

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of *THE PALM BEACH POST*,

Plaintiff,

v.

CASE NO.: 2019-CA-014681  
DIVISION: AG

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

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**AMENDED MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT DAVE  
ARONBERG'S AMENDED MOTION FOR ATTORNEYS' FEES**

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, (the  
"State Attorney"), by and through counsel below, hereby submits the following Amended  
Memorandum of Law in Support of his Amended Motion for Attorneys' Fees, as follows:

**TIMELINE & BACKGROUND**

1. On November 14, 2019, Plaintiff filed a Complaint against the State Attorney and  
Clerk seeking to create a private right of action under Fla. Stat. § 905.27, in the interest of  
"furthering justice", to compel disclosure of the testimony, minutes, and other evidence presented  
in 2006 to the Palm Beach County grand jury, as to Jeffrey Epstein, (the "Requested Materials").  
[Def.Ex.A-1].

2. On November 26, 2019, the State Attorney and his office received an engagement  
letter and attorney-client contract from the undersigned, which was later executed. [Def.Ex.A-2].

3. On December 6, 2019, the State Attorney filed his Motion to Dismiss, which put Plaintiff on notice that “*Defendant Aronberg is not in custody or control of the [Requested Materials] and is therefore not a proper party to this action.*” [Def.Ex.A-3].

4. On January 17, 2020, Plaintiff filed its First Amended Complaint, which in addition to its original claim under § 905.27 Fla. Stat., (“Count II”), added a claim for Declaratory Relief, (“Count I”), that sought an order declaring that the State Attorney and the Clerk disclose and release the Requested Materials. [Def.Ex.A-4].

5. On January 24, 2020, the State Attorney filed an Answer to Count I of the First Amended Complaint and a Motion to Dismiss Count II, which again notified Plaintiff that:

*Defendant Aronberg and the Office of the State Attorney for the Fifteenth Judicial Circuit are not in custody or control of the records sought herein, and therefore Defendant Aronberg is not a proper party to this action. In fact, Defendant, Sharon R. Bock, as Clerk and Comptroller of Palm Beach County, Florida, admits that it is the custodian in possession of the documents that are the subject of this action.*

[Def.Ex.A-5, p. 12].

6. On June 3, 2020, Chief Judge Marx held a hearing on the State Attorney’s and Clerk’s Motions to Dismiss Count II. [Def.Ex.A-6].

7. On June 8, 2020, the Court entered its Order Granting Defendants’ Motions to Dismiss Count II of Plaintiff’s First Amended Complaint with Prejudice, leaving only Plaintiff’s Count I seeking declaratory relief. [Def.Ex.A-7].

8. Immediately thereafter, Plaintiff was served with a demand, pursuant to § 57.105 Fla. Stat., to voluntarily dismiss/withdraw the First Amended Complaint and the claims against the State Attorney, along with a Motion for Attorneys’ Fees (“§ 57.105 Demand”). [Def.Ex.A-8].

9. In serving his § 57.105 Demand, the State Attorney properly put Plaintiff on notice that he would seek sanctions by filing the § 57.105 Motion for Attorneys' Fees if Plaintiff failed to dismiss the remainder of the First Amended Complaint within 21 days.

10. On June 23, 2020, Plaintiff's counsel sent a response to the § 57.105 Demand refusing to withdraw the remainder of the First Amended Complaint. [Def.Ex.A-9].

11. After receiving Plaintiff's response and waiting the requisite "21 days after service of the motion," the State Attorney's § 57.105 Motion for Attorneys' Fees was filed with the Court on July 1, 2020, ("First Motion for Attorneys' Fees"). [Def.Ex.A-10].

12. On August 18, 2020, the State Attorney filed his Motion for Summary Judgment, [Def.Ex.A-11], which includes an Affidavit made by the State Attorney. [Def.Ex.A-12].

13. On October 21, 2020, Plaintiff filed its Notice of Dropping the State Attorney, pursuant to Rule 1.250(b), Fla.R.Civ.P. [Def.Ex.A-13].

14. On November 9, 2020, the State Attorney filed his Amended Motion for Attorneys' Fees, ("Amended Motion"), pursuant to § 57.105, Fla. Stat., seeking attorneys' fees in the amount of \$19,975.00, plus a multiplier of 2. [Def.Ex.A-14].

## **I. LEGAL STANDARD**

As follows, Florida Statutes § 57.105(1) authorizes awards of attorneys' fees as sanctions:

(1) Upon the court's initiative or motion of any party, *the court shall award a reasonable attorney's fee*, including prejudgment interest, to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney *on any claim or defense at any time during a civil proceeding or action in which the court finds that the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial:*

- (a) Was not supported by the material facts necessary to establish the claim or defense; or
- (b) Would not be supported by the application of then-existing law to those material facts.

“Section 57.105 does not require a finding of frivolousness to justify sanctions, but only a finding that the claim lacked a basis in fact or law” and “does not require a party to show complete absence of a justiciable issue of fact or law.” *Martin County Conservation Alliance v. Martin County*, 73 So. 3d 856, 865 (Fla. 1st DCA 2011) (finding that “Courts are not at liberty to disregard the legislative mandate that courts shall impose sanctions in cases without foundation in material fact or law. The word “shall” in § 57.105, Fla. Stat., evidences the legislative intent to impose a mandatory penalty to discourage baseless claims, by placing a price tag on losing parties who engage in these activities. Section 57.105 expressly states courts “shall” assess attorney’s fees for bringing, or failing to dismiss, baseless claims or defenses.”).

In determining an award of sanctions under § 57.105, the trial court’s findings “must be based on substantial competent evidence” and the trial court “must make an inquiry into what the losing party knew or should have known during the fact-establishment process, both before and after the suit was filed.” See *Trust Mortg., LLC v. Ferlanti*, 193 So. 3d 997 (Fla. 4th DCA 2016).

**II. THE STATE ATTORNEY’S AMENDED MOTION IS NEITHER IN VIOLATION OF THE 21-DAY SAFE HARBOR PROVISION IN FLA. STAT. § 57.105(4), NOR WAS THE AMENDED MOTION MOOT UPON FILING.**

“Section 57.105(4), Florida Statutes creates an opportunity to avoid the sanction of attorney’s fees by creating a safe period for withdrawal or amendment of meritless allegations and claims.” *Davis v. Bailyson*, 268 So. 3d 762, 769 (Fla. 4th DCA 2019). Specifically, the relevant portion of the Statute states:

A motion by a party seeking sanctions under this section must be served but may not be filed with or presented to the court unless, within 21 days after service of the motion, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected.

*Fla. Stat. § 57.105(4)*. Likewise, “[t]he primary purpose of the safe harbor provision of § 57.105(4), Fla. Stat., is to provide the recipient of a motion for an award of costs and attorney’s

fees with notice and the opportunity to withdraw or abandon a frivolous claim before sanctions are sought.” *MC Liberty Express, Inc. v. All Points Servs.*, 252 So. 3d 397, 404 (Fla. 3d DCA 2018).

Here, Plaintiff contends that the State Attorney “did not serve his Amended Motion at any time before filing it, and thus failed to comply with the 21-day notice provision....” [See, Plaintiff’s Memorandum of Law in Response to Amended Motion for Attorneys’ Fees, p.6.]. Plaintiff claims that for this reason the Amended Motion should be denied and cites in support, *Lago v. Kame By Design, LLC*, 120 So. 3d 73, 75 (Fla. 4th DCA 2013) (holding that “if a party files a subsequent or amended motion for sanctions under section 57.105 and raises an argument that was not raised in the original motion for section 57.105 sanctions, the subsequent motion must independently comply with the twenty-one-day ‘safe harbor’ provision of Section 57.105(4).”).

The instant case is distinguishable from *Lago*<sup>1</sup>. In *Lago*, because the case was still active when the plaintiff’s amended motion for attorneys’ fees was filed and was not served on the defendant in compliance with the 21-day safe harbor provision before it was filed with the court, pursuant to § 57.105, the defendant was entitled to notice and an opportunity to change its position and withdraw its offending motion before being subject to sanctions.

Here, despite Plaintiff’s decision to drop the State Attorney as a party, the Florida Rules of Civil Procedure and the courts of Florida are clear: Because Rule 1.250 specifies that a party is dropped “in the manner provided for voluntary dismissal in Rule 1.420(a)(1),” dropping a party therefore “operates as an adjudication on the merits.” See, *Siboni v. Allen*, 52 So. 3d 779, 781 (Fla. 5th DCA 2010); Rule 1.420(a)(1) Fla. R. Civ. P. Notably, Plaintiff admits that “the entire

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<sup>1</sup> Notably, the court in *Lago v. Kame By Design, LLC*, 120 So. 3d 73, 75 (Fla. 4th DCA 2013), despite finding that the plaintiff’s amended motion for attorneys’ fees was improper, the trial court was instructed to rule as to the plaintiff’s original motion for attorneys’ fees as it was properly served and filed pursuant to § 57.105, Fla. Stat.

action, which necessarily included Count I [of the First Amended Complaint], was dismissed as to [the State Attorney] on October 21, 2020. [See, Plaintiff's Memorandum of Law in Response to Amended Motion for Attorneys' Fees, p.7.]. Nonetheless, as a result of dropping the State Attorney from the case, Plaintiff not only effectively made an admission that its allegations against the State Attorney have no basis in fact or law, but also concluded the case as to the State Attorney and thereby became the losing party in this action.

Consequently, unlike the fact scenario and timeline in *Lago*, because Plaintiff concluded the instant litigation by dropping the State Attorney from the action before the filing of the Amended Motion, it was impossible to give Plaintiff an opportunity to respond and withdraw its Count I of the First Amended Complaint since Plaintiff had already done so, thus there can be no violation of the 21-day safe harbor provision set forth in Fla. Stat. § 57.105(4). Based on the foregoing, the State Attorney's Amended Motion does not violate the 21-day safe harbor provision because Plaintiff dropped him from the action prior to the filing of the Amended Motion, and therefore Plaintiff was not prejudiced by the filing of the Amended Motion. Accordingly, as further set forth below, Plaintiff has exposed itself to § 57.105 attorneys' fees as sanctions for failing to drop the State Attorney as a party within the 21-day safe harbor period.

Additionally, there is nothing improper about the First Motion for Attorneys' Fees or the Amended Motion and no argument or authority has been offered by Plaintiff that would make the Amended Motion moot. In fact, amended motions for attorneys' fees are filed consistently as a matter of course to include the entirety of fees in a lawsuit. Here, the State Attorney's total legal fees were able to be calculated and submitted at the time of filing the Amended Motion.

Finally, despite Plaintiff's assertion that "[a] motion for sanctions must be supported by the record evidence at the time it is filed" [and] "[b]ecause the First Motion was not so supported,

it fails under the [S]tatute”, Plaintiff has failed to provide any supporting authority and there is no statutory requirement or language in § 57.105 that supporting record evidence must exist to properly serve a § 57.105 demand and motion for attorneys’ fees. [See, Plaintiff’s Memorandum of Law in Response to Amended Motion for Attorneys’ Fees, p.8.]. “The central purpose of § 57.105, Fla. Stat., is, and always has been, to deter meritless filings and thus streamline the administration and procedure of the courts.” *Davis v. Bailyson*, 268 So. 3d 762, 769 (Fla. 4th DCA 2019). In this vein, a § 57.105 demand and accompanying motion for attorneys’ fees can be filed at any time after a lawsuit is initiated, even directly in response to the filing of a complaint, regardless of whether any record evidence exists in support of the § 57.105 demand.

Consequently, the foregoing indicates that the State Attorney’s First Motion for Attorney’s Fees, as served and filed, is sufficient under § 57.105 to seek sanctions from Plaintiff for its failure to drop the State Attorney from the instant lawsuit within the 21-day safe harbor provision after being notified why its First Amended Complaint had no basis in fact or law. Furthermore, as set forth at length above, the State Attorney had no obligation to serve his Amended Motion prior to filing it with the Court as Plaintiff had already dropped him from the case when it was filed.

**III. THE COMPETENT SUBSTANTIAL EVIDENCE ON THE RECORD SHOWS THAT THERE IS NO ARGUABLE BASIS IN LAW OR FACT FOR THE ISSUES RAISED IN PLAINTIFF’S COUNT I, WHICH NOT ONLY LACK A GOOD FAITH ARGUMENT FOR THE INTERPRETATION OF EXISTING LAW OR ESTABLISHMENT OF A NEW LAW WITH A REASONABLE EXPECTATION OF SUCCESS, BUT ALSO ARE NEITHER NOVEL OR COMPLEX.**

Here, Plaintiff relies on § 57.105(3)(a), which sets forth a scenario where sanctions are improper under the Statute:

3) Notwithstanding subsections (1) and (2), monetary sanctions may not be awarded:

(a) Under paragraph (1)(b) if the court determines that the claim or defense was initially presented to the court as a good faith argument for the extension, modification, or reversal of existing law or the establishment of

new law, as it applied to the material facts, with a reasonable expectation of success.

Notably, the § 57.105(3)(a) defense only applies to demands made under § 57.105(1)(b). Accordingly, Plaintiff's attempt to prevent an award of sanctions here only applies to whether Plaintiff or Plaintiff's attorney "knew or should have known" that the First Amended Complaint "when initially presented to the court or at any time before trial ... (b) *would not be supported by the application of then-existing law to those material facts necessary to establish their claim.*" § 57.105(1)(b), Fla. Stat.

Regarding the disclosure of grand jury materials, Florida Statutes § 905.17(1) makes clear that there is no arguable basis in law that the State Attorney provide the Requested Materials:

The notes, records, and transcriptions are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall be released by the clerk only on request by a grand jury for use by the grand jury or on order of the court pursuant to s. 905.27.

Florida Statutes § 905.17(1). Based on the clear language of § 905.17(1), Fla. Stat. there can be no good faith reasonable expectation of success for the State Attorney to produce and disclose the Requested Materials as he lacks the legal authority to obtain and deliver the Requested Materials demanded by Plaintiff in Count I of the First Amended Complaint.

Even if Plaintiff is shielded from § 57.105(1)(b) sanctions based on the § 57.105(3)(a) defense, Plaintiff is nonetheless subject to sanctions under § 57.105(1)(a), because Plaintiff or Plaintiff's attorneys "knew or should have known" that Count I "when initially presented to the court or at any time before trial ... (a) was not supported by the material facts necessary to establish the claim." Fla. Stat. § 57.105(1)(a). Specifically, based on Plaintiff's own research, statutory constructive notice, the State Attorney's affidavit, all of the pleadings and correspondence in this matter as well as through the State Attorney's office press release and social media accounts, and



Chief Judge Marx's statements during the June 3, 2020 hearing, Plaintiff and Plaintiff's attorneys knew or should have known that Count I of the Amended Complaint was not supported by the material facts necessary to establish the claim." See, Fla. Stat. § 57.105(1)(a).

The material facts showing that Plaintiff has no reasonable expectation of success and is unable to establish its claim for declaratory relief have been open, obvious, and apparent to everyone involved in this matter from the start. The State Attorney's position has been consistent: neither he nor his office has possession, custody, or control of the Requested Materials and therefore the declaratory relief sought by Plaintiff seeks materials that are impossible for him or his office to produce and he is not a proper party to this action. [See, Def.Ex.A-12 ¶¶ 3-4]. Again, these material facts negating Plaintiff's declaratory relief claim against the State Attorney were not only set forth in the June 8, 2020, § 57.105 Demand Letter, but have been the basis for the State Attorney's defense in every pleading, filing, and/or correspondence in this matter.

Accordingly, Plaintiff knew or should have known that the First Amended Complaint was not supported by the material facts necessary to establish the claim for declaratory relief. At the very least, Plaintiff should have known that its First Amended Complaint was not supported by the material facts after Judge Marx's statements during the June 3, 2020 hearing on Defendant's Motion to Dismiss Plaintiff's Count II. During that hearing, Chief Judge Marx drew a bright line as to when Plaintiff knew or should have known that Count I of the Amended Complaint had no basis in fact or law since the relief sought thereby is impossible for the State Attorney to perform. Specifically, Chief Judge Marx made several unequivocal statements on the record putting Plaintiff on notice, if they weren't already, that the State Attorney does not have and cannot produce the Requested Materials. [Def.Ex.A-6, pgs. 3:18 – 4:1; 5:17-19; 8:4-22; 10:21 – 11:1; 11:12-15; 16:12 – 17:3; 17:6-9; 17:23 – 18:2].

Additionally, Plaintiff's argument for novelty and complexity fails as to Count I, regardless of Plaintiff's reliance on "Constitutional provisions and interpretive case law, along with Fla. Stat. § 905.27" ... "to propose a good faith interpretation of existing law in support of its declaratory relief claim in Count I." [See, Plaintiff's Memorandum of Law in Response to Amended Motion for Attorneys' Fees, p.10.]. The simple fact of the matter is that Count I is neither novel or complex because Count I merely seeks declaratory relief and the State Attorney's lack of possession, custody, or control in conjunction with § 905.17(1) creates an impossibility of performance as to Count I. Here, § 905.17(1) is abundantly clear that only the Clerk can release grand jury materials pursuant to a court order. The record is likewise clear that not only has the State Attorney never had possession, custody, or control of the Requested Materials, but he also lacks any legal authority to obtain and deliver the Requested Materials.

Thus, there is no arguable "good faith" basis in law and/or fact as to Plaintiff's Count I. Likewise, under no set of facts does Plaintiff have a reasonable expectation of success against the State Attorney in obtaining the Requested Materials because he does not have possession, custody, or control over them. In fact, Plaintiff acknowledged, admitted, and acquiesced to the impossibility of the State Attorney providing the Requested Materials when he was dropped from the action. Consequently, sanctions against Plaintiff are appropriate under § 57.105, Fla. Stat.

### **CONCLUSION**

Based on the foregoing, Defendant, Dave Aronberg, as State Attorney of Palm Beach County, Florida, respectfully requests the Court enter an order granting his Amended Motion for Attorneys' Fees as well as such other and further relief as the Court deems just or proper.

**JACOBS SCHOLZ & WYLER, LLC**

*/s/ Douglas A. Wyler*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 12th day of August, 2021, a copy of the foregoing has been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

*/s/ Douglas A. Wyler*

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**Def.Ex.A-1**

NOT A CERTIFIED COPY

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

CASE NO.:

CA FLORIDA HOLDINGS, LLC,  
Publisher of THE PALM BEACH POST

Plaintiff,

v.

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida, SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida,

Defendants.

SUMMONS

DEFENDANT: Dave Aronberg, as State Attorney of  
Palm Beach County, Florida  
401 N. Dixie Highway  
West Palm Beach, Florida 33401

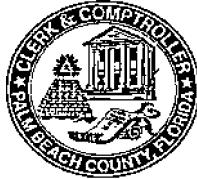
A lawsuit has been filed against you. You have 20 calendar days after this summons is served on you to file a written response to the attached Complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, must be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property may thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book). If you choose to file a written response yourself, at the same time you file your written response to the Court you must also mail or take a copy of your written response to the: Stephen A. Mendelsohn, Esquire, Greenberg Traurig, P.A., 5100 Town Center Circle, Suite 400, Boca Raton, Florida 33486, Telephone: (561) 955-7600.

NF 1316  
11/18/19  
@  
10:45am

THE STATE OF FLORIDA

TO EACH SHERIFF OF THE STATE: You are commanded to serve this Summons and a copy of the Complaint in this lawsuit on the above named Defendant.

DATED on November , 2019      **Nov 15 2019**



Sharon R. Bock  
As Clerk & Comptroller of the Court

By: \_\_\_\_\_

A handwritten signature in dark ink, appearing to read "Dolly Garcia", written over a horizontal line.

Deputy Clerk

**DOLLY GARCIA**

**IMPORTANTE**

Usted ha sido demandado legalmente. Tiene 20 Dias, contados a partir del recibo de esta notificacion, para contestar la demanda adjunta, por escrito, y presentarla ante este tribunal. Una llamada telefonica no lo protegera. Si usted desea que el tribunal considere su defensa, debe presentar su respuesta por escrito, incluyendo el numero del caso y los nombres de las partes interesadas. Si usted no contesta la demanda a tiempo, podiese perder el caso y podria ser despojado de sus ingresos y propiedades, o privado de sus derechos, sin previo aviso del tribunal. Existen otros requisitos legales. Si lo desea, puede usted consultar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a una de las oficinas de asistencia legal que aparecen en la guia telefonica.

Si desea responder a la demanda por su cuenta, al mismo tiempo en que presenta su respuesta ante el tribunal, debera usted enviar por correo o entregar una copia de su respuesta a la persona denominada abajo como "Plaintiff/Plaintiff's Attorney" (Demandante o Abogado del Demandante).

**IMPORTANT**

Des poursuites judiciaires ont ete entreprises contre vous. Vous avez 20 jours consecutifs a partir de la date de l'assignation de cette citation pour deposer une reponse ecrite a la plainte ci-jointe aupres de ce tribunal. Un simple coup de telephone est insuffisant pour vous proteger. Vous etes oblige de deposer votre reponse ecrite, avec mention du numero de dossier ci-dessus et du nom des parties nommees ici, si vous souhaitez que le tribunal entende votre cause. Si vous ne deposez pas votre reponse ecrite dans le delai requis, vous risquez de perdre la cause ainsi que votre salaire, votre argent, et vos biens peuvent etre saisis par la suite, sans aucun preavis ulterieur du tribunal. Il y a d'autres obligations juridiques et vous pouvez requerir les services immediats d'un avocat. Si vous ne connaissez pas d'avocat, vous pourriez telephoner a un service de reference d'avocats ou a un bureau d'assistance juridique (figurant a l'annuaire de telephones).

Si vous choisissez de deposer vous-meme une reponse ecrite, il vous faudra egalement, en meme temps que cette formalite, faire parvenir ou expedier une copie de votre reponse ecrite au "Plaintiff/Plaintiff's Attorney" (Plaignant ou a son avocat) nomme ci-dessous.

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of THE PALM BEACH POST,

CASE NO.:

Plaintiff,

v.

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida,

Defendants.

---

**COMPLAINT**

CA Florida Holdings, LLC, publisher of *The Palm Beach Post*, for its Complaint against Dave Aronberg, the State Attorney for Palm Beach County, Florida, in his official capacity ("State Attorney"), and Sharon R. Bock, the Clerk of the Court for Palm Beach County, Florida, in her official capacity ("Court Clerk"), alleges as follows:

**JURISDICTION**

1. This is an action within the exclusive jurisdiction of the Circuit Court pursuant to Fla. Stat. Section 26.012(2)(a).

**PARTIES**

2. *The Palm Beach Post* is a daily community newspaper published by Plaintiff CA Florida Holdings, LLC, with offices located at 2751 S. Dixie Highway, West Palm Beach, Florida.

3. Defendant Dave Aronberg is the duly elected State Attorney for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, pursuant to Fla. Stat. Section 27.01 and

has authority in grand jury proceedings pursuant to Fla. Stat. section 27.03. He is sued herein in his official capacity as his office is in possession of documents that are the subject of this action.

4. Defendant Sharon R. Bock is the duly elected Clerk and Comptroller of Palm Beach County, Florida. She is sued herein in her official capacity as her office is in possession of documents that are the subject of this action.

### **INTRODUCTION**

5. In what is now widely if belatedly recognized as a colossal miscarriage of justice – which led to the further needless victimization of countless young girls and women – a wealthy, politically connected, and powerful financier was not held accountable for, nor even forced to confront, allegations of serious sex trafficking crimes. While it is clear that Jeffrey Epstein's 2008 deal with the State of Florida was not consistent with the evidence gathered against him, what remains shrouded in mystery is how that evidence was presented – and the extent to which it was presented – to the grand jury that returned an indictment far more limited in scope than expected and deserved.

6. Through this action, *The Palm Beach Post* seeks public access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury empaneled during the first Epstein sex abuse investigation. Typically, access to such materials is limited, for example, in order to prevent the flight of those whose indictment may be contemplated and their ability to conceal or destroy evidence; to ensure jurors' candor in deliberations; and to protect an accused who is later exonerated. However, these factors are inapplicable here. Also, Florida law expressly authorizes the disclosure of grand jury proceedings under certain circumstances, including, as here, in the furtherance of justice. Fla. Stat. § 905.27(1)(c).

7. It can no longer credibly be maintained that continued blanket secrecy over the proceedings that led to the egregiously flawed 2006 Epstein indictment is warranted under the law.



To the contrary, transparency is required to promote public understanding of the criminal justice system and public confidence in the fair administration of justice. As detailed below, Epstein was accused of sexually abusing and trafficking dozens of women and girls in south Florida (among other locations) over a period of several years while exploiting his wealth and political connections to obstruct the administration of justice at every turn. Public disclosure of the Epstein grand jury proceedings will shed light on the extent to which those in our government entrusted with the solemn responsibility of enforcing our criminal laws equally as to all citizens fulfilled their duties in this instance. Justice will be furthered where it is either (1) demonstrated that Epstein was treated like others accused of similar heinous crimes, or (2) as appears more likely to be the case, those who chose to give Epstein favorable – “unusual,” in the words of the Town of Palm Beach Police Chief – treatment, are exposed and held accountable. From what limited information is now in the public domain, the State Attorney’s referral to the grand jury – which would be out of the ordinary for this type of case – gives rise to a strong inference of favoritism and corresponding disregard for the rights of the minor victims of Epstein’s sex trafficking. Access to the grand jury materials will allow the public to determine whether the grand jury process, and the secrecy that comes with it, was used to further justice or, instead, operated to shield Epstein and his co-conspirators from the consequences of their criminal activities. Accordingly, Fla. Stat. Section 905.27 authorizes the disclosure of Epstein’s 2006 grand jury proceedings.

8. Even in the absence of such a statutory basis, this Court is empowered to order public disclosure pursuant to its inherent authority and supervisory powers over the grand jury. Indeed, courts throughout the country in the past several decades have ordered the disclosure of high-profile grand jury proceedings pursuant to their inherent authority where the public’s interest in those proceedings has outweighed the general need for secrecy. This is particularly so where,

as here, many of the details of Epstein's criminal misdeeds have already been made available in the public domain through extensive news reporting by, among others, *The Palm Beach Post*; by the many civil suits brought against Epstein and his co-conspirators; and by the victims themselves.

9. In recognition of the sensitivity of the materials being sought, and in the interest of protecting any victims who wish to remain anonymous, *The Palm Beach Post* has no objection to copies of the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury first being submitted to this Court for *in camera* review, where they may be redacted, as appropriate, to protect those who deserve such protection.

#### **FACTUAL BACKGROUND**

10. The following facts were gathered, in large part, from documents obtained by *The Palm Beach Post* through various Florida Public Records Law requests, documents unsealed or publicly available in other related judicial proceedings, and information and documents in the public record.

##### **A. First Epstein Sex Crimes Investigation, Indictment, and Plea Agreement: 2005- 2008.**

11. The investigation into Epstein's sex crimes began more than fourteen years ago, when a 14-year-old girl's stepmother reported to police in the Town of Palm Beach, Florida, that Epstein and others who worked for him arranged for her to give Epstein a "massage." Epstein required the girl to strip, exposed himself, and masturbated while touching her. The girl was paid \$300. Epstein was 52 years old at the time.

12. Following this initial report in 2005, the Town of Palm Beach Police, and later, in 2006, the FBI, investigated Epstein. Interviews under oath with five additional alleged victims and seventeen witnesses revealed that the events described by the 14-year-old girl occurred, with disturbingly similar details, with each of the other victims.

13. Both the victim/witness interviews, as well as evidence retrieved following a search of Epstein's home, showed that some of the girls involved were under the age of 18. The police search of Epstein's residence also found two hidden cameras and, throughout the house, large numbers of nude photos of girls, including victims whom the police had not interviewed in the course of their investigation.

14. In March 2006, a State grand jury was scheduled at which all of the victims were expected to testify. The proceeding was postponed, however, due to meetings between the State Attorney's office and Epstein's prominent criminal defense lawyer and personal friend, Alan Dershowitz.

15. Another grand jury was convened in April 2006, but canceled the day before it was to begin receiving evidence.

**(1) Police Chief Reiter's Letter to the State Attorney.**

16. On May 1, 2006, Town of Palm Beach Police Chief Michael Reiter wrote a "personal and confidential" letter to then Palm Beach County State Attorney, Barry Krischer, stating:

I must renew my prior observation to you that I continue to find your office's treatment of [the Epstein] cases highly unusual. It is regrettable that I am forced to communicate in this manner, but my most recent telephone calls to you and those of the lead detective to your assigned attorneys have been unanswered and messages remain unreturned. After giving this much thought and consideration. ***I must urge you to examine the unusual course that your office's handling of this matter has taken and consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases.*** (Emphasis supplied)

17. Chief Reiter's letter to State Attorney Krischer enclosed the Town of Palm Beach Police Department's probable cause affidavits charging Epstein and two of his assistants with multiple counts of unlawful sex acts with a minor and one count of sexual abuse, and requested

that either an arrest warrant be issued for Epstein or the State Attorney directly initiate the charges against him, which would be public.

**(2) The July 2006 State Grand Jury Presentation.**

18. Instead, State Attorney Krischer elected to refer the case to a grand jury, which is mandatory for capital cases but rarely used for all other crimes. According to an official spokesperson, this was the first time that a sex crimes case was presented to a grand jury in Palm Beach County.

19. In July 2006, after State Attorney Krischer presented testimony and evidence from *one victim*, the grand jury returned an indictment on a sole count of solicitation of prostitution. There is no mention in the indictment of the victim being a minor.

20. On information and belief, a second of Epstein's victims was supposed to testify before the grand jury, but was unable to attend because of a school exam.

21. No reasonable explanation has been provided as to why the numerous other known victims were not presented as witnesses and crime victims to the grand jury convened in July 2006. Nor has any reasonable explanation been provided as to why State Attorney Krischer, who was initially eager to investigate and prosecute Epstein for his crimes, over time lost the desire to do so.

22. On information and belief, during the grand jury appearance of the single victim who testified, the State Attorney presented evidence that vilified the victim and attacked her credibility, including soliciting testimony regarding underage drinking and questionable personal behavior that was unrelated to the charges against Epstein. Further upon information and belief, this information was initially brought to the attention of the State Attorney's office by Epstein's defense counsel.

**(3) The FBI's Investigation and Epstein's Non-Prosecution Agreement With Federal Authorities.**

23. On information and belief, following the deficient July 2006 indictment, and with Chief Reiter's encouragement, the FBI began its own investigation of Epstein.

24. Records unsealed in 2015 revealed that the FBI compiled reports on "34 confirmed minors" that were victims of Epstein's sexual predations. Based on evidence gathered by the FBI, a 53-page indictment was prepared by the U.S. Attorney's Office in June 2007. However, at the request of Epstein's lawyers, the indictment was never presented to a federal grand jury.

25. Instead, then U.S. Attorney for the Southern District of Florida, Alexander Acosta, negotiated a plea deal with Epstein's team of lawyers to grant immunity to Epstein (along with four named co-conspirators and any unnamed potential co-conspirators) from all federal criminal charges.

26. Throughout the remainder of 2007 and through the first half of 2008, Epstein's lawyers and the U.S. Attorney continued negotiating the plea arrangement. Upon information and belief, Epstein's lawyers insisted that (1) the victims not be notified, (2) the deal be kept confidential and under seal, and (3) all grand jury subpoenas (including one that had already been issued for Epstein's computers) be withdrawn.

27. On June 30, 2008, Epstein pled guilty to State charges: one count of solicitation of prostitution and one count of solicitation of prostitution with a minor under the age of 18. He was sentenced to 18 months in jail, followed by a year of community control or house arrest, and was adjudicated as a convicted sex offender required to register twice a year in Florida.

28. The plea deal, called a non-prosecution agreement ("NPA"), allowed Epstein to receive immunity from federal sex-trafficking charges that could have sent him to prison for life.

On information and belief, based on public records, former State Attorney Krischer communicated with then U.S. Attorney Acosta concerning the NPA's negotiation with Epstein's lawyers.

29. Indeed, Epstein was not incarcerated in a Florida prison for the State crimes for which he was convicted. Instead, he was placed in a private wing of the Palm Beach County Stockade, where, after 3 1/2 months, he was allowed to leave the jail on "work release" for up to 12 hours a day, 6 days a week. His private driver provided his transportation to and from "work."

30. Epstein was released five months early.

31. Upon information and belief, Epstein violated the terms of his probation, but was not prosecuted.

#### **(4) The Crime Victims' Rights Act Litigation.**

32. Epstein's victims only learned after the fact about his plea in State court and filed an emergency petition to force federal prosecutors to comply with the Crime Victims' Rights Act (18 U.S.C. § 3771, "CVRA"), which mandates certain rights for crime victims, including the right to be informed about plea agreements and the right to appear at sentencing. U.S. District Judge Kenneth A. Marra recently ruled that federal prosecutors violated the CVRA by failing to notify Epstein's victims before allowing him to plead guilty to only the two State offenses.

33. The prosecution's failure to keep the victims apprised, among other things, also contravenes the Florida Constitution, Article 1, § 16(b) and Fla. Stat. § 960.001.

34. Following publicity exposing the extraordinary leniency of the plea deal, dozens of civil suits were brought against Epstein, most of which Epstein's lawyers settled out-of-court.

35. In 2010, Epstein was registered as a "level three" (*i.e.*, high risk of repeat offense) sex offender in New York, a lifelong designation. In 2011, the New York County District Attorney's office unsuccessfully sought to lower his registration to low-risk "level one."

36. Upon information and belief, during the course of the Town of Palm Beach and FBI investigations, Epstein retained private investigators to follow, harass, and photograph his victims and their families, as well as Chief Reiter and the Town of Palm Beach detective who investigated the case against Epstein.

37. Upon information and belief, Epstein's victims were threatened against cooperating with law enforcement and told that they would be compensated only if they did not cooperate with law enforcement.

**B. Second Epstein Sex Crimes Investigation, Indictment, Suicide: 2019.**

38. On July 6, 2019, Epstein was arrested on federal sex trafficking charges.

39. Upon information and belief, the United States government's investigation of new allegations and charges stemmed, in part, from continued press investigations into and reporting on the mishandling of the 2006 charges and the civil suits that followed.

40. In a July 8, 2019, letter to the federal district court by the U.S. Attorney for the Southern District of New York, Epstein was described as "a serial sexual predator who preyed on dozens of minor girls over a period of years." The letter emphasized that "the Government has real concerns – grounded in past experience with this defendant – that if allowed to remain out on bail, the defendant could attempt to pressure and intimidate witnesses and potential witnesses in this case, including victims and their families, and otherwise attempt to obstruct justice." It also described the results of the FBI's search of Epstein's Manhattan townhouse: evidence of sex trafficking in the form of "hundreds – and perhaps thousands – of sexually suggestive photographs of fully- or partially-nude females," including underage females. In a locked safe, compact discs were found with handwritten labels including the descriptions: "Young [Name] + [Name]," "Misc nudes 1," and "Girl pics nude."

41. On July 8, 2019, prosecutors with the Public Corruption Unit of the U.S. Attorney's office for the Southern District of New York charged Epstein with sex trafficking and conspiracy to traffic minors for sex. The grand jury indictment alleges that "dozens" of underage girls were brought into Epstein's mansions for sexual encounters. A few days later, owing to public outcry over the NPA with Epstein entered into by the U.S. Attorney for the Southern District of Florida, Alexander Acosta, who by then was serving as U.S. Secretary of Labor in the Trump administration, resigned from office.

42. Epstein was denied bail and was placed into pretrial detention at the federal Metropolitan Correction Center in lower Manhattan.

43. On August 10, 2019, Epstein was found dead in his cell at the Metropolitan Correctional Center. His cause of death was determined to be suicide.

**C. The August 27, 2019, SDNY Hearing: Epstein's Victims Speak.**

44. On account of his death, prosecutors sought to dismiss the indictment against Epstein, while maintaining that they would continue to investigate his co-conspirators.

45. United States Senior District Judge Richard M. Berman ordered a hearing on August 27, 2019, on the prosecutors' decision to dismiss the indictment and allowed victims to speak at the hearing.

46. In the course of the hearing, more than two dozen victims delivered their personal stories of pain, frustration, and sexual abuse at the hands of Epstein. Several victims spoke of violent rape by Epstein. Many more victims were present in the courtroom but did not testify.

47. While some questioned the reasoning behind the court's decision to give the victims voice after Epstein's death, District Judge Berman noted that "a public hearing is [the] preferred vehicle of resolution," emphasizing that "public hearings are exactly what judges do. Hearings promote transparency and they provide the court with insights and information which the court



may not otherwise be aware of.” Indeed, even Epstein’s defense lawyer noted at the hearing that the court “is the institution that most people have confidence in, in these very troubled times.”

48. At the August 27th hearing, the girls, now women, spoke about their “exploitation and coercion,” and to the fact that many of them “were in very vulnerable situations and in extreme poverty, circumstances where [they] didn’t have anyone on [their] side, to speak on [their] behalf...” One victim lamented that “as a victim, [she] never got to see what the agreement was or why the special treatment got approved” in the Florida case years earlier. Another noted how “completely different” the investigators leading to the 2019 federal indictment were from the prosecutors in the Florida case, both in their treatment of her and their investigation of her victimization by Epstein.

49. A former federal judge in attendance at the August 27th hearing emphasized that “transparency is one of the overriding objectives in our criminal justice system.”

50. Nearly all of the victims expressed the conviction that the secrecy that shielded Epstein has caused them “irreparable harm” and that an opportunity to address his criminal wrongdoings, and those of the individuals who enabled his sexual racketeering, would allow for at least some measure of justice to be served after his death. Indeed, one victim stated: “Any efforts made to protect Epstein’s name and legacy send a message to the victims that he wins and that he is untouchable.” Another victim expressed fear that this is a world “where there are predators in power, a world where people can avoid justice if their pockets run deep enough.” In short, the “unusual” treatment Epstein received in Florida in 2006 based on his wealth, social status, and connections severely eroded the public’s faith in the integrity and impartiality of the criminal justice system.

**D. The Palm Beach Post's Standing and the Public Interest.**

51. Plaintiff, *The Palm Beach Post*, is a community newspaper serving readers in Palm Beach County and the Treasure Coast vicinity.

52. *The Palm Beach Post* has been a Pulitzer Prize winner and nominated as a finalist three other times.

53. Beginning in 2004, *The Palm Beach Post* has extensively investigated and reported on the allegations against, the law enforcement investigation of, and the crimes committed by, Epstein and his co-conspirators. The Newspaper's reportage has included publication of the following articles:

- "The Man Who Had Everything: Jeffrey Epstein Craved Big Homes, Elite Friends and, Investigators Say, Underage Girls.," published on August 14, 2006, reporting that: Haley Robson, a local community college student, admitted in a sworn statement to police that "she had taken at least six girls to visit Epstein, all between the ages of 14 and 16;" Palm Beach Police "interviewed five alleged victims and 17 witnesses;" "Dershowitz, the Harvard law professor, traveled to West Palm Beach with information about the girls," including social media discussions about "their use of alcohol and marijuana;" after meeting with Epstein's legal team, "prosecutors postponed their decision to take the case to a grand jury;" Palm Beach Police subsequently "received complaints that two of the victims or their families had been harassed or threatened;" "relations between police and prosecutors were fraying" as the investigation continued; and "one girl who was subpoenaed – the one who said she had sexual intercourse with Epstein – never showed up" to testify before the grand jury.
- "Trump Snags Gosman Estate for \$41 Million" published on November 16, 2004, reporting on the bidding war between Donald Trump and Jeffrey Epstein for the purchase of a "43,000-square-foot, seven-bedroom estate on 6 oceanfront acres along the storied 'Raider's Row' " in Palm Beach.
- "Indictment: Billionaire Solicited 3 Times" published on July 25, 2006, reporting that "Billionaire money manager and Palm Beach part-time resident Jeffrey Epstein solicited or procured prostitutes three or more times between Aug. 1 and Oct. 31 of last year, according to an indictment charging him with felony solicitation of prostitution." The article further reported that "Epstein's case is unusual in that suspected prostitution johns are usually charged with a misdemeanor, and even a felony charge is typically made in a criminal information – an alternative to an indictment charging a person with the commission of a crime."

- “After Long Probe, Billionaire Faces Solicitation Charge” published on July 26, 2006, reporting that “Palm Beach police thought there was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation.” The article further reported that “Police Chief Michael Reiter was so angry with State Attorney Barry Krischer’s handling of the case that he wrote a memo suggesting the county’s top prosecutor disqualify himself,” and identified a 20-year-old on-the-record female source who said “she gave Epstein a massage in the nude, then brought him six girls, ages 14 to 16, for massage and sex-tinged sessions at his home.”
- “Police Say Lawyer Tried to Discredit Teenage Girls” published on July 29, 2006, reporting that “[f]amed Harvard law professor Alan Dershowitz met with the Palm Beach County State Attorney’s Office and provided damaging information about teenage girls who say they gave his client, Palm Beach billionaire Jeffrey Epstein, sexually charged massages” and that “[t]he state attorney’s office said it presented the Epstein case to a county grand jury this month rather than directly charging Epstein because of concerns about the girls’ credibility.”
- “Expert: Ignorance of Age Isn’t Defense In Sex Cases” published on August 5, 2006, reporting that “[r]ather than file charges, the state attorney’s office presented the case to a county grand jury” which “indicted Epstein last week on a single, less serious charge of felony solicitation of prostitution,” and that “[t]he case raised eyebrows because the state attorney’s office rarely, if ever, kicks such charges to a grand jury.”
- “Epstein Camp Calls Female Accusers Liars” published on August 8, 2006, reporting that “[a] state attorney’s spokesman would say only that the office refers cases to the grand jury when there are issues with the viability of the evidence or witnesses’ credibility.”
- “Palm Beach Chief Focus of Fire In Epstein Case” published on August 14, 2006, reporting that Chief Reiter “pressed for Epstein to be charged with the more serious crimes of sexual activity with minors” and “slammed State Attorney Barry Krischer in blunt language seldom used by one law enforcement official with another because of what he perceived as that office’s mishandling of the case.”
- “Delays In Epstein Case Unusual, Lawyers Say” published on March 13, 2007, reporting that “[n]early eight months after Palm Beach tycoon Jeffrey Epstein was charged with felony solicitation of prostitution, there has been no discernible progress in his case.”
- “Woman Sues Billionaire Investor, Says They Had Sex When She Was 16” published on October 18, 2007, reporting on a lawsuit brought in New York State court against Epstein “by a young woman who says he had sex with her when she was 16 and had sought his help becoming a model.”
- “Palm Beacher Pleads In Sex Case” published on July 1, 2008, reporting that “Epstein, 55, pleaded guilty . . . to felony solicitation of prostitution and procuring a person under the age of 18 for prostitution,” resulting in “a lifelong obligation to register as a sex

offender,” and that “[a]s part of the plea deal, federal investigators agreed to drop their investigation of Epstein, which they had taken to a grand jury.”

- “Jeffrey Epstein: Scientist, Stuntman, ‘Sex Slave’ Visit Jailed Tycoon” published on August 13, 2008, reporting that “[d]uring his first month of confinement” Epstein was visited by Sarah Kellen, who allegedly escorted victims “upon their arrival at his Palm Beach waterfront home to an upstairs room, where she prepared the massage table and provided the oils for their encounters” with Epstein, and by Nadia Marcinkova, “a young woman whom Epstein purportedly described as his Yugoslavian sex slave.”
- “Billionaire Sex Offender Leaves Jail Six Days a Week For Work” published on July 1, 2008, reporting that Epstein “is allowed to leave the Palm Beach County Stockade six days a week on a work-release program.”
- “Women Want Epstein Sex Plea Deal Unsealed” published on June 10, 2009, reporting that attorneys for women suing Epstein in various courts “want his [non-prosecution] agreement [NPA] with federal prosecutors unsealed” and were moving to unseal the agreement in Circuit Court of the Fifteenth Judicial Circuit, and that “Epstein now faces at least a dozen civil lawsuits in federal and state courts filed by young women who said they had sex with him and now are seeking damages.” On that date, *The Palm Beach Post* moved to intervene in the matter for the purpose of obtaining public access to the NPA, which was ordered disclosed by this Court on June 25, 2009.
- “Epstein’s Secret Pact With Feds Reveals ‘Highly Unusual’ Terms” published on September 19, 2009, reporting that, owing to Epstein’s non-prosecution agreement, “federal prosecutors backed down and agreed to recall grand jury subpoenas if Epstein pleaded guilty to prostitution-related felonies in state court” and “also agreed not to charge any of Epstein’s possible co-conspirators: Sarah Kellen, Adriana Ross, Lesley Groff and Nadia Marcinkova.” The article further reported that, according to an attorney representing three of Epstein’s victims, “none of the 30 to 40 wom[e]n identified as victims in the federal investigation” were informed ahead of time about the NPA.
- “Judge Rules Epstein Attorneys Can Subpoena Abortion Records” published on January 27, 2010, reporting that “a judge . . . gave lawyers representing multi-millionaire sex offender Jeffrey Epstein the right to subpoena abortion records from women who are seeking millions in damages from the part-time Palm Beach resident.”
- “Epstein Journal’s Findings Could Resurrect Abuse Case” published on March 20, 2010, reporting that “[a] purloined journal that is said to contain the names of ‘hundreds’ of victims of convicted sex offender Jeffrey Epstein could be used to reopen the investigation into the multi-millionaire’s appetite for teenage girls.”
- “Epstein Paid Three Women \$5.5 Million to End Underage Sex Lawsuits” published on October 4, 2017, reporting that, according to court documents, Epstein “shelled out \$5.5 million to settle lawsuits with three of more than two dozen teens who sued him.”

- “Judge Rules Feds’ Agreement With Jeffrey Epstein Pact Violated Teen Victims’ Rights” published on February 22, 2019, reporting on a ruling by U.S. District Judge Kenneth Marra that “Federal prosecutors violated the rights of Jeffrey Epstein’s teenage victims [under the Crime Victims’ Rights Act] by failing to reveal they had dropped plans to prosecute the billionaire on dozens of federal charges in connection with the girls’ claims that he paid them for sex at his Palm Beach mansion.”
- “Epstein Indicted On Sex Charges/Part-Time Palm Beacher Pleads Not Guilty to Sex Trafficking, Conspiracy Charges In Federal Court In Manhattan” published on July 9, 2019, reporting on Epstein’s appearance in U.S. District Court for the Southern District of New York in which he “pleaded not guilty to charges accusing him of creating a vast network of girls as young as 14 that he exploited for his sexual pleasure at his homes in Palm Beach and Manhattan.”

A true and correct copy of the above news articles, in either the computerized format in which they are maintained in *The Palm Beach Post*’s electronic archives or the news print edition in which originally published, is annexed hereto as **Exhibit 1**.

54. The press has a constitutional right of access to criminal proceedings, *see, e.g., Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573 (1980), including pre-trial criminal proceedings. *Newman v. Graddick*, 696 F.2d 796 (11th Cir. 1983). Indeed, “the integrity of the judicial process, which public scrutiny is supposed to safeguard, is just as much at issue in proceedings of this kind [pre- and post-trial] as at trial.” *Id.* at 801; *see also Miami Herald Publ. Co. v. Lewis*, 426 So. 2d 1, 6–7 (Fla. 1982) (identifying the news media as a “public surrogate” in matters concerning the closure of judicial proceedings). The press also has a First Amendment interest in receiving information from willing speakers. *See Va. Pharmacy Bd. v. Va. Consumer Council*, 425 U.S. 748, 756–57 (1976) (“Where a speaker exists . . . the protection afforded [by the First Amendment] is to the communication, to its source and to its recipients both.”); *Pittman v. Cole*, 267 F.3d 1269, 1283 n.12 (11th Cir. 2001) (“The Supreme Court has recognized that the First Amendment offers protection to both speakers and those wishing to receive speech.”); *see also Stephens v. Cty. of Albemarle, Va.*, 524 F.3d 485, 492 (4th Cir. 2008) (providing that a plaintiff

has “standing to assert a right to receive speech” by “show[ing] that there exists a speaker willing to convey the information to her”).

55. Because of the unique role performed by the press as a “public surrogate” (*Lewis*, 426 So. 2d at 6–7) in protecting the right of access and its interest in reporting information about criminal proceedings, news organizations “presumptively have a right to access judicial records,” *Comm’r, Ala. Dep’t of Corr. v. Advance Local Media, LLC*, 918 F.3d 1161, 1166 (11th Cir. 2019), and “standing to question the validity of an order restricting publicity because its ability to gather news is directly impaired or curtailed.” *Lewis*, 426 So. 2d at 4; *see also Carlson v. United States*, 837 F.3d 753, 757–58 (7th Cir. 2016) (“[a]s a member of the public, [the Reporters Committee] has standing to assert [its] claim” to grand jury materials because such materials are “public records to which the public may seek access, even if that effort is ultimately unsuccessful”).

56. Here, the continued denial of access to information *The Palm Beach Post* seeks on behalf of its journalists and the public it serves “unquestionably constitutes irreparable injury.” *Gainesville Woman Care, LLC v. State of Florida*, 210 So. 3d 1243, 1263 (Fla. 2017); *see also Zerilli v. Smith*, 656 F.2d 705, 711 (D.C. Cir. 1981) (noting that “the press’ function as a vital source of information is weakened whenever the ability of journalists to gather information is impaired,” as it is by Attorney General’s refusal to disclose unredacted report and underlying grand jury materials).

**F. The Court’s Supervision of the Grand Jury Process and Its Authority to Order Public Disclosure of the Epstein Evidence.**

57. The Florida Supreme Court has noted that “in states such as Florida, where the grand jury is preserved, it is an important appendage of the court which impanels it. At the same time it should not be forgotten that the judge of that court is equally important and he is generally charged with the supervision of the grand jury’s activities...It is, therefore, of vital importance to

maintain the dignity and the integrity of both the grand jury and the presiding judge.” *State v. Clemons*, 150 So. 2d 231, 233-34 (Fla. 1963).

58. Chapter 905 of the Florida Statutes governs the empanelment and conduct of Florida grand juries. The court gives the grand jury its initial charge and advises the grand jury about its legal duties. Fla. Stat. § 905.18.

59. Florida Stat. Section 905.27(1) provides that “the testimony of a witness examined before the grand jury . . . or other evidence received by it” may be disclosed “when required by a court . . . for the purpose of: (a) Ascertaining whether it is consistent with the testimony given by the witness before the court; (b) Determining whether the witness is guilty of perjury; or (c) Furthering justice.” Fla. Stat. § 905.27(1)(a)-(c).

60. Further, disclosure is appropriate pursuant to this Court’s inherent authority over grand jury proceedings because of the exceptional public interest in this case and the compelling circumstances supporting transparency. *Carlson v. United States*, 837 F.3d at 766 (“a district court has the inherent power to disclose [grand jury] materials in exceptional circumstances and . . . historic importance can be a sufficient reason when there is little countervailing need for secrecy”).

### COUNT I

(Florida Stat. Section 905.27)

61. Based on information learned by *The Palm Beach Post* through its Florida Public Records Law requests, law enforcement sources with direct knowledge of the grand jury evidence and proceedings, judicial documents obtained from independent but related court proceedings, and documents otherwise available in the public record, the State Attorney for Palm Beach County presented truncated evidence of Epstein’s criminal wrongdoing to the 2006 grand jury in a manner

that precluded his indictment for the serious crimes he committed, including sex trafficking and sexual assault.

62. Pursuant to Florida Stat. Section 905.27, in order to further justice for Epstein's victims and the public, and to provide public disclosure to illuminate whether Epstein received unreasonably lenient treatment based on the available evidence, *The Palm Beach Post* requests immediate public access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury. In a case of this magnitude and importance, where the accused is dead and so many of his crimes, as well as the identities and crimes of his co-conspirators, and the identities of the victims have already been exposed, the need for grand jury secrecy is no more. See *United States v. Socony-Vacuum Oil Co.*, 310 U.S. 150, 234 (1940) ("[A]fter the grand jury's functions are ended, disclosure is wholly proper where the ends of justice require it.").

WHEREFORE, *The Palm Beach Post* respectfully requests that this Court, pursuant to Fla. Stat. Section 905.27(1) and the Court's inherent authority, order the State Attorney and the Clerk of the Court to file with this Court copies of the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury during the first Epstein sex abuse investigation so that, following an *in camera* inspection, it can be made available to *The Palm Beach Post* and the public on an expedited basis, and grant any other and further equitable or legal relief the Court deems just and proper.



Dated: November 14, 2019

Respectfully submitted,

**GREENBERG TRAURIG, P.A.**

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# **EXHIBIT 1**

The Newspaper's Reportage on Jeffrey Epstein

NOT A CERTIFIED COPY

# The Palm Beach Post

REAL NEWS STARTS HERE

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## **The Man Who Had Everything: Jeffrey Epstein craved big homes, elite friends and underage girls**

By Andrew Marra

Posted Jul 17, 2019 at 6:02 AM

From the archives: When Palm Beach detectives started asking questions and teenage girls started talking, a wave of legal resistance followed.

*Editor's Note: This article appeared in The Palm Beach Post on August 14, 2006, three weeks after Jeffrey Epstein's arrest in Palm Beach County on a charge of felony solicitation of prostitution.*

WINGED GARGOYLES guarded the gate at Jeffrey Epstein's Palm Beach mansion. Inside, hidden cameras trolled two rooms, while the girls came and went.

For the police detectives who sifted through the garbage outside and kept records of visitors, it was the lair of a troubling target.

Epstein, one of the most mysterious of the country's mega-rich, was known as much for his secrecy as for his love of fine things: magnificent homes, private jets, beautiful women, friendships with the world's elite.

But at Palm Beach police headquarters, he was becoming known for something else: the regular arrival of teenage girls he hired to give him massages and, police say, perform sexual favors.

Epstein was different from most sexual abuse suspects; he was far more powerful. He counted among his friends former President Bill Clinton, Donald Trump and Prince Andrew, along with some of the most prominent legal, scientific and business minds in the country.

When detectives started asking questions and teenage girls started talking, a wave of legal resistance followed.

## >> NEW: Jeffrey Epstein: Lawyer said financier had sex with woman during work-release

If Palm Beach police didn't know quite who Jeffrey Epstein was, they found out soon enough.

Epstein, now 53, was a quintessential man of mystery. He amassed his fortune and friends quietly, always in the background as he navigated New York high society.

When he first attracted notice in the early 1990s, it was on account of the woman he was dating: Ghislaine Maxwell, daughter of the late British media tycoon Robert Maxwell.

In a lengthy article, headlined "The Mystery of Ghislaine Maxwell's Secret Love," the British Mail on Sunday tabloid laid out speculative stories that the socialite's beau was a CIA spook, a math teacher, a concert pianist or a corporate headhunter.

"But what is the truth about him?" the newspaper wondered. "Like Maxwell, Epstein is both flamboyant and intensely private."

The media frenzy did not begin in full until a decade later. In September 2002, Epstein was flung into the limelight when he flew Clinton and actors Kevin Spacey and Chris Tucker to Africa on his private jet.

Suddenly everyone wanted to know who Epstein was. New York magazine and Vanity Fair published lengthy profiles. The New York Post listed him as one of the city's most eligible bachelors and began describing him in its gossip columns with adjectives such as "mysterious" and "reclusive."

Although Epstein gave no interviews, the broad strokes of his past started to come into focus.

### **Building a life of extravagance**

He was born blue-collar in 1953, the son of a New York City parks department employee, and raised in Brooklyn's Coney Island neighborhood. He left college without a bachelor's degree but became a math teacher at the prestigious Dalton School in Manhattan.

The story goes that the father of one of Epstein's students was so impressed with the man that he put him in touch with a senior partner at Bear Stearns, the global investment bank and securities firm.

In 1976, Epstein left Dalton for a job at Bear Stearns. By the early 1980s, he had started J. Epstein and Co. That is when he began making his millions in earnest.

Little is known or said about Epstein's business except this: He manages money for the extremely wealthy. He is said to handle accounts only of \$1 billion or greater.

It has been estimated he has roughly 15 clients, but their identities are the subject of only speculation. All except for one: Leslie Wexner, founder of The Limited retail chain and a former Palm Beacher who is said to have been a mentor to Epstein.

Wexner sold Epstein one of his most lavish residences: a massive townhouse that dominates a block on Manhattan's Upper East Side. It is reported to have, among its finer features, closed-circuit television and a heated sidewalk to melt away fallen snow.

That townhouse, thought to be the largest private residence in Manhattan, is only a piece of the extravagant world Epstein built over time.

In New Mexico, he constructed a 27,000-square-foot hilltop mansion on a 10,000-acre ranch outside Santa Fe. Many believed it to be the largest home in the state.

In Palm Beach, he bought a waterfront home on El Brillo Way. And he owns a 100-acre private island in the Virgin Islands.

