites in 104 separate stories or articles with a combined 9,669,542 potential daily visitors since the lawsuit was filed to the date that I filed this report, inclusive.*

47. This is a conservative number, and more likely than not, articles containing the defaming statements made have been disseminated to more individuals.

VIII. WHY THE NUMBER IS CONSERVATIVE

48. This is a conservative number, and it is more likely than not, the defaming statements have received wider dissemination due to factors such as:

a. Although I spent considerable effort to locate published articles that contained the defaming statements, it is reasonable to assume that I have not located all such articles by the time of the submission of this report. So, there are most likely more sites with articles containing the defaming statements that are **not** included in my calculations, which would increase the dissemination of the articles on domains and increase the traffic count.

b. The focus of my analysis was the dissemination of online articles containing the defaming statements, and I examined only online sources and **not** print or broadcast media.

c. I have not included dissemination of the defaming statements in the book, Filthy Rich¹⁷ by authors James Patterson and John Connolly. As Mr. Patterson is a well-known author, the book had an initial printing of 500,000¹⁸, is well ranked in Amazon's electronic book

¹⁷ James Patterson and John Connolly (2016) Filthy Rich: A Powerful Billionaire, the Sex Scandal that Undid Him, and All the Justice that Money Can Buy - The Shocking True Story of Jeffrey Epstein. Little, Brown and Company.

¹⁸ FILTHY RICH - PATTERSON, JAMES/ CONNOLLY, JOHN (CON)/ MALLOY, TIMOTHY (CON) - NE
http://www.ebay.com.au/itm/FILTHY-RICH-PATTERSON-JAMES-CONNOLLY-JOHN-CON-MALLOY-TIMOTHY-CON-NE/192248712306?_trkparms

and other sections¹⁹, and also, a top USA Today top selling book²⁰. The book is available and/or has been reviewed on at least 20 websites, including USA Today, New York Journal of Books, The Daily Beast, and the New York Post, and is available from major online retailers, including Amazon, Wal-mart, Barnes and Noble, and eBay, among others, as shown in **Appendix E**. This source of dissemination is **not** included in my calculation.

d. In my analysis, I did not attempt to measure face-to-face dissemination that may have occurred after individuals may have read articles containing the defaming statements, which would increase the count. Therefore, this is **not** included in my calculations.

e. Naturally, I could not access certain online sources where the defaming statements made may have been disseminated (e.g., email messages, social media messages, articles behind firewalls, etc.). Therefore, these numbers are **not** included in my calculations.

f. Also, there are possibly sites that have hosted articles containing the defaming statements where the articles have been removed. Therefore, they are **not** included in my calculations.

g. For sites where one or more of the articles containing the defaming statements are posted but where I could not locate or not determine reliable daily unique visitor traffic, I have **not** included these sites in my calculations.

h. I did **not** include the dissemination of the articles containing the defaming statements directly to social media platforms.

¹⁹ Filthy Rich: A Powerful Billionaire, the Sex Scandal that Undid Him, and All the Justice that Money Can Buy: The Shocking True Story of Jeffrey Epstein https://www.amazon.com/dp/B01EFL9BMC/ref=dp-kindle-redirect?_encoding=UTF8&btkr=1

²⁰ Patterson takes on sordid Jeffrey Epstein case in 'Filthy Rich' <https://www.usatoday.com/story/.../filthy-rich-jeffrey-epstein...patterson.../91605266/>

i. I did not include articles that link to one of the articles containing the statements in my calculations of dissemination. Unless the article directly mentioned the statements, I did **not** include that article in my calculations.

j. Many sites published multiple articles on multiple days that quoted or referenced the statements; however, I did not use these multiple publication dates from the same site in my calculations of unique visitor traffic. If a domain published only one article containing the statements, then I directly used the unique daily visitors number. If a domain published multiple articles concerning the statements, I did not count the traffic for the subsequent articles containing the statements made, even though research shows that repeat traffic to websites is generally only about 30%²¹, meaning that 70% of the traffic would be unique. However, I was not comfortable using this figure given the nature of these sites, which might have higher repeat visitors day-to-day. Therefore, I did **not** include the visitors to multiple articles in my calculations.

k. Finally, I did **not** include the count of people who may have been searching and may have seen the statements made in the search results, without needing to visit the actual articles, which can easily happen, as shown in Figure 2.

l. **Figure 2: Example of search results with the defaming statements appearing in the result snippets, requiring no need to visit the website hosting the articles themselves.**

²¹ Teevan, J., Adar, E., Jones, R. and Potts, M. (2006). History repeats itself: repeat queries in Yahoo's logs. In *Proceedings of the 29th annual international ACM SIGIR conference on Research and development in information retrieval* (SIGIR '06). ACM, New York, NY, USA, 703-704.

50. Right to Amend: Although I have had access to materials publicly available pertaining to claims in this dispute, I have not been able to review all the material by the deadline for completion of this report. I reserve the right to review and rely on any such material, including at the time of trial. I also reserve the right to issue a supplemental or an amended report if my review of such material results in any significant change or addition to my opinion.

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DATED: 20 October 2017

Respectfully submitted,

By _____

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