

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE NO. 08-060702 CACE (07)  
CASE NO. 09-01853 CACE (07)  
(consolidated)

MATTHEW ABERCROMBIE, et al.,

Plaintiffs,

v.

SB HOTEL ASSOCIATES, LLC, BAYROCK GROUP, LLC,  
DONALD TRUMP, ROY STILLMAN,  
CHICAGO TITLE INSURANCE  
COMPANY and CORUS BANK, N.A.,

Defendants.

-----/

VIDEO DEPOSITION OF ANDREW WEISER

TAKEN ON BEHALF OF THE PLAINTIFFS

JUNE 5, 2013

10:37 a.m. to 12:06 p.m.

LAW OFFICES OF JOSEPH E. ALTSCHUL, LLC  
2717 WEST CYPRESS CREEK ROAD  
FORT LAUDERDALE, FLORIDA 33309

REPORTED BY:  
JESSICA COOPER, COURT REPORTER  
NOTARY PUBLIC, STATE OF FLORIDA



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<p>2</p> <p>1 APPEARANCES OF COUNSEL                  2 ON BEHALF OF THE PLAINTIFFS:                  3 JOSEPH E. ALTSCHUL LLC                  JOSEPH E. ALTSCHUL, ESQ.                  4 2717 WEST CYPRESS CREEK ROAD                  FORT LAUDERDALE, FLORIDA 33309                  5 954-556-4816                  joe@jealegal.com                  6                  ON BEHALF OF THE WITNESS:                  7                  COLDWELL BANKER RESIDENTIAL REAL ESTATE                  8 NATHANIEL KLITSBERG, ESQ.                  2800 WESTON ROAD                  9 SUITE 201                  WESTON, FLORIDA 33331-3638                  10 (954)349-6101                  nathaniel.klitsberg@nrtsoutheast.com                  11                  ON BEHALF OF THE DEFENDANTS:                  12                  RUSSOMANNO &amp; BORRELLO, P.A.                  13 HERMAN J. RUSSOMANNO, III, ESQ.                  MUSEUM TOWER                  14 150 WEST FLAGLER STREET                  SUITE 2800                  15 MIAMI, FLORIDA 33130-1560                  (305)373-2101                  herman2@russomanno.com                  16                  17 LEVINE, KELLOGG, LEHMAN, SCHNEIDER + G, LLP                  STEPHANIE REED TRABAND, ESQ.                  18 201 SOUTH BISCAYNE BOULEVARD                  22ND FLOOR                  19 MIAMI, FLORIDA 33131-2301                  (305)403-8788                  20 srt@kksig.com                  21                  22                  23                  24                  25</p>	<p>4</p> <p>1 INDEX TO EXHIBITS                  2 PLAINTIFF'S DESCRIPTION PAGE                  EXHIBIT                  3                  693 A page off of Mr. Weiser's website 28                  4                  694 Letter from Donald Trump 35                  5                  695 Composite document 66                  6                  7 INDEX TO PREVIOUSLY MARKED EXHIBITS                  8 EXHIBIT DESCRIPTION PAGE                  9 60 Actual purchase agreement 70                  10 63 Property 77                  11 566 Cather reservation agreement 41                  12 681 (No description) 34                  13 689 Temporary brochure 32                  14 691 Document 34                  15 692 (No description) 35                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p>
<p>3</p> <p>1 INDEX OF EXAMINATION                  2 WITNESS: Andrew Weiser                  PAGE                  3 DIRECT EXAMINATION                  By Joseph E. Altschul, Esq. 6                  4                  CROSS-EXAMINATION                  5 By Herman Russomanno, Esq. 50                  6 CROSS-EXAMINATION                  By Stephanie Reed Traband, Esq. 80                  7                  8                  9                  10                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p>	<p>5</p> <p>1 VIDEO DEPOSITION OF ANDREW WEISER                  2 JUNE 5, 2013                  3 THE COURT REPORTER: Okay. We're now on the                  4 video record. Today's date is June 5th, 2013 and                  5 the time is 10:36 a.m. This is the video                  6 deposition of Andy Weiser taken in the matter of                  7 Matthew Abercrombie, et al., v. SB Associates,                  8 LLC.; Case No. 08-060702 CACE (07) v. CACE No. --                  9 v. 09-01853 CACE (07). We're located at 2717 West                  10 Cypress Creek Road, Fort Lauderdale, Florida                  11 33309.                  12 The digital court reporter is Jessica Cooper                  13 with the firm Universal Court Reporting. Would                  14 counsel please introduce themselves for the                  15 record.                  16 MR. ALTSCHUL: Joseph Altschul here on behalf                  17 of the plaintiffs.                  18 MS. TRABAND: Stephanie Traband from the law                  19 firm of Levine, Kellogg, here on behalf of Corus                  20 Construction Venture, LLC.                  21 MR. RUSSOMANNO: Herman Russomanno on behalf                  22 of Donald Trump.                  23 MR. KLITSBERG: Nathaniel Klitsberg on behalf                  24 of Andy Weiser.                  25 MR. ALTSCHUL: Please state your name.</p>

6	<p>1 THE COURT REPORTER: Sorry.</p> <p>2 MR. ALTSCHUL: Oh, okay.</p> <p>3 Thereupon:</p> <p>4 ANDREW WEISER,</p> <p>5 having been first duly sworn, testified as follows:</p> <p>6 DIRECT EXAMINATION</p> <p>7 BY MR. ALTSCHUL:</p> <p>8 <b>Q Please state your name.</b></p> <p>9 A Andrew Weiser.</p> <p>10 <b>Q Mr. Weiser, have you ever had your deposition</b></p> <p>11 <b>taken before?</b></p> <p>12 A Yes.</p> <p>13 <b>Q How many times you had it taken?</b></p> <p>14 A Once.</p> <p>15 <b>Q Okay. Let me just review some of the rules.</b></p> <p>16 <b>They were probably explained to you previously, but let</b></p> <p>17 <b>me go ahead and explain them. I'm going to ask you</b></p> <p>18 <b>questions. You need to wait until I finish my</b></p> <p>19 <b>questions before you begin to answer so that the court</b></p> <p>20 <b>reporter can get us both down, and we're not talking at</b></p> <p>21 <b>the same time. Good?</b></p> <p>22 A Yes.</p> <p>23 <b>Q Okay. You also -- you have to answer</b></p> <p>24 <b>audibly. You can't say "mm-hmm" or "mm-mmm" or nods</b></p> <p>25 <b>of</b></p>	8
7	<p>1 down as well. Good?</p> <p>2 A Yes.</p> <p>3 <b>Q Okay. Great. What type of deposition did</b></p> <p>4 <b>you have your case taken in previously? What type of</b></p> <p>5 <b>case was it?</b></p> <p>6 A Wrongful -- lack of -- non-closing of a deal.</p> <p>7 <b>Q And what was your involvement in that -- the</b></p> <p>8 <b>deal that you're referring to?</b></p> <p>9 A I brought the buyer to the table. The buyer</p> <p>10 decided not to go forward with the deal and stopped</p> <p>11 speaking with anyone. At one point, he claimed that</p> <p>12 his wife had fallen off a building, had had a nervous</p> <p>13 breakdown, and his dog died --</p> <p>14 <b>Q Okay.</b></p> <p>15 A -- and didn't have to close because of that.</p> <p>16 <b>Q Okay. And so, did the seller bring a lawsuit</b></p> <p>17 <b>against the buyer?</b></p> <p>18 A Yes.</p> <p>19 <b>Q Was it for a specific performance?</b></p> <p>20 A It -- no, it wasn't for specific performance.</p> <p>21 <b>Q What --</b></p> <p>22 A I'm trying -- I'm trying to remember what the</p> <p>23 exact term -- the end -- at the end of the day -- I'm</p> <p>24 going to skip because I don't remember.</p> <p>25 <b>Q Okay.</b></p>	9
6	<p>1 A It was --</p> <p>2 <b>Q And by the way --</b></p> <p>3 A It was a number of years ago.</p> <p>4 <b>Q Yeah. And by the way, I should have said</b></p> <p>5 <b>that in the instructions, you know. This isn't a</b></p> <p>6 <b>memory contest. So, if you don't remember something,</b></p> <p>7 <b>just say "I don't remember". And if there's anything</b></p> <p>8 <b>that I can offer to you to refresh your recollection, I</b></p> <p>9 <b>may do that or I may not. In addition, "I don't know"</b></p> <p>10 <b>is a perfectly acceptable answer, if that's what it is.</b></p> <p>11 <b>So, don't feel compelled that you have to give answers</b></p> <p>12 <b>if you don't know the answer because I don't want you</b></p> <p>13 <b>to guess. None of the lawyers here want you to guess.</b></p> <p>14 A Understood.</p> <p>15 <b>Q And so, in that case, you testified in a</b></p> <p>16 <b>deposition, yes?</b></p> <p>17 A Yes.</p> <p>18 <b>Q Did you testify in trial on that case as</b></p> <p>19 <b>well?</b></p> <p>20 A No.</p> <p>21 <b>Q Okay. Did that case ultimately settle?</b></p> <p>22 A It's settled.</p> <p>23 <b>Q Okay. Did the seller keep the deposit?</b></p> <p>24 A Yes.</p> <p>25 <b>Q Did the seller get additional money on top of</b></p>	8
7	<p>1 that?</p> <p>2 A No.</p> <p>3 <b>Q Okay. I want to walk through your -- just</b></p> <p>4 <b>very briefly, your educational background and</b></p> <p>5 <b>employment starting with the time that you graduated</b></p> <p>6 <b>from high school. But first, with the education then</b></p> <p>7 <b>we'll go through the employment.</b></p> <p>8 A I graduated New York University.</p> <p>9 <b>Q What year?</b></p> <p>10 A 1975.</p> <p>11 <b>Q And what was your degree in?</b></p> <p>12 A Psychology and television.</p> <p>13 <b>Q Okay. Any other educational degrees other</b></p> <p>14 <b>than NYU -- and that was a bachelor's degree?</b></p> <p>15 A It was a bachelor's degree.</p> <p>16 <b>Q Okay. And any additional formal education?</b></p> <p>17 A No.</p> <p>18 <b>Q Okay. What about licensing such as real</b></p> <p>19 <b>estate license? You're a licensed real estate agent?</b></p> <p>20 A Yes, I am licensed real estate broker.</p> <p>21 <b>Q You're a licensed broker. How long have you</b></p> <p>22 <b>been a license broker?</b></p> <p>23 A In the State of Florida, 16 years.</p> <p>24 <b>Q And prior to the State of Florida?</b></p> <p>25 A New York.</p>	9



10

1 **Q For how long?**  
 2 A 15 years as a broker.  
 3 **Q And prior to that?**  
 4 A I was in advertising for approximately one  
 5 year or a little less than one year.  
 6 **Q Was that your first year out of college?**  
 7 A No. This is while I was in college, through  
 8 my first year out of college.  
 9 **Q Okay. And after the one year working for the**  
 10 **advertising company, have you worked in real estate**  
 11 **since that time?**  
 12 A Yes.  
 13 **Q Okay. And with respect to your experience in**  
 14 **New York, where in New York?**  
 15 A I started off for a company called Real  
 16 Associates John B. Swift. From there, I went to The  
 17 Ettinger Group. From The Ettinger Group, I went to a  
 18 small company whose name I can't even recall because it  
 19 was for about four months. After that, the Corcoran  
 20 Group.  
 21 **Q Does that take us through the New York**  
 22 **experience?**  
 23 A There's one or two more on top -- there was  
 24 Rock Monte Corporation on there.  
 25 **Q Where in New York --**

