

Jury Trial

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK:CRIMINAL TERM
PART: 59

-----X
THE PEOPLE OF THE STATE OF NEW YORK

Indictment
No. 71543/2023

-against-

DONALD J. TRUMP,

FALSIFYING BUSINESS RECORDS
FIRST DEGREE

Defendant.

-----X

100 Centre Street
New York, NY 10013
May 9, 2024

BEFORE: HONORABLE JUAN M. MERCHAN, JUSTICE

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

For the People:

ALVIN L. BRAGG, JR., ESQ.
District Attorney, New York County
BY: JOSHUA STEINGLASS, ESQ.
MATTHEW COLANGELO, ESQ.
SUSAN HOFFINGER, ESQ.
CHRISTOPHER CONROY, ESQ.
REBECCA MANGOLD, ESQ.
KATHERINE ELLIS, ESQ.

For the Defense:

BLANCHE LAW
BY: TODD BLANCHE, ESQ.
EMIL BOVE, ESQ.
STEPHEN WEISS, ESQ.
KENDRA WHARTON, ESQ.
NECHELES LAW, LLP
BY: SUSAN NECHELES, ESQ.
GEDALIA M. STERN, ESQ.

SUSAN PEARCE-BATES
Principal Court Reporter
LAURIE EISENBERG, C.S.R., R.P.R.
LISA KRAMSKY
THERESA MAGNICCARI
Senior Court Reporters

Laurie Eisenberg, CSR, RPR
Senior Court Reporter

1 THE CLERK: This is the People of the State of
2 New York against Donald J. Trump. Indictment 71543/23.

3 Appearances, starting with the People.

4 MR. STEINGLASS: For the People, ADAs Joshua
5 Steinglass, Susan Hoffinger, Becky Mangold, Matthew
6 Colangelo, Christopher Conroy, and Katherine Ellis.

7 MS. NECHELES: For the defense, Susan Necheles,
8 seated here with President Trump is here, Todd Blanche,
9 Emil Bove, and Gedalia Stern.

10 THE COURT: Good morning.

11 Good morning, Mr. Trump.

12 MS. HOFFINGER: Just a short application.

13 THE COURT: Sure.

14 MS. HOFFINGER: I conferred with Ms. Necheles
15 this morning.

16 Among the Defense Exhibits are J-26. Marked as
17 J-26 is an arrest record for Ms. Daniels from back in
18 2009. It's an allegation, according to the document, of
19 simple battery, with absolutely no injury, regarding her
20 former husband with whom she's divorced.

21 I asked Ms. Necheles this morning if she was
22 planning to elicit a question about a prior arrest. She
23 said she was.

24 We move to preclude that.

25 The case never proceeded and was dismissed

1 without prosecution.

2 MS. NECHELES: I wasn't intending to try to put
3 the record in evidence.

4 I was just going to ask about whether she was
5 arrested.

6 THE COURT: As I say all the time, anybody can be
7 arrested. Any one of us can be arrested when we step
8 outside. That doesn't prove a thing.

9 If it resulted in nothing, you're precluded from
10 going into it.

11 MS. NECHELES: I'm going to ask, instead, if her
12 then-husband accused her of that.

13 I won't say anything about being arrested, just
14 accusing her.

15 MS. HOFFINGER: Anybody can be accused of
16 anything.

17 It has nothing to do with credibility.

18 It was as a result of a divorce proceeding.

19 THE COURT: If it wasn't a result of a conviction
20 or a fine or sentence, no; it's not probative of anything.

21 Anything else we need to go into before we get
22 the witness back on the stand?

23 MS. HOFFINGER: No, your Honor.

24 THE COURT: One thing.

25 I asked on Tuesday if you wanted to submit a

1 request for a limiting instruction, what do you want me to
2 say on that.

3 (Whereupon, defense counsel confer.)

4 MS. NECHELES: Your Honor, I think that, given
5 the cross, I'm not sure -- it depends where we end at the
6 end of the testimony.

7 Can it wait until then?

8 THE COURT: Yes.

9 I agree.

10 Let's get the witness back.

11 COURT OFFICER: Witness entering.

12 (Whereupon, the witness, Stormy Daniels, having
13 been previously duly sworn and/or affirmed, resumes the
14 witness stand and testifies as follows:)

15 THE COURT: Good morning, Ms. Daniels.

16 I remind you, you're still under oath.

17 Let's get the jury, please.

18 COURT OFFICER: All rise.

19 Jury entering.

20 (Whereupon, the jurors and the alternate jurors
21 are present and properly seated.)

22 THE CLERK: Do both parties confirm that all
23 parties are present and properly seated?

24 MS. HOFFINGER: Yes.

25 THE COURT: Good morning, jurors.

1 Welcome back.

2 Ms. Necheles.

3 MS. NECHELES: Thank you, your Honor.

4 CONTINUED CROSS-EXAMINATION

5 BY MS. NECHELES:

6 Q Ms. Daniels, when we ended the day on Wednesday -- or,
7 Tuesday, we were talking about what occurred prior to the 2016
8 election; correct?

9 A Yes.

10 Q You recall that President Trump was elected President
11 in November of 2016; right?

12 A Correct.

13 Q And in 2011, you had given an interview with E! Online
14 where you had said your story about having sex with President
15 Trump was "bullshit"; right?

16 MS. HOFFINGER: Objection.

17 Mischaracterization.

18 THE COURT: Sustained.

19 Q Well, do you recall that?

20 MS. HOFFINGER: Objection.

21 THE COURT: Sustained.

22 Q And -- but, in 2016, you were trying to sell your
23 story; right?

24 A Yes.

25 Q We were reviewing People's Exhibit 171-A.

1 MS. NECHELES: If we could pull that up and put
2 that up again.

3 We can turn to Page 2.

4 That can be shown to everybody. That's in
5 evidence.

6 (Whereupon, an exhibit is shown on the screens.)

7 MS. NECHELES: If we can blow up the part
8 starting with: "I have her."; "Is she ready to talk?"

9 Blow up the four from the bottom.

10 (Whereupon, an exhibit is shown on the screens.)

11 Q You see that in this part, you say that Gina Rodriguez
12 was saying -- you know, was asking whether you were ready to
13 talk; right?

14 MS. HOFFINGER: Objection.

15 THE COURT: Please approach.

16 (Whereupon, the following proceedings were held
17 at sidebar:)

18 MS. HOFFINGER: Two things.

19 One. This has been fully gone through last time.
20 She can go through it again, but it's exactly the same.

21 Second. She didn't say anything. These are not
22 her texts.

23 Ms. Necheles had her read the Gina Rodriguez
24 texts to Dylan Howard.

25 I guess if she wants her to read them again --

1 that's not her testimony.

2 She's mischaracterizing.

3 MS. NECHELES: I am not mischaracterizing.

4 I was in the middle of this.

5 I have three minutes, and then I'm done.

6 THE COURT: One thing about this. I gave you
7 latitude on Tuesday. You can ask her if she's aware of
8 some of this, but you can't do it in such a way that
9 you're putting their words in her mouth.

10 MS. NECHELES: Okay.

11 (Whereupon, the following proceedings were held
12 in open court:)

13 THE COURT: The objection is sustained.

14 Q At this point, you were asking for money; you wanted
15 money from President Trump; right?

16 A No.

17 Q You weren't asking for money in 2016?

18 A I never asked for money from President Trump.

19 Q You asked it from Michael Cohen; right?

20 A No.

21 Q Well, you wanted to make money from selling your
22 story; right?

23 A I never asked for money from anyone in particular.
24 I asked for money to tell my story.

25 Q And that's what you're asking in 2016, was for money

1 to be able to tell your story; right?

2 MS. HOFFINGER: Asked and answered.

3 THE COURT: Overruled.

4 You can answer. You can answer.

5 A I was asking to sell my story to publications to get
6 the truth out.

7 Q But, you entered into a negotiation over a
8 Non-Disclosure Agreement; right?

9 A My attorneys did, yes.

10 Q And that was your choice; right?

11 A (No response).

12 Q Well, you made the decision that you wanted your
13 lawyers to do that; right?

14 A I accepted an offer.

15 Q That was your choice; right?

16 A Not necessarily.

17 I wanted to do a press conference.

18 Q You would prefer to do the press conference and get no
19 money over making money; is that what you're saying?

20 A Absolutely, if it got the story out.

21 Q So, why didn't you do that?

22 A Because we were running out of time.

23 Q You were "running out of time" to get money; right?

24 A No. To get the story out.

25 Q You could have gone out any day of the week, could

1 have walked out of your apartment, out of your ranch home and
2 given a press conference; right?

3 A I could have.

4 Q But, you chose not to; right?

5 A I chose to be safe.

6 Q You chose to make money; right?

7 A (No response).

8 Q Right?

9 A I chose to take the Non-Disclosure.

10 Q And, do you recall that in 2016, that at the same time
11 that your lawyer was negotiating with Michael Cohen over a
12 Non-Disclosure Agreement, you were also speaking with a
13 reporter from Slate named Jacob Weisberg? Do you recall that?

14 A I recall talking to someone from Slate. I'm not sure
15 the name.

16 Q And, Slate, am I correct, is a website that runs
17 stories; right?

18 A Yes.

19 Q And, you told Weisberg about your supposed affair with
20 President Trump; right?

21 A Yes.

22 Q And, you told him about the fact that you were
23 negotiating with Michael Cohen for a Non-Disclosure Agreement;
24 right?

25 A Yes.

1 Q And Weisberg tried to convince you to let him publish
2 the story; right?

3 A No.

4 Um, let me see, he was my backup in case the Non-Disclosure
5 fell through, not enough time.

6 Q He wanted to publish your story; right?

7 A Everyone wanted to publish the story.

8 Q But, you stopped talking to him when you got the
9 money.

10 You wanted money from him; right?

11 A I stopped talking to numerous people because I signed
12 a Non-Disclosure, and that was part of the deal.

13 Q You could have just let Weisberg publish the story,
14 but you wanted money from Weisberg; right?

15 A I could have had anybody publish the story.

16 Q But, they weren't willing to give you money; right?

17 A No.

18 Q Am I correct, you told Weisberg you were sharing these
19 details because you were afraid that Michael Cohen was stalling
20 on filing the Non-Disclosure Agreement and, after the election,
21 he wouldn't pay you; right?

22 A Yes.

23 Q You said that as an alternative to be paid for your
24 silence, you wanted to be paid for your story; right?

25 A I don't remember.

1 Can you show me where I said that?

2 Q Sure.

3 MS. NECHELES: Can we pull up J-45 for the
4 witness and the parties, please, and turn to Page 4.

5 (Whereupon, an exhibit is shown on the witness'
6 and the parties' screens.)

7 MS. NECHELES: We can turn to Page 3 and the
8 second paragraph.

9 You can blow that up for the witness.

10 (Whereupon, an exhibit is shown on the witness'
11 and the parties' screens.)

12 Q Isn't it correct that you told Weisberg that as an
13 alternative to be paid for your silence, you wanted to be paid
14 for your story; right?

15 (Whereupon, the witness reviews the exhibit on
16 her screen.)

17 A (No response).

18 Q Is that correct?

19 A I'm sorry. What was that?

20 Q Isn't it correct that you told Weisberg that as an
21 alternative to being paid for your silence, you wanted to be
22 paid for your story; right?

23 A I don't remember saying that exactly, no.

24 Q Well, did you tell him that you wanted "something to
25 show" for your experience?

1 A Yes.

2 I wanted the truth to be printed, with a paper trail of
3 some sort, whether it was an interview, a video, or money, that
4 I was telling the truth, to protect me.

5 Q You wanted money; right?

6 A I wanted the truth to come out.

7 Q Well, are you saying you didn't tell Weisberg that as
8 an alternative to being paid for your silence, you wanted to be
9 paid for the story?

10 A I don't remember saying that. I just told you that.

11 Q Isn't it correct that Weisberg told you that Slate did
12 not pay their sources, but he encouraged you to come forward
13 anyway?

14 A Yes.

15 Q But, you didn't go forward with him; right?

16 A Because I was offered the NDA.

17 Q Even though you would have gotten your story out, you
18 chose not to go with Slate?

19 A Correct. This was a better alternative.

20 Q The "better alternative" was for you to make money;
21 right?

22 A The better alternative was to get my story protected
23 with a paper trail, so my family didn't get hurt if the story
24 was out.

25 Q And the story -- the paper trail was out if the story

1 had gotten out?

2 A Can you repeat that?

3 Q And the paper trail was out if the story had gotten
4 out?

5 A Correct. With a target on my back and my family's.
6 It was the perfect solution.

7 Q Am I correct, you told Weisberg another one of your
8 motives was your anger about Trump's opposition to abortion and
9 gay marriage?

10 A No.

11 Q You don't remember saying that to him?

12 A I don't remember saying that. Bullshit.

13 Q I want to direct your attention again to J-45 and --

14 MS. HOFFINGER: Objection.

15 Q -- and Paragraph 2.

16 THE COURT: There's an objection.

17 Overruled for now.

18 MS. NECHELES: I'm sorry. I didn't hear the
19 objection.

20 (Whereupon, an exhibit is shown on the witness'
21 and the parties' screens.)

22 Q Directing your attention to Paragraph 2.

23 Isn't it correct, you told him another motivation to go
24 public was your anger about Trump's newfound opposition to
25 abortion and gay marriage?

1 A I don't remember saying that.

2 Was he opposed to abortion? I don't know.

3 Q Isn't it true that what you were telling Weisberg was
4 you either wanted money or you were gonna hurt him politically?

5 A No.

6 Q Because that's what you thought, wasn't it; you were
7 threatening that you would try to hurt President Trump
8 politically by telling this story if he didn't give you money;
9 right?

10 A False.

11 Q And when Michael Cohen was --

12 MS. NECHELES: We can take that down.

13 Thank you.

14 Q -- was not paying you the money he promised to pay
15 you, you were furious; weren't you?

16 A Yes.

17 Q And didn't you scream at your lawyer, Keith Davidson,
18 and call him a "pussy" and tell him, "You better get money
19 before the election. Otherwise," you "would lose all" your
20 "leverage and" your "story would be worth zero;" you told him
21 that; didn't you?

22 A Can you show me where I said that?

23 MS. NECHELES: If we could play what is in
24 evidence as Defendant's Exhibit F-17 interview, and if you
25 could put up the transcript at the same time, F-17-AT.

1 (Whereupon, an exhibit is shown on the screens.)

2 MS. NECHELES: You can blow up the transcript a
3 little bit.

4 Thank you.

5 (Whereupon, an audio exhibit is played in open
6 court.)

7 MS. NECHELES: Sorry. That was a mistake.

8 THE COURT: It's all right.

9 (Whereupon, an audio exhibit is played in open
10 court.)

11 MS. HOFFINGER: Judge, I'm going to object.

12 THE COURT: Sustained.

13 Please stop the tape.

14 Please approach.

15 (Whereupon, the following proceedings were held
16 at sidebar:)

17 MS. HOFFINGER: This has nothing to do with the
18 question that Ms. Necheles asked. This has no mention of
19 the witness.

20 She's just replaying a tape of a conversation
21 between Michael Cohen --

22 MS. NECHELES: I have to look at the transcript.

23 I thought this is the one where she's talking
24 about -- that she's screaming at him.

25 MS. HOFFINGER: Nope.

1 THE COURT: I wanted to say on Tuesday, you guys
2 need to be careful when you put stuff up. Make sure what
3 you're putting up is what you mean to put up.

4 I don't want any mistakes.

5 MS. NECHELES: I thought this was the transcript.
6 I apologize.

7 There's one where she's calling him a "pussy".

8 THE COURT: See if you can find it.

9 MS. NECHELES: I will.

10 (Whereupon, the following proceedings were held
11 in open court:)

12 MS. NECHELES: I apologize. I put up the wrong
13 tape.

14 F-17-E.

15 THE COURT: Can we look at the transcript first,
16 before you play the tape?

17 MS. NECHELES: Yes.

18 Can you put up the transcript first, please.

19 (Whereupon, an exhibit is shown on the screens.)

20 THE COURT: That's the one we're looking for?

21 MS. NECHELES: Yes. That's it.

22 If you could play that, please.

23 (Whereupon, an audio exhibit is played in open
24 court.)

25 Q Do you recall that that's what you were saying --

1 that's Keith Davidson, that's your lawyer that you heard on the
2 phone right now; right?

3 A Keith Davidson and Michael Cohen; correct?

4 MS. HOFFINGER: Objection.

5 It doesn't refresh her recollection.

6 She said she didn't recall.

7 THE COURT: Sustained.

8 Q Do you recall now that you made those statements?

9 A No, I do not, actually. It reminds me I never -- I
10 never yelled at Keith Davidson on the phone.

11 This specifically says that Gina's boyfriend was gonna go
12 out and tell a story, not that I was gonna do this, because I
13 didn't do this.

14 Sounds like a threat from Keith Davidson.

15 Q So, if Keith Davidson said that, he was lying?

16 MS. HOFFINGER: Objection.

17 THE COURT: Sustained.

18 Q But, you got \$130,000; right?

19 A I didn't.

20 That was the payment.

21 Q That was the payment that --

22 A I got a portion of it.

23 Q -- that was negotiated on your behalf; right?

24 A Correct.

25 Q And, in return for that \$130,000, you signed an

1 Agreement that you would not tell your story publicly; right?

2 A Yes.

3 MS. NECHELES: I want to put up on the screen

4 People's Exhibit 276, which is the Settlement Agreement.

5 You can show that to all. It's in evidence.

6 (Whereupon, an exhibit is shown on the screens.)

7 MS. NECHELES: If we could blow up the top, the
8 heading of it, please.

9 (Whereupon, an exhibit is shown on the screens.)

10 Q You described this document, on direct examination, as
11 a contract between people or parties to keep information
12 secret; right?

13 A (No response).

14 Q Do you recall saying that?

15 A Yes. It's a contract.

16 Q And you understand that a contract is a legal
17 agreement; right?

18 A Well, I'm not an attorney, but yes.

19 Q And it was called a Confidential Settlement Agreement
20 and Mutual Release; Assignment of Copyright and
21 Non-Disparagement Agreement; right?

22 A That's what it says, yes.

23 Q And if we look in the first paragraph --

24 MS. NECHELES: If we could blow up the first
25 paragraph, please.

1 (Whereupon, an exhibit is shown on the screens.)

2 Q This paragraph talks about who -- that there is a
3 Settlement Agreement and Mutual Release between two parties
4 whose names are acknowledged in a Side Agreement; right?

5 A Yes.

6 MS. NECHELES: If we can look at the second
7 paragraph, please.

8 (Whereupon, an exhibit is shown on the screens.)

9 Q It says: "Recitals."

10 These are the things that are then being agreed to by the
11 parties about the facts; right?

12 Do you understand that?

13 A Yes.

14 Q And it said that: "Prior to entering into this
15 Agreement," you "had come into possession of some confidential
16 information;" right?

17 A Yes.

18 Q And that it related to the other party, the defendant
19 to this Agreement; right?

20 A Yes.

21 MS. NECHELES: We can go to the next paragraph.

22 (Whereupon, an exhibit is shown on the screens.)

23 Q And you had claimed that you had been damaged; the
24 other party, the defendant, claimed that he had been damaged;
25 and you were going to have Released Claims; right?

1 A Like I said, I am not an attorney, so I am reading
2 this quickly and -- I signed this based upon what my attorney
3 suggested that I do.

4 Q Okay.

5 But, you read it; didn't you?

6 A Yeah.

7 MS. NECHELES: We can go to the next paragraph.

8 (Whereupon, an exhibit is shown on the screens.)

9 Q And this is talking about that you guys were agreeing
10 to sell or transfer those rights; right?

11 (Whereupon, the witness reads the exhibit on her
12 screen.)

13 A "Any property and property rights" -- yes.

14 MS. NECHELES: We can go to the next paragraph.

15 (Whereupon, an exhibit is shown on the screens.)

16 Q And this is saying that you are -- the parties are
17 agreeing that this will be kept confidential thereafter; right?

18 A Yes.

19 Q Because this was a Confidentiality Agreement; right?

20 A Yes.

21 Q And, you had referred to it as an "NDA" or a
22 "Non-Disclosure Agreement"; right?

23 A Yes.

24 MS. NECHELES: We can go to the next paragraph.

25 (Whereupon, an exhibit is shown on the screens.)

1 Q And this said that the parties want to avoid the
2 expense of a litigation, and so you were settling any disputes
3 between yourselves; right?

4 (Whereupon, the witness reviews the exhibit on
5 her screen.)

6 A Yes.

7 Q And you were releasing any claims against each other;
8 right?

9 A Yes.

10 MS. NECHELES: We can go to the next paragraph.

11 (Whereupon, an exhibit is shown on the screens.)

12 Q It said that all the things that had been said here
13 are "integral", they're an important part of this Agreement;
14 right?

15 (Whereupon, the witness reviews the exhibit on
16 her screen.)

17 A I'm not exactly sure what it means. But...(shrugs).

18 Q Okay.

19 So, these were some of the provisions in this contract;
20 right?

21 A Yes.

22 Q And the contract went on for many, many pages; right?

23 A Yes.

24 Q And what you've been saying here is you're not a
25 lawyer, and these were legal terms, and you didn't understand

1 or you don't feel that you're able to discuss all these legal
2 terms; right?

3 A Not without speaking to an attorney, no.

4 Q And lawyers negotiated this document; right?

5 A Yes.

6 Q Your lawyer you had negotiated it, and Michael Cohen
7 negotiated; right?

8 A That's what I was led to believe.

9 Q Because you understood that this was a legal matter
10 that was being settled and a legal contract; right?

11 A (Pause). Yes. Fine. Okay.

12 Q So, now, on January 10, 2018, The Wall Street Journal
13 published an article that talked about this Settlement
14 Agreement; right?

15 A I need to make sure that was the date, but yes. In
16 January of '18. I'm not sure of the exact date.

17 MS. NECHELES: Can we pull up P1-A1 in evidence
18 (Whereupon, an exhibit is shown on the screens.)

19 Q See the date there?

20 A It says January 12th.

21 Q January 12th.

22 Sorry.

23 But, you knew about that article that was coming out
24 before; didn't you?

25 A Keith Davidson said that something was coming out.

1 Q All right.

2 Am I correct that on January 10, 2018, you signed a
3 statement saying you had not had sex with President Trump;
4 right?

5 A Yes.

6 MS. NECHELES: If we could put up People's 277.
7 (Whereupon, an exhibit is shown on the screens.)

8 Q This was that statement; right?

9 A Yes.

10 Q And you state in there -- that was on January 10,
11 2018, you put up that statement; right?

12 A That's the day they sent it to me, yes.

13 Q Well, you signed it.

14 That's your signature on it; right?

15 A I don't remember what day I signed it, but that's the
16 day they sent it to me.

17 Q Okay.

18 But, that is your signature; right?

19 A Yes.

20 Q You state in there: "I recently became aware that
21 certain news outlets are alleging that I had a sexual and/or
22 romantic affair with Donald Trump many, many years ago" --
23 because it was many, many, many years ago; right?

24 A At this time, it was 12 years.

25 Q That's many, many, many years before; right?

1 A A lot of manys, but okay.

2 Q Then you go on: "I am stating with complete clarity
3 that this is absolutely false."

4 Right; this is what you wrote in there?

5 A Yes.

6 Q "My involvement with Donald Trump was limited to a few
7 public appearances and nothing more."

8 Correct?

9 A Yes.

10 Q "When I met Donald Trump, he was gracious,
11 professional, and a complete gentleman to me and everyone in my
12 presence."

13 That's what you wrote; right?

14 A Well, to be clear, I did not write this.

15 Q You signed this statement; right?

16 A I signed it.

17 It was given to me, and I was told that I had to sign it.

18 Q Then you said: "Rumors that I have received hush money
19 from Donald Trump are completely false."

20 Correct; that's what you said?

21 A Correct. Because it was not a rumor. It was the truth.
22 Very different.

23 Q "If indeed I did have a relationship with Donald
24 Trump, trust me, you wouldn't be reading about it in the news,
25 you would be reading about it in my book. But the fact of the

1 matter is, these stories are not true."

2 And then you signed that document; correct?

3 A Yes.

4 MS. NECHELES: We can take that down.

5 Thank you.

6 Q Am I correct that 21 days later, you put out another
7 statement like that?

8 A Michael Cohen released a statement, yes.

9 Q And you signed it; right?

10 A But, I didn't release it.

11 Q But, you signed it; right?

12 A Yes.

13 MS. NECHELES: If we could put up People's 278 in
14 evidence.

15 That could be shown to everybody.

16 (Whereupon, an exhibit is shown on the screens.)

17 Q On January 30th, again, you denied that you ever had a
18 sexual relationship with Donald Trump; right?

19 A Yes.

20 Q You said: "Over the past few weeks I have been asked
21 countless times to comment on reports of an alleged sexual
22 relationship I had with Donald Trump many, many, many years
23 ago.

24 "The fact of the matter is that each party to this alleged
25 affair denied its existence in 2006, 2011, 2016, 2017, and now

1 again in 2018. I am not denying this affair because I was paid
2 hush money as has been reported in overseas-owned tabloids. I
3 am denying this affair because it never happened. I will have
4 no further comment on this matter.

5 "Please feel free to check me out at Instagram at
6 TheStormyDaniels."

7 Right?

8 A That's what it says.

9 Q That's what you signed; right?

10 A Correct.

11 Q Am I correct that Michael Cohen had been pushing to
12 get you to sign this; right? That's what you're saying?

13 A Via Keith Davidson.

14 I never spoke to Michael Cohen directly.

15 Q But -- and you understood that in 2018, President
16 Trump was denying this relationship; right?

17 A Yes.

18 Q And he wanted you to deny it as well; right?

19 A Yes.

20 Q And he was not running for election at that point in
21 2018; was he?

22 A No.

23 Q There was no election in 2018; right?

24 A No.

25 Q He was already President; right?

1 A Yes.

2 Q But he was concerned -- you understood he was
3 concerned about his family; right?

4 MS. HOFFINGER: Objection.

5 THE COURT: Overruled.

6 You can answer.

7 THE WITNESS: Can't?

8 THE COURT: You can.

9 A I never mentioned anything about his family.

10 Q Okay.

11 But, there was nothing about an election going on then;
12 right?

13 A No.

14 Q And you understood, also, that President Trump has a
15 brand; right?

16 A Yes.

17 Q And you understood that he is concerned about
18 protecting his brand and his image; right?

19 MS. HOFFINGER: Objection.

20 THE COURT: Overruled.

21 You can answer.

22 A I wouldn't know what he wants to protect.

23 Q Well, you claimed that you had discussions about
24 business with Mr. Trump; right?

25 A Yes. And he never expressed concern about his brand.

1 Q Didn't you claim, don't you tell a story that he
2 talked about creating an image that was successful?

3 A He implied it.

4 Q And that's his brand; right?

5 A Yes. (Shrugs).

6 Q So, even though you had agreed that you would not
7 discuss this supposed story, and you had received a lot of
8 money for that Agreement, you then decided you wanted to
9 publicly say that you had sex with President Trump; right?

10 A No. Nobody would ever want to publicly say that.

11 I wanted to publicly defend myself after people attacking
12 me after Michael Cohen told about the story.

13 Q Well, you wanted to make more money; right?

14 A No.

15 That's why I did 60 Minutes for free.

16 Q Well, you hired Michael Avenatti to be your new
17 lawyer; right?

18 A Yes. (Facial gestures).

19 Q You then gave an interview to Anderson Cooper on 60
20 Minutes; right?

21 A I did.

22 Q That was televised in 2018; right?

23 A Yes.

24 Q In that interview, you told the world about what you
25 claimed had happened with President Trump; correct?

1 A Right.

2 And I was not compensated.

3 Q And you were not paid for that interview; right?

4 A Correct.

5 Q And you really want to keep saying that; right?

6 A Yes.

7 Q But, the interview generated a ton of publicity for
8 you; didn't it?

9 A Lots of bad publicity, yes.

10 Q A ton of publicity; right?

11 A Yes.

12 Q And your attorney, Michael Avenatti, hated Trump and
13 announced publicly that he wanted to run to be President of the
14 United States himself; right?

15 MS. HOFFINGER: Objection.

16 THE COURT: Sustained.

17 Q Well, Michael Avenatti was helping you get all this
18 publicity; right?

19 A No.

20 Q Well, he didn't arrange for you to go on CNN?

21 A He arranged for me to go on CNN and The View.
22 Everything else he took for himself.

23 Q And you knew that getting a lot of free publicity for
24 your story would allow you to then make lots of more money off
25 of your story about President Trump; right?

1 A I actually didn't. I was completely unprepared for how
2 far that went.

3 Q Well, after giving the Anderson Cooper interview, you
4 were able to negotiate a book contract; right?

5 A Yes.

6 Q And it was for \$800,000 right?

7 A Yes.

8 Q So, now you were able to sell your story for \$800,000;
9 right?

10 A I sold my life story, yes.

11 Q And that was in addition to the \$130,000 that you had
12 been paid previously; right?

13 A I didn't receive 130, though.

14 Q You were paid, but you had to give some of it to Gina
15 Rodriguez and some of it to Keith Davidson; right?

16 A Okay. Yes.

17 Q Correct?

18 A Yes.

19 Q And so, now you had been paid \$930,000, almost a
20 million dollars, for selling the story; right?

21 A I also didn't receive the 800,000.

22 Q Well, that's what you had contracted to -- agreed to
23 get paid; right?

24 A Minus commissions and what was stolen from me.

25 Q Okay.

1 But, that's what you had sold your story for; right?

2 A Correct.

3 Q Am I correct that the centerpiece of your book is
4 about your story about, supposedly, having sex with President
5 Trump?

6 A No.

7 Q Well, you believed that was the reason people would
8 buy your book, was to read about your description about sex
9 with Donald Trump; didn't you?

10 A Sadly, I thought that's what a lot of people would
11 turn to first.

12 Luckily, the start of -- for me, the start of my story
13 started when I was two-years-old.

14 Q Chapter 3 started with a joke about whether the reader
15 skips right there and started with the chapter about President
16 Trump; right?

17 A Yes.

18 Q That's because that's what you believed people were
19 gonna do, that they would buy the book just for that story?

20 A I don't know. Sad.

21 Q Well, that's your book; you wrote it?

22 A I did write it.

23 Q And after you wrote the book, you capitalized even
24 more on the story you were selling by doing a strip club tour
25 called The Make America Horny Tour?

1 A I did not name that tour, and I fought it tooth and
2 nail.

3 Q That was the tour you went on.
4 You spent a couple of years doing that?

5 A It was a job I had already been doing. Most of those
6 clubs I did four or five times before that. Several of those
7 clubs were in place before the book.

8 Q But, it was named The Make America Horny Tour?

9 A That's what the publicist called it.

10 MS. NECHELES: Can we show J-15?

11 THE WITNESS: I'm sorry. Am I talking too fast?

12 THE COURT REPORTER: It would be nice if you
13 slowed down a bit.

14 (Whereupon, an exhibit is shown on the witness'
15 and the parties' screens.)

16 Q That was for your tour?

17 A Yes.

18 MS. NECHELES: Can we admit it?

19 THE COURT: J-15 is admitted in evidence.

20 (Whereupon, Defense Exhibit J-15 is received in
21 evidence.)

22 MS. NECHELES: We can show that.

23 (Whereupon, an exhibit is shown on the screens.)

24 Q You advertised your tour with a picture of you and
25 President Trump together from the golf tournament?

1 A False.

2 I have no choice how the club advertises, and I never
3 posted this.

4 Q You did post The Make America Horny Tour?

5 A I never used that tagline. I hated it.

6 Q You continued this strip tour in 2018 and 2019; right?

7 A Yes. I continued doing my job, dancing at clubs, which
8 I've done through 2001.

9 Q And you traveled throughout America on this Make
10 America Horny Tour; right?

11 A Yes.

12 Q And you were selling yourself to people who hated
13 President Trump as someone who get could President Trump
14 indicted; right?

15 A I was not selling myself to anyone.

16 I was performing at clubs, and whoever wanted to pay
17 admission. It was not geared towards people only allowed in who
18 hated somebody. These were strip club patrons who had seen me
19 dance. They were fans of my work. A lot of the people I knew
20 from ten years before.

21 Q Am I correct that you said your fan base was
22 completely different, and that the middle-aged white men who
23 used to populate your show and buy your movies were gone, and
24 in their place were now the so-called resistance, women, gay
25 couples, immigrants, and other social liberals who despised

1 Trump. You said it's pretty much these types of women and it
2 was angry.

3 Q Do you recall saying that?

4 A I did.

5 The climate in the club certainly changed.

6 I was not selling myself to a certain demographic. I was
7 certainly going on stage and doing my -- the shows I had done
8 since I was 21-years-old.

9 Q But, now you had a new fan base and were able to get
10 your shows sold?

11 A I was just doing the same job I always did.

12 Q You also got a job on a reality show called The
13 Surreal Life?

14 A Yes.

15 Q You promoted interviews on the show, saying you were
16 doing the show so you could tell your "whole story"; right?

17 A Yes.

18 Q When you said your "story", that was, supposedly, the
19 story of you having sex with Donald Trump?

20 A It was the full story of my life and what I have been
21 through through all of this.

22 Q When you did that and were promoting your story, you
23 say: "Then I get to tell the story from our side, without
24 editors or posing or stripping. That was the reason I wrote the
25 book Full Disclosure. People still ask me questions that were

1 in the book. I learned America doesn't read, so you have to put
2 it on reality TV."

3 That was the story you wanted to tell; right?

4 A Yes.

5 Q And the story, principally, in Full Disclosure was
6 your story about having sex with Donald Trump; right?

7 A It was my entire life story.

8 Q And you have Tweeted you made a million dollars
9 between the book deal and The Surreal Life; right?

10 A Yes.

11 Q You made 200,000 from just appearing on The Surreal
12 Life; right?

13 A Yes.

14 Q And you also participated in making an NBC documentary
15 about yourself, which aired on television just recently; right?

16 A Yes.

17 Q And that involved several years of filming and
18 interviews of you; right?

19 A Yes.

20 Q In order to get you to cooperate with that
21 documentary, the documentary writers paid you for the rights
22 to your book deal; right?

23 A They didn't have "to get" me "to cooperate".

24 I initially started filming myself.

25 Q And then you gave that over, the filming -- you were

1 having an affair with the guy who was filming you; right?

2 MS. HOFFINGER: Objection.

3 THE COURT: Overruled.

4 You can answer.

5 A I was having -- there was 17 people who shot footage
6 of that; including, one of them is my husband.

7 Q And you started having an affair when you were filming
8 it; right?

9 A There was one of the cameramen, we started dating, and
10 he stopped filming as soon as we started dating.

11 Q You were married to someone else at the time?

12 A I was separated from my husband.

13 Q And you were, in fact, paid \$125,000 by the
14 documentary people; right?

15 A No, I was not.

16 Q Well, you didn't receive \$125,000 for the rights to
17 your book?

18 A Nope. Not yet.

19 Q You've been promised that, you're saying?

20 A I'm sorry. What was that?

21 Q You're saying you were promised that, but you haven't
22 received all the money?

23 A I haven't received all the payments, no.

24 Q Okay.

25 How much of it have you received?

1 A They gave me a hundred thousand dollars for back
2 footage, but I was not paid for an interview.

3 Q But, you were paid for the rights to your book; right?

4 A That was part of my contract.

5 You have to ask my attorney, who's sitting there, who did
6 the deal.

7 Q Okay.

8 But, you received \$120,000 from the documentary people;
9 right?

10 A A lot of it was footage that I had to reimburse
11 cameramen for.

12 Q So, the answer is yes?

13 A Not exactly.

14 You're trying to trick me into saying something that's not
15 entirely true.

16 Q You are still grossing over 125,000; right?

17 A Supposed to be.

18 Q Where did you deposit that money?

19 A Into my business account.

20 Q You have also been holding viewing parties at bars to
21 view the documentary; right?

22 A Yes.

23 Q And you've been selling tickets to that; right?

24 A Yes.

25 Q It's another way you're making money off the

1 documentary and off of this story; right?

