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A 6141-08T3

DONALD J. TRUMP,  
Plaintiff/Appellant,  
v.  
TIMOTHY L. O'BRIEN; TIME  
WARNER BOOK GROUP, INC.; and  
WARNER BOOKS, INC.,  
Defendants/Respondents.

) SUPERIOR COURT OF NEW JERSEY  
) APPELLATE DIVISION  
) DOCKET NO.: A-6141-08T3  
)  
) ON APPEAL FROM THE  
) SUPERIOR COURT OF NEW JERSEY  
) LAW DIVISION - CAMDEN COUNTY  
)  
) SAT BELOW  
) HONORABLE MICHELE M. FOX, J.S.C.  
)  
)

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APPELLATE DIVISION  
DEC 1 2009  
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APPENDIX TO BRIEF OF PLAINTIFF/APPELLANT DONALD J. TRUMP  
Volume VIII  
Pa2509-Pa2872

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STERNS & WEINROTH,  
A Professional Corporation  
Attorneys for Plaintiff/Appellant  
50 West State Street, Suite 1400  
Trenton, New Jersey 08607-1298  
(609) 392-2100

Of Counsel  
Joel H. Sterns  
  
On the Brief  
Karen A. Confoy  
Erica S. Helms

TABLE OF CONTENTS

	<u>Page</u>
Notice of Appeal, Filed August 13, 2009 .....	1a
Civil Case Information Statement for Notice of Appeal Filed August 13, 2009 .....	3a
Order of the Honorable Michele M. Fox, J.S.C., Granting Defendants' Motion for Summary Judgment on Actual Malice, Entered July 15, 2009 .....	6a
Complaint and Jury Demand filed by Donald J. Trump Against Timothy L. O'Brien, et al., Superior Court of New Jersey, Camden County, Filed January 23, 2006 .....	8a
Answer of Defendants Timothy L. O'Brien, Time Warner Book Group Inc., and Warner Books, Inc., Filed August 28, 2006 .....	34a
Statement of Items Submitted to the Court on the Defendants' Summary Judgment Motion on Actual Malice .....	49a
Defendants' Notice of Motion for Summary Judgment on Actual Malice, Filed March 20, 2009 .....	50a
Defendants' Memorandum of Law in Support of Motion for Summary Judgment on Actual Malice, Filed March 20, 2009 .....	52a
Statement of Undisputed Material Facts in Support of Defendants' Motion for Summary Judgment on Actual Malice, Filed March 20, 2009 .....	85a
Certification of Mark S. Melodia, Esq. in Support of Defendants' Motions for Summary Judgment, Filed March 20, 2009 .....	98a
Exhibit 1 Certification of Timothy L. O'Brien, dated November 10, 2006 .....	114a

Exhibit 2	
Transcript of the deposition of Timothy L. O'Brien, Dated October 15 and 16, 2007 .....	119a
Exhibit 3	
News article from <u>The New York Times</u> entitled "Is Trump Headed for a Fall?," by Timothy L. O'Brien and Eric Dash, Published March 28, 2004.....	317a
Exhibit 4	
News article from <u>The New York Times</u> entitled "Now, Reality for Trump Looks More Like 'Survivor'," by Timothy L. O'Brien and Eric Dash, Published September 24, 2004 .....	327a
Exhibit 5	
News article from <u>The New York Times</u> entitled "The Midas Touch, With Spin On It," by Timothy L. O'Brien, Published September 8, 2004 .....	332a
Exhibit 6	
Timothy L. O'Brien's notes from interviews of Donald J. Trump, Dated from late 2004 through mid-2005 .....	342a
Exhibit 7	
Book entitled <u>TrumpNation: The Art of Being the Donald</u> , By Timothy L. O'Brien .....	490a
Exhibit 8	
Page from <u>Hachette Book Group's</u> website entitled "About Us," .....	491a
Exhibit 9	
Letter from Mark S. Melodia, Esq. and Andrew J. Ceresney, Esq. to William M. Tambussi, Esq., Dated May 23, 2007 .....	493a
Exhibit 10	
Contract between Warner Books Inc. and Timothy L. O'Brien, Dated December 6, 2004 .....	501a

Exhibit 11	
Transcript of the deposition of Donald J. Trump, Dated December 19 and 20, 2007 .....	513a
Exhibit 12	
Letter from Andrew J. Ceresney, Esq. and Mark S. Melodia, Esq. to William M. Tambussi, Esq., Dated August 1, 2007.....	700a
Exhibit 13	
News article from <u>The New York Times</u> entitled "What's He Really Worth?," by Timothy L. O'Brien, Published October 23, 2005.....	741a
Exhibit 14	
Hachette Book Group Royalty Statement for the Book, For period ending June 30, 2008 .....	762a
Exhibit 15	
Timothy L. O'Brien's notes from interviews of the first of the three confidential sources cited on page 154 of the Book ("Source I"),.....	768a
Exhibit 16	
Timothy L. O'Brien's notes from interviews of the second of the three confidential sources cited on page 154 of the Book ("Source 2"), .....	789a
Exhibit 17	
Timothy L. O'Brien's notes from interviews of the third of the three confidential sources cited on page 154 of the Book ("Source 3"),.....	794a
Exhibit 18	
Excerpts from the transcript of the deposition of Leigh Michelle Lokey, Dated September 7, 2007.....	816a
Exhibit 19	
Excerpts from the transcript of the deposition of Allen Weisselberg, Dated January 7, 2008.....	826a

Exhibit 20 - Omitted, duplicate of 8a-33a Complaint and Jury Demand filed by Donald J. Trump Superior Court of New Jersey, Camden County against Timothy L. O'Brien, et al., Filed January 23, 2006.....	***
Exhibit 21 Memorandum of Law of Defendants Timothy L. O'Brien, Time Warner Book Group, Inc., and Warner Books Inc., In Support of Defendants' Motion to Dismiss, Dated May 15, 2006.....	842a
Exhibit 22 Transcript of the hearing on Defendants' Motion to Dismiss, Dated August 18, 2006.....	870a
Exhibit 23 Order of the Honorable Faustino J. Fernandez-Vina, J.S.C., Filed August 30, 2006.....	896a
Exhibit 24 Order of the Honorable Dorothea O'C. Wefing, P.J.A.D., Denying Interlocutory Appeal, Dated October 12, 2006 .....	898a
Exhibit 25 Plaintiff's First Set of Interrogatories to Defendant Timothy L. O'Brien, Dated June 2006.....	900a
Exhibit 26 Plaintiff's First Set of Document Requests to Defendant Timothy L. O'Brien, Dated June 2006.....	920a
Exhibit 27 Plaintiff's First Set of Document Requests to Defendant Time Warner Book Group, Dated June 2006.....	936a
Exhibit 28 Order of the Honorable Irvin J. Snyder, J.S.C., Filed February 13, 2007.....	951a

Exhibit 29	
Timothy L. O'Brien's Responses and Objections to Plaintiff's Second Set of Interrogatories, Dated January 11, 2008 .....	954a
Exhibit 30	
Excerpts from the transcript of the deposition of Jeffrey S. McConney, Dated December 5 and 6, 2007 .....	967a
Exhibit 31	
Excerpts from the transcript of the deposition of Donald Bender, Dated November 29, 2007.....	974a
Exhibit 32	
News article from <u>The Washington Post</u> entitled "He's the Top; His Casino Business May Be Down, But Donald Trump Is on a Roll," by David Segal, Published September 9, 2004 .....	978a
Exhibit 33	
News article from <u>Time</u> entitled "Trump's Reality Woes: He Does the Firing, but His Battered Casino Empire Suggests He's a Better Pitchman than Manager," by Dan Kadlec, Published April 12, 2004 .....	985a
Exhibit 34	
News article from <u>Fortune</u> entitled "What Does Donald Trump Really Want? The Girl and the Car, Obviously. Respect, Maybe. And He Could Definitely Use a Mortgage – Soon. Whatever He's After, He's His Own Worst Enemy," by Jerry Useem, Published April 3, 2000.....	988a
Exhibit 35	
News article from <u>The Wall Street Journal</u> entitled "Donald's Wealth Estimates Trump Reality—Several Billions Are Based on Profits that Are Far in the Developer's Future," by Linda Sandler, Published January 19, 2000.....	1001a
Exhibit 36	
Letter from Andrew J. Ceresney, Esq. to William M. Tambussi, Esq., Dated July 5, 2007.....	1004a

Exhibit 37  
Letter from Andrew J. Ceresney, Esq. to Mark P. Ressler,  
Esq. and William M. Tambussi, Esq.  
Dated September 28, 2006..... 1008a

Exhibit 38  
News article from Forbes entitled "Housing Honchos,"  
by Matthew Miller and Duncan Greenberg,  
Published October 6, 2008 .....1014a

Exhibit 39  
Letter from Mark P. Ressler, Esq. to Andrew J. Ceresney,  
Esq.,  
Dated December 19, 2006..... 1020a

Exhibit 40  
Title Report for Trump Tower Chicago, 401 North Wabash  
Venture LLC,  
Dated March 4, 2005..... 1030a

Exhibit 41  
Timothy L. O'Brien's notes from an interview of  
Donald J. Trump,  
Conducted on March 22, 2004 ..... 1183a

Exhibit 42  
Timothy L. O'Brien's notes from an interview of  
Donald J. Trump,  
Conducted on March 26, 2004 ..... 1192a

Exhibit 43  
News article from The New York Times entitled  
"Market Place: Trump Hotels Digs Deep for Cash to  
Try to Prop a Teetering House," by Timothy L. O'Brien  
and Eric Dash,  
Published May 6, 2004..... 1194a

Exhibit 44  
Defendants' First Set of Interrogatories,  
Dated August 21, 2006..... 1197a

Exhibit 45  
Transcript of a hearing before the Honorable Irvin J.  
Snyder, J.S.C.,  
Conducted on December 20, 2006 ..... 1228a



Exhibit 46	
Letter from Mark P. Ressler, Esq. to Andrew J. Ceresney, Esq.,	
Dated January 10, 2007 .....	1290a
Exhibit 47	
Plaintiff Donald J. Trump's Objections and Responses to Defendants' Second Set of Interrogatories,	
Dated July 31, 2007 .....	1292a
Exhibit 48	
Letter from Mark S. Melodia, Esq. to the Honorable Irvin J. Snyder, J.S.C., (Footnote 3 Confidential Redacted Pursuant to Court Order)	
Dated February 8, 2007 .....	1329a
Exhibit 49	
Order and Report by the Commonwealth of Pennsylvania Gaming Control Board,	
Dated February 1, 2007 .....	1336a
Exhibit 50	
Letter from Mark P. Ressler, Esq. to Andrew J. Ceresney, Esq.,	
Dated April 26, 2007, .....	1455a
Exhibit 51	
Letter from Mark P. Ressler, Esq. to Andrew J. Ceresney, Esq.,	
Dated December 18, 2007 .....	1457a
Exhibit 52	
Letter from Mark F. Ressler, Esq. to Andrew J. Ceresney, Esq.,	
Dated January 7, 2008 .....	1458a
Exhibit 53	
Certification of Maria Gorecki, Esq.,	
Dated April 26, 2007 .....	1482a
Exhibit 54	
Letter from Kellie A. Lavery, Esq. to William M. Tambussi, Esq.,	
Dated May 8, 2007 .....	1484a

Notice of Deposition of a Representative of Plaintiff, Donald J. Trump, Dated May 8, 2007 .....	1485a
Exhibit 55 Letter from William M. Tambussi, Esq. to Kellie A. Lavery, Esq., Dated July 13, 2007 .....	1489a
Exhibit 56 Letter from Martin Domb, Esq. to Mark P. Ressler, Esq., Maria Gorecki, Esq., Andrew J. Ceresney, Esq., and Andrew M. Levine, Esq., Dated January 23, 2008.....	1492a
Exhibit 57 Transcript of a hearing before the Honorable Michael Kassel, J.S.C., Conducted on February 1, 2008 .....	1494a
Exhibit 58 Letter from Maria Gorecki, Esq. to Andrew J. Ceresney, Esq., Dated February 14, 2008.....	1521a
Exhibit 59 Transcript of the deposition of Felix H. Sater, Dated April 1, 2008.....	1522a
Exhibit 60 News article from <u>Business Journal of Phoenix</u> entitled "Phoenix Council OKs Trump-Bayrock, Westcor Proposals," by Mike Padgett, Published September 22, 2005.....	1568a
Exhibit 61 News article from <u>The Arizona Republic</u> entitled "Neighbors Feel 'Trumped' By High-Rise Approval," by Monica Alonzo-Dunsmoor, Published September 27, 2005 .....	1570a
Exhibit 62 Press release by People Restoring Our Totally Endangered City Trust ("PROTECT") and People Organized, Exercising Democracy ("P'OEED"), Published October 5, 2005 .....	1574a

Exhibit 63  
News article from The Arizona Republic entitled  
"City Rejects Trump, Other Camelback high-rises,"  
by Monica Alonzo-Dunsmoor,  
Published December 22, 2005 ..... 1577a

Exhibit 64  
Mortgage Recording and Endorsement for 400 Fifth Realty LLC,  
from the New York City Department of Finance Office  
of the City Register,  
Dated August 31, 2006..... 1579a

Exhibit 65  
Transcript of the deposition of Howard M. Lorber,  
Dated April 14, 2008..... 1609a

Exhibit 66  
Letter from Andrew J. Ceresney, Esq. to Mark P.  
Ressler, Esq.,  
Dated February 13, 2008 ..... 1650a

Exhibit 67  
Letter from Maria Gorecki, Esq. to Andrew J. Ceresney, Esq.,  
Dated July 16, 2008 ..... 1653a

Exhibit 68  
News article from The Dallas Business Journal entitled  
"Trump Eyeing Sites for Dallas Tower,"  
by Christine Perez,  
Published on February 20, 2006..... 1657a

Exhibit 69  
Blog posting on the Trump University website entitled  
"The Trump Brand," by Donald J. Trump,  
Appeared February 21, 2006 ..... 1659a

Exhibit 70  
News article from The Philadelphia Inquirer entitled  
"Trump the Best-Known City Casino-Game Player,"  
by Suzette Parmley,  
Published December 15, 2006 ..... 1666a

Exhibit 71  
News article from The Palm Beach Post entitled  
"It's Trump vs. Market in Condo Project,"  
by Alexandra Clough,  
Published January 28, 2007 ..... 1670a

Exhibit 72

News article from Reuters News entitled "Trump Stays Upbeat  
Despite Setbacks," an interview by Chris Reiter,  
Published July 6, 2007..... 1673a

Exhibit 73

Letter from Mark S. Melodia, Esq. enclosing Defendants'  
Motion to Compel Plaintiff to Answer  
Interrogatories,  
Dated June 6, 2007..... 1675a

Notice of Motion to Compel Plaintiff to Answer  
Interrogatories,  
Dated June 6, 2007 ..... 1676a

Letter Brief in Support of Motion to Compel,  
Dated June 6, 2007 ..... 1678a

Certification of Mark S. Melodia, Esq.,  
Dated June 6, 2007 ..... 1684a

Exhibit A-Omitted, duplicate of 1197a-1227a  
Defendants' First Set of Interrogatories  
Directed to Plaintiff,  
Dated August 21, 2006 ..... \*\*\*

Exhibit B

Plaintiff's Objections and Responses to  
Defendants' First Set of Interrogatories,  
Dated October 20, 2006 ..... 1688a

Exhibit C

Letter from Andrew J. Ceresney, Esq., to  
Mark R. Ressler, Esq. and William M.  
Tambussi, Esq.,  
Dated November 2, 2006 ..... 1727a

Exhibit D

Letter from Maria Gorecki, Esq. to Andrew J.  
Ceresney, Esq.,  
Dated December 4, 2006 ..... 1734a

Exhibit E-Omitted, duplicate of 1020a-1029a

Letter from Mark P. Ressler, Esq. to Andrew J.  
Ceresney, Esq.,  
Dated December 19, 2006 ..... \*\*\*

Exhibit F-Omitted, duplicate of 1290a-1291a  
Letter from Mark P. Ressler, Esq. to  
Andrew J. Ceresney, Esq.,  
Dated January 10, 2007 ..... \*\*\*

Exhibit G  
Letter from Mark P. Ressler, Esq. to Andrew J.  
Ceresney, Esq.,  
Dated January 11, 2007 ..... 1737a

Exhibit H-Omitted, duplicate of 1455a-1456a  
Letter from Mark P. Ressler, Esq. to Andrew J.  
Ceresney, Esq.,  
Dated April 26, 2007 ..... \*\*\*

Exhibit 74  
Order of the Honorable Irvin J. Snyder, J.S.C.,  
Filed July 6, 2007 ..... 1741a

Exhibit 75  
News article from USA Today entitled "How Rich Is Trump? Our  
Guess: \$2.6B+," by Paul Wiseman,  
Dated March 9, 1990 .....1743a

Exhibit 76  
News article from The Washington Post entitled "They Do,  
They Do, Already! Six Years, One Baby and a Zillion  
Bucks or So Later, the Trump-Maples Merger," by  
Roxanne Roberts,  
Published December 20, 1993 ..... 1745a

Exhibit 77  
Blog posting from The Blogger News Network entitled  
"Trump Good and Bad," by Paul Burns,  
Published July 3, 2007 ..... 1749a

Exhibit 78  
News article The New York Times entitled "Losses Increase as  
Cash Decreases, Straining Trump's Casinos," by  
Timothy L. O'Brien and Eric Dash,  
Published July 30, 2004 ..... 1755a

Exhibit 79	
News article <u>The New York Times</u> entitled "Trump Must Ante Up \$55 Million to Hold On to 25% of His Casino,"	
by Timothy L. O'Brien and Eric Dash,	
Published August 11, 2004.....	1760a
Exhibit 80	
Audio copy of an excerpt from an interview of Donald J. Trump	
by Timothy L. O'Brien,	
Dated March 28, 2005 .....	1764a
Exhibit 81	
Audio copy of excerpt from interview of Donald J. Trump	
by Timothy L. O'Brien,	
Dated March 28, 2005 .....	1765a
Exhibit 82	
Audio copy of an excerpt from an interview of Donald J. Trump	
by Timothy L. O'Brien,	
Dated February 16, 2005.....	1766a
Exhibit 83	
Excerpts from the transcript of the deposition of Rob Nissen,	
Dated June 26, 2008.....	1767a
Exhibit 84-Omitted, duplicate of 1688a-1726a	
Plaintiff's Objections and Responses to Defendants' First	
Set of Interrogatories,	
Dated October 20, 2006 .....	***
Exhibit 85	
Plaintiff's Brief in Further Support of Plaintiff's	
Motion to Compel Discovery and in Opposition	
to Defendants' Cross-Motion to Compel Discovery,	
Dated December 3, 2007.....	1770a
Exhibit 86	
Letter from Mark P. Ressler, Esq. to Andrew J. Ceresney,	
Esq.,	
Dated July 20, 2007 .....	1820a
Exhibit 87	
News article from <u>The Wall Street Journal</u> entitled	
"Crisis on Wall Street: Economic Tumult Besets Trump	
Property Projects," by Alex Frangos,	
Published March 10, 2009.....	1827a

Exhibit 88  
News article entitled "Atlanta Trump Towers on Hold,  
Deposits Not Lost," by Bill Liss ..... 1829a

Exhibit 89  
News article from the Associated Press, entitled "Trump  
Venture Folds, Leaving Buyers Strapped," by Elliot  
Spagat,  
Published March 6, 2009 .....1830a

Exhibit 90  
News article Business Week entitled "Lawyer: Trump High-Rise  
in New Orleans on Hold," by Becky Bohrer,  
Published February 17, 2009..... 1833a

Exhibit 91  
News article from Crain's New York Business entitled  
"Trump's Towering Troubles; Fabled Brand Looks  
Damaged," by Theresa Agovino,  
Published December 15, 2008 ..... 1834a

Exhibit 92  
News article from The Wall Street Journal entitled  
"Trump, Lenders Suspend Legal Row," by Alex Frangos,  
Published March 4, 2009..... 1836a

Exhibit 93  
News article from The New York Times entitled  
"In Las Vegas, a Break in the Real Estate Action,"  
by Steve Friess,  
Published March 6, 2009..... 1838a

Exhibit 94  
Spreadsheet of Trump License Fees,  
Dated as of June 30, 2005..... 1843a

Exhibit 95-Omitted, duplicate of 1737a-1738a  
Letter from Mark P. Ressler, Esq. to Andrew J. Ceresney,  
Esq.,  
Dated January 11, 2007 ..... \*\*\*

Exhibit 96  
News article from The New York Post entitled "Gimme Shelter,"  
by Braden Keil,  
Published May 4, 2006..... 1845a

Exhibit 97	
Page from the website of the architects for the proposed building at 400 Fifth Avenue, New York, New York .....	1848a
Exhibit 98	
Excerpts from the transcript of the deposition of Gerald Rosenblum, Dated November 14, 2007.....	1849a
Exhibit 99	
<u>Cortland Associates, LP v. Cortland Neighborhood Condominium Association</u> , No. SOM-C-12003-04, 2005 WL 2334364 (N.J. Super. Ch. Div. Sept. 23, 2005) .....	1854a
Exhibit 100	
<u>Freemotion Fitness Financing Services v. Total Health &amp; Fitness, L.L.C.</u> , No. L-2128-06, 2008 WL 3890444 (N.J. App. Div. Aug. 25, 2008) .....	1863a
Exhibit 101	
<u>Jaliman v. Selendy</u> , No. 12820/04, 2005 WL 818447 (N.Y. Sup. Ct. Mar. 17, 2005) .....	1867a
Exhibit 102	
<u>Kearney v. Bayway Refining Co.</u> , 2008 WL 2388415 (N.J. App. Div. June 13, 2008) .....	1879a
Exhibit 103	
<u>Sea Crest Enterprises, L.L.C. v. City of Elizabeth</u> , No. L-4272-00, 2006 WL 2590327 (N.J. App. Div. Aug. 8, 2006) .....	1888a
Exhibit 104	
<u>Suson v. NYP Holdings, Inc.</u> , No. 300605TSN2006, 2008 WL 927985 (N.Y. Civ. Ct. Mar. 31, 2008) .....	1898a
Plaintiff Donald J. Trump's Responses to Defendants' Statement of Material Facts and Plaintiff's Counterstatement of Material Facts, Filed April 24, 2009 .....	1908a



Plaintiff Donald J. Trump's Responses to Defendants' Statement of Material Facts in Support of Defendants' Motion for Summary Judgment on Loss Causation and Damages (Omitted pages 9-24, irrelevant to Plaintiff's appeal) .....	***
Plaintiff Donald J. Trump's Counterstatement of Material Facts .....	1916a
Plaintiff Donald J. Trump's Memorandum of Law in Opposition to Defendants' Motions for Summary Judgment, Dated April 24, 2009 .....	1944a
Certification of William Tambussi in Support of Plaintiff Donald J. Trump's Memorandum of Law in Opposition to Defendants' Motions for Summary Judgment, Dated April 24, 2009 .....	2037a
Exhibit A Portions of the transcript of the deposition of Allen Weisselberg, Dated January 7, 2008 .....	2050a
Exhibit B Portions of the transcript of the deposition of Donald J. Trump, Dated December 19, and 20, 2007 .....	2088a
Exhibit C News article from <u>WWD</u> entitled "The Donald Machine Revs Up," by Pete Born, Published February 5, 2005 .....	2137a
Exhibit D News article from <u>Forbes</u> entitled "How Much is Donald Worth?," by Stephane Fitch, Published November 28, 2005 .....	2138a
Exhibit E Portions of the transcript of the deposition of Timothy L. O'Brien, Dated October 15 and 16, 2007 .....	2139a
Exhibit F Four-page document produced by Defendant Timothy L. O'Brien, Bearing bates stamp TOB-EF-00005762-65 .....	2189a

Exhibit G-Omitted, duplicate of 317a-326a  
News article from The New York Times entitled "Is Trump  
Headed for a Fall?," by Timothy L. O'Brien,  
Published March 28, 2004 ..... \*\*\*

Exhibit H-Omitted, duplicate of 501a-512a  
Contract between Warner Books Inc. and Timothy L. O'Brien,  
Dated December 6, 2004 ..... \*\*\*

Exhibit I  
One-page document produced by Defendant  
Time Warner Book Group,  
Bearing bates stamp TWBG-PD-00000916 ..... 2193a

Exhibit J  
Promotional materials for the Book prepared by  
Time Warner Book Group ..... 2194a

Exhibit K-Omitted, duplicate of 332a-341a  
News article from The New York Times entitled "The Midas  
Touch, With Spin on It," by Timothy L. O'Brien and  
Eric Dash,  
Published September 8, 2004 ..... \*\*\*

Exhibit L-Omitted, duplicate of 327a-331a  
News article from The New York Times entitled "Now,  
Reality for Trump Looks More Like 'Survivor',"  
by Timothy L. O'Brien and Eric Dash,  
Published September 24, 2004 ..... \*\*\*

Exhibit M-Omitted, duplicate of 1755a-1758a  
News article from The New York Times entitled "Losses  
Increase as Cash Decreases, Straining Trump's  
Casinos," by Timothy L. O'Brien and Eric Dash,  
Published July 30, 2004 ..... \*\*\*

Exhibit N  
Letter from Donald J. Trump to Eric Dash and Timothy  
O'Brien,  
Dated August 4, 2004 ..... 2196a

Exhibit O  
News article from The New York Times entitled "Can Trump  
Afford Casino Stake?," by Timothy L. O'Brien and  
Eric Dash,  
Published August 12, 2004 ..... 2197a

Exhibit P	
Letter from Lawrence S. Rosen, Esq. to David E. McCraw, Esq.,	
Dated August 26, 2004 .....	2199a
Exhibit Q	
Letter from Weiser LLP to David E. McCraw, Esq.,	
Dated September 2, 2004 .....	2202a
Exhibit R	
Portions of the transcript of the deposition of Michelle Lokey,	
Dated September 7, 2007 .....	2203a
Exhibit S	
Portions of the transcript of the deposition of Gerald J. Rosenblum,	
Dated November 13, 2007 .....	2240a
Exhibit T	
Email chain between Timothy L. O'Brien and Michelle Lokey,	
Dated September 15, 2005 .....	2244a
Exhibit U	
Letter from Michelle L. Scarbrough, Esq. to Larry Ingrassia,	
Dated October 21, 2005 .....	2246a
Exhibit V	
Notes from Timothy L. O'Brien from interviews with Allen Weisselberg and Michelle Scarbrough,	
Dated April 21, 2005 .....	2247a
Exhibit W	
News article from <u>The New York Times</u> entitled "Trump Group Selling West Side Parcel For \$1.8 Billion," by Charles V. Bagli,	
Published June 1, 2005 .....	2261a
Exhibit X	
Portions of the transcript of the deposition of Joseph Plambeck,	
Dated September 25, 2007 .....	2263a

