

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

CASE NO.: 502009CA040800XXXXMBAG

JEFFREY EPSTEIN,

Plaintiff,

vs.

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

Defendant,

_____ /

**EDWARDS' MOTION FOR ADVERSE INFERENCE INSTRUCTIONS REGARDING
EPSTEIN'S FIFTH AMENDMENT ASSERTIONS TO FINANCIAL DISCOVERY AND
APRIL 15, 2011 REQUEST TO PRODUCE**

Counter-Plaintiff, BRADLEY J. EDWARDS, by and through his undersigned counsel, hereby files this Motion for Adverse Inference Instructions Regarding Epstein's Fifth Amended Assertions to Financial Discovery and April 15, 2011 Request to Produce, and as grounds therefor states as follows:

1. Epstein has raised his Fifth Amendment privilege against self-incrimination with respect to all net worth discovery regarding punitive damages. Pursuant to Judge Crow's November 15, 2013 Order, the Court deferred on the issue of whether Edwards is entitled to an adverse inference jury instruction as a result of Plaintiff/Counter-Defendant's Fifth Amendment assertions.

2. Specifically, Epstein has raised his 5th Amendment privilege as to all net worth discovery, including in the following pleadings:

- a. 7/9/13 Amended Response to Punitive Damage Production Request [all objected to on basis of privilege against self-incrimination]
- b. 7/10/13 Amended Responses to Net Worth Interrogatories [all objected to on basis of privilege against self-incrimination]
- c. 3/27/13 Responses to Request for Admissions [requests 3-13 objected to on the basis of the privilege against self-incrimination]

3. It is well-settled in Florida that “a court may draw an adverse inference against a party in a civil action who invokes the Fifth Amendment privilege against self-incrimination.” See Atlas v. Atlas, 708 So. 2d 296, 299 (Fla. 4th DCA 1998) (citing Baxter v. Palmigiano, 425 U.S. 308 (1976)).

4. Edwards is therefore entitled to an adverse inference jury instruction as to all Fifth Amendment assertions concerning punitive damage net worth discovery. See id.

5. In addition, Epstein objected to Edwards' April 15, 2011 Request to Produce on the basis of his Fifth Amendment privilege. That discovery request sought communications between Epstein (and his agents) and any government official which relate to Epstein's sexual molestation of children, as follows:

All documents* constituting, reflecting, or relating to communications between [Epstein] or any agent of [Epstein], on the one hand, and . . . any prosecuting, law enforcement, and/or government entity which communication relates directly or indirectly to any allegation of illegal activity or tortuous conduct in which Epstein is alleged to have engaged.

6. By raising his Fifth Amendment privilege in this civil proceeding, Edwards is entitled to an adverse inference jury instruction that communications exist between Epstein and the government evidencing that Epstein committed the crimes he was accused of committing.

WHEREFORE, Counter-Plaintiff Bradley J. Edwards respectfully requests that this Court enter an Order granting this Motion for Adverse Inference Instructions Regarding Epstein's Fifth Amended Assertions to Financial Discovery and April 15, 2011 Request to Produce, and awarding any such further relief as the Court deems just and proper given the circumstances.

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 15th day of February, 2018.



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