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UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF FLORIDA TAMPA DIVISION
CASE NO.: 8:09-CV-2493-SDM-TGW
STEVE AARON, et al.,
Plaintiff(s),
vs.
THE TRUMP ORGANIZATION, INC., a
New York Corporation, and DONALD J.
TRUMP, an individual,
Defendant(s).

-----/-----
DEPOSITION OF:
Elaine Lucadano

TAKEN BY: Attorney for Defendants

DATE: Wednesday, October 13, 2010

TIME: Commencing at 9:00-2:00 p.m.

PLACE: Foley & Lardner, LLP
100 North Tampa Street
Suite 2700
Tampa, Florida 33602

Examination of the witness taken before:
Sarah J. Murrow

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18
19 ALSO PRESENT: James D. Wallace
20
21
22
23
24
25

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1 THEREUPON,
2 Elaine Lucadano
3 was adduced as the deponent herein, and being first
4 duly sworn upon oath, was questioned and testified as
5 follows:
6 THE DEPONENT: I do.
7 DIRECT EXAMINATION
8 BY MR. GRIFFIN:
9 Q. Would you state your full name for us,
10 please?
11 A. Elaine Patricia Lucadano.
12 Q. Ms. Lucadano, have you ever had your
13 deposition taken before?
14 A. No, I haven't.
15 Q. I know that your able counsel has talked to
16 you about the process. I will tell you in addition or,
17 perhaps, in repetition that I have a chance to ask you
18 some questions. Mr. Clark or Mr. Turkel will have a
19 chance to ask you questions when I'm done. If at any
20 time you don't understand my question, please tell me
21 that, and I will do my best to clarify it. If you
22 simply need it repeated, let us know that. I will
23 either repeat it or we will have the court reporter
24 read it back.
25 We all have a tendency in everyday

1 conversation to either nod our head or say things like
 2 uh-huh or uh-uh. If you do that, I will ask you to
 3 articulate either yes or no because it's more clear for
 4 the record rather than a head nod or one of those other
 5 sounds that we always use. Is that all right?
 6 A. Yes.
 7 Q. Any time you need to take a break, as long as
 8 a question is not pending at the time, please let us
 9 know and we will take a break. All right?
 10 A. Yes.
 11 Q. Who is Thomas Warren?
 12 A. He is a business colleague.
 13 Q. So what business is he a colleague of yours
 14 in?
 15 A. My company business.
 16 Q. What is that?
 17 A. Living Your Dream Productions, LLC.
 18 Q. What does Living Your Dream Productions, LLC
 19 do?
 20 A. We are a full-service advertising agency and
 21 television production company.
 22 Q. How long has that company been in business?
 23 A. Since January of 2004.
 24 Q. I'm going to show you what we have marked as
 25 deposition number -- which is a letter from Mr. Clark

1 A. I had planned on making it a residence once
 2 we had gone through with the transaction.
 3 Q. So when I asked you if you intended to
 4 purchase it as an investment, were you and Mr. Warren
 5 purchasing it 50/50?
 6 A. Yes.
 7 Q. Was he going to live in it?
 8 A. There was talk of either him living in it or
 9 us living in it -- our family -- my family.
 10 Q. Okay. So when I said "investment" -- and my
 11 fault for not making myself clear -- I meant
 12 essentially purchased for immediate resale -- for a
 13 gain on resale, that was not your intention?
 14 A. We weren't sure. Again, there was talk that
 15 I would buy him out and live in that unit with my
 16 family.
 17 Q. Okay. At the time that you signed the
 18 purchase contract, what was your intention at that
 19 point in terms of either living in it, allowing
 20 Mr. Warren to live in it, or the two of you selling it
 21 soon thereafter or soon after it closed for some type
 22 of gain?
 23 A. I had anticipated that the unit would
 24 increase in value, so I did want to also live in the
 25 unit. So I wanted to reside in Trump Tower Tampa and

1 which was delivered to us yesterday pursuant to our
 2 agreement which we would receive additional information
 3 regarding each day's deponent. Take a look at that,
 4 especially beginning with the last full paragraph on
 5 the first page and through the remainder on the second
 6 page. Read that to yourself and tell me if that's
 7 factually correct?
 8 (Exhibit No. 1 was marked for
 9 identification.)
 10 MR. CLARK: For the record this was a summary
 11 by my office of her resumé.
 12 BY MR. GRIFFIN:
 13 Q. Is it correct?
 14 A. Yes, it is.
 15 Q. All right. What is your position with Living
 16 Your Dreams Productions?
 17 A. I am the president and CEO.
 18 Q. What is Mr. Warren's position?
 19 A. He is our technical director, photographer,
 20 editor.
 21 Q. Did you and Mr. Warren decide to purchase
 22 unit 2505 as an investment?
 23 A. Yes.
 24 Q. What was your intention with respect to the
 25 investment purpose when you decided to purchase it?

1 also hoped that the unit would go up in value.
 2 Q. So is it fair to say that at the time you
 3 signed the purchase contract, one of you and your
 4 families, either you or Mr. Warren, were going to live
 5 in the unit?
 6 A. That's correct.
 7 Q. Okay. And your husband is here with us
 8 today?
 9 A. Correct.
 10 Q. What is his name?
 11 A. James Donald Wallace.
 12 Q. Is there some reason why you did not include
 13 your husband in the purchase documents?
 14 A. No.
 15 Q. Who is David Lucadano?
 16 A. My brother.
 17 Q. In documents that we have received in this
 18 case -- and I will probably mark it, but it's Tony
 19 Everette 1008 through 1026 -- there is a purchase
 20 contract for a unit in this condominium in the name of
 21 David Lucadano not signed. Do you recall his
 22 involvement in this project?
 23 A. Yes.
 24 Q. Tell me about it.
 25 A. He purchased or put a deposit down on the

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1 unit at well.
 2 Q. Was he with you when you and Mr. Warren
 3 visited the site?
 4 A. No.
 5 Q. Any reason why not?
 6 A. We visited at separate times.
 7 Q. Did you talk with your brother about Trump
 8 Tower Tampa before making your decision to sign a
 9 purchase contract?
 10 A. Yes.
 11 Q. Did Mr. Warren contribute any funds to the
 12 deposit money that was paid for the unit you purchased?
 13 A. Yes.
 14 Q. How much?
 15 A. Half.
 16 Q. In what form did he make that payment? By
 17 that I mean a check to you personally, a wire transfer
 18 to a checking account? Do you recall?
 19 A. I believe it was a wire transfer to a
 20 checking account.
 21 Q. A checking account in your name?
 22 A. If I recall, that's correct.
 23 Q. What did you do to prepare for today's
 24 deposition?
 25 MR. CLARK: Let me jump in here since this is

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1 her first time in a deposition.
 2 MR. GRIFFIN: Sure.
 3 MR. CLARK: You need to respond to the
 4 question; however, be careful not to disclose any
 5 communications or anything that you and I
 6 discussed or Ken discussed in preparation for your
 7 deposition. That would include us talking, things
 8 that were gone over specifically. So you can just
 9 try generally, and if that becomes an issue as you
 10 phrase your answer, just give me a heads up, a
 11 flag. I'm not sure how to -- is it privileged or
 12 not.
 13 MR. GRIFFIN: That's a fair point. Let me
 14 clarify it or break it down.
 15 BY MR. GRIFFIN:
 16 Q. Other than discussing these matters with your
 17 lawyer or lawyers, did you do anything to prepare for
 18 this deposition?
 19 A. Just thought about my transaction and what
 20 took place.
 21 Q. Okay.
 22 A. It's as simple as that.
 23 Q. Did you review any documents in preparation
 24 for today's deposition?
 25 MR. CLARK: I need you to answer that

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1 question because of the privilege, a yes or no.
 2 Then we will take it bit by bit.
 3 THE DEPONENT: Yes.
 4 BY MR. GRIFFIN:
 5 Q. What documents did you review?
 6 MR. CLARK: You need to describe -- again,
 7 further instruction -- what documents but not any
 8 specificity about those documents. You can just
 9 generally; depositions, your purchase contract,
 10 those types of things that you reviewed and that's
 11 fully discoverable.
 12 BY MR. GRIFFIN:
 13 Q. And take your time as you recall what -- and
 14 you can just tell me what they were.
 15 A. Yes. Marketing materials from the purchase
 16 and all of the things that I had in my files for
 17 marketing purposes.
 18 Q. Do you recall any specific documents within
 19 those marketing materials or within what you had in
 20 your files that you reviewed?
 21 A. Just -- you know, I'm sure you are aware of
 22 all of the marketing materials that were put out there.
 23 The lovely silver book, just those types of things.
 24 Q. And I am aware of many of the documents, but
 25 not every plaintiff in this case comes to the case with

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1 the same documents. So I have been trying in these
 2 depositions to understand what each of you and your
 3 co-plaintiffs have in your current possession, custody,
 4 or control. So with that -- and that's why I'm asking
 5 you the question more specifically. What do you recall
 6 seeing in your files of that category?
 7 A. Nothing in particular that stands out in my
 8 mind. Just general information that I received from
 9 the sales office.
 10 Q. On that point do you recall receiving through
 11 your lawyers a request for production of documents that
 12 we filed in this case?
 13 A. No.
 14 Q. Do you recall producing or giving to your
 15 lawyers documents relating to this case?
 16 A. No.
 17 MR. CLARK: I don't want to interrupt your
 18 deposition. Tell me if you don't want me to.
 19 MR. GRIFFIN: No. Go ahead. That's fine.
 20 MR. CLARK: Clearly, these things were
 21 provided to us from -- all of the things we
 22 produced to you.
 23 MR. GRIFFIN: Well, the reason I ask is we
 24 don't have any documents produced by Ms. Lucadano.
 25 MR. CLARK: I don't know why that would be.

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1 I have the file here of all of the documents we
 2 have produced to you with response to that. I
 3 don't know that it's that much. There was the
 4 letter from yesterday.
 5 MR. GRIFFIN: Well, let's do this -- instead
 6 of slowing things down --
 7 MR. CLARK: I can give you the Bates ranges,
 8 too, of the other things we produced.
 9 MR. GRIFFIN: Well, let me see what you --
 10 THE DEPONENT: Let me clarify. My husband
 11 may have produced some documents that I don't know
 12 about or wasn't aware of.
 13 MR. CLARK: Let me just give you the Bates
 14 ranges: P144 through 159, P360. Then Tony
 15 Everett production 38 through 57.
 16 MR. GRIFFIN: Let me see the first part.
 17 MR. CLARK: You can have those, and you can
 18 mark those if you like and then subsequent
 19 production per my letter yesterday.
 20 MR. GRIFFIN: Right. I've got that.
 21 MR. CLARK: Just for the record, P539 through
 22 563, which would include all of her things that
 23 she had in their file as opposed to, you know --
 24 MR. GRIFFIN: Well, we can cut to the chase
 25 if you want to tell me that Mr. Wallace is the one

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1 who worked with you on getting the documents
 2 because she, obviously --
 3 MR. CLARK: I'm not sure exactly. He may
 4 have. It came in boxes. Robbie was in control of
 5 getting with each -- Robbie Smith.
 6 MR. GRIFFIN: Let me ask the standard
 7 questions that ask.
 8 BY MR. GRIFFIN:
 9 Q. What I'm trying to find out is at the time
 10 this lawsuit started you had in your possession
 11 documents relating to this condominium project,
 12 correct?
 13 A. Yes.
 14 Q. Where were those kept?
 15 A. They were in a file.
 16 Q. Where?
 17 A. In my husband's office.
 18 Q. At your home?
 19 A. No. In his office.
 20 Q. When you say "in a file," like in a
 21 traditional file folder in a cabinet?
 22 A. Yes.
 23 Q. All right. Is that the only place that you
 24 maintained documents related to this condominium
 25 project?

