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THE SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
Index No. 603491/2008

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ALM UNLIMITED, INC., as :  
successor-in-interest to ALM :  
INTERNATIONAL CORP., :  
:  
Plaintiff, :  
:  
- against - :  
:  
DONALD J. TRUMP, :  
:  
Defendant. :

March 8, 2011  
10:00 a.m.  
305 Broadway  
New York, New York

DEPOSITION OF CATHY GLOSSER, held at  
the above-mentioned time and place, before Randi  
Friedman, a Registered Professional Reporter,  
within and for the State of New York.

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APPEARANCES:

ITKOWITZ & HARWOOD  
Attorneys for Plaintiff

305 Broadway, 7th Floor  
New York, New York 10007

BY: JAY B. ITKOWITZ, ESQ.  
DAVID CHOI, ESQ.

BELKIN, BURDEN, WENIG & GOLDMAN, LLP  
Attorneys for Defendant

270 Madison Avenue  
New York, New York 10016

BY: JEFFREY L. GOLDMAN, ESQ.

\* \* \*

ALSO PRESENT:

Mark Hager

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STIPULATIONS

IT IS HEREBY STIPULATED, by and between  
the attorneys for the respective parties hereto,  
that:

All rights provided by the C.P.L.R.,  
and Part 221 of the Uniform Rules for the Conduct  
of Depositions, including the right to object to  
any question, except as to the form, or to move  
to strike any testimony at this examination is  
reserved; and in addition, the failure to object  
to any question or to move to strike any  
testimony at this examination shall not be a bar  
or a waiver to make such motion at, and is  
reserved to, the time of this action.

This deposition may be sworn to by the  
witness being examined before a Notary Public  
other than the Notary Public before whom this  
examination was begun, but the failure to do so  
or to return the original of this deposition to  
counsel, shall not be deemed a waiver or the  
rights provided by Rule 3116, C.P.L.R., and shall  
be controlled thereby.

The filing of the original of this  
deposition is waived.

1  
2           IT IS FURTHER STIPULATED, a copy of  
3 this examination shall be furnished to the  
4 attorney for the witness being examined without  
5 charge.

6                   \* \* \*

7           CATHY GLOSSER, the witness  
8 herein, having been duly sworn, was examined and  
9 testified as follows:

10                   \* \* \*

11  
12                   EXAMINATION

13                   (Exhibits P-1 through P-27 were  
14 marked.)

15 BY MR. ITKOWITZ:

16           Q.     Ms. Glosser, my name is Jay Itkowitz.  
17 I'm the attorney for the plaintiff in this  
18 matter. I'll be asking you questions today. If  
19 at any time you don't understand any of my  
20 questions, don't answer. Just tell me to stop.  
21 Ask me to rephrase it. If you answer a question,  
22 we'll assume you understood the question.

23           A.     Sounds good.

24           Q.     Just now you committed one of the  
25 cardinal sins of a deposition witness. You know

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what that is?

A. I'm sure you're going to tell me.

Q. Nodding instead of answering verbally.

A. I think I answered verbally after I  
nodded.

Q. Okay.

MR. GOLDMAN: Just for her, it's  
easier for her to hear.

BY MR. ITKOWITZ:

Q. The court reporter can't take down a  
nod.

A. No problem.

Q. That's about it. If at any point you  
need a break, just say it. This is not  
purgatory. You get a break.

MR. ITKOWITZ: Before we start,  
standard stips?

MR. GOLDMAN: Sure, yeah, just  
like we did before, even though we didn't  
ask.

MR. ITKOWITZ: Right. Right.

BY MR. ITKOWITZ:

Q. All right. Ms. Glosser, can you tell  
me something about your background?

1

2           A.     Certainly.  I've worked in the  
3     licensing business for about 18 years, and prior  
4     to that, worked in the fashion publishing  
5     business.

6

7           Q.     And when you say -- can you tell me  
8     something about your educational background?

9

10          A.     Sure.  I went to -- in terms of  
11     college or before that?

12

13          Q.     No, we're not interested in before.

14

15          A.     You don't want to know where I went to  
16     preschool?

17

18          Q.     No.  Some attorneys would.

19

20          A.     I went to the University of Vermont,  
21     got my B.A. and majored in English.

22

23          Q.     And thereafter?

24

25          A.     That's it.

26

27          Q.     And you say you've been in the  
28     licensing business for 18 years.

29

30          A.     Uh-huh.

31

32          Q.     Are you employed by The Trump or The  
33     Trump Organization?

34

35          A.     Yes.

36

37          Q.     And when did you first become employed  
38     by The Trump Group?

39

1

A. August 2004.

2

3

Q. And specifically, who are you employed  
by?

4

5

A. I was hired by George Ross and Donald  
Trump.

6

7

Q. And when you say you were hired, were  
you hired -- were you employed by Donald Trump,  
individually, or by a company owned or controlled  
by Donald Trump?

10

11

A. The latter.

12

Q. What is the entity that actually  
employs you?

13

14

A. The Trump Organization.

15

Q. It's The Trump Organization, LLC?  
What is it?

16

17

A. I don't know.

18

Q. Do you receive paychecks from that  
company? Compensation?

19

20

A. I don't recall.

21

Q. And have you been employed by the same  
company since the date --

22

23

A. Yes.

24

Q. -- that you've been employed?

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We'll leave a blank in the transcript

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so that you can actually indicate the precise nature of the entity that employs you and pays you.

A. Okay. \_\_\_\_\_

\_\_\_\_\_.

MR. ITKOWITZ: Is that acceptable?

MR. GOLDMAN: We'll take it under advisement.

MR. ITKOWITZ: Of course.

BY MR. ITKOWITZ:

Q. Now prior to -- immediately prior to becoming employed by The Trump Organization, what was your experience in licensing?

A. Immediately prior?

Q. Yes.

A. I was a consultant, and the New York Times was one of my big clients.

Q. A consultant in what?

A. Licensing.

Q. Would that be licensing for apparel or licensing for anything?

A. Product licensing.

Q. Product licensing. And prior to being employed by The Trump Organization, did you have



1

2 any background in licensing apparel?

3

A. Yes.

4

Q. What was your background, in terms of  
5 licensing apparel?

6

A. I had many jobs prior to working at  
7 The Trump Organization, working largely in  
8 character and entertainment licensing.

9

Q. Can you explain?

10

A. Marvel Entertainment, domestic  
11 licensing. I was their vice president of  
12 domestic licensing.

13

Q. And what did that entail, in terms  
14 of -- just in terms of the --

15

A. Licensing the Marvel Brand characters,  
16 and a variety of categories.

17

Q. So --

18

A. Apparel being one of them.

19

Q. For instance, my six-year old sons  
20 likes Spider-Man pajamas.

21

A. I did that deal.

22

Q. Okay. You did that deal?

23

A. I did one of them. I've been gone for  
24 a long time.

25

Q. When I see my son tonight, I can tell

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him you're responsible for Spider-Man pajamas?

A. A long time ago. Hopefully the deal's been renewed by now.

Q. Tell me the circumstances of how you became employed by Trump. When I say "Trump," whatever entity that's employing and paying you.

A. The circumstances?

Q. Yes.

A. Could you elaborate on that?

Q. How did you get the job?

A. I met George Ross, and from there, met Donald Trump, and they hired me.

Q. How did it come about that you met George Ross? Did you write him? Did he write you?

A. I reached out to him.

Q. What caused you to reach out to him?

A. What caused me to reach out to him?

Q. Yes.

A. I heard The Trump Organization was looking to start a licensing division.

Q. How did you hear that?

A. Through a newspaper ad.

Q. And where was that newspaper ad?

1

2 A. The New York Times.

2

3

Q. And what section of the New York

4

Times, if you recall?

5

A. I don't recall.

6

Q. Help wanted?

7

A. Perhaps.

8

Q. And do you recall when you first saw

9

that ad, approximately?

10

A. August 2004. Beginning of August, end

11

of July.

12

Q. Would it be fair to state it was a

13

number of days or weeks from the time that you

14

applied 'til the time you got the job?

15

A. I don't recall.

16

Q. Do you recall the precise date that

17

you started work?

18

A. I believe so. I believe it was August

19

4th.

20

Q. August 4th.

21

A. I believe.

22

Q. And The Trump Organization -- do you

23

have any documents that will reflect the actual

24

date that you first started working?

25

A. Perhaps.

1

2 Q. What kind of documents would that be?

3

A. Perhaps an email. I don't know.

4

Perhaps.

5

Q. Have you ever been deposed?

6

A. No.

7

Q. Have you ever been involved in a

8

lawsuit?

9

A. Me, personally?

10

Q. Or any organization where you were

11

participating in -- directly or indirectly

12

involved in a lawsuit.

13

A. I was a witness in a lawsuit.

14

Q. What kind of a lawsuit?

15

A. Trademark issue.

16

Q. And was that involving The Trump

17

Organization?

18

A. It was a suit that The Trump

19

Organization or entity of the Trump Organization

20

had filed against another party.

21

Q. You were called to testify in that

22

lawsuit?

23

A. Yes.

24

Q. You understood you were coming here

25

today for a deposition?

1

2 A. Yes.

2

3

Q. Did you look at any documents before  
4 you came here?

4

5

A. No.

6

Q. At the time that you applied for a job  
7 with The Trump Organization, did there come a  
8 time when you began emailing anybody in The Trump  
9 Organization?

10

MR. GOLDMAN: Object to the form.

11

As of the date she became employed?

12

MR. ITKOWITZ: At or about the

13

time. Immediately prior.

14

BY MR. ITKOWITZ:

15

Q. Did you have any email correspondence  
16 with anybody at The Trump Organization?

17

A. In regards to what?

18

Q. Your potential employment.

19

A. I don't recall.

20

Q. You're employed by George Ross. You  
21 met with George Ross and then you were employed  
22 by Mr. Trump; is that correct?

23

MR. GOLDMAN: No. Objection. She

24

testified she's employed by The Trump

25

Organization in some form. She said she met

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both of them.

MR. ITKOWITZ: Right.

BY MR. ITKOWITZ:

Q. Did you meet Mr. Ross first?

A. Yes.

Q. And then Mr. Ross arranged for you to meet Mr. Trump; is that correct?

A. Yes.

Q. Tell me about when you met with Mr. Ross, before you got hired, and you understood -- you stated you understood they were looking for setting up a licensing division; is that correct?

A. Yes.

Q. Did Mr. Ross tell you anything about what The Trump Organization planned to do in terms of licensing?

A. I don't recall.

Q. Do you recall you being interviewed by Mr. Ross when you were applying for a job with Trump?

A. Yes.

Q. Can you recall basically the nature of the conversation between you and Mr. Ross?

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A. Generally.

Q. Tell us what you can recall of that conversation.

A. We talked about my background mostly.

Q. And did he talk about what The Trump Organization was looking to do?

A. As I recall, he briefly discussed the potential to look into licensing -- product licensing as a viable business for Trump to go into. There were no extreme details beyond that.

Q. Did he talk about licensing the Trump name in other contexts?

A. Such as?

Q. Such as in real estate.

A. We did not discuss.

Q. You were just talking about products?

A. We just talked about products.

Q. Prior to meeting with Mr. Ross, did you meet with anybody else?

A. Where?

Q. At Trump.

A. No.

Q. In connection with --

A. No.

1

2 Q. When you applied for a job with Trump,  
3 I assume you -- you sent a letter and resume?

4 A. Correct.

5 Q. Okay. And you sent it -- and then the  
6 next thing you knew, you were invited to meet  
7 Mr. Ross?

8 A. Correct.

9 Q. And after you met with Mr. Ross, who  
10 did you next meet?

11 A. Mr. Trump.

12 Q. And what amount of time elapsed  
13 between meeting Mr. Ross and meeting Mr. Trump,  
14 approximately?

15 A. I don't recall, approximately. Within  
16 a couple weeks.

17 Q. When you met with Mr. Trump, do you  
18 recall the conversation between yourself,  
19 Mr. Ross and Mr. Trump?

20 A. Vaguely.

21 Q. Tell us what you recall about the sum  
22 and substance of that conversation.

23 A. I recall Mr. Trump asking me about my  
24 background in licensing.

25 Q. And did you recall Mr. Trump saying



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anything about what his goals or intentions were  
with respect to licensing?

A. No.

Q. Do you recall Mr. Ross telling you  
what his goals --

A. No.

Q. -- or intents were with respect to  
licensing?

After that meeting with Mr. Trump,  
what next happened?

A. They hired me.

Q. How quickly?

A. Fairly quickly. I don't know exactly.

Q. Days, weeks?

A. Days.

Q. Okay. When they notified you that  
they were hiring you, how did they notify you?

A. I don't recall.

Q. And you recall that the first date  
that you started was August 4th?

A. Approximately.

Q. On or about August 4th?

A. Yes.

Q. When you went in that first day, who

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did you meet with?

A. Definitely Mr. Ross, and perhaps Mr. Trump. I don't recall.

Q. At that point, did anybody outline what your responsibilities were going to be?

A. Yes.

Q. And who outlined what your responsibilities were going to be?

A. Mr. Ross, primarily.

Q. What did Mr. Ross tell you your responsibilities were going to be?

A. To build a product licensing department to create revenue potential for the company.

Q. Was your agreement for salary and commissions, or just salary or both?

A. Salary.

Q. When you first were employed by Trump and you came in that first day, did they give you an office?

A. Yes.

Q. And did they give you a computer?

A. Yes.

Q. And did they provide you with a

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BlackBerry?

