

1 THE CLERK: This is the People of the State of
2 New York against Donald J. Trump, Indictment 71543 of 2023.
3 Appearances.

4 Starting with the People, please.

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

8 MS. NECHELES: Good morning, your Honor. Susan
9 Nечеles.

10 I am here with President Trump, Todd Blanche, Emil
11 Bove and Gedalia Stern.

12 Good morning.

13 THE COURT: Good morning, Mr. Trump.
14 Anything that we need to discuss?

15 MR. STEINGLASS: I don't think so, Judge.

16 THE COURT: All right.

17 MS. NECHELES: Your Honor, just one thing.

18 We want to renew our objection this morning to —
19 we are informed that the witness today, the second witness,
20 will be Stormy Daniels — and we want to renew our objection
21 to her testifying, in particular, to her testifying about
22 any details of any sexual acts.

23 We think that this is irrelevant. It has nothing
24 to do with the charges in this case.

25 And to the extent that it has any relevance, it's

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1 unduly prejudicial.

2 And there really is no reason for it to be coming
3 into the case about books and records here.

4 THE COURT: And when you say "details of any sexual
5 act," what do you mean?

6 Do you mean more than just "we had sex"?

7 MS. NECHELES: Yes, your Honor.

8 THE COURT: Okay.

9 I will hear from the People.

10 MS. HOFFINGER: Your Honor, this has been fully
11 briefed by the Defense, and your Honor has ruled in your
12 Court decision on March 18th of 2024, at Page 304.
13 And you placed some limits on testimony regarding
14 Karen McDougal and incidents in June, but no limits on the
15 testimony of Stormy Daniels, obviously, recognizing that her
16 testimony and the narrative completes the story of, you
17 know, the events that precipitated the payoff shortly before
18 the election.

19 The details of the encounter, your Honor, are
20 important.

21 The defense has opened already on her credibility
22 and reasons for why she did what she did.

23 They have cited money that she has made on other
24 things.

25 And it's important for us to establish her

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1 credibility here. So, therefore, the details are important.
2 We have been careful, your Honor, to omit certain
3 details that might be too salacious.
4 We can, at some point, if you would like, list the
5 things that we are omitting, although I don't think that
6 it's necessary for me to do that in open court.
7 But the general details of what occurred, including
8 the sex act, barring certain details that are unnecessary,
9 are a significant part of the story, but also very important
10 for us in terms of her credibility.
11 THE COURT: So when you say that some details
12 are necessary, can you give me a sense of what you have in
13 mind?
14 MS . HOFFINGER: Yes .
15 I mean, the details will be how she ended up having
16 a sexual encounter with him.
17 Obviously, there will be — we will elicit the
18 conversation that occurred in the hotel room, at the
19 defendant's hotel room.
20 I think the full conversation is very, very
21 important.
22 How she even ended up having a sexual act with him,
23 and then in terms of the sexual act, it will be just very
24 basic.
25 It's not going to involve any descriptions of

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1 genitalia or anything of that nature.
2 But — but it's important for us to elicit how she
3 came to have sex with him and how she felt about it at the
4 time.
5 MS. NECHELES: Your Honor, I understand that you
6 ruled before already, but we are in a different place now.
7 You have seen the evidence in this case, and you
8 have seen where it is.
9 And there is just no need for those kind of details
10 here.
11 You know, there is a real question about the
12 credibility of this woman.
13 And she signed letters saying she didn't do this,
14 and obviously that's an area for cross, but I don't think
15 it's needed in this case.
16 You know, this case is a case about books and
17 records and we shouldn't be getting into how she felt about
18 it.
19 What happened in the room, really —
20 THE COURT: Well, I don't know that Ms. Hoffinger
21 said that.
22 I'm satisfied with the representations that
23 Ms. Hoffinger has made.
24 She has indicated that they don't need to go into
25 any details about the sexual act itself.

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1 MS. HOFFINGER: Well, your Honor, there will be
2 some details about the sexual act, very brief, very brief.
3 We have to elicit that they did have intercourse, your
4 Honor.
5 THE COURT: Well, that's fine.
6 MS. HOFFINGER: Okay.
7 THE COURT: But we don't need to know the details
8 of the intercourse.
9 MS. HOFFINGER: That's correct.
10 I agree with you that she has got credibility
11 issues, right, and, therefore, I think that makes it all the
12 more important for the People to establish her credibility
13 by eliciting certain background information about the events
14 that led to that encounter.
15 So I will allow that, based on the representations
16 that the People have made.
17 MS. HOFFINGER: Thank you.
18 THE COURT: All right. People, please call your
19 next witness.
20 MS. MANGOLD: Your Honor, your Honor —
21 THE COURT: Let's get the jury first, yes. That's
22 the third time.
23 THE COURT OFFICER: All rise. Jury entering.
24 (Jury enters.)
25 THE COURT: You may all be seated.

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1 THE CLERK: Do both parties stipulate that all
2 jurors are present and properly seated?
3 MR. STEINGLASS: Yes.
4 MS. NECHELES: Yes.
5 THE COURT: All right.
6 THE CLERK: Thank you.
7 THE COURT: Good morning, jurors. Welcome back.
8 People, your next witness.
9 MS. MANGOLD: The People call Sally Franklin.
10 THE COURT OFFICER: Witness entering.
11 (The witness, Sally Franklin, enters the courtroom
12 and steps up to the witness stand.)
13 THE COURT OFFICER: Step right over to this
14 officer.
15 THE WITNESS: Good morning.
16 THE COURT OFFICER: Raise your right hand and face
17 the court clerk.
18 *****
19 S A L L Y F R A N K L I N, a witness called on
20 behalf of the People, having been first duly sworn was
21 examined and testified as follows:
22 THE CLERK: Thank you.
23 THE COURT OFFICER: Have a seat, please.
24 Pull your chair up close to the microphone. All
25 the way up.

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1 State your full name. Spelling your last name.
2 THE WITNESS: Sally Franklin. F-R-A-N-K-L-I-N.
3 THE COURT OFFICER: Give us your county of
4 residence, please.
5 THE WITNESS: Westchester County, New York.
6 THE COURT: Good morning.
7 You may inquire.
8 MS. MANGOLD: Thank you, your Honor.
9 *****
10 DIRECT EXAMINATION
11 BY MS. MANGOLD:
12 Q Good morning, Ms. Franklin.
13 A Good morning.
14 Q Now, can you tell the jury where you work?
15 A Penguin Random House.
16 Q What kind of company is Penguin Random House?
17 A We publish books.
18 Q How long have you worked in the publishing industry?
19 A For 26 years.
20 Q How long have you worked at Penguin Random House?
21 A For 11 years.
22 Q What is your current position there?
23 A Senior Vice President and Executive Managing Editor for
24 the Random House Publishing Group.
25 Q And can you explain to the jury what the Random House

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1 Publishing Group is?

2 A Yes. It is a — it is a division in Penguin Random
3 House that comprises about 20 imprints. And imprints are like
4 brands of books.

5 Q Are you familiar with something called Ballantine
6 Books?

7 A Yes, I am. That is one of our imprints.

8 Q Have you testified in a legal proceeding before?

9 A No.

10 Q This is your first time today?

11 A Yes.

12 Q Do you understand that you are testifying today as a
13 custodian of records for Penguin Random House?

14 A I do.

15 Q Is Penguin Random House testifying voluntarily or
16 was the company compelled to testify personally through a
17 subpoena?

18 A Compelled.

19 Q And does Penguin Random House have counsel?

20 A Yes.

21 Q Is counsel heretoday in the courtroom?

22 A Yes.

23 Q As a Senior Vice President and Executive Managing
24 Editor of the Random House Publishing Group, are you familiar
25 with the company's publishing processes?

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1 A Yes.

2 Q Does Penguin Random House work with its authors during

3 different stages of the publishing process?

4 A Yes.

5 Q Are there points in Random House's publishing process

6 when authors sign off on various aspects of their books?

7 A Yes, they have approval.

8 Q And does one thing that authors have approval over is

9 the cover decision for their books?

10 A That is correct.

11 Q Do they also approve the content of the books?

12 A Yes.

13 Q Is that called a manuscript?

14 A Yes.

15 Q Is there anything — is a manuscript ever printed

16 without the author's approval?

17 A No.

18 Q Are you familiar with the book entitled "Trump: How To

19 Get Rich?"

20 A Yes, I am.

21 Q What is that?

22 A It is a book that we published about 20 years ago.

23 Q Does it — was it published under the Ballantine Books

24 imprint?

25 A Yes.

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1 Q Before testifying today, did you obtain a copy of the
2 book printed by Penguin Random House?

3 A I did.

4 Q How did you obtain that?

5 A I ordered it directly from the warehouse, publishing
6 warehouse.

7 Q Did you order it the way that a member of the public
8 would order it?

9 A No. I did it through our company's website with a
10 special way to get it directly from the warehouse.

11 Q And that's just for Penguin Random House employees?

12 A That's correct.

13 Q Was it delivered to you directly from the warehouse?

14 A Yes.

15 Q Are you familiar with another book, this one entitled
16 "Trump: Think Like a Billionaire, Everything You Need to Know
17 About Success, Real Estate and Life?"

18 A Yes, I am.

19 Q What is that?

20 A That is another book we published about 20 years ago
21 from Ballantine.

22 Q And before testifying today, did you obtain a copy of
23 that book as printed by Penguin Random House?

24 A I did.

25 Q And how did you obtain that book?

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1 A The same way. I ordered it from the warehouse.

2 Q And that was through the employee website?

3 A Yes.

4 Q And it was delivered to you directly from the
5 warehouse?

6 A Correct.

7 Q Before testifying today, did you have an opportunity to
8 review files marked for identification as People's Exhibits 413
9 and 414?

10 A I did.

11 Q Did that include People's Exhibits 413A through E?

12 A Yes.

13 Q And did that also include what has been marked for
14 identification as People's Exhibits 414A through D?

15 A Yes.

16 Q Is Exhibit 413 for identification a set of excerpts
17 from the book entitled "Trump: How To Get Rich?"

18 A Yes.

19 Q Do some of the passages — I'm sorry. Withdrawn.
20 Do some of the pages in the exhibits contain redactions?

21 A Yes, they do.

22 Q Before testifying today, did you have an opportunity to
23 compare People's Exhibit 413 with a copy of the book that you
24 obtained directly from Penguin Random House?

25 A I did.

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1 Q Other than the redactions, are the exhibits exact
2 copies of portions of the publisher's version of the book?

3 A Yes, they are.

4 Q And is Exhibit 414 for identification a set of excerpts
5 from the book entitled "Trump: Think Like a Billionaire,
6 Everything You Need to Know About Success, Real Estate and
7 Life?"

8 A Yes.

9 Q Do some of the pages of those exhibits contain
10 redactions?

11 A Yes, they do.

12 Q Before testifying today, did you have an opportunity
13 to compare People's Exhibits 414 for identification with a copy
14 of the book that you obtained directly from Penguin Random
15 House?

16 A I did.

17 Q Other than the redactions, are the exhibits exact
18 copies of the portions of the publisher's version of the book?

19 A They are.

20 MS. MANGOLD: The People now offer People's
21 Exhibits 413, including 413A through E, and People's
22 Exhibits 414, including 414 A through D, into evidence.

23 THE COURT: Any objections?

24 MR. BLANCHE: No objection.

25 THE COURT: People's 413A through E and 414A

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1 through D are accepted into evidence.
2 (So marked in evidence.)
3 *****
4 Q All right.
5 MS. MANGOLD: So, can we show the jury and everyone
6 what is now in evidence as People's Exhibit 413.
7 (Displayed.)
8 Q Ms. Franklin, do you recognize this?
9 A I do. It's the cover of the book.
10 Q And which book is it the cover of?
11 A "Trump: How To Get Rich."
12 Q And what does it say under the title of the book?
13 A "Big Deals From the Star of The Apprentice."
14 Q Who is the author of this book?
15 A Donald J. Trump.
16 Q And does it list a name under Donald J. Trump?
17 A Yes, it does. It lists Meredith McIver.
18 Q And does it say "with Meredith McIver?"
19 A Yes, it does.
20 Q What does the "with" mean there?
21 A That means that she helped write the book.
22 Donald J. Trump is the primary author. Meredith McIver
23 helped.
24 Q And looking now at the cover design for the book, is
25 there a cover photo on the book?

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1 A I'm sorry, is there a cover photo?
2 Q I'm sorry. Is there a cover photo for the cover of the
3 book?
4 A Yes.
5 Q What's depicted in the cover photo?
6 A Donald J. Trump.
7 Q And what's the largest word on the cover?
8 A "Trump."
9 Q And what percentage of the cover is the word "Trump"?
10 A It looks about roughly 30 percent to me.
11 Q How many times does the word "Trump" appear on the
12 cover of this book?
13 A Three times.
14 MS. MANGOLD: Turning now to the following page of
15 the PDF.
16 (Displayed.)
17 Q Do you know what this is?
18 A Yes. This is the title page.
19 Q And this is the internal title page for the book?
20 A Correct.
21 Q And, again, what percentage of the page is the word
22 "Trump"?
23 A It looks to me like it's about 25 percent, 20 percent.
24 Q And is the imprint for the book shown on this page?
25 A Yes. It's Ballantine Books.

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1 MS. MANGOLD: Turning now to the following page.
2 (Displayed.)
3 Q Do you recognize this?
4 A Yes. This is the copyright page for the book.
5 Q And does it also show the publication information for
6 the book?
7 A It does.
8 Q Can you tell what year this book was first published?
9 A Yes. This book was first published in 2004.
10 Q And can you tell what year this edition was published?
11 A Yes. 2004.
12 Q Is there copyright notice on the page?
13 A Yes. It's copyright by Donald J. Trump.
14 Q Is there anybody else listed next to the copyright?
15 A No, there is not.
16 Q All right.
17 MS. MANGOLD: Can we please show the jury what's in
18 evidence as People's Exhibit 413A.
19 (Displayed.)
20 Q What is this?
21 A This is a page from the text, Page 3 from the interior
22 of the book.
23 Q Is there a title on this page?
24 A Yes. It is "Be A General."
25 Q And can you read the unredacted portion of the text?

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1 A Yes. "I am the Chairman and President of The Trump
2 Organization. I like saying that because it means a great deal
3 to me."

4 Q And is there — are there words on the very bottom of
5 the page above the page number?

6 A Yes. They say "The Donald J. Trump School of Business
7 and Management."

8 Q Turning now to what's in evidence as People's
9 Exhibit 413B.
10 (Displayed.)

11 Q Is this another excerpt from the same book?

12 A Yes. Page 71.

13 Q And can you please read the title shown on this page?

14 A "Pay Attention to the Details."

15 Q Can you please read the unredacted portion of the page.

16 A "If you don't know every aspect of what you're doing,
17 down to the paper clips, you're setting yourself up for some
18 unwelcome surprises."

19 Q And, again, are there, in smaller letters above the
20 page numbers, is there something written there?

21 A Yes. It says, "Your Personal Apprenticeship, Career
22 Advice From The Donald."

23 Q Turning now to what's in evidence as 413C.
24 (Displayed.)

25 Q Is this another excerpt from the same book?

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1 A Yes. Page 162.

2 Q And what is the title of this, on this page?

3 A "Sometimes You Still Have To Screw Them."

4 Q Can you please read the unredacted portion of this
5 excerpt?

6 A "For many years I've said that if someone screws you,
7 screw them back. When somebody hurts you, you just go after
8 them as viciously and as violently as you can. Like it says in
9 the Bible, an eye for an eye."

10 MS. MANGOLD: Now, can we please display for the
11 jury what is in evidence as People's Exhibit 413D.
12 (Displayed.)

13 Q Is this another excerpt from the same book?

14 A Yes. Page 203.

15 Q Can you please read the unredacted portion of this page
16 to the jury.

17 A "3:00 p.m. Allen Weisselberg, my CFO, comes in for a
18 meeting. He's been with me for thirty years and keeps a handle
19 on everything, which is not an easy job. He runs things
20 beautifully. His team is tight and fast, and so are our
21 meetings."

22 Q And what does it say in the small lettering above the
23 page number?

24 A "The Trump Lifestyle."

25 MS. MANGOLD: And, next, can we turn to what's in

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1 evidence as People's Exhibit 413E.

2 (Displayed.)

3 Q Is this another excerpt from the book "Trump: How To
4 Get Rich?"

5 A Yes. Page 267.

6 Q Can you read the unredacted portion of this page?

7 A "All the women on The Apprentice flirted with me —
8 consciously or unconsciously. That's to be expected. A sexual
9 dynamic is always present between people, unless you are
10 asexual."

11 Q And what does it say in the small letters at the bottom
12 of the page?

13 A "Inside The Apprentice."

14 MS. MANGOLD: Can we now show the jury what is in
15 evidence as People's Exhibit 414.

16 (Displayed.)

17 Q Do you recognize this?

18 A Yes. It's the cover of "Think Like a Billionaire."

19 Q Is that the full title?

20 A The full title is "Trump: Think Like a Billionaire.
21 Everything You Need to Know About Success, Real Estate and
22 Life."

23 Q Who is the author?

24 A Donald J. Trump.

25 Q Is there another name listed under his?

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1 A Yes. That's with Meredith McIver.

2 Q And, again, what does "with" indicate here?

3 A It means that their — they have helped. They have

4 helped the primary author with the book.

5 Q And is there a picture of somebody on the cover of the

6 book?

7 A Yes. It's Donald J. Trump.

8 Q Is anybody else shown on the cover of the book?

9 A No.

10 Q And in terms of cover design, what is the word — the

11 largest font on this page?

12 A "Trump."

13 Q Turning now to the next page. Is this the title page

14 of the same book?

15 (Displayed.)

16 A It is.

17 Q And does it show that it was printed by the Ballantine

18 Books imprint?

19 A It does.

20 Q Turning now to the following page. Do you recognize

21 this?

22 A Yes, I do.

23 It's the copyright page.

24 Q And does this also show the publishing information?

25 A It does.

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1 Q Can you tell what year this book was first published?
2 A It was first published in hard cover in 2004.
3 Q And can you tell what year this edition was published?
4 A Yes. 2005.
5 Q And was — does this also show the ultimate publisher
6 of the book?
7 A Yes. Ballantine.
8 Q And is there copyright on this page?
9 A Yes. It's copyright by Donald J. Trump.
10 Q Are there any other names next to the copyright?
11 A No, there are not.
12 Q Turning now to what's in evidence as People's
13 Exhibit 414A.
14 MS. MANGOLD: Displaying that for the jury.
15 (Displayed.)
16 Q Is this an excerpt of that same book?
17 A It is. Page 41.
18 Q And can you please read the unredacted portion of this
19 page?
20 A "When you are working with a decorator, make sure you
21 ask to see all of the invoices. Decorators are, by nature,
22 honest people, but you should be double-checking regardless."
23 Q Now, turning to what is in evidence as People's
24 Exhibit 414B.
25 (Displayed.)

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1 Q Can you please scroll through the pages of this exhibit
2 for the jury.

3 (Pause.)

4 Q Ms. Franklin, is this a three-page — does this show
5 three pages of the same book, "How To Be A Billionaire"?

6 A Yes. Pages 63 through 65.

7 Q And can you — what is the — is this one chapter of
8 the book?

9 A Yes, it is.

10 Q What's the title of this chapter?

11 A "How To Pinch Pennies."

12 Q And can you please read the unredacted portions of this
13 exhibit?

14 A Yes.

15 Q I will blow that up for you if it's too small.

16 MS. MANGOLD: Can we make it bigger?

17 A It's fine for me. Umm, okay.

18 "When Spy Magazine started years ago, they decided to do a
19 'Who is the Cheapest Millionaire?' Test. They sent checks in
20 the amounts from fifty cents to five dollars to a list of
21 millionaires throughout the country. I received a check for
22 fifty cents, and we at The Trump Organization deposited it.
23 They may call that cheap; I call it watching the bottom
24 line."

25 "Every dollar counts in business, and for that matter, every

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1 dime. Penny pinching? You bet. I'm all for it."
2 "As I said before, I always sign my checks, so I know where
3 my money's going. In the same spirit, I also always try to read
4 my bills to make sure I'm not being overcharged."
5 Can you.....thank you.
6 "There is human (and now computer) error everywhere — at
7 restaurants, at the phone company, at the grocery store, at
8 hotels — and you'd be surprised by how much this human error
9 can cost you."
10 "Don't be obsessive about it, but check through your bills
11 from time to time."
12 "You should also always feel comfortable bargaining for
13 goods and services."
14 "I do it all the time, and I'm one of the richest men on
15 earth."
16 "Even in high-end shops, I bargain. After all, the more
17 you're paying for something, the more the seller should be able
18 to shave off the price."
19 "I hate paying retail, and it makes me cringe when I see
20 other people doing it. I've walked into stores and offered
21 \$2,000 dollars for a \$10,000 dollar item."
22 "It can be embarrassing for me (especially since everyone
23 knows that I'm Trump and that I'm wealthy), but you'd be amazed
24 at the discounts you can get if you simply ask."
25 "You do have to be willing to walk away, but after you've

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I walked away a few times, the price will come down."
2 "I understand that penny-pinching can have a negative
3 connotation —as in 'miserly'— but when you calculate how much
4 ten cents on a price can matter if you multiply it by a hundred
5 thousand or a million, the value of ten cents becomes clear."
6 "For instance, let's say I have to buy one hundred thousand
7 light bulbs for all of the buildings that I own and maintain
8 each year. If I manage to save ten cents on each light bulb,
9 that's a savings of ten thousand dollars per year!"
10 "That's ten thousand dollars I can put toward another
11 building or another investment or donate to a cause that needs
12 the money more than I do."
13 "Pay attention to the small numbers in your finances such as
14 percentages and cents. Numbers that seem trivial add up and
15 have enormous implications."
16 "My parents hammered frugality into me at an early age, and
17 it's the most important money-management skill a person can
18 use. Call it penny-pinching if you want to; I call it financial
19 smarts."
20 Q Thank you.
21 MS. MANGOLD: Can you pull up for the jury what's
22 in evidence as People's 414C.
23 (Displayed.)
24 Q Miss Franklin, is this another chapter of "Trump: How
25 To Be A Billionaire?"

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1 A Yes. Pages 66 and 67.

2 Q What is the chapter title?

3 A "How to Decide How Much Risk to Assume" — I'm sorry,
4 "How to Decide How Much Risk to Assume When Investing."

5 Q Can you please read for the jury the unredacted portion
6 of this chapter.

7 A "You need to watch the bottom line. Allen Weisselberg,
8 my Chief Financial Officer, has to be one of the toughest people
9 in business when it comes to money."

10 "When I was having some financial problems in the early
11 1990s, I called Allen into my office" — and told him there
12 wouldn't — "and told him there would be tough times ahead."

13 "The banks were about to cut off our funding. Allen said,
14 'No problem,' and went be back to his office, where he
15 proceeded to renegotiate almost every payment from that point
16 forward."

17 "He did whatever was necessary to protect the bottom line —
18 and refused to succumb to the pressures of risk."

19 "Now he's negotiating with bankers on deals worth hundreds
20 of millions of dollars and he's so tough that most banks would
21 rather I negotiate the deal than him. He's a loyal employee
22 and he's the ultimate master at playing the cards of
23 business."

24 MS. MANGOLD: And then, lastly, can we pull up
25 what's in evidence as People's Exhibit 414D.

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1 (Displayed.)
2 Q Ms. Franklin, is this another chapter of the book,
3 "Trump: How To Be A Billionaire?"
4 A Yes. Pages 68 and 69.
5 Q What is the chapter title?
6 A "How To Stay On Top Of Your Finances."
7 Q And can you please read the unredacted portion of this
8 chapter to the jury?
9 A "Periodically, I ask my Financial Department for what I
10 call my financial 'small shot.'"
11 "This report reflects, among other financial data, my cash
12 balances, investments, sales of condominium units, and so
13 forth."
14 "If I didn't check up on it regularly, I would be in big
15 financial trouble, and I would have no one to blame but
16 myself."
17 "Don't assume that your stocks are performing well or that
18 your house is appreciating in value or that your business is
19 growing just because someone tells you it is. Always look at
20 the numbers yourself. If things turn grim, you're the one left
21 holding the checkbook."
22 "One day back in the late 1980s, Jeff McConney, my
23 Controller, prepared my small shot and brought it to me.
24 I looked down at it and immediately told Jeff, 'You're fired.'
25 I told him I didn't want excuses and I thought he was doing a

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1 lousy job managing my cash."
2 "Although I am a multibillionaire and I head a
3 multibillion-dollar organization, every dollar spent by this
4 company comes out of my pocket."
5 "The point I was making to Jeff was that even though various
6 payments always need to be made, always question invoices and
7 never accept a contractor's first bid. Negotiate! Negotiate!
8 Or get out."
9 "Jeff got the message and has been with me for 17 years and
10 is doing a terrific job."
11 "He looks out for my bottom line as if the money were his
12 own."
13 MS. MANGOLD: No further questions.
14 THE COURT: You may inquire.
15 MR. BLANCHE: Thank you, your Honor.
16 *****
17 CROSS-EXAMINATION
18 BY MR. BLANCHE:
19 Q Good morning.
20 How are you, Ms. Franklin?
21 A Okay. Thank you.
22 Q Now, you said you have — you are represented by
23 lawyers.
24 You are not paying for your own lawyers; are you?
25 A No.

Lisa Kramsky,
Senior Court Reporter

1 Q So you mentioned that on both of these books there is a
2 second name on the front page, "Meredith McIver;" correct?

3 A Yes.

4 Q And is what — is her role sometimes called "a ghost
5 writer?"

6 A It depends. Sure. I mean, I'm not sure exactly what
7 she — how much she did for that book, but, sure, she could be a
8 ghost writer.

9 Q So when you said you're not sure, you mean you don't
10 know what role Ms. McIver had in these two books?

11 A I don't know how much she contributed. I know that
12 Donald Trump was the author of the book. I'm not sure how
13 exactly specifically she contributed.

14 Q And you're not sure because it varies depending on the
15 book, the primary author, and if there is a secondary author, it
16 could vary; correct?

17 A Yes.

18 Q So at times, does someone like Ms. McIver sit and
19 interview the primary author as the book is written?

20 A Ummm, I mean, I'm not sure exactly, again, what she
21 did.

22 Q I'm not asking you what she did —

23 A Okay.

24 Q — I'm just asking you, in your experience, is that
25 something that happened at times?

Lisa Kramsky,
Senior Court Reporter

1 A I think that she would have discussed it with him.
2 Q And there are times when a secondary author interviews
3 other people to help the primary author write the book?
4 A I — I'm not sure. I don't — I don't know. I don't
5 know.
6 Q But you don't know what role Miss McIver had in this,
7 in either of these books at all; correct?
8 A I don't. All I know is that she helped our primary
9 author in some way.
10 Q And you are — you said you purchased both these books
11 in kind of the way any of us — or similar to the way we would
12 purchase the book?
13 A No. The way that I purchased it is the way that an
14 employee of Penguin Random House would purchase it.
15 MR. BLANCHE: So if we could put up Exhibit 413.
16 Just the first page, briefly.
17 This can go for everybody.
18 (Displayed.)
19 Q Who — well, who decides how to make the cover? Like
20 what the cover should look like?
21 A It's, it's — usually we have a cover — we have a
22 cover design department here.
23 And then they usually work with the author.
24 Q And is one of the goals of how you make the cover look,
25 to make it look presentable, so that you can sell copies of the

Lisa Kramsky,
Senior Court Reporter

1 book?

2 A One of our goals is selling copies of the book. But —
3 but our authors are — I mean, our goal is to make the authors
4 happy also. But, yes, we definitely want to sell copies of our
5 book.

6 Q Your goal is to make the authors happy, or what do you
7 mean?

8 A If they have approval over the cover, we consider that,
9 we consider that.

10 We also want to sell the book.

11 Q Sure. And because you are trying to make money off the
12 book; correct?

13 A That is correct.

14 Q And so — and for this book, which is "How To Get
15 Rich," that book, it was about 320 pages; correct?
16 Approximately?

17 A I would have to double-check it.

18 Q Are you looking at it now?

19 A I can look at it.

20 Yes, it is approximately 320 pages.

21 Q And you were just shown redacted versions of five of
22 those pages, correct, and asked to read those portions?

23 A Yes.

24 MR. BLANCHE: If we could put up Exhibit 414,
25 please.

1 (Displayed.)
2 Q For this book, you know that — or maybe you will need
3 to check that it's approximately 283 pages?
4 A Yeah. Yes. 288.
5 Q Just so it's clear, you actually have both books in
6 front of you?
7 A (Witness indicating.)
8 Q And now are you holding it up to just confirm?
9 A Yes. (Witness indicating.)
10 Q And you were asked to read, a few minutes ago, redacted
11 portions of about six pages of that 283 page book; correct?
12 A Yes. I don't remember the exact page. But, yes,
13 several pages.
14 Q And you didn't pick which portions to read; did you?
15 You just read what you were directed to read; correct?
16 A That is correct.
17 MR. BLANCHE: I don't have any further questions,
18 your Honor.
19 THE COURT: Thank you.
20 Any redirect?
21 MS. MANGOLD: Yes, your Honor.
22 *****
23 REDIRECT EXAMINATION
24 BY MS. MANGOLD:
25 Q Now, Ms. Franklin, I believe Mr. Blanche was asking you

Lisa Kramsky,
Senior Court Reporter

1 about the ghost writing process.

2 In your experience —

3 A Yes, I'm sorry.

4 Q In your experience, do ghost writers ever write entire
5 books without the author's knowledge?

6 A No.

7 Q In your experience, do ghost writers ever create
8 content without any input from the author?

9 A No.

10 Q And is it your understanding that an author works for a
11 ghost writer or does a ghost writer work for the author?

12 A The ghost writer works for the author.

13 Q And are you aware of any books written by ghost writers
14 where the author wasn't aware of the content of the book?

15 A No, I am not.

16 Q Before testifying today, did you have an opportunity to
17 review People's Exhibit 414F, G and H for identification?

18 A Yes.

19 Q And are those excerpts of the book "How To Get Rich?"

20 A Yes.

21 Q Did you have an opportunity to compare the exhibits
22 with the copies of the book that you purchased?

23 A I did.

24 Q And are the exhibits exact copies of the book that you
25 purchased or portions of it?

Lisa Kramsky,
Senior Court Reporter

1 A They are.

2 MS. MANGOLD: The People now offer exhibits 413F,

3 413C and 413H into evidence.

4 MR. BLANCHE: One moment, your Honor.

5 THE COURT: All right.

6 (Counsel confer.)

7 *****

8 MR. BLANCHE: May we approach, your Honor?

9 THE COURT: Yes.

10 (At Sidebar.)

11 *****

12 THE COURT: Yes, Mr. Blanche?

13 MR. BLANCHE: I just don't think these were on our

14 exhibit list, your Honor, and so I have never seen them

15 before.

16 MS. MANGOLD: I am not required to provide redirect

17 examination exhibits.

18 And, obviously, the redirect exhibits will depend

19 on the cross-examination.

20 MR. BLANCHE: Well, what was the cross-examination

21 that opened this up?

22 THE COURT: Tell me how this goes to the cross?

23 MS. MANGOLD: So Exhibits 413 — and there are

24 similar ones for 414 — are the dedication page, the

25 introduction and the acknowledgments page of each of those

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Senior Court Reporter

1 books showing quotes from the author and information that is
2 within the primary author's unique knowledge.

3 And to the extent that the defense is challenging
4 attribution, these establish that the defendant was aware of
5 statements in his — throughout his book.

6 MR. BLANCHE: In no way did I challenge
7 attribution.

8 I just asked the witness to explain what a ghost
9 writer was; if she had any knowledge about the ghost writer.
10 That's not challenging attribution even a little bit.

11 THE COURT: You questioned that it was possible
12 that there were contents in that book that you are not
13 attributing to your client, that possibly it was written by
14 the ghost writer. I think it's fair.

15 MR. BLANCHE: I'm not allowed to introduce exhibits
16 that were never produced to the People, your Honor.
17 We did not open the door based upon a question
18 about just what a ghost writer is and what a ghost writer
19 may do.

20 Also, your Honor, as to exhibits that were not
21 produced to the Defense —

22 THE COURT: You just asked one question about it?

23 MR. BLANCHE: Excuse me?

24 THE COURT: You just asked one question about it,
25 about a ghost writer?

1 MR. BLANCHE: To help the jury understand what a
2 ghost writer is; not about this particular book.
3 She has no knowledge about this book.
4 MS. MANGOLD: Your Honor, they also previously
5 elicited testimony from Rhona Graff that Meredith McIver was
6 a ghost writer for Mr. Trump.
7 And they raised objections in limine that these
8 exhibits should not be introduced altogether, that not all
9 of these exhibits can be attributed to Mr. Trump.
10 So that all of these —
11 THE COURT: Based on your cross-examination, the
12 impression that I got, from the questions that you were
13 asking, was that you were calling into question just how
14 much control Mr. Trump had with the contents of the book.
15 I think this is fair.
16 I will allow it.
17 MR. BLANCHE: Well, your Honor —
18 (Sidebar concluded.)
19 *****
20 MS. MANGOLD: Again, the People offer Exhibits
21 413F, 413C, and 413 H into evidence.
22 (Pause.)
23 MS. MANGOLD: Your Honor, with your permission, can
24 those exhibits be admitted?
25 THE COURT: The objection is noted and overruled.