#### **>> PHOTOS: The players in the Jeffrey Epstein saga**

Perhaps as remarkable as his lavish homes is his extensive network of friends and associates at the highest echelons of power. This includes not only socialites but also business tycoons, media moguls, politicians, royalty and Nobel Prize-winning scientists whose research he often funds.

"Just like other people collect art, he collects scientists," said Martin Nowak, who directs the Program for Evolutionary Dynamics at Harvard University and was reportedly the recipient of a \$30 million research donation from Epstein.

Epstein is said to have befriended former Harvard President Larry Summers, prominent law Professor Alan Dershowitz, Donald Trump and New York Daily News Publisher Mort Zuckerman.

And yet he managed for decades to maintain a low profile. He avoids eating out and was rarely photographed.

"The odd thing is I never met him," said Dominick Dunne, the famous chronicler of the trials and tribulations of the very rich. "I wasn't even aware of him," except for a Vanity Fair article.

Epstein's friendship with Clinton has attracted the most attention.

Epstein met Clinton as early as 1995, when he paid tens of thousands of dollars to join him at an intimate fund-raising dinner in Palm Beach. But from all appearances, they did not become close friends until after Clinton left the Oval Office and moved to New York.

Epstein has donated more than \$100,000 to Democratic candidates' campaigns, including John Kerry's presidential bid, the reelection campaign of New Mexico Gov. Bill Richardson and the Senate bids of Joe Lieberman, Hillary Rodham Clinton, Christopher Dodd and Charles Schumer.

### **Powerful friends and enemies**

A Vanity Fair profile found cracks in the veneer of Epstein's life story. The 2003 article said he left Bear Stearns in the wake of a federal probe and a possible Securities and Exchange Commission violation. It also pointed out that Citibank once sued him for defaulting on a \$20 million loan.

The article suggested that one of his business mentors and previous employers was Steven Hoffenberg, now serving a prison term after "bilking investors out of more than \$450 million in one of the largest Ponzi schemes in American history."

As he amassed his wealth, Epstein made enemies in disputes both large and small. He sued the man who in 1990 sold him his multimillion-dollar Palm Beach home over a dispute about less than \$16,000 in furnishings.

A former friend claimed Epstein backed out of a promise to reimburse him hundreds of thousands of dollars after their failed investment in Texas oil wells. A judge decided Epstein owed him nothing.

**>> Jeffrey Epstein: Model prisoner who swept, mopped floors, official says**

"It's a bad memory. I would rather not have ever met Jeffrey Epstein," said Michael Stroll, the retired former president of Williams Electronics and Sega Corp. "Suffice it to say I have nothing good to say about him."

Among the characteristics most attributed to Epstein is a penchant for women.

He has been linked to Maxwell, a fixture on the high-society party circuits in both New York and London. Previous girlfriends are said to include a former Ms. Sweden and a Romanian model.

"He's a lot of fun to be with," Donald Trump told New York magazine in 2002. "It is even said that he likes beautiful women as much as I do, and many of them are on the younger side. No doubt about it, Jeffrey enjoys his social life."

### **Investigation leads to Epstein**

Although he was not a frequenter of the Palm Beach social scene, he made his presence felt. Among his charitable donations, he gave \$90,000 to the Palm Beach Police Department and \$100,000 to Ballet Florida.

In Palm Beach, he lived in luxury. Three black Mercedes sat in his garage, alongside a green Harley-Davidson. His jet waited at a hangar at Palm Beach International Airport. At home, a private chef and a small staff stood at the ready. From a window in his mansion, he could look out on the Intracoastal Waterway and the West Palm Beach skyline. He seemed to be a man who had everything.

But extraordinary wealth can fuel extraordinary desires.

### **>> Epstein wants to leave jail for mansion in sex-trafficking case**

In March 2005, a worried mother contacted Palm Beach police. She said another parent had overheard a conversation between their children.

Now the mother was afraid her 14-year-old daughter had been molested by a man on the island.

The phone call triggered an extensive investigation, one that would lead detectives to Epstein but leave them frustrated.

Palm Beach police and the state attorney's office have declined to discuss the case. But a Palm Beach police report detailing the criminal probe offers a window into what detectives faced as they sought to close in on Epstein.

Detectives interviewed the girl, who told them a friend had invited her to a rich man's house to perform a massage. She said the friend told her to say she was 18 if asked. At the house, she said she was paid \$300 after stripping to her panties and massaging the man while he masturbated.

### **Police interview 5 alleged victims**

The investigation began in full after the girl identified Epstein in a photo as the man who had paid her. Police arranged for garbage trucks to set aside Epstein's trash so police could sift through it. They set up a video camera to record the comings and goings at his home. They monitored an airport hangar for signs of his private jet's arrivals and departures.

They quickly learned that the woman who took the 14-year-old girl to Epstein's house was Haley Robson, a Palm Beach Community College student from Loxahatchee. In a sworn statement at police headquarters, Robson, then 18, admitted she had taken at least six girls to visit Epstein, all between the ages of 14 and 16. Epstein paid her for each visit, she said.

During the drive back to her house, Robson told detectives, "I'm like a Heidi Fleiss."

Police interviewed five alleged victims and 17 witnesses. Their report shows some of the girls said they had been instructed to have sex with another woman in front of Epstein, and one said she had direct intercourse with him.

In October, police searched the Palm Beach mansion. They discovered photos of naked, young-looking females, just as several of the girls had described in interviews. Hidden cameras were found in the garage area and inside a clock on Epstein's desk, alongside a girl's high school transcript.

Two of Epstein's former employees told investigators that young-looking girls showed up to perform massages two or three times a day when Epstein was in town.

They said the girls were permitted many indulgences. A chef cooked for them. Workers gave them rides and handed out hundreds of dollars at a time.



One employee told detectives he was told to send a dozen roses to one teenage girl after a high school drama performance. Others were given rental cars. One, according to police, received a \$200 Christmas bonus.

The cops moved to cement their case. But as they tried to tighten the noose, they encountered other forces at work.

In Orlando they interviewed a possible victim who told them nothing inappropriate had happened between her and Epstein. They asked her whether she had spoken to anyone else. She said yes, a private investigator had asked her the same questions.

### **>> Jeffrey Epstein: Acosta, Krischer trade barbs over sweetheart deal**

When they subpoenaed one of Epstein's former employees, he told them the same thing. He and a private eye had met at a restaurant days earlier to go over what the man would tell investigators.

Detectives received complaints that private eyes were posing as police officers. When they told Epstein's local attorney, Guy Fronstin, he said the investigators worked for Roy Black, the high-powered Miami lawyer who has defended the likes of Rush Limbaugh and William Kennedy Smith.

While the private eyes were conducting a parallel investigation, Dershowitz, the Harvard law professor, traveled to West Palm Beach with information about the girls. From their own profiles on the popular Web site MySpace.com, he obtained copies of their discussions about their use of alcohol and marijuana.

He took his research to a meeting with prosecutors in early 2006, where he sought to cast doubt on the teens' reliability.

The private eyes had dug up enough dirt on the girls to make prosecutors skeptical. Not only did some of the girls have issues with drugs or alcohol but also some had criminal records and other troubles, Epstein's legal team claimed. And at least one of them, they said, lied when she told police she was younger than 18 when she started performing massages for Epstein.

After the meeting, prosecutors postponed their decision to take the case to a grand jury.

In the following weeks, police received complaints that two of the victims or their families had been harassed or threatened. Epstein's legal team maintains that its private investigators did nothing illegal or unethical during their research.

By then, relations between police and prosecutors were fraying. At a key meeting with prosecutors and the defense, Detective Joseph Recarey, the lead investigator, was a no-show, according to Epstein's attorney.

"The embarrassment on the prosecutor's face was evident when the police officer never showed up for the meeting," attorney Jack Goldberger said.

Later in April, Recarey walked into a prosecutor's office at the state attorney's office and learned the case was taking an unexpected turn.

The prosecutor, Lanna Belohlavek, told Recarey the state attorney's office had offered Epstein a plea deal that would not require him to serve jail time or receive a felony conviction.

Recarey told her he disapproved of the plea offer.

The deal never came to pass, however.

#### **Future unclear after charge**

On May 1, the department asked prosecutors to approve warrants to arrest Epstein on four counts of unlawful sexual activity with a minor and to charge his personal assistant, Sarah Kellen, now 27, for her alleged role in arranging the visits. Police officials also wanted to charge Robson, the self-described Heidi Fleiss, with lewd and lascivious acts.

By then, the department was frustrated with the way the state attorney's office had handled the case. On the same day the warrants were requested, Palm Beach Police Chief Michael Reiter wrote a letter to State Attorney Barry Krischer suggesting he disqualify himself from the case if he would not act.

Two weeks later, Recarey was told that prosecutors had decided once again to take the case to the grand jury.

It is not known how many of the girls testified before the grand jury. But Epstein's defense team said one girl who was subpoenaed - the one who said she had sexual intercourse with Epstein - never showed up.

The grand jury's indictment was handed down in July. It was not the one the police department had wanted.

Instead of being slapped with a charge of unlawful sexual activity with a minor, Epstein was charged with one count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison. He was booked into the Palm Beach County Jail early July 23 and released hours later.

Epstein's legal team "doesn't dispute that he had girls over for massages," Goldberger said. But he said their claims that they had sexual encounters with him lack credibility.

"They are incapable of being believed," he said. "They had criminal records. They had accusations of theft made against them by their employers. There was evidence of drug use by some of them."

What remains for Epstein is yet to be seen.

The Palm Beach Police Department has asked the FBI to investigate the case. It also has returned the \$90,000 Epstein donated in 2004.

In New York, candidates for governor and state attorney general have vowed to return a total of at least \$60,000 in campaign contributions from Epstein. Meanwhile, Epstein's powerful friends have remained silent as tabloids and Internet blogs feast on the public details of the police investigation.

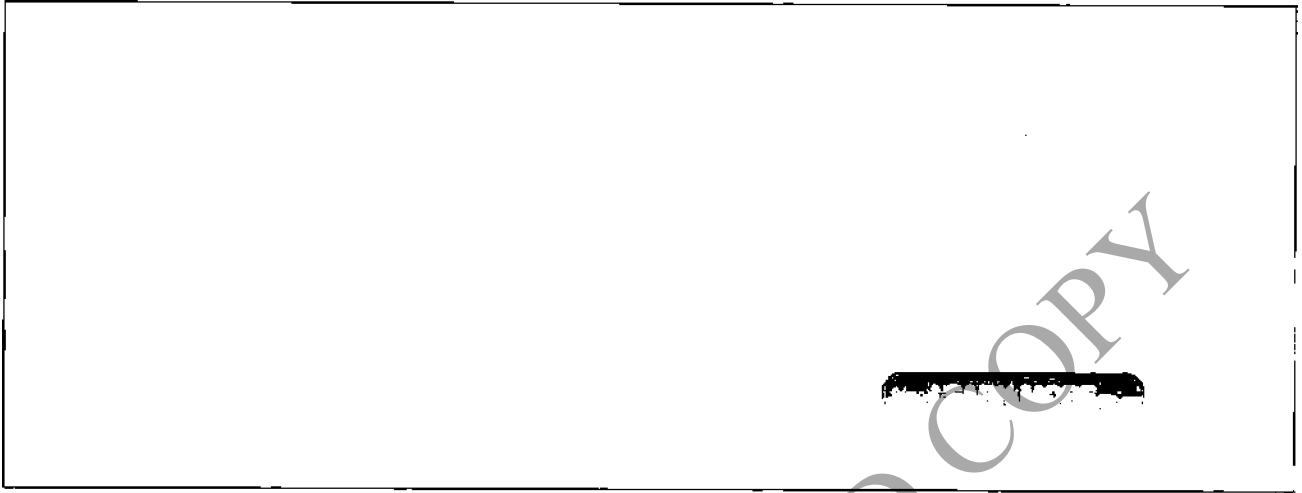
Goldberger maintains Epstein's innocence but says the legal team has not ruled out a future plea deal. He insists Epstein will emerge in the end with his reputation untarnished.

"He will recover from this," he said.

*Staff writer Larry Keller and staff researchers Bridget Bulger, Angelica Cortez, Amy Hanaway and Melanie Mena contributed to this story.*

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## **TRUMP SNAGS GOSMAN ESTATE FOR \$41 MILLION**

When it came time to bid Monday for the palatial Palm Beach digs of Abe Gosman, The Donald was not about to be trumped.

"Nobody was going to outbid me," the brash developer-turned-TV-personality said from his New York office.

Trump bested two other bidders with a \$41.35 million offer for the 43,000-square-foot, seven-bedroom estate on 6 oceanfront acres along the storied "Raider's Row."

But Trump, 58, proud possessor of Mar-a-Lago, has no plans to live in the Gosman home at 513 N. County Road. He wants to - what else? - sell it and make more money.

The star of the mega-hit The Apprentice said he intends to redevelop the site into a "super luxury house" that would be the "finest anywhere in the United States." He might build another house before flipping the entire package.

"I've known about this house for quite some time," Trump said. "It's probably the best piece of land in Florida - and probably the country - for luxury real estate."

Although Trump said he could subdivide the property into nine lots, Palm Beach Mayor Lesly Smith said zoning regulations allow for only two houses - and maybe a third. Smith said she's not worried about Trump's plans.

"He's been a very good property owner in the town of Palm Beach," she said. "He does his projects very well. He's a perfectionist."

Monday's auction took place at U.S. Bankruptcy Court in West Palm Beach as part of Gosman's Chapter 7 bankruptcy case. Proceeds from the sale will go into escrow for eventual distribution to creditors.

The auction began at exactly noon after Judge Steven Friedman dismissed an objection from an attorney representing money manager Jeffrey Epstein. The lawyer argued unsuccessfully that Trump was not a qualified bidder because his contract stipulated that he would not close on the sale unless title insurance was in place beforehand.

With Trump listening via conference call, Epstein began the bidding at \$37.25 million - \$250,000 higher than Trump's initial offer.

Mark Pulte, son of the founder of home-building giant Pulte Homes, passed when his turn came, letting lawyers for Trump and Epstein bid against each other until the price hit \$38.85 million.

Pulte then bid \$39.1 million, briefly raising the ire of Trump, who believed that Pulte had given up his right to bid by passing the first time.

But Friedman allowed the offer to stand, and Pulte and Trump went back and forth until Pulte dropped out at \$41.1 million. Epstein, a part-time Palm Beach resident, bowed out at \$38.6 million.

Friedman closed the bidding 10 minutes after it started, leaving Trump with the right to buy the 29,000-square-foot home (a typical Palm Beach County single-family house is about 2,200 square feet). The property also has a tennis house, a pool house and 1930s-era service quarters.

The closing could take place within a week but probably won't happen until next month.

Trustee Joe Luzinski and creditors said they were pleased with the outcome.

"We knew we were dealing with some substantial people . . . who were going to bid it up a bit," Luzinski said.

"The system worked," said Charles Tatelbaum, a lawyer for creditor JPMorgan Chase Bank.

"In bankruptcy court, the idea is to get the most for creditors, and that's what happened."

The auction proved to be a bonanza for creditors, Luzinski said, noting that the highest offer former listing agent Sotheby's International Realty received was \$32 million. Sotheby's won't receive a commission, he said.

Pulte, 42, of Boca Raton, said he figured Trump wouldn't back down Monday.

"I got the feeling he was willing to go a lot higher, and I didn't want to chase it," Pulte said.

Pulte said Gosman asked him before the auction whether he would be willing to let him stay in the mansion after the closing until he decides where he wants to move. Trump and Luzinski said they have had no such discussions with Gosman.

Gosman, 75, had the house built after paying \$12.1 million for the land in 1986.

The former health-care magnate declined interview requests before and after the auction Monday. He was at the courthouse but left before the auction took place.

The \$41.35 million price tag eclipses the \$30.35 million sale of Lowell "Bud" Paxson's Palm Beach home and guest house but falls short of the \$45 million that Virginia home builder Dwight Schar paid for Ron Perelman's 26,000-square-foot estate, Casa Apava, a designated landmark.

Schar also paid \$18.6 million for a lakefront lot across the street from the main house, for a total of \$63.6 million. Insiders say Schar spent a total of \$70 million for his new property, making it the priciest residential sale in U.S. history.

Gosman once had a fortune that Forbes magazine estimated at \$480 million. He voluntarily filed for Chapter 11 bankruptcy protection in 2001, listing assets of \$250 million and liabilities of \$233.6 million.

When a judge ruled that Gosman had to give up all of his exempt assets to creditors if he wanted to reorganize under Chapter 11, Gosman converted the case to Chapter 7 liquidation. Last year, U.S. Bankruptcy Judge Larry Lessen ruled that Abe and Lin Gosman's marriage is invalid because Florida law does not recognize a Dominican Republic divorce that Lin Gosman tried to obtain from another man, Michael Castre.

The judge's decision was a huge victory for creditors because it prevents Abe Gosman from protecting assets by claiming joint ownership with his wife. Gosman's assets, which include an extensive collection of artwork, could total as much as \$70 million and will be sold later. Without Lessen's ruling, Luzinski would have had a much harder time selling Gosman's estate, said David Cimo, special counsel for the trustee.

"We would have been thwarted . . . or at least substantially impaired," Cimo said.

The trustee alleged during a weeklong trial in May that Gosman fraudulently gave his wife an ownership interest in his home and other belongings only to avoid losing them in bankruptcy. Gosman has denied any wrongdoing, saying he made the property transfers in 1999, well before he filed for bankruptcy.

Lessen is expected to rule in the next two months whether Gosman made improper transfers, a decision that will affect how much money will be available to creditors.

Cimo acknowledged that Monday wasn't the best of days for the Gosmans but said they were willing to move forward, in part because the upkeep of the estate now exceeds their means.

"This is not a happy occasion for them, but at least we're moving to the next level," Cimo said. "That's not a house you want to live in unless you're making large amounts of money like Donald Trump."

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# The Palm Beach Post

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### Indictment: Billionaire Solicited 3 Times

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 2, 2019 at 2:30 PM

**(EDITOR'S NOTE:** *This story originally published in The Palm Beach Post on July 25, 2006)*

Billionaire money manager and Palm Beach part-time resident Jeffrey Epstein solicited or procured prostitutes three or more times between Aug. 1 and Oct. 31 of last year, according to an indictment charging him with felony solicitation of prostitution.

Epstein, 53, was booked at the Palm Beach County jail at 1:45 a.m. Sunday. He was released on \$3,000 bond.

Epstein's case is unusual in that suspected prostitution johns are usually charged with a misdemeanor, and even a felony charge is typically made in a criminal information - an alternative to an indictment charging a person with the commission of a crime.

His attorney, Jack Goldberger, declined to discuss the charge.

State attorney's office spokesman Mike Edmondson also had little to say.

"Generally speaking, there is a case that has a number of different aspects to it," Edmondson said of a prostitution-related charge being submitted to a grand jury. "We first became aware of the case months ago by Palm Beach police."

Prosecutors and police worked together to bring the case to the grand jury, he said.



Palm Beach police confirmed that and said the department will release a report today regarding its investigation.

Epstein has owned a five-bedroom, 7 1/2-bath, 7,234-square-foot home with a pool and a boat dock on the Intracoastal Waterway since 1990, according to property records. A man answering the door there Monday said that Epstein wasn't home. A Cadillac Escalade registered to him was parked in the driveway, which is flanked by two massive gargoyles.

Epstein sued Property Appraiser Gary Nikolits in 2001, contending that the assessment of his home exceeded its fair market value. He dismissed his lawsuit in December 2002.

A profile of Epstein in Vanity Fair magazine said he owns what are believed to be the largest private homes in Manhattan - 51,000 square feet - and in New Mexico - a 7,500-acre ranch. Those are in addition to his 70-acre island in the U.S. Virgin Islands and fleet of aircraft.

Epstein's friends and admirers, according to the magazine, include prominent businessmen, academics and scientists and famed Harvard law professor Alan Dershowitz.

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# The Palm Beach Post

## REAL NEWS STARTS HERE

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### After long probe, billionaire faces solicitation charge

Posted Jul 27, 2006 at 12:01 AM

Updated Oct 3, 2019 at 3:11 PM

**(EDITOR'S NOTE:** *This story originally published in The Palm Beach Post on July 26, 2006)*

Palm Beach billionaire Jeffrey Epstein paid to have underage girls and young women brought to his home, where he received massages and sometimes sex, according to an investigation by the Palm Beach Police Department.

Palm Beach police spent months sifting through Epstein's trash and watching his waterfront home and Palm Beach International Airport to keep tabs on his private jet. An indictment charging Epstein, 53, was unsealed Monday, charging him with one count of felony solicitation of prostitution.

Palm Beach police thought there was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation.

Police Chief Michael Reiter was so angry with State Attorney Barry Krischer's handling of the case that he wrote a memo suggesting the county's top prosecutor disqualify himself.

"I must urge you to examine the unusual course that your office's handling of this matter has taken and consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases," Reiter wrote in a May 1 memo to Krischer.

While not commenting specifically on the Epstein case, Mike Edmondson, spokesman for the state attorney, said his office presents cases other than murders to a grand jury when there are questions about witnesses' credibility and their ability to testify.

By the nature of their jobs, police officers look at evidence from a "one-sided perspective," Edmondson said. "A prosecutor has to look at it in a much broader fashion," weighing the veracity of witnesses and how they may fare under defense attorneys' questioning, he said.

Epstein's attorney, Jack Goldberger, said his client committed no crimes.

"The reports and statements in question refer to false accusations that were not charged because the Palm Beach County state attorney questioned the credibility of the witnesses," Goldberger said. A county grand jury "found the allegations wholly unsubstantiated and not credible," and that's why his client was not charged with sexual activity with minors, he said.

Goldberger said Epstein passed a lie detector test administered by a reputable polygraph examiner in which he said he did not know the girls were minors. Also, a search warrant served on Epstein's home found no evidence to corroborate the girls' allegations, Goldberger said.

According to police documents:

- A Palm Beach Community College student said she gave Epstein a massage in the nude, then brought him six girls, ages 14 to 16, for massage and sex-tinged sessions at his home.
- A 27-year-old woman who worked as Epstein's personal assistant also facilitated the liaisons, phoning the PBCC student to arrange for girls when Epstein was coming to town. And she escorted the girls upstairs when they arrived, putting fresh sheets on a massage table and placing massage oils nearby.
- Police took sworn statements from five alleged victims and 17 witnesses. They contend that on three occasions, Epstein had sex with the girls.

A money manager for the ultra-rich, Epstein was named one of New York's most eligible bachelors in 2003 by The New York Post. He reportedly hobnobs with the likes of former President Clinton, former Harvard University President Lawrence Summers and Donald Trump, and has lavish homes in Manhattan, New Mexico and the Virgin Islands.

He has contributed tens of thousands of dollars to Democratic Party candidates and organizations, including Sen. John Kerry's presidential bid, and the Senate campaigns of Joe Lieberman, Hillary Clinton, Christopher Dodd and Charles Schumer.

Goldberger is one of five attorneys Epstein has retained since he became the subject of an investigation, Edmondson said. Among the others: Alan Dershowitz, the well-known Harvard law professor and author, who is a friend of Epstein. Dershowitz could not be reached for comment.

Police said the woman who enlisted young girls for Epstein was Haley Robson, 20, of Royal Palm Beach. Robson has worked at an Olive Garden restaurant in Wellington and said she was a journalism major at Palm Beach Community College when she was questioned by police last October. She has an unlisted phone number and could not be reached for comment.

Robson said she met Epstein when, at age 17, a friend asked her if she would like to make money giving him a massage. She said she was driven to his five-bedroom, 7 1/2-bath home on the Intracoastal Waterway, then escorted upstairs to a bedroom with a massage table and oils. Epstein and Robson were both naked during the massage, she said, but when he grabbed her buttocks, she said she didn't want to be touched.

Epstein said he'd pay her to bring him more girls - the younger the better, Robson told police. When she tried once to bring a 23-year-old woman to him, Epstein said she was too old, Robson said.

Robson, who has not been charged in the case, said she eventually brought six girls to Epstein who were paid \$200 each time, Robson said. "I'm like a Heidi Fleiss," police quoted her as saying. The girls knew what to expect when they were taken to Epstein's home, Robson said. Give a massage - maybe naked - and allow some touching.

One 14-year-old girl Robson took to meet Epstein led police to start the investigation of him in March 2005. A relative of the girl called to say she thought the child had recently engaged in sex with a Palm Beach man. The girl then got into a fight with a classmate who accused her of being a prostitute, and she couldn't explain why she had \$300 in her purse.

The girl gave police this account of her meeting with Epstein:

She accompanied Robson and a second girl to Epstein's house on a Sunday in February 2005. Once there, a woman she thought was Epstein's assistant told the girl to follow her upstairs to a room featuring a mural of a naked woman, several photographs of naked women on a shelf, a hot pink and green sofa and a massage table.

She stripped to her bra and panties and gave him a massage.

Epstein gave the 14-year-old \$300 and she and the other girls left, she said. She said Robson told her that Epstein paid her \$200 that day.

Other girls told similar stories. In most accounts, Epstein's personal assistant at the time, Sarah Kellen, now 27, escorted the girls to Epstein's bedroom.

Kellen, whose most recent known address is in North Carolina, has not been charged in the case.

Palm Beach police often conducted surveillance of Epstein's home, and at Palm Beach International Airport to see if his private jet was there, so they would know when he was in town. Police also arranged repeatedly to receive his trash

from Palm Beach sanitation workers, collecting papers with names and phone numbers, sex toys and female hygiene products.

One note stated that a female could not come over at 7 p.m. because of soccer. Another said a girl had to work Sunday - "Monday after school?" And still another note contained the work hours of a girl, saying she leaves school at 11:30 a.m. and would come over the next day at 10:30 a.m.

Only three months before the police department probe began, Epstein donated \$90,000 to the department for the purchase of a firearms simulator, said Jane Struder, town finance director. The purchase was never made. The money was returned to Epstein on Monday, she said.

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# Palm Beach Daily News

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## Police say lawyer tried to discredit teenage girls

Posted Jul 29, 2006 at 12:01 AM

Updated Oct 3, 2019 at 2:00 PM

(EDITOR'S NOTE: This story originally was published in *The Palm Beach Post* on July 29, 2006)

Famed Harvard law professor Alan Dershowitz met with the Palm Beach County State Attorney's Office and provided damaging information about teenage girls who say they gave his client, Palm Beach billionaire Jeffrey Epstein, sexually charged massages, according to police reports.

The reports also state that another Epstein attorney agreed to a plea bargain that would have allowed Epstein to have no criminal record. His current attorney denies this happened.

And the documents also reveal that the father of at least one girl complained that private investigators aggressively followed his car, photographed his home and chased off visitors.

Police also talked to somebody who said she was offered money if she refused to cooperate with the Palm Beach Police Department probe of Epstein.

The state attorney's office said it presented the Epstein case to a county grand jury this month rather than directly charging Epstein because of concerns about the girls' credibility. The grand jury indicted Epstein, 53, on a single count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison.

Police believed there was probable cause to charge Epstein with the more serious crimes of unlawful sex acts with a minor and lewd and lascivious molestation. Police Chief Michael Reiter was so angry that he wrote State Attorney Barry Krischer a memo in May suggesting he disqualify himself from the case.

The case originally was going to be presented to the grand jury in February, but was postponed after Dershowitz produced information gleaned from the Web site myspace.com showing some of the alleged victims commenting on alcohol and marijuana use, according to the police report prepared by Detective Joseph Recarey.

Haley Robson, a 20-year-old Royal Palm Beach woman who told police she recruited girls for Epstein, also is profiled on myspace.com. Her page includes photos of her and her friends, including one using the name "Pimpin' Made EZ." Robson, who was not charged in the case, is a potential prosecution witness.

According to Recarey, prosecutor Lanna Belohlavek offered Epstein attorneys Dershowitz and Guy Fronstin a plea deal in April. Fronstin, after speaking with Epstein, accepted the deal, in which Epstein would plead guilty to one count of aggravated assault with intent to commit a felony, be placed on five years' probation and have no criminal record. The deal also called for Epstein to submit to a psychiatric and sexual evaluation and have no unsupervised visits with minors, according to Recarey's report. The plea bargain was made in connection with only one of the five alleged victims, the report states.

Fronstin - who declined to comment on the case - was subsequently fired and veteran defense attorney Jack Goldberger was hired. He denies there was any agreement by any of Epstein's attorneys to a plea deal.

"We absolutely did not agree to a plea in this case," he said. Neither Belohlavek nor a state attorney's spokesman could be reached for comment.

The parent or parents of alleged victims who complained of being harassed by private investigators provided license tag numbers of two of the men. Police found the vehicles were registered to a private eye in West Palm Beach and another in Jupiter, according to Recarey's report.

"I have no knowledge of it," defense attorney Goldberger said.

The report also says a woman connected to the Epstein case was contacted by somebody who was still in touch with Epstein. That person told her she would be compensated if she didn't cooperate with police, Recarey's report says. Those



who did talk "will be dealt with," the woman said she was told. Phone records show the woman talked with the person who allegedly intimidated her around the time she said, Recarey reported.

Phone records also show that the person said to have made the threat then placed a call to Epstein's personal assistant, who in turn called a New York corporation affiliated with Epstein, the report states.

The issue in the Epstein case is not whether females came to his waterfront home, but whether he knew their ages.

"He's never denied girls came to the house," Goldberger said. But when Epstein was given a polygraph test, "he passed on knowledge of age," the attorney said.

After the indictment against Epstein was unsealed this week, Police Chief Reiter referred the matter to the FBI. "We've received the referral, and we're reviewing it," said FBI spokeswoman Judy Orihuela in Miami.

The chief himself has come under attack from Epstein's lawyers and friends in New York, where he has a home. The New York Post quoted Epstein's prominent New York lawyer, Gerald Lefcourt, as saying his client was indicted only "because of the craziness of the police chief."

Reiter has declined to comment on the case.

Prosecutors have not presented a sex-related case like Epstein's to a grand jury before, said Mike Edmondson, spokesman for the state attorney's office. "That's what you do with a case that falls into a gray area," he said.

The state attorney's office did not recommend a particular criminal charge on which to indict Epstein, Edmondson said. The grand jury was presented with a list of charges from highest to lowest, then deliberated with the prosecutor out of the room, he said.

"People are surprised at the grand jury proceeding," West Palm Beach defense attorney Richard Tandler said. "It's a way for the prosecutor's office to not take the full responsibility for not filing the (charge), and not doing what the Palm Beach Police Department wanted. I think something fell apart with those underage witnesses."

Defense attorney Robert Gershman was a prosecutor for six years. "Those girls must have been incredible or untrustworthy, I don't know," he said.

Other attorneys said Epstein's case raises the issue of whether wealthy, connected defendants like Epstein - whose friends include former President Clinton and Donald Trump - are treated differently from others. Once he knew he was the subject of a criminal probe, Epstein hired a phalanx of powerful attorneys such as Dershowitz and Lefcourt, who is a past president of the National Association of Criminal Defense Lawyers.

Miami lawyer Roy Black - who became nationally known when he successfully defended William Kennedy Smith on a rape charge in Palm Beach - also was involved at one point.

Said defense attorney Michelle Suskauer: "I think it's unfortunate the public may get the perception that with power, you may be treated differently than the average Joe."

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## Expert: Ignorance of age isn't defense in sex cases

Posted Aug 5, 2006 at 12:01 AM

Updated Oct 3, 2019 at 1:38 PM

**(EDITOR'S NOTE:** *This story originally published in The Palm Beach Post on Aug. 5, 2006)*

Even if Palm Beach money manager Jeffrey Epstein didn't know that girls who police say gave him sexual massages at his Intracoastal home were under the legal age, that alone wouldn't have exempted him from criminal charges of sexual activity with minors.

"Ignorance is not a valid defense," said Bob Dekle, a legal skills professor who was a Lake City prosecutor for nearly 30 years, half of that time specializing in sex crimes against children.

"There is no knowledge element as far as the age is concerned," Dekle said.

After an 11-month investigation, Palm Beach police said there was probable cause to charge Epstein, 53, with unlawful sex acts with a minor and lewd and lascivious molestation. They contend that Epstein - friend of the rich and famous and financial patron of Democratic Party organizations and candidates - committed those acts with five underage girls.

In the past week, New York Attorney General and gubernatorial candidate Eliot Spitzer has returned about \$50,000 in campaign contributions he received from Epstein, and Mark Green, a candidate to replace Spitzer in

his current job, has returned \$10,000 to him because of the Palm Beach scandal, the New York Daily News has reported.

Rather than file charges, the state attorney's office presented the case to a county grand jury. The panel indicted Epstein last week on a single, less serious charge of felony solicitation of prostitution.

The case raised eyebrows because the state attorney's office rarely, if ever, kicks such charges to a grand jury. And it increases the difficulty of prosecuting child sex abuse cases, especially when the defendant is enormously wealthy and can hire high-priced, top-tier lawyers.

At least one of Epstein's alleged victims told police he knew she was underage when the two of them got naked for massages and sexual activity. She was 16 years old at the time and said Epstein asked her questions about her high school, according to police reports.

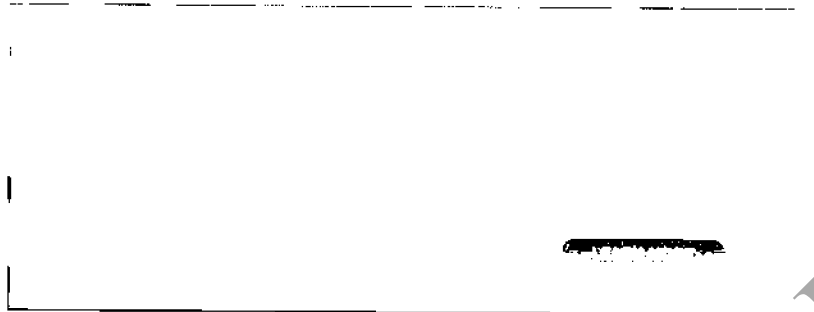
A girl who said she met Epstein when she was 15 said he told her if she told anybody what happened at his house, bad things could happen, the police reports state.

Epstein's youngest alleged victim was 14 when she says she gave him a massage that included some sexual activity. She is now 16. The girl's father says he doesn't know whether she told Epstein her age.

"My daughter has kept a lot of what happened from me because of sheer embarrassment," he said. "But she very much looked 14. Any prudent man would have had second thoughts about that."

Defense attorney Jack Goldberger maintains that not only did Epstein pass a polygraph test showing he did not know the girls were minors, but their stories weren't credible. The state attorney's office also implied that their credibility was an issue when it decided not to charge Epstein directly, but instead give the case to the grand jury.

"A prosecutor has to look at it in a much broader fashion," a state attorney's spokesman said last week.



Epstein hired Harvard law Professor Alan Dershowitz when he became aware he was under investigation, and Dershowitz gave prosecutors information that some of the alleged victims had spoke of using alcohol and marijuana on a popular Web site, according to a Palm Beach police report.

Prosecutors typically consider two things in deciding whether to charge somebody with sex-related offenses against minors - whether there is sufficient evidence and whether there is a public interest in doing so, Dekle said.

If two teens are in a sexual relationship and the boy turns 18 before the girl, he could be charged with a sex crime if the sex continues. There would be no public interest in pursuing that, Dekle said.

But where there is a large gap in ages - and especially in cases of teachers with students - there is a public interest in prosecuting, he said. Likewise if the accused has a track record of sex with minors.

Still there is a “universal constant” in prosecuting these cases, Dekle said. Men who exploit underage children for sex often carefully choose their victims in ways that will minimize the risk to them, he said.

Victims usually are from a lower social status, and they may suffer from psychological problems, Dekle said.

“Lots of child sexual abuse victims have been victimized by multiple people over a period of time. Then the act of abuse produces behavior in the victims that further damages their credibility.” Examples include promiscuous behavior and drug abuse.

Some of the alleged victims in the Epstein case returned to his home multiple times for the massage sessions and the \$200 to \$300 he typically paid them per visit. “That would be a definite problem for the prosecutor,” said Betty Resch, who prosecuted crimes against children in Palm Beach County for five years and now is in private practice in Lake Worth.

“The victim becomes less sympathetic” to a jury, Resch said. “But she’s a victim nevertheless. She’s a kid.”

Most men charged with sex crimes against minors look normal, Dekle said. A jury expecting to see a monster seldom will. And the victims’ ages work against them and in favor of the defendant in a trial, Dekle said.

If a child and an adult tell different stories and both swear they’re telling the truth, adult jurors are more likely to believe the adult, Dekle said.

“You have all these things working against you in a child sex abuse case. Prosecutors normally try to be very careful in filing those cases because they know what they’re getting into. There is no such thing as an iron-clad child sexual abuse case.”

## Epstein camp calls female accusers liars

Posted Aug 8, 2006 at 12:01 AM

Updated Oct 3, 2019 at 3:35 PM

(EDITOR'S NOTE: *This story originally published in The Palm Beach Post on Aug. 8, 2006*)

Attorneys and publicists for Palm Beach financier Jeffrey Epstein went on the offensive Monday, contending that teenage girls who have accused Epstein of sexual shenanigans at his waterfront home are liars and saying that the Palm Beach Police Department is "childish."

"There never was any sex between Jeffrey Epstein and any underage women," his lead attorney, Jack Goldberger, said from Idaho where he was vacationing with his family.

Epstein did have young women come to his house to give him massages, Goldberger said. "Mr. Epstein absolutely insisted anybody who came to his house be over the age of 18. How he verified that, I don't know. The question is, did anything illegal occur. The law was not violated here."

He had no explanation as to why Epstein would pay girls or women with no massage training - as the alleged victims said was the case - \$200 to \$300 for their visits. "The credibility of these witnesses has been seriously questioned," Goldberger said.

Epstein, 53, was indicted by a county grand jury last month on a charge of felony solicitation of prostitution. After an 11-month investigation that included sifting through Epstein's trash and surveilling his home, Palm Beach police concluded there was enough evidence to charge him with sexual activity with minors. When the grand jury indicted

Epstein on the less serious charge, Police Chief Michael Reiter referred the case to the FBI to determine whether there were federal law violations.

After a spate of stories about the case last week, New York publicist Dan Klores - whose client list has included Paris Hilton and Jennifer Lopez - said on Saturday that Epstein's camp was ready "to get their story out."

They did that Monday via Goldberger and a Los Angeles publicist for Miami criminal defense attorney Roy Black, who also has represented Epstein in the case.

"We just think there has been a distorted view of this case in the media presented by the Palm Beach police," Goldberger said.

Reiter has consistently declined to comment on the case and did not respond to a request for comment Monday.

The implication that State Attorney Barry Krischer was easy on Epstein by presenting the case to a grand jury rather than filing charges directly against him is wrong, Goldberger said.



The Palm Beach Police Department was "happy and ecstatic" that the panel was going to review the evidence. "I think what happened is they weren't happy with the result. They decided to use the press to embarrass Mr. Epstein."

But records show that Reiter wrote Krischer on May 1 - well before the case went to the grand jury - suggesting that Krischer "consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases."

Rather than flat-out decline to charge Epstein, Krischer referred the case to the grand jury to "appease" the chief, Goldberger said.

A state attorney's spokesman would say only that the office refers cases to the grand jury when there are issues with the viability of the evidence or witnesses' credibility.

Both the state attorney and the grand jury concluded there was not sufficient evidence that Epstein had sex with minors, according to Goldberger. "It was just a childish performance by the Palm Beach Police Department," Goldberger said.

The defense attorney said one of the alleged victims who claimed she was a minor was in fact over the age of 18. Another alleged victim who was subpoenaed to testify to the grand jury failed to do so. Epstein's accusers, he added, have histories of drug abuse and thefts. "These women are liars. We've established that."

But why would they all invent their stories about meeting Epstein for sexual massages?

"I don't have an answer as to what was the motivation for these women to come forward and make these allegations," Goldberger said.

## Palm Beach chief focus of fire in Epstein case

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## Reiter focus of fire in Epstein case

**Clipped By:**

reiter\_m  
Sat, Apr 22, 2017

## Delays in Epstein case unusual, lawyers say

Posted Mar 13, 2007 at 12:01 AM

Updated Oct 3, 2019 at 3:48 PM

*(EDITOR'S NOTE: This story originally published in The Palm Beach Post March 13, 2007)*

A federal probe or a plea deal could explain the wait in the Palm Beacher's solicitation case.

Nearly eight months after Palm Beach tycoon Jeffrey Epstein was charged with felony solicitation of prostitution, there has been no discernible progress in his case. No witnesses deposed. No trial date set. Nothing, save for routine court hearings reset without explanation.

"Usually that would be unusual," said criminal defense attorney Glenn Mitchell, who has no involvement in the case.

"As a general rule, it would be unusual for nothing to have happened," agreed Michael Dutko, a criminal defense attorney in Fort Lauderdale. He represents Haley Robson, 20, of Royal Palm Beach, potentially a key witness in the case.

A routine hearing for Epstein was pulled from the court docket last week and reset for May 16. The delays and inaction could be due to a potential federal probe of Epstein or because a plea deal is in the works, attorneys say.

Unusual is the word that best describes everything about the case against Epstein, 54, an enigmatic money manager in New York City who counts Bill Clinton and Donald Trump among his friends.

"Highly unusual" is how Palm Beach Police Chief Michael Reiter described State Attorney Barry Krischer's handling of the case in a bluntly critical letter to Krischer last year before Epstein was indicted.

Reiter referred the matter to the FBI to determine whether any federal laws had been violated. Epstein's allies countered by attacking the chief personally and professionally.

Reiter's department investigated Epstein for 11 months. Police sifted repeatedly through his trash and conducted surveillance on his five-bedroom, 7 1/2-bath, 7,234-square-foot home on the Intracoastal Waterway.

Police said Epstein paid women and girls as young as 14 to give him erotic massages at his home. Police thought there was probable cause to charge him with unlawful sex acts with a minor and lewd and lascivious molestation.

Epstein responded by hiring a phalanx of lawyers. One of them, Harvard law professor and author Alan Dershowitz, provided the state attorney's office with information about alcohol and marijuana use by some of the girls who said they were with Epstein.

Prosecutors then referred the case to the grand jury rather than file charges directly against Epstein.

Epstein's attorneys deny he had sex with underage girls.

The lawyers say the girls' stories are not credible. But if the court file is any indicator, they've made no effort to depose the girls.

Neither prosecutors nor defense attorneys have sought to question Robson, said Dutko, her attorney. She recruited teenage girls to visit Epstein for massages and sexual activity, Palm Beach police said, and presumably would be a key witness.

Epstein's attorney Jack Goldberger did not return phone messages.

A source close to the case suggested it is languishing pending a decision by the FBI on whether to refer it to federal prosecutors.

"We still have a pending case," FBI spokeswoman Judy Orihuela said Monday.

State Attorney Krischer did not return a call for comment. His spokesman, Mike Edmondson, declined to say whether federal investigators are delaying the Epstein case. But, he added, "if another agency is looking at something, we wouldn't want to step on their toes."

Attorneys say inertia in a criminal case often points to a pending plea deal.

"It would not surprise me if something has happened that's not reflected in the court file," said Dutko, such as an agreement that will be formalized later.

Defense attorney Marc Shiner said defense attorneys sometimes put off overtly conducting discovery -- deposing witnesses, requesting documents and the like -- because doing so creates more work for harried prosecutors who may become angry and not offer a plea deal.

"Sometimes defense lawyers, knowing that, will try and do discovery without taking depositions," said Shiner, a former prosecutor for 13 years.

Instead, they may conduct a below-the-radar probe such as having a private investigator check out leads, he said.

Shiner and others say a plea deal for Epstein probably would result in pretrial intervention, in which a defendant may be ordered to undergo a psychological evaluation, counseling or other conditions in return for dropping the charge.

Edmondson, spokesman for State Attorney Krischer, said there is no plea offer and no request for the prosecution to show its cards.

"To my knowledge, it's never happened before on a filed case," he said.

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Edition: FINAL

Section: LOCAL

Page: 5B

Source: The Associated Press

Illustration: PHOTO (B&W)

Memo: Ran all editions.

Dateline: NEW YORK

## **WOMAN SUES BILLIONAIRE INVESTOR, SAYS THEY HAD SEX WHEN SHE WAS 16**

A billionaire investor, already facing jail in Palm Beach County on charges of soliciting underage prostitutes, is being sued by a young woman who says he had sex with her when she was 16 and had sought his help becoming a model.

The lawsuit, filed late Tuesday in Manhattan's state Supreme Court, says financier Jeffrey Epstein had the teen perform a sex act when she brought photographs of herself for him to review in his Upper East Side mansion sometime in 2000.

Epstein, 54, a money manager, told the teen he managed finances for Victoria's Secret and "could get you into the catalog" if she were "nice" to him, court papers say. The papers say being "nice" included massages and other favors.

When the girl told Epstein, "I am 16 years old and just want to model," he replied, "Don't worry, I won't tell anybody," court papers say.

Epstein, said by London's Mail on Sunday to be a close friend of England's Prince Andrew, has been indicted in Palm Beach on charges of soliciting underage prostitutes. That case is pending.

The girl visited Epstein "several times over the several months and engaged in bizarre and unnatural sex acts" while she was a minor, the lawsuit says.

Epstein "repeatedly requested that (the girl) return with her 14-, 15-, and 16-year-old girlfriends, stating, 'Come by with your friends your age next time. Don't bring Sherrie (a mutual friend in her 40s). I love girls your age.' "

The young woman, now 23, kept returning to Epstein because she has "mental issues," said her lawyer, William J. Unroch. He refused to elaborate, but court papers say she was "disabled as a result of severe mental disease and defect."

Epstein's lawyer in New York, Gerald Lefcourt, said, "The girl has admitted she is insane, but she can read a newspaper and recognize the word 'rich.'"

Lefcourt also said the statute of limitations has expired for the woman's case criminally and civilly, and will almost certainly be dismissed.

He refused to comment on Epstein's Florida charges.

Meanwhile, Unroch, 57, also acknowledged that his client was living with him and was at the center of a \$10 million lawsuit he filed last year against a neighbor who said he was having sex with underage girls. That case is pending.

"What she was doing at 22 is irrelevant to what happened to her when she was 16," Unroch said Wednesday. He went on to say he hoped Epstein would agree to "do right" by his client and resolve the case out of court.

## Palm Beacher pleads in sex case

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 3, 2019 at 1:47 PM

(EDITOR'S NOTE: *This story originally published in The Palm Beach Post on July 1, 2008*)

Jeffrey Epstein will serve 1 1/2 years on teen solicitation charges.

He lives in a Palm Beach waterfront mansion and has kept company with the likes of President Clinton, Prince Andrew and Donald Trump, but investment banker Jeffrey Epstein will call the Palm Beach County Jail home for the next 18 months.

Epstein, 55, pleaded guilty Monday to felony solicitation of prostitution and procuring a person under the age of 18 for prostitution. After serving 18 months in jail, he will be under house arrest for a year. And he will have a lifelong obligation to register as a sex offender. He must submit to an HIV test within 48 hours, with the results being provided to his victims or their parents.

As part of the plea deal, federal investigators agreed to drop their investigation of Epstein, which they had taken to a grand jury, two law enforcement sources said.

Epstein was indicted two years ago after an 11-month investigation by Palm Beach police. They received a complaint from a relative of a 14-year-old girl who had given Epstein a naked massage at his five-bedroom, 7,234-square-foot, \$8.5 million Intracoastal home.

Police concluded that there were several other girls brought in 2004 and 2005 to an upstairs room at the home for similar massages and sexual touching.



The indictment charged Epstein only with felony solicitation of prostitution. The state attorney's office later added the charge of procuring underage girls for that purpose.

Prosecutor Lanna Belohlavek said of the plea: "I took into consideration the length the trial would have been and witnesses having to testify" about sometimes embarrassing incidents.

Epstein may have made a serious mistake soon after he was charged. He rejected an offer to plead guilty to one count of aggravated assault with intent to commit a felony, according to police documents. He would have gotten five years' probation, had no criminal record and not been a registered sex offender, the documents indicate.

Epstein arrived in court Monday with at least three attorneys. He wore a blue blazer, blue shirt, blue jeans and white and gray sneakers. After Circuit Judge Deborah Dale Pucillo accepted the plea, he was fingerprinted. Epstein then removed his blazer and was handcuffed for the trip to jail while his attorneys tried to shield him from photographers' lenses.

When he eventually is released to house arrest, Epstein will have to observe a 10 p.m. to 6 a.m. curfew, have no unsupervised contact with anyone younger than 18 and neither own nor possess pornographic or sexual materials "that are relevant to your deviant behavior," the judge said.

Epstein will be allowed to leave home for work. The New York-based money manager told the judge he has formed the not-for-profit Florida Science Foundation to finance scientific research. "I'm there every day," Epstein said.

The foundation was incorporated in November. Epstein said he already has awarded money to Harvard and MIT.

When he is released from jail, there is a chance that Epstein will be forced to move. Sex offenders are not allowed to live within 1,000 feet of a school, park or other areas where children may gather. No determination has been made as to whether Epstein's home complies, but attorneys said it likely does.

Sex offenders also typically must attend counseling sessions. Belohlavek said that was waived for Epstein because his private psychiatrist is working with him. The judge was skeptical but agreed to it.

Epstein's legal woes don't end with Monday's plea. There are four pending federal civil lawsuits and one in state court related to his behavior. At least one woman has sued him in New York, where he owns a 51,000-square-foot Manhattan mansion.

"It's validation of what we're saying in the civil cases," said Miami attorney Jeffrey Herman, who represents the alleged victims in the federal lawsuits. West Palm Beach attorney Ted Leopold represents one alleged victim in a civil suit in state court. He said he anticipates amending that lawsuit to add "a few other clients" as well.

In the criminal case, police went so far as to scour Epstein's trash and conduct surveillance at Palm Beach International Airport, where they watched for his private jet so they would know when he was in town. They concluded that Epstein paid girls \$200 to \$300 each after the massage sessions.

"I'm like a Heidi Fleiss," Haley Robson, now 22, told police about her efforts in recruiting girls for Epstein.

There was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation, police concluded.

The state attorney's office said questions about the girls' credibility led it to take the unprecedented step of presenting the evidence against Epstein to a grand jury, rather than directly charging him.

Palm Beach Police Chief Michael Reiter was furious with State Attorney Barry Krischer, saying in a May 2006 letter that the prosecutor should disqualify himself. "I continue to find your office's treatment of these cases highly unusual," he wrote. He then asked for and got a federal investigation.

Epstein hired a phalanx of high-priced lawyers - including Harvard law professor and author Alan Dershowitz - and public relations people who questioned Reiter's competence and the victims' truthfulness.

In addition to mansions in Palm Beach and Manhattan, Epstein owns homes in New Mexico and the Virgin Islands. He's a frequent contributor to Democratic Party candidates. He also donated \$30 million to Harvard in 2003.

Former New York Gov. Eliot Spitzer returned a \$50,000 campaign contribution from Epstein after his indictment, then resigned this year during his own sex scandal. And the same Palm Beach Police Department that vigorously investigated Epstein returned his \$90,000 donation for the purchase of a firearms simulator.

Staff writer Eliot Kleinberg and former staff researcher Michelle Quigley contributed to this story.

## Jeffrey Epstein: Scientist, stuntman, 'sex slave' visit jailed tycoon

By LARRY KELLER / Palm Beach Post Staff Writer

Posted Aug 13, 2008 at 12:01 AM

Updated Jul 16, 2019 at 4:54 PM

Tycoon Jeffrey Epstein mingled with an eclectic mix of people, including beautiful young women, before he got into trouble for paying teenage girls to give him sexual massages at his Palm Beach mansion.

Not much has changed, even though he now resides in a dorm at the Palm Beach County Sheriff's Office's 17-acre, 967-bed stockade near the fairgrounds.

During his first month of confinement, Epstein was visited by the female assistant who, girls told police, had escorted them to the room at his mansion where they gave him naked massages.

Also trekking to the jail was a young woman whom Epstein purportedly described as his Yugoslavian sex slave.

The wealthy financier and science wonk also has been visited by an expert on artificial intelligence, as well as a man who is a mixed martial arts aficionado and sometime movie stuntman.

The only other people to visit him at the jail, according to records, are a Singer Island man and an individual who listed Epstein's Palm Beach address as his own.

Epstein, 55, pleaded guilty on June 30 to two prostitution-related charges and was sentenced to 18 months in jail, followed by a year of house arrest. Epstein paid teenage

girls \$200 to \$300 in 2004 and 2005 for massages in his home that sometimes included sexual touching, Palm Beach police said.

His jail visitors in July included:

- Sarah Kellen, 29, who some of the teen masseuses said phoned them when Epstein was in town and escorted them upon their arrival at his Palm Beach waterfront home to an upstairs room, where she prepared the massage table and provided the oils for their encounters with him. Kellen visited Epstein three times in July, according to a jail visitor's log. Kellen lists a Manhattan home address. Reached by telephone, she declined to discuss Epstein.

- Nadia Marcinkova, 23, whose family in Yugoslavia Epstein paid money to so that he could bring her to the United States to be his "sex slave," two teenage girls told police. One girl told police that Epstein instructed Marcinkova and her to kiss and have sex while he watched and masturbated. Another said she engaged in sex with Marcinkova at Epstein's urging. Marcinkova visited Epstein in jail four times in 13 days. She lists her address as on the Upper East side of Manhattan, not far from Epstein's enormous apartment.

- Roger Schank, 62, founder of the Institute for Learning Sciences at Northwestern University and an expert on artificial intelligence, paid one visit to Epstein. Schank has written numerous books on that subject and has a doctorate degree from Yale University in linguistics. He was one of 19 people who applied to be president of Florida Atlantic University in 2003. He became "chief learning officer" at the online Trump University in 2005. Schank listed his address as being in Stuart, and records show he also owns a home in Lake Worth.

Epstein has financed a number of scientists over the years, including Nobel Prize winners. He gave \$30 million to Harvard University in 2003. In November, he formed the not-for-profit Florida Science Foundation, which he said finances scientific research.

- Igor Zinoviev, a Russian mixed martial arts fighter, who coaches a Chicago team in the International Fight League. He also has worked as a personal trainer, celebrity bodyguard and movie stuntman, according to the league's Web site. The New Jersey resident visited Epstein seven times in July.

Zinoviev, Schank and Marcinkova could not be reached for comment.

Staff researcher Niels Heimeriks contributed to this story.

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# Palm Beach Daily News

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## **Billionaire sex offender leaves jail six days a week for work**

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 4, 2019 at 9:27 AM

Palm Beach billionaire Jeffrey Epstein, who's serving 18 months in jail for soliciting an underage girl for prostitution, is allowed to leave the Palm Beach County Stockade six days a week on a work-release program.

Teri Barbera, spokeswoman for the Palm Beach County Sheriff's Office, confirmed that Epstein, 55, has been in the work-release program since Oct. 10.

"He works six days a week: Friday through Wednesday 10 a.m. to 10 p.m.," Barbera said via e-mail. "(He) works at his local West Palm Beach office, monitored on an active GPS system (he wears an ankle bracelet). Mr. Epstein hires a permit deputy, at his expense, for his own security at his workplace during the time he is out."

Miami attorney Jeffrey Herman represents six young women who've sued Epstein, claiming he sexually abused them at his Palm Beach home when they were minors.

Herman said he received a letter about the work-release program from the U.S. Attorney's Office within the past few days. But Herman says Epstein had been out on work-release for several weeks before the notification.

"My clients expressed shock and disappointment," Herman said. "I find it incredible that he's on work-release in the community and my clients aren't notified of this and we get this letter weeks after the fact."

Jack Goldberger, Epstein's criminal attorney, said the

arrangement is not unusual.

"He goes to work every single day and goes back to jail at night, just like everybody else (in the program)," Goldberger said.

Epstein pleaded guilty June 30 to two felony counts: soliciting prostitution and procuring a person under 18 for prostitution. As part of the plea agreement, Epstein must serve one year of house arrest and register as a lifelong sex offender.

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## Women want Epstein sex plea deal unsealed

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 2, 2019 at 2:23 PM

**(EDITOR'S NOTE:** *This story originally published in The Palm Beach Post June 10, 2009*)

Their attorneys will ask a judge to open Jeffrey Epstein's records.

When wealthy money manager Jeffrey Epstein of Palm Beach pleaded guilty last year to procuring teens for prostitution, his case detoured around local and state rules regarding the sealing of court documents.

At a plea conference on the state charges, a judge, a defense lawyer and a prosecutor huddled at the bench and decided that a deal Epstein had struck with federal prosecutors to avoid charges should be sealed, according to a transcript of the hearing.

And so it was.

