

Jury Trial

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

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

Indictment
 No. 71543/2023

-against-

DONALD J. TRUMP,

FALSIFYING BUSINESS RECORDS
 FIRST DEGREE

Defendant.

-----X

100 Centre Street
 New York, NY 10013
 May 13, 2024

BEFORE: HONORABLE JUAN M. MERCHAN, JUSTICE

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

For the People:

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

For the Defense:

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

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 Principal Court Reporter
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 LISA KRAMSKY
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 Senior Court Reporters

Laurie Eisenberg, CSR, RPR
 Senior Court Reporter

1 THE CLERK: Calling People of the State of New
2 York versus Donald J. Trump. Indictment 71543/23.

3 Appearances, starting with the People.

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

7 Good morning.

8 MR. BLANCHE: Good morning.

9 Todd Blanche. I'm joined by Emil Bove, Susan
10 Necheles, Kendra Wharton, and President Donald Trump
11 sitting to my right.

12 THE COURT: Good morning, everyone.

13 Good morning, Mr. Trump.

14 Before we get started with the first witness, is
15 there anything you would like to bring to my attention?

16 MS. HOFFINGER: No, your Honor.

17 THE COURT: I did receive the People's list of
18 proposed jury charges. I glanced at them. I didn't have an
19 opportunity to really digest them.

20 I did want to address the Separation Agreement in
21 general, the Release issue that came up late on Friday.

22 I had the opportunity to review it.

23 It would come in as a business record, but I'm
24 not going to allow it in.

25 It seems to me that this would be used to justify

1 an explanation for why somebody is not here.

2 It doesn't prove any element of the offense. It
3 doesn't move the ball in any way in satisfying your burden
4 of proof.

5 So, I'm going to deny your application.

6 Can I hold onto this one?

7 (Mr. Steinglass nods yes.)

8 THE COURT: If there's nothing else?

9 Let's get the jury, please.

10 COURT OFFICER: All rise.

11 Jury entering.

12 (Whereupon, the jurors and the alternate jurors
13 are present and properly seated.)

14 THE CLERK: Do both parties stipulate that all
15 jurors are present and properly seated?

16 MR. STEINGLASS: Yes.

17 MR. BLANCHE: Yes.

18 THE COURT: Good morning, jurors.

19 Welcome back.

20 People, your next witness, please.

21 MS. HOFFINGER: Thank you, your Honor.

22 The People call Michael Cohen.

23 COURT OFFICER: Witness entering.

24 (Whereupon, the witness takes the witness stand.)

25 M I C H A E L D E A N C O H E N, having first been duly

1 sworn and/or affirmed by the court clerk, was examined and
2 testified as follows:

3 COURT OFFICER: State your full name, spelling
4 your last name.

5 THE WITNESS: Michael Dean Cohen. C-O-H-E-N.

6 COURT OFFICER: Your county of residence.

7 THE WITNESS: New York, New York.

8 THE COURT: Good morning, Mr. Cohen.

9 THE WITNESS: Good morning.

10 THE COURT: You may inquire.

11 MS. HOFFINGER: Thank you, Judge.

12 DIRECT EXAMINATION

13 BY MS. HOFFINGER:

14 Q Good morning.

15 A Good morning.

16 Q If I might ask, how old are you, Mr. Cohen?

17 A Fifty-seven.

18 Q Are you married?

19 A I am.

20 Q How long have you been married?

21 A Going on 30 years.

22 Q Do you have any children?

23 A I do.

24 Q How old are your children?

25 A My daughter is 28. My son is 25. Well, 24. He'll be

1 25.

2 Q Are you testifying here today pursuant to a subpoena?

3 A I am.

4 Q Do you have an attorney here in court with you today?

5 A I do.

6 Q Mr. Cohen, if you could tell the jury a little about
7 where you grew up and your childhood education.

8 A I grew up in Lawrence, Long Island. It's part of the
9 Five Towns in Nassau County.

10 My father is a Holocaust survivor, who ended up emigrating
11 to Toronto, Canada, where he went to medical school; came to
12 the United States in the mid-Sixties to teach head and neck
13 reconstructive surgery; met my mom, who is a surgical nurse.
14 Four children later, here I am.

15 Q Where did you go to college?

16 A I went to the American University in Washington, D.C.

17 Q What did you study in college?

18 A Law and Government.

19 Q After college, what did you do?

20 A I went straight to law school.

21 Q Tell the jury a little bit about why you wanted to be
22 a lawyer.

23 A Actually, I didn't want to be a lawyer.

24 My grandmother wanted me to be a lawyer.

25 My family is comprised of doctors and lawyers. My three

1 siblings are lawyers. My -- obviously, my father, my uncles are
2 either doctors or lawyers. The lawyers are married to doctors.

3 I wanted to go to Wall Street.

4 My grandmother was like, "That's not going to happen."

5 Q So, you went to law school?

6 A (Nods yes.)

7 Q Did you graduate from law school?

8 A Yes.

9 Q What year?

10 A 1991.

11 Q Were you admitted to practice law?

12 A Yes.

13 Q Do you remember what year that was?

14 A 1992.

15 Q After law school, where did you move?

16 A I was living at my parents' home and, ultimately,
17 moved to Manhattan.

18 Q Has New York City been your home since that time?

19 A Yes.

20 Q Where did you start your legal career?

21 A I started over at 225 Broadway with a firm called
22 Estrin and Associates. It was a personal injury, medical
23 malpractice, tort litigation firm.

24 Q In addition to practicing law, at some point in the
25 1990s, did you also buy part of a business in taxi medallions?

1 A I did.

2 Q Explain why you did that.

3 A So, one of my clients was leaving the country to move
4 to Israel, and it gave me the opportunity to buy 50 percent
5 interest in a company called Manhattan Maintenance. That was
6 1995. And so I did.

7 I thought it was, and it turned out to be at that time, a
8 very good investment.

9 Q Did you also invest in some real estate along the
10 years?

11 A I did.

12 Q Tell us a little bit about that.

13 A I started purchasing new developments, specifically in
14 Trump properties. My very first one, in the year 2000, was at
15 Trump World Tower. I also bought on 60th Street, 431 -- I'm
16 sorry. It was called Bridge Tower on 60th Street.

17 Ultimately, down the road, I ended up going into business
18 with a friend of mine who had grown up with me, and we started
19 purchasing buildings.

20 Q Did there come a time when you became a partner in a
21 law firm called Phillips, Nizer?

22 A Yes.

23 Q What kind of work did you do there?

24 A I was, basically, doing business and corporate law.

25 Q Did there come a time when you left Phillips, Nizer?

1 A Yes.

2 Q Approximately, what year was that?

3 A 2007.

4 Q Why did you leave Phillips, Nizer?

5 A I left because I was offered an opportunity by
6 Mr. Trump to come work at The Trump Organization as his Special
7 Counsel.

8 Q Do you see Mr. Trump in court today?

9 A I do.

10 Q Could you just indicate an article of clothing that
11 he's wearing, please?

12 A (Lifts up from his seat.) He's wearing a blue and
13 white tie. (Takes his seat.)

14 THE COURT: Indicating Mr. Trump.

15 MS. HOFFINGER: Thank you.

16 Q Tell us how you came to work for Mr. Trump at The
17 Trump Organization.

18 A Initially, I was introduced to Mr. Trump by Don,
19 Junior, as I was moving into one of his properties.

20 I had purchased several units, and Don, Junior and The
21 Trump Organization was doing the construction to put the units
22 together.

23 There was an issue over at Trump World Tower that Mr. Trump
24 had asked me -- because not only did I own an apartment there,
25 but my parents did, my in-laws, my friends. We all bought as a

1 block, going back, again, to the year 2000.

2 And, there was an issue with the Board.

3 What we did is we ended up overtaking the Board and
4 resolving the issue, which was to Mr. Trump's satisfaction. He
5 liked the way that that occurred, and then continued to ask me
6 if I would assist in other issues, legal issues or other
7 matters that he had.

8 Q And did you perform some additional legal work for him
9 at that time?

10 A I did.

11 Q What --

12 A Some legal. Some non-legal matters.

13 Q Did he pay you for that work?

14 A No, ma'am.

15 Q Did there come a time where you -- this was when you
16 were still at Phillips, Nizer?

17 A Yes.

18 Q Did there come a time when you presented him with a
19 bill in connection with some work you had done in connection
20 with one of his properties?

21 A Yes.

22 Q Tell us a little bit about that.

23 A I was asked to review a series of documents that dealt
24 with Trump Entertainment Resorts. There was an issue --

25 Q Who was it who asked you to do that, first?

1 A Mr. Trump had asked me.

2 Q Thank you.

3 A Again, with Trump Entertainment Resorts.

4 I reviewed it. It was quite lengthy. There was some issues
5 going on there in regard to a Chapter 11 reorganization plan.

6 We, ultimately, ended up resolving it.

7 And the bill was, approximately, about -- approximately,
8 about a hundred thousand dollars.

9 I was then asked to meet Mr. Trump at the office, which I
10 did.

11 And I asked about the bill.

12 He asked me whether or not I was happy at my "sleepy old
13 firm".

14 I stated I was.

15 Um, he said, Would you -- "Do you want to come work for
16 me?"

17 And I was honored. I was taken by surprise. And I agreed.

18 Q What happened -- to go back for a moment to the bill
19 for a hundred thousand dollars that you presented from Phillip
20 Nizer, your firm --

21 A Correct.

22 Q -- what happened with that bill?

23 A He asked me if I wanted to get fired on the first day.
24 If I asked about the bill.

25 Q So, did the bill get paid?

1 A No.

2 Q And, you say he offered you a position at that point?

3 A Yes.

4 Q Tell us a little bit about your discussion about the
5 position that he was offering and the details of it.

6 A So, he offered me the position of Executive Vice
7 President at The Trump Organization and Special Counsel to
8 Donald J. Trump, whereby I would only answer to him, and I
9 would work on issues that were of concern to him.

10 Q Did you discuss at that point what your salary would
11 be?

12 A We did.

13 Q Tell us a little bit about that.

14 A It was a little bit of a back and forth negotiation.
15 He offered me an amount. I said, "It's probably not gonna
16 work." I gave him a counter. And we ended up resolving on
17 somewhere in the middle number.

18 Q Where did you end up -- what's the number that you
19 sort of ended up at?

20 A 375.

21 Q Was that your base salary, bonuses?

22 A That's base salary.

23 Bonus, of course, was to be discussed.

24 Q So, did you decide at that point to leave your law
25 firm, Phillip, Nizer, and to work for Donald Trump at The Trump

1 Organization?

2 A I never went back, not even that day.

3 He sent over some employees to my office to pack up my
4 office and gave me Ivanka Trump's old office on 26, the 26th
5 floor.

6 Q Is that near his office on the 26th floor?

7 A Yes.

8 Q Are we talking about Trump Tower on Fifth Avenue?

9 A Yes.

10 Q Where The Trump Organization offices were?

11 A Yes, ma'am.

12 Q Approximately, how many years did you end up working
13 at The Trump Organization as Mr. Trump's Special Counsel -- is
14 that what you said?

15 A Yes, ma'am.

16 Q How long?

17 A Ten years.

18 Q 2007 to approximately when?

19 A January of 2017.

20 Q How old were you when you first started working at
21 The Trump Organization for Mr. Trump?

22 A Huh. Huh.

23 Q If you recall.

24 A I don't.

25 Q Were you still in your thirties?

1 A Yes.

2 Q And was -- I think you mentioned before; but, when you
3 started, what was your title?

4 A Executive Vice President and Special Counsel to Donald
5 J. Trump.

6 Q And just in terms of your salary and your bonus,
7 approximately all in, how much were you making at The Trump
8 Organization?

9 A 525,000.

10 Q And did that change over the years or did it, largely,
11 stay the same?

12 A Well, it changed. Initially, after the second year, he
13 cut my salary. Ultimately gave it back, two years after that.
14 But it stayed the same.

15 Q Tell the jury a little bit about what kind of matters
16 you handled for Donald Trump at The Trump Organization during
17 that ten years.

18 A It was whatever concerned him, whatever he wanted.

19 Um, initially, when I first started working at The Trump
20 Organization, I was presented with an opportunity, and I
21 brought it to Mr. Trump immediately. We liked it. It was in New
22 Jersey. It was called the EnCap Golf Redevelopment Project. It
23 was a 1,000-acre landfill remediation project.

24 And this was all very exciting to me because it was all
25 new, and I enjoyed the challenge.

1 And, along with two other colleagues, we started to get
2 this project up and running.

3 It, ultimately, didn't come to fruition because the funding
4 got pulled by Governor Corzine in New Jersey at the time.

5 But, it was an exciting project.

6 Q So, this is one of the projects that you handled for
7 him?

8 A Yes.

9 Q Who did you report to at The Trump Organization?

10 A Mr. Trump.

11 Q Were you at any time part of the General Counsel's
12 Office at The Trump Organization?

13 A No, ma'am.

14 Q And why not?

15 A That's not the discussion in terms of when I elected
16 to take the position.

17 Q It was always reporting directly to Mr. Trump?

18 A Just to Mr. Trump.

19 Q So, in the course of your work for Mr. Trump at The
20 Trump Organization, did he ever ask you to renegotiate bills
21 for him?

22 A Yes.

23 Q Tell the jury, give us some examples of your
24 renegotiating bills and what you did.

25 A Well, for example, a law firm would send an invoice.

1 He didn't believe that the invoice was fair, reasonable,
2 justified. And so, he would give me the task of renegotiating a
3 specific bill.

4 Q Did you ever renegotiate bills from other types of
5 vendors?

6 For example, regarding Trump University?

7 A Yes.

8 Q Tell us a little bit about that.

9 A So, Trump University fell into trouble, and there were
10 approximately 50 vendors that had not been paid.

11 There was a sum certain that was in the bank at the time.
12 Approximately \$2 million. Unfortunately, the bills far exceeded
13 that \$2 million. But, Trump was not going to fund the balance.

14 And so, what I did is I put them onto a spreadsheet, a
15 handwritten spreadsheet, divided it by the \$2 million, and came
16 up with basically 20 percent of everyone's invoice.

17 I contacted each and every one of the vendors; and all but
18 two accepted, ultimately, the 20 percent.

19 We had Releases drafted. And upon the receipt of the
20 Release, within 48 hours, we had checks sent to them by FedEx.

21 Q So, did Mr. Trump ask you to renegotiate all those
22 bills regarding Trump University?

23 A Yes.

24 Q And you said "all but two".

25 What happened with the other two vendors?

1 A They just went away.

2 Q You mean -- did you pay them?

3 A No, ma'am.

4 Q Now, once you accomplished that task for Mr. Trump of
5 renegotiating all those bills with the Trump University, did
6 you report back to him?

7 A Yes. But not in its totality.

8 Each and every Release was separate. I would go straight
9 into Mr. Trump's office, and I would advise him of the task
10 being accomplished.

11 Q Why did you do that?

12 A For two reasons.

13 The first was so that he knew I was on it and I was doing
14 what he had asked.

15 And the second was, really, to obtain credit so that he
16 understood that, again, I was accomplishing what he wanted.

17 Q Do you have a memory of advising him about
18 accomplishing that task of reducing the payments to vendors and
19 his reaction? Do you have a memory of that?

20 A Yes.

21 Q What do you remember him saying when you told him you
22 accomplished that task?

23 A "It's fantastic. It's great."

24 Q How did that make you feel?

25 A Like I was on top of the world.

1 Q Did you renegotiate other bills for Mr. Trump at The
2 Trump Organization, besides the ones that you just mentioned?

3 A Yes.

4 Q From your experience over the ten years working at The
5 Trump Organization, are you aware whether Mr. Trump directed
6 other employees or executives to negotiate bills, not to take
7 the first bill, but to negotiate them down?

8 A Yes.

9 Q Let me ask you a question, Mr. Cohen. During the years
10 that you worked for Mr. Trump at The Trump Organization, did
11 you threaten, at times, to sue people or companies during those
12 years?

13 A Yes.

14 Q And explain why you did that.

15 A Well, it would depend on what the issue was.

16 We had an issue, for example, with a Miss USA Pageant
17 contestant, who -- Mr. Trump was being defamed, the Miss
18 Universe Organization, so he brought an arbitration against
19 her. That matter, ultimately, got resolved.

20 If -- with the press, as an example, that if they said
21 something that angered him, I would reach out to the press, and
22 I would express to them their need to either redact or take the
23 article down or we would file an action against them.

24 Q Did you do that in a strong and threatening manner at
25 times?

1 A I would say so. Not all the time. But, often.

2 Q Now, you mentioned a bit about this.

3 During your time working for Mr. Trump at The Trump
4 Organization, did you also work on some personal matters for
5 him?

6 A Yes.

7 Q Can you just give us a brief example of some of that?

8 A So, one instance, his limousine was hit by a yellow
9 cab.

10 And, knowing that I had deep roots into the yellow cab
11 industry, he asked me to meet with the driver, who provided me
12 with the Police Report, and to have them pay for the repair on
13 the vehicle.

14 Q Did you ever do some personal work for -- regarding
15 his residence or his family, for example?

16 A Yes.

17 Q Tell us a little bit about that.

18 A In his apartment, they had a flood that ended up
19 causing damage into the main-floor bathroom. They had a fresco
20 on top.

21 And I handled the adjustment with the insurance company.

22 Q And these are all matters that Mr. Trump asked you to
23 handle for him?

24 A Yes.

25 Q Did you also, as part of your work -- and I think you

1 mentioned this -- interact frequently with the press for him?

2 A Yes.

3 Q Tell us a little bit about that.

4 A Again, if it was in order to place a story that would
5 be advantageous in some way, shape or form, I would speak with
6 them.

7 If there was an article that caused him displeasure, I
8 would speak with them about that, as well.

9 Q So, did you work with the press to try to minimize
10 negative stories and sort of enhance positive stories about
11 Mr. Trump and his business?

12 A Yes.

13 Q Was that a good part of your work for him, interacting
14 with the press for him?

15 A It was a portion of it, yes.

16 Q Now, you mentioned that you worked at Trump Tower at
17 the Offices of The Trump Organization; is that right?

18 A That's correct.

19 Q During the time that you worked there, where,
20 approximately, was your office in relation to Mr. Trump's
21 office?

22 A Well, initially, when I started, it was towards the
23 back of the office that was Ivanka's old office, until,
24 ultimately, I moved to a different office that was maybe
25 50 feet, 60 feet from his office.

1 Q During the time you worked there for Mr. Trump,
2 approximately how often would you say you met with him or spoke
3 with him?

4 A Every single day and multiple times per day.

5 Q And now we're talking about in the period before he
6 ran for President in 2016; is that right?

7 A Yes.

8 Q Now, at the time -- again, we're talking about
9 pre-2016.

10 But, in general, explain how you communicated with him.

11 A Generally, it was either in person, on the cell phone,
12 or on the cell phone. Those are really -- those are the two
13 ways.

14 Q Understood.

15 Did you have all of his cell phone and other telephone
16 numbers in your contacts in your phone at the time?

17 A I did.

18 Q And you used all those variety of numbers as a way to
19 contact him?

20 A Yes.

21 Q When he called you, did he, generally, call you on
22 your cell phone or your work phone at The Trump Organization?

23 A Well, it was a combination of both.

24 Most of the time, it would be on my cell phone. Unless it
25 was in the office, he would have one of his assistants ring me

1 and ask me just to come to Mr. Trump's office.

2 Q Did you ever contact Mr. Trump by contacting somebody
3 else in order to get in contact with him?

4 A Yes.

5 Q Who did you contact at various times to reach him?

6 A Many people. It depends, also, who he was with at the
7 time. It could be Rhona, his Executive Assistant. Ultimately,
8 Keith Schiller, who was his personal attaché. It could be one
9 of the Trump children. It could be Hope Hicks. It was any
10 number of people.

11 Q And you had, for example, Keith Schiller's number in
12 your contacts, as well; right?

13 A Yes.

14 Q And Hope Hicks' number in your contacts, as well; and
15 you used those numbers in your contacts to make those calls; is
16 that right?

17 A Yes, ma'am.

18 Q As far as you know, did Mr. Trump use email to do his
19 work?

20 A No.

21 Mr. Trump never had an email address.

22 Q Did he ever comment to you about folks who
23 time-to-time get into trouble using email?

24 A Yes.

25 Q Can you tell us about that?

1 A Yes.

2 During certain conversations, he would comment that emails
3 are like written papers, it's -- he knows too many people who
4 have gone down as a direct result of having emails that
5 prosecutors can use in a -- in a case.

6 Q When you say "going down", do you mean getting in some
7 sort of trouble?

8 A Yes, ma'am.

9 Q When you met him in person, you said -- where did you,
10 generally, meet him?

11 A In his office.

12 Q What times of day, generally, in his office?

13 A All throughout the day.

14 Q Were they sometimes early in the morning?

15 A Yes.

16 Q Sometimes later, towards the end of the day or even
17 early evening?

18 A Yes.

19 Q When you met him at the office, did you, generally,
20 meet in his office?

21 A Yes.

22 Q Did you need to make an appointment to go see him in
23 his office?

24 A No, ma'am.

25 Q Can you explain, was there -- what kind of a policy

1 was there at The Trump Organization about executives coming in
2 to meet with Mr. Trump?

3 A Mr. Trump had an open-door policy, which, if there was
4 somebody in there, you waited; and if not, you knocked on the
5 door, and I would say, "Boss, do you have a second?", and I
6 would walk right in.

7 Q And others did the same, to your knowledge?

8 A To my knowledge, yes.

9 Q Now, when you met with Mr. Trump at The Trump
10 Organization, in his office, did you, generally, need -- I'm
11 sorry.

12 Did you, generally, record those meetings in your calendar?

13 A No, ma'am.

14 Q As part of your work at The Trump Organization, did
15 you feel that it was part of your job to keep him updated on
16 matters that you were handling for him?

17 A Yes. It was actually required.

18 Q Tell us what you mean by that.

19 A When he would task you with something, he would then
20 say, "Keep me informed. Let me know what's going on."

21 And what he was saying, what everybody did is, as soon as
22 you had a result, an answer, you would go straight back and
23 tell him. Especially if it was a matter that was troubling to
24 him.

25 Q So, two things, just to break that down.

1 You said "everybody".

2 Do you mean you're aware of other executives who --

3 A I apologize.

4 Yes. Other executives.

5 Q So, they would report back to him, as well?

6 A Yes.

7 Q But, you felt it was part of your job, and what he
8 wanted from you, to promptly report to him when you were
9 handling a matter for him about the progress and whether it was
10 resolved?

11 A Yes. And that's what I did.

12 Q Did you have a sense or did you learn from your
13 experiences with him that if you didn't keep him updated or
14 things didn't go well that you were working on, that that would
15 create an issue for Mr. Trump?

16 A Yes.

17 Q Can you explain that just a little bit?

18 A If you didn't immediately provide him with the
19 information and he learned of it in another manner, that
20 wouldn't go over well for you.

21 Q To the extent that you discussed the requirement to
22 report frequently to Mr. Trump, was it your sense, based on
23 working with him, that he was a micromanager about the work of
24 his organization and of which he was concerned?

25 A Yes, ma'am.

1 Q Did you have a way of referring to Mr. Trump when you
2 worked for him?

3 A Yes.

4 Q What was that?

5 A I would call him "Boss", "Mr. Trump".

6 Q And in working for him for ten years, all the variety
7 of the types of work that you did for him, what was it like for
8 you? How did you feel about working at The Trump Organization
9 during those years?

10 A It was fantastic. It was -- working for him,
11 especially, during those ten years was -- (pause) -- an amazing
12 experience in many, many ways. There were great times. There
13 were several less than great times. But, for the most part, I
14 enjoyed the responsibilities that were given to me. I enjoyed
15 working with my colleagues at The Trump Organization, the Trump
16 children. It was a big family.

17 Q During the years that you worked for him at The Trump
18 Organization, did you at times lie for him?

19 A I did.

20 Q Why did you do that?

21 A Because it's what was needed in order to accomplish a
22 task.

23 Q Was there also a sense -- did you feel a sense of
24 obligation towards him, as well?

25 A Yes.

1 Q Did you at times during your work for The Trump
2 Organization -- at The Trump Organization, for Mr. Trump, bully
3 people for him?

4 A Yes, ma'am.

5 Q Why did you do that?

6 A Again, in order to accomplish the task.

7 The only thing that was on my mind was to accomplish the
8 task to make him happy.

9 Q Now, over the years that you worked for him, did he
10 reward you with some additional titles?

11 A Yes.

12 Q What -- tell us just a little bit about that.

13 A Well, he placed me on the Board of the Miss Universe
14 Organization. There were three members: Mr. Trump, Allen
15 Weisselberg and myself.

16 Years later, myself and another colleague were made
17 Co-Presidents of Trump Productions.

18 I sat on the Board of four, five different Trump properties
19 as Treasurer.

20 Q Those were some of the additional titles that he
21 rewarded you with?

22 A Yes, ma'am.

23 Q Are you aware that in connection with your work for
24 him, some people described you as his "fixer"?

25 A Yes. Some have described me as that.

1 Q From your perspective, is that in some ways an
2 accurate title, an accurate moniker?

3 A It's fair.

4 Q I just want to ask you some questions about your
5 telephone numbers, and I'm going to ask you only about the last
6 four digits of some of those numbers.

7 During the period of 2015 to 2017, when you were working at
8 The Trump Organization, did you use a cell phone number ending
9 in 6866?

10 A I did.

11 Q Did you also use a cell phone number ending in 0114?

12 A I did.

13 Q And did you continue to use those two numbers for a
14 period of time after you left The Trump Organization?

15 A Yes, ma'am.

16 Q Do you still continue to this day to use the cell
17 phone number ending 0114?

18 A Yes.

19 Q Now, during the time that you worked at The Trump
20 Organization for Mr. Trump, you also had a landline work
21 number; is that right?

22 A That's correct.

23 Q Was that 212-836-3212?

24 A Yes, ma'am.

25 Q Obviously, you no longer use that number?

1 A No, ma'am.

2 Q After you left The Trump Organization, did you also
3 have a number associated with a law firm in New York?

4 A Yes.

5 Q Was that 212-872-9849?

6 A Yes.

7 Q Obviously, you don't still use that number?

8 A No, ma'am.

9 Q In connection with the investigation of this case, did
10 our Office ask you to provide two cell phones that you had used
11 for a period of time up until April of 2018?

12 A Yes.

13 Q And did you agree to provide those two cell phones to
14 us that you had previously used with the two numbers -- cell
15 phone numbers that I just mentioned, ending in 0114 and 6866?

16 A Yes, I did.

17 Q Did you provide those phones to us in January of 2023?

18 A Sounds correct. Yes.

19 Q And was that pursuant to our request that you turned
20 those over to us?

21 A Yes. Merely the request.

22 Q Did you consent to do that voluntarily?

23 A I did.

24 Q Now, you keep contacts on your phones; there were
25 contacts that were kept on those phones; is that right?

1 A That's correct.

2 Q What kind of information, just generally, was in your
3 contacts on those phones?

4 A Names, email addresses, potential addresses, cell
5 phone numbers, home numbers, fax numbers.

6 Q Were there also, sometimes, other information
7 associated with folks whose contacts you had in there?

8 A Yes, ma'am.

9 Q Did you keep anybody else's contacts in your phone, as
10 well?

11 A Personal ones, yes.

12 Q In other words, however -- what I'm asking about is
13 not just your contacts, of your contacts and the folks that you
14 know; but, did you also, at some point, include or sync with
15 your contacts somebody else's contacts?

16 A I did.

17 Q Tell the jury about that.

18 A Actually, I didn't do it. It was done by the IT
19 people.

20 I was spending a significant amount of time with Mr. Trump;
21 and we ultimately decided -- he agreed -- to have his contact
22 numbers synced to my cell number, to my account as well.

23 That way, if we needed to travel, if he needed to get
24 somebody on the phone, he would just say, "Michael, get me" so
25 and so "on the line," and I would have them in my cell phone.

1 Q As a result of this syncing process, did your personal
2 contacts also end up in his phone?

3 A I'm not certain about that.

4 Q You're not certain.

5 Just his contacts in your phone?

6 A Yes, ma'am.

7 Q Do you remember, approximately, when you synced or
8 someone else synced his contacts into your phone, if you know?

9 A I don't. I don't.

10 Q As a result of having both your contacts and
11 Mr. Trump's contacts in your phone, did you have over 30,000
12 contacts in your phone?

13 A Yes, ma'am.

14 Q During the time you worked at The Trump Organization
15 for Mr. Trump, was your email address mcohen@trumporg.com?

16 A Yes, it was.

17 Q After you left The Trump Organization, during the
18 years of 2017 and 2018, did you also use another email address,
19 mcohen@mdpc.com?

20 A Yes.

21 Q You no longer have that email address; is that right?

22 A That's correct.

23 Q Did you also use a personal Gmail address that you
24 still currently use?

25 A Yes.

1 Q Mr. Cohen, do you know someone named David Pecker?

2 A I do.

3 Q Who is he, and how do you know him?

4 A I knew David Pecker before I even knew Mr. Trump.

5 We had mutual friends, and we had met at a function at --
6 out in Long Island. Many, many years ago.

7 I then was re-acquainted with David Pecker, who is the
8 President, CEO of AMI. Most people know him more from his
9 magazines and his newspapers: National Enquirer, Star, Okay!
10 and Men's Health, et cetera.

11 Q When you -- did you, from time to time, speak to
12 Mr. Pecker even before he came -- before you started at The
13 Trump Organization?

14 A Not regularly, no.

15 Q Once you were at The Trump Organization and introduced
16 to him again by Mr. Trump, did you speak to him from time to
17 time?

18 A Yes.

19 Q When you spoke to him, did you speak to him by phone?

20 A Yes.

21 Q Did you have his cell phone and work numbers in your
22 phone contacts?

23 A Yes.

24 Q Did you use those contacts to speak with him?

25 A Yes, ma'am.

1 Q At times, did you also speak with Mr. Pecker using an
2 encrypted application called Signal?

3 A Yes.

4 Q Why did you do that?

5 A Well, depending upon the matter, sometimes we thought
6 that encryption, not having the event traceable would be
7 beneficial.

8 Q Was it because it was something you wanted to keep
9 confidential and didn't want anybody to be able to trace it or
10 look into those communications?

11 A Yes, ma'am.

12 Q And did you also, at times, communicate with
13 Mr. Pecker by email?

14 A Yes.

15 Q And you had his email address, as well, in your
16 contacts; is that right?

17 A Yes, ma'am.

18 Q Now, did you speak with Mr. Pecker at The Trump
19 Organization about matters having to do with Mr. Trump prior to
20 June of 2015?