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1 A. Yes.
 2 MR. GRIFFIN: Did you want to say something?
 3 MR. CLARK: I did. I'm sorry.
 4 MR. GRIFFIN: That's all right.
 5 MR. CLARK: Could I show her something that's
 6 privileged that may give her a recall of a
 7 checklist?
 8 MR. GRIFFIN: I'm happy to -- I just want to
 9 get to the facts.
 10 (Discussion off the record.)
 11 BY MR. GRIFFIN:
 12 Q. While we were off the record -- and I don't
 13 want to invade the attorney-client privilege, but your
 14 lawyer showed you things that I take it helped you
 15 recall the activities to compile and produce documents.
 16 Is that a fair statement of what just happened?
 17 A. Yes.
 18 Q. Okay. And just so we are clear, as far as
 19 you know as you sit here, all of the documents that you
 20 have or had in your possession, custody, or control
 21 relating to this condominium project were maintained in
 22 your husband's office and were given to your lawyers?
 23 A. Yes.
 24 Q. Do you presently today have any documents in
 25 your possession, custody, or control relating to this

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1 condominium project other than the ones that you gave
 2 to your lawyer earlier?
 3 A. No.
 4 Q. In answer to an earlier question, you said
 5 that to prepare for a deposition you thought about my
 6 transaction -- meaning your transaction, of course.
 7 When you engaged in that thought process, what came to
 8 mind?
 9 A. The loss; why there was a loss; how I was
 10 lied to.
 11 Q. Anything else?
 12 A. That's it.
 13 Q. Okay. Let's take those one at a time. When
 14 you say "the loss," what do you mean?
 15 A. The loss of my investment in this project.
 16 Q. Meaning the deposit?
 17 A. Yes.
 18 Q. And how much is that?
 19 A. Half of the \$91,000.
 20 Q. The next thing you said was -- or that you
 21 thought about was why there was loss.
 22 A. Uh-huh.
 23 Q. What came to mind when you thought about
 24 that?
 25 A. Just that I feel that I was defrauded.

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1 Q. So the third thing that you said was how I
 2 was lied to. Are the second and third things pretty
 3 much the same as you went through your thought process?
 4 A. Yes.
 5 Q. All right. So when you said that you thought
 6 about how I was lied to, that was the same thing as
 7 thinking about how you felt that you had been
 8 defrauded?
 9 A. Yes.
 10 Q. So tell me since those are the same thing,
 11 how you were lied to or defrauded in this transaction?
 12 A. I felt that the -- from the very beginning,
 13 from day one when I put my investment out there that I
 14 had already lost because Mr. Trump's name was truly not
 15 what he said it was on this project. It was not what
 16 it was represented to be.
 17 Q. When you say in that last sentence "it was
 18 not what it was represented to be," what is the "it"
 19 that you are referring to?
 20 A. The Trump name, the Trump development. This
 21 was supposed to be a Trump development, a Trump
 22 partnership. This is how he marketed it from the
 23 beginning.
 24 Q. Tell me from what sources, either persons or
 25 writings, you came to understand the things that you

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1 now say were not true when they were either told to you
 2 or when you read them.
 3 A. From the very beginning Mr. Trump represented
 4 himself as a partner, marketed himself as a partner.
 5 In all of the materials publicized, the whole Trump
 6 Tower Tampa project as a partner.
 7 Q. So tell me specifically now that you have
 8 told me what you learned -- either from oral statements
 9 or written statements, tell me specifically what
 10 sources either by oral representations or written
 11 statements you received that information.
 12 A. The day Mr. Trump visited here in person. I
 13 believe that was February 19th of 2005.
 14 Q. What was the date you said, February 19th?
 15 A. I believe it was February 19th, 2005. He
 16 visited town with his wife and the dog and pony show
 17 and received a whole lot of publicity, free publicity
 18 and enjoyed it, and stated that he loved his partners
 19 and was excited about the Trump Tower Tampa project.
 20 And at that point launched his project publicly and
 21 worked hard to get everyone -- buyers on board. That
 22 was the start.
 23 Q. Were you present?
 24 A. My family was. I was out of town.
 25 Q. So who from your family was?

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1 A. My brother David and my mother.
 2 Q. So you never heard Mr. Trump say the things
 3 that you just related to us?
 4 A. Yes, I did.
 5 Q. When and where?
 6 A. They taped the broadcast. One of the local
 7 stations aired it live, and, actually, Thomas taped the
 8 broadcast for me, Thomas Warren and my brother David
 9 taped the broadcast for me.
 10 Q. Do you still have those tapes?
 11 A. Oh, boy, I'm not sure. I believe it was Bay
 12 News 9 that carried it live.
 13 Q. Did you have discussions with -- strike that.
 14 Who said Thomas taped it for you and who
 15 else, your husband?
 16 A. David Lucadano.
 17 Q. Your brother and Thomas taped it separately?
 18 A. Yes.
 19 Q. Did you ask them in advance to tape the show?
 20 A. No. They knew I was out of town and knew I
 21 would want to see the press conference.
 22 Q. How did they know that?
 23 A. They knew I would want to see that.
 24 Q. How did they know that?
 25 A. Because I'm a member of the media, and I

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1 wanted to be there.
 2 Q. So you wanted to see it for professional
 3 reasons?
 4 A. Personal reasons.
 5 Q. Personal to your professional role as the CEO
 6 of Living Your Dreams Production?
 7 A. No. I was looking to become an investor. I
 8 wanted to hear what he had to say.
 9 Q. And David and Thomas knew that?
 10 A. Yes.
 11 Q. But you hadn't asked them to tape the news
 12 conference?
 13 A. Yes, I had.
 14 Q. Oh, you had?
 15 A. Yes.
 16 Q. I'm sorry. I didn't hear that. So you said
 17 specifically to them I'm going to be out of town; I
 18 want you the tape this?
 19 A. That's correct.
 20 Q. Did you know it was going to be carried live?
 21 A. Yes.
 22 Q. How did you know that?
 23 A. I knew as a member of the media.
 24 Q. I'm not. So tell me how a member of the
 25 media would know that.

Page 21

1 A. This is a huge event for the city of Tampa.
 2 These things are typically carried live, or if they are
 3 not they are covered. So any coverage is what I wanted
 4 taped. I guess I should clarify that. Any coverage I
 5 wanted taped. So if it wasn't live, it was taped, and
 6 I wanted it covered. I wanted it taped.
 7 Q. And you said you don't know if those tapes
 8 still exist?
 9 A. No.
 10 Q. No, you don't know or no, they don't?
 11 A. No, they don't as far as I know.
 12 Q. Any reason why they no longer exist?
 13 A. No.
 14 Q. So how soon after you returned from, wherever
 15 you were, did you watch the tape?
 16 A. Shortly thereafter.
 17 Q. Were you by yourself?
 18 A. No.
 19 Q. Who was with you?
 20 A. With my family.
 21 Q. Who is your family?
 22 A. My mother, my brothers.
 23 Q. Which other brother?
 24 A. My brother Pete.
 25 Q. Any other brothers?

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1 A. No.
 2 Q. So David and Pete and your mom?
 3 A. That's correct.
 4 Q. Anybody else?
 5 A. No.
 6 Q. Where were you when you watched the tape of
 7 them?
 8 A. At my brother's home.
 9 Q. Which brother?
 10 A. Dave.
 11 Q. What do you recall, if anything, of the
 12 conversation among you when you watched the tape?
 13 A. I remember asking what else happened at the
 14 event, you know, that wasn't on tape.
 15 Q. And what were you told?
 16 A. That they were impressed. That they enjoyed
 17 seeing Donald Trump and Melania, and they had a chance
 18 to meet a lot of nice folks there, people who wanted to
 19 invest, got to see the project or look at what he was
 20 planning, saw the excitement that he was portraying.
 21 There was a real air of excitement.
 22 Q. Are you contending in this lawsuit that on
 23 whatever day that was -- be it February 19th, 2005, or
 24 some other date -- that Mr. Trump was not, in fact,
 25 excited about this project?

Page 23

1 A. Could you repeat that?
 2 MR. GRIFFIN: Could you read that back?
 3 (Preceding question read by the reporter.)
 4 THE DEPONENT: No.
 5 BY MR. GRIFFIN:
 6 Q. What do you contend in this lawsuit Mr. Trump
 7 said at the press event that was taped for you later
 8 viewing that was false or misleading?
 9 A. "I love my partners" spoke volumes. As I
 10 look back, I remember that.
 11 Q. And what is about the statement "I love my
 12 partners" that you and this lawsuit contend was false
 13 or misleading when it was stated?
 14 A. He represented himself as a partner and
 15 confirmed it at that point.
 16 Q. Did you say and confirmed it?
 17 A. And confirmed it at that point that he was a
 18 partner in this deal.
 19 Q. And I'm not trying to be silly here, but it
 20 wasn't the "love" part of it that you found to be false
 21 or misleading; is that fair?
 22 A. That's correct.
 23 Q. It was the fact that in your view he was
 24 representing himself to be a partner?
 25 A. That's correct.

Page 24

1 Q. All right. I'm going to try to save some
 2 time here, but I want you to have the opportunity to
 3 tell me anything and everything that is on your mind as
 4 a plaintiff in this lawsuit.
 5 I got on this line of questioning by asking
 6 you to tell me the sources of information that you
 7 relied upon or that you do rely upon to contend that
 8 you were lied to or defrauded, and when I asked you how
 9 you had been lied to or defrauded, you mentioned to me
 10 in three different ways a representation to you that
 11 Mr. Trump was a partner. Do you recall that testimony?
 12 A. Yes.
 13 Q. Okay. So if I ask you regardless of the
 14 source of the information, whether it be the press
 15 event that you just described or some other writing or
 16 some other document, whatever the source was, is it
 17 your position in this lawsuit that the manner in which
 18 you were lied to or defrauded was by a representation
 19 to you that Mr. Trump was a partner in this condominium
 20 project?
 21 A. Yes.
 22 Q. Is there anything else as a matter of fact or
 23 substance that you contend you were told either orally
 24 or in writing about this project and about Mr. Trump
 25 that you contend was part of the fraud or lying to you?

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1 MR. CLARK: Objection to the form of the
 2 question. Compound, one. Two, I think it's
 3 overly broad. I certainly don't want to go
 4 into -- have you go into a whole --
 5 MR. GRIFFIN: I'm going to rephrase it. Read
 6 it back to me if you would, and I will try and
 7 clean it up.
 8 (Preceding question read by the reporter.)
 9 MR. GRIFFIN: I'll stick with the question.
 10 MR. CLARK: Same objection. You can answer.
 11 BY MR. GRIFFIN:
 12 Q. Mr. Clark or Mr. Turkel probably explained
 13 this to you. In the course of this deposition, they
 14 have a right to object to my questions. The judge
 15 later will determine whether my question was proper or
 16 not. Other instances they -- if they think it's
 17 appropriate, they can both object and instruct you not
 18 to answer if they think it's a privileged matter. If
 19 they don't instruct you not to answer, after they make
 20 the objection, then you are free to answer the
 21 question.
 22 MR. CLARK: He is exactly right. So answer
 23 the question, but just get my objection so I don't
 24 have to interrupt again.
 25 MR. GRIFFIN: Read it back, please.

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1 (Preceding question read by the reporter.)
 2 THE DEPONENT: No.
 3 BY MR. GRIFFIN:
 4 Q. Now, let's go back to the sources of those
 5 statements to you. You have told me about the press
 6 event in February of 2005. As you sit here, what do
 7 you recall of any other sources of information, whether
 8 they be oral statements or written statements, that
 9 convey to you that Mr. Trump was a partner in this
 10 project.
 11 A. In this book right here (indicating).
 12 Q. What we are calling the silver book?
 13 A. Yes.
 14 MR. GRIFFIN: Off the record.
 15 (Discussion off the record.)
 16 BY MR. GRIFFIN:
 17 Q. In answer to my last question, you pointed to
 18 a document that's on the table in front of us, which we
 19 have now marked as Exhibit No. 2, correct?
 20 A. Correct.
 21 (Exhibit No. 2 was marked for
 22 identification.)
 23 BY MR. GRIFFIN:
 24 Q. This is -- in this or other forms is what we
 25 have been calling the silver book, right?

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1 A. Yes.
 2 Q. This version of the silver book, No. 2, was
 3 something that you had in your possession that you
 4 delivered to your lawyers to deliver to us; is that
 5 correct?
 6 A. Yes.
 7 Q. All right. Take a moment and tell me in
 8 Exhibit No. 2 where the representation was made that
 9 you relied upon that Mr. Trump was a partner in this
 10 project.
 11 A. Well, clearly here it states: A development
 12 of Donald Trump and SimDag-RoBEL, LLC.
 13 Q. Just for the record, you are pointing to a
 14 page in Exhibit 2 -- let me describe it -- which has a
 15 picture at the top right of the University of Tampa
 16 Minarets, correct?
 17 A. Yes.
 18 Q. And right to the right of what you just read,
 19 there is a small map of a portion of downtown Tampa,
 20 correct?
 21 A. Yes.
 22 Q. All right. Keep going.
 23 A. All throughout.
 24 Q. I need you to show me specifically.
 25 A. Well, that's what I'm talking about.

