

Jury Trial

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

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THE PEOPLE OF THE STATE OF NEW YORK

-against- Indictment
No. 71543/2023
SMZ-71911/2024

DONALD J. TRUMP,
Defendant. FALSIFYING BUSINESS RECORDS
1ST DEGREE

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100 Centre Street
New York, NY 10013
May 6, 2024

BEFORE: HONORABLE JUAN M. MERCHAN, JUSTICE

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

For the People:

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

For the Defense:

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

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Principal Court Reporter
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Senior Court Reporters
Laurie Eisenberg, CSR, RPR
Senior Court Reporter

1 THE CLERK: This is the People of the State of
2 New York against Donald J. Trump, SMZ 71911/24.

3 Appearances, starting with the People.

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

7 Good morning.

8 MR. BOVE: Good morning.

9 Emil Bove, joined by President Trump seated to my
10 left, and joined by Todd Blanche, Susan Necheles, and
11 Kendra Wharton.

12 THE COURT: Good morning.

13 Good morning, Mr. Trump.

14 So, the matter called into the record is the
15 People's motion for contempt.

16 Before I hand down my decision, I did want to
17 address the Defense and Mr. Trump.

18 Mr. Trump, as you know, the Prosecution has filed
19 three separate motions asking this Court to find you in
20 contempt.

21 In a moment, I am going to hand down my decision
22 on the third motion, in which I find you in criminal
23 contempt for the tenth time.

24 It appears that the \$1,000 fines are not serving
25 as a deterrent; therefore, going forward, this Court will

1 have to consider a jail sanction if recommended.

2 Mr. Trump, it's important to understand that the
3 last thing I want to do is to put you in jail.

4 You are the former President of the United States
5 and possibly the next President, as well.

6 There are many reasons why incarceration is truly
7 a last resort for me. To take that step would be
8 disruptive to these proceedings, which I imagine you want
9 to end as quickly as possible.

10 I also worry about the people who would have to
11 execute that sanction: the court officers, the correction
12 officers, the Secret Service detail, among others. I worry
13 about them and about what would go into executing such a
14 sanction.

15 Of course, I'm also aware of the broader
16 implications of such a sanction. The magnitude of such a
17 decision is not one-sided.

18 But, at the end of the day, I have a job to do,
19 and part of that job is to protect the dignity of the
20 judicial system and compel respect.

21 Your continued violations of this Court's lawful
22 Order threaten to interfere with the administration of
23 justice in constant attacks which constitute a direct
24 attack on the rule of law. I cannot allow that to
25 continue.

1 So, as much as I do not want to impose a jail
2 sanction, and I have done everything I can to avoid doing
3 so, I want you to understand that I will, if necessary and
4 appropriate.

5 Do the attorneys have any other questions about
6 that?

7 I will now hand down the decision from the Court.
8 This is for the Defense, and this is for the
9 People.

10 (Whereupon, the sergeant gives copies of the
11 Court's decision to the parties.)

12 THE COURT: You can call the trial.

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

15 Case on trial continued.

16 THE COURT: Okay. I believe we finished up a
17 witness on Friday.

18 We're going to start with a fresh witness today.

19 Is there anything we need to go over from either
20 side before we get started?

21 MR. STEINGLASS: Just that redactions instruction
22 I ask you to give before we start.

23 THE COURT: You would ask me to do that first
24 thing?

25 MR. STEINGLASS: If you don't mind.

1 THE COURT: Not at all.

2 I believe there was no objection from the
3 Defense.

4 MR. BOVE: Not at all.

5 THE COURT: I'll do that first thing.

6 MR. BOVE: There are a number of exhibits we
7 expect the People to offer through the next witness, who
8 we expect to be Jeff McConney.

9 We ask for an opportunity to express our
10 objections outside the presence of the jury.

11 It's very difficult. The People will hand
12 Mr. McConney a thumb drive with a large number of exhibits
13 contained on it.

14 We prefer the Court to look at them one by one
15 beforehand.

16 THE COURT: How many exhibits are we talking
17 about?

18 MR. COLANGELO: Your Honor, the People intend to
19 admit about 26 exhibits through Mr. McConney.

20 THE COURT: Why wasn't this brought to my
21 attention sooner? I could have been looking at them over
22 the weekend or this morning.

23 MR. BOVE: I wish, also, we were notified sooner.

24 The Government notified us of this yesterday
25 afternoon, that Mr. McConney would be taking the stand,

1 and the exhibits are over 90.

2 I wish we knew that beforehand also, as well.

3 THE COURT: You said you would like to discuss
4 this outside the presence of the jury.

5 Are you asking to excuse the jury?

6 MR. BOVE: I don't think it will take that long.

7 My point is, rather than asking for a sidebar to
8 be heard, we prefer to do it in open court.

9 THE COURT: What are the exhibits?

10 MR. COLANGELO: Let me identify them.

11 Just to flag, we identified The Trump
12 Organization exhibits for the Defense and asked them to
13 identify for us any evidentiary objections they had about
14 two weeks ago.

15 On May 1st, they sent us an email identifying a
16 number of exhibits -- a number of objections to certain
17 exhibits. I'll identify them for you now.

18 But, I anticipate we'll only be getting to about
19 eight or so exhibits today, many of -- where there are
20 objections the parties need to discuss.

21 Most of those objections, I understand, are about
22 hearsay questions that I think would not be disruptive to
23 handle at sidebar when it is introduced.

24 There's at least one exhibit that was the subject
25 of a Defense motion in limine to exclude. That's the

1 exhibit consisting of Mr. Weisselberg's handwritten notes
 2 on the Essential Consultants' bank statement.

3 As your Honor held in the Defendant's motion in
 4 limine, the People are prepared to lay an appropriate
 5 business records foundation for that record today.

6 Again, I think to the extent the Defense has any
 7 objection after that foundation is laid, we can also
 8 handle that at sidebar.

9 THE COURT: Okay.

10 MR. BOVE: Judge, I still don't even know what
 11 the exhibits are within that range of 90 exhibits.

12 With respect to Mr. Weisselberg's notes, this
 13 witness, McConney, testified in the Grand Jury that notes
 14 were discarded when he found them to be of no further use.

15 The idea that he would be handed a thumb drive
 16 and asked a series of general questions with respect to a
 17 broad category of types of documents and tick off yes
 18 answers to those questions is just not sufficient under
 19 these circumstances.

20 We do have specific objections to some of these
 21 exhibits and --

22 THE COURT: I have no problem with the People
 23 handing up the thumb drive, laying a foundation with the
 24 thumb drive. Then, as each exhibit is being introduced --
 25 not to the jury -- you can make your objection, and we'll

1 deal with it.

2 MR. BOVE: It's very hard for me to do that on
3 the fly.

4 I still don't know what the exhibits are.

5 THE COURT: How would it be any easier to do that
6 outside the presence of the jury?

7 MR. BOVE: Because the Government would identify
8 which exhibits they're going to offer through the witness,
9 and I can go through the list we sent them over the
10 weekend of the objections.

11 THE COURT: You sent them a list?

12 MR. BOVE: Yes.

13 THE COURT: So, you know the exhibits being
14 introduced contained within that list.

15 MR. BOVE: Yes.

16 And I would like an opportunity to argue it
17 before your Honor, so you can rule.

18 THE COURT: You can. We'll do it at sidebar.

19 MR. BOVE: If there are 10 or 12 exhibits on this
20 list, it's not tenable for me to do it in real-time with
21 these things.

22 Would it not be more orderly to go through it one
23 by one?

24 THE COURT: I don't want to keep the jury
25 waiting.

1 MR. BOVE: It's not an issue I created.

2 I just found out about the witness yesterday.

3 THE COURT: And when you found out about it
4 yesterday, it's an issue I could have gone through
5 yesterday and this morning.

6 Now that the jury is here, we'll go through the
7 witness and the exhibits, and you will be given an
8 opportunity to make your objections one by one.

9 But, I don't think there's a reason for the
10 People to preclude the thumb drive.

11 MR. BOVE: I'm not asking for a preclusion
12 remedy.

13 I'm asking for an opportunity to argue my
14 objections.

15 THE COURT: You'll be given an opportunity to
16 argue your objections.

17 MR. BLANCHE: Not for this witness.

18 Before the next witness, we would like to be
19 heard. We have an objection to the witness testifying.

20 THE COURT: It doesn't have to be now?

21 MR. BLANCHE: Yes, your Honor.

22 THE COURT: I'll hear you then.

23 Let's get the jury, please.

24 COURT OFFICER: All rise.

25 Jury entering.

1 (Whereupon, the jurors are present and properly
2 seated.)

3 THE CLERK: Do both sides stipulate that all
4 jurors are present and properly seated?

5 MR. STEINGLASS: Yes.

6 THE COURT: Good morning, jurors. Welcome back.
7 I hope you had a good weekend.

8 Jurors, before we call our first witness of the
9 day, I want to give you certain instructions.

10 We have noted certain exhibits have been admitted
11 into evidence, but some material is what we call
12 "redacted".

13 These redactions were made to remove personal
14 identifying information and assure that only relevant
15 admissible evidence is put before you.

16 You may not speculate as to what material has
17 been redacted, and you may not draw any inference, either
18 favorable or unfavorable to either party, with respect to
19 certain information being redacted.

20 You may call your witness.

21 MR. COLANGELO: The People call Jeffrey McConney.

22 COURT OFFICER: Witness entering.

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

24 J E F F R E Y M C C O N N E Y, having first been duly
25 sworn and/or affirmed by the court clerk, was examined and

1 testified as follows:

2 THE WITNESS: Hi, your Honor.

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

5 THE WITNESS: Jeffrey McConney. M-C-C-O-N-N-E-Y.

6 COURT OFFICER: Your County of residence?

7 THE WITNESS: Manhattan County. New York County.

8 THE COURT: You may inquire.

9 MR. COLANGELO: Thank you, your Honor.

10 DIRECT EXAMINATION

11 BY MR. COLANGELO:

12 Q Good morning, Mr. McConney.

13 A Good morning, sir.

14 Q Please describe your educational background.

15 A Starting with college?

16 Q Yes.

17 A I graduated Baruch College in 1978.

18 While I was working [sic] in Baruch, I worked part-time for
19 a real estate firm, Joseph Ratner Company. When I graduated, I
20 went to work for an accounting firm, Spahr, Lacher, Berk &
21 Naimer. From there, I was hired by The Trump Organization.

22 Q About what year were you hired by The Trump
23 Organization?

24 A 1987.

25 Q Are you still working for The Trump Organization?

1 A I'm retired, happily.

2 Q When did you retire?

3 A February of 2023.

4 Q What was your position when you first joined The Trump
5 Organization in 1987?

6 A I was Assistant Controller.

7 Q What was your position when you retired from The Trump
8 Organization last year?

9 A Senior Vice President, Controller.

10 Q How many years, in total, did you work for The Trump
11 Organization?

12 A It was a little short of 36, 37.

13 Q When you left The Trump Organization last year, did
14 you sign a Separation Agreement?

15 A Yes.

16 Q And did that include separation payments?

17 A Yes.

18 Q How were those payments paid?

19 A They were quarterly payments, made at the end of every
20 calendar quarter.

21 Q Are those payments now complete?

22 A Yes.

23 Q While you were working at the Trump Organization, did
24 you also do any outside work?

25 A You mean outside the personal tax returns on my own?

1 Yes.

2 Q Okay.

3 Please describe that work.

4 A I prepared personal tax returns, one or two tax
5 returns, since the time I worked at Spahr, Lacher until now.

6 Q How many years did you do work as a tax preparer?

7 A Almost 50.

8 Q Are you still preparing tax returns?

9 A I'm trying to get my clients to work -- to answer your
10 question, yes.

11 Q Are you here today in response to a subpoena from the
12 District Attorney's Office?

13 A Yes.

14 Q Are you represented by counsel here today?

15 A Yes.

16 Q Who is paying for your attorney?

17 A The Trump Organization.

18 Q You mentioned "The Trump Organization" a few times
19 this morning.

20 What is The Trump Organization?

21 A To me, there's two definitions. As an accountant,
22 there are two legal entities, The Trump Organization Inc. and
23 The Trump Organization LLC. So, that's legal entities.

24 Most people refer to The Trump Organization as President
25 Trump's global holding and ownership of various assets, license

1 deals, intellectual property or whatever.

2 Q So, does the name "The Trump Organization" refer,
3 collectively, to all of the different entities that Mr. Trump
4 owns?

5 A That's usually the way I refer to it.

6 Q During the time you worked for The Trump Organization,
7 who ran the company?

8 A President Trump.

9 Q And before 2017, what was Mr. Trump's role in The
10 Trump Organization?

11 A I'm not sure. He was -- he ran the organization. He
12 was the brains behind it. He -- I don't know how to answer that
13 question.

14 Q When you worked there, did you consider Mr. Trump your
15 boss?

16 A Yes.

17 Q Have you had any conversations with Mr. Trump since
18 you retired from the Trump Organization last February?

19 A No.

20 Q You mentioned that The Trump Organization refers,
21 collectively, to a number of different entities.

22 How many entities are part of The Trump Organization?

23 A Before I retired -- I don't know what they've done
24 since -- I believe it was over 500.

25 Q And can you describe the relationship between those

1 entities and The Trump Organization?

2 A That gets a little -- with The Trump Organization, you
3 have to drop the "Org." because that's an entity. All those
4 entities are owned, ultimately, now, by the Donald J. Trump
5 Revocable Trust.

6 Q Okay.

7 I'll ask you about The Trust in a minute.

8 For the entities that make up The Trump Organization, what
9 kind of businesses are they in?

10 A Golf courses, real estate, licensing deals, that's the
11 bulk of the business types. Management company.

12 Q Before you retired, did you have a work email address?

13 A Yes.

14 Q What was the domain name for your email address?

15 A Trumporg.com.

16 Q Where was The Trump Organization headquartered before
17 2017?

18 A 725 Fifth Avenue, in New York City.

19 Q Where was your office located?

20 A 725 Fifth Avenue, New York City.

21 Q Is that also called Trump Tower?

22 A Yes.

23 Q You testified a minute ago that, legally, The Trump
24 Organization itself doesn't hold any assets; is that right?

25 A Yes.

1 Q Is there an entity that holds The Trump Organization's
2 assets?

3 A Well, each entity -- the way we set everything up is
4 each asset was owned by a separate entity and, sometimes,
5 multiple entities.

6 So, Trump Tower would have been owned by an entity, Trump
7 Commercial LLC, and may have had a few members in that entity.

8 And -- does that answer your question?

9 Q Yes.

10 Do all those entities roll up, ultimately, to -- I think
11 you mentioned "The Trust" a minute ago.

12 Do they all roll up to The Trust?

13 A Yes. That's the ultimate owner.

14 Q Who is the official owner, officially, of The Trust?

15 A President Trump.

16 MR. COLANGELO: Please display for the witness,
17 the Court, and Counsel, a document marked for
18 identification as People's 86.

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

21 Q Let me know if you see that on your screen,
22 Mr. McConney.

23 A Yes.

24 Q Do you recognize this document?

25 A Yes.

1 Q What is it?

2 A It's a summarized structure chart of the Donald Trump
3 Revocable Trust and the ownership layers below it.

4 Q Does the first page of that chart refer to a number of
5 attached schedules?

6 A Yes.

7 MR. COLANGELO: Let's display Page 2, please.

8 (Whereupon, an exhibit is shown on the
9 aforementioned parties' screens.)

10 Q Is this one of the schedules' records on the first
11 page?

12 A Yeah. That's the whole schedule, or part of, yes.

13 Q What's the date on the top right of that page?

14 A As of January 20, 2017.

15 Q Did you have an opportunity to review all the of the
16 pages in People's 86 before testifying today?

17 A Yes.

18 Q And what do the remaining pages include?

19 A The pages lay out the ownership structure of which
20 entity is owned by or owned another entity.

21 Q Who prepared this document?

22 A I don't know who.

23 I'm under the impression or the understanding that The
24 Trump Organization Legal Department prepared this document.

25 Q And when did you first see it?

1 A I believe sometime in early 2017.

2 Q Was this document made in the regular and ordinary
3 course of business?

4 A Yes, it was.

5 Q Was it the regular practice of The Trump Organization
6 to prepare documents depicting the ownership structure of the
7 entities that made up The Trump Organization?

8 A Yes, sir.

9 Q Was this document prepared at or about the time The
10 Trump Organization entities were moved into The Trust?

11 A Yes, sir.

12 Q Was the person or persons who prepared this document
13 under a business duty to do so accurately?

14 A Yes, sir.

15 MR. COLANGELO: I offer People's 86 into
16 evidence.

17 MR. BOVE: No objection.

18 THE COURT: People's 86 is accepted into
19 evidence.

20 (Whereupon, the People's Exhibit is received in
21 evidence.)

22 MR. COLANGELO: Please publish People's 86 in
23 full.

24 (Whereupon, the exhibit is shown on the screens.)

25 MR. COLANGELO: Let's go back to Page 1.

1 Q Mr. McConney, can you read what it says across the top
2 of this chart, please?

3 A The very top line?

4 Q Yes, please.

5 A "Donald J. Trump Revocable Trust."

6 Q What does it say below that?

7 A Dated "April 7, 2014."

8 Q Does this chart depict The Trust ownership structure
9 that you just described?

10 A Yes. Some of it, yes.

11 Q Does it show various holding companies that,
12 themselves, hold various entities, which all make up The Trump
13 Organization?

14 A Yes.

15 Q And do they all roll up to The Trust?

16 A Yes.

17 Q You may have mentioned this a minute ago.

18 The chart refers to a number of attached schedules. Are you
19 familiar with those schedules?

20 A Yes.

21 MR. COLANGELO: Please turn to Page 2.

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

23 Q What do those schedules show?

24 A Usually, a description of what the entities below it
25 or the relationship or ownership of what those entities have to

1 another entity.

2 In this case, DJT Management Holdings LLC owns a hundred
3 percent of all the entities below it.

4 Q Do the remaining schedules in this show the 500 or so
5 entities were owned by The Trust as of January of 2017?

6 A Yes.

7 Q When was The Trust itself created?

8 A I'm not too sure.

9 I think the first page said 2014, but I'm really not sure.

10 MR. COLANGELO: Let's go back to the first page.

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

12 Q Let me direct your attention to the top.

13 Is that the date you're referring to?

14 A Yes.

15 Q Do you have an understanding based on that when The
16 Trust was created?

17 A We didn't use it in 2014 or '15, so I don't know if
18 that's when it was set up.

19 I'm not a lawyer. So, that's my guess, that it was set up
20 in April of 2014.

21 Q In 2017, who were the Trustees of The Trust?

22 A Donald J. Trump, Junior and Allen Weisselberg.

23 Q You testified a minute ago that your position when you
24 retired from The Trump Organization was Senior Vice President
25 and Controller; is that right?

1 A Yes, sir.

2 Q When did you first become the Controller?

3 A Sixteen, seventeen, eighteen years ago? I don't
4 remember the exact year.

5 Q Right before you were promoted to the position of
6 Controller, who held that position at The Trump Organization?

7 A Allen Weisselberg.

8 Q And how did the position of the Controller become
9 open?

10 A Allen was promoted to CFO or Chief Financial Officer,
11 and then I was promoted to Controller.

12 Q As Controller, who did you report to directly?

13 A Allen Weisselberg.

14 Q How long was Mr. Weisselberg your supervisor?

15 A From the day I was hired to the day he left.

16 Q More than three decades?

17 A Yes.

18 Q How often did you interact with Mr. Weisselberg during
19 the time he was the Chief Financial Officer?

20 A Other than having lunch every day, um, whenever I
21 needed to. His office was next to mine. If he needed to find me
22 or if I needed to find him, I'd find him.

23 Q In the time period from 2015 to 2016, who did
24 Mr. Weisselberg report to?

25 A Prior to January 20th of 2017?

1 Q Yes.

2 A Mister -- President Trump.

3 Q Did Mr. Weisselberg meet regularly with Mr. Trump on
4 organizational matters?

5 A I'm sure he met with him. I don't know if it was
6 regularly or not.

7 Q What were your responsibilities as Controller?

8 A I oversaw the 401k plan. I processed payroll. I
9 interfaced with the accounting firm to make sure they had the
10 necessary information to prepare financial statements, tax
11 returns. I worked on loan documents, tried to make sure we
12 adhered to the loan covenants, oversaw the Accounting
13 Department at 725 Fifth Avenue. There may be a few more things.

14 Q Did part of your responsibilities in overseeing the
15 Accounting Department include overseeing the General Ledger?

16 A Yes.

17 Q Did those responsibilities also include overseeing
18 Accounts Payable?

19 A Yes.

20 Q Did those responsibilities also include overseeing
21 expense payments?

22 A Not really overseeing them. I mean, they really didn't
23 go through me for processing. I know of them, but they were
24 mainly handled by Accounts Payable directly.

25 Q And was Accounts Payable part of the Accounting

1 Department?

2 A Yes.

3 Q And you oversaw the Accounting Department as a whole?

4 A Yes.

5 Q In your role as Controller, and in the period from
6 2015 to 2017, were there employees that reported to you?

7 A Yes.

8 Q How many?

9 A Around ten.

10 Q Was one of those employees Deb Tarasoff?

11 A Yes.

12 Q What was Ms. Tarasoff's role in the Accounting
13 Department?

14 A She was the Accounts Payable Supervisor.

15 Q Can you tell the jury what "accounts payable" means?

16 A "Accounts payable" means when you or an entity owes
17 somebody money.

18 Q Was Rebecca Manochio part of the staff of the
19 Accounting Department?

20 A Yes.

21 Q Is she one of the people who reported to you?

22 A Yes.

23 Q What was Ms. Manochio's role?

24 A Around that time, she was an Administrative Assistant.
25 She moved up to the Accounts Receivable Department somewhere in

1 the last few years. I don't remember exactly when.

2 Q What does "accounts receivable" mean?

3 A "Accounts receivable" is the other side, when somebody
4 owes you money.

5 Q You mentioned that one of your functions as Controller
6 was overseeing the General Ledger; is that right?

7 A Yes.

8 Q What is a General Ledger?

9 A General -- there are two books of original entry in
10 accounting. You have cash receipts, the money you receive, and
11 cash disbursements, the money you spend.

12 The General Ledger puts that information together. The
13 information is posted by the General Ledger accounts' receipts,
14 so you can see different types of expenses, payroll, gas,
15 electric, how much you're spending at a different point in
16 time.

17 Q Does the General Ledger keep track of all the
18 interactions the General Ledger makes?

19 A Yes.

20 Q You mentioned the term "cash receipts".
21 Does that include money coming in?

22 A Yes.

23 Q You also mentioned "cash disbursements".
24 Does that mean money going out?

25 A Yes.

1 Q Through your role as Controller, were you familiar
2 with the way The Trump Organization kept and maintained its
3 General Ledgers?

4 A Yes.

5 Q Does each entity that makes up The Trump Organization
6 have its own General Ledger?

7 A If an entity has a bank account, it has a General
8 Ledger.

9 There are a number of entities that we have that did not
10 have a bank account, so they did not have a General Ledger.

11 So, for argument sake, if we would set up an LLC, the LLC
12 would pay for the transactions, so it would have a bank
13 account. The Member Corp. would be a one percent member or
14 one-tenth percent member. We didn't feel it was a reason for it
15 to have a bank account. Any expenses for that entity could be
16 paid someplace else, so there was no reason to have a bank
17 account or a Ledger.

18 Q For any entity that did have a bank account, it had a
19 General Ledger?

20 A Yes.

21 Q Did The Trump Organization headquarters in Manhattan
22 oversee the accounting for all the entities that make up The
23 Trump Organization?

24 A Not all of them, no.

25 Q Which ones were excluded?

1 A Basically, the golf courses and the hotels. They had
2 their own accounting staff.

3 We maintained and took care of all the other entities.

4 Q Okay.

5 So, everything except hotels and golf courses?

6 A Yes.

7 Q As Controller, was it part of your job responsibility
8 to make sure the General Ledger was accurate?

9 A Yes.

10 Q Is the General Ledger computerized?

11 A Yes.

12 Q Did The Trump Organization use a particular software
13 program to maintain its General Ledgers?

14 A Yes.

15 Q What was the name of that software program?

16 A We called it MDS. I think it was short for Multi Data
17 Services or Multi Data Systems. I'm not too sure of the correct
18 name.

19 Q But, you called it MDS?

20 A MDS.

21 Q Please explain, briefly, what MDS is.

22 A MDS is a computer program where you can record your
23 cash receipts, money that you received, your bills that you
24 pay, your accounts payable cash disbursements, um, you can run
25 various reports for cash receipts, cash disbursements, General

1 Ledgers, trial balances, information that the accountants would
2 need to prepare tax returns or financial statements.

3 Q How long did The Trump Organization use MDS as its
4 computerized General Ledger?

5 A That was one of my first jobs back in the '80's, to
6 set up the accounting system. So, we used it from the day it
7 was up and running, sometime in 1990 or '91. It was still in
8 use when I left.

9 Q Who enters information into the General Ledger system?

10 A Mainly, the Accounting Department.

11 Q Does that include the people we mentioned,
12 Ms. Tarasoff, for example?

13 A Right.

14 Deb would enter bills to be paid.

15 Q Can you use MDS to generate reports?

16 A Yes.

17 Q What kind of reports can MDS generate?

18 A There are standard reports you can run for Accounts
19 Payable if you wanted to see how much -- how many bills you had
20 that weren't paid. If you wanted to see, um, what vendors --
21 that doesn't make sense.

22 On cash receipts, we can run multi-cash reports, tenant
23 ledgers, rent rolls.

24 There's a variety of reports that you can run.

25 You can also computerize -- I'm sorry -- customize your own

1 reports.

2 Q Could you customize a report to show only certain
3 kinds of expenses from one account?

4 A Yes.

5 Q Did you run reports from the General Ledger for tax
6 purposes?

7 A Yes.

8 Q Describe that, please.

9 A The accounting firm would -- at the beginning of the
10 year, would start giving us a list of entities that they wanted
11 trial balance or General Ledgers for. We would run the entire
12 General Ledger and trial balance and send it to them.

13 That's things we did for all '17. Yeah.

14 Q Does the Accounting Department maintain the General
15 Ledger for the Donald J. Trump Revocable Trust account?

16 A Yes.

17 Q Is that General Ledger managed using MDS?

18 A Yes.

19 Q Does the accounting staff or Accounting Department
20 also maintain bank accounts for The Trust?

21 A Yes.

22 Q What does that entail?

23 A When a bank statement comes in at the end of the
24 month, we reconcile the bank statement. If a deposit comes in
25 cash received, we received money from an entity or person that

1 owes The Trust money, we record it in cash receipts. If a bill
2 is paid, some charged bill, real estate tax bill, that's paid
3 out of The Trust, that's also recorded in the electronic
4 system.

5 Q How long has the Accounting Department had bank
6 accounts for The Trust?

7 A That program was written sometime, I believe, in the
8 '90's or whenever that program was written, from that point
9 forward. So, we maintained -- within Multi Data from that point
10 forward, we always maintained bank accounts once we opened
11 them.

12 Q Does the Accounting Department maintain General
13 Ledgers for Mr. Trump's personal accounts?

14 A Yes.

15 Q Does that account have a particular account code?

16 A It has a company code, which is an abbreviation used
17 in order to find information or process information.

18 The code is "DJT".

19 Q When you say "company code" of "DJT", can you describe
20 what that means?

21 A You have your five or six-digit code in the system
22 you're allowed to use. So, if you want to prohibit a cash
23 disbursement or a list of payments, you have to pick a company.
24 Instead of writing "Donald J. Trump", you would just write in
25 "DJT" and "Company". It would access information.

1 It separated each entity by itself. It was just a short
2 abbreviation for the entity name.

3 Q So, each entity had its own code, and the code for
4 Mr. Trump's account was "DJT"; is that right?

5 A For his personal account, yes.

6 Q Does the accounting staff maintain the General Ledger
7 for the DJT account using MDS?

8 A Yes.

9 Q Did the accounting staff also maintain the books and
10 records for Mr. Trump's bank accounts?

11 A Yes.

12 Q Does that include any checking accounts?

13 A Yes.

14 Q In the 2017 time period, did Mr. Trump use a Capital
15 One checking account as his main operating account?

16 A I believe so, yes.

17 Q Was the Accounting Department also responsible for
18 making sure that all of the entities that are part of The Trump
19 Organization had sufficient cash available for them?

20 A Yes.

21 Q Can you describe that cash management process, please?

22 A We had -- over time -- I had this position years ago.
23 Different people had it over time.

24 Once a week, on a set day, we would run reports on Multi
25 Data to see what our cash balance was.

1 We would receive reports from the outside properties, the
2 golf courses and the hotels, to see what their cash balance
3 was, and they would do a projection for us of how much they
4 needed for the week and how much they expected to receive for
5 the week. Someone would put this together and see if an entity
6 had money to spend or excess money to distribute.

7 For example, if a rental property like Trump Tower had
8 rental receipts that could distribute money to the owner, and
9 if there was another project going on at the golf course, we
10 could then fund that entity.

11 Q How often did the Accounting Department, sort of,
12 prepare that cash acquisition analysis?

13 A This was done on a weekly basis.

14 Q So, if an entity had excess funds to distribute, where
15 would it be distributed to?

16 A It would be distributed to the owner.

17 Q With the owner, here, being the DJT account?

18 A Prior to June 20th, it was the Donald J. Trump
19 personal account.

20 After June 20th, it should have been the Donald J. Trump
21 Revocable Trust.

22 Q When you say "June 20th", do you mean January 20th?

23 A Sorry.

24 January 20, 2017.

25 Q If an entity needed money before January 20, 2017,

1 were funds transferred to that entity from the DJT account?

