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

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ALM UNLIMITED, INC.,

Plaintiff,

INDEX NO.
603491/08

-against-

DONALD J. TRUMP,

Defendant.

JURY TRIAL

-----x
April 15, 2013

60 Centre Street
New York, New York

B E F O R E :

HON. EILEEN BRANSTEN,
Supreme Court Justice.

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

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KAREN MENNELLA
Senior Court Reporter

Proceedings

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2 (Whereupon, a juror note was marked as Court
3 Exhibit III in evidence.)

4 THE COURT: For the record, counsel was three
5 minutes late. We received two Court exhibits on Friday
6 after we broke. The first one is from juror number six.
7 What's his name? It doesn't really matter. Juror number
8 six, and it reads as follows: "Are we to disregard George
9 Ross's testimony because it was suspended?" That's number
10 one.

11 Number two, "I observed that Mr. Ross was trying to
12 engage the jury by standing close to us and stating the
13 jurors -- and stating, 'the jurors are young' in response to
14 Gary saying, 'Jurors, you can stand up if you want.'"

15 "On day one of Cathy Glosser's testimony, I
16 observed her nodding to one of the court attendees sitting
17 in the back, the gentleman who has been here for several
18 days; does that matter? Thank you, juror number six." That
19 was on 4/12/13.

20 Court Exhibit III, this is from juror number one.
21 "I am travelling on Sunday, April 21st, at night to Europe
22 and will not be able to proceed with trial after this
23 point," I would assume after that point. I have already
24 canceled a business trip to give two weeks promised and
25 cannot cancel another. Lauren Andrews."

26 Let's take one first. I don't need anything said.

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2 I will say to all the jurors that, as I stated in the very
3 beginning, sometimes people are taken out of order, that
4 does not mean that the testimony won't be completed and you
5 won't be able to consider it.

6 The whole thing about Mr. Ross, I told him to go
7 sit in the corner, and he didn't obey me, then have a bad
8 impression with the jury, you know. So I can't do more than
9 instruct him.

10 As to the nodding to counsel over there, which has
11 happened more than once, it just goes to the credibility of
12 the witness on the stand. Whatever she was making in terms
13 of credibility is down to zero for the antics done by both
14 sides; you, Mr. Goldman; and you, sir. Yes, you have been
15 nodding, you have been mouthing. I noticed it, jury notices
16 it, too. So we know what happens, it just diminishes the
17 credibility of your witness. It wasn't your witness, but it
18 was your person. All right. That's the only thing I'm
19 going to say about that.

20 As to Ms. Andrews, she could certainly sit around
21 for the next couple of days and we won't change until we
22 have to. Those are the two things.

23 Then I got two notes, one from Mr. Itkowitz, then
24 from Mr. Goldman. Mr. Itkowitz, oh, Judge, Mr. Danzer's
25 going to be going away; can we interrupt everything so we
26 can put Mr. Danzer on. I'll tell what you is going to

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happen, Mr. Itkowitz, I don't need to get into e-mail. No, the answer is no. Okay.

What we're going to do is finish Mr. Trump from soup to nuts, then Mr. Ross comes in and finish him soup to nuts; and then if Mr. Danzer's not around, C'est la vie, it's your case. You chose to do it as you wish, you know. Nobody can say to you that you don't have to live by how you decided to conduct yourself. So that's a decision on that. I don't think there's anything else that he would need to say --

MR. GOLDMAN: There's something else that I would like to raise with the Court outside.

THE COURT: Wait a second. I want to mark as exhibits first Mr. Itkowitz's statement. I think this one is the first.

THE COURT CLERK: Court Exhibit IV.

THE COURT: Four. I think IV-A, IV-B and IV-C.

(Whereupon, the above-mentioned documents were marked as Court Exhibits IV-A, IV-B, IV-C in evidence.)

THE COURT: What do you wish to say, Mr. Goldman?

MR. GOLDMAN: Two things, Your Honor. For the record, when we were here before we started testimony of Mr. Trump, we talked about the concern of press and people being here and how they would know; and Plaintiff's counsel's twitter account advised the world when Mr. Trump would be

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1
2 testifying and indicated "game on."

3 I objected. I objected to a question and Your
4 Honor overruled it when he asked Mr. Trump, "Is that
5 somebody you bring back to the boardroom." I found that
6 inappropriate, I found it as part of his game on, and it was
7 no different than him referencing a book, and I would ask
8 that with the rest of the questioning Mr. Itkowitz could be
9 confined to the issues and not make this an Apprentice-like
10 questioning.

11 My second issue, Your Honor, is Mr. Itkowitz has
12 been communicating directly with my client, which I believe
13 is --

14 THE COURT: What?

15 MR. GOLDMAN: Mr. Itkowitz's twitter account tweets
16 to my client; and here is @realdonaldtrump, which is my
17 client's twitter account. So Mr. Itkowitz -- and when you
18 tweet, then you put in somebody's address, it goes to them;
19 no different than an e-mail; no different than a letter.
20 And Mr. Itkowitz tweeted to my client shortly after the
21 testimony, tweeted @realdonaldtrump, "Trump grilled in court
22 over contract dispute," and sent my client the USA article.
23 He tweeted --

24 THE COURT: There was a USA article?

25 MR. GOLDMAN: There was a USA article he tweeted,
26 whether or not he also tweeted about the Real Deal article

1 Trump - Plaintiff - Direct (Mr. Itkowitz)
2 to Mr. Trump as well. I find that inappropriate, improper,
3 and I'd like him to be directed not to communicate directly
4 with my client.

5 THE COURT: Mr. Goldman, you are one hundred
6 percent right. Mr. Itkowitz, stand up. That kind of
7 behavior is not only unprofessional, it is disgraceful. I
8 can't imagine that you are in front of me and you conduct
9 yourself that way. You know, back in my old days when I
10 would even think of doing something like that I could think
11 about going to jail and sanctioned and brought before the
12 disciplinary committee, this kind of nonsense. Yes, I heard
13 about the game is on, Trump is coming.

14 You know what, you are like a child, as child-like
15 behavior, it is unacceptable, and don't even try to defend
16 it. I am telling you if I have one more tweet anywhere on
17 anything, and you talk to the press on anything, you will
18 have to deal with me, and I will sanction you. I promise
19 you that.

20 Bring down the jury. That's outrageous. And I
21 assume, you haven't answered me, you'll never do that again.

22 Am I correct, sir?

23 MR. ITKOWITZ: Yes.

24 THE COURT: Yes, about time.

25 Mr. Trump, come back up.

26 D O N A L D J. T R U M P, resumes witness stand, having been

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 previously sworn, and testifies further as follows:

3 MR. ITKOWITZ: Your Honor, I'm just going to refer
4 to Exhibit 43.

5 THE COURT: I beg you, Mr. Itkowitz, please go
6 faster. Keep to the points and don't waste anymore time,
7 please.

8 (Whereupon, the jury enters the courtroom and the
9 following transpired:)

10 THE COURT: Everybody be seated.

11 Good morning, jurors. Jurors, I received a couple
12 of notes when we broke on Friday, and the first note really
13 came from juror number six; and I'm just going to say to
14 everybody that, remember when I told you about this, when we
15 began, I did my opening, I told you that there are times,
16 because of scheduling reasons or whatever other reasons,
17 there might be that we take people out of order, but
18 unfortunately you have to remember where we were because
19 when we bring back that witness we then continue with the
20 witness until completed.

21 So that will supposedly, I think, happen this
22 afternoon. We'll have Mr. Ross back this afternoon and we
23 could complete Mr. Ross next after we finish with Mr. Trump.
24 So that is what's going to happen. There were other things
25 that you mentioned, but I really don't think they are
26 important. You have to conclude whatever you wish to

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 conclude.

3 As to the note from juror number one, we're doing
4 our best, all right. I understand you told us from the very
5 beginning where we stand, so just stay with us until you
6 have to leave, okay. I appreciate that.

7 A JUROR: Thank you very much.

8 THE COURT: With that, Mr. Itkowitz, please
9 continue.

10 DIRECT EXAMINATION (Continued)

11 BY MR. ITKOWITZ:

12 Q I would direct the attention --

13 THE COURT: This is continued examination by Mr.
14 Itkowitz, which is going to -- is a form of cross
15 examination because Mr. Trump is an adverse witness.

16 Q I would direct the witness's attention to Exhibit 43.

17 (Document handed to the witness.)

18 Q Mr. Trump, this indicates, does it not --

19 MR. GOLDMAN: Objection. It's not in evidence.

20 THE COURT: That's true.

21 MR. ITKOWITZ: Okay.

22 I move it into evidence.

23 THE COURT: Any objection?

24 MR. GOLDMAN: Yes.

25 THE COURT: You wish to tell me what or do you want
26 to do a voir dire?

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 MR. GOLDMAN: I don't want to do a voir dire,
3 notwithstanding I can't lay a foundation with the witness
4 anyway. This is the same issue before where Your Honor has
5 ruled and instructed.

6 THE COURT: Yes, I have. The question is
7 sustained.

8 MR. ITKOWITZ: Excuse me, I didn't hear that.

9 THE COURT: Sustained subject to relevancy. I'm
10 sorry. So mark it into evidence subject to relevancy.

11 (Whereupon, the above-mentioned document was marked
12 as Plaintiff's Exhibit 43 in evidence.)

13 THE COURT CLERK: So marked, Your Honor, in
14 evidence.

15 Q Mr. Trump, in June of 2006 you were in Los Angeles for
16 a period of six weeks?

17 A I believe so, yes.

18 Q And Melissa Victoria Nicchitta worked for you at that
19 time?

20 A I believe so, yes.

21 Q She forwarded, at that time, a check for ALM and an
22 invoice to you in Los Angeles for you to sign?

23 A I think so.

24 Q You signed that check?

25 A Yes.

26 Q And it was sent back to New York?

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 A Assume so, yes.

3 Q Now, let me just ask you this: There came a time in
4 the spring of 2008 when a check was presented to you to sign for
5 ALM?

6 A I think so, yes.

7 Q And at that time you said you were not going to sign
8 that check, correct?

9 A That is correct, yes.

10 Q And thereafter, you refused to sign any further checks
11 for ALM; is that correct?

12 A That is correct.

13 MR. ITKOWITZ: No further questions.

14 THE COURT: Cross exam of Mr. Trump?

15 MR. GOLDMAN: Yes, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. GOLDMAN:

18 Q Good morning, Mr. Trump.

19 A Good morning.

20 Q I guess on Friday you were asked questions by
21 Plaintiff's counsel regarding Mr. Danzer.

22 Now, between September of 2003 and when Mr. Danzer
23 began working in February of 2004, do you recall the name of the
24 person who was working on your account?

25 MR. ITKOWITZ: Objection.

26 THE COURT: I'll allow it.

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 A No, I don't.

3 Q In a question to you by Mr. Itkowitz, he told you that
4 there was somebody -- withdrawn.

5 In Mr. Itkowitz's question to you he told you that
6 nobody was directly working on your account until February of
7 2004 when Mr. Danzer started. Based upon that information, do
8 you have an impression on how your account was being handled
9 between September of 2003 and January of 2004?

10 MR. ITKOWITZ: Objection.

11 THE COURT: I'll allow it.

12 A Well, poorly, because there was supposed to be somebody
13 working on the account; and if he said nobody was even working
14 on the account, I would have to say poorly.

15 MR. GOLDMAN: Your Honor, can the witness be shown
16 Exhibit 23, which is the July 26, 2004 letter.

17 (Document handed to witness.)

18 Q Can the witness also be shown Plaintiff's 1 and 2 which
19 is the signed memo of understanding and the signed extension of
20 the memo.

21 (Document handed to witness.)

22 Q I'm showing you, you can look at 23 in which Mr. Danzer
23 writes to you in the very first two sentences, "It was good
24 speaking with you last Thursday. I would like to meet with you
25 as soon as possible to confirm and extend the terms of our
26 business relationship for either making the introductions or

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 building the Trump lifestyle brand."

3 Do you see that sentence?

4 A Yes, yes.

5 Q Now, before I get to the conversation you had on
6 Thursday with Mr. Danzer, other than Plaintiff's 1 and 2, which
7 were the two signed contracts, did you have any other business
8 relationship with Mr. Danzer?

9 A No.

10 Q Did you have any other signed agreements with Mr.
11 Danzer or ALM, other than Plaintiff's 1 and 2?

12 A No.

13 Q At the end of the letter it indicates that he wants to
14 sit down with you prior to meeting with PVH and Coty to come up
15 with some way of working together.

16 Did you ever sit down and have those discussions with
17 him about how to work together going forward?

18 A No. I spoke to him on the phone, but I didn't sit down
19 with him.

20 Q Now, with respect to the phone conversation, can you
21 tell the jury, to the best of your ability, what you said and
22 what Mr. Danzer said to you?

23 A Well, I told them that -- I told him that I was -- on
24 the telephone -- that I was very upset with the fact that we
25 signed an agreement, that the agreement was actually extended to
26 give him even more time, and that numbers that they promised us

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 or that they told us that they would get, which was essentially
3 a seven-year term, \$25 million, were not even in the same
4 ballpark as what we're now hearing that we were going to be
5 getting. So I told him I was very upset with the fact that we
6 spent so much time on that agreement that never got done and
7 actually never even got close to being done.

8 I didn't do that in writing, I did that on a telephone
9 call.

10 Q Did you recall Mr. Danzer's response to that?

11 A He agreed with me, more or less. He was -- he
12 acknowledged what I said was true. We had a contract, the
13 contract said that they would get us X and they weren't able to
14 get it. We then extended that contract hoping to get that. I
15 guess it was for about a three-month period. And after the
16 extension, they were likewise unable to get it.

17 He then wanted to set up a meeting with PVH, and I
18 actually said to him what's the purpose of you setting it up, we
19 can set up our own meeting with PVH; you were unable to get us
20 the agreement that we signed and that had now terminated.

21 Q Now, prior to this conversation, which was last --
22 well, withdrawn.

23 Prior to July 26, 2004, which is the date of
24 Plaintiff's 23, did you ever agree to extend or modify the
25 signed contracts?

26 A The signed contract, are you talking about the

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 three-month extension?

3 Q Other than those.

4 A Other than the two -- other than the three-month
5 extension, which we did agree to --

6 Q Correct.

7 A -- no. Absolutely not.

8 Q Did you ever propose to Mr. Danzer or anybody at ALM
9 that you would pay them a 10 percent commission for ALM?

10 A Absolutely not.

11 Q I should say for PVH.

12 A Absolutely not.

13 Q Now, there was testimony previously that Cathy Glosser
14 was interviewed and hired by you in July and, I believe, began
15 on or about August 3rd; do you recall?

16 A That's correct.

17 Q Now, what was she hired to do; what was her
18 responsibilities and duties for you?

19 A Well, ALM had failed, and they failed to get a
20 contract. They also didn't do any work during this period of
21 time, which they were supposed to do. They didn't do anything.

22 So I hired a person that would handle the licensing of
23 this and other items, that was Cathy Glosser, and it was right
24 around this time.

25 Q Now, given what Ms. Glosser's responsibilities and
26 duties were to be, would you have agreed, as Mr. Danzer claims,

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 to extend or modify the relationship?

3 A No. I didn't even want them.

4 MR. ITKOWITZ: Objection. It's not what he would
5 have done, it's what he did. Sorry.

6 THE COURT: Rephrase it.

7 Q Given Ms. Glosser's responsibilities and duties, did
8 you agree to modify or continue the relationship with ALM?

9 MR. ITKOWITZ: Objection to the foundation.

10 THE COURT: I'll allow it. I will allow it, since
11 Ms. Glosser's already testified.

12 A No, not at all.

13 MR. GOLDMAN: Now, Your Honor, if the witness can
14 be shown Exhibits L and M, which are in evidence.

15 (Documents handed to witness.)

16 THE COURT: L and M?

17 MR. GOLDMAN: L and M, yes, Your Honor.

18 Q Mr. Trump, directing your attention to Defendant's L in
19 evidence, which is a letter from Mr. Danzer to you dated August
20 2, 2004.

21 A That's L, excuse me. That's L, yes.

22 Q Okay. Directing your attention to the second paragraph
23 where he says, "Mark and I discussed your offer of 10 percent as
24 well as" -- he goes on.

25 With respect to Coty, did you offer to pay ALM a
26 commission for Coty at any time on or before August 2nd of 2004?

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 A Absolutely not. This is total fiction, and they know
3 it. And I didn't sign the letter either. They have for where
4 I'm supposed to sign it. I didn't sign it, but they know this
5 is total fiction.

6 Q With respect to this portion of the letter and on the
7 bottom right where it says "agreed to," and there's a signature
8 line for Donald J. Trump, it's blank.

9 Did you ever sign that letter?

10 A I didn't sign it, because this never existed and they
11 know that.

12 Q And, by the way, looking at this August 2, 2004 letter,
13 is there any termination provision in this letter or does this
14 letter provide for the relationship to continue forever?

15 A No, it's ridiculous.

16 MR. ITKOWITZ: Objection.

17 A It's ridiculous.

18 THE COURT: Objection, you have to stop. Objection
19 is overruled, but it's sustained as to that last phrase.

20 Rephrase that last phrase, which is something to do with --

21 Q Does the August 2, 2004 letter from Mr. Danzer in which
22 he asked you to sign, does it provide for a termination of your
23 relationship were you to have signed it?

24 A No. There was no termination date, which by itself
25 would have made it impossible to sign, because nobody would sign
26 an agreement without a specified termination date; and the 10

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 percent was never agreed to at all.

3 Q I'm going to direct your attention to a letter dated
4 the very next day, which is Defendant's Exhibit M in evidence,
5 and this is where Mr. Danzer writes to you pertaining to any
6 licensing deal with ALM that ALM brings to the Trump
7 Organization.

8 It also references that you offered 10 percent as well
9 as this; is that truthful?

10 A It's totally false.

11 Q Now, on the August 3, 2004 letter that Mr. Danzer said
12 to you is sent to you, is there any termination date with
13 respect to the relationship between Trump and ALM relating to
14 any licensing deal?

15 A There is no termination date and nobody would sign a
16 contract without a termination date.

17 Q Is there anything in the August 3, 2004 Defendant's
18 Exhibit M which indicates that it was changing the acceptable
19 license requirement of the signed contracts?

20 A I don't understand the question.

21 Q In the signed contracts, they had to satisfy an
22 acceptable license provision?

23 A Oh, yes.

24 Q Is there anything in this August 3, 2004 letter to you
25 which changes that requirement?

26 A Well, basically what they would be doing is lowering

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 their standards very substantially in terms of what they were
3 going to bring in for a license and the standards are totally
4 different, and they knew I was very upset about that. That's
5 why it was even more ridiculous that they would be sending me
6 letters to extend, because they had failed so badly with the
7 original contract and the extension that why would we be
8 expected to sign another contract.

9 In addition to that, I had hired somebody now, because
10 of the disappointment that we had. I mean, to this date I wish
11 they got the original deal done, but they weren't able to do it.

12 Q Now, on the bottom right of the August 3, 2004 letter,
13 Defendant's M in evidence, it also provided for an area for you
14 to sign and date. Did you ever sign it?

15 A I did not. And it says, "agreed to, Donald J. Trump,"
16 and there is no signature. I didn't sign it.

17 Q Okay.

18 A And they knew I wouldn't sign it.

19 Q Can you show the witness Plaintiff's 115.

20 (Document handed to witness.)

21 Q Showing you the third paragraph of Mr. Danzer's letter
22 to Ms. Glosser speaking about Coty; and in this e-mail of August
23 3, 2004 he again reiterates what was in the August 2, 2004
24 letter to you, which is that you offer 10 percent as well as a
25 suggestion to get a higher percentage from Coty.

26 Are those statements in his e-mail to Ms. Glosser

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 accurate that you made that offer?

3 A They're totally false. I mean, I never offered 10
4 percent. I never signed any document, and I told them just the
5 opposite. And I told them I was very unhappy with them, because
6 they didn't fulfill their obligation -- their contract.

7 Q Now, the letter is dated August 3rd and the e-mail is
8 dated August 3rd of 2004?

9 A Yes.

10 Q The letter to you with respect to Coty is dated August
11 2nd, which you say you did not sign?

12 A That's correct.

13 Q I direct your attention to the last line of Mr.
14 Danzer's e-mail where he says, "We need to come to an agreement
15 and sign our deal before that," and the before that references
16 the Coty meeting that was being set up for the following day.

17 Now, with respect to Mr. Danzer's statement in his
18 e-mail that he is aware that something has to be signed, was
19 anything ever signed?

20 A No.

21 Q Now, did you ever write back -- withdrawn.

22 You received the August 2nd, and August 3rd letters
23 asking you to sign your consent, which you did not. Did you
24 ever write back after that, notwithstanding that you didn't sign
25 it, and did you ever write back saying, no, that's not our deal,
26 or anything like that?

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 A Well, that was the question that was asked the other
3 day. The answer is I didn't do it in writing, no, but they
4 didn't ask the other part of the question.

5 Q Did you communicate in some other way?

6 A Yes.

7 Q How?

8 A Two ways. By telephone once, I think, but it could
9 have been twice. But there were two telephone conversations
10 where Mr. Danzer called me. I think during both conversations I
11 told him I'm not happy. I actually told him what's the purpose
12 of you setting up a meeting with PVH, I can do it myself, and I
13 can do it with our own people; that the deal that you said you
14 were going to get us, you're not going to.

