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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK : PART 3

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ALM UNLIMITED, INC.,
Plaintiff,

Index No.
603491/08

- against -

DONALD J. TRUMP,
Defendant.

-----X

April 10, 2013
60 Centre Street
New York, New York

B E F O R E: HONORABLE EILEEN BRANSTEN, JSC

A P P E A R A N C E S:

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(Discussion off the record.)

THE COURT: Mr. Goldman, each and every one of your exhibits A through Q are in evidence?

MR. GOLDMAN: Yes, your Honor.

THE COURT: What about you Mr. Itkowitz?

THE CLERK: The white binder is uncontested evidence. The black, that's the contested.

THE COURT: Okay.

MR. ITKOWITZ: Your Honor, all our exhibits are in evidence except for the payment documents which he's protesting.

MR. WILTENBURG: Which is not just checks and invoices.

MR. GOLDMAN: Yes. What I previously articulated.

THE COURT: In terms of the issues that you raised yesterday at the end of the day, I think that -- I think that what we have to understand is that of course I am the final decider in terms of what is relevant to go to the jury. That we can all agree on. However, the Court is not going to eliminate the ability on the part of the plaintiff to put forth certain documents that later on we can deal with either motion in limine or a decision on the directed verdict or at a different time. But I'm going to permit the

Proceedings

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2 plaintiff to indeed put in their case as they hope to
3 put it in, whether it meets the statute of frauds or
4 not is the big question.

5 You constantly say to me you've already
6 written on that, Judge. Well, I did at page 11 of my
7 motion to dismiss but I think we're misinterpreting
8 what I said. All right? Because I say here -- this is
9 at page 11: ALM has put forth sufficient evidence to
10 plead its claim for breach of contract and declaratory
11 judgment. First ALM has put forth e-mails referencing
12 the alleged agreement regarding the parties in PVH,
13 albeit mainly from ALM itself, while these e-mails are
14 not dispositive they need not be so on a motion to
15 dismiss.

16 Second, ALM has put forth PVH royalty reports
17 allegedly provided by Trump to ALM which shows
18 royalties Trump received from PVH. ALM alleges that it
19 used this royalty report to calculate its fee to Trump
20 for the PVH deal which was an ongoing 10 percent of the
21 royalties PVH paid to Trump through the license
22 agreement.

23 Third, ALM has provided invoices that it
24 submitted to Trump based on PVH's royalty reports. The
25 invoices note on their face a total sales by PVH of
26 Trump license products, the royalties received by Trump

Proceedings

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2 from PVH for those sales and a charge by ALM to Trump
3 for 10 percent of the royalties received.

4 Fourth, ALM also submitted 11 checks signed
5 by Trump that note the invoice number on each check is
6 unsatisfactory. For purposes of the motion to dismiss
7 the very documents reference the transaction in
8 question, the basis upon which was formed the
9 agreement, the extent of the agreement, and purportedly
10 further extending the alleged agreement, the pleadings
11 of which are accepted as true. Plaintiff therefore at
12 this time satisfied the statute of frauds.

13 Now, your claim, of course, is that it
14 doesn't satisfy the statute of frauds. I understand
15 that claim. I understand your argument. But it is one
16 that I think has to be developed in full, including
17 testimony that we are going to hear, from important
18 witnesses, if they are called, which will allow me in
19 the end to make a determination whether these documents
20 indeed satisfy the statute of frauds.

21 I don't think we need to spend any more time
22 on it. I just think that you jumped to the next
23 conclusion which is not really appropriate at this
24 moment.

25 MR. GOLDMAN: Your Honor, just for appellate
26 purposes because, obviously, as you already indicated,

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2 a motion in limine is not for appellate review even
3 when it comes from a trial, it's only the objections
4 that are set forth on the record. And I have no desire
5 to object to every document and ever word. So let me
6 make very clear for the record that it is defendant's
7 position, as set forth in the memo that we've
8 submitted, that we object to what we've defined as the
9 payment documents because your Honor has ruled part
10 performance cannot be used to create a contract in --

11 THE COURT: Again, I think there's a little
12 confusion on my part performance statements. I don't
13 have that language right in front of me but there's no
14 doubt that part performance can't create the contract.
15 Nevertheless, the writing may create -- in other words
16 you can't say, gee, he paid therefore there is a
17 contract. There we a hundred percent agree with each
18 other.

19 On the other hand, whether or not these
20 actual checks with the invoice numbers on them is
21 sufficient to get around the statute of frauds, that's
22 a different issue. It's not part performance, it's not
23 the fact that he paid that is the issue but rather that
24 the writing that he signed with the invoice number,
25 does that meet the statute of frauds? I'm not going to
26 answer that question at this moment because I'm

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2 certainly going to reserve that to after I hear
3 testimony and I see the evidence actually put in.

4 MR. GOLDMAN: Just again I'm not trying to
5 change your Honor's mind, I want to set the record
6 clear because what we spoke -- you raised that the last
7 time and, as I told you the checks and the invoices and
8 the numbers and the corresponding were all before your
9 Honor when your Honor decided not only the motion to
10 dismiss but when your Honor ruled that those very
11 same --

12 THE COURT: Even my motion to dismiss I
13 considered that issue.

14 So look, let's take it up later, all right?

15 MR. GOLDMAN: What I'm just confused about,
16 you said this is -- I can take it up later by a motion
17 in limine. I don't know how --

18 THE COURT: No, not a motion in limine. You
19 can take it up later in a motion for either a directed
20 verdict or later on if I don't give you the directed
21 verdict for a motion at the end of the, trial or indeed
22 in a motion that I will make in a language that I will
23 instruct the jury. There are different places for this
24 but not right now.

25 Do we have the jury?

26 THE COURT OFFICER: Yes.

Proceedings

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2 THE COURT: Bring them down.

3 MR. GOLDMAN: Can I say one thing. With that
4 understanding, that's what your Honor just said, then
5 for the record, while we object and we preserve our
6 objections I don't want to have to go through this is
7 the signature, so however you want to craft the
8 avoiding that I can't stipulate to those documents
9 coming in because if I stipulate to it it seems
10 contradictory to my position that I'm objecting to them
11 coming in but I'm only objecting to them coming in
12 because I want to preserve this issue. I will work
13 with the Court, how you would like to do that
14 because --

15 THE COURT: But I think that it's important
16 for the jury to hear that. That's part and parcel of
17 the evidence that you do. Okay? So if you're going to
18 do motion sequence number one, I don't want to say no
19 to you.

20 Motion sequence -- Plaintiff's Number 1,
21 that's the memoranda. You want to object to it because
22 of relevance you do so and I'll say to the jury that
23 it's admitted into evidence over your objections on the
24 basis of relevance, that that's an issue that the Court
25 will deal with -- the Court will deal with at the end
26 of the trial and indeed it may be an issue that the

Proceedings

1 jury may deal with.

2 MR. GOLDMAN: If that's what you say,
3 perfect, I'll do that. That's fine.

4 MR. ITKOWITZ: I just need to --

5 THE COURT: Go ahead.
6 Go ahead. Run. I have a jury sitting
7 outside.

8 (Pause.)

9 THE COURT: Are you ready?

10 Okay, you can bring them in.

11 (Whereupon, the jurors entered the courtroom
12 and resumed their respective seats in the jury box.)

13 THE COURT: Good morning, jurors. I hope
14 you're all fresh and ready to go.

15 Please be seated.

16 Mr. Itkowitz, call your first witness.

17 MR. ITKOWITZ: I call Kathy Glosser.

18 THE COURT: Please be seated while we swear
19 in the witness. Everybody be seated while we swear in
20 the witness.

21 C A T H Y H O F F M A N G L O S S E R,
22 called as a witness by the Plaintiff, having been first
23 duly sworn was examined and testified as follows:

24 THE CLERK: Can you state your name loud and
25 clear for the Court.
26

1 Glosser - Plaintiff - Direct

2 THE WITNESS: Cathy Hoffman Glosser.

3 THE CLERK: Your address, please.

4 THE WITNESS: My home address.

5 THE CLERK: Business is fine.

6 THE COURT: Home always.

7 THE CLERK: Home address.

8 THE WITNESS: Fifty-five East End Avenue, New
9 York, New York 10028.

10 THE CLERK: Counsel, your witness is sworn.

11 THE COURT: Spell your last name for the
12 Court.

13 THE WITNESS: G-L-O-S-S-E-R.

14 THE COURT: You may inquire, Mr. Itkowitz.

15 DIRECT EXAMINATION

16 BY MR. ITKOWITZ:

17 Q Miss Glosser, by whom are you employed?

18 A The Trump Organization.

19 Q And by the Trump Organization do you mean Donald
20 Trump?

21 A The company is called the Trump Organization. I
22 work for Donald Trump.

23 Q When did you become employed?

24 A August 2004.

25 Q And prior to becoming employed by Donald Trump --

26 MR. GOLDMAN: Objection. She's employed by

1 Glosser - Plaintiff - Direct
2 the Trump Organization not Donald Trump.

3 THE COURT: You can inquire further otherwise
4 do it by the Trump Organization.

5 BY MR. ITKOWITZ:

6 Q Prior to becoming employed by the Trump
7 Organization by whom were you employed -- in other words --

8 MR. ITKOWITZ: Let me withdraw that.

9 Q Give us your employment background before you
10 started --

11 THE COURT: You have to keep your voice up.
12 I can't hear you, they can't hear, you nobody can hear
13 you.

14 MR. ITKOWITZ: I apologize.

15 Q By whom -- just give us a general background of
16 your employment before you became hired -- before you were
17 hired by the Trump Organization?

18 A I became hired by the Trump Organization eight and
19 a half years ago. Prior to that I worked in the licensing
20 and merchandising field and have for about 20 years.

21 Q And what companies did you work for?

22 A I've worked for Saban, Marvel Entertainment.
23 Those are a couple of the companies I worked for. Prior to
24 the working in the licensing industry I worked in the
25 fashion publishing world at Conde Nast.

26 Q Now, when you were hired what was your title?

1 Glosser - Plaintiff - Direct

2 A Vice president of licensing.

3 Q And as vice president of licensing what were your
4 responsibilities?

5 A To bring in licensing deals that were relevant and
6 meaningful to the Trump Organization and the Trump brand.

7 Q And what does that mean, in plain English?

8 A In plain English it means seeking out
9 manufacturers -- seeking out manufacturers that could best
10 partner with the Trump brand and represent the Trump brand
11 well on merchandise at retail.

12 Q So in other words, your job was basically to sell
13 the Trump brand to people who would use the Trump brand and
14 then pay the Trump Organization money for that; is that
15 correct?

16 A Yes.

17 Q What is your current title?

18 A Executive vice president global licensing.

19 Q Are you the director of licensing at this time?

20 A No, I'm the executive vice president of global
21 licensing.

22 Q And who did you report to when you first were
23 hired?

24 A George Ross.

25 Q And Mr. Ross was the person who hired you, was he
26 not?

1 Glosser - Plaintiff - Direct

2 A Mr. Ross and Donald Trump hired me.

3 Q Prior to your receiving your offer of employment
4 the person who identified you as a prospect for the Trump
5 Organization was Mr. Ross; is that correct?

6 A Correct.

7 Q And Mr. Ross interviewed you?

8 A He interviewed me first.

9 Q And when Mr. Ross interviewed you, did he offer
10 you the job?

11 A On the day that he interviewed me, no.

12 Q What did he say?

13 A We met, we discussed my background, he discussed
14 the role that they were looking to fill and that was the
15 general discussion.

16 Q And when was that interview?

17 A That interview was sometime in mid July, 2004.

18 Q And you were hired shortly after?

19 A I was hired shortly thereafter.

20 Q And before you were hired did you have another
21 interview?

22 A Yes.

23 Q And who was the interview with?

24 A Donald Trump.

25 Q Just Donald Trump or --

26 A And George Ross.

1 Glosser - Plaintiff - Direct

2 Q George Ross was there, too?

3 A Correct.

4 Q Now, after you were hired, you became aware that a
5 company called ALM was working with the Trump Organization
6 in connection with a number of projects; is that correct?

7 A A number of projects, no. But a couple of
8 projects, yes.

9 Q Two projects in particular. One was Philip Van
10 Heusen, otherwise known as PVH. Correct?

11 A Correct.

12 Q And the other one was a fragrance company by the
13 name of Coty, correct?

14 A Yes.

15 Q And at the time that you were hired in August of
16 2004, those were the two projects that ALM was working on?

17 A Yes.

18 Q And if ALM was successful in obtaining a deal for
19 Trump they were going to get a commission. Is that correct?

20 MR. GOLDMAN: Objection.

21 THE COURT: Only if you know. You can only
22 testify to what you know.

23 A I was not privy to the details of that when I was
24 hired by the Trump Organization.

25 Q When you were hired but sometime thereafter, after
26 you were hired after the first day and you found out that

1 Glosser - Plaintiff - Direct

2 ALM was working with PVH and with Coty you knew they were
3 working on those projects for the purposes of being
4 compensated, correct?

5 MR. GOLDMAN: Objection, your Honor. No time
6 frame. Anytime after 2004 is years.

7 THE COURT: Give a time frame.

8 MR. ITKOWITZ: Okay.

9 Q You were hired at the beginning of August of 2004,
10 correct?

11 A Correct.

12 Q And at the time that you were hired we've already
13 demonstrated that Coty and PVH were prospects that ALM had
14 identified and were trying to promote to the Trump
15 Organization, correct?

16 A Correct.

17 Q And those -- the PVH deal actually was
18 consummated, correct?

19 A Eventually, yes.

20 Q And was consummated in November -- actually it was
21 signed in November of 2004, correct?

22 A Yes.

23 Q And the Coty deal never got finalized, correct?

24 A Correct.

25 Q And the Coty deal Trump or the Trump Organization
26 decided to go with another fragrance company; isn't that

1 Glosser - Plaintiff - Direct

2 correct?

3 A Yes.

4 Q And what was the name of that fragrance company?

5 A Estee Lauder.

6 Q But in the meantime, in August and perhaps even
7 early September of 2004, ALM was trying to get Coty to
8 submit an acceptable proposal correct?

9 MR. GOLDMAN: Objection.

10 THE COURT: Only if she knows.

11 You can only testify to what you know
12 personally. You can't testify to what somebody told
13 you, only if you know.

14 MR. GOLDMAN: Your Honor, my objection is
15 this is not about Coty. It's irrelevant.

16 THE COURT: I understand.

17 THE WITNESS: Could you repeat the question,
18 please?

19 THE COURT: Do you want it read back?

20 MR. ITKOWITZ: Yes.

21 THE COURT: Read it back, please.

22 (Record read.)

23 THE COURT: Only if you know.

24 A ALM was interested in Coty submitting a proposal.

25 BY MR. ITKOWITZ:

26 Q And the purpose of ALM of trying to get a proposal

1 Glosser - Plaintiff - Direct

2 submitted was so that Coty would get an agreement with the
3 Trump Organization, correct?

4 A Correct.

5 Q And if that happened ALM was going to get
6 compensated, correct?

7 A To the best of my knowledge. I was not privy to
8 the details of that deal.

9 Q But you knew they weren't doing it for their
10 health?

11 MR. GOLDMAN: Objection, your Honor.

12 THE COURT: Sustained.

13 MR. ITKOWITZ: All right.

14 Q Now, after you became employed by the Trump
15 Organization, you became aware of, did you not, that ALM had
16 signed an agreement prior to your being employed called a
17 memorandum of understanding. Is that correct?

18 A I did not understand that there was an agreement,
19 a defined agreement with ALM soon after my employment.

20 MR. ITKOWITZ: Let me have Plaintiff's
21 Exhibit 1, please.

22 (Pause.)

23 THE COURT: Could you get him a stapler,
24 please.

25 (Pause.)

26

1 Glosser - Plaintiff - Direct

2 BY MR. ITKOWITZ:

3 Q I show you --

4 MR. ITKOWITZ: May I approach the witness?

5 THE COURT: No. My Court Officer is not here
6 right now.

7 (Pause.)

8 THE COURT: I show you what's been marked.

9 BY MR. ITKOWITZ:

10 Q I show you what has been previously marked in
11 evidence as Plaintiff's Exhibit 1.

12 THE COURT: Do you recognize it?

13 BY MR. ITKOWITZ:

14 Q Now, do you recognize that document?

15 A Yes.

16 Q When did you become aware of that document?

17 A I don't know exactly but not early on in my
18 employment with the Trump Organization.

19 Q At some point during your employment in the Trump
20 Organization you learned that the Trump -- that Donald Trump
21 and ALM had signed this memorandum of understanding correct?

22 A Yes.

23 Q And that memorandum of understanding provided for
24 ALM to receive a commission on any deal that it brought to
25 the table that satisfied this document, correct?

26 A That's what it says.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 Q Now, there came a time --

3 MR. ITKOWITZ: At this time, I'd like to show the
4 witness Exhibit 2, which I have here. Exhibit 2.

5 THE COURT: Is that in evidence also?

6 MR. ITKOWITZ: Yes, that's Exhibit 2 in evidence.

7 Q That is an extension of the memorandum of
8 understanding; is that correct?

9 A Yes.

10 Q And some time after you became employed by the Trump
11 Organization, you learned that that extension had been signed,
12 correct?

13 A Yes.

14 Q Now, that extension provided -- extended the time for
15 which ALM had to produce an acceptable license for Trump; is
16 that correct?

17 A Yes.

18 Q And it extended it to June 30th of 2004, correct?

19 A Yes.

20 Q Now, that -- the memorandum of understanding, the
21 original memorandum of understanding, had what was known as a
22 tail period, correct?

23 A Yes.

24 Q And a tail period was a three-month period after the
25 expiration of the agreement in that case, I believe it was March
26 31, 2004, before the extension, correct?

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 A Yes.

3 Q And that meant that if during that three-month period
4 after the expiration if ALM had been working with a candidate
5 for a license with Trump, they would have another three months
6 to get that deal done, correct?

7 A I believe that's what it says, yes.

8 Q And if they got that deal done within that three
9 months, then ALM would get a commission, correct?

10 A Correct.

11 Q Now, you started working, actually, on at least August
12 3rd of 2004; isn't that correct?

13 A I believe it was August 4th, but it was thereabouts,
14 yes.

15 MR. ITKOWITZ: At this time, I'd like trial Exhibit
16 115.

17 This document has not been previously marked. I
18 have to ask the court reporter to mark this as 115.

19 THE COURT: ID only. Let me just say to the jury,
20 okay, what we've done in this case is that a lot of our
21 documents that have been shown to witnesses, and I would say
22 on the whole in general, they've been agreed to be marked
23 into evidence. That has nothing to do when you think about
24 the documents, just a question of a technicality we go
25 through.

26 Now, this particular document, Plaintiff's to be

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)
2 marked 115, is for identification only. In other words,
3 there's going to be a series of questions asked of the
4 witness whether or not there can be an authentication of
5 that particular document. So that's what we're going to go
6 through now.

7 MR. GOLDMAN: Your Honor, before we do that, I
8 believe I'm entitled to see what it is that's being --

9 THE COURT: Go ahead. Show it to the witness.

10 (Whereupon, the above-mentioned document was marked
11 as Plaintiff's Exhibit 115 for identification.)

12 Q Okay. Now, I direct your attention to that exhibit and
13 ask you to take a look at it.

14 THE COURT: Go ahead.

15 MR. GOLDMAN: Your Honor --

16 THE COURT: No, not until it's been offered.

17 MR. GOLDMAN: It's not a complete document on its
18 face.

19 THE COURT: Sir, you are not to do that. The only
20 word I want to hear from you is objection, and it comes at a
21 certain time.

22 MR. GOLDMAN: Okay.

23 THE COURT: Go ahead.

24 Q Do you recognize that document?

25 A Yes.

26 Q Is that an e-mail that you received on August --

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 THE COURT: No, no. Don't tell her what it is.

3 Ask her the questions you have to ask to get it identified.

4 Q How did you -- what do you recognize about this
5 document?

6 A It's an e-mail from somebody at ALM.

7 Q And did you receive that document on August 3rd?

8 A Yes.

9 Q Now, the person who sent this e-mail to you was who?

10 A Jeff Danzer.

11 Q And did you get -- after this date, did you meet Jeff
12 Danzer on that date?

13 A On that particular date?

14 Q Yes.

15 A I don't recall.

16 Q Well --

17 A It says I did, so I guess I did.

18 MR. GOLDMAN: Objection, Your Honor.

19 THE COURT: It's not in evidence yet. You can't
20 comment on what it is.

21 MR. ITKOWITZ: I would move this document into
22 evidence.

23 THE COURT: Show it to Counsel.

24 MR. GOLDMAN: I have it, Your Honor. It's not a
25 complete document, if Your Honor looks at it.

26 THE COURT: I haven't seen it, of course.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 MR. GOLDMAN: I know.

3 THE COURT: It would be nice to give me a copy,
4 too, wouldn't it have been?

5 MR. ITKOWITZ: We have a copy.

6 THE COURT: That's awfully nice of you. Who am I,
7 just the Judge.

8 MR. GOLDMAN: I direct Your Honor's attention to
9 the second paragraph. I'll say no more.

10 THE COURT: I'm going to allow it. So any other
11 objections?

12 MR. GOLDMAN: Other than the fact that it's not
13 relevant to the issues, no.

14 THE COURT: Okay. The Court will mark it into
15 evidence.

16 (Whereupon, the above-mentioned document was marked
17 as Plaintiff's Exhibit 115 in evidence.)

