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

-----X

ALM UNLIMITED, INC.,
Plaintiff,

Index No.
603491/08

- against -

DONALD J. TRUMP,
Defendant.

-----X

April 12, 2013
60 Centre Street
New York, New York

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

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

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BY: JAY B. ITKOWITZ, ESQ., ESQ.
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New York, New York

BY: JEFFREY L. GOLDMAN, ESQ.
and NICHOLAS M. DAVID, ESQ.

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 THE COURT: Bring in the jury.

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

5 THE COURT: Good morning, jurors. Please be
6 seated.

7 Let me just tell you this. Remember I told
8 you in the very beginning when I made my opening
9 statements to you usually we call each witness, that we
10 do both direct then the cross-examination. In this
11 case, we decided to suspend Mr. Ross's testimony and
12 we're going to take Mr. Trump at this time. Okay?

13 So with that please call your next witness,
14 Mr. Itkowitz.

15 MR. ITKOWITZ: I call Donald Trump to the
16 witness stand.

17 D O N A L D T R U M P, called as a witness
18 by the Plaintiff, having been first duly sworn, was
19 examined and testified as follows:

20 THE CLERK: Please be seated.

21 Please state your name and address for the
22 record.

23 THE WITNESS: Donald John Trump, 725 Fifth
24 Avenue, New York.

25 THE CLERK: Zip code, please.

26 THE WITNESS: 10022.

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 THE CLERK: Counsel, your witness.

3 MR. ITKOWITZ: Thank you.

4 DIRECT EXAMINATION

5 BY MR. ITKOWITZ:

6 Q Good morning, Mr. Trump.

7 A Good morning.

8 Q You're familiar with the company ALM?

9 A Yes.

10 Q And in September of 2003, you signed a memorandum
11 of understanding with ALM, correct?

12 A That's correct.

13 Q And that memorandum of understanding provided that
14 if ALM found an acceptable license for you within a certain
15 period of time, ALM would be entitled to a commission. Is
16 that correct?

17 A Under terms and conditions that ALM was unable to
18 meet.

19 MR. ITKOWITZ: Your Honor --

20 THE COURT: Mr. Trump.

21 THE WITNESS: Yes, ma'am.

22 THE COURT: This is -- you're being
23 cross-examined at this point. And the kinds of
24 questions that you're being asked are questions that
25 can be answered either yes, no or I don't understand
26 the question is perfect. Please refrain from saying

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1 Trump - by Plaintiff - Direct

2 anything else other than yes or no.

3 MR. ITKOWITZ: At this time I move to strike
4 that answer.

5 THE COURT: You can strike the answer after
6 the answer is yes.

7 BY MR. ITKOWITZ:

8 Q Now, under that memorandum of understanding, if
9 ALM met the criteria set forth in the memorandum of
10 understanding, they would be entitled to a commission
11 correct?

12 A If they met the criteria, yes.

13 Q Now, among those things that they would be
14 entitled to was a 22.5 percent commission of royalties that
15 you would receive under the terms of that agreement,
16 correct?

17 A Again, under the criteria if we were to receive
18 the kind of numbers that they said they were going to get,
19 which they didn't, yes, the answer is yes.

20 MR. ITKOWITZ: Your Honor.

21 THE COURT: Please refrain from commenting.

22 Okay?

23 THE WITNESS: Okay.

24 BY MR. ITKOWITZ:

25 Q Now, it also provided, did it not, that if ALM
26 obtained a company to pay you royalties under the memorandum

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct
2 of understanding, if that agreement was renewed, ALM would
3 be entitled to a commission for any renewal period; is that
4 correct?

5 A I really don't know. I can't be that specific.

6 Q But if it says that in the agreement you would
7 agree?

8 A Again, the agreement was --

9 Q Yes or no?

10 A I don't think I can answer it yes or no.

11 MR. ITKOWITZ: I would like the witness to be
12 shown Plaintiff's Exhibit 1.

13 THE COURT: Show Plaintiff's 1 to the
14 witness.

15 (Pause.)

16 BY MR. ITKOWITZ:

17 Q I would direct your attention, just to move this
18 along, to page 3.

19 A Okay.

20 Q Now, actually before that, if you look at page
21 4 -- just look at page 4 for a second.

22 That contains your signature, does it not?

23 A Yes.

24 Q You reviewed this document before you signed it,
25 correct?

26 A I reviewed it, yes.

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1 Trump - by Plaintiff - Direct

2 Q Now, I'm going to direct your attention to the
3 second full sentence in paragraph three where it says,
4 notwithstanding the foregoing, ALM shall have the right to
5 receive the ALM fee during the term of each acceptable
6 license and any renewal or extension thereof.

7 Do you see that?

8 A Yes.

9 Q So that means, does it not, in plain English that
10 if ALM got you an acceptable license they would be entitled
11 to a commission, not only during the term of the original
12 license but for any renewal period, correct?

13 MR. GOLDMAN: Objection.

14 THE COURT: I'll allow it.

15 MR. GOLDMAN: Can we not do the plain English
16 kind of thing, the editorializing?

17 THE COURT: Yes, indeed.

18 Please don't editorialize. Okay? But
19 otherwise overruled.

20 Q Yes or no, sir?

21 A Again, I cannot answer it yes or no.

22 Q Does it not provide, sir, that if ALM provided you
23 with an acceptable license, they would be entitled to a
24 commission of 22.5 percent of the royalties you received;
25 yes or no?

26 A Again, I cannot answer it yes or no because the
Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 22.5 percent is referring to the monies that they said they
3 were going to bring in and they didn't bring them in.

4 Q Well, sir -- let's go to page 2.

5 A Okay.

6 Q Page 2 defines acceptable license, does it not?

7 A Right.

8 Q And the definition of acceptable license is seven
9 years, a seven year term, correct?

10 A Right. Which we didn't get.

11 MR. ITKOWITZ: I move to strike.

12 THE COURT: Come up.

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

15 BY MR. ITKOWITZ:

16 Q Mr. Trump, let me try and move this along a little
17 bit.

18 This agreement defines acceptable license as
19 a license that includes -- that's for a term of seven years,
20 provides \$25 million, a minimum license for royalty rate of
21 10 percent and a fee to ALM under those circumstances of
22 22.5 percent, correct?

23 A Absolutely correct.

24 Q Now, turning to page 3 of this contract, it
25 provides that ALM shall have a right to receive the ALM fee
26 if it gets an acceptable license, and we've just defined

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Direct

1 that, during the term -- during the initial term of the
2 acceptable license and for any renewal period and extension
3 period, correct?
4

5 A Correct, yes.

6 Q Now, you made this contract pursuant to an
7 agreement -- pursuant to a discussion you had with a person
8 by the name of Mark Hager, correct?

9 A I don't remember Mr. Hager from the early days. I
10 mean it could very well have been but I don't remember him
11 from the early days.

12 Q Well, Mr. Hager is sitting in the courtroom right
13 here?

14 A Yes.

15 Q You met with him a few times in 2003 and 2004; is
16 that correct?

17 A It might be. I don't remember.

18 Q So you have no recollection of Mr. Haber as you're
19 looking at him right now?

20 A I recognize him because he came to my office a
21 couple of years ago but I don't absolutely know, no.

22 Q Do you recognize him as a person who was
23 affiliated with ALM?

24 A I know he is, but you're asking do I recognize him
25 from those days. I don't. I had very little to do with it.

26 Q But you recognize him now?

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1 Trump - by Plaintiff - Direct

2 A Yes, I do.

3 Q Now, Mr. Hager was introduced to you by a person
4 by the name of David Scharf; is that correct?

5 A I believe so yes.

6 Q David Scharf at that time was one of your
7 attorneys?

8 A Yes.

9 Q You used more than one?

10 A He was an attorney -- yes, we have more than one.

11 Q Right. So David Scharf had a personal
12 relationship with you?

13 A Personal relationship? He was an attorney.

14 Q He was an attorney who represented you personally,
15 correct?

16 A I -- he was an attorney, he represented me and the
17 organization.

18 Q So you knew him well?

19 A I knew him fairly well, yes.

20 Q And he suggested that it might be useful for you
21 to meet Mr. Hager, correct?

22 MR. GOLDMAN: Objection, hearsay.

23 THE COURT: Absolutely. Sustained.

24 Q Did Mr. Scharf introduce you to Mr. Haber?

25 A I believe so. I believe it was Mr. Scharf.

26 You're talking about ten years ago or more. I believe it

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Trump - by Plaintiff - Direct

1 was Mr. Scharf.

2
3 Q And after he introduced you to Mr. Haber that's
4 when you negotiated this agreement called a memorandum of
5 understanding, correct?

6 A That's possible.

7 Q Excuse me?

8 A That's possible. I believe the person that
9 negotiated it was Mr. Bernie Diamond who works for me. I
10 didn't negotiate this agreement, the agreement was
11 negotiated by Mr. Diamond.

12 Q Mr. Diamond works for you?

13 A Yes, he's an attorney who works for us, yes.

14 Q After your attorney negotiated the agreement this
15 agreement was presented to you?

16 A Yes.

17 Q And you read it?

18 A I probably read it. I can't read, unfortunately,
19 every agreement that's presented to me, but I certainly got
20 a little recap of it and I signed it.

21 Q Now, there came a time that you learned that
22 Mr. Hager and Mr. Hager's company, ALM, had hired a man by
23 the name of Jeffrey Danzer; is that correct?

24 A Yes, a long time ago.

25 Q And Jeffrey Danzer was the person who really
26 was -- who really worked on trying to procure you licenses

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 for which you would get royalties, correct?

3 A Well, I believe that's true, but there was
4 somebody else earlier on who also was involved.

5 Q But I didn't ask you about that?

6 A You're asking me, I thought -- okay, fine.

7 Q Now, so Mr. Danzer, you knew Mr. Danzer to be
8 working on procuring licenses for the Trump Organization,
9 correct?

10 A Yes.

11 Q And he did that during the period of February
12 through June of 2004, correct?

13 A I can't tell you the exact dates but the answer is
14 probably yes, in that vicinity.

15 Q Now, this agreement, this memorandum of
16 understanding had an expiration period of March 31, 2004.
17 Correct?

18 A If you say so. I assume that's what it says.

19 Q And then after that another agreement was
20 executed.

21 MR. ITKOWITZ: I'd like the witness to be
22 shown Plaintiff's Exhibit 2.

23 THE COURT: Plaintiff's 2.

24 (Pause.)

25 A That's correct.

26 Q There was a second agreement executed by you

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1 Trump - by Plaintiff - Direct

2 extending the period of time for which ALM could procure an
3 acceptable license, from March through June 30th, 2004; is
4 that correct?

5 A About three months, yes, that's right.

6 Q And this agreement was presented to you also?

7 A Yes, it was.

8 Q And you signed it, correct?

9 A Yes, I did.

10 Q Now, these agreements plus the original agreement,
11 memorandum of understanding, provided for a three month
12 period after the expiration for ALM to still get a
13 commission on a deal that it was working on during the
14 original period, correct?

15 A Yes. On the deal that they were working on.

16 Q Right.

17 A Excuse me, that would mean the seven years, the
18 \$25 million and all of the terms in the agreement.

19 Q Excuse me?

20 MR. ITKOWITZ: I move to strike that

21 because --

22 THE COURT: I'm going to allow it. Let's go.

23 BY MR. ITKOWITZ:

24 Q Mr. Trump, prior to the expiration of the period
25 of June 30th, 2004, there came a time when it was brought to
26 your attention that Mr. Danzer had identified the company

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1 Trump - by Plaintiff - Direct

2 called Philip Van Heusen as a candidate interested in paying
3 you royalties on a license; is that correct?

4 A I don't know if he identified it. Everybody -- I
5 mean Regis Philbin is the one that first told me about PVH.
6 PVH is the largest shirt manufacturer in the world of shirt
7 and ties, I guess. Regis Philbin is the one who first told
8 me about it because he had a very successful show also.
9 This all happened because of the success of The Apprentice.

10 Regis called me up strongly recommended PVH.
11 Mr. Danzer may have also. Everybody knew about PVH. I knew
12 about PVH even before Regis mentioned it. They have
13 50 percent of the shirt market in the United States. It
14 wasn't about identifying it. Everybody knew PVH existed.

15 Q Isn't it a fact, sir, that Mr. Danzer arranged a
16 meeting on June 24th -- is it not a fact that Mr. Danzer
17 arranged a meeting on June 24th, 2004 by which he brought up
18 the representatives, the executives of PVH to your offices
19 to discuss a potential license with you, correct?

20 A That's possible. Very possible.

21 Q I show you what has been --

22 MR. ITKOWITZ: I'd like the witness to be
23 shown Plaintiff's Exhibit 22.

24 THE COURT OFFICER: I don't have 22.

25 MR. GOLDMAN: We'll stipulate that there was
26 a meeting on June 24.

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 MR. ITKOWITZ: No, I want to show the witness
3 the document.

4 MR. GOLDMAN: Okay.

5 MR. ITKOWITZ: This document is in evidence
6 and I'm showing the witness the document.

7 THE COURT: Plaintiff's 22 in evidence.
8 Twenty-two we're talking about?

9 MR. ITKOWITZ: Yes.

10 THE COURT: Twenty-two in evidence.

11 Q I'd like you to look at page 2 of this document.

12 This document is an agenda for a meeting at
13 your headquarters, correct?

14 A That's correct, yes.

15 Q And it's supposed to have occurred on June 24th,
16 correct?

17 A Yes.

18 Q And at the bottom of it it indicated the people
19 who were going to be attending, correct?

20 A Correct.

21 Q And are you familiar with any of those names?

22 A Yes. All of them.

23 Q You're familiar with all of them?

24 A Sure.

25 Q So this document -- this meeting was organized by
26 Jeffrey Danzer, correct?

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1 Trump - by Plaintiff - Direct

2 A I mean I don't know, but it's possible. I assume
3 so. Could be. Okay.

4 Q Mr. Danzer was working on the PVH deal, correct?

5 A He was working on it along with our people but he
6 was working on it, yes.

7 Q Regis Philbin wasn't working on it, was he?

8 MR. GOLDMAN: Objection.

9 THE COURT: Sustained. Let's go.

10 Q Mr. Danzer was working on it?

11 A Mr. Danzer was working on it, yes.

12 Q And Mr. Danzer was the person who was speaking to
13 PVH, correct?

14 A Well, my people were speaking to them also.

15 Q But Mr. Danzer was the person who organized it,
16 who created an opportunity for your people to speak to PVH
17 in connection with a potential license from you, correct?

18 A Yes. We would have -- just so --

19 Q Yes or no, correct? Yes or no?

20 A He was working on it, yes.

21 Q So Mr. Danzer, that was his job, that's what he
22 was doing?

23 A Fine, yes.

24 Q And that meeting occurred on June 24th, correct?

25 A It looks like it did, yes.

26 Q Did you happen to drop into that meeting?

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 A I don't think so.

3 Q If you look --

4 A I was at one of the meetings. I think there were
5 two meetings. I was at one of the meetings, I'm not sure if
6 it was this one.