A. I don't recall if the first day that I showed up, if they gave me a BlackBerry.

Q. Did they give you a secretary?

A. No.

Q. Who was your direct supervisor?

A. George Ross.

Q. How frequently did you interact with Mr. Ross after you were employed?

A. Pretty frequently.

Q. How do you communicate -- from the time that you started being employed, how did you communicate with Mr. Ross?

A. Primarily verbally.

Q. And did you use email to communicate with Mr. Ross at all?

A. Not often.

Q. What about with Mr. Trump?

A. Never.

Q. Never what?

A. Never did we communicate electronically. Was that not your question?

Q. Yes. Yes.

A. Okay.

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Q. Can you tell me why Mr. Trump never communicates electronically?

MR. GOLDMAN: Objection. She didn't say he never communicates electronically. She and he never communicated electronically. And I'll object to form, because you're asking about his state of mind. You can answer that.

THE WITNESS: Can you repeat the question?

BY MR. ITKOWITZ:

Q. Yeah. Can you tell me why it is you did not communicate electronically with Mr. Trump?

A. That's not his choice of communication.

Q. How do you know that?

A. 'Cause that's not the way he tends to work. Mostly he works verbally, or his assistants may communicate electronically.

Q. Have you ever discussed this with Mr. Trump?

A. Discussed what?

Q. Why he does not communicate

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electronically.

A. No.

Q. How did you come about -- how did it come about that you learned that Mr. Trump does not communicate electronically?

A. Just the way the office operated.

Q. How did you learn that information?

A. I don't recall.

Q. Did Mr. Ross ever tell you that Mr. Trump does not communicate electronically?

A. I don't recall.

Q. Does Mr. Trump have an email address, to the best of your knowledge?

A. Not that I'm aware of.

Q. Where is Mr. Trump's office in relation to yours?

A. My office is on the 15th floor. His office is on the 26th floor.

Q. And what about Mr. Ross; where is his office?

A. Twenty-sixth floor.

Q. Tell me about the -- in general, give me an overview of the processing of how -- from the time a decision is made to license a

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particular kind of apparel until the time that it's actually produced and actually winds up in a store, can you give me an overview of that process?

MR. GOLDMAN: Objection to the form. You can answer.

THE WITNESS: There's not a definitive standard to that process, so there are a few different ways of answering that question. And there could be an existing line that gets branded that could accelerate the process. Or there could be a line that needs to be created from scratch, which could slow down the process. But -- so it depends on the product category. So you're going to need to be more specific, I think.

BY MR. ITKOWITZ:

Q. So let's talk about suits, for instance. Men's suits. Assume for a second that there was an existing line.

How long would it take to brand an existing line, in your experience?

A. If there's an existing line, not

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necessarily a long time.

Q. What does that mean?

A. I don't know that I can define.

Q. Is that weeks, days, months?

A. Weeks, depending on you've got to come up with a label and the correct positioning of pricing, but there is the possibility to put a line together in a brief period of time.

Q. If there is no existing line, generally speaking, what's involved with the process of creating a line?

A. You have to choose fabrics. It also depends on the company you're doing business with, whether they're a vertically integrated company, or whether they have to source product and material. And if they're vertical and they have their own factories, they can move in a much more accelerated pace.

Q. When you were employed by The Trump Organization, with Trump, did you ever receive a written set of goals or specifications as to what your responsibilities were?

A. Not to the best of my knowledge.

Q. Can you tell me when you were first

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employed by The Trump Organization, was it your understanding that you were going to be creating new lines?

A. Yes.

Q. And what was your understanding about how you were supposed to go about doing that?

A. My understanding was that as an experienced licensing person, that I was to go out and create new opportunities in product licensing for the brand.

Q. And did that include locating companies that would produce brands under the Trump name?

A. Produce brands under the Trump name?

Q. Yes. Yes.

A. Could you --

Q. I'm asking what your understanding was. What you were supposed to be doing.

MR. GOLDMAN: She answered that the first time. And then I think your use of the word "brands" -- if you rephrase that question without using the word "brands."

BY MR. ITKOWITZ:

Q. Okay. Were you supposed to locate



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companies that you would license the Trump name  
to?

A. That's what licensing is about, yes.

Q. And at the time that you were first  
hired, did you learn that Trump was involved with  
a company called ALM?

A. I heard that there were discussions  
with a company called ALM.

Q. Now who did you first hear about that  
through?

A. I don't recall.

Q. To the best of your recollection, what  
did you hear with respect to ALM the first time  
you heard about them?

A. I don't recall exactly.

Q. At this particular point, I'm going to  
show you what's been marked as Plaintiff's  
Exhibit-1.

Have you seen Plaintiff's Exhibit-1  
for identification prior to today?

A. I don't recall.

Q. I direct your attention to the last  
two -- hold on -- to Page 4 of this document. Do  
you see the signature of Donald Trump?

1

A. Yes.

2

3

Q. Do you recognize that to be his  
signature?

4

5

A. I believe so.

6

Q. And you see the signature of ALM  
International Corp.?

7

8

A. Yes.

9

Q. Do you recognize that signature?

10

A. No.

11

Q. When was the first time, if ever, that  
you learned that Donald Trump had entered into a  
contract as reflected in Plaintiff's Exhibit-1?

12

13

A. I think I just indicated that I don't  
know that I'm familiar with this document, so  
your question --

14

15

Q. You have no familiarity with this  
document?

16

17

A. Well, I don't recall that I'm familiar  
with this particular document.

18

19

Q. So in other words, you recall never  
seeing this document?

20

21

A. That's not what I said. I don't know  
that I'm familiar with this particular document.

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So having not reread the entire document, I don't

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know that I'm familiar with the document.

Q. All right. Let me just ask you this.

As the -- in your position in The Trump Organization, do you keep files?

A. I do.

Q. And do you keep files with companies that are doing business with The Trump Organization?

A. Yes.

Q. And do you have a file for ALM?

A. Yes.

Q. And prior to -- at any time in connection with this litigation, did you review that file?

A. Ever?

Q. In connection with this litigation.

A. Yes.

Q. Did you ever provide copies of that file or any portion of that file to any attorneys working in connection with this litigation?

A. Yes.

Q. And to which attorneys did you provide copies of any documents?

A. Inside counsel at The Trump

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Organization.

Q. And that person's -- do you recall the name of that person?

A. Originally, I believe -- yes.

Q. And what was the name of that person?

A. Originally, Bernie Diamond; and since then, Alan Garten.

Q. Okay. Now to the best of your recollection, what documents did you provide to either of those persons?

A. I don't recall specifically.

Q. When did you provide them with documents?

A. I don't recall specifically.

Q. Approximately.

A. When the litigation began.

Q. Do you have a record of what documents you provided to those counsel?

A. Yes.

Q. And where is that record kept?

A. In my office.

Q. And how is that record maintained?  
What kind of records?

A. Emails or printed files.

1  
2 MR. ITKOWITZ: I would call for  
3 the production of a copy of all documents  
4 that you provided to your counsel. I mean,  
5 a list. I just want to make sure that the  
6 list that she provided was provided, or if  
7 it's contained on a Privilege Log, I want  
8 to -- if it was withheld in terms of  
9 privilege, I would like that identified.  
10 Off the record.

11 (Whereupon there was a discussion  
12 off the record.)

13 MR. GOLDMAN: You want her email  
14 itemizing what she provided? I'm not sure  
15 what you want.

16 MR. ITKOWITZ: Okay. I want --

17 MR. GOLDMAN: You have all the  
18 documents she provided, so do you want --

19 MR. ITKOWITZ: But she doesn't  
20 know what she provided so; therefore, I'm  
21 having trouble knowing for sure that  
22 everything that she provided has been turned  
23 over. If something hasn't been turned over,  
24 I want to know what has not been turned  
25 over.

1  
2 MR. GOLDMAN: All I'm suggesting  
3 is -- I don't know the answer to this  
4 question. I don't know if she just gave  
5 over the entire file and said, you pick and  
6 choose what you want to provide; or she gave  
7 a cover letter and said, here are the things  
8 I'm giving you. If you ask that, there was  
9 a cover letter, I'll give you the cover  
10 letter to the extent that it's not  
11 privileged. I don't know how it was done.

12 BY MR. ITKOWITZ:

13 Q. Why don't you tell us how it was done.

14 A. I don't recall there being a cover  
15 letter to what it is that I sent.

16 MR. GOLDMAN: How did you --

17 BY MR. ITKOWITZ:

18 Q. How did you go about turning over the  
19 documents, deciding what to turn over?

20 A. Whatever I had, I turned over.

21 Q. And do you have a catalogue of what  
22 you turned over?

23 A. I don't believe so.

24 MR. ITKOWITZ: At this time, I'm  
25 going to ask if there's any documents that

1  
2 she turned over that are being withheld on  
3 the grounds of privilege.

4 MR. GOLDMAN: I'll get answers to  
5 that. There are some emails which were just  
6 recently provided that contain some  
7 privileged material that were redacted, but  
8 I don't recall and I will check, since I  
9 wasn't part of the Discovery process. I  
10 came into the case afterwards.

11 I don't believe, but don't hold me  
12 to it, that there were any documents that  
13 were "privileged," to the extent that we  
14 didn't produce them. If there were  
15 documents that we believe were confidential,  
16 that's a separate issue.

17 MR. ITKOWITZ: But you turned over  
18 the documents that you considered to be  
19 confidential?

20 MR. GOLDMAN: Yes. My  
21 understanding is that she gave the ALM lease  
22 file to in-house counsel, and then they  
23 began the responses to your Discovery  
24 requests. But to the extent that there's a  
25 list or a catalogue of what was in the file,

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you will get a copy.

BY MR. ITKOWITZ:

Q. I show you what has been marked as Exhibit-2 for identification and ask you if you can identify that document.

A. I don't know for sure, but I believe I may have seen a document that resembles this.

Q. I show you what's been marked as Exhibit-3A for identification. Ask you if you can identify that.

A. Yes.

Q. And what is that document?

A. It's an agreement between Donald Trump and Phillips-Van Heusen.

Q. Now at the time that you were first hired in August of 2004, did there come a time that you learned that there was a potential deal to be made with Phillips-Van Heusen Corporation?

A. There were -- yes.

Q. How did you come about learning about that and getting that information?

A. At the time that I was employed by The Trump Organization, there were many companies that I solicited on my own accord, many, one of



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which was Phillips-Van Heusen. Separately from that, I became aware of, after I had done an outreach to companies inclusive of Phillips-Van Heusen, that ALM and The Trump Organization had conversations that involved Phillips-Van Heusen.

Q. How did you find that out?

A. Through George Ross.

Q. And how did it come about that Mr. Ross and you had a conversation about that?

A. I believe we had a conversation about the apparel category, and those companies that I was calling on to talk about prospective opportunities to work with Trump.

Q. And how did Phillips-Van Heusen come up in the conversation?

A. I believe I talked to George about a list of companies that I had approached, and ALM was -- excuse me, PVH was on the list. And he brought up a discussion with ALM about a potential opportunity with PVH.

Q. What specifically did he say?

A. I don't recall.

Q. When did that conversation occur?

A. I don't recall.

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2 Q. Do you have a record as to when that  
3 conversation occurred?

4 A. I don't believe so.

5 Q. You said you put together a list of  
6 companies that you were soliciting on -- as  
7 potential licensees?

8 A. I communicated a list of companies  
9 that I had reached out to --

10 Q. To Ross?

11 A. Yes.

12 Q. Those companies you communicated to,  
13 how did you go about communicating with them in  
14 the first instance?

15 A. A variety of different ways.

16 Q. Tell us what those variety of  
17 different ways are.

18 A. Via telephone, email.

19 Q. And when you --

20 A. Had meetings with companies.

21 Q. Let's back up.

22 When you would call a company, would  
23 you keep a record of that, that you called a  
24 company on a particular date?

25 A. Often, I would.

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2 Q. And where would you keep that record?

3

A. In a notebook.

4

Q. A written notebook?

5

A. Yes.

6

Q. Where is that notebook kept?

7

A. In my office.

8

Q. Did you ever turn over that notebook

9

to your counsel?

10

A. I don't recall.

11

Q. Does that notebook still exist in your

12

office?

13

A. Yes.

14

Q. And does that notebook cover the

15

period of 2004?

16

A. Yes.

17

Q. And that notebook has your handwritten

18

notations?

19

A. Yes.

20

MR. ITKOWITZ: I call for

21

production of that notebook.

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MR. GOLDMAN: Taken under

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advisement.

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BY MR. ITKOWITZ:

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Q. When you first approached Phillips-Van

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2 Heusen for the purposes of this examination --  
3 and hereafter I'll refer to Phillips-Van Heusen  
4 as PVH.

5 A. Please.

6 Q. Did PVH ever advise you that they had  
7 been in contact with ALM Corporation?

8 A. No.

9 Q. Did Mr. Ross tell you that the  
10 Trump -- did he say anything to you with respect  
11 to any agreement that Trump or The Trump  
12 Organization may have had with ALM with respect  
13 to PVH?

14 A. No, not agreement that was had.

15 Q. Did he authorize you to pursue a deal  
16 directly with PVH on behalf of Trump?

17 A. No.

18 Q. Did he tell you that ALM was working  
19 on that deal?

20 A. I understood that there were  
21 discussions with ALM about a potential deal with  
22 PVH.

23 Q. Discussions between whom and whom?

24 A. ALM and Trump and PVH.

25 Q. What was your understanding at the

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time that you first learned that ALM had been involved with PVH on behalf of Trump, what did you first learn about what PVH's understanding or agreement was with The Trump Organization?