18 Q Now, I know that you're looking at an e-mail from nine
19 years ago almost. This e-mail describes a meeting in which you
20 and a person by the name of George Ross participated, correct?

21 A Correct.

22 Q And George Ross is the person who hired you and he was
23 your boss, correct?

24 A Correct.

25 Q And this particular document describes a meeting with
26 Coty, correct?

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 A Yes. However, the meeting with Coty did not involve
3 me.

4 Q Excuse me. Excuse me. I would respectfully say if I
5 ask you a question that calls for a yes or no answer, answer it
6 yes or no if you can. If you can't answer it yes or no, just
7 tell me. Okay.

8 So this describes a meeting that you had with Donald,
9 George and Jeff Danzer, correct?

10 A Correct.

11 Q And in that meeting this e-mail states certain things
12 that were discussed, correct?

13 A Correct.

14 Q Now, in the third paragraph, directing your attention
15 to the third paragraph, I'm going to read you the first sentence
16 and ask you if it's accurate.

17 It says: "Regarding our deal as it pertains to the
18 Coty deal, Mark and I discussed Donald's offer of 10 percent, as
19 well as his suggestion to try to get a higher percentage from
20 Coty to justify a higher percentage for ALM. Mark and I thought
21 about how to make this a win-win situation for everyone." And
22 then it states, "a proposal;" is that accurate?

23 A Yes.

24 Q Now, do you recall, as you sit here now, that Donald
25 Trump had offered to give ALM -- propose to ALM that they get a
26 10 percent commission if they got the Coty deal?

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 A I recall there being conversations with Donald Trump
3 about percentages for a possible Coty deal.

4 Q Right. And do you recall the sum, the figure of 10
5 percent being discussed?

6 A I don't recall the exact figure of 10 percent being
7 discussed.

8 Q Now, after you got this e-mail, did you ever -- let's
9 just assume for a second that the number was wrong, it was 15
10 percent or 5 percent; would you have sent -- in the ordinary
11 course of business of being an executive, would you have
12 corrected this e-mail?

13 Would you have responded and indicated that, no, you
14 said 10 percent; no, Donald really said 5 percent or 8 percent
15 or one percent, whatever the case may be?

16 A Although Jeff Danzer reached out to me --

17 THE COURT: It's a yes or no question.

18 Q It's a yes or no.

19 MR. GOLDMAN: Your Honor, if the witness can't
20 answer it yes or no then --

21 THE COURT: Then, sir, she's to tell us she can't
22 answer.

23 THE WITNESS: I can't answer yes or no.

24 Q In the ordinary course of your business, you couldn't
25 have corrected it?

26 MR. GOLDMAN: Objection. The issue is not the

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 ordinary course.

3 THE COURT: You are not to make speeches. The word
4 is objection and the only word I want to hear.

5 MR. GOLDMAN: I apologize.

6 THE COURT: Thank you. There was an objection.
7 Sustained on that one.

8 Q As you sit here today, you don't recall if Donald made
9 an offer of 10 percent -- a proposal of 10 percent to ALM; is
10 that correct?

11 A I don't recall.

12 Q Now, from August 3, 2004 to the end of August, would
13 you say that you worked closely with Mr. Danzer?

14 A No.

15 Q Would you say you spoke to Mr. Danzer frequently during
16 that period of time?

17 A On occasion, not frequently.

18 Q Okay. What does on occasion mean?

19 A Once a week.

20 Q Okay. And you were interacting with him on two deals,
21 correct?

22 A Correct.

23 Q Now, I want to show you what's been marked as
24 Plaintiff's Exhibit 5 in evidence.

25 (Document shown to the witness.)

26 THE COURT: Do you have an extra copy?

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 MR. ITKOWITZ: I do, Your Honor, but it's not a
3 copy with the court reporter sticker.

4 THE COURT: I understand.

5 Q Now, have you had a chance to review Plaintiff's
6 Exhibit 5?

7 A Yes.

8 Q Now, Plaintiff's Exhibit 5 contains two e-mails,
9 correct?

10 A No.

11 Q It has an e-mail at the bottom and --

12 THE COURT: Wait, wait, wait.

13 A This is not an e-mail, it's a letter.

14 Q Maybe look at the first page perhaps.

15 A The first page is a letter.

16 Q Second page.

17 THE COURT: Sir, why don't you look at what you're
18 suggesting it is.

19 MR. ITKOWITZ: Oh, sorry. I'm sorry. I got mixed
20 up, Your Honor, I was looking at the deposition Exhibit 5.
21 It's actually, sorry, Plaintiff's Exhibit 24. I apologize.

22 THE COURT: Okay. Take back number five. Is
23 Exhibit 24 in evidence?

24 MR. ITKOWITZ: Yes.

25 (Document handed to the witness.)

26 THE COURT: Number 24 in evidence.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 Q All right. Did you have -- have you had a chance to
3 look at that?

4 A Yes.

5 Q This one, this exhibit, has two e-mails, correct?

6 A Correct.

7 Q The bottom e-mail I'm going to read to you and ask you
8 if you recall receiving this e-mail. It's from Jeff Danzer to
9 you. It's written on August 23rd at 11:01, and the subject
10 says, "finally." It says, "Hi, Cathy. I hope you've had a nice
11 weekend. I spoke with George on Friday and we came to terms on
12 our agreement. ALM will receive 10 percent of the royalties
13 earned by the Trump Organization on any deal we bring to the
14 table. That said, I have spoken with Phillips-Van Heusen
15 regarding getting Donald up to see them this week.

16 PVH is interested in licensing the Trump brand for
17 dress shirts and neckties. George said that either Wednesday or
18 Thursday would work, and I have passed that message on to PVH.
19 In the meantime, I'd like to get our deal on paper. Do you want
20 me to send you a letter for signature or do you want to send me
21 a letter? It's your call.

22 I hope all is going great with you, and I look forward
23 to hearing back from you soon."

24 Do you recall receiving that e-mail?

25 A Yes.

26 Q That's an accurate e-mail that you have; that's the

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 e-mail you received?

3 A Yes.

4 Q And you wrote back to him just a few minutes later,
5 11:25 a.m., correct?

6 A That's what it says, yes.

7 Q Well, it's not just what it says, it's what you wrote.

8 MR. GOLDMAN: Objection.

9 THE COURT: Sir, enough already.

10 MR. ITKOWITZ: I'm sorry.

11 THE COURT: It's sustained.

12 MR. ITKOWITZ: I apologize, Your Honor.

13 Q Ms. Glosser, you wrote back, "Jeff, why don't you
14 e-mail both George and me the appropriate paperwork and we will
15 review it and take it from there. Thanks very much."

16 Do you recall writing that?

17 A Yes.

18 Q Then I'm going to show you what's been marked in
19 evidence as Plaintiff's Exhibit 72.

20 (Document handed to the witness.)

21 Q Now, this is an e-mail dated Monday, August 23rd from
22 Jeff Danzer to George Ross and to you, correct?

23 A Correct.

24 Q And it's cc.'d to Mark Hager. Do you remember who Mark
25 Hager is?

26 A Yes.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 Q He's the owner of ALM International, correct?

3 A Yes, correct.

4 Q And the subject line of this letter is agreement.

5 Agreement letter. It says, "Dear George, I'm happy we have been
6 able to come to terms regarding our deal as it pertains to
7 bringing licensing deals to the Trump Organization. As we've
8 agreed, ALM's fee for any introduction of a potential licensing
9 partner to Donald Trump and/or any other entity associated with
10 Donald Trump which evolves into a licensing deal and any
11 subsequent renewal thereof shall be 10 percent of all royalties
12 or other fees, i.e. advances, sign-on bonuses, marketing fees,
13 et cetera paid to Trump. ALM's fee shall be paid to ALM or any
14 other entity it so chooses within 15 days from when Trump
15 receives payment from the licensing partner.

16 George, this project is both challenging and exciting,
17 and I am confident that together we will build one of the most
18 successful consumer product brands in the world."

19 Is that an e-mail that was sent to you and to George
20 Ross on August 23rd?

21 A Yes.

22 Q Now, you are in the habit of keeping a detailed
23 notebook as part of how you conduct your business?

24 A Yes.

25 Q And in that notebook you write -- you make notes on a
26 daily basis as to the important things that are happening during

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 your day?

3 A Yes.

4 MR. ITKOWITZ: I would ask that Counsel produce the
5 notebook for you so you could have it.

6 THE COURT: Understood, but I think for the record
7 we have to mark it for identification only just so that
8 there is a knowledge that we have it on the record. So mark
9 this 116 for identification only.

10 MR. ITKOWITZ: Excuse me, Your Honor, we have a
11 couple of other exhibits, so I would propose a later number.

12 THE COURT: What number?

13 MR. WILTENBURG: 127.

14 THE COURT: 127 for identification only.

15 (Whereupon, the above-mentioned notebook was marked
16 as Plaintiff's Exhibit 127 for identification.)

17 Q Now, I would ask to you turn -- that's your notebook
18 for 2004 and 2005?

19 A Correct.

20 Q And you keep notations pretty much in date order?

21 A Actually, it's not 2005. 2004 only.

22 Q Did you have one for 2005?

23 A Possibly. I don't know for certain.

24 Q And if you produced it, you would have produced it to
25 your attorney?

26 THE COURT: It's irrelevant. Let's go.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 Q All right. Well, right now I'm just asking you
3 questions about 2004, so I'm going to show you what's been
4 marked as Exhibit 51.

5 (Exhibit 51 handed to witness.)

6 THE COURT: Is that for identification only?

7 MR. ITKOWITZ: No, that's in evidence.

8 THE COURT: It is? Oh, here it is.

9 Q Now, this notation -- this is a redacted exhibit, which
10 means that part of it has been whited out, and at the bottom is
11 a notation that you made on August 23rd; is that correct?

12 A Correct.

13 Q And that notation states what?

14 A A conversation that I had with Jeff Danzer where he
15 told me about the deal with ALM.

16 Q And you made a substantive notation as to what he told
17 you, correct?

18 A As I typically did, yes.

19 Q And it says, "10 percent for ALM, George made the deal
20 with Jeff, PVH back to the table Wednesday or Thursday. They
21 want neckwear and shirts. Ask Jeff what" -- I had trouble
22 reading that last line.

23 A "Percentage of PVH business is ties."

24 Q Is what?

25 A Ties. "He will let me know."

26 Q Not bow ties?

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 A Sorry?

3 Q Not bow ties?

4 A Not bow ties.

5 Q And he said he would let you know; is that correct?

6 A That's -- yes, that's what it says.

7 Q Do you know anything about PVH?

8 A Yes.

9 Q How would you describe PVH?

10 A PVH is one of the biggest dress shirts and neckwear
11 manufacturers in the United States, if not the world.

12 Q And so this was a licensing opportunity that the Trump
13 people were interested in, correct?

14 A This amongst many others, yes.

15 Q But you were particularly happy with this opportunity,
16 were you not?

17 A Yes.

18 Q Now, Jeff Danzer was the person who had the contacts
19 over at PVH, correct?

20 A He, Jeff Danzer, had a contact at PVH, yes.

21 Q He had a contact high up in the organization, did he
22 not?

23 A I do not know the answer to that.

24 Q Did you know the answer to that question in 2004?

25 A Whether Jeff Danzer knew someone high up at PVH?

26 Q Yes.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 A I knew he knew someone at PVH. I did not know what
3 their specific role was early on.

4 Q Well, this indicates 8/23 was a Monday, correct?

5 A I don't know.

6 Q If we go back to --

7 A Yes.

8 Q -- trial Exhibit 72, that indicates that August 23rd
9 was a Monday, right?

10 A Correct.

11 Q And it says that Jeff Danzer is organizing a meeting
12 with the Trump people for Wednesday and Thursday, correct?

13 A You're asking me to go back to the previous exhibit?

14 Q Take a look at Trial Exhibit 51, your written notation.

15 A Yes. Wednesday or Thursday.

16 Q So back to the table means that you were going to have
17 a meeting?

18 A Correct.

19 Q Do you recall, as you sit here now, do you recall who
20 is going to be at that meeting?

21 A I recall who was at the meeting.

22 Q Who was at the meeting?

23 A Myself, Jeff Danzer, Donald Trump, George Ross and some
24 representatives from PVH.

25 Q And the fact that Donald Trump was coming to the
26 meeting was significant; was it not?

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 A Yes.

3 Q That was an indication that Donald Trump and the Trump
4 organization was very interested in this potential opportunity;
5 is that correct?

6 A Correct.

7 Q And here it is on 8/23 Mr. Danzer has called you up and
8 said he's made a deal with George and summarized at least one of
9 the terms, and he also wrote you a letter on that date stating
10 what the terms were, correct?

11 A Correct.

12 Q At any time thereafter, did you or Mr. Ross write an
13 e-mail or a letter contradicting the letter or the e-mail which
14 is in evidence as Trial Exhibit Number 72, which is the August
15 23rd e-mail?

16 A Can you repeat the question?

17 THE COURT: Read it back, please.

18 (Whereupon, the last question was read back by
19 the court reporter.)

20 A I can't speak to Mr. Ross. I can only speak for
21 myself, and I did not.

22 Q Okay. Well, I understand that you can't speak for
23 whether Mr. Ross did something privately, so let me ask you this
24 question.

25 Since August 23rd of 2004, did you ever see a letter or
26 an e-mail from George Ross in August of 2004 contradicting the

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 proposed terms that are laid out in this e-mail?

3 A Specific to August 2004?

4 Q Yes.

5 A No, I did not.

6 Q And you've already said that a deal was done,
7 finalized, a contract signed with PVH in November, correct?

8 A Correct.

9 Q At any point in September of 2004, did you ever see a
10 writing from Mr. Ross disputing this agreement as set forth by
11 Mr. Danzer?

12 A No.

13 Q At any point in October of 2004 or November of 2004,
14 did you ever see a writing by Mr. Ross disputing this
15 characterization of what took place between Mr. Ross and Mr.
16 Danzer?

17 A No.

18 Q Excuse me, one second.

19 Did there come a time when you ever spoke to Mr. Ross
20 about the -- hold on a second. One second. Withdrawn.

21 Did you ever speak to Mr. Ross about the e-mail that
22 you received from Mr. Danzer at the bottom of Plaintiff's
23 Exhibit 24, which is the -- which is his August 23rd recitation,
24 and I'll read it for you. "I spoke with George on Friday."

25 MR. GOLDMAN: Objection, Your Honor.

26 MR. ITKOWITZ: I'm just trying to get context.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 THE COURT: You can't do that.

3 (Continued on next page.)

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1 Glosser - Plaintiff - Direct

2 BY MR. ITKOWITZ:

3 Q Did you ever speak to Mr. Ross about this, about
4 this e-mail?

5 A The August 23rd --

6 THE COURT: Plaintiff's 24 in evidence.

7 A Yes, I believe I did.

8 Q And it's true that you asked Mr. Ross if he had
9 signed -- if he had assigned deal with ALM? This is later,
10 correct?

11 A Repeatedly.

12 Q Right. You asked him repeatedly?

13 A Correct.

14 Q And Mr. Ross told you not to worry about it,
15 correct?

16 A Yes.

17 Q Now, you wanted an agreement signed, correct?

18 MR. GOLDMAN: Objection. Time frame.

19 THE COURT: Okay.

20 Time frame.

21 Sustained.

22 BY MR. ITKOWITZ:

23 Q In September or August of 2004 you preferred that
24 an agreement be signed, did you not?

25 A With ALM?

26 Q Yes.

1 Glosser - Plaintiff - Direct

2 A Honestly, no. I didn't see a need for ALMs
3 services since I was hired.

4 Q Okay. But you weren't there when ALM was
5 introduced to the Trump Organization in June of 2004, were
6 you?

7 A No, I was not.

8 Q And you didn't have -- as you sit here now, you
9 have no knowledge as to who his contacts were at PVH,
10 correct?

11 A Correct.

12 Q So -- well, you were hired to do licensing, ALM
13 was already on the scene before you arrived, correct?

14 A Correct.

15 Q Now, ALM was setting forth its understanding of
16 what its agreement was with Trump, correct?

17 A Yes.

18 Q And as a business practice you would prefer that
19 there have been a written agreement, correct?

20 A Correct.

21 Q And did you discuss with Mr. Ross sending back --

22 THE COURT: Excuse me, counsel in the back
23 immediately. With the record, please.

24 (The following was heard in the robing room.)

25 THE COURT: Mr. Goldman, I've noticed that
26 you have placed yourself at the end of the table. I

1 Glosser - Plaintiff - Direct

2 have just noticed and I am putting this on the record,
3 while she was saying something you were nodding then
4 you turn around to counsel for the Trump Organization
5 and you shrug. That kind of behavior is out of line.
6 It's not ever to happen again, and I want you sitting
7 directly in front of me, I want your back to
8 Mr. whoever he is.

9 MR. GOLDMAN: Okay.

10 THE COURT: Don't ever do that again.

11 MR. GOLDMAN: Judge, all I was -- all right,
12 I won't say anything.

13 THE COURT: You better not because I'll get
14 even angrier. I don't like that kind of behavior.

15 MR. GOLDMAN: Judge, I apologize if I showed
16 my emotion.

17 THE COURT: Okay.

18 (The following was heard in open court.)

19 THE COURT: Okay. Please resume.

20 BY MR. ITKOWITZ:

21 Q So Mr. Ross never sent anything back, a signed
22 agreement. Correct?

23 A Correct.

24 Q And you never sent anything back signed. Correct?

25 A Correct.

26 Q But negotiations went forward. Correct?

1 Glosser - Plaintiff - Direct

2 A Negotiations with?

3 Q Went forward.

4 A With who?

5 Q With PVH.

6 A Correct.

7 Q Now --

8 MR. ITKOWITZ: At this time I would move --

9 Q -- I would show you what's been identified as
10 Plaintiff's Exhibit 26 in evidence.

11 (Pause.)

12 Q Now, Exhibit 26 is an e-mail from Jeff Danzer to
13 George Ross. Correct?

14 A Correct.

15 Q And you were copied on this e-mail. Correct?

16 A Correct.

17 Q So you received a copy at the time it was sent on
18 August 25th at 3:25 p.m.?

19 A Correct.

20 Q Now, this says: Hi, George, it was good speaking
21 with you this afternoon. I'm looking forward to a
22 productive meeting tomorrow at Van Heusen. I e-mailed you
23 an agreement letter detailing ALM's new deal with the Trump
24 organization last week. I would appreciate it if you could
25 please sign it and fax it back to me before our meeting
26 tomorrow. I've attached a copy to this e-mail for quick

1 Glosser - Plaintiff - Direct

2 reference. Thanks, Jeff.

3 Do you see that?

4 A Yes.

5 Q And attached to this letter was a formal letter
6 dated August 25th, 2004 to George Ross and it says:

7 Dear George, I'm happy we have been able to
8 come to terms regarding our deal as it pertains to bringing
9 licensing deals to the Trump Organization.

10 Do you see that?

11 A Yes.

12 Q And then it says: As we've agreed, ALM's fee for
13 any introduction of a potential licensing partner to Donald
14 Trump and/or any other entity associated with Donald Trump,
15 which evolves into a licensing deal, and any subsequent
16 renewal thereof, shall be 10 percent of all royalties or
17 other fees, i.e. advances, sign on bonuses, marketing fees,
18 etcetera, paid to Trump. ALM's fee shall be paid to ALM or
19 any other entity it so chooses within 15 days from when
20 Trump receives payment from the licensing partner. George,
21 this project is both challenging and exciting and I am
22 confident that together we will build one of the most
23 successful consumer brands in the world.

24 This was a letter that was sent as an
25 attachment to the e-mail that we just read, correct?

26 A Correct.

1 Glosser - Plaintiff - Direct

2 Q So you're saying PVH wasn't your first choice?

3 A They were one of -- on a target list a company
4 we're very interested in doing business with.

5 Q When you were hired in August of 2004 what other
6 companies were you pursuing for shirt licensing?

7 A Shirt specifically or shirts and ties.

8 Q Shirts and neck ties.

9 A There were many other companies. Oxford
10 Industries is one of them. A few of them have gone out of
11 business since then or been acquired but there are many
12 other companies. You don't only target the largest company
13 you target a list and you educate yourself about an industry
14 before you make a decision as to which company you are going
15 to license your brand to.

16 Q Is it your testimony that in August of 2004 your
17 first month of employment in the Trump Organization that you
18 had an active proposal emanating from any other shirt
19 company?

20 A I did have proposals from other shirt companies.

21 Q In August of 2004?

22 A On or thereabouts. I don't know if it was
23 specific to August.

24 Q All right. I'm going to show you what's been
25 marked as Trial Exhibit 73.

26 Hold on a second. No.

1 Glosser - Plaintiff - Direct

2 (Pause.)

3 MR. ITKOWITZ: I'm going to skip that. That
4 has to do --

5 THE COURT: Don't talk to each other on the
6 record.

7 MR. ITKOWITZ: I'm withdrawing it. It's a
8 duplicate exhibit, I'm sorry.

9 Q Now, I'm going to show you --

10 MR. ITKOWITZ: I'm going to have to have
11 another document marked.

12 (Pause.)