2 A Yes.

3 Q After January 20, 2017, were those funds transferred
4 to or from The Revocable Trust account?

5 A Yes.

6 Q You mentioned that at one point in time you were
7 responsible for preparing the -- the cash acquisition analysis?

8 A Yes.

9 Q Did you have any interactions with Mr. Trump about the
10 cash acquisition analysis?

11 A I would hand-deliver the report to him once a week.

12 Q Did you have any particular interactions with him when
13 giving him the report at any point in time?

14 A Yes.

15 Q Can you describe that for the jury, please?

16 A Early on, I think I was employed for about a year,
17 President Trump was on the phone. I walked into his office,
18 dropped a report on his desk, turned around.

19 And he said, "Jeff, hold on a minute" -- sorry. He said to
20 who he was talking to, the person on the phone, "Hold on a
21 minute," and turned around and said, "Jeff, you're fired," and
22 started talking to the person on the phone again.

23 I stood there until he got off the phone call.

24 And he said, "You're not fired, but my cash balances went
25 down from last week." He said, "I know you negotiated this."

1 He said, "Now focus on my bills."

2 It was a teaching moment. Just because somebody is asking
3 for money, negotiate with them, talk to them. Just don't do it
4 mindlessly. Think before you do it.

5 Q Are you familiar with a process by which The Trump
6 Organization accounting staff cuts checks?

7 A Yes.

8 Q Describe that process, generally, please.

9 A An approved invoice is received. Deb would stamp it
10 with her stamp. She would put a code on it. I believe she puts
11 a dollar amount on the voucher, or when she puts it in the
12 system, it creates a voucher. She would put a voucher number on
13 it. So, the voucher is in the Multi Data System.

14 When she was ready to pay it, she would select a voucher,
15 and we would print the check on the checks that we had. She
16 would attach a check to the invoice and give it to the person
17 who's the signatory on the account, the check would be signed,
18 and then she mailed them out.

19 Q You mentioned someone named "Deb".

20 Is that Deb Tarasoff you mentioned before?

21 A Deb Tarasoff.

22 Q As a matter of course, did The Trump Organization ever
23 cut a check if no invoice was submitted?

24 A Of course not.

25 Q Is that true from checks cut from The Trust account?

1 A Usually, we tried to get an invoice for any wire
2 transfer check.

3 Q You mentioned that Ms. Tarasoff, generally, handled
4 that process.

5 Is that because she is the Accounts Payable Supervisor?

6 A She is the Accounts Payable Department.

7 Q She is the Department?

8 A As of this point and when I left, she was the only one
9 left in Accounts Payable.

10 Q Must an invoice be approved before a check is cut?

11 A Yes.

12 Q Who has authority to approve invoices?

13 A President Trump when -- before he became President.
14 Allen Weisselberg. Donald Trump, Junior. Eric Trump. When
15 Ivanka Trump was working for us, Ivanka Trump. Allen
16 Weisselberg. Matthew Calamari. Those were the general
17 approvers.

18 Q Did you have authority to approve any invoices?

19 A No.

20 Q In the instances when you were going to
21 Mr. Weisselberg to pay, how did you request approval?

22 A When I had a piece of paper -- I'm an old-timer, I
23 like pieces of paper -- I would bring it to Allen Weisselberg,
24 ask him to approve it.

25 If it came via email, I would forward the email and ask him

1 to approve it.

2 Q If you sent him an email for approval, did he
3 sometimes send approval via email?

4 A Yes.

5 Q Sometime in 2016 and 2017, if a check was approved and
6 checks were cut, who had check signature authority from the DJT
7 account?

8 A The personal account, just President Trump.

9 Q In 2017, who had signature authority on The Trust
10 accounts?

11 A The Trust account, I believe, was Eric Trump, Donald
12 Trump, Junior, and Allen Weisselberg.

13 Q For checks that were cut from The Trust account, how
14 many signatures were required per check?

15 A There were two different situations.

16 Checks less than \$10,000 could be signed by any of the
17 three signatories.

18 Checks over \$10,000 had to be signed by two signatories.

19 Q Did the Accounting Department also handle expense
20 reimbursements?

21 A Yes.

22 Q Are you familiar with the process by which Trump
23 Organization employees can be reimbursed for expenses they
24 incurred on behalf of The Trump Organization?

25 A Yes.

1 Q Please describe that process.

2 A If they did their expenses, there was an Expense
3 Report they would have to complete, which would entail the
4 employee's name, the entity that the expense was incurred on
5 behalf of, the date of the invoice, the vendor's name, the
6 dollar amount -- um. They would total off the amount. They
7 would sign the Expense Sheet and get their supervisor to
8 approve it.

9 Once it was approved, it was sent to Deb for payment.

10 Sorry. Deb Tarasoff.

11 Q If an employee receives an expense reimbursement from
12 The Trump Organization, is the employee required to report that
13 reimbursement as taxable income on their tax return?

14 A No.

15 Q So, if an employee paid out a hundred dollars for a
16 Trump Organization expense, how much would that employee get as
17 a reimbursement?

18 A One hundred dollars.

19 Q Generally speaking, if a lawyer receives payment for
20 legal services rendered, is that taxable income for the
21 attorney?

22 A An outside attorney or a Trump Organization attorney?

23 Q An outside attorney.

24 A An outside attorney, I would assume so; yes.

25 Q Let me hand up a thumb drive containing what has been

1 marked for identification as People's 35, 36, 37A to K, 39, 40,
2 43, 44, 45, 48, 49, 54, 55, 81, and 93.

3 (Whereupon, the item is given to the witness.)

4 Q Have you had an opportunity to review the documents
5 contained on that thumb drive?

6 A Yes, sir.

7 Q How do you know?

8 A My scribble is on the thumb -- my initial and today's
9 date.

10 Q Did you look at that thumb drive earlier day?

11 A Yes. Very early today.

12 Q Did you look at all the files on the thumb drive?

13 A Yes, sir.

14 Q You signed and dated it after you reviewed it?

15 A Yes, sir.

16 Q Do the exhibits on this thumb drive include reports
17 from the General Ledger for the DJT account?

18 A Yes.

19 Q Do exhibits on this thumb drive include reports for
20 the General Ledger for The Trust accounts?

21 A Yes.

22 Q Do these exhibits include emails, including invoices
23 approved for payment?

24 A Yes.

25 Q Do these exhibits include notes regarding payments?

1 A Yes.

2 Q Do these exhibits include Form 1099's?

3 A Yes.

4 Q Does The Trump Organization keep records relating to
5 the checks it cuts?

6 A Yes.

7 Q Does that include records for checks cut from the
8 Donald J. Trump Revocable Trust account?

9 A Yes.

10 Q If I refer to that as "The Trust account" going
11 forward, will you know I mean the Donald J. Trump Revocable
12 Trust account?

13 A Yes.

14 Q Does that include records for the checks cut from the
15 DJT account?

16 A Yes.

17 Q Do those records include invoices?

18 A Yes.

19 Q Do those include entries for the General Ledger?

20 A No.

21 Q Can you explain?

22 A We don't print out the General Ledger, so we have --
23 I'll try to describe it.

24 When you print a check, the record for that check and the
25 information that you put in is in Multi Data. You can access it

1 at any time. You can print it at any time. But, we don't print
2 out that General Ledger for every single check we cut. So, we
3 have a copy of the check or the original check and the invoices
4 behind it. We then scan it and try to attach it to the document
5 in Multi Data. So, we don't really have the General Ledger
6 attached when we sign the check.

7 I don't know if I'm off-topic or not.

8 Q Setting aside whether you maintain the General Ledger
9 entries as part of the checks cut, does The Trump Organization
10 separately maintain records of entries that are made in the
11 General Ledger?

12 A Yes.

13 Q With respect to the records we just discussed,
14 invoices, entries in the General Ledger, and checks, was it the
15 business practice of The Trump Organization to make and keep
16 those records?

17 A Yes.

18 Q And was it the business practice of The Trump
19 Organization to make and keep notes regarding payments it made?

20 A Yes.

21 Q Were those records made and kept in the regular and
22 ordinary course of business?

23 A Yes.

24 Q Were those records made at the time of the
25 transactions they reflected or within a reasonable time

1 thereafter?

2 A Yes.

3 Q Was the person who made or kept those records under a
4 business duty to do so accurately?

5 A Yes.

6 Q Does The Trump Organization have an email system that
7 allows you to send and receive messages?

8 A Yes.

9 Q Does that email system record the dates and times that
10 those messages were sent and received in?

11 A Yes.

12 Q Is it part of The Trump Organization's business
13 practice to make and keep records of email messages sent and
14 received?

15 A Yes.

16 Q Are those records kept in the regular and ordinary
17 course of business?

18 A Yes.

19 Q Does the email system keep records of those messages
20 at the same time they're sent?

21 A Yes.

22 Q Are business decisions sometimes made by email?

23 A Yes.

24 Q Have you previously communicated with Michael Cohen
25 using The Trump Organization's email system?

1 A Yes.

2 Q What was your Trump Organization email address in the
3 2017 time period?

4 A I believe it was jmccconney@Trumporg.com.

5 Q In communicating with Mr. Cohen, using your Trump
6 Organization email account, did you ever email him at a Gmail
7 account?

8 A Yes.

9 Q Did you communicate with Allen Weisselberg using The
10 Trump Organization's email system?

11 A Yes.

12 Q In the 2017 time period, was Mr. Weisselberg's email
13 address weisselberg@Trumporg.com?

14 Q I believe so, yes.

15 Q Did you communicate with Deborah Tarasoff using Trump
16 Organization email?

17 A Yes.

18 Q In the 2017 time period, was her email address
19 dtarasoff@Trumporg.com?

20 A I believe so, yes.

21 Q Were records of those communications stored in The
22 Trump Organization's email system?

23 A Yes.

24 MR. COLANGELO: I offer into evidence the
25 following exhibits: People's 37A to K, 39, 40, 43, 44, 45,

1 48, 49, 54 and 55.

2 MR. BOVE: Your Honor, we object to 37A through
3 K, 45, 54, 55.

4 I think there were other documents on that thumb
5 drive that have not yet been offered, and we'll wait for
6 those.

7 THE COURT: So, you're not objecting to 39, 40,
8 43, 44, 48 and 49?

9 MR. BOVE: Correct, Judge.

10 THE COURT: Those are received into evidence.

11 (Whereupon, the aforementioned People's Exhibits
12 are received in evidence.)

13 THE COURT: As far as 37A through K, 45, 54 and
14 55, I find that the People have laid the business records
15 foundation.

16 But, you reserve the right to object individually
17 to these as we come across them.

18 MR. BOVE: Thank you, Judge.

19 Q Are you familiar with someone named Michael Cohen?

20 A Yes.

21 Q How do you know Mr. Cohen?

22 A Michael was employed by The Trump Organization for a
23 number of years. I've had conversations with him by the
24 coffee -- coffee machine.

25 Q How many years did you work together?

1 A I was there as long as he was. So, I don't remember
2 how long he was there. Five years, ten years.

3 Q When did he leave The Trump Organization?

4 A January 27th -- well, I don't know when he left The
5 Trump Organization.

6 The last day he was paid through was January 27, 2017.

7 Q What was his position in The Trump Organization?

8 A He said he was a lawyer.

9 Q Did he work in the Legal Department?

10 A I guess so.

11 Q Directing your attention to the time period around
12 January 2017, did you become aware that Mr. Cohen needed to be
13 reimbursed for money he was owed?

14 A Yes.

15 Q How did you first become aware?

16 A I had a conversation with Allen Weisselberg.

17 Q When did you have those conversations -- that
18 conversation?

19 A I don't remember specifically. Sometime in
20 January 2017.

21 Q Was anyone else present when you discussed this with
22 Mr. Weisselberg?

23 A I don't think so. I don't remember.

24 Q Please describe the conversation that you had.

25 A Allen said we had to get some money to Michael,

1 reimburse Michael. He tossed a pad towards me, and I started
2 taking notes on what Allen said.

3 That's how I found out about it.

4 Q Okay.

5 Tell us a little bit more about what Mr. Weisselberg said
6 about the money that had to get paid to Mr. Cohen.

7 A Well, there were two parts of the conversation.

8 One reason I remember the January 27th date is I used to do
9 payroll. Michael's last day was supposed to be January 20th,
10 and we changed it to January 27th. I needed to know that so I
11 would stop paying him at a certain point in time.

12 There was also information -- he had a complaint about his
13 prior year bonus, so he wanted to get paid for that.

14 And then there was some other money he was owed.

15 So, we just added everything up and came up with the amount
16 we would have had to pay him.

17 Q You said in one conversation Mr. Weisselberg described
18 these and asked you to take care of it?

19 A It was one continuous conversation. One conversation.

20 Q And in that conversation, did Mr. Weisselberg also
21 give you a bank statement with notes on it?

22 A I don't think it was at that time.

23 I got it at a later time.

24 Q Okay.

25 Can you please describe the later time when you got the

1 bank statement?

2 A Um, Allen gave me the bank statement and said, "Just
3 keep it in the files."

4 MR. COLANGELO: Can we display People's
5 Exhibit 35 from the thumb drive for the witness, the
6 Court, and the parties only.

7 (Whereupon, the exhibit is shown on the screens
8 of the aforementioned parties.)

9 Q Mr. McConney, I'm now showing you a document that's
10 been marked People's 35.

11 Do you recognize this document?

12 A Yes.

13 Q What is it?

14 A This is the bank statement that Allen gave me to put
15 in the files.

16 Q Is there handwriting on this document?

17 A There are two sets of handwriting on the bottom of the
18 document.

19 Q Do you recognize the handwriting?

20 A I recognize the handwriting on the left side of the
21 page, but not the right side of the page.

22 Q Whose handwriting do you recognize on the left side of
23 the page?

24 A That belongs to Allen Weisselberg.

25 Q How do you recognize his handwriting?

1 A I -- I've read his handwriting for about 35 years.

2 Q Did Mr. Weisselberg sometimes take and keep notes that
3 recorded financial decisions?

4 A Yes.

5 Q A minute ago, you said Mr. Weisselberg gave you a bank
6 statement when you were discussing the payments to Mr. Cohen;
7 is that right?

8 A He gave it to me related to the payments. I don't
9 remember exactly when he gave it to me.

10 I took my notes at a later date.

11 He gave me this bank statement.

12 Q By "this bank statement", you're referring to the one
13 being displayed right now, People's 35?

14 A Yes, sir.

15 Q Is this a true and exact copy of the same piece of
16 paper Mr. Weisselberg gave you in connection with those
17 discussions?

18 A Yes, sir.

19 Q Without describing the details, does Mr. Weisselberg's
20 handwriting set out various calculations that reflect the total
21 amount to be repaid in monthly intervals?

22 A Yes.

23 Q I think you said this a minute ago.

24 Did Mr. Weisselberg direct you to keep this document in the
25 files?

1 A Yes.

2 Q Did you keep it in the files?

3 A Yes.

4 Q Where did you keep it?

5 A I kept it in a payroll book I had in a locked draw in
6 my office. I actually had this document and another document
7 stapled together in a book.

8 Q In a book in a locked drawer in your office?

9 A Yes.

10 MR. COLANGELO: Can we display People's 36 for
11 identification only to the People, the witness, the Court,
12 and the parties.

13 (Whereupon, the exhibit is shown on the screens
14 of the aforementioned parties.)

15 Q Do you have People's 36?

16 A It's the one with my chicken scratch on a Trump pad.
17 Yes.

18 Q Are these the notes you just described taking during
19 the conversation that you had with Mr. Weisselberg?

20 A Yes.

21 Q This is your handwriting?

22 A That's my handwriting.

23 Q Did you take these notes as Mr. Weisselberg was
24 speaking to you?

25 A Yes.

1 Q Is this a true and accurate copy of what you wrote
2 down?

3 A Yes.

4 Q Did Mr. Weisselberg tell you to write it down?

5 A Yes. He kind of threw the pad at me and said, "Take
6 this down."

7 Q Did you sometimes take and keep notes to record
8 financial decisions?

9 A Yes.

10 Q Without giving any details yet, do these notes also
11 set out various calculations that reflect a total amount to be
12 repaid at monthly intervals?

13 A Yes.

14 Q Did you keep this document in the files, as well?

15 A Yes.

16 This was the document that was stapled to the next
17 statement, the bank statement we just looked at.

18 Q People's 35 and 36 were stapled together?

19 A 35 -- I'll take your word it's 35 and 36; yes.

20 Q Withdrawn.

21 Your notes and Mr. Weisselberg's notes on the bank
22 statement were stapled together, kept in the payroll book in
23 the locked drawer in your office?

24 A Yes.

25 Q Was it the business practice of The Trump Organization

1 to make and keep records of financial obligations to be paid
2 from the DJT account?

3 A Yes.

4 Q And the two documents we just looked at, were they
5 made and kept as part of your regular course of business?

6 A Yes.

7 Q Were these documents made at or about the time of the
8 conversations they record?

9 A Yes.

10 Q Were you and Mr. Weisselberg under a business duty to
11 keep accurate records?

12 A Yes.

13 MR. COLANGELO: I offer People's 35 and People's
14 36 into evidence.

15 MR. BOVE: No objection.

16 THE COURT: People's 35 and 36 are accepted into
17 evidence.

18 (Whereupon, the aforementioned People's Exhibits
19 are received in evidence.)

20 MR. COLANGELO: Let's display People's 35 for
21 everyone, please.

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

23 Q Mr. McConney, let me direct your attention to the top
24 left-hand corner of the document.

25 What is the title of the document?

1 A "Account Statement."

2 Q What does it say directly underneath that?

3 A "Simplified Business Checking."

4 Q In the top right corner, does it indicate anything
5 about the financial institution?

6 A Yes.

7 Q What does it say?

8 A "First Republic Bank."

9 Q What is the name on the bank account?

10 A "Essential Consultants LLC. Care of Michael Cohen."

11 Q Directing your attention now about halfway down the
12 page, to the section that reads "Account Summary."

13 Can you read the amount that is listed next to total
14 withdrawals and debits?

15 A \$130,035.

16 Q Let me direct your attention lower down the page, to
17 the section that reads "Account Activity."

18 Can you read the transaction just below "withdrawals and
19 debits"?

20 A The first one was the date of "October 27th. Domestic
21 wire funds-debit. Keith M. Davidson Associates PLC."

22 Q What's the amount?

23 A \$130,000.

24 Q Now, let me direct your attention to the handwriting
25 on the bottom left of the page.

1 Do you recognize that handwriting?

2 A Yes.

3 That's Allen Weisselberg's handwriting.

4 Q Can you please read what Mr. Weisselberg wrote on the
5 bank statement?

6 A Starts at the top. "\$180,000." It's underlined.
7 "Grossed up to \$360,000. Add additional bonus, \$60,000." The
8 two amounts are added together for "\$420,000". Then he divides
9 it by -- that's at 12, which equals off to the right, that's
10 "\$35,000 per/month effective 2/1/17."

11 Q So, I would like to make sure the jury understands
12 each of the numbers in that equation, starting with the
13 \$180,000 figure.

14 Where does the \$180,000 figure in Mr. Weisselberg's notes
15 come from?

16 A If you pull out and scroll up to the right. It's a
17 combination of two amounts.

18 Q Can we show the entire bottom part of this document?

19 A So, it's a total of the domestic wire transfer for
20 \$130,000, plus the \$50,000 paid to Red Finch for tech services.

21 (Whereupon, Senior Court Reporter Lisa Kramsky
22 relieves Senior Court Reporter Laurie Eisenberg, and the
23 transcript continues on the following page.)

24

25

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

3 *****

4 CONTINUED DIRECT EXAMINATION

5 BY MR. COLANGELO:

6 Q So does the \$180,000 amount reflect the total amount
7 owed to Michael Cohen on his request for reimbursement for the
8 \$130,000 to Keith Davidson and \$50,000 to Red Finch?

9 A Yes.

10 Q Mr. Weisselberg's notes then say "Grossed up to
11 \$360,000;" right?

12 A Yes.

13 Q What does "grossed up" mean?

14 A I don't know exactly what it meant, but he probably
15 meant -- so for tax purposes, if Michael recorded \$360,000
16 income he would net, assuming a 50 percent tax rate, \$180,000.

17 MR. BOVE: Objection. Move to strike the last part
18 of that.

19 THE COURT: Overruled.

20 Q So you are familiar with the concept of grossing up to
21 offset taxes?

22 A Yes.

23 Q You worked as a tax preparer -- you have worked as a
24 tax preparer, I think you said, for five decades?

25 A Yes.

1 Q Have you prepared individual tax returns for individual
2 City residents?

3 A Yes.

4 Q Do you have an understanding of whether some New York
5 City residents are taxed approximately 50 percent on their
6 income?

7 A Between Federal taxes, State taxes -- New York State
8 taxes and New York City taxes, that's about right.

9 Q Do you know where Michael Cohen lived in 2017?

10 A Yes.

11 Q Where did he live?

12 A Do you want the address?

13 Q No.

14 I'm sorry --

15 A In New York City.

16 Q I'm sorry.

17 Did he live in New York City?

18 A Yes.

19 Q Thank you.

20 Going back to the line in Mr. Weisselberg's handwritten
21 notes that reads: "Grossed up attorney \$360,000."

22 I think you said this, but is that double \$180,000?

23 A Yes.

24 Q Moving to the next line in Mr. Weisselberg's notes.

25 You testified a minute ago that this reads: "Additional bonus

1 \$60,000;" right?

2 A Yes.

3 Q Did you discuss this additional bonus with
4 Mr. Weisselberg?

5 A No. On my sheet I wrote down \$50,000, which is
6 incorrect, but I just, whatever, that's what Allen told me. I
7 didn't really discuss it with him.

8 Q Did you have an understanding that the payment was to
9 include an additional bonus?

10 A Yes. Michael was complaining that he -- his bonus
11 wasn't large enough for the prior year so this was, I guess, to
12 make up for whatever he thought he was owed.

13 Q And did those amounts then total \$420,000?

14 A Yes.

15 Q And you said Mr. Weisselberg's notes then show that
16 total being divided by 12 to equal \$35,000 per month; correct?

17 A Yes.

18 Q Did he explain to you what that meant?

19 A That was just math.

20 Q Did you have an understanding as to how the payments
21 were going to be made?

22 A Yes.

23 Q What was that understanding?

24 A At that point in time, we were going to send a wire
25 transfer to Michael for \$35,000 per month, starting February 1st

1 of 2017.

2 Q You mentioned a few times that you took notes during a
3 conversation you had with Mr. Weisselberg about these
4 repayments; is that right?

5 A Yes.

6 MR. COLANGELO: Let's display People's 36 in
7 evidence.

8 (Displayed.)

9 Q Starting at the top of this document.
10 What is this?

11 A This is the notes I was taking when Allen was talking
12 to me and explaining to me what we owed Michael and how we were
13 going to pay him.

14 Q And what is this piece of paper that you were writing
15 on?

16 A I'm not sure I understand your question. It was a note
17 pad.

18 Q That answers my question.

19 A Okay.

20 Q And did you -- can you describe to the jury the
21 circumstances when you wrote down these notes?

22 A This was during the first meeting that -- when I found
23 out that we owed Michael money.

24 Me and Allen -- Allen threw a pad on the desk and said "just
25 take notes."

1 And Allen started rattling off stuff, some of which I wrote
2 directly, some of which I did not.

3 Q Can you please read out loud the handwritten text
4 starting at the top?

5 A The top starts with, "Michael Cohen. Pay through
6 January 20th, 2017."

7 That was the original line.

8 The 20th was crossed out and replaced by 27th, which would
9 be the day I took him off, or the last day I would pay him
10 through.

11 Then it says, "bonus 50,000. Then 180,000. 180,000 times
12 two for taxes."

13 The original number I had was just the 50,000 and the 180,
14 and that's where the 230 comes from.

15 The 230 is crossed out.

16 And then I -- when I add the second 180,000, I come up with
17 a total of 410,000.

18 Then he said, "Use 420," because I was possibly rattling
19 the numbers back to Allen and he said: "No, no, the number is
20 420."

21 Instead of figuring out what I did write, I wrote "420."

22 So I used 420 and I divided it by 12 -- by 12 so that's
23 35,000 per month effective 2/1/17, which was 2017.

24 We were to wire the funds monthly from Mr. Trump's --
25 President Trump's personal account, which was used to wire money

1 from DJT.

2 And underneath that, "Start 35,000 per month January 2017,
3 Mike to invoice us."

4 Q So did these notes refer to the same reimbursement as
5 the handwritten notes on the First Republic Bank statement that
6 we just discussed?

7 A Yes.

8 Q What does "pay through January 20th" -- which you
9 started to say changed to "through January 27th" -- what does
10 that mean?

11 A January 27th, I'm assuming, was the end of a payroll
12 week.

13 So that's when I was originally told to take Michael off
14 payroll, that one was changed to January 27th; so that's the
15 last day he was to be paid.

16 Q And that's the last day he was paid as an employee of
17 the Trump Organization?

18 A Yes. I'm sorry. As an employee, yes.

19 Q And below that, you said the next line down reads
20 "Bonus \$50,000;" right?

21 A Yes.

22 Q And Mr. Weisselberg's notes said the additional bonus
23 was \$60,000; is that right?

24 A Yes.

25 Q What accounts for the difference?

1 A (Laughter.) I made a Boo-Boo.

2 I just -- I would -- it was a fast conversation.

3 I just scribbled down notes and that's the number that I
4 wrote down.

5 Q But the actual bonus amount was \$60,000; is that
6 right?

7 A Right. That's why the correction was -- when I went --
8 when I had totaled to the \$410,000, my bonus number was
9 incorrect.

10 That's when Allen said "Use the 420,000." And I went back
11 to correct the \$50,000 to \$60,000.

12 Q The next line down in your handwritten notes reads
13 \$180,000; right?

14 A Yes.

15 Q Is that the same \$180,000 reflected in
16 Mr. Weisselberg's handwritten notes?

17 A Yes.

18 Q And does that make up the \$130,000 made to Keith
19 Davidson and the \$50,000 paid to Red Finch?

20 A Yes.

21 Q Let me direct your attention to the next line down,
22 which reads "180,000 times two for taxes;" correct?

23 A Yes.

24 Q What does "times two for taxes" refer to?

25 A That was Allen just talking to me, telling me what he

1 wanted to do; he wanted to double the 180,000 for taxes, so I
2 just wrote the "times two for taxes."

3 Q And you told me before that if a Trump Organization
4 employee submitted an invoice for an expense reimbursement for
5 one hundred dollars, that employee would typically expect to
6 get one hundred dollars back; right?

7 A Yes.

8 Q And in this case, Mr Cohen was receiving \$360,000
9 dollars back on a \$180,000 expense?

10 A I'm sorry.

11 Ask me that again?

12 Q Does that show that Mr. Cohen was receiving \$360,000
13 back on a \$180,000 expense?

14 A Yes.

15 Q Were you aware of another expense reimbursement where a
16 payment was doubled for taxes?

17 A No.

18 Q Your notes then go on to add up the totals and sum them
19 up to \$410,000; is that right?

20 A Yes.

21 Q And you then wrote, "Use 420," right?

22 A Yes.

23 Q Can you please explain that again?

24 A That's when I told Allen what I came up with; he said,
25 no, "Use 420."

1 Q And do you understand that to be the sum of those
2 figures using the correct amount for the bonus?

3 A Yes.

4 Q Let me direct your attention to the part of your notes
5 where you wrote, "Wire monthly from DJT."

6 A Yes.

7 Q What is the "DJT" a reference to?

8 A That was a reference to President Trump's personal bank
9 account.

10 Q And that was the MDS Code for Mr. Trump's personal
11 account?

12 A Yes.

13 Q Let me direct your attention to the part of the note
14 that reads: "Mike to invoice us."

15 Is "Mike," Michael Cohen?

16 A Yes.

17 Q And what did you understand "Mike to invoice us" to
18 mean?

19 A If Michael wanted to get paid, he had to send us an
20 invoice.

21 Q And is that, based on the processes we discussed, was
22 that typical that someone would have to invoice the Trump
23 Organization for any expense reimbursement?

24 A Yes.

25 Q After the discussions -- the conversations you had with

1 Mr. Weisselberg that we spoke about, did there come a time that
2 you were in touch directly with Mr. Cohen about processing the
3 payments?

4 A Yes.

5 MR. COLANGELO: Display People's 39 in evidence.

6 (Displayed.)

7 Q Do you recognize this message?

8 A Yes.

9 Q What is it?

10 A It's an email from -- to Michael Cohen from me just
11 reminding us to get us invoices or an invoice.

12 Q What is the date on the message that you sent?

13 A February 6th, 2017.

14 Q Was this shortly after your conversation with
15 Mr. Weisselberg in January 2017?

16 A Yes.

17 Q What is the subject line on the email from you to
18 Mr. Cohen?

19 A It was two dollar signs.

20 Q Please read your message to Mr. Cohen?

21 A "Mike, just a reminder to get me the invoice you spoke
22 to Allen" -- meaning Allen Weisselberg about -- "that you spoke
23 to Allen about."

24 Q What were the invoices that you were referring to in
25 this email message?

1 A Going back to my handwritten notes, I was expecting
2 invoices.

3 Allen probably called me and said get the invoices from
4 Michael.

5 So I sent Michael an email to send us the invoices or at
6 least an invoice for that month.

7 MR. COLANGELO: Can we display just for the
8 witness, the Court, and counsel, People's 37 A.

9 (Displayed for the aforementioned parties.)

10 Q Do you recognize this message?

11 A Yes.

12 Q What do you recognize it to be?

13 A It's an email -- well, it is a series of emails.
14 Starting on the bottom from -- to Allen Weisselberg from myself,
15 and then Allen Weisselberg replies to it.