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1 Q. That's what you just told me about. Okay.
 2 A. Yes. It's making it very clear throughout,
 3 the partners.
 4 Q. And you are pointing now to a picture that's
 5 in a set of four inserts, and there's a picture of six
 6 people standing there?
 7 A. Six people.
 8 MR. CLARK: Just let me interrupt. It is
 9 really as formal as you go here, you point, he
 10 gets to identify, and go to the next because it's
 11 in a written transcript. That's why it's so
 12 cumbersome.
 13 THE DEPONENT: Right. The partners and new
 14 possibilities.
 15 BY MR. GRIFFIN:
 16 Q. The words underneath the picture, right?
 17 A. Yes. But No. 1, Trump -- Trump's name.
 18 Q. And you are pointing to the cover of Exhibit
 19 2?
 20 A. Uh-huh. Trump's name stands out.
 21 Q. Okay.
 22 A. That's what I bought.
 23 Q. You just pointed to --
 24 A. Trump, that's what I bought, Trump.
 25 Q. You actually signed a contract for what you

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1 bought, right?
 2 A. Yes.
 3 Q. And the words in that contract define what
 4 you bought, correct?
 5 A. That's correct.
 6 Q. Are you done reviewing Exhibit No. 2 for me?
 7 A. Uh-huh.
 8 Q. Yes?
 9 A. Yes, I am. May I clarify one statement I
 10 just made?
 11 Q. Absolutely.
 12 A. That's what I thought I bought, Trump Tower
 13 Tampa. That's what I thought I bought was Trump.
 14 Q. When you say "what I thought I bought was
 15 Trump," what do you now believe you bought that wasn't
 16 Trump?
 17 A. I bought a phantom name.
 18 Q. What does that mean?
 19 A. It means that it wasn't what it appeared to
 20 be.
 21 Q. In what way?
 22 A. That -- the name wasn't really there. It was
 23 a phantom. It could have dissipated and disappeared at
 24 any time, little did I know, because of a confidential
 25 licensing agreement that was not made known to me; I

Page 30

1 was not privy to.
 2 Q. Do you know why that licensing agreement was
 3 confidential?
 4 A. Yes.
 5 Q. Why?
 6 A. Because that's what the developers agreed
 7 upon. That's what Trump and SimDag-RoBEL agreed upon
 8 as far as I know.
 9 Q. Do you know why Mr. Trump and SimDag-RoBEL
 10 agreed that it be confidential?
 11 A. No.
 12 Q. Are you contending in this lawsuit that
 13 Mr. Trump wanted that licensing agreement to be
 14 confidential to in some way defraud, mislead, or lie to
 15 you?
 16 A. I believe they would never have been able to
 17 sell units if the investors knew about this licensing
 18 agreement.
 19 Q. Can you answer my question yes or no? And we
 20 can have it have read back.
 21 A. Please repeat the question.
 22 (Preceding question read by the reporter.)
 23 THE DEPONENT: Yes.
 24 BY MR. GRIFFIN:
 25 Q. What is the basis of that contention? You

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1 contend -- you just told me that you contend that
 2 Mr. Trump wanted the licensing agreement to be
 3 confidential to in some manner mislead, defraud, or lie
 4 to you and you just said yes, right?
 5 A. That's correct.
 6 Q. Okay. What is the basis of your contention
 7 that he wanted it to be confidential so that he could
 8 mislead, lie to, or defraud you?
 9 A. He did mislead me because it was
 10 confidential.
 11 Q. My question is: Is it your contention that
 12 Mr. Trump intended to achieve that by keeping it
 13 confidential, that being to mislead or defraud you?
 14 A. It's dishonest and dishonorable to keep
 15 confidential -- the most important key factor of this
 16 entire transaction, his name, the main selling point of
 17 the project.
 18 Q. When did you first see the licensing
 19 agreement that you are referring to?
 20 A. After Donald Trump filed the lawsuit against
 21 SimDag-RoBEL.
 22 Q. And how did you see it? How did you come to
 23 actually see the licensing agreement?
 24 A. After my husband obtained it.
 25 Q. Do you know how he got it?

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1 A. From the courthouse, I believe.
 2 Q. Where were you when you -- strike that.
 3 Did you actually sit down and read the
 4 licensing agreement?
 5 A. Yes, I did.
 6 Q. Where were you when you did that?
 7 A. At my home.
 8 Q. Anybody else there?
 9 A. Yes.
 10 Q. Who?
 11 A. My husband.
 12 Q. What did you read in the licensing agreement
 13 that you contend was -- strike that.
 14 Do you contend in this lawsuit that matters
 15 that you read in the licensing agreement were part of
 16 what had been misrepresented to you?
 17 A. That he could --
 18 Q. Is the answer yes?
 19 A. Repeat the question.
 20 Q. I'm just trying to take it one at a time.
 21 Are you contending that things that you read
 22 in the licensing agreement had been misrepresented to
 23 you?
 24 A. Yes.
 25 Q. What?

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1 A. You want me to name --

2 Q. The things.

3 A. -- the things?

4 Q. Yes.

5 A. That Mr. Trump could take his name off the

6 project if 70 percent of the units were not sold by a

7 particular time -- a date; if his financial requests

8 were not met by SimDag-RoBEL; if certain amenities were

9 not put in place in the tower, among many other things.

10 Q. Any others that come to mind?

11 A. Those were the major components.

12 Q. Now, I take it from what you have told us

13 earlier that it's your contention that since you were

14 told that Mr. Trump was a partner, that the things that

15 you just recited to me cannot be true regarding a

16 partner. Is that what you are telling me?

17 A. Those things were not disclosed to us as

18 buyers, as investors.

19 Q. What was disclosed to you, at least in your

20 mind, was that Mr. Trump was a partner in the project,

21 right?

22 A. That's correct.

23 Q. And it's your contention in this lawsuit that

24 this is the representation that was made to you that

25 constituted fraud?

Page 34

1 A. Yes.

2 Q. So what is it about what you read in the

3 licensing agreement that cannot be true of a partner?

4 A. You are asking me what about this licensing

5 agreement misrepresents him as a partner?

6 Q. That's right.

7 A. A partner -- he defrauded me because he was

8 not up front with his agreement with SimDag-RoBEL.

9 Q. All right. So your contention in this

10 lawsuit then is not that Mr. Trump represented himself

11 to be a partner, but that he did not disclose to you

12 the licensing agreement that he had with SimDag-RoBEL?

13 A. Both.

14 Q. Okay. So what is about -- strike that.

15 I'm going to withdraw what I was about to

16 say. Go ahead and finish your answer?

17 A. As a partner I was comfortable because I knew

18 that meant there was financial backing there. Trump

19 had deep pockets. He was a safety net, and that his

20 name would always be on that tower. After all, it's

21 the name we invested in. If I had any idea his name

22 could be taken off that tower at any point, our

23 investment money would be worth nothing or not half as

24 much as what it was worth as a Trump property.

25 Q. Are you finished?

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1 A. Yes.

2 Q. Okay. What representation, if any, was ever

3 made to you regarding the level of -- to use your

4 term -- Mr. Trump's financial backing of this project?

5 A. As a partner, you are an investor.

6 Q. Who says?

7 A. Mr. Trump.

8 Q. He said I'm an investor?

9 A. Well, Mr. Trump is an investor.

10 Q. Tell me what you are referring to.

11 A. He makes money for a living.

12 Q. My question to you is what representation

13 orally or in writing was made to you about Mr. Trump's

14 investment or financial backing to use your term of

15 this project, if any?

16 A. Well, on several occasions he mentioned that

17 he could pay for this project out of his back pocket

18 when there were concerns about getting financing for

19 the project.

20 Q. Are you done?

21 A. Yes.

22 Q. Is it your position or contention in this

23 lawsuit that any person who is a partner in a project

24 such as this is responsible for 100 percent of the

25 costs of the project?

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1 A. All of the partners are responsible for all

2 of the costs.

3 Q. And what is the basis of that understanding?

4 A. That is my understanding of a partnership.

5 Q. How do you come to that understanding? Did

6 you take a business law course? Did somebody tell you

7 that? What is the basis of your belief that all of the

8 partners are responsible for all of the costs in any

9 partnership?

10 A. I don't know what their agreement was.

11 Q. Okay.

12 A. Apparently, none of us did.

13 Q. Well, that's not my question. My question

14 is: What is the basis of your understanding that in

15 any -- of every partnership all of the partners are

16 responsible for all of the costs?

17 A. I don't know what their agreement was.

18 Q. That's not my question. My understanding of

19 your testimony is that the very nature of partnership

20 to you is that all of the partners are responsible for

21 all of the costs. Did I get that right?

22 A. Yes.

23 Q. What is the basis of that understanding?

24 A. My understanding is as a partner he had a

25 financial stake in Trump Tower Tampa.

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1 Q. That's not my question.
 2 A. And a financial responsibility to make sure
 3 that the tower was built.
 4 Q. And what is the basis of that understanding
 5 that as a partner he had that responsibility?
 6 A. I have no basis because I don't know what the
 7 agreement was.
 8 MR. CLARK: Is it a good time to take a
 9 break, Chris?
 10 MR. GRIFFIN: Sure.
 11 (Brief recess.)
 12 BY MR. GRIFFIN:
 13 Q. So you understand that in any partnership the
 14 agreement between the partners controls their
 15 respective responsibilities for the costs, correct?
 16 A. Yes.
 17 Q. All right. You also mentioned that -- and
 18 I'm not sure I got the exact word that you used, but
 19 you either said several times or a couple of times
 20 Mr. Trump said he could pay for this project out of his
 21 back pocket. Do you remember that testimony?
 22 A. Yes.
 23 Q. Tell me exactly what you were referring to.
 24 When did he say it and what did he say?
 25 A. He was quoted in -- boy, I believe, it was

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1 two separate interviews he did with newspaper
 2 reporters, St. Petersburg Times. If you want to be
 3 specific, I believe I read that in the St. Petersburg
 4 Times.
 5 Q. Do you have a copy of those articles still?
 6 A. Not with me. They may be in my file.
 7 Q. Well, if they were in your file, they would
 8 have been produced to us?
 9 A. That is correct.
 10 Q. You were never present to hear Mr. Trump say
 11 those words, correct?
 12 A. I was not present.
 13 Q. What was it that you specifically recall
 14 reading in these two articles that you were referring
 15 to in your earlier testimony? Is it anything more than
 16 what you told me?
 17 A. He was commenting on the problems but
 18 mentioned that this was a small issue -- commenting on
 19 some of the issues of building Trump Tower Tampa, but
 20 that -- I can't recall the entire article, but I do
 21 recall that he didn't seem to be concerned about the
 22 money at the time; that he could pay for the project
 23 out of his own pocket. That stands out to me.
 24 Q. And that was after you had signed the
 25 purchase contract; is that right?

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1 A. That's correct.
 2 Q. All right. Living Your Dreams Productions,
 3 you referred to as an LLC, correct?
 4 A. Yes.
 5 Q. What is an LLC?
 6 A. Limbed liability corporation;
 7 Q. I understand from the filings with the
 8 Secretary of the State of Florida, that you are the CEO
 9 of that entity; is that correct?
 10 A. That is correct.
 11 Q. Are you the manager of that entity as well?
 12 A. Yes.
 13 Q. Are there any other managers?
 14 A. No.
 15 Q. Are there any other members?
 16 A. No.
 17 Q. So what is Mr. Warren's official association,
 18 if any, with any entity?
 19 A. He is our technical director.
 20 Q. So he is an employee?
 21 A. He is a contractor.
 22 Q. Okay. He is not a manager or a member of the
 23 LLC?
 24 A. No.
 25 Q. All right. Have you ever personally been

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1 involved in any other business entities either in the
 2 form of a corporation, LLC, or partnership, or anything
 3 like that?
 4 A. No.
 5 Q. Where do you presently live, your residence
 6 address?
 7 A. The entire address?
 8 Q. Yeah.
 9 A. 17400 Gulf, G-u-l-f, Boulevard, Unit C-4,
 10 North Redington Beach, Florida 33708.
 11 Q. How long have you lived there?
 12 A. Just -- I just moved back to that residence,
 13 but I have owned it for quite a few years.
 14 Q. Where were you living before you moved back?
 15 A. 17735 Gulf Boulevard, Unit 202, Redington
 16 Shores, Florida 33708.
 17 Q. Do you still own that?
 18 A. No. I just sold that.
 19 Q. Okay. What other real estate do you
 20 presently own, either alone or with any other person?
 21 A. That would be it.
 22 Q. What other real estate, besides the two
 23 addresses that you just gave us, have you ever owned
 24 either alone or with any other person?
 25 A. You want all of them?