Exhibit Y	
Portions of the transcript of the deposition of Patrick O'Brien, Dated March 27, 2008 .....	2283a
Exhibit Z	
Letter from Donald J. Trump to Larry Ingrassia, Dated October 21, 2005 .....	2284a
Exhibit AA	
Letter from Marc E. Kasowitz, Esq. to Lawrence J. Kirshbaum, Dated October 27, 2005 .....	2285a
Exhibit AB-Omitted, duplicate of 741a-761a	
News article from <u>The New York Times</u> entitled "What's He Really Worth?," by Timothy L. O'Brien, Published October 23, 2005 .....	***
Exhibit AC	
Graphic that appeared along side the article from <u>The New York Times</u> entitled "What's He Really Worth?," Published October 23, 2005 .....	2287a
Exhibit AD	
Confidential News Sources Policy of The New York Times Company, Available at <a href="http://www.nytc.com/company/business_units/sources.html">http:// www.nytc.com/company/business units/sources.html</a>	2288a
Exhibit AE	
Agreement of Limited Partnership of Hudson Waterfront Associates I, L.P., Dated November 30, 1994 .....	2291a
Exhibit AF	
News article from <u>The New York Times</u> entitled "Trump Sues Asian Partners Over Sale of West Side Site," by Charles V. Bagli, Published July 12, 2005 .....	2395a
Exhibit AG	
Transcript from Timothy L. O'Brien's appearance on KNDD, Aired November 17, 2005 .....	2397a

Exhibit AH	
Notes from Timothy L. O'Brien from interviews with Donald J. Trump, Dated December 20, 2004 .....	2402a
Exhibit AI	
Letter from Jason D. Greenblatt, Esq. to Larry Ingrassia, Dated October 20, 2005 .....	2431a
Exhibit AJ	
Email chain between Dave Dillon, Timothy L. O'Brien and Michael White, Dated November 3, 2005 .....	2433a
Exhibit AK	
Email chain between Rick Wolff, Andrew Blauner, Emi Battaglia and Timothy L. O'Brien, Dated July 13, 2005 .....	2435a
Exhibit AL	
Relevant portions of the transcript of the deposition of David Dillon, Dated August 13, 2008 .....	2437a
Exhibit AM	
Email chain between Dave Dillon, Timothy L. O'Brien, Michael White, and John Betterman, Dated June 10, 2005 .....	2443a
Exhibit AN	
Email from Dave Dillon to Timothy L. O'Brien, Dated October 31, 2005 .....	2446a
Exhibit AO	
Two-page document produced by defendant Time Warner Book Group, Bearing bates stamp TWBG-EM-00022456-7 .....	2457a
Exhibit AP	
Press Release, Dated October 26, 2005 .....	2459a
Exhibit AQ	
TrumpNation Talking Points .....	2462a

Exhibit AR	
Email chain between Timothy L. O'Brien, Richard Wolff and Liz Dubelman,	
Dated October 31, 2005 .....	2465a
Exhibit AS	
TrumpQuizzes that appear in the Book .....	2468a
Exhibit AT	
Email chain between Timothy L. O'Brien and Lacy O'Toole,	
Dated October 26, 2005 .....	2481a
Exhibit AU	
Transcript of Timothy L. O'Brien's appearance on Squawk Box,	
Airing October 31, 2005 .....	2483a
Exhibit AV	
Email chain between Allan M. Siegal and Larry Ingrassia,	
Dated November 1, 2005 .....	2485a
Exhibit AW	
Transcript of Timothy L. O'Brien's appearance at Coliseum Books,	
In December 2005 .....	2489a
Exhibit AX	
Email chain between Timothy L. O'Brien, Renee Supriano, Rob Nissen, Richard Wolff, Lisa Dallos, and Andrew Blauner,	
Dated October 23, 2005 .....	2504a
Exhibit AY	
Peter Newcomb's appearance on <u>Your World</u> with Neil Cavuto,	
Airing November 7, 2005 .....	2506a
Exhibit AZ	
One-page document produced by plaintiff Donald J. Trump, Bearing bates stamp TR000092386 .....	2508a
Exhibit BA	
Advertisement that appeared on the front cover of <u>The New York Times Magazine</u> ,	
Dated October 28, 2006 .....	2509a

Exhibit BB  
Portions of the transcript of the deposition  
of Howard M. Lorber,  
Dated April 18, 2008 ..... 2511a

Exhibit BC  
Portions of the transcript of the deposition  
of Felix H. Sater,  
Dated April 1, 2008 ..... 2546a

Exhibit BD  
Letter from Donald J. Trump to Tefvik Arif,  
Dated January 1, 2005 ..... 2561a

Exhibit BE-Omitted, duplicate of 896a-897a  
Order of the Honorable Faustino J. Fernandez-Vina, J.S.C.,  
Dated August 30, 2006 ..... \*\*\*

Exhibit BF-Omitted, duplicate of 870a-895a  
Transcript of Motion To Dismiss before the Honorable  
Faustino J. Fernandez-Vina, J.S.C.,  
Dated August 18, 2006 ..... \*\*\*

Exhibit BG-Omitted, duplicate of 898a-899a  
Order of the Honorable Dorothea O'C. Wefing, P.J.A.D.,  
Entered October 12, 2006 ..... \*\*\*

Exhibit BH-Omitted, duplicate of 900a-919a  
Plaintiff's First Set of Interrogatories to Defendant  
Timothy L. O'Brien, ..... \*\*\*

Omitted, duplicate of 920a-935a  
Plaintiff's First Request to Defendant Timothy L.  
O'Brien for the Production of Documents ..... \*\*\*

Plaintiff's First Set of Interrogatories to  
Defendant Warner Books ..... 2562a

Omitted, duplicate of 920a-935a  
Plaintiff's First Request to Defendant Timothy L.  
O'Brien for the Production of Documents ..... \*\*\*

Plaintiff's First Set of Interrogatories to  
Defendant Time Warner Book Group, Inc. .... 2578a

Omitted, duplicate of 936a-950a Plaintiff's First Request to Defendant Time Warner Book Group, Inc. for the Production of Documents.....	***	
Plaintiff's First Request to Defendant Warner Books, Inc. for the Production of Documents.....	2594a	
Exhibit BI		
Timothy L. O'Brien's Responses and Objections to Plaintiff's First Request and Objections to Plaintiff's First Request for the Production of Documents.....	2609a	
Exhibit BJ		
Time Warner Book Group Inc.'s and Warner Book, Inc.'s Responses and Objections to Plaintiff's First Request For The Production of Documents, Dated September 8, 2006.....	2646a	
Exhibit BK		
Timothy L. O'Brien's Responses and Objections to Plaintiff's First Set of Interrogatories, Dated September 8, 2006.....	2684a	
Exhibit BL		
Time Warner Book Group Inc.'s and Warner Books, Inc.'s Responses and Objections to Plaintiff's First Set of Interrogatories, Dated September 8, 2006.....	2713a	
Exhibit BM		
Defendants' privilege log and redaction log, Dated September 27, 2006.....	2735a	
Exhibit BN-Omitted, duplicate of 951a-953a Order of the Honorable Irvin J. Snyder, J.S.C., Filed February 13, 2007.....		***
Exhibit BO		
Defendants' privilege log and redaction log, Dated October 17, 2006.....	2879a	
Exhibit BP-Omitted, duplicate of 1228a-1289a Transcript Of Hearing before the Honorable Irvin J. Snyder, J.S.C., Dated December 20, 2006.....		***



Exhibit BQ	
Order of the Honorable John S. Holston, Jr., J.A.D.,	
Dated March 14, 2007 .....	3127a
Exhibit BR	
Decision of the Superior Court of New Jersey,	
Appellate Division,	
Dated October 24, 2008 .....	3129a
Exhibit BS	
Letter from Andrew Levine, Esq. to Maria Gorecki, Esq.,	
Dated November 21, 2008 .....	3162a
Exhibit BT	
Portions of the transcript of the deposition	
of Lawrence Ingrassia,	
Dated April 30, 2008 .....	3163a
Exhibit BU	
Letter from Maria Gorecki, Esq. to Andrew L. Levine, Esq.,	
Dated April 5, 2007 .....	3167a
Exhibit BV	
Defendants' Responses and Objections to Plaintiff's	
Requests for Admissions,	
Dated December 8, 2008 .....	3170a
Exhibit BW	
Transcript of Hearing before the Honorable Michael J.	
Kassel, J.S.C.,	
Dated December 7, 2007 .....	3200a
Exhibit BX	
Articles written by Timothy L. O'Brien,	
Dated March 28, 2004 to October 22, 2004 .....	3243a
Exhibit BY	
Email from Timothy L. O'Brien to Arthur Ochs,	
Dated September 6, 2005 .....	3297a
Exhibit BZ	
Email chain between Timothy L. O'Brien, Richard Wolff,	
Rob Nissen, and Andrew Blauner,	
Dated October 31, 2005 .....	3300a

Exhibit CA

Email chain between Timothy L. O'Brien, Michael White,  
John Betterman, and Dave Dillon,  
Dated October 25, 2005 ..... 3303a

Exhibit CB

Email from Dave Dillon to Timothy L. O'Brien,  
Michael White, Patrick O'Brien, and Michael O'Brien,  
Dated November 9, 2005 ..... 3306a

Exhibit CC-Omitted, duplicate of 978a-984a

News article from The Washington Post entitled "He's  
the Top," by David Segal,  
Published September 9, 2004 ..... \*\*\*

Exhibit CD-Omitted, duplicate of 700a-740a

Timothy L. O'Brien's Supplemental Interrogatory Responses,  
Dated August 1, 2007 ..... \*\*\*

Exhibit CE

Omitted, duplicate of 2735a-3126a  
Defendants' Privilege Log,  
Dated September 27, 2006 ..... \*\*\*

Omitted, duplicate of 2879a-3126a  
Defendants' Privilege Log,  
Dated October 17, 2006 ..... \*\*\*

Defendants' Production/Redaction Log,  
Dated May 25, 2007 ..... 3308a

Omitted, duplicate of 2879a-3126a  
Defendants' privilege log,  
Dated October 17, 2006 ..... \*\*\*

Defendants' Production/Redaction Log  
Various dates ..... 3318a

Defendants' Supplemental Privilege Log,  
Dated March 10, 2008 ..... 3473a

Defendants' Supplemental Redaction Log,  
Dated March 10, 2008 ..... 3479a

Defendants' Supplemental Privilege Log,  
Dated June 12, 2008 ..... 3482a

Exhibit CF  
Andrew Blauner's privilege log,  
Dated August 24, 2007 ..... 3488a

Exhibit CG  
Email chain between Robert Castillo and Richard Wolff,  
Dated July 26, 2005 ..... 3496a

Exhibit CH  
Email chain between Andrew Blauner, Richard Wolff,  
Emi Battaglia, and Timothy L. O'Brien,  
Dated July 13, 2005 ..... 3499a

Exhibit CI  
Email chain between Rob Nissen, Timothy L. O'Brien,  
Richard Wolff, Andrew Blauner, and Emi Battaglia,  
Dated September 19, 2005 ..... 3501a

Exhibit CJ  
Email chain between Richard Wolff, Rob Nissen,  
Timothy L. O'Brien, and Andrew Blauner,  
and Emi Battaglia,  
Dated November 17, 2005 ..... 3505a

Exhibit CK  
Email chain between Timothy L. O'Brien, Rob Wolff,  
Emi Battaglia, and Andrew Blauner,  
Dated March 15, 2005 ..... 3507a

Exhibit CL  
Email chain between Richard Wolff and Timothy L. O'Brien,  
Dated March 18, 2005 ..... 3509a

Exhibit CM  
Reply Memorandum of Law of Defendants Timothy L. O'Brien,  
Time Warner Book Group Inc., and Warner Books Inc.,  
In Further Support of Defendants' Motion to Dismiss,  
Dated July 14, 2006 ..... 3510a

Exhibit CN  
Email from Michael J. Bowe, Esq. to David E. McCraw, Esq.,  
Dated October 21, 2005 ..... 3541a

Exhibit CO  
Email from Michael J. Bowe, Esq. to David E. McCraw, Esq.,  
Dated October 21, 2005 ..... 3542a

Exhibit CP  
Email from Michael J. Bowe, Esq. to David E. McCraw, Esq.,  
Dated October 21, 2005 ..... 3544a

Exhibit CQ  
Letter from Marc E. Kasowitz, Esq. to Lawrence Ingrassia,  
Dated November 9, 2005 ..... 3546a

Exhibit CR-Omitted, duplicate of 1458a-1481a  
Letter from Marc P. Ressler, Esq. to Andrew J. Ceresney,  
Esq.,  
Dated January 7, 2008 ..... \*\*\*

Exhibit CS  
Di Lorenzo v. New York News Inc.,  
1981 N.Y. App. Div. LEXIS 11522 (May 6, 1981) .... 3550a

Exhibit CT  
First Interstate Credit Alliance, Inc. v. Leroy,  
No. 89 Civ. 3263, 1989 U.S. Dist. LEXIS 14523  
(S.D.N.Y. Dec. 5, 1989) ..... 3555a

Exhibit CU  
Houston v. New York Post, No. 93 Civ. 1996  
U.S. Dist. LEXIS 19705  
(S.D.N.Y. Jan. 10, 1997) ..... 3561a

Exhibit CV  
Metropolitan Opera Association v. Local 100,  
No. 00 Civ. 3613, 2005 U.S. Dist. LEXIS 14422  
(S.D.N.Y. July 26, 2005) ..... 3568a

Exhibit CW  
Roche v. Claverack Coop. Inc. Co.,  
No. 505669, 2009 N.Y. App. Div. LEXIS 1389  
(Feb. 26, 2009) ..... 3576a

Exhibit CX  
Stevens Institute of Technology v. Hine,  
No. A-3574-04T2, 2007 WL 2188200  
(App. Div. 2007) ..... 3580a

Certification of Donald J. Trump,  
Dated April 24, 2009 ..... 3591a

Certification of Donald J. Trump, Jr.,  
Dated April 23, 2009 ..... 3593a

Certification of Ivanka Trump, Dated April 24, 2009 .....	3595a
Certification of Rhona Graff-Riccio, Dated April 24, 2009 .....	3597a
Defendants' Reply to Plaintiff's Responses to Defendants' Statements of Material Facts and Defendants' Responses To Plaintiff's Counterstatement of Material Facts, Dated May 7, 2009 .....	3599a
Supplemental Certification of Mark S. Melodia, Esq., in Further Support of Defendants' Motions for Summary Judgment, Dated May 7, 2009 .....	3643a
Exhibit 105 Audio copy of an excerpt from an interview of Donald J. Trump, By Timothy L. O'Brien, Dated December 20, 2004 .....	3649a
Exhibit 106 Audio copy of an excerpt from an interview of Donald J. Trump, By Timothy L. O'Brien, Dated January 12, 2005 .....	3650a
Exhibit 107 Audio copy of an excerpt from an interview of Donald J. Trump, By Timothy L. O'Brien, Dated February 16, 2005 .....	3651a
Exhibit 108 Audio copy of an excerpt from an interview of Donald J. Trump And Allen Weisselberg, by Timothy L. O'Brien, Dated March 4, 2005 .....	3652a
Exhibit 109 Letter from William M. Tambussi, Esq. and Mark P. Ressler, Esq. to the Honorable Michele M. Fox, J.S.C., Dated February 12, 2009 .....	3563a
Exhibit 110 News article from <u>The New York Post</u> entitled "Say Spree Hurt Hand During Boat Fracas," by Marc Berman, Published October 4, 2002.....	3656a

Exhibit 111	
News article from <u>The New York Post</u> entitled "Spree Might Have Broken Knicks Deal," by Marc Berman, Published October 5, 2002.....	3658a
Exhibit 112	
Donald J. Trump's Statement of Financial Condition, Dated June 30, 2004 .....	3660a
Exhibit 113	
Mortgage Agreement for Mar-A-Lago, Dated April 6, 1995 .....	3685a
Exhibit 114	
Payment guaranty made by Donald J. Trump in favor of UBS Warburg Real Estate Investments Inc., Dated November 26, 2002 .....	3742a
Exhibit 115	
Excerpts from the transcript of the deposition of Allen Weisselberg, Dated January 7, 2008.....	3753a
Exhibit 116	
Excerpts from the transcript of the deposition of Leigh Michelle Lokey, Dated September 7, 2007.....	3766a
Exhibit 117	
Excerpts from the transcript of the deposition of Gerald J. Rosenblum, Dated November 13, 2007.....	3771a
Exhibit 118	
Excerpts from the transcript of the deposition of David Dillon, Dated August 13, 2008.....	3780a
Exhibit 119	
Excerpts from the transcript of the deposition of Patrick J. O'Brien, Dated March 27, 2008.....	3783a
Exhibit 120	
Excerpts from the transcript of the deposition of Michael O'Brien, Dated August 13, 2008.....	3791a

Exhibit 121	
Undated list of Trump's licensing agreements, produced In discovery .....	3795a
Exhibit 122	
News article from <u>The Sydney Morning Herald</u> entitled "Leighton Hit by Mothballed Tower," by Miriam Steffen, Published December 2, 2008.....	3799a
Exhibit 123	
News article from <u>The Philadelphia Inquirer</u> entitled "Trump Postpones Philadelphia Development," by Suzette Parmley, Published November 4, 2008.....	3800a
Exhibit 124	
News article from <u>The St. Petersburg Times</u> entitled "Tampa Tower Loses Trump," by James Thorner, Published May 30, 2007.....	3802a
Exhibit 125	
News article from <u>The Associated Press State &amp; Local Wire</u> entitled "Developer: Condo Development on Hold in N.O.," Published April 22, 2009.....	3804a
Exhibit 126	
News article from <u>The Daily News</u> entitled "Donald Declares 'Trump Nation' Enemy Territory," by Lloyd Grove, Published November 10, 2005.....	3805a
Exhibit 127	
Order of the Honorable Michael J. Kassel, J.S.C., Dated January 23, 2008 .....	3807a
Exhibit 128	
Excerpts from the transcript of the deposition of Donald Bender, Dated November 29, 2007.....	3811a
Exhibit 129	
News article from <u>Daily Deal/The Deal</u> "Trump Wins Plan Confirmation," by Erik Moser, Published April 6, 2005.....	3814a
Exhibit 130	
Letter from Andrew J. Ceresney, Esq. to Maria Gorecki, Esq., Dated May 25, 2007 .....	3816a

Exhibit 131	
News article from <u>Business Week</u> entitled	
"Trump: Bigger than Coke or Pepsi?," by Diane Brady,	
Published December 14, 2004 .....	3817a
Exhibit 132	
<u>Ajax Enterprises v. Declan Fay</u> , No. 04-4539,	
2007 U.S. Dist. LEXIS 38515 (D.N.J. May 15, 2007) ..	3820a
Exhibit 133	
<u>Burns v. Bank of America</u> , 03 Civ. 1685,	
2008 Dist. LEXIS 98335 (S.D.N.Y. Dec. 4, 2008) .....	3824a
Exhibit 134	
<u>Kipper v. NYP Holdings, Inc.</u> , No. 54,	
2009 WL 1148653 (N.Y. Apr. 30, 2009) .....	3839a
Exhibit 135	
<u>Liberty Lobby, Inc. v. Anderson</u> , No. 81-2240,	
1991 WL 186998 (D.D.C. May 1, 1991) .....	3848a
Exhibit 136	
<u>Neff v. Coates</u> , No. 977-04,	
2008 WL 1988022 (N.J. Super. App. Div. May 9, 2008)	3857a
Exhibit 137	
<u>Skidmore v. Wall Stadium Concessions, Inc.</u> , No L-1460-01,	
2006 WL 552505 (N.J. Super. App. Div. Mar. 8, 2006)	3866a



\* \* \* C O N F I D E N T I A L \* \* \*

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: CAMDEN COUNTY

DONALD J. TRUMP, )

)

Plaintiff, )

)

vs. )

No. CAM-L-545-06

)

TIMOTHY L. O'BRIEN, TIME )

WARNER BOOK GROUP INC., )

and WARNER BOOKS INC., )

)

Defendants. )

)

April 14, 2008

9:57 a.m.

Deposition of HOWARD M. LORBER, held at the offices of Kasowitz, Benson, Torres & Friedman, 1633 Broadway, New York, New York, before Laurie A. Collins, a Registered Professional Reporter and Notary Public of the State of New York.

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1. going to Mr. Lorber and seeing if there are  
2 documents relating to some of these  
3 interactions. We had understood that that had  
4 been done and there were none.  
5

6 We can discuss that at the end today.

7 MR. KASOWITZ: That's fine, Andrew,  
8 we'll discuss it at the end of today.

9 Q. Going back to the sales agreement, tell  
10 us what specifically is that agreement and who are  
11 the parties?

12 A. The parties to that agreement is 400 --  
13 some corporation that purchased 400 Fifth  
14 Avenue -- I don't remember the name of the  
15 corporation -- and Prudential Douglas Elliman  
16 Realty.

17 Q. Is that 400 Fifth Realty LLC? Does  
18 that sound familiar?

19 A. It sounds familiar. Could be.

20 Q. And who signed on behalf of Prudential  
21 Douglas Elliman?

22 A. I don't recall.

23 Q. Tell us to the best of your  
24 recollection the circumstances surrounding the  
25 entry into that agreement.

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1. A. I was recommended to the -- to this  
2 Italian group who -- I was recommended to them by  
3 a commercial broker who asked me to speak to them.  
4 And my first conversation with them was about a  
5 project they were going to do in Mexico, in  
6 Cancun.  
7

8 And I actually flew down to Cancun --  
9 it was the first time I met them; and again, I  
10 believe that was in the winter, you know, like  
11 December, January, February, March, you know,  
12 December '05 to January, February, March '06 -- to  
13 look at their site on that project.

14 And then at the same time they happened  
15 to -- we started talking about New York City; they  
16 would like to do a project in New York City. They  
17 started asking me -- I think they may have brought  
18 up 400 Fifth Avenue first, and I said I know it  
19 very well because it was owned at the time by  
20 Lehman Brothers and a developer named Tessler,  
21 T-E-S-S-L-E-R, that has been a client of Douglas  
22 Elliman's.

23 And we had actually discussed with him  
24 doing the work on that site and that I knew the  
25 site very well and if they wanted that site I was

Lorber - Confidential

1. the right person to speak to because of my  
2 background on that site and that we would help  
3 them negotiate an agreement to purchase it from  
4 the Lehman-Tessler group.  
5

6 Q. And when was the conversation that you  
7 mentioned about 400 Fifth Avenue and Tessler and  
8 Lehman purchasing it, when did that conversation  
9 occur?

10 A. That was at that meeting in Mexico.  
11 That was the first conversation about it, which I  
12 don't know. I don't know what --

13 Q. Do you have any way of checking a  
14 calendar as to when you were in Mexico?

15 A. I could possibly go back and look at my  
16 diaries from that year and see.

17 Q. Do you have a sense of whether it was  
18 in the winter or spring?

19 A. My recollection -- I could be wrong --  
20 it was after the new year, so it was in '06, is  
21 the best of my recollection.

22 RQ MR. CERESNEY: I'm going to call for  
23 the production of -- I'm making my record  
24 here. I'm going to call for the production of  
25 calendars related to that trip, any calendar

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2514a

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1 A. We started talking about New York City.  
2 I don't remember who brought up New York City  
3 first. And either I said it first or he said it.  
4 But if he said it, I told him I knew about the  
5 site already and that I could fill him in on what  
6 I thought. I don't really remember who mentioned  
7 the word "400 Fifth Avenue" first.  
8

9 Q. And what specifically did you discuss  
10 about the building at that time?

11 A. I told him what I thought about the  
12 site, you know, what the issues were, and what I  
13 thought it was worth on a per square foot basis.

14 Q. And why don't you give us specifically  
15 what you told him about your thoughts and issues  
16 on the site.

17 A. Well, I told him I thought to get a  
18 site on Fifth Avenue, where it was my  
19 understanding you could build a very tall  
20 building, was a very good location and that I  
21 thought it was a great location for what it was  
22 zoned for, which was partially hotel and then  
23 partially condominium residences and some retail  
24 on the ground floor; and that I thought it could  
25 be a very exciting project, albeit a very big

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1. project for somebody who had never built before in  
2 New York City.

4 Q. And what did Mr. Bizzi say in response?

5 A. I don't remember exactly. We talked  
6 about it, and I think we came to the conclusion  
7 it's as difficult to build small as big. So, you  
8 know, if you're going to do something, you know,  
9 why not if the site can be bought right, then  
10 maybe do something that he should really take a  
11 shot at trying to buy.

12 Q. Anything else you recall from that  
13 initial discussion in Mexico regarding 400 Fifth  
14 Avenue?

15 A. Where we left it is he was going to get  
16 back to me and he was going to be coming to New  
17 York. I told him I would arrange a meeting with  
18 Lehman to discuss purchasing the site.

19 Q. Anything else that you recall?

20 A. No.

21 Q. What happened after that? What  
22 happened next, with regard to 400 Fifth Avenue?

23 A. To the best of my recollection, he came  
24 in; we arranged a meeting with Lehman. There was  
25 already a process -- a sales process on the site

Lorber - Confidential

1. basically, from Prudential?

2  
3 A. Well, the idea was for me to step out.  
4 I put them together, and for her to be involved on  
5 a day-to-day basis.

6 Q. By the way, did Mr. Bizzi have an  
7 office in New York?

8 A. He did not at the time. He  
9 subsequently took some space.

10 Q. Where is his offices now?

11 A. His office right now is in the same  
12 building I'm in, 712 Fifth Avenue.

13 Q. Do you know the floor?

14 A. No, I do not.

15 Q. When did he take that office?

16 A. Sometime, you know, within six or nine  
17 months, I think, purchasing a property he decided  
18 he had to have a presence to have his team there  
19 to work on the project.