15 So I was not a happy camper when it came to my dealings
16 with, him. That's why it's so preposterous that now I'm going
17 to sign a new deal at new rates, because I wasn't happy with the
18 original deal and now I actually had somebody working for me
19 that does this work.

20 So the answer is what the answer is. I mean, I told
21 him strongly on the phone, and I also told him prior to the PVH
22 meeting. We had a PVH meeting shortly during this time, and I
23 said to him before the PVH meeting, you know, you don't have to
24 be here, you don't have to set up the deal; and, frankly, the
25 deal that you told me we were going to get, you're not getting
26 anything close to that and you don't have to meet.

1 Trump - Plaintiff - Cross (Mr. Goldman)

2 Now, I didn't care if he set it up, and he possibly did
3 or possibly didn't, but he didn't have to because we could have
4 set it up ourselves. As I discussed, PVH has about 50 percent
5 of the market. Everybody knows that PVH is essentially the king
6 or queen when it comes to that. So what happens is I told him
7 that he didn't have to be at the PVH meeting, and he didn't have
8 to set it up.

9 When he was there I had no objection to him being
10 there, but we had no deal. I mean, he went to the PVH meeting.
11 I told him previous to the PVH meeting and in either one or two
12 phone calls what I just said, that I was not happy and that he
13 doesn't have a deal, he didn't have to be there. I thought it
14 would be very disrespectful to tell him not to go into the room,
15 and I let him in the room.

16 Q Now I'm just going to -- before we get to the August
17 26, 2004 meeting which you attended regarding PVH, other than
18 the one meeting with PVH in June of 2004, which you did not
19 attend, were you aware of anything else ALM did through the
20 exclusive period which was June 30, 2004?

21 A No, I don't think they did anything.

22 (Continued on next page.)
23
24
25
26

Trump - by Plaintiff - Cross

BY MR. GOLDMAN:

Q Now --

A And they were supposed to, according to their contract, but their contract had expired.

Q -the same question but I'm going to change the time period a little bit. Other than the one meeting with PVH in June of 2004, are you aware of anything that they did one month into the tail period through July of 2004? Are you aware of anything they did other than the one meeting with PVH in June?

A I don't think they did anything. I'm quite sure of that.

Q Now, let's talk about the August --

A And I don't think they expected to do anything and neither did we, because they knew my attitude during those phone calls or phone call. So, you know I can't blame them for that.

Q Now, I'm going to SHOW you what has been marked in evidence as Plaintiff's Exhibit 26.

Take a moment to look at it.

(Pause.)

A Yes.

Q Now, this is Mr. Danzer's e-mail, not to you like the letters just a few weeks earlier, but to Mr. Ross. And in this letter, he asked Mr. Ross to sign off on a new ALM

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Cross

1 deal and he attached a letter from Mr. Ross to sign off on
2 which is on page 2.

3
4 Are you aware of anything that Mr. Ross
5 signed modifying the two signed contracts?

6 A No. But he took great liberty with my name saying
7 every time in every letter that Donald agreed. Number one,
8 I don't know him hardly at all, I don't know why he calls me
9 Donald, that's fine. He took great liberty saying I agreed
10 when in fact he knew it was the exact opposite.

11 Q Now, ultimately a meeting occurs on August 26
12 which you attended. To the best of your ability, can you
13 tell the Court and jury what happened at the August 26
14 meeting?

15 A You're talking the PVH meeting?

16 Q Yes.

17 A Mr. Danzer was there. And let's see, I guess
18 Cathy and probably George and representatives from PVH. I
19 think it was a general discussion about a deal. I don't
20 think -- it's a long time ago, but I don't think we actually
21 concluded a deal, but the concept of a deal was discussed.

22 The concept was a fraction of the deal that
23 they said we would get in the agreement that we had with
24 them, the memorandum of understanding. But a concept of a
25 deal was done and I said to Cathy Glosser not to Danzer,
26 because I considered -- you know, probably made a mistake in

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Trump - by Plaintiff - Cross

1
2 letting him go to the meeting but I thought it would be rude
3 if I didn't. But I told Cathy Glosser to essentially get
4 the deal done or see if they could make a deal with PVH. I
5 liked the people at PVH.

6 Q Now, what did Mr. Danzer do at the meeting?

7 A Nothing. He sat.

8 Q Did you ever tell Mr. Danzer at the meeting that
9 he'd be paid a 10 percent fee for the PVH deal should a PVH
10 deal be done?

11 A No.

12 Q Did you ever tell him that at the August 26
13 meeting?

14 A The exact opposite. I told Mr. Danzer we have no
15 deal, that you did not fulfill your deal that you were
16 supposed to have. I said this before the meeting. And we
17 have no deal.

18 Q Now, did you observe or hear anybody from your
19 organization say that he would get 10 percent?

20 A Oh, no. Nobody said that.

21 Q You had testified and there's been testimony that
22 you had told George and Cathy, quote, make it happen.

23 A Yes.

24 Q Are you aware of any of the negotiations that took
25 place after August 26th of 2004, with respect to the
26 negotiations?

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1 Trump - by Plaintiff - Cross

2 A Yes.

3 Q What do you -- to the best of your ability do you
4 recall?

5 A I remember Cathy and George got a deal done. But
6 again, it wasn't the deal that I was looking to get done.

7 Q I'm going to direct your attention, if you could,
8 to Plaintiff's 1, which is the signed memorandum of
9 understanding?

10 A Okay.

11 Q If you would turn to page 3.

12 A Okay.

13 Q This is the provision that discusses how ALM would
14 get a fee during that three month tail period. If you look
15 at about the fifth line from the bottom --

16 MR. GOLDMAN: Withdrawn.

17 Q Let me ask you this question. I'm going to read
18 the provision. It says: With respect to each license --
19 I'm beginning in the middle of paragraph 3, the signed
20 contract.

21 THE COURT: Where at B, "with respect"? Is
22 that where you're starting?

23 MR. GOLDMAN: Yes. I'll start with B.

24 Q During the term and any extension or renewal
25 thereof, and the term of any new license with respect to
26 high quality apparel with the subject licensee, with respect

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1 Trump - by Plaintiff - Cross

2 to each license entered into during the three month period
3 immediately following the expiration of the exclusive
4 period -- that here would be July through September -- if
5 during the three month period Trump enters into such license
6 for the design, manufacture and sale of high quality apparel
7 utilizing the Trump brand, with a licensee identified by ALM
8 to Trump during the exclusive period.

9 This is what I want you to focus on. And
10 with whom ALM had significant negotiations regarding the
11 terms of a potential acceptable license.

12 Are you aware whether Mr. Danzer had any
13 negotiations regarding the terms of the license?

14 A No. I think he had nothing to do -- I mean, what
15 the terms of what he was trying to get, in all fairness, are
16 the terms that we originally agreed on. But after a period
17 of time -- I even thought during the extension they led me
18 to believe they were going to be able to get that deal.

19 So I think he very much fought very hard to
20 get those terms, because he was totally unable to get them
21 or anything close.

22 Q And it said --

23 A Frankly, if they hadn't put those terms in,
24 probably I wouldn't have made a deal with them, I would have
25 used somebody else. But they felt that they were going to
26 make that deal with whoever it was, PVH or whoever it was.

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Trump - by Plaintiff - Cross

1
2 Q Now, it doesn't just say negotiations, by the way,
3 it says significant negotiations.

4 A Right.

5 Q Are you aware of any significant negotiations that
6 Mr. Danzer was engaged in?

7 A No, there were none.

8 Q Now, anywhere in this contract does it say ALM
9 earns a fee for creating an agenda for a meeting?

10 A Not that I know of.

11 Q Does it say anywhere in this contract that because
12 ALM put together the meeting that they get a fee?

13 A No.

14 Q Does it say anywhere in the contract that they get
15 a fee because you might profit handsomely by a deal?

16 A No. I mean, look, there really is no contract,
17 because the contract had expired by the time you're talking
18 about. So they would have gotten a substantial fee had they
19 produced what was in the contract, but they weren't able to
20 do it.

21 Q Now, you were asked a lot of questions about how
22 much money you made on the deal, how much money ALM was
23 supposed to make versus what you made. You were asked
24 whether you were happy about the deal.

25 Now, given the amount of money that you had
26 made on the deal, were you happy with the deal?

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1 Trump - by Plaintiff - Cross

2 A Well, I said, relatively speaking, was I happy
3 compared to what they said we were going to get. Had they
4 not used that and those numbers not been discussed I
5 probably would have used somebody else not ALM. But they
6 were very confident they were going to get these numbers,
7 and I went with ALM as opposed to somebody else.

8 When it turned out that they couldn't get
9 those numbers, or anything close to it, I wasn't happy with
10 ALM, but I certainly have been over the years happy with
11 PVH. They are a fine company. They've done a wonderful
12 job. The shirts and ties have been extremely successful,
13 amazingly successful, one of the most successful. So I'm
14 very happy with the job PVH has done. But it's a much
15 different deal than we were told we could make with PVH.

16 Q Now, you were asked questions about whether Jeff
17 Danzer thought he was doing this for free. What is your
18 understanding as to what Jeff Danzer was to be paid for what
19 he did?

20 A Well, I told Jeff that we had no deal whatsoever.
21 And he may send a letter to George Ross as per the agreement
22 with Donald Trump, but we had no deal, and George never
23 signed anything either, by the way. We've never signed.

24 And I was actually a little surprised that he
25 would be at the meeting, to be honest. And I was a little
26 surprised that he was setting up meetings because we could

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1 Trump - by Plaintiff - Cross

2 have done that ourselves.

3 I didn't at the time, I didn't know I was
4 going to get sued. I wouldn't have had him at the meeting
5 if I thought I was going to be in a courtroom eight, nine,
6 ten years later. I was a little surprised he was at the
7 meeting. I was surprised that he was involved. He knew I
8 was very unhappy with the job they did.

9 Q Did Mr. Ross ever tell you that he had told
10 Mr. Danzer before the meeting that he would be paid
11 something fair and reasonable for what he did?

12 A I don't remember that.

13 Q But Mr. Ross did say that. Mr. Ross did tell
14 Mr. Danzer that he would be paid something fair and
15 reasonable --

16 A I don't know.

17 Q Let me finish the question.

18 If Mr. Ross did say that that is what he told
19 Mr. Danzer, that he would be paid something fair and
20 reasonable, that's something you would honor, isn't it?

21 A It is something. I mean --

22 Q Okay.

23 A Look, if George Ross, who has taken this very,
24 very hard, it's been a very tough period of time for George,
25 very tough period of time. But if he said something like
26 that, but we've already paid them 300 -- over \$300,000 for

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Trump - by Plaintiff - Cross

1
2 doing nothing.

3 Q By the way did they -- were they involved in
4 managing the brand?

5 A They were supposed to be but they didn't do
6 anything. We haven't even heard from them for years, other
7 than having to do with lawyers. But we've already paid them
8 over -- that's why we're asking for that money back. We
9 paid them over \$300,000 for doing nothing. And they did no
10 management of the brand, they did no brand consulting things
11 that are called for. They did nothing.

12 Q I want to read to you something that Mr. Danzer
13 wrote to Mr. Ross, which is Plaintiff's Exhibit 21. It's
14 also 88. There are duplicates of it.

15 (Pause.)

16 BY MR. GOLDMAN:

17 Q I'd going to read to you from the second to the
18 last paragraph of this letter that Mr. Danzer wrote:
19 George, the way I understand it, the reason ALM was granted
20 the deal was not only to secure the best possible licensees
21 but to manage the brand and the business, to get the most
22 out of it and to insure that the credibility and integrity
23 of the Trump name is kept at the highest level. This is how
24 ALM was to earn their fee, exclamation point. So tell me,
25 did ALM manage the business, the PVH business?

26 A Not one minute's worth.

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1 Trump - by Plaintiff - Cross

2 Q Did they manage the brand?

3 A Not one minute's worth. Never heard from them.

4 Q Now, the last hour of your testimony on Friday was
5 about the checks. We went through each check and each
6 invoice. Can you tell the jury and the Court your pattern
7 of practice as to signing checks?

8 MR. ITKOWITZ: Objection.

9 THE COURT: I'll allow it.

10 A Well, I started signing checks many years ago when
11 I had a small company. And my father would sign checks
12 before me. And I always liked the concept and I still do
13 like the concept of signing checks. The company has become
14 extremely big, with many construction projects, as an
15 example, with many contractors. We have thousands and
16 thousands of people that we employ, that I employ. And the
17 company has become a very big company. Nevertheless, I
18 continue to sign checks, because I see a lot of people that
19 don't do that, lots of bad things happen. A lot of people
20 press a button on a computer and everybody's check is
21 signed.

22 It's a small way for me to continue to watch
23 what's going on as much as I can, but I sign thousands of
24 checks a month and tens of thousands of checks a year.

25 The other night I was in my office till 10:00
26 in the evening signing checks. It has to go very quickly

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1 Trump - by Plaintiff - Cross

2 because there are so many of them. But I have executives
3 that approve checks and I generally -- on occasion, I'll
4 pull something out if I don't like it. But generally
5 speaking, I accept the recommendation of many, many
6 executives and different companies and different sections
7 and different construction jobs and health care checks and
8 insurance checks and, you know, just -- and also for numbers
9 much larger than the numbers we're talking about.

10 Q Now, with respect to the tens of thousands of
11 checks that you sign a month, the check and the stub --

12 MR. GOLDMAN: Withdrawn.

13 Q With respect to the tens of thousands of checks,
14 is the invoice readily available? By that I mean is it on
15 the first page or is it behind the check, which is an eight
16 and a half by 11?

17 A It's behind the check. The entire check is the
18 cover of whatever it is I'm signing. So you don't get to
19 look at that, unless you're willing to read every page
20 having to do with the invoice.

21 Q So, it's fair to say that in 2007, with respect to
22 ALM, you signed four checks over tens of thousands of
23 checks. Is that true?

24 A It is true. When I see the name ALM, that is a
25 name from the past, that is not a very significant name. I
26 don't know that I'd he even remember that name. Now I'd

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1 Trump - by Plaintiff - Cross

2 remember the name because of what's going on now, but it's
3 not something I'd be, oh, what is this? I would sign the
4 check and I would sign literally sometimes at night hundreds
5 and hundreds of other checks.

6 Q With respect --

7 A It was nothing that stood out.

8 Q With respect to how it came to your attention,
9 Miss Glosser testified that she was traveling with you and
10 brought this issue up. Is that an accurate statement?

11 MR. ITKOWITZ: Objection.

12 THE COURT: Sustained. Because it's not --
13 that wasn't her testimony. If you want to come up to
14 elaborate.

15 MR. GOLDMAN: I'll continue.

16 Q Can you tell the jury and the Court how this came
17 to your attention when you were with Miss Glosser?

18 A Well, I either noticed a check, I'm not sure
19 which, and I went to Miss Glosser or she maybe came to me
20 because she was very unhappy that ALM was getting paid a lot
21 of money and she knew they didn't do anything. She knew
22 they didn't abide by their contract.

23 MR. ITKOWITZ: Objection.

24 THE COURT: I'll allow the answer.

25 A So she did mention that to me. I don't know
26 whether or not I brought it up to her through the signing of

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Trump - by Plaintiff - Cross

1 checks, where eventually I looked and I said, you know what,
2 is this because I do -- I mean, sometimes it does sink in,
3 but either I went to her or she went to me. But I know that
4 Miss Glosser in fact was the one that I did talk to and she
5 was very unhappy about it. She was very unhappy about it.
6

7 Q What did you say to her and what did she say to
8 you?

9 A Well, I said why -- I said ALM was gone for years,
10 why are we paying them all of this money? And she said that
11 George Ross authorized her to pay this -- to pay something.
12 And what he wanted to do is to pay something and then he
13 would -- when he feels --

14 MR. ITKOWITZ: Objection, your Honor.

15 THE COURT: Sustained on that.

16 A She said that George Ross authorized it.

17 Q Did you ever speak with Mr. Ross?

18 A Yes.

19 Q Would it be fair to say it was shortly after your
20 conversation with Miss Glosser?

21 A Like maybe seconds.

22 Q Can you tell me what you said to Mr. Ross and what
23 he said to you?

24 MR. ITKOWITZ: Objection, your Honor.

25 THE COURT: Sustained.

26 Q What did you say to Mr. Ross?

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1 Trump - by Plaintiff - Cross

2 A I said what are you doing? And he said --

3 THE COURT: No, no.

4 MR. ITKOWITZ: Objection.

5 THE COURT: Sustained.

6 What he said to you is going to be called
7 hearsay.

8 A I said what are you doing?

9 MR. GOLDMAN: Can we approach on that, your
10 Honor?

11 THE COURT: We're going to have Mr. Ross
12 back.

13 MR. GOLDMAN: He's already been here so
14 that's why I don't believe it's hearsay, since he's
15 testified. That's why I want to talk to you.

16 Q What did you say to Mr. Ross?

17 A I said how did anything like this happen? And he
18 gave me an answer. I don't know if I'm allowed to give you
19 that answer. I don't want to be in trouble with the Judge,
20 but he gave me an answer that I remember very distinctly.

21 Q And what did you say in response to his answer?

22 A Well, I was not very happy with what he did. He
23 made a mistake and I was not happy with it.

24 Q And was that when you directed that all the checks
25 cease?

26 A Yes, absolutely.

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1 Trump - by Plaintiff - Cross

2 MR. GOLDMAN: Give me one second.

3 (Pause.)

4 MR. GOLDMAN: Just a few more questions.

5 BY MR. GOLDMAN:

6 Q At any time after January 13, 2004, which is the
7 extension, any time after that, did you ever sign a piece of
8 paper extending the relationship?

9 A Absolutely not.

10 Q Did you ever sign any piece of paper after
11 January 13 of 2004 modifying the relationship?

12 A No.

13 Q Did you sign any piece of paper after January 13
14 of 2004 entering into a new relationship with ALM?

15 A No. The opposite. I told them we do not have a
16 deal.

17 Q And one last question. Have you ever seen any
18 piece of paper after January 13 of 2004 through November of
19 2004, which is when the agreement was signed with PVH,
20 during that period of time did you ever see any piece of
21 paper from your organization signed by anybody agreeing to
22 either extend or modify the relationship with ALM?

23 A There were none.

24 Q I'm sorry?

25 A There were none.

26 MR. GOLDMAN: No further questions.

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1 Trump - by Plaintiff - Cross

2 THE COURT: Redirect. Re-question. Just on
3 information that was brought up on Mr. Goldman's
4 questions.

5 REDIRECT EXAMINATION

6 BY MR. ITKOWITZ:

7 Q With respect to that last comment, did you ever
8 sign any --

9 THE COURT: Last answer, sir, not comment.

10 Q That last answer. Did you ever sign any piece of
11 paper extending the agreement? You did sign 11 checks,
12 correct?

13 MR. GOLDMAN: Objection.

14 THE COURT: No, I'll allow that. Sustained.

15 MR. GOLDMAN: You mean overruled, I think.

16 THE COURT: I'm sorry.

17 MR. GOLDMAN: I'm objecting.

18 THE COURT: I am overruling. You're right.

19 Sorry, not sustained.

20 Q Those are 11 pieces of paper that you signed
21 checks, right?

22 A That's right.

23 Q Now, you say George Ross made a mistake. Is that
24 your testimony?

25 A He did make a mistake.

26 Q And George Ross was your authorized agent to act
Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Cross

2 in this matter, correct?

3 A He made a mistake.

4 THE COURT: Is he authorized?

5 Q Was George Ross authorized to act on your behalf?

6 Yes or no?

7 A Yes, he was.

8 Q Now, in fact, George Ross was handling most of
9 this transaction, wasn't he?

10 A He and Cathy Glosser, yes.

11 Q Well, Cathy Glosser came along in August, correct?

12 A Yes. At a later date, yes.

13 Q So prior to August, George Ross was in charge of
14 this deal, correct?

15 A Well, he was in charge of the deal but he didn't
16 sign a contract. I would sign the contract.

17 Q Excuse me?

18 MR. ITKOWITZ: Move to strike.

19 THE COURT: I'll allow it.

20 Q George Ross, your authorized agent, was in charge
21 of this deal up until August of 2004, correct?

22 A Well, he wouldn't have been authorized to sign a
23 contract. I have to sign a contract.

24 MR. ITKOWITZ: Your Honor.

25 THE COURT: Mr. Trump, you really do have to
26 listen to the questions and answer that question.

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1 Trump - by Plaintiff - Cross

2 Remember you're now in the situation where you say yes
3 or no if you can. If you don't understand the question
4 let us know.

5 Read back the question, please. And the
6 answer is stricken.

7 (Record read.)

8 A Well, I can't answer it quite yes or no. I could
9 give you an answer but not quite yes or no.

10 THE COURT: All right. Next question.

11 BY MR. ITKOWITZ:

12 Q George Ross was in charge of this deal, was he
13 not?

14 A He was working the deal but was not authorized to
15 commit me to anything.

16 Q Let me ask you something. Are you aware of the
17 fact that there -- that your attorneys in this case has
18 admitted that George Ross was authorized to act on your
19 behalf?

20 MR. GOLDMAN: Objection.

21 THE COURT: Sustained. Sustained.

22 Mr. Itkowitz, come up.

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

25 THE COURT: All right.

26 The last question is stricken.

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Cross

BY MR. ITKOWITZ:

Q Isn't it a fact you've testified with --

MR. ITKOWITZ: Withdrawn.

Q You've testified with great specificity of your conversations that you had in connection with this matter this morning, correct?

