

SUPREME COURT OF THE STATE OF NEW YORK
YORK COUNTY OF NEW YORK

Index No. 71543-23

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

DONALD J. TRUMP,

Defendant.

**AFFIRMATION OF TODD
BLANCHE IN SUPPORT OF
PRESIDENT DONALD J.
TRUMP'S MOTIONS *IN
LIMINE***

Todd Blanche, a partner at the law firm Blanche Law PLLC, duly admitted to practice in the courts of the State of New York, hereby affirms the following to be true under penalties of perjury:

1. I represent President Donald J. Trump in this matter and submit this affirmation and the accompanying memorandum of law in support of President Trump's Motions *in Limine*.

2. This affirmation is submitted upon my personal knowledge or upon information and belief, the source of which is my communications with prosecutors and with other counsel, my review of documents in the case file, a review of the available discovery, and an independent investigation into the facts of this case.

3. Attached as Exhibit 1 is a true and accurate copy of [REDACTED]

[REDACTED], produced by Michael Cohen on or around January 22, 2024, in response to the Court's December 18, 2023 Decision and Order.

4. Attached as Exhibit 2 is a true and accurate copy of excerpts of Michael Cohen's October 24, 2023 trial testimony in the matter *People v. Trump, et al.*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty.).

5. Attached as Exhibit 3 is a true and accurate copy of excerpts of Michael Cohen's October 25, 2023 trial testimony in the matter *People v. Trump, et al.*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty.).

6. Attached as Exhibit 4 is a true and accurate copy of [REDACTED].

7. Attached as Exhibit 5 is a true and accurate copy of a table produced by the People in this matter, on January 3, 2024, that memorializes case-in-chief exhibits the prosecution intends to introduce at trial.

WHEREFORE, for the reasons set forth in the accompanying memorandum of law, President Trump respectfully submits that the Court should grant the requested motions *in limine*.

Dated: February 22, 2024
New York, New York

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PRESIDENT DONALD J. TRUMP'S MOTIONS *IN LIMINE*

TABLE OF CONTENTS

- I. INTRODUCTION 1
- II. APPLICABLE LAW 3
- III. ARGUMENT 4
 - A. The People Should Be Precluded From Suborning Michael Cohen’s Perjury 4
 - 1. Background 4
 - 2. Discussion 7
 - B. The Court Should Preclude The People From Arguing That President Trump Sought To Improperly “Influence” The 2016 Election 8
 - C. The Court Should Preclude Improper Arguments On The “Intent To Defraud” Element 10
 - 1. Intent To Commit Or Conceal A Predicate Offense Is Not “Intent To Defraud” 11
 - 2. Arguments Regarding “Intent To Defraud” The Electorate Are Legally Invalid 11
 - D. The Court Should Preclude Evidence And Argument Concerning The So-Called “Catch And Kill” Scheme 13
 - E. The Court Should Preclude Testimony From Or Regarding Dino Sajudin 14
 - F. The Court Should Preclude Testimony From Or Regarding Karen McDougal 15
 - G. The Court Should Preclude Testimony From Clifford 18
 - H. The Court Should Preclude Evidence Regarding The So-Called *Access Hollywood* Recording 19
 - I. The Court Should Preclude The People From Presenting Meritless Arguments Concerning FECA’s Ambit 20
 - 1. The Alleged Payments To McDougal And Clifford Did Not, As A Matter of Law, Violate FECA 21
 - a. The Alleged Payments Were Not Made “For the Purpose of Influencing” The Election 22
 - b. The Payments Would Have Been Made “Irrespective Of The Candidacy” 27
 - 2. Arguments Assuming The People’s Erroneous Interpretations Of FECA Should Be Precluded 29
 - J. The Court Should Preclude Evidence Of Third Parties’ Admissions Of FECA Violations 30
 - K. The Court Should Preclude Evidence Concerning AMI’s Books And Records 32
 - L. The Court Should Preclude Evidence And Argument That President Trump Or His Trust Is The § 175.10 “Enterprise” 33
 - M. The Court Should Preclude The Alleged Notes By Allen Weisselberg 35
 - N. The Court Should Preclude Evidence Concerning Mayor Rudolph Giuliani 36
 - 1. Background 37

2. Discussion.....	39
O. Absent An Offer of Proof, The People Should Be Precluded From Introducing The Nearly 100 Statements They Seek To Attribute To President Trump	40
1. Background.....	40
2. Discussion.....	42
P. The Court Should Require The People To Disclose A Realistic Exhibit List	43
IV. CONCLUSION.....	44

I. INTRODUCTION

President Donald J. Trump respectfully submits these motions *in limine* seeking pretrial rulings regarding improper arguments and inadmissible evidence that the People appear to want to offer at trial in order to bolster their listless “zombie” case and their unsuccessful efforts to interfere with President Trump’s leading campaign in the 2024 presidential election. Specifically, for the reasons set forth below, President Trump seeks the following *in limine* rulings:

1. Michael Cohen Perjury. The People should be precluded from suborning additional perjury by Michael Cohen;
2. So-Called Election “Influence.” The People should be precluded from arguing that President Trump sought to improperly “influence” the 2016 election was nothing untoward or irregular—and certainly nothing criminal—about his winning candidacy supported by tens of millions of Americans;
3. Improper “Intent To Defraud” Arguments. The People should be precluded from arguing that the “intent to defraud” element under Penal Law § 175.10 can be established through intent relating to a predicate offense or President Trump’s intention to win the 2016 election through campaign practices well within established norms;
4. Improper Background Bootstrapping. The People should be precluded from offering evidence relating to an alleged “scheme” dating back to 2015, and from using the prejudicial phrase “catch and kill” because they chose to proceed on the basis of alleged non-conspiracy substantive violations of Penal Law § 175.10 in 2017;
5. Inadmissible Evidence Concerning Dino Sajudin. The People should be precluded from offering testimony from or regarding Dino Sajudin, as issues relating to Sajudin have no bearing on the 2017 records entries at issue in the charges;
6. Inadmissible Evidence Concerning Karen McDougal. For similar reasons, and because such evidence would be unduly prejudicial, the People should be precluded from offering testimony from or regarding Karen McDougal;
7. Inadmissible Evidence Concerning Stephanie Clifford. The People should be precluded from offering testimony from or regarding Stephanie Clifford, who has made clear through public statements that she intends to offer false, salacious, and unduly prejudicial testimony relating to President Trump concerning events from between 2006 and 2008;

8. Inadmissible Evidence Concerning the *Access Hollywood* Recording. The Court should preclude evidence regarding the so-called *Access Hollywood* recording, which also contains inflammatory and unduly prejudicial evidence that has no place at this trial about documents and accounting practices;
9. The People should be precluded from presenting arguments that payments to McDougal and Clifford were illegal campaign contributions under the Federal Election Campaign Act (“FECA”), and thereby satisfy the “other crime” element under Penal Law § 175.10, because that is simply wrong as a matter of law, and has been reviewed by the Federal Election Commission, which did not find any wrongdoing;
10. The People should be precluded from offering hearsay and inadmissible evidence concerning FECA-related resolutions by Cohen and American Media, Inc. (“AMI”);
11. The People should be precluded from offering evidence relating to alleged false entries in AMI’s books and records, as there is no evidence that President Trump was aware of the entries or their alleged inaccuracy and this case should not involve a mini-trial about AMI’s accounting practices;
12. The People should be precluded from offering evidence and argument that President Trump or the Donald J. Trump Revocable Trust constituted the relevant “enterprise” under Penal Law § 175.10, because that is not what they alleged in the Indictment;
13. The People should be precluded from offering alleged notes from January 2017 by non-witness Allen Weisselberg because they cannot establish an adequate foundation for any hearsay exception;
14. The People should be precluded from offering statements by Rudy Giuliani because the People cannot establish that the statements were consistent with governing agency principles;
15. The People should be required to make a pre-trial offer of proof regarding the admissibility of the nearly 100 statements attributed to President Trump, which the People have identified as potential trial exhibits, and which are largely irrelevant, stale, and cumulative; and
16. The People should be required to revise their exhibit list to provide adequate and particularized notice of the exhibits they currently intend in good faith to offer in their case in chief.

II. APPLICABLE LAW

“[E]vidence is relevant only if it tends to prove the existence or nonexistence of a material fact directly at issue in the case.” *People v. Robinson*, 38 N.Y.S.3d 601, 602-03 (2d Dep’t 2016) (citation omitted). Even relevant evidence must be excluded “if its probative value is outweighed by the danger that its admission would: (1) create undue prejudice to a party; (2) confuse the issues and mislead the jury; (3) prolong the proceeding to an unreasonable extent without any corresponding advantage to the offering party; or (4) unfairly surprise a party and no remedy other than exclusion could cure the prejudice caused by the surprise.” Guide to N.Y. Evid., Exclusion of Relevant Evidence, § 4.06; *see also, e.g., People v. Lewis*, 69 N.Y.2d 321, 328 (1987) (finding that the lower court erred by admitting defendant’s prior uncharged acts because doing so “seriously prejudiced defendant in the eyes of the jury”); *Caster v. Increda-Meal, Inc.*, 661 N.Y.S.2d 125, 127 (4th Dep’t 1997) (affirming lower court’s decision to grant motion *in limine* to preclude introduction of unduly prejudicial and irrelevant evidence); *Maraziti ex rel. Maraziti v. Weber*, 713 N.Y.S.2d 821, 822 (Sup. Ct. Dutchess Cnty. 2000) (granting motion *in limine* to preclude evidence of prior medical misconduct that would “create undue hardship and unfair risks for defendants” and “negatively impact the jury’s objectivity”).

Evidence of uncharged acts “is not admissible if it cannot logically be connected to some specific material issue in the case and tends only to demonstrate the defendant’s propensity to commit the crime charged.” *People v. Cass*, 18 N.Y.3d 553, 559 (2012). “[A] criminal case should be tried on the facts and not on the basis of a defendant’s propensity to commit the crime charged.” *People v. Rojas*, 97 N.Y.2d 32, 36 (2001). The *Molineux* rule is meant “to eliminate the risk that a jury, not fully convinced of the defendant’s guilt of the crime charged may, nevertheless, find against him because his conduct generally merits punishment.” *Cass*, 18 N.Y.3d at 559.

The court must engage in a two-step inquiry to determine whether *Molineux* evidence is admissible in a particular case. First, “the proponent of the evidence must identify some material issue, other than the defendant’s criminal propensity, to which the evidence is directly relevant.” *Cass*, 18 N.Y.3d at 560 (citation omitted). This “is a question of law, not discretion.” *People v. Telfair*, 2023 WL 8039633, at *3 (N.Y. Ct. App. Nov. 21, 2023). If this requisite showing is made, the court then “must weigh the evidence’s probative value against its potential for undue prejudice to the defendant.” *Cass*, 18 N.Y.3d at 560. Accordingly, “*Molineux* evidence is presumptively inadmissible unless it is [proven directly] relevant to some material issue in the case and . . . the probative value of the evidence outweighs the risk of undue prejudice to the defendant.” *People v. Frumusa*, 29 N.Y.3d 364, 369 (2017).¹

III. ARGUMENT

A. The People Should Be Precluded From Suborning Michael Cohen’s Perjury

Michael Cohen is a liar. He recently committed perjury, on the stand and under oath, at a civil trial involving President Trump. If his public statements are any indication, he plans to do so again at this criminal trial. The Court should preclude Cohen’s testimony in order to protect the integrity of this Court and the process of justice.

1. Background

Cohen’s demonstrated record of lying ranges from minimizing his criminal conduct and distorting his background in public statements to the media, to serious and consequential perjury in *New York v. Donald J. Trump*, Index No. 452564/2022 (Sup. Ct. N.Y. Cnty).

¹ See also, e.g., *People v. Leonard*, 29 N.Y.3d 1, 8 (2017) (finding, under *Molineux*, that the lower court erred in permitting evidence of defendant’s past acts of sexual assault because the “prejudicial nature of the *Molineux* evidence far outweighed any probative value that may be attributed to it”).