21 A Yes, but rarely.

22 Q And was it -- what sort of matters were the few
23 matters that you spoke to him about, if you can remember, prior
24 to 2015?

25 A There was some things that had come up.

1 For example, Mr. Trump had donated money to a charity. It
2 was Harlem for Hoops. We had come into information that they
3 had no funding, and I brought it to Mr. Trump's attention.

4 He said, "Yes," we wanted to get the story out.

5 So, it would be things like that. And --

6 Q To try to get a nice -- a good story out about him?

7 A A good story, yes.

8 Q And -- to your knowledge, prior to 2015, when
9 Mr. Trump announced that he was running for the Presidency, did
10 you know whether Mr. Pecker or AMI ever paid for public stories
11 to prevent them from becoming public?

12 A There were stories.

13 Q I apologize.

14 My question is quite wrong.

15 Prior to Mr. Trump announcing his run for the Presidency,
16 are you aware of AMI ever paying to suppress stories?

17 A No, ma'am.

18 Q Would you say you had a good relationship with
19 Mr. Pecker?

20 A I would, yes.

21 Q Did you know someone named Dylan Howard?

22 A I do.

23 Q Who was Dylan Howard?

24 A Dylan Howard was an employee over at AMI.

25 Q What was your understanding about what his role was at

1 AMI, if you knew?

2 A He worked for Mr. Pecker to the same extent that I
3 worked for Mr. Trump.

4 Q Did you speak with Mr. Howard in person or, generally,
5 by phone?

6 A I spoke to everybody in three different manners: by
7 phone, by email, and in person.

8 Q Did you have Mr. Dylan's [sic] phone numbers and
9 contacts in your contacts in your phone?

10 A Yes, ma'am.

11 Q Did you use those numbers to contact him?

12 A I did.

13 Q Now, at times, did you also communicate with
14 Mr. Howard using that encrypted application, Signal?

15 A Yes, ma'am.

16 Q And why did you choose to do that with your
17 communications with Mr. Howard?

18 A For the same reason. It was a sensitive matter that we
19 wanted to keep private.

20 Q Did you also communicate by text with Mr. Howard?

21 A Yes.

22 Q And sometimes by email?

23 A Yes.

24 Q Again, using your contacts that you had in your phone?

25 A Yes, ma'am.

1 Q Did there come a time, in 2011, that Mr. Trump was
2 exploring a run for the Presidency?

3 A Yes.

4 Q Can you tell us a little bit about that?

5 A So, in 2011, I had come across, while reading the
6 paper, a poll that stated 6 percent of all the people who had
7 taken the poll thought Mr. Trump should be President of the
8 United States of America.

9 And so, I took that article, and I brought it to Mr. Trump.
10 And I said, "What do you think?"

11 He said, "It's interesting. We should look into it."

12 Q And did he look into it in some degree in 2011?

13 A He did.

14 Q Do you recall whether he spoke publicly in 2011 about
15 exploring a run for the Presidency?

16 A He did.

17 That was posts I had created for him, my own website called
18 shouldtrumprun.com. And many people came to that website.

19 And it was further proof that his name recognition, his
20 popularity, especially because of the hit show The Apprentice,
21 was so strong.

22 Q And just to go back to the question, do you remember
23 giving some public speech -- him giving public speeches about
24 his considering a run for the Presidency in 2011?

25 A Yes.

1 Q Were those, if you recall, covered in the news?

2 A Yes.

3 Q Did he, ultimately, decide to run for the Presidency
4 in 2011?

5 A No.

6 Q What was your understanding why he decided not to run?

7 A There were several large real estate projects he
8 acquired, as well as another season of The Apprentice.

9 And, as Mr. Trump told me, "You don't leave Hollywood.
10 Hollywood leaves you."

11 Q So, he decided to stay and do that work instead?

12 A Yes, ma'am.

13 Q Did there come a time, then, in June of 2015, when
14 Mr. Trump announced that he was running for President?

15 A Yes.

16 Q And how did he make that announcement, if you recall?

17 A I do.

18 It was at The Atrium at Trump Tower. He came down the
19 stairs to the lowest level. And we had set up a podium. He made
20 the announcement and a speech.

21 Q Now, at the time, in June of 2015, were you -- or any
22 time -- an official paid member of Mr. Trump's campaign?

23 A No.

24 Q Nevertheless, did you assist Mr. Trump in his
25 campaign?

1 A So, just some colorfulness.

2 In 2011, when Mr. Trump decided not to run, he actually
3 promised me that he was going to do it in the next election
4 cycle. And for years thereafter, we would talk about him
5 running in 2015.

6 At the very beginning, when he ultimately said, "I'm doing
7 it," there was a lot of back and forth about which date the
8 announcement should be.

9 A very small group of people were attached to the campaign
10 when it first launched.

11 Q Did you have some discussions directly with Mr. Trump
12 about what your role might be in terms of assisting with his
13 campaign?

14 A I wasn't going to be part of it.

15 I was just going to be a surrogate.

16 Q Explain what you mean by "surrogate".

17 A Sure.

18 "Surrogate" was someone who speaks on behalf of the
19 candidate and defends him in the press. Speaks to the press,
20 provides color, but not as a member of the campaign, but,
21 rather, as an outside person. So, again, as to give the
22 appearance that it's unbiased.

23 Q And that's the role that you performed for him and for
24 the campaign?

25 A Yes.

1 Q And did you make public appearances for him and for
2 his campaign?

3 A I did.

4 Q Tell us a little bit about that. What kind of public
5 appearances?

6 A I would make public appearances on television, CNN,
7 MSNBC, ABC, whoever, CBS. I would frequently provide comment to
8 press regarding different matters that kept popping up.

9 Q Did you leverage your press contacts in that way, from
10 Mr. Trump's campaign?

11 A Yes.

12 Q Your relationships?

13 A Yes.

14 Q Did you also develop some relationships with some key
15 people on behalf of the campaign who put together some kind of
16 committees or groups for him?

17 A Yes.

18 Q Tell the jury a little bit about that.

19 A So, while watching the rallies, I had gone to
20 Mr. Trump, and I said, "One of the things that I notice is that
21 it's very white. And we really need diversity. If you're going
22 to win, you're going to need diversity."

23 And so, I started a group called National Diversity
24 Coalition for Trump, along with Pastor Carol Scott, an
25 Evangelical Pastor from Cleveland, Ohio.

1 Q And you did that for his campaign; is that right?

2 A I did.

3 Q Did you have other important contacts in the Christian
4 Evangelical community that you sort of worked with for
5 Mr. Trump?

6 A Yes.

7 Q Did you have a campaign email address, by the way?

8 A Yes. I was given a campaign email address.

9 Q Around the time that the campaign began, did Mr. Trump
10 express to you any concern about negative stories about his
11 personal life that might affect his candidacy?

12 A Yes.

13 Q What -- generally, what did he say, in substance?

14 A You know, that, "When this comes out," meaning the
15 announcement, "just be prepared. There's going to be a lot of
16 women coming forward."

17 Q Now, turning back to his announcement of running for
18 the Presidency in June of 2015, did you invite David Pecker to
19 attend that announcement?

20 A I did.

21 Q Did you invite other people, as well?

22 A I did.

23 Q Now, sometime after the announcement in June, in about
24 August of 2015, did you and Mr. Trump meet with David Pecker at
25 Trump Tower to discuss what AMI could do for the campaign?

1 A Yes, ma'am.

2 Q Where exactly did the three of you meet?

3 A Mr. Trump's office on the 26th floor.

4 Q Could you tell the jury, please, what was discussed
5 and what was agreed to at that meeting?

6 A What was discussed was the power of the National
7 Enquirer in terms of being located at the cash register of so
8 many supermarkets and bodegas; that if we can place positive
9 stories about Mr. Trump, that would be beneficial; that if we
10 could place negative stories about some of the other
11 candidates, that would also be beneficial.

12 Q Was there anything else that Mr. Pecker said he could
13 also do for Mr. Trump's candidacy?

14 A Yeah.

15 Q What, in substance, did he say?

16 A What he said was that he could keep an eye out for
17 anything negative about Mr. Trump, and that he would be able to
18 help us to know in advance what was coming out and try to stop
19 it from coming out.

20 Q And who did he say he would get in touch with if
21 his -- he was able to identify those types of stories?

22 A The answer was: Me.

23 Mr. Trump also.

24 Knowing my relationship with David, "The two of you should
25 work together. And anything negative that comes , you let

1 Michael know, and we'll handle it."

2 Q Now, during -- subsequent to that meeting, during the
3 campaign, did AMI run stories that were positive for Mr. Trump?

4 A Yes, ma'am.

5 Q And did they run stories that were negative on
6 Mr. Trump's opponents?

7 A Yes, ma'am.

8 Q And in the course of that, did AMI preview for
9 Mr. Trump and for you some of those stories that they were
10 gonna run in their magazines and periodicals?

11 A Yes, ma'am.

12 Q Can you describe just a few that you recall that they
13 ran, specifically to benefit Mr. Trump, some stories that were
14 either negative on his opponents or positive for him?

15 A So, some of the negative ones that I would receive
16 from David or from Dylan Howard was Hillary Clinton wearing
17 very thick glasses and some allegations that she had some brain
18 injury.

19 There was Ted Cruz, a photo of his father with Lee Harvey
20 Oswald, claiming that Ted Cruz's father was involved in the
21 assassination of JFK.

22 There was an article on Marco Rubio in a swimming pool with
23 a bunch of other men, claiming that they were having a drug
24 binge of some sort.

25 Q Did AMI sometimes send over the covers of some of

1 these stories to you before they ran them?

2 A Yes.

3 Q And what did you do with that material when they sent
4 it over to you?

5 A Immediately showed it to Mr. Trump.

6 Q And for what purpose did you show it to Mr. Trump?

7 A So that he knew that David was loyal, was on board,
8 was doing everything that he said he was going to do in that
9 August meeting and was actually doing it.

10 Q And do you recall, from time to time, when you showed
11 Mr. Trump some of those stories, what his -- in general, his
12 reactions were?

13 A "That's fantastic. That's unbelievable."

14 Q Now, did AMI ever actually seek your input into the
15 types of stories or the content of some of the stories that
16 they were gonna run?

17 A Yes.

18 MS. HOFFINGER: Can we show, please, People's
19 Exhibit 166, which is in evidence.

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

21 Q Are you able to read that, Mr. Cohen?

22 A Yes, ma'am.

23 Q Do you recognize, generally, this email?

24 A I do.

25 Q Can you just tell the jury a little bit about what

1 this email was?

2 A This is an email from me, Trump Org, on January 6,
3 2016, to Barry Levine and cc'd to Dylan Howard.

4 Barry Levine was an employee, as well, at AMI.

5 Q Did Barry Levine send you something in this email?

6 A Yes.

7 Q What did he send you?

8 A He sent to me an email that says: "Michael:
9 Greetings and happy new year. As our readers can't get enough
10 of Mr. Trump, we are repackaging and repurposing past material
11 from our files and adding additional material -- of course also
12 of a positive nature."

13 Then goes on. There's a series of bullet points.

14 "Donald has quietly given away" --

15 Q He's describing the content of some of these articles?

16 A Yes.

17 MS. HOFFINGER: Can we blow up the top email to
18 Barry Levine?

19 Q And you copied Dylan Howard on it.

20 Read your response.

21 A I stated: "Yes. Take out the part of the Penthouse
22 pet Sandra as it offers nothing. Also, I would like to reword
23 the part about Atlantic City. Let's speak tomorrow."

24 (Whereupon, Senior Court Reporter Lisa Kramsky
25 relieves Senior Court Reporter Laurie Eisenberg, and the

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transcript continues on the following page.)

M. Cohen - Direct/Hoffinger

1

2

(The following proceedings are continued from the

3

preceding page.)

4

CONTINUED DIRECT EXAMINATION

5

BY MS. HOFFINGER:

6

Q Why did you ask AMI to remove the Penthouse pet

7

reference?

8

A I thought it would be negative to Mr. Trump as, again,

9

it dealt with women and Penthouse.

10

Q And did AMI agree to make the edits that you

11

suggested?

12

A Yes, ma'am.

13

Q What is the title of the story?

14

MS. HOFFINGER: Can you just scroll down just a

15

little bit.

16

Thank you so much.

17

(Displayed.)

18

Q The title of that story -- can you see what the title

19

of that story was going to be, was it: "The Trump that Nobody

20

Knows?"

21

A Yes. It was going to go under the headline "The Donald

22

Trump Nobody Knows."

23

Q And, I'm sorry, would you say again what the date of

24

this email was?

25

A January 6th of 2016.

Lisa Kramsky,
Senior Court Reporter

1 Q Okay.

2 MS. HOFFINGER: And can we now take that down and
3 put up People's 152 in evidence.

4 (Displayed.)

5 Q And can we direct your attention to the article
6 entitled "The Trump Nobody Knows."

7 MS. HOFFINGER: And maybe you can just center on
8 that.

9 (Displayed.)

10 Q Did this article actually come out --

11 A Yes, ma'am.

12 Q -- that you spoke to AMI about?

13 A I'm sorry.

14 Q That's all right.

15 You said that the email that you sent was either January 6th
16 of 2016 -- and what's the date of this article here?

17 A It was posted on January 13th of 2016.

18 Q So, about a week later, AMI ran the article with your
19 suggestions?

20 A Yes, ma'am.

21 Q And is this an example of your working with AMI to get
22 articles out that benefitted Mr. Trump's campaign?

23 A It is an example.

24 Q And this was consistent with what was discussed at the
25 Trump Tower meeting with Mr. Pecker and Mr. Trump?

Lisa Kramsky,
Senior Court Reporter

Lisa Kramsky,
Senior Court Reporter

1 A Yes.

2 MS. HOFFINGER: Thank you.

3 We can take that down.

4 Q Now, in the Fall of 2015, did you come to learn of a
5 negative story being circulated by a former doorman at Trump
6 Tower?

7 A Yes, ma'am.

8 Q And how did you learn of that story?

9 A I was told of the story by either David Pecker or Dylan
10 Howard.

11 Q And, very briefly, what was the nature of the story
12 that they indicated to you was out there circulating?

13 A That there was a love child.

14 Q Actually, I think I take my question back about the
15 circulating, that they heard about the doorman who had this
16 story; right?

17 A Yes, ma'am.

18 Q After you learned of the story, did you speak to
19 Mr. Trump about it?

20 A I did.

21 Q Why did you do that?

22 A Well, I went to him immediately to advise him that
23 there was a story, because it was a negative story for him, and
24 to get his direction on what he wanted me to do.

25 Q Did you indicate to him at the time the name of the
Lisa Kramsky,
Senior Court Reporter

1 employees who were referenced in this potential story?

2 A Yes. I provided him with all of the information.

3 Q And did it involve actually two employees at The Trump
4 Organization?

5 A Yes, ma'am.

6 Q Who were married to each other?

7 A Yes.

8 Q Did Mr. Trump -- can you describe your conversation
9 that you had with Mr. Trump when you advised him of this?
10 What did he tell you to do?

11 A He told me to: Make sure that this story doesn't get
12 out. You handle it.

13 Q Did he ask you, also, to do anything with respect to
14 the affected employees?

15 A Yes.

16 Q What did he say, in substance?

17 A He asked me to speak to them and let them know it's
18 being taken care of.

19 Q Now, what did you do in terms of, at that point, in
20 terms of making sure that the story didn't get out?

21 A I worked with David Pecker and Dylan Howard.

22 Q And you worked with them to do what?

23 A In order to obtain the story, all of the life rights to
24 the story.

25 Q Who did you understand was going to either purchase or
Lisa Kramsky,
Senior Court Reporter

1 try to take care of -- well, take care of purchasing the life
2 rights to the story or otherwise making sure that the story
3 didn't get out?

4 A David Pecker.

5 Q And, along the way, did either Dylan Howard or David
6 Pecker update you about what they were doing with respect to
7 that story?

8 A Yes, ma'am.

9 Q And as the matter progressed and you got updates from
10 Dylan Howard or David Pecker, did you update Mr. Trump about the
11 matter?

12 A Immediately.

13 Q Now, at some point, did you learn that AMI had entered
14 into an Agreement with the doorman regarding this story?

15 A Yes.

16 Q What did you learn, just briefly, about what the
17 general terms were of the Agreement that AMI entered into with
18 this particular doorman?

19 A That they were going to pay \$30,000. They were
20 executing an Agreement with the doorman in order to obtain the
21 life rights to this story.

22 Q And when you say "to obtain the life rights," was it to
23 publish the story or not publish the story?

24 A It was to not publish the story.

25 Q But to control the life rights so that nobody else

Lisa Kramsky,
Senior Court Reporter

1 could publish it?

2 A Correct. Take it off the market.

3 Q Now, did you update -- actually, when Dylan Howard and
4 Mr. Pecker told you they were going to do that, they were going
5 to acquire the life rights for \$30,000, did you tell them that
6 Mr. Trump would be grateful?

7 A Absolutely.

8 Q And when you spoke to Mr. Trump about it, was he
9 grateful?

10 A Absolutely.

11 Q Now, did AMI at some point send you the Agreement --
12 their agreement with the doorman for those life rights for
13 \$30,000?

14 A Yes.

15 Q And did you review it?

16 A I did.

17 Q Why did you review it?

18 A Well, I reviewed it to ensure that Mr. Trump was fully
19 protected.

20 I also asked them to send it to me so that I could show
21 Mr. Trump that it's being taken care of.

22 Q And did you -- when you reviewed that Agreement, did
23 you provide AMI with any feedback about the terms in the
24 Agreement?

25 A I did.

Lisa Kramsky,
Senior Court Reporter

Lisa Kramsky,
Senior Court Reporter

1 Q What did you tell them?

2 A Ummm, I thought that there needed to be a clause in
3 there, a significant penalty for a million dollars per violation
4 of any of the terms of the Agreement to ensure that the doorman
5 knew not to go ahead and to talk about this matter.

6 Q So, you suggested that there be a heavy hammer to make
7 sure that he didn't break the terms of the Agreement?

8 A Yes, ma'am.

9 Q Did you also suggest some other term involving
10 perpetuity for this Agreement?

11 A Yes.

12 Q Can you explain that?

13 A What I found was that the Agreement had what I
14 considered to be an end date to it.

15 And so, rather, I said why not just -- let's make this in
16 perpetuity.

17 Q What does that mean, "in perpetuity?"

18 A It means that it's forever. That he owns the
19 document -- they own the story forever. And it can never come
20 out.

21 Q And did AMI agree to include that term as well in the
22 Agreement?

23 A He did.

24 MS. HOFFINGER: Can we put up, please, People's 165
25 in evidence.

Lisa Kramsky,
Senior Court Reporter

Lisa Kramsky,
Senior Court Reporter

1 (Displayed.)

2 Q And can you -- do you recognize that email, first of
3 all?

4 A I do.

5 Q Who is it from and who is it to?

6 A It's from Dylan Howard on December 19th of 2015 to me
7 at the Trump Org, with the subject headline of "Update."

8 It reads: "Michael, it was remiss of me not to contact you
9 yesterday. We were on deadline for the magazines.

10 Nevertheless, I wanted to confirm that the source executed an
11 Addendum to the Agreement with a liquidated damages clause. He
12 has been compensated accordingly. Cheers, Dylan."

13 MS. HOFFINGER: Can we also put up now People's 155
14 in evidence.

15 (Displayed.)

16 MS. HOFFINGER: Is it possible to blow that up just
17 a little bit.

18 (Displayed.)

19 Q Do you recognize that, Mr. Cohen?

20 A I do, ma'am.

21 Q What is that?

22 A This is the Amendment that I was just describing.

23 Q And is that the Amendment that contains the
24 million-dollar liquidation clause and the clause about it
25 continuing in perpetuity?

Lisa Kramsky,
Senior Court Reporter

Lisa Kramsky,
Senior Court Reporter

1 A Yes, that would be Sections 2 and 3 of the Amendment.

2 Q Now, once that was accomplished by AMI and they
3 included the terms that you wanted to protect Mr. Trump, did you
4 advise Mr. Trump that you had gotten that done?

5 A Yes, ma'am.

6 Q Why did you tell him that?

7 A Again, in order to ensure that he knows that David's
8 doing exactly what he said he would. Also for credit.

9 Q In terms of credit, did you tell him that you got the
10 million dollars put in and the in perpetuity clause put in?

11 A Yes.

12 Q Why did you do that?

13 A In order to get credit for accomplishing the task.

14 Q And was -- what was Mr. Trump's reaction when you told
15 him that?

16 A It's great. "That's great."

17 Q Now, is it your understanding that AMI bought the life
18 rights to the doorman's story as part of what Mr. Pecker had
19 agreed to at the Trump Tower meeting with you and Mr. Trump in
20 August 2015?

21 A Yes.

22 MS. HOFFINGER: You could take that down.

23 Thank you so much.

24 Q Let me direct your attention now to June of 2016.

25 And around that time, did you learn that a woman by the name
Lisa Kramsky,
Senior Court Reporter

1 of Karen McDougal was looking to sell a story regarding her
2 relationship with Mr. Trump?

3 A Yes, ma'am.

4 Q And how did you learn that?

5 A Again, I received a call from David Pecker or Dylan
6 Howard.

7 Q And what, generally, did they tell you, just briefly,
8 in substance, about what this story was about?

9 A That she's a Playboy Playmate and that there is a story
10 that is looking to be sold on the street -- to news outlets
11 about a relationship that she had had with Mr. Trump.

12 Q And when you learned of the story, what, if anything,
13 did you think about its potential impact on Mr. Trump's
14 Presidential campaign?

15 A Significant.

16 Q Did you tell Mr. Trump what you had learned from AMI
17 about Karen McDougal?

18 A Immediately after I got off the phone with AMI.

19 Q And can you tell us about the conversation you had with
20 Mr. Trump after learning about that story?

21 A So, I went to the office, knocked on it, I said:
22 "Boss, I got to talk to you."

23 He said: "Come in."

24 I went in. I told him about what I had just learned.

25 I asked him if he knew who Karen McDougal was, if he knows
Lisa Kramsky,
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1 anything about the story.

2 His response to me was: "She's really beautiful."

3 I said: "Okay. But there is a story that's right now being
4 shopped."

5 Q And did you draw on any -- based on your experience
6 with Mr. Trump, did you draw any conclusion based on his
7 response to you?

8 MR. BLANCHE: Objection.

9 THE COURT: Sustained.

10 Q Did Mr. Trump ask you to take any action with respect
11 to the story?

12 A Yes.

13 Q What did he ask you, in general, to do?

14 A Make sure it doesn't get released.

15 Q What did you do as a result? What did you take that to
16 mean you should do?

17 A We need to -- we need to acquire the story. And so I
18 went ahead and I reached back out to both Dylan Howard as well
19 as to David Pecker.

20 Q Now, during the time period of about June of -- maybe
21 June 16th or so of 2016 to August 5th of 2016, did you
22 communicate frequently, regularly, with Mr. Pecker and
23 Mr. Howard regarding Karen McDougal?

24 A Yes, ma'am.

25 Q Why did you do that?

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1 A Again, ummm, the purpose is to stop the story from
2 being sold or marketed to an outside source.

3 Q Did you want to make sure that AMI was doing that?

4 A Absolutely.

5 MR. BLANCHE: Objection.

6 THE COURT: Sustained.

7 Q How did you communicate -- well, let me ask you a
8 question: Did AMI regularly update you about what was happening
9 with their negotiations in terms of the story?

10 A Yes.

11 Q And was that consistent with what they had -- David
12 Pecker had agreed to do at Trump Tower, to notify you if matters
13 like this were happening?

14 A Yes.

15 Q How did you communicate with David Pecker and Dylan
16 Howard during this time?

17 A Again, it would either be by phone, text, email, app.

18 Q Okay. When you say "app", sometimes using the Signal
19 app?

20 A Yes, ma'am, I'm sorry. The Signal app.

21 Q That's okay.

22 Let me just finish the question and then you answer, because
23 the court reporter also needs to get it down.

24 A I'm sorry.

25 Q And did you use for this transaction that you were
 Lisa Kramsky,
 Senior Court Reporter

1 working with AMI, did you use the Signal app?

2 A I believe so.

3 Q And why was that?

4 A Again, because of the nature of the issue, to make sure
5 that it remained private.

6 Q At various times when you were receiving updates from
7 either Dylan Howard or David Pecker about the progress with
8 Karen McDougal, did you update Mr. Trump frequently?

9 A Yes.

10 MS. HOFFINGER: Can we put up now, please,
11 People's Exhibit 177A, which is also in evidence.

12 (Displayed.)

13 Q Now, I'm just going to ask you: Do you recognize these
14 texts between yourself and Dylan Howard during this time period
15 from about June 16th of 2016 to November 1st of 2016?

16 A I think it says here June 20th of 2016.

17 Q My apologies.

18 Do you recognize these texts during the time period that's
19 referenced in this exhibit?

20 A I do.

21 Q Let's take a look at, first, please, the text with
22 Dylan Howard on June 16th of 2016.

23 (Displayed.)

24 Q Can you read out for the jury all of the texts from
25 June 16th of 2016. And along the way, you can tell the jury

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Senior Court Reporter

1 what they refer to and what they mean.

2 A So, this is a June 16th of 2016 communication between
3 Dylan Howard and myself, and it states: "Meeting will be on
4 Monday, per their terms. Dylan."

5 Q And what's your response?

6 A My response back was: "Understood. Thank you for
7 everything."

8 Q What did you understand this was about in terms of the
9 meeting on their terms?

10 A This is about meeting with Karen McDougal and her
11 people.

12 Q Now, let me direct your attention -- what is -- again,
13 what is the date of this?

14 A The date is June 16th of 2016.

15 MS. HOFFINGER: And can we take that down for a
16 moment and show People's Exhibit 262 in evidence.

17 (Displayed.)

18 Q I want to -- do you recognize these texts with Keith
19 Schiller, between yourself and Keith Schiller?

20 A I do.

21 Q Now, you recall that you told the jury that sometimes
22 you spoke to or contacted Keith Schiller in order to get in
23 touch with Mr. Trump?

24 A Yes.

25 MS. HOFFINGER: Can we look at Page 2, please,
Lisa Kramsky,
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1 lines 16 to 20, dated June 16th of 2016.

2 Can you see if we can cull those out.

3 (Displayed.)

4 Q Mr. Cohen, can you read those texts between yourself
5 and Keith Schiller on that same day, June 16th of 2016?

6 A Yes, ma'am.

7 So, this is from me to Keith Schiller, asking: "Can we
8 speak? I need you."

9 Q And what does he respond?

10 A He then responds -- I didn't receive --

11 Q His response?

12 A I didn't receive a response back.

13 And so, I followed it up with another that says: "You
14 there?"

15 He then responds to me: "On Dallas."

16 I think he meant in Dallas.

17 I then respond to him: "Where's The Boss?" Which, of
18 course, referenced Mr. Trump.

19 He then responds to me: "Next to me."

20 And then, I then ask: "Is he free to speak?"

21 Q Why are you trying to reach Mr. Trump on this date of
22 June 16, 2016?

23 A Regarding the Karen McDougal matter.

24 Q Was it an update that -- in response to an update that
25 you had just received from Dylan Howard about a meeting with
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1 Karen McDougal's people?

2 A Yes, that I thought was important.

3 Q Is this an example of you contacting Mr. Trump to give
4 him updates about what was progressing with Karen McDougal?

5 A Yes, ma'am.

6 MS. HOFFINGER: You can take that down.

7 Can we now put up People's 349 in evidence.

8 (Displayed.)

9 Q And take a look at the call on 6/16 of 2016. Do you
10 recognize these?

11 These are calls between yourself and Mr. Trump, summary
12 calls.

13 Do you see a call between the two of you at 6:51 p.m. --

14 A Yes, ma'am.

15 Q -- for 2 minutes and 31 seconds.

16 Did you have that call with Mr. Trump right after you asked
17 Keith Schiller if he was available -- meaning Mr. Trump -- to
18 speak?

19 A Yes.

20 Q And what do you believe that you discussed with
21 Mr. Trump on that call?

22 A The updates that I received on the Karen McDougal
23 matter.

24 Q Thank you.

25 MS. HOFFINGER: You can take that down.

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1 Can we go back now, please, to People's
2 Exhibit 177A in evidence.

3 And can we cull out the texts on June 20th of 2016.
4 And blow those up for Mr. Cohen.

5 THE WITNESS: Thank you.

6 (Displayed.)

7 Q Can you start with the texts from Dylan Howard that
8 says: "I'm about to meet her. Her name is Karen McDougal."

9 A Yes, ma'am.

10 Q "Former Playboy Playmate."

11 A So, I received a series of messages.

12 This one is dated Monday, June 20th of 2016, whereby
13 Dylan Howard sends to me: "I'm about to meet with her. Her
14 name is Karen McDougal, former Playboy Playmate."

15 I then respond to Mr. Howard: "Okay. We need to speak."

16 He then responds to me: "Yes."

17 I then -- he then responds to me again: "When we break."

18 And I respond back: "Okay."

19 He then sends to me a response: Spoke -- it says "spike"
20 but it means "Spoke to DP" -- referencing David Pecker -- "We
21 just broke. I'm wrapping up with them. And then we will
22 convene a three-way call between us all to sort this out.
23 Understand I've got this locked down for you." I won't let it
24 get out of my grasp -- "I won't let it out of my grasp."

25 Q Now, did you insist, at this time, on having a call
 Lisa Kramsky,
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1 with Dylan Howard right after he met with Karen McDougal?

2 A Yes, ma'am.

3 Q And why did you do that?

4 A Because I needed to get an update so I could provide it
5 to Mr. Trump.

6 Q And shortly after these updates from Mr. Howard, did
7 you actually have a call with both Dylan Howard and David Pecker
8 to find out about their interview with Karen McDougal?

9 A Yes, ma'am.

10 Q And what was the substance of what they told you during
11 that three-person call about progress with Karen McDougal?

12 A That they believed that they have this under control,
13 as Dylan had stated to me: "I will get this locked down for
14 you. And I won't let it out of my grasp."

15 Q Did Dylan Howard tell you what his opinion was about
16 whether he believed that Karen McDougal had had a relationship
17 with Mr. Trump?

18 MR. BLANCHE: Objection.

19 THE COURT: Sustained.

20 Q Was it important for you to have that call with Dylan
21 Howard and David Pecker?

22 A Yes.

23 Q And that's to make sure that things were being taken
24 care of for Mr. Trump?

25 A Yes.

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1 Q Did you have another call later that night with
2 Mister -- with Dylan Howard to have some further conversations
3 about the progress of the deal?