2 A Which I haven't actually made any profit. It covers my
3 travel, expenses, and security. No profit.

4 Q When you say covers your "travel" and "expenses",
5 you're traveling to go to those viewing parties; right?

6 A Yes.

7 It's all part of promotion for the film.

8 Q And you have become a hero at those parties to
9 Trump-haters; right?

10 A I don't know. I don't speak for other people.

11 Q Well, haven't you said -- didn't you say: "People come
12 up and they're so emotional and put so much on me. They're
13 like, 'You're gonna save the world, you're a patriot, you're a
14 hero;'" right?

15 A You're misconstruing that quote from when I was in a
16 strip club people said that. That's not from a viewing party.
17 That documentary was actually very polarizing for people.

18 Q So, that is from a strip club that people would come
19 up and say, "You are a hero;" right?

20 A I am quoting a lot of women who came up to me in 2018
21 while I was on stage.

22 Q But, you are continuing to this day to continue making
23 money to sell a story that you promised will put President
24 Trump in jail; right?

25 A No.

1 Q Well, isn't it a fact that you keep posting on social
2 media how you're going to be instrumental in putting President
3 Trump in jail?

4 A Show me where I said I would be "instrumental in
5 putting President Trump in jail".

6 Q All right.

7 MS. NECHELES: If we could show the witness J-43,
8 please. Just for the witness and parties.

9 (Whereupon, an exhibit is shown on the witness'
10 and the parties' screens.)

11 Q Do you recognize that as your post?

12 A Yes.

13 Q And --

14 A And I don't see the word "instrumental" or "jail".

15 MS. NECHELES: Your Honor, I offer that in
16 evidence.

17 THE COURT: Any objections?

18 MS. HOFFINGER: No.

19 THE COURT: Accepted into evidence.

20 (Whereupon, Defense Exhibit J-43 is received in
21 evidence and is shown on the screens.)

22 Q Just one month ago.

23 If we could read this.

24 MS. NECHELES: Blow it up a little bit more.

25 Q You were responding to the post, someone else's post

1 there?

2 A Yes. Someone calling me a "human toilet". So I
3 capitalized on the joke.

4 Q The other post: "Michael Cohen and Stormy Daniels
5 a/k/a the human toilet are their star witnesses."

6 Right?

7 A Yes.

8 Q You said: "Exactly. Making me the best person to
9 flush the orange turd down."

10 A Yes.

11 I don't see "instrumental" or "jail" there.

12 You're putting words in my mouth.

13 Q So, when you said you were "the best person to flush
14 the orange turd down", you weren't saying you were going to be
15 instrumental in causing him to be convicted of a crime; that
16 was not what you meant?

17 A No.

18 Q What does that mean?

19 A I am pretty sure this is hyperbole. If somebody calls
20 me a "toilet", I say I can "flush" somebody.

21 See how that works? (Gesturing). It goes around.

22 Q You said you were going to "flush" President Trump?

23 A I didn't say "President Trump".

24 It says "orange turd".

25 So, if that's what's interpreted by you...

1 Q What do you mean?

2 A I don't know what I mean.

3 Q You have no idea --

4 A I'm also not a toilet, so it's all... (gesturing).

5 Q I'm asking whether you knew what you meant when you
6 said an "orange turd"?

7 A Yes, I do.

8 Q What did you mean?

9 A I meant I'm not a "human toilet", so if they want to
10 make fun of me, I can make fun of them.

11 Q You don't want to admit you meant Mr. Trump?

12 A I absolutely meant Mr. Trump.

13 Q Why did you say no?

14 A It doesn't say "instrumental" and "putting him in
15 jail".

16 MS. HOFFINGER: Can we let the witness complete
17 her answers, please.

18 THE COURT: Did you finish answering the
19 question?

20 A Can you ask your question again?

21 THE COURT: Can we have that read back?

22 (Whereupon, the requested portion was read back
23 by the court reporter.)

24 A So, what's the rest of the question?

25 I did answer it.

1 THE COURT: That was your whole answer? You
2 finished answering the question?

3 THE WITNESS: I believe so.

4 THE COURT: All right.

5 MS. NECHELES: If we could pull up for the
6 witness J-43 -- J-44.

7 (Whereupon, an exhibit shown on the witness' and
8 the parties' screens.)

9 Q That's your post; correct?

10 A Yes.

11 MS. NECHELES: And we can turn to the next page.

12 (Whereupon, an exhibit is shown on the witness'
13 and the parties' screens.)

14 Q That's also part of the same post; correct?

15 A I'm not sure.

16 Q Well, you see --

17 A Because it says that it was suspended.

18 Q Yes.

19 But, you see how your post is right above that?

20 A Yes.

21 Q And then you're responding to that post below that;
22 right?

23 A Yes.

24 Q Okay.

25 A I can't tell if there was something missing or not

1 though, because it says "from a suspended account".

2 Q Okay.

3 It says "from a suspended account".

4 You understand, you can get old posts before it was
5 suspended on the internet?

6 A If somebody screenshots it.

7 Q Do you recognize that as something you responded to?

8 A I respond to hundreds of Tweets like this, calling me
9 names. Most -- most -- you know. I'm not sure.

10 Q Referring to the page before, you --

11 MS. NECHELES: Your Honor, I offer that first
12 page in evidence.

13 MS. HOFFINGER: I object.

14 Can we approach?

15 A I just can't be sure.

16 THE COURT: Sure.

17 (Whereupon, the following proceedings were held
18 at sidebar:)

19 MS. HOFFINGER: What's happening here,
20 Ms. Necheles is putting in half pieces of these texts.
21 So -- sorry. Posts.

22 They are in response to, as she has just said,
23 threats from other people.

24 Here, she's not clear what she's responding to.

25 Previously, Ms. Necheles has done the same thing

1 on Tuesday. She's put in half of the Tweet, without
2 putting in what she's responding to.

3 It's creating an impression with the jury.

4 We have Ms. Daniels' testimony. She's not sure
5 exactly what she was responding to.

6 Given this scenario, whether it was an account
7 she was responding to, she has responded to hundreds or
8 thousands of threatening Tweets.

9 MS. NECHELES: The other part stands on its own.

10 If you want, we'll call a witness on our direct
11 case and say this was --

12 THE COURT: That wouldn't get it in.

13 You want to get in a portion of her response,
14 without letting us know what she was responding to?

15 MS. NECHELES: I was trying to put the whole
16 thing in.

17 I have the whole thing there.

18 THE COURT: The whole thing is her response and a
19 deleted post.

20 MS. NECHELES: But it shows up on the internet
21 from The Wayback Machine.

22 I can put it in on our case.

23 THE COURT: It still won't tell us what the post
24 was.

25 MS. NECHELES: It does.

1 Page 2 tells us the post she was responding to.

2 THE COURT: You can do that later.

3 MS. NECHELES: I'll do it on my case.

4 THE COURT: That's fine.

5 (Whereupon, the following proceedings were held
6 in open court:)

7 THE COURT: Sustained.

8 Q Ms. Daniels, when President Trump was indicted on this
9 case, you celebrated on Twitter by repeatedly Tweeting and
10 pushing merchandise that you were selling in your store; right?

11 A I Tweeted about his being indicted, yes.

12 And people wanted to ask how they could support me, so I
13 Tweeted the link to my store.

14 Q You have an online store where you sell merchandise;
15 right?

16 A Sure.

17 Q I want to show you what has been marked as J-22,
18 please.

19 (Whereupon, an exhibit is shown on the witness'
20 and the parties' screens.)

21 Q You recognize that? That's -- the first page is a
22 Tweet by you?

23 A Yes.

24 MS. NECHELES: If you can put up the second page.

25 (Whereupon, an exhibit is shown on the witness'

1 and the parties' screens.)

2 A Yes.

3 Q That's a Tweet by you, as well?

4 A Yes.

5 MS. NECHELES: I offer those in evidence, your
6 Honor.

7 MS. HOFFINGER: No objection.

8 THE COURT: Accepted into evidence.

9 (Whereupon, Defense Exhibit J-22 is received in
10 evidence.)

11 MS. NECHELES: If we can display, starting on
12 Page 1.

13 (Whereupon, an exhibit is shown on the screens.)

14 Q Am I correct that in this first Tweet, you said:
15 "Thank you to everyone for your support and love! I have so
16 many messages coming in that I can't respond. Also, don't want
17 to spill my champagne."

18 Right?

19 A Yes.

20 Q What you're saying is you're drinking champagne
21 because you're celebrating that President Trump was indicted;
22 right?

23 A Yes.

24 Q Then you said: "Team Stormy merchandise, autograph
25 orders are pouring in too. Thank you for that as well. But

1 allow a few extra days for shipment."

2 Correct?

3 A Yes.

4 Q This was on March 30th you said this; right?

5 A Yes.

6 Q That was you selling your merchandise; right?

7 A That is me doing my job.

8 Q Selling your merchandise; right?

9 A Which is part of my job, yes.

10 MS. NECHELES: Turn to the next page.

11 (Whereupon, an exhibit is shown on the screens.)

12 MS. NECHELES: Blow up the text first.

13 (Whereupon, an exhibit is shown on the screens.)

14 Q You said: "New merchandise is now in the store. Yes,
15 photos and comics are autographed. In celebration of new
16 indictments, all orders in next 45 hours get a free surprise
17 gift."

18 Correct?

19 A Correct.

20 Q Again, you're celebrating the indictment by selling
21 things from your store; right?

22 A Not unlike Mr. Trump.

23 Q Pushing your stuff so that you could sell it; right?

24 A Absolutely.

25 I'm not allowed to sell anybody else's things.

1 Q In fact --

2 MS. NECHELES: We can take that down.

3 Thank you.

4 Q You have an online store that has -- much of the
5 merchandise is you bragging about how you got President Trump
6 indicted; right?

7 A I got President Trump indicted?

8 Q Well, aren't you bragging about that in your items
9 that you're selling?

10 A No.

11 Q I want to show you what has been marked as J-24.

12 (Whereupon, an exhibit is shown on the witness'
13 and the parties' screens.)

14 Q That's an item that you sell in your store; is it not?

15 A Yes.

16 MS. NECHELES: I offer that in evidence, your
17 Honor.

18 MS. HOFFINGER: No objection.

19 THE COURT: Accepted into evidence.

20 (Whereupon, Defense Exhibit J-24 is received in
21 evidence and is shown on the screens.)

22 Q That's one of the items you sell in your store,
23 something called "Stormy, Saint of Indictments candle"; right?

24 A Yes.

25 That was made from a store in New Orleans.

1 Q You're saying that's not you bragging about how you
2 are the Saint of a person who got President Trump indicted?

3 A No. I'm not bragging.

4 I think it's funny that a store made those for me to sell,
5 so I put those on my site.

6 Q And you're making \$40 on each of those; right?

7 A No. I'm actually making about \$7.

8 Q You're also selling Team Stormy merchandise; right?

9 A Yes.

10 Q I show you what has been marked J-24 -- I'm sorry.

11 MS. NECHELES: If we could turn to Page 2 of
12 that.

13 (Whereupon, an exhibit is shown on the witness'
14 and the parties' screens.)

15 Q You recognize that as another item you sell in your
16 store?

17 A Yes.

18 Q The next page, you recognize that as another item you
19 sell in your store?

20 A Yes.

21 MS. NECHELES: I offer all that in evidence.

22 MS. HOFFINGER: No objection.

23 THE COURT: Accepted in evidence.

24 (Whereupon, Defense Exhibit J-24 is received in
25 evidence.)

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(Whereupon, Senior Court Reporter Lisa Kramsky
relieves Senior Court Reporter Laurie Eisenberg, and the
transcript continues on the next page.)

S. Daniels - Cross/Necheles

1 *****

2 (The following proceedings are continued from the
3 previous page.)

4 MS. NECHELES: If we can turn back to Page 2 and
5 blow that up.

6 Page 2 first.

7 (Displayed.)

8 CONTINUED CROSS-EXAMINATION

9 BY MS. NECHELES:

10 Q And that's Team Stormy merchandise?

11 That's an example of the Team Stormy merchandise; right?

12 A Yes.

13 Q And there are a number of them; right?

14 A Yes.

15 Q And Team Stormy is the "side" who is opposed to
16 President Trump?

17 A It is whoever is on my side.

18 Q And your "side" means your side against President
19 Trump; right?

20 A Not exclusively.

21 MS. NECHELES: And if we turn to the next page.

22 (Displayed.)

23 Q You have a 30-dollar comic book called Stormy Daniels
24 Political Power Comic Book; right?

25 A Yes.

 Lisa Kramsky,
 Senior Court Reporter

1 Q And when you are talking about "political power,"
2 you are talking about you fighting against President Trump;
3 right?

4 A Keep in mind, I did not write this comic book.

5 Q But you are selling it; right?

6 A Yes.

7 MS. NECHELES: So we can take all of that down,
8 please.

9 Thank you.

10 Q A large part of your livelihood, for a bunch of years
11 now, has been making money off the story that you had sex with
12 President Trump and that you will help President Trump be
13 convicted; right?

14 A No.

15 Q Well, you testified on direct examination that there
16 are two books you are working on right now; right?

17 A Yes.

18 Q And what are those books about?

19 A One is called "Rock Star Porn Star." It is about my
20 partner. He's a musician who became a porn star.

21 And the other one is a novel about a girl who grew up in
22 New Orleans.

23 It's nonfiction -- I'm sorry, it is fiction.

24 Q And did that person, that girl in the novel, have an
25 affair with a presidential candidate?

1 A No.

2 Q And do you plan to continue to make money off the
3 selling of your story?

4 A I plan to continue to do my job. And to fund my
5 extraordinary legal bills.

6 Q And there is another way you are making money now,
7 which is by telling people that you have the ability to
8 communicate with ghosts and dead people; right?

9 A I work on a television show called -- well, the title
10 had changed, but it used to be called Spooky Babes.

11 Q Well, my question was, are you making money by telling
12 people that you have the ability to communicate with ghosts and
13 dead people?

14 A Well, I am making money -- well, I haven't made any
15 money yet, but the idea is to make money on a television show
16 about the paranormal and UFOs and the unexplained.

17 Q Well, you have made a show and podcast claiming that
18 you can speak to dead people; right?

19 A I have been on lots of podcasts.

20 Q Well, my question --

21 A Which podcast are you referring to?

22 Q Are you saying you have not made a show or a podcast
23 telling people that you can speak to dead people?

24 A Yes, we are talking about the paranormal, yes.

25 Q And you also claimed that you lived in a house in

1 New Orleans that was haunted and that the spirits that are in
2 the house attacked your boyfriend and held him under water;
3 right?

4 A Yes, so the house was -- has some very unexplained
5 activity.

6 We brought in experts; people to measure the electromagnetic
7 fields, the religious experts, scientists, people to check for
8 gas leaks.

9 So, yeah, it was a lot of interesting and unexplained
10 activity, so I created a whole entire show.

11 A lot of --

12 MS. NECHELES: Your Honor --

13 A A lot of the activity was completely debunked as, you
14 know, a giant opossum that was under the house, for instance.

15 MS. NECHELES: Your Honor, your Honor, I move to
16 strike all of that now and ask that the witness be
17 instructed to answer the question.

18 THE COURT: No. Overruled.

19 Q And so, my question was that you claimed that you lived
20 in a house in New Orleans that was haunted and that spirits
21 attacked your boyfriend; is that correct?

22 A Yes.

23 Q And then you say your boyfriend attacked you; right?

24 A Yes.

25 Q And isn't it a fact that you were the one who attacked

1 your boyfriend?

2 MS. HOFFINGER: Objection.

3 THE COURT: Sustained.

4 Counselor, we discussed this.

5 MS. NECHELES: No, we did not, not about this,
6 your Honor.

7 THE COURT: Please move on.

8 MS. NECHELES: But, your Honor, this is not the
9 same thing.

10 THE COURT: Please move on.

11 Q And, shortly thereafter, your boyfriend moved out;
12 right?

13 A Define "shortly"?

14 MS. HOFFINGER: Objection, your Honor.

15 THE COURT: Sustained.

16 Q Well, didn't your boyfriend question your sanity?

17 MS. HOFFINGER: Objection.

18 THE COURT: Sustained.

19 Q And you have been making money off of your claim that
20 you are a medium and that you can talk to the dead; right?

21 A I am making money doing -- I am part of a ghost-hunting
22 team that we go into locations, yeah.

23 Q And you read tarot cards for clients; correct?

24 A Yeah, a lot of my fans like to do things called High
25 Tea and Tarot with Stormy Daniels, and we read tarot cards

1 together.

2 Q And you charge people for that; right?

3 A Yes.

4 Q And you claim to be able to speak to people's dead
5 relatives; right?

6 A I make them agree that it's all entertainment; right.

7 Q And that's what you charge them for?

8 A Yes.

9 Q But, you claim -- you tell people that that's what you
10 can do, right, speak with their dead relatives; right?

11 MS. HOFFINGER: Objection. Asked and answered.

12 THE COURT: Overruled.

13 You can answer.

14 A Yes.

15 Q And that's what you have made money off of; right?

16 A One of the ways, yes.

17 Q All right. So, now, before you started making a living
18 talking with dead people, and selling your story with -- about
19 President Trump, you were an actress, a porn actress; right?

20 A Yes.

21 Q And you have acted in porn movies, in 200 sex films;
22 right?

23 A Including comps -- compilations.

24 Q And you've also written and directed 150 sex films, you
25 said in your direct; is that correct?

1 A Give or take.

2 Q And so, this was your career for over 20 years:
3 Writing, acting, and directing sex films; right?

4 A Yes.

5 Q So, you have a lot of experience in making phony
6 stories about sex appear to be real; right?

7 A Wow. I'm a -- (Laughter.) That's not how I would put
8 it.

9 The sex in the films, it's very much real. Just like what
10 happened to me in that room.

11 Q All right. But you're making fictionalized stories
12 about sex; you write those stories?

13 A No. The sex is real. The character names might be
14 different, but the sex is very real. That's why it's
15 pornography and that's a B movie.

16 Q Okay. But you testified on direct that these films
17 have plots; right?

18 A Some of them do, yes.

19 Q And the plots are fake; right?

20 A Some of them. Some of them are based on truth.

21 Q And they are movies; right?

22 A Of course.

23 Q And you've been writing those stories about sex;
24 right?

25 A Yes.

1 Q And then you act them out; right?

2 A Sometimes.

3 Q And you have --

4 A Sometimes I just direct.

5 Q And you have a lot of experience in memorizing these
6 fictional stories and repeating them; right?

7 A I have of experience in repeating stories and of
8 memorizing stories? I do a lot of that, but not just about sex,
9 I'm pretty sure we all can do that.

10 Q And you have bragged about how good you are about
11 writing porn movies and writing really good stories and writing
12 really good dialogue; right?

13 A Yes.

14 Q And now you have a story you have been telling about
15 having sex with President Trump; right?

16 A And if that story was untrue, I would have written it
17 to be a lot better. (Laughter.)

18 Q Because you are a good storyteller; right?

19 THE COURT: I'm sorry, I didn't hear that.

20 Q Because you are a good storyteller; right?

21 A I'm a good screenwriter.

22 Q And that story was enough -- you made that real enough
23 sounding to make you millions of dollars; right?

24 A I didn't have to write this one.

25 Q But it has made you millions of dollars; right?

1 A No.

2 Q So, you're saying now that you could have written a
3 better story and made more money?

4 A I'm saying I didn't make millions of dollars, and I
5 didn't write this story.

6 Q Well, you made over a million on your book and the
7 film, or The Surreal Life; right?

8 A Well, some money amassed, but that's not millions.

9 Q And you've also made money selling merchandise; right?

10 A Yes.

11 Q And you have made money on your two-year tour of sex
12 clubs; right?

13 A I don't work in sex clubs. I work in strip clubs. So
14 that's a big difference.

15 Q You made money on your two-year tour working in strip
16 clubs; right?

17 A Yes.

18 Q And you made money from the documentary; right?

19 A Yes.

20 Q Okay. And when you prepared for your testimony with
21 the Prosecutor in this case, you had a number of meetings with
22 them; right?

23 A Yes.

24 Q And they told you that they wanted to -- you to
25 testify to lots of details so your story would sound credible;

1 right?

2 A Yes.

3 Q And do you recall that when you testified on direct
4 examination, you gave a whole description of what you say the
5 tile in President Trump's hotel suite looked like; right?

6 A Yes.

7 Q And you included what you said the tile on the floor
8 looked like, and that it was black and white; right?

9 A Yes.

10 Q And then Ms. Hoffinger asked you: "Did you mention
11 anything about the floor?"

12 Do you recall her asking you that?

13 A I think so.

14 Q And you responded, "The black and white tile."

15 And she asked, "Did you mention that?"

16 Do you recall that?

17 A Yeah.

18 Q And that had been part of your prep, that you were
19 supposed to include certain details in your testimony; right?

20 A There is nothing wrong with preparing a witness. I
21 would hope that any attorney would do that.

22 Q Okay. That wasn't my question.

23 My question was --

24 A About a tile.

25 Q That had been part of your prep, that you were supposed

1 to include certain details in your testimony; right?

2 A Truthful facts, yes. Don't forget the facts, that's
3 all I was ever told to do.

4 Q And those were details that matched what you wrote in
5 your book; right?

6 A I would have to see, but probably.

7 Q Well, you were prepped so that -- with the Prosecutor,
8 so that you would match -- you would try to match things to your
9 book so that you would look more credible; right?

10 A Well, I don't need to match things to my book because
11 it's the same story. And my story hasn't changed when it comes
12 to those details.

13 Q And you know that there is no way to check on the
14 details of what you claim happened; right?

15 A No, I did not know that.

16 Q Well, this supposed sexual encounter that you testified
17 about supposedly occurred 18 years ago; right?

18 A Yes.

19 Q And so -- and it was just you, supposedly, and
20 President Trump in that hotel suite; right?

21 A And his bodyguard.

22 Q His bodyguard, you said, was outside the hotel suite;
23 right?

24 A With the doors open. And it was the same floor.

25 Q You said the doors were open a crack; right?

1 A And then I opened it. He walked in. And the same
2 thing when I exited.

3 Q Well, he didn't walk in; right?

4 A No. But he stood right there and watched me walk in.

5 Q And he was standing outside the doors; right?

6 A Yes.

7 Q And you said in your book that the suite took the
8 entire floor of the hotel?

9 A It's -- I don't know if it took the whole floor, but it
10 had its own elevator.

11 Q So you got on the elevator, and that was the only suite
12 there?

13 A It was right in front of me.

14 (Witness indicating with hands.)

15 Q Okay. And --

16 A To be fair, I don't know what was behind me.

17 Q All right. Now, in fact, your story about what
18 happened between you and President Trump has changed a lot over
19 the years; hasn't it?

20 A No.

21 Q Well, let's talk about your story.

22 A (Laughter.)

23 Q You said you met President Trump at a celebrity golf
24 tournament in Lake Tahoe; right?

25 A Yes.

1 Q And that tournament was called the American Century
2 Championship; right?

3 A I'm not sure.

4 Q And there were a lot of celebrities and sports figures
5 at that celebrity golf tournament; right?

6 A Yes.

7 Q Aaron Rogers?

8 A I don't know.

9 Q Dan Quail?

10 A I don't know. I can't remember.

11 Q Drew Brees?

12 A Who?

13 Q Drew Brees?

14 A Oh, I have no idea.

15 Q Charles Barkley?

16 A Yes.

17 Q Ben Roethlisberger?

18 A Yes.

19 Q And there were many, many other celebrities there, too;
20 right?

21 A Yes.

22 Q And the company you worked for, Wicked Production, was
23 one of the sponsors of the golf tournament?

24 A Wicked Pictures.

25 Q And there was a golf gift room where there was swag

1 given out by various sponsors of the tournament?

2 A Yes.

3 Q And you and the other porn stars who were there
4 took photographs of yourself with a lot of the celebrities;
5 right?

6 A We didn't take the photos. The people who will worked
7 there did, yes. Yes -- but, yes.

8 Q The people who worked for Wicked Pictures were taking
9 photographs?

10 A And for the golf tournament, yeah.

11 Q And for the golf tournament.

12 And you said on direct you took pictures with every
13 celebrity that came in there; right?

14 A Every celebrity that came in to talk to me, I took a
15 photograph with.

16 I don't remember all of the names.

17 Q And you said that there were dozens of celebrities that
18 you took pictures with; right?

19 A I would say so, yes.

20 Q So the picture that you have or that was in evidence of
21 you with President Trump was just one of the dozens of pictures
22 that you took with celebrities; right?

23 A Yes.

24 Q And it was taken in a public place; right?

25 A Yes.

1 Q And there were no other pictures --

2 A Semi-publicly.

3 Q And there were no other pictures with you and President
4 Trump; right?

5 A Yeah. Right.

6 Q And you testified on direct that you spoke with
7 President Trump in the gift room and that after he left, his
8 bodyguard, Keith Schiller, came back and asked you for dinner --
9 to dinner; right?

10 A They hadn't completely left. He walked back.

11 Q Keith Schiller walked back?

12 A Yes.

13 Q And he is the one who asked you to dinner; right?

14 A He asked me on behalf -- he didn't ask me to go to
15 dinner with him.

16 Q He's the one who spoke to you; right?

17 A Yes.

18 Q Keith Schiller, according to you --

19 A He's -- that's -- he didn't say his name was Keith
20 Schiller, he said: "I work for Mr. Trump."

21 Q Okay. But it wasn't the President Trump, according
22 to your testimony, who asked you to dinner, it was his
23 bodyguard?

24 A Right.

25 Q And your testimony was that you said, "Fuck no." That

1 you didn't -- you didn't want to go; right?

2 A Right.

3 Q But you gave Keith Schiller your phone number anyway
4 and you supposedly entered your phone number -- his phone number
5 into your contacts; right?

6 A Correct.

7 Q And according to you, later, Mike Mosny, your manager
8 at the time, told you that you should go to dinner at the time;
9 right?

10 A Correct.

11 Q But this is a totally different story than what you
12 told in 2011; isn't it?

13 A No.

14 Q Well, in your 2011 -- in 2011, you gave an interview
15 with In Touch Magazine; right?

16 A Yes.

17 Q And you said on direct that it was for only 15 minutes?

18 A For 15 to 20 minutes. It was a phone call.

19 Q Wasn't it more like an hour?

20 A I don't think so.

21 Q And didn't you tell In Touch Magazine that Donald Trump
22 himself asked if you would have dinner with him?

23 A I don't remember saying that. It was Keith.

24 Q All right.

25 MS. NECHELES: If we could show the witness and the

1 parties J28, Page 3.

2 (Displayed only for the aforementioned parties.)

3 Q And am I correct that you said to In Touch Magazine
4 that when you first met Donald Trump, it was actually on the
5 golf course?

6 A Yes.

7 Q And that: "Later when he was in the gift room, he came
8 to talk to me and asked for my number and I gave it to him."

9 Do you recall saying that to In Touch Magazine?

10 A Yes.

11 Q So you said that, in that Magazine in 2011, you said it
12 was Donald Trump who asked you for your number, right, not Keith
13 Schiller?

14 A I didn't specify. I left out the names of all of the
15 other people not to get them involved, that's why I specifically
16 said just "he" asked.

17 Q All right.

18 A But he was there. They were together.

19 Q All right. So, didn't you say: "The first time I met
20 him was actually on the golf course;" right?

21 You said that?

22 A Uh-huh.

23 Q And when you said that, the "he" you were referring to
24 was Donald Trump; right?

25 A Keith was there as well, yes.

1 Q And you said "he" was introduced to everyone. And
2 that's Donald Trump; right?

3 A Yes.

4 Q And you said: "He kept looking at me. And then we
5 ended up riding to another hole in the same golf cart together
6 and he's, like, I want to come talk to you later." Right?

7 A Uh-huh.

8 Q That's what you told them?

9 A Yes.

10 Q And that was still President Trump; right?

11 A Yes.

12 Q So, still the same person you are talking about?

13 A Yes, which he did; he came to talk to me later.

14 Q "And later when he came to the gift room, he came to
15 talk to me, he asked for my number and I give it to him."

16 And that's still President Trump; right?

17 A I gave my number to his bodyguard on his behalf, yes.

18 Q Well, that's not what you said in 2011?

19 A I didn't specify in 2011.

20 Q Well, you haven't mentioned a bodyguard in that
21 paragraph; have you?

22 A No.

23 Q The only "he" you were talking about --

24 A They asked me to not mention other people.

25 MS. HOFFINGER: Can we let the witness finish.

1 THE COURT: Please.

2 Q I'm sorry.

3 A I'm sorry.

4 THE COURT: You can finish your answer.

5 Do you want to hear the question again?

6 THE WITNESS: Yes, sorry.

7 THE COURT: Can you read back the question.

8 (Record read by the court reporter in open court.)

9 THE COURT: All right. You can finish your
10 answer.

11 THE WITNESS: Okay.

12 A (Continuing.) They tried to get me not to mention
13 other people when they asked me who, who ask who for whose
14 number or whatever. But it was Keith. He was standing there.
15 He was always with President Trump.

16 Q All right. So your testimony now is that the reporter
17 didn't want you to mention the name Keith?

18 A It wasn't the reporter.

19 Q Who was it?

20 A My publicist. He didn't want his name mentioned.

21 Q Okay.

22 MS. NECHELES: So if we can --

23 A Ex-publicist. Sorry.

24 MS. NECHELES: If we can skip down to the last
25 paragraph.

1 Q So you say, "I went up to the room and I was met
2 outside by his bodyguard Keith?"

3 A Keith, yes.

4 Q So you mentioned Keith's name; right?

5 A Yes.

6 Q But you didn't mention it in the first paragraph;
7 right?

8 A Right.

9 Q In the first paragraph you were only talking about
10 President Trump; right?

11 A Hmmm, it even says here, "That's how I got in touch
12 with him. I never had Donald telephone's number. I always used
13 Keith."

14 Q My question was: In the first paragraph, you were only
15 talking about President Trump; right?

16 A No.

17 Q Well, that's the only reference --

18 A They were always together. Like this. (Witness
19 indicating.)

20 Q But you didn't say that in 2011?

21 A When I give my number to someone and visa versa, it
22 goes through my manager or bodyguard, anyone who has security or
23 a handler knows that they are a unit.

24 MS. NECHELES: Your Honor, I move to strike that.

25 MS. HOFFINGER: It's her answer, your Honor.

1 THE COURT: Overruled.

2 Q And in your 2011 interview with In Touch Magazine, you
3 said that -- well, you testified yesterday that when you were
4 asked to dinner, you said, "No fucking way;" right?

5 That's what you testified on Tuesday; right?

6 A Correct.

7 Q But in your 2011 interview with In Touch Magazine, you
8 said that Donald Trump himself asked if you would have dinner
9 with him; right?

10 A Like I said, a bodyguard or a handler is a unit.

11 Q And --

12 A Someone who is speaking on your behalf is the same as
13 being asked directly.

14 Q And you told the interviewer that you said "Of course;"
15 right?

16 A Uh-huh.

17 Q Right. So you said, "Then he asked me if I wanted
18 to have dinner that night and I was like, yeah, of course;"
19 right?

20 A Yes. Those were the words of my publicist, actually,
21 who said go to dinner with him. He's fascinating. What's the
22 worst that could happen?

23 Q Well, that's what you said that you responded to
24 President Trump that night; right?

25 A This is an entertainment magazine. It is very short

1 and frivolous.

2 And a very vast difference between someone who is a reality
3 TV star and the President. This is an abbreviated, entertaining
4 version of the events.

5 Q Now, you are saying that you lied in 2011 when you made
6 this story -- when you were telling this story; right?

7 THE COURT: Sustained.

8 Q Okay. You were telling the truth when you gave this
9 story -- this interview?

10 A It was minus some details. It is a short interview.

11 Q And then you -- and you further told the interviewer:
12 "Who would pass up an opportunity to talk to someone so
13 interesting;" right?

14 A Yes.

15 Q And so, that's what you said in 2011, that you were
16 happy to go to dinner with him. Immediately, you were happy to
17 go to dinner with President Trump; right?

18 A Yes.

19 Q And you testified on direct examination on Tuesday that
20 when you supposedly went to President Trump's hotel room, you
21 thought you were going out for dinner; right?

22 A Yes.

23 Q But your story is that even though you spent over three
24 hours in the hotel room, you never got any dinner; right?

25 A We never got any food.

1 It never -- we never ate, no.

2 Q And you previously said that you specifically remember
3 this because your stomach was growling; right?

4 A Yes.

5 Q And you wrote in your book: "Plus I was freaking
6 hungry. I needed a bowl of pretzels at least, if I was going to
7 sit through this."

8 You said: "There was going to be dinner, I thought. This
9 monologue went on for a good 10 or 15 minutes, which is an
10 eternity when your stomach is growling and you are hungry."

11 A Yes.

12 Q And you are saying that this was a big deal that you
13 didn't get dinner; right?

14 A I was invited. It was dinnertime. I was running
15 hungry, yeah.

16 We talked about ordering food or going down to get food, and
17 we never got to eat.

18 It was dinnertime, and we never ate.

19 Q And you made a big point of that on numerous
20 interviews; right?

21 A Yeah, I went to go to dinner and I didn't get dinner.

22 Q And you gave an interview with Jimmy Kimmel; right?

23 A Yes.

24 Q And you said: "Actually, we never had dinner. Like,
25 he lied to me. I'm very food motivated. That's why I stayed

1 and held out for so long, because I was told there would be
2 snacks. I was starving."

3 That's what you said; right?

4 A Yes.

5 Q So this was a -- this was a clear memory that you had,
6 that you were not fed dinner and you were starving; right?

7 A Right. It was dinnertime. I was invited to dinner,
8 but I never actually saw any food.

9 Q But in your 2011 interview with In Touch Magazine, you
10 said the opposite; didn't you?

11 A I never said we ate.

12 Q No?

13 A No.

14 Q So I direct your attention --

15 MS. NECHELES: If we could put up, again, J28.

16 A I remember ordering. Or asking to order.

17 (Displayed only to the aforementioned parties.)

18 Q And do you recall that you said that you had dinner
19 with President Trump while you talked about whether he would put
20 you on The Apprentice?

21 A Uh-uh. I don't have anything here.

22 Q I'm asking if you recall that?

23 A I don't. I need to see what I said.

24 Q All right. So I direct your attention to J28, Page 4.

25 (Displayed only to the aforementioned parties.)

1 Q Look at the bottom of the page.

2 Do you recall being asked: "So this is all conversation
3 while you are eating?" And you responded, "Yeah, like before,
4 during and after. We hung out for quite awhile. A few hours at
5 least." Right?

6 A What is this from? Okay.

7 Q Do you recall being asked that and giving that
8 answer?

9 A I don't recall exactly, no.

10 Q Okay. Are you saying you didn't say that?

11 A I don't remember saying that.

12 Q And if we could direct your attention to the bottom of
13 Page 7.

14 A Page 7?

15 Q And do you recall being asked, "Again, so this was all
16 during dinner?" And you responding, "Yeah, during, after, yeah,
17 it was definitely the biggest, longest topic of conversation."

18 A Yes.

19 Q "How he could get me on."

20 A And it was dinner. I was invited to dinner, and it was
21 dinnertime.

22 I maintained that I didn't see any food. We didn't go down.
23 We never left the room to go down to dinner, like I said. My
24 story is the same.

25 Q So you did say that, you were asked that question and

1 you gave that answer?

2 A It was dinner, but we never got food.

3 Q So when, when the reporter asked you, "This was all
4 during dinner?" You are saying, "During dinner," meaning it was
5 dinnertime, but we didn't eat?

6 A Correct. I would have definitely mentioned what I ate
7 in all of these interviews.

8 I would have talked about the food. I'm very food
9 motivated.

10 Q All right. And do you recall being interviewed on --
11 by Anderson Cooper on CNN in 2018; right?

12 A Do I remember doing the interview?

13 Q Yes.

14 A Yes.

15 Q And do you recall that in that interview you again said
16 you "had dinner that night with President Trump in the room"?