16 And then I forward an email or send an email to Deborah
17 Tarasoff.

18 Q And this was one of the emails that we talked about
19 that was on the thumb drive that you reviewed; correct?

20 A Yes.

21 MR. COLANGELO: Your Honor, I offer 37A into
22 evidence.

23 MR. BOVE: Objection.

24 THE COURT: Please approach.

25 (At Side Bar.)

1 *****

2 THE COURT: Yes, Mr. Bove?

3 MR. BOVE: Thank you, Judge.

4 This is an email that we would present as an
5 example of the embedded hearsay issue.

6 And there are a couple of messages from Cohen on
7 this thread that we object to coming in on the business
8 records foundation.

9 There has to be some other basis for their
10 admissibility.

11 To the extent they're not being offered for their
12 truth, we would ask for a limiting instruction that makes
13 that clear to the jury.

14 And so, I am specifically referring to the Cohen
15 email at 7:59 a.m. And then the email invoice that he sends
16 at 11:58 a.m.

17 Those are factual assertions by Mr. Cohen.

18 THE COURT: Can you read it to me?

19 Can you read to me what you believe the embedded
20 hearsay is?

21 MR. BOVE: Yes. The 7:59 a.m. email of -- this is
22 an email from Mr. Cohen to the witness.

23 It says: "Jeff, sorry for the delay. And thank
24 you for the reminder. Please have the monthly checks for
25 January and February made payable to Michael D. Cohen,

1 Esquire."

2 And the address is redacted.

3 And then there is a salutation in that email. And
4 that's one of the factual assertions.

5 THE COURT: And the other one?

6 MR. BOVE: And the second one, if I could just show
7 it to your Honor.

8 (Handed.)

9 MR. BOVE: This is the 11:58 a.m. email, and it's
10 an exhibit which is an invoice that Cohen sends to
11 Mr. McConney.

12 And our objection is that this is not a business
13 record.

14 It's not a Trump Organization business record, at
15 most it's a business record of Mr. Cohen.

16 We assume it's coming in and not being offered for
17 its truth, and we would ask for a limiting instruction that
18 it's being admitted not for its truth.

19 MR. COLANGELO: So, your Honor, as to a second one,
20 this is the evidence of the actual business transaction.

21 And among other things, Mr. Cohen is a
22 coconspirator.

23 We have already laid that foundation.

24 So he -- setting aside that this is past business
25 records that Mr. McConney laid the foundation for, receiving

1 of the invoices by email and incorporating it into The Trump
2 Organization and relying on them for Trump Organization
3 business makes them admissible.

4 So this is admissible both as under the business
5 records exception and the coconspirator exception.

6 THE COURT: And you are not asking for any limiting
7 instruction?

8 MR. COLANGELO: No, your Honor. I don't think any
9 limited instruction is appropriate.

10 THE COURT: Okay.

11 MR. COLANGELO: Your Honor, as to the 7:59 a.m.
12 email, you know, I would make the same argument.

13 There is an initial request for payment.
14 Mr. Cohen, you can tell from email context, was responding
15 to Mr. McConney's request for an invoice.

16 Mr. McConney will testify that he then followed up
17 to say that that wasn't enough for an invoice, but it was
18 part of the process for requesting and accepting/receiving
19 payment.

20 THE COURT: Unlike the situation that came up
21 previously where the People were offering certain emails
22 into evidence as business records -- oh, actually, I think
23 there was an exception.

24 In any event, I find that these are business
25 records.

1 They are coconspirator statements.

2 Even though this is an invoice from Mr. Cohen, it's
3 part of the business records that are being kept by the
4 Trump Organization.

5 So your objection is overruled.

6 MR. BOVE: Thank you, Judge.

7 (Side bar concluded.)

8 *****

9 THE COURT: The objection is noted and overruled.

10 These exhibits are accepted into evidence.

11 (Marked in evidence.)

12 MR. COLANGELO: Please publish Exhibit 37A.

13 (Displayed.)

14 MR. COLANGELO: And let's go to the first exhibit.

15 (Displayed.)

16 *****

17 BY MR. COLANGELO:

18 Q Mr. McConney, do you recognize this message?

19 A Yes.

20 Q I want to ask you a few questions about it, but first
21 let me ask:

22 Have you ever seen an email message printed out like this
23 before with a series of messages one after the other?

24 A Yes.

25 Q Do you have an understanding that messages may appear

1 in reverse chronological order, with the most recent message on
2 the top or on the first page and the older message following or
3 below the first messages?

4 A Yes.

5 Q Let me direct your attention to the bottom of Page 3,
6 going onto the top of Page 4.

7 (Displayed.)

8 MR. COLANGELO: And if we could have that displayed
9 and zoomed in, if that's possible.

10 Thank you.

11 Q Can you read that message, please?

12 A "Just a reminder to get me the invoice you spoke to
13 Allen about. Thanks, Jeff."

14 Q Does that appear to be the same message that we just
15 discussed where you e-mailed Mr. Cohen on February 6th?

16 A I believe so, yes.

17 Q Looking just above that message. What does the next
18 message show?

19 A It's an email from Michael: "Jeff, sorry for the delay
20 and thank you for the reminder. Please have the monthly checks
21 for January and February made payable to Michael D. Cohen,
22 Esquire, and sent to.... hope you are well and see you soon."

23 Q And directing your attention to the next message just
24 above that.

25 Can you read out loud your response to Mr. Cohen?

1 A "Mike, please send me invoices so" -- I'm sorry.

2 "Please send me invoices so I can have the checks cut."

3 Q Why did you ask him for invoices?

4 A I need an invoice to get a check cut or wire released.

5 Q So the email he had sent you in response to your first
6 message, that was not sufficient for you to cut a check?

7 A No. A lot of people ask for money.

8 I need an invoice.

9 Q (Laughter.) Okay. Let's take a look at the next
10 message in the chain.

11 And can you read his response, please?

12 A "Jeff, please remind me of the monthly amount?"

13 Q And let's look at the next message.

14 Your response?

15 (Displayed.)

16 A "\$35,000 per month."

17 Q And when did you send that message?

18 A February 14th at 10:34 a.m.

19 Q And how did Mr. Cohen respond to that message?

20 A He typed an invoice into his response email, which was
21 basically an email from Michael D. Cohen, Esquire, dated
22 February 14th.

23 Do you want me to read the whole thing or?

24 Q Please do.

25 A Dated February 14th, 2017. It says: "Invoice." It's

1 addressed to "Allen Weisselberg, care of Donald J. Trump,
2 725 Fifth Avenue, New York New York 10022. Dear Allen, pursuant
3 to the retainer Agreement, kindly remit payment for services
4 rendered for the months of January and February, 2017.
5 January 2017, \$35,000. February 2017, \$35,000. Thank you.
6 Michael Cohen."

7 Q Did you consider this sufficient to serve as an invoice
8 to process these payments?

9 A As long as it got approved, yes.

10 Q Did you ever see a Retainer Agreement?

11 A I did not.

12 Q Let's go to the first page of this exhibit.

13 And can you tell us what happened next in this series of
14 communications.

15 A This is the page after the one we just looked at?

16 Q Correct.

17 A Yes, February 14th.

18 I sent an email to Allen Weisselberg on February 14th at
19 12:02 p.m.

20 "Allen, please approve the below invoice for payment.

21 Thanks, Jeff."

22 Q And let me direct your attention to the next message,
23 right above that one.

24 How did Mr. Weisselberg respond?

25 A Okay. "Okay to pay as per agreement with Don and

1 Eric."

2 Q Who did you understand "Don" to refer to?

3 A Donald J. Trump, Jr.

4 Q And who did you understand "Eric" to refer to?

5 A Eric Trump.

6 Q I think you testified earlier, were Don and Eric the
7 trustees of the Trust at the time?

8 A Yes.

9 Q And were Don and Eric both approved signers for checks
10 of the Trust at the time?

11 A I believe so, yes.

12 Q What was their role in approving invoices at the time?

13 A They owned the company. They could approve any invoice
14 they wanted to.

15 I'm sorry, they didn't own the company, they were running
16 the company. They were entitled or were allowed to approve any
17 invoice they wanted.

18 Q Did you send this invoice to the Legal Department?

19 A No.

20 Q Was it typical for the Legal Department to review
21 requests for legal payment?

22 A Yes.

23 Q Let me direct your attention to the top message in the
24 chain.

25 (Displayed.)

1 Q Can you tell me what that is?

2 A I forward Allen's -- well, did we go through Allen's
3 approval? Yes.

4 I forwarded Allen's approval on the other email to Deb
5 Tarasoff, accounts payable, and asked: "Please pay from the
6 Trust" -- meaning Donald J. Trump Revocable Trust -- "total
7 expenses for the total amount. Use that account for any
8 payment, otherwise it just won't go anywhere.

9 Put in quotes 'the retainer' for the months of January and
10 February, 2017 in the description."

11 And then there is a description, which is a piece of input
12 data, so that we put that so that it would describe what you are
13 paying.

14 Q When you described earlier your handwritten notes, you
15 wrote down "pay monthly from DJT;" correct?

16 A Yes.

17 Q And that was to indicate that the expenses were to be
18 paid from the DJT personal account; is that right?

19 A Yes.

20 Q That account is different than the Trust account?

21 A Yes.

22 Q Why in this email did you ask Ms. Tarasoff to pay -- to
23 make this payment from the Trust account instead of from the DJT
24 account?

25 A At that point in time, we were paying the President's

1 personal expenses instead of from the DJT personal account from
2 the DJ Trust account, I'm sorry, the DJT Trust account.

3 Q Now, your email asks Ms. Tarasoff to "post the legal
4 expenses;" is that correct?

5 A Yes.

6 Q Please explain what you meant by "post the legal
7 expenses?"

8 A Whenever you make a payment, you have to choose how
9 it's going to be indicated in the General Ledger category, how
10 to put the payment, where to post the payment to, so when you
11 print the General Ledger, you know, it summarizes the expenses
12 in that account.

13 There are a number of accounts you can post it to.

14 We were paying a lawyer so I said to put it -- posted it to
15 legal expenses in the General Ledger.

16 Q What is the General Ledger code for legal expenses?

17 A 51505.

18 Q And in the next sentence, you said "put 'retainer' for
19 the months of January and February 2017 in the description;"
20 right?

21 A Yes.

22 Q What did you mean by that?

23 A I was just taking some information from the invoice, so
24 Deb would know what to put in Multi Data and in MDS, and that
25 part of the information prints on the General Ledger when you

1 print the General Ledger.

2 Q And once that description is in the General Ledger
3 system, who can see it?

4 A Anybody who looks in the General Ledger.

5 Q I'm sorry?

6 A You can look on the screen; you can run a report. I
7 mean, if I run a report, anybody that gets the report can see
8 it.

9 Q And did The Trump Organization's outside accountants
10 also have access to those descriptions?

11 A When we printed the General Ledger for them, yes.
12 They didn't have access to our General Ledger package.

13 We had to print reports for them and get them reports of
14 documents.

15 Q And why did you print out reports and give them to the
16 accountants?

17 A Usually, most of the time it was for tax purposes, to
18 prepare a tax return or a financial statement.

19 Q Did you expect that they would review this expense
20 account at the end of the year for tax purposes?

21 A Yes. This is -- yes, this is one of the accountants
22 that we went over this with, Donald Bender and myself -- Donald
23 Bender is one of the partners of Mazars, who oversaw the account
24 expenses in -- from the Trump accounts.

25 Q Did you know that outside accountants would review this

1 and that those outside accountants would have access to this
2 information?

3 A Yes.

4 Q Is one of the reasons for putting this information in
5 the General Leger for when the outside accountants, who had
6 access to these descriptions, in order to understand the
7 description of legal fees as information that the accountants
8 would need to prepare tax returns or financial statements?

9 A Yes. And part of the conversation -- it would start a
10 conversation if they needed more information.

11 Q After submitting and getting approval on this invoice
12 labeled the request for payment for January and February 2017,
13 did Mr. Cohen submit other invoices?

14 A Yes.

15 Q To your recollection, did he submit one invoice each
16 month after that in 2017?

17 A For the -- for calendar year 2017, yes.

18 MR. COLANGELO: Your Honor, I offer into evidence
19 People's 37B.

20 MR. BOVE: Same objection, as noted previously.

21 THE COURT: Same objection. Same response from the
22 People?

23 MR. COLANGELO: Yes, your Honor.

24 THE COURT: 37B is accepted into it evidence.

25 (So marked in evidence.)

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MR. COLANGELO: Please display 37B publicly.

(Displayed.)

Q Mr. McConney, do you have 37B on your screen?

A Yes, sir.

Q Do you recognize this document?

A Yes, sir.

Q What is it?

A It's a -- from the bottom going up -- it's an email from Michael Cohen to myself and Allen Weisselberg. It was an invoice for the month of March.

Q What's the date on this email?

A February 16th, 2017.

Q I'm sorry, is that the date on the email itself?

A Oh, I'm sorry. The date of the email was Thursday, March 16th, 2017 at 11:58 a.m.

Q Can you read out loud the message beginning with:

"Dear Allen."

A "Dear Allen, pursuant to the Retainer Agreement, kindly remit payment for services rendered for the month of March, 2017."

Q And what does it say below that?

A "March 2017, \$35,000."

Q And take a look at the top of the page, Page 1 now, please. And tell us what it shows.

1 A At the top is an email from myself to Allen on
2 March 16th, okay. It was sent to Allen and Deb: "Deb, please
3 pay post to same G/L as last month."

4 Q What does "G/L" mean?

5 A That's accountant speak for General Ledger.

6 Q And what did you mean by "post the same G/L as last
7 month?"

8 A Basically, whatever I told you last month, post it to
9 legal fees, put the description in, just follow the same
10 pattern, routine.

11 Q So, you were asking Ms. Tarasoff to post this to legal
12 expenses?

13 A Yes.

14 Q Did there come a time when you switched from using the
15 Trust account to using the DJT account to pay the invoices from
16 Mr. Cohen?

17 A Yes.

18 Q And you previously told us that Mr. Trump was the only
19 signatory on checks cut from the DJT account; is that right?

20 A That's correct.

21 Q Where was he located in 2017?

22 A Washington, D.C.

23 Q So, when you switched and started paying Mr. Cohen's
24 reimbursement checks from the DJT accounts instead of The Trust
25 account, what did that mean in terms of getting the check

1 signed?

2 A Somehow we would have to get a package down to the
3 White House, get it to the President, get the President to sign
4 the checks, get the checks returned to us and then have the
5 checks mailed out.

6 A whole new process for us.

7 Q And is that because the signators for the Trust account
8 were located in New York?

9 A I'm sorry, yes.

10 MR. COLANGELO: Can we display People's 40 in
11 evidence.

12 (Displayed.)

13 Q Mr. McConney, do you have that on your screen?

14 A Yes, sir.

15 Q Do you recognize this email?

16 A Yes, sir.

17 Q What is it?

18 A On the bottom it starts with an email from Michael
19 Cohen to me.

20 Read it?

21 Q Please do.

22 A "Did you receive the invoice from me for March? Thanks
23 and hope all is well."

24 Q And what's the date of this email?

25 A March 28th, 2017.

1 Q And let's go up in this exhibit. And can you please
2 read your response?

3 A Okay. "Yes. I'll check status tomorrow. DJT needs to
4 to sign check."

5 Q What did you mean by "DJT needs to sign check."?

6 A Well, the check was drawn out of President Trump's
7 personal account.

8 We had to get it down to the White House for the President
9 to sign it.

10 Q So this was around the time that you switched from
11 using The Trust account to the DJT account?

12 A I believe so, yes.

13 MR. COLANGELO: I offer People's 37C into evidence.

14 MR. BOVE: Judge, we will have the same objection
15 to each exhibit in the 37 series.

16 THE COURT: And the People will have the same
17 response?

18 MR. COLANGELO: Yes, your Honor.

19 THE COURT: Your objection is noted and overruled.
20 37C is accepted into evidence.

21 (So marked in evidence.)

22 *****

23 Q Mr. McConney, do you have that document in front of you
24 on your screen?

25 A Yes, sir.

1 Q Do you recognize this document?

2 A Yes, sir.

3 Q What is it?

4 A That's an email -- well, it's a series of emails to
5 Michael and Allen and myself and Deb Tarasoff.

6 Q Let's go to the third page, please. Can you describe
7 this document?

8 (Displayed.)

9 A This looks like an invoice from Michael Cohen, looking
10 for a -- for payment for the month of April 2017 in the amount
11 of \$35,000.

12 Q Was this invoice attached to the email we just looked
13 at?

14 A Can you take this off the screen and just so I can see
15 the email?

16 Q Yes.

17 MR. COLANGELO: Can we go back to this one,
18 please?

19 (Displayed.)

20 A Yes. It says attachments, MDCPC, April, that should be
21 the invoice that was attached to the email.

22 Q Thank you.

23 MR. COLANGELO: Can we go back to Page 3, please.

24 (Displayed.)

25 Q And can you read the invoice starting below the date.

1 A It's addressed to "Allen Weisselberg, care of Donald J.
2 Trump, 725 Fifth Avenue, New York New York, 10022."

3 "Dear Allen, pursuant to the Retainer Agreement, kindly
4 remit payment for services rendered for the month of April 2017.
5 April 2017, \$35,000. Thank you. Michael Cohen."

6 Q Now, let's go back to the first page of this document.
7 And can we start at the bottom part of the message and please
8 let us know what this shows.

9 A It's an email from Michael Cohen to Allen Weisselberg.
10 It says: "Allen, happy holiday. I'm attaching the April
11 invoice for processing. Thank you."

12 Q What's the date of the email from Mr. Cohen to
13 Mr. Weisselberg?

14 A April 13th, 2017.

15 MR. COLANGELO: And let's go to the next message
16 in the chain just above that.

17 (Displayed.)

18 MR. COLANGELO: And can you zoom out a little bit
19 more just so we can see what comes below that as well.

20 (Displayed.)

21 Q What does this show?

22 A Okay. So we've got the email from Michael to Allen.
23 The second one was an email on Thursday, April 13th, 2017 from
24 Allen to myself.

25 Q So, Mr. Weisselberg forwarded to you Mr. Cohen's email

1 and invoice; is that right?

2 A Yes.

3 Q Did he include any message in the email?

4 A No.

5 Q Let's go up from there.

6 MR. COLANGELO: And please display the top
7 message.

8 (Displayed.)

9 Q Can you please tell the jury what this shows?

10 A It's an email from myself and somebody else, I'm
11 assuming that's Allen's email to Deb Tarasoff. And it says:
12 "Please pay."

13 Q What's the date of that email?

14 A April 13th, 2017.

15 Q Did you understand from Mr. Weisselberg's forward to
16 you that the invoice was approved to pay?

17 A Yes.

18 MR. COLANGELO: Let's take that down.

19 Your Honor, I offer into evidence 37D through 37K.

20 THE COURT: Your objection is noted. Overruled.

21 Those exhibits are accepted into evidence.

22 (So marked in evidence.)

23 *****

24 MR. COLANGELO: Please display 37D.

25 (Displayed.)

1 Q Do you recognize this document?

2 A Yes, sir.

3 Q What is it?

4 A It's a series of emails between Michael Cohen, Allen
5 Weisselberg, myself, and Deb Tarasoff.

6 Q Does the email indicate whether there is an attachment?

7 A The one from -- to Deb from me does have an attachment.
8 I don't know if the other ones did or didn't. I don't know how
9 to tell.

10 MR. COLANGELO: Let's display the second page of
11 this exhibit.

12 (Displayed.)

13 Q Can you describe this document?

14 A It's an invoice from Michael Cohen for the month of
15 May, 2017.

16 Q Can you read the text of the invoice below the date?

17 A "Mr. Allen Weisselberg, care of Donald J. Trump,
18 725 Fifth Avenue, New York, New York 10022. Dear Allen,
19 pursuant to the Retainer Agreement, kindly remit payment for
20 services rendered for the month of May, 2017. May 2017,
21 \$35,000. Thank you. Michael Cohen."

22 MR. COLANGELO: Now, let's go back to the first
23 page of this document.

24 (Displayed.)

25 Q And directing your attention to the first message on

1 the bottom of the page.

2 What does this show?

3 A It's an email from Michael to Allen Weisselberg.

4 Q What is the date of Mr. Cohen's email to
5 Mr. Weisselberg?

6 A May 22nd, 2017.

7 Q What's the subject?

8 A "May invoice."

9 Q Please read the message.

10 A "Allen, hope all is well. Please find attached the May
11 invoice. Also, please call me to discuss the last open
12 foundation matter. Thank you."

13 Q Let's go up in this correspondence and show the rest of
14 the email above that, if we can.

15 (Displayed.)

16 Q Starting in the middle and moving up. Please tell us
17 what this shows.

18 A This is an email from Allen Weisselberg to me, which is
19 basically forwarding Michael's email.

20 Then I forward all of those other emails to Deb Tarasoff and
21 ask her to please pay the invoice.

22 Q Thank you.

23 MR. COLANGELO: Please publish People's 37E.

24 (Displayed.)

25 Q Do you recognize this document?

1 A Yes.

2 Q What is it?

3 A A series of emails between Michael Cohen, Allen
4 Weisselberg with myself and Deb Tarasoff.

5 MR. COLANGELO: Let's go to the second page,
6 please.

7 (Displayed.)

8 Q What does this show?

9 A This is an email from Michael Cohen to Allen
10 Weisselberg on June 16th, 2017.

11 Q And please read the message starting with: "Dear
12 Allen."

13 A "Dear Allen, pursuant to the Retainer Agreement, kindly
14 remit payment for services rendered for the month of May 2017
15 and June 2017. May 2017, \$35,000. June 2017, \$35,000. Thank
16 you, Michael Cohen."

17 Q Thank you. And just above that message, can you take a
18 look and let us know what happened next?

19 A Allen Weisselberg forwarded me the email he received
20 from Michael Cohen.

21 Q And let's go to the top of the page. Can you describe
22 that message and read it out loud, please?

23 A I then forward that email -- "that email" being Allen
24 Weisselberg's email -- to Deb Tarasoff.

25 I said: "Deb, please pay June and put a stop on the

1 4/13/2017 check number 2639 cut out of DJT and replace it. Any
2 questions, please call me. Thanks, Jeff."

3 Q Why did you ask Ms. Tarasoff to put a stop on the
4 check?

5 A Michael was waiting for payment for one of his months,
6 and it looks like we never got a check back from the White
7 House, so we stopped it and reissued it.

8 Q So, the original -- is it correct that the original
9 April check for, the check for the April payment was lost?

10 A Yes. We -- it was lost. Somebody couldn't find it, I
11 guess it was the same as lost. Lost.

12 MR. COLANGELO: Please display People's 37F.

13 (Displayed.)

14 Q Do you recognize this document?

15 A Yes.

16 Q What is it?

17 A It's an email or a series of emails between Michael
18 Cohen, Allen Weisselberg, myself and Deborah Tarasoff.

19 Q Let's take a look at the second page. Can you describe
20 this, please.

21 (Displayed.)

22 A That's an invoice from Michael Cohen for the month of
23 July 2017.

24 Q And please read what the invoice reads below the date?

25 A "Invoice. Mr. Allen Weisselberg, care of Donald J.

1 Trump, 725 Fifth Avenue, New York, New York 10022.

2 Dear Allen, pursuant to the Retainer Agreement, kindly remit
3 payment for services rendered for the month of July, 2017.

4 Thank you. Michael Cohen."

5 Q Does this invoice include a specific amount to be
6 paid?

7 A It does not.

8 Q Did you have an understanding as to the specific amount
9 to be paid?

10 A I did.

11 Q What was that understanding?

12 A \$35,000.

13 Q And what was that understanding based on?

14 A Based on the prior invoices and the notes that I took
15 in Allen's office.

16 Q Turning back to the first page. What is the message on
17 the bottom of that page?

18 A The email from Michael Cohen to Allen Weisselberg.
19 "Dear Allen, hope you are well and getting a chance to enjoy the
20 summer despite all of the nonsense. Speak soon."

21 Q And what's the date and time of that email?

22 A Tuesday, July 11th, 2017, 9:35 a.m.

23 Q Let's look above that, and please tell us what the
24 message is right above.

25 (Displayed.)

1 A There is no message. Just Allen forwards to me
2 Michael's email.

3 Q Did you understand that to be approval to pay?

4 A Yes.

5 Q And what's the message at the top of this page?

6 A Then I, in turn, forwarded the below emails and the
7 invoice to Deb Tarasoff and asked her to pay.

8 Q What's the date of your email to Ms. Tarasoff?

9 A July 11, 2017.

10 Q And when you forwarded this email to Ms. Tarasoff, what
11 amount did you have an understanding that she would pay?

12 A \$35,000.

13 MR. COLANGELO: Please display People's 37G.

14 (Displayed.)

15 Q Do you recognize this document?

16 A Yes.

17 Q What is it?

18 A It's a series of emails between Michael Cohen, Allen
19 Weisselberg, and myself, and Deborah Tarasoff.

20 Q And take a look at the bottom of the page, please.

21 Bottom of the first page, and please describe.

22 A It's an email from Michael on August 1st, 2017 to Allen
23 Weisselberg.

24 Q What does Mr. Cohen's email say?

25 A "Allen, hope all is well and you get a chance to enjoy

1 part of the summer. See you soon. Yours, Michael D. Cohen,
2 Esquire, personal attorney to President Donald J. Trump."

3 You have the address as: "30 Rockefeller Plaza, 23rd floor,
4 New York, New York."

5 Q Let's take a look at the second page. What do you
6 recognize this to be?

7 (Displayed.)

8 A This is an invoice from Michael Cohen for the month of
9 August 2017.

10 Q And starting below the address, what does the invoice
11 read?

12 A August -- before -- after the address, okay.

13 "Dear Allen, pursuant to the Retainer Agreement, kindly
14 remit payment for services rendered for the month of
15 August 2017. Thank you, Michael Cohen."

16 Q Does this invoice indicate an amount?

17 A It does not.

18 Q Did you have the same understanding as to the amount
19 requested?

20 A Yes.

21 Q And what was that based on?

22 A Prior month's invoices and the conversation that I had
23 with Allen in his office in January.

24 Q Now, let's go back to the first page, and immediately
25 above the email from Mr. Cohen to Mr. Weisselberg.

1 Can you describe what happened next in this communication?

2 A Allen forwarded Michael Cohen's email to me.

3 Q Was there a message in his forward?

4 A There was not.

5 Q Did you understand that to be approval to pay?

6 A Yes.

7 Q Let's go to the top of the page.

8 (Displayed.)

9 Q And please describe.

10 A It's an email from -- to Deb from me.

11 I forwarded Michael's and Allen's emails -- Michael's
12 invoice to Deb Tarasoff and asked her to pay the -- "please pay
13 the attached invoice."

14 Q What's the date that you forwarded that email?

15 A August 1st, 2017.

16 Q And, again, did you have an amount in mind that
17 Ms. Tarasoff would pay?

18 A Yes.

19 Q Is that -- what amount was that?

20 A \$35,000.

21 Q Is that based on the same understanding?

22 A Yes.

23 MR. COLANGELO: Let's display People's 37H.

24 (Displayed.)

25 Q Do you recognize this document?

1 A Yes.

2 Q What is it?

3 A It's a series of emails from Michael Cohen, but with --
4 between and among Michael Cohen, Allen Weisselberg, myself and
5 Deb Tarasoff.

6 MR. COLANGELO: Let's turn to the second page.

7 (Displayed.)

8 Q What is this document?

9 A It's an invoice from Michael Cohen for the months of
10 August and September.

11 Q What's the date on this invoice?

12 A September 11, 2017.

13 Q And can you read the -- can you read the address and
14 message, please?

15 A It's "Mr. Allen Weisselberg, care of Donald J. Trump,
16 725 Fifth Avenue, New York, New York, 10022. Dear Allen,
17 pursuant to the Retainer Agreement, kindly remit payment for
18 services rendered for the months of August and September, 2017.
19 Thank you. Michael Cohen."

20 Q Does this invoice include an amount?

21 A It does not.

22 Q Did you have an understanding as to the amount being
23 requested?

24 A Yes.

25 Q What was that amount?

1 A \$35,000.

2 Q What was that understanding based on?

3 A Based on prior invoices and my conversation with Allen
4 in January.

5 MR. COLANGELO: Let's go back to the first page.

6 (Displayed.)

7 Q And let's look at the bottom of the first page. And
8 can you describe that message?

9 A It's an email from Michael to Allen Weisselberg,
10 September 11, 2017.

11 "Allen, hope you are holding up and not damaged by the
12 hurricane to your Florida home. Be well. Yours, Michael D.
13 Cohen, Esquire, personal attorney to President Donald J. Trump,
14 30 Rockefeller Plaza, 23rd floor, New York, New York 10112."

15 Q And turning immediately above that message, can you
16 please describe what happened next in the communication?

17 A Allen forwarded to me Michael's email and invoice.

18 Q And what's the date of that forward?

19 A September 11, 2017.

20 Q Did you understand by this email that Mr. Weisselberg
21 had approved payment on this invoice?

22 A Yes.

23 MR. COLANGELO: Let's look at the next message
24 above that.

25 (Displayed.)

1 Q Please describe this message.

2 A I forwarded the email from Allen to Deborah Tarasoff on
3 September 11, 2017, without any message.

4 Q In forwarding the email and invoice and the email chain
5 to Ms. Tarasoff without any email message, did you intend for
6 her to pay the invoice?

7 A Yes.

8 MR. COLANGELO: Please display People's 37I.

9 (Displayed.)