Lisa Kramsky,
Senior Court Reporter

1 People's 413F, G and H are accepted into evidence.

2 (So marked in evidence.)

3 MS. MANGOLD: Thank you, your Honor.

4 Can we please display for the jury what is in

5 evidence as People's Exhibit 413F.

6 (Displayed.)

7 *****

8 BY MS. MANGOLD:

9 Q Now, Ms. Franklin, I believe that you previously

10 testified that this exhibit and the next two are excerpts from

11 the book: "Trump: How To Get Rich;" is that right?

12 A Yes.

13 Q And is this a page from that book?

14 A It is.

15 Q Is this the dedication page?

16 A It is not. It's the epigraph page.

17 Q What's the epigraph page?

18 Am I saying that correctly?

19 A I'm sorry. It's a quote, like usually the dedication,

20 you know, the author dedicates the book to somebody.

21 This is a — it's usually a quote from somebody very

22 important that the author wants to highlight to set up the

23 book.

24 Q And are there — how many quotes are on this page?

25 A Two.

Lisa Kramsky,

Senior Court Reporter

1 Q And who is the top quote attributed to?
2 A Mary Trump, the author's mother.
3 Q And who is the bottom quote attributed to?
4 A The author, Donald J. Trump.
5 Q Does it say "Donald J. Trump?"
6 A No. It says "DJT." You are right. I apologize.
7 Q And, in your experience, are the details — are quotes
8 attributed to the author's mother something that would typically
9 be written by the ghost writer or the author?
10 A The author.
11 MS. MANGOLD: Can we now, please, display for the
12 jury what has been entered into evidence as People's
13 Exhibit 413G.
14 (Displayed.)
15 MS. MANGOLD: Can we show briefly all of the pages
16 of this exhibit.
17 (Displayed.)
18 Q Ms. Franklin, do you know what part of the book this
19 is?
20 A Yes. It's the introduction.
21 MS. MANGOLD: Can you please turn to the second
22 page?
23 It looks like we may be having some technical
24 difficulties.
25 There you go.

Lisa Kramsky,
Senior Court Reporter

1 Q And can you see the Paragraph 1, 2, 3, four full
2 paragraphs down, starting with "How To Get Rich."

3 A Yes.

4 Q Can you please read that paragraph to the jury.

5 A Yes. "How To Get Rich: That's what I decided to call
6 it, because whenever I meet people, that's usually what they
7 want to know from me."

8 "You ask a baker how he makes bread. You ask a billionaire
9 how he makes money."

10 Q And, in your experience, is that the type of content
11 that would typically be provided by a ghost writer or the
12 author?

13 A The author.

14 MS. MANGOLD: Finally, can we pull up what's now
15 in evidence as People's Exhibit 413 H.

16 (Displayed.)

17 *****

18 Q Is this another excerpt from the book "Trump: How To
19 Get Rich?"

20 A Yes.

21 Q What section is this?

22 A The acknowledgments.

23 Q Can you please read the first paragraph of this to the
24 jury?

25 A Yes. "This book could not have been written without

Lisa Kramsky,
Senior Court Reporter

1 Meredith McIver, a writer of many talents."
2 "She served her apprenticeship with the New York City
3 Ballet, worked on Wall Street, and for the past two years has
4 been an Executive Assistant at The Trump Organization stationed
5 at a desk outside my office."
6 "As you know, my door is always open so Meredith has heard
7 everything and she's taken good notes."
8 "She's done a remarkable job of helping me put my thoughts
9 and experience on paper. I am tremendously grateful to her."
10 Q Now, is the author's description of a secondary writer
11 helping put thoughts and experiences on paper, consistent with
12 your understanding of what a ghost writer does?
13 A Yes.
14 MS. MANGOLD: And can you please turn to the next
15 page of this exhibit.
16 (Displayed.)
17 Q And can you please read this page to the jury?
18 A "I want to thank my editor at Random House, Jonathan
19 Karp, who asked me to write this book. I first met Jon in 1997
20 when he edited the Art of The Comeback."
21 "He spent a lot of time in my office, and one day I noticed
22 he was staring at the carpet under my desk. Finally he said,
23 Donald, what's the deal with the space heater? I told him that
24 my feet get cold."
25 "Jon said, We're in Trump Tower. It's your building. Can't

Lisa Kramsky,
Senior Court Reporter

1 you do something about that?"

2 "It's important to have an editor who asks the tough

3 questions."

4 "I'm also grateful to many others at Random House who worked

5 long and late hours to produce this book in record time:

6 Publisher Gina Centrello; Associate Publishers Anthony

7 Ziccardi and Elizabeth McGuire; Executive Director of Publicity

8 Carol Schneider; Director of Publicity Thomas Perry; Associate

9 Director of Publicity Elizabeth Fogarty; Editorial Assistants

10 Jonathan Jao, who did an excellent job with the photos, and

11 Casey Rivish; art director Gene Mydlowski; Managing Editor

12 Benjamin Dreyer; Production Chief Lisa Feuer; Design Director

13 Carol Lowenstein; Production Manager Richard Elman; Production

14 Editor Janet Wygal; Copy Editor Ginny Carroll; Advertising

15 Director Magee Finn; Rights Directors Claire Tisne and Rachel

16 Bernstein; and everyone at the Random House Sales Force, which

17 is the best in the business."

18 Do you recognize the names referenced on this page?

19 A Yes.

20 Q Are those all employees of Penguin Random House or were

21 they at some time?

22 A Yes.

23 Q And in your experience, is this type of content

24 consistent with something an author would write who was very

25 involved in the writing process?

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Senior Court Reporter

1 A Yes.

2 Q Now, before testifying today, did you also have the
3 opportunity to review what has been marked for identification as
4 People's Exhibits 414E, 414F and 414G?

5 A I did.

6 Q Are those additional excerpts from the book "Trump:
7 How To Be A Billionaire?"

8 A Yes.

9 Q And —

10 A "Think Like a Billionaire."

11 Q I'm sorry.

12 A All right.

13 Q "Think Like a Billionaire."

14 Did you compare the exhibits to the versions of the book
15 that you purchased?

16 A Yes.

17 Q And are the exhibits exact copies of portions of that
18 book?

19 A They are.

20 MS. MANGOLD: The People now offer exhibits 414E,
21 F and G into evidence.

22 MR. BLANCHE: No objection.

23 THE COURT: Accepted into evidence.

24 (So marked in evidence.)

25 *****

Lisa Kramsky,
Senior Court Reporter

1 MS. MANGOLD: Now, can we please display for the
2 jury, what is in evidence as People's Exhibit 414E.
3 (Displayed.)
4 Q And can you remind me what you called this page?
5 A This is the Epigraph page.
6 Q And is it — are there multiple quotes on this page?
7 A Yes, there are three.
8 Q And who is the top quote attributed to?
9 A The author's father, Fred Trump.
10 Q And is this the type of thing that would come from a
11 ghost writer or the author?
12 A Author.
13 MS. MANGOLD: Can we now show the jury what's in
14 evidence as People's Exhibit 414 F.
15 (Displayed.)
16 Q And can you flip through the pages of this exhibit,
17 please.
18 (Displayed.)
19 Q Ms. Franklin, do you know what this is?
20 A Yes. This is the introduction for "Think Like a
21 Billionaire."
22 Q And looking at the first page of the exhibit, is that
23 Page XI?
24 A Yes.
25 Q Roman Numeral 11?

Lisa Kramsky,
Senior Court Reporter

1 A Yes.

2 Q Can you please read the bottom paragraph of that
3 page?

4 A "In my previous book, 'How To Get Rich,' I shared some
5 of my favorite techniques for running a profitable business and
6 becoming a TV Megastar."

7 "Consider this new book the second part of an ongoing
8 conversation between you and The Donald."

9 "The billionaire's equivalent of those best selling works of
10 inspiration, conversations with God and conversations with God
11 Book 2."

12 MS. MANGOLD: Can we please turn to the next page
13 of the exhibit, please.
14 (Displayed.)

15 Q And can you read the last two full paragraphs on the
16 second page of the exhibit.

17 A "Here's something else about God that any billionaire
18 knows: He's in the details. And you need to be there too. I
19 couldn't run a business any other way."

20 "When I'm talking to a contractor or examining a site or
21 planning a new development, no detail is too small to consider.
22 I even try to sign as many checks as possible."

23 "For me, there's nothing worse than a computer signing a
24 check.

25 "When you sign a check yourself" —

Lisa Kramsky,
Senior Court Reporter

1 Q I'm sorry. Was it "a computer signing a check?"

2 A Oh, sorry. "For me, there's nothing worse than a
3 computer signing checks."

4 "When you sign a check yourself, you're seeing what's really
5 going on inside your business."

6 "And if people see your signature at the bottom of a check,
7 they know you're watching them, and they screw you less because
8 they have proof that you care about the details."

9 MS. MANGOLD: And can we show this paragraph in
10 combination with the next full paragraph, please.

11 (Displayed.)

12 Q Can you read the next full paragraph, please?

13 A "I learned how to think like a billionaire by watching
14 my father, Fred Trump."

15 "He was the greatest man I'll ever know, and the biggest
16 influence on my life."

17 Q Ms. Franklin, in your experience, are references to the
18 author's childhood something that would typically come from the
19 author or the ghost writer?

20 A The author.

21 Q And is the content of this portion of the introduction
22 consistent with the other content from the books that we've
23 looked at?

24 A Yes.

25 MS. MANGOLD: Can we please now turn to People's

1 Exhibit 414G, already in evidence.

2 (Displayed.)

3 Q Can you describe what this is?

4 A The acknowledgments for "Think Like a Billionaire."

5 Q And can you read the first sentence of this to the
6 jury, please?

7 A "Like my previous book, 'How To Get Rich,' this book
8 never would have happened without the hard work and help of
9 Meredith McIver. Also, Norma Foerderer, who manages my
10 schedule, kept this project on schedule."

11 Q And, again, is this consistent with your understanding
12 of how authors and ghost writers work together?

13 A Yes.

14 Q And then can you read to yourself the next paragraph,
15 please.

16 A To myself?

17 Q Yeah, just to yourself. You don't need to read the
18 whole thing.

19 (Pause.)

20 A Got it.

21 Q Like the acknowledgment section of the prior book, does
22 this section of the acknowledgments of this book also list
23 employees of Penguin Random House?

24 A It does.

25 Q And is it the author's — withdrawn.

Lisa Kramsky,
Senior Court Reporter

1 To your knowledge, are all of these people actual employees
2 of the company Penguin Random House?

3 A Yes.

4 MS. MANGOLD: No further questions.

5 *****

6 RECROSS—EXAMINATION

7 BY MR. BLANCHE:

8 MR. BLANCHE: Can we just put that last exhibit up,
9 please, and turn to the second page, 414G.

10 (Displayed.)

11 MR. BLANCHE: We don't have these exhibits so we
12 needed to ask the People to put it up.

13 THE COURT: All right. You can put it up.

14 MR. BLANCHE: If you can highlight the last
15 paragraph.

16 Just blow it up, please.

17 (Displayed.)

18 Q Is this the second page of what you were just reading
19 from, "Acknowledgments?"

20 A I believe so, yes.

21 Q And —

22 A Yes.

23 Q You can look at it if you need to, that's okay.

24 A Okay.

25 Q And this is the second page of the acknowledgments.

Lisa Kramsky,
Senior Court Reporter

1 You read the first — a portion of the first page.
2 And that's just Meredith McIver listing folks that she wants
3 to thank also for her help; correct?
4 A Yes.
5 MR. BLANCHE: No further questions.
6 THE COURT: That's it?
7 MS. MANGOLD: Nothing further, your Honor. Thank
8 you.
9 THE COURT: You can step down.
10 THE WITNESS: Okay.
11 Thank you.
12 (Witness excused.)
13 *****
14 THE COURT: Counsel, please approach.
15 (At Sidebar.)
16 *****
17 THE COURT: So I just want to go back for a second
18 to Ms. Necheles' objection earlier.
19 She referenced her objection to feelings coming
20 out.
21 Did you also refer to feelings, that you wanted to
22 get into the feelings of Ms. Daniels?
23 MS. HOFFINGER: I think she's going to describe a
24 little bit about how she felt at the time, because it
25 corroborates what happened.

Lisa Kramsky,
Senior Court Reporter

I Look, I think her account of what happened on that
2 day is the account that would have been told to the American
3 people prior to the election had she not entered into the
4 NDA.

5 It's significant.

6 THE COURT: Give me a sense of what she's going to
7 say when she talks about her feelings, how she felt that
8 day?

9 MS. HOFFINGER: I mean, she's going to say, for
10 example, at certain times she felt feelings leaving her
11 hands and toes, that she felt that she was having a panic
12 attack at one point.

13 She will describe that some details came back to
14 her later after seeing a movie called Bombshell, for
15 example, which I think will help to explain certain times
16 about what she remembered and what she didn't remember.

17 So it's not going to be in great detail, but I
18 think it's significant because for a period of time she
19 didn't remember how she got into bed and had sex with
20 him.

21 And so I think it's important to bring out
22 partly how she was feeling at the time, because it explains
23 that.

24 And, again, the defense opened the door from the
25 start to credibility issues.

Lisa Kramsky,
Senior Court Reporter

1 This is the account that would have been told to
2 the American people had she not entered into the NDA.
3 She entered into the NDA willingly, but had she not
4 entered into the NDA, this is what would have been told to
5 the American people. And that's why they wanted to pay her
6 to remain silent.

7 MS. NECHELES: Judge, it's not the account that
8 would have been told.
9 Her story has changed over time.

10 And if they go into this, we will have to go into
11 how her story has changed.
12 This is all a fabrication.

13 MS. HOFFINGER: This is not new. This is not a
14 fabrication nor has her story changed.

15 I think we will be able to establish, if the
16 defense goes into this — they are saying that this is a new
17 fabrication. There are prior consistent statements and so I
18 image we will it deal with that at that time.

19 THE COURT: To the extent that it helps to explain
20 that she had forgotten some things and she remembered
21 certain other things, I will allow it.

22 MS. HOFFINGER: Okay.

23 THE COURT: To the extent that it goes into how she
24 felt when she got into the bed and feelings while lying
25 there, I think we should wait and see what happens on

1 cross-examination.

2 MS. HOFFINGER: So, in other words, I can't elicit
3 how she felt at the time?

4 That she was — it explains why there are certain
5 details she still doesn't remember.

6 THE COURT: What do you expect her to say with
7 respect to that?

8 MS. HOFFINGER: Precisely what I said.

9 She's going to say that she felt numb. She didn't
10 expect it to happen.

11 She felt numb.

12 At one point she almost felt like she was having a
13 panic attack, and she has not been able to remember some of
14 the details.

15 And some of the details she has always remembered,
16 and some of the details — precisely how she got from the
17 bathroom to the bed — some of them came back to her in 2019
18 when she saw a certain movie.

19 THE COURT: All right.

20 MS. HOFFINGER: So I think it explains what we
21 expect the defense will do, and what they've indicated that
22 they will do.

23 So in our direct we are entitled to bring this out
24 and draw the sting in order to explain —

25 MS. NECHELES: Well, we would not be going there if

1 the Prosecutor wasn't going there, so it's not drawing the
2 sting out of — they are putting in very prejudicial
3 material, and they are not drawing the sting out, they are
4 essentially making this into rape, which is totally
5 improper, that she felt threatened and —

6 MS. HOFFINGER: Let me make this clear —

7 MS. NECHELES: And that she felt threatened into
8 doing it.

9 MS. HOFFINGER: Let me make this clear. She has
10 always said, and she did not say — she will not say that,
11 she will not say that this is a sexual assault, that will
12 not be her account, has not been her account and never has
13 been.

14 So to the extent that that is the way that the
15 defense is characterizing that, I will make that clear and
16 she will make that clear.

17 MS. NECHELES: Judge, there is, additionally,
18 another area that I don't know whether the prosecutors
19 intend to go into, but I would ask that she be precluded
20 from being asked.

21 She has said on various occasions, starting in
22 2018, that she and her daughter were threatened by some
23 random man.

24 THE COURT: That She?

25 MS. NECHELES: That she and her daughter's lives

1 were threatened by some random man in a parking lot and
2 that's why she didn't tell her story earlier.
3 And there is no connection at all to — I don't
4 believe her story — but there is also just no connection to
5 President Trump in any way on this, and so we would ask that
6 that be precluded.

7 MS. HOFFINGER: We are not suggesting that it was
8 President Trump who did that.

9 There are a few things that I would say.

10 First of all, the defense opened the door in their
11 cross-examination of Keith Davidson.

12 They put in the clip saying that Avenatti said
13 something about her story of being threatened in a parking
14 lot in 2011 by a man as being not true.

15 It is also the basis of a defamation claim, which
16 the defense opened the door to on their opening when they
17 said that this is all just about the fact that she owes him
18 some legal fees having to do with that case.

19 So they've opened the door.

20 It also goes to, your Honor, directly to why she
21 didn't tell her story at various times. So it's a critical
22 piece.

23 They've opened the door to it. And we should be
24 allowed to elicit it.

25 THE COURT: The latter issue that you say they did

1 open the door to —
2 MS. HOFFINGER: Uh-huh.
3 THE COURT: You can step back and just give me a
4 second to think about that.
5 MS. HOFFINGER: Sure.
6 And, your Honor, if I may ask for a few minutes
7 before we start.
8 (Sidebar concluded.)
9 *****
10 THE COURT: I'm sorry.
11 Come back, please.
12 (Start Sidebar.)
13 THE COURT: On the direct examination, I'm going to
14 ask you to not get into the feelings that you — that you
15 just described.
16 You can get into the sexual act, that there was a
17 sexual act.
18 Of course, you can talk about how she got there;
19 how she ended up in the room. Just the facts. You can get
20 into the facts.
21 MS. HOFFINGER: Just don't ask her how she felt at
22 the time?
23 THE COURT: Well, I don't want to get into how she
24 felt emotionally at that time.
25 I don't want you to get into that on your direct.

Lisa Kramsky,
Senior Court Reporter

1 We will wait to see what happens on
2 cross-examination.
3 MS. HOFFINGER: Okay.
4 THE COURT: And maybe at that time we can revisit
5 it.
6 MS. HOFFINGER: Okay.
7 THE COURT: Okay.
8 MS. HOFFINGER: Uh-huh.
9 (Sidebar concluded.)
10 ***~k**k*
11 THE COURT: All right. People, your next witness,
12 please.
13 MS. HOFFINGER: The People call Stormy Daniels,
14 your Honor.
15 THE COURT OFFICER: Witness entering.
16 (The witness, Stormy Daniels, enters the courtroom
17 and steps up to the witness stand.)
18 *****
19 THE COURT OFFICER: Step up to the officer.
20 THE COURT OFFICER: Step up here.
21 Raise your right hand and face the court clerk.
22 *****
23 S T O R M Y D A N I E L S, a witness called on
24 behalf of the People, having been first duly sworn was
25 examined and testified as follows:

Lisa Kramsky,
Senior Court Reporter

1 THE COURT OFFICER: You could have a seat.
2 THE WITNESS: Thank you.
3 THE COURT OFFICER: Pull your chair up to the
4 microphone.
5 And state your first and last name. And spell your
6 last name for the record.
7 THE WITNESS: Ready?
8 My name is Stormy Daniels. Last name is
9 D-A-N-I-E-L-S.
10 THE COURT: All right.
11 Good morning, Ms. Daniels.
12 THE WITNESS: Thank you.
13 THE COURT: You may inquire.
14 *****
15 DIRECT EXAMINATION
16 BY MS. HOFFINGER:
17 Q Good morning, Ms. Daniels.
18 Good morning.
19 A Hi.
20 O Ms. Daniels, have you also been known as Stephanie
21 Clifford?
22 A Yes.
23 Q What name do you prefer that we use here in court?
24 A Stormy Daniels.
25 Q Now, are you testifying here today pursuant to a

Lisa Kramsky,
Senior Court Reporter

1 subpoena?

2 A Yes, I am.

3 Q Without providing any specific names, can you tell the
4 jury a little bit about your family?

5 A Sure. I was born and raised in Baton Rouge,
6 Louisiana.

7 My parents divorced when I was four, so I was raised mostly
8 by my mom.

9 Now I live in Florida with my partner.

10 And I share custody of my young daughter with her dad.

11 Q And how long have you known your partner?

12 A I have known him for almost 25 years.

13 Q Tell the jury a little bit about your life growing up
14 in Louisiana?

15 A Like I said, I was born and raised in Baton Rouge,
16 Louisiana.

17 My parents split up when I was four years old. I was mostly
18 raised by mom.

19 Very low income family. She was a single working mom.

20 I went to a private, very Christian, very strict elementary
21 school that my dad paid for.

22 And then I entered the magnet system, which is for — you
23 have to maintain a certain GPA in middle and high school.

24 I went to an engineering high school because I wanted to be
25 a veterinarian and they had the best recommendation for getting

Lisa Kramsky,

Senior Court Reporter

1 into college and for getting scholarships.

2 So I graduated from Scotlandville Magnet High School in
3 1997.

4 I graduated top ten percent of my class for the country, and
5 applied to both LSU Veterinarian School and Texas A & M.

6 I received a full scholarship from Texas A & M for
7 veterinary medicine, and — but even that still requires you to
8 pay for things that aren't included in scholarships.

9 So I took a year off from that and never actually got to go
10 back.

11 Q So you never actually went — you didn't go to college;
12 correct?

13 A Correct. But I did take college classes in high
14 school.

15 Q And did you participate in some clubs in high school?

16 A Yes, I did.

17 Q What kind of clubs or hobbies were you involved with
18 when you were in high school?

19 A I was editor of my high school paper, so I was in the
20 journalist club.

21 I was in 4-H because I loved horses and, also, so they would
22 write a recommendation for veterinary school.

23 And then I was, aside from the regular 4-H, I was in the
24 Equine Department of — the 4-H Department, which is the
25 equestrian horseback riding part of that.

Lisa Kramsky,
Senior Court Reporter

1 And I was in the Baton Rouge Ballet Company.
2 Q And I'm going to ask you to slow down just a little bit
3 so that the court reporter can get it all down and also so that
4 the jury can hear you.
5 A I'm sorry.
6 Q It's all right.
7 I'm sorry.
8 Did you do some work during high school, some paperwork?
9 A Yes, I did. I taught handicap rider lessons at the
10 stable where I kept my horse in exchange for board and feed for
11 my horse and riding lessons.
12 And I shoved manure. (Laughter).
13 And then later I went on to dancing.
14 Q Okay. Tell us about the dancing, when you went on to
15 that?
16 A I was 17, I think, and a friend of mine — I met a
17 friend who told me that she was a dancer.
18 I thought she meant the same kind of dancing that I did,
19 which was ballet and jazz and tap.
20 I was wrong. (Laughter.)
21 She was an exotic dancer and invited me to the club to see
22 her dance; and they didn't bother to check my ID.
23 So I started dancing on the weekends, which was actually
24 kind of cool because I didn't have to miss any classes and could
25 still make more in two nights than I did shoveling manure eight

Lisa Kramsky,
Senior Court Reporter

1 hours a day. (Laughter).
2 (Whereupon, at this time, Principal Court Reporter
3 Susan Pearce-Bates relieved Lisa Kramsky as the official
4 court reporter.)

5 *****

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Lisa Kramsky,
Senior Court Reporter

1 (Continued from the previous page.)

2 CONTINUED DIRECT EXAMINATION

3 BY MS. HOFFINGER:

4 Q So, you started making some money then in high school,
5 is that right?

6 A Yes.

7 Q And did you move out of your mother's house at some
8 point?

9 A Yes, ma'am.

10 Q During or shortly after high school?

11 A When I was 17.

12 Q And just briefly, why did you move out of your
13 mother's house, just briefly?

14 A My mother was very neglectful. She would disappear
15 for days at a time. I wish I could say that she was an addict
16 of some sort, that would kind of be an excuse, but to this day
17 I really don't know. We lived in a really bad neighborhood,
18 and she would just vanish.

19 And so, finally, it came to a head right around
20 Christmastime of my senior year. And my — and then I left for
21 a little bit for a couple of weeks. And then I came home. And
22 since I was 17, which in Louisiana at that time you are
23 considered an adult, so I moved out.

24 Q And have you supported yourself ever since?

25 A Yes.

Susan Pearce-Bates, RPR, CCR, RSA

Principal Court Reporter

1 Q Now, did there come a time that you started also doing
2 some other work, for example, nude modeling for some magazines?

3 A Yes, when I was 21.

4 Q Why did you do that?

5 A Well, I was working at the club, as I said, and we
6 would have, like, guest stars. They are called featured
7 entertainers. For those that don't know, it's like traveling
8 acts that come in, and they headline at the club.
9 They put on very fancy burlesque shows. They either
10 breathe fire or do aerial, stilts, just like they are the star
11 performance and they give them all the special treatment.
12 And because I had this background in actual dancing,
13 and I was like, I want to do that, but you have to have some
14 sort of — a reason to be the headliner. You have to have a
15 reason they pay you to come in and be the star. And the way to
16 do that is either to pose for magazines or do competitions or
17 to do adult movies.
18 So, if you are a regular girl in the club, you can
19 come and perform, but if you were like in Playboy, or Playboy
20 centerfolds, or one of those people, then you could be a
21 headliner.
22 So, you would have to have what they would call
23 credentials or credits.
24 And so, I asked a lot of those performers how they got
25 those, and, of course, they said you have to have these credits

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Principal Court Reporter

1 or a reason to be the star. And they connected me with some
2 photographers and videographers, and I went on to pose for some
3 magazines to get the accolades, I guess, to be able to go on
4 tour as the featured entertainer.

5 Q Would that enable you to make more money?

6 A Yes. Obviously you get paid for that.

7 Q How old were you when you started that work?

8 A Twenty-one.

9 Q Now, did there come a time that you also worked in the
10 adult film industry?

11 A Yes.

12 Q Why did you move into doing that work?

13 A It started the same way I just explained.

14 So, when you had those — you were this guest star,
15 this featured entertainer, you can do contests, and you could
16 really — you could literally be Miss Nude North America or you
17 can do magazines, like I said, but each one of these are sort
18 of like a level.

19 They top out on a pay grade, and the people who make
20 the most for their appearances were the people who, the girls,
21 performers who had done adult films.

22 And I topped out of rate and was doing really well. I
23 never had any sort of issue with nudity or sex or adult films.
24 Went to California with a girlfriend of mine who was out there
25 to do a shoot. And she obviously just wanted me to go with

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Principal Court Reporter

1 her, and I never went to California.
2 She said, I will pay for your trip. I am so scared.
3 So I went with her. I was an extra, like a completely clothed
4 background extra, in a bar on her shoots.
5 And the director, who is a very famous director, from
6 a famous adult company, Wicked Pictures, saw me, and said he
7 actually thought I was already an adult actress and asked me if
8 I would be in another movie.
9 I honestly was kind of scared to do it. And she said,
10 I will do it with you, and just doing one you can say you have
11 done it, and it bumps you up in pay grade.
12 So I said, yes. And I will cut out a lot of the other
13 details, and five days later she got on a plane to fly back
14 home, and I got offered a contract at Wicked Pictures.
15 Q And how old were you at the time?
16 A Twenty-three.
17 Q Did there come a time that you started writing for
18 adult films?
19 A Yes, about six months later.
20 Q Were you still about 23-years old?
21 A I was 23, yes.
22 Q Do you continue to write for adult films?
23 A Yes, I still do.
24 Q And did there come a time when you started directing
25 in that industry?

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Principal Court Reporter

1 A Yes. I directed my first adult film, it was a
2 feature, which is — there are two kinds of films. One that is
3 like not scripted and you are just sort of like seen. There is
4 no thinking or you don't have to learn dialogue or whatever.
5 And then there are adult features that are very
6 scripted, kind of the ones if you cut out the really naughty
7 stuff, you will see on TV late at night. They are, basically,
8 actual movies that have sex.

9 That's what the company I wrote for did.

10 I was one of the youngest, if not the youngest, adult
11 feature director and definitely the youngest female feature
12 director. I started directing when I was 23, and I have
13 directed over 150 films, and I have won 11 best director awards
14 and two best screenplays.

15 Q And have you also acted in what we would call
16 mainstream movies?

17 A Yes.

18 Q Could you give the jury examples of those you did?

19 A Sure. I was in a movie called 40-Year-Old Virgin,
20 Knocked Up, Finding Bliss, a whole bunch.

21 I have been in TV shows too.

22 Q I will just ask you to slow down a little bit.

23 A I was in a television show called The Dirt with
24 Courteney Cox, Superbad.

25 Q And have you also acted in some music videos?

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Principal Court Reporter

1 A Yes. I did some music videos for Maroon 5, a band
2 called Granny 4 Barrel, Rob Zombie.

3 Q Have you also directed some music videos?

4 A Yes.

5 Q Have you also written or are you writing some books?

6 A Yes. I have written a book and I am in the process of
7 finishing up two others.

8 Q And the name of the book you completed?

9 A Well, the book that I completed was released in 2018,
10 it's called Full Disclosure, and two more are coming out next
11 year.

12 Q And have you also done some comedy shows?

13 A Yes.

14 Q Have you also in the past hosted a podcast?

15 A Yes.

16 Q What was the podcast about?

17 A The podcast was called Beyond the Norm. It was sort
18 of anything that is beyond the norm. It was about anything
19 from like serial killers, female serial killers, to UFO
20 abductions, paranormal stuff, porn. That's not — it's beyond
21 the norm, politics, anything like that.

22 Q In connection with the podcast that might have
23 involved politics, in some of those, did you discuss Mr. Trump
24 or your experience with him?

25 A Yes, of course.

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Principal Court Reporter

1 Q Do you still host that podcast?

2 A Sadly, no, I don't.

3 Q Why not?

4 A Because I got fired.

5 Q Why was that?

6 A Because I was reluctant to continue talking about just
7 that one narrative about this case, and about, um — like
8 politics, I was told I could pick a variety of things to talk
9 about, and they just kept going down this one subject line.

10 And —

11 Q It is because of that subject line that you do not
12 have the podcast?

13 A Correct.

14 Q Were you recently featured in a documentary?

15 A Yes.

16 Q What, briefly, was the documentary about?

17 A About my life and my story.

18 Q Included in that documentary, did you also speak about
19 Mr. Trump and your experience with him?

20 A Yes.

21 Q In about 2009, did you also explore running in the
22 Republican Primary for Senate in Louisiana?

23 A Yes.

24 Q Can you tell the jury a little about that?

25 A In 2009, let's see, I got an email from a friend

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Principal Court Reporter

1 saying, did you know about this?
2 There is a guy in Louisiana — first, it came at me as
3 this person is using your name, your trademark name, and your
4 image to promote himself.
5 She was, actually, a little bit wrong. It was a Draft
6 Stormy Campaign, and it was to go against the Republican David
7 Vitter, Senator David Vitter.
8 And I got really mad; and, basically, got ahold of the
9 guy, his name was Brian Welsh, and went after him to stop using
10 my name and image to promote himself. But it wasn't to promote
11 himself, it. Was to bring attention to this candidate, the
12 Republican candidate in Louisiana who was running on a platform
13 of like — who was anti-women and was trying to shut down like
14 reproductive rights and sex education in school and Planned
15 Parenthood.
16 Meanwhile, he got caught doing some unsavory things.
17 And he had no intention of making me the Senator, but I was
18 helping to bring attention. I jumped on board, and, basically,
19 was saying that I was a better choice than this guy.
20 But I dropped out. I never wanted to actually move
21 back to Louisiana. I didn't want to establish residency. I
22 made a lot more money doing the job that I was doing at the
23 time, which made for some fun campaign slogans I would have
24 loved to use, but David Vitter would never actually — he
25 wouldn't debate me.

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Principal Court Reporter

1 Q So just to clarify, so was the platform that you were
2 interested in running on was to promote sex education and
3 women's reproductive rights?

4 A Correct.

5 Q And if you had run, you would be running as a
6 Republican, correct?

7 A Correct.

8 Q I would like now to direct your attention to July of
9 2006.

10 Were you working at a celebrity golf tournament in
11 Lake Tahoe at that time?

12 A Yes.

13 Q And for whom were you working at the time?

14 A I was still under contract with Wicked Pictures, the
15 adult film company.

16 Q Contract, meaning you were both a director and a
17 writer and also an actress?

18 A Yes, ma'am.

19 Q And what were you and others from Wicked Entertainment
20 doing at this golf tournament in Lake Tahoe in July of 2006?

21 A So, Wicked sponsors one of the holes on the golf
22 course, which, yes, I know it's very funny. We are an adult
23 film company sponsoring one of the holes.

24 And we had a table in the gift room where celebrities
25 would come through, get a gift bag, check out the products,

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Principal Court Reporter

1 pose for photos. And that's pretty common in any sort of
2 event. They usually have a gift room and even the award shows
3 have these. It's very common.

4 Q So you went with others from your company to promote
5 the company?

6 A Right. It was myself, the owner of the company, a
7 couple of the staff from the company, and some of the contract
8 girls, and the players would come around. You would stay at
9 your hole that had the company's logo, and you would give them
10 water, towels, take a photo. And then later the next day, or
11 whatever, the evening, they would go to the gift rooms.

12 Q And did you meet Donald Trump on the golf course at
13 that celebrity golf tournament in Lake Tahoe?

14 A Yes, I did.

15 Q Can you describe how you encountered him on the golf
16 course?

17 A It was a very brief encounter. The players were
18 playing. They came through very quickly. We met every person
19 who was in the golf tournament at that moment. They came
20 through.