7 Q At the top the first item on the agenda it says,
8 Business Overview Donald Trump?

9 A I think there were two meetings, I was at one and
10 not the other. I'm not sure which one.

11 Q We'll talk about the second meeting in a few
12 minutes.

13 A Okay.

14 Q So -- but certainly Mr. Ross, your -- the person
15 who was working on this licensing project was at this
16 meeting?

17 A I think so, yes.

18 Q And it wouldn't surprise you if I told you that
19 yesterday Mr. Ross testified that the essentials of your
20 deal were negotiated at this meeting, would it?

21 A Not particularly, no. I mean I don't know.

22 Q You weren't here?

23 A I was not a part of it.

24 Q But if Mr. Ross said that you would agree to it,
25 correct?

26 MR. GOLDMAN: Objection. He wasn't at the
Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 meeting.

3 THE COURT: Sustained.

4 Q Did Mr. Ross talk to you after this meeting?

5 A I believe he did, yes.

6 Q Now, it's a fact, is it not, that the acceptable
7 license requirement in the memorandum of understanding was a
8 very hard goal to meet?

9 A I don't know. That's what you said. You were the
10 ones that presented this to me. You were the ones that said
11 you were going to get this great wonderful deal and you were
12 unable to do it, so I don't know. I can --

13 MR. ITKOWITZ: I move to strike it.

14 THE COURT: No, I'm going to allow that.

15 That's the kind of question you asked.

16 MR. ITKOWITZ: All right.

17 Q So Mr. Trump, I didn't ask you who presented what
18 but this memorandum of understanding was a product of a
19 meeting that you had with Mr. Hager or your lawyer had with
20 Mr. Hager or Mr. Hager's lawyer, correct?

21 MR. GOLDMAN: Objection, it's compound.

22 THE COURT: Sustained. Rephrase it.

23 BY MR. ITKOWITZ:

24 Q Mr. Trump, correct me if I'm wrong, you just
25 testified about this?

26 A Excuse me?

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 Q You just testified about this. You weren't at
3 these negotiations, were you?

4 A I don't know.

5 Q You don't remember?

6 A I don't remember. I don't think so. I was at one
7 of them, I don't think it was this meeting.

8 Q So if you weren't there you really don't know who
9 suggested what, do you?

10 A Well, I --

11 MR. GOLDMAN: Objection. What meeting; the
12 negotiation for the agreement?

13 THE COURT: You are being very confusing, all
14 right?

15 MR. ITKOWITZ: I'll make it more specific.

16 Q You just testified, did you not, with respect to
17 the memorandum of understanding?

18 A Yes.

19 Q And you said I wasn't there, Mr. Diamond
20 negotiated the agreement?

21 A That is correct.

22 Q And it was presented to me, and maybe I read it
23 and maybe I didn't, certainly I signed it?

24 A I didn't say that.

25 MR. GOLDMAN: He didn't say that, he said he
26 reviewed it.

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 THE COURT: Sustained.

3 Q You said you signed the agreement?

4 A I said that.

5 Q You said Mr. Diamond negotiated it?

6 A That is correct.

7 Q You weren't there when Mr. Diamond negotiated it?

8 A That is correct.

9 Q So you don't know who suggested what, do you? As
10 you sit here now since you weren't there --

11 THE COURT: We're talking about Plaintiff's
12 1, right?

13 MR. ITKOWITZ: Yes.

14 THE COURT: Fine.

15 A Suggested the 25 million, the seven years, all of
16 that.

17 Q You weren't there?

18 A What difference does it make, it was in the
19 agreement that you presented to us to be signed and you
20 didn't fulfill your obligations.

21 MR. ITKOWITZ: I would move to strike that.
22 There's no evidence --

23 THE COURT: Look, phrase your questions in a
24 manner that actually call for a yes or no. All right?
25 If you want that phrase it that way.

26

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Direct

BY MR. ITKOWITZ:

Q You just said you weren't present for the negotiation, correct?

A That is correct.

Q So if you weren't present --

THE COURT: Which negotiation?

Q The negotiation with respect to Plaintiff's Exhibit 1, the memorandum of understanding?

A With Bernie Diamond.

Q Correct?

A That is correct.

Q So you don't know who presented what idea at that meeting, correct?

A What difference does it make it's in the agreement.

Q Excuse me --

THE COURT: Say yes or no, okay.

THE WITNESS: Okay.

A I don't know who presented it.

Q So you don't know if the 25 million was suggested by somebody in your organization or by Mr. Hager, correct?

A I think it was presented --

Q Excuse me, you don't know, do you?

A I think it was presented by your people to get us to sign a contract.

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 THE COURT: The answer is either you do know
3 or you don't know. Do you know or not?

4 THE WITNESS: I'm pretty sure, but I guess I
5 can't say I know. But -- do I know? Your Honor, it's
6 ten years ago, I think I know. I think I know.

7 BY MR. ITKOWITZ:

8 Q I'm not asking you to speculate, sir. I'm asking
9 you if you know whether the \$25 million target was suggested
10 by somebody on your team or by Mr. Hager?

11 A I believe it was presented by your team.

12 Q I didn't ask you what you believe, I asked you
13 what you know?

14 MR. GOLDMAN: Your Honor when, a witness is
15 asked --

16 THE COURT: Wait one second.

17 Sustained.

18 You're asking a question, he's attempting to
19 answer it. Now let him answer it.

20 A I believe it was --

21 BY MR. ITKOWITZ:

22 Q Let me ask you this --

23 MR. GOLDMAN: Let the witness answer the
24 question.

25 THE COURT: Withdraw your question or don't.

26 MR. ITKOWITZ: I'm going to withdraw my

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Direct

question.

Q Let me ask it this way: You don't have personal knowledge as to whether Mr. Hager suggested 25 million or whether your team suggested 25 million; is that correct?

A No, I don't think so, no.

Q Now, you knew Mr. Danzer was working hard on your behalf trying to get a license?

A No.

Q You don't know that?

A I don't know that he was working hard.

Q What?

A What does hard mean? I mean he was working on it.

Q He was working. And you approved of his behavior, did you not?

A His behavior?

Q Yes.

A No, I didn't approve of his behavior.

MR. GOLDMAN: Object to the form.

THE COURT: Sustained.

MR. ITKOWITZ: I'll withdraw that question.

BY MR. ITKOWITZ:

Q You liked Mr. Danzer?

A No, I don't like him or dislike him. I hardly knew him.

Q Well, you met him a number of times, did you not?

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 A Maybe twice.

3 Q Maybe twice?

4 A I did like somebody who was fired before
5 Mr. Danzer and I was upset that he was fired, actually, but
6 there was somebody, I believe, that worked for the company
7 that I vaguely remembered, I don't know his name, that I did
8 like and respect. I met him briefly, but he was fired and
9 he was very upset about it.

10 Then Mr. Danzer got involved, but I don't
11 know that man's name. Mr. Danzer, I don't like him or
12 dislike him because I don't really know him.

13 Q Suppose I were to tell you that only one person --
14 only one man worked on this project for ALM directly. I
15 want you to accept that for the purposes of this question?

16 A Okay.

17 Q And I want to ask you further to accept the
18 following proposition, which is that the only man who worked
19 directly on the ALM project for you from ALM was a man by
20 the name of Jeffrey Danzer.

21 A Okay.

22 Q Now, you've testified -- remember you had a
23 deposition, correct?

24 A Yes, I did.

25 Q And you testified that you liked the guy from ALM
26 who was working on the project, correct? Yes or no?

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 A Yes, I vaguely -- you're talking about ten years
3 ago, a long time ago. I vaguely remember there was somebody
4 that I met that worked for ALM who I liked. It wasn't
5 Mr. Danzer, I thought it was somebody else. Now, I may be
6 wrong and it's not a very important point, but there was
7 somebody and he was terminated.

8 Q According to you?

9 A According to him because --

10 Q Excuse me?

11 MR. GOLDMAN: Can I object and move to
12 strike. He started his question with assuming facts
13 not in evidence then went somewhere else with it, plus,
14 your Honor --

15 THE COURT: All right. Not a speech.

16 Objection is the word and sustained it is.

17 All right, go ahead, ask questions.

18 BY MR. ITKOWITZ:

19 Q Sir, is it not a fact that -- is it not a fact, by
20 the way, that you have no personal knowledge of whether ALM
21 got rid of anybody?

22 A This is just a long time ago recollection that
23 there was somebody that was let go who I liked. Now, it may
24 be wrong. Maybe Mr. Danzer -- maybe, frankly, I liked
25 Mr. Danzer, I don't know where Mr. Danzer ended up in this
26 whole thing. I thought there was somebody I liked very

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Direct

1
2 early in the process but after we assigned the original
3 memorandum of understanding, that I sort of respected or
4 liked, who all of a sudden wasn't there any longer. Now I
5 may be right or I may be wrong. And I don't think it
6 matters, but he wasn't there any longer.

7 (Continued on next page.)
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Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 MR. ITKOWITZ: Can I ask my question be read back?

3 THE COURT: No, I can ask you to go on, okay,
4 please. He answered your question.

5 Q Do you recall being asked this question at your
6 deposition and giving this answer in the deposition. And the
7 deposition is on Friday, April -- excuse me. It's on June 15,
8 2011, and I direct everybody's intention to page 106, line 22.

9 THE COURT: Hold on. Line 22 going to where?

10 MR. ITKOWITZ: Actually, line -- let's do -- hold
11 on a second. Let's say actually start at line 7 of 105.

12 THE COURT: Line 7 of 105 going to where?

13 MR. ITKOWITZ: Going to line 25 of page 106.

14 THE COURT: 25 to 106?

15 MR. ITKOWITZ: Correct.

16 THE COURT: All right. Please wait.

17 I don't want any of the colloquy read, okay, none
18 of the colloquy.

19 MR. GOLDMAN: Your Honor, before we read it, if I'm
20 reading what he's representing he's reading, it reference --

21 THE COURT: If you want to make a comment, come on
22 up.

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

25 THE COURT: Go on, please.

26 MR. ITKOWITZ: My associate is going to hand me a

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)
2 document.

3 MR. WILTENBURG: May I see your exhibits, please?

4 MR. ITKOWITZ: Can I have Exhibit O, please?

5 THE COURT: Exhibit what?

6 MR. ITKOWITZ: O.

7 THE COURT: Defendant's Exhibit O is being
8 requested. O is in evidence. Please show it to the
9 witness.

10 (Document handed to witness.)

11 MR. ITKOWITZ: Your Honor, may it please the Court,
12 may I borrow your copy for one second, because it has an
13 exhibit list?

14 THE COURT: Here it is. Exhibit O in evidence.

15 MR. ITKOWITZ: Your Honor, if I may have your copy,
16 the copy of the Examination Before Trial that I handed up to
17 you that has an index list on it and you have my copy. I
18 can substitute it.

19 Just one second. Just one second.

20 Q All right. I show you what has been marked as
21 Plaintiff's Exhibit O for identification -- O in evidence.

22 THE COURT: The witness has it.

23 MR. ITKOWITZ: Oh, he does. Okay.

24 Q Now, directing your attention to Exhibit O, that was
25 shown to you at your Examination Before Trial, correct?

26 A I don't know. I mean, I believe so; perhaps.

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 Probably.

3 Q And it's a letter written from George Ross to a person
4 by the name of Jeff, correct?

5 A Yes.

6 Q And I'm just going to direct your attention, to speed
7 this up, to the last four lines of page 106 where it says --
8 where you stated, "It's written to Jeff; they got rid of him."

9 So Jeff was the guy that you thought?

10 MR. GOLDMAN: Excuse me. Objection.

11 THE COURT: Wait, wait, wait. That's not
12 appropriate, because you have to go to a question and
13 answer. All right. So the question starts.

14 MR. GOLDMAN: Can we approach again? Very briefly.

15 THE COURT: Come up. Actually, I have an idea.
16 Bring up that exhibit.

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

19 Q All right. I'm going to ask you briefly if you
20 remember being asked these questions and giving these answers:

21 "QUESTION: I show you what's" --

22 THE COURT: Where are you?

23 MR. ITKOWITZ: At line 7, 105. And I'm going to
24 eliminate any colloquy.

25 THE COURT: You'd better. Okay, go ahead.

26 Q I show you what's been marked as Exhibit 22.

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 THE COURT: Now, do we stipulate that Exhibit 22 is
3 Defendant's O in evidence that's been shown to the witness?

4 MR. ITKOWITZ: Yes.

5 THE COURT: Is that stipulated, Mr. Goldman?

6 MR. GOLDMAN: Yes.

7 THE COURT: Go ahead.

8 Q "QUESTION: Have you seen that document?

9 "ANSWER: No, I haven't. I may have seen it at the
10 time, but I can't -- I can't recognize it.

11 "QUESTION: To your understanding, did George Ross
12 have the authority to sign this letter on your behalf
13 without even showing it to you?

14 "ANSWER: He probably showed it to me. You're
15 talking about many years ago.

16 "QUESTION: I'm not asking whether he probably
17 showed it to you, I'm asking did he have the authority. In
18 April of 2004, did George Ross have the authority to sign
19 this letter on your behalf?

20 "ANSWER: I don't remember.

21 "QUESTION: You don't remember?

22 "ANSWER: I don't remember him asking for the
23 authority. Would he have had the authority, yes, but I
24 don't remember him asking."

25 "QUESTION: Look at the second page" -- withdrawn.

26 Sorry.

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 "THE WITNESS: It's written to Jeff."

3 MR. GOLDMAN: You can't --

4 THE COURT: "QUESTION: So Jeff was the guy that
5 you thought was the" -- that's what you have.

6 MR. ITKOWITZ: I didn't get to there yet, Your
7 Honor.

8 THE COURT: But the witness -- you're not doing the
9 colloquy, okay.

10 MR. ITKOWITZ: Fine.

11 Q "QUESTION: Look at the second page."

12 THE COURT: And that's Mr. Ross.

13 Q "QUESTION: So Jeff was the guy that you thought was
14 the --

15 "ANSWER: It sounds like; yes, I think so."

16 Do you recall giving those -- being asked those
17 questions and giving those answers?

18 A Yes.

19 Q So Jeff Danzer was the guy who was working on the deal
20 that you liked, correct?

21 MR. GOLDMAN: Objection. The question wasn't --

22 THE COURT: Wait. Objection is sustained. You
23 can't ask that next question you just did. You can ask
24 another question.

25 Q Is it not true that Jeff Danzer was the person who was
26 working on the deal for ALM at that time?

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 A I don't know. I mean, I know he was working on the
3 deal at that time, but I meant prior to Jeff Danzer I thought
4 there was somebody else. So I don't really know. And I think
5 my answer -- I think my deposition was accurate and George
6 was -- does have the -- I don't remember him showing this to me,
7 but George Ross did have the authorization or the right to do
8 this; but I just don't remember him showing it to me at the
9 time.

10 Q Okay.

11 A And, by the way, I think Jeff Danzer was fired also so
12 it sort of works the same way.

13 THE COURT: Sustained on that. That was a
14 statement that was made without a question so it's not
15 evidence. Remember what I said to you jurors, question and
16 answer. If somebody just says something, there's no
17 question so therefore there's no evidence. All right.