20 Q. Did there come a time when you  
21 discussed with Bi & Di, Mr. Bizzi, the idea of  
22 Mr. Trump having some kind of involvement in  
23 this -- in 400 Fifth Avenue?

24 A. Yes.

25 Q. When did that occur?

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1  
2 A. I think it probably occurred at the  
3 first meeting when we were just talking about  
4 ideas when he came to New York and we met with  
5 Lehman. Probably around that time is when I first  
6 started discussing it with him.

7 Q. So in the May 2006 time frame? -

8 A. Correct.

9 Q. Was this the first time you raised it  
10 with Mr. Bizzi?

11 A. I may have even raised it when I spoke  
12 with him in Cancun, because I had told him that  
13 Trump was going to do a project close by and he  
14 asked me what I thought about Trump. And I told  
15 him what I thought. So I may have even mentioned  
16 something saying that maybe he'd be a good partner  
17 to have in Cancun and maybe he'd be a good partner  
18 to have at 400 Fifth Avenue.

19 Q. Then you raised it again at the May  
20 2006 meeting?

21 A. Yes.

22 Q. And what did you tell Mr. Bizzi at that  
23 time and what did he say in response?

24 A. I said that I thought it would be a  
25 great site for another Trump international type of

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1. hotel as he has on Columbus Circle and that with  
2 the Trump name you could expect to get higher per  
3 square foot prices, as has been proven by the  
4 market, and obtain a sellout quicker than without  
5 his name.  
6

7 Q. And who else was present at this  
8 meeting?

9 A. I believe Dolly Lenz was present,  
10 myself, Mr. Bizzi, and Mr. Bizzi's -- one of his  
11 associates; I don't remember who.

12 Q. What did Mr. Bizzi say in response?

13 A. He said he'd like to meet Mr. Trump.

14 Q. Anything else that you discussed at  
15 this meeting about Mr. Trump or what the terms  
16 might be or anything like that?

17 A. I told him that typically the way  
18 Trump's deals were being done now was more of a  
19 license agreement, but on a project like this  
20 Trump may consider becoming an equity -- regular  
21 equity partner in the project.

22 Q. Anything else?

23 A. Again, you know, my reasons why I  
24 thought Trump would be the right brand to do it  
25 with.

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Q. Was he the only possibility at the time?

A. No. We talked about other brands and other people.

Q. Who else did you discuss at the time?

A. We discussed a new brand. Bulgari was coming out with a new brand of hotels. We discussed some of the Starwood brands. We discussed having Ian Schrager be involved in it. I think -- I think there were a few more also. I just don't remember.

Q. And what was Mr. Bizzi's response about the various different options?

A. He seemed interested. He wanted to obviously see what would be the best deal for him and try to be convinced of what would be best for the project.

Q. Did he instruct you to move ahead with any of those options other than Mr. Trump?

A. We did move ahead with them. I don't remember if he instructed me, but we did speak to a couple of people. But it seemed like in the beginning the focus was on Trump. He liked the idea of Trump, and we liked the idea. Being that

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1. Trump has done it and been very successful. So I  
2 think that was our first choice was Trump.  
3

4 Q. We'll come to Trump in a minute. Who  
5 else did you pursue in those early conversations?  
6

7 A. We pursued afterwards, after the Trump  
8 deal didn't happen, after Mr. Bizzi decided not to  
9 go along with the Trump deal, we then pursued a  
10 lot of work with Ian Schrager, with it being a Ian  
11 Schrager hotel.

12 Q. Had you produced Mr. Schrager prior to  
13 Mr. Trump -- the Trump aspect of this?  
14

15 A. I don't think so. I think we sort of  
16 went down the line with Trump first; and then when  
17 Bizzi decided not to do it, then we then to  
18 Schrager.

19 Q. After this meeting in May 2006  
20 regarding Mr. Trump potentially having some  
21 involvement, what happened next?  
22

23 A. I don't know if it was during that  
24 period -- that visit or his next visit. I brought  
25 him over to Trump's office to meet with Mr. Trump  
and discuss it.

Q. When was his next visit?

A. I don't recall.

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Q. Who was present at the meeting with Mr. Trump?

A. Myself, Mr. Trump, I believe Donald Trump, Jr., Mr. Bizzi.

Q. Dolly Lenz there or no?

A. I don't recall.

Q. Had you had a conversation with Mr. Trump about the property prior to the meeting that you arranged between him and Mr. Bizzi?

A. Yes, I believe either on the phone or I went to see him and filled him in on it.

Q. What did you tell him and what did he say?

A. I told him what I thought about the site, I told him I thought it was a great site, you know, international type of site, and obviously it had the size and the scale and it was going to be a very big, tall building, which Mr. Trump likes, and that I thought it would be a very good project and that there was probably an opportunity there to also be an equity partner in it.

Q. And what did he say?

A. He said he was interested.

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1.  
2 project.

3 Q. What was discussed at the meeting --  
4 well, let me ask you this: Do you remember  
5 anything else about this meeting in terms of  
6 other -- anything else that happened at this  
7 meeting or any other things that were said at this  
8 meeting?

9 A. No.

10 Q. Any other discussion of the terms or  
11 discussion of the -- what the nature of the  
12 project would be, at this meeting?

13 A. Well, we discussed what it would be, a  
14 hotel and condo, but I don't think there was any  
15 discussion of terms at that meeting.

16 Q. What happened after the meeting?

17 A. After the meeting, came back to my  
18 office with Mr. Bizzi. We talked about again  
19 about Mr. Trump. He seemed very interested. And  
20 I told him I would follow up, try to get a term  
21 sheet or proposal from Donald Trump, Jr.

22 Q. What happened then?

23 A. After that I -- I don't remember the  
24 exact timing, but sometime after that I had a  
25 couple of telephone conversations with Donald

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1. Trump, Jr., and came up with some broad outline of  
2 proposed deal and asked him to get me a term  
3 sheet.  
4

5 Q. What was the broad outline that you  
6 discussed with Mr. Donald Trump, Jr.?

7 A. The broad outline was -- at the-time  
8 Bizzi wasn't sure whether he wanted to have an  
9 equity partner or not, so we were going down the  
10 path of a licensing type of agreement where it  
11 would be a licensing deal which would give him  
12 some equity anyway without an equity investment,  
13 based on how most of his licensing deals work.

14 When I say "equity investment,"  
15 basically how his agreement -- the agreement he  
16 wanted at the time and I believe the type of  
17 agreements he was doing was they would get an  
18 upfront fee, they would get a fee for running the  
19 hotel, running the hotel, and they would also on  
20 the sales get a piece of the sales price with  
21 tiers that based on the higher the sales price  
22 went, the bigger piece they would get of the  
23 increase in the sales price.

24 Q. So basically if the apartments or the  
25 hotel rooms were sold at a premium, he would get a

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1.  
2 percentage of that premium?

3 A. That is correct.

4 Q. Do you remember anything specific about  
5 the numbers, that is, what the percentages and  
6 what the upfront fee payment was contemplated?

7 A. I believe the upfront fee payment was  
8 somewhere in the neighborhood of 3 to 5 million  
9 dollars and that the percentages were pretty high.  
10 It was something like 25 percent over a base  
11 number, over a base per square foot number, that  
12 he wanted to get 25 percent of the additional over  
13 the base number that was decided upon.

14 Q. Do you know what the base number was?

15 A. I don't think we ever got so far as to  
16 define exactly what the base number would be.

17 Q. Do you have any records of what -- of  
18 these discussions with Donald Trump, Jr., any  
19 notes, similar?

20 A. I had thought that I actually got a  
21 term sheet, but I never was able to find one. I  
22 looked in my e-mails and -- it would have been  
23 e-mailed to me -- and I never found one, whether  
24 there was actually a term sheet. I recollect I  
25 thought that there was, but I haven't come up with

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it.

Q. Okay.

A. I wasn't sure whether I sent him one or he sent me one. But then when I thought about it, I think he sent me one and I may have responded to it. But I can't find it.

Q. So sitting here today, do you know whether there was a term sheet or not?

A. Oh, yeah, I'm sure, because I remember reading a term sheet and discussing the terms with Mr. Bizzi.

Q. So you think that there was such a document at some point?

A. Yes.

MR. RESSLER: Objection, asked and answered.

You can answer it again.

A. I believe there was.

Q. Who created the document, to your recollection?

A. I believe Donald, Jr.

Q. And you've said you've looked for the documents or e-mails, and you haven't been able to find them?



1. Lorber - Confidential

2 A. No, I have not.

3 RQ MR. CERESNEY: I call for the  
4 production of any such term sheet from  
5 plaintiff that exists.

6 Q. So you had discussions with Mr. Trump,  
7 Jr., Donald Trump, Jr., about the terms. You've  
8 told us what the discussion was. Do you have any  
9 recollection of -- so what happened next? Let me  
10 ask it that way.

11 A. I had a conversation, a couple  
12 conversations, with Bizzi, and he asked me who  
13 else I was talking to. I said, well, I have some  
14 other people in mind, but I still think Trump was  
15 the best.

16 He seemed to be getting a little less  
17 interested in Trump, and I tried to find out from  
18 him. He's not the type of guy -- he's very  
19 proper, and he's not the type of guy to say  
20 anything bad.

21 Finally when I pulled it out of him, he  
22 said, well, he had heard things about The New York  
23 Times article. And I don't remember whether he  
24 mentioned the book, but I know he mentioned the  
25 article, which was about the book, that, you know,

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1. made Donald look like a phony and that, you know,  
2. why did I think that it was such a good idea to  
3. brand, you know, with the Trump name as opposed to  
4. someone else.  
5.

6. Q. When did this conversation occur?

7. A. I can't recollect whether it  
8. happened -- obviously it happened subsequent to  
9. the meeting with Trump, and I can't remember  
10. whether it happened in the summer or happened in  
11. the fall after they closed. But it had to be  
12. sometime summer of '06, fall of '06.

13. Q. Had you obtained the term sheet that  
14. you discussed earlier from Mr. Trump, Jr., at this  
15. point?

16. A. I believe so.

17. Q. And had you discussed that term sheet  
18. with Mr. Bizzi at that point?

19. A. Not in detail but just that we had the  
20. term sheet and in general terms.

21. Q. What specifically do you recall  
22. discussing with him about the term sheet?

23. A. The fees -- the fee, the percentage of  
24. the sales that he wanted.

25. Q. Did he agree to those terms?

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1. A. He didn't agree or disagree. He seemed  
2 to have been losing interest at that point in  
3 pursuing the deal with Trump.  
4

5 Q. Now, this conversation that you just  
6 described, was this a single conversation about  
7 where Mr. Bizzi mentioned The New York Times?

8 A. No, it was not a single conversation.

9 Q. How many conversations were there?

10 A. At least a couple, two or three.

11 Q. Were they phone conversations or in  
12 person?

13 A. Both, I believe.

14 Q. How many in person and how many phone  
15 conversations?

16 A. I don't recollect.

17 Q. How much time was between each of those  
18 conversations?

19 A. Probably weeks.

20 Q. So two or three conversations over the  
21 course of weeks?

22 A. Yes, correct.

23 Q. In the first conversation amongst these  
24 two or three conversations, what specifically did  
25 you discuss with Mr. Bizzi about Mr. Trump's

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involvement?

A. Can you repeat the question?

Q. Yeah. In the first -- I want to sort of break down these conversations. In the first conversation that you're describing in the fall -- late summer/fall of 2006, what specifically did Mr. Bizzi say about Mr. Trump's involvement in 400 Fifth Avenue?

A. He was asking me if I spoke to anyone else, if we were following up any other avenues, and I said we had a few but we were trying to put the Trump thing together. He seemed to -- as I said before, he seemed to be losing interest a little bit.

And he didn't seem the type to say anything bad about anyone, but the more I talked to him the more it became obvious he was troubled by the things he had heard. I don't even know if he read the article himself or he just had other people telling him.

And I don't know if maybe the lawyers that he was using at the time maybe said something negative. I'm not sure. It was conjecture on my part. But someone was putting something -- it

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2 became obvious to me that someone was putting  
3 something in his head that he should not do it  
4 with Trump. And that wasn't coming from me, so it  
5 obviously was from someone else he was talking to.

6 Q. Did he actually mention the article or  
7 did you mention the article, The Times?

8 A. He didn't volunteer it, but I believe  
9 that I said, Oh, are you talking about, you know,  
10 the book and the article about the book. And he  
11 said, yeah, it puts him this a bad light, you  
12 know, maybe he's not, you know, an honest guy to  
13 deal with, you know, he lies about that type of  
14 stuff. It was that kind of conversation.

15 Q. About what type of stuff?

16 A. Net worth.

17 Q. Did he mention net worth?

18 A. No, he did not mention net worth.

19 Q. Did you mention net worth?

20 A. I may have, probably.

21 Q. Did you?

22 A. Well, if I talked about the article,  
23 the article was -- the whole article was basically  
24 about his net worth. So obviously I would mention  
25 the word "net worth" if we were talking about the

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1. Here's a guy who is coming from Italy.  
2 He's going to do real estate in New York City.  
3 And the last person in the world I think he is  
4 going to start talking bad about is someone that  
5 was the king of real estate in New York City.  
6

7 So I think it would have made him very  
8 uncomfortable to sit there and tell me what he  
9 thought about Mr. Trump. But it became obvious,  
10 again, that someone was saying things to him about  
11 it because he seemed less interested as time went  
12 on.

13 Q. But my question is did he ever tell you  
14 that he wasn't going to do this deal because of  
15 the article.

16 MR. RESSLER: Objection. Andrew, you  
17 just asked that question, and Mr. Lorber, the  
18 witness, just answered the question.

19 Q. You can answer.

20 A. Just what I said. I think -- did he  
21 come out and say it exactly that way? I don't  
22 recall. But did he make it obvious to me that  
23 because of what people were telling him about the  
24 article or about the book that he wasn't going to  
25 do it? I think that's the case, because he went

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1.  
2 from being very excited about doing the project  
3 with Mr. Trump to not being excited about it.

4 Q. Did you mention any other articles that  
5 had been written about Mr. Trump over the years?

6 A. No, I did not.

7 Q. Did he mention any other issues with  
8 Mr. Trump?

9 A. Not that I recollect.

10 Q. Did you -- when you said -- earlier I  
11 think you said the article or the book. Do you  
12 know which one, if at all, he -- I think you said  
13 you don't even know whether he read them. Is that  
14 what you said?

15 MR. RESSLER: Objection to the form of  
16 the question. What's the question?

17 Q. Do you know whether he even read the  
18 article or the book?

19 A. I don't know. I doubt that he did. It  
20 seemed to me, from what I was getting from him,  
21 pulling out of him, was that someone told him  
22 about it, that he did not read it, unless they  
23 showed it to him. They may have showed to it him,  
24 but I don't believe he read it when it first came  
25 out in '05.

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1. with Mr. Bizzi, following this conversation we've  
2. been discussing, about Mr. Trump?  
3.

4. A. Yes, I again asked him what he thought  
5. about pursuing it, and he basically had said he  
6. had decided not to and that his lawyer had  
7. recommended the Sati Group [phonetic].

8. And subsequent to that conversation  
9. with Bizzi, I had a meeting with Mr. Bizzi with  
10. Robert Ivanhoe with people from the Sati Group to  
11. discuss the Sati Group doing the project.

12. Q. And other than the conversation that  
13. we've been discussing where you mentioned -- or  
14. the book and the article came up, were there any  
15. other conversations where the book and the article  
16. came up with Mr. Bizzi?

17. A. No.

18. Q. Do you know whether Mr. Trump spoke to  
19. Mr. Bizzi after -- at any point after their  
20. meeting?

21. A. You know, I don't remember -- I don't  
22. remember him telling me, but I remember when he  
23. was questioning me about it what happened with 400  
24. Fifth Avenue, what's going on, why isn't it done,  
25. and I believe I told him that they sort of are

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2 and I started thinking maybe we ought to try to  
3 put the brands together and do something  
4 different.

5 So probably sometime after that. So  
6 maybe the end of '04 into '05 was the first time  
7 we started talking about it.

8 Q. When was the awards banquet?

9 A. It's usually March, so it was probably  
10 like March '04.

11 Q. So you think the discussions started  
12 sometime in late '04, early '05?

13 A. Yeah.

14 Q. And what was --

15 A. I don't know -- excuse me. I don't  
16 know if the discussions started. I started  
17 thinking about it myself during that period of  
18 time, and then started kicking it around with  
19 Donald in '05 sometime.

20 Q. When was the first time you started  
21 kicking it around with Donald?

22 A. Sometime in '05.

23 Q. What was the concept that you were  
24 kicking around?

25 A. The concept was that -- we had actually

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brokerage business, at least in New York City.

Q. Would this have involved the combination of -- strike that.

You say Mr. Trump has a small brokerage business?

A. Correct.

Q. What did that consist of at the time?

A. He has a few salespeople that do resales and they do -- a lot of the resales they do are in the Trump buildings, so they sort of specialize in those buildings. But they have a general brokerage business, small compared to the leaders in New York.

Q. And in the first discussion you had with Mr. Trump, what was the structure you were contemplating ultimately?

A. It was a combination, you know, take his firm, make it part of ours, and figure out what the name would be with his name and our name in it.

Q. So it would be basically Mr. Trump having interest in Prudential Douglas Elliman as a broad -- as a whole?

A. Correct.

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1. A. Conversations in person and on the  
2 telephone.  
3

4 Q. Did you have conversations with anybody  
5 else at Prudential Douglas Elliman about this  
6 contemplated project?

7 A. No. I knew it would be a little  
8 complicated to do, but I thought I could do it.  
9 Basically because of the current structure the way  
10 it was, I thought I could definitely get it done.  
11 But I really wanted to in my mind -- I wanted to  
12 be clear that I had a clear understanding with  
13 Donald as to what the deal would be before I would  
14 present it to the other shareholders of Prudential  
15 Douglas Elliman.

16 Q. Did you ever present this to the other  
17 shareholders of Prudential Douglas Elliman?

18 A. No, I did not, because, as I said, I  
19 wanted to have a clear idea. And at that time I  
20 was also trying to buy out, which would have been  
21 an integral part of it, I think, would have helped  
22 the situation, I was trying to buy out  
23 Prudential's 20 percent share of the company.

24 Q. Just tell me a little bit about that.  
25 When were those discussions ongoing?

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1 would have been -- or she was, would have been  
2 very positive about it. Obviously depending on  
3 what the deal was. We never got into that. If  
4 she was losing all her stock and it would have  
5 Trump's name, that would be a different story.

6 Q. That wouldn't make her happy? -

7 A. No.

8 Q. You said you had a number of  
9 conversations following the first conversation  
10 with Mr. Trump about this. In those subsequent  
11 conversations, did you discuss anything about the  
12 structure of the project?

13 A. Yes. We started talking about it.  
14 Obviously we would have, you know, complete  
15 management control that we have now.

16 Q. "We" being --

17 A. Yeah, the existing -- the existing  
18 shareholders, whoever they maintained to be,  
19 whether with Pru or without Pru. That structure  
20 would be the same. So it was really more of the  
21 economics of the transaction, who was going to get  
22 what.

23  
24 And I think Donald started off saying,  
25 oh, I'm sure it will be a 50-50 deal, and I said

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1. no, it couldn't be a 50-50 deal. We were much  
2 bigger. Then of course he made his pitch how his  
3 name would add so much more to it and it would be  
4 very fair for it to be 50-50. So that was his  
5 starting point at the time.  
6

7 My starting point was more -- in the  
8 beginning when I first started thinking about it,  
9 my starting point was more like if I could get the  
10 20 percent back from Prudential and Donald could  
11 have that 20 percent, then Dottie and I still have  
12 the same -- Dottie and Vector Group would still  
13 have the same and we would have great synergies to  
14 go forward.

15 But I don't think I would have ever got  
16 to that. I think if we could have made a deal, it  
17 probably would have been 25 percent to a third,  
18 something like that, would have been a more  
19 realistic deal to make with Donald.

20 Q. Did these conversations with Mr. Trump  
21 lead to any further narrowing of that gap or any  
22 change in terms that you were offering?

23 A. No, we talked about different -- you  
24 know, things that would -- that would -- synergies  
25 that would really help the business grow and were

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A. It was separate from the Trump but sort of brought on by the Trump because we knew Trump was doing a bunch of projects in south Florida. So obviously it was important to us.

Q. But you never consummated it at the time?

A. Never consummated it.

Q. Did you ever reach an agreement about what the entity was going to be called?

A. No. I'm sure in my mind it was going to be Douglas Elliman Trump, and in his mind it was going to be Trump Douglas Elliman.

Q. Would Mr. Trump have any role in this project, in the business?

A. Well, he wouldn't have any day-to-day operational role, but obviously as a spokesman -- I mean, you know, he was at the height of his popularity with The Apprentice and everything else. I think it would have been fabulous for the company.

Q. I take it the management of the entity, at least you contemplated, would remain the same?

A. That's -- definitely.

Q. Did you create a business plan?

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normal multiple.

Q. So did you discuss these issues with Mr. Trump, or was this something --

A. No, I believe I told him what I thought and he asked me how much we were earning at the time, and I told him. And I asked him how much his company was earning, and he told me. So we talked about the values a little bit.

Q. Had you made a decision to actually go forward with this?

A. I was pretty close to wanting to go forward and speak with the -- I didn't believe -- I believed that Dottie would not be an issue. I believe Prudential would be a little bit of a sales job to sit down with them and tell them why we wanted to do it.

But then just around that time is when the article in The Times appeared and then the book came out, and I knew after that that was the end of it, that there would be no way after reading that article in The Times and the book that Prudential would go along with it.

Q. Why do you say that?

A. I say that because, you know,

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out.

Q. So how long after the article and the book?

A. I told Donald -- asked me what was going on. I told him, Donald, I don't think I have any chance of doing this deal, you know, because of the article and the book, and I just don't think there's any chance of putting it together. I said maybe, you know, in a few years something, but just didn't.

Q. When was that conversation in relation to when the book and article --

A. I sort of dropped it -- in my mind I dropped it when the article and book came out, which I believe was -- the end of '05?

Q. October of '05.

A. October of '05? That was the article and the book came out right afterwards, couple weeks afterwards, something?

Q. Right afterwards.

A. Right around then. I don't think I really told him the news. I don't like to tell him bad news. I don't think I told him the news until the beginning of -- probably the beginning

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2 off, and our business is probably worth, by the  
3 end of '07, 500 million. So I think it would have  
4 been a lot tougher, you know, trying to put a deal  
5 together when our business is worth 500 million  
6 instead of 100 million, and that's because our  
7 cash flow went up five times.

8 So I didn't think -- I thought it would  
9 be very difficult, even if Prudential was willing  
10 to do it. And I think Donald missed a good  
11 opportunity because he would have owned somewhere  
12 between probably a third of a company worth 500  
13 million, but it didn't happen.

14 And with him in it, who knows, maybe it  
15 would have been worth 6 or 7 or 8 hundred million.  
16 I don't know.

17 Q. What about the article or the book led  
18 you to end your discussions regarding this?

19 A. The problem I had is that, you know, as  
20 we said before, there have been others articles.  
21 You asked me about other articles, and there have  
22 been other articles. I don't think I ever saw an  
23 article -- even very negative articles about  
24 people or companies, there is always a modicum of  
25 truth in the article. Or if they're just trying

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1. having something that was outrageous.

2.                   And I think it was totally outrageous  
3. to have unnamed sources saying one thing and then  
4. you have the other sources who you name saying  
5. something else. And the book tries to point you  
6. to the unnamed sources saying that's the truth.  
7. The unnamed sources are telling the truth; the  
8. named sources are not telling the truth. That is  
9. sort of nonsensical to me.

10. MO               MR. CERESNEY: Move to strike the  
11. answer as nonresponsive.

12.                   MR. RESSLER: Objection to the motion.

13.                   MR. KASOWITZ: You asked the question.

14.                   MR. CERESNEY: That wasn't the  
15. question.

16.                   MR. KASOWITZ: That was the question.

17. Q.               Mr. Lorber, do you know whether  
18. Prudential would have approved the deal absent the  
19. book?  
20.

21.                   A.           I believe they would have. We have a  
22. pretty good relationship with them, and everything  
23. that we've gone through them with we've basically  
24. come to an agreement. I think that -- I don't  
25. think there would have been an issue. I can't be

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C E R T I F I C A T E

STATE OF NEW YORK )

: ss.

COUNTY OF NEW YORK )

I, LAURIE A. COLLINS, a Registered Professional Reporter and Notary Public within and for the State of New York, do hereby certify:

That HOWARD M. LORBER, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of April 2008.

*Laurie A. Collins*

LAURIE A. COLLINS, RPR

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\* \* \* C O N F I D E N T I A L \* \* \*

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: CAMDEN COUNTY

DONALD J. TRUMP,

)

)

Plaintiff,

)

)

vs.

)

No. CAM-L-545-06

)

TIMOTHY L. O'BRIEN, TIME

)

WARNER BOOK GROUP INC.,

)

and WARNER BOOKS INC.,

)

)

Defendants.

)

----- )

April 1, 2008

8:41 a.m.

Examination before trial of FELIX H. SATER, held at the offices of Kasowitz, Benson, Torres & Friedman, 1633 Broadway, New York, New York, pursuant to subpoena, before Laurie A. Collins, a Registered Professional Reporter and Notary Public of the State of New York.

1. Sater - Confidential

2 checking on the market, did some checking on the  
3 project. And after we made the decision that it  
4 may be a good project, presented it to the folks  
5 at Trump.

6 Q. What about Phoenix?

7 A. Phoenix, a gentleman who I believe --  
8 don't hold me to it -- is I think a title broker,  
9 is involved in the title business, introduced me  
10 to somebody who was a principal in this Phoenix  
11 transaction, and we started negotiating the terms  
12 under which Bayrock would come into this  
13 transaction.

14 It was actually a bankruptcy court  
15 proceeding, and we came in as, quote/unquote, the  
16 white knight to buy it out of bankruptcy. And at  
17 such time as we started negotiating the  
18 transaction, looking at the transaction, again,  
19 it's something that I represented to the Trump  
20 Organization as a possibility for a Trump project.