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1 Q. Give me a number first and then I will
 2 decide.
 3 A. Boy, I've -- quite a bit. Home before
 4 that -- several homes. I have invested.
 5 Q. I was going to break it down that way.
 6 A. Okay.
 7 Q. Tell me about any real estate that you have
 8 ever owned, either alone or with any other person for
 9 purposes of investment rather than residence.
 10 A. Okay. Let me make sure I tell you the right
 11 thing. I don't know if I have the exact address.
 12 Q. Just describe it as best you can.
 13 A. Home -- waterfront home in New Port Richey,
 14 Gulf Harbors. That's the best address I can give you.
 15 Gulf Harbors is the subdivision.
 16 Q. Do you still own it?
 17 A. No. I sold that.
 18 Q. When did you own it?
 19 A. It was three -- two years ago.
 20 Q. And you bought it for purposes of selling it
 21 for a gain?
 22 A. That's right.
 23 Q. Any other properties for that purpose?
 24 A. Another home in that same subdivision.
 25 Q. That you owned about the same time?

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1 A. Around the same time, yes. Just investment
 2 you're asking me about?
 3 Q. Right.
 4 A. That would be it.
 5 Q. Did you own those in your own name alone or
 6 with any other person?
 7 A. My own name alone.
 8 Q. Okay. Have you ever been a party in a
 9 lawsuit?
 10 A. No.
 11 Q. Do you have any professional licenses?
 12 A. No.
 13 Q. Tell me about your educational background
 14 after high school.
 15 A. Bachelor of science, double major in
 16 journalism, and political science.
 17 Q. Where?
 18 A. Liberty University.
 19 Q. Is that Jerry Falwell's?
 20 A. Yes.
 21 Q. Virginia?
 22 A. Yes.
 23 Q. When did you get that degree?
 24 A. 1987.
 25 Q. Any postgraduate work?

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1 A. No.
 2 Q. If I want to drill down for my information, I
 3 will do so. So you can give it to me in summary
 4 format, just tell me what you did after you got your
 5 degree in terms of professional work.
 6 A. Okay. Went right to work in broadcasting,
 7 right on the air.
 8 Q. How many years were you an on-air
 9 broadcaster?
 10 A. For over 20 years.
 11 Q. And that information is set forth in
 12 Exhibit No. 1?
 13 A. This is a brief summary.
 14 Q. When did you cease being an on-air
 15 broadcaster?
 16 A. 2004.
 17 Q. What did you do immediately at the end of
 18 your on-air broadcasting career?
 19 A. Started my own company.
 20 Q. That's when you started Living Your Dreams?
 21 A. Actually, it's singular, Living Your Dream,
 22 for the record.
 23 Q. We can't have more than one dream? I'm
 24 disappointed.
 25 A. You certainly can.

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1 Q. Okay. Have you either alone in your name or
 2 with any other person invested a closely held company?
 3 When I say "closely held," I mean other than buying
 4 stock in companies on the major stock exchanges. Do
 5 you understand my question?
 6 A. I think so. No.
 7 Q. So Living Your Dream Productions is your one
 8 and only business investment or activity enterprise.
 9 Is that a fair summary?
 10 A. Yes.
 11 Q. Other than the purchase, ownership, and sale
 12 of the two homes in New Port Richey that you talked
 13 about?
 14 A. Yes.
 15 Q. So beyond the purchase and sale of those two
 16 homes in New Port Richey, the only sources of income in
 17 your adult life have been your broadcasting and what
 18 you have earned from Living Your Dream Productions?
 19 A. That's correct.
 20 Q. You understand that any time you purchase
 21 real estate it's important to read all of the documents
 22 that you were asked to sign carefully before you sign
 23 them, correct?
 24 A. Yes.
 25 Q. Did you do that with respect to the

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1 condominium project that's at issue in this lawsuit?
 2 A. Yes.
 3 Q. And we will get to the specific documents
 4 later in the deposition, but let me ask you generally.
 5 Do you recall reading anything in any of the documents
 6 that you were asked to sign with respect to this
 7 project that caused you pause or that raised any
 8 question in your mind?
 9 A. No.
 10 Q. You understand that the purchase of real
 11 estate for any purpose carries some risk. Do you agree
 12 with that?
 13 A. Yes.
 14 Q. Did you make a profit on the two homes that
 15 you purchased in New Port Richey?
 16 A. One home I did.
 17 Q. The other?
 18 A. No.
 19 Q. Sell it at a loss?
 20 A. Yes.
 21 Q. You have told us that you believed that you
 22 were misled or defrauded because you were told that
 23 Mr. Trump was a partner in this development, correct?
 24 A. Yes.
 25 Q. And I may have asked you this and if I did I

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1 apologize, but I just want to make sure. What did you
 2 understand Mr. Trump -- strike that.
 3 What did you understand that Mr. Trump would
 4 do or be responsible for as a partner that turned out,
 5 at least in your mind, not to be true?
 6 A. I trusted that his name would always be there
 7 on that piece of real estate. Very simply, I never
 8 would have thought his name could be taken off that
 9 piece of property.
 10 Q. Anything else?
 11 A. No.
 12 Q. Assuming that what you just said is -- strike
 13 that.
 14 How were you damaged by the fact that in your
 15 mind what you understood Mr. Trump's involvement to be
 16 as a partner was not in your view true?
 17 MR. CLARK: Objection, form. You can answer.
 18 THE DEPONENT: He could walk away from the
 19 project and take his name with him.
 20 BY MR. GRIFFIN:
 21 Q. You started your answer with the word --
 22 well, the second word was "could," but I need you to --
 23 and if you need me to clarify it, I will. I want to
 24 know in actuality how you were damaged by the fact that
 25 Mr. Trump's involvement as to your understanding a

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1 partner was different than what you understood it to
 2 be.
 3 MR. CLARK: Objection, form. You can answer.
 4 THE DEPONENT: There is a little twist in
 5 that question.
 6 BY MR. GRIFFIN:
 7 Q. I'm not trying to be tricky. Trust me.
 8 A. I'm not sure I understand the question.
 9 Q. Then I will start over because I want you to
 10 understand.
 11 You have told me that the difference between
 12 what you thought Mr. Trump was in your understanding as
 13 a partner and what it turned out to be was that he
 14 could take his name away. Did I get that at least --
 15 that summary correct?
 16 A. Yes.
 17 Q. How did that fact or that difference damage
 18 you?
 19 MR. CLARK: Same objection.
 20 THE DEPONENT: It changed everything. My
 21 investment was lost on day one because it wasn't a
 22 true investment in the Trump name because I wasn't
 23 guaranteed that it would be Trump tower.
 24 BY MR. GRIFFIN:
 25 Q. Okay.

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1 A. Even if the building was built, I was still
 2 not guaranteed it would have stayed Trump Tower.
 3 Q. That's not, in fact, what happened, right?
 4 A. That is right.
 5 Q. The building wasn't built?
 6 A. That's correct.
 7 Q. So we don't know if the name had stayed on
 8 the building had it been built, right?
 9 A. That's right, but you're asking me what if
 10 questions as well.
 11 Q. That's right. I understand. So it's your
 12 position that even if this building had been built and
 13 even if it had the Trump name on it, that you were
 14 still defrauded?
 15 A. I was defrauded because I was not told that
 16 Trump could have taken his name off the building at any
 17 time, and I could have lost my investment at any time,
 18 and, in fact, I did.
 19 Q. But I just want to make sure we are clear.
 20 It is your contention that -- strike that.
 21 You would still be suing Mr. Trump today even
 22 if the building had been built and his name were on it
 23 based on what you learned in the licensing agreement,
 24 correct?
 25 A. No. If his name was on the building and --

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1 strike that. That's not what happened.
 2 Q. Exactly. But that's where you went in your
 3 earlier answer, which is -- I'm trying to understand
 4 your answer.
 5 A. No. I was defrauded. That's the bottom
 6 line. It doesn't matter if the building was built or
 7 not built.
 8 Q. Or if it had his name or not?
 9 A. Yes, because I was not told -- I would never
 10 have signed the contract. I would never have bought
 11 the real estate if I had just been the told the truth.
 12 Q. So your claim of fraud exists regardless of
 13 whether the building was built or whether it had his
 14 name on it. You felt you were defrauded from the
 15 minute you signed the contract?
 16 A. That's correct.
 17 Q. Do you recall attending a meeting of persons
 18 who like you had signed purchase contracts for units in
 19 this project?
 20 A. At what time frame are we talking about?
 21 Q. Anytime. I will just tell you I have learned
 22 of one such meeting from earlier depositions, so I'm
 23 trying to find out of any others. So I will tell you
 24 that, and then I will restate my question.
 25 Do you recall attending any meeting or

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1 meetings of persons who like you signed contracts for
 2 units in this project?
 3 A. Yes.
 4 Q. All right. How many such meetings?
 5 A. Two.
 6 Q. Do you recall when they occurred?
 7 A. I couldn't give you a specific date.
 8 Q. Generally? Were they both after the news of
 9 Mr. Trump's lawsuit on the licensing agreement came
 10 out?
 11 A. I can't ask you for help on that?
 12 MR. CLARK: Well, he was asking you but for
 13 meetings held with lawyers.
 14 BY MR. GRIFFIN:
 15 Q. Let me start over or let me -- because we
 16 will get to what I need to know.
 17 You recall two meetings --
 18 A. Yes.
 19 Q. -- with other purchases, right?
 20 A. Yes.
 21 Q. Let's put aside for a moment when they
 22 occurred.
 23 A. Okay.
 24 Q. What was the purpose of the first such
 25 meeting?

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1 A. The first such meeting --
 2 MR. CLARK: I would instruct you to the
 3 extent that it was an attorney-client meeting,
 4 exclude -- well, it's not your question, I don't
 5 think. But to the extent that you are about to
 6 describe meetings, you can identify that a meeting
 7 occurred but not the substance or the discussion
 8 or anything surrounding. If, in fact, the meeting
 9 you are thinking of now in response to his
 10 question is about such an attorney-client meeting.
 11 Does that make sense?
 12 THE DEPONENT: Yes. That's correct, yes.
 13 MR. CLARK: Are we clear, Chris?
 14 MR. GRIFFIN: Yes.
 15 THE DEPONENT: It was an attorney-client
 16 meeting.
 17 BY MR. GRIFFIN:
 18 Q. Who was the attorney?
 19 A. I believe her first name is Chris.
 20 Q. Chris Lamia?
 21 A. Yes.
 22 Q. Where did the meeting occur?
 23 A. I believe that was the Centre Club in Tampa.
 24 Q. How many people were there?
 25 A. Approximately 100 people.