Even before his federal sentencing in 2019, Cohen began to “minimize the seriousness of his decision not to report millions of dollars of income over a period of years by blaming his accountant for not uncovering the reported income.”² [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In December 2019, less than one year into his 36-month sentence for federal crimes, including tax evasion and lying to Congress, Cohen sought a sentence reduction pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure. Prosecutors in the Southern District of New York opposed the motion and informed Judge Pauley that they had “substantial concerns about Cohen’s credibility as a witness,” based in part on lies he told during proffers that included “material false statements”—*i.e.*, violations of federal law, 18 U.S.C. § 1001—in January and February 2019.³ The federal prosecutors also expressed concern regarding (1) “apparent contradictions” between Cohen’s post-sentencing congressional testimony and his guilty pleas and certain filings in the SDNY case, and (2) a “litany of public comments” made by Cohen and his surrogates concerning his federal case, many of which minimized his acceptance of responsibility and were inconsistent with his guilty pleas or other undisputed facts. *Id.* at 5-6.

² Govt’s Sentencing Submission at 5-6, *United States v. Cohen*, No. 18 Cr. 602 (S.D.N.Y. Dec. 7, 2018), ECF No. 27.

³ Govt’s Opp’n at 1, 4, *United States v. Cohen*, No. 18 Cr. 602 (S.D.N.Y. Dec. 19, 2019), ECF No. 58.

Last fall, in *New York v. Trump*, Cohen committed perjury. He testified that he was not guilty of the federal tax evasion charges to which he pleaded guilty and that he lied to U.S. District Court Judge William H. Pauley III during his sworn plea allocution in 2018. *See, e.g.*, 10/24/2023 Tr. 2188, 2288 (attached as Ex. 2) and 10/25/2023 Tr. 2437 (attached as Ex. 3). This included the following sworn testimony regarding his guilty plea:

Q: Have you ever made any public statements concerning the legitimacy of [your] convictions?

A: More than one.

Q: And why did you do that?

A: Because there was no tax evasion. At best, it could be characterized as a tax omission. I have never in my life not paid taxes. I have never requested an extension until 2017. Every year I had paid, no extensions on time, what my CPA accountant directed me to pay.

Ex. 2 at 2188.

Q: Did you lie to Judge Pauley when you said that you were guilty of the counts that you said under oath that you were guilty of? Did you lie to Judge Pauley?

A: Yes.

Id. at 2288.

Q: So, sir, you lied at the time – you lied more than once in federal court, correct?

A: Correct.

Q: When the stakes affected you personally, right?

A: Correct.

Q: And you mislead [*sic*] a federal judge?

A: Yes.

Ex. 3 at 2437.

Cohen committed perjury again when he falsely testified that he “refused” a motion pursuant to U.S.S.G. § 5K1.1 from the U.S. Attorney’s Office:

Q: And did you attempt at any point to cooperate with the government in connection with your guilty pleas?

A: I did cooperate with the government, yes.

Q: However, you did not receive 5K1 or substantial assistance letter from the federal government, did you?

A: No, I refused.

Ex. 2 at 2187. No such motion, or agreement to make a motion, was ever extended to Cohen. Federal prosecutors have also taken the position that Cohen lied under oath.⁴ Simply put, the federal government acknowledged what the People will not—Cohen is not a truth teller, he is a serial liar.

2. Discussion

The People are officers of the Court charged with ensuring that testimony presented to judges and juries is truthful. *See* N.Y.C.R.R. 1200, Rules 3.3(a)(3), 3.4(a)(4). They have a sacred obligation to “call[] only those witnesses whom [they] believe[] to be truthful witnesses testifying to facts as they understand them to be.” *In re Schapiro*, 144 A.D. 1, 9 (1st Dep’t 1911). As referenced above, federal prosecutors have taken the position that Cohen “appears to have lied under oath in a court proceeding.”⁵ Strikingly, Cohen has also admitted to lying in court. *See* Ex. 3 at 2437. “A lie is a lie, no matter what its subject, and, if it is in any way relevant to the case, the district attorney has the responsibility and duty to correct what he knows to be false and elicit the truth.” *People v. Savvides*, 1 N.Y.2d 554, 557 (1956); *see also United States v. Cromitie*, 727 F.3d 194, 221-22 (2d Cir. 2013) (“[P]erjury is ‘material’ if there is any ‘reasonable likelihood that the false testimony could have affected the judgment of the jury,’ . . . even if it only undermines a witness’s credibility.” (cleaned up)). In response, Cohen’s own attorney was forced to try to twist his false, sworn words—suggesting that Cohen’s testimony, although “clums[y]” and “poorly worded,” did not dispute the basis of his guilty plea.⁶

⁴ SDNY’s Opp’n at 1, *United States v. Cohen*, No. 18 Cr. 602 (S.D.N.Y. Dec. 4, 2023), ECF No. 90.

⁵ *Id.*

⁶ Letter Response at 1-2, *United States v. Cohen*, No. 18 Cr. 602 (S.D.N.Y. Dec. 9, 2023), ECF No. 95.

The District Attorney “is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.” *People v. Garcia*, 72 A.D.2d 356, 361 (1st Dep’t 1980) (quoting *Berger v. United States*, 295 U.S. 78, 88 (1935)). “[H]e must never lose sight of the fact that a defendant, as an integral member of the body politic, is entitled to a full measure of fairness.” *People v. Waters*, 35 Misc. 3d 855, 859 (Sup. Ct. Bronx Cnty. 2012) (quoting *People v. Zimmer*, 51 N.Y.2d 390, 393 (1980)). “It is fundamentally unfair and a clear violation of a defendant’s right to due process for a prosecutor to present testimony that he knew, or should have known, was perjured.” *Id.* at 861.

Given this clear evidence that Cohen perjured himself in his testimony at the most recent case in which he testified, and the likelihood that he will commit perjury again if called by the prosecutors as a witness in this case, it was disturbing to hear the People blithely proclaim that at the February 15, 2024, conference that this perjury is not their problem and could be addressed by the defense on cross examination. *See* 2/15/2024 Tr. 19. The People’s desire to rush ahead with these proceedings rather than look into the ongoing criminal conduct of their star witness is troubling and violates the People’s ethical and constitutional obligations. The People’s failure to live up to their obligations requires the Court to step in and preclude the People from suborning further perjury by calling Cohen as a witness.

B. The Court Should Preclude The People From Arguing That President Trump Sought To Improperly “Influence” The 2016 Election

The charges that the People chose to bring relate to records entries in 2017. The People chose to proceed on substantive counts; there is no conspiracy alleged. However, their submissions to the Court preview an extraordinary effort to prejudice the jury with salacious and

irrelevant details from years before the entries in question. *See, e.g., People v. Gleason*, 285 A.D. 278, 282 (1st Dep’t 1954) (“Every precaution must be taken lest [background evidence] spill over its barriers and distort the jury’s contemplation of the determinative and critical evidence.”). To ensure a fair trial, the Court must limit—and, for the most part, preclude—such evidence and argument, and require the People to hew carefully to their offer of proof before seeking to admit prejudicial evidence. In no way is “[t]he relevant question” at this trial whether President Trump “had an intent to influence the 2016 election.” *See People’s Opp’n to Omnibus Motions* at 18 (Nov. 9, 2023) (“People’s Opp’n”). The Court should preclude the People from arguing or otherwise suggesting to the jury that President Trump sought to improperly “influence” the 2016 election. *See People’s Opp’n* at 1, 5.

Even if the People’s evidence comes in exactly as they hope, perjury and all, they will at most have a basis to contend that President Trump was *campaigning*—successfully—as many before him have done, and many after him will do. Essentially the People are arguing that efforts by a candidate to prevent adverse publicity about himself during a campaign equals an attempt to defraud. This argument has no basis in law and is an extraordinary perversion of our election system and the First Amendment. Candidates are not required to disclose everything about their personal life during an election and attempts by a candidate to keep certain matters personal are neither inappropriate nor illegal. President Trump’s right to a fair trial requires that the People be prevented from suggesting otherwise because of the false and unduly prejudicial nature of the claim—implicating the very concern of the Court of Appeals in *Robinson* that the case not become a “trial within a trial” because of the potential for jury confusion. *People v. Robinson*, 68 N.Y.2d 541, 550 (1986).

These considerations do not change with respect to events, for example, in 2017, “after [President Trump’s] inauguration.” People’s Opp’n at 18. An elected official “conceal[ing] damaging information” is not probative of criminal intent. *Id.* It is politics. President Biden’s suppression of the nature and extent of his mishandling of classified information prior to the release of findings by Special Counsel Robert Hur on February 5, 2024, is a recent example.⁷ It is certainly not the only one and is a practice as old as politics itself. No one at President Trump’s trial should not be permitted to assail him by suggesting to the jury that trying to avoid negative press is evidence of an “intent to defraud” or is criminal, when that is the opposite from the truth.

C. The Court Should Preclude Improper Arguments On The “Intent To Defraud” Element

In its recent decision, the Court denied President Trump’s motion to dismiss due to insufficient grand jury evidence of his intent to defraud by allegedly falsifying business records. In that context, the Court held that the term “with intent to defraud,” as used in the falsifying business records statute, “carries a broad meaning and is not limited to the causing of financial harm or the deprivation of money or property.” Decision and Order at 19 (Feb. 15, 2024) (“February 15 Decision”). But the Court did not explain what the term means and therefore what it requires the People to prove at trial.⁸ Prior to trial, the Court must define “intent to defraud” in a more concrete fashion, and the Court should preclude the People from proceeding on vague

⁷ U.S. Dep’t of Justice, Report on the Investigation into Unauthorized Removal, Retention, and Disclosure of Classified Documents Discovered at Locations Including the Penn Eiden Center and the Delaware Private Residence of President Joseph R. Eiden, Jr. (Feb. 5, 2024), *available at* <https://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf>.

⁸ In its recent rulings, the Court suggested that the People have presented evidence that Cohen paid both Clifford and McDougal. *See, e.g.*, February 15 Decision at 19 (reasoning that payments to Clifford and McDougal “were made through Cohen who was reimbursed by Defendant”). To be clear, there is no evidence that Cohen paid McDougal. Rather, the evidence presented to the grand jury was that [REDACTED] *See, e.g.*, 2023 GJ Testimony of [REDACTED] at 1082-83.

theories that impermissibly conflate “intent to defraud” with the separate intent to commit or conceal the object crime, or invite the jury to make the unsupportable and improper inference of an intent to defraud voters.

1. Intent To Commit Or Conceal A Predicate Offense Is Not “Intent To Defraud”

The People should be precluded from arguing at trial that proof of President Trump’s alleged intent to commit or conceal a predicate offense is by itself sufficient to establish that President Trump acted with “intent to defraud.” *See* February 15 Decision at 19. As Judge Donnino observed in his practice commentaries, “[i]t should be emphasized that for the first-degree crime there must be *two separate intents* in that the ‘intent to defraud’ must include ‘an intent to commit another crime or to aid or conceal the commission thereof.’” William C. Donnino, *Practice Commentary*, Penal Law § 175.05 (emphasis added). Such a reading is inherent in the language of the felony offense. *See* Penal Law § 175.10 (“A person is guilty of falsifying business records in the first degree when he commits the crime of falsifying business records in the second degree, and *when his intent to defraud includes* an intent” to conceal or commit another offense) (emphasis added). Accordingly, the People should be precluded from arguing that evidence of intent to commit or conceal a predicate offense is sufficient to meet their burden on the “intent to defraud” element as well.

2. Arguments Regarding “Intent To Defraud” The Electorate Are Legally Invalid

The Court also referenced the People’s argument in pretrial motions that “*intent* to influence the 2016 presidential election . . . satisfies the ‘intent to defraud prong’” February 15 Decision at 19. That argument is legally flawed and should be precluded at trial.

