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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ALM UNLIMITED, INC., as
successor-in-interest to ALM INTERNATIONAL
CORP.,

Plaintiff,

-against-

DONALD J. TRUMP,

Defendant.

Index No. 603491/2008

March 24, 2011
10:16 a.m.

EXAMINATION BEFORE TRIAL of
GEORGE ROSS, taken by Plaintiff, pursuant
to Court Order, held at the offices of
ITKOWITZ & HARWOOD, 305 Broadway, New
York, New York before Wayne Hock, a Notary
Public of the State of New York.

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

ITKOWITZ & HARWOOD, ESQS.
Attorneys for Plaintiff
305 Broadway
New York, New York 10007

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

BELKIN, BURDEN, WENIG & GOLDMAN, LLP
Attorneys for Defendant
270 Madison Avenue
New York, New York 10016

BY: JEFFREY L. GOLDMAN, ESQ.

ALSO PRESENT:

ALAN GARTEN

* * *

1
2 IT IS HEREBY STIPULATED AND AGREED by and
3 between the attorneys for the respective
4 parties hereto that all rights provided by
5 the CPLR, and Part 221 of the Uniform
6 Rules for the Conduct of Depositions,
7 including the right to object to any
8 question, except as to the form, or to
9 move to strike any testimony at this
10 examination, are reserved; and, in
11 addition, the failure to object to any
12 question or to move to strike any
13 testimony at this examination shall not be
14 a bar or waiver to make such motion at,
15 and is reserved for, the trial or this
16 action.

17 IT IS FURTHER STIPULATED AND
18 AGREED that this examination may be signed
19 and sworn to, by the witness being
20 examined, before any Notary Public other
21 than the Notary Public before whom the
22 examination was begun, but the failure to
23 do so, or to return the original of this
24 examination, shall not be deemed a waiver
25 of rights provided by Rules 3116 and 3117

1
2 of the CPLR and shall be controlled
3 thereby.

4 IT IS FURTHER STIPULATED AND
5 AGREED that the filing of the original of
6 this examination shall be and the same
7 hereby is waived.

8 * * *

9 G E O R G E R O S S, having
10 been first duly sworn by a Notary Public
11 of the State of New York, upon being
12 examined, testified as follows:

13 EXAMINATION BY

14 MR. ITKOWITZ:

15 Q. Please state your full name.

16 A. George Ross.

17 Q. Mr. Ross, my name is Jay

18 Itkowitz.

19 A. Good. My name is George Ross.

20 Q. I'm the attorney for the
21 plaintiff. I'm going to be asking you
22 some questions today. And if at any time
23 I ask you a question you don't understand,
24 please don't answer the question, tell me
25 you don't understand the question and I'll

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be glad to rephrase it. Otherwise, we will assume that you understand the questions that you're answering.

Is that agreeable to you?

A. Yes.

Q. The other basic rule of depositions is that nodding doesn't work, shaking the head doesn't work. You have to answer audibly in order for this gentleman to get down your answer.

So with that, I will start asking you some questions about this case.

Mr. Ross, can you tell me a little bit about your educational background.

A. Educational background? Yes. I have a BA from Brooklyn College and a JD from Brooklyn Law School.

Q. And when did you graduate from Brooklyn Law School?

A. 1953.

Q. 1953?

And are you a practicing attorney?

1

2 A. Yes.

3 Q. And by whom are you employed?

4 A. Actually, I'm employed by George

5 H. Ross, PC.

6 Q. Does George H. Ross, PC employ

7 any other persons other than yourself?

8 A. No.

9 Q. And is George H. Ross, PC

10 employed by any organizations on a regular

11 basis?

12 A. No, not employed on a regular

13 basis, no. No, we have clients.

14 Q. What is your relationship with

15 Donald Trump or Mr. Trump's organization?

16 A. He's a client.

17 Q. And how long has he been a

18 client of yours?

19 A. Well, Donald Trump was a client

20 when I was with a major law firm. I was a

21 senior partner at Dreyer and Traub which

22 is -- he was twenty-seven years old so

23 that will give you an idea. It was over

24 forty years ago. Then of recent vintage

25 about fifteen years I've been working on a

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legal basis with him.

Q. How long were you affiliated with Dreyer and Traub?

A. Twenty years.

Q. Have you ever been deposed?

A. Numerous times.

Q. In connection with your affiliations with Mr. Trump, how many times have you been deposed?

A. I don't recall being -- any with my affiliations with Donald Trump, being deposed.

Q. Or activities, I should say.

A. I don't recall.

Q. Have you ever testified as a witness at a trial?

A. Yes.

Q. How many times?

A. You're going back. I've been practicing almost sixty years so I don't know how many times at this point. It would be purely a guess.

Q. What is your background as an attorney and by that I mean are you a

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transactional attorney, are you a litigator?

A. I am not a litigator. I am a transactional attorney.

Q. So when you say you've testified numerous times, you've testified in connections with transactions you've been involved with?

A. Sometimes.

Q. Have you ever been a defendant in a lawsuit?

A. Have I ever been a defendant in a lawsuit? I don't recall being a defendant in a lawsuit except through answering for the law firm. There were claims made as the prior law firm. No, me personally, not that I recall.

Q. In connection with this particular lawsuit, what preparation, if any, did you do in connection with your appearance today?

A. We went over some documents to refresh my recollection. I had some discussions with counsel.

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Q. In connection with documents you looked at, can you tell me what documents you looked at?

A. Documents related to the matter. I don't recall what they were offhand.

Q. You don't recall any of the documents?

A. No, I said I don't recall them offhand. Specifically if I was shown the documents, I could tell you whether I looked at them.

Q. Are those documents here today?

A. I don't know.

Q. Can you tell me how many documents you looked at?

A. I don't know, I didn't count them.

Q. When did you look at these documents in preparation for --

A. In preparation just to refresh my recollection. My recollection of the matter is it happened a number of years ago and then sort of died. We went back through whatever it was to refresh my

1
2 recollection of what papers were involved
3 when I first got involved with the ALM.

4 MR. GOLDMAN: Do you want me to
5 answer those questions? I could, if
6 you want, for the record.

7 MR. ITKOWITZ: Sure.

8 MR. GOLDMAN: I showed Mr. Ross
9 just a couple of days ago certain
10 documents that were previously marked
11 as exhibits at Ms. Glosser's
12 deposition. That's all.

13 MR. ITKOWITZ: And for the
14 record, can you state whether he
15 looked at any other documents?

16 MR. GOLDMAN: He certainly didn't
17 look at any other documents when I was
18 there. And they weren't all the
19 documents. They were just some
20 particular communications.

21 Q. Mr. Ross, did you look at any
22 other documents other than the documents
23 your attorney has just described which
24 have been previously marked as exhibits in
25 this case?

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2 A. Possibly, probably. I don't
3 know, whatever was involved in connection
4 with the ALM matter from the time I first
5 got involved with it.

6

Q. Let's talk a little bit about
7 your recordkeeping habits.

8

 How do you maintain records, if
9 at all? What practices do you use to
10 maintain records of what you do?

11

A. I don't maintain records
12 primarily. I don't keep timesheets or
13 anything.

14

Q. If you don't keep timesheets,
15 can I presume that your financial
16 arrangements with your clients are not
17 based upon the amount of time that you
18 spend?

19

A. That's correct. With Trump.
20 Some of the other clients are based on the
21 time I spend.

22

Q. But with respect to Mr. Trump --

23

A. No timesheets at all. Strictly
24 a retainer basis.

25

Q. And do you keep a diary?

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2 A. No.

3 Q. Do you have a BlackBerry?

4 A. No.

5 Q. Do you have a computer?

6 A. Yes.

7 Q. And when you go to work at your
8 firm, where is your firm located?9 A. I don't have a firm. I'm
10 located -- I'm in the Trump Building in
11 Trump offices.12 Q. So you're in the Trump offices
13 and that's where you go on a daily basis?

14 A. Four days a week.

15 Q. And you have a computer on that
16 desk of yours?

17 A. Yes.

18 Q. And do you own that computer or
19 is that computer --20 A. No, the computer is owned by
21 Trump.22 Q. And do you keep a calendar in
23 the computer?

24 A. No.

25 Q. Do you have a secretary who

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keeps your calendar?

A. No.

Q. Do you have an assistant who keeps your calendar?

A. No.

Q. How do you know when you're supposed to be from one place to another?

A. I put it in my own thing. I got this. It tells me where to be when (indicating), so I write notes.

Q. So you keep a manual calendar?

A. Yes.

Q. And do you save those manual calendars?

A. Sometimes. Not -- after a year maybe.

Q. So you don't have any from 2004, 2005, whenever this lawsuit was --

A. No way, no.

Q. And any e-mail that you -- do you generate e-mail at all?

A. Sure.

Q. When you generate e-mail, to the extent it's saved, it's saved by people in

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The Trump Organization?

A. No, it would go into the file.

Q. Can you explain that to me.

A. I have a secretary at that point so anything that is generated from my office goes into the file which is part of my office.

Q. So your secretary -- just explain the procedure to me.

You're at your computer. You send an e-mail out?

A. No, usually it would be sent out to my secretary. So I would call in my secretary, say send an e-mail to so and so, here's what to say, and she would send it out.

Q. So in other words you don't personally type out your own e-mail?

A. That's not true. Sometimes I do. It depends on who I'm sending it to and whether it's convenient to do so. And if it's easier to do that than to give it to the secretary, I do that. I take the fastest way to get it done.

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2 Q. So if your secretary sends out
3 an e-mail, she is under an obligation or
4 do you have an understanding --

5 MR. ITKOWITZ: Withdrawn.

6 Q. When your secretary sends out an
7 e-mail for you, how do you know it's been
8 sent out and how do you know --

9 A. She sends me a copy of it, it
10 shows up on mine, tells me it's sent out,
11 and if it says it's sent out I delete it.

12 Q. So you delete it.

13 She prints out a copy and puts
14 it in a file?

15 A. Yeah.

16 Q. If it's related to a matter?

17 A. Sure.

18 Q. And do you know if your e-mails
19 that she sends out on your behalf are
20 deleted or not?

21 A. Are deleted?

22 Q. Yes, does she delete your
23 e-mails?

24 A. I don't know what she does.

25 Q. Does she have an instruction to

1

2 delete it?

3

A. Not from me.

4

Q. What about Mr. Trump, does he
5 have an e-mail account?

6

A. I don't know.

7

Q. Do you ever send e-mail to Mr.
8 Trump?

9

A. No.

10

Q. Does he ever send e-mail to you?

11

A. No, not to my knowledge.
12 Occasionally he may have sent one.
13 Usually if he wants me he just calls and I
14 go see him.

15

Q. Does he have a practice and
16 procedure with respect to using e-mail or
17 not using e-mail?

18

A. I am not familiar with Mr.
19 Trump's practices and procedures. I act
20 strictly on a counsel basis.

21

Q. So you don't have a personal
22 relationship with Mr. Trump?

23

A. That's not what I said. I said
24 I have a personal relationship as counsel
25 with Mr. Trump.

1

2 Q. Have you had any discussions
3 with him about any e-mail practices he may
4 have?

5 A. No.

6 Q. Have you spoken with him about
7 any issues pertaining to e-mail?

8 A. No.

9 Q. Do you know when the summons and
10 complaint was served in ALM Unlimited,
11 Inc. V. Donald J. Trump, do you recall
12 when that occurred, approximately?

13 A. Yeah.

14 Q. At the time that that occurred,
15 as counsel did you take any steps to
16 preserve any e-mail communications that
17 may have been sent or received by The
18 Trump Organization in connection with this
19 matter?

20 A. From who?

21 Q. From anybody.

22 A. I don't know. I don't know.
23 Whatever it was with the papers as they
24 came in the complaint, I turned them over
25 to counsel and whatever came in I saved as

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what came in.

Q. Are you familiar with the concept of a litigation hold?

A. A litigation --

Q. A litigation hold.

A. I'm not familiar with the concept, no.

Q. Are you familiar with the concept of any obligation that counsel or a party may have with respect to preserving electronic data in connection with a lawsuit?

A. Vaguely.

Q. What's your understanding?

A. Preserving it, whatever is in the files at that point is there. It's part of your standard office practice. You keep certain documents, you keep certain e-mails, and they're in the file and anything in the file is basically available to counsel.

Q. When you say the file, are you talking about a paper file or are you talking about an electronic file?

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2 A. A paper file.

3 Q. What I'm asking is what steps,
4 if any, were taken to preserve electronic
5 files after the filing of this lawsuit?

6 A. There were no steps. I don't
7 know what the electronic files were and
8 what steps were taken to do anything with
9 them.

10 Q. At the time this lawsuit was
11 served did you take any steps at all to
12 determine what electronic files were
13 maintained by The Trump Organization in
14 connection with this matter?

15 A. No, not my job.

16 Q. Whose job is it?

17 A. I don't know.

18 Q. What was your role in connection
19 with this lawsuit when it came in?

20 A. The lawsuit, I had familiarity
21 with the ALM matter. I had reviewed the
22 initial license and the papers that were
23 not prepared by me and I had discussions
24 with Jay Danzer over the thing. I knew
25 about the matter and I knew the whole

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thing, so I just -- I was the party basically who was directly involved in the creation in whatever liability they say as a result of the lawsuit.

Q. I understand that.

But when the lawsuit was filed and served upon The Trump Organization, would it be fair to state that you were the person most familiar with the matter at that time?

A. Yes.

Q. And did you or The Trump Organization, to your knowledge, take any steps to preserve electronic information in electronic format that may have been generated in connection with the interactions of Donald J. Trump or his employees with ALM Unlimited, Inc.?

A. He didn't take any steps. I don't know if anybody -- you say to preserve. What was there was there. There was no action taken one way or the other.

Q. I'll show you what's been marked

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as Plaintiff's Exhibit 1.

Are you familiar with that document?

A. Yes.

Q. I'm showing it to you now and I'm asking you -- I'm going to ask you some questions about this document. If you need time to look at it, let me know.

A. I'm familiar with the document.

Q. This was executed in or about September 25, 2003?

A. That's what it says.

Q. Is what it says accurate?

A. I don't know. I wasn't involved in creation of the memorandum of understanding, it was done before I got there, and I had absolutely nothing to do with the creation of the document.

Q. When did you first become employed by The Trump Organization? Excuse me, back up.

If I recall your testimony, you said you've been representing -- working with Mr. Trump for forty years?

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A. Yeah, not with The Trump Organization directly. The Trump Organization, about 1995. I've been there about fifteen years, give or take.

Q. And when did you take an office in The Trump Organization?

A. In 1995, when I joined.

Q. So at that time you were working four days a week for The Trump Organization?

A. You say The Trump Organization. For Donald Trump. The entities, whatever his entities.

Q. So whatever Donald Trump asked you to be involved with from 1995 you were involved with?

A. Yeah.

Q. So this document was executed in September -- on September 25, 2003; correct?

A. That's what it says.

Q. So how did you first become aware of this document?

A. I first became aware of the

1
2 document at the point when Donald was
3 thinking about doing things in connection
4 with his brand and he remembered that
5 there was some kind of a document
6 outstanding and asked me to look at it and
7 this was the document he asked me to look
8 at.

9 Q. And when did he first ask you to
10 inquire into this?

11 A. About the same time frame that
12 ALM's rights were expiring.

13 Q. So ALM's rights were expiring
14 when?

15 A. The document speaks for itself.

16 Q. Well, I know. I'm asking you
17 to --

18 A. Whatever --

19 Q. Look at the document and see if
20 it refreshes your recollection as to when
21 the ALM agreement was expiring.

22 A. The document says including
23 March 30, 2004. That's what the document
24 says.

25 Q. Does that mean that for some

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time prior to March 30, 2004 Mr. Trump
asked you to take a look at this document?

A. No.

Q. Excuse me?

A. No. In other words, yeah,
excuse me, sometime prior to March 30,
2004 before the document expired? I don't
recall. I don't recall the first time he
asked me to look at it.

Q. And you have no written record
in your possession or in your office that
would refresh your recollection --

A. No.

Q. -- as to when you first started
looking into this?

A. No.

Q. What actions, if any, did you
take after you looked at this document,
whenever you first looked at it?

A. What actions did I take?

Q. Yes.

A. I basically spoke to Mr. Trump,
told him what the document said.

Q. And what did you tell him?

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A. What the document was, that there was an agreement outstanding where ALM for a period of time would be an exclusive licensing agent for Trump.

Q. Now I show you what's been marked as Plaintiff's Exhibit 2 for identification.

A. (Reviewing).

Yeah.

MR. ITKOWITZ: Off the record.

(Discussion held off the record)

Q. So this is a document which is --

A. Just if I may, I have to correct something over here because I think you asked the question and I did not understand what you said.

You asked me did I look at the document before it expired and the answer was no, I wasn't there until 2005.

Wait a minute, hold on. I said 1995. The answer's yes. Strike what I just said.

Q. I'm not understanding.

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A. Strike what I just said.

MR. GOLDMAN: He said strike what he said. He was there.

A. I was confused exactly with the dates.

Q. Was there some kind of a change in your relationship with Donald Trump which occurred in about 2004, 2005?

A. No.

Q. In terms of your working relationship?

A. No.

Q. So you were there continuously four days a week from 1994 on?

A. 1995 on, yes, correct, except when I went on vacations.

MR. ITKOWITZ: Off the record.

(Discussion held off the record)

Q. Does this Exhibit 2 refresh your recollection as to when you might have had a conversation with Mr. Trump?

A. Yeah, sometime after this.

Q. So this document, the second document, is dated January 13, 2004.

1

2 A. Yeah.

3 Q. And were you involved in the

4 preparation --

5 A. No, maybe it helps with the time

6 frame. The time frame is involved when

7 Donald -- when ALM at that point all of a

8 sudden got very excited and they were now

9 knowing Donald was looking to improve the

10 brand and it came shortly before the deal

11 with PVH. That's about the time frame,

12 all within a couple of months of that

13 time.

14 Q. You say ALM got all excited.

15 A. Yeah.

16 Q. What do you mean by that?

17 A. Well, for over a year, when I

18 looked into it, from the time the original

19 memorandum of understanding was signed for

20 the entire year, not one acceptable

21 license in any way, shape, or form was

22 given to Donald Trump. There's nothing in

23 the file to indicate they did anything or

24 submit anything. Then later on at that

25 point when the extension came in there's

1
2 nothing to say that they did anything
3 while the extension was there.

4 Then as soon as it got out that
5 Donald might be interested in branding his
6 name, Jeff Danzer decided now I better get
7 out there and dig something up and that's
8 basically what he did. So that's the
9 period of time, whenever it was, and it's
10 all in and around the PVH deal.

11 Q. Now, what is your -- what's the
12 basis for your thought or your testimony
13 just now that ALM was not doing anything
14 prior to the PVH deal?

15 A. There's nothing in the file that
16 indicates they ever submitted anything and
17 if there had been something that was
18 submitted, I would have heard about it.
19 And Jeff Danzer never told me that he did
20 anything and I'm sure that his nature
21 would be certainly to exploit whatever it
22 is that he did to indicate that he's a
23 good party to be an agent. He never told
24 me he did anything of consequence.

25 Q. But you didn't -- when did you

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first start dealing -- when did you first hear the name Jeff Danzer?

A. In connection with -- I think the first time I heard it was just before the PVH deal.

Q. And so when you first heard -- it was about the time that you first heard his name, that was about the time that you first looked at these two documents, Exhibit 1 and Exhibit 2?

A. No, I looked at these documents before I heard his name.

Q. And what precipitated Donald Trump asking you to look at these documents?

A. I think Donald was interested in possibly branding his name and coming out and wanted to know if at this point what was in the documents and what rights he had or didn't have.

Q. Now, did you have a discussion with -- and the first time you had a discussion was after Exhibit 2 had been executed?

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A. Oh, yes.

Q. And did you mention to him that this contract had an exclusive -- gave ALM the exclusive right --

MR. GOLDMAN: Let him finish the question and then I'm going to object.

MR. ITKOWITZ: I'm going with withdraw that question.

Q. I am going to ask you if you are aware of whether ALM had any exclusive rights in connection with Exhibits 1 and 2.

A. I was aware of these agreements.

Q. Were you aware that there were any exclusive rights?

A. Whatever the agreements say I was aware of.

Q. Did you read the agreements?

A. Yes.

Q. Did you come across the word "exclusive" in those agreements?

A. Yes.

Q. Did you discuss the word "exclusive" with Mr. Trump?

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MR. GOLDMAN: With respect to conversations with Mr. Trump, I'm going to object. You can ask him his interpretation of the document but what he advised Mr. Trump vis-a-vis the legal interpretation of these documents I believe is privileged and we can mark that for a ruling.

MR. ITKOWITZ: For the record, I think that his conversations with Mr. Trump with respect to ALM are not privileged in this context because they're both involved in the facts of the deal, of the business deal. It's not like Alan over here, who's always active as an attorney in connection with the matter. He wasn't doing the business deal. Mr. Ross was doing the business deal and was interacting with Donald on the business deal and therefore his conversations with Mr. Trump I do not believe, respectfully, are privileged.

MR. GOLDMAN: I'll answer. I can

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deal with that.

With respect to the business deal, I would agree. Your question wasn't about his communications with Mr. Danzer, if any, what he said to Mr. Danzer, what he told Mr. Trump about conversations with Mr. Danzer, his conversations with Ms. Glosser about what he said. Those I will agree with and not object to those. But in this particular area, you are asking him whether or not he advised Mr. Trump as to what his legal rights were or Mr. Ross' legal understanding of what Mr. Trump's legal rights were with respect to this document and it was for that reason, not the business nature, but for that reason.

Q. Mr. Ross, how many conversations would you say you had with Mr. Trump between let's say January of 2004 and June 30, 2004 regarding this matter, regarding ALM?

A. One or two.

1

2 Q. Now, when did you become aware
3 that Mr. Trump was interested in marketing
4 his name for the purposes of licensing
5 apparel?

6 A. Well, licensing apparel and
7 marketing his name, shortly before the PVH
8 deal. That's the time frame, whenever
9 that was.

10 Q. And at that time did you
11 commence an investigation as to what ALM's
12 role was with respect to PVH or any other
13 licensing?

14 A. At that time PVH, whatever their
15 role was, they were to be the -- they
16 would be the sole and exclusive licensing
17 agent.

18 Q. And at that time that you became
19 aware of this contract and ALM -- when I
20 say this contract, I'm talking about
21 Exhibit 1 and Exhibit 2 combined -- did
22 you begin to have any discussions with Mr.
23 Danzer?

24 A. Yes.

25 Q. How did it come about that you

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had your first interaction with Mr.
Danzer?

A. I think he called me and told me
that he wanted to set a meeting up with
PVH and that he had good connections with
PVH and he would set something up.

Q. To the best of your
recollection, what did you say to him and
what did he say to you?

A. I said set up a meeting.

Q. And prior to that time -- and do
you recall when that was?

A. You're talking again the same
thing. If you look at when the PVH
agreement was physically signed, go back
two or three months and you've got the
answer.

MR. ITKOWITZ: At this point I'm
going to run afoul of our previous
arrangements because I thought we were
going to have these marked before but
we didn't get a chance to do that.

(Whereupon, an e-mail dated
June 16, 2004 was marked Plaintiff's

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Exhibit 28 for identification.)

2

3

(Whereupon, an e-mail dated

4

June 23, 2004 was marked Plaintiff's

5

Exhibit 29 for identification.)

6

(Whereupon, an e-mail dated

7

July 22, 2004 was marked Plaintiff's

8

Exhibit 30 for identification.)

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(Whereupon, a document entitled

10

Agenda dated August 26, 2004 was

11

marked Plaintiff's Exhibit 31

12

for identification.)

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(Whereupon, an e-mail dated

14

September 1, 2004 was marked

15

Plaintiff's Exhibit 32

16

for identification.)

17

Q. I show you what has been marked

18

as Plaintiff's Exhibit 22.

19

Is that a -- can you identify

20

that document?

21

A. Yes.

22

Q. Tell us what it is.

23

A. It's a letter that I wrote to

24

Jeff Danzer.

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Q. And I believe there are two

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letters there?

A. That's correct.

Q. Now, you just testified that, I believe -- I want to give you a chance to clarify it. You testified that you first became aware of the contracts that are Exhibit 1 and 2 in Jeff Danzer's name at or about the time the PVH meeting was going to occur which I believe the record would reflect would be in June of 2004.

A. I said go back a few months before that, so go back a few months before that.

Q. So this is a document dated April 1, 2004 and you're writing to Jeff Danzer?

A. Correct.

Q. Would it be fair to state that, prior to writing him, you would have had a conversation?

A. Yes.

Q. Do you recall how much time would have elapsed from the time you first had a conversation with Jeff Danzer and

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the time that you wrote this?

A. Not long, a couple of days maybe. Jeff Danzer was aware or it's indicated he was aware that there were problems in his representation because in the clothing industry or the apparel industry word was getting out that Donald was intending to do things by himself and therefore no chance that ALM could make any kind of a deal because people said Donald is going to do it by himself and ALM is not necessarily going to be the party doing it. In other words, Donald would do it directly.

Q. Did you confirm that that was the word that was out in the industry?

A. Did I confirm?

Q. Yes.

A. At that time I thought Jeff Danzer was honorable and truthful. He said that this was a problem and he said he needed something to indicate that he had the license and that's why I wrote the letter. He was, is the sole and exclusive

1
2 licensing agent for high quality apparel
3 using the Trump brand. That's exactly
4 what I wrote. And then he came in and
5 said later on, probably sometime between
6 April 1 and April 5, said that word was
7 getting out in the industry that we were,
8 in fact, contemplating or writing -- doing
9 a deal that was signed and it wasn't true
10 and that was the purpose of the second
11 letter. So it gave Jeff the ability to go
12 to whoever he wanted to go to.