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1 Q. Who called the meeting?
 2 MR. CLARK: Objection, form, but also
 3 privileged to the extent that it calls for --
 4 MR. GRIFFIN: Let me rephrase that.
 5 BY MR. GRIFFIN:
 6 Q. How did you come to be at the Centre Club at
 7 the day and time of that meeting?
 8 A. The attorney called us together.
 9 Q. How?
 10 A. Through a phone call.
 11 Q. Directly from the lawyer?
 12 A. I believe so.
 13 Q. To you?
 14 A. Yes.
 15 Q. So you recall that you were invited to that
 16 meeting directly by Chris Lamia?
 17 MR. CLARK: I'm going to instruct her not to
 18 answer any further questions because of the
 19 specifics. You can describe for counsel,
 20 Mr. Griffin, that the meeting was had, the lawyer,
 21 the place, and to the time, if you can. The fact
 22 of who called who and the specifics and, quote,
 23 invitation versus other things, I will instruct
 24 you not to answer that question.
 25 MR. GRIFFIN: Let me just be clear. If a

1 lawyer called her, I'm not going to ask her what
 2 the lawyer said. Let me finish so you will
 3 understand where I'm coming from. I think it's
 4 factually significant if the phone call came to
 5 her from someone who wasn't a lawyer. If it is a
 6 lawyer, I'm not going to ask her what the lawyer
 7 said; but if it's not a lawyer, I'm entitled to
 8 ask about that.
 9 MR. CLARK: As she has just phrased it, yes.
 10 Go ahead and answer the question.
 11 BY MR. GRIFFIN:
 12 Q. Did the phone call that invited you or that
 13 preceded this meeting come from a lawyer or someone who
 14 was not a lawyer?
 15 A. I believe it was from the lawyer, yes.
 16 Q. Do you specifically recall that?
 17 A. I don't specifically recall.
 18 Q. Okay. How about the second of the two
 19 meetings, how did you come to be there at that time and
 20 place?
 21 A. I don't recall.
 22 Q. Where was that one?
 23 A. That was also at -- it was at a hotel. That
 24 may have also been at the Centre Club. No. That was
 25 at another hotel. It was at a hotel, but I can't

1 objected.
 2 BY MR. GRIFFIN:
 3 Q. You told us earlier when you were referring
 4 to Exhibit 2 that one of the things that you saw was a
 5 statement that -- if I can find it. Give me a second.
 6 On the page that had the University of Tampa Minarets,
 7 a statement that said that the Trump Tower Tampa was a
 8 development of Donald J. Trump and SimDag-RoBEL, LLC.
 9 Do you recall showing that to me?
 10 A. Yes.
 11 Q. What was your understanding of the
 12 responsibility for the costs of this project of
 13 SimDag-RoBEL, LLC?
 14 MR. CLARK: Costs?
 15 MR. GRIFFIN: Costs.
 16 THE DEPONENT: I don't know. I was not privy
 17 to their agreement on who was responsible for what
 18 costs.
 19 BY MR. GRIFFIN:
 20 Q. At the time that you signed your purchase
 21 contract for this project, did you have an
 22 understanding of whether in a partnership, any
 23 partnership, a partner can leave the partnership? Did
 24 you have an understanding on that?
 25 A. Are you speaking about generally --

1 recall.
 2 Q. How many people attended that one?
 3 A. I would say about 40 to 50.
 4 Q. Was a lawyer present?
 5 A. Yes.
 6 Q. Who?
 7 A. I don't remember.
 8 Q. Do you know if anyone has kept any type of
 9 written notes or minutes of either of those two
 10 meetings?
 11 A. No.
 12 Q. You don't know?
 13 A. I don't know.
 14 Q. Did you?
 15 A. No.
 16 Q. Did your husband?
 17 A. Perhaps.
 18 Q. Would those notes or minutes be included in
 19 the documents that you gave -- if they exist, that you
 20 gave to your lawyer for production in this case?
 21 A. Perhaps. I never saw them.
 22 Q. Okay.
 23 MR. CLARK: They are not, nor were they
 24 specifically asked for. To the extent that they
 25 were specifically asked for, we would have

1 Q. Yes.
 2 A. -- any partnership? Did I have an
 3 understanding that any partner can leave a partnership
 4 at any time?
 5 Q. Right. Did you have an understanding either
 6 way that they could or couldn't?
 7 A. No.
 8 Q. So for all you knew at the time you signed
 9 your contract for this project, a partner -- as you
 10 understand the word -- could leave the project at any
 11 time for any reason, correct?
 12 A. Repeat the question.
 13 Q. Sure.
 14 MR. GRIFFIN: Read it back.
 15 (Preceding question read by the reporter.)
 16 BY MR. GRIFFIN:
 17 Q. You can answer it.
 18 A. That doesn't quite make sense to me, that
 19 question.
 20 Q. What about it doesn't make sense?
 21 A. For all I knew when I signed the contract, a
 22 partner could leave at any time.
 23 Q. Right. Because you already told me that you
 24 didn't have an understanding when you signed the
 25 contract for this development, one way or the other

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1 with respect to in a partnership a partner could leave
 2 the partnership at any time for any whatever reason?
 3 A. Yes.
 4 Q. Yes what? You had no such understanding --
 5 A. I have no understanding --
 6 Q. -- one way or the other?
 7 A. -- one way or the other.
 8 Q. All right. Was it important to you when you
 9 signed the contract for your unit in this building to
 10 know what level of decision-making authority or
 11 responsibility Mr. Trump had with respect to the
 12 project?
 13 A. Yes.
 14 Q. Did you ask anybody what level of
 15 decision-making authority or responsibility Mr. Trump
 16 had?
 17 A. It was quite obvious through the marketing
 18 materials, through his verbal comments that he was
 19 calling many of the shots, making many of the decisions
 20 a general partner would make, not a typical licensor.
 21 He was making major decisions on materials, and he was
 22 talking about being an investor in the city of Tampa
 23 and investing himself in this city. It was sold that
 24 way and it was marketed that way through the sales
 25 people, through the Realtor, through everyone I spoke

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1 with.
 2 Q. Have you sued the salespeople or the Realtor?
 3 A. No.
 4 Q. Why not?
 5 A. I don't need to sue everyone here.
 6 Q. You just need to sue Mr. Trump?
 7 A. I don't need to sue who is not responsible
 8 for defrauding me.
 9 Q. Well, I thought you just told me that the
 10 salespeople and the Realtor told you these things?
 11 A. They represented Mr. Trump.
 12 Q. Oh, they did? How do you know that?
 13 A. This is his name.
 14 Q. In what way were you told that any of the
 15 salespeople or Realtor represented Mr. Trump?
 16 A. Everyone was selling his name.
 17 Q. So you are suing Mr. Trump based on things
 18 said to you by salespeople and realtors?
 19 A. No.
 20 Q. You said that -- in your prior answer, you
 21 said that he was making decisions and calling the shots
 22 regarding things such as materials?
 23 A. Yes.
 24 Q. Okay. What other things about this project
 25 were you led to believe Mr. Trump was making decisions

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1 about?
 2 A. It was quite involved.
 3 Q. In what way? Let me withdraw that question,
 4 and then I will --
 5 Are you telling me that statements that you
 6 received either orally or in writing about Mr. Trump's
 7 level of involvement regarding decision making and
 8 authority turned out not to be true?
 9 A. No.
 10 Q. They were true?
 11 A. Yes.
 12 Q. Okay. I want to take it through the
 13 chronology of when you first learned about this
 14 condominium project up to the time that you signed the
 15 purchase contract. All right?
 16 A. Uh-huh.
 17 Q. Yes?
 18 A. Yes.
 19 Q. So that we are clear, if you would grab --
 20 let's mark this as No. 3. Take a look at Exhibit
 21 No. 3. That's the purchase and sale agreement
 22 with you and Mr. Warren as the purchasers; is that
 23 correct?
 24 (Exhibit No. 3 was marked for
 25 identification.)

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1 THE DEPONENT: Yes.
 2 BY MR. GRIFFIN:
 3 Q. Go to the last page of the exhibit, please.
 4 That's your signature and Mr. Warren's signature on the
 5 last page --
 6 A. Yes.
 7 Q. -- of Exhibit 3?
 8 A. Yes.
 9 Q. And you recognize Mr. Warren's signature?
 10 A. Yes.
 11 Q. All right. Did you read Exhibit 16 before
 12 you signed it?
 13 A. Yes.
 14 Q. Did you read it carefully?
 15 A. Yes.
 16 Q. Did you consult with a lawyer regarding it
 17 before signing it?
 18 A. Yes.
 19 Q. Who? Don't tell me any substance of the
 20 conversation with the lawyer. Just tell me who it was.
 21 A. I don't recall their name.
 22 Q. Did you actually give that lawyer a copy of
 23 the document before you signed it?
 24 A. Yes.
 25 Q. All right. Look at the first page of Exhibit

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1 16. Who is identified as the seller?
 2 A. SimDag-RoBEL, LLC.
 3 Q. Is Donald Trump or the Trump Organization
 4 identified in any manner as the seller in Exhibit 16?
 5 A. No.
 6 Q. And you knew at the time that you signed
 7 Exhibit 16 that SimDag-RoBEL, LLC, was separate from
 8 Mr. Trump or the Trump Organization, correct?
 9 MR. CLARK: Objection to form.
 10 THE DEPONENT: No.
 11 BY MR. GRIFFIN:
 12 Q. What you saw in Exhibit 2 that they were
 13 identified as different from each other, correct?
 14 A. No. I did not make that distinction.
 15 Q. When you read Exhibit 2 or when you read
 16 Exhibit 3?
 17 A. What is Exhibit 3?
 18 Q. The one you have in your hand.
 19 A. And Exhibit 2?
 20 Q. Is the silver book. When you said I did not
 21 make that distinction?
 22 A. No. I did not make a distinction that they
 23 were separate.
 24 Q. I'm going to show you what you drew my
 25 attention to in Exhibit No. 2; that statement at the

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1 left -- lower left corner of the page, correct?
 2 A. Uh-huh.
 3 Q. That identifies Donald J. Trump and
 4 SimDag-RoBEL, LLC, correct?
 5 A. Correct.
 6 Q. All right. The purchase contract, No. 3,
 7 does not say Donald J. Trump and SimDag-RoBEL, LLC,
 8 correct?
 9 A. Correct.
 10 Q. Is Donald J. Trump or the Trump Organization
 11 mentioned anywhere in Exhibit 3?
 12 A. I don't know. I would have to read this over
 13 again.
 14 Q. Do you recall at the time that you signed
 15 Exhibit 3 whether Mr. Trump or the Trump Organization
 16 were mentioned in Exhibit No. 3?
 17 A. I don't recall.
 18 MR. CLARK: We can stipulate if you would
 19 like.
 20 MR. GRIFFIN: That's fine. That they don't?
 21 MR. CLARK: I don't recall the Trump name
 22 being mentioned in this, anywhere in the purchase
 23 agreement? Ken, is that correct?
 24 MR. TURKEL: I don't believe the word "Trump"
 25 is used.

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1 MR. CLARK: Except for maybe Trump Tower
 2 Tampa.
 3 MR. GRIFFIN: Just for the record, I may have
 4 inadvertently used the word Exhibit 16 because
 5 it's No. 16 in my book.
 6 THE DEPONENT: That's what was confusing.
 7 MR. GRIFFIN: You should have told me so I
 8 wouldn't confuse you. Tell me and I will fix it.
 9 So if I up to this point in the deposition used
 10 the word 16, I meant 3. Let's mark this as No. 4.
 11 (Exhibit No. 4 was marked for
 12 identification.)
 13 BY MR. GRIFFIN:
 14 Q. I'm going to show you Exhibit No. 4. That is
 15 a brokerage relationship disclosure document. Is that
 16 your signature and Mr. Warren's signature?
 17 A. Yes.
 18 Q. I'm going to show you Exhibit 5. It's a
 19 receipt for condominium documents. Did you and
 20 Mr. Warren sign that on or about November 28, 2005?
 21 (Exhibit No. 5 was marked for
 22 identification.)
 23 THE DEPONENT: Yes.
 24 BY MR. GRIFFIN:
 25 Q. Did you receive all of the documents listed

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1 there?
 2 A. Yes, from what I can recall.
 3 Q. I misspoke earlier. I know that's shocking
 4 to Dan. I said that the contract that we had with your
 5 brother's name on it was not signed and, in fact, it
 6 was. You recall that your brother signed a contract
 7 for a purchase?
 8 A. Yes.
 9 Q. Is he a plaintiff in this lawsuit?
 10 A. No.
 11 Q. Have you talked to him about this lawsuit?
 12 A. Yes.
 13 Q. Tell me about your discussions with him on
 14 the subject of this lawsuit.
 15 A. Just that I was involved in it.
 16 Q. Have you suggested that he become a plaintiff
 17 in this lawsuit?
 18 MR. CLARK: I want to give you an instruction
 19 because you have never done this type of
 20 deposition. To the extent that you had
 21 discussions that involved attorney-client
 22 communications where an attorney was involved
 23 or -- I mean, I have to flush out --
 24 MR. GRIFFIN: I'll rephrase.
 25 BY MR. GRIFFIN:

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1 Q. When you had any discussion with your brother
 2 about this lawsuit, was a lawyer present?
 3 A. No.
 4 Q. Okay. So tell me about the substance of any
 5 discussion that you had with your brother about this
 6 lawsuit.
 7 A. I mentioned it to him, but he was not
 8 interested.
 9 Q. Did he tell you why he was not interested?
 10 A. Well, the property is not really an issue.
 11 Q. What does that mean?
 12 A. We were just not interested -- or he is not
 13 interested. I'm sorry. He is not interested.
 14 Q. Is that all you recall of the conversation?
 15 A. Yes.
 16 Q. Where does he live?
 17 A. In New Port Richey.
 18 Q. Do you know his address?
 19 A. No.
 20 Q. Do you know his phone number?
 21 MR. CLARK: It's a yes or no question.
 22 THE DEPONENT: Yes.
 23 BY MR. GRIFFIN:
 24 Q. I will tell you what. If you are concerned
 25 about it being on the public record, if you would just

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1 give that phone number to Dan so he can give it to me.
 2 I could tell you were concerned about that.
 3 A. Yes.
 4 Q. So you will give your brother's phone number
 5 to Dan which he'll give to me?
 6 A. Yes. He is an executive.
 7 MR. CLARK: I will make it happen, yes.
 8 MR. GRIFFIN: Yes.
 9 BY MR. GRIFFIN:
 10 Q. Going back to our discussion about documents,
 11 one of the reasons I was asking -- what I did is that
 12 we didn't receive her purchase contract through you in
 13 her production. We got it through Tony Everette
 14 production, and that's what confused me.
 15 (Discussion off the record.)
 16 MR. GRIFFIN: All I would like you to do,
 17 Dan, is just look at this and make sure we have
 18 got all of it in one form or another. You don't
 19 have to do it right now.
 20 MR. CLARK: All right.
 21 THE DEPONENT: I need to correct something I
 22 said. When I did speak with my brother, there was
 23 an attorney involved in one discussion, yes.
 24 BY MR. GRIFFIN:
 25 Q. Okay. Involved as in present?