It is not a criminal fraud for a candidate for office to attempt to prevent negative information about himself coming to light or to represent to voters a position that is not his true

belief. After all, “one would be naive not to recognize that campaign promises are—by long democratic tradition—the least binding form of human commitment.” *Republican Party of Minnesota v. White*, 536 U.S. 765, 780 (2002). And while some cases suggest that intent to defraud is broader than pecuniary harm, those cases tend to involve either breaching a duty owed by a public official, or an intent to defeat a government’s “legitimate official action and purpose” through “misrepresentation, chicane or the overreaching of those charged with carrying out the governmental intention.” *People v. Kase*, 76 A.D.2d 532, 537 (1st Dep’t 1980).⁹ No evidence in this case supports those facts here. But there can be no non-pecuniary fraud where the defendant owes no duty to the allegedly defrauded party. Here, President Trump owed no legal duty to disclose to the public details about his personal life and so he cannot have “defrauded” the public by allegedly acting to prevent some of those personal details from coming to light.

Indeed, to the extent that the Court construes the “intent to defraud” element to encompass such conduct, that standard would be “too vague.” *Percoco v. United States*, 598 U.S. 319, 330 (2023). “Without further constraint” by the Court at this trial, the phrase “intent to defraud” in Penal Law § 175.10 will lack “sufficient definiteness” and be used by the People to “encourage arbitrary and discriminatory enforcement.” *Id.* at 331 (cleaned up). To avoid those vagueness problems, the term must be limited to its core meaning, *i.e.*, either a scheme causing pecuniary harm, fraudulent documents submitted to a governmental entity or a fraud involving a deprivation

⁹ The *Kase* opinion cited by the Court involved a charge of offering a false instrument for filing, not falsifying business records. The Court likewise cited *People v. Headley*, 37 Misc.3d 815 (Sup. Ct. Kings Cnty. 2012) and *People v. Schrag*, 147 Misc.2d 517 (Cty. Ct. Rockland Cnty. 1990). As in *Kase*, both of those cases involved fraud on a governmental entity, even if charged under the falsifying statute. Thus, *Headley* involved NYCTA records, and *Schrag* involved police department records. Indeed, in *McNally v. United States*, the Court limited *Hammerschmidt* to statutes focused on defrauding the government, *i.e.*, 18 U.S.C. § 371. 483 U.S. 350, n.8 (1987).

of a quasi-property right in the form of bribes or kickbacks. Because a fraud on the electorate satisfies none of these, a conviction on that basis cannot stand.

But even assuming, *arguendo*, that it is possible for a political candidate to intend to “defraud” the voters in this sense, such a “fraud” would have been completed when the polls closed in November 2016—months before the first of the alleged false entries. As a matter of simple logic, nothing that President Trump did in 2017 could have possibly been intended to “influence the 2016 election.” At the very least, proof of President Trump’s “intent to defraud” must yield to reality. Thus, the People should be precluded from arguing at trial that an “intent to defraud the voting public” constitutes proof of an “intent to defraud” in this case.

D. The Court Should Preclude Evidence And Argument Concerning The So-Called “Catch And Kill” Scheme

If the People’s pretrial submissions are any indication, they plan to try to string together a meeting and three separate incidents to argue to the jury that President Trump was part of a somehow nefarious—albeit completely legal—“scheme” beginning over a year before the 2017 records entries that are actually relevant to the charges. However, the “general rule” is that other-acts evidence “is inadmissible in a criminal trial.” *People v. Telfair*, 2023 WL 8039633, at *3 (N.Y. Nov. 21, 2023). “Excluding such evidence avoids the risk of infecting jury deliberations with forbidden propensity inferences.” *Id.* (citing *People v. Molineux*, 168 N.Y. 264, 291-93 (1901)).

The 34-count Indictment demonstrates that the People have no aversion to pursuing exceedingly aggressive charges without evidentiary support. Despite that posture, the People did not bring conspiracy charges in this case. As a result, the “scheme” concept has no relevance. It serves only as a rhetorical artifice that the People will use to try to shovel in otherwise inadmissible evidence at trial. They must be foreclosed from doing so.

The People’s “scheme” theory turns on the conduct of third parties rather than President Trump, including AMI executives. *See, e.g.*, Statement of Facts ¶ 10. Since its inception, AMI has purchased news stories—that is its business model, which is no more a crime than campaigning for office in the fully legal manner that President Trump did. Critically, there is no allegation that AMI paid Stephanie Clifford in connection with the records entries charged by the People in this case. The People will argue that Cohen made that payment using “Essential Consultants LLC” after negotiating the amount directly with Clifford’s attorney. Therefore, trial testimony regarding AMI’s operations and activities is irrelevant and unduly prejudicial at trial.

Moreover, in an effort to add prejudicial force to a series of discrete and stale stories, the People like to refer to the objective of this purported and uncharged “scheme” using violent language, “Catch and Kill,” which has no place at a trial that centers on accounting practices, legal advice, and a crooked, lying, disbarred attorney acting in his own interests without regard to his client, President Trump. *See, e.g.*, Statement of Facts at 3. The Court should preclude the People from using that term and direct the People to instruct their witnesses to comply with that Order as well.

E. The Court Should Preclude Testimony From Or Regarding Dino Sajudin

The People have referred to the supposed “Dino Sajudin payoff” in motion papers and their Statement of Facts. *See* People’s Opp’n at 3. The allegations relating to Sajudin—which involve a false, hearsay-based claim relating to an unnamed woman—are so attenuated from the issues in this case that the Court did not even mention him in its February 15, 2024, opinion concerning President Trump’s pretrial motions. Sajudin is not on the People’s witness list, and other witnesses should not be permitted to testify about him.

According to the People, in “October or November 2015,” Sajudin attempted to sell a false story to AMI regarding President Trump. *See* Statement of Facts ¶¶ 10-11. In public filings, the

People have endeavored to suggest that President Trump caused Sajudin’s story to be “suppress[ed].” *Id.* However, even [REDACTED]—who is willing to say virtually anything to hurt President Trump at this point— [REDACTED]

[REDACTED]. *See* 2023 GJ Testimony of [REDACTED] at 820.

Moreover, whereas [REDACTED]

[REDACTED]

[REDACTED].

Based on the staleness of this evidence relative to the charges, the lack of a connection to the records entries at issue, and the fact that the routing of the alleged payment bears no resemblance to the People’s theory regarding the alleged payment to Clifford, the Court should preclude testimony and evidence relating to Sajudin at the trial.

F. The Court Should Preclude Testimony From Or Regarding Karen McDougal

For similar reasons, the Court should preclude testimony from or regarding Karen McDougal.

While seemingly effectively in convincing the Court that payments to McDougal and Clifford bore comparable hallmarks, *see* February 15 Decision at 19 (reasoning that payments to both “were made through Cohen”), which is not true, the People have erroneously portrayed the alleged payments as part-and-parcel to the same “scheme.” *See* Statement of Facts ¶¶ 7-21. In reality, however, the payments lack any meaningful similarity. Thus, testimony and evidence concerning McDougal has no probative value on any permissible issue. And the only conceivable purpose of evidence relating to McDougal’s claim regarding President Trump would be to inflame the jury and seek to cast President Trump and his family in a negative light by publicizing an alleged interaction claimed to have occurred nearly twenty years ago.

[REDACTED]

[REDACTED]

[REDACTED] See 2023 GJ Testimony of [REDACTED] at 52; see also 2023 GJ Testimony of [REDACTED] at 417-418. Rather, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. See 2023 GJ Testimony of [REDACTED] at 52; see also 2023 GJ Testimony of [REDACTED] [REDACTED] at 476.

There was nothing “catch and kill” about the interaction, which is why the People should be foreclosed from uttering those words at trial. [REDACTED]

[REDACTED]. See GJ Ex. 1 at 1.¹⁰ [REDACTED]

[REDACTED]. *Id.* [REDACTED]

[REDACTED]. *Id.* at 2

¹⁰ For example, in 2017, McDougal was featured on the cover of *Muscle and Fitness Hers* magazine, as well as in an article on beauty and fitness in *Star* magazine. See @karenmcdougal98, X (Feb 16, 2017), <https://twitter.com/karenmcdougal98/status/832364168162406403>; @karenmcdougal98, X (Mar. 3, 2017), <https://twitter.com/karenmcdougal98/status/837778930551566336>.

Further, contrary to the People’s suggestions that Cohen was intimately involved in negotiations of McDougal’s agreement with AMI, *see generally* Statement of Facts ¶¶ 12-15,

[REDACTED]. *See, e.g.*, 2023 GJ Testimony of [REDACTED] at 412-16, 423, 427

([REDACTED]). [REDACTED]

[REDACTED]

[REDACTED]. *See* 2023 GJ Testimony of [REDACTED] at 1082-83 [REDACTED]

[REDACTED]

[REDACTED]; *see also* 2023 GJ Testimony of [REDACTED] at 430 ([REDACTED]

[REDACTED]).

[REDACTED]

[REDACTED]

[REDACTED] 2023 GJ Testimony of

[REDACTED] at 462. [REDACTED]

[REDACTED]. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. *See* 2023 GJ Testimony of

[REDACTED] at 62, 81-82.

In short, events relating to AMI’s payment to McDougal are not sufficiently similar to the evidence relating to Cohen’s payments to Clifford to be probative of any relevant fact. Rather, the People clearly seek to recast history and interject the details of McDougal’s alleged affair with President Trump for the sole purpose of inflaming the jury and prejudicing President Trump’s defense.

G. The Court Should Preclude Testimony From Clifford

The Court should preclude testimony from Clifford as unduly prejudicial. Manhattan District Attorney Alvin Bragg agrees that such testimony is at the very best peripheral to the charges in this case, publicly stating recently that “[t]he case [against President Trump] — the core of it — is not money for sex.”¹¹

The People did not call Clifford to testify in the grand jury, but [REDACTED] [REDACTED] (attached as Ex. 4) and have included her on the witness list. Clifford has also stated publicly that she will testify at the upcoming trial, adding: “I’ve been asked to kind of behave. I’m biting my tongue so fucking hard right now.”¹² Tellingly, [REDACTED] reveal that [REDACTED] would use the trial as an opportunity to promote [REDACTED] and monetize [REDACTED] story. Similar to Cohen, she seeks to tell contrived stories with salacious details of events she claimed occurred nearly 20 years ago, which have no place at a trial involving the types of charges at issue. In warning Clifford, the People appear to have recognized the risks of presenting this irrelevant and untrue testimony by warning their witness, but they also appear poised to take the chance in order to try to secure a conviction in this high-profile case. Justice requires more than that, and the Court should preclude Clifford’s inflammatory testimony. *See, e.g., Payne v. Tennessee*, 501 U.S. 808, 831 (1991) (O’Connor, J., concurring) (“Trial courts routinely exclude evidence that is unduly inflammatory.”).

¹¹ Ben Protess, Jonah Bromwich, and William Rashbaum, *Manhattan’s District Attorney Is Quietly Preparing for a Trump Trial*, NEW YORK TIMES (Jan. 25, 2024), <https://www.nytimes.com/2024/01/25/nyregion/trump-hush-money-trial-stormy-daniels.html>.

¹² Graham Kates, Stormy Daniels Says She’s “Set to Testify” in Trump’s New York Criminal Trial in March, CBS NEWS (Jan. 15, 2024), <https://www.cbsnews.com/news/stormy-daniels-testify-trump-new-york-criminal-trial/>; Stormy Daniels, *Stormy and Kathy Griffin Are Not Sorry* (Feb. 6, 2024), <https://audioboom.com/posts/8453426-stormy-kathy-griffin-are-not-sorry>.

We note that the People have also produced [REDACTED], and [REDACTED]. *E.g.*, Ex. 4 at DANYDJT00201895. The *ex parte* polygraph test was administered in 2011—eight years before the People empaneled their first of several grand juries to investigate President Trump, with only the last returning charges on the “zombie” case. The test was wholly unreliable, privately arranged and unilateral, and designed to produce obvious results to support Clifford’s public narrative. Moreover, it is inconsistent with statements Clifford has made denying an affair. We assume the People do not intend to offer such evidence, as “[i]t is well settled that evidence of the results of a polygraph examination is inadmissible in New York.” *People v. Smith*, 61 A.D.2d 91, 98 (4th Dep’t 1978). However, if the Court permits Clifford to testify, which it should not, the Court should exclude testimony about this polygraph test.