4 A Yes.

5 Q Now, you said you did update Mr. Trump on the progress
6 at that point with Karen McDougal?

7 A Yes, ma'am.

8 Q And do you know whether at that time that update was
9 either in person or by telephone?

10 A I don't recall.

11 Q I'm going to direct your attention now to a little bit
12 later in June, a little later in June of 2016, maybe a week or
13 so, around the same time.

14 Did you -- were you present for a conversation that
15 Mr. Trump had directly with David Pecker about the Karen
16 McDougal matter?

17 A Yes, ma'am.

18 Q Where were you when you were present for, and
19 overheard, that conversation?

20 A In Mr. Trump's office.

21 Q And who else was in the office besides yourself and
22 Mr. Trump?

23 A (No response.)

24 Q It was just the two of you?

25 A I believe so, yes.

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1 Q And did he have a call at that point with Mr. Pecker?

2 A Yes.

3 Q How did he make that call?

4 A He had the call put through, and he had a speaker box
5 on his desk, and instead of lifting up the phone, he used the
6 speaker box so I was able to hear.

7 Q And can you tell the jury about what you recall from
8 that conversation that Mr. Trump had with Mr. Pecker?

9 A He asked him how things were going with the matter.

10 And David said, "We have this under control. And we will --
11 we will take care of this."

12 Q Was there a discussion on that call about how much it
13 might cost to buy this story and who might pay for it?

14 A Yes, ma'am.

15 Q Just, in substance, what was that conversation?

16 A So, David had stated that it's going to cost them
17 \$150,000 to control the story, to which Mr. Trump replied: "No
18 problem. I will take care of it."

19 Q Was there an understanding about who would initially
20 purchase that story?

21 A Yes.

22 Q And who was discussed on that call that would purchase
23 that story?

24 A AMI was going to lay out the funds, and as Mr. Trump
25 had stated to David: "I will take care of it."

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1 Q And what did you understand that to mean?

2 A He was going to pay it back.

3 Q But it wasn't -- was it described at that point how
4 that might occur?

5 A No, ma'am.

6 Q After that call, did you then have a call or call
7 Mr. Pecker?

8 A Yes.

9 Q And tell us a little bit about that conversation that
10 you had with Mr. Pecker?

11 A I just wanted to make sure that I was being updated
12 regarding the entire matter.

13 Q Did you let him know on that call that you had
14 overheard that conversation that he had with Mr. Trump?

15 A Yes.

16 MS. HOFFINGER: Now, let's put back up, if we
17 could, please, 177A, Mr. Cohen's texts with Dylan Howard.

18 And now the texts on July 28th of 2016 through
19 July 29th of 2016.

20 And let's see if we can cull those out for
21 Mr. Cohen to read.

22 (Displayed.)

23 A So it's Thursday, July 28th of 2016. It's from me to
24 Dylan Howard: "Can you call me?"

25 Dylan Howard responds back: "I've not heard back from our
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Senior Court Reporter

1 guy yet so no update. Let me call him this a.m. and get latest.

2 Does that work?"

3 Q Who did you understand his "guy" to be?

4 A I believe it was Keith Davidson.

5 Q And who was Keith Davidson in relation to this matter?

6 A Keith Davidson is an attorney that was representing
7 Ms. McDougal in this transaction.

8 Q And did you understand from Dylan Howard that
9 Mr. Davidson was doing the negotiating with AMI for
10 Ms. McDougal?

11 A Yes.

12 MR. BLANCHE: Objection, Judge.

13 Q Can you continue reading --

14 THE COURT: I'm sorry?

15 MR. BLANCHE: I'm sorry. Objection.

16 THE COURT: Overruled.

17 Q Okay.

18 A Same date, Thursday, the 28th of July, 2016. I sent a
19 text to Dylan Howard: "Yes. And thank you."

20 Q Again, if you could read them just as they apply to
21 July 29th?

22 A Sure.

23 He then expresses to me: "They rejected the offer. Told
24 them to come back to me." It says "my," but it's "me by EOD" --
25 which means end of day -- "with a realistic number."

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1 "He agreed to that. He fears she has been convinced to tell
2 her story at ABC. And really wants to. I implored my guy to
3 GET IT DONE." All caps. "He's getting back to me."

4 Q Is that the last text?

5 A No.

6 Q I'm sorry. I apologize.

7 A I then respond back to him: "Okay."

8 To which he then responds to me: "We are having a video
9 conference with her next week to outline the opportunities we
10 will present to -- we will present her to sign up with us."

11 I then ask: "Do you know what day?"

12 And he responds to me: "Monday or Tuesday."

13 And I respond again: "Okay. Thank you."

14 Q Now, why were you pressing for this information from
15 Dylan Howard?

16 A So several things here. One, I wanted to know what the
17 number was, because I would have to report that to Mr. Trump.

18 When they stated that they are having a video conference
19 with her next week to outline the opportunities, I needed to
20 know what day, again, so that I could update Mr. Trump, and he
21 could have all the necessary information.

22 Q Did you also speak to David Pecker around this time
23 about how things were moving along in the negotiation with Karen
24 McDougal and her lawyers?

25 A Yes.

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Senior Court Reporter

1 Q Was there some particular pressure that you felt at
2 this point that AMI should get this done?

3 A Yes.

4 Q What was that?

5 A There was the campaign, and we were concerned that this
6 story was going to find its way to ABC, meaning ABC News.

7 Q Now --

8 MS. HOFFINGER: We can take that down.

9 Thank you.

10 Q -- let me direct your attention now to August 5th --
11 well, withdrawn.

12 At some point in August now of 2016, so shortly after those
13 texts, did you learn that indeed an Agreement had been finalized
14 between AMI and Karen McDougal?

15 A Yes.

16 Q And how did you learn that?

17 A I was told by David Pecker and Dylan Howard.

18 Q And what was your understanding from them about what
19 the terms of that Agreement were going to be?

20 A The terms were going to be compensation to her in the
21 amount of \$150,000, as well as they were going to provide her
22 with 24 penned articles that would bear her name, as well as
23 she was going to be on two covers of one of the various
24 magazines that they owned.

25 Q And did you have a conversation just between yourself
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Senior Court Reporter

1 and David Pecker about the parameters of this Agreement with
2 Ms. McDougal?

3 A Yes.

4 Q Did Mr. Pecker tell you that he felt that the Agreement
5 was bulletproof?

6 A Yes.

7 Q And what did you understand that to mean?

8 A That they got it. That this is locked down. We
9 prevented the story from being released on ABC News, and
10 effectively the story has now been caught.

11 Q And did you tell -- did you update Mr. Trump on that
12 conversation?

13 A Yes, ma'am.

14 Q And did you tell him that you had been told by David
15 that the Agreement was bulletproof?

16 A Yes.

17 Q What was Mr. Trump's reaction to hearing that an
18 Agreement had been signed and done and that it was bulletproof?

19 A Fantastic. Great job.

20 Q Now, did, at some point, Keith Davidson, the attorney
21 for Karen McDougal, reach out to you after the Agreement had
22 been finalized with AMI?

23 A Yes.

24 Q Were you familiar at that time with who Keith Davidson
25 was?

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1 A Yes.

2 Q And how did you know him at that time?

3 A I had worked with Keith Davidson back in 2011 when
4 there was a story that was out that dealt with Stormy Daniels,
5 and in that story -- it was on a website called TheDirty.com,
6 that Stormy actually wanted to be taken down and we had worked
7 together to effectuate that.

8 Q To take the story down from The Dirty?

9 A Yes.

10 Q Now, let me have you take a look, please, at People's
11 Exhibit 62 in evidence.

12 (Displayed.)

13 Q By the way, your communications with Keith Davidson
14 were also by phone, also by text?

15 A Yes. It was by phone, email, text.

16 Q Did you also sometimes communicate with him on an
17 encrypted application?

18 A Yes, ma'am.

19 Q Taking a look at People's 62. Do you recognize that
20 email?

21 A I do.

22 Q And what was this email about?

23 A It's an August 5th, 2016 email sent by Keith Davidson
24 to me and it states: "Michael, please call me at your
25 convenience. Thanks."

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1 Q And was this after AMI had signed the deal with Karen
2 McDougal?

3 A Yes.

4 Q And did you end up having a call with Keith Davidson
5 about the matter?

6 A I did.

7 Q Could you describe, just generally, the substance of
8 the call?

9 MS. HOFFINGER: You can take that down.

10 Thank you.

11 Q Actually, do you know what, let me just ask you, when
12 you received this email, did you then call Keith Davidson --

13 A I did.

14 Q -- as per his request?

15 A Yes.

16 Q All right. So tell us, if you would just briefly, what
17 the conversation was with Keith Davidson?

18 A Great job. The Boss, I mean, obviously very happy
19 about it. The matter is now resolved.

20 Q Did Keith tell you that he had resolved the matter?

21 A Yes.

22 Q And that was you telling him that The Boss would be
23 very pleased and thank you and good job?

24 A Yes.

25 Q What's your understanding of why Keith Davidson reached
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1 out to you after this deal was concluded?

2 MR. BLANCHE: Objection.

3 THE COURT: Sustained.

4 Q Now, after AMI finalized the deal with Karen McDougal
5 and paid the \$150,000 for the life rights and also for the
6 other that she was going to be doing, did you have any
7 conversations with Mr. Pecker about Mr. Trump reimbursing AMI
8 for the money that AMI put out?

9 A Yes.

10 Q Tell us a little bit about that?

11 A So David had asked me when he should anticipate
12 receiving or being paid back the 150 thousand dollars.

13 He needed to get the 150 thousand dollars; that he wanted
14 the 150 thousand dollars back because it was too much money for
15 him to hide from the CEO of the parent company.

16 And he had also just laid out 30 thousand dollars
17 previously.

18 So he was putting pressure on me to speak to Mr. Trump and
19 to get the money back.

20 Q Did you have several conversations with Mr. Pecker
21 where he urged you to try to move it along and get him repaid?

22 A Yes. I -- I don't know if I would characterize it as
23 urge as much as he insisted.

24 Q Was he upset about it?

25 A Very.

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1 Q So directing your attention now to about September of
2 2016. Did you have lunch with Mr. Pecker where he pressed you
3 further on that matter?

4 A Yes.

5 Q Can you tell us a little bit about that matter?

6 A So he asked me if I would meet him at his favorite
7 Italian restaurant, and I went to meet with him.

8 And, again, he expressed his anger that: I need to get this
9 money back.

10 And I said: Look, Mr. Trump told you that he would pay you
11 back, so he'll pay you back.

12 Q Did you -- after the lunch meeting with Mr. Pecker
13 where he was, as you say, upset about not being repaid, did you
14 talk to Mr. Trump about that?

15 Did you inform him of that?

16 A I did.

17 Q And what did Mr. Trump say, in substance, about David
18 Pecker's concerns about getting it paid?

19 A Don't worry. I'll take care of it.

20 Q And did you discuss with Mr. Trump David Pecker's
21 request for that money back on one occasion or more than one
22 occasion?

23 A Several occasions.

24 Q Around the same time, did you have any conversations
25 with Mr. Trump regarding other stories that AMI may have had in

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1 the past and some concerns about that?

2 A Yes.

3 Q Can you tell the jury a little bit about that?

4 A So David had expressed to me that, obviously, the
5 relationship with Mr. Trump goes back many, many years and there
6 is a file drawer or a locked drawer, as he described it, where
7 files that relate to Mr. Trump existed.

8 And, at that point in time, David was being considered for
9 the position of CEO at Time, Inc., Time Magazine.

10 And one of the concerns that I had, that I expressed to
11 Mr. Trump, was if he goes, there is a series of papers there
12 that relate to you.

13 Q And what was your concern, specifically, with respect
14 to those stories and Mr. Pecker leaving AMI?

15 A Well, I didn't know what those stories were, and nobody
16 was discussing that with me, but that they would be open for
17 use.

18 Q Meaning that other people might get their hands on
19 them?

20 A Yes. Because we didn't know who the potential CEO or
21 replacement would be.

22 Q And was Mr. Trump concerned about that at that point as
23 well?

24 A Yes.

25 Q Did you discuss with Mr. Pecker those concerns about
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1 whatever other stories might -- AMI might have in that locked
2 drawer?

3 A Yes.

4 Q And what did Mr. Pecker say?

5 A You could technically buy them. We will figure out a
6 way for you to take control over them.

7 Q And around the same time, were you having some
8 discussions with David Pecker about purchasing from AMI those
9 life rights to Karen McDougal's story?

10 A Yes. That was all part of the same transaction.

11 Q So, let me direct your attention now to September 6th
12 of 2016.

13 Did you record a conversation that you had with Mr. Trump
14 about purchasing from AMI the life rights to Karen McDougal's
15 story and these other stories that AMI might have?

16 A Yes.

17 Q Now, during the time, the ten years that you worked for
18 Mr. Trump, how many conversations with him did you tape?

19 A None other.

20 Q So this was the only one?

21 A Yes, ma'am.

22 Q Why did you feel it was important to tape this one
23 conversation?

24 A It was so I could show it to David Pecker, and that way
25 he would hear the conversation so that he would know that we are

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1 going to be paying him -- Mr. Trump is going to be paying him
2 back because it was -- it became a regular conversation between
3 the two of us.

4 Q That he needed to be paid back?

5 A And I also wanted him to remain loyal to Mr. Trump.

6 Q So how did you go about recording this conversation
7 with Mr. Trump?

8 A I had my cell phone in my hand, and I put it on voice
9 memo. All Apple iPhones have it. And I hit record. And I
10 walked in.

11 Q Walked in where?

12 A To Mr. Trump's office.

13 Q And where did you put your phone when you recorded this
14 conversation with Mr. Trump?

15 A It was in my hand.

16 Q Did you sit down to talk to him? Were you standing
17 when you had this conversation with him or were you seated, if
18 you can recall?

19 A I don't recall.

20 Q About how far away were you from Mr. Trump when you
21 made this recording using your phone?

22 A On the opposite side of his desk.

23 Q To your knowledge, was Mr. Trump aware that you were
24 recording this conversation?

25 A No, ma'am.

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1 MS. HOFFINGER: Can you hand this to the witness,
2 please.

3 Thank you.

4 Q I'm handing you a thumb drive that, among other
5 exhibits, contains People's 246, which is a recording, and
6 People's 248, a transcript.

7 (Handed.)

8 THE WITNESS: Thank you.

9 THE COURT OFFICER: You're welcome.

10 Q Have you previously reviewed that recording, People's
11 246, and the transcript, People's 248, on that thumb drive?

12 A Yes, ma'am.

13 Q How do you know that you reviewed those two exhibits
14 previously?

15 A Because it has my initials on it.

16 Q And you say it has -- would it be the thumb drive?

17 A I'm sorry. The thumb drive has my initials on it.

18 Q Okay. And does it also have the date or just your
19 initials?

20 A It does.

21 Q You don't have to pull out the date, but it has the
22 date and your initials.

23 Now, People's 246, the recording of that conversation that
24 you taped Mr. Trump on, on September 6th, 2016, is that an exact
25 copy of the original audio recording that you made on your

Lisa Kramsky,
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1 phone?

2 A Yes.

3 Q And whose voices are on that audio recording?

4 A Several people.

5 Q Who are they?

6 A Mr. Trump. Mine. Rhona Graff.

7 Q When you say "Rhona Graff," was she in and out?

8 A Rhona Graff came in and out, but you hear -- you
9 certainly hear her voice. She's executive assistant, again, to
10 Mr. Trump.

11 Q Now, what generally, before we listen to it, is
12 discussed that's on that taped audio recording?

13 A That I had been working with Allen Weisselberg in terms
14 of --

15 Q Well, let me stop you a second.

16 A I'm sorry.

17 Q Just in terms of generalities, when you first walked
18 in, was Mr. Trump on the phone?

19 A Yes.

20 Q Does the audio recording capture some of his
21 conversation on the phone?

22 A Yes.

23 Q And did you discuss partly the purchase of materials
24 from AMI?

25 A Yes.

Lisa Kramsky,
Senior Court Reporter

Lisa Kramsky,
Senior Court Reporter

1 Q Did you also discuss another matter with him before you
2 got to that?

3 A Yes.

4 Q What generally was that?

5 A Charleston. I was referring to a piece of property in
6 Charleston.

7 Q Okay. Was it also generally a discussion of some
8 divorce papers --

9 A Yes.

10 Q -- that you had with Mr. Trump at the time?

11 A Yes, that's another topic that came up.

12 Q Is that audio recording, People's 246, a true and
13 accurate representation of the conversation you had with
14 Mr. Trump on that day, on September 6th of 2016?

15 A Yes.

16 Q Okay. Now, I mentioned a transcript, People's 248,
17 that you also reviewed on that thumb drive.

18 Did you compare that closely with the recording of the
19 conversation?

20 A I did.

21 Q Now, is that transcript just a portion of what's on the
22 recording?

23 A Yes.

24 Q And is it -- does it reflect the portion of the
25 recording related to the purchase of those materials from AMI?

Lisa Kramsky,
Senior Court Reporter

Lisa Kramsky,
Senior Court Reporter

1 A Yes, ma'am.

2 Q And is that transcript a true and accurate
3 representation of that portion of the conversation regarding the
4 purchase of materials from AMI?

5 A Yes, there was one change that was made to one word.

6 Q Okay. And is what is currently the transcript that you
7 reviewed --

8 A Yes.

9 Q -- that you reviewed carefully against the tape, is it
10 true and accurate in terms of the words that are spoken by both
11 yourself and Mr. Trump?

12 A Yes, ma'am.

13 MS. HOFFINGER: I would like to now play, please,
14 one time through for the jury, People's 246.

15 And if we can play it once in its entirety. Thank
16 you.

17 (Audiotape played in open court at this time.)

18 *****

19 Q Now, Mr. Cohen, let me ask you, the first two minutes
20 or so of the conversation were not related to the Karen McDougal
21 matter; is that right?

22 A That's correct.

23 Q That's when Mr. Trump was on the phone and when you
24 were talking to him about some other divorce papers and
25 Charleston; is that right?

Lisa Kramsky,
Senior Court Reporter

Lisa Kramsky,
Senior Court Reporter

1 A Yes, as well as Pastor Mark Burns.

2 Q So, I'm now going to ask for us to listen to just some
3 portions. We are going to stop and start it. I'm going to ask
4 you a few questions.

5 MS. HOFFINGER: So, if we could play now the
6 recording from minute 2 and 4 seconds to 2 and 15 seconds.

7 Q And then I will ask you a few questions.

8 (Audiotape being played in open court at this
9 time.)

10 *****

11 Q First of all, who is "our friend David?"

12 A It's referring to David Pecker.

13 Q And what did you mean by "I need to open a company
14 regarding the transfer of all that information."

15 What were you talking about?

16 A Well, to open up an LLC, and the LLC would be the
17 beneficial owner of all of the information that was contained in
18 that drawer that David was referencing.

19 Q And all that information, including also the Karen
20 McDougal matter?

21 A As well as the Karen McDougal matter.

22 Q What was the reason for talking about opening up a
23 company?

24 A In order to have separation. Keeping it away from
25 Mr. Trump.

Lisa Kramsky,
Senior Court Reporter

Lisa Kramsky,
Senior Court Reporter

1 Q Now, why was it important to keep it away from
2 Mr. Trump, the purchase of that information?

3 A For privacy purposes and for the benefit of Mr. Trump.
4 Hmm.

5 Q Now, you didn't refer to Mr. Pecker by his full name;
6 you just said "David."

7 Why didn't you use his full name?

8 And was this sort of typical for this conversation?

9 A It wasn't necessary. Mr. Trump knew who I was
10 referring to.

11 It was an ongoing conversation that we had been having.

12 MS. HOFFINGER: Can we play now the recording from
13 2 minutes and 15 minutes to 2 minutes and 21 seconds.

14 Thank you.

15 (Audiotape being played in open court at this
16 time.)

17 *****

18 Q You mentioned within your conversation with Mr. Trump
19 "Allen Weisselberg?"

20 A Yes.

21 Q Who was he at the time?

22 A Allen Weisselberg was the Chief Financial Officer of
23 the Trump Organization.

24 Q And why did you tell Mr. Trump that you were setting up
25 the LLC and discussing it with Allen Weisselberg?

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1 A Because Mr. Trump had previously directed me to speak
2 with Allen Weisselberg about getting this matter handled.

3 Q And why were you letting Mr. Trump know that you had
4 been in discussion with Mr. Weisselberg about this?

5 A Because we are going to need money, and we are going to
6 need to open up the LLC and to resolve this issue.

7 Q And Mr. Weisselberg's role at the time, you said,
8 was --

9 A Chief Financial Officer. He handled all of the
10 finances.

11 It was -- every penny that came in or out went through
12 Allen's office.

13 Q And so, this was partly why Mr. Trump directed you to
14 work with him, and this was not unusual for you to work with
15 Mr. Weisselberg on financial matters regarding Mr. Trump; is
16 that right?

17 A Correct.

18 Q Now, what did you understand Mr. Trump to mean when he
19 said "what do we have to pay for this? What do we got to pay
20 for this?"

21 A We were referring to the \$150,000 that was advanced by
22 AMI in order to purchase the life rights of Karen McDougal.

23 Q So, when Mr. Trump said: "What do we got to pay for
24 this? One fifty?" What was your understanding about the state
25 of Mr. Trump's knowledge at that point about how much money it

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1 was going to take to purchase this?

2 MR. BLANCHE: Objection.

3 THE COURT: Overruled.

4 A He already knew, based upon conversations with David,
5 which is why he mentioned the number "150."

6 MS. HOFFINGER: Now, can we play the rest of the
7 tape through. Just to the end.

8 Thank you.

9 (Audiotape played in open court at this time.)

10 *****

11 Q Now, what was the significance of "all that stuff" that
12 was mentioned?

13 A "All that stuff" is referencing the information that
14 David Pecker had accumulated over the years of Mr. Trump that
15 was in that alleged locked door -- or drawer.

16 Q And including also the Karen McDougal story?

17 A And including Karen McDougal.

18 Q Now, what was the conversation about "someone may be
19 getting hit by a truck."

20 What was that about it?

21 A As I had said before, Allen Weisselberg was being
22 considered -- I'm sorry. I'm sorry. David Pecker was being
23 considered for the CEO position of another -- of Time Inc., and
24 the concern was the information, so "all the stuff" refers to
25 that.

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Senior Court Reporter

1 Q Now, you mentioned the word "financing," and Mr. Trump
2 asked you about that.

3 Can you explain that?

4 A That was not the best usage of the word, what I really
5 meant was funding, not financing.

6 Q And what did you mean by what you had -- what needed to
7 be funded?

8 A How much money needed to be paid.

9 Q Paid to who?

10 A Paid to David Pecker, AMI.

11 Q Okay. And is that what you understood by, "We will
12 have to pay him something?"

13 A Yes.

14 Q By "we have to pay him something?"

15 A Yes.

16 Q What did you understand Mr. Trump to mean by saying,
17 "Pay with cash?"

18 A Well, to pay in green, which would, obviously, be one
19 way to avoid any type of a paper transaction, but that's not
20 what I thought was the best way to do it.

21 Q And so, is that why you said, "No?"

22 A Correct.

23 MS. HOFFINGER: Did you want to take a break, your
24 Honor?

25 THE COURT: It's up to you.
Lisa Kramsky,
Senior Court Reporter

1 Is this a good time?

2 MS. HOFFINGER: Yes.

3 THE COURT: Okay.

4 MS. HOFFINGER: Thank you.

5 THE COURT: All right.

6 Jurors, let's go ahead and take our morning recess.

7 I will see you in about 15 minutes.

8 You may step out.

9 THE COURT OFFICER: All rise.

10 (Jury exits.)

11 *****

12 THE COURT: You may be seated.

13 Sir, you can step out.

14 THE WITNESS: Thank you.

15 (Witness excused.)

16 *****

17 (Recess taken, after which time Principal Court
18 Reporter Susan Pearce-Bates relieved Lisa Kramsky as the
19 official court reporter.)

20 *****

21

22

23

24

25

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1 (Continued from the previous page.)

2 LIEUTENANT: All rise.

3 Part 59 is back in session.

4 THE COURT: Mr. Blanche, in the past my practice
5 has always been when there is a tape or something like that
6 produced into evidence, I normally give some sort of
7 limiting instruction along the lines of, Jurors, I just
8 want you to know that the transcript is not evidence. The
9 transcript is just an aid to assist you and it is the tape
10 that is evidence.

11 No one has requested that instruction.

12 Do you want to leave it like that, or would you
13 want me to give it?

14 MR. BLANCHE: We would.

15 MS. HOFFINGER: I believe the transcript is in
16 evidence.

17 THE COURT: It is in evidence as an aid, and I am
18 going to give that instruction.

19 MR. BLANCHE: If your Honor can give it even
20 right now, since we finished that part of the testimony,
21 that would make sense.

22 THE COURT: Sure.

23 Let's bring the witness back, please.

24 LIEUTENANT: Witness entering.

25 (Whereupon, the witness entered the

1 courtroom and was properly seated.)

2 THE COURT: You are still under oath, Mr. Cohen.

3 THE WITNESS: Yes, sir.

4 M I C H A E L C O H E N,

5 herein, called as a witness, being previously sworn, was
6 examined and testified further as follows:

7 THE COURT: Let's get the jury, please.

8 LIEUTENANT: All rise.

9 Jury entering.

10 (Whereupon, the jury entered the courtroom
11 and was properly seated.)

12 THE COURT: You may be seated.

13 THE CLERK: Case on trial continued.

14 All jurors are present and properly seated.

15 THE COURT: Jurors, just one quick instruction
16 before we continue with the testimony.

17 You heard the tape played and you have also seen
18 a transcript. I just want to remind you that the evidence
19 in the case is the tape itself. The transcript has been
20 offered to you merely as an aid to assist you in
21 understanding what is in evidence, and that is the tape.

22 The transcript is also in evidence, but, again,
23 it is the tape itself that is the evidence.

24 MS. HOFFINGER: Thank you, your Honor.

25 CONTINUED DIRECT EXAMINATION

1 BY MS. HOFFINGER:

2 Q Now, Mr. Cohen, when we ended off before the break, I
3 was asking you about Mr. Trump saying something about paying in
4 cash.

5 Why did you think it was a bad idea for Mr. Trump's
6 suggestion that this be paid in cash?

7 A Because we needed to acquire the information, the
8 documents, and I believed that the proper way to do it would be
9 by check and make it appear to be a proper transaction.

10 Q Now, at the end of the tape it cuts off, and there is
11 a voice that's heard at the end of the tape before it cuts off.

12 Whose voice is that?

13 A It's my voice.

14 Q And what do you recall about why that recording cut
15 off that way with your voice?

16 A Because I received an incoming phone call.

17 Q And what do you understand you were saying in that
18 last piece when you hear your voice?

19 A Hello, are you there?

20 Q Now, why did you -- when you tried to take that call,
21 you said the incoming call you thought was coming in, did the
22 recording of your conversation with Mr. Trump end at that
23 point?

24 A Yes.

25 Q And why did you try to take that call instead of

1 continuing to tape the conversation with Mr. Trump?

2 A I must have believed it was an important phone call.

3 Q Was there another reason also that you were
4 comfortable ending the tape?

5 A Yes.

6 Q Tell us about that, please.

7 A I didn't want to record more. I already had enough
8 that I would have been able to show David Pecker so as to
9 convince him that he was going to receive the \$150,000 back.

10 MS. HOFFINGER: Now, let's put up, please, for
11 Mr. Cohen, what's in evidence, a page from People's Exhibit
12 400. The page that's Bates ending 2726, please.

13 (Displayed.)

14 Q Now, Mr. Cohen, have you had a chance to review this
15 record, this AT&T record regarding your call history?

16 A Yes.

17 Q And do you recognize it to be an AT&T record of calls
18 to or from your cell phone ending in 0114?

19 A Yes.

20 Q Does it appear to show an incoming call at around the
21 time that your recording of Mr. Trump cuts off?

22 A Yes.

23 Q And does that record indicate a call at around that
24 time that looks like it came in and perhaps went to voicemail?

25 A It says so, yes.

1 Q And do you recall when you tried to pick up that call,
2 do you recall whether it connected or went to voicemail?

3 A I don't recall.

4 MS. HOFFINGER: You can take that down, please.

5 Can we take a look now at a page of what's in
6 evidence as People's Exhibit 263, a page with a Bates
7 ending 69559?

8 (Displayed.)

9 Q Does that appear to be a contact from your phone
10 records, from your phone contacts?

11 A It is.

12 Q Have you had a chance to review that against those
13 AT&T records?

14 A I have.

15 Q And does that indicate the number or the person who is
16 attached to the number of that incoming call at around the time
17 that the recording cut off?

18 A It does.

19 Q And who does that number come back to, according to
20 your contacts?

21 A It comes back to Kathy Battle, who is the Branch
22 Manager over at Capital One Bank.

23 Q So, it is your understanding that that was the call
24 that came in --

25 A Yes.

1 Q -- based on the review of these records?

2 A Yes.

3 MS. HOFFINGER: You can take that down.

4 Thank you.

5 Q Now, after the audio ended, you ended the audio
6 recording by trying to pick up this call, did you continue some
7 conversation with Mr. Trump?

8 A Yes.

9 Q And what was the gist of the conversation that you
10 continued with Mr. Trump after the recording ended?

11 A I am going to head over to Allen Weisselberg's office,
12 and I will get back to him with more of an update.

13 Q So, was there a really substantial conversation after
14 the end of that taped recording?

15 A Yes.

16 Q And when you say, yes, was it a substantially long
17 conversation?

18 A No, it was not substantial.

19 Q And at that point, as you -- withdrawn.

20 You mentioned that the point of this recording was so
21 that you could convince Mr. Pecker that Mr. Trump had agreed to
22 repay the money?

23 A To appease him that he was going to receive the money
24 back.

25 Q Was there any reason to have any real further

1 conversation with Mr. Trump about this at that time?

2 A No.

3 MS. HOFFINGER: Now, I am going to ask you to
4 please put up People's 247 also in evidence.

5 (Displayed.)

6 Q Now, Mr. Cohen, this is metadata from your phone
7 regarding the taped -- the audio tape of your conversation with
8 Mr. Trump on September 6th of 2016.