11

1 A There were -- there was one or --  
 2 **Q Okay. Where in New York did you work as a**  
 3 **broker? What --**  
 4 A Manhattan.  
 5 **Q Oh, all of your experience was in Manhattan?**  
 6 A Some of our projects took us to the outer  
 7 boroughs.  
 8 **Q Okay. What type of real estate did you work**  
 9 **in when you were in New York?**  
 10 A Converting rentals to cooperative and general  
 11 sales.  
 12 **Q Okay. And with respect to the general sales,**  
 13 **was the general sales a residential real estate or**  
 14 **commercial real estate or both?**  
 15 A It was primarily residential.  
 16 **Q Okay. So, would it be a fair statement that**  
 17 **all of your -- that, basically, all of your experience**  
 18 **in New York for 15 years was involving residential real**  
 19 **estate of some sort?**  
 20 A Yes.  
 21 **Q Okay. You've never held yourself out as a**  
 22 **commercial real estate broker?**  
 23 A No.  
 24 **Q Okay. Let's jump to Florida now. If you**  
 25 **would walk me through your experience in Florida.**

12

1 A Who I've worked for?  
 2 **Q Yes. Yeah, please.**  
 3 A Coldwell Banker.  
 4 **Q The entire 16 years that you've been in**  
 5 **Florida, you've been with Coldwell Banker?**  
 6 A Yes.  
 7 **Q And is the answer the same with respect to**  
 8 **the breadth of your experience? Is it strictly**  
 9 **residential real estate in the State of Florida?**  
 10 A Primarily residential.  
 11 **Q Okay. Have you also worked as a commercial**  
 12 **broker in Florida?**  
 13 A I have done two commercial deals in Florida.  
 14 **Q Okay. You're familiar with the project that**  
 15 **was to be known as the Trump International Hotel &**  
 16 **Tower, correct?**  
 17 A Yes.  
 18 **Q Okay. If you would, and I know it's**  
 19 **searching the archives that was a number of years ago.**  
 20 **But if you could, tell me how you came to be involved**  
 21 **in that project.**  
 22 A I received a phone call asking me if I would  
 23 be interested in the project -- in working on a  
 24 project. Excuse me. I went to a breakfast meeting  
 25 where the project was outlined for me. I was

13

1 subsequently -- I'm going to use the word "given" or  
 2 "granted" a block of apartments to sell, and that was  
 3 how I got involved.  
 4 **Q Do you know when this breakfast meeting was?**  
 5 A I can't give you an exact date. I'm going to  
 6 say -- I can't give you an exact date. It was the  
 7 beginning of 2005 or the end of 2004, very end. I'm  
 8 talking -- very end. So --  
 9 **Q Do you know how you came to be invited to**  
 10 **this breakfast meeting?**  
 11 A Specifically, no.  
 12 **Q How about generally?**  
 13 A Perhaps, because if you Google, at the time,  
 14 Fort Lauderdale real estate new construction, I came up  
 15 and I was also called The King -- I was also called The  
 16 Dean of new construction.  
 17 **Q Who was it who invited you to this breakfast**  
 18 **meeting?**  
 19 A Someone from, who they said was, the  
 20 developer's office.  
 21 **Q Okay. Do you know -- did they identify what**  
 22 **office that was?**  
 23 A They may have, I don't remember.  
 24 **Q You ultimately attended the breakfast**  
 25 **meeting, yes?**

14

1 A Yes.

2 **Q Okay. And as a result you have the right to**

3 **sell a block of units in the project? And when I say**

4 **"project", I'm referring to the Trump International,**

5 **the building that was to be known as Trump**

6 **International Hotel & Tower Fort Lauderdale. You --**

7 **so, you were given a group of units to sell, correct?**

8 A Could you break that into two questions for

9 me, please?

10 **Q Sure. Were you assigned units to sell in the**

11 **project?**

12 A Yes.

13 **Q Okay. And were you given an exclusive right**

14 **to sell those units?**

15 A Yes.

16 **Q And were you aware of other brokers being**

17 **involved in the project?**

18 A Yes.

19 **Q What other brokers were involved?**

20 A Galleria Collection of Fine Homes and Joel

21 Green.

22 **Q Did -- were you aware of their involvement at**

23 **-- from your first meeting -- from this breakfast**

24 **meeting that you've referred to?**

25 A Yes.

15

1 **Q So, Galleria Collection was already on board?**

2 A I don't know if they were already on board. I

3 was -- I was let know that there were other realtors,

4 and they mentioned Galleria.

5 **Q And did they mention Joel Green at that time**

6 **as well?**

7 A They didn't mention him by name.

8 **Q And do you know Joel Green?**

9 A Never met him.

10 **Q Once you got involved in the project, did you**

11 **work with the Galleria Collection in any capacity? I**

12 **don't mean as licensed agent, but in relation to sales**

13 **of units in the project.**

14 A I took reservation -- that's a difficult

15 question to answer because it's a multipart question.

16 **Q Well, break it down for me.**

17 A I took reservations. The reservations were

18 turned over to Galleria. Galleria took the ball and

19 ran with it from there.

20 **Q Once the reservation was signed, were you**

21 **essentially out of the loop at that point?**

22 A Yes.

23 **Q And from thereon, your clients had all their**

24 **communications through Galleria or other people besides**

25 **you?**

16

1 A Yes.

2 **Q And when I say "you", I'm also referring to**

3 **Coldwell Banker.**

4 A Yes.

5 **Q Let me -- I want to run through some of the**

6 **names of people at Galleria and find out which people**

7 **you worked with in relation to this project. And**

8 **before I run through the names, let me just ask you a**

9 **couple of other questions. Are -- were there any times**

10 **where you had discussions with Galleria people before**

11 **reservation agreements were signed?**

12 A No.

13 **Q Okay. Did you --**

14 A I'm sorry. No.

15 **Q Did you ever look to Galleria for information**

16 **about the project?**

17 A Again, that's a difficult question to answer.

18 I'd like to break the answer down into two parts.

19 **Q Please do.**

20 A I may have called to ask for more brochures.

21 So, in that respect, yes.

22 **Q Okay. And aside from asking for more**

23 **brochures, would you -- did you have any other**

24 **involvement with Galleria prior to the time a client**

25 **would sign a reservation agreement?**

17

1 A Prior to the time, no.

2 **Q Okay. Do you know how many units were**

3 **assigned to you?**

4 A I don't remember exactly.

5 **Q Did -- whatever was assigned to you, did you**

6 **sell all those units?**

7 A I believe I sold most of them.

8 **Q Okay. Do you remember the names of any of**

9 **your clients who purchased units in the project?**

10 A Yes, I do.

11 **Q Okay. Tell me what you remember, please.**

12 A Barry Silverman, George and Cathey Cather,

13 Tahiti Investment Group -- those are all I can

14 remember.

15 **Q Did you know any of those three purchasers or**

16 **reservation agreement contractees before you got**

17 **involved with the Trump project?**

18 A Yes.

19 **Q Who?**

20 A Barry Silverman and George and Cathey Cather.

21 Tahiti Investment Group, I believe came through a

22 realtor. I believe, New Jersey or Illinois. They're

23 out of Florida, so it's one big country.

24 **Q A realtor who you knew --**

25 A Yes.

18	<p>1 Q -- knew the Tahiti people?</p> <p>2 A Yes.</p> <p>3 Q I'm going to run through the names of some of</p> <p>4 the Galleria Collection people. And you tell me</p> <p>5 whether you -- first, whether you know each person.</p> <p>6 Let's start with Maritza Meza.</p> <p>7 A Yes.</p> <p>8 Q Okay. Did you deal with Maritza Meza at all</p> <p>9 in relation to this project?</p> <p>10 A I don't remember.</p> <p>11 Q Did you know Maritza Meza before the project?</p> <p>12 A Yes.</p> <p>13 Q Do you still know Maritza Meza?</p> <p>14 A Yes.</p> <p>15 Q Do you -- does she work for Coldwell Banker?</p> <p>16 A Yes.</p> <p>17 Q Are you in the same office?</p> <p>18 A No.</p> <p>19 Q Which office is she in?</p> <p>20 A She is in, I believe, the Las Olas office.</p> <p>21 Q When is the last time you had any</p> <p>22 conversation with Maritza Meza about this project?</p> <p>23 A I can't remember.</p> <p>24 Q Can you tell me whether it was before or</p> <p>25 after 2006?</p>	20
19	<p>1 So, this was the --</p> <p>2 Q I'm sorry. What did you say?</p> <p>3 A I rarely had a nice --</p> <p>4 Q Interaction?</p> <p>5 A -- interaction with Paul McRae.</p> <p>6 Q Okay. Did you not get along with Paul McRae?</p> <p>7 A Paul McRae doesn't get along with anyone.</p> <p>8 Q Okay. Aside from whether he was nice or not,</p> <p>9 what do you recall?</p> <p>10 A About this project?</p> <p>11 Q Yes.</p> <p>12 A Him grunting when I would bring in</p> <p>13 reservations.</p> <p>14 Q Did you under -- did he let you know why he</p> <p>15 was grunting when you would bring in reservations?</p> <p>16 A No. That was a typical Paul McRae.</p> <p>17 Q Did Paul McRae ever express to you that he</p> <p>18 was not happy that you were selling units in this</p> <p>19 project in addition to his company?</p> <p>20 A Not directly.</p> <p>21 Q Okay. Indirectly?</p> <p>22 A By grunting.</p> <p>23 Q By grunting. That's what you -- so, you took</p> <p>24 his grunt --</p> <p>25 A I took his grunting to be, "I'm not happy</p>	21
19	<p>1 A I don't remember.</p> <p>2 Q Okay. You haven't had any -- would it be</p> <p>3 accurate to say that you haven't had any conversation</p> <p>4 with her in the last few years?</p> <p>5 A That would be correct.</p> <p>6 Q About anything?</p> <p>7 A No.</p> <p>8 Q About this project?</p> <p>9 A Just about this project.</p> <p>10 Q Okay. Are you friends with Maritza?</p> <p>11 A We're colleagues.</p> <p>12 Q You're not social friends?</p> <p>13 A No.</p> <p>14 Q Let me go through a few other names. Do you</p> <p>15 know Rosemarie Friedman?</p> <p>16 A No.</p> <p>17 Q Sherry Boylan?</p> <p>18 A No.</p> <p>19 Q Jimmy Shambo?</p> <p>20 A No.</p> <p>21 Q Paul McRae?</p> <p>22 A I know Paul McRae.</p> <p>23 Q What was your -- what interaction did you</p> <p>24 have with Paul McRae relating to this project, if any?</p> <p>25 A I rarely had a nice reaction with Paul McRae.</p>	21