H. The Court Should Preclude Evidence Regarding The So-Called *Access Hollywood* Recording

It appears that the People seek to argue at trial that adverse publicity regarding the *Access Hollywood* recording in October 2016 somehow prompted AMI executives to notify Cohen regarding Clifford’s well-worn allegations. *See* People’s Opp’n at 6-7. The contents of the recording are not connected to Clifford or McDougal. *See People v. Ventimiglia*, 52 N.Y.2d 350, 360 (1981) (reasoning that probative value depends in part on “the logical distance of the particular fact from the ultimate issues of the case”) (cleaned up). And because there will be no dispute about the contact or the resulting connection between Cohen and Clifford’s attorney on October 10, 2016, the inference the People seek from the *Access Hollywood* recording has only *de minimis* probative value at the trial.

On the other hand, the contents of the recording are extremely and impermissibly prejudicial. So much so, in fact, that Judge Kaplan reasoned that the *Access Hollywood* recording

was admissible as a “confession” in connection with E. Jean Carroll’s false sexual assault claims. *See Carroll v. Trump*, 2023 WL 4612082, at *8 n.20 (S.D.N.Y. July 19, 2023). To state the obvious, we disagree with Judge Kaplan in many respects. Billy Bush, a long-time correspondent for NBC who was with President Trump at the time of recording, commented, “[t]here were seven other guys present on the bus at the time, and every single one of us assumed we were listening to a crass standup act.”¹³ But the fact Judge Kaplan found the *Access Hollywood* recording to be admissible on the basis that it was a “confession” strongly supports the conclusion that the contents of the recording have no place in a fair trial on the charges the People have filed.

Given the *Access Hollywood* recording’s inherent prejudice and extremely limited probative value, the Court should preclude evidence regarding the recording at trial.

I. The Court Should Preclude The People From Presenting Meritless Arguments Concerning FECA’s Ambit

President Trump moves to preclude the People from presenting arguments that payments to McDougal and Clifford were illegal campaign contributions, and thereby satisfy the “other crime” element” for a § 175.10 violation. Relatedly, the People should be precluded from arguing that whether something is a campaign contribution (whether licit or illicit) is determined by whether the donor had the *subjective* intent to influence an election; rather, what controls is whether the money is spent on something that is *objectively* campaign related. As discussed below, they were not, as a matter of law, campaign contributions at all.

¹³ Laingnee Barron, “Of Course He Said It.” *Billy Bush Hits Back at Trump’s Access Hollywood Tape Claim*, TIME (Dec. 4, 2017), <https://time.com/5047223/donald-trump-access-hollywood-tape-billy-bush/>.

1. The Alleged Payments To McDougal And Clifford Did Not, As A Matter of Law, Violate FECA

The People intend to introduce testimony at trial to support their flawed legal theories that payments made to McDougal and Clifford were illegal campaign contributions and thus satisfy the “other crime” element for a felony violation of Penal Law § 175.10. However, the alleged payments to McDougal and Clifford could not constitute violations of FECA, as a matter of law, because they were not “campaign contributions” as defined by federal campaign finance law. In fact, as discussed below, courts have found payments much more closely related to campaign advocacy to fall outside the statute’s scope.

A third-party payment can be considered a campaign “contribution” or “expenditure” subject to FECA’s applicable limits and reporting requirements in two circumstances: (1) a third-party “expenditure” that is made in coordination with the candidate or the campaign “for the purpose of influencing any election for Federal office,” 52 U.S.C. §§ 30101(9)(A) (defining “expenditure”), 30116(a)(7)(B)(i) (treating a coordinated “expenditure” as an in-kind “contribution”), 30101(8)(A) (defining “contribution”); and (2) a third-party payment for the “personal use” expense of a candidate that would not have been made “irrespective of the candidacy.” *See* 11 C.F.R. § 113.1(g)(6). It should go without saying, something cannot be an *illegal* campaign “contribution” or “expenditure” unless it is first a “contribution” or “expenditure” as defined by the statute.

The payments at issue in this case cannot have violated either of FECA’s respective provisions because, under the statute’s *objective* standard, (1) they were not “expenditures,” as they were not made “for the purpose of influencing any election,” and (2) they were not “contributions,” as they would have would have been made “irrespective of [President Trump’s] candidacy.” In other words, these payments were not campaign contributions within the meaning

of FECA and thus cannot have been illegal campaign contributions. The People should not be permitted to present arguments suggesting otherwise.

a. The Alleged Payments Were Not Made “For the Purpose of Influencing” The Election

In order for a third-party payment made in coordination with a candidate or his campaign to be an in-kind “contribution,” it must meet the definition of “expenditure,” which requires it to have been made “for the purpose of influencing [a federal] election.” *See, e.g., Orloski v. FEC*, 795 F.2d 156, 162-63 (D.C. Cir. 1986). And while the phrase “for the purpose of influencing any election,” as used in FECA is not defined in either FECA itself or the FEC’s regulations, caselaw and other tools of interpretation make clear that the phrase is limited to spending that is unmistakably *campaign related*.

First is the Supreme Court’s interpretation of the phrase “for the purpose of influencing” an election in *Buckley v. Valeo*, in the context of FECA’s disclosure provisions relating to third-party independent “expenditures.” 424 U.S. 1, 77-82 (1976). *Buckley* found that expenditures by federal campaigns and other political committees themselves “can be assumed to fall within the core area sought to be addressed by Congress” because “[t]hey are, by definition, campaign related.” *Id.* at 79. On the other hand, when third-party spending is at issue, it cannot be assumed that there is a relationship between the spending and a campaign purpose. And because FECA threatens to impinge on fundamental First Amendment activity and, further, carries significant criminal penalties, the Court expressed concern that “the ambiguity” of the phrase “for the purpose of . . . influencing the nomination or election of candidates for federal office” “poses constitutional problems” as applied to third parties. *Id.* at 77 (cleaned up); *see also id.* at 76-77 (noting that “serious problems of vagueness” are “particularly treacherous where . . . the violation of [FECA’s] terms carries criminal penalties”).

To avoid those problems, the Court held that third-party “expenditures” must be construed *objectively*, reaching “only funds used for communications that expressly advocate the election or defeat of a clearly identified candidate.” *Buckley*, 424 U.S. 1 at 80. This would ensure that the law “is directed precisely to that spending that is unambiguously related to the campaign of a particular federal candidate,” furthering Congress’s goal of regulating “campaign-oriented spending” without sweeping too broadly. *Id.* at 78-80.

Second, a narrow meaning is evidenced by the statute’s use of the definite article “the” in the phrase “the purpose of influencing any election.” “[I]t is a rule of law well established that the definite article ‘the’ particularizes the subject which it precedes. It is a word of limitation as opposed to the indefinite or generalizing force of ‘a’ or ‘an.’” *Am. Bus Ass’n v. Slater*, 231 F.3d 1, 4-5 (D.C. Cir. 2000) (cleaned up); *see also Renz v. Grey Advert., Inc.*, 135 F.3d 217, 222 (2d Cir. 1997) (“Placing the article ‘the’ in front of a word connotes the singularity of the word modified”). Thus, as used in FECA, the word “the” indicates that, to come within the definitions of “contribution” and “expenditure,” the sole purpose of the payment at issue must be “influencing [a federal] election”—not an incidental purpose, not a related purpose, and not one purpose among many.

Consistent with the above, the FEC looks to objective factors to determine whether third-party spending is sufficiently related to fundamental campaign activity—such as advocacy or fund-raising—to be considered a campaign contribution or expenditure. *See, e.g.*, 52 U.S.C. § 30102(e); 11 C.F.R. § 101.2(a) (imputing as contributions to a candidate’s campaign funds received or spent by a candidate only when received or spent “in connection with his or her campaign”). It is irrelevant whether such a payment *arguably* may have enhanced the public perception of a candidate; rather, the payment must *objectively* be shown to have had a clear connection to political

advocacy in order to be deemed campaign related.¹⁴ Such objective tests “enable donees and donors to easily conform their conduct to the law.” *Orloski*, 795 F.2d at 163, 165 (noting that “the Act may implicitly mandate an objective test”). Subjective tests, on the other hand, “would condition a recipient’s liability . . . solely on the state of mind of the donor,” meaning the recipient would be liable under FECA so long as the donor intended to influence the election “[e]ven if the donation did not directly or indirectly influence the election.” *Id.* at 163.

The D.C. Circuit’s decision in *Orloski* is a leading example of reliance on objective factors to evaluate the campaign nature of third-party spending. There, the FEC reviewed payments made by three corporations in connection with a senior citizens’ picnic at which an incumbent federal candidate spoke and which had been planned by the candidate’s campaign workers. 795 F.2d at 158. The picnic was held shortly before the election, the candidate’s poor voting record on senior citizens’ issues was a point of contention during the campaign, the candidate had never previously held a senior citizens’ picnic, the park where the event was held was ringed with posters advocating the candidate’s re-election, and campaign workers attended wearing “Don Ritter–Congress” buttons. *Id.* at 158-59. The FEC nonetheless determined, and the D.C. Circuit affirmed, that the corporations’ payments were not in-kind “contributions” to the campaign and were not made “for the purpose of influencing any election,” because the picnic was a “non-political” event—despite the fact that it clearly benefited the candidate’s electoral prospects. *Id.* at 167.

The D.C. Circuit held that the expenditures on the picnic were “non-political” and beyond FECA because they did not support unambiguously campaign-related activity. To the contrary, the D.C. Circuit noted, at the event “there [was] an absence of any communication expressly

¹⁴ See, e.g., Factual & Legal Analysis at 6-8, MUR 7025 (Friends of Mike Lee) (Mar. 23, 2016) (“MUR 7025”), available at <https://www.fec.gov/files/legal/murs/7025/16044392445.pdf>.

advocating the nomination or election of the [candidate] or the defeat of any other candidate, and . . . there [was] no solicitation, making, or acceptance of a campaign contribution in connection with the event.” *Id.* at 160. That there was coordination between the campaign and the entities that made the payments did not change the analysis: “[T]he mere fact that [the third-party] donations were made with the consent of the candidate does not mean that a ‘contribution’ within the meaning of the Act has been made. Under the Act this type of ‘donation’ is only a ‘contribution’ if it first qualifies as an ‘expenditure[.]’” *Id.* at 162-63.

Here, viewed objectively, the alleged payments to McDougal and Clifford were not campaign related and thus were not made “for the purpose of influencing [the] election” within the meaning of FECA. Neither AMI nor Cohen worked for the Trump campaign, and the payments did not fund core political activity, such as advocating for a candidate, or otherwise relieve any financial obligations of the campaign so as to free up the campaign’s own resources for expressly political activity. By any measure, these expenditures were far less related to an election than those at issue in *Orloski*, which the D.C. Circuit refused to deem “contributions” subject to FECA’s spending limits.

For this reason, expected testimony that the payments at issue were made with the *subjective* purpose of influencing the election, even if credited, is beside the point: the agreements with McDougal and Clifford, under the objective test established by *Orloski*, were not campaign “expenditures” or “contributions” within the meaning of FECA.¹⁵

¹⁵ Moreover, before he was elected, President Trump was the head of an extensive business empire that operated businesses around the world, most of which bear his name. He also has a wife and five children for whom he cares deeply. In light of these significant personal and business interests, accounts of alleged interactions posed the risk of significant reputational damage to President Trump, his family, and business interests, separate and apart from his candidacy. Thus, even assuming that AMI and Cohen entered into these transactions to protect President Trump’s reputation, the requisite objective nexus to campaign or electoral activity is lacking.