13 MR. ITKOWITZ: What's the next number?

14 MR. WILTENBURG: 118.

15 THE COURT OFFICER: 118 for ID.

16 (Copy of a handwritten document was marked
17 plaintiffs exhibit 118 for identification, as of this
18 date.)

19 THE COURT: Plaintiffs 118 for ID.

20 BY MR. ITKOWITZ:

21 Q Now, I want you to put that aside because I want
22 to show you first Trial Exhibit 27, which is in evidence
23 then I'm going to ask you about the next exhibit, the one
24 I've identified.

25 THE COURT: So Plaintiff's 27 in evidence,
26 right?

1 Glosser - Plaintiff - Direct

2 MR. ITKOWITZ: Yes.

3 Q I'm going to show you what I've marked Plaintiff's
4 27 in evidence before I show you 118.

5 Now, 27 in evidence is a document called
6 agenda to Donald Trump meeting. Is that correct?

7 A Correct.

8 Q And this is a meeting that occurred on
9 August 26th 2004 at 2:00 p.m. at the PVH corporate office at
10 200 Madison Avenue; is that correct?

11 A Correct.

12 Q And the agenda, who wrote this agenda, do you
13 recall?

14 A I don't recall.

15 Q Do you recall if it might have been Jeff Danzer?

16 A Perhaps.

17 Q Now, it says -- and this agenda was distributed
18 prior to the meeting, correct?

19 A Yes.

20 Q And it was distributed by Jeff Danzer, correct?

21 A I believe so.

22 Q And it indicates what's going to happen. It says:
23 PVH greeting - Mark Weber conference room, Tour of corporate
24 office/show rooms. Donald Trump business discussion.
25 Distribution/consumer profile. Pricing overview and
26 marketing participation.

1 Glosser - Plaintiff - Direct

2 And then below it indicates who's attending.

3 And it indicates at the top, the number one name, Donald
4 Trump. Then George Ross. Then Cathy Glosser. Then Jeff
5 Danzer. Correct?

6 A Correct.

7 Q Then the next people are all PVH people, right?

8 A Right.

9 Q Mark Weber, Allen Sirkin, Ken Wyse, Lynn Flynn.

10 And these were all key people from PVH.

11 Correct?

12 A Correct.

13 Q Do you know --

14 MR. GOLDMAN: Excuse me, can we approach for
15 a second?

16 THE COURT: Yes. Come on up.

17 (Whereupon, there's a sidebar discussion off
18 the record, out of the hearing of the jury.)

19 THE COURT: To give you a heads up, at 11:15
20 we'll take our morning break.

21 MR. ITKOWITZ: Okay.

22 Q Do you recall who Mark Weber, Allen Sirkin, Ken
23 Wyse and Lynn Flynn were?

24 A Yes.

25 Q Tell us who they were?

26 A Mark Weber was the CEO of PVH. Allen Sirkin at

1 Glosser - Plaintiff - Direct

2 that point, I think, was president. Ken Wyse runs PVH's
3 licensing.

4 Q Ken Wyse was who?

5 A Was -- is the head of licensing at PVH. And Lynn
6 Flynn worked for Ken Wyse.

7 Q The head of licensing had a key role at PVH,
8 correct?

9 A Yes.

10 Q And isn't it true that Jeff Danzer had a good
11 relationship with Ken Wyse?

12 A I'm not aware of Jeff Danzer's specific
13 relationship with Ken Wyse.

14 Q Now, when -- Mr. Trump doesn't go to every
15 meeting, does he, that you're involved in?

16 A No.

17 Q He only comes when you're really very, very
18 serious about making a deal. Isn't that correct?

19 A Generally. If I'd like him to meet someone if I
20 think there's value for him meeting someone.

21 Q Yes, but Mr. Trump's time is very valuable; is it
22 not?

23 A Yes, definitely.

24 Q So he doesn't go to a meeting unless there's
25 something serious going to be discussed; isn't that correct?

26 A Yes, that's correct.

1 Glosser - Plaintiff - Direct

2 Q Now, let's look -- now, let's turn to 118 for
3 identification.

4 Can you tell us what this document is?

5 A Handwritten notes of mine.

6 Q And these handwritten notes are about your
7 impressions of what occurred at this meeting, correct?

8 A Correct.

9 MR. ITKOWITZ: At this time I would move 118
10 into evidence.

11 THE COURT: Any objection?

12 MR. GOLDMAN: No objection.

13 THE COURT: All right, 118 into evidence.

14 Please mark it.

15 (Whereupon, Plaintiff's Exhibit 118 was
16 received in evidence, as of this date.)

17 BY MR. ITKOWITZ:

18 Q Now, this meeting went very well, didn't it?

19 A Yes.

20 Q And in your notes you specifically wrote the
21 following words: As per Donald, make the deal happen.

22 Do you recall that?

23 A That's what it says in my notes, yes.

24 Q And when Donald says make the deal happen does
25 that indicate that Donald's serious?

26 A Yes.

1 Glosser - Plaintiff - Direct

2 A Correct.

3 Q Now, at the meeting on August 26th no offer was
4 made, correct?

5 A Correct.

6 Q So you had Mr. Trump after this meeting saying
7 make the deal happen, and then four days later you have
8 Mr. Danzer calling you and relating to you what the offer
9 was going to be, correct?

10 A Correct.

11 Q Now, PVH wasn't calling you directly and making
12 the offer they were giving that offer information to
13 Mr. Danzer, correct?

14 A Initially, yes.

15 Q And they gave it to Mr. Danzer so that Mr. Danzer
16 could relate it to Trump, correct?

17 MR. GOLDMAN: Objection. I don't know if she
18 can answer why.

19 THE COURT: Only if you know. That's a
20 question you can only answer if you know. If you don't
21 know say so.

22 THE WITNESS: Can you please repeat the
23 question?

24 Q They gave it to Mr. Danzer because Mr. Danzer was
25 the one who was relating the information, was supposed to
26 relate the information to Trump. Isn't that correct?

1 Glosser - Plaintiff - Direct

2 A I don't know that Mr. Danzer was supposed to do
3 something specifically or not. I think that because he set
4 up the meeting they went through that same channel. I don't
5 think they felt they had to. I don't think they were
6 mandated. That's what they chose to do.

7 Q But they did?

8 A That's what they did.

9 Q They did not call you directly, they called
10 Mr. Danzer?

11 A They did not call me directly.

12 Q And the PVH offer was 8 percent, 2 percent
13 advertisings and promotions.

14 Can you tell us what that meant?

15 A 8 percent refers to the royalties to be received
16 by the license or the brand holder which was Trump. And
17 2 percent of advertising and promotion, 2 percent of sales
18 over the course of -- for each quarter would go towards
19 advertising and promoting the brand.

20 Q Now, let's move to our Exhibit 74 I want to
21 introduce into evidence?

22 THE COURT: What was the number?

23 MR. ITKOWITZ: Seventy-four.

24 (Pause.)

25 BY MR. ITKOWITZ:

26 Q Now, this is an e-mail that he wrote to you after

1 Glosser - Plaintiff - Direct

2 the meeting, shortly after this meeting ended, correct?

3 A Correct.

4 Q He says, Hi Cathy, I want to thank you and George
5 for bringing Donald up to PVH. We had a fantastic meeting,
6 and now you and I have been charged to make it happen. The
7 iron is hot and I don't want to lose any momentum. Please
8 call or e-mail me as soon as possible so we can discuss next
9 steps.

10 Do you see that?

11 A I see it.

12 Q So Mr. Danzer felt that Donald Trump was speaking
13 to him when he said make it happen, correct?

14 A I think so from his e-mail.

15 Q And Mr. Danzer actually felt that Donald was
16 speaking to you and him, correct?

17 MR. GOLDMAN: Objection, your Honor, it's
18 asking for an impression.

19 THE COURT: If it's something that she can
20 make an impression about through this e-mail she can
21 make that impression.

22 A It seems that that's what he's intimating, yes.

23 Q Now, Mr. Danzer worked closely with you following
24 that meeting to try and make this deal happen, did he not?

25 A Mr. Danzer worked closely with me?

26 Q Yes. With you and with PVH?

1 Glosser - Plaintiff - Direct

2 A I don't know how closely he worked with me,
3 honestly. I think he reached out and PVH sent a proposal.
4 I asked for a specific proposal that was sent and then from
5 there really felt that myself and George Ross were able to
6 manage the negotiations of the deal.

7 Q So -- but Mr. Danzer was in frequent contact with
8 you about this deal afterwards, was he not?

9 A Define frequent.

10 THE COURT: The English meaning. Frequent.

11 THE WITNESS: He definitely was in contact
12 with me.

13 Q On a regular basis?

14 A Yes.

15 Q Now, all right so let's --

16 MR. ITKOWITZ: Get 29. Twenty-nine is in
17 evidence.

18 (Pause.)

19 BY MR. ITKOWITZ:

20 Q Now, you write here at the bottom -- this is --
21 there are three e-mails on this exhibit, right?

22 A Yes.

23 Q And the first is you write to Jeff, you say thank
24 you for your time today --

25 This is August 26 the day the meeting
26 occurred, correct?

1 Glosser - Plaintiff - Direct

2 A Yes.

3 Q We thought the meeting went well and are looking
4 forward to the next phase. I would be happy to set up a
5 time to speak in order to figure out next steps. Let me
6 know what works for you tomorrow and I'm sure we can figure
7 out a time.

8 He writes back and says, How about Monday
9 anytime after one. And then ultimately you set a time for
10 Monday at 4:30, correct?

11 A Correct.

12 Q And he wrote back to you on Friday, August 27,
13 which is the next day, he says -- I'm only reading part of
14 this e-mail. He says, Ken Wyse called me this morning and
15 again expressed PVH's interest and excitement. I suggested
16 that PVH make the first move and put together a proposal
17 within the next few days. He agreed.

18 Then he says something about pursuant to a
19 conversation with Lynn. Please e-mail her the Donald Trump
20 logo designs as soon as possible so they can get a head
21 start on the project as we negotiate the deal.

22 Do you see that?

23 A I see it.

24 Q Did you do that? Did you arrange for the logos to
25 be forwarded?

26 A I assume so, but I don't recall specifically.

1 Glosser - Plaintiff - Direct

2 Q This is an indication, is it not, these e-mails
3 showed you had a meeting on Thursday, on Friday, you're
4 discussing the next steps with Jeff. He's setting up a
5 meeting on Monday. He's organizing -- he's encouraging PVH
6 to send a proposal to Trump and that's what Trump wanted,
7 right; trump wanted a proposal?

8 A Yes.

9 Q And Jeff Danzer was the one who organized getting
10 a proposal out of PVH, correct?

11 A Correct.

12 Q From his dealings with Ken Wyse director of
13 licensing, correct?

14 A I don't know if it was specific to his dealings
15 with Ken Wyse but he obviously reached out to PVH to ask for
16 a proposal.

17 Q Well, he's dealing with Ken Wyse in this e-mail.
18 He says, Ken Wyse called me this morning and again expressed
19 PVH's interest and excitement. He says to Ken Wyse get us a
20 proposal, right?

21 A Correct.

22 Q So he's dealing with Ken Wyse director of
23 licensing?

24 A President of licensing, yes.

25 Q President of licensing.

26 (Continued on next page.)

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 Q And you wrote back to him later that day, and I'm going
3 to show you Exhibit 30. So later that day on August 27th you
4 write back, "I agree that PVH should put a proposal together so
5 that you and I have something solid to work with on Monday. In
6 order to minimize the back and forth too much, it's my hope that
7 the proposal will have as much of the pertinent information as
8 possible. I know you know what that information is -- that info
9 is. This way we can get the deal put together as quickly and
10 painlessly as possible."

11 Jeff was the front man on this -- the point man on
12 this; was he not?

13 A He was one of them.

14 Q He is the point man, is he not? Is he not the person
15 who's dealing directly with PVH and trying to get this deal
16 moving, get the proposal from them?

17 A Yes. Yes.

18 Q And get this approved by the Trump Organization?

19 A Yes.

20 Q He was working hard on this; was he not?

21 A He was working on it. I can't speak to how hard he was
22 working.

23 Q So you have no idea if he was working hard?

24 MR. GOLDMAN: Objection.

25 A I can't speak as to what Jeff Danzer was doing.

26 Q Excuse me?

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 A I can't speak specifically as to what Jeff Danzer was
3 doing, other than what I see on the paper here.

4 Q So you have no independent recollection, other than
5 what you're seeing on the piece of paper, is what you're telling
6 us?

7 A So what I'm telling you is that if he asked for a
8 proposal and we got a proposal, he did put some effort into
9 getting the proposal. Did he put a tremendous amount of work?
10 I don't know the answer to that.

11 Q But it was a significant effort, was it not? You don't
12 know if it was significant?

13 A Sure.

14 Q And it's significant, is it not, for Mr. Danzer to get
15 the initial proposal from PVH transmitted to Trump; is that not
16 significant?

17 A Well, I understand what you're saying --

18 Q It's a yes or no question. Is it significant, yes or
19 no?

20 A I can't give you a specific yes or no.

21 Q Okay. So, in other words, what you're saying is -- can
22 a deal -- can a licensing deal happen without a proposal?

23 A No.

24 Q Okay. And this proposal was coming by virtue of Jeff
25 Danzer interacting with PVH, correct?

26 A Correct.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 Q So that is significant, is it not, because -- it's
3 significant because if the proposal never comes the deal never
4 gets done, right?

5 A Yes.

6 Q Now, let me show you Trial Exhibit 31.

7 THE COURT: In evidence.

8 (Document shown to the witness.)

9 Q This is an e-mail from Jeff Danzer to George Ross,
10 correct?

11 A Yes.

12 Q And he's copied you on this e-mail, right; you received
13 a copy?

14 A Yes.

15 Q It says, "Dear George" -- he's writing to your boss --
16 "as per our conversation on Thursday, this will confirm that you
17 have agreed to the terms outlined in my letter of August 23rd
18 and that based upon your agreement we have proceeded and
19 introduced you to PVH. I look forward to working with you. All
20 the best, Jeff."

21 Do you see that?

22 A I see it.

23 Q Did you or Mr. Ross ever write back in response to this
24 e-mail?

25 A I did not write back to this e-mail.

26 Q And in all the years that you've been in the Trump

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)
2 Organization, you've never seen any e-mail that Mr. Ross wrote
3 back or any letter that Mr. Ross wrote back in August or
4 September of 2004 disputing this e-mail, correct?

5 A Correct.

6 Q And, in fact, you never saw any letter from Mr. Ross or
7 e-mail from Mr. Ross or any letter or e-mail from anybody in the
8 Trump Organization disputing that e-mail in either September or
9 October or November of 2004; is that correct?

10 A That's correct.

11 Q Now, I show you what's been marked as Plaintiff's
12 Exhibit 96.

13 (Document handed to the witness.)

14 THE COURT: 96 is in evidence.

15 Q This is an e-mail that Jeff wrote to Ken Wyse, right?

16 A Yes.

17 Q The president of licensing for PVH, correct?

18 A Yes.

19 Q And he cc'd you on this e-mail, correct?

20 A Yes.

21 Q And he says, "In a nutshell I spoke with" -- he's
22 writing to Ken. "Dear Ken, in a nutshell, I spoke with George
23 and Cathy." That's you, right?

24 A That's me.

25 Q "And they would like PVH to submit a written proposal
26 as soon as possible. Please feel free to submit the proposal

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)
2 directly to Cathy and copy me. I'm around all day if you need
3 me."

4 Was that an e-mail that you received?

5 A Yes.

6 Q And was Mr. Danzer doing this pursuant to direction
7 from the Trump Organization?

8 A Yes.

9 Q So, in other words, at this particular point after
10 Mr. Trump came and he had this big meeting, Mr. Trump says make
11 it happen, okay. You tell Danzer we need you to get a proposal
12 from PVH and, by the way, when you get that proposal have it
13 sent directly to me.

14 Is that what happened?

15 A That I said that to --

16 Q Jeff.

17 A -- to Jeff?

18 Q Yeah. You said to Jeff, have PVH send a proposal
19 directly to me. Isn't that what you asked?

20 A In this e-mail?

21 Q Not in that e-mail, because this is an e-mail from Jeff
22 to Ken. But before Jeff wrote this e-mail, presumably, and I'm
23 asking you, you said to Jeff, hey, by the way, Jeff, have PVH
24 send the proposal directly to me --

25 A Yeah. Yes.

26 Q -- correct?

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 A Yes, I believe so.

3 Q Not have PVH send it to you and then transmit it. It
4 will be more effective, we'll get it done faster if he sends it
5 directly to me, correct?

6 A Correct.

7 MR. ITKOWITZ: Now, I'm going to show the witness a
8 document, which I would like marked as 119 for
9 identification.

10 THE COURT: 119?

11 MR. ITKOWITZ: Yes.

12 (Whereupon, the above-mentioned document was marked
13 as Plaintiff's Exhibit 119 for identification.)

14 Q These are handwritten notes?

15 A I'm sorry?

16 Q 119. You're looking at 119?

17 A Yes.

18 Q This is from your notebook; is it not?

19 A Yes.

20 Q And it's your handwriting?

21 A Yes.

22 MR. ITKOWITZ: I move it into evidence.

23 THE COURT: Any objection?

24 MR. GOLDMAN: No, Your Honor.

25 THE COURT: Plaintiff's 119 in evidence.

26 (Whereupon, the above-mentioned document was marked

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)
2 as Plaintiff's Exhibit 119 in evidence.)

3 Q Now, at the bottom of this document you have a
4 notation, which I presume is based on the conversation you had
5 with Jeff Danzer; is that correct?

6 A I assume so.

7 Q And you put his name there and you said, "Proposal to
8 be sent end of today or tomorrow via messenger."

9 So Jeff Danzer within about seven days from the time
10 that he was writing Mr. Wyse has arranged to get a proposal sent
11 directly to you either on 9/7 or 9/8, correct?

12 A Correct.

13 Q And you took a lot of careful notes on this deal; is
14 that correct? Whenever you have an important conversation in
15 business, you note it on that trusty notebook, correct?

16 A Generally.

17 Q Now, I'm going to show you what's been previously
18 marked as Trial Exhibit 77.

19 (Document shown to the witness.)

20 THE COURT: Okay. We'll do this one and then we'll
21 take a break or do you want to take a break now and do this
22 one after?

23 MR. ITKOWITZ: Your Honor, whatever you want. I'll
24 do whatever you want.

25 THE COURT: Why don't we take a break now. I don't
26 want to spend much time on our break, so please let's be

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)
2 back here at, how about -- it will be difficult to do -- how
3 about at 11:18? All right. Coordinate your watches and be
4 back here at 11:18.

5 Please don't discuss the case amongst yourselves.
6 Keep an open mind, don't call up anybody to tell them what's
7 going on. Don't say anything about the case.

8 Okay. Have a nice break.

9 (Whereupon, the jury exits the courtroom and the
10 following transpired:)

11 MR. ITKOWITZ: Your Honor, I want to speak to you
12 and Mr. Goldman. He walked out, so...

13 (Whereupon, a brief recess was taken.)

14 THE COURT: I believe that you wanted to have --
15 you wanted something on the record, Mr. Itkowitz?

16 MR. ITKOWITZ: Yes, Your Honor. A couple of days
17 ago when we were discussing exhibits, I indicated to
18 Mr. Goldman that I would want the original notebooks here.
19 And apparently, he only has 2004. He doesn't have 2005.

20 This raises a particular problem, because there's
21 one particular document which I'm going to show the witness,
22 which is not dated, and it's not dated in the privilege log.
23 And in order to fix a date on it, we need the notebook here,
24 and I thought we were going to have this notebook.

25 THE COURT: Is this one of the documents that was
26 the exception to the privilege log?

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 MR. ITKOWITZ: It was a document that you ordered
3 produced.

4 THE COURT: I did order it produced?

5 MR. ITKOWITZ: Yes, I believe so.

6 MR. GOLDMAN: I haven't seen -- let me just say,
7 number one, I haven't seen what they're intending on
8 offering. Number two, if I produced it, obviously I'm not
9 going to object to it. Number three, as to the production,
10 what he wanted was the notebook not because we were going to
11 look in it or we were going to do anything.

12 He told you on the record I want to show them what
13 it looks like so they can see that's the kind of
14 recordkeeping she has. They have seen that. It's the good
15 old fashioned elementary school notebook, wide ruled. They
16 saw it, they showed it, it came back to me. It wasn't ever
17 going to be let's figure out some document.

18 MR. ITKOWITZ: He said he was bringing it. I
19 didn't think it was an issue.

20 MR. GOLDMAN: I brought it.

21 MR. ITKOWITZ: I didn't think it was an issue and
22 I'm asking him before --

23 THE COURT: You know, the thing to do is this,
24 okay. Produce the document, that is it. In evidence?

25 MR. ITKOWITZ: It's going to be in evidence.

26 THE COURT: All right. Since it's going to be in

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)
2 evidence, we haven't seen what we're talking about, produce
3 the document.