A I don't know about that, but conceptually I think I know what's happened.

Q Isn't it a fact that you really don't remember this transaction very well?

A I've given it a lot of thought over the last couple of months, and I think I've been able to piece it together pretty well, yes.

Q Now, sir, you recall giving a deposition in this case --

A Yes.

Q -- on June 15, 2011, do you not?

A Yes, I do.

Q And would you think that your memory was better in 2011 about the transactions that occurred in 2004 as opposed to now in 2013? Yes or no?

A I would say this. I would say it's better now because I've been able to think about it, when I did a cold deposition you're asking me questions, it's a lot of piece together, but when I see documents and everything else, I

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Trump - by Plaintiff - Cross

mean it's very easy to piece it together and it's easy to remember facts that, frankly, you don't remember in a cold deposition.

(Continued on next page.)

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1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q So it's your testimony that when you took -- when you
3 gave a deposition in this case you didn't bother to review the
4 documents before you testified?

5 A I didn't review the documents prior to the deposition,
6 no.

7 Q Did you think that -- sir, you've been involved in a
8 few lawsuits, have you not?

9 A Yes.

10 MR. GOLDMAN: Objection.

11 THE COURT: Well, apart from that question, let's
12 go on to the next question.

13 Q Sir, have you been deposed in other cases?

14 A Yes.

15 Q How many times have you been deposed?

16 A I have no idea. I mean, a number.

17 Q More than ten?

18 A Yes, more than ten.

19 Q More than 20?

20 A I just don't know. I mean, I get deposed when there's
21 litigation.

22 Q And you understand that when a deposition occurs and
23 you give sworn testimony in a case that a deposition is a
24 significant event in a case; do you not?

25 A I agree with, yes.

26 Q So you're testifying now that when you testified at a

1 Trump - Plaintiff - Direct (Mr. Itkowitz)
2 deposition in this case you didn't bother to review documents,
3 correct?

4 A I did not. Not that I remember. No, I didn't review
5 -- let's see, going back to the deposition, I don't think I
6 reviewed any documents.

7 Q So you didn't consider the deposition in this case to
8 be important?

9 MR. GOLDMAN: Objection.

10 THE COURT: Sustained on that.

11 Q All right. Now, do you recall being asked this
12 question and giving this answer, and I'm going to read from page
13 37.

14 THE COURT: From?

15 MR. ITKOWITZ: Actually, I'm going to have to --
16 yes, 37 line 3.

17 THE COURT: Until?

18 MR. ITKOWITZ: Until 17.

19 THE COURT: To line 17. Give us a second.

20 Q Do you recall being asked this question --

21 THE COURT: Wait a second. I'm not finished
22 reading it.

23 MR. GOLDMAN: Only through 17?

24 THE COURT: Yes.

25 MR. GOLDMAN: Okay.

26 THE COURT: Go ahead.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 MR. GOLDMAN: I have an objection, Your Honor, to
3 the form of the question that he's about to read.

4 THE COURT: Let me read it. No, I'll allow it.

5 MR. ITKOWITZ: Actually, I'll read until 38 line
6 18. Continuous.

7 THE COURT: 38, line 18?

8 MR. ITKOWITZ: To line 18.

9 MR. GOLDMAN: Just give me another moment.

10 THE COURT: Okay. Wait a second. Let me read.

11 MR. GOLDMAN: No objection.

12 THE COURT: Let me finish.

13 MR. GOLDMAN: Okay. I'm sorry.

14 THE COURT: I'll allow it. Go ahead.

15 Q "QUESTION: Would it be fair to state that you made
16 a deal with PVH because you thought it would be profitable
17 for you to make a deal with PVH?

18 "ANSWER: Yes.

19 "QUESTION: The signature on this document is your
20 signature?

21 "ANSWER: Yes.

22 "QUESTION: How did it come about that you signed
23 this document?

24 "ANSWER: I'd have to refer this to Cathy Glosser
25 and George Ross.

26 "QUESTION: So as you sit here now, you have no

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 recollection of who recommended this to you, whether it was
3 Cathy Glosser or George Ross, and you have, as you sit here
4 now --

5 "ANSWER: Well, I think the people at PVH wanted to
6 make a deal with us. They were very hot to make a deal with
7 us.

8 "QUESTION: That's PVH. I'm talking about only
9 your team's end. As you sit here now, do you have a
10 recollection as to whether George Ross or Cathy Glosser or
11 both presented this contract to you and said we recommend
12 that you sign it?

13 "ANSWER: I don't know which one of them
14 recommended it.

15 "QUESTION: As you sit here now, you don't
16 recollect any conversation you had with either one about
17 this contract?

18 "ANSWER: I remember that PVH very much wanted to
19 make a deal with us."

20 A So?

21 THE COURT: Were you asked these questions and did
22 you give these answers?

23 Q Were you asked those questions and did you give those
24 answers?

25 A Yes.

26 Q Now, I'm going to read to you another question and

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 answer from page 39, line 2 through line 7.

3 MR. GOLDMAN: I have no objection.

4 THE COURT: Go ahead.

5 Q "QUESTION: As you sit here now, do you have any
6 recollection of any details of any conversation you may
7 have had with George Ross with respect to the execution of
8 this contract?

9 "ANSWER: No, I don't."

10 Do you recall being asked that question and giving
11 that answer?

12 A No. But, you know, I don't mind the answer much. I
13 mean, it's -- I think it's fairly accurate. Again, I was -- you
14 know, you were asking me this for the first time. Yeah, I think
15 there's nothing wrong with that answer.

16 Q Now, sir, you know -- give me a second. Withdrawn.

17 Now, isn't it a fact that when Mr. Danzer was
18 introducing Coty to you that Coty wasn't part of the original
19 memorandum of understanding, it was --

20 A Excuse me. Going back to your last question, by the
21 way, I dealt mostly with Cathy Glosser.

22 MR. ITKOWITZ: Excuse me. There's no pending
23 question, Your Honor.

24 A Just to specify. Say that about Coty, excuse me?

25 Q Yes. Your deal in the memorandum of understanding --

26 A Yes.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q -- was for ALM to get you apparel licenses, wasn't it?

3 THE COURT: A what license?

4 Q Apparel licenses.

5 A I don't know specifically what it calls for.

6 Q Excuse me?

7 A I don't know specifically the language. I'd have to
8 read that.

9 Q Take a look at the first page --

10 A Number one?

11 Q -- of the memorandum of understanding.

12 A The first document, yes.

13 Q And we go down to the second whereas clause where it
14 says the following: "Whereas, Trump and ALM's desire to explore
15 the opportunities for licensing the production of high-quality
16 apparel other than excluded apparel utilizing the Trump brand on
17 a worldwide basis." Then the contract goes on.

18 A Yes.

19 Q So this contract, this memorandum of understanding,
20 only applied to apparel, correct?

21 A Sounds like that, yes.

22 Q Now, Coty wasn't an apparel dealer, was it?

23 A No, Coty was a fragrance.

24 Q Precisely. So it would be natural, would it not, for
25 Mr. Danzer, who was trying to bring Coty to you as a licensee,
26 it would be natural for him to want to discuss with you what the

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 terms of that arrangement would be, wouldn't it?

3 A But it would be --

4 Q Yes or no?

5 A I can't answer what Mr. Danzer thought was natural. It
6 would be unnatural for me to sign it, because I wasn't happy
7 with the work they did.

8 Q Sir, when Mr. Danzer said I have Coty and Coty is
9 interested in doing a deal with you, you didn't say, you know
10 what, Mr. Danzer, I'm so unhappy with you I'm not talking to
11 anybody you're bringing to the table.

12 You didn't say that, did you; yes or no?

13 A I think we met with Coty.

14 Q Yes, you met with Coty. So when Mr. Danzer said I have
15 Coty and they're interested in paying you money to use your
16 name, you didn't say, Mr. Danzer, I don't want to meet with
17 anybody that you're bringing to the table because you've done
18 such a bad job, did you; yes or no?

19 A Well, I think, frankly, if somebody comes up -- I've
20 had other people that haven't done great work for me, but they
21 come and they bring somebody and I accept them. I mean, I'm not
22 going to close doors. If Coty was going to be a great deal, I
23 certainly would have looked at that.

24 We ended up making a deal with somebody else, not with
25 Coty; but, frankly, the fact that I was unhappy with them on the
26 apparel and the first contract and the extension doesn't mean

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 that I'm going to shut the door. When they say they had Coty,
3 Coty is a wonderful company and if they have Coty I'm not going
4 to shut the door on them.

5 Q So if you weren't going to shut the door to Coty and
6 you weren't going to shut the door to Mr. Danzer, obviously you
7 would have had to have had a conversation with him about what
8 his compensation would be for bringing Coty to the table,
9 wouldn't you, that would be natural?

10 A We went very -- we hardly discussed Coty at all. I'm
11 actually surprised it's even part of this lawsuit, that you're
12 even mentioning it.

13 He said he would like to set up a meeting with Coty and
14 I think we had a meeting, but that's the end of it. I mean, we
15 didn't -- it was not a big deal.

16 Q Didn't Coty give you a proposal?

17 A I don't know. I don't remember.

18 Q You don't remember?

19 A No, that I don't remember.

20 Q Okay. So you don't remember whether Coty ever gave you
21 a proposal, but you do remember that you never talked with Mr.
22 Danzer about compensation for him bringing Coty to you, correct?
23 Yes or no?

24 A Well, I don't remember --

25 Q Yes or no?

26 A I do remember that, certainly. But I don't remember

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Coty giving us a formal proposal, no.

3 Q Okay. But it would be --

4 A That's all I said.

5 Q In the common parlance of business that you deal with
6 when people bring you proposals, at the time they bring you a
7 proposal there's usually some discussion of compensation; is
8 there not, in the normal course of business?

9 A Sometimes it's after that. Sometimes it's after the
10 meeting if the meeting turned out really well. I was in no mood
11 to discuss compensation in this case. If the meeting turned out
12 really well, I would say it would be very appropriate for ALM to
13 say how are we doing with the compensation, let's discuss
14 compensation; but in this particular case with Coty, it never
15 went very far because Estee Lauder wanted to do the deal. They
16 did the deal with us, it worked out very nicely and that was the
17 end of it. And ALM was not involved in that.

18 Q And, to your recollection, you never mentioned to Estee
19 Lauder that you had Coty as a potential licensee, correct?

20 MR. GOLDMAN: Objection.

21 THE COURT: Sustained. You have to do it to what
22 items were on cross-examination. This is your next step on
23 what was said in cross-examination or in the examination.

24 Q All right. Now, you said, sir, that you didn't need
25 ALM to do a deal with PVH, correct?

26 A That's correct.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q But -- and so, when the time was ticking down and
3 Mr. Danzer had a meeting set up, a meeting with PVH in June, you
4 didn't thumb your nose at ALM and say you know what, this
5 contract is coming to a conclusion in six days, we don't need
6 you to do a deal with PVH, sayonara, good-bye; you didn't say
7 that to him, did you?

8 A No. Look, he knew he had no deal with us, and he knew
9 that 100 percent. He knew that he had no deal with us. He was
10 told that very strongly and very firmly, and he knew it.

11 Q So your testimony is -- let's just understand what
12 you're telling us. You're telling us -- and, by the way, your
13 conversation with him that you told him he had no deal with you
14 was not in June, was it?

15 A It was during a phone call.

16 Q It was in July, correct?

17 A I think it was two phone calls. It was two phone calls
18 and there was a meeting with PVH, the meeting that I was at. I
19 was at one of the meetings where I told him prior to. I said,
20 you have no deal.

21 Q Right. So you told him that he had no deal allegedly
22 in July or August, correct?

23 A I don't know the dates. The phone call, I think there
24 were two, and prior to the meeting that I attended with PVH. He
25 was also there.

26 Q So -- but the document that your counsel showed you,

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 which you just testified to was a July document, was the end of
3 July, correct?

4 A Whatever the date it was.

5 MR. GOLDMAN: It was July 26th.

6 Q July 26th. So on July 26th he's saying that you had
7 suggested 10 percent and subsequently --

8 A Which was a lie. Which was a lie. And it's an
9 unsigned document. I didn't sign it.

10 Q I understand that. In July -- on July 26th he is
11 saying that you suggested 10 percent, okay, and you're saying
12 you never had a discussion with him about 10 percent, correct?

13 A It's a lie. I never suggested it.

14 Q It's a lie. And it would be a lie if Cathy Glosser
15 said that, right?

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

17 Objection.

18 THE COURT: Sustained.

19 MR. GOLDMAN: Objection.

20 THE COURT: Sustained. Don't answer.

21 Q Now, you never -- you don't -- as you sit here now, are
22 you telling the members of the jury that you recall telling
23 Mr. Danzer prior to June 30, 2004 that he was not going to get
24 anything for his work --

25 MR. GOLDMAN: Objection. That's not what he
26 testified to.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q -- on PVH?

3 THE COURT: Sustained. One last time, that's it,
4 okay. Let's go on.

5 THE WITNESS: Answer the question, Your Honor?

6 THE COURT: Yes.

7 A Repeat, please.

8 (Whereupon, the last question was read back by
9 the court reporter.)

10 A I said to him we do not have a deal.

11 Q And you said that to him in June of 2004, is that --

12 A I said that to him --

13 Q -- excuse me.

14 A Yes. Go ahead.

15 Q I'm talking about prior to June 30th, is it your
16 testimony that you told him you don't have a deal?

17 A I have to look at June 30th. Where does that relate to
18 this, June 30th?

19 Q I'm asking you as you sit here.

20 A I can't relate to the date.

21 THE COURT: One second. Okay. It's a yes or no
22 answer. If you can't answer because you don't know, you can
23 say I don't know.

24 A I told him we do not have a deal. I don't know exactly
25 what date, but I told him that on two occasions and prior -- one
26 phone call or two and prior to the PVH meeting that I attended.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q And that was in August.

3 I'm asking you if you, as you sit here on the witness
4 stand now, do you recall telling Mr. Danzer prior to June 30,
5 2004 that you don't have a deal?

6 A I can't specifically say in terms of the date.

7 Q So you don't remember?

8 A No, I remember very well, but I don't know exactly
9 when -- you know, nine years ago when the phone call took place,
10 but I told him on at least one call and probably two calls that
11 we do not have a deal.

12 Q So the answer is you don't remember if you told him
13 this prior to June 30, 2004, correct?

14 A I told him on two phone calls, one call or two calls,
15 that we do not have a deal. I told him prior to the PVH
16 meeting.

17 THE COURT: He doesn't remember if it was June 30,
18 2004.

19 A I don't know who would remember that. I don't remember
20 that.

21 Q Okay. Now, after June 30, 2004, Mr. Danzer -- let me
22 ask you this.

23 A Yes.

24 Q Are you aware of any work that Mr. Danzer did with
25 respect to securing or trying to secure PVH as a licensee for
26 you prior to June 30, 2004?

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A No.

3 Q Are you aware of the specifics of any work that he did
4 after July 1, 2004 up until November 29th of 2004?

5 A No.

6 Q Now, clearly you knew that Jeff Danzer was doing some
7 work on the PVH deal in July and August of 2004, correct?

8 MR. GOLDMAN: Objection. This is redirect, this is
9 not a redoing.

10 THE COURT: That's true. Only on issues brought up
11 in examination.

12 MR. ITKOWITZ: I know. Specifically I think the
13 witness --

14 THE COURT: No, that was not brought up, not the
15 dates. Come on.

16 Q You said you had conversations with him, okay, telling
17 him that you weren't going to do a deal with Mr. Danzer,
18 correct?

19 A I said we have no deal.

20 Q We have no deal?

21 A Right.

22 Q And you said you're not getting anything?

23 A I said, your deal expired, we have no deal.

24 Q Your deal expired?

25 A Right.

26 Q And the deal expired, according to you, June 30th,

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 correct?

3 A Well, whenever the last extension was, if that's June
4 30th. Certainly the deal expired.

5 Q Sir, are you telling us that in July and August of 2004
6 you told Mr. Danzer he wasn't getting anything for doing this --

7 MR. GOLDMAN: Objection.

8 THE COURT: Sustained.

9 MR. ITKOWITZ: One second, Your Honor.

10 I have no further questions, Your Honor.

11 THE COURT: Very good. Any reexamination?

12 MR. GOLDMAN: No, Your Honor.

13 THE COURT: Mr. Trump, you may step down.

14 THE WITNESS: Thank you very much, Your Honor.

15 (Whereupon, the witness exits the stand.)

16 THE COURT: All right. This is a good time to take
17 our break, our morning break. Please don't discuss the case
18 amongst yourselves, keep an open mind.

19 See you back here in 10 minutes that will make it
20 11:05.

21 (Whereupon, the jury exits the courtroom and the
22 following transpired:)

23 (Whereupon, a brief recess was taken.)

24 (Continued on next page.)

25

26

Proceedings

1
2 THE COURT: Mr. Itkowitz, the more I reflect
3 that you sent a communication directly to the defendant
4 Donald Trump the more I am absolutely stunned that a
5 person who holds themselves as a professional would
6 contact a client, a client, and then I don't even know
7 what you said, but it doesn't matter what you said. It
8 doesn't matter that you said anything, you contacted a
9 client.

10 MR. ITKOWITZ: Your Honor, I had no idea. I
11 frankly didn't realize.

12 THE COURT: You e-mailed him.

13 MR. ITKOWITZ: I didn't e-mail him.

14 THE COURT: You twittered him. You put his
15 account in. What exactly is the account?

16 MR. GOLDMAN: At the real Donald Trump. For
17 counsel to say he didn't know that Mr. Trump would see
18 that when the very reason you put at real Donald Trump
19 it appears when he opens his own feed it appears right
20 there.

21 MR. ITKOWITZ: Frankly, honestly, your Honor,
22 I'm somewhat ignorant about that aspect of twitter.

23 THE COURT: Not enough that you haven't
24 started this whole trial on twitter, you started saying
25 the Donald's coming on Thursday. I mean --

26 MR. GOLDMAN: Game on. Game on.

Donna Evans, Official Court Reporter

Proceedings

1
2 THE COURT: It's absolutely stunning. I'm
3 reserving decision about what I do. I'm reserving
4 decision. But I can tell you that usually that kind of
5 behavior should be taken to the judicial -- the
6 professional conduct people. Absolutely incredible.

7 Bring down the jury.

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

10 THE COURT: Please be seated, jurors.

11 Are you recalling Mr. Ross?

12 MR. ITKOWITZ: I'm not calling Mr. Ross.

13 MR. GOLDMAN: I was in the middle of my
14 examination.

15 THE COURT: Let's get Mr. Ross in.

16 G E O R G E R O S S, having been previously
17 duly sworn, resumed the witness stand and testified
18 further as follows:

19 THE COURT: Mr. Ross, I remind you you were
20 previously sworn, you remain under oath.

21 Mr. Goldman, please inquire.

22 MR. GOLDMAN: Thank you.

23 CROSS-EXAMINATION (Cont.)

24 BY MR. GOLDMAN:

25 Q I want to pick up approximately where we left off,
26 which was the June 24 meeting which you attended with

Donna Evans, Official Court Reporter

1 Ross - by Plaintiff - Cross

2 Mr. Danzer and people from PVH.

3 At the conclusion of the June 24 meeting with
4 PVH, was there any writing that you or Mr. Trump received
5 with respect to the terms that were discussed at that
6 meeting?

7 A No.

8 Q And is it fair to say that the first time you saw
9 terms was the proposal in September of 2004 that PVH
10 transmitted?

11 MR. ITKOWITZ: Objection.

12 THE COURT: I didn't hear an answer.

13 MR. GOLDMAN: Would you read back the
14 question?

15 THE COURT: Please read back the question and
16 answer.

17 MR. GOLDMAN: There was no answer.

18 THE COURT: Oh, there was an objection.

19 Read back the question.

20 (Record read.)

21 THE COURT: Sustained. You're leading.

22 BY MR. GOLDMAN:

23 Q Between June 24, 2004 and the proposal in evidence
24 on September 8, 2004, had you received any other terms in
25 writing?

26 A No.

Donna Evans, Official Court Reporter

1 Ross - by Plaintiff - Cross

2 Q Do you recall how the June 24, 2004 meeting
3 concluded?

4 A Yes.

5 Q How?

6 A It concluded we would talk further and work to try
7 to make a deal.

8 Q Did you have authority to agree to the terms
9 proposed by PVH or did Mr. Trump?

10 MR. ITKOWITZ: Objection.

11 THE COURT: I'll allow that.

12 A No.

13 Q Who had final authority on the terms of any deal?

14 A Donald Trump.

15 Q Now, I'd like to show you, if I could, Exhibit 70
16 in evidence.

17 THE COURT OFFICER: I don't have it.

18 THE COURT: Have we used that one before?

19 (Pause.)

20 THE COURT: It's in evidence.

21 MR. GOLDMAN: Thank you.

22 Q Now, this is an e-mail Mr. Danzer sent to you
23 about three weeks after the June 24 meeting. It's dated
24 July 14, 2004.

25 I want to direct your attention to the second
26 paragraph where Mr. Danzer says: Case in point. Begins

Donna Evans, Official Court Reporter

1 Ross - by Plaintiff - Cross

2 case in point.

3 A Yes, I see it.

4 Q It says: Case in point. I'm not sure what Ken
5 Wyse thought when he received two phone calls back to back
6 on Thursday asking him the same question. But I know Ken
7 very well and can pretty much guarantee that he was quick to
8 assess that you and I are not communicating on the matter
9 the way we should be. Furthermore, the fact that you made
10 that phone call, quote, courtesy call or not, showed that
11 the Trump Organization is a bit too eager to do this deal
12 and has now probably weakened our negotiating position.