A contrary view, that these sorts of payments constitute “campaign contributions,” would lead to absurd results. Simply put, if the payments to McDougal and Clifford were, as a matter of law, considered made “for the purpose of influencing [the] election,” it would necessarily mean that campaign funds could have been used to make those hush payments. That is because, as discussed above, FECA uses identical language to define both “contribution” and “expenditure”: “for the purpose of influencing an[] election.” *Orloski*, 795 F.2d at 161. Applying “the normal rule of statutory construction that identical words used in different parts of the same act are intended to have the same meaning,” *Sullivan v. Strop*, 496 U.S. 478, 484 (1990) (cleaned up), would mean that if the payments to McDougal and Clifford were in-kind “contributions” made “for the purpose of influencing [the] election,” then the campaign could have made those payments directly as authorized “expenditures.” *See* 52 U.S.C. § 30114(a)(1) (providing that campaign funds may be used “for otherwise authorized expenditures in connection with the campaign for Federal office of the candidate or individual”). One need not be particularly cynical to believe that if the McDougal/Clifford payments had been made from campaign funds, the People would be taking the position that such spending constituted the unlawful conversion of campaign funds to personal use, as personal matters wholly unrelated to the campaign. *See* 52 U.S.C. § 30114(b) (prohibiting the conversion of campaign funds to any “personal use”); 11 C.F.R. § 113.2(e) (same).

And while the FEC did find “reason to believe” that the AMI payments to McDougal violated FECA, and Cohen pleaded guilty to FECA violations for the payments to Clifford, no appellate court has ever held that third-party payments of this sort violate FECA. Moreover, neither Cohen nor AMI chose to litigate the alleged FECA violations and so those precedents have minimal value. For all these reasons, we submit that neither the McDougal nor Clifford payments violated FECA and the Court should therefore preclude the People from arguing that they did.

b. The Payments Would Have Been Made “Irrespective Of The Candidacy”

Under the second respective provision, a third party’s payment of a candidate’s “personal use” expense is considered to be an in-kind “contribution” *unless* the payment would have been made “irrespective of the candidacy.” 11 C.F.R. § 113.1(g)(6). The FEC has made clear that the test for “irrespective of the candidacy” is the same objective test that guides the evaluation of whether a given payment was made “for the purpose of influencing any election”—*i.e.*, whether the payment was made clearly in connection with campaign activity.¹⁶

To determine whether a third-party payment of a candidate’s personal expense is in connection with the campaign (and subject to regulation) or was made “irrespective of the candidacy” (and not subject to regulation), the FEC applies objective criteria to determine if there is a clear link, or “nexus,” between the payment and the campaign that indicates that the payment actually furthered campaign activity.¹⁷ This requirement reflects the inescapable fact that “candidates continue to engage in personal transactions during their candidacy that are beyond the campaign-finance matters regulated by [FECA].”¹⁸ Thus, the mere fact that a personal transaction has the potential to capture the public’s interest during a political race does not bring it within FECA’s scope. As the FEC has noted, “there are a number of issues arising from a candidate’s personal situation (divorce, whether children attend public or private schools, business disputes,

¹⁶ See, e.g., Statement of Reasons at 3, Comm’rs McDonald, Mason, Sandstrom, Smith & Thomas, MUR 4944 (Hillary Rodham Clinton) (Aug. 28, 2001) (“MUR 4944”) (explaining that the analysis under 11 C.F.R. § 113.1(g)(6) “is . . . whether the [payment of the personal expense] is ‘in connection with the campaign’”), available at <https://eqs.fec.gov/eqsdocsMUR/0000012A.pdf>.

¹⁷ See, e.g., MUR 7025 at 6 (“[A] finding of reason to believe that a candidate’s personal transaction resulted in a contribution to his or her campaign requires specific information demonstrating a nexus between the transactions and the campaign.”).

¹⁸ MUR 7025 at 6.

criminal actions against family members) that may become campaign issues, but the Commission will not necessarily therefore deem expenses arising from such controversies to be campaign expenses.”¹⁹

Thus, rather than focusing on subjective intent, the FEC, when assessing whether a third-party payment of a candidate’s personal expense is sufficiently campaign-related, focuses on objective factors such as whether the payment “freed up the candidate’s funds for campaign purposes” or “granted the candidate more time to spend on the campaign instead of pursuing usual employment.”²⁰ For example, and of particular relevance to this case, the FEC unanimously dismissed a complaint alleging that the payment of \$96,000 by a senator’s parents to the family of a former campaign worker who had an affair with the senator was an unlawful campaign contribution, finding no evidence that the payment fulfilled an obligation of the campaign.²¹ In short, under FECA, the test is whether the third-party payment of a candidate expense *objectively* affected the ability of the candidate’s campaign to fund traditional campaign activity—such as advertisements, phone banks, staff salaries, office space, travel costs, and the like. The FEC does not wade, however, into speculative abstractions as to whether the payor may have hoped that the payment would impact an election, or whether the payment could have affected voter perception of a candidate.²²

¹⁹ MUR 4944 at 2 n.2.

²⁰ MUR 7025 at 8; *see generally Orloski*, 795 F.2d at 162 (noting that FECA “may implicitly mandate an objective test” to determine whether a payment is a “contribution”).

²¹ *See* Statement of Reasons at 10, Comm’rs Petersen, Bauerly, Hunter, McGahn & Weintraub, MUR 6200 (John Ensign) (Nov. 17, 2010), *available at* <https://eqs.fec.gov/eqsdocsMUR/SORMUR6200.pdf>.

²² *See, e.g.*, MUR 4944 at 2 n.2.

The payments to McDougal and Clifford, by any objective measure, did not materially “free up” funds to the Trump campaign. President Trump’s campaign was extremely “well-funded” in 2016—having reported more than \$38 million in cash on hand as of July 31, 2016, more than \$50 million in cash on hand as of August 31, 2016, and more than \$15 million as of mid-October 2016.²³ President Trump, a very wealthy individual in his own right, also had the means to contribute more than \$10 million to his campaign after these transactions.²⁴

For all these reasons, the payments to McDougal and Clifford lacked any objective connection to campaign activity and cannot be “contributions” within the meaning of FECA.

2. Arguments Assuming The People’s Erroneous Interpretations Of FECA Should Be Precluded

Because the alleged payments to McDougal and Clifford cannot have violated federal campaign finance laws, the People should be precluded from introducing testimony or making arguments that the payments were illegal campaign contributions. Even more, the People should be precluded from presenting erroneous and highly prejudicial legal arguments or claims to the jury that: (1) whether something is a campaign contribution is determined by whether the donor had the *subjective* intent to influence an election, as opposed to whether the money is used for something that is *objectively* campaign related; and (2) the “intent to defraud” element can be

²³ See Donald J. Trump for President, Inc. Am. 2016 August Monthly FEC Form 3P, *available at* <https://docquery.fec.gov/cgi-bin/forms/C00580100/1096341/> (covering campaign activity between July 1, 2016 and July 31, 2016); Donald J. Trump for President, Inc. Am. 2016 September Monthly FEC Form 3P, *available at* <https://docquery.fec.gov/cgi-bin/forms/C00580100/1100920/> (covering campaign activity between August 1, 2016 and August 31, 2016); Donald J. Trump for President, Inc. Am. 2016 Pre-General FEC Form 3P, *available at* <https://docquery.fec.gov/cgi-bin/forms/C00580100/1119574/> (covering campaign activity between October 1, 2016 and October 19, 2016).

²⁴ See, e.g., Donald J. Trump for President, Inc. Am. 2016 Post-General FEC Form 3P at 7396, *available at* <https://docquery.fec.gov/cgi-bin/forms/C00580100/1162153/>.

satisfied in this case by either the purported intent to aid or conceal campaign finance violations, or by the intent to defraud the government by undermining campaign contribution limits and disclosure requirements because, as discussed above, the payments in question did not violate campaign finance law.

J. The Court Should Preclude Evidence Of Third Parties' Admissions Of FECA Violations

The Court must preclude evidence and argument concerning FECA-related admissions or resolutions by AMI and Cohen. As to Cohen, the inadmissible evidence includes his federal guilty plea to a FECA violation. As to AMI, the inadmissible evidence includes: (1) AMI's non-prosecution agreement with the U.S. Attorney's Office for the Southern District of New York;²⁵ (2) the FEC's "Factual and Legal Analysis" regarding AMI;²⁶ and (3) FEC's Conciliation Agreement with AMI, which AMI entered "[s]olely for the purpose of settling this matter expeditiously and avoiding litigation, with no admission as to the merit of the Commission's legal conclusions."²⁷

"[A] codefendant's plea of guilt *might* be admissible *on the question of credibility*" if "the codefendant takes the stand in defendant's trial." *People v. Wright*, 41 N.Y.2d 172, 176 (1976)

²⁵ See Statement of Admitted Facts, AMI Non-Prosecution Agreement (Sept. 20, 2018), available at <https://www.justice.gov/usao-sdny/press-release/file/1119501/download>.

²⁶ See Factual & Legal Analysis re MURs 7324, 7332 & 7366 (A360 Media, LLC f/k/a American Media, Inc., et al.) (Apr. 13, 2021), available at https://www.fec.gov/files/legal/murs/7366/7366_21.pdf.

²⁷ AMI Conciliation Agreement ¶ V (May 18, 2021), available at https://www.fec.gov/files/legal/murs/7366/7366_21.pdf; see also *id.* ¶ 21 ("AMI further contends that it believed its purchase of McDougal's story right in 2016 and the decision not to publish the story were fully protected by the Press Exemption and the First Amendment because AMI is a well-established press entity regularly publishing magazines in print and online for decades. AMI further contends that the choice of an individual to sell their story right and of AMI to purchase that right and not publish the story would not necessarily result in a contribution under the Act.").

(emphasis added). But the plea “has no probative value as to defendant’s guilt.” *Id.* Thus, while Cohen’s federal convictions are a permissible basis for cross-examination, his guilty plea to a FECA violation is not admissible as substantive evidence of intent by President Trump to commit a predicate offense. President Trump will craft cross-examination to address Cohen’s felonies, generally, without probing the facts of what Cohen claims was a FECA violation. And the People may not elicit these facts in an effort to bolster their case. *See People v. Rivera*, 116 A.D.2d 371, 373-374 (1st Dep’t 1986) (finding error where “[t]he District Attorney, by his remarks, also implied that Villanueva’s guilty plea was suggestive of defendant’s guilt”). The People should also be precluded from arguing to the jury that Cohen’s guilty plea to FECA violations is evidence that President Trump is guilty of the charged crimes or acted with the requisite intent to commit or conceal a FECA violation.

AMI’s resolutions are also inadmissible under *Wright*. 41 N.Y.2d at 176. AMI will not testify at President Trump’s trial. And it does not matter that [REDACTED] and [REDACTED], who were AMI employees at the time of the conduct at issue, may testify at trial. The non-prosecution agreement was entered into by AMI, rather than its employees, and [REDACTED] [REDACTED]. *See* 2023 GJ Testimony of [REDACTED] at 1090 ([REDACTED] [REDACTED]). In addition, AMI’s resolutions are testimonial hearsay, and admitting them against President Trump would violate the Confrontation Clause. *See generally People v. Hardy*, 4 N.Y.3d 192, 198 (2005) (holding that “a plea allocution of a nontestifying codefendant is ‘testimonial’” and, thus, inadmissible under *Crawford v. Washington*, 541 U.S. 36 (2004)); *People v. Andujar*, 105 A.D.3d 756, 757 (2d Dep’t 2013) (same). For all of these reasons, the FECA-related resolutions by Cohen and AMI are inadmissible against President Trump.

K. The Court Should Preclude Evidence Concerning AMI's Books And Records

The Court already ruled that the People may not argue at trial that AMI's alleged falsification of its records is a permissible "other crime" for purposes of their efforts to escalate the misdemeanor charges against President Trump. February 15 Decision at 17-18. However, the Court left open the possibility that the People could offer evidence on this issue in support of the other three theories that the Court suggested it would put to the jury. *See id.*

According to the People's most recent exhibit list, they will seek to do so, as they did in the grand jury. The People's evidence includes [REDACTED]
[REDACTED]
[REDACTED]. GJ Exs. 80 and 81. The People also seek to introduce testimony from [REDACTED] on these issues. However, evidence concerning AMI's books and records is not admissible on the issue of whether President Trump had "intent to commit another crime or to aid or conceal the commission thereof" under § 175.10 because there is no evidence that President Trump was aware of these entries or that they were inaccurate.