17 A Can I see what I said exactly?

18 Q You don't have any recollection?

19 A I would like to see what I said exactly.

20 Q You had testified to all of these details of -- about
21 what the tiling of the floor was like on direct examination, but
22 you don't recall what you said in 2018?

23 MS. HOFFINGER: Objection.

24 THE COURT: Sustained.

25 Q I will show you what is marked as J12, and directing

1 your attention to Page 598.

2 (Displayed only for the aforementioned parties.)

3 Q Yes, directing your attention to Page 598. And in that
4 interview, you said you had dinner in the room; right?

5 A It says, "Did we go out for dinner? No, you had dinner
6 in the room? Yes.

7 And then I know that I went on to explain that I didn't
8 actually ever get to eat dinner.

9 You are showing one sentence of an entire conversation.

10 Q You say that in this interview you said that you --
11 well, so isn't it correct that Anderson Cooper said to you:

12 "ANDERSON COOPER: Did you two go out for dinner that
13 night?"

14 "STORMY DANIELS: No."

15 "ANDERSON COOPER: You had dinner in the room?"

16 "STORMY DANIELS: Yes."

17 That was the conversation; right?

18 A Where is the rest of the conversation?

19 Q And he said: "What happened next?" Right?

20 A Uh-huh.

21 Q That was the conversation about dinner; right?

22 A Yes. Where we don't talk about receiving food. What I
23 ate. Which I definitely would have talked about.

24 Q Okay. But you said you had dinner in the room;
25 right?

1 A I went up to his room to have dinner, yes. We did not
2 have any food. And I did not eat any food.

3 Q Okay. So --

4 A And I have maintained that in every interview, that I
5 never actually got my food.

6 Q And you are saying --

7 A That has not changed.

8 Q So you are saying, like, when you said to Anderson
9 Cooper that you had dinner in the room, you really didn't mean
10 that you had dinner, you meant something else; right?

11 A We had dinnertime in the room.

12 Q Your words don't mean what you say; do they?

13 MS. HOFFINGER: Objection.

14 THE COURT: Sustained.

15 Q And you testified on Tuesday that you and President
16 Trump were staying in different hotels; right?

17 A Yes.

18 Q He was staying at The Harrah's Hotel?

19 A Yes.

20 Q And you were staying at The Harvey Hotel; right?

21 A I don't remember.

22 Q Well, The Harvey Hotel was -- you understood that The
23 Harvey Hotel and The Harrah's Hotel had a common owner; right?

24 A What?

25 Q They had common ownership?

1 A I did not know.

2 Q Well, that's where the events were taking place in the
3 golf tournament; right?

4 A I didn't know.

5 Q And they are located one block away from each other;
6 right?

7 A I don't remember.

8 Q And so it was your testimony on direct that you walked
9 and then took a car to go one block?

10 A Uh-huh. I went to a tattoo studio shop first to see my
11 friends. And I was wearing heels, and so I took a car the rest
12 of the way.

13 Q Okay. And the tattoo studio was two blocks away;
14 right?

15 A I don't remember.

16 Q And isn't it a fact that you -- when you gave an
17 interview to In Touch Magazine in 2011, you said that you
18 remember walking from your hotel to his hotel?

19 A I don't remember exactly. Like I said, it was an
20 abbreviated interview. I did make a stop at a tattoo shop for
21 like an hour.

22 Q Okay. I will show you what has been marked as J28.

23 (Displayed only for the aforementioned parties.)

24 Q And, by the way, this abbreviated interview is 29 pages
25 long; right?

1 A I don't know. I mean, there are photos. And who
2 knows.

3 Q And directing your attention to Page 4, the bottom
4 paragraph.

5 A Uh-huh. From --

6 Q Well, I want to direct your attention to the top part
7 of this.

8 Just going back a minute. Let's see. 1, 2, 3, 4, five
9 lines from the top.

10 Do you recall saying during that interview: "We ended up
11 having dinner in the room. I cannot remember what we ordered.
12 I remember what I had the second time I had dinner with him, but
13 I can't remember what we had."

14 Do you recall saying that?

15 A Hang on.

16 (Pause.)

17 Q You said that in that interview; didn't you,
18 Ms. Daniels?

19 A Yeah. It says, "I don't remember ordering anything or
20 what I ordered, if anything."

21 Q But you say twice there: "We had dinner in the room."
22 Right?

23 A Yes. Like I said, it was dinnertime in the room.

24 Q So you are saying that when you said "we had dinner,"
25 you did not mean that; right?

1 A I'm saying a -- once again, I had dinner in his room,
2 but we never got our food. And I never ate anything.

3 Q Okay.

4 A Having dinner with somebody, at least where I'm from,
5 doesn't necessarily mean that you have to put food in your
6 mouth. I'm going to someone's house for dinner. It's
7 dinnertime.

8 Q And isn't it a fact that when you wrote your book, you
9 said you walked from your hotel to President Trump's hotel?

10 A I walked halfway there or I -- actually, I think I went
11 in the opposite direction first.

12 Q And you don't say anything in your book about taking a
13 car; right?

14 A I don't remember exactly.

15 Q But when you were interviewed by the Prosecutors in
16 this case, the first time, you told them that President Trump's
17 bodyguard sent a car to pick you up and take you to the room;
18 didn't you?

19 A I don't know how the car got there or who sent it
20 specifically. I have no way of knowing who I was speaking to,
21 who -- or who sent the car.

22 Q Well, when you testified on Tuesday, you said that you
23 called a car -- you said you walked and then you said you called
24 a car?

25 A I called for a car? I don't know how the car was

1 called.

2 I told them that I was going -- that I needed a car. I
3 don't know if they called the car. I don't remember. I know it
4 was before Uber, obviously.

5 Q The details of your story keep changing; right?

6 A No. I took a car from the tattoo shop to his hotel.

7 Q Okay. And you testified on direct examination that
8 when you supposedly entered the suite, that President Trump came
9 from the main area of the hotel suite and met you in the foyer;
10 right?

11 A Yes.

12 Q And you say that there were -- the elevator -- no,
13 withdrawn.

14 But when you were interviewed for -- in 2011, for In Touch
15 Magazine, you said that when you walked into the hotel suite,
16 President Trump was all sprawled out on the couch watching
17 television or something; right?

18 A I don't remember saying that.

19 Q Well, if you could look at J28. And directing your
20 attention to Page 4.

21 (Displayed only for the aforementioned parties.)

22 Q Do you recall -- well, let's start at the bottom of
23 Page 3.

24 (Pause.)

25 Q You said: "I went in, and I was all dressed up,

1 because I had just assumed that we were going to go to dinner,
2 but he meant to have dinner in his room. Like, he wasn't
3 dressed."

4 And then if I could direct your attention to Page 4. "To go
5 out at all. Just lounging. I remember taking a jab at him. I
6 remember saying because he was all sprawled out on the couch
7 watching television or something. And he was wearing pajama
8 pants."

9 Do you remember saying that?

10 A Yes. I walked in. He was on the couch. He heard me
11 come in.

12 He got up and he greeted me in the foyer.

13 Q I see. So you say he was all sprawled out on the couch
14 there, and now you are saying "but he got up." That's what you
15 saying now?

16 A He did both. He greeted me from the foyer. He came
17 from the inside from where the couches and things were, I
18 assumed he was watching television, but he definitely wasn't
19 getting dressed.

20 Q Okay. But you didn't say that in your 2011 interview;
21 did you?

22 A No, I did not. Like I said, it was a shorter
23 interview.

24 Q Okay. And you testified on direct --

25 MS. NECHELES: Your Honor, is this a good time for

1 a break?

2 THE COURT: I would like to go a little longer.

3 Q You testified on direct that after being in President
4 Trump's hotel suite for several hours, you went to the bathroom;
5 right?

6 A Correct.

7 Q And you claim when you came out of the bathroom he was
8 on the bed in a T-shirt and boxer shorts; right?

9 A Yes.

10 Q Just one minute before we get to that.

11 I want to go back to where President Trump was when you
12 entered the hotel suite room.

13 Do you recall you wrote a book about this; right?

14 A Yes.

15 Q And do you recall that when you say, when you opened
16 the door -- withdrawn.

17 Let's just go back to the room.

18 So you say you came out of the bathroom and he was on the
19 bed in his T-shirt and boxer shorts; right?

20 A Yes.

21 Q And, according to you, when you saw him sitting on the
22 bed, you became faint, the room started to spin and the blood
23 left your hands and feet, yes?

24 A Yes. It was shock. Surprise.

25 Q So just so I can be clear on what you are saying,

1 you've acted and had sex in over 200 porn movies; right?

2 A 150-ish, yes.

3 Q And there are naked men and naked women having sex,
4 including yourself in those movies; right?

5 A Yes.

6 Q And, but according to you, seeing a man sitting on a
7 bed, in a T-shirt and boxer shorts, was so upsetting that you
8 got light headed, blood left your hands and feet, and you almost
9 fainted; right?

10 A Yes. When you are not expecting a man twice your age
11 to be in their underwear -- I have seen my husband naked almost
12 everyday -- if I came out of the bathroom and it was not my
13 husband and it was Mr. Trump on the bed, I would probably have
14 the same reaction.

15 Q And that made you feel like you were going to faint?

16 A Absolutely. If I came out of the bathroom and saw an
17 older man in his underwear that I wasn't expecting seeing there,
18 yeah.

19 Q And, according to you, earlier that evening, you had
20 been bossing President Trump around and telling him to change
21 his clothes out of pajamas and to stop talking about himself;
22 right?

23 A That was hours before, yeah, I was in -- I guess it was
24 seeing a man in his underwear that you are not expecting to be
25 there, when you are not expecting him to be there.

1 Q And you were a pretty assertive woman; right?

2 A More so now.

3 Q Well, you have been working since you were 18;
4 right?

5 A Seventeen.

6 Q Seventeen. And you've had to take care of yourself,
7 you said, since you were 17; right?

8 A Yes, ma'am.

9 Q And some of the places you were working in are pretty
10 tough places to work in; right?

11 A Sometimes.

12 Q And you have taken care of yourself that whole time;
13 right?

14 A Mostly, yes.

15 Q And you said that even though he was twice your age,
16 you had no problem bossing him around that whole day; right?

17 A Yes. When I felt like I had control of the situation
18 and I had an exit; and this was definitely a power shift.

19 Q Well, in your book, in fact, you wrote that "you had
20 made him your bitch;" right?

21 A I did earlier.

22 Q Those were your words, right, "you had made him your
23 bitch?"

24 A Yes.

25 Q Right?

1 A Yes.

2 Q Because you are powerful; right?

3 A I used to think so.

4 Q But now, because he was supposedly in a T-shirt and
5 boxer shorts, you were so upset that he wanted to have sex with
6 you that you couldn't speak up and say that you didn't want to
7 have sex with him?

8 A Correct.

9 Q Right?

10 A Correct.

11 Q The man who you claimed "I made him my bitch," but I
12 can't say no to having sex with him supposedly; right?

13 A Yes.

14 Q This was not the first time in your life someone had
15 made a pass at you; was it?

16 A No.

17 Q And you testified on direct examination --

18 A But it was the first time that they had a bodyguard
19 standing outside the door and they were in their underwear.

20 Q Okay --

21 A And they were twice my age and bigger than me.

22 Q Okay. And you understand there is no question
23 pending?

24 MS. HOFFINGER: Objection, your Honor.

25 THE COURT: Sustained.

1 Q And you testified on direct that Mr. Trump got out of
2 bed and stood between you and the door, to the exit of the
3 bedroom and said something like: I thought we were getting
4 somewhere, we were talking and I thought you were serious about
5 what you wanted, if you ever want to get out of that trailer
6 park.

7 Those were his words that you said that he said?

8 A Yes.

9 Q And you said you blacked out and the next thing you
10 remember was being on the bed and having sex; right?

11 A Yes.

12 Q But when you were interviewed in 2011 by In Touch
13 Magazine, you told a completely different story; didn't you?

14 A No.

15 Q Well, when you were interviewed in 2011, you said that
16 when you came out of the bathroom, Donald Trump was sitting on
17 the bed and he said, "Come here."

18 And you were like, "Oh, here we go."

19 And then you started kissing and had sex.

20 That's the story that you told in 2011; isn't it?

21 A Like I said, there were parts in the middle that I
22 didn't remember.

23 Q Well, isn't that the story that you told in 2011;
24 right?

25 A I don't remember exactly what I said.

1 Q Okay. I'm going to direct your attention to J28,
2 Page 8.

3 A Uh-huh.

4 (Displayed only for the aforementioned parties.)

5 Q And do you recall saying, "I had to use the bathroom.
6 And I went to the restroom, which was in the bedroom. Like I
7 said, it was a big suite. I could describe the suite perfectly
8 when I came out. He was sitting on the bed and he was like,
9 'come here.' And I was like, 'Oh, here we go.' And we started
10 kissing."

11 "I actually don't even know why I did it, but I do remember
12 while we were having sex I was like, please, don't try to pay
13 me. And then I remember thinking, but if I did -- but if he
14 did, I bet -- no, but, I bet if he did, it would be a lot."

15 That's what you said to In Touch Magazine in 2011; right?

16 A Correct. Yes, because I wasn't trying to get money,
17 and he did say, "Come here."

18 Q Nothing about him standing up; right?

19 A No. I didn't -- I mean, it's not here. This was an
20 abbreviated article.

21 But he did stand up. And he was between me and the door,
22 and Keith was outside the door.

23 And then I don't remember -- and then I remember we were
24 kissing and he was on top of me.

25 That's what I remember. I --

1 Q You remember what you said to -- withdrawn.

2 THE COURT: We can only have one person speaking at
3 a time.

4 Q So what you said to In Touch Magazine was: "We started
5 kissing." Right?

6 A Uh-huh, yes.

7 Q Nothing about him standing up; right?

8 A But it also doesn't say that I got on the bed. This is
9 an abbreviated version. He stood up. We started kissing. It
10 has been edited for clearing.

11 Q It doesn't say he stood up; did it?

12 A No, it doesn't say that he stood up either.

13 Q You said that he said, "Come here;" right?

14 A He did, he said, "Come here."

15 Q Meaning you should come to the bed?

16 A He stood up and said, "Come here."

17 Q It doesn't say that, does it?

18 A No, it doesn't.

19 Q And then you said, "We started kissing." Right?

20 A Yes.

21 Q Nothing about if you want to get what you want to get,
22 you better go along with this; right?

23 A They left out a lot of stuff because they couldn't
24 fact-check it.

25 I do remember them telling me that.

1 Q And nothing about a trailer park; right?

2 A No.

3 Q And you made that -- you have made all of this up;
4 right?

5 A No.

6 Q And, by the way, you weren't drinking anything that
7 night?

8 A Just water.

9 Q No drugs; right?

10 A Absolutely no.

11 Q But you supposedly, you blacked out; right?

12 A I got lightheaded. I never blacked out. I didn't,
13 like, hit the floor.

14 I just -- everything spun and went black.

15 But, no, I was not given any drugs.

16 I did not take any drugs.

17 And there was -- I don't even believe there was alcohol in
18 the room.

19 Q And, in 2011, you said that you were fascinated and
20 stimulated by President Trump and had really good banter and
21 that you could tell he was a nice, intelligent -- he was nice,
22 intelligent in conversation. Right?

23 A It was a nice, intelligent conversation, yes.

24 Q That's what you said; right?

25 A Yes.

1 Q And nothing about him threatening you with a trailer
2 park; right?

3 A That was after I came out of the bathroom. There was
4 no more conversation. The conversation was intelligent and
5 interesting. I enjoyed it.

6 Q And you were interviewed for Slate Magazine by
7 Mr. Weisberg in 2018; right?

8 A I'm not sure that was his name.

9 Q Okay. Let me show you J45.

10 (Displayed only for the aforementioned parties.)

11 Q It was a 2018 interview by Jacob Weisberg; right?

12 A Yes. That's what it says.

13 Q And this story gets published right after the Wall
14 Street Journal article; right?

15 A I believe so, yes. January 16th.

16 Q The Wall Street Journal article, you recall, was on
17 January 12th?

18 A January 12th. Yes, ma'am.

19 Q On January 12th 2018. And this was on January 16th to
20 18; is that right?

21 A That's what it says.

22 Q And am I correct that you told Mr. Weisberg that there
23 was no abuse in what happened with President Trump and that you
24 were not a victim; right?

25 A Yes.

1 Q And this is what you were saying in 2018; right?

2 A Yes.

3 Q And you said that the worst that Trump had done was
4 break promises you never believed that he would fulfill; right?

5 A Yes.

6 Q And you told Weisberg that President Trump offered to
7 buy you a condom in Tampa, Florida, and that he wanted to
8 feature you as a contestant on an upcoming season of The
9 Celebrity Apprentice; right?

10 A Yes.

11 Q You didn't say anything to Mr. Weisberg about you
12 supposedly blacking out or not remembering how you ended up in
13 bed; right?

14 A Correct.

15 Q You said the worst thing he did was he didn't give you
16 a condom; right?

17 A Yes, I never wanted a condom.

18 Q Oh, you didn't want a condom?

19 A No, not in Tampa, Florida.

20 Q Well, you said the worst thing he did was he didn't put
21 you on The Celebrity Apprentice; right?

22 A I said the worst thing he did was that he lied.

23 Q And you said nothing about a power imbalance or that
24 you were scared that there was a bodyguard standing outside of
25 the door; right?

1 A No. I said the worst thing that he did was lie.
2 That's my feelings.

3 Q Okay. And you were also --

4 A I blame myself --

5 Q And you didn't say anything about --

6 A -- for feeling that way.

7 Q And you didn't say anything about feeling those things
8 that you just described happened?

9 MS. HOFFINGER: Can you please let the witness
10 finish, your Honor.

11 THE COURT: Overruled. I think she was done.
12 Overruled.

13 A And, I'm sorry, what did you say?

14 Q You didn't say anything about feeling faint in there,
15 when this happened; right?

16 A No. Because the question was what Mr. Trump did. And
17 Mr. Trump did not drug me. And he did not -- that was how I
18 felt, the worst thing that he did was lie in that moment.

19 Q Right. And you were also interviewed by Vogue Magazine
20 in 2018; right?

21 A Yes.

22 Q And isn't it correct that you were asked: "Did Trump
23 do something that made you feel like you had to have sex with
24 him?" And you responded, "No, nothing;" right?

25 A Yes.

1 Q And so, in 2018, you said that there was nothing that
2 he did that made you feel like you -- that you had to have sex
3 with him, but on Tuesday, on direct exam, you testified that he
4 made nasty comments and stood over you and you felt a power
5 shift; right?

6 A I never said he stood over me. He stood in front of
7 me. I was not below him or on the floor.

8 Q So you were saying, when you testified on Tuesday, that
9 his actions made you feel like you had to have sex with him;
10 right?

11 A My own insecurities made me feel that way. I have
12 maintained that he has not -- he did not put his hands on me.

13 He did not give me any sort of drugs or alcohol, and he did
14 not hold a weapon or hold me at any sort of -- threaten me with
15 any short of an item.

16 And I have said that, and I maintain that. I was not
17 physically threatened or drugged or drunk.

18 Q But these nasty -- supposed nasty comments that he made
19 and standing up over you, those statements were not what you
20 were saying in 2018; right?

21 MS. HOFFINGER: Objection.

22 THE COURT: Overruled. You can answer.

23 A Those statements are exactly what I said.

24 Q You said --

25 A He said that he thought that I was on the same page

1 about going onto the television show.

2 That is exactly what it was --

3 Q In 2018 --

4 A -- he lied about that and stood in front of me and he
5 never had any intention of --

6 Q My question to you is just: In 2018, you didn't say
7 any of that to anybody; did you?

8 A Which part? That he stood in front of me and said I
9 thought you wanted to prove that you could do this? That's
10 exactly what he said.

11 Q You didn't say that in the Kold article; right, when I
12 asked you about whether you said that to anybody?

13 Do you understand my question?

14 A No, I don't.

15 Q Okay. In 2018, you didn't tell the Kold writer that
16 President Trump had supposedly said that to you; did you?

17 A I said that he promised me a part in The Celebrity
18 Apprentice. He thought that I was intelligent and would do
19 whatever it takes. My own insecurities in that moment kept me
20 from saying no.

21 Q You didn't say that --

22 A I have maintained that he did not physically threaten
23 me in any way.

24 Q Okay. You claim that that's in the article, in the
25 Kold article?

1 A I don't know what's in the Kold article, but my story
2 hasn't changed.

3 Q You didn't say that then; did you?

4 A I don't know.

5 Q And, now, in 2024, your story has changed; hasn't it?

6 A No. Not at all. You are trying to make me say that it
7 changed, but it hasn't changed.

8 Q And I want to talk about the night after the evening
9 that you claim that you had sex with President Trump. So the
10 American Century Championship, which was a Golf Celebrity
11 Tournament which had celebrities in both hotels, and so they had
12 parties and events; right?

13 A Several, yeah.

14 Q And, in fact, you testified that many of the parties
15 were in your hotel; right?

16 A I don't know which parties were part of the event and
17 not, but there were parties in both hotels.

18 Q Well, you testified --

19 A I have no way of knowing which parties were sanctioned
20 for that.

21 Q You testified that there was an auction in your hotel
22 of celebrity items; there were a couple of auctions, yeah?

23 And you said that there was a nightclub in the hotel?

24 A Bar, restaurant, nightclub things, yeah.

25 Q And you testified that -- well, you have said that

1 President Trump called you from his bodyguard's phone and
2 invited you to come have drinks with him at the nightclub
3 downstairs in the hotel that night; right?

4 A Yes, I said yes.

5 Q And you said you met him in the VIP area, and that
6 Trump was there and Ben Roethlisberger and Keith Schiller were
7 there?

8 A He was sitting in a booth.

9 Q With Roethlisberger?

10 A Yes.

11 Q And while you were there, you talked -- and you went
12 and talked with them; right?

13 A Yes.

14 Q And while you were there, you talked about The
15 Apprentice; right?

16 A Very briefly, yes.

17 Q And you testified on direct that that conversation or
18 that encounter lasted for about ten minutes; right?

19 A I would say so.

20 Q But in your book you said you were there for about an
21 hour; right?

22 A The conversation -- Mr. Trump left first. He was there
23 for like maybe 10 or 15 minutes.

24 Q Well, in your book didn't you say it was "max an hour?"

25 A "Max an hour," yeah.

1 Q And President Trump then left you alone with
2 Roethlisberger; right?

3 A Yes.

4 Q And you said that at that point you really believed
5 that President Trump wanted to put you on The Celebrity
6 Apprentice; correct?

7 A I did at that time, yes.

8 Q And you -- and that was because of that conversation;
9 right?

10 A Which conversation?

11 Q Well, the conversation in that nightclub, that was one
12 of the conversations; right?

13 A That was one of them, yeah.

14 Q And then there were other conversations on the phone as
15 well, right, about that?

16 A I only had two conversations by the time, at that
17 incident which was in the nightclub, the one the night before
18 and the one sitting in that moment.

19 Q Okay.

20 A So based on those two conversations, yes.

21 Q And you had other conversations later --

22 A Later.

23 Q And you said -- you told Jimmy Kimmel, in fact, didn't
24 you, that you thought that President Trump thought that it would
25 be great for the ratings; right?

1 A Uh-huh.

2 Q And that's what your discussions were with him; right?

3 A That's what he told me, yes.

4 Q And that's what you talked about in your phone calls
5 with President Trump; right?

6 A Partially, yes.

7 Q And he also talked about that when you went to Trump
8 Tower; right?

9 A Yes.

10 Q And, by the way, you took a selfie of yourself and your
11 friend in his office in Trump Towers; right?

12 A Well, my friend did.

13 Q And that was in 2007; right?

14 A Yes.

15 Q But you have no other pictures with President Trump
16 other than that one picture?

17 A Right.

18 Q With her?

19 A We took a picture with him at the Trump Vodka Party and
20 in his office.

21 Q And in his office?

22 A I didn't physically take them, my friends did.

23 Q The Trump Vodka Party was a party where he invited lots
24 of minor celebrities; right?

25 A Yes.

1 Q And that was all public; right?

2 A Yes.

3 Q And then you also went to -- you asked to be -- for
4 tickets to the Miss USA Pageant; right?

5 A I'm sorry. What was that?

6 Q You also asked for tickets to the Miss USA Beauty
7 Pageant; right?

8 A Yes.

9 Q And you went with your agent too; right?

10 A Yes. I went with my agent.

11 Q And that was also in public; right?

12 A Yes, but I did not speak with him there.

13 THE COURT: Miss Necheles, would you like to take a
14 break?

15 MS. NECHELES: Yes.

16 THE COURT: All right. Jurors, let's go ahead and
17 take our morning break.

18 Let's take about 15 minutes.

19 You can step out.

20 THE COURT OFFICER: Leave your notepads.

21 All rise.

22 (Jury exits.)

23 *****

24 THE COURT: You can step down.

25 Thank you.

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THE WITNESS: Thank you.

(Witness excused.)

THE COURT: People, counsel, is there anything that we need to discuss?

MR. STEINGLASS: No.

MS. NECHELES: No.

THE COURT: All right. I will see you in about 15 minutes.

(Recess taken, after which time, Principal Court Reporter Susan Pearce-Bates relieved Senior Court Reporter Lisa Kramsky as the official court reporter.)

S. Daniels - Recross/Necheles

1 (Continued from the previous page.)
2 SERGEANT: Remain seated. Come to Order.
3 Part 59 is back in session.
4 THE COURT: Can we get the witness, Ms. Necheles?
5 MS. NECHELES: Yes. Yes.
6 COURT OFFICER: Witness entering.
7 (Whereupon, the witness entered the
8 courtroom and was properly seated.)
9 THE COURT: Okay.
10 Let's get the jury, please.
11 SERGEANT: All rise. Jury entering.
12 (Whereupon, the jury entered the courtroom
13 and was properly seated.)
14 THE COURT: Please be seated.
15 THE CLERK: Case on trial continued.
16 All jurors are present and properly seated.
17 THE COURT: Ms. Necheles.
18 MS. NECHELES: Thank you, Your Honor.
19 CONTINUED CROSS-EXAMINATION
20 BY MS. NECHELES:
21 Q Ms. Daniels, before we took the break, we were talking
22 about you being at a nightclub with President Trump and Ben
23 Roethlisberger, right?
24 A Yes, ma'am.
25 Q And at some point President Trump left, and he left

Susan Pearce-Bates, RPR, CCR, RSA
Principal Court Reporter

1 you alone with Ben Roethlisberger, right?

2 A Yes.

3 Q And you testified on your cross-examination, just a
4 little while ago, I was asking questions about Make America
5 Horny Tour, right?

6 A Yes.

7 Q And you said you hated that name, right?

8 A Yes.

9 Q And that you never posted it yourself, right?

10 A I never made any of those flyers.

11 Q And you never posted it on your social media you
12 testified, right?

13 A Sometimes they made me re-tweet them, but I never made
14 any of the flyers and posted them on my own accord.

15 Q You said sometimes you may have had to re-tweet them
16 but that's it, right?

17 A Yeah. As a matter of fact, I fired a webmaster for
18 posting them.

19 Q I want to direct your attention to -- showing you what
20 has been marked as J-49. Susan --

21 (Whereupon, the District Attorneys were
22 shown a document.)

23 Q Do you recognize that as coming from your Instagram
24 account?

25 A Yes.

1 MS. NECHELES: I will offer that in evidence,
2 your Honor.

3 MS. HOFFINGER: No objection.

4 THE COURT: Accepted into evidence.

5 Q And that's posted on your Instagram account, right?

6 A Yes. It was reposted from Deja Vu.

7 Q And that was February 2nd, 2018, is that correct?

8 A February 24th -- oh, sorry. Yes.

9 Q And there is a picture of you and that you are going
10 to be somewhere on February 24th, right?

11 A Yes.

12 Q And it says, Stormy Daniels Performing Live, Make
13 America Horny Again 2018 Tour, right?

14 A Yes.

15 Q And that's you posing for that picture, right?

16 A Well, it's a flier made up of a photo that I posed
17 for.

18 Q And you posted that on your personal Instagram, right?

19 A Yes. That's not my personal Instagram. That's my
20 business Instagram.

21 Q And I want to direct your attention now to J-50, which
22 is just for the witness and the parties.

23 Do you recognize that as being another post from your
24 Instagram?

25 A Yes. That was the very first one.

1 MS. NECHELES: And I offer that in evidence, your
2 Honor.

3 THE COURT: Any objections?

4 MS. HOFFINGER: No objections.

5 THE COURT: Accepted into evidence.

6 Q And that posted on January 14, 2018, right?

7 A Yes.

8 Q And it says, Stormy Daniels, the Making America Horny
9 Again Tour, right?

10 A Yes.

11 Q And you posted that on your personal Instagram, right?

12 A That's my public Instagram.

13 Q Your public Instagram, right?

14 And you said, see you soon South Carolina, right?

15 A Yes.

16 Q And those are just two of many that you posted, right?

17 A I don't know.

18 Q But you were advertising for that tour, right?

19 A For my appearances, yes.

20 Q And making money off of that?

21 A That's what you do with tours.

22 Q And turning your attention back to the tournament, the
23 celebrity golf tournament, President Trump was the biggest
24 celebrity, probably, at that tournament, right?

25 A It depends on what you are a fan of.

1 Q Well, people recognized him, right?

2 MS. HOFFINGER: Objection.

3 THE COURT: Sustained.

4 Q Well, you saw people following him around, right?

5 A Yes. A lot of people are paid to follow him around I
6 am sure. I don't know.

7 Q And he did very well at that golf tournament, right?

8 A I don't remember.

9 Q He was playing golf himself?

10 A He was playing golf. I don't remember what the scores
11 were.

12 Q And so, when -- when you saw that -- when he went --
13 where he went, people were recognizing who he was, right?

14 A Yes, but --

15 Q You recognized that --

16 A They recognized me where I went that day too.

17 Q Okay.

18 And, according to you, when you went up to his hotel
19 suite, there were double doors to the outside of the hotel,
20 before you got into the suite, right?

21 A From the exterior, you mean the hallway?

22 Q Yes.

23 A Yes. There was a door that was cracked. One door was
24 open, but there was a second wider door.

25 Q And so, you said Keith Schiller was standing outside

1 of the hotel suite, right?

2 A Yes. He was leaning against the wall by the door.

3 Q And when you went in there was another -- there was a
4 door to the bedroom, right?

5 A The door to the bedroom was quite a ways away.

6 Q What was that?

7 A Really far away.

8 Q Okay.

9 So when you went into the bedroom, it was very far
10 away from where Keith Schiller was, right?

11 A I don't know where he was at that point in time.

12 Q You didn't see him inside the suite, did you?

13 A I never saw him inside, no, ma'am.

14 Q So you were in the bedroom, and the door to the
15 bedroom was closed?

16 A No.

17 Q The door to the bedroom was open, but it was very far
18 away from where the front door was?

19 A All the doors were open.

20 Q The bedroom was very far away from the front door you
21 just said?

22 A It was off of the living room, yes.

23 Q And you claimed that one of the things that made you
24 feel uncomfortable or feel like you couldn't walk out was that
25 Keith Schiller was standing outside of the --

1 MS. HOFFINGER: Objection. That's not the
2 testimony.

3 THE COURT: Sustained.

4 Q Well, was that your testimony, that you were -- one of
5 the things that went through your mind about why you couldn't
6 just leave was because Keith Schiller was outside the hotel
7 suite?

8 A Absolutely. I would have had to pass by him and get
9 to an elevator and wait for an elevator, and he was a very
10 large man.

11 Q Well, do you recall being interviewed by Vogue
12 magazine in 2018?

13 A Yes.

14 Q And do you recall saying to their -- you were asked,
15 did Trump do something that made you feel like you had to have
16 sex with him?

17 And you being emphatic, no. Nothing. Not once did I
18 ever feel like I was in any sort of physical danger. I am sure
19 if I had taken off running, he wouldn't have given chase, and
20 even if I had, there is no way that he could have caught me.

21 Do you recall saying that?

22 A Yes.

23 Q You didn't mention anything, but, oh, there was a
24 bodyguard outside the door, did you?

25 A I don't remember if I did or not. I don't control

1 what parts of quotes they put in magazines and how many details
2 they use. Vogue is an entertainment magazine and it is a
3 fashion magazine.

4 Sometimes I give too many details.

5 Q So you last spoke with President Trump in 2007,
6 correct?

7 A Well, the last time, is that what you said?

8 Q Yes.

9 A Yes.

10 Q And it was a long time ago, right?

11 A Yes, non.

12 Q And you never spoke with President Trump in connection
13 with your being paid \$130,000 to sell the story, did you?

14 A No.

15 Q So you have no personal knowledge about his
16 involvement in that transaction, or what he did, do you?

17 A Not directly, no.

18 Q And am I correct that you signed the Non-Disclosure
19 Agreement in this case with legal advice?

20 A Yes.

21 Q And you did not negotiate that Non-Disclosure
22 Agreement with President Trump, did you?

23 A Not directly, my attorney.

24 Q And your lawyer dealt with Michael Cohen, right?

25 A Yes.

1 Q And Mr. Cohen paid you, not Mr. Trump, right?

2 A Actually, my attorney paid me.

3 Q Okay.

4 But you understand that the money came from Michael
5 Cohen, right?

6 A I know the --

7 MS. HOFFINGER: Objection.

8 THE COURT: Overruled. You can answer.

9 A I know that the money was wired to me from Keith
10 Davidson.

11 Q Okay.

12 And did you understand that the money was wired to
13 Keith Davidson?

14 A That's what I understood, but I have no proof.

15 Q Okay.

16 Then you understand that in this case President Trump
17 is charged with a crime for how the payment reimbursing Mr.
18 Cohen was labeled on President Trump's books, you understand
19 that, right?

20 A I am not an attorney. I don't really understand. I
21 am just here to answer the questions that are asked to me about
22 specific things that I have knowledge of.

23 Q Okay.

24 Even though you tweeted and celebrated about him being
25 indicted, you have no knowledge of what he was indicted for?

1 A There was a lot of indictments.

2 MS. NECHELES: Your Honor, I move to strike that.

3 MS. HOFFINGER: It is responsive, your Honor.

4 THE COURT: It's responsive.

5 Overruled.

6 BY MS. NECHELES:

7 Q Okay.

8 You don't know what he was indicted for in this case?
9 You don't have any idea?

10 A Business records.

11 Q And you know nothing about the business records,
12 right?

13 A I know nothing about his business records, no.
14 Why would I?

15 Q You know nothing about what he does, or does not know
16 about the business records, right?

17 A No.

18 Q And, Ms. Daniels, you have changed your story many
19 times.

20 And isn't it a fact that the reason you changed your
21 story many times is because you never had an affair with
22 President Trump, but realized that you could earn money by
23 saying you had an affair, and you have been doing that for 12
24 years?

25 MS. HOFFINGER: Objection to the form.

1 THE COURT: Sustained.

2 MS. NECHELES: I have no further questions.

3 THE COURT: Any redirect?

4 MS. HOFFINGER: Yes, I do.

5 Actually, Judge, may we approach for a moment?

6 THE COURT: Yes.

7 (Discussion is held at sidebar, on the
8 record.)

9 MS. HOFFINGER: Judge, I want to be careful,
10 given your prior rulings.

11 There are two exhibits I would like to put in,
12 Defense Exhibits, Ms. Necheles. J-2 and J-17, they are
13 specifically tweets that you -- she elicited that Ms.
14 Daniels wrote and put on her Twitter. But Ms. Necheles did
15 not elicit the tweets to which she was responding, which
16 are both threatening.

17 For example, J-2, she specifically asked about
18 it. It was responsive to a threat that she received on
19 that. In fact, the witness answered that, but Ms. Necheles
20 did not put it in evidence.

21 And so, frankly, we feel that the jury needs to
22 have the full context on those. I would like to admit one
23 of them.