MR. GOLDMAN: Objection to the form. Answer.

THE WITNESS: I don't know what PVH's dealings were with ALM.

BY MR. ITKOWITZ:

Q. I'm not asking you about what PVH --

A. That's what you said.

MR. GOLDMAN: That is what you said, which is why I objected to the form.

BY MR. ITKOWITZ:

Q. What was your understanding of what The Trump Organization's understanding was with respect to ALM's attempts to negotiate an agreement with PVH?

A. My understanding was there were discussions with ALM and The Trump Organization about a potential deal with PVH.

Q. And do you have -- is that the sum total of what you recall, that there were discussions? Do you recall anything specific

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about those discussions?

A. Some.

Q. Tell us everything that you understood about what those discussions were.

A. I believe there were discussions prior to my employment start date between Trump and ALM, and whether that involved PVH or not, I don't recall. And that there were discussions with Trump and ALM about a potential deal between the two companies.

Q. And what specifically did you learn, if anything, about the specific nature of those discussions between Trump and ALM?

A. That there was a potential deal between the two companies.

Q. What was your understanding of what the deal was to be if it existed between those two companies?

A. If it existed, my understanding was that ALM would receive 10 percent of deals that they brought in on behalf of Trump.

Q. And how did you get that information?

A. Through George Ross and Donald Trump.

Q. Anybody else?

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2 A. ALM.

3 Q. Anybody else besides that?

4 A. Nobody else.

5 Q. And who did you speak to at ALM?

6 A. Jeff Danzer.

7 Q. Anybody else?

8 A. I don't believe so. Well, I'll amend  
9 that a little bit. I believe Mark Hager was on  
10 some emails, but I don't believe we had spoken.

11 Q. With respect to -- can you distinguish  
12 between what your understanding was about the  
13 agreement between Trump and ALM in terms of  
14 discussions that you had with George Ross and  
15 Mr. Trump?

16 A. Can I distinguish between?

17 Q. Yes. Do you have a specific  
18 recollection of any discussions you had with  
19 Mr. Ross about the agreement or potential  
20 agreement between Trump and ALM?

21 A. Yes.

22 Q. Tell me the -- what conversations you  
23 specifically recall between yourself and Mr. Ross  
24 about that agreement.

25 A. I remember asking Mr. Ross if there

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was a signed agreement between Trump and ALM.

Q. Okay.

A. And my never receiving one.

Q. And what happened after that?

A. In terms of?

Q. Did you have any further discussions after that?

A. Probably. I don't remember specifics of conversations.

Q. Do you remember generally what happened after that, after you had that discussion?

A. That -- no, I don't remember specifics or generally what exactly occurred after that discussion.

Q. Do you recall any discussions you had with Mr. Trump about an agreement or potential agreement with ALM?

A. Ever?

Q. Yes.

A. Sure.

Q. Tell us what you recall about -- as best you can, between -- of any discussions you had with Mr. Trump about an agreement or



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potential agreement with ALM.

A. Well, I was privy to conversations between Mr. Ross and Mr. Trump regarding ALM. My not being an integral part of those discussions as a brand new employee in August/September of 2004. So there was dialogue about a potential relationship with ALM, or an ongoing relationship as per your documents that you've produced.

Q. Tell us to the best of your recollection the first conversation between Mr. Trump and Mr. Ross that you became privy to.

A. Fairly early on in my employment, there was discussion about potential introductions that ALM may have made to Trump.

Q. Okay. And where was that discussion?

A. In Donald Trump's office.

Q. And what do you recall about that discussion?

A. I remember their discussing a potential opportunity with PVH, and I believe one more company that came up as well.

Q. And what other company was that?

A. I believe Cody.

Q. And what do you recall about those

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specific discussions?

A. Them generally discussing a potential deal to be made.

Q. And what you're telling me now is the sum total of what you recall in those discussions?

A. The headline, yes.

Q. What about the story? I'm just not interested in the headline. I'm interested in the story.

A. That ALM and -- had either made an introduction to Trump and PVH. I don't know if it preceded me. I definitely was part of a meeting that involved ALM and PVH and Trump after I was employed by Trump. And just about a potential deal. I don't remember the details of the conversation as it related to the specific deal.

Q. Are there --

A. Beyond the 10 percent that was discussed as it related to PVH.

Q. Directing your attention to Plaintiff's Exhibit-3A for identification, can you tell me who drafted this agreement?

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A. George Ross. I don't know if it initiated with George Ross or initiated with PVH, but George Ross from The Trump Organization spearheaded this document.

Q. I direct your attention to what's been previously marked as plaintiff's Exhibit-3B for identification.

Are you familiar with this document?

MR. GOLDMAN: You mean has she seen it before?

MR. ITKOWITZ: Yes.

MR. GOLDMAN: Okay.

THE WITNESS: Yes.

BY MR. ITKOWITZ:

Q. Can you tell me what this document was about?

A. An Amendment Agreement between Trump and Phillips-Van Heusen.

Q. Were you involved in this amendment?

A. Yes.

Q. Explain the degree of your involvement with this amendment.

A. I worked with PVH and in-house counsel on this document -- on this agreement.

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Q. And what was -- okay.

I show you what's been marked 3C for  
identification.

Are you familiar with this document?

A. Yes.

Q. Is this a document that was entered  
into between Donald Trump and PVH?

A. Yes.

Q. Is this a true and accurate copy of  
the original?

A. I believe so.

Q. And this was copied to you in November  
of '06?

A. Yes.

Q. I show you what has been marked as  
Plaintiff's Exhibit-3D for identification.

That's the assignment? Hold on.

Is this a true and accurate copy of an  
agreement entered into between Donald Trump and  
PVH?

A. I believe so.

Q. I show you what has been marked as 3E  
for identification.

Is this a true and accurate copy of a

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License Agreement between Trump's Menswear, LLC  
and PVH dated January 1st, 2010?

A. Yes, I believe so.

Q. Were you involved in the negotiation  
of this agreement?

A. Yes.

Q. I show you what's been marked as  
Plaintiff's Exhibit-4A for identification.  
Actually, let me have that back for a second.  
I'm going to hold that off.

I show you what's been marked as  
Plaintiff's Exhibit-5 for identification. That  
particular document has two emails on it. One  
from Jeff Danzer sent 8/23/2004 to Cathy Glosser.  
And on top, a response from you to Jeff Danzer;  
is that correct?

A. Yes.

Q. Did you receive the email which is  
shown as having been sent from Jeff Danzer?

A. I believe so.

Q. And is this the response that you sent  
to him?

A. I believe so.

Q. Now this email from Mr. Danzer says,

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2 "I spoke with George on Friday and we came to  
3 terms on our agreement. ALM will receive 10  
4 percent of the royalties earned by The Trump  
5 Organization on any deal we bring to the table.  
6 That said, I have spoken with Phillips-Van Heusen  
7 regarding getting Donald up to see them this  
8 week. PVH is interested in licensing the Trump  
9 brand for dress shirts and neckties."

10 MR. GOLDMAN: Are you going to

11 read the whole --

12 BY MR. ITKOWITZ:

13 Q. I'm going to skip ahead. It further  
14 states, "do you want me to send you a letter for  
15 signature, or do you want to send me a letter?  
16 It's your call. I hope all is going great with  
17 you, and look forward to hearing back from you  
18 soon."

19 Do you recall receiving that?

20 A. Yes.

21 Q. And what did you do after you received  
22 that email?

23 A. I responded.

24 Q. Before you responded, before you  
25 responded, did you have a conversation with

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George Ross?

A. I don't recall.

Q. Well, this says that I have -- this says, "I spoke with George on Friday and we came to terms on our agreement."

Do you recall ever having a conversation with George Ross about an agreement that Mr. Danzer stated that he had reached with George Ross?

MR. GOLDMAN: Before the email?

MR. ITKOWITZ: After receiving this email.

THE WITNESS: I don't recall.

BY MR. ITKOWITZ:

Q. Is there anything that you have that would refresh your recollection?

A. Is there anything that I have --

Q. Is there any document that would refresh your recollection, to your knowledge, as to whether you spoke with George Ross after you received this email?

A. Before I responded to the email?

Q. No. At any time after.

A. Perhaps. I don't know for sure.

1  
2 MR. GOLDMAN: Just for clarity, I  
3 think there may be a misunderstanding. I  
4 think you asked the question, did you ever  
5 talk to George Ross about the email. I  
6 think the witness was -- believed your  
7 question was in between the time it was sent  
8 and her response. I think you may have  
9 meant, did you ever talk to George Ross even  
10 after your response to George Ross?

11 MR. ITKOWITZ: I'll accept that  
12 suggestion.

13 BY MR. ITKOWITZ:

14 Q. I'm going to ask you two questions.

15 First question, did you speak to  
16 George Ross before you responded?

17 A. I don't recall.

18 Q. Did you speak to George Ross about the  
19 agreement referred to by Mr. Danzer in this email  
20 identified as Plaintiff's Exhibit-5, at any time?

21 A. I'm sure at some time I spoke to  
22 George Ross about this email.

23 Q. And what did George Ross say to you  
24 when you spoke to him about this email?

25 A. George Ross said -- I just want to



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reread this email again, if I may. Some time after this email was sent, I asked George Ross if he had a signed deal with ALM specifying what Jeff articulated in this email.

Q. And what did Mr. Ross tell you?

A. He told me not to worry about it.

Q. When did you have that conversation with him?

A. I don't recall exactly.

Q. Do you recall if it was in 2004?

A. It was likely in 2004, yes.

Q. Do you recall if it was before the agreement with PVH was signed?

A. I don't recall exactly when the conversation was. It could have been.

Q. You're director of licensing. I think you said that was your --

A. I didn't say what my title was. You didn't ask.

Q. What is your title?

A. Executive vice president of global licensing.

Q. And do those responsibilities include knowing what deals have been made?

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2 A. Absolutely.

3 Q. With Trump and other organizations?

4 A. Absolutely.

5 Q. In terms of licensing?

6 A. Absolutely.

7 Q. At any time, did you verify the terms  
8 of this email that Mr. Danzer stated had occurred  
9 between him and Mr. Ross?

10 A. I tried.

11 Q. And the extent of which you learned of  
12 that agreement is Mr. Ross telling you not to  
13 worry about it?14 A. That was one of the conversations  
15 George and I had, yes.16 Q. Tell me about the rest of the  
17 conversations.18 A. I repeatedly asked George for a copy  
19 of a signed agreement between ALM and Trump.20 Q. And tell us about the progression of  
21 these discussions, in sum and substance, to the  
22 best of your recollection.23 A. To the best of my recollection, I  
24 asked George on a number of occasions if he could  
25 provide me with a signed document for my files of

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the agreement between ALM and Trump, and he was not able to do so.

Q. Did you ever find out why he was not able to do so?

A. It didn't exist.

Q. Did he ever tell you why it didn't exist?

A. 'Cause it wasn't signed.

Q. Did he ever tell you whether a signed document was submitted to him?

A. Submitted to him?

Q. Or to Trump. A draft.

A. Oh, a draft. You said a signed document.

Q. No.

A. I don't recall.

Q. Mr. Ross is the general counsel to Mr. Trump?

A. I don't believe that's his title, no.

Q. What's his title?

A. I believe it's executive vice president, and I don't know if it's special counsel or counsel or -- something of that sort.

Q. Do you know if in that position, do

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you happen to know if he supervises the legal department, the in-house legal department at Trump?

A. I don't believe he does.

Q. What was his role in the licensing activities of Trump from the time that you were hired through the end of 2004? That's Mr. Ross' role.

A. Yes. He was my direct -- I directly reported to George Ross at that time. Were you going to ask me something?

Q. No.

A. Okay.

MR. GOLDMAN: You had the face of --

MR. ITKOWITZ: I'm not shy.

THE WITNESS: Okay, good. Neither am I. I reported to Mr. Ross at that time, and he acted as a businessperson and an attorney.

BY MR. ITKOWITZ:

Q. Was there any other person aside from Mr. Trump involved in these activities for The Trump Organization from the period of the time

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2 that you were hired through the end of 2004?

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A. Not to the best of my knowledge.

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Q. I mean, when you're saying "not to the

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best of my knowledge," that's kind of a double

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negative.

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MR. GOLDMAN: I don't think it's a

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double negative.

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THE WITNESS: I'm not aware of it.

10

MR. GOLDMAN: No different than

11

your witness prefaced every answer, to the

12

best of my recollection, yes or no, so --

13

BY MR. ITKOWITZ:

14

Q. Just to clarify, from your

15

understanding, there was no other person involved

16

in licensing activities --

17

A. Correct.

18

Q. -- for Trump apparel products for the

19

period of time from August 2004 when you were

20

hired through the end of 2004?

21

A. Correct.

22

Q. Directing your attention to Exhibit-1

23

and 2, do you know if those agreements provided

24

for "a tail period"?

25

MR. GOLDMAN: I'm going to object

1  
2 to the form. You're just asking her to read  
3 from a document which predates her  
4 employment. So to the extent that you just  
5 want to read -- her to read a document, you  
6 can answer it, but --

7 BY MR. ITKOWITZ:

8 Q. Do you happen to know -- I direct your  
9 attention to Page 3 of Exhibit-1. Directing your  
10 attention to nine lines from the bottom, starting  
11 "With respect to" --

12 A. No.

13 MR. GOLDMAN: On Exhibit-1, nine  
14 from the bottom?

15 MR. ITKOWITZ: Page 2 -- Page 3.

16 MR. GOLDMAN: Page 3, it begins  
17 with, "Of any new license with respect to  
18 high quality"; is that what you're talking  
19 about?