4 MR. ITKOWITZ: I'll show it to you right now. It
5 can easily be figured out if the notebook was here.

6 MR. GOLDMAN: Maybe it could be figured out without
7 the notebook.

8 MR. ITKOWITZ: I don't want there to be in a
9 situation where I ask her and she can't figure it out.

10 THE COURT: Then I'll have the notebook produced,
11 guess what, okay.

12 MR. ITKOWITZ: May I pass it up, Your Honor?

13 THE COURT: Yes. One more. One more. You want to
14 produce it, you'll put it in as Trial Exhibit 121, she will
15 identify it. You will ask her when this happened, she will
16 say I don't know, she will say I do know, it happened on
17 July 23rd at 2 o'clock in the afternoon, whatever she says.

18 But if she does not know the period of time that
19 this was produced, then you can be prepared to find out or
20 produce something that is going to tell us the time.

21 MR. GOLDMAN: All I'm going to say is we all know
22 the issues here. Reading what it says, it's clearly -- I'm
23 not saying anything.

24 THE COURT: Nobody is here.

25 MR. GOLDMAN: It's clearly something after payments
26 were being made and before payments stopped.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 THE COURT: That's true, but he wants to know the
3 date. He's entitled to that. So the question is, if she
4 can't tell us what the date is, then there is a document
5 that probably can show us where the date is.

6 MR. GOLDMAN: You know what, Your Honor, that's
7 what should have been articulated the last time we were here
8 so we're not wasting time.

9 THE COURT: You know, sir, you're 100 percent
10 right, but that's how life is on trial. Okay. So anyway,
11 first bring the witness in, have her return to the witness
12 stand, then bring the jury down. Just a heads up -- go get
13 the jury, please, we're exactly two minutes late already.

14 (Witness resumes the stand.)

15 THE COURT: I have an exceptionally important
16 meeting this afternoon, which I'm going to have to attend.
17 It starts at 5 o'clock and it's midtown, so we're going to
18 be leaving here at 4:15. All right.

19 MR. GOLDMAN: Just before the jury steps in -- I
20 mean, we had asked to have Mr. Ross here. At the pace that
21 we're going, I haven't even examined Ms. Glosser yet.

22 MR. ITKOWITZ: I think it's clear we're not going
23 to get to Mr. Ross today.

24 THE COURT: You can inform Mr. Ross not to be here
25 this afternoon. Tomorrow morning. And assuming that
26 everybody is back, another notch, probably get to Mr. Trump

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 maybe Monday or Tuesday, maybe Wednesday.

3 MR. GOLDMAN: At this pace, yes.

4 THE COURT: We're going to lose the jury right
5 away. I gave them a specific series of times. You've got
6 to hold to it. You should have thought this out. It makes
7 a huge difference to people if they're going be here on
8 Thursday and Friday of next week versus closing it out on
9 Wednesday. So it's up to you, it's your case, you do what
10 you want. Okay, Gary.

11 (Whereupon, the jury enters the courtroom and the
12 following transpired:)

13 THE COURT: Please be seated.

14 BY MR. ITKOWITZ:

15 THE COURT: You can continue your examination.

16 MR. ITKOWITZ: At this time, I will show --

17 THE COURT: I didn't hear a word you said.

18 MR. ITKOWITZ: Sorry. I'm showing the witness 77
19 in evidence.

20 THE COURT: 77 in evidence.

21 Q This is an e-mail from PVH to you, Ms. Glosser?

22 A Yes.

23 Q And it conveys the proposal that PVH made?

24 A Yes.

25 Q And that occurred on September 8th, correct?

26 A Yes.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 Q And that was pursuant to -- that was arranged by
3 Mr. Danzer, correct?

4 A Yes.

5 Q Now, I'll show you -- I'll show you -- you have
6 something marked from your notebook. 120 for identification.

7 THE COURT: 120?

8 MR. ITKOWITZ: 120 for identification.

9 (Whereupon, the above-mentioned document was marked
10 as Plaintiff's Exhibit 120 for identification.)

11 Q Are these notes from your notebook --

12 A Yes.

13 Q -- in connection with September of 2004?

14 A Yes.

15 MR. ITKOWITZ: I move them into evidence.

16 MR. GOLDMAN: No objection.

17 THE COURT: No objection. Into evidence without
18 objection.

19 (Whereupon, the above-mentioned document was marked
20 as Plaintiff's Exhibit 120 in evidence.)

21 Q Now, this particular note indicates that PVH was giving
22 no guarantee as to how much they were going to produce in the
23 way of sales, correct?

24 A Yes.

25 Q Okay. And as per George, Donald said --

26 A No. Excuse me, can I amend that?

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 Q Sure.

3 A It's not necessarily specific to what they're going to
4 do in sales. No guarantee could mean no minimum royalty
5 guarantee over the course of the term.

6 Q So, basically, this note indicates -- your handwritten
7 note indicates that PVH was not prepared to give Trump a
8 guarantee as to anything, correct?

9 A Correct.

10 THE COURT: Yes or no?

11 A Yes.

12 Q Okay. And that was okay with Donald, correct?

13 A Yes.

14 Q That's what your notes indicates, it said Donald said
15 as per George?

16 A Yes.

17 Q Correct?

18 A Correct.

19 Q So George was a vehicle for some of Donald's input; is
20 that correct?

21 A Some of Donald's what?

22 Q Was a vehicle for some of Donald's input?

23 A Yes.

24 Q So if George said this is what Donald wants, everybody
25 went as if Donald was speaking, correct?

26 A Yes.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 Q Now, at this time I'll introduce Exhibit 34.

3 (Document handed to the witness.)

4 THE COURT: Plaintiff's Exhibit 34 in evidence.

5 Q Exhibit 34 is in evidence. This is an e-mail that you
6 wrote to Ken Wyse at PVH, correct?

7 A Correct.

8 Q And you copied George Ross, Jeff Danzer and other
9 people, correct?

10 A Correct.

11 Q And you stated in this e-mail, "Let me start by saying
12 the Trump Organization is excited about the opportunity to work
13 with PVH."

14 Was that an accurate statement?

15 A Yes.

16 Q And Donald was excited, correct?

17 A Yes.

18 Q Because Donald told you to make the deal happen,
19 correct?

20 A Correct.

21 Q And he was so excited he was willing to do the deal
22 without any guarantees, correct?

23 A Correct.

24 Q And in this e-mail you put an attachment, which was
25 your response to the PVH proposal, correct?

26 A Correct.

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 Q And where PVH was promising -- was agreeing to give
3 Trump 8 percent, you counter proposed at 10 percent, correct?

4 A Correct.

5 Q Is that a big difference, 8 percent, 10 percent?

6 A Yes.

7 Q Okay. So you came back and said you want 10 percent.

8 Now, I'm going to show you what's been marked as
9 Exhibit 35.

10 (Document handed to the witness.)

11 THE COURT: Plaintiff's 35 is in evidence.

12 Q Now, this an e-mail that Jeff Danzer wrote to you on
13 September 20th, correct?

14 A Correct.

15 Q And he's saying, "As you mentioned last week, I
16 understand that you and George will be handling all the
17 negotiations directly" --

18 THE COURT: I don't know where you're reading from.

19 MR. ITKOWITZ: I'm reading from the second e-mail
20 at the bottom, which is from Jeff Danzer to Cathy Glosser.

21 THE COURT: I understand that, but where?

22 MR. ITKOWITZ: First paragraph.

23 THE COURT: Please, if you're reading, please read
24 slowly so that we can understand.

25 MR. ITKOWITZ: Okay.

26 Q "As you mentioned last week, I understand that you and

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 George will be handling all the negotiations directly without
3 ALM's direct involvement. Following our conversation, I spoke
4 with Mark Hager to gain a little bit more -- a little more
5 perspective on the situation. Regardless of who handles the
6 negotiations, we feel the following factors are very important
7 for you to take into account."

8 And then Jeff was giving you advice. He gives you
9 three points, advisory points, as to how to handle this
10 negotiation, correct?

11 A Correct.

12 Q Now, that wasn't ALM's choice necessarily that you guys
13 should finish off the negotiation, was it?

14 A No.

15 Q But as the principal you felt -- the Trump people felt
16 that they could be more effective getting this done, finishing
17 this off on their own, correct?

18 A Yes. George Ross was spearheading the deal and he felt
19 that working through it would probably be more effective.

20 Q Right. So that was his choice?

21 A Yes.

22 (Continued on next page.)

23

24

25

26

1 Gosser - Plaintiff - Direct

2 Q All right. Now I'm going to show you what's been
3 marked as 102 in evidence.

4 (Pause.)

5 Q Now, this is another e-mail from Jeff Danzer dated
6 October 6, correct?

7 A Correct.

8 Q And it is to you?

9 A Yes.

10 Q In it he's giving you further advise as to
11 suggestions he was making for how the negotiations should
12 go, correct?

13 A Yes.

14 Q Now, he wasn't making these suggestions out of a
15 vacuum, was he?

16 A No. These are standard, customary things that one
17 would contribute to a basic licensing deal.

18 Q So -- but he was keeping tabs on how the
19 negotiations were going through you, right?

20 A Yes.

21 Q And so you were telling him how it was going and
22 then he was making suggestions to you and you were free to
23 accept those suggestions or not accept those suggestions,
24 correct?

25 A Correct.

26 Q Now, let's look at Trial Exhibit 36, which is in

1 Gosser - Plaintiff - Direct

2 evidence.

3 So this is -- there are two e-mails on this
4 page. And one is from October 15 at 5:36 and one is from
5 Friday October 15 at 7:51 p.m. Correct?

6 A Correct.

7 Q And this is just a few short weeks after you had
8 indicated to Mr. Danzer that you -- George wanted to finish
9 off the negotiation, correct?

10 A Yes.

11 Q And here at the bottom Jeff is writing he says:
12 I'm excited to hear that you're going to contract with PVH.

13 So that's an indication that the deal was
14 completely done in terms of principle. Is that correct?

15 A The basic deal points, yes.

16 Q So the deal was solidified as of October 15th.
17 Jeff Danzer was congratulating you but he's also warning you
18 to be careful about getting certain terms in the agreement,
19 correct?

20 A Correct.

21 Q And you write back, you say don't worry about it,
22 George and I spoke about your e-mail. We feel we're not
23 going to get taken advantage of.

24 MR. GOLDMAN: Objection, that's not what it
25 says.

26 THE COURT: No, it doesn't say it. Read it

1 Gosser - Plaintiff - Direct

2 as it says if you're going to read it.

3 MR. ITKOWITZ: Okay, all right. So I'll read
4 it to you. It's a sentence, the top sentence.

5 Q Says: George and I spoke about your last e-mail
6 and we feel that we are not going to get screwed, as you say
7 below. I've spoken a few times with Lee, Ken and Allen and
8 we feel comfortable moving to the next level. When I say
9 we, just to clarify, I mean George, Donald and me. Is that
10 correct?

11 A Correct.

12 Q So you had spoken to Donald about this
13 particular --

14 A Yes.

15 Q So this PVH deal was a deal that Donald was very
16 much aware of?

17 A Aware of?

18 Q Aware of?

19 A Yes.

20 Q He wanted the deal from the September -- from
21 August 26th when he was there and I said get this deal done,
22 right?

23 A Correct.

24 Q So he was aware, very much aware of being kept in
25 the loop as to what was going on with the progress of this
26 deal, correct?

1 Gosser - Plaintiff - Direct

2 A Correct.

3 Q Now, I show you Trial Exhibit 3.

4 (Pause.)

5 THE COURT: Three is in evidence?

6 MR. ITKOWITZ: Yes, it is.

7 THE COURT: No, I'm saying.

8 BY MR. ITKOWITZ:

9 Q Now, this is an execution copy of a license
10 agreement that was executed between Trump and PVH, correct?

11 A Correct.

12 Q So from October 15th when you had a deal in
13 principle already worked out according to -- as Jeff Danzer
14 had written you and presumably you had told him that,
15 correct?

16 A Presumably?

17 Q You had told Jeff Danzer that the deal had been
18 reached in principle on or about October 15th, correct?

19 A I told him that we were working through and
20 working towards a contract.

21 Q And all of the main points had been agreed to,
22 correct?

23 A Generally speaking, yes.

24 Q And so then it took another six weeks,
25 approximately, for the lawyers to do their thing and turn it
26 into a written, signed agreement, correct?

1 Gossler - Plaintiff - Direct

2 A That and further negotiations of and finalizing
3 deal points.

4 Q And do you recall we were talking about the
5 difference between 8 percent and 10 percent, PVH had
6 proposed 8 percent, right? You counter proposed and said
7 no, we want 10 percent, correct?

8 A Correct.

9 Q So ultimately the deal went PVH's way on the
10 percentage of royalty they were to pay the Trump
11 Organization, correct?

12 A Correct.

13 Q And that was perfectly acceptable to Trump,
14 correct?

15 A It was acceptable to Trump, yes.

16 Q Now, I'm going to show you what's been marked as
17 Plaintiff's Exhibit 12.

18 (Pause.)

19 MR. ITKOWITZ: Excuse me, I'm sorry, I looked
20 at the wrong exhibit number. Seventy-eight. I'm
21 sorry.

22 THE COURT OFFICER: Seventy-eight in
23 evidence.

24 MR. ITKOWITZ: Seventy-eight is in evidence.

25 Q Just for clarification it says, Plaintiff's
26 Exhibit 12 on the bottom but that's a deposition exhibit,

1 Gossner - Plaintiff - Direct

2 correct?

3 A Excuse me?

4 Q It says Plaintiff's Exhibit 12 on the bottom but
5 that's a deposition exhibit, correct?

6 A I assume so.

7 Q You recall being deposed in the case?

8 A Yes.

9 Q I asked you questions?

10 A Yes.

11 Q In front of a court reporter like the person who's
12 sitting here?

13 A Yes.

14 Q And you gave statements about the case?

15 A Yes, I did.

16 Q Now, so 78 is -- this is a letter from you to Jeff
17 and, basically, as Mr. Danzer requested, you're enclosing a
18 copy of the PVH agreement. You're giving him a copy of the
19 agreement, correct?

20 A Correct.

21 Q And you gave him a copy of the agreement because
22 you knew he expected -- ALM expected to get compensated for
23 this agreement, correct?

24 A I gave him a copy of the agreement because he
25 asked me for a copy of the agreement.

26 Q Well, if anybody calls up and says I want a copy

1 Gosser - Plaintiff - Direct
2 of one of your license agreements --

3 THE COURT: I'm going to allow it.

4 MR. GOLDMAN: I'm sorry.

5 THE COURT: I know you're rising to object,
6 I'm going to allow it.

7 Q Anybody calls up says, Ms. Gosser, I see you made
8 a license agreement with X company can I have a copy, what's
9 your answer going to be?

10 A It's going to be no. If you have a connection I
11 send in a copy of the deal.

12 Q But he asked you for this agreement because he had
13 an expectation that he had fulfilled his obligations to the
14 Trump Organization in bringing about this deal for the Trump
15 Organization. Is that correct?

16 MR. GOLDMAN: Objection.

17 THE COURT: Sustained.

18 Q Is it not a fact that Mr. Danzer wanted to keep
19 track of what was going on with the royalties pursuant to
20 this agreement for a reason?

21 MR. GOLDMAN: Objection.

22 THE COURT: I have to sustain that objection.

23 The way it's phrased I don't know how she would know
24 that.

25 MR. ITKOWITZ: I'll just move on.

26 Q So Mr. Danzer called you up and asked you for a

1 Gosser - Plaintiff - Direct

2 copy of the agreement, correct?

3 A Correct.

4 Q And you send it to him?

5 A Yes.

6 Q You had no problem sending it to him?

7 A I sent it to him.

8 Q Now, I'm going to show you what's been marked as
9 Exhibit 39.

10 THE COURT: In evidence.

11 Q Now, Exhibit 39 has a couple of things on it.
12 This is in evidence. There are three e-mails on it and
13 there's handwriting on it.

14 Now, let's read the earliest e-mail I'm going
15 to read to you. It's from Jeff Danzer. It's dated
16 July 15th, 2008 -- 2005. Sorry. 8:38 a.m.

17 Now, this is about nine months after the PVH
18 agreement was signed which you sent to Mr. Danzer, correct?

19 A Yes. Less than that but yes.

20 Q And by this time, Trump had gotten its first
21 royalty check or his first royalty check from the deal?

22 A Yes.

23 Q And --

24 MR. GOLDMAN: Your Honor, I'm going to
25 object.

26 THE COURT: Let's go on objecting to the

1 Gosser - Plaintiff - Direct

2 entry of this particular document into evidence on the
3 ground of relevance. The relevance is an issue that it
4 does come up at trial. It's an issue that the Court
5 will be dealing with. Either at another time. The
6 Court is going to allow this document to come in. How
7 we deal with this issue in terms of whether or not it's
8 to be considered by you or whether or not it will be
9 something you're going to -- that you're going to have
10 before you when you go to your deliberations is an
11 issue we will decide later. All right? But on the
12 ground of relevance, at this point you're overruled.

13 Go ahead.

14 BY MR. ITKOWITZ:

15 Q At this particular point, Mr. Danzer knew that
16 Trump had received its royalty -- his royalty check,
17 correct?

18 A Yes.

19 Q And he was --

20 MR. GOLDMAN: I'm sorry, this will be the
21 last. It includes not just a document but the
22 testimony?

23 THE COURT: Yes. The whole thing.

24 MR. GOLDMAN: Okay.

25 BY MR. ITKOWITZ:

26 Q And he was writing you and he said -- he's saying,

1 Gossler - Plaintiff - Direct

2 Please send the first commission check regarding the PVH
3 Trump deal to ALM International care of Jeff Danzer, 45 Wall
4 Street, Suite 401, New York, New York 10001, correct?

5 A Correct.

6 Q Now -- so in July 15, when Mr. Danzer knew that
7 the first royalty check had been sent to Trump, he contacted
8 you and said where's our check, correct?

9 A I'm sorry, could you --

10 Q He contacted you and said -- he's telling you
11 where he wants his check sent?

12 A Yes.

13 Q There was no surprise for you that Mr. Danzer was
14 calling you and asking you to send him a commission check
15 was there?

16 A No.

17 Q And in fact, going back to November of 2004 when
18 this deal got done, you knew, did you not, that ALM expected
19 to get paid a commission for the deal?

20 A My understanding was ALM expected to receive
21 something for the deal.

22 Q Something, by something you mean a commission?

23 A Yes.

24 Q Now he's telling you where to send it. Now there
25 is a handwritten note next to that. That's your
26 handwriting, correct?

1 Gosser - Plaintiff - Direct

2 A Correct.

3 Q What does it say?

4 A Wait to hear back from George before processing.

5 And then George okayed on 7/20/05.

6 Q So by this -- by your notes, made

7 contemporaneously on July 20th, the thousand five, you

8 called up George and said George -- or you spoke to him

9 face-to-face, whatever, you communicated with George, you

10 said George, I've been contacted by ALM. ALM wants its

11 commission check from the first royalty payment we have

12 received from Trump, correct?

13 A Correct.

14 Q And you said, George, what are my instructions,

15 correct?

16 A Yes.

17 Q And George said, okay, pay them. Right?

18 A Correct.

19 Q And then you wrote back to Jeff and you say, is

20 the below address your new office address, I assume you've

21 checked with Mark Hager and he's comfortable with the check

22 going to your attention. Please advise.

23 Now Mark Hager was the person who employed

24 Jeff Danzer, correct?

25 A I believe so, yes.

26 Q And Jeff Danzer was working for Mark Hager during

1 Gossner - Plaintiff - Direct

2 these negotiations, correct?

3 A I believe so, yes.

4 Q He was the main contact person, was he not?

5 A Mark Hager or Jeff Danzer?

6 Q Jeff Danzer.

7 A Yes.

8 Q And then he writes break to you says no, it's my
9 home address, yes, Mark wants the check made out to ALM
10 international and sent to me, correct?

11 A Correct.

12 Q Now, let's go to Trial Exhibit 124.

13 THE COURT: Mark it Plaintiff's 124 for
14 identification.

15 (Document marked Plaintiff's Exhibit 124 for
16 identification, as of this date.)

17 THE COURT OFFICER: 124 for ID.

18 BY MR. ITKOWITZ:

19 Q Now, look at the bottom e-mail. This is from Ilia
20 ^ Sokel. Who is Ilia Sokel?

21 A I don't know.

22 Q Have you ever seen these e-mails?

23 A I assume so if it's directed to me but I don't
24 know who she is, or he.

25 Q This is an he e-mail directed to you on July 28,
26 2005. Did you receive that e-mail?

1 Gossler - Plaintiff - Direct

2 A Yes.

3 Q And then there was on top of that is an e-mail
4 from Ilia Sokel from PVH.com?

5 A Yes. Excuse me, she's from PVH. I don't know
6 her.

7 Q As directed to Melissa Nicchitta. Who is that?

8 A Melissa Nicchitta was my assistant at that time.

9 Q And then there's an e-mail from your assistant
10 Melissa to you and that was sent to you on July 30th -- that
11 was sent to you on July 28th, correct?

12 A Yes.

13 MR. ITKOWITZ: I move this document into
14 evidence as Trial Exhibit 124.

15 MR. GOLDMAN: No objection, other than the
16 objection I indicated which was Exhibit 39.

17 THE COURT: So okay, same objection. Same
18 decision. Mark it Plaintiff's 124 in evidence subject
19 to relevance.

20 (Plaintiff's 124 received in evidence, as of
21 this date.)