18 So strike that last portion, please.

19 Q Now, Mr. Trump, you had no evidence -- excuse me.

20 You have no personal knowledge of whether Jeff Danzer
21 left voluntarily or not, do you?

22 THE COURT: Personal knowledge.

23 A Personal knowledge, no.

24 Q Now, after that meeting in June of -- June 24th at PVH,
25 you were excited by the possibility of doing a deal with PVH,
26 were you not?

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 A At PVH or at the Trump Organization?

3 Q At the meeting at the Trump Organization, which was --

4 A You said it was at PVH.

5 Q -- when George Ross was present on June 24th?

6 A Yes.

7 Q Your organization was pleased with the possibility of
8 doing a deal with PVH, correct?

9 A Possibly. Pleased with doing a deal with PVH, but not
10 pleased with the terms, because the terms were much different
11 than the contract that we had signed with ALM.

12 MR. ITKOWITZ: Excuse me. I would move to strike
13 that.

14 THE COURT: Up to not "pleased with the terms of
15 PVH," after that is stricken.

16 Q Now, in June, at or about June 24th you were aware,
17 were you not, you were aware whether or not that the memorandum
18 of understanding was approaching expiration?

19 A I think so, yes.

20 Q So it was going to expire on June 30th, correct?

21 A I believe that's the date, yes.

22 Q Now, the person who was working at the time of the
23 expiration was the person you liked, correct?

24 MR. GOLDMAN: Objection. It's been asked and
25 answered.

26 THE COURT: Sustained.

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 Q Let me ask you this question: Do you recall being
3 asked this question on your deposition --

4 THE COURT: Wait one second. You've got to give us
5 the page and number.

6 MR. ITKOWITZ: Page 71, line 12.

7 THE COURT: Going to where?

8 MR. ITKOWITZ: Line -- 71 starting at line 12 going
9 to line 24.

10 Q "QUESTION: Do you recall what the percentage
11 agreement originally was supposed to be for ALM?

12 "ANSWER: No, I don't. I recall that they had a
13 very good man that we really liked a lot, and he was either
14 let go or left; and they had a very bad track record or no
15 track record."

16 THE COURT: Wait a second. They had a very bad --
17 it doesn't say track. Well, it says truck. Okay.

18 MR. ITKOWITZ: Sorry.

19 MR. GOLDMAN: I think we can all agree it probably
20 meant track.

21 Q You know, if my eight year old son was here, he would
22 like truck better, but "they had a very bad track record or no
23 track record, but he was really great."

24 MR. GOLDMAN: It doesn't say "really," it just says
25 "great".

26 Q "But he was great, and he was let go; and that's

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)
2 when I didn't really like ALM any longer. I don't know his name
3 at this time, because it was so many years ago."

4 MR. GOLDMAN: Your Honor.

5 Q Do you recall being asked those questions and giving
6 that answer?

7 A Yes. Yes, I did.

8 Q And --

9 MR. GOLDMAN: Your Honor, if I may.

10 THE COURT: If you want an objection, come on up
11 and let me know; but otherwise, I don't know why.

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

14 Q Now, you had personal -- during this period of time,
15 let's say June and July of 2004, you had personal interaction
16 was Jeffrey Danzer in connection with the PVH deal, correct?

17 A Very little. Very little.

18 THE COURT: Did you have interaction, yes or no?

19 THE WITNESS: Yes, I did.

20 Q Now, I show you what has been marked as Plaintiff's
21 Exhibit 23.

22 THE COURT: Wait a second. You got to come up.
23 There's a problem. I have deposition 23, but if 23 gets
24 marked in evidence it's not the same 23 that you're showing.
25 It's not in evidence. I don't know what you're talking
26 about.

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 MR. ITKOWITZ: I'm asking for Trial Exhibit 23.

3 THE COURT: Trial Exhibit 23 is a document that is
4 that document here, very long?

5 MR. ITKOWITZ: No, I have this.

6 THE COURT: That's deposition 23.

7 MR. GOLDMAN: Your Honor, may I see what you have?
8 Maybe I can help.

9 THE COURT: Come up.

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

12 THE COURT: Go ahead.

13 MR. ITKOWITZ: May I see what the witness has and
14 make sure it's the same?

15 THE COURT: It is.

16 Q Have had you an opportunity to look at Exhibit 23, sir?

17 A Yes. This says 27.

18 THE COURT: No, it's 23. Let me see.

19 THE WITNESS: It says 27, but it might be 23.

20 THE COURT: No, it's 23.

21 A Okay.

22 Q Now, this is a letter directed to you dated July 26,
23 2004, correct?

24 A Yes, it is.

25 Q And it's written to you from Jeff Danzer, executive
26 vice president of ALM?

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 A Yes.

3 Q And he writes on the first paragraph: "It was good
4 speaking to you last Thursday. I would like to meet with you as
5 soon as possible to confirm and extend the terms of our business
6 arrangement for either making the introductions or building the
7 Trump Lifestyle brand. I am looking forward to bringing
8 Phillips-Van Heusen back to the table to finalize the deal for
9 Trump Apparel. I am also eager to bring Coty Lancaster to meet
10 with you to discuss putting together a deal for Trump fragrance
11 and skin care products."

12 Do you recall receiving this letter?

13 A Vaguely, yes.

14 Q Okay. Now, you knew at this time or shortly thereafter
15 that Mr. Danzer was negotiating with you as to what the terms of
16 compensation to ALM would be?

17 MR. GOLDMAN: Objection to the word negotiating.

18 THE COURT: Neutral terms, please.

19 Q You knew that Mr. Danzer was trying to -- was going
20 to -- was discussing with you in or about July or even early
21 August, August 2004, what the terms of ALM's compensation would
22 be in the event that they obtained an acceptable license for
23 you; is that correct?

24 A No, it's not.

25 Q It's not correct?

26 A No, it's not.

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 Q So it's your testimony that ALM never negotiated --
3 excuse me -- that Jeff Danzer never spoke to you about changing
4 any of the terms of the original memorandum of understanding
5 with respect to whether PVH and Coty would be brought to you as
6 acceptable licensees?

7 A No. We were happy with the terms we had. We wished he
8 came through with those terms because, frankly, it was a better
9 deal, much better deal, than we made. But it says right on his
10 letter in the first sentence, "as soon as possible to confirm
11 and extend the terms of our business arrangement."

12 That's the business arrangement; the memorandum of
13 understanding with the seven years, the \$25 million. That's the
14 agreement that I wanted.

15 Q Okay.

16 A And it says so right in the letter.

17 Q I'm sure that's the terms that everybody would have
18 wanted, because everybody would have made more money.

19 THE COURT: Enough already. Just ask questions.

20 Q Under the terms of the original 25 million threshold
21 and 22.5 percent -- 22.5 percent commission that would have been
22 called, that would have been a win win for everybody, correct?

23 A Well, that's the agreement your people signed.

24 Q Excuse me. Would that have been a win win for
25 everybody?

26 A I would have been very happy with it. I wished they

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 came through, but they didn't.

3 Q Let me ask you something. From '04 to the present, how
4 many apparel licenses has Trump entered into with any apparel
5 company?

6 MR. GOLDMAN: Objection, relevancy.

7 THE COURT: I'll permit it. You could only testify
8 as to what you know, okay.

9 A Well, quite a few.

10 Q Well, you did -- you ultimately did a deal with PVH,
11 correct?

12 A We did a deal with PVH. It wasn't this deal, but we
13 did a deal.

14 Q You also did a deal with Marcraft, correct?

15 A Yes.

16 Q And that didn't work so well, right?

17 A It was fine. I mean, you sued us on that, but you
18 dropped the suit because you had no case.

19 MR. ITKOWITZ: I move to strike.

20 A But you did sue us.

21 THE COURT: Stricken. Everything about that answer
22 is stricken.

23 Q Now --

24 A It worked out fine. We made a deal.

25 THE COURT: Please, Mr. Trump. Let's go over it.
26 Evidence is a question and an answer. It is not just a sua

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)
2 sponte statement or just an ad hominem addition to what your
3 answer should be.

4 Mr. Itkowitz is asking you yes or no questions.
5 Please refrain from everything else. Answer it yes or no.

6 THE WITNESS: Okay, Your Honor.

7 Q The Marcraft deal ended in a period of time, did it
8 not?

9 A Yes, it did.

10 Q And it didn't get renewed by you, correct?

11 A We went with another company, Peerless.

12 Q Right, Peerless. And Peerless was a company that Jeff
13 Danzer was pitching to you in 2004; isn't that correct?

14 A That I don't remember.

15 Q Well --

16 A There aren't too many companies in that field, but that
17 I don't remember.

18 Q Let's see. Go to paragraph 3 of this letter. Just go
19 right down there. Look at the third sentence.

20 That third sentence says, "We pitched the concept to
21 companies like Peerless for tailored clothing, Phillips-Van
22 Heusen for dress shirts and neckties and Coty Lancaster for
23 fragrance and skin care, right?"

24 A Correct.

25 Q So in 2004 Mr. Danzer was telling you that you should
26 be doing a deal with Peerless; isn't that correct?

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 A Well --

3 Q Yes or no?

4 A He's recommending Peerless, but we were with Marcraft.

5 Q Excuse me. Yes or no?

6 A He's recommending Peerless.

7 Q Right. He recommended Peerless to you in 2004?

8 A But we were with Marcraft for many years.

9 Q Excuse me. Excuse me. Just answer my questions,
10 please.

11 A He recommended Peerless.

12 Q In 2004?

13 A Sure. They're a good company and Marcraft is a good
14 company.

15 Q Excuse me. Excuse me, there's no question. You know
16 what, your counsel is going to have an opportunity to give you a
17 chance to make some speeches.

18 A That's okay.

19 MR. GOLDMAN: Objection, Your Honor.

20 THE COURT: That's enough.

21 Q Sir --

22 MR. GOLDMAN: Excuse me. Can he not raise his
23 voice with the "sir"?

24 THE COURT: Mr. Goldman, please sit down.

25 Q In 2004, in July, you knew that Mr. Danzer had
26 recommended you go with Peerless, correct; yes or no?

1 Trump - Plaintiff - Direct - (Mr. Itkowitz)

2 THE COURT: Yes or no?

3 A I mean, perhaps, based on the letter. I don't remember
4 that, but the letter says it; but I don't remember.

5 Q The letter says it?

6 A Yes.

7 Q So do you think the letter was inaccurate?

8 A No.

9 Q Is that your testimony?

10 A Doesn't mean they would have made a deal with Peerless.
11 I mean, they recommended. There aren't too many people that
12 they could have recommended.

13 Q So he recommended Peerless in 2004, but you went with a
14 company call Marcrafft, correct; yes or no?

15 A Yes.

16 Q And after a number of years you didn't continue that
17 deal, correct; yes or no?

18 A They were a fine company.

19 Q You didn't continue the deal; yes or no?

20 A We then after years --

21 Q Excuse me. Yes or no, did you continue the deal?

22 A When?

23 Q With Marcrafft?

24 A When?

25 Q When did it end?

26 A We had a deal with Marcrafft for years.

1 Trump - Plaintiff - Direct

2 Q When did it end?

3 A I don't know but --

4 Q It ended a number of years ago?

5 MR. GOLDMAN: Excuse me, can he not argue.

6 THE COURT: Sustained.

7 Sit down.

8 A We were with Marcraft for many years.

9 BY MR. ITKOWITZ:

10 Q There came a time when the Marcraft deal ended?

11 A Yes, years later.

12 Q Excuse me, there came a time when the Marcraft
13 deal ended, yes?

14 A Yes, that's true.

15 Q At the time it ended, rather than make a deal with
16 Marcraft you went with Peerless?

17 A We negotiated with Marcraft and Peerless and went
18 with Peerless years later.

19 Q Years later -- years later, rather than continue
20 with Marcraft you decided to drop them and go with Peerless,
21 correct; yes or no?

22 MR. GOLDMAN: Objection. Asked and answered.
23 Using the word dropped. He said it ended.

24 THE COURT: Sustained. Go on.

25 MR. ITKOWITZ: Okay.

26 Q Now, this letter to you on June 26, 2004, that
Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 states --

3 A July 26.

4 Q Excuse me, thank you.

5 This dated July 26, 2004, says that ALM was
6 pitching Coty fragrance to you, correct; Coty Lancaster?

7 A I vaguely remember that.

8 Q Do you know who Coty Lancaster is?

9 A The Coty company fragrance?

10 Q Yes.

11 A I do know. We didn't go with them, we went with
12 Estee Lauder.

13 Q Do you know who Coty Lancaster is?

14 A I don't know what Lancaster means, I know Coty.

15 Q What is Coty?

16 A A fragrance company, primarily.

17 Q Is it not a fact that Mr. Danzer got you a
18 proposal from Coty Lancaster -- excuse me, from Coty?

19 MR. GOLDMAN: Objection, that's not in
20 evidence and that's not the fact.

21 THE COURT: First place you're testifying,
22 and that is out.

23 MR. GOLDMAN: So did he.

24 THE COURT: Enough already, Mr. Goldman.
25 Enough. I don't want you emulating your client. The
26 only word I want to hear out of you if you have an

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 objection is objection. Apart from that everything
3 else you say is gratuitous and it is wrong.

4 I am please asking you to say objection only.

5 MR. GOLDMAN: I will, your Honor. That
6 should be a standard for both counsel.

7 THE COURT: I agree with you there.

8 I admonish you the same. But he's not
9 objecting.

10 BY MR. ITKOWITZ:

11 Q Now, Mr. Danzer ultimately got Coty to give you a
12 proposal, did he not?

13 MR. GOLDMAN: Objection.

14 THE COURT: No, I'm going to allow it.

15 Q Yes or no?

16 A I don't remember.

17 THE COURT: All right, let's move on.

18 MR. ITKOWITZ: All right.

19 Q Is it not a fact that you were considering Coty?

20 A I told you I don't -- we went with Estee Lauder.
21 It's possible we got something from Coty but we decided to
22 go with Estee Lauder which we got -- which was a much better
23 deal than the Coty deal, I assume, otherwise we would have
24 signed the Coty deal.

25 Q Isn't it a fact that you used the Coty deal to get
26 a better deal from Estee Lauder?

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 MR. GOLDMAN: Sustained.

3 THE COURT: Objection is sustained. Let's

4 go.

5 BY MR. ITKOWITZ:

6 Q I direct your attention to Plaintiff's Exhibit
7 100.

8 (Pause.)

9 Q Just look at the first paragraph. Tell me when
10 you're finished.

11 (Pause.)

12 A It's --

13 Q Excuse me, I just -- tell me when you've finished
14 the first paragraph?

15 A I finished it.

16 Q This is a letter from Jeffrey Danzer to you,
17 Donald, correct?

18 A Yes.

19 Q That's what it says, Donald?

20 A It says Donald, that's right.

21 Q It doesn't say Mr. Trump, it says Donald?

22 MR. GOLDMAN: Objection.

23 THE COURT: It says: Dear Donald. Go on.

24 Q Okay. "Regarding our deal as it pertains to any
25 licensing deal ALM brings to the Trump Organization Mark and
26 I discussed your offer of 10 percent as well as your

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 suggestion to try and get a higher percentage from potential
3 licensees to justify a higher percentage for ALM."