20 MR. ITKOWITZ: Can I see it? Why  
21 don't we start where it says, "Sub B,  
22 Capital B, where it says, "During the term."

23 MR. GOLDMAN: Okay.

24 BY MR. ITKOWITZ:

25 Q. "During the term, in any extension or

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renewal thereof and the term of any new license with respect to high quality apparel with the subject licensee with respect to each license entered into during the three-month period immediately following the expiration of an exclusive period"; do you see that?

MR. GOLDMAN: You see where he just read? You have to answer.

THE WITNESS: Yes.

BY MR. ITKOWITZ:

Q. Did you have an understanding that ALM had an agreement with The Trump Organization that if an agreement was entered into involving ALM, three months after the expiration of their contract, that it would be subject to a licensing fee going to ALM?

A. I don't recall.

Q. You have no recollection of that?

A. I don't recall.

Q. Did you ever have any discussions with anybody in The Trump Organization about that -- that the contract would apply to any agreement reached within a three-month period following the expiration of Exhibit-1?

1  
2           A.     I don't know that I knew that there  
3 was an agreement with ALM that preceded the  
4 conversation that I was privy to upon employment  
5 at The Trump Organization.

6                   MR. ITKOWITZ: Can you read back  
7 that answer?

8                   (Whereupon the reporter read back  
9 the last answer.)

10 BY MR. ITKOWITZ:

11           Q.     Did you ever learn about this  
12 particular agreement?

13           A.     Yes.

14           Q.     Did you ever learn that the agreement  
15 was going to continue three months -- was going  
16 to apply to any deal following -- for the  
17 three-month period following the expiration of  
18 the agreement?

19                   MR. GOLDMAN: You're asking her  
20 for -- did she ever learn of her  
21 interpretation of that agreement?

22                   MR. ITKOWITZ: Yes.

23                   MR. GOLDMAN: Okay.

24                   THE WITNESS: Yes.

25 BY MR. ITKOWITZ:



1

2 Q. And how did you learn about that  
3 three-month extension?

4 A. I don't recall.

5 Q. You don't recall if you had a  
6 discussion with Mr. Ross about that?

7 A. I don't know if I was given an actual  
8 document or if I had a discussion.

9 Q. What did you --

10 A. I don't believe it was a discussion.

11 Q. Did you ever learn that there was --  
12 that ALM would be entitled to any -- any  
13 compensation as a result of an agreement reached  
14 in the three-month period after the expiration?

15 MR. GOLDMAN: You can answer. I  
16 object to the form, subject to whatever the  
17 other conditions are here, but you can  
18 answer that question.

19 THE WITNESS: Yes.

20 BY MR. ITKOWITZ:

21 Q. How did you -- you don't recall how  
22 you learned about it; is that your testimony?

23 A. I may have received ultimately this  
24 agreement. Without rereading this entire  
25 agreement, I may have received an agreement that

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resembles this.

Q. Okay. And how would you receive that agreement?

A. At some point, George Ross, I believe, handed me a file that included some documents that preceded my employment at Trump.

Q. And was that a copy of a file, or was that an original of that file?

A. I have no idea.

Q. What did he say when he handed you that file?

A. I don't recall.

Q. What were the circumstances around which he handed that file?

A. I don't recall.

Q. Do you recall when he handed you that file?

A. I don't recall.

Q. Was it in 2004?

A. I don't recall.

Q. Was it in 2005?

A. I don't recall.

Q. Where is that file that he handed you?

A. Whatever could have been in that file

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is now in my possession in my office.

Q. In your file?

A. In my file.

Q. For ALM?

A. For ALM.

Q. Did you ever have a discussion with Donald Trump with respect to the contents of any portion of Exhibit-5, which is the --

MR. GOLDMAN: Exhibit-5, okay.

THE WITNESS: So we're done with this?

MR. GOLDMAN: You're not talking about 1 or 2. We're talking about 5. Just so we're clear, it's the email, the two emails?

MR. ITKOWITZ: The email exchange.

THE WITNESS: Did I ever have a discussion with Donald Trump; was that your question?

BY MR. ITKOWITZ:

Q. About the contents of this email.

A. Specifically about the contents of this email, no.

Q. Did you ever have a conversation with

1

2 Donald Trump about whether an agreement was ever  
3 made with ALM, where ALM would receive 10 percent  
4 of the royalties earned by The Trump Organization  
5 on any deal that it brought to the table?

6 A. Yes.

7 Q. When did you first have that  
8 discussion?

9 A. Soon after my employment at Trump.

10 Q. Tell me how that discussion occurred.

11 A. There was discussion with Donald Trump  
12 and George Ross about a potential deal with ALM.  
13 And I questioned the need to utilize ALM at that  
14 time since they had recently hired me to do what  
15 ALM was potentially going to do.

16 Q. Okay. And what did Mr. Trump say to  
17 you with respect to that comment?

18 A. I don't recall.

19 Q. No recollection at all?

20 A. I don't remember specifics of the  
21 conversation.

22 Q. Do you have a recollection of what  
23 Mr. Ross said at that time at that meeting?

24 A. It was a general conversation about  
25 working with a potential agent and potential

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partners to do business with. Beyond that, I don't recall.

Q. Well, you've just stated that you questioned why use ALM; correct?

A. Correct.

Q. And what did they say? Did they say, we made an agreement with ALM?

A. They didn't say that they had made an agreement with ALM. They said that they had discussions with ALM prior to my being employed.

Q. And did they tell you that you should go forward and make a deal with PVH, or did they say, ALM is going forward with that to you?

A. They didn't tell me specifically anything in records to PVH at that time, because soon -- either before or soon thereafter, there was a meeting that I was invited into with ALM, Trump and PVH.

Q. And at that time, were you aware that ALM was in the process of arranging for a contract between Trump and PVH?

A. Arranging a contract, not specifically, but there was a dialogue going on with PVH on behalf of Trump.

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2 Q. And you understood that ALM was doing  
3 that because there was an agreement between ALM  
4 and Trump; did you not?

5 A. As I believe I've stated, I had yet to  
6 see any agreement between ALM and Trump, and so I  
7 understood that ALM was making an introduction to  
8 Trump at that time when I was invited into that  
9 meeting.

10 Q. Is it your understanding, and I know  
11 you didn't indicate that you went to law school  
12 or you're a lawyer or anything like that, but was  
13 it your understanding that agreements can only be  
14 reached by written documents?

15 MR. GOLDMAN: Objection to the  
16 form. She's not a lawyer.

17 MR. ITKOWITZ: I understand that.

18 MR. GOLDMAN: You can answer it to  
19 the best of your ability.

20 THE WITNESS: Can you ask the  
21 question again, please?

22 BY MR. ITKOWITZ:

23 Q. Is it your understanding that an  
24 agreement for licensing -- a licensing fee can  
25 only be made in writing?

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A. It's my understanding that I would never choose to operate on an agreement that was not defined in writing.

Q. Okay. I understand that that would be your approach.

MR. GOLDMAN: I'm not going to let her guess on what people could do. If that's her experience, that's her experience. Jay, that's all you can ask her is about her experience. She's not a lawyer.

BY MR. ITKOWITZ:

Q. I'm asking you, is it your understanding that agreements can be made for licensing fees in the absence of a writing?

A. Are you asking me if it's legal?

Q. Yes.

A. And by law?

MR. GOLDMAN: If that's the case, I'm asking her not to answer. We can mark that for a ruling. We'll mark it for a ruling.

BY MR. ITKOWITZ:

Q. I'm asking you, is it your

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understanding that the only way an agreement can be reached with respect to licensing is by writing?

MR. GOLDMAN: I'm going to -- as I indicate before, the witness had asked you if you're asking about it legally. You said yes. As a result to that answer, I'm not going to let her answer a legal question in her opinion when she's not a lawyer.

MR. ITKOWITZ: I don't believe you're entitled to direct her not to answer. Her answer -- excuse me. Her answer, okay, may or may not be admissible, and we can argue about that, but I am asking her; okay.

MR. GOLDMAN: For a legal conclusion.

MR. ITKOWITZ: No, I'm not.

MR. GOLDMAN: You did. You asked legally.

MR. ITKOWITZ: I'm not asking for a legal conclusion. I'm asking what her understanding was at the time that this situation was occurring.

MR. GOLDMAN: No, you didn't ask



1  
2 her that. You said generally speaking. The  
3 witness said to you, legally? You said yes,  
4 legally.

5 MR. ITKOWITZ: We could be here  
6 all day.

7 MR. GOLDMAN: I know. So ask her  
8 in that situation or her experience; not a  
9 legal conclusion.

10 BY MR. ITKOWITZ:

11 Q. Is it your understanding -- you said  
12 that it would be your practice that you wouldn't  
13 do a licensing deal unless it was in writing;  
14 correct?

15 A. That's correct.

16 Q. Is it your understanding that the only  
17 way you can do a deal for licensing is if it's in  
18 writing?

19 MR. GOLDMAN: Same objection.

20 Answer it if you can.

21 THE WITNESS: The only way that I  
22 would do a deal, and those that I work with  
23 would be through a signed deal. I do not  
24 operate on deals that are unsigned, and I  
25 don't know others that do.

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BY MR. ITKOWITZ:

Q. I'm not asking you what your personal practice is. I'm asking you whether it is your understanding that a deal can be made in the absence of a writing.

A. I don't know.

Q. Now you said that at some point after this email, which is indicated in Exhibit-5, you attended a meeting with PVH, Jeff Danzer and somebody from The Trump Organization.

A. Correct.

Q. Who was there?

A. Donald Trump and George Ross.

Q. Where was that meeting?

A. At PVH.

Q. And do you recall when that meeting was?

A. I believe, perhaps, August 2004.

Q. Do you have any document that you possess that would refresh your recollection as to the specific date that that meeting occurred?

A. Maybe.

Q. And do you keep a calendar?

A. Do I keep a calendar today?

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2 Q. In 2004, did you keep a calendar of  
3 your appointments?

4 A. Yes, I believe so.

5 Q. What kind of calendar did you keep?

6 A. I believe it was a paper calendar.

7 Q. Was it -- what kind of -- describe the  
8 kind of calendar that you used.

9 Was it like a daytimer? Was it like  
10 a --

11 A. Something like that. Actually, let me  
12 describe it in more detail for you.

13 Q. Okay.

14 A. It was one of those page-a-day  
15 calendars.

16 Q. Do you still have the page-a-day  
17 calendar from 2004?

18 A. No. Nope.

19 Q. Do you have any other record that  
20 would indicate when that meeting occurred?

21 A. Maybe.

22 Q. I'm going to ask you to check and  
23 indicate -- we'll leave a blank in the transcript  
24 for you to provide that information.

25 A. \_\_\_\_\_.

1

2 MR. GOLDMAN: The information  
3 being the date?

4

MR. ITKOWITZ: The date of the  
5 meeting.

6

MR. GOLDMAN: That she just  
7 described. Okay.

8

BY MR. ITKOWITZ:

9

Q. Did you have an understanding at or  
10 prior to the meeting that you've described that  
11 occurred in or about August of 2004, did you  
12 understand whether ALM had previously arranged a  
13 meeting between PVH and any representatives of  
14 Trump?

15

A. I heard at some point, I believe,  
16 after that meeting, that there was some meeting  
17 prior to the meeting that I was involved in.

18

Q. And what did you learn about that  
19 meeting?

20

A. Not much.

21

Q. How did you learn about that meeting?

22

A. I don't recall.

23

Q. Do you recall if you spoke to  
24 Mr. Trump about that meeting?

25

A. I don't believe so.

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2 Q. Do you recall if you spoke to Mr. Ross  
3 about that meeting?

4

A. Perhaps there was a mention of it, but  
5 I really don't recall.

6

Q. At this time I'll show you what's been  
7 marked as Plaintiff's Exhibit-6 for  
8 identification.

9

Do you recall receiving this email?

10

A. Yes.

11

Q. And do you recall having any  
12 discussions with -- excuse me. Back up for a  
13 second.

14

Was this agreement -- was this email  
15 in your file?

16

A. I don't recall.

17

Q. And the file that you mentioned, did  
18 you keep emails in that file, or did you store  
19 them electronically?

20

A. Some emails may be in that file.

21

Q. And do you know if you save those  
22 emails otherwise, if they're not in your file?

23

A. They should be saved.

24

Q. Do you know how they're saved?

25

A. They're in my in-box or my out-box.

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2 Q. And do you have a policy of deleting  
3 or maintaining emails?

4 A. I don't delete emails of this nature.

5 Q. Do you delete emails of any nature?

6 A. Spam, junk mail, yes.

7 Q. So in other words, any email that you  
8 have in the regular course of business you save  
9 as a matter of course?

10 A. Generally speaking, yes.

11 Q. And do you save them on your computer,  
12 or are they saved on a server in The Trump  
13 Organization?

14 A. Definitely on my computer. I don't  
15 know if they're saved elsewhere.

16 Q. The Trump Organization does use a  
17 computer network; does it not?

18 A. I guess it does. I don't know the  
19 details of our IT Department.

20 Q. Your computer is attached to a  
21 computer network; is it not?

22 A. Yes.

23 Q. And have you ever received a PDA,  
24 Personal Digital Assistant, from The Trump  
25 Organization?

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2 A. I have a BlackBerry.