13 Q. Now, was Mr. Trump aware that
14 you had sent these letters at or about the
15 time you sent these letters?

16 A. I don't think so.

17 Q. Were you authorized, in your
18 view, to write these letters?

19 A. If I wasn't authorized, I
20 wouldn't have written them.

21 Q. Now, directing your attention to
22 page two which is the second letter in
23 Exhibit 22, it says, "this will confirm
24 that said discussions have not been
25 finalized nor has any written agreement

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been executed."

A. Correct.

Q. What steps, if any, had you taken on or prior to April 5, 2004 to determine whether any such discussions had occurred as referred to in this letter of April 5, 2004?

A. It was a discussion with Donald that he was talking to certain people that he knew in industries and what he's saying, I don't know, but he was having discussions with them.

Q. So you spoke to Donald and that's what Donald confirmed to you?

A. He indicated that he was having discussions, yes.

Q. And did he tell you what companies he had discussions with?

A. He had told me not companies at that point but he said somebody by the name of Sheldon Brody from Marcraft who was a personal friend, that he was talking to him.

Q. And did you determine whether

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they had specific discussions about a deal, a licensing deal?

A. No.

Q. Did you have any discussions with anybody from Marcraft to determine what the specific nature of those discussions might have been?

A. Not at that time, no.

Q. And how did you determine no written agreement had been executed?

A. Because no written agreement would have been done. I would have been the party to prepare the written agreement. Therefore if I didn't have it, I assume it hadn't been done. I was the only one involved in this phase of it.

Q. Did you take any steps to determine as of April 5, 2004 whether any negotiations had occurred with respect to a licensing agreement with Marcraft?

A. No.

Q. Why not?

A. How can you answer a negative with a negative? If it was important

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2 enough, Mr. Trump would have called me in.

3

If it wasn't important enough, he had

4

discussions. They were talking as friends

5

and potential -- as friends at this point.

6

Whatever they were talking about was

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between them until it got to a point where

8

it was finalized.

9

Q. Were you concerned as to whether

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Mr. Trump might enter into a written

11

agreement prior to June 30 of 2004 with

12

any company that had not been negotiated

13

with ALM?

14

A. I don't understand the question.

15

Q. Directing your attention to the

16

first page of Exhibit 22, which is the

17

first letter, you're confirming on

18

April 1, 2004 that ALM is the sole and

19

exclusive licensing agent for Trump high

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quality apparel utilizing the Trump brand;

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is that correct?

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A. That's correct.

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Q. So therefore was it not a point

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of concern to you as to whether The Trump

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Organization or Trump might have liability

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for breaching the agreement with ALM if it entered into a deal in principle with an entity without involving ALM?

A. No. ALM was the sole and exclusive licensing agent. I did not at this point think at that time nor did I ever think that Donald couldn't make a deal by himself without using an agent. I didn't see anything in the prior agreement that restricted him from doing that, but he was restricted from using another agent.

Q. Was it your understanding that if Donald Trump entered into an agreement on his own without using an agent during the exclusive period with ALM as to whether Trump would have a liability to ALM for commissions pursuant to the licensing agreement?

MR. GOLDMAN: I'll object to the form.

You can answer.

A. Well, no. The answer is going back to the agreement, which is the

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memorandum of understanding that you referred to, Exhibit 1, there are excluded apparel which comes out any apparel distributed by Trump or any other entity in which he has an interest, which has a label in which Trump has an interest. Everything that he was doing fell within that category.

Q. What are --

A. I am now on page two. Page two, it says, "excluded apparel."

Q. Where are you?

A. The last paragraph. "In which he has an interest which has a label identifying now or hereafter," indicating that certainly anything that Donald was doing, it had his label, it had his craftsmanship, it had everything involved. So it would have fallen, within my estimation, within that category. But that's not the only one. Again, as I said, there's nothing in the agreement which excluded Donald from doing something directly.

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2 Q. So it's your understanding then
3 that Donald could have hired somebody on
4 staff to develop --

5 MR. GOLDMAN: I'll object to the
6 form.

7 A. Wait a minute, you can object to
8 the form at this point, but what I object
9 to -- please don't put words in my mouth
10 as to what my understanding is.

11 Q. That's why I'm asking you
12 questions.

13 A. It is my understanding at this
14 point that came on that Donald had the
15 right to do an agreement directly himself
16 without employing an agent.

17 Q. And without incurring a
18 commission obligation to ALM?

19 A. Yes, that's correct.

20 Q. And was it your understanding
21 that he had the right to hire somebody to
22 work for him to seek out --

23 MR. GOLDMAN: I object to the
24 form.

25 MR. ITKOWITZ: Just let me finish

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the question before you object. It interrupts the flow of the question and messes up the record.

MR. GOLDMAN: That wasn't its intent.

MR. ITKOWITZ: Just let me finish the question.

MR. GOLDMAN: Okay.

Q. Was it your understanding at the time that you first became involved that Donald Trump could hire somebody on his staff to seek out licensees without incurring a commission obligation to ALM during the exclusive period?

MR. GOLDMAN: I object to the form and also as well as those aren't the facts in this case.

Go ahead.

A. To hire somebody to do the work? Yes. To hire somebody as an agent? No.

Q. Directing your attention to page two of Exhibit 22, the second letter, the April 5 letter, did you provide Mr. Danzer with the names of any companies that Mr.

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Trump had spoken to with respect to a potential license?

A. No.

Q. Did he ask you for the names of any such companies?

A. I don't recall.

Q. Prior to your writing the letter dated April 1, do you recall how many conversations you had with Mr. Danzer?

A. There were a couple of conversations in which he indicated that -- there was a conversation that he said there was -- I think it was Mark Burnett's wife claimed that she had some rights to use the Trump name and that was floating around in the industry and that was inhibiting Danzer from pursuing the licensing and he wanted that cleared up and we cleared that up. And to avoid the possibility that other people would not deal with him, he said his authority was being questioned and I wrote the letter to indicate exactly the nature of his authority and that's the purpose of that

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letter.

Q. Now, did you have -- prior to writing this letter, had you met with him face-to-face or had you just met with him on the telephone?

A. I don't recall. I think it was on the telephone. I might have met with him face-to-face. I don't recall.

Q. So it was one or two conversations?

A. It may have been more than that. I don't know.

You have to put it in the proper thing. All of a sudden he got very active where previously under the terms of the old agreement he never submitted a license that qualified with twenty-five million for Trump or whatever it was and now all of a sudden he said he could do all kind of good things within a relatively short period of time which happened to be in this extension period.

Q. After you wrote these letters, did you have any conversations with him?

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2 A. Yes.

3 Q. And when was the next

4 conversation that you remember?

5 A. I don't recall.

6 Q. Sum and substance.

7 A. There was some substance at that
8 point that he wanted to set a meeting with
9 the people from PVH and he had arranged it
10 and to go through. I said sure, set it up
11 to do it. He said there was something
12 involved with a company called Peerless or
13 somebody making suits, I don't remember
14 the name Peerless or something, and they
15 were interested in doing a deal. I said
16 good, tell me what the nature of the deal
17 is and we'll look at it.

18 Q. Did you tell him in words and
19 substance that he needed to bring up a
20 proposal before you'd meet with them,
21 Peerless?

22 A. Peerless? Yes. I told him at
23 that point to go through, that we're not
24 interested in giving somebody a license
25 without knowing who they were, what they

1
2 were, and what they anticipated. I said
3 under the terms of the original agreement,
4 an acceptable license is for somebody
5 who's going to create like twenty-five
6 million. And I didn't know what Peerless
7 was, what they had, what the nature of
8 their background is, and what they wanted
9 to do in order to get the right to use the
10 Trump brand.

11 Q. Did you need a written proposal
12 from PVH to have a meeting with PVH?

13 A. No.

14 Q. Why not?

15 A. Because it was well known, it
16 had a fantastic name, they're probably the
17 biggest name in the shirt and the tie
18 industry and doing business with them
19 looked like a company that would generate
20 a lot of royalties. And also I think they
21 were people that were personally known.

22 Q. What do you mean?

23 A. To Donald, the people in PVH.

24 Q. I'm going to show you what's
25 been marked as Exhibit 23.

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A. (Reviewing).

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Okay.

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Q. Let's go -- first of all, with respect to Exhibit 23, is this a document that you looked at prior to coming here to testify?

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A. No.

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Q. Let's look at the first sentence. It says, "dear George, thank you for your letter clarifying the situation with Mark Burnett's ex-wife."

11

12

13

Do you know what letter he's referring to?

14

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A. No.

16

17

Q. Do you think he's referring to Exhibit 22, the second letter?

18

19

MR. GOLDMAN: Objection to the form.

20

You can answer.

21

22

A. I don't know what was in his mind.

23

24

Q. So you don't recall having a discussion with him?

25

A. About what?

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2 Q. About Mark Burnett's ex-wife.

3

4 A. Yes, I do. That's not what you
5 asked me.

6

7 We had a discussion about Mark
8 Burnett's ex-wife and then he asked me to
9 clarify the situation, which I did. And
10 it says I clarified it in a letter, which
11 I assume I did.

12

13 Q. So you don't know if the letter
14 that you wrote is Exhibit 22 or another
15 letter?

16

17 A. I haven't seen Exhibit 22.

18

19 Q. Exhibit 22 is these two letters
20 that are stapled together.

21

22 MR. GOLDMAN: I think the
23 objection was that he didn't know what
24 was in his mind.

25

MR. ITKOWITZ: I understand that.

26

27 A. No, this -- the letter that he's
28 talking about is not --

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30 Q. There's two letters to
31 Exhibit 22. Look at the second letter.

32

33 A. Neither of these letters that
34 we're talking about, to my recollection,
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have having to do with Mark Burnett's
ex-wife.

Q. Do you have a letter in your
file which indicates that you wrote a
letter clarifying the situation with Mark
Burnett's ex-wife?

A. No, I don't recall such a
letter. But he says here thank you for
your letter. I assume it's in your file.
He says, thank you for your letter. ALM
must have it. If you show me a letter, it
will refresh my recollection.

Q. But you don't have a copy of the
letter in your file?

A. No.

Q. The second sentence here, he
says, "I have passed this information
along to Ken Wyse at Phillips-Van Heusen
and continue to push for their proposal."

What was the context of that
statement?

MR. GOLDMAN: I'll object to the
form.

You can answer.

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A. He indicated at this point that Ken Wyse at Phillips-Van Heusen was reluctant to pursue it on the basis that ALM being the agent because they had other information relating to Mark Burnett's ex-wife. When he passed it on, I said you have every right to deal with Phillips Van Heusen and we would be perfectly happy to proceed with making a deal with Phillips-Van Heusen in which ALM had some involvement.

Q. Who is Mark Burnett?

A. Mark Burnett is the executive producer of The Apprentice.

Q. And was The Apprentice in production in June of 2004?

A. I think so. It's been a lot of years. I assume so, yeah.

Q. And what was his ex-wife's -- what did his ex-wife have to do --

A. I haven't the slightest idea.

Q. Did you have any discussion with anybody about that?

A. No, never.

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Q. I want to go through this letter somewhat in detail.

Look at the second sentence of paragraph two. It says, "as you know, I have been working diligently with Mark Hager at ALM to bring deals to the table for Trump apparel."

Did you ever attempt to verify whether that was true or not?

A. No, I thought it was a load of bullshit.

Q. And why did you think it was a load of --

A. Because at this point he was working diligently. There was nothing in the files at all that in the period -- in the year that there was the memorandum of understanding anything of consequence or discussion was ever submitted to Mr. Trump for review or approval. And my thinking at that point within a year when somebody says they can do all kinds of things and get you a deal where you're going to make \$25 million, there ought to be something

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to substantiate that they did something to indicate why they should have the right to continue on.

Q. He says in the next sentence, "we got close several times only to be turned down and disappointed by the companies. We were so certain we'd come to the table with viable proposals."

Did you ever have a discussion with him as to what companies those were?

A. No. Understand, this is another one -- this letter of June 8 is another one of what I considered to be a totally self-serving declaration by Jeff Danzer to indicate what his position, what he had done, when there were no facts that were given to me that backed it up.

Q. Now, he says, moving down into the this letter, he says, "in each case, however, a serious issue arose as to these companies researched the project as part of the proposal process. The issue that I am referring to is that it was and still is widely believed through word and

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through deed that the license for Trump apparel has already been promised to Marcraft."

Do you see that?

A. Yeah.

Q. Was that true, as far as you know?

A. That's what he said.

Q. I understand that.

A. Go ahead and finish. You said was that true and the answer is I don't know. In his opinion he may have thought it was true. In my opinion, it's questionable.

Q. Did you take any steps at the time that you got this letter to determine whether that was true or not?

A. Determine what was true?

Q. Whether Trump had made a deal for Trump apparel with Marcraft.

A. I know they hadn't done it. I knew it hadn't been done.

Q. I'm talking about a deal in principle.

1

2 A. A deal in principle. There's no
3 such thing as a deal in principle. A deal
4 in principle is a deal when it's signed.
5 There's no such thing as a deal in
6 principle. There can be discussions.

7 Were there discussions? Yes.

8 Was there a deal? No.

9 Q. Were you privy to any of those
10 discussions?

11 A. No.

12 Q. This next sentence says, "I say
13 through word and through deed because it
14 had come to light early in the process
15 that Marcrafft was not only going around
16 telling key players and buyers in the
17 industry that they had the license but
18 they went so far as to actually produce
19 and show a sample line to buyers."

20 Do you see that?

21 A. Yes.

22 Q. Do you know if it's true that at
23 this particular time, as of June 8, 2004,
24 whether Marcrafft had produced a sample
25 line of Trump apparel?

1

2 A. I don't know if they did or they
3 didn't at the time. Were they? Yes,
4 sure.

5 Q. Were they --

6 A. The answer is yeah. Before we
7 would have any license to give a license
8 for apparel, we want to see what they
9 would produce. If he wants to produce a
10 sample and say this is what it's going to
11 look like, fine, we'll look at it.

12 Q. So was it your understanding
13 that -- so your testimony then is that
14 they had produced a sample line for Trump
15 apparel as of June of 2004?

16 A. No, that's not my testimony. My
17 testimony is it may be very well that they
18 might have produced some samples somewhere
19 at some time for somebody to look at in
20 connection with their trying to get the
21 license.

22 Q. If they were producing a line
23 that they were showing --

24 MR. ITKOWITZ: Withdrawn.

25 Q. If they had produced a sample as

1

2 of June 8 of 2004 of Trump apparel to show
3 to a potential buyer --

4

A. To show to a potential buyer?
5 Show it to Trump.

6

Q. Had they produced -- did you
7 take any steps to determine as of June 8,
8 2004 at any time whether a sample of any
9 garment had been produced by Marcrafft to
10 show to Trump or anybody else?

11

A. No, not at some time. At some
12 point in time the answer is yes, I did see
13 a sample of a suit.

14

Q. When was the first time you saw
15 a sample of a suit?

16

A. I don't recall.

17

Q. Do you have a record indicating
18 when?

19

A. No. It would be sometime before
20 Marcrafft was signed. I don't know when it
21 was.

22

Q. Do you know if they produced a
23 sample during the licensing period to ALM?

24

A. I don't know.

25

Q. And you have no records that

1

2 would indicate that?

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4 A. No records. I know that they
5 were concerned, Donald was concerned that
6 the product which would be produced by
7 Marcrafft would meet the Trump standard and
8 as a result of testimony he wanted to make
9 sure that the product would be a certain
10 level and wanted to see a sample of what
11 the product was.

12

13 Q. Were you involved in any
14 discussions that Mr. Trump had with
15 Marcrafft?

16

17 A. No. You asked me that before,
18 too.

19

20 Q. Sometimes we ask multiple times.
21 Attorneys have been known to do that.

22

23 A. I understand. The answer's
24 still the same.

25

26 Q. Sometimes the answers change.

27

28 A. I understand that. Not from me.

29

30 Q. So you never saw a sample prior
31 to the execution of the licensing
32 agreement with Marcrafft?

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34 MR. GOLDMAN: Objection. That's

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not what he said.

A. That's not what I said. The answer is yes, I probably did see samples. I saw a sample. I can tell you I did.

Q. Prior to the execution of the licensing agreement?

A. Prior to the agreement with Marcraft? Yes.

Q. And do you recall how -- the amount of time that elapsed from the time that you first saw a sample from Marcraft to the time that a license agreement was executed?

A. No, I have no idea.

Q. So what was your experience in licensing apparel prior to June of 2004?

A. None.

Q. So were you in a position to determine whether --

MR. ITKOWITZ: Back off.

Withdrawn.

Q. Mr. Danzer states in this letter which is marked as Exhibit 23 that -- he says, "let's call a spade a spade. Sample

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lines are expensive to produce and showing a line to buyers that you might not be able to sell is a risky venture at best."

Did you agree with that statement?

A. I had no knowledge that Marcrafft was showing a line to anyone or potential buyers or what Marcrafft was doing other than the fact that I knew that at some point in time I was going to get a sample of their product. And what they decided to do they did.

Q. So you have no knowledge as to whether they showed a sample --

A. Not at all.

Q. -- of apparel proposed to be Trump apparel to any potential buyer prior to showing it to The Trump Organization?

A. None.

Q. Or to Mr. Trump?

A. None, right.

Q. And let me just read you this next sentence. "No one will spend the kind of money it takes to produce a sample

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2 line and certainly would not risk their
3 reputation on a project like this unless
4 they are extremely confident and certain
5 that they will get a license."

6

When you received --

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A. That's pure speculation on his
8 part.

9

Q. Did you take any steps to
10 determine whether it was speculation or
11 not?

12

A. No, it's speculation at this
13 point. There are many times at this point
14 that we go into transactions and spend a
15 lot of money and the transaction never
16 happens. But if you think it's going to
17 be a good transaction, you spend the time
18 and effort. Obviously Marcraft did what
19 they thought was right.

20

Q. Did you agree with the statement
21 that, "whether or not you have a deal in
22 writing means nothing. If they have your
23 word, that they will get the license?"

24

A. No.

25

Q. Did you agree with his statement

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2 when he states, "this is what is
3 circulating throughout our industry and
4 what has detrimentally affected ALM's
5 ability to produce any proposal for Trump
6 apparel as well as ALM's credibility
7 pertaining to the project?"

8 A. That's what he said. I didn't
9 believe it.

10 Q. Did you take any steps to
11 determine whether that was true or not?

12 A. There's nothing to determine.
13 This is his opinion. How can you
14 determine his opinion?

15 Q. He states that "effectively The
16 Trump Organization has thrown 'cold water'
17 on the fire generated by ALM. ALM has an
18 exclusive agreement to be the licensing
19 agent for Trump apparel. By definition,
20 The Trump Organization has no right to
21 enter into or initiate any deal even in
22 principle during the exclusive period to
23 be effected and executed upon the
24 expiration of ALM's agreement on June 30,
25 2004."

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Did you agree with that

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statement?

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A. No.

5

MR. GOLDMAN: Just for the

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record, there were three different

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statements made. You read three

8

different sentences.

9

A. The answer is no to all three.

10

The agreement speaks for itself and his

11

interpretation of the agreement may not be

12

what the agreement says or what my

13

interpretation of the agreement was.

14

Q. And you disagreed with --

15

A. I didn't say I disagreed with

16

all three. I'm saying I don't agree with

17

all three.

18

Q. Let's go through them one at a

19

time.

20

Did you agree with the following

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statement: "Effectively The Trump

22

Organization has thrown cold water on the

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fire generated by ALM?"

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A. Disagreed.

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Q. Did you agree or disagree with

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the statement "ALM has an exclusive agreement to be licensing agent for Trump apparel?"

A. I disagreed to the extent that he wrote it. Whatever was in the memorandum of understanding they had the rights but not his interpretation of what those rights were.

Q. Do you agree with this statement: "By definition, The Trump Organization has no right to enter into or initiate any deal even in principle during the exclusive period to be effected and executed upon the expiration of ALM's agreement on June 30, 2004?"

A. I disagree with that.

Q. Did you write him and tell him that you disagreed with that?

A. I didn't have to write him anything.

Q. I didn't say you had to. I'm just asking what you did.

A. Yes, I did. I spoke to Jeff Danzer after I got this and I said, Jeff,

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2 this is the biggest bunch of bullshit I've
3 ever seen. Go out in the marketplace,
4 make a deal, we will pass it through and
5 sign it. If you don't make a deal, you
6 haven't done anything. Don't send me all
7 of this garbage as to what you think is
8 going on in the industry to indicate you
9 haven't produced what you said you could
10 produce. That's all. This is one of the
11 ones I came on and I saw right away that
12 what happens is I'm going to get a paper
13 trail from Jeff Danzer indicating that
14 he's the good guy with a view towards
15 trying to create liability on The Trump
16 Organization which did not exist.

17 Q. What did he say to you when you
18 told him this was a, quote unquote, load
19 of bullshit?

20 A. He said no, it's true.

21 Q. And did he say anything else, to
22 your recollection?

23 A. I don't recall. He believed it
24 was true and I told him it was a load of
25 bullshit. So we had a disagreement.

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As you can see, we're pretty far apart.

Q. And did you agree or disagree with this statement: "As such, the way we see it as per the spirit of exclusivity provided in our agreement, any company which contacted The Trump Organization during the period of exclusivity should have been referred to ALM?" Did you agree or disagree with that statement?

A. I didn't disagree. This is what he said. I neither agreed or disagreed. The agreement speaks for itself and therefore at that point I said within the purview of what was permitted under the agreement we operated.

Q. So I just want to understand. You did not agree -- basically you were of the opinion back then on June 8 of 2004 that if Trump was having direct dealings on its own with a potential licensee that it could pursue it and ignore ALM and did not have an obligation to refer that contact or that

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lead over to ALM for ALM to pursue?

MR. GOLDMAN: Objection to the

form.

Go ahead.

A. I was of the opinion that Trump had the right to do things directly, yes, without using an agent.

Q. And did not have an obligation to refer any discussions or leads that it was working on to ALM to work on?

A. I'm looking under the memorandum of understanding and I don't see where he has to do that. But maybe you can show me where.

Q. I'm not -- I'm just trying to understand what your understanding was back then.

A. My understanding of the agreement is the memorandum of understanding which the parties signed and not this. And I'm looking at the agreement and I do not see a paragraph that says that in the event that any potential situation comes up Donald is

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obligated to do it only through ALM. I don't see it. And in the absence of such a prohibition, I think he can do anything he wants.

Q. And I take it you disagreed with the statement that ALM was legally entitled to their fee should The Trump Organization sign any agreement with any company which initiated discussions for Trump apparel and The Trump Organization, including Marcrafft?

A. Yes.

Q. Any other company associated with Sheldon Brody or any other company ALM contacted and then has subsequently contacted The Trump Organization during the exclusive period of our agreement?

A. Absolutely.

Q. Were you of the opinion at the time in June of 2004, at the time this letter was written, that if Trump made a deal on its own directly with somebody, there was no reason to share -- to provide commission to ALM?

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MR. GOLDMAN: I'm going to object

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the form. You've really asked that

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question at least four times. And I

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haven't really objected on the second,

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third, and fourth time. But six ways

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to Sunday, you're going to get the

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same answer. You've asked him every

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sentence where that has been inferred

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he's disagreed with, plus two times

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prior.

12

I don't think he's going to

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change his mind.

14

THE WITNESS: No, not likely.

15

Q. What about the next sentence?

16

He says, "at our initial meeting on

17

March 24, you mentioned that The Trump

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Organization had lost faith in ALM and

19

because of this had taken matters into

20

their own hands to secure a deal for Trump

21

apparel."

22

Do you see that?

23

A. Yes.

24

Q. Was that an accurate statement

25

as to what you had told him?

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2 A. That it lost faith? Yeah,
3 absolutely. Not taking it in his own
4 hands. Taking it into his own hands, he's
5 got a quote. I don't think that's what I
6 said. No, I told him we lost faith in ALM
7 and we were proceeding the best way to
8 make a deal.

9 Q. And you told him that on
10 March 24?

11 A. Yeah.

12 Q. He said you had a meeting on
13 March 24.

14 A. Yeah.

15 Q. And did you tell him that you
16 were proceeding with any direct contacts
17 you had with anybody else at that time?

18 A. No.

19 Q. So the portion of this sentence
20 which says that The Trump Organization
21 had, quote unquote, taken matters into
22 their own hands to secure a deal for Trump
23 apparel, you don't recall any words --

24 A. I object. What he's doing now
25 is paraphrasing what he thinks I said and

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2 I'm saying that this is his interpretation
3 of what was said. It could be miles away
4 from what was actually said.

5 Q. But you know what? I have you
6 here to tell us what you think you told
7 him. So that's what I'm asking you.

8 A. I told him basically the gist,
9 as I recall the conversation to be, that
10 we had lost faith in ALM, yeah.

11 Q. You agree with that statement?

12 A. Yes.

13 Q. And the second statement,
14 "taking matters into their own hands to
15 secure a deal for Trump apparel," had you
16 told him anything resembling that in sum
17 and substance --

18 A. In sum and substance, yeah, we
19 were going to proceed to do what is best
20 to accomplish the brand, yeah. I don't
21 know if that's taking into your own hands,
22 yeah, but certainly not anything beyond
23 that. But we said, hey, you didn't
24 deliver what you said you were going to
25 deliver this under this and we're going to

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go elsewhere.

Q. Looking at the statement on page two of this letter which is Exhibit 23 for identification, it says, "we met with the best companies in the industry on behalf of Trump apparel, got them excited about the deal, and then were embarrassed when it came to light that, although we were the exclusive licensing agent on the deal, The Trump Organization had already come to terms on a deal in principle on their own."

Did you tell Mr. Danzer that that wasn't true at any time?

MR. ITKOWITZ: Let me change that.

MR. GOLDMAN: You mean subsequent to the letter?