24 On the second one, I would like to at least
25 elicit a question about what her tweet was in response to.

1 Certainly, your Honor has ruled that these types
2 of threats can be elicited in a proper context. They have
3 cross-examined thoroughly on the fact that, one, it attempts
4 to undermine the threat in 2018 in the parking lot. These
5 are in some ways corroborative of that.

6 Second, they have cross-examined extensively
7 about the fact that she was only doing all of this to make
8 money, and even her testimony here, and her story is all
9 about money, undermining the fact that there are other
10 issues that have arisen in terms of the threats, and that
11 her whole reason to testify here is not purely about money
12 and that there have been other costs.

13 In fact, Ms. Necheles asked about that, and
14 specifically about the money she made, all the money that
15 she had made off of this.

16 MS. NECHELES: Can I see it, the exhibit?

17 MS. HOFFINGER: It's J-2 and J-17.

18 Susan, I don't have a copy for you. It was
19 yours.

20 Here is J-2 and then here is J-17.

21 MS. NECHELES: Thank you.

22 MS. HOFFINGER: We would like to elicit those.

23 This one here, defense counsel can't use it as
24 both a sword and shield. You can't fully -- you can't
25 elicit only what Ms. Daniels said and not show what it is

1 responsive to.

2 THE COURT: Is there any objection?

3 MS. NECHELES: Your Honor, I don't have a problem
4 eliciting that it is a response to a threat. I think that
5 they are not statements that are made by President Trump.
6 They are statements that are made by some stranger, you
7 know, and she is just --

8 THE COURT: Does that matter?

9 I don't think that matters. You did go into
10 these a little bit, and you left the jury with a certain
11 impression. I think it's only fair that the jury should
12 have the full picture of what we are talking about.

13 I am going to allow it.

14 MS. HOFFINGER: In addition, I am going to seek
15 to show what's already in evidence, which is People's 408-B
16 from May of 2024, which we didn't display that says, if you
17 come after me, I am going after you.

18 Now, with this witness, given the
19 cross-examination that we have heard, I would like to
20 elicit what, if any, affect it has had on her, and what, if
21 anything, being involved in this case and telling her
22 account, what the affect has been on her family, the
23 economical costs and in terms of other costs.

24 And I think the door has not only been open, but
25 the door has been flung wide open at this point.

1 MR. STEINGLASS: August of 2023.

2 MS. NECHELES: We object to that. That would be
3 so highly prejudicial.

4 We asked about what she wrote and the money she
5 made. Now, they want to put into evidence a tweet that has
6 nothing to do with her. It had nothing to do with her.
7 They are insinuating it had something to do with her,
8 things strangers have done.

9 THE COURT: You did a very effective job on your
10 cross-examination of calling into question her motivation.
11 That, specifically, you have left the jury with the
12 impression again, you did a good job -- that she is doing
13 all of this for money. She sold her story for money.

14 I think it's fair for the People to try to
15 demonstrate that she has suffered injuries as a result of
16 that and what they look like.

17 I will allow it.

18 MS. HOFFINGER: Thank you, your Honor.

19 (Discussion at sidebar concluded, and the
20 following occurred in open court.)

21 REDIRECT EXAMINATION

22 BY MS. HOFFINGER:

23 Q Almost good afternoon, Ms. Daniels.

24 How are you?

25 A Good.

1 Q Defense counsel asked you quite a lot of questions
2 yesterday, and perhaps today as well, questioning whether fear
3 was any part of your motivation in entering into the NDA.

4 Do you remember any of those questions?

5 MS. NECHELES: Objection, your Honor.

6 Those weren't my questions.

7 THE COURT: Overruled.

8 Q Now, you said in response to questions from defense
9 counsel that you entered into the NDA because of advice from an
10 attorney.

11 Do you remember that?

12 A Yes.

13 Q And that your attorney friend said something to you
14 about hiding in plain view?

15 A Yes.

16 Q Can you explain that a little bit, what that term
17 meant, hiding in plain view?

18 What your understanding is, briefly?

19 A And it was not the attorney who was representing me.
20 This is a friend who was just trying to give me advice. And
21 his friends in the military used the term, get high, stay high.

22 And it just means, if you are out in the open, you are
23 safer; hiding in plain sight, being out in the open. That
24 something won't happen to you if everyone is looking at you.

25 Q Okay.

1 And so, part of your motivation to enter into the NDA
2 was to make sure this was all documented to keep you safe?

3 A Yes.

4 Q And you were also happy to take the money, you are not
5 saying that you were not happy to take the money, right?

6 A No. We are all happy to take money. It was just a
7 bonus.

8 Q Now, there was a question today, Ms. Necheles showed
9 you the NDA, and she walked you through a lot of the legal
10 language in that document.

11 Do you recall that?

12 A Yes.

13 Q And that was a document that you hadn't prepared
14 yourself, right?

15 A No.

16 Q And some of it is hard for you to understand?

17 A Yeah.

18 Q There was no lawsuit pending at the time, right?

19 Did you threaten to sue Mr. Trump or no?

20 A No.

21 Q Now, defense counsel on Tuesday, two days ago, asked
22 you to read some texts between yourself -- withdrawn.

23 Asked you to read some texts between Gina Rodriguez
24 and someone whose name was Dylan, who you mentioned you didn't
25 know.

1 Do you remember that?

2 A Yes.

3 Q And those texts were from June 28, 2016.

4 Do you remember that?

5 A Yes.

6 Q And she had you read from some texts --

7 MS. HOFFINGER: Let's put up People's 171-A,
8 please, in evidence.

9 And can you pull up, please, the box where Dylan
10 says, I thought she denounced it previously.

11 Q Do you see that box?

12 MS. HOFFINGER: And then the two boxes below
13 that. Maybe you can highlight the two boxes below that.

14 These were from June 28th of 2016.

15 I am sorry. Let's do it one box at a time.

16 Q You see the box, I think it's ending in -- it says,
17 Fox 38904, I have her.

18 Do you see that box?

19 And do you remember she asked you to read the box that
20 says, I have her?

21 A Yes.

22 MS. HOFFINGER: Put up the next box now.

23 Q And do you remember she asked you to read, is she
24 ready to talk?

25 Do you remember that?

1 A Yes.

2 MS. HOFFINGER: Can you put up the next box,
3 please?

4 Q And do you see, Dylan asked a question, I thought she
5 denounced it previously?

6 Do you remember she had you read that box?

7 A Yes.

8 MS. HOFFINGER: Let's go to the next one, please.

9 Q And you see she asked you to read that box that said,
10 she said she'll do it under two conditions?

11 A Yes.

12 MS. HOFFINGER: Now, lets look at the next box.
13 The very next box.

14 There is a reply from Gina.

15 Can you highlight where she said, she never did?

16 Q Did she ask you to read that box where she said, she
17 never did?

18 A I don't think so.

19 Q You can take that down.

20 Now, defense counsel asked you a lot of questions
21 about the In Touch article and you indicated that it was a very
22 light article, is that right, for entertainment purposes?

23 A Yes.

24 MS. HOFFINGER: And can we show just to the
25 witness, please, and to counsel and to the Court, the

1 second page of that page two of 29?

2 Actually, we may not have it. It is J-28. It's
3 a Defense Exhibit.

4 Just for the witness and counsel and the Court,
5 please. The next page.

6 Could you display the next page?

7 Q Do you see at the bottom where it says, this interview
8 has been lightly edited?

9 Did you see that?

10 A Yes.

11 Q Did Ms. Necheles ask you about that?

12 A No.

13 Q Thank you.

14 MS. HOFFINGER: You can take that down.

15 Q Now, Ms. Necheles also asked you a lot of questions
16 about your 60 Minutes interview with Anderson Cooper.

17 Do you remember that?

18 A Yes.

19 Q And she put up for you J-12. She asked you a lot of
20 questions about it.

21 She asked you a lot of questions about what you did
22 and didn't say in 2018 in some interviews.

23 Do you remember that?

24 A Yes.

25 Q And she asked you about your interview with Anderson

1 Cooper.

2 Now, you didn't tell every single detail to Anderson
3 Cooper, did you?

4 A No.

5 Q But you mentioned a lot of the details in that
6 interview with him, didn't you?

7 MS. NECHELES: Objection to the leading, your
8 Honor.

9 THE COURT: Sustained.

10 Q Well, there was a lot of back and forth in that
11 interview between yourself and Anderson Cooper?

12 A Yes. It was very long.

13 Q And defense counsel showed you that J-12, the 60
14 Minutes interview, and asked you some questions about it?

15 A Yes.

16 MS. HOFFINGER: We would offer that in evidence
17 now, your Honor.

18 THE COURT: Any objections?

19 MS. NECHELES: Yes, your Honor.

20 THE COURT: What's the objection.

21 MS. NECHELES: It's hearsay, statements --

22 THE COURT: Approach.

23 (Discussion is held at sidebar, on the
24 record.)

25 THE COURT: What does that have to do with the

1 interview?

2 What is it for?

3 MS. HOFFINGER: A prior inconsistent statement.

4 They have spent a long time talking about all
5 kinds of inconsistencies. The witness clearly said she
6 didn't tell every detail. There are a lot of details in
7 there which she told him.

8 It is a prior consistent statement to rebut that
9 it is a recent fabrication.

10 MS. NECHELES: A prior consistent statement?

11 MS. HOFFINGER: Ms. Necheles showed the article
12 to her and asked her all sorts of questions. I am
13 surprised she would object to it being admitted at this
14 point.

15 MS. NECHELES: I showed it under the clear rules
16 that apply to prior inconsistent statements. Prior
17 consistent statements are only admissible if they were
18 made at the time before there was a motive for fabrication.

19 These were made in 2008, when she is selling her
20 story.

21 THE COURT: They are the same documents. It is
22 the same document you used to impeach her as inconsistent.

23 MS. NECHELES: I would rely on People v. Davis, a
24 Court of Appeal case, which --

25 THE COURT: Direct me to it. Direct me to the

1 relevant section.

2 MS. NECHELES: Okay. I need Gedalia for that.

3 MR. STEINGLASS: Do you have a copy for us?

4 MS. NECHELES: No, I don't. And it's 44 N.Y. 2d.
5 269.

6 MR. STERN: So, it starts over here. It has to
7 be before the motive to fabricate started, and particularly
8 this paragraph, if the Defense argue it was fabricated from
9 the beginning.

10 MS. HOFFINGER: Your Honor, it contextualizes the
11 so-called inconsistency they asked about.

12 It's unfairly giving the jury an unfair
13 impression so it contextualizes it. It shows the entire
14 context given that Ms. Necheles went through and asked a
15 number of questions about what was told or not told to
16 Anderson Cooper.

17 THE COURT: I can't read and listen to you guys
18 at the same time.

19 MS. HOFFINGER: I apologize.

20 When you are done, I wanted to add one thing.

21 THE COURT: I understand what the decision says,
22 and it does stand with what you are saying.

23 I am asking --

24 MS. HOFFINGER: If you are admitting it --

25 THE COURT: I haven't decided yet.

1 MS. HOFFINGER: The question is, the motive to
2 fabricate. They indicated her motive to fabricate was
3 after 2008. It's more recently. It's -- the
4 indictments -- it's going on these tours. It doesn't have
5 to predate every motive to fabricate. She -- they brought
6 up much later the alleged notice to fabricate.

7 MS. NECHELES: I would say that's not correct.

8 THE COURT: I am going to run on the side of the
9 caution and deny the application.

10 MR. STEINGLASS: Can we bring out some of details
11 that are consistent to rebut the inference that out of
12 context there are these inconsistencies?

13 THE COURT: You can go back to anything that was
14 taken out of context and address it in full context.

15 MS. HOFFINGER: I can ask her all the things she
16 did tell.

17 THE COURT: No. No. You can go back and address
18 the things that were taken out of context and put them in
19 context.

20 MS. HOFFINGER: I should be able to ask what
21 things she did tell him, Anderson Cooper. She didn't tell
22 him all the details. There was a number of details that
23 were asked and answered that she testified to here.

24 I should be able to do exactly what Ms. Necheles
25 did.

1 MS. NECHELES: That's not the law.

2 MS. HOFFINGER: I should be able to ask questions
3 about what was told.

4 THE COURT: All right.

5 Let's continue. Step back.

6 (Discussion at sidebar concluded, and the
7 following occurred in open court.)

8 THE COURT: Ms. Hoffinger, you can clarify to the
9 extent that was discussed and to that extent only.

10 BY MS. HOFFINGER:

11 Q Ms. Necheles asked about certain things that you
12 didn't tell Anderson Cooper at the time.

13 Do you remember that?

14 A Yes.

15 Q But there were many things that you did tell Anderson
16 Cooper, did you not?

17 MS. NECHELES: Objection.

18 THE COURT: Overruled.

19 Q And in terms of the context, you did tell Anderson
20 Cooper that you had sex with Mr. Trump in the hotel room?

21 MS. NECHELES: Objection, your Honor.

22 THE COURT: Overruled.

23 MS. NECHELES: Your Honor, I think this is not
24 what I asked.

25 THE COURT: Overruled.

1 Q And you did also provide details of what happened in
2 the room, didn't you?

3 A Yes.

4 Q And, for example, you told him that Mr. Trump told
5 you -- never told you to keep it confidential?

6 MS. NECHELES: Objection, your Honor.

7 THE COURT: Please approach.

8 (Discussion is held at sidebar, on the
9 record.)

10 MS. NECHELES: These are none of the things I
11 asked about. She is just going through, generally, things
12 that are consistent with what she testified about. I never
13 asked about this.

14 MS. HOFFINGER: I am filling out, around Ms.
15 Necholes' questions. I only have a few. Not every single
16 thing.

17 THE COURT: What makes it a little bit unique is
18 that she is not trying to use a prior consistent statement.
19 She is using the same exact document that you used and you
20 left the jury with a certain impression.

21 Now, I don't want you to go full board and try to
22 rehabilitate the prior inconsistent statements.

23 MS. NECHELES: These are not ones I addressed.

24 She is going to things that have nothing to do
25 with what I addressed. I agree, if I raised an issue, if

1 you told him the sky was blue, and I left off that on some
2 days it was cloudy --

3 THE COURT: You did leave the impression that she
4 left out a lot of details.

5 MS. NECHELES: Yes. She wants to go back and say
6 the details I never mentioned were actually things she said
7 before and that's improper.

8 MS. HOFFINGER: There were details.

9 THE COURT: Just go back and establish that she
10 established a lot of details and leave it at that.

11 MS. HOFFINGER: All right, your Honor.

12 (Discussion at sidebar concluded, and the
13 following occurred in open court.)

14 BY MS. HOFFINGER:

15 Q So, Ms. Daniels, you did tell Anderson Cooper about a
16 lot of the details of what happened in the room and in your
17 other encounters with Mr. Trump, correct?

18 A I did.

19 MS. HOFFINGER: I would like you, please,
20 actually, I think we have -- I have the -- can we show J-2
21 just to the witness, the Court and to counsel, please.

22 Q So, we are showing you J-2, which is an exhibit that
23 Ms. Necheles showed you, and asked you some questions about.

24 Do you remember that?

25 A Yes.

1 Q And she asked you some questions about your saying, I
2 will dance down the street when he is, quote, selected.

3 Do you remember those questions?

4 A Yes.

5 Q And do you remember responding that you were -- you
6 said that you were only responding and using the same words as
7 the person who had tweeted it to you?

8 Do you recall that?

9 A Yes.

10 MS. HOFFINGER: I offer that into evidence, your
11 Honor.

12 MS. NECHELES: No objection.

13 THE COURT: Accepted into evidence.

14 MS. HOFFINGER: Can you put that up on the screen
15 for everyone, please?

16 Can you blowup the bottom tweet, please, meaning
17 the first tweet.

18 Q Was this the tweet that you were responding to when
19 you used the term, selected?

20 A Yes.

21 Q And in this tweet, do you know who it was who posted
22 this tweet on your Twitter page?

23 A Are you asking if I know this person personally?

24 No.

25 Q Did you know who the person was?

1 A No.

2 Q This is an example of people who sometimes show up and
3 put tweets on your Twitter page?

4 A Yes.

5 Q And this person called you a disgusting degenerate
6 prostitute?

7 A Yes.

8 Q And did this person also say, good luck walking down
9 the streets after this?

10 A Yes.

11 Q What you did you understand that to mean, good luck
12 walking down the street after this?

13 A That I wouldn't be safe going in public anymore.

14 Q And did this person also tweet, no wonder Glen left
15 you?

16 A Yes.

17 Q What did you understand that to mean?

18 A There is no surprise that my daughter's father left.

19 Q And this tweet was dated March 21st -- sorry --
20 March 18th of 2023?

21 A Yes.

22 Q And then you responded to that, is that right?

23 A That's correct.

24 MS. HOFFINGER: You can take that down, now.

25 Can you now show the witness please, J-17?

1 Just to the witness, counsel and the parties,
2 please.

3 Q Do you recall Ms. Necheles showing you this tweet of
4 yours and asking you a question about your response.

5 Do you remember that?

6 A Yes.

7 Q And she didn't ask you at all about the original tweet
8 that you were responding to, is that right?

9 A That's correct.

10 Q Is this another example of somebody that showed up on
11 your Twitter page saying something about you that you responded
12 to?

13 A Yes.

14 Q And this was back in December of 2022, is that right?

15 A Yes.

16 Q And the tweet on this page that you were responding
17 to, was -- were you responding to someone calling you an aging
18 harlot?

19 A Yes.

20 Q Are these two tweets examples of some of the tweets
21 that you have received from random individuals in relation to
22 things that you have said publicly about Mr. Trump?

23 A Yes. These are tame actually.

24 MS. HOFFINGER: You can take that down, now.

25 Can we please show in evidence to everyone,

1 People's Exhibit 408-B.

2 Q Ms. Daniels, this tweet by Mr. Trump was August 4th of
3 2023?

4 A Yes.

5 Q And were you aware of this Truth Social post from
6 Mr. Trump when it came out?

7 A Yes. Sorry.

8 Q Who did you understand Mr. Trump was directing this to
9 at the time?

10 A I wasn't sure, but I thought it was me.

11 Q In what way?

12 A Um, do you want me to read it?

13 Q No. You can read it.

14 A Okay.

15 Because it says, if you go after me, I am coming after
16 you, and this was right around the same time that he filed in
17 Florida, so it seemed to be connected, but I am not sure.

18 Q That he filed in Florida the proceeding against you on
19 the legal fees?

20 A Yes.

21 MS. HOFFINGER: You can take that down. Thank
22 you.

23 Q By the way, defense counsel asked you some questions
24 about whether you felt you were responsible for the charges in
25 this case.

1 Do you remember that?

2 A Yes.

3 Q You didn't testify in the Grand Jury in this case, did
4 you?

5 A I did not.

6 Q So you had nothing to do with the charges in this case
7 initially, did you?

8 A I did not.

9 MS. NECHELES: Objection, your Honor.

10 THE COURT: Overruled. I will allow.

11 Q I am sorry. Your answer?

12 A I did not.

13 Q Now, Ms. Necheles asked you at the end of her
14 questioning about the fact that you didn't know anything about
15 the business records in this case, meaning Mr. Trump's business
16 records.

17 Do you remember those questions?

18 A Yes.

19 Q Whether you knew anything about the repayments or the
20 reimbursements or any of the business records.

21 Do you remember that?

22 A Yes.

23 Q And you said you didn't know anything directly, is
24 that right?

25 A Yes.

1 Q Do you recall -- you recall the lawsuit that you
2 filed, your lawyers filed against Mr. Trump to get out of the
3 NDA?

4 Do you remember that?

5 A Yes.

6 Q And do you remember that Mr. Trump was represented by
7 counsel in that case?

8 A Yes.

9 Q And do you recall that his attorneys, Mr. Trump's
10 attorney, in court papers filed in June of 2018, confirmed that
11 Donald Trump in 2017 had reimbursed Michael Cohen's company,
12 Essential Consultants, for the 130,000 that was paid to you?

13 A Yes. I saw that.

14 Q So that was confirmed in Mr. Trump lawyer's submitted
15 court papers, correct?

16 A Correct.

17 Q Now, defense counsel asked you a whole lot of
18 questions regarding your making money about telling lies about
19 Mr. Trump.

20 Do you remember that?

21 A Yes.

22 Q Have you been telling lies about Mr. Trump or the
23 truth about Mr. Trump?

24 A The truth.

25 Q And, now, Ms. Necheles asked you about whether your

1 telling your account of what happened with Mr. Trump has made
2 you money, and I think you said it also cost you a lot of
3 money.

4 Do you remember saying that?

5 A Yes.

6 Q Can you explain that?

7 A I have had to higher security, take extra precautions,
8 tutors for my daughter, had to move my daughter to a safe place
9 to live. I had to move a couple of times.

10 And I lost -- I didn't -- I lost -- had a judgment on
11 automatic attorney fees because my case from the NDA was thrown
12 out. And I appealed it, and it was dismissed again. So
13 attorney's fees are automatically awarded in those kinds of
14 instances.

15 Q Let me ask you a question: Ms. Daniels, on balance,
16 has your publicly telling the truth about your experiences with
17 Mr. Trump had a net positive or a net negative in your life?

18 MS. NECHELES: Objection, your Honor.

19 THE COURT: Overruled.

20 A Negative.

21 MS. HOFFINGER: Nothing further.

22 Thank you.

23 THE COURT: Any recross?

24 MS. NECHELES: Yes.

25 RECROSS-EXAMINATION

1 BY MS. NECHELES:

2 MS. NECHELES: Can we put up J-2 in evidence,
3 now.

4 Can you blowup the bottom part.

5 Q This is some stranger who sent a tweet to you, right?

6 A Yes.

7 Q And that's the kind of thing that happens on Twitter,
8 right?

9 A You mean strangers?

10 Q Yes. Post nasty things?

11 A Of course.

12 Q Is says nasty stuff.

13 It says, you are a disgusting, degenerate prostitute
14 who accepts money, and then is says, to frame an innocent man,
15 right?

16 A Yes.

17 Q And then at the bottom is says, POTUS will be selected
18 by a landslide in 2024, right?

19 A Yes.

20 Q It's a nasty post, right?

21 A Yes.

22 Q And it's from someone who politically opposed -- who
23 is politically opposed to you, right, supporting President
24 Trump, right?

25 A It appears that way.

1 Q And that's the kind of stuff that goes on Twitter?

2 A Among lots of things, yes.

3 MS. NECHELES: And if we could take that down and
4 let's look it -- wait. Put that back up for a minute.

5 And go to your response, to her response, please.

6 Q And you say, so tiny paid me to frame him, right?

7 A Yes.

8 Q It's you being nasty back?

9 A Yes.

10 Q And you sound even dumber than he does during his
11 illiterate ramblings.

12 You are being nasty also, right?

13 A Yes.

14 Q You are calling each other names, right?

15 A Yes.

16 Q At this point, a person you don't even know, you are
17 engaged in a fight of calling each other names, right?

18 A I didn't call this person names.

19 Q You said, you sound dumber than he does?

20 A I am sorry. Yes.

21 Q And then you say, I won't walk. I will dance down the
22 street when he is selected to go to jail, right?

23 A Yes.

24 Q And you engaged in these kinds of back and forths with
25 strangers all the time, right?

1 A Sure.

2 Q You prided yourself in what you considered your witty
3 answers, right?

4 A Uh-hum.

5 Q So, when the prosecutors put these up and talk about
6 how people were attacking you, you were attacking them right
7 back, right?

8 A I was defending myself.

9 Q And attacking them right back, right?

10 A I never attacked anybody first. The same with
11 Mr. Trump, I didn't say anything negative about him until he
12 did it to me.

13 Q And you are calling President Trump names there,
14 right?

15 A Yes.

16 Q And you are calling whoever asked this Twitter, or
17 posted this Twitter names, right?

18 A I said they sound dumb, as in the tweet is dumb. I
19 stand by that.

20 MS. NECHELES: If you can put that down and put
21 up J-17 for the witness and the parties.

22 And I offer this in evidence.

23 MS. HOFFINGER: No objection.

24 THE COURT: Accepted into evidence.

25 MS. NECHELES: We can show that.

1 Q And the prosecutors asked you about whether someone
2 else said some nasty stuff to you again, right?

3 A Yes.

4 Q And they called you an aging harlot, right?

5 A Yes.

6 Q Again, nasty, right?

7 A Yes.

8 Q And you jabbed right back at them, right?

9 A Yes.

10 Q And you jabbed back, and said, you are so rich that
11 you have more money than they do, right?

12 A Did I say that?

13 Q Well, you said you made a million dollars and you just
14 bought a new ranch house, right?

15 A I don't say I have more money than them.

16 Q You say you made a million dollars, right?

17 A Uh-hum.

18 Q And just paid for your new ranch, right?

19 A Yes.

20 Q And that's what you have been doing consistently for
21 some time now, right?

22 A What's that, replying, standing up for myself on
23 Twitter or paying my bills?

24 Q Entering into Twitter battles?

25 A Yes, sure. When somebody attacks me, I am going to

1 defend myself.

2 MS. NECHELES: We can take that down now. And if
3 you can put up 408-B in evidence, please.

4 Q And you were just shown this by the prosecution,
5 right?

6 A Yes.

7 Q And you said you thought that that was about you?

8 A I said I didn't know. It could be.

9 Q It doesn't mention your name, right?

10 A No.

11 Q And are you aware that there -- at the time that
12 President Trump posted this, there was a Republican PAC that
13 was going after him?

14 A No.

15 Q Do you know whether this had to do with that
16 Republican PAC?

17 A Of course not.

18 Q And you have no knowledge that this had anything to do
19 with you, right?

20 A No. And I said as much.

21 MS. NECHELES: I have no further questions, your
22 Honor.

23 MS. HOFFINGER: I just have two questions, your
24 Honor.

25 REDIRECT EXAMINATION

1 BY MS. HOFFINGER:

2 MS. HOFFINGER: Can we put back up J-2 in
3 evidence, please?

4 Thank you.

5 Can you do a split screen also of People's 408-A,
6 if possible.

7 Q Ms. Daniels, take a look at People's 408-A.

8 What is the date on that Truth post by Mr. Trump
9 calling you a Horseface and SleazeBag?

10 What was the date of that?

11 A March 15th, 2023.

12 Q And what is the date of the post that is in evidence
13 as J-2?

14 A March 21, 2023.

15 Q So how many days later was J-2 after the Defendant's
16 post?

17 A Six.

18 MS. HOFFINGER: Thank you very much. Nothing
19 further.

20 THE COURT: Anything else?

21 MS. NECHELES: No, your Honor.

22 THE COURT: Thank you, Ms. Daniels.

23 You can step down.

24 (Witness is excused.)

25 People, please call your next witness.

1 MS. MANGOLD: The People call Rebecca Manochio.

2 COURT OFFICER: Witness entering.

3 (Whereupon, the witness entered and
4 approached the witness stand.)

5 COURT OFFICER: Remain standing.

6 Face the Clerk.

7 THE CLERK: Do you solemnly swear or affirm that
8 the testimony you are about to give before this Court will
9 be the truth, the whole truth and nothing but the truth?

10 THE WITNESS: I do.

11 THE CLERK: Thank you.

12 R E B E C C A M A N O C H I O,
13 called as a witness on behalf of the People, being first duly
14 sworn by the Clerk of the Court, was examined and testified as
15 follows:

16 COURT OFFICER: Pull your seat up. State your
17 full name?

18 THE WITNESS: Rebecca Manochio.

19 COURT OFFICER: Spell your last name.

20 THE WITNESS: M-A-N-O-C-H-I-O.

21 THE COURT: Your county of residence?

22 THE WITNESS: Middlesex.

23 THE COURT: Good afternoon, Ms. Manochio.

24 Please keep your voice up.

25 You may inquire.

1 BY MS. MANGOLD:

2 Q Good afternoon, Ms. Manochio.

3 As the officer mentioned, it's probably better if you
4 scooch a little closer to the microphone to make sure everybody
5 can hear you.

6 Can you tell everyone where you work?

7 A At The Trump Organization.

8 Q How long have you worked there?

9 A Eleven years.

10 Q What is your current position at The Trump
11 Organization?

12 A Junior bookkeeper.

13 Q And are you testifying voluntarily today, or were you
14 compelled to testify because of a subpoena?

15 A I was compelled to testify.

16 Q Are you represented by counsel?

17 A Yes. Yes.

18 Q Is counsel in the courtroom with you today?

19 A Yes.

20 Q Can you tell the jury about your work history?

21 A I worked at a supermarket, and then I got a job at The
22 Trump Organization.

23 Q When did you get a job at The Trump Organization?

24 A August of 2013.

25 Q Do you know who the head of The Trump Organization is?

1 A Donald Trump.

2 Q What was your title when you joined The Trump
3 Organization?

4 A Administrative Assistant.

5 Q And did your title later change?

6 A Yes.

7 Q To what?

8 A Executive Assistant.

9 Q And when you were an Administrative Assistant and
10 Executive Assistant, who did you work for?

11 A Allen Weisselberg and Jeff McConney.

12 Q Who is Allen Weisselberg?

13 A He was the CFO of the company.

14 Q And do you know what CFO is?

15 A Chief Financial Officer.

16 Q And how about Jeff McConney?

17 A He was the controller.

18 Q What's a controller?

19 A I am not really sure.

20 Q How long were you an assistant to Mr. Weisselberg?

21 A A long time. I would say like eight years.

22 Q Did your role at The Trump Organization change again
23 at some point?

24 A Yes.

25 Q To what?

1 A In 2021, to junior bookkeeper.

2 Q And as Mr. Weisselberg's assistant for eight years,
3 did you became familiar with the people Mr. Weisselberg
4 interacted with at The Trump Organization?

5 A Yes.

6 Q Did you sit near Mr. Weisselberg in your role as his
7 assistant?

8 A Yes, outside of his office.

9 Q When Mr. Trump was in the office, how often would
10 Mr. Weisselberg interact with Mr. Trump?

11 A Everyday.

12 Q As the executive assistant to the CFO, did you have a
13 role in paying bills at The Trump Organization?

14 A I did not pay bills.

15 Q But did you have any role --

16 A Yes.

17 Q -- with how expenses were processed?

18 A Put together?

19 Q Yes.

20 A Yes.

21 Q Can you please describe that, briefly, for the jury?

22 A I put checks with their backup together and gave them
23 to Mr. Weisselberg to sign.

24 Q And what do you mean by, backup?

25 A The invoice.

1 Q Did every check that you put together for
2 Mr. Weisselberg to sign have to have an invoice attached?

3 A Yes.

4 Q Do you know if that was -- if the process was
5 consistent kind of across the Trump Organization for paying
6 expenses?

7 A Yes.

8 Q Do you know if Mr. Trump's personal expenses were
9 processed by The Trump Organization?

10 A Yes.

11 Q Do you know how Mr. Trump paid his personal expenses,
12 electronically?

13 A By check, both.

14 Q Can you recognize Mr. Trump's signature?

15 A Yes.

16 Q And is that from viewing checks that Mr. Trump had
17 signed?

18 A Yes.

19 (Whereupon, Principal Court Reporter Susan
20 Pearce-Bates was relieved by Senior Court
21 Reporter Theresa Magniccari.)
22
23
24
25

R. Manochio - Direct/Mangold

1 (Whereupon, proceedings were continued from
2 previous page:)

3 ***

4 CONTINUED DIRECT EXAMINATION

5 BY MS. MANGOLD:

6 Q. Now, did Mr. Trump get a new job in 2017?

7 A. He did.

8 Q. Did he have to relocate for that job?

9 A. He did.

10 Q. And what job did he get and where did he go?

11 A. The President of the United States, and he went to the
12 White House.

13 Q. And that is in Washington D.C.?

14 A. Yes.

15 Q. When Mr. Trump was in the White House, did The Trump
16 Organization continue to process his personal expenses?

17 A. Yes.

18 Q. And in 2017, who cut the checks for Mr. Trump to sign?

19 A. Deborah Tarasoff.

20 Q. Who is Deborah Tarasoff?

21 A. She works in Accounts Payable.

22 Q. At The Trump Organization?

23 A. Yes.

24 Q. And she also -- did you say you worked in Trump Tower?

25 A. Yes.

Theresa Magniccari
Senior Court Reporter

1 Q. And did Ms. Tarasoff also work in Trump Tower?

2 A. She did.

3 Q. Now, when Mr. Trump moved to the White House, how did
4 he get the checks he was going to sign?

5 A. I Fed Ex'd them.

6 Q. And how frequently did you have to Fed Ex checks to Mr.
7 Trump?

8 A. About once a week.

9 Q. Can you describe that process in a little bit more
10 detail for the jury? How would it get to Trump, in the first
11 instance?

12 A. Deb would give me the checks in a manila folder, and I
13 would put them in a Fed Ex envelope with a return, and I would
14 send them out.

15 Q. When Ms. Tarasoff gave you checks for Mr. Trump to
16 sign, did you ever look inside the envelope?

17 A. No.

18 Q. Approximately, how many checks would you send down to
19 Washington D.C. at a time?

20 A. Many. A few.

21 Q. What was the kind of standard amount or range; was it
22 more than 50?

23 A. No. I don't know. Like one at a time.

24 Q. One at one time?

25 A. Five, 10, 20. Maybe between 10 and 20. I am not sure.

1 Q. Did you ever send more than that; if you recall?

2 A. It's very possible, yes.

3 Q. Do you recall ever sending just a single check?

4 A. Yes.

5 Q. After getting the checks, how long did it usually take
6 for you to send them out?

7 A. That same day.

8 Q. What did you do with the manila folder, did that go in
9 the Fed Ex envelope?

10 A. Yes.

11 Q. Did you prepare the Fed Ex shipping labels?

12 A. I did.

13 Q. Did you mention that you included a return envelope in
14 that Fed Ex, in each of those Fed Ex packages?

15 A. Correct.

16 Q. Were the return envelopes addressed to come back to
17 you?

18 A. Yes.

19 Q. Was that using your address at The Trump Organization?

20 A. Yes.

21 Q. So the checks that you sent down to Washington D.C.,
22 were they signed or unsigned?

23 A. They were unsigned.

24 Q. And what, if anything, did you receive back from D.C.?

25 A. They were signed.

1 Q. Did you always check to make sure the checks were
2 signed once you got them back?

3 A. Yes.

4 Q. Whose signature was on the checks?

5 A. Mr. Trump's.

6 Q. How quickly did you usually get the return envelopes
7 back?

8 A. A few days.

9 Q. And when you got the return envelopes, did you -- if
10 there were checks sent with backup, do you recall if the backup
11 was still attached when the checks came back?

12 A. It was.

13 Q. Were you ever informed that certain checks sent to Mr.
14 Trump in D.C. had not been sent back up to New York?

15 A. Yes.

16 Q. How did that happen?

17 A. Deb would let me know if there was something missing.

18 Q. And what would you do next if there was something
19 missing?

20 A. I would reach out to whoever I sent them to.

21 Q. And who would you reach out to, was that somebody in
22 the White House?

23 A. Yes, Madeline.

24 Q. Do you remember her last name?

25 A. Westerhout, I think.

1 Q. And she worked in the White House?

2 A. Yes.

3 Q. And can you tell the jury what happened on those phone
4 calls when a check didn't come back?

5 A. She would just look for it and see if she had it.

6 Q. And what did she tell you would happen if a check was
7 missing?

8 A. If it was missing, either it got lost or he had
9 questions about it and he had to speak to someone.

10 Q. And when you say "he," you are saying?

11 A. Mr. Trump.

12 Q. He might have a question on a check that was found?

13 A. Yes.

14 Q. That is why he didn't send it back up?

15 A. Yes.

16 Q. And if he had questions, what would happen, would you
17 question him?

18 A. No, that's as far as I go.

19 Q. Would you just wait to get further instructions on what
20 to do, if anything, with the checks?

21 A. Yes.

22 Q. What did you do with the checks that Mr. Trump did
23 sign?

24 A. I gave them to Deborah.

25 Q. Now, do you understand you are testifying here today,

1 in addition to other things, as a custodian of records for The
2 Trump Organization?