21 Obviously, they would take their shot.

22 I would say, hello, and introduce myself to them. I
23 introduced myself, the company, and the other contract girls,
24 not just to Mr. Trump, but every player that came through.
25 Gave them water, posed for pictures.

Susan Pearce-Bates, RPR, CCR, RSA

Principal Court Reporter

1 It was a very brief encounter on the course.

2 Q Do you recall, if at all, what you discussed with

3 Mr. Trump on the golf course at that time?

4 A It wasn't very much. So, you know, the owner of the
5 company was like, this is my contract girl Jessica, and this is
6 my contract star and director Stormy Daniels.

7 And that's when he acted like, oh, you actually direct
8 too? You must be the smart one. And there is a picture and
9 they moved on.

10 Q And what did you know about Mr. Trump at the time, if
11 anything?

12 A Well, that he was, obviously, a golfer, and that he
13 had a television show I had never seen called Celebrity
14 Apprentice or The Apprentice, and he had done some reality TV
15 things.

16 Q Do you recall what the reality TV things were that you
17 knew about at the time?

18 A He did a lot of cameos and things like that. I
19 definitely remember seeing movies, commercials or whatever and
20 something — something for wrestling, which I am from
21 Louisiana. It's a big deal.

22 Q How old were you at the time?

23 A Twenty-seven.

24 Q And did you know his approximate age, or could you
25 tell his approximate age at the time?

Susan Pearce-Bates, RPR, CCR, RSA

Principal Court Reporter

1 A I didn't know his age. I knew he was probably old or
2 older than my father.

3 Q So, would that — how old was your father at the time?

4 A So, 60.

5 Q Did you see Mr. Trump again inside the gift room that
6 you mentioned previously?

7 A Yes.

8 Q And could you just describe that encounter in the gift
9 room, briefly?

10 A Sure. Like I mentioned, everybody came through.

11 There were so many photos with the girls with all the
12 celebrities that came through that day. He did remember us
13 from the golf course.

14 He talked to all of the girls. He remembered me,
15 specifically, that I was the smart one. He asked for a DVD.

16 We did we have a DVD. We had our adult films there.

17 He specifically asked for the one that I had directed.

18 At that time, it was only one that was out that I had
19 both — well, all three, written, directed and starred in. And
20 that was the movie called Three Wishes. So I made sure that he
21 got that one.

22 We talked very briefly.

23 Then I saw him talking to his — his — it's his
24 security, but I didn't know that it was his security then at
25 the time. I thought maybe it was his friend. I saw him

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Principal Court Reporter

1 talking to another gentleman that was with him.
2 And then he said that — he came back and asked, said
3 that Mr. Trump would like to know if I would like to have
4 dinner with him.
5 Q Before we get to that.
6 You also took a picture with Mr. Trump inside the golf
7 room?
8 A Yes.
9 Q I am sorry. Inside the gift room?
10 A The gift room, yes.
11 Q Did you take pictures with other celebrities or other
12 folks that were coming through?
13 A Yes. Pretty much every celebrity that came through we
14 took a photo of.
15 Q Do you see Mr. Trump in the courtroom today?
16 A Yes.
17 Q Could you just point him out and indicate an article
18 of clothing that he is wearing?
19 A Navy blue jacket, second at the table.
20 MS. HOFFINGER: Indicating the Defendant, your
21 Honor.
22 THE COURT: Yes.
23 Q Now, you mentioned a photo that you took with
24 Mr. Trump, is that right?
25 A Correct.

Susan Pearce-Bates, RPR, CCR, RSA

Principal Court Reporter

1 Q Officer, can you hand — I am handing you a thumb
2 drive, Ms. Daniels.

3 I am handing you a thumb drive that contains four
4 photos —

5 A Okay.

6 Q — marked as People's Exhibits 226, 227, 228-A and
7 229-A for identification.

8 Have you previously reviewed the photos that are
9 contained on that thumb drive?

10 A Yes.

11 Q How do you know that?

12 A Because it has my initials on the tag.

13 Q And the date as well?

14 A Yes.

15 Q Thank you.

16 MS. HOFFINGER: I am going to ask to please put
17 up just for the witness, the Court and the parties,
18 People's Exhibit 226 for identification.

19 Q It will be on your screen in a minute.

20 A I have it.

21 Q Do you recognize what's depicted in this photo?

22 A Yeah.

23 Q What is depicted in the photo?

24 A It is a photo of myself and Mr. Trump in the gift
25 room.

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Principal Court Reporter

1 Q Is it a fair and accurate representation of what you
2 and Mr. Trump looked like at the golf tournament inside of the
3 gift room in July of 2006?

4 A Of course, yes.

5 MS. HOFFINGER: I offer it in evidence, your
6 Honor, People's Exhibit 226.

7 MS. NECHELES: No objection.

8 THE COURT: 226 is accepted into evidence.

9 Q Now, who took that photo of you that day, if you
10 recall?

11 A It was a photographer who was working for Wicked. His
12 name was Hal.

13 Q And in that picture, what do you see Mr. Trump wearing
14 including a hat and his shirt?

15 A He is wearing a yellow-collared Polo — Polo-styled
16 shirt with a golf logo and a red hat with a matching logo.

17 MS. HOFFINGER: Can we now — so, actually, in
18 evidence, can we now show People's 227, in evidence?
19 (Exhibit is displayed in open court.)

20 MS. HOFFINGER: I am sorry. I haven't offered it
21 yet.

22 THE COURT: Take it down, please.

23 MS. HOFFINGER: Can you just show it to the
24 witness and the parties and counsel and the Judge, of
25 course. My apologies.

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Principal Court Reporter

1 Q Is this one of the photos that you reviewed on the
2 thumb drive?

3 A Yes, it is.

4 Q Do you recognize what's depicted in this photo?

5 A Yes.

6 Q What is it?

7 A A photo of Mr. Trump at the golf course.

8 Q Is it a fair and accurate representation of what
9 Mr. Trump looked like to you the first time you met him on the
10 golf course at the tournament in July of 2006?

11 A Yes, it is.

12 MS. HOFFINGER: I offer People's 227 in evidence,
13 your Honor.

14 MS. NECHELES: No objection.

15 THE COURT: 227 is accepted into evidence.

16 MS. HOFFINGER: Now, you can display it.

17 Thank you.

18 Q Now, what is Mr. Trump wearing in this photo?

19 A The same yellow shirt and red hat.

20 MS. HOFFINGER: You can take that down.

21 Thank you.

22 Q Now, you mentioned that after you talked briefly with
23 Mr. Trump in the gift room, that someone, his bodyguard, came
24 over and spoke with you?

25 A Yes.

Susan Pearce-Bates, RPR, CCR, RSA

Principal Court Reporter

1 Q Can you tell the jury, again, what his bodyguard told
2 you?

3 A That Mr. Trump was interested in having me join him
4 for dinner.

5 Q And what did you say at that time?

6 A F' no.

7 Q I am sorry.

8 A No, but with an expletive in the front.

9 Q Do you know the bodyguard's first name?

10 A It's Keith.

11 Q Did he introduce himself as Keith?

12 A Yes. As Keith, yes.

13 Q Did you know his last name at the time?

14 A I did not. At the time I did not know.

15 Q Do you know now what's his last name?

16 A Yes, Schiller.

17 Q At the time he gave you his first name?

18 A Yes.

19 Q Did Keith give you his cell phone number at the time?

20 A Yes.

21 Q And how did he give you his cell phone number?

22 A He actually took my number.

23 Q Did he ask you for your number?

24 A He asked for my number, and I gave him my number. And
25 then he messaged me, and I saved it.

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Principal Court Reporter

1 Q In other words, you saved his cell phone number in
2 your phone?

3 A Yes.

4 Q Did you create a contact in your phone for Keith in
5 July of 2006 when he texted you that contact?

6 A Yes.

7 MS. HOFFINGER: Can we show just to the witness
8 now, People's Exhibit 229-A for identification. Just to
9 the witness, the parties and to the Court.

10 Q Is this also one of the photos that you reviewed on
11 the thumb drive?

12 A Yes, it is.

13 Q Do you recognize it?

14 A Yes.

15 Q What is it?

16 A It is a photo of my phone and the contact in it.

17 Q And is it a particular photo from your phone of the
18 contact for Keith?

19 A Yes, it is.

20 Q Now, do you notice that the phone number for Keith is
21 redacted to show only the last four digits of his number?

22 A Yes.

23 Q Have you had a chance to also review and compare it
24 against the original contact in your phone with the full
25 numbers?

Susan Pearce-Bates, RPR, CCR, RSA

Principal Court Reporter

1 A Yes.

2 Q Aside from the redactions, is it exactly the same?

3 A Yes, it is a match.

4 MS. HOFFINGER: I now offer People's Exhibit

5 229-A in evidence, your Honor.

6 MS. NECHELES: No objection.

7 THE COURT: Was that 228 or 229?

8 MS. HOFFINGER: It was, actually, 229-A.

9 We are jumping a little. We will get back to

10 228. I apologize.

11 THE COURT: Okay. Accepted into evidence.

12 BY MS . HOFFINGER:

13 Q Tell us what that contact shows.

14 A It says — it is saved under the name, Keith Trump,

15 that I put Trump because I didn't know his last name when I

16 saved it. And then the phone number that he texted me from

17 that I saved.

18 Q And in listing it in your phone as Keith Trump, you

19 said you didn't know his last name, why did you put the name

20 Trump there?

21 A I know a lot of people named Keith, and I wanted to

22 make sure I knew which one, which Keith it was, and because I

23 didn't know his last name, at least I know who he works for.

24 I do that a lot, put the name — it's stupid — or I

25 put where they are from.

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1 Q Was it the fact that he worked for Mr. Trump that you
2 put the last name Trump in your phone?

3 A Correct.

4 Q Do you still have Keith's contact in your phone to
5 this day?

6 A Yes.

7 Q Now, after you left the golf tournament, did you speak
8 with anyone else about the dinner invitation from Mr. Trump
9 that Keith extended to you?

10 A Yes.

11 Q Who did you discuss it with?

12 A Immediately, my then publicist. His name was Mike.
13 He was the first, and I think the only one that immediately I
14 talked to about it.

15 Q And what — could you tell us a little bit about the
16 conversation with Mike and what it led you to end up doing?

17 A So, I was scheduled to have a dinner or to go to
18 dinner with everyone from the company that I worked for, and I
19 really didn't want to go to that dinner. There was a couple of
20 people at that dinner that I didn't want to be around, you
21 know, cat fight and stuff.

22 And so, I said, well, I can go to this, not that I
23 ever would.

24 And he said, wait, this is amazing. You totally
25 should. What better excuse do you have to get out of this

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1 dinner than that you are going to have dinner with Donald
2 Trump. If nothing else, you will get a big story, and it will
3 be good to get you out of this dinner. He said, I think you
4 should go. It will make for a great story. He is a business
5 guy. Like, what could possibly go wrong?

6 That was his words to me.

7 Q Did he persuade you that it would be good for your
8 career?

9 A Yes, he implied. He said, at the very least, he could
10 probably have some interesting advice.

11 At the best, maybe he can get you a pilot with an
12 agent or something like that.

13 Q Did you end up going to his hotel, Mr. Trump's hotel,
14 to have dinner with him?

15 A I did.

16 Q How did that come about?

17 A Keith messaged me — I don't remember who messaged
18 first.

19 I messaged back and forth with Keith and set it up to
20 arrange for me to go across town to where Mr. Trump was
21 staying. It was not the same hotel I was staying at, and I
22 meet him for dinner.

23 Q Do you recall what hotel Mr. Trump was staying at?

24 A I believe it was Harrah's. It was not the same one as
25 me.

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1 Q How did you get to the hotel? How did you travel to
2 the hotel?

3 A So, I was originally was going to walk. I set out to
4 do that and realized that I had made a poor footwear decision
5 and that choice — and, actually, ended up meeting with a
6 friend of mine about halfway, talking to her, and then I took a
7 car the rest of the way.

8 Q Did you indicate to your friend that you were going to
9 have dinner with Mr. Trump?

10 A Yes.

11 Q Can you describe — do you know, approximately, what
12 time you arrived at Harrah's Hotel that night?

13 A I was in the car, I believe, at sunset.

14 Q Can you describe when you got to the hotel, arriving
15 at the hotel and going inside?

16 A Yes. So, I arrived, and I went upstairs. Keith had
17 given me very specific instructions to take a certain elevator
18 up to the penthouse floor. It was the only way to get there, I
19 guess.

20 And so, I did so, and I went up to that level. And
21 that is where I met Keith. He was waiting for me outside of
22 the door.

23 Q How did you get into Mr. Trump's hotel suite?

24 A The door was actually open. It was cracked open and
25 his bodyguard, Keith, was standing right outside the double

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1 doors to his room.

2 He said, hi, nice evening, you look nice, one or two
3 sentences of pleasantries, and said, go on in.

4 The door was already open. So I walked on in.

5 He said, Mr. Trump is there waiting for you.

6 Q You have to slow down a little bit for the court
7 reporter.

8 What were your expectations in going to meet him that
9 night at the hotel room?

10 A I didn't really have any expectations other than he
11 had said, Keith had said, just come up here, meet up here, and
12 then you guys can go downstairs together to one of the — I
13 mean, the hotel had lots of really nice restaurants. So, we
14 would just go down to have dinner. That was my only
15 expectation, that I would have to have dinner that I didn't
16 want to with somebody else.

17 Q Can you describe the first room that you saw when you
18 entered the hotel suite?

19 A Inside the room?

20 Q Yes. The first room you entered when you entered the
21 penthouse.

22 A It wasn't really a room. It was like a foyer. Foyer.

23 Q What did it look like?

24 A It was just; like a little area, round shape, black
25 and white tiled floors in the center, a big, beautiful wooden

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1 table. It looked very heavy, like a mahogany or something,
2 super fancy, with a big flower arrangement and a light above
3 it, and it was very, very nice.

4 Q Did you mention anything about the floor?

5 A The black and white tile.

6 Q Did you mention that?

7 I might have missed it. I apologize.

8 Now, describe, if you would, where you first
9 encountered Mr. Trump inside of the hotel suite?

10 A It was right there inside of the doorway by the table
11 with the flowers. And I called his name. I said, hello.
12 And he came from one of the main areas of the hotel
13 suite.

14 Q What — did you notice what he was wearing at the time
15 when he came to greet you?

16 A Yes. He was wearing silk or satin pajamas, like
17 two-piece pajamas, that I immediately made fun of him for, and
18 said, does Mr. Hefner know you stole his pajamas?

19 Q Who were you referring to when you said, Mr. Hefner?

20 A Hugh Hefner, the owner of Playboy Magazine.

21 Q Was that someone known for wearing pajamas out in
22 public?

23 A It was sort of his signature uniform. He wore satin
24 pajamas all the time.

25 Q What did Mr. Trump do when you said that?

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1 A I told him to go change, and he obliged very politely.
2 Q Did he come back at some point in a different outfit?
3 A Yes.
4 Q What was he wearing?
5 A Just a dress shirt and dress pants.
6 Q And what were you doing when he went to go change?
7 A Just kind of walking around, looking around the
8 suite — it actually was very quick, how fast he changed.
9 It was a very big suite.
10 You know, when you say hotel room, people often think
11 of a hotel room that we are used to and when you walk in there
12 is a bed, a dresser, and that's the connotation that people
13 have in their head when you say a hotel room.
14 This hotel room was three times the size of my
15 apartment.
16 Q What sort of rooms did you see in the hotel room?
17 A You walked in and —
18 Q My apologies.
19 What did you see in the suite?
20 A Suite. So you walked in this foyer that had a
21 gigantic flower arrangement, as I said, and then you go into a
22 living room area. That was also bigger than the living room in
23 my first three houses, and it was carpet. And like I said, a
24 full-size couch and chair and TV, and over to the left was a
25 like a — like a bar thing, I guess.

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1 And then a — like another little room that had a
2 table and chairs. It was almost a full-size dining room table
3 with a full-size — some people call it a buffet, some people
4 call it a credenza, depending on where you are from.
5 It was all heavy, beautiful furniture. There was
6 another room over that way — I didn't go into that room. It
7 was a very big beautiful room. It was nicer than any of my
8 friends' apartments.

9 Q When Mr. Trump came back in the suit — you said he
10 went to put on a dress shirt. Where did the two of you go at
11 that point?

12 A To the table, I guess the dining room table. The
13 table with the chairs would be where you would have dinner.

14 Q Did you both sit down at that dining room table?

15 A Yes.

16 Q Where was he sitting and where were you sitting?

17 A He was sitting across from me with his back against
18 the wall, and the buffet/credenza was behind him. And I was
19 sitting directly across from him in the main area, the living
20 room bar area, behind me.

21 Q And what, if anything, did Mr. Trump say about talking
22 a while before dinner?

23 A It was a little bit early. I do remember it wasn't
24 even dark outside just yet. It was still some light coming
25 through the windows.

1 And he said, you know, it was a bit early, would you
2 mind like just talking for a bit and get to know each other,
3 and then we can go down or we can stay up or whatever.
4 I said, yes, absolutely. So I took a seat and we
5 started talking.

6 Q So, what were some of the things that you discussed
7 with him?

8 First, I am going to ask you, did you talk to him
9 about how you grew up?

10 A Yes.

11 Q Tell the jury a little bit about that.

12 A Yeah. I mean, it's getting to know you. It's
13 pleasantries.

14 Where are you from?

15 What's your family like?

16 Just all of the entry conversation kind of stuff. I
17 told him where I was from.

18 I told him, you know, where I grew up.

19 He asked me — he asked me about my family. All of
20 those things.

21 Where I went to school.

22 Did I go to college?

23 Where did I live at that time?

24 Did I have any children? I did not.

25 Was I married? I wasn't then.

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1 Did I have a boyfriend? No, I didn't at the time.
2 Just things that I like to do. Generally, get to know
3 you sort of things.
4 And then — and I don't remember the exact order of
5 everything we discussed, I just remember the conversations.
6 Q Let me just ask a follow-up question.
7 Did you talk to him at all about the conditions of
8 your childhood?
9 A Yes. Absolutely.
10 Q That it was a difficult time growing up?
11 MS. NECHELES: Objection, your Honor.
12 A Yes.
13 THE COURT: Sustained.
14 MS. NECHELES: Move to strike.
15 THE COURT: That answer is stricken.
16 Q I am moving on to another question.
17 Did he also ask about your work?
18 A Yes.
19 Q Tell the jury a little bit about that.
20 A He asked how I got involved in the adult entertainment
21 business.
22 I told him that story about how I started dancing and
23 posing for magazines. He was very interested in how I would
24 segue from being a porn star to writing and directing.
25 I did have to immediately lay that misconception that

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1 so many have that, yes, some adult films have real scripts and
2 are real movies, not just, oh, I am sorry, Mr. Pizza Boy, which
3 is very offensive to me.
4 So, I did explain to him like different types of adult
5 films, some are scripted. Some budgets are \$5,000 and some
6 budgets are \$250. I explained that there is such a budget
7 range and how I got involved in it.
8 He was very interested in a lot of the business
9 aspects of it, which I thought was very cool.
10 He asked questions like, are there any unions?
11 Do you get residuals?
12 How are the people paid?
13 Do you get health insurance?
14 What about testing?
15 Are you worried about STD's?
16 Do they have a doctor on staff?
17 You know, most of the time, I am trying to be very
18 careful and not say bad words. Most of the people who want to
19 talk to me about work, they want to know the sexy stuff, or the
20 dirty stuff.
21 What's your favorite position?
22 They want to know the salacious things.
23 These were more very thought-out business questions.
24 I can't tell you if I ever remember someone asking do we have a
25 union and how we get paid and how the testing works in the

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1 industry, are we worried about getting pregnant or catching
2 something.

3 So it was a lot of that conversation.

4 Q Did he ask about whether you had ever been tested?

5 A Yes, of course. I volunteered it as well. At the
6 time you — you will to be tested every 30 days. Today it's
7 every 14 days. You cannot work unless you have a test.

8 And yes, you know, have you ever had a bad test?

9 A bad test is something positive for something.

10 I said, nope. I can show you my entire record.

11 Anybody in the industry can see anybody's testing.

12 You sort of waive that privilege.

13 But, yes, I have every test that I have ever done for
14 the last X amount of years. At the time it was a month, now
15 it's twice a month.

16 I never had a bad test. I never tested positive for
17 anything.

18 Q Did you talk to him at all about protection, safety?

19 A Yes, a little bit. And I think that's kind of how we
20 segued into the safety conversation.

21 He said, aren't you worried about safety?

22 And I was quick to point out that my time in the
23 industry I chose to work for Wicked Pictures because they are
24 the only condom mandatory company.

25 Q What does that mean?

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1 A Which means that even when I was working — even if a
2 married couple was working together, even if you were going to
3 work with your spouse, for a husband and wife, you live
4 together, when you perform on camera for Wicked Pictures, you
5 have to use a condom.

6 They are the only condom-mandatory company in the
7 adult business.

8 Q Is that one of the reasons that you worked there?

9 A Yes. Even when I worked with my husband, I had to use
10 a condom, even though I am allergic to latex. Latex, that type
11 of thing.

12 So, we were talking about that and stuff like that.

13 So, I was like, you know, adult performers are kind of like —
14 I said, like WWE, like wrestling, because I really wanted to
15 ask him about him making —

16 Q What did he tell you about that?

17 A He said that he was friends with the owner of the
18 company. I don't know if it was Vince McMahon.

19 And I had seen the thing on there about he does
20 stunts, like a guest spot, not really wrestling on WWE.

21 THE COURT: Ms. Daniels, if you can just slow
22 down a little bit so that the court reporter can get what
23 you are saying.

24 BY MS. HOFFINGER:

25 Q Did he tell you anything about the scripts with

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1 respect to his being in the wrestling with Vince McMahon?
2 A Oh, yeah, I made him.
3 The little scenario or plot that he was a part of at
4 the time was some sort of, I don't remember if it was a bet or
5 whatever, but the point was that if he lost that he had to
6 shave his head or Vince McMahon got to shave his head.
7 And Donald Trump has always been famous for his do.
8 And so, I said, well, what are you going to do if you
9 lose? You do not have the head design to be without hair.
10 Some of us look good bald, some of us don't. I don't think you
11 are that man.
12 And he said, oh, no. No. No. I agree with you. All
13 of that stuff is predetermined.
14 And, you know, I remember he used the word, setup, but
15 it's predetermined in the script that we know the outcome in
16 advance.
17 Q Let me ask you, at some point was there a very brief
18 discussion about his wife, Melania?
19 A Yes. Very brief.
20 Q Did this occur in the context of you viewing a picture
21 that included his wife?
22 A Yes. He showed me a few pictures of things.
23 And I said, oh, what about your wife?
24 Q What did he say?
25 A I actually said, she is very beautiful. What about

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1 your wife?

2 He said, oh, don't worry about that. We are —

3 actually don't even sleep in the same room.

4 Q Did there come a time during the discussion with him

5 that he discussed being on the cover of some of his magazines?

6 A Of course.

7 Q Tell us about that.

8 A He would ask me questions and then not let me finish

9 the answer.

10 He kept cutting me off, and it was almost like he

11 wanted to one-up me, which was just really hilarious when you

12 think about it.

13 He just wanted to talk about himself. And he said,

14 have you seen my new magazines? Well, of course you couldn't

15 have seen it. I have a copy.

16 So he pulled out a magazine, I don't know if it was

17 not released yet or just released, that he was on the cover of.

18 It was not like I made a habit of reading financial magazines.

19 I was just a 27-year-old stripper, but, yeah.

20 Q And what happened with respect to that discussion

21 about magazines?

22 A At this point, I pretty much had enough of his

23 arrogance and cutting me off and still not getting my dinner.

24 So, I decided someone should take him on.

25 So I said, are you always this rude, arrogant and

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1 pompous? You don't even know how to have a conversion, and I
2 was pretty nasty. I snapped.
3 And he seemed to be taken aback.
4 And I said, someone should spank you with that.
5 That's the only interest I have in that magazine. Otherwise, I
6 am leaving.

7 Q What happened?

8 A I don't think he thought I would do it.
9 So, he rolled it up and gave me the look that he dared
10 me to do it. So, now I kind of had to.

11 Q So, what did you do?

12 A So, I took it from him and said, turn around. And I
13 swatted him.

14 Q Where do you swat him?

15 A Right on the butt.

16 Q Right after that, did you continue to sit down and
17 talk?

18 A Yes. And he was much more polite.

19 Q Did you have a discussion with him about The
20 Apprentice?

21 A Yes. I think, like I said, we talked about numerous
22 things. We talked about the golf course in Scotland, which to
23 me was very interesting about the environment that was there.
24 We talked about travel.
25 Like I said, there was nothing weird about the

1 conversations except that it wasn't weird, it was like business
2 questions and thought-out questions and thought-out answers,
3 and how did you come up with ideas for my scripts and things
4 like that.

5 And it was at that point he got really quiet, and he
6 was thinking, and he told me he had an idea, that I should go
7 on his television show.

8 Q Which show?

9 A The Apprentice.

10 Q Was it The Apprentice?

11 A I don't remember the TV show. The Apprentice, I
12 assume it's Celebrity Apprentice. I don't know, The
13 Apprentice.

14 And I said there is no way that they would ever let —
15 there is no way NBC would ever let an adult actress on
16 television. And I said, even you don't have that much power.
17 And he said that he did.

18 He said, you remind me of my daughter because she is
19 smart and blond and beautiful and people under estimate her as
20 well. And the way he framed it did actually make perfect
21 sense, because he is all about like PR things, the spin. And
22 he was like, that will really shake things up, and you can go
23 on the show and prove that you are not just a dumb bimbo, you
24 are more than people think and he would get a lot of attention
25 for having this crazy idea.

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1 Q Did he say anything else about The Apprentice and what
2 might happen if you went on?

3 A Right.

4 And so, I was — first of all, there is no way that's
5 going to happen. I knew enough about his ego to know even you
6 don't have that much power, thinking that would also make him
7 want to do it.

8 I was like, people underestimate women, especially
9 people in the adult industry, when they see blond hair and big
10 boobs, and I am a good writer and director.

11 And he said, this is your chance to have somebody see
12 that part of you.

13 I was like, well, but I am not a business person. I
14 don't have that kind of education. Like, there is no way I
15 could win. What, if, you know —

16 He said, you don't have to win. You just have to show
17 who you are.

18 I said, what if I lose on the first episode? That
19 also makes me look bad. People will take that and run with it.

20 You are just an idiot like we all thought you were.

21 And then he said, what if I tell you what the
22 challenges are?

23 Q What did you understand that to mean?

24 A He said, you know, we can kind of like on the
25 wrestling thing, if you know what they are, obviously, I can't

1 have you win, but we can — I am in control. I know what's
2 going to happen. I can give you some advantage to make sure
3 you at least make a good showing.
4 I said, all right. We will see if I can make that
5 happen.
6 Q Did he suggest that if you did get on The Apprentice
7 what might happen with other aspects of your career?
8 A Just that people might be able to take me serious,
9 know that I wasn't just an airhead. That I could finally — he
10 knew and we talked essentially about what I really wanted to
11 do, and that is to be taken seriously as a writer and director.
12 And at the time I hadn't done any mainstream writing
13 or directing, and that's still what I wanted to do.
14 I wanted to write and direct film and music videos
15 things like that. Nothing against the adult entertainment
16 business. I have no shame. That's who I am, but I also wanted
17 to direct other bigger things. They have bigger budgets and
18 better catering.
19 And he was like, this is your chance for somebody to
20 see you and maybe give you that kind of opportunity. So, he
21 pushed it as a win/win.
22 Q Did he ask you about any of the other people that you
23 worked with at Wicked Pictures?
24 A Of course. He asked me multiple times in the
25 conversation, like, who are you? You know, is everybody in the

1 industry friends?
2 Do you all hate each other?
3 Do you love each other?
4 Do you hook up off camera?
5 I don't want to use the word, hook up.
6 Do you sleep with each other off camera?
7 Do you have any friends here?
8 Well, the girls from Wicked were there.
9 And he said, what about your friends here from Wicked?
10 Of course I shot that down immediately because the
11 whole reason I was having dinner there is because I didn't want
12 to have dinner with one of them.
13 Q Did you call another colleague of yours during this
14 conversation from Wicked?
15 A No, I didn't.
16 Q Not from Wicked. I apologize.
17 Did you call another friend of yours?
18 A Yes.
19 Q Tell us about that.
20 A Yes. I bumped into a friend of mine that was in town.
21 She was actually one of my neighbors as well. I had no idea
22 that she was in Lake Tahoe. She was not there for the golf
23 tournament.
24 I literally walked into her while I was walking down
25 the street with another girl from the industry getting a tattoo

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1 at a tattoo parlor.

2 And as I was walking, she called my name. Her name is

3 Alana. And she is who I bumped into on my way over there and

4 the one I told I was on my way to see him. And I know she

5 didn't believe me. So when he was like, do you know anybody

6 else? I also had two reasons for calling Alana. One because I

7 am telling the truth. I am with Donald Trump. And, two, he

8 asked me to call one of my friends and I didn't want to call my

9 colleague from Wicked.

10 Q Did you end up calling your friend Alana from the

11 hotel room?

12 A Yes.

13 Q Did you put her on speaker?

14 A Yeah.

15 Q What, if any, conversation did you and Mr. Trump have

16 with Alana on speaker?

17 A He said, hello, which meant that I won that bet.

18 I know she didn't believe me, and they talked.

19 And she said, what are you guys doing?

20 And he said, we are just hanging out. Why don't you

21 come over and hang out with us?

22 And she, I can't remember what kind of excuse she

23 made.

24 She said, yeah, I will call you back in a little bit

25 or whatever. She didn't. Time just kept going by.

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1 I called her and nothing. We didn't get a good — I
2 called her a few more times and it went to voicemail.

3 Q When you called her and had her on speaker phone, did
4 Mr. Trump ask her to come over and join you as well?

5 A Yes.

6 Q Approximately, how long in total were you talking in
7 the suite with Mr. Trump, sitting, as you said, in the dining
8 room-type area?

9 A Well, close to two hours. It was a long time.

10 Q Now, at that point, meaning after all of that
11 discussion that you just described, did you sense any red flags
12 or reason that you where concerned about being there?

13 A No.

14 Q At some point did you need to use the restroom?

15 A Yes.

16 Q And did you tell —

17 THE COURT: Is this a good time to take a break?

18 MS. HOFFINGER: Yes, it is, Judge.

19 THE COURT: Let's take our morning recess.

20 Please remember all of my instructions as you
21 step out.

22 COURT OFFICER: All rise.

23 (Whereupon, the jurors are excused.)

24 THE COURT: Please be seated.

25 You can step down.

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1 (Whereupon, the witness is excused.)
2 THE COURT: Please approach.
3 (Discussion is held at sidebar, on the
4 record.)
5 THE COURT: I understand that your client is
6 upset at this point, but he is cursing audibly, and he is
7 shaking his head visually and that's contemptuous.
8 It has the potential to intimidate the witness
9 and the jury can see that.
10 MR. BLANCHE: I will talk to him.
11 THE COURT: So, I am speaking to you here at the
12 bench because I don't want to embarrass him.
13 MR. BLANCHE: I will talk to him.
14 THE COURT: You need to speak to him. I won't
15 tolerate that.
16 MR. BLANCHE: I will talk to him.
17 THE COURT: One time I noticed when Ms. Daniels
18 was testifying about rolling up the magazine, and
19 presumably smacking your client, and after that point he
20 shook his head and he looked down.
21 And, later, I think he was looking at you,
22 Mr. Blanche, later when we were talking about The
23 Apprentice, at that point he again uttered a vulgarity and
24 looked at you this time.
25 Please talk to him at the break.

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1 MR. BLANCHE: Yes, I will.
2 (Whereupon, Principal Court Reporter Susan
3 Pearce-Bates was relieved by Senior Court
4 Reporter Theresa Magniccari.)
5 (Short recess is taken.)
6 (Continued on the following page.)
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1 (Whereupon proceedings are continued from
2 preceding page.)
3 *****
4 THE COURT: Case on trial continued.
5 Just two things.
6 Mr. Blanche, did you speak to your client?
7 MR. BLANCHE: Yes your Honor.
8 THE COURT: Ms. Hoffinger, I think the degree of
9 detail that we're going into here is just unnecessary.
10 We don't need to know the details of the conversations,
11 what the suite looked like, or anything like that.
12 When she comes back to the stand, you can move
13 along more quickly.
14 MS. HOFFINGER: Okay.
15 THE COURT: Let's get the witness.
16 (Witness entering courtroom.)
17 ***
18 THE COURT: Welcome back, Ms. Daniels.
19 THE WITNESS: Thank you.
20 THE COURT: Let's get the jury.
21 THE SERGEANT: All rise. Jury entering.
22 (Jury entering courtroom.)
23 THE COURT: Please be seated.
24 THE CLERK: All jurors are present and properly
25 seated.

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1 THE COURT: Ms. Hoffinger.

2 MS. HOFFINGER: Thank you, your Honor.

3 CONTINUED DIRECT EXAMINATION

4 BY MS. HOFFINGER:

5 O. Now, before we broke, Ms. Daniels, we were talking
6 about the discussions you had in the hotel suite. Did there
7 come a time that you needed to use the restroom?