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Q. How long have you had a BlackBerry?

4

A. I don't recall. A few years.

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Q. Is the BlackBerry -- is your

6

BlackBerry linked to your office account?

7

A. Yes.

8

Q. So any email you send on your

9

BlackBerry or receive on your BlackBerry is

10

maintained on the server at The Trump

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Organization?

12

A. Yes.

13

Q. Now with respect to this email, this

14

is a confirmatory email from Jeff Danzer as to an

15

agreement that Mr. Danzer states was reached with

16

The Trump Organization; do you see that?

17

A. Yes.

18

Q. This is Plaintiff's Exhibit-6 for

19

identification.

20

At any point, did you have a

21

discussion with Mr. Ross about this particular

22

email?

23

A. I'm sure at some point we did, yes.

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Q. At any point, did you attempt to

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confirm with Mr. Ross whether Mr. Ross agreed

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with the contents of this email?

A. Yes.

Q. And what did Mr. Ross tell you?

A. He told me after I probed many times to find out if he had a signed deal with ALM, to -- that ALM was entitled to payment, and to see to it that they got paid.

Q. Okay. And when he said they were entitled to payment, was he referring to the terms of this email as stated in Plaintiff's Exhibit-6?

A. I can't recall if he was referring to this specific email, but he was referencing whether the email or discussions had been had.

Q. Tell me how it came about that Mr. Ross told you that ALM was entitled to be paid.

A. I met with him in his office and --

Q. When?

A. At some point in 2004, and asked him once again if he had an agreement in place with ALM; and if so, if I could have a copy of it. And at that point after asking a number of times, he told me it didn't matter. Not to worry about



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it, and to see to it that ALM got paid.

MR. GOLDMAN: 2004 or 2005?

THE WITNESS: I don't recall the exact date. I don't recall the exact date.

BY MR. ITKOWITZ:

Q. And he told you that ALM should get --

A. I guess it couldn't have been 2004, because I don't think there was product in 2004.

Q. All right. And he told you that ALM should get 10 percent of all royalties, with such other fees paid to Trump?

A. Yes.

Q. At this time, I'll show you what's been marked as Plaintiff's Exhibit-7 for identification.

Do you recall receiving a copy of this email?

A. Yes.

Q. And this email attaches the -- has an attachment to it, which is the document -- which is the same in substance as the one referenced in Plaintiff's Exhibit-6; correct?

A. Yep.

Q. And this is Mr. Danzer requesting to

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have the agreement with The Trump Organization signed; correct?

A. So it says.

Q. And you recall receiving this on or about August 25th?

A. Yes.

Q. Did you ask Mr. Ross if he was intending to sign this agreement?

A. I don't recall.

Q. Did you ever have any discussions with Mr. Ross as to whether he was intending to sign an agreement?

A. As mentioned in previous questions you've asked, I have had repeatedly asked George if he had a signed document with ALM.

Q. Did he ever tell you why he didn't have a signed document?

A. No.

Q. Did you ever ask him why he didn't have a signed document?

A. No.

Q. Did you ever ask Mr. Trump why there wasn't a signed document?

A. Yes.

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Q. And what did Mr. Trump say to you?

A. He was surprised to hear there was not a signed document.

Q. Tell me to the best of your recollection what you said to Mr. Trump and what Mr. Trump said to you in the course of that conversation.

MR. GOLDMAN: Can we just get a timeframe?

MR. ITKOWITZ: Any timeframe.

MR. GOLDMAN: I don't want -- I know when it was, but just for the record.

BY MR. ITKOWITZ:

Q. When did this conversation occur?

A. Much later than 2004.

Q. So how did that conversation come about?

A. Mr. Trump and I were having a conversation about licensing and licensing deals. And the subject came up about PVH, and it led to ALM, where I made mention that we had been paying ALM 10 percent of what we made from PVH, and he said, what are you talking about? And I indicated that that's what we had been doing.

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2 And I had been directed to do that. And that I  
3 did not have an agreement with ALM. I didn't  
4 know if anybody else at the company did, but  
5 nobody had been able to supply me with an  
6 agreement from ALM.

7 Q. And what did Mr. Trump say?

8 A. He was surprised that there was not an  
9 agreement in place.

10 Q. And what else did he say, if anything?

11 A. That was the extent of the  
12 conversation.

13 Q. Was anybody else present at that  
14 meeting?

15 A. No.

16 Q. To the best of your recollection, when  
17 did that conversation occur?

18 A. Later than 2004.

19 Q. Do you have anything in writing or  
20 anything in your office that would refresh your  
21 recollection as to when that occurred?

22 A. I don't believe so.

23 MR. GOLDMAN: Before you go on,  
24 give me one second.

25 (Whereupon there was a brief

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recess from 11:41 a.m. until 11:52 a.m.)

BY MR. ITKOWITZ:

Q. I'll show you what's been marked  
Plaintiff's Exhibit-8 for identification.

Is this an email that you received  
following the meeting with PVH?

A. Yes.

Q. Does that refresh your recollection as  
to when the meeting occurred?

A. Yes.

Q. And when did it occur?

A. Before August 26, 2004.

Q. I'll show you what's been marked as  
Plaintiff's-9 for identification.

MR. GOLDMAN: Do we still have to  
fill in the blank now that we all know when  
the meeting occurred?

BY MR. ITKOWITZ:

Q. Do you see that -- with respect to  
Plaintiff's Exhibit-9, is this an email that you  
sent to PVH?

A. Yes.

Q. And you copied Jeff Danzer on that?

A. Yes.

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Q. Now may I have that back?

A. Sure.

Q. I'm going to ask you some questions about that a little later. I'll show you what's been marked Plaintiff's Exhibit-10 for identification.

MR. ITKOWITZ: Do you have an attachment to No. 10?

MR. CHOI: No, it's not an attachment. Never mind.

BY MR. ITKOWITZ:

Q. Now this is a letter dated -- this is an email from Jeff Danzer to George Ross dated August 30th, 2004; do you see that?

A. I do see it.

Q. And you were copied on that; correct?

A. Correct.

Q. Do you recall receiving this at or about this time?

A. Yes.

Q. Do you recall following up with Mr. Ross about whether the agreement that had been forwarded on August 23rd was going to be signed?

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A. I'm sure I did follow up.

Q. And does that refresh your recollection as to -- when you followed up at that time, did George Ross tell you that ALM was going to get 10 percent of PVH?

A. On or about that time.

Q. In accordance with that letter dated August 23rd?

MR. GOLDMAN: You mean did he reference the letter is your question?

MR. ITKOWITZ: Yes.

THE WITNESS: I don't recall.

BY MR. ITKOWITZ:

Q. I'll show you what's been marked as Plaintiff's Exhibit-11 for identification.

Is this a proposal that you received on or about September 8, 2004, from Debbie Luca?

A. Yes.

Q. And this was cc'd to ALM International?

MR. GOLDMAN: It says it was cc'd to info at ALM.

BY MR. ITKOWITZ:

Q. Do you see that?

1

2 A. Yes.

3

4

Q. And who did you understand info at  
ALM-International.com was?

5

A. I assume somebody at ALM.

6

7

Q. As you sit here now, you don't know  
whose email that is?

8

A. I don't.

9

10

Q. All right. I show you what's been  
marked as Exhibit-12 for identification. This is  
a letter that you wrote to Mr. Danzer on or about  
November 30th?

11

12

13

A. Yes.

14

15

Q. And did it enclose the agreement which  
had been previously marked as Plaintiff's  
Exhibit-3?

16

17

A. 3A?

18

Q. 3A.

19

A. Yes.

20

Q. And I show you what's been marked as  
Plaintiff's Exhibit-13 for identification.

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MR. GOLDMAN: Let her read it for

23

one second.

24

BY MR. ITKOWITZ:

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Q. I would say, if you start from -- I



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would say start from 2938, which is the third page of this document -- 2939. Actually, if you start from 2938.

MR. GOLDMAN: Read which way, to the recent or to the old?

BY MR. ITKOWITZ:

Q. To the recent.

A. From the top or the bottom?

Q. At the bottom on -- there's a series of emails dated -- starting on the page denominated 2938; do you see that?

A. Yes.

Q. Starting from the email from Jeff Danzer to you from 7/14/2005, and the last email in this chain is from Jeff Danzer to you dated August 9, 2005; do you see that?

A. Yes.

Q. So can you tell me whether you sent and/or received each of the emails that are contained herein?

A. It appears that I sent and received the emails contained here.

Q. Well, do you have any reason to think that you did not send and receive?

1

2           A.     You haven't given me a chance to read  
3 them, so --

4           Q.     Take as much time as you want.

5           A.     I see my name on it. So looking at  
6 it, I assume I sent and received.

7           Q.     So for purposes of this question, take  
8 as much time as you need and tell me if you sent  
9 or received emails as indicated.

10          A.     Yes.

11          Q.     Now see on 2937, which is the second  
12 page; do you see that?

13          A.     Which one?

14          Q.     The one from Jeff Danzer to you.

15          A.     Okay. "Thanks. Have a great  
16 weekend"?

17          Q.     Where he says, "Hi, Cathy. No, it is  
18 my home address. Yes, Mark wants the check made  
19 out to ALM International and sent to me"; do you  
20 see that?

21          A.     Yes.

22          Q.     Can you recall how it was that these  
23 emails were sent? Why these emails were sent and  
24 received? Give us the context of these emails.

25          A.     It appears that Jeff is looking for

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payment to ALM.

Q. And was this for the first royalty payment?

A. I don't recall what was the first one.

Q. Do you recall if prior to August 9th, 2005, ALM had received any compensation from Trump with respect to the PVH deal?

A. I don't recall.

Q. Going to the email from Jeff Danzer to you on Page 2937 where it says, "No, it's my home address. Yes, Mark wants the check made out to ALM International and sent to me," did you see that?

A. Yes.

Q. Did you cause a check from The Trump Organization to be sent to ALM International as indicated in this email?

A. Yes.

Q. And how did you go about arranging for checks to be sent from The Trump Organization?

A. I asked George Ross, who I had reported to at the time of this deal, who was in charge of this deal, as to how ALM was to be -- if they were to be paid, how they were to be

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paid; and he told me to set up an account with accounting and have them paid.

Q. Set up a vendor account?

A. Set up an account with our accounting department to get them paid.

Q. How did you go about doing that? What was your process?

A. I reached out to our accounting department and told them that ALM was to get paid 10 percent. I didn't have a document to produce for our accounting department, a signed document in order to do so, 10 percent of the royalties that we received from PVH.

Q. All right. So this is in or about August of 2005; correct?

A. Correct.

Q. When you got this series of emails and you had to arrange a check, you went to accounting and accounting asked you for a written; is that correct?

A. They asked me for some documentation of a deal.

Q. Okay. And what did you do when accounting asked you for some documentation?

1

A. I told them to talk to George.

2

3

Q. And that was because you had

4

previously confirmed that George said that ALM

5

should be paid?

6

A. Because George -- that, and because

7

George was in charge of this deal at the time and

8

monitored it and dealt with it. I was a new

9

employee at the time, and he was spearheading

10

this relationship with ALM.

11

Q. And George confirmed to you that they

12

should be paid the 10 percent?

13

A. Correct.

14

Q. And you confirmed that to accounting?

15

A. Yes.

16

Q. And did you give them any document to

17

memorialize this deal?

18

A. I think that the only document that I

19

could have produced for them is the royalty from

20

PVH, 'cause I didn't have a signed document from

21

ALM.

22

Q. We understand that you didn't have a

23

signed document from ALM. However, you did have

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a document that was dated August 23rd, 2004, I

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believe, which had been previously marked, I

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believe. Hold on a second.

You did have a document which was previously marked as Plaintiff's Exhibit-7 for identification; do you see that? Page 2 of that document. It says --

A. Yes.

Q. Which is denominated on the bottom, it should be --

MR. GOLDMAN: 3010.

MR. ITKOWITZ: 3010.

MR. GOLDMAN: Yeah, we got it.

BY MR. ITKOWITZ:

Q. Did you ever give that document to the accounting department?

A. I don't recall.

Q. Who in accounting would you have been interacting with?

A. A gentleman by the name of Jeff McConney.

Q. And what is Mr. McConney's position?

A. He works in the accounting department at The Trump Organization.

Q. What is his position?

A. I believe he's the controller of the

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Trump Organization.

Q. And is he the person who has to authorize checks in The Trump Organization from the accounting department?

A. Authorize, I don't know that I would say authorize, but, yeah, I guess so.

Q. How did it come about that you were speaking with him with respect to this transaction?

A. George Ross told me to work with accounting to see to it that ALM got paid.

Q. And that -- so the person you just mentioned is the person you went to?

A. Yes.

Q. And that person asked you for documentation?

A. I don't recall exactly what he asked me for.

Q. Do you have a record in your office as to indicate what he asked you for?

A. I don't believe that I do.

Q. Would he have communicated with you by email asking you for a document?

A. Perhaps, or by phone.

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MR. ITKOWITZ: Can I have a representation from counsel if there was an email that's been produced, or do you need to check separately?

MR. GOLDMAN: I would check with in-house counsel, Alan Garten, who did the document production. I'll find out.

MR. ITKOWITZ: What is the spelling of that gentleman's name?

MR. GOLDMAN: Do you know how to spell his name?

THE WITNESS: I'm sorry. I thought you were talking to him. Which, Alan Garten?