10 Q Do you recognize this document?

11 A Yes.

12 Q What is it?

13 A It's a series of emails between Michael Cohen, Allen
14 Weisselberg, myself and Deborah Tarasoff.

15 Q Take a look at the bottom of the first page, please,
16 and describe this message.

17 A The message, the email is from Michael to Allen
18 Weisselberg, and the message is: "Hope you are well."

19 Q What's the date of that email before we move on?

20 A October 18th, 2017.

21 Q Okay.

22 MR. COLANGELO: Let's turn to the third page,
23 please.

24 (Displayed.)

25 Q What is this document?

1 A It's an invoice from Michael Cohen.

2 Q And what is the -- what's the date on that invoice?

3 A October 18th, 2017.

4 Q What does the invoice read?

5 A Just the body of the -- the whole thing?

6 Q Why don't you just read the body this time?

7 A "Dear Allen, pursuant to the Retainer Agreement, kindly
8 remit payment for services rendered for the month of October,
9 2017."

10 MR. COLANGELO: Let's go back to the first page,
11 please.

12 (Displayed.)

13 Q And immediately above the email from Mr. Cohen and
14 Mr. Weisselberg, can you describe what happens next in the
15 communication?

16 A Allen forwards Michael's email to me.

17 Q On what date?

18 A October 18th, 2017.

19 Q And in forwarding you the email and invoice, did you
20 understand that to be Mr. Weisselberg's approval to pay?

21 A Yes.

22 Q Let's look at the next message above that.

23 (Displayed.)

24 Q And what is this message?

25 A This is an email to Deb Tarasoff from me asking Deb to

1 please pay.

2 Q What's the date on your email to Ms. Tarasoff?

3 A October 18th, 2017.

4 MR. COLANGELO: Let's look at -- can we display
5 People's 37J.

6 (Displayed.)

7 Q Do you have that on your screen, Mr. McConney?

8 A Yes, sir.

9 Q Do you recognize this document?

10 A Yes, sir.

11 Q What is it?

12 A It's a series of emails between Michael Cohen, Allen
13 Weisselberg, myself and Deborah Tarasoff.

14 Q Okay.

15 MR. COLANGELO: Let's go to the bottom of the
16 first page, please.

17 (Displayed.)

18 Q And can you describe this message?

19 A The message: "Allen, happy Thanksgiving and hope all
20 is going well..."

21 Q Who is it from and to?

22 A It's from Michael Cohen to Allen Weisselberg.

23 Q And what date?

24 A November 20th, 2017.

25 MR. COLANGELO: Let's turn to the third page,

1 please.

2 (Displayed.)

3 Q What is this document?

4 A This is an invoice from Michael Cohen.

5 Q What's the date of the invoice?

6 A November 20, '17.

7 Q And please read the invoice language.

8 A "Dear Allen, pursuant to the Retainer Agreement, kindly
9 remit payment for services rendered for the month of
10 November 2017."

11 Q Does this invoice include the amount that's requested?

12 A It does not.

13 Q Did you have an understanding as to the amount that was
14 being requested?

15 A Yes.

16 Q What was that amount?

17 A Based on prior invoices and my conversation with Allen
18 in January.

19 Q And what did you understand the amount to be?

20 A \$35,000.

21 MR. COLANGELO: Let's turn back to the first page.

22 (Displayed.)

23 Q And immediately above the email from Mr. Cohen to
24 Mr. Weisselberg, can you describe the next message in the
25 communication?

1 A It's an email from Allen Weisselberg to myself on
2 November 20th, 2017.

3 Q Is there any language in the body of the email other
4 than Mr. Weisselberg's signature block?

5 A No.

6 Q In forwarding you the email from Mr. Cohen and the
7 invoice, did you understand Mr. Weisselberg to approve payment
8 on the invoice?

9 A Yes.

10 Q Please look at the top of the page.

11 (Displayed.)

12 Q And describe the next message in the communication.

13 A It's an email to Deb Tarasoff from myself on
14 November 20th, 2017.

15 Q And what does your email to Ms. Tarasoff say?

16 A "Deb, please pay the attached invoice."

17 MR. COLANGELO: Let's take that down.

18 And can you please display People's 37K.

19 (Displayed.)

20 Q What is this?

21 A It's a series of emails between Michael Cohen, Allen
22 Weisselberg, myself and Deborah Tarasoff.

23 MR. COLANGELO: Let's look at the bottom of the
24 first page of this document, please.

25 (Displayed.)

1 Q Can you read us that message?

2 A It's an email from Michael Cohen to Allen Weisselberg,
3 December 1st, 2017:

4 "Allen, I want to wish you a happy holiday and hope all is
5 well."

6 Q Thank you.

7 MR. COLANGELO: Let's turn to the third page,
8 please.

9 (Displayed.)

10 Q What is this?

11 A That's Michael Cohen's invoice.

12 Q What's the date on the invoice?

13 A December 1, 2017.

14 Q And please read the language on the invoice.

15 A "Dear Allen, pursuant to the Retainer Agreement, kindly
16 remit payment for services rendered for the month of December,
17 2017."

18 MR. COLANGELO: And turning back to the first
19 page.

20 (Displayed.)

21 Q Immediately above the email from Mr. Cohen and
22 Mr. Weisselberg, can you describe what happened next in the
23 communication?

24 A Allen Weisselberg forwarded Michael's email to me on
25 December 1st, 2017.

1 Q Other than Mr. Weisselberg's Trump Organization
2 signature block, is there any other language in the message that
3 got -- on that forward?

4 A There is not.

5 Q In sending you the email and invoice from Mr. Cohen for
6 December, did you understand Mr. Weisselberg to be approving
7 payment on that invoice?

8 A Yes.

9 Q If you remember, and I can show you if you don't, did
10 the invoice that you looked at on Page 3 include an amount
11 requested?

12 A It did not.

13 Q What did you understand the amount requested to be?

14 A \$35,000.

15 Q And what was the basis of your understanding?

16 A Prior invoices from Michael and my conversation or
17 meeting with Allen in January of 2017.

18 Q Okay. Now, looking at the top of this first page.
19 Can you describe your next message in the communication?

20 (Displayed.)

21 A I forward Allen's and Michael's emails to Deb Tarasoff
22 on December 1st, 2017.

23 Q Is the series of invoices that we just discussed
24 consistent with the \$35,000 monthly payments reflected in the
25 handwritten notes that you took in January 2017?

1 A Yes.

2 Q And do these invoices for 12 payments of \$35,000 total
3 \$420,000?

4 A Yes.

5 Q Did you ever direct Ms. Tarasoff to make any further
6 \$35,000 payments to Mr. Cohen?

7 A Not that I remember, no.

8 Q Did you ever see any other invoices from Mr. Cohen?

9 A Not that I remember.

10 Q So, did the payments stop in December 2017 after the
11 December 1st invoice we just saw?

12 A Yes, I believe so.

13 Q And, so far as you understood, did these payments
14 satisfy the obligation that you discussed with Mr. Weisselberg
15 in January of 2017?

16 A They paid the same dollar amount as was on that
17 statement in my notes, yes.

18 Q Okay.

19 MR. COLANGELO: Let's display People's 45 in
20 evidence, unless your Honor suggests that now is a good time
21 for a break?

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

23 MR. COLANGELO: Yes, your Honor.

24 THE COURT: All right. Jurors, let's take our mid
25 morning recess.

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You can step out.

THE COURT OFFICER: Please leave your books on the chair.

All rise.

(Jury exits.)

THE COURT: You may be seated.

Sir, you may step down.

(Witness excused.)

THE COURT: Mr. Bove, it appeared that you were about to say something before we broke?

Did you want to go on the record with anything?

MR. BOVE: No, your Honor.

Thank you.

THE COURT: Okay.

Enjoy your break.

MR. STEINGLASS: Thank you.

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

1 (Continued from the previous page.)

2 SERGEANT: Remain seated come to Order.

3 Part 59 is back in session.

4 THE COURT: Let's get Mr. McConney, please.

5 COURT OFFICER: Witness entering.

6 (Whereupon, the witness entered the
7 courtroom and was properly seated.)

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

9 Mr. McConney, you are still under oath.

10 SERGEANT: All rise. Jury entering.

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

13 THE COURT: Please be seated.

14 THE CLERK: Case on trial continued.

15 Will the parties stipulate that all jurors are
16 present and properly seated?

17 MR. STEINGLASS: Yes.

18 MR. BOVE: Yes.

19 THE COURT: Mr. Colangelo.

20 MR. COLANGELO: Thank you, your Honor.

21 CONTINUED DIRECT EXAMINATION

22 BY MR. COLANGELO:

23 Q Good morning, again, Mr. McConney.

24 A Good morning, sir.

25 Q Just before the break, we were discussing the invoices

1 for payments that totaled \$420,000 in 2017.

2 Do you remember that discussion?

3 A Yes, sir.

4 Q Can I display for the witness, the Court and the
5 parties only, People's 45.

6 Do you recognize this as one of the documents on the
7 thumb drive you reviewed?

8 A Yes, sir.

9 Q What is this document?

10 A It is one of the reports we can run from the MDS
11 Accounts Payable System.

12 Q Is there any handwriting on this document?

13 A Yes, there is.

14 Q Do you recognize whose handwriting it is?

15 A I do.

16 Q Whose handwriting is it?

17 A Deborah Tarasoff.

18 MR. COLANGELO: I offer People's 45 in evidence.

19 MR. BOVE: No objection.

20 THE COURT: Accepted into evidence.

21 (Received in evidence.)

22 Q Let's publish that document, please.

23 Mr. McConney, can you describe what this document is?

24 A It's called a query voucher. It's a report that is
25 run for a specific vendor.

1 In this case, it's run for any entity that pays this
2 specific vendor, any check that was paid during the period
3 January 1st, 2017 to January 5th, 2018.

4 It includes various information, voucher number, which
5 is a tracking system, the company it was paid from, the
6 vendor's name, a small description of what the invoice was for.

7 The status, you can run it, if the invoice was paid or
8 unpaid.

9 You can void it, or you can run multiple options, the
10 date of the invoice, the invoice amount, the date paid, check
11 number and a due date, which I think is an automatically
12 generated date.

13 Q You mentioned that this report can show payments made
14 to a particular vendor, is that right?

15 A Yes.

16 Q Who is the vendor in this instance?

17 A Michael D. Cohen, Esquire.

18 Q Who printed this document?

19 A I don't know.

20 Q You said before that you recognized the handwriting on
21 the right-hand side?

22 A The handwriting, I assume, she wrote it, but I don't
23 know if she did.

24 Q By, she, you are referring to Deborah Tarasoff?

25 A Yes. She is the only person in Accounts Payable, so I

1 figure she ran it. I don't know a hundred percent.

2 Q Can you describe the first column, please?

3 A It says, voucher number.

4 Q And what is a voucher number?

5 A When you are sending, or the software puts an invoice
6 up, or into the Accounts Payable System, it creates a voucher,
7 and an invoice number is automatically assigned by Multi Data,
8 MDS.

9 Q Describe the second column, please?

10 A COMP, which is short for company, that would be the
11 company that paid the invoice.

12 Q And which company does appear in the COMP column on
13 this query voucher summary?

14 A DJT REV, it stands for Donald J. Trump Revocable Trust
15 and DJT is President Trump personally.

16 Q And does DJT REV and DJT indicate the entity that
17 issued a given payment?

18 A Yes.

19 Q Across the top, does this document show a range for
20 the date paid?

21 A Yes.

22 Q And what is that range?

23 A These are for checks that were cut and issued
24 between -- from and including, January 1st, 2017 through and
25 including January 5th of 2018.

1 Q So is this a report that was run on January 5th, 2018
2 to identify all payments to Michael D. Cohen, Esquire in 2017?

3 A That's what it -- I don't know if that's the purpose,
4 but that's what it does reflect.

5 Q What does the handwriting on the top right sum up, if
6 anything?

7 A That's the total of the first three payments which
8 were paid out of the DJT Revocable Trust or the President's
9 Trust.

10 Q What's that total amount?

11 A \$105,000.

12 Q Do you see the handwriting below that on the
13 right-hand side?

14 A Yes.

15 Q What does that handwriting show?

16 A \$315,000.

17 Q Do you have an understanding of what that denotes?

18 Do you have an understanding of what that \$315,000
19 refers to?

20 A That's the total of the checks that were cut out of
21 the President's personal bank account.

22 Q And is that also the total of the checks that were cut
23 from DJT as an entity?

24 A I am sorry. The DJT account, yes.

25 Q And does the bottom of this report display the total

1 amount that was paid in 2017?

2 A Yes.

3 Q What is that total?

4 A \$420,000.

5 Q You testified earlier that MDS can run reports for
6 certain expenses in a given account, is that right?

7 A I am sorry.

8 Can you ask that again?

9 Q Can MDS run reports showing payments that were posted
10 to a particular expense code for a given expense?

11 A Yes. I mean, given an account with an expense code is
12 the same thing in my world, in my language.

13 Q Let me ask that question differently then.

14 Can MDS run a report showing certain expense types
15 that were paid from a given entity?

16 A Yes.

17 Q So could it run a report showing everything booked to
18 the account for Legal Expenses for a given entity and year?

19 A Yes.

20 Q Please display, only for the Court, the witness and
21 parties, People's 54.

22 Mr. McConney, let me know when you have it on your
23 screen?

24 A I have it on the screen.

25 Q Do you recognize this document?

1 A Yes.

2 Q Is this one of the documents that was on the thumb
3 drive?

4 A Yes.

5 Q What is this document?

6 A This is a detailed General Ledger Report from MDS.

7 Q And what's the entity that the detailed General Ledger
8 Report relates to?

9 A It is the Donald J. Trump Revocable Trust.

10 MR. COLANGELO: I offer People's 54 in evidence.

11 MR. BOVE: Objection.

12 THE COURT: Approach.

13 (Discussion is held at sidebar, on the
14 record.)

15 MR. BOVE: Your Honor, as far as I can tell,
16 Government Exhibit 54 relates to a period from 2018
17 forward. If that's correct, we don't see the relevance of
18 those entries in this case.

19 MR. COLANGELO: Your Honor, People's 54 is an
20 extract from the General Ledger for the Revocable Trust
21 Account that shows all payments made, coded to the Legal
22 Expense Code.

23 The relevance is that there are no payments to
24 Michael Cohen, Esquire from The Trust account for 2018 that
25 were coded to 51505.

1 THE COURT: Okay. I will allow it.

2 (Discussion at sidebar concluded, and the
3 following occurred in open court.)

4 THE COURT: Overruled.

5 MR. COLANGELO: Thank you, your Honor.

6 Is People's 54 in evidence?

7 THE COURT: Yes, it is.

8 BY MR. COLANGELO:

9 Q Can we publish, People's 54?

10 Mr. McConney, I think you said this is a -- withdrawn.

11 What is this document?

12 A It's a detailed General Ledger Report that is printed
13 out on the MDS.

14 Q And take a look at the upper left hand corner of page
15 one.

16 What's the company name?

17 A DJT REV.

18 Q Which entity does this relate to?

19 A The Donald J. Trump Revocable Trust.

20 Q What's the time period?

21 A It's for transactions during the period January 1st,
22 2018 through December 31, 2018, calendar year 2018.

23 Q Let's turn to the second page of this document, and
24 let me direct your attention to the bottom of the page.

25 What's the last account code listed on the page?

1 A The account code is 51505.

2 Q What does that account code respond to?

3 A Legal Expenses.

4 Q Did you testify that you reviewed this document
5 earlier?

6 A Yeah.

7 Q What does the rest of the document show?

8 A I am not sure I understand your question.

9 Q Let's take this down and go to page three.

10 Can you tell us what page three shows?

11 A They are expenses or payments that were posted to
12 account 51505, Legal Expense.

13 Q Does it show them in a particular order?

14 A They are in date order.

15 Q Let's display page four.

16 What does this page show?

17 A The same thing, the legal expenses posted to account
18 51505.

19 Q And is that from the DJT REV entity?

20 A Yes. So, it's still part of the DJT General Ledger.

21 Q For 2018?

22 A This is for part of 2018, yes.

23 Q Let's advance to the next page.

24 What does this show?

25 A The top of the page shows postings to account 51505,

1 legal expense postings for payments. In the bottom we start a
2 new General Ledger Account, 51506, which are payments to an
3 expense account called Accounting and Auditing, payments to
4 accountants.

5 Q And have you reviewed the entries in the Legal Expense
6 code on this exhibit?

7 A Yes.

8 Q Does that show all of the charges to the account for
9 legal expenses for The Trust Account in 2018?

10 A Yes.

11 Q Were there any payments to Michael Cohen from that
12 account in 2018 that was billed to Legal Expense?

13 A No.

14 Q Let's display, just for the witness, the Court and
15 parties, People's 55.

16 Please let me know, Mr. McConney, when you have it on
17 your screen.

18 A It's on my screen.

19 Q Do you recognize this?

20 A Yes, sir.

21 Q What is it?

22 A It is a detailed General Ledger printed from MDS.

23 Q What's the company identified in the upper left-hand
24 corner?

25 A DJT.

1 Q And what's the time period for this report?

2 A Calendar year 2008 [sic].

3 Q Is this one of the documents that you reviewed from
4 the thumb drive we discussed earlier?

5 A Yes, it is.

6 MR. COLANGELO: I offer People's 55 into
7 evidence.

8 MR. BOVE: No objection.

9 THE COURT: Accepted into evidence.

10 Q Let's start on the first page, Mr. McConney.
11 Please go ahead and tell the jury what this is.

12 A It's a detailed General Ledger printout for MDS.

13 Q What's the date of the transactions that it reports?

14 A Calendar year 2018.

15 Q Take a look at the upper left-hand corner.

16 Is this a report from the General Ledger for the DJT
17 account?

18 A Yes, his personal account.

19 Q Let's turn to the second page.

20 Now, I will direct your attention to the bottom of the
21 page.

22 Does this show entries for legal expenses in 2018?

23 A This paragraph shows -- yes, this page shows one entry
24 to account 51505, Legal Expense.

25 Q What's the date of that entry?

1 A January 2nd, 2018.

2 Q Please advance to the next page.

3 And, Mr. McConney, please review that page, and let me
4 know when you have had a chance to look it over.

5 A I looked it over.

6 Q What do these show?

7 A These are continuing reports for the Legal Expense
8 account for 51505 for 2018.

9 Q Can you advance to the next page?

10 Is this a continuing report for Legal Expense for 2018
11 from the DJT account?

12 A Yes, it is.

13 Q Please advance to the next page.

14 And can you let us know what that is?

15 A It is a continuation payment posted to expenses in
16 2018 for account 51505.

17 Q Please advance to the next page.

18 And what is this?

19 A More legal expenses posted to Legal Expense Account
20 51505 for 2018.

21 Q Have you had an opportunity to review each page of
22 this exhibit?

23 A Yes.

24 Q Does this document show all of the charges to the
25 account for legal expenses for the DJT entity in 2018?

1 A Yes.

2 Q Were there any payments to Michael Cohen from the DJT
3 account in 2018 that were billed to Legal Expenses?

4 A No.

5 Q Mr. McConney -- we can go ahead and take that down.

6 And can we display People's 43 in evidence.

7 Mr. McConney, do you see People's 43?

8 A I do.

9 Q Do you recognize this document?

10 A I do.

11 Q Can you tell the jury what it is?

12 A It is a detailed General Ledger Report from MDS.

13 Q What company and year?

14 A The company is DJT REV for calendar years 2017 and
15 2018.

16 Q And does this show the three payments to Michael Cohen
17 from The Trust Account in response to the approved invoices we
18 discussed for January, February and March 2017?

19 A Yes.

20 Q And does this show what account those payments were
21 coded to?

22 A Yes.

23 Q Does this record the description of a retainer for
24 each payment?

25 A Yes.

1 Q What's the total amount of the payments that were paid
2 from The Trust Account?

3 A \$105,000.

4 Q Let's display People's 44 in evidence.

5 Do you have that on your screen?

6 A Yes, sir.

7 Q Do you recognize that document?

8 A Yes, sir.

9 Q What is this document?

10 A It is a detailed General Ledger Report from MDS.

11 Q Does that show payments from the DJT entity?

12 A Yes.

13 Q And where do you see that?

14 A In the upper left-hand corner, a company named DJT.

15 Q So, is this the same kind of a report that we just
16 looked at?

17 This is for a company named DJT, and the last one was
18 for a company named DJT REV?

19 A That's correct.

20 Q Does it show payments to Michael Cohen from a company
21 named DJT in response to the approved invoices we just
22 discussed for the months from April to December of 2017?

23 A Yeah.

24 Q And what account code were they coded to?

25 A Legal Expense, 51505.

1 Q Does this record the description of a retainer for
2 each payment?

3 A Yes.

4 Q What's the total of the payments that were paid from
5 the company named DJT?

6 A This is \$315,000.

7 Q Thank you. We can take that down.

8 Mr. McConney, are you familiar with a tax form called
9 a 1099?

10 A Yes.

11 Q What's a 1099?

12 A There are various types of 1099s. You get 1099s from
13 banks for savings account for interest. You get them from
14 brokerage accounts for dividends. Non-employees get a 1099
15 miscellaneous.

16 There are a number of 1099s that can be issued for
17 various reasons.

18 Q Did part of your responsibilities as controller of the
19 Trump Organization include overseeing the preparation of 1099s?

20 A Yes.

21 Q How were 1099s generated?

22 A If the checks were issued from MDS, there is a program
23 in MDS that would literally issue 1099 forms or print the 1099
24 form. And we can just make them out and send them to the
25 company.

1 Q What did the Trump Organization do with the 1099s
2 after preparing them?

3 A We filed them away in our tax file or files.

4 Q Did you send them to anybody else?

5 A We sent one copy to the individual or the entity that
6 the 1099 was for and a copy to the Internal Revenue Service.

7 Q Can we display People's 93 just for the Court, the
8 witness and counsel?

9 Mr. McConney, do you recognize this document?

10 A Yes.

11 Q What is it?

12 A It is a 1099 for 2017, 1099 miscellaneous for 2017.

13 Q Directing your attention to the box at the top left,
14 who is the payor?

15 A Donald J. Trump Revocable Trust.

16 Q Is this an example of a 1099 that you just described
17 preparing?

18 A Yes.

19 MR. COLANGELO: I offer People's 93 in evidence.

20 MR. BOVE: No objection.

21 THE COURT: Exhibit 93 is accepted into evidence.

22 Q Mr. McConney, please take a look at People's 93. And,
23 again, let's highlight the payor's name.

24 And please tell the jury who is the payor.

25 A The payor, Donald J. Trump Revocable Trust.

1 Q And address your attention to the box holding
2 recipient's name.

3 Who is the recipient?

4 A Michael D. Cohen, Esquire.

5 Q And to the right of that box in box seven, what is
6 that box labeled?

7 A Non-employee compensation.

8 Q What's the amount?

9 A \$105,000.

10 Q What do you understand that \$105,000 to reflect?

11 A Those were payments made to Michael Cohen during
12 calendar year, 2017.

13 Q And were those payments made to Mr. Cohen during
14 calendar year 2017 from The Trust?

15 A These were from The Trust, yes.

16 Q Let's turn to the second page.

17 Does this show a second form 1099 MISC?

18 A Yes.

19 Q And what is the year?

20 A 2017.

21 Q Who is the payor for this 1099?

22 A Donald J. Trump.

23 Q Who is the recipient?

24 A Michael D. Cohen, Esquire.

25 Q And take a look at box number seven.

1 Let us know again what box number seven reports?

2 A Non-employee compensation.

3 Q What's the amount recorded in box seven?

4 A \$315,000.

5 Q What do you understand that \$315,000 to reflect?

6 A Those were payments made out of the DJT account to
7 Michael Cohen for calendar year 2017.

8 Q And what's the total amount reflected in the two
9 1099s?

10 A \$420,000.

11 Q So, are these the 1099s that the Trump Organization
12 issued to Mr. Cohen to reflect the \$420,000 payments that Mr.
13 Cohen received in 2017?

14 A Yes.

15 Q And you testified earlier that these 1099s go both to
16 the payor and to the Federal Internal Revenue Service?

17 A Recipient and the Internal Revenue Service.

18 Q Thank you.

19 You can take that exhibit down.

20 Mr. McConney, are you familiar with a Federal agency
21 called the Office of Government Ethics?

22 A Yes, I am.

23 Q Is that agency sometimes referred to as OGE?

24 A Yes.

25 Q Did your responsibilities, when you worked at the

1 Trump Organization, include helping to prepare an Annual
2 Financial Disclosure Report for Mr. Trump to be submitted to
3 the Office of Government Ethics?

4 A Yes.

5 Q Did you have a name for that Annual Financial
6 Disclosure Report?

7 A We called -- we used to call it by the form number.
8 It was 278E, as in Edward.

9 Q Can you describe what the form 278E is?

10 A It -- it is a filing -- it's what's called a Conflict
11 of Interest Form that the Government requires certain
12 individuals to file annually, semi-annually.

13 I am not too sure of other reports, but the President
14 had to file this form annually.

15 Q Did he file it both when he was a candidate for
16 presidency and as President?

17 A He -- we filed reports from -- when he declared his
18 candidacy in 2015 until when he left office in 2017.

19 He is a candidate now. I am not there, so I don't
20 know if he filed anything.

21 Q During your time at the Trump Organization, did you
22 work on the Form 278E before Mr. Trump became President?

23 A Yes.

24 Q What kinds of financial interests are required to be
25 disclosed on the Office of Government Ethics Form 278E?

1 A I am not sure I understand the question.

2 Q You mentioned, Mr. McConney, that the 278E is a
3 Conflicts Disclosure Form?

4 A Conflicts of Interest, yes.

5 Q What kinds of information are collected and reported
6 on that form?

7 A There is a schedule that lists all the entities you
8 belong to, your position in those entities, I believe the date
9 you acquire that position or interest in the company, the date
10 you disposed of it.

11 A listing of your assets, the value of the assets,
12 location of the assets, the income for that assets.

13 I think there were retirement funds, retirement
14 payments. Your spouse's assets. Your stock holdings, bond
15 holdings, bank accounts, liabilities. I think gifts.

16 I think that's most of the major, if not all of them.

17 Q What was your role in preparing the report when you
18 worked at the Trump Organization?

19 A The first time I was involved with something, we went
20 through the whole document from A to Z. Since it took so long,
21 at one point we were up at four o'clock in the morning just
22 filing the document.

23 That may be normal for you, but not normal for my
24 life.

25 So we kind of split it up. So I took care of a few

1 pieces of the form and someone else took care of the rest of
2 the form.

3 Q Which aspects of the form did you take care of later
4 in the process?

5 A I took care of Mrs. Trump's assets, stock holdings,
6 stock transactions, bank accounts, brokerage accounts,
7 liabilities. I think that's it.

8 Q Did you help prepare Mr. Trump, and then President
9 Trump's, submission to the Office of Government Ethics for each
10 year Mr. Trump was a candidate or a Federal official while you
11 still worked there?

12 A Yes. I filed it through, or helped file it, through
13 January of 2017.

14 Q Please display for the witness, the Court and parties,
15 the documents marked for identification as People's 81.

16 And, Mr. McConney, please let me know when you have
17 that on your screen.

18 A It's here.

19 Q Do you recognize this document?

20 A Yes, I do.

21 Q What is it?

22 A This is a 278E.

23 Q Is this the first page of that document?

24 A Yes, it is.

25 Q So this is -- is this a copy of the Annual Financial

1 Disclosure Report of the kind you helped prepare?

2 A Yes.

3 Q Is this the signed -- a Certified Annual Report for
4 year 2017?

5 A Yes.

6 Q Did you help prepare this document?

7 A Yes.

8 Q Did you have an opportunity to review each page of
9 People's 81 before testifying?

10 A Yes.

11 Q Is this an exact copy of the signed and Certified
12 Annual Report for President Trump for the year 2017?

13 A I believe so, yes.

14 MR. COLANGELO: I offer People's 81 into
15 evidence.

16 MR. BOVE: Objection.

17 THE COURT: Please approach.

18 (Discussion is held at sidebar, on the
19 record.)

20 MR. BOVE: Thank you, Judge.

21 My first objection to this exhibit is based on
22 the presidential media argument we made.

23 This is a document that President Trump signed in
24 2018 as President of the United States. And so, we believe
25 it is an official act that should not come into evidence at

1 the trial.

2 THE COURT: Okay.

3 MR. COLANGELO: So, for the same reasons I
4 believe we briefed and argued previously, there is no
5 evidentiary inadmissibility doctrine for official acts.

6 And, in any event, the regulations require the
7 filing of the OGE Form 278 for presidential candidates,
8 candidates for Federal office and Federal officials, for
9 reasons including for the purpose of ensuring compliance
10 with the Federal Conflict of Interest Law.

11 It is not a document entitled to any evidentiary
12 exclusion at all.

13 THE COURT: I agree.

14 MR. BOVE: The second objection is, that there
15 are parts of this disclosure form that appear to be based
16 on business records that the witness is familiar with.

17 There are other factual assertions in here that I
18 don't know he laid a foundation for, including factual
19 foundations, or governmental official offices adopting the
20 form, on the first page.

21 I don't think that can come in as a business
22 record. I don't think as proffered right now, as a
23 business record, it can come in.

24 MR. COLANGELO: We are admitting this to show, or
25 offering this into evidence to show that this is a signed

1 and certified statement by the Defendant.

2 One page, Page 45 of that document includes a
3 footnote describing his liabilities and acknowledging that
4 in 2016 Mr. Cohen incurred expenses on his behalf, and the
5 Defendant repaid those expenses in 2017.

6 That is an admission.

7 THE COURT: Okay. I will let it in.

8 MR. COLANGELO: Thank you.

9 (Discussion at sidebar concluded, and the
10 following occurred in open court.)