4 Do you see that?

5 A Yes.

6 Q Is it not a fact that at this time, on or about
7 August 3rd or prior to August 3rd, you were having
8 discussions with Jeffrey Danzer about lowering the
9 compensation for a license deal with PVH and Coty, and
10 lowering the threshold that would have to be met for them to
11 get a commission; yes or no?

12 A No. No. Number one, I wouldn't have agreed to
13 10 percent. I never did agree to 10 percent.

14 Q Excuse me?

15 A The answer is no.

16 Q The question is were you having discussions --

17 MR. GOLDMAN: Objection.

18 THE COURT: I will allow it.

19 MR. GOLDMAN: He answered.

20 A The answer is no.

21 Q You were not having discussions?

22 A Not that I remember. I wanted the deal we
23 originally agreed to.

24 MR. ITKOWITZ: That reminds me, I got thrown
25 off track a little bit.

26 Q I was asking you -- I'm going to back up a little
Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 bit.

3 So since 2004, you've done apparel deals with
4 Marcraft and Peerless?

5 A Right.

6 Q And PVH, correct?

7 A Right.

8 Q Any other companies?

9 A I think so but you'd have to ask Cathy Glosser.

10 Q As you're sitting here right now on the witness
11 stand, you can't recall the name of any other company that
12 you've had an apparel licensing deal with, correct?

13 A Well, we've done -- let me see. I think we did a
14 coat deal with somebody. You'd really have to ask Cathy
15 Glosser as to apparel.

16 Q I'm asking you what you remember?

17 A These are the primary two.

18 Q Those are the primary three?

19 A Peerless Marcraft and PVH, yes.

20 Q Has any one of those deals ever approached
21 25 million in a seven year period? Yes or no?

22 A I mean they do quite nicely.

23 Q Excuse me, yes or no?

24 THE COURT: It is a yes or no.

25 A I'd have to speak to my accountant so I don't
26 know.

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1 Trump - Plaintiff - Direct

2 Q So you don't know?

3 A No. I'd have to speak to my accountant.

4 Q So it's your testimony then that when Jeff Danzer
5 was proposing a lower percentage for ALM -- excuse me?

6 MR. ITKOWITZ: Withdrawn.

7 Q This indicates, this -- that you proposed
8 10 percent to Mr. Danzer?

9 A It's false, totally false. I never proposed
10 anything. He was supposed to give us a much better deal. I
11 was upset with them and I never proposed anything to them.

12 Q So it's your testimony then that at no time in
13 July and August of 2004 did you ever suggest a lower
14 percentage than 22 and a half percent to ALM?

15 A That is correct, yes. That's correct. And by the
16 way, the letter is not signed.

17 Q Excuse me, it's signed by Mr. Danzer?

18 A Not signed by me.

19 Q I didn't suggest that it was.

20 A He's asking me to sign it. If I would have agreed
21 I would have signed it and sent it back to him. I didn't
22 sign the letter.

23 Q Excuse me --

24 THE COURT: There was no question for you to
25 make that a statement.

26 MR. ITKOWITZ: I move to strike it.

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1 Trump - Plaintiff - Direct

2 THE COURT: And it is stricken.

3 Mr. Trump, you're very well and ably
4 represented by a very good attorney. When he gets his
5 chance he's going to ask you and you'll be able to make
6 it under a proper evidentiary format.

7 THE WITNESS: Okay.

8 THE COURT: Making that statement goes
9 nowhere because, jurors, you must disregard it. You
10 must not take that into account. That is my order to
11 you. Please, those ad hominem bursts are nothing.
12 They are nothing to you whatsoever. That's not the
13 evidence. All right?

14 MR. ITKOWITZ: Now, I'd like to show the
15 witness Trial Exhibit 115.

16 THE COURT: Excuse me, Gary, you never gave
17 me my loose evidence. I had a whole package of
18 documents that were loose.

19 Oh, here they are. Excuse me.

20 Okay.

21 BY MR. ITKOWITZ:

22 Q This is an e-mail that Mr. Danzer sent to Cathy
23 Glosser and to George Ross on August 3rd, correct?

24 A Yes.

25 Q Now, going to the third paragraph of this e-mail,
26 it says: Regarding our deal as it pertains to the Coty

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Trump - Plaintiff - Direct

1 deal, Mark and I discussed Donald's offer of 10 percent, as
2 well as his suggestion to try and get a higher percentage
3 from Coty to justify a higher percentage for ALM.
4

5 Do you see that?

6 A Yes, I do.

7 Q Now, are you aware -- now going back to Exhibit
8 100, which was the August 3rd letter to you, and going back
9 to this e-mail dated August 3rd directed to Cathy Glosser
10 and George Ross, are you aware of at any time you or anybody
11 acting on behalf of you wrote back to Jeffrey Danzer and
12 disputed this sentence or the portion of these documents
13 that said you made an offer of 10 percent to them. Yes or
14 no?

15 A Well --

16 Q Yes or no?

17 A I can't answer it yes or no. It's an impossible
18 question to answer yes or no.

19 Q It's yes, no or I don't know.

20 A I can say I never made an offer of 10 percent.

21 THE COURT: That's not the question.

22 Read back the question, please.

23 And please, Mr. Trump, answer it.

24 (Record read.)

25 A You're using the word "wrote back".

26 Q Yes.

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 A I didn't write back. I didn't think you had to
3 write back.

4 Q So you didn't write back.

5 A I did not write back.

6 Q And nobody -- you're not aware of anybody on your
7 behalf who wrote back, correct? Yes or no?

8 A That wrote back? I don't know, you'd have to ask
9 them but I didn't write back.

10 Q But you're not aware. You're not aware. I'm
11 asking you. I'm not asking anybody else I'm asking you.

12 A Did I write back? No.

13 Q Are you aware of anybody on your behalf who wrote
14 back and said no, that's incorrect?

15 A I'm not aware of anybody that wrote back.

16 Q Now, I direct your attention to Plaintiff's
17 Exhibit 6.

18 THE COURT: Plaintiff's 6 is marked into
19 evidence.

20 MR. ITKOWITZ: I'm sorry, I erred. I meant
21 Plaintiff's Exhibit 72, which I think is in evidence.
22 I keep getting mixed up periodically --

23 THE COURT: Well, that's your problem.

24 MR. ITKOWITZ: I understand that. With the
25 deposition exhibit.

26 THE COURT: All right. Seventy-two. That's
Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 in evidence also.

3 Take back that other one.

4 (Pause.)

5 MR. ITKOWITZ: Tell me when you're finished
6 reading it.

7 A I'm finished.

8 Q This is an e-mail from Jeff Danzer to George Ross
9 and Cathy Glosser, correct?

10 A Yes.

11 Q It's dated August 23, 2004?

12 A Yes.

13 Q Now, George Ross and Cathy Glosser were acting on
14 your behalf in connection with negotiating the PVH deal,
15 correct?

16 A Yes.

17 Q And this is a letter -- excuse me, an e-mail to
18 George stating what Mr. Danzer states are going to be the
19 terms of the financial arrangements between Trump and ALM
20 with respect to any potential deal that will be brought to
21 the table by ALM, correct?

22 A Well, it's from Mr. Danzer.

23 Q Yes. But that's what he's stating he agreed to
24 with Mr. Ross, correct? Yes or no?

25 A That's what he's stating.

26 Q He's stating. That's what I asked you?

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 A That's what he's stating, yes.

3 Q Yes. That's what I asked you.

4 Now, that was a week that you actually met
5 with PVH, correct?

6 I'll make it easy for you. I'll show you
7 what's been marked as Trial Exhibit 73 and Trial Exhibit 27.

8 A Seventy-three and 74?

9 Q Seventy-three and 27.

10 A I see them.

11 Q Now, 27 is a meeting agenda for August 26, 2004,
12 correct?

13 A Correct.

14 Q And that's a meeting agenda for meeting at the PVH
15 corporate office?

16 A Okay.

17 Q That's the meeting you attended, correct?

18 A I think that is, yes.

19 Q Well, look down at the bottom where it indicates
20 who's going to be attending.

21 A Yes.

22 Q You attended that meeting, correct?

23 A I believe so, yes.

24 Q And you and your people and Mr. Danzer went up to
25 the PVH offices, correct, on that date?

26 A I think that's right.

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 Q Now, turning your attention to Exhibit 73, that's
3 Jeff Danzer writing to George Ross the day before this
4 meeting, correct?

5 A The day before this meeting?

6 Q Yes.

7 A The letters or e-mails are the day before?

8 Q The e-mail to George Ross from Jeff Danzer is the
9 day before.

10 A Fine.

11 Q That's dated August 25th, correct?

12 A Correct.

13 Q The meeting agenda and the day that the meeting
14 occurred is August 26th, correct?

15 A It is August 26th, yes.

16 Q So the e-mail from Mr. Danzer to George Ross
17 stating -- what Mr. Danzer is stating is the understanding
18 between him and Mr. Ross was sent the day before this
19 meeting, correct? Yes or no?

20 A Yes. It would look like it.

21 Q And this is also -- this August 23rd -- excuse me,
22 this August 25th e-mail, Trial Exhibit 73, is another
23 statement by Mr. Danzer. And you can look right there where
24 it says attachment on the front page?

25 A Right.

26 Q It says 10 percent deal August 25th doc. Do you

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 see that?

3 THE COURT: On the top reattached. The last
4 line at the top.

5 THE WITNESS: Yes, I see attached, yes.

6 Q Says 10 percent deal August 25th doc?

7 A Yes, it says that.

8 Q Attached to the document is a letter dated
9 August 25th, 2004?

10 A The second page?

11 Q Right.

12 A I see it.

13 Q That letter again states Mr. Danzer's statement as
14 to what he had come to an agreement with George Ross about,
15 correct?

16 A Well, it's his statement.

17 Q That's right.

18 A Not anybody else's.

19 Q That's all I asked you. That's his statement to
20 George Ross?

21 A Sure.

22 Q That we've agreed to the following. ALM's fee for
23 any introduction of a potential licensing partner to Donald
24 Trump and/or any other entity associated with Donald Trump
25 which evolves into a licensing deal and any subsequent
26 renewal thereof shall be 10 percent of all royalties or such

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1 Trump - Plaintiff - Direct

2 other fees, i.e. advances, sign on bonuses, marketing fees
3 made to Trump, and ALM's fee shall be paid to ALM or any
4 other entity it so chooses within 15 days from when Trump
5 receives payment from the licensing partner.

6 Do you see that?

7 A Yes.

8 Q That was his statement as to what he had agreed to
9 with Mr. Ross, yes or no?

10 A That's his statement.

11 Q Yes. That's what I said?

12 A That's his statement.

13 Q That's the question?

14 A Sure, he's writing the statement. He doesn't even
15 have a termination date here.

16 Q That's the question?

17 A That's his statement.

18 Q Now, are you aware at any time -- excuse me. At
19 or about this time did Mr. Ross discuss this document with
20 you?

21 A No.

22 Q At any time, are you aware of whether anybody from
23 your organization wrote back to Mr. Danzer the day before
24 this meeting or at any other time that, you know what, we're
25 not in agreement about the 10 percent?

26 A Wrote. You keep saying wrote.

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 Q That's the question?

3 A Perhaps they didn't write.

4 Q Excuse me, that's the question. Answer the
5 question, please.

6 A Okay. I don't know about writing back.

7 Q Okay. So as you sit here now, you don't know if
8 anybody wrote back to Mr. Danzer disputing this, correct?

9 MR. GOLDMAN: Asked and answered.

10 THE COURT: It has been asked and answered.

11 Go on.

12 BY MR. ITKOWITZ:

13 Q Now, let me ask you something. This case has been
14 going on since 2008 or 2009, correct?

15 MR. GOLDMAN: Objection. Relevance.

16 THE COURT: Overruled.

17 Q 2008, 2009?

18 A Probably.

19 Q And it's now 2013?

20 A Yes.

21 Q And there's been -- you're familiar with the
22 concept of discovery in legal proceedings?

23 A Yes.

24 MR. GOLDMAN: Objection.

25 THE COURT: I'll allow it.

26 A Yes, I am.

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 Q And in discovery both parties ask each other for
3 documents that may help it in the litigation? Yes.

4 MR. GOLDMAN: Objection.

5 THE COURT: I'll allow it.

6 Q And as you sit here now, you knew you were coming
7 in to testify, correct?

8 A Yes.

9 Q You knew you were going to be asked questions
10 about this whole 10 percent issue, do you not? You knew
11 that?

12 A Probably, yes.

13 Q And as you sit here now, you're not aware of one
14 piece of paper with your name on it, written by you or
15 anybody else, disputing that statement by Mr. Danzer, are
16 you?

17 MR. GOLDMAN: Objection.

18 THE COURT: Your objection is overruled.

19 Please answer.

20 A Using the word wrote or paper I am not aware of,
21 no.

22 Q Thank you.

23 THE COURT: Is this a good place to take a
24 ten minute break?

25 MR. ITKOWITZ: Fine with me.

26 THE COURT: All right, we're taking our

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1 Trump - Plaintiff - Direct

2 morning break. It's ten minutes long. Please come
3 back -- make it slightly less minutes, we'll make it
4 nine and a half minutes, so please don't discuss the
5 case among yourselves. Under no condition do you talk
6 about this case. Please keep an open mind. See you
7 back here at 11:12. Okay?

8 (Whereupon, the jury retired from the
9 courtroom.)

10 (Recess.)

11 THE COURT: Mr. Trump, step back up.

12 (D O N A L D T R U M P, the witness, resumed
13 the witness stand and testified further as follows:)

14 Get the jury.

15 MR. GOLDMAN: Can we approach?

16 (Whereupon, there's a sidebar discussion off
17 the record.)

18 THE COURT: Bring in the jury.

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

21 THE COURT: Please be seated. Thank you very
22 much.

23 Mr. Itkowitz, as quickly as possible.

24 MR. ITKOWITZ: Sure.

25 DIRECT EXAMINATION (Continued)

26

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 BY MR. ITKOWITZ:

3 Q Mr. Trump, so you had the meeting on August 26 at
4 PVH headquarters, correct?

5 A I believe so, yes.

6 Q That was a very productive meeting, was it not?

7 A Yes.

8 Q In fact, it was so productive that when you left
9 the meeting or after the meeting, you directed Cathy Glosser
10 and Jeff Danzer to quote/unquote, make the deal happen;
11 isn't that correct? Yes or no?

12 MR. GOLDMAN: Objection. Can he think for a
13 minute?

14 THE COURT: You know, Mr. Goldman, objection
15 is the only word I want to hear. The next time I'm
16 going to have words with everybody in the back.
17 Enough.

18 Q Did you or did you not direct Cathy Glosser, your
19 vice president of licensing, and Mr. Danzer, the organizer
20 of the meeting to make the deal happen?

21 A I don't know.

22 MR. ITKOWITZ: I show the witness 118.

23 Q I direct --

24 THE COURT: First place, do you recognize the
25 handwriting on this?

26 THE WITNESS: Do I?

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 THE COURT: Yes.

3 THE WITNESS: No, I don't.

4 Q I'm going to ask you to assume, for the purposes
5 of this question, that this page of handwriting came from
6 the notebook of Cathy Glosser?