21 Q. Do you recollect whether Bayrock had  
22 already committed to purchase the Phoenix site  
23 prior to approaching the Trump Organization?

24 A. No, we did not. We were in  
25 negotiations for both sites before approaching the

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2 Trump Organization. Part of our strategy was to  
3 build five-star properties, and Trump was in a  
4 good sense a cornerstone of that strategy. So we  
5 generally looked for deals that could be a Trump  
6 deal.

7 Q. But at the time you had the initial  
8 conversation you mentioned having with Mr. Flicker  
9 and Mr. Reese, up to that point there hadn't been  
10 a Bayrock-Trump transaction consummated yet?

11 A. No, there hadn't.

12 Q. So at that point --

13 A. Other than the lease for the space.

14 Q. Right. He was your landlord.

15 A. Exactly.

16 Q. But other than being your landlord, you  
17 weren't -- Bayrock was not on a contract with him,  
18 you didn't have any exclusive --

19 A. No.

20 Q. -- or other arrangement?

21 A. No.

22 Q. So at that point when you're having  
23 that initial conversation, Mr. Trump isn't the  
24 cornerstone of anything for Bayrock?

25 MR. RESSLER: Objection to the form of

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1. Q. I'm going to represent to you that the  
2 book that we looked at earlier that Mr. O'Brien  
3 wrote, again, was published at the end of October  
4 of 2005. Were you aware that there were petitions  
5 circulated and signed by neighborhood opposition  
6 groups in Phoenix prior to that time?  
7

8 MR. RESSLER: Objection to the form of  
9 the question.

10 A. I'm sure there were. I don't know  
11 whether they were -- I mean, look, we had  
12 opposition. As it relates to the book, I went to  
13 a couple of meetings and a couple of opposition,  
14 and the old ladies were showing the book up and  
15 screaming "Trump's a fraud" and so on and so  
16 forth.

17 So there may have been petitions before  
18 or after. I don't know. But, I mean -- I don't  
19 get it. Sure, okay, there may have been petitions  
20 before.

21 I'm sorry I answered that way, but I'm  
22 just trying to get to the point and move on,  
23 because I'm getting tired as well.

24 Q. When was the vote on the referendum  
25 scheduled?



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1. meeting.

2  
3 A. The problem is I don't know if they  
4 record when people speak in this form (indicating)  
5 or if it's a general recording. So I don't -- I  
6 don't know the details. He's right, I don't know  
7 the details of how they recorded it. But I'm sure  
8 there's some sort of record of the city council  
9 meeting.

10 Q. Have you ever --

11 A. Oh, you will find some instances -- if  
12 you get the recordings, you will definitely find  
13 some instances there of people screaming and  
14 referring to the book and referring to Donald  
15 Trump in negative ways and holding the book up as  
16 an example.

17 I'm sure if you track it down you'll  
18 get it. I don't know if you want to track it  
19 down, but it exists.

20 Q. How many people are we talking about  
21 who specifically referenced the book? This isn't  
22 a case about whether somebody has negative  
23 opinions about Donald Trump; this is about this  
24 book, as I've been remained by your lawyer.

25 MO

MR. RESSLER: Wait a minute. Objection

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1. between Bayrock and Trump and the Trump  
2 Organization concerning any property in Moscow  
3 other than Defendants' Exhibit 159?  
4

5 A. I don't believe so, but I don't think  
6 so.

7 Q. And you were not involved in  
8 negotiating any such document; correct?

9 A. I don't remember, but I don't think so.

10 Q. You pointed out to me that this  
11 document does not reference a specific project or  
12 property; is that correct?

13 A. That is correct.

14 Q. What was, to your understanding --

15 A. Hold on. Let me just get this. Just  
16 one second.

17 Q. Okay.

18 (Pause.)

19 Q. What was the purpose of this agreement,  
20 if you know?

21 A. I do know. I identified an opportunity  
22 in Moscow. I actually identified a specific  
23 opportunity. And I came to Mr. Trump and said  
24 that I have a very good opportunity in Moscow that  
25 I'd like to negotiate with the owner of the

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2 property there and I think that there's a good  
3 opportunity to turning that into a Trump Tower.

4 It's a very good location. It would be  
5 a very good development. And I'd like you to  
6 grant us a one-year exclusive so that while  
7 we're -- so that we don't waste our time,  
8 basically, while we're negotiating with them, A,  
9 so that nobody goes around us or another  
10 opportunity doesn't pop up, so that we don't waste  
11 our time. And that's where this came from.

12 So there was a specific opportunity,  
13 but the letter is not referencing a specific  
14 opportunity. That's it.

15 Q. What prior to the signing of this  
16 document had you shared with Mr. Trump about the  
17 specifics of that opportunity, if anything?

18 A. Just that it's a large -- it's a  
19 high-rise, center of Moscow, great opportunity,  
20 megafinancial home run for us. That's pretty much  
21 it. You know, more or less. I may have shown him  
22 some pictures of the site or I may have pointed it  
23 out on the map. But that's pretty much the extent  
24 of it.

25 Q. Sitting here today more than three

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no, I didn't go to meetings with them.

Q. Were they there having meetings or were they just sightseeing?

MR. RESSLER: Objection to the form of the question.

A. I think both. I think both.

Q. Did you, when you were in Moscow with them, show them the pencil factory you referenced?

A. No.

Q. Did you show them any other possible development sites in Moscow?

A. No.

Q. I'm going back to the time when -- January of '05 when the exclusive arrangement was entered into regarding Moscow. At that time to your knowledge had Bayrock previously developed any successful projects in Moscow?

A. No.

Q. To your knowledge at that time in January of '05, had the Trump Organization developed any projects in Moscow?

A. Not to my knowledge, no.

Q. Between the time when Exhibit 159, the agreement with the Trump Organization, was entered

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2 into and the end of '05, what additional steps did  
3 you or others in Bayrock take concerning the  
4 potential project in Moscow?

5 A. We did some massing plans, we asked BBG  
6 to do a preliminary set of plans on the tower to  
7 see how it would work as a hotel and -- condo  
8 hotel and residential tower. We did a whole bunch  
9 of work on it and, you know, a bunch of times that  
10 I went there and negotiated the transaction.

11 Q. Who is BBG?

12 A. Bob Brennan and Beer Gorman. It's an  
13 architectural firm in New York.

14 Q. And who were you negotiating with in  
15 Moscow?

16 A. The owners of the site.

17 Q. And who were those?

18 A. It was a group, but I generally dealt  
19 with a guy named Ilya. There were other people in  
20 the group that I met and people that worked for  
21 him, but I generally dealt with one of the owners  
22 whose name is Ilya.

23 Q. Is that a first name?

24 A. Yes.

25 Q. Do you know what his last name is?

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A. Haykan, H-A-Y-K-A-N, or H-A-I-K-A-N.

One of the two. I'm not sure of the exact spelling.

Q. And to your knowledge is he still one of the owners of that facility?

A. I believe so.

Q. And was that facility still being used as a factory or --

A. Oh, no, no, the factory had long shut down. They were already starting to tear it down. I think they started to tear it down around that same time, or at least portions of it. It was a pretty big site. It wasn't just one factory there; there were other structures on it. And they had already started clearing it for construction.

Q. Are you aware of whether any other developer has started to build on that site?

A. I don't know what's going on with that site now.

Q. Has Bayrock taken an interest in any other sites in Moscow since then?

A. No. It was bad enough on this one.

Q. Were there any contracts drawn or even

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2 term sheets exchanged with the owners of the  
3 factory in Moscow and Bayrock?

4 A. It wasn't with the owners of the  
5 factory; it was the owners of the site the factory  
6 was on. There may have been. I don't remember.  
7 I'm sure we must have exchanged something.

8 Q. What's your best recollection of how  
9 far along discussions or negotiations got with the  
10 owners of the site in Moscow?

11 A. Very far.

12 Q. Was a price reached?

13 A. Yes.

14 Q. What was that price?

15 A. It was a percentage participation over  
16 current market price where we would step in, we  
17 would sell the property over -- and I don't  
18 remember the price now. They estimated that they  
19 would sell at X; we suggested that using the Trump  
20 name and using Trump marketing we would be able to  
21 step in there and sell for Y and that there would  
22 be -- and I don't remember what the deal is now,  
23 some sort of profit participation between the X  
24 and the Y because of the Trump -- because of the  
25 added value that the Trump name brings.

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1  
2 Q. To the best of your recollection, what  
3 was the spread between X and Y on a percentage  
4 basis?

5 A. I think it was close to 300,000 feet,  
6 and I think it was at least \$250 a foot, or at  
7 least that was my assumption. It doesn't mean  
8 that that's so. That's just what I calculated in  
9 my professional -- my personal professional  
10 opinion was.

11 Q. Other than you and Ilya Haykan, were  
12 there others, appraisers or other professionals,  
13 involved in these discussions?

14 A. Well, I met with a significant number  
15 of Moscow real estate companies. In these  
16 specific discussions, no. General market  
17 discussions, yes, but not as it relates to this  
18 specific development. I didn't bring anyone in.

19 I knew the market; he knew the market.  
20 You know, two guys who know the market don't  
21 really need to pay 15 grand to CB Richard Ellis to  
22 sit in and give their pontificated view.

23 Q. What is your best recollection of what  
24 papers were created either by the Russian owners  
25 or by you and Bayrock concerning this?



1. Sater - Confidential

2 involved with in Moscow. Maybe -- I don't want to  
3 mischaracterize what you said. Is there?

4 A. We're looking at various transactions  
5 in Moscow. But as I said, I don't know whether  
6 that will be on behalf of Bayrock or on behalf of  
7 whatever I do after I leave Bayrock. I'm working  
8 on potential transactions this Moscow.

9 Q. Does anything you're working on in  
10 Moscow involve the Trump Organization?

11 A. Not after the last go-around.

12 Q. What happened the last go-around with  
13 the factory site that made that project not  
14 happen?

15 A. After the publication of the book, the  
16 developers mysteriously went radio silent.

17 Q. "The developers" being Ilya and his  
18 partners?

19 A. And his partners, yes.

20 Q. Have you had any discussions with Ilya  
21 or his partners since the end of October 2005?

22 A. It was a little after that, but it was  
23 the end of -- end of maybe November. But no. I  
24 saw him in Cannes, France, a year or more ago, but  
25 we didn't discuss the project. We just said hello

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1. kindly to me reminding him that, you know, this  
2 book is causing him grief. First of all, I don't  
3 know for a fact that that is the reason.  
4

5 Like I said, I don't believe in  
6 coincidences. It just seems strange that the  
7 timing -- they were all so gung ho. Everyone  
8 was -- they were going to make a lot more money on  
9 their development than without Trump. We were  
10 going to make a lot of money on the development  
11 because of Trump, and Trump was going to make a  
12 lot of money on the development because he's  
13 Trump.

14 And then all of a sudden for no reason  
15 whatsoever for it to end and since there was no  
16 negative articles about me at the time, I can only  
17 conclude that it had possibly -- I underline  
18 "possibly" because I can't be certain -- that it  
19 possibly had something to do with the timing of  
20 the book and the article published in The New York  
21 Times around the same time.

22 But no, I didn't go to Mr. Trump and  
23 tell him, you know what, the book killed the deal  
24 for us, because I was a little bit concerned that,  
25 you know, he would be upset, maybe, and blame me

C E R T I F I C A T E

STATE OF NEW YORK )

: ss.

COUNTY OF NEW YORK )

I, LAURIE A. COLLINS, a Registered Professional Reporter and Notary Public within and for the State of New York, do hereby certify:

That FELIX H. SATER, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of April 2008.

*Laurie A. Collins*

LAURIE A. COLLINS, RPR

**TRUMP**  
TRUMP ORGANIZATION

Bayrock Group LLC  
725 Fifth Avenue, 34th Floor  
New York, NY 10022  
Attention: Arif, Chairman

As of January 1, 2005

Re: Trump Moscow

Dear Mr. Arif:

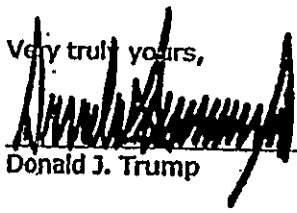
I am delighted at having the opportunity to partner with Bayrock Group LLC on yet another world-class development. Moscow is one of the fastest growing cities in the world and offers the best location for a Signature Donald J. Trump development.

This letter will serve to acknowledge and to confirm my agreement to provide Bayrock Group, LLC, its affiliates and/or subsidiaries, with a one (1) year exclusive right to develop a Trump International Hotel and Tower in Moscow, Russia. Any and all aspects of such development, including, without limitation, site location, design, selling, marketing, advertising, licensing and documentation in connection with all of the foregoing, are subject to my express written approval.

Such development must represent the Trump International signature standard of superior elegance in every aspect of design and quality. The development must be designed by a world-renowned architecture and design firm, and include a top-tier, internationally renowned restaurant, a world-class gym and other amenities catering to the particular market to create the finest and most luxurious experience in Russia.

I look forward to partnering with you on this terrific opportunity in Moscow.

Very truly yours,

  
Donald J. Trump

725 FIFTH AVENUE • NEW YORK, NY 10022 • (212) 832-2000 • FAX (212) 935-0141

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**KASOWITZ, BENSON, TORRES & FRIEDMAN LLP**

Marc E. Kasowitz, Esq.  
Daniel R. Benson, Esq.  
Mark P. Ressler, Esq.

One Gateway Center, Suite 2600  
Newark, New Jersey 07102  
(973) 645-9462

1633 Broadway  
New York, New York 10019  
(212) 506-1700

**BROWN & CONNERY LLP**

William M. Tambussi, Esq.  
William F. Cook, Esq.  
360 Haddon Avenue  
Westmont, New Jersey 08108  
(856) 854-8900

Attorneys for Plaintiff  
Donald J. Trump

-----x  
DONALD J. TRUMP,

Plaintiff,

v.

TIMOTHY L. O'BRIEN, TIME  
WARNER BOOK GROUP INC. and  
WARNER BOOKS, INC.

Defendants.  
-----x

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION, CIVIL PART  
: CAMDEN COUNTY  
:

: Case No. L-545-06  
:

: PLAINTIFF DONALD J. TRUMP'S  
: FIRST SET OF INTERROGATORIES  
: TO DEFENDANT WARNER BOOKS, INC.  
:

TO: Mary Jo White, Esq.  
Andrew J. Ceresney, Esq.  
Andrew M. Levine, Esq.  
Debevoise & Plimpton LLP  
919 Third Avenue  
New York, New York 10022

James F. Dial, Esq.  
Reed Smith LLP  
Princeton Forrestal Village  
136 Main Street, Suite 250  
P.O. Box 7839  
Princeton, New Jersey 08543

Attorneys for Defendants

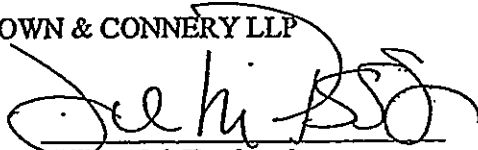
PLEASE TAKE NOTICE that plaintiff Donald J. Trump, through his counsel, hereby demands that defendant Warner Books, Inc. answer the following Interrogatories in the manner and within the time prescribed by the New Jersey Court Rules. These Interrogatories are continuing in nature so as to require you to amend and supplement the responses in accordance with New Jersey Court Rule 4:17-7 if you obtain additional or different information before trial, and to serve upon plaintiff such amended or supplemental responses.

KASOWITZ, BENSON, TORRES &  
FRIEDMAN LLP

By:   
Mark P. Ressler

DATED: \_\_\_\_\_

BROWN & CONNERY LLP

By:   
William M. Tambussi

DATED: \_\_\_\_\_

Attorneys for Plaintiff  
Donald J. Trump

## DEFINITIONS AND INSTRUCTIONS

As used herein:

- A. The terms "you" or "your" means Warner Books, Inc. and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes without limitation its current or former partners, directors, shareholders, employees, officers, agents, officials, representatives, associates, consultants, attorneys, advisors, accountants and all persons and entities acting or purporting to act on its behalf.
- B. The term "Time Warner Book Group Inc." means Time Warner Book Group Inc. and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes without limitation its current or former partners, directors, shareholders, employees, officers, agents, officials, representatives, associates, consultants, attorneys, advisors, accountants and all persons and entities acting or purporting to act on its behalf.
- C. The term "Warner Books" means Time Warner Book Group Inc. and Warner Books, Inc.
- D. The term "*The New York Times*" means *The New York Times* and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes without limitation its current or former partners, directors, shareholders, employees, officers, agents, officials, representatives, associates, consultants, attorneys, advisors, accountants and all persons and entities acting or purporting to act on its behalf.

E. The term "Work" means the literary property entitled *TrumpNation: The Art of Being the Donald*, and any proposals, drafts, manuscripts, excerpts, sections, galley proofs or dummies of same.

F. The term "Litigation" means the lawsuit captioned, *Donald J. Trump v. Timothy L. O'Brien, Time Warner Book Group Inc. and Warner Books, Inc.*, Case No. L-545-06, filed in the Superior Court of New Jersey Law Division, Civil Part, Camden County.

G. The term "Mr. Trump" refers to Donald J. Trump.

H. The term "Trump Entity" refers to any corporation, partnership, association, organization, property or product that bears the "Trump" name or is controlled by Mr. Trump.

I. The term "manuscript" means the original form of a work submitted for publication.

J. The term "galley proof" means the pre-publication copy sent to an author for final proofreading or to reviewers for pre-publication reviews.

K. The term "dummy" means a page or set of pages assembled in the exact position, form and style desired for the finished piece of printed work.

L. The term "person" means natural persons, corporations, partnerships, associations, joint ventures, sole proprietorships, firms, entities, businesses enterprises, contractors, stock exchanges, governmental or regulatory agencies or boards, as well as all divisions, subdivisions, bureaus, offices or other units thereof.

M. The term "communication" means every manner of transmitting, transferring, exchanging or sharing information, facts, opinions or thoughts in any form, whether orally, in writing or otherwise, by any means whatsoever, including without limitation by memorandum, letter, note, mail, telephone, facsimile transmission, telex, telecopy, e-mail or any other means.



N. The terms "concerning" and "in connection with" mean relating to, referring to, regarding, referencing, reflecting, describing, discussing, evidencing, supporting, indicating, stating, mentioning, embodying, pertaining to, setting forth, commenting on, assessing, recording, constituting, comprising, touching upon, summarizing or having any logical or factual connection whatsoever to the subject matter in question.

O. The term "document" means any kind of written or graphic matter, however produced and reproduced, including matter written or produced by hand, typed, recorded, taped, photocopied, filed, telecopied, filmed, microfilmed, transcribed or otherwise created, generated or prepared, and including all originals, masters, drafts and non-identical copies bearing notations or marks not found on the originals, whether sent or received, and including without limitation any and all correspondence, memoranda, drafts, notes, diaries, cards, letters, statistics, summaries, analyses, submissions, applications, forms, reports, sketches, drawings, designs, specifications, telegraphs, minutes, agendas, schedules, contracts, agreements, addenda, studies, files, affidavits, financial records, account statements, checks, check stubs, general ledgers, calculations, journals, ledgers, purchase orders, invoices, receipts, bills, bills of lading, brochures, manuals, pamphlets, books, magazines, articles, instructions, directions, directives, rules, regulations, policy books, guidelines, work plans, questionnaires, surveys, licenses, vouchers, blueprints, notebooks, catalogues, bids, prospectuses, transcripts, stenographic or handwritten notes, regulatory reports or filings, publications, circulars, pictures, photographs, videotapes, films, computer printouts, computer disks, computer tapes, computer data, computer memory, e-mails, affidavits, declarations, expense records, logs, voice recordings, charts, compilations, press releases, resumes, inter-office and intra-office communications, offers, bulletins, worksheets, papers, photographs, graphs, microfiche, microfilm, videotape, motion

pictures, audio tape, cassettes, discs and any other data compilations of any kind or in any other form capable of being read, heard or otherwise understood.

P. The term "and" as well as the term "or" shall be construed both disjunctively and conjunctively, as necessary, to bring within the scope of these Interrogatories all documents and responses which might otherwise be considered to be beyond their scope.

Q. The term "all" means "any and all," the term "any" means "any and all" and the term "each" means "all and each."

R. The singular form of a word shall be construed as a plural, and the plural as the singular, as necessary, to bring within the scope of these Interrogatories all documents and responses which might otherwise be considered to be beyond their scope.

S. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, as necessary, to bring within the scope of these Interrogatories all documents and responses which might otherwise be considered to be beyond their scope.

T. The use of capital letters, lower case letters or quotation marks in these Interrogatories shall not be construed to limit the scope of any specific request contained herein.

U. The term "identify" means, when used in reference to:

- (1) a natural person, his or her:
  - (a) full name;
  - (b) present residence address or, if unknown, last known residence address; and
  - (c) business affiliations, positions and business addresses at all times relevant to the interrogatory in question

- (2) a company, corporation, association, partnership, or legal entity other than a natural person:
  - (a) its full name;
  - (b) a description of the type of organization or entity;
  - (c) the address of its principal place of business;
  - (d) the jurisdiction of incorporation or organization;
  - (e) the date of its incorporation or organization; and
  - (f) the principal persons of said entity
  
- (3) a document:
  - (a) the type of document (e.g., chart, letter, memorandum);
  - (b) its title;
  - (c) the date, if any, the document bears;
  - (d) the date it was actually prepared and, if signed, the date it was signed;
  - (e) each person who prepared it or who participated in its preparation and the nature of his or her participation;
  - (f) each person who issued, signed, or placed any marks or notations upon the document;
  - (g) each addressee;
  - (h) each person who received a copy of the document or to whom the contents thereof were communicated;
  - (i) the number of pages;
  - (j) its subject matter;

- (k) its present location; and
- (l) its custodian and, if any document is not in your possession, custody or control, the disposition that was made of it, the reason for such disposition and the date thereof

(4) an oral communication:

- (a) the date and time when it occurred;
- (b) the place where it occurred;
- (c) the complete substance of the communication; and
- (d) the identity of each person to whom such communication was made, by whom such communication was made, and who was present when such communication was made

V. If any of these Interrogatories cannot be answered in full, answer to the extent possible, specifying the reasons for your inability to answer the remainder and stating whatever information, knowledge or belief you do have concerning the unanswered portion.

W. If any document is withheld or not identified under a claim of privilege, immunity or otherwise, identify each such document and state the date of the document, its author and addressee, each person to whom copies of the document were furnished or to whom the content thereof were communicated, a summary of the subject matter of the document, the basis upon which the asserted privilege, immunity or other reason for non-disclosure is claimed and the interrogatories to which the document is responsive.

X. If any information other than a document is withheld or not identified under a claim of privilege, immunity or otherwise, identify the nature of the information withheld, the

basis upon which the asserted privilege, immunity or other reason for non-disclosure is claimed and the interrogatories to which the information is responsive.

Y. If any Interrogatory is objected to by you as inquiring into privileged matter, set forth fully in your objection the facts upon which you rely as the basis for your objections.

INTERROGATORIES

1. Identify and describe your relationship with Time Warner Book Group Inc.

Answer:

2. Identify and describe your role in publishing the Work.

Answer:

3. Identify all of your employees and contractors who were involved in any way with the Work, including but not limited to fact-checking, researching, editing, marketing, and publicizing, and the role, job title, educational experience and work experience of each such person.

Answer:

4. Identify all of your policies, practices and procedures for checking facts in literary works that you publish.

Answer:

5. Identify any processes and procedures you used to check the facts contained in the Work.

Answer:

6. Identify all persons who checked or assisted with checking the facts contained in the Work.

Answer:

7. Identify any legal vetting or legal review of the Work that was conducted prior to its publication.

Answer:

8. Describe any revisions or changes to the Work concerning Mr. Trump's finances or net worth, or the value of any Trump Entity.

Answer:

9. Identify any documents submitted or shown to you by O'Brien concerning Mr. Trump's finances and net worth.

Answer:

10. Describe the chronology that culminated in publication of the Work, including but not limited to the date when: (a) O'Brien (or a person acting on his behalf) provided a manuscript of the Work to you; (b) O'Brien (or a person acting on his behalf) provided any revision of the Work to you; (c) you sent O'Brien (or a person acting on his behalf) an edited manuscript; and (d) you sent O'Brien (or a person acting on his behalf) galley proofs and dummies.

Answer:

11. Identify all efforts to promote, market or generate publicity for the Work.

Answer:

12. Identify all advertisements for the Work, including but not limited to print ads, television ads, radio ads, on-line ads, click ads and blogs.

Answer:

13. Identify all appearances that O'Brien made in connection with the Work, including, but not limited to appearances on television, on radio, at lectures, in on-line chat rooms, in advertisements or at book signings, book readings or book discussions.

Answer:

14. Did you name O'Brien as an additional insured on any media perils insurance policy and, if so, identify the insurance company, policy number and all insureds on each such policy.

Answer:

15. State the name, home address, work address and job title of each person answering these interrogatories.

Answer:



16. State the name, address and job title of each person with knowledge or information pertaining to any claim or defense asserted in this action and provide a summary of their knowledge and how it was acquired.

Answer:

17. Identify any and all persons you intend to call as a witness at the time of trial. In responding to this Interrogatory, set forth a summary of each person's expected testimony.

Answer:

18. State the name, occupation and address of any and all experts consulted by the responding party concerning the Litigation, regardless of whether or not you expect that expert to testify.

Answer:

19. As to each and every expert you intend to call as a witness at the time of trial:

- (a) State the subject matter on which the expert is expected to testify.
- (b) State the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.
- (c) Annex hereto full and complete copies of any and all reports rendered by such experts to the responding party. (If oral, set forth a complete rendition of the oral report.)
- (d) Identify and attach any and all material used by the expert in his investigation and/or preparation of his report.
- (e) Attach a copy of the expert's *curriculum vitae*.
- (f) Identify any and all codes, standards, statutes, regulations, books, writings, periodicals or literature about which the expert will testify, to which he will refer or upon which he relied in preparation of his report.
- (g) Identify each case in which the expert has given testimony at trial in the past 10 years, setting forth the name of each case, the docket number, counsel representing the parties (including the party that retained the expert), and annex hereto

any report the expert issued in that case:

Answer:

20. Has any party in this case made any admission(s) related to this matter? If so, for each admission:

- (a) Identify the party that made the admission.
- (b) Set forth with detail and in particularity the substance of the admission.
- (c) State the date and time the admission was made.
- (d) State whether the admission was in writing or oral.
- (e) State the names and addresses of any witnesses to any admission, and which admissions they witnessed.
- (f) If the admission was written, or if the admission is contained in a written transcription of an oral communication, attach a copy hereto.