9 I want to ask you a question.

10 After you made that audio recording using your phone,
11 did you ever alter that recording?

12 A No.

13 Q And is that recording exactly the same as the day that
14 you made it on September 6th of 2016?

15 A Yes.

16 MS. HOFFINGER: You can take that down.

17 Thank you.

18 Q Now, I want to go back to your conversation with
19 Mr. Trump on that audio recording where you mentioned having
20 spoken with Allen Weisselberg about setting this whole thing
21 up.

22 Do you remember that?

23 A I do.

24 Q I just want to go back to you -- was it typical for
25 you to discuss financial matters with Allen Weisselberg?

1 A It was typical, too, for everybody to discuss
2 financial matters with Allen Weisselberg.

3 Q And that was why?

4 A Because he was the Chief Financial Officer of the
5 company and was a long serving, loyal employee to Mr. Trump.

6 Q And so, was Mr. Weisselberg, to your knowledge, in
7 charge of the finance and accounting functions at The Trump
8 Organization?

9 A Yes.

10 One additional thing.

11 Q Yes, sir.

12 A It was also because Mr. Trump would direct me to go
13 speak to Mr. Weisselberg.

14 Q Was that unusual either --

15 A No.

16 Q -- to direct you to speak to Mr. Weisselberg about
17 financial transactions?

18 A No.

19 Q Did -- to your understanding, did Mr. Weisselberg
20 report directly to Mr. Trump at The Trump Organization?

21 A Yes.

22 Q And I think you said Mr. Weisselberg was a
23 long-standing executive employee there for many years?

24 A Yes, ma'am.

25 Q Where was Mr. Weisselberg's office located in relation

1 to Mr. Trump's office?

2 A Also on the 26th floor, towards the back.

3 Q Whose office was closer to Mr. Trump's, yours or Mr.
4 Weisselberg's?

5 A Well, initially, it would have been pretty similar,
6 but the second office that I moved into, I was.

7 Q What was your relationship like with Mr. Weisselberg
8 at the time?

9 A It was very good.

10 Q And did you observe how frequently Mr. Weisselberg
11 interacted with Mr. Trump?

12 A Yes.

13 Q And what did you observe?

14 A It was a regular basis.

15 Q And from your experience working at The Trump
16 Organization, would a deal of this magnitude, a \$150,000 deal,
17 have been done at The Trump Organization without Allen
18 Weisselberg?

19 MR. BLANCHE: Objection.

20 THE COURT: Overruled.

21 A No, not -- it wasn't even a deal of this magnitude.
22 It was any deal would end up going through Allen. Allen
23 handled all the finances coming in and out.

24 Q Can you describe, generally, the conversation you had
25 with Mr. Weisselberg about the McDougal transaction?

1 A So, I went to Allen's office. I expressed to him that
2 we need funding of \$150,000 to consummate this transaction.

3 Allen then said to me: Well, if we do it from a Trump
4 entity, that kind of defeats the purpose because the point is
5 not to have the Trump name affiliated to this at all. It's
6 really to create a barrier.

7 And so, he asked me to think about ways that we could
8 raise the \$150,000.

9 Q Before we get to that for a moment, in terms of
10 opening up a separate LLC to handle it, did you have a
11 conversation with Mr. Allen Weisselberg about that?

12 MR. BLANCHE: Objection.

13 THE COURT: You can answer.

14 A No. I just told him I was going to open up a LLC.

15 Q Was there a discussion about doing that to make it
16 more difficult to track directly to either Mr. Trump or The
17 Trump Organization?

18 A It was in order to keep it separate.

19 Q And, approximately, how many conversations do you
20 think you had with Mr. Weisselberg about the McDougal
21 transaction?

22 A Maybe 10, 12.

23 Q Now, did there come a time that you had some
24 conversations and began working with someone named Daniel
25 Rotstein associated with AMI in terms of effectuating this

1 transfer of the rights from AMI to an LLC?

2 A Yes.

3 Q And who was Daniel Rotstein, to your knowledge?

4 A He is an employee over at AMI.

5 Q And, by the way, you had Mr. Rotstein's contact in
6 your phone as well?

7 A Yes.

8 Q And did you communicate with him by phone?

9 A I did.

10 Q And by email?

11 A Yes.

12 Q Did you also on some occasions communicate with him by
13 encrypted applications?

14 A I believe so.

15 Q And why did you do that with him?

16 A In order to keep the matter secret.

17 MS. HOFFINGER: So, let's show now, please, just
18 to the witness, the Court and counsel, People's Exhibit,
19 209 for identification.

20 (Displayed.)

21 Q Do you recognize that document on your screen, sir?

22 A I do.

23 Q What do you recognize it to be?

24 A This is a communication from Daniel Rotstein to me by
25 encrypted app Signal.

1 Q Are those a variety of communications over a number of
2 days with Mr. Rotstein?

3 A Yes.

4 Q By encrypted app Signal?

5 A Yes.

6 Q Is this an exact copy of those communications between
7 yourself and Mr. Rotstein using that encrypted app on the dates
8 that are reflected in this record?

9 A Yes, ma'am.

10 MS. HOFFINGER: I offer People's Exhibit 209 in
11 evidence.

12 MR. BLANCHE: No objection.

13 THE COURT: Accepted into evidence.

14 (Document so received in evidence.)

15 (Displayed.)

16 MS. HOFFINGER: Thank you.

17 Q Let me direct your attention to the first -- sorry, to
18 September 7th of 2016. There is a text at 8:34 a.m.

19 MS. HOFFINGER: Thank you for blowing that up for
20 the jury to see and for Mr. Cohen to see.

21 Q Can you read what's in that communication and explain
22 what it is?

23 A This is just the communication from Daniel Rotstein to
24 me stating, please find possible names, and he listed five
25 different possible corporation names that he was going to use

1 as the recipient of the Assignment Agreement.

2 Q And what is the date of that first communication that
3 Mr. Rotstein had with you?

4 What date was that?

5 A September 7th of 2016.

6 Q And was that just one day after you had taped the
7 conversation with Mr. Trump about setting up an LLC to purchase
8 the information from AMI?

9 A Yes, ma'am.

10 Q So, you started working with Mr. Rotstein promptly the
11 next day on that matter?

12 A Yes.

13 Q Just to clarify something, People's 209 are
14 screenshots or photos of the communications you had with Mr.
15 Rotstein?

16 A It was a screenshot sent to me, yes.

17 Q Now, you mentioned an Assignment Agreement.

18 What is the Assignment Agreement that he was
19 referencing there?

20 A What he was referencing was to assign the life rights
21 of Karen McDougal to the LLC entity that was being created.

22 Q So, it would be an assignment from AMI to the company
23 that you set up?

24 A Yes.

25 MS. HOFFINGER: Now, if we can scroll down just a

1 little bit.

2 (Displayed.)

3 Q Do you see some additional calls in September
4 following that communication?

5 A Yes.

6 Q And then I will just ask you to read the communication
7 on September 30th.

8 MS. HOFFINGER: And if we can blow that up.

9 (Displayed.)

10 A September 30th of 2016, approximately -- well,
11 1:36 p.m.:

12 I will be at your office in a few minutes.

13 Q And do you know what that communication was about?

14 A Yes.

15 Q What was it?

16 A It was about the Assignment Agreement.

17 Q Was there a plan to sign it on that day?

18 A Yes, ma'am.

19 MS. HOFFINGER: We can take that down.

20 Thank you.

21 I want to now show to the witness People's -- to
22 the witness, counsel and the Court only, People's Exhibit
23 210 for identification.

24 (Displayed.)

25 Q Do you recognize that document?

1 A I do.

2 Q What do you recognize it to be?

3 A It is an email from Daniel Rotstein to me on September
4 23rd of 2016.

5 MS. HOFFINGER: Can we scroll down to the next
6 page of that exhibit?

7 (Displayed.)

8 Q What is attached to that exhibit?

9 Do you recognize it?

10 A I do.

11 Q Is it a Form Assignment of License Agreement?

12 A It's a non-filled in Assignment of License Agreement.

13 Q And other than the redactions that are in the email in
14 terms of redacting email addresses, is this an exact copy of an
15 email from Mr. Rotstein to you on September 23rd of 2016,
16 attaching that non-filled in Form Assignment of Licensing
17 Agreement?

18 A Yes, ma'am.

19 MS. HOFFINGER: I offer People's Exhibit 210 in
20 evidence.

21 MR. BLANCHE: No objection.

22 THE COURT: 210 is accepted into evidence.

23 (Document so received in evidence.)

24 MS. HOFFINGER: Can we display that for the jury
25 now, please?

1 Can we look at that second page?

2 (Displayed.)

3 Q Is that an assignment template agreement that
4 Mr. Rotstein had mentioned in his messages with you earlier on
5 the screenshot exhibit, the screenshot messages?

6 A It is.

7 Q Now, did you go ahead --

8 MS. HOFFINGER: You can take that down.

9 Q Did you go ahead and form the LLC, the company, that
10 was going to handle the payment to AMI for the life rights to
11 Karen McDougal's story?

12 A Yes.

13 Q And, at the time, what was the name of the company
14 that you formed to handle that transfer of rights?

15 A Resolution Consultants LLC.

16 MS. HOFFINGER: And can we put up now, just for
17 the witness, counsel and the Court, please, People's
18 Exhibit 215 for identification.

19 (Displayed.)

20 Q Do you recognize this document?

21 A I do.

22 Q What do you recognize it to be?

23 A It is an email from Patty, who is an employee over at
24 Delaney Corporate, an entity that incorporates for you, to me
25 with the attachment Resolution Consultants LLC, and it states

1 this is what I would submit for filing.

2 Q And does she attach a Certificate of Formation for
3 Resolution Consultants to be filed?

4 A Yes.

5 Q Other than some of the redactions to the email, is
6 this an exact copy of the email with the attached Certificate
7 of Formation for Resolution Consultants that you received from
8 Patty at Delaney Corp. on that day?

9 A It is.

10 MS. HOFFINGER: I offer in evidence People's
11 Exhibit 215.

12 MR. BLANCHE: I have no objection.

13 THE COURT: Accepted into evidence.

14 (Document so received in evidence.)

15 MS. HOFFINGER: Thank you, your Honor.

16 You can show that to the jury now.

17 (Displayed.)

18 Q What is the date of formation of Resolution
19 Consultants LLC?

20 A September 30th of 2016.

21 Q What was your purpose on September 30, 2016 of forming
22 Resolution Consultants?

23 A To use this entity for the assignment of the McDougal
24 matter, as well as the other information.

25 MS. HOFFINGER: You can take that down now.

1 Can we now put up People's Exhibit 162, which is
2 in evidence?

3 (Displayed.)

4 Q Do you recognize that document, sir?

5 A I do.

6 Q What is that?

7 A This is an executed Assignment of Licensing Agreement
8 between AMI as the signer to Resolution Consultants LLC dated
9 September 30th of 2016, and executed by David Pecker and
10 myself.

11 Q And that's your signature there?

12 A It is.

13 Q And do you recognize David Pecker's signature?

14 A Yes.

15 Q Can you just describe for the jury, generally, what
16 were the terms of this Assignment Agreement?

17 A As it states in the document:

18 For good and valuable consideration, the signer does
19 hereby sign and transfer to the assignee, successors and
20 assigns all of his rights, benefits and obligations to the
21 license agreement.

22 Q Just, in general, without reading it for the jury,
23 there is a lot of legal language in there, does it represent
24 the transfer of those rights from AMI to Resolution
25 Consultants?

1 A Yes. The transfer of the McDougal life rights, as
2 well as the other documents.

3 Q Now, why does this agreement reference \$125,000
4 instead of \$150,000, which was the payment to Karen McDougal?

5 A So, David had expressed to me that we are going to
6 reduce it from 150 to 125, on the basis that 125 was going to
7 represent the life rights because they were engaged with Karen
8 McDougal for two covers, as well as 24 penned articles; that
9 the compensation to her for that was going to be \$25,000.

10 That's what they would have on their books claiming
11 their contract with her was for.

12 Q Now, at this time, when you worked out this Assignment
13 Agreement with AMI, between AMI and Resolution Consultants, had
14 you and Allen Weisselberg yet worked out the logistics of where
15 that \$125,000 was going to come from?

16 A No.

17 Q And who did you understand was, ultimately, going to
18 pay the \$125,000 for the life rights to that material?

19 A Mr. Trump.

20 Q Were you planning on owning the life rights to that
21 story?

22 A No, ma'am.

23 Q Why not?

24 A I had no reason to own -- no need to own the life
25 rights. What I was doing, I was doing at the direction and for

1 the benefit of Mr. Trump.

2 Q Now, in signing that agreement, around the time that
3 you signed that agreement with AMI, did you have a conversation
4 with Mr. Trump about doing so?

5 A Yes.

6 MS. HOFFINGER: Can we put up, please -- you can
7 take that down and put up People's Exhibit 349 and
8 reference the call between Mr. Trump and Mr. Cohen on
9 September 29th of 2016.

10 (Displayed.)

11 Q Do you see a call there, sir, for about seven minutes
12 and fourteen seconds?

13 A Yes.

14 Q And what did you discuss -- what do you think you
15 discussed on the phone with Mr. Trump during that call?

16 A The Karen McDougal matter.

17 Q And did you discuss with him, specifically, whether
18 you were going to be signing this agreement and finalizing the
19 assignment rights?

20 A Yes. I gave him a complete and total update on
21 everything that transpired the day before.

22 Q Why did you speak to him the day before you signed
23 that agreement?

24 A Because it was when I was speaking with David Pecker
25 regarding the transfer and the assignment.

1 Q Did you want to let him know that you were getting it
2 done?

3 A Yes.

4 MR. BLANCHE: Objection.

5 THE COURT: Sustained.

6 Q Why did you speak to him the day before you signed it?

7 A In order to let him know that it was being taken care
8 of, that the matter was going to be resolved, and this
9 conversation, obviously, to let him know that it is being
10 resolved.

11 MS. HOFFINGER: You can take that down now.

12 Can you please put up People's Exhibit 161 in
13 evidence?

14 (Displayed.)

15 Q Do you recognize this document, Mr. Cohen?

16 A I do.

17 Q What is it?

18 A This is a document. It is, as stated, an invoice from
19 Investor Advisory Services Inc., with an invoice number of
20 2016-203, dated September 21st of 2016.

21 Q Did you receive this document at some point?

22 A Yes, I did.

23 Q Who did you receive it from?

24 A I believe Daniel Rotstein.

25 Q What did you understand was the purpose of this

1 document?

2 A The purpose was to reflect \$125,000 that was for the
3 assignment.

4 Q Was it an invoice for the payment of that 125?

5 A Yes, ma'am.

6 Q And let me direct your attention to the description of
7 services.

8 It says, flat fee for advisory services for \$125,000.

9 Do you see that?

10 A I do.

11 Q Was that description a truthful description about this
12 transaction?

13 A No, ma'am.

14 Q In truth, what was the \$125,000 payment supposed to be
15 for?

16 A For the life rights of Karen McDougal.

17 Q And what's your understanding about why you got an
18 invoice, or why this invoice was from a company called,
19 Investment Advisory Services instead of AMI directly?

20 A I never knew who they were. I still, to this day,
21 don't. It was clearly just to create separation in order to
22 mask the transaction.

23 MS. HOFFINGER: You can take that down.

24 Thank you.

25 Q Now, ultimately, you signed this Assignment Agreement

1 and you received this invoice.

2 Ultimately though, did the company, Resolution
3 Consultants, end up purchasing the Karen McDougal materials and
4 the other materials from AMI?

5 A No.

6 Q What happened?

7 A Well, David Pecker contacted me, and stated that it
8 was no longer necessary to have Mr. Trump pay the \$125,000.

9 I asked him, why? Satisfied, because now I would
10 report to Mr. Trump that he wouldn't have to pay that amount of
11 money, which would make him happy.

12 And the reason was because the Karen McDougal front
13 cover on Men's Health magazine had sold more copies than they
14 had not only anticipated, I think that they had ever -- the way
15 David expressed it to me, that they had ever sold, and they had
16 made a lot of money on that. And that it was no longer
17 necessary because he didn't need to bury the \$125,000.

18 He also then had a second cover to use McDougal on, as
19 well as the 24 additional articles that she was -- that was
20 going to be penned with her name on it.

21 So, he felt that it was, even for the 150,000, it was
22 an excellent business deal.

23 Q Did he tell you what to do with that Assignment of
24 Rights Agreement that you had signed?

25 A He did.

1 Q What did he tell you to do?

2 A He told me to rip it up. Forget it.

3 Q Did you update Mr. Trump after that phone call about
4 what David Pecker had told you about ripping up the agreement?

5 A Yes.

6 Q And what was Mr. Trump's reaction?

7 A It was great.

8 Q Why did you understand, it was great?

9 A He doesn't have to pay 125 or \$150,000.

10 Q Did you have some understanding of what might happen
11 to the other materials that you discussed with David Pecker in
12 terms of the locked drawer and the other materials that were
13 out there?

14 A Yes.

15 Q What was your conversation or understanding about what
16 would happen with those?

17 A David was not being considered for Time Magazine so,
18 he was going to stay at AMI and that there was no need to do
19 any transfer.

20 Plus, he also didn't believe that any of the documents
21 that existed in that locked drawer were detrimental to
22 Mr. Trump.

23 Q Now, in total, approximately, how many conversations
24 would you estimate you had with Mr. Trump about the purchase of
25 Karen McDougal's account and story?

1 A Quite a few.

2 Q And were those conversations on the phone, in person
3 or both?

4 A Both.

5 Q And, in total, approximately, how many conversations
6 do you think you had with AMI, with David Pecker and Dylan
7 Howard, about the Karen McDougal deal?

8 A Also a substantial amount.

9 Q By the way, did you ever play for Mr. Pecker the
10 recorded conversation that you had with Mr. Trump where he said
11 he understood that he would have to pay the \$150,000?

12 A No.

13 Q Why not?

14 A He didn't ask me to. I had told him that I had spoken
15 to Mr. Trump and that he is going to do it. I told him I
16 could, but I just never played it.

17 Q In other words -- withdrawn.

18 After the conversation you had with Mr. Trump, that
19 you taped on September 6th of 2016, did you move promptly ahead
20 the next day with Daniel Rotstein to finalize the agreements
21 then?

22 A Yes.

23 Q Was there any need to play that recording for
24 Mr. Pecker?

25 A No.

1 Q I would like to direct your attention now to
2 October 7th of 2016.

3 Do you remember where you were on that day?

4 A Yes.

5 Q Where were you?

6 A I was in London.

7 Q How do you remember that you were in London?

8 A Well, I went to London for my daughter's 21st
9 birthday, as well as for my anniversary.

10 Q And while you were in London, did you become aware of
11 the release of what's known as the Access Hollywood tape?

12 A Yes.

13 Q And how did you become aware of that tape coming out
14 or that it had come out?

15 A I received a phone call.

16 Q Who did you receive a phone call from?

17 A From Hope Hicks.

18 Q Who was Hope Hicks at the time?

19 A Hope Hicks was Communication Director for the Trump
20 campaign.

21 Q Do you also recall receiving, at around that time, an
22 email from Steve Bannon about the potential release of the
23 Access Hollywood tape?

24 A Yes.

25 Q And who was Steve Bannon at the time?

1 A Campaign Manager for the Trump campaign.

2 Q Did you have Mr. Bannon's email and contact
3 information in your phone?

4 A Yes, ma'am.

5 MS. HOFFINGER: Can we take a look now, please,
6 just for the witness, counsels and the Court, People's
7 Exhibit 218?

8 (Displayed.)

9 Q Do you recognize -- do you recognize this email?

10 A I do.

11 Q And who is this an email between, between you and
12 someone else?

13 A This is an email between me and Steve Bannon, as well
14 as -- Bannon, as well as Hope Hicks, Jason Miller, Kellyanne
15 Conway, Dave Bossie.

16 Q Was this an email that was forwarded to you from Steve
17 Bannon?

18 A Yes.

19 Q Does it relate to the release of the Access Hollywood
20 tape?

21 A It does.

22 Q And is it a true and accurate copy of the email and
23 the forwarding of the information from Steve Bannon to you?

24 A Yes, ma'am.

25 MS. HOFFINGER: I offer in evidence now the rest

1 of People's 218. Part of it was previously in evidence,
2 now the entire exhibit.

3 MR. BLANCHE: Just the same objection before.

4 THE COURT: Noted.

5 Accepted into evidence.

6 (Document so received in evidence.)

7 MS. HOFFINGER: Can you -- you can put that up on
8 the screen.

9 Can we start at the bottom of the email, which
10 would be the earliest email.

11 (Displayed.)

12 Q And can you tell the jury what you understand this
13 bottom email to be?

14 A Yes. This is an email from David Fahrenthold of the
15 Washington Post dated Friday, October 7th, 2016 at 1:29 p.m.,
16 and it's to Hope Hicks with the subject matter of, Urgent,
17 Washington Post query.

18 Q And just, in general, what is he communicating to Hope
19 Hicks, and what is he asking her for?

20 A He is asking her for comment in regard to the leak of
21 the tape from Access Hollywood.

22 Q And is there a transcript of the Access Hollywood tape
23 attached to the email from David Fahrenthold to Hope Hicks?

24 A There is.

25 Q And is David Fahrenthold in that email asking for some

1 comments from Hope Hicks?

2 A Yes, ma'am.

3 Q And does Hope Hicks then forward that email to some
4 other folks?

5 A She does.

6 Q And who does she forward it to?

7 A She sends it to Jason Miller, David Bossie, Kellyanne
8 Conway and Steve Bannon.

9 Q What were those people's roles at the time?

10 A All of them had roles at the Trump campaign.

11 Q And then, following, what does Hope Hicks say in that
12 email that she forwards on to those folks involved in the
13 campaign?

14 A Need to hear the tape to be sure. Then followed by,
15 deny, deny, deny.

16 Q And is that -- does that get forwarded -- now, as we
17 scroll down, does that now get forwarded by Mr. Bannon on to
18 you?

19 A Yes, ma'am.

20 Q And can you read --

21 MS. HOFFINGER: Or if you can blow it up.

22 Thank you.

23 (Displayed.)

24 Q -- Mr. Cohen's email to Steve Bannon saying, please
25 call me?

1 A Call me.

2 Q And why did you ask Mr. Bannon to call you?

3 A Because I wanted to ensure that things were being
4 properly taken care of in order to protect Mr. Trump.

5 MS. HOFFINGER: And can we scroll up to the next
6 email by Mr. Cohen when he asks about damage control.

7 (Displayed.)

8 Q Can you read your email, Mr. Cohen?

9 A Yes, ma'am.

10 Again, it's from me to Steve Bannon, October 7th,
11 Urgent, Washington Post query.

12 And my statement to him, my text to him, it's all over
13 the place. Who is doing damage control here?

14 Q Why is it that you asked that of Mr. Bannon?

15 A In order to protect Mr. Trump.

16 Q Were you concerned about the impact of what this tape
17 may have on Mr. Trump's campaign?

18 A Yes.

19 MS. HOFFINGER: Thank you.

20 You can take that down.

21 Q Now, on October 8th you were still in London, is that
22 right?

23 A That's correct.

24 Q And while you were in London, did you have several
25 calls with Hope Hicks about this matter, the Access Hollywood

1 tape?

2 A I did.

3 Q And some other matters as well?

4 A Correct.

5 Q Did you have her cell phone information in your
6 contacts as well?

7 A I did.

8 Q And you used that to communicate with her?

9 A Yes, ma'am.

10 Q At one point, did Mr. Trump join a call with yourself
11 and Hope Hicks?

12 A Yes.

13 Q On that day, on October 8th?

14 A Yes.

15 Q And did you also have another separate call with
16 Mr. Trump on October 8th of 2016?

17 A Yes.

18 MS. HOFFINGER: Let's put up People's Exhibit
19 349, please, and the two calls between Michael Cohen and
20 Mr. Trump on 10/8/16.

21 (Displayed.)

22 Q Does that accurately reflect the two calls that you
23 had with Mr. Trump on the evening of October 8th of 2016?

24 A It does.

25 Q And do you remember -- do you have a separate memory

1 of where you were and what you were doing when you had these
2 phone calls with him?

3 A Yes.

4 Q What were you doing?

5 A I was with my family and friends in London.

6 Q London.

7 Were you having dinner?

8 A I was.

9 Q Did you step out to take these calls?

10 A I did.

11 Q And what, if any, discussion do you remember with
12 Mr. Trump about the Access Hollywood tape and the strategy for
13 dealing with it?

14 A He wanted me to reach out to all of my contacts with
15 the media. We needed to put a spin on this. And the spin that
16 he wanted put on it was that this is locker room talk,
17 something that Melania had recommended, or at least he told me
18 that that's what Melania had thought it was. And use that in
19 order to get control over the story and to minimize its impact
20 on him and his campaign.

21 Q And what, if anything, did you do at that point to try
22 to assist the campaign with that effort?

23 A I reached out to members of the media.

24 Q And, in addition -- when you say you reached out to
25 members in the media, did you have conversations with them?

1 A I did.

2 Q Along the lines of the conversations of how to
3 minimize the impact?

4 MR. BLANCHE: Objection, your Honor.

5 THE COURT: Sustained.

6 Q You mentioned that you reached out to the press.
7 Did members of the press also reach out to you?

8 A Yes.

9 Q And did you have conversations with the press about
10 this matter?

11 A I did.

12 Q What was your understanding about why the press
13 reached out to you about this?

14 A Well, sum and substance of the recording is quite
15 damaging and they wanted comment.

16 Q And were you somebody that they fairly frequently came
17 to and asked for comment on matters related to Mr. Trump?

18 A Yes.

19 MS. HOFFINGER: Can we now, please, show -- can
20 we take that down and show People's Exhibit 257 in
21 evidence?

22 And can we blow up the communications, the texts,
23 on October 8th of 2016?

24 (Displayed.)

25 Q First, Mr. Cohen, do you recognize these texts?

1 A I do.

2 Q Who are they with?

3 A These are text communications between myself and Chris
4 Cuomo. At the time he was an anchor, journalist with CNN.

5 Q And did you have his cell phone number in your
6 contacts?

7 A Yes, ma'am.

8 Q And did you use that number to communicate with him by
9 phone or text?

10 A Yes.

11 Q And do you recall these texts with Mr. Cuomo at the
12 time?

13 A I do.

14 Q Can I direct your attention, I think we have them up,
15 actually.

16 The five texts on October 8, 2016, could you read
17 them, please, for the jury?

18 A Yes, ma'am.

19 On October 8, 2016, I received a text message from
20 Chris Cuomo stating, you going to defend him?

21 I then responded back, I am in London.

22 To which I think I also stated, I have been asked by
23 everyone to do shows starting Tuesday.

24 And Tuesday was when I would be back in New York.

25 I then followed through and said, not sure what I will

1 do.

2 And Chris Cuomo's comment back to me, will be too
3 late. He is dying right now.

4 And by, he, he meant -- he was referring to Mr. Trump.

5 Q What was your understanding about what that meant
6 that, he is dying right now?

7 A That this is a tremendously negative story in regard
8 to the Trump campaign.

9 Q And about how long before the election was this at
10 that time?

11 A Approximately, a month.

12 Q And was this one example of some communications you
13 had at the time with members of the press about the Access
14 Hollywood tape?

15 A Yes, ma'am.

16 Q What did you understand as a result of those
17 communications and others about the impact of the Access
18 Hollywood tape on the campaign?

19 MR. BLANCHE: Objection.

20 THE COURT: Sustained as to form.

21 Please rephrase.

22 Q Did you have an understanding at the time, based on
23 all of these communications, about the potential impact of the
24 Access Hollywood tape on Mr. Trump's campaign?

25 MR. BLANCHE: Objection.

1 THE COURT: Overruled.

2 A Yes.

3 Q What was your understanding?

4 A That this was going to be significantly impactful,
5 especially with women voters.

6 MS. HOFFINGER: Thank you.

7 You can take that down.

8 Can we now put up People's Exhibit 167 in
9 evidence?

10 (Displayed.)

11 Q Do you recognize this email?

12 A I do.

13 Q Can you explain -- first, tell us who the email is
14 with, who it's between and what it is about?

15 A So this is an email from Dylan Howard on October 8,
16 2016, to me with a CC to David Pecker.

17 The subject line is, Link.

18 It says, Evening. The only story was this posted in
19 October of 2006, before AMI owned it, and he is referring to
20 the old Radar Magazine.

21 The tape was not part of the story that existed
22 online. I suggest it would have been lost during the many site
23 changes over the years.

24 Nevertheless, I have deleted the text story. It no
25 longer exists. And he attaches a hyperlink of that story.

1 Q Tell the jury what that's about, if you can flush that
2 out a little bit.

3 A The title of it was Donald Trump, Playboy Man, and it
4 talks about the audio clip, recorded phone conversation between
5 Trump and gossip, Chaunce Hayden, stating that it provides some
6 glimpse into just how exacting the real estate blowhard
7 standards are regarding women.

8 Q So, let me ask you a question.

9 Did you learn at some point that there was this
10 article called, Donald Trump, Playboy Man on Radar Online?

11 A I did.

12 Q Who owned Radar Online?

13 A At the time I didn't know. At the time I made the
14 communication, it was AMI in control of David Pecker.

15 Q And when you found out about this article being up on
16 Radar Online, did you ask David Pecker or Dylan Howard to do
17 something about it?

18 A Yes, ma'am.

19 Q What did you ask them do to?

20 A Immediately take it down.

21 Q Why did you ask them to take it down?

22 A Because it was negative to Mr. Trump. It would impact
23 the campaign.

24 Q Were you concerned about the release of this
25 information, in particular, because of the release of the

1 Access Hollywood tape?

2 A Yes.

3 Q And so, you said Dylan Howard, as referenced here,
4 took the article down, is that right?

5 A That's correct.

6 Q And did you update Mr. Trump to let him know that that
7 article had been taken down?

8 A I did.

9 Q Do you believe that you communicated that to him in
10 one of the phone calls you had with him on October 8th of 2016?

11 A Yes.

12 Q And why did you tell him?

13 A I told him for, again, so he would know that the task,
14 or the situation has been handled, to get credit for it because
15 here I am in London with my family for two important events, my
16 daughter's 21, my anniversary, and I wanted David Pecker to get
17 credit as well.

18 MS. HOFFINGER: Thank you.

19 You can take that down.

20 Q Now, do you recall having several calls in the evening
21 of October 8th with David Pecker and also with Dylan Howard?

22 A Yes.

23 Q Did you have a number of calls with them that night?

24 A Yes.

25 Q Do you recall what was discussed with each of them, in

1 general, that night?