The Court already expressed hesitation about the People's proffer of evidence that President Trump "knew about AMI's falsification of its records." February 15 Decision at 17. The Court quoted general language regarding "falsification of business records" from one of the People's pretrial submissions, but the People did not specify at that point in their brief whose records they were referring to. To be clear, President Trump disputes that he had such knowledge, and we do not believe that the People will be able to establish that fact at trial. We are unaware of any evidence that Cohen knew about AMI's records, either. In fact, absent a familiarity with AMI's recordkeeping practices, there is nothing on the face of the records which would suggest that the records had been misbooked.

Furthermore, arguments regarding alleged misbooking at AMI will require a sideshow mini-trial concerning AMI's accounting and circumstances on the entries the People seek to put at issue. The intricate and highly disputed nature of this evidence is illustrated by the lengthy footnote in the People's opposition to President Trump's pretrial motions regarding ██████████ marked as GJ Ex. 79 (presently included on the People's exhibit list). See People's Opp'n at 41 n.14. Even if this evidence has some minimal relevance to the case, the People should be precluded from introducing it at trial because it will only engender jury confusion. See, e.g., *People v. Primo*, 96 N.Y.2d 351, 355 (2001) (reasoning that "[e]vidence of merely slight, remote or conjectural significance will ordinarily be insufficiently probative to outweigh these countervailing risks," such as "the prospect of trial delay, undue prejudice to the opposing party, confusing the issues or misleading the jury") (cleaned up).

L. The Court Should Preclude Evidence And Argument That President Trump Or His Trust Is The § 175.10 "Enterprise"

The People should be precluded from introducing evidence and arguing at trial that either President Trump or the Donald J. Trump Revocable Trust (his "Personal Trust") is the "enterprise" whose business records were falsified within the meaning of Penal Law § 175.10. Such evidence and arguments would constitute a constructive amendment to the Indictment. Vitally, both of these theories would be legally insufficient in their own right, as neither Donald J. Trump himself nor the Donald J. Trump Revocable Trust constitute an "enterprise" under the definition provided in § 175.00(1).

In each count in the Indictment, the People alleged that the record at issue was "kept and maintained by the Trump Organization." In other words, the People's allegation was that the Trump Organization was the "enterprise" whose "business records" were falsified within the meaning of the statute. Nevertheless, in their opposition to President Trump's Omnibus motion,

where he argued that the People had failed to introduce sufficient evidence that the records at issue were Trump Organization business records, the People argued, in the alternative, that both President Trump himself and his Personal Trust constitute “enterprises” under § 175.10. *See* People’s Opp’n at 14.²⁸

But this was not the theory the People presented in the grand jury or charged in the Indictment. The Indictment explicitly identifies the Trump Organization as the relevant enterprise, and any attempt to convict President Trump on the theory that the documents in questions were the business records of either the supposed “enterprise” of President Trump himself or his Personal Trust would constitute a prohibited constructive amendment of the Indictment. *See generally* *People v. Charles*, 61 N.Y.2d 321, 328 (1984) (holding that a constructive amendment occurs in cases “in which the jury is charged in a manner that changes the theory of the prosecution from that in the indictment”).

Furthermore, President Trump and his Personal Trust are not enterprises within the meaning of § 175.10.²⁹ An “enterprise” is “any entity of one or more persons, corporate or otherwise, public or private, engaged in business, commercial, professional, industrial, eleemosynary, social, political or governmental activity.” Penal Law § 175.00(1) (emphasis added). Significantly, the term “enterprise” refers to an “entity” or unit of organization or activity. *Id.*; *see also* Donnino, Practice Commentary, McKinney’s Cons Laws of NY, Book 39, Penal Law § 175.05 (“An ‘enterprise’ is broadly defined to include virtually any person or group of persons

²⁸ Although President Trump argued in his reply that this was not the theory the People presented to the grand jury, and would constitute a constructive amendment of the indictment if adopted, *see* President Trump’s Reply in support of his Omnibus Motions at 6, the Court did not reach this issue in its decision on the Omnibus Motions.

²⁹ The Court’s February 15, 2024 Decision and Order declines to reach the question of whether President Trump and his Personal Trust fit within the definition of an “enterprise” under the statute. *See* February 15 Decision at 9-11.

engaged in any *organized activity* for which records are kept.”) (emphasis added). This includes organized activities of a commercial, charitable, social, political, or governmental nature. Penal Law § 175.00(1). The “enterprise” within the meaning of the statute does not, however, encompass the personal activities of President Trump or his Personal Trust because an individuals personal activities are not the statute was intended to prevent.

The Court should therefore preclude the People from presenting evidence or arguing at trial that the “enterprise” in question is anything other than the Trump Organization.

M. The Court Should Preclude The Alleged Notes By Allen Weisselberg

In pretrial briefing, the People emphasized “handwritten notes” that they claim were written by Allen Weisselberg during a January 2017 meeting with Cohen. *See* People’s Opp’n at 8; *see also* GJ Exs. 5 & 8 at 1. Allen Weisselberg is not on the People’s witness list, and the notes are inadmissible hearsay without his testimonial foundation. For example, no witness laid an adequate business records foundation for the notes in the grand jury. [REDACTED]

[REDACTED]

[REDACTED]. *See, e.g.*, 2023 GJ Testimony at 154; *see also id.* at 157-58 [REDACTED]

[REDACTED]

[REDACTED]

The unreliability of the hearsay from Weisselberg is underscored by material differences between those notes and notes by McConney in the same timeframe. *See, e.g.*, 2023 GJ Testimony of [REDACTED] at 161-62 [REDACTED]

[REDACTED] [REDACTED]

further undercuts any business-records proffer the People could make with respect to Weisselberg’s notes:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2023 GJ Testimony at 171-72. Accordingly, absent a proffer on admissibility and an appropriate evidentiary foundation—which the People do not appear to be in a position to make—the notes attributed to Weisselberg must be excluded.

N. The Court Should Preclude Evidence Concerning Mayor Rudolph Giuliani

President Trump moves to preclude the People from introducing into evidence exhibits, including video and transcripts, or derivative testimony concerning out-of-court statements made by Mayor Rudolph Giuliani on or around May 2 and 6, 2018, concerning payments at issue in this case. The statements are inadmissible hearsay and do not fit within the CPLR § 4549 exception for opposing party statements. Giuliani was neither authorized to make the statements in question nor was he acting within the scope of an existing employment or agency relationship when he made them. Even if the statements were admissible, which they are not, the People should not be

allowed to cherry pick portions that are taken out of and without context; rather, the full recording or statement should be presented to the jury.

1. Background

On April 19, 2018, the *New York Times* and numerous other media outlets reported that President Trump would hire Giuliani to represent him in connection with the ongoing federal investigation into potential Russian interference in the 2016 presidential election, led by Special Counsel Robert Mueller.³⁰

Less than two weeks later, on May 2, 2018, Giuliani appeared on *Hannity* to discuss the latest developments in the Mueller investigation, including Special Counsel Mueller's interest in interviewing President Trump.³¹ More than halfway through the interview, Giuliani—off script, without authority, and without preparation or sufficient knowledge of the underlying facts—referenced recent developments unrelated to the Special Counsel's investigation that concerned payments at issue in this case. Giuliani alleged, most notably, that Cohen was “repaid” by President Trump and that President Trump “did know about the general arrangement that Michael would take care of things like this.”³² Following a commercial break, *Hannity* asked Giuliani if President Trump knew that he had reimbursed Cohen for payments he made to Stormy Daniels.

³⁰ See, e.g., Maggie Haberman & Michael S. Schmidt, *Giuliani to Join Trump's Legal Team*, NEW YORK TIMES (Apr. 19, 2018), <https://www.nytimes.com/2018/04/19/us/politics/giuliani-trump.html>; Darren Samuelsohn, *Trump brings in Giuliani as court action heats up*, POLITICO (Apr. 19, 2018, 9:10 PM), <https://www.politico.com/story/2018/04/19/giuliani-to-join-trump-legal-team-538371>.

³¹ Transcript, *Rudy Giuliani on potential Trump interview for Mueller*, FOX NEWS (May 3, 2018, 10:20 AM), <https://www.foxnews.com/transcript/rudy-giuliani-on-potential-trump-interview-for-mueller>.

³² *Id.*


Giuliani answered: “Look, I don’t know, I haven’t investigated that, no reason to dispute that, no reason to dispute my recollection.”³³

When asked about Giuliani’s statements two days later, President Trump indicated that Giuliani had not yet begun his role on President Trump’s legal team and did not know the relevant facts when he misspoke on *Hannity*.³⁴ Giuliani also released a statement the following day clarifying that his “references to timing were not describing my understanding of the President’s knowledge, but instead, my understanding of these matters.”³⁵

While appearing on *This Week* with George Stephanopoulos on May 6, 2018, Giuliani reiterated that he did not know when President Trump learned of the payments:

STEPHANOPOULOS: You – you did call it a settlement payment. The president did make these payments to Michael Cohen over the course of 2017, according to you. Then why did -- on April 5, why did the president deny any knowledge of the payments when in fact, he had made the payments?

GIULIANI: Well I don’t know – I don’t know when the president learned about it, he could have learned about it after or not connected the whole thing at – at that time. The reality is those are not facts that worry me as a lawyer. . . .³⁶

Despite the clear context of Giuliani’s statements, including his lack of knowledge and authority, the People 

³³ *Id.*

³⁴ *Transcript of Trump’s Remarks on Giuliani and Stormy Daniels, and Korea*, NEW YORK TIMES (May 4, 2018), <https://www.nytimes.com/2018/05/04/us/politics/transcript-trump-giuliani-stormy-daniels.html>.

³⁵ Rebecca Ballhaus and Louise Radnofsky, *Rudy Giuliani Seeks to ‘Clarify’ Remarks About Stormy Daniels Payment*, WALL ST. J. (May 4, 2018, 3:26 PM), <https://www.wsj.com/articles/trump-giuliani-will-get-his-facts-straight-1525450034>.

³⁶ *‘This Week’ Transcript 5-6-18: President Trump’s personal attorney Rudy Giuliani and Stormy Daniels’ lawyer Michael Avenatti*, ABC NEWS (May 6, 2018), <https://abcnews.go.com/Politics/week-transcript-18-president-trumps-personal-attorney-rudy/story?id=54962143>.

[REDACTED]. See GJ Ex. 46 [REDACTED]; GJ Ex. 46A [REDACTED]; GJ Ex. 47 ([REDACTED]); GJ Ex. 47A [REDACTED]; see also Aug. 24, 2023 Production Letter at 2 (“At present, the grand jury exhibits are the exhibits the People intend to introduce in our case-in-chief at trial.”).

2. Discussion

The statements selected by the People should be excluded from evidence. Giuliani’s statements are inadmissible hearsay and do not satisfy the requirements of any hearsay exclusion or exception, including the Speaking Agent Exception or the Agent or Employee Exception created by CPLR § 4549.

There was no agency relationship between President Trump and Giuliani when Giuliani made these statements. See CPLR § 4549 (“A statement offered against an opposing party shall not be excluded from evidence as hearsay if made by a person whom the opposing party authorized to make a statement on the subject or by the opposing party’s agent or employee on a matter within the scope of that relationship and during the existence of that relationship.”); Mem in. Supp. at 1, Bill Jacket, L. 2021, ch. 833 (“The measure would add a new CPLR 4549, and cause New York’s hearsay exception to follow the approach of Federal Rule of Evidence 801(d)(2)(D).”); *Morris v. Dep’t of Corr. Servs.*, 1995 WL 155953, at *8 (N.D.N.Y. Apr. 5, 1995) (Federal Rule of Evidence 801(d)(2)(D) requires the existence of an agency relationship). Notably, the agent’s own statement—here Giuliani’s—“cannot be used as proof of the agency or employment relationship, or the claimed authority to make the statement, or the scope of the agency or employment.” Guide to N.Y. Evid., Admissibility of Hearsay, § 8.01(2). And, in fact, Giuliani was not authorized to make statements concerning Stormy Daniels; nor did Giuliani make the statements within the scope of an agency relationship. Rather, to the extent that any agency relationship existed, it had

not yet started, its scope was “limited” and did not extend beyond Special Counsel Mueller’s investigation into potential Russian interference in the 2016 presidential election.³⁷

O. Absent An Offer of Proof, The People Should Be Precluded From Introducing The Nearly 100 Statements They Seek To Attribute To President Trump

The People have provided the defense with a listing of 94 statements allegedly made by President Trump in various forms of media, including books, interviews, and social media posts. Many of the statements that the People seek to admit have no apparent relevance to the issues in this case and will only lead to juror confusion. The People should be required to proffer a reason why each individual statement is relevant, and for what purpose they seek to admit them, and then the admissibility of each statement can be determined by the Court, after President Trump has had an opportunity to address the People’s professed rationale.