13 Do you see that statement?

14 A Yes, I see it.

15 Q Now, do you recall making that couple of phone
16 calls to Mr. Wyse after the June 24 meeting?

17 A Yes.

18 Q What was the reason you were making those phone
19 calls?

20 A I just wanted to push the thing along.

21 Q And had you received -- I know you testified on
22 direct, I believe you were asked by Mr. Itkowitz about your
23 testimony at the deposition that the essential terms were
24 agreed upon in June -- at the June 24 meeting?

25 A Yes.

26 Q Were the essential terms agreed upon?

 Donna Evans, Official Court Reporter

1 Ross - by Plaintiff - Cross

2 A No. Not -- there are a lot of terms that were not
3 agreed upon.

4 Q And what were your impressions --

5 MR. GOLDMAN: Withdrawn.

6 Q What did you think when you got the e-mail from
7 Mr. Danzer telling you that you shouldn't have called PVH to
8 try to move it along?

9 A I thought it was very presumptive on his part to
10 tell me how basically he thought we ought to be negotiating
11 because that's my expertise.

12 Q And with respect to looking too eager, had you
13 gotten close to any deals between September of 2003 and
14 June 2004, other than this PVH deal?

15 A No.

16 Q If you can look at Plaintiff's 23, which is the
17 July 26, 2004 letter from Mr. Danzer to Mr. Trump.

18 Did you see this letter on or shortly after
19 July 26, 2004?

20 A No.

21 Q Now, it says -- again, this is now about 12 days
22 after Mr. Danzer wrote to you and said don't sound too
23 eager. He writes, I'm looking forward to bringing Phillips
24 Van Heusen back to the table to finalize the deal for Trump
25 Apparel.

26 Was any deal finalized at the June 24, 2004

 Donna Evans, Official Court Reporter

1 Ross - by Plaintiff - Cross

2 meeting?

3 A No.

4 Q And how long was it after July --

5 MR. GOLDMAN: Withdrawn.

6 Q Having read that today, where it says I want to
7 bring them back, do you see that, Mr. Ross, where it says
8 I'm looking forward to bringing Phillips Van Heusen back to
9 the table to finalize the deal?

10 A Yes.

11 Q Does that refresh your recollection as to what was
12 going on after the June 24, 2004 meeting with respect to
13 PVH?

14 A The parties hadn't reached an agreement. They
15 were still going on. We were negotiating.

16 Q Now, at the point in time when Mr. Danzer wrote to
17 you on July 14, 2004, that was Plaintiff's 70 in evidence,
18 at that point in time, July 14, 2004, were there any signed
19 writings, other than the memorandum of understanding and the
20 extension of the memorandum of understanding?

21 MR. ITKOWITZ: Objection.

22 THE COURT: I'll allow it.

23 A No, there were none.

24 Q Now, through July -- from June 30th, 2004 --

25 MR. GOLDMAN: Withdrawn.

26 Q From January -- from June 1, 2004, which is 30

Donna Evans, Official Court Reporter

1 Ross - by Plaintiff - Cross

2 days before the exclusive period expires, through July 14,
3 2004, did you have any discussions with Mr. Danzer about
4 modifying or extending the signed contract?

5 A I told him we would never extend it.

6 Q My question was not -- having nothing to do with
7 August 2004, between June 1, 2004 and July 14, 2004, did you
8 have any conversations with Mr. Danzer at that time while
9 the contract was in place about extending it?

10 A No.

11 Q Now, there came a time in August of 2004 that you
12 had conversations with Mr. Danzer regarding what I'll call
13 compensation?

14 A Yes.

15 Q Was Cathy Glosser hired --

16 MR. GOLDMAN: Withdrawn.

17 Q Was Cathy Glosser interviewed, hired and started
18 her employment before those conversations with Mr. Danzer,
19 in the end of August 2004?

20 MR. ITKOWITZ: Objection.

21 THE COURT: It's leading -- let's try not to
22 lead.

23 BY MR. GOLDMAN:

24 Q When did you interview Cathy Glosser?

25 A I don't remember the exact date in there but it
26 was early on, before PVH.

Donna Evans, Official Court Reporter

1 Ross - by Plaintiff - Cross

2 Q And Miss Glosser testified she began work
3 August 3, 2004. Does that refresh your recollection?

4 A Yes, that a would be truthful.

5 Q And would it be fair to say you interviewed her
6 before she started working?

7 A Absolutely.

8 Q And can you -- what was your understanding of her
9 responsibilities and duties for which she was employed?

10 A She would -- it was her duty or her job at that
11 point to seek out potential licenses, companies that would
12 be willing to take a Trump license.

13 Q And given your testimony regarding your
14 impressions of Mr. Danzer and ALM, from September of 2003
15 through at least July of 2004, was there any desire to
16 continue the relationship?

17 MR. ITKOWITZ: Objection.

18 THE COURT: That is leading.

19 Sustained.

20 BY MR. GOLDMAN:

21 Q Did you have a desire to continue the relationship
22 with ALM and Jeff Danzer?

23 A No.

24 Q Why?

25 A Well, they hadn't performed, they hadn't delivered
26 any deals in accordance with the terms of the writing, and

Donna Evans, Official Court Reporter

1 Ross - by Plaintiff - Cross

2 there was nothing in the record indicating they ever did
3 anything, until such time as Mr. Trump started getting
4 directly involved himself, then all of a sudden it appeared
5 they were doing everything, but there was no evidence they
6 did.

7 Q Under the contract that Mr. Trump signed with ALM,
8 both the September 2003 and the extension in 2004, what they
9 were supposed to do under that contract, how did that
10 compare to what Miss Glosser's responsibilities and duties
11 were?

12 A It was entirely different. Miss Glosser's
13 responsibilities, she was a paid employee and she would get
14 no compensation, whereas the original contract that ALM was
15 to be the agent, and they were going out and secure
16 proposal, not deals, that Mr. Trump if he accepted they
17 would get a certain payment.

18 Q I'd like to direct your attention to a series of
19 e-mails. And that would be Exhibits 72, 26 and 31.

20 THE COURT: What was that first one, 72?

21 MR. GOLDMAN: It would be 72, 26, 31 and if
22 you have 76 as well.

23 MR. WILTENBURG: I have 76 here.

24 THE COURT: Seventy-six is in evidence.

25 (Pause.)

26 Q Take a moment to look at that, please.

Donna Evans, Official Court Reporter

1 Ross - by Plaintiff - Cross

2 A Look at 72? Yes.

3 THE COURT: Are you doing them
4 chronologically?

5 MR. GOLDMAN: Yes.

6 THE COURT: Start with 72.

7 MR. GOLDMAN: Chronologically by day, not
8 necessarily by exhibit number.

9 THE COURT: That's right.

10 BY MR. GOLDMAN:

11 Q By the way, Mr. Ross, do you work Fridays?

12 A No.

13 Q When was the last Friday you worked?

14 A Probably 20 years ago.

15 Q In 2004, did you have a cell phone?

16 A No.

17 Q So if Mr. Danzer in a document says that he spoke
18 to you on Friday, is that truthful?

19 MR. ITKOWITZ: Objection.

20 THE COURT: I'll allow it.

21 A He was wrong.

22 Q Now, let's go to Exhibit 72. Mr. Danzer writes to
23 you on Monday, August 23rd, saying that you and he agreed to
24 a deal.

25 Do you see that?

26 A Yes.

Donna Evans, Official Court Reporter

Ross - by Plaintiff - Cross

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Q Is that truthful?

A No.

Q Now, there's been --

If I can let me show you Plaintiff's 24.

If you look at the bottom of 24 it's an e-mail Mr. Danzer sent to Miss Glosser with a copy to you at 11:01 a.m. which is before Plaintiff's 72, which is the e-mail that he sent to you directly, where he says I spoke with George on Friday. Just for the jury's sake, this is the document I was referring to. And you didn't work on Fridays?

A No.

Q Did you speak to him on Friday in 2004?

A No.

Q Going back to 72, which is the e-mail he sent directly to you, you were asked questions by plaintiff's counsel about whether you wrote, didn't write, called. Can you tell the jury what you said to Mr. Danzer when you called him after receipt of this letter?

A Yes.

THE COURT: Did you call him?

MR. GOLDMAN: He already --

THE COURT: Okay.

Q Did you call him?

A Yes.

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Ross - by Plaintiff - Cross

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Q What did you say?

A I told him that we never agreed to a deal. I didn't agree to pay him the 10 percent. Where he got that from, I don't know. And that he would -- he did make the introduction and he was entitled to some kind of reasonable compensation for having made the introduction and we would discuss it at a later point in time as gentlemen and work it out.

Q Now, Mr. Itkowitz asked you whether you believed Mr. Danzer was working for free. He asked you that several times. Did you agree Mr. Danzer was working for free?

A Of course not.

Q Do you believe Mr. Danzer thought he was working for free?

A Of course not.

Q And your understanding as to what he was to be compensated was what you just testified to?

A Yes, he would be compensated. As far as I was concerned he was just a broker making an introduction.

Q And when you had these conversations on or about August 23 to the end of August, were you aware at that time that the exclusive license period expired the end of June 2004?

A Yes.

Q Were you also aware that the tail period, the time

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1 Ross - by Plaintiff - Cross

2 within which a deal had to be signed, assuming it satisfied
3 the acceptable license agreement and assuming it satisfied
4 the significant negotiations, that that time period would be
5 very hard to achieve at that point in time?

6 A Yes.

7 Q Were you aware that under the signed writings had
8 it not been signed by the end of September that ALM would
9 get nothing?

10 A Yes.

11 Q I want to show you, if you could look at
12 Plaintiff's 26, which is the August 25, 2004 e-mail sent to
13 you a couple of days later. Do you see that two pages?

14 A It's August -- you said 24, I think it's
15 August 25.

16 Q Twenty-five. If I did that I apologize?

17 A Yes, I see it.

18 Q Now, Mr. Danzer says that he e-mailed you this
19 agreement previously -- well, he indicates that he e-mailed
20 it to you last week when, in fact, let's assume he meant two
21 days earlier. He asked you to sign it and fax it back.

22 MR. ITKOWITZ: Objection.

23 THE COURT: I'll allow it.

24 Q He asked you to sign it and fax it back before the
25 meeting with PVH on August 26. Do you see that?

26 A That's right.

Donna Evans, Official Court Reporter

1 Ross - by Plaintiff - Cross

2 Q Did you ever sign the letter?

3 A Never.

4 Q Did you have a conversation again with Mr. Danzer
5 with respect to again asking you to sign something before
6 the meeting?

7 A Yes. I told him the same thing. It was not our
8 agreement and that's not what we would do.

9 Q If you could look at Exhibit 31. It's an e-mail
10 again to you which says, as per our conversation on
11 Thursday, Thursday being the August 26 PVH meeting, did you
12 on August 26, 2004, have a conversation with Mr. Danzer
13 regarding a 10 percent compensation deal for PVH?

14 A No.

15 Q Mr. Trump testified that he spoke with Danzer at
16 that meeting and told him that there was no deal. Were you
17 present at that conversation that Mr. Trump had with
18 Mr. Danzer?

19 A I don't recall.

20 Q Okay.

21 Now, you were questioned by plaintiff's
22 counsel with respect to the processing of payments. I want
23 to touch on that.

24 You had testified that ALM was entitled to a
25 payment. He was asking you if they were entitled to payment
26 and your response was a payment. Could you please in your

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Ross - by Plaintiff - Cross

own words tell the jury and Court what you said to
Miss Glosser and -- what you said to Miss Glosser?

A Yes. What I said to Miss Glosser is that
certainly ALM would be entitled to some payment for the
service that they performed in making the introduction, and
when she told me it was an amount, the amount seemed
reasonable as a down payment, so that was fine, okay with me
as a down payment.

(Continued on next page.)

Donna Evans, Official Court Reporter

1 Ross - Plaintiff - Cross (Mr. Goldman)

2 Q Now, you were asked by Plaintiff's counsel: Given the
3 millions of dollars that Mr. Trump was making on this deal, did
4 you really think all ALM was going to get was six to seven
5 thousand dollars?

6 Did you think, given all the monies that ALM was to be
7 making that the first check of six to seven thousand dollars was
8 going to be their only payment?

9 A No, at that time I had no idea what the ALM deal would
10 ultimately result in. It was just -- it was preliminary. But
11 certainly I felt that the role that ALM played in making the
12 introduction was worth more than \$6,000, sure.

13 Q Now, after the first check went out in October, I
14 believe it is of 2005, were you involved in any way in the
15 processing of the other ten invoices and statements and checks?

16 A Not at all.

17 Q Did you speak to Jeff Danzer at any point in time
18 after, according to you, telling Cathy Glosser that there was
19 going to be that payment and that you would then discuss it with
20 him further at some point in time?

21 A I don't recall speaking after that point with him, no,
22 at all.

23 Q Can you tell the Court and the jury why you believe
24 that there were -- they were only entitled to some fair
25 compensation that you authorized that first check, why you
26 didn't follow-up after that to see what was going on?

1 Ross - Plaintiff - Cross (Mr. Goldman)

2 A No. Well, it's basically, I guess I screwed up. I
3 should have followed it up. But I felt that Jeff and I had
4 discussed he would be entitled to some reasonable compensation;
5 and later on when he felt he should get more than the \$6,000 he
6 would bring it up and we'd work it out. He didn't bring it up,
7 and I went on to other business and didn't bring it up further.

8 Q Now, you were also asked about Plaintiff's 81, which
9 is -- and I don't think you have it there. I'll just read what
10 it says. It's an e-mail from Cathy to Jeff Danzer on September
11 7, 2005 about a month before the first check went out. It says,
12 "Jeff" --

13 THE COURT: One second. What number are we talking
14 about?

15 MR. GOLDMAN: Eight-one.

16 THE COURT: Is it loose? All right, go ahead.

17 Q It says, "Jeff, George is drafting something. I don't
18 know what his timing is, but I will get something to you as soon
19 as I get it."

20 Do you see where she said that?

21 A I don't have it here.

22 Q Oh, I'm sorry. That's my fault.

23 Do you see where it says George is drafting something?

24 A Yes.

25 Q Can you tell the jury what you told Cathy?

26 A I told Cathy I would take care of the matter and

1 Ross - Plaintiff - Cross (Mr. Goldman)

2 ultimately resolve it with Danzer.

3 MR. GOLDMAN: The witness can be shown Exhibit 49.

4 (Document handed to witness.)

5 A I see it.

6 Q It's your letter -- withdrawn. It's your e-mail to Mr.
7 Hager and a series of e-mails.

8 Do you see that?

9 A Yes.

10 Q Now I'm just going to pick up, I believe it's the third
11 sentence, fourth line down. "My recollection is that I never
12 agreed to a flat 10 percent, but told Jeff that he was entitled
13 to some reasonable payment for his participation in the PVH
14 transaction. Any dealings after August 25th were with Cathy
15 Glosser, who Jeff led to believe that I had agreed to the 10
16 percent and she authorized payments based on that erroneous
17 assumption."

18 See that statement?

19 A Yes.

20 Q What is the basis for your statement where it says that
21 any dealings after August 25th were with Cathy Glosser who Jeff
22 led to believe?

23 A I had -- basis of the statement is I had never had any
24 discussions with Cathy beyond that time and never any
25 discussions with Jeff Danzer except, and I told him it was not
26 our deal, he was entitled to reasonable compensation; but we

1 Ross - Plaintiff - Cross (Mr. Goldman)
2 never talked 10 percent or anything along those lines.

3 Q So after August of 2004, you never had any
4 conversations with Mr. Danzer?

5 A No.

6 Q Now, you did have conversations with Ms. Glosser
7 regarding payment in July of 2005, correct?

8 A Yes.

9 Q And there were also e-mails regarding payment with Ms.
10 Glosser?

11 A Yes.

12 Q And did Ms. Glosser speak to you about her
13 conversations with Mr. Danzer at that time in 2005?

14 A She did, yes.

15 Q Do you know why Mr. Danzer never contacted you in 2005
16 regarding payments?

17 MR. ITKOWITZ: Objection.

18 THE COURT: No. Wait, wait. You can only testify
19 what you know yourself. You don't know what someone told
20 you, you can't testify to that.

21 The question is do you know why Mr. Danzer did not
22 contact you? Do you know?

23 THE WITNESS: Yes.

24 THE COURT: All right.

25 Q And why do you believe Mr. Danzer did not contact you?

26 A Because he was getting paid on an erroneous basis

1 Ross - Plaintiff - Cross (Mr. Goldman)

2 and --

3 MR. ITKOWITZ: Objection.

4 MR. GOLDMAN: Finish the answer. I didn't hear
5 what you said.

6 A He was getting paid on an erroneous basis. He was
7 happy.

8 Q Now, was Mr. Danzer or -- I believe it's in the record
9 that Mr. Danzer left ALM in 2005.

10 Was Mr. Danzer or anybody from ALM involved in any of
11 the negotiations of any of the four renewals of the original PVH
12 license agreement?

13 A No.

14 Q After the PVH deal was signed on or about November 29th
15 of 2004, did Mr. Danzer or ALM do anything relative to the PVH
16 license agreement other than billing?

17 A No.

18 Q Just a couple more questions. If the witness can be
19 shown Exhibit 21 or 88.

20 THE COURT: I think it's 88.

21 MR. GOLDMAN: Let me just find it, if I can.

22 (Document handed to witness.)

23 Q Looking at page 2, I'm going to read to you the second
24 to last -- the first sentence of the second to last paragraph
25 beginning: "George, the way I understand it, the reason ALM was
26 granted the deal was not only to secure the best possible

1 Ross - Plaintiff - Redirect (Mr. Itkowitz)

2 licensees but to manage the brand and the business, to get the
3 most out of it, and to ensure that the credibility and integrity
4 of the Trump name is kept at the highest level. This is how ALM
5 was to earn their fee!"

6 Now let's just talk about what Mr. Danzer said as to
7 how he was to earn their fee. Did they manage the brand?

8 A No.

9 Q Did they manage the business?

10 A No.

11 Q Did they take any steps to ensure the credibility and
12 integrity of the Trump name?

13 A No.

14 MR. ITKOWITZ: Leading, Your Honor. I'm objecting
15 to the Trump.

16 THE COURT: I'll allow it.

17 Q Under the signed contract, which is Plaintiff's 1 and
18 2, did they earn their fee?

19 A No.

20 MR. GOLDMAN: I have no further questions.

21 THE COURT: All right. Re-questioning?

22 MR. ITKOWITZ: One second, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. ITKOWITZ:

25 Q Mr. Ross, do you recall during your direct when I was
26 examining you when you first testified here that you agreed that

1 Ross - Plaintiff - Redirect (Mr. Itkowitz)

2 at the June 24th meeting the essentials of an understanding were
3 reached between PVH?

4 A Yes.

5 Q And today you said -- and today you said, when your
6 counsel was examining you, you're trying to walk back from that
7 a little bit, correct?

8 A Well, it's a question of essentials, yes. The answer
9 is yes. What do you mean by essentials?

10 Q But when you first testified about the June meeting,
11 you basically said there are some details that had to be worked
12 out?

13 MR. GOLDMAN: Can you speak up a bit?

14 THE COURT: Can you speak up so we can hear you,
15 please. Can you speak up so we can hear you.

16 MR. ITKOWITZ: Sorry.

17 Q When you testified when I was questioning you, you
18 agreed that the essentials of a deal were there, that you just
19 had to work out some details, correct?

20 A I didn't agree we had to work out details. I agreed
21 the essentials were there.

22 Q Right. And today all of a sudden you're saying, oh,
23 well, there was a lot of things that had to be worked out,
24 correct?

25 A Not all of a sudden. Yes, there were a lot of things
26 that had to be worked out.

1 Ross - Plaintiff - Redirect (Mr. Itkowitz)

2 Q And so you did that, and you did that under questioning
3 from your counsel, correct?

4 A Yes.

5 Q Right. And did you have any conversations with your
6 counsel about your testimony from last time you were here
7 testifying until today?

8 A Not at all.

9 Q Now, I heard you say that you couldn't have called with
10 respect to the August 23rd letter, the e-mail that Mr. Danzer
11 wrote to you in which you said he had spoke to you last Friday.

12 Do you recall that testimony just now?

13 A Yes.

14 Q You said that couldn't have occurred because you don't
15 work on Friday?

16 A That's correct.

17 Q You have occasion to play golf on Friday?

18 A Yes.

19 Q And at the golf course that you play at, do they have a
20 phone?

21 A Yes.

22 Q And do you ever -- is it your testimony then that in
23 the 20 years you've been working for the Trump Organization, not
24 working on Friday, that you've never called your office to find
25 out if you had any messages?

26 A I did. Twenty years I may have called them if there's

1 Ross - Plaintiff - Redirect (Mr. Itkowitz)

2 an important situation, but that's not my normal practice.

3 Q So occasionally then, you would occasionally on a
4 Friday you'll call the office, see if you have any messages,
5 correct?

6 A Occasionally, if there was reason to call, yes.

7 Q Now, is it your testimony that in the 20 years of not
8 working on Friday you've never, ever made a business call?

9 A Of course not.

10 Q So then there are occasions when you're not in the
11 office on Friday that you occasionally do make business calls?

12 A If it's important, yes.

13 Q Correct. And it's your testimony as you sit here now
14 you remember what you were doing on the Friday before August 23,
15 2004, as you sit here now?