BY MR. ITKOWITZ:

Q. No, Jeff.

A. Mc-C-o-n-n-e-y.

Q. And have you in the past communicated with Mr. McConney via email?

A. Ever?

Q. Yes.

A. Yes.

Q. And if he needed something, do you know if, in the regular course of business, he



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would ask you via email or would he ask you verbally?

A. Either.

Q. So I would leave a blank in the transcript and ask you to check to see if you have any emails from Mr. McConney, or from you to Mr. McConney with respect to ALM.

A. \_\_\_\_\_

\_\_\_\_\_.

Q. You agree to do that?

MR. GOLDMAN: She'll talk with counsel. We'll take it under advisement.

THE WITNESS: Yes.

BY MR. ITKOWITZ:

Q. Directing your attention to the first part of Exhibit-13, the first page, how is it that ALM was invoicing you? How did that process occur?

A. George Ross directed me to send ALM a royalty statement that we received from PVH, and I would forward that to ALM.

Q. Then ALM would invoice you?

A. Correct.

Q. And what was the timing on that? In

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other words, you were the person who was supposed to receive a royalty statement from PVH?

A. Correct.

Q. And how did you receive those; by mail or electronically?

A. Definitely by mail. Perhaps electronically as well.

Q. So when you would receive it by mail or electronically, how would you communicate -- how would you transmit a copy of that invoice to ALM?

A. I believe electronically.

Q. And that would be to Jeff Danzer --

A. Correct.

Q. -- or to Mark Hager?

A. The former.

Q. Did you ever have any communications with Mr. Hager?

A. Not really. There was one communication not direct with me, but an email of which I'm sure that you have of him -- of dialogue Jeff Danzer and I had, and Mark interjected in an email -- forwarded an email to me that I don't believe was supposed to be

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forwarded to me, about some conversation they were having amongst themselves.

Q. Okay. At the top of Plaintiff's Exhibit-13, in the first section of this email from Jeff to you it says, "Dear, Cathy, as you know," ending with, "All the best."

Did you confirm that these were the terms of the agreement with Mr. Ross as stated by Mr. Danzer?

A. Give me one second, please. I believe I communicated it to Mr. Ross in some fashion.

Q. And did that amount to -- that some fashion amount to a confirmation of what the essence of these terms were?

MR. GOLDMAN: Objection to form.

You can answer.

THE WITNESS: Yes.

BY MR. ITKOWITZ:

Q. I'll show you what's been marked as Plaintiff's Exhibit-14 for identification. Is this -- can you tell me what the -- take a look at this email chain starting from 2948.

MR. GOLDMAN: Why don't you let her look at the entire document.

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BY MR. ITKOWITZ:

Q. Yeah, look at the entire document.

Back to front or front to back, however you'd like. Do you see these emails?

A. I do.

Q. And these emails involve your -- the issue of having to supply accounting with some kind of documentation of the arrangement?

A. Correct.

Q. At the time of this email, the email at the top -- all of these emails are August 23rd or August 22nd of 2005.

Had Mr. Ross directed you to start paying ALM?

A. I believe so.

Q. And this was -- so what was the purpose of having to obtain an actual agreement at this time, given the fact that Mr. Ross had told you --

A. I don't recall.

Q. You have no recollection?

A. I don't.

Q. I'll show you what's been marked Plaintiff's Exhibit-15 for identification.

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Are these emails that you sent and/or received from -- are these email communications between you and Jeff Danzer?

A. Yes.

Q. And these were sent or received by you?

A. Yes.

Q. Now in looking at the top of this exhibit, Exhibit-15, you write to Jeff on September 7th, "Jeff, George is drafting something. I don't know what his timing is, but I will get something to you as soon as I get it."

Can you tell me what the basis of that email was?

A. Honestly, I don't recall. I would imagine that I had a conversation with George who led me to believe that he was drafting something, and that's why I responded that way.

Q. And was this before or -- excuse me.

At this time, had you started -- had Trump started issuing any checks to ALM?

A. I believe so. I don't know the actual -- I don't know what the date is when the first checks were, but I'm sure you have them.

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MR. GOLDMAN: Just as a general rule, if you know, you know. If you don't say, "I don't know." No guessing.

BY MR. ITKOWITZ:

Q. I show you what's been marked as Plaintiff's Exhibit-16 for identification.

Is this an email that was forwarded to you by somebody at PVH?

A. Yes.

Q. And can you tell us what you did, if anything, when you received this email?

A. I don't recall.

Q. This indicates at the bottom that Jeff Danzer was communicating with Sharon McGovern of PVH; is that correct?

A. Yes.

Q. Who was Sharon McGovern?

A. Works in the accounting department at PVH.

Q. And at this time, she had written to you that -- Sharon McGovern had written to you that she had already forwarded the sales detail to you for the second quarter sales of Trump dress shirts, sports shirts and neckwear; is that

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correct?

MR. GOLDMAN: If you're asking her

if that's what it says, that's what it says.

BY MR. ITKOWITZ:

Q. Is that correct?

A. She specifies that she received an email from my broker. It doesn't say specifically what the contents of the report said.

Q. Okay. Had you, at that time you received this email, forwarded that Trump royalty report to Mr. Danzer?

A. Could you ask that again?

Q. At the time that you received this email from Sharon McGovern, had you forwarded the second quarter sales --

A. I don't know.

Q. -- to Mr. Danzer?

A. Don't know.

Q. I show you what's been marked as Plaintiff's Exhibit-17 for identification.

Is this an email that was sent to you from Jay Dartangn?(sic.)

A. It appears so.

1

2 Q. Who is that person?

3

A. I have no idea.

4

Q. Who is Jennifer Favre?

5

A. She used to work in the licensing

6

department at Trump.

7

Q. Used to?

8

A. Yes.

9

Q. And did she work for you?

10

A. Yes.

11

Q. At the time that this was written on

12

May 28th, how many people were working for you at

13

The Trump Organization?

14

A. Two or three.

15

Q. At the top it says -- this is from

16

Jennifer to you. It says, "Have you spoken to

17

DJT."

18

Does that refer to Donald Trump?

19

A. Yes.

20

Q. Do you know if jdartangn is Mr.

21

Danzer?

22

A. I have no idea.

23

Q. I show you what's been marked as

24

Plaintiff's Exhibit-18 for identification.

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Do you recall receiving these emails?



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A. Give me a moment, if you would. Yes.

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Q. Tell me how it was -- can you give me the context for which these emails were sent and received?

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MR. GOLDMAN: I'll object to the form, since she was only cc'd on these emails and wasn't the sender or the direct recipient, but answer to the best of your knowledge.

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THE WITNESS: I believe it states here that Mark Hager is asking George about his commission for the first quarter 2008, and George's response.

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BY MR. ITKOWITZ:

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Q. Right. Now starting from George's response, which is sent on June 28, 2004 as shown on the first page, which is Bates No. 2994 --

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19

A. June 28th?

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Q. It says June 28th.

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MR. GOLDMAN: June 25th, June 26th.

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BY MR. ITKOWITZ:

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Q. I'm asking about the email at the bottom of the first page of Plaintiff's

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Exhibit-18.

MR. GOLDMAN: That says June 25,  
2008, 10:15 a.m.

MR. ITKOWITZ: No, 12:13:04 where  
it states, "Mark, I've been in contact with  
Jeff." This is from George --

MR. GOLDMAN: Okay.

BY MR. ITKOWITZ:

Q. -- which is cc'd to you. It says,  
"Mark, I've been in contact with Jeff."

A. I've read it.

Q. "I think the payments that you  
received were made in error."

MR. GOLDMAN: She read it.

BY MR. ITKOWITZ:

Q. "I had told Jeff that you were  
entitled to some reasonable compensation for  
whatever you did in connection with PVH, but I  
never agreed to a percentage forever."

Did you have a conversation at or  
about this time with Mr. Ross?

A. About what?

Q. About what ALM was supposed to be  
receiving from -- as compensation from PVH?

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A. I probably had a conversation with Mr. Trump at or about that time in regards to the ALM agreement, and that I did not have a signed document talking about the agreement with Trump and ALM. At that point, I would imagine that Mr. Trump had a follow-up conversation with George Ross about the agreement, since George Ross was managing that relationship.

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Q. So just to clarify the series of events, the chronology, if you will, up until at or about this time in 2008, June of 2008, Trump had been paying 10 percent of the royalty statement to ALM up until there was a complaint made by Mr. Hager in this email; correct?

16

17

18

19

A. Correct.

Q. And some time prior to this time, you had had a conversation with Mr. Trump privately?

20

21

22

23

24

A. Correct.

Q. The one that you testified to before?

A. Correct.

Q. In which you advised Mr. Trump there was no written agreement signed by The Trump Organization.

25

A. To the best of my knowledge, correct.

1

2 Q. And it's your testimony that  
3 thereafter -- shortly thereafter, The Trump  
4 Organization stopped paying commissions to ALM?

5 A. Correct.

6 Q. And did you understand that the reason  
7 that they stopped paying was based upon your  
8 conversation with Mr. Trump?

9 A. I didn't know what it was based on. I  
10 couldn't tell you specifically.

11 Q. Well, you were copied on this email;  
12 correct?

13 A. I don't believe it references a  
14 conversation I had with Mr. Trump; does it?

15 Q. The email from George Ross to Mark  
16 Hager when he says, "I think the payments that  
17 you were paid were paid in error," that was cc'd  
18 to you; correct?

19 A. Correct.

20 Q. At the time you received this email,  
21 was it a surprise to you that Mr. Ross was  
22 stating that these payments were made in error?

23 A. I suppose so.

24 Q. I mean, you've previously testified  
25 that Mr. Ross had directed that you make these

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payments?

A. Correct.

Q. So the payments were not made in error in the context of Mr. Ross having specifically authorized these payments; is that correct?

A. Correct.

Q. And it was only after you had a conversation with Mr. Trump and advised Mr. Trump that there was not something signed by The Trump Organization that the payments stopped coming; is that correct?

A. I don't know what happened after my conversation with Mr. Trump until this dialogue started. I wasn't privy to a conversation that he may or may not have had with Mr. Ross.

Q. Were you ever privy to a conversation -- did anybody from The Trump Organization ever relate to you subsequent to your receiving this email on June 25th of 2008, as to why the payments stopped being made to ALM in connection with the PVH deal?

A. Yes.

Q. Okay. Tell us what conversations you had and with whom.

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2           A.     I believe I had a conversation with  
3 George Ross, where he indicated they were  
4 entitled to something, but that he didn't have a  
5 signed document that specified that they were  
6 entitled to 10 percent for the life of, the  
7 duration of the contract.

8           Q.     And did he tell you that he had had a  
9 conversation with Mr. Trump in connection with  
10 this issue?

11          A.     I don't recall. He may have.

12          Q.     How did it come about? This was a  
13 change in behavior; was it not?

14          A.     Right. Right. Yes.

15          Q.     This was a change in behavior that you  
16 had advocated; correct?

17          A.     That I had advocated?

18          Q.     Yes. Hadn't you advocated to The  
19 Trump Organization that they stop making these  
20 payments?

21          A.     No, I did not.

22          Q.     When you had your conversation with  
23 Mr. Trump, did Mr. Trump indicate to you that if  
24 there wasn't a signed agreement, that these  
25 payments should stop?

1

2           A.     What I indicated before in my  
3 testimony was that Mr. Trump was surprised that  
4 there were ever payments made based on fact that  
5 we didn't have a signed document.

6           Q.     Did Mr. Trump indicate in that  
7 conversation that The Trump Organization should  
8 investigate as to why there was not a signed  
9 document?

10          A.     Not to me.

11          Q.     Prior to your having that  
12 conversation -- just one second, I have to talk  
13 to my client. One second.

14                         (Whereupon Mr. Itkowitz and  
15 Mr. Hager conferred outside the deposition  
16 conference room.)

17 BY MR. ITKOWITZ:

18          Q.     Let's go to -- I'm going to show you  
19 what's been previously marked as Plaintiff's  
20 Exhibit-19 for identification.

21                         Can you identify this document?

22          A.     Yes.

23          Q.     And tell me what this document is.

24          A.     A royalty report from Phillips-Van  
25 Heusen.

1

2 Q. And what period does this royalty  
3 cover, this royalty report cover?

4

A. For second quarter 2005.

5

6 Q. Okay. And was this, to your  
7 knowledge, the first royalty statement that you  
8 had received?

8

A. I don't recall.

9

10 Q. Do you have a record any place  
11 indicating whether this is the first royalty  
12 statement that you received?

12

A. Yes.

13

Q. And where was that?

14

A. In my files.

15

16 Q. All right. I would ask you to confirm  
17 whether or not Plaintiff's Exhibit-19 is the  
18 first royalty statement you received.

18

MR. GOLDMAN: We'll do that.

19

BY MR. ITKOWITZ:

20

21 Q. Now I'll show you what's been marked  
22 as Plaintiff's Exhibit-20 for identification.

22

23 Starting from -- for the record, 20 just consists  
24 of a first page which is -- contains an invoice  
25 from ALM International dated 8/8/2005, and

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thereafter ALM, Re: Trump documents Bates stamped



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MR. CHOI: They're all over the place. I just put them together.

MR. GOLDMAN: We'll be able to answer the questions.

MR. ITKOWITZ: All right.

MR. GOLDMAN: There's not much in dispute about the invoices that went back and forth. Okay.

BY MR. ITKOWITZ:

Q. I direct your attention to the first page -- the first document in this exhibit, Plaintiff's Exhibit-20.

Tell me what this document is.