22	<p>1 A I dealt with Brian on other projects.</p> <p>2 <b>Q Did you ever deal with Brian on this project?</b></p> <p>3 A I don't remember.</p> <p>4 <b>Q Melanie Schrand?</b></p> <p>5 A Yes.</p> <p>6 <b>Q And what's your knowledge of Melanie Schrand?</b></p> <p>7 A Melanie is a realtor.</p> <p>8 <b>Q Okay. Any interaction with Melanie relating</b></p> <p>9 <b>to this project?</b></p> <p>10 A No.</p> <p>11 <b>Q Let me go through a few other names and see</b></p> <p>12 <b>if you either have communicated with them or dealt with</b></p> <p>13 <b>them either in relation to this project or otherwise.</b></p> <p>14 <b>First, Donald Trump.</b></p> <p>15 A I know about Mr. Trump.</p> <p>16 <b>Q Okay. Had -- did you ever meet Donald Trump?</b></p> <p>17 A No.</p> <p>18 <b>Q Did you ever speak to Donald Trump?</b></p> <p>19 A No.</p> <p>20 <b>Q How about Roy Stillman?</b></p> <p>21 A I don't remember if I've spoken to Mr.</p> <p>22 Stillman.</p> <p>23 <b>Q You don't know whether you ever spoke to Mr.</b></p> <p>24 --</p> <p>25 A I don't remember if I've spoken with Mr.</p>	24	<p>1 -- it was senada@trump, possibly followed by --</p> <p>2 <b>Q It was some kind of Trump e-mail address?</b></p> <p>3 A Yes.</p> <p>4 <b>Q Okay. What was her -- what was Senada's role</b></p> <p>5 <b>on the project as you understood it?</b></p> <p>6 A She was liaison as far as my dealing with</p> <p>7 her. If I needed a specific type of unit that I no</p> <p>8 longer had -- for example, let's say, I had sold out</p> <p>9 one-bedrooms, I approach Senada for another one-bedroom</p> <p>10 or two-bedroom. We subsequently became slight social</p> <p>11 friends.</p> <p>12 <b>Q Do you still stay in contact with Senada?</b></p> <p>13 A Yes.</p> <p>14 <b>Q And where is she located?</b></p> <p>15 A She is now with Douglas Elliman in Palm Beach</p> <p>16 County.</p> <p>17 <b>Q How about Michelle Conte? Do you know her?</b></p> <p>18 A I know the name.</p> <p>19 <b>Q Okay. Did you ever speak or communicate with</b></p> <p>20 <b>Michelle Conte?</b></p> <p>21 A I don't remember.</p> <p>22 <b>Q How about Joel Green?</b></p> <p>23 A I never met Mr. Green.</p> <p>24 <b>Q Have you ever spoken to Mr. Green?</b></p> <p>25 A No.</p>
23	<p>1 Stillman. He may have been at the breakfast; he may</p> <p>2 not have been.</p> <p>3 <b>Q You're talking about the breakfast where you</b></p> <p>4 <b>had your initial meeting about the project --</b></p> <p>5 A Yes.</p> <p>6 <b>Q -- that you've already testified about?</b></p> <p>7 A Yes.</p> <p>8 <b>Q You don't recall ever speaking to Stillman by</b></p> <p>9 <b>telephone?</b></p> <p>10 A I don't recall.</p> <p>11 <b>Q Okay. How about Armen Boyajian?</b></p> <p>12 A No.</p> <p>13 <b>Q Senada Adzem?</b></p> <p>14 A Yes.</p> <p>15 <b>Q Okay. Who is Senada Adzem?</b></p> <p>16 A Senada was my contact with the Trump</p> <p>17 Organization.</p> <p>18 <b>Q Did you understand her to work for Trump?</b></p> <p>19 A Yes.</p> <p>20 <b>Q And how did you -- why did you believe she</b></p> <p>21 <b>worked for Trump?</b></p> <p>22 A Because Senada was also working on Trump Soho</p> <p>23 at the time, and we referred to it as our project. And</p> <p>24 I believed her to be in the Trump offices. And her e-</p> <p>25 mail address was senada@trump or trumporganization. It</p>	25	<p>1 <b>Q You guys -- it sounds like we're running</b></p> <p>2 <b>along the same circles or the same paths professionally</b></p> <p>3 <b>for -- at least for a period of time?</b></p> <p>4 A Yes.</p> <p>5 <b>Q But you guys just never intersected, never</b></p> <p>6 <b>met?</b></p> <p>7 A Never really intersected.</p> <p>8 <b>Q Never e-mailed with each other?</b></p> <p>9 A No. We actually had a lot of the same</p> <p>10 information on both of our sites.</p> <p>11 <b>Q Did you check his site? Did --</b></p> <p>12 A Yes.</p> <p>13 <b>Q -- you look at Joel Green's website?</b></p> <p>14 A Yes.</p> <p>15 <b>Q And when I say "his website", I'm talking</b></p> <p>16 <b>about a website relating to this project.</b></p> <p>17 A Yes.</p> <p>18 <b>Q How about Jill Cremer?</b></p> <p>19 A No.</p> <p>20 <b>Q Ramola Motwani?</b></p> <p>21 A No.</p> <p>22 <b>Q Dev Motwani?</b></p> <p>23 A No.</p> <p>24 <b>Q Nitin Motwani?</b></p> <p>25 A No.</p>



26

1 **Q Roger Stein?**  
 2 A Yes.  
 3 **Q Okay. Tell me about Roger Stein.**  
 4 A I spoke with Mr. Stein. I still have Mr.  
 5 Stein's phone number.  
 6 **Q And did you recall when you spoke to Mr.**  
 7 **Stein?**  
 8 A I spoke to Mr. Stein while I was selling. And  
 9 I spoke to Mr. Stein after the project or after I was  
 10 no longer involved with the project because he was  
 11 listing his apartments at Las Olas Beach Club and I  
 12 approached him for the listing.  
 13 **Q When were you no longer involved with the**  
 14 **project? Give me your best estimate.**  
 15 A I can't give you an exact time. It seem to  
 16 have just fizzled.  
 17 **Q Did you attend any promotional events or**  
 18 **social events where Donald Trump or any of the Trumps**  
 19 **were present?**  
 20 A I chose not to.  
 21 **Q Why?**  
 22 A My description of hell is spending an evening  
 23 with realtors.  
 24 **Q Okay. Are you familiar with an event where**  
 25 **Wyclef Jean performed?**

27

1 A The Bonnet House event.  
 2 **Q Are you familiar with that?**  
 3 A Yes.  
 4 **Q Did you attend that?**  
 5 A No, and I didn't get my cufflinks either.  
 6 **Q Were cufflinks given out?**  
 7 A If you sold three units, you got cufflinks.  
 8 **Q Okay. And what did the cufflinks look like?**  
 9 A I have no idea. I never got a set.  
 10 **Q Was that a new promotion that was announced**  
 11 **at that event?**  
 12 A Yes.  
 13 **Q Okay. Was that an event primarily for**  
 14 **realtors?**  
 15 A Yes.  
 16 **Q Do you know whether Donald Trump attended**  
 17 **that event?**  
 18 A Yes.  
 19 **Q And since you didn't attend, you know, you**  
 20 **seem to have some knowledge about it. What's the**  
 21 **source of your knowledge?**  
 22 A Read it in the newspaper.  
 23 **Q Do you recall which newspaper you read it in?**  
 24 A New Times.  
 25 **Q Would that be the Trump Towers article?**

28

1 A I don't remember the title of the article.  
 2 **Q Was it a fairly lengthy article about that**  
 3 **event and about this project?**  
 4 A Every article in New Times is a lengthy  
 5 article. This was -- they're no different than --  
 6 **Q Yeah.**  
 7 A -- I believe, any other article in New Times.  
 8 **Q Were you a regular reader of New Times?**  
 9 A Yes.  
 10 **Q And I'm only just referring to that time**  
 11 **period now.**  
 12 THE COURT REPORTER: Is it a "yes"?  
 13 **Q (By Mr. Altschul) Yes?**  
 14 A I'm sorry. Yes.  
 15 **Q Let me show you what is being marked for this**  
 16 **deposition as Exhibit 693, and ask you to take a look,**  
 17 **if you would, please.**  
 18 (Thereupon, Exhibit 693 was entered into the  
 19 record.)  
 20 (Thereupon, a short discussion was had off  
 21 record.)  
 22 (Deposition resumed.)  
 23 MR. ALTSCHUL: Let me see that for one  
 24 minute.  
 25 THE COURT REPORTER: Do you need exhibit

29

1 stickers?  
 2 MR. ALTSCHUL: Off the record.  
 3 (Thereupon, a short discussion was had off  
 4 record.)  
 5 (Deposition resumed.)  
 6 MR. ALTSCHUL: Back on the record.  
 7 **Q (By Mr. Altschul) Take a look at Exhibit 693,**  
 8 **please. My first question to you is, are you familiar**  
 9 **with Exhibit 693?**  
 10 A Yes.  
 11 **Q What is it?**  
 12 A It looks to be a page off my website.  
 13 **Q Okay. And was it a page off your website**  
 14 **devoted to this project?**  
 15 A Yes.  
 16 **Q Where did you get the information that you**  
 17 **used to put this website together?**  
 18 A From a few places. The Trump brochures --  
 19 **Q Okay.**  
 20 A -- and newspaper articles, which quoted the  
 21 Trump brochures.  
 22 **Q Did you have any type of agreement or**  
 23 **requirement as to what content you were allowed to put**  
 24 **on your website relating to this project with anybody**  
 25 **else relating to the project?**

30

1 A No.

2 **Q You were free to put whatever you want on**

3 **here?**

4 A Yes.

5 **Q Okay. Let me ask you to go down -- I'm**

6 **sorry. Did you need to qualify that?**

7 A I'd like to qualify.

8 **Q Please do.**

9 A They had the right to -- and by "they", I

10 mean the people in New York, have the right, if they

11 didn't like something, to have it changed.

12 **Q Okay. Do you know whether the people in New**

13 **York ever looked at your website?**

14 A I don't know.

15 **Q Okay. So, you don't know whether they ever**

16 **verified the accuracy of what was on there or not?**

17 A I don't know.

18 **Q If you would look in the center of the page,**

19 **there's a number of bulleted items. And I want you to**

20 **go down two lines below the last bulleted item. There's**

21 **a sentence that says, "Donald Trump in partnership with**

22 **developer, Roy Stillman of New York's Bayrock Merrimac,**

23 **LLC., will build a 24-story, 298- room, \$200,000,000**

24 **hotel condominium tower on 200 feet of Fort**

25 **Lauderdale's ocean front, just a few blocks from Las**

31

1 **Olas Boulevard." Do you see that?**

2 A Yes.

3 **Q Where did that come from?**

4 A It came from the brochures for the property,

5 and I believe I also got it from a newspaper article.

6 **Q Do you know when you put up your website with**

7 **the page for this project?**

8 A It would have been in February.

9 **Q Of 2005?**

10 A Yes.

11 **Q How do you remember that? How do you know in**

12 **February?**

13 A Because that's when we began selling, the end

14 of February.

15 **Q Was that when units first became available**

16 **for anybody to sell?**

17 A It's when units were given to me to sell.

18 **Q Okay. Do you know whether the Galleria had**

19 **already been selling before that time or not?**

20 A I don't know.

21 **Q Do you recall what brochures you used**

22 **relating to the project to prepare your website?**

23 A There was one primary brochure that I used.

24 **Q Okay. Can you describe it for me, please?**

25 A I'm going to say eight inches, nine inches

32

1 square chocolate brown color.

2 **Q And this was a brochure that was ready before**

3 **you prepared your website; is that your --**

4 A Yes.

5 **Q -- recollection?**

6 A That's where most of the information from

7 here, I believe, comes from.

8 **Q Do you know whether there had been a**

9 **temporary brochure prepared for the project at any**

10 **point?**

11 A I don't know.

12 **Q Was there any electronic version of the**

13 **brochure for you to be able to send to your clients or**

14 **potential purchasers?**

15 A I don't remember.

16 **Q Let me show you a document that was**

17 **previously marked as Exhibit 689, and ask you to take a**

18 **look at that, please.**

19 (Thereupon, a short discussion was had off

20 record.)

21 (Deposition resumed.)

22 **Q (By Mr. Altschul) Have you seen Exhibit 689**

23 **before?**

24 MR. KLITSBERG: I'm going to just object to

25 the form.

33

1 MR. ALTSCHUL: Sure.

2 MR. KLITSBERG: And just not to tell you how

3 to ask your question. Do you mean in this

4 specific format or the content or --

5 MR. ALTSCHUL: In any kind, any format, any

6 content.

7 A I've never seen it in this format.

8 **Q (By Mr. Altschul) Does the document look**

9 **familiar -- does any of the content there look familiar**

10 **to you?**

11 A The content looks familiar to me. Some of

12 the content looks familiar to me.

