

PART 59 JUN 20 2023

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

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

Ind. No. 71543-23

**PEOPLE'S MEMORANDUM OF LAW IN OPPOSITION TO  
DEFENDANT'S MOTION TO QUASH TWO TRIAL SUBPOENAS**

Alvin Bragg  
District Attorney  
County of New York  
One Hogan Place  
New York, New York 10013

Susan Hoffinger  
Christopher Conroy  
Katherine Ellis  
Assistant District Attorneys  
*Of Counsel*

## PRELIMINARY STATEMENT

The People of the State of New York, through the New York County District Attorney's Office (the "People"), respectfully submit this memorandum of law in opposition to defendant Donald J. Trump's May 31, 2023 motion to quash two trial subpoenas served by the People, one to Kaplan Hecker & Fink, LLP and one to the Trump Organization (the "Defendant's Motion to Quash"). As provided below, each trial subpoena was properly issued, seeking evidence that is "reasonably likely to be relevant and material to the proceedings" and is "not overbroad or unreasonably burdensome." C.P.L. § 610.20(4).

The appropriate standard to apply here, as set forth by the Court of Appeals, is that a party may properly seek documents if it is able to articulate "any theory of relevancy and materiality." *People v. Gissendanner*, 48 N.Y.2d 543, 549 (1979). *See also People v. Bagley*, 279 A.D.2d 426 (1st Dep't 2001) (party issuing subpoena must set forth factual predicate that the documents contain relevant evidence); *Matter of Constantine v. Leto*, 157 A.D.2d 376, 378 (3d Dep't 1990) (purpose of a subpoena duces tecum is to compel the production of specific documents that are relevant and material to the facts at issue in pending proceeding, and requires "some factual predicate" which would make it reasonably likely that documentary information will contain relevant evidence).

Here, where the People provide below a sufficient factual predicate showing that each subpoena seeks evidence that is reasonably likely to be relevant and material to the facts at issue in this case and is not overbroad or unreasonably burdensome, there is proper basis for each subpoena. As provided below, Defendant's Motion to Quash is unsupported by the facts or the law and should be denied in its entirety. Respectfully, this Court should compel

the parties subpoenaed to produce the requested materials.

## ARGUMENT

### I. The Kaplan Hecker Subpoena was Properly Issued

As set forth in the accompanying affirmation of Susan Hoffinger (hereinafter the “Hoffinger Aff.”), on April 4, 2023, defendant Donald J. Trump was arraigned in this Court and charged with thirty-four counts of Falsifying Business Records in the First Degree, in violation of N.Y. Penal Law § 175.10. The charges arose from defendant’s falsification of the business records of various private enterprises in New York in 2017 to conceal an illegal scheme to influence the 2016 presidential election. As part of this scheme, defendant requested that an attorney who worked for his company pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with the defendant. Defendant then reimbursed the attorney for the illegal payment through a series of monthly checks. Defendant caused business records associated with the repayments to be falsified to disguise his and others’ criminal conduct. Hoffinger Aff. ¶ 4.

On May 11, 2023, the Court advised the parties that this matter was set down for trial to begin on March 25, 2024. Hoffinger Aff. ¶ 6.

On May 15, 2023, the People served a narrowly tailored trial subpoena on the law firm of Kaplan Hecker & Fink, LLP, attorneys for E. Jean Carroll, for “[t]he full transcript, full video recording, and all exhibits related to the videotaped deposition of Donald J. Trump taken on or about October 19, 2022 in the case titled *E. Jean Carroll vs. Donald J. Trump*, 1:20-cv-07311-LAK” (the “Kaplan Hecker Subpoena”). The records sought in the Kaplan

Hecker Subpoena were returnable to this Court on May 31, 2023. Hoffinger Aff. ¶ 7; Ex.1.<sup>1</sup>

Approximately ten days before the People served the Kaplan Hecker Subpoena, on or about May 5, 2023, excerpts from the defendant's sworn videotaped deposition that were taken in *E. Jean Carroll vs. Donald J. Trump*, 20 Civ. 07311 (LAK) (S.D.N.Y.) ("Carroll I") and shown to the jury at trial in *E. Jean Carroll vs. Donald J. Trump*, 22 Civ. 10016 (LAK) (S.D.N.Y.) ("Carroll II") were released to the public. Hoffinger Aff. ¶¶ 7, 8; Ex. 2.

A review of those excerpts of defendant's videotaped deposition (Ex. 2), reveal that a number of the subject matters about which defendant testified under oath relate to facts at issue in this case and are therefore relevant and material to this proceeding. For example, defendant testified during his deposition about his statements captured on what is known as the Access Hollywood tape. Ex. 2 at 168-175. The Access Hollywood tape, released publicly in October 2016 during the course of defendant's campaign for President, features prominently in the People's case. Defendant also testified about addressing during his campaign events in October 2016 allegations of sexual misconduct by two other women. Ex. 2 at 176-192. The way in which defendant dealt with allegations of a sexual nature by women in the months leading up to the 2016 presidential election is clearly relevant to the allegations in the People's case. *See* Statement of Facts filed and served on April 4, 2023, ¶¶ 12-21.

Critically, the excerpts of defendant's videotaped deposition that were admitted in evidence at trial in Carroll II and released publicly omit portions of defendant's testimony

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<sup>1</sup> All citations to exhibits are to the exhibits filed with the accompanying Affirmation of Susan Hoffinger dated June 14, 2023.

relating to these subject matters and others that are relevant to the facts at issue in this case. Therefore, the People subpoenaed the complete transcript, video recording and related exhibits from plaintiff's counsel who took the deposition. The excerpts of the deposition shown at trial comprise only approximately 79 pages of what appears to be at least a 209-page transcript. Hoffinger Aff. ¶ 9; Ex. 2. The additional portions of defendant's testimony will provide full context for and a complete record of defendant's sworn statements and are therefore "reasonably likely to be relevant and material" to our proceeding. C.P.L. § 610.20(4). Thus, the People have provided a proper factual basis for seeking the materials in the Kaplan Hecker Subpoena.

Contrary to defendant's claim that this Court should quash the Kaplan Hecker Subpoena because of a protective order in Carroll I, Defendant's Motion to Quash ¶ 23, Judge Kaplan's orders relating to the disclosure and treatment of defendant's deposition confirm that there is no presumption that defendant's deposition testimony would remain subject to confidential treatment or under seal. Prior to the trial in Carroll II, on December 20, 2022, Judge Kaplan had issued a Protective and Confidentiality Order governing the pre-trial phases of both Carroll I and II, which states in part:

Notwithstanding the designation of material as 'confidential' in discovery, there is no presumption that such Confidential Discovery Material will be filed with the Court under seal . . . All persons are hereby placed on notice that the Court is unlikely to seal or otherwise afford confidential treatment to any Discovery Material introduced at trial, even if such material was previously designated as Confidential or sealed during pretrial proceedings.

Hoffinger Aff. ¶ 10; Ex. 3 ¶¶ 8, 9.

Consistent with those terms, Judge Kaplan subsequently ordered that various excerpts

from defendant's deposition transcript which were appended to filed papers in Carroll II be unsealed and placed in the public record. Hoffinger Aff. ¶ 11; Exs. 4, 5. In ordering the unsealing and public release of extensive portions of defendant's deposition testimony, Judge Kaplan explicitly rejected as "baseless" defendant's arguments in favor of sealing. Ex. 5 at 1. As for defendant's argument that he relied on the confidentiality of his testimony, Judge Kaplan found:

That is flatly inconsistent with the Protective Order and with this Court's published Individual Practices. The protective order itself states that "[n]otwithstanding the designation of material as 'confidential' in discovery, there is no presumption that such Confidential Discovery Material will be filed with the Court under seal." The latter state that "[t]he fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption of access to judicial documents."

Hoffinger Aff. ¶ 11; Ex. 5 ¶ 1.

Following Judge Kaplan's orders concerning the treatment of defendant's deposition testimony, both the defendant and plaintiff filed in the public record in Carroll II various excerpts from defendant's deposition. Indeed, on April 21, 2023, defense counsel Joseph Tacopina filed publicly approximately 98 pages of excerpts from defendant's deposition testimony – revealing publicly substantially more than the approximately 79 pages of excerpted testimony that were ultimately admitted in evidence at trial (Ex. 2). Hoffinger Aff. ¶ 12; Ex. 6.

On about May 9, 2023, the trial in Carroll II concluded with a jury verdict against the defendant. Hoffinger Aff. ¶ 13.

On May 24, 2023, Judge Kaplan issued an order in Carroll I indicating that defendant's deposition had previously been provided to the United States Government for its review in connection with a "substitution issue." Hoffinger Aff. ¶ 14; Ex. 7.

On May 31, 2023, defense counsel in this case moved to quash the Kaplan Hecker Subpoena as part of Defendant's Motion to Quash. Before doing so, defense counsel failed to contact the People to discuss why defense counsel believed the evidence sought by the Kaplan Hecker Subpoena -- defendant's own sworn deposition testimony -- was not "reasonably likely to be relevant and material to the proceedings" or to raise any issue of the subpoena being overbroad. C.P.L. § 610.20(4). Hoffinger Aff. ¶ 15.

II. There is no Basis to Quash the Kaplan Hecker Subpoena as Overbroad or Improper

First, defendant argues unpersuasively and without legal support that the Kaplan Hecker Subpoena is overbroad because it does not request any "specific document." Defendant's Motion to Quash ¶ 21. To the contrary, the subpoena is clearly narrowly tailored, seeking specific and limited documents -- requesting only the defendant's sworn deposition testimony and related exhibits on one date, October 19, 2022. There is simply no basis for defendant's claim that the Kaplan Hecker Subpoena is impermissibly overbroad or fails to specify particular documents sought.

Next, defendant's argument that the Kaplan Hecker Subpoena is an improper attempt to "fish for impeaching material" is similarly unpersuasive and without basis. Defendant's Motion to Quash ¶ 22. Here, where the publicly released excerpts from defendant's deposition reveal defendant's sworn testimony on subject matters that relate directly to facts at issue in this case, the evidence sought by the Kaplan Hecker Subpoena is "reasonably likely to be relevant and material" to this proceeding pursuant to C.P.L. § 610.20(4). Under the prevailing standard applied by the Court of Appeals -- that a party may properly seek documents if it is able to articulate "any theory of relevancy and

materiality,” *Gissendanner*, 48 N.Y.2d at 549 -- the People have demonstrated a proper basis for the issuance of the subpoena and therefore Defendant’s Motion to Quash should be denied.

Courts have denied motions to quash where, as here, subpoenas demand the production of specific documents relevant to a fact at issue. See *People v. Duran*, 32 Misc.3d 225, 229 (Crim. Ct. Kings Cty. 2011) (motion to quash denied where defendant’s subpoena to non-party NYPD sought surveillance videotapes “relevant and material to the defendant’s guilt or innocence”); *People v. Campanella*, 27 Misc.3d 737, 739 (Dist. Ct. Suffolk Cty. 2009) (motion to quash denied where defendant made reasonable showing that specific request to non-party Suffolk County police department for GPS records may potentially provide relevant evidence, finding subpoena was “narrowly sculpted” in pursuit of relevant information); *People v. Zanders*, 95 Misc.2d 82, 87 (Sup. Ct. Bronx Cty. 1978) (motion to quash denied as to prosecutor’s subpoena to NYC Transit Authority for portions of defendant police officer’s personnel file which pertained to evaluations for continued employment and promotion).

In contrast, the cases defendant cites in support of his argument that the Kaplan Hecker Subpoena is improper and should be quashed are clearly distinguishable from this case. In the cases cited by the defendant, the court quashed subpoenas where the issuer was improperly attempting to obtain documents specifically protected from disclosure by statute and/or did not set forth a proper factual predicate. See *Matter of Terry D.*, 81 N.Y.2d 1042 (1993) (motion to quash granted where defendant sought to obtain otherwise unavailable discovery under the Family Court Act); *Leto*, 157 A.D.2d at 378 (motion to quash granted



where defendant failed to put forth a factual predicate that the State Police Breath Test Operator's Training Course Manual contained material exculpatory evidence and the Manual was not discoverable pursuant to C.P.L. Article 240.).

Finally, defense counsel's argument that this Court should quash the Kaplan Hecker Subpoena because of the protective order in Carroll I is also meritless. Defendant's Motion to Quash ¶ 23. Judge Kaplan's December 20, 2022 Protective and Confidentiality Order governing the pre-trial phases of Carroll I and II, including the treatment of defendant's deposition, clearly notified defendant that there was no presumption that his deposition would remain subject to confidential treatment or under seal. Hoffinger Aff. ¶ 10; Ex. 3 ¶¶ 8, 9. Consistent with those terms, Judge Kaplan ordered that various excerpts from defendant's deposition transcript that were appended to filed papers be unsealed and placed in the public record. Hoffinger Aff. ¶ 11; Exs. 4, 5. Thereafter, on about April 21, 2023, defendant's counsel in Carol I and II, Joseph Tacopina, filed publicly approximately 98 pages of excerpts from defendant's deposition testimony – revealing publicly substantially more than the approximately 79 pages of excerpted testimony that was admitted in evidence at trial (Ex. 2). Hoffinger Aff. ¶ 12; Ex. 6. And on May 24, 2023, Judge Kaplan issued an order in Carroll I indicating that defendant's deposition had previously been provided to the United States Government for its review in connection with a “substitution issue.” Hoffinger Aff. ¶ 14; Ex. 7. It is apparent that Judge Kaplan's orders would not preclude Kaplan Hecker from providing defendant's complete deposition testimony and related exhibits pursuant to the lawfully issued trial subpoena.

Defendant has made no showing that an order by this Court compelling Kaplan Hecker

to comply with the People's subpoena by providing defendant's complete deposition testimony would create any issue or conflict with Judge Kaplan's orders in Carroll I and II. Indeed, Joseph Tacopina, who represents the defendant in this case as well as in Carroll I and II, or his co-counsel, could have sought guidance from Judge Kaplan on this matter prior to moving to quash -- but apparently declined to do so.

In sum, there is no basis to quash the Kaplan Hecker Subpoena as either overbroad or improper. Respectfully, the Court should deny the Defendant's Motion to Quash and issue an order compelling Kaplan Hecker to produce the materials sought.

### III. The Trump Organization Subpoena was Properly Issued

On May 11, 2023, the People served a subpoena duces tecum on the Trump Organization calling for the production of certain records by May 25, 2023 (the "May 11<sup>th</sup> TO Subpoena"). Steven Yurowitz, Esq., outside counsel for the Trump Organization, accepted service of the May 11<sup>th</sup> TO Subpoena by e-mail on behalf of the Trump Organization. *See Hoffinger Aff.* ¶ 16; Ex. 8.

In discussions on May 12, 2023, Mr. Yurowitz asked that the requests in the May 11<sup>th</sup> TO Subpoena be narrowed, and that there be a longer return date. On May 15, 2023, the People withdrew the May 11<sup>th</sup> TO Subpoena and served a new subpoena on the Trump Organization, with Mr. Yurowitz again accepting service on behalf of the Trump Organization (the "May 15<sup>th</sup> TO Subpoena"). The May 15<sup>th</sup> TO Subpoena narrowed the requests made in the May 11<sup>th</sup> TO Subpoena and extended the return date to June 30, 2023. *Hoffinger Aff.* ¶¶ 17, 18; Ex. 9.

On May 31, 2023, defense counsel moved to quash the May 15<sup>th</sup> TO Subpoena as

part of Defendant's Motion to Quash. Hoffinger Aff. ¶ 21.

Defendant's Motion to Quash should be denied because each of the People's three requests in the May 15<sup>th</sup> TO Subpoena is targeted and reasonably likely to produce evidence that is relevant and material in this criminal proceeding against the defendant.

The first request in the May 15<sup>th</sup> TO Subpoena is:

All emails between anyone who works or worked out of the building located at 725 5<sup>th</sup> Avenue, New York, NY 10022, ("Trump Tower") with a Trump Organization email address (ending @trumporg.com) and anyone with an email address ending in @who.eop.gov, for the period from January 20, 2017 to December 31, 2017.

These email communications are sought for the critical time period when the defendant and others signed the checks at issue in this case (*see* Statement of Facts ¶¶ 4, 26-34) and are reasonably likely to be relevant and material to the process by which the defendant conducted his personal business affairs while in Washington D.C., including the circumstances by which the checks at issue were processed. Defendant objects to the number of individuals at the Trump Organization and at the White House whose emails may be captured by this request. Defendant's Motion to Quash ¶ 15. But in addition to the content of the emails, the fact and number of the communications confirm the degree to which the defendant was kept informed of and involved with the operation of his personal business in New York while he was in the White House.

The second request in the May 15<sup>th</sup> TO Subpoena is:

From the period from January 1, 2017 to the present, any: (i) severance agreement; (ii) confidentiality agreement; (iii) or non-disclosure agreement in effect between the Trump Organization and one of the following individuals: Jeffrey McConney, Alan Garten, Deborah Tarasoff, Rhona Graff, Allen Weisselberg, Matthew Calamari Sr., Jason Greenblatt, Ivanka Trump, Michael Cohen, Keith Schiller, Patrick Birney, Hope Hicks, George Sorial, Ron

Lieberman, Dan Scavino, Rebecca Manochio, or Lawrence Glick.

This second request, which asks for specific documents related to a particular group of key executives and employees at the Trump Organization, is also narrowly tailored to seek evidence that is reasonably likely to be relevant and material in this case. Each of the individuals for whom these records are sought were at various times during the criminal conduct at issue employed in significant positions by the Trump Organization – the entity which had its business records falsified. A number of the identified individuals are likely to be witnesses for the People at trial. The agreements sought will confirm the nature and importance of the relationship of each of the key executives or employees with the Trump Organization and will likely reveal some material differences in certain of those relationships. The substance of the agreements will provide important context for witness testimony.

The third request in the May 15<sup>th</sup> TO Subpoena is:

For the period from January 1, 2015 through January 20, 2017: (i) all emails between Rhona Graff and Melania Trump; (ii) all emails between Rhona Graff and Keith Schiller; and (iii) all travel itineraries prepared for Donald J. Trump.

This third and final request is specifically tailored to capture communications concerning defendant's meetings and travel, and therefore likely to confirm the various individuals with whom the defendant met and where those meetings took place during the period of criminal conduct at issue in this case. The defendant argues that the People already possess defendant's written and electronic calendars for the time period specified in the subpoena. Defendant's Motion to Quash at 6, fn.3. However, based upon review of the defendant's written and electronic calendars as produced, and based on information from at least one witness, it is clear that the defendant's calendars do not capture all of the defendant's

meetings and travel during the relevant time period, and that the emails sought are likely to contain defendant's itineraries. *See Hoffinger Aff.* ¶ 20, Ex. 10. Thus, it is reasonably likely that the emails and travel itineraries sought will provide relevant and material evidence in this case.

IV. There is No Basis to Quash the Trump Organization Subpoena as Overbroad or Improper

In his Motion to Quash, defendant asserts that the May 15<sup>th</sup> TO Subpoena is overbroad, and that it is being used as a discovery tool. To the contrary, the May 15<sup>th</sup> TO Subpoena seeks evidence that is relevant and material to the facts at issue in this case, and would not impose an unreasonable burden on the Trump Organization.

As outlined above, a party may properly seek documents if it is able to articulate "any theory of relevancy and materiality." *Gissendanner*, 48 N.Y.2d at 549; *see also Bagley*, 279 A.D.2d at 426 (party issuing subpoena must set forth factual predicate that the documents contain relevant evidence); *Leto*, 157 A.D.2d at 378 (purpose of a subpoena duces tecum is to compel the production of specific documents that are relevant and material to the facts at issue in a pending proceeding, and requires "some factual predicate" which would make it reasonably likely that documentary information will contain relevant evidence). The requests in the May 15<sup>th</sup> TO Subpoena clearly meet that standard.

The defendant raises two purported issues with the May 15<sup>th</sup> TO Subpoena: first, defendant claims that the subpoena should be quashed because it does not call for "the production of *specific* documents that are relevant and material to the facts at issue in a pending judicial proceeding"; and second, defendant claims that the subpoena is being "used for the purpose of discovery or to ascertain the existence of evidence." Defendant's Motion

to Quash ¶ 14 (citations omitted).