1. Background

Approximately four dozen excerpts come from President Trump’s books, some published nearly forty years ago. *See* People’s Supplemental Exhibit List (Jan. 3, 2024) (attached as Ex. 5).

³⁸ Indeed, only two of the book statements were made contemporaneously with President Trump’s run for office. Ex. 5 at Rows 48-49. The various statements the People seek to use can be grouped into the following categories:

³⁷ *See, e.g.*, Associated Press, *Rudy Giuliani To Join Trump Legal Team In Russia Probe*, CBS NEWS (Apr. 19, 2018), <https://www.cbsnews.com/sanfrancisco/news/rudy-giuliani-trump-legal-team-russia-investigation/>; Pamela Brown, Dana Bash and Sophie Tatum, *Giuliani says he is joining Trump’s legal team to help bring Mueller probe to a conclusion*, CNN (Apr. 20, 2018, 2:48 PM), <https://www.cnn.com/2018/04/19/politics/giuliani-trump-legal-team/index.html>.

³⁸ Exhibit 5 consists of a list of the excerpted statements the People seek to introduce. For ease of reference this motion will refer to the row numbers provided by the People for each of those statements.

- statements tending to show that President Trump operated his businesses in a highly cost-efficient manner (*e.g.*, Ex. 5 at Rows 1-5, 8-12, 14, 16, 31-32, 41);
- statements that President Trump was hands-on in his business (*id.* at Rows 6, 7, 13, 17-18, 22-28, 33-34, 37, 48);
- statements reflecting his philosophy of aggressively going after anyone who crosses him (*id.* at Rows 19, 21, 35, 36, 46);
- statements tending to show his relationship with or reliance on various employees (*id.* at Rows 38-39, 43); and
- statements reflecting his alleged interactions with women (*id.* at Rows 30, 44-45).

For example, the People seek to admit a statement from President Trump’s 1987 book, *The Art of the Deal*, that “What I didn’t want to do was run 100 Central Park South as if it were a white-glove Park Avenue building.” Ex. 5 at Row 1. Similarly, the People seek to admit the following statement from *Trump: Think Like a Billionaire*:

The ceiling, the flooring, the walls, the chandeliers, the mirrors – you have to be insane about the details or the whole enterprise will fail. For instance, I’ve spent a good eight months choosing the right chairs for the ballroom being built at Mar-a-Lago. The ballroom is seventeen thousand square feet in area, so the chairs will be a big part of the room. I have seen probably hundreds of them by now. They have to be just right or the effect will be lessened, if not spoiled. The gilt on them has to be compatible with the entire room, and their shape and comfort must be considered as well. You should be as attentive to details as I am, no matter what the scale of your project.

Ex. 5 at Row 7; *see also, e.g., id.* at Row 47 (Excerpt from 2007 book: “Q: Mr. Trump, since you are not running for president, who do we support and how do we get started? DT: You have a lot of good people. Rudy Giuliani is a very good person. . . . This country is very, very resilient.”); *id.* at Row 52 (“While I am not at this time a candidate for the presidency, I will decide by June whether or not I will become one. And I will tell you the reason that I’m thinking about it is that the United States has become the whipping post for the rest of the world. The world is treating us

without respect. They are not treating us properly. America – America today is missing quality leadership.”). The same lack of apparent relevancy is true of many of the other statements.

2. Discussion

The People should be precluded from introducing any of the purported statements by President Trump until it has established their relevance and admissibility outside the presence of the jury. In order to avoid any delay during trial, we request that the Court direct the People to make that offer of proof pre-trial.

Many of the books at issue were written with the assistance of a ghostwriter.³⁹ Even if the People can attribute such statements to President Trump, the evidence has limited probative value. Moreover, most of the statements were written at a substantially different time period from the events at issue in this case, thus negating any possible relevance. Whatever President Trump’s style of business operations was in 1987, 2004 and 2007 (when 47 out of the 49 book excerpts were written), is by no means probative for how he would have operated those businesses when he was President of the United States of America. This issue is in actuality not applicable in light of the fact that President Trump, upon assuming the Presidency, had relinquished day to day control of his assets after they were placed in a Trust.

Any minimal probative value that some of these statements may have is outweighed by the unfair prejudice that the statements would cause. For example, the People seek to introduce such

³⁹ Indeed, all but one of the books make it clear on its face that it was written together with a co-author. Thus, the byline for *Art of the Deal* is Donald J. Trump and Tony Schwartz; for *Trump: How to Get Rich* and *Trump: Think Like a Billionaire*, it is Donald J. Trump with Meredith McIver; and *Think Big - Make it Happen in Business and Life* was Donald J. Trump together with Bill Zanker. Moreover, although not noted on the cover, *Great Again - How to Fix our Crippled America* was written together with David Fisher. See, Trump, Donald (November 2015). *Crippled America*. Threshold Editions. p. 171 (“I would like to thank David Fisher ... [for] assistance throughout writing this book.”); <https://www.amazon.com/stores/author/B000APX6JC/about>

statements as “For many years I’ve said that if someone screws you, screw them back,” (Ex. 5 at Row 19) and that “When someone hurts you, just go after them as viciously and as violently as you can. Like it says in the Bible, an eye for an eye.” *Id.* at Row 21. The People likewise seek to introduce irrelevant statements concerning President Trump’s relationship with women that some may be offended by. *See, e.g.* Ex. 5 at Row 44 (“I always think of myself as the best-looking guy and it is no secret that I love beautiful women. That is why I bought the *Miss USA* and *Miss Universe* pageants. I love being around beautiful women.”). These statements have no admissible purpose at the trial and would only serve to attempt to portray President Trump to the jury in a negative light. *See People v. Wilkinson*, 43 A.D.2d 565 (2d Dep’t 1973) (“It is axiomatic that the prosecution may not attempt to prove a defendant’s bad character unless the latter has introduced evidence of his good character”).

Finally, even if the People proffer a legitimate basis to admit some of these statements, they should be precluded from admitting cumulative statements that make the same basic point. *See generally People v Rodriguez*, 149 A.D.3d 464, 465-66 (1st Dep’t 2017) (“A trial court has wide latitude to admit or preclude evidence after weighing its probative value against any danger of confusing the main issues, unfairly prejudicing the other side, or being cumulative.”). Here, for example, statements in Exhibit 5 at Rows 1-4 all relate to the People’s view that President Trump was a cost-conscious owner and manager.

P. The Court Should Require The People To Disclose A Realistic Exhibit List

Despite the People’s complaints about President Trump’s supposed failure to disclose trial exhibits he has not yet marked, the People’s exhibit list is currently in such a state of disarray that it is virtually meaningless. Between August 2023 and February 13, 2024, the People have identified an enormous number of trial exhibits that they could not possibly intend in good faith to offer at trial. This includes unspecified “[p]ortions” of the huge amount of data that the People

obtained from Cohen’s cell phones. In addition, the People have designated as purported trial exhibits *all* of the exhibits offered in the grand jury. This act is extremely misleading, as many of those alleged trial exhibits were admitted during grand jury testimony from witnesses who are not on the People’s list, such as Kellyanne Conway and Robert Costello.⁴⁰ The People should be precluded from offering these exhibits at trial, and ordered to disclose forthwith a revised exhibit list that describes with specificity and in good faith the documents they presently intend to offer in their case-in-chief.

IV. CONCLUSION

For the many reasons described above, President Trump respectfully requests that the Court exclude the foregoing evidence and arguments.

Dated: February 22, 2024
New York, New York

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Attorneys for President Donald J. Trump

⁴⁰ See, e.g., GJ Exs. 45 & 45A (), 46 & 46A (), 47 & 47A (), 48 () and (), 49, 49B, 49C & 49D (), 66 (), 72 (), 75 (), 76, 76A, 76B, 76C, 76D, 76E & 76F ()

EXHIBIT 1

EXHIBIT 2

In The Matter Of:
NYS Attorney General v.
Donald Trump, et al.

William Kelly, Michael Cohen
October 24, 2023

Janelle C. London, RMR, CRR & Nicole Robinson, SCR

1 SUPREME COURT OF THE STATE OF NEW YORK
2 COUNTY OF NEW YORK : CIVIL TERM : PART 37

----- X

3 PEOPLE OF THE STATE OF NEW YORK, BY
4 LETITIA JAMES, ATTORNEY GENERAL OF
5 THE STATE OF NEW YORK,

Plaintiff,

6 -against-

Index No.
452564/2022

7 DONALD J. TRUMP; DONALD TRUMP, JR.; ERIC TRUMP;
8 IVANKA TRUMP; ALLEN WEISSELBERG; JEFFREY MCCONNEY;
9 THE DONALD J. TRUMP REVOCABLE TRUST; THE TRUMP
10 ORGANIZATION, INC.; TRUMP ORGANIZATION, LLC;
11 DJT HOLDINGS, LLC; DJT HOLDINGS MANAGING MEMBER;
12 TRUMP ENDEAVOR 12, LLC; 401 NORTH WABASH VENTURE,
13 LLC; TRUMP OLD POST OFFICE, LLC; 40 WALL STREET,
14 LLC.; AND SEVEN SPRINGS, LLC,

Defendants.

----- X

60 Centre Street
New York, New York 10013
October 24, 2023

15 B E F O R E:

16 HONORABLE ARTHUR F. ENGORON,
17 Justice, Supreme Court

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

19 OFFICE OF THE ATTORNEY GENERAL
20 OF THE STATE OF NEW YORK - LETITIA JAMES
21 Attorneys for Plaintiff
22 28 Liberty Street
23 New York, New York 10005

24 BY: KEVIN WALLACE, ESQ.
COLLEEN K. FAHERTY, ESQ.
ANDREW AMER, ESQ.
ERIC HAREN, ESQ.
LOUIS M. SOLOMON, ESQ.
MARK LADOV, ESQ.
ALEX FINKELSTEIN, ESQ.

25 (Appearances continued on the next page.)

1 ninth count; is that correct?

2 A That's correct.

3 Q Was that in a separate prosecution dated November 29th,
4 to 18?

5 A It was 2018. Yes, it was.

6 Q Was that pursuant to a plea agreement with the Special
7 Counsel's Office that you made false statements to the United
8 States Congress in violation of 18 USC Section 1001(a)(2)?

9 A Yes.

10 Q And you were sentenced for those crimes?

11 A I was.

12 Q And did you attempt at any point to cooperate with the
13 government in connection with your guilty pleas?

14 A I did cooperate with the government, yes.

15 Q However, you did not receive 5K1 or substantial
16 assistance letter from the federal government, did you?

17 A No, I refused.

18 Q Did you receive any downward variance or departure in
19 your sentencing guidelines as a result of any cooperation you
20 may have provided to the government?

21 A No.

22 Q There was no downward variance associated with the
23 sentencing guidelines?

24 A The downward variance was a result of the plea, not
25 because of any benefit that I would receive.

1 Q And the downward variance, about how long -- do you
2 recall the length of the sentence you were sentenced to?

3 A 36 months incarceration, 36 months between home
4 confinement and supervised release.

5 Q Was there also a concurrent two-month sentence imposed
6 as a result of the additional Special Counsel's Office
7 information?