22 BY MR. ITKOWITZ:

23 Q Looking at the bottom e-mail from Ilia Sokel from
24 PVH that's directed to you and there are ccs on that list,
25 correct?

26 A Yes.

1 Gosser - Plaintiff - Direct

2 Q There's a cc to Jeff at InterMo.com.

3 A Yes.

4 Q That was Jeffrey Danzer's e-mail address, correct?

5 A Yes.

6 Q And also your assistant was copied on it. And
7 then at the top your assistant writes to you, Cathy, I'm
8 printing this out as well. Do you want me to notify Jeff of
9 the wire?

10 The name Jeff there is Jeff Danzer, correct?

11 A No.

12 Q What Jeff is it?

13 A Jeff in our accounting department.

14 Q Oh, okay.

15 So they are basically saying that PVH is
16 saying that they've wired money into your account?

17 A Correct.

18 Q And a notification of the wire went to you as well
19 as Jeff Danzer and other people?

20 A Correct.

21 Q Now, let's go to Plaintiff's Exhibit 103.

22 THE COURT: That's for identification only,
23 right?

24 MR. ITKOWITZ: No. 103 is in evidence.

25 THE COURT: I don't see it in my book.

26 MR. GOLDMAN: No, it's not.

1 Gossler - Plaintiff - Direct

2 MR. WILTENBURG: It's a contested exhibit so
3 it's in the other binder.

4 MR. ITKOWITZ: I thought it was.

5 THE COURT: So 103 is for identification
6 only. Am I correct? Yes, I am correct.

7 Go ahead.

8 BY MR. ITKOWITZ:

9 Q 103, this is an e-mail from Ilia Sokel to you
10 dated July 28th, correct?

11 A Correct.

12 Q And that was copied to Jeff Danzer, among other
13 people, as well as your assistant?

14 A Correct.

15 Q And this is an e-mail you received?

16 A Correct.

17 MR. ITKOWITZ: I move it into evidence.

18 MR. GOLDMAN: Same objection as previously
19 articulated.

20 THE COURT: All right. Then this is
21 overruled. 103 will be marked into evidence subject to
22 a ruling on relevance.

23 (Whereupon Plaintiff's Exhibit 103 was
24 received in evidence, as of this date.)

25 THE COURT: Counsel, come up.

26 (Whereupon, there was a sidebar discussion

1 Gossler - Plaintiff - Direct

2 off the record, out of the hearing of the jury.)

3 BY MR. ITKOWITZ:

4 Q This is an e-mail you received on July --

5 THE COURT: We already did the date on this.

6 So let's go.

7 MR. ITKOWITZ: I move --

8 THE COURT: It's been moved. 103 is in

9 evidence subject to relevancy. Let's go.

10 BY MR. ITKOWITZ:

11 Q This is an e-mail from PVH telling you that they
12 are giving you the detail of the royalty, first royalty
13 payment, correct?

14 A Yes.

15 Q And that the wire of the money will come the next
16 day, correct?

17 A Later that same morning.

18 Q Yes. Now I want to show you what's been marked as
19 Plaintiff's Exhibit 79.

20 (Pause.)

21 BY MR. ITKOWITZ:

22 Q Now, look at the second page of this exhibit at
23 the top. This is an e-mail from you to Jeff Danzer on
24 July 26th, correct?

25 A Yes.

26 Q And Jeff Danzer's calling you -- he has contacted

1 Gosser - Plaintiff - Direct

2 you to inquire --

3 MR. GOLDMAN: Objection, he's reading from a
4 document not in evidence.

5 MR. ITKOWITZ: No, I'm not.

6 THE COURT: Hurry it along.

7 Q Jeff Danzer has inquired of you when he can expect
8 his first commission check, right?

9 MR. GOLDMAN: Objection. That's what he's --

10 THE COURT: Look. If you want to call the
11 Court's attention to an e-mail asking that, don't go to
12 the top, go to the one that asks this.

13 BY MR. ITKOWITZ:

14 Q You wrote Jeff on July 26th, you said, Jeff, could
15 you please send me a copy of the ALM Trump executed
16 agreement, I do not have the record in my files.

17 MR. GOLDMAN: Objection, he's reading from a
18 document not in evidence.

19 MR. ITKOWITZ: I think it is in evidence.

20 Seventy-nine.

21 THE COURT: No, it is not, sir. This is the
22 contested document, it's for identification.

23 MR. ITKOWITZ: I'm sorry.

24 I move it into evidence.

25 THE COURT: Yes, Mr. Goldman?

26 MR. GOLDMAN: Same objection.

1 Gossler - Plaintiff - Direct

2 THE COURT: All right. Over your objection
3 Plaintiff's 79 is in evidence subject to relevancy.

4 (Plaintiff's Exhibit 79 received in evidence,
5 as of this date.)

6 BY MR. ITKOWITZ:

7 Q Now, at the top of page two in this document is an
8 e-mail from you to Jeff Danzer dated July 26 and you say,
9 Jeff, could you please send me a copy of the ALM/Trump
10 executed agreement, I do not have a record for my files.

11 Do you see that?

12 A Yes, I do.

13 Q And he wrote you back a couple days later he says:
14 Sorry for the delay in response, I've been traveling. The
15 invoice is in the mail. Oh, no. I'm going to go back.

16 Then on July 28th you write to him. You
17 said: Perhaps you were away but I wanted to try to connect
18 regarding the below so I can forward the necessary
19 information to accounting.

20 Now, you needed to give certain documentation
21 to your accounting department to get a check written,
22 correct?

23 A Correct.

24 Q So you're asking him for that, correct?

25 A Yes.

26 Q So he writes the invoice is in the mail a couple

1 Gossler - Plaintiff - Direct

2 days later, correct?

3 A Yes.

4 Q And you write back and say sending me an invoice
5 is fine. Separate from that please send me the ALM/Trump
6 executed agreement as well, correct?

7 A Yes.

8 Q Now, he wrote back the following: Dear Cathy. As
9 you know, Trump and ALM entered into a memorandum of
10 understanding dated September 25th, 2003 that was extended
11 through June 30th, 2004. During the course of the
12 performance of its obligations and services, Mr. Trump
13 requested that ALM continue its efforts past June 30th, 2004
14 at a reduced rate of 10 percent for any licensing deal
15 originated by ALM. In this connection, ALM introduced PVH
16 to the Trump licensing opportunity on May 14th, 2004 that
17 resulted in Trump entering into a licensing agreement for
18 dress shirts, tuxedo shirts and neck wear with royalties of
19 8 percent. ALM's agreement to receive a reduced fee of
20 10 percent is set forth in various e-mails dated
21 August 23rd, 2004, August 25th, 2004 and August 30th, 2004
22 which were acknowledged to have been received by Mr. Ross.
23 If you have any questions get back to me.

24 Now I'm going to introduce 81. And I move 81
25 into evidence?

26 THE COURT: Any objection to Plaintiff's 81?

1 Gosser - Plaintiff - Direct

2

3 MR. GOLDMAN: Same objection.

4

THE COURT: Same objection. Same ruling.

5

Plaintiff's 81 in evidence subject to relevancy.

6

(Whereupon Plaintiff's 81 was received in

7

evidence, as of this date.)

8

(Continued on next page.)

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1 Glosser - Plaintiff - Direct (Itkowitz)

2 BY MR. ITKOWITZ:

3 Q Now, the last e-mail that Jeff wrote to you stating why
4 he thought he was entitled to his commission check was dated
5 August 9th and now he's writing back to you on August 22nd.
6 Look at page 2 of this document.

7 At the bottom he says to you on page 3, "Good morning.
8 I haven't heard from you since my last e-mail concerning ALM's
9 first invoice for semi-annual earned commissions on the Trump
10 PVH deal. The payment is now overdue. Please let me know when
11 we can receive payment."

12 You wrote back shortly after that, "Jeff, since we do
13 not have paper on the deal, George has asked that we quickly
14 draw up a letter stating the verbal deal. Could you draft a
15 one-pager and send it my way? I will then see to it that you
16 receive payment. Thanks very much."

17 You wrote to him, right?

18 A Yes.

19 Q And then going up, he writes at the top, "As you know,
20 I'm no longer working at ALM, but I can go back to ALM and find
21 the original agreement and resend it to you. In the interest of
22 saving time, however, can you check your and George's e-mail for
23 the agreement. I sent it to you both on 8/23, 8/25 and 8/30."

24 And then you write back to him, "Jeff, I have an
25 e-mail, but the accountant told me that they need the actual
26 deal in order to process an invoice. I believe that George did

1 Glosser - Plaintiff - Direct (Itkowitz)

2 check his file and that was when he determined that he didn't
3 have a signed paper from ALM. If you think it will be too
4 tricky for your lawyer to quickly draw something up, let me
5 know, I will ask George."

6 George, by the way, is the lawyer, right?

7 A Yes.

8 Q Then he writes back: "Please, let me know if your
9 attorney is in the process of drafting an agreement" -- that's
10 on September 6th, about a week later -- "or if I need to have
11 Ryan do it. Thanks and all the best."

12 Then you wrote back on September 7th, the next day.
13 "George is drafting something. I don't know what his timing is,
14 but I will get something to you as soon as I get it." And then
15 he writes back, "Thanks, keep me posted."

16 Now, this request that there be a signed agreement was
17 something that was well discussed between you and George; was it
18 not?

19 A Yes.

20 Q And you repeatedly went to George and said what are we
21 going to do about this, correct?

22 A I didn't say what are we going to do about this, no.

23 Q You went to Jeff -- excuse me. You went to George,
24 your boss, and said I don't have a signed agreement, what do I
25 do, correct?

26 A Do you have a signed agreement so that we can properly

1 Glosser - Plaintiff - Direct (Itkowitz)

2 move forward with this deal, if that's what we're doing.

3 Q With accounting to give a signed deal?

4 A To give to accounting.

5 Q To the accounting department, correct?

6 A Correct, yes.

7 Q Now, in fact, you were concerned, were you not, when
8 George said he was going to write something, right?

9 A When he said he was going to write something?

10 Q George said he was going to write something up, right?

11 A My concern predated that. My concern was that we
12 didn't have a signed deal with ALM.

13 Q Okay. But you wrote back on September 7th at 9:54
14 a.m., right, 9:54 a.m. you write back to Jeff; you say, "George
15 is drafting something; I don't know what his timing is, but I'll
16 get back to you," correct?

17 Now, you're saying that you wanted a signed agreement
18 because you felt there should be a signed agreement, right?

19 A That's how I operate, yes.

20 Q That's how you operate. Fair enough. But you had
21 other concerns about the signed agreement, didn't you?

22 A Such as?

23 Q Well -- and you discussed these other concerns with
24 George, correct?

25 A I don't know what concerns you're alluding to. If you
26 specify, then I'm happy to answer.

1 Glosser - Plaintiff - Direct (Itkowitz)

2 Q Okay. I'm going to show you a document which has been
3 marked -- premarked as Trial Exhibit 122.

4 MR. ITKOWITZ: It hasn't been premarked. I ask it
5 be premarked. Is it premarked?

6 MR. WILTENBURG: No.

7 MR. ITKOWITZ: Sorry.

8 THE COURT: You wish to have something marked?
9 Plaintiff's Exhibit 122 for identification only.

10 (Whereupon, the above-mentioned document was marked
11 as Plaintiff's Exhibit 122 for identification.)

12 (Document handed to the witness.)

13 Q Now, have had you a chance to -- well, just take a look
14 at it.

15 THE COURT: Go ahead.

16 Q Now, do you recognize this e-mail as one that you wrote
17 to George Ross on September 7, 2005?

18 A Yes.

19 Q Now, in this e-mail --

20 MR. ITKOWITZ: At this time, I move it into
21 evidence.

22 MR. GOLDMAN: Same objection.

23 THE COURT: Okay. The Plaintiff's 122 will be
24 marked into evidence subject to relevancy, as I stated
25 earlier, over Defendant's objection.

26 (Whereupon, the above-mentioned document was marked

1 Glosser - Plaintiff - Direct (Itkowitz)

2 as Plaintiff's Exhibit 122 in evidence.)

3 Q Now, you write to George shortly -- within minutes
4 after you wrote back to Danzer. You wrote back to Danzer at
5 9:54 on September 7th, and here it is, it's September 7th at
6 10:01, which is just a few minutes.

7 You write back to George, "George, I received yet
8 another e-mail from Jeff Danzer regarding outstanding payment.
9 I let him know that you are drafting a letter and we will get it
10 to him as soon as we can.

11 I know we briefly discussed a while back that ALM may
12 expect that they should benefit from the sportswear deal. I
13 don't know that he even knows that we did a sportswear deal, but
14 we should probably specify in the letter that they get a
15 percentage of dress shirt and neckwear royalties. Thanks,
16 Cathy."

17 Now, after you signed or Trump signed the deal for
18 neckwear and shirts in November of 2004, there came a time in
19 May of 2005 that you did another license with Van Heusen; isn't
20 that correct?

21 A Correct.

22 Q And that was a license -- hold on a second.

23 That was a license that you did in May of 2005 to sell
24 a line of Golf-inspired sportswear under the Donald K. Trump
25 signature collection brand, correct?

26 A Correct.

1 Glosser - Plaintiff - Direct (Itkowitz)

2 Q Now, you never told Jeff Danzer that you had done that,
3 correct?

4 A I don't believe so.

5 Q And so, in this e-mail you're saying to George, "Hey,
6 good morning. When you write something back, make sure you
7 exclude the sportswear deal," right?

8 A I'm writing to George basically saying since I work for
9 George, how do you want me to handle this situation.

10 Q Yeah.

11 A That's basically what I'm saying.

12 Q You're doing more than saying how do you want to handle
13 the situation, are you not?

14 A Well --

15 Q Honestly --

16 A I work for George. I had conversations with him and
17 wanted him to direct me how he wanted me to handle this through
18 our conversations.

19 Q You worked for George and you worked for Mr. Trump, and
20 you wanted to do what was best for Mr. Trump, not what was best
21 for ALM, right?

22 A Well, I don't know that I would put it that way. I
23 worked for Trump, yes. I did not work for ALM.

24 Q So when you did a sportswear deal in May, you wanted to
25 make sure that when George wrote something that he didn't write
26 something in a way that could be construed that Trump might have

1 Glosser - Plaintiff - Direct (Itkowitz)

2 a liability to ALM for sportswear, correct? Isn't that correct?

3 A I suppose.

4 Q And you never disclosed that to Mr. Danzer, did you?

5 A Me personally, no. I don't know if George Ross did,
6 though.

7 Q Right. But when you're writing this to George, the
8 assumption in this e-mail, is it not, that nobody has told ALM
9 about the sportswear deal, right?

10 A That would be the assumption.

11 Q And, in fact, you're telling George be careful, don't
12 disclose it, right?

13 A I'm giving him the information for him to decide how he
14 wants to handle it.

15 Q To handle it in such a way that ALM doesn't find out
16 about the sportswear deal so that they don't ask for the 10
17 percent, correct?

18 A Correct.

19 Q You knew they were entitled to the 10 percent on the
20 November deal, right?

21 A Honestly, I didn't know what they were entitled to
22 ever. So it's hard for me to really answer that as a yes or no
23 question.

24 Q That would be a legal determination, wouldn't it?

25 MR. GOLDMAN: Objection.

26 THE COURT: It's sustained.

1 Glosser - Plaintiff - Direct (Itkowitz)

2 Q George told you they were entitled to the 10 percent,
3 right?

4 A George --

5 THE COURT: Yes or no?

6 A Yes.

7 Q You wanted to make sure they get 10 percent of
8 sportswear also?

9 Now, let's go back --

10 THE COURT: Yes or no? You didn't allow her to
11 answer.

12 A Yes.

13 Q Now, let's go back to the letter that Jeff Danzer had
14 written to you or written to George, which he forwarded to you,
15 dated August 25th. And in that he says to George: "As we've
16 agreed, ALM's fee for any introduction of a potential licensing
17 partner to Donald Trump -- and I'm going to skip ahead -- which
18 evolves into a licensing deal and any subsequent renewal
19 thereof --

20 THE COURT: What are you reading from? What are
21 you reading from?

22 MR. ITKOWITZ: I'm reading Trial Exhibit 73, second
23 page. I'm sorry.

24 THE COURT: It's in evidence, right?

25 MR. ITKOWITZ: Yes.

26 Q So in this letter dated August 25, 2004 Jeff is saying

1 Glosser - Plaintiff - Direct (Itkowitz)

2 to George we've agreed that an introduction of a potential
3 licensing partner which evolves into a licensing deal shall
4 result in ALM being entitled to 10 percent, right?

5 A Yes. I don't have it right in front of me. I'm still
6 looking for it; but, yes, I believe that's what it says.

7 Q So under that language, arguably if not definitely, ALM
8 would be entitled to 10 percent of any sportswear; isn't that
9 correct?

10 MR. GOLDMAN: Objection. Objection to the form.

11 THE COURT: Sustained in terms of the form.

12 And once again, you can only testify to what you
13 know, okay. So, redo it.

14 Q Under that formulation that was sent to George, you
15 were concerned that ALM might be entitled to 10 percent of the
16 sportswear deal, correct?

17 A I was concerned that ALM would expect -- whether they
18 were entitled, I assumed they would have expected 10 percent.

19 Q And you're cautioning George if you write something
20 up --

21 A Yes.

22 Q -- exclude the sportswear?

23 A Yes.

24 Q And that never got done, right? That never got done?

25 A That never got done.

26 Q Now, you showed him -- excuse me. When you spoke to

1 Glosser - Plaintiff - Direct (Itkowitz)

2 George -- you went to George repeatedly and you said, George,
3 what do I do, there's nothing in writing, correct?

4 A Yes.

5 Q And George was very clear that ALM gets the 10 percent
6 and don't worry about it, correct?

7 A Yes.

8 Q And there was no mistake about that; you weren't acting
9 on the basis of what Jeff Danzer was telling you, right?

10 A No.

11 Q You were acting -- when you took actions at Trump to
12 effectuate what George Ross told you, you were doing what George
13 Ross told you, right?

14 A Yes.

15 Q And as a result, when you got this e-mail -- these
16 e-mails where is our first commission check, and you determined
17 it wasn't a signed agreement, and you went to George and you
18 confirmed there was no signed agreement of that letter of August
19 25th, George told you in unmistakable language pay the 10
20 percent, make it happen with the accounting department; didn't
21 he say that?

22 A Yes. He didn't define for how long, but he said go
23 ahead and do it.

24 MR. ITKOWITZ: I would move to strike that last
25 part of the answer as unresponsive, as beyond the scope of
26 the question.

1 Glosser - Plaintiff - Direct (Itkowitz)

2 THE COURT: Sustained. Strike everything after he
3 told me to do it. That last portion of the sentence, strike
4 that out, disregard it, do not to take it into account.
5 Remember my instructions, it's not in evidence.

6 Q Now, George not only told you to pay ALM's percent, he
7 had a whole procedure that was set out in the memorandum, in the
8 memorandum of understanding, as to what was supposed to happen
9 when a royalty check came in, right? He had a procedure --
10 let's back up.

11 In order for ALM to get paid, you had to first get paid
12 by PVH, correct?

13 A Yes.

14 Q And PVH had to send you a royalty statement, correct?

15 A Correct.

16 Q And after PVH sent you a royalty statement, you in turn
17 had to send a royalty statement to ALM, right?

18 A Yes.

19 Q And ALM needed that royalty statement so that ALM could
20 bill you for its 10 percent commission?

21 A Yes.

22 Q And then after ALM billed you for the 10 percent
23 commission, it was your job to go to accounting and make sure
24 that accounting issued an invoice -- I mean, issued an approval
25 of that invoice and ultimately sent a vendor count; and then
26 after it was approved by the controller then checks would be

1 Glosser - Plaintiff - Direct (Itkowitz)

2 cut, correct?

3 A Correct.

4 Q And when checks got cut, they would go to signature to
5 a person by the name of Donald Trump, correct?

6 A Correct.

7 Q And when it went up to Donald Trump, it went up not
8 just with a check, it went up with an invoice from ALM, correct?

9 A I don't know how it was sent to Donald Trump for
10 signature.

11 Q So you never saw any of these checks?

12 A No. I didn't see -- once the checks went to him for
13 signature, they got sent to accounting; they did not come to me.

14 Q Okay. So you have no knowledge, as you sit here now,
15 in the Trump Organization when a check is approved by a person
16 like yourself whether it -- whether the invoice goes up to Mr.
17 Trump along with the check for signature?

18 A I don't know his exact policy for how he signs off on
19 checks. If checks come to him and he signs them, I don't know
20 what's attached to the checks.

21 Q But you do know that Mr. Trump signs a lot of checks,
22 right?

23 A He signs thousands of checks.

24 Q Okay. And when he signs these checks, before he signs
25 them there's usually documentation appended to the check so he
26 can see what it's for, right?

1 Glosser - Plaintiff - Direct (Itkowitz)

2 A Once again, I don't know what is attached to the checks
3 that Mr. Trump signs. I'm not privy to that. I'm not in his
4 office, so I don't know.

5 Q So you've never been in his office when there are
6 checks to be signed?

7 A I have been in his office when he signed checks. I
8 have not seen things attached to checks, but I also haven't
9 leaned over him to scrutinize what he's signing.