13 **Q Do you know Carina Radonich?**

14 A No.

15 **Q Do you know who she is?**

16 A No.

17 **Q Carina gave it -- she was one of the Galleria**

18 **Collection salespeople and she testified that most of**

19 **this document was a temporary brochure that they sent**

20 **to people by e-mail. And I'm telling you to the extent**

21 **that whether that refreshes your recollection as to**

22 **whether you've seen anything like this in the e-mail**

23 **form for the purposes of being able to send it to**

24 **potential purchasers.**

25 A It doesn't refresh my memory.

34	<p>1 <b>Q</b> Okay. Let me show you another document that</p> <p>2 was marked as Exhibit 691 in prior deposition, and ask</p> <p>3 if you've seen this document before.</p> <p>4 (Thereupon, a short discussion was had off</p> <p>5 record.)</p> <p>6 (Deposition resumed.)</p> <p>7 <b>Q</b> (By Mr. Altschul) Have you seen Exhibit 691</p> <p>8 before?</p> <p>9 A No.</p> <p>10 <b>Q</b> Let me show you what was marked as Exhibit</p> <p>11 681 in a prior deposition. Have you seen Exhibit 681</p> <p>12 before?</p> <p>13 A No.</p> <p>14 <b>Q</b> Now, exhibit --</p> <p>15 A Not that I remember.</p> <p>16 <b>Q</b> Exhibit 681, at the top, has what looks like</p> <p>17 a logo of some sort or a letterhead. And there was a</p> <p>18 testimony that there was a stationery with this</p> <p>19 letterhead on it. Did you have any stationery with</p> <p>20 Trump letterhead on it?</p> <p>21 A I had brochures with this logo.</p> <p>22 <b>Q</b> But not stationery?</p> <p>23 A I don't believe so.</p> <p>24 <b>Q</b> Let me show you what was marked as Exhibit</p> <p>25 692 at a prior deposition, and ask you to take a look</p>	36	<p>1 being marked, but it's a brown brochure that folds out</p> <p>2 and it has this letter in the front cover, and then it</p> <p>3 has a brochure inside as well. And this one has the</p> <p>4 business card of Rosemarie Friedman. But if you would</p> <p>5 take a look at this brochure, and then I'll ask you a</p> <p>6 few questions about it.</p> <p>7 MS. TRABAND: Just to make sure the record is</p> <p>8 clear. When you refer to this letter, you are</p> <p>9 referring to a colored version of 694?</p> <p>10 MR. ALTSCHUL: I was, yes.</p> <p>11 MS. TRABAND: I guess the brochure is signed</p> <p>12 --</p> <p>13 MR. ALTSCHUL: Yes.</p> <p>14 MS. TRABAND: -- 689. Obviously, 689 was not</p> <p>15 --</p> <p>16 MR. ALTSCHUL: It is not.</p> <p>17 MS. TRABAND: Okay. I'm sorry.</p> <p>18 MR. ALTSCHUL: It is not. It is not. This</p> <p>19 brochure was -- they have been produced in</p> <p>20 discovery, but I don't have them in photocopy</p> <p>21 form.</p> <p>22 And I don't want to mark the originals at</p> <p>23 this point.</p> <p>24 MS. TRABAND: That's why I was just</p> <p>25 clarifying --</p>
35	<p>1 at that as well. Have you ever seen Exhibit 692</p> <p>2 before?</p> <p>3 A I don't remember.</p> <p>4 <b>Q</b> You have no recollection of whether you would</p> <p>5 have given that to any potential purchasers to give</p> <p>6 them information about this project?</p> <p>7 A I don't remember if I did or I didn't.</p> <p>8 <b>Q</b> Let me show you --</p> <p>9 (Thereupon, a short discussion was had off</p> <p>10 record.)</p> <p>11 (Deposition resumed.)</p> <p>12 (Thereupon, Exhibit 694 was entered into the</p> <p>13 record.)</p> <p>14 <b>Q</b> (By Mr. Altschul) Let me show you what I'll</p> <p>15 mark -- is being marked as Exhibit 694 in this</p> <p>16 deposition, and ask you to -- if you can take a look at</p> <p>17 that, please. Have you seen Exhibit 694 before?</p> <p>18 A Yes.</p> <p>19 <b>Q</b> Okay. Can you -- what do you remember about</p> <p>20 Exhibit 694?</p> <p>21 A I had customers call me very excited that</p> <p>22 they received a letter from Donald Trump about his new</p> <p>23 project that they had bought into or they thought they</p> <p>24 were buying into.</p> <p>25 <b>Q</b> Let me show you another exhibit that is not</p>	37	<p>1 MR. ALTSCHUL: Yeah. And that's the same</p> <p>2 with the other ones I'm going to go through. I</p> <p>3 just --</p> <p>4 I -- we produced copies but I don't have</p> <p>5 photocopy forms to attach.</p> <p>6 <b>Q</b> (By Mr. Altschul) Have you seen this -- what</p> <p>7 I'll -- what I will call this, I guess, a "bifold</p> <p>8 brochure" for no better reason, because it folds and</p> <p>9 has pockets on both sides?</p> <p>10 A After the sale.</p> <p>11 <b>Q</b> After the sale?</p> <p>12 A After the deposit, excuse me.</p> <p>13 <b>Q</b> Okay. When you say "the deposit", is that</p> <p>14 the time that the reservation agreement was signed?</p> <p>15 A Let me clarify. After the reservation.</p> <p>16 <b>Q</b> Okay. And you understand in this case that</p> <p>17 reservations were taken generally between February and</p> <p>18 June of 2005.</p> <p>19 A Yes.</p> <p>20 <b>Q</b> Correct? And you also -- are aware that most</p> <p>21 of the purchase agreements were signed in December</p> <p>22 2005, January 2006?</p> <p>23 A Yes.</p> <p>24 <b>Q</b> So, this brochure, you're saying you saw it</p> <p>25 in that time in-between the reservation period and the</p>



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1 contract period?  
 2 A Yes.  
 3 Q And did you use this brochure for any  
 4 purposes?  
 5 A No.  
 6 Q Okay. Did you have access to this brochure  
 7 to use as a sales tool for additional units?  
 8 A I don't believe so.  
 9 Q After the reservation period -- and again,  
 10 let's just say -- going to, say, June of 2005, did you  
 11 continue to promote the project or -- in any way try  
 12 and sell units in the project after June -- between  
 13 June of 2005, and say, the contract period in December  
 14 2005, January 2006?  
 15 A I don't remember when I stopped.  
 16 Q What -- was there a definite time that you  
 17 said, "That's it. There's no more. I'm done" or did  
 18 it just kind of fade away?  
 19 A As I said before, it fizzled.  
 20 Q Okay. And when you say "fizzled", tell me  
 21 what you mean.  
 22 A It -- it decreased in -- being a lowly  
 23 broker, my command of the English language isn't only -  
 24 - always good. Its interest seemed to decrease.  
 25 Q Say that one more time.

40

1 articles, and tell me if you've ever seen this before  
 2 --  
 3 A No.  
 4 Q -- if you would, please. Never?  
 5 A Never.  
 6 Q Okay. Let me show you a brochure that is a  
 7 blue-covered brochure for the project dated fall 2005.  
 8 It says "Trump International Hotel & Tower Fort  
 9 Lauderdale, one of a kind" with a picture of an ocean  
 10 wave, and ask if you've ever seen this brochure before.  
 11 A It's not familiar.  
 12 Q That means you haven't seen or you just don't  
 13 recall?  
 14 A I don't recall if I've ever seen it.  
 15 Q And let me show you a brochure that we  
 16 referred to as the brown book. It's a hardbound,  
 17 oversized, maybe 14-by-14 book, that's a brochure for  
 18 the project, ask you if you've seen that before?  
 19 A Yes.  
 20 Q Okay. You have seen the brochure?  
 21 A I've seen the brochure.  
 22 Q Okay.  
 23 A I've seen this book, rather.  
 24 Q Was this book something that was made  
 25 available to you as a sales or promotional tool?

39

1 A Interest seemed to decrease to me.  
 2 Q Interest in the marketplace?  
 3 A Interest in the marketplace, to me, seemed to  
 4 decrease.  
 5 Q Okay. Let me also show you some other  
 6 documents that had been produced in this case. I'm  
 7 going to hand you a brown brochure that has a spiral  
 8 binding on the back -- and again, it's not marked as an  
 9 exhibit -- ask you to take a look and tell me if you're  
 10 familiar with this brochure.  
 11 A I don't remember.  
 12 Q You don't recall if you've ever seen this  
 13 brochure before?  
 14 A I don't -- I don't recall. This is eight  
 15 years ago.  
 16 Q I understand how long ago it was. And this  
 17 is not a memory contest. If you don't remember, you  
 18 don't remember.  
 19 A I don't remember.  
 20 Q Let me show you a hard -- not hardbound, but  
 21 a group of articles that are bound together, and they  
 22 appear to be newspaper or magazine articles with the  
 23 cover page having 11 magazine covers on it and the  
 24 Trump logo, and say "Trump International Hotel & Tower  
 25 Fort Lauderdale" as seen in -- above all of the

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1 A No.  
 2 Q In what context did you see this book?  
 3 A Again, I saw the book after customers had put  
 4 in reservations. And a number of the customers are  
 5 personal friends. So, there are times when they showed  
 6 me things.  
 7 Q Let me show you what was previously marked as  
 8 Exhibit 566, and ask you to take a look at this  
 9 document, please. This is a reservation agreement for  
 10 George and Cathey Cather. Have you seen this document  
 11 before?  
 12 A Yes.  
 13 Q Did the Cathers sign this document with you?  
 14 A No. Directly with me, in front of me?  
 15 Q Yeah.  
 16 A Please explain.  
 17 Q Okay. Well, first, what you said, "directly  
 18 with you, in front of you".  
 19 A No.  
 20 Q Did you provide the Cathers with this  
 21 reservation agreement for them to sign?  
 22 A Yes.  
 23 Q Okay. How did the signature process work?  
 24 A Either by fax, since this was eight years  
 25 ago, or by e-mail.

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1 **Q** Now, the fax date appears to March 7th, 2005.  
 2 Is that -- was that your fax line across the bottom of  
 3 the page?  
 4 A Yes.  
 5 **Q** Does that -- is that time frame March 7th,  
 6 2005 consistent with what you recall about the  
 7 reservation period for this project?  
 8 A Yes.  
 9 **Q** Let me also show you -- you talked about  
 10 newspaper articles. Do you remember what newspaper  
 11 articles you read relating to the project?  
 12 A There were articles in the Sun Sentinel.  
 13 There may have been others, but the Sun Sentinel is  
 14 really what draws on me, mostly.  
 15 **Q** Do you read or -- strike that. In that time,  
 16 did you read Florida Trend magazine?  
 17 A No.  
 18 **Q** Do you recall what the article said that you  
 19 read?  
 20 A The Sun Sentinel article?  
 21 **Q** Yes, that's -- was there one other article  
 22 that you're referring to?  
 23 A There were various articles, I believe.  
 24 **Q** Okay.  
 25 A As I stated before, some of the information

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1 on my website was taken from that article as well, so  
 2 that is why I read it.  
 3 **Q** Okay. And can you recall which information  
 4 from the website came from the article as opposed to  
 5 from brochures?  
 6 A Specifically, no, because if I compare the  
 7 brochures to the article, a lot of the information was  
 8 the same.  
 9 **Q** And did you do anything to confirm that the  
 10 information in the articles was correct?  
 11 A I looked at the brochure.  
 12 **Q** Okay. And so, that was your crosscheck, was  
 13 the brochure to the article?  
 14 A That was my crosscheck.  
 15 **Q** During the reservation period when people  
 16 were signing reservations, who did you understand was  
 17 the developer of this project?  
 18 A I understood that it was Donald Trump along  
 19 with other people.  
 20 **Q** Okay. Did you understand that Donald Trump  
 21 was also an owner of the project --  
 22 A Yes.  
 23 **Q** -- along with other people?  
 24 A Yes, I did.  
 25 **Q** And at the time that your client signed their

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1 purchase agreements in December 2005, January 2006, did  
 2 you have the same understanding?  
 3 A Yes.  
 4 **Q** Now, did there come a time that you learned  
 5 that, in fact, Donald Trump was not the developer or  
 6 owner of the project?  
 7 A My client -- my customers didn't sign their  
 8 purchase agreements in December 2005 or January 2006.  
 9 For example, the Cathers signed in March, so it was  
 10 various dates.  
 11 **Q** No, no. This is the reservation agreement.  
 12 A Right, that's what I'm saying, the  
 13 reservation agreement.  
 14 **Q** Right, I was referring to the purchase --  
 15 first, I asked about the reservation agreement then the  
 16 purchase agreement.  
 17 A My understanding did not change from one to  
 18 the other.  
 19 **Q** Okay. And you -- let me just back up a step.  
 20 You understood that after the reservation period,  
 21 purchasers ultimately signed purchase agreements,  
 22 correct?  
 23 A Correct.  
 24 **Q** And you understood that they may -- they  
 25 generally had to make additional deposits at the time

45

1 the purchase agreement was signed?  
 2 A Correct.  
 3 **Q** And you understood that prior to signing the  
 4 purchase agreement, the customer -- the purchaser could  
 5 cancel the contract any time for any reason?  
 6 A Yes.  
 7 **Q** And once the reservation agreement -- once --  
 8 strike that. Once the purchase agreement was signed,  
 9 the right to cancel the contract was effectively  
 10 limited. Did you understand that as well?  
 11 A Yes.  
 12 **Q** Did there come a time when you learned that  
 13 Donald Trump was not the developer or owner of the  
 14 project?  
 15 A Yes.  
 16 **Q** Okay. Approximately when to the best of your  
 17 memory?  
 18 A When newspaper articles began to appear about  
 19 the difficulty the project was having.  
 20 **Q** Okay. So, that's in 2009, to my knowledge.  
 21 Is that consistent with your recollection?  
 22 A It may have been earlier, but it may have  
 23 been 2009.  
 24 **Q** Okay. Let me go back to Exhibit 566, which  
 25 is the Cather reservation agreement, which you still

46

1 have in front of you.