But Florida rules of judicial administration, as well as rules of the Palm Beach County court system, require public notification that a court document has been or will be sealed, meaning kept from public view. The rules also require a judge to find a significant reason to seal, such as protecting a trade secret or a compelling government interest.

Yet no notification or reason occurred in Epstein's case, according to court records.

Epstein's own attorneys, in federal filings, have referred to his confidential deferred prosecution agreement with the U.S. attorney's office, struck in September 2007, as "unprecedented" and "highly unusual." And it was "a significant inducement" for Epstein to accept the state's deal, observed the state judge who accepted his plea, County Judge Deborah Dale Pucillo.

Epstein now faces at least a dozen civil lawsuits in federal and state courts filed by young women who said they had sex with him and now are seeking damages.

Attorneys for some of those women want his agreement with federal prosecutors unsealed and will ask Circuit Judge Jeffrey Colbath to do so today.

"It is against public policy for these documents to be have been sealed and hidden from public scrutiny. As a member of the public, E.W. has a right to have these documents unsealed," wrote former Circuit Judge Bill Berger, now in private practice and representing one of the women.

The Palm Beach Post also will ask Colbath to unseal the agreement. Post attorney Deanna Shullman will argue that the public has a right to know the specifics of Epstein's deal.

According to various media accounts, Epstein moved in circles that included President Clinton, Donald Trump and Prince Andrew. "International Moneyman of Mystery," declared a 2002 New York magazine profile of Epstein.

Epstein, 56, is in the Palm Beach County Stockade, serving an 18-month sentence after pleading guilty nearly a year ago to felony solicitation of prostitution and procuring teenagers for prostitution.

He is allowed out from 7 a.m. to 11 p.m., escorted by a deputy, said Palm Beach County Sheriff's Office spokeswoman Teri Barbera.

During a Palm Beach Police Department investigation, five victims and 17 witnesses gave statements. They told of young women brought by his assistants to Epstein's mansion on El Brillo Way for massages and sexual activity, and then being paid afterward.

At Epstein's plea conference last year, his attorney, Jack Goldberger, and then-Assistant State Attorney Lanna Belohlavek approached Pucillo in a sidebar conference. Pucillo, who had left the bench nine years earlier, was filling in temporarily as a senior judge.

According to a transcript, Goldberger told Pucillo that Epstein had entered a confidential agreement with the U.S. attorney's office in which federal prosecutors brokered not pursuing charges against him if he pleaded guilty in state court. Pucillo then said she wanted a sealed copy of the agreement filed in his case, and Goldberger concurred that he wanted it sealed. Belohlavek later signed off on it.

The Florida Supreme Court has expressed "serious concern" and launched an all-out inquiry into sealing procedures across the state following media reports in 2006 of entire cases being sealed and disappearing from court records.

"The public's constitutional right of access to court records must remain inviolate, and this court is fully committed to safeguarding this right," justices wrote in their final report.

Epstein's office on Tuesday referred any questions to Goldberger, who declined to comment. Pucillo also has declined to comment.

## Epstein secret pact with Feds reveals “highly unusual” terms

Posted Jun 10, 2009 at 12:01 AM

Updated Oct 4, 2019 at 9:23 AM

**(EDITOR'S NOTE:** *This story originally published in The Palm Beach Post on September 19, 2009)*

A secret non-prosecution agreement multimillionaire financier Jeffrey Epstein struck with federal prosecutors is being called “highly unusual” by former federal prosecutors and downright outrageous by attorneys now representing young women who serviced him.

The deal reveals that the FBI and the U.S. Attorney's Office investigated him for several federal crimes, including engaging minors in commercial sex. The crimes are punishable by anywhere from 10 years to life in prison.

But federal prosecutors backed down and agreed to recall grand jury subpoenas if Epstein pleaded guilty to prostitution-related felonies in state court, which he ultimately did. He received an 18-month jail sentence, of which he served 13 months.

The U.S. Attorney's Office also agreed not to charge any of Epstein's possible co-conspirators: Sarah Kellen, Adriana Ross, Lesley Groff and Nadia Marcinkova.

The deal was negotiated in part by heavyweight New York criminal defense attorney Gerald Lefcourt.

Unsealed on Friday after attorneys for some of Epstein's victims and The Palm Beach Post sought its release, it offers the first public look at the deal Epstein's high-powered legal counsel brokered on his behalf.

Mark Johnson of Stuart, a former federal prosecutor, described the disparity in potential sentences as unusual, but even more so a provision on attorney payment.

The first draft of the agreement in September 2007 required that Epstein pay an attorney -- tapped by the U.S. Attorney's Office and approved by Epstein -- to represent some of the victims. That attorney is prominent Miami lawyer Bob Josefsberg.

But an addendum to the agreement signed the following month struck Epstein's duty to pay Josefsberg if he and the victims did not accept settlements -- capped at \$150,000 -- and instead pursued lawsuits.

Johnson said it appears the government was trying to balance the lesser sentence for Epstein with recovering \$150,000 for each victim. "I've never, ever seen anything like that in my life," he said. "It's highly unusual."

The deal does not say whether any victims were contacted or consulted before the deal was made.

Attorney Brad Edwards of Fort Lauderdale, who represents three of the young women, believes that none of the 30 to 40 woman identified as victims in the federal investigation were told ahead of time. Edwards said his clients received letters from the U.S. Attorney's Office months after the deal was signed, assuring them Epstein would be prosecuted.

"Never consulting the victims is probably the most outrageous aspect of it," Edwards said. "It taught them that someone with money can buy his way out of anything. It's outrageous and embarrassing for United States Attorney's Office and the State Attorney's Office."

Epstein now faces many civil lawsuits filed by the women, who are represented by a variety of attorneys. In many, the allegations are the same: that Epstein had a predilection for teenage girls, identified poor, vulnerable ones and used

other young women to lure them to his Palm Beach mansion. They walked away with between \$200 and \$1,000.

Former Circuit Judge Bill Berger, also representing victims, called the agreement a "sweetheart deal."

"Why was it so important for the government to make this deal?" Berger asked rhetorically. "We have not yet had an honest explanation by any public official as to why it was made ... and why the victims were sold down the river."

Former federal prosecutor Ryon McCabe described the agreement as "very unorthodox." Such agreements, he said, are usually reserved for corporations, not individuals.

"It's very, very rare. I've never seen or heard of the procedure that was set up here," said McCabe, who has no involvement in any Epstein litigation.

"He's essentially avoiding federal prosecution because he can afford to pay that many lawyers to help those victims review their cases. ... If a person has no money, he couldn't be able to strike a deal like this and avoid federal prosecution."

The backroom deal with federal prosecutors is all the more interesting in light of the legal powerhouses who have worked for Epstein, including Harvard professor Alan Dershowitz and Bill Clinton investigator Kenneth Starr. Lefcourt is a past president of the National Association of Criminal Defense Lawyers.

Epstein's local defense attorney, Jack Goldberger, issued a statement Friday saying he had fought the release of the sealed agreement to protect the third parties named there. "Mr. Epstein has fully abided by all of its terms and conditions. He is looking forward to putting this difficult period in his life behind him. He is continuing his long-standing history of science philanthropy."

The investigation triggered tensions between police and prosecutors, with then-Palm Beach Chief Michael Reiter saying in a May 2006 letter to then-State Attorney Barry Krischer that the chief prosecutor should disqualify himself.

"I continue to find your office's treatment of these cases highly unusual," Reiter wrote. He then asked for and got the federal investigation that ended in the sealed deal.

"The Jeffrey Epstein matter was an experience of what a many-million-dollar defense can accomplish," Reiter told the Palm Beach Daily News upon his retirement.

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Source: By JANE MUSGRAVE Palm Beach Post Staff Writer

Dateline: WEST PALM BEACH

## JUDGE RULES EPSTEIN ATTORNEYS CAN SUBPOENA ABORTION RECORDS

In a decision that could spark a constitutional showdown over privacy rights, a judge Tuesday gave lawyers representing multimillionaire sex offender Jeffrey Epstein the right to subpoena abortion records from women who are seeking millions in damages from the part-time Palm Beach resident.

Palm Beach County Circuit Judge Donald Hafele said the records could help Epstein rebut the women's claims that they suffered psychological ills after being paid to give him sexually-charged massages at his Palm Beach mansion when they were as young as 14. Hafele told Epstein's attorneys they couldn't go on a fishing expedition. The medical records, he said, can't be sought until the women are asked whether they have ever had an abortion, how many and where. Further, he said, the records would not be made public and might not be admissible during trial.

But, he said, since the women claim Epstein, now 57, is responsible for their emotional distress, his attorneys can explore the impact of other events. Medical records, Hafele said, are a better source of information than a person's memory.

Attorney Louis Silver, who represents the Presidential Women's Health Center, a West Palm Beach clinic where abortions are performed, warned Hafele that he was stepping on shaky constitutional grounds.

"These records are protected by our constitutional right of privacy," he said, referring to the Florida Constitution.

After the hearing, Silver said an appeal won't be necessary until Epstein attorneys seek the records.

In another ruling Wednesday, Hafele also said that videos from depositions in the state cases can't be released without a court order. The ruling came after Epstein attorney Robert Critton complained that a video of Epstein being asked whether he had an "egg-shaped" penis became a youtube.com sensation. It first appeared on The Palm Beach Post Web site. Critton blamed attorney Spencer Kuvin for releasing it. Kuvin said it was public record. The civil suits began mounting after Epstein agreed to plead guilty to two state charges: procuring a minor for prostitution and soliciting prostitution. He served 13 months of an 18-month sentence. As part of the deal brokered with federal prosecutors, he agreed not to contest the accusations in the civil lawsuits. He can argue the women don't deserve the millions they are seeking.

~jane\_musgrave@pbpost.com



## Epstein Journal's Findings Could Resurrect Case

By Jane Musgrave

Posted Sep 17, 2019 at 12:01 AM

Updated Oct 1, 2019 at 10:51 AM

(EDITOR'S NOTE: This story originally published in The Palm Beach Post on March 20, 2010)

A purloined journal that is said to contain the names of "hundreds" of victims of convicted sex offender Jeffrey Epstein could be used to reopen the investigation into the multi-millionaire's appetite for teenage girls, an attorney representing seven of the victims said Friday.

New details about the contents of the journal were released this week when Alfredo Rodriguez, who worked as a property manager for the Palm Beach resident, pleaded guilty to obstruction of justice for lying to federal agents when asked if he had any information about his former boss' criminal activity. He later tried to sell the journal he stole from Epstein for \$50,000 to an unidentified person, who alerted authorities, according to court records.

As part of the plea agreement, federal prosecutors said the journal "contains information material to the Epstein investigation, including the names of material witnesses and additional victims."

"Had the items been produced in response to the inquiries of state or federal authorities ... the materials would have been presented to the federal grand jury," federal prosecutors wrote.

Instead, prosecutors short-circuited the grand jury investigation and cut a deal with Epstein. They agreed not to pursue federal charges if he didn't contest prostitution-related felonies in state court. The money manager pleaded guilty in July 2008 to procuring a minor for prostitution and soliciting prostitution. He served 13 months of an 18-month sentence.

Attorney Adam Horowitz, who represents seven of the roughly 18 women who have filed civil suits against Epstein, said the new information could trump the so-called non-prosecution agreement.

The multifaceted agreement, he said, deals only with a specific list of victims that the U.S. Attorney's Office knew about when it penned the deal in 2007. If additional victims are listed in the journal Rodriguez stole, Horowitz said federal prosecutors could reopen the investigation.

"It opens the door for further prosecution," he said.

In addition to turning over the journal to federal agents, Rodriguez told them he knew his former boss was having sex with underage girls when he worked for him in 2004 and 2005. He had seen naked girls, who looked like minors, in the pool of Epstein's \$8.6 million mansion. He had seen pornographic images of young girls on Epstein's computer, according to court records.

Neither Epstein's criminal defense attorney, Jack Goldberger, nor attorney Robert Critton, who represents Epstein in the civil lawsuits, could be reached. Federal prosecutors have consistently declined comment.

The wording of the controversial agreement is unclear. It says federal prosecutors would provide Epstein's attorneys "with a list of individuals whom it has identified as victims." Miami attorney Robert Josefsberg was appointed to

represent any of the victims on the list who wanted to pursue Epstein in civil court. As part of the agreement, Epstein is to pay for Josefsberg to represent the women.

Some of the women, most identified as Jane Doe in lawsuits, had already hired attorneys to represent them. Some have since settled their suits with Epstein, although terms were not disclosed.

Horowitz said he has filed court papers to get the journal that Rodriguez stole. "It's another piece of evidence that shows our clients were at Epstein's mansion," he said.

Rodriguez told prosecutors he didn't turn over the journal when both FBI and Palm Beach police asked for it because he wanted money for it. He also said he was afraid Epstein would make him "disappear." The information, he told investigators, was his "insurance policy."

He faces a maximum 20 years in prison when he is sentenced on June 18.

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# The Palm Beach Post

## REAL NEWS STARTS HERE

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## Epstein paid three women \$5.5 million to end underage-sex lawsuits

By Jane Musgrave

Posted Oct 3, 2017 at 12:01 AM

Updated Oct 4, 2017 at 12:46 AM

Ending years of speculation about how much Palm Beach billionaire Jeffrey Epstein paid young women who claimed he used them as sex toys, court documents filed last week show he shelled out \$5.5 million to settle lawsuits with three of more than two dozen teens who sued him.

Responding to requests from Epstein's attorneys in a complex lawsuit that was spawned by the sex scandal, attorney Bradley Edwards said the politically-connected 64-year-old convicted sex offender paid more than \$1 million to each of the three women Edwards represented.

Identified in court papers only by their initials or pseudonyms because of the nature of the allegations and their youthful ages, L.M. was paid \$1 million, E.W. \$2 million and Jane Doe \$2.5 million, Edwards said of the settlements he negotiated with Epstein to end the lawsuits.

Jack Goldberger, one of Epstein's criminal defense attorneys, on Tuesday declined comment on the revelations, citing confidentiality agreements that were part of the settlements. For the same reason, he declined to say whether Epstein paid similar amounts to settle roughly two dozen lawsuits filed by other young women against Epstein, claiming he paid them for sex when some were as young as 14 years old.

Attorney Jack Scarola, who is representing Edwards, said his client was compelled to divulge the confidential settlements to answer questions posed by Epstein's attorneys. "Brilliant move on their part," he said.

Even if Epstein's attorneys hadn't opened the door, Scarola said the information would have likely come out. He says the information will help him undermine Epstein's claims that Edwards "ginned up" the allegations to help his former law partner, imprisoned and disbarred Fort Lauderdale lawyer Scott Rothstein, perpetuate a \$1.2 billion Ponzi scheme.

The revelations of the settlements came as part of an ongoing lawsuit that started as a dispute between Epstein and Rothstein, both billionaires.

A year after Epstein in 2008 pleaded guilty to solicitation of prostitution and procuring a minor for prostitution, he sued Rothstein and Edwards, claiming they trumped up the allegations of sexual molestation to perpetuate the Ponzi scheme.

Rothstein was sentenced to 50 years in prison in 2010 after admitting he had built his wildly successful law firm by forging the names of federal judges and others to persuade investors he had negotiated settlements in lawsuits against high-profile people. Investors were told they could get a cut of the cash.

One of the high-profile people Rothstein used to lure investors was Epstein, according to a lawsuit West Palm Beach attorney Robert Critton filed on Epstein's behalf. According to the lawsuit, Rothstein told investors Epstein, a money manager, had agreed to settle the lawsuits with the teens for \$200 million — a claim Critton described as “a complete fabrication.”

After Epstein dropped the lawsuit in 2012, Edwards turned the tables on him. Edwards accused Epstein of filing the lawsuit maliciously to punish him for representing the young women. Although Edwards was a partner in Rothstein's now defunct firm, Scarola claims Epstein had no evidence Edwards was involved in the Ponzi scheme. Federal prosecutors successfully charged other attorneys and members of the firm, but Edwards was never implicated, Scarola said in the malicious prosecution lawsuit.

The revelations about the money Epstein paid to three of the young woman came last week in documents filed for a hearing Tuesday in preparation for a December trial on the lawsuit.

Attorney Tonja Haddad Coleman, who represents Epstein, on Tuesday sought a delay of the trial, in part, because she claimed she has been unable to talk to her client since his estate on his private island in the U.S. Virgin Islands was devastated last month by Hurricane Irma. “I’ve had no ability to communicate with Mr. Epstein,” she said.

Pointing out Epstein's enormous wealth and his private jet, Palm Beach County Circuit Judge Donald Hafele rejected her request. While saying he didn't want to appear insensitive to those victimized by the storm that hammered the Caribbean and roared through South Florida, he said Coleman offered no proof, such as an affidavit from Epstein, to shore up her claims.

Still, Hafele gave Coleman extra time to respond to various motions that he will have to decide before the case goes to trial.

Despite Scarola's insistence that Edwards had nothing to do with Rothstein's Ponzi scheme, Coleman said the evidence indicates otherwise. Why else would he try to depose Epstein's well-known friends, such as now President Donald Trump, former President Bill Clinton and illusionist David Copperfield, she asked. He used the celebrities as a draw, she said.

"The Epstein cases were used to fleece money and defraud investors," she said.

Edward's malicious prosecution case has been difficult for both sides because both Epstein and Edwards have refused to answer questions. As he did in the civil lawsuits, Epstein has invoked his Fifth Amendment right against self-incrimination when questioned by Scarola. Edwards has claimed that much of the information Epstein is seeking is protected by attorney-client privilege.

The malicious prosecution lawsuit is one of two hotly-contested lawsuits that continue to pit Edwards against Epstein. Edwards also is suing the U.S. attorney's office, claiming it violated the federal Crime Victims Rights Act when it negotiated a non-prosecution agreement with Epstein.

Only after federal prosecutors agreed to drop their investigation of Epstein, did he agree to plead guilty to two prostitution charges in Palm Beach County Circuit Court. In federal court records, prosecutors claim one of the key reasons they agreed to drop their case was Epstein's agreement to settle lawsuits filed against him by dozens of his underage victims.

# Palm Beach Daily News

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## Judge rules feds' agreement with Jeffrey Epstein pact violated teen victims' rights

By Jane Musgrave

Posted Sep 17, 2019 at 4:02 PM

Updated Oct 8, 2019 at 12:31 PM

(**EDITOR'S NOTE:** *This story originally published in The Palm Beach Post on February 22, 2019*)

Federal prosecutors violated the rights of Jeffrey Epstein's teenage victims by failing to reveal they had dropped plans to prosecute the billionaire on dozens of federal charges in connection with the girls' claims that he paid them for sex at his Palm Beach mansion, U.S. District Judge Kenneth Marra ruled on Thursday.

In a blistering 33-page ruling, Marra meticulously and methodically detailed the numerous steps federal prosecutors took to hide the agreement from more than 40 young women who claim Epstein paid them for sex when they were as young as 14.

"While the government spent untold hours negotiating the terms and implications of the NPA with Epstein's attorneys, scant information was shared with the victims," Marra wrote. "Instead, the victims were told to be 'patient' while the investigation proceeded."

By then, it was too late. A deal had already been cut with then-South Florida U.S. Attorney Alex Acosta and Epstein's attorneys to shelve a 52-page federal indictment against Epstein, a former math teacher turned money manager who counts Presidents Donald Trump and Bill Clinton among his friends.

Prosecutors' failure to alert the young women about the deal violated the Crime Victims' Rights Act, Marra ruled. "At a bare minimum the (act) required the government to inform (the young women) that it intended to enter into an agreement not to prosecute Epstein," he wrote.

Still, Marra said he wasn't second-guessing prosecutors' decision not to pursue Epstein on federal charges if he pleaded guilty to minor state prostitution charges and agreed to compensate his victims for the trauma he caused.

"The court is not ruling that the decision not to prosecute was improper," Marra wrote. "The court is simply ruling that, under the facts of this case, there was a violation under the CVRA."

Further, he made no decision about what the remedy should be. He gave prosecutors and attorneys representing the young women 15 days to meet to decide how to unravel the complex legal web that has been hanging over Epstein and his young victims for more than a decade.

The chances an accord will be reached are slim, said attorney Jack Scarola, who is representing the two Jane Does who challenged the prosecutors' actions.

Further, he said, there is no road map to follow. The lawsuit attorney Bradley Edwards filed on behalf of the two unidentified young women, claiming prosecutors violated the federal act, is unique, he said.

"We are treading on virgin ground, to use what is probably an inappropriate phrase in this situation," he said.

Scarola said he and Edwards will ask that the non-prosecution agreement be thrown out. That would open the possibility that the long-shelved federal indictment could be dusted off and filed against the 66-year-old Epstein, who spends most of his time on a private island he owns in the U.S. Virgin Islands.



"I don't see the government conceding to that remedy," Scarola admitted. Further, he said, it is likely Epstein will be allowed to weigh in. Miami attorney Roy Black years ago filed papers asking to intervene on Epstein's behalf.

The U.S. Attorney's Office said it wouldn't comment on Marra's ruling. Neither Black nor New York City attorney Jay Lefkowitz, who led efforts to bury the federal indictment, responded to emails or phone calls for comment. West Palm Beach attorney Jack Goldberger, who represents Epstein, also didn't respond.

Scarola said it is likely Epstein's star-studded legal team will argue that Epstein fully complied with the terms of the agreement he made in 2007 with federal prosecutors and therefore the agreement can't be undone.

As he promised, Epstein pleaded guilty in June 2008 to state charges of soliciting a minor for prostitution and soliciting prostitution. He served 13 months of an 18-month jail term in a vacant wing of the county stockade that he was allowed to leave 12 hours a day, six days week.

Further, as agreed, he paid settlements to the young women who sued him. While the settlements were confidential, court records show he paid three women a total of \$5.5 million.

In return, federal prosecutors held up their end of the bargain. Their investigation ceased.

Having done all that prosecutors asked of him, Scarola said Epstein will make a simple argument: "You can't turn around and deprive me of the benefits I bargained for."

However, Scarola said, using Marra's ruling, he will counter that the contract Epstein signed was illegal and therefore unenforceable.

Even if Marra agrees to toss out the non-prosecution agreement, Scarola conceded that doesn't mean Epstein will face federal charges.

"The contract can be set aside and the federal government can attempt to enter into the same agreement," he said.

"Except the spotlight of public attention will be on them and the 40 victims will be able to explain to the court why this sweetheart deal should not be approved."

Scarola said that prosecutors may have had good reason not to pursue Epstein. "There may be a reasonable explanation but we don't know what that reason may have been," he said.

In court papers, federal prosecutors have said that many of the young women were afraid to cross the powerful, politically connected money manager and simply refused to testify against him.

In other cases, they said, the women changed their stories. Jane Doe 2, who is trying to have the non-prosecution agreement thrown out, initially described Epstein as "an awesome man" and told prosecutors she hoped "nothing happens" to him. While she later agreed to testify against Epstein, prosecutors said they feared Epstein's attorneys would use her words to destroy her if she ever took the witness stand.

Marra, however, said the young woman's comments didn't mean she wasn't entitled to know about the prosecutors' plans to drop the charges. "There is no dispute that Epstein sexually abused Jane Doe 2 while she was a minor," he wrote. "Therefore, regardless of her comments to the prosecutor, she was a victim."

Before the case is finally resolved, Scarola predicted that "a lot of people are going to have to answer a lot of questions."

In his ruling, Marra detailed what appeared to be a cozy relationship between Acosta, his line prosecutors and Epstein's team of lawyers. His phalanx of lawyers included noted Harvard law professor Alan Dershowitz and Kenneth Starr, the former U.S. solicitor general whose investigation led to the impeachment of President Clinton.

Marra describes an October 2007 breakfast meeting between Acosta, who is now U.S. labor secretary, and Lefkowitz shortly after the non-prosecution agreement was inked.

After the meeting, Lefkowitz sent Acosta a note thanking him for "the commitment you made to me during our October 12 meeting in which you assured me that your Office would not ... contact any of the identified individuals, potential witnesses, or potential civil claimants and their respective counsel in this matter."

Marra quoted an equally pleasant note then-Palm Beach County State Attorney Barry Krischer sent to Assistant U.S. Attorney Marie Villafana, who was the lead prosecutor in Epstein's case. "Glad we could get this worked out for reasons I won't put in writing," Krischer wrote, shortly after the non-prosecution agreement was signed. "After this is resolved I would love to buy you a cup at Starbucks and have a conversation."

Many of the notes that were exchanged dealt with prosecutors' and Epstein's lawyers' shared desire to keep the deal secret from Epstein's accusers. In a September email, Villafana asked Lefkowitz for guidance about what she should reveal. "And can we have a conference call to discuss what I may disclose to ... the girls regarding the Agreement," she asked.

Such cooperation between prosecutors and defense attorneys is unusual, Marra said. "It was a deviation from the government's standard practice to negotiate with defense counsel about the extent of crime victim notifications," he wrote.

Further, he noted, that when Edwards and his two young clients asked for information, they were repeatedly misled. "The CRVA was designed to protect victims' right and ensure their involvement in the criminal justice process," Marra wrote. "When the government gives information to victims it cannot be misleading."

Ultimately, the terms of the non-prosecution agreement were revealed only after Edwards and attorneys for the press successfully sued to make them public.

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**Edition:** Final

**Section:** A Section

**Page:** 1A

**Source:** By Jane Musgrave, The Palm Beach Post

## **Epstein indicted on sex charges Part-time Palm Beacher pleads not guilty to sex trafficking, conspiracy charges in federal court in Manhattan**

Dressed in a blue prison jumpsuit, billionaire Jeffrey Epstein on Monday pleaded not guilty to charges accusing him of creating a vast network of girls as young as 14 that he exploited for his sexual pleasure at his homes in Palm Beach and Manhattan.

The 66-year-old money manager's appearance in U.S. District Court in New York City capped more than a decade of recriminations by young women and their attorneys who claimed Epstein used his money and political influence to avoid federal prosecution. Epstein's attorney Reid Weingarten dismissed the two-count indictment on sex trafficking charges as "essentially a do-over" of allegations that landed Epstein in the Palm Beach County Jail for 13 months more than a decade ago.

However, unlike in 2007 when then-South Florida U.S. Attorney Alex Acosta agreed to shelve a 53-page federal indictment after Epstein agreed to plead guilty to two state prostitution charges, prosecutors in New York indicated they aren't willing to deal. Acosta is now U.S. labor secretary.

"The alleged behavior shocks the conscience," New York City U.S. Attorney Geoffrey Berman said at a

morning news conference. "And while the charged conduct is from a number of years ago, it is still profoundly important to many of the alleged victims, now young women. They deserve their day in court."

At a detention hearing scheduled for Monday, Berman said he will ask a federal judge to keep Epstein behind bars until he is tried on charges of sex trafficking and conspiracy to commit sex trafficking. Epstein paid dozens of young women to give him nude massages that, for most, led to sex, he said.

If convicted of exploiting dozens of young women, including many Palm Beach County girls who were students at Royal Palm Beach High School, Epstein faces a maximum 45-year prison sentence.

Citing Epstein's enormous wealth, his homes in New York, Palm Beach, the U.S. Virgin Islands, New Mexico and Paris and his ownership of two jets, Berman said there are few conditions that could keep Epstein from fleeing to a foreign country to evade prosecution.

"We think he's a significant flight risk," Berman said of the man who ferried Britain's Prince Andrew, actor Kevin Spacey, famed Harvard law professor Alan Dershowitz and former President Bill Clinton on his jet, dubbed the Lolita Express.

Berman's hard-line stance was welcomed by young women who for years have been told that Epstein couldn't be touched because Acosta signed off on the nonprosecution agreement, promising not to charge Epstein in federal court.

Former Palm Beach County resident Virginia Guiffre, who has accused Epstein of turning her into his sex slave and forcing her to have sex with others, including Dershowitz and Prince Andrew, praised Berman. He showed the case is "being taken in a serious way," she told the Associated Press. Dershowitz has vehemently denied Guiffre's claims.

New York prosecutors were able to ignore the controversial nonprosecution agreement because it contained some significant fine print, said former federal Judge Paul Cassell, who for years has fought to get the agreement thrown out. It says only that no charges could be filed against Epstein in South Florida, he said.

Berman agreed. "That agreement only binds, by its terms, only binds the Southern District of Florida," he said. "The Southern District of New York is not bound by that agreement and wasn't a signatory of it."

That means the sordid allegations that have been leveled at Epstein for years are now part of a federal indictment.

Contrary to Epstein's claims, he knew the women who came to his homes in New York and Palm Beach were minors because they told him their ages, according to the indictment. Epstein preyed on young girls because he knew they were "vulnerable to exploitation," prosecutors added.

As part of a carefully orchestrated sex ring, Epstein or his associates would call girls while he was in New York so they would be available for sex once he returned to Palm Beach, the indictment says. The employees weren't named. They were identified only as "Employee-1," "Employee-2" and "Employee-3."

To ensure he had a steady stream of young girls, Epstein would turn some victims into recruiters. He would pay them to bring new girls to his home on El Brillo Way along the Intracoastal Waterway in Palm Beach or to his palatial townhouse on New York's Upper East Side.

"This allowed Epstein to create an ever-expanding web of new victims," Berman said.

In both New York and Palm Beach, the lurid operation was similar. Unidentified employees of Epstein's would escort the teens into a room. They were told to take off all or most of their clothes before giving the naked billionaire massages, according to the indictment.

"Epstein would also typically masturbate during these encounters, ask victims to touch him while he masturbated, and touch victims' genitals with his hands or with sex toys," the indictment says.

As part of the criminal complaint, prosecutors are asking that Epstein be forced to turn over his multimillion-dollar townhouse on East 71st Street. The complaint does not seek forfeiture of Epstein's house in Palm Beach.

While heartened that Epstein now faces serious criminal charges in New York, Cassell said he would continue to push a West Palm Beach-based federal judge to throw out the nonprosecution agreement that Acosta forged with Epstein's star-studded legal team.

U.S. District Judge Kenneth Marra has already ruled that Acosta violated the federal Crime Victims' Rights Act by not telling Epstein's victims about the agreement before it was inked. Coincidentally, Cassell and Epstein attorney Roy Black had to file papers by midnight Monday, explaining what action Marra should take to redress that wrong.

Cassell insisted Epstein should face charges in federal court in West Palm Beach. "Florida victims deserve justice in Florida," said Cassell, who is working on behalf of Epstein's victims with attorneys Bradley Edwards and Jack Scarola.

Since it's likely Florida women will get to testify against Epstein in New York, Scarola said he's not focused on whether Epstein will face charges here. Instead, he said he wants to know how and why the agreement was reached.

"There's been no explanation as to how a deal like this could have been cut and how the federal government could have been involved in a conspiracy to violate federal law," Scarola said of his interest in continuing the legal battle over the nonprosecution agreement.

When Acosta agreed to drop the federal investigation, Epstein in 2008 pleaded guilty to two prostitution charges and served 13 months of an 18-month sentence in a vacant wing of the Palm Beach County Jail - a cell he was allowed to leave 12 hours a day, six days a week. He was also forced to register as a sex offender and settle civil lawsuits more than 30 young women filed against him.

U.S. Rep. Lois Frankel, D-West Palm Beach, said she shares Scarola's interest in finding out how the agreement came to be. "I am especially more interested in why Epstein got the deal he got," Frankel said. "We need to know why he was given such an easy sentence.

While she has asked the House Oversight Committee to investigate Acosta, Frankel said she is not sure that will happen. "It just seems to me it was a travesty that this guy got off the way he did and, without pre-judging it, let's have a proper court case," Frankel said.

Former Palm Beach Police Chief Michael Reiter was inflamed in 2006 when then-State Attorney Barry Krischer refused to charge Epstein with serious crimes. Reiter took the information his officers had gathered from dozens of Epstein's victims to Acosta, believing he would prosecute Epstein. He didn't.

Reiter said he was heartened that 13 years later, Epstein will finally face justice.

"Thankfully, U. S. Attorney Berman and the other authorities in New York have the good judgment to investigate and prosecute Epstein in the way that should have occurred in Florida over a decade ago," Reiter said in a statement.

And, Scarola said, there are signals that Berman's investigation is far from over.

Berman declined to answer questions about whether others, such as Epstein's high-powered friends, would be charged. He brushed off questions about the significance that the investigation was being handled by the Public Corruption Unit.

While agents on Saturday were arresting Epstein aboard his private jet at the Teterboro Airport in New Jersey after returning from Paris, other officers were searching his New York City townhouse. Agents seized nude photos of young girls who appeared to be minors, Berman said.

He said his focus was on finding more women who were exploited and abused by Epstein. Turning to a poster, detailing the charges that had been filed against Epstein, he pointed a finger at a photo of the convicted sex offender who was once described as "a man of mystery."

"If you believe you are a victim of this man, Jeffrey Epstein, we want to hear from you," Berman said. A special number, 1-800-CALLFBI, will link victims of authorities.

Bill Sweeney, assistant director of the FBI's New York office, said after years of being ignored by federal agents, the victims' voices will be heard.

"The Jeffrey Epstein matter is No. 1 on the major case list in the country," Sweeney said.

Turning to address Epstein's victims directly, he said: "Your bravery may empower others to speak out against crimes against them."

[jmusgrave@pbpost.com](mailto:jmusgrave@pbpost.com)

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**Def.Ex.A-2**

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# JACOBS SCHOLZ & WYLER, LLC.

A LIMITED LIABILITY COMPANY OF PROFESSIONAL ASSOCIATIONS

THE LAW OFFICES OF  
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RICHARD J. SCHOLZ, P.A.  
RICHARD J. SCHOLZ

DOUGLAS A. WYLER, P.A.  
DOUGLAS A. WYLER

November 26, 2019

Office of the State Attorney  
15th Judicial Circuit  
Attn: Jeanne Howard  
401 North Dixie Highway  
West Palm Beach, FL 33401

Re: CA Florida Holdings, LLC v. Dave Aronberg et al.  
Case No.: 2019-CA-014681

Dear Mrs. Howard:

The purpose of this letter is to confirm that Jacobs Scholz & Wyler, LLC will represent you regarding the above-referenced matter.


Our fees will be contingent upon our success in this matter. You will not be liable or required to pay any monies to our office unless we are successful in our representation of you regarding the above-referenced litigation and receive a court order awarding attorneys' fees.

Accordingly, should we be successful in this matter, you agree to be billed for the time incurred in defending this action at our current hourly rates. At this time, our current hourly rates are: \$475.00/hour for senior partners, \$425.00/hour for other partners, \$375.00/hour for associate attorneys, and \$125.00/hour for paralegal time.

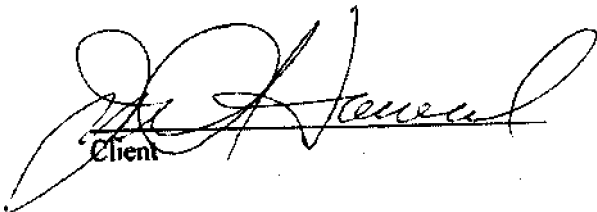
Furthermore, the attorneys' fees paid to our firm shall be calculated by the above listed hourly rates multiplied by the number of hours expended in defending this action or the total fee mandated and awarded by the court order herein, whichever is greater.

By signing below, you agree to the terms as set forth above. Please return a signed and dated copy of this letter to our office. If you have any questions or concerns, please contact our office. On behalf of the firm, we are proud to represent you in this matter.

Sincerely,



Douglas A. Wyler, Esq.  
For the Firm

  
Client

6/4/2020  
Date

**Def.Ex.A-3**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

---

**MOTION TO DISMISS**

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, by and through the undersigned counsel, hereby files this Motion to Dismiss Plaintiff's Complaint for failure to state a cause of action, and in support thereof states:

**MOITON TO DISMISS STANDARD**

When confronted with a motion to dismiss, the Court must determine whether the Complaint as phrased within its four corners sufficiently states a cause of action, whereby relief can be granted. Fox v. Professional Wrecker Operations, 801 So. 2d 175, 178 (Fla. 5th DCA 2001). A motion to dismiss tests whether the plaintiff has stated a cause of action. The test for a motion to dismiss under Florida Rule of Civil Procedure 1.140(b) is whether the pleader could prove any set of facts as alleged in the Complaint to support his or her claim. See, Connolly v. Sebeco, Inc., 89 So. 2d 482, 484 (Fla. 1956); Wasua Ins. Co. v. Haynes, 683 So. 2d 1123 (Fla. 4th DCA 1996).

In order to meet this test, "a complaint must allege sufficient ultimate facts to show that a pleader is entitled to relief." W.R. Townsend Contr., Inc. v. Jensen Civ. Constr., Inc., 728 So. 2d 297, 300 (Fla. 1st DCA 1999) (quoting Perry v. Cosgrove, 464 So. 2d 664, 665 (Fla. 2d DCA 1985); Fla. R. Civ. P. 1.110(b)). The court need not accept internally inconsistent factual claims, conclusory allegations, unwarranted deductions, or mere legal conclusions made by a party. Id. (citing Response Oncology, Inc.

v. Metrahealth Insurance Co., 978 F. Supp. 1052, 1058 (S.D. Fla. 1997)); Oxford Asset Mgmt. v. Jaharis, 297 F.3d 1182, 1188 (11th Cir. 2002) (“[On a motion to dismiss,] the plaintiff’s factual allegations are accepted as true.... However, legal conclusions masquerading as facts will not prevent dismissal.”). To avoid dismissal, a pleading “must allege a cause of action recognized under law” against the defending party. Kislak v. Kreedian, 95 So. 2d 510, 514 (Fla. 1957).

**COUNT I**  
(Florida Statutes Section 905.27)

Plaintiff attempts to assert a cause of action, in the interest of “furthering justice”, under Florida Statute § 905.27; however, a review of the statute in question reveals that no cause of action is provided for therein and consequently Plaintiff’s Complaint must be dismissed as a matter of law. Despite Plaintiff’s extensive recitation of the factual background regarding Jeffery Epstein and the testimony and evidence presented to the 2006 grand jury in Palm Beach County, Florida, Fla. Stat. § 905.27, merely explains the exceptions to the disclosure of grand jury testimony and does not set forth in any way a cause of action upon which to initiate a valid law suit.

Moreover, a review of the statute at issue clearly indicates that even if § 905.27, Fla. Stat. provided a basis for a cause of action, Plaintiff is barred from access to the records it seeks. To wit, in pertinent part, Fla. Stat. § 905.27(2) states:

When such disclosure is ordered by a court pursuant to subsection (1) for use in a civil case, it may be disclosed to all parties to the case and to their attorneys and by the latter to their legal associates and employees. However, the grand jury testimony afforded such persons by the court can only be used in the defense or prosecution of the civil or criminal case and for no other purpose whatsoever.

Here, despite the clear statutory guidelines for disclosure of grand jury materials in a civil case, Plaintiff is improperly seeking the requested 2006 grand jury materials for the purposes of public disclosure pursuant to the court’s inherent authority and supervisory powers over the grand jury. [See, Complaint ¶¶ 8, 62]. Again, even if Plaintiff properly asserted a cause of action under Fla. Stat. 905.27, the statute unambiguously states that grand jury testimony “can only be used in the defense or prosecution of the civil or criminal case and for no other purpose whatsoever”, which is distinctly different from

Plaintiff's intended purpose for public disclosure of the grand jury evidence. Fla. Stat. § 905.27(2). Finally, it is significant to note that despite Plaintiff's allegations to the contrary, Defendant Aronberg is not in custody or control of the records sought and is therefore not a proper party to this action.

WHEREFORE, based on the foregoing argument and supporting authority, Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, respectfully requests that this Honorable Court grant the instant Motion and dismiss Plaintiff's Complaint with prejudice, and grant Defendant Aronberg all other and further relief deemed just and proper, including attorney's fees and costs for defending this frivolous action.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6th day of December, 2019, a copy of the foregoing has been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

**JACOBS SCHOLZ & WYLER, LLC**

*/s/ Douglas A. Wyler*

---

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*General Counsel for the Florida Prosecuting  
Attorney's Association*

**Def.Ex.A-4**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of *THE PALM BEACH POST*,

CASE NO.: 50-2019-CA-014681-XXXX-MB  
Div.: AG

Plaintiff,

v.

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida,

Defendants.

---

**FIRST AMENDED COMPLAINT**

CA Florida Holdings, LLC, publisher of *The Palm Beach Post*, for its First Amended Complaint against Dave Aronberg, the State Attorney for Palm Beach County, Florida, in his official capacity ("State Attorney"), and Sharon R. Bock, the Clerk of the Court for Palm Beach County, Florida, in her official capacity ("Court Clerk"), alleges as follows:

**JURISDICTION**

1. This is an action within the exclusive jurisdiction of the Circuit Court pursuant to Fla. Stat. Sections 26.012(2)(a) and 86.011 et seq.

**PARTIES**

2. *The Palm Beach Post* is a daily community newspaper published by Plaintiff CA Florida Holdings, LLC, with offices located at 2751 S. Dixie Highway, West Palm Beach, Florida.

3. Defendant Dave Aronberg is the duly elected State Attorney for the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, pursuant to Fla. Stat. Section 27.01 and has authority in grand jury proceedings pursuant to Fla. Stat. Section 27.03. He is sued herein in



his official capacity as his office is in possession and/or control of documents that are the subject of this action.

4. Defendant Sharon R. Bock is the duly elected Clerk and Comptroller of Palm Beach County, Florida. She is sued herein in her official capacity as her office is in possession and/or control of documents that are the subject of this action.

### **INTRODUCTION**

5. In what is now widely if belatedly recognized as a colossal miscarriage of justice – which led to the further needless victimization of countless young girls and women – a wealthy, politically connected, and powerful financier was not held accountable for, nor even forced to confront, allegations of serious sex trafficking crimes. While it is clear that Jeffrey Epstein's 2008 deal with the State of Florida was not consistent with the evidence gathered against him, what remains shrouded in mystery is how that evidence was presented – and the extent to which it was presented – to the grand jury that returned an indictment far more limited in scope than expected and deserved.

6. Through this action, *The Palm Beach Post* seeks public access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury empaneled during the first Epstein sex abuse investigation. Typically, access to such materials is limited, for example, in order to prevent the flight of those whose indictment may be contemplated and their ability to conceal or destroy evidence; to ensure jurors' candor in deliberations; and to protect an accused who is later exonerated. However, these factors are inapplicable here. Also, Florida law expressly authorizes the disclosure of grand jury proceedings under certain circumstances, including, as here, in the furtherance of justice. Fla. Stat. § 905.27(1)(c).

7. It can no longer credibly be maintained that continued blanket secrecy over the proceedings that led to the egregiously flawed 2006 Epstein indictment is warranted under the law.

To the contrary, transparency is required to promote public understanding of the criminal justice system and public confidence in the fair administration of justice. As detailed below, Epstein was accused of sexually abusing and trafficking dozens of women and girls in south Florida (among other locations) over a period of several years while exploiting his wealth and political connections to obstruct the administration of justice at every turn. Public disclosure of the Epstein grand jury proceedings will shed light on the extent to which those in our government entrusted with the solemn responsibility of enforcing our criminal laws equally as to all citizens fulfilled their duties in this instance. Justice will be furthered where it is either (1) demonstrated that Epstein was treated like others accused of similar heinous crimes, or (2) as appears more likely to be the case, those who chose to give Epstein favorable – “unusual,” in the words of the Town of Palm Beach Police Chief – treatment, are exposed and held accountable. From what limited information is now in the public domain, the State Attorney’s referral of Epstein’s case to the grand jury – which would be out of the ordinary for this type of case – gives rise to a strong inference of favoritism and corresponding disregard for the rights of the minor victims of Epstein’s sex trafficking. Access to the grand jury materials will allow the public to determine whether the grand jury process, and the secrecy that comes with it, was used to further justice or, instead, operated to shield Epstein and his co-conspirators from the consequences of their criminal activities. Accordingly, Fla. Stat. Section 905.27 authorizes the disclosure of Epstein’s 2006 grand jury proceedings.

8. Even in the absence of such a statutory basis, this Court is empowered to order public disclosure pursuant to its inherent authority and supervisory powers over the grand jury. Indeed, courts throughout the country in the past several decades have ordered the disclosure of high-profile grand jury proceedings pursuant to their inherent authority where the public’s interest in those proceedings has outweighed the general need for secrecy. This is particularly so where,

as here, many of the details of Epstein's criminal misdeeds have already been made available in the public domain through extensive news reporting by, among others, *The Palm Beach Post*; by the many civil suits brought against Epstein and his co-conspirators; and by the victims themselves.

9. In recognition of the sensitivity of the materials being sought, and in the interest of protecting any victims who wish to remain anonymous, *The Palm Beach Post* has no objection to copies of the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury first being submitted to this Court for in camera review, where they may be redacted, as appropriate, to protect those who deserve such protection.

#### **FACTUAL BACKGROUND**

10. The following facts were gathered, in large part, from documents obtained by *The Palm Beach Post* through various Florida Public Records Law requests, documents unsealed or publicly available in other related judicial proceedings, and information and documents in the public record.

A. **First Epstein Sex Crimes Investigation, Indictment, and Plea Agreement: 2005—2008.**

11. The investigation into Epstein's sex crimes began more than fourteen years ago, when a 14-year-old girl's stepmother reported to police in the Town of Palm Beach, Florida, that Epstein and others who worked for him arranged for her to give Epstein a "massage." Epstein required the girl to strip, exposed himself, and masturbated while touching her. The girl was paid \$300. Epstein was 52 years old at the time.

12. Following this initial report in 2005, the Town of Palm Beach Police, and later, in 2006, the FBI, investigated Epstein. Interviews under oath with five additional alleged victims and seventeen witnesses revealed that the events described by the 14-year-old girl occurred, with disturbingly similar details, with each of the other victims.

13. Both the victim/witness interviews, as well as evidence retrieved following a search of Epstein's home, showed that some of the girls involved were under the age of 18. The police search of Epstein's residence also found two hidden cameras and, throughout the house, large numbers of nude photos of girls, including victims whom the police had not interviewed in the course of their investigation.

14. In March 2006, a State grand jury was scheduled at which all of the victims were expected to testify. The proceeding was postponed, however, due to meetings between the State Attorney's office and Epstein's prominent criminal defense lawyer and personal friend, Alan Dershowitz.

15. Another grand jury was convened in April 2006, but canceled the day before it was to begin receiving evidence.

**(1) Police Chief Reiter's Letter to the State Attorney.**

16. On May 1, 2006, Town of Palm Beach Police Chief Michael Reiter wrote a "personal and confidential" letter to then Palm Beach County State Attorney, Barry Krischer, stating:

I must renew my prior observation to you that I continue to find your office's treatment of [the Epstein] cases highly unusual. It is regrettable that I am forced to communicate in this manner, but my most recent telephone calls to you and those of the lead detective to your assigned attorneys have been unanswered and messages remain unreturned. After giving this much thought and consideration, *I must urge you to examine the unusual course that your office's handling of this matter has taken and consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases.* (Emphasis supplied)

17. Chief Reiter's letter to State Attorney Krischer enclosed the Town of Palm Beach Police Department's probable cause affidavits charging Epstein and two of his assistants with multiple counts of unlawful sex acts with a minor and one count of sexual abuse, and requested

that either an arrest warrant be issued for Epstein or the State Attorney directly initiate the charges against him, which would be public.

**(2) The July 2006 State Grand Jury Presentation.**

18. Instead, State Attorney Krischer elected to refer the case to a grand jury, which is mandatory for capital cases but rarely used for all other crimes. According to an official spokesperson, this was the first time that a sex crimes case was presented to a grand jury in Palm Beach County.

19. In July 2006, after State Attorney Krischer presented testimony and evidence from one victim, the grand jury returned an indictment on a sole count of solicitation of prostitution. There is no mention in the indictment of the victim being a minor.

20. On information and belief, a second of Epstein's victims was supposed to testify before the grand jury, but was unable to attend because of a school exam.

21. No reasonable explanation has been provided as to why the numerous other known victims were not presented as witnesses and crime victims to the grand jury convened in July 2006. Nor has any reasonable explanation been provided as to why State Attorney Krischer, who was initially eager to investigate and prosecute Epstein for his crimes, over time lost the desire to do so.

22. On information and belief, during the grand jury appearance of the single victim who testified, the State Attorney presented evidence that vilified the victim and attacked her credibility, including soliciting testimony regarding underage drinking and questionable personal behavior that was unrelated to the charges against Epstein. Further upon information and belief, this information was initially brought to the attention of the State Attorney's office by Epstein's defense counsel.

**(3) The FBI's Investigation and Epstein's Non-Prosecution Agreement With Federal Authorities.**

23. On information and belief, following the deficient July 2006 indictment, and with Chief Reiter's encouragement, the FBI began its own investigation of Epstein.

24. Records unsealed in 2015 revealed that the FBI compiled reports on "34 confirmed minors" that were victims of Epstein's sexual predations. Based on evidence gathered by the FBI, a 53-page indictment was prepared by the U.S. Attorney's Office in June 2007. However, at the request of Epstein's lawyers, the indictment was never presented to a federal grand jury.

25. Instead, then U.S. Attorney for the Southern District of Florida, Alexander Acosta, negotiated a plea deal with Epstein's team of lawyers to grant immunity to Epstein (along with four named co-conspirators and any unnamed potential co-conspirators) from all federal criminal charges.

26. Throughout the remainder of 2007 and through the first half of 2008, Epstein's lawyers and the U.S. Attorney continued negotiating the plea arrangement. Upon information and belief, Epstein's lawyers insisted that (1) the victims not be notified, (2) the deal be kept confidential and under seal, and (3) all grand jury subpoenas (including one that had already been issued for Epstein's computers) be withdrawn.

27. On June 30, 2008, Epstein pled guilty to State charges: one count of solicitation of prostitution and one count of solicitation of prostitution with a minor under the age of 18. He was sentenced to 18 months in jail, followed by a year of community control or house arrest, and was adjudicated as a convicted sex offender required to register twice a year in Florida.

28. The plea deal, called a non-prosecution agreement ("NPA"), allowed Epstein to receive immunity from federal sex-trafficking charges that could have sent him to prison for life.

On information and belief, based on public records, former State Attorney Krischer communicated with then U.S. Attorney Acosta concerning the NPA's negotiation with Epstein's lawyers.

29. Indeed, Epstein was not incarcerated in a Florida prison for the State crimes for which he was convicted. Instead, he was placed in a private wing of the Palm Beach County Stockade, where, after 3 1/2 months, he was allowed to leave the jail on "work release" for up to 12 hours a day, 6 days a week. His private driver provided his transportation to and from "work."

30. Epstein was released five months early.

31. Upon information and belief, Epstein violated the terms of his probation, but was not prosecuted.

#### **(4) The Crime Victims' Rights Act Litigation.**

32. Epstein's victims only learned after the fact about his plea in State court and filed an emergency petition to force federal prosecutors to comply with the Crime Victims' Rights Act (18 U.S.C. § 3771, "CVRA"), which mandates certain rights for crime victims, including the right to be informed about plea agreements and the right to appear at sentencing. U.S. District Judge Kenneth A. Marra recently ruled that federal prosecutors violated the CVRA by failing to notify Epstein's victims before allowing him to plead guilty to only the two State offenses.

33. The prosecution's failure to keep the victims apprised, among other things, also contravenes the Florida Constitution, Article 1, § 16(b) and Fla. Stat. § 960.001.

34. Following publicity exposing the extraordinary leniency of the plea deal, dozens of civil suits were brought against Epstein, most of which Epstein's lawyers settled out-of-court.

35. In 2010, Epstein was registered as a "level three" (*i.e.*, high risk of repeat offense) sex offender in New York, a lifelong designation. In 2011, the New York County District Attorney's office unsuccessfully sought to lower his registration to low-risk "level one."

36. Upon information and belief, during the course of the Town of Palm Beach and FBI investigations, Epstein retained private investigators to follow, harass, and photograph his victims and their families, as well as Chief Reiter and the Town of Palm Beach detective who investigated the case against Epstein.

37. Upon information and belief, Epstein's victims were threatened against cooperating with law enforcement and told that they would be compensated only if they did not cooperate with law enforcement.

**B. Second Epstein Sex Crimes Investigation, Indictment, Suicide: 2019.**

38. On July 6, 2019, Epstein was arrested on federal sex trafficking charges.

39. Upon information and belief, the United States government's investigation of new allegations and charges stemmed, in part, from continued press investigations into and reporting on the mishandling of the 2006 charges and the civil suits that followed.

40. In a July 8, 2019, letter to the federal district court by the U.S. Attorney for the Southern District of New York, Epstein was described as "a serial sexual predator who preyed on dozens of minor girls over a period of years." The letter emphasized that "the Government has real concerns – grounded in past experience with this defendant – that if allowed to remain out on bail, the defendant could attempt to pressure and intimidate witnesses and potential witnesses in this case, including victims and their families, and otherwise attempt to obstruct justice." It also described the results of the FBI's search of Epstein's Manhattan townhouse: evidence of sex trafficking in the form of "hundreds – and perhaps thousands – of sexually suggestive photographs of fully- or partially-nude females," including underage females. In a locked safe, compact discs were found with handwritten labels including the descriptions: "Young [Name] + [Name]," "Misc nudes 1," and "Girl pics nude."



41. On July 8, 2019, prosecutors with the Public Corruption Unit of the U.S. Attorney's office for the Southern District of New York charged Epstein with sex trafficking and conspiracy to traffic minors for sex. The grand jury indictment alleges that "dozens" of underage girls were brought into Epstein's mansions for sexual encounters. A few days later, owing to public outcry over the NPA with Epstein entered into by the U.S. Attorney for the Southern District of Florida, Alexander Acosta, who by then was serving as U.S. Secretary of Labor in the Trump administration, resigned from office.

42. Epstein was denied bail and was placed into pretrial detention at the federal Metropolitan Correction Center in lower Manhattan.

43. On or about August 6, 2019, Florida Gov. Ron DeSantis ordered a state criminal probe into the actions of the Palm Beach Sheriff and former State Attorney Krischer for their handling of the Epstein underage sex trafficking case.

44. On August 10, 2019, Epstein was found dead in his cell at the Metropolitan Correctional Center. His cause of death was determined to be suicide.

**C. The August 27, 2019, SDNY Hearing: Epstein's Victims Speak.**

45. On account of his death, prosecutors sought to dismiss the indictment against Epstein, while maintaining that they would continue to investigate his co-conspirators.

46. United States Senior District Judge Richard M. Berman ordered a hearing on August 27, 2019, on the prosecutors' decision to dismiss the indictment and allowed victims to speak at the hearing.

47. In the course of the hearing, more than two dozen victims delivered their personal stories of pain, frustration, and sexual abuse at the hands of Epstein. Several victims spoke of violent rape by Epstein. Many more victims were present in the courtroom but did not testify.

48. While some questioned the reasoning behind the court's decision to give the victims voice after Epstein's death, District Judge Berman noted that "a public hearing is [the] preferred vehicle of resolution," emphasizing that "public hearings are exactly what judges do. Hearings promote transparency and they provide the court with insights and information which the court may not otherwise be aware of." Indeed, even Epstein's defense lawyer noted at the hearing that the court "is the institution that most people have confidence in, in these very troubled times."

49. At the August 27th hearing, the girls, now women, spoke about their "exploitation and coercion," and to the fact that many of them "were in very vulnerable situations and in extreme poverty, circumstances where [they] didn't have anyone on [their] side, to speak on [their] behalf...." One victim lamented that "as a victim, [she] never got to see what the agreement was or why the special treatment got approved" in the Florida case years earlier. Another noted how "completely different" the investigators leading to the 2019 federal indictment were from the prosecutors in the Florida case, both in their treatment of her and their investigation of her victimization by Epstein.

50. A former federal judge in attendance at the August 27th hearing emphasized that "transparency is one of the overriding objectives in our criminal justice system."

51. Nearly all of the victims expressed the conviction that the secrecy that shielded Epstein has caused them "irreparable harm" and that an opportunity to address his criminal wrongdoings, and those of the individuals who enabled his sexual racketeering, would allow for at least some measure of justice to be served after his death. Indeed, one victim stated: "Any efforts made to protect Epstein's name and legacy send a message to the victims that he wins and that he is untouchable." Another victim expressed fear that this is a world "where there are predators in power, a world where people can avoid justice if their pockets run deep enough." In short, the

“unusual” treatment Epstein received in Florida in 2006 based on his wealth, social status, and connections severely eroded the public’s faith in the integrity and impartiality of the criminal justice system.

**D. The Palm Beach Post’s Standing and the Public Interest.**

**(1) The Palm Beach Post Has Reported Extensively On Epstein’s Crimes For Nearly 15 Years.**

52. Plaintiff, *The Palm Beach Post*, is a community newspaper serving readers in Palm Beach County and the Treasure Coast vicinity.

53. *The Palm Beach Post* has been a Pulitzer Prize winner and nominated as a finalist three other times.

