

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

Case No. 09-062943 (07)

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RAZORBACK FUNDING, LLC, et al.,

Plaintiffs,

vs.

SCOTT W. ROTHSTEIN, et al.,

Defendants.

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DAY 9 - MORNING SESSION

DEPOSITION OF SCOTT W. ROTHSTEIN

DATE TAKEN: December 22, 2011  
TIME: 8:37 a.m. - 12:00 p.m.  
PLACE: James Lawrence King Federal  
Justice Building  
99 N.E. Fourth Street  
Courtroom 11-3  
Miami, Florida 33128

Examination of the witness taken before:  
Michele L. Savoy, Registered Professional Reporter  
United Reporting, Inc.  
1218 S.E. Third Avenue  
Fort Lauderdale, Florida 33316  
[REDACTED]

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[REDACTED]

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1           A     I masterminded -- the way you're asking it,  
2     yes, I utilized phony lawsuits to continue to perpetrate  
3     the fraud.

4           Q     Phony court orders?

5           A     Yes, ma'am.

6           Q     Phony settlement agreements?

7           A     Yes, ma'am.

8           Q     Phony promissory notes?

9           A     Yes, ma'am.

10          Q     Forged emails?

11          A     Yes, ma'am.

12          Q     Phony case file documents?

13          A     Yes, ma'am.

14          Q     Phony flight manifests?

15          A     No, we didn't phony up flight manifests. We  
16     used --

17          Q     You didn't phony up a flight manifest where  
18     you added Bill Clinton and Prince Andrew and young  
19     girls' names to a Jeffrey Epstein flight manifest for  
20     purposes of showing perspective investors how the  
21     settlement system worked and why important people might  
22     want confidentiality in exchange for large sums of money  
23     to be paid to the plaintiff?

24          A     My best recollection is, is we used -- I think  
25     I testified to this yesterday or the day before -- we

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1 used real flight manifests during that meeting with  
2 the -- Mr. Scherer's clients. And I told them about  
3 fake flight manifests. I don't recall that we created  
4 one. If you have one, you can show it to me, that would  
5 refresh my recollection, but I actually don't recall  
6 that being a document that I created.

7 Q Phony bank websites?

8 A Yes.

9 Q Phony bank statements?

10 A Yes. Screen shots.

11 Q Phony opinion letters?

12 A Yes.

13 Q Phony audit letters?

14 A Yes.

15 Q Fake legal bills?

16 A Yes.

17 Q Phony court case bonds?

18 A Yes.

19 Q Fake law enforcement investigations?

20 A Yes.

21 Q Phony attorney's fees statements?

22 A Yes.

23 Q Fictitious loans?

24 A Yes.

25 Q And, of course, being a successful con means

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1 varied.

2 BY MR. RABIN:

3 Q Okay. I want to break these down into groups  
4 and try and get your best recollection as to what you  
5 told different people in order to engage them in your  
6 scheme. And I want to start first with the people in  
7 your law firm. Okay?

8 A Sure.

9 Q All right. Russell Adler, you generally  
10 described the fact that he helped you round up other  
11 lawyers to provide false verifications that they were  
12 either sending business or cases to your firm, correct?

13 A That is one of the things that he did, yes.

14 Q And what was the -- what was it that you told  
15 him was the reason why you needed those lawyers?

16 First of all, was it honest or a lie and what  
17 was the --

18 A No, it was honest.

19 Q Okay. And what -- it was honest, what you  
20 told him?

21 A I told Mr. Adler -- to the best of my  
22 recollection, I told him that we had the hedge funds  
23 coming in town and that in order to convince them to  
24 continue to do business with us, that I needed these  
25 people to lie about the number of cases we had.

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1 Q So, essentially, what you're saying is, you  
2 honestly told him aspects of the scheme or he already  
3 knew aspects of the scheme and you told him the honest  
4 purpose for which you were lining up these lawyers? Is  
5 that what you're saying?

6 MR. SCHERER: Object to form.

7 A I don't understand the question but you  
8 have --

9 BY MR. RABIN:

10 Q Let me rephrase it.

11 MR. SCHERER: Objection to form.

12 BY MR. RABIN:

13 Q I don't want you to answer a question you  
14 don't understand.

15 Is your -- what you just summarized or just  
16 testified to is that you told Adler that you needed  
17 these lawyers to provide false information?

18 A I told Adler -- yes, I told Adler I needed  
19 these lawyers to lie.

20 Q Okay. David Boden, generally what was David  
21 Boden's role?

22 A He was my general counsel, and he ran a  
23 sub-Ponzi scheme, as we've come to call it.

24 Q All right. And what was the lie that you told  
25 or the honest information that you gave David Boden in

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1 moment, please.

2 I think --

3 MR. SCHERER: I'm going to object to the  
4 question, Sam, unless you can ask the witness  
5 to identify who saw him get the cash so he can  
6 have a complete answer, since I can't have any  
7 more examination.

8 MR. RABIN: I'm happy to ask that  
9 question.

10 MR. SCHERER: Thank you.

11 BY MR. RABIN:

12 Q Did you hear Mr. Scherer's question?

13 A I'm sorry, no.

14 Q Who was the person that witnessed you obtain  
15 the cash that you claim that you gave to Mr. Weintraub?

16 MR. LAVECCHIO: Objection --

17 MR. RABIN: So much for your question.

18 MR. SCHERER: Take all the joy out of  
19 this.

20 MR. LICHTMAN: That seemed like a perfect  
21 way to end the transcript.

22 BY MR. RABIN:

23 Q One other area, just real fast, two questions.  
24 You remember the Kroll project you discussed with Ken  
25 Jenne?

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1           A     I don't.

2           Q     All right. Did Ken Jenne ever propose to you  
3 starting a business similar to Kroll's?

4           A     Yes.

5           Q     And what he -- what -- explain that to us,  
6 what he was purposing in that.

7           A     We were hiring a lot of retired law  
8 enforcement at the time, former ABT agents, FBI agents,  
9 IRS agents, and he wanted to put together something to  
10 rival Kroll.

11          Q     And did that go beyond any discussions?

12          A     Other than him and I hiring people to kind of  
13 get it started up, no.

14          Q     And did Ken Jenne have any role in your  
15 illegal activities?

16          A     No, sir.

17          Q     Other than, perhaps, that one occasion where  
18 he carried boxes -- the Epstein boxes into your office  
19 that people are claiming that he did?

20          A     No, sir. He had no involvement.

21               MR. RABIN: I'm going to cede the balance  
22 of my time to Mr. Rasco.

23

24

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