A. It's a document from ALM to Trump. An invoice for first and second quarter 2005.

Q. And is this an invoice that you recall that was directed to you?

A. Yes.

Q. And what did you do when you got this invoice?

A. Forwarded it to accounting.

Q. For payment?

A. Yes.

1  
2 Q. I show you the second page of this  
3 document.

4 MR. GOLDMAN: If it would move  
5 things along, if you just want her to look  
6 at it, she can just say that upon receipt of  
7 each and every one of those, she sent them  
8 to accounting for payment, rather than --

9 MR. ITKOWITZ: Okay.

10 THE WITNESS: Going page by page?

11 BY MR. ITKOWITZ:

12 Q. Look at this document, which is all of  
13 these -- all of these are invoices. See if you  
14 can confirm if they were received and approved by  
15 you for payment.

16 A. Yes.

17 Q. Let me just ask you, what's the  
18 approval process as you understand it for the  
19 issuance of checks in The Trump Organization?

20 MR. GOLDMAN: Relative to ALM?

21 BY MR. ITKOWITZ:

22 Q. Let's just talk relative to ALM.

23 A. George Ross approved the process by  
24 which ALM would get paid. Directed me to pay --  
25 to forward invoices to accounting. Accounting

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had set up a system. I was to send accounting the invoices for ALM, and they were to get paid.

Q. So once you sent an invoice from ALM to accounting, accounting would issue a check; correct?

A. Yes.

Q. And did you see the check when it was issued?

A. Not to the best of my knowledge.

Q. How did the check go from accounting to somebody to sign, to your knowledge?

A. It went from accounting, and accounting moves it to the person who signs the check.

Q. Okay. And were you involved in that process at all?

A. Moving the check from accounting to the person -- no.

Q. Okay. I'm going to direct your attention to Bates No. 1731, which is a couple pages in. It's probably five.

A. Got it.

Q. In handwriting it says, "Deborah, please give me the check when ready."

1

2 Do you know who wrote that?

2

3

A. I believe the signature on that says  
4 Stella, who is somebody that used to work in our  
5 accounting department at The Trump Organization.

4

5

6

Q. And there's a stamp on this document  
7 which says, "Accounts Payable" and has a voucher  
8 number.

7

8

9

Do you know what that voucher number  
10 is?

10

11

A. No.

12

Q. And it says, "By DJT." Is that Donald  
13 Trump?

13

14

A. Yes.

15

Q. After that --

16

MR. GOLDMAN: Sorry, just so we're  
17 clear, the initials represent Donald Trump,  
18 but it doesn't mean Donald Trump actually  
19 filled any of that out.

17

18

19

20

MR. ITKOWITZ: Correct.

21

THE WITNESS: Correct.

22

BY MR. ITKOWITZ:

23

Q. Does that mean the check is going to  
24 be signed by Donald Trump? Do you have any idea?

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A. I would assume so, but I don't know

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for certain.

Q. And then turning your attention to the next page, again, it says, "Please give me the check when ready" in handwriting, and is that the same person that you've just described on the previous one?

A. There's no signature there, but the handwriting looks similar.

MR. GOLDMAN: In the future, if you know it's Stella's handwriting, testify it's Stella's handwriting.

THE WITNESS: I don't know Stella's handwriting.

MR. GOLDMAN: Then you can't answer that it looks similar.

BY MR. ITKOWITZ:

Q. And over there where it says, handwriting, it's "ACC58001," is that the code for ALM International?

A. Over where?

MR. GOLDMAN: In the middle.

BY MR. ITKOWITZ:

Q. In the middle of the page.

A. Is that what; I'm sorry?

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Q. Is that a code for ALM?

A. I have no idea.

Q. And when it says in writing, "10 percent commission; third, 2006, PVH," do you know what that refers to?

A. Yes.

Q. Tell me what that refers to.

A. I assume it refers to the 10 percent commission from the PVH deal.

Q. To ALM?

A. To ALM.

Q. And the same for the Trump document -- the next document, which is Bates numbered 1797?

A. Yes.

Q. At the bottom of that page of 1797, it has -- it says, "Cathy GL." Is that you?

A. Yep.

Q. Is that your handwriting?

A. Yes.

Q. Is that an approval from you?

A. Yes.

Q. Turning to the next page, 1725, there's something in handwriting that says, 'Return to a person by the name of Donna.'

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Do you know who that person is?

A. Yes.

Q. Who is that person?

A. Somebody in accounting.

Q. Were each and every one of these invoices approved by you before they went to accounting?

A. Yes.

Q. Now I'll show you what's been marked as Plaintiff's Exhibit-21 for identification. This is a series of checks. I'd like you to review them.

MR. GOLDMAN: For the record, if it will facilitate this deposition, these are checks that were paid and sent.

BY MR. ITKOWITZ:

Q. Are these the checks that were paid in relation to the invoices which were previously marked as Plaintiff's Exhibit-20?

A. Yes.

Q. And are you familiar with the signature on the checks?

A. Yes.

Q. And can you tell me whose signature

1

2 appears on each and every one of these checks?

3

A. Donald Trump.

4

Q. And do you know -- are you familiar

5

with Donald Trump's procedure that he follows

6

before a check is signed by him?

7

A. Define the procedure you're --

8

Q. Does Donald Trump have a procedure by

9

which he follows before checks -- before he signs

10

any checks?

11

A. I don't know.

12

Q. Is it not a fact that before he signs

13

a check, he has to have approvals from certain

14

people?

15

A. I don't know.

16

MR. GOLDMAN: Objection.

17

THE WITNESS: Sorry.

18

MR. GOLDMAN: That's okay. You

19

didn't know the other answer, so I figured

20

you didn't know that one either. You beat

21

me to it.

22

BY MR. ITKOWITZ:

23

Q. I show you what's been marked

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Exhibit-22 for identification, and ask you if

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you're familiar with the two pages in that



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document.

A. Am I familiar with the document; was that your question?

Q. Yes.

A. I believe I've seen these documents.

Q. Did you ever have any discussions with Mr. Ross about those documents?

A. No.

Q. How did it come about that you became familiar with those documents?

A. I don't recall.

Q. I show you what's been marked as Plaintiff's Exhibit-23 for identification, and ask you if you're familiar with that document.

A. I believe I've seen this document.

Q. Do you recall how it came about that you came to see that document?

A. No, I do not.

Q. Do you recall ever having a discussion with respect to ALM and the subject of Marcraft?

A. Do I ever recall having a discussion?

Q. With anybody with respect to ALM and Marcraft.

A. At what time?

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Q. At any time.

A. Yes.

Q. Tell me about the first time you heard the name ALM referenced with respect to Marcraft.

A. I think it could have been on or about the time that the lawsuit -- the ALM lawsuit was filed.

Q. So prior to that time --

A. I don't recall having --

Q. Any conversations with anybody about Marcraft?

A. I don't recall. I don't recall.

Q. I show you what's been marked as Plaintiff's Exhibit-4A for identification.

Do you see that document?

A. Yes.

Q. Is this an agreement that was entered into between The Trump Organization and Marcraft?

A. Yes.

Q. Tell us what your participation was, if any, with respect to this agreement.

A. I assisted George on this deal, but George Ross spearheaded the negotiation of this deal.

1

2 Q. What is the first recollection you had  
3 of any such conversation occurring with respect  
4 to the word "Marcraft" with Mr. Ross?

5 A. Some time in August of 2004.

6 Q. So shortly after you were hired?

7 A. Yes.

8 Q. Tell us what the nature of that  
9 conversation was.

10 A. Discussions about a deal that was  
11 being negotiated with Marcraft.

12 Q. And did Mr. Ross indicate when such  
13 discussions had commenced?

14 A. I don't recall.

15 Q. Do you have a record that would  
16 indicate when that first conversation had  
17 occurred?

18 A. With me and George Ross?

19 Q. With George and Marcraft.

20 A. I don't believe so, no.

21 Q. Do you interact directly with  
22 Marcraft?

23 A. Ever?

24 Q. Yeah. In or about August of 2004.

25 A. Probably.

1

2 Q. Who were you interacting with?

3

A. Gary Brody.

4

Q. And who is Karen Brody?

5

A. Gary.

6

MR. GOLDMAN: Gary.

7

BY MR. ITKOWITZ:

8

Q. Who is Gary Brody?

9

A. President of Marcrafft.

10

Q. Tell me what the nature of your

11

conversations with him were about this deal.

12

A. About the deal.

13

Q. What was the deal?

14

A. The deal that we see here, that's what

15

the deal is. A licensed agreement with Trump to

16

produce tailored clothing.

17

Q. Tell me what was the occasion of your

18

first conversation with Mr. Brody with respect to

19

the Marcrafft proposal.

20

A. What was the occasion?

21

Q. Yes. How did it come about that you

22

called him or he called you, or you spoke to him

23

or you met him or whatever?

24

A. I don't recall.

25

Q. Was it a face-to-face meeting?

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2           A.     I believe our first conversation was  
3 on the phone.

4

5           Q.     And you have no idea how it was that  
6 you came to speak to him on that day?

7

8           A.     I would imagine it was as it related  
9 to an agreement which was in the midst of being  
10 discussed, and I introduced myself as the vice  
11 president of licensing at The Trump Organization  
12 at that time.

13

14          Q.     Now do you know if at the time that  
15 you had that first discussion, what stage the  
16 negotiations were in?

17

18          A.     Yes.

19

20          Q.     Tell me what stage the negotiations  
21 were at the first time you had a discussion with  
22 Mr. Brody.

23

24          A.     I believe that there was a contract  
25 being negotiated.

26

27          Q.     And and Mr. Ross was negotiating that  
28 contract?

29

30          A.     Yes.

31

32          Q.     Was there anybody else from The Trump  
33 Organization who was negotiating that contract?

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35          A.     Not to the best of my knowledge.

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Q. And I show you what's been marked as 4-B, 4C, 4D, 4E and 4F and ask you if these are subsequent amendments and/or renewals of the agreements that The Trump Organization had with Marcraft.

A. Yes.

Q. I'll show you what's been marked as Plaintiff's Exhibit-25 for identification. This is an email from Gary Brody. Is that the president of Marcraft?

A. Yes.

Q. And it's directed to who?

A. To Donald.

Q. But it's directed to R. Graff.

MR. GOLDMAN: You mean who's the "To" to, not who the letter is addressed to?

THE WITNESS: R. Graff.

BY MR. ITKOWITZ:

Q. Who is R. Graff?

A. She works at The Trump Organization.

Q. What's her name?

A. Rona.

Q. Rona Graff?

A. Correct.

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Q. And is that Mr. Trump's secretary?

A. Yes.

Q. So when somebody wants to send an email to Mr. Trump, they don't send it to Mr. Trump directly because you stated that Mr. Trump doesn't receive email; correct?

MR. GOLDMAN: I'll object to the form of the question. She never said he doesn't receive email. That's not how he typically communicates. And she can't answer what other people do.

BY MR. ITKOWITZ:

Q. Do you happen to know whether Mr. Trump receives email?

A. Directly to an account?

Q. From anybody.

A. Yes.

Q. He has an email address?

A. He receives emails.

Q. Okay. And is it an email that goes to him directly, or an email that first goes to his secretary?

A. I don't know if he receives emails directly, but I do know that he receives emails

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through his secretary.

Q. Okay. So when you want to send him an email, you send it to his secretary or you send it to him directly?

A. I don't send him emails.

Q. Ever. Do you ever send his secretary an email that you want him to look at?

A. No.

Q. Did you ever have occasion to look at this email, which has been previously marked as 25 for identification?

A. I don't recall.

Q. Does this email not indicate that on March 4th, 2004, that Mr. Brody from Marcraft had sent a proposal to Mr. Trump for a License Agreement for men's clothing?

MR. GOLDMAN: Object to the form.

Are you asking her to read the email?

MR. ITKOWITZ: I'm asking her if she knows.

THE WITNESS: That's what the email says. This was previous to my employment, so I don't have any knowledge of this.



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2 BY MR. ITKOWITZ:

3 Q. When you became employed, did you ever  
4 learn that prior to your employment, that  
5 Marcrafft had been in negotiation with Trump and  
6 The Trump Organization for a licensing --

7 A. I don't recall. Let me amend that.  
8 There was clearly a discussion before my start  
9 date, because once I started, there was a  
10 contract that was starting to be negotiated.

11 Q. And how soon after your start date did  
12 you learn that there was a contract that was  
13 being negotiated?

14 A. I don't recall.

15 Q. Well, was it days or weeks?

16 A. Within weeks.

17 Q. I show you what's been marked as  
18 Plaintiff's Exhibit-26 for identification. Do  
19 you see that email?

20 A. I don't believe it's an email.

21 Q. Do you see this document?

22 A. Yes.

23 Q. This is from Marcrafft to Rona Graff  
24 Riccio; do you see that first page?

25 A. Yes.

1

2 Q. On the top of it there's some  
3 handwriting, "3/18/04"; do you see that?

4 A. Yes.

5 Q. Do you know whose handwriting that is?

6 A. I don't.

7 Q. The notation says, "Told Sheldon Brody  
8 this is okay," and there's an initial.

9 Who's Sheldon Brody?

10 A. He is Gary Brody's father.

11 Q. And in the handwriting it says,  
12 "Sheldon Brody wanted your opinion on the  
13 attached. FYI, all the costs are his."