Q. He's writing you on June 8. He's saying that he heard that Marcrafft has a deal in principle with Trump.

Did you take any steps to determine whether that was true or not?

A. We didn't have a deal.

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2 Q. A deal in principle, not a deal
3 in writing.

4 A. This is the second time you've
5 said a deal in principle. In all the
6 years that I've been practicing law,
7 there's no such thing as a deal in
8 principle. If the parties want to sign
9 documents, they do. Other than that it's
10 mere discussion.

11 Were there discussions between
12 Donald Trump and Marcraft? Yes. When was
13 the agreement signed? There was an
14 agreement which was physically signed by
15 Marcraft. Was it signed after June 8? In
16 all probability. I don't know. I don't
17 have the agreement here. But were there
18 discussions? Yes. How it was related in
19 the industry? This is what Jeff Danzer
20 says was his problem. Did I believe it?
21 No. And when he says the best people in
22 the industry at this point, I don't know
23 who they were or who he spoke to. He
24 never told me who he was meeting with or
25 what he was meeting to do with any of the

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other parties.

Q. What did you tell Mr. Danzer, if anything, with respect to his comments that he was most disappointed when you refused to meet with Ronnie Wurtzburger, the president of Peerless?

A. Nothing. I told him to submit a proposal. Submit a proposal at this point and I'll examine it before we meet. There's no point in wasting time unless there isn't a solid proposal. I didn't know what Peerless did, what their product was, or what they had in mind. So I said give me a proposal and I'll be happy to look at it.

Q. I show you what's been marked as Exhibit 28 for identification.

A. (Reviewing).

Q. Have you ever seen a copy of this e-mail?

A. I don't recall.

Q. It states that you were going to have a meeting --

A. Yeah.

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2 Q. -- with PVH.

3 A. Right.

4 Q. On June 24.

5 A. Okay.

6 Q. Did that meeting occur?

7 A. I think so.

8 Q. And the meeting would be held at

9 725 Fifth Avenue?

10 A. Okay.

11 Q. And do you recall that meeting?

12 A. Yeah.

13 Q. Tell us what you recall about

14 that meeting.

15 A. I recall the meeting. We
16 discussed the proposal from PVH as to what
17 they were doing with a potential license.18 Q. What was the proposal; do you
19 recall?20 A. I don't recall. What whatever
21 the proposal was, ultimately there was a
22 licensing agreement signed with PVH so I
23 assume that was an offshoot of the
24 meeting.

25 Q. Do you recall if any samples

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were shown at that time?

A. I don't recall. We made a deal with PVH, no question about that. That's the one in which he got all the money he shouldn't have gotten.

Q. He got money that --

A. He got money that he should not have gotten at the rate that got at the way he got it. We'll go over that later, I'm sure; you'll ask me some other question. But be that as it may, there's no question that we did make a deal with PVH that had generated royalties for Trump.

Q. I show you what's been marked as Exhibit 29.

A. (Reviewing).

Q. This is an e-mail from Kenneth Wyse.

A. Yeah.

Q. Have you ever seen this e-mail?

A. I don't recall. Jeff was at the meeting. I don't understand. The meeting took place.

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2 Q. Look at page two of the
3 document. That indicates an agenda for
4 that meeting.

5 A. Yes.

6 Q. Did you ever see this?

7 A. I don't recall.

8 Q. Was Donald Trump at this
9 meeting?

10 A. I don't know. It may be. I
11 don't recall.

12 Q. Do you recall if Mark Weber was
13 there?

14 A. I don't recall.

15 Q. Do you recall if Allen Sirkin
16 was there?

17 A. Allen Sirkin was at the meeting
18 and I think Mark Weber was at the meeting
19 and Ken Wyse was probably there, I was
20 probably there and Jeff was there. So all
21 the parties was there. Was Donald there?
22 I doubt it.

23 Q. What occurred, to the best of
24 your recollection, at that meeting?

25 A. We worked out the deals of the

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license. We worked out the terms of the license.

Q. And what were the terms that you recall that you worked out?

A. Whatever showed up in the final license agreement.

Q. So whatever showed up in the final license was negotiated at this meeting?

A. Not necessarily. It could have been negotiated at a later date. There could have been time from discussions until you had the documents, until the documents were finalized. I assume there were changes that were made and then both parties agreed on the documents and they signed it. I don't see that the evolution of how the document got signed is critical, but so be it.

Q. I show you what's been marked as Plaintiff's Exhibit 30 for identification.

This indicates that Jeff is writing to Ken about a meeting with Donald. It refers to a Donald.

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I assume we're talking about Donald Trump; is that correct?

A. You can assume anything you want. I never saw the memo and I have no knowledge of what this is about. But it says Rhona and Donald. Rhona was Donald's secretary.

Q. Do you recall if a meeting occurred in or about July of 2004 with Donald and PVH?

A. I do not know.

When? I don't know.

Q. This is dated July 22, 2004.

A. I spoke with Donald many times. It says anytime next week, Monday, Wednesday, Thursday, it doesn't say what dates they are. I don't know. Whether the meeting was set up or what was the result I don't know.

There was ultimately -- let's see if we understand each other. I can state for the record that yes, there was some involvement in the PVH deal with ALM. They did something. As to what they did

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is in dispute and the value of what they did is in dispute. But they did something. They set up the meeting and he had some situation where Jeff was involved.

Q. I show you what's been marked as Exhibit 31.

A. (Reviewing).

THE WITNESS: Can we go off the record?

MR. ITKOWITZ: Yes.

(Discussion held off the record)

Q. Showing you what's been marked as Exhibit 31 for identification, is that a meeting that was set up by Jeff Danzer?

A. I don't know.

Q. Is it a meeting that occurred?

A. Probably.

Q. Do you recall being there?

A. No.

Q. Do you recall ever being at a meeting with Donald Trump, yourself, Cathy Glosser, Jeff Danzer, Mark Weber, Allen Sirkin --

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2 A. The answer is yes, I recall
3 meetings with these people, some of these
4 people at various points in time. Whether
5 or not that was -- they appeared at the
6 August 26 meeting I don't recall.

7 Q. And do you recall that this
8 meeting occurred at the PVH corporate
9 office?

10 A. My recollection is yeah, we were
11 there.

12 Q. You say we, you mean yourself
13 and Donald Trump?

14 A. I don't think Donald was there.

15 Q. I show you what's been marked as
16 Exhibit 32. This is an e-mail from Jeff
17 Danzer to Kenneth Wyse with a cc to Cathy
18 Glosser and Mark Hager.

19 A. So?

20 Q. It says, "dear Ken" --

21 A. I see what it says. What did I
22 have to do with this?

23 Q. It says, "Jeff is saying I spoke
24 with George and Cathy."

25 That's you, right, George?

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A. Jeff is saying he spoke with George and Cathy and they would like PVH to submit a written proposal as soon as possible, yes.

Q. Is that accurate?

A. I don't know whether it's accurate time-wise, but certainly there was a written proposal that was submitted at one point in time from PVH.

Q. And that written proposal wound up in the license agreement?

A. Ultimately at that point there was a license agreement that was signed which started off with some type of a written proposal, yes.

Q. And that proposal, do you know if that proposal was submitted directly to Cathy Glosser?

A. It could have been submitted to Cathy, probably submitted to me as well.

Q. Let's talk about Cathy Glosser and her involvement in this.

How did it come about that Cathy Glosser became involved?

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2 A. I hired Cathy because she had
3 familiarity in licensing, she had a
4 background in licensing.

5 Q. And do you recall when you hired
6 her?

7 A. No. Sometime before the PVH
8 deal for sure. I don't recall when.

9 Q. Was she hired to do direct
10 licensing deals for Trump?

11 A. She was hired, yes. Was she
12 hired to do direct licensing deals? She
13 was hired to procure licensing deals, yes.
14 She had no authority herself to do it.

15 Q. And did she work for you at that
16 time?

17 A. Did she work for The Trump
18 Organization? Not directly for me, no.

19 Q. Were you her supervisor?

20 A. Yes. In connection with the
21 licensing agreements, yes.

22 Q. Did you supervise her with
23 respect to anything else?

24 A. Just as far as the licensing
25 agreements concerned, that was the extent

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2 of it. As to after the licensing
3 agreements were signed, as to the
4 accounting of the licensing, no. In other
5 words, from then on at that point it was
6 not my department.

7 Q. Was she hired to do anything
8 else other than licensing?

9 MR. GOLDMAN: I object to the
10 form.

11 You can answer.

12 A. Not to my knowledge. I don't
13 know.

14 Q. Were you one of the people who
15 hired her?

16 A. Yeah, yeah.

17 Q. Were you the person who decided
18 whether she got hired?

19 A. Yes. No, Donald Trump was the
20 one who decided whether she got hired. I
21 was the one that recommended her to be
22 hired.

23 Q. And you recommended her to be
24 hired to work on licensing?

25 A. Yes, absolutely.

1

2 Q. And when she was hired, did she
3 first report to you with respect to
4 licensing deals?

5 A. Did she report to me with
6 respect to licensing deals?

7 Q. Did you supervise her after --

8 A. She would pursue a licensing
9 deal of a product and when she got it to a
10 point where she thought an agreement ought
11 to be reviewed or signed, I would see the
12 agreement, yeah.

13 MR. ITKOWITZ: We can take a
14 break now.

15 (Whereupon a break was taken)

16 Q. Directing your attention to
17 Exhibit 23, did you believe at any time up
18 until the time you received this letter
19 that Trump had an obligation to write a
20 letter of introduction for ALM that ALM
21 could use with respect to any entity that
22 The Trump Organization had contact with on
23 a direct basis?

24 MR. GOLDMAN: I object to the
25 form.

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Go ahead.

A. Nobody ever asked me so I never reached any conclusion.

Q. You didn't interpret this letter as a request for a letter of introduction to Marcraft?

A. If that's what it was interpreted, I'm sure that Jeff Danzer could have written it to ask for that.

Q. I'm asking you.

A. No, interpret it at that point. He didn't ask for it so I didn't interpret it that way.

Q. At any time prior to June 8, 2004 did Jeff Danzer ask for a letter of introduction to Marcraft?

A. No, not to my knowledge.

Q. At any time prior to June 8, 2004, did Jeff Danzer or anybody from ALM ask you for permission to contact Marcraft?

A. I never dealt with anybody at ALM other than Jeff Danzer.

Q. At any time prior to June 8,

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2004, did Jeff Danzer request permission
to contact Marcrafft directly --

A. No.

Q. -- on behalf of The Trump
Organization?

A. No.

Q. Directing your attention to
Exhibit 2, paragraph five, this is the new
paragraph five hereby added to the
memorandum of understanding.

Do you know who drafted this
document?

A. No.

Q. Do you know who at The Trump
Organization might have reviewed this
document?

A. I think it was Bernie Diamond
who was a lawyer with The Trump
Organization at that time.

Q. And is Bernie Diamond still
employed by The Trump Organization?

A. No.

Q. When did he leave The Trump
Organization?

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2 A. A couple of years ago, two,
3 three years ago, I don't know when,
4 sometime around there.

5 Q. And what is his last known
6 residence?

7 A. I think he went down to Florida
8 and lying in the sun drinking pina
9 coladas.

10 Q. Do you know where in Florida he
11 is?

12 A. No.

13 Q. Did you interpret paragraph five
14 as requiring Trump to give any leads over
15 to ALM that Trump had developed on his
16 own?

17 A. I interpret paragraph five.
18 Paragraph five says what it says. I
19 interpret it just exactly what it says. I
20 think it's clear as to what it says and
21 the obligations are clear.

22 Q. Again, do you believe that
23 paragraph five expressly or impliedly
24 required Trump to turn over any leads it
25 was working on directly to ALM?

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2 A. It says, "upon reasonable
3 request of ALM, they will be given a
4 letter of introduction or authorization of
5 potential licensees." If they were so
6 requested, I assume that it would have
7 been done.

8 Q. And do you interpret upon
9 reasonable request to be a request that
10 needs to be in writing?

11 A. I don't interpret it at all. It
12 never happened, so what's the difference?

13 Q. It never happened as far as
14 you're concerned.

15 A. It never happened, as far as I
16 know, to me or anybody else.

17 Q. When did you become involved, in
18 March of 2004?

19 A. Correct.

20 Q. Prior to that, had Mr. Diamond
21 been involved?

22 A. I don't know. I don't know what
23 Mr. Diamond's involvement was prior to the
24 time that I got involved.

25 Q. When you got involved, did you

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take any steps to investigate whether anybody else had been interacting with ALM on behalf of Trump?

A. No.

Q. I show you what's been marked Plaintiff's Exhibit 25 for identification.

A. (Reviewing).

Q. Have you ever seen this e-mail before?

A. No.

Q. This is an e-mail from --

A. I see what it is but you asked did I see it before. The answer is no.

Q. R. Graff is Mr. Trump's secretary?

A. Yes. Executive assistant I think she calls herself.

Q. And in March of 2004, what were her responsibilities to Mr. Trump, as far as you know?

A. As far as I know, she was executive assistant. I don't know what her responsibilities were.

Q. What did you observe or

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understand her responsibilities to be?

A. She was an executive assistant.

It's whatever he wanted her to do she would do. I never had -- I had no control over her or analyzed what exactly it is she did for him specifically.

Q. Did she schedule meetings for him?

A. Sure.

Q. There's something handwritten in here and it says, "Mr. T, these were the gentlemen you met with yesterday with Beau Dietl, RG."

Do you recognize that handwriting.

A. No.

Q. Do you know who Mr. T is?

A. I assume it's Donald Trump.

Q. Do you know who Beau Dietl is?

A. I know of him. I don't know how he was involved. I never met with him.

Q. I show you what's been marked as Plaintiff's Exhibit 26 for identification.

A. (Reviewing).

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Q. This is a document which is four pages.

Do you see that?

A. Yes.

Q. Have you ever seen this document before?

A. Yeah.

Q. When did you first see this document?

A. Sometime around March 18. That's the first time I saw it.

Q. On the cover page it says for George Ross' review.

A. Uh-huh.

Q. Can you tell me how it came about that Mr. Brody was writing to Mr. Trump's executive assistant and sending a document for your review?

A. I don't know. He sent it to me to review because I would be involved in the preparation of the license.

Q. Have you ever had any discussions with anybody about a Marcrafft deal with Trump prior to March 18, 2004?

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A. I don't recall.

Q. Let's look at this document.

On the top there's something in writing, 3/18/04, told --

A. That's mine, that's my note saying tell Sheldon Brody this is okay.

Q. Can you tell me what that is?

A. This means I called Sheldon Brody that basically I reviewed his proposal and it was okay.

Q. What's his proposal?

A. It's whatever the four pages were.

Q. Let's go to the second part of this document.

The second part of this document is a letter dated March 17, 2004 to Mr. Sheldon Brody from Clive Chajet? How would you pronounce that?

A. Your guess is as good as mine.

Q. Who is Clive Chajet?

A. I don't know other than that he was the chairman of Chajet Consulting, LLC.

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2 Q. Do you have -- when you told
3 Sheldon Brody this is okay, that indicates
4 you had a telephone conversation with him
5 or a person-to-person conversation?

6 A. No, telephone.

7 Q. As you sit here now, tell us
8 what the sum and substance of your
9 telephone conversation or your
10 conversation was --

11 A. The sum and substance of the
12 conversation was I read this agreement.

13 Q. This agreement being the letter
14 dated March 17, 2004?

15 A. Right. This was a company that
16 Sheldon Brody employed to pursue the
17 identity and image management for Trump
18 brands in the event there was a
19 relationship between Marcrafft and Trump.
20 And it was really indicating what he was
21 going to do, how they were going to
22 pursue, and get basically involved with
23 marketing.

24 Q. Now, there's a second writing on
25 this memo which says, "Sheldon Brody

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wanted your opinion on the attached. FYI,
all the costs are his."

A. Uh-huh.

Q. Whose handwriting is that?

A. I don't know. Probably -- I
don't know. I would be speculating.

Q. You have no idea?

A. I said I would be speculating.
I would think it would be Rhona Graff, but
that's pure speculation.

Q. And why do you think it would be
Rhona Graff?

A. Because the original memorandum
was sent to Rhona Graff.

Q. Now, if Rhona Graff -- at the
time that this was sent to you on
March 18, 2004 and you reviewed it and you
discussed it with Mr. Brody, had you had
any discussions with Mr. Trump at or about
March 18, 2004 about this proposal?

A. What we're talking about over
here is understanding a vision -- we're
talking about the way to best structure or
strategize coming on with a Trump brand.

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That was it. This was a consultant hired so that basically it would meet -- the brand as it came out would meet Donald Trump's desires.

Q. Did you have any discussions with Mr. Trump about your discussions with Mr. Brody on or about March 18, 2004?

A. No.

Q. Did you have any discussions with Mr. Trump on or about March 18, 2004 with respect to the contents of Exhibit 26 for identification?

A. No.

Q. Did you ever have a conversation with Mr. Trump about Exhibit 26?

A. Not specifically, no.

Q. When did you -- did you ever have a conversation with Mr. Trump about entering into a deal with Marcrafft?

A. Yeah, sure.

Q. When was the first time that you had a conversation with Mr. Trump about entering -- making a deal with Marcrafft?

A. I don't recall.

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2 Q. Was it after or before March 18,
3 2004?

4 A. I don't recall.

5 (Whereupon, a letter dated
6 March 10, 2004 was marked Plaintiff's
7 Exhibit 33 for identification.)

8 Q. Before we start reading that
9 document, is that a document you've ever
10 seen before?

11 A. No.

12 Q. Take a minute to look at it.

13 A. (Reviewing).

14 Q. I'm going to ask you questions
15 about it.

16 A. You can ask me questions about
17 it. Go ahead.

18 Q. This letter is from Marcraft
19 Clothes to Beau Dietl.

20 MR. GOLDMAN: Just for the
21 record, it's an unsigned document.

22 MR. ITKOWITZ: I think it's
23 clear.

24 MR. GOLDMAN: To him and us it
25 is. To the record it's not. I only

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said it for the record.

MR. ITKOWITZ: If you accept the teaching of George Ross, he would say the document speaks for itself.

MR. GOLDMAN: But you were just talking to the record.

THE WITNESS: It doesn't speak to the record.

MR. ITKOWITZ: But that's the officially marked document.

THE WITNESS: Go ahead.

Q. So look, this is addressed to Beau Dietl care of Beau Dietl and Associates.

What, if anything, do you know about Beau Dietl and Beau Dietl and Associates?

A. Nothing at all. I know Beau Dietl but I didn't know nothing about his relationship with Marcraft or anything with Trump in connection with Marcraft.

Q. What do you know about Beau Dietl?

A. I've heard the name before.

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2 Q. Have you ever met him?

3 A. No. I may have.

4 Q. Have you ever had a discussion

5 with Mr. Trump about Beau Dietl?

6 A. No, never.

7 Q. Have you ever had a discussion

8 with Mr. Brody about Beau Dietl?

9 A. Never.

10 Q. This letter is from Gary Brody

11 to Beau Dietl. It says, "thank you for

12 introducing us to Donald Trump with

13 respect to a potential license from

14 licensor to Marcrafft Clothes."

15 Do you see that?

16 A. Uh-huh.

17 Q. Are you aware of whether Donald

18 Trump ever had a meeting with Beau Dietl

19 or Gary Brody on or prior to March 10,

20 2004 with respect to a potential licensing

21 agreement with Marcrafft?

22 A. I have no knowledge.

23 Q. I show you what's been marked as

24 Plaintiff's Exhibit 3A for identification.

25 A. (Reviewing).

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Okay.

Q. Is that the license agreement that was entered into between PVH and Donald J. Trump?

A. Yes.

Q. And was this the -- a license agreement that resulted from contacts and meetings that were set up by ALM with Donald Trump?

A. The license resulted from discussions with Phillips-Van Heusen in which there was some action initiated by ALM.

Q. Now, you said before that ALM was not entitled to be paid for helping to bring about this licensing agreement?

MR. GOLDMAN: Objection. He never said they weren't entitled to be paid.

A. That's not what I said.

Q. What did you say?

A. I said they're not entitled to be paid on the amount they claim they were entitled to get paid, namely on the basis

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2 of being ten percent of the royalties.

3

Q. And what's the basis for your
4 statement that they are not entitled to be
5 paid?

6

A. Because that was not the deal
7 that I made.

8

Q. What was the deal that you made?

9

A. The deal that I made with Jeff
10 Danzer is after PVH is signed, we will sit
11 down like gentlemen and work out what you
12 should be entitled to for what was the
13 value of your making the introduction and
14 we left it there. At some point in time
15 you're entitled to get paid, you're
16 entitled to a reasonable amount. We'll
17 talk about it afterwards.

18

Q. When did you have that
19 discussion with him?

20

A. I had that discussion every time
21 that he sent one of his poison pen letters
22 telling me what I agreed to.

23

Q. Did you review this document as
24 counsel to --

25

MR. GOLDMAN: Which document are

1

2 you talking about?

3

MR. ITKOWITZ: Exhibit 3A.

4

Q. Did you review this document
5 prior to it being signed?

6

A. Yes.

7

Q. Do you know who drafted this
8 agreement?

9

A. I don't recall. It was
10 certainly not me who drafted it so it must
11 have been somebody on behalf of Phillips,
12 PVH.

13

Q. Were you working with any other
14 counsel for Trump in connection with this?

15

A. No.

16

Q. And that document is signed by
17 Donald Trump?

18

A. Yeah.

19

Q. And I ask you to identify 3B.

20

Is this document signed by Mr.
21 Trump?

22

A. Yes.

23

Q. And did you review it before he
24 signed it?

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A. (Reviewing).

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I don't recall. I may have. I don't recall.

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

A. (Reviewing).

Q. Is this an agreement that was executed between Donald J. Trump and PVH?

A. It seems to be.

Q. Did you review it before it was signed by Mr. Trump?

A. I don't recall reviewing it. I may have.

Q. Do you recognize his signature?

A. Oh, yes.

Q. Were you involved with Donald Trump on the PVH deal in November of 2006?

A. Sure.

Q. And as you sit here now, you don't know if this agreement was actually executed?

A. Which?

Q. 3C.

MR. GOLDMAN: He didn't say that.

He said it was, it's signed.

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A. It's signed.

MR. GOLDMAN: He said that.

Q. This is a true and accurate copy of the original?

A. You asked me at this particular point whether I recognized Trump's signature. The answer's yes.

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

A. I haven't seen the original, but I assume it is.

Q. 3D, is that a true and accurate copy of the original?

A. (Reviewing).

It seems to be.

Q. Does that bear Mr. Trump's signature?

A. That certainly looks like his signature, yes.

Q. And I show you what's been marked as 3E for identification.

A. (Reviewing).

Q. Turn to page 2584. That's the signature page.

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I'm just going to ask you if this is an agreement entered into between Trump Marks Menswear, LLC and Phillips-Van Heusen Corporation.

A. Yes.

Q. Do you know who drafted this document?

A. No, I do not.

Q. When did Mr. Trump start entering agreements under an LLC with respect to licensing his name?

A. I don't know.

Q. Do you know of any other instances he did that --

A. Yes.

Q. -- prior to this agreement?

A. Prior to the agreement, I was not involved at that point in licensing -- with setting up different entities.

Q. Are you not involved with licensing Mr. Trump's name at this point?

A. Am I involved with licensing his name at this point? The answer is no. On occasion Cathy will give me some documents

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2 to look at, licensing agreements. But as
3 far as who the licensors are concerned and
4 the different entities that are set up, I
5 never had anything to do with that.

6

Q. Who does have something to do
7 with that?

8

A. I haven't the slightest idea.

9

Q. In 2004 when agreements were
10 made with Marcraft and with PVH, were you
11 the primary person that Mr. Trump worked
12 with --

13

A. Yes.

14

Q. -- in connection with license
15 agreements?

16

A. Correct. I would be the sole
17 person he worked with in connection with
18 licensing agreements at that point.

19

Q. When after that did it change?

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A. Later on he did a tremendous
21 amount of licensing of all different
22 products and the global licensing
23 department became huge and therefore other
24 people drafted the documents for each of
25 the other products. He's got all kinds of

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products which bear the Trump name.

Q. When you say the global licensing department became huge, how many people are in that, approximately?

A. I don't know.

Q. Who is in charge of the global licensing department?

A. Cathy Glosser.

Q. I show you what's been marked 4A for identification.

A. (Reviewing).

Q. Is this the license agreement entered into between Donald J. Trump and Marcraft Clothes?

A. It's a copy of it, yes.

Q. I show you what's been marked as 4B for identification.

A. (Reviewing).

Q. Is this a license agreement entered into between Trump Marks, LLC and Marcraft Clothes, Inc.?

A. It seems to be.

Q. Well, were you involved in the negotiation of this agreement?

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A. Not to my knowledge.

Q. Can you recognize Mr. Trump's signature at the end of that document?

A. Yes, uh-huh.

Q. That is a copy of Mr. Trump's signature?

A. It seems to be, yeah.

Q. I show you what has been marked as -- at the time that this agreement was executed in January of 2008 who in The Trump Organization was reviewing legal agreements for licensing for Mr. Trump?

A. I don't know at this point. I may have reviewed some of them. I don't know who else reviewed them.

Q. How many attorneys are employed by Mr. Trump?

MR. GOLDMAN: Currently?

A. Too many.

Q. I'm talking about on staff.

A. On staff? I don't know.

Q. Approximately.

A. Eight, ten, I don't know.

THE WITNESS: How many are there?

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I don't know. It could be twelve.

MR. ITKOWITZ: He doesn't want to
be deposed.

MR. GARTEN: That's accurate.

Q. And who's in charge of those
attorneys, if anybody?

A. Donald Trump.

Q. I show you what's been marked as
4C --

A. At this point whatever you're
talking about now I had no involvement.

MR. GOLDMAN: Off the record.

(Discussion held off the record)

Q. 4C and 4F, let's do them
collectively.

Are those documents entered into
with The Trump Organization?