Answer:

21. Has any person made a declaration against interest related to this matter? If so:

- (a) Identify the person who made the declaration.
- (b) Set forth with detail and in particularity the substance of the declaration.
- (c) State the date and time the declaration was made.
- (d) State whether the declaration was in writing or oral.
- (e) If the declaration was written, or if the declaration is contained in a written transcription of an oral communication, attach a copy hereto.

Answer:

22. State whether you intend to assert any defenses at the time of trial. If so, name every such defense. For every such defense,

(a) If the defense is based upon the common law, state the principle involved and fully provide the factual basis for the defense.

(b) If the defense is based upon a statute, regulation or other written rule, identify each such statute, regulation or rule and fully provide the factual basis for any such defense.

Answer:

CORPORATE CERTIFICATION

I, \_\_\_\_\_, hereby certify as follows:

1. I am the \_\_\_\_\_ (job title) of defendant Warner Books, Inc., and am the agent of the corporation for the purpose of answering the interrogatories served upon the attorneys for said corporation in this action by the plaintiff, and for making this verification.

2. I have read the said interrogatories and the foregoing answers. The information stated therein has been assembled by counsel for Warner Books, Inc. and present employees of Warner Books, Inc. Although the matters stated therein are not all entirely within my personal knowledge, based on information and belief, and my own personal knowledge, the answers stated therein are true.

3. I am authorized by Warner Books to answer these interrogatories on its behalf.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

WARNER BOOKS, INC.

By: \_\_\_\_\_

DATED: \_\_\_\_\_, 2006

**KASOWITZ, BENSON, TORRES & FRIEDMAN LLP**

Marc.E. Kasowitz, Esq.  
Daniel R. Benson, Esq.  
Mark P. Ressler, Esq.

One Gateway Center, Suite 2600  
Newark, New Jersey 07102  
(973) 645-9462

1633 Broadway  
New York, New York 10019  
(212) 506-1700

**BROWN & CONNERY LLP**

William M. Tambussi, Esq.  
William F. Cook, Esq.  
360 Haddon Avenue  
Westmont, New Jersey 08108  
(856) 854-8900

Attorneys for Plaintiff  
Donald J. Trump

-----X  
DONALD J. TRUMP,  
Plaintiff,

v.

TIMOTHY L. O'BRIEN, TIME  
WARNER BOOK GROUP INC. and  
WARNER BOOKS, INC.  
Defendants.  
-----X

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION, CIVIL PART  
: CAMDEN COUNTY

:  
: Case No. L-545-06

:  
: PLAINTIFF DONALD J. TRUMP'S  
: FIRST SET OF INTERROGATORIES  
: TO DEFENDANT TIME WARNER BOOK  
: GROUP INC.

TO: Mary Jo White, Esq.  
Andrew J. Ceresney, Esq.  
Andrew M. Levine, Esq.  
Debevoise & Plimpton LLP  
919 Third Avenue  
New York, New York 10022

James F. Dial, Esq.  
Reed Smith LLP  
Princeton Forrestal Village  
136 Main Street, Suite 250  
P.O. Box 7839  
Princeton, New Jersey 08543

Attorneys for Defendants

PLEASE TAKE NOTICE that plaintiff Donald J. Trump, through his counsel, hereby demands that defendant Time Warner Book Group Inc. answer the following Interrogatories in the manner and within the time prescribed by the New Jersey Court Rules. These Interrogatories are continuing in nature so as to require you to amend and supplement the responses in accordance with New Jersey Court Rule 4:17-7 if you obtain additional or different information before trial, and to serve upon plaintiff such amended or supplemental responses.

KASOWITZ, BENSON, TORRES &  
FRIEDMAN LLP

By:   
Mark P. Ressler

DATED: \_\_\_\_\_

BROWN & CONNERY LLP

By:   
William M. Tambussi

DATED: \_\_\_\_\_

Attorneys for Plaintiff  
Donald J. Trump

## DEFINITIONS AND INSTRUCTIONS

As used herein:

A. The terms "you" or "your" means Time Warner Book Group Inc. and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes without limitation its current or former partners, directors, shareholders, employees, officers, agents, officials, representatives, associates, consultants, attorneys, advisors, accountants and all persons and entities acting or purporting to act on its behalf.

B. The term "Warner Books, Inc." means Warner Books, Inc. and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes without limitation its current or former partners, directors, shareholders, employees, officers, agents, officials, representatives, associates, consultants, attorneys, advisors, accountants and all persons and entities acting or purporting to act on its behalf.

C. The term "Warner Books" means Time Warner Book Group Inc. and Warner Books, Inc.

D. The term "*The New York Times*" means *The New York Times* and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes without limitation its current or former partners, directors, shareholders, employees, officers, agents, officials, representatives, associates, consultants, attorneys, advisors, accountants and all persons and entities acting or purporting to act on its behalf.

E. The term "Work" means the literary property entitled *TrumpNation: The Art of Being the Donald*, and any proposals, drafts, manuscripts, excerpts, sections, galley proofs or dummies of same.

F. The term "Litigation" means the lawsuit captioned, *Donald J. Trump v. Timothy L. O'Brien, Time Warner Book Group Inc. and Warner Books, Inc.*, Case No. L-545-06, filed in the Superior Court of New Jersey Law Division, Civil Part, Camden County.

G. The term "Mr. Trump" refers to Donald J. Trump.

H. The term "Trump Entity" refers to any corporation, partnership, association, organization, property or product that bears the "Trump" name or is controlled by Mr. Trump.

I. The term "manuscript" means the original form of a work submitted for publication.

J. The term "galley proof" means the pre-publication copy sent to an author for final proofreading or to reviewers for pre-publication reviews.

K. The term "dummy" means a page or set of pages assembled in the exact position, form and style desired for the finished piece of printed work.

L. The term "person" means natural persons, corporations, partnerships, associations, joint ventures, sole proprietorships, firms, entities, businesses enterprises, contractors, stock exchanges, governmental or regulatory agencies or boards, as well as all divisions, subdivisions, bureaus, offices or other units thereof.

M. The term "communication" means every manner of transmitting, transferring, exchanging or sharing information, facts, opinions or thoughts in any form, whether orally, in writing or otherwise, by any means whatsoever, including without limitation by memorandum, letter, note, mail, telephone, facsimile transmission, telex, telecopy, e-mail or any other means.



N. The terms "concerning" and "in connection with" mean relating to, referring to, regarding, referencing, reflecting, describing, discussing, evidencing, supporting, indicating, stating, mentioning, embodying, pertaining to, setting forth, commenting on, assessing, recording, constituting, comprising, touching upon, summarizing or having any logical or factual connection whatsoever to the subject matter in question.

O. The term "document" means any kind of written or graphic matter, however produced and reproduced, including matter written or produced by hand, typed, recorded, taped, photocopied, filed, telecopied, filmed, microfilmed, transcribed or otherwise created, generated or prepared, and including all originals, masters, drafts and non-identical copies bearing notations or marks not found on the originals, whether sent or received, and including without limitation any and all correspondence, memoranda, drafts, notes, diaries, cards, letters, statistics, summaries, analyses, submissions, applications, forms, reports, sketches, drawings, designs, specifications, telegraphs, minutes, agendas, schedules, contracts, agreements, addenda, studies, files, affidavits, financial records, account statements, checks, check stubs, general ledgers, calculations, journals, ledgers, purchase orders, invoices, receipts, bills, bills of lading, brochures, manuals, pamphlets, books, magazines, articles, instructions, directions, directives, rules, regulations, policy books, guidelines, work plans, questionnaires, surveys, licenses, vouchers, blueprints, notebooks, catalogues, bids, prospectuses, transcripts, stenographic or handwritten notes, regulatory reports or filings, publications, circulars, pictures, photographs, videotapes, films, computer printouts, computer disks, computer tapes, computer data, computer memory, e-mails, affidavits, declarations, expense records, logs, voice recordings, charts, compilations, press releases, resumes, inter-office and intra-office communications, offers, bulletins, worksheets, papers, photographs, graphs, microfiche, microfilm, videotape, motion

2582a

pictures, audio tape, cassettes, discs and any other data compilations of any kind or in any other form capable of being read, heard or otherwise understood.

P. The term "and" as well as the term "or" shall be construed both disjunctively and conjunctively, as necessary, to bring within the scope of these Interrogatories all documents and responses which might otherwise be considered to be beyond their scope.

Q. The term "all" means "any and all," the term "any" means "any and all" and the term "each" means "all and each."

R. The singular form of a word shall be construed as a plural, and the plural as the singular, as necessary, to bring within the scope of these Interrogatories all documents and responses which might otherwise be considered to be beyond their scope.

S. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, as necessary, to bring within the scope of these Interrogatories all documents and responses which might otherwise be considered to be beyond their scope.

T. The use of capital letters, lower case letters or quotation marks in these Interrogatories shall not be construed to limit the scope of any specific request contained herein.

U. The term "identify" means, when used in reference to:

- (1) a natural person, his or her:
  - (a) full name;
  - (b) present residence address or, if unknown, last known residence address; and
  - (c) business affiliations, positions and business addresses at all times relevant to the interrogatory in question

2583a

- (2) a company, corporation, association, partnership, or legal entity other than a natural person:
- (a) its full name;
  - (b) a description of the type of organization or entity;
  - (c) the address of its principal place of business;
  - (d) the jurisdiction of incorporation or organization;
  - (e) the date of its incorporation or organization; and
  - (f) the principal persons of said entity
- (3) a document:
- (a) the type of document (e.g., chart, letter, memorandum);
  - (b) its title;
  - (c) the date, if any, the document bears;
  - (d) the date it was actually prepared and, if signed, the date it was signed;
  - (e) each person who prepared it or who participated in its preparation and the nature of his or her participation;
  - (f) each person who issued, signed, or placed any marks or notations upon the document; and
  - (g) each addressee;
  - (h) each person who received a copy of the document or to whom the contents thereof were communicated;
  - (i) the number of pages;
  - (j) its subject matter;

2584a

- (k) its present location; and
- (l) its custodian and, if any document is not in your possession, custody or control, the disposition that was made of it, the reason for such disposition and the date thereof

(4) an oral communication:

- (a) the date and time when it occurred;
- (b) the place where it occurred;
- (c) the complete substance of the communication; and
- (d) the identity of each person to whom such communication was made, by whom such communication was made, and who was present when such communication was made

V. If any of these Interrogatories cannot be answered in full, answer to the extent possible, specifying the reasons for your inability to answer the remainder and stating whatever information, knowledge or belief you do have concerning the unanswered portion.

W. If any document is withheld or not identified under a claim of privilege, immunity or otherwise, identify each such document and state the date of the document, its author and addressee, each person to whom copies of the document were furnished or to whom the content thereof were communicated, a summary of the subject matter of the document, the basis upon which the asserted privilege, immunity or other reason for non-disclosure is claimed and the interrogatories to which the document is responsive.

X. If any information other than a document is withheld or not identified under a claim of privilege, immunity or otherwise, identify the nature of the information withheld, the

basis upon which the asserted privilege, immunity or other reason for non-disclosure is claimed and the interrogatories to which the information is responsive.

Y. If any Interrogatory is objected to by you as inquiring into privileged matter, set forth fully in your objection the facts upon which you rely as the basis for your objections.

2586a

INTERROGATORIES

1. Identify and describe your relationship with Warner Books, Inc.

Answer:

2. Identify and describe your role in publishing the Work.

Answer:

3. Identify all of your employees and contractors who were involved in any way with the Work, including but not limited to fact-checking, researching, editing, marketing, and publicizing, and the role, job title, educational experience and work experience of each such person.

Answer:

4. Identify all of your policies, practices and procedures for checking facts in literary works that you publish.

Answer:

5. Identify any processes and procedures you used to check the facts contained in the Work.

Answer:

2587a

6. Identify all persons who checked or assisted with checking the facts contained in the Work.

Answer:

7. Identify any legal vetting or legal review of the Work that was conducted prior to its publication.

Answer:

8. Describe any revisions or changes to the Work concerning Mr. Trump's finances or net worth, or the value of any Trump Entity.

Answer:

9. Identify any documents submitted or shown to you by O'Brien concerning Mr. Trump's finances and net worth.

Answer:

10. Describe the chronology that culminated in publication of the Work, including but not limited to the date when: (a) O'Brien (or a person acting on his behalf) provided a manuscript of the Work to you; (b) O'Brien (or a person acting on his behalf) provided any revision of the Work to you; (c) you sent O'Brien (or a person acting on his behalf) an edited manuscript; and (d) you sent O'Brien (or a person acting on his behalf) galley proofs and dummies.

Answer:

2588a

11. Identify all efforts to promote, market or generate publicity for the Work.

Answer:

12. Identify all advertisements for the Work, including but not limited to print ads, television ads, radio ads, on-line ads, click ads and blogs.

Answer:

13. Identify all appearances that O'Brien made in connection with the Work, including, but not limited to appearances on television, on radio, at lectures, in on-line chat rooms, in advertisements or at book signings, book readings or book discussions.

Answer:

14. Did you name O'Brien as an additional insured on any media perils insurance policy, and, if so, identify the insurance company, policy number and all insureds on each such policy.

Answer:

15. State the name, home address, work address and job title of each person answering these interrogatories.

Answer:

2589a



16. State the name, address and job title of each person with knowledge or information pertaining to any claim or defense asserted in this action and provide a summary of their knowledge and how it was acquired.

Answer:

17. Identify any and all persons you intend to call as a witness at the time of trial. In responding to this Interrogatory, set forth a summary of each person's expected testimony.

Answer:

18. State the name, occupation and address of any and all experts consulted by the responding party concerning the Litigation, regardless of whether or not you expect that expert to testify.

Answer:

19. As to each and every expert you intend to call as a witness at the time of trial:

- (a) State the subject matter on which the expert is expected to testify.
- (b) State the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.
- (c) Annex hereto full and complete copies of any and all reports rendered by such experts to the responding party. (If oral, set forth a complete rendition of the oral report.)
- (d) Identify and attach any and all material used by the expert in his investigation and/or preparation of his report.
- (e) Attach a copy of the expert's *curriculum vitae*.
- (f) Identify any and all codes, standards, statutes, regulations, books, writings, periodicals or literature about which the expert will testify, to which he will refer or upon which he relied in preparation of his report.

(g) Identify each case in which the expert has given testimony at trial in the past 10 years, setting forth the name of each case, the docket number, and counsel representing the parties (including the party that retained the expert), and annex hereto any report the expert issued in that case.

Answer:

20. Has any party in this case made any admission(s) related to this matter? If so, for each admission:

- (a) Identify the party that made the admission.
- (b) Set forth with detail and in particularity the substance of the admission.
- (c) State the date and time the admission was made.
- (d) State whether the admission was in writing or oral.
- (e) State the names and addresses of any witnesses to any admission, and which admission they witnessed.
- (f) If the admission was written, or if the admission is contained in a written transcription of an oral communication, attach a copy hereto.

Answer:

21. Has any person made a declaration against interest related to this matter? If so:

- (a) Identify the person who made the declaration.
- (b) Set forth with detail and in particularity the substance of the declaration.
- (c) State the date and time the declaration was made.
- (d) State whether the declaration was in writing or oral.
- (e) If the declaration was written, or if the declaration is contained in a written transcription of an oral communication, attach a copy hereto.

2591a

Answer:

22. State whether you intend to assert any defenses at the time of trial. If so, name every such defense. For every such defense,

(a) If the defense is based upon the common law, state the principle involved and fully provide the factual basis for the defense.

(b) If the defense is based upon a statute, regulation or other written rule, identify each such statute, regulation or rule and fully provide the factual basis for any such defense.

Answer:

2592a

CORPORATE CERTIFICATION

I, \_\_\_\_\_, hereby certify as follows:

1. I am the \_\_\_\_\_ (job title) of defendant Time Warner Book Group Inc. and am the agent of the corporation for the purpose of answering the interrogatories served upon the attorneys for said corporation in this action by the plaintiff, and for making this verification.

2. I have read the said interrogatories and the foregoing answers. The information stated therein has been assembled by counsel for Time Warner Book Group Inc. and present employees of Time Warner Book Group Inc. Although the matters stated therein are not all entirely within my personal knowledge, based on information and belief, and my own personal knowledge, the answers stated therein are true.

3. I am authorized by Time Warner Book Group Inc. to answer these interrogatories on its behalf.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

TIME WARNER BOOK GROUP INC.

\_\_\_\_\_  
By:

DATED: \_\_\_\_\_, 2006

2593a

**KASOWITZ, BENSON, TORRES & FRIEDMAN LLP**

Marc E. Kasowitz, Esq.  
Daniel R. Benson, Esq.  
Mark P. Ressler, Esq.

One Gateway Center, Suite 2600  
Newark, New Jersey 07102  
(973) 645-9462

1633 Broadway  
New York, New York 10019  
(212) 506-1700

**BROWN & CONNERY LLP**

William M. Tambussi, Esq.  
William F. Cook, Esq.  
360 Haddon Avenue  
Westmont, New Jersey 08108  
(856) 854-8900

Attorneys for Plaintiff  
Donald J. Trump

-----X  
DONALD J. TRUMP,

Plaintiff,

v.

TIMOTHY L. O'BRIEN, TIME  
WARNER BOOK GROUP INC. and  
WARNER BOOKS, INC.

Defendants.  
-----X

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION, CIVIL PART  
: CAMDEN COUNTY

:  
: Case No. L-545-06  
:

:  
: PLAINTIFF DONALD J. TRUMP'S  
: FIRST REQUEST TO DEFENDANT  
: WARNER BOOKS, INC. FOR THE  
: PRODUCTION OF DOCUMENTS

Pursuant to Rule 4:18-1 of the New Jersey Rules Governing Civil Practice, plaintiff Donald J. Trump hereby requests that defendant Warner Books, Inc. produce and make available for inspection and copying the documents in his possession, custody or control that are described herein, within thirty (30) days from the date of service upon defendant's counsel, at the offices of Kasowitz, Benson, Torres & Friedman LLP, 1633 Broadway, New York, New York 10019, at

which time the documents should be segregated and identified by the number of the specific request to which they are responsive.

#### DEFINITIONS AND INSTRUCTIONS

As used herein:

A. The terms "you" or "your" means Warner Books, Inc. and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes without limitation its current or former partners, directors, shareholders, employees, officers, agents, officials, representatives, associates, consultants, attorneys, advisors, accountants and all persons and entities acting or purporting to act on its behalf.

B. The term "Time Warner Book Group Inc." means Time Warner Book Group Inc. and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes without limitation its current or former partners, directors, shareholders, employees, officers, agents, officials, representatives, associates, consultants, attorneys, advisors, accountants and all persons and entities acting or purporting to act on its behalf.

C. The term "Warner Books" means Warner Books, Inc. and Time Warner Book Group Inc.

D. The term "*The New York Times*" means *The New York Times* and each of its current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units, and includes without limitation its current or former partners, directors, shareholders, employees, officers, agents, officials, representatives, associates, consultants, attorneys, advisors, accountants and all persons and entities acting or purporting to act on its behalf.

E. The term "Work" means the literary property entitled *TrumpNation: The Art of Being the Donald*, and any proposals, drafts, manuscripts, excerpts, sections, galley proofs or dummies of same.

F. The term "Litigation" means the lawsuit captioned, *Donald J. Trump v. Timothy L. O'Brien, Time Warner Book Group Inc. and Warner Books, Inc.*, Case No. L-545-06, filed in the Superior Court of New Jersey Law Division, Civil Part, Camden County.

G. The term "Mr. Trump" refers to Donald J. Trump.

H. The term "Trump Entity" refers to any corporation, partnership, association, organization, property or product that bears the "Trump" name or is controlled by Mr. Trump.

I. The term "O'Brien" refers to defendant Timothy L. O'Brien.

J. The term "manuscript" means the original form of work submitted for publication.

K. The term "galley proof" means the pre-publication copy sent to an author for final proofreading or to reviewers for pre-publication reviews.

L. The term "dummy" means a page or set of pages assembled in the exact position, form and style desired for the finished piece of printed work.

M. The term "person" means natural persons, corporations, partnerships, associations, joint ventures, sole proprietorships, firms, entities, businesses enterprises, contractors, stock exchanges, governmental or regulatory agencies or boards, as well as all divisions, subdivisions, bureaus, offices or other units thereof.

N. The term "communication" means every manner of transmitting, transferring, exchanging or sharing information, facts, opinions or thoughts in any form, whether orally, in

writing or otherwise, by any means whatsoever, including without limitation by memorandum, letter, note, mail, telephone, facsimile transmission, telex, telecopy, e-mail or any other means.

O. The terms "concerning" and "in connection with" mean relating to, referring to, regarding, referencing, reflecting, describing, discussing, evidencing, supporting, indicating, stating, mentioning, embodying, pertaining to, setting forth, commenting on, assessing, recording, constituting, comprising, touching upon, summarizing or having any logical or factual connection whatsoever to the subject matter in question.

P. The term "document" means any kind of written or graphic matter, however produced and reproduced, including matter written or produced by hand, typed, recorded, taped, photocopied, filed, telecopied, filmed, microfilmed, transcribed or otherwise created, generated or prepared, and including all originals, masters, drafts and non-identical copies bearing notations or marks not found on the originals, whether sent or received, and including without limitation any and all correspondence, memoranda, drafts, notes, diaries, cards, letters, statistics, summaries, analyses, submissions, applications, forms, reports, sketches, drawings, designs, specifications, telegraphs, minutes, agendas, schedules, contracts, agreements, addenda, studies, files, affidavits, financial records, account statements, checks, check stubs, general ledgers, calculations, journals, ledgers, purchase orders, invoices, receipts, bills, bills of lading, brochures, manuals, pamphlets, books, magazines, articles, instructions, directions, directives, rules, regulations, policy books, guidelines, work plans, questionnaires, surveys, licenses, vouchers, blueprints, notebooks, catalogues, bids, prospectuses, transcripts, stenographic or handwritten notes, regulatory reports or filings, publications, circulars, pictures, photographs, videotapes, films, computer printouts, computer disks, computer tapes, computer data, computer memory, e-mails, affidavits, declarations, expense records, logs, voice recordings, charts,



compilations, press releases, resumes, inter-office and intra-office communications, offers, bulletins, worksheets, papers, photographs, graphs, microfiche, microfilm, videotape, motion pictures, audio tape, cassettes, discs and any other data compilations of any kind or in any other form capable of being read, heard or otherwise understood.

Q. The term "and" as well as the term "or" shall be construed both disjunctively and conjunctively, as necessary, to bring within the scope of these Requests all documents and responses which might otherwise be considered to be beyond their scope.

R. The term "all" means "any and all," the term "any" means "any and all" and the term "each" means "all and each."

S. The singular form of a word shall be construed as a plural, and the plural as the singular, as necessary, to bring within the scope of these Requests all documents and responses which might otherwise be considered to be beyond their scope.

T. The use of a verb in any tense shall be construed as the use of the verb in all other tenses, as necessary, to bring within the scope of these Requests all documents and responses which might otherwise be considered to be beyond their scope.

U. The use of capital letters, lower case letters or quotation marks in these Requests shall not be construed to limit the scope of any specific request contained herein.

V. In the event that any document or portion of any document within the scope of these Requests is withheld from production upon a claim of privilege, work product or for any other reason, you are requested to furnish, with respect to each such document, the following:

- a. a statement regarding the basis for any claim of privilege, work product or other forms of non-disclosure; and
- b. a sufficient description of the document, including:

- i. the title of the document and the nature and subject matter of its contents;
- ii. the date the document was prepared or any date appearing on the document;
- iii. the number of the document's pages, attachments and appendices;
- iv. the names of the persons who authored or prepared the document, and an identification by employment and title of each such person;
- v. the names of each person to whom the document, or a copy thereof, was sent, shown or made accessible, or to whom it was explained, together with an identification of each such person; and
- vi. the number of each paragraph of these Requests to which the document relates.

W. The documents produced in response to these Requests shall be produced as they are kept in the ordinary course of business and shall be organized so that Plaintiff can ascertain the files in which they were located, their relative order in such files and how such files were maintained.

X. Each and every non-identical duplicate of a document within the scope of any request, whether different from the original because of stamps, indications of recipient, handwritten notes, marks, comments or attachment to different documents, or for any other reason, is a separate document to be produced in response hereto.

Y. Any document that is attached by staple, clip or otherwise to a document requested herein shall also be produced (attached in the same manner as the original) regardless of whether the production of that document is otherwise requested herein.

Z. In the event that any document requested herein was formerly in your possession, custody or control and has been lost, destroyed or otherwise disposed of, you are requested to furnish a list identifying each such document and stating the following information with respect to each document:

- a. the title of the document and the nature and subject matter of its contents;
- b. the identity(ies) of the person(s) who prepared or authored the document, and, if applicable, the persons to whom the document was sent or was intended to be sent;
- c. the date on which the document was prepared or transmitted; and
- d. the date on which the document was lost, destroyed or otherwise disposed of, the manner and conditions of and reasons for such destruction or other disposition and the persons requesting and performing the destruction or other disposition.

AA. Documents are to be produced in full and unexpurgated form without abbreviation or redaction.

BB. These Requests are continuing in nature and oblige you to produce promptly additional documents or information whenever they are acquired, discovered or come into existence after the date of the initial production.

CC. Each of these Requests seeks all documents, wherever located, which are in the actual or constructive possession, custody or control of you or of your present or former attorneys, financial advisors, accountants, bookkeepers, agents, representatives, directors, officers, partners, shareholders or employees, and its affiliated partnerships, as well as all documents which are known to exist and can be obtained by you from any other source.