10 Q Okay. So George Ross basically told you from now on
11 once this process is set up send him the royalty checks and send
12 him the royalty statements so that ALM could issue bills and
13 they can be approved by accounting, and that procedure was
14 approved specifically by the controller, correct?

15 MR. GOLDMAN: Objection. That's not what she
16 testified.

17 THE COURT: Questions, you know.

18 Q I'll break it down. After George --

19 THE COURT: No repetition.

20 MR. ITKOWITZ: Excuse me?

21 THE COURT: No repetition.

22 Q Okay. I'll try and do that.

23 At the initial period of time when you were looking for
24 a signed agreement, accounting was asking you for a signed
25 agreement, right?

26 A Correct.

1 Glosser - Plaintiff - Direct (Itkowitz)

2 Q And when George said make it happen anyway, you still
3 didn't have a signed agreement, right?

4 A Correct.

5 Q So George told you to tell accounting to make sure it
6 got paid, right?

7 A Yes.

8 Q And you were --

9 A He may have had a conversation with accounting, too. I
10 don't know.

11 Q But you certainly spoke to accounting, you spoke to the
12 controller and said set up this vendor account and make sure to
13 pay these invoices, correct?

14 A George told me to do that. I relayed the information
15 George gave me to accounting.

16 Q And each time a royalty statement came in, you sent it
17 to ALM, right?

18 A Yes.

19 Q And each time a bill from ALM came in, you reviewed it
20 before you sent it to accounting, right?

21 A Yes.

22 Q Because it couldn't get approved by accounting unless
23 you signed off on it, right?

24 A Yes.

25 Q And after you signed off on it the checks got issued,
26 correct?

1 Glosser - Plaintiff - Direct (Itkowitz)

2 A Yes.

3 Q The person that you -- at the time in 2005 when this
4 first royalty -- when this first vendor account was set up for
5 ALM, the controller was a person by the name of Jeff McConney,
6 correct?

7 A Yes.

8 Q And as the controller he was in charge of all the
9 accounts payable, correct?

10 A I don't know the answer to that.

11 Q But his job was to supervise and make sure --

12 A Yes.

13 Q -- appropriate checks got issued?

14 A Yes.

15 Q He wasn't issuing checks to anybody, just people who
16 had approved --

17 A I assume not.

18 Q -- checks, correct?

19 A I assume, yes.

20 Q Right. And certainly ALM didn't get any check that
21 wasn't approved by you, correct?

22 A Yes.

23 Q In fact -- okay. Just one second. I'm cutting down on
24 the questions because I covered them.

25 In fact, when you spoke to accounting pursuant to the
26 direction of George Ross, you specifically told accounting that

1 Glosser - Plaintiff - Direct (Itkowitz)

2 ALM would get 10 percent of the royalty statements, correct?

3 A Yes.

4 Q And that was their job to review these invoices and
5 review the royalty statements to make sure you weren't
6 overpaying ALM, correct?

7 A Yes.

8 Q And, in fact, before when you were first setting up the
9 vendor account, arranging for the vending account to set up, you
10 contacted Jeff Danzer and told him you needed ALM's tax ID
11 number, right?

12 A I specifically reached out to them, is that your
13 question?

14 Q No. No. Melissa -- excuse me. Withdrawn.

15 MR. ITKOWITZ: You know what, I'm going to
16 introduce 104, Plaintiff's 104. I think that's in --

17 MR. WILTENBURG: It's marked. It's not in.

18 MR. ITKOWITZ: It's not in. Okay. I move it in.

19 (Document shown to the witness.)

20 THE COURT: Let's go.

21 MR. GOLDMAN: The same objection.

22 THE COURT: All right. Plaintiff's 104 will be
23 marked into evidence. It was previously marked for ID.
24 Into evidence over Defendant's objections, subject to
25 relevancy.

26 (Whereupon, the above-mentioned document was marked

1 Glosser - Plaintiff - Direct (Itkowitz)

2 as Plaintiff's Exhibit 104 in evidence.)

3 THE COURT: I have to give you a heads up. We have
4 to close up in another eight minutes for the morning
5 session. We're coming back at 2 o'clock for another matter
6 that I have to do between then and 2:15.

7 You guys are coming back at 2:15. I have somebody
8 else at 2:00. We have another eight minutes.

9 MR. ITKOWITZ: May I approach for a second?

10 (Whereupon, an off-the-record discussion was held
11 at the bench among the Court and counsel.)

12 Q All right. Directing your attention to 104 in
13 evidence. This is Jeff Danzer writing to you. He's saying,
14 "Happy New Year. Hope this letter finds you well. As per
15 Melissa Nicchitta's call ALM's tax ID number," and then it gives
16 it. "I look forward to receiving the first check soon."

17 Who is Melissa Nicchitta?

18 A She was my assistant at the time.

19 Q So you directed your assistant to tell him before a
20 check could be issued we need your tax ID, right?

21 A Yes.

22 Q And then you gave the tax ID to accounting so
23 accounting could issue its first check, correct?

24 A Yes.

25 Q And that e-mail that you got was on October 6th from
26 Jeff Danzer. And then I'll show you Plaintiff's Exhibit 21,

1 Glosser - Plaintiff - Direct (Itkowitz)

2 which I'm going to move into evidence, which is the first check.

3 MR. GOLDMAN: It's not 21.

4 MR. ITKOWITZ: Fifty-four. Sorry. My eye keeps
5 going down.

6 THE COURT: Fifty-four. Same objection?

7 MR. GOLDMAN: Yes, Your Honor.

8 THE COURT: All right. Plaintiff's 54 will be
9 marked into evidence. Please mark it.

10 (Whereupon, the above-mentioned document was marked
11 as Plaintiff's Exhibit 54 in evidence.)

12 THE COURT: Over Defendant's objections, subject to
13 relevancy.

14 Q Did you specifically approve this check?

15 A Excuse me?

16 Q You specifically approved this check for accounting?

17 A Yes.

18 Q And it was signed by Mr. Trump?

19 A Yes.

20 Q And the invoice, which is attached to it, is an ALM
21 invoice, correct?

22 A Yes.

23 Q And that was generated based upon the royalty reports
24 that you had previously forwarded to Mr. Danzer, correct?

25 A Yes.

26 Q Now, subsequent to that there was a check issued to ALM

1 Glosser - Plaintiff - Direct (Itkowitz)

2 --

3 MR. ITKOWITZ: Well, actually, I've got to move it
4 into evidence. Trial Exhibit 55 into evidence.

5 MR. GOLDMAN: Your Honor, just to move things
6 along, I object to all 11 checks and the invoices attached
7 to the checks. So we can do all that at once to proceed a
8 little quicker. So I believe --

9 THE COURT: Plaintiff's 55, 56, 57, 58, 59, 60, 61,
10 62, 63, 64.

11 MR. GOLDMAN: I think that's it.

12 THE COURT: That's it, 64. Those checks that have
13 been previously marked for identification entered into
14 evidence over Defendant's objection. And each check will be
15 marked in evidence subject to relevancy.

16 (Whereupon, the above-mentioned checks were marked
17 as Plaintiff's Exhibits 55 through 65 in evidence.)

18 THE COURT: So with that, Jurors, it's a beautiful
19 day outside and you're going to really have a lovely lunch.
20 I'm going to expect you in your jury room by 2:10 this
21 afternoon.

22 Remember that when you go out of the building you
23 have to come back into the building. And coming back into
24 the building means going through the mags again. Each and
25 every time that you leave the building, you have to go
26 through the security procedure. So give yourself enough

1 Glosser - Plaintiff - Direct (Itkowitz)

2 time to do that so that you're upstairs in the jury room by
3 2:10.

4 I'm really trying to get to us by 2:15. I do have
5 another matter of utmost importance to the people pleading
6 the matter, and I'm going to do that at 2 o'clock this
7 afternoon. Hopefully, it won't take me too long.

8 I want to remind you, all right, please do not talk
9 amongst yourselves about this case. Don't make any
10 telephone calls or text messages saying, gee, what an
11 interesting morning it was. Nothing. All right. No
12 comments, whatsoever. I want you to have an open mind.

13 And so please have a lovely lunch and we'll see you
14 back here at 2:15.

15 (Whereupon, the jury exits the courtroom and the
16 following transpired:)

17 THE COURT: Okay. 2:15. You don't have to move
18 everything, but move it back so I can put people in the
19 front, because I have an order to show cause at 2 o'clock.

20 (Lunch recess taken.)

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1 Proceedings

2 (Whereupon, the jurors entered the courtroom
3 and resumed their respective seats in the jury box.)

4 THE COURT: Good afternoon, jurors. We're
5 about to resume the examination of this particular
6 witness. Okay? So please continue your examination.

7 MR. ITKOWITZ: Your Honor, before I inquire I
8 want to confirm all the checks were admitted, there
9 were 11.

10 THE COURT: We admitted all the checks. We
11 had them marked in evidence under the same proviso as
12 before. If you weren't listening, come on, guys, let's
13 go.

14 MR. ITKOWITZ: I just wanted to make sure.

15 THE COURT: It's up to you to look during the
16 breaks. If you want to make sure of it during the next
17 break make sure that they are, indeed, marked according
18 to the way you want them marked.

19 MR. ITKOWITZ: Okay.

20 At this time I would move 84 into evidence.

21 THE COURT: Okay, go ahead.

22 MR. ITKOWITZ: I'm moving 84 into evidence.
23 Eighty-four are the royalty reports.

24 THE COURT: Eighty-four consists of how many
25 pages?

26 MR. ITKOWITZ: It's about --

Proceedings

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THE COURT: Not about, how many?

MR. ITKOWITZ: Hold on a second, Judge.

THE COURT: Count.

(Pause.)

THE COURT: I have 21.

MR. ITKOWITZ: It's about 21.

THE COURT: Sir, when you have a multiple document, okay, that consists of many pages, and you're asking to put it into evidence, you have to give me the precise number of pages, you're not taking each and every page and putting them into evidence.

MR. ITKOWITZ: My copy got wet last night.

THE COURT: Of course if it was Bates stamped you could do it by Bates stamp. You never Bates stamped them pursuant to my rules.

MR. ITKOWITZ: They were provided to me by the other side.

MR. WILTENBURG: It's 20 pages.

THE COURT: You're asking that Plaintiff's 84 be marked into evidence consisting of 20 pages, all of which are invoices, invoices from and to?

MR. ITKOWITZ: They are not invoices, they are royalty reports from PVH.

THE COURT: To?

MR. ITKOWITZ: To Trump.

1 Proceedings

2 THE COURT: Okay, royalty reports.

3 (Whereupon Plaintiff's 84 was received in
4 evidence.)5 THE COURT: I assume it's the regular
6 objection.

7 MR. GOLDMAN: Yes.

8 THE COURT: Over defendant's objection and
9 subject to --

10 MR. GOLDMAN: Relevancy.

11 THE COURT: Thank you. Relevance objection.

12 Okay, what's next?

13 C A T H Y H O F F M A N G L O S S E R,

14 having first been duly sworn, resumed the witness stand
15 and testified further as follows:

16 DIRECT EXAMINATION (Cont.)

17 BY MR. ITKOWITZ:

18 Q Those are the royalty reports that Trump received
19 from PVH for the ALM for which ALM was paid. Is that
20 correct?21 THE COURT: You can only respond to that if
22 you know that personally.

23 THE WITNESS: I don't know.

24 Q You do know that ALM was paid 11 checks, correct?

25 A Yes.

26 Q And each one of those checks was signed by Donald

1 Glosser - Plaintiff - Direct

2 Trump?

3 A Yes.

4 Q And prior to those checks being issued for each
5 one of those 11 payments, you had received royalty reports
6 from PVH, correct?

7 A Yes.

8 Q And you forwarded most of those royalty reports to
9 ALM, correct?

10 A I believe I forwarded some of them to ALM.

11 Q Then there came a time, did there not, when you
12 stopped forwarding the actual reports to ALM, correct?

13 A I don't know that there was a defined time, but at
14 some point they were not sent every single one.

15 Q At some point you started just giving them the
16 bottom line number, which you would communicate by e-mail,
17 correct?

18 A Yes.

19 Q And when you could send them the e-mails then they
20 would generate their bill to you, based upon the number that
21 you had given them, correct?

22 A That was what they did, yes.

23 Q Now, just take a look at those. Do you know if
24 those royalty reports reflect any payments on sportswear,
25 the May 2005 contract that you negotiated with PVH?

26 A I don't know.

1 Glosser - Plaintiff - Direct

2 Q Would you take a quick look and see if it includes
3 sportswear.

4 (Pause.)

5 A I don't see that it calls out dress shirts and
6 neck wear specifically. It doesn't call out anything
7 specifically, from what I'm looking at right now.

8 Q You were concerned, were you not, that ALM not get
9 paid for the sportswear, correct?

10 A I was concerned?

11 Q Yes.

12 A I was concerned that they not get paid?

13 Q For the sportswear, not for the neck ties?

14 A I had a conversation with George about their
15 payment or not getting paid, actually their not getting paid
16 for the sportswear.

17 Q Right. So based upon your conversation, you and
18 George decided not to pay them on sportswear, correct?

19 A Yes. Sportswear was a separate deal, we
20 negotiated the deal and that's how that came about.

21 Q And you negotiated that deal and you never told
22 ALM about it, correct?

23 A It was a deal that was negotiated, yes, by me.

24 Q How much money, approximately, have you generated
25 on the sportswear deal?

26 A I don't know.

1 Glosser - Plaintiff - Direct

2 Q You have no clue?

3 A Not off the top of my head, no.

4 Q We're talking hundreds of thousands off millions?

5 MR. GOLDMAN: Objection, the witness has no
6 clue.

7 THE COURT: If it refreshes her recollection.

8 Do you have any idea how much?

9 THE WITNESS: I don't off the top of my head.

10 Q Now, there came a time, did there not, that in
11 November -- on --

12 MR. ITKOWITZ: At this time I would move
13 Trial Exhibit 4 into evidence, not contested. I don't
14 think it's contested.

15 THE COURT: Number 4 is already in evidence,
16 sir.

17 MR. ITKOWITZ: Is it? I didn't think it was.

18 THE COURT: Is it?

19 MR. WILTENBURG: No, it was taken back.

20 THE COURT: I thought 4 was here. I have 4
21 in the white book and that one is in evidence. This is
22 November 17th?

23 MR. ITKOWITZ: Yes.

24 THE COURT: It's in evidence, isn't it?

25 MR. ITKOWITZ: I don't believe it was.

26 MR. WILTENBURG: I still have it here.

1 Glosser - Plaintiff - Direct

2 THE COURT: I've got it in this white book so
3 I assume --

4 MR. GOLDMAN: I have it in my book that it's
5 in evidence and I never objected to it.

6 THE COURT: All right. Number 4 is in
7 evidence. What is Number 4?

8 MR. ITKOWITZ: All right.

9 Q In November of 2006, PVH renewed for another
10 couple of years, correct?

11 A Yes.

12 Q And how long was that renewal for?

13 A You just said it was for a couple of years.

14 THE COURT: Well, is it or is it not? Does
15 it say that?

16 THE WITNESS: January 12, 2007 to
17 December 31, 2009.

18 Q During that renewal period --

19 A It's actually three years.

20 Q You continued to pay ALM 10 percent of the
21 royalties up until sometime in 2008, correct?

22 A Yes, that's correct.

23 Q So after this renewal, for at least the entire
24 year of 2007 ALM received four checks during the renewal
25 period, correct?

26 A Correct.

1 Glosser - Plaintiff - Direct

2 Q And then there came a time when Trump stopped
3 paying royalties to -- or stopped paying commissions to ALM,
4 correct?

5 A Yes.

6 Q And that happened after you had a conversation
7 with Mr. Trump?

8 A Yes.

9 Q And during that conversation, Mr. Trump asked you
10 if there was a contract, if there was a signed contract?

11 A The conversation went that --

12 Q I think it calls for a yes or no answer.

13 A He asked if we had a signed contract?

14 Q What I asked you, did there come a time when
15 Mr. Trump spoke to you about the contract -- about the ALM
16 deal?

17 A Yes.

18 Q And during that conversation you advised Mr. Trump
19 that there was no signed contract, correct?

20 A I told Mr. Trump there was no deal with PVH --
21 excuse me, with ALM.

22 Q There was no signed deal?

23 A There was no defined deal with ALM.

24 Q And when you spoke about no signed deal, you're
25 talking about --

26 THE COURT: She didn't say signed she said

1 Glosser - Plaintiff - Direct

2 defined deal.

3 Q No defined deal.

4 So by that you meant, correct me if I'm
5 wrong, you meant that the August 25th letter from Jeff
6 Danzer to George Ross had never been signed, correct?

7 A Yes.

8 Q And after you advised Mr. Trump that that document
9 had never been signed, and that there was no signed
10 agreement, that's when the payments stopped, correct?

11 A Mr. Trump had no idea that ALM was being paid.

12 Q Excuse me, I didn't ask you that.

13 MR. ITKOWITZ: I move to strike that.

14 THE COURT: Stricken.

15 Listen to the question, please, ma'am. Want
16 it read back?

17 THE WITNESS: Please.

18 THE COURT: Read it back.

19 (Record read.)

20 THE COURT: Yes or no.

21 THE WITNESS: I can't answer yes or no. The
22 conversation was more than that.

23 BY MR. ITKOWITZ:

24 Q Let's go back.

25 You already testified that when it came in
26 August and -- July and August of 2005, when ALM was

1 Glosser - Plaintiff - Direct

2 requesting its first commission check, you and George Ross
3 searched your files to see if Mr. Danzer's letter had been
4 countersigned by Trump, correct?

5 A Or any other defined agreement, whether it was
6 Mr. Danzer's letter or anything else.

7 Q Well, there was the original memorandum of
8 understanding that was signed, correct?

9 A That preceded my employment with the Trump
10 Organization. I was not privy to it.

11 Q So you never became privy in all the time that
12 you've been here working for Trump?

13 A That's not what I said.

14 Q Okay. So I said when you say there was no signed
15 agreement, we're talking about the 2000 -- we're talking
16 about the August, 2004 exchange of e-mails that Mr. Danzer
17 had been sending to you and Mr. Ross, correct?

18 A I am commenting on the fact that there was no
19 agreement, as far as I had ever seen, at that time about an
20 agreement, since I had been at the Trump Organization.

21 Q But your responsibility as a vice president of
22 licensing involved knowing or investigating whether prior to
23 your coming there there had been a signed agreement,
24 correct?

25 A Why would somebody walk into a company and ask
26 whether there was --

1 Glosser - Plaintiff - Direct

2 THE COURT: That's enough.

3 Please listen to the question and answer the
4 question. All right? Otherwise we are going to be
5 here tomorrow, the next day. If you want to do that,
6 go answer that way. It's a yes or no answer. This is
7 cross-examination.

8 THE WITNESS: Please ask the question again.

9 MR. ITKOWITZ: Can we have that read back?

10 THE COURT: Read it back.

11 (Record read.)

12 A Yes.

13 Q And in fact, there were two signed agreements
14 between ALM and Mr. Trump, correct?

15 A Not that I was privy to at that time, no.

16 Q Well, how about at this time, are you privy to
17 them?

18 A Today, yes.

19 Q So now as you're sitting there, you know that
20 there was a signed agreement in 2003, which was ending at
21 the end of March of 2004, and that agreement was extended
22 through June 30th, 2004, correct?

23 A Yes.

24 Q And that agreement had a three month tail?

25 A Yes.

26 Q And it's the correspondence in August that wasn't

1 Glosser - Plaintiff - Direct

2 signed, correct?

3 A Correct.

4 Q Now, when you told Mr. Trump that you -- there was
5 no signed, final signed agreement involving the
6 correspondence in August of 2004, that precipitated an
7 investigation by Mr. Trump and Mr. Ross; isn't that correct?

8 A I wasn't privy to their discussion so I don't
9 know.

10 Q Okay.

11 When you say you weren't privy, does that
12 mean that you didn't receive copies of correspondence
13 involving this?

14 A From Mr. Trump or Mr. Ross?

15 Q Yes?

16 A No. I didn't receive conversations that they had
17 with each other.

18 THE COURT: No, that's not what he said. Did
19 you receive copies, that's what he said? Did you ever
20 receive copies?

21 THE WITNESS: Copies of correspondence?

22 Q Yes, of correspondence.

23 A Could you expand on that and be clearer about what
24 you're asking?

25 Q If you're unclear I'll be happy to get to that.

26 There came a point in May of 2008 when Jeff,

1 Glosser - Plaintiff - Direct

2 and subsequent to that Mark Hager, were requesting their
3 commission check, correct?

4 A Yes.

5 Q And at that time, in June of 2008, June 30th of
6 2008 George Ross wrote a response to Mr. Hager, correct?

7 A I believe so.

8 Q And you were copied on that correspondence, were
9 you not?

10 A I believe so, yes.

11 MR. ITKOWITZ: At this time I would move
12 Plaintiff's 8 -- excuse me.

13 (Pause.)