7 A Okay.

8 Q And I would direct your attention to 40 percent of
9 the way down the page and to the words as per Donald. And
10 there's an arrow, make the deal happen.

11 Do you think that's an accurate --

12 A I'd accept that.

13 Q Excuse me?

14 A If this is Kathy's writing I would accept that,
15 yes.

16 Q Now, in the top part there's basic terms -- not
17 terms from a term sheet but indications of what was
18 discussed at the meeting. Do you see that?

19 A Yes.

20 Q And as you sit here now, there was no minimum
21 guarantee that was discussed at that meeting, is there?

22 A I don't know.

23 Q So you don't remember?

24 A No.

25 Q I'm going to direct your attention to -- within
26 two to three weeks after this meeting there was a proposal

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 submitted to you by PVH?

3 A Perhaps. I'd have to see the proposal. I'm not
4 disputing that, I just don't know.

5 Q Well, you do recall that -- I direct your
6 attention to Trial Exhibit 3.

7 THE COURT: Trial Exhibit 3 is in evidence.

8 (Pause.)

9 THE COURT: He has it.

10 Q Trial Exhibit 3. It happens to be -- it's from
11 the exhibit from the deposition which it was marked 3A. Do
12 you see it?

13 THE COURT: We have it.

14 Q This is the agreement that you signed with PVH,
15 correct?

16 A Yes.

17 Q And that was signed on November 29th, 2004?

18 A Yes.

19 Q Now, you had the meeting at PVH on August 26th,
20 correct?

21 A Yes.

22 Q You directed your staff and Mr. Danzer to make the
23 deal happen?

24 MR. GOLDMAN: Objection.

25 THE COURT: No, I'm going to allow that.

26 Q You directed your staff and Mr. Danzer to make the
Donna Evans, Official Court Reporter

Trump - Plaintiff - Direct

1
2 deal happen?

3 A I directed my staff to make the deal happen.

4 Q You didn't direct Mr. Danzer to make the deal
5 happen?

6 A I didn't direct Mr. Danzer.

7 Q Was Mr. Danzer working on your behalf?

8 A He was working on the job but didn't do what they
9 were supposed to do.

10 Q Was Mr. Danzer working on your behalf, yes or no?

11 A As per the agreement, yes.

12 Q Was Mr. Danzer working on your behalf, yes or no?

13 MR. GOLDMAN: Objection. I think he answered
14 the question.

15 THE COURT: Sustained. Let's go.

16 Q So let me understand this. It was clear, at least
17 on -- excuse me, let me back up.

18 Look at Trial Exhibit 3.

19 A Yes.

20 Q You're familiar with that contract?

21 A The license agreement, yes.

22 Q That was what you ultimately agreed to?

23 A Yes, it is.

24 Q And you were happy with that deal, right?

25 A Depends on what you're definition of happy is. I
26 would have been happier --

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 THE COURT: I --

3 THE WITNESS: I won't say it.

4 Q You were happy enough to sign the deal, correct?

5 A I signed the deal.

6 Q You were happy enough to sign the deal?

7 A I signed the deal.

8 Q So you signed the deal, okay? And Mr. Danzer
9 worked on getting that deal for you, correct?

10 A Well, probably correct.

11 Q And Mr. Danzer wasn't doing this as a charity
12 endeavor for you, was he?

13 MR. GOLDMAN: Objection.

14 THE COURT: Sustained.

15 Q Did you think that Mr. Danzer was doing this for
16 free?

17 MR. GOLDMAN: Objection.

18 THE COURT: I'll allow that.

19 A I thought that Mr. Danzer was trying to get them
20 to pay --

21 MR. ITKOWITZ: Excuse me.

22 THE COURT: That wasn't the question.

23 Do you think Mr. Danzer was doing this deal
24 for you for free, yes or no?

25 THE WITNESS: It's a very hard question to
26 answer yes or no. My feeling is that I felt that

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct

2 Mr. Danzer wanted to get the commission that he was to
3 be given if we could have gotten that deal from PVH,
4 but we didn't get that deal from PVH. We didn't make
5 the deal that ALM promised us, your Honor, we made a
6 deal that was for substantially less money. But I
7 think that Danzer went right to the end hoping to get
8 that deal. We didn't get that deal, we got a different
9 deal.

10 BY MR. ITKOWITZ:

11 Q So it's your testimony now that the \$25 million
12 requirement set forth in the memorandum of understanding in
13 August of 2003 was what Mr. Danzer was telling you could be
14 gotten on August 26 of 2004. Is that what you're saying?

15 A That's what they told us originally. That's what
16 he tried to get and he was unable to get it.

17 Q Well, prior to the deal being signed, was it not
18 apparent to you and to ALM that there was going to be no
19 minimum requirement for this license agreement? Yes or no?

20 A I can't respond to that. I just don't know.

21 Q You don't know?

22 A I can say that I didn't -- I can say that this is
23 a much different deal than we were told we were going to get
24 from ALM. A much different deal.

25 Q I understand.

26 A And not as good a deal.

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q I understand that.

3 A But not as good a deal.

4 Q But they knew it was going to be a much different deal;
5 didn't they?

6 A Yeah, but that doesn't mean I have to pay ALM.

7 Q Excuse me. They knew it was going to be a much
8 different deal; did they not?

9 A I don't know.

10 MR. GOLDMAN: Objection to the form.

11 A I don't know what ALM -- I can't speak for ALM, I can
12 only speak for myself. It's not the deal that ALM promised us.

13 Q So it's your testimony then that from June 24th of 2004
14 until November 29th of 2004, when you signed this deal, you
15 never had a discussion with anybody from ALM, Jeff Danzer or
16 anybody else, asking you to pay a lower percentage than 22.5
17 percent as set forth in the memorandum of understanding, because
18 the minimum requirement of \$25 million over seven years was not
19 going to be met?

20 A We had a discussion, but he also knew he wouldn't get a
21 commission.

22 Q Okay. So you're now saying that you had a discussion?

23 A We had a discussion.

24 Q You had discussions?

25 A But he also knew he wouldn't be getting a commission.

26 Q So who did you have these discussions with?

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A Mr. -- I think Mr. Danzer.

3 Q Okay. So we now know that you had discussions with Mr.
4 Danzer --

5 A Yes.

6 Q -- about lowering the commission rate because the
7 target rate of 25 million over seven years was not going to be
8 met, correct?

9 MR. GOLDMAN: Objection.

10 THE COURT: Sustained. Rephrase.

11 Q Mr. Danzer spoke to you about a lower commission rate
12 and you spoke to him about a lower commission rate from June
13 24th anytime between -- I'm going to withdraw that.

14 Did there come a time when Mr. Danzer spoke to you
15 about a lower commission rate on this deal at any time from June
16 24, 2004 to November 29, 2004?

17 A I let Mr. Danzer know that I was not happy with the
18 deal relative to what they had agreed to produce.

19 MR. ITKOWITZ: I would move to strike that answer,
20 Your Honor.

21 THE COURT: Stricken. Please read back the
22 question. Please listen to the question and answer it.

23 (Whereupon, the last question was read back by
24 the court reporter.)

25 A Yes, there was a time.

26 Q Excuse me?

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A Yes, there was. Mr. Danzer spoke to me about a
3 commission.

4 Q How many conversations did you have with Mr. Danzer
5 about lower commission rate in that period from June 24, 2004 to
6 November 29, 2004?

7 A He called me I think probably a couple of times, a few
8 times. I think I spoke to him once, but I know he called a few
9 times.

10 Q On the phone?

11 A On the phone, some time after the letter was sent, and
12 I told him I wasn't happy. I never agreed to ten percent. I
13 thought ten percent was ridiculous. Not only ten percent, ten
14 percent without a termination. It's unheard of. So I said no.

15 THE COURT: Again, Mr. Trump --

16 MR. ITKOWITZ: I move to strike all of these
17 answers.

18 THE COURT: No, not all of these answers. Strike
19 everything after "I spoke to him a number" -- at least once,
20 after that something.

21 Read back the answer for the Court.

22 (Whereupon, the last answer was read back by the
23 court reporter.)

24 THE COURT: Everything after "I spoke to him on the
25 phone." Strike everything after that.

26 Jurors, disregard after I spoke to him on the

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 phone.

3 Next question, please.

4 Q It's your testimony you spoke to him only once on the
5 phone?

6 A I think it was once. He called a few times. I think I
7 spoke to him once on the phone. Could have been a little more,
8 but the conversation would have been the same. And I also
9 spoke --

10 THE COURT: That's all.

11 A Okay.

12 Q All right. Isn't it a fact that he came up to your
13 office on a number of occasions and met with you in your office?

14 THE COURT: Yes or no?

15 A I believe that's true, yes.

16 Q And when he came up and met with you in your office, he
17 also discussed with you a lower commission rate than 22.5
18 percent?

19 A I think that's true, yes.

20 Q Now, is it your testimony -- excuse me.

21 Prior to your signing this deal -- well, hold on. I'm
22 going to show you what's been marked as Plaintiff's Exhibit 75.

23 THE COURT: 75 in evidence.

24 (Document handed to witness.)

25 A Okay, I see it. Just the first page? First page?

26 Q You can look at the second page, too.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A Okay. Okay.

3 Q Now, this is an e-mail from Cathy Glosser to Ken Wyse.

4 You know who Ken Wyse is?

5 A Yes, PVH.

6 Q And he's the president of licensing at PVH?

7 A That's correct, I think so.

8 Q And this e-mail was cc'd to George Ross, Jeff Danzer,

9 Mark Weber, Alan Sirkin and Len Flynn; is that correct?

10 A That's correct.

11 Q And in this e-mail Cathy Glosser was working for you?

12 THE COURT: Welcome law students from Delaware and
13 their professor. Very happy to have you. We're doing a
14 contract case today, and we have a witness on the witness
15 stand that you may recognize.

16 Go ahead.

17 Q All right. This e-mail was sent on behalf of the Trump
18 Organization from Cathy Glosser to Ken, and it says, "Ken, thank
19 you for your e-mail. Let me start by saying that the Trump
20 Organization is excited about the opportunity to work with PVH."
21 I'm going to skip the next sentence and go on and quote the
22 third sentence or the fourth -- the last sentence of this
23 paragraph, which says -- no. You know, I'll just read it. The
24 reception --

25 THE COURT: No, you don't need to read it.

26 MR. ITKOWITZ: Excuse me?

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 THE COURT: You don't need to read that.

3 MR. ITKOWITZ: Fine.

4 Q All right. Now, when she said the Trump Organization
5 is excited about the opportunity to work with PVH, was Ms.
6 Glosser being accurate?

7 A I believe so, sure.

8 Q So that means you were excited to work with PVH,
9 correct?

10 A No. It's not the deal that I wanted to have with PVH.

11 Q So you weren't excited?

12 A The deal that I wanted to have was the deal --

13 Q Excuse me?

14 A I wouldn't use the word excited.

15 THE COURT: You said you're not excited. Next
16 question.

17 Q But Ms. Glosser was excited?

18 A It was a nice thing for her to say to PVH.

19 Q There's nothing in this e-mail that says, you know
20 what, there's no \$25 million minimum guarantee?

21 THE COURT: Enough already. Sustained.

22 Q Now, can you think of any period of time from August
23 1st of 2004 to November 29th of 2004 when anybody from your
24 organization wrote a document, a letter or an e-mail to anyone
25 at PVH saying, you know what, we'd like to do business with you,
26 but we want a \$25 million guarantee over seven years?

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A I don't know what they wrote to PVH. I would assume
3 maybe your client might have done it. I don't know what they
4 did. That's what we wanted. That's what, you know, that's what
5 our document with you says we're going to get.

6 Q Mr. Trump, I move to strike that.

7 THE COURT: Stricken. After -- wait a second.

8 After "I don't know if they" -- "I don't know if
9 they wrote anything," after that it's stricken.

10 Q Mr. Trump, you are not a shy person, are you?

11 MR. GOLDMAN: Objection. Really.

12 THE COURT: Enough. Are you a shy person?

13 THE WITNESS: I'm shyer than people think. It's
14 actually true.

15 Q In fact, you have -- you've created a public persona of
16 being a person who asks for what he wants, correct?

17 MR. GOLDMAN: Objection.

18 THE COURT: I'll allow it.

19 A I don't know.

20 Q Excuse me?

21 A I don't know. I mean, I'm not sure what my persona is.

22 Q Well --

23 THE COURT: Public perception of your persona.

24 A That's the problem.

25 Q You've written a couple of books, haven't you?

26 A Yes.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q And one of those books is titled "How to Kick Ass in
3 Business and in Life;" is that correct?

4 MR. GOLDMAN: Objection.

5 THE COURT: Sustained. Let's go. Please.

6 Q Now, so you don't have -- you're not aware, as you sit
7 here now -- excuse me. Withdrawn.

8 In preparation for your coming to the witness stand
9 today, did you do any preparation?

10 A No, I did not.

11 Q Didn't look at any documents?

12 A No, I did not.

13 Q Didn't think about whether you wanted to bring anything
14 to the Court's attention in terms of any writings that might
15 support your case?

16 MR. GOLDMAN: Objection.

17 A No.

18 MR. GOLDMAN: Withdrawn.

19 Q And you've known about this case for a number of years,
20 correct?

21 A Yes.

22 MR. GOLDMAN: Objection, asked and answered.

23 A Let's go.

24 Q And you're not aware of any writings that anybody on
25 your behalf or from your company wrote anybody at PVH saying we
26 want -- withdrawn.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Are you aware of whether -- are you aware of whether
3 Cathy Glosser sent a copy of this agreement that you signed on
4 November 29th to ALM?

5 A I'm not aware.

6 Q Okay. Now --

7 A She might have. I don't know.

8 Q Now, there came a time when -- in August of 2005 when
9 you got, your company or you, the Trump Organization, got your
10 first royalty payment from PVH?

11 MR. GOLDMAN: Objection. It's a compound question.

12 THE COURT: No, it isn't. I'll allow it. I'll
13 allow it.

14 A I don't know the date, but we certainly got royalty,
15 yes.

16 Q I would direct your attention to Plaintiff's Exhibit
17 79.

18 THE COURT: 79 in evidence.

19 (Document handed to witness.)

20 Q Take a minute and look at this document. It's a couple
21 of e-mails.

22 A Which one do you want me to look at?

23 Q Take a look at the first page.

24 THE COURT: It starts -- the dates go from the
25 bottom to the top. All right.

26 Q Let me know when you're finished.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A Okay, I got it.

3 Q Now go to page 2 at the top.

4 A Yes.

5 Q Now, in this series of e-mails Jeff Danzer is stating
6 to Cathy Glosser that he has sent your organization an invoice,
7 correct?

8 A Yes, sure.

9 Q And she writes back to him saying, "Sending an invoice
10 is fine; however, separate from that please send me the ALM
11 Trump executed agreement as well, I never received a copy of
12 that."

13 Correct? Yes or no?

14 A Well, the only one that we have is the original
15 agreement.

16 Q Excuse me. Looking at this e-mail, the second one from
17 the top, Jeff -- Cathy Glosser says, "Sending an invoice is
18 fine. Separate from that, please send me the ALM Trump executed
19 agreement as well, I never received a copy of it. Once I
20 receive that I can move on my side."