A. I don't know enough about the
documents.

MR. GOLDMAN: You mean not Trump
organization, but Trump.

A. These all look like Donald
Trump's signature, yes.

Q. I show you what's been marked as

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Plaintiff's Exhibit 5 for identification.

A. (Reviewing).

Q. So this is an e-mail from Jeff -- an e-mail chain beginning with Jeff Danzer's e-mail to Cathy Glosser. You were cc'd on both of these e-mails.

Do you recall receiving these e-mails?

A. I don't recall, but I probably got them.

Q. Do you see where Jeff Danzer's writing to Cathy Glosser on August 23 and he's saying, "I spoke with George on Friday and we came to terms on our agreement. ALM will receive ten percent of the royalties earned by The Trump Organization on any deal we bring to the table."

Is that an accurate statement?

A. No, that's a total lie. We never agreed on paying ten percent.

Q. Do you recall having a conversation with him --

A. Yes.

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2 Q. -- on or about August 23, 2004?

3 A. I don't recall the date, but I
4 had a conversation with him several times
5 and every one was the same. I said you're
6 entitled to something for what you did,
7 but I never agreed that it would be ten
8 percent of the royalties earned. I
9 thought that was excessive and I so told
10 him. And that was every time he wrote me
11 one of those poison pen letters, I refused
12 to sign it and I told him the same thing:
13 As gentlemen, after the PVH deal was done,
14 we'll figure out what you ought to be
15 reasonably paid for your time and effort
16 and that's what I said. He basically said
17 and he wrote and he convinced Cathy
18 somewhere along the way that I had agreed
19 to ten percent, which I never did.

20 Q. So at this particular point on
21 August 23, 2004, the negotiations with PVH
22 had been pretty far along; correct?

23 A. Probably.

24 Q. And ALM was acting as a broker;
25 is that correct?

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2 A. As a broker? Were they an
3 agent?

4 Q. As an agent.

5 A. As a broker, the answer is yeah,
6 if they were acting as a broker they would
7 be paid because a broker gets paid a
8 finite amount and I thought they were
9 acting as a broker. Yeah, they're
10 entitled to a finite amount. They're not
11 entitled to ten percent forever.

12 Q. What they would be entitled to
13 would be contained in their agreements
14 with Trump; right?

15 A. With our agreements? Yeah. If
16 we had a written agreement, the answer is
17 yes.

18 Q. So he's writing to you --

19 A. No, he's not writing to me.

20 Q. He's writing to Cathy Glosser,
21 he's cc'ing it to you.

22 A. Correct.

23 Q. Do you review your e-mail when
24 you get it?

25 A. Usually.

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2 Q. And you knew he was working with
3 Cathy Glosser and you with respect to --

4 A. Right.

5 Q. -- PVH deal?

6 A. Correct.

7 Q. And in it he's writing, as you
8 put it, his poison pen statement that he's
9 entitled to ten percent?

10 A. It was not true and I told Cathy
11 it was not true, I had not agreed to it.

12 Q. Did it occur to you that you
13 should write something to him in e-mail or
14 letter saying -- let me finish my
15 question.

16 Did it occur to you that you
17 should write him a note, whether it be
18 e-mail, letter, saying you know what,
19 you're not entitled to ten percent?

20 A. The answer is there was no
21 question in my mind that if I wrote that
22 type of a letter, he had the ability to
23 kill or he indicated to me that he could
24 kill the PVH deal and therefore I didn't
25 want to kill the PVH deal because it was a

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2 good deal and I thought it ought to be
3 made. As to how much he's going to get
4 paid, that's different. So rather than
5 entering into e-mails back and forth
6 saying yes, yes, sending self-serving
7 e-mails -- every time I got one I spoke to
8 him. He asked me to sign and I refused to
9 and I told him why. I said Jeff, I'm not
10 going to sign it at that point. We'll
11 work out a deal later on. But I'm not
12 paying you ten percent. Then he wrote me
13 another one and the same thing, no, I'm
14 not saying you the ten percent. I didn't
15 want to put it in writing for the express
16 purpose later on that it might have
17 created a situation where he would kill
18 the PVH deal and I thought he was devious
19 enough to do that.

20 Q. Are you familiar with the name
21 Mark Hager?

22 A. Not really, no. I saw him on
23 some documents with ALM, but --

24 Q. Did you ever have a meeting with
25 Marcus Hager?

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2 A. I don't remember having a deal
3 before this was ever signed. I remember
4 having a deal later on where we did meet
5 and I wanted to settle what was
6 outstanding. When I stopped the payments,
7 I think we met.

8

9 Q. Prior to that, you never met
10 him?

11

12 A. I don't think so.

13

14 Q. Prior to that, you never
15 communicated with him, with Mark Hager?

16

17 A. No. Everything was with Jeff
18 Danzer.

19

20 Q. I show you what's been marked
21 Plaintiff's Exhibit 6.

22

23 A. (Reviewing).

24

25 Q. He wrote this directly to you;
correct?

26

27 A. Correct.

28

29 Q. Do you recall receiving it at
30 the time?

31

32 A. Right.

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34 Q. You see Mark Hager is cc'd on
35 this?

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2 A. Yeah.

3 Q. At that time did you know who

4 Mark Hager was?

5 A. No.

6 Q. Were you curious as to who Mark

7 Hager was?

8 A. No.

9 Q. Did you think that Jeff Danzer

10 was in charge of ALM?

11 A. As far as I knew he was, yes.

12 Q. And there was nobody else at ALM

13 that you ever spoke to other than Jeff

14 Danzer?

15 A. Not to my recollection. At that

16 time, no.

17 Q. Now, he's writing you a letter,

18 an e-mail saying again what he thinks --

19 what he's stating the deal is?

20 A. Yes.

21 Q. And he's saying that as we've

22 agreed, this is what the deal is.

23 A. Uh-huh.

24 Q. And your testimony is that you

25 didn't write him back to correct him

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because you were afraid, if you wrote him back to correct him, that the PVH deal might be lost; is that your testimony?

A. Not write him back to correct him. What he says is as we've agreed. That's in his dreams. There was never an agreement on our part between the two us as to what fee was going to be paid. He said there was and I say there wasn't. Therefore he could write this and the same thing -- I didn't put this in the same thing, another one of those poison pen letters, self-serving to indicate what he wanted the position to be. It was never signed and each time I told him we would work it out after the PVH deal was done, we would give him some reasonable compensation for what they had brought to the table.

Q. And did you discuss with him what that reasonable compensation was?

A. We never did. We would discuss it at a later point in time.

Q. On or about August 23 of 2004

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when you got this Plaintiff's Exhibit 6,
did you advise Cathy Glosser -- did you
have any discussion with Cathy Glosser as
to what the deal was with ALM?

A. I don't recall what the deal was
with ALM. I told her at all times I never
agreed to pay the ten percent and we had
never agreed to do it and I never signed a
document so stating.

Q. And when was the first time you
recall telling Cathy Glosser that that
wasn't the deal, that ten percent wasn't
the deal?

A. I don't recall.

Q. Well, was it before or after the
PVH deal was signed?

A. Was it before or after?
Probably before and after. Whenever it
was, it doesn't make any difference. I
told her I never agreed to pay the ten
percent.

Q. Did you tell her that you were
not going to respond to Jeff Danzer's
e-mail as to his statement as to what the

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deals were, what the deal was with respect
to PVH --

A. No.

Q. -- because you were concerned
that you might lose the PVH deal if you
didn't agree to his characterization of
what his understanding of the deal was
with you?

A. No, I never confided in Cathy
Glosser. That's not her purview. I never
told her that. The deal that was made was
supposedly between Jeff Danzer and myself.
Later on he bypassed me and went directly
to Cathy Glosser.

Q. At this point in August of 2004
when he was writing to you about what he
thought the deal was between Trump and
ALM, did you ever have any discussions
with Donald Trump about what ALM thought
the deal was as opposed to what you
thought the deal was?

A. No.

Q. Have you ever had any
discussions with Donald Trump about that?

1

2 A. Yes.

3 Q. When was the first time you had
4 a conversation with Donald Trump about
5 that?

6 A. When he first saw a check that
7 was being paid out to ALM and he
8 questioned it and said how much have we
9 paid him all along and we looked at it and
10 he said how come -- and he asked me to
11 look into it. And when I looked into it,
12 I found out that there was a substantial
13 period of years where checks had been paid
14 out to ALM on the theory that we agreed to
15 ten percent which was not a fact and
16 that's when I spoke to Donald and said
17 that was not my deal.

18 Q. I show you what's been marked as
19 Exhibit 7 for identification.

20 A. (Reviewing).

21 Q. Do you recall getting this
22 e-mail?

23 A. Yeah.

24 Q. And you see where he's asking
25 you to sign a deal?

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A. Uh-huh.

Q. And what did you tell him?

A. Exactly the same thing. I said I'm not going to sign it because that's not our deal and we'll talk again after the PVH thing is signed and we'll give you reasonable compensation for what you did.

Q. Do you recall, as you sit here now, what ALM was supposed to get with respect to its percentage in the original agreement?

A. The original agreement, what's that got to do with anything?

Q. I'm just asking you what you recall.

A. I recall there was some wild number but there was also a wild number that they had to deliver an agreement which was acceptable by Trump and created at least \$25 million in cash to Trump. There were a whole bunch of things. Whatever the percentage was, I don't recall, but it may have been more than ten percent.

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2 Q. I show you what's been marked as
3 Plaintiff's Exhibit 8.

4

Did you receive a copy of this
5 e-mail?

6

A. Uh-huh.

7

Q. And were you involved -- you
8 were directly involved on behalf of Trump
9 in terms of bringing about the PVH deal?

10

A. Yes.

11

Q. I show you what's been marked as
12 Exhibit 9.

13

A. (Reviewing).

14

Q. This is an e-mail from Cathy
15 Glosser to Ken, and you received a copy of
16 this?

17

A. Yes, I did.

18

Q. And was this an accurate
19 statement -- was what's stated in here
20 accurate?

21

A. What she wrote she wrote. In
22 her opinion, that's what she wrote.

23

Q. And did you agree with what she
24 wrote?

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A. I didn't agree or disagree with

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it at that point. She sent it to me. I didn't arrive at any conclusion.

Q. Was it true that The Trump Organization is excited about the opportunity to work with PVH?

A. That part of it is true.

Q. And was it true that the reception to the Marcrafft suit line had been extremely positive?

A. That's what she says.

Q. Had you seen the Marcrafft suit line as of September 13, 2004?

A. I probably did.

Q. And you were endorsing proceeding with Marcrafft; correct?

A. Absolutely.

Q. And you were in charge of that for Trump?

A. No, not necessarily proceeding. In charge of doing the license agreement? Yes.

Q. Now, she says in this e-mail, "since we met a couple of weeks ago, Marcrafft has secured a thirty-plus store

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launch for the holiday season at Macy's
East."

Was that accurate?

A. She would know. I wouldn't
know.

Q. I show you Exhibit 10.

A. (Reviewing).

Q. Did you receive this e-mail?

A. Yeah.

Q. I show you what's been marked as
Plaintiff's Exhibit 11.

A. You don't want to ask about this
one?

Q. I'm trying to --

MR. ITKOWITZ: Off the record.

(Discussion held off the record)

Q. Did you ever receive a copy of
this e-mail?

A. No, not to my knowledge.

Q. I show you what's been marked as
Exhibit 13.

A. (Reviewing).

Q. Look at the top e-mail.

A. Uh-huh.

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Q. Well, actually, this is an e-mail chain. Why don't you take a look at the whole e-mail chain.

MR. GOLDMAN: Starting from the earliest, so that would be the last page, George, going forward.

A. (Reviewing).

Okay.

Q. Have you ever seen this e-mail before, this e-mail chain?

A. Not the e-mail chain. I saw part of this. Part of it came to me but most of it did not. There's one that says over here I got a copy of, it says, "thanks, Cathy, I'll miss you." On a separate note, "please send the first commission check regarding the PVH/Trump deal to ALM at a new address."

Q. Look at the second e-mail from the top on the first page where it says from Cathy Glosser. It says, "Jeff, sending me an invoice is fine. Separate from that, please send me the ALM/Trump executed agreement as well. I never

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received a copy. Once I receive that, I can move on my side. Thanks."

Do you recall Cathy Glosser ever asking you for a copy of the executed agreement?

A. Uh-huh.

Q. What did you tell her?

A. I told her we didn't have a deal.

Q. Did she ask you in August of 2005 whether you had a written agreement with ALM?

A. Yes.

Q. And you told her you didn't have a deal?

A. I told her we didn't have an agreed deal, that's correct.

Q. And do you know if she asked you about the top e-mail where Jeff Danzer writes to Cathy, "as you know, Trump and ALM entered into an agreement," et cetera. And it says, "Mr. Trump requested that ALM continue its efforts past June 30, 2004 at a reduced rate of ten percent for any

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2 licensing deal originated by ALM."

3

4 Did she ever discuss that with
5 you?

6

7 A. No, but this memo went to her,
8 not to me.

9

10 Q. I understand that. But I'm
11 asking you if she ever discussed this
12 e-mail with you.

13

14 A. The answer is yes, she had
15 discussed it with me and I told her
16 exactly the same thing. There is a time
17 we are obligated to -- we will have to pay
18 some money to ALM representing the value
19 of the service they performed and we had
20 not agreed upon the amount and what Jeff
21 Danzer said we agreed to we never agreed
22 to, I never agreed to, not to pay him the
23 ten percent because I thought that was
24 unreasonably high, but he was entitled to
25 something.

26

27 Q. So now the deal has been made in
28 the fall of 2004; correct?

29

30 A. Yes.

31

32 Q. With PVH.

1

2 A. Yeah.

3 Q. Did you ever call up Jeff Danzer

4 or anybody from ALM and say, guys, now

5 we've made the deal, let's sit down and

6 have a meeting and discuss what

7 compensation you're entitled to?

8 A. When I owe somebody money, I

9 don't make a call and find out how soon

10 can I pay you. I assume you'll come to me

11 and ask for it. I was waiting for him to

12 come and sit down and ask for it. And I

13 wasn't aware of the fact that through a

14 mistake he was getting checks on a regular

15 basis on the basis of ten percent because

16 that's what he convinced Cathy was the

17 deal and it wasn't the deal. She mailed

18 out the checks. I never saw the checks.

19 I never went through them.

20 Q. I understand.

21 MR. GOLDMAN: Just let him

22 finish.

23 A. When I did find out about it

24 when I was in Mr. Trump's office and made

25 an investigation and I did at that time

1

2 say stop the payment and told Mark Hager
3 or what have you we ought to sit down and
4 discuss this like gentlemen what you're
5 entitled to because you're not getting any
6 more payments on the basis of what was an
7 erroneous assumption.

8 Q. Taking you back to August of
9 2005, Jeff Danzer is writing Cathy Glosser
10 who is the head of your licensing
11 department; is that correct? Head of
12 Trump's licensing department.

13 A. Yeah, I think that's -- you
14 could say that.

15 Q. He's writing her. He's saying,
16 I'm entitled to ten percent.

17 A. Uh-huh.

18 Q. Did she come and discuss that
19 with you in August of 2005?

20 A. No, she believed what Jeff had
21 said.

22 Q. How do you know she believed it?

23 A. Because she wrote out the checks
24 on the same basis as if it was ten
25 percent.

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2 Q. So you're assuming that's what
3 she believed?

4

A. Well, if she didn't believe it,
5 she wouldn't have written it. She made
6 out the checks on the basis of ten
7 percent. He convinced her in this memo
8 that this is what he had agreed upon when
9 it wasn't factual.

10

Q. So it's your testimony then at
11 no point in August of 2005 did Cathy
12 Glosser discuss with you what ALM was
13 entitled to receive?

14

A. No, she may have discussed with
15 me at this time that ALM was going to get
16 some money somewhere along the line, which
17 I agreed to, but certainly not on the
18 basis of ten percent.

19

Q. In other words, your testimony
20 is she did not come to you and speak to
21 you and ask you whether ALM is entitled to
22 ten percent of the license fee?

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A. She may have asked me at that
24 point and I said early on before this one
25 that the answer was no. When he wrote the

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memorandum to her on August 9 at that point, she believed what he wrote. He said the deal was ten percent and we agreed to it. She trusted him. He lied. He lied.

Q. She didn't have a discussion with you?

A. He lied. If she told me before she sent out the check, he never would have gotten the first check.

Q. So in other words, just to make it very plain and simple, in August of 2005 Cathy Glosser did not have a discussion with you about what ALM was entitled to as a result of the PVH deal? In August of 2005.

A. I don't recall whether she had a discussion or not.

Q. Excuse me?

A. I don't recall whether she had a discussion or not. All I know --

Q. With you?

A. With me, I don't know.

If in fact --

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2 Q. I'm not asking you to speculate.

3 If you don't recall, you don't recall.

4 A. I don't recall.

5 Q. If you do recall, I'm happy to
6 have your recollection. I don't want your
7 speculation.

8 A. I understand. I don't recall.

9 Q. With all due respect, we could
10 speculate about a lot of things. We can
11 speculate about who the next president's
12 going to be.13 MR. GARTEN: No speculation
14 there. I know who that's going to be.15 MR. GOLDMAN: What are you
16 showing him, Exhibit 14?

17 MR. ITKOWITZ: Exhibit 14.

18 THE WITNESS: (Reviewing).

19 Q. Let's go through this e-mail
20 chain.21 I'm going to direct your
22 attention -- you're familiar with Bates
23 numbers; right?

24 A. With what?

25 Q. Bates numbers.

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A. This?

Q. Those are called Bates numbers. Since you're an experienced witness, I figured you would know what a Bates number is.

Look at 2947.

MR. GOLDMAN: He never said he was an experienced witness. You assumed he was an experienced witness.

MR. ITKOWITZ: That's right, I am assuming, I'm speculating.

Q. Do you see there's an e-mail from Cathy Glosser dated August 22, 2005. She writes, "Jeff" --

MR. GOLDMAN: What time? There's a lot of e-mail.

MR. ITKOWITZ: 17:25.

Q. She writes to Jeff with a cc to Mark Hager, "Jeff, since we do not have paper on the deal, George has asked that we quickly draw up a letter stating the verbal deal. Could you draft a one-pager and send it my way. I will then see to it that you receive payment. Thanks very

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much."

Do you see that?

A. Uh-huh.

Q. Do you recall having a conversation with Cathy Glosser on or about August 22, 2005 with respect to the ALM commission?

A. At that time I don't recall, no.

Q. As you sit here now, you don't have this discussion?

A. I don't recall it. But I'm looking at these e-mails at that time back and forth. I'm not on it.

Q. I'm not asking you whether you're on it. That's clear in the record.

A. Yeah.

Q. What I'm asking you is Cathy Glosser is stating to Jeff in writing that George has asked that we quickly draw up a letter stating the verbal deal.

Do you see that?

A. Yes.

Q. As you sit here now, do you recall having such a conversation with

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Cathy Glosser; yes or no?

A. I don't recall but maybe it happened. I wanted an agreement signed, that's for sure.

Q. As you sit here now, do you recall having this conversation that she's reporting that you had on or about August 22, 2005?

A. I don't recall.

Q. Now turning to 2946 which is the first page of this exhibit, if you look at the e-mail which is the second from the top which is from Cathy Glosser at p.m. to Jeff Danzer.

A. Uh-huh.

Q. "Jeff, I have an e-mail but accounting told me that they need the actual deal in order to process an invoice."

Now, was it your understanding that the procedures at Trump from accounting required that they need assigned deal to process an invoice?

A. I am not familiar with the

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accounting procedures, what they do in order to process an invoice. But there has to be something in writing. Without an invoice, they can't do that. And there has to be some backup to the invoice.

Q. The next sentence is, "I believe George did check his file and that was when he determined that he didn't have a signed paper from ALM."

Do you see that?

A. Yes.

Q. Do you recall checking your file with respect to the ALM commission deal --

A. Yes.

Q. -- with Trump on or about August 23, 2005?

A. Yeah, I checked it. I don't remember the date but I did check it.

Q. My question is do you recall on or about --

A. On or about that date, whether I specifically checked the file, I don't recall whether it was on or about that date.

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Q. Do you have any reason to believe that Cathy Glosser would not be accurate in her e-mail?

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MR. GOLDMAN: I object to the

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form.

7

You can answer.

8

A. No.

9

Q. Plaintiff's Exhibit 15 for identification.

10

11

A. (Reviewing).

12

Q. Look at the first page of this e-mail, of this chain of e-mails. This is dated September 6, the second e-mail from the top where it says from Jeff Danzer to Cathy Glosser dated September 6, 17:08.

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"Hi, Cathy. How are you. I just wanted to follow up with you regarding the signed agreement you need for your accounting department in order for us to start getting paid. Please let me know if your attorney is in the process of drafting an agreement or if I need to have mine do it."

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Do you see that?

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A. Uh-huh.

Q. On or about -- at this time in September, on or about September 6 of 2005, had Cathy Glosser had a discussion with you about a need for there to be a signed agreement between ALM and Trump before checks could start to be issued with respect to the PVH deal?

A. No.

Q. Now I'm going to direct your attention to the next e-mail which is the one at the top of the page which says from Cathy Glosser to Jeff Danzer dated September 7, 2005 from Cathy. It says, "Jeff, George is drafting something. I don't know what his timing is but I will get something to you as soon as I get it."

Do you recall drafting --

A. I never drafted anything.

Q. -- an agreement?

A. No.

Q. So what Cathy Glosser was writing to Jeff Danzer in this e-mail is not true?

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2 A. No, that's not true. She said
3 he's drafting something.

4

Q. She said George is drafting
5 something.

6

A. She misinterpreted what I had
7 said.

8

Q. What did you tell her?

9

A. What I told her basically is
10 yes, we'll have to work out an agreement
11 and when the people from ALM come and talk
12 about an agreement, we'll sign the
13 agreement. But it's in my area to do
14 that.

15

I saw no purpose in drafting the
16 agreement if you don't know the terms.

17

Q. So you told her at or about this
18 time, which is at or about September 7 of
19 2005, you told her in words and substance
20 that Trump did not have a deal with ALM as
21 to what the commission should be?

22

A. That's correct.

23

Q. And you told her that they had
24 to meet with you and an agreement had to
25 be reached before they could be paid?

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2 A. I didn't say that. You just
3 said that.

4

5 Q. I'm asking you what you told
6 her.

7

8 A. No, I didn't at this point. I
9 didn't know that they were going to be
10 paid at all. I said that we don't have a
11 written agreement which would indicate the
12 amount that they're to be paid.

13

14 Q. Did she say anything in response
15 to your telling her that?

16

17 A. She didn't say anything.
18 Basically at that point she listened to
19 what I said. I said we didn't have an
20 agreement.

21

22 Q. You weren't her boss at that
23 time?

24

25 A. When you say I was her boss, I
was in charge of the department. I didn't
handle anything as far as payouts.

26

27 Q. You were in charge of this
28 particular license agreement with PVH?

29

30 A. No, I was not. Insofar as the
31 license agreement was concerned, the

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preparation of the license agreement, and terms thereof, the answer is yes. When it came to the payments that were going to be made from Trump to ALM, I had nothing to do with that.

Q. Were you not in charge of the agreement with ALM?

A. The agreement with ALM? Yes, I was.

Q. At this time in September of 2005.

A. The agreement? The answer is the agreement didn't change between that time. Whatever the agreement was with ALM at that point was still the agreement.

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

A. (Reviewing).

Q. This is -- looking at the bottom e-mail from JDARTANGN to Cathy Glosser, are you familiar with who that e-mail is from?

A. No.

Q. It's signed by Jeff.

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Do you happen to know if that's
Jeff Danzer's e-mail?

A. I don't know.

Q. This e-mail requests Cathy
Glosser to forward PVH's 2008 royalty
report.

Do you see that?

A. Uh-huh.

Q. Was it brought to your attention
in about May, 2008 that anybody was
writing to Cathy Glosser about receiving a
royalty report for the first quarter of
2008?

A. No.

Q. Who is Jennifer Favre?

A. I assume she works for Cathy.

Q. Look at the top e-mail. It's
from Jennifer to Cathy Glosser. It says,
"have you spoken to DJT about this yet."

A. I don't know who Jennifer was,
but she's not somebody that worked under
me. She's somehow connected to Cathy but
what she did exactly, I don't know.

Q. The signoff says licensing

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coordinator.

Does that sound right?

A. I don't know. That's what it says. I don't know who she was or what she did, but Cathy has her own department and she operated with people.

Q. How many people were from that department?

A. You asked me that before. I still don't know.

Q. I show you what's been marked as Exhibit 18.

A. (Reviewing).

Q. Look at the second page where it says to George Ross.

A. Yeah.

Q. And if you look at the next page, it indicates that this was sent on June 25 of 2008?

A. Uh-huh.

Q. This is an e-mail from Mark Hager to you.

A. Uh-huh.

Q. It says, "hi, George, please let

1

2 me know ASAP to when we should expect your
3 payment due on Trump royalties received
4 from PVH for the period of January, '08."

5 Do you see that?

6 A. Yeah.

7 Q. Prior to this time, prior to
8 getting this e-mail, had you ever had any
9 contact with Mark Hager?

10 A. I don't recall, but somewhere
11 along the line I told him he wasn't
12 getting paid, the party was over. That's
13 what this says going here.

14 Q. Now, you write to Mark in the
15 e-mail right above that from you, June,
16 2008 at 12:13 and you cc Cathy Glosser.
17 It says, "Mark, I've been in contact with
18 Jeff. I think that the payments which you
19 received were paid in error. I had told
20 Jeff that you were entitled to some
21 reasonable compensation for whatever you
22 did in connection with PVH but I never
23 agreed to a percentage forever. Until
24 Jeff can show me something from The Trump
25 Organization agreeing to the deal he

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claims was made, we will not make any further payments, George."