11 THE COURT: Overruled.

12 The document is accepted into evidence.

13 BY MR. COLANGELO:

14 Q Please publish, People's 81.

15 Mr. McConney, please tell the jury what this document
16 is.

17 A This is the President's annual filing of the
18 Non-disclosure Form or Conflict of Interest Form, which I
19 believe is for -- for probably the first 20 days of 2017.

20 Q Mr. McConney, let me direct your attention to the top
21 of the first page to the boxes in the top left corner.

22 Do you see that?

23 A Yes, sir.

24 Q Can you read out loud the report type?

25 A Report type is, Annual.

1 Q And can you read out loud both the year indicator and
2 the year?

3 A The year is -- it says, Year Annual Report Only, 2017.

4 Q Do you understand this to be an Annual Report as
5 opposed to a new entry report?

6 A Yes.

7 Q Let's take a look at the middle of the first page and
8 can you blowup that date, please?

9 What's the date that this was signed and certified?

10 A May 15, 2018.

11 Q So I think you said a minute ago that this was a
12 report related to the first 20 days of 2017.

13 Having looked at the report type, year and date, do
14 you have a different understanding?

15 A I was going by the upper left-hand corner, which was
16 the date. I misread it.

17 Yes, the years, I misinterpreted the years.

18 Q Well, do you understand this to be the annual report
19 for 2017, which was signed and certified and submitted in 2018?

20 A Yes.

21 Q Thank you.

22 Do you recognize the signature on that first signature
23 line?

24 A Yes.

25 Q Whose signature is it?

1 A That's President Trump's signature.

2 Q How do you recognize that signature?

3 A I have seen it many times.

4 Q And tell us, again, what the date is on this document?

5 A May 15, 2018.

6 Q Please take a look at the language just above the
7 signature.

8 Do you see a line that reads, Filer's Certification?

9 A Yes.

10 Q Please read that line out loud?

11 A I certify that the statements I have made in this
12 report are true, complete and correct to the best of my
13 knowledge.

14 Q And that's Mr. Trump's signature in the certification
15 box below that filing certification line?

16 A Yes.

17 Q Let me direct your attention to the 45th page of this
18 document.

19 At the top of the page, can you read what section of
20 the submission we are in?

21 A Part Eight, Liabilities.

22 Q And can you -- now, let me direct your attention to
23 the language at the very bottom of that page. The language in
24 small type.

25 If we can zoom in. Make that as large as we can and

1 highlight there.

2 Mr. McConney, can you read what that line says?

3 A Sure.

4 In the interest of transparency, while not required to
5 be disclosed as reportable liabilities on Part 8, in 2016,
6 expenses were incurred by one of Donald J. Trump's attorneys,
7 Michael Cohen.

8 Mr. Cohen sought reimbursement of those expenses and
9 Mr. Trump fully reimbursed Mr. Cohen in 2017.

10 The category of value would be \$100,001 to \$250,000
11 and the interest rate would be zero.

12 Q Let me ask you a question about the category of value.

13 In your work on the Financial Disclosure Report, this
14 278E Form, do you have an understanding of how liabilities are
15 required to be disclosed?

16 A Yes.

17 Q What is that understanding?

18 A They are reported within a range of a certain point
19 and anything within that range.

20 Q Okay.

21 So a filer is not required to report a specific dollar
22 amount, but instead is required to disclose the dollar value
23 range of a given liability, is that right?

24 A Well, the range that that dollar amount would fall
25 into.

1 Q Tell us, again, what the category of value is for the
2 line you described?

3 A \$100,001 to \$250,000.

4 Q Earlier today, you testified about your discussions
5 with Allen Weisselberg about money that was owed to Michael
6 Cohen, right?

7 A Yes.

8 Q And you testified that the two payments owed were
9 \$130,000 for the wire to Keith Davidson and \$50,000 for Red
10 Finch Tech Services?

11 A That's correct.

12 Q And that adds up to \$180,000, is that correct?

13 A Yes, sir.

14 Q Is that consistent with the disclosure on the
15 Certified Government Ethics Form of an obligation to Michael
16 Cohen in the range of \$100,001 to \$250,000 for expenses
17 incurred in 2016?

18 A It was a long question.

19 Can you just repeat it again?

20 I remember pieces of it.

21 Q Sorry. Let me back up a few seconds.

22 You testified about discussions with Allen Weisselberg
23 in January of 2017?

24 A Yes.

25 Q About money that was owed to Michael Cohen?

1 A Yes.

2 Q And the two amounts that were owed were \$130,000 to
3 Keith Davidson and \$50,000 to Red Finch?

4 A Yes.

5 Q And what does those total up to?

6 A \$180,000.

7 Q Is it consistent to the disclosure of a liability in
8 the range of a \$100,001 to \$250,000?

9 A Yes.

10 MR. COLANGELO: Thank you.

11 No further questions.

12 THE COURT: Your witness.

13 You may inquire.

14 MR. BOVE: Thank you.

15 CROSS-EXAMINATION

16 BY MR. BOVE:

17 Q Good afternoon, Mr. McConney.

18 A Good afternoon, sir.

19 How are you?

20 Q I am well.

21 My name is Emil Bove and I represent President Trump.

22 We haven't met before, right?

23 A No, sir.

24 Q And you just testified about a series of payments that
25 were made to Michael Cohen in 2017, right?

1 A Yes, sir.

2 Q And in that timeframe, 2017, Michael Cohen was a
3 lawyer, right?

4 A Okay.

5 Q Right?

6 A Sure, yes.

7 Q And payments to lawyers by the Trump Organization are
8 legal expenses, right?

9 A Yes, sir.

10 Q And you booked those payments on the General Ledger as
11 legal expenses, correct?

12 A Yes.

13 Q And during your 30-something plus years at the Trump
14 Organization, you sort of rarely had conversations with
15 President Trump, right?

16 A Very few.

17 Q And during the instances when you did speak to him,
18 you didn't talk about accounting software, did you?

19 A No.

20 Q You never gave him a tour of the MD system, right?

21 A No.

22 Q And you have no reason to believe, do you, that
23 President Trump understood the details of MDS?

24 MR. COLANGELO: Objection.

25 THE COURT: Overruled.

1 You can answer that.

2 A I am sorry.

3 Can you ask that again?

4 Q You didn't have any reason to believe that President
5 Trump understood the details of MDS?

6 A Correct.

7 Q And you did not talk to President Trump about the
8 events that you just described in response to Mr. Colangelo's
9 questions, did you?

10 A I did not.

11 Q You did not talk to him about those events in 2016,
12 correct?

13 A I did not.

14 Q You did not talk to him about those events in 2017,
15 did you?

16 A I did not.

17 Q And you did not talk to him about those events in 2018
18 either?

19 A I did not.

20 Q Not ever, right?

21 A No.

22 Q President Trump did not ask you to do any of the
23 things that you just described in response to Mr. Colangelo's
24 questions, correct?

25 A He did not.

1 Q And as far as you know, President Trump did not ask
2 anyone to do those things, correct?

3 MR. COLANGELO: Objection.

4 THE COURT: Sustained.

5 Q I am just asking about your knowledge.

6 A Okay. So can you ask it again?

7 Q I can't ask it again. Sorry.

8 I just want to focus, though, my questions to about
9 what you knew.

10 A Okay.

11 Q In none of the conversations that you had with
12 Mr. Weisselberg did he suggest that President Trump had told
13 him to do these things?

14 A Allen never told me that.

15 Q And you testified about some emails that you have
16 exchanged with Michael Cohen, right?

17 A Yes.

18 Q And it seems like the bulk of those were in 2017,
19 correct?

20 A Yes.

21 Q You did not actually talk to Mr. Michael Cohen about
22 any of these issues, did you?

23 MR. COLANGELO: Objection.

24 THE COURT: Overruled.

25 A No. Talked to Michael, no.

1 Q You did not speak to him about these issues, correct?

2 A Correct.

3 Q Not in 2017?

4 A Correct.

5 Q Not ever?

6 A Correct.

7 Q Now, Cohen worked at the Trump Organization for a long
8 time, right?

9 A Yeah.

10 Q About a decade?

11 A Give or take. I don't know exactly how long he was
12 there.

13 Q That's a rough ballpark?

14 A Yes.

15 Q And your interactions with him were sporadic?

16 A Minimal.

17 Q And then he left The Trump Organization in January of
18 2017, right?

19 A Yes.

20 Q And at that point he started to work as the personal
21 attorney to President Trump, correct?

22 A I believe so, yes.

23 Q Outside of the Trump Organization, right?

24 A Correct.

25 Q Mr. Bernik, if you can please publish Government's

1 Exhibit 37-A in evidence.

2 Thank you.

3 This is one of the emails that Mr. Colangelo asked you
4 about, right?

5 A Yes.

6 Q This is an email that you sent to Deborah Tarasoff in
7 February of 2017, right?

8 A Yes.

9 Q Mr. Bernik, if we can please take a look at page three
10 of the exhibit.

11 This is an email thread that contains messages from
12 Michael Cohen, correct?

13 A Yes.

14 Q And in the year, 2017?

15 A Yes.

16 Q February of that year?

17 A February, 14, yes.

18 Q And let's take a look at page five of the exhibit. If
19 you can zoom in on the signature blocks.

20 This is the signature block that Cohen was using in
21 2017, right?

22 A Yes.

23 Q Personal Attorney to President Donald J. Trump, right?

24 A Yes.

25 Q It doesn't say, fixer, does it?

1 A No.

2 Q And he is not using a Trump Org. email, correct?

3 A If that bottom line is his email -- it probably should
4 be, based on the signature block.

5 Yes, he did not.

6 Q It is a Gmail account, right?

7 A Yes, sir.

8 Q And these signature blocks are consistent with your
9 understanding of what Mr. Cohen was doing at that time in 2017,
10 right?

11 A Yes.

12 Q Which is that Mr. Cohen was acting as President
13 Trump's personal attorney, correct?

14 A Yes.

15 Q So, by early 2017, for accounting purposes, Mr. Cohen
16 was akin to a vendor to President Trump?

17 A Yes.

18 Q Mr. Bernik, can we take a look at Government Exhibit
19 37-C, please, and if you can bring up page three.

20 Can you see that okay?

21 A Yes, sir.

22 Q This is one of the invoices that you -- this is one of
23 the invoices that you testified about, right?

24 A Yes, sir.

25 Q And if you take a look at the header, it says, Michael

1 D. Cohen and Associates PC, right?

2 A Yes.

3 Q That acronym, PC, stands for Professional Corporation,
4 correct?

5 A Yes, sir.

6 Q And you don't know one way or the other whether
7 Michael Cohen actually setup a professional corporation, do
8 you?

9 A No idea.

10 Q But you know that by this time period in 2017 he was
11 purporting to have done so, right?

12 A Yes.

13 Q And in that way, representing that he had an outside
14 firm, correct?

15 A You mean, he was outside The Trump Organization?

16 Q Yes.

17 A Yes, sir.

18 Q And you don't know one way or the other, from your
19 advantage point, whether Mr. Cohen did legal work for President
20 Trump in 2017, do you?

21 A I do not know.

22 Q You don't know if he did legal work for President
23 Trump in connection with Summer Zervos?

24 A Who?

25 Q Summer Zervos?

1 A No idea.

2 Q And you don't know whether Mr. Cohen did legal work in
3 2017 for members of President Trump's family, correct?

4 MR. COLANGELO: Objection.

5 THE COURT: Sustained.

6 Q Mr. Bernik, can you publish Government's Exhibit 37-K,
7 and if we can zoom in on the 9:31 a.m. email.

8 So this is an email that -- it's an email thread that
9 you testified about earlier. This message is from Michael
10 Cohen to Allen Weisselberg.

11 Do you see that?

12 A Yes, sir.

13 Q And do you see where it says, please call me to
14 discuss the last open foundation matter?

15 A Yes, sir.

16 Q And so, does this suggest to you that in 2017 there
17 was an open matter that Michael Cohen was handling?

18 A Yes.

19 Q We can take that down. Thank you.

20 Now, I think you said before that January 2017, was a
21 period of flux and chaos at the Trump Organization?

22 A That's putting it mildly.

23 Q And that's because President Trump had become
24 President of the United States, right?

25 A Yes, sir.

1 Q And the way of doing business at the company had to
2 change, right?

3 A Drastically.

4 Q Change drastically from what had gone on for decades,
5 correct?

6 A Yes, sir.

7 Q And there was a period where things were in flux
8 because you were trying to figure out how to do that, right?

9 A Yes, sir.

10 Q For the first time in decades President Trump's main
11 office was in Washington, D.C., hundreds of miles away, right?

12 A Yes, sir.

13 Q So, he was not in New York as much as he had been
14 previously to sign personal checks?

15 A I don't remember seeing him in New York at all.

16 Q During the time he was President?

17 A Right, correct.

18 Q And he was the only signatory on his personal checking
19 account, right?

20 A That's correct.

21 Q Now, another change that happened around this
22 timeframe, late 2016, early 2017, is that President Trump's
23 assets were moved into The Trust, correct?

24 A Yes.

25 Q That Trust was accompanied by a set of detailed

1 conflict of interest procedures, right?

2 A No idea. I never saw The Trust document, the actual
3 Trust documents.

4 All I have seen was the chart, the structure chart,
5 and there was the entity listing behind it and one paragraph
6 inside The Trust.

7 Q But you understood that the purpose of The Trust was
8 to eliminate potential conflicts of interest as President Trump
9 ran the country, correct?

10 MR. COLANGELO: Objection.

11 THE COURT: Overruled.

12 If you know.

13 A I have no idea.

14 Q Do you recall that Sheri Dillon helped to develop The
15 Trust?

16 A Yes, sir.

17 Q And Ms. Dillon is outside counsel from a law firm,
18 right?

19 A Yes.

20 Q This Trust structure was disclosed to the public in
21 January of 2017?

22 A I have no idea. I don't know that.

23 Q I would like to show the witness, the Court and the
24 parties, if I could, Defense Exhibit H-10.

25 I want you, if you can take a look at that and let me

1 know if it refreshes your recollection about public disclosure
2 relating to The Trust structure.

3 MR. COLANGELO: Objection, your Honor.

4 May we approach?

5 THE COURT: Sure.

6 (Discussion is held at sidebar, on the
7 record.)

8 MR. COLANGELO: Thank you, your Honor.

9 First of all, to the extent this is intended to
10 refresh his recollection, he didn't say -- no foundation
11 has been laid.

12 He didn't say that he might know and needs to be
13 refreshed. He said he had no idea.

14 Second, the attempt to offer this document -- for
15 this document to be offered as testimony or argument from
16 counsel on cross, or cross-examination, on anything other
17 than refreshing his recollection, this appears to be an
18 exhibit, or an attempt to admit an exhibit that the Court
19 already excluded for failure to disclose after months of
20 requesting exhibits.

21 MR. BOVE: If we can have the answer read back.
22 I thought he did.

23 THE COURT: Can you read it back?

24 (Whereupon, the requested testimony was read
25 back by the reporter.)

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THE COURT: I have no idea.

MR. BOVE: So, I think when he says -- I can ask, is it possible that something would refresh your recollection, I think that the answer is open enough to allow him to take a look at the document to see if it refreshes his recollection.

THE COURT: Sustained.

(Discussion at sidebar concluded, and the following occurred in open court.)

(Whereupon, Principal Court Reporter, Susan Pearce-Bates was relieved by Senior Court Reporter, Theresa Magniccari.)

1 (Whereupon, the following proceedings were
2 continued from previous page:)

3 ***

4 THE COURT: Sustained.

5 CONTINUED EXAMINATION

6 BY MR. BOVE:

7 Q. I think you testified on direct that there were two
8 Trustees to The Trust?

9 A. Yes, sir.

10 Q. And those Trustees were one of President Trump's son
11 and Allen Weisselberg, right?

12 A. Yes.

13 Q. It was basically the Trustees' responsibility to manage
14 The Trust, right?

15 A. Yes, sir.

16 Q. And it was your understanding that The Trust did not
17 file some tax returns, right?

18 A. That's correct.

19 Q. This was not an entity in that sense, right?

20 A. Correct.

21 Q. And I think you said there are over 500 entities that
22 were rolled up into this trust?

23 A. Before I left, there were over 500 entities, to my
24 knowledge.

25 Q. And either directly or indirectly The Trust owns all of

1 them, correct?

2 A. Yes.

3 Q. And that was true in 2017, right?

4 A. Yes.

5 Q. And among those entities, there were thousands of
6 employees; correct?

7 A. Yes.

8 Q. The entities owned properties all over the world;
9 right?

10 A. Yes.

11 Q. There were hotels with tens of thousands of guests;
12 right?

13 A. Yes.

14 Q. Members at golf courses in the thousands; right?

15 A. Yes.

16 Q. Those facilities hosted weddings and other events;
17 correct?

18 A. Yes.

19 Q. Because they were spread out all over the world, they
20 involved settings with all different types of cultures; right?

21 A. Yes.

22 Q. President Trump had all different types of partners all
23 over the world; correct?

24 A. Yes.

25 Q. And as a result of that diversity, there was very real

1 commercial risks to adverse publicity; correct?

2 A. I am not a marketing person, it's hard for me to answer
3 that question.

4 Q. But you understood that the organization was paying
5 marketing people; right?

6 A. Yes.

7 Q. And that if there was news that was negative about
8 President Trump or the organization, it was bad for business;
9 correct?

10 MR. COLANGELO: Objection.

11 THE COURT: Overruled.

12 You can answer.

13 A. Yes, sir.

14 Q. And each one of these entities, to the extent they had
15 a bank account, had a General Ledger; is that correct?

16 A. Yes.

17 Q. And there was a separate General Leger relating to
18 President Trump's individual account; correct?

19 A. Personal bank accounts, yes.

20 Q. That was in 2017; right?

21 A. From the day it started.

22 Q. And the General Ledger relating to President Trump was
23 to cover his personal expenses; correct?

24 A. It was like his personal checkbook.

25 Q. So, that could include housing costs; right?

1 A. Housing costs, other personal real estate taxes.

2 Q. Utility bills?

3 A. Yes.

4 Q. Educational expenses for his children?

5 A. Yes.

6 Q. And these were all kept as part of a separate General
7 Ledger; right?

8 A. Yes.

9 Q. And you testified a little bit about keeping track of
10 President Trump's cash position?

11 A. Yes, early on.

12 Q. And whether you did, were doing that directly, or
13 responsible for people who were doing it, that continued
14 throughout your time in The Trump Organization?

15 A. I received weekly reports and took a look at it.

16 Q. And there were times during the course of your
17 employment where President Trump's cash position was in the
18 hundreds of millions of dollars; right?

19 A. Yes, sir.

20 Q. And do you recall that in 2017 there were times when
21 that position was at least 60 million dollars in unrestricted
22 cash?

23 A. Well, at least.

24 Q. And those reports that you were looking at, you
25 understood them to be accurate; right?

1 A. Yes.

2 Q. These things are true?

3 A. Yes, sir.

4 Q. You were asked a lot of questions about the MDS System
5 and legal expenses; right?

6 A. Yes.

7 Q. And we talked a lot about the legal expenses account,
8 which is Number 51505; if I have that right?

9 A. That's correct.

10 Q. I only have it right because I can read it.

11 The legal expenses account was a specific item in the
12 charter of accounts?

13 A. Yes.

14 Q. It was basically part of a dropdown menu?

15 A. Yes.

16 Q. In 2017, it sounds like the MDS System was a bit
17 antiquated; was it not?

18 A. Yes.

19 Q. I think you said you actually helped design it; that
20 was in 1991?

21 A. 1991.

22 Q. And, so, these categories, there was a level of
23 rigidity to them; right?

24 A. Yes.

25 Q. If you are talking about payments to an attorney, legal

1 expenses, that was the account that was used; right?

2 A. Yes, sir.

3 Q. As this legal expenses account was used in 2017, the
4 purpose was basically to make payments to attorneys so they
5 could be reviewed at the end of the year; right?

6 A. Correct. Most legal expenses -- most personal legal
7 expenses are not deductible for tax purposes.

8 Q. You wanted to have one place where you knew you could
9 find a way to discuss them with Mazars, the outside accountant?

10 A. Yes.

11 Q. So Mazars could make decisions about deductions;
12 correct?

13 A. That's correct.

14 Q. You testified on direct examination about two
15 conversations that you had with Allen Weisselberg in 2017;
16 right?

17 A. Relating to this subject, yes.

18 Q. Early 2017?

19 A. Early 2017, yes.

20 Q. And during one of the conversations, you took some
21 notes; if I understand it right?

22 A. Yes.

23 Q. At another point, Weisselberg handed you a document;
24 right?

25 A. Yes.

1 Q. I think you said on direct that each of those
2 interactions was short?

3 A. Very short.

4 Q. Under five minutes?

5 A. Probably, yes.

6 Q. Even less, maybe?

7 A. It could have been. It was a few years ago, I don't
8 really remember.

9 Q. During one of those conversations, Mr. Weisselberg
10 conferred to you that Cohen was coming off the payroll of The
11 Trump Corporation; correct?

12 A. That's correct.

13 Q. And that is consistent with the email signature block
14 that we looked at a minute ago?

15 A. Yes, when he became personal attorney for the
16 President, yes.

17 Q. And you said that Mr. Weisselberg mentioned that Cohen
18 was seeking some kind of reimbursement; right?

19 A. Yes.

20 Q. He, Weisselberg, did not say anything to you about what
21 Cohen was seeking reimbursement for when you had these
22 conversations in January of 2017, correct?

23 A. Correct.

24 Q. And I would like to talk a little bit about your notes
25 document, which is Government Exhibit 36.

1 MR. BOVE: If we can bring that up, please.

2 If we can zoom in a bit.

3 Thank you.

4 (Displayed.)

5 Q. Now, I would like to direct your attention to the line
6 that says "X2 for taxes;" do you see that?

7 A. Yes.

8 Q. I think you testified previously that you don't have a
9 specific recollection of what Weisselberg told you that meant;
10 right?

11 A. Right. He was just rattling off information I had to
12 write down.

13 Q. You were taking notes and just writing down what he
14 said?

15 A. Yes.

16 Q. And this was his idea, right?

17 A. Yes.

18 Q. And you don't know where the idea came from, correct?

19 A. No, I don't.

20 Q. Mr. Weisselberg had a lot of different experiences, but
21 he was not a tax accountant; correct?

22 A. He was not a tax accountant.

23 Q. Now, let's take a look at the document that
24 Mr. Weisselberg handed you, Government Exhibit 35, please.

25 MR. BOVE: Zoom in on the bottom, please.

1 (Displayed.)

2 Q. Now, I think you said you don't have a specific
3 recollection of when Mr. Weisselberg handed you this document?

4 A. Correct.

5 Q. You don't have a specific recollection of the
6 conversation around the document; right?

7 A. Correct.

8 Q. And it sounds like, basically, your present memory is
9 that you understood you were supposed to keep track of this
10 piece of paper that he handed you; right?

11 A. Yes.

12 Q. Now, on direct, you sort of offered an interpretation
13 of the words "gross up;" do you remember that?

14 A. I don't remember the exact wording, but it sounds
15 right.

16 Q. I am referring to the entry on the page, I think you
17 said -- I think you said it reads "gross up two?"

18 A. Yes.

19 Q. But you don't know exactly what Weisselberg meant by
20 that; do you?

21 A. No, nobody would know.

22 Q. The idea to double the payment to make sure that Cohen
23 got \$180,000 after taxes, that doesn't make a lot of sense; does
24 it?

25 A. No.

1 Q. And that's because the reimbursement would not have
2 been taxable; right?

3 A. The expense reimbursement is not taxable.

4 Q. And you don't know, do you, how, if at all, Mr. Cohen
5 treated these payments on his taxes?

6 A. No idea.

7 Q. And with respect to notes on the right side of the
8 document, "Red Finch," you don't know how this got there?

9 A. No, I have no idea who wrote that.

10 Q. You don't know much of anything about Red Finch; do
11 you?

12 A. No, I know very little about Red Finch.

13 Q. You don't know if Cohen paid anything to Red Finch;
14 right?

15 A. That's correct.

16 Q. There is a reference on this document to a bonus;
17 right?

18 A. Yes.

19 Q. It says "add additional bonus;" I think you testified
20 \$60,000?

21 A. Yes.

22 Q. When Cohen was an employee of The Trump Organization,
23 the bonus would come out through the payroll; right?

24 A. Correct.

25 Q. And in this flux period, that was a lot more

1 complicated once he left The Trump Organization; correct?

2 A. What was more complicated?

3 Q. How to pay the bonus, it wasn't as simple as just
4 routing through payroll anymore, he didn't work there anymore?

5 A. Right.

6 MR. BOVE: We can take that down.

7 Q. Now, you testified on direct examination that you kept
8 these two documents, Government Exhibits 35 and 36, your notes
9 and the bank statement in the payroll book; right?

10 A. Yes.

11 Q. In a cabinet in your office; right?

12 A. Locked in my office.

13 Q. A cabinet that you locked; right?

14 A. Yes, sir.

15 Q. And the reason that that cabinet was locked was because
16 the payroll book contained a lot of sensitive information;
17 right?

18 A. It was a drawer with other payroll information, not
19 just that book.

20 Q. It's not that these notes were particularly sensitive,
21 it's that the payroll book contained personal identifying
22 information relating to the thousands of employees; right?

23 A. Well, technically, just employees that I was paying
24 through Trump Payroll Corp. It was weekly reports,
25 terminations, a lot of employee payroll information.

1 Q. You locked the drawer to try to keep that sensitive
2 information secure; right?

3 A. Yes.

4 Q. We're talking about Social Security numbers; right?

5 A. Social Security numbers, dates of birth, salaries,
6 bonuses.

7 Q. And one of the reasons to try and keep salaries and
8 bonuses secure is that you don't want rumors to get around about
9 who is making what; right?

10 A. Yes.

11 Q. Isn't a fact that most of the drawers in your office
12 were locked?

13 A. Yes.

14 Q. For the same reason, right?

15 A. I had a lot of sensitive information.

16 Q. So, you kept it locked to keep it secure; right?

17 A. Yes, sir.

18 MR. BOVE: Mr. Bernik, can we take a look at
19 Government Exhibit 37A, please.

20 And if we can go to Page 2 and zoom in on the
21 11:58 a.m. email.

22 (Displayed.)

23 Q. This is one of the messages that Michael Cohen sent to
24 you in response to the request for an invoice; right?

25 A. Yes, sir.

1 Q. And you see it says "Michael D. Cohen, Esq." at the
2 top; right?

3 A. Yes.

4 Q. That's consistent with him being an outside personal
5 attorney to President Trump; right?

6 A. Yes.

7 Q. And you see where it says "Pursuant to the Retainer
8 Agreement?"

9 A. Yes.

10 Q. Retainer Agreements can be verbal; correct?

11 A. To my knowledge, yes.

12 Q. And this invoice doesn't say anything about the
13 condition of The Trump Organization; does it?

14 A. The condition of The Trump Organization?

15 Q. The financial condition of The Trump Organization.

16 A. No.

17 Q. And this invoice from President Trump's personal
18 attorney for personal legal expenses does not say anything about
19 the activities of The Trump Organization; right?

20 A. No.

21 MR. BOVE: Now, Mr. Bernik, can we zoom in on the
22 email at 12:03 and 12:02 on Page 1.

23 (Displayed.)

24 Q. These are two messages, also on February 14th, between
25 you and Weisselberg; right?

1 A. Yes.

2 Q. And Mr. Weisselberg refers to an Agreement with Don and
3 Eric; do you see that?

4 A. Yes.

5 Q. Do you understand that is a reference to two of the
6 President's sons?

7 A. Yes.

8 Q. You have no idea what that reference to an Agreement
9 meant; correct?

10 A. Correct.

11 Q. All that you took from that message was that these
12 payments had been approved; right?

13 A. Yes.

14 Q. Now, if we can look at the top email, please.

15 Thank you.

16 So this is a message that you sent to Ms. Tarasoff?

17 A. Yes.

18 Q. With a copy to Allen Weisselberg; correct?

19 A. Yes.

20 Q. You asked Ms. Tarasoff to pay Mr. Cohen from The Trust;
21 correct?

22 A. Yes.

23 Q. And that turned out to be a mistake; right?

24 A. Yes.

25 Q. And you learned that later?

1 A. Yes.

2 Q. And part of the issue was that this was all new to the
3 Accounting Department; correct?

4 A. Yes.

5 Q. By "this," I mean trying to figure out how to pay
6 President Trump's personal expenses while he was in Washington
7 D.C.; right?

8 A. Yes.

9 Q. And so at the time you sent this email, it was not
10 clear to you how you could get President Trump to sign a check;
11 right?

12 A. Correct.

13 Q. And, so, based on conversations with others, your
14 understanding was that it should be paid from The Trust in order
15 to get around that practical issue; right?

16 A. Yes.

17 Q. And that was all the thought that went into it;
18 correct?

19 A. That is about it.

20 Q. When somebody told you that President Trump could
21 actually sign checks from his personal account, you fixed the
22 procedure; right?

23 A. I was told he should be paying through his personal
24 account.

25 Q. And at that point all the payments after that were paid

1 out of President Trump's personal checking account; right?

2 A. For this matter, yes.

3 Q. Right.

4 In response to the emails that Michael Cohen sent?

5 A. Yes.

6 Q. And you were asked some questions about 1099 forms that
7 The Trump Organization issued to Cohen; right?

8 A. Yes.

9 MR. BOVE: I think that is Government Exhibit 93.

10 If we can bring that up. Can we zoom in here.

11 (Displayed.)