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1 A. Present, yes. At one point when we did
 2 discuss this, yes.
 3 Q. All right. Who was that lawyer?
 4 A. I don't recall.
 5 Q. All right.
 6 A. It was his lawyer.
 7 Q. Your brother's lawyer?
 8 A. Yes.
 9 Q. So I had you look at Exhibit No. 3, which is
 10 the contract that you signed so that we sort of had an
 11 ending point or a chronology. When did you first hear
 12 about the project for which you signed Exhibit No. 3?
 13 A. Very early on right before it went public.
 14 Q. What do you mean "went public"?
 15 A. Before the project was announced publicly, I
 16 had heard about it.
 17 Q. From whom?
 18 A. Through friends in the media.
 19 Q. What did you hear?
 20 A. We were receiving notification, press
 21 releases, media kits already.
 22 Q. In your professional capacity?
 23 A. That's correct.
 24 Q. Okay. Do you still have those documents that
 25 you receive?

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1 A. No.
 2 Q. Between that time period where you were
 3 receiving information in your capacity as CEO of Living
 4 Your Dream and the date of this press event that you
 5 have already told us about in February of 2005, what,
 6 if anything, did you do to pursue your interest in this
 7 project? And I'm talking about reading things, talking
 8 to people. I'm just trying to get an idea of what you
 9 did.
 10 A. I have read everything I could and looked at
 11 everything I could about the project; meaning the
 12 materials that were given to us from the Realtor, the
 13 sales office, looked at the Web site once it was up,
 14 spoke to a Realtor.
 15 Q. Who?
 16 A. I can't even remember our Realtor's name.
 17 Q. Was it somebody associated with Tony
 18 Everette?
 19 A. I don't think so.
 20 Q. Anything else?
 21 A. That's it.
 22 Q. When was Exhibit No. 3 signed? Look on the
 23 last page. It might tell you that.
 24 A. November 29th, 2005.
 25 Q. What did you learn about this project between

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1 the February press event and the November date on which
2 you signed Exhibit No. 3? By that I mean -- when I say
3 "what did you learn," what information did you receive
4 from any source?
5 A. I was keeping up on every press article,
6 press release from the Trump Organization, from the
7 SimDag-RoBEL organization. I had access to those
8 things.
9 Q. In your professional capacity?
10 A. Yes.
11 Q. And do you have -- strike that.
12 If you currently have those in your
13 possession, custody, or control, they have been given
14 to your lawyer?
15 A. Yes, but I didn't keep those things.
16 Q. Okay.
17 A. I would usually read them and throw them out.
18 Q. Okay. Before you signed Exhibit No. 3 --
19 strike that.
20 I want you to identify for me all persons
21 that you spoke with regarding this condominium before
22 you signed Exhibit No. 3, and I'm asking you the
23 question that way to distinguish it from any written
24 materials. And we already know that you saw a
25 videotape of the February 2005 press event where you

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1 heard Mr. Trump say things that you have told us about,
2 correct?
3 A. That's correct.
4 Q. So between that time and the signing of
5 Exhibit No. 3, what actual conversations did you have
6 with anybody on the seller's side about this project?
7 A. The Realtor -- our Realtor whose name I
8 cannot recall right now.
9 Q. If you do remember it later, would you tell
10 me?
11 A. Yes.
12 Q. Anybody else?
13 A. I believe that's in our file. I'm sorry. I
14 don't have that off the top of my head.
15 Q. Sure.
16 A. Tony Everette; of course, Don Wallace, my
17 husband; Thomas Warren; Dave Lucadano, you know,
18 just -- I didn't know if you want --
19 Q. No. That's why I said in my question I was
20 asking for discussions with persons on the seller's
21 side. That would not include Mr. Warren or your
22 husband?
23 A. I'm sorry. Yes.
24 Q. That's okay. If I understand what you have
25 told me, the only actual persons with whom you

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1 discussed this project were your Realtor, Tony
2 Everette; is that correct?
3 A. Uh-huh, yes.
4 Q. Okay. What did -- strike that.
5 Did either your Realtor or Ms. Everette tell
6 you anything that you are relying on in this lawsuit to
7 support your contention that you were misled or
8 defrauded or lied to?
9 MR. CLARK: Other than what has been
10 testified already today?
11 MR. GRIFFIN: No. Not to that exclusion. I
12 want to know everything.
13 MR. CLARK: Objection to form.
14 THE DEPONENT: No.
15 BY MR. GRIFFIN:
16 Q. Okay. So in terms of statements from human
17 beings as opposed to reading something, the only thing
18 that you are relying on in this lawsuit and supporting
19 your contention that you were lied to or defrauded is
20 what you heard Mr. Trump say at the February 2005 press
21 event, correct?
22 A. No.
23 Q. Okay.
24 A. Beyond that?
25 Q. Yes.

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1 A. It's everywhere. It's on the materials.
2 Q. Let me clarify then.
3 A. Okay.
4 Q. I'm drawing a line between written materials
5 and --
6 A. Verbal.
7 Q. -- verbal, oral.
8 A. All right.
9 Q. So let me state it again so we are clear.
10 The only oral statement as opposed to written statement
11 upon which you are relying in this lawsuit to support
12 your contention that you were defrauded or lied to or
13 misled is what you heard Mr. Trump say at the
14 February 2005 press event, correct?
15 A. No. It was represented as a Trump
16 development through and through. Yes, it was
17 represented that way with the representatives who were
18 helping to sell the units.
19 Q. Let me break that down. When you say
20 "through and through," you kind of used your hand and
21 pointed towards the documents on the table. I want to
22 exclude written documents. Okay?
23 A. The reason I did that --
24 Q. Uh-huh.
25 A. -- is because it was an entire package. You

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1 see. Marketing is a package.
 2 Q. Which includes both written and oral?
 3 A. Yes.
 4 Q. Okay. But I need to be able to break it down
 5 so I know what you are relying on. I have got the
 6 written. I know what that is.
 7 A. All right.
 8 Q. So I need to know what oral statement by a
 9 human being you relied on or you do rely on to support
 10 your contention that you were defrauded, lied to,
 11 misled, other than what you heard Mr. Trump say in the
 12 videotape of February 2005?
 13 A. I was assured that I was buying and investing
 14 in a Trump signature property.
 15 Q. Who made that assurance orally to you?
 16 A. Tony Everette.
 17 Q. Anyone else?
 18 A. And my Realtor.
 19 Q. Did you ask for that assurance?
 20 A. They were simply repeating and promoting
 21 exactly what Donald Trump was.
 22 Q. So the statements that the Realtor and
 23 Ms. Everette made to you were no different than what
 24 you had heard Mr. Trump say?
 25 A. Exactly.

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1 Q. Okay.
 2 A. And what everything that was being promoted
 3 all along the way, it was all consistent; it was all
 4 uniform.
 5 Q. When you were told that we're buying into a
 6 Trump signature property, what did you understand that
 7 to mean?
 8 A. That meant that my investment was in his name
 9 Trump Tower, and there is a certain level of
 10 significance with that investment. Donald Trump knows
 11 what that significance is. He knows what his name
 12 stands for. He knows that the brand demands more in
 13 the marketplace. Without that name on the tower, we
 14 have nothing.
 15 Q. So if you have the tower completely built
 16 according to all of the specifications that Mr. Trump
 17 might require pursuant to the licensing agreement, but
 18 it doesn't have his name on it, you have nothing?
 19 A. You do not have what you paid for.
 20 Q. Do you have nothing?
 21 A. In my mind, yes.
 22 Q. Okay.
 23 A. You do not have what you originally paid for,
 24 and to me that's fraud and deceit.
 25 Q. Do you have nothing in that circumstance?

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1 A. To me you have been lied to and to me that
 2 is -- that represents nothing, null and void. I should
 3 be -- let me rephrase that.
 4 Q. Are you withdrawing what you said or are you
 5 adding to it?
 6 A. I am withdrawing the last few words.
 7 Q. Okay.
 8 A. Yes. Without the truth, you have nothing.
 9 Q. So to return to my question. If this
 10 building had been built according to all specifications
 11 and details that Mr. Trump might have required pursuant
 12 to the license agreement, but it didn't have his name
 13 on it, you would have nothing, correct?
 14 A. That is correct.
 15 Q. Okay. Have you told me everything that
 16 you -- strike that.
 17 Have you told me every person that you recall
 18 speaking to about this project between the February
 19 2005 press event and signing Exhibit 3, that is the
 20 Realtor and Ms. Everette?
 21 A. Yes.
 22 Q. Did you visit the sales center?
 23 A. Yes.
 24 Q. Is that where you talked to the Realtor and
 25 Ms. Everette?

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1 A. Yes.
 2 Q. How many times did you visit?
 3 A. Approximately four to five times.
 4 Q. Did you speak to someone on each occasion?
 5 A. Yes.
 6 Q. But no person other than the Realtor and
 7 Ms. Everette?
 8 A. That's correct.
 9 (Lunch recess.)
 10 BY MR. GRIFFIN:
 11 Q. Take a look at Exhibit No. 6. These are
 12 answers to interrogatories that we received from your
 13 lawyer. I want you to confirm that, and you can take
 14 as much time as you need to look at it, but my first
 15 question is --
 16 (Exhibit No. 6 was marked for
 17 identification.)
 18 MR. CLARK: I'm going to help her, Chris,
 19 just show her the way these things are set up.
 20 BY MR. GRIFFIN:
 21 Q. Mr. Clark showed you the last page of
 22 Exhibit 6. Is that your signature on that page?
 23 A. Yes.
 24 Q. Did you read these answers before you signed
 25 this?

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1 A. Yes.
2 Q. And they were true and correct?
3 A. Yes.
4 Q. All right. Exhibit No. 7, that is a receipt
5 that you and Mr. Warren received for the deposit?
6 (Exhibit No. 7 was marked for
7 identification.)
8 THE DEPONENT: Yes.
9 BY MR. GRIFFIN:
10 Q. And it's your one-half of that deposit that
11 you are seeking in this lawsuit?
12 A. Yes.
13 Q. Take a look at Exhibit No. 8, which is Bates
14 No. P00157. Did you receive this document on or about
15 August 28, 2006?
16 (Exhibit No. 8 was marked for
17 identification.)
18 THE DEPONENT: Yes.
19 BY MR. GRIFFIN:
20 Q. What did you do when you received Exhibit
21 No. 8?
22 A. I read it.
23 Q. After reading it?
24 A. And I believe I placed it in our file.
25 Q. Did you make any inquiry of any person by

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1 telephone or otherwise about what was in the letter?
2 A. No.
3 Q. Did the letter concern you in any way?
4 A. Yes.
5 Q. And what was that concern?
6 A. General concern.
7 Q. But you didn't call anybody or write anybody
8 or go see anybody about it?
9 A. No.
10 Q. Okay. Do you know why this building in which
11 you had purchased a unit was not built?
12 A. Yes.
13 Q. And why was it not built to your
14 understanding?
15 A. To my understanding financing could not be
16 secured.
17 Q. What is the basis of that understanding?
18 A. From what we were told from the developers.
19 Q. All right. When you say "the developers,"
20 you mean SimDag-RoBEL?
21 A. The co-developers, yes, SimDag-RoBEL.
22 Q. SimDag-RoBEL told you that the reason the
23 building could not be built or was not built was
24 because of no financing?
25 A. Yes.