2 A The Access Hollywood tape.

3 Q And was it discussed, also, the Playboy online
4 article?

5 A As well as the Playboy.

6 Q Did there also come a time that night where one of
7 them indicated to you that a woman named Stormy Daniels was out
8 looking to sell her story publicly?

9 A Yes. That conversation came up as well.

10 Q Did that come up with Dylan Howard?

11 A I believe it was Dylan Howard.

12 Q Now, did you know, at the time when he advised you
13 about that about who Stormy Daniels was?

14 A I am sorry?

15 Q That's okay.

16 I will say it one more time.

17 When Dylan Howard told you on the evening of
18 October 8th of 2016, that Stormy Daniels was out looking --
19 well, her manager was out looking to sell her story, did you
20 know who Stormy Daniels was at that time?

21 A I did.

22 Q How did you know who she was?

23 A Because it referenced back to the 2011 scenario that I
24 had dealt previously with David Pecker on -- I am sorry, with
25 Keith Davidson on -- in order to have a story removed from

1 TheDirty.com.

2 Q And so, hearing now after the Access Hollywood tape
3 release that her story might come out again, what, if anything,
4 did you think about the potential impact that might have on the
5 campaign?

6 MR. BLANCHE: Objection.

7 THE COURT: Overruled.

8 A Catastrophic. That this is horrible for the campaign.

9 Q I will take you back for a minute now to 2011, when
10 you first learned about Ms. Daniels' account of her encounter
11 with Mr. Trump.

12 Had you learned at that time in 2011 about what
13 Ms. Daniels' did for a living?

14 A I did.

15 Q What did you hear at that time in 2011 about what she
16 did for work?

17 A That she was an adult film star.

18 Q And this came up, again, I think you mentioned because
19 it was an article on TheDirty.com at the time?

20 A Correct.

21 Q And you worked with Keith Davidson to get that article
22 taken down?

23 A Yes, ma'am.

24 Q In 2011, when you were engaged in doing that, in
25 getting the article taken down, did you have a conversation

1 with Mr. Trump about Stormy Daniels?

2 A Yes.

3 Q Can you tell us, in general, the gist of that
4 conversation?

5 A After I received the information from Dylan Howard, I
6 immediately went to Mr. Trump's office, knocked on the door,
7 said, Boss, I got to speak to you. And I told him about the
8 conversation, the sum and substance of the conversation that I
9 just had with Dylan Howard.

10 And I asked him if he knew who she was.

11 He told me that he did.

12 And I stated about the story that existed on
13 TheDirty.com, that they had a relationship that occurred during
14 a golf outing going back to, like, 2006. And I told him that
15 one of the things that, you know, we need to do is we need to,
16 obviously, take care of it.

17 We need to absolutely do it, take care of it.

18 (Whereupon, Principal Court Reporter Susan
19 Pearce-Bates was released by Senior Court
20 Reporter Theresa Magniccari.)

21

22

23

24

25

1 (Whereupon, the following proceedings are
2 continued from previous page:)

3 *****

4 CONTINUED DIRECT EXAMINATION

5 BY MS. HOFFINGER:

6 Q. Did he also tell you about meeting her?

7 MR. BLANCHE: Objection.

8 Q. Did Mr. Trump also tell you anything about having met
9 her at the golf tournament back in 2006?

10 A. Yes.

11 Q. What did he tell you?

12 A. He told me that he was playing golf with Big Ben
13 Roethlisberger, the football player, and they had met Stormy
14 Daniels and others there. But she liked Mr. Trump; that women
15 prefer Trump even over someone like Big Ben.

16 Q. And did you ask him at that time in 2011 whether he had
17 had a sexual encounter with Stormy Daniels?

18 A. I did.

19 Q. Did he answer you directly?

20 A. No, ma'am.

21 Q. What did he say? Did he say anything in response to
22 that?

23 A. No, ma'am.

24 Q. Did he mention anything about what she looked like?

25 A. He said she was a beautiful woman.

1 Q. Let me go back to your conversations with Mr. Davidson
2 about taking that article down from TheDirty.com.

3 Did you also have some conversations with the General
4 Counsel of Life & Style about what he might do if that article
5 wasn't taken down?

6 A. Yes, ma'am.

7 Q. What was the substance of that conversation?

8 A. I would file an immediate lawsuit against him.

9 Q. Ultimately, when you and Keith Davidson were able to
10 get that article down and to make sure -- actually, let me
11 withdraw and go back.

12 The General Counsel you spoke to at Life & Style, were
13 they involved in putting out a different -- another article at
14 around that time, separate from TheDirty.com?

15 A. Yes.

16 Q. And those conversations were about that separate
17 article, meaning In Touch magazine, and making sure that it
18 didn't come out in that magazine?

19 A. Correct.

20 Q. Thank you.

21 After you succeeded in making sure that the In Touch
22 article didn't come out, and Keith Davidson was working to take
23 down the article on TheDirty.com, did you update Mr. Trump to
24 let him know that it had been taken care of?

25 A. I did, and gave the credit actually in that case to

1 Keith Davidson, who was the one who filed and sent papers to
2 TheDirty.com to have it removed.

3 Q. As a result of your efforts and Keith Davidson's
4 efforts, did that article -- either article in 2011, get any
5 traction in 2011, meaning, was it out there much?

6 A. No, ma'am.

7 Q. So, let me now move past 2011. Between that in 2011
8 and 2016, when you found out from Dylan Howard that Stormy
9 Daniels' story had resurfaced again, in between that time, had
10 you heard anything more about the Stormy Daniels matter?

11 A. Nothing.

12 Q. Now, when you learned on October 8th from Dylan Howard
13 that the Stormy Daniels story had resurfaced, did you also learn
14 from Mr. Howard that there was an attorney who would be
15 representing Stormy Daniels in the matter?

16 A. Yes.

17 Q. What did he tell you?

18 A. Keith Davidson, he was going to be representing Stormy
19 Daniels.

20 Q. And was that the same lawyer who had represented her in
21 2011 that you worked with?

22 A. Yes. We had, obviously, a positive result.

23 MS. HOFFINGER: So let me ask to, please, put up
24 again 177A, Mr. Cohen's texts with Dylan Howard.

25 (Displayed.)

1 Q. Can you take a look at the texts on October 9, 2016?

2 A. Yes.

3 Q. Actually, if you are able to, on these texts, could you
4 read them to the jury, please.

5 A. I am sorry?

6 Q. Could you read these to the jury?

7 A. Yes.

8 Q. Are these all dated on October 9, 2016?

9 A. Yes.

10 Q. If you would read them to the jury.

11 A. This is from Dylan Howard to me, stating: Emailed you.

12 Then he also forwarded a second one, stating: Keith
13 will do it. Let's reconvene tomorrow.

14 Q. Who did you understand "Keith" to be?

15 A. Keith Davidson.

16 Q. Continue, if you would, please.

17 A. Then I responded back to him: Thank you.

18 Followed it then by another text communication advising
19 that Resolution Consultants LLC is the name of the entity that I
20 formed a week ago.

21 To which I then responded again: Whenever you wake,
22 please call my cell. Because of the difference in the time
23 zone.

24 Q. Now, why did you tell Mr. Howard that you had formed
25 Resolution Consultants, an entity, just the week before?

1 A. So that would be the name of the entity that we would
2 use in order to purchase the life rights to the Stormy Daniels'
3 matter.

4 MS. HOFFINGER: Thank you.

5 You can take that down.

6 Q. Did you return to New York from London on approximately
7 October 10, 2016?

8 A. I did.

9 Q. And did you have some further text communications with
10 Keith Davidson and Dylan Howard on that date?

11 A. Yes.

12 MS. HOFFINGER: Let's put up 178A, please.

13 And, specifically, I believe there are two texts.

14 If we can float up a little so Mr. Cohen can read them.

15 (Displayed.)

16 Q. Now, who are these texts between or among?

17 A. So, from Dylan Howard to me, on Monday, October 10th.

18 And it states: Keith/Michael, connecting you both in regards to
19 that business opportunity. Spoke to the client this a.m. and
20 they're confirmed to proceed with the opportunity. Thanks,
21 Dylan.

22 Q. Let me ask you: Is that a three-way text or a two-way
23 text? In other words, yourself and Dylan Howard, is there
24 anybody else on that text?

25 A. Yes, Keith Davidson.

1 Q. So, is it a text from Dylan Howard to both yourself and
2 Keith Davidson?

3 A. Yes.

4 Q. Okay.

5 Can you also read Dylan Howard's next text
6 communication to both yourself and Keith Davidson?

7 A. So, Dylan Howard sends to both myself and Keith
8 Davidson: Over to you two. Meaning, that the two of us should
9 just speak independent.

10 Q. What did you understand to be the business opportunity
11 that Mr. Howard was referring to?

12 A. The business opportunity was the acquisition of the
13 life rights of Stormy Daniels.

14 MS. HOFFINGER: Now, you can take that down.

15 Thank you.

16 Can we now show People's Exhibit 337, and
17 highlight the call between Mr. Cohen and Keith Davidson on
18 October 10, 2016.

19 (Displayed)

20 Q. I believe there are two calls referenced there. Now,
21 after Dylan Howard confirmed that Keith Davidson would be
22 representing Stormy Daniels, did you reach out and speak with
23 Keith Davidson by phone?

24 A. I did.

25 Q. And from this point on, did you speak a great deal with

1 Mr. Davidson about purchasing the life rights to Stormy Daniels'
2 story?

3 A. Yes.

4 MS. HOFFINGER: You can take that down.

5 Thank you.

6 Q. Now, after you learned from Dylan Howard and from Keith
7 Davidson about the Stormy Daniels story, and her wanting to
8 publish that story, and the conversations about purchasing that
9 story, did you speak to Mr. Trump?

10 A. I did.

11 Q. Can you tell us -- first of all, why did you speak to
12 Mr. Trump about it?

13 A. Because it was a matter that affected him and because
14 that was what I always did, which was, to keep him abreast of
15 everything.

16 Q. Was this also a serious matter at that time?

17 A. A very serious matter.

18 Q. Did you tell him what you had heard from Dylan Howard
19 and Keith Davidson?

20 A. Yes.

21 Q. And what was his reaction?

22 A. He was really angry with me: I thought you had this
23 under control. I thought you took care of this.

24 I expressed to Mr. Trump: We did, 2011. I have no
25 control over what she goes out and does.

1 And he expressed to me: There is previous denial.
2 Just take care of it.

3 There was a lot going on at the campaign at the time.
4 He was like: Just take care of it.

5 Q. Did he say anything to you at that time about how this
6 might be viewed if it got out?

7 A. Yes.

8 Q. What did he say, in substance?

9 A. He said to me: This is a disaster, total disaster.
10 Women are going to hate me. Because this is really a disaster,
11 women will hate me. Guys may think it's cool, but this is going
12 to be a disaster for the campaign.

13 Q. What, if anything, did you understand about --
14 withdrawn.

15 Why did you understand -- what did you understand him
16 to mean by "women will hate this," and what his concern was?

17 MR. BLANCHE: Objection.

18 THE COURT: Overruled.

19 A. So, at the time Mr. Trump was polling very, very low
20 with women and --

21 Q. You said "very well?"

22 A. No. Very poorly. I am sorry.

23 Q. It's all right. I couldn't hear.

24 A. He was polling very poorly with women, and this,
25 coupled with the previous Access Hollywood tape, he just stated:

1 This is a disaster, and get control over it.

2 Q. Did you have any conversation with him about strategy
3 in dealing with the story?

4 A. I am sorry?

5 Q. Did you have any conversation, additional conversation
6 with Mr. Trump about a particular strategy about how to get
7 control of it and how to deal with it?

8 A. He told me to work with David and get control over
9 this, purchase the life rights, we need to stop this from
10 getting out.

11 Q. Was there any conversation about pushing it to a period
12 of time?

13 A. Yes.

14 Q. What was that?

15 A. So, during the negotiation to purchase and acquire the
16 life rights, what he had said to me is: What I want you to do
17 is just push it out as long as you can. Just get past the
18 election, because if I win, it has no relevance, I will be
19 President. If I lose, I don't even care.

20 Q. Did you bring up at the time the topic of his wife,
21 Melania, in one of those conversations with Mr. Trump?

22 A. I did.

23 Q. What did you say, in substance, to him?

24 A. I said to him: And how's things going to go with
25 upstairs?

1 Q. Were you concerned about that?

2 A. I was.

3 Q. And what, if anything, did he say to you about that?

4 A. Don't worry, he goes. He goes: How long do you think
5 I will be on the market for? Not long.

6 Q. What did you understand that to mean?

7 A. He wasn't thinking about Melania. This was all about
8 the campaign.

9 Q. Now, those conversations that you had with Mr. Trump,
10 were they in person, on the phone, or both?

11 A. Both.

12 MS. HOFFINGER: Now, can we put up now, please,
13 People's 63 in evidence. Can you blow up the body of the
14 email so that Mr. Cohen can read it.

15 (Displayed)

16 Q. Do you recognize this email, Mr. Cohen?

17 A. This is from Keith Davidson to me on October 11th.

18 Q. What year?

19 A. 2016.

20 And it says: Michael, please find Ms. Daniels'
21 Settlement Agreement and Side Letter Agreement attached.

22 I have not filled in the Side Letter Agreement (SLA)
23 which identifies the parties to this agreement.

24 Under the terms of the Agreement, neither my client or
25 I are entitled to possession of the SLA.

1 Settlement sum is \$130,000.

2 I have also attached my firm's wiring instructions for
3 your reference.

4 Ms. Daniels' expressed dissatisfaction with your
5 schedule of the delay of ten days for funding.

6 To that end, you will see that I placed this Friday,
7 October 14 of 2016, as the funding deadline. Let me know if
8 this is a problem. Let me know if you have any questions or
9 concerns about anything.

10 Keith.

11 MS. HOFFINGER: Let me ask you to blow up the top
12 of the email which shows the "tos" and "froms."

13 Q. Did you receive this email at your Trump Organization
14 email address?

15 A. I did.

16 Q. Now, this email that you received, which can we scroll
17 down, does this contain an attachment? Does this contain the
18 Settlement Agreement and the Side Letter Agreement that was
19 referenced?

20 A. Yes.

21 Q. And does this Agreement at this point contain the
22 signatures of Ms. Daniels and Mr. Davidson, but no signatures on
23 your side yet?

24 A. Correct.

25 Q. So, the date of this email --

1 MS. HOFFINGER: If we can go back to the email
2 again for a moment.

3 (Displayed.)

4 Q. -- is October 11th; is that right, of 2016?

5 A. Yes.

6 Q. Is that just a few days after the release of the Access
7 Hollywood tape?

8 A. Yes.

9 Q. By October 11 of 2016, had you and Keith Davidson
10 already agreed in principal to the terms of this Agreement?

11 A. Yes.

12 Q. And you had some discussions about how much would need
13 to be paid to Stormy Daniels for this Agreement by that date;
14 had you arranged a number?

15 A. Yes, ma'am.

16 Q. And tell us, just in general, the terms of that
17 Agreement on this date?

18 A. For the sum of \$130,000, that Ms. Daniels would execute
19 a Non-disclosure Agreement, that the life rights story would
20 never come out, that she wouldn't speak of it. And --

21 Q. Was there a breach provision, an amount, a liquid
22 amount?

23 A. Yes.

24 There was a very large 1-million-dollar per violation
25 liquid punitive damages. It was a clause that we put in where

1 she would owe at that point in time the LLC that was going to do
2 it, she would owe them 1-million-dollars per violation.

3 Q. Whose idea was it to have that million-dollar, as you
4 say, punitive damage provision in the contract?

5 A. It was mine.

6 Q. What was the point of that?

7 A. To ensure that she didn't speak. Not only that, there
8 was also a provision in there that she disclose who she had told
9 the story to, and they were included in the Agreement.

10 Q. There was a list of names that were included in the
11 Agreement?

12 A. Yes, ma'am.

13 Q. Now, the email mentions a Side Letter Agreement. That
14 is also one of the attachments here.

15 What was the purpose of the Side Letter Agreement that
16 is referenced here?

17 A. The Side Letter Agreement would be a one-page document
18 that indicates pseudonym names that we were going to use in the
19 Non-Disclosure Agreement. And the purpose of that is if
20 somehow the Non-Disclosure Agreement got out, having the names
21 Peggy Peterson or David Dennison would have no meaning to
22 anyone.

23 Q. And so, would the Side Letter Agreement be a key to who
24 those names are really related to?

25 A. Yes.

1 I was the only one that would have that one page.

2 Q. And explain why you were the only one that was going to
3 hold onto that Side Letter Agreement which indicated the true
4 names of the people involved in the Agreement?

5 A. In that way, I was the only one, there is no way for it
6 to be released, and the information would never get out.

7 Q. Now, you said that, I think by this date, neither you,
8 obviously, or Mr. Trump, had signed this agreement by that date?

9 A. No, ma'am.

10 Q. Why hadn't you signed it at that point?

11 A. Because during my conversations with Mr. Trump, it was
12 again about delaying the deal and trying to push it past the
13 election which was upcoming.

14 Q. Now, in the email, Mr. Davidson says that Ms. Daniels
15 had expressed some dissatisfaction with your schedule delay of
16 ten days for funding.

17 What was he referring to about your schedule of delay of
18 ten days for funding?

19 A. Well, he wanted an immediate wire transfer, and I
20 expressed to him I would need ten days in order to fund the
21 transaction.

22 I would have waited to the tenth day and do it again,
23 which is what I was instructed to do, push it past the election
24 date.

25 Q. So, you could have funded it earlier, but you tried to

1 push it off with the additional ten days; is that right?

2 A. I was following directions.

3 Q. So, at this point, he is asking for a funding deadline
4 of October 14th; is that correct?

5 A. Yes.

6 Q. And were you intending at that point to make that
7 deadline of October 14th?

8 A. No, ma'am.

9 Q. What were you going to try to do?

10 A. Delay it.

11 MS. HOFFINGER: Your Honor, do you want me to
12 continue?

13 THE COURT: Is this is a good time to break?

14 MS. HOFFINGER: It's up to you. It's perfectly
15 fine.

16 THE COURT: Jurors, I will remind you of all of my
17 instructions, including that you not discuss this case
18 either among yourselves or with anyone else.

19 Please continue to keep an open mind as to the
20 defendant's guilt or innocence.

21 Please do not form or express an opinion as to
22 defendant's guilt or innocence.

23 I will see you at 2 o'clock.

24 Enjoy your lunch.

25 (Jury leaving courtroom.)

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THE COURT: You may be seated.

Sir, you can step down.

(Witness leaving courtroom.)

THE COURT: Is there anything that we need to go
over?

MS. HOFFINGER: No, your Honor.

MR. BLANCHE: No.

THE COURT: Okay. I will see you at 2.

(Whereupon, the Court took a luncheon recess.)

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

THE COURT: Good afternoon.

Can we get the witness, Mr. Cohen.

(Witness entering courtroom.)

THE COURT: Get the jury, please.

(Jury entering courtroom.)

THE COURT: Please be seated.

THE CLERK: Case on trial continued. All jurors
are present an properly seated.

Ms. Hoffinger.

MS. HOFFINGER: Thank you.

1 CONTINUED DIRECT EXAMINATION

2 BY MS. HOFFINGER:

3 Q. Good afternoon, Mr. Cohen.

4 A. Good afternoon.

5 Q. When we left off, we were talking a little bit about
6 the funding deadline for the payoff of the Stormy Daniels' NDA.
7 Do you remember that?

8 A. I do.

9 MS. HOFFINGER: Let's put up now for everybody
10 what is in evidence as People's Exhibit 64.

11 (Displayed).

12 Q. Do you recognize these emails with Keith Davidson?

13 A. I do.

14 Q. Were they sent -- received and sent from your Trump
15 Organization email address?

16 A. This is from Keith Davidson to me, dated October 12,
17 2016.

18 Q. Can you read the emails for the jury, please?

19 A. Yes.

20 Not necessary to speak today. You should have all the
21 executed documents a few days ago. Talk to you tomorrow.

22 Q. Is there another email below that?

23 A. Yes.

24 This is my response to Keith Davidson: Yes. It's
25 Yom Kippur so the office is for all purposes closed. I'm in

1 today, but can speak for the next three hours via cell if
2 necessary.

3 Q. Just to orient the jury, was that the first email, the
4 one at the bottom, and the response by Keith Davidson at the
5 top?

6 A. Yes.

7 Then it is followed by Keith Davidson to me: We good.

8 Q. So, what was happening at this time?

9 A. Continue to delay. Delay the execution of the
10 documents. Continue the delay of execution of funding.

11 In this specific case, I used the holiday of Yom Kippur
12 as a way of just, once again, trying to delay it, which is until
13 after the election.

14 Q. And the reason for that?

15 A. Because after the election it wouldn't matter.

16 Q. And according to who?

17 A. According to Mr. Trump.

18 Q. Now, around this time, the middle of October or so, did
19 you have some more conversations with Mr. Trump about Keith
20 Davidson pushing for payment around this time?

21 A. Yes.

22 Q. And what was his response?

23 A. I mean, I'm incredibly busy right now. There is a lot
24 going on. I am travelling all over. I don't have time to think
25 about this right now. Just give me a few days.

1 Q. And did you have those conversations with him sometimes
2 by telephone and sometimes in person?

3 A. Yes, ma'am.

4 Q. When you called him, did you sometimes use your cell,
5 sometimes use your landline phone at The Trump Organization?

6 A. Yes, ma'am.

7 Q. You said he was travelling a lot. Was this the time
8 when he was campaigning for the presidency?

9 A. Yes.

10 Q. And in terms of his schedule during October, how did he
11 travel in terms of for the campaign?

12 A. With his own private plane.

13 Q. Was he still sometimes in the office during that time,
14 even when he was campaigning?

15 A. Yes.

16 Q. During what time -- did you sometimes see him in the
17 office during those times?

18 A. Sometimes.

19 Q. Do you recall, was it at various times that he might be
20 back in the office?

21 A. Yes. It depended upon the schedule of the rallies that
22 were taking place all around the country.

23 Q. So, is it fair, you spoke to him in person when you
24 were able to see him, if not, you spoke to him by telephone?

25 A. When possible.

1 MS. HOFFINGER: Let's show People's 363 in
2 evidence.

3 (Displayed)

4 Q. And can you tell us what this email is and between who
5 and who?

6 A. This is an email from me to Gary Farro, asking him to
7 call me.

8 Q. Who is Gary Farro?

9 A. Gary Farro was my account representative at First
10 Republic Bank.

11 MS. HOFFINGER: And can we scroll down and see if
12 there is an attachment on this email. I think there may be
13 a couple of pages. Scroll down.

14 (Displayed)

15 Q. What, if anything, did you send, according to this
16 exhibit? What did you send him?

17 A. I sent him the corporate documents for Resolution
18 Consultants LLC to open a bank account.

19 MS. HOFFINGER: And now, can we go back to the
20 email, please.

21 And can you go to the top email, which is Gary
22 Farro's email to someone else at First Republic Bank.

23 (Displayed.)

24 Q. Can you read that?

25 A. This is an email from Gary Farro, dated same date,

1 October 13 of 2016, to Oliva Cassin, who was a banker at First
2 Republic. It states: Need an account opened for Michael Cohen
3 immediately. He wants no address on the checks. Call me now to
4 discuss.

5 Q. So, mid-October, now why are you reaching out to Gary
6 Farro to set up an account for Resolution Consultants?

7 A. In the event of the need for an account to be opened to
8 transfer the funds.

9 Q. Is it what you anticipated -- what you believed might
10 need to happen soon?

11 A. Yes.

12 MS. HOFFINGER: Can we take that down.

13 Put up People's 364 in evidence. Can we blow up
14 the email a little bit.

15 (Displayed)

16 Q. Can you tell us what this email is?

17 A. It's an email from Oliva Cassin, again, First Republic
18 Bank to me, and cc'd to Gary Farro, regarding account paperwork
19 for Resolution Consultants.

20 MS. HOFFINGER: If we can scroll down.

21 Q. Is she sending you something?

22 A. Yes.

23 Q. What is she sending you?

24 A. An attachment of the paperwork that is needed in which
25 to establish the bank account.

1 Q. So, are these various pages of opening account records
2 with information filled in for you to review?

3 A. Yes, ma'am.

4 Q. Can we put up -- were you familiar with the account
5 opening paperwork at First Republic Bank?

6 A. Yes.

7 Q. And had you other accounts there and set up other
8 accounts there?

9 A. Multiple.

10 MS. HOFFINGER: Can we now put up People's 366 in
11 evidence.

12 (Displayed.)

13 Q. What is this email, Mr. Cohen?

14 A. It's an email from me to Olivia regarding the
15 paperwork.

16 MS. HOFFINGER: Can we take a look at the
17 attachments to that email. Maybe we can scroll down a
18 little bit.

19 Thank you.

20 (Displayed)

21 Q. So, what are you sending back Olivia Cassin now in the
22 email?

23 A. The documents necessary to open up the bank account.

24 Q. Had you signed them, according to these attachments?

25 A. I did.

1 MS. HOFFINGER: Let's take a look at a few places
2 in this paperwork. Can we go to Page 5 of the PDF
3 entitled "Business Information Form Overview."

4 1A, can we blow that up.

5 (Displayed)

6 Q. Is the description of what Resolution Consultants is
7 here in the paperwork?

8 A. Yes.

9 Q. Can you read that?

10 A. It states: Please include product of services
11 provided, typical customers, suppliers, et cetera.

12 It says: Resolution Consultants LLC is a consulting
13 firm. Michael Cohen provides individuals and businesses
14 financial services, law firms, technology firms, et cetera,
15 advice on strategy, PR marketing, best practices and procedures,
16 et cetera. All of his clients are in the United States of
17 America.

18 MS. HOFFINGER: Can we also take a look at Page 9
19 of the PDF.

20 (Displayed)

21 Q. That is NAICS business description?

22 A. Yes.

23 Q. And can you read the description there of the business.

24 A. So the NAICS code is 541611. The business
25 description is "Management consulting, including HR and

1 marketing."

2 MS. HOFFINGER: Can we finally look at the NAICS.

3 Actually, we already read that.

4 Q. Let me ask you: Mr. Cohen, did you sign these
5 documents at Page 3?

6 MS. HOFFINGER: Let's show Page 3 of the PDF.

7 (Displayed)

8 Q. Did you sign that?

9 A. I did.

10 Q. On what date?

11 A. October 13, 2016.

12 MS. HOFFINGER: Can we take a look at page of the
13 signature block.

14 (Displayed.)

15 Q. Did you sign it there as well?

16 A. Yes.

17 Q. What is the date on there?

18 A. Same date; October 13, 2016.

19 Q. Were the descriptions in the account paperwork that we
20 just read, were they truthful as of the date that you opened the
21 account?

22 A. No.

23 Q. Why didn't you give FRB the true reason for your
24 opening the account?

25 A. Well, I'm not sure they would have opened it if it

1 stated to pay off -- to pay off an adult film star for a
2 Non-Disclosure Agreement.

3 Q. You understood that; is that right?

4 A. Yes, ma'am.

5 Q. Did you ever end up finalizing the account for the bank
6 account for Resolution Consultants LLC?

7 A. No, ma'am.

8 Q. What happened?

9 A. I realized that during the process, I couldn't
10 remember why I even called it Resolution Consultants. Then it
11 dawned on me that it's actually the name of a company of
12 somebody who I know who happens to be out of state. I didn't
13 think he would appreciate if I had used the same name as his
14 company.

15 Q. Did you end up -- when you ultimately opened the
16 account at FRB, did you use a different name of a different
17 company?

18 A. I did.

19 Q. And what name was that?

20 A. I transferred it, I made it to Essential Consultants
21 LLC.

22 Q. You filled out similar paperwork at FRB for the
23 Essential Consultants account?

24 A. Yes.

25 Q. Also with false descriptions of the purpose of the

1 account?

2 A. The same information.

3 MS. HOFFINGER: Thank you very much.

4 You can take that down.

5 Can we now put up People's 281 in evidence.

6 (Displayed)

7 Q. What is the date of this email and who is it from and
8 who?

9 A. It's to me from Keith Davidson. Dated Monday,
10 October 17, 2016. And the subject is: PP, which is for Peggy
11 Peterson, versus DD, David Dennison, slash, important.

12 Q. Can you read the email?

13 A. It states: Michael, I have been charged by my client
14 with forwarding the below message.

15 We have a written Settlement Agreement which calls for
16 settlement payment to be sent by the end of business this past
17 Friday, October 14th, 2016.

18 No payment was received.

19 We spoke on Friday, October 14th, and you stated that
20 funds would be wired today, October 17, 2016. No funds have
21 been received as of the sending of this email.

22 My client informs me that she intends to cancel the
23 settlement contract if no funds are received by 5 PST today.

24 Please call me if you have any questions.

25 Keith.

1 Q. What was happening at this time with respect to the
2 deal?

3 A. My intent was to continue to delay it as per
4 Mr. Trump's demand, and I clearly did not send funds to
5 Mr. Davidson at this IOLA lawyer's account on this date.

6 Q. On this date?

7 A. On this date.

8 MS. HOFFINGER: Can we take that down and put up
9 People's 282 in evidence. If we can blow it up a little
10 bit.

11 (Displayed)

12 Q. Can you tell us who this email is from and to and the
13 date?

14 A. This is from Keith Davidson to me. Same date of
15 October 17, 2016, 1:31 p.m. Regarding same matter: PP
16 versus DD. Important.

17 And it states: Please be advised that my client deems
18 her Settlement Agreement cancelled and void Ab initio.

19 Please further be advised that I no longer represent
20 her in this or any matter.

21 Q. What did you understand was happening now in terms of
22 this email?

23 A. We were losing control over the settlement of this
24 Agreement in order to prevent the story from coming out. That
25 as a direct result of my failure to wire funds, that Keith

1 Davidson was no longer going to be acting as Stormy Daniels'
2 counsel in this matter.

3 Q. And were you concerned?

4 A. Very much so.

5 Q. Thank you.

6 MS. HOFFINGER: You can take that down.

7 Please put up People's 177A in evidence.

8 (Displayed)

9 Q. Focus on from the texts from Dylan Howard on October
10 17, 2016, Page 3.

11 A. Yes.

12 Q. Can you read to the jury this text?

13 This is the text you received from Dylan Howard on that
14 same date, October 17, 2016?

15 A. Yes, ma'am.

16 Q. Can you read that?

17 A. It's from Dylan Howard to me.

18 It states: I'm told they're going with Daily Mail. Are
19 you aware?

20 Q. What did you understand the "they" were in this email?

21 A. Stormy Daniels.

22 MS. HOFFINGER: And can we blow up the next text
23 communication after this.

24 (Displayed)

25 Q. Can you read for the jury the rest of the text

1 communications on October 17, 2016?