8 A. Yes.

9 Q. Can you tell us just about that?

10 A. I had been there for quite a while, I drank a couple of
11 bottles of water, which is all we were drinking. It was water.
12 And I needed to use the ladies room. So I asked if that was
13 possible. So I was instructed to go through the living room and
14 to the bedroom and to help myself to the facilities.

15 Q. When you say you were directed, who directed you?

16 A. Mr. Trump.

17 Q. Can you describe — you said you went through a bedroom
18 to get to the bathroom?

19 A. Yes. I went out of the dining room area, through the
20 living room, through a bedroom, into what I assume is the master
21 bedroom. It was a very large, beautiful bathroom.

22 Q. What did you see inside the bathroom?

23 A. So I walked through the bedroom. I did notice that the
24 bed was unmade, but there were no personal items around. And I
25 entered the bathroom. I went into the separate area where the

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1 toilet actually was and used the bathroom, came out, and was
2 washing my hands and touching up my lipstick. I did notice
3 someone had obviously been using the restroom. There were
4 towels and stuff that was open. There was a leather, or like a
5 leather looking toiletry bag on the counter with products and
6 stuff in it, which, you know —

7 Q. What do you remember about what was inside?

8 A. I did look. I'm not proud of it. I wondered what is
9 in here. And I noticed the toiletry was — the items were Old
10 Spice and Pert Plus. I thought that was both amusing and odd.
11 And a manicure set, which was gold, gold tweezers and all gold
12 things.

13 I finished washing my hands and touched my makeup up.

14 Then I walked out of the bathroom.

15 Q. Did you try to call anybody while you were inside the
16 bathroom? Al anaAlina was not answering her phone. In fact, I
17 wish I had a cell phone camera. If I did, I definitely would
18 have taken a picture of that. I even thought, woe, this is
19 crazy.

20 Q. Did you try to call her while you were inside the
21 bathroom?

22 A. I believe so. Her phone was going straight to
23 voicemail. At this point she wanted no part of whatever I had
24 going on.

25 Q. What happened when you left the bathroom?

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1 A. When I came out of the bathroom, I expected to exit, go
2 around the bed and back out to where we had been sitting and
3 talking and hopefully say; Okay, time to go, I have been here
4 for a long time.

5 That was actually when I realized how long I had been
6 there.

7 And when I opened the bathroom door to come out,
8 Mr. Trump had come into the bedroom and was on the bed,
9 basically between myself and the exit.

10 Q. What was he wearing at the time?

11 A. His boxer shorts and t-shirt.

12 Q. What was your reaction to seeing him like that?

13 A. At first, I was just startled, like jump scare. I
14 wasn't expecting someone to be there, especially minus a lot of
15 clothing. That's when I had that moment where I felt the room
16 spin in slow motion. I felt the blood basically leave my hands
17 and my feet and almost like if you stand up too fast, and
18 everything kind of spinned, that happened too.

19 Then I just thought, oh, my God, what did I misread to
20 get here. Because the intention was pretty clear, somebody
21 stripped down in their underwear and posing on the bed, like
22 waiting for you.

23 Q. What happened when you came out of the bathroom, did he
24 stay on the bed?

25 A. When I exited, he was just up on the bed like this

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1 (indicating).

2 Q. What happened after that?

3 A. And I went to step around. I laughed nervously, and,
4 you know, tried to make a joke out of it, and step around and
5 leave. Even though I was moving like I was in a funhouse, like
6 slow motion.

7 I thought to myself; Great. I put myself in this bad
8 situation, like what did I do, how did I misread everything.

9 He stood up between me and the door, not in a
10 threatening manner. He didn't come at me. He didn't rush at
11 me. He didn't put his hands on me and nothing like that.

12 I said, I got to go.

13 He said, I thought we were getting somewhere, we were
14 talking, and I thought you were serious about what you wanted.

15 If you ever want to get out of that trailer park — basically, I
16 was offended because I never lived in a trailer park.

17 THE COURT: Sustained.

18 Move along.

19 THE WITNESS: I am sorry, Judge. I don't
20 understand.

21 THE COURT: The objection is sustained.

22 Q. You were both standing up at this time?

23 A. Yes.

24 Q. And what happened next, briefly?

25 A. I just think I blacked out. I was not drugged. I

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I never insinuated that I was on drugs. I was not drunk. I never
2 said anything of that sort. I just don't remember —

3 MS. NECHELES: I object.

4 THE COURT: Overruled.

5 Q. Did you at some point —

6 THE COURT: Please approach.

7 (Whereupon, proceedings were held at sidebarz)

8 THE COURT: Tell me what your objection is?

9 MS. NECHELES: She is making it sound like she was
10 drugged.

11 MS. HOFFINGER: She said she wasn't drugged.

12 MS. NECHELES: She said she is dizzy, she blacked
13 out.

14 THE COURT: I got the impression she was saying
15 she wasn't drugged. She is not suggesting she was drugged.
16 I sustained your objection.

17 If you want — I got the impression — Do you want
18 to consult with the other lawyers.

19 MS. HOFFINGER: I can clarify, if you would like.

20 MS. NECHELES: I think it should be clarified.
21 She is not saying she was not.

22 MS. HOFFINGER: Sure, I can do that.

23 (Whereupon, the following proceedings were held in
24 open court:)

25 THE COURT: The objection is sustained.

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1 CONTINUED DIRECT EXAMINATION

2 BY MS. HOFFINGER:

3 Q. I want to clarify and ask you to slow down so the
4 reporter can understand you.

5 Were you saying you were not drugged in any way; is
6 that correct?

7 A. Correct.

8 Q. You had not had any alcohol in any way?

9 A. Correct.

10 Q. Okay.

11 And that's what you were trying to convey?

12 A. Yes.

13 Q. So, he was standing up and you were standing up. What
14 were your relative heights?

15 A. I am 5'6", 5'7", and I don't know how tall he was,
16 definitely several inches taller and much larger.

17 Q. But you said you didn't feel threatened; is that right?

18 MS. NECHELES: Objection, leading.

19 THE COURT: Sustained.

20 Q. Did you feel threatened by him?

21 A. No, not physically. Although, I did note there was a
22 bodyguard right outside the door. There was an imbalance of
23 power for sure. He was bigger and blocking the way. But, I
24 mean, I was not threatened verbally or physically.

25 Q. Can you briefly describe, at some point, did you end up

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1 on the bed having sex?

2 A. Yes.

3 Q. Can you very briefly describe where you had sex with
4 him?

5 A. The next thing I know, I was on the bed, somehow on the
6 opposite side of the bed from where we had been standing. I had
7 my clothes and shoes off. I believe my bra, however, was still
8 on. We were in the missionary position.

9 MS. NECHELES: Objection.

10 THE COURT: Sustained.

11 Q. Without describing the position, do you remember how
12 your clothes got off?

13 A. No.

14 Q. Is that a memory that has not come back to you?

15 MS. NECHELES: Objection.

16 THE COURT: Sustained.

17 Q. You don't at this point remember; is that correct?

18 A. Correct.

19 Q. And did you end up having sex with him on the bed?

20 A. Yes.

21 Q. And do you know — withdrawn.

22 Do you have a recollection of feeling something unusual
23 that you have a memory of?

24 MS. NECHELES: Objection.

25 THE COURT: Sustained.

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I Q. What, if anything — do you remember anything other
2 than the fact that you had sex on the bed?
3 A. I was staring at the ceiling. I didn't know how I got
4 there. I made note, like I was trying to think about anything
5 other than what was happening there.
6 MS. NECHELES: Objection.
7 THE COURT: Sustained.
8 MS. NECHELES: I move to strike.
9 THE COURT: The answer is stricken.
10 Q. Did you touch his skin?
11 A. Yes.
12 MS. NECHELES: Objection.
13 THE COURT: Sustained. Sustained.
14 Q. Was he wearing a condom?
15 A. No.
16 Q. Was that concerning to you?
17 A. Yes.
18 Q. Did you say anything about it?
19 A. No.
20 Q. Why not?
21 A. I didn't say anything at all.
22 Q. Do you recall how it ended, the sex?
23 A. Yes.
24 Q. Was it brief?
25 A. Yes.

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1 Q. Do you remember at some point getting dressed?

2 A. Yes.

3 Q. And tell us what you recall about getting dressed?

4 A. Sitting on end of the bed, noticing that it was
5 completely dark outside now, and that it was — it was really
6 hard to get my shoes on, my hands were shaking so hard. I had
7 on tiny little — they was strappy gold heels with little tiny
8 buckles. My hands were shaking so hard. I was having a hard
9 time getting dressed. He said, "Oh, great. Let's get together
10 again honey bunch. We were great together." I just wanted to
11 leave.

12 Q. Did you say no at any time during sex with him?

13 A. No.

14 Q. Why not?

15 A. Because I didn't say anything at all.

16 Q. Did you notice afterwards a DVD on the side table?

17 A. Yes. The DVD I had given him earlier in the gift bag
18 from the show was on the nightstand, that I signed.

19 Q. When you were leaving and you went to leave, what, if
20 anything, did you do or say?

21 A. He said, "We have to get together again soon." He went
22 to kiss me goodbye. I just left as fast as I could. You know,
23 that was it.

24 Q. Did he say anything to you about talking again?

25 A. Yes. He said, "We should get together again. We were

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1 fantastic together. I want to get you on the show." And that
2 was it. He didn't give me anything. He didn't offer to pay me
3 or anything or a cell phone number or anything like that.

4 Q. Did he ask you to keep your encounter with him
5 confidential?

6 A. No.

7 Q. Did he express any concern at that point about his wife
8 finding out?

9 A. No.

10 Q. Did you end up having dinner in his room that night?

11 A. No.

12 Q. You said it was dark out when you left?

13 A. Yes.

14 Q. And do you recall how you got back to your hotel?

15 A. It was a cab.

16 Q. After that night, did you tell anybody else about what
17 happened?

18 A. Yes.

19 Q. Just give us a sense of the people that you told and
20 what you told them?

21 A. I told very few people that we had actually had sex
22 because I felt ashamed that I didn't stop it, that I didn't say
23 no. A lot of people would just assume — they would make jokes
24 out of it. I didn't think it was funny. I didn't want to hear
25 about it, or assume that I was paid prostitute, which I wasn't.

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1 So I told very few people. I also didn't want it to get back to
2 anybody that I was dating.

3 MS. NECHELES: Objection.

4 THE COURT: Sustained.

5 Q. There are some details that you said you still don't
6 remember?

7 A. Yes.

8 Q. Did there come a time some years after the encounter
9 with Mr. Trump that you remembered some additional details about
10 what happened that you hadn't remembered earlier?

11 A. Yes.

12 Q. Can you tell the jury about that?

13 MS. NECHELES: Objection.

14 THE COURT: Overruled.

15 A. So most of everything I said I have said consistently,
16 every interview in the book.

17 Q. Just to direct you, were there certain things that you
18 always remembered —

19 A. Yes.

20 Q. — about what happened in the room?

21 A. Yes.

22 Q. You always remembered that you had sex with him, for
23 example?

24 A. Yes.

25 MS. NECHELES: Objection.

I THE COURT: Please approach.
2 (Whereupon, proceedings were held at sidebar:)
3 THE COURT: Your objection is to leading?
4 MS. NECHELES: The objection to leading, but I
5 am also objecting to the witness just going off on
6 tangents.
7 THE COURT: Ms. Hoffinger is doing some leading.
8 I will sustain your objection as to leading.
9 But I think that is what Ms. Hoffinger is trying
10 to do, she is trying to direct her. I think that might be
11 the safer course.
12 MS. NECHELES: Your Honor, I understand that. The
13 problem is, that she is also leading her through a set of
14 things: What do you remember?
15 And, so — and obviously the problem with leading,
16 it suggests answers sometimes.
17 So I understand that — maybe if your Honor could
18 direct the witness to just answer the questions.
19 MS. HOFFINGER: I think that she has answered my
20 questions. I think asking her to answer my questions is
21 not necessarily probative.
22 But I would say, I have been leading her to try to
23 be cognizant of the Judge's decision. I have had a
24 chance to talk to her about it. I was trying to lead her.
25 Second, Ms. Necheles has made very clear her story

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1 has changed and is going to. So I need to elicit there
2 were certain things she always remembered, but she did have
3 an experience in 2019 when she saw the movie Bombshell
4 that caused her to remember some additional details. That
5 is what I am trying to bring out.

6 THE COURT: What was the Bombshell?

7 MS. HOFFINGER: It was a movie about Roger Ailes.
8 That is how she remembered what he said to her when she
9 came out of the bathroom, which was about the trailer park.

10 MS. NECHLES: She did mention trailer park, and
11 that's why I objected. That is not necessary.

12 THE COURT: Sure.

13 We need some finality in this case.

14 MS. HOFFINGER: Okay. I will try to direct her a
15 little bit around that. I don't need to ask the last
16 question, which was, were there things you always
17 remembered, which I can go straight to the Bombshell
18 movie, what happened, how she remembers additional
19 details.

20 MS. NECHELES: It goes to the thing that she said
21 about the trailer park, I have to cross-examine her.
22 But we believe that this has now introduced —
23 and what the prosecution is going to do is introduce even
24 more this whole theory of inappropriate power being used,
25 and when she said it was undue influence being used, an

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1 imbalance.

2 THE COURT: I think we need to stay the course.

3 Avoid anything that is going to get us into trouble.

4 I will let you ask the question again. If she

5 doesn't answer directly, I will ask her to answer the

6 question.

7 MS. NECHELES: The Bombshell Stuff?

8 THE COURT: Not coming in.

9 MS. HOFFINGER: You want me to not ask the

10 question?

11 THE COURT: Don't ask it.

12 MS. HOFFINGER: Can I on redirect, if they

13 question on cross?

14 THE COURT: Yes.

15 (Whereupon, the following proceedings were held in

16 open court:)

17 CONTINUED DIRECT EXAMINATION

18 BY MS. HOFFINGER:

19 O. Ms. Daniels, did you see Mr. Trump again in Tahoe the

20 next day?

21 A. Yes.

22 O. Tell the jury about that.

23 A. The next day I met him, this time at my hotel, at a

24 nightclub restaurant bar downstairs.

25 Q. What was going on in your hotel that night?

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1 A. It was all part of the same event, the charity event.

2 They did a silent auction. They had cocktails, however,

3 whatever. I met him at one of the nightclubs there.

4 Q. So that was part of your participating in the things

5 that Wicked was doing for this golf tournament?

6 A. Yes.

7 Q. You met him there. Where was it? Did you say it was

8 in the lobby?

9 A. The nightclub, a bar, like in the lobby of the hotel.

10 It was a nightclub.

11 Q. Did anyone call you before going there to indicate that

12 Mr. Trump was going to be there?

13 A. Yes. Keith said he wanted to talk to me again, would I

14 be willing to meet him. This time it was in public. I said,

15 yes.

16 And when I arrived, he was sitting at a booth in a

17 nightclub. It was dark. There was loud music, drinking. He

18 wasn't drinking, but it was a bar. He was with his friend and

19 bodyguard.

20 Q. And when you say "his friend," do you know who his

21 friend was?

22 A. Ben Roethlisberger from the Pittsburgh Steelers.

23 Q. Did Mr. Trump say hello to you and introduce you?

24 A. Yes.

25 Q. What did he say?

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1 A. He introduced me as his little friend Stormy to Big
2 Ben, the football player, and we sat down. I remember it
3 clearly because I talked Ben into letting me try on his
4 Superbowl ring and two of my fingers fit into it.

5 Q. When you say "Big Ben," is that how Mr. Trump referred
6 to Mr. Roethlisberger?

7 A. Yes.

8 Q. What, if anything, did you discuss at the table with
9 Mr. Trump or Mr. Roethlisberger?

10 A. It was really loud. I mean, it was very, very brief.
11 They were talking. I think they had been having a conversation
12 when I arrived. They kind of continued it out of earshot. They
13 were whispering to each other.

14 Then he said — he did come back to me: Hey,
15 everything about our idea, I think it's good. I got to get back
16 home and figure out how to get you on the show.

17 He took a call. He was very busy.

18 He left and said: "You know, I am going to have Ben
19 walk you back to your room," and, "Ben, would you mind seeing
20 her up?"

21 It was very, very short. Maybe ten minutes that I was
22 there.

23 Q. And Ben walked you up to your room?

24 A. Yes.

25 Q. Did you leave Lake Tahoe the next day?

1 A. I believe it was the next day, yes.

2 Q. And do you recall the first person you did tell about
3 having that sexual encounter with Mr. Trump?

4 A. I think Keith. Not the same Keith. Keith, my friend.
5 I rented his house. He was one of my best friends. He was like
6 my dad. And my makeup artist, Christine.

7 Q. Did you tell either of them all the details of what
8 occurred in the room or just some of them?

9 A. Most of them.

10 Q. And were there others that you told about some of it?

11 A. Sure.

12 Q. Did you tell those folks, did you tell them all of what
13 happened?

14 A. There were several people that I told. I told lots and
15 lots of people that I had told that I had gone to his room and
16 that I had met him. It wasn't a secret at all. I told scores
17 of people that.

18 The sex part, I told very few very close people, like
19 Kieth, who was photographer/best friend/family, and my makeup
20 artist, who is my very best friend and confidante. Her name is
21 Christine. And my assistant at the time. My assistant, her
22 name is Yoli.

23 Q. Did Mr. Trump call you after that encounter in July of
24 2006 in Tahoe?

25 A. Yes.

I Q. Tell us about that, how often he would call you?

2 A. He would call on average once a week. Sometimes two or
3 three times a week. Sometimes not at all for three weeks. He
4 would always call. I was working a lot at the time. I was
5 shooting a lot, I was directing photo shoots for magazines or
6 whatever. I always put him on speakerphone. We thought it was
7 funny. I put him on speakerphone and dozens and dozens of
8 people heard me on the phone with him. It was not a secret.
9 My entire crew and cast, especially my cameraman and makeup
10 artist.

11 He always definitely loaded the call with an update or
12 a non-update, if he didn't have one, for The Apprentice, and
13 always talked about when we could get together again. Did I
14 miss him? He always called me honey bunch. And when was I
15 going to be in New York. Did I need anything? He was working
16 on the The Apprentice thing. He would say, I didn't have a
17 chance to talk to him.

18 Q. When you put him on speakerphone, did you tell him he
19 was on speaker?

20 A. No.

21 Q. Did he ever tell you during those calls that you should
22 keep it confidential and not tell anyone?

23 A. No.

24 Q. Why did you continue to take his calls?

25 A. Because I did tell my publicist, Mike, about The

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1 Apprentice thing. He took great pride in telling me he told
2 me to go to that dinner —

3 THE COURT: Ms. Daniels, listen to the question
4 and answer the question.

5 A. — to go and meet him was good.

6 Q. Why did you continue to take his calls?

7 A. My publicist thought it was good to continue my
8 conversations with him about the television show.

9 Q. At some point, did Mr. Trump give you his work number?

10 A. He gave me his assistant's number.

11 Q. And did he give that to you over the phone or in
12 person?

13 A. Over the phone.

14 Q. And what did he tell you about that number that he gave
15 you?

16 A. That it was a person who worked closest with him.
17 She — her name was Rhona. I remember writing it down on the
18 notepad in my house while I was on the phone. If I ever need to
19 get a hold of him, she would know how.

20 Q. Do you remember, approximately, when he gave you that
21 phone number?

22 A. I know where I was at, what house I was living in. I
23 know it was late Summer of 2006.

24 Q. And what did you do with the number when he gave it to
25 you?

1 A. I wrote it down on a piece of paper next to my bed and
2 I entered it into the phone.

3 Q. When you say you "entered it into your phone," did you
4 put it into your phone contacts?

5 A. Yes. Sorry.

6 Q. That's all right.

7 MS. HOFFINGER: Can we show now just to the
8 witness to the Court and the parties People's Exhibit 228A
9 for identification.

10 Q. Do you recognize that, Ms. Daniels?

11 A. Yes.

12 Q. What do you recognize that to be?

13 A. That is a picture of Rhona's contact in my phone.

14 Q. And do you notice that the phone number is redacted to
15 show only the last four digits of the number?

16 A. Yes.

17 Q. Had you reviewed it and compared it to the original
18 contact without that redaction?

19 A. Yes.

20 Q. Are they exactly the same other than the redaction?

21 A. Yes.

22 Q. Other than the redaction, is that an exact copy of the
23 contact that you entered into your phone for Rhona when you
24 received it from Mr. Trump sometime in 2006?

25 A. Yes, it is.

1 MS. HOFFINGER: I offer People's Exhibit 228A into
2 evidence.

3 THE COURT: Any objection?

4 MS. NECHELES: No objection.

5 THE COURT: 228A is accepted into evidence.

6 (Whereupon, People's Exhibit 228A was received
7 into evidence.)

8 (Displayed.)

9 Q. What did the contact read at the time?

10 A. The name?

11 Q. Yes.

12 A. "D. Trump Rona."

13 Q. And why did you enter it that way, "D. Trump Rona?"

14 A. Well, I didn't want to type Donald Trump, so I put in
15 Rona. The same thing, I didn't know her last name. So it's
16 kind of like the Keith one, it's how I remember it, what it was
17 for, and if I needed to get a hold of him. That's why his
18 name was first. I needed to get a hold of a woman named Rhona.

19 MS. HOFFINGER: You can take it down.

20 Now, please, show what is in evidence as People's
21 Exhibit 83.

22 Actually, you can show it on all the screens.

23 Thank you.

24 Maybe we can blow it up.

25 (Displayed.)

1 Q. Do you see People's 83, a contact that says
2 "Stormy Daniels" with a mobile phone number?

3 A. Yes.

4 Q. Do you recognize those last four digits of the phone
5 number there?

6 A. I do.

7 Q. What are they?

8 A. The last four digits of my phone.

9 Q. Have you previously reviewed that exhibit without the
10 redactions?

11 A. Yes.

12 Q. And can you confirm that what is redacted is the rest
13 of your cell phone number?

14 A. Yes, it is.

15 Q. Do you still have the same telephone number that you
16 did back in 2006 and 2007?

17 A. Yes.

18 MS. HOFFINGER: Thank you.

19 You can take it down.

20 Q. I want to direct your attention to January 17th or so
21 of 2007. Did you meet with Mr. Trump at the launch of his Trump
22 Vodka brand at a location in Hollywood, California, called
23 Les Deux?

24 A. Yes.

25 Q. How did that come about?

1 A. I guess he was having a party for his vodka release
2 party, he reached out and asked me if I would attend.
3 Q. Did you agree to go?
4 A. Yes.
5 Q. Why did you agree to go?
6 A. For the same reason, I wanted to maintain that sort of
7 relationship because the celebrity — the chance to be on the
8 The Apprentice was still up in the air and it would have been a
9 great thing. It would have been great for my career, especially
10 when it was framed as being a writer and director. It was a
11 public event.
12 MS. NECHELES: Objection.
13 THE COURT: Sustained.
14 MS. NECHELES: Move to strike.
15 THE COURT: Ms. Daniels, please keep the answer
16 short. Listen to the question and answer the question.
17 The objection is overruled.
18 MS. HOFFINGER: Thank you.
19 Q. Did you go alone or with others?
20 A. I went with two friends.
21 Q. What were the first names of the two friends that went
22 with you?
23 A. Just first names?
24 Q. Yes.
25 A. Tara and Evan.

1 Q. Were the two of them, Tara and Evan, among the friends
2 who you had told about some of the details about what had
3 occurred with Mr. Trump?

4 A. Some of the details, yes.

5 Q. When you saw — did you meet up with Mr. Trump when you
6 got there?

7 A. Yes. I rode there with my friend, and we immediately
8 walked the red carpet and went to his VIP booth.

9 Q. Did you meet him at the VIP booth?

10 A. Yes.

11 Q. How did he greet you?

12 A. He leaned over and gave me a kiss and shook my friends'
13 hands.

14 Q. Were there other people around when he greeted you?

15 A. Of course. There were hundreds of people there.

16 Q. Did he appear to be concerned about meeting you there
17 or greeting you?

18 A. No.

19 Q. Did he introduce you to anybody memorable when you were
20 there?

21 A. A few people. One of them was his friend Karen.

22 Q. Did you know Karen's last name?

23 A. Not at the time.

24 Q. Do you know her last name now?

25 A. Yes.

1 Q. What is it?

2 A. McDougal.

3 Q. Did you know — did you know who she was at the time?

4 A. I did not.

5 Q. Now, did you introduce your friends to Mr. Trump as
6 well?

7 A. Yes, I did.

8 Q. About how long were you there?

9 A. Between an hour and a half and two hours.

10 Q. And did he ask you to see him again?

11 A. Yes. He spent most of the time talking to my friend.

12 Every time I came over, he asked me if I would go back with him
13 that night.

14 Q. What did you tell him?

15 A. I lied to him and said that my friend — I lied to him
16 and said we were flying out on a girls trip out of LAX that
17 night.

18 Q. Let me direct your attention to a few months later,
19 about March of 2007. Did you visit with Mr. Trump at Trump
20 Tower at about that time?

21 A. Yes.

22 Q. How did that come about?

23 A. He said if I was ever in New York that I should stop by
24 and we should get together, I should see Trump Tower, we could
25 have a meeting about the show.

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Senior Court Reporter

1 I was here on unrelated business, I was working, I was
2 dancing at a club, and I hit him up. I thought it would be
3 great if I could get him to come to the club and see me, but he,
4 instead, invited me to his office building.

5 And the same thing, I reached out to Rhona as
6 instructed, and my assistant and I went to Trump Tower to meet
7 with him.

8 Q. You said you asked him to come to the show where you
9 were going to be performing?

10 A. Right.

11 Q. Why did do you that?

12 A. It was a public place. Lots of witnesses.

13 MS. NECHELES: Objection, your Honor.

14 THE COURT: Sustained.

15 Q. Was there a reason you thought it would be good for the
16 club if he showed up?

17 A. It would be good for the club and safer.

18 MS. NECHELES: Objection, and move to strike.

19 THE COURT: Sustained.

20 The answer is stricken.

21 Q. What happened when you got to Trump Tower?

22 A. Like when I walked in?

23 Q. Yes.

24 A. I was greeted warmly. I was expected. They were
25 expecting me. And I went up to his office to greet him, my

Theresa Magniccari

Senior Court Reporter

1 assistant and I, she was with me.

2 Q. Did you meet his assistant, Rhona, in the reception
3 area upstairs?

4 A. Yes.

5 Q. And were you ushered into his office with your
6 assistant?

7 A. Yes.

8 Q. And did you have a discussion in there with Mr. Trump?

9 A. Yes.

10 Q. And, just generally, what was the discussion?

11 A. It was very brief. He was very busy. People were in
12 and out. He introduced me to a couple of other people when I
13 was there, and he was in a meeting with somebody when I got
14 there. Then he had another meeting come in. It was a gentlemen
15 with an accent. It was very sort of rushed.

16 At one point he did step out and leave us in the
17 office. We took selfies. He said: "I don't have a lot of
18 time. I wanted you to stop by. I wanted to say hi."
19 It was always: "I am still working on the The
20 Apprentice thing," it got pushed back, I got it; that kind of
21 thing. It was always very, very brief.

22 Q. Did he also end up inviting you to another event?

23 A. He invited — well, okay. My assistant loved beauty
24 pageants. He was sort of in the midst of dealing with his
25 upcoming pageant. He offered us tickets, if we wanted to go.

Theresa Magniccari

Senior Court Reporter

1 Q. Did he arrange for tickets for you to go?

2 A. Yes, he did.

3 Q. Did you end up going to the Miss USA Pageant with your
4 assistant?

5 A. Yes, at his invitation.

6 Q. You said it was very brief at Trump Tower?

7 A. Yes.

8 Q. Did he appear to be concerned about anybody seeing you
9 at Trump Tower?

10 A. Oh, no, he introduced me to everybody. He just seemed
11 busy.

12 Q. Let me direct your attention now to the Miss USA
13 Pageant. How did you end up getting into the pageant?

14 A. It was in California. It was in Hollywood. And he
15 left tickets under my name at Will Call for my assistant and I.

16 Q. Was he there at the time?

17 A. He was there, but I didn't see him. Or, I didn't speak
18 to him, I saw him on stage.

19 Q. Did you speak to him after the pageant?

20 A. A few times.

21 Q. Now, after the Miss USA Pageant, sometime around the
22 Summer of 2007, did you meet with him again in L.A.?

23 A. Yes.

24 Q. How did that come about?

25 A. Same way I always did. He would call from a New York

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Senior Court Reporter

1 number or from Keith's number and/or Rhona's number, I guess,
2 and said he was going to be in L.A, he had the final information
3 almost all sorted out for the show; would I meet him again for
4 dinner at his bungalow, the Beverly Hills Hotel.

5 Q. Did you end up going to the bungalow?

6 A. I did.

7 Q. And how did you get there?

8 A. Mike, who was previously my publicist, we were now
9 dating, he drove me in my car.

10 Q. And had you told your boyfriend at that time about what
11 exactly had happened in the hotel room with Mr. Trump?

12 A. Not the sexual part.

13 Q. Why not?

14 A. Because I was ashamed.

15 Q. Why did you decide to go meet him at the bungalow?

16 A. To speak. Mike did know about The Apprentice thing.
17 If I suddenly didn't want to do it, it would be very weird.

18 Q. Did you meet anyone outside?

19 How did you get into his bungalow?

20 A. He gave me specific instructions. The place is kind of
21 complicated to pull up to. His bodyguard, Keith, met me at my
22 car, and Mike stayed in the car. He escorted me through like
23 these back patios to his particular building.

24 Q. Did you ask your boyfriend to just wait for you?

25 A. It was pretty common.

Theresa Magniccari

Senior Court Reporter

1 Q. Did you go into the bungalow to meet with Mr. Trump?

2 A. Yes.

3 Q. And tell us a little bit about what you discussed with
4 him in the bungalow?

5 A. Same sort of thing. He was busy. He was on the phone.
6 When I got there, there were several phone calls. He was
7 watching television. I said, you know, what are we having for
8 dinner? He was watching a documentary. We were talking about
9 the documentary that he was watching about some sailors that got
10 killed by sharks or submarines. He kept trying to make sexual
11 advances, putting his hand on my leg, scooting closer, giving me
12 compliments.

13 Q. What was your response?

14 A. I told him I was on my period.

15 Q. But you told him you did not want to; is that right?

16 A. Yes.

17 Q. Was there more discussion about the The Apprentice?

18 A. Yes. But a lot less than I thought there would be, no
19 real update.

20 Q. And about how long did you stay?

21 A. Two hours, tops. More than an hour, less than two.

22 Q. And what did he say when you were leaving, when you
23 decided to go?

24 A. "Want to get together again? I missed you." You know,
25 the usual.

Theresa Magniccari

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1 Q. Did he on that occasion tell you to keep it
2 confidential and not to tell anyone?

3 A. Absolutely not.

4 Q. Did he appear to be concerned with anybody else finding
5 out that you were there with him?

6 A. Absolutely not.

7 Q. Was that the last time that you saw him in person?

8 A. Yes.

9 Q. And did he call you after this meeting in the bungalow
10 in L.A., did he call you again?

11 A. Like that night?

12 Q. Did he call you another time?

13 A. Yes.

14 Q. Approximately, how many times did he call you?

15 A. A few more times. One was to tell me that he could not
16 get me on the television show, that he had been overruled by
17 his — he had been overruled by someone higher up's wife having
18 a problem. He owed it to them to go with their opinion, I
19 guess.

20 And he tried a couple of more times; I did not answer
21 his call.

22 Then one time I did answer, it was a New York number, I
23 didn't always know that it was him, to tell me that he did not
24 know that Jenna Jameson was going to be on the show.

25 Q. Who was Jenna Jameson?

1 A. She is another adult film actress. She wasn't a
2 contestant on the show. Her then fiance or husband at this time
3 was Tito Ortiz, an MMA fighter, and he was on the show. She
4 made a guest appearance and some stuff. He thought I was going
5 to be mad. I didn't care.

6 Q. You didn't care at that point?

7 A. No.

8 Q. Was that the last time you spoke to him by telephone or
9 in person?

10 A. Yes.

11 Q. And after, did you sort of stop taking calls?
12 How did you know that — did you know one way or the
13 other whether he called you again?

14 A. I think he did a couple of more times. I have no way
15 of knowing for sure. It would be a blocked number or a New York
16 number. I didn't have a lot of people from New York calling.

17 Q. Did you stop answering those calls?

18 A. Yes.

19 Q. At that point, did you move on with your life?

20 A. Absolutely.

21 Q. For the next three years, January of 2008 until about
22 May of 2011 or so, what did your life look like?

23 A. It was pretty awesome. I got a raise. I was directing
24 a lot more movies, a lot more mainstream things. That's when
25 I did the 40 Year Old Virgin and all those big movies. I

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1 started directing music videos. I got married. I had my
2 daughter. Became a nationally-ranked equestrian with my
3 horses.

4 MS. NECHELES: Objection.

5 THE COURT: I will allow it.

6 A. Bought a house. Moved to Texas.

7 Q. Any interactions during that time with Mr. Trump?

8 A. No.

9 Q. Let me direct your attention now to about May of 2011,
10 did you agree at that time to be interviewed for an article by a
11 magazine called In Touch?

12 A. Yes.

13 Q. And, first of all, what is In Touch?

14 A. It's an entertainment magazine, like a sort of tabloid,
15 fluff magazine.

16 Q. How did that come about, that you agreed to be
17 interviewed by In Touch?

18 A. One of the other performers at Wicked, Randy Spears,
19 his wife did entertainment, like PR management. Her name is
20 Gina. She reached out to me and said that someone had sold a
21 story about me and Mr. Trump to In Touch, or to a magazine —
22 I am not sure if she said In Touch — to a magazine, and they
23 were going to do a story, and I freaked out.