2 A Yes.

3 Q If you look at the very beginning, it says,

4 "SB Hotel Associates, LLC" and defines SB as the

5 seller. Do you see that?

6 A Yes.

7 Q Okay. Now, you -- did -- you reviewed this

8 before your client signed this purchase agreement,

9 right?

10 A Yes.

11 Q Did it surprise you that it said SB Hotel

12 Associates as the seller?

13 A No.

14 Q Okay. Did you expect to see Donald Trump's

15 name on there?

16 A Not particularly.

17 Q Okay. Did this raise a question -- as you

18 testified, you understood that Donald Trump was the

19 developer and owner of the project. Did this raise a

20 question of why isn't Donald Trump on this --

21 A -- agreement.

22 Q -- reservation agreement?

23 A No.

24 Q Why not?

25 A Because Mr. Trump, I'm sure, that -- and all

47

1 of his developments operates under various

2 corporations, and from the brochures, it always talked

3 about Mr. Trump in cahoots with the other parties.

4 Q Did they say "cahoots" or did it talk about a

5 partner --

6 A I choose my words carefully.

7 Q Okay. I mean, did you see sales materials

8 that said, "Trump in cahoots with the other" --

9 A No, it didn't say "in cahoots. "Along with"

10 --

11 Q Along with or in partnership with?

12 A "Partnership", "along with, "presents with".

13 Things --

14 Q Developed by --

15 A -- things like that. I believe there were

16 articles that said, "Developed by Donald Trump". And

17 then the other names would appear subsequently, but

18 Donald Trump's name was the lead name. So, as of --

19 that was a long answer to a very short question. The

20 short answer being, I believe that Mr. Trump was part

21 of SB Hotel Associates.

22 Q Now, was there discussion about Trump's role

23 in the project when you had your first breakfast

24 meeting that you talked about?

25 A Mr. Trump was alluded to in the project as

48

1 being part of the project.

2 Q Okay. And was he alluded to as being

3 developer and owner of the project?

4 A Yes.

5 Q Now, did you subsequently learn -- and you --

6 we talked about you learning in maybe 2008 or 2009 that

7 he was not the owner or the developer. Did you learn

8 that he had only licensed his name to the project?

9 A I learned that much later.

10 Q Was that -- was it ever disclosed to you any

11 time before 2009 that Trump's only involvement in the

12 project was as a licensee?

13 A Not that I believe.

14 Q Not that you recall?

15 A Not that I believe or recall.

16 Q Do you recall whether any of your clients

17 asked you, you know, at the time they signed the

18 reservation agreement or the purchase contract, who was

19 SB Hotel Associates?

20 A I don't recall anyone ever asking me.

21 Q Do you recall having that discussion with

22 anybody in the 2005 to 2006 time frame?

23 A No.

24 Q When you were marketing the project, were you

25 told that the Trump family either owned or was planning

49

1 to retain some of the units in the project?

2 A Yes.

3 Q What do you recall about that?

4 A That there were units earmarked for the Trump

5 family, the high floors.

6

7 Q More than one floor?

8 A Units on more than one floor.

9 Q And what were you told -- when you say

10 "earmarked", what does that mean?

11 A That they were going to members of the Trump

12 family.

13 Q Did you ever meet Ivanka Trump in relation to

14 this project?

15 A Not in relation to this project.

16 Q You met her in relation to other projects?

17 A Yes.

18 Q Which ones?

19 A The other failed Trump project, further down

20 the beach, Trump Marina.

21 Q In -- on Las Olas? Trump Las Olas?

22 A Yes. Yes.

23 MR. ALTSCHUL: Let's go ahead and take a

24 five-minute break. So -- off the record.

25 (Thereupon, a short break was taken.)

50

1 (Deposition resumed.)  
 2 **Q (By Mr. Altschul) Mr. Weiser, one of the**  
 3 **exhibits we looked at, Exhibit 694, which states, "It**  
 4 **is with great pleasure that I present my latest**  
 5 **development, Trump International Hotel & Tower Fort**  
 6 **Lauderdale." If I understand your testimony, you said**  
 7 **you saw that in-between the time of reservation**  
 8 **agreements and purchase contracts, correct?**  
 9 A Yes.  
 10 **Q And was that letter consistent with your**  
 11 **understanding of Trump's role as the developer of the**  
 12 **project?**  
 13 A I'm just going to need to read the letter  
 14 first.  
 15 **Q Please do.**  
 16 A Yes.  
 17 MR. ALTSCHUL: Thank you. I have no further  
 18 questions.  
 19 (Thereupon, a short discussion was had off  
 20 record.)  
 21 (Deposition resumed.)  
 22 CROSS-EXAMINATION  
 23 BY MR. RUSSOMANNO:  
 24 **Q Good morning, Mr. Weiser.**  
 25 A Good morning.

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1 **Q My name is Herman Russomanno. I'm one of**  
 2 **Donald Trump's lawyers. I'm going to ask you a few**  
 3 **questions to follow up in regard to your testimony that**  
 4 **you just testified today. You've never spoken to me or**  
 5 **ever met me before prior to this deposition, correct?**  
 6 A Not to the best of my knowledge.  
 7 **Q Okay. Did you speak to Mr. Altschul in**  
 8 **advance of today's deposition?**  
 9 A Yes.  
 10 **Q And what did you discuss?**  
 11 A We discussed the project.  
 12 **Q And did Mr. Altschul tell you who he believe**  
 13 **the developers of the project were?**  
 14 A No.  
 15 **Q Okay. So, you -- everything that you said**  
 16 **today was based upon your knowledge prior to the**  
 17 **discussion with Mr. Altschul?**  
 18 A Yes.  
 19 **Q And nothing that Mr. Altschul spoke to you**  
 20 **about changed or refreshed your recollection as to the**  
 21 **project?**  
 22 A No.  
 23 **Q How long was your discussion with Mr.**  
 24 **Altschul? Was it telephonically or in person?**  
 25 A Telephonically.

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1 **Q And how -- ballpark, how long do you think it**  
 2 **was? Half hour? An hour?**  
 3 A It was a few years ago. I can't give you an  
 4 exact time frame.  
 5 **Q Okay. So, it wasn't recently?**  
 6 A No.  
 7 **Q Was your lawyer also on the phone?**  
 8 A No.  
 9 **Q Was it only that one discussion with Mr.**  
 10 **Altschul?**  
 11 A By telephone?  
 12 **Q Correct.**  
 13 A Yes.  
 14 **Q What about in person?**  
 15 A No. I've never met Mr. Altschul before  
 16 today.  
 17 **Q Okay. Do you know if your lawyer had spoken**  
 18 **to Mr. Altschul prior to the deposition today in regard**  
 19 **to your testimony?**  
 20 A I don't know who my attorney speaks to.  
 21 **Q Okay. I cross-noticed this deposition and**  
 22 **counsel for CCV has as well. So, that's why I'm asking**  
 23 **you questions now. We have the opportunity to ask you**  
 24 **questions now so you don't have to come back again.**  
 25 A Thank you.

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1 **Q Let me follow up with a few questions. And I**  
 2 **-- just so you know, I did not subpoena you to appear**  
 3 **here for your testimony. It was Mr. Altschul and his**  
 4 **clients who wanted you to testify. Mr. Trump did not,**  
 5 **CCV did not, but that's why we cross-noticed it, just**  
 6 **so you know the background.**  
 7 A Thank you.  
 8 **Q In regard to this project, it's true you were**  
 9 **never employed by Mr. Trump, correct?**  
 10 A Correct.  
 11 **Q And you were never employed by Trump**  
 12 **Organization, correct?**  
 13 A Correct.  
 14 **Q Mr. Trump was not at the breakfast meeting,**  
 15 **correct?**  
 16 A Correct.  
 17 **Q Who was?**  
 18 A I don't remember.  
 19 **Q You don't remember. Was it a male or a**  
 20 **female?**  
 21 A There were more than one -- there was more  
 22 than one person.  
 23 **Q How many people?**  
 24 A I don't remember.  
 25 **Q Less than five?**

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1 A No.

2 **Q More than five?**

3 A Yes.

4 **Q Was Mr. Stillman there?**

5 A I don't remember.

6 **Q Okay. So, you can't recall anywhere --**

7 **anybody that was there?**

8 A No, I can't.

9 **Q Where was the breakfast?**

10 A In Boca Raton.

11 **Q Okay. Where specifically?**

12 A I believe St. Andrews. I can't be sure. St.

13 Andrews Country Club, excuse me.

14 **Q If you kept your calendar, would it reflect**

15 **who you were meeting with?**

16 A If I kept my calendar, yes.

17 **Q Do you keep your calendar?**

18 A Not from that far back.

19 **Q Okay. Who called you to set up the meeting?**

20 A Someone from this project.

21 **Q Was it a male or a female?**

22 A I don't remember.

23 **Q Okay. So, then obviously you don't remember**

24 **the name?**

25 A Correct.

55

1 **Q But it wasn't Mr. Trump, correct?**

2 A Correct.

3 **Q Do you have any proof that it was someone**

4 **that was employed by the Trump Organization in New York**

5 **City?**

6 A What kind of proof are you looking for?

7 **Q Do you have any belief, thoughts, facts,**

8 **anything to support the possibility that that person**

9 **that called you was with Trump Organization?**

10 A The breakfast occurred. I attended the

11 breakfast. That's my proof.

12 **Q But you have any -- you don't have any proof**

13 **that it was from Trump Organization that called,**

14 **correct?**

15 A No.

16 **Q And did you know that Roy Stillman has -- had**

17 **his own development company called Stillman**

18 **Development**

19 --

19 A No.

20 **Q -- in New York City? Did you know that?**

21 A Still no.

22 **Q Okay. What about Bayrock Group, have you**

23 **ever heard of that?**

24 A Not previously.

25 **Q Okay. Did you know that Bayrock Group was**

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1 **also in New York City?**

2 A No.

3 **Q Did you know Bayrock Group was also a part of**

4 **this project?**

5 A Not prior.

6 **Q Okay. Did you know that Bayrock Group was**

7 **one of the groups that was involved in Trump Soho,**

8 **which you mentioned earlier?**

9 A No.

10 **Q Okay. Who was that person that you said you**

11 **spoke to who is your liaison in New York?**

12 A Senada Adzem.

13 **Q Do you have any proof that she's been**

14 **employed by Donald Trump ever?**

15 A What kind of proof are you looking for?

16 **Q Any facts to support -- well, let me back up.**

17 **Do you believe that she has ever been employed by**

18 **Donald Trump in the Trump Organization?**

19 A I believe she has represented herself to be

20 as part of the Trump Organization.

21 **Q Trump Organization.**

22 A A member of one of the Trump organizations.

23 **Q Okay. Are you aware of any more than one?**

24 A There are number projects that Mr. Trump has

25 developed.