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1 Q. Okay. Who from SimDag-RoBEL told you that?
2 A. Frank Dagostino.
3 Q. Was that face to face?
4 A. At one point, yes. There were also press
5 reports that, of course, they were having trouble
6 paying Mr. Trump his licensing fees and the lawsuit
7 became public that Mr. Trump was suing his
8 co-developers or co-partners.
9 Q. That's the license agreement lawsuit?
10 A. Yes.
11 Q. I want to go back to you -- you have told me
12 that the reason you learned the building was not built
13 was because the developer could not get financing,
14 right?
15 A. Yes, that's my understanding.
16 Q. So all I'm trying to find out is how you
17 learned that. You told me Frank Dagostino. I need to
18 know when and how Mr. Dagostino told you that?
19 A. There was a meeting with Frank Dagostino at
20 one point with the investors.
21 Q. Where?
22 A. I believe it was the Centre Club in Tampa.
23 Q. Besides yourself, who do you recall being
24 there?
25 A. Other investors.

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1 Q. Do you remember anybody in particular?
2 A. There was an attorney there. Again, I don't
3 recall the attorney's name, and that was one of the
4 meetings I referred to earlier with the attorney
5 present.
6 Q. Well, the attorney wasn't there for
7 Mr. Dagostino, right?
8 A. I do believe there was an attorney present
9 there.
10 Q. So at the first of the two meetings that you
11 told me about, there was not only a collection of
12 purchasers and an attorney, if you will, on their
13 behalf, but there was also Mr. Dagostino and an
14 attorney on his behalf?
15 A. No. On our behalf.
16 Q. I thought you just told me there was an
17 attorney there for Frank. Did I get that wrong?
18 A. Yeah. I don't know if there was an attorney
19 present for Frank.
20 Q. But Frank was there?
21 A. Yes.
22 Q. Frank Dagostino?
23 A. Yes.
24 Q. All right. Tell me everything that you
25 remember being said in that meeting when Mr. Dagostino

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1 was in the room.
 2 A. Again, this is all I can really recall.
 3 Q. In words or substance?
 4 A. He was trying to secure financing. He was
 5 trying to keep the investors on board. He was trying
 6 to assure the investors that everything was going to be
 7 fine. With Donald Trump with the license -- I take
 8 that back. With the payment to Donald Trump that they
 9 owed him money, that they were going to get a loan to
 10 be able to pay Mr. Trump the money they owed him to
 11 move forward with everything. Basically, it was to let
 12 the investors know we plan to move forward with this.
 13 Please stay with us.
 14 Q. The investors, you mean the purchasers like
 15 you?
 16 A. That's correct.
 17 Q. All right. And did Mr. Dagostino call the
 18 meeting? Was he the instigator, if you will, behind
 19 the meeting taking place?
 20 A. I believe it was the investors initially that
 21 started talking and communicating, and Mr. Dagostino
 22 found out about this and wanted to be part of the
 23 meeting.
 24 Q. All right. What, if anything, do you recall
 25 any of the purchasers who were in attendance saying in

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1 response to what Mr. Dagostino had to say?
 2 A. There were a lot of questions thrown at
 3 Mr. Dagostino. People at this point were becoming very
 4 concerned about the project, whether it was going to be
 5 completed. At this point, I cannot recall the timeline
 6 here. Whether we knew that Trump was just a licensor
 7 at this point, I can't recall that.
 8 So I don't recall if that was discussed at
 9 this meeting or not. All I can remember is that -- I
 10 don't believe it was because we still believed in the
 11 project, and we were still all willing to hang in there
 12 and move ahead with this.
 13 Q. I thought you told me that one of the things
 14 that Mr. Dagostino said was that he wanted to assure
 15 the investors that everything would be fine with
 16 respect to the money that was owed to Donald Trump. So
 17 if he said that, then didn't you already know about the
 18 fact that SimDag-RoBEL owed money to Mr. Trump?
 19 A. Again, I can't recall what he was referring
 20 to as far as their agreement was concerned.
 21 Q. The agreement between Mr. Trump and
 22 SimDag-RoBEL?
 23 A. Yes. We knew there were problems between the
 24 partnership, between them.
 25 Q. Trump and SimDag-RoBEL?

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1 A. Yes.
 2 Q. How did you know that?
 3 A. Because it was being publicized that there
 4 were problems between -- in the partnership.
 5 Q. Even before the licensing agreement lawsuit?
 6 A. The timelines are foggy for me. I'm sorry.
 7 What I can tell you is that Mr. Dagostino also made
 8 that clear.
 9 Q. Made what clear?
 10 A. That there were problems in the partnership
 11 financially, and that they were working to work that
 12 out.
 13 Q. Did you say in words or substance to
 14 Mr. Dagostino I don't understand why there is money
 15 problems; isn't this Donald's Trump's property and
 16 can't he pay for it out of his back pocket?
 17 A. Rephrase that question.
 18 MR. GRIFFIN: Can you read that back?
 19 (Preceding question read by the reporter.)
 20 THE DEPONENT: Did I say that personally to
 21 him?
 22 BY MR. GRIFFIN:
 23 Q. Yes.
 24 A. No.
 25 Q. Did anybody else in the room?

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1 A. I don't recall.
 2 Q. Why didn't you say something like that
 3 Mr. Dagostino when he reported to this group that there
 4 were money problems with the project?
 5 A. People were asking him questions about
 6 financing the project.
 7 Q. Well, haven't you told me all along that you
 8 believed that because Mr. Trump was involved as you put
 9 it, he could pay for it out of his back pocket?
 10 A. Yes.
 11 Q. So if Mr. Dagostino is reporting to you that
 12 there were money problems, why aren't you saying in
 13 words or substance what money problems? This is Donald
 14 Trump. He can pay for it out of his back pocket. Why
 15 aren't you asking that?
 16 A. I don't know if Donald Trump made that
 17 statement before or after that meeting. I can't recall
 18 that.
 19 Q. But it doesn't really matter because you had
 20 that expectation from the beginning, right?
 21 A. Certainly.
 22 Q. Then why didn't you say that to
 23 Mr. Dagostino?
 24 A. I didn't have to say that to Mr. Dagostino.
 25 Q. Why not?

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1 A. I didn't have to say anything to
2 Mr. Dagostino.
3 Q. I agree. My question to you is: As a
4 concerned purchaser in this project, you go to a
5 meeting at the Centre Club; the person who you
6 understand is there to represent the people building it
7 reports to you that there are money problems, which
8 would be contrary to everything that you expected
9 according to your testimony, why didn't you ask the
10 question?
11 A. I went there to hear what was going to be
12 said. I went there to listen to what other investors
13 were saying to take it in. We really had no control
14 over anything at that point, nor did we have knowledge
15 of what was really going on.
16 Q. All the more reason to ask questions, right?
17 A. We weren't getting -- we were not getting the
18 truth anyway. As we have learned, we did not get the
19 truth from the beginning.
20 Q. Well, you can't get anything if you don't ask
21 questions, right?
22 A. There were questions being asked.
23 Q. Along the lines of what I just suggested?
24 A. As we have learned. We weren't getting the
25 truth.

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1 Q. You are talking about from the beginning,
2 right?
3 A. From the beginning.
4 Q. I'm talking about at this meeting.
5 A. And from that meeting, apparently, we weren't
6 getting the whole truth either.
7 Q. What truth were you not getting at the
8 meeting?
9 A. You would have to ask Mr. Dagostino that
10 question.
11 Q. I'm asking -- you just testified that you
12 were not getting the truth at the meeting. My question
13 to you is: What truth did you not get at the meeting
14 as you sit here today?
15 A. You would have to ask Mr. Dagostino that.
16 Q. So there is nothing that you can recall as
17 you sit here today that you received at that meeting
18 with Mr. Dagostino that you believe was untrue,
19 correct?
20 A. There were things that we were told at that
21 meeting that never happened. The building was never
22 built; the financing never came through. Mr. Trump was
23 never paid his licensing fees and so on and so forth.
24 Q. Okay. Did Mr. Dagostino say anything at the
25 meeting at the Centre Club as a statement of then

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1 existing fact that you found out later was not true
2 when he said it?
3 A. I can't recall if we knew about the licensing
4 problem or -- strike that.
5 I cannot recall the timeline if we already
6 knew that Trump was a licensor before this meeting or
7 after. That's what I'm not sure about.
8 Q. Whether it was or it wasn't, I'm asking
9 you --
10 A. I'm not sure that it matters.
11 Q. I'm not sure it does either. That's why I'm
12 just saying. Whether it was before or after, whether
13 it matters to you or not, I'm asking you as you sit
14 here today do you know or can you tell me anything that
15 Mr. Dagostino told you at the meeting at the Centre
16 Club as a matter of then existing fact which you later
17 came to believe was not true when he said it?
18 A. I believe that he was really working to try
19 and pull this deal together.
20 Q. And he was doing so sincerely and to his best
21 efforts?
22 A. I do believe that.
23 Q. Okay. Is there anything that you think you
24 could look at that would help you identify when this
25 meeting at the Centre Club was with Mr. Dagostino? Do

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1 you keep a calendar or anything that might reveal it?
2 A. I'm very busy. I have a very full plate.
3 This is somewhat of a blur to me. It was a few years
4 ago.
5 Q. Understood, which is why I'm saying is there
6 anything that as you think about that you might be able
7 to look at that would -- could kind of get us to where
8 this meeting -- or when this meeting happened?
9 Is there anything that happened at or about
10 the same time where you can kind of tie it up or
11 anything like that? Let me ask you to think about
12 that. If anything comes to mind, let me know.
13 A. Okay.
14 Q. You said at least twice, maybe three times
15 that Mr. Trump was just a licensor. What do you mean
16 by that?
17 A. He was licensing his name for this project,
18 and that was it.
19 Q. When you say "just," that connotes to mean
20 not something else. So what is the something else that
21 the just is referring to?
22 A. He was not as solid as a rock in this project
23 as he presented himself to be.
24 Q. How would he have been as solid as a rock in
25 this project that you understood or desired him to be?

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1 Be specific for me.
 2 A. His name on that building forever.
 3 Q. So as I understand it, your problem with this
 4 whole affair is not that the building wasn't built or
 5 that the building wasn't built according to certain
 6 architecture or specifications or materials, but that
 7 even if it was built there was a possibility from what
 8 you have learned that his name could come off the
 9 building?
 10 A. That is correct.
 11 Q. Did you do any follow-up with Mr. Dagostino
 12 or anybody else associated with SimDag-RoBEL on the
 13 subjects that were discussed at the meeting at the
 14 Centre Club? Either you followed up or they followed
 15 up with you or any further contact is what I'm trying
 16 to get at?
 17 A. Yes.
 18 Q. What?
 19 A. Just to find out how financing was going.
 20 They were looking into a hedge fund. We found out that
 21 fell through. What was the next step? Have you taken
 22 care of things with Donald Trump? Are things getting
 23 better? What is the next step here? All of the
 24 questions an investor would ask.
 25 Q. And did you ask those questions in person

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1 with representatives of SimDag-RoBEL?
 2 A. Yes.
 3 Q. On what occasion or occasions?
 4 A. I believe my husband asked these questions by
 5 phone on one occasion or several occasions.
 6 Q. And then reported to you what he had been
 7 told?
 8 A. Yes.
 9 Q. Tell me what your husband reported to you
 10 that he learned from discussions with SimDag-RoBEL
 11 after the center club meeting.
 12 A. That no process had been made in securing
 13 financing.
 14 Q. What else, if anything, did your husband
 15 report to you?
 16 A. It must have been soon thereafter that things
 17 really went downhill and SimDag shortly thereafter
 18 filed for bankruptcy. Trump Tower -- Mr. Trump was
 19 suing SimDag-RoBEL. Again, that may have happened
 20 before the meeting or after.
 21 Q. The Trump/SimDag suit?
 22 A. Yes. That probably -- sorry. I just don't
 23 recall.
 24 Q. Anything else you recall your husband telling
 25 you that he learned from discussions with SimDag-RoBEL?