16 A I remember what I was doing?

17 Q Yes.

18 A No.

19 Q And is it your testimony as you sit here that on August
20 23rd of 2004 you remember every phone call you made on the
21 Friday before?

22 A I wouldn't make phone calls.

23 Q Excuse me?

24 A I don't make phone calls on Fridays unless it's
25 important.

26 Q Do you recall as you sit here now, is it your testimony

1 Ross - Plaintiff - Redirect (Mr. Itkowitz)

2 that you remember every phone call that you made on the Friday
3 before August 23, 2004; yes or no?

4 A Of course not.

5 Q Now, it's your testimony, is it not, on the sequence of
6 events, that the number of e-mails that Mr. Danzer sent you, the
7 statement of what he thought you had agreed to with him when he
8 sent these things to you in August, late August of 2004, you
9 immediately got on the phone and told him that's not the deal;
10 is that what your testimony is?

11 A My testimony wasn't immediately, but we discussed it.

12 Q Well, you got these e-mails, then you called him up,
13 and you called him up and you said that's not our deal, correct?

14 A That's correct.

15 Q And you said, I believe, that you didn't write him
16 because you were afraid if you wrote him he would kill the deal,
17 correct?

18 MR. GOLDMAN: Objection. Beyond the scope of my
19 examination. I didn't ask him any of those questions.

20 THE COURT: Sustained.

21 Q Now, you just testified that -- you just testified that
22 Mr. Ross -- excuse me -- that Mr. Danzer and ALM under the
23 original memorandum of understanding had an obligation to manage
24 the brand in addition to getting the 22.5 percent as set forth
25 in that agreement?

26 MR. GOLDMAN: Objection. That's not what he

1 Ross - Plaintiff - Redirect (Mr. Itkowitz)

2 testified.

3 THE COURT: Sustained. Sustained.

4 Q Did you not just testify that --

5 THE COURT: Come up.

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

8 Q You asked that Mr. -- you were asked about Mr. Danzer's
9 comments to you in a letter in which he said they were supposed
10 to manage the brand, and you said he didn't do so, correct?

11 A I said, yes, he didn't manage the brand.

12 Q Right. But when he was giving you those comments, he
13 was giving you those comments with respect to the memorandum of
14 understanding, correct?

15 A I don't know. Whatever it was, that's what he wrote.

16 Q That letter was written to you in June of 2004,
17 correct?

18 A Yeah.

19 Q That was when the memorandum of understanding was still
20 in effect?

21 A Yes.

22 Q And so he was asking -- he was saying, look, we're
23 supposed to manage the brand, and then you said they didn't
24 manage the brand, correct?

25 MR. GOLDMAN: Objection. The letters --

26 THE COURT: Sustained.

1 Ross - Plaintiff - Redirect (Mr. Itkowitz)

2 Q So sir, it was clear that the deal with PVH was not
3 going to meet the requirements of the, quote, unquote,
4 acceptable license, correct?

5 A Yes.

6 Q So under those circumstances if the deal was amended --
7 withdrawn. Withdrawn.

8 Now, you said you never agreed to the 10 percent with
9 Mr. Danzer, correct?

10 A That's correct.

11 Q Now let's go to the 2005 conversations you were having
12 with Cathy Glosser about this arrangement.

13 You agree that you authorized the first check, which
14 was 10 percent, correct?

15 A I agreed to authorize the check, which was \$6,000. I
16 didn't know it was 10 percent.

17 Q Right. And you agree -- I direct your attention to
18 Exhibit 122.

19 MR. GOLDMAN: I make my objection.

20 THE COURT: One second. One second. I've got to
21 get it. Yes.

22 MR. GOLDMAN: Objection. This was not discussed on
23 my direct or my examination.

24 THE COURT: Your examination. Come up.

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

1 Ross - Plaintiff - Redirect (Mr. Itkowitz)

2 Q So you just testified, sir, that you made a mistake in
3 authorizing a payment of 10 percent, correct?

4 A I said I screwed up.

5 Q Yeah. And you also screwed up by not following up on
6 Mr. Danzer's letters?

7 A No.

8 Q You knew, did you not, and you were just asked about
9 this exhibit, you knew that Cathy Glosser had sent an e-mail to
10 Mr. Danzer saying you were going to write something up, correct?

11 A Yes, that's right.

12 Q And is it your testimony you screwed up by not
13 following up?

14 A No, no. I told her I would resolve the matter with
15 Danzer in accordance with what I had told him previously.

16 MR. ITKOWITZ: I have no further questions.

17 THE COURT: Any re -- nothing?

18 MR. ITKOWITZ: Wait a second, one other question.
19 Excuse me. I forgot. One other question.

20 Q I'm going to -- no, no further questions.

21 THE COURT: All right. Mr. Ross, thank you very
22 much. You may step down.

23 (Whereupon, the witness exits the stand.)

24 THE COURT: All right, gentlemen, come up.

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

1 Ross - Plaintiff - Redirect (Mr. Itkowitz)

2 THE COURT: All right. Jurors, there's a little
3 bit -- there's some technical things that they're going to
4 do at this moment. I'm going to call you back in,
5 realistically, ten minutes. We're going to read some
6 deposition testimony, which is something that can be done,
7 but before we can do that both sides have to know what
8 they're reading. Okay. So thank you.

9 Don't discuss the case. Keep an open mind.

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

12 (Whereupon, a brief recess was taken.)

13 (Whereupon, the jury enters the courtroom and the
14 following transpired:)

15 THE COURT: Thank you, jurors. Well, as life has
16 it, I'm going to give a little longer lunch hour, but we're
17 going to move it along. At 2:15 we'll start and we'll go
18 for two hours, two hours and ten minutes, maybe, but that's
19 it for this afternoon, and we're moving it. We're moving
20 it, so please be patient.

21 And please, now that you're going to have a long
22 lunch hour, don't make any phone calls, don't call up
23 anybody, you know, I bet you're wondering where Aunt Tilly
24 went. I mean, it's one of those questions. It's very
25 important philosophical question. Well, despite the
26 weather, Aunt Tilly is right now in Chicago. She's not

1 Ross - Plaintiff - Redirect (Mr. Itkowitz)

2 happy, she's not happy at all. She told me this morning not
3 happy with Chicago when today. However, if you find her in
4 Chicago, don't talk about the case. You could say hello for
5 me, but that's about it. Don't talk about the case. Keep
6 an open mind. See everybody back here. We're going to
7 start promptly at 2:15, so be upstairs about 2:10, okay.

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

10 THE COURT: There's going to be an assignment I
11 want both of you to talk to me about on probably Wednesday;
12 and the assignment is, once again, the issue of the statute
13 of frauds. The issue I have for you, Mr. Itkowitz, how do
14 you intend to get around the issues of the statute of
15 frauds? I want case law telling me that this meets the
16 statute of frauds and what case law. I don't want thinking,
17 gee, it sounds good, should make it, got those clerks in
18 there, read what statute of frauds is all about.

19 MR. ITKOWITZ: We've done the research, Your Honor.

20 THE COURT: Yeah, but I want to know it, because we
21 we've done our research, too. So I'm very interested in
22 knowing what your research is. So I want a memorandum of
23 law only on the statute of frauds and how you think you meet
24 it. All right.

25 MR. GOLDMAN: Thank you.

26 MR. ITKOWITZ: Thank you.

1 Ross - Plaintiff - Redirect (Mr. Itkowitz)

2 THE COURT: You can do it by tomorrow, since you've
3 done the research, your statute of fraud memorandum of law.

4 (Continued on next page.)
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1 Danzer - by Plaintiff - Direct

2 AFTERNOON SESSION

3 THE COURT: Are we ready?

4 MR. GOLDMAN: Yes.

5 THE COURT: Bring down the jury.

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

8 THE COURT: Good afternoon, jurors. Please
9 be seated.

10 Mr. Itkowitz, call your next witness.

11 MR. ITKOWITZ: I call Jeffrey Danzer.

12 THE COURT: Please get Mr. Danzer.

13 (Pause.)

14 J E F F R E Y D A N Z E R, having first
15 been duly sworn, took the witness stand and testified
16 as follows:

17 THE CLERK: Can you state your name for the
18 record and spell your last name?

19 THE WITNESS: Jeff Danzer, D-A-N-Z-E-R.

20 THE CLERK: Address, please.

21 THE WITNESS: Forty-five Wall Street,
22 apartment 403 New York, New York 10005.

23 THE CLERK: Counsel, your witness is sworn.

24 MR. ITKOWITZ: Thank you.

25 DIRECT EXAMINATION

26

Donna Evans, Official Court Reporter

Danzer - by Plaintiff - Direct

BY MR. ITKOWITZ:

Q Good afternoon, Mr. Danzer.

A Good afternoon.

Q By whom are you employed?

A Right now?

Q Yes.

A A company called Brand Action Incorporated.

Q What do you do for them?

A I am the president and CEO of the company.

Q And do you recall being employed by ALM?

A Yes.

Q And when did you first become employed by ALM?

THE COURT: You have to speak up, sir.

Q When did you first become employed by ALM?

A At the end of January 2004.

Q Prior to that, did you have any experience in the
licensing of products?

A Yes.

Q Tell the jury what experience you had in the
licensing of products?

A Before I joined ALM I started back in 1989, 1990
doing licensing for a company called Peter Brams, they were
a jewelry company that did licensing for Loonie Toons and
Barbie, et cetera. They had a brand called Charm Links. It
was charm bracelets licensed by those different licensors.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 We did a line of charm bracelets for them. From there I
3 moved to a company called Michael Anthony Jewelers, Michael
4 Anthony is a public company that does licensed gold jewelry.

5 Q Could you speak to me back here so everybody can
6 hear?

7 A So I worked for Michael Anthony for six years as
8 vice president of licensing. I started as director and
9 moved up to vice president of licensing. We did licensing
10 for all the major character licenses like Mattel and Loonie
11 Toons, Popeye, et cetera. But we also did licenses for the
12 major sport leagues NFL, NHL, NBA, et cetera. And various
13 different colleges.

14 From there I worked for another company as
15 director for marketing and the like for a watch company
16 called MZ Burger.

17 THE COURT: Slow down. Okay?

18 THE WITNESS: Sorry.

19 A After that I worked for MZ Burger for a year. I
20 left MZ Burger after that year. I became executive vice
21 president of marketing and licensing for a company called To
22 Exist. And I was there for about five years.

23 After that, I left To Exist and started my
24 own company.

25 Q Have you ever testified in a case before?

26 A No.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 Q So speak slowly and so everybody can follow what
3 you're saying.

4 Now, what was -- how did it come about that
5 you got a job or became employed by ALM?

6 A When I left To Exist, I was looking to -- I was
7 shopping around another brand that I was -- an underwear
8 brand. So I had been in the underwear business To Exist is
9 an underwear brand that we did marketing and licensing for.
10 Again, another brand I was shopping around.

11 I don't remember how I came in contact with
12 Mark but I tried to pitch that brand to Mark. And mark
13 said --

14 THE COURT: And mark is who?

15 THE WITNESS: Mr. Hager.

16 THE COURT: Good, Mr. Hager then.

17 THE WITNESS: Mr. Hager is the head of ALM,
18 the president of ALM.

19 A When I pitched the idea to him he said you seem to
20 know a lot of people in the industry why don't you come work
21 for me --

22 MR. GOLDMAN: Objection.

23 THE COURT: Sustained.

24 You can only tell us what you said, what you
25 experienced, what you know. You can't tell us what he
26 said to you because he is not on the stand at this

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 time.

3 THE WITNESS: Okay.

4 A So I pitched it to him and he offered me a job to
5 join his company.

6 Q And what was the position that you took?

7 A Executive vice president.

8 Q And what was your responsibility for ALM when you
9 took that job as vice president?

10 A My primary responsibility. I had two
11 responsibilities. One was to develop the Donald Trump
12 brand. He had told me that he had -- Mark had told me that
13 he had the exclusive --

14 MR. GOLDMAN: Objection.

15 THE COURT: He told you you can't tell. Tell
16 us what you know. Okay?

17 Q Did you become aware that ALM had an exclusive
18 ability to market the Trump license?

19 A Yes.

20 Q And what did that mean in terms of what you're
21 responsibilities were going to be?

22 A That I had to go out to various companies that we
23 call licensees and shop around the Trump brand, try to sell
24 them on the concept of being a licensee for the Donald Trump
25 Signature Collection line of apparel, clothing.

26 Q Did you actually begin to shop the Donald Trump

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 brand?

3 A Yes, I did.

4 Q Approximately when was that?

5 A It was right after I started working for ALM. So
6 it was beginning of February.

7 Q What was the -- what was February like, if you
8 recall?

9 MR. GOLDMAN: Objection to the form.

10 THE COURT: Sustained.

11 Q What steps did you take in February of 2004 to
12 license the Trump brand?

13 A I started off with my contacts that I already had
14 in the industry, knowing who the heads of some of the major
15 companies that do license products for. I reached out to
16 them via telephone and then I sent them letters letting them
17 know that the company I was working with had the exclusive
18 rights to develop the Donald Trump license, and that we were
19 looking for licensees for those licenses.

20 Q Now, in February of 2004, were you aware of a
21 company called Philip Van Heusen or PVH?

22 A Yes.

23 Q How did you become aware of that company?

24 A I had developed over the years when I was at To
25 Exist a close relationship with the president of Phillips
26 Van Heusen licensing, a man known as Ken Wyse.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 Q What, if anything, did you do with respect to PVH
3 in February of 2004?

4 A I contacted Ken and told him that we had the
5 ability to offer the license exclusively to Phillips Van
6 Heusen for apparel and I sent -- first I spoke to him on the
7 telephone. He laughed about it --

8 MR. GOLDMAN: Objection.

9 THE COURT: What he said is not here, okay?

10 Only what you did. You said I had a conversation, as a
11 result I did. Okay? Not what he said.

12 Q During February of 2004 when you were pitching the
13 Donald Trump brand, did you have occasion to observe the
14 reactions of potential licensees?

15 A Yes, I did.

16 MR. GOLDMAN: Objection.

17 THE COURT: I'll allow that.

18 Q And what was the reaction that you observed?

19 MR. GOLDMAN: Objection.

20 THE COURT: Who, what, when?

21 Q Tell us did you have an opportunity to --

22 THE COURT: Who are we talking about? Just
23 ask him --

24 Q With PVH in particular, did you have an
25 opportunity to observe their reaction?

26 A Yes.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 Q And what reaction did you observe?

3 MR. GOLDMAN: Objection.

4 THE COURT: Sustained.

5 Q What steps did you take in February with
6 respect --

7 MR. ITKOWITZ: Hold on a second.

8 (Pause.)

9 Q By the way, what was your financial arrangement
10 with ALM?

11 A I would get the first \$200,000 of any licensing
12 fees that came out of -- that resulted out of deals that we
13 did for anything we did for Donald Trump's licensing
14 program.

15 Q And after that did you get anything?

16 A After that, nothing.

17 Q Was that acceptable to you?

18 A Yes.

19 Q And I'll show you what's been marked as Exhibit
20 98?

21 THE COURT OFFICER: Ninety-eight in evidence.

22 Q Take a look at Exhibit 98 and tell me what that
23 document is and why you sent it?

24 A This is a letter that I had sent to Ken Wyse. Ken
25 Wyse had been staying at a hotel, he was on business
26 somewhere when I spoke to him on the telephone. I sent him

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 this letter letting him know, again in writing, that we had
3 the opportunity to license the Donald Trump name out. And
4 also mentioning to him my thoughts with regards to the
5 license.

6 Q And in 98 which is a letter, can you tell us --
7 can you summarize what you told him?

8 A Yeah, that the letter basically --

9 MR. GOLDMAN: Objection.

10 THE COURT: The letter speaks for itself.

11 Q Did you attach anything to that letter?

12 A Yes, I did. I attached -- as I send all my
13 letters I always attach, there's an article we had in one of
14 the local newspapers talking about Donald Trump and talking
15 about the success he was experiencing.

16 Q Why did you include that article?

17 A Because in my phone call to Ken Wyse he laughed.

18 MR. GOLDMAN: Objection and move to strike.

19 What he --

20 THE COURT: By phone call -- no, I'll allow
21 that. That's not a statement.

22 Q Can you just take a look at Exhibit 98 and see if
23 the article is attached to that document?

24 A There's no article attached.

25 MR. ITKOWITZ: I would ask this be marked as

26 98A.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 THE COURT: Show it to Mr. Goldman.

3 MR. ITKOWITZ: I show it to counsel.

4 MR. GOLDMAN: I think it's already an
5 exhibit.

6 MR. WILTENBURG: I don't think that's the
7 exhibit. What's the date of the article?

8 MR. GOLDMAN: Undated.

9 (Pause.)

10 MR. ITKOWITZ: This is one of those stray
11 exhibits, your Honor. I apologize, I only have one
12 copy.

13 THE COURT: Does it have a time, a date or
14 where it's from?

15 No objection?

16 MR. GOLDMAN: It's fine with me. It's okay.

17 THE COURT: Well, without a time, date or
18 place of origin. But if no one is objecting it will be
19 marked 98A in evidence.

20 In evidence or identification?

21 MR. GOLDMAN: In evidence is okay.

22 THE COURT: In evidence.

23 (Article marked Plaintiff's Exhibit 98A in
24 evidence, as of this date.)

25 BY MR. ITKOWITZ:

26 Q Sir, directing your attention to 98A can you tell
Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 us what newspaper that's from?

3 A I don't remember if it was from the Daily News or
4 from the other New York newspaper.

5 Q Take a look --

6 MR. GOLDMAN: Objection. Move to strike as
7 non-responsive. The answer is no.

8 THE COURT: I don't remember.

9 THE WITNESS: I don't remember.

10 Q Take a look at the face page of the cover letter.
11 Does that indicate the date and the source of the article?

12 MR. GOLDMAN: Objection. Leading.

13 THE COURT: Sustained.

14 Q Can you refresh yourself as to the source?

15 A Yes, it's from the New York Post. February 11,
16 2004.

17 Q Why did you include that in the letter to Mr.
18 Wyse?

19 A I needed to sell the Trump license to him based on
20 his reaction. And I had to show him that I -- that not only
21 was his reaction based on what he knew of Donald Trump and
22 his image in the past but that things had been changing and
23 changing rapidly and that the Donald Trump name had a
24 tremendous amount of cache. It was starting to build in the
25 marketplace. Based on the discussion I had with him as to
26 why I thought this could be a very viable license to

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1 Danzer - by Plaintiff - Direct

2 Phillips Van Heusen I attached this article in addition to
3 giving my thoughts as to why it would be a viable license
4 for Phillips Van Heusen.

5 Q Why did you think that the Donald Trump name would
6 be a viable license for a short manufacturer?

7 A Well, I personally --

8 Can I say what I personally felt?

9 I personally felt that based on the success
10 of the apprentice and looking at the demographics of the
11 apprentice and the whole board room scened that he was
12 starting to gain a lot of momentum with the younger people
13 who really wanted to emulate success. He emulated success
14 in the board room. It only made sense that any product they
15 saw on Donald Trump that they could possibly buy in the
16 store would allow them to feel or aspire to be like Donald
17 Trump, so we actually had the idea for suits, dress shirts,
18 ties, even down to shoes, any and everything that you would
19 wear in the board room is what we were going out to license.

20 Phillips Van Heusen was the kingpin and still
21 is the kingpin when it comes to dress shirts and neck wear.

22 Q And did you -- what you just stated is that what
23 you told Mr. Wyse?

24 A Yes.

25 Q And did you tell other people that?

26 A Yes.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 Q Do you recall having any discussions with a
3 company called Peerless?

4 A Yes.

5 MR. GOLDMAN: Objection, leading.

6 THE COURT: Sustained.

7 What other companies did you have discussions
8 with? What other companies did you have discussions
9 with? That's a direct question.

10 BY MR. ITKOWITZ:

11 Q What other companies --

12 A I had discussions with a company called Peerless.
13 Peerless is a major suit manufacturer that was known at the
14 time to be part of what in the licensing world we call
15 three-headed dragon.

16 THE COURT: What?

17 THE WITNESS: The three-headed dragon in
18 licensing. The three-headed dragon was three companies
19 that ended up becoming two companies, that if you got
20 them as licensees then you knew your brand is really
21 going to go somewhere because their integrity was
22 intact, their credibility was intact, they took care of
23 their licenses the way they were supposed to.

24 THE COURT: You have to slow up. No one can
25 take this down, you're being reported by my court
26 reporter, you're speaking so fast it's impossible.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 A So basically the three-headed dragon was headed up
3 by Phillips Van Heusen. And those companies were Phillips
4 Van Heusen, Peerless, which is a suit manufacturer, and a
5 company called Randa. And Randa was a tie manufacturer.
6 Neckwear.

7 Subsequently, Phillips Van Heusen purchased
8 Randa. Then it became Phillips Van Heusen and Peerless. So
9 at the onset those were the two companies that were at the
10 top of the list to go for for this because they were natural
11 extensions for the Donald Trump brand.

12 Q And how did you -- did you actually speak to the
13 president of Peerless?

14 A Yes, I did.

15 Q And how did that come about?

16 A The president of licensing, Ken Wyse, introduced
17 us via telephone.

18 Q Can you describe the nature of your relationship
19 with Ken Wyse?

20 A Ken Wyse and I had known each other very well for
21 the four years prior when I was with To Exist. He had come
22 up with Phillips Van Heusen when he tried to license the To
23 Exist name for the products that Phillips Van Heusen was
24 interested in. We declined that at that point but Ken and I
25 became friends on a business level.