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1 **Q That's correct, but I'm talking about Trump**

2 **Organization in New York City. It's a company, which**

3 **is Mr. Trump's company. There's one. I could**

4 **represent to you there's one. So, do you have any**

5 **proof that she was employed by Mr. Trump or Trump**

6 **Organization?**

7 A No.

8 **Q It's true that Mr. Trump never advised you as**

9 **to anything in regard to this project personally?**

10 A I've never spoken to Mr. Trump.

11 **Q And it's true that no one from Trump**

12 **Organization ever advised you as to anything in regard**

13 **to this project?**

14 A Could you define "anything"?

15 **Q You said an outline -- well, I wrote**

16 **everything down very carefully. You said, "I was given**

17 **an outline" or "I was outlined about the project". Let**

18 **me ask you this, did Mr. Trump hand you that outline?**

19 A As I've said, I never met Mr. Trump.

20 **Q Okay. So, the -- do you have any proof that**

21 **that outline came from Mr. Trump?**

22 A I never said it came from Mr. Trump.

23 **Q Okay. That's what I'm trying to get you to**

24 **confirm. So, it didn't come from Mr. Trump?**

25 A -- directly.

<p style="text-align: right;">58</p> <p>1 <b>Q Do you have any proof it came from him</b>  2 <b>indirectly?</b>  3 A No.  4 <b>Q Let's go to Trump Organization. Did anybody</b>  5 <b>-- do you have any proof that Trump Organization handed</b>  6 <b>you that outline?</b>  7 MR. KLITSBERG: I'm going to object to form  8 and just for the discussion. Is the -- are you  9 talking about an entity called Trump Organization?  10 MR. RUSSOMANNO: Yes.  11 MR. KLITSBERG: Okay. I just want to be  12 clear.  13 <b>Q (By Mr. Russomanno) I'm interested in two</b>  14 <b>things, Mr. Trump, which we can't mistake; Trump</b>  15 <b>Organization, which is his company in New York City. Do</b>  16 <b>you have any proof that the outline came from Trump</b>  17 <b>Organization?</b>  18 A My understanding was that the outline came --  19 or that the brochure came from the group noted on the  20 back of the brochure --  21 <b>Q Okay.</b>  22 A -- and on the letterhead.  23 <b>Q Which group is that?</b>  24 A That I would have to quote the letterhead.  25 <b>Q Which letterhead are you talking -- oh, here.</b></p>	<p style="text-align: right;">60</p> <p>1 Would I know her if I fell over her today? No.  2 <b>Q Blonde girl?</b>  3 A She could be.  4 <b>Q Okay.</b>  5 A There's also hair dye and bleach. This is  6 Florida.  7 <b>Q Trump never advised you that he was the</b>  8 <b>developer of the project, correct?</b>  9 A I've never spoken to Mr. Trump.  10 <b>Q And no one from Trump Organization advised</b>  11 <b>you that Trump was the developer, correct?</b>  12 A People I believe to be working somehow for  13 Mr. Trump. Again, for example, Senada Adzem advised  14 me.  15 <b>Q Can you recall anyone else other than Senada</b>  16 <b>Ad- -- how do you pronounce her last name?</b>  17 A Adzem.  18 <b>Q Adzem.</b>  19 A A-D-Z-E-M or D-Z-A-M. I'm not quite sure  20 which.  21 <b>Q Can you recall any other people that advised</b>  22 <b>you of that other than her?</b>  23 A Whoever answered the phone used Trump -- some  24 premonition of Trump in the answering of the phone.  25 <b>Q Was that at Fort Lauderdale?</b></p>
<p style="text-align: right;">59</p> <p>1 A Oh, it's the letterhead.  2 <b>Q I will show this.</b>  3 A Thank you.  4 <b>Q And just read it for the record, please.</b>  5 A "Trump International Hotel Fort Lauderdale"  6 --  7 <b>Q Okay.</b>  8 A -- "Hotel &amp; Tower", excuse me, "Fort  9 Lauderdale."  10 <b>Q Thank you. The outline, was it handed to you</b>  11 <b>in writing?</b>  12 A It was an oral outline.  13 <b>Q Okay. And you don't recall who orally gave</b>  14 <b>you that outline?</b>  15 A There were a number of people at the meeting.  16 <b>Q None of the Trump kids were there at the</b>  17 <b>meeting, right?</b>  18 A I don't believe so.  19 <b>Q Ivanka, Eric, or Don, Jr.?</b>  20 A No.  21 <b>Q Okay.</b>  22 A To the best of my knowledge, no.  23 <b>Q Well, you've met Ivanka so you would know if</b>  24 <b>she was there.</b>  25 A I met Ivanka subsequently. We shook hands.</p>	<p style="text-align: right;">61</p> <p>1 A I believe it was a New York number.  2 <b>Q Do you have any proof that Senada was</b>  3 <b>employed by Trump or Trump Organization?</b>  4 A My belief was that she was. And if you read  5 her biography, it says she has worked with the Trump.  6 She has worked with Mr. Trump.  7 <b>Q Where is her biography?</b>  8 A You can find it online.  9 <b>Q You said earlier, in response to one of the</b>  10 <b>questions, that Trump -- you believe Trump owned the</b>  11 <b>building. You said that earlier.</b>  12 MR. KLITSBERG: I'll object to form.  13 Mischaracterizes his testimony.  14 MR. RUSSOMANNO: Okay. And that's fine.  15 <b>Q (By Mr. Russomanno) Do you believe that Trump</b>  16 <b>owned the building?</b>  17 A I believe he owned a part of it.  18 <b>Q What do you -- what facts are you basing that</b>  19 <b>belief upon?</b>  20 A The way the -- the project was presented to  21 me. And also from, "Welcome to my newest project.  22 Donald Trump presents", those led me to believe.  23 <b>Q Have you ever seen any shareholder agreement</b>  24 <b>or legal document proving that Mr. Trump owned any part</b>  25 <b>of the building?</b></p>



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1 A No.

2 **Q Did you know that there was a loan taken out**

3 **for the building?**

4 A Yes.

5 **Q Did you know that Mr. Trump had nothing to do**

6 **with that loan?**

7 A No.

8 **Q Did you know that there was a foreclosure by**

9 **Corus Bank on that loan?**

10 A After -- afterwards.

11 **Q Yeah. And I'm talking about --**

12 A Yes.

13 **Q Okay. Did you know that Mr. Trump was now**

14 **part of that foreclosure proceedings?**

15 A No.

16 **Q Did you know that the bank actually**

17 **foreclosed and the judge granted the motion for the**

18 **property? Did you know that it was foreclosed upon?**

19 A Yes.

20 **Q Did you know that Mr. Trump was not the**

21 **person who was given the building?**

22 A Yes.

23 **Q The next thing you said was you -- in**

24 **response to Mr. Altschul's questions, you believe that**

25 **Trump was part of SB Hotel Associates. What facts are**

63

1 **you basing that belief upon?**

2 A My facts being what was written in the

3 brochures where Mr. Trump -- Trump's name was listed

4 first along with the other developers.

5 **Q Have you ever seen any legal documents or**

6 **operating agreement or shareholder agreement which**

7 **defines Mr. Trump's ownership, if any, of SB Hotel**

8 **Associates?**

9 A No.

10 **Q Did you know that the "S" in SB Hotel stands**

11 **for Stillman?**

12 A No.

13 **Q Did you know the "B" in SB Hotel stands for**

14 **Bayrock?**

15 A No.

16 **Q Did you ever look at the legal documents, the**

17 **condo offering in regard to this project? And I'll**

18 **give you an example. Did you ever look at the purchase**

19 **agreement in regard to this project?**

20 A Yes.

21 **Q And what did the purchase agreement define**

22 **the developer as if you recall?**

23 A I don't recall.

24 **Q Okay. I'll show it to you. Did you ever**

25 **look at the property report in regard to this project?**

64

1 A I don't recall.

2 **Q Did you ever look at the prospectus text in**

3 **regard to this project?**

4 A I don't remember what the text said, but I'm

5 sure I saw it.

6 **Q Did you ever look at the declaration in**

7 **regard to this project?**

8 A I don't recall.

9 **Q Let's go through a couple of documents. This**

10 **won't take too long. Okay. Exhibit 693 was your first**

11 **article. Where are all the exhibits? Are they here?**

12 A Yeah.

13 **Q Let me show it to you. This is your -- this**

14 **was one of your website articles.**

15 A Yes.

16 **Q If you can please -- on the first page in the**

17 **middle, right below where it says "click here", it says**

18 **"Developer, Roy Stillman". Do you see that?**

19 A "Donald Trump in partnership with Developer,

20 Roy Stillman".

21 **Q Was it your understanding that Roy Stillman**

22 **was the developer of this project?**

23 A In partnership with Donald Trump, yes.

24 **Q And if you can please flip to the second**

25 **page. And I'm interested in -- I'm going to help you --**

65

1 **one, two, three, four, five, six, seven, eight -- the**

2 **ninth paragraph or sentence where it says "Roy**

3 **Stillman".**

4 A Oh.

5 **Q Okay. It says, "Roy Stillman, managing**

6 **member of Stillman Bayrock Merrimac and other**

7 **established New York real estate figure, is credited as**

8 **the developer who brought most of the money to the new**

9 **Trump project according to Herald." Where did you get**

10 **that information from, the Herald article?**

11 A That would have been, I believe, from a

12 newspaper article. It could have been the Herald

13 article, it could have been any one of a number of

14 articles.

15 **Q And this is in your -- this was on your**

16 **website, correct?**

17 A Correct.

18 **Q And you would have put accurate information**

19 **into your website, correct --**

20 A To --

21 **Q -- what you believe to be accurate?**

22 A To the best of my knowledge.

23 **Q Okay. Did you have any independent knowledge**

24 **or did anyone ever tell you that Mr. Stillman also**

25 **brought most of the money to this project?**

<p style="text-align: right;">66</p> <p>1 A No, because, if I was to read this, it says 2 that Mr. Stillman is credited as having brought. It 3 doesn't prove that Mr. Stillman brought it. So, he's 4 credited as it. 5 <b>Q Do you have any doubt that that's not true?</b> 6 A I don't know what's true and what's not true 7 in this project. 8 <b>Q Okay. There's another article.</b> 9 A Can I close this? 10 <b>Q You -- we're done with that one. I also 11 found another one on your website. This was actually 12 produced by one of your clients. It could have been 13 one of the three that you identified. So, they gave it 14 to us.</b> 15 MR. RUSSOMANNO: I'm going to mark it 695. 16 It's a composite document. 17 (Thereupon, a short discussion was had off 18 record.) 19 (Deposition resumed.) 20 (Thereupon, Exhibit 695 was entered into the 21 record.) 22 <b>Q (By Mr. Russomanno) Okay. I'm just going to 23 show you a couple of things in here. Please flip to 24 the second page. And just so you -- just for the 25 record --</b></p>	<p style="text-align: right;">68</p> <p>1 A Yes. 2 <b>Q Okay. So, who were the developers of the 3 project?</b> 4 A My understanding would have been Donald 5 Trump, Roy Stillman, Merrimac -- 6 <b>Q Bayrock?</b> 7 A -- and Bayrock. Excuse me. 8 <b>Q What about --</b> 9 A The only reason I'm saying Merrimac is 10 because it was -- I just read Merrimac, sorry. 11 <b>Q Correct. What about SB Hotel Associates, 12 LLC?</b> 13 A They were part of the group as well, to my 14 understanding. 15 <b>Q Okay. Were they ever defined as the 16 developer of the project? It --</b> 17 A In -- in documents, they were. 18 <b>Q What documents? Can you recall?</b> 19 A I believe it's at the top of the reservation 20 form. 21 <b>Q And then it says, "I" -- I'm -- and I keep 22 reading. "I do not simply radiate developers' press 23 releases. What you read on andyweiser.com is 24 independent information drawn from press reports and 25 other public records as well as talking" -- and this is</b></p>
<p style="text-align: right;">67</p> <p>1 MR. RUSSOMANNO: Here -- I have one extra 2 copy if you guys want it, Joe. 3 <b>Q (By Mr. Russomanno) -- it's Bates-stamped 4 13921 through 13926. Please go to the second page. And 5 the bottom where it's highlighted also says "Developer, 6 Roy Stillman", correct?</b> 7 A "In partnership" -- well, it says "Donald 8 Trump in partnership with Developer, Roy Stillman". 9 <b>Q Okay. And then on the fourth page --</b> 10 A Sorry. 11 <b>Q -- it has the same quote you had in your 12 other article regarding Roy Stillman bringing -- being 13 credited as who brought most of the money to the 14 project, correct?</b> 15 A Yes. 16 <b>Q Please go to the next page. Okay. I've 17 highlighted your disclaimer here. It says, "New 18 construction information on this website is not paid 19 advertising. I'm not the exclusive agent for this 20 developer." Who did you believe the developer to be, 21 because it's in the singular, when you put this in your 22 website?</b> 23 A As in a contract, I used the singular to 24 represent a plural. 25 <b>Q You used singular to represent plural?</b></p>	<p style="text-align: right;">69</p> <p>1 <b>what I'm getting into -- "talking with insiders after 2 reviewing the developers' materials." I have two 3 questions. Who are the insiders that you spoke to?</b> 4 A I can't remember exactly who it was. 5 <b>Q Who do you think it would have been?</b> 6 A Senada Adzem. 7 <b>Q Anyone else?</b> 8 A And I've just forgotten the name, but I will 9 state we spoke about him before. He owned the 10 penthouses at Las Olas Beach Club that Maritza had 11 listed. It was -- if someone could refresh my memory, 12 I'd appreciate it. 13 <b>Q Roy Stillman? If it's a he --</b> 14 A It was a he. 15 <b>Q Roy Stillman --</b> 16 <b>MALE SPEAKER: Roger Stein.</b> 17 A Roger Stein. Thank you. 18 <b>Q (By Mr. Russomanno) Okay. Roger Stein?</b> 19 A Yes. 20 <b>Q Do you have any proof that Roger Stein was 21 ever employed by Trump or Trump organization?</b> 22 A No. 23 <b>Q Now, I want to keep going. It says "after 24 reviewing the developers' materials". What materials 25 were you referring to?</b></p>