12 Q. So, this 1099 was issued by The Trust, correct, the
13 pair?

14 A. Yes.

15 Q. And it indicates that \$105,000 was paid to M. Cohen; do
16 you see that on the bottom?

17 A. Yes, that was his signature, vendor abbreviation.

18 Q. Vendor abbreviation, relating to the personal attorney
19 services he was providing that were logged on the General
20 Ledger?

21 MR. COLANGELO: Objection.

22 THE COURT: Sustained.

23 Q. What is a "vendor abbreviation?"

24 A. What happens is, Multi Data has various locations where
25 it has abbreviations. We talked about DJT and DJT Revocable,

1 the company abbreviations. For vendors, you needed a vendor
2 abbreviation. So Michael D. Cohen, Esq. was the name on the
3 check. The vendor name would be M. Cohen.

4 Q. So, once Michael Cohen left The Trump Organization and
5 became the personal attorney to President Trump, he became a
6 vendor for your purposes; right?

7 A. Yes.

8 Q. And he had a specific vendor identity within the boxes;
9 right?

10 A. Yes.

11 Q. And this is an abbreviation that reflects that vendor
12 identity for Michael Cohen as an outside personal attorney to
13 President Trump; correct?

14 A. Yes.

15 MR. BOVE: If we can go to the second page,
16 please.

17 (Displayed.)

18 Q. So this second 1099 reflects payments from President
19 Trump's personal account to Michael Cohen, as personal attorney;
20 correct?

21 A. Yes.

22 Q. And you see in box seven, it's listed \$315,000 in
23 payments?

24 A. Yes.

25 Q. And so, this is consistent with what you talked about

1 earlier, the first three \$35,000 payments were paid out of The
2 Trust, that is the \$105,000 on Page 1 of this exhibit; right?

3 A. Yes.

4 Q. And the remaining payments added up to \$315,000. This
5 is the 1099 reflecting those payments from President Trump's
6 personal account; right?

7 A. Correct.

8 Q. And you sent this form -- this form was sent to Michael
9 Cohen; right?

10 A. Yes.

11 Q. And these payments were also disclosed to the IRS;
12 right?

13 A. Yes.

14 Q. Because one of the purposes of this form is to make
15 clear to the IRS that payments have been made to a vendor;
16 right?

17 A. Yes.

18 Q. And there is no place on this form to break down
19 payments for legal services versus expenses incurred by a lawyer
20 during the provision of those services; right?

21 A. That's correct.

22 Q. There is one figure that The Trump Organization
23 reported as being paid to Michael Cohen during the 2017; right?

24 A. That's correct.

25 Q. Then it's Michael Cohen's job, is it not, to make

1 decisions about how to account for these payments on his
2 personal taxes; right?

3 A. Yes.

4 Q. You don't know what he did with that?

5 A. That's correct.

6 Q. I would like to talk a little bit about the 278E Form
7 that Government Ethics Form, very briefly.

8 MR. BOVE: Can we take a look at Government
9 Exhibit 81. And if we can zoom in on all the signatures
10 here.

11 (Displayed.)

12 Q. And so you said that the top signature is President
13 Trump's; right?

14 A. Yes.

15 Q. And then the signature below that is actually a
16 signature from the Office of Government Ethics; right?

17 A. I believe so, yes.

18 Q. And if you see that there is sort of some fine print
19 between the two signatures?

20 A. I'm not sure where you are looking.

21 Q. Agency, Ethics, Official.

22 A. I was looking down below.

23 MR. BOVE: If we can highlight that, right under
24 President Trump's signature.

25 Q. So that says, "On the basis of information contained in

1 this report, I conclude that the filer is in compliance with
2 applicable laws and regulations;" do you see that?

3 A. Yes.

4 Q. And the reimbursement to Michael Cohen was disclosed in
5 this form; right?

6 A. Yes.

7 MR. BOVE: If we can take a look at, I think it's
8 Page 45. Bates ending 6360. Zoom in on the very bottom.
9 If we can zoom in on the footnotes, please.

10 (Displayed.)

11 Q. You're closer to the screen than I am. Can you read
12 that?

13 A. Yes, sir.

14 Q. This is a disclosure regarding the aspects of these
15 payments that was already reimbursed?

16 A. The bottom two lines.

17 Q. Sent to the Federal Government in 2018; right?

18 A. Yes.

19 Q. And signed off by the Office of Government Ethics;
20 right?

21 A. Yes.

22 MR. BOVE: Nothing further.

23 THE COURT: People, any redirect?

24 MR. COLANGELO: Yes, your Honor. Just a few
25 questions.

1 REDIRECT EXAMINATION

2 BY MR. COLANGELO:

3 Q. Mr. McConney, do expense reimbursements ordinarily get
4 reported to the IRS?

5 A. No.

6 MR. COLANGELO: Can we pull up People's 35 for a
7 minute.

8 (Displayed.)

9 Q. You were asked some questions about this document on
10 cross-examination; do you remember that?

11 A. Yes.

12 Q. Do any of the notes on this document refer to a
13 Retainer Agreement?

14 A. No, sir.

15 Q. Do any of the notes on this document refer to work
16 performed in 2017?

17 A. No, sir.

18 Q. You also were asked some questions about the
19 conversations you had with Mr. Weisselberg around the time he
20 gave you these handwritten notes; do you remember those
21 questions?

22 A. Yes, sir.

23 Q. Were you, yourself, privy to any conversations between
24 Mr. Trump and Mr. Weisselberg about these payments?

25 A. No, sir.

1 Q. How about any conversations between Mr. Trump and
2 Mr. Cohen?

3 A. For this matter, no.

4 Q. Did you participate in any conversations with the three
5 of them; Mr. Trump, Mr. Cohen and Mr. Weisselberg, about these
6 payments?

7 A. No, sir.

8 Q. Have you come to learn since leaving The Trump
9 Organization that there were matters that Mr. Weisselberg kept
10 you in the dark about?

11 MR. BOVE: Objection.

12 THE COURT: Overruled.

13 MR. BOVE: Hearsay.

14 A. Yes.

15 Q. Your answer is yes?

16 A. Sorry; yes.

17 Q. This was all happening above your head?

18 A. Yes.

19 Q. You were told to do something, and you did it?

20 A. Yes.

21 MR. COLANGELO: I have no further questions.

22 MR. BOVE: Very briefly.

23 RE CROSS EXAMINATION

24 BY MR. BOVE:

25 Q. You were asked whether reimbursements are typically

1 disclosed to the IRS just now; do you remember that question?

2 A. Yes.

3 Q. All the payments to Michael Cohen in 2017 were
4 disclosed to the IRS on the 1099 that the Government put in
5 evidence; correct?

6 A. Yes.

7 MR. BOVE: Nothing further.

8 THE COURT: Anything else?

9 MR. COLANGELO: No, your Honor.

10 THE COURT: Thank you, sir.

11 You can step down.

12 (Witness excused.)

13 ***

14 THE COURT: We're going to take our lunch recess.

15 I will see you at 2:15.

16 Enjoy your lunch.

17 (Jury leaving courtroom.)

18 ***

19 THE COURT: See you at 2:15.

20 (Whereupon, the Court took a luncheon recess.)

21 *****

22 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N.

23 THE COURT: People, your next witness, please.

24 Let's get the jury.

25 MS. BLANCHE: Are you still trying to call

1 Ms. Longstreet-Joseph next?

2 MR. STEINGLASS: She's not going to be called
3 next.

4 THE COURT: There is an issue you wanted to take
5 up?

6 MR. BLANCHE: Yes. It doesn't sound like it's for
7 the next witness.

8 The witness that we believe is testifying next,
9 we were just informed a half hour ago, we have -- from what
10 we have just been told a few minutes ago, we have
11 objections to several of the exhibits if this witness is
12 going to go first.

13 Do you want to do that now?

14 THE COURT: We can start.

15 MR. BLANCHE: So, our understanding, for many of
16 the exhibits that the next witness will offer, our
17 objection is exactly the one that we raised earlier today.
18 Which is, the invoice itself from Mr. Cohen is not a
19 business record, and we object to it being part of The
20 Trump Organization records.

21 A little bit different with this witness, because
22 for some of them there is a stamp on the invoice, that I
23 believe she will testify that she applied to the invoice.
24 That certainly would be a business record.

25 But the invoice itself, we believe, is

1 inadmissible hearsay offered for the truth.

2 I can give you those exhibits now or --

3 THE COURT: Let me hear from the People.

4 MR. CONROY: Judge, as counsel mentioned, they're
5 invoices that come into The Trump Organization, that then
6 The Trump Organization acts upon and makes payments based
7 upon. I believe all or most of the invoices will be talked
8 about with this witness, she applied a stamp to, and then
9 wrote in certain information.

10 So these are clearly records that The Trump
11 Organization gets and then looks at and makes their own --
12 takes actions based upon.

13 Each witness will testify to all of them.

14 THE COURT: So, the way I understand it from
15 Mr. McConney's testimony, they wouldn't pay out on anything
16 unless they had an invoice. They would receive the invoice
17 and make that invoice part of the package. They would make
18 General Ledger entries. They would cut the check. It
19 would become part of the package.

20 Also, is that part of the res gestae?

21 MR. CONROY: Yes, Judge.

22 MR. BLANCHE: What was the last thing you said?

23 THE COURT: It's part of the crime, the
24 res gestae.

25 MR. BLANCHE: So, your Honor, I don't dispute what

1 the Court just said. That is what The Trump Organization
2 does.

3 Our objection is a little bit different. While
4 they certainly need an invoice to pay and won't pay without
5 an invoice, the invoice itself that causes them to pay is
6 being offered for the truth of the matter asserted.
7 Meaning, the statements by Mr. Cohen in this case are being
8 offered as a business record exception to the hearsay rule.
9 That's our objection.

10 The more meaningful objection -- it's not the same
11 as the one we raised this morning, from our understanding,
12 the People are going to offer People's Exhibit 42 through
13 this witness, who we believe is a Trump Organization
14 employee. And it appears to us, unless we're wrong to be
15 Capital One Bank Records, and we very much object to that.

16 I can walk through the information on this
17 exhibit -- that is, in theory, going to be offered for the
18 truth. There is no way this witness can offer a business
19 record foundation for this.

20 THE COURT: Who is the witness?

21 MR. CONROY: Judge, the next witness is Deborah
22 Tarasoff, who works in the Accounts Payable Department.

23 She will testify that this Exhibit 42 is a series
24 of cancelled checks, and it's routine for The Trump
25 Organization to get cancelled checks for all of its

1 accounts and keep them as part of the recordkeeping for the
2 organization and for the various accounts that it had.

3 And so, these cancelled checks, while they were
4 generated by Capital One, were produced by The Trump
5 Organization from their records.

6 THE COURT: Is that what you are referring to?

7 MR. BLANCHE: Yes.

8 Although, our understanding is, they were produced
9 from the bank.

10 Again, we just did this a few minutes ago, even
11 they were going to offer this.

12 If the witness is going to testify that she
13 received these cancelled checks and can explain what the
14 very detailed information is on those personal checks from
15 Capital One, like TRM debit, explain why certain account
16 holders signed the checks and things like that -- again,
17 it's being offered as a business record as opposed to
18 something she just received. We object to that.

19 THE COURT: Can I see it?

20 MR. CONROY: Yes.

21 THE COURT: So, these were checks that were cut by
22 a Trump Organization employee; right?

23 MR. CONROY: Yes.

24 THE COURT: Trump Organization Revocable Trust,
25 they cut it, they made a payment with it in this case. The

1 one I am looking at was to Michael Cohen. It goes to the
2 bank processing. It gets cancelled at that point, and they
3 get it back.

4 MR. CONROY: Correct.

5 MR. BLANCHE: I don't know if that is true. If
6 they laid the foundation that way -- but the checks are
7 already coming in separately. This is the document from
8 Capital One.

9 If your Honor looks at the first page of the
10 exhibit, there is all kinds of information stamped on this
11 check. There are kinds of information that is typed,
12 presumably, by Capital One, not by The Trump Organization.

13 If you move on to other checks, there is
14 information on these checks that I don't think this witness
15 can explain.

16 For example, on the second page, it says something
17 totally different on the stamped check. It says something
18 about Richmond, Virginia. It has a signatory that isn't
19 Mr. Cohen.

20 And the point is, the reason why you are supposed
21 to lay a foundation and have the witness testify about the
22 records and what they mean, as we heard this morning from
23 Mr. McConney, there needs to be enough foundation laid to
24 explain and justify the information on the check that is
25 hearsay to allow it into evidence for the truth.

1 There is a lot of information on this check that I
2 don't think this witness can explain.

3 Now, the checks are coming into evidence
4 themselves. Of course, we're not objecting to those.

5 THE COURT: So the checks are coming into
6 evidence.

7 You have a problem with the cancelled checks
8 coming into evidence?

9 MR. BLANCHE: I have a problem with Exhibit 42,
10 which is a bank record, we believe from Capital One, being
11 offered as an exception to the hearsay rule by a Trump
12 Organization witness.

13 THE COURT: I don't have a problem with it. It's
14 a cancelled check. It's the same check that Ms. Tarasoff
15 presumably generated herself and actually paid out. I
16 think that she is certainly capable of testifying that this
17 was standard business practices, that they would receive
18 these cancelled checks every month or every six weeks,
19 whatever.

20 It could come in as business record. It could
21 even possibly come in as real evidence.

22 MR. BLANCHE: Your Honor, I do not object. We do
23 not question that she can testify to most of what you just
24 said. Which is, she would receive these in the regular
25 course.

1 What she can't testify to is the business record
2 part.

3 THE COURT: You are talking about the codes and
4 the stamps and everything else?

5 MR. BLANCHE: The hearsay that is being offered
6 for the truth of the matter asserted. The business record
7 exception to the hearsay rule.

8 MR. CONROY: Judge, I don't anticipate eliciting
9 from her what the codes mean. I anticipate eliciting from
10 her what it is, a check that she issued to Michael Cohen,
11 and a reflection of the fact that it was cashed and
12 cancelled by the bank.

13 THE COURT: That's what I am assuming is going to
14 happen. She is going to say: This was the check that I
15 generated, I received it back from the bank.

16 It demonstrates it was cashed, the check number,
17 the same payee, the same amount.

18 If you want to ask her about these codes and these
19 stamps in the back, you can. I don't think that is
20 necessary to get the document into evidence.

21 MR. BLANCHE: We believe it's a business record of
22 a bank. That's our objection.

23 THE COURT: Okay. Noted.

24 Overruled.

25 Anything else?

1 MR. CONROY: Not from the People.

2 (Jury entering courtroom.)

3 THE COURT: You may be seated.

4 THE CLERK: Case on trial continued. All jurors
5 are present and properly seated.

6 THE COURT: People, next witness.

7 MR. CONROY: At this time the People call Deborah
8 Tarasoff.

9 (Witness entering courtroom.)

10 ***

11 COURT OFFICER: Remain standing. Raise your right
12 hand. Face the clerk.

13 THE CLERK: Do you solemnly swear or affirm that
14 the testimony that you are going to give before this Court
15 and jury shall be the truth, the whole truth, and nothing
16 but the truth; do you so swear or affirm?

17 THE WITNESS: I do.

18 D-E-B-O-R-A-H T-A-R-A-S-O-F-F, called as a witness on behalf
19 of the People, was duly sworn by the Clerk of the Court, upon
20 being examined, testified as follows:

21 THE CLERK: Thank you.

22 COURT OFFICER: Have a seat.

23 Pull your chair all the way up.

24 State your full name, spelling your last name.

25 THE WITNESS: Deborah Tarasoff, T-A-R-A-S-O-F-F.

1 COURT OFFICER: County of residence.

2 THE WITNESS: Westchester County.

3 THE COURT: Good afternoon.

4 THE WITNESS: Good afternoon.

5 You may inquire.

6 MR. CONROY: Thank you.

7 DIRECT EXAMINATION

8 BY MR. CONROY:

9 Q. Good afternoon.

10 A. Good afternoon.

11 Q. If you remember, try to speak slowly and into the
12 microphone, that will be great.

13 Ms. Tarasoff, are you employed?

14 A. Yes, I am.

15 Q. Where do you work?

16 A. For The Trump Organization.

17 Q. And where is The Trump Organization?

18 A. 725 Fifth Avenue.

19 Q. How long have you worked there?

20 A. Twenty-four years.

21 Q. What is The Trump Organization?

22 A. It's a company that deals in real estate.

23 Q. And who is the owner of The Trump Organization?

24 A. Correct me if I am wrong, Mr. Trump.

25 Q. I just quickly want to ask you, are you here today with

1 your attorneys?

2 A. Yes.

3 Q. And do you know who is paying for your attorneys?

4 A. Yes.

5 Q. Who is paying for your attorneys?

6 A. The Trump Organization.

7 Q. I think you said you have been at The Trump
8 Organization around 24 years?

9 A. Yes.

10 Q. Can you tell us a little bit about your educational
11 background?

12 A. Just high school.

13 Q. What did you do after high school?

14 A. I went to work.

15 Q. Where did you work?

16 A. I do believe my first job was with Liberty Mutual.
17 Then I went to a company, it was a lawyer, and he dealt with
18 real estate and parking lots and garages in the city.

19 Q. What kind of work did you do for the lawyer?

20 A. The lawyer, I paid bills also.

21 Q. And how long did you do that?

22 A. Seventeen years.

23 Q. And then did you stop working?

24 A. Yes.

25 Q. Why did you stop working?

1 A. I took care of my daughters.

2 Q. Did there come a time that you went back to work?

3 A. Yes.

4 Q. When was that?

5 A. In '99, when my husband passed away.

6 Q. And did you go straight to The Trump Organization at
7 that time?

8 A. No, I went in 2000.

9 Q. So, you did something else for a year?

10 A. I stayed home with the girls.

11 Q. Is The Trump Organization made up of a number of
12 entities?

13 A. Yes.

14 Q. Where is The Trump Organization headquartered?

15 A. Now or before?

16 Q. Well, let's start with now.

17 A. Now, well, technically, I think it is in Florida.

18 Q. How about back in the timeframe of 2015, '16, '17?

19 A. 725 Fifth Avenue.

20 Q. Here in Manhattan?

21 A. Yes.

22 Q. Do you have any sense of how many entities make up The
23 Trump Organization?

24 A. There is a bunch.

25 Q. Over 100?

1 A. I think close to it, yes.

2 Q. What was your title when you started at The Trump
3 Organization?

4 A. Accounts Payable.

5 Q. And what is your title now?

6 A. Accounts Payable Supervisor.

7 Q. Do have you a work-issued email address?

8 A. Yes.

9 Q. Has it been the same since you started?

10 A. No.

11 Q. Do you recall what it was when you started?

12 A. What was it before?

13 Q. Yes.

14 A. Yes. It was D. Tarasoff.

15 Q. And was the domain name TrumpOrg.com?

16 A. Yes.

17 Q. And that changed?

18 A. It just added the full name now: Deborah Tarasoff.

19 Q. Okay.

20 Does everyone you work with have a TrumpOrg. email
21 domain?

22 A. Yes.

23 Q. I want to talk a little bit about some of the
24 departments and people at The Trump Organization. You work in
25 Accounts Payable?

1 A. Yes.

2 Q. Is that part of the Accounting Department at The Trump
3 Organization?

4 A. Yes.

5 Q. Where did the Accounting Department sit or where did it
6 sit in the period of 2015 to 2017?

7 A. Same location where we've always been.

8 Q. Which is where?

9 A. On the 26th floor.

10 Q. What else is on the 26th floor?

11 A. The Legal Department, and Mr. Trump's office.

12 Q. And that's at the address you gave us earlier, 275
13 Fifth Avenue?

14 A. Yes.

15 Q. Do you know somebody named Rebecca Manochio?

16 A. Yes, I do.

17 Q. Who is she?

18 A. She was an Administrative Assistant at that time. Now
19 she works in Accounts Receivable.

20 Q. Do you know someone named Alan Garten?

21 A. Yes.

22 Q. Who is he?

23 A. He's a lawyer.

24 Q. And how long have you known him?

25 A. For as long as he's worked there.

1 Q. Do you know somebody named Michael Cohen?

2 A. Yes.

3 Q. Who was Michael Cohen?

4 A. He was a lawyer that worked there.

5 Q. Did he work there in the period of 2015, until early
6 2017?

7 A. Yes.

8 Q. Where did he sit when he worked there?

9 A. He sat in two different locations.

10 Q. Can you tell us a little bit more about that?

11 A. Outside my office there is another office right next to
12 it, he sat there, and then he moved to the other side of the
13 floor.

14 Q. Of the 26th floor?

15 A. Of the 26th floor.

16 Q. Do you know Jeffrey McConney?

17 A. Yes.

18 Q. Who is Jeffrey McConney?

19 A. He is the Assistant Controller.

20 Q. Did you work closely with Jeff McConney?

21 A. Yes, I did.

22 Q. How long has he been at The Trump Organization; if you
23 know?

24 A. He was there before me.

25 Q. For longer than 24 years?

1 A. Yes.

2 Q. Were you familiar with how he usually did things at
3 work?

4 A. Yes.

5 Q. Did you go to him with questions about expenses?

6 A. Yes.

7 Q. Can you just tell us a little bit more about what you
8 do in Accounts Payable? What does that mean and what do you
9 do?

10 A. I get approved bills. I enter them into the system and
11 I cut the checks and I mail them out. I used to.

12 Q. And, I apologize, I am jumping around a little bit
13 here. I want to go back to Mr. McConney. Do you know what his
14 title was back in 2016 or 2017?

15 A. I do believe it's Assistant Controller.

16 Q. Did Mr. McConney oversee everything in the Accounting
17 Department?

18 A. Yes.

19 Q. Who is Allen Weisselberg?

20 A. He was the CFO.

21 Q. When you say "he was the CFO," is he no longer at the
22 company?

23 A. Correct.

24 Q. How closely did you work with Allen Weisselberg?

25 A. About the same as Jeff. A little less maybe.

1 Q. What was Mr. Weisselberg's management style?

2 A. He had his hands in everything.

3 Q. Did you -- withdrawn.

4 Did he interact with Mr. Trump often, to your
5 knowledge?

6 A. To my knowledge, yes.

7 Q. And, now, speaking about that time period of 2015 to
8 early 2017, did he interact with Mr. Trump often back then?

9 A. Yes.

10 Q. Do you know somebody named Rhona Graff?

11 A. Yes.

12 Q. Who is Rhona Graff?

13 A. She was Mr. Trump's assistant.

14 Q. With respect to Mr. Trump, did you work directly with
15 Mr. Trump?

16 A. No.

17 Q. Did you see Mr. Trump around the office back in the
18 time period of 2015 to early 2017?

19 A. Yes.

20 Q. You said earlier that back in 2015 to 2017,
21 Mr. Weisselberg, it was your sense, that he spoke to Mr. Trump
22 frequently; is that right?

23 A. Yes.

24 Q. Do you know if Mr. Weisselberg liked to run financial
25 decisions by Mr. Trump before engaging in particular actions?

1 A. From my knowledge, yes.

2 Q. I want to talk a little bit now about your role in
3 Accounts Payable, which you described for us earlier. Do you
4 have a lot of decision-making authorities in your role as
5 Accounts Payable Supervisor?

6 A. No.

7 Q. Back in 2015 to 2017, that time period, did you have a
8 lot of decision making authority then?

9 A. No.

10 Q. Did you pretty much just follow instructions?

11 A. Yes.

12 Q. Would you hear about it if you incorrectly made a
13 mistake to follow instructions?

14 A. Yes.

15 Q. Who would you hear about it from?

16 A. It could be whoever gave me the bill, that I paid it
17 wrong.

18 Q. Who would that have been most often?

19 A. It could have been Mr. Weisselberg. It could have been
20 Jeffrey McConney. The Legal Department, if they said I paid it
21 wrong.

22 Q. In the period of 2016 and 2017, who did you report to?

23 A. Basically Jeffrey McConney.

24 Q. When it came to handling the Accounts Payable, how many
25 entities, if you know, did you handle Accounts Payable for?

1 A. Fifty to sixty, maybe more.

2 Q. And did you do your job the same way with respect to
3 all of these entities?

4 A. Yes.

5 Q. You explained to us what Accounts Payable is. What is
6 Accounts Receivable?

7 A. Accounts Receivable, you get the money in. Accounts
8 Payable, you give it out.

9 Q. And are you familiar with the term "General Ledger?"

10 A. I am.

11 Q. What is the General Ledger?

12 A. That's what everything goes into, and they keep track
13 of things.

14 Q. When you say "everything goes into --"

15 A. Accounts Receivable and Accounts Payable, any
16 transactions.

17 Q. Did you make entries yourself through an accounting
18 system into the General Ledger?

19 A. Yes, the Accounts Payable.

20 Q. Do you remember the name of that accounting system?

21 A. Multi Data, MDS.

22 Q. Can you briefly describe the process that you would use
23 back in 2016 and 2017 when you got an invoice to pay in Accounts
24 Payable?

25 A. I would -- I would get it when it's approved. I would

1 enter it into the accounting system. I would cut the check, get
2 it signed, and mail it out.

3 Q. And is that essentially the same process that you had
4 used for your entire career at The Trump Organization?

5 A. Yes.

6 Q. You said an invoice would be approved?

7 A. Yes.

8 Q. Who could approve invoices?

9 A. Allen Weisselberg, Jeffrey McConney. Obviously,
10 Mr. Trump. Anybody in the Legal Department.

11 Q. And for these questions, I pretty much want to focus on
12 the time period 2016, 2017; is that okay?

13 A. Sure.

14 Q. Is that answer accurate for that time period?

15 A. Yes.

16 Q. Did the dollar amount of an invoice impact who could
17 approve it?

18 A. Yes.

19 Q. How?

20 A. If it was under a certain amount, Allen would have
21 approved it. If it was over, it would have to be approved by
22 somebody higher up.

23 Q. Who was higher up than Allen Weisselberg?

24 A. It would be Eric Trump, Don Jr. or Mr. Trump.

25 Q. One of the Trumps?

1 A. Yes.

2 Q. Do you recall, in the time period of 2016 to 2017, what
3 that dollar amount was that would have to be approved?

4 To what amount could Allen Weisselberg approve an
5 invoice?

6 A. Before 2015, it was \$2,500. After that, it was
7 \$10,000.

8 Q. So anything over that amount had to be approved by
9 Mr. Trump or Eric Trump or Don Jr. Trump?

10 A. Yes.

11 Q. We talked a little bit about the General Ledger. Did
12 each of the entities that you handled at The Trump Organization
13 have its own General Ledger?

14 A. Yes.

15 Q. And did it have a code that associated it with, or that
16 you would enter for each entity into the General Ledger?

17 A. Yes.

18 Q. As part of your responsibilities in Accounts Payable,
19 did you handle Accounts Payable for an entity called "DJT?"

20 A. Yes.

21 Q. What was that?

22 A. DJT is Mr. Trump's personal account.

23 Q. And did that account have its own General Ledger?

24 A. Yes.

25 Q. And that is back in 2015, '16, '17?

1 A. Yes.

2 Q. And you processed the accounts payable for that account
3 the same way you did for all the other accounts?

4 A. Yes.

5 Q. And did you cut checks from that account?

6 A. Yes.

7 Q. Do you recall -- withdrawn.

8 Once you cut a check, what would you do with it?

9 A. Which account?

10 Q. Let's say from the DJT account back in 2017, 2016,
11 2017, that time period?

12 A. Before he was President or after?

13 Q. Let's start with before.

14 A. Before, I would cut the check, put it together with the
15 backup, and bring it over to Rhona, so she would bring it in to
16 Mr. Trump to sign.

17 Q. You said "put it together with the backup, "what was
18 the backup?

19 A. The invoice.

20 Q. Was there ever more than an invoice or was it usually
21 just an invoice?

22 A. Basically, it's just an invoice.

23 Q. And how would you put the check together with the
24 invoice?

25 A. Just put the check on top of the invoice, staple it and

1 bring it over.

2 Q. And you said you would bring it over to Rhona?

3 A. Yes.

4 Q. At some point, would you get those back?

5 A. Yes.

6 Q. Were they in the same condition when you got them back?

7 A. They would be signed.

8 Q. And were the invoice and the check still stapled
9 together?

10 A. Yes.

11 Q. Did you have a general practice, would you staple the
12 check on top of the invoice, or the invoice on top of the check,
13 or did it vary?

14 A. The check is on top of the invoice.

15 Q. And -- withdrawn.

16 Were you responsible for reimbursing expenses to
17 vendors?

18 A. Yes.

19 Q. Did you generally require proof of an expense?

20 A. Yes.

21 Q. What kind of expense?

22 A. The backup receipt.

23 Q. And how much would The Trump Organization usually
24 reimburse when an employee incurred an expense?

25 A. Whatever amount it was.

1 Q. So, if an employee incurred an expense of \$100, how
2 much would The Trump Organization reimburse?

3 A. One hundred dollars.

4 Q. Now, you talked a little bit about invoices. I want to
5 talk a little bit about who could sign checks, particularly for
6 the DJT account.

7 Who could sign checks for the DJT account in 2016 or
8 2017?

9 A. You are talking about Mr. Trump's personal account?

10 Q. Yes.

11 A. Only Mr. Trump.

12 Q. Was that true back in 2016 and 2017?

13 A. Yes.

14 Q. If you know, is that still true today?

15 A. Yes, it is.

16 Q. That was any check, it didn't matter the amount?

17 A. It didn't matter.

18 Q. With respect to approving invoices, was the ultimate
19 approval of payment the signing of the check?

20 A. Say that again.

21 Q. That's okay.

22 We talked a little bit about approving invoices. Did
23 an approved invoice mean that a check had to be signed?

24 A. Yes.

25 Q. Could the person signing the check decide not to sign

1 the check?