21 Do you see she said that?

22 A Yes.

23 Q Now, then he writes back to her, "Dear Kathy, as you
24 know, Trump and ALM entered into a memorandum of understanding
25 dated September 25, 2003 that was extended to June 30, 2004.
26 During the course of the performance of its obligations and

1 Trump - Plaintiff - Direct (Mr. Itkowitz)
2 services, Mr. Trump requested that ALM continue its efforts past
3 June 30th of 2004 at a reduced rate of ten percent for any
4 licensing deal originated by ALM.

5 In this connection, ALM introduced PVH to the Trump
6 licensing opportunity on May 14, 2004 that resulted in Trump
7 entering into a licensing agreement for dress shirts, tuxedo
8 shirts and neckwear with royalties of eight percent and three
9 percent for closeouts. ALM's agreement to receive a reduced fee
10 of ten percent is set forth in various e-mails dated August 23,
11 2004, August 25, 2004 and August 30, 2004, which were
12 acknowledged to have been received by Mr. Ross.

13 If you have any questions, please do not hesitate to
14 let me know."

15 That's an e-mail that he wrote to Cathy Glosser on
16 August 9, 2005, correct?

17 A Yes, correct.

18 Q Now, let's go to Trial Exhibit 81.

19 (Document handed to witness.)

20 Q Now, turning to the bottom of the second page, that's
21 an e-mail from Jeffrey Danzer to Cathy Glosser. It says, "Hi,
22 Cathy," and that's dated August 22, 2005, correct?

23 THE COURT: You have to look down until you get to
24 August, what, 22nd?

25 MR. ITKOWITZ: August 22, 2005 from Jeff Danzer to
26 Cathy Glosser.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q Do you see that, sir, at the very bottom of the page?

3 A This one? What page is that on?

4 Q Page 2.

5 THE COURT: Page 2. From Jeff Danzer to Cathy
6 Glosser, August 22nd at 10:30 a.m. Is that the one?

7 MR. ITKOWITZ: Correct. Then you go to page 3 to
8 look at it.

9 THE COURT: And the text is on page 3.

10 Q "Hi Cathy. Good morning. I haven't heard from you
11 since my last e-mail concerning ALM's first invoice for
12 semi-annual earned commissions on the Trump PVH deal. The
13 payment is now overdue. Please let me know when we can receive
14 payment."

15 THE COURT: "When we can expect to receive."

16 Q "Please let me know when we can expect to receive
17 payment."

18 Now, Cathy Glosser writes back to him. On the first
19 page --

20 MR. GOLDMAN: Objection. There's no -- can we
21 approach? That's not a question.

22 THE COURT: If you want to, approach.

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

25 THE COURT: It's the second e-mail that Mr.
26 Itkowitz is going to be reading.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q Now, going to the first page -- going to the first
3 page, Cathy Glosser writes on August 23, 2005 to Jeff Danzer,
4 "Jeff, I have an e-mail, but accounting told me that they need
5 the actual deal in order to process an invoice. I believe
6 George did check his file and that's when he determined that he
7 didn't have a signed paper from ALM. If you think it will be
8 too tricky for your lawyer to quickly draw something up, let me
9 know and I'll ask George."

10 Now. She's referring to George Ross, correct?

11 A Yeah. He didn't have a deal.

12 Q Excuse me. She's referring to George Ross; yes or no?

13 A Yeah, I think so.

14 Q Now, he writes back on September 6th, "Hi Cathy, how
15 are you?"

16 THE COURT: Enough. Just go to the last sentence.

17 Q "Please let me know if your attorney is in the process
18 of drafting an agreement or if I need to have mine do it.
19 Thanks and all the best, Jeff."

20 Then she writes back on September 7, 2005. "Jeff,
21 George is drafting something. I don't know what his timing is,
22 but I will get something to you as soon as I get it."

23 Now, on or about September 7, 2005, did Cathy Glosser
24 or George Ross tell you that they were promising Jeff Danzer
25 that they were going to get him a written document with respect
26 to this transaction?

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A No, not me.

3 Q Okay. Now, just -- I'm going to direct your attention
4 to what's known as Trial Exhibit 122.

5 (Document handed to the witness.)

6 Q Now, if you could see the e-mail, there's an e-mail
7 there from Cathy Glosser dated Wednesday, September 7, 2005 at
8 10:01, which is about seven minutes after the e-mail I just read
9 to you from Cathy Glosser saying George is drafting something.

10 Do you see that?

11 A Yes, I do.

12 Q This is Cathy Glosser writing to George?

13 A George.

14 THE COURT: George Ross?

15 THE WITNESS: Yes.

16 Q George Ross, correct?

17 A Yes.

18 Q "George, I received yet another e-mail from Jeff Danzer
19 regarding their outstanding payment. I let him know that you
20 were drafting a letter and we will get it to him as soon as we
21 can. I know we briefly discussed a while back that ALM may
22 expect that they should benefit from the sportswear deal. I
23 don't know that he even knows that we did a sportswear deal, but
24 we should probably specify in the letter that they get a
25 percentage of dress shirts and neckwear royalties."

26 Do you see that?

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A Yes, I do.

3 Q Now, at that time on September 7th of 2005 or at any
4 time in September of 2005, did Cathy Glosser or George Ross come
5 to you and say that they were concerned that ALM didn't know
6 about a sportswear deal?

7 A No, I don't remember that.

8 Q Okay. And, in fact, your organization did a sportswear
9 deal with PVH subsequent to the deal for dress shirts and
10 neckties?

11 A After the contract, yes. Some time later, after that,
12 there was a sportswear deal done.

13 Q And that was in May of 2005?

14 A I don't know the date, but it was after the contract.

15 Q That was after?

16 A After your contract, ALM contract.

17 Q Yes. After our contract?

18 A It had long expired.

19 Q Excuse me?

20 THE COURT: The answer was "after the contract."

21 Ask the next question.

22 Q Now, after the contract but prior to September 7, 2005,
23 correct?

24 A I don't know when. I don't know the date. I just know
25 it was after.

26 Q This e-mail written by --

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A I guess you could say that, yes.

3 Q -- president of licensing says she's concerned that ALM
4 may also want to get paid for the sportswear deal, correct?

5 MR. GOLDMAN: Objection. That's not what it says.

6 THE COURT: No, it doesn't say that. It says what
7 it says. Just go ahead.

8 A It does not say that.

9 Q Okay. It says, "I know we briefly discussed a while
10 back that ALM may expect that they should benefit from the
11 sportswear deal."

12 Do you see that?

13 A Yes.

14 Q The sportswear deal was done prior to September 7,
15 2005, correct?

16 A Sportswear deal was done -- I don't know the exact
17 date. I know it was substantially after your contract had
18 expired.

19 Q But it was done after September 7, 2000 -- excuse me.
20 It was done prior to September 7, 2005?

21 A I don't know the date. I don't know. I mean, I don't
22 know. Perhaps.

23 MR. GOLDMAN: Objection. It's been asked and
24 answered.

25 Q So you don't know whether the sportswear deal was done
26 before this e-mail or --

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 MR. GOLDMAN: Objection.

3 Q Is that your testimony?

4 THE COURT: I will allow that answer one last time.

5 A I don't know.

6 THE COURT: Next question, please.

7 Q Now, there came a time -- by the way, did Cathy Glosser
8 tell you that in July of 2005 she had spoken to George Ross
9 about what commission would be due to ALM?

10 A She was telling me that ALM was bugging her for
11 commissions.

12 Q Did she ever tell you in July of 2005 that ALM was
13 expecting to get ten percent of the first royalty payment; yes
14 or no?

15 A I'd have to stand by the answer I gave you previous.
16 We didn't discuss. She just said that ALM was bugging her for a
17 commission of some kind, but she didn't say ten percent.

18 THE COURT: The answer is no, she didn't?

19 THE WITNESS: So then, no.

20 Q All right. At any time in July of 2005, did Cathy
21 Glosser or George Ross, for that matter -- excuse me.
22 Withdrawn.

23 At any time in July of 2005, did Cathy Glosser speak to
24 you and tell you that George Ross had directed that she pay ALM
25 a commission on the PVH deal; yes or no?

26 A Not that I remember. Not that I remember.

1 2 BY MR. ITKOWITZ:

2 3 Q At any time from July of 2005 through October of
3 4 2005, did Cathy Glosser or George Ross tell you that Cathy
4 5 Glosser had been directed to arrange with your accounting
5 6 department to pay ALM a commission of 10 percent on the
6 7 royalties?

7 8 A No. That happened much later. Not at that time.

8 9 Q So at that time nobody told you?

9 10 A That did happen but much later, years later.

10 11 Q Now, you have -- you pride yourself, do you not,
11 12 on being -- of knowing every aspect of your businesses?

12 13 A My business is very big. I can't know -- I'd like
13 14 to know every aspect. No, I can't know every aspect. I
14 15 have many executives and people. I can't know every aspect.

15 16 Q You can't know everything, but you do have a
16 17 reputation, do you not, of being on top of everything that's
17 18 going on, the significant things going on in your company?

18 19 MR. GOLDMAN: Objection.

19 20 THE COURT: Overruled.

20 21 A I hope so. Certainly I hope so.

21 22 Q And certainly that's what you expect from the
22 23 people who appear on your show, your TV show, The
23 24 Apprentice, right?

24 25 MR. GOLDMAN: Objection.

25 26 THE COURT: The objection is sustained.

26

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 MR. GOLDMAN: Again, can we please not have
3 that every ten minutes.

4 THE COURT: Enough already.

5 MR. ITKOWITZ: All right.

6 Q I'm going to show you what's been marked as
7 Plaintiff's Exhibit 21.

8 THE COURT: I think it's in.

9 MR. WILTENBURG: It's also 88.

10 MR. ITKOWITZ: I'm sorry again. Fifty-four.
11 Car 54, where are you? I'm sorry. Trial Exhibit 54.

12 THE COURT OFFICER: Trial Exhibit 54.

13 BY MR. ITKOWITZ:

14 Q I direct your attention to Plaintiff's Exhibit --
15 to the second page of this document. Take a look at the
16 second page.

17 A Yes, okay.

18 MR. GOLDMAN: Your Honor, same objection as
19 the other day.

20 THE COURT: I'm going to permit it for the
21 same -- I'm not going to say it.

22 BY MR. ITKOWITZ:

23 Q Mr. Trump, this is an invoice from ALM
24 International to the Trump Organization, attention Cathy
25 Glosser, correct?

26 A Yes, it is.

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 Q And it's dated August 8, 2005?

3 A Yes.

4 MR. GOLDMAN: I'm sorry, is it 54?

5 THE COURT: It's 54.

6 MR. GOLDMAN: Page 2?

7 THE COURT: Page 2.

8 MR. GOLDMAN: Okay.

9 Q And in it it states on the top, it says,
10 semi-annual commission to ALM re PVH Trump Apparel license.

11 Do you see that?

12 A Yes, I do.

13 Q And it gives the total PVH Trump sales of 11/05
14 through 6/30/05, and it indicates those sales amounted to
15 \$836,099.25, correct?

16 A Okay.

17 Q And it says the total royalties that you received,
18 that Trump received from the PVH deal for that period of
19 time was \$63,708.39, correct?

20 A Okay.

21 Q So that -- and that means in just plain common
22 language that for the period of January 1, 2005 through
23 June 30, 2005, you received \$63,708 for allowing your name
24 to be affixed to shirts and neck ties. Is that correct?

25 A Yes.

26 Q And that was the first royalty payment, correct?

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 A Yes, that's right.

3 Q And so --

4 By the way, were you aware that Cathy Glosser
5 or anybody from the Trump Organization had sent the royalty
6 statement that you received to ALM so that ALM could send
7 this bill?

8 A No, I wasn't aware.

9 Q Now, this check if you look at -- if we look at
10 the first page, there's a check here, correct?

11 A Correct.

12 Q The check is from Donald J. Trump. That's you,
13 right?

14 A Yes, it is.

15 Q And it's to ALM international care of Jeff Danzer,
16 correct?

17 A Correct.

18 Q And it's made out for \$6,370.84, correct?

19 A Yes, it is.

20 Q And that's 10 percent of the royalties that you
21 received as shown on page 2 of this document?

22 A Correct.

23 Q So this shows that on October 7, 2005, you signed
24 a check to ALM --

25 A Correct.

26 Q -- for 10 percent of the royalties that you

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 received from the first royalty payment you got from PVH,
3 correct?

4 A That's correct.

5 Q Now, before -- this check was submitted to you for
6 signature, obviously, because you couldn't have put your
7 signature on it --

8 A Right.

9 Q Now, let's talk briefly about the procedure by
10 which your company issues checks.

11 You have many companies, right?

12 A Yes, many.

13 Q But you have one accounting department, right?

14 A No, I have actually many accounting departments.
15 I have accounting departments in different companies.

16 Q Okay. But at 725 Fifth Avenue, for the licensing
17 at least, you have an accounting department?

18 A That is located at 725 Fifth Avenue.

19 Q Right. And how many people work in that
20 accounting department?

21 A I'd say 12, 14, something like that.

22 Q And you have a controller, correct?

23 A Yes, I do.

24 Q And that controller is responsible for making sure
25 that only checks that have been approved by authorized
26 persons are issued by your company, correct?

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Direct

1
2 A Correct.

3 Q And there's a procedure for that, right?

4 A There is.

5 Q So when somebody, a vendor starts doing business
6 with the Trump Organization, they have to do certain things,
7 correct?

8 A Yes, that's true.

9 Q One of those things that has to happen before a
10 check can issue is that you have to set up a vendor account,
11 correct?

12 A I think they probably did. I don't exactly know
13 but I think they probably did.

14 Q But that would be the normal course of procedure
15 for a company like yours?

16 A It depends on whether or not individual or beyond,
17 but I think they would set up a vendor account.

18 Q And they would set up a vendor account so they
19 could keep track of income and expenses related to that
20 particular matter, correct?

21 A Yes.

22 Q And in order for a vendor account to be set up a
23 person in authority of your organization has to direct
24 somebody in the controller's office to set up a vendor
25 account, correct?

26 A Correct.

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 Q Before a vendor account can be set up your company
3 in the ordinary course of business requires somebody to
4 submit a tax ID to your company so that your company can
5 keep track of what you were sending to that company for the
6 IRS; isn't that correct?

7 A I think so, yes.

8 Q So when all of that had happened before this
9 check, Trial Exhibit 54, was issued, correct?

10 A That's right.

11 Q And before it got mailed out it was brought to
12 your desk, correct?

13 A It was put on my desk.

14 Q It was put on your desk?

15 A Along with thousands of other checks.

16 MR. ITKOWITZ: I move to strike that.

17 THE COURT: Strike that last portion of the
18 answer. Again, disregard, jurors. It was put on his
19 desk is the only answer.

20 BY MR. ITKOWITZ:

21 Q Now, when this check was put on your desk there
22 came a time when you signed it, that you looked at it,
23 correct? Yes or no?

24 A Probably not. I mean I signed -- I sign --

25 Q Excuse me, yes or no?

26 A Depends on your definition of look.

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 Q In order -- you have a signature within a
3 certain -- on the signature line, right?