24 I don't know who leaked it. I had just had my
25 daughter. I said no at first. She said, they're going to run

1 it anyway, better that you take control. I didn't have money at
2 the time. You can't let somebody else make the money off of
3 you. You can make sure that it's accurate and get paid.

4

5

6

7 (Whereupon, Theresa Magniccari was relieved
by Laurie Eisenberg, as Senior Court Reporter.)

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1 (Continued from the previous page.)

2 Q I'm going to ask you just to slow down again so that
3 the court reporters can get you down.

4 A I'm so sorry.

5 Q So, she said you can either take control of it and get
6 paid or someone else will have control of it?

7 A Or someone else can basically speak for you and make
8 the money from it, and who knows what they'll say.

9 Q What was the — if you agreed to do the interview and
10 get paid, would your agent — Gina Rodriguez was your agent?

11 A Yes.

12 Q Would Gina also get paid as a result?

13 A Yes.

14 Q Did you decide to do a brief interview with In Touch?

15 A Yes.

16 Q Why did you decide to do it?

17 A For the reasons I just said. I would rather make money
18 than people make money off of me, and at least I could control
19 the narrative.

20 Q How much were you supposed to get paid for the
21 article?

22 A \$15,000.

23 Q You said you just had your daughter.

24 Were you doing less work at that time?

25 A Yes.

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Senior Court Reporter

1 Q Approximately how long was the interview that you had?

2 A It was a phone interview, like between 10 and
3 20 minutes.

4 Q What was your understanding about whether this article
5 was meant to be for entertainment purposes?

6 A One was for In Touch magazine. In Touch is like —
7 it's a gossip magazine.

8 Q Did you discuss with In Touch all of the details of
9 what happened in the room at Harrah's with Mr. Trump?

10 A No.

11 I tried to keep it fairly light-hearted and quickly to the
12 point.

13 Q Did In Touch end up running that story in 2011?

14 A No.

15 Q And, at the time, did you know why they didn't run the
16 story?

17 A Not exactly, no. No, I — I know what I was told.

18 MS. HOFFINGER: May we approach just for a
19 moment?

20 THE COURT: Sure.

21 (Whereupon, the following proceedings were held
22 at sidebarz)

23 MS. HOFFINGER: Judge, we're now at the point at
24 which I would elicit that in 2011, she had an encounter in
25 a parking lot with a gentleman who said, "Leave it alone,"

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 about the article.

2 I would like to elicit it because, again, it's

3 been brought out on cross-examination with Keith Davidson.

4 It also goes to explain that, because she felt

5 threatened, why she made certain decisions about what to

6 discuss when and what not to discuss when publicly, and

7 why she agreed to go public with the NBA.

8 I want to make sure I'm staying in line with your

9 Honor's directive.

10 MS. NECHELES: She didn't make this claim at the

11 time.

12 It's much later that she starts saying she was

13 threatened. In 2018, she said she was threatened.

14 In 2011, she'll say she didn't tell anybody about

15 it.

16 We'll get into that whole sideshow, and it puts a

17 spectre of —

18 THE COURT: Are you bringing that in on

19 cross-examination?

20 MS. NECHELES: If she brings it in.

21 MS. HOFFINGER: It's already been brought up.

22 THE COURT: What did the person say?

23 MS. HOFFINGER: She was in the car with her

24 daughter; and the person said, "It would be a shame if

25 something happened to your daughter."

1 They brought it out. And it's been the basis for
2 the defamation claim. That's how they brought it out.
3 THE COURT: Remind me how.
4 MS. HOFFINGER: In the opening statement, they
5 said the courts have decided how she owed him legal fees.
6 Michael Avenatti, in 2018, released a sketch of a
7 man in the car who threatened her.
8 Mr. Trump said, "It's a con job."
9 Mr. Avenatti said it was not. Mr. Avenatti said
10 it was defamation.
11 The Court said it was hyperbole and not
12 defamation.
13 Mr. Trump, as a result, was awarded legal fees.
14 They brought it out on cross-examination.
15 I don't want to leave it to their
16 cross-examination.
17 MS. NECHELES: We're going into the fact that she
18 owes money to Trump, and she hasn't paid it.
19 THE COURT: I do recall you bringing that out.
20 MS. NECHELES: We were going on the fact —
21 THE COURT: The jury, now, is wondering: Why?
22 What is she talking about? Why did this happen?
23 I think the jury is entitled to know what led up
24 to that, which you introduced.
25 MS. HOFFINGER: I'll do it briefly.

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Senior Court Reporter

1 THE COURT: Very briefly.

2 (Whereupon, the following proceedings were held

3 in open court:)

4 Q Ms. Daniels, some weeks after you were interviewed by

5 In Touch, did you have an experience in about June of 2011 with

6 an encounter in a parking lot in Las Vegas?

7 A Yes, I did.

8 Q Will you tell the jury, just briefly, what happened.

9 A Um, my daughter, who was an infant at the time, was —

10 my daughter and I went to a, um, like postpartum — like a

11 workout for a Mommy and Me workout thing. And I was approached

12 by a man in the parking lot in Las Vegas in the center of — of

13 a shopping center that the class was located in. And I thought

14 he was the father or the husband of one of the other women in

15 the class.

16 And he approached me and said that — he threatened me not

17 to continue to tell my story.

18 Q When you say "to continue to tell" your "story", about

19 who?

20 A About my encounter with Mr. Trump.

21 Q Did you tell the police at the time?

22 A No.

23 Q Why not?

24 A 'Cause he told me not to say anything at all. And I

25 was scared. Um, and I didn't want more of the story coming out.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 My daughter's father also was struggling with his own
2 personal issues at the time.

3 Q So, did you tell your boyfriend at the time —

4 A No.

5 Q — about the encounter?

6 A No.

7 Q That's because you were concerned about him?

8 MS. NECHELES: Objection to leading.

9 THE COURT: Sustained.

10 Q Why did you not tell him?

11 A Um, he was struggling mentally with some postpartum
12 stuff with our daughter and his alcoholism. Um, and I had never
13 told him about the fact that I'd had sex with Trump. So, for me
14 to tell him then, at that moment, when his whole world was
15 exploding, would have just not been good at all, on any level.

16 Q Now, let me direct your attention to about October of
17 2011.

18 Did you become aware at around that time that an article
19 had come out and been posted online about your encounter with
20 Mr. Trump on a site called thedirty.com?

21 A Yes.

22 Gina called and told me.

23 Q Would that be Gina Rodriguez?

24 A Yes.

25 Q Can you just tell the jury, what is thedirty.com,

1 first?

2 A It is not a site that I look at, so I'm not entirely
3 sure. But, it is the online equivalent to a tabloid. A gossip
4 site. Trash site.

5 Q You said Gina Rodriguez told you there was something
6 up on thedirty.com?

7 A Yes.

8 She called and told me about it. I think she might have
9 sent me a link, and I looked at it.

10 It's not a site I looked at at the time. Celebrity gossip
11 site.

12 Q Did you provide information to that site?

13 A No. I never even heard of that site at that time.

14 Q Were you concerned about it being up at the time?

15 A Yes.

16 Q Why were you concerned?

17 A Because I had been threatened, and I didn't want the
18 person who threatened me and my baby thinking I had done it.

19 Q At that point, did you want it taken down?

20 A Absolutely.

21 Q What, if anything, did Gina, your agent —

22 A Well —

23 Q Hold up — say about being able to take it down?

24 A I remember I was freaking out and crying and
25 hyperventilating and asked her what I should do.

1 And she asked me for permission to have her attorney remove
2 it for me.

3 Q Did she tell you the name of her attorney at the time?

4 A Keith Davidson.

5 Q Did you tell her that, yes, you would be happy for her
6 attorney to try to take it down?

7 A Absolutely. Hhhh.

8 Q Was he, in fact, successful in doing that?

9 A I assume so, because it came down.

10 Q Now, I'd like to direct your attention now to 2015.

11 Were you aware at some point that Mr. Trump announced that
12 he was running for President?

13 A Yes.

14 Q And sometime after he announced that he was running
15 for President, did someone reach out to you again about telling
16 your account of what happened with Mr. Trump?

17 A Yes.

18 Q Who was that?

19 A Well, lots of people did.

20 Q Did Gina Rodriguez reach out to you?

21 A Yes.

22 Q What did she suggest that she could do?

23 A That she could sell the story again.

24 Q And did she suggest that, in terms of selling the
25 story, that money could be made to — paid to do this?

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 A Of course. That's the reason to sell it.
2 Q Did she say that she could make money, as well?
3 A Yes. Of course.
4 Q Did there come a time that you had a conversation with
5 a friend of yours who was also an attorney —
6 A Yes.
7 Q — about whether you should publicly tell your story?
8 MS. NECHELES: Objection, your Honor.
9 THE COURT: Sustained.
10 Q Without telling us the substance — withdrawn.
11 Did you have a conversation with a friend of yours who is
12 an attorney?
13 A Lots. Yes.
14 Q And this particular friend who you had a discussion
15 with, were you seeking legal advice from him?
16 A No.
17 I was just having lunch with him.
18 Q And did you decide, based on a conversation with him,
19 about what you should do about getting the details of your
20 story out?
21 A Yes. I do remember asking him what he thought about
22 the Gina situation because I had been threatened.
23 And he said that he thought it was really a really good
24 idea, that he was concerned about my safety.
25 MS. NECHELES: Objection, your Honor.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 THE COURT: Sustained.

2 MS. NECHELES: Move to strike.

3 THE COURT: Stricken.

4 Q Did your conversation with him guide your decision to
5 have your story documented or out there in some way?

6 A Yes.

7 He helped me set up a press conference that we didn't end
8 up doing.

9 Q Did your conversation with him and what happened to
10 you in the parking lot in Las Vegas in 2011 guide your decision
11 about telling your story as a way to make sure that it was
12 documented and out there?

13 A Yes.

14 Q And did you have an understanding at that time or
15 belief that by doing that, it would keep you safer in some way?

16 MS. NECHELES: Objection, your Honor.

17 THE COURT: Sustained.

18 Q Well, did it guide your decision, in general, about
19 what to do?

20 A Absolutely.

21 Q Did you decide to let Gina try to sell your story to
22 some news outlets?

23 A Yes.

24 Q Do you recall, in early October of 2016, the Access
25 Hollywood tape coming out publicly?

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 A Yeah.

2 Q You know what that is? You're aware of what that is?

3 A Yes.

4 Gina had actually told me about it.

5 Q Before the Access Hollywood tape came out, was Gina
6 trying to sell your story to news outlets?

7 A Yes.

8 Q Was she successful in doing so before that Access
9 Hollywood tape came out?

10 A No.

11 Q Now, after the Access Hollywood tape came out, did
12 Gina have some conversations with you about her ability to try
13 to sell the story after it came out?

14 A Yes.

15 Q What, in substance, did she tell you?

16 A In a nutshell —

17 MS. NECHELES: Objection, your Honor.

18 THE COURT: Sustained.

19 Q Did you continue to agree at that time that she could
20 sell your story to news outlets?

21 A Yes, I told her she could keep trying. More people
22 were calling. (Shrugs).

23 Q What you described for the jury previously about your
24 encounter with Mr. Trump in the hotel room, your seeing him on
25 a number of other occasions, the telephone calls from Mr. Trump

1 to you, is that, generally, what you would have described to
2 the news outlets at that time, in October of 2016, if you had
3 been thoroughly interviewed?

4 MS. NECHELES: Objection.

5 THE COURT: Sustained.

6 Q At that point, in October of 2016, was Gina's focus
7 and your focus on selling the story to the news outlets?

8 A Yes.

9 Q Did you have any intention of approaching either
10 Mr. Trump or Michael Cohen, his attorney, to have them pay for
11 your story?

12 A No.

13 My motivation wasn't money. It's to get the story out.

14 Q That was, in part, guided by your experience in 2011
15 and your conversations with —

16 A It was motivated out of fear, not money.

17 Q Did there come a time that you learned, in
18 approximately October of 2016, that Donald Trump and Michael
19 Cohen were interested in buying the rights to your account?

20 A Yes.

21 Q And how did you learn that?

22 A Gina told me.

23 Q And, approximately when was that, that Gina told you
24 that, that there was interest there in paying for your story?

25 A In October. May at the earliest. Latest, September.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 But, it was October, I believe — yeah. October.

2 Q And, it was after release of the Access Hollywood
3 tape?

4 A Yes.

5 Q Now, who did you understand — when Gina told you
6 that, who did you understand that Michael Cohen was
7 representing at the time?

8 A Donald Trump.

9 Q And did you understand at the time that they would pay
10 for your story, for you not to release it publicly?

11 A Yes.

12 MS. NECHELES: Objection to the leading, your
13 Honor.

14 THE COURT: Sustained as to leading.

15 Q What did you understand they were interested in paying
16 you for?

17 A Um, they were interested in paying for the story,
18 which was the best thing that could happen because then my
19 husband wouldn't find out, but there was still a documentation
20 of a money exchange and a paperwork exchange, so that I would
21 be safe and the story wouldn't come out.

22 MS. NECHELES: Objection, your Honor.

23 THE COURT: Overruled.

24 Q Did you — were you told by Ms. Rodriguez how much, in
25 total, would be paid from Donald Trump and Michael Cohen to

1 purchase the rights to your story?

2 A \$130,000.

3 Q And how did you feel about that \$130,000 at the time?

4 A Didn't care. I didn't care about the amount. It was
5 just to get it done.

6 Q Were you happy —

7 A Of course. Well, of course. It's money, but the number
8 didn't matter to me.

9 And I didn't pick the number.

10 Q And did you — did you negotiate that number at all?

11 A No.

12 Q Why didn't you ask for more money?

13 A Because I didn't care about the money.

14 Q What was your financial outlook in that time, in
15 October of 2016, relative to earlier years?

16 A It was the best it had ever been.

17 Q I'm sorry?

18 A The best it had ever been. Instead of directing five
19 movies a year, I directed ten. I had gotten several raises. I
20 bought a house. We no longer lived in California, which was
21 really expensive. And I was able to go back to work. I was
22 working for a while, but it was on camera and on stage. Things
23 were good, very good.

24 I was winning with my horses, too.

25 Q Let me direct your attention to October 10, 2016.

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Senior Court Reporter

1 Were you presented on that date with an Agreement to sign
2 at that time?

3 A Yes.

4 Q Tell us how that occurred and what sort of an
5 Agreement.

6 A It was an NDA.

7 Q Explain to the jury what an "NDA" is, what your
8 understanding of an NDA is.

9 A NDA stands for non-disclosure. It is a contract
10 between people or parties to keep information secret.

11 Q And, who did you understand was the beneficiary of
12 that NDA?

13 A Donald Trump.

14 Q Who was representing him at the time?

15 A Michael Cohen.

16 MS. HOFFINGER: Let me now ask you to show,
17 please, People's 63 which is in evidence.

18 You can display that for everyone.

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

20 MS. HOFFINGER: Can we blow up the body of that
21 email, please.

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

23 Q Can you read that?

24 First of all, can you tell us who the email is from and who
25 it's to?

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 A It's from Keith Davidson and was to Michael Cohen.

2 Q Who was Keith Davidson in relation to you at this
3 point?

4 A Um, he was acting as my attorney.

5 He was Gina Rodriguez's attorney who handled this sort of
6 thing for her.

7 Q Did you understand he would handle this NDA for you?

8 A Yes.

9 Q Who was the email — you said it's from Keith Davidson
10 to who?

11 A To Michael Cohen.

12 Q What does it say in the "To" line?

13 A "To: Michael Cohen, Trump Organization. First
14 Administrative Group."

15 Q What does the subject line say?

16 A "SD versus RCI."

17 Q Can you read, please, the email for us?

18 A What's that? Sorry?

19 Q From Michael.

20 A Read the email?

21 Q Yes, please.

22 A It says: "Michael, please find Ms. Daniels'
23 Settlement Agreement and Side Letter Agreement attached. I have
24 not filled in the Side Letter Agreement, SLA, which identities
25 the parties to this Agreement. Under the terms of the

1 Agreement, neither my client or I are entitled to possession of
2 the SLA.

3 "The settlement sum is 130,000. I have also attached my
4 firm's wiring instructions for your reference.

5 "Ms. Daniels expressed dissatisfaction with your schedule
6 of a delay for ten days of for funding. To that end, you'll see
7 that I placed this Friday, 10/14/16, as the funding deadline.
8 Let me know if this is a problem.

9 "Let me know if you have any questions or concerns about
10 anything. Keith."

11 Then his cell phone.

12 Q Did you express dissatisfaction and want this signed
13 and done by October 14th?

14 A Absolutely.

15 Q Why was that?

16 A Because I was afraid that if he — that if it wasn't
17 done before the nomination and things, that I wouldn't be safe,
18 or that he would never pay, and there wouldn't be a trail to
19 keep me safe.

20 Q When you say "before the nomination", was Mr. Trump
21 already the nominee at that point of the Republican Party?

22 A I believe so.

23 In the election. Sorry. The election is what I meant to
24 say. The election.

25 Q That's okay.

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Senior Court Reporter

1 What did you understand were the general terms of this
2 Confidential Settlement Agreement or Non-Disclosure Agreement?

3 A I'm not sure I understand.

4 Q What did you understand at this point about what the
5 general terms were of this agreement?

6 A So that in exchange for the — the sum of \$130,000,
7 that I could not tell my story. That he also couldn't tell the
8 story. We could not contact each other or each other's families
9 or representatives. We had to pretend like we didn't know each
10 other at all. Basically.

11 Q And that you would get paid the sum of \$130,000?

12 A Correct.

13 Q Was there — do you remember if there was a liquidated
14 damages or damages clause if you breached —

15 A Yeah.

16 If I spoke, it was like a million dollars every time I said
17 something.

18 MS. HOFFINGER: Can we show Page 2 now of this
19 exhibit, People's 63.

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

21 Q Do you recognize this Side Letter Agreement?

22 A Yes.

23 Q What did you — what was your understanding of the
24 purpose of this Side Letter Agreement?

25 A To identify who the fake names were.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q What do you mean by that?

2 Were there actual names disclosed in the NBA?

3 A No.

4 In the original paperwork, instead of saying "Stormy
5 Daniels" or "Stephanie Clifford", it identified me as one party
6 and Mr. Trump as the other party. They gave us, like, fake
7 names, pseudonyms of "Peggy" and "David". I think it was
8 "David".

9 Q "David Dennison"?

10 A Yeah.

11 This was the Side Letter that went to it, that identified
12 that I was "Peggy" and he was "David".

13 MS. HOFFINGER: Can we just take a quick look at
14 Page 3 on the PDF, of the signature line.

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

16 Q Is that your signature there on the line for "Peggy
17 Peterson a/k/a Stephanie Gregory Clifford a/k/a Stormy
18 Daniels"?

19 A Yes.

20 Q And how did you sign it?

21 A Stephanie Clifford.

22 What do you mean?

23 Q What's the date that you signed it?

24 A Oh. 10/10/16.

25 Q And you signed it with your name as "Peggy Peterson";

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1 is that right?

2 A Correct.

3 Q Now, if we could look — did you also initial this
4 agreement with initials "PP" for Peggy Peterson?

5 A Yes.

6 MS. HOFFINGER: Let's look at the Settlement
7 Agreement, Page 1, which I believe is Page 4 on the PDF.
8 (Whereupon, an exhibit is shown on the screens.)

9 MS. HOFFINGER: Can you show the bottom place
10 where it shows the initials of PP.

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

12 Q Did you initial it "PP"?

13 A Uh-huh.

14 Q As far as you recall, did you initial various pages as
15 "Peggy Peterson"?

16 A Yes.

17 MS. HOFFINGER: Can we take a look at Page 10 of
18 the PDF, where there's a list of names.
19 (Whereupon, an exhibit is shown on the screens.)

20 Q This is Page 10 of the Settlement Agreement.
21 Do you see a list of names there?

22 A Yes.

23 Q What were those list of names?

24 Did you write in those list of names?

25 A I did.

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Senior Court Reporter

1 Q Why did you write them in?

2 A Because I was asked to write down names of people who
3 knew all the details.

4 Q Those were some of the people that you told?

5 A Yes.

6 MS. HOFFINGER: Can we look, also, at Page 15,
7 please, of the Agreement, which is Page 18 in the PDF.
8 (Whereupon, an exhibit is shown on the screens.)

9 MS. HOFFINGER: Can we blow up the signature,
10 please?

11 Q This is the Non-Disclosure Agreement or the Settlement
12 Agreement; and did you sign it?

13 A Yes.

14 Q What did you sign it as?

15 A "Peggy Peterson".

16 Q And why did you not put your real name there?

17 A Because I was instructed not to, that we were using
18 pseudonyms.

19 Q After you signed the Agreement, the Side Letter
20 Agreement, and the Settlement Agreement, otherwise known as a
21 Non-Disclosure Agreement, did Gina Rodriguez, generally, just
22 keep you updated on the progress of the deal?

23 A Yes.

24 Q And did you get paid the \$130,000 on October 14, 2016,
25 as was disclosed in that email?

1 A No. It was late.

2 Q What did you understand about the reason for the
3 delay? What was happening?

4 A I didn't know why it was late.

5 He just kept making excuses.

6 Q And what is your understanding about who kept making
7 excuses?

8 A Michael Cohen to Keith Davidson, because of — Trump
9 to Cohen, and Cohen to Davidson.

10 Q That was your understanding?

11 A Yes.

12 Q Because you understood Michael Cohen represented
13 Mr. Trump?

14 A Correct.

15 Q Were you concerned about why these excuses were being
16 made and there was a delay in the payment?

17 A Yes.

18 Q What was your concern?

19 A Well, I mean, he, obviously — that sum of money
20 shouldn't matter, so it wasn't a financial delay. So, it made
21 me more concerned that something bad was gonna happen, and that
22 if it wasn't done before the election, that it was not ever
23 going to happen because he got whatever he wanted. And it goes
24 all the way back to me not being safe.

25 Q Let me direct your attention now —

1 MS. HOFFINGER: Judge, would you like to break
2 soon, or would you like me to continue?
3 THE COURT: Is this a good breaking point?
4 MS . HOFFINGER: Certainly .
5 THE COURT: Jurors, we will take a lunch recess.
6 I remind you of all my instructions, including
7 not to discuss this case either amongst yourselves or with
8 anyone else.
9 Continue to keep an open mind as to the
10 defendant's guilt or innocence.
11 Please do not form or express an opinion as to
12 the defendant's guilt or innocence.
13 Let's get started at 2 o'clock.
14 COURT OFFICER: All rise .
15 (Whereupon, the jurors and the alternate jurors
16 are excused.)
17 THE COURT: You may step down.
18 (Whereupon, the witness is excused.)
19 THE COURT: Is there anything that we need to
20 discuss at this time?
21 MS. HOFFINGER: No, your Honor.
22 MS . NECHELES: No .
23 MR. STEINGLASS: I'm going to hand up a copy of
24 the stipulation that was entered into evidence the other
25 day to be marked as a Court Exhibit.

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Senior Court Reporter

1 THE COURT: Thank you.

2 Enjoy your lunch.

3 (Whereupon, a luncheon recess is taken.)

4 *****

5 (Whereupon, Senior Court Reporter Lisa Kramsky
6 relieves Senior Court Reporter Laurie Eisenberg, and the
7 transcript continues on the following page.)

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Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 AFTERNOON SESSION
2 THE COURT: Good afternoon.
3 MR. BLANCHE: Thank you, your Honor.
4 THE COURT: If I could have a second, Mr. Blanche.
5 MR. BLANCHE: Pardon me?
6 THE COURT: If I could just have one second,
7 Mr. Blanche.
8 MR. BLANCHE: Oh, your Honor, I'm sorry.
9 THE COURT: Just for the record, my Chambers
10 reached out to the People and Defense Counsel to ask if
11 Defense Counsel wanted a limiting instruction on the
12 encounter that took place in the parking lot where
13 Ms. Daniels claims that someone had threatened her.
14 I will not give a limiting instruction unless the
15 Defense requests it.
16 And even then, I would ask the two sides to see if
17 you can agree on a proposed limiting instruction.
18 I realize that you haven't had a lot of time to
19 work on that.
20 But I also received your email that you wanted to
21 make an application.
22 Please go ahead.
23 MR. BLANCHE: Yes, your Honor. Thank you.
24 We move for a mistrial based on the testimony this
25 morning.

Lisa Kramsky,
Senior Court Reporter

1 Your Honor, there are a couple of different
 2 reasons, but what's clear is that the Court set guardrails
 3 for this testimony.
 4 And the guardrails by this witness, answering
 5 questions from the Government, were just thrown to the
 6 side.
 7 And there is no way to unring the bell, in our
 8 view, and that the testimony that came in was so unduly and
 9 inappropriately prejudicial to President Trump and the
 10 actual charges that are at issue in this case that there is
 11 no remedy that we can fashion or we believe the Court can
 12 fashion to unring this bell.
 13 I mean, the testimony, your Honor, about the
 14 alleged incident back in 2006, a lot of the testimony that
 15 this witness talked about today is way different than the
 16 story that she was pedaling in 2016, your Honor. Which is,
 17 from my understanding of what the ADAs said this morning,
 18 the only reason why this evidence is even admissible, right,
 19 is to talk about the information that was supposedly kept
 20 from the voters in 2016.
 21 There was testimony today about being blacked out;
 22 about not wearing a condom, which was after there was
 23 testimony from the — from her employer that you had to wear
 24 a condom; that there was always — that there was always a
 25 condom worn; the height of the two individuals; the fact

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 Senior Court Reporter

1 that — you know, the things like the spacing in the room;
 2 the fact that there is a bodyguard outside the room; the
 3 power dynamics.
 4 She testified — the question was: Do you want out
 5 of the trailer park?
 6 And all of this has nothing to do with this case.
 7 And it's extraordinarily prejudicial and it's something that
 8 is — the only reason why the Government asked those
 9 questions, aside from pure embarrassment, is to — is to
 10 inflame this jury to not — to not look at the evidence that
 11 matters, but to just hear from this witness.
 12 And on top of that, your Honor, even after the
 13 incident, there was testimony about a second alleged sexual
 14 advance sometime later on. Totally irrelevant to this case.
 15 And there is no reason that should have been
 16 elicited, your Honor.
 17 Again, we don't even know that that's coming,
 18 because we don't get notes of what this witness has said in
 19 prep.
 20 The last one we got was from last year, your Honor.
 21 She testified that there was communications with
 22 President Trump afterwards and that she thought something
 23 bad was going to happen and that she was worried about not
 24 being safe.
 25 She then repeatedly testified about purported

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 Senior Court Reporter

1 alleged meetings with President Trump, and with every single
2 one she qualified that it was in an open place, in a public
3 place.
4 What's the jury to do with that?
5 And for many of those you sustained objections to,
6 Judge, and that is true, but it was said repeatedly; and the
7 jury hears it.
8 And I am sure that the transcript will say
9 "objection sustained," by your Honor, but it's still
10 extraordinarily prejudicial to insert safety and safety
11 concerns into a trial about business records.
12 And, you know, I know your Honor knows this, but
13 this is exactly what President Trump was — what we raised
14 with the Court, seeking an adjournment based upon
15 Ms. Daniels' changed testimony.
16 For years, including up to 2016, which is — which
17 is when she was pedaling this story, she talked about a
18 consensual encounter with President Trump that she was
19 trying to sell.
20 That's what Mr. Davidson talked about.
21 That's purportedly what Mr. Cohen was told.
22 And that's not the story that we heard today. We
23 heard a completely different story.
24 And the reason why that matters is because, of
25 course, we are going to cross-examine her on the fact that

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Senior Court Reporter

1 her story has changed.

2 And I'm sure the Government will then say we've

3 opened the door and then they can then go ahead and ask even

4 more questions about what she wants to say about what

5 happened in 2006.

6 But, it's so prejudicial in a case about an NDA and

7 whether there were false records placed on The Trump

8 Organization's books in 2017.

9 And, you know, I think your Honor knew that this

10 was an issue by setting up guardrails along the way and this

11 morning.

12 But now we've heard it. And it is an issue.

13 And it's not — how can you unring the bell?

14 And we are going to cross-examine her shortly,

15 presumably, and talk about — and then elicit the fact that

16 she denied twice.

17 There were articles that said that she denied it,

18 that she denied this took place.

19 But, that's not really the issue.

20 I mean, that's going to be the cross.

21 The issue is she has testified today about consent,

22 about danger.

23 That's not the point of this case.

24 That's not the point of her testimony.

25 And that's not what she was pedaling, that's not —

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Senior Court Reporter

1 I'm sorry — not what she was pedaling, that's not the story
 2 that she was selling in 2016; and now we're here.
 3 I mean, the least of which is the fact that just
 4 over lunch, people are already reporting — everybody is
 5 reporting that she's suggesting consent.
 6 Again, that's a new fact, and it's extraordinarily
 7 prejudicial.
 8 And the mere fact that she says there was consent,
 9 after saying she blacked out, doesn't remember anything,
 10 they only had water, but she doesn't remember anything, this
 11 is the kind of testimony that makes it impossible to come
 12 back from.
 13 I mean, you know, not even talking about the fact
 14 that we are talking about somebody who is going to go out
 15 and campaign this afternoon and how unfair it is in that
 16 environment, as well.
 17 But, the Government must have known this was coming
 18 out.
 19 And it's just, you know — we sit here listening to
 20 it.
 21 And we objected to it the best that we could.
 22 But, you know, this has nothing to do with the
 23 reason why we're here, your Honor.
 24 And even the limited fact that she signed the NBA,
 25 the limited fact that she was selling this story over the

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 Senior Court Reporter

1 years, including at the time of the election, that's not
 2 what we heard today. That's not how the evidence came in
 3 from this witness.
 4 Of course, your Honor cut her off several times,
 5 but there was so much — and we haven't looked at the
 6 transcript to give all of the examples. And we are happy to
 7 do so if that's helpful.
 8 But, how can we come back from this in a way that's
 9 fair to President Trump and in a way to make sure that this
 10 process stays exactly where it should be, which is about
 11 whether there were false records on The Trump Organization's
 12 books and put on in 2017?
 13 So, we believe, regrettably, that there should be a
 14 mistrial; and that to the extent that there is another
 15 trial, that this witness is either excluded or that her
 16 testimony is extremely limited to the guardrails, frankly,
 17 that your Honor set this morning.
 18 THE COURT: Thank you, Mr. Blanche.
 19 People.
 20 MS. HOFFINGER: Yes. Thank you, your Honor.
 21 Again, I would just note, this was fully briefed by
 22 the defense in their motions in limine.
 23 And your Honor did not put any guardrails on her
 24 testimony.
 25 Recognizing, of course, that this completes her

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 Senior Court Reporter

1 account — her account completes the narrative of the events
 2 that precipitated the falsification of business records.
 3 And this story, your Honor, her account is highly
 4 probative of the defendant's intent, his intent and his
 5 motive in paying this off, and making sure that the American
 6 public did not hear this before the election.
 7 It is precisely what the defendant did not want to
 8 become public.
 9 I will say, without getting into too many details,
 10 that Mr. Blanche's recitation of the fact that this is
 11 entirely new is not true.
 12 I will say that, and I'm sure that he knows this,
 13 that the account and things like the fact that a condom was
 14 not used has been out there for a very, very long time.
 15 This is not new.
 16 This is not a new account.
 17 Now, there were certain details that I told your
 18 Honor that she remembered after a movie in 2019, and I was
 19 going to elicit that.
 20 You asked me not to, and I did not.
 21 But, you know, the other thing is, Judge, they
 22 opened the door to this.
 23 So, the 2011 threat to her was opened on not only
 24 in their opening when they talked about legal fees and that
 25 she was changing — you know, coming up with this story,

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 Senior Court Reporter

1 because she's an opportunist, out to make money and that she
2 owes Mr. Trump legal fees.
3 So, they opened the door. That's the subject of
4 the defamation case.
5 Second, they specifically put in an exhibit which
6 was admitted in evidence, through Keith Davidson's
7 testimony, where they referenced this threat in 2011, saying
8 that it was not true.
9 And, so, it was incumbent upon us to bring out
10 those details in her direct, again, to rehabilitate
11 credibility where they attacked it both during Keith
12 Davidson's testimony and on opening.
13 So, your Honor, we were extremely mindful of not
14 eliciting too much testimony about the actual act.
15 We did it initially before your Honor even asked us
16 to carve it back.
17 Additionally, so there were details that were left
18 out based on the Court's instructions at the bench.
19 They were additional details that were not brought
20 out.
21 But, your Honor, this — stating that this is an
22 entirely new story is not accurate.
23 And I'm certain that when they cross-examine
24 Ms. Daniels, some of this will come out, and some of this
25 will come out on redirect.