2 A. Yes.

3 Q. And so, if, for example, Allen Weisselberg approved an
4 invoice, did somebody have to sign that check or was there still
5 another level of approval?

6 A. If Allen approved it, no, I would put it in and cut it
7 and get it signed.

8 Q. What if you cut a check from the DJT account, did
9 Mr. Trump have to sign the check because Mr. Weisselberg
10 approved it?

11 A. No. If he didn't want to sign it, he didn't sign it.

12 Q. Did you ever see situations where he didn't sign
13 checks?

14 A. Yes.

15 Q. What would happen in those situations?

16 A. He would write "Void" on it and send it back.

17 Q. How do you know he would write "Void" on it?

18 A. It was signed in a Sharpie in black. That is what he
19 usually uses.

20 Q. In the 24 years that you have been there, have you seen
21 Mr. Trump's handwriting?

22 A. Yes.

23 Q. And his signature?

24 A. Yes.

25 Q. Are you familiar with his handwriting?

1 A. Yes.

2 Q. And are you familiar with his signature?

3 A. Yes.

4 Q. I want to talk a little bit about the period in early
5 2017, after Mr. Trump became President.

6 Do you know what the DJT Revocable Trust is?

7 A. I know it's a checking account.

8 Q. So you know it has a checking account. Do you handle
9 Accounts Payable for that account as well?

10 A. Yes.

11 Q. And do you handle Accounts Payable for that account the
12 same way you do for the DJT accounts we just discussed and all
13 the accounts you handle?

14 A. Yes.

15 Q. Do you recall when you started handling the DJT
16 Revocable Trust Account?

17 A. When they started it.

18 Q. Was that when he became President in 2017?

19 A. I don't recall when it came into effect.

20 Q. Do you recall if there was a specific requirement that
21 two people sign checks over \$10,000 for the Revocable Trust?

22 A. There was a time, yes.

23 Q. And going now, we talked a little bit about the DJT
24 account. Once Mr. Trump became President, did he still sign all
25 the checks for that account?

1 A. For which one?

2 Q. For the DJT, his personal account?

3 A. His personal, yes.

4 Q. I want to talk a little bit about -- I want to direct
5 your attention to the period of 2017. You worked with Michael
6 Cohen?

7 A. Yes.

8 Q. Did he leave The Trump Organization at some point?

9 A. Yes.

10 Q. Do you recall when he left?

11 A. No.

12 Q. Was it around the time that Mr. Trump became President?

13 A. I don't recall.

14 Q. Do you recall processing payments to Michael Cohen
15 after he left The Trump Organization?

16 A. I do believe so, yes.

17 Q. And were those payments that were paid from the DJT
18 account that we talked about a little while ago?

19 A. Yes.

20 Q. Do you recall generally how the payments to Michael
21 Cohen, after he left The Trump Organization, were processed in
22 2017?

23 A. Yes.

24 Q. How were they processed?

25 A. The same way that everything else is processed.

1 Q. So for each payment, did you get an invoice?

2 A. Yes.

3 Q. Did you get an approval email?

4 A. Yes.

5 Q. Do you remember who you would get those emails from?

6 A. Jeffrey McConney.

7 Q. Did you enter each invoice into the Multi Data System?

8 A. Yes.

9 Q. And did you cut a check for each invoice?

10 A. Yes.

11 MR. CONROY: If I may, I would like to show the
12 witness the drive.

13 Q. Ms. Tarasoff, this contains exhibits marked People's 1
14 through 34, 41 and 42 for identification.

15 Are all of those records that are kept by The Trump
16 Organization in the ordinary course of business?

17 A. Yes.

18 Q. Before testifying here today, did you have a chance to
19 review the documents on the thumb drive?

20 A. Yes.

21 Q. How do you know that is the thumb drive that you
22 reviewed?

23 A. My signature and the date is on them.

24 Q. Are there redactions on some of the exhibits on the
25 thumb drive?

1 A. Yes.

2 Q. Did you have a chance to review the unredacted versions
3 of each exhibit and compare them to the redacted versions?

4 A. Yes.

5 Q. Were the two sets of exhibits the same except for the
6 redactions?

7 A. Yes.

8 Q. And are the records contained on there the kinds of
9 records we have been discussing, including checks, stapled
10 invoices, General Ledger vouchers, some emails, and a set of
11 cancelled checks?

12 A. Yes.

13 Q. Were the records kept in the ordinary course of
14 business at The Trump Organization?

15 A. Yes.

16 Q. Was it part of the ordinary course of the Trump
17 Organization's business to keep and maintain these records?

18 A. Yes.

19 Q. Were the people keeping and maintaining the records
20 under a business duty to do so accurately?

21 A. Yes.

22 Q. Were the entries reflected in each of the records
23 made at or close to the time to the activity that they reflect?

24 A. Yes.

25 MR. CONROY: Judge, at this time I am offering

1 People's 1 to 34 and People's 41 and 42 into evidence.

2 MR. BLANCHE: Subject to the discussion earlier,
3 with the objections.

4 You want me to give the number to the objections,
5 your Honor?

6 THE COURT: Yes, please.

7 MR. BLANCHE: Based on our discussion earlier, we
8 object to Exhibit 8, 11, 14, 17, 20, 23, 26, 29, 32 and 42,
9 for the reasons stated.

10 THE COURT: Thank you.

11 People's 1 through 34, 41 and 42, are accepted
12 into evidence as business records.

13 You can still voice your objection.

14 MR. CONROY: Thank you, Judge.

15 (Whereupon, People's Exhibits 1 through 34, 41 and
16 42 were received into evidence.)

17

18

19 (Whereupon, Theresa Magniccari, Senior Court Reporter
20 Was relieved by Laurie Eisenberg, Senior Court Reporter.)

21

22

23

24

25

1 (Continued from the previous page:)

2 Q I want to talk a little about 2017 before we start
3 looking at the records.

4 In 2017, after Mr. Trump became the President, did anything
5 change with respect to how checks were signed for the DJT
6 account?

7 A No.

8 Q In other words, he had to sign all the personal
9 checks, still?

10 A From his personal account, yes.

11 Q But, he was not in New York anymore; correct?

12 A Yes.

13 Q So, how would that happen?

14 A We would send them to the White House for him to sign.

15 Q So, even when he was in D.C., no one else had
16 authority to sign those checks?

17 A That's right.

18 Q Did you prepare the checks for signature the same way
19 that you always have?

20 A Yes.

21 Q Do you know how the checks were sent to D.C.?

22 A By Federal Express.

23 Q If you know, who did that at The Trump Organization?

24 A I think, at the time, Rebecca Manochio did.

25 Q How did she get the checks?

1 A I gave them to her.

2 Q And then, do you know what would happen with the
3 checks when they went to D.C.?

4 A No.

5 Q Did you at some point -- well, do you know whether the
6 checks were sent to the White House or somewhere else?

7 A I don't know.

8 Q Did you at some point get the checks back?

9 A Yes.

10 Q And would they be signed?

11 A Yes.

12 Q By who?

13 A Mr. Trump.

14 Q And then, once you got them back, what would you do
15 with the signed check and the backup?

16 A I would pull them apart, mail the check, and file the
17 backup.

18 Q When you say "file the backup", you would put it into
19 the records of The Trump Organization?

20 A Yes.

21 MR. CONROY: I would like to now, if we could,
22 pull up what's already in evidence as People's
23 Exhibit 37A.

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

25 MR. CONROY: If we could just blow up the top

1 email.

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

3 Q Ms. Tarasoff, can you tell us, is this an email that
4 you received?

5 A Yes.

6 Q What's the date?

7 A February 14, 2017.

8 Q And can you tell us, so -- if you could read that into
9 the record, and then tell us what you did once you received
10 that email.

11 A I was given instructions to pay this invoice from The
12 Trust and post to legal expenses.

13 MR. CONROY: If we could just scroll down a couple
14 of pages.

15 (Whereupon, the exhibit scrolls on the screens.)

16 MR. CONROY: There. That's great.

17 Q Is this the invoice?

18 A Yes.

19 Q Page 2 of that exhibit?

20 A Yes. It looks like that.

21 Q So, you got that email, and it was an instruction to
22 pay this invoice?

23 A Yes.

24 MR. CONROY: We could take that down.

25 If you could pull up People's 1 in evidence.

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

2 Q Ms. Tarasoff, if you take a look at that, is that
3 actually the same email thread that we just looked at?

4 A Can you make it bigger?

5 Q Sure.

6 MR. CONROY: Can you blow up the top half of
7 People's 1.

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

9 A Basically, looks like it, yes.

10 Q You see there's a stamp on the -- as you're looking at
11 it on the right side of the document, do you see that stamp?

12 A Yes, I do.

13 Q What's that stamp?

14 A That's my stamp.

15 Q So, you put that there?

16 A Yes.

17 Q It says at the top "Accounts Payable"?

18 A Yes.

19 Q There is some handwriting.

20 Did you write that handwriting?

21 A Yes.

22 Q Can you explain, first of all, at the top, it says
23 "Entity Number".

24 Then, what did you write in there?

25 A "DJT Revocable Trust". That's what it stands for.

1 Q What you actually wrote was "DJTREV"; right?

2 A Yes. That's the little code for it.

3 Q That's the code for the DJT Revocable Trust?

4 A Yes.

5 Q In the G/L code, you wrote a number. What's that
6 number?

7 A 51505.

8 Q What's that number?

9 A That's legal expense.

10 Q Above the stamp, do you see that?

11 A Yes.

12 Q Do you know what those are?

13 A Those are the voucher numbers.

14 Q When you say "the voucher numbers", what's the
15 vouchers?

16 A When you enter it into the computer system, once you
17 finish, it gives you that number.

18 MR. CONROY: We could take that down.

19 If we could pull up People's 2 in evidence.

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

21 MR. CONROY: If you could just blow up the top
22 half for now.

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

24 Q Can you tell us what this document is?

25 A This is the actual voucher after I finish entering it

1 into the system.

2 Q Do you see the voucher number that you had handwritten
3 into the invoice on here somewhere?

4 A Yes.

5 Q Where is that?

6 A It's up on the top left if you're looking at it.

7 Q Where the highlighting is now?

8 A Yes.

9 Q Does it indicate -- is there an indication the
10 company -- of the company?

11 A Yes.

12 Q Is that the "DJTREV" that you had written in?

13 A Yes.

14 Q What does it say next to it?

15 A It says the actual name of the company.

16 Q Who is the vendor on this -- or the payee on this
17 voucher?

18 A Michael Cohen.

19 Q And what is the invoice amount?

20 A Excuse me?

21 Q What is the invoice amount?

22 A 35,000.

23 Q And did you put something in the ledger distributions?

24 A Yes. I put the legal expense code.

25 MR. CONROY: If we could blow up the bottom half

1 of that.

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

3 Q You see in there invoice information?

4 A Yep.

5 Q In the invoice number, what's been put in there?

6 A I put the date.

7 Q And the due date?

8 A Yes.

9 Q And so, is one the first of the month and one the last
10 day of January?

11 A The computer puts in the due date.

12 Q Okay.

13 And the invoice date?

14 A The invoice date I put in.

15 Q Underneath that, do you see an invoice description?

16 A Yes.

17 Q And what does it say there?

18 A I put in: "Retainer for January."

19 Q And did you put that in two times?

20 A The computer puts it in automatically.

21 Q Okay.

22 Where did you get that information?

23 A From the invoice.

24 Q From the invoice that we just looked at?

25 A Yes.

1 Q And, in fact, is all -- where are you getting all of
2 the information that you're inputting into this voucher?

3 A From the invoice.

4 Q I just want to look at the bottom box now where it
5 says "voucher status".

6 A Okay.

7 Q First of all, it says "created by"; and who's that?

8 A Myself.

9 Q And what date did you create this on?

10 A February 14th.

11 Q Just above that, do you see it says "completed in AP",
12 and then a number, and then "CD", and then a number; what are
13 those numbers?

14 A That's the "AP".

15 "CD" is the disbursement batch.

16 Q So, the CD number is the disbursement batch number?

17 A Uh-huh. Yes.

18 MR. CONROY: All right. We could take that down.

19 If we could look at People's 3.

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

21 Q I won't walk you through all of those boxes.

22 MR. CONROY: If you could blow up the top half
23 again.

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

25 Q Now, is this another payment voucher?

1 A Yes, it is.

2 Q And, is it the same company indicated?

3 A Yes.

4 Q Who is the payee?

5 A Michael Cohen.

6 Q What's the invoice amount?

7 A 35,000.

8 Q And how -- what's the ledger distribution?

9 A Legal expense.

10 Q Did you put that information in there?

11 A Yes.

12 Q And where did you get that?

13 A From the invoice.

14 Q And it has the same General Ledger account code?

15 A Yes.

16 Q If we could look at the bottom.

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

18 Q Again, do you see the invoice description?

19 A Yes.

20 Q And what does it say?

21 A "Retainer for February."

22 Q Where did that come from?

23 A I put it in. It came from the invoice.

24 Q Okay.

25 MR. CONROY: Now, if we could look at People's 4.

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

2 MR. CONROY: If you could first blow up the first
3 two-thirds of that.

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

5 Q Ms. Tarasoff, what is this?

6 A That's a copy of a check.

7 Q What are these two parts of the check?

8 A Stubs.

9 Q Can we just look -- are the two stubs the same?

10 A Yes.

11 MR. CONROY: Could we just blow up the top part
12 of the first stub.

13 A little more.

14 All the writing at the top of the check.

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

16 MR. CONROY: Perfect.

17 Q If you look at that, does it -- how much is this check
18 for?

19 A The check is \$70,000.

20 Q If you look just above that, do you see in the
21 description two different line items?

22 A Yes.

23 Q What are the two line items?

24 A One is for January, and one is for February.

25 Q Is each one for the same amount?

1 A Yes.

2 Q How much is that?

3 A 35,000.

4 Q So, would it be fair to say that this check -- were
5 the two vouchers that we just looked at, did the information
6 from those vouchers get put into these stubs, and was this
7 check generated by those two vouchers?

8 A Yes.

9 Q By the MDS system?

10 A Yes.

11 Q So, this is one check for \$70,000, but it's for two
12 different payments?

13 A Yes.

14 Q And at the bottom left, what does it say?

15 A "To: Michael Cohen."

16 MR. CONROY: If we could take that down, and if
17 we could actually look at the check itself.

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

19 Q Is this a check from the DJT Revocable Trust account?

20 A Yes, it is.

21 Q And who is it to the order of?

22 A Michael Cohen.

23 Q And do you see the two signature lines there?

24 A Yes.

25 Q First of all, can you read what's typed above those

1 two lines?

2 A "Two signatures needed on amounts over \$10,000."

3 Q What's the check amount here?

4 A \$70,000.

5 Q And what's the check number?

6 A 138.

7 Q Now, do you recognize the two signatures there?

8 A Yes, I do.

9 Q Whose signatures are those?

10 A The top one is Eric, and the bottom one is Allen
11 Weisselberg.

12 Q When you say "Eric"?

13 A Eric Trump.

14 Q I also just want to ask you, do you see that it says
15 "void" in three places on the check?

16 A Yes.

17 Q Can you explain that?

18 A When you make a photocopy, the word "void" comes up.

19 Q So, the check itself was not void, but when you
20 photocopy it, that's what happens?

21 A Yes.

22 Q Okay.

23 MR. CONROY: Now, I just want to -- you could
24 take the check itself down.

25 Q We talked a little bit earlier about how you would

1 prepare checks to be signed.

2 So, was this entire document presented to whoever was going
3 to be signing the check?

4 A Yes.

5 Q And it was stapled on top of the invoice?

6 A Yes.

7 Q And the invoice was the first exhibit we looked at
8 which had your stamp on it; is that right?

9 A Yes.

10 Q So, there would have been that, and this stapled on
11 top?

12 A Yes.

13 MR. CONROY: If we could now look at People's
14 37B.

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

16 MR. CONROY: Can we just pull out the top email.

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

18 Q Is -- what is this?

19 A It's an email from Jeff.

20 Q To?

21 A To Allen.

22 Q And who else?

23 A And me.

24 Q And what's the date?

25 A March 16, 2017.

1 Q And what does it say?

2 A It says: "Deb, please pay. Post to same G/L as last
3 month. Thanks, Jeff."

4 Q What does that all mean to you?

5 A I do the same thing as I did the month before.

6 Q This is another -- can I call it an approval email?

7 A Yes.

8 Q And based on getting this email, you undertake the
9 process we talked about with respect to Exhibits 1 through 4?

10 A Yes.

11 MR. CONROY: Now, if you could pull up People's
12 5.

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

14 MR. CONROY: If you could just blow up the top
15 email and enough of it so that the whole stamp is visible.

16 Actually, if you could take that down.

17 If you could go to the middle email and blow that
18 up.

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

20 Q Is this the same email that we were just looking at?

21 A It does look like it, yes.

22 MR. CONROY: Now, if you could blow up the top
23 part of the exhibit again.

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

25 Q What -- is this an email -- do you respond to

1 Mr. McConney when he says, "Please pay"?

2 A Yes.

3 Q What do you say?

4 A "Sure. Will do."

5 Q What does the stamp on the right side of the page as
6 you look at it indicate?

7 A That's my stamp again.

8 Q So, does that indicate that you said "Will do", and
9 then you did?

10 A Yes.

11 Q And, again, the information in that stamp, what entity
12 is going to be paying this?

13 A DJTREV.

14 Q What's the amount?

15 A 35,000.

16 Q What's the General Ledger code?

17 A Legal expense.

18 Q What was the voucher number that this is associated
19 with?

20 A The voucher number is 846907.

21 MR. CONROY: If we could take that down.

22 If you could pull up People's 6.

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

24 MR. CONROY: If we could just blow up -- if you
25 can, blow up the whole screen, less the blank part of the

1 page.

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

3 Q Can you read that, Ms. Tarasoff?

4 A Yes, I can.

5 Q What's the voucher number on this voucher?

6 A 846907.

7 Q And the entity that's going to be paying?

8 A DJTREV.

9 Q Who is going to be paid?

10 A Michael Cohen.

11 Q In what amount?

12 A \$35,000.

13 Q What is the ledger distribution description?

14 A Legal expense.

15 Q The account this money is coming -- or the General

16 Ledger code this is being coded to?

17 A Legal expense.

18 Q And that's the 51505?

19 A Yes.

20 Q If you look on the left side, as you're looking at it,
21 do you see an invoice description?

22 A Yes.

23 Q What's the invoice description here?

24 A I put: "Retainer for March."

25 Q Of 2017?

1 A Yes.

2 Q And, again, at the bottom, you see that it was created
3 by you?

4 A Yes.

5 Q Is there a check number on there?

6 A Yes.

7 Q What's the check number here?

8 A 147.

9 Q And that check number will -- should correlate to the
10 check that's generated to pay this invoice; is that right?

11 A Yes.

12 MR. CONROY: If we could pull up what's in
13 evidence as People's 7.

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

15 Q And what is this?

16 A A copy of a check.

17 MR. CONROY: And, if we could blow up one of the
18 stubs.

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

20 Q And who -- what account is this coming from or is this
21 check related to?

22 A DJTREV.

23 Q Who is going to be receiving this check?

24 A Michael Cohen.

25 Q What's the description?

1 A "Retainer for March, 2017."

2 Q And the invoice amount?

3 A \$35,000.

4 Q And is there a check number on the stub?

5 A Yes.

6 Q What is it?

7 A 147.

8 MR. CONROY: If we can go down and blow up the
9 check itself.

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

11 Q What's the amount on this check?

12 A \$35,000.

13 Q Is it made out to Michael Cohen?

14 A Yes, it is.

15 Q Do you recognize the signatures on this check?

16 A Yes, I do.

17 Q Whose signatures are those?

18 A The top one is Donald Trump, Junior. The bottom one is
19 Allen Weisselberg.

20 Q Thank you.

21 MR. CONROY: We can take that down.

22 If you could pull up People's 37C.

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

24 MR. CONROY: If we could just blow up the top
25 part of that.

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

2 Q Ms. Tarasoff, is that an email to you?

3 A Looks like it.

4 Q Who is it from?

5 A Jeff McConney.

6 Q What's the date?

7 A March 13, 2017.

8 Q And what does the body of the email say?

9 A It says: "Please pay."

10 MR. CONROY: We could take that down.

11 Q What date did you --

12 A It says April 13, 2017.

13 Q Thank you.

14 MR. CONROY: We can take that down and go to
15 Page 2.

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

17 MR. CONROY: Page 3.

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

19 MR. CONROY: If you could blow up the part with
20 the writing on it.

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

22 Q Ms. Tarasoff, what is this?

23 A It's an invoice.

24 Q Is this the invoice that was attached to the email we
25 just looked at?

1 A Yes.

2 Q Who is it an invoice from?

3 A Michael Cohen.

4 Q For what amount?

5 A 35,000.

6 Q And what does it say the \$35,000 is for?

7 A The Retainer Agreement.

8 Q For?

9 A The month of April, 2017.

10 Q For services rendered for the month of April?

11 A Yes.

12 Q Thank you.

13 MR. CONROY: We can take that down.

14 You could put up People's 8.

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

16 Q Is this that same invoice with one difference?

17 A (No response.)

18 Q Does it have your stamp on it?

19 A Yes.

20 Q Again, you put the stamp on there?

21 A Yes.

22 Q And you wrote in the information contained in there?

23 A Yes.

24 Q Now, what account is this coming from?

25 A Now it's coming from Mr. Trump, personally.

1 Q How can you tell that?

2 A Because I wrote "DJT".

3 Q That's instead of "DJTREV".

4 So, essentially, the entity code, you switched the code
5 from the Revocable Trust to the Trump account?

6 A Yes.

7 Q Is it the same dollar amount?

8 A Yes.

9 Q And the same General Ledger code, 51505?

10 A Yes.

11 MR. CONROY: We can take that down.

12 If we could pull up People's 9.

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

14 MR. CONROY: Again, blow up the -- that's
15 perfect.

16 Thank you.

17 Q Now, is this another MDS voucher?

18 A Yes, it is.

19 Q What's the voucher number?

20 A 858770.

21 Q Now, if you look at "company", just below that, what's
22 the company?

23 A Mr. Trump's personal account.

24 Q Okay.

25 The name of the company is Donald J. Trump?

1 A Yes.

2 Q So, this month, it switched from the Revocable Trust
3 to Mr. Trump?

4 A Yes.

5 Q Who is the payee?

6 A Michael Cohen.

7 Q What's the amount?

8 A 35,000.

9 Q And if you look at ledger distributions, what's the
10 description there?

11 A "Retainer, April, 2017."

12 Q Sorry.

13 That was the invoice description; right?

14 A Oh, yes.

15 Q Thank you, because that was going to be next.

16 Then, can you go to the other side of the page, ledger
17 distribution.

18 A Oh. I'm sorry.

19 It's legal expense. 51505.

20 Q And what's the amount?

21 A 35,000.

22 Q What's the check number on this?

23 A 2740.

24 MR. CONROY: Now, if we could pull up People's

25 10.

1 Again, just looking at one of the stubs.

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

3 Q What is the account that this check is being drawn off
4 of?

5 A It's coming out of Mr. Trump's personal account.

6 Q Who's the payee?

7 A Michael Cohen.

8 Q And what is the description?

9 A "Retainer for April, 2017."

10 Q And the invoice amount?

11 A 35,000.

12 Q Now, I want you to look directly below that.

13 Do you see check date?

14 A Yes.

15 Q What's the check date?

16 A June 19, 2017.

17 Q Now, do you recall why the April check ended up with a
18 June 19th check date?

19 A No.

20 MR. CONROY: If we could pull up what's in
21 evidence as People's 41.

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

23 MR. CONROY: If we could just blow up the top
24 portion of that page.

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

1 Q Do you recognize what that is?

2 A Yes.

3 It's a copy of -- a notice saying that I voided the check.

4 Q What month was that check voided for?

5 A I voided it in June.

6 Q I'm sorry.

7 What was the check date?

8 A Oh. The check date was April 18, 2017.

9 Q Does that refresh your memory that the April check was
10 lost?

11 A It was probably lost, yes.

12 Q And then reissued?

13 A Reissued.

14 MR. CONROY: If we could go to Page 2 of this
15 exhibit.

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

17 MR. CONROY: Thank you.

18 Can we blow up the top portion of this?

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

20 Q Can you tell us what this is?

21 A That's a copy of the Stop Payment Report that we get
22 from the bank.

23 Q Is that something that you do as a routine matter when
24 you lose a check?

25 A Yes.

1 When we put a stop, you get this confirmation.

2 Q And when you get the confirmation, you put that in the
3 file?

4 A Yes.

5 Q And is this for that check that was dated in April?

6 A Yes.

7 Q Thank you.

8 MR. CONROY: We can take that down.

9 Q Does that refresh your memory that that April check
10 was lost and then reissued later on in June?

11 A Should have been, yes.

12 MR. CONROY: If we could pull up People's 37D.

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

14 MR. CONROY: Just blow up the top portion.

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

16 Q Is this another email from Mr. McConney to you?

17 A Yes.

18 Q What's the date on this?

19 A May 22, 2017.

20 Q Does it have an attachment, from what you can see
21 there?

22 A Yes.

23 Q What's the body of the email?

24 A The body of the email says: "Deb, please pay."

25 Q Is this another approval email?

1 A Yes.

2 MR. CONROY: If we could pull up People's 11.

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

4 Q Is this the invoice for May attached to that email?

5 A Yes.

6 Q Does it have your approval stamp on it?

7 A Yes.

8 Q Or your Accounts Payable stamp?

9 Excuse me.

10 A Yes.

11 Q Who sent this invoice in?

12 A Michael Cohen.

13 Q What is the amount?

14 A 35,000.

15 Q And is this for services rendered in May of 2017?

16 A Yes.

17 Q Which account is this from?

18 A From Mr. Trump's personal account.

19 Q And what is the General Ledger code assigned to it?

20 A 51505, legal expense.

21 MR. CONROY: We could take that down.

22 Pull up People's 12.

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

24 Q Now, is this the MDS voucher related to that invoice?

25 A Yes.

1 Q Does it have the invoice description in there?

2 A Yes.

3 Q What is that?

4 A Retainer for May, 2017.

5 Q And this is being drawn from which account?

6 A From Mr. Trump's personal account.

7 Q And paid to?

8 A Michael Cohen.

9 Q What's the amount?

10 A \$35,000.

11 MR. CONROY: We could pull up People's 13 in
12 evidence.

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

14 Q Is this the stub related to the check that was
15 generated?

16 A Yes.

17 Q Who is the payee?

18 A Michael Cohen.

19 Q What's the amount of the check?

20 A \$35,000.

21 Q The description?

22 A "Retainer, May 2017."

23 Q And the account that it's being drawn from?

24 A Mr. Trump's personal account.

25 MR. CONROY: If we can just look at the check

1 itself.

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

3 Q At the top left, do you see the name of the account?

4 A Yes.

5 Q What's the name on the account?

6 A Donald J. Trump.

7 Q And the check amount?

8 A 35,000.

9 Q Who is it being paid to?

10 A Michael Cohen.

11 Q And do you see a signature there?

12 A Yes.

13 Q Do you recognize that signature?

14 A Yes.

15 Q Whose signature is that?

16 A Mr. Trump's.

17 Q Now, did you, every month for the rest of the year,
18 cut a check to Michael Cohen for \$35,000?

19 A If I got an invoice, approved invoice, yes.

20 MR. CONROY: If we could pull up People's 37E.

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

22 MR. CONROY: If we could just blow up the top

23 email.

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

25 Q In looking at that, can you read the body of the email

1 to us?

2 A It says: "Deb, please pay June and put a stop on the
3 4/13/2017 check number 2639 cut out of DJT and replace it. Any
4 questions, please call me. Thanks, Jeff."

5 Q That is an email to you?

6 A Yes.

7 Q From Mr. McConney?

8 A Yes.

9 Q Is that another approval email?

10 A Yes.

11 Q Does that also help explain what happened to the April
12 check?

13 A Yes.

14 Q What's the date of this email?

15 A June 16, 2017.

16 MR. CONROY: If we could pull up People's 15.

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

18 Q Is this the MDS voucher associated with the invoice
19 for June?

20 A Yes.

21 Q And does it have the information that you entered into
22 the MDS system?

23 A Yes.

24 MR. CONROY: If we could pull up People's 16.

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

1 MR. CONROY: If we could just take a look at the
2 check.

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

4 Q What account is this drawn on?

5 A Mr. Trump's personal account.

6 Q Who is being paid?

7 A Michael Cohen.

8 Q How much?

9 A \$35,000.

10 Q And do you recognize the signature?

11 A Yes, I do.

12 Q Whose signature is that?

13 A Mr. Trump's.

14 MR. CONROY: Thank you.

15 You can take that down.

16 Now, if we could pull up People's 17.

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

18 MR. CONROY: Can we blow up sort of the middle
19 portion of that.

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

21 Q Do you recognize what this is?

22 A Yes.

23 Q What is this?

24 A It's an email, an invoice.

25 Q An invoice?

1 A Uh-huh.

2 Q Do you know what month it relates to?

3 A July.

4 Q And who is the invoice from?

5 A Um, Michael Cohen.

6 Q Who did he send that to?

7 A Allen Weisselberg.

8 Q Whose handwriting is that at the bottom? Do you know?

9 A Mine.

10 Q What does it say?

11 A It says: "Pay same amount per Allen and Jeff."

12 Q What does that mean?

13 A Let's look at the invoice there. It may not have the
14 amount.

15 MR. CONROY: Can we go --

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

17 A It doesn't have the amount, so I asked what amount I
18 should I pay.

19 Q When you say "same amount", what did that mean to you?

20 A \$35,000.

21 Q So, the same amount that you've been paying January,
22 February, March, April, May, June?

23 A Yes.

24 Q Is that your stamp again on this invoice?

25 A Yes.

1 MR. CONROY: We can take that down.

2 Sorry.

3 Could you put that back up for one second?

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

5 Q And was this invoice for services rendered in the
6 month of July?

7 A Yes.

8 Q 2017?

9 A Yes.

10 MR. CONROY: Thank you.

11 You can take that down.

12 Q Did you enter the information from the invoice into
13 the MDS system the way you usually do?

14 A Yes.

15 MR. CONROY: If we could just pull up People's
16 18.

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

18 MR. CONROY: Just blow up the top portion.

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

20 Q Is this the MDS voucher that relates to that invoice?

21 A Yes.

22 Q If you look in the invoice description, what does it
23 say?

24 A "Retainer, July 2017."

25 MR. CONROY: And, if we could pull up what is in

1 evidence as People's 19.