Just as with the Kaplan Hecker Subpoena, the cases defendant cites in support of his argument that the May 15<sup>th</sup> TO Subpoena is improper and should be quashed are clearly distinguishable from this case. In those cases, the court quashed subpoenas because the issuer of the subpoena was improperly attempting to obtain documents specifically protected from disclosure by statute and/or did not set forth a factual predicate. *See Terry D.*, 81 N.Y.2d at 1045; *Leto*, 157A.D.2d at 378; *see also County of Nassau Police Dept. v. Judge*, 237 A.D.2d 354 (2nd Dep't, 1997) (motion to quash granted where the respondent failed to demonstrate that the requested materials are relevant and material to facts at issue in the pending criminal proceeding against him).

Also distinguishable from the subpoena at issue here, defendant cites a case in which the Court found the subpoena to be overbroad where there was no explanation for the time period requested. *People v. Nelson*, 75 Misc. 3d 1220(A) (Crim. Ct. Bronx Cty. 2022) (motion to quash granted where subpoena calling for any and all calls, SMS and MMS messages, and IP information for a period of over four months, where there is no explanation for why that four-month period was chosen). Defendant's Motion to Quash ¶ 15. In contrast, in the May 15<sup>th</sup> TO Subpoena, the time periods for the first and third requests are specifically tailored to the period of criminal conduct at issue, and the time period for the second request reflects the various dates of employment of the named individuals who were working at the Trump Organization during the criminal conduct at issue. Moreover, we do not expect the time period for the second request to affect the number of anticipated responsive documents for each individual listed in that request.

Unlike the subpoenas in the cases cited by defendant, each of the requests in the May 15<sup>th</sup> TO Subpoena seek relevant and material evidence for use at trial based on a sound factual predicate.

**CONCLUSION**

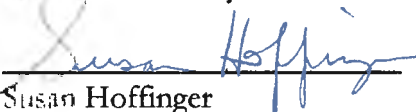
For all the foregoing reasons, the People respectfully request that the Court deny Defendant's Motion to Quash in all respects and order that 1) Kaplan Hecker & Fink, LLP produce all records requested in the People's trial subpoena, and 2) the Trump Organization produce all records requested in the People's trial subpoena.

Dated: New York, New York  
June 14, 2023

Respectfully submitted,

Alvin Bragg  
District Attorney  
New York County

By:

  
Susan Hoffinger  
Christopher Conroy  
Katherine Ellis  
Assistant District Attorneys  
(212) 335-9000

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

THE PEOPLE OF THE STATE OF NEW YORK

-against-

DONALD J. TRUMP,

Defendant.

AFFIRMATION IN  
OPPOSITION TO  
DEFENDANT'S  
MOTION TO QUASH

Ind. No. 71543-23

SUSAN HOFFINGER, an attorney admitted to practice before the Courts of this State, affirms under penalty of perjury that:

1. I am an Assistant District Attorney at the New York County District Attorney's Office (the "People"). I am assigned to the prosecution of the above-captioned case under Indictment Number 71543/2023 (the "Indictment"), and I am familiar with its facts.
2. I submit this affirmation along with the accompanying Memorandum of Law in Opposition to defendant Donald J. Trump's May 31, 2023 motion to quash two trial subpoenas served by the People (the "Defendant's Motion to Quash").
3. The facts set forth below are based on my personal knowledge, the People's records and files that pertain to this case, conversations with counsel, the proceedings herein, and open-source research regarding the related cases titled *E Jean Carroll v. Donald J. Trump*, 20 Civ. 07311 (LAK) (S.D.N.Y.) ("Carroll I") and 22 Civ. 10016 (LAK) (S.D.N.Y.) ("Carroll II").



4. On April 4, 2023, defendant Donald J. Trump was arraigned in this Court and charged with thirty-four counts of Falsifying Business Records in the First Degree, in violation of N.Y. Penal Law § 175.10. The charges arose from defendant's falsification of the business records of various private enterprises in New York in 2017 to conceal an illegal scheme to influence the 2016 presidential election. As part of this scheme, defendant requested that an attorney who worked for his company pay \$130,000 to an adult film actress shortly before the election to prevent her from publicizing an alleged sexual encounter with the defendant. Defendant then reimbursed the attorney for the illegal payment through a series of monthly checks. Defendant caused business records associated with the repayments to be falsified to disguise his and others' criminal conduct.

5. In connection with the charges in the Indictment, the People filed and served an accompanying Statement of Facts on April 4, 2023.

6. On May 11, 2023, the Court advised the parties that this matter was set down for trial to begin on March 25, 2024.

#### The Kaplan Hecker Subpoena

7. On May 15, 2023, the People served a narrowly tailored trial subpoena duces tecum on the law firm of Kaplan Hecker & Fink, LLP, attorneys for E. Jean Carroll, for "[t]he full transcript, full video recording, and all exhibits related to the videotaped deposition of Donald J. Trump taken on or about October 19, 2022 in the case titled *E. Jean Carroll v. Donald J. Trump*, 1:20-cv-07311-LAK" (the "Kaplan Hecker

Subpoena”). The records sought in the Kaplan Hecker Subpoena were returnable to this Court on May 31, 2023. *See* Kaplan Hecker Subpoena, a true and correct copy of which is attached hereto as Exhibit 1.

8. Approximately ten days before the People served the Kaplan Hecker Subpoena, on or about May 5, 2023, excerpts from the defendant’s videotaped deposition that were shown to the jury at trial in Carroll II were released to the public. *See* Nina Pullano, *Watch: Rape Accuser Makes Trump Deposition Video Public*, Courthouse News Service, May 5, 2023, <https://www.courthousenews.com/watch-rape-accuser-makes-trump-deposition-video-public>. The excerpted transcript of defendant’s deposition corresponding to the portions of the video shown to the jury was accepted in evidence at trial as Plaintiff’s Exhibit 200-T. *See* Plaintiff’s Exhibit 200-T, a true and correct copy of which is attached hereto as Exhibit 2.

9. The excerpts of the defendant’s deposition admitted and shown at trial in Carroll II (Ex. 2) comprise only approximately 79 pages of what appears to be at least a 209-page transcript.

10. Prior to trial in Carroll II, on December 20, 2022, Judge Kaplan had issued a Protective and Confidentiality Order governing the pre-trial phases of both Carroll I and Carroll II. *See* December 20, 2022 Protective and Confidentiality Order, a true and correct copy of which is attached hereto as Exhibit 3. That order states in part:

Notwithstanding the designation of material as ‘confidential’ in discovery, there is no presumption that such Confidential Discovery

Material will be filed with the Court under seal. . . . All persons are hereby placed on notice that the Court is unlikely to seal or otherwise afford confidential treatment to any Discovery Material introduced at trial, even if such material was previously designated as Confidential or sealed during pretrial proceedings.

Ex. 3 ¶¶ 8, 9.

11. Consistent with those terms, Judge Kaplan subsequently ordered that various excerpts from defendant's deposition transcript which were appended to filed papers in Carroll II be unsealed and placed in the public record. *See* January 9, 2023 Order Unsealing Previously Sealed Portion of Defendant's Deposition, and January 13, 2023 Order Unsealing Filed Portion of Defendant's Deposition, true and correct copies of which are attached hereto as Exhibits 4 and 5 respectively. In ordering the unsealing and public release of extensive portions of defendant's deposition testimony, Judge Kaplan explicitly rejected as "baseless" defendant's arguments in favor of sealing. Ex. 5 at 1. As for defendant's argument that he relied on the confidentiality of his testimony, Judge Kaplan found:

That is flatly inconsistent with the Protective Order and with this Court's published Individual Practices. The protective order itself states that "[n]otwithstanding the designation of material as 'confidential' in discovery, there is no presumption that such Confidential Discovery Material will be filed with the Court under seal." The latter state that "[t]he fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption of access to judicial documents."

Ex. 5 ¶ 1.

12. Following Judge Kaplan's orders concerning the treatment of defendant's deposition testimony, both the defendant and plaintiff filed in the public record in

Carroll II various excerpts from defendant's deposition. Indeed, on April 21, 2023, defendant's counsel Joseph Tacopina filed publicly approximately 98 pages of excerpts from defendant's deposition testimony – revealing publicly substantially more of defendant's testimony than the approximately 79 pages of excerpted testimony that was admitted in evidence at trial (Ex. 2). *See* April 21, 2023 Tacopina Letter to Judge Kaplan attaching designated portions of defendant's October 19, 2022 deposition, a true and correct copy of which is attached hereto as Exhibit 6.

13. On May 9, 2023, the trial in Carroll II concluded with a jury verdict against the defendant. *See* Benjamin Weiser, et al., *Donald Trump Sexually Abused and Defamed E. Jean Carroll, Jury Finds*, N.Y. Times, May 9, 2023, <https://www.nytimes.com/live/2023/05/09/nyregion/trump-carroll-rape-trial-verdict>.

14. On May 24, 2023, Judge Kaplan issued an order in Carroll I indicating that defendant's deposition had previously been provided to the United States Government for its review in connection with a "substitution issue." *See* May 24, 2023 Order, a true and correct copy of which is attached hereto as Exhibit 7.

15. On May 31, 2023, defense counsel in this case moved to quash the Kaplan Hecker Subpoena as part of Defendant's Motion to Quash. Before moving to quash, defense counsel failed to contact the People to discuss why defense counsel believed the evidence sought by the Kaplan Hecker Subpoena -- defendant's sworn deposition testimony -- was not "reasonably likely to be relevant and material to the

proceedings” or to raise any issue of the subpoena being overbroad. C.P.L. § 610.20(4).

The Trump Organization Subpoena

16. On May 11, 2023, the People served a subpoena duces tecum on the Trump Organization, calling for the production of certain records by May 25, 2023 (the “May 11<sup>th</sup> TO Subpoena”). Steven Yurowitz, Esq., outside counsel for the Trump Organization, accepted service by e-mail on behalf of the Trump Organization.

17. I am informed by Assistant District Attorney Christopher Conroy that on May 12, 2023, he spoke to Mr. Yurowitz about certain requests to narrow the May 11<sup>th</sup> TO Subpoena and extend its return date.

18. On May 15, 2023, the People withdrew the May 11<sup>th</sup> TO Subpoena and served a new, narrowed subpoena on the Trump Organization, with an extended return date of June 30, 2023, again with Mr. Yurowitz accepting service (the “May 15<sup>th</sup> TO Subpoena”).

19. True and correct copies of the May 11<sup>th</sup> TO Subpoena and the May 15<sup>th</sup> TO Subpoena are attached hereto as Exhibits 8 and 9 respectively.

20. Attached hereto as Exhibit 10 is a true and correct copy of notes, dated

[REDACTED] of a meeting between the [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

21. On May 31, 2023, defense counsel moved to quash the May 15<sup>th</sup> TO Subpoena as part of Defendant's Motion to Quash.

Dated: New York, New York  
June 14, 2023

  
Susan Hoffinger  
Assistant District Attorney  
(212) 335-9000

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<sup>1</sup> The notes contained in Exhibit 10 reflect grand jury material and have been produced to the defendant as "Limited Dissemination" subject to the May 8, 2023 Protective Order. As such, the People request that Exhibit 10 and the highlighted section of this paragraph describing some of the content of Exhibit 10 be redacted from the public filing of these papers.

# Exhibit 1

**DISTRICT ATTORNEY**  
**COUNTY OF NEW YORK**  
ONE HOGAN PLACE  
New York, N. Y. 10013  
(212) 335-9000



**ALVIN L. BRAGG, JR.**  
DISTRICT ATTORNEY

May 15, 2023

**VIA EMAIL**

Kaplan Hecker & Fink LLP  
Attn: Custodian of Records  
350 Fifth Avenue 63<sup>rd</sup> Floor  
New York, NY 10118

**Re: People v. Donald Trump**  
**Indictment Number: 71543-23**

To Whom It May Concern,

Enclosed please find a subpoena seeking records. These records are needed on or before **May 31, 2023**. In lieu of appearing personally with the requested documents, you may mail or deliver them to the New York County Supreme Court, Part 59, 100 Centre Street, New York, NY 10013.

Please mark the envelope containing the records as "Case #71543-23, Assistant District Attorney Susan Hoffinger, extension 9790."

If you have any questions concerning the subpoena, please call me at (212) 335-9790. Your attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan Hoffinger", written over a horizontal line.

Susan Hoffinger  
Assistant District Attorney  
212-335-9790

Enclosure



**SUBPOENA**  
(*Duces Tecum*)  
FOR A WITNESS TO ATTEND THE  
**SUPREME COURT OF THE STATE OF NEW YORK**

In the Name of the People of the State of New York

**To: Kaplan Hecker & Fink LLP**  
**Attn: Custodian of Records**

**YOU ARE COMMANDED** to appear before the **SUPREME COURT** of the County of New York, **Part 59**, at the Criminal Court Building, 100 Centre Street, in the Borough of Manhattan, of the City of New York, on **May 31, 2023 at 10:00 AM**, as a witness in a criminal action prosecuted by the People of the State of New York against:

**Donald J. Trump**

and to bring with you and produce to the Court the following records in the actual and constructive possession of Kaplan Hecker & Fink LLP:

1. The full transcript, full video recording, and all exhibits related to the videotaped deposition of Donald J. Trump taken on or about October 19, 2022 in the case titled *E. Jean Carroll vs. Donald J. Trump*, 1:20-cv-07311-LAK.

**IF YOU FAIL TO ATTEND AND PRODUCE SAID ITEMS, you may be adjudged guilty of a Criminal Contempt of Court, and liable to a fine of one thousand dollars and imprisonment for one year.**

Dated in the County of New York,  
May 15, 2023

ALVIN L. BRAGG, JR.  
District Attorney, New York County

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

Susan Hoffinger  
Assistant District Attorney  
(212) 335-9790

*Indictment Number: 71543-23*

# Exhibit 2

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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CASE No. 20 CIV. 7311 (LAK) (JLC)

E. JEAN CARROLL,  
Plaintiff,

-vs-

DONALD J. TRUMP,  
in his personal capacity,  
Defendant.

\_\_\_\_\_ /

= = =  
CONFIDENTIAL  
= = =

VIDEOTAPED DEPOSITION OF DONALD J. TRUMP

Wednesday, October 19, 2022  
10:22 a.m. - 3:50 p.m.

The Mar-a-Lago Club  
1100 South Ocean Boulevard  
Palm Beach, Florida, Florida

Stenographically Reported By  
Pamela J. Pelino, RPR, FPR, CLR  
Notary Public, State of Florida  
TSG REPORTING  
JOB NO. 218342

- - -



1 D. J. TRUMP

2 APPEARANCES:

3 On behalf of the Plaintiff:

4 ROBERTA KAPLAN, ESQ.  
5 MATTHEW CRAIG, ESQ.  
6 SHAWN CROWLEY, ESQ.  
7 JOSHUA MATZ, ESQ.  
8 KAPLAN HECKER & FINK LLP  
9 350 Fifth Avenue  
10 New York, New York 10118

8

9 On behalf of the Defendant:

10 ALINA HABBA, ESQ.  
11 MICHAEL MADAIIO, ESQ.  
12 HABBA MADAIIO & ASSOCIATES LLP  
13 1430 US Highway 206  
14 Bedminster, New Jersey 07921

13

14 Videographer:

15 DAVID GRIFFIN

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D. J. TRUMP

21 Q. And by the early 1990s, would it be fair  
22 to call you or to characterize you as a real estate  
23 tycoon?

24 A. Yeah.

25 Q. Trump Tower on Fifth Avenue, that was

1 D. J. TRUMP

2 completed in 1983?

3 A. Around that time, yes.

4 Q. And when did you move into the -- your  
5 penthouse apartment there?

6 A. Maybe a year later.

7 Q. And that remained your primary residence  
8 until you were elected president; correct?

9 A. That's right.

10

13 Q. And Trump Tower -- where is Trump Tower  
14 located?

15 A. 57th and Fifth.

16

17 And at some point you became the owner of  
18 the Plaza Hotel in New York; correct?

19 A. Yes.

20 Q. And where is the Plaza Hotel located?

21 A. 59th off Fifth Avenue.

22 Q. And for how long were you the owner --  
23 withdrawn.

24 During what years were you the owner of  
25 the Plaza Hotel?

1

D. J. TRUMP

2

A. I don't know the years. About five

3

years.

4

Q. Do you know when it began? When you

5

bought it?

6

A. In the early '90s.

1

D. J. TRUMP

2

24 Q. Now, in the '80s and '90s, is it fair to  
25 say you had a busy social life?



1 D. J. TRUMP

2 A. I don't know. I mean, I don't know what  
3 you -- you'd have to define "social life." I  
4 wouldn't say that busy. I was working very hard.  
5 So I didn't have time to be too much onto the social  
6 calendar. But yeah.

7 Q. Well, let me try to phrase it this way:  
8 In the evenings you went out quite a bit in New York  
9 City to benefits, galas, et cetera?

10 A. Lot of charity events, yes. But I don't  
11 think that much, no.

D. J. TRUMP

1

2

15                   So in the period in the '80s and '90s,  
16 we've already discussed you would go to benefits and  
17 parties. And is it fair to say that at a lot of  
18 those parties, there would be a -- or benefits there  
19 would be kind of a photography line either at the  
20 beginning or throughout the event?

21           A.     Yes.

22           Q.     And that people would take photographs  
23 like Getty Images and then put them out?

24           A.     Right.

25

1

D. J. TRUMP

2

21           Q.     And this is another Getty Images  
22     printout, and is it fair to say that this document  
23     indicates that you were the grand marshal of the New  
24     York City Veterans Day Parade on November 10, 1995,  
25     in New York City?

1

D. J. TRUMP

2

A. Yes.

23                    Similarly true that during this same  
24                    period you made appearances on television; correct?

25                    A.        Yes.

1 D. J. TRUMP

2 Q. Sitting here today, can you recall any TV  
3 interviews that you did that you remember?

4 A. I did everything.

5 Q. When you say "everything," give me some  
6 examples if you can.

7 A. I did the late night shows. I did the  
8 newscasts. I even did some of the political shows  
9 on Sunday, even though I wasn't really in politics  
10 as I am now. But they wanted me to do that, and I  
11 did that. They'd ask me to do them all the time.  
12 So I did quite a bit of television.

1

D. J. TRUMP

11 Q. I think you already answered this  
12 question, but just so the record is clear, did you  
13 watch the program Good Morning America from time to  
14 time in this period of the late 1980s through the  
15 mid-1990s?

16 A. A little bit.

17 Q. Did you appear on the Today Show during  
18 this period?

19 A. Yes.

20 Q. Same question: Did you watch the Today  
21 Show during this period?

22 A. Little bit.

1

D. J. TRUMP

4 Q. During this period did you have any  
5 friends in the television industry who worked in the  
6 television industry?

7 A. Probably. But I wasn't much involved at  
8 that point in the television industry, but I  
9 probably did.

10 Q. Anyone come to mind right now?

11 A. Maybe Bob Wright.

12 Q. Who is Bob Wright?

13 A. He was the head of NBC, I think, at that  
14 time.

15 Q. What about Roger Ailes? When did you  
16 become friends with Roger Ailes?

17 A. Later.

18 Q. Approximately?

19 A. More in the seven-, eight-year-ago  
20 period.



1

D. J. TRUMP

6           Q.       What years were you married to your first  
7 wife, Ivana Trump?

8           A.       So about '78 to the early '90s.

1

D. J. TRUMP

4 Q. Okay. Your next wife was a woman by the  
5 name of Marla Maples?

6 A. Yes. Right.

7 Q. And sitting here today, do you recall  
8 what years you were married to Ms. Maples?

9 A. I'd have to get the exact dates for you.  
10 I can do that very easily.

11 Q. Okay. I have written down -- I could be  
12 wrong, but I have written down 1983 to 1999. Does  
13 that sound about right?

14 A. About right, yeah.

15 Q. Okay. We're going to hand you two  
16 documents marked as DJT 16 and 17.

1

D. J. TRUMP

20 THE WITNESS: I mean, it's possible, but  
21 I don't think very much, no.

23 Q. I take it you bought gifts for your wives  
24 for their birthdays?

25 A. Yes, generally.

1 D. J. TRUMP

2 Q. And I take it you bought gifts for women  
3 you were dating?

4 A. It's -- you know, probable.

9 At least in your first marriage, you were  
10 seeing women outside of your marriage while you were  
11 married; correct?

16 THE WITNESS: I don't know.

18 Q. Well, you were very public about the fact  
19 that you were seeing Ms. Maples when you were still  
20 married to Ivana Trump; no?

