

In The Matter Of:

*People of the State of New York v.
Donald J. Trump, et al - CORRECTED*

October 3, 2023

So Ordered

(AE)

10/26/2023

HON. ARTHUR F. ENGORON J.S.C.

OCT 26 2023

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1 through the document, please.

2 Mr. Bender, do you recognize this document?

3 A The document --

4 Q What's that?

5 A Repeat the question, please?

6 Q Do you recognize this document?

7 A Yes, I do.

8 Q What is this document?

9 A This is the representation letter for the DJT -- the

10 compilation of the personal financial statement of Donald J.

11 Trump, as of June 30, 2020.

12 MR. WALLACE: If we could go to the bottom of

13 this document.

14 Q Do you recognize the signature on the left hand side

15 of the screen?

16 A Yes, I do.

17 Q Whose signature is that?

18 A It's Allen Weisselberg.

19 Q And in what capacity is Mr. Weisselberg signing this

20 document?

21 A Chief Financial Officer and Trustee of the Donald J.

22 Trump Revocable Trust.

23 Q And do you recognize the signature on the right hand

24 side?

25 A Yes, I do.

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1 Q Whose signature is that?

2 A That's Donald J. Trump, Junior's signature.

3 Q And in what capacity is he signing this document?

4 A Executive Vice President of the Trump Organization,

5 and Trustee of the Donald J. Trump Revocable Trust.

6 MR. WALLACE: Your Honor, we would ask that this

7 document be entered into evidence?

8 THE COURT: Granted. It's in evidence.

9 (Whereupon, Plaintiff's Exhibit 855 was received

10 in evidence.)

11 Q And Mr. Bender, would Mazars have issued the 2020

12 Statement of Financial Condition if Mr. Weisselberg and

13 Mr. Trump did not offer these representations?

14 A No, we would not have.

15 Q Would Mazars have issued the 2020 Statement of

16 Financial Condition if it knew that any representations

17 contained in this letter were false?

18 A No, we would not have.

19 Q Mr. Bender, did you work on Statements of Financial

20 Condition for Mr. Trump in any later years?

21 A No, we did not.

22 Q Why not?

23 A Mazars disengaged from the Trump Organization.

24 Q And did you have any involvement in the decision to

25 disengage from the Trump engagement?

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1 A No, I did not.

2 Q After the time that you disengaged from the Trump

3 engagement, did you have any personal contact with Donald J.

4 Trump?

5 A No, I did not.

6 Q Before seeing him in the courtroom the last two days,

7 when was the last time you saw Donald J. Trump in person?

8 A It was before Covid. It was December, 2019.

9 Q And do you remember in what context that was?

10 A Yes. Ms. Trump had invited by son to a

11 Christmas party for children, to make ornaments, and I had to

12 get some papers signed by Mr. and Ms. Trump.

13 Q Since that meeting, did you have any conversations

14 with Mr. Trump?

15 A No, I have not.

16 Q Did you have any conversations with Mr. Trump about

17 the decision by Mazars to end the engagement with the Trump

18 Organization?

19 A No, I did not.

20 Q Did you have any in-person meetings with Mr. Trump

21 about the decision by Mazars to end to the relationship with the

22 Trump Organization?

23 A No, I did not.

24 MR. WALLACE: Your Honor, we reserve our right to

25 re-direct; or cross, if they go beyond the scope of his

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1 testimony. We have no more questions at this time, of

2 Mr. Bender.

3 THE COURT: Mr. Kise, do you want five minutes to

4 cross exam?

5 MR. KISE: Do we want to -- just, probably better

6 to just take our break.

7 THE COURT: I thought you would say that. Give

8 me one second.

9 (Whereupon, there was a pause in the

10 proceedings.)

11 THE COURT: Okay. We are going to resume at

12 2:15. Have a good lunch, everybody.

13 (Whereupon, a recess was taken.)

14 * * * * *

15 THE COURT: Welcome back, everyone.

16 This morning, one of the defendants posted, to a

17 social media account, a disparaging, untrue and personally

18 identifying post about a member of my staff. Although I

19 have since order the post deleted, and apparently it was,

20 it was also emailed out to millions of other recipients.

21 Personal attacks on members of my court staff are

22 unacceptable, inappropriate, and I will not tolerate them,

23 under any circumstances. Yesterday, off the record, I

24 warned counsel of this, and this was disregarded. My

25 warning was disregarded.