26 Q Now, I'll show you what has been marked as

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1 Danzer - by Plaintiff - Direct
2 Plaintiff's Exhibit -- Defendant's Exhibits O and P.

3 THE COURT: I have nothing for O.

4 MR. ITKOWITZ: Excuse me?

5 THE COURT: I don't have O.

6 MR. ITKOWITZ: That's a defendant's exhibit.

7 THE COURT: I don't have it.

8 MR. ITKOWITZ: Mr. Goldman, do you have extra
9 copies of O?

10 MR. GOLDMAN: Here is the entire set of all
11 my exhibits.

12 MR. WILTENBURG: I think the issue is the
13 Court doesn't have it.

14 MR. GOLDMAN: You can give that to the Court.
15 You can have another set and you're good to go.

16 THE COURT: I have it now. Do we have one
17 for the witness?

18 MR. WILTENBURG: Do you have an original?

19 MR. GOLDMAN: I just gave you two sets. One;
20 for the Judge --

21 THE COURT: I've got one copy but that's me.
22 Do you have a copy for you?

23 MR. WILTENBURG: I thought we were handing
24 the marked copies to the witness.

25 THE COURT: Do we have O now?

26 THE COURT OFFICER: I have O now, Judge.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 Defendant's O and P.

3 THE COURT: Is O marked in evidence?

4 MR. GOLDMAN: O is in evidence. All of
5 defendant's exhibits are in evidence.

6 BY MR. ITKOWITZ:

7 Q I show you what's been marked as O and P and ask
8 you if you can give us the background as to how these
9 letters came to be written?

10 A Yes.

11 MR. GOLDMAN: Objection to the form. It just
12 asks for a narrative, which is improper.

13 THE COURT: Rephrase.

14 BY MR. ITKOWITZ:

15 Q Did you ask Mr. Ross to write these letters?

16 A Yes, I did.

17 Q Why?

18 A Because when I had my conversation with Ronnie
19 Wurtzberger at Peerless he was doubtful --

20 MR. GOLDMAN: Objection, whatever Mr.
21 Wurtzberger said.

22 THE COURT: What, if anything, happened after
23 you had that conversation? What did you do?

24 THE WITNESS: I contacted George Ross and
25 asked him to please send me letters that attested to
26 the fact that ALM was authorized to be the exclusive
Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 sole licensing agent for Trump Signature Apparel. He
3 sent me that letter. When I sent that to Ronnie
4 Wurtzberger, said that's --

5 MR. GOLDMAN: Objection.

6 THE COURT: Never mind what he said. You
7 can't tell me what he said.

8 So you said it to him. What happened after?

9 MR. ITKOWITZ: Your Honor, may I approach?

10 THE COURT: No. That's hearsay, you don't
11 need to be instructed on hearsay.

12 MR. ITKOWITZ: If I may address that issue?
13 I think --

14 THE COURT: No.

15 Is Mr. Wurtzberger anywhere near this
16 courtroom?

17 MR. ITKOWITZ: I think it goes to his state
18 of mind.

19 THE COURT: No.

20 A I had been asked to submit proof that ALM had the
21 exclusive, sole rights, number one, to be the sole licensing
22 agent for the Trump Signature Collection, as well as a
23 letter stating that there are no other deals pending for
24 products.

25 Q Did you understand that there was a concern that a
26 deal had been made with a company called Marcraft?

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1 Danzer - by Plaintiff - Direct

2 MR. GOLDMAN: Objection, leading.

3 THE COURT: Sustained again.

4 Q Did you -- what did you know about Marcraft at
5 this time, if anything?

6 A Actually I did know about Marcraft. I had sent a
7 letter to a company called Jones New York and Jones New
8 York -- Marcraft was affiliated with Jones New York. That's
9 what I knew about Marcraft. I knew they were a suit
10 manufacturer affiliated with a larger suit company called
11 Jones New York.

12 Q And did you come to know -- did you have any
13 knowledge about what relations, if any, Trump -- the Trump
14 Organization had with Marcraft?

15 A Yes.

16 Q What did you learn?

17 MR. GOLDMAN: Objection. This is going to
18 have to call for a hearsay answer.

19 THE COURT: I don't know that yet. Wait till
20 he says something.

21 A I learned that the Trump Organization had given
22 the license for tailored clothing, suits, to Marcraft.

23 Q How did you learn that?

24 A Ronnie Wurtzberger told me.

25 MR. GOLDMAN: Objection, move to strike the
26 entire testimony about what he knew from Mr.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 Wurtzberger.

3 MR. ITKOWITZ: I think we can cure with the
4 next question.

5 Q Did you have any discussions with Mr. Ross about
6 this?

7 MR. GOLDMAN: Objection. The other testimony
8 is stricken.

9 THE COURT: Sustained. Sustained.

10 Q Did you have any discussions with Mr. Ross about
11 Marcraft?

12 A Yes, I did.

13 Q How did that come about? What did you say to him
14 and what did he say to you?

15 A I told George that it was --

16 THE COURT: Mr. Ross.

17 A I told Mr. Ross that it was brought to my
18 attention that a deal had been done with another suit
19 company and that Peerless was no longer interested in
20 submitting a proposal because they had heard that the
21 license had been given to another company.

22 Q What did Mr. Ross say to you?

23 MR. GOLDMAN: Objection, hearsay.

24 MR. ITKOWITZ: He can testify, your Honor, I
25 believe he can testify about --

26 THE COURT: You know, come on up.

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1 Danzer - by Plaintiff - Direct

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

4 THE COURT: The objection is sustained.

5 Go ahead.

6 BY MR. ITKOWITZ:

7 Q Tell us what, if anything, you did with respect to
8 securing a license with PVH for the month of -- in May and
9 in June?

10 A I'm not understanding what you're asking.

11 Q What steps -- I'd like you to describe to the jury
12 the steps you took to try to secure a license with PVH for
13 the period of April, May and June?

14 A Well, I met with Ken Wyse, the president of
15 licensing there. We had discussions about Trump. I went
16 back to the Donald Trump Organization and met with Donald
17 Trump and with George Ross. I told them that Phillips Van
18 Heusen was very interested in coming to the table.
19 Mr. Trump had said to me bring them to the table tomorrow.
20 I was in his office. We called up Phillips Van Heusen, I
21 spoke with Ken Wyse, said I'm sitting here with Mr. Trump
22 right now, he wants Mark Weber, the CEO, and anyone else you
23 want to bring to come tomorrow to Mr. Trump's office to meet
24 with him to discuss the opportunity.

25 We brought them to that meeting and following
26 that meeting there were several other meetings. Mr. Trump

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1 Danzer - by Plaintiff - Direct
2 was very impressed with Phillips Van Heusen and it
3 culminated in a license.

4 MR. GOLDMAN: Objection. Will we get some
5 time frame when that occurred?

6 THE COURT: Yes. Why don't you tell us when
7 these meetings occurred one after the other.

8 THE WITNESS: You want to --

9 BY MR. ITKOWITZ:

10 Q I would show you --

11 THE COURT: I asked a question. I asked what
12 times.

13 MR. ITKOWITZ: I certainly didn't mean to
14 interrupt, your Honor. I'm sorry.

15 THE WITNESS: So I started the process in
16 February. In February --

17 THE COURT: I don't need -- just times, give
18 me the times you said you met. When did you meet?

19 THE WITNESS: I met with Phillips Van Heusen
20 shortly after the letters were sent. I don't have the
21 exact dates in front of me.

22 THE COURT: You said you met with Mr. Trump
23 and you were in his office. When was that?

24 THE WITNESS: It was following my meeting
25 with Mr. Wyse.

26 THE COURT: So that's the answer.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 Go ahead.

3 BY MR. ITKOWITZ:

4 Q I show you -- I'd like to show you a document
5 which has been premarked as Exhibit 112.

6 THE COURT: You need two copies.

7 (Pause.)

8 THE COURT: We have to mark it for
9 identification.

10 MR. ITKOWITZ: I apologize.

11 What about for the witness?

12 THE COURT OFFICER: The court reporter's
13 marking it now, Judge.

14 THE COURT: Okay.

15 (Document with the heading Trump marked
16 Plaintiff's 112 for identification, as of this date.)

17 THE COURT: Go ahead.

18 (Continued on next page.)

19

20

21

22

23

24

25

26

Donna Evans, Official Court Reporter

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Q What is this?

3 THE COURT: What is this?

4 A This is my to do list that I used to keep on my desk.
5 Everyday I had a to do list, and I would just mark off what I
6 was doing that day.

7 Q And is this your to do list for covering portions of
8 May of 2004?

9 A Yes.

10 MR. ITKOWITZ: I move it into evidence.

11 MR. GOLDMAN: Objection.

12 THE COURT: You want to voir dire?

13 MR. GOLDMAN: Yes, I want to see the whole
14 document. It's just one page, it's not the original.

15 THE COURT: Was this exchanged in discovery?

16 MR. GOLDMAN: It was exchanged in discovery, but
17 Mr. Danzer was never deposed. It was given to me.

18 THE COURT: Did you get anything more than this one
19 page?

20 MR. GOLDMAN: I honestly -- it was years ago, I
21 don't know.

22 THE COURT: Does this consist of 78 pages that you
23 have?

24 THE WITNESS: Well, there is a daily log, then I
25 would just keep a running log of this.

26 THE COURT: Where is this log?

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 THE WITNESS: It's been years.

3 THE COURT: Well, you knew there was a litigation,
4 so you didn't destroy that, right?

5 THE WITNESS: I really wouldn't even know where to
6 begin to look for it.

7 THE COURT: Did you give it to your attorneys?

8 THE WITNESS: I did not.

9 THE COURT: Do you have any other pieces of paper?

10 MR. ITKOWITZ: I don't, Your Honor. This is what
11 we have, it was turned over, and I'm not aware that we have
12 any others. And if they didn't depose Mr. Danzer, that was
13 their decision.

14 MR. GOLDMAN: Your Honor, because he turns over a
15 photocopy of a piece of paper doesn't mean it gets into
16 evidence. He has a full book. We should have a book.

17 THE COURT: Should have the original, right?

18 Q Mr. Danzer --

19 THE WITNESS: If my memory serves me correct, when
20 I left ALM I left everything that had to do with -- anything
21 from ALM with ALM. So if the book is anywhere with my
22 notes, then they would be with ALM.

23 THE COURT: Well, have you asked your client for
24 where books are?

25 MR. ITKOWITZ: The issue of the originality of it
26 has not been an issue. It was produced, nobody ever asked

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 for it; and therefore, it has not been an issue in the case.

3 THE COURT: Why don't you get it admitted. Go talk
4 to your client and see if there's the rest of the book.

5 MR. ITKOWITZ: My client doesn't know. Nobody ever
6 asked. It was produced as a copy and nobody ever asked for
7 it.

8 THE COURT: Take it for what it's worth. I'll
9 permit it for what it's worth.

10 Q Mr. Danzer, does this refresh your recollection as to a
11 particular date that you interacted with Mr. Wyse?

12 A Yes.

13 Q And tell us what -- tell us when you interacted with
14 Mr. Wyse in the first 11 days of May?

15 A Well, on May 7th --

16 THE COURT: Well, he can't read from this. This is
17 not in evidence, right?

18 MR. ITKOWITZ: No. I moved it into evidence.

19 THE COURT: It's objected to?

20 MR. GOLDMAN: Yes.

21 THE COURT: It was objected to.

22 MR. GOLDMAN: If it's just being used to refresh
23 his recollection, it doesn't even have to come into
24 evidence.

25 THE COURT: You're right. All right. So use it to
26 refresh his recollection.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Q So, Mr. Danzer, in refreshing your recollection -- when
3 you look at it, put it down and tell us when you spoke to
4 Mr. Wyse?

5 A So on May 4th I spoke to Mr. Wyse, and he said call
6 back on Thursday to set up a meeting.

7 MR. GOLDMAN: Objection as to what he said.

8 THE WITNESS: It's right here.

9 MR. GOLDMAN: Objection as to what he said.

10 MR. ITKOWITZ: I move the document into evidence,
11 Your Honor, as his record, his business record.

12 Q Did you -- excuse me, back up. Did you keep this in
13 the regular course of business?

14 A Yes.

15 Q Is this a true and accurate copy of what you wrote back
16 in May of 2004?

17 A Yes.

18 MR. ITKOWITZ: I move it into evidence.

19 MR. GOLDMAN: Putting aside that -- I'm going to
20 voir dire on it.

21 THE COURT: Go ahead. Please sit down for voir
22 dire.

23 When you voir dire something, jurors, it goes to
24 authenticity of the document. That's the issue here,
25 whether or not this document is authentic enough to be
26 admitted into evidence.

1 Danzer - Plaintiff - Voir Dire (Mr. Goldman)

2 Go ahead.

3 VOIR DIRE EXAMINATION

4 BY MR. GOLDMAN:

5 Q Sir, the typed letter that says Ken Wyse and Seth
6 Gertszberg, do you see that?

7 A Yes.

8 Q Did you type that?

9 A I did.

10 Q Okay. And the date, did you type those dates?

11 A I did.

12 Q And now, the book that this was kept in, was it a loose
13 book, a binder?

14 A It was a looseleaf.

15 Q It was a looseleaf?

16 A Yes.

17 Q And the looseleaf binder had all the days of things
18 that you were working on for this project?

19 A It was for every project. It was just a running log of
20 what I did.

21 Q Well, you were working on just Mr. Trump's project,
22 right?

23 A I was working on Mr. Trump's project, as well as there
24 was another project I was working on all day as well.

25 Q And it was all kept in the book?

26 A All kept in the book.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Q And the book is your business record, correct?

3 A Correct.

4 Q And it's the book that you had to keep those records
5 in?

6 A Correct.

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

8 It's the book that's the business record, it's not a piece
9 -- one paper out of a series of who knows how many papers
10 that are a business record. It's the book.

11 MR. ITKOWITZ: Your Honor, it's a true and accurate
12 -- he's testified it's a true and accurate copy.

13 THE COURT: The issue with a business record
14 exception is that the business record has to be done at the
15 time that the record was made and nothing to do with him.
16 We don't know. This could be made up today for all we know.
17 There is no authenticity to it.

18 I'm going to sustain the objection.

19 CONTINUED DIRECT EXAMINATION

20 BY MR. ITKOWITZ:

21 Q Directing your attention to this document, when did you
22 make these entries?

23 A In May of 2004.

24 Q And did you make those entries concurrently with the
25 events?

26 A Yes.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Q And was that your practice?

3 A Yes.

4 MR. ITKOWITZ: I move it into evidence.

5 MR. GOLDMAN: Your Honor --

6 THE COURT: Sustained. It's not going into
7 evidence. If you had produced the book, if you had produced
8 more than one paper, maybe, but not now.

9 Jurors, unfortunately I have my ex parte person
10 here. This is the week I am the ex parte judge and so that
11 means I have to sign -- show the amount of documents you've
12 got there. I have to look at them, sign those, if I sign
13 them. But anyway, I have to deal with them, so you get a
14 six-minute reprieve from testimony, all right. You may
15 leave.

16 Don't discuss the case. Keep an open mind. See
17 you back in six minutes.

18 (Whereupon, the jury exits the courtroom and the
19 following transpired:)

20 (Whereupon, a brief recess was taken.)

21 THE COURT: Come on back up.

22 (Whereupon, the witness resumes the stand.)

23 (Whereupon, the jury enters the courtroom and the
24 following transpired:)

25 THE COURT: Please be seated. All right. Go
26 ahead.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2
3 MR. ITKOWITZ: Show the witness what has been
4 premarked as Exhibit 68 in evidence.

5 (Document handed to the witness.)

6 THE COURT: Where is that?

7 Q Is that an e-mail you wrote to Mr. Ross?

8 A Yes, it is.

9 Q By the way, you referred to George Ross before as
10 George?

11 A Yes.

12 Q Why did you refer to him as George?

13 A I've always called him George.

14 Q And is that how you refer to him when you speak to him?

15 A Yes.

16 Q How many times did you speak to him would you say in
17 2004?

18 A Many times.

19 Q How did he call you -- how did he address you?

20 A It was always Jeff.

21 Q In this letter -- in this e-mail you request that he do
22 something. What did you request? Well, let me skip it a
23 minute.

24 As a result of this e-mail, did you --

25 THE COURT: Are you withdrawing that question then?

26 MR. ITKOWITZ: I'm withdrawing it, yes.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Q I show you what's been marked as trial Exhibit Q.

3 (Document handed to the witness.)

4 THE COURT: Q?

5 COURT OFFICER: Q in evidence.

6 Q How did it come about that Defendant's Q came in to
7 being?

8 A I spoke with Ken Wyse and Ken Wyse had told me that --

9 MR. GOLDMAN: Objection.

10 THE COURT: Never mind what Mr. Wyse said to you.

11 MR. ITKOWITZ: Your Honor, if I may be heard on
12 that.

13 THE COURT: No, not in front of the jury. If you
14 want to come up, then come up.

15 MR. ITKOWITZ: Sure.

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

18 Q Defendant's Q is the letter to you, correct?

19 A Right.

20 Q What does that letter say?

21 MR. GOLDMAN: Objection. Asking the witness what a
22 letter says is improper.

23 THE COURT: It's in evidence, all right. So --

24 MR. ITKOWITZ: I understand that. I'd like the
25 jury to understand what we're doing here. So just to
26 summarize the letter.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 MR. GOLDMAN: Objection. That's the purpose of the
3 question. It's palpably improper.

4 THE COURT: Sustained.

5 Q Did you ask Mr. Ross to write this letter?

6 A I did.

7 Q Why did you ask him to write this letter without
8 referring to any conversations?

9 A Because it had come to my attention that there was
10 somebody out there in the licensing world or saying they're in
11 the licensing world calling companies that we had called on
12 saying that they had the exclusive right to license the Donald
13 Trump Signature Collection name and it wasn't me.

14 Q So what was the purpose of this letter?

15 A To allay the fears of any license -- of any potential
16 licensee that we had -- that ALM had the exclusive and sole
17 right to present the Donald Trump Signature Collection name to
18 apparel companies.

19 Q Did you show this to anybody?

20 A I did.

21 Q Who did you show it to?

22 A I showed it to Ken Wyse at Phillips-Van Heusen.

23 Q And did you show it to anybody else?

24 A I don't recall.

25 Q Okay. I show you what's been marked as Exhibit 69.

26 (Document handed to the witness.)

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Q Can you tell me why you wrote an e-mail to Mr. Wyse?

3 A To let him know that we had a meeting at the Trump
4 Organization.

5 Q Now, prior to this, your writing this e-mail to
6 Mr. Wyse, had you spoken to anybody at the Trump Organization
7 about setting this meeting up?

8 A Yes.

9 Q Who had you spoken to?

10 A I had spoken with either the secretary or George Ross.

11 Q Had you spoken -- as of June 16th, had you spoke to
12 Mr. Trump?

13 A As of June 16th? I was speaking with Mr. Trump on and
14 off throughout.

15 Q Just from February let's say to November of '04, could
16 you estimate how many times you spoke to Mr. Trump personally?

17 A At least four.

18 Q I show you what's been marked 92.

19 (Document handed to the witness.)

20 COURT OFFICER: 92 in evidence.

21 Q Can you tell us why Exhibit 92 was written?

22 A This is a confirmation from Phillips-Van Heusen about
23 the meeting that was going to be held at the Trump Organization.

24 Q Tell the jury what the significance of -- was this a
25 significant meeting?

26 A It was a very significant meeting.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Q Why was it a significant meeting?

3 A Well, when I was meeting with Mr. Trump, Mr. Trump said
4 get Phillips-Van Heusen here now. The next day we got
5 Phillips-Van Heusen to Mr. Trump's office for this meeting.

6 Q So this meeting occurred on June 24th?

7 A Correct.

8 Q So is it your testimony you spoke to Mr. Trump on the
9 23rd or the 22nd?

10 A I spoke with Mr. Trump the day before, on the 23rd. I
11 was in his office, and he told me to get them on the phone.

12 Q When he said get them on the phone, who did he say get
13 on the phone?

14 A He said get Phillips-Van Heusen on the phone. And I
15 called Ken Wyse, the president of Phillips-Van Heusen; I said,
16 I'm sitting with Mr. Trump right now, he wants to meet with you
17 in his offices tomorrow. He said, hold on one second. He put
18 me on hold, he called Mark Weber, who is the CEO, and whoever
19 else he had to call there. He said, okay, 11 o'clock tomorrow.
20 I asked Mr. Trump if 11 o'clock the next day was fine, he said
21 yes, and we had the meeting in his office.

22 Q Now, what occurred at that meeting?

23 A It was an introduction, more than anything else, for
24 Phillips-Van Heusen.

25 MR. GOLDMAN: Sorry, I didn't hear what you said.

26 A An introduction. So we were introducing Phillips-Van

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)
2 Heusen to Mr. Trump. Mr. Trump was introducing himself and the
3 licensing opportunity to Phillips-Van Heusen and basically
4 discussion about the opportunity to license the Donald Trump
5 name for dress shirts and neckwear.