21 A. No, I don't think I was public about it.

22 Q. Well, there were many, many articles  
23 about it at the time; correct?

24 A. I don't think I was public about it. No,  
25 I don't think I was public about it at all.

D. J. TRUMP

1

2 Q. Isn't it true that you were seeing  
3 Ms. Maples before you were divorced from  
4 Ivana Trump?

5 A. I don't know. It was towards the end of  
6 the marriage. So I don't know, really. It could be  
7 a lapover, but I don't really know.

15 Q. Did you ever have occasion to go to the  
16 department store Bergdorf Goodman?

17 A. Very rarely.

18 Q. When you say very rarely, can you give me  
19 more detail? How rarely?

20 A. I mean, almost -- for me almost never. I  
21 would very rarely go there.

22 Q. When you went there, what do you recall  
23 shopping for?

24 A. I don't know. It's possible I was there,  
25 but I don't know that I ever shopped there for

D. J. TRUMP

1

2 myself.

3

Q. So when you shopped there for yourself to  
4 the extent you went there, you were shopping for  
5 others?

6

A. I don't think I ever shopped for others.  
7 It's possible that one or both of my wives shopped  
8 there a little bit, but I don't remember ever buying  
9 something for myself at Bergdorf Goodman. I went  
10 there very seldom almost if ever.

1

D. J. TRUMP

9

Q. Then let's limit it to Bergdorf's.

10

Bergdorf's was pretty close to Trump Tower and very

11

close to the Plaza hotel; right?

12

A. That's right.

1

D. J. TRUMP

9 Q. I'm handing you a document that's been  
10 marked as DJT 18. It bears the Bates range Carroll  
11 24378 through 24385. Do you have that in front of  
12 you?

13 A. Yeah.

14 Q. Sitting here today, do you recognize this  
15 document?

16 A. No.

17 Q. I will represent to you that this is the  
18 excerpt from Ms. Carroll's book that was published  
19 in New York Magazine online -- originally online on  
20 June 21, 2019.

21 A. Okay.

22 Q. At any point in time, did you read this  
23 article?

24 A. Excuse me?

25 Q. Did you ever read this article? This



1 D. J. TRUMP

2 document in front of --

3 A. No, I don't believe I did.

7 Q. I've handed you a book marked as DJT 19,  
8 a book by E. Jean Carroll. It says What Do We Need  
9 Men For, and if you look at the publication date, it  
10 says first edition July 2019. Do you have that?

11 A. Yes.

12 Q. Do you have that book in front of you?

13 A. Yeah.

14 Q. Sitting here today, sir, have you ever  
15 read this book either in its entirety or any portion  
16 of this book?

17 A. No, never have. I've never seen the book  
18 actually.

1

D. J. TRUMP

8 You responded publicly to Ms. Carroll's allegations  
9 on the same day that the excerpt was published in  
10 the New York Magazine, which was June 21, 2019;  
11 correct?

12 A. I think so.

13 Q. Let's take a look at that.

1

D. J. TRUMP

6                   So what we've handed you as DJT 20 is a  
7 blown-up, for legibility purposes, version of a  
8 tweet posted by a woman by the name of Laura Littman  
9 at 5:17 p.m. on June 21, 2019. Do you have that in  
10 front of you?

11           A.       Yes.

15           Q.       The statement that is in this tweet, is  
16 this a statement that you gave?

17           A.       I mean, essentially that's what I said,  
18 yeah.

1

D. J. TRUMP

5                   If you could read that statement into the  
6     record.

14            Q.     It says: "Statement from President  
15     Donald J. Trump. Regarding the 'story' by  
16     E. Jean Carroll claiming she once encountered me at  
17     Bergdorf Goodman 23 years ago, I've never met this  
18     person in my life. She's trying to sell a new book.  
19     That should indicate her motivation. It should be  
20     sold in the fiction section. Shame on those who  
21     make up false stories of assault, who try to get  
22     publicity for themselves or sell a book or carry out  
23     a political agenda like Julie Swetnick, who falsely  
24     accused Justice Brett Kavanaugh. It's just as bad  
25     for people to believe it, particularly when there is

D. J. TRUMP

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2 zero evidence. Worse still for a dying publication  
3 to try to prop itself up by pedaling fake news.

4 It's an epidemic. Ms. Carroll in New York Magazine:

5 No pictures, no surveillance, no videos, no reports,  
6 no sales attendants around??? I would like to thank

7 Bergdorf Goodman for confirming they have no video  
8 footage of any such incident because it never

9 happened. False accusations diminish the severity  
10 of real assault. All should condemn false

11 accusations and any actual assault in the strongest  
12 possible terms. If anyone has information that the

13 Democratic party is working with Ms. Carroll or

14 New York Magazine, please notify us as soon as

15 possible. The world should know what's really going  
16 on. It's a disgrace, and people should pay dearly

17 for such false accusations." Do you see that?

18 That's what you have in front of you?

19 A. Yeah.

20 Q. And I think you've already confirmed that

21 this is a statement that you gave to someone on your  
22 staff to give to the press?

23 A. Yeah.

1

D. J. TRUMP

6 MS. KAPLAN: Let's mark as DJT 21 a  
7 document bearing the Bates range -- hold on --  
8 DJT 21, a document bearing the Bates range  
9 MP1795 through MP1807.

10 (DJT Exhibit 21 was marked for  
11 identification.)

12 BY MS. KAPLAN:

13 Q. Do you have that in front of you?

14 A. Yeah.

22 Q. And these are statements that were put  
23 out when you were the president of the United  
24 States?

25 A. Yeah.

1 D. J. TRUMP

2 Q. And if you look at the top email, the  
3 address of the email, it says under that "Remarks by  
4 President Trump before Marine One departure"?

5 A. Yes.

6 Q. Marine One is a helicopter?

7 A. Yes.

8 Q. And if you look where it shows you  
9 speaking about halfway or two-thirds of the way down  
10 the document, the very first thing you say: "So  
11 we're going to Camp David"?

12 A. Yes.

13 Q. So am I correct in interpreting this --  
14 that this is a statement you made while boarding or  
15 getting onto Marine One --

16 A. Looks like it.

17 Q. -- to go to Camp David?

18 A. It looks like it.

22                   Let's go now to the third statement,  
23    which we're going to mark as DJT 22.  
24                   (DJT Exhibit 22 was marked for  
25    identification.)



1 D. J. TRUMP

2 BY MS. KAPLAN:

3 Q. You have in front of you, sir, a  
4 five-page document. The first page says in bold  
5 type "Exclusive: Trump vehemently denies  
6 E. Jean Carroll allegation. Says she's not my  
7 type."

8 It's from a publication known as The  
9 Hill. It's dated June 24, 2019, and it's attributed  
10 to the gentleman Jordan Fabian and -- or maybe not  
11 the gentleman. It's attributed to two people,  
12 Jordan Fabian and Saagar Enjeti. Do you see that?

13 A. Yes.

14 Q. So this is two days after the last  
15 statement we're looking at, which is on June 22nd.

16 Do you recall having an interview with  
17 reporters from The Hill on June 24, 2019?

18 A. Vaguely, yes.

19 Q. And do you recall where that interview  
20 took place?

21 A. I think it was in the Oval Office.

1

D. J. TRUMP

7 Q. And you're quoted just below that  
8 paragraph as saying as follows -- and this one I'll  
9 read: "I'll say it with great respect. Number one,  
10 she's not my type. Number two, it never happened.  
11 It never happened. Okay?"

12 And then the reporters say: "The  
13 president said, 'Well, see you behind the Resolute  
14 Desk in the Oval Office.'" Do you see that?

15 A. Yes, I do.

16 Q. And the statement that I just read that  
17 begins "I'll state with great respect," that was a  
18 statement that you made to the reporter for The Hill  
19 on June 24, 2019; correct?

20 A. Yes.

21 Q. And the same set of questions. I take  
22 it, sir, that you stand by that statement today?

23 A. Yes, I do.

1

D. J. TRUMP

6 Q. So before you made your statements that  
7 it never happened in 2019, did you or anyone on your  
8 staff reach out to anyone at Bergdorf Goodman?

9 A. I didn't have to reach out to anybody  
10 because it didn't happen. And by the way, if it did  
11 happen, it would have been reported within minutes.  
12 You're talking about going to a major floor  
13 probably. I assume the most important floor, a  
14 major floor in a major department stores that's a  
15 very busy store, by the way, and checkout counters  
16 and everything else. And I would be in there? I  
17 mean, it's the most ridiculous -- it's the most  
18 ridiculous, disgusting story. It was just made up.

1

D. J. TRUMP

4           Q.     After you made the statements that you  
5 made in June of 2019, did you or anyone working for  
6 you reach out to Bergdorf Goodman?

7           A.     After the statement was made? No.

1

D. J. TRUMP

4 Q. In your June 21 statement that's marked  
5 as Exhibit 20, you say -- and this is the Littman  
6 tweet -- "I never met this person in my life."

7 A. Yes.

8 Q. Was that a true statement when you made  
9 it on June 21, 2019?

10 A. It was a true statement when I made it.  
11 I think subsequently or at some point they showed a  
12 picture on a receiving -- I was on a celebrity line  
13 for a charity, and I think I was either shaking her  
14 hand or her husband's hand on a receiving line.  
15 Like I say, I shake a lot of hands with people, but  
16 I had no idea who she was.

17 Q. So if I can understand your testimony,  
18 sir, you're saying that at the time you made the  
19 statement that's in DJT 20, you were not aware of  
20 ever having met Ms. Carroll? You have since seen a  
21 photograph that shows you with Ms. Carroll on a  
22 receiving line; correct?

23 A. Along with a lot of other people.

24 MS. HABBA: Objection to form.

25 THE WITNESS: This was a very public -- I

1 D. J. TRUMP

2 think it was a charity or a celebrity event or  
3 something. And I think that's her big claim to  
4 fame, you know, that she shook my hand at some  
5 celebrity event.

6 BY MS. KAPLAN:

7 Q. So the answer to my question is yes, that  
8 after you made the statement, you became aware that  
9 there's a photo of you with Ms. Carroll in a  
10 receiving line; correct?

11 A. At some point.

12 Q. Okay.

13 A. I saw there was a photo on a receiving  
14 line, yes.

15 Q. Okay.

16 MS. KAPLAN: Let's mark the photo. What  
17 number are we on?

18 (DJT Exhibit 23 was marked for  
19 identification.)

20 BY MS. KAPLAN:

21 Q. You have in front of you a black and  
22 white photograph that we've marked as DJT 23. And  
23 I'm going to ask you: Is this the photo that you  
24 were just referring to?

25 A. I think so, yes.

1 D. J. TRUMP

2 Q. And do you recall when you first saw this  
3 photo?

4 A. At some point during the process, I saw  
5 it. I guess that's her husband, John Johnson, who  
6 was an anchor for NBC. Nice guy, I thought. I  
7 mean, I don't know him, but I thought he was pretty  
8 good at what he did. I don't even know the woman.  
9 I don't know who -- it's Marla.

10 Q. You're saying Marla is in this photo?

11 A. That's Marla, yeah. That's my wife.

12 Q. Which woman are you pointing to?

13 MS. HABBA: No, that's Carroll.

14 THE WITNESS: Oh, I see.

15 BY MS. KAPLAN:

16 Q. The person you just pointed to was  
17 E. Jean Carroll.

18 MS. HABBA: That's your wife.

19 BY MS. KAPLAN:

20 Q. And the person -- the woman on your right  
21 was --

22 A. I don't know. This was the picture. I  
23 assume that's John Johnson.

24 MS. HABBA: That's Carroll.

25 THE WITNESS: That's Carroll? Because

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D. J. TRUMP

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it's very blurry.



1

D. J. TRUMP

6 Q. Now, in your June 21 statement, which  
7 is -- in your June 21 statement, which is DJT 20,  
8 you said that Ms. Carroll was trying to sell a new  
9 book and that you said shame on those who make up  
10 false stories of assault to try to get publicity for  
11 themselves or sell a book?

12 A. Yeah, that's right.

13 Q. Before you made that statement, did you  
14 have any knowledge one way or the other of the  
15 financial arrangements between Ms. Carroll and the  
16 publisher of her book?

17 A. No.

18 Q. Did you even know who her publisher was?

19 A. No.

20 Q. Did you ever see her book contract?

21 A. No.

22 Q. Did you know anything about Ms. Carroll's  
23 financial situation?

24 A. No.

25 Q. Did you know anything about her expected

1 D. J. TRUMP

2 book sales?

3 A. No idea.

7 Before you made this statement that  
8 appears in DJT 20, do you know whether you or anyone  
9 working for you did any research on Ms. Carroll?

10 A. I just don't know. It's possible  
11 somebody -- when they heard this horrible  
12 accusation, it's possible that somebody did a little  
13 quick research but not that I know of.

14 Q. Another thing that you say in your June  
15 21 statement is that Ms. Carroll was trying to carry  
16 out a political agenda?

17 A. Yeah.

18           Q.     Before issuing your statement on June 21,  
19     did you learn what political party Ms. Carroll  
20     belonged to?

21           A.     No, I didn't know that.

22           Q.     Before you issued your June 21 statement,  
23     did you have any documents indicating that she was  
24     pursuing a political agenda?

25           A.     No.

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D. J. TRUMP

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Q. At the end of your statement, your June 21 statement, you say: "If anyone has information that the Democratic party is working with Ms. Carroll or New York Magazine, please notify us as soon as possible."

Did anyone ever notify you --

A. I don't know.

Q. Sitting here today, you can't recall anyone who notified you?

A. I don't know, yeah.

1

D. J. TRUMP

19                   One of the other things that you said  
20    about Ms. Carroll at the time appears in your June  
21    24 statement, which is DJT 22, and what you said  
22    there is: "I'll say it with great respect. Number  
23    one, she's not my type."

24                   When you said that Ms. Carroll was not  
25    your type, you meant that she was not your type

1 D. J. TRUMP

2 physically; right?

3 A. I saw her in a picture. I didn't know  
4 what she looked like, and I said it -- and I say it  
5 with as much respect as I can, but she is not my  
6 type.

7 Q. And, again, when you say "type," you just  
8 referred to looking at photos. So you mean  
9 physically she's not your type?

10 A. Physically she's not my type, and now  
11 that I've gotten indirectly to hear things about  
12 her, she wouldn't be my type in any way, shape, or  
13 form.

14 Q. But when you were talking back on June  
15 24th, you were referring to her not being your type  
16 physically; correct?

17 A. I saw a photo of her.

18 Q. Okay.

19 A. And the only difference between me and  
20 other people is I'm honest. She's not my type.

1

D. J. TRUMP

4           Q.     I take it the three women you've married  
5 are all your type?

8                   THE WITNESS:   Yeah.

1

D. J. TRUMP

22 Q. What is Truth Social?

23 A. It's a platform that's been opened by me  
24 as an alternative to Twitter.

25 Q. And your handle on Truth Social is



1 D. J. TRUMP

2 @realdonaldtrump?

3 A. I believe so, yes.

1

D. J. TRUMP

5 Q. Okay. Now, on October 12, just a few  
6 days ago, you issued a statement on Truth Social  
7 about Ms. Carroll and this case; correct?

8 A. I believe so, yes.

9 Q. And the statement that you posted, who  
10 wrote that statement?

11 A. I did.

12 Q. You yourself?

13 A. Yeah.

14 Q. Did you post the statement yourself?

15 A. Yes.

16 Q. And in addition to posting the statement  
17 on Truth Social, you also sent it to the press?

18 A. Yes. It's called truth and post. We  
19 post much like -- how would you say it? We put out  
20 a statement, and we also put it on Truth.

1

D. J. TRUMP

11 MS. KAPLAN: Let's look at the statement.

12 Let's mark it as -- what's my next number?

13 MR. MADAIO: DJT 28.

16 THE WITNESS: I can't read this.

17 MS. KAPLAN: Well, we have a blown-up

18 version.

19 BY MS. KAPLAN:

20 Q. Let's mark it as 28 and 28A.

24 So what we have in front of you as DJT

25 28, sir, is the post as it appeared on Truth Social

1 D. J. TRUMP

2 on October 12, 2022, and a blown-up version because  
3 we appreciate that the type is very small. A  
4 blown-up version that should be more legible.

5 A. I can see it, yeah.

9 Q. So it says: "October 12, 2022, statement  
10 by Donald J. Trump, forty-fifth President of the  
11 United States of America. This 'Ms. Bergdorf  
12 Goodman case' is a complete con job, and our legal  
13 system in this country but especially in New York  
14 State (just look at Peekaboo James) is a broken  
15 disgrace. You have to fight for years and spend a  
16 fortune in order to get your reputation back from  
17 liars, cheaters, and hacks. This decision is from  
18 the judge who was just overturned on my same case.  
19 I don't know this woman, have no idea who she is  
20 other than it seems she had a picture of me many  
21 years ago with her husband shaking my hand on a  
22 reception line at a celebrity charity event. She  
23 completely made up a story that I met her at the  
24 doors of this crowded New York City department store  
25 and within minutes 'swooned' her." "Swooned" is in

1 D. J. TRUMP

2 quotes.

3 "It is a hoax and a lie just like all the  
4 other hoaxes that have been played on me for the  
5 past seven years, and while I'm not supposed to say  
6 it, I will. This woman is not my type! She has no  
7 idea what day, what week, what month, what year, or  
8 what decade this so-called 'event' supposedly took  
9 place. The reason she doesn't know is because it  
10 never happened, and she doesn't want to get caught  
11 up with details or facts that could be proven wrong.  
12 If you watch Anderson Cooper's interview with her  
13 where she was promoting a really crummy book, you  
14 will see that it is a complete scam. She changed  
15 her story from beginning to end after the commercial  
16 break to suit the purposes of CNN and Andy Cooper.  
17 Our justice system is broken along with almost  
18 everything else in our country. Her lawyer is a  
19 political operative and Cuomo crony who goes around  
20 telling people that the way to beat Trump is to sue  
21 him all over the place. She is suing me on numerous  
22 frivolous cases just like this one, and the court  
23 system does nothing to stop it.

24 "In the meantime and for the record,  
25 E. Jean Carroll is not telling the truth, is a woman

D. J. TRUMP

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2 I had nothing to do with, didn't know, and would  
3 have no interest in knowing her if I ever had the  
4 chance. Now all I have to do is go through years  
5 more of legal nonsense in order to clear my name of  
6 her and her lawyer's phony attacks on me. This can  
7 only happen to 'Trump'!"

8

Did I read that correctly?

9

A. Great statement, yeah. True. True.

10

Q. And now that you've heard it again and

11

you have it in front of you, you again confirm that

12

you wrote the whole thing yourself?

13

A. I wrote it all myself. All myself.

1

D. J. TRUMP

24 Q. Now, at the beginning of your post, the  
25 reference "Ms. Bergdorf Goodman" is a reference to

1 D. J. TRUMP

2 Ms. Carroll; right?

3 A. That's right.

9 Q. Now, when you say in here I don't know  
10 this woman and have no idea who she is, even though  
11 you're using the present tense, you're referring  
12 back to your knowledge as of when she first made the  
13 allegation --

14 A. I still don't know this woman. I think  
15 she's a wack job. I have no idea. I don't know  
16 anything about this woman other than what I read in  
17 stories and what I hear. I know nothing about her.

18 Q. Okay. Well, I guess the distinction I'm  
19 trying to make, sir, is that when the allegation  
20 came out in 2019, you said you -- I think it's your  
21 testimony that you had no idea who she was.

22 A. I still don't.

23 Q. Well, today you at least know that she's  
24 a plaintiff in a case suing you; correct?

25 A. Oh, yes. That, I know, but I know



1 D. J. TRUMP

2 nothing about her. I think she's sick, mentally  
3 sick.

4 Q. Okay. You say in this post -- you use a  
5 strange word, which I want to ask you about. You  
6 say she completely made up a story that I met her at  
7 the doors of this crowded New York City department  
8 store and within minutes swooned her. Do you see  
9 that?

10 A. Yeah.

11 Q. What does "swooned her" mean?

12 A. That would be a word, maybe accurate or  
13 not, having do with talking to her and talking  
14 her -- to do an act that she said happened, which  
15 didn't happen. And it's a nicer word than the word  
16 that starts with an F, and this would be a word that  
17 I used because I thought it would be inappropriate  
18 to use the other word. And it didn't happen.

19 Q. Okay. I was curious when I read this.  
20 So I looked up the word "swoon" in the dictionary,  
21 and under the dictionary, it means "to faint with  
22 extreme emotion." That's not what you meant here?