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Senior Court Reporter

1 And I know that your Honor has mentioned that you
 2 will allow me to elicit some of it on redirect in terms of
 3 what issues came up publicly and what details were
 4 remembered at different times based on different things.
 5 But they opened the door to the threat in 2011.
 6 And now your Honor has asked us to discuss a limiting
 7 instruction on that, and we can certainly do that.
 8 We have written one that we have written up quickly
 9 that we can discuss with defense counsel, if they would like
 10 that.
 11 But, your Honor, this goes directly to her
 12 credibility, which they attacked and while I'm sure will
 13 continue to attack, they opened the door in their opening,
 14 they opened the door in Keith Davidson's testimony, and
 15 these are not all new details.
 16 But, at the end of the day, your Honor, this is
 17 what defendant was trying to hide.
 18 And in terms of the payoff in 2016 before the
 19 election.
 20 This is an exhibit. If you were — if you would,
 21 of what they weretrying — what Mr. Trump wanted to make
 22 sure didn't get disclosed.
 23 We have carved back details.
 24 We have been mindful of your Honor's decision.
 25 And we have carved it back even before them, so I

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 Senior Court Reporter

1 don't think there is any basis for a mistrial, your Honor.
 2 THE COURT: Thank you.
 3 MR. BLANCHE: Just briefly, your Honor. That
 4 misses the point a little bit of our argument.
 5 The point of the argument is that the reason why
 6 this evidence, in theory, is admissible, over our objection,
 7 is because this is — these, in theory, are the facts which
 8 was presented to Mr. Davidson and Mr. Cohen so that they
 9 could evaluate whether they could enter into an NDA and,
 10 supposedly, the fact and the details that were going to be
 11 kept from the American people in 2016.
 12 That's the theory for this evidence coming in.
 13 The problem is that isn't what came in.
 14 And so what — instead, what came in is this
 15 extraordinarily prejudicial testimony that has changed over
 16 time.
 17 And we can't fix that except to cross-examine her,
 18 but it's still — it has nothing to do with the case.
 19 The voters decided in 2016. The People are going
 20 to make a lot of that in their summation, I expect.
 21 And, Judge, I don't think anybody, anybody can
 22 listen to what that witness said and think that that has
 23 anything to do with the charged conduct.
 24 And it's the kind of testimony that's so
 25 prejudicial that you have to run — you run the very high

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 Senior Court Reporter

1 risk of the jury — of the jury not being able to focus on
2 the evidence that actually does matter.
3 MS. HOFFINGER: Your Honor, may I just add one
4 thing?
5 Mr. Blanche mentioned about the threat, and so on.
6 She testified about it directly that she was not
7 threatened either physically or verbally by Mr. Trump.
8 We made sure to elicit that.
9 We made sure to say she did not say no.
10 At the end of the day, it was the defendant who
11 knew the details.
12 We submit, your Honor, he knew the details of what
13 occurred in the room.
14 THE COURT: Okay. I can rule on this.
15 All right. As a threshold matter, Mr. Blanche, I
16 agree that there were some things that would probably have
17 been better left unsaid.
18 I think that there are some areas that would have
19 been better if the People did not go into them.
20 In fairness to the People, I think the witness was
21 a little difficult to control.
22 And that's why I was permitting some leading, to
23 give them the opportunity to try to control the witness. It
24 was not easy.
25 Having said that, I do think that there were

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Senior Court Reporter

1 guardrails in place.

2 I do think that the Court instructed the

3 Prosecution that there were certain details that we don't

4 need to get into.

5 And, again, I'm not dismissing what you are saying.

6 I do think that there were some things that were better left

7 unsaid.

8 Having said that, I don't believe we are at the

9 point where a mistrial is warranted.

10 There are a few things that go along with that.

11 I will note that where there were objections, the

12 objections, for the most part, were sustained.

13 Where there was a motion to strike testimony, for

14 the most part, that motion was granted as well.

15 I will also note that I was surprised that there

16 were not more objections at various times during the

17 testimony.

18 And, in fact, at one point the Court sua sponte

19 objected because there was no objection coming from the

20 defense.

21 So, when you say that, you know, the bell has been

22 rung, the defense has to take some responsibility for that.

23 The Court has done everything that I can possibly

24 do to protect both sides and to ensure fairness and that's

25 why, again, I objected on my own.

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1 Whether these are new stories or not new stories,
2 the remedy is on cross-examination.
3 And, in fact, if they are new stories, the more
4 fodder that I will expect to see on cross-examination, if
5 you have any.
6 I also believe — if you want, I will give a
7 limiting instruction regarding the incident at the parking
8 lot in 2011.
9 Just bear with me one moment.
10 MS. NECHELES: Your Honor, can I just object to
11 that —
12 THE COURT: One second, Ms. Necheles, please.
13 (Pause.)
14 THE COURT: Yes, Ms. Necheles?
15 MS. NECHELES: Your Honor, I think — I just wanted
16 to be a little clearer, I did see that you, on your own,
17 sustained it.
18 But, we had moved beforehand to try to limit all of
19 this, and your Honor had ruled that it could come in, and so
20 I didn't want to keep saying objection.
21 THE COURT: That's a very general statement,
22 Ms. Necheles.
23 That's not accurate. If you are going to say
24 something like that, be accurate.
25 MS. NECHELES: Well, I'm trying to be accurate.

1 THE COURT: For example, I sustained a request that
2 the People not be permitted to go into or, what was it, the
3 Roger Ailes — is that his name — I agreed with you that
4 that would be extremely prejudicial and I didn't want them
5 to go into that.

6 So I didn't agree with everything that you
7 requested, but I did agree with some things that you asked.

8 MS . NECHELES: Right .

9 And so, based on that ruling is what we were
10 following.

11 That's why we were not standing up and objecting.

12 And once your Honor signaled that you thought it
13 had gone too far, we did start objecting very consistently.

14 But, up until that point, we really felt like your
15 Honor had ruled at the bench that they were allowed to do
16 what they were doing.

17 So, I just wanted to be clear on that.

18 THE COURT: Well, we have to agree to disagree on
19 that.

20 I think that I said multiple times to you and to
21 the Prosecution that we were going into way too much
22 details, we were going into much more than we needed to,
23 it wasn't necessary.

24 I still believed that it wasn't necessary.

25 Having said that, though, I don't think that we

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Senior Court Reporter

1 have reached a point where a mistrial is in order.
2 I believe that a limiting instruction as to that
3 incident in 2011 will cure that issue.
4 And I believe that you have a remedy of
5 cross-examination.
6 And, as I said before, the more times the story has
7 been changed, the more fodder for cross-examination that you
8 have.
9 So, I'm going to deny your motion for a mistrial at
10 this time.
11 Anything else?
12 Do you want to discuss a limiting instruction
13 now?
14 (Defense counsel confer.)
15 *****
16 MR. STEINGLASS: Can we approach?
17 THE COURT: Sure.
18 *****
19 (AT Sidebar.)
20 MR. STEINGLASS: I'm sorry. I think we agreed on
21 most of the language.
22 And we can kick over the last part to you. So
23 here — I will read my version — our version. Our version.
24 And then I will read their version.
25 Our version is: You have heard testimony from

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Senior Court Reporter

1 Ms. Daniels regarding a 2011 incident in which she testified
2 about being threatened in a parking lot.

3 This testimony was permitted to explain any impact
4 this interaction may have had on the witness's state of
5 mind, her credibility, and her willingness to publicly
6 disclose aspects of her account — encounter with Mr. Trump.
7 That's the part we agree on.

8 Our version then says: You must not draw any
9 inference that Mr. Trump was behind any such threats, nor
10 may you draw any inference unfavorable to the defendant as a
11 result of this testimony.

12 The version from the defense says: I instruct you
13 that Mr. Trump had nothing to do with any threat to this
14 witness, and you may not draw any inference unfavorable to
15 the defendant as a result of this testimony.

16 MS. NECHELES: Your Honor, can I just interrupt?
17 I don't like even hearing it right now. This is
18 going too quick, honestly.

19 We haven't really had time to think about it.

20 THE COURT: Do you want to think about it?

21 MS. NECHELES: Yes. Because even hearing it, it
22 sounds like your Honor is saying, yeah, this actually
23 happened and we contest it. We're going to have to cross on
24 this.

25 THE COURT: Okay. You can think about it and get

1 it to me Thursday morning.

2 MS. NECHELES: Yes, Judge.

3 MS. HOFFINGER: Judge, may I have a few minutes to

4 talk to the witness in an effort to just, perhaps, instruct

5 her to be cautious about any testimony that —

6 THE COURT: Is there any objection to that?

7 MS. NECHELES: No, Judge. No objection.

8 THE COURT: Okay. You can take a minute to do

9 that.

10 MS. NECHELES: Thank you.

11 MR. STEINGLASS: Do you want to take a picture of

12 this?

13 MR. BLANCHE: Yes, please.

14 (Sidebar concluded.)

15 *****

16 THE COURT: Let me know when you are ready?

17 THE COURT REPORTER: I'm ready.

18 THE COURT: As we discussed at the bench, the

19 People submitted a proposed limiting instruction, then I was

20 also shown the additional language that the Defense wanted

21 to include.

22 And, upon further discussion, we have agreed that

23 we are going to take some more time to think about it.

24 And you will get it back to me by Thursday

25 morning.

Lisa Kramsky,
Senior Court Reporter

1 MS. NECHELES: Yes, your Honor.
2 THE COURT: Okay.
3 MR. BLANCHE: Thank you, your Honor. Yes, your
4 Honor.
5 THE COURT: Okay.
6 So, with the consent of defense counsel,
7 Ms. Hoffinger has stepped out for minute to give some
8 instruction to her witness and make sure that the witness
9 stays focused on the question and just gives the answer and
10 does not provide any unnecessary narrative.
11 (Pause in the proceedings.)
12 THE COURT: Ms. Hoffinger, have you had a chance to
13 speak to your witness?
14 MS. HOFFINGER: Yes, your Honor.
15 THE COURT: All right. Thank you.
16 Let's get the witness, please.
17 THE COURT OFFICER: Witness entering.
18 (The witness, Stormy Daniels, enters the courtroom
19 and resumed the witness stand.)
20 *****
21 THE COURT: Good afternoon, Ms. Daniels.
22 THE WITNESS: Good afternoon.
23 THE COURT: I remind you that you are still under
24 oath.
25 Let's get the jury, please.

Lisa Kramsky,
Senior Court Reporter

I THE COURT OFFICER: Jury entering.
2 (Jury enters.)
3 THE COURT: You may be seated.
4 THE CLERK: Do both parties stipulate that all
5 jurors are present and properly seated?
6 MR. STEINGLASS: Yes.
7 MR. BLANCHE: Yes.
8 THE COURT: Good afternoon, jurors.
9 I apologize for keeping you waiting. We will get
10 started now.
11 Ms. Hoffinger.
12 MS. HOFFINGER: Thank you, your Honor.
13 *****
14 CONTINUED DIRECT EXAMINATION
15 BY MS. HOFFINGER:
16 Q Good afternoon, Ms. Daniels.
17 A Good afternoon.
18 Q When we left off, we were discussing some of the delays
19 in payment and in dealing with Michael Cohen and Mr. Trump.
20 MS. HOFFINGER: Let's put up what's in evidence,
21 please, as People's Exhibit 282.
22 (Displayed.)
23 MS. HOFFINGER: And can we start from the email at
24 the bottom, please.
25 Just blow that up.

Lisa Kramsky,
Senior Court Reporter

1 (Displayed.)
2 Q Can you see who this is an email from and who this is
3 to, Ms. Daniels?
4 A Yes.
5 Q Can you read the email for us?
6 A The — from Keith Davidson to Michael Cohen.
7 "Michael, I have been charged by my client with forwarding
8 the below message."
9 "We have a written Settlement Agreement which calls for
10 settlement payment to be sent by the end of business this past
11 Friday, October 14, 2016. No payment was received."
12 "We spoke on Friday, October 14th, and you stated that funds
13 would be wired today, October 17th, 2016. No funds have been
14 received as of the sending of this email."
15 "My client informs me that she intends to cancel the
16 settlement contract if no funds are received by 5:00 p.m.
17 Pacific Standard Time today. Please call me if you have any
18 questions. Keith."
19 And then his number.
20 Q And can you just read the top email, please.
21 MS. HOFFINGER: If you can blow up the top email?
22 (Displayed.)
23 A To Michael Cohen from Keith Davidson.
24 "Please be advised that my client deems her Settlement
25 Agreement cancelled and void—"

Lisa Kramsky,
Senior Court Reporter

1 I have no idea what that is.

2 Q Ab initio.

3 A "Ab initio. Please further be advised that I no longer
4 represent her in this or any matter."

5 Q Did you authorize the cancellation of this deal at this
6 point?

7 A Yes.

8 Q And why was that?

9 A Because the funds hadn't been sent.

10 Q Now, during the time that you — that the deal was
11 being delayed and when you cancelled this and your lawyer on
12 your behalf cancelled it, did you speak to a news outlet?

13 A Yes.

14 Q Was it Slate?

15 A Yes.

16 Q And was Slate going to pay you for that?

17 A No.

18 Q Now, at some point did the deal with Donald Trump and
19 this NDA get revived?

20 A Yes.

21 MS. HOFFINGER: Let's put up, please, for everyone
22 People's Exhibit 276 in evidence.

23 (Displayed.)

24 Q On or around October 28th of 2016, were you given
25 another NDA or Settlement Agreement and Side Letter Agreement to

Lisa Kramsky,
Senior Court Reporter

1 sign?
2 A Yes.
3 Q And is this it?
4 A Yes.
5 Q And were the terms in this Agreement on October 28th
6 essentially the same terms as the earlier Agreement that you had
7 signed on October 10th of 2016?
8 A Yes. Just with different dates.
9 Q And so did this deal include, again, a million dollar
10 breach liquidated damages clause?
11 A Yes.
12 Q And did you sign this Agreement?
13 A Yes.
14 Q Okay.
15 MS. HOFFINGER: Let's just take a look at Page 14
16 of the Agreement, Page 15 of the PDF.
17 (Displayed.)
18 MS. HOFFINGER: And can we blow up the signature,
19 bottom right, please.
20 Thank you.
21 (Displayed.)
22 Q Is that your signature?
23 A Yes.
24 Q Above "PP?"
25 A Yes, it is.

Lisa Kramsky,
Senior Court Reporter

1 Q And what did you sign it as, what name did you sign?
2 A Stephanie Clifford.
3 MS. HOFFINGER: And can we just zoom out for a
4 second and look, bottom left as well, to the initials "PP."
5 (Displayed.)
6 Q Did you sign your initials there?
7 A Yes.
8 Q What initials did you put in over "PP?"
9 A "SD."
10 Q And is that for — stands for what?
11 A I think that's what it is. Honestly, I don't remember.
12 Q Okay. Is that for Stormy Daniels?
13 A Uh-huh.
14 Q And did you sign each of the pages of this Agreement
15 that way over the initials, the initials of yours?
16 A Yes.
17 Q And can you take a look at Page 17 of the PDF, please.
18 (Displayed.)
19 Q Do you recognize this Side Letter Agreement?
20 A Yes.
21 MS. HOFFINGER: And can you, please, just
22 highlight or blow up the signature, bottom right.
23 (Displayed.)
24 Q And did you sign it there?
25 A I did.

Lisa Kramsky,
Senior Court Reporter

1 Q What did you sign it as?
2 A "Stephanie Clifford."
3 MS. HOFFINGER: And can we zoom out for a second.
4 (Displayed.)
5 MS. HOFFINGER: Is that Page 17 of the PDF?
6 Okay. Thank you.
7 Q Do you recognize the Side Letter Agreement here?
8 A Yes.
9 Q Okay. And who is written in for "Peggy Peterson" in
10 the blanks?
11 A Stephanie Gregory Clifford a/k/a Stormy Daniels.
12 Q And for "David Dennison" in the third paragraph?
13 MS. HOFFINGER: Can you blow that up.
14 (Displayed.)
15 A It said "Donald Trump."
16 Q And is that your understanding that that's who you were
17 signing this Agreement with?
18 A Yes.
19 MS. HOFFINGER: And can you just blow up the
20 signature at the end of this Side Letter Agreement, please.
21 (Displayed.)
22 Q And did you sign this Side Letter Agreement?
23 A Yes.
24 Q And did you sign your name above "Peggy Peterson a/k/a
25 Stephanie Gregory Clifford a/k/a Stormy Daniels?"

Lisa Kramsky,
Senior Court Reporter

1 A Yes.

2 Q And what did you sign your name as?

3 A Stephanie Clifford.

4 MS. HOFFINGER: And if we could just scroll over

5 to the date.

6 (Displayed.)

7 Q On what date did you sign that?

8 A October 28th.

9 Q 2016?

10 A 2016, right.

11 Q Thank you.

12 MS. HOFFINGER: You can take that down.

13 Thank you.

14 Q Now, at some point after you signed this, did your

15 attorney Keith Davidson receive the \$130,000?

16 A Yes.

17 Q And from that \$130,000, did Keith Davidson and Gina

18 Rodriguez take fees for the deal?

19 A Yes.

20 Q And after they took their fees, did you end up with

21 approximately \$96,000?

22 A Approximately, yes.

23 Q I would like to direct your attention now to

24 November 4th of 2016.

25 MS. HOFFINGER: Let's show People's 180 in

Lisa Kramsky,
Senior Court Reporter

1 evidence, please.

2 (Displayed.)

3 Q Do you recognize this article that came out in the Wall
4 Street Journal concerning the National Enquirer and Karen
5 McDougal?

6 A Yes.

7 Q Now, shortly before this article came out, did the Wall
8 Street Journal reporters reach out to you for a comment?

9 A Yes.

10 Q And did you respond to their request for comment?

11 A No.

12 MS. HOFFINGER: Can we please show Page 4 of this
13 exhibit, please.

14 I think it's Paragraph 4.

15 (Displayed.)

16 Q Can you read that?

17 A "An ABC spokesperson declined to comment on
18 Ms. McDougal or Ms. Clifford."

19 Q Actually, I think it's a different line.

20 MS. HOFFINGER: Maybe we could blow it up.

21 (Displayed.)

22 A Oh.

23 Q One moment. Do you see the last two sentences? The
24 last sentence?

25 A Yes.

Lisa Kramsky,
Senior Court Reporter

1 Q All right. Do you see that it says, "Ms. Clifford cut
2 off contact with the network without telling her story. She
3 didn't respond to requests for comment."

4 A Correct.

5 Q Did that confirm the fact that you declined for
6 comment?

7 A Yes.

8 Q And why didn't you comment for this article?

9 A Because I had an NDA.

10 Q And you were respecting the terms of that NDA?

11 A Yes.

12 Q And was Mr. Trump elected President approximately four
13 days after this article came out on November 8th, 2016?

14 A Yes.

15 MS. HOFFINGER: You can take that down.

16 Thank you.

17 Q So let me ask you, in 2017, briefly, what was your life
18 like in 2016, '17?

19 A The — probably my best year ever.

20 I was writing and directing very successful films. I wrote
21 and directed one of the most expensive adult movies ever — and
22 successful adult movies ever made especially by the company that
23 I worked for.

24 I finally won my Best Director Award.

25 My horse that I purchased in Ireland was ranked eighth in

Lisa Kramsky,

Senior Court Reporter

1 the country; that was a dream of mine.
2 My daughter was a straight A student.
3 I owned a house in Texas with really wonderful friends.
4 My neighbors in my neighborhood, they had no idea that they
5 lived next door to Stormy Daniels.
6 They just knew that I was —
7 MS. NECHELES: Objection, your Honor.
8 THE COURT: Overruled.
9 A They just knew that they lived next to — I won't say
10 my daughter's name — mom.
11 And it was really good, actually.
12 Q And you continued to abide by the Non-disclosure
13 Agreement?
14 A Of course, yes.
15 Q And you did not say anything publicly about Mr. Trump
16 during that time; right?
17 A Right. Or privately.
18 Q Let me direct your attention now to January 10th of
19 2018.
20 Did you come to learn that the Wall Street Journal was
21 planning to write an article now about your experience with
22 Mr. Trump and the \$130,000 payment?
23 A Yes.
24 Q And did they — did the Wall Street Journal reach out
25 to you for comment?

Lisa Kramsky,
Senior Court Reporter

1 A Yes.

2 Q And did you comment?

3 A No.

4 Q Why not?

5 A Because I was under the NDA. I was respecting that and

6 didn't want to comment.

7 Q Let me show you now what's in evidence as People's 277.

8 MS. HOFFINGER: If you can put that up for

9 everybody, please.

10 (Displayed.)

11 MS. HOFFINGER: If you can blow it up just a little

12 bit more.

13 Thank you.

14 (Displayed.)

15 Q Do you recognize that, Ms. Daniels?

16 A Yes.

17 Q What is that?

18 A It is a statement that was sent to me from Keith

19 Davidson.

20 Q And Keith Davidson being your lawyer at the time?

21 A Yes.

22 Q And did you sign this statement?

23 A Yes.

24 Q Did you initially want to sign this?

25 A No.

Lisa Kramsky,
Senior Court Reporter

1 Q Were you happy just to stay quiet and not say
2 anything?

3 MS. NECHELES: Objection to the leading.

4 A Absolutely.

5 THE COURT: Sustained.

6 Q Why did you not want to sign it originally?

7 A Because it's not true. And because I was told that
8 saying anything at all, anything, was a violation of the NDA.

9 Q Okay. Without disclosing the substance of your
10 conversations with your attorney Keith Davidson, as a result of
11 his advice, did you agree and sign this, in fact?

12 A Yes.

13 Q Did you — you said it was not entirely truthful; is
14 that right?

15 A Correct.

16 Q Now, would you say that it was cleverly misleading?

17 A Yes.

18 MS. NECHELES: Objection, your Honor.

19 THE COURT: Sustained.

20 Q It was not true in several details; is that right?

21 A Correct.

22 Q And in some details, technically?

23 MS. NECHELES: Objection, your Honor.

24 THE COURT: I didn't hear the question.

25 Q Was it in some details technically true?

Lisa Kramsky,
Senior Court Reporter

1 A Yes.

2 Q Did you know at the time that Keith Davidson would be
3 getting this statement of yours to Michael Cohen?

4 A Yes.

5 Q Did you know that Michael Cohen would then be sending
6 it to the Wall Street Journal?

7 A Not specifically.

8 Q Okay. Did you later learn that when the Wall Street
9 Journal article came out?

10 A Yes.

11 Q What — very briefly, what happened to your life when
12 this Wall Street Journal article came out on January — in
13 January of 20 — I'm sorry, withdrawn.

14 MS. HOFFINGER: Let's put up People's 181 in
15 evidence. Just to be clear what we're talking about.

16 (Displayed.)

17 MS. HOFFINGER: Can you scroll up to the date of
18 this article at the top.

19 (Displayed.)

20 Q When this article came out in January, early January,
21 January 12th of 2018, did it have an impact on your life?

22 A Yes.

23 Q Briefly, what kind of impact did it have?

24 A Chaos. (Laughter.)

25 It was — it suddenly — I was front and foremost

Lisa Kramsky,

Senior Court Reporter

1 everywhere.
2 People on the front lawn.
3 My husband asking questions.
4 My friends asking questions.
5 And it blew my cover, I guess, for lack of a better way of
6 explaining it, to everyone that I rode horses with, everyone in
7 my neighborhood, everyone in my daughter's friends.
8 We were ostracized from her play groups, from the riding
9 stable, from horse shows, my — her dad lost his — like his gig
10 in his band.
11 MS. NECHELES: Objection, your Honor.
12 THE COURT: Sustained.
13 Q I'm going to stop you. Thank you.
14 Let me ask you, after the Wall Street Journal article came
15 out, this article, did In Touch publish that article from back
16 in 2011 —
17 A Yes.
18 Q — that you had given a short interview?
19 A Yes.
20 Q And did you want that article out at that point?
21 A No.
22 Q And that article, when you first gave the interview,
23 were you supposed to have been paid for it?
24 A Yes.
25 Q And did you get paid in 2018 when they released it?

Lisa Kramsky,
Senior Court Reporter

1 A No.

2 Q After that, after this article came out, the In Touch
3 article came out, did Michael Cohen request of your attorney
4 that you go on the Hannity Show on Fox?
5 Were you aware of that?

6 A Yes.

7 Q And were you requested to go on Fox and to deny any
8 interactions you had with Mr. Trump?

9 A They asked me if I would be willing, yes.

10 Q And did you agree to do that?

11 A No.

12 Q Why not?

13 A Because I didn't want to.

14 Q Let me direct your attention now to January 30th of
15 2018.

16 Were you scheduled on that day —

17 MS. HOFFINGER: You can take that down.

18 Thank you.

19 Q Were you scheduled on that day to go on the Jimmy
20 Kimmel show?

21 A Yes.

22 Q How did that come about?

23 A Gina set it up.

24 Q And what was the plan for what you were going to
25 discuss or not discuss on that show?

Lisa Kramsky,
Senior Court Reporter

1 A Ummm, it was — I was not to discuss the relationship
2 or NDA or anything like that.
3 It was to show that I was — it was to give an example of
4 how I can go on and do promotions and things, but not break the
5 NDA.
6 Q And what happened shortly before you went on the
7 show?
8 A Gina came to my room with some dresses. They were for
9 me to try on to wear on the show, on loan from designers or
10 whatever.
11 And she came with a — it was herself, somebody — some
12 people I didn't recognize. And Keith Davidson.
13 MS. HOFFINGER: And let's put up, please,
14 People's 278 in evidence.
15 Thank you.
16 (Displayed.)
17 MS. HOFFINGER: Maybe just blow it up a little bit.
18 (Displayed.)
19 Q Do you recognize this?
20 A Yes.
21 Q What is this?
22 What do you recognize it to be?
23 A This is a statement that was handed to me in my hotel
24 room when I was in town to do the Jimmy Kimmel show by Keith
25 Davidson.

Lisa Kramsky,
Senior Court Reporter

1 Q And did you initially say no to signing this?

2 A Yes.

3 Q Without disclosing the substance of your conversations
4 with your attorney, Keith Davidson, as a result of his advice,
5 did you sign it?

6 A Yes.

7 Q How did you sign it? Did you sign it in a particular
8 way?

9 A I signed it Stormy Daniels, but I signed it not how my
10 Stormy Daniels signature looks any other time that I have ever
11 written it.

12 Q Why did you do that?

13 A As a tip off to Jimmy Kimmel.

14 Q What kind of a tip off?

15 A That I didn't — that either I didn't sign it — that I
16 didn't sign it willingly.

17 Q Is that because you were upset about signing it?

18 A Yes.

19 Q And is this statement false?

20 A Yes.

21 MS. HOFFINGER: You can take that down.

22 Thank you.

23 Q Now, did there come a time in February of 2018 that you
24 became aware of Michael Cohen making certain public statements
25 about his paying you and —

Lisa Kramsky,
Senior Court Reporter

1 MS. NECHELES: Objection. Leading.

2 THE COURT: Sustained.

3 Q What, if anything, did you become aware of in February
4 of 2018 in terms of public statements made by Michael Cohen
5 about this — these issues?

6 A Ummm, the articles and the quotes to journalists
7 started to have more details that they wouldn't have gotten
8 unless they got it directly from somebody. And then I found out
9 that Michael Cohen was —

10 MS. NECHELES: Objection.

11 A I found out that he was shopping a book.

12 MS. NECHELES: Objection to the hearsay.

13 THE COURT: Sustained.

14 Q Did you believe that some of what Michael Cohen was
15 saying publicly was not truthful?

16 A I'm not sure.

17 Q Well, did you believe that Michael Cohen was making
18 certain assertions about what did or didn't happen between
19 yourself and Mr. Trump?

20 Was he denying that you had an encounter with Mr. Trump?

21 A No. He was saying that I did. And he was — he was
22 the fixer.

23 Q Okay. He was making certain public statements that
24 upset you; is that right?

25 A Yes.

Lisa Kramsky,
Senior Court Reporter

1 Q And why was it upsetting to you?

2 A Because he could talk about it and I couldn't.

3 Q Around this time, did you — around February of 2018,
4 did Michael Cohen try to prevent you from coming out and telling
5 the truth about what occurred?

6 A I'm not sure if it was Michael Cohen.

7 Q Okay. Did Michael Cohen file or have lawyers file a
8 Temporary Restraining Order against you in about February of
9 2018?

10 A Yes.

11 Q And can you just explain what your understanding was of
12 that Temporary Restraining Order?

13 A It was to keep me from speaking or that I would be held
14 accountable for the million dollars that was mentioned in the
15 NDA.

16 Q Or —

17 A Per episode.

18 Q And following — around that time, after you were
19 served, around the time you were served with the Temporary
20 Restraining Order, did you hire another lawyer at that time?

21 A Yes.

22 Q And who did you hire?

23 A Michael Avenatti.

24 Q And did you hire him to try to get out of the NDA at
25 that point?

Lisa Kramsky,
Senior Court Reporter

1 A Yes.

2 Q Why did you want to get out of the NDA at that point?

3 A So that I could stand up for myself.

4 Q Now, in about March, early March of 2018, did
5 Mr. Avenatti file a lawsuit in California against Donald Trump
6 and Michael Cohen's company, Essential Consultants, to try to
7 get you out of the NDA?

8 A Yes.

9 Q After your lawyer, Michael Avenatti, filed that lawsuit
10 to get you out of the NDA, did you also go on 60 Minutes to
11 speak to Anderson Cooper?

12 A Yes.

13 Q Why did you do that?

14 A To get my story out.

15 Q And you did that even though there was a risk that you
16 could be held responsible for breach of the NDA?

17 A Yes.

18 Q Is it your understanding that by the Fall of 2018,
19 Mr. Trump and Michael Cohen agreed not to enforce that NDA that
20 you had signed?

21 A Yes.

22 Q And so, was it your understanding that you were then
23 legally free from the NDA so that you could speak publicly and
24 freely about who occurred?

25 A Yes.

Lisa Kramsky,
Senior Court Reporter

1 Q Was it your understanding that the Court in California
2 actually found that you were the prevailing party in that
3 suit to free you from the NDA and, therefore, awarded you legal
4 fees?

5 A Yes.

6 Q And were those legal fees — did they total
7 approximately a little under a hundred thousand dollars?

8 A Yes, just under a hundred grand.

9 Q And after you were free from that NDA, as a result of
10 what we just discussed, did you publish a book?

11 A Yes.

12 Q What was the name of that book?

13 A "Full Disclosure."

14 Q And what is that book about?

15 A It's mostly about my life. It starts when I'm two
16 years old, actually, all the way up until, I believe, I think it
17 ends in June of 2018.

18 Q And did you include in the book some descriptions of
19 what happened with Mr. Trump?

20 A Yes.

21 Q Did you include in that book every detail of what
22 occurred in the room with Mr. Trump in his hotel, Harrah's?

23 A Not every detail, no.

24 Q Does the book also include some difficult experiences
25 that you had as a child?

Lisa Kramsky,
Senior Court Reporter

1 A Yes.

2 Q And did you disclose in the book, for the first time
3 publicly, some of those — some of the details of what happened
4 to you as a child?

5 A Yes.

6 Q Was the book edited to some degree?

7 A Yes.

8 Q Who edited it?

9 A Two people. The person who helped me write it and edit
10 it for spelling and grammar, and fact checking was Kevin
11 O'Leary, who was hired by the publisher.

12 He mostly transcribed everything I wrote and did some
13 editing.

14 And then I found out later that Michael Avenatti did some
15 editing as well.

16 Q And did you earn some money from the publishing of that
17 book?

18 A Yes.

19 Q And that was your hard work in writing that book on —
20 MS. NECHELES: Objection, your Honor.

21 THE COURT: Sustained.

22 Q Was it your work on that book that you were paid for?

23 A Yes.

24 Q And aside from making money in publishing that book,
25 were there other reasons as well that you wrote that book?

Lisa Kramsky,
Senior Court Reporter

1 A Yes.

2 Q And what were those reasons, generally?

3 A Ummm, so that my daughter would have an account from
4 her mom's own words of what I had been through and —

5 Q From the various aspects of your life; right?

6 A And the reasons why I did the things that I did.

7 Q Now, did there come a time in April of 2018 that your
8 then-lawyer, Michael Avenatti, also filed a defamation case on
9 your behalf against Donald Trump?

10 A Yes.

11 Q Did you want him to do that?

12 A No.

13 Q Why did you not want him to do that?

14 MS. NECHELES: Objection.

15 THE COURT: Overruled.

16 You can answer.

17 A It just seemed really risky. And it, it — it didn't
18 seem like it was something that could be won. It seemed like a
19 bad choice. Not worth it, I guess.

20 Q Was the basis of that defamation claim about what
21 happened —

22 A Yeah.

23 Q — in a parking lot?

24 Before you answer, just wait a minute.

25 Was the basis of that defamation claim — withdrawn.

Lisa Kramsky,
Senior Court Reporter

1 In April of 2018, did Mr. Avenatti release a sketch of the
2 man who you believed you had that encounter with in 2011?

3 A Yes.

4 Q And in response to that sketch, did Mr. Trump tweet
5 that the sketch was essentially a con job?

6 A Yes.

7 Q And, to your understanding, was that defamation case
8 filed based only on that tweet about whether the sketch was a
9 con job?

10 A Yes, it was about the tweet.

11 Q Did the defamation claim have anything to do with
12 whether or not you were paid for the NDA before the election?

13 A No.

14 Q Did the claim of defamation have anything to do with
15 whether or not you had a sexual encounter with Mr. Trump or any
16 other interactions with him?

17 A No.

18 Q What is your understanding about whether the Court in
19 that case made any finding with respect to your credibility
20 whatsoever?

21 A There were none.

22 Q Is it your understanding that the Court determined in
23 that case that Mr. Trump was free to tweet "con job" because it
24 was what the Court called "rhetorical hyperbole?"