<p style="text-align: right;">70</p> <p>1 A The square brochure. The small square 2 brochure.</p> <p>3 <b>Q Understood.</b></p> <p>4 A The square brochure.</p> <p>5 <b>Q Did you look at the small square brochure 6 here today? Did Mr. Altschul show it to you?</b></p> <p>7 A No. For the record, this is the first time 8 I've met Mr. Altschul.</p> <p>9 <b>Q No. I meant just a few minutes ago. Is this 10 it?</b></p> <p>11 A No.</p> <p>12 <b>Q Okay. Is it in this stack? Take a look 13 through it.</b></p> <p>14 A No.</p> <p>15 <b>Q Okay. What's been previously marked as 16 Exhibit 60 in someone else's deposition is --</b></p> <p>17 A Can I close this?</p> <p>18 <b>Q Yes. -- is the actual purchase agreement. We 19 said we -- I show it to you to refresh your 20 recollection. The top of the purchase agreement 21 defines the developer as SB Hotel Associates, right?</b></p> <p>22 A Yes.</p> <p>23 <b>Q It doesn't say developer is Donald Trump, 24 correct?</b></p> <p>25 A Correct.</p>	<p style="text-align: right;">72</p> <p>1 <b>help you.</b></p> <p>2 A Thank you. I did look at them not previous 3 to my clients signing them. I was not given the 4 contracts prior to my clients.</p> <p>5 <b>Q Understood. And I get it. I just want to 6 know. We all want to know --</b></p> <p>7 A I know. I'm just -- I'm just stating it very 8 slowly so that --</p> <p>9 <b>Q Slow is good.</b></p> <p>10 A I agree.</p> <p>11 <b>Q You mentioned earlier about the license 12 agreement with Trump. Remember earlier when Mr. 13 Altschul asked you questions about the license 14 agreement?</b></p> <p>15 A I answered questions about it, yeah.</p> <p>16 <b>Q What can you recall was the first time you 17 learned of the license agreement? What year? Do you 18 remember?</b></p> <p>19 A I don't remember the year.</p> <p>20 <b>Q Okay. Then I'll help you.</b></p> <p>21 A Thank you.</p> <p>22 <b>Q Was it after your clients signed their 23 purchase contracts on or around the same time which we 24 all know they occurred in 2005 and 2006?</b></p> <p>25 A I'm going to ask for clarification, please.</p>
<p style="text-align: right;">71</p> <p>1 <b>Q Did you look at the purchase -- here's what 2 I'm -- my listening to you testify is that you signed 3 up people in the reservation phase. Did any of your 4 clients and you, in conjunction, ever get to the 5 purchase contract where you were involved in that?</b></p> <p>6 A No.</p> <p>7 <b>Q It was then taken by Galleria and they 8 followed through with them?</b></p> <p>9 A I delivered the reservations to Galleria.</p> <p>10 <b>Q Okay.</b></p> <p>11 A And Galleria picked it up from that point. 12 From that point on, I was not in the process. So, 13 again, whereas before I said I saw the information 14 after, it was because customers showed it to me, not 15 because Galleria shared it with me.</p> <p>16 <b>Q After meaning in -- after 2006?</b></p> <p>17 A After they received it.</p> <p>18 <b>Q Okay. So, did you go through the contract 19 and any of the other legal documents with any of your 20 clients?</b></p> <p>21 A No.</p> <p>22 <b>Q And you can't recall whether you looked at 23 them or not?</b></p> <p>24 A I --</p> <p>25 <b>Q And I'm going to show them to you so it will</b></p>	<p style="text-align: right;">73</p> <p>1 <b>Q Go ahead.</b></p> <p>2 A By "license agreement", you mean license 3 agreement of Mr. Trump being part of this or Mr. Trump 4 licensing his name?</p> <p>5 <b>Q Licensing his name for part of the -- for 6 this Fort Lauderdale project.</b></p> <p>7 A I learned about that much later.</p> <p>8 <b>Q Okay. And that's what I'm saying.</b></p> <p>9 A Okay. I didn't understand the question.</p> <p>10 <b>Q And that's fine because, if you would have 11 looked through the contract, you'll see -- then I could 12 tell you it's on page 14 and 15 at the bottom. You can 13 go to the bottom of page -- and we're not going to have 14 to go through it. I just want you to -- I just want to 15 show you. This may help you refresh your recollection. 16 The bottom of page 14 in the contract where it says 17 "Buyer understands", that paragraph flows over to the 18 next page and that identifies the license agreement 19 provision.</b></p> <p>20 A Mm-hmm.</p> <p>21 <b>Q Now that you read it, does that refresh your 22 recollection as to whether you read that in the 23 contract back in '05 and '06?</b></p> <p>24 A I looked at the contract. I didn't read it.</p> <p>25 <b>Q Okay.</b></p>



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1 A It had already been signed. There's really  
 2 very little reason for me as a realtor to look at a  
 3 contract after it's been signed when I've been taken  
 4 out of the process. There's nothing I could do.  
 5 Q Who took you out of the process?  
 6 A Galleria.  
 7 Q They said, once you bring in the  
 8 reservations, that's it, we were done with you?  
 9 A No, they didn't say it. They just didn't  
 10 keep me in the loop.  
 11 Q Understood.  
 12 A So, by keeping me out of the loop, I did not  
 13 see this document before my client had signed it. Had  
 14 my clients had questions, they would have questioned  
 15 me. And I believe there was a subsequent letter to this  
 16 stating that Trump's -- the Trump name was not being  
 17 withdrawn to alleviate people's fears because that --  
 18 my customers did share with me.  
 19 Q Did you ever call -- you could take a look at  
 20 that.  
 21 A Thank you.  
 22 Q Did you ever call Galleria and say, What's  
 23 going on? Why are you keeping me out of the loop?  
 24 A No.  
 25 Q Did you have any concern about your

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1 commission?  
 2 A No, none at all.  
 3 Q Okay. So, you were -- it would -- you would  
 4 have been -- you would have gotten your respective  
 5 commission if all these closings would have taken  
 6 place?  
 7 A Correct.  
 8 Q Did you get any advanced commission?  
 9 A Yes.  
 10 Q Okay. Because advanced commission was --  
 11 it's either -- it was -- it's not used as much or it  
 12 was used as much. And here, they were -- I've spoken  
 13 to other realtors involved in this project. We have  
 14 deposited them. And advanced commission was a big  
 15 issue,  
 16 whether they were going to get it, whether they weren't  
 17 going to get it. Did you actually get the advanced  
 18 commission?  
 19 A I was giving checks that I had to sign off on  
 20 --  
 21 Q And --  
 22 A -- and receive them.  
 23 Q You're the broker?  
 24 A No.  
 25 Q Okay. So, Caldwell was okay with the  
 advanced commission?

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1 A Yes.  
 2 Q Okay. Because some of the brokers were not,  
 3 just so you know. But Caldwell signed off on it  
 4 because what they made you guys do is they -- there  
 5 were some sort of release language, there were some  
 6 iffy language in the advanced commission receipt  
 7 document that the broker, Caldwell, had to sign off on.  
 8 Did you ever look at that?  
 9 A I glanced at it.  
 10 Q Okay. But Caldwell was okay with it and you  
 11 got your advanced commission?  
 12 A My district manager at the time was.  
 13 Q Okay. Did you have to give any of that money  
 14 back because the closings didn't take place?  
 15 A No.  
 16 Q Do your clients know you got advanced  
 17 commissions?  
 18 A I believe so. Those who have asked.  
 19 Q Did you disclose that?  
 20 A I didn't disclose it.  
 21 Q Okay. Were you supposed to?  
 22 A No.  
 23 Q Because we asked other realtors and what they  
 24 said is that they told their clients about it and they  
 25 were, you know, keeping them updated as to the advanced

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1 commissions and whether or not they would get them. Do  
 2 any of your clients know you received advanced  
 3 commission?  
 4 A I believe so.  
 5 Q Would -- you had three of them, right, three  
 6 groups?  
 7 A They were eight clients.  
 8 Q Cathey and George, I've talked to. I've  
 9 deposited them. And I haven't deposited the other two  
 10 groups yet. Okay. The property report, we previously  
 11 marked 63. This is the property report. And I -- I'm  
 12 showing it to you because you said you may or may not  
 13 have -- do you recall looking through the property  
 14 report?  
 15 A I don't recall.  
 16 Q Okay. Would you have looked through the  
 17 property report of any of these -- for any of your  
 18 clients?  
 19 A If asked.  
 20 Q Do you recall any of them asking you?  
 21 A No.  
 22 Q Okay.  
 23 A Sorry. No.  
 24 Q Okay. The property report, just so you know,  
 25 also defines on page three, if you're interested, did