23 MS. HABBA: Objection to the form.

24 THE WITNESS: Well, sort of that's what  
25 she said I did to her. She fainted with great

1 D. J. TRUMP

2 emotion. She actually indicated that she loved  
3 it. Okay? She loved it until commercial  
4 break. In fact, I think she said it was sexy,  
5 didn't she? She said it was very sexy to be  
6 raped. Didn't she say that?

8 Q. So, sir, I just want to confirm: It's  
9 your testimony that E. Jean Carroll said that she  
10 loved being sexually assaulted by you?

11 A. Well, based on her interview with  
12 Anderson Cooper, I believe that's what took place.  
13 And we can define that. You'll have to show that.  
14 I'm sure you're going to show that. But she was  
15 interviewed by Anderson Cooper, and I think she said  
16 that rape was sexy -- which it's not, by the way.  
17 But I think she said that rape was sexy, and it  
18 was -- she actually said things that were very  
19 strange, and then she was a different person after  
20 the -- when he said "We'll take a break right now.  
21 We're going to take a break right now," he didn't  
22 like what she was saying. He was very upset with  
23 what -- and then she came back, and she was a much  
24 different woman in the second half, so to speak.

1

D. J. TRUMP

17           Q.       And so the question I'm asking you is did  
18 she say in that interview that she loved being  
19 sexually assaulted by you?

20           A.       Well, she said something to that effect.  
21 I mean, you'll have to take a look at the interview  
22 yourself. I believe she said rape was sexy, to  
23 which Anderson Cooper is dying. He's saying let's  
24 get to a commercial break immediately. I think you  
25 better watch the interview. I'm sure you have, but

1 D. J. TRUMP

2 you better watch the interview.

3 Q. In the interview when Ms. Carroll talked  
4 about rape being sexy, isn't it true that she said  
5 that's a view that many other people hold?

6 A. Oh, I don't know. I mean, I don't know.  
7 All I know is I believe she said rape is sexy or  
8 something to that effect, but you'll have to watch  
9 the interview. It's been awhile.

10 Q. And just to clarify, I think you said a  
11 few minutes earlier that you used the word "swooned"  
12 as a synonym for -- you said the F word -- for  
13 sexual intercourse?

14 A. Yeah. That's because that's what she  
15 said.

16 Q. What do you mean? She never used the  
17 word "swooned."

18 A. No. She said that I did something to her  
19 that never took place. There was no anything. I  
20 know nothing about this nut job.

21 Q. Okay. Then you go on to say in the  
22 statement: "And while I am not supposed to say it,  
23 I will." Why were you not supposed to say it?

24 A. Because it's not politically correct to  
25 say -- read the next. Go ahead. That she's not my

D. J. TRUMP

1

2 type? Yeah. Because it's not politically correct  
3 to say it, and I know that, but I'll say it anyway.  
4 She's accusing me of rape, a woman that I have no  
5 idea who she is. It came out of the blue. She's  
6 accusing me of rape -- of raping her, the worst  
7 thing you can do, the worst charge.

8                   And you know it's not true too. You're a  
9 political operative also. You're a disgrace. But  
10 she's accusing me and so are you of rape, and it  
11 never took place. And I will tell you I made that  
12 statement, and I said, while it's politically  
13 incorrect, she's not my type. And that's  
14 100 percent true. She's not my type.

1

D. J. TRUMP

16 Q. Now, in your Truth Social statement on  
17 October 12, you use the word "hoax." Specifically  
18 you say: "It is a hoax and a lie just like all of  
19 the other hoaxes that have been played on me for the  
20 past seven years." Do you see that --

21 A. Yeah.

22 Q. -- or recall making that statement?

23 And I take it what you're saying there is  
24 Ms. Carroll fabricated her claim that you sexually  
25 assaulted her; correct?

1 D. J. TRUMP

2 A. Yes. Totally. 100 percent.

3 Q. Fair to say -- you'd agree with me, would  
4 you not, that you use the term "hoax" quite a lot?

5 A. Yes, I do.

6 Q. CNN reported that you used it more than  
7 250 times in 2020. Does that sound right?

8 A. Could be. I've had a lot of hoaxes  
9 played on me. This is one of them.

10 Q. And how would you define the word "hoax"?

11 A. A fake story, a false story, a made-up  
12 story.

13 Q. Something that's not true?

14 A. Something that's not true, yes.

15 Q. Sitting here today, can you recall what  
16 else you have referred to as a hoax?

17 A. Sure.

20 THE WITNESS: The Russia Russia Russia  
21 hoax. It's been proven to be a hoax. Ukraine  
22 Ukraine Ukraine hoax. The Mueller situation  
23 for two and a half years hoax ended in no  
24 collusion. It was a whole big hoax. The lying  
25 to the FISA court hoax, the lying to Congress

1 D. J. TRUMP

2 many times hoax by all these people, the scum  
3 that we have in our country, lying to Congress  
4 hoax, the spying on my campaign hoax. They  
5 spied on my campaign, and now they admit it.  
6 That was another hoax, and I could get a whole  
7 list of them. And this is a hoax too.

9 Q. This -- when you say "this" and "that" --

10 A. This ridiculous situation that we're  
11 doing right now. It's a big, fat hoax. She's a  
12 liar and she's a sick person in my opinion. Really  
13 sick. Something wrong with her.

14 Q. Okay. In addition to the Russia Russia  
15 Russia hoax, the Ukraine Ukraine Ukraine hoax, the  
16 Mueller or Mueller hoax, the lying to FISA hoax, the  
17 lying to Congress hoax, and the spying on your  
18 campaign hoax, isn't it true that you also referred  
19 to the use of mail-in ballots as a hoax?

20 A. Yeah, I do. Sure.

22 THE WITNESS: I do. I think they're very  
23 dishonest. Mail-in ballots, very dishonest.

24 BY MS. KAPLAN:

25 Q. And isn't it true that you yourself have



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D. J. TRUMP

2 voted by mail?

4

THE WITNESS: I do. I do. Sometimes I  
5 do. But I don't know what happens to it once  
6 you give it. I have no idea.

1

D. J. TRUMP

20           Q.     Are you familiar -- I'm sure you are --  
21     with something that's often referred to as "the  
22     Access Hollywood tape"?

23           A.     Yes, I am.

24                   MS. KAPLAN:   Okay.  Let's mark it and  
25     play it as 35.

1

D. J. TRUMP

4 (DJT Exhibit 35 was marked for  
5 identification.)

6 (Video played.)

8 Q. That's you in that video, speaking?

9 A. Yes, correct.

10 Q. And am I correct that video was recorded  
11 in January -- withdrawn.

12 Am I correct that that video was recorded  
13 September of 2005?

14 A. I guess that would -- don't know the  
15 date. But whatever date it was is fine with me.

16 Q. And am I correct that you were engaged to  
17 your current wife sometime in 2004?

18 A. I don't know.

19 Q. Am I correct that you married your  
20 current wife in January 2005?

21 A. I don't know relative to that tape, no.

1

D. J. TRUMP

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Q. And the person that you were speaking to

3

that's now famous in that video was Billy Bush?

4

A. That's right.

1

D. J. TRUMP

3 Q. Please let me --

4 A. This is very old news. Fully litigated  
5 during debates, during everything else. Fully  
6 litigated.

7 Q. Okay --

8 A. And you know what I said then and I say  
9 it now? Locker room talk. That was locker room  
10 talk. That's what goes on.

1

D. J. TRUMP

3 Q. And you did say in the video that you,  
4 quote, moved on her heavily; correct?

5 A. Excuse me?

6 Q. You do say in the video that you,  
7 quote --

8 A. Yeah.

9 Q. -- moved on her heavily?

10 A. I did say that, yes, absolutely.

11 Q. And you do say in the video that as part  
12 of trying to have sex with this woman, you took her  
13 furniture shopping; correct?

14 A. We actually did look for furniture, yes.

15 Q. So that was true? You actually took this  
16 woman Nancy furniture shopping?

17 A. I think so. I mean, it's been a long  
18 time ago. How long is that? Long time ago.

19 But I think so. I do think so.

20 Q. Is that the only occasion when you took a  
21 woman shopping?

22 A. I think so.

1

D. J. TRUMP

5 Q. And you say -- and again, this has become  
6 very famous -- in this video, "I just start kissing  
7 them. It's like a magnet. Just kiss. I don't even  
8 wait. And when you're a star, they let you do it.  
9 You can do anything, grab them by the pussy. You  
10 can do anything."

11 That's what you said; correct?

12 A. Well, historically, that's true with  
13 stars.

14 Q. True with stars that they can grab women  
15 by the pussy?

16 A. Well, that's what -- if you look over the  
17 last million years, I guess that's been largely  
18 true. Not always, but largely true. Unfortunately  
19 or fortunately.

20 Q. And you consider yourself to be a star?

21 A. I think you can say that, yeah.

22 Q. And -- now, you said before, a couple of  
23 minutes ago, that this was just locker room talk?

24 A. It's locker room talk.

25 Q. And so does that mean that you didn't

D. J. TRUMP

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2 really mean it?

3 A. No. It's locker room talk. I don't

4 know. It's just the way people talk.



1

D. J. TRUMP

8 Q. Okay. Now, are you familiar with a woman  
9 by the name of Natasha Stoyloff?

10 A. No. You'll have to give me a little bit  
11 of a background.

12 Q. Do you remember she wrote about you a lot  
13 when she worked at People magazine?

14 A. Oh, I do remember that there was some  
15 woman that wrote, and then she -- a long time later,  
16 I think, she wrote a wonderful story. And then a  
17 long time later, as I remember it

19 -- a long time later she said that I  
20 was aggressive with her, but she wrote the most  
21 beautiful story. And then all of a sudden -- like  
22 is it a year or two years later -- she comes out  
23 with this phony story that I was aggres- -- I said,  
24 Well, why would she have written such a good story  
25 for People magazine? She wrote a really nice piece.

D. J. TRUMP

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2 And then all of the sudden, like, you know, years or  
3 months, many months later, she came up with this  
4 phony charge.

23           Q.     Let's watch a video -- and again, I  
24     apologize for the technology -- where you talk about  
25     Ms. Stoyhoff's allegations.

1 D. J. TRUMP

2 MS. HABBA: Are we marking this?

3 MS. KAPLAN: We're going to mark it.

4 It's a clip of a video from a campaign event in  
5 West Palm Beach on October 13, 2016, and we'll  
6 mark it as DJT 36.

7 (DJT Exhibit 36 was marked for  
8 identification.)

9 (Video played.)

11 Q. You'd agree with me that the person you  
12 were just talking about in that video was  
13 Natasha Stoyneff; correct?

14 A. Yes.

1

D. J. TRUMP

23           Q.     You're familiar with a woman by the name  
24 of Jessica Leeds?

25           A.     No, I don't think so. But explain. Go

D. J. TRUMP

1

2 ahead.

13 Q. Does that mean that this refreshes your  
14 recollection of who this is?

15 A. Yes, it does. This woman made up a  
16 story, just like your client made it up. Just made  
17 up a story. Having to do with sitting next to me on  
18 an airplane.

19 And, I mean, I'll have to read this  
20 again, but that story was so false, also.

21 But this was, I guess, making out as  
22 opposed to what your client said. This story was so  
23 false. This is a disgrace, also.

25 Q. And do you recall speaking about

D. J. TRUMP

1

2 Ms. Leeds' allegations at campaign events in 2016?

3 A. I might have. I thought it was so like  
4 your client, I thought it was so ridiculous.

5 Q. Let's take a look at the next video,  
6 which is DJT 38.

7 (DJT Exhibit 38 was marked for  
8 identification.)

9 (Video played.)

13 Q. When you said in that video that  
14 Ms. Leeds would not be your first choice, you were  
15 referring to her physical looks; correct?

16 A. Just the overall, not -- I looked at her.  
17 I see her. I hear what she says. Whatever. You  
18 wouldn't be a choice of mine, either, to be honest  
19 with you. I hope you're not insulted. I wouldn't  
20 under any circumstances have any interest in you.  
21 I'm honest when I say it.

22 She, I would not have any interest in.





1 D. J. TRUMP

2 talked about Ms. Leeds.

3 What else did you know about Ms. Leeds  
4 that would indicate to you that she was -- would not  
5 have been your first choice other than how she  
6 looked?

7 A. I don't know. I think I probably saw her  
8 on television or something.

9 But -- I don't want to be insulting, but  
10 when people accuse me of something, I think I have a  
11 right to be insulting, because they're insulting me.  
12 They're doing the ultimate insult. They make up  
13 stories and then I'm not allowed to speak my mind?  
14 No, I disagree with that.

15 She would not have been anywhere on a  
16 list. I just -- just wouldn't have been for me.

17 It's disgusting. What she said was  
18 disgusting.

19 Can you imagine doing that on an  
20 airplane, what she said? I'm doing that on an  
21 airplane? That's almost as ridiculous as doing it  
22 in Bergdorf Goodman in a dressing room.

1

D. J. TRUMP

4 Q. Isn't it true that just a few minutes ago  
5 you couldn't remember the date of your engagement to  
6 your current wife, Melania?

7 A. No, no. No. We're talking about a  
8 different thing. We're talking about a woman where  
9 something happened that was inappropriate; right?  
10 Inappropriate. It was highly inappropriate. She  
11 would remember that date. I would imagine she would  
12 have complained to the airlines. She would know the  
13 flight. She would know everything about it.

14 She didn't even know the year, as I  
15 remember it. Just like your client doesn't know the  
16 year, doesn't know anything about it.

17 If something happened like that to your  
18 client, your client would know the second. She'd  
19 know down to the second. She'd know the day, the  
20 month, the year, right down to the second.

1

D. J. TRUMP

4 Q. In the last paragraph of the statement  
5 that you made on June 21 that appears in the  
6 Laura Littman tweet, DJT 20, you said as follows --

7 A. Last paragraph where?

8 Q. DJT 20.

9 A. Go ahead. What is it?

10 Q. You say as follows: "The world should  
11 know what's really going on. It is a disgrace, and  
12 people should pay dearly for such false  
13 accusations."

14 Do you see that?

15 A. Yeah. Yeah.

16 Q. And the person you meant who should pay  
17 dearly for such false accusations was

18 E. Jean Carroll; correct?

19 A. Yeah, and I think their attorneys, too.  
20 I think the attorneys, like you, are a big part of  
21 it. Because you know it's a phony case.

# Exhibit 3

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12-20-2022

E. JEAN CARROLL,

*Plaintiff,*

v.

DONALD J. TRUMP, in his personal  
capacity,

*Defendant.*

No. 20 Civ. 7311 (LAK) (JLC)

E. JEAN CARROLL,

*Plaintiff,*

v.

DONALD J. TRUMP,

*Defendant.*

No. 22 Civ. 10016 (LAK) (JLC)

~~12/20/22~~ PROTECTIVE AND CONFIDENTIALITY ORDER

The Court having found that good cause exists for issuance of an appropriately tailored confidentiality order governing the pre-trial phase of *Carroll v. Trump*, No. 20 Civ. 7311 (S.D.N.Y.) (LAK) (JLC) ("*Carroll I*"), and *Carroll v. Trump*, No. 22 Civ. 10016 (S.D.N.Y.) (LAK) (JLC) ("*Carroll II*") (together, the "actions"), and having further found that confidential information from each action shall form part of the record in the other, it is hereby **ORDERED** that any person subject to this Order—including without limitation the parties to these actions, their attorneys, representatives, agents, experts and consultants, acting as such, all third parties providing discovery in these actions, and all other interested persons with actual or constructive notice of this Order—shall adhere to the following terms, upon pain of contempt. This Order shall

supersede the Protective and Confidentiality Order entered by the Court on August 11, 2022, in *Carroll I*. See *Carroll I* Doc. No. 84.

**Discovery Materials May Be Designated as Confidential**

1. Any person subject to this Order who receives from any other person any “Discovery Material” (i.e., information of any kind provided in the course of discovery in one or both actions) that is designated as “Confidential” pursuant to the terms of this Order shall not disclose such Confidential Discovery Material to anyone else except as expressly permitted hereunder.

2. The person producing Discovery Material may designate as “Confidential” any portion thereof that contains non-public business, commercial, financial, medical, or personal information (which includes information concerning reports or experiences of sexual harassment, abuse, or assault) the public disclosure of which is either restricted by law or would likely, in the good faith opinion of the producing person, seriously harm the producing person’s business, commercial, financial, medical, or personal interests or cause the producing person to violate their privacy or confidentiality obligations to others. Where the confidential portion is reasonably separable from the nonconfidential portion, via redaction or otherwise, only the confidential portion shall be so designated.

3. With respect to the confidential portion of any Discovery Material other than deposition transcripts and exhibits, the producing person or that person’s counsel may designate such portion as “Confidential” by stamping or otherwise clearly marking as “Confidential” the document or protected portion in a manner that will not interfere with legibility or audibility. Deposition testimony may be designated as “Confidential” either on the record during the deposition or in writing within ten (10) business days of receipt of the transcript. If so designated, the final transcript of the designated testimony shall be bound in a separate volume and marked

“Confidential Information Governed by Protective Order” by the reporter.

4. If at any time prior to the trial of one or both actions, a producing person realizes that some portion of Discovery Material that that person previously produced without limitation should be designated as “Confidential,” the producing person may so designate that portion by promptly notifying all parties in writing. Such designated portion of the Discovery Material will thereafter be treated as Confidential under the terms of this Order. In addition, the producing person shall provide each other party with replacement versions of such Discovery Material that bears the “Confidential” designation within five (5) business days of providing such notice.

**Who May Receive Confidential Materials**

5. No person subject to this Order, other than the producing person, shall disclose any Confidential Discovery Material to any other person whomsoever, except to:

- (a) the parties to the actions;
- (b) counsel retained specifically for one or both actions, including any paralegal, clerical or other assistant employed by such counsel and assigned specifically to work on one or both actions;
- (c) as to any document, its author, its addressee, and any other person shown on the face of the document as having received a copy;
- (d) any witness who counsel for a party in good faith believes may be called to testify at trial or deposition in one or both actions, provided such person has first executed a Non-Disclosure Agreement in the form annexed hereto;
- (e) any person retained by a party to serve as an expert witness or consultant or otherwise provide specialized advice to counsel in connection with one or both actions, provided such person has first executed a Non-Disclosure Agreement in the form annexed hereto;

(f) stenographers and video technicians engaged to transcribe or record depositions conducted in one or both actions;

(g) independent photocopying, graphic production services, or other litigation support services employed by the parties or their counsel to assist in one or both actions, including computer service personnel performing duties in relation to a computerized litigation system;

(h) the Court and its staff; and

(i) any other person whom the producing person, or other person designating the Discovery Material “Confidential,” agrees in writing may have access to such Confidential Discovery Material.

6. Prior to the disclosure of any Confidential Discovery Material to any person referred to in subparagraphs 5(d) or 5(e) above, such person shall be provided by counsel with a copy of this Protective Order and shall sign a Non-Disclosure Agreement, in the form annexed hereto, stating that that person has read this Order and agrees to be bound by its terms. Counsel shall retain each signed Non-Disclosure Agreement, hold it in escrow, and produce it to opposing counsel either prior to such person being permitted to testify (at deposition or trial) or following the conclusion of both actions, whichever comes first.

**Filing Confidential Materials in These Actions**

7. Any person who either objects to any designation of confidentiality, or who, by contrast, requests still further limits on disclosure (such as “attorneys’ eyes only,” reserved for extraordinary circumstances), may at any time prior to the trial of the actions serve upon the designating person and all other parties a written notice stating with particularity the grounds of the objection or request. If agreement cannot be reached promptly, counsel for all affected persons shall submit a joint letter motion requesting a joint telephone call with the Court to obtain a ruling.



8. Notwithstanding the designation of material as “Confidential” in discovery, there is no presumption that such Confidential Discovery Material will be filed with the Court under seal. The parties shall follow Judge Kaplan’s Individual Practices with respect to pretrial requests for filing under seal.

9. All persons are hereby placed on notice that the Court is unlikely to seal or otherwise afford confidential treatment to any Discovery Material introduced in evidence at trial, even if such material was previously designated as Confidential or sealed during pretrial proceedings.

10. Each person who has access to Confidential Discovery Material shall take all due precautions to prevent the unauthorized or inadvertent disclosure of such material.

**Inadvertent Disclosure of Privileged Materials**

11. If, in connection with one or both actions, and despite having taken reasonable steps to prevent the disclosure of information that it claims is subject to a claim of attorney-client privilege or attorney work product, a producing person inadvertently discloses information subject to a claim of attorney-client privilege or attorney work product protection (“Inadvertently Disclosed Information”), such disclosure, in itself, shall not constitute or be deemed a waiver or forfeiture of any claim of privilege or work product protection with respect to the Inadvertently Disclosed Information and its subject matter.