54. Beginning in 2004, *The Palm Beach Post* has extensively investigated and reported on the allegations against, the law enforcement investigation of, and the crimes committed by, Epstein and his co-conspirators. The Newspaper’s reportage has included publication of the following articles:

- “The Man Who Had Everything: Jeffrey Epstein Craved Big Homes, Elite Friends and, Investigators Say, Underage Girls,” published on August 14, 2006, reporting that: Haley Robson, a local community college student, admitted in a sworn statement to police that “she had taken at least six girls to visit Epstein, all between the ages of 14 and 16;” Palm Beach Police “interviewed five alleged victims and 17 witnesses;” “Dershowitz, the Harvard law professor, traveled to West Palm Beach with information about the girls,” including social media discussions about “their use of alcohol and marijuana;” after meeting with Epstein’s legal team, “prosecutors postponed their decision to take the case to a grand jury;” Palm Beach Police subsequently “received complaints that two of the victims or their families had been harassed or threatened;” “relations between police and prosecutors were fraying” as the investigation continued; and “one girl who was subpoenaed – the one who said she had sexual intercourse with Epstein – never showed up” to testify before the grand jury.
- “Trump Snags Gosman Estate for \$41 Million” published on November 16, 2004, reporting on the bidding war between Donald Trump and Jeffrey Epstein for the purchase of a “43,000-square-foot, seven-bedroom estate on 6 oceanfront acres along the storied ‘Raider’s Row’ ” in Palm Beach.

- “Indictment: Billionaire Solicited 3 Times” published on July 25, 2006, reporting that “Billionaire money manager and Palm Beach part-time resident Jeffrey Epstein solicited or procured prostitutes three or more times between Aug. 1 and Oct. 31 of last year, according to an indictment charging him with felony solicitation of prostitution.” The article further reported that “Epstein’s case is unusual in that suspected prostitution johns are usually charged with a misdemeanor, and even a felony charge is typically made in a criminal information – an alternative to an indictment charging a person with the commission of a crime.”
- “After Long Probe, Billionaire Faces Solicitation Charge” published on July 26, 2006, reporting that “Palm Beach police thought there was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation.” The article further reported that “Police Chief Michael Reiter was so angry with State Attorney Barry Krischer’s handling of the case that he wrote a memo suggesting the county’s top prosecutor disqualify himself,” and identified a 20-year-old on-the-record female source who said “she gave Epstein a massage in the nude, then brought him six girls, ages 14 to 16, for massage and sex-tinged sessions at his home.”
- “Police Say Lawyer Tried to Discredit Teenage Girls” published on July 29, 2006, reporting that “[f]amed Harvard law professor Alan Dershowitz met with the Palm Beach County State Attorney’s Office and provided damaging information about teenage girls who say they gave his client, Palm Beach billionaire Jeffrey Epstein, sexually charged massages” and that “[t]he state attorney’s office said it presented the Epstein case to a county grand jury this month rather than directly charging Epstein because of concerns about the girls’ credibility.”
- “Expert: Ignorance of Age Isn’t Defense In Sex Cases” published on August 5, 2006, reporting that “[r]ather than file charges, the state attorney’s office presented the case to a county grand jury” which “indicted Epstein last week on a single, less serious charge of felony solicitation of prostitution,” and that “[t]he case raised eyebrows because the state attorney’s office rarely, if ever, kicks such charges to a grand jury.”
- “Epstein Camp Calls Female Accusers Liars” published on August 8, 2006, reporting that “[a] state attorney’s spokesman would say only that the office refers cases to the grand jury when there are issues with the viability of the evidence or witnesses’ credibility.”
- “Palm Beach Chief Focus of Fire In Epstein Case” published on August 14, 2006, reporting that Chief Reiter “pressed for Epstein to be charged with the more serious crimes of sexual activity with minors” and “slammed State Attorney Barry Krischer in blunt language seldom used by one law enforcement official with another because of what he perceived as that office’s mishandling of the case.”
- “Delays In Epstein Case Unusual, Lawyers Say” published on March 13, 2007, reporting that “[n]early eight months after Palm Beach tycoon Jeffrey Epstein was charged with felony solicitation of prostitution, there has been no discernible progress in his case.”

- “Woman Sues Billionaire Investor, Says They Had Sex When She Was 16” published on October 18, 2007, reporting on a lawsuit brought in New York State court against Epstein “by a young woman who says he had sex with her when she was 16 and had sought his help becoming a model.”
- “Palm Beacher Pleads In Sex Case” published on July 1, 2008, reporting that “Epstein, 55, pleaded guilty . . . to felony solicitation of prostitution and procuring a person under the age of 18 for prostitution,” resulting in “a lifelong obligation to register as a sex offender,” and that “[a]s part of the plea deal, federal investigators agreed to drop their investigation of Epstein, which they had taken to a grand jury.”
- “Jeffrey Epstein: Scientist, Stuntman, ‘Sex Slave’ Visit Jailed Tycoon” published on August 13, 2008, reporting that “[d]uring his first month of confinement” Epstein was visited by Sarah Kellen, who allegedly escorted victims “upon their arrival at his Palm Beach waterfront home to an upstairs room, where she prepared the massage table and provided the oils for their encounters” with Epstein, and by Nadia Marcinkova, “a young woman whom Epstein purportedly described as his Yugoslavian sex slave.”
- “Billionaire Sex Offender Leaves Jail Six Days a Week For Work” published on July 1, 2008, reporting that Epstein “is allowed to leave the Palm Beach County Stockade six days a week on a work-release program.”
- “Women Want Epstein Sex Plea Deal Unsealed” published on June 10, 2009, reporting that attorneys for women suing Epstein in various courts “want his [non-prosecution] agreement [NPA] with federal prosecutors unsealed” and were moving to unseal the agreement in Circuit Court of the Fifteenth Judicial Circuit, and that “Epstein now faces at least a dozen civil lawsuits in federal and state courts filed by young women who said they had sex with him and now are seeking damages.” On that date, *The Palm Beach Post* moved to intervene in the matter for the purpose of obtaining public access to the NPA, which was ordered disclosed by this Court on June 25, 2009.
- “Epstein’s Secret Pact With Feds Reveals ‘Highly Unusual’ Terms” published on September 19, 2009, reporting that, owing to Epstein’s non-prosecution agreement, “federal prosecutors backed down and agreed to recall grand jury subpoenas if Epstein pleaded guilty to prostitution-related felonies in state court” and “also agreed not to charge any of Epstein’s possible co-conspirators: Sarah Kellen, Adriana Ross, Lesley Groff and Nadia Marcinkova.” The article further reported that, according to an attorney representing three of Epstein’s victims, “none of the 30 to 40 wom[e]n identified as victims in the federal investigation” were informed ahead of time about the NPA.
- “Judge Rules Epstein Attorneys Can Subpoena Abortion Records” published on January 27, 2010, reporting that “a judge . . . gave lawyers representing multi-millionaire sex offender Jeffrey Epstein the right to subpoena abortion records from women who are seeking millions in damages from the part-time Palm Beach resident.”

- “Epstein Journal’s Findings Could Resurrect Abuse Case” published on March 20, 2010, reporting that “[a] purloined journal that is said to contain the names of ‘hundreds’ of victims of convicted sex offender Jeffrey Epstein could be used to reopen the investigation into the multi-millionaire’s appetite for teenage girls.”
- “Epstein Paid Three Women \$5.5 Million to End Underage Sex Lawsuits” published on October 4, 2017, reporting that, according to court documents, Epstein “shelled out \$5.5 million to settle lawsuits with three of more than two dozen teens who sued him.”
- “Judge Rules Feds’ Agreement With Jeffrey Epstein Pact Violated Teen Victims’ Rights” published on February 22, 2019, reporting on a ruling by U.S. District Judge Kenneth Marra that “Federal prosecutors violated the rights of Jeffrey Epstein’s teenage victims [under the Crime Victims’ Rights Act] by failing to reveal they had dropped plans to prosecute the billionaire on dozens of federal charges in connection with the girls’ claims that he paid them for sex at his Palm Beach mansion.”
- “Epstein Indicted On Sex Charges/Part-Time Palm Beacher Pleads Not Guilty to Sex Trafficking, Conspiracy Charges In Federal Court In Manhattan” published on July 9, 2019, reporting on Epstein’s appearance in U.S. District Court for the Southern District of New York in which he “pleaded not guilty to charges accusing him of creating a vast network of girls as young as 14 that he exploited for his sexual pleasure at his homes in Palm Beach and Manhattan.”

A true and correct copy of the above news articles, in either the computerized format in which they are maintained in *The Palm Beach Post*’s electronic archives or the news print edition in which originally published, is annexed hereto as **Exhibit 1**.

55. Since the filing of the initial Complaint in this matter, *The Palm Beach Post* – along with media worldwide – has continued to report on Epstein’s crimes and the ongoing official proceedings resulting from those crimes.

(2) ***The Palm Beach Post*’s Standing and the Public Interest.**

56. The press has a constitutional right of access to criminal proceedings, *see, e.g., Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573 (1980), including pre-trial criminal proceedings. *Newman v. Graddick*, 696 F.2d 796 (11th Cir. 1983). Indeed, “the integrity of the judicial process, which public scrutiny is supposed to safeguard, is just as much at issue in proceedings of this kind [pre- and post-trial] as at trial.” *Id.* at 801; *see also Miami Herald Publ.*

*Co. v. Lewis*, 426 So. 2d 1, 6–7 (Fla. 1982) (identifying the news media as a “public surrogate” in matters concerning the closure of judicial proceedings). The press also has a First Amendment interest in receiving information from willing speakers. *See Va. Pharmacy Bd. v. Va. Consumer Council*, 425 U.S. 748, 756–57 (1976) (“Where a speaker exists . . . the protection afforded [by the First Amendment] is to the communication, to its source and to its recipients both.”); *Pittman v. Cole*, 267 F.3d 1269, 1283 n.12 (11th Cir. 2001) (“The Supreme Court has recognized that the First Amendment offers protection to both speakers and those wishing to receive speech.”); *see also Stephens v. Cty. of Albemarle, Va.*, 524 F.3d 485, 492 (4th Cir. 2008) (providing that a plaintiff has “standing to assert a right to receive speech” by “show[ing] that there exists a speaker willing to convey the information to her”).

57. Because of the unique role performed by the press as a “public surrogate” (*Lewis*, 426 So. 2d at 6–7) in protecting the right of access and its interest in reporting information about criminal proceedings, news organizations “presumptively have a right to access judicial records,” *Comm’r, Ala. Dep’t of Corr. v. Advance Local Media, LLC*, 918 F.3d 1161, 1166 (11th Cir. 2019), and “standing to question the validity of an order restricting publicity because its ability to gather news is directly impaired or curtailed.” *Lewis*, 426 So. 2d at 4; *see also Carlson v. United States*, 837 F.3d 753, 757–58 (7th Cir. 2016) (“[a]s a member of the public, [the Reporters Committee] has standing to assert [its] claim” to grand jury materials because such materials are “public records to which the public may seek access, even if that effort is ultimately unsuccessful”).

58. Here, the continued denial of access to information *The Palm Beach Post* seeks on behalf of its journalists and the public it serves “unquestionably constitutes irreparable injury.” *Gainesville Woman Care, LLC v. State of Florida*, 210 So. 3d 1243, 1263 (Fla. 2017); *see also Zerilli v. Smith*, 656 F.2d 705, 711 (D.C. Cir. 1981) (noting that “the press’ function as a vital

source of information is weakened whenever the ability of journalists to gather information is impaired,” as it is by Attorney General’s refusal to disclose unredacted report and underlying grand jury materials).

59. *The Palm Beach Post* has the right to maintain this private right of action because the furtherance of justice, an express legislative exception to grand jury secrecy, is intended for the public benefit, and *The Palm Beach Post* seeks access on behalf of the public. Fla. Stat. § 905.27(1)(c). It is further express in Fla. Stat. § 905.27 that the legislature intended for a court to be the party to make the determination of disclosure. Fla. Stat. § 905.27(1). In other words, the legislature intended for recourse to the courts in considering and determining the propriety and scope of grand jury secrecy.

**E. The Court’s Jurisdiction And Authority.**

**(1) The Court’s Supervision of the Grand Jury Process and Its Authority to Order Public Disclosure of the Epstein Evidence.**

60. The Florida Supreme Court has noted that “in states such as Florida, where the grand jury is preserved, it is an important appendage of the court which impanels it. At the same time it should not be forgotten that the judge of that court is equally important and he is generally charged with the supervision of the grand jury’s activities...It is, therefore, of vital importance to maintain the dignity and the integrity of both the grand jury and the presiding judge.” *State v. Clemons*, 150 So. 2d 231, 233-34 (Fla. 1963).

61. Chapter 905 of the Florida Statutes governs the empanelment and conduct of Florida grand juries. The court gives the grand jury its initial charge and advises the grand jury about its legal duties. Fla. Stat. § 905.18.

62. Florida Stat. Section 905.27(1) provides that “the testimony of a witness examined before the grand jury . . . or other evidence received by it” may be disclosed “when required by a



court . . . for the purpose of: (a) Ascertaining whether it is consistent with the testimony given by the witness before the court; (b) Determining whether the witness is guilty of perjury; or (c) Furthering justice.” Fla. Stat. § 905.27(1)(a)-(c).

63. Further, disclosure is appropriate pursuant to this Court’s inherent authority over grand jury proceedings because of the exceptional public interest in this case and the compelling circumstances supporting transparency. *Carlson v. United States*, 837 F.3d at 766 (“a district court has the inherent power to disclose [grand jury] materials in exceptional circumstances and . . . historic importance can be a sufficient reason when there is little countervailing need for secrecy”).

64. The Florida Supreme Court has confirmed that grand jury secrecy is not absolute and that any “potential harm to public officeholders” from disclosure “will be the product of their own conduct, and not the consequence of an unrestrained body of misguided citizens.” *Miami Herald Pub. Co. v. Marko*, 352 So. 2d 518 (1977) (“The benefits to be derived from this extraordinary exercise in citizen participation [in the grand jury] would be severely limited if the fruits of that activity were not available to the public on whose behalf it is undertaken. Implicit in the power of the grand jury to investigate and expose official misconduct is the right of the people to be informed of its findings. While public disclosure of grand jury findings inevitably entails the risk of reputational damage, the legislature has ensured that any potential harm to public officeholders will be the product of their own conduct, and not the consequence of an unrestrained body of misguided citizens.”).

(2) **The Court’s Jurisdiction To Declare Rights And Construe Statutes.**

65. This Court has jurisdiction to declare rights, status, and other equitable or legal relations whether or not further relief is or could be claimed. Florida Stat. Section 86.011.

66. Florida law specifically provides that a declaration may be sought from the Court concerning a petitioner's rights under a statute. Florida Stat. Section 86.021 ("Any person... whose rights, status, or other equitable or legal relations are affected by a statute, or any regulation made under statutory authority,... may have determined any question of construction or validity arising under such statute,... or any part thereof, and obtain a declaration of rights, status, or other equitable or legal relations thereunder.").

67. The Court's exercise of its power to declare rights "is to be liberally administered and construed." Florida Stat. Section 86.101.

### **COUNT I**

(Declaratory Relief - Florida Stat. Sections 86.011 *et seq.*)

68. The allegations set forth in paragraphs 1 through 67 are incorporated by reference as if fully set forth herein.

69. This is an action for Declaratory Relief pursuant to Chapter 86, Florida Statutes, and other supplemental relief.

70. *The Palm Beach Post* respectfully requests that the Court declare that pursuant to Fla. Stat. Section 905.27(1), it is entitled access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury because such disclosure and access would be in the furtherance of justice. Fla. Stat. § 905.27(1)(c). Because *The Palm Beach Post* is not seeking these materials in connection with either a civil or criminal case, it seeks a declaration that the scope of its use of the disclosed materials is not limited. *See* Fla. Stat. § 905.27(2).

71. *The Palm Beach Post* further seeks a declaration that disclosure of the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury is appropriate

pursuant to this Court's inherent authority over grand jury proceedings because of the exceptional public interest in this case and the compelling circumstances supporting transparency.

72. *The Palm Beach Post* has sought from Defendants, but Defendants have refused to provide, access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury. Indeed, Defendants have each filed motions to dismiss the Complaint and the relief it sought under Fla. Stat. Section 905.27(1). Accordingly, a good-faith dispute exists between the parties.

73. Through this Complaint, *The Palm Beach Post* presently has a justiciable question concerning its rights to obtain the 2006 grand jury materials pursuant to Fla. Stat. Section 905.27(1) and the Court's inherent authority.

74. A bona fide, actual, present, and practical need for the declaration exists in that Defendants have denied to *The Palm Beach Post* – and to the public at large – the grand jury materials sought to be disclosed. The relief sought from the Court is therefore not merely the giving of legal advice or to answer hypothetical questions.

WHEREFORE, *The Palm Beach Post* respectfully requests that the Court determine the rights and obligations of the parties by declaring that pursuant to Fla. Stat. Section 905.27(1)(c) and the Court's inherent authority, *The Palm Beach Post* may gain access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury and use those materials for the purpose of informing the public.

## **COUNT II**

(Florida Stat. Section 905.27)

75. The allegations set forth in paragraphs 1 through 74 are incorporated by reference as if fully set forth herein.

76. Based on information learned by *The Palm Beach Post* through its Florida Public Records Law requests, law enforcement sources with direct knowledge of the grand jury evidence and proceedings, judicial documents obtained from independent but related court proceedings, and documents otherwise available in the public record, the State Attorney for Palm Beach County presented truncated evidence of Epstein's criminal wrongdoing to the 2006 grand jury in a manner that precluded his indictment for the serious crimes he committed, including sex trafficking and sexual assault.

77. Pursuant to Florida Stat. Section 905.27, in order to further justice for Epstein's victims and the public, and to provide public disclosure to illuminate whether Epstein received unreasonably lenient treatment based on the available evidence, *The Palm Beach Post* requests immediate access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury.

78. In a case of this magnitude and importance, where the accused is dead and so many of his crimes, as well as the identities and crimes of his co-conspirators, and the identities of the victims have already been exposed, the need for grand jury secrecy is no more. *See United States v. Socony-Vacuum Oil Co.*, 310 U.S. 150, 234 (1940) ("[A]fter the grand jury's functions are ended, disclosure is wholly proper where the ends of justice require it.").

WHEREFORE, *The Palm Beach Post* respectfully requests that this Court, pursuant to Fla. Stat. Section 905.27(1) and the Court's inherent authority, order the State Attorney and the Clerk of the Court to file with this Court copies of the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury during the first Epstein sex abuse investigation so that, following an in camera inspection, it can be made available to *The Palm Beach Post* and the

public on an expedited basis, and grant any other and further equitable or legal relief the Court deems just and proper.

Dated: January 17, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 17th day of January, 2020, a copy of the foregoing has been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

/s/ Stephen A. Mendelsohn  
STEPHEN A. MENDELSON

NOT A CERTIFIED COPY

# **EXHIBIT 1**

The Newspaper's Reportage on Jeffrey Epstein

NOT A CERTIFIED COPY

# The Palm Beach Post

REAL NEWS STARTS HERE

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## **The Man Who Had Everything: Jeffrey Epstein craved big homes, elite friends and underage girls**

By Andrew Marra

Posted Jul 17, 2019 at 6:02 AM

From the archives: When Palm Beach detectives started asking questions and teenage girls started talking, a wave of legal resistance followed.

*Editor's Note: This article appeared in The Palm Beach Post on August 14, 2006, three weeks after Jeffrey Epstein's arrest in Palm Beach County on a charge of felony solicitation of prostitution.*

WINGED GARGOYLES guarded the gate at Jeffrey Epstein's Palm Beach mansion. Inside, hidden cameras trolled two rooms, while the girls came and went.

For the police detectives who sifted through the garbage outside and kept records of visitors, it was the lair of a troubling target.

Epstein, one of the most mysterious of the country's mega-rich, was known as much for his secrecy as for his love of fine things: magnificent homes, private jets, beautiful women, friendships with the world's elite.

But at Palm Beach police headquarters, he was becoming known for something else: the regular arrival of teenage girls he hired to give him massages and, police say, perform sexual favors.

Epstein was different from most sexual abuse suspects; he was far more powerful. He counted among his friends former President Bill Clinton, Donald Trump and Prince Andrew, along with some of the most prominent legal, scientific and business minds in the country.

When detectives started asking questions and teenage girls started talking, a wave of legal resistance followed.



## >> **NEW: Jeffrey Epstein: Lawyer said financier had sex with woman during work-release**

If Palm Beach police didn't know quite who Jeffrey Epstein was, they found out soon enough.

Epstein, now 53, was a quintessential man of mystery. He amassed his fortune and friends quietly, always in the background as he navigated New York high society.

When he first attracted notice in the early 1990s, it was on account of the woman he was dating: Ghislaine Maxwell, daughter of the late British media tycoon Robert Maxwell.

In a lengthy article, headlined "The Mystery of Ghislaine Maxwell's Secret Love," the British Mail on Sunday tabloid laid out speculative stories that the socialite's beau was a CIA spook, a math teacher, a concert pianist or a corporate headhunter.

"But what is the truth about him?" the newspaper wondered. "Like Maxwell, Epstein is both flamboyant and intensely private."

The media frenzy did not begin in full until a decade later. In September 2002, Epstein was flung into the limelight when he flew Clinton and actors Kevin Spacey and Chris Tucker to Africa on his private jet.

Suddenly everyone wanted to know who Epstein was. New York magazine and Vanity Fair published lengthy profiles. The New York Post listed him as one of the city's most eligible bachelors and began describing him in its gossip columns with adjectives such as "mysterious" and "reclusive."

Although Epstein gave no interviews, the broad strokes of his past started to come into focus.

### **Building a life of extravagance**

He was born blue-collar in 1953, the son of a New York City parks department employee, and raised in Brooklyn's Coney Island neighborhood. He left college without a bachelor's degree but became a math teacher at the prestigious Dalton School in Manhattan.

The story goes that the father of one of Epstein's students was so impressed with the man that he put him in touch with a senior partner at Bear Stearns, the global investment bank and securities firm.

In 1976, Epstein left Dalton for a job at Bear Stearns. By the early 1980s, he had started J. Epstein and Co. That is when he began making his millions in earnest.

Little is known or said about Epstein's business except this: He manages money for the extremely wealthy. He is said to handle accounts only of \$1 billion or greater.

It has been estimated he has roughly 15 clients, but their identities are the subject of only speculation. All except for one: Leslie Wexner, founder of The Limited retail chain and a former Palm Beacher who is said to have been a mentor to Epstein.

Wexner sold Epstein one of his most lavish residences: a massive townhouse that dominates a block on Manhattan's Upper East Side. It is reported to have, among its finer features, closed-circuit television and a heated sidewalk to melt away fallen snow.

That townhouse, thought to be the largest private residence in Manhattan, is only a piece of the extravagant world Epstein built over time.

In New Mexico, he constructed a 27,000-square-foot hilltop mansion on a 10,000-acre ranch outside Santa Fe. Many believed it to be the largest home in the state.

In Palm Beach, he bought a waterfront home on El Brillo Way. And he owns a 100-acre private island in the Virgin Islands.

#### **>> PHOTOS: The players in the Jeffrey Epstein saga**

Perhaps as remarkable as his lavish homes is his extensive network of friends and associates at the highest echelons of power. This includes not only socialites but also business tycoons, media moguls, politicians, royalty and Nobel Prize-winning scientists whose research he often funds.

"Just like other people collect art, he collects scientists," said Martin Nowak, who directs the Program for Evolutionary Dynamics at Harvard University and was reportedly the recipient of a \$30 million research donation from Epstein.

Epstein is said to have befriended former Harvard President Larry Summers, prominent law Professor Alan Dershowitz, Donald Trump and New York Daily News Publisher Mort Zuckerman.

And yet he managed for decades to maintain a low profile. He avoids eating out and was rarely photographed.

"The odd thing is I never met him," said Dominick Dunne, the famous chronicler of the trials and tribulations of the very rich. "I wasn't even aware of him," except for a Vanity Fair article.

Epstein's friendship with Clinton has attracted the most attention.

Epstein met Clinton as early as 1995, when he paid tens of thousands of dollars to join him at an intimate fund-raising dinner in Palm Beach. But from all appearances, they did not become close friends until after Clinton left the Oval Office and moved to New York.

Epstein has donated more than \$100,000 to Democratic candidates' campaigns, including John Kerry's presidential bid, the reelection campaign of New Mexico Gov. Bill Richardson and the Senate bids of Joe Lieberman, Hillary Rodham Clinton, Christopher Dodd and Charles Schumer.

### **Powerful friends and enemies**

A Vanity Fair profile found cracks in the veneer of Epstein's life story. The 2003 article said he left Bear Stearns in the wake of a federal probe and a possible Securities and Exchange Commission violation. It also pointed out that Citibank once sued him for defaulting on a \$20 million loan.

The article suggested that one of his business mentors and previous employers was Steven Hoffenberg, now serving a prison term after "bilking investors out of more than \$450 million in one of the largest Ponzi schemes in American history."

As he amassed his wealth, Epstein made enemies in disputes both large and small. He sued the man who in 1990 sold him his multimillion-dollar Palm Beach home over a dispute about less than \$16,000 in furnishings.

A former friend claimed Epstein backed out of a promise to reimburse him hundreds of thousands of dollars after their failed investment in Texas oil wells. A judge decided Epstein owed him nothing.

**>> Jeffrey Epstein: Model prisoner who swept, mopped floors, official says**

"It's a bad memory. I would rather not have ever met Jeffrey Epstein," said Michael Stroll, the retired former president of Williams Electronics and Sega Corp. "Suffice it to say I have nothing good to say about him."

Among the characteristics most attributed to Epstein is a penchant for women.

He has been linked to Maxwell, a fixture on the high-society party circuits in both New York and London. Previous girlfriends are said to include a former Ms. Sweden and a Romanian model.

"He's a lot of fun to be with," Donald Trump told New York magazine in 2002. "It is even said that he likes beautiful women as much as I do, and many of them are on the younger side. No doubt about it, Jeffrey enjoys his social life."

### **Investigation leads to Epstein**

Although he was not a frequenter of the Palm Beach social scene, he made his presence felt. Among his charitable donations, he gave \$90,000 to the Palm Beach Police Department and \$100,000 to Ballet Florida.

In Palm Beach, he lived in luxury. Three black Mercedes sat in his garage, alongside a green Harley-Davidson. His jet waited at a hangar at Palm Beach International Airport. At home, a private chef and a small staff stood at the ready. From a window in his mansion, he could look out on the Intracoastal Waterway and the West Palm Beach skyline. He seemed to be a man who had everything.

But extraordinary wealth can fuel extraordinary desires.

### **>> Epstein wants to leave jail for mansion in sex-trafficking case**

In March 2005, a worried mother contacted Palm Beach police. She said another parent had overheard a conversation between their children.

Now the mother was afraid her 14-year-old daughter had been molested by a man on the island.

The phone call triggered an extensive investigation, one that would lead detectives to Epstein but leave them frustrated.

Palm Beach police and the state attorney's office have declined to discuss the case. But a Palm Beach police report detailing the criminal probe offers a window into what detectives faced as they sought to close in on Epstein.

Detectives interviewed the girl, who told them a friend had invited her to a rich man's house to perform a massage. She said the friend told her to say she was 18 if asked. At the house, she said she was paid \$300 after stripping to her panties and massaging the man while he masturbated.

### **Police interview 5 alleged victims**

The investigation began in full after the girl identified Epstein in a photo as the man who had paid her. Police arranged for garbage trucks to set aside Epstein's trash so police could sift through it. They set up a video camera to record the comings and goings at his home. They monitored an airport hangar for signs of his private jet's arrivals and departures.

They quickly learned that the woman who took the 14-year-old girl to Epstein's house was Haley Robson, a Palm Beach Community College student from Loxahatchee. In a sworn statement at police headquarters, Robson, then 18, admitted she had taken at least six girls to visit Epstein, all between the ages of 14 and 16. Epstein paid her for each visit, she said.

During the drive back to her house, Robson told detectives, "I'm like a Heidi Fleiss."

Police interviewed five alleged victims and 17 witnesses. Their report shows some of the girls said they had been instructed to have sex with another woman in front of Epstein, and one said she had direct intercourse with him.

In October, police searched the Palm Beach mansion. They discovered photos of naked, young-looking females, just as several of the girls had described in interviews. Hidden cameras were found in the garage area and inside a clock on Epstein's desk, alongside a girl's high school transcript.

Two of Epstein's former employees told investigators that young-looking girls showed up to perform massages two or three times a day when Epstein was in town.

They said the girls were permitted many indulgences. A chef cooked for them. Workers gave them rides and handed out hundreds of dollars at a time.

One employee told detectives he was told to send a dozen roses to one teenage girl after a high school drama performance. Others were given rental cars. One, according to police, received a \$200 Christmas bonus.

The cops moved to cement their case. But as they tried to tighten the noose, they encountered other forces at work.

In Orlando they interviewed a possible victim who told them nothing inappropriate had happened between her and Epstein. They asked her whether she had spoken to anyone else. She said yes, a private investigator had asked her the same questions.

### **>> Jeffrey Epstein: Acosta, Krischer trade barbs over sweetheart deal**

When they subpoenaed one of Epstein's former employees, he told them the same thing. He and a private eye had met at a restaurant days earlier to go over what the man would tell investigators.

Detectives received complaints that private eyes were posing as police officers. When they told Epstein's local attorney, Guy Fronstin, he said the investigators worked for Roy Black, the high-powered Miami lawyer who has defended the likes of Rush Limbaugh and William Kennedy Smith.

While the private eyes were conducting a parallel investigation, Dershowitz, the Harvard law professor, traveled to West Palm Beach with information about the girls. From their own profiles on the popular Web site MySpace.com, he obtained copies of their discussions about their use of alcohol and marijuana.

He took his research to a meeting with prosecutors in early 2006, where he sought to cast doubt on the teens' reliability.

The private eyes had dug up enough dirt on the girls to make prosecutors skeptical. Not only did some of the girls have issues with drugs or alcohol but also some had criminal records and other troubles, Epstein's legal team claimed. And at least one of them, they said, lied when she told police she was younger than 18 when she started performing massages for Epstein.

After the meeting, prosecutors postponed their decision to take the case to a grand jury.

In the following weeks, police received complaints that two of the victims or their families had been harassed or threatened. Epstein's legal team maintains that its private investigators did nothing illegal or unethical during their research.

By then, relations between police and prosecutors were fraying. At a key meeting with prosecutors and the defense, Detective Joseph Recarey, the lead investigator, was a no-show, according to Epstein's attorney.

"The embarrassment on the prosecutor's face was evident when the police officer never showed up for the meeting," attorney Jack Goldberger said.

Later in April, Recarey walked into a prosecutor's office at the state attorney's office and learned the case was taking an unexpected turn.

The prosecutor, Lanna Belohlavek, told Recarey the state attorney's office had offered Epstein a plea deal that would not require him to serve jail time or receive a felony conviction.

Recarey told her he disapproved of the plea offer.

The deal never came to pass, however.

### **Future unclear after charge**

On May 1, the department asked prosecutors to approve warrants to arrest Epstein on four counts of unlawful sexual activity with a minor and to charge his personal assistant, Sarah Kellen, now 27, for her alleged role in arranging the visits. Police officials also wanted to charge Robson, the self-described Heidi Fleiss, with lewd and lascivious acts.

By then, the department was frustrated with the way the state attorney's office had handled the case. On the same day the warrants were requested, Palm Beach Police Chief Michael Reiter wrote a letter to State Attorney Barry Krischer suggesting he disqualify himself from the case if he would not act.

Two weeks later, Recarey was told that prosecutors had decided once again to take the case to the grand jury.

It is not known how many of the girls testified before the grand jury. But Epstein's defense team said one girl who was subpoenaed - the one who said she had sexual intercourse with Epstein - never showed up.

The grand jury's indictment was handed down in July. It was not the one the police department had wanted.

Instead of being slapped with a charge of unlawful sexual activity with a minor, Epstein was charged with one count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison. He was booked into the Palm Beach County Jail early July 23 and released hours later.

Epstein's legal team "doesn't dispute that he had girls over for massages," Goldberger said. But he said their claims that they had sexual encounters with him lack credibility.

"They are incapable of being believed," he said. "They had criminal records. They had accusations of theft made against them by their employers. There was evidence of drug use by some of them."

What remains for Epstein is yet to be seen.

The Palm Beach Police Department has asked the FBI to investigate the case. It also has returned the \$90,000 Epstein donated in 2004.

In New York, candidates for governor and state attorney general have vowed to return a total of at least \$60,000 in campaign contributions from Epstein. Meanwhile, Epstein's powerful friends have remained silent as tabloids and Internet blogs feast on the public details of the police investigation.

Goldberger maintains Epstein's innocence but says the legal team has not ruled out a future plea deal. He insists Epstein will emerge in the end with his reputation untarnished.

"He will recover from this," he said.

*Staff writer Larry Keller and staff researchers Bridget Bulger, Angelica Cortez, Amy Hanaway and Melanie Mena contributed to this story.*

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# THE 2022 INTELLIGENT GRID REPORT

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273 / 278 - Tuesday, November 16, 2004

Edition: FINAL

Section: A SECTION

Page: 1A

Source: By PAUL OWERS Palm Beach Post Staff Writer

Illustration: PHOTO (C & 2 B&W) & MAP (B&W)

Memo: Ran all editions.

Dateline: WEST PALM BEACH

## **TRUMP SNAGS GOSMAN ESTATE FOR \$41 MILLION**

When it came time to bid Monday for the palatial Palm Beach digs of Abe Gosman, The Donald was not about to be trumped.

"Nobody was going to outbid me," the brash developer-turned-TV-personality said from his New York office.

Trump bested two other bidders with a \$41.35 million offer for the 43,000-square-foot, seven-bedroom estate on 6 oceanfront acres along the storied "Raider's Row."

But Trump, 58, proud possessor of Mar-a-Lago, has no plans to live in the Gosman home at 513 N. County Road. He wants to - what else? - sell it and make more money.

The star of the mega-hit *The Apprentice* said he intends to redevelop the site into a "super luxury house" that would be the "finest anywhere in the United States." He might build another house before flipping the entire package.

"I've known about this house for quite some time," Trump said. "It's probably the best piece of land in Florida - and probably the country - for luxury real estate."

Although Trump said he could subdivide the property into nine lots, Palm Beach Mayor Lesly Smith said zoning regulations allow for only two houses - and maybe a third. Smith said she's not worried about Trump's plans.

"He's been a very good property owner in the town of Palm Beach," she said. "He does his projects very well. He's a perfectionist."

Monday's auction took place at U.S. Bankruptcy Court in West Palm Beach as part of Gosman's Chapter 7 bankruptcy case. Proceeds from the sale will go into escrow for eventual distribution to creditors.

The auction began at exactly noon after Judge Steven Friedman dismissed an objection from an attorney representing money manager Jeffrey Epstein. The lawyer argued unsuccessfully that Trump was not a qualified bidder because his contract stipulated that he would not close on the sale unless title insurance was in place beforehand.

With Trump listening via conference call, Epstein began the bidding at \$37.25 million - \$250,000 higher than Trump's initial offer.

Mark Pulte, son of the founder of home-building giant Pulte Homes, passed when his turn came, letting lawyers for Trump and Epstein bid against each other until the price hit \$38.85 million.

Pulte then bid \$39.1 million, briefly raising the ire of Trump, who believed that Pulte had given up his right to bid by passing the first time.

But Friedman allowed the offer to stand, and Pulte and Trump went back and forth until Pulte dropped out at \$41.1 million. Epstein, a part-time Palm Beach resident, bowed out at \$38.6 million.

Friedman closed the bidding 10 minutes after it started, leaving Trump with the right to buy the 29,000-square-foot home (a typical Palm Beach County single-family house is about 2,200 square feet). The property also has a tennis house, a pool house and 1930s-era service quarters.

The closing could take place within a week but probably won't happen until next month.

Trustee Joe Luzinski and creditors said they were pleased with the outcome.

"We knew we were dealing with some substantial people . . . who were going to bid it up a bit," Luzinski said.

"The system worked," said Charles Tatelbaum, a lawyer for creditor JPMorgan Chase Bank.

"In bankruptcy court, the idea is to get the most for creditors, and that's what happened."

The auction proved to be a bonanza for creditors, Luzinski said, noting that the highest offer former listing agent Sotheby's International Realty received was \$32 million. Sotheby's won't receive a commission, he said.

Pulte, 42, of Boca Raton, said he figured Trump wouldn't back down Monday.

"I got the feeling he was willing to go a lot higher, and I didn't want to chase it," Pulte said.

Pulte said Gosman asked him before the auction whether he would be willing to let him stay in the mansion after the closing until he decides where he wants to move. Trump and Luzinski said they have had no such discussions with Gosman.

Gosman, 75, had the house built after paying \$12.1 million for the land in 1986.

The former health-care magnate declined interview requests before and after the auction Monday. He was at the courthouse but left before the auction took place.

The \$41.35 million price tag eclipses the \$30.35 million sale of Lowell "Bud" Paxson's Palm Beach home and guest house but falls short of the \$45 million that Virginia home builder Dwight Schar paid for Ron Perelman's 26,000-square-foot estate, Casa Apava, a designated landmark.

Schar also paid \$18.6 million for a lakefront lot across the street from the main house, for a total of \$63.6 million. Insiders say Schar spent a total of \$70 million for his new property, making it the priciest residential sale in U.S. history.

Gosman once had a fortune that Forbes magazine estimated at \$480 million. He voluntarily filed for Chapter 11 bankruptcy protection in 2001, listing assets of \$250 million and liabilities of \$233.6 million.

When a judge ruled that Gosman had to give up all of his exempt assets to creditors if he wanted to reorganize under Chapter 11, Gosman converted the case to Chapter 7 liquidation. Last year, U.S. Bankruptcy Judge Larry Lessen ruled that Abe and Lin Gosman's marriage is invalid because Florida law does not recognize a Dominican Republic divorce that Lin Gosman tried to obtain from another man, Michael Castre.

The judge's decision was a huge victory for creditors because it prevents Abe Gosman from protecting assets by claiming joint ownership with his wife. Gosman's assets, which include an extensive collection of artwork, could total as much as \$70 million and will be sold later. Without Lessen's ruling, Luzinski would have had a much harder time selling Gosman's estate, said David Cimo, special counsel for the trustee.

"We would have been thwarted . . . or at least substantially impaired," Cimo said.

The trustee alleged during a weeklong trial in May that Gosman fraudulently gave his wife an ownership interest in his home and other belongings only to avoid losing them in bankruptcy. Gosman has denied any wrongdoing, saying he made the property transfers in 1999, well before he filed for bankruptcy.

Lessen is expected to rule in the next two months whether Gosman made improper transfers, a decision that will affect how much money will be available to creditors.

Cimo acknowledged that Monday wasn't the best of days for the Gosmans but said they were willing to move forward, in part because the upkeep of the estate now exceeds their means.

"This is not a happy occasion for them, but at least we're moving to the next level," Cimo said. "That's not a house you want to live in unless you're making large amounts of money like Donald Trump."

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# The Palm Beach Post

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### Indictment: Billionaire Solicited 3 Times

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 2, 2019 at 2:30 PM

*(EDITOR'S NOTE: This story originally published in The Palm Beach Post on July 25, 2006)*

Billionaire money manager and Palm Beach part-time resident Jeffrey Epstein solicited or procured prostitutes three or more times between Aug. 1 and Oct. 31 of last year, according to an indictment charging him with felony solicitation of prostitution.

Epstein, 53, was booked at the Palm Beach County jail at 1:45 a.m. Sunday. He was released on \$3,000 bond.

Epstein's case is unusual in that suspected prostitution johns are usually charged with a misdemeanor, and even a felony charge is typically made in a criminal information - an alternative to an indictment charging a person with the commission of a crime.

His attorney, Jack Goldberger, declined to discuss the charge.

State attorney's office spokesman Mike Edmondson also had little to say.

"Generally speaking, there is a case that has a number of different aspects to it," Edmondson said of a prostitution-related charge being submitted to a grand jury. "We first became aware of the case months ago by Palm Beach police."

Prosecutors and police worked together to bring the case to the grand jury, he said.

Palm Beach police confirmed that and said the department will release a report today regarding its investigation.

Epstein has owned a five-bedroom, 7 1/2-bath, 7,234-square-foot home with a pool and a boat dock on the Intracoastal Waterway since 1990, according to property records. A man answering the door there Monday said that Epstein wasn't home. A Cadillac Escalade registered to him was parked in the driveway, which is flanked by two massive gargoyles.

Epstein sued Property Appraiser Gary Nikolits in 2001, contending that the assessment of his home exceeded its fair market value. He dismissed his lawsuit in December 2002.

A profile of Epstein in Vanity Fair magazine said he owns what are believed to be the largest private homes in Manhattan - 51,000 square feet - and in New Mexico - a 7,500-acre ranch. Those are in addition to his 70-acre island in the U.S. Virgin Islands and fleet of aircraft.

Epstein's friends and admirers, according to the magazine, include prominent businessmen, academics and scientists and famed Harvard law professor Alan Dershowitz.

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# The Palm Beach Post

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### After long probe, billionaire faces solicitation charge

Posted Jul 27, 2006 at 12:01 AM

Updated Oct 3, 2019 at 3:11 PM

(EDITOR'S NOTE: This story originally published in The Palm Beach Post on July 26, 2006)

Palm Beach billionaire Jeffrey Epstein paid to have underage girls and young women brought to his home, where he received massages and sometimes sex, according to an investigation by the Palm Beach Police Department.

Palm Beach police spent months sifting through Epstein's trash and watching his waterfront home and Palm Beach International Airport to keep tabs on his private jet. An indictment charging Epstein, 53, was unsealed Monday, charging him with one count of felony solicitation of prostitution.

Palm Beach police thought there was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation.

Police Chief Michael Reiter was so angry with State Attorney Barry Krischer's handling of the case that he wrote a memo suggesting the county's top prosecutor disqualify himself.

"I must urge you to examine the unusual course that your office's handling of this matter has taken and consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases," Reiter wrote in a May 1 memo to Krischer.

While not commenting specifically on the Epstein case, Mike Edmondson, spokesman for the state attorney, said his office presents cases other than murders to a grand jury when there are questions about witnesses' credibility and their ability to testify.

By the nature of their jobs, police officers look at evidence from a “one-sided perspective,” Edmondson said. “A prosecutor has to look at it in a much broader fashion,” weighing the veracity of witnesses and how they may fare under defense attorneys’ questioning, he said.

Epstein’s attorney, Jack Goldberger, said his client committed no crimes.

“The reports and statements in question refer to false accusations that were not charged because the Palm Beach County state attorney questioned the credibility of the witnesses,” Goldberger said. A county grand jury “found the allegations wholly unsubstantiated and not credible,” and that’s why his client was not charged with sexual activity with minors, he said.

Goldberger said Epstein passed a lie detector test administered by a reputable polygraph examiner in which he said he did not know the girls were minors. Also, a search warrant served on Epstein’s home found no evidence to corroborate the girls’ allegations, Goldberger said.

According to police documents:

- A Palm Beach Community College student said she gave Epstein a massage in the nude, then brought him six girls, ages 14 to 16, for massage and sex-tinged sessions at his home.
- A 27-year-old woman who worked as Epstein’s personal assistant also facilitated the liaisons, phoning the PBCC student to arrange for girls when Epstein was coming to town. And she escorted the girls upstairs when they arrived, putting fresh sheets on a massage table and placing massage oils nearby.
- Police took sworn statements from five alleged victims and 17 witnesses. They contend that on three occasions, Epstein had sex with the girls.

A money manager for the ultra-rich, Epstein was named one of New York’s most eligible bachelors in 2003 by The New York Post. He reportedly hobnobs with the likes of former President Clinton, former Harvard University President Lawrence Summers and Donald Trump, and has lavish homes in Manhattan, New Mexico and the Virgin Islands.



He has contributed tens of thousands of dollars to Democratic Party candidates and organizations, including Sen. John Kerry's presidential bid, and the Senate campaigns of Joe Lieberman, Hillary Clinton, Christopher Dodd and Charles Schumer.

Goldberger is one of five attorneys Epstein has retained since he became the subject of an investigation, Edmondson said. Among the others: Alan Dershowitz, the well-known Harvard law professor and author, who is a friend of Epstein. Dershowitz could not be reached for comment.

Police said the woman who enlisted young girls for Epstein was Haley Robson, 20, of Royal Palm Beach. Robson has worked at an Olive Garden restaurant in Wellington and said she was a journalism major at Palm Beach Community College when she was questioned by police last October. She has an unlisted phone number and could not be reached for comment.

Robson said she met Epstein when, at age 17, a friend asked her if she would like to make money giving him a massage. She said she was driven to his five-bedroom, 7 1/2-bath home on the Intracoastal Waterway, then escorted upstairs to a bedroom with a massage table and oils. Epstein and Robson were both naked during the massage, she said, but when he grabbed her buttocks, she said she didn't want to be touched.

Epstein said he'd pay her to bring him more girls - the younger the better, Robson told police. When she tried once to bring a 23-year-old woman to him, Epstein said she was too old, Robson said.

Robson, who has not been charged in the case, said she eventually brought six girls to Epstein who were paid \$200 each time, Robson said. "I'm like a Heidi Fleiss," police quoted her as saying. The girls knew what to expect when they were taken to Epstein's home, Robson said. Give a massage - maybe naked - and allow some touching.

One 14-year-old girl Robson took to meet Epstein led police to start the investigation of him in March 2005. A relative of the girl called to say she thought the child had recently engaged in sex with a Palm Beach man. The girl then got into a fight with a classmate who accused her of being a prostitute, and she couldn't explain why she had \$300 in her purse.

The girl gave police this account of her meeting with Epstein:

She accompanied Robson and a second girl to Epstein's house on a Sunday in February 2005. Once there, a woman she thought was Epstein's assistant told the girl to follow her upstairs to a room featuring a mural of a naked woman, several photographs of naked women on a shelf, a hot pink and green sofa and a massage table.

She stripped to her bra and panties and gave him a massage.

Epstein gave the 14-year-old \$300 and she and the other girls left, she said. She said Robson told her that Epstein paid her \$200 that day.

Other girls told similar stories. In most accounts, Epstein's personal assistant at the time, Sarah Kellen, now 27, escorted the girls to Epstein's bedroom.

Kellen, whose most recent known address is in North Carolina, has not been charged in the case.

Palm Beach police often conducted surveillance of Epstein's home, and at Palm Beach International Airport to see if his private jet was there, so they would know when he was in town. Police also arranged repeatedly to receive his trash

from Palm Beach sanitation workers, collecting papers with names and phone numbers, sex toys and female hygiene products.

One note stated that a female could not come over at 7 p.m. because of soccer. Another said a girl had to work Sunday - "Monday after school?" And still another note contained the work hours of a girl, saying she leaves school at 11:30 a.m. and would come over the next day at 10:30 a.m.

Only three months before the police department probe began, Epstein donated \$90,000 to the department for the purchase of a firearms simulator, said Jane Struder, town finance director. The purchase was never made. The money was returned to Epstein on Monday, she said.

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# Palm Beach Daily News

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## Police say lawyer tried to discredit teenage girls

Posted Jul 29, 2006 at 12:01 AM

Updated Oct 3, 2019 at 2:00 PM

**(EDITOR'S NOTE:** *This story originally was published in The Palm Beach Post on July 29, 2006)*

Famed Harvard law professor Alan Dershowitz met with the Palm Beach County State Attorney's Office and provided damaging information about teenage girls who say they gave his client, Palm Beach billionaire Jeffrey Epstein, sexually charged massages, according to police reports.

The reports also state that another Epstein attorney agreed to a plea bargain that would have allowed Epstein to have no criminal record. His current attorney denies this happened.

And the documents also reveal that the father of at least one girl complained that private investigators aggressively followed his car, photographed his home and chased off visitors.

Police also talked to somebody who said she was offered money if she refused to cooperate with the Palm Beach Police Department probe of Epstein.

The state attorney's office said it presented the Epstein case to a county grand jury this month rather than directly charging Epstein because of concerns about the girls' credibility. The grand jury indicted Epstein, 53, on a single count of felony solicitation of prostitution, which carries a maximum penalty of five years in prison.

Police believed there was probable cause to charge Epstein with the more serious crimes of unlawful sex acts with a minor and lewd and lascivious molestation. Police Chief Michael Reiter was so angry that he wrote State Attorney Barry Krischer a memo in May suggesting he disqualify himself from the case.

The case originally was going to be presented to the grand jury in February, but was postponed after Dershowitz produced information gleaned from the Web site myspace.com showing some of the alleged victims commenting on alcohol and marijuana use, according to the police report prepared by Detective Joseph Recarey.

Haley Robson, a 20-year-old Royal Palm Beach woman who told police she recruited girls for Epstein, also is profiled on myspace.com. Her page includes photos of her and her friends, including one using the name "Pimpin' Made EZ." Robson, who was not charged in the case, is a potential prosecution witness.

According to Recarey, prosecutor Lanna Belohlavek offered Epstein attorneys Dershowitz and Guy Fronstin a plea deal in April. Fronstin, after speaking with Epstein, accepted the deal, in which Epstein would plead guilty to one count of aggravated assault with intent to commit a felony, be placed on five years' probation and have no criminal record. The deal also called for Epstein to submit to a psychiatric and sexual evaluation and have no unsupervised visits with minors, according to Recarey's report. The plea bargain was made in connection with only one of the five alleged victims, the report states.

Fronstin - who declined to comment on the case - was subsequently fired and veteran defense attorney Jack Goldberger was hired. He denies there was any agreement by any of Epstein's attorneys to a plea deal.

"We absolutely did not agree to a plea in this case," he said. Neither Belohlavek nor a state attorney's spokesman could be reached for comment.

The parent or parents of alleged victims who complained of being harassed by private investigators provided license tag numbers of two of the men. Police found the vehicles were registered to a private eye in West Palm Beach and another in Jupiter, according to Recarey's report.

"I have no knowledge of it," defense attorney Goldberger said.

The report also says a woman connected to the Epstein case was contacted by somebody who was still in touch with Epstein. That person told her she would be compensated if she didn't cooperate with police, Recarey's report says. Those

who did talk "will be dealt with," the woman said she was told. Phone records show the woman talked with the person who allegedly intimidated her around the time she said, Recarey reported.

Phone records also show that the person said to have made the threat then placed a call to Epstein's personal assistant, who in turn called a New York corporation affiliated with Epstein, the report states.

The issue in the Epstein case is not whether females came to his waterfront home, but whether he knew their ages.

"He's never denied girls came to the house," Goldberger said. But when Epstein was given a polygraph test, "he passed on knowledge of age," the attorney said.

After the indictment against Epstein was unsealed this week, Police Chief Reiter referred the matter to the FBI. "We've received the referral, and we're reviewing it," said FBI spokeswoman Judy Orihuela in Miami.

The chief himself has come under attack from Epstein's lawyers and friends in New York, where he has a home. The New York Post quoted Epstein's prominent New York lawyer, Gerald Lefcourt, as saying his client was indicted only "because of the craziness of the police chief."

Reiter has declined to comment on the case.

Prosecutors have not presented a sex-related case like Epstein's to a grand jury before, said Mike Edmondson, spokesman for the state attorney's office. "That's what you do with a case that falls into a gray area," he said.

The state attorney's office did not recommend a particular criminal charge on which to indict Epstein, Edmondson said. The grand jury was presented with a list of charges from highest to lowest, then deliberated with the prosecutor out of the room, he said.

"People are surprised at the grand jury proceeding," West Palm Beach defense attorney Richard Tendler said. "It's a way for the prosecutor's office to not take the full responsibility for not filing the (charge), and not doing what the Palm Beach Police Department wanted. I think something fell apart with those underage witnesses."

Defense attorney Robert Gershman was a prosecutor for six years. "Those girls must have been incredible or untrustworthy, I don't know," he said.

Other attorneys said Epstein's case raises the issue of whether wealthy, connected defendants like Epstein - whose friends include former President Clinton and Donald Trump - are treated differently from others. Once he knew he was the subject of a criminal probe, Epstein hired a phalanx of powerful attorneys such as Dershowitz and Lefcourt, who is a past president of the National Association of Criminal Defense Lawyers.

Miami lawyer Roy Black - who became nationally known when he successfully defended William Kennedy Smith on a rape charge in Palm Beach - also was involved at one point.

Said defense attorney Michelle Suskauer: "I think it's unfortunate the public may get the perception that with power, you may be treated differently than the average Joe."

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## Expert: Ignorance of age isn't defense in sex cases

Posted Aug 5, 2006 at 12:01 AM

Updated Oct 3, 2019 at 1:38 PM

**(EDITOR'S NOTE:** *This story originally published in The Palm Beach Post on Aug. 5, 2006*)

Even if Palm Beach money manager Jeffrey Epstein didn't know that girls who police say gave him sexual massages at his Intracoastal home were under the legal age, that alone wouldn't have exempted him from criminal charges of sexual activity with minors.

"Ignorance is not a valid defense," said Bob Dekle, a legal skills professor who was a Lake City prosecutor for nearly 30 years, half of that time specializing in sex crimes against children.

"There is no knowledge element as far as the age is concerned," Dekle said.

After an 11-month investigation, Palm Beach police said there was probable cause to charge Epstein, 53, with unlawful sex acts with a minor and lewd and lascivious molestation. They contend that Epstein - friend of the rich and famous and financial patron of Democratic Party organizations and candidates - committed those acts with five underage girls.

In the past week, New York Attorney General and gubernatorial candidate Eliot Spitzer has returned about \$50,000 in campaign contributions he received from Epstein, and Mark Green, a candidate to replace Spitzer in



his current job, has returned \$10,000 to him because of the Palm Beach scandal, the New York Daily News has reported.

Rather than file charges, the state attorney's office presented the case to a county grand jury. The panel indicted Epstein last week on a single, less serious charge of felony solicitation of prostitution.

The case raised eyebrows because the state attorney's office rarely, if ever, kicks such charges to a grand jury. And it increases the difficulty of prosecuting child sex abuse cases, especially when the defendant is enormously wealthy and can hire high-priced, top-tier lawyers.

At least one of Epstein's alleged victims told police he knew she was underage when the two of them got naked for massages and sexual activity. She was 16 years old at the time and said Epstein asked her questions about her high school, according to police reports.

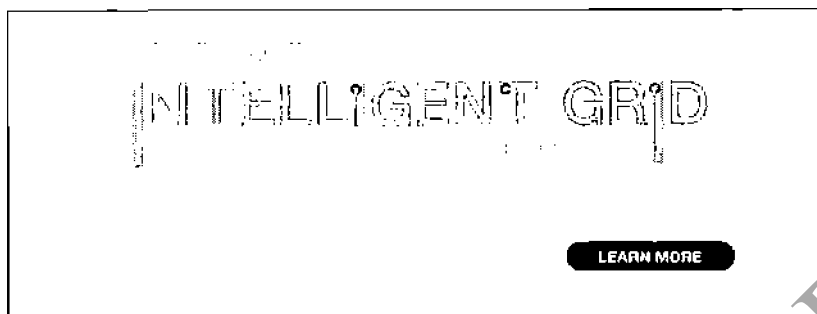
A girl who said she met Epstein when she was 15 said he told her if she told anybody what happened at his house, bad things could happen, the police reports state.

Epstein's youngest alleged victim was 14 when she says she gave him a massage that included some sexual activity. She is now 16. The girl's father says he doesn't know whether she told Epstein her age.

"My daughter has kept a lot of what happened from me because of sheer embarrassment," he said. "But she very much looked 14. Any prudent man would have had second thoughts about that."

Defense attorney Jack Goldberger maintains that not only did Epstein pass a polygraph test showing he did not know the girls were minors, but their stories weren't credible. The state attorney's office also implied that their credibility was an issue when it decided not to charge Epstein directly, but instead give the case to the grand jury.

"A prosecutor has to look at it in a much broader fashion," a state attorney's spokesman said last week.



Epstein hired Harvard law Professor Alan Dershowitz when he became aware he was under investigation, and Dershowitz gave prosecutors information that some of the alleged victims had spoke of using alcohol and marijuana on a popular Web site, according to a Palm Beach police report.

Prosecutors typically consider two things in deciding whether to charge somebody with sex-related offenses against minors - whether there is sufficient evidence and whether there is a public interest in doing so, Dekle said.

If two teens are in a sexual relationship and the boy turns 18 before the girl, he could be charged with a sex crime if the sex continues. There would be no public interest in pursuing that, Dekle said.

But where there is a large gap in ages - and especially in cases of teachers with students - there is a public interest in prosecuting, he said. Likewise if the accused has a track record of sex with minors.