2 A. From me to Dylan Howard: Call me.

3 Then I responded back with three question marks because
4 I hadn't heard back.

5 This was obviously incredibly stressful and incredibly
6 important.

7 I finally receive a response back from Dylan Howard:
8 "Not taking my calls." And he was referencing there Keith
9 Davidson. "He's not talking my calls."

10 The goal is to figure out exactly what was going on and
11 what else could be done.

12 I then respond from me to Dylan: You're kidding.

13 Then I continue by saying: Who are you trying to
14 reach?

15 I wanted just to confirm that my suspicion that he was
16 trying to reach Keith Davidson and not maybe somebody else.

17 To which he responds thereafter: The agent.

18 "The agent" I knew to be Keith Davidson.

19 Q. Now, did you also speak by telephone that day with
20 Dylan Howard?

21 A. Yes, ma'am.

22 Q. And why did you speak with him by telephone?

23 A. This was of grave importance.

24 Q. What, if anything, did you understand at this point
25 about whether Stormy Daniels might end up in the Daily Mail?

1 A. That's what we were told, and that's what I relayed to
2 Mr. Trump.

3 MS. HOFFINGER: And so, let's put up now People's
4 349 in evidence. And let's blow up the call on October 17,
5 2016 at 5 p.m. between Michael Cohen and Mr. Trump.

6 (Displayed)

7 Q. Do you see a call there?

8 A. I do.

9 Q. Who called who?

10 A. I called Mr. Trump.

11 Q. And why did you call him?

12 A. In order to advise him of this situation, that because
13 I didn't forward the funds, she's now declared the Agreement
14 void and that we were not going to be in a position to delay it
15 post the election, which is what he wanted me to do, and that
16 the matter was going to -- the story was going to go to the
17 Daily Mail.

18 Q. That was your intention in making the call?

19 A. Yes.

20 Q. Do you notice it's just about eight seconds on that
21 call? What do you think happened with that call?

22 A. I received a voicemail.

23 Q. Did you receive a voicemail?

24 A. I spoke to the voicemail.

25 Q. So, you left a voicemail?

1 A. I left a voicemail.

2 Q. For Mr. Trump. Okay.

3 Did you believe at this time you could continue to
4 delay the transaction?

5 A. No.

6 MS. HOFFINGER: We can take that down.

7 Thank you.

8 Let's show, please, People's 369 in evidence.

9 (Displayed)

10 Q. Do you recognize that, Mr. Cohen?

11 A. I do.

12 Q. What is it?

13 A. This is a filing receipt for the State of Delaware in
14 the formation of Essential Consultants LLC.

15 Q. Did you set up the Essential Consultants LLC on that
16 date, October 17th?

17 A. I did.

18 Q. Why did you go ahead and do it on that date?

19 A. Because I wanted to make sure that, again, I had a
20 vehicle within which to transfer funds to Keith Davidson to lock
21 down the story.

22 MS. HOFFINGER: Thank you very much.

23 Can you take that down.

24 Can we now put up People's 216 for identification.

25 Can you take it down.

1 Just to the witness, the Court and the parties.

2 Q. So, it's 216 for identification. Do you recognize what
3 is on the screen?

4 A. I do.

5 Q. What is it?

6 A. This is from Patty over at Delaney Corp. That's the
7 company that incorporates on October 24, 2016.

8 It's an invoice stating: Here is the invoice to cancel
9 the old LLC and file the new LLC.

10 Meaning, I was closing out Resolution and incorporating
11 Essential Consultants.

12 Q. On what date did you close out Resolution and open up
13 Essential Consultants?

14 A. I believe it was that day.

15 Q. Which date was that?

16 A. The 24th.

17 Q. Can we take a look?

18 A. I think it was the 17th.

19 MS. HOFFINGER: I offer that in evidence, People's
20 216.

21 MR. BLANCHE: No objection.

22 THE COURT: Received into evidence.

23 (Whereupon, People's Exhibit 216 was received into
24 evidence.)

25 MS. HOFFINGER: Can we look at Page 2 of the

1 invoice.

2 (Displayed)

3 Q. Does the email show the date you cancelled Resolution
4 Consultants?

5 A. The 17th of October, 2016.

6 MS. HOFFINGER: Can we now put up People's 249 in
7 evidence and blow it up a little bit.

8 (Displayed)

9 Q. You mentioned on October 17th you left a voicemail for
10 Mr. Trump; do you recall that?

11 A. Yes.

12 Q. Do you recognize what this record is?

13 A. Yes.

14 Q. What is it?

15 A. This is a text message on October 18, 2016, from
16 Melania to me.

17 Q. Can you read what it says?

18 A. Good morning, Michael. Can you please call DT on his
19 cell. Thanks.

20 And "DT," of course, references Donald Trump.

21 Q. What time was that text?

22 A. That text is at 8:53 a.m.

23 Q. Do you respond by text?

24 A. I do.

25 Q. What is your response?

1 A. "Of course."

2 Q. What time is that response?

3 A. 8:54.

4 Q. Do you believe that you spoke to Mr. Trump after
5 Mrs. Trump asked you to reach out to him and call him?

6 A. Yes.

7 Q. Is that dated October 18, 2016?

8 A. It is.

9 Q. Was that a workday; do you know?

10 A. I believe it is.

11 Q. And were you usually at work by that time, 8:53 a.m. in
12 the morning?

13 A. Yes, ma'am.

14 Q. Do you believe that you called Mr. Trump using your
15 landline at The Trump Organization?

16 A. Yes, ma'am.

17 Q. Now, I would -- so, we're now talking about October 18,
18 2016, and I would like to ask you: On that day, or that
19 evening, did you make an appearance on Wolf Blitzer's show on
20 CNN that night?

21 A. I did.

22 Q. Why did you do that?

23 A. In order to respond to a series of topics that affected
24 Mr. Trump and the campaign.

25 Q. And did you tell Mr. Trump that you were going on CNN?

1 A. Yes.

2 Q. And were you going on as a support to the campaign, to
3 try to talk about his priorities?

4 A. Yes, as a surrogate.

5 Q. And you said that was to deflect from some other news
6 that was out there?

7 A. Correct.

8 Q. And without providing us with any details or
9 elaborating, were you asked by Wolf Blitzer to respond a number
10 of times to questions about reports of Mr. Trump's behavior with
11 women?

12 A. Yes.

13 Q. And did you steer the conversation as best you could
14 towards his presidential policies?

15 MR. BLANCHE: Objection.

16 THE COURT: Sustained.

17 Q. What, if anything, did you do during that interview?

18 A. I advocated for Mr. Trump in the best light possible,
19 denials, as well as exclamations, that I have never seen him act
20 in this sort of manner before. I was doing everything that I
21 could within which to change the direction of the comments.

22 Q. And you had some talking points for the campaign,
23 talking points about Mr. Trump's priorities to deliver on that
24 show?

25 A. I received regular talking points from the campaign.

1 Q. Do you believe you received some that night as well?

2 A. I do.

3 Q. Did you try to emphasize those talking points as well?

4 A. Yes, ma'am.

5 Q. What, if any, additional pressure did you feel to close
6 this deal with Stormy Daniels as a result?

7 A. Well, because the Daily Mail was in play and they were
8 anxious to sell the story.

9 Q. Did there come a time after that, again, still in
10 October of 2016, that Mr. Trump, in substance, expressed to you
11 that he understood he could no longer delay this transaction?

12 A. Yes.

13 Q. And describe that conversation that you had with him?

14 A. He stated to me that he had spoken to some friends,
15 some individuals, very smart people, and that: It's \$130,000.
16 You're like a billionaire. Just pay it. There is no reason to
17 keep this thing out there. So do it.

18 And he expressed to me: Just do it. Go meet up with
19 Allen Weisselberg and figure this whole thing out.

20 Q. Following that conversation with Mr. Trump, did you, in
21 fact, have some discussions with Allen Weisselberg about trying
22 to figure out how the payment would be made?

23 A. Yes.

24 Q. And what, in substance, did you discuss with
25 Weisselberg and the different options?

1 A. Well, that I had the opening of the company all set up.
2 Now it just needed to be funded.

3 To which Weisselberg turned and said: Can we get AMI
4 to pay it?

5 I said: No. They've already expressed to me they're
6 not paying it. They said we need to come up with a way how to
7 fund it.

8 I said: We need to do it immediately.

9 Q. What options did Mr. Weisselberg discuss with you?

10 A. One option was to see whether I knew anybody who
11 wanted to purchase a golf membership at one of the various golf
12 courses or possibly somebody who was having a family affair,
13 like a wedding or Bar Mitzvah, that would be interested in
14 paying the money there and taking it as credit off of their
15 invoice, or maybe even just running it through one of the golf
16 courses.

17 Q. Was he suggesting it would be a vehicle to use that
18 money to pay this?

19 A. Yes.

20 Q. And what, if anything, did you discuss about those
21 options?

22 A. Obviously, that wasn't a possibility because each of
23 those entities has a Trump name attached to it, and the whole
24 purpose was to ensure that Trump name in no way was disclosed in
25 this Non-Disclosure Agreement.

1 Q. Did you suggest to Mr. Weisselberg about him funding
2 it?

3 A. I did.

4 MR. BLANCHE: Objection.

5 THE COURT: Overruled.

6 A. I stated to Allen: You're the CFO. You're making
7 seven figures. Why don't you pay it. You'll get paid back.
8 You don't have to worry about that one.

9 Q. What did he say?

10 A. He said to me he wasn't financially in a position to do
11 it. He stated: Michael, as you know, I have my four grandkids
12 at prep school, and that I have summer camps for them that I am
13 paying for, I just can't do it.

14 Q. What did you resolve between the two of you, yourself
15 and Weisselberg, ultimately?

16 A. Well, because of the urgency that was happening and the
17 fact she was heading -- or at least they expressed to me they
18 were heading to the Daily Mail, I ultimately said: Okay, I'll
19 pay it.

20 Q. Was there any discussion at that time with
21 Mr. Weisselberg about you getting paid back eventually?

22 A. Yes.

23 Q. What was discussed?

24 A. Don't worry about it, I will make sure you get paid
25 back.

1 Q. At some point, did you have a conversation with
2 Mr. Trump about the fact that you were willing to pay for it, at
3 least initially?

4 A. Yes. Allen and I spoke to Mr. Trump. We expressed to
5 him that I was going to front the money for it. To which he was
6 appreciative and: Good, good.

7 Q. Did you have a sense from Mr. Trump that you would end
8 up being out the money or you would get paid back?

9 A. He stated about it: Don't worry about it. You will
10 get the money back.

11 Q. Would you have ever paid for the NDA for Stormy Daniels
12 on your own without an understanding that you would get paid
13 back?

14 A. No.

15 Q. Why not?

16 A. It's \$130,000. I was doing everything that I could and
17 more in order to protect my boss, which was something I had done
18 for a long time. But I would not lay out \$130,000 for an NDA
19 needed by somebody else.

20 MS. HOFFINGER: Can we bring up now People's

21 Exhibit 342. Let's show those to the jury.

22 (Displayed)

23 Q. Do you recognize these? What are these, Mr. Cohen?

24 A. These are phone calls made from my cell phone to Allen
25 Weisselberg.

1 Q. Are these calls between July of 2015 to February of
2 2018?

3 A. Yes, ma'am.

4 Q. And did you have Weisselberg's cell phone and work
5 numbers in your contacts as well?

6 A. Yes.

7 Q. Approximately, how many calls are there during this
8 time period with Weisselberg?

9 A. Six, in total.

10 Q. And was it common for you to speak with Weisselberg
11 outside the office; meaning, by phone at other times?

12 A. It wasn't common.

13 MS. HOFFINGER: Now, let take a look at a call.

14 We'll show the call on October 23rd of 2016, at 4:52 p.m.

15 (Displayed)

16 Q. Do you see that call?

17 A. Yes.

18 Q. What does that reflect?

19 A. A voicemail.

20 Q. Left by who?

21 A. From Allen Weisselberg to me.

22 Q. Do you know whether that was a Sunday, October 23rd?

23 A. Not off the top of my head, no.

24 Q. Was it unusual at 5:42 -- withdrawn.

25 Was there, at this time, October 23rd, a reason that

1 you understood that he was calling and leaving you a voicemail?

2 A. Regarding the funding and regarding how this was going
3 to get done to fund the Non-Disclosure Agreement.

4 Q. And did you -- withdrawn.

5 Did you speak with Mr. Weisselberg over the next couple
6 of days in the office as well?

7 A. Yes.

8 Q. About finalizing these details?

9 A. Yes.

10 MS. HOFFINGER: And can we also take a look at the
11 call on October 25th on this sheet.

12 (Displayed)

13 Q. Do you see another call there?

14 A. I do.

15 Q. What time is that call?

16 A. That call is at 7:23 p.m.

17 Q. Is that generally after work for yourself and
18 Mr. Weisselberg?

19 A. Yes.

20 Q. Was it unusual to speak with Weisselberg after hours by
21 cell phone?

22 A. Yes.

23 Q. Do you have a sense of why you were doing that?

24 A. It had to do with the Stormy Daniels matter.

25 Q. Was there some urgency at this point?

1 A. Significant urgency.

2 MS. HOFFINGER: Thank you.

3 Can we take a look at now People's 341 in
4 evidence, please.

5 (Displayed)

6 Q. Let's take a look at the call between Mr. Schiller and
7 Mr. Cohen on October 24, at 8:02 p.m.

8 Do you see that call?

9 A. Yes, ma'am.

10 Q. And was it 8:02 p.m.?

11 A. Yes.

12 Q. You called Mr. Schiller, or did he call you?

13 A. I called Mr. Schiller.

14 Q. Do you know why you were reaching out to Mr. Schiller
15 in the evening of October 24, 2016?

16 A. Yes.

17 Q. Why?

18 A. Because I needed to speak to Mr. Trump, and I knew that
19 Keith, Keith Schiller was with him.

20 Q. Why did you need to speak with Mr. Trump at that point
21 in the evening of October 24th?

22 A. To discuss the Stormy Daniels matter and the resolution
23 of it.

24 Q. And did you have an understanding about whether during
25 that conversation you resolved that, you were moving forward to

1 fund the deal?

2 A. Yes.

3 Q. Now, what was the plan for how you were going to fund
4 the Essential Consultants account in order to transfer the money
5 to Keith Davidson?

6 A. So, I had already, for several months at First Republic
7 Bank, before all of this, I had a HELOC, a Home Equity Line of
8 Credit, on my apartment. That account was paperless. Meaning,
9 that we wouldn't receive any documents in the mail.

10 And I elected to use money that was in the HELOC
11 because my wife was the CEO of the household and would not
12 understand if there was \$130,000 missing from our joint bank
13 account. She would ask me, and I clearly could not tell her,
14 and that would have been a problem for me. So I elected to use
15 the HELOC.

16 And once I received the money back from Mr. Trump, I
17 would just deposit it and no one would be the wiser.

18 MS. HOFFINGER: Can we now put up People's 177A in
19 evidence.

20 (Displayed)

21 MS. HOFFINGER: And cull out the text between
22 Mr. Howard and Mr. Cohen on October 25, 2016.

23 A. So, this is a text message from Dylan Howard to me.
24 And it states: Keith calling you urgently. We have to
25 coordinate something on the matter he's calling you about, or it

1 could look awfully bad for everyone.

2 Q. What did you understand that to mean?

3 A. This matter -- if the matter wasn't resolved, it was
4 going to be catastrophic to Mr. Trump and the campaign.

5 Q. Did you also have a call on that night, October 25,
6 2016 -- withdrawn.

7 Did you have a call on October 25, 2016 with Dylan
8 Howard and David Pecker?

9 A. Yes, ma'am.

10 Q. Can you describe for the jury that call and what
11 occurred and what was said?

12 A. Well, it was all about, again, the resolution of the
13 Non-Disclosure Agreement.

14 Q. And what, if anything, was Dylan Howard telling you on
15 that phone call?

16 A. How to get this thing done. She's going to the Daily
17 Mail. This could be catastrophic to the campaign. This will
18 further isolate women from the candidate.

19 Q. And did you make a request at that time of Mr. Pecker
20 on that call?

21 A. Yes.

22 Q. What did you ask him?

23 A. If he would be kind enough to make the payment.

24 Q. Why did you ask him to make the payment at that point?

25 A. To see if he would do it, considering he's been doing

1 it for Mr. Trump before. I figured why not ask.

2 Q. What did he say?

3 A. Not a chance.

4 Q. Did he say why?

5 A. Yes.

6 Q. What did he say?

7 A. I knew he didn't get the money back on the \$150,000
8 even though they turned out. I cannot do it again. It can cost
9 me my job.

10 Q. How did you leave things with Dylan Howard and David
11 Pecker on that call, what did you tell them?

12 A. Make sure it's locked down. We're going to take care
13 of it.

14 Q. In other words, who did you say was going to take care
15 of it at that point?

16 A. I was.

17 Q. Thank you.

18 Now, you said earlier, I believe, that you sometimes
19 communicated with David Pecker by Signal, an encrypted
20 application?

21 A. Yes, ma'am.

22 MS. HOFFINGER: Let's put up just for the witness
23 and counsel and the Judge People's 212 for identification,
24 please.

25 Q. Do you recognize that document, Mr. Cohen?

1 A. I do.

2 Q. What is it?

3 A. This is text messages on the encrypted app of Signal.

4 Q. And are these screenshots of the messages and reflected
5 other communications using the Signal Application between
6 yourself and Mr. Pecker?

7 A. Yes.

8 Q. Aside from what might be some redactions on that
9 document, is this an exact copy of those communications between
10 yourself and Mr. Pecker?

11 A. Yes.

12 MS. HOFFINGER: I offer People's 212 in evidence,
13 your Honor.

14 MR. BLANCHE: No objection.

15 THE COURT: Received into evidence.

16 (Whereupon, People's Exhibit 212 was received into
17 evidence.)

18 MS. HOFFINGER: Can we focus on the call reflected
19 here on October 25, 2016.

20 (Displayed)

21 Q. Mr. Cohen, do you see a flurry of calls on October 25,
22 2016, between yourself and David Pecker?

23 A. I do.

24 Q. You had called him on that date; is that right?

25 A. That is correct.

1 Q. Is there a reason that it shows so many on this
2 screenshot?

3 A. Yes.

4 Q. What was the reason?

5 A. Signal is terrible with keeping phone calls, they drop
6 them all the time. We were constantly calling back and forth.

7 Q. Were there also some calls on October 26th reflected
8 here using the Signal App between yourself and Mr. Pecker?

9 A. Yes, ma'am.

10 Q. Generally, what were these calls about on October 25th
11 and October 26th with Mr. Pecker?

12 A. The Stormy Daniels matter, the resolution of it.

13 MS. HOFFINGER: Can we please show People's 337 in
14 evidence.

15 And can we show the calls occurring between
16 Mr. Cohen and Mr. Davidson on October 25, 2016.

17 Can we highlight all the calls on that date.

18 (Displayed)

19 Q. Mr. Cohen, there are a number of calls back and forth
20 between yourself and Keith Davidson on October 25th?

21 A. Yes.

22 Q. Why were there so many calls with Keith Davidson?

23 A. In order to ensure that he knew that the matter was
24 being taken care of, and that soon there was going to be the
25 transfer of funds, in order to have him execute the

1 Non-Disclosure Agreement and the Side Letter.

2 Q. What was your goal in having those communications with
3 Keith Davidson?

4 A. In order to ensure that that occurred, so I could
5 express to Mr. Trump as an update that this matter is under
6 control.

7 Q. Did you in any of these conversations mention to Keith
8 Davidson that maybe AMI would still do the payoff instead of on
9 your side?

10 A. I might have.

11 Q. Why was that?

12 A. I was hoping that AMI was going to make the payment.

13 Q. But, at the end of the day, you knew they were not; is
14 that correct?

15 A. That is correct.

16 MS. HOFFINGER: You may take that down.

17 Can you now put up People's 342 in evidence.

18 The calls, again, between Mr. Cohen and

19 Weisselberg.

20 (Displayed)

21 Q. Can you cull out the call on October 25, 2016, at 7:23
22 p.m.?

23 A. Yes, ma'am. October 25, 2016, at 7:23 p.m., I made a
24 phone call to Allen Weisselberg.

25 Q. And how long was the phone call, approximately?

1 A. Three minutes, 24 seconds.

2 Q. That was in the evening?

3 A. It's in the evening.

4 Q. After hours, after work hours?

5 A. Yes, ma'am.

6 Q. Again, was it unusual for you to call Mr. Weisselberg
7 after work hours?

8 A. Yes.

9 Q. Why did you have this call with him?

10 A. In order to discuss the finalization of the funding and
11 just some particulars regarding funding for the execution of the
12 Non-Disclosure Agreement.

13 MS. HOFFINGER: I will take that down.

14 Q. On the morning of October 26, 2016, did you set up an
15 account for Essential Consultants at First Republic Bank?

16 A. I did.

17 Q. And what did you do?

18 A. I went across the street, which is where it was
19 located, and I told them I need to do a transfer.

20 Q. Now, before you went across the street to set up that
21 account, did you speak to Mr. Trump?

22 A. I did.

23 MS. HOFFINGER: Can we take a look at People's 349
24 in evidence, please.

25 Can we highlight the two telephone calls on

1 October 26, 2016, one at 8:30 a.m. -- two calls at about
2 the same time, actually, about 8:30 a.m.

3 (Displayed.)

4 Q. You see those two calls?

5 A. Yes, I do.

6 Q. How long was the call for?

7 A. One is 3 minutes and 20 seconds. The second one is for
8 1 minute and 28 seconds.

9 Q. Did you call Mr. Trump before you went and set up the
10 account to make a transfer?

11 A. Yes.

12 Q. What, in substance, did you discuss with him on these
13 two calls?

14 A. I wanted to ensure that, once again, he approved what I
15 was doing because I required approval from him on all of this.
16 That's what the sum and substance of the conversation was,
17 laying out exactly what was going to happen, what was being done
18 in order to ensure the story didn't get sold to Daily Mail or
19 somebody else.

20 Q. Did you let him know you were going across the street
21 and you were going to get the account set up and make the
22 payment?

23 A. Yes, ma'am.

24 Q. Would you have made that payment to Stormy Daniels
25 without getting a signoff from Mr. Trump?

1 A. No.

2 Q. Why not?

3 A. Because everything required Mr. Trump's signoff. On
4 top of that, I wanted the money back.

5 MS. HOFFINGER: Thank you.

6 Can you take that down.

7 Now, can you show People's Exhibit 256, please, in
8 evidence.

9 (Displayed)

10 Q. Do you see some either emails or text messages here?

11 A. I do.

12 Q. Who are these communications with on October 26th?

13 A. These are communications between myself and Delaney
14 Corp., going back to Patty.

15 Q. Can you take a look at the texts on that date.

16 Actually, withdrawn.

17 You said that you called Mr. Trump at about 8:30 a.m.
18 on October 26th; do you recall that?

19 A. Yes, ma'am.

20 Q. At approximately 9:04 a.m., is that when you reached
21 out to Patty at Delaney Corp. to get documentation needed?

22 A. Yes.

23 Q. Why did you email her? I believe it's an email at that
24 time?

25 A. Because I needed to get certain documentation in order

1 to open up the account at First Republic Bank.

2 Q. What sort of documentation did you need? I think it's
3 in the email.

4 A. Final receipt.

5 Q. For Essential Consultants?

6 A. For Essential Consultants.

7 Q. Did you have an understanding you would need that for
8 the bank to get it set up?

9 A. Yes.

10 Q. Thank you.

11 Was there some urgency with Patty at Delaney Corp. to
12 get it right away?

13 A. It was time sensitive, so I was doing my best within
14 which to impress upon her that I needed it ASAP.

15 MS. HOFFINGER: Can we take a look at now People's
16 368 in evidence.

17 (Displayed)

18 Q. Do you recognize this "Know Your Customer Form?"

19 A. I do.

20 Q. Do you know, when you open up accounts with banks, that
21 they fill out "Know Your Customer" information so they know the
22 need for the account? Are you familiar with that?

23 A. Yes.

24 Q. Now, did you meet with a representative of First
25 Republic Bank to give them some further information for the KYC

1 form?

2 A. Yes.

3 Q. And -- withdrawn.

4 MS. HOFFINGER: Can we take a look at Page 2 of 4
5 of that PDF. Blow up there the description of "Business
6 Narrative."

7 (Displayed)

8 Q. And if could you read that to the jury, Mr. Cohen?

9 A. Yes, ma'am.

10 It states: Michael Cohen is opening Essential
11 Consultants LLC as a real estate consulting company to collect
12 fees for investment -- it should say consultation work -- he
13 does for real estate deals. It is dated October 26, 2016.

14 Q. And was that business narrative description on the KYC
15 form true or false?

16 A. It's false.

17 Q. Why didn't you give them the true reason of setting up
18 that account?

19 A. To hide the intent of the reason for opening Essential
20 Consultants, which is to pay for a Non-Disclosure Agreement.

21 Q. Did you have an understanding as to whether the bank
22 may or may not open such an account if you had given them a true
23 reason?

24 A. I believe they probably would not.

25 MS. HOFFINGER: Thank you.

1 Can you take that down.

2 Q. Take a look at People's 371 in evidence. Do you
3 recognize the documents that are contained in People's 371?

4 A. I do.

5 Q. What kind of documents are these?

6 A. This is a document to open up the account as well as a
7 signature card.

8 MS. HOFFINGER: And if you can scroll down a
9 little bit.

10 (Displayed)

11 Q. Are there also some certificates attached, first of
12 all?

13 A. Yes.

14 Q. What is attached here?

15 A. This is the filing receipt for Essential Consultants.

16 Q. This was required for you to set up the account?

17 A. Yes, ma'am.

18 Q. Can we take a look at Page 3 here in terms of the type
19 of business that's on this form.

20 A. Yes.

21 Q. What does it say?

22 A. Consulting.

23 Q. And, again, was that a true description of your intent
24 to open up that account?

25 A. No, ma'am.

1 Q. And for the same reasons that you said earlier?

2 A. For the same reason.

3 MS. HOFFINGER: Can we take a look at the
4 signature pages on Pages 4 and 5 of the PDF.

5 (Displayed)

6 Q. I am just asking you: Did you sign that form?

7 A. That is my signature. Dated, October 26, 2016.

8 MS. HOFFINGER: Thank you.

9 You can take that down.

10 Q. By the way, did you identify Mr. Trump on that opening
11 account document as being involved with that Essential
12 Consultants account at Federal Republic Bank?

13 A. No, ma'am.

14 Q. Why not?

15 A. Because, again, it was to protect him and isolate him
16 from the transaction.

17 MS. HOFFINGER: Can we now put up People's 372 in
18 evidence. And can you read this.

19 (Displayed)

20 Q. First of all, who is this email from and who is it to?

21 A. This is an email from Elizabeth Rapaport, another
22 employee of First Republic Bank, on October 26, 2016, to me.

23 Subject: First Republic Bank transfer.

24 The importance: Hi.

25 Good afternoon, Mr. Cohen. Per our conversation over

1 the phone, please confirm your request to transfer \$131,000 from
2 your HELOC account number ending in 6194 to your checking
3 account ending in 1897.

4 Q. And your response?

5 MS. HOFFINGER: If we can show Mr. Cohen's
6 response.

7 (Displayed)

8 A. "Confirmed."

9 Q. Is this consistent with the plan that you discussed
10 about how you were going to fund this account to make a payment?

11 A. Yes.

12 Q. And was this email sent to you at your Trump
13 Organization email?

14 A. Yes, ma'am.

15 Q. What does your signature block say on that email?

16 A. Executive Vice-President, Special Counsel to Donald J.
17 Trump.

18 MS. HOFFINGER: Thank you.

19 You can take that down.

20 Can we now take a look at People's Exhibit 284 in
21 evidence.

22 If we can blow up the email a little bit.

23 (Displayed)

24 Q. Do you recognize this email, Mr. Cohen?

25 A. I do.

1 Q. What is this email?

2 A. This is an email from Elizabeth Rapaport to me. Dated
3 Wednesday, October 26, 2016, at 4:15 p.m., regarding First
4 Republic's Bank transfer.

5 Good afternoon, Mr. Cohen. The funds have been
6 deposited into your checking account ending in 1897.

7 Best, Lizzie.

8 Q. What do you do with that email, do you forward that?

9 A. I did.

10 Q. Who did you forward it to?

11 A. Keith Davidson.

12 Q. And why did you forward it to Keith Davidson?

13 A. In order to demonstrate to him that the deal is going
14 to be consummated, that we're moving forward with it. To make
15 sure everything stays locked down, that Ms. Daniels is under
16 control.

17 MS. HOFFINGER: Thank you.

18 You can take that down.

19 Can we now put up People's Exhibit 168 in
20 evidence.

21 (Displayed)

22 Q. Who is this an email from and who is this to?

23 A. This is an email from Dylan Howard, dated Wednesday,
24 October 26, 2016, at 8:23 p.m.

25 Subject is: Confirmation.

1 It's to me and to Keith Davidson.

2 Q. What does it read?

3 A. Michael, Keith: Thank you both for chatting with me
4 earlier. Confirming Agreement on it.

5 States: Executed Agreement hand signed by Keith's
6 client and returned via overnight or same day FedEx to Michael.

7 Next point was: Change of Agreement to reflect the
8 correct LLC. because I had previously given him the name
9 Resolution Consultants LLC.

10 And the third part was: Transfer of funds on Thursday
11 a.m. to be held in escrow until receipt of Agreement.

12 Thank you both.

13 Dylan.

14 Q. Did you have an understanding why Dylan Howard was
15 sending you and Keith Davidson this email?

16 A. Just outlining everything that had happened. They,
17 too, had been very active in terms of helping to secure and lock
18 down the Agreement. Not to mention David wanted to ensure that
19 Mr. Trump knew how much time and work that they had invested
20 into making this happen for his benefit.

21 Q. But, just to focus, this is Dylan Howard on this making
22 sure, is it not, that the transaction --

23 A. Yes. And Dylan Howard, of course, works for David
24 Pecker.

25 MS. HOFFINGER: Can we take that down now and put

1 up People's 366 in evidence.

2 And can we blow up the top of this a little bit so
3 we can see what it is.

4 (Displayed.)