12. If a disclosing person makes a claim of inadvertent disclosure, all receiving persons shall, within five (5) business days, return or destroy all copies of the Inadvertently Disclosed Information, and provide a certification of counsel that all such information has been returned or destroyed.

13. Within five (5) business days of the notification that such Inadvertently Disclosed Information has been returned or destroyed, the disclosing person shall produce a privilege log

with respect to the Inadvertently Disclosed Information.

14. If a receiving person thereafter moves the Court for an order compelling production of the Inadvertently Disclosed Information, that motion shall be filed under seal, and shall not assert as a ground for entering such an order the mere fact of the inadvertent production. The disclosing person retains the burden of establishing the privileged or protected nature of any Inadvertently Disclosed Information. Nothing in this Order shall limit the right of any party to request an in camera review of the Inadvertently Disclosed Information.

**Termination of the Litigation**


15. This Protective Order shall survive the termination of the actions. Within 30 days of the final disposition of these actions, all Confidential Discovery Material and all copies thereof, shall be promptly returned to the producing person, or, upon permission of the producing person, destroyed.

16. During the pendency of these cases only, this Court shall retain jurisdiction over all persons subject to this Order to the extent necessary to enforce any obligations arising hereunder or to impose sanctions for any contempt thereof.

17. Unless otherwise ordered by the Court, all documents filed under seal in one or both actions shall be unsealed and filed on the public docket on or about August 11, 2027.

SO ORDERED.

Dated: December 20, 2022

  
\_\_\_\_\_  
Lewis A. Kaplan  
United States District Judge

# Exhibit 4

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
E. JEAN CARROLL,

Plaintiff,

-against-

22-cv-10016 (LAK)

DONALD J. TRUMP,

Defendant.  
----- x

**ORDER UNSEALING PREVIOUSLY SEALED  
PORTION OF DEFENDANT'S DEPOSITION**

LEWIS A. KAPLAN, *District Judge.*

In accordance with the Individual Practices of the undersigned, plaintiff notified the defendant by letter dated December 19, 2022 (Dkt 14) that it was obliged to file within three days a letter explaining the need to seal or redact the portions of the defendant's deposition that was filed as part of an exhibit to the Proposed Case Management Plan (Dkt 15). Defendant did not do so and has made no effort to justify the continued sealing of his deposition.

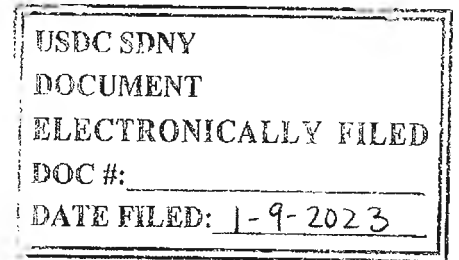
Accordingly, the Clerk shall unseal all previously redacted portions of Exhibit B to the Proposed Case Management Plan (Dkt 15-2) and place them on the unrestricted public record.

SO ORDERED.

Dated: January 9, 2023

/s/ Lewis A. Kaplan

\_\_\_\_\_  
Lewis A. Kaplan  
United States District Judge



# Exhibit 5

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
E. JEAN CARROLL,

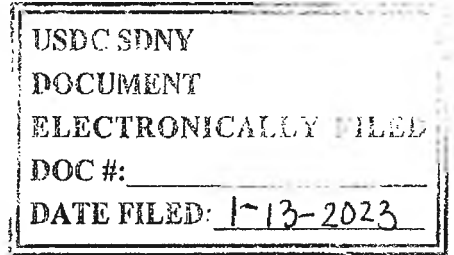
Plaintiff,

-against-

22-cv-10016 (LAK)

DONALD J. TRUMP,

Defendant.  
----- x



**ORDER UNSEALING FILED PORTION OF DEFENDANT’S DEPOSITION**

LEWIS A. KAPLAN, *District Judge*.

The defendant asks that the Court seal (actually keep sealed) under the Protective Order (Dkt 18) the portion of the transcript of his deposition that he designated as Confidential and that therefore was filed under seal as Exhibit B to the Proposed Case Management Plan (Dkt 16). His arguments for doing so are entirely baseless.

1. Defendant first contends that he reasonably relied upon the confidentiality of his testimony. That is flatly inconsistent with the Protective Order and with this Court’s published Individual Practices. The protective order itself states that “[n]otwithstanding the designation of material as ‘Confidential’ in discovery, there is no presumption that such Confidential Discovery Material will be filed under seal.” The latter state that “[t]he fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption of access to judicial documents.”

2. Contrary to defendant’s argument, the transcript portion that was filed was

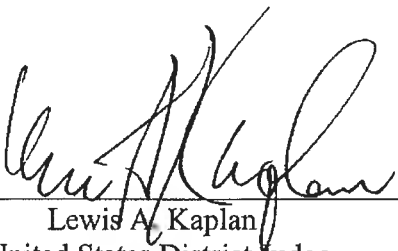
directly relevant to resolution of parties' disagreements concerning the scope of appropriate discovery in this case, in light of the discovery already taken in *Carroll v. Trump*, No. 20-7311 (LAK), and the substance of the scheduling order, both for the reasons set forth in plaintiff's letter opposing defendant's present request (Dkt 37, at 2). They are appropriately released because, among other things, they are relevant to understanding the basis for the Court's rulings on those controverted matters.

In view of the foregoing, it is unnecessary for the Court to determine whether, as plaintiff suggests, the substance of the excerpt from defendant's deposition was properly designed as Confidential by defendant given paragraph 2 of the Protective Order (Dkt 18).

Accordingly, defendant's application (Dkt 36) is denied. **The Clerk shall make the entirety of Dkt 16 available for unrestricted public access.**

SO ORDERED.

Dated: January 13, 2023

  
\_\_\_\_\_  
Lewis A. Kaplan  
United States District Judge

# Exhibit 6



# tacopina seigel trial lawyers

TACOPINA SEIGEL & DEOREO

**JOSEPH TACOPINA**

EMAIL: jtacopina@tacopinalaw.com  
www.tacopinalaw.com

275 Madison Avenue, 35th Floor  
New York, NY 10016  
Telephone (212) 227-8877  
Facsimile (212) 619-1028

April 21, 2023

**FILED BY ECF**

Hon. Lewis A. Kaplan  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: Carroll v. Trump, 22 Civ. 10016 (LAK)**

Your Honor:

As counsel for Defendant Donald J. Trump (“Trump”), we respectfully submit this letter to brief the objections raised by the Parties as to the deposition designations for Trump’s October 19, 2022 deposition, which are set forth in the recently filed Deposition Designations and Objections (“DD&O”). *See* ECF No. 129. We respectfully request that the Court rule on these issues prior to the commencement of trial.

For the convenience of the Court and the parties, we have attached hereto (Exhibit A) a copy of Defendant’s deposition that highlights Plaintiff’s designations in blue and Defendant’s designations in yellow (the portions that neither party designates have been omitted).

**Defendant’s Counter-Designations of the Trump Deposition**

Plaintiff designated numerous portions of Trump’s deposition in the DD&O (pp. 1-3), in the Joint Pretrial Order (ECF No. 60 at p. 7-8 [PX-37 & PX-42]) and the recently filed Amended Joint Pretrial Order (ECF No. 130 at p. 9-10 [PX-37 & PX-42]).

Therefore, pursuant to Fed. R. Civ. P. 32(a)(6), the law is clear that Defendant may (a) “require” Plaintiff to read Defendant’s counter-designations during Plaintiff’s case in chief to avoid confusion and for completeness, and/or (b) use “any other parts” of that deposition during Trump’s case in chief. *See* Fed. R. Civ. P. 32(a)(6) (“If a party offers in evidence only part of a deposition, an adverse party may require the offeror to introduce other parts that in fairness should be considered with the part introduced, and any party may itself introduce any other parts.”); *Saget v. Trump*, 351 F. Supp. 3d 251, 256 (E.D.N.Y. 2019) (“Rule 32(a)(6) allows Defendants to both:

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Hon. Lewis A. Kaplan  
April 21, 2023  
Page 2

(1) require Plaintiffs to introduce other parts of the deposition transcripts that ought to be considered in fairness with the parts already introduced and; (2) to introduce any other parts of the depositions. Thus, this Court admits Defendants' deposition transcripts in full.”).

Furthermore, we respectfully submit that once the Court permits some or all of Defendant's counter-designations, out of practicality and to avoid jury confusion, all of the video-tape deposition designations by Plaintiff and the counter-designations by Defendant should be played together.

It is also important to note that regardless of whether the Court relies upon the “adverse party may require the offeror ... in fairness” part of Rule 32(a)(6)(for play-backs during Plaintiff's case-in-chief), or the “any other parts” part of that rule (for play-backs during Defendant's case-in-chief, to which the fairness rule does not apply), all of Defendant's counter-designations at issue fall under the “in fairness” doctrine. This is so, because, as demonstrated below, Defendant's counter-designations “provide[] context for the deposition excerpts already introduced by” Plaintiff, and “provide the [jury] with a clearer understanding of the testimony.” *Apple iPod iTunes Anti-Tr. Litig.*, No. C 05-00037 JW, 2009 WL 10678937, at \*1 (N.D. Cal. Nov. 20, 2009). Additionally, Defendant's counter-designations are proper because they “contain testimony that explain the subject matter of the portions designated by the” Plaintiff or simply “cover[] the same subject matter.” *Johnson v. Rockwell Automation, Inc.*, No. 1:06CV00017 JLH, 2009 WL 10677179, at \*1 (E.D. Ark. June 18, 2009).

The disputed counter-designations pertain to three subjects, namely (1) whether Defendant raped Plaintiff (and necessarily whether Plaintiff lied about this alleged incident and whether Defendant told the truth when he denied it [including in his alleged defamatory statements in June 1999 and on October 12, 2022]), (2) whether Defendant assaulted Jessica Leeds (“Leeds”) and/or Natasha Stoyhoff (“Stoyhoff”), and (3) Defendant's explanation of the Access Hollywood Recording.

*Whether Defendant Raped Plaintiff, Plaintiff Lied about this Alleged Incident and Defendant Told the Truth When He Denied it*

Three subject matters of the deposition testimony designated by Plaintiff are determinative on this issue. **First**, Plaintiff cites to numerous sections of Defendant's deposition testimony concerning his purported lack of investigation of Plaintiff's rape allegation (clearly elicited in an attempt to establish Defendant's purported consciousness of guilt), namely his supposed lack of (a) communications and dealings with Bergdorf Goodman that supposedly could have brought forth evidence concerning Plaintiff's claims, and (b) research into what kind of person Plaintiff was and is, which supposedly would have established Plaintiff's purported credibility and that she

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was not making her claims for political and financial gain.<sup>1</sup>

**Second**, Plaintiff focuses in large part on Defendant's deposition testimony where Defendant testifies why he stated and believes that Plaintiff is not his type<sup>2</sup>, including testimony where Defendant states "now that I've gotten indirectly to hear things about her, she wouldn't be my type in any way, shape, or form." Exhibit A at 94:10-94:13.

Plaintiff's designations of Defendant's deposition testimony on those two subjects clearly allow Defendant to counter-designate Defendant's deposition testimony concerning why (a) he did not do such an investigation – *i.e.* because her story was so obviously false in his mind as to not justify doing such an investigation, especially since Plaintiff had no idea when it purportedly happened and incredibly asserted that there were no witnesses and the floors of Bergdorf Goodman were empty of customers and staff; and (b) why he thought she was not his type "in any way" after learning about her and her absurd (in his mind) claim— *i.e.* he thought she was a mentally disturbed person that makes outlandish allegations. Therefore, testimony establishing his beliefs that her story was absurd on its face, was politically and financially motivated, and that, in his opinion, she had to be mentally disturbed to make such baseless accusations, obviously provides context for the deposition excerpts already introduced by Plaintiff, provides the jury with a clearer understanding of his testimony designated by Plaintiff, and definitely covers the same subject matter as Plaintiff's designations.<sup>3</sup> In addition, these counter-designations are also highly relevant to the substantive issue of the falsity of Plaintiff's rape claim.

**Third**, the same exact counter-designations provide context and a clearer understanding of Defendant's alleged defamatory statements made in June of 1999 and on October 12, 2022<sup>4</sup>. In other words, Defendant's counter-designations referenced above (*see* footnote 3) establish Defendant's state of mind, intent, good faith and lack of actual malice in making these alleged defamatory statements. In this regard, Plaintiff has alleged that Defendant made these statements knowing that they were false and with malicious intent. *See* ECF No. 1 at ¶¶ 109 and 133.<sup>5</sup> Plaintiff has also requested punitive damages for such alleged defamatory statements (*id.* at WHEREFORE clause iii), which requires her to prove at trial that Defendant made such statements with "deliberate intent to injure or ... out of hatred, ill will, or spite or ... with willful, wanton or reckless

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<sup>1</sup> *See* Exhibit A at 78:6-78:18, 79:4-79:7, 80:17-80:23, 80:25-83:2, 87:6-88:3, 88:7-88:17, and 89:18-90:11.

<sup>2</sup> *See id.* at 67:22-68:21; 69:7-69:23, 93:19-94:20, 95:4-95:5, 95:8-95:8, and 141:21-142:14.

<sup>3</sup> Such counter-designations include all of the counter-designations included on pages 4 and 5 of the DD&O (from deposition pages 50 to 148).

<sup>4</sup> *See* Plaintiff's designations on pages 54-57, 68-69, 78-79, 87-90, 93-94, 127, 132, 146, 181 and 209 of Defendant's deposition transcript.

<sup>5</sup> *See also* Plaintiff's Proposed Jury Instructions, ECF No. 99-1 at p. 33.

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disregard of another's rights."<sup>6</sup> Consequently, Plaintiff has affirmatively put Defendant's state of mind at issue in making such alleged defamatory statements, and when Plaintiff uses deposition designations concerning such statements, Defendant should be able to counter the same with designations as to his state of mind in making them.<sup>7</sup>

Accordingly, all of Defendant's counter-designations included on pages 4 and 5 of the DD&O (from deposition pages 50 to 148) should be played to the jury when Plaintiff plays her designations. In the alternative, Defendant should be allowed to play such counter-designations to the jury in his case in chief.

Additionally, such counter-designations should not be barred because of Plaintiff's conclusory and blunderbuss objections under FRE 402 (relevance), 403 (unfair prejudice), 602 (lack of personal knowledge), and 802 (hearsay). This is so because all of this evidence relates to Defendant's state of mind and intent in purportedly not conducting a sufficient investigation of Plaintiff and her rape allegation and in making the alleged June 1999 and October 12, 2022 defamatory statements. As demonstrated above, his state of mind and intent are clearly relevant to these issues, this evidence does not unfairly prejudice Plaintiff (Plaintiff does not explain any such unfair prejudice), and it is unclear how any of it is hearsay. To the extent that any of such counter-designations designate an answer but not the question (77:14-78:5), that does not make the answer hearsay in and of itself, which is why Plaintiff fails to cite to any case law supporting such an argument.

*Whether Defendant Assaulted Leeds and/or Stoyloff*

Plaintiff designates portions of Defendant's deposition that concern the alleged assaults of Leeds and Stoyloff.<sup>8</sup> While Defendant objects to all testimony concerning these subjects, as he briefed in the parties respective *in limine* motions filed in this case and in *Carroll I*, the Court ruled against his objections, and thus, he counter-designates portions of his deposition concerning these alleged assaults (but reserves all rights for an appeal).<sup>9</sup>

Plaintiff's designations as to these alleged assaults cherry-pick the very initial testimony about these alleged assaults but then ignore Defendant's testimony (*i.e.* Defendant's counter-designations) where Defendant defends himself against such allegations. Thus, Plaintiff only designates the proverbial "good parts" and fails to designate the "bad parts," in an obvious attempt

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<sup>6</sup> See Plaintiffs Proposed Jury Instructions, ECF No. 99-1 at p. 35.

<sup>7</sup> For these reasons, these counter-designations do not violate FRE 106 (the rule of completeness), FRE 611 (order of examining witnesses), or Fed. R. Civ. P. 32(a)(6).

<sup>8</sup> See the DD&O at p. 3 as to deposition pages 176, 180-184, and 193.

<sup>9</sup> These counter-designations include those on pages 5-6 of the DD&O that refer to deposition pages 176, 183, 185-187, and 191.

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to avoid the context of the deposition excerpts already introduced by Plaintiff and hide from the jury a clearer understanding of Defendant's testimony designated by Plaintiff— even though such designations and counter-designations clearly cover the same subject matter (the alleged assaults of these women).<sup>10</sup>

Hence, all of Defendant's counter-designations included on pages 5 and 6 of the DD&O (concerning deposition pages 176, 183, 185-187 and 191) should be played to the jury when Plaintiff plays her designations relating to these alleged assaults. In the alternative, Defendant should be allowed to play such counter-designations to the jury in his case in chief.

Additionally, such counter-designations should not be barred because of Plaintiff's superficial and pro forma objections under FRE 402 (relevance), 403 (unfair prejudice), 602 (lack of personal knowledge), and 802 (hearsay). In these counter-designations, Defendant merely testifies that these allegations are false and defy common sense. Such testimony is relevant, Defendant has personal knowledge of the same, and Plaintiff has neither identified any unfair prejudice nor what portion of this testimony is hearsay.

*The Access Hollywood Recording*

Plaintiff designates portions of Defendant's deposition transcript concerning the Access Hollywood Recording.<sup>11</sup> While Defendant objects to all testimony concerning this subject, as he briefed in the parties respective *in limine* motions filed in this case and in *Carroll I*, the Court ruled against his objections, and thus, he counter-designates portions of his deposition concerning this issue (but reserves all rights for an appeal).

Plaintiff, as she does with the alleged assaults of Leeds and Stoyhoff, cherry picks the testimony by citing only the portions that discuss the recording but omitting Defendant's testimony defending himself as to this subject.<sup>12</sup> Consequently, all of Defendant's counter-designations included on page 5 of the DD&O (from deposition pages 172 and 174-175) should be played to the jury when Plaintiff plays her designations relating to the Access Hollywood Recording. In the alternative, Defendant should be allowed to play such counter-designations to the jury in his case in chief.

Additionally, such counter-designations should not be barred because of Plaintiff's conclusory and perfunctory objections under FRE 402 (relevance), 403 (unfair prejudice), and 802

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<sup>10</sup> For these reasons, these counter-designations do not violate FRE 106 (the rule of completeness), FRE 611 (order of examining witnesses), or Fed. R. Civ. P. 32(a)(6).

<sup>11</sup> See the DD&O at p. 3 as to deposition pages 168, 169, 170, 173, and 174.

<sup>12</sup> For these reasons, these counter-designations do not violate FRE 106 (the rule of completeness), FRE 611 (order of examining witnesses), or Fed. R. Civ. P. 32(a)(6).

TACOPINA SEIGEL & DEOREO

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April 21, 2023  
Page 6

(hearsay). Such testimony is relevant, and Plaintiff has neither identified any unfair prejudice nor what portion of this testimony is hearsay.

**Defendant's Objections to Plaintiff's Designations of the Trump Deposition**

Defendant objects to three portions of Plaintiff's designations of his deposition transcript. **First**, Defendant objects to testimony concerning his possible friendship with a television executive during an unidentified time period, and his friendship with Roger Ailes.<sup>13</sup> The fact that Defendant may have been friends with these individuals has no relevance to this case and testimony concerning these subjects would be a pure side-show creating delay and confusion.

**Second**, Defendant objects to testimony concerning other political attacks that have been made against him.<sup>14</sup> Such political disputes have nothing to do with this case, and testimony concerning such political attacks against Defendant will "confus[e] the issues," create an "undue delay," and clearly will "wast[e] time." Fed. R. Evid. 403.

**Third**, Plaintiff seeks to admit Defendant's deposition testimony concerning whether he has ever kissed any woman without her consent (which he denies), ever touched any woman's intimate body parts without her consent (which he denies) or pressured any woman to have sex with him (which he denies).<sup>15</sup> This testimony is irrelevant and cannot be admissible propensity evidence because he did not make any admission with regard to such inquiries.

**Conclusion**

Based upon the foregoing, Defendant respectfully requests that the Court overrule Plaintiff's objections to Defendant's deposition counter-designations, direct that such counter-designations be played along with Plaintiff's designations (or in the alternative, allow Defendant to play same during his case in chief), and sustain Defendant's objections to Plaintiff's deposition designations.