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1 A. That he wasn't looking good.
 2 Q. That's basically what you remember?
 3 A. Uh-huh.
 4 Q. Yes?
 5 A. Yes.
 6 Q. Anything else?
 7 A. No.
 8 Q. Do you know how many times your husband spoke
 9 with representatives of SimDag-RoBEL?
 10 A. No.
 11 Q. Take a look at Exhibit 9, please. Did you
 12 receive that on our about March 13, 2007?
 13 (Exhibit No. 9 was marked for
 14 identification.)
 15 THE DEPONENT: Yes.
 16 BY MR. GRIFFIN:
 17 Q. Did you do anything by way of speaking with
 18 anyone, calling anyone, writing anyone about the
 19 subject addressed in the letter after you received it?
 20 A. My husband, I believe, followed up on this
 21 letter.
 22 Q. What did he do?
 23 A. I believe he made a phone call to the sales
 24 office and/or Frank Dagostino directly.
 25 Q. Did he report to you on what he had heard or

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1 learned?
 2 A. He may have, but I don't recall what he said.
 3 Q. You mentioned earlier that you learned that
 4 SimDag-RoBEL was trying to work with a hedge fund. Do
 5 you remember saying that?
 6 A. Yes.
 7 Q. Is that what you are referring to, that is
 8 the information in Exhibit 9?
 9 A. No.
 10 Q. What do you recall about learning about the
 11 possibility of a hedge fund?
 12 A. It was out of New York.
 13 Q. Do you remember the name of it?
 14 A. No.
 15 Q. Did you learn that from your discussions with
 16 your husband about his calls to SimDag-RoBEL?
 17 A. No. It was mentioned in the meeting.
 18 Q. In the meeting at Centre Club?
 19 A. Yes.
 20 Q. Okay. As a possibility?
 21 A. Yes.
 22 Q. We entered this line of questioning by me
 23 asking you the basis of your understanding of why the
 24 building was not built, and you said lack of financing
 25 and you said you learned that from Mr. Dagostino. And

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1 you talked to us about the Centre Club meeting.
2 A. He was one of the sources I learned that
3 from. He may not have been the initial source.
4 Q. That was my next question. You are getting
5 the hang of this.
6 From what other sources, if any, did you
7 learn that that was the reason the building wasn't
8 built?
9 A. Newspaper reports, news media reports.
10 Q. Do you have any of those still today?
11 A. They may be in our file.
12 Q. Take a look at Exhibit 10, which I will tell
13 you before I give it to you is not a document that you
14 signed; it's another of the purchasers, and if you want
15 Dan to read the Bates numbers on the pages.
16 MR. CLARK: Sure. It's a document from John
17 Robbins' deposition. Was this marked at his?
18 MR. GRIFFIN: Yes.
19 MR. CLARK: Exhibit No. 10 is being marked
20 today as Bates Nos. P475 through P478. Then there
21 is a second document attached, which is actually
22 an addendum to the purchase contract which is P470
23 through 474.
24 (Exhibit No. 10 was marked for
25 identification.)

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1 BY MR. GRIFFIN:
2 Q. And my question to you is: Do you recall
3 receiving and/or signing similar documents that is
4 similar to Exhibit 10 that we just handed you?
5 MR. CLARK: That, obviously, presupposing
6 these documents don't exist in my knowledge.
7 MR. GRIFFIN: We haven't gotten them.
8 MR. CLARK: And I haven't either.
9 MR. GRIFFIN: That's why I'm asking.
10 THE DEPONENT: So you are asking me if I have
11 signed documents that look like this?
12 BY MR. GRIFFIN:
13 Q. Exactly.
14 A. I don't recall.
15 Q. Okay.
16 MR. CLARK: I don't know -- this can be off
17 the record.
18 (Discussion off the record.)
19 BY MR. GRIFFIN:
20 Q. Are you aware of a class action lawsuit that
21 has been filed against SimDag-RoBEL?
22 A. No.
23 Q. Are you aware of something close to that
24 because you look quizzical? Like you know about
25 something that might sound like that?

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1 A. Only because I'm sure there is one.
2 Q. Well, I don't want you to speculate.
3 A. Not a specific lawsuit.
4 Q. Okay. We touched on this earlier, and I want
5 to make it clear so I know. You learned about the
6 lawsuit between Mr. Trump on the one hand and
7 SimDag-RoBEL on the other hand through press reports?
8 A. Yes.
9 Q. All right. And do you recall that you
10 learned about that lawsuit from the press reports close
11 in time to when the lawsuit was filed?
12 A. Yes.
13 Q. That's when your husband went down and got a
14 copy and you looked at it?
15 A. Yes.
16 Q. All right. Take a look at what we have
17 marked as Exhibit No. 11, which says in bold letters,
18 "Read this property report before signing anything."
19 That's one of the documents that you received prior to
20 your signing the contract Exhibit No. 3, correct?
21 (Exhibit No. 11 was marked for
22 identification.)
23 THE DEPONENT: Yes.
24 BY MR. GRIFFIN:
25 Q. And you, in fact, read Exhibit No. 11 before

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1 signing Exhibit No. 3?
2 A. Yes.
3 Q. And you read it carefully?
4 A. Yes.
5 Q. All right. Take a look at page 10 of
6 Exhibit 11. There is a box at the top of the page with
7 bolded type. Do you see that?
8 A. Yes.
9 Q. Would you read that to us, please?
10 A. "Your escrow account will not fully protect
11 you. Before closing, it is possible that the deposit
12 you have made under the sales contract may be used by
13 us for project construction to acquire title to the
14 land or other project costs. While we intend to
15 complete the project, it is possible that the project
16 may not be completed. If your deposits have been
17 disbursed to pay project costs, there is a risk that
18 you could lose your deposit."
19 Q. And you read that before you signed Exhibit
20 No. 3?
21 A. Yes.
22 Q. I don't want to overburden the record. There
23 is a document on the table which I will represent to
24 you -- and I'm sure your lawyer will confirm -- is the
25 prospectus regarding this condominium project. Is this

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1 theirs?

2 MR. CLARK: It is.

3 MR. GRIFFIN: I am going to overburden the

4 record. Let's mark this as No. 12.

5 (Exhibit No. 12 was marked for

6 identification.)

7 MR. CLARK: For purposes of making a copy,

8 though, is --

9 MR. GRIFFIN: You're just going to hold onto

10 it. What we have agreed is so that these

11 voluminous documents don't get carried around with

12 the deposition transcript, anytime we mark the

13 prospectus, your lawyer will keep it. So that

14 will be in his care and control.

15 BY MR. GRIFFIN:

16 Q. You received Exhibit No. 12 before you signed

17 Exhibit No. 3?

18 A. Yes.

19 Q. Did you read it?

20 A. I looked over it.

21 Q. So you didn't read it word for word, page by

22 page?

23 A. I can't say that I did.

24 Q. But you had an opportunity to?

25 A. Yes.

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1 Q. All right.

2 A. And I did have someone read it for me.

3 Q. Who?

4 A. My husband.

5 Q. Is your husband a lawyer?

6 A. No, but he should be.

7 Q. Compliment maybe?

8 A. Everyone tells him that.

9 Q. Let me put it to you this way: Your husband

10 is someone upon whose judgment you rely?

11 A. Absolutely.

12 Q. He is a smart guy?

13 A. Yes.

14 Q. And he knows what he's talking about?

15 A. Yes. As you can see I let him handle a lot

16 of things.

17 Q. I'm happy to hear about that about any

18 marriage.

19 Can I see that stack of documents?

20 A. Yes.

21 Q. Exhibit No. 13 -- take as much time as you

22 need to look at that. I will represent to you that it

23 is a copy of the license agreement that is the subject

24 of the lawsuit that you say you and your husband

25 learned about and talked about. Is that what it

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1 appears to be?

2 A. Yes.

3 Q. Did you, in fact, read this document that we

4 have marked as Exhibit No. 13?

5 A. Yes.

6 Q. Is it your testimony that if you had seen

7 this document prior to signing Exhibit No. 3, that you

8 would not have signed Exhibit No. 3?

9 A. Yes.

10 Q. Why not -- or that is why would you not have

11 signed Exhibit No. 3?

12 A. Because I would have known that there were

13 several major reasons why I could have lost my

14 investment.

15 Q. Let me take that in parts.

16 A. Okay.

17 Q. I will ask you about what the major reasons

18 are, but when you say "lost your investment," I take it

19 that what you mean is that you could have had a unit in

20 a building that was otherwise completely satisfactory

21 but without Mr. Trump's name?

22 A. That's correct.

23 Q. What were the major reasons that you saw in

24 Exhibit 13?

25 A. I'm looking for the page.

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1 Q. Well, let me just ask you this: There are

2 reasons set forth in this document under which

3 Mr. Trump can terminate the agreement. Is that what

4 you are referring to?

5 A. That's what I'm referring to.

6 Q. I won't turn you into a lawyer, too.

7 A. Thank you.

8 Q. Prior to your deposition, did you review the

9 transcripts or transcript of any other -- or, rather,

10 of the deposition of any of your fellow plaintiffs in

11 this lawsuit?

12 MR. CLARK: You can answer that question.

13 THE DEPONENT: Yes.

14 BY MR. GRIFFIN:

15 Q. Which person's transcript did you read?

16 A. Carusso, Art Carusso and his wife,

17 Mrs. Carusso.

18 Q. Whatever her name is.

19 Do you recall anything in their testimony

20 that you found problematic or with which you disagreed?

21 A. No.

22 Q. Okay. And you read both deposition

23 transcripts page to page for the most part?

24 A. For the most part, yes.

25 MR. GRIFFIN: Let me go over my notes.

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1 (Brief interruption.)
 2 MR. GRIFFIN: That's all I have. Thank you.
 3 (Discussion off the record.)
 4 MR. CLARK: I just want to put on the record
 5 that she has been divorced and there was a
 6 proceeding of some sort.
 7 MR. GRIFFIN: So your point is that when she
 8 said earlier --
 9 MR. CLARK: She was never a party to a
 10 lawsuit --
 11 MR. GRIFFIN: She was a party to a divorce?
 12 MR. CLARK: Yes. That's it. She will read
 13 once ordered.
 14 (Said deponent wished to read and sign the
 15 deposition, and the taking of this deposition was
 16 concluded at 1:24 p.m.)
 17
 18
 19
 20
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 22
 23
 24
 25

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1 CERTIFICATE OF COURT REPORTER
 2 STATE OF FLORIDA
 3 COUNTY OF HILLSBOROUGH
 4 I, Sarah J. Murrow, Court Reporter, certify that I
 5 was authorized to and did stenographically report the
 6 deposition of Elaine Lucadano; that a review of the
 7 transcript was requested; and that the transcript,
 8 pages 1 through 101 is a true and correct record of my
 9 stenographic notes.
 10
 11 I FURTHER CERTIFY that I am not a relative,
 12 employee, or attorney, or counsel of the parties, nor
 13 am I a relative or employee of any of the parties'
 14 attorneys or counsel connected with the action, nor am
 15 I financially interested in the action.
 16
 17
 18
 19
 20
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 22
 23
 24
 25

DATED this 16th day of October, 2010.

 Sarah J. Murrow

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1 CERTIFICATE OF OATH
 2
 3 STATE OF FLORIDA
 4 COUNTY OF HILLSBOROUGH
 5
 6 I, Sarah Murrow, the undersigned authority,
 7 certify that Elaine Lucadano personally appeared before
 8 me on October 13th, at 9:00 a.m. and was duly sworn.
 9 WITNESS my hand and official seal this 16th day of
 10 October, 2010.
 11
 12
 13
 14 _____
 Sarah J. Murrow
 Notary Public, State of Florida
 Commission No.: 875471
 My Commission Expires:
 16 3/30/2013
 Ordered Transcribed: 10/14/10
 17
 18
 19
 20
 21
 22
 23
 24
 25

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1 PLEASE ATTACH TO THE DEPOSITION OF: ELAINE LUCADANO
 2 IN THE CASE OF STEVE AARON, ET AL, VS. THE TRUMP
 3 ORGANIZATION, INC., A NEW YORK CORPORATION AND DONALD
 4 J. TRUMP, AN INDIVIDUAL
 5
 6 ERRATA SHEET
 7
 8 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES
 9
 10 _____
 11 Page No. Line No. Change Reason
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____
 20 _____
 21 _____
 22 _____
 23 Under penalties of perjury, I declare that I have read
 24 the foregoing document and that the facts stated in it
 are true.
 25
 26 _____
 DATE ELAINE LUCADANO