Still there is a “universal constant” in prosecuting these cases, Dekle said. Men who exploit underage children for sex often carefully choose their victims in ways that will minimize the risk to them, he said.

Victims usually are from a lower social status, and they may suffer from psychological problems, Dekle said.

“Lots of child sexual abuse victims have been victimized by multiple people over a period of time. Then the act of abuse produces behavior in the victims that further damages their credibility.” Examples include promiscuous behavior and drug abuse.

Some of the alleged victims in the Epstein case returned to his home multiple times for the massage sessions and the \$200 to \$300 he typically paid them per visit. “That would be a definite problem for the prosecutor,” said Betty Resch, who prosecuted crimes against children in Palm Beach County for five years and now is in private practice in Lake Worth.

“The victim becomes less sympathetic” to a jury, Resch said. “But she’s a victim nevertheless. She’s a kid.”

Most men charged with sex crimes against minors look normal, Dekle said. A jury expecting to see a monster seldom will. And the victims’ ages work against them and in favor of the defendant in a trial, Dekle said.

If a child and an adult tell different stories and both swear they’re telling the truth, adult jurors are more likely to believe the adult, Dekle said.

“You have all these things working against you in a child sex abuse case. Prosecutors normally try to be very careful in filing those cases because they know what they’re getting into. There is no such thing as an iron-clad child sexual abuse case.”

## Epstein camp calls female accusers liars

Posted Aug 8, 2006 at 12:01 AM

Updated Oct 3, 2019 at 3:35 PM

**(EDITOR'S NOTE:** *This story originally published in The Palm Beach Post on Aug. 8, 2006)*

Attorneys and publicists for Palm Beach financier Jeffrey Epstein went on the offensive Monday, contending that teenage girls who have accused Epstein of sexual shenanigans at his waterfront home are liars and saying that the Palm Beach Police Department is "childish."

"There never was any sex between Jeffrey Epstein and any underage women," his lead attorney, Jack Goldberger, said from Idaho where he was vacationing with his family.

Epstein did have young women come to his house to give him massages, Goldberger said. "Mr. Epstein absolutely insisted anybody who came to his house be over the age of 18. How he verified that, I don't know. The question is, did anything illegal occur. The law was not violated here."

He had no explanation as to why Epstein would pay girls or women with no massage training - as the alleged victims said was the case - \$200 to \$300 for their visits. "The credibility of these witnesses has been seriously questioned," Goldberger said.

Epstein, 53, was indicted by a county grand jury last month on a charge of felony solicitation of prostitution. After an 11-month investigation that included sifting through Epstein's trash and surveilling his home, Palm Beach police concluded there was enough evidence to charge him with sexual activity with minors. When the grand jury indicted

Epstein on the less serious charge, Police Chief Michael Reiter referred the case to the FBI to determine whether there were federal law violations.

After a spate of stories about the case last week, New York publicist Dan Klores - whose client list has included Paris Hilton and Jennifer Lopez - said on Saturday that Epstein's camp was ready "to get their story out."

They did that Monday via Goldberger and a Los Angeles publicist for Miami criminal defense attorney Roy Black, who also has represented Epstein in the case.

"We just think there has been a distorted view of this case in the media presented by the Palm Beach police," Goldberger said.

Reiter has consistently declined to comment on the case and did not respond to a request for comment Monday.

The implication that State Attorney Barry Krischer was easy on Epstein by presenting the case to a grand jury rather than filing charges directly against him is wrong, Goldberger said.

The Palm Beach Police Department was “happy and ecstatic” that the panel was going to review the evidence. “I think what happened is they weren’t happy with the result. They decided to use the press to embarrass Mr. Epstein.”

But records show that Reiter wrote Krischer on May 1 - well before the case went to the grand jury - suggesting that Krischer “consider if good and sufficient reason exists to require your disqualification from the prosecution of these cases.”

Rather than flat-out decline to charge Epstein, Krischer referred the case to the grand jury to “appease” the chief, Goldberger said.

A state attorney’s spokesman would say only that the office refers cases to the grand jury when there are issues with the viability of the evidence or witnesses’ credibility.

Both the state attorney and the grand jury concluded there was not sufficient evidence that Epstein had sex with minors, according to Goldberger. “It was just a childish performance by the Palm Beach Police Department,” Goldberger said.

The defense attorney said one of the alleged victims who claimed she was a minor was in fact over the age of 18. Another alleged victim who was subpoenaed to testify to the grand jury failed to do so. Epstein’s accusers, he added, have histories of drug abuse and thefts. “These women are liars. We’ve established that.”

But why would they all invent their stories about meeting Epstein for sexual massages?

“I don’t have an answer as to what was the motivation for these women to come forward and make these allegations,” Goldberger said.

## Palm Beach chief focus of fire in Epstein case

By LARRY HILL  
The Palm Beach Post Staff Writer

In the wake of Palm Beach Sheriff Jeffrey Epstein's arrest, at times as if two men are accused of wrongdoing, Epstein and Palm Beach Police Chief Michael Reiter.

Epstein, 38, was indicted last month on a charge of felony solicitation of prostitution solely because of Reiter's "criminal" use of Epstein's letters and his deposition testimony in a "childish" manner when the grand jury didn't indict Epstein on the charges it sought, another Epstein lawyer complained.

To hear the Epstein camp tell it, Reiter, 46, is a loose cannon who added to the swirl of Mayberry. They charge that he's embroiled in a money-driven scheme to get the 60th anniversary of his wife, Jill, last year, after 28 years of marriage. They have a son, 15, and a daughter, 14. The couple is scheduled to go to London next week, Aug. 30. Nothing in the court file suggests their trial is particularly ugly.

Reiter accused the wrath of the Epstein case as well as the state attorney's office for two reasons. First, he protested for Epstein to be charged with the more serious crimes of sexual activity with minors. Second, he accused State Attorney Harry Kimbrell in adult language seldom used by one law enforcement official with another because of what he perceived as that office's mishandling of the case.

In a letter to Reiter's written May 1, Reiter called his actions in the Epstein case "highly unusual." He added, "I must urge you to consider if good and sufficient reasons exist to reduce your disqualification from the prosecution of these cases."

In short, Reiter told the county's top prosecutor in the past 13 years that he ought to get off the case. "It looks like a departure from professionalism," Miami-Dade State Attorney Katherine Fernandez Rundle said of Reiter's letter.

Following Epstein's indictment, Reiter referred the case to the FBI to determine if the supervisor, supervisor's defendant had violated any federal laws.

Reiter won't discuss the case or the knowledge about it. His office almost uniformly use one word to describe the chief

professional.

"I have always been impressed by Michael's professionalism and his leadership," said Rick Lincoln, chief of the Palm Beach County Sheriff's Office, who has known Reiter for 22 years.

The town of Palm Beach has a very professional police department. He's all about his job and does a great job of it. He's a professional. While he doesn't know Reiter well, he has met with him on considerable law enforcement issues. "I've never seen him lose his cool. He never says anything but a professional sentence from him."

Reiter joined the Palm Beach Police Department in 1981, having a 500,000-year patent job at the University of Pittsburgh. He presented himself as a very capable and excellent job candidate.

First Palm Beach is no better of crime, and in his first year on the job, a resident continued to live with a wife who had charged Reiter for drinking a few beers to the police. Reiter refused payment for the beverages. Another resident thanked Reiter for shuffling off his car's headlights in his driveway, saying a valid street have been at fault.

Reiter worked everywhere from food to food to organized crime, vice and narcotics. And he was involved in investigations involving the health care and business. He was the best detective pulling the drug overdose death of David Sorenson in 1994. He also was one of the officers who worked the investigation of William Kennedy Smith, who was charged in 1991 — and later acquitted — with raping a woman at the Kennedy family compound in Palm Beach.

Reiter, who has a master's degree in business resource development from Palm Beach Atlantic University, also has attended the FBI National Academy in Quantico, Va., and management courses at Harvard. He's been active in countywide emergency law enforcement organizations and has a "top secret" national security clearance.

"He has a perspective that's broader than just addressing the needs of the town," said Town Manager John Ewell, who protected Reiter from a lawsuit filed in March 2001. Reiter makes more than \$144,000 as the town's top cop. Ewell thinks he's worth it.

"He's very businesslike, very straightforward. He's not easily intimidated or threatened. He's not a weak man. I think that his service as chief has been outstanding in the 10 years."

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## Reiter focus of fire in Epstein case

Clipped By:



reiter\_m  
Sat, Apr 22, 2017

## Delays in Epstein case unusual, lawyers say

Posted Mar 13, 2007 at 12:01 AM

Updated Oct 3, 2019 at 3:48 PM

*(EDITOR'S NOTE: This story originally published in The Palm Beach Post March 13, 2007)*

A federal probe or a plea deal could explain the wait in the Palm Beacher's solicitation case.

Nearly eight months after Palm Beach tycoon Jeffrey Epstein was charged with felony solicitation of prostitution, there has been no discernible progress in his case. No witnesses deposed. No trial date set. Nothing, save for routine court hearings reset without explanation.

"Usually that would be unusual," said criminal defense attorney Glenn Mitchell, who has no involvement in the case.

"As a general rule, it would be unusual for nothing to have happened," agreed Michael Dutko, a criminal defense attorney in Fort Lauderdale. He represents Haley Robson, 20, of Royal Palm Beach, potentially a key witness in the case.

A routine hearing for Epstein was pulled from the court docket last week and reset for May 16. The delays and inaction could be due to a potential federal probe of Epstein or because a plea deal is in the works, attorneys say.

Unusual is the word that best describes everything about the case against Epstein, 54, an enigmatic money manager in New York City who counts Bill Clinton and Donald Trump among his friends.



"Highly unusual" is how Palm Beach Police Chief Michael Reiter described State Attorney Barry Krischer's handling of the case in a bluntly critical letter to Krischer last year before Epstein was indicted.

Reiter referred the matter to the FBI to determine whether any federal laws had been violated. Epstein's allies countered by attacking the chief personally and professionally.

Reiter's department investigated Epstein for 11 months. Police sifted repeatedly through his trash and conducted surveillance on his five-bedroom, 7 1/2-bath, 7,234-square-foot home on the Intracoastal Waterway.

Police said Epstein paid women and girls as young as 14 to give him erotic massages at his home. Police thought there was probable cause to charge him with unlawful sex acts with a minor and lewd and lascivious molestation.

Epstein responded by hiring a phalanx of lawyers. One of them, Harvard law professor and author Alan Dershowitz, provided the state attorney's office with information about alcohol and marijuana use by some of the girls who said they were with Epstein.

Prosecutors then referred the case to the grand jury rather than file charges directly against Epstein.

Epstein's attorneys deny he had sex with underage girls.

The lawyers say the girls' stories are not credible. But if the court file is any indicator, they've made no effort to depose the girls.

Neither prosecutors nor defense attorneys have sought to question Robson, said Dutko, her attorney. She recruited teenage girls to visit Epstein for massages and sexual activity, Palm Beach police said, and presumably would be a key witness.

Epstein's attorney Jack Goldberger did not return phone messages.

A source close to the case suggested it is languishing pending a decision by the FBI on whether to refer it to federal prosecutors.

"We still have a pending case," FBI spokeswoman Judy Orihuela said Monday.

State Attorney Krischer did not return a call for comment. His spokesman, Mike Edmondson, declined to say whether federal investigators are delaying the Epstein case. But, he added, "if another agency is looking at something, we wouldn't want to step on their toes."

Attorneys say inertia in a criminal case often points to a pending plea deal.

"It would not surprise me if something has happened that's not reflected in the court file," said Dutko, such as an agreement that will be formalized later.

Defense attorney Marc Shiner said defense attorneys sometimes put off overtly conducting discovery -- deposing witnesses, requesting documents and the like -- because doing so creates more work for harried prosecutors who may become angry and not offer a plea deal.

"Sometimes defense lawyers, knowing that, will try and do discovery without taking depositions," said Shiner, a former prosecutor for 13 years.

Instead, they may conduct a below-the-radar probe such as having a private investigator check out leads, he said.

Shiner and others say a plea deal for Epstein probably would result in pretrial intervention, in which a defendant may be ordered to undergo a psychological evaluation, counseling or other conditions in return for dropping the charge.

Edmondson, spokesman for State Attorney Krischer, said there is no plea offer and no request for the prosecution to show its cards.

“To my knowledge, it’s never happened before on a filed case,” he said.

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Illustration: PHOTO (B&W)

Memo: Ran all editions.

Dateline: NEW YORK

## **WOMAN SUES BILLIONAIRE INVESTOR, SAYS THEY HAD SEX WHEN SHE WAS 16**

A billionaire investor, already facing jail in Palm Beach County on charges of soliciting underage prostitutes, is being sued by a young woman who says he had sex with her when she was 16 and had sought his help becoming a model.

The lawsuit, filed late Tuesday in Manhattan's state Supreme Court, says financier Jeffrey Epstein had the teen perform a sex act when she brought photographs of herself for him to review in his Upper East Side mansion sometime in 2000.

Epstein, 54, a money manager, told the teen he managed finances for Victoria's Secret and "could get you into the catalog" if she were "nice" to him, court papers say. The papers say being "nice" included massages and other favors.

When the girl told Epstein, "I am 16 years old and just want to model," he replied, "Don't worry, I won't tell anybody," court papers say.

Epstein, said by London's Mail on Sunday to be a close friend of England's Prince Andrew, has been indicted in Palm Beach on charges of soliciting underage prostitutes. That case is pending.

The girl visited Epstein "several times over the several months and engaged in bizarre and unnatural sex acts" while she was a minor, the lawsuit says.

Epstein "repeatedly requested that (the girl) return with her 14-, 15-, and 16-year-old girlfriends, stating, 'Come by with your friends your age next time. Don't bring Sherrie (a mutual friend in her 40s). I love girls your age.' "

The young woman, now 23, kept returning to Epstein because she has "mental issues," said her lawyer, William J. Unroch. He refused to elaborate, but court papers say she was "disabled as a result of severe mental disease and defect."

Epstein's lawyer in New York, Gerald Lefcourt, said, "The girl has admitted she is insane, but she can read a newspaper and recognize the word 'rich.'"

Lefcourt also said the statute of limitations has expired for the woman's case criminally and civilly, and will almost certainly be dismissed.

He refused to comment on Epstein's Florida charges.

Meanwhile, Unroch, 57, also acknowledged that his client was living with him and was at the center of a \$10 million lawsuit he filed last year against a neighbor who said he was having sex with underage girls. That case is pending.

"What she was doing at 22 is irrelevant to what happened to her when she was 16," Unroch said Wednesday. He went on to say he hoped Epstein would agree to "do right" by his client and resolve the case out of court.

## Palm Beacher pleads in sex case

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 3, 2019 at 1:47 PM

**(EDITOR'S NOTE:** *This story originally published in The Palm Beach Post on July 1, 2008*)

Jeffrey Epstein will serve 1 1/2 years on teen solicitation charges.

He lives in a Palm Beach waterfront mansion and has kept company with the likes of President Clinton, Prince Andrew and Donald Trump, but investment banker Jeffrey Epstein will call the Palm Beach County Jail home for the next 18 months.

Epstein, 55, pleaded guilty Monday to felony solicitation of prostitution and procuring a person under the age of 18 for prostitution. After serving 18 months in jail, he will be under house arrest for a year. And he will have a lifelong obligation to register as a sex offender. He must submit to an HIV test within 48 hours, with the results being provided to his victims or their parents.

As part of the plea deal, federal investigators agreed to drop their investigation of Epstein, which they had taken to a grand jury, two law enforcement sources said.

Epstein was indicted two years ago after an 11-month investigation by Palm Beach police. They received a complaint from a relative of a 14-year-old girl who had given Epstein a naked massage at his five-bedroom, 7,234-square-foot, \$8.5 million Intracoastal home.

Police concluded that there were several other girls brought in 2004 and 2005 to an upstairs room at the home for similar massages and sexual touching.

The indictment charged Epstein only with felony solicitation of prostitution. The state attorney's office later added the charge of procuring underage girls for that purpose.

Prosecutor Lanna Belohlavek said of the plea: "I took into consideration the length the trial would have been and witnesses having to testify" about sometimes embarrassing incidents.

Epstein may have made a serious mistake soon after he was charged. He rejected an offer to plead guilty to one count of aggravated assault with intent to commit a felony, according to police documents. He would have gotten five years' probation, had no criminal record and not been a registered sex offender, the documents indicate.

Epstein arrived in court Monday with at least three attorneys. He wore a blue blazer, blue shirt, blue jeans and white and gray sneakers. After Circuit Judge Deborah Dale Pucillo accepted the plea, he was fingerprinted. Epstein then removed his blazer and was handcuffed for the trip to jail while his attorneys tried to shield him from photographers' lenses.

When he eventually is released to house arrest, Epstein will have to observe a 10 p.m. to 6 a.m. curfew, have no unsupervised contact with anyone younger than 18 and neither own nor possess pornographic or sexual materials "that are relevant to your deviant behavior," the judge said.

Epstein will be allowed to leave home for work. The New York-based money manager told the judge he has formed the not-for-profit Florida Science Foundation to finance scientific research. "I'm there every day," Epstein said.

The foundation was incorporated in November. Epstein said he already has awarded money to Harvard and MIT.

When he is released from jail, there is a chance that Epstein will be forced to move. Sex offenders are not allowed to live within 1,000 feet of a school, park or other areas where children may gather. No determination has been made as to whether Epstein's home complies, but attorneys said it likely does.

Sex offenders also typically must attend counseling sessions. Belohlavek said that was waived for Epstein because his private psychiatrist is working with him. The judge was skeptical but agreed to it.

Epstein's legal woes don't end with Monday's plea. There are four pending federal civil lawsuits and one in state court related to his behavior. At least one woman has sued him in New York, where he owns a 51,000-square-foot Manhattan mansion.

"It's validation of what we're saying in the civil cases," said Miami attorney Jeffrey Herman, who represents the alleged victims in the federal lawsuits. West Palm Beach attorney Ted Leopold represents one alleged victim in a civil suit in state court. He said he anticipates amending that lawsuit to add "a few other clients" as well.

In the criminal case, police went so far as to scour Epstein's trash and conduct surveillance at Palm Beach International Airport, where they watched for his private jet so they would know when he was in town. They concluded that Epstein paid girls \$200 to \$300 each after the massage sessions.

"I'm like a Heidi Fleiss," Haley Robson, now 22, told police about her efforts in recruiting girls for Epstein.

There was probable cause to charge Epstein with unlawful sex acts with a minor and lewd and lascivious molestation, police concluded.

The state attorney's office said questions about the girls' credibility led it to take the unprecedented step of presenting the evidence against Epstein to a grand jury, rather than directly charging him.

Palm Beach Police Chief Michael Reiter was furious with State Attorney Barry Krischer, saying in a May 2006 letter that the prosecutor should disqualify himself. "I continue to find your office's treatment of these cases highly unusual," he wrote. He then asked for and got a federal investigation.

Epstein hired a phalanx of high-priced lawyers - including Harvard law professor and author Alan Dershowitz - and public relations people who questioned Reiter's competence and the victims' truthfulness.

In addition to mansions in Palm Beach and Manhattan, Epstein owns homes in New Mexico and the Virgin Islands. He's a frequent contributor to Democratic Party candidates. He also donated \$30 million to Harvard in 2003.

Former New York Gov. Eliot Spitzer returned a \$50,000 campaign contribution from Epstein after his indictment, then resigned this year during his own sex scandal. And the same Palm Beach Police Department that vigorously investigated Epstein returned his \$90,000 donation for the purchase of a firearms simulator.

Staff writer Eliot Kleinberg and former staff researcher Michelle Quigley contributed to this story.



## Jeffrey Epstein: Scientist, stuntman, 'sex slave' visit jailed tycoon

By LARRY KELLER / Palm Beach Post Staff Writer

Posted Aug 13, 2008 at 12:01 AM

Updated Jul 16, 2019 at 4:54 PM

Tycoon Jeffrey Epstein mingled with an eclectic mix of people, including beautiful young women, before he got into trouble for paying teenage girls to give him sexual massages at his Palm Beach mansion.

Not much has changed, even though he now resides in a dorm at the Palm Beach County Sheriff's Office's 17-acre, 967-bed stockade near the fairgrounds.

During his first month of confinement, Epstein was visited by the female assistant who, girls told police, had escorted them to the room at his mansion where they gave him naked massages.

Also trekking to the jail was a young woman whom Epstein purportedly described as his Yugoslavian sex slave.

The wealthy financier and science wonk also has been visited by an expert on artificial intelligence, as well as a man who is a mixed martial arts aficionado and sometime movie stuntman.

The only other people to visit him at the jail, according to records, are a Singer Island man and an individual who listed Epstein's Palm Beach address as his own.

Epstein, 55, pleaded guilty on June 30 to two prostitution-related charges and was sentenced to 18 months in jail, followed by a year of house arrest. Epstein paid teenage

girls \$200 to \$300 in 2004 and 2005 for massages in his home that sometimes included sexual touching, Palm Beach police said.

His jail visitors in July included:

- Sarah Kellen, 29, who some of the teen masseuses said phoned them when Epstein was in town and escorted them upon their arrival at his Palm Beach waterfront home to an upstairs room, where she prepared the massage table and provided the oils for their encounters with him. Kellen visited Epstein three times in July, according to a jail visitor's log. Kellen lists a Manhattan home address. Reached by telephone, she declined to discuss Epstein.

- Nadia Marcinkova, 23, whose family in Yugoslavia Epstein paid money to so that he could bring her to the United States to be his "sex slave," two teenage girls told police. One girl told police that Epstein instructed Marcinkova and her to kiss and have sex while he watched and masturbated. Another said she engaged in sex with Marcinkova at Epstein's urging. Marcinkova visited Epstein in jail four times in 13 days. She lists her address as on the Upper East side of Manhattan, not far from Epstein's enormous apartment.

- Roger Schank, 62, founder of the Institute for Learning Sciences at Northwestern University and an expert on artificial intelligence, paid one visit to Epstein. Schank has written numerous books on that subject and has a doctorate degree from Yale University in linguistics. He was one of 19 people who applied to be president of Florida Atlantic University in 2003. He became "chief learning officer" at the online Trump University in 2005. Schank listed his address as being in Stuart, and records show he also owns a home in Lake Worth.

Epstein has financed a number of scientists over the years, including Nobel Prize winners. He gave \$30 million to Harvard University in 2003. In November, he formed the not-for-profit Florida Science Foundation, which he said finances scientific research.

- Igor Zinoviev, a Russian mixed martial arts fighter, who coaches a Chicago team in the International Fight League. He also has worked as a personal trainer, celebrity bodyguard and movie stuntman, according to the league's Web site. The New Jersey resident visited Epstein seven times in July.

Zinoviev, Schank and Marcinkova could not be reached for comment.

Staff researcher Niels Heimeriks contributed to this story.

# Palm Beach Daily News

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## **Billionaire sex offender leaves jail six days a week for work**

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 4, 2019 at 9:27 AM

Palm Beach billionaire Jeffrey Epstein, who's serving 18 months in jail for soliciting an underage girl for prostitution, is allowed to leave the Palm Beach County Stockade six days a week on a work-release program.

Teri Barbera, spokeswoman for the Palm Beach County Sheriff's Office, confirmed that Epstein, 55, has been in the work-release program since Oct. 10.

"He works six days a week: Friday through Wednesday 10 a.m. to 10 p.m.," Barbera said via e-mail. "(He) works at his local West Palm Beach office, monitored on an active GPS system (he wears an ankle bracelet). Mr. Epstein hires a permit deputy, at his expense, for his own security at his workplace during the time he is out."

Miami attorney Jeffrey Herman represents six young women who've sued Epstein, claiming he sexually abused them at his Palm Beach home when they were minors.

Herman said he received a letter about the work-release program from the U.S. Attorney's Office within the past few days. But Herman says Epstein had been out on work-release for several weeks before the notification.

"My clients expressed shock and disappointment," Herman said. "I find it incredible that he's on work-release in the community and my clients aren't notified of this and we get this letter weeks after the fact."

Jack Goldberger, Epstein's criminal attorney, said the

arrangement is not unusual.

"He goes to work every single day and goes back to jail at night, just like everybody else (in the program)," Goldberger said.

Epstein pleaded guilty June 30 to two felony counts: soliciting prostitution and procuring a person under 18 for prostitution. As part of the plea agreement, Epstein must serve one year of house arrest and register as a lifelong sex offender.

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## Women want Epstein sex plea deal unsealed

Posted Jul 1, 2008 at 12:01 AM

Updated Oct 2, 2019 at 2:23 PM

(EDITOR'S NOTE: *This story originally published in The Palm Beach Post June 10, 2009*)

Their attorneys will ask a judge to open Jeffrey Epstein's records.

When wealthy money manager Jeffrey Epstein of Palm Beach pleaded guilty last year to procuring teens for prostitution, his case detoured around local and state rules regarding the sealing of court documents.

At a plea conference on the state charges, a judge, a defense lawyer and a prosecutor huddled at the bench and decided that a deal Epstein had struck with federal prosecutors to avoid charges should be sealed, according to a transcript of the hearing.

And so it was.

But Florida rules of judicial administration, as well as rules of the Palm Beach County court system, require public notification that a court document has been or will be sealed, meaning kept from public view. The rules also require a judge to find a significant reason to seal, such as protecting a trade secret or a compelling government interest.

Yet no notification or reason occurred in Epstein's case, according to court records.

Epstein's own attorneys, in federal filings, have referred to his confidential deferred prosecution agreement with the U.S. attorney's office, struck in September 2007, as "unprecedented" and "highly unusual." And it was "a significant inducement" for Epstein to accept the state's deal, observed the state judge who accepted his plea, County Judge Deborah Dale Pucillo.

Epstein now faces at least a dozen civil lawsuits in federal and state courts filed by young women who said they had sex with him and now are seeking damages.

Attorneys for some of those women want his agreement with federal prosecutors unsealed and will ask Circuit Judge Jeffrey Colbath to do so today.

"It is against public policy for these documents to be have been sealed and hidden from public scrutiny. As a member of the public, E.W. has a right to have these documents unsealed," wrote former Circuit Judge Bill Berger, now in private practice and representing one of the women.

The Palm Beach Post also will ask Colbath to unseal the agreement. Post attorney Deanna Shullman will argue that the public has a right to know the specifics of Epstein's deal.

According to various media accounts, Epstein moved in circles that included President Clinton, Donald Trump and Prince Andrew. "International Moneyman of Mystery," declared a 2002 New York magazine profile of Epstein.

Epstein, 56, is in the Palm Beach County Stockade, serving an 18-month sentence after pleading guilty nearly a year ago to felony solicitation of prostitution and procuring teenagers for prostitution.

He is allowed out from 7 a.m. to 11 p.m., escorted by a deputy, said Palm Beach County Sheriff's Office spokeswoman Teri Barbera.

During a Palm Beach Police Department investigation, five victims and 17 witnesses gave statements. They told of young women brought by his assistants to Epstein's mansion on El Brillo Way for massages and sexual activity, and then being paid afterward.

At Epstein's plea conference last year, his attorney, Jack Goldberger, and then-Assistant State Attorney Lanna Belohlavek approached Pucillo in a sidebar conference. Pucillo, who had left the bench nine years earlier, was filling in temporarily as a senior judge.

According to a transcript, Goldberger told Pucillo that Epstein had entered a confidential agreement with the U.S. attorney's office in which federal prosecutors brokered not pursuing charges against him if he pleaded guilty in state court. Pucillo then said she wanted a sealed copy of the agreement filed in his case, and Goldberger concurred that he wanted it sealed. Belohlavek later signed off on it.

The Florida Supreme Court has expressed "serious concern" and launched an all-out inquiry into sealing procedures across the state following media reports in 2006 of entire cases being sealed and disappearing from court records.

"The public's constitutional right of access to court records must remain inviolate, and this court is fully committed to safeguarding this right," justices wrote in their final report.

Epstein's office on Tuesday referred any questions to Goldberger, who declined to comment. Pucillo also has declined to comment.



## Epstein secret pact with Feds reveals “highly unusual” terms

Posted Jun 10, 2009 at 12:01 AM

Updated Oct 4, 2019 at 9:23 AM

(EDITOR’S NOTE: *This story originally published in The Palm Beach Post on September 19, 2009*)

A secret non-prosecution agreement multimillionaire financier Jeffrey Epstein struck with federal prosecutors is being called “highly unusual” by former federal prosecutors and downright outrageous by attorneys now representing young women who serviced him.

The deal reveals that the FBI and the U.S. Attorney’s Office investigated him for several federal crimes, including engaging minors in commercial sex. The crimes are punishable by anywhere from 10 years to life in prison.

But federal prosecutors backed down and agreed to recall grand jury subpoenas if Epstein pleaded guilty to prostitution-related felonies in state court, which he ultimately did. He received an 18-month jail sentence, of which he served 13 months.

The U.S. Attorney’s Office also agreed not to charge any of Epstein’s possible co-conspirators: Sarah Kellen, Adriana Ross, Lesley Groff and Nadia Marcinkova.

The deal was negotiated in part by heavyweight New York criminal defense attorney Gerald Lefcourt.

Unsealed on Friday after attorneys for some of Epstein’s victims and The Palm Beach Post sought its release, it offers the first public look at the deal Epstein’s high-powered legal counsel brokered on his behalf.

Mark Johnson of Stuart, a former federal prosecutor, described the disparity in potential sentences as unusual, but even more so a provision on attorney payment.

The first draft of the agreement in September 2007 required that Epstein pay an attorney -- tapped by the U.S. Attorney's Office and approved by Epstein -- to represent some of the victims. That attorney is prominent Miami lawyer Bob Josefsberg.

But an addendum to the agreement signed the following month struck Epstein's duty to pay Josefsberg if he and the victims did not accept settlements -- capped at \$150,000 -- and instead pursued lawsuits.

Johnson said it appears the government was trying to balance the lesser sentence for Epstein with recovering \$150,000 for each victim. "I've never, ever seen anything like that in my life," he said. "It's highly unusual."

The deal does not say whether any victims were contacted or consulted before the deal was made.

Attorney Brad Edwards of Fort Lauderdale, who represents three of the young women, believes that none of the 30 to 40 women identified as victims in the federal investigation were told ahead of time. Edwards said his clients received letters from the U.S. Attorney's Office months after the deal was signed, assuring them Epstein would be prosecuted.

"Never consulting the victims is probably the most outrageous aspect of it," Edwards said. "It taught them that someone with money can buy his way out of anything. It's outrageous and embarrassing for United States Attorney's Office and the State Attorney's Office."

Epstein now faces many civil lawsuits filed by the women, who are represented by a variety of attorneys. In many, the allegations are the same: that Epstein had a predilection for teenage girls, identified poor, vulnerable ones and used

other young women to lure them to his Palm Beach mansion. They walked away with between \$200 and \$1,000.

Former Circuit Judge Bill Berger, also representing victims, called the agreement a “sweetheart deal.”

“Why was it so important for the government to make this deal?” Berger asked rhetorically. “We have not yet had an honest explanation by any public official as to why it was made ... and why the victims were sold down the river.”

Former federal prosecutor Ryon McCabe described the agreement as “very unorthodox.” Such agreements, he said, are usually reserved for corporations, not individuals.

“It’s very, very rare. I’ve never seen or heard of the procedure that was set up here,” said McCabe, who has no involvement in any Epstein litigation.

“He’s essentially avoiding federal prosecution because he can afford to pay that many lawyers to help those victims review their cases. ... If a person has no money, he couldn’t be able to strike a deal like this and avoid federal prosecution.”

The backroom deal with federal prosecutors is all the more interesting in light of the legal powerhouses who have worked for Epstein, including Harvard professor Alan Dershowitz and Bill Clinton investigator Kenneth Starr. Lefcourt is a past president of the National Association of Criminal Defense Lawyers.

Epstein’s local defense attorney, Jack Goldberger, issued a statement Friday saying he had fought the release of the sealed agreement to protect the third parties named there. “Mr. Epstein has fully abided by all of its terms and conditions. He is looking forward to putting this difficult period in his life behind him. He is continuing his long-standing history of science philanthropy.”

The investigation triggered tensions between police and prosecutors, with then-Palm Beach Chief Michael Reiter saying in a May 2006 letter to then-State Attorney Barry Krischer that the chief prosecutor should disqualify himself.

"I continue to find your office's treatment of these cases highly unusual," Reiter wrote. He then asked for and got the federal investigation that ended in the sealed deal.

"The Jeffrey Epstein matter was an experience of what a many-million-dollar defense can accomplish," Reiter told the Palm Beach Daily News upon his retirement.

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Source: By JANE MUSGRAVE Palm Beach Post Staff Writer

Dateline: WEST PALM BEACH

## **JUDGE RULES EPSTEIN ATTORNEYS CAN SUBPOENA ABORTION RECORDS**

In a decision that could spark a constitutional showdown over privacy rights, a judge Tuesday gave lawyers representing multimillionaire sex offender Jeffrey Epstein the right to subpoena abortion records from women who are seeking millions in damages from the part-time Palm Beach resident.

Palm Beach County Circuit Judge Donald Hafele said the records could help Epstein rebut the women's claims that they suffered psychological ills after being paid to give him sexually-charged massages at his Palm Beach mansion when they were as young as 14. Hafele told Epstein's attorneys they couldn't go on a fishing expedition. The medical records, he said, can't be sought until the women are asked whether they have ever had an abortion, how many and where. Further, he said, the records would not be made public and might not be admissible during trial.

But, he said, since the women claim Epstein, now 57, is responsible for their emotional distress, his attorneys can explore the impact of other events. Medical records, Hafele said, are a better source of information than a person's memory.

Attorney Louis Silver, who represents the Presidential Women's Health Center, a West Palm Beach clinic where abortions are performed, warned Hafele that he was stepping on shaky constitutional grounds.

"These records are protected by our constitutional right of privacy," he said, referring to the Florida Constitution.

After the hearing, Silver said an appeal won't be necessary until Epstein attorneys seek the records.

In another ruling Wednesday, Hafele also said that videos from depositions in the state cases can't be released without a court order. The ruling came after Epstein attorney Robert Critton complained that a video of Epstein being asked whether he had an "egg-shaped" penis became a youtube.com sensation. It first appeared on The Palm Beach Post Web site. Critton blamed attorney Spencer Kuvin for releasing it. Kuvin said it was public record. The civil suits began mounting after Epstein agreed to plead guilty to two state charges: procuring a minor for prostitution and soliciting prostitution. He served 13 months of an 18-month sentence. As part of the deal brokered with federal prosecutors, he agreed not to contest the accusations in the civil lawsuits. He can argue the women don't deserve the millions they are seeking.

## Epstein Journal's Findings Could Resurrect Case

By Jane Musgrave

Posted Sep 17, 2019 at 12:01 AM

Updated Oct 1, 2019 at 10:51 AM

**(EDITOR'S NOTE:** *This story originally published in The Palm Beach Post on March 20, 2010)*

A purloined journal that is said to contain the names of "hundreds" of victims of convicted sex offender Jeffrey Epstein could be used to reopen the investigation into the multi-millionaire's appetite for teenage girls, an attorney representing seven of the victims said Friday.

New details about the contents of the journal were released this week when Alfredo Rodriguez, who worked as a property manager for the Palm Beach resident, pleaded guilty to obstruction of justice for lying to federal agents when asked if he had any information about his former boss' criminal activity. He later tried to sell the journal he stole from Epstein for \$50,000 to an unidentified person, who alerted authorities, according to court records.

As part of the plea agreement, federal prosecutors said the journal "contains information material to the Epstein investigation, including the names of material witnesses and additional victims."

"Had the items been produced in response to the inquiries of state or federal authorities ... the materials would have been presented to the federal grand jury," federal prosecutors wrote.

Instead, prosecutors short-circuited the grand jury investigation and cut a deal with Epstein. They agreed not to pursue federal charges if he didn't contest prostitution-related felonies in state court. The money manager pleaded guilty in July 2008 to procuring a minor for prostitution and soliciting prostitution. He served 13 months of an 18-month sentence.

Attorney Adam Horowitz, who represents seven of the roughly 18 women who have filed civil suits against Epstein, said the new information could trump the so-called non-prosecution agreement.

The multifaceted agreement, he said, deals only with a specific list of victims that the U.S. Attorney's Office knew about when it penned the deal in 2007. If additional victims are listed in the journal Rodriguez stole, Horowitz said federal prosecutors could reopen the investigation.

"It opens the door for further prosecution," he said.

In addition to turning over the journal to federal agents, Rodriguez told them he knew his former boss was having sex with underage girls when he worked for him in 2004 and 2005. He had seen naked girls, who looked like minors, in the pool of Epstein's \$8.6 million mansion. He had seen pornographic images of young girls on Epstein's computer, according to court records.

Neither Epstein's criminal defense attorney, Jack Goldberger, nor attorney Robert Critton, who represents Epstein in the civil lawsuits, could be reached. Federal prosecutors have consistently declined comment.

The wording of the controversial agreement is unclear. It says federal prosecutors would provide Epstein's attorneys "with a list of individuals whom it has identified as victims." Miami attorney Robert Josefsberg was appointed to

represent any of the victims on the list who wanted to pursue Epstein in civil court. As part of the agreement, Epstein is to pay for Josefsberg to represent the women.

Some of the women, most identified as Jane Doe in lawsuits, had already hired attorneys to represent them. Some have since settled their suits with Epstein, although terms were not disclosed.

Horowitz said he has filed court papers to get the journal that Rodriguez stole. "It's another piece of evidence that shows our clients were at Epstein's mansion," he said.

Rodriguez told prosecutors he didn't turn over the journal when both FBI and Palm Beach police asked for it because he wanted money for it. He also said he was afraid Epstein would make him "disappear." The information, he told investigators, was his "insurance policy."

He faces a maximum 20 years in prison when he is sentenced on June 18.

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# The Palm Beach Post

## REAL NEWS STARTS HERE

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### Epstein paid three women \$5.5 million to end underage-sex lawsuits

By Jane Musgrave

Posted Oct 3, 2017 at 12:01 AM

Updated Oct 4, 2017 at 12:46 AM

Ending years of speculation about how much Palm Beach billionaire Jeffrey Epstein paid young women who claimed he used them as sex toys, court documents filed last week show he shelled out \$5.5 million to settle lawsuits with three of more than two dozen teens who sued him.

Responding to requests from Epstein's attorneys in a complex lawsuit that was spawned by the sex scandal, attorney Bradley Edwards said the politically-connected 64-year-old convicted sex offender paid more than \$1 million to each of the three women Edwards represented.

Identified in court papers only by their initials or pseudonyms because of the nature of the allegations and their youthful ages, L.M. was paid \$1 million, E.W. \$2 million and Jane Doe \$2.5 million, Edwards said of the settlements he negotiated with Epstein to end the lawsuits.

Jack Goldberger, one of Epstein's criminal defense attorneys, on Tuesday declined comment on the revelations, citing confidentiality agreements that were part of the settlements. For the same reason, he declined to say whether Epstein paid similar amounts to settle roughly two dozen lawsuits filed by other young women against Epstein, claiming he paid them for sex when some were as young as 14 years old.

Attorney Jack Scarola, who is representing Edwards, said his client was compelled to divulge the confidential settlements to answer questions posed by Epstein's attorneys. "Brilliant move on their part," he said.

Even if Epstein's attorneys hadn't opened the door, Scarola said the information would have likely come out. He says the information will help him undermine Epstein's claims that Edwards "ginned up" the allegations to help his former law partner, imprisoned and disbarred Fort Lauderdale lawyer Scott Rothstein, perpetuate a \$1.2 billion Ponzi scheme.

The revelations of the settlements came as part of an ongoing lawsuit that started as a dispute between Epstein and Rothstein, both billionaires.

A year after Epstein in 2008 pleaded guilty to solicitation of prostitution and procuring a minor for prostitution, he sued Rothstein and Edwards, claiming they trumped up the allegations of sexual molestation to perpetuate the Ponzi scheme.

Rothstein was sentenced to 50 years in prison in 2010 after admitting he had built his wildly successful law firm by forging the names of federal judges and others to persuade investors he had negotiated settlements in lawsuits against high-profile people. Investors were told they could get a cut of the cash.

One of the high-profile people Rothstein used to lure investors was Epstein, according to a lawsuit West Palm Beach attorney Robert Critton filed on Epstein's behalf. According to the lawsuit, Rothstein told investors Epstein, a money manager, had agreed to settle the lawsuits with the teens for \$200 million — a claim Critton described as “a complete fabrication.”

After Epstein dropped the lawsuit in 2012, Edwards turned the tables on him. Edwards accused Epstein of filing the lawsuit maliciously to punish him for representing the young women. Although Edwards was a partner in Rothstein's now defunct firm, Scarola claims Epstein had no evidence Edwards was involved in the Ponzi scheme. Federal prosecutors successfully charged other attorneys and members of the firm, but Edwards was never implicated, Scarola said in the malicious prosecution lawsuit.

The revelations about the money Epstein paid to three of the young woman came last week in documents filed for a hearing Tuesday in preparation for a December trial on the lawsuit.

Attorney Tonja Haddad Coleman, who represents Epstein, on Tuesday sought a delay of the trial, in part, because she claimed she has been unable to talk to her client since his estate on his private island in the U.S. Virgin Islands was devastated last month by Hurricane Irma. “I’ve had no ability to communicate with Mr. Epstein,” she said.

Pointing out Epstein's enormous wealth and his private jet, Palm Beach County Circuit Judge Donald Hafele rejected her request. While saying he didn't want to appear insensitive to those victimized by the storm that hammered the Caribbean and roared through South Florida, he said Coleman offered no proof, such as an affidavit from Epstein, to shore up her claims.

Still, Hafele gave Coleman extra time to respond to various motions that he will have to decide before the case goes to trial.

Despite Scarola's insistence that Edwards had nothing to do with Rothstein's Ponzi scheme, Coleman said the evidence indicates otherwise. Why else would he try to depose Epstein's well-known friends, such as now President Donald Trump, former President Bill Clinton and illusionist David Copperfield, she asked. He used the celebrities as a draw, she said.

"The Epstein cases were used to fleece money and defraud investors," she said.

Edward's malicious prosecution case has been difficult for both sides because both Epstein and Edwards have refused to answer questions. As he did in the civil lawsuits, Epstein has invoked his Fifth Amendment right against self-incrimination when questioned by Scarola. Edwards has claimed that much of the information Epstein is seeking is protected by attorney-client privilege.

The malicious prosecution lawsuit is one of two hotly-contested lawsuits that continue to pit Edwards against Epstein. Edwards also is suing the U.S. attorney's office, claiming it violated the federal Crime Victims Rights Act when it negotiated a non-prosecution agreement with Epstein.

Only after federal prosecutors agreed to drop their investigation of Epstein, did he agree to plead guilty to two prostitution charges in Palm Beach County Circuit Court. In federal court records, prosecutors claim one of the key reasons they agreed to drop their case was Epstein's agreement to settle lawsuits filed against him by dozens of his underage victims.

# Palm Beach Daily News

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## Judge rules feds' agreement with Jeffrey Epstein pact violated teen victims' rights

By Jane Musgrave

Posted Sep 17, 2019 at 4:02 PM

Updated Oct 8, 2019 at 12:31 PM

(EDITOR'S NOTE: *This story originally published in The Palm Beach Post on February 22, 2019*)

Federal prosecutors violated the rights of Jeffrey Epstein's teenage victims by failing to reveal they had dropped plans to prosecute the billionaire on dozens of federal charges in connection with the girls' claims that he paid them for sex at his Palm Beach mansion, U.S. District Judge Kenneth Marra ruled on Thursday.

In a blistering 33-page ruling, Marra meticulously and methodically detailed the numerous steps federal prosecutors took to hide the agreement from more than 40 young women who claim Epstein paid them for sex when they were as young as 14.

"While the government spent untold hours negotiating the terms and implications of the NPA with Epstein's attorneys, scant information was shared with the victims," Marra wrote. "Instead, the victims were told to be 'patient' while the investigation proceeded."

By then, it was too late. A deal had already been cut with then-South Florida U.S. Attorney Alex Acosta and Epstein's attorneys to shelve a 52-page federal indictment against Epstein, a former math teacher turned money manager who counts Presidents Donald Trump and Bill Clinton among his friends.

Prosecutors' failure to alert the young women about the deal violated the Crime Victims' Rights Act, Marra ruled. "At a bare minimum the (act) required the government to inform (the young women) that it intended to enter into an agreement not to prosecute Epstein," he wrote.

Still, Marra said he wasn't second-guessing prosecutors' decision not to pursue Epstein on federal charges if he pleaded guilty to minor state prostitution charges and agreed to compensate his victims for the trauma he caused.

"The court is not ruling that the decision not to prosecute was improper," Marra wrote. "The court is simply ruling that, under the facts of this case, there was a violation under the CVRA."

Further, he made no decision about what the remedy should be. He gave prosecutors and attorneys representing the young women 15 days to meet to decide how to unravel the complex legal web that has been hanging over Epstein and his young victims for more than a decade.

The chances an accord will be reached are slim, said attorney Jack Scarola, who is representing the two Jane Does who challenged the prosecutors' actions.

Further, he said, there is no road map to follow. The lawsuit attorney Bradley Edwards filed on behalf of the two unidentified young women, claiming prosecutors violated the federal act, is unique, he said.

"We are treading on virgin ground, to use what is probably an inappropriate phrase in this situation," he said.

Scarola said he and Edwards will ask that the non-prosecution agreement be thrown out. That would open the possibility that the long-shelved federal indictment could be dusted off and filed against the 66-year-old Epstein, who spends most of his time on a private island he owns in the U.S. Virgin Islands.

"I don't see the government conceding to that remedy," Scarola admitted. Further, he said, it is likely Epstein will be allowed to weigh in. Miami attorney Roy Black years ago filed papers asking to intervene on Epstein's behalf.

The U.S. Attorney's Office said it wouldn't comment on Marra's ruling. Neither Black nor New York City attorney Jay Lefkowitz, who led efforts to bury the federal indictment, responded to emails or phone calls for comment. West Palm Beach attorney Jack Goldberger, who represents Epstein, also didn't respond.

Scarola said it is likely Epstein's star-studded legal team will argue that Epstein fully complied with the terms of the agreement he made in 2007 with federal prosecutors and therefore the agreement can't be undone.

As he promised, Epstein pleaded guilty in June 2008 to state charges of soliciting a minor for prostitution and soliciting prostitution. He served 13 months of an 18-month jail term in a vacant wing of the county stockade that he was allowed to leave 12 hours a day, six days week.

Further, as agreed, he paid settlements to the young women who sued him. While the settlements were confidential, court records show he paid three women a total of \$5.5 million.

In return, federal prosecutors held up their end of the bargain. Their investigation ceased.

Having done all that prosecutors asked of him, Scarola said Epstein will make a simple argument: "You can't turn around and deprive me of the benefits I bargained for."

However, Scarola said, using Marra's ruling, he will counter that the contract Epstein signed was illegal and therefore unenforceable.

Even if Marra agrees to toss out the non-prosecution agreement, Scarola conceded that doesn't mean Epstein will face federal charges.

"The contract can be set aside and the federal government can attempt to enter into the same agreement," he said.

"Except the spotlight of public attention will be on them and the 40 victims will be able to explain to the court why this sweetheart deal should not be approved."

Scarola said that prosecutors may have had good reason not to pursue Epstein. "There may be a reasonable explanation but we don't know what that reason may have been," he said.

In court papers, federal prosecutors have said that many of the young women were afraid to cross the powerful, politically connected money manager and simply refused to testify against him.

In other cases, they said, the women changed their stories. Jane Doe 2, who is trying to have the non-prosecution agreement thrown out, initially described Epstein as "an awesome man" and told prosecutors she hoped "nothing happens" to him. While she later agreed to testify against Epstein, prosecutors said they feared Epstein's attorneys would use her words to destroy her if she ever took the witness stand.

Marra, however, said the young woman's comments didn't mean she wasn't entitled to know about the prosecutors' plans to drop the charges. "There is no dispute that Epstein sexually abused Jane Doe 2 while she was a minor," he wrote. "Therefore, regardless of her comments to the prosecutor, she was a victim."

Before the case is finally resolved, Scarola predicted that "a lot of people are going to have to answer a lot of questions."

In his ruling, Marra detailed what appeared to be a cozy relationship between Acosta, his line prosecutors and Epstein's team of lawyers. His phalanx of lawyers included noted Harvard law professor Alan Dershowitz and Kenneth Starr, the former U.S. solicitor general whose investigation led to the impeachment of President Clinton.

Marra describes an October 2007 breakfast meeting between Acosta, who is now U.S. labor secretary, and Lefkowitz shortly after the non-prosecution agreement was inked.

After the meeting, Lefkowitz sent Acosta a note thanking him for "the commitment you made to me during our October 12 meeting in which you assured me that your Office would not ... contact any of the identified individuals, potential witnesses, or potential civil claimants and their respective counsel in this matter."

Marra quoted an equally pleasant note then-Palm Beach County State Attorney Barry Krischer sent to Assistant U.S. Attorney Marie Villafana, who was the lead prosecutor in Epstein's case. "Glad we could get this worked out for reasons I won't put in writing," Krischer wrote, shortly after the non-prosecution agreement was signed. "After this is resolved I would love to buy you a cup at Starbucks and have a conversation."

Many of the notes that were exchanged dealt with prosecutors' and Epstein's lawyers' shared desire to keep the deal secret from Epstein's accusers. In a September email, Villafana asked Lefkowitz for guidance about what she should reveal. "And can we have a conference call to discuss what I may disclose to ... the girls regarding the Agreement," she asked.



Such cooperation between prosecutors and defense attorneys is unusual, Marra said. "It was a deviation from the government's standard practice to negotiate with defense counsel about the extent of crime victim notifications," he wrote.

Further, he noted, that when Edwards and his two young clients asked for information, they were repeatedly misled. "The CRVA was designed to protect victims' right and ensure their involvement in the criminal justice process," Marra wrote. "When the government gives information to victims it cannot be misleading."

Ultimately, the terms of the non-prosecution agreement were revealed only after Edwards and attorneys for the press successfully sued to make them public.

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**Edition:** Final

**Section:** A Section

**Page:** 1A

**Source:** By Jane Musgrave, The Palm Beach Post

## **Epstein indicted on sex charges Part-time Palm Beacher pleads not guilty to sex trafficking, conspiracy charges in federal court in Manhattan**

Dressed in a blue prison jumpsuit, billionaire Jeffrey Epstein on Monday pleaded not guilty to charges accusing him of creating a vast network of girls as young as 14 that he exploited for his sexual pleasure at his homes in Palm Beach and Manhattan.

The 66-year-old money manager's appearance in U.S. District Court in New York City capped more than a decade of recriminations by young women and their attorneys who claimed Epstein used his money and political influence to avoid federal prosecution.

Epstein's attorney Reid Weingarten dismissed the two-count indictment on sex trafficking charges as "essentially a do-over" of allegations that landed Epstein in the Palm Beach County Jail for 13 months more than a decade ago.

However, unlike in 2007 when then-South Florida U.S. Attorney Alex Acosta agreed to shelve a 53-page federal indictment after Epstein agreed to plead guilty to two state prostitution charges, prosecutors in New York indicated they aren't willing to deal. Acosta is now U.S. labor secretary.

"The alleged behavior shocks the conscience," New York City U.S. Attorney Geoffrey Berman said at a

morning news conference. "And while the charged conduct is from a number of years ago, it is still profoundly important to many of the alleged victims, now young women. They deserve their day in court."

At a detention hearing scheduled for Monday, Berman said he will ask a federal judge to keep Epstein behind bars until he is tried on charges of sex trafficking and conspiracy to commit sex trafficking. Epstein paid dozens of young women to give him nude massages that, for most, led to sex, he said.

If convicted of exploiting dozens of young women, including many Palm Beach County girls who were students at Royal Palm Beach High School, Epstein faces a maximum 45-year prison sentence.

Citing Epstein's enormous wealth, his homes in New York, Palm Beach, the U.S. Virgin Islands, New Mexico and Paris and his ownership of two jets, Berman said there are few conditions that could keep Epstein from fleeing to a foreign country to evade prosecution.

"We think he's a significant flight risk," Berman said of the man who ferried Britain's Prince Andrew, actor Kevin Spacey, famed Harvard law professor Alan Dershowitz and former President Bill Clinton on his jet, dubbed the Lolita Express.

Berman's hard-line stance was welcomed by young women who for years have been told that Epstein couldn't be touched because Acosta signed off on the nonprosecution agreement, promising not to charge Epstein in federal court.

Former Palm Beach County resident Virginia Guiffre, who has accused Epstein of turning her into his sex slave and forcing her to have sex with others, including Dershowitz and Prince Andrew, praised Berman. He showed the case is "being taken in a serious way," she told the Associated Press. Dershowitz has vehemently denied Guiffre's claims.

New York prosecutors were able to ignore the controversial nonprosecution agreement because it contained some significant fine print, said former federal Judge Paul Cassell, who for years has fought to get the agreement thrown out. It says only that no charges could be filed against Epstein in South Florida, he said.

Berman agreed. "That agreement only binds, by its terms, only binds the Southern District of Florida," he said. "The Southern District of New York is not bound by that agreement and wasn't a signatory of it."

That means the sordid allegations that have been leveled at Epstein for years are now part of a federal indictment.

Contrary to Epstein's claims, he knew the women who came to his homes in New York and Palm Beach were minors because they told him their ages, according to the indictment. Epstein preyed on young girls because he knew they were "vulnerable to exploitation," prosecutors added.

As part of a carefully orchestrated sex ring, Epstein or his associates would call girls while he was in New York so they would be available for sex once he returned to Palm Beach, the indictment says. The employees weren't named. They were identified only as "Employee-1," "Employee-2" and "Employee-3."

To ensure he had a steady stream of young girls, Epstein would turn some victims into recruiters. He would pay them to bring new girls to his home on El Brillo Way along the Intracoastal Waterway in Palm Beach or to his palatial townhouse on New York's Upper East Side.

"This allowed Epstein to create an ever-expanding web of new victims," Berman said.

In both New York and Palm Beach, the lurid operation was similar. Unidentified employees of Epstein's would escort the teens into a room. They were told to take off all or most of their clothes before giving the naked billionaire massages, according to the indictment.

"Epstein would also typically masturbate during these encounters, ask victims to touch him while he masturbated, and touch victims' genitals with his hands or with sex toys," the indictment says.

As part of the criminal complaint, prosecutors are asking that Epstein be forced to turn over his multimillion-dollar townhouse on East 71st Street. The complaint does not seek forfeiture of Epstein's house in Palm Beach.

While heartened that Epstein now faces serious criminal charges in New York, Cassell said he would continue to push a West Palm Beach-based federal judge to throw out the nonprosecution agreement that Acosta forged with Epstein's star-studded legal team.

U.S. District Judge Kenneth Marra has already ruled that Acosta violated the federal Crime Victims' Rights Act by not telling Epstein's victims about the agreement before it was inked. Coincidentally, Cassell and Epstein attorney Roy Black had to file papers by midnight Monday, explaining what action Marra should take to redress that wrong.

Cassell insisted Epstein should face charges in federal court in West Palm Beach. "Florida victims deserve justice in Florida," said Cassell, who is working on behalf of Epstein's victims with attorneys Bradley Edwards and Jack Scarola.

Since it's likely Florida women will get to testify against Epstein in New York, Scarola said he's not focused on whether Epstein will face charges here. Instead, he said he wants to know how and why the agreement was reached.

"There's been no explanation as to how a deal like this could have been cut and how the federal government could have been involved in a conspiracy to violate federal law," Scarola said of his interest in continuing the legal battle over the nonprosecution agreement.

When Acosta agreed to drop the federal investigation, Epstein in 2008 pleaded guilty to two prostitution charges and served 13 months of an 18-month sentence in a vacant wing of the Palm Beach County Jail - a cell he was allowed to leave 12 hours a day, six days a week. He was also forced to register as a sex offender and settle civil lawsuits more than 30 young women filed against him.

U.S. Rep. Lois Frankel, D-West Palm Beach, said she shares Scarola's interest in finding out how the agreement came to be. "I am especially more interested in why Epstein got the deal he got," Frankel said. "We need to know why he was given such an easy sentence.

While she has asked the House Oversight Committee to investigate Acosta, Frankel said she is not sure that will happen. "It just seems to me it was a travesty that this guy got off the way he did and, without pre-judging it, let's have a proper court case," Frankel said.

Former Palm Beach Police Chief Michael Reiter was inflamed in 2006 when then-State Attorney Barry Krischer refused to charge Epstein with serious crimes. Reiter took the information his officers had gathered from dozens of Epstein's victims to Acosta, believing he would prosecute Epstein. He didn't.

Reiter said he was heartened that 13 years later, Epstein will finally face justice.