We greatly appreciate the Court's consideration of this matter.

Respectfully submitted,

  
Joseph Tacopina

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<sup>13</sup> See the DD&O p. 1 as to 38:4-38:20.

<sup>14</sup> See the DD&O p. 3 as to Plaintiff's deposition designation for transcript pages 147-149.

<sup>15</sup> See the DD&O p. 3 as to Plaintiff's deposition designation for transcript page 158.

# EXHIBIT A

1

D. J. TRUMP

Page 12

21 Q. And by the early 1990s, would it be fair  
22 to call you or to characterize you as a real estate  
23 tycoon?

24 A. Yeah.

25 Q. Trump Tower on Fifth Avenue, that was



1 D. J. TRUMP

2 completed in 1983?

3 A. Around that time, yes.

4 Q. And when did you move into the -- your

5 penthouse apartment there?

6 A. Maybe a year later.

7 Q. And that remained your primary residence

8 until you were elected president; correct?

9 A. That's right.

13 Q. And Trump Tower -- where is Trump Tower

14 located?

15 A. 57th and Fifth.

17 And at some point you became the owner of

18 the Plaza Hotel in New York; correct?

19 A. Yes.

20 Q. And where is the Plaza Hotel located?

21 A. 59th off Fifth Avenue.

22 Q. And for how long were you the owner --

23 withdrawn.

24 During what years were you the owner of

25 the Plaza Hotel?

1

D. J. TRUMP

2 A. I don't know the years. About five  
3 years.

4 Q. Do you know when it began? When you  
5 bought it?

6 A. In the early '90s.

1

D. J. TRUMP

Page 16

24

Q. Now, in the '80s and '90s, is it fair to

25

say you had a busy social life?

1 D. J. TRUMP

2 A. I don't know. I mean, I don't know what

3 you -- you'd have to define "social life." I

4 wouldn't say that busy. I was working very hard.

5 So I didn't have time to be too much onto the social

6 calendar. But yeah.

7 Q. Well, let me try to phrase it this way:

8 In the evenings you went out quite a bit in New York

9 City to benefits, galas, et cetera?

10 A. Lot of charity events, yes. But I don't

11 think that much, no.

1

D. J. TRUMP

Page 22

15                   So in the period in the '80s and '90s,  
16 we've already discussed you would go to benefits and  
17 parties. And is it fair to say that at a lot of  
18 those parties, there would be a -- or benefits there  
19 would be kind of a photography line either at the  
20 beginning or throughout the event?

21                   A.     Yes.

22                   Q.     And that people would take photographs  
23 like Getty Images and then put them out?

24                   A.     Right.

1

D. J. TRUMP

Page 23

21 Q. And this is another Getty Images  
22 printout, and is it fair to say that this document  
23 indicates that you were the grand marshal of the New  
24 York City Veterans Day Parade on November 10, 1995,  
25 in New York City?

1

D. J. TRUMP

Page 24

2

A. Yes.

1

D. J. TRUMP

Page 31

23                    Similarly true that during this same  
24                    period you made appearances on television; correct?  
25                    A.        Yes.



1

D. J. TRUMP

2

Q. Sitting here today, can you recall any TV

3

interviews that you did that you remember?

4

A. I did everything.

5

Q. When you say "everything," give me some

6

examples if you can.

7

A. I did the late night shows. I did the

8

newscasts. I even did some of the political shows

9

on Sunday, even though I wasn't really in politics

10

as I am now. But they wanted me to do that, and I

11

did that. They'd ask me to do them all the time.

12

So I did quite a bit of television.

1

D. J. TRUMP

11 Q. I think you already answered this  
12 question, but just so the record is clear, did you  
13 watch the program Good Morning America from time to  
14 time in this period of the late 1980s through the  
15 mid-1990s?

16 A. A little bit.

17 Q. Did you appear on the Today Show during  
18 this period?

19 A. Yes.

20 Q. Same question: Did you watch the Today  
21 Show during this period?

22 A. Little bit.

1

D. J. TRUMP

Page 38

4 Q. During this period did you have any  
5 friends in the television industry who worked in the  
6 television industry?

7 A. Probably. But I wasn't much involved at  
8 that point in the television industry, but I  
9 probably did.

10 Q. Anyone come to mind right now?

11 A. Maybe Bob Wright.

12 Q. Who is Bob Wright?

13 A. He was the head of NBC, I think, at that  
14 time.

15 Q. What about Roger Ailes? When did you  
16 become friends with Roger Ailes?

17 A. Later.

18 Q. Approximately?

19 A. More in the seven-, eight-year-ago  
20 period.

1

D. J. TRUMP

Page 42

6 Q. What years were you married to your first  
7 wife, Ivana Trump?

8 A. So about '78 to the early '90s.

1

D. J. TRUMP

Page 43

4 Q. Okay. Your next wife was a woman by the  
5 name of Maria Maples?

6 A. Yes. Right.

7 Q. And sitting here today, do you recall  
8 what years you were married to Ms. Maples?

9 A. I'd have to get the exact dates for you.  
10 I can do that very easily.

1

D. J. TRUMP

10 Q. In the course of your dating life and  
11 your married life, did you have occasion to buy  
12 gifts for women you were seeing?

13 A. Not much actually. I mean, if it was a  
14 birthday or something, I guess, yes.

15 Q. And other than birthday presents, did you  
16 buy gifts for women you were dating?

20 THE WITNESS: I mean, it's possible, but  
21 I don't think very much, no.

22 BY MS. KAPLAN:

23 Q. I take it you bought gifts for your wives  
24 for their birthdays?

25 A. Yes, generally.

1

D. J. TRUMP

2 Q. And I take it you bought gifts for women  
3 you were dating?

4 A. It's -- you know, probable.

9 At least in your first marriage, you were  
10 seeing women outside of your marriage while you were  
11 married; correct?

16 THE WITNESS: I don't know.

17 BY MS. KAPLAN:

18 Q. Well, you were very public about the fact  
19 that you were seeing Ms. Maples when you were still  
20 married to Ivana Trump; no?

21 A. No, I don't think I was public about it.

22 Q. Well, there were many, many articles  
23 about it at the time; correct?

24 A. I don't think I was public about it. No,  
25 I don't think I was public about it at all.

1

D. J. TRUMP

2 Q. Isn't it true that you were seeing

3 Ms. Maples before you were divorced from

4 Ivana Trump?

5 A. I don't know. It was towards the end of

6 the marriage. So I don't know, really. It could be

7 a lapover, but I don't really know.

15 Q. Did you ever have occasion to go to the  
16 department store Bergdorf Goodman?

17 A. Very rarely.

18 Q. When you say very rarely, can you give me  
19 more detail? How rarely?

20 A. I mean, almost -- for me almost never. I  
21 would very rarely go there.

22 Q. When you went there, what do you recall  
23 shopping for?

24 A. I don't know. It's possible I was there,  
25 but I don't know that I ever shopped there for



1

D. J. TRUMP

2 myself.

3 Q. So when you shopped there for yourself to  
4 the extent you went there, you were shopping for  
5 others?

6 A. I don't think I ever shopped for others.  
7 It's possible that one or both of my wives shopped  
8 there a little bit, but I don't remember ever buying  
9 something for myself at Bergdorf Goodman. I went  
10 there very seldom almost if ever.

1

D. J. TRUMP

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9

Q. Then let's limit it to Bergdorf's.

10 Bergdorf's was pretty close to Trump Tower and very

11 close to the Plaza hotel; right?

12 A. That's right.

25

Q. When did you first hear about

1 D. J. TRUMP

2 Ms. Carroll's allegations?

3 A. I think a reporter called -- I don't know  
4 who -- and said that she had written something on a  
5 book, and I said that's absolutely false. I had no  
6 idea who she was. It was a made-up story.

8 The reporter you're talking about, you  
9 spoke to her directly?

10 A. I don't know. I don't remember that.  
11 But the word got to me, and I put a statement out  
12 that that was a made-up story. It's fiction.

1

D. J. TRUMP

9 Q. I'm handing you a document that's been  
10 marked as DJT 18. It bears the Bates range Carroll  
11 24378 through 24385. Do you have that in front of  
12 you?

13 A. Yeah.

14 Q. Sitting here today, do you recognize this  
15 document?

16 A. No.

17 Q. I will represent to you that this is the  
18 excerpt from Ms. Carroll's book that was published  
19 in New York Magazine online -- originally online on  
20 June 21, 2019.

21 A. Okay.

22 Q. At any point in time, did you read this  
23 article?

24 A. Excuse me?

25 Q. Did you ever read this article? This

1

D. J. TRUMP

2 document in front of --

3 A. No, I don't believe I did.

7 Q. I've handed you a book marked as DJT 19,

8 a book by E. Jean Carroll. It says What Do We Need

9 Men For, and if you look at the publication date, it

10 says first edition July 2019. Do you have that?

11 A. Yes.

12 Q. Do you have that book in front of you?

13 A. Yeah.

14 Q. Sitting here today, sir, have you ever

15 read this book either in its entirety or any portion

16 of this book?

17 A. No, never have. I've never seen the book

18 actually.

it was

21 big news that Ms. Carroll had made this allegation

22 against you; correct?

23 A. I'd say it was, yeah. Because that's

24 what she wanted, to sell a book.

25 Q. And it was covered widely in the press;

1

D. J. TRUMP

2 correct?

3 A. I don't know about widely. I just don't  
4 know, but certainly it was a story that got out  
5 there, and it was pure fiction.

8 You responded publicly to Ms. Carroll's allegations  
9 on the same day that the excerpt was published in  
10 the New York Magazine, which was June 21, 2019,  
11 correct?

12 A. I think so.

13 Q. Let's take a look at that.

1

D. J. TRUMP

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6

So what we've handed you as DJT 20 is a

7

blown-up, for legibility purposes, version of a

8

tweet posted by a woman by the name of Laura Littman

9

at 5:17 p.m. on June 21, 2019. Do you have that in

10

front of you?

11

A. Yes.

15

Q. The statement that is in this tweet, is

16

this a statement that you gave?

17

A. I mean, essentially that's what I said,

18

yeah.

1

D. J. TRUMP

5

If you could read that statement into the

6

record.

14

Q. It says: "Statement from President

15

Donald J. Trump. Regarding the 'story' by

16

E. Jean Carroll claiming she once encountered me at

17

Bergdorf Goodman 23 years ago, I've never met this

18

person in my life. She's trying to sell a new book.

19

That should indicate her motivation. It should be

20

sold in the fiction section. Shame on those who

21

make up false stories of assault, who try to get

22

publicity for themselves or sell a book or carry out

23

a political agenda like Julie Swetnick, who falsely

24

accused Justice Brett Kavanaugh. It's just as bad

25

for people to believe it, particularly when there is



1 D. J. TRUMP

2 zero evidence. Worse still for a dying publication  
3 to try to prop itself up by pedaling fake news.

4 It's an epidemic. Ms. Carroll in New York Magazine:

5 No pictures, no surveillance, no videos, no reports,

6 no sales attendants around??? I would like to thank

7 Bergdorf Goodman for confirming they have no video

8 footage of any such incident because it never

9 happened. False accusations diminish the severity

10 of real assault. All should condemn false

11 accusations and any actual assault in the strongest

12 possible terms. If anyone has information that the

13 Democratic party is working with Ms. Carroll or

14 New York Magazine, please notify us as soon as

15 possible. The world should know what's really going

16 on. It's a disgrace, and people should pay dearly

17 for such false accusations." Do you see that?

18 That's what you have in front of you?

19 A. Yeah.

20 Q. And I think you've already confirmed that

21 this is a statement that you gave to someone on your

22 staff to give to the press?

23 A. Yeah.

1

D. J. TRUMP

3 Q. Sitting here today, do you stand by this  
4 statement?

5 A. Yes.

6 Q. Sitting here today, are there any  
7 inaccuracies in this statement that you now know of?

8 A. Not that I can see, no. The only thing  
9 that I would say is -- and I've just heard this --  
10 that she has no idea when this event took place, and  
11 somehow 23 years is mentioned, 23 years ago. It's a  
12 long time. But she has no idea supposedly when this  
13 took place, what season, what year, what month, what  
14 day. She knows nothing. And for some reason, it's  
15 put down here 23 years ago. So, you know, at one  
16 point I was told 23 years. But I've heard since she  
17 really has no clue when this took place supposedly,  
18 which -- it didn't take place.

1

D. J. TRUMP

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6 MS. KAPLAN: Let's mark as DJT 21 a

7 document bearing the Bates range -- hold on --

8 DJT 21, a document bearing the Bates range

9 MP1795 through MP1807.

10 (DJT Exhibit 21 was marked for

11 identification.)

12 BY MS. KAPLAN:

13 Q. Do you have that in front of you?

14 A. Yeah.

22 Q. And these are statements that were put

23 out when you were the president of the United

24 States?

25 A. Yeah.

1 D. J. TRUMP

2 Q. And if you look at the top email, the  
3 address of the email, it says under that "Remarks by  
4 President Trump before Marine One departure"?

5 A. Yes.

6 Q. Marine One is a helicopter?

7 A. Yes.

8 Q. And if you look where it shows you  
9 speaking about halfway or two-thirds of the way down  
10 the document, the very first thing you say: "So  
11 we're going to Camp David"?

12 A. Yes.

13 Q. So am I correct in interpreting this --  
14 that this is a statement you made while boarding or  
15 getting onto Marine One --

16 A. Looks like it.

17 Q. -- to go to Camp David?

18 A. It looks like it.

1

D. J. TRUMP

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22                    Let's go now to the third statement,  
23                    which we're going to mark as DJT 22.  
24                    (DJT Exhibit 22 was marked for  
25                    identification.)

1

D. J. TRUMP

2 BY MS. KAPLAN:

3 Q. You have in front of you, sir, a  
4 five-page document. The first page says in bold  
5 type "Exclusive: Trump vehemently denies  
6 E. Jean Carroll allegation. Says she's not my  
7 type."

8 It's from a publication known as The  
9 Hill. It's dated June 24, 2019, and it's attributed  
10 to the gentleman Jordan Fabian and -- or maybe not  
11 the gentleman. It's attributed to two people,  
12 Jordan Fabian and Saagar Enjeti. Do you see that?

13 A. Yes.

14 Q. So this is two days after the last  
15 statement we're looking at, which is on June 22nd.  
16 Do you recall having an interview with  
17 reporters from The Hill on June 24, 2019?

18 A. Vaguely, yes.

19 Q. And do you recall where that interview  
20 took place?

21 A. I think it was in the Oval Office.

1

D. J. TRUMP

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7 Q. And you're quoted just below that  
8 paragraph as saying as follows -- and this one I'll  
9 read: "I'll say it with great respect. Number one,  
10 she's not my type. Number two, it never happened,  
11 It never happened. Okay?"

12 And then the reporters say: "The  
13 president said, 'Well, see you behind the Resolute  
14 Desk in the Oval Office.'" Do you see that?

15 A. Yes, I do.

16 Q. And the statement that I just read that  
17 begins "I'll state with great respect," that was a  
18 statement that you made to the reporter for The Hill  
19 on June 24, 2019, correct?

20 A. Yes.

21 Q. And the same set of questions. I take  
22 it, sir, that you stand by that statement today?

23 A. Yes, I do.

1

D. J. TRUMP

4

Sitting here today, I take it your

5

position is you never sexually assaulted

6

Ms. Carroll?

7

A. 100 percent correct.

8

Q. And sitting here today, I take it that

9

you never -- that you believe you never had any

10

sexual interaction whatsoever with Ms. Carroll?

11

A. I don't believe. I know. It's the most

12

ridiculous story I've ever heard, taking her up to a

13

department store. I have buildings all around the

14

store. Why would I ever do that? It's the most

15

ridiculous thing I've ever heard. It's a made-up

16

story. It's a con job.

17

Q. And are you aware -- I understand that

18

based on her -- Ms. Carroll's claim, there were two

19

people there, you and Ms. Carroll, but sitting here

20

today, sir, are you aware of any documents that

21

would undermine Ms. Carroll's claim that you

22

sexually assaulted her?

23

A. No documents. Just a statement: It

24

never happened.



1

D. J. TRUMP

6 Q. And sitting here today, sir, are you  
7 aware of any witnesses who would -- I mean people  
8 who witnessed anything who would undermine the  
9 credibility of Ms. Carroll's claim that you sexually  
10 assaulted her?

14 THE WITNESS: The only thing I can think  
15 of is -- and I'm going to start looking -- as  
16 to whether or not any -- and the problem is she  
17 can't give us a date. Because if you could  
18 give me a date, which you can't because it  
19 never happened, I would look at security  
20 because I usually had security walk in with me.  
21 So if you could give me some kind of a date, I  
22 would be able to find out if security was  
23 around, and I could have a very nice witness.  
24 I'd love to do that. But you can't give a date  
25 because you have no idea when this supposedly

1 D. J. TRUMP

2 took place because it didn't take place.

3 BY MS. KAPLAN:

4 Q. So your answer to my question is, no, you  
5 don't have any witnesses?

6 A. If you could give me a date, I could  
7 check on security because I traveled with security  
8 quite a bit, and I would have somebody from security  
9 confirm a statement that it never happened.

10 Q. Is it your testimony, sir, that you  
11 always walked around New York City during the period  
12 late 1995 and early 1996 with security? Is that  
13 your statement?

14 A. Pretty much, yes.

15 Q. Pretty much isn't always. Is that your  
16 testimony?

18 THE WITNESS: I would say pretty much to  
19 always, yeah. I always have a security person  
20 with me.

1

D. J. TRUMP

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And if  
15 something like this would have happened, the store  
16 would have complained violently. It would have been  
17 a major story in the newspapers. As I take it, she  
18 said a dressing room on a -- it would be a crowded  
19 floor. Bergdorf's is a very busy store in a very  
20 prime location. I was very well-known to put it  
21 mildly. And if I was going to be walking into a  
22 dressing room with a woman -- the whole thing is so  
23 ridiculous.

24 So the store would have -- it would have  
25 been a major story on page 6 by Cindy Adams or Liz

1 D. J. TRUMP

2 Smith or by somebody within minutes; okay? So there  
3 were no complaints. There were no stories. There  
4 was no anything because it never happened. It's all  
5 fiction. It's a con job.

6 Q. So before you made your statements that  
7 it never happened in 2019, did you or anyone on your  
8 staff reach out to anyone at Bergdorf Goodman?

9 A. I didn't have to reach out to anybody  
10 because it didn't happen. And by the way, if it did  
11 happen, it would have been reported within minutes.  
12 You're talking about going to a major floor  
13 probably. I assume the most important floor, a  
14 major floor in a major department stores that's a  
15 very busy store, by the way, and checkout counters  
16 and everything else. And I would be in there? I  
17 mean, it's the most ridiculous -- it's the most  
18 ridiculous, disgusting story. It was just made up.

1

D. J. TRUMP

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4 Q. After you made the statements that you  
5 made in June of 2019, did you or anyone working for  
6 you reach out to Bergdorf Goodman?

7 A. After the statement was made? No.

1

D. J. TRUMP

4 Q. In your June 21 statement that's marked  
5 as Exhibit 20, you say -- and this is the Littman  
6 tweet -- "I never met this person in my life."

7 A. Yes.

8 Q. Was that a true statement when you made  
9 it on June 21, 2019?

10 A. It was a true statement when I made it.  
11 I think subsequently or at some point they showed a  
12 picture on a receiving -- I was on a celebrity line  
13 for a charity, and I think I was either shaking her  
14 hand or her husband's hand on a receiving line.  
15 Like I say, I shake a lot of hands with people, but  
16 I had no idea who she was.

17 Q. So if I can understand your testimony,  
18 sir, you're saying that at the time you made the  
19 statement that's in DJT 20, you were not aware of  
20 ever having met Ms. Carroll? You have since seen a  
21 photograph that shows you with Ms. Carroll on a  
22 receiving line; correct?

23 A. Along with a lot of other people.

25 THE WITNESS: This was a very public -- I

Confidential

Page #1

1 D. J. TRUMP

2 think it was a charity or a celebrity event or  
3 something. And I think that's her big claim to  
4 fame, you know, that she shook my hand at some  
5 celebrity event.

6 BY MS. KAPLAN:

7 Q. So the answer to my question is yes, that  
8 after you made the statement, you became aware that  
9 there's a photo of you with Ms. Carroll in a  
10 receiving line, correct?