## DOCUMENT REQUESTS

1. All documents concerning the Work.
2. All drafts of the Work.
3. All manuscripts, galley proofs and dummies in connection with the Work.
4. All documents evidencing or concerning any communication in connection with the Work.
5. All documents concerning the Litigation.
6. All documents evidencing or concerning any communication in connection with the Litigation.
7. All documents evidencing or concerning Mr. Trump.
8. All documents evidencing or concerning any Trump Entity.
9. All documents evidencing or concerning Mr. Trump's finances or net worth.
10. All documents evidencing or concerning the financial condition, value, assets or liabilities of any Trump Entity.
11. All proposals for the Work that were submitted to you by O'Brien.
12. All agreements and contracts between you and O'Brien.
13. All agreements and contracts between you and any literary agent of O'Brien concerning the Work.
14. All documents evidencing or concerning any agreement or contract in connection with the Work, including but not limited to any agreement or contract involving you or involving

any literary agent, author, publishing house, public relations firm, law firm, accounting firm, graphics firm, advertising firm, newspaper or magazine, marketing firm or consulting firm.

15. All documents evidencing or concerning any communication between you and any other person concerning the Work, the Litigation, Mr. Trump or any Trump Entity, including but not limited to any literary agent, author, publishing house, public relations firm, law firm, accounting firm, graphics firm, advertising firm, newspaper or magazine, media outlet, marketing firm or consulting firm.

16. All documents concerning the Work, the Litigation, Mr. Trump or any Trump Entity supplied or shown to you by any person, including but not limited to any literary agent, author, publishing house, public relations firm, accounting firm, graphics firm, advertising firm, newspaper or magazine, media outlet, marketing firm or consulting firm.

17. All documents concerning the Work, the Litigation, Mr. Trump or any Trump Entity supplied or shown by you to any person, including but not limited to any literary agent, author, publishing house, public relations firm, accounting firm, graphics firm, advertising firm, newspaper or magazine, media outlet, marketing firm or consulting firm.

18. All documents supplied or shown by you to O'Brien concerning the Work, the Litigation, Mr. Trump or any Trump Entity.

19. All documents supplied or shown by O'Brien to you concerning the Work, the Litigation, Mr. Trump or any Trump Entity.

20. All documents evidencing or concerning any communication between you and O'Brien in connection with the Work, the Litigation, Mr. Trump or any Trump Entity.

21. All documents supplied or shown by you to O'Brien's literary agent concerning the Work, the Litigation, Mr. Trump or any Trump Entity.

22. All documents supplied or shown by O'Brien's literary agent to you concerning the Work, the Litigation, Mr. Trump or any Trump Entity.

23. All documents evidencing or concerning any communication between you and O'Brien's literary agent in connection with the Work, the Litigation, Mr. Trump or any Trump Entity.

24. All documents evidencing or concerning any communication between you and any person in connection with Mr. Trump's finances and net worth.

25. All documents evidencing or concerning any communication between O'Brien and any person in connection with Mr. Trump's finances and net worth.

26. All documents evidencing or concerning the persons O'Brien interviewed in connection with the Work.

27. All documents evidencing your policies, practices and procedures for fact-checking books that you publish.

28. All documents evidencing or concerning your fact-checking of the Work.

29. Documents sufficient to identify all of your employees and contractors who were involved in any way with the Work.

30. All documents evidencing or concerning the formulation, computation or selection of the publishing date or launch date for the Work.

31. All documents evidencing or concerning marketing plans or strategies, sales plans or strategies, business plans or strategies, promotional efforts or any other efforts to generate publicity in connection with the Work.

32. All documents evidencing or concerning all activities and efforts undertaken by any person to promote, market or generate publicity for the Work.

33. All promotional, publicity and marketing materials for the Work, including but not limited to print ads, television ads, radio ads, on-line ads, click ads and blogs.

34. All documents evidencing or concerning all efforts to promote, market or generate publicity for the Work through the Internet, including but not limited to all e-mail blasts and communications with bloggers.

35. All documents evidencing or concerning any communication between you and any person who participated in promoting, marketing or generating publicity for the Work.

36. All documents evidencing or concerning any communication between you and any other person in which you referenced, referred to, mentioned or described the Work or the Litigation, including but not limited to promotional, pitch and marketing materials concerning the Work.

37. All documents evidencing or concerning all communications between O'Brien and any other person in which O'Brien referenced, referred to, mentioned or described the Work, including but not limited to promotional, pitch and marketing materials concerning O'Brien, the Work or the Litigation.

38. All documents evidencing or concerning any appearances O'Brien made in connection with the Work, including but not limited to any appearance on television, on radio, at lectures, in on-line chat rooms, in advertisements or at book signings, book readings, book discussions or similar appearances.

39. All documents evidencing or concerning distribution of the Work.

40. All documents evidencing or concerning sales of the Work, including but not limited to documents evidencing or concerning the number and location of such sales, the revenues generated by such sales and the profits generated by such sales.

41. All documents evidencing or concerning any advances, royalties or other payments O'Brien received or was credited for the Work.

42. All documents evidencing or concerning all fees, monies, payments and any other form of consideration, compensation or remuneration paid by you to any person in connection with the Work.

43. All documents evidencing or concerning all fees, monies, payments and any other form of consideration, compensation or remuneration paid by any person to any person in connection with the Work.

44. Your financial books and records concerning the Work.

45. All documents evidencing or concerning serialization of or other subsidiary rights in the Work.

46. All documents evidencing or concerning the reissuing of the Work in paperback edition.

47. All documents evidencing or concerning the publication, distribution, promotion, marketing or advertising of the Work outside of the United States of America.

48. All documents evidencing or concerning publication of any excerpt of the Work, including but not limited to publication of the excerpt of the Work that appeared in the October 23, 2005 edition of the Sunday Business Section of *The New York Times*.



49. All documents evidencing or concerning any communication between you and *The New York Times* in connection with the Work or the Litigation.
50. All documents supplied or shown by you to *The New York Times* concerning the Work or the Litigation.
51. All documents supplied or shown to you by *The New York Times* concerning the Work or the Litigation.
52. All audio tapes, videos or other recordings in connection with the Work.
53. All audio tapes, videos or other recordings of any persons interviewed by O'Brien or any other person in connection with the Work, the Litigation, Mr. Trump or any Trump Entity.
54. All computer files, zip drives, CD Roms, diskettes or other computer storage system evidencing or concerning the Work or your communications in connection with the Work.
55. All audio tapes, videos or other recordings in connection with any employee of the Trump Organization or any affiliated company, including but not limited to Mr. Trump, Allen Weisselberg and Michelle Lokey Scarbrough.
56. All documents evidencing or concerning all insurance policies that apply or may apply to losses resulting from the claims against you and O'Brien in this litigation.
57. All entries from the diaries, calendars, day planners, day timers, filofaxes and any other scheduling documents, whether on paper or in electronic format, from January 2000 to the present, of all of your employees and contractors who were involved with the Work, concerning the Work or any meetings or communications they had or planned to have in connection with the Work.

58. All documents evidencing or concerning public statements or comments you made or issued in connection with the Work or the Litigation, including but not limited to:

- a. all articles, press releases or other public statements appearing in any medium, whether in print, computer-generated or otherwise;
- b. all documents created, generated, prepared or reviewed in connection with such articles, press releases or public statements, including but not limited to all communications, guidelines, instructions, proposals, directives or announcements concerning your public statements or responses to press inquiries regarding the Work or the Litigation; and
- c. all documents concerning all communications with public relations firms regarding the Work or the Litigation.

59. All documents evidencing or concerning public statements or comments O'Brien made or issued in connection with the Work or the Litigation, including but not limited to:

- a. all articles, press releases or other public statements appearing in any medium, whether in print, computer-generated or otherwise;
- b. all documents created, generated, prepared or reviewed in connection with such articles, press releases or public statements, including but not limited to all communications, guidelines, instructions, proposals, directives or announcements concerning O'Brien's public statements or responses to press inquiries regarding the Work or the Litigation; and
- c. all documents concerning all communications with public relations firms regarding the Work or the Litigation.

60. All joint defense agreements or cost-sharing agreements or common interest agreements concerning the Litigation.

61. All invoices, bills or time records relating to any witness from whom you intend to elicit expert opinion testimony at trial.

62. All documents reviewed by any witness from whom you intend to elicit expert opinion testimony at trial.

63. All documents, including but not limited to reports and drafts of reports, prepared by or on behalf of any witness from whom you intend to elicit expert opinion testimony at trial.

64. All resumes and curricula vitae of each witness from whom you intend to elicit expert testimony at trial.

65. All resumes and curricula vitae of each witness from whom you do not intend to elicit expert testimony at trial, but whose work product has been reviewed by any witness from whom you intend to elicit expert testimony at trial.

66. All documents evidencing or concerning communications with any witness from whom you intend to elicit expert opinion testimony at trial.

Dated: June \_\_, 2006

KASOWITZ, BENSON, TORRES &  
FRIEDMAN LLP

By: 

Mark P. Ressler

1633 Broadway  
New York, New York 10019  
(212) 506-1768

BROWN & CONNERY LLP

By: 

William M. Tambussi

360 Haddon Avenue  
Westmont, New Jersey 08108  
(856) 854-8900

Attorneys for Plaintiff  
Donald J. Trump

**REED SMITH LLP**

*Formed in the State of Delaware*

Princeton Forrestal Village

136 Main Street, Suite 250

P.O. Box 7839

Princeton, New Jersey 08543-7839

(609) 987-0050

**DEBEVOISE & PLIMPTON LLP**

919 Third Avenue

New York, New York 10022

(212) 909-6000

Attorneys for Defendants

DONALD J. TRUMP,

Plaintiff,

v.

TIMOTHY L. O'BRIEN, TIME WARNER  
BOOK GROUP INC., and WARNER BOOKS,  
INC.,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: CAMDEN COUNTY

DOCKET NO. CAM-L-545-06

CIVIL ACTION

**DEFENDANT TIMOTHY L.  
O'BRIEN'S RESPONSES AND  
OBJECTIONS TO PLAINTIFF'S FIRST  
REQUEST FOR THE PRODUCTION  
OF DOCUMENTS**

Pursuant to R. 4:18 of the New Jersey Court Rules (the "Rules"), Defendant Timothy L. O'Brien ("defendant" or "O'Brien"), by his attorneys Debevoise & Plimpton LLP and Reed Smith LLP, hereby responds and objects as follows to Plaintiff Donald J. Trump's ("plaintiff" or "Trump") First Request to Defendant Timothy L. O'Brien for the Production of Documents (the "Requests").

Subject to the following general and specific objections, defendant will produce copies voluntarily of non-privileged responsive documents within his custody and control

for inspection by plaintiff's counsel and copying at plaintiff's expense at the offices of Debevoise & Plimpton LLP, 919 Third Avenue, New York, New York 10022, or at such other time and place as mutually agreed upon by the parties' counsel.

The responses reflect O'Brien's present knowledge of the matters covered by the Requests and O'Brien's best efforts to understand the Requests and identify responsive documents. O'Brien reserves the right to amend or supplement his responses and the documents identified herein.

**Introductory Statement**

All of the General Objections set forth herein are incorporated in each of the specific responses and objections to the Requests set forth below and have the same force and effect as if fully set forth therein. Any objection, or lack of objection, to any portion of any Request should not be deemed an admission that defendant has a document sought in a particular Request.

Nothing in defendant's responses and objections herein shall be construed as a waiver of defendant's rights to: (i) object on the grounds of competency, relevance, materiality, hearsay, or any other proper ground to the use of any information provided in these responses for any purpose, in whole or in part, in any proceeding in this or any other action; (ii) object on any and all grounds, at any time, to any other discovery relating to the subject matter of these Requests; or (iii) assert the attorney-client privilege, work product doctrine, or newsperson's privilege (N.J.S.A. 2A:48A-21 to 21.8 or similar protections afforded by other states), as well as constitutional (federal and state) and common law protections, or any other privilege or right.

### General Objections

1. Defendant objects to the Requests to the extent they purport to impose burdens other than or beyond those imposed by R. 4:10-2 and R. 4:18-1. Defendant will respond to the Requests only pursuant to the requirements of the Rules.
2. Defendant objects to the Requests to the extent they seek discovery of information neither relevant to the subject matter of this action, material and necessary to the prosecution or defense of this action, nor reasonably calculated to lead to the discovery of admissible evidence.
3. Defendant objects to the Requests to the extent they seek documents or information protected by the attorney-client privilege, work product doctrine, newsperson's privilege, or any other applicable privilege or protection from discovery ("privileged information") recognized by federal or state Constitution, statute, at common law, or by the Rules. Defendant specifically reserves the right to demand the return of any documents that inadvertently may be produced during discovery if defendant determines, in his sole discretion, that such documents may contain privileged information. Any inadvertent disclosure of material protected by the attorney-client privilege, the attorney work product doctrine, the newsperson's privilege, or any other applicable privilege or protection from discovery is not intended and should not be construed to constitute a waiver.
4. Defendant objects to the Requests to the extent they are oppressive, vague, ambiguous, unduly burdensome, and overly broad.

5. Defendant objects to the Requests to the extent that they seek documents or information for improper purposes, including the use of any information outside of this litigation.

6. Defendant objects to the Requests to the extent they are unreasonably cumulative or duplicative. Where a document is responsive to more than one Request, defendant will only produce such document once.

7. Defendant objects to the Requests to the extent they seek documents or information that already is in the possession, custody, or control of plaintiff, is as readily available to plaintiff as to defendant, or is ascertainable by plaintiff from public sources.

8. Defendant objects to the Requests to the extent they call for information outside the defendant's possession, custody, or control. Defendant's responses herein are limited to information that is within his possession, custody, or control.

9. Defendant objects to the Requests as overly broad to the extent no time limitation is included in the Requests.

10. Defendant's objections and responses to the Requests do not constitute, and shall not be interpreted as, defendant's agreement with, or admission as to the truth or accuracy of any legal or factual characterizations or allegations stated or implied in any of the Requests.

11. The information in these responses is provided as of the date hereof. While reserving the right to supplement or amend the responses set forth herein, defendant declines any obligation to supplement such responses except as required by the Rules.

**Objections to Definitions and Instructions**

1. Defendant objects to plaintiff's definition B of "Warner Books" to the extent it refer to persons or entities, including affiliates, parents, and shareholders, beyond the named entities of Time Warner Book Group Inc. and Warner Books, Inc. on the grounds that such interpretation would render the Requests overbroad and unduly burdensome, would seek information that is irrelevant to the subject matter of this action and not material and necessary to the prosecution or defense of this action, and would render many of the Requests vague or nonsensical.

2. Defendant objects to plaintiff's definition G, which defines "Trump Entity" to include entities "controlled by Mr. Trump," without indicating which entities plaintiff in fact controls, which is uniquely within plaintiff's knowledge.

3. Defendant objects to plaintiff's definitions and instructions T, U, W, X, Y, and AA to the extent they seek to impose obligations beyond the scope of the Rules. Defendant will respond to the Requests according to the requirements of the Rules.

4. Defendant objects to plaintiff's instruction Z to the extent that it purports to require supplementation of responses beyond those contemplated by the Rules.

**Objections to Specific Requests**

**REQUEST NO. 1:**

All documents concerning the Work.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 1:**

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition,



defendant objects to this Request to the extent it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request that also fall within the scope of the other Requests.

REQUEST NO. 2:

All drafts of the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 2:

Defendant objects to this Request on the ground that it calls for the production of documents or information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 3:

All manuscripts, galley proofs and dummies, and any drafts of each, in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 3:

Defendant objects to this Request on the ground that it calls for the production of documents or information protected by the newsperson's privilege, as well as by other constitutional, statutory and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 4:

All documents you created, generated, distributed, reviewed or relied upon in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 4:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 5:

All documents evidencing or concerning any communication in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 5:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 6:

All documents concerning the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 6:

Defendant objects to this Request to the extent it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 7:

All documents evidencing or concerning any communication in connection with the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 7:

Defendant objects to this Request to the extent it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 8:

All documents evidencing or concerning Mr. Trump.

OBJECTIONS AND RESPONSE TO REQUEST NO. 8:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of

documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 9:

All documents evidencing or concerning any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 9:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 10:

All documents evidencing or concerning Mr. Trump's finances or net worth.

OBJECTIONS AND RESPONSE TO REQUEST NO. 10:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition,

defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 11:

All documents evidencing or concerning the financial condition, value, assets or liabilities of any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 11:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 12:

All documents evidencing or concerning any agreement or contract in connection with the Work, including but not limited to any agreement or contract involving you or involving any literary agent, publishing house, public relations firm, law firm, accounting firm, graphics firm, advertising firm, newspaper or magazine, marketing firm or consulting firm.

OBJECTIONS AND RESPONSE TO REQUEST NO. 12:

Defendant objects to this Request as vague and confusing as plaintiff fails to define adequately the term "agreement." In addition, defendant objects to this Request to the extent it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendant will produce non-privileged written contracts, if any, responsive to this Request.

REQUEST NO. 13:

All documents supplied or shown by you to Warner Books concerning the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 13:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 14:

All documents supplied or shown by Warner Books to you concerning the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 14:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 15:

All documents evidencing or concerning any communication between you and Warner Books in connection with the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 15:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and

common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 16:

All documents evidencing or concerning any communication between you and *The New York Times* in connection with the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 16:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 17:

All documents supplied or shown by you to *The New York Times* concerning the Work, the Litigation, Mr. Trump or any Trump Entity.



OBJECTIONS AND RESPONSE TO REQUEST NO. 17:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 18:

All documents supplied or shown by *The New York Times* to you concerning the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 18:

Defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 19:

All documents concerning the Work, the Litigation, Mr. Trump or any Trump Entity supplied or shown by you to any person, including but not limited to the following: (a) any literary agent; (b) any publishing house; (c) any marketing, advertising or public relations firm; (d) any of the persons listed in the "Acknowledgments" Section at pages 241 to 243 of *TrumpNation: The Art of Being the Donald*; (e) any bookstore; (f) any television, radio or other media outlet; (g) any internet outlet; and (h) any person you interviewed, used as a source or with whom you otherwise communicated in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 19:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 20:

All documents concerning the Work, the Litigation, Mr. Trump or any Trump Entity supplied or shown to you by any person, including but not limited to the following: (a) any literary agent; (b) any publishing house; (c) any marketing, advertising or public relations firm; (d) any of the persons listed in the "Acknowledgments" Section at pages 241 to 243 of *TrumpNation: The Art of Being the Donald*; (e) any bookstore; (f) any television, radio or other media outlet; (g) any internet outlet; (h) any person you interviewed, used as a source or with whom you otherwise communicated in connection with the Work.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 20:**

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

**REQUEST NO. 21:**

All documents evidencing or concerning any communication in connection with the Work, the Litigation, Mr. Trump or any Trump Entity between you and any person, including but not limited to the following: (a) any literary agent; (b) any publishing house; (c) any marketing, advertising or public relations firm; (d) any of the persons listed in the "Acknowledgments" Section at pages 241 to 243 of *TrumpNation: The Art of Being the Donald*; (e) any bookstore; (f) any television, radio or other media outlet; (g) any internet outlet; and (h) any person you interviewed, used as a source or with whom you otherwise communicated in connection with the Work.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 21:**

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and

common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 22:

All documents evidencing or concerning any proposal to any publishing house, literary agent or other person concerning the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 22:

Defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 23:

All documents evidencing or concerning any communication between you and any person in connection with Mr. Trump, Mr. Trump's finances and net worth and any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 23:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and

common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 24:

All documents evidencing or concerning the "Three people with direct knowledge of Donald's finances, people who had worked closely with him for years," who are referenced at page 154 of *TrumpNation: The Art of Being the Donald*.

OBJECTIONS AND RESPONSE TO REQUEST NO. 24:

Defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 25:

All documents supplied or shown by you to any of the "Three people with direct knowledge of Donald's finances, people who had worked closely with him for years," who are referenced at page 154 of *TrumpNation: The Art of Being the Donald*.

OBJECTIONS AND RESPONSE TO REQUEST NO. 25:

Defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 26:

All documents supplied or shown to you by any of the "Three people with direct knowledge of Donald's finances, people who had worked closely with him for years," who are referenced at page 154 of *TrumpNation: The Art of Being the Donald*.

OBJECTIONS AND RESPONSE TO REQUEST NO. 26:

Defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 27:

All documents evidencing or concerning any communication between you and the "Three people with direct knowledge of Donald's finances, people who had worked closely with him for years," who are referenced at page 154 of *TrumpNation: The Art of Being the Donald*.

OBJECTIONS AND RESPONSE TO REQUEST NO. 27:

Defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 28:

All documents evidencing or concerning the "confidential source" who is referenced at page 254, footnote 44 to Chapter 4, of *TrumpNation: The Art of Being the Donald*.

OBJECTIONS AND RESPONSE TO REQUEST NO. 28:

Defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product

doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 29:

All documents supplied or shown by you to the "confidential source" who is referenced at page 254, footnote 44 to Chapter 4, of *TrumpNation: The Art of Being the Donald*.

OBJECTIONS AND RESPONSE TO REQUEST NO. 29:

Defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 30:

All documents supplied or shown to you by the "confidential source" who is referenced at page 254, footnote 44 to Chapter 4, of *TrumpNation: The Art of Being the Donald*.

OBJECTIONS AND RESPONSE TO REQUEST NO. 30:

Defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 31:

All documents evidencing or concerning any communication between you and the "confidential source" who is referenced at page 254, footnote 44 to Chapter 4, of *TrumpNation: The Art of Being the Donald*.

OBJECTIONS AND RESPONSE TO REQUEST NO. 31:

Defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 32:

All documents evidencing or concerning any notes taken by you or by any person in connection with research, interviews, meetings or communications concerning the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 32:

Defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 33:

All documents evidencing or concerning any communication between you and any of the persons referenced in the "Acknowledgments" section of *TrumpNation: The Art of Being the Donald* at pages 241 to 243, in connection with the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 33:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product



doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 34:

All documents evidencing or concerning the formulation, computation or selection of the publishing date or launch date for the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 34:

Defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 35:

All documents evidencing or concerning any marketing plans or strategies, sales plans or strategies, business plans or strategies, promotional efforts or other efforts to generate publicity in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 35:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product

doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 36:

All documents evidencing or concerning all activities and efforts undertaken by any person to promote, market or generate publicity for the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 36:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 37:

All promotional, publicity and marketing materials for the Work, including but not limited to print ads, television ads, radio ads, on-line ads, click ads and blogs.

OBJECTIONS AND RESPONSE TO REQUEST NO. 37:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific

objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 38:

All documents evidencing or concerning all efforts to promote, market or generate publicity for the Work through the Internet, including but not limited to all e-mail blasts and communications with bloggers.

OBJECTIONS AND RESPONSE TO REQUEST NO. 38:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 39:

All documents evidencing or concerning any communication between you and any person who participated in promoting, marketing or generating publicity for the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 39:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific

objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 40:

All documents evidencing or concerning any communication between you and any other person in which you referenced, referred to, mentioned or described the Work or the Litigation, including but not limited to promotional, pitch and marketing materials concerning you or the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 40:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 41:

All documents evidencing or concerning all communications between Warner Books and any other person in which Warner Books referenced, referred to, mentioned or described the Work, including but not limited to promotional, pitch and marketing materials concerning you, the Work or the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 41:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product

doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 42:

All documents evidencing or concerning any appearances you made in connection with the Work, including but not limited to any appearance on television, on radio, at lectures, in on-line chat rooms, in advertisements or at book signings, book readings, book discussions or similar appearances.

OBJECTIONS AND RESPONSE TO REQUEST NO. 42:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 43:

All documents evidencing or concerning distribution of the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 43:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific

objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 44:

All documents evidencing or concerning sales of the Work, including but not limited to documents evidencing or concerning the number and location of such sales, the revenues generated by such sales and the profits generated by such sales.

OBJECTIONS AND RESPONSE TO REQUEST NO. 44:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 45:

All documents evidencing or concerning any advances, royalties or other payments you received or were credited for the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 45:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific

objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 46:

All documents evidencing or concerning all fees, monies, payments and any other form of consideration, compensation or remuneration paid or rendered by any person in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 46:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 47:

All documents evidencing or concerning serialization of or other subsidiary rights in the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 47:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and

common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 48:

All documents evidencing or concerning the reissuing of the Work in paperback edition.

OBJECTIONS AND RESPONSE TO REQUEST NO. 48:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 49:

All documents evidencing or concerning the publication, distribution, promotion, marketing or advertising of the Work outside of the United States of America.

OBJECTIONS AND RESPONSE TO REQUEST NO. 49:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific



objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 50:

All documents evidencing or concerning publication of any excerpt of the Work, including but not limited to publication of the excerpt of the Work that appeared in the October 23, 2005 edition of the Sunday Business Section of *The New York Times*.

OBJECTIONS AND RESPONSE TO REQUEST NO. 50:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 51:

All audio tapes, videos or other recordings in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 51:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general

and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 52:

All audio tapes, videos or other recordings of any persons you or any other person interviewed, or with whom you or any other person communicated, in connection with the Work, Mr. Trump or any Trump Entity

OBJECTIONS AND RESPONSE TO REQUEST NO. 52:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Defendant also objects to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendant understands the Request, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 53:

All computer files, zip drives, CD Roms, diskettes or other computer storage system evidencing or concerning the Work or your communications in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 53:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant objects also on the ground that this Request calls for the production of documents or information

protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. In addition, defendant objects because R. 4:18-1(b)(3) provides that a "a party need not produce the same electronically stored information in more than one form," and plaintiff's other Requests already encompass the electronic files specified in this Request. Subject to the foregoing general and specific objections, defendant will produce accurate printouts (i.e., hard copies) of non-privileged documents responsive to this Request.

REQUEST NO. 54:

All audio tapes, videos or other recordings in connection with any employee of the Trump Organization or any affiliated company, including but not limited to Mr. Trump, Allen Weisselberg and Michelle Lokey Scarbrough.

OBJECTIONS AND RESPONSE TO REQUEST NO. 54:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 55:

All complaints and trial testimony, in whatever form, concerning any lawsuit in connection with your writing, editing or other work as an author, reporter or employee of a newspaper, magazine or other media company.

OBJECTIONS AND RESPONSE TO REQUEST NO. 55:

There are no documents responsive to this Request.