"Thankfully, U. S. Attorney Berman and the other authorities in New York have the good judgment to investigate and prosecute Epstein in the way that should have occurred in Florida over a decade ago," Reiter said in a statement.

And, Scarola said, there are signals that Berman's investigation is far from over.

Berman declined to answer questions about whether others, such as Epstein's high-powered friends, would be charged. He brushed off questions about the significance that the investigation was being handled by the Public Corruption Unit.

While agents on Saturday were arresting Epstein aboard his private jet at the Teterboro Airport in New Jersey after returning from Paris, other officers were searching his New York City townhouse. Agents seized nude photos of young girls who appeared to be minors, Berman said.

He said his focus was on finding more women who were exploited and abused by Epstein. Turning to a poster, detailing the charges that had been filed against Epstein, he pointed a finger at a photo of the convicted sex offender who was once described as "a man of mystery."

"If you believe you are a victim of this man, Jeffrey Epstein, we want to hear from you," Berman said. A special number, 1-800-CALLFBI, will link victims of authorities.

Bill Sweeney, assistant director of the FBI's New York office, said after years of being ignored by federal agents, the victims' voices will be heard.

"The Jeffrey Epstein matter is No. 1 on the major case list in the country," Sweeney said.

Turning to address Epstein's victims directly, he said: "Your bravery may empower others to speak out against crimes against them."

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**Def.Ex.A-5**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of THE PALM BEACH POST,

Plaintiff,

v.

CASE NO: 2019-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida, SHARON R. BOCK,  
as Clerk & Comptroller, Palm Beach County,  
Florida,

Defendants.

**DEFENDANT, DAVE ARONBERG, AS STATE ATTORNEY OF PALM BEACH COUNTY,  
FLORIDA'S ANSWER TO FIRST AMENDED COMPLAINT  
AND MOTION TO DISMISS COUNT II**

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, ("SAO"),  
by and through the undersigned attorney, hereby answers Count I of the First Amended Complaint of  
Plaintiff, CA Florida Holdings, LLC, Publisher of The Palm Beach Post ("Post"), and files a Motion  
to Dismiss Count II, as follows:

**JURISDICTION**

1. Admitted for jurisdictional purposes.

**PARTIES**

2. Admitted.

3. Denied that Defendant Aronberg or the Office of the State Attorney for the Fifteenth  
Judicial Circuit is in possession and/or control of documents that are the subject of this action.  
Otherwise admitted.

4. Admitted.

**INTRODUCTION**

5. Paragraph 5 contains the Post's statement of the case and legal arguments to which no

response is required. To the extent that a response is required, the SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 5, and therefore denies the allegations and demands strict proof thereof.

6. Paragraph 6 contains the Post's statement of the case and legal arguments to which no response is required. To the extent that a response is required, the SAO admits only that section 905.27(1)(c), Florida Statute authorizes the disclosure of grand jury proceedings under certain circumstances.

7. Paragraph 7 contains the Palm Beach Post's statement of the case and legal arguments to which no response is required. To the extent that a response is required, the SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 7, and therefore denies the allegations and demands strict proof thereof.

8. Paragraph 8 sets forth the Post's statement of the case and legal arguments to which no response is required. To the extent that a response is required, the SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 8, and therefore denies the allegations and demands strict proof thereof.

9. Paragraph 8 sets forth the Post's statement of the case and legal arguments to which no response is required. To the extent that a response is required, the SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 9, and therefore denies the allegations and demands strict proof thereof.

#### **FACTUAL BACKGROUND**

10. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 10, and therefore denies the allegations and demands strict proof thereof.

#### **A. First Epstein Sex Crimes Investigation, Indictment, and Plea Agreement: 2005-2008.**

11. The SAO is without knowledge or information sufficient to form a belief as to the truth



of any factual allegations contained in paragraph 11, and therefore denies the allegations and demands strict proof thereof.

12. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 12, and therefore denies the allegations and demands strict proof thereof.

13. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 13, and therefore denies the allegations and demands strict proof thereof.

14. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 14, and therefore denies the allegations and demands strict proof thereof.

15. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 15, and therefore denies the allegations and demands strict proof thereof.

**(1) Police Chief Reiter's Letter to the State Attorney**

16. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 16, and therefore denies the allegations and demands strict proof thereof.

17. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 17, and therefore denies the allegations and demands strict proof thereof.

**(2) The July 2006 State Grand Jury Presentation**

18. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 18, and therefore denies the allegations and demands strict proof thereof.

19. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 19, and therefore denies the allegations and demands strict proof thereof.

20. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 20, and therefore denies the allegations and demands strict proof thereof.

21. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 21, and therefore denies the allegations and demands strict proof thereof.

22. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 22, and therefore denies the allegations and demands strict proof thereof.

**(3) The FBI's Investigation and Epstein's Non-Prosecution Agreement with Federal Authorities.**

23. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 23, and therefore denies the allegations and demands strict proof thereof.

24. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 24, and therefore denies the allegations and demands strict proof thereof.

25. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 25, and therefore denies the allegations and demands strict proof thereof.

26. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 26, and therefore denies the allegations and demands

strict proof thereof.

27. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 27, and therefore denies the allegations and demands strict proof thereof.

28. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 28, and therefore denies the allegations and demands strict proof thereof.

29. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 29, and therefore denies the allegations and demands strict proof thereof.

30. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 30, and therefore denies the allegations and demands strict proof thereof.

31. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 31, and therefore denies the allegations and demands strict proof thereof.

**(4) The Crime Victims' Rights Act Litigation.**

32. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 32, and therefore denies the allegations and demands strict proof thereof.

33. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 33, and therefore denies the allegations and demands strict proof thereof.

34. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 34, and therefore denies the allegations and demands

strict proof thereof.

35. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 35, and therefore denies the allegations and demands strict proof thereof.

36. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 36, and therefore denies the allegations and demands strict proof thereof.

37. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 37, and therefore denies the allegations and demands strict proof thereof.

**B. Second Epstein Sex Crimes Investigation, Indictment, Suicide: 2019.**

38. Admitted.

39. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 39, and therefore denies the allegations and demands strict proof thereof.

40. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 40, and therefore denies the allegations and demands strict proof thereof.

41. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 41, and therefore denies the allegations and demands strict proof thereof.

42. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 42, and therefore denies the allegations and demands strict proof thereof.

43. The SAO is without knowledge or information sufficient to form a belief as to the truth

of any factual allegations contained in paragraph 43, and therefore denies the allegations and demands strict proof thereof.

44. Admitted.

**C. The August 27, 2019, SDNY Hearing: Epstein's Victims Speak.**

45. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 44, and therefore denies the allegations and demands strict proof thereof.

46. Admitted that United States Senior Judge Richard M. Berman ordered a hearing on August 27, 2019, but the SAO is without knowledge or information sufficient to form a belief as to the truth of any remaining factual allegations contained in paragraph 43, and therefore denies the allegations and demands strict proof thereof.

47. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 47, and therefore denies the allegations and demands strict proof thereof.

48. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 48, and therefore denies the allegations and demands strict proof thereof.

49. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 49, and therefore denies the allegations and demands strict proof thereof.

50. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations paragraph 50, and therefore denies the allegations and demands strict proof thereof.

51. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 51, and therefore denies the allegations and demands

strict proof thereof.

**D. The Palm Beach Post's Standing and the Public Interest.**

**(1) The Palm Beach Post Has Reported Extensively On Epstein's Crimes For Nearly 15 Years.**

52. Admitted.

53. Admitted.

54. Admitted that the Post has extensively investigated and reported on the allegations against, the law enforcement investigation of, and the crimes committed by Epstein, but lacks sufficient knowledge to admit or deny any factual allegations remaining in paragraph 54, and therefore denies the allegations and demands strict proof thereof.

55. The SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 55, and therefore denies the allegations and demands strict proof thereof.

**(2) The Palm Beach Post's Standing and the Public Interest.**

56. Paragraph 56 of the First Amended Complaint contains the Palm Beach Post's statement of the case and legal arguments to which no response is required. To the extent that a response is required, the SAO admits the press has a constitutional right of access to criminal proceedings, but is without knowledge or information sufficient to form a belief as to the truth of any remaining factual allegations contained in paragraph 56, and therefore denies the allegations and demands strict proof thereof.

57. Paragraph 57 sets forth the Post's statement of the case and legal arguments to which no response is required. To the extent that a response is required, the SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 57, and therefore denies the allegations and demands strict proof thereof.

58. Paragraph 58 sets forth the Post's statement of the case and legal arguments to which

no response is required. To the extent that a response is required, the SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 57, and therefore denies the allegations and demands strict proof thereof.

59. Paragraph 59 of the First Amended Complaint contains the Palm Beach Post's statement of the case and legal arguments to which no response is required. To the extent that a response is required, the SAO admits that Fla. Stat. 905.27 allows a court to make the determination of disclosure but is without knowledge or information sufficient to form a belief as to the truth of any remaining factual allegations contained in paragraph 59, and therefore denies the allegations and demands strict proof thereof.

**E. The Court's Jurisdiction and Authority.**

**(1) The Court's Supervision of the Grand Jury Process and Its Authority to Order Public Disclosure of the Epstein Evidence.**

60. Paragraph 60 of the First Amended Complaint contains the Palm Beach Post's statement of the case and legal arguments to which no response is required. To the extent that a response is required, the SAO admits the press has a constitutional right of access to criminal proceedings, but is without knowledge or information sufficient to form a belief as to the truth of any remaining factual allegations contained in paragraph 60, and therefore denies the allegations and demands strict proof thereof.

61. Admitted.

62. Admitted.

63. Paragraph 63 sets forth the Post's statement of the case and legal arguments to which no response is required. To the extent that a response is required, the SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 63, and therefore denies the allegations and demands strict proof thereof.

64. Paragraph 64 of the First Amended Complaint contains the Palm Beach Post's

statement of the case and legal arguments to which no response is required. To the extent that a response is required, the SAO is without knowledge or information sufficient to form a belief as to the truth of any remaining factual allegations contained in paragraph 64, and therefore denies the allegations and demands strict proof thereof.

(2) **The Court's Jurisdiction To Declare Rights And Construe Statutes.**

65. Admitted.

66. Admitted.

67. Admitted.

**COUNT I**

(Declaratory Relief - Florida Stat. Sections 86.011 *et seq.*)

68. The SAO reincorporates and re-alleges its prior answers to paragraphs 1 through 67 above.

69. Admitted.

70. Paragraph 70 contains the Post's statement of the case and legal arguments to which no response is required. To the extent that a response is required, the SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 70, and therefore denies the allegations and demands strict proof thereof.

71. Admitted that *The Palm Beach Post* is seeking a declaration from this Court but denies the remainder of Paragraph 71.

72. Admitted.

73. Denied.

74. Paragraph 74 contains the Post's legal arguments to which no response is required. To the extent that a response is required, the SAO is without knowledge or information sufficient to form a belief as to the truth of any factual allegations contained in paragraph 74, and therefore denies the allegations and demands strict proof thereof.



**MOTION TO DISMISS COUNT II**  
(Florida Stat. Section 905.27)

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, pursuant to the Florida Rules of Civil Procedure 1.420, hereby files this Motion to Dismiss Count II of Plaintiff's First Amended Complaint for failure to state a cause of action, and in support thereof states:

**I. Standard of Review**

When confronted with a motion to dismiss, the Court must determine whether the Complaint as phrased within its four corners sufficiently states a cause of action, whereby relief can be granted. Fox v. Professional Wrecker Operations, 801 So. 2d 175, 178 (Fla. 5th DCA 2001). A motion to dismiss tests whether the plaintiff has stated a cause of action. The test for a motion to dismiss under Florida Rule of Civil Procedure 1.140(b) is whether the pleader could prove any set of facts as alleged in the Complaint to support his or her claim. See, Connolly v. Sebcco, Inc., 89 So. 2d 482, 484 (Fla. 1956); Wasua Ins. Co. v. Haynes, 683 So. 2d 1123 (Fla. 4th DCA 1996).

In order to meet this test, "a complaint must allege sufficient ultimate facts to show that a pleader is entitled to relief." W.R. Townsend Contr., Inc. v. Jensen Civ. Constr., Inc., 728 So. 2d 297, 300 (Fla. 1st DCA 1999) (quoting Perry v. Cosgrove, 464 So. 2d 664, 665 (Fla. 2d DCA 1985); Fla. R. Civ. P. 1.110(b)). The court need not accept internally inconsistent factual claims, conclusory allegations, unwarranted deductions, or mere legal conclusions made by a party. Id. (citing Response Oncology, Inc. v. Metrahealth Insurance Co., 978 F. Supp. 1052, 1058 (S.D. Fla. 1997)); Oxford Asset Mgmt. v. Jaharis, 297 F.3d 1182, 1188 (11th Cir. 2002) ("[On a motion to dismiss,] the plaintiff's factual allegations are accepted as true.... However, legal conclusions masquerading as facts will not prevent dismissal."). To avoid dismissal, a pleading "must allege a cause of action recognized under law" against the defending party. Kislak v. Kreedian, 95 So. 2d 510, 514 (Fla. 1957).

**II. Argument**

- a. **Neither Defendant Aronberg, nor the Office of the State Attorney for the Fifteenth Judicial Circuit is in possession and/or control of documents that**

**are the subject of this action.**

It is significant to emphasize that despite Plaintiff's allegations to the contrary, Defendant Aronberg and the Office of the State Attorney for the Fifteenth Judicial Circuit are not in custody or control of the records sought herein, and therefore Defendant Aronberg is not a proper party to this action. In fact, Defendant, Sharon R. Bock, as Clerk and Comptroller of Palm Beach County, Florida, admits that it is the custodian in possession of the documents that are the subject of this action.

**b. Plaintiff Fails to State a Cause of Action**

Plaintiff attempts to assert a cause of action, in the interest of "furthering justice", under Florida Statute § 905.27; however, a review of the statute in question reveals that no cause of action is provided for therein and consequently Count II of Plaintiff's First Amended Complaint must be dismissed as a matter of law. Despite Plaintiff's extensive recitation of the factual background regarding Jeffery Epstein and the testimony and evidence presented to the 2006 grand jury in Palm Beach County, Florida, Fla. Stat. § 905.27, merely explains the exceptions to the disclosure of grand jury testimony and does not set forth in any way a cause of action upon which to initiate a valid law suit.

Moreover, a review of the statute at issue clearly indicates that even if § 905.27, Fla. Stat. provided a basis for a cause of action, Plaintiff is barred from access to the records it seeks. To wit, in pertinent part, Fla. Stat. § 905.27(2) states:

When such disclosure is ordered by a court pursuant to subsection (1) for use in a civil case, it may be disclosed to all parties to the case and to their attorneys and by the latter to their legal associates and employees. However, the grand jury testimony afforded such persons by the court can only be used in the defense or prosecution of the civil or criminal case and for no other purpose whatsoever.

Here, despite the clear statutory guidelines for disclosure of grand jury materials in a civil case, Plaintiff is improperly seeking the requested 2006 grand jury materials for the purposes of public disclosure pursuant to the court's inherent authority and supervisory powers over the grand jury. [See, Complaint ¶¶ 8, 63]. Again, even if Plaintiff properly asserted a cause of action under Fla. Stat. 905.27, the statute unambiguously states that grand jury testimony "can only be used in the defense or

prosecution of the civil or criminal case and for no other purpose whatsoever”, which is distinctly different from Plaintiff’s intended purpose for public disclosure of the grand jury evidence. Fla. Stat. § 905.27(2).

WHEREFORE, based on the foregoing argument and supporting authority, Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, respectfully requests that this Honorable Court grant the instant Motion and dismiss Count II of Plaintiff’s First Amended Complaint with prejudice, and grant Defendant Aronberg all other and further relief deemed just and proper, including attorney’s fees and costs for defending this frivolous action.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24th day of January, 2020, a copy of the foregoing has been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

**JACOBS SCHOLZ & WYLER, LLC**

*/s/ Douglas A. Wyler*

---

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**Def.Ex.A-6**

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**In the Matter Of:**

**CA FLORIDA HOLDINGS vs DAVE ARONBERG**

50-2019-CA-014681

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**HEARING**

*June 03, 2020*

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IN THE CIRCUIT COURT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2019-CA-014681  
CIRCUIT CIVIL DIVISION: "AG"

CA FLORIDA HOLDINGS LLC PUBLISHER  
OF THE PALM BEACH POST,

Plaintiff/Petitioner

-vs-

DAVE ARONBERG,  
SHARON R. BOCK,

Defendant/Respondents.

HEARING BEFORE THE HONORABLE KRISTA MARX  
(ZOOM CONFERENCE)

Wednesday, June 3, 2020  
10:08 a.m. - 10:28 a.m.

REMOTE ZOOM CONFERENCE  
Port Saint Lucie, Florida

Stenographically Reported By:  
SONJA M. REED  
Court Reporter

APPEARANCES:

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BY: NICOLE R. FINGERHUT, ESQUIRE



PROCEEDINGS

\*\*\*\*\*

THE COURT: We are here today for a very limited purpose. I'm sure the attorneys are aware of that, but I just don't want there to be any confusion. We are here on Defendant Dave Aronberg and Defendant Sharon Bock for the Comptroller and the State Attorney's motion to dismiss Count II.

You're all acutely aware as the lawyers that this is a question of law. So we're not going to be diving into facts and the Court will not be deciding the merits of this motion this morning. We are simply here for the sole purpose of that motion to dismiss. So I just wanted to make sure that we all stay on track and we're all on that same page.

So, Ms. Boyagian, I'll send it to you first, Ma'am. I -- of course, we all know that the Law 101, I must look at the four corners of the motion, which alleges that the State Attorney, David Aronberg, and the clerk and comptroller, Sharon Bock, actually have custody and control of these grand jury proceeding.

Whether that is true or not is not for this court to determine because I'm looking simply at the four corners of the complaint. But, not for nothing, I think we all know that they don't have control and

1 custody of the records. But I'm going to assume that  
2 it's correct because that's what has been alleged.

3 So what I first want to hear from is the  
4 attorney for Florida Holdings with regard to,  
5 assuming arguendo, that Florida Statute 905.27 does  
6 create a cause of action, what relief is it that  
7 you're seeking from -- in Count II, specifically.  
8 Not the dec action. We're not here on that today --  
9 what is it you hope to get, a judgment?

10 MS. BOYAGIAN: Thank you, your Honor. Good  
11 morning, and thank you for the privilege of appearing  
12 before this court.

13 The relief we are seeking is disclosure of the  
14 grand jury records, pursuant to the Furtherance of  
15 Justice Exception to 905.27. And under the First  
16 Amendment.

17 The press, as your Honor is aware, has a right  
18 of access under the First Amendment as a surrogate of  
19 the public --

20 THE COURT: Let me just stop you for a minute.  
21 I'd like you to answer my specific question.

22 So I am not particularly convinced -- and I'd  
23 like for you to address that. So we're not going to  
24 dive into facts or the press's standing because  
25 that's not something we're here to discuss today.

1 And I have read the voluminous paperwork --  
2 I've received paperwork as -- and -- five-minute ago  
3 from some of the other parties. But I deeply  
4 appreciate the fact that you sent this to me so much  
5 in advance and I have been able to spend some time  
6 with, as I said, the voluminous paperwork that was  
7 provided.

8 But as you know, Ma'am, we are here for such an  
9 extremely limited issue today, and that their motion  
10 to dismiss where they state "you're suing the wrong  
11 people"; that the court has these records.

12 And so, more importantly, I want you to address  
13 whether Section 905.27 gives you a private cause of  
14 action against the state attorney and the clerk.

15 Again, I'm going to assume the facts are true  
16 that are asserted in the motion. Whether they are or  
17 not -- because I think we can all agree we're not for  
18 sure if they ever -- that the state attorney doesn't  
19 have these records. So what is it you're seeking in  
20 Count II -- not the dec action. I know you want the  
21 records. I've got that. But in Count II,  
22 specifically, what do you -- what's the relief you're  
23 seeking and, more importantly, how under this statute  
24 do you get to assert a private action -- a private  
25 cause of action against the state attorney and the

1 clerk?

2 MS. BOYAGIAN: Your Honor, we are aware, of  
3 course, that there is no expressed private right of  
4 action, 905.27. But that does not end the inquiry.

5 As the Florida Supreme Court stated:

6 "Where a statute like 905.27  
7 forbids an act which is to Plaintiff's  
8 injury, the party injured should have  
9 an action."

10 And that's the Smith Piezo case in the volume  
11 of materials that we sent you.

12 There's no question here that the denial of the  
13 FIRST AMENDMENT right to the press is an injury which  
14 gives rise to a right of action.

15 Stated another way, looking at the analysis  
16 that the Fischer Metcalf Court looked at, there are  
17 three factors in determining whether there is a  
18 private right of action where a statute does not  
19 expressly provide for one.

20 One is whether the Plaintiff is part of the  
21 class for which the statute is intended to protect;  
22 second is a legislative history; and the third is the  
23 underlying purposes of the statutory scheme.

24 The first factor I already addressed, that the  
25 press is part of the class that the statute is

1 intended to benefit, being the surrogate of the  
2 public and exercising its first amendment right.

3 The second issue of legislative history and the  
4 purpose -- statutory purpose are somewhat related.  
5 We were unable to find much legislative history on  
6 this issue of a private right of action under the  
7 statute.

8 There is nothing that says we intend to create  
9 a private action, but there's certainly nothing that  
10 says we do not want to create a private right of  
11 action.

12 What we do have is that in 1994, the same time  
13 that 905.27 was reenacted, a statute that pertains to  
14 the secrecy of State Grand Jury -- statewide grand  
15 juries was also enacted. That provision, which is  
16 905.395, has no exceptions for -- for revealing these  
17 records. By contrast, the legislature intentionally  
18 enacted 905.27 with the Furtherance of Justice  
19 Exception.

20 If the public through the press can't bring a  
21 private right of action to enforce that exception or  
22 to seek relief under that exception, that  
23 intentionally placed exception of furthering justice  
24 is essentially rendered hollow --

25 (Speaking simultaneously.)

1 THE COURT: Okay. Pause for a minute.

2 I don't think anybody is saying that there  
3 isn't a cause of action or that the press doesn't  
4 have standing. That's not what I'm asking you. I'm  
5 asking you, how are the clerk and the state attorney  
6 the proper defendants?

7 So, you know, nowhere have I said there isn't a  
8 cause of action. Clearly there is. I'm puzzled by  
9 the procedural posturing of this case naming the  
10 state attorney.

11 And, you know, I'm further stymied by the fact  
12 that you allege in your complaint that they have --  
13 particularly David Aronberg the State Attorney --  
14 that he has these records.

15 But I'm going to assume that's true. So I'm  
16 not telling you, you don't have a cause of action.  
17 I'm just saying, okay, let's run this all the way  
18 out. Let's say you win and you get a judgment  
19 against the State Attorney Dave Aronberg.

20 What's he supposed to do with it? He can't  
21 release the grand jury testimony. He has no  
22 authority whatsoever to do that.

23 MS. BOYAGIAN: Well, your Honor, as you stated,  
24 this is a motion to dismiss stage, and we are  
25 entitled to discovery on the issue of possession,

1 custody, and control. My understanding is that the  
2 state attorney has asserted that he does not have  
3 possession. It's not my understanding that the clerk  
4 has taken that position. So the clerk may indeed be  
5 the -- someone who does have possession, custody, and  
6 control.

7 In any event, we would submit that the state  
8 attorney, even it does not have actual possession at  
9 this time, it might be able to have the power to  
10 control or direct the entity or persons who do have  
11 control and possession to release those -- to effect  
12 the judgment.

13 THE COURT: So let me ask you this: So the  
14 clerk is the keeper of the record. But even if you  
15 got a judgment against her -- let's say you asserted  
16 this cause of action and let's say you win and you  
17 get a judgment against the clerk. The clerk cannot  
18 release grand jury testimony to you. Only the court  
19 can.

20 So really -- all I'm saying to you is I do not  
21 understand the way this case was filed or why these  
22 are the defendants because it's impossible for them  
23 to perform.

24 I mean, I'm going to assume, based on your  
25 motion, again, that they do have the records. But we

1 all know -- everyone in the room knows they do not --  
2 that only the court -- they're -- they're with a  
3 court interpreting. And only the court can release  
4 the records.

5 So if you get a judgment against either the  
6 state attorney or the clerk, they cannot -- I mean, I  
7 guess what you're saying to me is, well, we want to  
8 do discovery and we want them to say unequivocally "I  
9 have these records" or "I don't have them."

10 And -- I mean, the law is abundantly clear.  
11 You cannot do it without a court determining whether,  
12 in the furtherance of justice, the release is  
13 appropriate.

14 MS. BOYAGIAN: And that is a determination  
15 we're asking your Honor to make, and we're asking for  
16 an order from your court.

17 THE COURT: When we get to the merits of the  
18 case, sure it is. But, again, you're asking me to  
19 make that determination and for me to make a  
20 determination of whether the grand jury records  
21 should be released. And the only thing we're here  
22 today about is why should the clerk and the state  
23 attorney have to defend a civil action when it's a  
24 possibility of performance? They -- even if you were  
25 to win and get a judgment against them, they cannot



1 give you what they don't have.

2 So -- I mean, it's as simply as this: Are  
3 you -- you just want to engage in some discovery for  
4 them to absolutely assert, particularly, the state  
5 attorney, "I don't have these records"; look to the  
6 rules that say the moment the grand jury's over,  
7 they're sealed and they're turned over and they  
8 cannot be released without court order?

9 So I'm not addressing the merits or whether you  
10 have an exception or you're able to argue that  
11 there's an exception in the furtherance of justice.  
12 We're not getting there today. I'm simply saying why  
13 should these two entities have to defend this lawsuit  
14 when even down the road if they win they can't give  
15 you what they don't have?

16 MS. BOYAGIAN: As your Honor stated, I'm not  
17 sure that's the case with the clerk. That was not in  
18 their -- that issue was not stated in their papers.

19 THE COURT: Let me ask you this, then: Do you  
20 think, if you got a judgment and I or the court  
21 doesn't make the determination that the grand jury  
22 records should be released, that the clerk would be  
23 able to perform?

24 Would they be able to say "here you go"? I  
25 mean, could the clerk just make that unilateral

1 decision "I'm going to release the records, sealed  
2 confidential records"?

3 Does she have any authority to do that?

4 MS. BOYAGIAN: My understanding, your Honor, is  
5 that 905.27 requires a court order before the records  
6 are unsealed.

7 THE COURT: Exactly. Exactly.

8 All right. Let me hear from Mr. Aronberg's  
9 attorney, Mr. Wyler.

10 MR. WYLER: Thank you, your Honor. May it  
11 please the Court --

12 THE COURT: Good morning, Sir.

13 MR. WYLER: Good morning.

14 Your Honor, I just wanted to let you know that  
15 I spoke with counsel for the clerk, Ms. Fingerhut, a  
16 couple of days before this hearing, and we decided  
17 that I would just make the presentation for both of  
18 of us, being that our arguments overlap except for  
19 the fact of who this claim -- whether they have the  
20 records or not, which, of course, we've said we don't  
21 have custody of the records.

22 But, nonetheless, our arguments overlap. The  
23 Plaintiff is attempting to assert a cause of action  
24 under Section 905.27. That statute settled testimony  
25 not to be disclosed exceptions. So it's just

1 explaining exceptions to the disclosure of the grand  
2 jury testimony.

3 Our position is that it doesn't set forth a  
4 cause of action and that it's impossible for us to  
5 perform what they're asking.

6 I know you said you didn't really want to get  
7 into the Furthering Justice Exception, but I know  
8 that's what they're using as their basis to get to  
9 these. But it's our position that the clear  
10 unambiguous statutory language, it shows that this  
11 disclosure only applies to a civil or criminal case,  
12 and that within that civil or criminal --

13 (Speaking simultaneously.)

14 THE COURT: Again, sir -- I'm sorry. As I told  
15 Plaintiff's counsel --

16 MR. WYLER: -- can only be used in the defense  
17 for --

18 THE COURT: Okay. We're not there. We're not  
19 discussing the merits of the case, and -- I'm not  
20 ready to cross that bridge. I'm here for a very,  
21 very limited hearing today.

22 So just as I stopped Plaintiff's counsel from  
23 arguing the merits of the case and whether or not the  
24 Furtherance of Justice Exception will apply in this  
25 instance, we're not even there yet.

1 I'm only here for the purpose of determining  
2 whether or not the clerk and state attorney should be  
3 dismissed. And I am bound by the four corners of the  
4 document, which assert that you do have control and  
5 custody over it.

6 So if you'll fashion your argument with regard  
7 to that limited purpose, I would appreciate it.

8 MR. WYLER: No problem, your Honor. I  
9 apologize.

10 Within the four corners of their complaint, our  
11 position is that they failed to state a cause of  
12 action under 905.27. It does not provide for -- it  
13 doesn't list that there's no element that they have  
14 adequately pled to assert a cause of action under  
15 that. There's -- and the only thing they're asking  
16 for is records that we don't have.

17 There's really not much more to it, your Honor.  
18 And we would ask that you would grant our motion to  
19 dismiss for failure to state a cause of action.

20 THE COURT: Okay. Ms. Fingerhut, are you still  
21 on the phone?

22 MS. FINGERHUT: Yes, your Honor.

23 THE COURT: Is there anything you wish to add?

24 MS. FINGERHUT: We agree with the state  
25

1 attorney's position, and we also agree with what the  
2 Court has said, that the plain language of the  
3 statute, a cause of action doesn't exist. And we  
4 really cannot -- we'll be defending something without  
5 the four corners. We're simply involved in this  
6 action because the clerk is the custodian of the  
7 records.

8 THE COURT: Okay. Thank you, Ma'am.

9 Ms. Boyagian, back to you.

10 MS. BOYAGIAN: Your Honor, I'd like to note  
11 that in the Butterworth case in which the Supreme  
12 Court limited the application 905.27 by saying that a  
13 witness can reveal her own testimony and prohibiting  
14 that they violate the First Amendment --

15 THE COURT: Say that again, please.

16 MS. BOYAGIAN: In the Supreme Court case, the  
17 Butterworth case, in which the Supreme Court ruled  
18 that 905.27 can't restrict a Grand Jury witness from  
19 revealing her own testimony, that would be a  
20 violation of First Amendment, in that case, the state  
21 attorney was, in fact, a party.

22 THE COURT: Well, I assume the state attorney  
23 that was present -- I mean, I don't find that that's  
24 close to what we're talking about here, and that's  
25 whether or not -- I mean, as we know, this was in

1 2006. Certainly Dave Aronberg wasn't even the state  
2 attorney then. But this is about the release of  
3 records.

4 I want to give you ample opportunity -- and  
5 again, I sincerely appreciate that all of the case  
6 law and the way that it was presented to the Court in  
7 such a timely fashion. I really do. And I did spend  
8 some time with it. But I want to give you whatever  
9 opportunity you want to take to convince me that it  
10 is in -- as to Count 2, again. Not the dec action --  
11 whether these would be the appropriate defendants.

12 And, you know, really, I want you to boil it  
13 down for me as to this -- let's take it all the way  
14 down the road. You win. You get a judgment against  
15 the clerk and the state attorney.

16 I know there's other reasons why you might have  
17 filed it this way. But I'm just simply puzzled  
18 because I do hear what the clerk and the state  
19 attorney are saying, and that is, performance is  
20 impossible. They don't have the records and  
21 cannot -- absolutely. There's not even an inch of  
22 wiggle room -- that they could release the records  
23 even if you got a judgment. It is solely a  
24 determination for the court.

25 I, frankly, think, you know, there's ways to

1 get to your records. There's ways to get  
2 confidential records. But it isn't by suing the  
3 state attorney and the clerk.

4 So I just want to hear your last final argument  
5 on how Count II, the appropriate defendants are the  
6 clerk and the state attorney. Even assuming arguendo  
7 they have the records -- we know they don't -- you  
8 were to get a judgment against them, how would you  
9 expect them to perform?

10 MS. BOYAGIAN: Two points, your Honor: One is  
11 that, again, the clerk did not assert in her papers  
12 that she does not have control. That is a position  
13 that the State Attorney's Office has asserted. It is  
14 our allegation, and as your Honor noted, allegations  
15 must be accepted as true -- as true at this stage of  
16 the proceedings.

17 Second, it is also our understanding that the  
18 state attorney and the clerk intend to block access  
19 to these records. So our allegation is that they do  
20 have possession, custody, or control, which the clerk  
21 has not denied; and second, that they are trying to  
22 block access to the records --

23 THE COURT: What do you mean? What do you  
24 mean? They're not trying to block it. They're  
25 saying that despite the fact -- let's just talk about

1 the clerk, because we all know the state attorney  
2 doesn't have it.

3 So the clerk is the custodian of records.  
4 That's her main job. There's no doubt about it. We  
5 all know that. But we also know, unequivocally --  
6 unequivocally, only the court can make the  
7 determination of whether the moving party has  
8 satisfied that there is an exception that these  
9 should be released.

10 So, again, I ask you -- she is, in fact, the  
11 custodian of the records -- is it your opinion that  
12 if you got a judgment saying clerk and comptroller  
13 gets a judgment against them, that she can release  
14 the records without the court -- without the court  
15 weighing in, without the court making that  
16 determination as required by law?

17 MS. BOYAGIAN: No, your Honor. We are asking  
18 your Honor to order the clerk to do that under your  
19 discretion.

20 THE COURT: All right.

21 Mr. -- Ms. Fingerhut, you wish to be heard on  
22 that?

23 MS. FINGERHUT: Your Honor, our position is  
24 that we're not trying to block access to the  
25 records --



(Speaking simultaneously.)

THE COURT: Can you hear? Can the attorneys hear?

MS. FINGERHUT: -- custodian the records and that he cannot release the records without court --

THE COURT: Exactly.

Okay. All right. Anything further, Mr. Wyler?

MR. WYLER: No, your Honor. I concur with the attorneys for the clerk's office that it's impossible for us to release these records. There's no intent to hide them or block anything from the Plaintiff.

THE COURT: Okay. Anything further, Ms. Fingerhut?

MS. FINGERHUT: No, your Honor.

THE COURT: And, Ms. Boyagian, anything further, Ma'am?

MS. BOYAGIAN: Nothing further, your Honor.

THE COURT: Okay. I will get an order out quickly. Thank you, folks so much. And I'll see you on the next round. Thanks a lot.

MS. BOYAGIAN: Thank you, your Honor.

MR. WYLER: Thank you, your Honor.

(The proceedings concluded at 10:28 a.m.)

CERTIFICATE OF REPORTER

I, Sonja M. Reed, Court Reporter, certify that  
I was authorized to and did stenographically report the  
foregoing proceedings and that the transcript, pages 1  
through 19, is a true and complete record of my  
stenographic notes.

Dated this 3rd day of June, 2020.



Sonja M. Reed  
Court Reporter

**Def.Ex.A-7**

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

CIRCUIT CIVIL DIVISION AG  
CASE NO. 50-2019-CA-014681-XXXX-MB

CA FLORIDA HOLDINGS LLC PUBLISHER OF THE PALM BEACH POST,

Plaintiff/Petitioner

vs.

DAVE ARONBERG,

SHARON R BOCK,

Defendant/Respondents.

---

**ORDER GRANTING DEFENDANTS MOTIONS TO DISMISS COUNT II OF  
PLAINTIFF'S FIRST AMENDED COMPLAINT WITH PREJUDICE**

**THIS CAUSE** came before the Court on Dave Aronberg, as State Attorney of Palm Beach County's ("State Attorney") and Sharon R. Bock, as Clerk & Comptroller of Palm Beach County's, ("Clerk") respective Motions to Dismiss Count II of CA Florida Holdings, LLC, Publisher of the Palm Beach Post's ("The Post") First Amended Complaint (DE## 22, 24). This case is assigned to Division AG, which is currently presided over by the Honorable Donald Hafele. However, the undersigned, as Chief Judge of the Fifteenth Judicial Circuit, presided over the June 3, 2020 hearing on the State Attorney and Clerk's Motions as the Motions implicate records of the Palm Beach County grand jury, over which the Chief Judge presides. *See* § 905.01, Fla. Stat. (2019). After careful consideration of the pleadings and the arguments presented at the hearing, the Court grants the Motions for the following reasons.

**Background**

The Post is a media outlet which has heavily reported on the 2006 Palm Beach County criminal prosecution of Jeffrey Epstein. Through the instant civil lawsuit, The Post seeks "immediate access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury" in Mr. Epstein's case and alleges that both the State Attorney and Clerk are "in possession and/or control of [those] documents." (DE # 17, First Amended Complaint at ¶¶ 3, 4, and 77). Specifically, The Post seeks declaratory judgment as to its rights to obtain the grand jury testimony in Mr. Epstein's case from the State Attorney and Clerk (Count I) as well as

judgment against the State Attorney and the Clerk pursuant to section 905.27, Florida Statutes, which sets forth the parameters of grand jury secrecy in Florida. (Count II). Both the State Attorney and the Clerk move to dismiss Count II of The Post's First Amended Complaint, arguing that that section 905.27 does not create a private cause of action. (DE## 22, 24). The Court agrees.

### Analysis

"In reviewing a motion to dismiss for failure to state a cause of action, the court must accept the allegations of the complaint as true and construe them in the light most favorable to the plaintiff." *Almarante v. Art Institute of Fort Lauderdale, Inc.*, 921 So. 2d 703, 704-05 (Fla. 4th DCA 2006). The motion should only be granted if the moving party demonstrates that the plaintiff cannot provide any facts that would support a cause of action. *Id.* It follows that if the cause of action alleged is nonexistent under Florida law, dismissal is warranted. *Cummings v. Dawson*, 444 So. 2d 565, 566 (Fla. 1st DCA 1984) (affirming dismissal of cause of action not recognized by Florida law).

Section 905.27, Florida Statutes (2019), is titled "Testimony not to be disclosed, exceptions," and states:

- (1) A grand juror, state attorney, assistant state attorney, reporter, stenographer, interpreter, or any other person appearing before the grand jury shall not disclose the testimony of a witness examined before the grand jury or other evidence received by it except when required by a court to disclose the testimony for the purpose of:
  - a. Ascertaining whether it is consistent with the testimony given by the witness before the court;
  - b. Determining whether the witness is guilty of perjury; or
  - c. Furthering justice.
- (2) It is unlawful for any person knowingly to publish, broadcast, disclose, divulge, or communicate to any other person, or knowingly to cause or permit to be published, broadcast, disclosed, divulged, or communicated to any other person, in any manner whatsoever, any testimony of a witness examined before the grand jury, or the content, gist, or import thereof, except when such testimony is or has been disclosed in a court proceeding. When a court orders the disclosure of such testimony pursuant to subsection (1) for use in a criminal case, it may be disclosed to the prosecuting attorney of the court in which such criminal case is pending, and by the prosecuting attorney to his or her assistants, legal associates, and employees, and to the defendant and the defendant's

attorney, and by the latter to his or her legal associates and employees. When such disclosure is ordered by a court pursuant to subsection (1) for use in a civil case, it may be disclosed to all parties to the case and to their attorneys and by the latter to their legal associates and employees. However, the grand jury testimony afforded such persons by the court can only be used in the defense or prosecution of the civil or criminal case and for no other purpose whatsoever.

(3) Nothing in this section shall affect the attorney-client relationship. A client shall have the right to communicate to his or her attorney any testimony given by the client to the grand jury, any matters involving the client discussed in the client's presence before the grand jury, and any evidence involving the client received by or proffered to the grand jury in the client's presence.

(4) Persons convicted of violating this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.083, or by fine not exceeding \$5,000, or both.

(5) A violation of this section shall constitute criminal contempt of court.

§ 905.27, Fla. Stat. (2019).

As the State Attorney and Clerk argue and The Post concedes, section 905.27 makes no express provision for a civil suit or civil liability. Nonetheless, The Post maintains that it is entitled to seek the grand jury records via a private cause of action pursuant to the “furthering justice” exception to grand jury secrecy contained in subsection 905.27(1)(c). Therefore, the limited question for this Court’s consideration is whether a cause of action under section 905.27 should be judicially implied. *See Murthy v. N. Sinha Corp.*, 644 So. 2d 983, 985 (Fla. 1994).

In advocating that it may maintain a cause of action against the State Attorney and Clerk under section 905.27, The Post urges the Court to examine three factors “(1) whether the plaintiff is one of the class for whose special benefit the statute was enacted; (2) whether there is any indication, either explicit or implicit, of a legislative intent to create or deny such a remedy; and (3) whether judicial implication is consistent with the underlying purposes of the legislative scheme.” (Plaintiff’s Opposition to Defendant, Dave Aronberg, As State Attorney of Palm Beach County, Florida’s Motion to Dismiss Count II of the First Amended Complaint at page 13 (citing *Fischer v. Metcalf*, 543 So. 2d 785 (Fla. 3d DCA 1989))). Within these three factors, The Post recognizes that there is no indication of legislative intent to create a cause of action, but leans heavily on the benefit factor, arguing that the “furthering justice” exception to

grand jury secrecy outlined in section 905.27(1)(c) was meant to benefit the public at large, for which the press acts as a surrogate. The Post's arguments are unpersuasive as to the discrete issue of whether a private cause of action lies in section 905.27.

To begin with, The Post's reliance on the benefit factor is misplaced. Per the Florida Supreme Court's 1994 opinion in *Murthy*, "the question of whether a statute establishes a duty to take precautions to protect or benefit a particular class of persons is no longer determinative on the question of whether a cause of action should be recognized." *Sorenson v. Prof'l Compounding Pharmacists of W. Pa., Inc.*, 191 So. 3d 929 (Fla. 2d DCA 2016) (citing *Murthy*, 644 So. 2d at 985). Instead, "whether a statutory cause of action should be judicially implied is a question of legislative intent." *Horowitz v. Plantation Gen. Hosp. Ltd. P'ship*, 959 So. 2d 176, 182 (Fla. 2007). See also *QBE Ins. Corp. v. Chalfonte Condo. Apartment Ass'n, Inc.*, 94 So. 3d 541, 551 (Fla. 2012) ("Since *Murthy*, we have reaffirmed the principle that whether a statutory cause of action should be judicially implied is a question of legislative intent."); *Universal Prop. & Cas. Ins. Co. v. Loftus*, 276 So. 3d 849, 851 (Fla. 4th DCA 2019).

As is always the case when a court undertakes a legislative intent analysis, the plain language of the statute is the starting, and often ending, point. See *Horowitz*, 959 So. 2d at 182. "When the statute is clear and unambiguous, courts will not look behind the statute's plain language for legislative intent or resort to rules of statutory construction to ascertain intent." *Loftus*, 276 So. 3d at 851 (Fla. 4th DCA 2019) (quoting *Daniels v. Fla. Dep't of Health*, 898 So. 2d 61, 64 (Fla. 2005)). "However, a single part of a statute should not be read in isolation." *Id.* "Instead, 'all parts of a statute must be read together in order to achieve a consistent whole.'" *Id.* (quoting *Forsythe v. Longboat Key Beach Erosion Control Dist.*, 604 So. 2d 452, 455 (Fla. 1992)).

As The Post acknowledges, "there is a dearth of legislative history surrounding Section 905.27 and the *The Palm Beach Post* was unable to locate any documents capturing any legislative intent regarding the possibility of a private right of action." (Plaintiff's Opposition to Defendant, Dave Aronberg, As State Attorney of Palm Beach County, Florida's Motion to Dismiss Count II of the First Amended Complaint at page 14). While the lack of any legislative

history indicating an intent to create a private right of action is telling, it is not dispositive as the plain language of the section 905.27 is clear and unambiguous and, therefore, controls. *Horowitz*, 959 So. 2d at 182.

Examining the plain language of section 905.27 in its entirety, which requires the Court to look at more than just the “furthering justice” provision of section 905.27(1)(c) relied on by The Post, it is clear that the intent of the Legislature in passing section 905.27 was to limit, not facilitate, disclosure of grand jury records. In no uncertain terms, the Legislature provided that no “person appearing before the grand jury” may “disclose” testimony or evidence presented except when “required by a court” under certain limited circumstances. § 905.27(1), Fla. Stat. In solidifying that its intent was to prohibit disclosure without court permission, the Legislature provided that disclosure without a court order is a criminal offense. § 905.27(4), Fla. Stat. Therefore, to the extent section 905.27 could be read as imposing a duty on the State Attorney and Clerk, the duty imposed is one of secrecy, not disclosure.

In sum, there is nothing in the text of section 905.27 from which one can deduce that the Legislature contemplated a member of the media, or anyone else for that matter, having a private cause of action to compel the State Attorney and Clerk to disclose grand jury records. Indeed, to the contrary, section 905.27 prohibits the State Attorney and the Clerk (assuming that, as pleaded by The Post, they have the documents) from disclosing the documents without first being ordered to do so by the court.[1] Reading section 905.27 as creating a private cause of action against the State Attorney and Clerk is, therefore, not only unsupported by the language of section 905.27, but is actually paradoxical to its plain language of the statute. As such, this Court lacks the power to construe the unambiguous language of section 905.27 in a way that would extend its express terms and create a cause of action where none exists. “To do so would be an abrogation of legislative power.” *Horowitz*, 959 So. 2d 176, 182 (*quoting Holly v. Auld*, 450 So. 2d 217, 219 (Fla. 1984)).

### **Conclusion**

Based on the foregoing, the Court finds Count II of The Post’s First Amended Complaint must be dismissed with prejudice as it pursues a nonexistent cause of action under section



905.27. In arriving at this conclusion, the Court does not suggest The Post has no available mechanism to obtain a court order granting it access to the grand jury proceedings. The Court also does not render any opinion as to whether releasing these records is appropriate for the purpose of “furthering justice” within the meaning of section 905.27. Rather, the Court’s dismissal of Count II is necessitated by precedent and the simple fact that a civil lawsuit against the State Attorney and Clerk under section 905.27 is not the proper mechanism for The Post to pursue its goal.

Therefore, it is hereby

**ORDERED AND ADJUDGED** that Dave Aronberg, as State Attorney of Palm Beach County’s and Sharon R. Bock, as Clerk & Comptroller of Palm Beach County’s, respective Motions to Dismiss Count II of CA Florida Holdings, LLC, Publisher of the Palm Beach Post’s First Amended Complaint are **GRANTED** and Count II of Plaintiff’s first Amended Complaint is hereby **DISMISSED** with prejudice.

**DONE AND ORDERED**, in West Palm Beach, Palm Beach County, Florida this 8th day of June, 2020.

50-2019-CA-014681-XXXX-MB

06/08/2020

Krista Marx Chief Judge

50-2019-CA-014681-XXXX-MB

06/08/2020

Krista Marx  
Chief Judge

[1] The Court notes that, if there was a court order directing the State Attorney or the Clerk to disclose records and the State Attorney or the Clerk refused, the remedy for disobeying a court order is contempt or, in some instances, a mandamus proceedings – not a civil lawsuit.

**COPIES TO:**

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**Def.Ex.A-8**

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# JACOBS SCHOLZ & WYLER, LLC.

A LIMITED LIABILITY COMPANY OF PROFESSIONAL ASSOCIATIONS

THE LAW OFFICES OF  
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RICHARD J. SCHOLZ, P.A.  
RICHARD J. SCHOLZ

DOUGLAS A. WYLER, P.A.  
DOUGLAS A. WYLER

June 8, 2020

## VIA ELECTRONIC & U.S. MAIL

Stephen A. Mendelsohn, Esq.  
Greenburg Traurig, P.A.  
5100 Town Center Circle, Suite 400  
Boca Raton, FL 33486

**RE: CA Florida Holdings, LLC v. Dave Aronberg et al.  
Palm Beach County, Case No.: 2019-CA-014681**

Dear Mr. Mendelsohn:

As you are aware our firm represents the interests of Dave Aronberg, as State Attorney of Palm Beach County, Florida, in the above referenced matter. The purpose of this letter is to demand the voluntary dismissal of your First Amended Complaint, (the "Complaint"), dated January 17, 2020. This demand is made pursuant to section 57.105, Florida Statutes.

As you know, Section 57.105 provides:

- (1) Upon the court's initiative or motion of any party, the court shall award a reasonable attorney's fee, including prejudgment interest, to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense at any time during a civil proceeding or action in which the court finds that the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial:
  - a. Was not supported by the material facts necessary to establish the claim or defense; or
  - b. Would not be supported by the application of then-existing law to those material facts.

Today, Judge Marx granted, with prejudice, Defendant Aronberg's Motion to Dismiss Count II of the Plaintiff's Complaint. Pursuant to the Court's ruling, the Plaintiff's only remaining cause of action consists of Count I, for Declaratory Relief. Accordingly, we believe that the Complaint filed herein and its sole remaining Count for Declaratory Relief is not supported by the material facts necessary to establish the claims asserted, and that your claims are not supported by the application of current law to said material facts.

First and foremost, the Complaint is not supported by the material facts necessary to establish the claims asserted because neither Defendant Aronberg, nor The Office of the State Attorney for the Fifteenth Judicial Circuit is in custody or control of the 2006 grand jury materials sought therein. Simply put, the declaratory relief sought by the Plaintiff, seeks records from my client that are impossible for him or his office to produce. Accordingly, Defendant Aronberg is not a proper party to this action because no matter what, he and his office do not have possession, custody, or control of the requested materials.

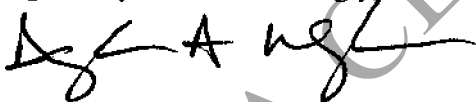
In addition to the foregoing material facts that negate the claims asserted in the Complaint, your claims are also not supported by the application of current law. Specifically, your action for declaratory relief fails based on the clear, unambiguous statutory language found in Section 905.27(2), Florida Statutes, which states:

When such disclosure is ordered by a court pursuant to subsection (1) for use in a civil case, it may be disclosed to all parties to the case and to their attorneys and by the latter to their legal associates and employees. However, the grand jury testimony afforded such persons by the court can only be used in the defense or prosecution of the civil or criminal case and for no other purpose whatsoever.

Moreover, even if the Plaintiff were to prevail in the declaratory action, Mr. Aronberg would be unable to comply with any court order granting disclosure of the requested documents because neither Mr. Aronberg nor The Office of the State Attorney for the Fifteenth Judicial Circuit have possession, custody, or control of the 2006 Epstein grand jury records.

Based on the foregoing, if the Complaint is not dismissed within 21 days of the service of this letter, the enclosed Motion for Attorney's Fees will be filed and we will seek as sanctions, from your client and your firm, recovery of the legal expenses incurred in defending this frivolous action.

Please govern yourself accordingly.



Douglas A. Wyler, Esq.  
For the Firm

Encl.: Defendant's Motion for Attorneys' Fees

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

---

**DEFENDANT, DAVE ARONBERG'S MOTION FOR ATTORNEYS' FEES**

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, by and through the undersigned attorneys, moves the Court, pursuant to Florida Statutes, Section 57.105, to award him reasonable attorneys' fees for the defense of Plaintiff's First Amended Complaint, (the "Complaint"), and as grounds therefor, would show that on June 8, 2020, Plaintiff was served a copy of this Motion, together with a letter from the undersigned attorney, in accordance with subsection (4) of the above Statute, demanding dismissal of the Complaint, at least 21 days prior to the filing of this Motion. In said letter, Defendant's attorney advised Plaintiff of the facts which establish that the Complaint is without support of the facts or the law.

WHEREFORE, Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, respectfully requests the Court enter an Order requiring Plaintiff and Plaintiff's attorneys to pay said Defendant's attorneys' fees incurred herein after service of this Motion.

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_ day \_\_\_\_, 2020, the foregoing was electronically filed via the Florida E-File Portal for electronic service on the parties of record herein.

**JACOBS SCHOLZ & WYLER, LLC**

*/s/ Douglas A. Wyler*

---

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*Attorneys for Defendant*

**Def.Ex.A-9**

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June 23, 2020

Douglas A. Wyler  
Jacob Scholz & Wyler, LLC  
961687 Gateway Blvd.  
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Fernandina Beach, Fl. 32034

Re: *CA Florida Holdings, LLC v. Dave Aronberg et al.*  
Case No. 2019-CA-014681

Dear Mr. Wyler:

We are in receipt of your letter of June 8, 2020 with your proposed Fla. Stat. section 57.105 motion. In your letter and your proposed motion, you assert that CA Florida Holdings, LLC and the law firm of Greenberg Traurig, P.A. should be liable for the attorneys' fees to be incurred by State Attorney Aronberg after the date of your letter. Your letter cites to Fla. Stat. sections 57.105(1) (a) and (b) for support. As shown below, there is no basis for a Fla. Stat. section 57.105 motion, and we expect that if the State Attorney were to make such a motion, the court should deny it.

Your letter omits a citation to section 57.105(3). Subsection 57.105(3)(a) provides that sanctions may not be awarded where there is a "good faith argument for the extension, modification or reversal of existing law or the establishment of new law, as it is applied to the material facts, with a reasonable expectation of success." We have such a good faith argument.

Contrary to your analysis of Fla. Stat. section 905.27, there are actually three instances where a court may order the release of grand jury materials. As we argue, the court may order release "in furtherance of justice." There are few cases in Florida reviewing this provision and its scope. It is an open and valid question as to whether the court may order release of grand jury transcripts to the media, under both the statute and the First Amendment to the US Constitution in furtherance of justice. The statutory language you cite refers to instances where a person is seeking grand jury materials for use in a civil or in a criminal case. In these limited situations, the statute allows for such uses and for no other reason. However, the statute does not state, as you assert, that where the media seeks grand jury materials based upon its constitutional standing, which the Circuit Court acknowledged at the June 2, 2020 hearing includes The Palm Beach Post, that the statutory

**Greenberg Traurig, P.A. | Attorneys at Law**

5100 Town Center Circle | Suite 400 | Boca Raton, Florida 33486 | T +1 561.955.7600 | F +1 561.338.7099

Albany. Amsterdam. Atlanta. Austin. Berlin. Boca Raton. Boston. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Houston. Las Vegas. London. Los Angeles. Mexico City. Miami. Milan. Minneapolis. Nashville. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Sacramento. San Francisco. Seoul. Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv. Tokyo. Warsaw. Washington, D.C. West Palm Beach. Westchester County.

Operates as: \*Greenberg Traurig Germany, LLP; \*A separate UK registered legal entity; \*Greenberg Traurig, S.C.; \*Greenberg Traurig Santa Maria; \*Greenberg Traurig LLP Foreign Legal Consultant Office; \*A branch of Greenberg Traurig, P.A., Florida, USA; \*GT Tokyo Honbu Junsho; \*Greenberg Traurig Grzesiek sp.k.

use limitation you cite applies. No reported Florida case has addressed this issue and there is a good faith basis for our view of Fla. Stat. section 905.27

Your letter also argues that sanctions are applicable because the State Attorney has alleged that it does not possess the Jeffrey Epstein grand jury transcripts. This allegation is also contained in the State Attorney's Answer. Assuming that the State Attorney does not currently have physical possession of the Epstein grand jury materials, which has yet to be demonstrated, this does not end the matter. The State Attorney was named as a party not simply as a custodian of grand jury records. The State Attorney was named in his official capacity as his office has "as its *primary* interest the protection of its grand jury system." [Italics in original.] In re Grand Jury Proceedings, 832 F. 3d 554, 559 (11<sup>th</sup> Circuit 1987). In that case, the US petitioned a state judge to order the State Attorney to turn over grand jury transcripts. The State Attorney argued against their release citing to Fla. Stat. section 905.27. Later, a federal grand jury subpoenaed the Broward County State Attorney for delivery of state grand jury testimony. The Broward State Attorney advised the federal court that it would produce the transcripts, thereby demonstrating that while it may not have physical possession of the materials, he had legal authority to obtain and deliver them. It should also be noted that the State Attorney moved to quash the subpoena arguing that it was unlawful under Florida law and Fla. Stat. section 905.27. This case indicates that where one seeks grand jury materials, the relevant State Attorney is a necessary party in order to protect the grand jury that the Office of State Attorney supervised and to make arguments, if need be, against release of the grand jury materials. These are some of the same reasons why the State Attorney was named in this case.

Also, assuming the State Attorney does not have physical possession of the grand jury materials, there is nothing in Florida law that prohibits the State Attorney from requesting that the Clerk provide copies to the State Attorney. Chapter 905, Fla. Stats. does not contain a prohibition against a State Attorney demand that the Clerk grant his office access to grand jury materials, even after a criminal case has concluded. Upon information and belief, the Clerk's office maintains a log that tracks release of grand jury materials to the State Attorney upon its request. Please confirm whether the State Attorney has accessed grand jury materials from the Clerk's office in other instances or that it has never done so. If the Clerk has such a log, then its contents should be discoverable, or subject to Florida Public records laws.