11 A. At some point.

12 Q. Okay.

13 A. I saw there was a photo on a receiving  
14 line, yes.

15 Q. Okay.

16 MS. KAPLAN: Let's mark the photo. What  
17 number are we on?

18 (DJT Exhibit 23 was marked for  
19 identification.)

20 BY MS. KAPLAN:

21 Q. You have in front of you a black and  
22 white photograph that we've marked as DJT 23. And  
23 I'm going to ask you: Is this the photo that you  
24 were just referring to?

25 A. I think so, yes.

Confidential

Page #2

1 D. J. TRUMP

2 Q. And do you recall when you first saw this  
3 photo?

4 A. At some point during the process, I saw  
5 it. I guess that's her husband, John Johnson, who  
6 was an anchor for NBC. Nice guy, I thought. I  
7 mean, I don't know him, but I thought he was pretty  
8 good at what he did. I don't even know the woman.  
9 I don't know who -- it's Marla.

10 Q. You're saying Marla is in this photo?

11 A. That's Marla, yeah. That's my wife.

12 Q. Which woman are you pointing to?

13 MS. HABBA: No, that's Carroll.

14 THE WITNESS: Oh, I see.

15 BY MS. KAPLAN:

16 Q. The person you just pointed to was

17 E. Jean Carroll.

18 MS. HABBA: That's your wife.

19 BY MS. KAPLAN:

20 Q. And the person -- the woman on your right  
21 was --

22 A. I don't know. This was the picture. I  
23 assume that's John Johnson.

24 MS. HABBA: That's Carroll.

25 THE WITNESS: That's Carroll? Because



1

D. J. TRUMP

2

it's very blurry.

1

D. J. TRUMP

6 Q. Now, in your June 21 statement, which  
7 is -- in your June 21 statement, which is DJT 20,  
8 you said that Ms. Carroll was trying to sell a new  
9 book and that you said shame on those who make up  
10 false stories of assault to try to get publicity for  
11 themselves or sell a book?

12 A. Yeah, that's right.

13 Q. Before you made that statement, did you  
14 have any knowledge one way or the other of the  
15 financial arrangements between Ms. Carroll and the  
16 publisher of her book?

17 A. No.

18 Q. Did you even know who her publisher was?

19 A. No.

20 Q. Did you ever see her book contract?

21 A. No.

22 Q. Did you know anything about Ms. Carroll's  
23 financial situation?

24 A. No.

25 Q. Did you know anything about her expected

1

D. J. TRUMP

2 book sales?

3 A. No idea.

7 Before you made this statement that

8 appears in DJT 20, do you know whether you or anyone

9 working for you did any research on Ms. Carroll?

10 A. I just don't know. It's possible

11 somebody -- when they heard this horrible

12 accusation, it's possible that somebody did a little

13 quick research but not that I know of.

14 Q. Another thing that you say in your June

15 21 statement is that Ms. Carroll was trying to carry

16 out a political agenda?

17 A. Yeah.

1

D. J. TRUMP

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18 Q. Before issuing your statement on June 21,  
19 did you learn what political party Ms. Carroll  
20 belonged to?

21 A. No, I didn't know that.

22 Q. Before you issued your June 21 statement,  
23 did you have any documents indicating that she was  
24 pursuing a political agenda?

25 A. No.

1

D. J. TRUMP

2 Q. At the end of your statement, your June  
3 21 statement, you say: "If anyone has information  
4 that the Democratic party is working with  
5 Ms. Carroll or New York Magazine, please notify us  
6 as soon as possible."

7 Did anyone ever notify you --

8 A. I don't know.

9 Q. Sitting here today, you can't recall  
10 anyone who notified you?

11 A. I don't know, yeah.

1

D. J. TRUMP

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19                   One of the other things that you said  
20    about Ms. Carroll at the time appears in your June  
21    24 statement, which is DJT 22, and what you said  
22    there is: "I'll say it with great respect. Number  
23    one, she's not my type."

24                   When you said that Ms. Carroll was not  
25    your type, you meant that she was not your type

1

D. J. TRUMP

2 physically; right?

3 A. I saw her in a picture. I didn't know  
4 what she looked like, and I said it -- and I say it  
5 with as much respect as I can, but she is not my  
6 type.

7 Q. And, again, when you say 'type,' you just  
8 referred to looking at photos. So you mean  
9 physically she's not your type?

10 A. Physically she's not my type, and now  
11 that I've gotten indirectly to hear things about  
12 her, she wouldn't be my type in any way, shape, or  
13 form.

14 Q. But when you were talking back on June  
15 24th, you were referring to her not being your type  
16 physically; correct?

17 A. I saw a photo of her.

18 Q. Okay.

19 A. And the only difference between me and  
20 other people is I'm honest. She's not my type.

1

D. J. TRUMP

4 Q. I take it the three women you've married

5 are all your type?

8 THE WITNESS: Yeah.



1

D. J. TRUMP

6 Q. Okay. And I'm just going to use  
7 categories. In addition to the people that I  
8 mentioned, do you recall any conversations with  
9 anyone in the legislative branch -- and by that I  
10 mean the House or the Senate or people who work  
11 there.

12 A. Well, it's probable that I told people  
13 that there was a false, disgusting lie made about me  
14 because I would say that to a lot of people. Even  
15 if they didn't ask, I was very offended by this.  
16 This woman is sick. There's something wrong with  
17 her, and it's a false story. So I would go around  
18 saying that to people, yes. So it's possible that I  
19 would say that to legislators.

1

D. J. TRUMP

22 Q. Okay. I take it that in the period June  
23 21 through June 24, 2019, your instructions to  
24 anyone in the press about this issue involving  
25 E. Jean Carroll would have been consistent with your

1

D. J. TRUMP

2 statements, which is tell people it never happened;

3 correct?

4 A. It never happened.

1

D. J. TRUMP

5 Q. Ms. Grisham wrote in her book that at the  
6 meeting you said to her just deny it. That's what  
7 you do in every situation, right, Stephanie? You  
8 just deny it?

9 A. No. I said deny this if I said that at  
10 all, but I said it to many people. I said this  
11 never happened.

12 Q. Okay. Do you have --

13 A. And I told people -- if anybody would ask  
14 me, I said this never happened. This is a lie, and  
15 in my opinion, the woman is sick. But I didn't go  
16 into that too much. There's something wrong with  
17 this woman.

18 Q. Do you recall having yet a third  
19 conversation with Stephanie Grisham in the Oval  
20 Office about whether anyone would have heard --  
21 whether if this had happened in a dressing room,  
22 someone should have heard it?

24 THE WITNESS: Well, I don't think so, but  
25 I have told that to many people. If a thing

D. J. TRUMP

1

2

like this would have happened, you would have

3

had people rushing in to find out what's going

4

on. You mean you're raping somebody in a

5

dressing room of a crowded department store,

6

people right outside, and this goes on for, I

7

assume, a period of time. And nobody would

8

come find out what the hell is going on there?

9

It's ridiculous.

10

So I do say that sometimes to people. I

11

say can you imagine this? The concept of this?

12

And it's me. And I -- you know, a very famous

13

person. It's a disgrace. Frankly it's a

14

disgrace that something like that can be

15

brought.

1

D. J. TRUMP

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22 Q. What is Truth Social?

23 A. It's a platform that's been opened by me  
24 as an alternative to Twitter.

25 Q. And your handle on Truth Social is

1

D. J. TRUMP

2 @realdonaldtrump?

3 A. I believe so, yes.

1

D. J. TRUMP

5 Q. Okay. Now, on October 12, just a few  
6 days ago, you issued a statement on Truth Social  
7 about Ms. Carroll and this case; correct?

8 A. I believe so, yes.

9 Q. And the statement that you posted, who  
10 wrote that statement?

11 A. I did.

12 Q. You yourself?

13 A. Yeah.

14 Q. Did you post the statement yourself?

15 A. Yes.

16 Q. And in addition to posting the statement  
17 on Truth Social, you also sent it to the press?

18 A. Yes. It's called truth and post. We  
19 post much like -- how would you say it? We put out  
20 a statement, and we also put it on Truth.



1

D. J. TRUMP

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6 Q. Why did you decide to issue the statement  
7 on Truth Social on October 12th?

8 A. Because I was offended at this woman's  
9 lie. Because I was offended that she could just  
10 make up a story out of cold air, refuted by her  
11 testimony on CNN, but that she could make up a story  
12 just out of nowhere and that I get a phone call  
13 asking me about this ridiculous situation. The  
14 woman -- there's something wrong with her in my  
15 opinion. Okay. But it's a false accusation. Never  
16 happened, never would happen.

1

D. J. TRUMP

5 Q. Is there anything in particular that  
6 prompted you to make this statement last week?

7 A. Yeah. Her false story and that I have to  
8 waste a whole day doing these ridiculous questions  
9 with you.

11 MS. KAPLAN: Let's look at the statement.

12 Let's mark it as -- what's my next number?

13 MR. MADAIO: DJT 28.

15 THE WITNESS: I can't read this.

17 MS. KAPLAN: Well, we have a blown-up  
18 version.

19 BY MS. KAPLAN:

20 Q. Let's mark it as 28 and 28A.

24 So what we have in front of you as DJT

25 28, sir, is the post as it appeared on Truth Social

1 D. J. TRUMP

2 on October 12, 2022, and a blown-up version because

3 we appreciate that the type is very small. A

4 blown-up version that should be more legible.

5 A. I can see it, yeah.

9 Q. So it says: "October 12, 2022, statement  
10 by Donald J. Trump, forty-fifth President of the  
11 United States of America. This 'Ms. Bergdorf  
12 Goodman case' is a complete con job, and our legal  
13 system in this country but especially in New York  
14 State (just look at Peekaboo James) is a broken  
15 disgrace. You have to fight for years and spend a  
16 fortune in order to get your reputation back from  
17 liars, cheaters, and hacks. This decision is from  
18 the judge who was just overturned on my same case.  
19 I don't know this woman, have no idea who she is  
20 other than it seems she had a picture of me many  
21 years ago with her husband shaking my hand on a  
22 reception line at a celebrity charity event. She  
23 completely made up a story that I met her at the  
24 doors of this crowded New York City department store  
25 and within minutes 'swooned' her." "Swooned" is in

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1 D. J. TRUMP

2 quotes.

3 "It is a hoax and a lie just like all the  
4 other hoaxes that have been played on me for the  
5 past seven years, and while I'm not supposed to say  
6 it, I will. This woman is not my type! She has no  
7 idea what day, what week, what month, what year, or  
8 what decade this so-called 'event' supposedly took  
9 place. The reason she doesn't know is because it  
10 never happened, and she doesn't want to get caught  
11 up with details or facts that could be proven wrong.  
12 If you watch Anderson Cooper's interview with her  
13 where she was promoting a really crummy book, you  
14 will see that it is a complete scam. She changed  
15 her story from beginning to end after the commercial  
16 break to suit the purposes of CNN and Andy Cooper.  
17 Our justice system is broken along with almost  
18 everything else in our country. Her lawyer is a  
19 political operative and Cuomo crony who goes around  
20 telling people that the way to beat Trump is to sue  
21 him all over the place. She is suing me on numerous  
22 frivolous cases just like this one, and the court  
23 system does nothing to stop it.

24 "In the meantime and for the record,  
25 E. Jean Carroll is not telling the truth, is a woman

1 D. J. TRUMP

2 I had nothing to do with, didn't know, and would  
3 have no interest in knowing her if I ever had the  
4 chance. Now all I have to do is go through years  
5 more of legal nonsense in order to clear my name of  
6 her and her lawyer's phony attacks on me. This can  
7 only happen to 'Trump'!"

8 Did I read that correctly?

9 A. Great statement, yeah. True. True.

10 Q. And now that you've heard it again and  
11 you have it in front of you, you again confirm that  
12 you wrote the whole thing yourself?

13 A. I wrote it all myself. All myself.

19 Q. In this statement you say, I think, for  
20 the first time that it was a charity event, that  
21 photo. It was a charity event that --

22 A. That was what I was told, yeah. I was  
23 told it was a charity event. Nobody knows which  
24 event it was, but it was like a charity event.

1

D. J. TRUMP

24 Q. Now, at the beginning of your post, the  
25 reference "Ms. Bergdorf Goodman" is a reference to

1

D. J. TRUMP

2 Ms. Carroll; right?

3 A. That's right.

9 Q. Now, when you say in here I don't know  
10 this woman and have no idea who she is, even though  
11 you're using the present tense, you're referring  
12 back to your knowledge as of when she first made the  
13 allegation --

14 A. I still don't know this woman. I think  
15 she's a wack job. I have no idea. I don't know  
16 anything about this woman other than what I read in  
17 stories and what I hear. I know nothing about her.

18 Q. Okay. Well, I guess the distinction I'm  
19 trying to make, sir, is that when the allegation  
20 came out in 2019, you said you -- I think it's your  
21 testimony that you had no idea who she was.

22 A. I still don't.

23 Q. Well, today you at least know that she's  
24 a plaintiff in a case suing you; correct?

25 A. Oh, yes. That, I know, but I know

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1 D. J. TRUMP

2 nothing about her. I think she's sick, mentally  
3 sick.

4 Q. Okay. You say in this post -- you use a  
5 a strange word, which I want to ask you about. You  
6 say she completely made up a story that I met her at  
7 the doors of this crowded New York City department  
8 store and within minutes swooned her. Do you see  
9 that?

10 A. Yeah.

11 Q. What does "swooned her" mean?

12 A. That would be a word, maybe accurate or  
13 not, having do with talking to her and talking  
14 her -- to do an act that she said happened, which  
15 didn't happen. And it's a nicer word than the word  
16 that starts with an F, and this would be a word that  
17 I used because I thought it would be inappropriate  
18 to use the other word. And it didn't happen.

19 Q. Okay. I was curious when I read this.  
20 So I looked up the word "swoon" in the dictionary,  
21 and under the dictionary, it means "to faint with  
22 extreme emotion." That's not what you meant here?

23 MS. HABBA: Objection to the form.

24 THE WITNESS: Well, sort of that's what  
25 she said I did to her. She fainted with great



1 D. J. TRUMP

2 emotion. She actually indicated that she loved  
3 it. Okay? She loved it until commercial  
4 break. In fact, I think she said it was sexy,  
5 didn't she? She said it was very sexy to be  
6 raped. Didn't she say that?

8 Q. So, sir, I just want to confirm: It's  
9 your testimony that E. Jean Carroll said that she  
10 loved being sexually assaulted by you?

11 A. Well, based on her interview with  
12 Anderson Cooper, I believe that's what took place.  
13 And we can define that. You'll have to show that.  
14 I'm sure you're going to show that. But she was  
15 interviewed by Anderson Cooper, and I think she said  
16 that rape was sexy -- which it's not, by the way.  
17 But I think she said that rape was sexy, and it  
18 was -- she actually said things that were very  
19 strange, and then she was a different person after  
20 the -- when he said "We'll take a break right now.  
21 We're going to take a break right now," he didn't  
22 like what she was saying. He was very upset with  
23 what -- and then she came back, and she was a much  
24 different woman in the second half, so to speak.

1

D. J. TRUMP

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17 Q. And so the question I'm asking you is did  
18 she say in that interview that she loved being  
19 sexually assaulted by you?

20 A. Well, she said something to that effect.  
21 I mean, you'll have to take a look at the interview  
22 yourself. I believe she said rape was sexy, to  
23 which Anderson Cooper is dying. He's saying let's  
24 get to a commercial break immediately. I think you  
25 better watch the interview. I'm sure you have, but

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1 D. J. TRUMP

2 you better watch the interview.

3 Q. In the interview when Ms. Carroll talked  
4 about rape being sexy, isn't it true that she said  
5 that's a view that many other people hold?

6 A. Oh, I don't know. I mean, I don't know.  
7 All I know is I believe she said rape is sexy or  
8 something to that effect, but you'll have to watch  
9 the interview. It's been awhile.

10 Q. And just to clarify, I think you said a  
11 few minutes earlier that you used the word "swooned"  
12 as a synonym for -- you said the F word -- for  
13 sexual intercourse?

14 A. Yeah. That's because that's what she  
15 said.

16 Q. What do you mean? She never used the  
17 word "swooned."

18 A. No. She said that I did something to her  
19 that never took place. There was no anything. I  
20 know nothing about this nut job.

21 Q. Okay. Then you go on to say in the  
22 statement: "And while I am not supposed to say it,  
23 I will." Why were you not supposed to say it?

24 A. Because it's not politically correct to  
25 say -- read the next. Go ahead. That she's not my

D. J. TRUMP

1

2 type? Yeah. Because it's not politically correct  
3 to say it, and I know that, but I'll say it anyway.

4 She's accusing me of rape, a woman that I have no  
5 idea who she is. It came out of the blue. She's  
6 accusing me of rape -- of raping her, the worst  
7 thing you can do, the worst charge.

8 And you know it's not true too. You're a  
9 political operative also. You're a disgrace. But  
10 she's accusing me and so are you of rape, and it  
11 never took place. And I will tell you I made that  
12 statement, and I said, while it's politically  
13 incorrect, she's not my type. And that's  
14 100 percent true. She's not my type.

1

D. J. TRUMP

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16 Q. Now, in your Truth Social statement on  
17 October 12, you use the word "hoax." Specifically  
18 you say: "It is a hoax and a lie just like all of  
19 the other hoaxes that have been played on me for the  
20 past seven years." Do you see that --

21 A. Yeah.

22 Q. -- or recall making that statement?  
23 And I take it what you're saying there is  
24 Ms. Carroll fabricated her claim that you sexually  
25 assaulted her; correct?

1 D. J. TRUMP

2 A. Yes. Totally. 100 percent.

3 Q. Fair to say -- you'd agree with me, would  
4 you not, that you use the term "hoax" quite a lot?

5 A. Yes, I do.

6 Q. CNN reported that you used it more than  
7 250 times in 2020. Does that sound right?

8 A. Could be. I've had a lot of hoaxes  
9 played on me. This is one of them.

10 Q. And how would you define the word "hoax"?

11 A. A fake story, a false story, a made-up  
12 story.

13 Q. Something that's not true?

14 A. Something that's not true, yes.

15 Q. Sitting here today, can you recall what  
16 else you have referred to as a hoax?

17 A. Sure.

20 THE WITNESS: The Russia Russia Russia  
21 hoax. It's been proven to be a hoax. Ukraine  
22 Ukraine Ukraine hoax. The Mueller situation  
23 for two and a half years hoax ended in no  
24 collusion. It was a whole big hoax. The lying  
25 to the FISA court hoax, the lying to Congress

1

D. J. TRUMP

2 many times hoax by all these people, the scum  
3 that we have in our country, lying to Congress  
4 hoax, the spying on my campaign hoax. They  
5 spied on my campaign, and now they admit it.  
6 That was another hoax, and I could get a whole  
7 list of them. And this is a hoax too.

9 Q. This -- when you say "this" and "that" --

10 A. This ridiculous situation that we're  
11 doing right now. It's a big, fat hoax. She's a  
12 liar and she's a sick person in my opinion. Really  
13 sick. Something wrong with her.

14 Q. Okay. In addition to the Russia Russia  
15 Russia hoax, the Ukraine Ukraine Ukraine hoax, the  
16 Mueller or Mueller hoax, the lying to FISA hoax, the  
17 lying to Congress hoax, and the spying on your  
18 campaign hoax, isn't it true that you also referred  
19 to the use of mail-in ballots as a hoax?

20 A. Yeah, I do. Sure.

22 THE WITNESS: I do. I think they're very  
23 dishonest. Mail-in ballots, very dishonest.

24 BY MS. KAPLAN:

25 Q. And isn't it true that you yourself have

1

D. J. TRUMP

2

voted by mail?

4

THE WITNESS: I do. I do. Sometimes I

5

do. BUT I don't know what happens to it once

6

you give it. I have no idea.



1

D. J. TRUMP

4 Q. Have you ever kissed a woman without her  
5 consent?

6 A. Well, I don't -- I can't think of any  
7 complaints. But no. I mean, I don't think so.

8 I think it's an inappropriate question,  
9 but I don't think so.

10 Q. Have you ever touched a woman on her  
11 breast or her buttocks or any other sexual part  
12 without her consent?