REQUEST NO. 56:

All documents evidencing or concerning all insurance policies that apply or may apply to losses resulting from the claims against you or Warner Books in this litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 56:

Defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 57:

All entries from your diaries, calendars, day planners, day timers, filofaxes and any other scheduling documents, whether on paper or in electronic format, from January 2000 to the present, concerning the Work or any meetings or communications you had or planned to have in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 57:

Defendant objects to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 58:

All documents evidencing or concerning any public statements or comments you made or issued in connection with the Work or the Litigation, including but not limited to:

- a. all articles, press releases or other public statements appearing in any medium, whether in print, computer-generated or otherwise;
- b. all documents created, generated, prepared or reviewed in connection with such articles, press releases or public statements, including but not limited to all communications, guidelines, instructions, proposals, directives or announcements concerning your public statements or responses to press inquiries regarding the Work or the Litigation; and
- c. all documents concerning all communications between you and any public relations, marketing or promotional firm in connection with the Work or the Litigation.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 58:**

Defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

**REQUEST NO. 59:**

All documents evidencing or concerning any public statements or comments Warner Books made or issued in connection with the Work or the Litigation, including but not limited to:

- a. all articles, press releases or other public statements appearing in any medium, whether in print, computer-generated or otherwise;
- b. all documents created, generated, prepared or reviewed in connection with such articles, press releases or public statements, including but not limited to all communications, guidelines, instructions, proposals, directives or announcements concerning Warner Books' public statements or responses to press inquiries regarding the Work or the Litigation; and
- c. all documents concerning all communications between Warner Books and public relations firms regarding the Work or the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 59:

Defendant objects to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 60:

All joint defense agreements, cost-sharing agreements or common interest agreements concerning the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 60:

Defendant objects to this Request to the extent it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

REQUEST NO. 61:

All invoices, bills or time records relating to any witness from whom you intend to elicit expert opinion testimony at trial.

OBJECTIONS AND RESPONSE TO REQUEST NO. 61:

Defendant objects to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

REQUEST NO. 62:

All documents reviewed by any witness from whom you intend to elicit expert opinion testimony at trial.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 62:**

Defendant objects to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

**REQUEST NO. 63:**

All documents, including but not limited to reports and drafts of reports, prepared by or on behalf of any witness from whom you intend to elicit expert opinion testimony at trial.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 63:**

Defendant objects to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

**REQUEST NO. 64:**

All resumes and curricula vitae of each witness from whom you intend to elicit expert testimony at trial.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 64:**

Defendant objects to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

**REQUEST NO. 65:**

All resumes and curricula vitae of each witness from whom you do not intend to elicit expert testimony at trial, but whose work product has been reviewed by any witness from whom you intend to elicit expert testimony at trial.

OBJECTIONS AND RESPONSE TO REQUEST NO. 65:

Defendant objects to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

REQUEST NO. 66:

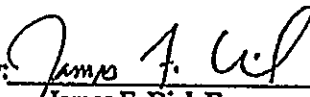
All documents evidencing or concerning communications with any witness from whom you intend to elicit expert opinion testimony at trial.

OBJECTIONS AND RESPONSE TO REQUEST NO. 66:

Defendant objects to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

Dated: September 8, 2006

REED SMITH LLP

By:   
James F. Dial, Esq.  
Steven J. Picco, Esq.

Mary Jo White, Esq.  
Andrew J. Ceresney, Esq.  
Andrew M. Levine, Esq.  
DEBEVOISE & PLIMPTON LLP  
919 Third Avenue  
New York, New York 10022



**REED SMITH LLP**  
*Formed in the State of Delaware*  
Princeton Forrestal Village  
136 Main Street, Suite 250  
P.O. Box 7839  
Princeton, New Jersey 08543-7839  
(609) 987-0050

**DEBEVOISE & PLIMPTON LLP**  
919 Third Avenue  
New York, New York 10022  
(212) 909-6000

Attorneys for Defendants

DONALD J. TRUMP,

Plaintiff,

v.

TIMOTHY L. O'BRIEN, TIME WARNER  
BOOK GROUP INC., and WARNER BOOKS,  
INC.,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: CAMDEN COUNTY

DOCKET NO. CAM-L-545-06

CIVIL ACTION

**DEFENDANTS TIME WARNER BOOK  
GROUP INC.'S AND WARNER BOOK,  
INC.'S RESPONSES AND  
OBJECTIONS TO PLAINTIFF'S FIRST  
REQUEST FOR THE PRODUCTION  
OF DOCUMENTS**

Pursuant to R. 4:18 of the New Jersey Court Rules (the "Rules"), Defendants Time Warner Book Group Inc. and Warner Books, Inc. ("defendants"), by their attorneys Debevoise & Plimpton LLP and Reed Smith LLP, hereby respond and object as follows to Plaintiff Donald J. Trump's ("plaintiff" or "Trump") First Requests to Defendants Time Warner Book Group Inc. and Warner Books, Inc. for the Production of Documents (the "Requests").

Subject to the following general and specific objections, defendants will produce copies voluntarily of non-privileged responsive documents within their custody and control for inspection by plaintiff's counsel and copying at plaintiff's expense at the offices of Debevoise & Plimpton LLP, 919 Third Avenue, New York, New York 10022, or at such other time and place as mutually agreed upon by the parties' counsel.

The responses reflect defendants' present knowledge of the matters covered by the Requests and defendants' best efforts to understand the Requests and identify responsive documents. Defendants reserve the right to amend or supplement their responses and the documents identified herein.

**Introductory Statement**

All of the General Objections set forth herein are incorporated in each of the specific responses and objections to the Requests set forth below and have the same force and effect as if fully set forth therein. Any objection, or lack of objection, to any portion of any Request should not be deemed an admission that defendants have a document sought in a particular Request.

Nothing in defendants' responses and objections herein shall be construed as a waiver of defendants' rights to: (i) object on the grounds of competency, relevance, materiality, hearsay, or any other proper ground to the use of any information provided in these responses for any purpose, in whole or in part, in any proceeding in this or any other action; (ii) object on any and all grounds, at any time, to any other discovery relating to the subject matter of these Requests; or (iii) assert the attorney-client privilege, work product doctrine, or newsperson's privilege (N.J.S.A. 2A:48A-21 to 21.8 or similar

protections afforded by other states), as well as constitutional (federal and state) and common law protections, or any other privilege or right.

General Objections

1. Defendants object to the Requests to the extent they purport to impose burdens other than or beyond those imposed by R. 4:10-2 and R. 4:18-1. Defendants will respond to the Requests only pursuant to the requirements of the Rules.
2. Defendants object to the Requests to the extent they seek discovery of information neither relevant to the subject matter of this action, material and necessary to the prosecution or defense of this action, nor reasonably calculated to lead to the discovery of admissible evidence.
3. Defendants object to the Requests to the extent they seek documents or information protected by the attorney-client privilege, work product doctrine, newsmen's privilege, or any other applicable privilege or protection from discovery ("privileged information") recognized by federal or state Constitution, statute, at common law, or by the Rules. Defendants specifically reserve the right to demand the return of any documents that may be produced inadvertently during discovery if defendants determines, in their sole discretion, that such documents may contain privileged information. Any inadvertent disclosure of material protected by the attorney-client privilege, work product doctrine, newsmen's privilege, or any other applicable privilege or protection from discovery is not intended and should not be construed to constitute a waiver.

4. Defendants object to the Requests to the extent they are oppressive, vague, ambiguous, unduly burdensome, and overly broad.

5. Defendants object to the Requests to the extent that they seek documents or information for improper purposes, including the use of any information outside of this litigation.

6. Defendants object to the Requests to the extent they are unreasonably cumulative or duplicative. Where a document is responsive to more than one Request, defendants will only produce such document once.

7. Defendants object to the Requests to the extent they seek documents or information that is already in the possession, custody, or control of plaintiff, is as readily available to plaintiff as to defendants, or is ascertainable by plaintiff from public sources.

8. Defendants object to the Requests to the extent they call for information outside the defendants' possession, custody, or control. Defendants' responses herein are limited to information that is within its possession, custody, or control.

9. Defendants object to the Requests as overly broad to the extent no time limitation is included in the Requests.

10. Defendants' objections and responses to the Requests do not constitute, and shall not be interpreted as, defendants' agreement with, or admission as to the truth or accuracy of any legal or factual characterizations or allegations stated or implied in any of the Requests.

11. The information in these responses is provided as of the date hereof. While reserving the right to supplement or amend the responses set forth herein,

defendants decline any obligation to supplement such responses except as required by the Rules.

**Objections to Definitions and Instructions**

1. Defendants object to plaintiff's definition A of "you" or "your" to include all "current or former subsidiaries, affiliates, parents, predecessors and successors, divisions, departments and operating units," as well as "current and former partners, directors, shareholders, employees, officers, agents, officials, representatives, associates, consultants, attorneys, advisors, accountants and all entities acting or purporting to act on its behalf." This interpretation would render the Requests overbroad and unduly burdensome, would seek information that is irrelevant to the subject matter of this action and not material and necessary to the prosecution or defense of this action, and would render many of the Interrogatories vague or nonsensical.
2. Defendants object to plaintiff's definition B of "Warner Books" to the extent it refer to persons or entities, including affiliates, parents, and shareholders, beyond the named entities of Time Warner Book Group Inc. and Warner Books, Inc. on the grounds that such interpretation would render the Requests overbroad and unduly burdensome, would seek information that is irrelevant to the subject matter of this action and not material and necessary to the prosecution or defense of this action, and would render many of the Requests vague or nonsensical.
3. Defendants object to plaintiff's definition H, which defines "Trump Entity" to include entities "controlled by Mr. Trump," without indicating which entities plaintiff in fact controls, which is uniquely within plaintiff's knowledge.

4. Defendants object to plaintiff's definitions and instructions V, W, Y, AA, and CC to the extent they seek to impose obligations beyond the scope of the Rules. Defendants will respond to the Requests according to the requirements of the Rules.

5. Defendants object to plaintiff's instruction BB to the extent that it purports to require supplementation of responses beyond those contemplated by the Rules.

**Objections to Specific Requests**

**REQUEST NO. 1:**

All documents concerning the Work.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 1:**

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request that also fall within the scope of the other Requests.

**REQUEST NO. 2:**

All drafts of the Work.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 2:**

Defendants object to this Request on the ground that it calls for the production of documents or information protected by the newsmen's privilege, as well as by other

constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 3:

All manuscripts, galley proofs and dummies in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 3:

Defendants object to this Request on the ground that it calls for the production of documents or information protected by the newsperson's privilege, as well as by other constitutional, statutory and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 4:

All documents evidencing or concerning any communication in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 4:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 5:

All documents concerning the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 5:

Defendants object to this Request to the extent it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 6:

All documents evidencing or concerning any communication in connection with the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 6:

Defendants object to this Request to the extent it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 7:

All documents evidencing or concerning Mr. Trump.

OBJECTIONS AND RESPONSE TO REQUEST NO. 7:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of



documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 8:

All documents evidencing or concerning any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 8:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand the Request, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 9:

All documents evidencing or concerning Mr. Trump's finances or net worth.

OBJECTIONS AND RESPONSE TO REQUEST NO. 9:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition,

defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 10:

All documents evidencing or concerning the financial condition, value, assets or liabilities of any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 10:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand the Request, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 11:

All proposals for the Work that were submitted to you by O'Brien.

OBJECTIONS AND RESPONSE TO REQUEST NO. 11:

Subject to the foregoing general objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 12:

All agreements and contracts between you and O'Brien.

OBJECTIONS AND RESPONSE TO REQUEST NO. 12:

Defendants object to this Request as vague and confusing as plaintiff fails to define adequately the term "agreements." In addition, defendants object to this Request to the extent it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged written contracts, if any, responsive to this Request.

REQUEST NO. 13:

All agreements and contracts between you and any literary agent of O'Brien concerning the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 13:

Defendants object to this Request as vague and confusing as plaintiff fails to define adequately the term "agreements." Subject to the foregoing general and specific objections, defendants will produce non-privileged written contracts, if any, responsive to this Request.

REQUEST NO. 14:

All documents evidencing or concerning any agreement or contract in connection with the Work, including but not limited to any agreement or contract involving you or involving any literary agent, author, publishing house, public relations firm, law firm,

accounting firm, graphics firm, advertising firm, newspaper or magazine, marketing firm or consulting firm.

OBJECTIONS AND RESPONSE TO REQUEST NO. 14:

Defendants object to this Request as vague and confusing as plaintiff fails to define adequately the term "agreement." In addition, defendants object to this Request to the extent it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged written contracts, if any, responsive to this Request.

REQUEST NO. 15:

All documents evidencing or concerning any communication between you and any other person concerning the Work, the Litigation, Mr. Trump or any Trump Entity, including but not limited to any literary agent, author, publishing house, public relations firm, law firm, accounting firm, graphics firm, advertising firm, newspaper or magazine, media outlet, marketing firm or consulting firm.

OBJECTIONS AND RESPONSE TO REQUEST NO. 15:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand

this Request, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 16:

All documents concerning the Work, the Litigation, Mr. Trump or any Trump Entity supplied or shown to you by any person, including but not limited to any literary agent, author, publishing house, public relations firm, accounting firm, graphics firm, advertising firm, newspaper or magazine, media outlet, marketing firm or consulting firm.

OBJECTIONS AND RESPONSE TO REQUEST NO. 16:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand the Request, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 17:

All documents concerning the Work, the Litigation, Mr. Trump or any Trump Entity supplied or shown by you to any person, including but not limited to any literary agent, author, publishing house, public relations firm, accounting firm, graphics firm, advertising firm, newspaper or magazine, media outlet, marketing firm or consulting firm.

OBJECTIONS AND RESPONSE TO REQUEST NO. 17:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand the Request, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 18:

All documents supplied or shown by you to O'Brien concerning the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 18:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand the

Request, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 19:

All documents supplied or shown by O'Brien to you concerning the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 19:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand the Request, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 20:

All documents evidencing or concerning any communication between you and O'Brien in connection with the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 20:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of

documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand the Request, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 21:

All documents supplied or shown by you to O'Brien's literary agent concerning the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 21:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand the Request, defendants will produce non-privileged documents, if any, responsive to this Request.



REQUEST NO. 22:

All documents supplied or shown by O'Brien's literary agent to you concerning the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 22:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand the Request, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 23:

All documents evidencing or concerning any communication between you and O'Brien's literary agent in connection with the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 23:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and

common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand the Request, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 24:

All documents evidencing or concerning any communication between you and any person in connection with Mr. Trump's finances and net worth.

OBJECTIONS AND RESPONSE TO REQUEST NO. 24:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 25:

All documents evidencing or concerning any communication between O'Brien and any person in connection with Mr. Trump's finances and net worth.

OBJECTIONS AND RESPONSE TO REQUEST NO. 25:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of

documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 26:

All documents evidencing or concerning the persons O'Brien interviewed in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 26:

Defendants refer plaintiff to the content of the Work for certain information responsive to this Request. Defendants otherwise object to this Request on the ground that it calls for the production of information protected by the newperson's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 27:

All documents evidencing your policies, practices and procedures for fact checking books that you publish.

OBJECTIONS AND RESPONSE TO REQUEST NO. 27:

Defendants refer plaintiff to "From Manuscript to Printed Book," a publication of Time Warner Book Group, a copy of which is being produced.

REQUEST NO. 28:

All documents evidencing or concerning your fact-checking of the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 28:

Defendants object to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product

doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 29:

Documents sufficient to identify all of your employees and contractors who were involved in any way with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 29:

Defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 30:

All documents evidencing or concerning the formulation, computation or selection of the publishing date or launch date for the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 30:

Defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 31:

All documents evidencing or concerning marketing plans or strategies, sales plans or strategies, business plans or strategies, promotional efforts or any other efforts to generate publicity in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 31:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 32:

All documents evidencing or concerning all activities and efforts undertaken by any person to promote, market or generate publicity for the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 32:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 33:

All promotional, publicity and marketing materials for the Work, including but not limited to print ads, television ads, radio ads, on-line ads, click ads and blogs.

OBJECTIONS AND RESPONSE TO REQUEST NO. 33:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 34:

All documents evidencing or concerning all efforts to promote, market or generate publicity for the Work through the Internet, including but not limited to all e-mail blasts and communications with bloggers.

OBJECTIONS AND RESPONSE TO REQUEST NO. 34:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 35:

All documents evidencing or concerning any communication between you and any person who participated in promoting, marketing or generating publicity for the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 35:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 36:

All documents evidencing or concerning any communication between you and any other person in which you referenced, referred to, mentioned or described the Work or the Litigation, including but not limited to promotional, pitch and marketing materials concerning the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 36:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 37:

All documents evidencing or concerning all communications between O'Brien and any other person in which O'Brien referenced, referred to, mentioned or described

the Work, including but not limited to promotional, pitch and marketing materials concerning O'Brien, the Work or the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 37:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 38:

All documents evidencing or concerning any appearances O'Brien made in connection with the Work, including but not limited to any appearance on television, on radio, at lectures, in on-line chat rooms, in advertisements or at book signings, book readings, book discussions or similar appearances.

OBJECTIONS AND RESPONSE TO REQUEST NO. 38:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.



REQUEST NO. 39:

All documents evidencing or concerning distribution of the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 39:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 40:

All documents evidencing or concerning sales of the Work, including but not limited to documents evidencing or concerning the number and location of such sales, the revenues generated by such sales and the profits generated by such sales.

OBJECTIONS AND RESPONSE TO REQUEST NO. 40:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 41:

All documents evidencing or concerning any advances, royalties or other payments O'Brien received or was credited for the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 41:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 42:

All documents evidencing or concerning all fees, monies, payments and any other form of consideration, compensation or remuneration paid by you to any person in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 42:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 43:

All documents evidencing or concerning all fees, monies, payments and any other form of consideration, compensation or remuneration paid by any person to any person in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 43:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 44:

Your financial books and records concerning the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 44:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 45:

All documents evidencing or concerning serialization of or other subsidiary rights in the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 45:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request on the ground that it calls for the production of

documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 46:

All documents evidencing or concerning the reissuing of the Work in paperback edition.

OBJECTIONS AND RESPONSE TO REQUEST NO. 46:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 47:

All documents evidencing or concerning the publication, distribution, promotion, marketing or advertising of the Work outside of the United States of America.

OBJECTIONS AND RESPONSE TO REQUEST NO. 47:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product

doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 48:

All documents evidencing or concerning publication of any excerpt of the Work, including but not limited to publication of the excerpt of the Work that appeared in the October 23, 2005 edition of the Sunday Business Section of *The New York Times*.

OBJECTIONS AND RESPONSE TO REQUEST NO. 48:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 49:

All documents evidencing or concerning any communication between you and *The New York Times* in connection with the Work or the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 49:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and

common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 50:

All documents supplied or shown by you to *The New York Times* concerning the Work or the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 50:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 51:

All documents supplied or shown to you by *The New York Times* concerning the Work or the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 51:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsmen's privilege, as well as by other constitutional, statutory, and

common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 52:

All audio tapes, videos or other recordings in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 52:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 53:

All audio tapes, videos or other recordings of any persons interviewed by O'Brien or any other person in connection with the Work, the Litigation, Mr. Trump or any Trump Entity.

OBJECTIONS AND RESPONSE TO REQUEST NO. 53:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendants also object to this Request as vague and confusing as plaintiff fails to define adequately the meaning of the

term "Trump Entity." Subject to the foregoing general and specific objections, and to the extent defendants understand the Request, there are no documents responsive to this Request.

REQUEST NO. 54:

All computer files, zip drives, CD Roms, diskettes or other computer storage system evidencing or concerning the Work or your communications in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 54:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Defendants object also on the ground that this Request calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections. In addition, defendants object because R. 4:18-1(b)(3) provides that a "a party need not produce the same electronically stored information in more than one form," and plaintiff's other Requests already encompass the electronic files specified in this Request. Subject to the foregoing general and specific objections, defendants will produce accurate printouts (i.e., hard copies) of non-privileged documents responsive to this Request.

REQUEST NO. 55:

All audio tapes, videos or other recordings in connection with any employee of the Trump Organization or any affiliated company, including but not limited to Mr. Trump, Allen Weisselberg and Michelle Lokey Scarbrough.



OBJECTIONS AND RESPONSE TO REQUEST NO. 55:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 56:

All documents evidencing or concerning all insurance policies that apply or may apply to losses resulting from the claims against you and O'Brien in this litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 56:

Defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 57:

All entries from the diaries, calendars, day planners, day timers, filofixes and any other scheduling documents, whether on paper or in electronic format, from January 2000 to the present, of all of your employees and contractors who were involved with the Work, concerning the Work or any meetings or communications they had or planned to have in connection with the Work.

OBJECTIONS AND RESPONSE TO REQUEST NO. 57:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsgatherer's privilege, as well as by other constitutional, statutory, and common law protections.

REQUEST NO. 58:

All documents evidencing or concerning public statements or comments you made or issued in connection with the Work or the Litigation, including but not limited to:

- a. all articles, press releases or other public statements appearing in any medium, whether in print, computer-generated or otherwise;
- b. all documents created, generated, prepared or reviewed in connection with such articles, press releases or public statements, including but not limited to all communications, guidelines, instructions, proposals, directives or announcements concerning your public statements or responses to press inquiries regarding the Work or the Litigation; and
- c. all documents concerning all communications with public relations firms regarding the Work or the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 58:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request on the ground that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newsgatherer's privilege, as well as by other constitutional, statutory, and

common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 59:

All documents evidencing or concerning public statements or comments O'Brien made or issued in connection with the Work or the Litigation, including but not limited to:

- a. all articles, press releases or other public statements appearing in any medium, whether in print, computer-generated or otherwise;
- b. all documents created, generated, prepared or reviewed in connection with such articles, press releases or public statements, including but not limited to all communications, guidelines, instructions, proposals, directives or announcements concerning O'Brien's public statements or responses to press inquiries regarding the Work or the Litigation; and
- c. all documents concerning all communications with public relations firms regarding the Work or the Litigation.

OBJECTIONS AND RESPONSE TO REQUEST NO. 59:

Defendants object to this Request as overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. In addition, defendants object to this Request to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendants will produce non-privileged documents, if any, responsive to this Request.

REQUEST NO. 60:

All joint defense agreements or cost-sharing agreements or common interest agreements concerning the Litigation.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 60:**

Defendants object to this Request to the extent it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

**REQUEST NO. 61:**

All invoices, bills or time records relating to any witness from whom you intend to elicit expert opinion testimony at trial.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 61:**

Defendants object to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

**REQUEST NO. 62:**

All documents reviewed by any witness from whom you intend to elicit expert opinion testimony at trial.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 62:**

Defendants object to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

**REQUEST NO. 63:**

All documents, including but not limited to reports and drafts of reports, prepared by or on behalf of any witness from whom you intend to elicit expert opinion testimony at trial.

OBJECTIONS AND RESPONSE TO REQUEST NO. 63:

Defendants object to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

REQUEST NO. 64:

All resumes and curricula vitae of each witness from whom you intend to elicit expert testimony at trial.

OBJECTIONS AND RESPONSE TO REQUEST NO. 64:

Defendants object to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

REQUEST NO. 65:

All resumes and curricula vitae of each witness from whom you do not intend to elicit expert testimony at trial, but whose work product has been reviewed by any witness from whom you intend to elicit expert testimony at trial.

OBJECTIONS AND RESPONSE TO REQUEST NO. 65:

Defendants object to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

REQUEST NO. 66:


All documents evidencing or concerning communications with any witness from whom you intend to elicit expert opinion testimony at trial.

**OBJECTIONS AND RESPONSE TO REQUEST NO. 66:**

Defendants object to this Request as premature and to the extent that it calls for the production of documents or information protected by the attorney-client privilege, work product doctrine, and other applicable privileges.

Dated: September 8, 2006

REED SMITH LLP

By:   
James F. Dial, Esq.  
Steven J. Picco, Esq.

Mary Jo White, Esq.  
Andrew J. Ceresney, Esq.  
Andrew M. Levine, Esq.  
DEBEVOISE & PLIMPTON LLP  
919 Third Avenue  
New York, New York 10022

**REED SMITH LLP**  
*Formed in the State of Delaware*  
Princeton Forrestal Village  
136 Main Street, Suite 250  
P.O. Box 7839  
Princeton, New Jersey 08543-7839  
(609) 987-0050

**DEBEVOISE & PLIMPTON LLP**  
919 Third Avenue  
New York, New York 10022  
(212) 909-6000

Attorneys for Defendants

DONALD J. TRUMP,

Plaintiff,

v.

TIMOTHY L. O'BRIEN, TIME WARNER  
BOOK GROUP INC., and WARNER BOOKS,  
INC.,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: CAMDEN COUNTY

DOCKET NO. CAM-L-545-06

CIVIL ACTION

**DEFENDANT TIMOTHY L.  
O'BRIEN'S RESPONSES AND  
OBJECTIONS TO PLAINTIFF'S FIRST  
SET OF INTERROGATORIES**

Pursuant to R. 4:17 of the New Jersey Court Rules (the "Rules"), Defendant Timothy L. O'Brien ("defendant" or "O'Brien"), by his attorneys Debevoise & Plimpton LLP and Reed Smith LLP, hereby answers and objects as follows to Plaintiff Donald J. Trump's ("plaintiff" or "Trump") First Set of Interrogatories to Defendant Timothy L. O'Brien (the "Interrogatories").

Subject to the following general and specific objections, defendant answers plaintiff's Interrogatories as set forth below. The answers reflect O'Brien's present knowledge of the matters covered by the Interrogatories and O'Brien's best efforts to

understand the Interrogatories and identify responsive information. O'Brien reserves the right to amend or supplement his answers and objections herein.

**Introductory Statement**

All of the General Objections set forth herein are incorporated in each of the specific responses and objections to the Interrogatories set forth below and have the same force and effect as if fully set forth therein. Any objection, or lack of objection, to any portion of any Interrogatory should not be deemed an admission that defendant has information sought in a particular Interrogatory.

Nothing in defendant's answers and objections herein shall be construed as a waiver of defendant's rights to: (i) object on the grounds of competency, relevance, materiality, hearsay, or any other proper ground to the use of any information provided in these responses for any purpose, in whole or in part, in any proceeding in this or any other action; (ii) object on any and all grounds, at any time, to any other discovery relating to the subject matter of the Interrogatories; or (iii) assert the attorney-client privilege, work product doctrine, or newsmen's privilege (N.J.S.A. 2A:48A-21 to 21.8 or similar protections afforded by other states), as well as constitutional (federal and state) and common law protections, or any other privilege or right.

**General Objections**

1. Defendant objects to the Interrogatories to the extent they purport to impose burdens other than or beyond those imposed by R. 4:10-2 and R. 4:17-4. Defendant will respond to the Interrogatories only pursuant to the requirements of the Rules.