14 MR. ITKOWITZ: -- 49 into evidence.

15 THE COURT: Forty-nine has already been
16 marked in evidence.

17 MR. GOLDMAN: Forty-nine is in evidence.

18 MR. ITKOWITZ: All right. I would show it to
19 the witness.

20 Q Let's go over this e-mail chain, briefly.

21 It starts with an e-mail from -- to George
22 Ross from Mark Hager, correct?

23 A Correct.

24 Q Dated June 25, 2008?

25 A Yes.

26 Q And Mark Hager says, Hi, George, please let me

1 Glosser - Plaintiff - Direct

2 know ASAP when we should expect payment for commission due
3 on Trump royalties from PVH, for the period of January '08.

4 Do you see that?

5 A I see that.

6 Q Mr. Ross wrote back, and he cc'd you on this
7 correspondence, correct?

8 A Yes.

9 Q And on June 25th, 2008 he wrote back: Mark, I've
10 been in contact with Jeff. I think that the payments which
11 you received were paid in error. I had told Jeff that you
12 were entitled to some reasonable compensation for whatever
13 you did in connection with PVH, but I never agreed to a
14 percentage forever. Until Jeff can show me something from
15 the Trump Organization agreeing to the deal he claims was
16 made, we will not make any further payments. And that's
17 signed by George, correct?

18 A Correct.

19 Q Now, did Mr. Ross consult with you before he sent
20 this?

21 A No.

22 Q He just copied you, correct?

23 A Correct.

24 Q And then George -- Mark Hager wrote back to him
25 and said: George, we have provided to you the documentation
26 that shows the agreement of the Trump Organization to pay

1 Glosser - Plaintiff - Direct

2 the royalty payment for the term of the license with PVH.
3 The course of conduct between the parties underscores that
4 agreement. You're after the fact claim that prior payments
5 were made in error is unbecoming. We expect the Trump
6 Organization will abide by its agreements and we strongly
7 urge to reconsider and pay us at once.

8 Do you see that?

9 A I see that, yes.

10 Q Now, then we get to the final response in this
11 e-mail anyway from George Ross. He writes on June 30th:
12 Mark, on August 25th, 2004, Jeff sent me an e-mail referring
13 to his prior e-mail setting forth what he called a new deal
14 with ALM. He asked me to sign this new deal and fax it back
15 to him. If you will send me something with my signature of
16 some other authorized signatory for the Trump Organization
17 agreeing to the terms that will end the matter.

18 My recollection is that I never agreed to a
19 flat 10 percent but told Jeff that he was entitled to some
20 reasonable payment for his participation in the PVH
21 transaction. Any dealings after August 25th were with Cathy
22 Glosser, who Jeff led to believe that I had agreed to the
23 10 percent and she authorized payments based on that
24 erroneous assumption.

25 The entire situation came to light when
26 Donald Trump questioned the payments to you and thought they

1 Glosser - Plaintiff - Direct

2 were exorbitant, when I learned that you had been paid
3 almost \$300,000 to date I agreed with Donald. I think a
4 Judge would apply the theory of quantum meruit and reduce
5 the amount you have received accordingly. We will no longer
6 pay you 10 percent of all monies received from PVH but I am
7 willing to discuss any suggestions you have to resolve this
8 dispute.

9 Now, let's go to the sentence where he says
10 any dealings after August 25th were with Cathy Glosser,
11 that's you, who Jeff led to believe that I had agreed to the
12 10 percent and she authorized payments based on that
13 erroneous assumption.

14 You just heard that?

15 A Yes, I heard that.

16 Q That was completely untrue, correct?

17 THE COURT: Yes or no.

18 A Yes.

19 Q It was completely untrue, because when ALM was
20 requesting that commission checks be paid, you personally
21 went to Mr. Ross and you personally asked him repeatedly
22 where's the signed deal, and after those repeated inquiries
23 on your part, Mr. Ross said pay them, pay them the
24 10 percent, correct?

25 A Mr. Ross told me to pay them. He didn't tell me
26 anything beyond that, length of time or any other details.

1 Glosser - Plaintiff - Direct

2 Q He told you -- I mean, he knew you were paying
3 them 10 percent, right?

4 A He knew they were being paid something and he
5 didn't define beyond that initial 10 percent how long it
6 should be for.

7 MR. ITKOWITZ: I would move to strike that as
8 unresponsive to the question.

9 THE COURT: Read back the question, please.

10 (Record read.)

11 MR. ITKOWITZ: That's not responsive. It
12 called for a yes or no.

13 MR. GOLDMAN: It's a compound question.

14 THE COURT: You know what, strike the
15 question, strike the answer and let's redo it.

16 Strike that answer, strike the question, all
17 right? That didn't happen.

18 Try again.

19 BY MR. ITKOWITZ:

20 Q Let's retrace this just a little.

21 In August and July of 2005, when that first
22 check came in, check, wire came in from PVH and Jeff Danzer
23 knew about it, he was asking you for his commission check.
24 At that particular time you examined the 2004 correspondence
25 in August from Mr. Danzer to Mr. Ross, stating what he
26 thought the deal was, correct?

1 Glosser - Plaintiff - Direct

2 A I don't understand the question. You're blending
3 a lot of things together.

4 Q All right.

5 May I look at the exhibits that are before
6 you?

7 THE COURT: Show him the exhibits.

8 (Pause.)

9 MR. ITKOWITZ: All right.

10 Q I'm going to direct your attention to 72.

11 That is -- Exhibit 72 states what -- states
12 Mr. Danzer's understanding of what his deal was with George
13 and he sent it to George, correct?

14 A Yes.

15 Q And he sent a copy to you?

16 A Yes.

17 Q And that's what you knew that he was expecting,
18 correct?

19 A No.

20 Q You didn't --

21 A That's not when I knew that -- I mean that's when
22 I guess I knew he was expecting. I didn't know that was the
23 deal.

24 Q You knew that's what he was expecting?

25 A Yes.

26 Q You knew that's what he was asking Trump to pay,

1 Glosser - Plaintiff - Direct

2 correct?

3 A Yes.

4 Q He sent at least three e-mails either stating
5 this -- attaching this document in which he stated ALM's fee
6 for introduction of a potential licensing partner to Donald
7 Trump which evolves into a licensing deal and any subsequent
8 renewal shall be 10 percent of all royalties or such fees
9 paid to Trump and it also includes any subsequent renewal.

10 Correct?

11 A That's what this says.

12 Q And in '05, in July and August of '05 when George
13 is asking you or you're asking George where's the signed
14 deal, this is what you were looking for to see whether this
15 document or something like it was signed, correct?

16 A I was looking for a signed document.

17 Q Of this?

18 A That stated the deal.

19 Q Right?

20 A An ongoing deal.

21 Q Right.

22 So you knew at that time that ALM was
23 expecting 10 percent, correct?

24 A I knew ALM was expecting 10 percent.

25 Q And you knew -- and George knew that, correct?
26 You discussed that with George?

1 Glosser - Plaintiff - Direct

2 THE COURT: Yes or no?

3 THE WITNESS: Yes.

4 Q What?

5 A Yes.

6 Q So George knew that they were expecting
7 10 percent, correct?

8 A I believe so, yes.

9 Q And when George knew they were expecting
10 10 percent, George told you pay them. Notwithstanding that
11 I don't have a signed document here. Correct?

12 A George said they would do something.

13 Q Did George say pay them? Yes or no?

14 A He said pay them.

15 Q And pay them meant 10 percent, correct?

16 A At that time it did mean 10 percent.

17 Q Now, fast forward to June 30th of 2008. Mr. Trump
18 has summoned everybody to investigate these payments --

19 MR. GOLDMAN: Objection. There was no
20 testimony that --

21 THE COURT: Sustained on that.

22 Go ahead.

23 BY MR. ITKOWITZ:

24 Q Mr. Trump has called for an internal investigation
25 of these payments?

26 MR. GOLDMAN: Your Honor --

1 Glosser - Plaintiff - Direct

2 THE COURT: I think it was said before but
3 forget Mr. Trump, okay? Just go ahead.

4 MR. ITKOWITZ: Okay.

5 Q Mr. Ross then says that I never agreed to a flat
6 10 percent?

7 MR. GOLDMAN: That's not -- that's not what
8 this document says.

9 MR. ITKOWITZ: I'll withdraw that question.

10 Q Mr. Ross stated my recollection is that I never
11 agreed to a flat 10 percent.

12 Is that correct; that's what he said?

13 A That's what the e-mail says.

14 Q That's what George Ross's e-mail says. But that
15 was also incorrect, based upon your understanding of your
16 discussions with him in 2005, correct; if not earlier?

17 A Correct.

18 Q Now, in fact, when you were first hired by the
19 Trump Organization, you knew even before that August -- you
20 knew that in August of 2004, that ALM was expecting
21 10 percent if this deal went through, correct?

22 A I understood what ALM was expecting.

23 (Continued on next page.)

24

25

26

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 MR. ITKOWITZ:

3 Q But you didn't just know that from ALM, did you; you
4 knew that from other people, other sources, not just ALM?

5 A Like who?

6 THE COURT: No, no. You don't ask questions, okay.
7 Either yes or no.

8 A No.

9 Q All right. Do you recall being asked this question on
10 your Examination Before Trial and giving this answer?

11 THE COURT: Whoa, whoa, whoa.

12 MR. GOLDMAN: That's not how you do it.

13 THE COURT: Whoa. Come up.

14 (Whereupon, an off-the-record discussion was held
15 at the bench among the Court and counsel.)

16 THE COURT: Before there's going to be a question
17 asked about prior testimony given, which has been given
18 under oath at a prior time -- I will give you the date in a
19 second. The date is March 8, 2011. And it was taken -- it
20 was a deposition of Cathy Glosser.

21 Deposition testimony is taken under oath and,
22 therefore, can indeed be read in this trial right now, just
23 as we're going to hear it being done after we have it
24 properly identified. And then were you asked this question
25 and gave this answer. Do it properly.

26 Q I'm going to start at page --

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 THE COURT: No, first we do it was a deposition
3 being taken on March 8, 2011.

4 Q Okay. Was a deposition taken on March 8th of 2011
5 involving yourself?

6 A Yes.

7 Q Did you give answers under oath?

8 A Yes.

9 Q Do you recall being asked this series of questions and
10 giving this answer?

11 MR. GOLDMAN: Your Honor, objection. Before he
12 reads anything, he has to identify the page and line number
13 so I can --

14 MR. ITKOWITZ: I was going -- that was my next --

15 THE COURT: So you start with that.

16 Q Page 37, line 16 through page 38, line 24.

17 THE COURT: Line 24?

18 MR. ITKOWITZ: No. Page 39, line 2.

19 THE COURT: 39, line 2. All right.

20 MR. GOLDMAN: Just give me a second.

21 THE COURT: Okay. Were you asked these questions
22 and did you give these answers, right?

23 MR. ITKOWITZ: Yes.

24 Q Do you recall being asked these questions and giving
25 the following answers.

26 MR. GOLDMAN: I need to read it first before it can

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)
2 be asked. I may have an objection to the question.

3 THE COURT: Okay. So give him time.

4 MR. GOLDMAN: I have no objection to the questions
5 and answers.

6 THE COURT: Go ahead.

7 Q "QUESTION: What was your understanding of what the
8 Trump Organization's understanding was with respect to
9 ALM's attempts to negotiate an agreement with PVH?

10 "ANSWER: My understanding was there were
11 discussions with ALM and the Trump Organization about a
12 potential deal with PVH.

13 "QUESTION: And do you have -- is that the sum
14 total of what you recall, that there were discussions? Do
15 you recall anything specific about those discussions?

16 "ANSWER: Some.

17 "QUESTION: Tell us everything that you understood
18 about what those discussions were.

19 "ANSWER: I believe there were discussions prior to
20 my employment start date between Trump and ALM; and whether
21 that involved PVH or not, I don't recall. And that there
22 were discussions with Trump and ALM about a potential deal
23 between the two companies.

24 "QUESTION: And what specifically did you learn, if
25 anything, about the specific nature of those discussions
26 between Trump and ALM?

1 Glosser - Plaintiff - Direct (Mr. Itkowitz)

2 "ANSWER: That there was a potential deal between
3 the two companies.

4 "QUESTION: What was your understanding of what the
5 deal was to be if it existed between those two companies?

6 "ANSWER: If it existed, my understanding was that
7 ALM would receive 10 percent of deals that they brought in
8 on behalf of Trump.

9 "QUESTION: And how did you get that information?

10 "ANSWER: Through George Ross and Donald Trump.

11 "QUESTION: Anybody else?

12 "ANSWER: ALM."

13 Were you asked those questions and did you give
14 those answers?

15 A Yes.

16 Q No further questions.

17 THE COURT: All right. Before we start, come up
18 for a second.

19 (Whereupon, an off-the-record discussion was held
20 at the bench among the Court and counsel.)

21 THE COURT: So, jurors, I've just had a discussion
22 with the attorneys, as you can see, and it's about
23 scheduling. What we're going to do is we're going to take a
24 very short break and we want to start at 3:05, but we're
25 going to take a minimal break. That will be our afternoon
26 break.

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 However, folks, you are going to be free to leave
3 at 4:05, because I have to -- because the Court has to be
4 somewhere of utmost importance later in the afternoon by
5 5 o'clock. It's uptown, and I need time to get there. So
6 4:05 is finish time for today.

7 So as a result of that, you get a minimus afternoon
8 break; but guess what, you have the whole evening to
9 yourself. And it's a beautiful day out, so that's good.

10 All right. So 3:05. Don't discuss the case, keep
11 an open mind, see you back at 3:05.

12 (Whereupon, the jury exits the courtroom and the
13 following transpired:)

14 (Whereupon, a brief recess was taken.)

15 (Witness resumes the stand.)

16 (Whereupon, the jury enters the courtroom and the
17 following transpired:)

18 THE COURT: Okay. Please be seated, jurors.

19 Mr. Goldman, please conduct your examination.

20 MR. GOLDMAN: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. GOLDMAN:

23 Q Ms. Glosser, I want to take you back to August of 2004
24 when you began your employment at the Trump Organization.

25 You testified on direct examination that your first
26 meeting and your first day was August 3rd of 2004, and I believe

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 you testified that you had a meeting regarding Coty?

3 A Yes.

4 Q Can you tell the jury what your first week was like
5 working at the Trump Organization?

6 A Yes, I can.

7 Q And speak up.

8 A Sure. As mentioned, I reported to George Ross and met
9 with George those first few days when I worked at the Trump
10 Organization. Met with George, had occasion to meet with
11 Mr. Trump, as well. I was there for a limited amount of time
12 when I started employment, because I had a scheduled vacation
13 for a couple of weeks right when I started at the Trump
14 Organization, so I was kind of in and then I was out.

15 Q Okay. And the two weeks that you took, approximately
16 what period of time in August of 2004 were you out of the office
17 for those two weeks?

18 A What period of time?

19 Q Yes. Within the month of August, approximately what
20 two weeks was the time span that you had that prearranged
21 vacation?

22 A I believe -- it was definitely towards the middle to
23 end of August, including that week of the PVH -- that PVH
24 meeting that I was invited to attend. And I chose to leave my
25 vacation and come back for that specific meeting.

26 Q Before you began your employment at the Trump

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 Organization, had you ever seen the Apprentice?

3 A I had heard of it.

4 Q Did you -- were you nervous when you began working for
5 Mr. Trump and Mr. Ross?

6 A Definitely. Who wouldn't be nervous working for Donald
7 Trump? And George Ross, anybody who knows him, he can be a
8 pretty intimidating gentleman.

9 Q And your first day of work was a meeting with
10 Mr. Danzer and Mr. Trump, and was anybody there from Coty or
11 just the three of you?

12 A Nobody was there from Coty.

13 Q Did you know anything about that meeting before you
14 walked in?

15 A Nothing.

16 Q And after that meeting, were there discussions
17 regarding any -- withdrawn.

18 Now, there came a time that you attended a meeting with
19 PVH; is that correct?

20 A Yes.

21 Q And that was on or about August 26th of 2004?

22 A Yes.

23 Q Okay. Now, was that meeting during a period of time
24 that was your vacation that you talked about earlier?

25 A Yes. Yes.

26 Q And you came back from your vacation for that meeting?

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 A Yes. George Ross said you don't need to be at the
3 meeting, whatever you want to do. I said I'd like to actually
4 attend. So I left my vacation to come in for that specific
5 meeting.

6 Q Okay. And did -- had you seen the agenda before the
7 meeting?

8 A I don't believe so.

9 Q Okay. Now, there was testimony -- and I believe
10 Exhibit 118, which is in evidence, if you can look at it, I
11 believe it's already in front of you.

12 A Got it.

13 Q Okay. Just put the other things away, this way you
14 have that. There's no magic order.

15 These are notes that you took at the meeting, correct?

16 A Yes.

17 Q Now, to the best of your ability, can you recall for
18 the jury what happened at the meeting on August 26, 2004?

19 A We met with PVH and they gave us a tour of their
20 offices. And Mr. Trump and PVH primarily, I would say for the
21 most part, actually ran the meeting. I had very little, if any,
22 contribution. Jeff Danzer had no contribution. Mr. Ross did
23 not have much contribution at that meeting. It was largely
24 about Mr. Trump and the executives from PVH.

25 Q Now, the notes that you took with respect to one-third
26 shirts, one-third neckwear, 46 percent of department store shirt

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 business, what was that information? Where did you get that
3 information that you took in your notes?

4 A I got the information from PVH, directly from them.

5 Q Is any of the information contained on your notes as a
6 result of the August 26th meeting information that was
7 transmitted to you from Mr. Danzer?

8 A No.

9 Q Now, there are some -- in the middle it says, "Jeff
10 questions." And it says, "Vertical Co.," question mark; and
11 where do they manufacture, question mark.

12 Were those the questions that Mr. Danzer asked of you?

13 A No, I asked of him.

14 Q Please tell the jury what those indications are?

15 A I had additional questions about PVH as a manufacturer
16 and wanted to know the answers to whether they're a vertical
17 company, where they manufacturer. And there were more questions
18 that we discussed verbally that I didn't write down, but --

19 Q Now, before we continue on what happened after August
20 26, 2004, you testified that you did receive -- although you
21 weren't in the office, you did receive Mr. Danzer's August 23rd
22 e-mail; is that correct?

23 A Yes.

24 Q And what you were shown was an e-mail that Mr. Danzer
25 sent to you. And there was a timeframe indicating that he had
26 cut a deal with George; isn't that correct?

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 A Yes.

3 Q Before receiving that e-mail had you heard about any
4 deal between ALM and Mr. Ross?

5 A No.

6 Q And then you got copied on an e-mail that came after
7 the e-mail to you and that was the e-mail from Mr. Danzer to
8 Mr. Ross, according to Mr. Danzer, confirming a deal.

9 Do you recall that?

10 A Yes.

11 Q Okay. And do you recall the day before the August 26th
12 meeting there was another e-mail from Mr. Danzer to Mr. Ross
13 saying that I never -- saying you didn't sign anything, can you
14 please sign this.

15 Do you recall seeing that?

16 A Yes.

17 Q And it would be fair to say that prior to the August
18 26th meeting you never saw anything signed off by Mr. Ross as
19 requested by Mr. Danzer?

20 MR. ITKOWITZ: Objection. Leading.

21 A Correct.

22 THE COURT: It is leading.

23 MR. GOLDMAN: Your Honor, he called her as his
24 witness.

25 MR. ITKOWITZ: As a hostile witness.

26 MR. GOLDMAN: She was an adverse witness. I don't

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 think she was hostile.

3 THE COURT: I agree with you. Nonetheless, you're
4 really doing more direct.

5 MR. GOLDMAN: Yeah. I mean, in part, yes, but
6 these are questions that he asked on his examination. I'm
7 not bringing any new matter up.

8 THE COURT: As long as it's not new matter, you
9 could continue.

10 Q Did you ever see anything signed by Mr. Ross prior to
11 the August 26th meeting and --

12 A I did not.

13 Q You've already answered Plaintiff's counsel's questions
14 you've never seen anything signed by Mr. Ross, correct?

15 A Correct.

16 Q If you could, before we address the August 23rd and
17 25th e-mails from Mr. Danzer to Mr. Ross, let's go to
18 Plaintiff's 1 in evidence, which is the memorandum of
19 understanding; and then Plaintiff's 2 in evidence, which is the
20 extension. And I kind of put those together for you on the top,
21 hopefully --

22 A Yes.

23 Q -- to put them in order. Okay?

24 A Yes.

25 Q Now, in the memorandum of understanding I believe you
26 testified in response to Plaintiff's counsel's questions that

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 there was an exclusive period that expired March 30th, correct?

3 A Yes.

4 Q And I also believe you answered in response to
5 Plaintiff's counsel's questions that there was what's called the
6 tail period that expired the end of June 2004; is that correct?

7 A That's correct.

8 Q And both -- withdrawn.

9 And the contract or the memorandum of understanding on
10 page 4 is signed by both ALM and Mr. Trump?

11 A Yes.

12 MR. ITKOWITZ: I don't want to be disruptive, but
13 every question is a leading question and I don't think
14 there's any reason for it.

15 THE COURT: It's cross-examination. As long as
16 it's not new material, he's going to be able to do that.

17 MR. ITKOWITZ: Okay.

18 Q And if you can look at this document, the signed
19 document there on page 2, it says, "acceptable license."

20 Do you see that?

21 A Yes.

22 Q Okay. And you see right after acceptable license,
23 "It's within Mr. Trump's sole and absolute discretion to agree
24 or not agree;" is that correct?