5 Q. Do you recognize this document?

6 A. I do.

7 Q. What is it?

8 A. This is a wire transfer document.

9 Q. Is it an authorization?

10 A. It is.

11 MS. HOFFINGER: Can we scroll down just a little
12 bit to your signature.

13 (Displayed)

14 Q. Is this an authorization signed by you, a First
15 Republic Bank document, authorizing the transfer of money?

16 A. Yes.

17 Q. What is the date on this authorization form?

18 A. October 27, 2016.

19 Q. And so, the next day, on October 27, 2016, did you wire
20 \$130,000 payment to Keith Davidson?

21 A. I did.

22 Q. And is Mr. Davidson listed as the beneficiary of wire
23 on this form?

24 A. Actually, his Attorney-Client Trust Account is.

25 MS. HOFFINGER: Can we blow up the description of

1 the purpose of the wire on this form.

2 (Displayed)

3 Q. What does that say is the purpose of the wire?

4 A. It states "retainer."

5 Q. And was that truthful or was there a retainer?

6 A. No, ma'am.

7 Q. What was the true purpose of this wire transfer that
8 was made to Mr. Davidson's account?

9 A. In order to pay Stormy Daniels to execute the
10 Non-Disclosure Agreement and to obtain her story, her life
11 rights.

12 Q. So, this was not truthful; is that right?

13 A. Correct.

14 Q. That's for the same reasons that you stated earlier?

15 A. Yes, ma'am.

16 MS. HOFFINGER: Thank you.

17 You can take that down.

18 Can you now, please, put up People's Exhibit 285
19 in evidence.

20 Blow that up just a little bit.

21 (Displayed.)

22 Q. Can you tell the jury what this email is, from who to
23 who, and what it is?

24 A. Yes.

25 It's to me, from Keith Davidson. Dated, Thursday,

1 October 27, 2016.

2 With the subject line: Wire on behalf of Essential
3 Consultants LLC.

4 It states: I confirm that I will work in good faith
5 and that no funds shall be disbursed unless and until the
6 Plaintiff personally signs all necessary settlement paperwork.
7 The form of which will match the prior Agreement.

8 The settlement documents will name the correct
9 corporation, Essential Consultants LLC.

10 Plaintiff's signature will be Notarized and returned to
11 you via FedEx.

12 Only after you receive the FedEx, will I disburse.

13 Fair?

14 (Whereupon, Theresa Magniccari, Senior Court Reporter,
15 was relieved by Laurie Eisenberg, Senior Court Reporter.)
16
17
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24
25

Theresa Magniccari
Senior Court Reporter

1 (Continued from the previous page.)

2 Q So -- and I apologize.

3 Was that the second email in this email chain, was there a
4 prior email?

5 A Yes.

6 MS. HOFFINGER: Can we blow up the prior email.

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

8 Q And you can describe the prior email that preceded
9 Mr. Davidson's response. Your email.

10 A Sure.

11 Prior to the receipt of Keith Davidson's response, I had
12 sent to Keith: "Kindly confirm that the wire received today,
13 October 27, 2016, shall be held by you in your attorney's trust
14 account until such time as directed for release by me, in
15 writing. Additionally, please ensure that all paperwork
16 contains the correct name of Essential Consultants LLC. I thank
17 you in advance for your assistance and look forward to hearing
18 from you later. Yours, Michael."

19 Q Why did you send this email to Keith Davidson?

20 A I sent it to him to ensure that the wire was received
21 by him, that he had properly corrected the name on the
22 paperwork to reflect Essential Consultants LLC, and to ask
23 him -- direct him, as an attorney through his lawyer's IOLA
24 account, not to disburse any funds to Ms. Daniels or anyone
25 else until such time as directed by me.

1 I wanted to ensure that I received the executed
2 Non-Disclosure Agreement, as promised, before they released
3 funds.

4 Q At this point, you didn't yet have the signed
5 Agreement from Ms. Daniels; correct?

6 A Correct. The signed Agreement and the Side Letter
7 Agreement.

8 MS. HOFFINGER: Thank you.

9 You can take that down.

10 Q Now, after you wired that money to Keith Davidson, did
11 you then receive the final Non-Disclosure Agreement and the
12 Side Letter signed by Ms. Daniels?

13 A I did.

14 Q What were the general terms of the Agreement?

15 Were they the same as the Agreement that had been sent to
16 you on October 11th?

17 A Yes.

18 In consideration for the \$130,000, that she had transferred
19 all rights assigned to the life rights of the story, and it
20 also contained/states punitive damages of \$1 million per
21 violation clause.

22 Q Did you let Mr. Trump know once you received it that
23 you had it?

24 A Immediately.

25 Q Why did you do that?

1 A For two reasons.

2 One, so that he would know the matter, the task that he
3 gave to me was finished, accomplished and done.

4 But, also, to take credit for myself, so he knew that I had
5 done and finished it. Because this was important.

6 Q Let's take a look at the Agreement first.

7 Actually, let's take a look at -- let's take a look at the
8 Agreement first.

9 MS. HOFFINGER: Let's put up People's 276,
10 please.

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

12 Q Is this the final Settlement Agreement and Side Letter
13 Agreement signed regarding the Stormy Daniels matter?

14 A This is one page of it, yes.

15 Q We can scroll down just so that you see it is the
16 final Agreement.

17 (Whereupon, the exhibit scrolls on the screens.)

18 A (Nods yes.) Yes, ma'am.

19 Q Did Mr. Trump sign this Agreement anywhere?

20 A No.

21 Q Why not?

22 A Because, again, the purpose of it was to ensure his
23 name didn't appear anywhere, as he's a candidate for the
24 Presidency of the United States of America, and this would not
25 have been to his benefit to do so.

1 Q Who signed on his behalf?

2 A I did.

3 MS. HOFFINGER: Can we take a look at the first
4 page, please, lower right.

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

6 Q Do you see some initials for DD?

7 A Yes.

8 Q What did that stand for?

9 A David Dennison.

10 Q Who did that reference?

11 A That was supposed to be Mr. Trump's pseudonym.

12 Q What are the initials put upon that?

13 A EC.

14 Q What did that stand for?

15 A Essential Consultants.

16 Q Did you put that signature there?

17 A That's my signature, yes.

18 Q Did you do that on each of the pages of the Agreement?

19 A I did.

20 MS. HOFFINGER: Can we take a look at Page 14 --
21 actually, Page 15 of the PDF where there's some
22 signatures.

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

24 MS. HOFFINGER: Blow that up.

25 Q Do you see a signature by Stephanie Clifford?

1 A I do.

2 Q What's the signature below that?

3 A That's my signature on behalf of Essential Consultants
4 LLC.

5 Q What's the date on it?

6 A October 28th of 2016.

7 Q Now, you'll see that above that, there is a line for
8 DD.

9 Is there a signature there?

10 A No.

11 Q Is that for the reasons you just discussed?

12 A For the same reason.

13 There's also secondary intent here that since it's an LLC,
14 ultimately, what I would do down the road is just transfer the
15 LLC to Mr. Trump, and it didn't require then to have his
16 signature or anything attached; he would still be the
17 beneficial owner of it.

18 MS. HOFFINGER: Can we take a look at the Side
19 Letter Agreement, which is on Page 17 of the PDF.

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

21 Q Just as a reminder, what was the purpose of this Side
22 Letter Agreement?

23 A This was a document, a one of one, that would identify
24 who the pseudonyms referenced.

25 Q Was this the Agreement that you said only you were

1 going to have possession of?

2 A Correct.

3 Q Who is identified here as being the David Dennison in
4 the Settlement Agreement?

5 A Donald Trump.

6 Q Let's look at the third to last paragraph on Page 18
7 of the PDF.

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

9 Q What does this indicate in terms of who would keep the
10 Side Letter Agreement?

11 A Both Keith Davidson and myself, counsel for the
12 parties.

13 Q Does it say "attorney's eyes only"?

14 A Correct.

15 Q Is that for the reason you described, as to keep it
16 confidential?

17 A Yes.

18 That was the whole purpose of this transaction.

19 MS. HOFFINGER: Can we take a look at Page 18 on
20 the Agreement, the signature blocks on the Agreement.

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

22 Q Who are the signatories on this Side Letter Agreement?

23 A Stephanie Clifford, Keith Davidson, and myself.

24 Q The signature line is blank for David Dennison?

25 A Correct.

1 Q Is it for the reasons you just disclosed?

2 A Yes, ma'am.

3 Q Look at Page 19, finally, of the PDF, Exhibit B.

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

5 Q Take a look at the signatures there.

6 A Yes, ma'am.

7 Q Who signed this Agreement, which is Exhibit B of the
8 Agreement?

9 A Stephanie Clifford on behalf of Peggy Peterson, and my
10 signature on behalf of Essential Consultants LLC.

11 Q What is the initials below your signature there?

12 A DD.

13 Q Was that you signing on behalf of David Dennison?

14 A Yes.

15 MS. HOFFINGER: Thank you.

16 You could take that down.

17 Q You mentioned that you spoke to Mr. Trump about
18 finalizing this Agreement.

19 MS. HOFFINGER: Can we take a look at People's
20 349 in evidence.

21 Can we take a look at the call between Mr. Cohen
22 and Mr. Trump at 11:48 AM for 5 minutes and 16 seconds.

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

24 A October 28th of 2016, I made a call to Mr. Trump that
25 lasted 5 minutes and 16 seconds at 11:48 in the morning.

1 Q Was that the same day that you signed the
2 Non-Disclosure Agreement and the Side Letter Agreement to
3 finalize this deal?

4 A Yes.

5 Q What did you discuss with Mr. Trump on this call?

6 A That this matter is now completely under control and
7 locked down pursuant to the Non-Disclosure Agreement.

8 Q Did you indicate to him that the documentation had all
9 been finalized?

10 A Yes.

11 MS. HOFFINGER: You can take that down.

12 Can we now put up People's Exhibit 180 in
13 evidence, please.

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

15 Q I want to direct your attention now to November 4th of
16 2016.

17 Approximately how many days before the election was this?

18 A Several days.

19 Q And did you learn at around this time that The Wall
20 Street Journal was going to release an article with the story
21 about AMI had paid off Karen McDougal?

22 A Yes.

23 Q How did you first learn, if you can recall, that an
24 article like this was going to be published?

25 A I don't recall who sent me the text. It could have

1 been Hope or somebody else.

2 Q But, did you understand ahead of time what the
3 article, generally, was going to be about?

4 A Yes.

5 Q Did you understand ahead of time that in addition to
6 the story being, largely, about Karen McDougal, that there
7 might be a mention of Stormy Daniels as well?

8 A Yes.

9 Q What did you do when you found out that The Wall
10 Street Journal was going to be publishing such an article?

11 A Contacted Keith Davidson.

12 Q And did you -- before we get to Keith Davidson, did
13 you also contact Hope Hicks?

14 A Yes.

15 Q And did you contact David Pecker?

16 A I did.

17 Q And what was your effort in contacting folks like
18 David Pecker and Hope Hicks at around this time?

19 A So that we can all coalesce around this issue in an
20 attempt to, again, quell the potential effects that would
21 result from an article like this.

22 MS. HOFFINGER: Can we take that down just for a
23 moment and bring up People's 338 in evidence.

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

25 MS. HOFFINGER: Can we highlight the calls

1 between Mr. Cohen and Hope Hicks on November 4, 2016?

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

3 Q Do you see a number of calls that day, Mr. Cohen, that
4 you had with Hope Hicks?

5 A I do.

6 Q What was the substance of your calls with Ms. Hicks
7 that day?

8 A Getting our hands around this article, figuring out
9 how to change the narrative and how to quash any of the
10 negative results that would come from it, as it was days before
11 the election.

12 Q Did you discuss with Hope Hicks what the Trump
13 campaign's response might be to this article?

14 A Yes.

15 Q And what was the gist of the statement that was going
16 to be sent to The Wall Street Journal on behalf of the
17 campaign?

18 A Deny it.

19 Q Did Ms. Hicks tell you before -- withdrawn.
20 Did Hope Hicks share with you a draft statement that she
21 was going to send to The Wall Street Journal?

22 A Yes.

23 MS. HOFFINGER: Can you take that down and put up
24 People's Exhibit 318 in evidence.

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

1 Q Do you recognize that?

2 A I do.

3 Q Tell the jury what that is. What's reflected in that
4 document?

5 A This is an email from Hope Hicks, dated Friday,
6 November 4, 2016, to me.

7 It states: "We have nothing to do with this final attempt
8 by the liberal elite to disparage Donald Trump and stop this
9 historic movement. We have no knowledge of this false story
10 allegedly being shopped around, although it comes as no
11 surprise -- yet another publicity hungry individual with a get
12 rich and famous quick scheme at the expense of Mr. Trump."

13 What she was sending to me was a series of ideas and
14 thoughts to use for the media and to put out to the media.
15 Again, to get control over the release of that article.

16 Q Was she sending you several different options for the
17 campaign to spin as a response to this article?

18 A Yes.

19 Q And was she looking for you to provide some advice to
20 her?

21 A Yes.

22 Q Did you offer your input here on the campaign -- the
23 Trump campaign's response?

24 A Yes.

25 Q Can we scroll up to your email response to her.

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

2 A So, after reviewing her four different options, I
3 thought best -- again, it's the same day, 11-4-2016. This is
4 now taking place at 5:40 PM. And I sent this email to Hope
5 Hicks.

6 My comment to her is: "Instead, say: These accusations are
7 completely untrue and just the latest despicable attempt by the
8 liberal media and the Clinton machine to distract the public
9 from the FBI's ongoing criminal investigation into Secretary
10 Clinton and her closest associates."

11 MS. HOFFINGER: Thank you.

12 You can take that down.

13 Q You mentioned that you also reached out to Keith
14 Davidson?

15 A Yes.

16 Q Tell us about --

17 MS. HOFFINGER: Well, first, can we show People's
18 Exhibit 337.

19 Can we cull out the seven calls Mr. Cohen had
20 with Keith Davidson on that day.

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

22 Q Did you have a number of calls with Mr. Davidson on
23 that day?

24 A I did.

25 Q Describe, generally, the calls you had with

1 Mr. Davidson on that day.

2 A I wanted to ensure that Ms. Daniels did not go rogue,
3 that any of the people that she had known weren't providing any
4 statements or information regarding this.

5 Q Let me ask you also a question: Did you also discuss
6 with him Karen McDougal?

7 A Yes.

8 Q Had Mr. Davidson represented Ms. McDougal, as well as
9 Stormy Daniels?

10 A He represented both.

11 Q What, if any, discussion did you have with him -- that
12 article we looked at was, largely, about Karen McDougal?

13 A It was mostly, 95 percent of it, 99 percent of it was
14 Karen McDougal.

15 Q What, if anything, did you discuss with Mr. Davidson
16 on those phone calls about Karen McDougal?

17 A That she was also under control, that nobody is going
18 rogue here.

19 Q In addition to that, did you express any anger at
20 Mr. Davidson for that article?

21 A Yes.

22 Q Why?

23 A Because she was his client, and I expected that he
24 would have this under control.

25 Again, it was days before. And I wanted to ensure Mr. Trump

1 was safe.

2 Q Were you angry with him?

3 A Very.

4 Q Did you think someone on his side had leaked something
5 like this to The Wall Street Journal?

6 A Yes.

7 Q Did you indicate to him that somebody might be very
8 upset with him?

9 A I did.

10 Q Who did you indicate might be very upset with him?

11 MR. BLANCHE: Objection. Leading.

12 A Mr. Trump.

13 THE COURT: Sustained.

14 Q What, if anything, did you tell him about Mr. Trump
15 during those calls?

16 A That he was really angry, and I truly hoped that we
17 don't come back to find out that this is something that you
18 guys did where -- this is -- this is a major problem.

19 Q Did Mr. Davidson issue some comments and denials to
20 The Wall Street Journal in response?

21 A Yes.

22 Q Were you satisfied at that point?

23 A That was the way he was going to appease me. More
24 importantly, to appease Mr. Trump.

25 MS. HOFFINGER: Thank you.

1 You can take that down.

2 Q Did you also speak with Dylan Howard on November 4th
3 of 2016 about The Wall Street Journal article?

4 A Yes.

5 MS. HOFFINGER: Can we show People's 339 in
6 evidence.

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

8 MS. HOFFINGER: Can we cull out four calls with
9 Mr. Howard on November 4th of 2016.

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

11 A Yes.

12 Q Did you have a number of calls with him, as well?

13 A Yes.

14 Q What, generally, did you discuss with him?

15 A The Karen McDougal article.

16 Q Was there a concern -- what, if any, concern did
17 you -- on the part of AMI was there about this article?

18 A Well, remember that AMI was now in contract with Karen
19 McDougal for the two covers as well as the, um, 24 articles
20 that were to be penned.

21 And I was expressing to him also, in a rather angry manner,
22 that: She's now part of your team. You need to get a hold of
23 this and also start issuing denials.

24 MS. HOFFINGER: You can take that down.

25 Can you also put up 340 in evidence.

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

2 Q Did you also have a number of calls with David Pecker
3 on November 4th of 2016?

4 A Yes.

5 Q What, generally, did you discuss with him?

6 A Same -- same matter and the same statements that I had
7 made to Dylan Howard.

8 MS. HOFFINGER: Thank you.

9 You can take that down.

10 Now, can we show People's 262 in evidence,
11 please.

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

13 MS. HOFFINGER: Can we pull up, in particular,
14 some texts on November 4th of 2016 between Michael Cohen
15 and Keith Schiller.

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

17 A So, on November 4th of 2016, at 7:26 PM, I received a
18 text message from Keith Schiller, asking me if I can take a
19 call in 30 minutes.

20 My response immediately was: "Of course."

21 MS. HOFFINGER: Thank you.

22 You can take that down.

23 Can we put up People's 341 in evidence now.

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

25 MS. HOFFINGER: Can we highlight the calls

1 between Mr. Cohen and Mr. Schiller on 11-4 -- November 4th
2 of '16.

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

4 Q What does this call summary reflect?

5 A This reflects my conversation with Mr. Trump, who was
6 with Keith Schiller at the time.

7 Q And this is -- the call here is at approximately
8 9:06 PM?

9 A Yes.

10 Q For about five minutes?

11 A Five minutes, 55 seconds.

12 Q Almost six minutes.

13 And do you believe you spoke to Mr. Trump using
14 Mr. Schiller's phone at that time?

15 A Yes.

16 Q Do you recall the substance of your conversation with
17 Mr. Trump, just generally?

18 A Yes.

19 Q What was it?

20 A This was a real serious, again, problem. Especially
21 being that it was so close to the -- Election Day.

22 And I told him exactly who I had spoken to, the sum and
23 substance of my conversations with each of them: David said he,
24 as well, was going to get to the bottom of all of this. I had
25 Dylan Howard on board. I even had Keith Davidson. That we

1 were going to be issuing denials and do everything within our
2 power to protect Mr. Trump.

3 Q Was he angry, upset on that call?

4 A Yes.

5 Q Did he stress why he was upset?

6 A Because there was a negative story that, once again,
7 could impact the campaign as a result of women.

8 MS. HOFFINGER: Thank you.

9 You can take that down.

10 Q Now, after The Wall Street Journal article came out
11 with this story about Karen McDougal, largely, did you have
12 some texts with Hope Hicks right after the article came out?

13 A Yes.

14 MS. HOFFINGER: Can you put up, please, People's
15 259 in evidence.

16 Your Honor, is there a time you want to take a
17 break?

18 THE COURT: This a good time?

19 MS. HOFFINGER: Perfectly fine.

20 THE COURT: Let's take our afternoon recess.

21 You can step out.

22 COURT OFFICER: All rise.

23 (Whereupon, the jurors and the alternate jurors
24 are excused.)

25 THE COURT: You can step out.

1 (Whereupon, the witness is excused.)

2 THE COURT: I am not going to rush you.

3 I want to get a sense of how much you have.

4 MS. HOFFINGER: I believe I'll be going into some
5 portion of tomorrow.

6 THE COURT: Thank you.

7 (Whereupon, a recess is taken.)

8 *****

9 COURT OFFICER: Part 59 is back in session.

10 THE COURT: You can get Mr. Cohen.

11 COURT OFFICER: Witness entering.

12 (Whereupon, the witness, Michael Dean Cohen,
13 having been previously duly sworn and/or affirmed, resumes
14 the witness stand.)

15 THE COURT: Let's get the jury.

16 COURT OFFICER: Jury entering.

17 (Whereupon, the jurors and the alternate jurors
18 are present and properly seated.)

19 THE CLERK: Case on trial continued.

20 All jurors are present and properly seated.

21 CONTINUED DIRECT EXAMINATION

22 BY MS. HOFFINGER:

23 Q Mr. Cohen, when we left off, we were talking about the
24 day The Wall Street Journal article came out about Karen
25 McDougal and whether you had some texts with Hope Hicks on that

1 day.

2 Do you remember that?

3 A I do.

4 MS. HOFFINGER: Can we put up People's 259 now,
5 please, in evidence.

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

7 Q Do you recognize these texts, Mr. Cohen?

8 A I do.

9 MS. HOFFINGER: Let's direct Mr. Cohen's attention
10 to cells 10, 11 and 12 on the record.

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

12 Q Texts dated November 4th of 2016.

13 Can you read those texts?

14 MR. STEINGLASS: November 5th. Those are
15 November 5th.

16 A November 5th.

17 Q My apologies.

18 Correct. November 5th.

19 That's the day after the article came out?

20 A Yes, ma'am.

21 Q Can you read the texts with Hope Hicks on that day?

22 A It's from me to Hope Hicks at 7:35 AM: "So far I see
23 only six stories. Getting little to no traction."

24 Hope then responds to me: "Same."

25 Then she continues with: "Keep praying. It's working."

1 Q What did you mean when you said, "So far I see only
2 six stories. It's getting little to no traction?"

3 A The concern was, again, that this story would explode
4 into a massive issue, and we were monitoring to see the type of
5 traction that the story was getting from other news sources.

6 So far, she only found six stories. I found six stories.

7 And we were, again, hoping, praying that it was working,
8 that what we did in terms of the denials and reaching out to
9 the various media outlets was suppressing the story itself.

10 MS. HOFFINGER: Can we take a look now at cell 13
11 and 14 on Page 2.

12 This is another text on November 5th of 2016.

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

14 Q Can you read that?

15 A Yes.

16 Again, November 5, 2016. From me to Hope. "Even CNN not
17 talking about it. No one believes it and if necessary, I have a
18 statement by Storm" -- Stormy -- "denying everything and
19 contradicting the other porn star's statement. I wouldn't use
20 it now or even discuss with him as no one is talking about this
21 or cares."

22 Her response to me: "Agree."

23 Q What did you mean here by a reference to "a statement
24 by Stormy?"

25 A As per the earlier statements that I made when I had

1 reached out to David Pecker, Dylan Howard, Keith Davidson, the
2 goal was to be able to obtain statements from them and use them
3 and issue denials to the sum and substance of the conver -- of
4 the article.

5 Q Where you indicated that if you needed to, you could
6 get a statement from Stormy Daniels if you needed to?

7 A Correct.

8 Q Now, can you please take a look at cell --

9 MS. HOFFINGER: Pull up cell 17 and 22 on Page 2
10 at 11:24 AM.

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

12 Q Can you read those texts, please?

13 A This is November 5th of 2016 from Hope to me: "David
14 Pecker's cell?"

15 And she responds again: "I have it but he thinks it's
16 wrong."

17 I then sent her David's cell number, contact information.

18 She says: "That's the same one. Thanks."

19 I then send a response: "He called me from this number
20 this morning."

21 Hope responds to me: "The spoke. All good."

22 I think she meant: They spoke. All good.

23 Q What did you understand her to mean by "Spoke. All
24 good?"

25 A Mr. Trump.

1 Q Spoke with who?

2 A I believe with David Pecker.

3 Q Four days later, or at that point a few days later, on
4 November 4th -- withdrawn.

5 On November 8th of 2016, a few days later, did Mr. Trump
6 win the election?

7 A Yes.

8 Q Now, after Mr. Trump was elected President in November
9 of 2016, was there going to be a continuing role for you at The
10 Trump Organization?

11 A No.

12 Q Why not?

13 A Because my service was no longer necessary, as I was
14 Special Counsel to Mr. Trump, and he was now President-Elect.

15 Q So, with Mr. Trump leaving, would there be anybody for
16 you to work with or report to at The Trump Organization?

17 A No, ma'am.

18 Q Was that because you previously reported directly to
19 him?

20 A And only to him.

21 Q After Mr. Trump was President-Elect, were there some
22 discussions about potential roles for you in the White House?

23 A Yes.

24 Q Were you offered a position as Assistant General
25 Counsel?

1 A Yes. It was something that Reince Priebus had offered
2 to me.

3 Q Did you want that role of Assistant General Counsel?

4 A No, ma'am.

5 Q Did Mr. Trump or anybody working for him on the
6 transition team ever offer you the position of Chief of Staff?

7 A No, ma'am.

8 Q Was that disappointing for you, that you were not
9 offered or your name was not considered for that role?

10 A Yes.

11 Q Explain.

12 What was the disappointment?

13 A Well, I didn't want the role. I didn't believe the
14 role was right for me or that I was even competent to be Chief
15 of Staff.

16 I just wanted my name to have been included in the fact
17 that I had not once, but twice, started the campaign, been a
18 surrogate. After all of this going through, I had other ideas
19 for myself, what I wanted, but I wanted to at least be
20 considered.

21 It was more about my ego than anything.

22 Q Did some of your friends or your colleagues suggest to
23 you that you should have been considered for that role?

24 A Yes.

25 Q Did you indulge some of that conversation?

1 A I did. I indulged them.

2 Q For the reasons you explained, that you would have
3 liked --

4 A I would have liked to have been considered. It would
5 have been right.

6 Again, it was solely for my ego.

7 Q Now, at some point during this transitional time
8 period, so from November to December, did you pitch to
9 Mr. Trump another role for you after he became President?

10 A Yes.

11 Q What was the role that you -- or the title role that
12 you pitched to him?

13 A Personal Attorney to the President.

14 Q And what were the reasons that you wanted that title,
15 that role, Personal Attorney to the President?

16 A First of all, I thought that he would need it because
17 there was still outstanding matters that we were dealing with.

18 And every President has a personal attorney.

19 So, my thought was: That way I can continue to protect
20 him, to do the things that he needed with these other matters
21 and it would be protected.

22 I also had another thought in mind, which was consulting.
23 And that's what I really wanted. Because it also afforded me
24 the opportunity to stay at home with -- or stay in New York
25 with my son, my daughter, my wife.

1 None of them wanted to go to D.C.

2 Q Was -- when you say it would afford you an opportunity
3 to do consulting, did you have an idea of how you might use
4 this title of Personal Attorney to the President to your
5 benefit?

6 A Yes.

7 Q Explain that to the jury.

8 A Sure.

9 As Personal Attorney to the President, it opens up a
10 tremendous amount of doors for people who are trying to
11 understand Mr. Trump.

12 Unlike a Hillary Clinton or any other President or
13 politician, they're known. They have a history.

14 Mr. Trump was an enigma. He was a businessman, and nobody
15 knew what his feelings were, what his positions were on a
16 multitude of different areas.

17 Because of my close proximity to him for a decade, I did
18 understand it.

19 And I started to receive, early on -- literally, when I
20 was -- like, literally, the day after the election, people
21 would say: Hey, this is a great idea. There are people who are
22 going to want to speak to you because they need to formulate
23 their next four years of his Presidency to benefit their
24 business.

25 Q Did you think that, in a way, that you could monetize

1 your being Personal Attorney to the President?

2 A Absolutely.

3 Q In what way monetize?

4 A You know, with consulting agreements to various
5 different companies who wanted to understand Mr. Trump and
6 understand what his positions and his feelings are on certain
7 topics or issues.

8 Q Did that become your plan about what to do going
9 forward?

10 A Yes.

11 Q In December of 2016, did you make, sort of, a formal
12 pitch to Mr. Trump about your having that position, Personal
13 Attorney to the President?

14 A I did.

15 Q Can you explain that a bit?

16 A Yes.

17 So, on several occasions, Mr. Trump would say: "So, what
18 role is Michael taking?"

19 Reince Preibus would say: "I'm not sure yet. I've been here
20 ten minutes. You've been here ten years."

21 Then we go back to my office, and I say to Reince, "It's
22 all good. It's all good. It's not what I wanted."

23 So, I again pitched to Mr. Trump my interest in being
24 Personal Attorney to the President.

25 In order to assist me, I actually brought in an attorney

1 who is incredibly knowledgeable in history and presidential
2 history, and he prepared a memorandum. This was like a
3 three-page memo.

4 And we sat with the President-Elect at the time for about
5 an hour, and he went through this pitch, explaining the
6 importance and necessity of having a personal attorney for his
7 own protection and why I fit exactly that role.

8 Q Now, in connection with that pitch that you made to
9 President-Elect Trump at that time, in that meeting, did you
10 discuss anything with him about potential compensation for that
11 title?

12 A No, ma'am.

13 Q Why didn't you?

14 A Because I didn't expect to be compensated.

15 I knew that the compensation was going to come from the
16 companies that were already interested in speaking to me.

17 Q Now, did you mention to some other folks at The Trump
18 Organization that you had asked Mr. Trump for that title of
19 Personal Attorney to the President?

20 A Yes, ma'am.

21 Q Was one of the people that you mentioned that to Allen
22 Weisselberg?

23 A Yes.

24 Q Did you have discussions with your family about you
25 wanting that title, Personal Attorney or Counsel to the

1 President?

2 A Yes.

3 MS. HOFFINGER: I'd like to show just to the
4 witness, please, and Counsel and the Court, People's
5 Exhibit 258 for identification.

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

8 Q Do you recognize this document?

9 A I do.

10 Q What is it?

11 A These are text communications between myself and my
12 daughter.

13 Q And what, generally, do they relate to?

14 A To the position and the fact that I was not being
15 considered for Chief of Staff.

16 Q And are these texts exact copies of text
17 communications you had with your daughter on those issues at
18 the time reflected in this document?

19 A Yes, ma'am.

20 MS. HOFFINGER: I offer in evidence People's
21 Exhibit 258.

22 MR. BLANCHE: No objection.

23 THE COURT: Accepted into evidence.

24 (Whereupon, People's Exhibit 258 is received in
25 evidence and is shown on the screens.)