3 A. Yes.

4 Q. And based on your 11 years of experience working at The
5 Trump Organization, do you know how The Trump Organization
6 documents are created and saved?

7 A. Yes.

8 Q. Before testifying today, did you have an opportunity to
9 review files marked for identification as People's Exhibits 66,
10 291 to 293 and 303 to 305?

11 A. Yes.

12 Q. Is People's Exhibit 66 for identification an email
13 chain containing Trump Organization emails?

14 A. Yes.

15 Q. Are People's Exhibits 291 to 293 and 303 to 305 for
16 identification Fed Ex invoices for the Trump Organization's Fed
17 Ex accounts?

18 A. Yes.

19 Q. Does The Trump Organization use Fed Ex in the regular
20 course of its business?

21 A. Yes.

22 Q. Did you see Fed Ex invoices for The Trump Organization
23 as part of your job?

24 A. Yes.

25 Q. Does The Trump Organization routinely generate emails

1 in the regular course of its business?

2 A. Yes.

3 Q. Does each email sent or received contain the content of
4 the message, the sender, the recipient and the date and time of
5 the email?

6 A. Yes.

7 Q. For the files marked for identification as People's
8 Exhibits 66, 291 to 293 and 303 to 305, did The Trump
9 Organization make and keep these emails and Fed Ex invoices in
10 the regular course of its business?

11 A. Yes.

12 Q. Was it the regular course of business for The Trump
13 Organization to make and keep these emails and Fed Ex invoices?

14 A. Yes.

15 Q. Were The Trump Organization emails and Fed Ex invoices
16 made at or around the time of the events and transactions being
17 recorded?

18 A. Yes.

19 Q. Were the people who made and kept these documents under
20 a business duty to do so accurately?

21 A. Yes.

22 Q. Did The Trump Organization rely on these documents to
23 conduct its business?

24 A. Yes.

25 Q. Do any of the exhibits that you reviewed reflect

1 personal or nonbusiness related activity?

2 A. No.

3 Q. Did the exhibits contain redactions?

4 A. Yes.

5 Q. Before testifying today, did you review the documents
6 both with and without redactions?

7 A. Yes.

8 Q. Aside from redactions, are all of the exhibits true and
9 correct copies of Trump Organization business records?

10 A. Yes.

11 MS. MANGOLD: The People now offer People's
12 Exhibits 66, 291 to 293 and 303 to 305 into evidence.

13 MS. NECHELES: One minute.

14 I am sorry, your Honor.

15 (Brief pause.)

16 MS. NECHELES: We have no objection.

17 THE COURT: People's 66, 291 through 293 and
18 People's 303 to 305 are accepted into evidence.

19 (Whereupon, People's 66, 291, 292, 293, 303, 304
20 and 305 were received into evidence.)

21 MS. MANGOLD: Can we, please, display for the jury
22 what is in evidence as People's 291.

23 (Displayed.)

24 Q. Ms. Manochio, can you see that on the screen?

25 A. Yes.

1 MS. MANGOLD: Can you blow up the top half of this
2 document, please.

3 Q. Do you recognize this?

4 A. Yes.

5 Q. What is this?

6 A. It's a Fed Ex invoice.

7 Q. And what is the invoice date?

8 A. May 29, 2017.

9 Q. And what are the last four digits of the invoice
10 number?

11 A. 6768.

12 Q. Can you tell what Fed Ex account this is for?

13 A. The Trump Organization.

14 Q. And is this an example of the type of Fed Ex invoices
15 that you would see in the regular course of your job?

16 A. Yes.

17 MS. MANGOLD: All right. Can we turn to Page 15
18 of the PDF. I know that the font is a little small.

19 (Displayed.)

20 Q. Can you make out what that is on your screen?

21 A. Yes.

22 Q. And does it show Fed Ex sent through the Trump
23 Organization account?

24 A. Yes.

25 Q. And who sent the Fed Ex's shown on Page 15?

1 A. I did.

2 Q. Can we focus on the bottom most entry on this page.

3 Can you see that?

4 A. Yes.

5 Q. Is this an entry for a Fed Ex that you sent?

6 A. Yes.

7 Q. And are you listed as the sender?

8 A. I am.

9 Q. And what is the address under your name?

10 A. 725 Fifth Avenue, New York, New York.

11 Q. Are those The Trump Organization's offices?

12 A. Yes.

13 Q. And who is the recipient of this?

14 A. Keith Schiller.

15 Q. Who is Keith Schiller?

16 A. He was Mr. Trump's personal bodyguard.

17 Q. Did he continue to be Mr. Trump's personal bodyguard in
18 2017?

19 A. Yes.

20 Q. Directing you now to the shipping date in the top left
21 corner, what is the date?

22 A. May 23, 2017.

23 Q. And do you see to the right of that, it says "Cus Ref?"

24 A. Yes, Number 3.

25 Q. Above that, is there a code?

1 A. D.T.

2 Q. Do you know what D.T. stands for there?

3 A. Donald Trump.

4 Q. Do you know what this is a Fed Ex for?

5 A. His checks.

6 Q. Mr. Trump's?

7 A. Mr. Trump's.

8 Q. These are unsigned checks that you sent to Washington
9 D.C. for Mr. Trump to sign?

10 A. Correct.

11 Q. And is the address under Keith Schiller redacted?

12 A. Yes.

13 Q. Did you have an opportunity to look at the unredacted
14 version of that?

15 A. Yes.

16 Q. Is that a White House address that is provided for Mr.
17 Schiller?

18 A. It's a personal.

19 Q. It's a home address in D.C.?

20 A. Yes.

21 Q. Do you know why you were asked to send Mr. Trump's
22 checks to Keith Schiller's home address in D.C.?

23 A. No.

24 Q. Who told you to send the checks to Mr. Schiller?

25 A. Either Rhona or Allen.

1 Q. When you say "Rhona--"

2 A. Rhona Graff.

3 Q. Do you know who Rhona Graff is?

4 A. Mr. Trump's assistant.

5 Q. Was that Mr. Trump's assistant at The Trump
6 Organization or the White House?

7 A. The Trump Organization.

8 Q. And by Allen, do you mean Mr. Weisselberg?

9 A. Yes.

10 Q. Can you tell, based on the left-hand side of this
11 entry, when the Fed Ex was delivered?

12 A. May 24, 2017.

13 Q. And it was sent by Fed Ex Priority overnight?

14 A. Yes.

15 Q. Do you always send checks for Mr. Trump to sign by Fed
16 Ex Priority overnight?

17 A. Always.

18 Q. And do you see above that it says "tracking ID?"

19 A. Yes.

20 Q. What are the last four digits of the tracking ID
21 listed?

22 A. 7364.

23 MS. MANGOLD: All right. Can we somehow pull up
24 what is in evidence as People's 292. Display that for the
25 jury. Pull up the top half of the page, please.

1 (Displayed.)

2 Q. Ms. Manochio, is this another Trump Organization Fed Ex
3 invoice?

4 A. Yes.

5 Q. What is the invoice date for this one?

6 A. June 5th.

7 Q. What are the last four digits of the invoice number?

8 A. 0242.

9 MS. MANGOLD: Can we turn to Page 10 of the PDF.

10 To the first full top entry.

11 Q. Do you see that?

12 A. Yes.

13 Q. What is the date shown for the shipment date of this
14 Fed Ex?

15 A. May 30, 2017.

16 Q. And who is the Fed Ex from?

17 A. Keith Schiller.

18 Q. And who is it sent to?

19 A. Me.

20 Q. And if you look in the top left-hand corner, there is
21 like some fine print up there. And three lines down it says --
22 do you see where it says "return original tracking ID?"

23 A. Yes.

24 Q. Do you know what that indicates?

25 A. That this was the return for the package that I

1 previously sent.

2 Q. What are the last four digits of the original tracking
3 ID?

4 A. 7364.

5 Q. And are those the same four digits from the Fed Ex
6 shipment that we just saw?

7 A. Yes.

8 Q. So was this the return of the signed checks for Mr.
9 Trump in D.C. back to you?

10 A. Correct.

11 Q. All right. Let's take another look at what's now in
12 evidence as People's Exhibit 293.

13 Is this another Fed Ex invoice for The Trump
14 Organization account?

15 A. Yes.

16 Q. And what is the invoice date for this one?

17 A. June 26, 2017.

18 Q. What are the last four digits of the invoice number?

19 A. 0271.

20 MS. MANGOLD: Can we please turn to Page 15 of the
21 PDF.

22 Q. Look at the second entry down. Can you describe what
23 this is?

24 A. It's another package sent to Keith.

25 Q. And that's another one that you sent to Keith?

1 A. Yes.

2 Q. Did you ever send anything to Keith Schiller other than
3 checks for Mr. Trump to sign?

4 A. No.

5 Q. Are all of the packages between you and Keith Schiller
6 Mr. Trump's checks?

7 A. Correct.

8 Q. Does this also have the same customer reference "D.T."
9 at the top?

10 A. Yes.

11 Q. What was the date for this one?

12 A. June 20, 2017.

13 Q. If you look at the tracking ID on the left, what are
14 the last four digits of the tracking number?

15 A. 6957.

16 MS. MANGOLD: Can we now turn to Page 21 of the
17 same PDF.

18 Q. And look at the bottom entry on that page.

19 Ms. Manochio, do you know what this is?

20 A. The return package.

21 Q. Looking at the top left, what was the date for the
22 return package?

23 A. June 21, 2017.

24 Q. Do you see the return original tracking ID listed?

25 A. Yes.

1 Q. What are the last four digits?

2 A. 6957.

3 Q. Are those the same four digits that we saw in the
4 immediately preceding Fed Ex shipment that we looked at?

5 A. Yes.

6 Q. Who is this from?

7 A. Keith Schiller.

8 Q. And in the return envelope, would you also list Mr.
9 Schiller's personal address in D.C.?

10 A. Yes.

11 Q. That was sent back to you at The Trump Organization?

12 A. Correct.

13 MS. MANGOLD: Okay. We can take that down.

14 Q. Did there come a time in 2017 when the point of contact
15 at the White House changed, like a person you were supposed to
16 send it to?

17 A. Yes.

18 Q. Do you remember who it changed to?

19 A. John McEntee.

20 Q. Who is John McEntee?

21 A. I couldn't tell you.

22 Q. Fair enough.

23 MS. MANGOLD: Can we pull up People's Exhibit 66
24 which is now in evidence.

25 Q. MS. Manochio, do you recognize that?

1 A. Yes.

2 Q. Can you describe what this is for the jury?

3 A. It's an email.

4 Q. And are you copied on the top email?

5 A. I am.

6 Q. And when you received the top email, did you also
7 receive the emails underneath?

8 A. Yes.

9 MS. MANGOLD: And can we please blow up the email
10 at the bottom of the page.

11 (Displayed.)

12 Q. Do you see that?

13 A. Yes.

14 Q. Who is this from and to?

15 A. This is from John McEntee to Rhona Graff.

16 Q. And you said "John McEntee," where did he work?

17 A. At the White House.

18 Q. What date was this sent?

19 A. September 7, 2017.

20 Q. And was this sent to Ms. Graff at The Trump
21 Organization?

22 A. Yes.

23 Q. Was there a subject of the email?

24 A. "Checks to sign."

25 Q. And can you read the content of the email for the jury?

1 A. "Hi, Rhona. Can you put me in contact with the Rebecca
2 that works for Mr. Weisselberg. With Keith leaving I will need
3 The Boss' personal checks mailed to me. Thank you."

4 Q. And did you read this when you got it?

5 A. Yes.

6 Q. When Mr. McEntee said, "Can you put me in contact with
7 the Rebecca that works for Weisselberg," do you have an
8 understanding of who he was referring to?

9 A. Yes.

10 Q. Who was that?

11 A. Me.

12 Q. When he said, "With Keith leaving," who is Keith?

13 A. Mr. Trump's personal bodyguard.

14 Q. That was Mr. Schiller?

15 A. Yes.

16 Q. The person you previously sent checks to?

17 A. Yes.

18 Q. When Mr. McEntee said, "I will need the Boss' personal
19 checks mailed to me," who did you understand The Boss to be?

20 A. Mr. Trump.

21 Q. And in the subject line where it says, "Checks to
22 sign," who did you understand -- what did you understand that to
23 be a reference to?

24 A. His personal checks.

25 MS. MANGOLD: Can we please pull up the top two

1 emails, please.

2 (Displayed.)

3 Q. Is that too small to read?

4 A. I can read it.

5 Q. Focusing on the middle email in the chain, who is that
6 from?

7 A. Rhona.

8 Q. And who is it to?

9 A. John.

10 Q. And are you copied on this email?

11 A. I am.

12 Q. And can you read the content of this to the jury?

13 A. "Hi, John. I copied Rebecca on this email. What is
14 Keith's official last date? Best, Rhona."

15 Q. Looking now at the top most email in the chain, who
16 sent that one?

17 A. John.

18 Q. McEntee?

19 A. Yes.

20 Q. And who did he send it to?

21 A. Rhona Graff.

22 Q. And are you copied on that?

23 A. I am.

24 Q. Can you read the content that email to the jury?

25 A. "Thank you. It is the end of next week. We are all

1 very sad to see him go. Rebecca, please email at -- and I will
2 give you the best address to use. Thanks."

3 Q. Now, I know that there is an email under that
4 redaction?

5 A. Yes, there is.

6 Q. Is it your understanding that that is a White House
7 email or a personal email address?

8 A. It looks like a personal.

9 Q. And do you know what Mr. McEntee meant when he said, "I
10 will give you the best address to use?"

11 A. Yes.

12 Q. And what did he mean?

13 A. He was going to give me an address to where I needed to
14 mail the checks.

15 Q. And did you end up reaching out to Mr. McEntee?

16 A. I did.

17 MS. MANGOLD: We can take this down.

18 Can we please display for the jury what is in
19 evidence as People's Exhibit 303.

20 (Displayed.)

21 Q. Is this another Trump Organization Fed Ex invoice?

22 A. Yes.

23 Q. What is the invoice date?

24 A. December 4, 2017.

25 Q. What are the last four digits of the invoice number?

1 A. 9417.

2 MS. MANGOLD: Can you please turn to Page 13 of
3 the PDF.

4 Q. Look at the third entry down on the page. Can you
5 explain to the jury what this shows?

6 A. Me sending a Fed Ex to John McEntee.

7 Q. And is the address there redacted?

8 A. Correct.

9 Q. Having seen the unredacted address, is that a White
10 House address or a home address?

11 A. Home address.

12 Q. What is the date of the shipment here?

13 A. November 29, 2017.

14 Q. And you will see to the right under the customer
15 reference box the letters A.W. Who input the letters A.W.?

16 A. I did.

17 Q. What does "A.W." refer to there?

18 A. Allen Weisselberg.

19 Q. And do you know what the Fed Ex packet was for?

20 A. Checks.

21 Q. These were checks that you were sending to D.C. for Mr.
22 Trump to sign?

23 A. Yes.

24 Q. Why did the previous code say D.T. and this one said
25 A.W.?

1 A. I just like to switch it up.

2 Q. And did you ever send Mr. McEntee anything other than
3 checks for Mr. Trump to sign?

4 A. No.

5 Q. So all of the Fed Ex between you and Mr. McEntee were
6 either unsigned checks for him to sign or checks that Mr. Trump
7 had already signed?

8 A. Yes.

9 Q. And what are the last four digits of the tracking ID?

10 A. 6548.

11 MS. MANGOLD: Can we please display for the jury
12 what is in evidence as People's Exhibit 304.

13 (Displayed.)

14 Q. Is this another Fed Ex invoice for The Trump
15 Organization?

16 A. It is.

17 Q. What is the invoice date?

18 A. December 11, 2017.

19 Q. What are the last four digits of the invoice number?

20 A. 4356.

21 MS. MANGOLD: Can we please turn to Page 7 of the
22 PDF. And blow up the top entry on that page.

23 (Displayed.)

24 Q. Can you describe what this is?

25 A. The return.

1 Q. The return Fed Ex from Mr. McEntee to you?

2 A. Yes.

3 Q. And do you know what this package contained?

4 A. Signed checks.

5 Q. Signed by Mr. Trump?

6 A. Yes.

7 Q. And looking at the return original tracking ID on the
8 top left, what are the last four digits of that tracking ID?

9 A. 6548.

10 Q. Does that match the last four digits of the Fed Ex
11 invoice we saw?

12 A. Yes.

13 MS. MANGOLD: Can we now turn to Page 12 of the
14 same PDF. And highlight the bottom entry on the page.

15 (Displayed.)

16 Q. And who is the sender for this one?

17 A. Tara Gillard.

18 Q. Do you know who Tara Gillard is?

19 A. She was an assistant.

20 Q. Who is she an assistant for?

21 A. Allen and Jeff.

22 Q. And was she an assistant at the time when you were an
23 assistant?

24 A. Yes.

25 Q. Did she report to you?

1 A. Yes.

2 Q. And do you know who is the recipient here?

3 A. John McEntee.

4 Q. Do you know what Ms. Gillard was sending to Mr.
5 McEntee?

6 A. Checks.

7 Q. And those are checks for Former President Trump to
8 sign?

9 A. Yes.

10 Q. What is the date of the shipment?

11 A. December 5, 2017.

12 Q. What is the customer reference there?

13 A. DJT.

14 Q. Do you know what DJT indicates there?

15 A. Donald J. Trump.

16 Q. And what are the last four digits of the tracking ID?

17 A. 4009.

18 Q. Turning now to the final document, People's Exhibit 305
19 in evidence, is this another Fed Ex invoice for The Trump
20 Organization?

21 A. Yes.

22 Q. What is the invoice date for this one?

23 A. December 18, 2017.

24 Q. What are the last four digits of the invoice number?

25 A. 1446.

1 MS. MANGOLD: Can we please turn to Page 23 of the
2 PDF.

3 (Displayed.)

4 Q. Looking now at the last entry on the page, what is the
5 shipment date for this?

6 A. December 13, 2017.

7 Q. Does it indicate this is a return for an original
8 tracking ID?

9 A. Yes.

10 Q. What are the last four digits listed for the original
11 tracking ID?

12 A. 4099.

13 Q. Does that match the last four digits for the Fed Ex
14 that we just saw?

15 A. Yes.

16 Q. Who were the sender and recipient for this one?

17 A. John is the sender and the recipient is Tara.

18 Q. That is John McEntee from his Washington D.C. home
19 address?

20 A. Yes.

21 Q. To Ms. Gillard at The Trump Organization?

22 A. Correct.

23 Q. And, to your knowledge, Ms. Gillard and Mr. McEntee
24 never sent anything other than personal checks for Mr. Trump to
25 sign?

1 A. No.

2 MS. MANGOLD: No further questions.

3 THE COURT: Thank you.

4 Ms. Necheles, can you wrap this up before lunch?

5 MS. NECHELES: We'll take it up later.

6 THE COURT: All right, jurors, we're going to
7 break for our luncheon recess.

8 Remember the admonitions, including, that, please,
9 do not discuss the case either among yourselves or with
10 anyone else.

11 Please try to keep an open mind as to defendant's
12 guilt or innocence.

13 Please do not form or express an opinion as to the
14 defendant's guilt or innocence.

15 Jurors, some of you might be wondering how we're
16 doing on scheduling. I am told by the attorneys we are on
17 schedule or perhaps a little bit ahead of schedule.

18 Enjoy your lunch.

19 (Jury leaving courtroom.)

20 ***

21 (Witness leaving courtroom.)

22 ***

23 THE COURT: You may be seated.

24 Is there anything that needs to be addressed?

25 MR. BLANCHE: It doesn't need to be right now.

1 We have three separate applications arising out of
2 Ms. Daniels' testimony.

3 One is, our renewed motion for a mistrial.

4 The second is, a renewed motion to preclude the
5 testimony of Ms. McDougal.

6 The third is, regarding the Gag Order, as it
7 relates to the witness who just testified.

8 I can do that now or I can do it after lunch,
9 before the end of the day, it's up to the Court.

10 THE COURT: Can we break early with the jury at
11 four and take it up at four.

12 MR. BLANCHE: Yes, your Honor.

13 THE COURT: Enjoy your lunch.

14 (Whereupon, the Court took a luncheon recess.)

15 ****

16 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N .

17 COURT OFFICER: Remain seated. Part 59 is now in
18 session.

19 THE COURT: Let's get the witness, please.

20 (Witness entering courtroom.)

21 ***

22 THE COURT: Good afternoon.

23 I remind you, you are still under oath.

24 Let's get the jury, please.

25 (Jury entering courtroom.)

1 ***

2 THE COURT: Please be seated.

3 THE CLERK: Case on trial continued. All jurors
4 are present and properly seated.

5 THE COURT: Jurors, one scheduling matter. We're
6 going to break today at 4.

7 Ms. Necheles.

8 MS. NECHELES: Thank you, your Honor.

9 CROSS EXAMINATION

10 BY MS. NECHELES:

11 Q. Good afternoon, Ms. Manochio.

12 A. Good morning.

13 Q. We've never met; right?

14 A. No.

15 Q. You've worked for The Trump Organization for 11 years?

16 A. Yes.

17 Q. Does your aunt work there as well?

18 A. She does.

19 Q. And is it a nice place to work?

20 A. Yes.

21 Q. And you really didn't interact with President Trump?

22 A. No.

23 Q. But you testified a lot on direct about some checks
24 that you had sent to President Trump; right?

25 A. Yes.

1 Q. And am I correct that President Trump was the only
2 person who could sign his personal checks?

3 A. Correct.

4 Q. And so, all the checks for all of his personal expenses
5 were what were being sent to President Trump in these Fed
6 Express packages that you were talking about?

7 A. Right.

8 Q. It was all the checks for all of his personal expenses;
9 right?

10 A. Right.

11 Q. There were no business expenses that were being sent to
12 him?

13 A. Correct.

14 Q. Because the business expenses, once he become
15 President, he had nothing to do with those any more; right?

16 A. Correct.

17 Q. But the personal expenses that were being sent to him
18 were things like his credit card payments?

19 A. Yes.

20 Q. And expenses for his youngest daughter who was still in
21 college?

22 A. Yes.

23 Q. And some of his wife's expenses as well?

24 A. Yes.

25 Q. And those were the checks that he was the only person

1 who could sign for; right?

2 A. Yes.

3 Q. And the business checks were being signed by either
4 Allen Weisselberg or Don Trump Jr.?

5 A. Correct.

6 Q. You also sent the Federal Express packages for Ivanka
7 Trump's personal checks; right?

8 A. Correct.

9 Q. Her personal expenses were sent down, were to be signed
10 by her as well?

11 A. Correct.

12 Q. Exactly the same way; right?

13 A. Yes.

14 Q. You would send those checks in an envelope that went to
15 Fed Ex, to people, instead of to the White House; right?

16 A. Yes.

17 Q. And those checks were so that either Ivanka Trump or
18 President Trump could sign them; right?

19 A. Yes.

20 Q. And you testified that you got return envelopes back in
21 a few days; right?

22 A. Yes.

23 Q. And these were all personal bills that had to be paid
24 promptly; right?

25 A. Yes.

1 Q. So getting them back promptly was important?

2 A. It was.

3 Q. Do you know whether it took a long time for the White
4 House to process personal mail for President Trump and get it to
5 him?

6 A. No.

7 Q. You don't know about that.

8 And do you know whether speed was the reason that these
9 were being sent in this manner?

10 MS. MANGOLD: Objection.

11 THE COURT: Sustained.

12 Q. You worked as a junior bookkeeper, you said?

13 A. Yes.

14 Q. Am I correct that it was the practice for legal
15 expenses to be booked in President Trump's personal account or
16 his personal General Ledger as legal expenses?

17 A. I'm not sure.

18 Q. You weren't in charge, you weren't involved?

19 A. No.

20 Q. So you just don't know anything about that; right?

21 A. No.

22 Q. On your direct examination you were asked about how
23 often Allen Weisselberg spoke with President Trump; do you
24 remember that?

25 A. Yes.

1 Q. And you testified that it was about once a day?

2 A. Yes.

3 Q. And that was for the period that was before President
4 Trump started running for election; right?

5 A. Correct.

6 Q. So, and after President Trump started running for
7 election, he was out of the office a lot?

8 A. Correct.

9 Q. And, to the best of your knowledge, Allen Weisselberg
10 was not speaking to him every day?

11 A. Correct.

12 Q. President Trump was very busy and out of the office;
13 right?

14 A. Correct.

15 Q. And then after President Trump went to the White House,
16 after he was elected and went to the White House, to the best of
17 your knowledge, President Trump and Allen Weisselberg didn't
18 speak at all?

19 A. Correct.

20 MS. NECHELES: I have no further questions.

21 THE COURT: Any redirect?

22 MS. MANGOLD: Nothing further.

23 THE COURT: Thank you.

24 You can step down.

25 (Witness excused.)

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People, your next witness.

MS. MANGOLD: Your Honor, the People call Tracey Menzies.

THE COURT: It will just be a minute.

(Witness entering courtroom.)

COURT OFFICER: Step this way. Raise your right hand and face the clerk.

THE CLERK: Do you solemnly swear or affirm that the testimony that you are going to give before this Court and jury shall be the truth, the whole truth, and nothing but the truth, do you so swear or affirm?

THE WITNESS: I do.

T-R-A-C-E-Y M-E-N-Z-I-E-S, called as a witness on behalf of the People, was duly sworn by the Clerk of the Court, upon being examined, testified as follows:

THE CLERK: Thank you.

COURT OFFICER: Pull the chair up.

Can you state your full name, spelling your last name.

THE WITNESS: Tracey Menzies, M-E-N-Z-I-E-S.

COURT OFFICER: County of residence.

THE WITNESS: Monmouth, New Jersey.

THE COURT: Good afternoon.

1 You may inquire.

2 MS. MANGOLD: Thank you.

3 DIRECT EXAMINATION

4 BY MS. MANGOLD:

5 Q. Good afternoon, Ms. Menzies.

6 Can you please tell the jury where you work?

7 A. I work at HarperCollins Publishing.

8 Q. What kind of company is HarperCollins?

9 A. Book publishing. We are the second largest book
10 publisher in the world.

11 Q. How long have you worked at HarperCollins?

12 A. Twenty-five years.

13 Q. What is your current position there?

14 A. I am the Senior Vice-President of Production and
15 Creative Operations.

16 Q. Have you testified in a legal proceeding before?

17 A. No, I have not.

18 Q. This is your first time?

19 A. Yes, it is.

20 Q. Do you understand that you're testifying today as a
21 custodian of records for HarperCollins?

22 A. Yes.

23 Q. Is HarperCollins testifying voluntarily, or was the
24 company compelled to testify pursuant to a subpoena?

25 A. Compelled to testify, subpoena.

1 Q. Does HarperCollins have counsel?

2 A. Yes.

3 Q. Is HarperCollins' counsel present in the courtroom
4 today?

5 A. Yes, they are.

6 Q. As a Senior Vice-President of Production and Creative
7 Operations for HarperCollins, are you familiar with the
8 company's book publishing process?

9 A. I am.

10 Q. At HarperCollins how involved are authors in the
11 publication of their books?

12 A. At HarperCollins, the author has a partner. We work
13 with them to approve files and their cover design, their
14 designs, their content, as we go to print it.

15 Q. So you are saying there are multiple points in the
16 publishing process for authors to have input into their books?

17 A. Yes, they're fully engaged.

18 Q. That includes the cover design for the books?

19 A. Yes.

20 Q. And also the content of the books?

21 A. Yes.

22 Q. And are they required to sign off on that before the
23 book is published?

24 A. Yes, they are.

25 Q. How about if there is more than one author, are all of

1 the authors required to sign off before the book is published?

2 A. I believe so.

3 Q. Are you familiar with the book entitled: Think Big:
4 Make it Happen in Business and in Life?

5 A. Yes, I am.

6 Q. How are you familiar with that book?

7 A. It's here. I looked through it.

8 Q. It was published by HarperCollins?

9 A. Yes.

10 Q. Before testifying today, how did you obtain the copy of
11 the book that you have with you now?

12 A. I ordered it from the warehouse using the HarperCollins
13 employee website.

14 Q. And is that different from the way a member of the
15 public would buy the book?

16 A. Yes, it's direct from the warehouse, so not through a
17 retailer.

18 Q. And do you know if there was an audio book associated
19 with the print book?

20 A. There is an audio book, yes.

21 Q. Do you know who the author of this book is?

22 A. I do.

23 Q. Who is the author?

24 A. There are two authors; Donald Trump and Bill Zanker.

25 Q. Do you know who narrated the introduction for the audio

1 book portion of the book?

2 A. I believe it is Donald Trump.

3 Q. Before testifying today, did you have an opportunity to
4 review files marked for identification as People's Exhibit 415
5 and 415A through F?

6 A. Yes, I did.

7 Q. Are those examples a set of excerpts from the book
8 Think Big: Make it happen in Business and in Life?

9 A. Yes, they are.

10 Q. Do some of the exhibit pages contain redactions?

11 A. Yes, they do.

12 Q. Before testifying today, did you have an opportunity to
13 compare People's Exhibit 415A for identification with the
14 publisher's version of the book that you obtained?

15 A. Yes, I did.

16 Q. Other than the redactions, are the exhibits exact
17 copies of portions of the publisher's version of the book?

18 A. Yes.

19 MS. MANGOLD: We now offer People's Exhibit 415
20 and 415A through F into evidence.

21 MR. BLANCHE: No objection.

22 THE COURT: People's 415 and 415A through F are
23 accepted into evidence.

24 (Whereupon, People's Exhibits 415, 415A through F
25 were received into evidence.)

1 MS. MANGOLD: Can we show the jury what is now in
2 evidence as People's Exhibit 415.

3 (Displayed.)

4 Q. Do you recognize this?

5 A. I am sorry.

6 Q. Can you see the screen?

7 A. Yes, I do.

8 Q. What is this?

9 A. This is the Think Big, the book.

10 Q. The book that you purchased?

11 A. Yes. Purchased and published, yes.

12 Q. Do you see the names of the authors on the cover of the
13 book?

14 A. I do.

15 Q. And can you read the authors' names from the top of the
16 page?

17 A. It says Donald Trump and Bill Zanker.

18 Q. And can you talk about, in terms of cover design, the
19 relative font sizes of the two authors' names?

20 A. Well, Trump is pictured on the cover and his name is
21 quite large. And Bill Zanker is more of a supporting role with
22 a smaller font.

23 Q. Is a picture of Bill Zanker also featured on the cover?

24 A. No.

25 MS. MANGOLD: Can we turn to the next page of the

1 PDF.

2 (Displayed.)

3 Q. Do you know what this is?

4 A. This is the title page of the book.

5 Q. Does this have Mr. Trump's full name?

6 A. Yes.

7 Q. Finally, turning to the last page of the PDF. Do you
8 recognize this?

9 A. Yes, this is the copyright page.

10 Q. And whose names are next to the copyright?

11 A. Donald J. Trump and Bill Zanker.

12 Q. Can you tell what year this book was first published?

13 A. The year it was first published, 2007.

14 Q. In what year is this edition of the book?

15 A. 21. 2021.

16 Q. How can you tell?

17 A. On the printer line on the bottom. On the left-hand
18 side it tells you the date.

19 Q. Can you tell the publisher information for this book?

20 A. Yes.

21 Q. Does it list HarperCollins as the publisher?

22 A. Yes, it does.

23 Q. Now, are you familiar with the contents of this book?

24 A. Yes.

25 Q. Is there a way for the reader to tell which part of the

1 book was written by which author?

2 A. Yes, there is. There are different sections. One of
3 the sections are called Zanker's Take. Also, the design of the
4 book. Zanker's Take has like a graph above it, so it separates
5 it out from Donald Trump's words.

6 Donald Trump's words, or at least the writing, is in a
7 sterile front, and Zanker's is a nonsterile front, a thinner
8 font. So you could tell the difference between the two.

9 Q. So, there are multiple ways for readers to tell which
10 author is speaking in a portion of the book?

11 A. Indicate which author is speaking.

12 MS. MANGOLD: Can you please publish for the jury
13 what is now in evidence as People's Exhibit 415A.

14 (Displayed.)

15 Q. Can you see that on your screen?

16 A. Yes.

17 Q. Is this an excerpt from the same book?

18 A. Yes.

19 Q. What page is this from?

20 A. 154.

21 Q. Based on your review of the book, is this from a
22 section of the Book attributed to Mr. Trump or Mr. Zanker?

23 A. Mr. Trump.

24 Q. Is that true of the rest of the exhibits that form part
25 of People's Exhibit 415?

1 A. Yes.

2 Q. Is there a section heading here at the top of the
3 page?

4 A. Yes.

5 Q. What does that say?

6 A. Do Not Trust Anyone

7 Q. And what does the unredacted content of the page say?

8 A. "I used to say go out and get the best people and trust
9 them. Over the years, I've seen too many shenanigans. Now I
10 say, get the best people and don't trust them. Do not trust
11 them because if you don't know what you're doing, they're going
12 to rob you blind. I know dozens of sophisticated business
13 people who hired accountants and lawyers and others and they
14 trusted them, they got killed. They lost their business. So I
15 say, get the best people and don't trust them."

16 MS. MANGOLD: Can you please display for the jury
17 what is in evidence as People's 415B.

18 (Displayed.)

19 Q. Ms. Menzies, is this another excerpt from the same
20 book?

21 A. Yes.

22 Q. What page is this?

23 A. 160.

24 Q. Please read the unredacted portion of this page to the
25 jury.

1 A. Sure.

2 "As a matter of fact, I value loyalty above everything
3 else. More than brains, more than drive, and more than
4 energy."

5 MS. MANGOLD: Can we please display for the jury
6 what is in evidence as People's Exhibit 415C.

7 (Displayed.)

8 Q. Is this another page from the same book?

9 A. Yes. Page 162.

10 Q. Please read the unredacted portion of the page.

11 A. "I think the reason we have so many loyal people is
12 that we reward loyalty and everybody knows this. It has become
13 part of the corporate culture at The Trump Organization. People
14 like Allen Weisselberg and Matt Calamari are great and have
15 proven themselves over many years."

16 Q. So, I think you said "corporate culture at The Trump
17 Organization?"

18 A. "Corporate culture of the Trump Organization."

19 MS. MANGOLD: Now, can we please display 415D to
20 the jury.

21 (Displayed.)

22 Q. What page is this?

23 A. Page 180.

24 Q. Can you please read the unredacted portion of this.

25 A. Sure.

1 "I just can't stomach disloyalty. I put the people who
2 are loyal to me on a high pedestal and take care of them very
3 well. I go out of my way for the people who are loyal to me in
4 bad times. This woman was very disloyal, and now I go out of my
5 way to make her life miserable."

6 MS. MANGOLD: Can we please display People's 415E.

7 (Displayed.)

8 Q. What page number is this?

9 A. Page 183.

10 Q. Can you read the unredacted portion to the jury?

11 A. "My motto is always get even. When somebody screws
12 you, screw them back in spades."

13 MS. MANGOLD: Finally, can we pull up People's
14 Exhibit 415F.

15 (Displayed.)

16 Q. What page is this?

17 A. 192.

18 Q. Can you read the unredacted portion of this page to the
19 jury?

20 A. "When you're wronged, go after those people because it
21 is a good feeling and because other people will see you doing
22 it. Getting even is not always a personal thing. It's just
23 part of doing business."

24 MS. MANGOLD: No further questions.

25 THE COURT: Mr. Blanche.

1 DIRECT EXAMINATION

2 BY MR. BLANCHE:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. My name is Todd Blanche and I represent President
6 Trump.

7 We've never met before; have we?

8 A. No, we have not.

9 Q. Just a couple of questions.

10 Now, this book was published in 2007; is that correct?

11 A. Yes.

12 Q. You worked for a long time for HarperCollins. Were you
13 part of the publishing of this particular book?

14 A. No, I was not.

15 Q. So you said a little bit about the cover and how
16 HaperCollins will work with the author to come to what the cover
17 should look like and how it should be presented. At the end of
18 the day, is it fair to say that covers of books, at least in
19 part, are designed and developed for sales to help sell the
20 book; is that fair?