Correspondence to Douglas A. Wyler  
June 23, 2020  
Page 3

For these reasons, we decline your Fla. Stat. section 57.105 demand that the case be dismissed against the Office of the State Attorney. We expect that your demand will be withdrawn.

Thank you,

Very truly yours,

*/s/Stephen Mendelsohn*

Stephen Mendelsohn

SAM:ls

ACTIVE 51081659v1

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**Def.Ex.A-10**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

---

**DEFENDANT, DAVE ARONBERG'S MOTION FOR ATTORNEYS' FEES**

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, by and through the undersigned attorneys, moves the Court, pursuant to Florida Statutes, Section 57.105, to award him reasonable attorneys' fees for the defense of Plaintiff's First Amended Complaint, (the "Complaint"), and as grounds therefor, would show that on June 8, 2020, Plaintiff was served a copy of this Motion, together with a letter from the undersigned attorney, in accordance with subsection (4) of the above Statute, demanding dismissal of the Complaint, at least 21 days prior to the filing of this Motion. In said letter, Defendant's attorney advised Plaintiff of the facts which establish that the Complaint is without support of the facts or the law.

WHEREFORE, Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, respectfully requests the Court enter an Order requiring Plaintiff and Plaintiff's attorneys to pay said Defendant's attorneys' fees incurred herein after service of this Motion.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day July, 2020, the foregoing was electronically filed via the Florida E-File Portal for electronic service on the parties of record herein.

**JACOBS SCHOLZ & WYLER, LLC**

*/s/ Douglas A. Wyler*

---

Arthur I. Jacobs, Esquire  
Fla. Bar No.: 108249  
Richard J. Scholz, Esquire  
Fla. Bar No.: 0021261  
Douglas A. Wyler, Esquire  
Fla. Bar No.: 119979  
961687 Gateway Blvd., Suite 201-I  
Fernandina Beach, Florida 32034  
(904) 261-3693  
(904) 261-7879  
jacobsscholzlaw@comcast.net

*Attorneys for Defendant, Dave Aronberg*

**Def.Ex.A-11**

NOT A CERTIFIED COPY

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

---

**DEFENDANT DAVE ARONBERG'S MOTION FOR SUMMARY FINAL JUDGMENT  
AND MEMORANDUM OF LAW IN SUPPORT THEREOF**

Defendant DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, (hereinafter "Aronberg"), by and through counsel below and pursuant to Rule 1.510 Florida Rules of Civil Procedure, moves for entry of summary final judgment in his favor as to the remaining claim for Declaratory Relief in Plaintiff's First Amended Complaint<sup>1</sup>, and in support thereof states as follows:

**STATEMENT OF THE UNDISPUTED FACTS**

The following is a statement of facts material to this motion for summary judgment as to which there is no genuine issue:

1. Count I of Plaintiff's First Amended Complaint, (hereinafter "Complaint"), filed January 17, 2020, seeks Declaratory Relief pursuant to Section 86.011, Florida Statutes.

2. Specifically, Plaintiff's Count I seeks a court order "declaring that pursuant to Fla. Stat. Section 905.27(1)(c) and the Court's inherent authority, *The Palm Beach Post* may gain access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury" that

---

<sup>1</sup> On June 8, 2020, this Court entered its Order Granting Defendants Motion to Dismiss Count II of the Plaintiff's First Amended Complaint with Prejudice.



was empaneled during the first Jeffrey Epstein, (hereinafter “Epstein”), sex abuse investigation, (hereinafter “Requested Materials”). Complaint pg. 20

3. Plaintiff seeks to use the Requested Materials “for the purpose of informing the public.”

*Id.*

4. Plaintiff seeks the above-referenced declaratory relief, including copies of the Requested Materials, from both Aronberg, as State Attorney of Palm Beach County, Florida, and Defendant, Sharon R. Bock, as Clerk and Comptroller of Palm Beach County, Florida, (hereinafter the “Clerk”).

5. Neither Aronberg nor the Office of the State Attorney for the Fifteenth Judicial Circuit, (“SAO”), is in control, custody, or possession of the Requested Materials. Aronberg Aff. ¶ 3, attached as Exhibit “A”.

6. The declaratory relief sought by the Plaintiff seeks materials that are impossible for Aronberg or the SAO to produce. Exhibit “A” ¶ 4.

7. Neither Aronberg nor the SAO has the legal authority to obtain and/or deliver the Requested Materials. Exhibit “A” ¶ 5.

8. The undisputed facts set forth above in paragraphs 6-7 have been repeatedly made evident by Aronberg to the Plaintiff and the public through not only the pleadings and correspondence in this matter, but also through an office press release and Aronberg’s public social media accounts. Exhibit “A” ¶ 6.

9. Neither Aronberg nor the SAO has the authority to demand that the Clerk grant the SAO access to grand jury materials after a criminal case has concluded. Exhibit “A” ¶ 7.

10. During Aronberg’s administration, neither he nor his office has accessed grand jury materials from the Clerk’s office in this or any other instance. Exhibit “A” ¶ 8.

11. As provided in section 905.17(1), Florida Statutes (2020), the Clerk has sole custody and possession of the Requested Materials, which can only be released by the Clerk pursuant to an order of the Court. Exhibit “A” ¶ 9.

### **MEMORANDUM OF LAW**

#### **I. Legal Standard Governing Motions For Summary Judgment**

“The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file together with the affidavits, if any, show that there is no genuine issue of material fact and that the moving party is entitled to a judgment as a matter of law.” Rule 1.510, Fla. R. Civ. P. It is appropriate to resolve a declaratory action on summary judgment when, as here, the decree seeks a legal interpretation of a statute. *Rahimi v. Global Discoveries, Ltd., LLC*, 252 So. 3d 804 (Fla. 5th DCA 2018).

#### **II. The Requested Materials Can Only Be Released By The Clerk Pursuant To A Court Order**

Notably, neither Aronberg nor the SAO is in control, custody, or possession of the Requested Materials. Exhibit “A” ¶ 3. Nonetheless, pursuant to Section 905.27(1)(c), Florida Statutes and the Court’s inherent authority, Plaintiff seeks a court order declaring that Aronberg provide copies of the Requested Materials to *The Palm Beach Post* for the purpose of informing the public. Complaint pg. 20-21. Plaintiff is seeking declaratory relief alleging its entitlement to the Requested Materials pursuant to the “furthering justice” exception to grand jury secrecy. § 905.27, Fla. Stat. (2020).

Despite bringing its declaratory relief claim pursuant to Section 905.27, Florida Statutes, “a single part of a statute should not be read in isolation.” *Universal Prop. & Cas. Ins. Co. v. Loftus*, 276 So. 3d 849, 851 (Fla. 4th DCA 2019). “Instead, ‘all parts of a statute must be read together in order to achieve a consistent whole.’” *Id.* (quoting *Forsythe v. Longboat Key Beach Erosion Control Dist.*, 604 So. 2d 452, 455 (Fla. 1992)).

Section 905.17(1), Florida Statutes makes clear that grand jury records, like the Requested Materials in this matter, are to be maintained with the Clerk, and can only be released by the Clerk pursuant to a court order. To wit:

The stenographic records, notes, and transcriptions made by the court reporter or stenographer shall be filed with the clerk who shall keep them in a sealed container not subject to public inspection. *The notes, records, and transcriptions are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall be released by the clerk only on request by a grand jury for use by the grand jury or on order of the court pursuant to s. 905.27.*

Section 905.17(1), Florida Statutes (2020). (Emphasis added.)

Text, context, and purpose are the ordinary tools used for discerning statutory meaning, with the overarching principle being “that judges lack the power to construe an unambiguous statute in a way which would extend, modify, or limit its express terms or its reasonable and obvious implications. To do so would be an abrogation of legislative power.” *Id.* Here, the plain language of section 905.17 is clear and unambiguous and, therefore, controls. See *Horowitz v. Plantation Gen. Hosp. Ltd. P'ship*, 959 So. 2d 176, 182 (Fla. 2007).

Accordingly, based on the clear, unambiguous statutory language set forth in section 905.17(1), only the Clerk, not the State Attorney, may release grand jury materials pursuant to an order of the court. Thus, it is apparent that Aronberg and the SAO lack the legal authority to obtain and deliver the Requested Materials. Exhibit “A” ¶ 5. Likewise, the declaratory relief sought by the Plaintiff seeks materials that are impossible for Aronberg or the SAO to produce. Exhibit “A” ¶ 4. Again, the Clerk has sole custody and possession of the Requested Materials. These facts have been repeatedly made evident by Aronberg to the Plaintiff and the public through not only the pleadings and correspondence in this matter, but also through an office press release and Aronberg’s public social media accounts. Exhibit “A” ¶ 6.

Although the above-referenced statutory authority illuminates the fact that only the Clerk may release grand jury records like the Requested Materials herein, it remains significant to note that neither

Aronberg nor the SAO has the authority to demand that the Clerk grant the SAO access to grand jury materials after a criminal case has concluded. Exhibit "A" ¶ 7. Hence, during Aronberg's administration, neither he nor his office has accessed grand jury materials from the Clerk's office in this or any other instance. Exhibit "A" ¶ 8.

### **III. Conclusion**

The ultimate facts underlying the lawsuit are not in dispute. The Court is fully empowered to dispose of this matter based on application of the undisputed facts to the plain language of Section 905.17, Florida Statutes, which renders the Plaintiff's action for declaratory relief an impossibility for Aronberg to perform and that must be denied as a matter of law.

WHEREFORE, Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, respectfully requests that this motion be granted and that summary final judgment be entered in his favor consistent with this motion, and hereby respectfully requests that this Court dismiss the Complaint with prejudice and grant such other relief, including attorney's fees and costs, as this Court deems fit and proper under the circumstances.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18th day of August, 2020, a copy of the foregoing has been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

**JACOBS SCHOLZ & WYLER, LLC**

*/s/ Douglas A. Wyler*

---

Arthur I. Jacobs, Esq.  
Fla. Bar No.: 10249  
Richard J. Scholz, Esq.  
Fla. Bar No.: 0021261  
Douglas A. Wyler, Esq.  
Fla. Bar No.: 119979  
961687 Gateway Blvd., Suite 201-I  
Fernandina Beach, Florida 32034  
(904) 261-3693  
(904) 261-7879 Fax  
Primary: jacobsscholzlaw@comcast.net

*General Counsel for the Florida Prosecuting  
Attorney's Association*

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# **EXHIBIT “A”**

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**EXHIBIT “A”**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

---

**AFFIDAVIT OF DAVID ARONBERG**

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before me, the undersigned authority personally appeared **DAVID ARONBERG**, being first duly sworn, states:

1. My name is David (Dave) Aronberg, and I am the State Attorney for the Fifteenth Judicial Circuit/Palm Beach County, Florida, since 2013, and a Defendant in the above-captioned matter.
2. Plaintiff is seeking declaratory relief, pursuant to Fla. Stat. 905.21(1)(c) and the Court's inherent authority, allowing Plaintiff access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury, (the "Requested Materials"), and to use those materials for the purpose of informing the public.
3. Despite Plaintiff's above-described action for declaratory relief, neither myself nor the Office of the State Attorney for the Fifteenth Judicial Circuit, ("SAO"), is in control, custody, or possession of the Requested Materials.
4. As such, the declaratory relief sought by the Plaintiff seeks materials that are impossible for me or my office to produce.
5. To be clear, neither myself nor the SAO has the legal authority to obtain and deliver the Requested Materials.
6. I have repeatedly made these facts evident to the Plaintiff and the public through not only the pleadings and correspondence in this matter, but also through an office press release and my public social media accounts.

7. Despite the contentions of Plaintiff, neither myself nor the SAO has the authority to demand that the Clerk grant the SAO access to grand jury materials after a criminal case has concluded.

8. Moreover, during my administration, neither myself nor my office has accessed grand jury materials from the Clerk's office in this or any other instance.

9. As provided in section 905.17(1), Florida Statutes (2020), the Clerk has sole custody and possession of the Requested Materials, which can only be released by the Clerk pursuant to an order of the Court.

FURTHER AFFIANT SAYETH NAUGHT.

By:

DAVID ARONBERG

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Sworn to and subscribed before me this 30<sup>th</sup> day of July, 2020, by DAVID ARONBERG, who is personally known to me or has shown \_\_\_\_\_ as personal identification.

Notary Public

Notary's Stamp or Seal



LATOSHA LOWE-GOODIE  
Commission # GG 967813  
Expires May 28, 2024  
Banded Three Budget Notary Services



**Def.Ex.A-12**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

---

**AFFIDAVIT OF DAVID ARONBERG**

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before me, the undersigned authority personally appeared **DAVID ARONBERG**, being first duly sworn, states:

1. My name is David (Dave) Aronberg, and I am the State Attorney for the Fifteenth Judicial Circuit/Palm Beach County, Florida, since 2013, and a Defendant in the above-captioned matter.
2. Plaintiff is seeking declaratory relief, pursuant to Fla. Stat. 905.21(1)(c) and the Court's inherent authority, allowing Plaintiff access to the testimony, minutes, and other evidence presented in 2006 to the Palm Beach County grand jury, (the "Requested Materials"), and to use those materials for the purpose of informing the public.
3. Despite Plaintiff's above-described action for declaratory relief, neither myself nor the Office of the State Attorney for the Fifteenth Judicial Circuit, ("SAO"), is in control, custody, or possession of the Requested Materials.
4. As such, the declaratory relief sought by the Plaintiff seeks materials that are impossible for me or my office to produce.
5. To be clear, neither myself nor the SAO has the legal authority to obtain and deliver the Requested Materials.
6. I have repeatedly made these facts evident to the Plaintiff and the public through not only the pleadings and correspondence in this matter, but also through an office press release and my public social media accounts.

7. Despite the contentions of Plaintiff, neither myself nor the SAO has the authority to demand that the Clerk grant the SAO access to grand jury materials after a criminal case has concluded.

8. Moreover, during my administration, neither myself nor my office has accessed grand jury materials from the Clerk's office in this or any other instance.

9. As provided in section 905.17(1), Florida Statutes (2020), the Clerk has sole custody and possession of the Requested Materials, which can only be released by the Clerk pursuant to an order of the Court.

FURTHER AFFIANT SAYETH NAUGHT.

By:

DAVID ARONBERG

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Sworn to and subscribed before me this 30<sup>th</sup> day of July, 2020, by DAVID ARONBERG, who is personally known to me or has shown \_\_\_\_\_ as personal identification.

Notary Public

Notary's Stamp or Seal



LATOSHA LOWE-GOODIE  
Commission # GG 967813  
Expires May 28, 2024  
Banded Three Budget Notary Services

**Def.Ex.A-13**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of *THE PALM BEACH POST*,

CASE NO.: 50-2019-CA-014681-XXXX-MB

DIVISION: AG

Plaintiff,

v.

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida,

Defendants.

---

**PLAINTIFF CA HOLDINGS, LLC'S  
NOTICE OF DROPPING STATE ATTORNEY, DAVE ARONBERG**

Plaintiff, CA HOLDINGS, LLC, pursuant to Fla. R. Civ. P. 1250(b), hereby notifies the parties that  
it has dropped State Attorney, Dave Aronberg from the above case.

Respectfully submitted,

**GREENBERG TRAUIG, P.A.**

*Attorneys for CA Florida Holdings, LLC, Publisher  
of The Palm Beach Post*

Stephen A. Mendelsohn, Esq.  
401 East Las Olas Boulevard Suite 2000  
Boca Raton, Florida 33486  
Telephone: (561) 955-7629  
Facsimile: (561) 338-7099

By: /s/ Stephen A. Mendelsohn

STEPHEN A. MENDELSON

Florida Bar No. 849324

[mendelsohns@gtlaw.com](mailto:mendelsohns@gtlaw.com)

[smithl@gtlaw.com](mailto:smithl@gtlaw.com)

[FLService@gtlaw.com](mailto:FLService@gtlaw.com)

By: /s/ Michael J Grygiel  
MICHAEL J GRYGIEL  
(Admitted *Pro Hac Vice*)  
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Telephone: (518) 689-1400  
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By: /s/ Nina D. Boyajian  
NINA D. BOYAJIAN  
(Admitted *Pro Hac Vice*)  
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Telephone: (310) 586-7700  
Facsimile: (310) 586-7800  
[boyajiann@gtlaw.com](mailto:boyajiann@gtlaw.com)  
[riversaal@gtlaw.com](mailto:riversaal@gtlaw.com)

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 21<sup>st</sup> day of October, 2020, a true and correct copy of the foregoing has been filed with the Clerk of the Court using the State of Florida e-filing system, which will send a notice of electronic service for all parties of record herein

/s/ Stephen A. Mendelsohn  
STEPHEN A. MENDELSON

**Def.Ex.A-14**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

---

**DEFENDANT DAVE ARONBERG'S AMENDED MOTION FOR ATTORNEYS' FEES**

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, by and through the undersigned counsel, hereby moves this Honorable Court, pursuant to Rule 1.525, Fla. R. Civ. P. to enter an award of attorneys' fees in his favor against Plaintiff, CA FLORIDA HOLDINGS, LLC, publisher of the PALM BEACH POST, and in support thereof states the following:

**BASIS FOR AWARDING ATTORNEYS' FEES**

1. On November 14, 2019, CA FLORIDA HOLDINGS, LLC, publisher of the PALM BEACH POST ("Plaintiff") filed a complaint against DAVE ARONBERG, as State Attorney of Palm Beach County, Florida (the "State Attorney" or "Defendant Aronberg") and SHARON R. BOCK, as Clerk and Comptroller of Palm Beach County, Florida (the "Clerk"). The basis of the action was asking the Court to order the State Attorney and the Clerk to disclose the 2006 Jeffrey Epstein grand jury materials, (the "Requested Materials"), pursuant to § 905.27(1) Fla. Stat.



2. On December 6, 2019, the State Attorney filed his Motion to Dismiss, then on December 13, 2019, the Clerk also filed a Motion to Dismiss. In response, Plaintiff filed its First Amended Complaint on January 17, 2020, which in addition to its original claim under § 905.27 Fla. Stat. (Count II) added a claim for Declaratory Relief (Count I) that sought an order declaring that the State Attorney and the Clerk disclose the Requested Materials to Plaintiff for the purpose of informing the public.

3. On January 24, 2019, both the State Attorney and the Clerk filed their Answer to the First Amended Complaint and Motion to Dismiss Count II (“Answer/Motion to Dismiss”). Notably, the State Attorney’s Answer/Motion to Dismiss asserted its right to attorneys’ fees for defending the action and requested such relief from the Court.

4. On June 8, 2020, the Court entered its Order Granting Defendants Motions to Dismiss Count II of Plaintiff’s First Amended Complaint with Prejudice (“Order”).

5. Immediately following the Court’s Order, on June 8, 2020, the State Attorney, through the undersigned counsel, served Plaintiff with a demand pursuant to § 57.105 Fla. Stat., to voluntarily dismiss/withdraw the First Amended Complaint and the claims against the State Attorney, along with a Motion for Attorneys’ Fees (“57.105 Demand”). *See, Exhibit “A”*. Specifically, because of the Court’s Order only Count I of Plaintiff’s Amended Complaint remained, which sought Declaratory Relief under § 86.011, Fla. Stat.

6. Here, in properly serving his 57.105 Demand on Plaintiff, the State Attorney also properly put Plaintiff on notice that he would seek sanctions by filing the 57.105 Motion for Attorneys’ Fees if Plaintiff failed to dismiss the remainder of its First Amended Complaint within 21 days of service of the 57.105 Demand and Motion for Attorneys’ Fees.

7. On June 23, 2020, Plaintiff's counsel sent a response to the 57.105 Demand refusing to withdraw the remainder of the First Amended Complaint. *See, Exhibit "B"*.

8. § 57.105, Florida Statutes states the following:

A motion by a party seeking sanctions under this section must be served but may not be filed with or presented to the court unless, within 21 days after service of the motion, the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected.

9. Accordingly, after receiving Plaintiff's June 23, 2020, response refusing to withdraw the remainder of the First Amended Complaint and waiting the prerequisite "21 days after service of the motion" the State Attorney's Motion for Attorneys' Fees was filed with this Court on July 1, 2020. *See, Exhibit "C"*.

10. Thereafter, on August 18, 2020, the State Attorney filed his Motion for Summary Judgment ("Motion") and proceeded, on October 21, 2020, to file a Motion to Set Hearing on the State Attorney's Motion ("Motion to Set") after it became clear that there would be no resolution of this matter without the Court's intervention.

11. Nonetheless, later the same day, rather than setting and participating in a hearing on the merits as to State Attorney's Motion, Plaintiff filed its Notice of Dropping the State Attorney ("Notice") from the instant case. *See, Exhibit "D"*. As a consequence of filing its Notice, Plaintiff has effectively made an admission that its allegations against the State Attorney have no basis in fact or law.

12. "An essential distinction between a notice of dropping a party and a voluntary dismissal is that the former concludes the action as to the dropped party while the latter is generally utilized to conclude the action in its entirety." *Carter v. Lake County*, 840 So. 2d 1153, 1155 (Fla. 5th DCA 2003).

13. Specifically, Plaintiff's Notice states: "Plaintiff, [sic], pursuant to Fla. R. Civ. P. 1.250(b), hereby notifies the parties that it has dropped State Attorney, Dave Aronberg from the above case."

14. Rule 1.250(b), Fla. R. Civ. P. states:

(b) Dropping Parties. *Parties may be dropped by an adverse party in the manner provided for voluntary dismissal in rule 1.420(a)(1) subject to the exception stated in that rule. If notice of lis pendens has been filed in the action against a party so dropped, the notice of dismissal shall be recorded and cancels the notice of lis pendens without the necessity of a court order. Parties may be dropped by order of court on its own initiative or the motion of any party at any stage of the action on such terms as are just.*

15. Rule 1.420(a)(1), Fla. R. Civ. P., Voluntary Dismissal states:

(1) By Parties. Except in actions in which property has been seized or is in the custody of the court, an action, a claim, or any part of an action or claim may be dismissed by plaintiff without order of court (A) before trial by serving, or during trial by stating on the record, a notice of dismissal at any time before a hearing on motion for summary judgment, or if none is served or if the motion is denied, before retirement of the jury in a case tried before a jury or before submission of a nonjury case to the court for decision, or (B) by filing a stipulation of dismissal signed by all current parties to the action. Unless otherwise stated in the notice or stipulation, the dismissal is without prejudice, except that *a notice of dismissal operates as an adjudication on the merits when served by a plaintiff who has once dismissed in any court an action based on or including the same claim.*

16. Notably, "[R]ule 1.250(b) expressly incorporates the procedural aspects of Florida Rule of Civil Procedure 1.420(a)(1) governing voluntary dismissal by providing that parties may be dropped 'in the manner provided for voluntary dismissal in rule 1.420(a)(1) subject to the exception stated in that rule.'" *Siboni v. Allen*, 52 So. 3d 779, 780 (Fla. 5th DCA 2010).

17. Likewise, because Rule 1.250(b) specifies that a party is dropped "in the manner provided for voluntary dismissal in Rule 1.420(a)(1), the *Siboni* court concluded that "the manner" includes the same entitlement to costs and attorney's fees which would have been enjoyed had the dismissal occurred entirely under Rule 1.420(a)(1). *Id. at 781.*

18. Accordingly, the *Siboni* court held that a “party dropped from litigation under rule 1.250(b) is subject to the time limitation contained in rule 1.525 governing service of a motion seeking a judgment for costs and attorney’s fees.” *Id.*

19. Although Plaintiff filed its Notice the claims asserted by Plaintiff have been, since the filing of its initial complaint, completely without support of the facts or the law. At their very core, all of Plaintiff’s claims are based on the presumption that the State Attorney has the authority to disclose the Requested Materials. Nonetheless, Section 905.17(1), Florida Statutes makes clear that Plaintiff’s Requested Materials can only be released by the Clerk pursuant to a court order.

The stenographic records, notes, and transcriptions made by the court reporter or stenographer shall be filed with the clerk who shall keep them in a sealed container not subject to public inspection. *The notes, records, and transcriptions are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall be released by the clerk only on request by a grand jury for use by the grand jury or on order of the court pursuant to s. 905.27.*

Section 905.17(1), Florida Statutes (2020).

20. The State Attorney has no objection to the Clerk producing and disclosing the Requested Materials should the Court grant an order to that effect, however, it is impossible for the State Attorney to comply with the relief sought by Plaintiff in its remaining claim for declaratory relief as he does not possess or control the Requested Materials and is statutorily barred from any disclosure.

21. Although the State Attorney was prepared to make his argument to the Court, Plaintiff decided instead to drop him as a party. Despite Plaintiff’s decision, the Florida Rules of Civil Procedure and the above authorities make clear that because Rule 1.250 specifies that a party is dropped “in the manner provided for voluntary dismissal in Rule 1.420(a)(1),” it therefore “operates as an adjudication on the merits.” See, *Siboni v. Allen*, 52 So. 3d 779, 781 (Fla. 5th DCA 2010); Rule 1.420(a)(1) Fla. R. Civ. P.

22. Consequently, the filing of Plaintiff's Notice triggered Rule 1.525, Fla. R. Civ. P. and therefore:

Under [§ 57.105], the legislature has expressed its unequivocal intent that where a party files a meritless claim, suit or appeal, the party who is wrongfully required to expend funds for attorneys' fees is entitled to recoup those fees.

*Martin County Conservation Alliance v. Martin County*, 73 So. 3d 856, 857 (Fla. 1st DCA 2011) (finding that "Courts are not at liberty to disregard the legislative mandate that courts shall impose *sanctions* in cases without foundation in material fact or law. The word "shall" in § 57.105, Fla. Stat., evidences the legislative intent to impose a mandatory penalty to discourage baseless claims, by placing a price tag on losing parties who engage in these activities. Section 57.105 expressly states courts "shall" assess attorney's fees for bringing, or failing to dismiss, baseless claims or defenses.").

23. In fact, "Section 57.105(1) clearly and explicitly confers upon the trial court the authority to award attorney's fees to the prevailing party upon the court's initiative, if 'the court finds that the losing party . . . knew or should have known that a claim or defense when initially presented to the court *or at any time before trial* . . . [w]as not supported by the material facts necessary to establish the claim or defense.'" *Koch v. Koch*, 47 So. 3d 320, 324 (Fla. 2d DCA 2010).

24. The simple fact of the matter is that Plaintiff failed to withdraw its Amended Complaint against the State Attorney within the 21-day period provided for in section 57.105(4), and therefore the State Attorney was permitted to file his 57.105 Motion for Attorneys' Fees as sanctions.

25. Furthermore, based on the impossible nature of Plaintiff's demand of the State Attorney, it was proper to demand withdrawal of Plaintiff's remaining claim for declaratory relief

and serve the 57.105 Motion for Attorneys' Fees due to Plaintiff's claim lacking any basis in fact or law. Again, neither the State Attorney nor his office has possession, custody or control of the Requested Materials. Likewise, the State Attorney has no objection, and never has had any objection, to the Clerk releasing the records sought by Plaintiff, as disclosure of the Requested Materials sought by Plaintiff lies solely within the providence of the Clerk pursuant to an order of the Court.

26. Consequently, the State Attorney is entitled to recover all of his reasonable attorneys' fees in defending this suit by virtue of 57.105, Florida Statutes.

**REASONABLENESS AND AMOUNT OF ATTORNEYS' FEES**

27. From the service of the 57.105 Demand to the date of this motion, the attorneys for the State Attorney have rendered 42.2 hours of legal services for a total amount of \$18,275.00 in defending this action. See time sheets detailing: the amount of hours by each timekeeper, the timekeeper's hourly rate, and a description of the tasks done during those times, on attached ***Exhibit "E"***. Of that amount, the undersigned has been paid \$0.00 as the engagement with the State Attorney is on a pure contingency fee basis. The undersigned expects to incur an additional 4.0 hours at \$425.00 an hour in preparing for and attending the hearing on attorneys' fees. Thus, the total amount of hourly attorneys' fees the State Attorney is seeking is 46.2 hours for a total of \$19,975.00. As further set forth below, the State Attorney also seeks a multiplier of 2.0, which when applied makes the grand total attorneys' fees as sanctions sought herein \$39,950.00.

28. An Affidavit of Attorneys' Fees is attached hereto as ***Exhibit "F"***, which details and breaks down the attorneys' fees sought herein.

29. The State Attorney would offer the following facts and arguments as they relate to the factors promulgated in Rule 4-1.5 of the Rules Regulating the Florida Bar and *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985):

Factor	Facts and Arguments
(A) the time and labor required, the novelty, complexity, and difficulty of the questions involved, and the skill requisite to perform the legal service properly	The time involved by counsel was substantial, consuming nearly 75 hours of legal work. Moreover, the issues in controversy were novel and complex in that Plaintiff sought to create a new private statutory cause of action under Florida Statute § 905.27, implicated several 1st Amendment issues, and further sought declaratory relief pursuant to said Statute. Finally, this litigation has been ongoing for nearly a year and required skill and knowledge in these areas of the law.
(B) the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer	Because of the amount of time involved in this litigation and considering the relative small size of the firm representing the State Attorney, the undersigned attorneys were forced to turn away or delay representing other clients especially during critical stages of the litigation, due to time required in the instant matter.
(C) the fee, or rate of fee, customarily charged in the locality for legal services of a comparable or similar nature	The base fees consisting of \$425.00/hour for Mr. Wyler's services and \$475.00/hour for Mr. Jacobs' services are reasonable for lawyers in their respective communities possessing equal experience and skill.
(D) the significance of, or amount involved in, the subject matter of the representation, and the results obtained	The outcome of this case is of great public significance to the State of Florida as it pertains to the disclosure of grand jury records and the role of the State Attorney concerning such disclosure. Here, the results obtained were the maximum sought by Defendant Aronberg as he was dismissed from the case, albeit not within the time constraints of the safe-harbor provision within § 57.105, Fla. Stat.
(E) the time limitations imposed by the client or by the circumstances and, as between attorney and client, any additional or special time demands or requests of the attorney by the client	There were not any extraordinary limitations imposed by the client, however, Defendant Aronberg expected and received zealous representation, with the desire that the case be dispensed of quickly and efficiently.
(F) the nature and length of the professional relationship with the client	As general counsel for the FPAA the undersigned counsel has represented Defendant Aronberg since the beginning of his tenure as State Attorney in civil matters throughout the State of Florida as well as matters before the Florida Legislature.

(G) the experience, reputation, diligence, and ability of the lawyer or lawyers performing the service and the skill, expertise, or efficiency of effort reflected in the actual providing of such services	This representation required experience in a field available to few lawyers, which included defending the State Attorney from claims of a media entity and lawyers from multiple states regarding the release of information with a nationwide interest. Accordingly, the undersigned counsel conducted the representation with skill and efficiency wherein Defendant Aronberg was dismissed from the action prior to any hearing on the merits before the court.
(H) whether the fee is fixed or contingent, and, if fixed as to the amount or rate, then whether the client's ability to pay rested to any significant degree on the outcome of the representation.	The fee arrangement herein was entirely contingent, wherein obtaining a fee was conditioned upon prevailing and obtaining an order awarding fees.

#### **JUSTIFICATION FOR MULTIPLIER**

30. Defendant Aronberg was able to proceed with this litigation only if counsel would receive a court order awarding contingency based attorneys' fees upon achievement of a successful outcome in this case. *See, Exhibit "G"*. Given this and the fact that counsel risked a total of 74.8 hours of work for no pay, of which 39.4 hours is subject to the 57.105 Demand, Defendant Aronberg submits that multiplier of 2.0 would be appropriate in this case. Based upon the hours expended, the hourly rates and a 2.0 multiplier, Defendant Aronberg respectfully requests an award of attorneys' fees as sanctions as stated herein.

31. With regard to the application of a multiplier, the court must analyze the three factors set forth in *Standard Guaranty Insurance Co. v. Quanstrom*, 555 So. 2d 828 (Fla. 1990):

(1) whether the relevant market requires a contingency fee multiplier to obtain competent counsel; (2) whether the attorney was able to mitigate the risk of nonpayment in any way; and (3) whether any of the factors set forth in *Rowe* are applicable, especially the amount involved, the results obtained, and the type of fee arrangement between the attorney and his client.

*See, Citizens Prop. Ins. Corp. v. Pulloquina*, 183 So. 3d 1134 (Fla. 3d DCA 2015).



32. Here, as to the first factor there was no other counsel in the relevant market who would agree to represent Defendant Aronberg under the contingency fee agreement needed due to the financial situation of the Office of the State Attorney as a public entity funded entirely by the taxpayers of the State of Florida. Although “Risk Mitigation” within the Florida Department of Financial Services and the Office of the Attorney General indeed represent the State Attorney in some instances, this case was not picked up by either and Defendant Aronberg was left needing representation by other, private counsel. Although the undersigned counsel and his law firm are General Counsel for the Florida Prosecuting Attorneys’ Association, Inc., (“FPAA”) the instant matter did not fall within the scope of representation for the FPAA and required a separate engagement between Defendant Aronberg and the undersigned counsel. Accordingly, the undersigned counsel and his law firm agreed to represent Defendant Aronberg on a contingency fee basis and to try the case to final judgment considering that there was no other counsel willing to represent Defendant Aronberg on such terms.

33. With respect to the other factors to be considered in applying a multiplier as set forth in *Quanstrom*, here Defendant Aronberg was unable to mitigate against non-payment of fees because as a purely taxpayer funded entity, the Office of State Attorney had no other means by which to pay the undersigned counsel. Additionally, Defendant Aronberg meets each of the individual *Rowe* factors as set forth in the table located above on pages 8-9. Accordingly, based on the foregoing the application of a multiplier herein is proper. In this vein, the *Rowe* court set guidelines for the size of a multiplier, as follows:

Based on our review of the decisions of other jurisdictions and commentaries on the subject, we conclude that in contingent fee cases, the lodestar figure calculated by the court is entitled to enhancement by an appropriate contingency risk multiplier in the range from 1.5 to 3. When the trial court determines that success was more likely than not at the outset, the multiplier should be 1.5; when the likelihood of success was approximately even at the outset, the multiplier should

be 2; and, when success was unlikely at the time the case was initiated, the multiplier should be in the range of 2.5 to 3.

*Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985).

34. Additionally, the *Quanstrom* court confirmed and modified the *Rowe* approach, as follows:

However, we find that the multiplier in *Rowe* should be modified as follows: If the trial court determines that success was more likely than not at the outset, it may apply a multiplier of 1 to 1.5; if the trial court determines that the likelihood of success was approximately even at the outset, the trial judge may apply a multiplier of 1.5 to 2.0; and if the trial court determines that success was unlikely at the outset of the case, it may apply a multiplier of 2.0 to 2.5. Accordingly, our *Rowe* decision is modified to allow a multiplier from 1 to 2.5.

*Standard Guaranty Insurance Co. v. Quanstrom*, 555 So. 2d 828, 834 (Fla. 1990). Thus, based upon all of the foregoing factors, Defendant Aronberg respectfully submits that a multiplier of 2.0 is appropriate for this representation.

#### **CERTIFICATION OF GOOD FAITH EFFORT TO RESOLVE**

The undersigned certifies that a good faith effort was made to resolve the issues raised in this motion by agreement of the parties. The parties were unable to resolve by agreement the issues of entitlement to fees or the amount of fees.

WHEREFORE, Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, prays that this Honorable Court will enter an Order awarding Defendant Aronberg his reasonable attorneys' fees with a multiplier of 2.0 against the Plaintiff, CA FLORIDA HOLDINGS, LLC, publisher of the PALM BEACH POST, in the amount of \$39,950.00.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 9th day of November, 2020, a copy of the foregoing Defendant, Dave Aronberg's Amended Motion for Attorneys' Fees has been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

**JACOBS SCHOLZ & WYLER, LLC**

*/s/ Douglas A. Wyler*

---

Arthur I. Jacobs, Esq.  
Fla. Bar No.: 10249  
Richard J. Scholz, Esq.  
Fla. Bar No.: 0021261  
Douglas A. Wyler, Esq.  
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961687 Gateway Blvd., Suite 201-I  
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Primary: jacobsscholzlaw@comcast.net

*Attorneys for Defendant, Dave Aronberg*

NOT A CERTIFIED COPY

# **EXHIBIT “A”**

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**EXHIBIT “A”**

**Subject:** SERVICE OF COURT DOCUMENT; CASE NO. 2019-CA-014681; CA FLORIDA HOLDINGS, LLC V. DAVE ARONBERG ET AL.

**Date:** Monday, June 8, 2020 at 3:58:58 PM Eastern Daylight Time

**From:** Douglas Wyler

**To:** 'mendelsohns@gtlaw.com', smithl@gtlaw.com, flservice@gtlaw.com, BoyajianN@gtlaw.com, riveraal@gtlaw.com, GRYGIELM@gtlaw.com

**Attachments:** 2020-06-08 Aronberg 57.105 Demand and Motion for Attorneys' Fees.pdf

Please see attached and below in this matter.

Court:	Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida
Case No:	Case No. 2020-CA-014681
Plaintiff:	CA Florida Holdings, LLC
Defendant:	Dave Aronberg
Title of Documents Served:	<ul style="list-style-type: none"><li>• Fla. Stat. § 57.105 Demand Letter</li><li>• Defendant, Dave Aronberg's Motion for Attorneys' Fees</li></ul>
Sender's Name and Telephone Number:	Douglas Wyler (904) 261-3693

Sincerely,

Doug Wyler, Esq.  
Jacobs, Scholz & Wyler, LLC  
961687 Gateway Blvd., STE 201-I  
Fernandina Beach, FL 32034  
904-261-3693  
904-261-7879 (fax)  
[doug.wyler@comcast.net](mailto:doug.wyler@comcast.net)

Please be advised that this e-mail and any files transmitted with it are confidential attorney-client communication or may otherwise be privileged or confidential and are intended solely for the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited.

# JACOBS SCHOLZ & WYLER, LLC.

A LIMITED LIABILITY COMPANY OF PROFESSIONAL ASSOCIATIONS

THE LAW OFFICES OF  
JACOBS & ASSOCIATES, P.A.  
ARTHUR I. JACOBS

ATTORNEYS AT LAW  
GATEWAY TO AMELIA  
961687 GATEWAY BLVD., SUITE 201-I  
FERNANDINA BEACH, FLORIDA 32034

TELEPHONE (904) 261-3693  
FAX NO. (904) 261-7879

RICHARD J. SCHOLZ, P.A.  
RICHARD J. SCHOLZ

DOUGLAS A. WYLER, P.A.  
DOUGLAS A. WYLER

June 8, 2020

## VIA ELECTRONIC & U.S. MAIL

Stephen A. Mendelsohn, Esq.  
Greenburg Traurig, P.A.  
5100 Town Center Circle, Suite 400  
Boca Raton, FL 33486

**RE: CA Florida Holdings, LLC v. Dave Aronberg et al.  
Palm Beach County, Case No.: 2019-CA-014681**

Dear Mr. Mendelsohn:

As you are aware our firm represents the interests of Dave Aronberg, as State Attorney of Palm Beach County, Florida, in the above referenced matter. The purpose of this letter is to demand the voluntary dismissal of your First Amended Complaint, (the "Complaint"), dated January 17, 2020. This demand is made pursuant to section 57.105, Florida Statutes.

As you know, Section 57.105 provides:

- (1) Upon the court's initiative or motion of any party, the court shall award a reasonable attorney's fee, including prejudgment interest, to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense at any time during a civil proceeding or action in which the court finds that the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial:
  - a. Was not supported by the material facts necessary to establish the claim or defense; or
  - b. Would not be supported by the application of then-existing law to those material facts.

Today, Judge Marx granted, with prejudice, Defendant Aronberg's Motion to Dismiss Count II of the Plaintiff's Complaint. Pursuant to the Court's ruling, the Plaintiff's only remaining cause of action consists of Count I, for Declaratory Relief. Accordingly, we believe that the Complaint filed herein and its sole remaining Count for Declaratory Relief is not supported by the material facts necessary to establish the claims asserted, and that your claims are not supported by the application of current law to said material facts.

First and foremost, the Complaint is not supported by the material facts necessary to establish the claims asserted because neither Defendant Aronberg, nor The Office of the State Attorney for the Fifteenth Judicial Circuit is in custody or control of the 2006 grand jury materials sought therein. Simply put, the declaratory relief sought by the Plaintiff, seeks records from my client that are impossible for him or his office to produce. Accordingly, Defendant Aronberg is not a proper party to this action because no matter what, he and his office do not have possession, custody, or control of the requested materials.

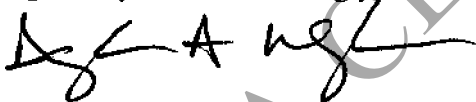
In addition to the foregoing material facts that negate the claims asserted in the Complaint, your claims are also not supported by the application of current law. Specifically, your action for declaratory relief fails based on the clear, unambiguous statutory language found in Section 905.27(2), Florida Statutes, which states:

When such disclosure is ordered by a court pursuant to subsection (1) for use in a civil case, it may be disclosed to all parties to the case and to their attorneys and by the latter to their legal associates and employees. However, the grand jury testimony afforded such persons by the court can only be used in the defense or prosecution of the civil or criminal case and for no other purpose whatsoever.

Moreover, even if the Plaintiff were to prevail in the declaratory action, Mr. Aronberg would be unable to comply with any court order granting disclosure of the requested documents because neither Mr. Aronberg nor The Office of the State Attorney for the Fifteenth Judicial Circuit have possession, custody, or control of the 2006 Epstein grand jury records.

Based on the foregoing, if the Complaint is not dismissed within 21 days of the service of this letter, the enclosed Motion for Attorney's Fees will be filed and we will seek as sanctions, from your client and your firm, recovery of the legal expenses incurred in defending this frivolous action.

Please govern yourself accordingly.



Douglas A. Wyler, Esq.  
For the Firm

Encl.: Defendant's Motion for Attorneys' Fees

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

---

**DEFENDANT, DAVE ARONBERG'S MOTION FOR ATTORNEYS' FEES**

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, by and through the undersigned attorneys, moves the Court, pursuant to Florida Statutes, Section 57.105, to award him reasonable attorneys' fees for the defense of Plaintiff's First Amended Complaint, (the "Complaint"), and as grounds therefor, would show that on June 8, 2020, Plaintiff was served a copy of this Motion, together with a letter from the undersigned attorney, in accordance with subsection (4) of the above Statute, demanding dismissal of the Complaint, at least 21 days prior to the filing of this Motion. In said letter, Defendant's attorney advised Plaintiff of the facts which establish that the Complaint is without support of the facts or the law.

WHEREFORE, Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, respectfully requests the Court enter an Order requiring Plaintiff and Plaintiff's attorneys to pay said Defendant's attorneys' fees incurred herein after service of this Motion.



**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_ day \_\_\_\_, 2020, the foregoing was electronically filed via the Florida E-File Portal for electronic service on the parties of record herein.

**JACOBS SCHOLZ & WYLER, LLC**

*/s/ Douglas A. Wyler*

---

Arthur I. Jacobs, Esquire  
Fla. Bar No.: 108249  
Richard J. Scholz, Esquire  
Fla. Bar No.: 0021261  
Douglas A. Wyler, Esquire  
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*Attorneys for Defendant*

# **EXHIBIT “B”**

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# **EXHIBIT “B”**

Stephen A. Mendelsohn  
Tel 561.955.7629  
Fax 561.659.9119  
mendelsohns@gtlaw.com

June 23, 2020

Douglas A. Wyler  
Jacob Scholz & Wyler, LLC  
961687 Gateway Blvd.  
Suite 201-I  
Fernandina Beach, Fl. 32034

Re: *CA Florida Holdings, LLC v. Dave Aronberg et al.*  
Case No. 2019-CA-014681

Dear Mr. Wyler:

We are in receipt of your letter of June 8, 2020 with your proposed Fla. Stat. section 57.105 motion. In your letter and your proposed motion, you assert that CA Florida Holdings, LLC and the law firm of Greenberg Traurig, P.A. should be liable for the attorneys' fees to be incurred by State Attorney Aronberg after the date of your letter. Your letter cites to Fla. Stat. sections 57.105(1) (a) and (b) for support. As shown below, there is no basis for a Fla. Stat. section 57.105 motion, and we expect that if the State Attorney were to make such a motion, the court should deny it.

Your letter omits a citation to section 57.105(3). Subsection 57.105(3)(a) provides that sanctions may not be awarded where there is a "good faith argument for the extension, modification or reversal of existing law or the establishment of new law, as it is applied to the material facts, with a reasonable expectation of success." We have such a good faith argument.

Contrary to your analysis of Fla. Stat. section 905.27, there are actually three instances where a court may order the release of grand jury materials. As we argue, the court may order release "in furtherance of justice." There are few cases in Florida reviewing this provision and its scope. It is an open and valid question as to whether the court may order release of grand jury transcripts to the media, under both the statute and the First Amendment to the US Constitution in furtherance of justice. The statutory language you cite refers to instances where a person is seeking grand jury materials for use in a civil or in a criminal case. In these limited situations, the statute allows for such uses and for no other reason. However, the statute does not state, as you assert, that where the media seeks grand jury materials based upon its constitutional standing, which the Circuit Court acknowledged at the June 2, 2020 hearing includes The Palm Beach Post, that the statutory

**Greenberg Traurig, P.A. | Attorneys at Law**

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Albany. Amsterdam. Atlanta. Austin. Berlin. Boca Raton. Boston. Chicago. Dallas. Delaware. Denver. Fort Lauderdale. Houston. Las Vegas. London. Los Angeles. Mexico City. Miami. Milan. Minneapolis. Nashville. New Jersey. New York. Northern Virginia. Orange County. Orlando. Philadelphia. Phoenix. Sacramento. San Francisco. Seoul. Shanghai. Silicon Valley. Tallahassee. Tampa. Tel Aviv. Tokyo. Warsaw. Washington, D.C. West Palm Beach. Westchester County.

Operates as: \*Greenberg Traurig Germany, LLP; \*A separate UK registered legal entity; \*Greenberg Traurig, S.C.; \*Greenberg Traurig Santa Maria; \*Greenberg Traurig LLP Foreign Legal Consultant Office; \*A branch of Greenberg Traurig, P.A., Florida, USA; \*GT Tokyo Honbu Junsho; \*Greenberg Traurig Grzesiek sp.k.

use limitation you cite applies. No reported Florida case has addressed this issue and there is a good faith basis for our view of Fla. Stat. section 905.27

Your letter also argues that sanctions are applicable because the State Attorney has alleged that it does not possess the Jeffrey Epstein grand jury transcripts. This allegation is also contained in the State Attorney's Answer. Assuming that the State Attorney does not currently have physical possession of the Epstein grand jury materials, which has yet to be demonstrated, this does not end the matter. The State Attorney was named as a party not simply as a custodian of grand jury records. The State Attorney was named in his official capacity as his office has "as its *primary* interest the protection of its grand jury system." [Italics in original.] In re Grand Jury Proceedings, 832 F. 3d 554, 559 (11<sup>th</sup> Circuit 1987). In that case, the US petitioned a state judge to order the State Attorney to turn over grand jury transcripts. The State Attorney argued against their release citing to Fla. Stat. section 905.27. Later, a federal grand jury subpoenaed the Broward County State Attorney for delivery of state grand jury testimony. The Broward State Attorney advised the federal court that it would produce the transcripts, thereby demonstrating that while it may not have physical possession of the materials, he had legal authority to obtain and deliver them. It should also be noted that the State Attorney moved to quash the subpoena arguing that it was unlawful under Florida law and Fla. Stat. section 905.27. This case indicates that where one seeks grand jury materials, the relevant State Attorney is a necessary party in order to protect the grand jury that the Office of State Attorney supervised and to make arguments, if need be, against release of the grand jury materials. These are some of the same reasons why the State Attorney was named in this case.

Also, assuming the State Attorney does not have physical possession of the grand jury materials, there is nothing in Florida law that prohibits the State Attorney from requesting that the Clerk provide copies to the State Attorney. Chapter 905, Fla. Stats. does not contain a prohibition against a State Attorney demand that the Clerk grant his office access to grand jury materials, even after a criminal case has concluded. Upon information and belief, the Clerk's office maintains a log that tracks release of grand jury materials to the State Attorney upon its request. Please confirm whether the State Attorney has accessed grand jury materials from the Clerk's office in other instances or that it has never done so. If the Clerk has such a log, then its contents should be discoverable, or subject to Florida Public records laws.

For these reasons, we decline your Fla. Stat. section 57.105 demand that the case be dismissed against the Office of the State Attorney. We expect that your demand will be withdrawn.

Thank you,

Very truly yours,

*/s/Stephen Mendelsohn*

Stephen Mendelsohn

SAM:ls

ACTIVE 51081659v1

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**EXHIBIT “C”**

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**EXHIBIT “C”**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

---

**DEFENDANT, DAVE ARONBERG'S MOTION FOR ATTORNEYS' FEES**

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, by and through the undersigned attorneys, moves the Court, pursuant to Florida Statutes, Section 57.105, to award him reasonable attorneys' fees for the defense of Plaintiff's First Amended Complaint, (the "Complaint"), and as grounds therefor, would show that on June 8, 2020, Plaintiff was served a copy of this Motion, together with a letter from the undersigned attorney, in accordance with subsection (4) of the above Statute, demanding dismissal of the Complaint, at least 21 days prior to the filing of this Motion. In said letter, Defendant's attorney advised Plaintiff of the facts which establish that the Complaint is without support of the facts or the law.

WHEREFORE, Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, respectfully requests the Court enter an Order requiring Plaintiff and Plaintiff's attorneys to pay said Defendant's attorneys' fees incurred herein after service of this Motion.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day July, 2020, the foregoing was electronically filed via the Florida E-File Portal for electronic service on the parties of record herein.

**JACOBS SCHOLZ & WYLER, LLC**

*/s/ Douglas A. Wyler*

---

Arthur I. Jacobs, Esquire  
Fla. Bar No.: 108249  
Richard J. Scholz, Esquire  
Fla. Bar No.: 0021261  
Douglas A. Wyler, Esquire  
Fla. Bar No.: 119979  
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(904) 261-7879  
jacobsscholzlaw@comcast.net

*Attorneys for Defendant, Dave Aronberg*



**EXHIBIT “D”**

NOT A CERTIFIED COPY

**EXHIBIT “D”**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of *THE PALM BEACH POST*,

CASE NO.: 50-2019-CA-014681-XXXX-MB

DIVISION: AG

Plaintiff,

v.

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida,

Defendants.

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**PLAINTIFF CA HOLDINGS, LLC'S  
NOTICE OF DROPPING STATE ATTORNEY, DAVE ARONBERG**

Plaintiff, CA HOLDINGS, LLC, pursuant to Fla. R. Civ. P. 1250(b), hereby notifies the parties that  
it has dropped State Attorney, Dave Aronberg from the above case.