2. Defendant objects to the Interrogatories to the extent they seek discovery of information neither relevant to the subject matter of this action, material and necessary to the prosecution or defense of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

3. Defendant objects to the Interrogatories to the extent they seek information protected from disclosure by the attorney-client privilege, work product doctrine, newsperson's privilege, or any other applicable privilege or protection from discovery recognized by federal or state Constitution, statute, at common law, or by the Rules. To the extent privileged information or attorney work-product is inadvertently disclosed in defendant's answers to the Interrogatories, such disclosure is without prejudice to, and is not a waiver of, any subsequent assertion of privilege or attorney work-product by defendants as to the information disclosed or as to other information.

4. Defendant objects to the Interrogatories to the extent they call for the production of confidential business, personnel, or personal information.

5. Defendant objects to the Interrogatories to the extent that they are oppressive, vague, ambiguous, unduly burdensome, and overly broad.

6. Defendant objects to the Interrogatories to the extent that they seek information for improper purposes, including the use of any information outside of this litigation.

7. Defendant objects to the Interrogatories to the extent they are unreasonably cumulative or duplicative.

8. Defendant objects to the Interrogatories to the extent they seek information that already is in the possession, custody, or control of plaintiff, is as readily available to plaintiff as to defendant, or is ascertainable by plaintiff from public sources.

9. Defendant objects to the Interrogatories to the extent they seek information outside defendant's possession, custody, or control. Defendant's answers herein are limited to information that is within his business, personnel, or personal information.

10. Defendant objects to the Interrogatories as overly broad to the extent no time limitation is included in the Interrogatories.

11. Defendant's objections and responses to the Interrogatories do not constitute, and shall not be interpreted as, defendant's agreement with, or admission as to the truth or accuracy of any legal or factual characterizations or allegations stated or implied in any of the Interrogatories.

12. The information in these responses is provided as of the date hereof. While reserving the right to supplement or amend the answers set forth herein, defendant declines any obligation to supplement such answers except as required by the Rules.

**Objections to Definitions and Instructions**

1. Defendant objects to plaintiff's definition B of "Warner Books" to the extent it refer to persons or entities, including affiliates, parents, and shareholders, beyond the named entities of Time Warner Book Group Inc. and Warner Books, Inc. on the grounds that such interpretation would render the Interrogatories overbroad and unduly burdensome, would seek information that is irrelevant to the subject matter of this

action and not material and necessary to the prosecution or defense of this action, and would render many of the Interrogatories vague or nonsensical.

2. Defendant objects to plaintiff's definition G, which defines "Trump Entity" to include entities "controlled by Mr. Trump," without indicating which entities plaintiff in fact controls, which is uniquely within plaintiff's knowledge.

Objections to Specific Interrogatories

INTERROGATORY NO. 1:

On page 154 of *TrumpNation: The Art of Being the Donald*, you state:

So I asked around for guidance. Three people with direct knowledge of Donald's finances, people who had worked closely with him for years, told me that they thought his net worth was somewhere between \$150 million and \$250 million. By anyone's standards this still qualified Donald as comfortably wealthy, but none of these people thought he was remotely close to being a billionaire.

Identify the three persons referenced in this passage.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 1:

Defendant objects to this Interrogatory on the ground that it calls for the production of information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

INTERROGATORY NO. 2:

Identify (a) any person to whom you have disclosed the identity of any of the three persons referenced in Interrogatory Number 1, or (b) any person you believe knows the identity of any of the persons referenced in Interrogatory Number 1, and describe the basis for your belief.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 2:**

Defendant objects to this Interrogatory on the ground that it calls for the production of information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

**INTERROGATORY NO. 3:**

Identify any communications concerning Mr. Trump's finances and net worth that you had with each of the three persons referenced in Interrogatory Number 1.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 3:**

Defendant objects to this Interrogatory on the ground that it calls for the production of information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

**INTERROGATORY NO. 4:**

Identify any persons you interviewed, communicated with or obtained information from in connection with the Work.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 4:**

Defendant refers plaintiff to the content of the Work for certain information responsive to this Interrogatory. Defendant otherwise objects to this Interrogatory on the ground that it calls for the production of information protected by the attorney-client privilege, work product doctrine, and newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

**INTERROGATORY NO. 5:**

Identify any communications concerning Mr. Trump's finances and net worth that you had with each of the persons you identify in response to Interrogatory Number 4.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 5:

Defendant refers plaintiff to the content of the Work for certain information responsive to this Interrogatory. Defendant otherwise objects to this Interrogatory on the ground that it calls for the production of information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

INTERROGATORY NO. 6:

Identify any documents concerning Mr. Trump's finances and net worth that were given to you, shown to you or specifically or generally referred to by any of the three persons referenced in Interrogatory Number 1.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 6:

Defendant objects to this Interrogatory on the ground that it calls for the production of information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

INTERROGATORY NO. 7:

Identify any documents concerning Mr. Trump's finances and net worth that were given to you, shown to you or specifically or generally referred to by any of the persons referenced in Interrogatory Number 4.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 7:

Defendant refers plaintiff to the content of the Work for certain information responsive to this Interrogatory. Defendant otherwise objects to this Interrogatory on the ground that it calls for the production of information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

**INTERROGATORY NO. 8:**

Identify any documents relating to Mr. Trump's finances and net worth that you consulted, reviewed, read, analyzed, or relied upon in any way in connection with the Work.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 8:**

Defendant refers plaintiff to the content of the Work for certain information responsive to this Interrogatory. Defendant otherwise objects to this Interrogatory on the ground that it calls for the production of information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections.

**INTERROGATORY NO. 9:**

On page 241 of *TrumpNation: The Art of Being the Donald* you state, "Tina Brown, Manhattan's magazine goddess, gave astute advice when I was considering this book." Identify the advice referenced in this passage.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 9:**

Defendant objects to this Interrogatory on the ground that it calls for the production of information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Defendant further objects to this Interrogatory on the ground that it seeks information neither relevant to the subject matter of this action, material and necessary to the prosecution or defense of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 10:**

Identify all literary agents you sought to represent you in connection with the Work.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 10:**

Andrew Blanner represented me. He can be contacted through Debevoise & Plimpton LLP at 919 Third Avenue, New York, NY 10022.

**INTERROGATORY NO. 11:**

Identify any literary agent, sub-agent or corresponding agent who performed any work or services in connection with the Work.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 11:**

Same answer as to Interrogatory 10.

**INTERROGATORY NO. 12:**

Identify all publishing houses to which the Work or a proposal concerning the Work was submitted.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 12:**

A proposal relating to the Work was submitted to six publishing houses:

- Broadway Books, Charlie Conrad, 1745 Broadway, New York, NY 10019
- Gotham Books, Brendan Cahill, 375 Hudson Street, New York, NY 10014
- Harper Collins, David Hershey, 10 E 53<sup>rd</sup> Street, New York, NY 10022
- Penguin Books, Scott Moyers, 375 Hudson Street, New York, NY 10014
- Simon & Schuster, Marty Beiser, 1230 Avenue of the Americas, New York, NY 10020
- Warner Books, Inc. (now a subsidiary of Hachette Book Group USA), Richard Wolff, 1271 Avenue of the Americas, New York, NY 10020

**INTERROGATORY NO. 13:**

Describe the process by which facts asserted in the Work were checked, including but not limited to identifying all persons who conducted or assisted with fact-checking the Work.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 13:**

Defendant objects to this Interrogatory on the ground that it calls for the production of information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections.

**INTERROGATORY NO. 14:**

Identify any communications you had with any publishing house, including but not limited to Warner Books, concerning Mr. Trump's finances and net worth.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 14:**

Defendant objects to this Interrogatory on the ground that it calls for the production of information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant refers plaintiff to the materials being produced in response to plaintiff's first set of document requests, including non-privileged communications between O'Brien and Warner Books, Inc.

**INTERROGATORY NO. 15:**

Identify all editors of the Work.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 15:**

Defendant objects to this Interrogatory to the extent the word "editors" is ambiguous and vague. Subject to the foregoing general and specific objections, the Work's editor was Richard Wolff (Vice President and Executive Editor), the assistant



editor was Jason Pinter (Assistant Editor), and the copy editor was Bob Castillo (Managing Editor).

INTERROGATORY NO. 16:

Identify all research assistants who assisted with the Work.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 16:

Joseph Plambeck served as my research assistant. He can be contacted through Debevoise & Plimpton LLP at 919 Third Avenue, New York, NY 10022.

INTERROGATORY NO. 17:

On page 241 of *TrumpNation: The Art of Being the Donald*, you state, "Joseph Plambeck ... conducted more than a dozen interviews with insight and wit." Identify the persons whom Joseph Plambeck interviewed.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 17:

Defendant objects to this Interrogatory on the ground that it calls for the production of information protected by the newsmen's privilege, as well as by other constitutional, statutory, and common law protections.

INTERROGATORY NO. 18:

Identify all persons at Warner Books who performed any work on or assisted in any way with the Work, and describe their role.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 18:

Defendant objects to this Interrogatory on the ground that the phrase "performed any work on or assisted in any way with the Work" and the term "role" are ambiguous and vague. Subject to the foregoing general and specific objections, it is my understanding that the following individuals at Warner Books, Inc., excluding attorneys, assisted with the Work:

- Emi Battaglia
- Laura Bonner
- Bob Castillo
- Kelly Leonard-O'Keefe
- Rob Nissen
- Jason Pinter
- Jamie Raab
- Renee Supriano
- Richard Wolff

**INTERROGATORY NO. 19:**

Identify any legal vetting or legal review of the Work that was conducted prior to its publication.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 19:**

Defendant objects to this Interrogatory on the ground that it calls for the production of information protected by the attorney-client privilege, work product doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections.

**INTERROGATORY NO. 20:**

Describe any changes or revisions to the Work, or drafts thereof, concerning Mr. Trumps finances or net worth or the value of any Trump Entity.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 20:**

Defendant objects to this Interrogatory on the ground that it calls for the production of information protected by the attorney-client privilege, work product

doctrine, and newperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, the excerpt of the Work in the *New York Times*, which was published on October 23, 2005 (after publication of the hardcover edition), reflected that Trump's "casino holdings have recently rebounded in value, perhaps adding as much as \$135 million to [certain] estimates" of Trump's net worth.

INTERROGATORY NO. 21:

Describe the chronology that culminated in publication of the Work, including but not limited to the date when you (or a person acting on your behalf) (a) provided a manuscript of the Work to Warner Books (or any other publisher); (b) provided any revision of the Work to Warner Books (or any other publisher); (c) received an edited manuscript from Warner Books (or any other publisher); and (d) received galley proofs and dummies.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 21:

Defendant objects to this Interrogatory on the ground that it calls for the production of information protected by the newperson's privilege, as well as by other constitutional, statutory, and common law protections.

INTERROGATORY NO. 22:

Identify the sales of the Work by numbers of copies sold, by state and, if applicable, by foreign country.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 22:

I lack sufficient information to answer this Interrogatory.

INTERROGATORY NO. 23:

Describe the total amount of compensation you have received in connection with sales of the Work, to date, including but not limited to all advances, royalties and other payments you have received or that have been credited to you in connection with the Work.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 23:**

To date, my total compensation in connection with the Work has been \$252,500.

**INTERROGATORY NO. 24:**

Identify any appearances you made in connection with promoting, marketing or generating publicity for the Work, including but not limited to appearances on television, on radio, at lectures, in on-line chat rooms, in advertisements or at book signings, book readings or book discussions.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 24:**

My appearances in connection with the Work, to the best of my recollection, included the following, on or about these dates:

- October 26, 2005 -- WB Network, "Extra" television show
- October 26, 2005 -- "Inside Edition" television show
- October 29, 2005 -- Syndicated radio, "The Business Shrink"
- October 29, 2005 -- KABC radio, Los Angeles, California
- October 31, 2005 -- CNBC television, "Squawk Box" television show
- October 31, 2005 -- CNBC television, "On the Money" television show
- November 3, 2005 -- KDKA radio, Pittsburgh, Pennsylvania
- November 4, 2005 -- KJYO radio, "TJ Janet & J-Rod," Oklahoma City, Oklahoma
- November 7, 2005 -- WGTZ radio, "Mallory & Campy," Dayton, Ohio
- November 8, 2005 -- WRMF radio, "The Jennifer & Danny Show," West Palm Beach, Florida
- November 14, 2005 -- KVON-AM radio, "Late Mornings," Napa, California
- November 14, 2005 -- WBNW radio, "Hire Frequencies," Concord/Boston, Massachusetts

- November 15, 2005 – WPHT radio, “Michael Smerconish Show,” Philadelphia, Pennsylvania
- November 16, 2005 – KNDD radio, Seattle, Washington
- November 21, 2005 – WBNW radio, “Money Matters,” Needham/Boston, Massachusetts
- November 21, 2005 – WSOY radio, “Byers & Co.,” Decatur, Illinois
- December 3, 2005 – WYLL radio, “David Latko’s Money & More,” Chicago, Illinois
- December 6, 2005 – Cable Radio Network, “The AM Show,” Los Angeles California
- December 12, 2005 – WRMF radio, “The Jennifer & Danny Show,” West Palm Beach, Florida
- December 12, 2005 – KMNY/KXYZ radio (The BizRadio Network), “The Art of Doing Business with Dayna Steele,” Dallas, Texas
- December 12, 2005 – Coliseum Books, New York, New York (book signing and reading)
- January 5, 2006 – NPR, “On the Media”
- January 11, 2006 – WMET-AM, “American Radio Journal,” Washington, DC

In addition to the above, appearances in connection with the Work include those others that may be identified in the documents that defendants are producing in response to plaintiff’s first set of document requests.

**INTERROGATORY NO. 25:**

Describe any subsidiary rights to the Work that you or any other person sold, including but not limited to serialization rights.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 25:**

I am unaware of the sale of any subsidiary rights to the Work.

**INTERROGATORY NO. 26:**

Identify any articles, columns or books that you have written, contributed to, worked on or edited that mentioned or referred to Mr. Trump or any Trump Entity.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 26:**

Defendant objects to this Interrogatory to the extent it seeks information that already is in the possession, custody, or control of plaintiff, is as readily available to plaintiff as to defendant, or is ascertainable by plaintiff from public sources. Subject to the foregoing general and specific objections, in addition to the Work, I have written, contributed to, or worked on the following:

- Timothy L. O'Brien, *Staying Power; Overbuilt and Underbooked, New York City's Hotels Scramble to Attract Travelers and Ride Out Recession*, Newsday, July 22, 1991, at 27.
- Timothy L. O'Brien & Eric Dash, *Is Trump Headed For A Fall?*, N.Y. Times, Mar. 28, 2004, sec. 3 at 1.
- Timothy L. O'Brien & Eric Dash, *Trump, the TV Star, Tries to Woo His Creditors*, Int'l Herald Trib., Mar. 29, 2004, at 11. [Substantially the same story reprinted the following day as *Trump, the TV Star, Woos Wary Creditors*, Int'l Herald Trib., at 17.]
- Timothy L. O'Brien & Eric Dash, *Trump Hotels Reports Loss Of \$49 Million For First Quarter*, N.Y. Times, May 1, 2004, C2.
- Timothy L. O'Brien & Eric Dash, *Market Place; Trump Hotels Digs Deep For Cash To Try To Prop A Teetering House*, N.Y. Times, May 6, 2004, at C1.
- Timothy L. O'Brien & Eric Dash, *Quarterly Report Shows Squeeze at Trump's Casinos; Cash Appears Tight With Debt Payment Due*, Int'l Herald Trib., May 6, 2004, at 13.
- Timothy L. O'Brien & Eric Dash, *Casino Debt is Pinching Trump*, Int'l Herald Trib., May 7, 2004, at 14.

- Timothy L. O'Brien & Eric Dash, *Trump Hotels Makes Payment On Its Debt*, N.Y. Times, May 28, 2004, at C1.
- Timothy L. O'Brien & Eric Dash, *Payment Made Late, Trump Seeks Deal*, Int'l Herald Trib., May 28, 2004, at 19.
- Timothy L. O'Brien & Eric Dash, *Trump Hotels Gain Breathing Space*, Int'l Herald Trib., May 29, 2004, at 18.
- Timothy L. O'Brien & Eric Dash, *Losses Increase As Cash Decreases, Straining Trump's Casinos*, N.Y. Times, July 30, 2004, at C1.
- Timothy L. O'Brien, *Trump Hotels Plans To Seek Bankruptcy*, N.Y. Times, Aug. 10, 2004, at C1.
- Timothy L. O'Brien, *Humbled, Trump Hotels Seek Debt Relief*, Int'l Herald Trib., Aug. 11, 2004, at 13.
- Timothy L. O'Brien & Eric Dash, *Market Place; Trump Must Ante Up \$55 Million To Hold On To 25% Of His Casino*, N.Y. Times, Aug. 11, 2004, at C1.
- Timothy L. O'Brien & Eric Dash, *Can Trump afford casino stake?*, Int'l Herald Trib., Aug. 12, 2004, at 12.
- Timothy L. O'Brien & Eric Dash, *The Midas Touch, With Spin On It*, N.Y. Times, Sept. 8, 2004, at C1.
- Timothy L. O'Brien & Eric Dash, *Trump: the Image and the Reality*, Int'l Herald Trib., Sept. 9, 2004, at 13.
- Timothy L. O'Brien, *Credit Suisse And Trump Hotels Break Off Investment Talks*, N.Y. Times, Sept. 23, 2004, at C8.
- Timothy L. O'Brien & Eric Dash, *Now, Reality For Trump Looks More Like 'Survivor'*, N.Y. Times, Sept. 24, 2004, at C1.
- Timothy L. O'Brien & Eric Dash, *Trump Hotels Said To Reach Deal To Avoid Bankruptcy*, N.Y. Times, Oct. 21, 2004, at C1.
- Timothy L. O'Brien & Eric Dash, *Deal Keeps Trump at Hotel-Casino Helm*, Int'l Herald Trib., Oct. 22, 2004, at 16.

- Timothy L. O'Brien, *What's He Really Worth?*, N.Y. Times, Oct. 23, 2005, sec. 3 at 1.
- TIMOTHY L. O'BRIEN, *BAD BET: THE INSIDE STORY OF THE GLAMOUR, GLITZ, AND DANGER OF AMERICA'S GAMBLING INDUSTRY*, 1998.
- WAYNE BARRETT, *TRUMP: THE DEALS AND THE DOWNFALL*, 1992 (research assistance provided).

**INTERROGATORY NO. 27:**

Describe any instances in which you were terminated or disciplined by an employer in connection with any conduct by you concerning (a) writing, reporting and editing duties; (b) your interactions with sources, potential sources, subjects or potential subjects of articles, potential articles, books or potential books; and (c) your interactions with editors, colleagues and office workers.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 27:**

Defendant objects to this Interrogatory on that ground that it calls for the production of confidential business, personnel, or personal information. Subject to the foregoing general and specific objections, there have been no such instances of termination or discipline.

**INTERROGATORY NO. 28:**

Identify any book deals that you have entered into other than the Work.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 28:**

Defendant objects to the Interrogatory on the ground that it seeks discovery of information neither relevant to the subject matter of this action, material and necessary to the prosecution or defense of this action, nor reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing general and specific objections, I have entered into three other book deals:



- A book deal with Crown Business, culminating in the 1998 publication of "Bad Bet: The Inside Story of the Glamour, Glitz, and Danger of America's Gambling Industry."
- A 2001 book deal with Talk Miramax Books regarding a book on firefighters that ultimately was not published.
- A recent book deal with The Random House Publishing Group to write two novels.

**INTERROGATORY NO. 29:**

Identify any book proposals that you have submitted to any person, including but not limited to any publisher or agent, that were rejected.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 29:**

Defendant objects to the Interrogatory on the ground that it seeks discovery of information neither relevant to the subject matter of this action, material and necessary to the prosecution or defense of this action, nor reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing general and specific objections, no proposals were rejected by all publishing houses offered the opportunity to publish the proposed book.

**INTERROGATORY NO. 30:**

Identify any instance in which you had an agreement to publish a literary work, such work was not published and you subsequently received or requested a kill fee.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 30:**

Defendant objects to the Interrogatory on the ground that it seeks discovery of information neither relevant to the subject matter of this action, material and necessary to the prosecution or defense of this action, nor reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing general and specific

objections, for the unpublished work regarding firefighters (mentioned in my answer to Interrogatory 28), the publisher permitted me to keep the retainer fee in return for work already completed.

INTERROGATORY NO. 31:

Describe any instance or circumstance in which you have been accused of plagiarism, libel, slander or defamation in connection with an article or book you have written or a statement you have made, including the nature of the accusation, the date of the accusation, the work in question and the resolution, if any.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 31:

Defendant objects to the Interrogatory on the ground that it seeks discovery of information neither relevant to the subject matter of this action, material and necessary to the prosecution or defense of this action, nor reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing general and specific objections, in connection with my reporting of a critical story about Emanuel Zeltser for publication in the *NY Times*, Zeltser and certain of his associates made false allegations about me. These claims are recounted at <http://www.russianlaw.org/obrien.htm>.

INTERROGATORY NO. 32:

Identify all lawsuits to which you have been a party, including but not limited to the name of the case, the court, the docket number, the year the lawsuit was filed, whether you were a plaintiff or a defendant, the allegations and the outcome.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 32:

Defendant objects to the extent plaintiff seeks information about lawsuits outside defendant's professional capacity. Subject to the foregoing general and specific objections, I have not been a party to any other lawsuit in my professional capacity.

INTERROGATORY NO. 33:

Were you named as an additional insured on any media perils policy in connection with the Work and, if so, identify the insurance company, policy number and all insureds on each such policy.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 33:

Pursuant to my contract, I was named as an additional insured to the policy of Warner Books, Inc., but I do not know the insurance company, policy number, or the names of other insureds.

INTERROGATORY NO. 34:

For each person answering these interrogatories, state your name, date of birth, home address, work address, job title.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 34:

Timothy L. O'Brien

Date of Birth: 12/15/1961

Current job title: Sunday Business Editor

Work address:

The New York Times

229 W. 43rd Street

New York, NY 10036

I can be contacted through counsel, Debevoise & Plimpton LLP, at 919 Third Avenue, New York, NY 10022.

INTERROGATORY NO. 35:

Beginning with tenth grade, please list each and every educational institution which you have attended. Include with your answer the dates of attendance, your major and degrees received, if any.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 35:

- Loyola Academy, High School Degree, 1977-80
- Georgetown University, B.A. *cum lauds*, English, 1980-84
- Columbia University, Graduate School of Arts and Sciences, M.A., U.S. History, 1986-87
- Columbia University, Graduate School of Journalism, M.S., Journalism, 1989-90
- Columbia University, Graduate School of Business, M.B.A., 1990-92

INTERROGATORY NO. 36:

State the name, address and job title of each person with knowledge or information pertaining to any claim or defense asserted in this action and provide a summary of their knowledge and how it was acquired.

OBJECTIONS AND ANSWER TO INTERROGATORY NO. 36:

Defendant objects to this Interrogatory on the ground that it is premature.

Defendant further objects to this Interrogatory on the ground that it calls for the production of information protected by the newsperson's privilege, as well as by other constitutional, statutory, and common law protections. Subject to the foregoing general and specific objections, defendant refers plaintiff to the Complaint and to the content of the Work for certain information responsive to this Interrogatory. Furthermore, upon information and belief, the following persons have knowledge, and known contact information is provided where available:

- Donald J. Trump, Chairman and President, The Trump Organization, 725 Fifth Avenue, New York, NY 10022
- Allen Weisselberg, The Trump Organization, 725 Fifth Avenue, New York, NY 10022
- Michelle Scarbrough, Attorney, The Trump Organization, 725 Fifth Avenue, New York, NY 10022
- New Jersey Casino Control Commission, Arcade Building, Tennessee Avenue & Boardwalk, Atlantic City, New Jersey 08401
- New Jersey's Department of Gaming Enforcement, P.O. Box 047, Trenton, NJ 08625
- Credit Suisse First Boston, Eleven Madison Avenue, New York, NY 10010-3629
- Deutsche Bank, 60 Wall Street, New York, NY 10005
- Morgan Stanley, 1585 Broadway, New York, NY 10036-8293
- General Electric, 3135 Easton Turnpike, Fairfield, CT 06828-0001
- New World Development Company Limited, New World Tower, 18 Queens Road Central, 30<sup>th</sup> Floor, Hong Kong
- Ullico, 1625 Eye Street, N.W., Washington, DC 20006
- Weiser LLP, 399 Thornall Street, Edison, NJ 08837
- Mark Burnett, c/o Mark Burnett Productions, Inc., 640 N. Sepulveda Blvd., Los Angeles, CA 90049
- Richard LeFrak, c/o The LeFrak Agency, 40 W. 57th St., New York, NY 10019
- Mort Zuckerman, c/o Boston Properties, 599 Lexington Avenue New York, NY 10022-6004
- *Forbes Magazine*, 60 Fifth Avenue, New York, NY 10011
- Peter Newcomb, c/o *Forbes Magazine*, 60 Fifth Avenue, New York, NY 10011

- Timothy L. O'Brien [Identified above]

In addition to those identified above, persons with knowledge include: (1) past and present employees, contractors, agents, representatives, advisors, and affiliates of Donald Trump and/or of any Trump-related entity; (2) past and present, whether actual or prospective, business partners or associates, investors, financiers, creditors, and guarantors of Donald Trump and/or of any Trump-related entity; (3) past and present family members of Donald Trump; (4) relevant regulatory authorities; (5) those other persons known to plaintiff; (6) certain employees of defendants; and (7) those others who may be identified through discovery.

**INTERROGATORY NO. 37:**

Identify any and all persons you intend to call as a witness at the time of trial. In responding to this Interrogatory, set forth a summary of each person's expected testimony.

**OBJECTIONS AND ANSWER TO INTERROGATORY NO. 37:**

Defendant objects to this Interrogatory on the ground that it is premature and to the extent it calls for the production of information protected by the work product doctrine and attorney-client privilege. Defendant will identify witnesses prior to trial in a manner consistent with applicable court rules and orders.

**INTERROGATORY NO. 38:**

State the name, occupation and address of any and all experts consulted by the responding party concerning the Litigation, regardless of whether or not you expect that expert to testify.