1 Q There are quite a few texts on there.

2 Can you summarize to the jury what's comprised in this
3 text?

4 A Sure.

5 So, my daughter and I are very close. We're very much
6 connected.

7 And she was concerned that I was upset that I was not being
8 considered for the role.

9 I explained that Reince Priebus was pushing like a madman
10 early on. But I explained to her that there are so many
11 opportunities.

12 "Like what?"

13 I said: "When they come closer, I'll tell you all of them."

14 At the time, when I was communicating with my daughter, she
15 was at college at the University of Pennsylvania. And I didn't
16 want to get into the ideas that were going on because they were
17 still in a formulation state.

18 And so, she asks me: "Are the opportunities in government
19 or no?"

20 And I explained to her: "It's a hybrid."

21 And what I was referring to as "a hybrid" is meaning as
22 Personal Attorney to the President, I would continue to have my
23 continued access to President Trump, and I would still be able
24 to monetize my relationship and my ability with these various
25 different companies.

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

M. Cohen - Direct/Hoffinger

1 *****

2 (Continued from the previous page.)

3 CONTINUED DIRECT EXAMINATION

4 BY MS. HOFFINGER:

5 Q Did there come a time, ultimately, that Mr. Trump then
6 gave you that title, Personal Counsel to the President?

7 A Yes, ma'am.

8 Q Do you remember -- do you know approximately when that
9 occurred?

10 A It was in January, like a day or two before he left for
11 the Inauguration.

12 MS. HOFFINGER: You can take that down. Thank you
13 so much.

14 Q I want to direct your attention to December of 2016,
15 when you were still at The Trump Organization.

16 Before President-Elect Trump gave you the title of Personal
17 Attorney to the President, was it customary in that time period,
18 December of 20 -- December of every year, actually, for
19 employees to receive an end-of-year bonus?

20 A It was for me.

21 Q So, December of 2016, did you find out -- well,
22 withdrawn.

23 How did you generally find out what your bonus was in
24 December of each year?

25 A So, after Mr. Trump would leave, he would be on a plane

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Senior Court Reporter

1 or he had already arrived to Palm Beach, Mar-a-Lago, Rhona would
2 walk around with a Christmas card, and it would be signed by
3 Mr. Trump and others, wishing you a Happy New Year, Merry
4 Christmas, et cetera, and in it would be a check.

5 Q And was it --

6 A And that's how you would find out what your bonus is.

7 Q So now, in December of 2016, just before you left The
8 Trump Organization, how did you find out what your bonus was?

9 A Rhona came and delivered the envelope, the Christmas
10 card.

11 Q And that year, December of 2016, was Mr. Trump in the
12 office when you received that bonus check in a card?

13 A No.

14 Q Do you know where he was at the time?

15 A He was in flight or had already arrived.

16 Q You mean in Florida?

17 A In Florida.

18 Q When you opened up the card and saw the check, how did
19 you feel about your 2016 bonus?

20 A Angry. Beyond angry.

21 Q Why were you angry?

22 A He cut my bonus by two-thirds.

23 Q And had Mr. Trump, at that time, in December of 2016,
24 repaid you yet for the \$130,000 that you paid out for Stormy
25 Daniels?

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Senior Court Reporter

1 A No.

2 Q And so, how did you feel about the situation of him
3 cutting your bonus and then also not repaying you yet for the
4 Stormy Daniels payout?

5 A I was truly insulted, personally hurt by it. I didn't
6 understand it.

7 It made no sense.

8 A After all that I had gone through in terms of the campaign,
9 as well as things at The Trump Organization, in laying out
10 \$130,000 on his behalf to protect him, it was insulting that
11 the gratitude shown back to me was to cut the bonus by
12 two-thirds.

13 Q Did you express your anger about the situation to
14 Mr. Weisselberg?

15 A Yes.

16 Q Would you tell the jury about your conversation with
17 Mr. Weisselberg about that?

18 A So, right after opening it, I actually had to take a
19 double take and then immediately went to Mr. Weisselberg's
20 office in the back and in some very colorful language expressed
21 to him how truly pissed off and angry I really was. This makes
22 no sense. At all.

23 But I used quite a few expletives.

24 Q Now, did you mention in that conversation with
25 Mr. Weisselberg that he also hadn't repaid you for the 130,000?

 Lisa Kramsky,
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 Lisa Kramsky,
 Senior Court Reporter

1 A Yes. I mentioned the fact that: You didn't lay out
2 the money; I did.

3 You weren't prepared to lay it out; I did.

4 And the best that you get for showing loyalty, the best that
5 you get for extending yourself as I did is have your bonus cut
6 by two-thirds.

7 I didn't expect more, but I certainly didn't expect less.

8 Q Did Mr. Weisselberg generally know what executives like
9 yourself were getting as bonuses end year?

10 A Yes. Every year Allen had the list, and he would sit
11 down with Mr. Trump and they would go through it before the
12 checks were prepared.

13 Q And so, was part of your anger also at Mr. Weisselberg
14 for allowing your bonus to be cut?

15 A Yes.

16 Q What was Mr. Weisselberg's response to you at that time
17 to the anger that you expressed to him?

18 A Take it easy. You know that Mr. Trump loves you. We
19 are going to do right by you. We will make sure that -- we are
20 going to make sure that you are taken care of. Just go. Enjoy
21 your vacation. Relax. We are going to do -- we will make this
22 right.

23 Q And did he tell you when it would be made right?

24 A After the holiday, when everybody returned to the
25 office.

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Senior Court Reporter

Lisa Kramsky,
Senior Court Reporter

1 Q What was your understanding about whether your
2 impact -- withdrawn.

3 What was your understanding about whether your anger had any
4 impact on Mr. Weisselberg?

5 A I think it did, in light of all of the things that I
6 had just been involved with and helped to resolve. I was, even
7 for myself, unusually angry. (Laughter.)

8 Q Did you complain to a few other people also about your
9 anger about not being repaid and also having your bonus cut?

10 A I'm sure I did.

11 Q Do you know whether you expressed your upset with David
12 Pecker?

13 A I'm sure I did.

14 Q Do you recall specifically any conversation with David
15 Pecker about your end-of-year bonus?

16 A Yes.

17 Q Can you just tell the jury a little bit about that,
18 what you recall?

19 A Yeah. I engaged him in conversation: Could you
20 believe this? I mean, it's like after all of this, and laying
21 out \$130,000 to protect him, this is the best that I get?

22 And I couldn't believe it.

23 I was really -- I -- and it was, it wasn't even so much
24 about the number as much as it was about the, sort of,
25 disrespect that came with it.

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1 And I was just -- just personally insulted.

2 Q Did you ask Mr. Pecker to help you with it?

3 A I -- I don't recall.

4 Q Did you also complain to Keith Davidson about it at
5 some point?

6 Do you remember having a phone call with him?

7 A I might have had a phone call with Keith Davidson.

8 Q Also complaining about the situation?

9 A I may have mentioned it.

10 I'm not so sure that -- Keith Davidson and I didn't really
11 know each other, other than his representation of Ms. Clifford
12 and Ms. Daniels, whereas David Pecker I had a much longer
13 relationship with. So, I'm not sure that I was complaining to
14 Keith Davidson as much as I probably just mentioned it.

15 Q Now, did you go away with your family on holiday?

16 A I did.

17 Q And did Mr. Trump call you while you were on vacation?

18 A He did.

19 Q Can you tell the jury a bit about that conversation?

20 A He called me just before New Years, just to say:

21 Hello. How are things going? Are you enjoying the vacation?

22 Next year, you should come to Mar-a-Lago. Don't worry about

23 that other thing. I'm going to take care of it when we get

24 back.

25 Q What did you understand him to mean by that?

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Senior Court Reporter

1 A What he meant was the two-third diminution in the
2 bonus..

3 Q Did he mention at all -- what, if anything, did he
4 mention about any conversation that he had with Allen
5 Weisselberg?

6 A That he spoke to Allen and that he knows that I was
7 angry, but it's going to -- we will take care of it when we all
8 get back.

9 Q Now, after you had returned to the office, after your
10 holiday, did there come a time in January of 2017 when you had a
11 meeting with Mr. Weisselberg concerning the repayment of the
12 \$130,000 that you had gave to Stormy Daniels?

13 A Yes.

14 Q Tell us how that came about?

15 A Well, it's now after the new year, and I had laid out
16 this money with the understanding that it was going to be paid
17 back to me, how I was going to be reimbursed for this, and there
18 was no conversation about it.

19 So, I, of course, brought it up to Mr. Weisselberg to ask:
20 "When am I getting the money back?"

21 Q And what, if anything, did he say about trying to
22 resolve that with you?

23 A So he said to me: "Let's sit down. Let's meet and
24 let's do it."

25 Q What, if anything, did he ask of you to provide to
 Lisa Kramsky,
 Senior Court Reporter

1 him?

2 A So he asked for me to bring him a copy of the statement
3 showing the \$130,000 transfer.

4 Q And --

5 A From First Republic Bank.

6 Q And did he say anything to you at all about-- in
7 connection with that meeting or in that conversation, about
8 settling things globally and the position that you wanted?

9 A Yes, because we were -- not only was it about the
10 position, but also about other matters that were still open and
11 outstanding, for example, the bonus, as well as an issue with a
12 company called Red Finch.

13 Q Did you provide him with a document showing the
14 transfer of the \$130,000 to Keith Davidson for Stormy Daniels?

15 A Yes.

16 Q And did you say it was a bank statement from First
17 Republic Bank?

18 A Yes.

19 MS. HOFFINGER: Can we put up People's Exhibit 35,
20 please, in evidence.

21 (Displayed.)

22 *****

23 Q Do you recognize this document?

24 A I do.

25 Q What is it?

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Senior Court Reporter

1 A This is the bank statement for Essential Consultants
2 for the period of October 26th of 2016 through the 31st of
3 October of 2016.

4 Q What does it show?

5 A This is the document that I gave to Allen.

6 Q What does it show, this document?

7 A It shows the deposit of \$131,000, and the withdrawal of
8 \$130,035.

9 Q Does it show where the payment went to?

10 A It does.

11 Q What does it show?

12 A It shows domestic wire funds debit to Keith M. Davidson
13 Associates PLC.

14 Q And this is a document that you gave to Mr. Weisselberg
15 without the handwriting initially?

16 A Correct.

17 Q So let's look at the handwriting now. Whose
18 handwriting is at the bottom right?

19 A That's my handwriting.

20 Q And whose handwriting is at the bottom left and middle?

21 A That's Allen Weisselberg's.

22 Q And how were you able to recognize Allen Weisselberg's
23 handwriting?

24 A Well, I recognize the handwriting, but I was also there
25 in the room when he was writing it.

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 Senior Court Reporter

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 Senior Court Reporter

1 Q Over the years you've seen his handwriting and you've
2 watched him write on this document?

3 A Yes, ma'am.

4 Q Now, tell us what Allen Weisselberg told you at the
5 meeting, including what he told you to write on that document?

6 A So for Tech Services that were done. And it's
7 regarding a different type of a matter, one that I had gone to
8 Mr. Trump with on a regular basis in order to -- it was to
9 purchase IP addresses and things like that. The total that was
10 due to Red Finch was \$50,000. But that was actually done, like,
11 two years earlier.

12 Q So did Mr. -- what, if anything, did Mr. Weisselberg
13 tell you about what to put down about those monies that were
14 owed to Red Finch from two years earlier?

15 A Include everything as -- obviously, I was no longer
16 going to have a position at The Trump Organization, there was no
17 way for me to get that money back or to have this matter done --

18 Q What, if anything, did he tell you to do in terms of
19 totaling the monies owed to Red Finch and the monies that you
20 had paid out to Stormy Daniels to Keith Davidson?

21 A So the 130,000 was obviously the money that went for
22 the Non-Disclosure Agreement.

23 He told me to add up the 130 with the 50,000 for Red Finch.
24 Total it to 180,000. Thirty-five was lost, that was just a wire
25 transfer fee.

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1 Then he told me what he was going to do was to, it's called
2 "Gross it up," because I was taking it -- because I was taking
3 it as income.

4 And in order to get back the 180, you need to actually
5 double it because of tax purposes, being I was in the 50 percent
6 tax bracket, City, State and Federal.

7 So, in order to get back the 180, what he did was, he then
8 wrote down 360,000.

9 Q Did he tell you that he wanted to gross up that number
10 of 180,000 to 360,000?

11 A Yes.

12 Q And what was your understanding about why he said he
13 needed to gross it up to 360,000?

14 A Because otherwise you wouldn't get back your 180. It
15 would be, obviously, less.

16 If they gave me the 180, and they didn't gross it up, after
17 taxes onto it, it would be 90. Then, that's, again, assuming
18 that you take it as income as opposed to just a wash.

19 Q Let me back up just for a second.

20 Were you previously -- you were familiar with paying
21 expenses for something, in other words, The Trump Organization,
22 did you ever pay out any expenses for a business trip or
23 something like that?

24 A Yes.

25 Q And when you submitted it to The Trump Organization, if
 Lisa Kramsky,
 Senior Court Reporter

1 you laid out \$100 as an expense, what did you get back?

2 A One hundred dollars.

3 Q So it was not grossed up, the reimbursements were not
4 grossed up generally from the Trump Organization, to your
5 knowledge?

6 A Correct.

7 Q And was it Allen Weisselberg's idea that it should be
8 grossed up to \$360,000?

9 A And that it should be taken as income.

10 Q And so, was it his suggestion that you take it as
11 income instead of a reimbursement?

12 A Yes.

13 Q Now, you mentioned Red Finch. The payment plus the
14 \$50,000 to Red Finch.

15 And I think you mentioned that it was some services that a
16 tech company had provided to Mr. Trump?

17 A Yes.

18 Q And you said it was a couple of years earlier?

19 A Yes, it was earlier.

20 Q And had they completed the work for Mr. Trump?

21 A They did.

22 Q And had you discussed with Mr. Trump the work that was
23 done and completed and that he owed Red Finch \$50,000?

24 A Yes, ma'am.

25 Q And did he decide to pay Red Finch the money that they

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1 were owed?

2 A No.

3 Q And, briefly, without describing details, why did he
4 tell you that he didn't want to pay them?

5 A Because he didn't feel that he had gotten the benefit
6 of what he wanted, which dealt with the ranking.

7 Q Now, did you end up paying out some money yourself to
8 Red Finch?

9 A I did.

10 Q How did that come about?

11 A So I happened to know the CEO of Red Finch, and he
12 explained to me that: This isn't fair, I'm out money, I had to
13 acquire -- lay out money for the IP addresses that we were
14 obtaining and requesting. And each time that I needed to go back
15 for more, I would go to Mr. Trump's office asking and requesting
16 that he give me the permission.

17 And so, I said to him, let me -- I said, I'll -- I'll take
18 care of it -- I'll take care of you.

19 I needed him for other things that I was working on for
20 Mr. Trump's benefit.

21 And so I went to my bank and I took out money to give him
22 because he told me he was going to be coming into New York from
23 Virginia.

24 Q And did you pay him the full \$50,000? That was the
25 bill?

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Senior Court Reporter

Lisa Kramsky,
Senior Court Reporter

1 A No, ma'am.

2 Q And given that you didn't pay him the whole \$50,000,
3 why did you put down \$50,000 on there?

4 A Well, for the previous year and a half I had told
5 Allen: Look, I laid it out. My hope was to get it, the money
6 from Allen onto it, so that I can give it to him.

7 But it never happened, but I constantly reminded him because
8 I did want him, you know, to receive the funds.

9 Q Did you pay Red Finch less than \$50,000?

10 A I did.

11 Q Okay. And why did you then ask for \$50,000 back?

12 A Because that's what was owed and I didn't feel
13 Mr. Trump deserved the benefit of the difference.

14 Q And if you were going to get \$50,000, but you paid out
15 less than 50,000, were you going to keep the rest of it for
16 yourself?

17 A That's what I ended up doing.

18 Q And just to go back to one thing.

19 Did Allen Weisselberg -- was Allen Weisselberg able to
20 approve the repayment to Red Finch for \$50,000 without
21 Mr. Trump's approval?

22 A No.

23 Q Now, was there another piece to this repayment to you?
24 I think where we left off, you said that Mr. Weisselberg said
25 you needed to gross up the 180,000 to 360,000 to make it look

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Lisa Kramsky,
Senior Court Reporter

1 like income; is that right?

2 A Correct.

3 Q Was there something else that you were going to be
4 repaid?

5 A Yes.

6 Q What else?

7 A The -- in addition to the bonus that he had already
8 been previously given to me of \$60,0000.

9 Q And what did he tell you about that \$60,000 additional
10 bonus?

11 A That this is the best that he's going to get and...

12 Q Did he say anything about trying to make it right
13 because your bonus had been cut?

14 A Yes. Though, it was still short of what I expected,
15 but he thought that this was going to be an amount that would
16 make it right.

17 Q So, in addition to grossing up the 180 to 360, added on
18 to that was another \$60,000 for some additional bonus?

19 A Correct.

20 Q And what was the total that he wrote -- so is that,
21 those calculations on the left side by Mr. Weisselberg?

22 A They are.

23 Q And that's his handwriting?

24 A It is.

25 Q So what -- can you just tell the jury about the
Lisa Kramsky,
Senior Court Reporter

1 additions and the calculations there that Mr. Weisselberg
2 wrote?

3 A So you take 360 and add 60 to it, it was 420,000.

4 Q And what, if anything, did he indicate about the
5 420,000 at that point, if anything?

6 A Well, he didn't at that point. It was only after we
7 had spoken to Mr. Trump about the \$420,000 which, obviously, I
8 realized that they had already spoken.

9 Q Before you get to that. Just one question. I
10 apologize.

11 I just want to go back to something on the issue of Allen
12 Weisselberg telling you that they were going to gross up the 180
13 that you had put out or stated that you had put out as an
14 expense, of grossing it up to \$360,000, so that it would appear
15 to be income.

16 What was your understanding about Mr. Weisselberg's
17 background in terms of accounting and taxes?

18 A He's not a CPA. He has been Mr. Trump's CFO for well
19 over four decades.

20 Q And as Chief Financial Officer, what is your
21 understanding about whether he oversaw the Accounting Department
22 at The Trump Organization?

23 A He oversaw every aspect of the Accounting Department.

24 Q And, to your knowledge, did he also work with outside
25 tax accountants?

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1 A He did.

2 Q And based on that, and your knowledge of working with
3 him over the years, what's your understanding about his
4 knowledge about taxes and accounting?

5 A He certainly knows more than I do.

6 Q What, if any, understanding do you have about why he
7 grossed that reimbursement up to \$360,000?

8 A I didn't know. And, to be honest, I didn't really even
9 think about it. I just wanted to get my money back.

10 Q Now, at the end of the conversation that you just had
11 with Allen Weisselberg, did you believe that you were or think
12 that you were going to get that \$420,000 back in one lump sum?

13 A Yes.

14 Q Okay. And following the meeting with Mr. Weisselberg
15 and both of you adding that handwriting to People's 35, what did
16 you do and where did the two of you go at that time?

17 A We went to Mr. Trump's office in order to speak to him
18 about this.

19 Q Now, when was this, approximately?

20 A Right before the -- Mr. Trump left for the
21 Inauguration.

22 Q So, was he still at Trump Tower at that time?

23 A Yes.

24 Q What did you understand he was engaged in at Trump
25 Tower at that time?

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1 A Being President-Elect.

2 Q Was he at meetings at Trump Tower?

3 A Yes.

4 Q Now, what happened when you went into Mr. Trump's
5 office to have this discussion with him?

6 A During the conversation, Allen turned around and said
7 to me, ummm, while we were talking about this, it was -- and
8 what we're going to do is, we're going to pay you over
9 12 months.

10 It was probably better if I get it in one lump sum.

11 No, no, no, no. Why don't you do it as over 12 months and
12 it will be, ummm, paid out to you monthly.

13 Q And did he say anything about how it would be paid out
14 as something?

15 A Yeah, as like a legal service rendered since I was then
16 being given the title as Personal Attorney to the President.

17 Q And we will get to that in a second.

18 So was this conversation that you had with Mr. Weisselberg
19 in Mr. Trump's office with Mr. Trump?

20 A Yes.

21 Q And did Mr. Weisselberg have with him this document,
22 People's 35?

23 A He did.

24 Q And did he show this document to Mr. Trump?

25 A Yes.

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1 Q And did Mr. Weisselberg say in front of Mr. Trump how
2 much you were going to be paid in total?

3 A It was going to be divided by 12, and it's \$35,000 a
4 month, and that they would actually start making the payments
5 in February, not January, because there was a lot going on with
6 Mr. Trump moving to D.C., the Inauguration, and so on.

7 Q And did Mr. Weisselberg reflect those payments over
8 12 months on that bank statement, People's 35?

9 A Yes.

10 Q And can you just read what that says there in the
11 middle or the bottom?

12 A It says 420,000 divided by 12, that's an equal sign.
13 And that's 35,000. And that's per month.

14 Q And so was it stated -- did Mr. Weisselberg state in
15 front of Mr. Trump that you were going to receive \$420,000 over
16 the course of 12 months?

17 A Yes.

18 Q And what, if anything, did Mr. Trump say at that time?

19 A He approved it. And he also said: "This is going to
20 be one heck of a ride in D.C."

21 Q And did Mr. Weisselberg say in front of Mr. Trump that
22 those monthly payments would be, you know, like a retainer for
23 legal services?

24 A Yes.

25 Q Now, you mentioned something before, but I just wanted
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1 to question you about it.

2 Did you say something to the effect of that you had the
3 sense that they had spoken about this previously?

4 A Yes.

5 Q Why do you say that?

6 A Because they always played that sort of game of frick
7 and frack type game.

8 And I didn't -- I had been around that office more than
9 enough to realize that this conversation had already taken place
10 between the two.

11 And when I asked for the 420; Mr. Trump said, no, it's
12 better, it's better to do it over the 12 months.

13 Q And --

14 MR. BLANCHE: Your Honor, objection to that answer
15 and move to strike.

16 THE COURT: Overruled. Overruled.

17 Q And when Allen Weisselberg laid out the plan of how
18 much you were going to get paid and over what months and showed
19 Mr. Trump this document, did Mr. Trump try to renegotiate?

20 A No.

21 Q So he approved it at that point?

22 A Yes.

23 Q Now, at some point did Mr. Trump confirm to you that he
24 was going to give you the title of Personal Attorney or Personal
25 Counsel to the President?

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1 A Yes.

2 Q When in relation to this meeting was that?

3 A Around the same exact time.

4 Q Okay. And was it -- did you have a conversation just
5 between yourself and Mr. Trump about that role during that time?

6 A I mean, we've had conversations.

7 Q Was it -- did Mr. Trump indicate to you that he was
8 giving you the title?

9 A Yes.

10 Q Was it in this meeting or shortly after this meeting?

11 A Yes.

12 Q One or the other?

13 A It was one or the other.

14 Q And was it -- was the \$420,000 that you were going to
15 receive back from Mr. Trump going to be payment for future legal
16 services as personal counsel?

17 A That was what it was designed to be.

18 Q Well, what was it actually?

19 A Reimbursement of my money.

20 Q It was. It was a repayment of which monies?

21 A It was a repayment of the Stormy Daniels payment as
22 well as, again, you had had the bonus and then the Red Finch
23 money.

24 Q Now, you said that you believed that this occurred at
25 Trump Tower some days before Mr. Trump actually left for

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1 Washington; is that right?

2 A Correct.

3 Q And do you have a sense of-- based on some of your
4 phone records about when this meeting occurred, about the
5 grossed up reimbursements?

6 A Yes.

7 Q And also in connection with that, you would be given
8 Personal Counsel to President Trump?

9 A Yes.

10 Q And, as a result of that, did you look at some of your
11 phone records as well?

12 A That's correct.

13 MS. HOFFINGER: So let's pull up, please, People's
14 Exhibit 250 in evidence, please.

15 (Displayed.)

16 MS. HOFFINGER: I'm sorry, okay. Can you make that
17 a little bit bigger.

18 Thank you.

19 (Displayed.)

20 Q What is this text, Mr. Cohen?

21 Who is it with?

22 A This is a text message on January 17th from me to a
23 gentleman named Gene Freidman, who was the manager or the
24 operator of my yellow cab medallions in New York City.

25 And I wrote to him, "Thank you. I leave tomorrow for D.C.
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1 And just between us, I will be Personal Counsel to President
2 Trump."

3 Q And does that help you date the time of this meeting
4 that you had with Allen Weisselberg and Donald Trump when you
5 talked about the \$420,000?

6 And in connection with you, were you also at that meeting
7 shortly thereafter being given the title Personal Counsel to
8 Mr. Trump?

9 A Yes.

10 Q I want to just go back to one question that I neglected
11 to ask you.

12 That document that we looked at, People's Exhibit 35,
13 which contained the calculations that Allen Weisselberg did to
14 get you from 180 to 360 and adding the bonus, and so on, did Mr.
15 Weisselberg ever give you a copy of that document after all the
16 handwriting had been put on it?

17 A No.

18 Q What, if anything, did you know that he did with that
19 document; if you know?

20 A I believe -- I don't know. I believe he put it in a
21 file.

22 Q And so, is your sense that -- based on this document,
23 and perhaps another one, did you have a sense of the approximate
24 timing of the meeting that you had with Allen Weisselberg and
25 Donald Trump about the reimbursement?

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1 A Yes.

2 Q What's your approximation of when it was?

3 A January 17th.

4 Q And could it have been the day before? Do you know for
5 sure, based on this, whether it was the 16th or the 17th?

6 A It could have been the day before. And the reason I
7 say that is because I spoke to Gene Freidman on a very regular
8 basis.

9 Q And you told him on the 17th that you were going to be
10 Personal Counsel?

11 A Correct.

12 Q Did you also go on the Sean Hannity show the next day,
13 on January 18th, and announce that you were going to be Personal
14 Counsel to the President?

15 A I did.

16 MS. HOFFINGER: Can we just pull up People's
17 Exhibit 251 in evidence as well, please.

18 (Displayed.)

19 Q Do you recognize that?

20 A I do.

21 Q And can you tell us what those texts meant -- that text
22 message is about?

23 A This is a text message from a gentleman named Steve
24 Denari to me, stating that he just seen me on Hannity and saw
25 the announcement: "Congratulations on being President Trump's
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1 Personal Counsel." His word: "Consigliere." "Look forward to
2 speaking with you further after the Inauguration."

3 Q And does that also date for you that you made that
4 announcement on the Hannity show on January 18th?

5 A Yes.

6 Q Now, did Allen Weisselberg ask you to -- or did he tell
7 you or discuss with you when you would be repaid those monthly
8 payments for the reimbursement of the \$420,000?

9 A Yes.

10 Q What did he say?

11 A That it would start in February, because with the Trust
12 and with the movement going on of Mr. Trump going to D.C., it's
13 going to just take a little bit of time to get things -- to get
14 things moving, so just be patient.

15 Q Did he indicate something that you should do in terms
16 of submitting something to get paid at some point?

17 A Yes. But he --

18 Q Go ahead.

19 A What he stated to me is each month, you know, just
20 send an invoice to us and just mark down for legal services
21 rendered pursuant to the Agreement and we will get you a check
22 out.

23 Q Now, after Mr. Trump, President-Elect Trump gave you
24 the title of Personal Attorney to the President, before you
25 left, did you have a conversation with him about whether you

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1 would be compensated for any legal work that you might do for
2 him in the future in that role?

3 A No.

4 Q Did you -- did it come up at all, whether, you know, if
5 you did some work, whether you would be paid for it?

6 A I mean, when he said to me, yeah, you know, whatever
7 you end up doing, you know, just take it easy on any bills, he
8 goes. But I knew what he was referring to. He had given me
9 this title, his Personal Attorney, and I was proud to accept
10 that title, which I wanted, so I knew that there would be no
11 compensation for any of the other work.

12 Q And so, did you have any expectation that if you did
13 work for him you would be paid?

14 A None at all.

15 Q And, from your perspective, how were you essentially
16 getting paid for that title?

17 A By monetizing the role as Personal Attorney and
18 creating consulting agreement relationships.

19 Q Now, are you aware that when attorneys represent a
20 client and receive compensation for work, that they are required
21 to put together either a Retainer Agreement or a written
22 Engagement Letter?

23 A Yes.

24 Q And did you ever put together any sort of a Retainer
25 Agreement for any future work that you might do for Mr. Trump as
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1 Personal Attorney?

2 A No, ma'am.

3 Q Why not?

4 A Because I knew there was going to be no compensation.

5 Q And did the \$420,000 that you received have anything to
6 do with being a payment for future work that you might do for
7 Mr. Trump as Personal Attorney to the President?

8 A No.

9 MS. HOFFINGER: Judge, is this a good time to
10 break?

11 THE COURT: Sure. We will stop now.

12 Jurors, before I excuse you, I remind you to please
13 not talk either among yourselves or anyone else about
14 anything related to the case.

15 Please continue to keep an open mind.

16 Do not form or express an opinion about the
17 defendant's guilt or innocence until all of the evidence is
18 is in, and I have given you my final instructions on the
19 law, and I have directed you to begin your deliberations.

20 Do not request, accept, agree to accept or discuss
21 with any person the receipt or acceptance of any payment or
22 benefit in return for supplying any information concerning
23 the trial.

24 Report directly to me any incident within your
25 knowledge involving an attempt by any person to improperly

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1 influence you or any members of the jury.

2 Do not visit or view any of the locations discussed
3 in the testimony.

4 And do not use any program or electronic device
5 to search for and view any location discussed in the
6 testimony.

7 Do not read, view, or listen to any accounts of or
8 discussions of the case, that includes the reading or the
9 listening to the reading of any transcripts of the trial, or
10 the reading of posts on any court sites.

11 Do not attempt to research any fact, issue or law
12 related to the case.

13 Do not communicate with anyone about the case by
14 any means, including by telephone, text messages, email,
15 chat rooms, blogs, the internet.

16 And do not Google or otherwise search for any
17 information about the case or the law which applies to the
18 case or the People involved in the case.

19 I will see you tomorrow at 9:30. Have a good
20 night.

21 THE COURT OFFICER: All rise.

22 (Jury exits.)

23 *****

24 THE COURT: Please be seated.

25 Sir, you can step down.
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THE WITNESS: Thank you, your Honor.

(Witness excused.)

THE COURT: Anything that you would like to go over?

MS. HOFFINGER: No, your Honor.

THE COURT: Mr. Blanche, anything you would like to go over?

MR. BLANCHE: No, your Honor.

THE COURT: Thank you very much. I will see everyone tomorrow.

Have a good night.

(Whereupon, at this time, the matter was adjourned to Tuesday, May 14th, 2024, at 9:30 a.m.)

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