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

3 MR. CONROY: If you could just blow up the check.

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

5 Q Which account is this being drawn on?

6 A Mr. Trump's personal account.

7 Q And the money is going to who?

8 A Michael Cohen.

9 Q The amount?

10 A \$35,000.

11 Q And do you recognize the signature on this?

12 A Yes, I do.

13 Q Whose signature is that?

14 A Mr. Trump's.

15 MR. CONROY: And if you can take down just the

16 blow-up for a moment.

17 Q And, just to remind us, so this document would have

18 been stapled to that invoice and presented for signature; is

19 that how you did it?

20 A Yes.

21 MR. CONROY: Now, if we could go to People's 20.

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

23 Q Do you recognize this?

24 A Yes.

25 Q And what is this?

1 A It's another invoice.

2 Q For what month?

3 A Looks like August.

4 Q And, again, is it for Michael Cohen?

5 A Yes.

6 Q And is it for services rendered that month?

7 A Yes.

8 Q Does it have an amount in the invoice?

9 A I don't see it on this part. No. No.

10 Q Is that your stamp down below?

11 A Yes.

12 Q Based on that stamp, do you believe that you got an
13 approval email for this invoice?

14 A Yes.

15 Q And what's the amount written in there?

16 A 35,000.

17 Q And what's the entity?

18 A Mr. Trump's personal account.

19 Q And what's the General Ledger code here?

20 A 51505. Legal.

21 MR. CONROY: If we could pull up People's 21.

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

23 MR. CONROY: Just blow up the top portion.

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

25 Q Is this the MDS voucher associated with that invoice?

1 A Yes.

2 Q If you look at the invoice description, what does it
3 say?

4 A "Retainer for August, 2017."

5 Q What account is this payment going to be drawn from?

6 A Mr. Trump's personal account.

7 Q And what amount?

8 A \$35,000.

9 MR. CONROY: Could you pull up People's 22?

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

11 Q Is this the check generated from that voucher?

12 A Yes.

13 Q Who is it paid to?

14 A Michael Cohen.

15 Q From what account?

16 A Mr. Trump's account.

17 Q The amount?

18 A \$35,000.

19 Q And do you recognize that signature?

20 A Yes, I do.

21 Q Whose signature is that?

22 A Mr. Trump's.

23 MR. CONROY: Judge, would this be a right time
24 for a break?

25 THE COURT: Yes, I think so.

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Jurors, let's take our afternoon recess.

COURT OFFICER: All rise.

(Whereupon, the jurors and the alternate jurors are excused.)

THE COURT: You can step down, Ms. Tarasoff.

(Whereupon, the witness is excused.)

(Whereupon, a recess is taken.)

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

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

3 THE COURT: Let's get the witness, please.

4 THE COURT OFFICER: Witness entering.

5 (The witness, Deborah Tarasoff, enters the
6 courtroom and resumed the witness stand.)

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

8 THE COURT OFFICER: All rise. Jury entering.

9 (Jury enters.)

10 THE COURT: You may be seated.

11 THE CLERK: Case on trial continued. All jurors
12 are present and properly seated.

13 THE COURT: Mr. Conroy.

14 MR. CONROY: Thank you, Judge.

15 *****

16 CONTINUED DIRECT EXAMINATION

17 BY MR. CONROY:

18 Q I think as we were walking through those exhibits, I
19 missed one.

20 MR. CONROY: So if we could pull up People's 14.

21 Q And do you recognize what this is?

22 MR. CONROY: And can we put that up for everybody.

23 (Displayed.)

24 MR. CONROY: Thank you.

25 Q Ms. Tarasoff, what is this?

1 A That looks like another invoice.

2 Can you make it a little bit bigger?

3 Q Sure.

4 MR. CONROY: Can we blow up the middle portion.

5 (Displayed.)

6 A That's enough. Thank you.

7 It's another invoice.

8 Q And what's the date on it?

9 A June 16th, 2017.

10 Q And can you just read what it says under "Dear Allen?"

11 A "Pursuant to the Retainer Agreement, kindly remit
12 payment for services rendered for the month of May 2017 and June
13 2017. Thank you. Michael Cohen."

14 Q And is that another invoice that you processed, and we
15 already discussed the other documents related to it?

16 A Yes.

17 MR. CONROY: If we could pull up People's 24.

18 (Displayed.)

19 Q I'm sorry.

20 MR. CONROY: Can we do People's 23 first.

21 (Displayed.)

22 Q And, Ms. Tarasoff --

23 MR. CONROY: If we could blow up just the middle
24 portion of this.

25 (Displayed.)

1 A "Dear Allen, pursuant to the Retainer Agreement, kindly
2 remit payment for services rendered for the months of August and
3 September 2017. Thank you. Michael Cohen."

4 MR. CONROY: And if you could take down the
5 blow-up.

6 Q And do you see the Accounts Payable stamp there?

7 A Yes.

8 Q Did you put that stamp there?

9 A Yes.

10 Q And what account did this come from?

11 A Mr. Trump's personal account.

12 MR. CONROY: Now, if we could pull up People's 24.

13 (Displayed.)

14 MR. CONROY: And if we could just pull out the top
15 part.

16 (Displayed.)

17 Q Who is the entity paying?

18 A The entity is Donald Trump.

19 Q And the invoice description?

20 A Retainer, September 2017.

21 Q And what's the amount?

22 A \$35,000.

23 Q And I'm not sure I've asked you this, how does a check
24 get generated once you put this information into your MDS system
25 and this voucher is created?

1 A A printer prints it out.

2 Q And how does that -- do you have to hit a button or
3 something?

4 A Yes.

5 Q So, whenever you're ready for it, there is a way --

6 A I schedule it.

7 Q You can schedule it through the MDS system and it --

8 A Prints it out.

9 Q -- prints it out.

10 MR. CONROY: And if we could pull up People's 25.

11 (Displayed.)

12 Q And is this what the check prints out on?

13 A Yes.

14 Q Obviously, without the signature?

15 A Yes.

16 MR. CONROY: If we could just blow up the check
17 itself.

18 (Displayed.)

19 Q What account is this drawn on?

20 A From Mr. Trump's personal account.

21 Q And who is it going to be paid to?

22 A Michael Cohen.

23 Q The amount?

24 A \$35,000.

25 Q And do you recognize that signature?

1 A Yes, I do.

2 Q Whose is it?

3 A Mr. Trump's.

4 MR. CONROY: If we could now pull up People's 26.

5 And, again, if we could just blow up just the top
6 part first.

7 (Displayed.)

8 Q And is this another invoice?

9 A Yes, it is.

10 Q Would you just read the body of the invoice for us?

11 A "Dear Allen, pursuant to the Retainer Agreement, kindly
12 remit payment for services rendered for the month of October
13 2017. Thank you. Michael Cohen."

14 MR. CONROY: And if you take down just the
15 blow-up.

16 Q Is that your Accounts Payable stamp?

17 A Yes, it is.

18 MR. CONROY: Could we pull up what's in evidence as
19 People's 27.

20 (Displayed.)

21 *****

22 Q And is this the MDS voucher associated with that
23 invoice?

24 A Yes, it is.

25 Q And what is the invoice description?

1 A Retainer, October 2017.

2 Q What's the amount of the invoice?

3 A \$35,000.

4 Q And what account is this going to be drawn from?

5 A Mr. Trump's personal account.

6 MR. CONROY: And if we could now pull up
7 People's 28.

8 (Displayed.)

9 MR. CONROY: And if you could just blow up the
10 check.

11 Thank you.

12 Q Who is the account holder?

13 A Donald Trump.

14 Q The person receiving the money?

15 A Michael Cohen.

16 Q And what is the check amount?

17 A \$35,000.

18 Q And do you recognize that signature?

19 A Yes, I do.

20 Q Whose signature is that?

21 A Mr. Trump's.

22 Q Thank you.

23 MR. CONROY: If we could now pull up what's in
24 evidence as People's 29.

25 (Displayed.)

1 Q And do you recognize -- is this another invoice?

2 A Yes, it is.

3 Q For what month?

4 A November.

5 Q Of 2017?

6 A Yes.

7 Q And can you just read us the body of the invoice?

8 A "Dear Allen, pursuant to the Retainer Agreement, kindly
9 remit payment for services rendered for the month of
10 November 2017. Thank you, Michael Cohen."

11 Q Thank you.

12 MR. CONROY: And if you could just take down the
13 blow-up.

14 Q And is that, again, the Accounts Payable stamp?

15 A Yes.

16 Q And did you put that on there?

17 A Yes.

18 Q And is that your handwriting?

19 A Yes.

20 MR. CONROY: And if we could pull up People's 30.

21 (Displayed.)

22 MR. CONROY: You are way ahead of me.

23 Q Is this the MDS voucher associated with that invoice?

24 A Yes.

25 Q And what's the invoice description?

1 A Retainer, November 2017.

2 Q What account is this coming from?

3 A Mr. Trump's personal account.

4 Q What's the amount?

5 A \$35,000.

6 Q And who is the payee?

7 A Michael Cohen.

8 MR. CONROY: If we could now pull up what's in
9 evidence as People's 31.

10 (Displayed.)

11 MR. CONROY: And if you could just blow up the
12 check portion.

13 (Displayed.)

14 Q What account is this coming from?

15 A Mr. Trump's personal account.

16 Q What's the amount?

17 A \$35,000.

18 Q Who is it going to?

19 A Michael Cohen.

20 Q Who signs the check?

21 A Mr. Trump.

22 MR. CONROY: If you could just take down the
23 blow-up.

24 Q And if I could just ask, again, so this is the
25 document that you would staple to the invoice to send out for

1 signature?

2 A Yes.

3 MR. CONROY: Now, if we could go to People's 32.

4 (Displayed.)

5 Q And do you recognize this?

6 A It's another invoice.

7 MR. CONROY: And can you just blow up the middle
8 portion.

9 (Displayed.)

10 Q And could you read us the body of the invoice?

11 A "Dear Allen, pursuant to the Retainer Agreement, kindly
12 remit payment for services rendered for the month of
13 December 2017. Thank you. Michael Cohen."

14 MR. CONROY: And could you pull up People's 33.

15 (Displayed.)

16 Q Is this the MDS voucher associated with that invoice?

17 A Yes.

18 Q And that's for December 2017?

19 A Yes.

20 Q Which account is this coming from?

21 A Mr. Trump's personal account.

22 Q Who is the employee?

23 A Michael Cohen.

24 Q And what is the invoice description?

25 A Retainer, December of 2017.

1 Q And what is the check number?

2 A 3006.

3 Q And the amount?

4 A \$35,000.

5 MR. CONROY: And if we could pull up People's 34.

6 (Displayed.)

7 MR. CONROY: And if we could just blow up the
8 check.

9 (Displayed.)

10 Q Do you see the check number on here?

11 A Yes.

12 Q What's the check number?

13 A 3006.

14 Q And is this, again, from the DJT account?

15 A Yes, it is.

16 Q Who is the recipient of the money?

17 A Michael Cohen.

18 Q What's the amount?

19 A \$35,000.

20 Q And do you recognize that signature?

21 A Yes, I do.

22 Q Whose signature is that?

23 A Mr. Trump's.

24 MR. CONROY: Just one moment, please, Judge.

25 (Pause.)

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MR. CONROY: Thank you, Judge.

I have nothing further.

THE COURT: Mr. Blanche.

MR. BLANCHE: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. BLANCHE:

Q Good afternoon, Ms. Tarasoff.

How are you?

A All right.

How are you?

Q I'm good.

We have never met before; have we?

A No.

Q You testified a little bit about your work for The
Trump Organization since 2000.

Would you describe it as a family business?

A Yes.

Q And you work with -- you mentioned Eric Trump over the
years; correct?

A Yes.

Q Don, Junior over the years?

A Yes, uh-huh.

Q How about Ivanka Trump?

1 A Yes.

2 Q And you were asked some questions focusing on the
3 2016/2017 time frame.

4 Do you remember those questions?

5 A Yes.

6 Q And I believe you said that, for many years, President
7 Trump was around a lot. He was at Trump Tower a lot.

8 Did it change when he was running for President?

9 A Yes.

10 Q He was around less?

11 A Yes.

12 Q And then, obviously, when he was elected President,
13 there was a time in between the election and the time he went to
14 Washington D.C.; correct?

15 A Yes.

16 Q And he was focused, at that point, on getting ready to
17 be President?

18 A I think so.

19 Q And then, obviously -- and you said this. But then,
20 once in January, he left, and was in Washington, D.C. for four
21 years; correct?

22 A Correct.

23 Q And you testified about the process that worked for
24 many years with Ms. Graff, where you would take a check with an
25 invoice to President Trump, and then you would get it back at

1 some point; correct?

2 A Yes.

3 Q And sometimes the check wasn't signed?

4 A Yes.

5 Q And that happened; but, the checks that we just went
6 through for the past hour and a half, except for the one that
7 was cancelled, none of those were voided out by President Trump;
8 correct?

9 A Correct.

10 Q But, you don't know what President Trump did at the
11 White House or wherever he was when he signed those checks;
12 right?

13 He wasn't in New York for those; correct?

14 A Correct.

15 Q And so, you described the process where they would be
16 Federal Expressed, as far as you know?

17 A Yes.

18 Q Correct?

19 A Yes.

20 Q But, that's really all you know about that process;
21 correct?

22 A Yes.

23 Q And I believe you testified about President Trump
24 himself, you did not interact with him a lot over the years;
25 correct?

1 A Correct.

2 Q And did you and your boss -- it sounded like they
3 varied a little bit, but in 2016 and 2017, it was Mr. McConney?

4 A Yes.

5 Q Mr. Weisselberg?

6 A Yes.

7 Q And so, when we saw the back and forth with the emails
8 a few minutes ago, where Mr. McConney would say, Hey, "Deb,
9 please pay," that was what happened all the time; correct?

10 A Yes.

11 Q And the same thing at times with Mr. Weisselberg?

12 A Yes.

13 Q So, you didn't have authority to cut a check on your
14 own; correct?

15 A Correct.

16 Q So -- but, is it fair to say that when you testified,
17 that you believed or you thought that Mr. Weisselberg and
18 President Trump talked a lot, you weren't present for those
19 conversations; right?

20 A Right.

21 Q So, when Mr. Weisselberg, on some of the emails that we
22 saw or Mr. McConney told you to go ahead and pay it, generate a
23 check, you didn't get permission from President Trump himself;
24 correct?

25 A Correct.

1 Q And you understood that when you were told to do that
2 by Mr. Weisselberg or by Mr. McConney, it was approved and you
3 did it; correct?

4 A Yes.

5 Q Now, there were a fair number of questions about the
6 cancelled check, so putting that one aside for a moment, the
7 rest of the checks that you generated, at the time or even now,
8 you have no reason to believe there was anything wrong with
9 doing that; correct?

10 A That's right.

11 Q You knew Mr. Cohen when he worked for The Trump
12 Organization; correct?

13 A Yes.

14 Q And you saw emails after he left, saying that he was
15 the personal attorney to President Trump?

16 A Yes.

17 Q And during the time working for President Trump, which
18 sounds like it was a long time, and there were a couple of years
19 when he was President when you weren't working for him directly;
20 correct?

21 A Correct.

22 Q But, the time prior to that, you never had any reason
23 to believe that President Trump was hiding anything or anything
24 like that; correct?

25 A Correct.

1 MR. BLANCHE: If I may just have one more moment.

2 (Defense counsel confer.)

3 MR. BLANCHE: Thank you, Ms. Tarasoff.

4 I have no further questions.

5 MR. CONROY: Just one moment.

6 (ADAs confer.)

7 MR. CONROY: Nothing further.

8 Thank you.

9 THE COURT: Thank you, Ms. Tarasoff.

10 You can step down.

11 THE WITNESS: Thank you.

12 (Witness excused.)

13 THE COURT: Counsel, please approach.

14 (At Sidebar.)

15 *****

16 THE COURT: Do you have any more witnesses for
17 today?

18 MR. STEINGLASS: Yes.

19 We can recall Georgia Longstreet-Joseph and do some
20 more with her that we didn't get to do on Friday.

21 MR. BLANCHE: We object to that, your Honor. We
22 object to recalling this witness.

23 I mean, we didn't even know she was a witness
24 until last Wednesday.

25 Last Wednesday afternoon, we were informed that she

1 was a witness, and we were given a certain number of
2 exhibits that she was going to be offering.

3 We, obviously, spent time preparing not only
4 objections, but we were also preparing for cross.

5 She testified on Friday morning. We crossed her.
6 She admitted exhibits. And then at the next sidebar, they
7 said: We're going to recall her.

8 The rules don't allow for that.

9 I mean, it's discretionary to recall a witness, of
10 course, but it can't just be that we can put a witness on,
11 have us cross her, prepare a witness --

12 THE COURT: We can excuse the jury for the day, and
13 we can talk about this.

14 I will excuse the jury for the day, and we can talk
15 about it.

16 MR. BLANCHE: All right.

17 MR. STEINGLASS: Okay.

18 (Sidebar concluded.)

19 *****

20 THE COURT: Jurors, we are going to stop a little
21 bit early today.

22 As I excuse you, I will ask you:

23 Please do not talk, either among yourselves or with
24 anyone else, about anything related to the case.

25 Please continue to keep an open mind.

1 Do not form or express an opinion about the
2 defendant's guilt or innocence until all of the evidence is
3 in, I have given you my final jury instructions on the law
4 and I have directed you to begin your deliberations.

5 Do not request, accept, agree to accept or discuss
6 with any person the receipt or acceptance of any payment or
7 benefit in return for supplying any information concerning
8 the trial.

9 Report directly to me any incident within your
10 knowledge involving an attempt by any person to improperly
11 influence you or any member of the jury.

12 Do not visit or view any of the premises or
13 locations discussed in the testimony.

14 And do not use any program or electronic device
15 to search for or view any location discussed in the
16 testimony.

17 Do not read, view or listen to any accounts or
18 discussions about the case.

19 That includes the reading or the listening to the
20 reading of any transcripts of the trial or the reading of
21 posts on the court site.

22 Do not attempt to research any fact, issue or law
23 related to the case.

24 Do not communicate with anyone about the case by
25 any means, including by telephone, text messages, email,

1 chat rooms, blogs, or the internet.

2 And do not Google or search for any information
3 about the case or the law that applies to the case or
4 anything else involved in the case.

5 Have a good night, and we will see you tomorrow.

6 THE COURT OFFICER: All rise.

7 (Jury exits.)

8 *****

9 THE COURT: Thank you.

10 You may be seated.

11 So, People, you would like to recall a witness?

12 MR. STEINGLASS: That's right, Judge.

13 THE COURT: And what would you like that witness to
14 testify to?

15 MR. STEINGLASS: Among other things, some
16 additional Tweets and Truths from the defendant, as well as
17 to -- as a summary witness to go through some of the texts
18 that were admitted as part of People's 171A.

19 As you know, there was a lot of back and forth
20 about that exhibit, about certain items that were redacted.
21 We tabled it and agreed to have a summary witness read it
22 later.

23 I would like to address counsel's arguments from
24 the bench, but also to address some additional arguments
25 that counsel has made -- and I don't think through any bad

1 faith -- but it's just not true.

2 And counsel has said this several times, that
3 counsel has not had notice of the exhibits that we are going
4 to use.

5 First of all, we have been designating exhibits for
6 the last eight months periodically on a rolling basis, and
7 with very few exceptions, had designated all of our exhibits
8 by March 15th.

9 The Court had a request from the People to extend,
10 and you extended that deadline over the defendant's
11 objection to March 25th, and we served a few additional
12 exhibits.

13 But it's not like this is the first time that these
14 exhibits have been brought to counsels' attention.

15 Second of all, before the trial started, we
16 provided redacted versions of all of the exhibits we
17 intended to introduce at trial, as well as an exhibit list.

18 On April 11th, we had a lengthy conversation with
19 counsel in which we listed precisely which Trump
20 Organization-produced exhibits we would be seeking to
21 introduce.

22 And we did that because we were discussing the
23 potential -- a potential stipulation that didn't end up
24 happening.

25 But, these exhibits have been designated for a very

1 long time, so I don't think counsel is intentionally
2 misleading the Court to say that, you know, they just
3 found out yesterday that these exhibits were going to be
4 admitted.

5 What we have been doing is notifying counsel the
6 day before who the witness -- who the next day's witnesses
7 are going to be.

8 The reason for this, as we've made clear, is
9 because the defendant has been violating the Order,
10 restricting extrajudicial speech.

11 And we did not want to have the witnesses' names,
12 the next witnesses' names out there.

13 The defense has our witness list; has had it for
14 months.

15 That list includes Ms. Longstreet, who testified on
16 Friday, and all of the witnesses who will be testifying at
17 the trial.

18 I'm saying this because I don't like the impression
19 being left that we are somehow sandbagging the defense by
20 telling them the day before who our witnesses are or what
21 our exhibits are.

22 They may not be finding out the order of which
23 we're going to be calling these witnesses or introducing
24 these exhibits.

25 But, they have had the entire witness list and the

1 exhibit list for a very long time.

2 Getting back to your Honor's question about
3 Ms. Longstreet.

4 We called her on Friday.

5 As you remember, and let me just first say that, of
6 course, the Court has inherent authority to control the
7 order and the mechanics of witness examination during the
8 trial.

9 As you know, we learned Thursday that a juror had a
10 medical appointment or issue that required early departure
11 on Friday.

12 There were certain aspects of Ms. Longstreet's
13 testimony that needed to come in before Hope Hicks could
14 testify.

15 And so, we called her and truncated her direct
16 examination so that we could get her off the stand and get
17 Ms. Hicks on the stand so that we could, hopefully, finish
18 her and not have to get her back today, because the juror
19 had to leave.

20 And as you recall, we timed that pretty closely.

21 I think we ended on Friday at 3:30, and the juror
22 had to leave sometime between 3:30 and 3:45.

23 So, shortly after, we discussed Ms. Longstreet. We
24 notified -- we put on the record at a bench conference that
25 we intended to recall her.

1 I don't think that there is any remote prejudice
2 that the defense will suffer from allowing us to recall her
3 for these limited purposes, which, as I said, include some
4 additional Tweets that were not relevant to Ms. Hicks'
5 testimony, but are relevant to a subsequent witness'
6 testimony.

7 And then to have -- really, the bulk of her
8 testimony will involve going through the exhibit that had
9 been the subject of a lot of back and forth about which
10 portions were appropriate to redact.

11 And I believe at the time that we finalized that,
12 we indicated that we would use a summary witness to read
13 those texts.

14 THE COURT: Mr. Blanche.

15 MR. BLANCHE: Your Honor, I'm looking at the
16 January 29th, 2024 witness list.

17 And I -- Ms. Longstreet is not on it.

18 I'm happy to be told I'm wrong, but that's what I
19 am referencing when I said that to the Court that I didn't
20 have her name.

21 Secondly, I did not say to the Court at sidebar
22 that we did not the know the exhibits. I said we did not
23 know which exhibits the People were going to offer with
24 respect to this witness.

25 She's not on it.

1 And so, the point was that when they told us
2 included on the witness list was a custodian from the X
3 Corp, and a custodian from Truth Social -- so, when we
4 learned that she was going to be testifying and getting
5 those exhibits in, as your Honor knows, we objected, and we
6 prepared a cross based upon our understanding of what she
7 was going to be allowed to admit.

8 We didn't know, like I said, her name until
9 Wednesday afternoon.

10 We then performed the cross, assuming those were
11 the exhibits she was going to offer.

12 As the Court is aware, part of the cross was that,
13 I think the point was that of the however many thousands of
14 social media posts she was tasked with reviewing, the
15 witness testified to only seven or nine, whatever the
16 numbers were that she was asked to identify and admitted in
17 evidence.

18 I did not know at the time, because no one told us
19 what was just said today, was that there was timing and
20 scheduling issues and so they only intended to call this
21 witness to get a few exhibits in and then they intended to
22 recall her.

23 That's not the way it's supposed to work.

24 And I agree with the People that it's absolutely
25 within your discretion under the rules, under Rule 107.

1 But, if you look at the cases, to the extent that
 2 there are cases on this issue, the reasons given for
 3 recalling a witness, at least that I have found, do not
 4 include a summary witness who they call just to get some
 5 stuff in, not tell anybody they're going to recall them, and
 6 then after the witness leaves, the stand and say: Oh, we're
 7 going to recall her.

8 THE COURT: Let me ask you, what's the prejudice
 9 to you?

10 MR. BLANCHE: The cross itself is the prejudice,
 11 your Honor.

12 We crossed the witness and said -- and asked her
 13 about all -- like I just said, it turns out that was totally
 14 wrong, it turns out that there are more exhibits that she
 15 was asked to offer and admit into evidence.

16 And, again, she's doing this as an employee of the
 17 District Attorney's Office, not as a custodian of X or Truth
 18 Social.

19 THE COURT: I'm not really following.

20 If she takes the stand and she testifies as to
 21 additional Tweets and Truths and it's a summary witness for
 22 Exhibit 171A, what is the prejudice to the defendant?

23 MR. BLANCHE: The cross-examination of her on
 24 Friday included, in part, your Honor, the fact that she was
 25 only being asked about seven to nine, after reviewing

1 thousands of social media posts by President Trump.

2 And I believe she said, you know, however, other
3 folks -- she said 10 or 15 other folks. The only evidence
4 that the People had asked her to admit and to offer and to
5 get into evidence were the seven that were admitted.

6 So, it certainly doesn't help our defense that,
7 well, that it turns out that there was a wrong amount, it
8 turns out that there were other ones.

9 THE COURT: How many more are we talking about?

10 MR. STEINGLASS: Three.

11 THE COURT: Three?

12 MR. BLANCHE: But, your Honor, I'm not sure why
13 that matters, your Honor.

14 Again --

15 THE COURT: Well, it matters.

16 MR. BLANCHE: She said that's all there was.

17 THE COURT: It matters that you are saying that
18 there's prejudice, that somehow you look bad, that it's
19 somehow she had looked at thousands and she only found
20 seven.

21 Now you are saying the prejudice is that it really
22 wasn't the case, she's introducing more, but she's only
23 introducing three more.

24 MR. BLANCHE: Judge, think about what we were just
25 told, that they knew at the time, apparently on Friday, that

1 they were only going to use this witness to get in enough
2 exhibits to get them through Friday.

3 If they would have said that to us, which they
4 should have if that was their case, we could have adjusted
5 our cross accordingly.

6 I -- again, it matters.

7 We don't have any idea who the witness is tomorrow.
8 We still don't know.

9 We found out about this witness, found out her name
10 on Wednesday.

11 THE COURT: Right.

12 When do you intend to call Ms. Longstreet?

13 MR. STEINGLASS: Well, we could have done it this
14 afternoon, but I think we should start with a new witness
15 who we will -- we have been, as a matter of courtesy -- we
16 were ordered not to provide counsel with the name of the
17 witnesses for the next day until the next afternoon.

18 I'll do so as soon as we are off the record, give
19 the name for the witness for tomorrow.

20 I think -- I don't think we will get to
21 Ms. Longstreet until Thursday or Friday.

22 THE COURT: All right. Well, I would like you to
23 give the defense 24 hours notice before you call
24 Ms. Longstreet.

25 MR. STEINGLASS: We can do that.

1 THE COURT: So that they can prepare.

2 And, also, let them know the exhibits which are
3 going to be produced so that they can prepare their cross
4 for that.

5 MR. STEINGLASS: Thank you.

6 THE COURT: Now, generally speaking, how are we
7 doing on scheduling?

8 MR. STEINGLASS: Well...

9 THE COURT: You are doing well?

10 MR. STEINGLASS: Yes.

11 THE COURT: Can you give me a little more than
12 that?

13 MR. STEINGLASS: Yes.

14 I apologize for that, Judge.

15 Are you asking how much longer I think it's going
16 to be?

17 THE COURT: Very roughly.

18 MR. STEINGLASS: Okay.

19 I would say about two more weeks.

20 THE COURT: This week plus next week or?

21 MR. STEINGLASS: This week plus next week and
22 probably into the week after, but maybe only a day or two.
23 I think there are some Fridays that we are now off that we
24 were not originally off --

25 THE COURT: Right.

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MR. STEINGLASS: -- that are coming up.

So, the very, very rough estimate, I would say two weeks from tomorrow, maybe.

THE COURT: All right.

And I won't hold you to that.

MR. STEINGLASS: Okay.

THE COURT: But, just by way of reminder, we are not meeting on the 17th.

We are also not meeting on the 24th.

And then Monday, the 27th, is Memorial Day.

MR. STEINGLASS: Thank you.

THE COURT: All right.

Anything else from the Defense?

MR. BLANCHE: No.

THE COURT: All right.

See you tomorrow.

(Whereupon, at this time, the matter was adjourned to Tuesday, May 7th, 2024 at 9:30 a.m.)

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