A. Correct. Right.

Q. At this time that you wrote this e-mail you knew that there was nothing in writing from you or Donald Trump in connection with this commission payment?

A. No, I didn't know what Jeff had in his files or their files. I know I didn't sign anything and I didn't authorize anything to be signed, but they might have had something. If they had something, that would be the end of it.

Understand this over here. If you notice, there's a pattern. The pattern is when things got tough, Jeff went directly to Cathy and not through me. He knew my position and yet he got Cathy to agree to pay the ten percent.

Q. Mark Hager writes to you on June 26, 2008 at 5:07 p.m., "George, we have provided to you the documentation that shows the agreement of The Trump Organization to pay the royalty payment."

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2 A. What's that? What's the
3 documentation he sent to me? What did he
4 send? What he sent to me were the poison
5 pen letters that Jeff Danzer had said
6 please sign. That was supposedly the
7 signed document that Mark sent to me.

8 Q. He sent you the e-mails where
9 Jeff Danzer memorialized what he said was
10 your agreement with him.

11 A. That's correct. But he says the
12 documentation shows the agreement. It
13 doesn't show the agreement. It indicates
14 what Jeff says the agreement was but not
15 what Trump agreed to. So to me an
16 agreement between two parties requires the
17 signature of both parties. One party can
18 write whatever they want.

19 Q. The course of -- he writes, Mark
20 Hager writes to you, he says, "the course
21 of conduct between the parties underscores
22 that agreement. Your after-the-fact claim
23 that prior payment was made in error is
24 unbecoming."

25 A. It may be unbecoming but it was

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true.

Q. "We expect The Trump Organization will abide by its agreement."

And then you wrote him, your response is on top; correct?

A. Right.

Q. By the way, when you write e-mails, do you actually write them directly into the computer or do you have somebody write them?

A. No, sometimes I write them directly to the computer.

Q. Is this e-mail that you wrote in response dated Monday, June 30, 2008, a.m., is this an accurate statement of what your position was on that date?

A. Yes. It hasn't changed.

MR. ITKOWITZ: I need a two-minute break.

(Lunch recess was taken at 1:21 p.m.)

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A F T E R N O O N S E S S I O N

March 24, 2011

2:02 p.m.

G E O R G E R O S S, having
been previously duly sworn by a Notary
Public of the State of New York,
upon being examined,
testified as follows:

EXAMINATION CONTINUED BY

MR. ITKOWITZ:

Q. I'm going to turn your attention
to Plaintiff's Exhibit 19.

A. (Reviewing).

Q. So can you identify this
document?

A. No.

Q. I'm going to go to Exhibit 20.

A. (Reviewing).

Q. Exhibit 20 is a bunch of
invoices from ALM to The Trump
Organization.

A. Uh-huh.

Q. Just directing your attention to
the first page of this exhibit, have you

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ever seen this exhibit?

A. No.

Q. Turn to the second page which has the Bates ALMVTRUMP 001819.

Have you ever seen that?

A. No, I've never seen any of these invoices.

Q. If you go to the third invoice, there's an initial next to twenty-four thousand five hundred fourteen.

Do you see that?

A. Yeah.

Q. Do you know whose initial that is?

A. No.

Q. I'm going to go to 1731.

Do you see where -- this is an invoice dated 8/8/06.

Do you see that?

A. Yes.

Q. It has a stamp on it accounts payable voucher and it has initials.

DJT, is that Donald J. Trump?

A. I don't know.

1

2 Q. Do you know whose handwriting is
3 on the bottom?

4 A. No.

5 Q. Let me just ask you something.

6 What's the procedure, the
7 general procedure, that Donald Trump has,
8 if any, for signing checks?

9 A. The checks are drawn by the
10 accounts payable department and they send
11 them to Donald and he signs them.

12 Q. And who does it have to be
13 approved by before it gets to him? Is
14 there a procedure --

15 A. Yes.

16 Q. -- that's followed?

17 A. Yeah. Somebody has to approve
18 the payment and somebody with some kind of
19 authority.

20 Q. Who would have been approving
21 payments to ALM?

22 A. I don't know. It would be
23 purely speculation. I don't know.

24 Q. You have no idea?

25 A. No, I said it would be purely

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speculation.

Q. I don't want your speculation.

MR. GOLDMAN: Can I just make a suggestion, just so the record is clear, as far as approving it, whether or not that's every check or when the account is initially set up. There may be a difference because here the checks are cut four times a year versus every week, so there may be a difference in procedure.

Q. Is there a difference in procedure between the setup of an account and the processing of checks subsequent to the setting up of an account?

A. Yeah, there's a procedure. Every check has to have some kind of an invoice before it will be approved. Some of them are annual, some of them are quarterly.

Q. And it has to be approved by somebody of authority; correct?

A. Yes.

Q. And did Cathy Glosser have the

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authority to approve checks?

A. To approve a check? Yeah.

Q. And her approval would go to accounts payable?

A. Yeah.

Q. And then accounts payable --

A. Would draw the check.

Q. -- would draw the check and give it to Mr. Trump?

A. The check would go into a batch of checks probably that thick and he would sign it as part of the batch, yes (indicating).

Q. When he signed it as part of a batch, would there be an approval of an invoice with a check?

A. No, not necessarily. It would already be done before the check is drawn.

Q. In other words, when the checks go to Mr. Trump, it's just a batch of checks and no backup?

A. Not to him, no.

Q. And that's the procedure that you understood to be in place at the time

1

2 that the ALM checks were issued?

3

A. Yeah, I would assume it would be
4 in the normal course.

5

Q. Directing your attention to 1797
6 which is an invoice dated 2/7/07.

7

Do you see that?

8

A. Yeah, I've got it.

9

Q. Do you see Cathy GL 2/20? Was
10 that an approval from her?

11

A. I don't know.

12

Q. And it says DJT on the side
13 there.

14

Do you know whose initials those
15 are?

16

A. DJT would --

17

Q. But do you know who those
18 initials are?

19

A. No.

20

Q. Turning your attention to 1725,
21 do you see that there's handwriting DJT
22 account number 58001?

23

A. Uh-huh.

24

Q. Do you see that handwriting?

25

A. Yes.

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2 Q. And then at the bottom it says,
3 "return check to me when cut, thanks,
4 Donna?"

5 A. Yes.

6 Q. Is that Mr. Trump's personal
7 assistant?

8 A. No.

9 Q. Who is that?

10 A. I haven't the slightest idea.

11 Q. Turning to the next page which
12 is an invoice dated 8/15/07, do you see
13 where it says, "okay to mail?"

14 A. What number?

15 Q. It's cut off. It's the next one
16 but it's dated 8/15/07 on the upper right.

17 A. Yeah.

18 MR. GOLDMAN: We've got it.

19 Q. It says -- do you see where it
20 says, "okay to mail?"

21 A. Yeah.

22 Q. Do you know whose initials those
23 are?

24 A. No.

25 This reference to DJT account,

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that's the account number that it would be drawn on. In other words, that's a Donald J. Trump account.

Q. 58001?

A. That's the account.

Q. Now I'm going to turn your attention to Exhibit 21 for identification.

A. (Reviewing).

Q. These are a series of checks and I'd just like you to look at them and see if you can tell us, is that Donald Trump's signature on all these checks?

A. Yes, Donald Trump's signature on all the checks.

Q. Now, you see on the first page it has a check and underneath that there's a stub.

Is that basically what goes to Donald Trump before he signs them or is there any other --

A. No, that would all go to Donald.

Q. Now, is it your experience with Mr. Trump that, before he signs a check,

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2 he asks for any kind of backup?

3

A. No.

4

Q. He just signs checks?

5

A. Generally at that point when it

6

gets to him at this point it's already

7

been backed up. Whoever at this point

8

authorized --

9

Q. So once a check gets to him, he

10

signs?

11

A. Once a check gets to him, it's

12

been already been approved by the party

13

that asks the check to be drawn,

14

accounting has the approval of the invoice

15

and draws it and keeps the approval and

16

keeps it there and then draws the check.

17

And when it comes to Donald at this point,

18

it's already been approved by somebody in

19

authority.

20

Q. And if it's approved by somebody

21

in authority, Mr. Trump doesn't question

22

it?

23

A. Not ordinarily, unless there's

24

something about it that jumps out at him.

25

Q. I'm showing you what's been

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marked as Exhibit 27.

A. (Reviewing).

Q. Are these checks that were received -- are these checks and royalty statements that Trump has received from Marcraft?

A. I don't know.

Q. You're not familiar with these at all?

A. Not at all.

Q. Do you recall stating that at some point after eleven checks had been written -- you didn't say eleven, I'll tell you eleven.

After eleven checks had been written to ALM Donald Trump asked you to investigate or asked somebody to investigate?

A. No, that's not quite the way it happened.

Fortuitously I was in Donald Trump's office at a particular time when Cathy was there and the checks were there and Donald was physically signing the

1
2 checks. And then when he looked at the
3 check that was made payable to ALM, he
4 said, how much have we paid them and at
5 that point I think Cathy said something
6 like \$300,000. I don't remember. And he
7 said, what, and we're still continuing to
8 pay them. Why are we paying them that
9 much. Their involvement isn't worth
10 anywhere near that. And that's when I
11 happened to be there and he asked me to
12 look into the situation and I said I
13 would. But it was totally fortuitous. If
14 I hadn't been there, the checks would have
15 gone out like in the normal course.

16 Q. When he asked you to look into
17 it, what did you do?

18 A. Looked into it.

19 Q. Did you report back to him?

20 A. No, I went back into the file
21 and looked at the file and basically I
22 went back to Donald and I said I see
23 what's happened at that point but the
24 amount that they got was not the deal
25 which I had made or was willing to make.

1

2 Q. When did that conversation

3 occur?

4 A. When he got the last check,

5 that's the one.

6 Q. When you went back to Donald

7 Trump and you told him what you thought

8 the deal was, tell me, as best as you can

9 recollect, the exact sum and substance of

10 what you said to him and what he said to

11 you.

12 A. What I said to him along the

13 way, when I checked it, I said I was ready

14 to make a deal where they would get paid

15 on like a quantum meruit basis, they did

16 make an introduction, they're entitled to

17 get paid something reasonable, and we

18 should sit down and work out a deal as to

19 how much it is how it's going to be paid.

20 I said that to me was never done. And now

21 I find out that for the period of years

22 you've been paying it out as if it was ten

23 percent and I never agreed to ten percent.

24 I said let me get back to the people at

25 ALM and see if there's some way we can

1

2 resolve this matter in an amicable
3 fashion.

4

Q. And that's when you had contact
5 with Mr. Hager?

6

A. Yeah.

7

Q. To the best of your
8 recollection, what was the sum and
9 substance of your conversation?

10

A. The same thing, whatever is in
11 the note that I had. The note, I sent it
12 to him. In other words, I said at this
13 point -- I indicated in that -- whatever
14 that letter was or the memo that went at
15 that point, that indicated what was the
16 sum and substance and then effectively we
17 ought to get the ball rolling and work the
18 thing out.

19

Q. Did you advise Mr. Trump that
20 you did not respond to Mr. Danzer's
21 specific e-mails in August of 2004 because
22 you were afraid that you might lose the
23 deal?

24

A. No. You've got to understand,
25 as far as the negotiating of the deal with

1

2 ALM, that was in my province. I didn't
3 talk to Donald about it at all. In other
4 words, whatever it was, whatever finishing
5 off the thing with ALM, the papers had
6 already been drawn and it was my job to
7 look at the papers and to work out a
8 transaction ultimately and that whatever
9 ALM fit into the transaction, that's what
10 they would get. But that was in my area,
11 not his. He would never discuss what I
12 did and don't do. Donald doesn't do that.

13 Q. What do you mean he doesn't do
14 that?

15 A. My authority at this point --
16 it's my authority to make the decision.
17 If I made the decision, that's fine. Once
18 I make the decision, I say to Donald this
19 is what I did, is it okay. He'll either
20 say yes or no; most of the time he'll say
21 yes. But it doesn't go back to him and
22 talk about any details; by the way, we're
23 having this dispute as to what I said,
24 what they said, or he said. I don't go
25 back to Donald with that.

1

2 Q. When you investigated what had
3 happened, did you have any conversation
4 with Cathy Glosser?

5 A. Yes.

6 Q. And what was the nature of your
7 conversation with Cathy Glosser?

8 A. I was surprised that these
9 payments had gone out on a regular basis
10 on the assumption of ten percent.

11 Q. And what did she say to you?

12 A. She said basically to me, that's
13 what I thought you said.

14 Q. That's what you what?

15 A. That's what I thought you agreed
16 to.

17 Q. You meaning you?

18 A. Yes. And I told her she was
19 wrong.

20 Q. And that's the best you can --

21 A. No, basically at that point in
22 my recollection she told me, well, that's
23 what Jeff Danzer told me. I said, well,
24 at that point, if that's what he told you,
25 he didn't tell you the truth.

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Q. And was there any other conversation that you had with her about this?

A. No conversation except she was unhappy.

Q. How did she express her unhappiness?

A. She now saw that she was paying out moneys on the basis of ten percent which had never been agreed upon and now Mr. Trump knew it was a substantial amount of money and he was not happy with that.

Q. What did he say about that?

A. He said it's too much money, it's not worth what they're getting.

Q. Have you told me all you can recollect about your discussions with Mr. Trump about how ALM was getting ten percent?

A. Donald never looked at ten percent. When he heard it was \$300,000, he thought that was an excessive amount for what was involved in connection with PVH.

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Q. What did he -- did you have a discussion with him about what specifically ALM did to bring about the deal --

A. No.

Q. -- with PVH?

A. No.

Q. Did he have any personal knowledge that you're aware of with respect to what activity --

A. I don't know what personal knowledge he had. All he said to me, he said, I think it's too much for what they did. Now, what he knew about what they did I don't know. And I said, Donald, I agree with you a hundred percent. This was not the deal I was ready to make with Jeff Danzer and let me go back, look at it, and let me see what we can go to rectify the error.

Q. And you've told me everything you can recollect about your conversations with Cathy Glosser after Donald Trump questioned this in the presence of you and

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Cathy Glosser?

A. Well, the meeting with Cathy Glosser was a very short one. She was there to get the checks signed, Donald said how much have we paid ALM, she said over \$300,000, and Donald said, that's too much, they're not entitled to three hundred, why are we paying them so much. And then I went in and he looked at me and he said, George, why are we paying so much. I said, Donald, let me look into it. And then basically I looked into it and it was in my ballpark.

Q. Did you look into it on that date?

A. I don't recall. I told Cathy don't write any more checks, so I don't know what the date was but I said don't write any more checks until we talk.

Q. After you had this meeting with you and Donald Trump and Cathy Glosser when the payments came to light and Donald Trump said this is too much, did you have any -- how many conversations did you have

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with Cathy Glosser about the procedures leading up to the payments to ALM?

MR. GOLDMAN: In all fairness,

time frame, from that moment until today?

Q. From that moment until today.

A. There were a couple of occasions, I don't remember when they were, but Cathy was aware of the fact that the papers hadn't been signed and that she didn't have any of the physical documents. She said she was unhappy with it, that she didn't have it. So be it. I said if she's unhappy with it, so what. As long as she's not making payments, I couldn't care if she's happy or unhappy.

Q. She said she was unhappy --

A. She didn't feel comfortable about the fact that there was going to be demand made or requests for invoices or payment where they did not have the authority -- that she did not have any authority from me to make the payment on those terms.

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2 Q. This is after your meeting with
3 Donald Trump?

4 A. No, this is before.

5 Q. Now I'm confused.

6 A. My meeting with Donald Trump, we
7 had very little discussions after that
8 except she was unhappy that now there
9 seemed to be difference between what she
10 should have been paying out and what she
11 was paying out, in our viewpoint.

12 Q. And that's the extent of the
13 conversation that you can remember between
14 you and her?

15 A. The extent of the conversation,
16 yeah. Basically that's it. Her
17 recollection of the conversation was that
18 I had told her that I approved the ten
19 percent. That was her recollection. I
20 never said it.

21 Q. Your testimony is today that you
22 never said to her to approve ten percent?

23 A. That's correct.

24 Q. And have you had any further
25 conversations with her since that time?

1

2 A. Since what time?

3 Q. Since the time that you told her

4 that you never said that you authorized

5 ten percent.

6 A. The answer is no.

7 Q. About ALM.

8 A. No, we didn't have any

9 subsequent conversations at that point

10 because her recollection and my

11 recollection did not coincide.

12 Q. So in other words, when you told

13 her you didn't recollect authorizing the

14 ten percent, she told you she did?

15 A. No, I didn't say I didn't

16 recollect. I said I know I never

17 authorized ten percent. She said, yes,

18 you did. Her recollection was that I did.

19 That's where we differ.

20 Q. And your recollection of the

21 conversations that occurred prior to your

22 meeting with Donald Trump --

23 A. You're talking about the meeting

24 at the checks time?

25 Q. Yes, when this came to light,

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Donald Trump said it was too much, and then he said -- told you to look into it.

Before that time, what do you recall telling Cathy Glosser with respect to what the commission deal was with ALM at any time prior to --

MR. GOLDMAN: Let me just for the record, I'm going to object. We've already explored that at length already.

A. The only thing I had told Cathy along the way was that I had not made a deal with ALM. We were going to sit down like gentlemen, try to resolve what it's reasonably entitled to, but it was not ten percent. There was a gap of a few years where I never heard anything. The first time I heard of anything was when I happened to be in Donald Trump's office and fortuitously the check was there. Other than that, I didn't know she was making payments, I didn't know how much, and what was involved.

MR. ITKOWITZ: I have no further

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questions.

MR. GOLDMAN: Thank you.

MR. ITKOWITZ: You're released.

(TIME NOTED: 2:27 p.m.)

_____ (Signature of witness)

Subscribed and sworn to

before me this _____

day of _____,

2011.

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* * *

I N D E X

WITNESS	EXAMINED BY	PAGE
G. Ross	Mr. Itkowitz	4

E X H I B I T S

PLAINTIFF'S	DESCRIPTION	PAGE
Exhibit 28	E-mail dated June 16, 2004	34
Exhibit 29	E-mail dated June 23, 2004	35
Exhibit 30	E-mail dated July 22, 2004	35
Exhibit 31	Document entitled Agenda dated August 26, 2004	35
Exhibit 32	E-mail dated September 1, 2004	35
Exhibit 33	Letter dated March 1, 2004	99

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I N D E X (continued)

ATTORNEY ITKOWITZ FROM ITKOWITZ & HARWOOD
HAS RETAINED ALL EXHIBITS

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CERTIFICATION BY REPORTER

I, Wayne Hock, a Notary Public of the State of New York, do hereby certify:

That the testimony in the within proceeding was held before me at the aforesaid time and place;

That said witness was duly sworn before the commencement of the testimony, and that the testimony was taken stenographically by me, then transcribed under my supervision, and that the within transcript is a true record of the testimony of said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, that I am not interested directly or indirectly in the matter in controversy, nor am I in the employ of any of the counsel.

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

Transcript Word Index

[& - 99]

&	1994	23	3c
&	26:15	35:4 49:25 50:5 61:24 74:4	105:5,23
1:18 2:3,9 174:5	1995	87:17 112:13 113:2,21	3d
0	22:4,8,16 25:23 26:16	119:25 138:17 173:13	106:13
001819	2	24	3e
151:5	2	1:12 71:17 72:10,13 77:4	106:22
08	25:7 26:20 29:11,24 30:13	150:3 176:4	4
146:4	33:21 36:8 89:9	25	4
1	2/20	21:12 22:20 54:25 92:7	173:6
1	155:9	123:21 145:20	4a
21:2 29:11 30:12 33:21	2/7/07	2584	109:10
35:14 36:8,16 38:6 41:18	155:6	106:24	4b
43:3 46:9 173:20,22	2:02	26	109:18
1:21	150:4	35:10 83:6 93:24 98:12,16	4c
149:21	2:27	147:22 173:18	111:10,15
10	172:5	27	4f
99:6 101:19 126:7	20	159:2	111:15
10:16	150:18,20	270	5
1:12	2003	2:10	5
10007	21:12 22:20	28	38:6 39:5,8 40:19 45:24
2:5	2004	35:2 76:18 173:10	112:2
10016	13:18 23:23 24:2,8 26:9,25	29	5:07
2:10	32:22,23 34:25 35:4,7,10	35:5 78:17 173:12	147:22
11	35:14 36:11,16 39:5,8	2946	58001
126:12	40:19 41:11,18 53:17 57:23	137:11	155:22 157:5
12:13	58:15 59:2,8 61:17 64:25	2947	6
146:16	66:16 68:21 70:21 81:10,14	135:7	6
13	88:16,20 89:2 91:18 92:19	3	117:16 120:2 139:14,16
26:25 125:13 126:22	94:25 95:18 96:14 97:18,21	3/18/04	140:4
14	98:8,11 99:3,6 101:20	95:5	603491/2008
134:16,17	108:9 113:2,21 119:25	30	1:10
15	121:16 125:13 128:24	23:23 24:2,7 32:23 35:8	7
139:9	129:23 162:21 173:11,13	41:11 64:24 66:16 80:22	7
16	173:15,18,20,22	128:24 149:15 173:14	122:19 140:15 141:18
34:25 173:11	2005	300,000	725
17	13:19 25:21 26:9 128:12	160:6 165:22 167:7	77:9
95:18 96:14 143:18	131:9,19 132:11 133:14,17	305	8
17:08	135:14 136:7 137:9 138:17	1:18 2:4	8
139:16	140:5,15 141:19 143:12	31	55:13 57:23 59:2,7 68:21
17:25	2006	35:11 82:8,15 173:16	74:20 75:15 88:15,19,25
135:18	105:17	3116	124:3
1725	2008	3:25	8/15/07
155:20	110:11 144:6,11,14 145:20	3117	156:12,16
1731	146:16 147:22 149:15	3:25	8/8/06
151:17	2011	32	151:19
1797	1:12 150:3 172:10 175:24	35:15 83:16 173:19	9
155:5	176:4,22	33	9
18	21	99:7 173:21	124:12 133:2
94:11,25 97:18,21 98:8,11	157:8	34	99
99:2 145:13	22	173:11	173:22
19	35:7,18 38:23 41:16 45:23	35	
150:13	50:17 51:11,13,14,23 81:14	173:13,15,18,20	
1953	135:14 136:7 137:9 173:15	3a	
5:22,23	221	101:24 104:3	
	3:5	3b	
		104:19	

a			
a.m.		addressed	agreement (cont.)
1:12 149:16		100:13	119:8 123:12,13,19 125:21
abide		advise	127:25 128:6,12,22 137:4
149:4		120:3 162:19	139:19,23 140:7,21 141:10
ability		advised	141:12,13,16,24 142:9,16
38:11 64:5 115:22		31:6 32:13	142:23,25 143:2,8,9,13,14
able		affiliated	143:15,16 147:24 148:10
62:4		7:3	148:12,13,14,16,22 149:4
absence		affiliations	agreements
70:3		7:9,12	30:14,17,19,22 85:21,25
absolutely		aforsaid	86:3 107:11 108:2,9,15,18
21:18 70:19 72:3 86:25		175:8	110:13 114:13,15
125:17		afoul	ahead
accept		34:20	45:19 56:11 69:5 88:2
100:3		afraid	99:17 100:12
acceptable		119:2 162:22	alan
27:20 49:4 123:20		agenda	2:14 31:16
accomplish		35:10 79:3 173:17	allen
73:20		agent	79:15,17 82:24
account		25:5 28:23 33:17 38:2	alm
16:5 153:8,14,16 155:22		41:19 42:6,9,13,16 44:16	1:4,4 10:3 11:4 17:10 19:21
156:25 157:2,4,6		45:21 53:5 64:19 66:3 69:8	20:19 23:21 25:4 27:7,14
accounting		74:10 114:3,4	28:13 30:4,11 31:12 32:24
86:4 137:18,23 138:2		ago	33:19 37:10,13 41:13,18
139:19 158:14		6:24 9:24 10:9 90:2,3	42:2,4,5,17,19 44:18 45:14
accounts		125:24	52:11 53:5,11 54:7 59:23
151:22 152:10 154:5,7		agree	64:17,17 65:23 66:2 68:10
accurate		32:4,11 62:5 63:20,25 65:2	68:24 69:2,2,11 70:2,7,16
21:14 71:24 84:6,8 106:4,9		65:16,20,25 66:10 68:4,10	70:25 71:18 72:6 73:10
106:13 111:5 112:20		68:19 73:11 121:7 124:23	81:24 87:20,20 88:20,24
124:18,20 126:4 139:4		124:25 147:20 166:17	90:15,25 91:3 92:3 102:9
149:16		agreeable	102:14,15 112:16 113:24
act		5:5	116:23 118:10,12 120:5,7
16:19		agreed	121:19,20 122:7,14 123:10
acting		3:2,18 4:5 68:13 80:17	127:19,24 128:13,22,23
113:24 114:6,9		103:22 112:22 113:7,18	129:2,14 130:4 132:12,15
action		115:11 118:22 119:6 120:8	132:21 133:15 136:8
3:16 20:23 102:13 175:18		120:9,21 122:14 128:18	138:10,14 140:7 141:11,20
actions		129:16,17,17,18 132:8,17	143:5,8,9,15 150:21 152:21
24:18,21		133:5 146:23 148:15	155:2 159:17 160:3 161:25
active		161:23 164:15 165:11	163:2,5,9 165:19 166:4
31:17 47:15		agreeing	167:6 168:3 170:7 171:6,14
activities		146:25	176:3
7:14		agreement	alm's
activity		23:21 25:3 34:16 38:25	23:12,13 33:11 64:4,6,24
166:11		40:11,12,15,21 41:11 42:2	66:15
actual		42:10,15,20,25 43:24 44:15	almvtrump
137:19		47:17 49:3 60:24 61:7,8,13	151:5
added		64:18,24 65:10,11,12,13	amicable
89:10		66:3,16 68:7,14,17 69:20	162:2
addition		69:23 70:9,18 75:13,14,17	amount
3:11		77:22 80:7 84:12,14 87:10	11:17 61:11 102:24 103:16
address		87:12 96:12,13 101:21	108:21 114:8,10 129:16
127:19		102:3,8,17 104:8 105:7,20	142:10 160:24 165:12,23
		107:3,17,18 109:13,20,25	analyzed
		110:10 112:16 114:16	93:6
			annual
			153:20
			answer
			4:24 5:10,11 10:5 25:20
			31:25 34:18 40:24 42:23,24
			50:20 52:25 56:12 58:6
			59:12 61:4 65:9 71:8 83:2
			86:11 92:14 107:24 114:5
			114:16 115:20 129:10
			132:25 139:7 143:3,13
			170:6
			answering
			5:4 8:16
			answers
			60:20
			answer's
			25:23 60:18 106:8
			anticipated
			49:2
			anybody
			17:21 20:21 40:6 53:24
			59:10 72:17 88:20,23 91:16
			92:3 94:24 111:7 130:4
			144:11
			anytime
			81:16
			apart
			68:3
			apparel
			33:5,6 37:7 38:2 41:20 43:4
			43:4,12 54:8 56:3,21 57:25
			58:8,15 59:2 61:17 62:17
			62:18 64:6,19 66:4 70:11
			71:21 72:23 73:15 74:7
			appearance
			8:22
			appeared
			83:5
			apprentice
			53:15,16
			approval
			54:21 154:4,16 155:10
			158:14,15
			approve
			152:17 154:2,3 169:22
			approved
			152:13 153:19,22 158:12
			158:18,20 169:18
			approving
			152:20 153:6
			approximately
			17:12 109:5 110:23
			april
			36:16 38:6,6 39:5,8 40:19
			41:18 45:24 46:9