4 A Yes.

5 Q In order for you to affix your signature on to the
6 signature line you have to look at the check before you
7 write it?

8 A Yes, in that respect I do, yes.

9 Q And when that check is given to you it's given to
10 you with an invoice number -- with an invoice, correct?

11 A I don't look at the invoice. That's right.

12 Q Well, Mr. Trump, it's money, right?

13 A It is money.

14 Q You're concerned about money, are you not?

15 MR. GOLDMAN: Objection.

16 THE COURT: Sustained.

17 Q Are you in the habit of writing checks to people
18 who you don't owe money to?

19 MR. GOLDMAN: Objection.

20 THE COURT: I'll allow that.

21 A I sign so many checks and I rely on many
22 executives within the company to put on my desk what they
23 think is the right amount, and I rely on -- I have many,
24 many executives, it's a very big company, but I sign the
25 checks and I rely on those executives.

26 Q To make a long story short you rely on executives,

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 people you trust to make sure you pay people who are
3 entitled to be paid, correct?

4 A That is correct.

5 Q And if you thought somebody was authorizing checks
6 to be paid by you to somebody who was not entitled to be
7 paid, you'd call them into the board room, wouldn't you?

8 MR. GOLDMAN: Objection.

9 THE COURT: I'll allow it.

10 A I rely on the executives, yes.

11 Q Excuse me?

12 A I do, I rely on executives to make correct
13 decisions.

14 Q But what I'm saying to you, that if you knew that
15 an executive was authorizing checks to somebody who wasn't
16 entitled to receive those checks, you would call them into
17 the board room, wouldn't you?

18 A I would not be happy.

19 Q So this check was given to you, you signed it and
20 it got sent out, correct?

21 A Correct.

22 Q Now --

23 MR. GOLDMAN: Going to direct your attention
24 to Trial Exhibit 55.

25 Now, trial exhibit -- let's go to page 2?

26 A Okay.

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 Q Now, page 2 is again another invoice, correct?

3 A Yes.

4 Q And it says on the top ALM International, care of
5 Jeff Danzer, correct?

6 A Yes.

7 Q That's the same Jeff Danzer who organized the
8 meeting on June 24th, 2004 at the PVH offices, correct?

9 A Okay, yes.

10 Q And this is a invoice and it states: Total PVH
11 Trump sales 1/1/05 to 8/30/05, and it says \$1,903 -- excuse
12 me, \$1,903,630, correct?

13 A Correct.

14 Q And right below that it says, total royalties to
15 Trump from PVH deal 140,358, -- 140,358.55, correct?

16 A Correct.

17 Q So when one looks at this invoice and the invoice
18 which was appended to Plaintiff's Exhibit 54, we're looking
19 at sales for the period of 11/05 to 6/30/05 on both
20 invoices, correct?

21 A Correct, yes.

22 Q But they are obviously for different items
23 correct, different kinds of items?

24 A That I don't know. I just see the amounts.

25 Q So let's just look at these together. One
26 indicates total PVH Trump sales for 11/05, 6/30/05 for

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 836,000 and change, correct?

3 A Okay.

4 Q One indicates for the same period of time total
5 PVH Trump sales 1,903,000 et cetera, correct?

6 A Okay.

7 Q You received royalty statements from PVH for both
8 of these amounts, correct?

9 A Yes, the company did. Yes.

10 Q By the way, it's required under your contract with
11 PVH for them to send you royalty statements, correct?

12 A Yes, it is.

13 Q So that you can keep track of what they are
14 getting, so you can understand that you're getting the
15 correct amount?

16 A Correct.

17 Q So with respect to Plaintiff's Exhibit 54, you
18 received one check of 63,000, and with respect to
19 Plaintiff's Exhibit 55 you received 140,000 and change. So
20 basically -- math has never been my strong point, but you
21 received approximately \$200,000 for the period -- for total
22 sales for the period 11/5 through 6/30/05 for Philip Van
23 Heusen putting your name on their clothing, correct?

24 A Correct.

25 Q Your company turned around and when you got the
26 second invoice which is shown on Plaintiff's Exhibit 55,

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Direct

1
2 this royalty statement was sent by your people, the people
3 you trust, it was sent to ALM so that they could send you a
4 bill, correct?

5 A That I don't know.

6 Q Well, look at the second page of Plaintiff's
7 Exhibit 55.

8 A Okay.

9 Q So Plaintiff's Exhibit 55, page 2, the top is who
10 is billing you, and that's ALM International, correct?

11 A Exactly.

12 Q And the calculation is 10 percent of the total
13 royalties you received from the PVH deal, correct?

14 A Correct, yes.

15 Q And ALM's calculation as to what was due based
16 upon what you received was \$14,035.85, correct?

17 A Correct.

18 Q Now, after this invoice was submitted to your
19 accounting department, somebody in your accounting
20 department, a person you trust, people authorized by you
21 issued a check, correct?

22 A That's right.

23 Q And they issued a check from your personal name,
24 Donald J. Trump to ALM International, correct?

25 A Correct.

26 Q And that check was for \$14,000?

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 A Yes.

3 Q And that check was placed on your desk?

4 A Yes.

5 Q And it was placed on your desk with the invoice?

6 A I think so, yes.

7 Q And when you signed -- well, isn't it a fact that
8 when you are trusted people put a check on your desk they
9 are required to give you an invoice?

10 A Yes.

11 Q So that you can check, right?

12 A That is correct.

13 Q So at the time that you signed this check and at
14 the time that you signed the first check for 6,000, you had
15 not only a check but an invoice for both, correct?

16 A Yes.

17 Q And had you cared to look right in front of you,
18 where your signature hand was going to be, you could see
19 clearly that you were being invoiced, what you were being
20 invoiced for and there was the check, correct?

21 A Well, as I said, I have thousands of checks that I
22 sign a month so it's impossible to look through all of the
23 checks that I sign.

24 Q Excuse me, was it not right in front of you at the
25 time you signed the check?

26 A It's impossible. Physically impossible.

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 THE COURT: That's not the question, sir.

3 Please read back the question.

4 And please answer.

5 (Record read.)

6 A Yes, it was.

7 BY MR. ITKOWITZ:

8 Q If you chose not to look at it that was your
9 choice, right?

10 A That's my choice.

11 Q When you have a check --

12 A That was my choice.

13 Q When you have a check on your desk and you have an
14 invoice and somebody in your accounting department is saying
15 this is okay to sign, you have a choice, do you not?

16 A That's right.

17 Q You can look at the invoice or you can just sign
18 the check, right?

19 A It's my choice.

20 Q And in this case, you signed the check, correct?

21 A Yes.

22 Q And after it got signed it got sent out to ALM,
23 correct?

24 A Correct.

25 Q Now, I'm going to show you Plaintiff's Exhibit 56.

26 Directing your attention, this is also two

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 documents here, correct? Plaintiff's Exhibit 56?

3 A Yes.

4 Q And let's look at the second page. Second page an
5 invoice, again from ALM International, care of Jeff Danzer.
6 And it's an invoice to the Trump Organization, and it's
7 dated 1/31/2006, correct?

8 A Correct.

9 Q And that invoice is for the fourth quarter sales
10 for PVH, correct, for 2005?

11 A Yes, correct.

12 Q And that shows for the fourth quarter of 2005, PVH
13 sold \$2.9 million of clothing with your name on it, correct?

14 A Okay.

15 Q And underneath that, because of that they sent you
16 royalties in the amount of \$245,141, correct?

17 A Yes.

18 Q And then that invoice -- excuse me, that royalty
19 statement was sent to ALM, correct?

20 A I don't know. That I don't know.

21 Q Well --

22 A Perhaps.

23 Q The information was given to ALM, correct?

24 A Yes.

25 Q And it was given to ALM from your organization,
26 correct?

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Direct

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A Correct. I think so.

Q And based upon that information ALM generated a bill to you for 10 percent of what you received, correct?

A Yes.

Q And that was \$24,514.16, correct?

A Okay.

Q Do you see that invoice there in front of you right now? There's a check mark next to it, right?

A Yes.

Q What does that check mark mean?

A I don't know.

Q It has an initial next to the 24,514 bill, close to the bottom right.

A Right.

Q Do you know whose initials that are?

A Could be George Ross. I don't know.

Q Now, let's go to the first page. The first page is the actual check, correct?

A Correct.

Q And the check is dated February 10, 2005, correct?

A Correct.

Q Now, that check -- so that basically means you were billed on January 31st and you made the payment on February 10th, correct?

A Okay.

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 Q Now, the fourth quarter for 2005 ended on
3 December 31st, 2005, right?

4 A Okay, yes.

5 Q So let's understand the timing, December 31, 2005,
6 the fourth quarter numbers are tabulated, they are sent to
7 PVH, and within less than a month you had payment from PVH
8 plus a royalty statement, correct?

9 A Correct.

10 Q And then within two weeks of your getting a
11 bill -- within probably about a week -- two weeks of your
12 getting a bill from ALM, you sent 10 percent of those
13 proceeds to ALM, correct?

14 A Correct.

15 Q And when -- again, that check and that invoice was
16 placed on your desk for you to review and for you to sign,
17 correct?

18 A Correct.

19 Q And you did sign the check, correct?

20 A Correct.

21 Q Now, let me direct your attention to Trial Exhibit
22 57.

23 Now, this is a bill -- excuse me, this is a
24 check and invoice, just like we just discussed, correct?

25 A Yes.

26 Q Now, the invoice directed to you is dated

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Direct

1 April 27, 2006, correct?

2 A Correct.

3 Q And it also shows fourth quarter sales for PVH for
4 clothing, correct?

5 A Yes.

6 Q And that shows PVH sold 4,300,000 and change in
7 receipts and paid you -- they paid you \$344,000 and change
8 on those receipts, correct?

9 A That's correct.

10 Q And then in turn, based upon information that your
11 organization provided ALM, ALM turned around and sent you a
12 bill for 10 percent of that amount or 34,406, correct?

13 A Correct.

14 Q If you look at the bottom of the invoice, at the
15 total bottom right there's a check mark?

16 A Yes. Correct.

17 Q Can we assume that was somebody from your
18 organization that made that check mark?

19 A I don't know. It's possible.

20 Q And you see something in writing, a circle where
21 it says, please make check out to ALM International?

22 A Yes.

23 Q It says -- there's a note that says, please make
24 address change. Thanks, Jeff.

25 A Yes.

26 Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 Q That was approved by organization, right?

3 A Yes.

4 Q And therefore, that address change was reflected
5 on the check that was issued by your organization for you to
6 sign, correct?

7 A Correct.

8 Q And again, on or about June 8, 2006, that check
9 and that invoice was presented to you for you to sign?

10 A Correct.

11 Q And when you got that you had the opportunity to
12 review that invoice and the check before you affixed your
13 signature, correct?

14 A Correct.

15 Q Now, let's go to Trial Exhibit 58?

16 MR. GOLDMAN: Your Honor, we've already
17 stipulated and for expediency we'll stipulate again,
18 the same answers to the same questions for every check
19 of all 11.

20 MR. ITKOWITZ: I am doing what I'm doing.

21 MR. GOLDMAN: All right.

22 MR. ITKOWITZ: Thank you for your advice
23 Mr. Goldman, though.

24 MR. GOLDMAN: I was trying to move things
25 along. You're welcome.

26

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Direct

BY MR. ITKOWITZ:

Q Directing your attention to Plaintiff's Exhibit
58. Look at the invoice. Do you see the invoice?

A Yes.

Q The invoice shows total royalties to Trump from
the PVH deal of \$337,417, correct?

A Okay.

Q And this one has some writing on it, correct? Do
you see the writing?

A Yes.

Q There's a check mark next to that amount?

A Yes.

Q Is that check mark indicating that somebody was
checking that number?

A I don't know.

Q And underneath that there's a bill, the amount due
to ALM from ALM's invoice, right?

A Okay.

Q That shows \$33,741 being due, correct?

A Yes.

Q And underneath that there's a stamp on this
invoice, right?

A Yes.

Q It says, accounts payable. Do you see that?

A Yes, I do.

Donna Evans, Official Court Reporter

Trump - by Plaintiff - Direct

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Q That's a stamp from your organization, is it not?

A Yes.

Q It shows a voucher number and the amount paid correct?

A That's right.

Q And what's the voucher number?

A The voucher is 0365 --

Q No. Why is it that there's a voucher number stamp on --

A I don't know, you'd have to ask the accountants.

Q Those are people working for you, right?

A Yes.

Q And the by indicates that it's going to be signed by you, right; DJT?

A Yes.

Q Not signed by anybody else, right?

A Well I sign every check. Nobody else signs my checks.

Q And on the bottom there's a note that says Debra, please give me the check when ready ACC 5001. Do you see that?

A Yes.

Q Do you know what that note is about?

A No.

Q Who is Debra?

Donna Evans, Official Court Reporter

1 Trump - by Plaintiff - Direct

2 A I think she works in accounting.

3 Q And underneath that is a handwritten notation
4 10 percent commission first quarter 2006 PVH. Thanks,
5 Shelly. Who is Shelly?

6 A I don't know.

7 Q Somebody who works for you, right?

8 A I don't know. Maybe works for Cathy Glosser. I
9 don't know.

10 Q So somebody working in your organization
11 reiterated how this amount of money due ALM was calculated,
12 correct?

13 A Yes?

14 Q And that was given to you, right?

15 A Yes.

16 Q Along with the check?

17 A Correct.

18 Q And then you signed this check, correct?

19 A Yes, I did.

20 Q Now, I'm going to show you Trial Exhibit 4.

21 (Pause.)

22 A Okay.

23 Q This is a renewal of the original license
24 agreement signed on November 29, 2004, is it not?

25 A Yes.

26 (Continued on next page.)

Donna Evans, Official Court Reporter

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q So it says it is hereby -- paragraph 2 it says: "It is
3 hereby agreed that pursuant to Section 2B of the license
4 agreement the license agreement shall be renewed for a renewal
5 term of three years commencing on January 1, 2007 and ending on
6 December 31, 2009."

7 Do you see that?

8 A Yes, I do.

9 Q That renewal agreement was executed by you, correct?

10 A Yes.

11 Q Now, I'm going to show you what's been marked as
12 Plaintiff's Exhibit 59.

13 (Document handed to witness.)

14 Q Plaintiff's Exhibit 59 is another invoice from ALM,
15 correct?

16 A Okay.

17 Q It's an invoice to Trump, correct?

18 A Yes.

19 Q And that shows total royalties for a third quarter for
20 2006, correct?

21 A Yes.

22 Q And shows total royalties to Trump from the PVH deal as
23 being \$377,000, correct?

24 A That is correct.

25 Q So that indicates that you got \$377,000 from the third
26 quarter of 2006 just for letting PVH put your name on their

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 clothing, correct?

3 A That's correct.

4 Q And ALM was given that information from your
5 organization and turned around and sent you a bill for ten
6 percent of that amount, correct?