25 A Correct.

Lisa Kramsky,
Senior Court Reporter

1 Q And is that the reason, for something like just an
2 exaggeration?

3 A Yes.

4 Q And, as a result of that, the Court's finding was that
5 Mr. Trump was entitled to make that tweet, did the Courts in
6 California award Mr. Trump some legal fees?

7 A Yes.

8 Q Just as they had awarded you legal fees earlier —
9 MS. NECHELES: Objection to the leading, your
10 Honor.

11 THE COURT: Sustained.

12 Q Is Michael Avenatti still your lawyer?

13 A No.

14 Q Why is he not — why is he not still your lawyer?

15 MS. NECHELES: Objection, relevance.

16 THE COURT: Overruled.

17 You can answer.

18 A Because I fired him. And then later he was found
19 guilty of stealing from not just myself, but from several
20 clients, and he was disbarred and is in prison.

21 Q Was he found guilty in the criminal case in which you
22 testified?

23 A Yes.

24 Q And were you cross-examined in that case?

25 A Yes.

Lisa Kramsky,
Senior Court Reporter

1 Q And the result was that he was found guilty?
2 MS. NECHELES: Objection, your Honor.
3 THE COURT: Sustained.
4 MS. NECHELES: Move to strike that.
5 THE COURT: The answer is stricken.
6 Q Have you, as a result of the Court in the defamation
7 case awarding Donald Trump some legal fees and your being
8 awarded some legal fees in the NDA case, were some of those
9 offset against each other so that you actually paid off some of
10 those legal fees that the Court said that you owed Mr. Trump?
11 MS. NECHELES: Objection to leading, your Honor.
12 THE COURT: I will allow it.
13 You can answer.
14 A Yes.
15 Q And have you paid, yet, all of the legal fees that the
16 Court said that you owe Mr. Trump as a result of the defamation
17 case?
18 A No.
19 Q Why not?
20 A Uhhh, I'm sorry.
21 What was that?
22 Q Why haven't you paid those yet?
23 A Because I don't have the means to pay that kind of
24 funds and because I didn't think it was fair.
25 Q Now, in July of 2023, did Mr. Trump file a proceeding

Lisa Kramsky,
Senior Court Reporter

1 in Florida to recover those additional legal fees?

2 A Yes.

3 Q And do you have a lawyer assisting you with those
4 proceedings?

5 A Yes.

6 Q And is one of those lawyers here in court with you
7 today?

8 A Yes.

9 Q What is your understanding about whether the outcome of
10 this case will have anything to do with the outcome of that
11 proceeding about the legal fees?

12 A It won't.

13 Q So is there any relation whatsoever to your
14 understanding?

15 A No.

16 Q Let me direct your attention now to February of 2021.

17 Did you agree or — and go on and participate in Michael Cohen's
18 Podcast at that time?

19 A Yes.

20 Q Why did you agree to do that?

21 A Because I wanted him to apologize to me.

22 Q And did he apologize to you on that Podcast?

23 A He did.

24 Q Was that the first time you had ever spoken to him?

25 A Yes.

Lisa Kramsky,
Senior Court Reporter

1 Q And, generally, on that Podcast, did you discuss a
2 variety of things?

3 A Yes.

4 Q Including your encounters with Mr. Trump?

5 A Yes.

6 Q And did you agree to go on another Podcast of
7 Mr. Cohen's in January of 2022?

8 A Yes.

9 Q And, generally, why did you go on again?

10 A Ummm, because we had a good rapport and this time
11 around he wanted to ask specifics about — as to the Michael
12 Avenatti case.

13 Q And is that generally what — mostly what you discussed
14 on that?

15 A On the second Podcast, yes.

16 Q Now, you mentioned earlier that you were featured in a
17 documentary; is that right?

18 A Correct.

19 Q And what was it called?

20 A Stormy.

21 Q And what was it about, generally?

22 A Ummm, the same as the book. It was generally about my
23 life, focusing more on, ummm, the two years of 2018 and '19.

24 Q Did it also include information about your experiences
25 with Mr. Trump?

Lisa Kramsky,
Senior Court Reporter

1 A Yes.

2 Q And were you paid to appear or participate in the
3 documentary?

4 A No.

5 Q While not paid to appear or participate in it, did the
6 production company agree to pay you \$125,000 for the licensing
7 rights to your materials and your book?

8 A Yes.

9 Q And how much of that have you been paid so far?

10 A A hundred thousand.

11 Q And is that the sum total of money that you had
12 received or will receive from that documentary?

13 A Yes.

14 Q Now, in addition to the money that you received in
15 connection with that documentary, "that" meaning the licensing
16 rights, was there another reason that you agreed to do the
17 documentary?

18 A Yes.

19 Q What was that, generally?

20 A To get the truth out. The same as the book. To have
21 an updated account.

22 Q Did you first start on that documentary some years
23 ago?

24 A Yes, in 2018.

25 Q And was that well before we gave you a subpoena to

Lisa Kramsky,
Senior Court Reporter

1 testify in this case?

2 A Yes.

3 MS. HOFFINGER: Can we please put up People's 408A
4 in evidence.
5 (Displayed.)

6 *****

7 Q First, I'm going to ask you, on March 15th of 2023, did
8 you participate in an interview by Zoom with members of our
9 office?

10 A Yes.

11 Q And I'm showing you — we are showing you now what's in
12 evidence as People's Exhibit 408A.

13 What is the date of this — well, first of all, do you
14 recognize this?

15 A Yes.

16 Q Do you recognize @realDonaldTrump to be Mr. Trump's
17 Truth Social account?

18 A Yes.

19 Q And did you recognize that to be his Truth Social
20 account at the time, which is March 2023?

21 A Yes.

22 Q What's the date on this Truth Social post?

23 A March 15th, 2023.

24 Q And were you aware of this post when it came out, when
25 Mr. Trump released it?

 Lisa Kramsky,
 Senior Court Reporter

1 A The next morning, yes.

2 Q Can you read it for us, please?

3 MS. HOFFINGER: Maybe you might want to make it a

4 little bit bigger, if it's possible.

5 (Displayed.)

6 A I can see it. I'm good.

7 "I did nothing wrong in the 'Horseface' case. I see she

8 showed up in New York today trying to drum up some publicity for

9 herself. I haven't seen or spoken to her since I took a picture

10 with her on a golf course in full golf gear including a hat

11 close to 18 years ago."

12 "She knows nothing about me other than her con man lawyer

13 Avenatti and convicted liar and felon jailbird Michael Cohen may

14 have schemed up."

15 "Never had an affair with her."

16 "Just another false acquisition by a 'SleazeBag.'"

17 That's a typo, I guess, "by Sleazebag." Period.

18 "Witch Hunt!" Exclamation point.

19 Q Who did you understand Mr. Trump to be referring to as

20 "Horseface" and "SleazeBag" in this post?

21 A Me.

22 Q Had he called you "Horseface" publicly before?

23 A Yes.

24 Q And has he also called you "SleazeBag" publicly

25 before?

Lisa Kramsky,
Senior Court Reporter

1 A Yes.

2 Q Has he called you "SleazeBag" since this post?

3 A Yes.

4 Q Is Mr. Trump's statement in this Truth Social post,
5 that he hasn't seen or spoken to you since he took a picture
6 with you on the golf course; is that true or false?

7 A False.

8 Q Why is it false?

9 A Because I met with him numerous times after that and
10 spoke to him on the phone countless times.

11 Q So, in other words, the times that you described here?

12 A (Shaking head.)

13 Q In his hotel room; the next day at Trump Tower; at the
14 Les Deux in LA, and this is a LA hotel; in addition to —
15 MS. NECHELES: Objection to the leading, your
16 Honor.

17 A Yes.

18 THE COURT: Sustained.

19 (Whereupon, at this time, Laurie Eisenberg relieved
20 Lisa Kramsky as the official court reporter.)

21 *****
22
23
24
25

Lisa Kramsky,
Senior Court Reporter

1 (Continued from the previous page.)
2 MS. HOEEINGER: Your Honor, may we approach for a
3 moment?
4 THE COURT: Sure.
5 (Whereupon, the following proceedings were held
6 at sidebarz)
7 MS. HOEFINGER: I just want to be inordinately
8 careful.
9 I'm about to ask what the effect, if any, it had
10 on her.
11 You previously ruled we are allowed to elicit
12 information from subjects from these Truths or Tweets.
13 THE COURT: What is the answer you expect?
14 MS. HOFFINGER: It was frightening for her, she
15 didn't feel good about it, and I'm sure it had a chilling
16 effect.
17 MS. NECHELES: Is that it? Or is she going to
18 talk about threats made to her or things like that?
19 MS. HOFFINGER: I'll ask generally what affect it
20 had on her, seeing this.
21 MS. NECHELES: Judge, we can't un-ring it if she
22 comes out and says that.
23 THE COURT: I agree.
24 I think — given the discussion we had earlier, I
25 think it's best to stay away from that.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 MS. HOFFINGER: Will do.
2 That's why I asked to approach.
3 THE COURT: Thank you.
4 (Whereupon, the following proceedings were held
5 in open court:)
6 MS. HOFFINGER: Thank you, your Honor.
7 I have no further questions.
8 THE COURT: Thank you.
9 Your witness.
10 MS. NECHELES: Thank you.
11 THE COURT: You may inquire.
12 MS. NECHELES: Thank you, your Honor.
13 CROSS-EXAMINATION
14 BY MS. NECHELES:
15 Q Good afternoon, Ms. Daniels.
16 My name is Susan Necheles.
17 You and I have never spoken before; right?
18 A Correct.
19 Q And I represent President Trump.
20 So, even though we've never spoken, you've met with the
21 prosecutors on a number of occasions; right?
22 A Correct.
23 Q And you rehearsed your testimony here; right?
24 A No.
25 Q Well, according to you, the prosecutors subjected you

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 to "several grueling prep sessions, which included brutal mock
2 cross-examinations"; correct?

3 A Yes.

4 Q And that — and you say that that's not rehearsing
5 your testimony?

6 A It is not rehearsing my testimony.

7 Q But, you pretended to be being cross-examined; right?

8 A My testimony was not rehearsed.

9 Q That was not my question.

10 Do you want me to repeat my question?

11 A Yes, please.

12 Q Okay.

13 You pretended to be cross-examined; didn't you?

14 A Um, no.

15 Q Well, when you said that — just now, you agreed that
16 you were subjected to "grueling prep sessions, which included
17 brutal mock cross-examination".

18 "Mock cross-examination" means that they had someone who
19 pretended to be cross-examining you; right?

20 MS. HOFFINGER: Objection, your Honor.

21 THE COURT: Overruled.

22 You can answer.

23 A There were a lot of parts. Which part would you like
24 me to answer first?

25 Q Okay.

1 Is it correct that you had mock cross-examination done?

2 A I was asked questions as they would, perhaps, be asked
3 by the Court.

4 Q But, you said on a previous occasion that you had
5 "mock cross-examination" done to you —

6 A I used the wrong word. "Mock" is not the correct term
7 now that I'm in court.

8 Q So, when you said that before, you were not being
9 truthful?

10 A I was incorrect. I did not know what true court would
11 be like.

12 Q But, they asked you questions as if you were being
13 cross-examined; right?

14 A Not exactly, no.

15 Q And it was, you said, "brutal sessions", right,
16 "grueling sessions", right?

17 A True.

18 Q And they were "pushing you"; right?

19 A The memories were hard to bring up, yes. They were
20 painful.

21 Q And they wanted to make sure that when you came into
22 court, you were able to present a good appearance; right?

23 A The — that I wouldn't be too upset.

24 Q And that you would be ready for cross-exam; right?

25 A No. I don't think so.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q Okay.

2 So, when you said "mock cross-examinations", it wasn't to

3 get you ready for cross-exam?

4 A (No response).

5 Q Right? Is that what you're saying?

6 A It was to have all of the facts. They wanted to ask,

7 to have as much information as possible.

8 Q And the prosecutors began your direct testimony today

9 by asking you why you started acting in pornography; right?

10 Do you remember that happening this morning?

11 A They asked me why?

12 Q Yes.

13 A I don't think they asked me why.

14 Q Well, do you recall testifying that you started acting

15 in pornography because you wanted to make more money; right?

16 A Correct.

17 Q And it's that simple, you wanted more money; right?

18 A Don't we all want to make more money in our jobs?

19 Q And that is why you started acting in pornography;

20 right?

21 A To get a pay increase for my dancing, yes.

22 Q That motivates you a lot in life, making more money;

23 right?

24 A Well, it is the United — that's what we do here.

25 (Shrugs).

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q Am I correct that you hate President Trump?

2 A Yes.

3 Q And you want him to go to jail; right?

4 A I want him to be held accountable.

5 Q You want him to go to jail; am I correct?

6 A If he is found guilty, absolutely.

7 Q And you Tweeted in the past that: "I won't walk, I'll
8 dance down the street when he's selected to go to jail;"
9 correct?

10 A Can you show me that's exactly what I said? That's
11 not —

12 MS. NECHELES: Can we please pull up J-2 right
13 now, only for the witness and the parties, please.
14 (Whereupon, an exhibit is shown on the witness'
15 and the parties' screens.)

16 Q Is that your tweet?

17 A Uh-huh. (Laughs).

18 Q Did you just laugh?

19 A Selected is in quotes because I am quoting something
20 that someone else said. Because I knew that you don't get
21 selected to go to jail.

22 Q You just laughed about that; right?

23 MS. HOFFINGER: Objection.

24 A It is a typo.

25 THE COURT: Overruled.

1 A That's why it is funny. You don't get selected to go
2 to jail.

3 Q It's not because you think this is all funny?

4 A No. Absolutely not.

5 Q When you say — so — and that, in fact, is what you
6 tweeted; right?

7 A Yes. I am quoting another tweet.

8 Q You are quoting the word "selected"; right?

9 A Correct.

10 Q And everything else is your words; right?

11 A Correct.

12 Q Your words: "I won't walk, I'll dance down the street
13 when he's", quote, "selected", end quote, "to go to jail"?

14 A Correct.

15 Q And, part of the reason you hate him is because he
16 won a legal case against you and you owe him, today, over
17 half-a-million-dollars; right?

18 A He didn't win the case.

19 He won attorney's fees because I was not allowed to go to
20 trial. Court. Sorry.

21 Q You're suing him for defamation; right?

22 A Yes.

23 Q But, your lawsuit was dismissed by the court, Federal
24 Court in California; right?

25 A Right. So it was not lost. It was dismissed.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q It was dismissed.
2 That means he won the case; right?
3 A He was prevailed, but I was not found to have lost.
4 Q So, the prevailing part is the winning; right?
5 A Right.
6 Q So, you agree with me, he won the case, and he was
7 awarded over half-a-million-dollars in legal fees; right?
8 A Correct.
9 Q In fact, there were three awards for legal fees on his
10 part; right?
11 A Correct.
12 Q First, on December 11th, 2018, you were ordered to pay
13 \$293,052.33; correct?
14 A I'm not sure of the exact dates.
15 Q Can I show you what's being marked exhibit J-4.
16 (Whereupon, an exhibit is shown on the witness'
17 and the parties' screens.)
18 A Okay.
19 Q If you look in the top, you see —
20 A I see it.
21 Q You recognize that to be the Order; correct?
22 A Yes, ma'am.
23 I just wasn't sure of the exact date.
24 MS. NECHELES: I offer that in evidence.
25 MS. HOFFINGER: Objection.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 THE COURT: Sustained.
2 Q That was from October 15th; right?
3 A I'm not sure.
4 Q Well, you see the date on it?
5 A It says "December".
6 Q I'm sorry.
7 J4, correct, occurred on December 11th; correct?
8 A Correct.
9 Q And then you appealed that Order and lost; right?
10 A Correct.
11 Q And you then had to pay attorney's fees for the
12 appeal; right?
13 A Correct.
14 Q And that occurred on March 30, 2022; correct?
15 A I don't know the date.
16 MS. NECHELES: Okay.
17 Can we show her what's been marked as Defendant's
18 J-5.
19 (Whereupon, an exhibit is shown on the witness'
20 and the parties' screens.)
21 Q That was March 30, 2022?
22 A Yes, ma'am.
23 Q And on that date, you were ordered to pay an
24 additional \$245,209.67 to President Trump; right?
25 A Sorry.

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Senior Court Reporter

1 It says — it's not on this page.

2 MS. NECHELES: Can you turn to the last paragraph

3 for the witness, please, on Page 10.

4 A Yes, ma'am.

5 Q Yet, you appealed again; right?

6 A Correct.

7 Q And you lost that again; right?

8 A Correct.

9 Q And you were ordered on April 4, 2023 to pay an

10 additional \$121,972.56; correct?

11 A Same.

12 Could you please show it to me?

13 Q Sure.

14 MS. NECHELES: Can we show the witness and the

15 parties what has been marked as Defendant's Exhibit J-6.

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

17 and the parties' screens.)

18 Q Correct?

19 A Yes, ma'am.

20 Q That was on April 4, 2023?

21 A Correct.

22 Q So, in total, because of your frivolous litigation

23 against President Trump —

24 MS. HOFFINGER: Objection.

25 THE COURT: Sustained.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q Because of your cases that you brought that were
2 dismissed against President Trump, courts have awarded
3 President Trump over \$660,000 in attorney's fees; correct?

4 A Roughly, yes.

5 Q And then you testified that was set aside by — offset
6 by about a hundred thousand dollars in attorney's fees?

7 A Yes.

8 Q In a different case?

9 A (Nods yes).

10 Q So, the total amount in attorney's fees, alone, was
11 approximately \$560,000 that you owe to President Trump; right?

12 A About.

13 Q And that's before interest; right?

14 A I would assume yes.

15 Q And California, you know, has 10 percent annual
16 interest on this; right?

17 A I did not know.

18 Q And some of these have been pending since 2018;
19 correct?

20 A Correct.

21 Q And, you testified — on direct you were asked, as a
22 result of the offset, you have paid some of the legal fees;
23 right?

24 A Correct.

25 Q But, you didn't pay anything out of your pocket; did

1 you?

2 A (No response).

3 Q You didn't take any money out of your pocket and pay
4 it to Donald Trump; did you?

5 MS. HOFFINGER: Object to defense counsel's
6 voice.

7 THE COURT: Sustained.

8 Please allow her to answer.

9 A Sorry. Can I hear the question again?

10 Q Sure.

11 You didn't take any money out of your pocket and pay
12 President Trump; did you?

13 A No.

14 Q In fact, you have not taken one penny out of your
15 pocket to pay these awards; right?

16 A Right.

17 Q And you said on direct it's because you can't afford
18 it; right?

19 A Right.

20 Q But, you have money; right?

21 A We all have money.

22 Q It's because you're choosing not to pay him one penny,
23 President Trump; right?

24 A (Pause). We all have — I don't understand the
25 question.

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 Q Well, you've chosen to disobey the Court Order; right?

2 A I have chosen not to make a payment while it's still
3 pending, yes.

4 Q You have announced publicly that you will never pay
5 President Trump the money that you owe him; right?

6 A Right.

7 Q In fact, the day after the Federal Court of Appeals
8 ordered you to pay President Trump \$245,000, you tweeted: "I
9 will go to jail before I pay a penny;" correct?

10 A Correct.

11 Q And, I show you what has been marked as Exhibit J-7.

12 MS. NECHELES: We can just show that to the
13 witness, the parties, and the Court.

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

16 Q You recognize that as your tweet?

17 A Yep.

18 MS. NECHELES: I offer that in evidence.

19 MS. HOFFINGER: Objection.

20 THE COURT: Sustained.

21 MS. NECHELES: Prior evidence applies.

22 THE COURT: Approach.

23 (Whereupon, the following proceedings were held
24 at sidebarz)

25 MS. HOFFINGER: She's admitted each of these.

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Senior Court Reporter

1 THE COURT: She admitted it .
2 MS. NECHELES: It's not coming in as a prior
3 inconsistent statement alone. It's not coming in as that.
4 It's prior evidence of bias, which is admissible
5 to show bias and motive.
6 MS. HOFFINGER: You've excluded any exhibits to
7 be admitted by them on cross.
8 MS . NECHELES: No .
9 THE COURT: That's not correct.
10 I'll allow it.
11 MS . NECHELES: Thank you .
12 (Whereupon, the following proceedings were held
13 in open court:)
14 THE COURT: Accepted into evidence.
15 (Whereupon, Defense Exhibit J-7 is received in
16 evidence.)
17 MS. NECHELES: We can show that.
18 (Whereupon, the exhibit is shown on the screens.)
19 Q Is that your Twitter handle?
20 A Yes.
21 Q @StormyDaniels?
22 A Yes.
23 Q And that was your tweet on March 21, 2022; right?
24 A Correct.
25 Q And that was right when the Court of Appeals had

Laurie Eisenberg, CSR, RPR

Senior Court Reporter

1 ordered you to pay money; right?

2 A Roughly, yes.

3 Q And that was you saying: I don't care about a Federal
4 Court Order; right?

5 A That is me saying that I will not pay for telling the
6 truth.

7 Q Well, it was a Federal Court Order, you understood;
8 right?

9 MS. HOFFINGER: Objection. Asked and answered.

10 THE COURT: Overruled.

11 You can answer.

12 A That's not what I was responding to.

13 Q Well —

14 A My motivation was because I was telling the truth.

15 Q Ms. Daniels, you understand that there's no question
16 standing; right?

17 MS. HOFFINGER: Objection.

18 THE COURT: Sustained.

19 MS. NECHELES: You're correct.

20 Can you ask the witness to respond?

21 THE COURT: Sure.

22 Please wait until there's a question, and then
23 you can answer the question.

24 THE WITNESS: Okay.

25 Q But, you don't care about the Court Order; do you?

1 A Of course I care.

2 Q So, even though there's three Court Orders ordering
3 you to pay President Trump, you are not going to do that;
4 right?

5 A I don't know.

6 Q Well, isn't it correct — well, let me show you what
7 has been marked as J-1 for the witness and the parties.
8 (Whereupon, an exhibit is shown on the witness'
9 and the parties' screens.)

10 Q Do you recognize that —

11 A Yep.

12 Q — as a tweet by you?

13 A Yep.

14 MS. NECHELES: I offer that in evidence, your
15 Honor.

16 THE COURT: Accepted into evidence.

17 (Whereupon, Defense Exhibit J-1 is received in
18 evidence.)

19 MS. NECHELES: We can show it to everybody.

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

21 Q Again, that's you — your tweet; right?

22 A Correct.

23 Q And it's you, again, saying: "I don't owe him shit and
24 I'll never give that orange turd a dime;" right?

25 A Correct.

1 Q And that's you calling President Trump names; right?

2 A In retaliation for what he said to me, yes.

3 Q And that's you making fun of how he looks; right?

4 A Correct.

5 Q So, when you were asked on your direct examination if
6 he called you Horseface, you call him names all the time;
7 right?

8 A Yes.

9 Q You despise him, and you made fun of how he looks;
10 right?

11 A Because he made fun of me first.

12 Q So, one of you started it, but you both continue it;
13 right?

14 A Correct.

15 Q But, in any case, you also have vowed that you will
16 never give him a dime; right?

17 MS. HOFFINGER: Objection. Asked and answered.

18 THE COURT: Sustained.

19 Q To be clear, at the time that you made this tweet,
20 there were already three Federal Court Orders —

21 MS. HOFFINGER: Objection.

22 Q — or two ordering you to pay money; right?

23 THE COURT: Sustained.

24 Q Now, you know that debtors are required to fill out a
25 form under penalty of perjury disclosing their accounts; right?

1 A Yes.

2 Q You testified on the record there is a case in Florida
3 against you by Donald Trump trying to collect money; right?

4 A Yes.

5 Q And you're required to fill out that form; right?

6 A Yes.

7 Q And you have totally refused to fill out that form for
8 ages; correct?

9 A False.

10 Q Well, am I correct that you gave an interview with
11 Jeff Toobin where you said you were not gonna fill out that
12 form?

13 A It has been filled out, to my knowledge.

14 You'd have to ask my attorney.

15 Q Did you understand the question?

16 MS. HOFFINGER: She answered the question.

17 THE COURT: She did.

18 Q Did you give an interview to Jeff Toobin where you
19 said you were not going to fill out the form?

20 A I didn't —

21 THE COURT: Why don't you start again.

22 MS. NECHELES: Thank you.

23 Q Do you recall giving an interview to Jeff Toobin where
24 you said you would not fill out that form?

25 A Yes.

1 Q And your lawyer was asking you to fill out the form,
2 and you said, "I'm fully prepared to go to jail before doing
3 this;" right?

4 A Correct.

5 They were asking for questions about my daughter on that
6 form.

7 Q Well, the form asked your daughter's name in one
8 place; right?

9 A Yes.

10 Q But, other than that, the form is entirely only about
11 your assets; right?

12 A (Shrugs). I don't remember.

13 My attorney sent it to me.

14 Q Okay.

15 Well — now you say you filled out the form; right?

16 A Filled out parts of it. My attorney did it for me.

17 Q Let me show you what has been marked as J-10A. J-10A.

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

20 Q Do you recognize that as the form?

21 A It was an email from my attorney. So, I think so. I'm
22 not sure.

23 Q We can turn to page — turn to the next page, J-10B.

24 (Whereupon, Counsel confer.)

25 Q And — if we turn to Page 3 of that, you see that's a

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Senior Court Reporter

1 Fact and Information Sheet for you?
2 (Whereupon, an exhibit is shown on the witness'
3 and the parties' screens.)
4 A Yes.
5 MS. NECHELES: I offer this in evidence.
6 MS. HOFFINGER: Objection.
7 THE COURT: Sustained.
8 THE WITNESS: (Whispering to the Court) This has
9 my address.
10 Q Well, let me ask you, you only partially filled this
11 form out; right?
12 MS. HOFFINGER: Objection.
13 THE COURT: Sustained.
14 MS. NECHELES: Can I approach?
15 THE WITNESS: (Whispering to the Court) That's
16 got my address.
17 (Whereupon, the following proceedings were held
18 at sidebarz)
19 MS. HOFFINGER: We are getting way down the road
20 now in that case.
21 Now, I understand they opened the door on bias
22 concerning the legal fees, and there's been a lot of
23 testimony elicited.
24 But, at this point, this is entirely collateral.
25 THE COURT: I agree.

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1 I allowed you to introduce one or two other
2 pieces of evidence that really are collateral. I allowed
3 you to introduce them.
4 I don't see why you need this.
5 MS. NECHELES: I don't need to put it in.
6 I just want to question her about: She lied about
7 her assets and is trying to hide her assets.
8 THE COURT: Okay.
9 MS. NECHELES: That's all I wanted the document
10 for.
11 THE COURT: She turned to me, she looked very
12 fearful, and she said, "That's got my address."
13 You asked to approach, and she said, "That's got
14 my address."
15 She is very much afraid of this form.
16 Ask the questions you want to ask her.
17 MS. NECHELES: I would block off the address.
18 THE COURT: I can appreciate that.
19 MS. NECHELES: We don't need to put that in.
20 I want to ask her about lying about the form.
21 THE COURT: You can ask her, sure.
22 (Whereupon, the following proceedings were held
23 in open court:)
24 Q Ms. Daniels, if you could turn your attention —
25 MS. NECHELES: If we can show for the witness and

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1 the parties only Page —
2 (Whereupon, an exhibit is shown on the witness'
3 and the parties' screens.)
4 Q Well, just to be clear, this is a Fact Information
5 Sheet having to do with you; correct?
6 A Yes.
7 MS. HOFFINGER: Judge, may we approach?
8 THE COURT: Take that down, please.
9 (Whereupon, the following proceedings were held
10 at sidebarz)
11 THE COURT: You're not offering that into
12 evidence — it's being shown to the parties — because
13 she's very much afraid of your client seeing that address.
14 That's what I was communicating to you before.
15 Why don't you just ask her questions about the
16 form.
17 MS. NECHELES: I was going to turn to a different
18 page.
19 I wanted to ask her and wanted to see, she says
20 she has no money in her bank account.
21 THE COURT: Why don't you ask her first.
22 MS. HOFFINGER: This is an unsigned form. I
23 don't know what we're asking about. There is no signature
24 on this form.
25 She's not entitled to ask her about a form that's

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1 got information that is not signed by anybody.
2 THE COURT: Has this form been filed?
3 MS. NECHELES: Her lawyer sent it to President
4 Trump's lawyer.
5 MS. HOFFINGER: You can look at it.
6 THE COURT: It got filed with the Court?
7 MS. NECHELES: It doesn't get filed, is my
8 understanding.
9 It's not signed.
10 THE COURT: Can I see the form?
11 MS. NECHELES: Yes.
12 MS. HOFFINGER: It's entirely unsigned.
13 (Whereupon, Ms. Necheles hands documents to the
14 Court.)
15 THE COURT: This is the entire form?
16 MS. NECHELES: Yes.
17 At least, that's the entire form I received.
18 (Whereupon, the Court reviews the documents.)
19 THE COURT: Where is it signed?
20 MS. HOFFINGER: It's not signed.
21 MS. NECHELES: It's not signed.
22 I was going to ask her: She's been delaying, she
23 won't fill out the form for three years, four years.
24 She just said: No, I had it filled out.
25 That was her testimony.

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1 THE COURT: Here's what we can do. You can hand
2 it to her instead of putting it up. You can just ask her
3 questions.
4 And you can redirect and ask her if this form is
5 signed or not.
6 MS. NECHELES: Her lawyer sent it to Donald
7 Trump's lawyer.
8 I understand her concerns.
9 THE COURT: That's why you can question her.
10 MS. NECHELES: It's a concern he'll know her
11 address.
12 It was sent to her —
13 THE COURT: I am not going to get into this
14 discussion.
15 You can hand this up to the witness.
16 (Whereupon, the Court returns the documents to
17 Ms. Necheles.)
18 (Whereupon, the following proceedings were held
19 in open court:)
20 THE COURT: Are you handing that up to the
21 witness?
22 MS. NECHELES: Yes.
23 Thank you, your Honor.
24 Q I'm handing you up what has been marked as Defense
25 J-10A.

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1 (Whereupon, the exhibit is handed to the witness
2 by the court officer.)

3 Q That's the document we've been talking about; right?

4 A Yes.

5 Q That's the document you said — you testified that you
6 had filled out; right?

7 MS. HOFFINGER: Objection.

8 I don't believe that was the testimony.

9 THE COURT: Sustained.

10 Q You said it was no longer true that you were refusing
11 to fill out this form; right?

12 A Yes.

13 Q So, this form has been partially filled out; right?

14 A Correct.

15 Q And if we turn to Page 3 — Page 3, it asks about your
16 spouse's income; right?

17 A Yes.

18 Q And you say that's "unknown"; right?

19 MS. HOFFINGER: Objection.

20 Reading from a document.

21 THE COURT: I'm sorry.

22 MS. HOFFINGER: Objection.

23 THE COURT: What's the objection?

24 MS. HOFFINGER: It's not in evidence.

25 THE COURT: Sustained.

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1 Q Well, when you filled out this form, you did not give
2 your spouse's income; right?

3 A I won't fill out information that endangers my family
4 or my daughter, no matter what. (Nods no).

5 Q I'm asking about your spouse's income; right?

6 A Right.

7 Q And you did not fill out your spouse's income; right?

8 A Right.

9 Q It asks about what cars you own or are buying; right?

10 MS. HOFFINGER: Objection.

11 THE COURT: Sustained.

12 Q You also refused to give that information; right?

13 A That's —

14 (Whereupon, the witness reviews the documents.)

15 A Oh. Actually, that was on there. So, yeah.

16 Q And you said you have no bank accounts; right?

17 MS. HOFFINGER: Objection.

18 That was not the testimony.

19 THE COURT: Why don't you just ask her: Does she
20 have bank accounts.

21 Q Do you have bank accounts?

22 A Yes.

23 Q Did you tell that on the form, the form that you're
24 required to fill out disclosing that information?

25 A I didn't fill out this form.

1 Q You didn't fill it out.
2 You're still refusing to provide that information; aren't
3 you?
4 MS. HOFFINGER: Objection.
5 THE COURT: Sustained.
6 Q Well, have you provided the information you're
7 required under law to provide so that President Trump can
8 collect on the judgments from you?
9 MS. HOFFINGER: Objection, your Honor.
10 THE COURT: Sustained.
11 Q And you refused to sign the form as well; right?
12 MS. HOFFINGER: Objection.
13 THE COURT: Overruled.
14 You can answer.
15 A I have not filled out — I haven't been given the form
16 to sign.
17 It went to my attorney. He has not returned it to me to
18 sign.
19 Q Didn't you testify a few minutes ago it came to your
20 email?
21 A From my attorney.
22 He has not filled it out.
23 Q And now, you, in fact, own a home; don't you?
24 A No, I do not.
25 Q Well, isn't it a fact that in 2022, you tweeted that

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Senior Court Reporter

1 you had earned so much money from making pornography that you
2 had just paid for your new ranch home?

3 A I did tweet that, but I didn't own a home, and I do
4 not own a home.

5 Q So, when you tweeted that, that was false?

6 A We did not end up buying that house.

7 Q And, am I correct that at that time you said you made
8 a million dollars in a book deal and in The Surreal Life, and
9 you're just doing the same job you've always done and love
10 doing, and that you just paid for your new ranch home?