6 MR. GOLDMAN: I'm sorry, was that the June 24th
7 meeting? That's what we're talking about?

8 THE COURT: I think so.

9 MR. GOLDMAN: Okay.

10 Q I'm adopting that question. Is this the June 24th
11 meeting?

12 A This is the June 24th meeting.

13 MR. GOLDMAN: Okay.

14 Q Now, who came -- who was at that meeting?

15 A Oh, at that meeting was myself, Mr. Trump, Mr. Ross,
16 Ken Wyse, Allen Sirkin, Mark Weber.

17 Q Who's Allen Sirkin and Mark Weber?

18 A Mark Weber is the CEO of Phillips-Van Heusen and Allen
19 Sirkin was the co-chairman of the dress shirt division.

20 Q Okay. And what did you do -- could anybody, in your
21 opinion, could anybody have set this meeting up?

22 MR. GOLDMAN: Objection.

23 THE COURT: Sustained.

24 Q Mr. Trump has said that, in this trial, that he didn't
25 need you to set this meeting up and to set any meeting up with
26 Phillips-Van Heusen.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Do you have an opinion about that?

3 MR. GOLDMAN: Objection.

4 THE COURT: It's sustained.

5 Q How were you able to get this meeting set up?

6 A Ken Wyse, president of licensing, and I have been good
7 friends for a long time. We had a good relationship. I had a
8 good relationship with Mark Weber, who is CEO. Not as tight,
9 but I see him out at events, et cetera, shake hands, relax,
10 maybe a few drinks or so. They knew who I was, so I had a
11 direct in at the highest levels at Phillips-Van Heusen.

12 Q What did you -- what, if anything, did you do to sell
13 Mr. Trump to them?

14 A It was a hard sell.

15 MR. GOLDMAN: Objection, timeframe.

16 THE COURT: Please give us a timeframe.

17 Q Give us a timeframe.

18 A Well, starting in February when I had initially
19 contacted Phillips-Van Heusen, it was a hard sell and I had to
20 prove to them that the Trump name, the Trump Signature
21 Collection really had cache.

22 According to Phillips-Van Heusen, my conversations, I
23 came to learn that they had --

24 MR. GOLDMAN: Objection. Based upon hearsay.

25 THE COURT: Sustained. After you've had these
26 conversations what, if anything, happened?

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 THE WITNESS: After I had this conversation, I
3 still kept them on the hook. Ken Wyse and I kept talking
4 about a lot of different other things, and I kept mentioning
5 Trump, and I kept mentioning how he's really starting to
6 escalate in the ratings and how they should take a good look
7 at it.

8 We had conversations about other licenses that
9 Phillips-Van Heusen Company had done in the past that really
10 didn't go so well, and I had to allay their fears with
11 regards to the Trump license that this would go in a
12 different direction than ones they had done in the past had
13 gone.

14 Over the course of months, so that is from February
15 until June, until we finally had this meeting, we finally
16 had sufficient traction for us to say, okay, it's really
17 time to make this happen, if you guys really want to make
18 this happen, step up. I had spoken to Ken Wyse again right
19 before that and Ken Wyse had told me that they were looking
20 at that time --

21 MR. GOLDMAN: Objection.

22 THE COURT: Not what he said to you, that
23 conversation, what happened after that?

24 THE WITNESS: After my conversation with Ken Wyse,
25 it was determined that we should have a meeting, but I
26 needed to go to Mr. Trump first and mentioned to him that

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 they were very interested. He said great, get them here
3 tomorrow. That's how the meeting transpired.

4 Q Now, was it evident to you by June 24th that -- were
5 you familiar with the requirements of the memorandum of
6 understanding?

7 A I was.

8 Q And in particular, there was a \$25 million requirement?

9 A There was.

10 Q As of June 24th, did you have an opinion as to whether
11 you could hit that number with Phillips-Van Heusen?

12 A I had hoped we could hit that number. I had had
13 conversations with Ken Wyse detailing the fact that they were
14 looking for a number.

15 Can I say what the number was?

16 Q Yes.

17 A So it was \$25 million over seven years in royalties and
18 he and --

19 Q Don't tell us what he said.

20 A I was lead to understand that that --

21 MR. GOLDMAN: Objection. Calls for a hearsay what
22 he was lead to believe.

23 THE COURT: Yeah, I'll allow it.

24 A Okay. That most probably would not be a number that
25 would be attainable.

26 Q Did you discuss that with Mr. Ross and Mr. Trump?

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 A I did.

3 Q And when did you discuss that with Mr. Ross and Mr.
4 Trump?

5 A In the meeting where I was speaking with them about
6 Phillips-Van Heusen and when Donald said -- when Mr. Trump said
7 bring them to the table.

8 Q And what did you say to Mr. Trump and what did Mr.
9 Trump say to you about the ability to hit 25 million?

10 A I said in my conversations with Phillips-Van Heusen
11 already I don't know that they are going to be able to hit the
12 \$25 million threshold.

13 Q And what did he say?

14 A He said, bring them in here.

15 Q He said what?

16 A Bring them in here. The conversation really was a
17 conversation about who we had on track and basically giving him
18 a Readers Digest of where we were with the process; and I was
19 mentioning it was a very hard sell to get the dollars that he
20 was looking for out of any company, including Phillips-Van
21 Heusen. But Phillips-Van Heusen is a huge name, so when he
22 heard Phillips-Van Heusen he said, okay, if they are really
23 interested, get them in here tomorrow. And we did.

24 Q All right. Now, I show you what's been marked as
25 Exhibit 70.

26 THE COURT: What was the number?

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 MR. ITKOWITZ: Seventy. Seven zero.

3 (Document handed to witness.)

4 Q Now, can you briefly tell us why you wrote this e-mail?

5 A Who I wrote it to?

6 Q Yeah.

7 A So I wrote this letter to Mr. Ross and it was because I
8 had received a phone call from Mr. Wyse.

9 Q What did you tell George?

10 A I told -- what had happened was Mr. Wyse had received a
11 phone call from George Ross. In our business when you are an
12 agent working a deal as a licensing agent, everything goes
13 through the agent, and this was a direct phone call from Mr.
14 Ross to Ken Wyse. Ken, being the friend that he is, called me
15 to let me know.

16 Q And what did you tell Mr. Ross?

17 A That was inappropriate and unacceptable.

18 Q And why did you tell him that?

19 A Because it was inappropriate and unacceptable. If he
20 had a question and wanted to speak with them or wanted to put in
21 a courtesy call, et cetera, he should at least ask me first and
22 tell me what it was about, but he didn't.

23 Q And what effect, if any, did this have on the potential
24 of getting this license?

25 A Well, Ken started questioning again our credibility.
26 Mr. Wyse was wondering why he was getting --

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 MR. GOLDMAN: Objection what Mr. Wyse --

3 THE COURT: Sustained.

4 Q What did you write Mr. Ross? Forget what Mr. Wyse
5 said. What did you tell Mr. Ross in this letter about what Mr.
6 Wyse --

7 A Basically, the assessment was that Mr. Ross and I were
8 not communicating.

9 Q What did you tell Mr. Ross needed to be done?

10 A That we have to do a better job communicating with each
11 other. I was trying to be as nice as I could. Just as a little
12 background --

13 MR. GOLDMAN: Objection.

14 THE COURT: We don't need background.

15 A I was trying to be as nice as I could, and I said you
16 have to work better together. We have to communicate with each
17 other so that we both understand and we're both on the same
18 page, because the last thing that we need is a potential client
19 for a licensee feeling that we're not on the same page.

20 Q I show you what's been marked as Plaintiff's Exhibit
21 94.

22 (Document handed to the witness.)

23 Q What was the purpose of this e-mail?

24 A This e-mail was to schedule a meeting with Mr. Trump at
25 Phillips-Van Heusen.

26 Q Excuse me?

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 A This is an e-mail to schedule a meeting with Mr. Trump
3 at Phillips-Van Heusen's offices.

4 Q And did that happen?

5 A Yes, it did.

6 Q And what was the nature of that meeting?

7 A It was basically to discuss the terms of the deal, the
8 different products that Phillips-Van Heusen was going to -- was
9 going to take the license for and really to put the deal
10 together.

11 MR. GOLDMAN: Objection. Move to strike. There's
12 no timeframe, there's no anything.

13 MR. ITKOWITZ: Well, the timeframe is reflected --

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

15 MR. ITKOWITZ: - in trial 94.

16 THE COURT: Why don't you ask him the timeframe.

17 Q Tell us the timeframe.

18 A This was July 22, 2004.

19 MR. GOLDMAN: Objection. He just read when the
20 e-mail was. That's not when the meeting occurred.

21 Q When did the meeting occur?

22 A The meeting occurred -- it was on -- I believe that it
23 was Thursday. I don't exactly remember the date.

24 Q Was it the next couple of days afterwards?

25 A It was shortly thereafter that we had that meeting.

26 Q Now, I show you what's been marked as Plaintiff's

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Exhibit 23.

3 (Document handed to the witness.)

4 Q Tell us why you wrote -- who you wrote this letter to?

5 A This letter was written to Mr. Trump.

6 Q And why did you write this letter?

7 A I had a conversation with him a few days before, I
8 guess it was the Thursday before this letter, and had mentioned
9 to him that Phillips-Van Heusen was not going to be able to
10 again hit the number that he is looking for. So from the
11 beginning Mr. Trump was still interested in the \$25 million
12 seven-year threshold, and Phillips-Van Heusen did not feel that
13 it was attainable to hit those numbers.

14 We had to go back to Mr. Trump and tell Mr. Trump that
15 I want to bring PVH back to the table, let's have a meeting with
16 Phillips-Van Heusen. So we chose to have that meeting with
17 Phillips-Van Heusen and then this letter was sent to Mr. Trump
18 just -- yes, basically to go over the terms of our agreement as
19 we extended and talk about what was going to happen next.

20 Q Did there come a time after you sent this letter that
21 you met with Mr. Trump?

22 A Yes, I did, with Mr. Trump, after this letter.

23 Q And at that meeting, did you discuss with him whether
24 you needed -- did you discuss with him the issue of modifying
25 the memorandum of understanding?

26 MR. GOLDMAN: Objection. Leading and no timeframe.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 THE COURT: Make sure you put a timeframe in.

3 Again, that was a leading question.

4 Q Did there ever come a time when you spoke to Mr. Trump
5 about ALM's deal with Trump?

6 A Yes.

7 Q And when was that and why was that?

8 A It was as we were having -- as we were getting the
9 Phillips-Van Heusen meeting together to bring everyone together
10 and we --

11 Q What month?

12 A That was in July of 2004. When we realized that we
13 weren't going to hit the \$25 million seven-year threshold, we
14 went back to Mr. Trump and we said we have to talk about our
15 deal. He wanted Phillips-Van Heusen to the table, and we had a
16 percentage in the agreement that he was not happy with. He
17 mentioned he was not happy with it, and he told us we were going
18 to be getting a much lower percentage.

19 THE COURT: A what?

20 THE WITNESS: He was going to give us a much lower
21 percentage.

22 Q When you say "a lower percentage," you're talking about
23 a commission?

24 A Yes.

25 Q Tell us about that discussion; what did you say to him,
26 what he did he say to you?

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 A I mentioned that Phillips-Van Heusen, who was the
3 kingpin of licensing at the time and had the greatest potential
4 to hit those numbers within the licensees that we've been
5 speaking with, most probably would not be able to hit that
6 number; and he said your agreement calls for -- you didn't hit
7 that number. And we said, well, we're bringing you an amazing
8 company, we're bringing you Phillips-Van Heusen. And he said,
9 you will not get more than 10 percent for this deal.

10 Q And what did you say to him?

11 A I said --

12 Q Did you accept that?

13 A I did not accept it. I said I would have to take it
14 back to Mr. Hager, who is the president and chairman of ALM, and
15 discuss it with him; but the last thing they wanted to do was
16 lose a deal over the percentage.

17 Q Did there ever come a time when Mr. Trump offered you
18 10 percent?

19 A That's what he said. He said you will not get more
20 than 10 percent.

21 Q Did he say you will get less than 10 percent?

22 MR. GOLDMAN: Objection, leading.

23 THE COURT: Sustained.

24 MR. ITKOWITZ: No, I said --

25 MR. GOLDMAN: Objection, no question.

26 MR. ITKOWITZ: Excuse me.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 THE COURT: Sustained.

3 Q Tell us all that you can about your discussion with Mr.
4 Trump about 10 percent?

5 MR. GOLDMAN: Objection. It was asked and
6 answered. He wasn't happy with the answer.

7 THE COURT: Sustained. Ask another question.

8 (Continued on next page.)
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1 Danzer - by Plaintiff - Direct

2 BY MR. ITKOWITZ:

3 Q In your discussions with Mr. Trump, did he
4 acknowledge that the 25 million wasn't going to be hit?

5 MR. GOLDMAN: Objection. Asked and answered.

6 THE COURT: And it's leading.

7 Q What, if anything, did you say to Mr. Trump and
8 what did he say to you with respect to the 25 million-dollar
9 target?

10 MR. GOLDMAN: Objection. It was asked and
11 answered.

12 THE COURT: Again, give us a time frame.

13 MR. ITKOWITZ: In July of 2004.

14 THE COURT: I'll allow it.

15 THE WITNESS: Can you ask the question again?

16 THE COURT: Read it back.

17 (Record read.)

18 A I mentioned that it didn't look like we'd be able
19 to hit the 25 million-dollar target in my discussions with
20 Phillips Van Heusen, they did not feel that was attainable.
21 He said, well you're certainly not going to get your
22 22.5 percent on this deal. Our deal is that you were going
23 to hit a certain threshold, the most you're going to get is
24 10 percent. I said I will take your offer of 10 percent
25 back to Mr. Hager.

26 Q And did you?

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 A I did.

3 Q And what did you do next?

4 A There was another part to that conversation. He
5 had also said --

6 MR. GOLDMAN: Objection, move to strike.

7 THE COURT: What, if anything, did you do
8 next is the question before you.

9 THE WITNESS: Okay.

10 A I brought the 10 percent offer to Mr. Hager.

11 Q And when after you spoke to Mr. Hager did you
12 again meet with Mr. Trump?

13 A We drafted a letter.

14 Q I'll get to that letter in a minute.

15 I just want to show you Trump Exhibit 99.

16 (Pause.)

17 Q Can you tell us what -- who you were writing to in
18 Trial Exhibit 99?

19 A I was writing to Rhona Graff, who is the -- Donald
20 Trump's secretary.

21 Q And what did you tell Rona in this letter?

22 A That it is imperative that I meet with her before
23 the Phillips Van Heusen meeting. Not that I meet with her
24 but I meet with Mr. Trump before the Van Heusen meeting,
25 because I had sent a letter to Mr. Trump talking about the
26 10 percent, et cetera, and we didn't have an agreement on

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct
2 paper about that 10 percent. So I wanted to make sure we
3 had that meeting before -- I had something in writing before
4 we met with Van Heusen again.

5 Q And did you also mention another company?

6 A Yes, Coty.

7 So Coty is a fragrance manufacturer. The
8 reason why Coty is called out separately in this document as
9 well as other documents that I wrote is because our
10 agreement, the initial agreement was for apparel, for
11 clothing, and Coty was a cosmetics company. That did not
12 fall within the deal but here I was bringing another large
13 company to Mr. Trump and wanted to make sure that we were
14 going to get paid for that deal.

15 Q I show you what's been marked as 114 --

16 MR. ITKOWITZ: That has not been marked. I
17 have an a extra copy.

18 (Pause.)

19 THE COURT: Gary, the witness, wants to say
20 something.

21 (Pause.)

22 THE COURT: Let's give him five minutes.
23 Please don't discuss the case. Keep an open mind, see
24 you back here in five minutes.

25 (Whereupon, the jury retired from the
26 courtroom.)

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 (Recess.)

3 THE COURT: Mr. Danzer.

4 THE WITNESS: Yes.

5 THE COURT: Mr. Danzer, obviously your
6 attorney hasn't instructed you about how you act in
7 court. Let me tell you something. You don't talk to
8 me, all right? I am over here behind this barrier.
9 You don't talk to the jury and you don't begin
10 talking -- just begin talking to the jury because
11 you're just saying things, all right? If there's an
12 emergency then you talk to -- you talk to the Court
13 Officer, you say I have to go to the bathroom, I will
14 break and you can go to the bathroom, but to talk to me
15 about I don't know what, I still don't know what and I
16 don't want to know what, that you cannot do.

17 All right? So take five minutes and go
18 outside and talk to your lawyer.

19 MR. GOLDMAN: He can't talk about his
20 testimony.

21 MR. ITKOWITZ: I can't talk to you about your
22 testimony.

23 (Document dated July 29, 2004 marked
24 Plaintiff's Exhibit 114 for identification, as of this
25 date.)

26 THE COURT: Let's bring the jury.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 Mr. Danzer, come back up.

3 (Whereupon the witness resumed the witness
4 stand.)

5 (Where possible, the jurors entered the
6 courtroom and resumed their respective seats in the
7 jury box.)

8 THE COURT: Please be seated.

9 114 has been marked for identification and
10 shown to the witness.

11 MR. ITKOWITZ: That's 114, correct, your
12 Honor.

13 THE COURT: 114.

14 BY MR. ITKOWITZ:

15 Q Mr. Danzer, can you tell us what Exhibit 114 is?

16 A Yes. Exhibit 114 is a blackberry text that I sent
17 to Mr. Hager letting him know that I bumped into Mr. Ross
18 while I was waiting to speak with Mr. Trump and Mr. Ross was
19 shocked and surprised that I was there asking --

20 MR. GOLDMAN: Objection, asking what he said.

21 THE COURT: Sustained.

22 MR. ITKOWITZ: I don't think he said what
23 Mr. Ross said.

24 THE COURT: Yes, and he said. That's what he
25 just said.

26 THE WITNESS: Can I -- he asked.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 BY MR. ITKOWITZ:

3 Q Did Mr. Ross say anything to you?

4 A Yes.

5 THE COURT: As a result of that what, if
6 anything, did you do.

7 THE WITNESS: As a result of what Mr. Ross
8 said to me, I sent Mr. Hager a text about the
9 encounter.

10 BY MR. ITKOWITZ:

11 Q And you said Mr. Ross was surprised?

12 THE COURT: You can't read it, it's not in
13 evidence.

14 MR. ITKOWITZ: I'm moving it into evidence,
15 your Honor.

16 THE COURT: Are you objecting to it going
17 into evidence?

18 MR. GOLDMAN: No, your Honor.

19 THE COURT: All right. Mark it 114 in
20 evidence.

21 (Whereupon Plaintiff's Exhibit 114 was
22 received in evidence, as of this date.)

23 THE COURT OFFICER: Exhibit 114 in evidence.

24 BY MR. ITKOWITZ:

25 Q Now, did you meet with Mr. Trump on July 29th?

26 A I did.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 Q And was that a result of the letter or e-mail, the
3 fax that you sent to Miss Rhona Graff on July 28?

4 A Yes.

5 Q And what was the nature of the discussion with
6 Mr. Trump?

7 A It was to discuss the letter that I sent
8 previously letting him know that we had to discuss our deal.

9 Q I'll show you what has been marked as Exhibit L
10 and Trial 100.

11 THE COURT OFFICER: Plaintiff's 100,
12 Defendant's L in evidence.

13 THE COURT: This is the same one?

14 MR. ITKOWITZ: No.

15 These are both in evidence, your Honor.

16 THE COURT: Okay.

17 BY MR. ITKOWITZ:

18 Q These are two separate letters, correct?

19 A Correct.

20 Q But they are both to Mr. Trump?

21 A Correct.

22 Q Tell us why you wrote two separate letters to
23 Mr. Trump, one on August 2nd and one on August 3rd?

24 A In our conversation with Mr. Trump, the
25 conversation included Coty. Coty is a fragrance
26 manufacturer. So I wrote a separate letter for Coty, since

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 that did not fall within original auspices of the deal.

3 Q When you say the original auspices of the deal,
4 you're talking about the memorandum of understanding?

5 A Yes. From what I understood the deal was about
6 apparel. The original deal was about apparel. Coty was not
7 an apparel company.

8 So I specified in one letter Coty, which was
9 outside of the realm of the original agreement. That was
10 one letter. And a very similar letter with regard to any
11 deal that we bring to the Trump Organization.

12 By that time, Mr. Trump and I were already in
13 discussions beyond the apparel. So -- but we didn't have
14 anything in writing. So we had the apparel deal that was
15 still in force and we had no other deal for anything else.
16 So I drafted a letter for the Coty deal, which was about
17 fragrance. Then I drafted a letter about any deal that we
18 bring to the Trump Organization. That's what these two are.

19 Q The second letter, the non-Coty letter, the
20 August 3rd letter, which was denominated Trial 100, did that
21 pertain to a specific company?

22 A It pertained to any company that we bring to the
23 Trump Organization.

24 Q At that time --

25 MR. GOLDMAN: Objection, move to strike. It
26 called for a yes or no.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 THE COURT: Did that deal --

3 Sustained.

4 Reread the question.

5 (Record record.)

6 A No.

7 Q At the time that you wrote that letter, what
8 apparel companies were you working on?

9 A There were several that I had been speaking with.
10 If I remember correctly at the time there was Peerless,
11 there was Marzotto, there was Dolce & Gabana, that there
12 were a slew of companies we were talking about for apparel.

13 Q Even in August?

14 A Even in August we never stopped speaking to these
15 companies. They up until that point had really not
16 expressed serious interest in it, but nothing had
17 transpired, but we were still keeping contact with them.

18 Q At the time were there any companies that
19 expressed serious interest?

20 A There were.

21 Q Which one?

22 A Peerless was the big one.

23 Q As of August 3rd, 2004, what other apparel company
24 were you seriously working on, if any?

25 A None seriously.

26 Q What about Philip Van Heusen?

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 MR. GOLDMAN: Objection, leading.