<p style="text-align: right;">78</p> <p>1 you know -- flip -- if you could flip to page three.  2 It's actually past the index. Well, I'm sorry. Page  3 three has the license agreement language again. Do you  4 recall seeing that box or that paragraph above it  5 regarding the license agreement?  6 A I don't recall ever seeing it.  7 Q Okay. And then if you look at the very front  8 page of the property report, it defines the developer  9 as SB Hotel Associates and not Mr. Trump, correct?  10 A Correct.  11 Q Go to the very last page. This is my last  12 question regarding this document. There's that  13 signature block in the corner where it shows the  14 members or most of the members of SB Hotel Associates  15 and Mr. Stillman signed off on it. Do you recall  16 seeing that signature block?  17 A No.  18 Q All right. Okay. I'm done with that one.  19 You could certainly keep looking at it if you want.  20 A Okay.  21 Q The other two documents I'm going to show you  22 -- and the reason why I'm showing these to you is  23 because they're legal offering documents which I'm sure  24 you're familiar with in regard to new-construction-type  25 developments. This is the prospectus text. This is</p>	<p style="text-align: right;">80</p> <p>1 (Thereupon, a short discussion was had off  2 record.)  3 (Deposition resumed.)  4 MS. TRABAND: What I can tell you is that  5 this is going to be the shortest of the three  6 rounds.  7 A Okay. Thank you.  8 CROSS-EXAMINATION  9 BY MS. TRABAND:  10 Q Mr. Weiser, my name is Stephanie Traband. I -  11 - and as I had mentioned to you before we were on the  12 camera, I represent -- oh, actually, on the record as  13 well. I represent Corus Construction Venture, LLC  14 which I'm going to call "CCV", just for ease of  15 reference. I understand you're not a party to this  16 litigation. So, I'm just going to ask you. Do you  17 know what CCV is?  18 A As far as I know, out of business.  19 Q Do you know what the relationship between --  20 if any, between CCV and Corus Bank is?  21 A I believe that Corus either was the entire  22 underwriter of the project or one of the underwriters  23 of the project.  24 Q Okay. And when --  25 A By "underwriter", I mean loaned money on the</p>
<p style="text-align: right;">79</p> <p>1 one of the legal offerings. And if you could flip to -  2 - well, the very front page, first of all, inn bold,  3 the second bold word, third sentence, it says, "SB  4 Hotel Associates is the developer." Do you see that?  5 The third sentence.  6 A Yes.  7 Q Do you recall seeing that?  8 A I never saw this document.  9 Q Okay. You've never seen the prospectus?  10 A No. The -- again, to repeat, the documents  11 were sent directly to the -- the reservation holders  12 bypassing the outside realtors.  13 Q Understood. What I'm asking you is because -  14 - you may or may not have given some of these by your  15 client to look at them. So, that's why I'm asking you.  16 A No.  17 Q Okay. The last document I'm going to show  18 you is the declaration. This is another one of these  19 legal declarations. Do you recall ever looking through  20 the legal declaration in regard to this project?  21 A No.  22 Q Okay. Let me look through my notes. I think  23 I'm done. Let me just check.  24 MR. RUSSOMANNO: Okay. Thank you very much.  25 I appreciate your time.</p>	<p style="text-align: right;">81</p> <p>1 project.  2 Q And what do you understand -- do you  3 understand that there was any relationship between CCV  4 and Corus or you don't know?  5 A I understood, just from what you just  6 explained, CCV to be Corus. So, I'm under -- I'm sorry  7 if I misunderstood.  8 Q No. It's fine. I just wanted to know what  9 you knew. I will tell you for -- just to -- for  10 proceeding through this deposition, CCV was the  11 purchaser of the loan from the --  12 A Okay.  13 Q -- FDIC --  14 A Thank you.  15 Q -- after Corus failed.  16 A Then let me -- could you re-ask first and  17 second question --  18 Q It doesn't matter.  19 A -- so that I can correct myself?  20 Q It -- no, no. It doesn't matter. I -- it's  21 based on what you knew and you didn't know until I  22 corrected you --  23 A Thank you.  24 Q -- as to what CCV was. So, it's -- it  25 doesn't matter that you didn't know before. I wanted</p>



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1 to know what you knew.

2 A Thank you.

3 Q So, is it fair to say then that you've never

4 spoken to anyone from CCV about the project?

5 A Never.

6 Q Did you ever speak to anyone at Corus Bank

7 about the project?

8 A No.

9 Q Did you ever speak to any of your clients

10 about anything having to do with the loan to be given

11 to the developer for the project?

12 A No.

13 Q Did you ever speak with any of your clients

14 about the fact that there was a foreclosure of that

15 loan?

16 A I may have.

17 Q Okay. Do you recall who you spoke with about

18 it?

19 A I would have spoken to Cathey Cather. If I

20 spoke to anyone, I would have spoken to Cathey and

21 George Cather and possibly Barry Silverman.

22 Q You are --

23 A But this is possibly.

24 Q You're social friends with at least the

25 Cathers, correct?

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1 A And Barry Silverman.

2 Q Okay. Do you recall the substance of the

3 communication with either the Cathers or Mr. Silverman

4 about the foreclosure lawsuit?

5 A I hear it's being foreclosed. I'm

6 paraphrasing. I hear it's being foreclosed.

7 Q I will tell you again, just for purposes of

8 moving forward, the foreclosure has actually taken --

9 has happened and the building went to foreclosure sale.

10 But there are lingering issues. Part of which is why

11 we're here.

12 A Yes.

13 Q So, you've mentioned that you had a few --

14 your clients were the Cathers, the Tahiti Investment

15 Group, Mr. Silverman. Did you also sell a unit to Tom

16 and Barbara Wolf?

17 A I believe so. I don't remember all the names

18 of people I sold to this. Again, it was eight years

19 ago. It didn't close. Really didn't.

20 Q In terms of the Wolfs, do you know who they

21 are?

22 A Never met them.

23 Q Okay. Did you have -- do you recall selling

24 units to individuals that you had not met? I know you

25 mentioned the -- Tahiti came to you from New Jersey.

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1 Were there other instances where you sold the unit to

2 an individual or individuals that you had not met?

3 A Yes.

4 Q Okay. So, it's possible that the Wolfs were

5 your clients and you just don't recall?

6 A Yes. It was very customary for the period to

7 deal with people you've never met either before, during

8 or after a project was being sold.

9 Q Since the lawsuit has been filed, have you

10 had any conversations with Mr. Silverman, the Cathers

11 or anyone else about the type of claim that they are

12 asserting against CCV?

13 A Specifically against CCV?

14 Q Yes.

15 A No.

16 Q Do you know, as you sit here, what the claim

17 that they are asserting against CCV is?

18 A No.

19 MS. TRABAND: I don't think I have any more

20 questions.

21 A That was fast.

22 MS. TRABAND: I told you I would be the

23 fastest.

24 A Darn.

25 MR. ALTSCHUL: No, no more questions.

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1 MR. RUSSOMANNO: No more questions. Thank

2 you.

3 MR. KLITSBERG: He's going to read.

4 THE COURT REPORTER: Read? Do you want us to

5 contact you?

6 MR. KLITSBERG: Yeah.

7 (Thereupon, a short discussion was had off

8 record.)

9 THE COURT REPORTER: Are you going to be

10 ordering this one?

11 MR. ALTSCHUL: I'll let you know.

12 THE COURT REPORTER: Okay.

13 (Deposition concluded at 12:06 p.m.)

14 (Reading and signing of the deposition by the

15 witness has been reserved.)

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1 DATE: January 23, 2014  
 2 TO: Andrew Weiser  
 C/O Nathaniel Klitsberg, Esq.  
 3 Coldwell Banker Residential Real Estate  
 2800 Weston Road, Suite 201  
 4 Weston, Florida 33331-3638  
 5 IN RE: Matthew Abercrombie v. SB Hotel Associates,  
 LLC; Bayrock Group, LLC; et al 08-060702 CACE (07) 09-  
 6 01853 CACE (07) (Consolidated)  
 7 Dear Mr. Weiser,  
 8 Please take notice that on June 5, 2013, you gave  
 your deposition in the above-referenced matter. At  
 9 that time, you did not waive signature. It is now  
 necessary that you sign your deposition. You may do so  
 10 by contacting your own attorney or the attorney who  
 took your deposition and make an appointment to do so  
 11 at their office. You may also contact our office at  
 the below number, Monday - Friday, 9:00 AM - 5:00 PM,  
 12 for further information and assistance.  
 13 If you do not read and sign your deposition  
 within thirty (30) days, the original, which has  
 14 already been forwarded to the ordering attorney, may be  
 filed with the Clerk of the Court. If you wish to waive  
 15 your signature, sign your name in the blank at the  
 bottom of this letter and promptly return it to us.  
 16  
 Very truly yours,  
 17  
 18  
 19 JESSICA COOPER  
 Universal Court Reporting  
 20 (954)712-2600  
 21 I do hereby waive my signature.  
 22  
 23  
 24 \_\_\_\_\_  
 Andrew Weiser  
 25

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1 CERTIFICATE OF OATH  
 2 STATE OF FLORIDA  
 COUNTY OF BROWARD  
 3  
 I, JESSICA COOPER, the undersigned authority,  
 4 certify that ANDREW WEISER personally appeared before  
 me and was duly sworn.  
 5  
 Witness my hand and official seal this 5th day of  
 6 June, 2013.  
 7  
 8  
 9 \_\_\_\_\_  
 JESSICA COOPER, COURT REPORTER  
 10 NOTARY PUBLIC, STATE OF FLORIDA  
 COMMISSION NO.: EE 153401  
 11 COMMISSION EXPIRATION: 12/15/15  
 12  
 13  
 14  
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 20  
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 24  
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1 CERTIFICATE OF REPORTER  
 2 STATE OF FLORIDA  
 COUNTY OF BROWARD  
 3  
 I, JESSICA COOPER, Court Reporter and Notary  
 4 Public for the State of Florida, do hereby certify that  
 I was authorized to and did digitally report the  
 5 deposition of ANDREW WEISER; the foregoing testimony  
 was taken before me; that a review of the transcript  
 6 was requested; and that the transcript is a true and  
 complete record of my digital notes.  
 7  
 I further certify that I am not a relative,  
 8 employee, attorney or counsel of any of the parties,  
 nor am I a relative or employee any of the parties'  
 9 attorney or counsel connected with the action, nor am I  
 financially interested in the action.  
 10  
 11 Dated this 5th day of June, 2013.  
 12  
 13  
 14 \_\_\_\_\_  
 JESSICA COOPER  
 NOTARY PUBLIC, STATE OF FLORIDA  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 CERTIFICATE OF TRANSCRIBER  
 2 STATE OF FLORIDA  
 COUNTY OF BROWARD  
 3  
 I, CHYNNA BARBOSA, Transcriptionist and Notary  
 4 Public for the State of Florida, do hereby certify that  
 I was authorized to and did transcribe, to the best of  
 5 my ability, the audio recording of the deposition of  
 ANDREW WEISER, as provided by digital court reporter  
 6 JESSICA COOPER, in the case of MATTHEW ABERCROMBIE, ET  
 AL. v. SB HOTEL ASSOCIATES, LLC, ET AL., pending in the  
 7 Circuit Court of the 17th Judicial Circuit in and for  
 Broward County, Florida, Case No. 08-060702 CACE 07  
 8 consolidated with 09-01853 CACE 07, and that the  
 transcript and forgoing pages, numbered 1 to 89  
 9 inclusive, constitute a true and correct transcription  
 of the audio in said deposition.  
 10  
 WITNESS my hand and official seal in the City of  
 11 Fort Lauderdale, County of Broward, State of Florida,  
 this 30th day of January, 2014.  
 12  
 13  
 14 \_\_\_\_\_  
 CHYNNA BARBOSA, Transcriptionist  
 15 Notary Public, State of Florida  
 Commission No.: EE869302  
 16 Commission Expiration: 01/28/2017  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

1 ERRATA SHEET

2 I wish to make the following changes, for the following  
reasons:

3 PAGE NO. LINE NO.

4 \_\_\_\_\_ CHANGE \_\_\_\_\_

5 REASON \_\_\_\_\_

6 \_\_\_\_\_ CHANGE \_\_\_\_\_

7 REASON \_\_\_\_\_

8 \_\_\_\_\_ CHANGE \_\_\_\_\_

9 REASON \_\_\_\_\_

10 \_\_\_\_\_ CHANGE \_\_\_\_\_

11 REASON \_\_\_\_\_

12 \_\_\_\_\_ CHANGE \_\_\_\_\_

13 REASON \_\_\_\_\_

14 \_\_\_\_\_ CHANGE \_\_\_\_\_

15 REASON \_\_\_\_\_

16 \_\_\_\_\_ CHANGE \_\_\_\_\_

17 REASON \_\_\_\_\_

18 \_\_\_\_\_ CHANGE \_\_\_\_\_

19 REASON \_\_\_\_\_

20 \_\_\_\_\_ CHANGE \_\_\_\_\_

21 REASON \_\_\_\_\_

22 \_\_\_\_\_ CHANGE \_\_\_\_\_

23 REASON \_\_\_\_\_

24 \_\_\_\_\_  
25 SIGNATURE DATE



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