11 A I would have to see the tweet.

12 Q Okay.

13 MS. NECHELES: We can pull up J-17.

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

16 Q Isn't that correct, you said you just made a million
17 dollars?

18 A I said I have made a million.

19 Q And you said: "I just paid" — you said: "I just paid
20 for my new ranch;" right?

21 A Yes.

22 Q And that was on December 11th, 2022; right?

23 A Yes.

24 Q So, was that a lie?

25 A I pay rent at a ranch. I didn't say I purchased it.

1 Q Is that what you meant when you tweeted to the world
2 that you just paid for your new ranch, that you were paying
3 rent?

4 A Yes.

5 Q With a million dollars?

6 A (Nods yes).

7 Q Isn't it true that you have been hiding your assets
8 because you don't want to pay the judgment against you?

9 A No.

10 Q Didn't you set up a Trust in the name of your
11 daughter?

12 A Nope.

13 Q And isn't it true that you are hoping that if Donald
14 Trump is convicted, you'll never have to pay him the more than
15 half-a-million-dollars you owe him?

16 A I hope I don't have to pay him no matter what happens.

17 Q Now, while you've been refusing to pay President Trump
18 the money that you owe him, you've also been making money by
19 claiming that you had sex with President Trump; right?

20 A Are you talking about the book? Yes.

21 Q And, you've been making money by claiming you had sex
22 with Donald Trump for more than a decade; right?

23 A I have not been paid for interviews in the United
24 States if that's what you mean.

25 Q Well, that was not my question.

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1 My question was, you've been making money by claiming to
2 have had sex with President Trump for more than a decade;
3 right?

4 A I have been making money by telling my story about
5 what happened to me.

6 Q And that story, in essence, is that you say you had
7 sex with President Trump; right?

8 A Yes.

9 Q And that story has made you a lot of money; right?

10 A It has also cost me a lot of money.

11 Q Now, just going back, isn't it a fact that before you
12 started making money off of claiming you had sex, you were
13 denying that you had sex with President Trump; right?

14 A Because of the NDA, yes.

15 Q The NDA was signed in 2016; right?

16 A Yes.

17 Q Isn't it a fact that in 2011, you spoke with a
18 prominent lawyer named Gloria Allred about whether you could
19 sue President Trump for money; right?

20 A I don't remember what was talked about in that
21 conversation.

22 But I also told her that I had sex with Donald Trump.

23 Q You claim you told her you had sex with Donald Trump;
24 is that what you're saying?

25 A Yes.

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Senior Court Reporter

1 Q Do you remember writing a book called Full Disclosure?

2 A Yes.

3 Q I show you what has been marked as Exhibit J-11.

4 MS. NECHELES: That's just for the witness, and

5 the parties, and the Court, please.

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

7 and the parties' screens.)

8 Q You recognize that as the book that you wrote?

9 A Yes.

10 Q It's called Full Disclosure; correct?

11 A Yes.

12 MS. NECHELES: Your Honor, if we could just put

13 that in evidence, just the picture of the cover, not the

14 book.

15 THE COURT: I'll allow it.

16 (Whereupon, Defense Exhibit J-11 is received in

17 evidence.)

18 MS. NECHELES: We can show that to everybody.

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

20 Q That's the cover of the book you wrote; right?

21 A Yes.

22 Q And you stated in this book that Gina Rodriguez

23 arranged a phone call between you and Gloria Allred to tell

24 your story; right?

25 A Correct.

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Senior Court Reporter

1 Q Who is Gina Rodriguez?

2 A She is a talent manager.

3 Q She was someone who helped you on several occasions to
4 sell your story; right?

5 A Correct.

6 Q In 2011, she arranged for you to speak with Gloria
7 Allred; right?

8 A Yes.

9 Q Who is Gloria Allred?

10 A She's an attorney.

11 Q She's a prominent attorney who has represented lots of
12 women who have made money from men by threatening to sue them;
13 right?

14 MS. HOFFINGER: Objection.

15 THE COURT: Overruled.

16 Q Is that correct?

17 A Yes.

18 I actually turned down her offer.

19 Q Okay.

20 And, in this — in fact, you told Gloria — you had a phone
21 call with Gloria Allred?

22 A Correct.

23 Q You described to Gloria Allred your story about
24 President Trump; right?

25 A Yes.

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Senior Court Reporter

1 Q And you told Gloria Allred that you did not have sex
2 with President Trump; didn't you?

3 A No. I did not say that. I told her that I did.

4 Q I want to direct your attention to Page 194 of Exhibit
5 J-11G, which we'll show just to the parties and the witness.
6 (Whereupon, an exhibit is shown on the witness'
7 and the parties' screens.)

8 Q Okay.

9 MS. NECHELES: If we could blow up for the
10 witness where it starts with "I barreled", that paragraph.

11 Q You see that?

12 You can read it to yourself where it starts off with "I
13 barreled".

14 Am I correct that you told — you had a conversation, and
15 you said in a prior statement that you gave Gloria Allred an
16 extremely abbreviated version of your interactions, leaving out
17 sex; right?

18 A Yes. During that phone conversation.

19 When I met her in person later, I told her everything.

20 Q All right.

21 I'm talking about what you wrote in your book.

22 This is your book; right?

23 MS. HOFFINGER: Objection.

24 THE COURT: Overruled.

25 Q This is your book; right?

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1 A Yes.

2 Q And in your book, you said that you left out sex and
3 anything in the least bit interesting; right?

4 A Yes.

5 Q And then Ms. Allred asked you, "Is there anything
6 else?"; right?

7 A (No response).

8 Q Right?

9 A Yes.

10 Q And you said, "No;" right?

11 A Right.

12 Q And then she said, "Well, I can't do anything else for
13 you if that's all there is;" right?

14 A Correct.

15 Q And, you say — you wrote: "I hung up, and that was
16 that;" right?

17 A Correct.

18 I did not tell her all the sex details. I did not trust
19 her.

20 And she wanted me to accuse him of forced — basically
21 rape, and so I did not continue that conversation.

22 Q None of that is in your book; is it?

23 A No.

24 o Right?

25 You're making this up as you sit there; right?

1 A No.

2 Q Well, you wrote a whole book, and you specifically
3 describe that encounter, and you didn't say anything like you
4 just said; right?

5 A Which is why I said it's an abbreviated version of my
6 interaction, leaving out the sex part.

7 I'm pretty sure that backs up my story.

8 Q You said it's an abbreviated version of your
9 interaction with Donald Trump; right?

10 A "Abbreviated" means I left out all of the details,
11 including the sex, because she wanted to force me into saying
12 things that were not true.

13 Q Meaning, you didn't tell Gloria Allred anything about
14 sex; right?

15 MS. HOFFINGER: Objection.

16 THE COURT: Sustained.

17 Q You learned from that, did you not, that a story about
18 President Trump that doesn't include sex will make you no
19 money; right?

20 A It taught me that I should tell the truth and not
21 trust people that I didn't feel like I could trust, and she was
22 one of them.

23 Q In other words, it taught you that if you want to make
24 money off of President Trump, you better talk about sex; right?

25 A No.

1 Although, that does seem to be the case. Exactly.

2 Q So, the next time you tried to sell your story about
3 President Trump, you did, in fact, change your story and say
4 you had sex; right?

5 A I don't know what time you're talking about.

6 Q Well, in 2011, you tried to sell In Touch magazine a
7 story about you having sex with President Trump; right?

8 A The first time I told the story about having sex with
9 Donald Trump was in 2007. So there wasn't a next time.

10 Q Well, your conversation with Gloria Allred was in
11 2011; right?

12 A Right. It was in the Fall of 2011.

13 In Touch was in the Spring of 2011.

14 Q When was your baby born?

15 A What was that?

16 Q When was your baby born?

17 MS. HOFFINGER: Objection.

18 THE COURT: Overruled.

19 Just tell us the year.

20 A 2010.

21 Q And when you describe that interaction with Gloria
22 Allred in your book, you said it was right after the baby was
23 born; right?

24 A She was an infant.

25 Q And, in fact, your conversation — you had a series of

1 phone conversations with a reporter named Jordi McGraw from
2 In Touch magazine; right?

3 A Right.

4 Q And she taped your conversations; right?

5 A I don't know.

6 Q And, later, a transcript of it was published; right?

7 A It was published.

8 I don't know if she records the conversation or not or if
9 she takes notes.

10 Q In 2011, when you were trying — you had those
11 conversations, you were trying to sell your story, correct,
12 about President Trump; right?

13 A Which conversation?

14 Q Well, the conversations you had with this reporter
15 from In Touch magazine; right?

16 A Yes.

17 Q And, you thought an offer — you were offered \$15,000
18 to be paid when the story ran; right?

19 A Correct.

20 Q And, am I correct that then Michael Cohen threatened
21 to sue the magazine if the story would run?

22 A That's what I was told.

23 Q At the same time —

24 A I don't know.

25 Q At the same time you told In Touch magazine that you

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1 had sex with President Trump, you had your lawyer, Keith
2 Davidson, tell thedirty.com that you never had sex with Donald
3 Trump; right?
4 A I had him send them a notice to take down what they
5 had written.
6 Q And you denied having had sex with President Trump;
7 right?
8 A Right. Because I was afraid.
9 Q Well, on the one hand, you're telling the story to
10 In Touch magazine that you did have sex; and at the same time,
11 you are telling E magazine — or thedirty.com that you never
12 had sex with him; right?
13 A It was not the same time.
14 The Dirty came after I was threatened in a parking lot.
15 Q You sure?
16 A (No response).
17 Q You sure about that?
18 A Yeah.
19 They ran it a couple of times I think. I'm not sure.
20 It was not until I was afraid. (Shrugs).
21 Q And, am I correct that you told — you made a
22 statement in 2011 to E! Online where you said that — to
23 E! News that the story about you having sex, in your words, was
24 "bullshit"?
25 A I never gave a statement to E!

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1 I was asked what I thought about all of this stuff, and I
2 said I thought it was bullshit.

3 Q Well, you said the story was bullshit; right?

4 A Yes. But I did not refer to the act.

5 The fact that there was a story and they were trying to
6 publicize it and put it on all these gossip sites was and still
7 is bullshit.

8 Q So, you're saying now that was not a denial?

9 A No.

10 Q You're saying it was bullshit that it's going to be
11 reported; is that what you're saying?

12 A Yes.

13 Q And that's at the same time you're trying to make
14 \$15,000 off of this story?

15 A (No response).

16 Q Is that correct?

17 A Yes.

18 Q And, isn't it a fact that what you said depended on
19 who would pay you money?

20 A No.

21 Q Well, one place you say, "I didn't have sex;" the
22 other place you say, "I did have sex;" and it depends on who's
23 paying money; right?

24 MS. HOFFINGER: Objection, your Honor.

25 THE COURT: Overruled.

1 A False.

2 I did 60 Minutes with Anderson Cooper, and they gave me
3 zero.

4 Q We'll get back to that.

5 I'm back in 2011. Right? You understand that; right?

6 A Yes.

7 Q And Anderson Cooper is in 2018; right?

8 A Yes.

9 Q So, in 2011 — I'll repeat my question.

10 One place won't pay you money, you say you didn't have sex
11 with President Trump; another place that's offering you
12 \$15,000, you gave an extensive interview, saying you did have
13 sex with President Trump?

14 A It was a 15-minute interview, and it was the only one
15 I did, and I turned down all of the other ones for money.

16 Q But, the answer to my question is "yes"; isn't it?

17 A No, it's not.

18 Q And when you say it was a 15-minute interview, it was
19 a 22-page article; wasn't it?

20 A Yes.

21 Q And that's 22 pages of transcript; right?

22 A I don't know.

23 Q And you're a fast speaker, but you think you speak
24 that fast, that you could generate 22 pages of transcript in
25 15 minutes?

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Senior Court Reporter

1 MS. HOFFINGER: Objection.

2 THE COURT: Sustained.

3 A I don't know.

4 Q And, you, in fact, never received that \$15,000?

5 A Correct.

6 Q That was because, as you said, President Trump said
7 your story was false and Michael Cohen threatened to sue;
8 right?

9 A I don't know the exact reason why.

10 It did not run. I know that.

11 (Whereupon, Senior Court Reporter Theresa
12 Magniccari relieves Senior Court Reporter Laurie
13 Eisenberg, and the transcript continues on the following
14 page.)

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Senior Court Reporter

1 CONTINUED CROSS-EXAMINATION

2 BY MS. NECHELES:

3 Q. And you claim that in 2011, after you sold your story
4 to In Touch, you were approached by a man in a car?

5 A. By what?

6 Q. A man in a car.

7 A. Yes.

8 Q. And according to you, this man threatened you and your
9 infant daughter?

10 A. Correct.

11 Q. He threatened your lives, you said?

12 A. He implied it, yes.

13 Q. In 2011, when this supposedly happened, you didn't tell
14 anybody about this supposed threat to yourself and your baby
15 daughter?

16 A. I told my close friends.

17 Q. Well, according to you, that threat happened while you
18 were you on the way to exercise class?

19 A. Correct.

20 Q. And right after it supposedly happened, you say you
21 actually went to that exercise class?

22 A. I didn't go to the class. I went to the restroom in
23 the class.

24 Q. You went to the restroom, after that you went to the
25 class; right?

Theresa Magniccari

Senior Court Reporter

1 A. No, I did not return to exercise class. I waited until
2 they were done with the class.

3 Q. But you did not tell anybody at that class — you
4 didn't tell your instructor that you had just supposedly been
5 threatened?

6 A. No. I lied to her and told her that my baby had a
7 blowout in her diaper, that is why I was crying in the bathroom.

8 Q. You didn't tell anybody else in the class about it?

9 A. No, they left before I came out of the bathroom any
10 way.

11 Q. You never before this instance said you were crying
12 about it, did you, that was the first time you ever said that?

13 A. No, it's not.

14 Q. One minute.

15 Isn't it true that you wrote about this in your book;
16 right?

17 A. Yes.

18 Q. And you said that you went right to the bathroom and
19 you must have looked crazy because the instructor yelled after
20 you, "Are you okay;" right?

21 A. Correct.

22 Q. You said you responded, "She had a blowout, I'll be
23 there in a minute"?

24 A. I was afraid to tell anyone. I was alone in the
25 bathroom. I held my baby close instinctively, covering her head

1 as I stared at myself in the mirror.

2 Q. You were shaking still, but less now, correct?

3 A. Correct.

4 Q. You didn't say, "I was lying and the instructor saw me

5 crying;" did you?

6 A. Yes, I did. I said, she had a blowout, that is a lie.

7 That is not telling the truth.

8 Q. Then, in fact, in the same book, you said that, "I went

9 and did the class, told no one what happened in the parking

10 lot;" right?

11 A. Yes. I went to the class afterwards. Everybody was

12 gone. Told my instructor that she had an accident and that was

13 it.

14 Q. When you wrote, "I went and did the class," you didn't

15 mean to say, "I did the exercise class?"

16 A. It was incorrect. I did not do the class.

17 Q. So you wrote a book saying that you did the class and

18 now you are saying you didn't do the class?

19 A. I did not do the class. There is no way I could have

20 possibly done exercises as scared as I was.

21 Q. In any case, you didn't tell anybody in the class about

22 it; right?

23 A. No, but I wasn't close with those women anyway.

24 Q. You didn't call the police, did you?

25 A. No.

1 Q. You didn't even tell your husband who was the father of
2 the child who you claim was threatened; right?

3 A. Correct.

4 Q. The first time you publicly told this story that was
5 about a supposed threat to your life was in 2018; right?

6 A. I don't remember.

7 Q. Well, it was on the Anderson Cooper show; wasn't it?

8 A. Publicly in like an interview?

9 Q. Yes. Yes.

10 A. I know I had told it before that because a colleague
11 told it in an interview she did about me. She was the only
12 person that I called that day or the next day after it happened.

13 Q. At the time, though, in your book, you said you told no
14 one; right?

15 A. Yes.

16 Q. Now you claim you told a colleague?

17 A. Uh-huh. Afterwards, not that day.

18 Q. But you wrote, you told nobody about this story?

19 A. Which I said in the book, as you just read, "I told
20 nobody about it that day or the days that followed."

21 Q. So the first time you mentioned it publicly was seven
22 years after it supposedly happened; right?

23 A. Yes.

24 Q. And for seven years it's your claim that you kept this
25 story secret from your husband; right?

Theresa Magniccari

Senior Court Reporter

1 A. I kept all of it secret from my husband.

2 Q. Your daughter's life was in jeopardy and you did not
3 tell her father; right?

4 A. Right.

5 Q. But when you went on Anderson Cooper and were
6 interviewed, you decided to announce it to the world; right?

7 A. Correct.

8 Q. And the reason you told this story in 2018 is, you were
9 using it as an excuse for why you never publicly said before
10 that you had had sex with President Trump; right?

11 A. I don't understand what you are asking.

12 Q. Well, you used this supposed threat that happened to
13 you as an excuse to tell people, this is why I didn't talk
14 publicly, I was afraid; right?

15 A. But I did talk publicly.

16 Q. Well, when did you give a public interview before
17 2011 — before 2018?

18 A. I talked publicly on the speakerphone on set multiple
19 times. On a radio show in 2007 I told the story.

20 Q. Okay.

21 Ms. Daniels, I am asking about an interview, not what
22 you supposedly told friends.

23 A. An interview on the radio show, that was an interview.

24 Q. When was that?

25 A. In 2007.

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Senior Court Reporter

1 Q. What show was that?

2 A. A radio show in Tampa.

3 Q. And you didn't say the person's name, did you?

4 A. Yes, I did.

5 Q. Are you sure?

6 A. I wrote it down on a piece of paper and it is shown in
7 the video.

8 Q. That is what you claim now you said then, but what
9 occurred is —

10 MS. HOFFINGER: Objection.

11 THE COURT: Overruled.

12 Q. What occurred is, obviously, you were asked four famous
13 people you slept with?

14 A. Yes.

15 Q. And you wrote down three peoples names?

16 A. I don't remember how many names I wrote down, it might
17 have been three or maybe four.

18 Q. It was never made public?

19 A. Correct.

20 Q. What is, you claim, the public story that you claim you
21 told before?

22 A. I mentioned Lake Tahoe and the hotel room, and that is
23 pretty obvious it is about Donald Trump.

24 Q. In 2018, when you went on TV, you said, with Anderson
25 Cooper, "You never told the story publicly before because I was

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Senior Court Reporter

1 threatened?"

2 A. Correct.

3 Q. And you blame that on Michael Cohen; right?

4 A. No, I blamed it on the man in the garage.

5 Q. But you had said that you believed that Michael Cohen
6 was the one who sent that man in the garage?

7 A. I did at the time. I was wrong.

8 Q. At the time, you hated Michael Cohen?

9 A. Absolutely.

10 Q. But, now, you and Michael Cohen are buddies?

11 A. I wouldn't say we are buddies.

12 Q. You went on his podcast a couple of times?

13 A. To have him apologize and he did.

14 Q. You hosted his podcast; right?

15 A. No.

16 Q. You didn't take over his podcast and post it on your
17 site?

18 A. It was not his podcast. My podcast is called "Beyond
19 the Norm." His was called "Mea Culpa."

20 Q. When you say you went on his podcast to have him
21 apologize, you went on to talk about your story, about
22 supposedly having sex with President Trump?

23 A. Correct.

24 Q. And on that podcast he told you he had nothing to do
25 with any supposed threat made to you; right?

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Senior Court Reporter

1 A. Correct.

2 Q. And, by the way, both you and Michael Cohen share a
3 desire to make money off of seeing President Trump go to jail;
4 right?

5 MS. HOFFINGER: Objection, as to Michael Cohen.

6 THE COURT: Sustained.

7 Q. You have a desire —

8 A. I am sorry, what was the question again?

9 Q. With — withdrawn.

10 In 2018, you went on The View and repeated your story
11 about this guy that supposedly threatened you; right?

12 A. Yes.

13 Q. And at that point you had a sketch artist draw a
14 picture of what the man supposedly looked like?

15 A. Michael Avenatti hired a sketch artist.

16 Q. You announced it on The View?

17 A. Yes, he did.

18 Q. You and Michael Avenatti were sitting right next to
19 each other?

20 A. Correct.

21 Q. He was your lawyer; right?

22 A. Yes.

23 Q. And when you say "he did it," you did it with him?

24 A. No, he hired the artist and surprised me with it,
25 honestly.

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Senior Court Reporter

1 Q. And you and Michael Avenatti offered a \$100,000 reward
2 for anyone who could identify this supposed assailant?
3 A. Michael Cohen offered — Michael Avenatti offered a
4 \$100,000 reward. I would have never agreed to that.
5 Q. Michael Avenatti never had to pay that \$100,000 reward,
6 did he?
7 A. No.
8 Q. Because no one ever came forward and said, "I know who
9 this man might be?"
10 A. A lot of people did. Either none of them checked out,
11 or he didn't follow up on it. He definitely got a lot of hits.
12 Q. That's because this man never existed?
13 A. He absolutely existed.
14 Q. The whole story was made up?
15 A. No, none of it was made.
16 MS. NECHELES: Can we take an afternoon break?
17 THE COURT: Would you like to take a break?
18 MS. NECHELES: Yes.
19 THE COURT: All right .
20 Jurors, let's take an afternoon break.
21 You can all step out.
22 (Jury leaving courtroom.)
23 ***
24 THE COURT: You may be seated.
25 (Witness leaving courtroom.)

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1 ***
2 (Recess.)
3 ***
4 THE SERGEANT: Continued case on trial.
5 THE COURT: I imagine we are going to continue on
6 Thursday.
7 MS. NECHELES: How late are we going?
8 THE COURT: If we have to continue to Thursday, we
9 will stop at 4:30. Then I imagine there is some redirect.
10 MS. HOFFINGER: Yes, your Honor.
11 COURT OFFICER: Witness entering.
12 (Witness entering courtroom.)
13 ***
14 THE COURT: Let's get the jury.
15 (Jury entering courtroom.)
16 ***
17 THE CLERK: Case on trial continued. All jurors
18 are present and properly seated.
19 THE COURT: Ms. Necheles.
20 CONTINUED CROSS EXAMINATION
21 BY MS. NECHELES:
22 O. Before the break just a few minutes ago we talked about
23 an E! Online article; do you recall that?
24 A. Yes.
25 Q. And you said that you know you were quoted in there as

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1 saying that the story is bullshit; right?

2 A. Yes.

3 Q. You said what you meant by that, you weren't denying
4 that had you sex with him, you were discussing this is a
5 bullshit thing to do; right?

6 A. Yes.

7 MS. NECHELES: If we can show that.

8 (Displayed.)

9 Q. Do you remember saying to E! Online that you vehemently
10 deny the story about you and President Trump hooking up after
11 Trump had played the golfing event and then meeting up multiple
12 times after that?

13 A. No, I do not remember that.

14 MS. NECHELES: If we could show the witness what
15 has been marked as Defendant's J-42. Turn to Page 3 of
16 that.

17 (Displayed.)

18 Q. Am I correct that you previously said that you
19 vehemently deny the story about the two of you hooking up after
20 Trump had played in a golfing event and vehemently denied
21 meeting up multiple times after that?

22 A. I did not give that statement. I never gave a
23 statement directly to them at all.

24 Q. You're saying that this is not true; that's your
25 testimony?

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Senior Court Reporter

1 A. I am saying that I did not give a statement denying the
2 story. It says: "Daniels herself told E! News that she is not
3 commenting but the story is bullshit." That is my one comment.

4 Q. So you're saying where the article says you vehemently
5 deny this, the article is false; is that what you are saying?

6 A. Yes.

7 Q. Turning back to — in 2011, you were denying to
8 thedirty.com that you had sex with President Trump?

9 A. I never spoke to thedirty.com. I couldn't have denied
10 it. They put up a statement. I was asked if I wanted Keith
11 Davidson to have it removed. I absolutely wanted to have it
12 removed. I didn't confirm or deny anything to The Dirty. I
13 never spoke to them.

14 Q. Well, your lawyer did?

15 A. He told them to take the story down. Whether he spoke
16 to them directly or not, I don't know. All I know is, he wanted
17 it down and he took it down.

18 Q. Keith Davidson was your lawyer?

19 A. He was Gina's lawyer. That is how I met him. She
20 said, "Do you want me to have my attorney take it down?" I
21 said, "Yes."

22 Q. You asked him — you authorized him to deny that story
23 was true and to get it taken down; right?

24 A. No, I did not. I authorized him to have the story
25 taken down.

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Senior Court Reporter

1 Q. Now, in 2016, you claim you have been threatened and
2 you were afraid for your life; right?

3 A. Yes.

4 Q. But at that point — and were you afraid for your life,
5 you had been told, "Don't talk any more about Trump otherwise
6 your life and your baby's life will be in danger;" right?

7 A. Correct.

8 Q. And so you decided, well, I'm going to sell my story;
9 right?

10 A. I didn't just decide that, I was given advice from
11 someone to do so.

12 Q. You were given advice, according to you, that instead
13 of staying quiet because your life was threatened, instead, the
14 best thing to do was to go out and sell your story; right?

15 A. Yes. I was very different and a much braver person in
16 2016 than I was in 2011. Because Donald Trump was not just a
17 guy on television, he was running for President, I was more
18 afraid for my situation. The attorney told me: Get high, stay
19 light, get out in front where you are safe, hide in plain view.

20 Q. In 2011, your story wasn't worth much money?

21 A. I don't know what it was worth. I turned down many
22 offers.

23 Q. You turned down or tried to get \$15,000. You couldn't
24 get that?

25 A. Correct.

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Senior Court Reporter

1 Q. Now, in 2016, you say that you were afraid, but the
2 story was worth a lot of money for you now; right?

3 A. Correct.

4 Q. And you then had Gina Rodriguez go out and try to sell
5 the story; right?

6 A. Correct. I didn't care for how much. I just wanted
7 the story out there, which is why I had a press conference set
8 up for free.

9 Q. And you didn't give a free press conference; did you?

10 A. I didn't have to.

11 Q. You were looking to get — extort money from President
12 Trump; right?

13 A. False.

14 Q. Well, that's what you did; right?

15 A. False.

16 Q. And just when we're talking about your fear, the fear,
17 your supposed fear that you supposedly felt is totally based on
18 the supposed incident that took place in 2011 that you never
19 told anybody about; right?

20 A. I am really sorry, I can't always hear when you step
21 away. I am so sorry.

22 Q. When you say this fear that you say you were under in
23 2016 is based on the supposed incident that supposedly took
24 place five years earlier, that you still hadn't told anybody
25 publicly about; right?

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1 A. It was not a supposed incident. It was a true
2 incident. I had told a lot of people.

3 Q. You hadn't told your husband; right?

4 A. No.

5 Q. And then, so, because you had that fear, you decided to
6 do exactly the opposite of what that person had told to you do;
7 right?

8 A. Which person?

9 Q. That supposed guy who showed up in that parking lot?

10 A. Correct.

11 Q. So you weren't really very scared; were you?

12 A. I was terrified. I decided to change my tactic. It
13 was a new ball game. There is a big difference between a
14 reality TV star and someone running for office.

15 Q. The truth is, you saw your opportunity to make it
16 known, you had Gina Rodriguez try to sell your story to the
17 National Enquirer?

18 A. I saw my opportunity to get the story out. I didn't
19 put a price tag on it. That is why I did every interview for
20 free.

21 Q. You didn't do any interviews for free at that point?

22 A. Correct.

23 Q. And I want to show you what is in evidence as People's
24 Exhibit 117A, which are texts between Gina Rodriguez and Dylan
25 Howard of the National Enquirer.

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1 MS. NECHELES: If we can put that up and turn to
2 Page 2. And if we can blow up the part that starts with
3 "Stormy Daniels." If we can go to the prior line.
4 (Displayed.)
5 Q. This is in evidence of texts between Gina Rodriguez and
6 Dylan Howard. Do you see in the first box, it is dated June 28,
7 2016?
8 A. Yes.
9 Q. And Gina — and you see where it says "from G?"
10 A. Yes.
11 Q. There is a redaction?
12 A. Yes.
13 Q. Do you see that? I represent to you that is Gina
14 Rodriguez's email address that has been redacted out.
15 Am I correct that she says "Stormy Daniels" in the next
16 box, she says, "I have her?"
17 MS. HOFFINGER: I am going to object as asking
18 this witness what someone else said.
19 THE COURT: It's in evidence.
20 If you can confirm that is what it says, that is
21 what it says.
22 Q. And then Dylan Howard in the next box asks, "Is she
23 ready to talk; right?"
24 A. Yes.
25 Q. And it says, "I thought she denounced it previously,"

1 in the next box; right?

2 A. Yes. I don't know who Wideeye Communications or Dylan
3 is.

4 Q. But, you had, in fact, denounced it previously; right?

5 A. I don't know what this is in reference to exactly,
6 specifically.

7 Q. I am not asking you about it.

8 MS. HOFFINGER: I am going to ask you to let the
9 witness finish.

10 THE COURT: Sustained.

11 Q. Had you denounced it previously?

12 A. I don't know what is "previously."

13 Q. Did you denounce the story that you had said that you
14 had not had sex, "Though she denounced it previously?"

15 A. I don't want to confirm or deny something when I don't
16 know what they are talking about.

17 Q. When you look at the next box. She said — from Gina
18 Rodriguez, she said: "She will do it under two conditions."
19 If you can go to the next box.

20 And then, "She doesn't want to go on record about it,
21 but will tell her story through a source."

22 It says: "She had sex with him. She wants \$100,000."

23 Do you see that?

24 A. I do.

25 Q. And that was in June of 2016; correct?

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Senior Court Reporter

1 A. Correct.

2 Q. And President Trump was running for President of the
3 United States at that point, correct?

4 A. Correct.

5 Q. And you had authorized Gina Rodriguez to try to sell
6 your story; right?

7 A. Correct.

8 Q. And you wanted to do it through a source; right?

9 A. Once again, I don't know what this is specifically
10 talking about. I don't know who Dylan is. I don't know who
11 Wideeye Communication is. "She doesn't want to go on record
12 about it but will tell the story through a source," I don't know
13 which specific story. Is it about sex? Is it about being
14 threatened? You want me to comment on something when I don't
15 know the context, that's not fair.

16 Q. Putting aside the text.

17 I am asking you a question. My question to you is:

18 In June of 2016, had you authorized Gina David to sell your
19 story under the condition you would tell it through a source?

20 A. I authorized Gina Rodriguez to shop the story so I
21 could make it public.

22 Q. One of your conditions was that you were telling it
23 through a source, and the other was that you get \$100,000;
24 right?

25 A. I don't remember that, no.

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Senior Court Reporter

1 Q. You don't remember those being your conditions?

2 A. No, because they were not my conditions. Before this
3 date, I had a press conference set up for free.

4 Q. Okay.

5 But you didn't do the press conference?

6 A. No, because Gina came back into the picture. I hadn't
7 talked to her in a long time. So, to be quite honest, about the
8 chance to get the story out and make some money, yes.

9 Q. You wanted to get some money?

10 A. Get the story out and make some money.

11 Q. You wanted to do it anonymously; right?

12 A. No.

13 Q. You said Gina Rodriguez's statement there was false?

14 A. I don't know what she is referring to, so I am not
15 going to say her statement is false.

16 MS. NECHELES: And turn to Page 4.

17 (Displayed.)

18 Q. Look at the second box from the bottom. And you see it
19 says on the top box: "What happened with Stormy Daniels'
20 interview on Trump?" And then Dylan Howard responds:
21 "Let's discuss this week." And Gina says: "Okay, she's
22 asking."

23 This is in July of 2016; correct?

24 A. Correct.

25 Q. Were you, in fact, pushing again that you wanted to

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1 sell your story?

2 A. I was pushing that I wanted to sell my story, yes.

3 Q. And that was in July of 2016; right?

4 A. Yes.

5 Q. And if you turn to Page 6.

6 THE COURT: Why don't we stop at this point.

7 All right; jurors, let's call it a day.

8 All right. I remind you to, please, not talk

9 either among yourselves or with anyone else about anything

10 related to the case.

11 Please continue to keep an open minute.

12 Do not form or express an opinion about the

13 defendant's guilt or innocence until all the evidence is in

14 and I have given you my final instructions on the law and I

15 have directed you to begin your deliberations.

16 Do not request, accept, agree to accept or discuss

17 with any person the receipt or acceptance of any payment

18 or benefit in return for supplying any information

19 concerning the trial.

20 Report directly to me any incident within your

21 knowledge involving an attempt by any person to improperly

22 influence you or members of the jury.

23 Do not visit or view any of the locations

24 discussed in the testimony.

25 And do not use any program or electronic device to

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1 search for or view any locations discussed in the
2 testimony.
3 Do not read, view or listen to any accounts or
4 discussions of the case, that includes the reading or the
5 listening to the reading of any transcripts of the trial or
6 the reading of posts on any court sites.
7 Do not attempt to research any fact, issue or law
8 related to the case.
9 Do not communicate with anyone about the case or
10 the people involved in the case, and that means including
11 by telephone, text messages, emails, chat rooms, blogs or
12 the internet.
13 Did not search for any information about the case
14 or the law which applies to the case or the people involved
15 in the case.
16 I will see you Thursday morning.
17 (Jury leaving courtroom.)
18 ***
19 THE COURT: You may be seated.
20 Ms. Daniels, you can step out.
21 THE WITNESS: Thank you, Sir.
22 (Witness excused.)
23 ***
24 THE COURT: Is there anything we need to discuss
25 at this time?

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1 MS. HOFFINGER: No, your Honor.
2 THE COURT: I will see you Thursday.
3 MS. NECHELES: Thank you.
4 (Whereupon, the trial in this matter stood
5 adjourned to Thursday, May 9, 2024.)

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