21 A. They're helped to sell the book, but they're also done
22 very closely with the author.

23 Q. Understood. Understood.

24 And just to spend a few minutes on what you were just
25 asked to read. Every page that you read was partially redacted;

1 correct?

2 A. Yes.

3 Q. And you have the book in front of you. Is it fair to
4 say that the book is 380 pages?

5 You can check.

6 A. Yes, that's fair to say.

7 Q. Is that right?

8 A. Close enough.

9 Q. And you were shown six pages in between Pages 154 and
10 192; correct?

11 A. Yes.

12 Q. A portion of six pages; correct?

13 A. Uh-huh.

14 Q. Did you pick those or did the prosecution?

15 A. I did not pick them.

16 Q. Now, it's not unusual that this book has
17 acknowledgements and whatnot, with the author thanking, for
18 example, people that helped him along the way?

19 A. Yes.

20 Q. That's not unusual?

21 A. No.

22 Q. Does every book have that?

23 A. I think most books.

24 Q. Are you familiar with the book that you have in front
25 of you, that Donald Trump, President Trump, thanked a number of

1 people, including a staff writer named Meredith Mclver; does
2 that ring bell to you?

3 I can show you, if you don't want to look.

4 A. Show me.

5 MR. BLANCHE: If we can show for the witness and
6 the Court and the parties M-3.

7 (Displayed.)

8 Q. So look at the top paragraph. There are a number of
9 names. Do you see a staff writer?

10 A. I see. Yes.

11 Q. And then --

12 MR. BLANCHE: If you can leave that up.

13 Q. -- President Trump also thanks a number of folks from
14 your place?

15 A. Yes.

16 Q. From HarperCollins. That is not unusual; is it?

17 A. No.

18 Q. And you testified, I believe, that there are two
19 authors, Mr. Zanker and President Trump, and that the book kind
20 of distinguishes between the two, as far as which portions were
21 written from President Trump and which portions were written by
22 Mr. Zanker; correct?

23 A. Yes.

24 Q. Is it fair to say Mr. Zanker and President Trump in
25 their respective sections may have had help writing the words

1 that were ultimately published?

2 A. I wouldn't know that, but it's possible.

3 Q. Is that something that, for example, the
4 acknowledgements would acknowledge?

5 A. They could, sure.

6 MR. BLANCHE: No further questions.

7 THE COURT: Any redirect?

8 MS. MANGOLD: No.

9 (Witness excused.)

10 ***

11 THE COURT: Your next witness.

12 MS. MANGOLD: The People call Madeleine
13 Westerhout.

14 (Witness entering courtroom.)

15 ***

16 COURT OFFICER: Raise your right hand and face the
17 clerk.

18 THE CLERK: Do you solemnly swear or affirm that
19 the testimony that you are going to give before this Court
20 and jury shall be the truth, the whole truth, and nothing
21 but the truth, do you so swear or affirm?

22 THE WITNESS: Yes.

23 M-A-D-E-L-I-N-E W-E-S-T-E-R-H-O-U-T, called as a witness on
24 behalf of the People, was duly sworn by the Clerk of the Court,
25 upon being examined, testified as follows:

1 THE CLERK: Thank you.

2 COURT OFFICER: Pull your chair up.

3 State your full name, spelling your last name.

4 THE WITNESS: Madeleine Westerhout.

5 W-E-S-T-E-R-H-O-U-T.

6 COURT OFFICER: County of residence.

7 THE WITNESS: Orange County.

8 THE COURT: Good afternoon.

9 You may inquire.

10 MS. MANGOLD: Thank you.

11 DIRECT EXAMINATION

12 BY MS. MANGOLD:

13 Q. Good afternoon, Ms. Westerhout.

14 A. Good afternoon.

15 Q. Can you please tell the jury where you work?

16 A. I work as geopolitical consulting firm.

17 Q. What do you do there?

18 A. I am Chief of Staff to the Chairman.

19 Q. How long have you worked there?

20 A. About a year and a half.

21 Q. Do you know Former President Trump, Donald Trump?

22 A. I do.

23 Q. How do you know him?

24 A. I was his Executive Assistant and Director of Oval

25 Office Operations in the White House.

1 Q. Are you testifying voluntarily today or were you
2 compelled to appear pursuant to a subpoena?

3 A. I was compelled to appear by subpoena.

4 Q. Have you testified in a legal proceeding before?

5 A. No, I have not.

6 Q. Have you been inside of a courtroom before today?

7 A. No, I have not.

8 Q. Are you nervous to testify today?

9 A. I am now, yes.

10 Q. Are you represented by counsel?

11 A. Yes.

12 Q. Is your counsel here today?

13 A. Yes, he is.

14 Q. Who is paying for your lawyer?

15 A. He is graciously taking this case pro bono.

16 Q. Can you tell the jury a little bit about your
17 educational background.

18 A. Sure.

19 I went to the College of Charleston. Got my
20 undergraduate degree in political science.

21 Q. What did you do after you graduated?

22 A. I moved to Washington D.C., where I had an internship
23 on Capital Hill for a couple of weeks while I was looking for a
24 job.

25 Then I got a job full-time job at the Republican

1 National Committee.

2 Q. For those who may not know, what is the Republican
3 National Committee?

4 A. The Republican National Committee, otherwise known as
5 the RNC, is the Republican's Party's National Party Committee.

6 So their main role is to elect Republicans up and down
7 the ballot, but really focusing on electing a President.

8 Q. Is it fair to say it's the organization that runs the
9 Republican Party?

10 A. Yes, I think that's fair to say.

11 Q. And when you joined the RNC, was it your full-time job
12 to work for the RNC's Finance Director?

13 A. Yes.

14 Q. And did your role at some point change?

15 A. It did, yes.

16 Q. And can you explain what happened to the jury?

17 A. Sure.

18 After the 2014 cycle, my boss, who was the Financial
19 Director, was promoted to the Chief of Staff. So I became her
20 assistant as she was the Chief of Staff.

21 Q. In that role, was it your full-time job to interact
22 with the RNC's Chief of Staff?

23 A. Yes.

24 Q. How long were you in that role?

25 A. From June 2013 to January 2017.

1 Q. And, in total, how long were you part of the RNC?

2 A. Three and a half years.

3 Q. And did you work directly for RNC leadership that
4 entire time?

5 A. Yes.

6 Q. At some point in October 2016, did you become aware of
7 what became known as the Access Hollywood tape?

8 A. Yes.

9 Q. What was that?

10 A. It was a tape of Mr. Trump and, I believe it was Billy
11 Bush, having a conversation.

12 Q. And what impact did the Access Hollywood tape have on
13 the leadership of the RNC?

14 A. At the time I recall it rattled the RNC leadership.

15 Q. Did the RNC leadership consider replacing Mr. Trump as
16 a candidate?

17 A. It's my recollection that there were conversations
18 about how to, if it was needed, how it would be possible to
19 replace him as the candidate if it came to that.

20 Q. Was Mr. Trump ultimately the Republican candidate in
21 the 2016 election?

22 A. Yes, he was.

23 Q. Before the 2016 election, did you ever work for Mr.
24 Trump or his campaign?

25 A. No, I did not.

1 Q. What happened to your role after Mr. Trump was
2 elected?

3 A. After Mr. Trump was elected, I went and spent some time
4 in New York working out of Trump Tower.

5 Once the party has a nominee, the Republican Party, the
6 RNC, that campaign really combines forces and then works really
7 seamlessly.

8 After the election, I spent time in Trump Tower and
9 helped the President Elect schedule high-level interviews, so
10 people that were interviewed for cabinet positions or high-level
11 senior staff roles.

12 Q. How much time did you spend in Trump Tower during that
13 period when Mr. Trump was the President-Elect?

14 A. I was still living full-time in Washington D.C., but
15 myself and a couple of my colleagues at the RNC would travel to
16 New York and spend most of the working days in New York. So a
17 majority of the working days from November until about January.

18 Q. You say that your role there was to schedule high-level
19 meetings for Mr. Trump at that time?

20 A. Yes.

21 Q. Did you get a nickname in the media due to your role in
22 scheduling high level meetings?

23 A. Yes.

24 Q. What was that?

25 A. "The greeter girl."

1 Q. Did you work with or do you know somebody named Rhona
2 Graff?

3 A. I do.

4 Q. Who is Rhona Graff?

5 A. She was President Trump's -- Mr. Trump's long-term
6 Executive Assistant at The Trump Organization. I don't recall
7 her exact title, but she had been with him for a very long time.

8 Q. Do you know how long she had worked for Mr. Trump
9 before he was elected President?

10 A. I think over 10 years. I'm not 100 percent sure.

11 Q. Based on your experience -- withdrawn.

12 Did you work with Ms. Graff during this transition
13 period when Mr. Trump was the President-Elect?

14 A. Yes. She had a role in helping the RNC schedule his
15 interviews. She was still really taking over, really had a
16 handle on his schedule as he wasn't yet the President. He was
17 still working out of Trump Tower. So we worked seamlessly
18 together.

19 Q. Based on your experience working with Ms. Graff, was
20 Mr. Graff familiar with Mr. Trump's preference and work habits?

21 A. Yes.

22 Q. And also Mr. Trump's contacts?

23 A. Yes.

24 Q. Do you know someone by the name of Michael Cohen?

25 A. Yes.

1 Q. Who is Michael Cohen?

2 A. He was the President's former lawyer.

3 Q. And how do you know him?

4 A. He was around in Trump Tower.

5 Q. And when you say "he was around in Trump Tower," that's
6 at this time, between the election and inauguration?

7 A. Yes.

8 Q. The end of 2016 and early 2017?

9 A. Yes.

10 Q. At some point during this period, were you offered a
11 job at the White House?

12 A. I was, yes.

13 Q. Can you tell the jury about that?

14 A. Sure.

15 My boss at the time came to me and said: "Do you have
16 any interest in sitting outside the Oval Office?"

17 I said: "Yes, I do. That sounds like it would be a
18 very cool job."

19 Q. Were you offered a particular job title at that time?

20 A. I honestly don't remember at this time if titles were
21 discussed, but I knew I was going to sit outside the Oval
22 Office. I didn't care what my title was.

23 Q. Do you remember around when that conversation took
24 place?

25 A. I believe December of 2016.

1 Q. And had you spent any time working directly with Mr.
2 Trump when you were offered that position?

3 A. No.

4 Q. Do you know when Mr. Trump moved from Trump Tower to
5 the White House?

6 A. January 20, 2017.

7 Q. And how do you know it was that date?

8 A. That was the inauguration date.

9 Q. Did you also move to D.C. full-time on that date?

10 A. I had never technically moved to New York, so I just
11 never -- I just stopped going to New York.

12 Q. Did you attend the inauguration?

13 A. I did, yes.

14 Q. And what happened after the inauguration?

15 A. After the inauguration, I went to a Government building
16 across the street from the White House and, you know, went
17 through security, and then, with a couple of my new colleagues,
18 were put in a van to drive across the street. And then we were
19 taken into the West Wing. Kind of shown around a little bit.
20 Taken into the Roosevelt room, where we were given laptops and
21 cell phones. And then I was taken to my desk, which was, as I
22 had been told, right outside of the Oval Office.

23 Q. Did you start work that day?

24 A. Yes, technically.

25 Q. Had you been to the West Wing before then?

1 A. No.

2 MS. MANGOLD: Can we put up just for the witness,
3 the parties, and the Court, People's Exhibit 390 for
4 identification.

5 Q. Ms. Westerhout, do you recognize this?

6 A. Yes.

7 Q. What is this?

8 A. This is a map of the first floor of the West Wing.

9 Q. Did you create this map?

10 A. No, I did not.

11 Q. Do you find the map to be a fair and accurate depiction
12 of the first floor of the West Wing?

13 A. Yes.

14 MS. MANGOLD: I now offer People's Exhibit 390
15 into evidence.

16 MS. NECHELES: No objection.

17 THE COURT: Accepted into evidence.

18 (Whereupon, People's Exhibit 390 was received into
19 evidence.)

20 MS. MANGOLD: Pull up 390 for the jury.

21 (Displayed.)

22 Q. Is this the floor plan you were talking about?

23 A. Yes.

24 Q. Where is the Oval Office on the floor plan?

25 A. It's the Oval Office labeled "Oval Office" on the

1 bottom, in the middle.

2 MS. MANGOLD: Can we pull up just the section
3 "Floor Plan" around the Oval Office, please. Can we make
4 it a little bit wider.

5 (Displayed.)

6 Q. And can you see that in front of you, Ms. Westerhout?

7 A. Yes.

8 Q. Do you see the Number 7 on the floor plan?

9 A. Yes.

10 Q. Can you describe, I believe it's a little bit above and
11 to the right of the Office Office; is that correct?

12 A. Yes.

13 Q. Can you describe what that area is to the jury?

14 A. That is the area known as the Outer Oval Office.

15 Q. What is the Outer Oval Office?

16 A. It's where the President's secretaries or assistants
17 sat.

18 Q. And can you describe for the jury where your desk was
19 relative to the Oval Office?

20 A. Yes. If you look at Number 7 as like a square, my desk
21 was the bottom right.

22 Q. So your desk was up against the wall of the Oval
23 Office; is that right?

24 A. Up against the horizontal line, kind of coming out of
25 the Oval Office.

1 Q. Did anybody in White House sit closer to Mr. Trump than
2 you did?

3 A. Not in the first few months, no.

4 Q. Did anybody else sit in the Outer Oval with you?

5 A. Yes.

6 Q. Who else sat in the Outer Oval?

7 A. Hope Hicks.

8 Q. Who is Hope Hicks?

9 A. She was the President's Communications Director.

10 Q. And was there anybody else that sat in that area?

11 A. Yes. In the Outer Oval Office there was a little --
12 another little room and two of his aides sat there.

13 Q. Who were those two aides in 2017?

14 A. John McEntee and Keith Schiller.

15 Q. Do you know what their titles were?

16 A. I believe Keith was the Director of Oval Office
17 Operations. I believe John was Personal Aide to the President.

18 Q. Do you know someone by the name of Dan Scavino?

19 A. Yes.

20 Q. Who is Dan Scavino?

21 A. Dan Scavino was one of the President's very trusted
22 advisors.

23 Q. Did he have a particular role in the White House?

24 A. He did a lot of the President's communications, and
25 especially helped the President get tweets out and other

1 statements.

2 Q. So he worked with Mr. Trump on social media?

3 A. Yes.

4 Q. As the Executive Assistant -- withdrawn.

5 Did you later find out what your formal title would be
6 in the White House?

7 A. Yes. Special Assistant to the President and Executive
8 Assistant to the President.

9 Q. And in those roles, who was the focus of your
10 attention?

11 A. The President.

12 Q. Is that your only focus?

13 A. I tried to have it be my only focus.

14 Q. When you started the job in January 2017, did you have
15 job training or orientation?

16 A. Not formally, no.

17 Q. How did you learn how to do your job?

18 A. The first few months I tried to really observe people
19 that had been close to him, so people like Hope and John and
20 Keith and Dan, and learn his preferences.

21 Then, it was just a lot of on-the-job training. You
22 know, we really started full force day one. So just trying to
23 do my best to keep up.

24 Q. When you say Hope and John and Keith and Dan, are you
25 referring to Hope Hicks, John McEntee, Dan Scavino and Keith

1 Schiller?

2 A. Yes.

3 Q. Was it your understanding those four individuals had
4 previously worked with Mr. Trump?

5 A. Yes.

6 Q. Did you also make an effort to learn Mr. Trump's
7 preferences by observing him while you were sitting in the Outer
8 Oval?

9 A. Yes.

10 Q. How long did you end up working in the White House?

11 A. Until August 2019.

12 Q. Is that a total of two and a half years?

13 A. Yes.

14 Q. Did you have the same job in the White House the whole
15 time?

16 A. The same job, yes. But at some point my title changed
17 to Special Assistant to the President and Director of Oval
18 Office Operations.

19 Q. Did you sit at the same desk in the Outer Oval the
20 entire two and a half years you were in the White House?

21 A. I switched desks at some point. Like I said, there
22 were two desks there. At some point, I switched to the desk
23 that was further away, but it had a line of sight to the
24 Resolute Desk. That was more helpful to kind -- for the
25 President and I to communicate.

1 Q. And for those who may not know, what is the Resolute
2 Desk?

3 A. That is the desk where the President sits in the Oval
4 Office.

5 Q. After working closely with Mr. Trump for two and a half
6 years, did you develop an understanding of his work habits?

7 A. I did, yes.

8 Q. How about list preferences?

9 A. I hope so.

10 Q. How about Mr. Trump's relationships and contacts?

11 A. Yes.

12 Q. Are you familiar with the way that he used social
13 media?

14 A. Yes.

15 Q. Are you familiar with the way that he interacted with
16 others at the White House?

17 A. Yes.

18 Q. And are you familiar with the way that he interacted
19 with his family?

20 A. Yes.

21 Q. So, turning now to his work habits, what was Mr.
22 Trump's preferred method of communication?

23 A. He liked speaking with people in person or on the
24 phone.

25 Q. And about how many calls did Mr. Trump typically take

1 in a day?

2 A. A lot.

3 Q. Do you know, approximately, when he started taking
4 calls in the day?

5 A. I remember times where, you know, I knew he was taking
6 calls as early as 6 in the morning.

7 Q. And when would he stop taking calls at the end of the
8 day?

9 A. Again, it depended. I recall times he would be on the
10 phone late into the night after I went to bed, so I always felt
11 guilty about that.

12 Q. How did you call the President at work? Can anybody
13 call the President of the United States. Is this a more
14 complicated process?

15 A. There is a rather complicated process. If the
16 President is in the Oval Office and someone calls in and they
17 had my desk phone number, they could just call that number. If
18 the President was available, I would patch them through.

19 If someone was calling in, John Smith, you know, off
20 the street and just calling 1-800 White House, obviously, they
21 wouldn't be patched through to the Oval Office.

22 But there were operators that took calls and then kind
23 of determined if that person was someone that needed to get
24 patched through either to myself or other members of the
25 President's staff.

1 There were also calls made by the situation room.
2 Calls that were more secure that might need to be on a secure
3 line. People might call through the situation room.

4 Q. Once the White House operators had screened calls, did
5 you see the calls that came to you after that?

6 A. I am sorry.

7 Q. Let me say that again.

8 After the calls were screened, did they typically come
9 to you before going to Mr. Trump?

10 A. If he was in the Oval Office, yes.

11 Q. So you were able to see much of the many people that he
12 spoke to while he was there in 2017?

13 A. Yes.

14 Q. Did Mr. Trump use a computer?

15 A. Not to my knowledge.

16 Q. Did Mr. Trump have an email account?

17 A. Not to my knowledge.

18 Q. Did Mr. Trump prefer electronic documents or hard copy
19 documents?

20 A. He liked hard copy documents.

21 Q. And did Mr. Trump like to read?

22 A. Yes.

23 Q. Did his role in 2017 require a lot of reading?

24 A. It did, yes.

25 Q. Where did he actually do his work?

1 A. After a few weeks, he kind of moved his working space
2 into a room off of the side of the Oval Office, known as the
3 dining room. He really just, I remember, wanted to keep the
4 Resolute Desk very pristine and kind of keep that more for
5 meetings.

6 Then he spent most of the time when he was working,
7 reading, going over documents in the dining room. And that was
8 really his working office.

9 Q. Were the hard copy documents that he liked to review
10 kept in the dining room?

11 A. Yes.

12 Q. Was there an organization system there?

13 A. To my understanding, the President knew where things
14 were and he kept it organized. But he did have a lot of papers
15 and often brought things back and forth to his residence or Air
16 Force One or Marine One. I thought he always knew where things
17 were.

18 Q. In general, is he the type of person who would pay
19 attention to details?

20 A. In my experience, yes.

21 Q. How about his signature practices? Did he have to sign
22 things that you saw in that first year in 2017?

23 A. He did.

24 Q. Did he use an automated signature or prefer to sign
25 himself?

1 A. He preferred to sign things himself.

2 Q. That was signing by hand?

3 A. Yes.

4 Q. Was there a particular style of pen he liked to use?

5 A. My recollection is he liked to use a Sharpie or a
6 felt-tip pen.

7 Q. Based on working with him for two and a half years, can
8 you recognize Mr. Trump's signature?

9 A. Yes.

10 Q. Did Mr. Trump have to review and sign a lot of
11 documents that year in 2017?

12 A. Yes.

13 Q. In your experience, did he typically read things before
14 signing them?

15 A. Yes.

16 Q. Do you know if Mr. Trump used social media while he was
17 in the White House?

18 A. He did, yes.

19 Q. What was the primary social media platform that he
20 used?

21 A. Twitter.

22 Q. Is that now called something else?

23 A. X.

24 Q. Do you know what Mr. Trump's Twitter handle was in
25 2017?

1 A. @realdonaldtrump.

2 Q. Did Mr. Trump post tweets himself using that Twitter
3 handle?

4 A. He did, yes.

5 Q. Did anyone else have access to the @realdonaldtrump
6 Twitter account in 2017?

7 A. It's my understanding that Dan Scavino had access to
8 it.

9 Q. Was there anybody other than Mr. Trump and Mr. Scavino?

10 A. Not to my knowledge.

11 Q. In the two and a half years when you worked with Mr.
12 Trump, did you ever see Mr. Scavino post a tweet without Mr.
13 Trump's approval?

14 A. I did not see Dan post, I didn't see the President or
15 Dan ever post a single tweet. Not to my knowledge.

16 If there was a video recap of an event or something
17 that might have gone out without the President's approval, it's
18 my understanding and recollection that the President did like to
19 see the tweets that went out.

20 Q. Do you know if that account was password protected?

21 A. I believe so, yes.

22 Q. Did you ever work directly with Mr. Trump on his
23 Twitter posts?

24 A. Once in a while, if Dan wasn't available, the President
25 would call me and dictate a tweet to me. I would quickly

1 scribble it down and then go back to my computer and type it up
2 so that the President could actually read it because he wasn't
3 able to read my handwriting. Sometimes print it back out, give
4 it to him so he could look over it. It just depended if he put
5 it out or held onto it or made edits to. That was the extent of
6 it.

7 Q. He would dictate a tweet to you, then you would go type
8 it up on your computer?

9 A. Yes.

10 Q. Then you would print a hard copy document?

11 A. Yes.

12 Q. And take that in for him to review?

13 A. Yes.

14 Q. Would he then edit sometimes the hard copy printout?

15 A. Sometimes, yes.

16 Q. Would he ask you to make additional changes and then
17 show it to him?

18 A. Sometimes.

19 Q. Did he have any particular preferences when it came to
20 the way that he wrote social media posts?

21 A. My recollection is that there were certain words that
22 he liked to capitalize. Words like "country." And he liked to
23 use exclamation points.

24 Q. Did he also periodically correct other punctuation,
25 like commas or comma locations?

1 A. It's my understanding that he liked to use the Oxford
2 comma.

3 Q. Now, during that first year in the White House in 2017,
4 would you describe that as a transition period, that first year
5 that Mr. Trump was in the White House?

6 A. Yes. I think, you know, the first year of any
7 administration is a transition year. We were all trying to
8 learn our way around and, you know, do the best work we could
9 for the American people.

10 Q. And you and others were doing things for the first time
11 that year?

12 A. Yes.

13 Q. And was Mr. Trump busy that year?

14 A. Yes.

15 Q. Was he constantly being pulled in a lot of different
16 directions?

17 A. Yes.

18 Q. Based on your experience, were there things he
19 overlooked or forgot during that period? Was he still attentive
20 to the things that were brought to his attention?

21 A. My understanding is he was attentive to things that
22 were brought to his attention.

23 Q. During that first year in the White House, in 2017,
24 when things were in transition, did you coordinate with The
25 Trump Organization?

1 A. On some things, yes.

2 Q. Did you ever have questions for employees at The Trump
3 Organization?

4 A. Yes.

5 Q. And did Trump Organization employees ever have
6 questions for you?

7 A. Yes.

8 Q. Who was your main point of contact at The Trump
9 Organization in 2017?

10 A. Rhona Graff.

11 Q. And, again, that was Mr. Trump's Trump Organization's
12 Executive Assistant?

13 A. Yes.

14 Q. And she remained at The Trump Organization after
15 Mr. Trump moved to Washington D.C.?

16 A. Yes.

17 Q. When Trump Organization employees had questions for
18 Mr. Trump, did you pass those along?

19 A. Yes, sometimes.

20 Q. Were there ever times that you didn't pass along
21 something you were asked to?

22 A. No, but it could have been they asked somebody else.

23 Q. When Mr. Trump had questions for Trump Organization
24 employees, did you pass those along?

25 A. Yes.

1 Q. What types of things did you coordinate with Ms. Graff
2 on during that year in 2017. Did you coordinate on Mr. Trump's
3 contacts?

4 A. Yes, we did.

5 Q. How about calls to and from Mr. Trump?

6 A. Yes.

7 Q. How about Mr. Trump's calendar?

8 A. Yes.

9 Q. Mr. Trump's travel schedule?

10 A. Yes.

11 Q. Mr. Trump's golf schedule?

12 A. Yes.

13 Q. How about the First Family's travel?

14 A. Yes.

15 Q. Personal mail for Mr. Trump?

16 A. Yes.

17 Q. What other logistical issues?

18 A. Such as?

19 Q. For example, if there was an issue getting through on a
20 particular number or other things that were lost in translation,
21 anything like that?

22 A. Sure. Yes.

23 Q. Overall, how frequently were you in touch with The
24 Trump Organization in 2012?

25 A. Especially the first few months, I think Rhona and I

1 spoke at least weekly. Sometimes daily. But that trickled off
2 as I kind of grew in the role and the contacts kind of shifted
3 over to more of the White House side.

4 Q. And, in total, how many communications would you say
5 you had with The Trump Organization in 2017, a rough estimate?

6 Is it fair to say it was dozens of communications?

7 A. Dozens.

8 Q. Now, one of the things you just mentioned was
9 Mr. Trump's contacts; right?

10 A. Yes.

11 Q. And did you get guidance from Ms. Graff on contacts
12 that were important to Mr. Trump?

13 A. Yes.

14 MS. MANGOLD: Can we show the jury what is in
15 evidence as People's Exhibit 68. And can we blow up the
16 top portion of the page. All of the portions.

17 (Displayed.)

18 Q. Ms. Westerhout, do you recognize this?

19 A. Yes.

20 Q. What is this?

21 A. It's an email exchange between Rhona and myself.

22 Q. And looking at the bottom-most email on the chain, who
23 is that from?

24 A. From me to Rhona.

25 Q. What is date of that email?

1 A. Tuesday, January 20, 2017.

2 Q. And are there certain redactions in this email?

3 A. Yes.

4 Q. Have you reviewed the unredacted version of this email?

5 A. Yes.

6 Q. And is that an email sent from your White House email
7 address?

8 A. Yes.

9

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12 (Whereupon, Theresa Magniccari, Senior Court Reporter
13 was relieved by Laurie Eisenberg as Senior Court Reporter.)

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M. Westerhout - Direct/Mangold

1 Q And is that sent to Rhona Graff's Trump Organization
2 address?

3 A Yes.

4 Q And what's the subject of this email?

5 A "Contacts."

6 Q Can you please read the content of that email to the
7 jury?

8 A Yes.

9 "Could you have the girls put together a list for me of
10 people that he frequently spoke to? I don't want to have to bug
11 you all the time, even though I will still call often." Smiley
12 face.

13 Q When you said, "Could you have the girls put together
14 a list for me," who were "the girls"?

15 A There were a couple of other assistants that worked
16 under -- in The Trump Organization.

17 Q When you said "a list of people that he frequently
18 spoke to", who does he refer to there?

19 A President Trump.

20 Q And why did you -- can you explain to the jury, kind
21 of, why you sent this email?

22 A Yeah.

23 So, when I got to the White House, I, naively, assumed that
24 the operators kind of had everybody's phone number, and that is
25 not the case. They didn't have, really, any phone numbers.

Laurie Eisenberg, CSR, RPR
Senior Court Reporter

1 And so, the President would often ask, you know, call John
2 Smith, call so and so, and I didn't have their phone numbers.

3 So, I would call Rhona all the time, asking for phone
4 numbers for people, and that's something -- I guess, four days
5 in, I just asked her to put together a list for me that she
6 thought would be helpful of people that he either spoke to
7 often or might want to speak to.

8 Q If you look at the top email on the chain, how did
9 Ms. Graff respond?

10 A She said: "I'm working on it. Hope to have it to you
11 in a little while."

12 MS. MANGOLD: Can you now pull up what's in
13 evidence as People's 69?

14 (Whereupon, an exhibit is shown on the screens.)

15 MS. MANGOLD: Focus on the top portion of the
16 page.

17 Q Do you recognize this?

18 A Yes.

19 Q What is this?

20 A An email exchange between myself and Rhona.

21 Q Who is it from?

22 A Rhona.

23 Q Who is it to?

24 A Me.

25 Q What is the subject?

1 A "Contacts."

2 Q What is the body of the email?

3 A "How is this for a start? R."

4 Q Is this a copy of the email we just looked at?

5 A Yes.

6 Q Can you explain that to the jury?

7 A Sorry?

8 Q Withdrawn.

9 Is Ms. Graff sending you the contacts that you had
10 previously requested in the email we just looked at?

11 A Yes.

12 Q Is there an attachment to this email?

13 A Yes.

14 It says, "DJT limited contacts WH."

15 Q What does "WH" stand for there?

16 A White House.

17 Q Do you know what file type that attachment is, based
18 on what's listed there?

19 A Yes. That's an Excel document.

20 Q Before testifying today, did you have an opportunity
21 to review the Excel file that was attached to the email?

22 A Yes.

23 Q Did you also take a look at a file that's been marked
24 for identification as People's Exhibit 69-B?

25 A Yes.

1 MS. MANGOLD: Can you pull up People's
2 Exhibit 69-B for just the witness, the parties and the
3 Court?

4 (Whereupon, an exhibit is shown on the witness'
5 and the parties' screens.)

6 Q Do you recognize People's Exhibit 69-B?

7 A Yes.

8 Q What is this?

9 A This is a contact list.

10 Q Is this the PDF version of the Excel file that was
11 attached to that email?

12 A Yes.

13 Q Has it been redacted?

14 A Yes.

15 Q Other than the redactions, is this an exact copy of
16 that native Excel file?

17 A Yes.

18 MS. MANGOLD: The People offer Exhibit 69-B into
19 evidence.

20 MS. NECHELES: No objection.

21 THE COURT: Accepted into evidence.

22 (Whereupon, People's Exhibit 69-B is received in
23 evidence and is shown on the screens.)

24 Q Can you describe this, kind of at a high level, for
25 the jury?

1 A Yes.

2 This is a contact list of the President's friends, family,
3 and people that he might want to speak to.

4 Q How did Ms. Graff determine who to put on this list?
5 What types of contacts were put in?

6 A It's my understanding that she put together a list of
7 people that he either spoke to often or might want to speak to.

8 MS. MANGOLD: Can we look at Page 2 of the PDF,
9 please?

10 (Whereupon, an exhibit is shown on the screens.)

11 MS. MANGOLD: Focusing in on the top portion of
12 the page.

13 (Whereupon, an exhibit is shown on the screens.)

14 MS. MANGOLD: Sorry.

15 Pull up the entire portion of the page with
16 words.

17 (Whereupon, an exhibit is shown on the screens.)

18 Q Do you see who's listed in rows 49, 50 and 51?

19 A Yes.

20 Q Who is that?

21 A Maryanne, Robert and Tiffany. The President's sister,
22 brother and daughter.

23 Q So, that's the President's family?

24 A Yes.

25 Q Looking at row 53, who is listed in row 53?

1 A Allen Weisselberg.

2 Q Who is Allen Weisselberg?

3 A The EVP and CFO of The Trump Organization.

4 Q And he was on that close contacts list that Ms. Graff
5 prepared?

6 A Yes.

7 Q Looking at the top of that page, who is listed in 41?

8 A David Pecker.

9 Q Do you know who David Pecker is?

10 A Yes.

11 Q Who is David Pecker, if you remember?

12 A He's -- at the time, I knew him to just be a tabloid
13 person.

14 MS. MANGOLD: Can we turn to the first page of
15 the PDF and pull up the top half of the page?

16 (Whereupon, an exhibit is shown on the screens.)

17 Q Who is listed in row 13?

18 A Michael Cohen.

19 Q And is that the same Michael Cohen you saw in Trump
20 Tower during the presidential transition period?

21 A Yes.

22 Q Once you received this list, do you recall what you
23 did with it?

24 A I believe I entered all of these contacts into my
25 contacts.

1 Q And if a name appeared on this list, were you more
2 likely to patch that call through to Mr. Trump?

3 A Um, yes. But I tried to -- yes.

4 MS. MANGOLD: All right.

5 We can take that down.

6 Q Now, I know we just saw the contact information for
7 Mr. Cohen.

8 Was it your understanding that Mr. Trump and Mr. Cohen had
9 a close relationship in 2017?

10 A At that time, yes.

11 Q Did Mr. Cohen ever visit the White House in 2017?

12 A I believe he did, yes.

13 MS. MANGOLD: Can we show the witness, the
14 parties, and the Court what's been marked for
15 identification as People's Exhibit 391?

16 (Whereupon, an exhibit is shown on the witness'
17 and the parties' screens.)

18 Q Ms. Westerhout, do you see that on your screen?

19 A Yes.

20 Q Do you recognize it?

21 A Yes.

22 Q What is that?

23 A It's an email from me to Michael Cohen.

24 Q Is it a true and correct copy of the email that you
25 sent to Michael Cohen?

1 A Yes.

2 MS. MANGOLD: People now offer People's
3 Exhibit 391 into evidence.

4 MS. NECHELES: No objection.

5 THE COURT: Accepted into evidence.

6 (Whereupon, People's Exhibit 391 is received in
7 evidence.)

8 MS. MANGOLD: Can we publish that for the jury?

9 (Whereupon, the exhibit is shown on the screens.)

10 Q What date was this email sent?

11 A February 5, 2017.

12 Q And this email is from you?

13 A Yes.

14 Q Is it sent to Michael Cohen at a trumporg email
15 address?

16 A Yes.

17 Q Are there redactions on this page?

18 A Yes.

19 Q Did you have an opportunity to review the unredacted
20 portion?

21 A Yes.

22 Q What is the subject line of this email?

23 A "Wednesday meeting."

24 Q Can you please read the content of the email to the
25 jury?

1 A Yes.

2 "Michael. We're confirmed for 4:30 on Wednesday. What I
3 need from you is the following: Full name as it appears on your
4 ID. Date of birth. Social Security number. U.S. citizen, yes or
5 no. Born in U.S., yes or no. Current city and state of
6 residence. Thanks, Madeleine."

7 Q Do you recall why you were sending this email?

8 A Mr. Cohen was coming in to meet with the President.

9 Q Do you recall seeing him when he came to visit?

10 A Not specifically.

11 Q Did this visit, ultimately, occur?

12 A Yes.

13 MS. MANGOLD: We can take that down.

14 Q Do you remember David Pecker's name coming up in 2017?

15 A I have recently been refreshed. My memory has been
16 refreshed, yes.

17 Q What do you -- after refreshing your recollection,
18 what do you recall?

19 A I recall an exchange between myself and Hope, a text
20 that I sent her, asking if she had called David.

21 Q By "Hope", you mean Hope Hicks?

22 A Yes.

23 Q And "David" is David Pecker?

24 A Yes.

25 Q Do you recall if you ever spoke to Mr. Pecker on the

1 phone in 2017?

2 A I don't remember.

3 Q And do you remember if you saw him at the White House?

4 A I don't remember.

5 The President met with a lot of people.

6 MS. MANGOLD: Can we please pull up what's in
7 evidence as People's Exhibit 319?

8 (Whereupon, an exhibit is shown on the screens.)