[area - buyer]

area 32:12 141:13 163:10	attorney 4:20 5:25 7:25 8:2,5 10:23 31:17 139:22 174:5	bar 3:14	bit 5:15 11:6
arose 55:21	attorneys 2:4,9 3:3 60:17 110:17 111:7	based 11:17,20	blackberry 12:3
arranged 48:9	audibly 5:10	basic 5:7	blood 175:18
arrangements 11:16 34:21	august 35:10 83:6 112:13 113:2,21 119:25 121:16 128:11 131:8,19 132:11 133:2,13 133:17 135:14 136:7 137:9 138:17 162:21 173:18	basically 18:21 20:3 24:23 28:8 68:19 73:8 95:10 96:22 98:3 113:16 141:9 142:14 157:20 160:21 164:12,21 167:13 169:16	boss 142:17,19
arrive 125:3	authority 46:22,25 85:14 152:19 153:23 154:2 158:19,21 163:15,16 168:23,24	basis 6:11,13 7:2 11:24 12:13 16:20 28:12 53:4 87:23 102:25 103:3 130:15,15 131:6,24 132:6,18 161:15 164:9 165:10	bottom 143:20 152:3 156:2
asap 146:2	authorization 91:4	batch 154:11,13,16,21	brand 23:4 27:10 38:3 41:20 49:10 73:20 97:25 98:4
asked 22:15 23:6,7 24:3,10 25:17 25:19 51:4,6 60:14 71:3,8 88:3 92:13 106:6 116:8 122:10 128:19 132:23 135:21 136:20 145:10 159:17,18 160:11,16	authorize 147:12	bates 134:22,25 135:3,5 151:5	branding 28:5 29:18
asking 4:21 5:13 19:3 21:7 23:16 29:15 32:13 44:11 66:23 73:7 88:11 122:24 123:15 128:5 129:8 134:2 136:15 136:18 142:4	authorized 38:17,19 158:8 170:4,17	bear 106:17 109:2	brands 96:18
asks 158:2,13	authorizing 170:13	beau 93:13,20 99:19 100:14,14 100:17,17,19,23 101:5,8,11 101:18	breaching 42:2
assigned 137:24	available 18:22	beginning 112:5	break 87:14,15 149:20
assistant 13:4 92:17,23 93:3 94:18 156:7	avenue 2:10 77:9	begun 3:22	bring 48:19 54:7 102:17 112:18 166:4
associated 70:14	avoid 46:20	behalf 15:19 74:6 89:5 92:4 104:11 124:8	bringing 124:9
associates 100:15,18	aware 22:24,25 30:11,14,15,18 33:2,19 36:7 37:4,5 38:13 101:17 130:13 166:10 168:10	believe 31:8,23 35:25 36:5,10 64:9 75:20 87:17 90:22 132:4 138:7 139:3	broadway 1:18 2:4
assume 5:3 40:16 51:9 52:10 53:19 77:23 80:15 81:2,4 91:6 93:19 106:12 130:10 144:17 155:3	b	believed 55:25 67:23 131:20,22 132:3 133:3	brody 39:22 70:15 94:17 95:7,10 95:19 96:3,16,25 97:19 98:8 101:8,10,19
assumed 135:10	ba 5:18	belkin 2:9	broker 113:24 114:2,5,6,7,9
assuming 132:2 135:12	back 7:20 9:24 21:22 34:16 36:12,13 42:25 61:21 68:20 69:18 116:5 118:25 119:3,5 131:8 136:13 160:19,20,22 161:6,24 163:21,25 166:19	bernie 89:18,21	brooklyn 5:18,19,21
assumption 131:7 164:10	backed 55:18 158:7	best 34:8 62:4 72:7 73:19 74:6 75:21 79:23 97:24 161:8 162:7 164:20	brought 119:19 144:10
attached 97:2	background 5:16,17 7:24 49:8 85:4	better 28:6	building 12:10
attempt 54:9	backup 138:6 154:22 158:2	beyond 73:22	bullshit 54:12 67:2,19,25
attention 38:21 41:15 45:22 87:16 89:8 134:22 140:12 144:10 150:12,24 155:5,20 157:8	ball 162:17	biggest 49:17 67:2	bunch 67:2 123:22 150:20
	ballpark 167:14		burden 2:9
			burnett 53:13,14
			burnett's 46:14 50:12 51:2,6 52:2,7 53:6
			business 31:15,19,20,21 32:3,18 49:18
			buyer 59:3,4 62:18

[buyers - contacted]

buyers 57:16,19 62:3,9	cetera 128:22	clear 90:20,21 99:23 136:16	compensation 119:19,22 123:8 130:7
bypassed 121:14	chain 112:5 127:3,4,11,12 134:20	153:6	146:21
c	139:13	cleared 46:19,20	complaint 17:10,24
calendar 12:22 13:2,5,12	chairman 95:24	client 6:16,18,19	computer 12:5,15,18,19,20,23 14:11
calendars 13:15	chajet 95:19,22,24	clients 6:13 11:16,20	149:10,13
call 14:14 61:25 130:3,9	chance 34:23 36:5 37:10	clive 95:19,22	concept 18:4,8,10
called 34:4 41:2 48:12 95:9 135:3	change 26:7 60:20 71:13 74:16	close 55:6	concern 41:24
calls 16:13 92:18	108:19 143:14 176:5	clothes 99:19 101:14 109:15,22	concerned 41:9 60:4,4 85:25 91:14
care 100:14 168:17	changed 149:18	clothing 37:7	108:3 121:5 142:25
case 5:13 10:25 45:18 55:20	changes 80:16	coincide 170:11	conclusion 88:4 125:3
176:3	characterization 121:7	coladas 90:9	conduct 3:6 148:21
cash 123:21	charge 109:7 111:6 118:10 125:18	cold 64:16 65:22	confided 121:10
category 43:9,22	125:21 142:20,22 143:7	collectively 111:16	confident 63:4
cathy 82:23 83:17,24 84:3,19,21	check 122:6 127:18 133:10,11	college 5:18	confirm 37:16,18 38:23
84:22,24 85:2 107:25 109:9	138:8,19 153:7,18 154:3,8	combined 33:21	confirmed 39:15
112:6,13 113:17 114:20	154:9,11,17,19 156:3	comfortable 168:19	confirming 41:17
115:3,10 120:3,4,12 121:10	157:18,25 158:9,11,13,16	coming 29:18 50:6 97:25	confused 26:5 169:5
121:15 124:14 127:16,22	160:3 161:4 171:21	commence 33:11	connected 144:23
128:4,21 130:16 131:9	checked 138:18,23 161:13	commencement 175:10	connection 7:8 8:19,21 9:2 11:3 17:18
132:11 133:14 135:14	checking 138:13	comments 76:4	18:12 19:14,18 20:17 23:3
136:6,18 137:2,14 139:3,16	checks 122:13 130:14,18,18	commission 44:18 45:14 70:25 127:18	29:4 30:12 31:17 58:20
139:17 140:5,14,15,23	131:23 132:6 140:8 152:8,9	136:8 138:14 141:21 147:8	85:20 100:22 104:14
143:21 144:5,12,17,19,23	153:10,15 154:2,12,20,22	171:6 176:24	108:14,17 146:22 147:8
145:6 146:16 147:18,19	155:2 157:11,14,16 158:4	commissions 42:19	165:24
153:25 155:9 159:24 160:5	159:4,5,13,16,24 160:2,14	communicated 117:12	connections 8:8 34:6
164:4,7 166:24 167:2,3,17	167:5,18,20 170:24	communications 10:20 17:16 32:5	consequence 28:24 54:19
167:22 168:2,10 171:5,12	choi 2:6	companies 39:19,20 45:25 46:6 55:8	considered 55:14
cc 83:17 135:19 146:16	circulating 64:3	55:11,22 74:6	consultant 98:2
cc'd 112:7 117:24	claim 102:24 148:22	company 41:12 48:12 49:19 68:7	consulting 95:24
cc'ing 114:21	claimed 46:15	70:10,14,15 96:15	contact 68:25 87:22 88:21 89:3
certain 10:9 18:19,20 39:10 55:8	claims 8:17 147:2		146:9,17 162:4
60:8 63:4	clarified 51:8		contacted 68:8 70:16,17
certainly 10:16 28:21 43:17 63:2	clarify 36:6 51:7		
73:22 84:8 104:10 106:19	clarifying 50:11 52:6		
132:17			
certification 175:2			
certify 175:5,16			

[contacts - desk]

contacts 72:16 102:8	correct 11:19 22:21 25:15 26:16 36:3,18 39:3 41:21,22 44:19 81:3 91:19 108:16 113:22,25 114:22 115:6 117:19,20 118:25 119:3,5 125:16 128:18 129:23 131:11 141:22 147:4 148:11 149:6 153:23 169:23	danzer (cont.) 55:15 61:23 66:25 67:13 74:14 75:19 76:3 82:16,24 83:17 88:9,16,20,24 89:2 103:10 117:14 118:9,14 121:13 128:20 129:17 130:3 131:9 137:15 139:15 140:14,24 148:5,9 164:23 166:19	deal (cont.) 166:5,18 171:6,14
contained 114:13	costs 97:3	danzer's 36:8 112:6,12 120:24 144:3 162:20	dealing 29:2
contemplating 38:8	counsel 8:25 16:20,24 17:15,25 18:10,22 103:24 104:14 175:21	data 18:12	dealings 68:22
contents 98:12	count 9:17	date 80:12 113:3 138:19,22,25 149:17 167:16,19 176:4	deals 54:7 79:25 85:10,12,13 87:4,6 121:2
context 31:13 52:21	county 1:2	dated 26:25 34:24 35:3,6,10,13 36:15 46:9 81:14 95:18 96:14 99:5 135:14 139:14 139:16 140:14 149:15 151:19 155:6 156:12,16 173:10,12,14,17,19,21	dealt 88:23
continue 52:20 55:4 128:24	couple 10:9 27:12 37:3 46:11 90:2 125:24 168:8	dates 26:6 81:18	dear 50:10 83:20
continued 150:10 174:2	course 148:19,20 155:4 160:15	david 2:6	decided 28:6 62:12 86:17,20
continuing 160:7	court 1:2,17	day 172:9 175:23 176:21	decision 163:16,17,18
continuously 26:14	cover 94:13	days 10:9 12:14 22:10 26:15 37:3	declaration 55:15
contract 30:4 33:19,20	cplr 3:5 4:2	deal 27:10 28:10,14 29:6 31:15 31:15,19,20,21 32:2,4 33:8 37:11 38:9 40:3,3 42:3,9 46:22 48:15,16 53:8,10 54:24 56:20,24 57:2,3,3,4,5 57:8 63:21 64:21 66:13 67:4,5 70:23 71:20 72:8,22 73:15 74:8,10,12,22,25 75:2,2,5,7 78:3,13 81:24 85:8 87:9 94:25 98:20,24 103:6,8,9 105:17 112:18 113:13 115:5,24,25 116:2 116:11,18 117:2,4 118:19 118:22 119:3,17 120:5,6,13 120:14,17 121:2,6,8,12,18 121:21,22 122:17,25 123:6 124:9 127:19 128:10,16,18 129:2,22 130:5,17,17 133:4 133:16 135:21,23 136:21 137:19,24 138:14 140:9 141:20 146:25 160:24 161:8,14,18 162:23,25	deed 56:2 57:13
contracts 36:7	craftsmanship 43:19		deemed 3:24
control 93:5	create 49:5 67:15		defendant 1:9 2:9 8:11,13,15
controlled 4:2	created 116:17 123:20		definition 64:19 66:11
controversy 175:20	creation 20:4 21:16,19		delete 15:11,12,22 16:2
convenient 14:22	credibility 64:6		deleted 15:20,21
conversation 26:22 36:21,25 46:13 48:4 73:9 96:4,5,9,10,12 98:15 98:19,23 112:24 113:4 122:4 136:6,25 137:7 161:2 162:9 164:3,7 165:3,5 169:13,15,17	critical 80:20		deliver 73:24,25 123:19
conversations 31:3,11,22 32:8,9,20 46:10 46:12 47:11,25 166:23 167:25 169:25 170:9,21	curious 118:6		demand 168:21
convinced 113:17 130:16 132:7	currently 110:19		department 86:6 108:23 109:4,8 131:11 131:12 139:20 142:20 145:6,9 152:10
coordinator 145:2	cut 153:10 156:3,15		depends 14:21
copy 15:9,13 52:14 76:20 106:4 106:9,14 109:16 110:6 124:4,15 126:18 127:15 128:2,5	daily 12:13		deposed 7:6,10,13 111:4
corp 1:5	danzer 19:24 28:6,19 29:3 32:6,7,8 33:23 34:3 35:24 36:17,25 37:4,21 45:24 46:10,18		deposition 10:12 176:4
corporate 83:8			depositions 3:6 5:8
corporation 107:5			described 10:23
			description 173:9
			desires 98:5
			desk 12:16

[detail - entire]

detail 54:3	disagree (cont.) 124:25	documents (cont.) 111:17,20 116:23 168:12	duly 4:10 150:6 175:9
details 163:22	disagreed 65:14,15,24 66:5,19 68:13 70:6 71:10	doing 23:3 28:13 31:18,19 37:14 38:8 42:11 43:8,18,24 48:15 49:18 62:9 72:24 77:17 125:21	e
determine 19:12 39:6,25 40:6,10,19 56:17,19 59:7 61:20 63:10 64:11,12,14 74:24	disagreement 67:25	donald 1:8 6:15,19 7:12 17:11 20:18 22:13,15 23:2 26:8 27:7,9,22 28:5 29:14,17 31:21 37:8,12,14 39:9,14 39:15 42:8,15 43:18,24 44:3,14 45:12 49:23 60:4 69:25 75:12 79:8,21 80:25 80:25 81:3,7,11,15 82:23 83:13,14 86:19 93:19 98:4 101:12,17 102:5,10 104:17 105:8,16 109:14 111:8,23 121:20,25 122:4,16 147:7 151:24 152:7,11 157:3,13 157:15,21,23 158:17 159:17,22,25 160:22 161:6 163:3,12,18,25 165:21 166:16,24 167:5,7,12,22,23 169:3,6 170:22 171:2,20	earliest 127:6
determined 138:9	disappointed 55:7 76:5	donald's 81:7	early 57:14 132:24
detrimentally 64:4	discuss 30:24 119:21,23 129:3 130:6 131:4,18 132:12 163:11	donna 156:4	earned 112:17 113:8
develop 44:4	discussed 77:16 97:19 129:8,11 132:14	doubt 79:22	easier 14:23
developed 90:15	discussion 25:12 26:19 29:22,24 39:9 50:24 51:5 53:23 54:20 55:10 75:10 82:13 101:4,7 103:19,20 111:14 120:4 126:17 133:7,15,19,22 136:11 140:5 166:3	draft 135:23	east 126:3
devious 116:18	discussions 8:25 17:2 19:23 33:22 38:24 39:6,13,17,19 40:2,5 40:8 41:4 57:6,7,10 60:12 69:10 70:10 75:11,18 80:13 94:24 97:20 98:6,7,10 102:12 121:19,25 165:18 169:7	drafted 89:12 104:7,10 107:7 108:24 140:20	educational 5:15,17
diamond 89:18,21 91:20	dispute 82:2,3 163:23	drafting 139:22 140:16,19 141:3,4 141:15	effected 64:23 66:14
diamond's 91:23	distributed 43:5	draw 135:22 136:20 154:8,9	effectively 64:15 65:21 162:16
diary 11:25	djt 144:20 151:24 155:12,16 155:21 156:25	drawn 152:9 154:19 157:3 158:13 163:6	effort 63:18 113:15
died 9:24	document 21:4,8,10,19 22:19,24 23:2 23:5,7,15,19,22,23 24:3,8 24:19,24 25:2,13,20 26:24 26:25 31:5 32:17 35:9,20 36:15 50:5 79:3 80:19 89:13,17 94:2,6,10,19 95:3 95:16,17 99:9,9,21 100:5 100:11 103:23,25 104:4,16 104:20 107:8 110:4 120:10 148:7 150:16 173:16	draws 158:15,16	efforts 128:24
dietl 93:14,20 99:19 100:14,14 100:17,17,20,24 101:5,8,11 101:18	documentation 147:23 148:3,12	dreams 119:7	eight 110:24
differ 170:19	documents 8:23 9:2,3,5,8,11,13,16,20 10:10,15,17,19,22,22 18:19 29:10,12,16,20 31:8 75:9 80:14,15,17 107:25 108:24	dreyer 6:21 7:4	either 163:19
difference 91:12 120:20 153:9,12,13 169:9		drinking 90:8	elapsed 36:24 61:11
different 65:6,8 107:20 108:4,21 116:4		due 134:9 146:3	electronic 18:12,25 19:4,7,12 20:15 20:16
dig 28:7			eleven 159:13,14,15,16
diligently 54:6,16			embarrassed 74:8
direct 68:22 72:16 85:9,12 87:23 134:21 140:11			employ 6:6 175:21
directing 38:21 41:15 45:22 87:16 89:8 150:24 155:5			employed 6:3,4,10,12 21:21 89:22 96:16 110:17
directly 20:3 22:3 37:15 43:25 44:15 69:7 70:23 84:18 85:18 89:3 90:25 117:18 121:14 124:8 147:18 149:10,13 175:19			employees 20:19
disagree 65:25 66:17 68:4,11,12			employing 44:16

[entities - fit]

entities 22:13,14 107:20 108:4	exclusivity 68:6,9	express 116:15 165:7	fell 43:8
entitled 35:9 70:8 102:16,19,23,25 103:4,12,15,16 113:6 114:10,11,12 115:9,19 129:20 130:7 131:5,16 132:13,21 133:16 146:20 161:16 167:8 171:16 173:16	excuse 21:22 24:5,7 133:20	expressly 90:23	fifteen 6:25 22:5
entity 42:4 43:5 87:21	executed 21:11 22:19 29:25 39:2 40:11 61:14 64:23 66:15 105:8,21 110:11 127:25 128:5	extension 27:25 28:3 47:23	fifth 77:9
errata 176:2	execution 60:23 61:6	extent 13:25 66:5 85:25 169:12,15	figure 113:14
erroneous 131:7	executive 53:14 92:17,23 93:3 94:18	extremely 63:4 125:10	figured 135:5
error 146:19 148:23 166:21	exhibit 21:2 25:7 26:20 29:11,11 29:24 33:21,21 35:2,5,8,11 35:15,18 36:8 38:23 41:16 43:3 45:23 49:25 50:5,17 51:11,13,14,23 61:24 74:4 76:18 78:17 80:22 82:8,15 83:16 87:17 89:9 92:7 93:24 98:12,16 99:7 101:24 104:3 112:2 117:16 120:2 122:19 124:3,12 126:7,12 126:22 134:16,17 137:12 139:9 143:18 145:13 150:13,18,20,25 151:2 157:8 159:2 173:10,12,14 173:16,19,21	f	file 14:3,7 15:14 18:20,21,23 18:24,25 19:2 27:23 28:15 52:5,10,15 138:8,13,23 160:20,21
esq 2:6,6,11	exhibits 10:11,24 30:12 174:6	face 47:5,5,9,9	filed 20:7
esqs 2:3	exist 67:16	fact 38:8 62:10 122:15 130:13 133:25 148:22 168:10,20	files 18:17 19:5,7,12 54:17 147:10,10
estimation 43:21	expect 146:2 149:3	facts 31:14 45:18 55:17	filing 4:5 19:5
et 128:22	expensive 62:2	factual 132:9	final 80:6,9
event 69:24 96:18	experience 61:16 157:24	failure 3:11,22	finalized 38:25 41:8 80:15
evolution 80:18	experienced 135:4,9,10	fair 20:9 36:19	financial 11:15
ex 50:12 51:2,6 52:3,7 53:7,20 53:21	expiration 64:24 66:15	fairness 168:4	find 130:9,23 161:21
exact 161:9	expired 24:8 25:20	faith 71:18 72:2,6 73:10	fine 58:11 127:23 163:17
exactly 26:5 38:3 46:24 90:19 93:6 123:4 129:12 144:24	expires 176:24	fall 129:23	finish 30:6 44:25 45:7 56:11 115:14 130:22
examination 1:16 3:10,13,18,22,24 4:6 4:13 150:10	expiring 23:12,13,21	fallen 43:21	finishing 163:4
examine 76:10	explain 14:4,10	familiar 16:18 18:3,7,9 20:10 21:3 21:10 116:20 134:22 137:25 143:22 159:9	finite 114:8,10
examined 3:20 4:12 150:8 173:5	exploit 28:21	familiarity 19:20 85:3	fire 64:17 65:23
excessive 113:9 165:23	explored 171:10	fantastic 49:16	firm 6:20 8:16,17 12:8,8,9
excited 27:8,14 74:7 125:5		far 56:7 57:18 68:2 85:24 91:13,15 92:20,22 108:3 113:22 118:11 142:21 153:6 162:25	first 4:10 10:3 11:4 21:20 22:23 22:25 23:9 24:9,15,20 29:2 29:2,5,7,8,10,23 34:2 36:6 36:24 41:16,17 45:11 50:4 50:9 59:14 61:12 87:3 94:9 94:12 98:22 120:11 122:3,6 127:17,21 133:11 137:12 139:12 144:13 150:25 157:17 171:18
excluded 43:3,12,24		fastest 14:25	fit 163:9
exclusive 25:5 30:4,5,11,16,22,25 33:16 37:25 41:19 42:6,17 45:15 64:18,22 66:2,14 70:18 74:10		favre 144:16	
		fee 70:8 119:9 132:22	
		feel 168:19	

[five - helping]

five 47:18 49:5 89:9,10 90:13 90:17,18,23 151:11	further (cont.) 171:25 175:16	glosser 32:9 82:24 83:18 84:19,22 84:25 109:9 112:6,13 114:20 115:3 120:3,4,12 121:11,15 124:15 127:22 128:4 131:9 132:12 133:14 135:14 136:6,19 137:2,14 139:3,16 140:5,14,23 143:21 144:6,12,19 146:16 153:25 164:4,7 166:24 167:2,4,22 168:2 171:5	graduate 5:20
floating 46:16	fyi 97:2		graff 92:15 97:10,13,15,16
florida 90:7,10	g		guess 7:23 95:21
flow 45:3	gap 171:17	glosser's 10:11	guy 67:14
follow 139:18	garbage 67:7	go 12:7,13 14:3 16:14 34:16 36:12,13 38:11,12 45:19 48:10,23 50:4 54:2 56:11 63:14 65:18 67:3 69:5 74:2 78:10 82:10 88:2 95:15 99:17 100:12 134:19 150:18 151:9,17 154:4,11 154:21 157:23 163:21,24 166:19,20	guys 130:4
followed 152:16	garment 59:9	going 4:21 7:20 21:7 30:7,8,10 31:4 34:20,22 36:10 37:12 37:13 42:24 49:5,24 54:24 57:15 58:10 62:11 63:16 67:8,12 71:2,7,12 73:19,24 73:25 76:23 96:21,21 99:14 107:2 116:3,10 119:9 120:24 123:5 127:7 132:15 134:12,14,21 140:11 142:7 143:4,17 146:13 150:12,18 151:17 157:7 161:19 168:20 171:9,14	habits 11:7
following 65:20	garten 2:14 111:5 134:13	goldman 2:9,11 10:4,8,16 26:3 30:6 31:2,25 42:21 44:5,23 45:5 45:9,16 50:18 51:16 52:23 60:25 65:5 69:3 71:2 74:18 86:9 87:24 99:20,24 100:6 102:18 103:25 105:24 106:3 110:19 111:13,21 127:5 130:21 134:15 135:8 135:16 139:5 153:4 156:18 168:4 171:8 172:3	hager 54:7 83:18 116:21,25 117:12,24 118:4,7 131:2 135:20 145:23 146:9 147:21 148:20 162:5
follows 4:12 150:9	gary 101:10,19	good 4:19 28:23 34:6 47:21 48:16 63:17 67:14 95:21 116:2	hand 175:23
forever 114:11 146:23	general 152:7	gotten 78:6,9 133:11	handle 142:21
form 3:8 27:21 42:22 44:6,8,24 45:17 50:19 52:24 69:4 71:3 86:10 87:25 139:6	generally 158:5		hands 71:20 72:4,4,22 73:14,21
format 20:16	generate 13:22,24 49:19		handwriting 93:16 97:5 152:2 155:21,24
forth 116:5 136:14	generated 14:6 20:17 64:17 65:23 78:14		handwritten 93:11
fortuitous 160:13	gentleman 5:11		happen 144:2
fortuitously 159:22 171:21	gentlemen 93:13 103:11 113:13 131:4 171:15		happened 9:23 47:22 91:12,13,15 137:4 159:21 160:11,23 164:3 171:20
forty 6:24 21:25	george 1:17 4:16,19 6:4,6,9 50:10 83:24,25 84:3 94:14 100:4 112:14 127:7 135:21 136:20 138:8 140:16 141:4 145:16,25 147:3,22 167:11 176:4		happens 63:16 67:12
forward 127:7 144:6	getting 37:8 38:7 122:21 130:14 131:5 139:21 146:8,12 165:16,19		happy 53:9 76:15 134:5 165:13 168:17
found 122:12	gist 73:8		harwood 1:18 2:3 174:5
four 12:14 22:10 26:15 71:4 94:2 95:13 151:10 153:10	give 6:23 14:23 22:5 36:5 58:7 76:15 90:14 107:25 119:18 123:7 154:9		head 5:9 131:10,11
fourteen 151:11	given 27:22 55:18 91:3		hear 29:3
fourth 71:6	giving 48:24		heard 28:18 29:5,7,8,13 74:21 100:25 165:22 171:18,19
frame 23:11 27:6,6,11 33:8 168:5	gl 155:9		held 1:17 25:12 26:19 77:8 82:13 111:14 126:17 175:7
friday 112:15	glad 5:2		he'll 163:19,20
friend 39:23	global 108:22 109:3,7		helping 102:16
friends 41:4,5			
full 4:15			
further 3:17 4:4 147:3 169:24			