3 THE COURT: That's leading.

4 Q Did you ever stop working on Phillips Van Heusen?

5 A No.

6 MR. GOLDMAN: Objection, leading.

7 THE COURT: Overruled. I'll allow it.

8 Q When you met with Mr. Trump in late July, were you
9 discussing Phillips Van Heusen?

10 MR. GOLDMAN: Objection.

11 THE COURT: That's still leading.

12 Please don't lead, you're doing a direct.

13 MR. ITKOWITZ: Okay.

14 Q Now, on the August 3rd letter, in both of these
15 letters you state the following -- it's the same in both
16 letters. You say: Mark and I discussed your offer of
17 10 percent.

18 Tell us about Mr. Trump's offer of
19 10 percent?

20 A Mr. Trump had said that you will not get more than
21 10 percent for this -- for what you're doing. I had gone to
22 Mr. Trump and said, well, as per the original arrangement we
23 had, we were supposed to get a higher percentage because we
24 were doing a lot of things to manage the brand. He said
25 nobody manages my brand but me. You will get a -- he was
26 offering a 10 percent finders fee, basically, but he said if

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 you can come up with another way to increase ALM's
3 percentage as well as our percentage, I'm open to it.

4 So in this letter that I'm sending to him, as
5 well as in the Coty letter that I sent to him, I mentioned
6 the 10 percent and in addition said we would like to propose
7 the following scale as we move forward so we can increase
8 the percentage for ALM.

9 Q When you met with him in his office, did you
10 discuss the issue of continuing to work on branding with
11 Mr. Trump?

12 MR. GOLDMAN: Objection. Leading.

13 THE COURT: It is leading.

14 Sustained.

15 Q What discussions, if any, did you have with
16 Mr. Trump in July with respect to branding?

17 MR. GOLDMAN: Objection.

18 THE COURT: That I'll allow.

19 A We discussed the possibility of ALM doing what we
20 were originally supposed to do, which was to manage the
21 license. Mr. Trump said I'm going to handle all of that
22 myself.

23 Q And did he make any other comments to you?

24 A At that time, I believe -- if my recollection is
25 correct, it was at that time that he told me that they were
26 going to do everything internally.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 Q Did Mr. Trump indicate to you -- what, if
3 anything, did he indicate to you as to what his reason was
4 for managing it internally?

5 MR. GOLDMAN: Objection. Leading. Now he's
6 going to ask him --

7 THE COURT: No.
8 Please rephrase.

9 Q Did Mr. Trump indicate anything with respect to
10 his preference when it comes to managing his affairs?

11 MR. GOLDMAN: Objection.

12 THE COURT: That's been asked and answered in
13 the first place. Second, that is leading.

14 Leading, ladies and gentlemen of the jury is
15 when an answer -- when a question can be answered yes
16 or no. That's what leading is. And direct is when a
17 person is asked a question to give an answer.

18 BY MR. ITKOWITZ:

19 Q Did you have any further discussions with
20 Mr. Trump during that meeting?

21 A During that meeting we discussed that ALM had the
22 ability to manage the license, manage the Trump Signature
23 Collection license for him. And he said I will manage my
24 own license, thank you.

25 Q Did he say anything else with respect to his
26 management style?

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 MR. GOLDMAN: Objection.

3 Q Did he say anything else to you?

4 MR. GOLDMAN: Objection. He just asked him
5 because he didn't --

6 THE COURT: Enough already. Enough.

7 I'll allow it.

8 A He said to me he handles everything. Even pointed
9 to a stack of checks on his desk saying I know everything
10 that goes into this business, everything that goes out of
11 the business, everything having to do with my image
12 everything having go do with his brand, everything we do
13 here is under my thumb. I do everything.

14 Q Now, turn your attention to trial --

15 By the way, you're remark in the letter that
16 you discussed your offer of 10 percent, as far as Coty and
17 any other deal, was that a true and accurate statement?

18 A Yes.

19 Q What was your discussions with Mr. Hager about the
20 10 percent?

21 A I went back to Mr. Hager and I said Mr. Trump is
22 not going to move. He is on 10 percent, he's not going to
23 allow us to do any management of his licensing because he
24 wants to do everything internally. He's not going to budge
25 off the 10 percent. I suggested at the time that we take
26 the 10 percent, and at the same time we try a little further

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct
2 to try to get extra percentages in there, but the 10 percent
3 was really where it was at and that we should accept it.

4 Q Did there come a time --

5 MR. ITKOWITZ: At this time I would mark
6 another exhibit, at least for identification.

7 (Document dated August 5, 2004 marked
8 Plaintiff's Exhibit 130 for identification.)

9 THE COURT: 130 for identification.

10 MR. GOLDMAN: What's the date and time?

11 THE COURT: I have August 5 at 8:10 a.m.

12 MR. GOLDMAN: Okay.

13 THE COURT OFFICER: 130 for identification.

14 BY MR. ITKOWITZ:

15 Q Tell us what 130 is?

16 A This is a text conversation between me and Mark
17 Hager letting him know that I just got off the phone with
18 Phillips Van Heusen, I was going to meet with them at
19 10:00 a.m. that morning.

20 Q Did you?

21 A Yes.

22 Q What occurred at that meeting?

23 A We discussed the Trump Signature Collection
24 license and they said they were very interested in it, they
25 were not going to be able to meet the thresholds.

26 MR. GOLDMAN: Objection what they said.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 THE COURT: Sustained, sustained, and more
3 sustained.

4 MR. ITKOWITZ: At this time I want another
5 document marked.

6 MR. GOLDMAN: I assume you want it moved into
7 evidence and I have no objection.

8 MR. ITKOWITZ: Okay.

9 THE COURT: 130 in evidence. Mark it,
10 please.

11 (Whereupon Plaintiff's Exhibit 130 was
12 received in evidence, as of this date.)

13 (Pause.)

14 THE COURT OFFICER: This is going to be 131.

15 THE COURT: Mark it ID only.

16 (Document dated August 5, 2004 at 9:05 a.m.
17 was marked Plaintiff's Exhibit 131 for identification,
18 as of this date.)

19 THE COURT OFFICER: 131 for ID.

20 BY MR. ITKOWITZ:

21 Q Can you identify Exhibit 131?

22 A It's a letter from me to Mr. Ross.

23 Q And --

24 THE COURT: A letter or --

25 THE WITNESS: It was an e-mail.

26 Q Did you send this to Mr. Ross?

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 A I did.

3 MR. ITKOWITZ: I move it into evidence.

4 MR. GOLDMAN: No objection.

5 THE COURT: No objection. In evidence.

6 (Whereupon Plaintiff's Exhibit 131 was
7 received in evidence, as of this date.)

8 THE COURT OFFICER: 131 in evidence.

9 BY MR. ITKOWITZ:

10 Q In this e-mail you say: It doesn't make sense for
11 me to meet with Coty again until you and I finalize our
12 deal.

13 A Aha. Yes.

14 MR. ITKOWITZ: Excuse me?

15 THE COURT: He can't say aha, he has to say
16 yes or no.

17 Q What did you say?

18 A I wrote this e-mail to Mr. Ross, I was on my way
19 to Phillips Van Heusen, the deal was already in motion,
20 however, before I can bring Coty back to the table it
21 doesn't make since that he and I and ALM have a deal.

22 Q Now, this was dated August 5th and tell us about
23 what occurred between you and Mr. Ross in terms of
24 negotiating a deal, in August of 2004?

25 A Mr. Ross and I were going back and forth on the
26 PVH deal. The PVH deal, we were going back and forth on the

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 10 percent and the additional sliding scale that I had put
3 into the letters that I had sent to him.

4 With regards to the Coty deal, we didn't have
5 any real deal in place. All we had was me being able to
6 introduce them to Coty, already making the phone calls to
7 Coty, already introducing Coty to the Trump Organization.
8 But before we could really bring the CEO and everyone to the
9 table we had to have an agreement.

10 With regards to Phillips Van Heusen, that
11 deal was pretty much in motion already.

12 Q And did there come a time when you -- tell us what
13 occurred between you and him in terms of whether you ever
14 reached a final understanding?

15 A Well, yeah, when I was speaking with Mr. Ross in
16 his office --

17 THE COURT: When?

18 THE WITNESS: I went to speak with Mr. Ross
19 right at that time. I'm not exactly sure of the date
20 but it was within a couple of days of August 5th.

21 So I went to the Trump Organization, met with
22 Mr. Ross, said let's have a conversation about this
23 letter, the 10 percent Donald put on the table plus the
24 sliding scale. And he screamed and shouted at me and
25 said you're not getting any more than 10 percent,
26 period. There's no sliding scale, there's nothing,

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 it's 10 percent.

3 So he didn't give me much choice. I went
4 back, I said I would take it to Mr. Hager and I would
5 put that out there and let him know after I spoke with
6 Mr. Hager.

7 Q I show you what's been marked a --

8 MR. ITKOWITZ: Excuse me.

9 Q I show you what's been premarked Trial Exhibit
10 116.

11 THE COURT: For identification or in
12 evidence?

13 MR. ITKOWITZ: Identification. I'm going to
14 move it in.

15 (Document dated August 20, 2004 at 11:54 a.m.
16 marked Plaintiff's Exhibit 116 for identification, as
17 of this date.)

18 THE COURT OFFICER: 116 for ID.

19 MR. GOLDMAN: Can I see it, please, just real
20 quick?

21 (Pause.)

22 BY MR. ITKOWITZ:

23 Q This is an e-mail chain --

24 THE COURT: One second.

25 (Pause.)

26 MR. ITKOWITZ: I move 116 into evidence, if
Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 there is an objection I'll do what I have to do.

3 MR. GOLDMAN: Okay.

4 (Pause.)

5 MR. GOLDMAN: No objection.

6 THE COURT: In evidence without objection.

7 (Plaintiff's Exhibit 116 received in
8 evidence, as of this date.)

9 THE COURT: Gentlemen, come up for a second.

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

12 BY MR. ITKOWITZ:

13 Q Directing your attention to the bottom portion of
14 this e-mail. This is an e-mail you wrote to Mark Hager and
15 to Howard Weinrich. Who were those people?

16 A They were the two principles of ALM Howard was
17 Mark's partner.

18 Q And what was the discussion between you and Mark
19 in this e-mail?

20 A It was about the 10 percent that George had thrown
21 out there saying that you're not getting a penny more than
22 10 percent.

23 So the discussion was between me and Howard,
24 initially saying we really feel we should take this deal.
25 We discussed it with Mark and Mark said he wanted some
26 advise on it. But ultimately I came down saying we really

Donna Evans, Official Court Reporter

Danzer - by Plaintiff - Direct

1
2 need -- we should really accept this deal.

3 Q This was on what date?

4 A This was on the 20th of August.

5 Q What day of the week was that?

6 A That was a Friday.

7 Q And what did they tell you with respect to the
8 10 percent?

9 A They agreed.

10 Q They agreed?

11 A They agreed.

12 Q When they agreed that you can accept 10 percent
13 on -- what deal was this?

14 A What.

15 Q What deal with this?

16 A On any deal with the exception of Coty.

17 Q So what did you do right after they said okay?

18 A I put a call in to Mr. Ross.

19 Q That was on Friday August 20th?

20 A That was on Friday August 20th.

21 Q Where did you call?

22 A I called him in his office.

23 Q And was George in that day?

24 A He was not.

25 Q Did there come a time when you spoke to him?

26 A There was, yes.

Donna Evans, Official Court Reporter

1 Danzer - by Plaintiff - Direct

2 Q And how did it come about that you spoke to him on
3 Friday August 20th?

4 A He left me -- I left him a message and he called
5 me back.

6 Q When he called you back, what did you say to him
7 and what did he say to you?

8 A I said I have great news, we're going to accept
9 the 10 percent. And he was very happy about.

10 MR. GOLDMAN: Objection, to what he said.

11 Hearsay.

12 THE COURT: Sustained.

13 Q So you told George that you were going to accept
14 the 10 percent?

15 MR. GOLDMAN: Objection, he just asked and
16 answered that.

17 MR. ITKOWITZ: Okay.

18 Q What -- now, I show you what's marked as Exhibit
19 24.

20 THE COURT OFFICER: Twenty-four in evidence.

21 (Continued on next page.)

22

23

24

25

26

Donna Evans, Official Court Reporter

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Q I direct your attention -- I direct your attention to
3 an e-mail on the bottom of this page, which is in evidence, and
4 you wrote to Cathy Glosser?

5 A Yes.

6 Q What did you tell Cathy Glosser?

7 A That I was very excited we finally came to terms,
8 finally came to a deal with George Ross for ten percent.

9 Q And what did she write back to you at the top?

10 A She said why don't you e-mail both George and me the
11 appropriate paperwork.

12 Q And did you do that?

13 A I sent her a letter outlining what it was.

14 Q I show you what's been marked as trial Exhibit 25.
15 (Document handed to witness.)

16 Q Tell us what you wrote -- this is trial Exhibit 25.
17 It's in evidence.

18 Tell us what you wrote George in response to Cathy
19 Glosser's e-mail?

20 A I said, "I'm happy we've been able to come to terms on
21 a deal as it pertains to bringing licensing deals to the Trump
22 Organization."

23 MR. GOLDMAN: I'm going to object. Let the record
24 reflect he's -- just in response to the question, he's just
25 reading the document. Just for the record, this is not his
26 own --

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 THE COURT: I think you asked him to read it or --

3 MR. ITKOWITZ: I asked him to read it.

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

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

19 Q Was this a true and accurate statement of your
20 discussion with him?

21 A Absolutely.

22 Q Now, focus on the renewal portion, the extension
23 portion. Was that unusual in licensing?

24 A Standard practice.

25 Q Why is it standard practice?

26 A It's standard in every license agreement I've ever done

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)
2 where if you bring a licensing deal to a licensor and that
3 licensor signs a deal, whoever that agent is on that deal
4 throughout time, as long as that deal is in force that agent
5 gets whatever their commission is unless it's specified upfront
6 that it's a quick work for hire deal?

7 MR. GOLDMAN: Sorry, I didn't hear that.

8 (Whereupon, the last answer was read back by the
9 court reporter.)

10 Q Now, was the renewal portion -- do you have know if the
11 renewal was set forth in the memorandum of understanding?

12 A In the original memorandum of understanding?

13 Q Yes.

14 A As far as I know, although I don't recall ever really
15 seeing what that original memorandum of understanding was.

16 Q Did Mr. Ross call you in response to this letter?

17 A He did not.

18 Q Now, Mr. Ross has testified in this case that when you
19 wrote him this letter he called you and said he completely
20 disagreed with this e-mail; is that true?

21 A Not at all.

22 Q I show you what's been marked 73.

23 (Document handed to witness.)

24 THE COURT OFFICER: 73 in evidence.

25 Q That's a two-page document?

26 A Yes.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Q Did you send this to Mr. Ross?

3 A I did.

4 Q And did this e-mail contain the same letter --
5 essentially the same letter that you sent on August 23rd?

6 A It did. It does.

7 Q After you sent this e-mail to Mr. Ross, did he call you
8 and dispute this?

9 A No.

10 Q By the way, you had a relationship with Mr. Ross?

11 A I did.

12 Q In the course of your relationship with Mr. Ross, was
13 Mr. Ross reticent or shy about bringing any disagreements that
14 he had with you?

15 A He was not shy at all. If he disagreed with something,
16 if he didn't feel that we were doing a good job, if he felt that
17 something was amiss, he called me right away and he was
18 screaming on the phone.

19 Q Now I show you what's been marked as Plaintiff's
20 Exhibit 31. Excuse me, 95. I meant 95. Sorry. I went back to
21 the EBT exhibit.

22 (Document handed to witness.)

23 THE COURT OFFICER: Plaintiff's 95 in evidence.

24 Q Ninety-five is an agenda for a meeting that occurred on
25 August 26, 2004?

26 A Um hum. Yes.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 Q Who organized that meeting?

3 A I did.

4 Q And how did you go about organizing this meeting?

5 A Well, I met with Ken Wyse, I spoke to Ken Wyse and said
6 we have to get everything together in the conference room at
7 Phillips-Van Heusen, get everyone together and finalize the
8 deal.

9 Q And what steps, if any, did you take to secure Mr.
10 Trump's attendance at the meeting?

11 A I called Mr. Trump's assistant, Rhona Graff. I let
12 them know that the meeting was -- we needed to have a meeting
13 and pretty much went through all the motions to get it to
14 happen.

15 Q What was the significance of this meeting?

16 A This was the meeting that was going to finalize the
17 deal or at least say yes, we're in it, let's write out a term
18 sheet and let's move forward.

19 Q And describe what happened?

20 A We went to the Phillips-Van Heusen's offices, beautiful
21 conference room; big, round room with a round table. It was
22 myself; Mr. Trump; Mr. Ross; Alan Sirkin; Cathy Glosser, who was
23 the new director of licensing over at the Trump Organization.
24 Ken Wyse and Mark Weber, who's the chairman of Phillips-Van
25 Heusen; and there may have been one or two other people there as
26 well.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 And they discussed the deal. They hashed out the deal.
3 I was pretty much just listening adjusted a few things here and
4 there, but for the most part it was a conversation between
5 Phillips-Van Heusen and Mr. Trump.

6 Q All right. I direct your attention to Exhibit 74.

7 (Document handed to witness.)

8 THE COURT OFFICER: Seventy-four.

9 THE COURT: In evidence.

10 Q This is an e-mail you wrote in which you stated, "We
11 had a fantastic meeting and now you and I have been charged to
12 make it happen."

13 Could you explain what that means?

14 A Well, following the meeting everyone's very excited.
15 Van Heusen discussed business plan, Mr. Trump discussed what he
16 was going to do. It was very, very exciting and at the end of
17 the meeting everyone was very happy and Mr. Trump looked at
18 myself and Ms. Glosser and said, "Make it happen."

19 So I sent Ms. Glosser an e-mail saying we've been
20 charged to make it happen, now let's discuss next steps on how
21 to make it happen.

22 Q What did you do thereafter?

23 A I sent e-mails to her to set up a meeting to discuss
24 what the next steps were, and she e-mailed me back and forth and
25 we started setting up how to make it work.

26 Q I show you what's been marked as Plaintiff's Exhibit 29

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 and 30.

3 (Documents handed to witness.)

4 THE COURT OFFICER: Twenty-nine and 30.

5 Q Just referred to e-mails between you and Ms. Glosser.

6 Are those the e-mails you're talking about?

7 A Yes.

8 Q Directing your attention to Exhibit 30.

9 THE COURT: This will be the last of the day. Look
10 at the time. I have to close this courtroom at 4:30 prompt.

11 MR. ITKOWITZ: I thought we had five more minutes.
12 It's up to you, Your Honor.

13 THE COURT: You have two more minutes.

14 MR. ITKOWITZ: Two more minutes, okay. Well, just
15 moving it along so we're almost done here. I mean, I think
16 we'll need five, ten minutes tomorrow, but...

17 THE COURT: Sir, we have a budget crisis. I'm not
18 allowed any overtime.

19 MR. ITKOWITZ: I'm not quarreling with you.

20 Q In Exhibit 30 Ms. Glosser gave you her cellphone
21 number?

22 A Yes.

23 Q Why was that?

24 A So that I could call her to set up a meeting. We were
25 having trouble trying to figure out how to set up our meeting.

26 Q I show you what's been marked as Exhibit 76.

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 THE COURT OFFICER: Seventy-six.

3 (Document handed to witness.)

4 Q This is a letter -- this an e-mail you wrote to George?

5 A Yes.

6 Q George Ross?

7 A Yes.

8 MR. ITKOWITZ: I believe this document is in
9 evidence.

10 Q Why did you write this letter?

11 A I had not heard anything back from Mr. Ross with
12 regards to the acceptance of our his deal of ten percent and
13 this was just reiterating that deal and saying that based on our
14 agreement of ten percent -- well, it doesn't say ten percent in
15 the letter, but based on our agreement we brought PVH back to
16 the table.

17 Q And did Mr. Ross call you at any time thereafter?

18 A He did not.

19 Q In fact, has Mr. Ross ever called you and disputed your
20 characterization of the understanding you reached with him on
21 August 20th or 23rd?

22 A Not once.

23 THE COURT: All right, this is a good place to
24 stop. Ladies and gentlemen of the jury, just so you
25 understand, we had a huge, huge setback in terms of our
26 budget and as a result we are not allowed one minute of

1 Danzer - Plaintiff - Direct (Mr. Itkowitz)

2 overtime; and when I say not a minute of overtime, that
3 means I can't let anybody stay after 4:30 because everybody
4 has to then get dressed and get out of here themselves by
5 whatever time they came in, at five o'clock or whatever. So
6 that's why we have to stop.

7 Back in the old days we would continue until we
8 finished, but now we can't do that any longer. So that is
9 the reason why. So please have a lovely evening. Please
10 don't discuss the case among yourselves, keep an open mind.

11 And does anybody have a bird? Anybody have a bird?
12 Well, when the birds says tweet, tweet, don't tell them what
13 happened today, okay. Keep an open mind. Thank you. Jury,
14 see you back here 2 o'clock in the afternoon. We're going
15 to start 2:15. Tomorrow is my motion day. All right. 2:15
16 in the afternoon.

17 (Whereupon, the jury exits the courtroom and the
18 following transpired:)

19 (Whereupon, the matter was adjourned to 4/16/13 at
20 2:15 p.m.)

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