14 THE WITNESS: Well, I will tell you no,  
15 but you may have some people like your client  
16 that lie.

17 BY MS. KAPLAN:

18 Q. Have you ever pressured a woman to engage  
19 in sex with you?

20 A. The answer is no. But you may have some  
21 people like your client who are willing to lie.

1

D. J. TRUMP

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20 Q. Are you familiar -- I'm sure you are --

21 with something that's often referred to as "the

22 Access Hollywood tape"?)

23 A. Yes, I am.

24 MS. KAPLAN: Okay. Let's mark it and

25 play it as 35.

1

D. J. TRUMP

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4 (DJT Exhibit 35 was marked for

5 identification.)

6 (Video played.)

7 BY MS. KAPLAN:

8 Q. That's you in that video, speaking?

9 A. Yes, correct.

10 Q. And am I correct that video was recorded

11 in January -- withdrawn.

12 Am I correct that that video was recorded

13 September of 2005?

14 A. I guess that would -- don't know the

15 date. But whatever date it was is fine with me.

16 Q. And am I correct that you were engaged to

17 your current wife sometime in 2004?

18 A. I don't know.

19 Q. Am I correct that you married your

20 current wife in January 2005?

21 A. I don't know relative to that tape, no.

1

D. J. TRUMP

2

Q. And the person that you were speaking to

3

that's now famous in that video was Billy Bush?

4

A. That's right.

1

D. J. TRUMP

3 Q. Please let me --

4 A. This is very old news. Fully litigated  
5 during debates, during everything else. Fully  
6 litigated.

7 Q. Okay --

8 A. And you know what I said then and I say  
9 it now? Locker room talk. That was locker room  
10 talk. That's what goes on.

1

D. J. TRUMP

3 Q. And you did say in the video that you,  
4 quote, moved on her heavily; correct?

5 A. Excuse me?

6 Q. You do say in the video that you,  
7 quote --

8 A. Yeah.

9 Q. -- moved on her heavily?

10 A. I did say that, yes, absolutely.

11 Q. And you do say in the video that as part  
12 of trying to have sex with this woman, you took her  
13 furniture shopping; correct?

14 A. We actually did look for furniture, yes.

15 Q. So that was true? You actually took this  
16 woman Nancy furniture shopping?

17 A. I think so. I mean, it's been a long  
18 time ago. How long is that? Long time ago.

19 But I think so. I do think so.

20 Q. Is that the only occasion when you took a  
21 woman shopping?

22 A. I think so.

1

D. J. TRUMP

5 Q. And you say -- and again, this has become  
6 very famous -- in this video, "I just start kissing  
7 them. It's like a magnet. Just kiss. I don't even  
8 wait. And when you're a star, they let you do it.  
9 You can do anything, grab them by the pussy. You  
10 can do anything."

11 That's what you said, correct?

12 A. Well, historically, that's true with  
13 stars.

14 Q. True with stars that they can grab women  
15 by the pussy?

16 A. Well, that's what -- if you look over the  
17 last million years, I guess that's been largely  
18 true. Not always, but largely true. Unfortunately  
19 or fortunately.

20 Q. And you consider yourself to be a star?

21 A. I think you can say that, yeah.

22 Q. And -- now, you said before, a couple of  
23 minutes ago, that this was just locker room talk?

24 A. It's locker room talk.

25 Q. And so does that mean that you didn't

1

D. J. TRUMP

2 really mean it?

3 A. No. It's locker room talk. I don't

4 know. It's just the way people talk.



1

D. J. TRUMP

8 Q. Okay. Now, are you familiar with a woman  
9 by the name of Natasha Stoyloff?

10 A. No. You'll have to give me a little bit  
11 of a background.

12 Q. Do you remember she wrote about you a lot  
13 when she worked at People magazine?

14 A. Oh, I do remember that there was some  
15 woman that wrote, and then she -- a long time later,  
16 I think, she wrote a wonderful story. And then a  
17 long time later, as I remember it

a long time later she said that I  
20 was aggressive with her, but she wrote the most  
21 beautiful story. And then all of a sudden -- like  
22 is it a year or two years later -- she comes out  
23 with this phony story that I was aggres- -- I said,  
24 Well, why would she have written such a good story  
25 for People magazine? She wrote a really nice piece.

1

D. J. TRUMP

2 And then all of the sudden, like, you know, years or  
3 months, many months later, she came up with this  
4 phony charge.

1

D. J. TRUMP

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23 Q. Let's watch a video -- and again, I

24 apologize for the technology -- where you talk about

25 Ms. Stoyloff's allegations.

1 D. J. TRUMP

2 MS. HABBA: Are we marking this?

3 MS. KAPLAN: We're going to mark it.

4 It's a clip of a video from a campaign event in

5 West Palm Beach on October 13, 2016, and we'll

6 mark it as DJT 36.

7 (DJT Exhibit 36 was marked for

8 identification.)

9 (Video played.)

10 BY MS. KAPLAN:

11 Q. You'd agree with me that the person you

12 were just talking about in that video was

13 Natasha Stoyneff, correct?

14 A. Yes.

1

D. J. TRUMP

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23 Q. You're familiar with a woman by the name  
24 of Jessica Leeds?

25 A. No, I don't think so. But explain. Go

1 D. J. TRUMP

2 ahead.

13 Q. Does that mean that this refreshes your  
14 recollection of who this is?

15 A. Yes, it does. This woman made up a  
16 story, just like your client made it up. Just made  
17 up a story. Having to do with sitting next to me on  
18 an airplane.

19 And, I mean, I'll have to read this  
20 again, but that story was so false, also.

21 But this was, I guess, making out as  
22 opposed to what your client said. This story was so  
23 false. This is a disgrace, also.

25 Q. And do you recall speaking about

1 D. J. TRUMP

2 Ms. Leeds' allegations at campaign events in 2016?

3 A. I might have. I thought it was so like  
4 your client, I thought it was so ridiculous.

5 Q. Let's take a look at the next video,  
6 which is DJT 38.

7 (DJT Exhibit 38 was marked for  
8 identification.)

9 [Video played.]

13 Q. When you said in that video that  
14 Ms. Leeds would not be your first choice, you were  
15 referring to her physical looks; correct?

16 A. Just the overall, not -- I looked at her.  
17 I see her. I hear what she says. Whatever. You  
18 wouldn't be a choice of mine, either, to be honest  
19 with you. I hope you're not insulted. I wouldn't  
20 under any circumstances have any interest in you.  
21 I'm honest when I say it.

22 She, I would not have any interest in.

1

D. J. TRUMP

3

Q. But with respect to Ms. Leeds, did you know anything about what she did or what her past life was?

6

A. Even if you weren't suing me, I would have no interest. Okay?

8

And with Ms. Leeds, I watched her. I guess I saw her interview.

10

I mean, the whole concept of it. I'm sitting on a plane. I'm very well known. Very, very well known even then. It was a long time ago.

13

And all of a sudden -- and I think she said this making out with her went on for quite a while. So why didn't she leave? Why didn't she scream? Why didn't she do something?

17

And she wasn't able -- as I remember it -- I'm going -- I haven't read this again, because I haven't seen this in years, but I believe she said she didn't know where the plane was, where the flight was, because I don't remember ever sitting next to her. I don't think I did ever sit next to her. I think she made that up, too.

24

But she couldn't find tickets. She couldn't find anything. She didn't know where the

25



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1 D. J. TRUMP

2 flight was going. Very much like your client. She  
3 didn't know anything.

4 But she got publicity. And the people  
5 that saw it laughed. But I didn't laugh, because it  
6 was a charge.

7 And she didn't do anything, because there  
8 was nothing. She couldn't find -- she didn't know  
9 where she was going. She -- very much like this. I  
10 don't think she knew the year, the date. She didn't  
11 know anything. All she knew is that she sat next to  
12 me. I was very famous. I think it was at the time  
13 The Art of The Deal came out or something. It was a  
14 long time ago, long, long time ago.

15 And she sat next to me and I started  
16 making out with her. And that lasted for quite a  
17 while and then she ran. Where did she run to? She  
18 ran to another seat? It was such a phony story.

19 And, again, I think I had the number one  
20 book or something. It was -- you know, I was doing  
21 well.

22 But, no, she would -- I would not have  
23 ever done that. I don't believe she ever sat next  
24 to me. I don't believe she was on the plane. I  
25 don't believe there was a flight. And I

1

D. J. TRUMP

2 certainly -- if she did -- which I don't believe she

3 did -- had nothing to do with me.

1

D. J. TRUMP

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25

Q. The video we just watched where you

1 D. J. TRUMP

2 talked about Ms. Leeds.

3 What else did you know about Ms. Leeds  
4 that would indicate to you that she was -- would not  
5 have been your first choice other than how she  
6 looked?

7 A. I don't know. I think I probably saw her  
8 on television or something.

9 But -- I don't want to be insulting, but  
10 when people accuse me of something, I think I have a  
11 right to be insulting, because they're insulting me.  
12 They're doing the ultimate insult. They make up  
13 stories and then I'm not allowed to speak my mind?  
14 No, I disagree with that.

15 She would not have been anywhere on a  
16 list. I just -- just wouldn't have been for me.

17 It's disgusting. What she said was  
18 disgusting.

19 Can you imagine doing that on an  
20 airplane, what she said? I'm doing that on an  
21 airplane? That's almost as ridiculous as doing it  
22 in Bergdorf Goodman in a dressing room.

1

D. J. TRUMP

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4 Q. Isn't it true that just a few minutes ago  
5 you couldn't remember the date of your engagement to  
6 your current wife, Melania?

7 A. No, no. No. We're talking about a  
8 different thing. We're talking about a woman where  
9 something happened that was inappropriate, right?  
10 Inappropriate. It was highly inappropriate. She  
11 would remember that date. I would imagine she would  
12 have complained to the airlines. She would know the  
13 flight. She would know everything about it.

14 She didn't even know the year, as I  
15 remember it. Just like your client doesn't know the  
16 year, doesn't know anything about it.

17 If something happened like that to your  
18 client, your client would know the second. She'd  
19 know down to the second. She'd know the day, the  
20 month, the year, right down to the second.

1

D. J. TRUMP

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11 Q. Sitting here today, what's the date you  
12 were married to Melania?

13 A. I don't want to even give you the answer.  
14 I'm not going to dignify it.

1

D. J. TRUMP

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4 Q. In the last paragraph of the statement  
5 that you made on June 21 that appears in the  
6 Laura Littman tweet, DJT 20, you said as follows --

7 A. Last paragraph where?

8 Q. DJT 20.

9 A. Go ahead. What is it?

10 Q. You say as follows: "The world should  
11 know what's really going on. It is a disgrace, and  
12 people should pay dearly for such false  
13 accusations."

14 Do you see that?

15 A. Yeah. Yeah.

16 Q. And the person you meant who should pay  
17 dearly for such false accusations was

18 E. Jean Carroll; correct?

19 A. Yeah, and I think their attorneys, too.

20 I think the attorneys, like you, are a big part of

21 it. Because you know it's a phony case.

1

D. J. TRUMP

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17 Q. And the Truth Social post that we looked  
18 at recently, the point of that was also to make her  
19 pay dearly; no?

22 THE WITNESS: No. That's to defend my  
23 reputation. Not for anybody else. That's me.  
24 That's to defend my reputation against a false  
25 accusation.



1

D. J. TRUMP

3 Q. And I take it from your testimony today,  
4 sir, that that doesn't surprise you at all? That's  
5 what you wanted people to think; correct?

6 A. No. I just wanted people to know that I  
7 never did this. She accused me of something  
8 falsely. And if I listen to you, I should never say  
9 anything. Just never say anything. Sit back like a  
10 little wallflower and just don't do anything.

11 No, no. She accused me of rape, in a  
12 department store, crowded department store. And I  
13 said it didn't happen. I said it never happened.  
14 And I got sued for defamation. I got sued for  
15 defamation.

16 So she can accuse me of rape and I'm not  
17 supposed to say anything. No, no. That's not the  
18 way it works. She accused me, and I said it didn't  
19 happen. And I let people know it didn't happen.

# Exhibit 7

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

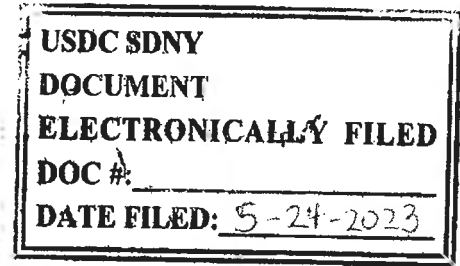
-----  
E. JEAN CARROLL,

Plaintiff,

-against-

DONALD J. TRUMP, in his personal capacity,

Defendant.  
----- x



20-cv-7311 (LAK)

**ORDER**

LEWIS A. KAPLAN, *District Judge*.

1. Any response to plaintiff's letter of May 22, 2023 shall be filed on or before May 26, 2023.
2. Unless otherwise ordered, any opposition to plaintiff's motion to amend, and any reply in support thereof, under the Rules of this Court, is due on or before June 5, 2023 and June 12, 2023, respectively.
3. Government counsel promptly should begin their review of deposition and other discovery material and such other material as may be appropriate that the United States has not previously considered and that the parties have suggested may be relevant "to the substitution issue."

SO ORDERED.

Dated: May 24, 2023

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan".

\_\_\_\_\_  
Lewis A. Kaplan  
United States District Judge

---

# Exhibit 8



ALVIN L. BRAGG, JR.  
DISTRICT ATTORNEY

DISTRICT ATTORNEY  
COUNTY OF NEW YORK  
ONE HOGAN PLACE  
New York, N. Y. 10013  
(212) 335-9000

May 11, 2023

**VIA EMAIL**

The Trump Organization  
Attn: Custodian of Records  
725 Fifth Avenue  
New York, NY 10022

**Re: People v. Donald Trump  
Indictment Number: 71543-23**

To Whom It May Concern,

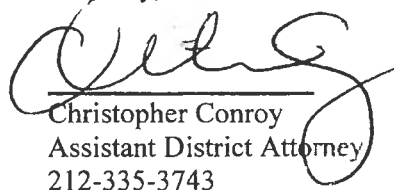
Enclosed please find a subpoena seeking records. These records are needed on or before **May 25, 2023**. In lieu of appearing personally with the requested documents, you may mail or deliver them to the New York County Supreme Court, Part 59, 100 Centre Street, New York, NY 10013.

Please mark the envelope containing the records as "Case #71543-23, Assistant District Attorney Christopher Conroy, extension 3743."

To the extent you withhold or redact any documents responsive to this subpoena on a claim of privilege or other protection, please provide a log setting forth as to each withheld or redacted document the legal basis for the claim of privilege or protection, the type of document, its general subject matter, date, author, sender, and recipient where applicable, and such other information as is sufficient to determine the claim of privilege or protection.

If you have any questions concerning the subpoena, please call me at (212) 335-3743.

Sincerely,

  
Christopher Conroy  
Assistant District Attorney  
212-335-3743

Enclosure

**SUBPOENA**  
(*Duces Tecum*)  
FOR A WITNESS TO ATTEND THE  
**SUPREME COURT OF THE STATE OF NEW YORK**

In the Name of the People of the State of New York

**To: The Trump Organization**  
**Attn: Custodian of Records**

**YOU ARE COMMANDED** to appear before the **SUPREME COURT** of the County of New York, **Part 59**, at the Criminal Court Building, 100 Centre Street, in the Borough of Manhattan, of the City of New York, on **May 25, 2023 at 10:00 AM**, as a witness in a criminal action prosecuted by the People of the State of New York against:

**Donald J. Trump**

and to bring with you and produce to the Court the following records in the actual and constructive possession of the Trump Organization, its related entities, agents, officers, employees and officials over which it has control, including without limitation its subsidiaries:

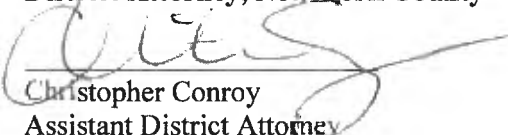
1. All emails between any Trump Organization email address (ending @trumporg.com) and anyone with an email address ending in @who.eop.gov, for the period from January 20, 2017 to December 31, 2017.
2. From the period from January 1, 2017 to the present, any severance agreement between the Trump Organization and any employee of the Trump Organization.
3. From the period from January 1, 2017 to the present, any confidentiality agreement or non-disclosure agreement between the Trump Organization and any employee of the Trump Organization.
4. For the period from January 1, 2015 through January 20, 2017: (i) all emails between Rhona Graff and Melania Trump; (ii) all emails between Rhona Graff and Keith Schiller; and (iii) all travel itineraries prepared for Donald J. Trump.

**IF YOU FAIL TO ATTEND AND PRODUCE SAID ITEMS, you may be adjudged guilty of a Criminal Contempt of Court, and liable to a fine of one thousand dollars and imprisonment for one year.**

Dated in the County of New York,  
May 11, 2023

ALVIN L. BRAGG, JR.  
District Attorney, New York County

By:

  
Christopher Conroy  
Assistant District Attorney  
(212) 335-3743

*Indictment Number: 71543-23*

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# Exhibit 9

**DISTRICT ATTORNEY  
COUNTY OF NEW YORK  
ONE HOGAN PLACE  
New York, N. Y. 10013  
(212) 335-9000**



**ALVIN L. BRAGG, JR.**  
DISTRICT ATTORNEY

May 15, 2023

**VIA EMAIL**

The Trump Organization  
Attn: Custodian of Records  
725 Fifth Avenue  
New York, NY 10022

**Re: People v. Donald Trump  
Indictment Number: 71543-23**

To Whom It May Concern,

Enclosed please find a subpoena seeking records. These records are needed on or before **June 30, 2023**. In lieu of appearing personally with the requested documents, you may mail or deliver them to the New York County Supreme Court, Part 59, 100 Centre Street, New York, NY 10013.

Please mark the envelope containing the records as "Case #71543-23, Assistant District Attorney Christopher Conroy, extension 3743."

To the extent you withhold or redact any documents responsive to this subpoena on a claim of privilege or other protection, please provide a log setting forth as to each withheld or redacted document the legal basis for the claim of privilege or protection, the type of document, its general subject matter, date, author, sender, and recipient where applicable, and such other information as is sufficient to determine the claim of privilege or protection.

If you have any questions concerning the subpoena, please call me at (212) 335-3743.

Sincerely,

  
Christopher Conroy  
Assistant District Attorney  
212-335-3743

Enclosure



**SUBPOENA**  
(*Duces Tecum*)  
FOR A WITNESS TO ATTEND THE  
**SUPREME COURT OF THE STATE OF NEW YORK**

In the Name of the People of the State of New York

**To: The Trump Organization**  
**Attn: Custodian of Records**

**YOU ARE COMMANDED** to appear before the **SUPREME COURT** of the County of New York, **Part 59**, at the Criminal Court Building, 100 Centre Street, in the Borough of Manhattan, of the City of New York, on **June 30, 2023 at 10:00 AM**, as a witness in a criminal action prosecuted by the People of the State of New York against:

**Donald J. Trump**

and to bring with you and produce to the Court the following records in the actual and constructive possession of the Trump Organization, its related entities, agents, officers, employees and officials over which it has control, including without limitation its subsidiaries:

1. All emails between anyone who works or worked out of the building located at 725 5<sup>th</sup> Avenue, New York, NY 10022, ("Trump Tower") with a Trump Organization email address (ending @trumporg.com) and anyone with an email address ending in @who.eop.gov, for the period from January 20, 2017 to December 31, 2017.
2. From the period from January 1, 2017 to the present, any: (i) severance agreement; (ii) confidentiality agreement; (iii) or non-disclosure agreement in effect between the Trump Organization and one of the following individuals: Jeffrey McConney, Alan Garten, Deborah Tarasoff, Rhona Graff, Allen Weisselberg, Matthew Calamari Sr., Jason Greenblatt, Ivanka Trump, Michael Cohen, Keith Schiller, Patrick Birney, Hope Hicks, George Sorial, Ron Lieberman, Dan Scavino, Rebecca Manochio, or Lawrence Glick.
3. For the period from January 1, 2015 through January 20, 2017: (i) all emails between Rhona Graff and Melania Trump; (ii) all emails between Rhona Graff and Keith Schiller; and (iii) all travel itineraries prepared for Donald J. Trump.

**IF YOU FAIL TO ATTEND AND PRODUCE SAID ITEMS, you may be adjudged guilty of a Criminal Contempt of Court, and liable to a fine of one thousand dollars and imprisonment for one year.**

Dated in the County of New York,  
May 15, 2023

ALVIN L. BRAGG, JR.  
District Attorney, New York County

By: 

Christopher Conroy  
Assistant District Attorney  
(212) 335-3743

*Indictment Number: 71543-23*

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# Exhibit 10

(Redacted in Entirety)