9 Q Do you recognize this?

10 A Yes.

11 Q What is this?

12 A This is a text exchange between myself and Hope Hicks.

13 Q And whose texts are white?

14 A Mine.

15 Q And whose texts are in blue?

16 A Hope's.

17 Q Do you remember -- well, directing you now to the
18 bottom text, does it say it was sent on March 20th?

19 A Yes.

20 Q Does it say what year it was sent?

21 A No.

22 Q Do you recall what year this was sent?

23 A No.

24 Q Can you read that text to the jury?

25 A "Hey -- the President wants to know if you called

1 David Pecker again?"

2 Q Do you remember the events surrounding this text?

3 A No.

4 Q Was this unusual, for you to send something like this
5 to Ms. Hicks?

6 A No.

7 Q And is this the document you were just speaking about
8 that refreshed your recollection that there was -- that you
9 remembered Mr. Pecker's name coming up while you worked at the
10 White House?

11 A Yes.

12 MS. MANGOLD: Can we show the jury what's in
13 evidence as People's Exhibit 70?

14 (Whereupon, an exhibit is shown on the screens.)

15 Q Now, you said that Mr. Weisselberg was the CFO of The
16 Trump Organization; right?

17 A Yes.

18 Q Do you remember his name coming up in 2017?

19 A Um, not -- well, yes. I mean, he had worked for the
20 President for a very long time. Um. So, yes.

21 Q And looking at the document on the screen in front of
22 you, do you recognize this?

23 A Yes.

24 Q What is this?

25 A An email from me to Rhona Graff.

1 Q And when was it sent?

2 A January 27, 2017.

3 Q What's the subject?

4 A "NYT" -- I'm sorry. "Photo."

5 Q Can you read the content of the email to the jury?

6 A Yes.

7 "Can you please send this to Allen Weisselberg from the
8 President? He sent to his family and wanted to" -- sorry. "He
9 sent to his family and wanted Allen to see it as well. First
10 time boarding Air Force One."

11 Q Is it common for Mr. Trump to send newspaper clips to
12 his family and Mr. Weisselberg?

13 A Yes.

14 Q Was it your understanding Mr. Trump and
15 Mr. Weisselberg had a close relationship in 2017?

16 A I'm not sure I can speak to the specifics of their
17 relationship, but I believe Allen had worked for him for a long
18 time, so I understood them to be close.

19 Q Did you pass messages back and forth between
20 Mr. Weisselberg and Mr. Trump during 2017?

21 A I don't recall specific messages other than this one,
22 but it wouldn't surprise me.

23 Q This doesn't strike you as unusual?

24 MS. NECHELES: Objection.

25 THE COURT: Overruled.

1 A I'm sorry.

2 Say that again.

3 Q This doesn't strike you as unusual?

4 A No.

5 MS. MANGOLD: Can we turn now to the attachment
6 to the second page of the PDF?

7 (Whereupon, an exhibit is shown on the screens.)

8 Q What is this?

9 A This is the cover of The New York Times, and it's the
10 President boarding Air Force One for the first time.

11 Q This is the newspaper clip that Mr. Trump asked you to
12 send to both his family and Mr. Weisselberg?

13 A Yes.

14 MS. MANGOLD: You can take that down.

15 Q Now, what, if anything, is your understanding of how
16 Mr. Trump's personal expenses were handled in 2017?

17 A It's my understanding they were handled by checks.

18 Q And how did you learn that they were handled by
19 checks?

20 A Checks came to the White House -- I'm sorry. Checks
21 were sent from The Trump Organization to an employee at the
22 White House, and I brought them in for the President to sign.

23 Q Do you know what employee the checks were sent to?

24 A They were originally sent to Keith Schiller, and then,
25 later, they were sent to me.

1 Q And what did you do when you received the checks?

2 A The checks came in a FedEx envelope. Um, so I opened
3 the envelope. And inside was a manila folder with a stack of
4 checks. And I brought the manila folder in to the President for
5 him to sign.

6 Q And was there anything else besides checks that were
7 contained in the manila folder?

8 A Um, I didn't really dig around in the folder, but, um,
9 I believe there were invoices attached to some of the checks
10 sometimes.

11 Q And the checks that you received from Mr. Schiller,
12 you received unsigned checks; is that right?

13 A Yes.

14 Q You said you brought the checks in to Mr. Trump for
15 his signature?

16 A Yes.

17 Q How frequently did you receive a package of checks for
18 Mr. Trump to sign?

19 A I don't recall how frequently, but it was, um,
20 consistent. Maybe twice a month?

21 Q And how many checks, approximately, came in a packet?

22 A It depended. Sometimes there was -- sometimes there
23 was one. Sometimes there was a stack, maybe half-an-inch thick.
24 I never counted them.

25 Q Was it ever more than half-an-inch thick or was it

1 typically smaller?

2 A I don't remember.

3 Q Now, did you ever see Mr. Trump sign checks in his
4 office?

5 A Sometimes, yes.

6 Q Did Mr. Trump individually sign each check by hand?

7 A To my knowledge, the ones that I saw him sign.
8 I can't speak to the ones that I didn't see him sign.

9 Q And what happened after Mr. Trump signed the checks?

10 A He would give the folder back to me, and I would put
11 it in a pre-labeled FedEx envelope and send it back to The
12 Trump Organization.

13 Q Did the pre-labeled return envelope come with the
14 original FedEx with the checks?

15 A Yes.

16 Q And you were the one that sent that back to The Trump
17 Organization?

18 A Yes.

19 Q Do you recall if there was ever a time where Mr. Trump
20 didn't send back every single check in a packet?

21 A Um, no, I don't recall a specific time.

22 Q Do you remember if Mr. Trump ever had questions on --
23 about the checks?

24 A Um, I think I remember, maybe, a couple times him
25 having a question about a check and then calling Allen -- Allen

1 Weisselberg or somebody else in the Trump Organization to ask
2 for clarification.

3 Q All right.

4 MS. MANGOLD: Can you please show the jury what is
5 in evidence as People's Exhibit 73?

6 (Whereupon, an exhibit is shown on the screens.)

7 MS. MANGOLD: Could you blow up the top portion
8 of that document?

9 (Whereupon, an exhibit is shown on the screens.)

10 Q Do you recognize this, Ms. Westerhout?

11 A Yes.

12 Q What is this?

13 A An email from Rhona to me.

14 Q What's the date?

15 A April 6, 2017.

16 Q Can you read the content of the email to the jury?

17 A "M: Here is the FedEx label you requested. Hope it
18 works." Winking face.

19 Q Can we turn -- is there an attachment to this email?

20 A Yes.

21 MS. MANGOLD: Can you please flip to Page 2 of
22 the PDF?

23 (Whereupon, an exhibit is shown on the screens.)

24 Q Focus on -- yep, that portion of the page.

25 Do you recognize this?

1 A Yes. It's a FedEx label.

2 Q Who is the FedEx label to?

3 A Rebecca Manochio

4 Q What is the address --

5 A The Trump --

6 Q Sorry.

7 -- provided for Ms. Manochio?

8 A I'm sorry?

9 Q What is the address provided for Ms. Manochio?

10 A The Trump Organization, 725 Fifth Avenue, 26th floor,
11 New York, New York.

12 Q Do you see who the -- I don't know how to describe
13 this.

14 The return recipient is in the top-left corner.

15 A Yes.

16 Keith Schiller.

17 Q Mr. Schiller was the one who received the checks that
18 you, ultimately, brought in to Mr. Trump to sign?

19 A At this time, yes.

20 Q Can you describe for the jury the contexts around this
21 email?

22 A Um, I probably had misplaced the return package with
23 the pre-paid label, and so I was just requesting a new one.

24 Q And this is in connection with checks for Mr. Trump to
25 sign or checks that he had signed?

1 A Probably.

2 Q Did you ever request FedEx labels from The Trump
3 Organization for any other reason?

4 A Not to my recollection.

5 MS. MANGOLD: All right.

6 Can we please show Ms. Westerhout and the jury
7 what is in evidence as People's Exhibit 76?

8 (Whereupon, an exhibit is shown on the screens.)

9 Q Do you recognize this?

10 A Yes. It's an email from me to Rhona Graff.

11 Q What's the date?

12 A July 18, 2017.

13 Q What's the subject?

14 A "Checks."

15 Q And can you read the content to the jury?

16 A "R. Can you have someone send me a FedEx label to send
17 back the checks the President just signed?"

18 Q Is this a reference to the personal checks that we
19 were just talking about?

20 A Probably.

21 MS. MANGOLD: And can we take that down?

22 Q Did Trump Organization employees ever have other
23 questions for Mr. Trump about his personal expenses, unrelated
24 to the checks?

25 A I -- I don't know the answer to that.

1 Q There were no one-off questions about Mr. Trump's
2 personal expenses that came through you?

3 A Oh. Yes.

4 MS. MANGOLD: Can we show the jury what's in
5 evidence as People's 71, please?

6 (Whereupon, an exhibit is shown on the screens.)

7 MS. MANGOLD: Can we blow up the top of the
8 email?

9 Q Do you recognize this?

10 A Yes. It's an email from me to Rhona Graff.

11 Q What's the date?

12 A February 21, 2017.

13 Q What's the subject?

14 A "Winged Foot Golf Club."

15 Q Do you know what the Winged Foot Golf Club is?

16 A I believe it's a golf club.

17 Q Can you read the content of the email to the jury?

18 A "Rhona. Can you help me with this? See attached.

19 Thanks. Let me know if I should call them directly."

20 MS. MANGOLD: Can you flip to the second page of
21 the PDF?

22 (Whereupon, an exhibit is shown on the screens.)

23 Q Do you recognize this?

24 A Yes.

25 Q What is this?

1 A This is an invoice.

2 Q What is it an invoice for?

3 A For the President's annual dues to the Winged Foot
4 Golf Club.

5 Q Do you see handwriting on the document?

6 A Yes.

7 Q Is there two sets of handwriting?

8 A Yes.

9 MS. MANGOLD: Can we please blow up the bottom
10 half of the page?

11 (Whereupon, an exhibit is shown on the screens.)

12 Q Do you recognize both sets of handwriting on the page?

13 A Yes.

14 Q And is the amount of the invoice also shown here?

15 A Yes.

16 Q What is the total amount of the invoice?

17 A \$6,974.01.

18 Q Looking now at the handwriting towards the top, do you
19 know whose handwriting that is?

20 A I believe that's Rhona Graff's.

21 Q Can you read what's written in Ms. Graff's writing?

22 A "Dear President, If Winged Foot will allow me to
23 suspend your membership for four or eight years, do you want me
24 to look into it, or do you want to continue paying annual dues
25 and the food minimum?" I believe that's just "RG".

1 Q Do you see handwriting below that?

2 A Yes.

3 Q Whose is that?

4 A That's the President.

5 Q Do you know what type of pen was used for the
6 President's handwriting?

7 A It looks to be a Sharpie.

8 Q What's written below the note in Mr. Trump's
9 handwriting?

10 A "Hey."

11 Q Is there something else written in the President's
12 handwriting?

13 A Yes.

14 "ASAP. Okay."

15 Q Is there another marking next to "Okay"?

16 A Yes. The shortened signature.

17 Q What is your recollection or understanding of what was
18 happening in this email exchange?

19 A Um, this one -- obviously, he wouldn't really be able
20 to use a membership of this golf club while he was in office,
21 so I believe Rhona was asking if she wanted him to suspend his
22 membership or pay the annual dues.

23 Q Were you able to pass that question along to Mr. Trump
24 for his evaluation or decision?

25 A Um, this was included in the stack of checks. So, by

1 -- yes. I passed it along in the sense that I gave him this
2 note.

3 Q And was it your understanding that Mr. Trump
4 individually approved the amount of this invoice?

5 A Yes.

6 MS. MANGOLD: Can we now show the jury what is in
7 evidence as People's Exhibit 75?

8 (Whereupon, an exhibit is shown on the screens.)

9 Q Do you recognize this?

10 A Yes. It's an email exchange between Rhona and myself.

11 Q Can we focus on the bottom half of this page, please?

12 (Whereupon, an exhibit is shown on the screens.)

13 Q Looking now at the email at the bottom of this email
14 on the chain, who is that from and to?

15 A From me, to Rhona.

16 Q Was it dated, the email?

17 A June 20, 2017.

18 Q What's the subject line?

19 A "Photo."

20 Q Can you read the content to the jury?

21 A "This is what I have."

22 Q Do you remember what this email pertained to?

23 A Yes. I believe this was in relation to a photograph
24 that Mr. Trump -- that President Trump wanted to put in a frame
25 to put behind his desk in the Oval Office.

1 So, behind the Resolute Desk, there was a little credenza;
2 and as time went on, he put pictures of his family behind him.

3 Q Can you read Ms. Graff's response to you about that in
4 the email chain?

5 A "Wow. I never saw this one. And in color too. It's not
6 one of the photos I gave to Lara Trump. I'm trying to find out
7 what happened to those. In answer to your question, however, I
8 don't have any empty Tiffany frames. I could go to Tiffany's
9 next door and get one with the account we have with them."

10 Q Can you read your response?

11 A "If you don't mind doing that, that would be
12 wonderful. He did mention a Tiffany frame."

13 Q Can you read Ms. Graff's response?

14 A It says: "Please note that the frames are on the
15 pricey side. About \$650 minus 15 percent discount. Does DJT
16 want to spend that much?"

17 Q What do you understand "the frames" were "on the
18 pricey side" to mean?

19 A That they were more expensive.

20 Q When it says, "Does DJT want to spend that much?", who
21 does "DJT" refer to?

22 A President Trump.

23 Q In your experience, is this the type of thing
24 Mr. Trump would want to weigh in on?

25 A I don't recall any other instances of this.

1 I know this one was important and special because it was a
2 photo of what I remember to be his mother, so he wanted a nice
3 frame for that.

4 Q Was it unusual for Mr. Trump to weigh in on expenses
5 of this amount?

6 A I don't recall any other instances like this.

7 Q Do you remember if you passed this question on to
8 Mr. Trump?

9 A I don't.

10 We may have made the executive decision without his
11 approval.

12 THE WITNESS: Sorry, sir.

13 Q Was it your understanding that this is the type of
14 thing Ms. Graff would want Mr. Trump to look at?

15 A I really -- I don't know. I think she may have -- I
16 don't know. I'm sorry.

17 Q Focusing on early 2018, do you remember a story coming
18 out about Mr. Trump and a woman named Stormy Daniels?

19 A Yes.

20 Q Do you remember Mr. Trump's reaction to that story?

21 A I remember he was very upset by it.

22 Q Do you recall if Mr. Trump spoke to Michael Cohen
23 around the time the story came out?

24 A Um, I believe they spoke around that time, yes.

25 Q In your position as Mr. Trump's Executive Assistant,

1 did you interact with Mrs. Trump?

2 A I did, yes.

3 Q Were you familiar with their relationship?

4 A Yes.

5 Q How would you describe their relationship?

6 A I -- I believe they have a relationship of mutual
7 respect. Um, I -- I just found their relationship really, um,
8 special.

9 I know he cares a lot about her opinion. There was really
10 no one else that could kind of put him in his place, too.

11 So, he was my boss, but she was definitely the one in
12 charge.

13 But, I -- I just remember thinking that their relationship
14 was really special.

15 They laughed a lot when she came in to the Oval Office. Um.
16 And he would, you know, once in a while tell me to call her and
17 let her know that he was running late. Just like any other
18 marriage. Like, "Honey, I'm going to be late for dinner."

19 She would call me sometimes and say, "It's past dinnertime.
20 When is my husband coming home?"

21 So, I just really respected their relationship.

22 Q Did anything about their relationship change after the
23 Stormy Daniels story came out?

24 A Not that I saw, no.

25 Q At some point, did you leave the White House job?

1 A I did.

2 Q Can you, very briefly, describe the circumstances
3 surrounding your departure?

4 A Yes.

5 In August of 2019, I was invited by a White House colleague
6 of mine to what I understood to be an off-the-record dinner.
7 And at that dinner I said some things that I should not have
8 said.

9 That mistake, eventually -- ultimately, cost me my job.

10 And I am very regretful of my youthful indiscretion.

11 But I feel like I've learned a lot from that experience. I
12 think I've grown a lot since then. (Crying). Sorry.

13 (The Court gives the witness tissues.)

14 (Witness crying.)

15 Q Do you need a minute?

16 A No.

17 I'm okay.

18 Q Did you end up writing a book about your experience?

19 A I did, yes.

20 MS. MANGOLD: Can we please show the witness, the
21 parties, and the Court, People's Exhibit 392 for
22 identification?

23 (Whereupon, the exhibit is shown on the witness'
24 and the parties' screens.)

25 Q Do you recognize this?

1 A Yes.

2 That's the cover of my book.

3 Q Is it an exact copy of the cover?

4 A Yes.

5 MS. MANGOLD: The People now offer Exhibit 392 in
6 evidence.

7 THE COURT: Any objection?

8 MS. NECHELES: No objection.

9 THE COURT: 392 accepted into evidence.

10 (Whereupon, People's Exhibit 392 is received in
11 evidence and is shown on the screens.)

12 Q What is the full title of your book?

13 A It is called Off the Record; My Dream Job at the White
14 House; How I Lost It and What I Learned.

15 Q Why did you write the book?

16 A Um, I wrote the book because I -- I needed time to
17 process what I had just been through.

18 But, I also wanted to document for myself and my family the
19 incredible experience that I had had working in the White
20 House.

21 Um, I also felt it was really important to share with the
22 American people the man that I got to know. (Crying).

23 Um, I thought it was really important to share with the
24 American people the man that I got to know.

25 I don't think he's treated fairly, and I wanted to tell

1 that story. (Crying).

2 Q Have you spoken to Mr. Trump since the publication of
3 your book?

4 A Since the publication, yes.

5 Q Can you briefly describe that for the jury?

6 A Um, I -- he was at a fundraiser in Orange County,
7 where I lived, last Fall. And I hadn't seen him since I left
8 the White House. And so I called one of his aides. (Crying).

9 Q Did you discuss this case at that time?

10 A No, I did not.

11 I called one of his aides and asked if I could come to the
12 fundraiser to say hello, and they said yes.

13 So, I got to see him then. (Crying).

14 Q Have you spoken to him since that time?

15 A No.

16 MS. MANGOLD: No further questions.

17 THE COURT: Your witness.

18 MS. NECHELES: Do you want to take a short break?

19 THE COURT: No.

20 We stop at 4 o'clock today.

21 (Whereupon, the witness continues crying.)

22 CROSS-EXAMINATION

23 BY MS. NECHELES:

24 Q Ms. Westerhout, you were very young when you were
25 working at the White House; right?

1 A Yes.

2 Q You made a mistake; right?

3 A Yes.

4 Q President Trump forgave you; right?

5 A He did.

6 Q Your book, in fact, was very flattering about him;
7 right?

8 A Yeah.

9 I didn't have anything negative to say, so why would I
10 write it?

11 Q You thought he was a great person to work for?

12 A I did, yes. And he was.

13 Q And you thought he was a good President?

14 A Yes. (Crying).

15 Q Are you ready to go on?

16 A Yes.

17 Q So, during the 2016 election, before President Trump
18 actually won the Republican nomination, you were working for
19 the RNC?

20 A Yes.

21 Q In fact, he was not your choice?

22 A No.

23 Q He only became your choice once you got to know him;
24 right?

25 A Yes. That's right.

1 Q So, once he won the election, you started working to
2 help the transition; right?

3 A Yes.

4 Q And you still didn't know him; right?

5 A Uh-uh, no.

6 Q But, before the transition, there was the Access
7 Hollywood tape that you were asked about on direct examination;
8 right?

9 A Yes.

10 Q And you testified on cross that it rattled the RNC
11 leadership; correct?

12 A That was my -- that's my recollection, yes.

13 Q There were a couple of days of consternation; right?

14 A Yes.

15 Q That happened all the time during the campaign; right?

16 A Yeah.

17 Q There's always some event that causes total
18 consternation for a couple of days; right?

19 A Yes.

20 Q And when President Trump was running for election,
21 there was always some event that everybody said, (claps twice),
22 "That's it, he's not gonna win;" right?

23 A Yes.

24 Q And everybody around would be freaking out; right?

25 A Yeah.

1 Q But not President Trump; right?

2 A No.

3 Q He did not freak out about any of this; right?

4 A Not that I was aware of.

5 Q He just kept his mind straightforward and kept running
6 for the election; right?

7 MS. MANGOLD: Objection.

8 THE COURT: Overruled.

9 You can answer.

10 A Can you repeat that?

11 Q He kept working and running to win the Presidency;
12 right?

13 A Yes.

14 Q After the Access Hollywood tape came out, some of the
15 people freaked out, right, in the RNC?

16 A Yes.

17 Q And President Trump did not freak out; right?

18 A No.

19 Q He gave a video statement; am I correct?

20 A Not that I remember, but I trust you.

21 Q Okay.

22 Do you recall him giving a public statement, saying he
23 had -- that this was locker room talk and apologizing for that
24 locker room talk?

25 A Yes, I do.

1 Q And he said, "And I look forward to seeing everybody
2 at the debate"?

3 A Yeah.

4 Q And the Access Hollywood tape uproar blew over in a
5 couple of days; right?

6 A Yeah.

7 Q And after that, President Trump won the election?

8 A He did.

9 Q Now, the transition was an extremely busy time for
10 President Trump; right?

11 A Yes.

12 Q He had to fill hundreds of positions; right?

13 A Yes.

14 Q Those were in his cabinet; correct?

15 A Yes.

16 Q And other high-level positions; right?

17 A Yes.

18 Q And he had to figure out what those positions were;
19 right?

20 A Yes.

21 Q And he had to find candidates to fill those positions;
22 right?

23 A Yes.

24 Q And then he had to interview all those people; right?

25 A Yes.

1 Q And part of your job was to help find those people and
2 pre-vet them; right?

3 A Um, yeah -- yes. At least schedule the interviews.

4 I don't know if I was involved in finding them or vetting
5 them.

6 But, scheduling their interviews, yes.

7 Q Were you involved in helping create briefing papers?

8 A Yes. I believe -- I think I did a lot of them. Yes.

9 Q And those were multiple-page documents, lengthy
10 documents that would be given to President Trump or
11 President-Elect at that point?

12 A Yes.

13 Q So he could read them and be ready to interview these
14 people; right?

15 A Uh-huh. Yes.

16 Q You were scheduling as much as three interviews a day
17 for President Trump with these high-level people; right?

18 A Yes.

19 Q Those would be lengthy interviews; correct?

20 A Yes.

21 Q The prosecutor just asked you on direct examination
22 whether the press called you "the greeter girl"; right?

23 A Yeah.

24 Q And they did that because you would go downstairs in
25 Trump Tower and escort people up; right?

1 A Yes.

2 Trump Tower was in the middle of Midtown Manhattan. It's
3 protected by Secret Service. And these people were coming in
4 for the most important interviews of their lives.

5 So, I took it upon myself to greet them downstairs so they
6 wouldn't get lost.

7 Q Them calling you "the greeter girl" was a little bit
8 belittling your work; right?

9 A Yeah.

10 I tried to not let it get to me. But -- I think people said
11 I was unqualified.

12 Q Because you were doing work that was a lot more
13 important than just greeting people; right?

14 A Yes.

15 Q But, that's how the press treated you at that time;
16 right?

17 A Yes.

18 Q And that's what the prosecutor just asked you about;
19 right?

20 A (No response).

21 Q On direct, she asked you if you were called "the
22 greeter girl"?

23 A Yes.

24 Q This is a very busy and hectic time; right?

25 A Yes.

1 Q President Trump was also transitioning his companies
2 at that point into a Trust; right?

3 A Not to my knowledge. But --

4 Q So, you were not involved in his business?

5 A No.

6 Q What was going on in his business?

7 A No.

8 Q You were involved in just the political side; right?

9 A Yes.

10 Q But, you are aware he was also running a substantial
11 business until he became elected President; right?

12 A Yes.

13 Q And you knew he had to put that all to the side and
14 just move to become President; right?

15 A Yes.

16 Q And he only had a month-and-a-half to do that?

17 A Yeah. November, December -- yeah. Two-and-a-half
18 months.

19 Q Two-and-a-half months to do all of that; right?

20 A Uh-huh.

21 Q And you were asked on direct examination --

22 MS. NECHELES: One minute, Judge.

23 Q After the transition, you moved to the White House;
24 correct?

25 A Yes.

1 Q And that was the first time you were really working
2 closely with President Trump; right?

3 A Yes.

4 Q What was that like?

5 A Um, it was amazing. Um, I think -- I, um, yeah. I
6 really had not spent any time with him.

7 But, I don't know if anybody should feel like they deserve
8 to be in the West Wing, but he made me -- he never once made me
9 feel like I didn't deserve that job and I didn't belong there.
10 Especially in an office filled with older men. Um, he never
11 made me feel like I didn't -- I didn't belong there.

12 Um, he was a really good boss.

13 He -- I hope he respected me in my job and -- yeah.

14 I just found him very enjoyable to work for.

15 Q And you were asked some questions on direct
16 examination about the way that President Trump interacted with
17 his family.

18 Do you recall those questions?

19 A Yes.

20 Q And he had a close relationship with his children;
21 right?

22 A Very close, yes.

23 Q And he cared a great deal for them; right?

24 A Definitely.

25 Q And you also said he had a -- you observed him, that

1 he had a close and lovely relationship with his wife?

2 A Yes.

3 Q Isn't it true that you would also see them, sort of,
4 personally communicating during the day in some way?

5 A Yes.

6 Um, sometimes I would look down on my phone, and if the red
7 light was on, I knew that he was on the phone, but I hadn't
8 placed the call. So, if he was sitting in the Oval Office, I
9 would kind of look up and look into the Oval Office, and there
10 were times when I could kind of figure out that he was on the
11 phone with Mrs. Trump.

12 And he would say, you know, "Honey, come over to the
13 window." And there was a window in the residence where you
14 could see from the residence into the Oval Office. And he
15 would say, "Come to the window," and they would kind of wave to
16 each other (waves).

17 When he was, you know, boarding Marine One on the South
18 Lawn, he would call Mrs. Trump and say, "Honey, I'm about to
19 board," which I always found funny. Like, of course she knows
20 his schedule. He just wanted to say hi and check in.

21 (Whereupon, Senior Court Reporter Lisa Kramsky
22 relieves Senior Court Reporter Laurie Eisenberg, and the
23 transcript continues on the next page.)

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(The following proceedings are continued from the following page.)

CONTINUED CROSS-EXAMINATION

BY MS. NECHELES:

Q You were asked if the first year of the Presidency was a transition year; right?

A Yes.

Q And you said it was particularly hectic; right?

A Yes.

Q And some days President Trump would work from 6:00 a.m. in the morning?

A Yes, uh-huh.

Q And sometimes he wouldn't go home until very late at night?

A That's right.

Q And all day he would be taking calls; right?

A Oh, yes, uh-huh.

Q And meeting with people?

A Yes.

Q And you said he was reading documents and reviewing them?

A Yes, uh-huh.

Q And he was also signing a tremendous amount of documents; right?

1 A Yes, uh-huh.

2 Q And there was a lot of things that he was doing that
3 you didn't really know the details of; right?

4 A Yes, absolutely.

5 Q And you were asked by the Prosecutor if you were -- if
6 you coordinated with The Trump Organization during that first
7 year by asking questions of The Trump Organization employees;
8 right?

9 A Yes.

10 Q The person that you coordinated with most was Rhona
11 Graff; right?

12 A Yes.

13 Q And this did not have to do with The Trump Organization
14 business; did it?

15 A No.

16 Q It had to do with his personal affairs; right?

17 A Yes, uh-huh.

18 Q For example, you needed his contact list; right?

19 A Yes, uh-huh.

20 Q You didn't know who he would want to get calls from;
21 right?

22 A That's right.

23 Q And you didn't know the phone numbers of people;
24 right?

25 A No.

1 Q And you needed his calendar from before; right?

2 A I don't think I needed his calendar. But, yeah, yeah,
3 a lot of things that you would think, like, as a new executive
4 assistant you would get.

5 But there was no transition into the White House so Rhona
6 was very helpful.

7 Q So that first year you spent a lot of time talking with
8 Rhona Graff; right?

9 A Yes.

10 Q But you did not spend time talking with The Trump
11 Organization employees to coordinate business of The Trump
12 Organization; right?

13 A No, uh-uh.

14 Q It was just personal aspects for President Trump;
15 right?

16 A That's correct.

17 MS. NECHELES: Is this a good time to break, your
18 Honor?

19 THE COURT: Yes.

20 Is this a good time.

21 MS. NECHELES: Yes.

22 THE COURT: All right.

23 Jurors, we will stop at this time.

24 I will remind you to please not talk either among
25 yourselves or with anyone else about anything related to the

1 case.

2 Please continue to keep an open mind.

3 Do not form or express an opinion about the
4 defendant's guilt or innocence until all of the evidence is.

5 I have given you my final instructions on the law,
6 and I have directed you to begin your deliberations.

7 Do not request, accept, agree to accept, or discuss
8 with any person the receipt or acceptance of any payment or
9 benefit in returning for supplying any information
10 concerning the trial.

11 Report directly to me any incident within your
12 knowledge involving an attempt by any person improperly to
13 influence you or any members of the jury.

14 Do not visit or view the premises or place where
15 the charged crime was allegedly committed or any other
16 premises or place involved in the case.

17 And do not use any program, or electronic device to
18 search for and view any of the locations discussed in the
19 testimony.

20 Do not read, view or listen to any accounts or
21 discussions of the case.

22 That includes the reading or the listening to the
23 reading of any transcripts of the trial, or the reading of
24 posts on any Court sites.

25 Do not attempt to research any fact, issue or law

1 related to the case.

2 Please do not communicate with anyone about the
3 case by any means, including by telephone, text messages,
4 email or the internet.

5 And please do not Google or otherwise search for
6 any information about the case, or the law which applies to
7 the case, or the people involved in the case.

8 I will see you tomorrow at 9:30.

9 Have a good night.

10 THE COURT OFFICER: All rise.

11 (Jury exits.)

12 *****

13 THE COURT: Please be seated.

14 Thank you.

15 You may be seated.

16 Thank you. You can step down.

17 Thank you.

18 (Witness excused,.)

19 *****

20 THE COURT: All right. Let's take ten minutes and
21 then we will pick it up with Mr. Blanche.

22 MR. BLANCHE: Yes, your Honor.

23 (Recess taken.)

24 THE COURT: Mr. Blanche, I understand that there
25 are three different issues that you want to take up?

1 MR. BLANCHE: Well, yes, your Honor. Although the
2 good news is that there is now only two.

3 THE COURT: All right.

4 MR. BLANCHE: My understanding is that -- well, the
5 People informed me that they no longer intend to call
6 Ms. McDougal.

7 So that will -- we no longer need to discuss that.

8 THE COURT: Okay. Good.

9 MR. BLANCHE: The other two issues -- the first
10 is with respect to the Gag Order as it relates to
11 Ms. Daniels.

12 We ask that President Trump be allowed to respond
13 publicly to what happened in court the past day and a half.

14 And this will tie into the motion that I'm about to
15 make for a mistrial.

16 But the press reporting over the past 24 hours
17 about -- about what -- about the current version of the
18 story that we believe is completely false, and that
19 President Trump has said is completely false since the first
20 time it has been mentioned, is completely different in kind
21 than the denials and the story that has come forward as far
22 back as 2011, as 20 -- 2018.

23 And it is significant because, for example, on the
24 news last night, there was -- and this is just one example,
25 and there are many -- one of the supposed participants in

1 that evening, the friend of Ms. Daniels who supposedly was
2 returned -- she got a phone call from the room that there
3 was testimony about.

4 THE COURT: Yes.

5 MR. BLANCHE: She was on television last night
6 talking about what happened and also corroborating what
7 Ms. Daniels said.

8 This was on a political show with political
9 commentators then commenting about the seriousness of,
10 again, this new, false allegation; right.

11 So it's not -- this isn't President Trump, again,
12 being able to say this never happened; this isn't true.

13 It's now him having to not be able to respond to
14 this new version of events that now deals very deeply with a
15 very different issue than a sexual event that took place in
16 2006.

17 And so, you know, as we said repeatedly, and I'm
18 not going to dwell on it, but, you know, this is about: He
19 needs an opportunity to respond to the American people.

20 And the reasons for the Gag Order as they relate to
21 Ms. Daniels are over.

22 She's no longer a witness.

23 And as it relates to other witnesses in the case,
24 your Honor, we are towards the end of the case, I can be
25 corrected by the People, but I believe that the only

1 significant witness left -- that's the wrong word, the only
 2 witness that is really the subject of the Gag Order is
 3 Mr. Cohen.

4 And so, as far as the Court's concern about this
 5 proceeding, it should give way to the testimony of the past
 6 couple of days.

7 I mean, he's going to be asked repeatedly over the
 8 next week or two about these new accusations of consent and
 9 of what happened that night.

10 And as the Gag Order stands now, he's not allowed
 11 to say I did not do that.

12 So there are voters out there and there are
 13 questioners who will ask him questions about it, and he
 14 can't say anything.

15 His -- the other side can say things. And they
 16 already have.

17 There are numerous news articles about it. Many
 18 articles, your Honor, today just based on yesterday.

19 (Indicating.)

20 I haven't checked the news today.

21 But there is no doubt that there will be a feature
 22 of political shows tonight and articles and it cannot be
 23 that he cannot respond to that, your Honor, now that she's
 24 off the stand, especially because this isn't just the same
 25 story that has been going around for the past several years.

1 It's much different.

2 And so we would ask that he be removed from the Gag
3 Order as it relates to Ms. Daniels and that he be able to
4 respond.

5 THE COURT: All right. Let me hear from the
6 People.

7 MR. CONROY: Thank you, Judge.

8 And it seems as though the other side lives in
9 almost an alternate reality.

10 First of all, there is not another side out there.
11 There is a proceeding here that this Order is designed to
12 protect.

13 And I think it has been somewhat effective thus
14 far.

15 And I think we have to look back as to why it was
16 issued in the first place, to put in context what's going on
17 here.

18 This Order was issued to protect the witnesses, the
19 citizens participating as jurors, all the people
20 participating in this proceeding, and the very proceeding
21 itself.

22 This is where facts are brought out.

23 This is where, if somebody wants to respond to
24 something that's said in this room, that can happen in this
25 room. It's not supposed to happen out there.

1 There are people out there saying things about
2 Ms. Daniels and other witnesses, clearly saying them with
3 the defendant in mind.

4 I'm not in a position to say that it's at his
5 direction or anything close to that.

6 But there are people making the defendant's case
7 for him out in the world.

8 We have been told repeatedly by witnesses, even in
9 the courtroom, even on the stand, we have seen the fear in
10 some of these witnesses.

11 The witness who just testified, a couple of times
12 broke in because there was an exhibit displayed on the
13 screen that had her home address.

14 And you could see the fear in her eyes when that
15 happened.

16 It was luckily not displayed to the public. And
17 that's because of what this defendant is doing. It's what
18 he has done in the past.

19 It's why this Order was issued. The Order was not
20 issued lightly.

21 It was issued after we developed an extensive
22 record relating to the attacks this defendant mounts
23 indiscriminately for anyone that he deems worthy of his
24 venom.

25 He does it selfishly, with no concern about the

1 safety of the people he is attacking.

2 And, unfortunately, we have seen the results.
3 Among the evidence the People submitted, in a room that
4 formed the basis of the two Orders restricting extrajudicial
5 statements, was evidence of the significant safety
6 consequences of the defendant's public attacks.

7 We submitted an affidavit from the head of the
8 DANY -- the DA's Office Executive Protective Detail about
9 the explosion and threat cases logged by the NYPD against
10 the DA, his family, members of the Prosecution, their
11 families.

12 Your Honor has seen firsthand, as I talked about
13 the very real consequences for witnesses when they express
14 fear in the courtroom.

15 I had a conversation with a witness last night, a
16 custodial witness, somebody who is coming in to put in
17 records who is concerned about safety.