[helps - joined]

<p>helps 27:5</p> <p>hereto 3:4</p> <p>hereunto 175:22</p> <p>heusen 52:19 53:3,9,11 102:12 107:5</p> <p>hey 73:23</p> <p>hi 139:17 145:25</p> <p>high 38:2 41:19 129:20</p> <p>hire 44:21 45:12,20,21</p> <p>hired 44:3 85:2,5,9,11,12,13 86:7 86:15,18,20,22,24 87:2 98:2</p> <p>hock 1:18 175:4</p> <p>hold 18:4,6 25:22</p> <p>holiday 126:2</p> <p>honorable 37:21</p> <p>huge 108:23 109:4</p> <p>huh 94:15 97:4 101:16 110:5 118:23 123:2 124:6 126:25 128:7 131:17 136:4 137:16 140:2 144:9 145:21,24 150:23 155:23</p> <p>hundred 151:11 166:17 167:9</p>	<p>ignore 68:24</p> <p>image 96:17</p> <p>impliedly 90:23</p> <p>important 40:25 41:3</p> <p>improve 27:9</p> <p>including 3:7 23:22 70:12</p> <p>incurring 44:17 45:14</p> <p>index 1:10</p> <p>indicate 27:23 28:22 37:23 46:24 55:3,16 60:2 67:8 119:14 142:9</p> <p>indicated 37:5 39:16 46:12 53:2 115:23 162:13,15</p> <p>indicates 28:16 52:5 79:3 80:23 96:3 145:19 148:13</p> <p>indicating 13:11 43:17 59:17 67:13 96:20 154:14</p> <p>indirectly 175:19</p> <p>industries 39:11</p> <p>industry 37:7,8,17 38:7 46:17 49:18 57:17 64:3 67:8 74:6 75:19 75:22</p> <p>inferred 71:9</p> <p>information 20:15 52:18 53:6</p> <p>inhibiting 46:18</p> <p>initial 19:22 71:16 151:10,14</p> <p>initially 153:8</p> <p>initials 151:23 155:14,18 156:22</p> <p>initiate 64:21 66:13</p> <p>initiated 70:10 102:13</p> <p>inquire 23:10</p>	<p>insofar 142:24</p> <p>instances 107:15</p> <p>instruction 15:25</p> <p>intending 37:9</p> <p>intent 45:6</p> <p>interacting 31:20 92:3</p> <p>interaction 34:2</p> <p>interactions 20:18</p> <p>interest 1:4 43:6,7,15</p> <p>interested 28:5 29:17 33:3 48:15,24 175:19</p> <p>international 1:4</p> <p>interpret 88:5,12,13 90:13,17,19 91:8,11</p> <p>interpretation 31:5,7 65:11,13 66:8 73:2</p> <p>interpreted 88:9</p> <p>interrupts 45:3</p> <p>introducing 101:12</p> <p>introduction 87:20 88:6,17 91:4 103:13 161:16</p> <p>investigate 92:2 159:18,19</p> <p>investigated 164:2</p> <p>investigation 33:11 130:25</p> <p>invoice 127:23 137:20,24 138:3,5,6 151:9,19 153:19 154:17 155:6 156:12 158:14</p> <p>invoices 150:21 151:8 168:21</p> <p>involved 8:9 10:2,3 11:3,5 20:3 21:15 22:16,17 27:3,6 31:14 40:17 43:20 45:11 48:12 60:11 82:6 84:25 91:17,21,24,25 93:22 94:21 96:22 105:16 107:19,21,23</p>	<p>involved (cont.) 109:24 124:7,8 165:24 171:24</p> <p>involvement 53:12 81:24 84:23 91:23 111:12 160:9</p> <p>involving 42:4</p> <p>issue 55:21,23</p> <p>issued 140:8 155:2</p> <p>issues 17:7</p> <p>itkowitz 1:18 2:3,6 4:14,18 10:7,13 15:5 25:11 26:18 30:8 31:10 34:19 44:25 45:7 51:19 58:24 61:21 74:16 82:12 87:13 99:22 100:3,10 104:3 111:3 126:16 134:17 135:11,18 149:19 150:11 171:25 172:4 173:6 174:5,5</p>
j			
			<p>january 26:25 32:22 110:11 146:4</p> <p>jay 2:6 4:17 19:24</p> <p>jd 5:18</p> <p>jdartangn 143:21</p> <p>jeff 28:6,19 29:3 35:24 36:8,16 36:25 37:4,20 38:11 55:15 66:24,25 67:13 75:19 78:23 79:20 80:23 82:5,16,24 83:16,23 84:2 88:9,16,20 88:24 89:2 103:9 112:4,5 112:12 116:9 117:13 118:9 118:13 120:24 121:13 127:22 128:20 129:16 130:3 131:9,20 135:15,19 135:20 136:19 137:15,17 139:15 140:14,16,24 143:25 144:3 146:18,20,24 147:9,17 148:5,9,14 164:23 166:19</p> <p>jeffrey 2:11</p> <p>jennifer 144:16,19,21</p> <p>job 19:15,16 163:6</p> <p>joined 22:8</p>

[july - mail]

july 35:7 81:10,14 173:15	know (cont.) 142:7 144:2,4,21,24 145:4 145:5,11 146:2 147:9,10 151:14,25 152:2,22,23 155:11,14,17 156:22 159:8 166:12,16 167:19 170:16 171:22,23	letters 36:2 38:14,15,18 47:24 51:14,22,24 103:21 113:11 119:14 148:5	llc 95:25 107:4,11 109:21 176:2
jumps 158:24	knowing 27:9 48:25	level 60:9	llp 2:9
june 32:23 34:25 35:4 36:11 41:11 53:17 55:13 57:23 58:15 59:2,7 61:17 64:24 66:16 68:21 70:21 74:20 75:15 77:4 88:15,19,25 128:24 145:20 146:15 147:22 149:15 173:11,13	knowledge 16:11 20:14 62:7,14 81:6 86:12 88:18 101:22 110:2 126:20 166:10,13	liability 20:4 41:25 42:18 67:15	load 54:11,14 67:18,24
k	known 49:15,21 60:17 90:5	license 19:22 27:21 37:24 46:3 47:17 48:24 49:4 56:2 57:17 58:7,7,21 61:13 63:5 63:23 77:17 80:2,3,7,9 84:12,14 94:22 101:13 102:3,7,11 108:14 109:13 109:20 125:21 132:22 142:23,25 143:2	located 12:8,10
keep 11:12,14,25 12:22 13:12 18:19,19	known 49:15,21 60:17 90:5	liability 20:4 41:25 42:18 67:15	long 6:17 7:3 37:3 168:15
keeps 13:2,5 158:15,16	label 43:7,16,19	licensee 68:23	look 9:19 10:17,21 21:9 23:6,7 23:19 24:3,10 25:19 29:15 34:15 48:17 50:9 51:23 54:4 58:11,11,19 76:16 79:2 95:3 99:12 100:13 108:2 111:23 122:11 126:24 127:3,20 135:7 137:12 139:12 144:18 145:15,18 157:12 160:12 160:16 163:7 166:19 167:12,15 171:3
ken 52:19 53:3 79:19 80:24 83:20 124:15	launch 126:2	licensees 45:13 91:5	looked 9:3,4,12,16 10:15 24:19,20 27:18 29:10,12 49:19 50:6 122:9,11 160:2,18,21 165:21 167:10,13
kenneth 78:19 83:17	law 5:19,21 6:20 8:16,17 75:6	licensing 25:5 33:4,6,13,16 38:2 40:3 40:21 41:19 42:6,20 46:19 59:23 60:23 61:7,17 64:18 66:3 74:10 77:22 85:3,4,10 85:12,13,21,24 86:2,4,8,24 87:4,6,8 101:20 102:17 107:12,19,22,23 108:2,18 108:21,22 109:4,8 110:13 129:2 131:10,12 144:25	looking 24:16 27:9 69:12,22 74:3 136:13 143:20
key 57:16	lawsuit 8:12,14,15,20 13:19 18:13 19:5,10,19,20 20:5,7	licensor 101:14	looks 106:19
kill 115:23,24,25 116:17	lawyer 89:19	licensors 108:3	lose 121:6 162:22
kind 23:5 26:7 37:11 47:20 62:25 152:18 153:18 158:2	lead 69:2	lie 112:21	lost 71:18 72:2,6 73:10 119:4
kinds 54:23 108:25	leading 168:3	lied 133:5,6,9	lot 49:20 53:18 63:15 134:10 135:17
knew 19:24,25 39:11 56:23 62:10 115:2 118:11 147:6,19 165:12 166:15	leads 69:10 90:14,24	light 57:14 74:9 167:23 170:25	lunch 149:21
know 7:22 9:14,17 11:3 13:7 15:7 15:8,18,24 16:6 17:9,22,22 19:7,17 20:21 21:9,15 23:16 29:19 39:12 47:13 49:6 50:13,21 51:10,17 54:5 56:8,13,22 57:22 58:2 59:20,22,24 60:3 73:5,21 75:16,22 76:13 79:10 81:12 81:13,18,20 82:17 84:7,17 86:13 89:12,15 90:3,10 91:16,22,22 92:21,22,23 93:18,20,21,21 94:20 95:23 97:6,7 100:16,19,20,23 104:7 105:20 107:7,13,14 109:6 110:14,16,22,24 111:2,19 115:18 118:3 126:5,6 128:19,21 131:22 133:22,24 134:14 135:5 139:21 140:17 141:16	leave 89:24	line 57:19,25 58:14,22 62:3,8 63:2 125:9,13 132:16 146:11 176:5	lying 90:8
	left 103:14	lines 62:2	m
	legal 7:2 31:7 32:14,15,16 110:12	listened 142:14	macy's 126:2
	legally 70:7	litigation 18:4,5,6	madison 2:10
	length 171:10	litigator 8:3,4	mail 13:21,22,24 14:12,15,19 15:3,7 16:5,7,10,16,17 17:3 17:7,16 34:24 35:3,6,13 76:21 78:19,22 83:16 92:9 92:12 112:4,5,6 114:23 115:13,18 118:18 120:25
	letter 35:23 37:25 38:11,22 39:7 41:17 45:23,24 46:8,23 47:2,4 50:11,13,17 51:8,10 51:12,20,23 52:4,6,9,10,11 52:12,15 54:2 55:13,20 56:17 61:23 70:22 74:4,19 87:18,20 88:5,6,16 91:4 95:18 96:13 99:5,18 101:10 115:14,18,22 118:17 135:22 136:21 162:14 173:21	little 5:15 11:6 169:7	

[mail - number]

mail (cont.) 122:22 124:5,14 125:23 126:9,19,24 127:3,4,10,11 127:12,20 128:20 129:9 134:19 135:13,17 137:13 137:17 139:4,13,14 140:12 140:24 143:21,22 144:3,5 144:18 145:22 146:8,15 147:6 149:14 156:13,20 173:10,12,14,19	marked (cont.) 34:25 35:4,7,11,14,17 49:25 61:24 76:17 78:16 80:21 82:7,14 83:15 92:6 93:23 99:6 100:11 101:23 105:4 106:22 109:10,17 110:9 111:9,25 117:15 122:18 124:2,11 126:11,21 143:18 145:12 159:2	mention 30:3	name (cont.) 116:20 176:3,4
mailed 130:17	marketing 33:3,7 96:23	mentioned 71:17	names 45:25 46:5
mails 15:18,23 18:20 112:7,9 116:5,7 136:13 139:13 148:8 149:9 162:21	marketplace 67:3	mere 75:10	nature 28:20 32:19 40:7 46:24 48:16 49:7 164:6
maintain 11:8,10,11	marks 107:4 109:21	meruit 161:15	near 160:10
maintained 19:13	marriage 175:18	messes 45:4	necessarily 37:13 80:11 125:20 154:18
major 6:20	matter 9:5,23 11:4 15:16 17:19 19:14,21,25 20:10 31:18 32:23 162:2 175:20	met 47:4,5,8 74:5 93:13,22 101:2 117:7,8 125:24	need 21:9 49:11 137:18,23 139:19,23 140:6 149:19
making 48:13 53:10 98:24 103:13 168:16 171:23	matters 71:19 72:21 73:14	miles 73:3	needed 37:23 48:19
management 96:17	mean 7:25 23:25 27:16 49:22 74:18 83:12 111:21 163:13	million 47:18 49:6 54:25 123:21	needs 91:10
manual 13:12,14	meaning 164:17	mind 50:22 51:18 71:13 76:14 115:21	negative 40:24,25
march 1:12 23:23 24:2,7 71:17 72:10,13 91:18 92:19 94:11 94:25 95:18 96:14 97:18,21 98:8,11 99:2,6 101:19 150:3 173:22 176:4	means 63:22 95:9	mine 15:10 95:6,21 139:23	negotiated 41:12 80:9,12
marcraft 39:22 40:6,21 56:4,21 57:15,24 59:9,20 60:6,13 60:24 61:9,12 62:7,9 63:18 70:12 74:21 75:12,15 88:7 88:17,22 89:3 94:24 96:19 98:20,24 99:18 100:21,22 101:14,21 108:10 109:15 109:22 125:9,12,16,25 159:7	meet 48:20 60:6 76:6,10 98:3,4 117:4 141:24	minute 25:22 44:7 99:12 149:20	negotiating 162:25
marcus 116:25	meeting 34:5,11 36:9 48:8 49:12 71:16 72:12 75:24,25 76:24 77:6,8,11,14,15,24 78:24 78:24 79:4,9,17,18,24 80:10,24 81:9,19 82:4,16 82:18,23 83:6,8 101:18 116:24 130:6 167:3,21 169:2,6 170:22,23	misinterpreted 141:6	negotiation 109:25
mark 31:9 46:14 50:12 51:2,5 52:2,6 53:6,13,14 54:6 79:12,18 82:24 83:18 116:21 117:12,24 118:4,6 131:2 135:20 145:22 146:9 146:14,17 147:21 148:7,19	meetings 83:3 93:8 102:9	mistake 130:14	negotiations 40:20 113:21
marked 10:10,24 20:25 25:7 34:22	memo 81:5 96:25 129:5 132:7 162:14	moment 168:5,7	neither 51:24 68:13
	memorandum 21:16 27:19 43:2 54:18 66:7 69:12,20 89:11 97:14 133:2	monday 81:16 149:15	new 1:2,2,18,18,19 2:5,5,10,10 4:11 89:9 127:19 150:7 175:5 176:2
	memorialized 148:9	money 62:25 63:15 78:5,7,8 129:14 130:8 132:16 165:13,15	nodding 5:8
	menswear 107:4	months 27:12 34:17 36:12,13	normal 155:4 160:15
		motion 3:14	notary 1:18 3:20,21 4:10 150:6 175:4 176:23
		mouth 44:9	note 95:6 115:17 127:17 162:11 162:11
		move 3:9,12 128:3	noted 172:5
		moving 55:19	notes 13:11
		multiple 60:16	notice 147:16
		n	november 105:17
		name 4:15,17,19 28:6 29:3,9,13 29:18 33:4,7 36:8 39:22 46:16 48:14 49:16,17 100:25 107:12,22,24 109:2	number 9:23 123:18,18 135:5 155:22 156:14 157:2

[numbers - personally]

numbers 134:23,25 135:3	old 6:22 47:17	page (cont.) 173:9 176:5	payment 131:2 135:25 146:3 147:8 147:25 148:23 152:18 168:22,24
numerous 7:7 8:7	once 128:2 158:9,11 163:17	pager 135:23	payments 117:6 131:6 143:4 146:18 147:3 152:21 164:9 167:23 168:3,16 171:23
o	ones 67:11	pages 94:3 95:13	payouts 142:21
object 3:7,11 30:7 31:4 32:11 42:21 44:5,7,8,23 45:2,16 52:23 71:2 72:24 86:9 87:24 139:5 171:9	operated 68:17 145:7	paid 102:16,20,24,25 103:5,15 113:15 114:7,7 116:4 119:9	pc 6:5,6,9
objected 71:5	opinion 56:13,14 64:13,14 68:20 69:6 70:20 97:2 124:22	122:7,9,13 139:21 141:25 142:8,10 146:12,19 160:4 161:14,17,19 167:6	peerless 48:12,14,21,22 49:6 76:7 76:13
objection 50:18 51:17 60:25 69:3 102:18	opportunity 125:6	paper 18:24 19:2 67:12 135:21 138:10	pen 103:21 113:11 115:8 119:13 148:5
obligated 70:2 129:13	opposed 121:21	papers 10:2 17:23 19:22 163:5,7 168:11	people 13:25 37:11 39:10 46:21 48:9 49:21,23 75:21 83:3,4 86:14 108:24 109:5 141:11 145:7,8 161:24
obligation 15:3 18:10 44:18 45:14 68:25 69:9 87:19	order 1:17 5:10 49:9 137:19 138:3 139:20	paragraph 43:14 54:5 69:23 89:9,10 90:13,17,18,23	percent 103:2 112:16,22 113:8,19 114:11 115:9,19 116:12,14 120:8,13,22 122:15 123:25 128:25 129:19 130:15 131:16,25 132:7,18,22 133:4 147:20 161:23,23 164:10 165:10,20,22 166:17 169:19,22 170:5,14 170:17 171:17
obligations 90:21	ordinarily 158:23	paraphrasing 72:25	percentage 123:11,23 146:23
observe 92:25	organization 6:15 14:2 17:18 19:13 20:8 20:14 21:21 22:3,4,7,11,12 41:25 62:19 64:16,20 65:22	part 3:5 14:7 18:18 55:22 63:8 95:15,17 119:8 125:7 127:13,13 154:13,15	perfectly 53:9
obviously 63:18	66:12 67:16 68:8 70:9,11 70:17 71:18 72:20 74:11 85:18 87:22 89:6,16,20,22 89:25 110:12 111:18,22 112:18 125:5 146:25 147:25 149:4 150:22	particular 8:20 10:20 32:12 57:23 106:6 113:20 142:23 159:23	performed 129:15
occasion 107:25	organizations 6:10	parties 3:4 69:21 75:8 76:2 79:21 80:17 148:16,17,21 175:17	period 25:4 28:9 42:17 45:15 47:22,23 54:17 59:23 64:22 66:14 68:9 70:18 122:13 146:4 161:21
occasionally 16:12	original 3:23 4:5 27:18 49:3 97:14 106:5,10,11,14 123:11,13	partner 6:21	permission 88:21 89:2
occasions 168:9	originated 129:2	party 18:11 20:2 28:23 37:14 40:14 146:12 148:17 158:12	permitted 68:16
occur 36:10 77:6 115:12,16 161:3	ought 54:25 87:10 113:14 116:2 131:3 162:17	pass 67:4	person 20:10 86:17 96:5,5 108:11 108:17
occurred 17:12,14 26:9 39:7 40:20 79:23 81:10 82:18 83:8 170:21	outstanding 23:6 25:3 117:6	passed 52:18 53:7	personal 16:21,24 39:23 156:6 166:9 166:12
offhand 9:6,10	owe 130:8	pattern 147:16,17	personally 8:18 14:19 49:21
office 14:7,8 18:18 22:6 24:12 83:9 130:24 159:23 171:20	owned 12:20	pay 120:8,21 129:13,18 130:10 147:20,25 160:8	
offices 1:17 12:11,12	owned 12:20	payable 151:23 152:10 154:5,7 160:3	
officially 100:11	p	paying 112:22 116:12 160:8 161:22 165:9 167:9,11 169:10,11	
offshoot 77:23	p.m. 137:15 147:22 149:22 150:4 172:5		
oh 30:2 105:15	page 38:22 41:16 43:11,11 45:22 74:3 79:2 94:13 106:24,25 127:7,21 137:12 139:12 140:13 145:15,19 150:25 151:4 156:11 157:17 173:5		
okay 45:9 50:3 77:5,10 95:7,11 96:3 102:2 127:9 156:13,20 163:19			

[persons - push]

persons 6:7	portion 72:19	primary 108:11	producing 58:22
pertaining 17:7 64:7	position 55:16 61:19 119:15 147:19	principle 42:3 56:25 57:2,3,4,6 64:22	product 60:5,8,10 62:12 76:13 87:9
phase 40:17	149:17	66:13 74:12,22 75:2,5,8	production 53:17
phillips 52:19 53:3,8,11 102:12	positive 125:10	prints 15:13	products 108:22,25 109:2
104:11 107:4	possession 24:12	prior 8:17 24:2,7 28:14 34:12	prohibition 70:4
physical 168:12	possibility 46:21	36:20 39:5 41:11 42:10	project 55:22 63:3 64:7
physically 34:16 75:14 159:25	possible 84:5	46:8 47:3 50:6 60:22 61:6,8	promised 56:3
pina 90:8	possibly 11:2 29:18	61:17 62:18 71:11 88:15,19	pronounce 95:20
place 13:8 78:25 154:25 175:8	potential 41:5 46:3 59:3,4 62:8,18	88:25 91:20,23 94:25	proper 47:14
plain 133:13	68:23 69:25 77:17 91:5	101:19 104:5 107:17,18	proposal 48:20 49:11 52:20 55:23
plaintiff 1:6,17 2:4 4:21	101:13,20	117:8,11 146:7,7 148:23	64:5 76:9,9,12,15 77:16,18
plaintiff's 21:2 25:7 34:25 35:4,7,11	practice 16:15 18:18	170:21 171:7	77:21 84:4,9,11,16,17,18
35:15,18 80:22 92:7 93:24	practices 11:9 16:19 17:3	privileged 31:8,13,24	95:11,12 97:21
99:6 101:24 112:2 117:16	practicing 5:24 7:21 75:6	privy 57:9	proposals 55:9
120:2 124:3 126:12 139:9	precipitated 29:14	probability 75:16	proposed 62:17
143:18 150:13 173:9	preparation 8:20 9:20,21 27:4 94:22	probably 11:2 38:5 49:16 61:4 79:19	provide 45:24 70:24
players 57:16	143:2	79:20 82:19 84:21 97:6	provided 3:4,25 68:7 147:23
please 4:15,24 44:9 127:17,24	prepare 40:14	112:10 113:23 120:19	province 163:2
139:21 145:25 148:6	prepared 19:23	125:14 154:12	public 1:19 3:20,21 4:10 150:7
plus 71:10 125:25	presence 166:25	problem 37:22 75:20	175:4 176:23
point 7:22 14:5 18:17 23:2 27:7	present 2:13	problems 37:6	pure 63:7 97:11
27:25 29:19 34:19 39:21	preserve 17:16 19:4 20:15,22	procedure 14:10 16:16 152:6,7,14	purely 7:23 152:23,25
41:5,7,23 42:7 44:8,14 48:8	preserving 18:12,16	153:12,14,17 154:24	purpose 38:10 46:25 116:16 141:15
48:23 53:2 54:15,22 59:12	president 76:7	procedures 16:19 137:22 138:2 168:2	purposes 33:4
62:11 63:13,13 68:15 75:22	president's 134:11	proceed 53:10 73:19	pursuant 1:17 42:19
76:9,11 84:10,13 86:5	presume 11:15	proceeding 72:7,16 125:16,20 175:7	pursue 53:4 68:23 69:2 87:8 96:16
87:10 88:12 103:14 106:7	pretty 68:2 113:22	process 55:23 57:14 137:19,24	96:22
107:19,22,24 108:18	previous 34:20	138:3 139:22	pursuing 46:18
110:14 111:11 113:20	previously 10:10,24 47:16 150:6	processing 153:15	purview 68:16 121:11
116:10 119:24 121:16	primarily 11:12	procure 85:13	push 52:20
125:2 132:11,24 133:3		produce 57:18 58:9,9 62:2,25 64:5	
142:6,14 143:16 158:5,6,7		67:10	
158:17 159:13 160:5,23		produced 57:24 58:14,18,25 59:6,9	
162:13,15 163:15 164:21		59:22 60:5 67:9	
164:24 170:9		producer 53:15	
points 83:4			
poison 103:21 113:11 115:8			
119:13 148:4			