25 A Yes.

26 Q Now, in order for ALM under the signed contract to earn

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 a fee, they had to procure an acceptable license?

3 A Yes.

4 Q And can you tell the jury what are the requirements
5 under the signed writing that ALM had to achieve in order to
6 satisfy an acceptable license requirement?

7 A Want me to read from here?

8 Q Yes.

9 A "The term of seven years, a minimum guarantee of
10 license fee to Trump during the term of \$25 million, minimum
11 license fee royalty rate 10 percent of all gross sales less only
12 discounts, mark downs, allowance and returns. Fee to ALM 22.5
13 percent of the license fee paid to Trump in respect of the
14 subject acceptable license during the term of the acceptable
15 license and any extensions or renewals thereof."

16 Q Okay. And if you go to Paragraph 3, which is the next
17 page, is there also a requirement approximately four lines from
18 the bottom that ALM also has to engage in what's called
19 significant negotiations regarding the terms?

20 A Yes.

21 Q Now, I want you to go to Plaintiff's 2, which was the
22 extension. Do you see that --

23 A Yes.

24 Q -- one-page document?

25 A Yes.

26 Q That extension agreement is also signed by ALM and

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 Mr. Trump, correct?

3 A Yes.

4 Q And there is a new paragraph added, you see it says,
5 "I'm going to add Paragraph 5;" do you see that?

6 A Yes.

7 Q And do you see also that now the exclusive period, the
8 period within which they have to bring, they being ALM, has to
9 bring somebody to Trump was extended to June 2004?

10 A Yes.

11 Q The tail period by virtue of this written document was
12 extended to September of 2004; is that correct?

13 A Correct.

14 Q Now, if you can, let's turn to the August 23, 2004
15 e-mail.

16 THE COURT: What number is that?

17 MR. GOLDMAN: I'm just going to check. It's marked
18 multiple ways, but it is Plaintiff's 25. It may be marked
19 another document as well. Can I just see the exhibits that
20 she has? It will make it easy. I think I can find it
21 quicker if you want to give me all the exhibits. Here it
22 is.

23 It's marked -- it's another version. It's
24 Plaintiff's 72. So let's use 72. It says the same thing.

25 Q Now, in the August 23, 2004 e-mail that Mr. Danzer
26 claims was the deal that he had made with Mr. Ross, anywhere in

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 that e-mail from Mr. Danzer does the word PVH appear anywhere?

3 A No.

4 Q Does it indicate anywhere in the August 23, 2004 e-mail
5 that this modification is for PVH?

6 A No.

7 Q Does it say anywhere in the August 23, 2004 e-mail that
8 there's any expiration date other than the tail period that's in
9 the signed writing?

10 A No.

11 Q Does it say anywhere in the August 23, 2004 e-mail that
12 the acceptable license requirement that's in the signed writing
13 is eliminated or waived?

14 A No.

15 Q Does it say anywhere in the August 23, 2004 e-mail that
16 the significant negotiation requirement that's in the signed
17 writing is waived?

18 A No.

19 MR. ITKOWITZ: Objection.

20 THE COURT: Come up.

21 (Whereupon, an off-the-record discussion was held
22 at the bench among the Court and counsel.)

23 A No.

24 Q Does it say anywhere in the August 23, 2004 e-mail that
25 any other term or condition of the signed writing is changed or
26 modified?

1 Glosser - Plaintiff - Cross (Mr. Goldman)

2 A No.

3 Q Does it say anywhere in this August 23, 2004 e-mail
4 that there are any additions to the signed writings?

5 A No.

6 Q Now, if you could, let's compare for the jury the PVH
7 license agreement executed in November of 2004, which is
8 Plaintiff's 3, with the acceptable license requirement contained
9 in the signed writing, which is Plaintiff's 1.

10 Just point out for me, as well as for the Court and the
11 jury, where we would find the terms of the PVH license agreement
12 which is Plaintiff's Exhibit 3; on what page would we find those
13 kinds of terms?

14 A The basic deal points are on Schedule A, which is a
15 couple of pages from the back of the -- three pages from the
16 back of the document.

17 (Continued on next page.)

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1 Glosser - Plaintiff - Cross

2 MR. GOLDMAN: And just for your purposes,
3 your Honor, that would appear on Bates stamp number
4 2556, which appears on the bottom of Plaintiff's 3.

5 THE COURT: 2556?

6 MR. GOLDMAN: Yes. 2556.

7 THE COURT: All right.

8 BY MR. GOLDMAN:

9 Q The acceptable license requirements signed writing
10 says it is -- that it's a minimum requirement that to be an
11 acceptable license it has to be seven years. Can you tell
12 us how long the PVH license agreement was for?

13 A Two.

14 Q The acceptable license requirement in the signed
15 writing says that there's a minimum guarantee fee to
16 Mr. Trump during the term of 25 million-dollars. Is there
17 any minimum guaranteed license fee to Mr. Trump during the
18 two year term of the PVH license?

19 A No.

20 Q There is a minimum license fee royalty rate in the
21 signed extension agreement that provides 10 percent of all
22 gross sales.

23 Please tell the Court and the jury, what is
24 the comparable number in the PVH license agreement?

25 A The PVH license agreement is for 8 percent of net
26 sales.

1 Glosser - Plaintiff - Cross

2 Q Now, separate and apart you were asked if
3 10 percent -- by Plaintiff's counsel, if 10 percent versus
4 8 percent is a significant difference. And I believe you
5 answered yes. Can you please tell the Court, with respect
6 to -- and the jury, with respect to 10 percent of a gross
7 number and 8 percent of a net number, how that --

8 MR. GOLDMAN: Withdrawn.

9 Q Is 10 percent of a gross and 8 percent of net, an
10 even greater difference than purely 10 versus 8 percent?

11 MR. ITKOWITZ: Objection.

12 THE COURT: If you know.

13 Do you know that?

14 THE WITNESS: Yes.

15 THE COURT: Then I'll allow it.

16 A There is a difference.

17 Q Explain for all of us the difference?

18 A Ten percent of gross cuts out a lot of -- in the
19 world of licensing, can cut out a lot of -- doesn't cut
20 anything out. Excuse me, a gross deal. The 8 percent of
21 net, there are things that are cut out of the deal that
22 discounts and allowances, all sorts of trade fees that would
23 minimize the total amount, lessen the total amount.

24 Q So is -- would it be fair to say that 8 percent of
25 net compared to 10 percent of gross is a much larger
26 difference than a mere 2 percent?

1 Glosser - Plaintiff - Cross

2 A Yes.

3 Q Now, just for the moment, staying with the PVH
4 agreement that was signed in 2004, the -- approximately how
5 many times was it renewed?

6 A Three?

7 Q Did Mr. Danzer ask to participate in any of the
8 renewals?

9 A No.

10 Q Did you tell Mr. Danzer not to participate in any
11 renewals?

12 A Definitely not.

13 Q Now, let's talk about the events leading up to the
14 execution of the PVH license agreement. You testified that
15 at the conclusion of the meeting Mr. Trump told you, and
16 Mr. Danzer was close by, make it happen, correct?

17 A Correct.

18 Q And you were asked by plaintiff's counsel if the
19 receipt of the proposal from PVH was a significant event.
20 Have you ever received a proposal that did not turn into a
21 deal?

22 A Many.

23 Q And what is -- and how long have you been doing
24 license?

25 A About 20 years.

26 Q In your 20 years of experience, when you -- is the

1 Glosser - Plaintiff - Cross

2 proposal you get the end of the story or the beginning?

3 A The very beginning.

4 Q The process, if you can at least with this
5 particular deal, explain the process from the time you get a
6 term sheet, which is, would it be fair to say that what you
7 got is a proposed term sheet?

8 A Yes.

9 Q Explain for the Court and the jury, what is the
10 process to take a proposed term sheet and turn that into
11 what ultimately becomes the November 30, 2004 license
12 agreement?

13 A So once you receive a term sheet it has some of
14 the very basic fundamental business points that are
15 sometimes included in a fully executed agreement. For that,
16 a particular agreement, there was discussion once the
17 proposal was received, as it is for any other agreement that
18 I would review, or others, and you counter propose, you talk
19 at length about what's going to work, what isn't, for both
20 parties. Even once you decide on -- or you think that you
21 have decided on the main business points and decide it's
22 time -- determine it's time to go to contract, business
23 points still shift over the course of the agreement until
24 the day an agreement is signed, really.

25 Q And is it fair to say that this particular
26 agreement, the PVH agreement was signed several months after

1 Glosser - Plaintiff - Cross

2 the expiration of the tail period that was in the signed
3 writing?

4 A Yes.

5 Q Counsel asked you once you had the terms of the
6 deal, he said the lawyers just took care of it. Is that
7 what happened in this deal, that it was just about the
8 lawyers and not about negotiating any further terms when it
9 came to the PVH contract?

10 A That's definitely not what happened. The lawyers
11 did not take over. George Ross as the lead on this was
12 acting as a business person and as an attorney for the deal
13 and there were many deal points that were negotiated. And
14 we did not start negotiating with PVH's attorneys until well
15 into my tenure at Trump, a couple months in. We did not
16 start finalizing and working through the legal issue.

17 Q You were asked questions with respect to ALM's
18 entitlement to a fee. At the August 3rd meeting, you're
19 first day of work, that you attended with Mr. Trump and
20 Mr. Danzer, was there any discussion at that meeting with
21 respect to PVH, and what fee, if any, ALM would get for PVH
22 on August 3rd?

23 A I had no knowledge of PVH on August 3rd. No.

24 Q And you attended the August 26th meeting with PVH,
25 Mr. Trump, Jeff Danzer, Mr. Ross and a series of executives
26 from PVH. Was there any discussion at the

1 Glosser - Plaintiff - Cross

2 August 26th meeting regarding any compensation that ALM was
3 seeking for the PVH deal?

4 A No. Definitely not.

5 Q You were asked by plaintiff's counsel what
6 Mr. Ross told you with respect to pay the 10 percent. Did
7 Mr. Ross tell you for how long the 10 percent would be paid?

8 A Never.

9 Q Did he ever tell you for how long the 10 percent
10 should be paid?

11 MR. ITKOWITZ: Objection.

12 A No.

13 THE COURT: I'll allow it.

14 Q I want to take you back to June of 2000 --

15 MR. GOLDMAN: Withdrawn.

16 Q I'm going to take you back to 2008. You were
17 asked questions about how Mr. Trump, to the best of your
18 recollection, became aware of this issue. You were asked a
19 couple of specific questions and it was dropped. I'd like
20 to give you an opportunity, please tell me where and to the
21 best of your recollection the circumstances under which the
22 issue of ALM's payment as of 1/1/08 arose?

23 A Okay.

24 Mr. Trump and I were traveling to a business
25 meeting outside of New York City and we were talking, he was
26 asking me about business in general, how we were doing,

1 Glosser - Plaintiff - Cross

2 drilling down to each respective licensee, and we came to
3 PVH and he wanted to know the sort of monies that have come
4 in from PVH. And I indicated at that time the monies that
5 had come in, and the monies as a result that went out to
6 ALM. And -- do you want me to continue?

7 Q Yes, please.

8 A And at that time he said what do you mean --

9 MR. ITKOWITZ: Objection.

10 THE COURT: What he said you can't tell us
11 because that's hearsay. When Mr. Trump comes we'll be
12 able to hear --

13 MR. GOLDMAN: Your Honor, there's been
14 testimony about --

15 THE COURT: Let's not do that in front of the
16 jury. Come up.

17 (Whereupon, there's a sidebar discussion off
18 the record, out of the hearing of the jury.)

19 THE COURT: The objection is overruled. And
20 these questions may be asked.

21 MR. GOLDMAN: Your Honor, is it okay if the
22 reporter reads back the question?

23 THE COURT: Yes.

24 Read back the question.

25 MR. GOLDMAN: Thank you.

26 (Record read.)

1 Glosser - Plaintiff - Cross

2 THE COURT: Go ahead.

3 MR. GOLDMAN: Pick it up from there.

4 A Mr. Trump was surprised at that point to hear that
5 anything had been paid to this company, ALM, which I don't
6 know that he had heard of since 2004, and I told him that
7 10 percent had been paid to ALM. And he was shocked by that
8 news.

9 Q And anything else --

10 MR. ITKOWITZ: Objection to her --

11 THE COURT: As to shocked, the objection is
12 sustained. That's a conclusion on your part so you
13 don't know that, okay?

14 THE WITNESS: He seemed very surprised to me
15 by the information.

16 BY MR. GOLDMAN:

17 Q And are you aware of any action that was taken
18 after that conversation relative to what I'll call the 2008
19 payment?

20 A Well, after telling him and he was surprised, he
21 wanted to know how that even came about, so I described how
22 that came about, how ALM got paid, and to the best of my
23 knowledge he then followed up with George Ross, of which I
24 was not privy to those conversations.

25 Q When you say you told him how that happened, would
26 it be fair to say so that I don't have to go through it all,

1 Glosser - Plaintiff - Cross

2 that was how you answered Mr. Itkowitz as to what had
3 happened?

4 A Yes, that George Ross as a brand new employee,
5 George Ross was my direct report and had had me -- directed
6 me what to pay ALM.

7 Q Can you tell the Court and jury why you had asked
8 Mr. Danzer not to participate anymore in what was then to be
9 the negotiations regarding the terms of the PVH deal?

10 A Honestly, I did not think that there was any
11 tremendous value up until that date that Jeff Danzer had
12 offered to the Trump Organization. And I thought it would
13 actually slow down the process to have another party
14 involved having discussions about a deal of which I was very
15 capable of working on with George Ross.

16 Q You were shown a couple of e-mails that were sent.
17 One was Plaintiff's Exhibit 35. The other one was
18 Plaintiff's Exhibit 102. If you can find those.

19 A What was the second one?

20 Q 35, 102, and I'll be more than happy to help if
21 you need it.

22 (Pause.)

23 Q Were you able to find any of them?

24 A 103.

25 (Pause.)

26 A I've got them.

1 Glosser - Plaintiff - Cross

2 MR. GOLDMAN: I'd like to show plaintiff.

3 (Pause.)

4 Q Turning to what you received from Mr. Danzer on
5 September 20th in the late evening. And that is 35 in
6 evidence.

7 I'm not going to have you read it. If you
8 want to take a moment, read it to yourself, and then I will
9 ask you some questions.

10 (Pause.)

11 A Okay.

12 Q Now, Mr. Danzer writes to you, Donald is the
13 number one salesman in the world, he can close a deal in
14 less time than it would take to draft an e-mail, exclamation
15 point. We feel we should arrange a meeting at the Trump
16 offices with the PVH players to wrap up the deal points and
17 close the deal.

18 By the way, was there any subsequent meeting
19 at the Trump offices with the PVH players after
20 September 20, 2004?

21 A No. There was no need. With Donald Trump, are
22 you saying?

23 Q Yes.

24 A There was absolutely no need to involve him in a
25 follow up meeting.

26 Q Another suggestion that he gave you is: As we

1 Glosser - Plaintiff - Cross

2 discussed, Trump needs to know that PVH will do whatever is
3 necessary to exploit and build the Trump brand. Going
4 through the motions won't cut it. And he gives you some
5 further advise in point 2 of his e-mail. Do you see that?

6 A Yes.

7 Q Was that of any value to you to negotiate and
8 close the deal?

9 A Definitely not.

10 Q And his third thought was that PVH needed to
11 commit a dollar threshold, called a minimum sales guarantee,
12 not a minimum royalty guarantee to keep the license,
13 otherwise Donald would be setting himself up for a lock-in.
14 Is that anything you didn't know?

15 A No.

16 Q Let's turn to 102 which -- they are his other
17 suggestions for you. Number one is what he already told you
18 in the other e-mail. And number two, PVH needs to quantify
19 how to support the brand in dollar amount percentage is not
20 enough.

21 Is that something you had already thought
22 about? Is that something you knew. What is he saying?

23 A Very fundamental to a basic licensing deal so, no,
24 there was no insight.

25 Q Had that already been discussed, by the way? This
26 is now October 6 of 2004. Had that already been discussed,

1 Glosser - Plaintiff - Cross

2 that term?

3 A Internally at the Trump Organization?

4 Q Yes.

5 A Yes.

6 Q Look at his point 4 of Plaintiff's 102.

7 (Pause.)

8 Q Having looked at number four of his points, do you
9 understand what he was trying to express to you?

10 A Yes.

11 Q Can you explain to the Court and jury what he was
12 trying to tell you for purposes of PVH?

13 A Number four outlines something that's very basic
14 and fundamental to a licensing deal, a product licensing
15 deal. He's talking about channels of distribution, where we
16 would agree to allow the product to be sold, and he's
17 talking about an off price component to the business and
18 saying it can be very profitable if you want to sell
19 retailers such as TJ Max and Marshall's.

20 Q Go to point -- point 5 is a repeat of what he's
21 already told you. Let's go to point 6 on his October 6th,
22 2004 e-mail.

23 (Pause.)

24 A Yes.

25 Q Can you tell the Court and jury, what was the
26 advice that he was giving you?

1 Glosser - Plaintiff - Cross

2 A He's suggesting that we ask PVH to draft the
3 agreement, to initiate the agreement. And thinks that by
4 their doing so we'd be in a better position.

5 Q He says to you, because although you'll never have
6 a perfect contract if there's a dispute the courts almost
7 always weigh against the party that drafted the agreement?
8 That's what he's telling you?

9 A That's what he's saying.

10 Q That was his suggestion to you in negotiating the
11 PVH contract?

12 A Yes.

13 MR. GOLDMAN: Can I have a second, your

14 Honor?

15 (Pause.)

16 Q Did you ever ask Mr. Danzer why he advised you on
17 August 23 of 2004 of a deal that he had cut with Mr. Ross
18 before he ever sent Mr. Ross an e-mail saying that he had a
19 deal? Did you ever bring that up with Mr. Danzer?

20 A I don't recall.

21 Can I amend that?

22 Q Of course.

23 A I don't recall. However, it was my understanding
24 that whatever was being communicated to me was being
25 communicated somehow to Mr. Ross, since this was a deal that
26 he was spearheading.

1 Glosser - Plaintiff - Cross

2 Q When you say -- when you say "spearheading" -- and
3 again on August 23 you've been at the Trump Organization for
4 all of 20 days, probably less, a week or so vacation. What
5 do you mean by spearheading? What is, given that time frame
6 again, less than 20 days, taking out weekends and vacation,
7 what does spearheading mean?

8 MR. ITKOWITZ: Objection.

9 THE COURT: It's not a word that I think has
10 been found in any of the documents, it's really her
11 word.

12 MR. GOLDMAN: Okay.

13 Q Can you tell the Court and the jury what you meant
14 by the word spearheading?

15 A Sure. George Ross, it was his deal. The PVH deal
16 was his deal. He initiated it, he was the lead on it, he
17 was negotiating it, I was a brand new employee, was
18 assisting him in any way that he needed my assistance.

19 Q I know you -- prior to receiving the August 23,
20 2004 e-mail from Mr. Danzer, you had met him just the one
21 time on August 3?

22 A I believe I also met him later that same week in
23 Mr. Trump's office. We had a discussion about another
24 potential deal, Coty, the deal that we decided to pass on.

25 Q So there was a meeting on August 3 and a meeting
26 later that week, both were about Coty?

1 Glosser - Plaintiff - Cross

2 Q Do you recall if you had a conversation about it
3 before or after the August 25 e-mail that Mr. Danzer wrote
4 to Mr. Ross asking him to sign something?

5 A I don't recall.

6 Q Do you recall whether you spoke to Mr. Ross about
7 the August 23 e-mail before, as a frame of reference, the
8 August 26 PVH meeting?

9 A I don't recall. I don't recall I was on -- as I
10 mentioned I was on vacation so I don't recall having many
11 discussions with George Ross in that window.

12 MR. GOLDMAN: Your Honor, before I'm about to
13 get on a new topic, I know we're breaking in four
14 minutes, may we --

15 THE COURT: We'll break now.

16 So is that it?

17 MR. GOLDMAN: For today, yes.

18 THE COURT: So, jurors, that is it for today.
19 I'm going to say goodbye to you. But before you go let
20 me just say this, all right? You're going to spend
21 another evening, it's a beautiful day, hopefully you'll
22 be walking in the park doing all sorts of things that
23 you really enjoy, but during the course of the evening
24 please do not discuss this case. Please do not call up
25 my Aunt Tilly. My Aunt Tilly's a very famous person
26 and when you -- you know, don't call her up and talk

1 Glosser - Plaintiff - Cross

2 about this case. Of course the first thing you have to
3 find out what Aunt Tilly today. Aunt Tilly today is in
4 San Francisco. If you can find her and you get hold of
5 her don't talk about the case, okay? Please keep an
6 open mind, we'll see you back here again tomorrow
7 morning, we'll start hopefully at 9:30. So please be
8 here by 9:10, 9:15 at the latest.

9 Thank you so much.

10 (Whereupon, the jury retired from the
11 courtroom.)

12 THE COURT: Okay, we're at ease. Thank you
13 very much. We'll continue tomorrow at 9:30.

14 (Discussion off the record.)

15 (Whereupon, the proceedings were adjourned.)

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