7 A Correct.

8 Q And they billed you \$37,762.80 correct?

9 A Correct.

10 Q And then there's handwriting on this invoice, ten
11 percent commission, third quarter 2006, PVH?

12 A Yes.

13 Q That was made by your accounting department, correct?

14 A Correct.

15 Q And that was given to you before you signed it,
16 correct?

17 A Yes.

18 Q And that was given to you with a check, correct?

19 A That's right.

20 Q And you signed the check, correct?

21 A Yes.

22 Q Now, let's go to Plaintiff's Exhibit 60.

23 (Document handed to witness.)

24 Q Plaintiff's Exhibit 60 also is an invoice and it's to
25 the Trump Organization?

26 A Correct.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q And it's for the fourth quarter of 2006, correct?

3 A Yes.

4 Q And that shows that for the fourth quarter of 2006
5 Trump got \$354,385 for allowing them to put your name on their
6 shirts and neckties, correct?

7 A Correct.

8 Q And consequently that information, again, was given to
9 ALM, ALM sent -- you have a bill for ten percent of that amount,
10 correct?

11 A Yes.

12 Q And you then were presented with an invoice and a check
13 of \$35,438.50, correct?

14 A Yes.

15 Q And underneath that, at the bottom of this invoice, it
16 says, "Cathy GL 2/20/07." That's Cathy Glosser, correct?

17 A Yes, it is, yes.

18 Q That's an approval by Cathy Glosser, is it not?

19 A It's a what?

20 Q An approval by Cathy Glosser?

21 A I guess, yeah. Could be.

22 Q Okay. And that approval is right there in black and
23 white for you to see when you got this check, correct?

24 A I didn't see it, but it is there.

25 Q Excuse me. It was available for you to see, was it
26 not?

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A Yes, absolutely.

3 Q In plain English?

4 MR. GOLDMAN: Objection.

5 Q Excuse me, I'll withdraw that. In plain sight?

6 A Yes.

7 Q And then you were presented with that check, you signed
8 that check, correct?

9 A Yes.

10 Q Let's look at Plaintiff's Exhibit 61.

11 (Document handed to witness.)

12 Q Plaintiff's Exhibit 61 is another invoice from ALM to
13 you.

14 A Okay.

15 Q And this invoice covers the first quarter of 2007,
16 correct?

17 A Okay.

18 Q And that shows, again, total royalties to Trump from
19 the PVH deal of 335,000-- 335,537 dollars, correct?

20 A Yes.

21 Q And based upon that information, which was again
22 provided to ALM, ALM sent you a bill for \$33,553.70, correct?

23 A Right.

24 Q And then in handwriting it says DJT account number
25 58001 on this invoice, correct?

26 A Yes.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 Q That's an internal account number, that's a vendor
3 account number you had assigned -- your company had assigned to
4 ALM, correct?

5 A Correct.

6 Q And underneath that in handwriting it says ten percent
7 commission, first quarter 2007, PVH; do you see that?

8 A Yes.

9 Q That was written by somebody in your accounting
10 department, right?

11 A Probably. I don't know.

12 Q Somebody that works for you, correct?

13 A Yes, probably.

14 Q And then it says, "Return check to me when cut.
15 Thanks, Donna." Who's Donna?

16 A Accounting.

17 Q Okay. Now, I'm going to redirect your attention to the
18 exhibit I just referred to you. I kind of gave it to you a
19 little bit out of order. That's the Trial Exhibit 4. That's
20 the agreement dated November 17, 2006.

21 A Yes.

22 Q The agreement dated November 17, 2006 renewed the term
23 of the contract between you and PVH, right?

24 A Yes.

25 Q So the original term had expired and now it was being
26 renewed for a period of two years, correct?

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A Yes.

3 Q And this is the first invoice for the renewal term,
4 correct?

5 A Correct.

6 Q And somebody in your accounting department -- somebody
7 in your accounting department approved that before it was
8 delivered to you, correct?

9 A It was not the accounting. Somebody told them to
10 approve it.

11 Q Somebody authorized in your company?

12 A That's right.

13 Q Got this invoice --

14 A Yeah.

15 Q -- and said approved; and then it went to accounting;
16 and then accounting issued a check and it came up to your desk
17 with the invoice and with the check ready to be signed, correct?

18 A Correct.

19 Q And when it was given to you to sign, the invoice was
20 there for you to review at any time, correct?

21 A Correct.

22 Q And you looked at the check and you affixed your
23 signature, correct?

24 A Correct.

25 Q Now, let's go to Trial Exhibit 62. In fact, we can go
26 to Trial Exhibit 62, 63 and 64. Okay. All at once.

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 (Exhibits shown to witness.)

3 Q Now, all of these checks had invoices, which are shown
4 on the second page of each one of these exhibits, correct?

5 A Yes.

6 Q All of these had approvals from your accounting
7 department, correct?

8 A Correct.

9 Q All of these were invoices from ALM were based upon
10 royalty statements your organization had given ALM, correct?

11 A Correct.

12 Q All of these calculated a fee due to ALM of ten
13 percent, correct?

14 A Yes.

15 Q So Trial Exhibit 62 and all of these packages -- when I
16 say packages, I mean the check and the invoice -- were all
17 presented to you at different times and they were -- the
18 invoices were available to you to review at the time that you
19 affixed your signature to these checks, correct?

20 A Correct.

21 Q Correct?

22 A Yeah, correct.

23 Q And so, therefore, on 8/27/07 you wrote a check to ALM
24 for \$30,278, correct?

25 A Yes.

26 Q On 11/29/01 you signed a check payable to ALM for

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 \$35,907?

3 A Right.

4 Q And on 3/19/08 you signed a check for \$42,600 --
5 42,689.30 to ALM?

6 A Correct.

7 Q All of these checks, these last three checks, in
8 addition to the one prior to that, were all checks issued after
9 the original licensing had expired and after the license had
10 been renewed for the next term, correct?

11 A Correct.

12 Q Now, I show you what's been marked as 84.

13 (Document handed to witness.)

14 Q 84 is a series of royalty fees you received from
15 Phillips-Van Heusen up through the period of 2007; is that
16 correct?

17 A Okay.

18 MR. GOLDMAN: Objection. They're not in evidence.

19 MR. ITKOWITZ: I'm moving them in evidence.

20 MR. GOLDMAN: I would like the same objection that
21 I had before and the same instructions to the Court that you
22 had given the jurors before.

23 THE COURT: Excuse me, sir, I know my job, okay.

24 You don't have to instruct me. Thank you.

25 MR. GOLDMAN: I was just --

26 THE COURT: Thank you. Eighty-four will be placed

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 into evidence subject to relevance.

3 (Whereupon, the above-mentioned document was marked
4 as Plaintiff's Exhibit 84 in evidence.)

5 Q Now, all of these were royalty statements that were
6 given to you by PVH, correct?

7 A Yes.

8 Q And based upon these royalty statements, as we've
9 discussed, the information on these royalty statements or the
10 royalty statements were sent to ALM so that ALM could send you a
11 bill and so that you could issue the checks which you've just
12 testified about, correct?

13 A Yes.

14 Q Now, did there come a time when -- I show you what's
15 been marked as Trial Exhibit 6.

16 THE COURT: Six.

17 (Document handed to witness.)

18 Q Now, this is an agreement that was a license agreement
19 between Trump Marks Menswear LLC and Phillips-Van Heusen
20 Corporation, correct?

21 A Yes, yes.

22 Q And that's dated January 1, 2010?

23 A Yes.

24 Q And this agreement was signed by you?

25 A Correct.

26 Q And this company Trump Marks Menswear LLC, that's

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 completely owned by you, correct?

3 A Yes.

4 Q So at some point you decided or your lawyers decided
5 that you should have -- you should take this contract in an LLC,
6 correct?

7 A I don't know, whatever the lawyers do.

8 Q Excuse me?

9 A I don't know, but perhaps it was changed. But this is
10 an LLC, yes.

11 Q Correct. And you completely control this LLC, correct?

12 A Yes, I do.

13 Q And this provides for continuation of a company you own
14 to receive royalties from the PVH deal, correct?

15 A That's correct, yes.

16 Q And that deal has continued since January 1, 2010, has
17 it not?

18 A Yes, it has.

19 Q And I'll show you what's been marked as Trial Exhibit
20 97. I'm going to move that into evidence.

21 (Document handed to witness.)

22 MR. GOLDMAN: It's already in evidence.

23 THE COURT: Yes, that was marked in evidence. You
24 don't need to move it.

25 Q Okay. So Trial Exhibit 97 is an extension of that 2010
26 agreement, correct?

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 A Correct.

3 Q Now, is it not a fact that the PVH deal continues to
4 this day?

5 A Yes.

6 Q And you continue to receive royalties to this day?

7 A Yes.

8 Q And that all started with a meeting on June 24, 2004
9 that was organized by Jeff Danzer with George Ross, correct?

10 MR. GOLDMAN: Objection to the form of the
11 question.

12 THE COURT: I'll allow it.

13 A It started with that meeting.

14 Q Yes. And the meeting that occurred on June -- that
15 occurred August 26th of 2004, that too was organized by Jeff
16 Danzer, correct?

17 A That I don't know.

18 Q But you wouldn't be surprised if that was true, would
19 you?

20 A No.

21 Q Now, there came a time, did there not -- you know
22 what --

23 THE COURT: Come up.

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

26 THE COURT: Jurors, I know that when we started

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 this trial that one of the questions that was raised at the
3 very beginning was what would happen to Friday afternoon,
4 and I told you then that the lawyers had agreed that we
5 would not be working Friday afternoon, and that remains a
6 fact. I know one of you has an appointment with a doctor
7 that has to be kept, and so I understand that. So with
8 that, we're going to have to continue Mr. Trump on Monday;
9 and we haven't discussed timing or anything like that, but
10 this has to be continued.

11 I know there was another question from the jury,
12 don't know which one, I'm not interested to know, asking me
13 how long is this trial going to continue. I know that we
14 originally thought that we would be summing up on Wednesday,
15 but I frankly doubt that we're going to be summing up on
16 Wednesday. I think we're probably going to be summing up, I
17 still hope, on Thursday, although I don't know.

18 I'm going to have to tell you truthfully, this
19 morning I got up and I looked at my crystal ball, I put
20 Windex on it, I shined it up, and I can't tell you the
21 answer to that question. All I could tell you is that I'm
22 trying my best to get this moved along, all right; and that
23 is my job; and that's what I hope to do. But certainly,
24 it's not going to be Wednesday now, it's going to be
25 definitely Thursday. That is my estimated time of getting
26 to you, because there's work to be done in between the last

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 moment we have testimony and the moment that we can actually
3 go to summations and go to my charge to you on the law.

4 So with that, the time has come, I know we could
5 spend another five minutes, but Mr. Itkowitz is starting a
6 new topic and instead of doing two minutes of a new topic, I
7 am going to start the new topic on a new day, all right. So
8 that will be Monday morning.

9 All right. Now you're going to be leaving me, and
10 I have to say that weekends -- this weekend is supposed to
11 be turning out to be -- turning out to be quite nice. So a
12 lot of you are going to meet with family, meet friends; oh,
13 yes, it's going to be a good weekend. In fact, I want you
14 to have a good weekend; and you're going to do all sorts of
15 wonderful things. The first question that everybody is
16 going to be asking you is what happened; Mr. Trump was
17 there, oh, tell me all about it. Of course they're going to
18 ask you that. Of course you're not supposed to tell them
19 Mr. Trump is here, but if you do slip out, well, Mr. Trump
20 came in, please, please don't discuss this case.

21 Remember what I said, the moment you begin
22 articulating anything, you form an opinion. And have you
23 heard the complete testimony yet? No. And we haven't heard
24 Mr. Goldman's cross examination, his cross examination of
25 Mr. Trump. All right. So we haven't heard his examination.
26 Not until it's all done, you don't have the tools necessary

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 for you to actually form an opinion.

3 So with that, please do me the favor of not talking
4 about it; and do me a favor and have a wonderful weekend.
5 And do me another favor, make sure that Saturday and Sunday
6 are nice days and it's not going to rain. All right.
7 That's your job, to make sure that happens. Yes, one
8 second, don't go yet.

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

11 THE COURT: One other instruction that I didn't
12 find it necessary to tell you before, but it is absolutely
13 necessary now, the press is here in this courtroom today,
14 has heard everything that's gone on this morning and good
15 press, naturally, reports. That's the next thing they do.
16 So in the newspapers -- and I don't know exactly which press
17 are here. I know one press is here, but there may be others
18 that I don't know. I don't recognize their faces.
19 Obviously, if the press is here there's going to be a report
20 to the press and in the press, and that is something that
21 you must make a special effort not to look at. All right.

22 You see Trump or you see anything to do with it,
23 you've got to not read that story. If you want to read it,
24 you'll have the rest of your lives to read it, okay. I
25 assure you there will come a time that this case will be
26 over and then you'll have all the following weekends to read

1 Trump - Plaintiff - Direct (Mr. Itkowitz)

2 it. You will read it forever. All right. Who knows. It
3 will be an interesting thing to follow-up on, but not now,
4 because even more important how they interpret what was said
5 today and what their comments are is really something that
6 you cannot use and cannot -- it cannot be infected in your
7 decision-making process. So particularly be careful about
8 that. If you see something, turn it away or put it aside
9 and remember you'll be able to do it another day.

10 All right. That's a promise. With that I say
11 thank you very much, and I'll see you back here. Please be
12 in the jury room at 9:15 or 9:10. 9:15. You've been always
13 on time, I'm very appreciative about that. I'll see you
14 back here Monday morning at 9:00.

15 Thank you.

16 (Whereupon, the jury exits the courtroom and the
17 following transpired:)

18 THE COURT: Juror No. 6, on the record I'm going to
19 have to go over it. "Your Honor, a few questions. Number
20 one, are we to disregard George Ross's testimony because it
21 was suspended? Two, I observed that Mr. Ross was trying to
22 engage the jury by standing close to us and stating the
23 jurors are young in response to Gary" -- to what? To who?
24 Is that you?

25 THE COURT OFFICER: That would be me.

26 THE COURT: "Gary saying to us jurors you can stand

1 Trump - Plaintiff - Direct (Mr. Itkowitz)
2 and stretch if you want. Three; on day number one of Cathy
3 Glosser's testimony, I observed her holding one of the court
4 attendee's sitting in the back, the gentleman who has been
5 here for several days. Does that matter?"

6 MR. GOLDMAN: I didn't hear the first part. I know
7 I observed her?

8 THE COURT: "On day one of Cathy Glosser's
9 testimony, I observed her holding" -- nodding. I'm sorry,
10 nodding. Nodding, not holding. The way he ended it, it
11 could be holding too. It's nodding to one of the court
12 attendees sitting in the back, the gentleman who has been
13 here for several days. Does that matter? Thank you, Juror
14 No. 6." Signed 4/12/13.

15 You could tell Juror No. 6 that I will deal with
16 this question on Monday. All right. Do you have another
17 question?

18 THE COURT OFFICER: No.

19 THE COURT: I thought there was scheduling issues.
20 I'll deal with this on Monday. I'm marking it Court Exhibit
21 II.

22 MR. GOLDMAN: Thank you.

23 (Whereupon, the above-mentioned juror note was
24 marked as Court Exhibit 6 in evidence.)

25 (Whereupon, the proceedings were adjourned to
26 Monday, April 15, 2013 at 9:15 a.m.)

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