Respectfully submitted,

**GREENBERG TRAUIG, P.A.**

*Attorneys for CA Florida Holdings, LLC, Publisher  
of The Palm Beach Post*

Stephen A. Mendelsohn, Esq.  
401 East Las Olas Boulevard Suite 2000  
Boca Raton, Florida 33486  
Telephone: (561) 955-7629  
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By: /s/ Stephen A. Mendelsohn

STEPHEN A. MENDELSON

Florida Bar No. 849324

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 21<sup>st</sup> day of October, 2020, a true and correct copy of the foregoing has been filed with the Clerk of the Court using the State of Florida e-filing system, which will send a notice of electronic service for all parties of record herein

/s/ Stephen A. Mendelsohn  
STEPHEN A. MENDELSON

# **EXHIBIT “E”**

NOT A CERTIFIED COPY

# **EXHIBIT “E”**

**Jacobs Scholz & Wyler, LLC**  
961687 Gateway Blvd., Suite 2011  
Fernandina Beach, FL 32034  
United States  
904-261-3693

**Jacobs Scholz & Wyler, LLC**

**Dave Aronberg**

**Balance** \$32,440.00  
**Invoice #** 00307  
**Invoice Date** November 6, 2020  
**Payment Terms**  
**Due Date**

**Aronberg (SAO15) adv. CA Florida Holdings, LLC**

**Time Entries**

Date	EE	Activity	Description	Rate	Hours	Line Total
11/26/2019	DW	Review	Initial review of summons and complaint.	\$425.00	1.5	\$637.50
11/26/2019	DW	Review	Reviewed motion for pro hac vice and Judge Hafele' order granting	\$425.00	0.2	\$85.00
11/26/2019	DW	Teleconference	Teleconference w/ Client, re: response to lawsuit	\$425.00	0.5	\$212.50
11/26/2019	DW	Draft	Drafted engagement letter and sent to client	\$425.00	0.3	\$127.50
11/26/2019	DW	Review	Reviewed 15th circuit local rules	\$425.00	1.0	\$425.00
11/26/2019	AIJ	Review	Initial review of complaint	\$475.00	1.0	\$475.00
11/26/2019	AIJ	Meeting	Meeting w/ DAW to discuss lawsuit and strategy	\$475.00	0.5	\$237.50
11/26/2019	DW	Meeting	Meeting w/ AIJ to discuss lawsuit and strategy	\$425.00	0.5	\$212.50
11/26/2019	AIJ	Teleconference	Teleconference w/ Client, re: response to lawsuit	\$475.00	0.5	\$237.50
12/02/2019	DW	Research & Preparation	Research and prep for Motion to dismiss	\$425.00	2.0	\$850.00
12/02/2019	DW	Draft	1st Draft motion to dismiss	\$425.00	1.0	\$425.00
12/02/2019	DW	Teleconference	Teleconference w/ Client, re: draft motion to dismiss	\$425.00	0.5	\$212.50
12/02/2019	AIJ	Review	Reviewed 1st Draft MTDDismiss	\$475.00	0.3	\$142.50
12/02/2019	AIJ	Teleconference	Teleconference w/ client, re: draft motion to dismiss	\$475.00	0.5	\$237.50
12/03/2019	AIJ	Meeting	Meeting w/ DAW, re: motion to dismiss	\$475.00	0.2	\$95.00
12/03/2019	DW	Meeting	Meeting w/ AIJ, re: MTDDismiss	\$425.00	0.2	\$85.00
12/06/2019	DW	Draft	Completed final draft of motion to dismiss; filed with Court	\$425.00	0.7	\$297.50
12/06/2019	DW	Teleconference	Spoke w/ client, re: final draft of motion to dismiss	\$425.00	0.5	\$212.50

12/06/2019	DW	Teleconference	Spoke with Clerk's attorney, re: response	\$425.00	0.5	\$212.50
12/06/2019	AIJ	Review	Reviewed final draft MTDDismiss	\$475.00	0.2	\$95.00
12/06/2019	AIJ	Review	Reviewed Clerk's MTDDismiss	\$475.00	0.2	\$95.00
12/13/2019	DW	Review	Reviewed Clerk's Motion to Dismiss	\$425.00	0.5	\$212.50
01/16/2020	DW	Review	Reviewed Order Setting Hearing on Defendants' MTDDismiss	\$425.00	0.1	\$42.50
01/16/2020	DW	Review	Reviewed motion for pro hac vice	\$425.00	0.1	\$42.50
01/17/2020	DW	Review	Reviewed PI's Amended Complaint	\$425.00	1.0	\$425.00
01/17/2020	DW	Teleconference	Spoke with client, re: Amended Complaint	\$425.00	0.5	\$212.50
01/17/2020	DW	Review	Reviewed PI's notice of filing	\$425.00	0.1	\$42.50
01/20/2020	AIJ	Review	Reviewed PI's Am. Compl	\$475.00	0.3	\$142.50
01/21/2020	DW	Review	Reviewed Judge Marx's Order Cancelling MTDDismiss Hearing	\$425.00	0.1	\$42.50
01/21/2020	DW	Review	Reviewed PI's Objection to Defendants' MTDDismiss	\$425.00	0.2	\$85.00
01/21/2020	DW	Teleconference	Spoke with client, re: Amended complaint	\$425.00	0.5	\$212.50
01/21/2020	AIJ	Meeting	Meeting w/ DAW, re: response to Am. Compl.	\$475.00	0.2	\$95.00
01/21/2020	DW	Meeting	Meeting w/ AIJ, re: response to Am. Compl.	\$425.00	0.2	\$85.00
01/22/2020	DW	Review	Reviewed Order granting pro hac vice admission	\$425.00	0.1	\$42.50
01/22/2020	DW	Research & Draft	Researched and drafted response to Amended Complaint	\$425.00	1.0	\$425.00
01/23/2020	DW	Teleconference	Spoke with Clerk's attorney, re: response to amended complaint	\$425.00	0.2	\$85.00
01/24/2020	DW	Various	Completed Answer/MTDismiss Amended Complaint; filed with Court; sent copy to Client	\$425.00	1.0	\$425.00
01/24/2020	DW	Draft	Drafted and filed Notice of Unavailability	\$425.00	0.4	\$170.00
01/24/2020	AIJ	Review	Reviewed final Answer/MTDismiss	\$475.00	0.2	\$95.00
01/27/2020	DW	Review	Reviewed Clerk's Answer/MTDismiss	\$425.00	0.3	\$127.50
02/03/2020	DW	Review	Reviewed Order setting hearing on Defs' MTDDismiss	\$425.00	0.1	\$42.50
02/03/2020	DW	Teleconference	Spoke w/ client, re: order setting MTDDismiss hearing for March 24, 2020	\$425.00	0.5	\$212.50
03/13/2020	DW	Review	Reviewed PI's Opposition to Aronberg MTDDismiss & Clerk's MTDDismiss	\$425.00	1.5	\$637.50
03/13/2020	AIJ	Review	Reviewed PI's Opposition to Aronberg MTDDismiss & Clerk's MTDDismiss	\$475.00	0.7	\$332.50
03/18/2020	DW	Teleconference	Reviewed email from PI's counsel, re: motion to continue hearing	\$425.00	0.1	\$42.50
03/18/2020	DW	Review	Reviewed PI's unopposed motion for continuance	\$425.00	0.1	\$42.50
03/18/2020	DW	E-mail	Emails w/ Clerk's counsel, re: PI's request to continue hearing	\$425.00	0.2	\$85.00
03/19/2020	DW	E-mail	Reviewed email from PI, re: agreed order & responded	\$425.00	0.1	\$42.50
03/20/2020	DW	Review	Reviewed Court's agreed order continuing hearing	\$425.00	0.1	\$42.50

04/21/2020	DW	Review	Reviewed order rescheduling hearing on Defs' MTDDismiss	\$425.00	0.1	\$42.50
04/21/2020	DW	Teleconference	Spoke w/ client, re: order rescheduling MTDDismiss hearing for June 3, 2020	\$425.00	0.3	\$127.50
04/21/2020	AIJ	Review	Reviewed Order rescheduling MTDDismiss hearing	\$475.00	0.1	\$47.50
05/22/2020	DW	Review	Reviewed order setting Zoom hearing, re: MTDDismiss	\$425.00	0.1	\$42.50
05/22/2020	DW	Teleconference	Spoke w/ client, re: hearing will be via Zoom	\$425.00	0.2	\$85.00
05/27/2020	DW	Review	Reviewed Clerk's filing: change of atty of record	\$425.00	0.1	\$42.50
05/27/2020	DW	Teleconference	Spoke with Clerk's new counsel, Nicole Fingerhut	\$425.00	0.2	\$85.00
05/28/2020	DW	E-mail	Reviewed Pl's email, re: cases and authorities for MTDDismiss hearing; responded	\$425.00	0.1	\$42.50
05/29/2020	DW	Preparation	Began oral argument prep for 6/8 MTDDismiss hearing	\$425.00	1.0	\$425.00
06/01/2020	DW	E-mail	Reviewed email from Judge Marx's JA and responded	\$425.00	0.1	\$42.50
06/02/2020	DW	Various	Reviewed Pl's 500+ page binder, re: MTDDismiss & prepped for hearing	\$425.00	3.0	\$1,275.00
06/02/2020	DW	E-mail	Drafted and sent email to client, re: MTD hearing tomorrow	\$425.00	0.1	\$42.50
06/03/2020	DW	Attend Hearing	Prepped for and attended MTDDismiss hearing via Zoom	\$425.00	1.5	\$637.50
06/03/2020	DW	Teleconference	Spoke w/ Client, re: debrief MTDDismiss hearing	\$425.00	0.5	\$212.50
06/03/2020	DW	E-mail	Emailed courtesy copies of Aronberg's Answer and MTDDismiss to Judge Marx	\$425.00	0.1	\$42.50
06/03/2020	DW	E-mail	Reviewed response from Client and replied	\$425.00	0.1	\$42.50
06/03/2020	AIJ	Attend Hearing	Attended MTDDismiss hearing via Zoom	\$475.00	1.0	\$475.00
06/03/2020	AIJ	Review	Reviewed order granting MTDDismiss w/ prejudice	\$475.00	0.3	\$142.50
06/08/2020	DW	Review	Reviewed Court's Order Granting Defendants MTDDismiss Count II w/ Prejudice	\$425.00	0.5	\$212.50
06/08/2020	DW	Various	Shared order w/ Client and spoke w/, re: result and plan going forward, re: 57.105	\$425.00	0.5	\$212.50
06/08/2020	DW	Various	Researched § 57.105 Fla. Stat.; drafted 57.105 demand letter and proposed motion for attorneys' fees/sanctions; Served Pl's counsel with demand letter and proposed motion.	\$425.00	2.0	\$850.00
06/08/2020	AIJ	Meeting	Meeting w/ DAW, re: Order & 57.105	\$475.00	0.3	\$142.50
06/08/2020	DW	Meeting	Meeting w/ AIJ, re: Order & 57.105	\$425.00	0.3	\$127.50
06/08/2020	AIJ	Review	Reviewed 57.105 demand and proposed motion for sanction	\$475.00	0.2	\$95.00
06/10/2020	DW	Various	Reviewed notice of change of attorney, re: Clerk; called and spoke w/ new counsel Cynthia Guerra	\$425.00	0.3	\$127.50
06/23/2020	DW	Various	Reviewed Pl's letter refusing to voluntarily dismiss amended complaint despite 57.105 demand; called and spoke w/ client, re: Pl's refusal & next steps	\$425.00	1.0	\$425.00

06/23/2020	DW	E-mail	Sent client copy of PI's letter refusing to dismiss complaint	\$425.00	0.1	\$42.50
06/23/2020	AIJ	Review	Reviewed PI's letter refusing to dismiss Count I/Am. Compl.	\$475.00	0.1	\$47.50
07/01/2020	DW	Various	Spoke w/ client, re: filing of 57.105 motion for fees/sanctions; filed motion for attorneys' fees based on PI's failure to voluntarily dismiss amended complaint count 1	\$425.00	0.5	\$212.50
07/02/2020	DW	E-mail	Email to client, re: affidavit and summary judgment	\$425.00	0.1	\$42.50
07/08/2020	DW	Teleconference	Discussed w/ Client drafting and filing Motion for Summary Judgment and MSJ evidence	\$425.00	0.7	\$297.50
07/08/2020	AIJ	Teleconference	Discussed w/ Client drafting and filing Motion for Summary Judgment and MSJ evidence	\$475.00	0.7	\$332.50
07/10/2020	DW	Draft	Created 1st draft of Aronberg Affidavit; shared w/ client	\$425.00	1.0	\$425.00
07/10/2020	AIJ	Various	Reviewed draft affidavit and discussed w/ DAW	\$475.00	0.3	\$142.50
07/10/2020	DW	Meeting	Discussed draft affidavit w/ AIJ	\$425.00	0.2	\$85.00
07/13/2020	DW	Review	Reviewed PI's Request to Produce, re: Clerk	\$425.00	0.1	\$42.50
07/13/2020	DW	Teleconference	Spoke w/ Clerk's counsel, re: Request to Produce	\$425.00	0.2	\$85.00
07/27/2020	DW	Review	Reviewed PI's Amended Request to Produce, re: Clerk	\$425.00	0.1	\$42.50
07/27/2020	DW	Teleconference	Spoke w/ Clerk's counsel, re: Amended Request to Produce	\$425.00	0.1	\$42.50
07/28/2020	DW	Draft	Revised Aronberg affidavit	\$425.00	0.5	\$212.50
07/29/2020	DW	Draft	Finalized Aronberg Affidavit and sent to client	\$425.00	0.5	\$212.50
07/29/2020	DW	Research & Preparation	Research and prep for Motion for Summary Judgment	\$425.00	1.0	\$425.00
07/30/2020	DW	Various	Received executed Aronberg Affidavit	\$425.00	0.1	\$42.50
07/30/2020	DW	Draft	Began drafting Motion for Summary Judgment	\$425.00	2.0	\$850.00
08/05/2020	DW	Draft	Continued drafting Motion for Summary Judgment	\$425.00	1.0	\$425.00
08/07/2020	DW	Review	Reviewed email from Plaintiff attempting to set hearing on 57.105 motion for fees/sanctions	\$425.00	0.1	\$42.50
08/10/2020	DW	E-mail	Sent responsive email to PI's counsel	\$425.00	0.1	\$42.50
08/17/2020	DW	Meeting	Discussed draft MSJ w/ AIJ	\$425.00	0.2	\$85.00
08/17/2020	AIJ	Various	Reviewed draft MSJ and met w/ DAW to discuss	\$475.00	0.5	\$237.50
08/18/2020	DW	Draft	Finalized Motion for Summary Judgment; filed w/ court along with Aronberg affidavit	\$425.00	2.0	\$850.00
08/27/2020	DW	Teleconference	Spoke w/ Clerk's counsel, re: request to produce	\$425.00	0.1	\$42.50
09/01/2020	DW	Various	Reviewed PI's email and accepted conference call invite for 9/2/20	\$425.00	0.1	\$42.50
09/02/2020	DW	Review	Reviewed Clerk's response to request for production	\$425.00	0.2	\$85.00
09/02/2020	DW	Teleconference	Spoke w/ PI's counsel, re: dispute as to whether MSJ should be heard before 57.105 fee motion or vis versa - call was unsuccessful	\$425.00	0.5	\$212.50



09/02/2020	AIJ	Meeting	Discussed w/ DAW phone call w/ PI's counsel	\$475.00	0.2	\$95.00
09/02/2020	DW	Meeting	Discussed w/ AIJ phone call w/ PI's counsel	\$425.00	0.2	\$85.00
09/16/2020	DW	E-mail	Reviewed email from PI's counsel requested Aronberg to withdraw sanctions motion w/o prejudice	\$425.00	0.1	\$42.50
09/17/2020	DW	Meeting	Discussed w/ AIJ filing motion for CMC	\$425.00	0.1	\$42.50
09/17/2020	AIJ	Meeting	Discussed w/ DAW filing motion for CMC	\$475.00	0.1	\$47.50
09/18/2020	DW	Various	Drafted and filed motion to set case management conference; re: MSJ 1st or Fee hearing 1st	\$425.00	0.5	\$212.50
09/18/2020	DW	E-mail	Responded to PI's 9/16/20 email and refused to withdraw 57.105 motion; provided copy of motion to set CMC and available dates for hearing	\$425.00	0.1	\$42.50
09/18/2020	DW	E-mail	Reviewed PI's email insisting that 57.105 motion be withdrawn	\$425.00	0.1	\$42.50
09/18/2020	DW	E-mail	Replied to PI's counsel that the 57.105 motion for sanctions will not be withdrawn and asking for response, re: CMC	\$425.00	0.1	\$42.50
09/18/2020	DW	E-mail	Sent client copy of email exchange w/ PI's counsel; called and spoke w/ Client	\$425.00	0.5	\$212.50
09/22/2020	DW	Various	Drafted and filed Notice of Hearing on 10/15/20; set up Court Call; spoke w/ client, re: hearing date	\$425.00	0.7	\$297.50
10/02/2020	DW	Review	Reviewed PI's Memo of Law opposing Aronberg's 57.105 motion for fees/sanctions	\$425.00	0.7	\$297.50
10/02/2020	DW	Review	Reviewed PI's Response to Aronberg's request to schedule 57.105 motion for fees after MSJ	\$425.00	0.5	\$212.50
10/02/2020	AIJ	Review	Reviewed PI's Memo of Law opposing 57.105 motion	\$475.00	0.5	\$237.50
10/02/2020	AIJ	Review	Reviewed PI's Response to Aronberg's request to schedule 57.105 motion after MSJ	\$475.00	0.4	\$190.00
10/12/2020	DW	Research	Research caselaw & statutes, re: response to PI's Memo of Law	\$425.00	1.0	\$425.00
10/13/2020	DW	Research & Analyze	Continued researching caselaw, re: response to PI's memo of law	\$425.00	1.0	\$425.00
10/13/2020	DW	Draft	Created 1st draft of Response to PI's Memo of Law and shared w/ Client	\$425.00	4.0	\$1,700.00
10/13/2020	DW	Meeting	Discussed w/ AIJ caselaw and draft response to memo	\$425.00	0.5	\$212.50
10/13/2020	AIJ	Various	Reviewed draft MSJ, discussed draft w/ DAW and caselaw	\$475.00	0.7	\$332.50
10/14/2020	DW	Draft	Finalized and filed Response to PI's Memo of Law	\$425.00	1.0	\$425.00
10/14/2020	DW	Telephone	Spoke w/ client, re: memo of law	\$425.00	0.2	\$85.00
10/14/2020	DW	Telephone	Spoke w/ client again, re: response to memo of law	\$425.00	0.1	\$42.50
10/15/2020	DW	Attend Hearing	Attended hearing, re: Motion to Set CMC; called client to discuss	\$425.00	1.5	\$637.50
10/15/2020	DW	Various	Reviewed email and letter from PI, re: settlement. Sent copy to Client and called to discuss.	\$425.00	0.5	\$212.50

10/15/2020	DW	Telephone	Spoke w/ PI's counsel, re: settlement	\$425.00	0.1	\$42.50
10/15/2020	DW	Telephone	Spoke w/ client, re: PI's settlement proposal	\$425.00	0.2	\$85.00
10/15/2020	AIJ	Various	Attended hearing, re: motion to set CMC; discussed w/ client	\$475.00	1.0	\$475.00
10/15/2020	AIJ	Various	Discussed PI's settlement proposal w/ DAW and then w/ Client	\$475.00	0.4	\$190.00
10/15/2020	DW	Meeting	Discussed PI's settlement proposal w/ AIJ	\$425.00	0.2	\$85.00
10/16/2020	DW	Various	Drafted and shared proposed order w/ PI's counsel	\$425.00	0.5	\$212.50
10/16/2020	DW	Telephone	Spoke w/ PI's counsel, re: settlement	\$425.00	0.2	\$85.00
10/16/2020	DW	Telephone	Spoke w/ client, re: PI's settlement proposal	\$425.00	0.5	\$212.50
10/16/2020	DW	Meeting	Discussed PI's settlement proposal w/ AIJ	\$425.00	0.2	\$85.00
10/16/2020	AIJ	Meeting	Discussed PI's settlement proposal w/ DAW	\$475.00	0.2	\$95.00
10/19/2020	DW	Various	Uploaded proposed order, re: CMC for Judge Hafele	\$425.00	0.1	\$42.50
10/19/2020	DW	Telephone	Spoke w/ client, re: PI's settlement proposal	\$425.00	0.2	\$85.00
10/19/2020	DW	Telephone	Spoke w/ PI's counsel, re: settlement	\$425.00	0.1	\$42.50
10/19/2020	AIJ	Meeting	Discussed PI's settlement proposal w/ DAW	\$475.00	0.2	\$95.00
10/19/2020	DW	Meeting	Discussed PI's settlement proposal w/ AIJ	\$425.00	0.2	\$85.00
10/20/2020	DW	Various	Reviewed email from PI, re: settlement; sent copy to Client and called to discuss	\$425.00	0.5	\$212.50
10/20/2020	DW	Telephone	Spoke w/ client, re: settlement	\$425.00	0.4	\$170.00
10/20/2020	DW	Telephone	Spoke w/ PI's counsel, re: settlement	\$425.00	0.1	\$42.50
10/20/2020	DW	Telephone	Spoke w/ client, re: settlement	\$425.00	0.1	\$42.50
10/20/2020	DW	Meeting	Discussed PI's settlement proposal w/ AIJ	\$425.00	0.2	\$85.00
10/20/2020	AIJ	Meeting	Discussed PI's settlement proposal w/ DAW	\$475.00	0.2	\$95.00
10/21/2020	DW	Various	Drafted and filed Motion to Set Hearing on Aronberg MSJ; drafted proposed order granting motion to set; checked court availability; emailed PI's counsel, re: choose date for hearing	\$425.00	1.0	\$425.00
10/21/2020	DW	Review	Reviewed Order, re: CMC unnecessary	\$425.00	0.1	\$42.50
10/21/2020	DW	Telephone	Spoke w/ client, re: media response	\$425.00	0.2	\$85.00
10/21/2020	DW	Telephone	Spoke w/ client, re: media response	\$425.00	0.1	\$42.50
10/21/2020	DW	Telephone	Spoke w/ client, re: media response	\$425.00	0.1	\$42.50
10/21/2020	DW	Telephone	Spoke w/ client, re: media response	\$425.00	0.1	\$42.50
10/21/2020	DW	Telephone	Spoke w/ client, re: media response	\$425.00	0.1	\$42.50
10/21/2020	DW	E-mail	Sent email w/ Aronberg statement to media	\$425.00	0.1	\$42.50
10/21/2020	AIJ	Meeting	Discussed media response w/ DAW	\$475.00	0.3	\$142.50
10/21/2020	DW	Meeting	Discussed media response w/ AIJ	\$425.00	0.3	\$127.50
10/22/2020	DW	Various	Reviewed PI's Notice of Dropping Aronberg as party; spoke w/ Client and AIJ, re: notice and next steps	\$425.00	0.5	\$212.50

10/22/2020	AIJ	Various	Reviewed Pl's Notice of Dropping Aronberg as party; spoke w/ Client and DAW, re: notice and next steps	\$475.00	0.5	\$237.50
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Totals: **74.8** **\$32,440.00**

Time Entry Sub-Total:	\$32,440.00
<b>Sub-Total:</b>	\$32,440.00
<b>Total:</b>	\$32,440.00
<b>Amount Paid:</b>	\$0.00
<b>Balance Due:</b>	<b>\$32,440.00</b>

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# **EXHIBIT “F”**

NOT A CERTIFIED COPY

**EXHIBIT “F”**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

**AFFIDAVIT OF ATTORNEYS' FEES**

STATE OF FLORIDA  
COUNTY OF NASSAU

BEFORE ME, the undersigned authority appeared Douglas A. Wyler, Esq., who, after being first duly sworn, deposes and says:

1. Affiant is a partner of JACOBS, SCHOLZ & WYLER, LLC, counsel for Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, ("Aronberg"), as well as general counsel to the Florida Prosecuting Attorneys Association, ("FPAA"), and makes this Affidavit of his own personal knowledge.

2. Affiant is licensed to practice law in the State of Florida, is an active member of the Florida Bar in good standing and has engaged in the practice of law in the State of Florida since 2015.

3. As detailed herein, the services rendered by Affiant and his firm pertain to Affiant's demand letter and motion for attorneys' fees sent to Plaintiff's counsel pursuant to § 57.105, Florida Statutes, on June 8, 2020, in defending against Count I of Plaintiff's Amended Complaint

and Plaintiff's October 21, 2020 Notice of Dropping State Attorney, Dave Aronberg from the above-captioned lawsuit. *See, Exhibits "A" and "B" attached hereto.*

4. The total time Affiant's law firm has expended services rendered to date is **74.8 hours**, however, from the date of Defendant Aronberg's 57.105 demand, Affiant's law firm has expended a total of **42.2 hours**. Of the 42.2 hours expended since Defendant Aronberg's 57.105 demand was served, the Affiant

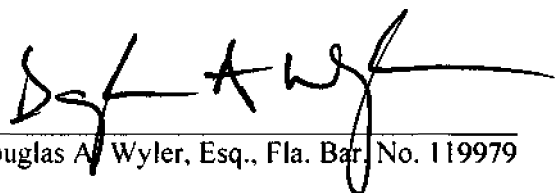
5. Of the 42.2 hours expended since Defendant Aronberg's 57.105 demand was served, the total time Affiant has expended services rendered to date is **35.4 hours** at the rate of **\$425.00 per hour**. Likewise, the total time Affiant's law partner, Arthur I. Jacobs, has expended services rendered to date is **6.8 hours** at the rate of **\$475.00 per hour**.

6. Accordingly, since Defendant Aronberg's 57.105 demand was served, Defendant Aronberg's counsel, JACOBS, SCHOLZ & WYLER, LLC, has rendered services in the amount of \$18,275.00, in conjunction with the defense of the instant action pursuant to § 57.105, Florida Statutes. *See, Exhibit "C" attached hereto.*

7. Affiant expects to incur an additional 4.0 hours at \$425.00 an hour in preparing for and attending the hearing on attorneys' fees. Thus, the total amount of hourly attorneys' fees the State Attorney is seeking is **46.2 hours** for a total of **\$19,975.00**. Additionally, the State Attorney seeks a multiplier of 2.0, which when applied makes the grand total attorneys' fees sought herein **\$39,950.00**.

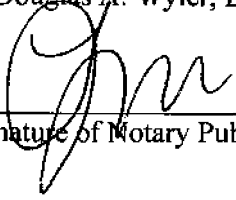
Dated this 9th day of November, 2020.

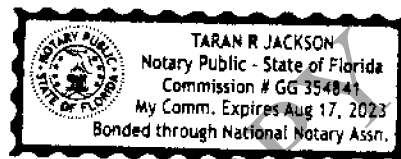
FURTHER AFFIANT SAYETH NOT.

  
Douglas A. Wyler, Esq., Fla. Bar No. 119979

STATE OF FLORIDA  
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 9th day of November, 2020,  
by Douglas A. Wyler, Esquire, who is personally known to me and who did take an oath.

  
\_\_\_\_\_  
Signature of Notary Public – State of Florida



Taran R. Jackson  
Name typed, printed or stamped

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 9th day of November, 2020, a copy of the foregoing has  
been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

**JACOBS SCHOLZ & WYLER, LLC**

*/s/ Douglas A. Wyler*

\_\_\_\_\_  
Arthur I. Jacobs, Esq.  
Fla. Bar No.: 10249  
Richard J. Scholz, Esq.  
Fla. Bar No.: 0021261  
Douglas A. Wyler, Esq.  
Fla. Bar No.: 119979  
961687 Gateway Blvd., Suite 201-I  
Fernandina Beach, Florida 32034  
(904) 261-3693  
(904) 261-7879 Fax  
Primary: jacobsscholzlaw@comcast.net

*Attorneys for Defendant, Dave Aronberg*

**EXHIBIT “A”**

NOT A CERTIFIED COPY

**EXHIBIT “A”**



**Subject:** SERVICE OF COURT DOCUMENT; CASE NO. 2019-CA-014681; CA FLORIDA HOLDINGS, LLC V. DAVE ARONBERG ET AL.  
**Date:** Monday, June 8, 2020 at 3:58:58 PM Eastern Daylight Time  
**From:** Douglas Wyler  
**To:** 'mendelsohns@gtlaw.com', smithl@gtlaw.com, flservice@gtlaw.com, BoyajianN@gtlaw.com, riveraal@gtlaw.com, GRYGIELM@gtlaw.com  
**Attachments:** 2020-06-08 Aronberg 57.105 Demand and Motion for Attorneys' Fees.pdf

**Court:** Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida  
**Case No:** Case No. 2020-CA-014681  
**Plaintiff:** CA Florida Holdings, LLC  
**Defendant:** Dave Aronberg  
**Title of Documents Served:**

- Fla. Stat. § 57.105 Demand Letter
- Defendant, Dave Aronberg's Motion for Attorneys' Fees

**Sender's Name and Telephone Number:** Douglas Wyler  
(904) 261-3693

Sincerely,

Doug Wyler, Esq.  
Jacobs, Scholz & Wyler, LLC  
961687 Gateway Blvd., STE 201-I  
Fernandina Beach, FL 32034  
904-261-3693  
904-261-7879 (fax)

Please be advised that this e-mail and any files transmitted with it are confidential attorney-client communication or may otherwise be privileged or confidential and are intended solely for the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited.

# JACOBS SCHOLZ & WYLER, LLC.

A LIMITED LIABILITY COMPANY OF PROFESSIONAL ASSOCIATIONS

THE LAW OFFICES OF  
JACOBS & ASSOCIATES, P.A.  
ARTHUR J. JACOBS

ATTORNEYS AT LAW  
GATEWAY TO AMELIA  
981687 GATEWAY BLVD., SUITE 201-I  
FERNANDINA BEACH, FLORIDA 32034

TELEPHONE (904) 261-3693  
FAX NO. (904) 261-7879

RICHARD J. SCHOLZ, P.A.  
RICHARD J. SCHOLZ

DOUGLAS A. WYLER, P.A.  
DOUGLAS A. WYLER

June 8, 2020

## VIA ELECTRONIC & U.S. MAIL

Stephen A. Mendelsohn, Esq.  
Greenburg Traurig, P.A.  
5100 Town Center Circle, Suite 400  
Boca Raton, FL 33486

**RE: CA Florida Holdings, LLC v. Dave Aronberg et al.  
Palm Beach County, Case No.: 2019-CA-014681**

Dear Mr. Mendelsohn:

As you are aware our firm represents the interests of Dave Aronberg, as State Attorney of Palm Beach County, Florida, in the above referenced matter. The purpose of this letter is to demand the voluntary dismissal of your First Amended Complaint, (the "Complaint"), dated January 17, 2020. This demand is made pursuant to section 57.105, Florida Statutes.

As you know, Section 57.105 provides:

- (1) Upon the court's initiative or motion of any party, the court shall award a reasonable attorney's fee, including prejudgment interest, to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense at any time during a civil proceeding or action in which the court finds that the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial:
  - a. Was not supported by the material facts necessary to establish the claim or defense; or
  - b. Would not be supported by the application of then-existing law to those material facts.

Today, Judge Marx granted, with prejudice, Defendant Aronberg's Motion to Dismiss Count II of the Plaintiff's Complaint. Pursuant to the Court's ruling, the Plaintiff's only remaining cause of action consists of Count I, for Declaratory Relief. Accordingly, we believe that the Complaint filed herein and its sole remaining Count for Declaratory Relief is not supported by the material facts necessary to establish the claims asserted, and that your claims are not supported by the application of current law to said material facts.

First and foremost, the Complaint is not supported by the material facts necessary to establish the claims asserted because neither Defendant Aronberg, nor The Office of the State Attorney for the Fifteenth Judicial Circuit is in custody or control of the 2006 grand jury materials sought therein. Simply put, the declaratory relief sought by the Plaintiff, seeks records from my client that are impossible for him or his office to produce. Accordingly, Defendant Aronberg is not a proper party to this action because no matter what, he and his office do not have possession, custody, or control of the requested materials.

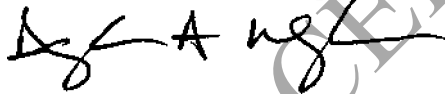
In addition to the foregoing material facts that negate the claims asserted in the Complaint, your claims are also not supported by the application of current law. Specifically, your action for declaratory relief fails based on the clear, unambiguous statutory language found in Section 905.27(2), Florida Statutes, which states:

When such disclosure is ordered by a court pursuant to subsection (1) for use in a civil case, it may be disclosed to all parties to the case and to their attorneys and by the latter to their legal associates and employees. However, the grand jury testimony afforded such persons by the court can only be used in the defense or prosecution of the civil or criminal case and for no other purpose whatsoever.

Moreover, even if the Plaintiff were to prevail in the declaratory action, Mr. Aronberg would be unable to comply with any court order granting disclosure of the requested documents because neither Mr. Aronberg nor The Office of the State Attorney for the Fifteenth Judicial Circuit have possession, custody, or control of the 2006 Epstein grand jury records.

Based on the foregoing, if the Complaint is not dismissed within 21 days of the service of this letter, the enclosed Motion for Attorney's Fees will be filed and we will seek as sanctions, from your client and your firm, recovery of the legal expenses incurred in defending this frivolous action.

Please govern yourself accordingly.



Douglas A. Wyler, Esq.  
For the Firm

Encl.: Defendant's Motion for Attorneys' Fees

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida.

Defendants.

---

**DEFENDANT, DAVE ARONBERG'S MOTION FOR ATTORNEYS' FEES**

Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, by and through the undersigned attorneys, moves the Court, pursuant to Florida Statutes, Section 57.105, to award him reasonable attorneys' fees for the defense of Plaintiff's First Amended Complaint, (the "Complaint"), and as grounds therefor, would show that on June 8, 2020, Plaintiff was served a copy of this Motion, together with a letter from the undersigned attorney, in accordance with subsection (4) of the above Statute, demanding dismissal of the Complaint, at least 21 days prior to the filing of this Motion. In said letter, Defendant's attorney advised Plaintiff of the facts which establish that the Complaint is without support of the facts or the law.

WHEREFORE, Defendant, DAVE ARONBERG, as State Attorney of Palm Beach County, Florida, respectfully requests the Court enter an Order requiring Plaintiff and Plaintiff's attorneys to pay said Defendant's attorneys' fees incurred herein after service of this Motion.

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_ day \_\_\_\_\_, 2020, the foregoing was electronically filed via the Florida E-File Portal for electronic service on the parties of record herein.

**JACOBS SCHOLZ & WYLER, LLC**

*/s/ Douglas A. Wyler*

---

Arthur I. Jacobs, Esquire  
Fla. Bar No.: 108249  
Richard J. Scholz, Esquire  
Fla. Bar No.: 0021261  
Douglas A. Wyler, Esquire  
Fla. Bar No.: 119979  
961687 Gateway Blvd., Suite 201-I  
Fernandina Beach, Florida 32034  
(904) 261-3693  
(904) 261-7879  
jacobsscholzlaw@comcast.net

*Attorneys for Defendant*

**EXHIBIT “B”**

NOT A CERTIFIED COPY

**EXHIBIT “B”**

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

CA FLORIDA HOLDINGS, LLC,  
Publisher of *THE PALM BEACH POST*,

CASE NO.: 50-2019-CA-014681-XXXX-MB

DIVISION: AG

Plaintiff,

v.

DAVE ARONBERG, as State Attorney of  
Palm Beach County, Florida; SHARON R.  
BOCK, as Clerk and Comptroller of Palm  
Beach County, Florida,

Defendants.

---

**PLAINTIFF CA HOLDINGS, LLC'S  
NOTICE OF DROPPING STATE ATTORNEY, DAVE ARONBERG**

Plaintiff, CA HOLDINGS, LLC, pursuant to Fla. R. Civ. P. 1250(b), hereby notifies the parties that  
it has dropped State Attorney, Dave Aronberg from the above case.

Respectfully submitted,

**GREENBERG TRAURIG, P.A.**

*Attorneys for CA Florida Holdings, LLC, Publisher  
of The Palm Beach Post*

Stephen A. Mendelsohn, Esq.  
401 East Las Olas Boulevard Suite 2000  
Boca Raton, Florida 33486  
Telephone: (561) 955-7629  
Facsimile: (561) 338-7099

By: /s/ Stephen A. Mendelsohn

STEPHEN A. MENDELSON

Florida Bar No. 849324

[mendelsohns@gtlaw.com](mailto:mendelsohns@gtlaw.com)

[smihl@gtlaw.com](mailto:smihl@gtlaw.com)

[FLService@gtlaw.com](mailto:FLService@gtlaw.com)

By: /s/ Michael J Grygiel  
MICHAEL J GRYGIEL  
(Admitted *Pro Hac Vice*)  
54 State St., 6th Floor  
Albany, New York 12207  
Telephone: (518) 689-1400  
Facsimile: (518) 689-1499  
[grvgielm@gtlaw.com](mailto:grvgielm@gtlaw.com)

By: /s/ Nina D. Boyajian  
NINA D. BOYAJIAN  
(Admitted *Pro Hac Vice*)  
1840 Century Park East, Suite 1900  
Los Angeles California 90067  
Telephone: (310) 586-7700  
Facsimile: (310) 586-7800  
[boyajiann@gtlaw.com](mailto:boyajiann@gtlaw.com)  
[riversaal@gtlaw.com](mailto:riversaal@gtlaw.com)

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this 21<sup>st</sup> day of October, 2020, a true and correct copy of the foregoing has been filed with the Clerk of the Court using the State of Florida e-filing system, which will send a notice of electronic service for all parties of record herein

/s/ Stephen A. Mendelsohn  
STEPHEN A. MENDELSON



**EXHIBIT “C”**

NOT A CERTIFIED COPY

**EXHIBIT “C”**

**Jacobs Scholz & Wyler, LLC**  
 961687 Gateway Blvd., Suite 2011  
 Fernandina Beach, FL 32034  
 United States  
 904-261-3693

**Jacobs Scholz & Wyler, LLC**

**Dave Aronberg**

**Balance** \$32,440.00  
**Invoice #** 00307  
**Invoice Date** November 6, 2020  
**Payment Terms**  
**Due Date**

**Aronberg (SAO15) adv. CA Florida Holdings, LLC**

**Time Entries**

Date	EE	Activity	Description	Rate	Hours	Line Total
11/26/2019	DW	Review	Initial review of summons and complaint.	\$425.00	1.5	\$637.50
11/26/2019	DW	Review	Reviewed motion for pro hac vice and Judge Hafele' order granting	\$425.00	0.2	\$85.00
11/26/2019	DW	Teleconference	Teleconference w/ Client, re: response to lawsuit	\$425.00	0.5	\$212.50
11/26/2019	DW	Draft	Drafted engagement letter and sent to client	\$425.00	0.3	\$127.50
11/26/2019	DW	Review	Reviewed 15th circuit local rules	\$425.00	1.0	\$425.00
11/26/2019	AIJ	Review	Initial review of complaint	\$475.00	1.0	\$475.00
11/26/2019	AIJ	Meeting	Meeting w/ DAW to discuss lawsuit and strategy	\$475.00	0.5	\$237.50
11/26/2019	DW	Meeting	Meeting w/ AIJ to discuss lawsuit and strategy	\$425.00	0.5	\$212.50
11/26/2019	AIJ	Teleconference	Teleconference w/ Client, re: response to lawsuit	\$475.00	0.5	\$237.50
12/02/2019	DW	Research & Preparation	Research and prep for Motion to dismiss	\$425.00	2.0	\$850.00
12/02/2019	DW	Draft	1st Draft motion to dismiss	\$425.00	1.0	\$425.00
12/02/2019	DW	Teleconference	Teleconference w/ Client, re: draft motion to dismiss	\$425.00	0.5	\$212.50
12/02/2019	AIJ	Review	Reviewed 1st Draft MTDDismiss	\$475.00	0.3	\$142.50
12/02/2019	AIJ	Teleconference	Teleconference w/ client, re: draft motion to dismiss	\$475.00	0.5	\$237.50
12/03/2019	AIJ	Meeting	Meeting w/ DAW, re: motion to dismiss	\$475.00	0.2	\$95.00
12/03/2019	DW	Meeting	Meeting w/ AIJ, re: MTDDismiss	\$425.00	0.2	\$85.00
12/06/2019	DW	Draft	Completed final draft of motion to dismiss; filed with Court	\$425.00	0.7	\$297.50
12/06/2019	DW	Teleconference	Spoke w/ client, re: final draft of motion to dismiss	\$425.00	0.5	\$212.50

12/06/2019	DW	Teleconference	Spoke with Clerk's attorney, re: response	\$425.00	0.5	\$212.50
12/06/2019	AIJ	Review	Reviewed final draft MTDDismiss	\$475.00	0.2	\$95.00
12/06/2019	AIJ	Review	Reviewed Clerk's MTDDismiss	\$475.00	0.2	\$95.00
12/13/2019	DW	Review	Reviewed Clerk's Motion to Dismiss	\$425.00	0.5	\$212.50
01/16/2020	DW	Review	Reviewed Order Setting Hearing on Defendants' MTDDismiss	\$425.00	0.1	\$42.50
01/16/2020	DW	Review	Reviewed motion for pro hac vice	\$425.00	0.1	\$42.50
01/17/2020	DW	Review	Reviewed PI's Amended Complaint	\$425.00	1.0	\$425.00
01/17/2020	DW	Teleconference	Spoke with client, re: Amended Complaint	\$425.00	0.5	\$212.50
01/17/2020	DW	Review	Reviewed PI's notice of filing	\$425.00	0.1	\$42.50
01/20/2020	AIJ	Review	Reviewed PI's Am. Compl	\$475.00	0.3	\$142.50
01/21/2020	DW	Review	Reviewed Judge Marx's Order Cancelling MTDDismiss Hearing	\$425.00	0.1	\$42.50
01/21/2020	DW	Review	Reviewed PI's Objection to Defendants' MTDDismiss	\$425.00	0.2	\$85.00
01/21/2020	DW	Teleconference	Spoke with client, re: Amended complaint	\$425.00	0.5	\$212.50
01/21/2020	AIJ	Meeting	Meeting w/ DAW, re: response to Am. Compl.	\$475.00	0.2	\$95.00
01/21/2020	DW	Meeting	Meeting w/ AIJ, re: response to Am. Compl.	\$425.00	0.2	\$85.00
01/22/2020	DW	Review	Reviewed Order granting pro hac vice admission	\$425.00	0.1	\$42.50
01/22/2020	DW	Research & Draft	Researched and drafted response to Amended Complaint	\$425.00	1.0	\$425.00
01/23/2020	DW	Teleconference	Spoke with Clerk's attorney, re: response to amended complaint	\$425.00	0.2	\$85.00
01/24/2020	DW	Various	Completed Answer/MTDDismiss Amended Complaint; filed with Court; sent copy to Client	\$425.00	1.0	\$425.00
01/24/2020	DW	Draft	Drafted and filed Notice of Unavailability	\$425.00	0.4	\$170.00
01/24/2020	AIJ	Review	Reviewed final Answer/MTDDismiss	\$475.00	0.2	\$95.00
01/27/2020	DW	Review	Reviewed Clerk's Answer/MTDDismiss	\$425.00	0.3	\$127.50
02/03/2020	DW	Review	Reviewed Order setting hearing on Defs' MTDDismiss	\$425.00	0.1	\$42.50
02/03/2020	DW	Teleconference	Spoke w/ client, re: order setting MTDDismiss hearing for March 24, 2020	\$425.00	0.5	\$212.50
03/13/2020	DW	Review	Reviewed PI's Opposition to Aronberg MTDDismiss & Clerk's MTDDismiss	\$425.00	1.5	\$637.50
03/13/2020	AIJ	Review	Reviewed PI's Opposition to Aronberg MTDDismiss & Clerk's MTDDismiss	\$475.00	0.7	\$332.50
03/18/2020	DW	Teleconference	Reviewed email from PI's counsel, re: motion to continue hearing	\$425.00	0.1	\$42.50
03/18/2020	DW	Review	Reviewed PI's unopposed motion for continuance	\$425.00	0.1	\$42.50
03/18/2020	DW	E-mail	Emails w/ Clerk's counsel, re: PI's request to continue hearing	\$425.00	0.2	\$85.00
03/19/2020	DW	E-mail	Reviewed email from PI, re: agreed order & responded	\$425.00	0.1	\$42.50
03/20/2020	DW	Review	Reviewed Court's agreed order continuing hearing	\$425.00	0.1	\$42.50

04/21/2020	DW	Review	Reviewed order rescheduling hearing on Defs' MTDDismiss	\$425.00	0.1	\$42.50
04/21/2020	DW	Teleconference	Spoke w/ client, re: order rescheduling MTDDismiss hearing for June 3, 2020	\$425.00	0.3	\$127.50
04/21/2020	AIJ	Review	Reviewed Order rescheduling MTDDismiss hearing	\$475.00	0.1	\$47.50
05/22/2020	DW	Review	Reviewed order setting Zoom hearing, re: MTDDismiss	\$425.00	0.1	\$42.50
05/22/2020	DW	Teleconference	Spoke w/ client, re: hearing will be via Zoom	\$425.00	0.2	\$85.00
05/27/2020	DW	Review	Reviewed Clerk's filing: change of atty of record	\$425.00	0.1	\$42.50
05/27/2020	DW	Teleconference	Spoke with Clerk's new counsel, Nicole Fingerhut	\$425.00	0.2	\$85.00
05/28/2020	DW	E-mail	Reviewed PI's email, re: cases and authorities for MTDDismiss hearing; responded	\$425.00	0.1	\$42.50
05/29/2020	DW	Preparation	Began oral argument prep for 6/8 MTDDismiss hearing	\$425.00	1.0	\$425.00
06/01/2020	DW	E-mail	Reviewed email from Judge Marx's JA and responded	\$425.00	0.1	\$42.50
06/02/2020	DW	Various	Reviewed PI's 500+ page binder, re: MTDDismiss & prepped for hearing	\$425.00	3.0	\$1,275.00
06/02/2020	DW	E-mail	Drafted and sent email to client, re: MTD hearing tomorrow	\$425.00	0.1	\$42.50
06/03/2020	DW	Attend Hearing	Prepped for and attended MTDDismiss hearing via Zoom	\$425.00	1.5	\$637.50
06/03/2020	DW	Teleconference	Spoke w/ Client, re: debrief MTDDismiss hearing	\$425.00	0.5	\$212.50
06/03/2020	DW	E-mail	Emailed courtesy copies of Aronberg's Answer and MTDDismiss to Judge Marx	\$425.00	0.1	\$42.50
06/03/2020	DW	E-mail	Reviewed response from Client and replied	\$425.00	0.1	\$42.50
06/03/2020	AIJ	Attend Hearing	Attended MTDDismiss hearing via Zoom	\$475.00	1.0	\$475.00
06/03/2020	AIJ	Review	Reviewed order granting MTDDismiss w/ prejudice	\$475.00	0.3	\$142.50
06/08/2020	DW	Review	Reviewed Court's Order Granting Defendants MTDDismiss Count II w/ Prejudice	\$425.00	0.5	\$212.50
06/08/2020	DW	Various	Shared order w/ Client and spoke w/, re: result and plan going forward, re: 57.105	\$425.00	0.5	\$212.50
06/08/2020	DW	Various	Researched § 57.105 Fla. Stat.; drafted 57.105 demand letter and proposed motion for attorneys' fees/sanctions; Served PI's counsel with demand letter and proposed motion.	\$425.00	2.0	\$850.00
06/08/2020	AIJ	Meeting	Meeting w/ DAW, re: Order & 57.105	\$475.00	0.3	\$142.50
06/08/2020	DW	Meeting	Meeting w/ AIJ, re: Order & 57.105	\$425.00	0.3	\$127.50
06/08/2020	AIJ	Review	Reviewed 57.105 demand and proposed motion for sanction	\$475.00	0.2	\$95.00
06/10/2020	DW	Various	Reviewed notice of change of attorney, re: Clerk; called and spoke w/ new counsel Cynthia Guerra	\$425.00	0.3	\$127.50
06/23/2020	DW	Various	Reviewed PI's letter refusing to voluntarily dismiss amended complaint despite 57.105 demand; called and spoke w/ client, re: PI's refusal & next steps	\$425.00	1.0	\$425.00

06/23/2020	DW	E-mail	Sent client copy of PI's letter refusing to dismiss complaint	\$425.00	0.1	\$42.50
06/23/2020	AIJ	Review	Reviewed PI's letter refusing to dismiss Count I/Am. Compl.	\$475.00	0.1	\$47.50
07/01/2020	DW	Various	Spoke w/ client, re: filing of 57.105 motion for fees/sanctions; filed motion for attorneys' fees based on PI's failure to voluntarily dismiss amended complaint count 1	\$425.00	0.5	\$212.50
07/02/2020	DW	E-mail	Email to client, re: affidavit and summary judgment	\$425.00	0.1	\$42.50
07/08/2020	DW	Teleconference	Discussed w/ Client drafting and filing Motion for Summary Judgment and MSJ evidence	\$425.00	0.7	\$297.50
07/08/2020	AIJ	Teleconference	Discussed w/ Client drafting and filing Motion for Summary Judgment and MSJ evidence	\$475.00	0.7	\$332.50
07/10/2020	DW	Draft	Created 1st draft of Aronberg Affidavit; shared w/ client	\$425.00	1.0	\$425.00
07/10/2020	AIJ	Various	Reviewed draft affidavit and discussed w/ DAW	\$475.00	0.3	\$142.50
07/10/2020	DW	Meeting	Discussed draft affidavit w/ AIJ	\$425.00	0.2	\$85.00
07/13/2020	DW	Review	Reviewed PI's Request to Produce, re: Clerk	\$425.00	0.1	\$42.50
07/13/2020	DW	Teleconference	Spoke w/ Clerk's counsel, re: Request to Produce	\$425.00	0.2	\$85.00
07/27/2020	DW	Review	Reviewed PI's Amended Request to Produce, re: Clerk	\$425.00	0.1	\$42.50
07/27/2020	DW	Teleconference	Spoke w/ Clerk's counsel, re: Amended Request to Produce	\$425.00	0.1	\$42.50
07/28/2020	DW	Draft	Revised Aronberg affidavit	\$425.00	0.5	\$212.50
07/29/2020	DW	Draft	Finalized Aronberg Affidavit and sent to client	\$425.00	0.5	\$212.50
07/29/2020	DW	Research & Preparation	Research and prep for Motion for Summary Judgment	\$425.00	1.0	\$425.00
07/30/2020	DW	Various	Received executed Aronberg Affidavit	\$425.00	0.1	\$42.50
07/30/2020	DW	Draft	Began drafting Motion for Summary Judgment	\$425.00	2.0	\$850.00
08/05/2020	DW	Draft	Continued drafting Motion for Summary Judgment	\$425.00	1.0	\$425.00
08/07/2020	DW	Review	Reviewed email from Plaintiff attempting to set hearing on 57.105 motion for fees/sanctions	\$425.00	0.1	\$42.50
08/10/2020	DW	E-mail	Sent responsive email to PI's counsel	\$425.00	0.1	\$42.50
08/17/2020	DW	Meeting	Discussed draft MSJ w/ AIJ	\$425.00	0.2	\$85.00
08/17/2020	AIJ	Various	Reviewed draft MSJ and met w/ DAW to discuss	\$475.00	0.5	\$237.50
08/18/2020	DW	Draft	Finalized Motion for Summary Judgment; filed w/ court along with Aronberg affidavit	\$425.00	2.0	\$850.00
08/27/2020	DW	Teleconference	Spoke w/ Clerk's counsel, re: request to produce	\$425.00	0.1	\$42.50
09/01/2020	DW	Various	Reviewed PI's email and accepted conference call invite for 9/2/20	\$425.00	0.1	\$42.50
09/02/2020	DW	Review	Reviewed Clerk's response to request for production	\$425.00	0.2	\$85.00
09/02/2020	DW	Teleconference	Spoke w/ PI's counsel, re: dispute as to whether MSJ should be heard before 57.105 fee motion or vis versa - call was unsuccessful	\$425.00	0.5	\$212.50

09/02/2020	AIJ	Meeting	Discussed w/ DAW phone call w/ PI's counsel	\$475.00	0.2	\$95.00
09/02/2020	DW	Meeting	Discussed w/ AIJ phone call w/ PI's counsel	\$425.00	0.2	\$85.00
09/16/2020	DW	E-mail	Reviewed email from PI's counsel requested Aronberg to withdraw sanctions motion w/o prejudice	\$425.00	0.1	\$42.50
09/17/2020	DW	Meeting	Discussed w/ AIJ filing motion for CMC	\$425.00	0.1	\$42.50
09/17/2020	AIJ	Meeting	Discussed w/ DAW filing motion for CMC	\$475.00	0.1	\$47.50
09/18/2020	DW	Various	Drafted and filed motion to set case management conference; re: MSJ 1st or Fee hearing 1st	\$425.00	0.5	\$212.50
09/18/2020	DW	E-mail	Responded to PI's 9/16/20 email and refused to withdraw 57.105 motion; provided copy of motion to set CMC and available dates for hearing	\$425.00	0.1	\$42.50
09/18/2020	DW	E-mail	Reviewed PI's email insisting that 57.105 motion be withdrawn	\$425.00	0.1	\$42.50
09/18/2020	DW	E-mail	Replied to PI's counsel that the 57.105 motion for sanctions will not be withdrawn and asking for response, re: CMC	\$425.00	0.1	\$42.50
09/18/2020	DW	E-mail	Sent client copy of email exchange w/ PI's counsel; called and spoke w/ Client	\$425.00	0.5	\$212.50
09/22/2020	DW	Various	Drafted and filed Notice of Hearing on 10/15/20; set up Court Call; spoke w/ client, re: hearing date	\$425.00	0.7	\$297.50
10/02/2020	DW	Review	Reviewed PI's Memo of Law opposing Aronberg's 57.105 motion for fees/sanctions	\$425.00	0.7	\$297.50
10/02/2020	DW	Review	Reviewed PI's Response to Aronberg's request to schedule 57.105 motion for fees after MSJ	\$425.00	0.5	\$212.50
10/02/2020	AIJ	Review	Reviewed PI's Memo of Law opposing 57.105 motion	\$475.00	0.5	\$237.50
10/02/2020	AIJ	Review	Reviewed PI's Response to Aronberg's request to schedule 57.105 motion after MSJ	\$475.00	0.4	\$190.00
10/12/2020	DW	Research	Research caselaw & statutes, re: response to PI's Memo of Law	\$425.00	1.0	\$425.00
10/13/2020	DW	Research & Analyze	Continued researching caselaw, re: response to PI's memo of law	\$425.00	1.0	\$425.00
10/13/2020	DW	Draft	Created 1st draft of Response to PI's Memo of Law and shared w/ Client	\$425.00	4.0	\$1,700.00
10/13/2020	DW	Meeting	Discussed w/ AIJ caselaw and draft response to memo	\$425.00	0.5	\$212.50
10/13/2020	AIJ	Various	Reviewed draft MSJ, discussed draft w/ DAW and caselaw	\$475.00	0.7	\$332.50
10/14/2020	DW	Draft	Finalized and filed Response to PI's Memo of Law	\$425.00	1.0	\$425.00
10/14/2020	DW	Telephone	Spoke w/ client, re: memo of law	\$425.00	0.2	\$85.00
10/14/2020	DW	Telephone	Spoke w/ client again, re: response to memo of law	\$425.00	0.1	\$42.50
10/15/2020	DW	Attend Hearing	Attended hearing, re: Motion to Set CMC; called client to discuss	\$425.00	1.5	\$637.50
10/15/2020	DW	Various	Reviewed email and letter from PI, re: settlement. Sent copy to Client and called to discuss.	\$425.00	0.5	\$212.50

10/15/2020	DW	Telephone	Spoke w/ PI's counsel, re: settlement	\$425.00	0.1	\$42.50
10/15/2020	DW	Telephone	Spoke w/ client, re: PI's settlement proposal	\$425.00	0.2	\$85.00
10/15/2020	AIJ	Various	Attended hearing, re: motion to set CMC; discussed w/ client	\$475.00	1.0	\$475.00
10/15/2020	AIJ	Various	Discussed PI's settlement proposal w/ DAW and then w/ Client	\$475.00	0.4	\$190.00
10/15/2020	DW	Meeting	Discussed PI's settlement proposal w/ AIJ	\$425.00	0.2	\$85.00
10/16/2020	DW	Various	Drafted and shared proposed order w/ PI's counsel	\$425.00	0.5	\$212.50
10/16/2020	DW	Telephone	Spoke w/ PI's counsel, re: settlement	\$425.00	0.2	\$85.00
10/16/2020	DW	Telephone	Spoke w/ client, re: PI's settlement proposal	\$425.00	0.5	\$212.50
10/16/2020	DW	Meeting	Discussed PI's settlement proposal w/ AIJ	\$425.00	0.2	\$85.00
10/16/2020	AIJ	Meeting	Discussed PI's settlement proposal w/ DAW	\$475.00	0.2	\$95.00
10/19/2020	DW	Various	Uploaded proposed order, re: CMC for Judge Hafele	\$425.00	0.1	\$42.50
10/19/2020	DW	Telephone	Spoke w/ client, re: PI's settlement proposal	\$425.00	0.2	\$85.00
10/19/2020	DW	Telephone	Spoke w/ PI's counsel, re: settlement	\$425.00	0.1	\$42.50
10/19/2020	AIJ	Meeting	Discussed PI's settlement proposal w/ DAW	\$475.00	0.2	\$95.00
10/19/2020	DW	Meeting	Discussed PI's settlement proposal w/ AIJ	\$425.00	0.2	\$85.00
10/20/2020	DW	Various	Reviewed email from PI, re: settlement; sent copy to Client and called to discuss	\$425.00	0.5	\$212.50
10/20/2020	DW	Telephone	Spoke w/ client, re: settlement	\$425.00	0.4	\$170.00
10/20/2020	DW	Telephone	Spoke w/ PI's counsel, re: settlement	\$425.00	0.1	\$42.50
10/20/2020	DW	Telephone	Spoke w/ client, re: settlement	\$425.00	0.1	\$42.50
10/20/2020	DW	Meeting	Discussed PI's settlement proposal w/ AIJ	\$425.00	0.2	\$85.00
10/20/2020	AIJ	Meeting	Discussed PI's settlement proposal w/ DAW	\$475.00	0.2	\$95.00
10/21/2020	DW	Various	Drafted and filed Motion to Set Hearing on Aronberg MSJ; drafted proposed order granting motion to set; checked court availability; emailed PI's counsel, re: choose date for hearing	\$425.00	1.0	\$425.00
10/21/2020	DW	Review	Reviewed Order, re: CMC unnecessary	\$425.00	0.1	\$42.50
10/21/2020	DW	Telephone	Spoke w/ client, re: media response	\$425.00	0.2	\$85.00
10/21/2020	DW	Telephone	Spoke w/ client, re: media response	\$425.00	0.1	\$42.50
10/21/2020	DW	Telephone	Spoke w/ client, re: media response	\$425.00	0.1	\$42.50
10/21/2020	DW	Telephone	Spoke w/ client, re: media response	\$425.00	0.1	\$42.50
10/21/2020	DW	Telephone	Spoke w/ client, re: media response	\$425.00	0.1	\$42.50
10/21/2020	DW	E-mail	Sent email w/ Aronberg statement to media	\$425.00	0.1	\$42.50
10/21/2020	AIJ	Meeting	Discussed media response w/ DAW	\$475.00	0.3	\$142.50
10/21/2020	DW	Meeting	Discussed media response w/ AIJ	\$425.00	0.3	\$127.50
10/22/2020	DW	Various	Reviewed PI's Notice of Dropping Aronberg as party; spoke w/ Client and AIJ, re: notice and next steps	\$425.00	0.5	\$212.50

10/22/2020	AIJ	Various	Reviewed PI's Notice of Dropping Aronberg as party; spoke w/ Client and DAW, re: notice and next steps	\$475.00	0.5	\$237.50
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Totals: 74.8 \$32,440.00

Time Entry Sub-Total:	\$32,440.00
<b>Sub-Total:</b>	\$32,440.00
<b>Total:</b>	\$32,440.00
<b>Amount Paid:</b>	\$0.00
<b>Balance Due:</b>	\$32,440.00

NOT A CERTIFIED COPY



# **EXHIBIT “G”**

NOT A CERTIFIED COPY

# **EXHIBIT “G”**

# JACOBS SCHOLZ & WYLER, LLC.

A LIMITED LIABILITY COMPANY OF PROFESSIONAL ASSOCIATIONS

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RICHARD J. SCHOLZ, P.A.  
RICHARD J. SCHOLZ

DOUGLAS A. WYLER, P.A.  
DOUGLAS A. WYLER

November 26, 2019

Office of the State Attorney  
15th Judicial Circuit  
Attn: Jeanne Howard  
401 North Dixie Highway  
West Palm Beach, FL 33401

Re: CA Florida Holdings, LLC v. Dave Aronberg et al.  
Case No.: 2019-CA-014681

Dear Mrs. Howard:

The purpose of this letter is to confirm that Jacobs Scholz & Wyler, LLC will represent you regarding the above-referenced matter.


Our fees will be contingent upon our success in this matter. You will not be liable or required to pay any monies to our office unless we are successful in our representation of you regarding the above-referenced litigation and receive a court order awarding attorneys' fees.

Accordingly, should we be successful in this matter, you agree to be billed for the time incurred in defending this action at our current hourly rates. At this time, our current hourly rates are: \$475.00/hour for senior partners, \$425.00/hour for other partners, \$375.00/hour for associate attorneys, and \$125.00/hour for paralegal time.

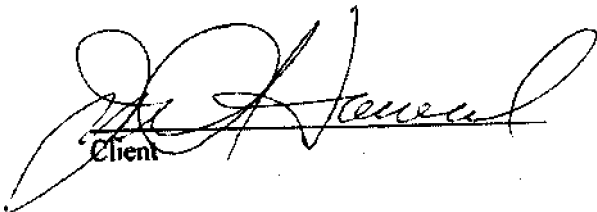
Furthermore, the attorneys' fees paid to our firm shall be calculated by the above listed hourly rates multiplied by the number of hours expended in defending this action or the total fee mandated and awarded by the court order herein, whichever is greater.

By signing below, you agree to the terms as set forth above. Please return a signed and dated copy of this letter to our office. If you have any questions or concerns, please contact our office. On behalf of the firm, we are proud to represent you in this matter.

Sincerely,



Douglas A. Wyler, Esq.  
For the Firm

  
Client

6/4/2020  
Date