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Proceedings	Page 271	D. Bender - Cross by Mr. Suarez	Page 273
1 Consider this statement a gag order forbidding		1 Q And Mr. Bender, preparing the president's Statements	
2 all parties from posting, emailing, or speaking publicly		2 of Financial Condition, that was a big job; wasn't it,	
3 about any members of my staff. Any failure to abide by		3 Mr. Bender?	
4 this directive will result in serious sanctions. I hope		4 A It wasn't a big job. It was part of my normal	
5 I've been very clear.		5 engagement.	
6 Okay. Let's get Mr. Bender back.		6 Q Part of your normal engagement, I see. In 2011 alone,	
7 MR. KISE: While we're waiting, Judge, I'll just		7 the first Statement of Financial Condition that the Attorney	
8 observe, this will be better for me because I don't have to		8 General had you talk about, the president had over \$258 million	
9 stand up and object when there's a document, since it's		9 in cash, Mr. Bender. You don't think that's a significant	
10 cross examination.		10 engagement?	
11 THE COURT: Are we up to cross?		11 A No, sir.	
12 MR. SUAREZ: Your Honor, I'll take the		12 Q Okay. The president had a company with a brand value	
13 opportunity to introduce myself. My name is Jesus Suarez.		13 of over \$10-, maybe even \$20 billion, Mr. Bender. That, for	
14 Thank you for admitting me, pro hac vice. I practice with		14 you, wasn't a significant engagement?	
15 Mr. Kise, in Florida.		15 A No, sir.	
16 THE COURT: Of course. I remember the		16 Q Okay. Now, is that because you were the in-house	
17 application.		17 accountant at the Trump Organization for over 30 years,	
18 MR. SUAREZ: I don't speak as nicely as he does.		18 Mr. Bender?	
19 THE COURT: Well, almost nobody does, so --		19 A I wasn't the in-house accountant.	
20 MR. SUAREZ: Is my mike on? Now my mike is on.		20 Q Okay. So who was?	
21 THE COURT: Is he as good in the office as he is		21 A The in-house accountant?	
22 in court?		22 Q Yes.	
23 MR. SUAREZ: He is certainly as charming in the		23 A Mr. McConney, Mr. Weisselberg. They were the in-house	
24 office as he is in court, but he almost never picks up		24 accountants.	
25 lunch. I don't know what that's about.		25 Q Mr. McConney. Mr. McConney worked with you at Spahr	
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1 That was a joke. Mr. Kise picks up lunch.		1 Lacher?	
2 MR. KISE: You are forgetting all the dinners.		2 A Yes, he did.	
3 THE COURT: They don't laugh at mine, either, so.		3 Q May have been responsible for giving you the name Doc?	
4 (Whereupon, the witness resumed the witness		4 A He wasn't, but he kept it going.	
5 stand.)		5 Q Did they call you Doc because you were good at	
6 THE COURT: I'll remind the witness, as usual,		6 documented transactions? That was the Doc?	
7 that he is still under oath.		7 A No.	
8 THE WITNESS: Thank you.		8 Q It's a cute nickname.	
9 THE COURT: Counsel, please proceed.		9 Was Mr. Weisselberg an accountant?	
10 CROSS EXAMINATION		10 A He was an accountant.	
11 BY MR. BENDER:		11 Q Mr. Weisselberg is a CPA?	
12 Q Mr. Bender, good afternoon.		12 A No. He is not a CPA.	
13 A Good afternoon.		13 Q Mr. McConney is a CPA?	
14 Q We have met before?		14 A No. Mr. McConney is not a CPA.	
15 A Good afternoon.		15 Q Okay. So who was the in-house accountant at the Trump	
16 THE COURT: That's a question. Have you met		16 Organization, Mr. Bender?	
17 before?		17 A Mr. Weisselberg, and his team.	
18 Q We have met before. We met in April of 2023, when I		18 Q All right. You did work for the Trump Organization	
19 took your deposition on behalf of the defendants. Do you		19 for over 35 years; did you not, Mr. Bender?	
20 recall, sir?		20 A Excuse me?	
21 A Yes, sir.		21 Q You did work for the president and his company, the	
22 Q Okay. Mr. Bender, you have been up here testifying		22 Trump Organization, for over 35 years?	
23 for the last day about the Statements of Financial Condition of		23 A Approximately.	
24 the 45th President of the United States. Is that correct?		24 Q Approximately. In fact, you came to work with the	
25 A Yes, sir.		25 Trump Organization through a gentlemen named Mr. Mitnick; didn't	