18 And that's not the only witness like that. They
19 are not witnesses who have a huge stake in this. And they
20 are worried about it.

21 The fact that witnesses are brave enough to come in
22 here, under subpoena, tell the truth under oath, shouldn't
23 expose them to this defendant's barrage of threats that will
24 put them and potentially their families in danger.

25 Modifying this Gag Order now, in the middle of

1 trial, would signal to future witnesses that they could be
2 at risk as well.

3 In affirming the D.C. Court's Gag Order in the D.C.
4 criminal case, the D.C. Circuit relied on exactly this
5 point.

6 That Court held, and I quote here: "Common sense
7 and common human experience teach that hostile messages
8 regarding evidentiary cooperation that publicly relate to
9 high profile witnesses have a significant likelihood of
10 deterring, chilling or altering the involvement of other
11 witnesses in the case itself."

12 "The undertow generated by such statements does not
13 stop with the named individual. It is also highly likely to
14 influence other witnesses."

15 Here, we have other witnesses. We have a jury.
16 This is a proceeding that's going on.

17 Some of these Orders have involved proceedings
18 where we weren't even on trial yet. Here we are on trial.

19 This Order is not designed just to protect the
20 witness until they are done on the stand and then they walk
21 out the door and they have no protection.

22 And it's not just designed to protect the
23 proceeding part of the way.

24 I also just wanted to point out, we saw a quote
25 from this defendant an hour and a half ago that sort of

1 addressed that exact point.

2 He said: "You attack people because other people
3 see you doing it, and it sends a message."

4 That's his words on that screen today. And that's
5 what he's doing here.

6 Modifying the Gag Order now to allow the defendant
7 to attack Ms. Daniels -- and that's what he wants to do,
8 let's not pretend he wants to engage in high-minded
9 discourse.

10 And to thereby put her at risk would seriously risk
11 jeopardizing the integrity of these proceedings.

12 We understand -- well, I will leave it there.

13 Thank you.

14 THE COURT: All right.

15 MR. BLANCHE: I mean, Judge, just briefly.

16 Everything that you just heard is different in kind
17 from our request.

18 We are not talking about all kinds of threats that
19 witnesses may be hearing from others, besides President
20 Trump or a witness' concern for her safety testifying or his
21 safety testifying in this environment, which is
22 understandable, having nothing to do with President Trump.

23 What we're saying is that in this case, on a
24 narrowly-tailored Gag Order, the Court should constantly be
25 making sure that its terms should remain in effect.

1 And you have Ms. Daniels, who came in here
2 yesterday and today, and was allowed to talk about a
3 completely different version of events.

4 And, yes, we discredited her. And I am going to
5 turn to that in minute.

6 THE COURT: When you are saying a completely
7 different set of events, what specifically are you referring
8 to?

9 MR. BLANCHE: Your Honor, there are several.

10 THE COURT: Look, just give me the main one.

11 MR. BLANCHE: I will give a handful.

12 So, for example, she testified at Transcript
13 Page 2610 yesterday about the incident, where she said: "At
14 first I was just startled. Like jump scared. I wasn't
15 expecting someone to be there. He's, essentially, minus a
16 lot of clothing. That's when I had this moment where I felt
17 the room spin in slow motion. I felt the blood basically
18 leaving my hands and my feet and almost like if you stand up
19 too fast, and everything kind of spins. That happened it
20 too. Then I just thought, oh, my God, what did I misread to
21 get here? Because the intention was pretty clear."

22 Now, what she had previously said and, again, now
23 I'm getting more to the mistrial motion, but the only reason
24 why her testimony was admissible, according to the Court's
25 ruling prior to trial, was to President Trump's motive and

1 intent, the coconspirator's motive and intent, and what they
2 knew at the time.

3 So their motive and intent was based off of, among
4 the articles and what she was saying publicly at the time,
5 which is that: "Ugh, here we go. We started kissing. I
6 hope he doesn't try to pay me."

7 Okay.

8 THE COURT: So I don't understand how that's a
9 different alternate set of facts?

10 MR. BLANCHE: One is about consent and one is not,
11 your Honor.

12 I mean, that's the issue, your Honor.

13 One is about --

14 THE COURT: Right. So there is some crossover
15 between this and the motion for a mistrial.

16 I'm trying to keep it narrow. I'm trying to deal
17 with just one issue at a time.

18 I know that there will be crossover.

19 So let me address this first issue, and then I will
20 hear you on the second one.

21 MR. BLANCHE: Understood.

22 The other -- another example of something that we
23 heard on the stand today, but is not part of what was
24 previously said about this incident and what happened next,
25 briefly, this is Transcript Page 2611 to 12: "I think I

1 just -- I just think I blacked out. I was not drugged. I
2 never insinuated that I was on drugs. I was not drunk. I
3 never said anything of that sort. I just don't remember."
4 And then, very shortly later, Transcript Page 2613 --

5 THE COURT: I'm going to stop you just in the
6 interest of time.

7 You will be able to make your arguments for the
8 motion for a mistrial.

9 I want to stick, again, just to this first issue.
10 I don't see what you are referring to as a new set of
11 facts, as a new theory of the case.

12 Please have a seat.

13 MR. BLANCHE: Yes, your Honor.

14 THE COURT: Look, in response to your request that
15 I modify the Gag Order so that your client can respond to
16 Ms. Daniels.

17 It's interesting what Mr. Conroy said because I
18 actually wrote the same thing down when I was reading that
19 portion of the book.

20 My concern is not just with protecting Ms. Daniels,
21 or a witness who has already testified, my concern is with
22 protecting the integrity of these proceedings as a whole.
23 That means that everybody sees what happens. Witnesses who
24 have not yet testified will see what happens. They will see
25 how witnesses who have testified are going to be treated by

1 your client.

2 So the portion that I wrote down was where your
3 client is attributed with saying "because other people will
4 see you doing it." And that's my concern.

5 Other witnesses, including not only Michael Cohen,
6 but these other witnesses that Mr. Conroy referred to
7 will see your client doing whatever it is that he intends to
8 do.

9 And I can't take your word for it that, no, no,
10 this is going to be low key, this is not going to be an
11 attack, this is just going to be a response to what was said
12 because that's just not the track record.

13 The reason why the Gag Order is in place, to begin
14 with, is precisely because of the nature of these attacks.
15 The vitriol, these were very real, very threatening attacks
16 on potential witnesses.

17 So the track record, your client's track record
18 speaks for itself.

19 I can't take your word for it that he will just
20 say, hey, I dispute the facts.

21 Now, I continue to be concerned about the witnesses
22 using the Gag Order as a sword instead of a shield.

23 And I will continue to be mindful of that.

24 And I will continue to keep an eye out for that,
25 but that's not what I see happening here right now.

1 And that's not the argument that I see you making.
2 So with regard to your application for me to modify the Gag
3 Order to allow your client to respond to Ms. Daniels, that
4 application is denied.

5 I will hear you on the motion for a mistrial.

6 MR. BLANCHE: Your Honor, we started this
7 conversation yesterday.

8 I made a motion yesterday, and I am making another
9 motion today.

10 We are also prepared, if it's helpful to the Court,
11 as we go through this, to put something in writing over the
12 weekend that further articulates why we believe that there
13 is simply no way that this case should go forward given the
14 testimony that happened -- the past day with Ms. Daniels.

15 It's worth -- we mentioned it yesterday, but it's
16 worth mentioning it, that in your Honor's decision of
17 March 18th on Page 4.

18 When you are explaining why Ms. Daniels testimony
19 is admissible at this trial.

20 You, the Court says: "Daniels not only completes
21 the narrative of events that precipitated the falsification
22 of business records, but is also probative of the
23 defendant's intent."

24 "Further, the evidence and testimony surrounding
25 these individuals is inextricably intertwined with the

1 narrative of events and is necessary background for the
2 jury.

3 We then, thereafter, your Honor, put in a motion
4 for an adjournment based upon, in part, on Ms. Clifford's
5 recent change of story.

6 And we alerted the Court and the Government that
7 Ms. Daniels was now making additional claims, contradicting
8 her previous claims that were made at the time that the NDA
9 was entered into, claiming that the -- that this, you know,
10 again, completely made-up encounter with President Trump may
11 have been non-consensual.

12 And we got that from the documentary that was
13 recently released and from a few pages of notes from
14 December when the People met with Ms. Daniels and gave us
15 the notes.

16 And then, as the Court knows, before the testimony
17 started, we objected again.

18 And the Court allowed -- indicated it would allow
19 testimony about it, but said that it was fine, but we don't
20 need to know the details of the intercourse and
21 Ms. Hoffinger said that's correct.

22 And then what proceeded to happen was a whole host
23 of questions that went way beyond just mere fact that it
24 happened.

25 And it included questions from the transcript at

1 Page 2592 asking about the fact that Ms. Daniels had a
2 difficult time growing up.

3 And, again, that was objected to and it was
4 sustained, but that's a question that should have never been
5 asked.

6 And then questioned about President Trump
7 spanking -- being asked to be spanked during the incident.
8 Again, how that's relevant to why we're here, when you --
9 especially when you weigh it and compare it to the
10 prejudicial nature of that sort of testimony.

11 It almost defies belief that we're here about a
12 records case and the Government is asking questions about an
13 incident that happened in 2006, which we deny even happened,
14 and a series of questions about rolling up a magazine and
15 spanking him.

16 The Court then warned the Government at the break
17 and said that the degree of detail that we're going into
18 here is unnecessary. We don't need to know the details,
19 what the suite looked like or anything like that. Please
20 move along more quickly.

21 And the Government said, Okay.

22 They did not do that, your Honor.

23 Instead, they -- there was extensive testimony --
24 and, again, this is extremely prejudicial testimony.

25 This is not a case about -- this is not a case

1 about sex.

2 This isn't a case about whether that incident took
3 place or didn't take place, presumably, the NDA can be
4 entered and was entered. We completely denied it. Ms.
5 Daniels said it happened.

6 The NDA was entered, whether it happened or not has
7 nothing to do with the charges in this case.

8 And it continued on, at Page 2609 of the
9 transcript, there was a question asked about what the inside
10 of the bathroom looked like; right.

11 And you will hear, your Honor, when I'm just
12 highlighting some of the questions that were asked, this
13 isn't at witness that was out of control. This was a
14 question that was answered in response to the Government's
15 question of what the bathroom looked like inside; and she
16 answered the question.

17 A little bit later on, I already read it to the
18 Court in response to the Gag Order, the question was: "What
19 was your reaction to seeing him like that?"

20 Now, before the -- before the witness took the
21 stand, there was direction given by the Court about limiting
22 that.

23 There was additional direction by the Court after
24 the break about moving expeditiously through this.

25 And there is an open-ended question about what your

1 reaction was to seeing him like that.

2 There is a very long answer that, again, is
 3 completely different than the story that Mr. Cohen, that AMI
 4 knew about, Dylan Howard, Gina Rodriguez, the story that
 5 they had been told about in 2016 when they were presumably
 6 negotiating and determining what -- whether to pay for this
 7 story, that's not the story that they were told.

8 So it's not relevant, and it shouldn't have been
 9 asked.

10 And I already read that. I'm not going to reread
 11 it again.

12 And then it didn't stop there. Page 2610 of the
 13 transcript, onto Page 2611, there is a long question about
 14 what happened when she exited the bathroom.

15 And this is where, again, she said something not
 16 anywhere near the story that was told supposedly to
 17 Mr. Cohen.

18 She says: "I went to step around. I laughed
 19 nervously. Tried to make a joke out of it. And to step
 20 around to leave. Even though I was moving like I was in a
 21 funhouse, like slow motion. I thought to myself, great. I
 22 put myself in this bad situation. Like, what did I do? How
 23 did I misread everything? He stood up between me and the
 24 door. Not in a threatening manner. He didn't come at me.
 25 He didn't rush at me. He didn't put his hands on me or

1 nothing like that. I said, I got to go. He said, I thought
2 we were getting somewhere. We were talking. I thought you
3 were serious about what you wanted, if you ever want to get
4 out of that trailer park."

5 Now, again, that is a power description.

6 That is an extremely prejudicial statement by a
7 witness that was never said to -- there is no evidence that
8 that was said to AMI. There was no evidence that that was
9 said to Mr. Cohen.

10 There was no evidence that that had anything to do
11 with the motive of anybody involved in this case to enter
12 into that NDA in 2016.

13 On the other hand, it's just extraordinarily
14 prejudicial for a jury to hear.

15 Shortly thereafter, 2611 to 12, the question is:
16 "What happened next, briefly?" Okay. There has already
17 been testimony -- the Court was clear with the Government to
18 not go into more than just the fact that it happened.

19 But they didn't abide by the Court's rules.

20 "What happened next?"

21 And the witness says, "I think I blacked out. I
22 wasn't drunk. I just don't remember."

23 And then there was the questions that we talked
24 about yesterday, about how the size. How tall was he.

25 So there is a question: "So he was standing up and

1 you were standing up. What were your relative heights?"

2 How is that relevant to this case? That is so
3 prejudicial.

4 And so incredible for a jury to hear the Government
5 ask a witness talking about what she's now saying is a power
6 move by the person who she's having sex with, okay.

7 And the DA says: "Well, what were your heights?
8 Knowing the answer.

9 Now, we didn't know the answer because we didn't
10 get any notes from their prep except for one from December,
11 but they knew the answer because there was no surprise when
12 she said, I'm 5'6"; I don't know how tall he was, but
13 several inches taller and much larger."

14 Okay. Now, and then there was a question about the
15 -- whether a, at 2613, about whether she felt threatened and
16 the answer was, "No. Not physically."

17 And then she describes how threatened she felt.
18 "Although I did note there was a bodyguard right outside the
19 door. There was an imbalance of power for sure."

20 I mean, that is -- I mean, you have jurors who are
21 now hearing about an imbalance of power between a man and a
22 woman.

23 And none of that information is information that
24 goes to the motive of anybody in this case, including
25 President Trump, because it's not any information that she

1 was saying at the time, which is the only reason that
2 evidence is coming in, your Honor.

3 And, then, even though your Honor had said that,
4 clearly, that that's fine -- this is the transcript at Page
5 2511, before the witness took the stand -- "We don't need to
6 know the details of the intercourse." But the People still
7 asked.

8 And then the People said: "Can you very briefly
9 describe, you know, where you had sex with him?"

10 She describes it. In detail. Right. And I'm not
11 going to read all of the whole answer. But it's 2613 and
12 14.

13 And, again, I don't know what -- I mean, our
14 understanding of the Court's motion in limine for why this
15 evidence was coming in and then your Honor's instructions,
16 there was no basis for the Government to ask that question,
17 given what the testimony was offered for, your Honor.

18 And then the People didn't stop there.

19 They asked whether she remembers how her clothes
20 came off. And the answer was no.

21 And the question -- and, again, presumably the
22 Government knows this is coming -- says is that a memory
23 that has not come back to you?

24 Again, that is so prejudicial to suggest that there
25 was an event where -- again, I mean, nothing to do with this

1 case and why we're here.

2 And the answer, that was an objection sustained,
3 but it's the question that should never have been asked.
4 Thereafter, the Government wouldn't stop.

5 They said: "Do you have a recollection of feeling
6 something unusual that you have a memory of?"

7 There is no reason for that question, your Honor.
8 That should not have been asked.

9 And, you know, we didn't know these questions were
10 coming. We didn't know.

11 And that's, you know, we had a sense from her
12 documentary that she was changing her story.

13 And we alerted the Court and we alerted the
14 Government, but we were sitting here hearing that for the
15 first time on the witness stand yesterday.

16 And then, finally, at 2615: "What, if anything,
17 did you remember other than the fact that you had sex on the
18 bed?"

19 The answer, I was staring at the ceiling. I didn't
20 know how I got there. I made note like I was trying to
21 think about anything other than what was happening there."

22 THE COURT: And there was an objection and it was
23 sustained.

24 MR. BLANCHE: Excuse me, your Honor?

25 THE COURT: And there was an objection and it was

1 sustained.

2 MR. BLANCHE: Judge --

3 THE COURT: In fact.

4 MR. BLANCHE: Judge --

5 THE COURT: In fact, after many of these anecdotes,
6 there were objections and they were sustained.

7 MR. BLANCHE: There was an objection and it was
8 sustained.

9 That doesn't excuse the conduct. And doesn't
10 excuse the questions being asked. Especially with your
11 Honor's ruling, especially knowing full well that the jury
12 hears the question; hear's the answer; and then objection is
13 sustained.

14 I mean, Judge, that's why this type of evidence is
15 so is dangerous and so prejudicial and borders on a problem
16 from the beginning, which is why the Court was very careful
17 in allowing it in for a specific purpose and, further, very
18 careful about telling the Government that they're limited in
19 what they can ask.

20 And then the questions about wearing a condom.
21 Judge, now, in that situation, the significance of that is
22 -- and, again, we didn't know this was coming.

23 But a few minutes earlier, the questions had been
24 elicited about her job and about how and why she went to
25 work for a particular company, the only company in the

1 industry where a condom is mandatory, and so then eliciting
2 that there wasn't a condom.

3 And, again, that has nothing to do with the false
4 business records, but is so prejudicial. It's a dog whistle
5 for rape.

6 THE COURT: All right. I mean, let me hear from
7 the People, please.

8 MR. BLANCHE: I have many, many more, but I will
9 stop.

10 THE COURT: I appreciate that, but let me hear from
11 the People.

12 MR. STEINGLASS: Okay. So that was a lot that
13 Mr. Blanche said.

14 Most of it just flat out untrue. Starting with the
15 fact that this is a new account.

16 This is not a new account.

17 This account has been documented in many previous
18 interviews, which the defense has had access to, and used
19 somewhat effectively and somewhat misleadingly on
20 cross-examination.

21 Not the least of which is, at least half the things
22 that Mr. Blanche has said that they didn't know was coming
23 are included in the exhaustive-typed interview notes that
24 were taken in a December interview with Ms. Daniels.

25 And shared with counsel promptly after that

1 interview.

2 Those details were elicited in the Anderson Cooper
3 interview.

4 They were elicited in numerous other interviews,
5 all of which the defense has access to.

6 So the claim of ambush is just nonsense.

7 The claim of changing the story is also
8 extraordinarily untrue.

9 There may be, as with any witness recounting a
10 story, details that are said in one forum, but not in the
11 another forum.

12 Things that were, you know, omitted in an interview
13 that was given for entertainment purposes versus an
14 interview that was given for, you know, a more fulsome
15 interview with Anderson Cooper in 2018 versus an interview
16 in preparation for trial testimony, which is more detailed
17 than any of those things, versus a documentary.

18 All of which the defense has had access to.

19 So our first point here is that this is not a
20 change of story, as they have tried to characterize it.

21 Second of all, to the extent that there were
22 inconsistencies, Ms. Necheles -- certainly Ms. Necheles
23 certainly probed them in her very narrow, but somewhat
24 misleading cross-examination.

25 You will remember that she, in an attempt -- she

1 attempted to impeach Ms. Daniels with three or four
 2 inconsistencies or omissions from the Anderson Cooper
 3 interview, which were allowed.

4 We attempted to put in the rest of that interview
 5 to show just how similar her testimony was to the account
 6 that she gave Anderson Cooper in 2018.

7 And I'm not going to reargue the ruling, I
 8 understand the Court's ruling on that.

9 But the fact of the matter is, is Ms. Necheles led
 10 a very misleading impression, as Mr. Blanche is doing now,
 11 that her story has somehow become radically different from
 12 the way that it always was.

13 So moving on to the actual mistrial motion.

14 It has always been the People's contention that the
 15 details in this case, the details of the two-hour
 16 conversation that Ms. Daniels had with the defendant in the
 17 living room and the dining room of his hotel room in
 18 Harrah's corroborate her account.

19 They corroborate, A, the fact that sex happened,
 20 which increases the motivation to silence her.

21 I will point out a few things.

22 Well, the point here is that the details of her
 23 story both before and during the sexual act corroborate her
 24 story.

25 That is the -- those are the kind of details that

1 make her account more credible.

2 Now, the defense has gone through great lengths to
3 try to discredit her, to try to claim that the sex never
4 happened.

5 And, incidentally, if they wanted to offer
6 testimony of the fact that the sex never happened, that's
7 their prerogative.

8 However, they have -- they opened on, and this is
9 page 96 of the transcript, referring to Stormy Daniels:
10 "She was paid so she would not spread false claims about
11 Mr. Trump."

12 They opened also on Page 905 to 906 of the
13 transcript: "Ms. Clifford has publicly denied any improper
14 relationship in writing."

15 Page 906 of the opening: "Her testimony will be
16 salacious."

17 Now, this is all coming from the defense.

18 And so, they are basically trying to have their
19 cake and eat it too.

20 They are trying to discredit Ms. Daniels by
21 claiming in their opening that her story is false and then
22 preclude the People from eliciting the very details that can
23 corroborate that account because they have the ring of
24 truth.

25 Ms. -- Mr. Blanche gives a couple of examples and

1 thinks that these questions were totally out of left field.
2 For example, he raises the question about the spanking
3 incident that Ms. Daniels relayed during her testimony.

4 And Ms. Daniels also testified that when she came
5 out of the bathroom in Mr. Trump's -- the bathroom off of
6 Mr. Trump's bedroom, that he was lying on the bed and the
7 first thing that went through her head was: "How did I
8 misread this."

9 How did I misunderstand these clues?

10 How did I think this was about a business meeting.
11 And you can bet that if we didn't draw the sting and elicit
12 the spanking incident, that Ms. Necheles would have
13 cross-examined her, oh, really, you spanked him? You didn't
14 think that there was anything sexual about that?

15 So we needed to give her a chance to explain that,
16 to prevent them from undermining her credibility.

17 Similarly, Mr. Blanche complains about eliciting
18 the fact that Mr. Trump did not wear a condom during their
19 sexual encounter doubt.

20 Now, if you remember the testimony, and part of the
21 reason the testimony was elicited about the conversation
22 that preceded the sexual encounter, is that Mr. Trump
23 seemed -- asked a lot of questions about the testing in the
24 adult film industry: How often the testing happens, whether
25 performers are required to wear condoms, et cetera,

1 questions about that.

2 And the reason -- the reason that that's relevant
3 is because it explains his decision to not wear a condom.

4 And the fact that testimony about him not wearing a
5 condom comes out is because the description of the
6 conversation that she had with Mr. Trump, again,
7 corroborates her story.

8 So what seems like a detail that is insignificant
9 and irrelevant to Mr. Blanche is not as Ms. Necheles' cross
10 made perfectly clear.

11 Cherry-picking the details that she thought were
12 inconsistent and omitting the details that have always been
13 consistent.

14 So the overarching point here is that the details
15 are essential to give the jury the tools they need to
16 analyze her credibility.

17 And presenting only a generalized account
18 undermines her reliability as a witness because it affects
19 her ability to perceive and remember these details.

20 And Mr. Blanche complains about the fact that these
21 details are messy.

22 But the point is, and Mr. Blanche says, well, she
23 never said any of this to Michael Cohen or AMI in 2016.

24 She didn't speak to Mr. Cohen or AMI in 2016. But
25 you know who knew what happened in that room? Mr. Trump

1 knew.

2 And those details of what happened in that room,
3 those messy details, that is motive.

4 That was Mr. Trump's motive to silence this woman
5 before she could tell her story, in 2016, less than a month
6 before the election.

7 So these are not -- this is not irrelevant.

8 Mr. Trump was aware of those details.

9 And the fact that the testimony is prejudicial and
10 messy, according to Mr. Blanche, that is why Mr. Trump tried
11 so hard to prevent the American people from hearing about
12 this.

13 Notwithstanding all of that, we went out of our way
14 to eliminate the most salacious details in order to avoid
15 embarrassing the defendant, even though some of those
16 details are highly corroborative.

17 And you know there was a fair amount of detail
18 elicited about the room outside, the conversation, the
19 two-hour conversation that Ms. Daniels had with Mr. Trump.

20 But do you know where there was not a lot of detail
21 elicited? The actual sexual encounter.

22 By my count, there are about eight questions about
23 it.

24 Most of them are yes or no answers.

25 There is no opportunity for long explanations about

1 it.

2 We tried very hard to respond to your Honor's
3 efforts to pull back the testimony and to not have fulsome
4 description of the actual sexual act.

5 And, you know, despite the fact that the details of
6 that sexual act would corroborate her story, they were not
7 elicited.

8 I will give you an example.

9 I believe your Honor sustained the objection here,
10 at one point Ms. Daniels was asked, you know: "Did you feel
11 anything unusual?"

12 Now, the answer to that question was going to be:
13 "I felt what it felt like to feel the skin of a 60-year old
14 man. I was 27 years old. And that was a different -- that
15 was different than anything I had ever felt before."

16 Now, that's the kind of detail that would
17 corroborate her account of having a sexual interaction with
18 the defendant, but was not elicited.

19 Your Honor sustained the objection.

20 There are other details that I don't want to put on
21 the record.

22 I'm happy to make an ex parte or not an ex parte, a
23 sealed record about some of the very salacious details that
24 were deliberately omitted, notwithstanding the fact that
25 they are highly corroborative because we did not have the

1 desire to embarrass the defendant.

2 So Mr. Blanche in his application is conflating the
3 significant level of detail that was elicited about the
4 pre-encounter, the conversation, the relatively harmless
5 conversation that happened in the dining room and living
6 room, but not details about the sexual encounter.

7 And that's what -- the adjustment that we made to
8 be responsive to your Honor's concerns that we not go too
9 far into the details of the sexual encounter.

10 I'm going to say one more thing about this, which
11 is the argument -- this argument was thoroughly briefed by
12 the defense in their endeavor to keep this testimony out as
13 well as similar testimony about Karen McDougal and Dino
14 Sajudin.

15 And, by the way, about Karen MacDougal, we didn't
16 change our minds about calling her.

17 She was on our witness list, but we had never
18 indicated an actual intention to call her. I am just
19 correct correcting Mr. Blanche.

20 We had never affirmatively indicated that we were
21 going to call her. She was like many people on our witness
22 list.

23 Anyway, back to what I was saying.

24 This issue was thoroughly briefed. And the Court,
25 mindful of the potential prejudice, limited the details of

1 the Karen McDougal and Dino Sajudin story to just the fact
2 of the allegation and not the underlying details, but did
3 not make a similar limitation on the Stormy Daniels story
4 because, as the Court recognized, it was so intertwined with
5 the motive to silence her.

6 I'm just going to read very briefly it from your
7 Honor's ruling."

8 THE COURT: Which ruling are you referring to?

9 MR. STEINGLASS: I'm referring to your decision on
10 the defendant's motion in limine, which is at Page 3 and 4,
11 I believe, the decision was issued on March 18th or 19th.

12 What your Honor wrote was: "In the instant matter,
13 testimony from or regarding Sajudin, McDougal and Daniels
14 may be introduced.

15 The probative value of the evidence is evident.
16 For example, the actions of the three individuals allegedly
17 flow directly from the 2015 meeting at Trump Tower where
18 Pecker, Cohen and defendant were present.

19 Their testimony qualifies under several of the
20 Molineux exceptions."

21 I'm skipping a little bit.

22 "Locating and purchasing the information from
23 Daniels not only completes the narrative of events that
24 precipitated the falsification of business records, but is
25 also probative of the defendant 's intent."

1 "Further, the evidence and testimony surrounding
2 these individuals is inextricably intertwined with the
3 narrative of events and is necessary background for the
4 jury."

5 Your Honor went on to distinguish between Karen
6 McDougal and Dino Sajudin.

7 However, when carefully balancing the probative
8 value of testimony against the potential for undue
9 prejudice, the Court believes that the testimony from or
10 about Sajudin and McDougal must come with some limitations.
11 "Unless the People provide a satisfactory offering of proof,
12 the testimony by or about Sajudin and McDougal will be
13 limited to the fact of and may not explore the underlying
14 details of what allegedly transpired between those
15 individuals and the defendant."

16 And we honored that ruling.

17 That limitation did not apply to Stormy Daniels,
18 although the defense asked that it did.

19 I'm only saying this to say that we feel that we
20 have very faithfully adhered to your Honor's rulings and
21 even took additional details out of the questions that we
22 had planned on asking Ms. Daniels as a result of your
23 Honor's -- the conversation that we had at the bench before
24 she began testifying, when the defense renewed their motion.

25 All of this to say is that the defense has not

1 alleged anything remotely approaching grounds for a
2 mistrial.

3 And their motion should be denied.

4 THE COURT: Thank you.

5 All right. Following the motion --

6 (Mr. Blanche rises.)

7 THE COURT: What, Mr Blanche?

8 MR. BLANCHE: Just very briefly.

9 THE COURT: Very briefly.

10 MR. BLANCHE: I mean, Judge, what they are saying
11 is not true.

12 So, for example, the People just told you that
13 Ms. McDougal was not on the witness list --

14 THE COURT: I'm not going to get bogged down on
15 that.

16 MR. BLANCHE: But, Judge --

17 THE COURT: It's not relevant to this motion.

18 That's why I'm saying, very quickly, whether she
19 was going to be called or not going to be called has nothing
20 to do with this motion for a mistrial.

21 MR. BLANCHE: But it does, your Honor.

22 THE COURT: No, it doesn't.

23 I am making the ruling, and I decide whether it
24 does or it doesn't.

25 I'm telling you it doesn't.

1 Please have a seat so that I can render my
2 decision.

3 Following your motion for a mistrial on Tuesday, I
4 went back to chambers and I pulled out my decisions on both
5 motions in limine; the omnibus decision; I also looked at
6 the transcript from Tuesday's proceedings. I looked at that
7 yesterday.

8 And I went back to just make sure that everyone had
9 followed my guidelines, and that there were no
10 inconsistencies.

11 And to just make sure that no one had violated my
12 rulings.

13 After having done so, after reading, again, both
14 sets of motions, both decisions and the motions in limine,
15 the Omnibus Motion and the transcripts, I came away
16 satisfied that -- let me backup.

17 You will recall in my decisions, both in the
18 motions in limine and the omnibus motions, that while I did
19 decide on many of the issues, there were some that I said we
20 are going to have to see how the evidence comes in.

21 And at every trial, the evidence comes in in a
22 different way.

23 And it's very, very difficult to anticipate, so
24 sometimes a Court has to change its rulings; sometimes there
25 has to be a certain amount of flexibility.

1 Why do I say that now?

2 Because in going back to the very opening
3 statements, and I'm looking at pages 897, 905, 906, Mr.
4 Blanche, in your opening statement, you deny that there was
5 ever a sexual encounter between Stormy Daniels and the
6 defendant.

7 And, again, I direct you to Page 897.

8 Your denial puts the jury in a position of having
9 to choose who they believe: Donald Trump, who denies there
10 was an encounter, or Stormy Daniels, who claims that there
11 was.

12 Although the People do not have to prove that a
13 sexual encounter actually did occur, they do have the right
14 to rehabilitate Ms. Daniels' credibility and to corroborate
15 her story, which was immediately attacked on opening
16 statements.

17 The more specificity Ms. Daniels can provide about
18 the encounter, the more the jury can weigh to determine
19 whether the encounter did occur and, if so, whether they
20 choose to credit Ms. Daniels' story.

21 Now, there is more to say about the details.

22 You will recall that I commented on the details on
23 Tuesday.

24 And I will get to that in a minute.

25 I direct your attention to pages 2508 and 2511 of

1 the transcript, having to do with Ms. Daniels' story, but we
2 continue.

3 Ms. Necheles claimed when you made your motion for
4 a mistrial that she did not object more or earlier or more
5 frequently because she believed that my ruling at the bench
6 had prevented her from doing so.

7 That's not correct.

8 In fact, if you look at the transcript, you will
9 see that Ms. Necheles actually objected very early on.

10 Look at Page 2592.

11 So she can't say that she didn't object because of
12 my ruling when, in fact, she did object at 2592.

13 However, there were many times, not once or twice,
14 but many times when Ms. Necheles could have objected, but
15 didn't.

16 And, here, I will direct your attention to Pages
17 2598 and 2610.

18 Now, after the Court sua sponte objects, and that
19 objection had to do with the reference to the trailer park,
20 I felt that wasn't necessary.

21 I felt that there was a certain amount of prejudice
22 to that.

23 There was no objection, so I sua sponte objected.

24 I didn't want that in.

25 And then I struck it from the record.

1 Following the Court's own objection, Ms. Necheles
2 then began to object with some frequency.

3 And virtually every single one of her objections
4 was sustained.

5 And every one of her applications that the answers
6 be stricken from the record were, in fact, stricken from the
7 record.

8 And I direct your attention now to Pages 2612
9 through 2615 for that.

10 Yet, for some unexplained reason, which I still
11 don't understand, there was no objection to certain
12 testimony, which was later used in the motion for a mistrial
13 on Tuesday, and again used today.

14 For example, the mention of the condom. I agree
15 that shouldn't have come out.

16 I wished those questions hadn't been asked, and I
17 wished those answers hadn't been given.

18 But for the life of me, I don't know why
19 Ms. Necheles didn't object.

20 She had just made about ten objections, most of
21 which were sustained.

22 Why on earth she wouldn't object to the mention of
23 a condom?

24 I don't understand.

25 We continue.

1 Ms. Daniels made clear in her testimony, and I
2 direct you now to Page 2611, that she was not drunk or
3 drugged or in any way coerced.

4 Again, this is Page 2611.

5 And for some reason, I don't know why, you went
6 into it ad nauseam on cross-examination.

7 I had sustained any objections related to that.
8 The witness her herself had backed off and said, hey,
9 listen, I don't mean to suggest for a second that this was
10 coerced or forced in any way.

11 She backtracked immediately when she heard how that
12 might have sounded.

13 And for some reason, today, I don't know how much
14 time Ms. Necheles spent on this, on cross-examination,
15 drilling it over and over and over again into the jury's
16 ears.

17 I don't understand the reason for that.

18 With regard to your concerns about this, the
19 numbness in the hands and this feeling that she didn't know
20 what was going on and the room spinning, you will recall
21 that at a bench conference, Ms. Hoffinger asked that the
22 People be permitted to ask a question about a moment that
23 came years later, with what was referred to as a Bombshell
24 moment, and that that would explain a lot of the things that
25 she had not mentioned originally, that she had remembered

1 later on, and some of her emotions that she was feeling, I
2 asked Ms. Hoffinger, what are you referring to? What are
3 you talking about?

4 And she said she was specifically referring to the
5 movie Bombshell.

6 And which is, which chronicled Roger Ailes and
7 certain allegations of sexual -- of a sexual nature made
8 against him.

9 And, apparently, Ms. Daniels had watched this movie
10 years later and it was at that point that certain memories
11 came back and certain explanations came back to her for her
12 feelings.

13 I ruled immediately that that could not come in.

14 I felt that to somehow to inject Roger Ailes into
15 these proceedings would be unduly prejudicial to your
16 client and I did so even though these feelings of the
17 numbness of hands, the room spinning, the blacking out went
18 unexplained.

19 And I did that to protect your client.

20 I disagree with your narrative that there is any
21 new account here.

22 I disagree that there is any change in story.
23 What's happened is people have gone into more detail than
24 they originally planned.

25 And I do agree that certain details, although I may

1 have originally disagreed on Tuesday, certain details such
2 as the color of the floor tiles, the description of the
3 furniture in the bathroom, the weight of the furniture,
4 these details add a sense of credibility if the jury chooses
5 to believe them.

6 And the fact that you went after her right on
7 opening statements, attacking whether -- attacking, your
8 claim that they never had sex, you didn't attack that there
9 was a falsification of business records, you didn't attack
10 any of the other elements of the offense, you said my client
11 denies that there was ever a sexual encounter.

12 Again, as I said before, right off the bat, that
13 puts your client's word against Ms. Daniels' word.

14 And that, in my mind, allows the People to do
15 what they can to rehabilitate her and to corroborate her
16 story.

17 Your motion for a mistrial is denied. I will see
18 you tomorrow at 9:30.

19 (Whereupon, at this time, the matter was adjourned
20 to Friday, May 10th, 2024, at 9:30 a.m.)

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