14 Do you know whose handwriting that is?

15 A. No.

16 Q. The second page of this document is  
17 from a person by the name of Clive Sargett.(sic.)

18 Do you know who that person is?

19 A. I do.

20 Q. And do you know what his connection  
21 was with this?

22 A. Not at all.

23 Q. Do you know if Sargett was -- Sargett  
24 Consultancy, LLC was involved in trying to  
25 facilitate the agreement between Marcrafft and

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2 Trump?

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A. No.

4

Q. That is, no, you don't know?

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A. No, I don't know.

6

Q. I show you what's been marked

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Plaintiff's Exhibit-24 for identification.

8

Are you familiar with this document?

9

A. No.

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Q. Take a minute and familiarize yourself

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with it, with the portion of the document --

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forget on the extreme right where it starts,

13

"Obama signs stimulus," and focus on, "Trump,

14

you're hired.

15

A. (Witness complies.)

16

Q. I have a couple questions on what I

17

want to ask you about this document.

18

When was the first time you heard the

19

phrase, "Trump's Signature Collection"?

20

A. Some time after August 4th, 2004.

21

Q. This is an article that was published

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in Newsweek on August 16th, 2004; do you see

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that?

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A. I do.

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Q. Do you have any recollection of having

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seen it in or about that time?

A. No, I don't.

Q. Do you have any recollection of having spoken to anybody about this article at or about the time that it came out?

A. I don't recall, no.

Q. Is it your understanding that the -- the Marcraft contract, did that involve the creation of the "Trump Signature Collection"?

A. I don't know that the Marcraft deal marked the creation of the signature collection.

Q. What clothing lines did the Marcraft deal encompass?

A. Tailored clothing.

Q. What kind of tailored clothing?

A. Suits. Suit separates. Sport jackets.

Q. How about shirts?

A. No.

Q. Sports coats?

A. Yes, as I just mentioned.

Q. Ties?

A. No.

Q. And was it intended that these

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would -- this collection from Marcraft would go on sale -- would be sold in the fall of 2004, in major department stores?

A. Not to the best of my knowledge.

Q. You say here -- it says -- this article reports that Trump says that this idea was pitched to him by Sheldon Brody, chairman of Marcraft Clothes.

A. Your question, do I see that? Yes, I see what the article says.

Q. Did you ever have a discussion with anybody as to whose idea it was that Marcraft would do a deal with Donald Trump or The Trump Organization?

A. No.

Q. So you have no -- even though -- with respect to the contracts which you've previously identified, you have no idea how the deal originated?

A. As to whose idea it was; that's what you asked?

Q. Yes.

A. Whose idea it was to do a deal? This says it was an introduction that was made to

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Donald Trump.

Q. It says Richard Bodeedle (sic.) arranged for that introduction; is that correct?

A. Yes, that's what it says.

Q. Do you know that to be true?

A. I believe that to be true.

Q. Do you know if Trump -- The Trump Organization is paying any compensation to Richard Bodeedle in connection with that contract?

A. Do I know if?

Q. Yes.

A. Yes, I do know, and they are not.

Q. They are not?

A. Yes.

Q. Is The Trump Organization paying anybody a commission in connection with this -- with the -- what's been previously marked as the Marcrafft contracts?

A. No.

Q. No, nobody is being paid?

A. No, nobody is being paid a commission.

Q. I show you what's been marked as Plaintiff's Exhibit-9 for identification.

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A. This is what you gave us and then took back.

Q. This indicates that -- well, tell me about the context of this email since you wrote it.

MR. GOLDMAN: I'll object to the form. When you say the "context," what precipitated the sending of it?

BY MR. ITKOWITZ:

Q. Why did you write this email?

A. The email is to the president of licensing at PVH, talking about the excitement that Trump has in regards to the deal with PVH.

MR. GOLDMAN: I think the question wasn't what it says. The question was why did you even send it, or what gave rise to you sending it.

BY MR. ITKOWITZ:

Q. Why did you send it?

A. Communication with our soon to be company that we were talking to about a deal.

Q. Okay. Now in it you mention that, "The reception to the Marcrafft suit line has been extremely positive. Since we met a couple weeks

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ago, Marcraft has secured a 30 plus store launch for the holiday season at Macy's East"; do you see that?

A. I see it.

Q. Tell me what had to be done in order for Marcraft, to your knowledge, to secure a 30 plus store launch for the holiday season at Macy's East. Walk me through that process.

A. A conversation with Macy's. They already had a relationship with Macy's, as many manufacturers do. So a conversation with Macy's about a pending deal. And obviously Macy's was receptive to it.

Q. Do you know if at the time you wrote this email on September 13th -- September 13th, 2004, do you know if Marcraft had already created a sample line?

A. I don't know.

Q. Would you have any records which would indicate whether Marcraft had a sample line at that time?

A. Maybe. Maybe.

Q. Just in general, when you license -- when you issue a license to somebody to produce a



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clothing line, do you personally review the products that are going to be sold?

A. Yes.

Q. Is that an important part of your job?

A. Yes.

Q. And why is that?

A. It's part of the process of licensing.

Q. Why is it part of the process of licensing?

A. Because you license a brand, and it's important to ensure that the product speaks to the brand.

Q. And is there -- in terms of a brand for the -- in terms of the Trump brand, is there a certain quality that you're seeking to --

A. Yes.

Q. -- engender in the eyes of the public?

A. Yes.

Q. And what quality is that?

A. Terrific quality at a great price point.

Q. So in accordance with that goal, part of your job is to make sure that the products that are going to actually be marketed with the

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Trump name meet that standard; correct?

A. Correct.

Q. Prior to your sending this email on September 13, 2004, had you reviewed any of the samples or any of the products that were going to be marketed by Marcrafft?

A. I don't recall exactly. If I hadn't, then George Ross, I imagine, had since he was spearheading this relationship, since I was a fairly new employee.

Q. Do you know if as of September 13th, 2004, Marcrafft had developed its line that it was going to market for the holiday season?

A. I would imagine they would have had to if they already secured a 30-door test with Macy's.

MR. GOLDMAN: You said "door."

Store or door?

THE WITNESS: Same thing.

BY MR. ITKOWITZ:

Q. Thirty door?

A. Thirty store. It means the same thing.

Q. All right. So in other words, would

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it be fair to state -- well, do you know if their line was in production as of September 13th, 2004 --

A. I don't.

Q. -- for the holiday season?

A. But one would imagine if it wasn't in production, it would have -- it would be on its way to being produced.

Q. When we talk about the holiday season, what period of time is encompassed by the holiday season for product to be in the store?

A. Fourth quarter.

Q. Define the fourth quarter.

A. October, November, December.

MR. GOLDMAN: Of what year?

THE WITNESS: That was a general question.

BY MR. ITKOWITZ:

Q. Looking at this email dated September 13th, 2004, would you have had an expectation at that time whether the Marcraft line would be in 30 plus stores of Macy's East as of October 1?

MR. GOLDMAN: Of what year?

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MR. ITKOWITZ: Of 2004.

THE WITNESS: One would expect that something would have been produced. Whether it was exclusive to this brand or it was existing product that Marcrafft had, as I had mentioned earlier, that sometimes may happen, that they were putting a Trump label on and getting it out to market faster. There is that possibility.

BY MR. ITKOWITZ:

Q. As you sit here now, you don't know if Marcrafft created a line in or about the fourth -- you don't know as you sit here now whether Marcrafft created a special line for Trump for the fourth quarter of 2004?

A. I don't know where Marcrafft pulled their swatches to create the line and actually manufacture the product.

Q. You have no idea as you sit here now whether they started work on that in August, July, June --

A. I have no knowledge.

Q. -- or whatever?

MR. GOLDMAN: Can I ask one

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question?

MR. ITKOWITZ: Yes.

MR. GOLDMAN: Was there a line in  
Macy's in fourth quarter '04?

MR. ITKOWITZ: You can ask that  
question.

THE WITNESS: Yes.

BY MR. ITKOWITZ:

Q. As you sit here now, the line that you  
referred to that was in store for the fourth  
quarter of 2004 for Marcraft with the Trump name,  
you don't know whether they -- the line was being  
manufactured in August, July or June?

A. I don't know exactly when it was  
manufactured. I don't.

Q. And you wouldn't have a record of  
that?

A. I don't believe so.

Q. But the person -- do you know if the  
person spearheading this; namely, George Ross,  
whether he would have known that?

A. I don't know.

Q. Is there anybody else in The Trump  
Organization who would have that knowledge other

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than yourself or George Ross?

A. I don't know.

Q. I show you what's been marked as Plaintiff's Exhibit-27 for identification and ask you if collectively you can verify that these are records of payments that were made to Trump from Marcrafft in connection with the licensing contracts which have been previously marked as Exhibit 4-A, B, C, et cetera?

A. Yes.

MR. ITKOWITZ: At this point, I'm going to ask for a five-minute break.

(Whereupon there was a brief recess from 1:20 p.m. until 1:36 p.m.)

MR. ITKOWITZ: With respect to Exhibit-25, it's directed more to counsel than to you.

MR. GOLDMAN: Yes.

MR. ITKOWITZ: Do you see that that particular document says attached is the prospective License Agreement?

MR. GOLDMAN: Uh-huh.

MR. ITKOWITZ: We never got the attachment.

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MR. GOLDMAN: Okay.

MR. ITKOWITZ: We're going to need that attachment for the next two depositions, so I'd ask you to produce that.

David, just make a note to follow up on that.

BY MR. ITKOWITZ:

Q. Since you've been employed by Trump, The Trump Organization, whatever it is, how many deals have you done that you've originated?

A. Approximately 20.

Q. And have those been apparel deals mostly or other kinds of deals?

A. A variety of categories.

Q. And what categories would those be?

A. Accessories, home, spirits.

Q. Spirits, what does that mean?

A. Vodka.

Q. Do you sample before you sell?

A. I'm not a big drinker.

Q. All right. Now tell me with respect to apparel, how many licensing deals aside from Marcrafft and PVH were done in 2004?

A. 2004?

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Q. Yeah, by Trump.

A. I don't believe any.

Q. So it was only Marcraft and PVH in 2004?

A. Yes.

Q. And with respect to deals that you've originated, can you tell me the process by which -- kind of from start to finish, generally, how a deal gets done?

A. Sure.

Q. You make a contact; reach out to somebody?

A. Whether we reach out to somebody or somebody reaches out to us, talk about their manufacturing capability; where they distribute their product; where they manufacture. Other licenses they may hold the rights to. Territories where they distribute their product. Financials on the company. Things of that nature.

Q. So from the point at which somebody expresses interest in doing a deal with Trump, and Trump has some interest in doing it, what is the procedure that's followed?



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In other words, do you have to -- before somebody from The Trump Organization, whether it be you, Mr. Ross or Mr. Trump, will meet with somebody?

A. Typically there's a meeting. It depends where the company is based, so either meetings, phone calls, emails, sharing information about their company, about our company. What it is that we do and what we have to offer as well.

Q. Do you have a practice and procedure as to where a deal -- how far a deal has to progress before you will meet with somebody in person?

A. Not necessarily.

Q. What about Mr. Ross and Mr. Trump?

A. Mr. Ross is not involved in my day-to-day dealings, so he wouldn't -- I report to Donald, Donald Trump.

Q. You report to Donald directly?

A. Yes, I do.

Q. And that's been since when?

A. Since, I would say, 2005.

Q. Would that be since the incident that

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you described or the meeting that you described where you advised Mr. Trump that there wasn't a written --

A. No.

Q. -- agreement with ALM?

A. No.

Q. Was it before that or after that?

A. Yes, before that.

Q. So after you became hired and after you became acquainted with the players, you took over licensing, and Mr. Ross was no longer involved in new deals?

A. After a certain amount of time, yes.

Q. So currently Mr. Ross is not involved in any new deals?

A. He's not involved in the day-to-day of my deals.

Q. And you stopped reporting to Mr. Ross in 2005?

A. On or about, yeah, in that range.

Q. Prior to the time you stopped reporting to Mr. Ross, was there a formula for how far a deal had to be along before Mr. Ross and Mr. Trump would meet with somebody?

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A. No.

Q. So there were no prerequisites that you can think of?

A. Not to my knowledge.

Q. Only a prerequisite on interest on the part of The Trump Organization?

A. Yes.

Q. In other words, you wouldn't meet with somebody who you weren't interested in potentially doing a deal with; correct?

A. Yes.

Q. And, to your knowledge, was there any policy, internal policy of The Trump Organization, that there had to be a proposal made by a potential licensee before you would meet with that person?

A. Not that I'm aware of.

MR. GOLDMAN: Just one second.

(Whereupon Mr. Goldman and Ms. Glosser conferred.)

MR. ITKOWITZ: I have no further questions.

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MR. GOLDMAN: All right. Great.

Thanks.

(Time noted: 1:42 p.m.)

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CATHY GLOSSER

SUBSCRIBED AND SWORN TO  
BEFORE ME THIS \_\_\_\_ DAY  
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C E R T I F I C A T I O N

I, Randi Friedman, Registered Professional Reporter and Notary Public of the State of New York, do hereby certify:

THAT, the witness whose testimony is herein before set forth, was duly sworn by me, and THAT, the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related either by blood or marriage to any of the parties to this action; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this day, March 21, 2011.

Randi Friedman, RPR

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ERRATA SHEET  
VERITEXT/NEW YORK REPORTING, LLC

CASE NAME: ALM INTERNATIONAL v TRUMP  
DATE OF DEPOSITION: March 8, 2011  
WITNESS' NAME: CATHY GLOSSER

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