[put - respond]

put 13:9 44:9 47:14 115:8 116:15 119:12	read 30:19 62:23 65:7 96:12	recollection (cont.) 118:15 134:6 162:8 164:22 169:17,19 170:10,11,18,20	remember 48:4,13 117:2,3 138:19 160:6 168:9 169:13
puts 15:13	reading 99:8	recommended 86:21,23	remembered 23:4
pvh 27:11 28:10,14 29:6 33:7 33:12,14 34:6,7,15 36:9 48:9 49:12,12,23 77:2,16 77:22 78:4,14 81:11,24 83:8 84:3,10 85:7 102:4 103:10 104:12 105:8,17 108:10 113:13,21 115:5,24 115:25 116:18 119:3,17 120:17 121:3,6 123:7 124:9 125:6 127:18 129:25 133:16 140:9 142:23 146:4 146:22 165:25 166:7	ready 161:13 166:18	record 10:6,14 24:11 25:11,12 26:18,19 31:10 36:10 45:4 59:17 65:6 81:23 82:11,13 99:21,25 100:2,7,9 111:13 111:14 126:16,17 136:16 153:5 171:9 175:14	rephrase 5:2
pvh's 144:6	really 71:3,5 96:20 116:22	recordkeeping 11:7	report 87:3,5 144:7,13 160:19
q	reason 32:18,19 70:24 139:2 176:5	records 11:8,10,11 59:25 60:3	reporter 175:2
qualified 47:18	reasonable 91:2,9 103:16 119:18,22 123:8 146:21 161:17	rectify 166:21	reporting 137:8 176:2
quality 38:2 41:20	reasonably 113:15 171:16	reduced 128:25	representation 37:6
quantum 161:15	recall 7:11,15 8:14,18 9:6,7,9 17:11 21:23 24:9,9 34:13 36:23 46:7,9 47:7,9 48:5 50:23 52:8 59:16 61:10 67:23 72:23 73:9 76:22 77:11,13,15,19,20,25 78:3 78:23 79:7,11,12,14,15 80:5 81:9 82:20,22 83:2,6,7 85:5,8 95:2 98:25 99:4 104:9 105:2,3,12 112:8,10 112:23 113:3 117:21 120:6 120:12,15 122:21 123:9,16 123:17,24 128:4 133:18,21 134:3,3,4,5,8 136:5,9,12,25 137:3,7,10 138:13,20,24 140:19 146:10 159:12 167:17 171:5	refer 68:25 69:10	representing 21:24 129:14
quarter 144:13	receive 112:16 124:4 126:9,18 128:2 132:13 135:25	reference 156:25	reputation 63:3
quarterly 153:21	received 17:17 63:6 87:18 124:15 128:2 146:3,19 159:5,6	referred 39:7 43:3 68:10	request 88:6 89:2 91:3,9,9
question 3:8,12 4:23,24,25 25:17 30:7,9 32:4 41:14 45:2,3,8 71:4 78:4,12,13 115:15,21 138:20 158:21	receiving 112:8 117:21 144:12	referring 50:14,16 55:24	requested 91:6 128:23
questionable 56:15	reception 125:9	refers 80:25	requests 144:5 168:21
questioned 46:23 122:8 166:25	recess 149:21	reflect 36:11	required 90:24 137:23
questions 4:22 5:4,13 10:5 21:8 44:12 99:14,16 172:2	recognize 93:15 105:14 110:3	refresh 8:24 9:21,25 24:13 26:20 52:13	requires 148:16
quickly 135:22 136:20	recognized 106:7	refreshes 23:20	requiring 90:14
quite 159:20	recollect 161:9 165:18 166:23 170:13,16	refused 76:6 113:11 116:8	researched 55:22
quote 67:18 72:5,21	recollection 8:24 9:22,22 10:2 23:20 24:13 26:21 34:9 51:25 52:13 67:22 79:24 83:10	regarding 32:23,24 127:18 139:18	resembling 73:16
r		regular 6:10,12 130:14 164:9	reserved 3:10,15
rate 78:9 128:25		related 9:5 15:16 75:18 175:17	residence 90:6
reached 88:4 141:25		relating 53:6	resolve 162:2 171:15
		relationship 6:14 16:22,24 26:8,12 96:19 100:21	respect 11:22 16:16 18:11 31:2,12 32:3,17 33:12 40:20 46:2 50:5 76:4 85:23 87:3,6,21 98:12 101:13,20 107:12 115:3 121:2 123:11 134:9 136:7 138:14 140:9 166:11 171:5
		relatively 47:21	respectfully 31:23
		released 172:4	respective 3:3
		reluctant 53:4	respond 120:24 162:20

[response - showing]

response 142:11 149:6,15	ronnie 76:6	schedule 93:8	september (cont.) 173:20
responsibilities 92:20,24 93:2	ross 1:17 4:16,17,19 5:14 6:5,6 6:9 10:8,21 31:19 32:15,20 94:14 100:4 145:16 173:6 176:4	school 5:19,21	series 157:11
restricted 42:11,12	royalties 49:20 78:14 103:2 112:17 113:8 146:3	season 126:2	serious 55:21
result 20:5 60:7 81:20 133:16	royalty 144:6,13 147:25 159:5	second 26:24 38:10,22 45:23 50:17 51:23 52:17 54:4 71:5 73:13 75:4 95:15,17 96:24 127:20 137:13 139:14 145:15 151:4	served 17:10 19:11 20:8
resulted 102:8,11	rule 5:7	secretary 12:25 14:5,9,14,15,24 15:2 15:6 81:8 92:16	service 129:15
retained 174:6	rules 3:6,25	secure 71:20 72:22 73:15	servicing 55:15 116:6 119:14
retainer 11:24	ruling 31:9	secured 125:25	set 34:5,7,11 48:8,10 81:19 82:4,16 102:9 108:4 153:8 175:23
return 3:23 156:3	run 34:20	seek 44:22 45:13	setting 107:20 153:16
review 54:21 94:14,19,21 103:23 104:4,23 105:10 114:23	s	seen 51:13 67:3 76:20 78:22 92:9 94:6 99:10 106:11 125:12 127:10 151:2,6,7	settle 117:5
reviewed 19:21 87:11 89:16 95:10 97:18 110:15,16	sample 57:19,24 58:10,14,25 59:8 59:13,15,23 60:9,22 61:5 61:12,25 62:11,15,25	self 55:15 116:6 119:14	setup 153:14
reviewing 25:9 50:2 76:19 78:18 82:9 92:8 93:25 99:13 101:25 104:25 105:6,12 106:15,23 109:12,19 110:12 112:3 117:17 122:20 124:13 126:8,23 127:8 134:18 139:11 143:19 145:14 150:14,19 157:10 159:3	samples 58:18 61:4 77:25	sell 62:4	seven 6:22
rg 93:14	save 13:14	send 14:12,15,16 16:7,10 67:6 127:17,24 135:24 148:4 152:10	shaking 5:9
rhona 81:7,7 97:10,13,15,16	saved 13:25,25 17:25	sending 14:21 94:18 116:6 127:23	shape 27:21
right 3:7 30:5 44:15,21 49:9 53:8 55:3 62:22 63:19 64:20 66:12 67:11 69:7 77:3 83:25 96:15 114:14 115:4 117:23 134:23 135:11 145:3 146:15 147:4 149:7 156:16	saw 59:14 60:22 61:5,12 67:11 81:5 94:12 116:22 122:6 127:12 130:18 141:15 165:9	sends 15:2,6,9,19	share 70:24
rights 3:4,25 23:12,13 29:20 30:12,16 32:14,16 46:15 66:8,9	saying 39:12 65:16 73:2 74:21 83:23 84:2 95:7 112:14 115:14,18 116:6,14 118:18 118:21 131:15	senior 6:21	sheet 176:2
risk 63:2	says 15:11 21:13,14 22:22 23:22 23:24 38:23 43:12 50:10 51:8 52:9,11,18 54:5,23 55:5,19,20 57:12 61:25 65:12 69:24 71:16 72:20 74:5 75:20,21 81:7,16 83:20,21,23 90:18,18,19,20 91:2 93:12 94:13 96:25 101:11 119:6 125:11,23 127:14,15,21,22 128:23 139:15 140:13,15 144:19 144:25 145:5,16,25 146:13 146:17 148:11,14,20 155:12 156:2,13,19,20	sent 14:13 15:8,10,11 16:12 17:17 38:14,15 94:20 97:15 97:17 103:21 125:2 133:10 145:19 148:3,4,7,8 162:11	sheldon 39:22 70:15 95:7,9,19 96:3 96:16,25
risky 62:4		sentence 50:10 52:17 54:4 55:5 57:12 62:24 71:9,15 72:19 138:7	shirt 49:17
role 19:18 33:12,15		sentences 65:8	short 47:21 167:4
rolling 162:17		separate 127:17,23	shortly 27:10 33:7
		september 21:12 22:20,20 35:14 125:13 139:14,16 140:4,4 140:15 141:18 143:11	show 20:25 25:6 35:17 49:24 52:12 57:19 59:2,4,5,10 69:14 76:17 78:16 80:21 82:7 83:15 92:6 93:23 101:23 105:4 106:21 109:10,17 110:9 111:9,25 117:15 122:18 124:2,11 126:7,11,21 143:17 145:12 146:24 148:13

[shown - talk]

shown 9:10 78:2	somebody (cont.) 70:23 104:11 130:8 144:22 149:11 152:17,18 153:23 158:18,20 159:18	state 1:2,19 4:11,15 10:14 20:9 36:19 81:23 150:7 175:5	substantial 122:12 165:12
shows 15:10 147:24 148:12	somewhat 54:3	stated 124:19	substantiate 55:2
side 128:3 155:12	soon 28:4 84:4 130:9 140:18	statement 52:22 62:6 63:20,25 65:3 65:21 66:2,11 68:5,11 70:7 71:24 73:11,13 74:3 103:4 112:20 115:8 120:25 124:19 149:16	successor 1:4
sign 67:5 70:9 75:8 113:12 116:8,10 122:25 123:5 141:12 147:11 148:6 154:13	sort 9:24	statements 65:7 159:6	sudden 27:8 47:15,20
signature 105:14 106:8,18,20,25 110:4,7 111:24 148:17 157:14,15 172:6	sound 145:3	states 61:23 64:2,15 76:23	suggestion 153:5
signed 3:18 27:19 34:16 38:9 57:4 59:20 69:21 75:13,14,15 77:22 80:18,19 84:14 86:3 87:11 103:10 104:5,16,20 104:24 105:11,25 106:2 117:3 119:16 120:9,17 123:7 137:4 138:10 139:18 140:7 143:25 147:12 148:7 154:15 167:5 168:11	spade 61:25,25	stating 118:19 120:10 135:22 136:19,21 159:12	suit 59:13,15 125:9,12
signing 152:8 159:25	speak 100:8 132:20	stenographically 175:12	suits 48:13
signoff 144:25	speaks 23:15 65:10 68:14 100:5	steps 17:15 19:3,6,8,11 20:15,20 39:4 40:18 56:16 59:7 63:9 64:10 74:23 92:2	sum 48:6 73:16,18 96:8,11 161:9 162:8,16
signs 152:11 157:21,25 158:4,10	specific 40:2,7 162:21	stipulated 3:2,17 4:4	summons 17:9
simple 133:13	specifically 9:10 93:7 98:17 138:23 166:4	stop 131:2	sun 90:8
sirkin 79:15,17 82:25	speculate 134:2,10,11	stopped 117:6	sunday 71:7
sit 96:7 103:10 105:19 123:9 130:5,12 131:3 136:10,24 137:6 161:18 171:14	speculating 97:7,9 135:12	store 125:25	supervise 85:22 87:7
situation 50:12 51:7 52:6 69:25 82:5 116:17 160:12	speculation 63:7,10,12 97:11 134:7,13 152:23 153:2,3	strategize 97:25	supervision 175:13
six 71:6	spend 11:18,21 62:24 63:14,17	strictly 11:23 16:20	supervisor 85:19
sixty 7:21	spirit 68:6	strike 3:9,12 25:23 26:2,3	supposed 13:8 123:10
slightest 53:22 108:8 156:10	spoke 24:23 39:14 66:24 75:23 81:15 83:23 84:2 112:14 116:7 118:13 122:16	structure 97:24	supposedly 121:13 148:6
sole 33:16 37:25 41:18 42:5 108:16	spoken 17:6 46:2 144:20	stub 157:19	supreme 1:2
solid 76:12	staff 44:4 45:13 110:21,22	submit 27:24 76:8,9 84:4	sure 10:7 13:23 15:17 28:20 48:10 58:4 60:8 78:11 85:8 88:9 93:10 98:21 105:18 137:5
somebody 39:21 44:3,21 45:12,20,21 48:13,24 49:4 54:22 58:19	stamp 151:22	submitted 28:16,18 47:17 54:20 84:9 84:18,20,21	surprised 164:8
	standard 18:18 60:6	subscribed 172:7 176:21	sworn 3:19 4:10 150:6 172:7 175:9 176:21
	stapled 51:15	subsequent 74:18 153:15 170:9	t
	start 5:12 29:2 99:8 107:10 139:20 140:8	subsequently 70:16	table 54:7 55:9 112:19 119:20
	started 24:15 84:15	substance 48:6,7,19 73:17,18 96:8,11 141:19 161:9 162:9,16	taken 1:17 19:4,8 20:23 39:5 71:19 72:21 87:15 149:21 175:11
	starting 127:5		talk 11:6 84:22 103:17 123:6 141:11 163:3,22 167:20

[talking - trump]

talking 18:24,25 33:20 34:14 39:10 39:23 41:4,6 51:21,25 56:24 81:2 97:22,24 100:7 104:2 110:21 111:12 170:23	thick 154:12	time (cont.) 62:11 63:17 65:19 70:21,21 71:6 72:17 74:15 75:4 76:11 78:2 80:13 83:4 84:8 84:10 85:16 87:17,18 88:15 88:19,25 89:20 91:24 94:12 97:17 98:22 103:14,20 110:10 113:10,15 116:7 117:22 118:3,16 119:16,24 120:11 122:3 129:12 130:25 132:15 135:16 136:9,13 140:3 141:18 142:18 143:11,15 146:7 147:5 154:25 159:23 163:20 168:5 169:25 170:2 170:3,24 171:4,7,19 172:5 175:8	transactional 8:2,5
teaching 100:4	thing 13:9 19:24 20:2 34:15 47:15 57:3,5 75:7 113:12 116:13 119:12,13 123:4,7 129:12 162:10,18 163:5 171:12	times 7:7,10,19,22 8:7 55:6 60:16 63:13 71:4,10 81:15 113:4 120:7 153:10	transactions 8:8 63:14
telephone 47:6,8 96:4,6,9	things 23:3 37:9 47:21 54:23 69:7 123:22 134:10 147:17	timesheets 11:12,14,23	transcribed 175:12
tell 4:24 5:14 9:3,11,15 24:25 35:22 39:18 48:16,18 61:5 66:18 72:15 73:6 74:14 76:3 77:13 94:16 95:7,8 96:7 120:23 123:3 128:8 141:8 157:13 159:15 161:8 164:25	think 25:16 29:4,17 31:11 34:4 38:16 42:7,8 46:14 47:7 49:20 50:16 51:16 53:18 54:13 63:16 67:7 70:4 71:12 72:5 73:6 77:7 79:18 83:14 89:18 90:7,20 92:18 97:10,12 99:22 117:7,10 118:9 131:13 146:18 160:5 166:14	today 4:22 8:22 9:13 168:6,7 169:21	transcript 175:14
telling 57:16 103:22 120:12 142:12 171:5	thinking 23:3 54:21	timing 140:17	traub 6:21 7:4
tells 13:10 15:10	thinks 72:25 118:18	tomorrow 4:22 8:22 9:13 168:6,7 169:21	tremendous 108:20
ten 103:2 110:24 112:16,22 113:7,19 114:11 115:9,19 116:12,14 120:8,13,21 122:15 123:24 128:25 129:19 130:15 131:16,24 132:6,18,22 133:4 147:20 161:22,23 164:10 165:10 165:19,21 169:18,22 170:5 170:14,17 171:16	third 71:6 151:9	tonight 24:24 28:19,23 32:7 34:4 39:20 48:22 67:18,24 71:25 72:6,9 73:6,8,16 75:24 76:8 95:5 96:2 113:9,12 115:10 116:9 119:16 120:7,21 121:12 128:9,15,17 129:11 131:2 133:9 137:18 141:9 141:17,19,23 142:4 146:11 146:19 161:7 164:18,22,23 164:24 165:17 166:22 167:17 169:18 170:3,12,14 171:3,12	trial 1:16 3:15 7:17
terms 26:11 47:16 49:3 74:12 80:2,4 112:15 124:9 141:16 143:3 168:25	thirty 125:25	total 112:21	true 14:20 38:9 54:10 56:7,12 56:14,18,19 57:22 64:11 67:20,24 74:15,24 106:4,9 106:13 115:10,11 125:4,7,8 140:25 141:2 149:2 175:14
testified 4:12 7:16 8:6,7 36:4,6 150:9	thought 28:12 34:21 37:20 54:11 56:13 63:19 87:10 113:9 114:8 116:2,18 121:18,20 121:22 129:19 161:7 164:13,15 165:23	totally 55:14 160:13	trump 1:8 6:15,19 7:9,12 11:19,22 12:10,11,12,21 14:2 16:4,8 16:22,25 17:11,18 19:13 20:8,13,18 21:21,25 22:2,3 22:7,10,12,13,15 24:2,23 25:5 26:8,22 27:22 29:15 30:25 31:3,6,12,23 32:7,14 32:21 33:3 38:3,13 41:2,10 41:19,20,24,25 42:15,18 43:5,7 45:12 46:2,16 47:19 49:10 54:8,20 56:2,20,21 57:25 58:14 59:2,5,10 60:6 60:12 62:18,19,21 64:5,16 64:19,20 65:21 66:3,11 67:15 68:8,21 69:6 70:8,11 70:11,17,22 71:17,20 72:20 72:22 73:15 74:7,11,22 75:12 78:15 79:8 81:3 82:23 83:13 85:10,17 86:19 87:19,22 89:5,15,19,22,24 90:14,15,24 92:4,20 93:19 94:25 96:17,19 97:20,25 98:7,11,16,19,23 100:22 101:5,12,18 102:5,10 104:14,17,21 105:8,11,17 107:4,10 108:11 109:2,14 109:21 110:12,13,18 111:8 111:18,21,22 112:17 114:14 121:18,20,25 122:4 123:20,21 124:8 125:4,19 127:18,24 128:21,23 137:22 138:16 140:7 141:20 143:5 146:3,24 147:7,24 148:15 149:3 150:21 151:24 152:7
testify 50:7	thousand 151:11	total 112:21	
testimony 3:9,13 21:23 28:12 58:13 58:16,17 60:7 118:24 119:4 132:10,19 169:21 175:6,10 175:11,15	three 34:17 65:6,7,9,16,17 90:3 167:8	total 112:21	
thank 50:10 52:9,11 101:11 172:3	thrown 64:16 65:22	total 112:21	
thanks 127:16 128:3 135:25 156:3	thursday 81:17	total 112:21	
theory 122:14	tie 49:17	total 112:21	
thereof 143:3	time 4:22 11:4,17,21 17:14 19:10 20:11 21:9 22:9 23:11 24:2,9 25:4 27:5,6,11 27:13,18 28:9 29:5,8,9,23 33:8,10,14,18 34:12 36:9 36:23,24 37:2,20 38:15 40:9 42:7 45:11 47:22 56:17 57:23 58:3,19 59:8 59:11,12,14 61:11,11,13	total 112:21	

[trump - write]

trump (cont.) 154:10,21 157:4,21,25 158:21 159:6,17 161:7 162:19 165:12,19 166:24 167:22,24 169:3,6 170:22 171:2 176:3	understanding 15:4 18:15 21:17 25:25 27:19 32:15 42:14 43:2 44:2,10,13,20 45:10 54:19 58:12 66:7 69:13,17,19,21 89:11 97:23 121:8 137:21	view 38:18 67:14 viewpoint 169:11 vintage 6:24 vis 31:6,6 vision 97:23 voucher 151:23	we've 118:21 119:6 130:5 156:18 171:9 whereof 175:22 widely 55:25 wife 46:15 50:12 51:2,6 52:3,7 53:7,21 wife's 53:20
trump's 6:15 16:19 32:16 92:15 94:18 98:5 106:7,17 107:22 110:3,6 111:24 130:24 131:12 156:6 157:13,15 159:23 171:20	understood 154:25 unhappiness 165:8 unhappy 165:6 168:13,15,17,18 169:8	wait 25:22 44:7 waiting 130:11 waived 4:7 waiver 3:14,24 want 10:4,6 36:5 54:2 58:8 68:18 75:8 81:5 111:3 115:25 116:15 126:13 134:6 148:18 153:3 wanted 29:19 34:5 38:12 46:19 48:8 49:8 60:7,9 93:4 97:2 117:5 119:15 137:4 139:17	wild 123:17,18 willing 160:25 wise 84:8 withdraw 30:9 withdrawn 15:5 58:24 61:22 witness 3:19 7:17 71:14 82:10 100:8,12 110:25 134:18 135:4,9,10 172:6 173:5 175:9,15,22 176:4,20
trusted 133:5 truth 164:25 truthful 37:21 try 171:15 trying 58:20 67:15 69:16 126:15 turn 90:24 106:24 150:12 151:4 157:7 turned 17:24 55:7 turning 137:11 155:20 156:11 twelve 111:2 twenty 6:22 7:5 47:18 49:5 151:10	uniform 3:5 unlimited 1:4 17:10 20:19 unquote 67:18 72:21 unreasonably 129:20 unsigned 99:21 upper 156:16 use 11:9 46:16 49:9 87:21 usually 14:13 16:13 114:25 utilizing 41:20	w	words 14:18 24:6 37:14 44:9 48:18 72:23 86:5 132:19 133:12 141:19 154:20 157:3 162:12 163:4 170:12
truthful 37:21 try 171:15 trying 58:20 67:15 69:16 126:15 turn 90:24 106:24 150:12 151:4 157:7 turned 17:24 55:7 turning 137:11 155:20 156:11 twelve 111:2 twenty 6:22 7:5 47:18 49:5 151:10	v	wants 16:13 58:9 70:5 wasting 76:11 water 64:16 65:22 wayne 1:18 175:4 ways 71:6 weber 79:12,18 82:24 wednesday 81:17 week 12:14 22:10 26:15 81:16 153:11 weeks 125:24 wenig 2:9 went 8:23 9:24 26:17 57:18 90:7 121:14 129:5 130:19 147:18 160:20,22 161:6 162:14 167:10	work 5:8,9 12:7 44:22 45:20 69:11 85:15,17 86:24 103:11 116:11 119:17 125:6 141:10 161:18 162:17 163:7 worked 79:25 80:2,5 108:11,17 144:22 working 6:25 21:24 22:9 26:11 54:6 54:16 69:11 90:25 104:13 115:2 works 144:17 worth 160:9 165:16 wound 84:11 write 13:11 38:18 66:18,20 87:19
type 14:19 84:15 115:22	vacations 26:17 vaguely 18:14 value 82:2 103:13 129:14 van 52:19 53:3,8,11 102:12 107:4 various 83:4 venture 62:4 verbal 135:23 136:21 verify 54:9 veritext 176:2 versus 153:11 viable 55:9	u	
uh 94:15 97:4 101:16 110:5 118:23 123:2 124:6 126:25 128:7 131:17 136:4 137:16 140:2 144:9 145:21,24 150:23 155:23 ultimately 77:21 81:21 84:13 163:8 unbecoming 148:24,25 underneath 157:18 underscores 148:21 understand 4:23,25 5:3 20:6 25:18 41:14 51:19 55:12 56:10 60:18,21 68:18 69:17 78:24 81:22 93:2 129:7 130:20 134:8 147:15 162:24			

[write - york]

write (cont.)

115:13,17 118:25 119:5,11
146:14 148:18 149:8,9,11
149:12 167:18,20

writes

128:21 135:15,19 147:21
148:19,20

writing

36:16,20 38:8 46:8 47:4
63:22 74:20 75:3 80:24
91:10 94:17 95:5 96:24
112:13 114:18,19,20 115:7
116:15 118:17 121:17
131:9,15 136:19 138:4
140:24 144:12 147:7

written

24:11 38:20,25 40:11,12,14
41:10 49:11 70:22 84:4,9
84:11,16 88:10 114:16
128:12 132:5 142:9 159:14
159:17

wrong

164:19

wrote

35:23 37:2,24 38:4 46:23
47:24 51:11 52:5 66:6
113:10,17 115:21 116:12
117:18 119:2 124:21,21,22
124:24 131:23 132:25
133:3 147:5 149:5,14

wurtzburger

76:6

wyse

52:19 53:3 78:20 79:19
83:17

y

yeah

15:15 17:13 22:2,18 24:6
25:10 26:23 27:2,15 53:19
56:6 58:6 72:2,11,14 73:10
73:18,20,22 76:25 77:12
78:21 83:10 86:16,16 87:12
94:8 98:21 104:18 110:8
114:5,9,15 118:2 122:23
126:10 130:2 131:13
136:17 138:18 145:17
146:6 151:13 152:17
153:17 154:3,6 155:3,8
156:17,21 162:6 169:16

year

13:16 27:17,20 54:18,22
153:10

years

6:22,24,25 7:5,21 9:23
21:25 22:5 53:19 75:6 90:2
90:3 122:13 161:21 171:17

yesterday

93:13

york

1:2,2,18,18,19 2:5,5,10,10
4:11 150:7 175:5 176:2