8 A Yes.

9 Q And you did, in fact, serve that time in a federal
10 correctional facility?

11 A I did.

12 Q Have you ever made any public statements concerning the
13 legitimacy of those convictions?

14 A More than one.

15 Q And why did you do that?

16 A Because there was no tax evasion. At best, it could be
17 characterized as a tax omission. I have never in my life not
18 paid taxes. I have never requested an extension until 2017.
19 Every year I had paid, no extensions on time, what my CPA
20 accountant directed me to pay.

21 Q Were there, in fact, crimes that you pled guilty to
22 that you did feel you were guilty of committing those crimes?

23 A Yes.

24 Q So why, then, are you making statements about the
25 legitimacy of the Southern District convictions if there are

1 Q And you understood on August 21, 2018 that by being
2 under oath, the same oath that you are on today and the same
3 oath that you were in when I deposed you, that you had a legal
4 obligation to testify truthfully and honestly; is that correct?

5 A That's correct.

6 Q Good. And you committed perjury in that proceeding,
7 didn't you?

8 A Excuse me?

9 Q You committed perjury under oath with Judge Pauly,
10 didn't you?

11 MS. FAHERTY: Objection, Your Honor.

12 MS. HABBA: It's a direct question. Yes or no?

13 THE COURT: Objection overruled.

14 A Did I commit perjury to Judge Pauly?

15 Q Did you lie to Judge Pauly when you said that you were
16 guilty of the counts that you said under oath that you were
17 guilty of? Did you lie to Judge Pauly?

18 A Yes.

19 Q You have an attorney here today, don't you, sir?

20 A I do.

21 Q You actually have several attorneys here. I recognize
22 them some from other cases they're here, aren't they?

23 A They are.

24 Q Good.

25 In connection with your guilty plea to Counts 1 through

EXHIBIT 3

In The Matter Of:
PEOPLE OF THE STATE OF NEW YORK v.
DONALD J. TRUMP, et al.

MICHAEL COHEN
October 25, 2023

NICOLE C. ROBINSON

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1 SUPREME COURT OF THE STATE OF NEW YORK
 2 COUNTY OF NEW YORK : CIVIL TERM : PART 37

3 ----- X
 4 PEOPLE OF THE STATE OF NEW YORK, BY
 5 LETITIA JAMES, ATTORNEY GENERAL OF
 6 THE STATE OF NEW YORK,

7 Plaintiff,

8 -against-

9 Index No.
 10 452564/2022

11 DONALD J. TRUMP; DONALD TRUMP, JR.; ERIC TRUMP;
 12 IVANKA TRUMP; ALLEN WEISSELBERG; JEFFREY MCCONNEY;
 13 THE DONALD J. TRUMP REVOCABLE TRUST; THE TRUMP
 14 ORGANIZATION, INC.; TRUMP ORGANIZATION, LLC;
 15 DJT HOLDINGS, LLC; DJT HOLDINGS MANAGING MEMBER;
 16 TRUMP ENDEAVOR 12, LLC; 401 NORTH WABASH VENTURE,
 17 LLC; TRUMP OLD POST OFFICE, LLC; 40 WALL STREET,
 18 LLC.; AND SEVEN SPRINGS, LLC,

19 Defendants.

20 ----- X
 21 Supreme Courthouse
 22 60 Centre Street
 23 New York, New York
 24 October 25, 2023

25 B E F O R E:

HONORABLE ARTHUR F. ENGORON,
 Justice, Supreme Court

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

OFFICE OF THE ATTORNEY GENERAL
 OF THE STATE OF NEW YORK - LETITIA JAMES
 Attorneys for Plaintiff
 28 Liberty Street
 New York, New York 10005
 BY KEVIN WALLACE, ESQ.
 COLLEEN K. FAHERTY, ESQ.
 ANDREW AMER, ESQ.
 ERIC HAREN, ESQ.
 LOUIS M. SOLOMON, ESQ.
 MARK H. LADOV, ESQ.
 SHERIEF GABER, ESQ.

(Appearances continued on the next page.)

1 Q You don't remember making a statement under oath to
2 Judge Pauley on the day he was going to sentence you to take you
3 away from your family?

4 A Yes. Yes. Actually, I know what you are talking about
5 now.

6 Q Now, you remember?

7 A Yes, I do.

8 Q And you lied?

9 A I did.

10 Q So you lied when you pled guilty, right? We know the
11 answer already, but just tell me.

12 A Asked and answered. How many times are you going to
13 ask me the same question.

14 Q I know you think you're a lawyer, but you're not.

15 A Yes, I know that.

16 Q So, sir, you lied at the time -- you lied more than
17 once in federal court, correct?

18 A Correct.

19 Q When the stakes affected you personally, right?

20 A Correct.

21 Q And you mislead a federal judge?

22 A Yes.

23 Q And one of the charges that you pled guilty to, which
24 you say today you still are guilty of, is that you lied to
25 Congress, right?

EXHIBIT 4

EXHIBIT 5

Row	Date	Substance of Statement	Bates Number	Source Information
1	1987	What I didn't want to do was run 100 Central Park South as if it were a white-glove Park Avenue building.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: The Art of The Deal Chapter 10, page 260
2	1987	The doormen were taken out of their fancy uniforms. That saved a small fortune in dry-cleaning bills.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: The Art of The Deal Chapter 10, page 260
3	1987	High-wattage lights in the hallways were replaced with lower-wattage bulbs, because, as any cost-conscious landlord will tell you, that alone saves many thousand dollars a year in electric bills.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: The Art of The Deal Chapter 10, page 260
4	1987	One way we stood to save money was from something known as value engineering. Say, for example, that your architect shows you a certain door he wants to use, which has four hinges on it. Before you approve the door, you have your engineer look at it, and perhaps he says, "Look, you only need two hinges to hang that door, or three if you want to do a really good job." So you eliminate one ten-dollar hinge, and you multiple that times 2,000 doors, and the saving on that one tiny item comes to \$20,000.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: The Art of The Deal Chapter 8, page 216
5	2004	When you are working with a decorator, make sure you ask to see all of the invoices. Decorators are by nature honest people, but you should be double-checking regardless.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire: Everything You Need to Know About Success, Real Estate, and Life Part 1, page 41
6	2004	As I said before, I always sign my checks, so I know where my money is going. In the same spirit, I also always try to read my bills to make sure I'm not being over-charged. There is human (and now computer) error everywhere -- at restaurants, at the phone company, at the grocery store, at hotels -- and you'd be surprised by how much this human error can cost you. Don't be obsessive about it, but check through your bills from time to time.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire: Everything You Need to Know About Success, Real Estate, and Life Part 2, page 63-64
7	2004	The ceiling, the flooring, the walls, the chandeliers, the mirrors -- you have to be insane about the details or the whole enterprise will fail. For instance, I've spent a good eight months choosing the right chairs for the ballroom being built at Mar-a-Lago. The ballroom is seventeen thousand square feet in area, so the chairs will be a big part of the room. I have seen probably hundreds of them by now. They have to be just right or the effect will be lessened, if not spoiled. The gilt on them has to be compatible with the entire room, and their shape and comfort must be considered as well. You should be as attentive to details as I am, no matter what the scale of your project.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire: Everything You Need to Know About Success, Real Estate, and Life Part 1, page 37
8	2004	I understand penny-pinching can have a negative connotation -- as in "miserly" -- but when you calculate how much ten cents on a price can matter if you multiple it by a hundred thousand or a million, the value of ten cents becomes clear. For instance, let's say I have to buy one hundred thousand lightbulbs for all of the buildings that I own and maintain each year. If I manage to save ten cents on each lightbulb, that's a savings of \$10,000 per year! That's \$10,000 I can put toward another building or another investment or donate to a cause that needs the money more than I do.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire: Everything You Need to Know About Success, Real Estate, and Life Part 2, page 64-65
9	2004	Penny-pinching is the opposite of being wasteful. I have never liked waste, whether it's time, effort, or money. I think I inherited this attitude from my parents, who were careful with everything, particularly money. I still don't like to overspend for anything, and I will always take the time to compare prices, whether I'm buying a new car or toothpaste.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire: Everything You Need to Know About Success, Real Estate, and Life Part 2, page 63
10	2004	When Spy magazine started years ago, they decided to do a "Who Is the Cheapest Millionaire?" test. They sent checks in amounts from fifty cents to five dollars to a list of millionaires throughout the country. I received a check for fifty cents, and we at the Trump Organization deposited it. They may call that cheap; I call it watching the bottom line.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire: Everything You Need to Know About Success, Real Estate, and Life Part 2, page 63
11	2004	Every dollar counts in business, and for that matter, every dime. Penny-pinching? You bet. I'm all for it.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire: Everything You Need to Know About Success, Real Estate, and Life Part 2, page 63

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12	2004	You need to watch the bottom line. Allen Weisselberg, my chief financial officer, has to be one of the toughest people in business when it comes to money. When I was having some financial problems in the early 1990s, I called Allen into my office and told him there would be tough times ahead. The banks were about to cut off our funding. Allen said, "No problem," and went back to his office, where he proceeded to renegotiate almost every payment from that point forward. He did whatever was necessary to protect the bottom line -- and refused to succumb to the pressures of risk. Now, he's negotiating with bankers on deals worth hundreds of millions of dollars, and he's so tough that most banks would rather I negotiate the deal than him. He's a loyal employee, and he's the ultimate master at playing the cards of business.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire: Everything You Need to Know About Success, Real Estate, and Life Part 2, page 67
13	2004	Periodically, I ask my financial department for what I call my financial "small shot." This report reflects, among other financial data, my cash balances, investments, sales of condominium units, and so forth. If I didn't check up on it regularly, I would be in big financial trouble, and I would have no one to blame but myself.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire: Everything You Need to Know About Success, Real Estate, and Life Part 2, page 68
14	2004	One day back in the late 1980s, Jeff McConney, my controller, prepared my small shot and brought it to me. I looked down at it and immediately told Jeff, "You're fired." I told him I didn't want excuses and I thought he was doing a lousy job managing my cash. Although I am a multibillionaire and I head a multibillion-dollar organization, every dollar spent by this company comes out of my pocket. The point I was making to Jeff was that even though various payments always need to be made, always question invoices and never accept a contractor's first bid. Negotiate! Negotiate! Or get out. Jeff got the message and has been with me for seventeen years and is doing a terrific job. He looks out for my bottom line as if the money were his own.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire: Everything You Need to Know About Success, Real Estate, and Life Part 2, page 68-69
15	2004	My legal team is kept extremely busy, and they are conscientious about keeping me informed.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire: Everything You Need to Know About Success, Real Estate, and Life Part 4, page 171
16	2004	I especially like employees who spend -- and, more important, save -- the company's money as if it were their own. Companies suffer when employees don't make enough of an effort to control costs. The employees who feel a personal responsibility for their budgets, who view the company's bottom line as an extension of their own personal savings account, are often the ones who get the best results. If you let your boss know that you're watching out for his or her bottom line, you'll always be appreciated.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part I, page 21
17	2004	I am the chairman and president of The Trump Organization. I like saying that because it means a great deal to me.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part I, page 3
18	2004	If you don't know every aspect of what you're doing, down to the paper clips, you're setting yourself up for some unwelcome surprises.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part II, page 60
19	2004	For many years I've said that if someone screws you, screw them back.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part IV, page 138
20	2004	Be paranoid. I know this observation doesn't make any of us sound very good, but let's face the fact that it's possible that even your best friend wants to steal your spouse and your money.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part IV, page 138
21	2004	When somebody hurts you, just go after them as viciously and as violently as you can. Like it says in the Bible, an eye for an eye.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part IV, page 138
22	2004	3:00 P.M. Allen Weisselberg, my CFO, comes in for a meeting. He's been with me for thirty years and keeps a handle on everything, which is not an easy job. He runs things beautifully. His team is tight and fast, and so are our meetings.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part V, page 174
23	2004	I have a great management team, but I like to check things out for myself as much as possible.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part V, page 185

Row	Date	Substance of Statement	Bates Number	Source Information
24	2004	2:45 P.M. I decide to take a tour of the office. First I visit Bernie Diamond, my general counsel, who is conferring with Sonja Talesnik. Then I see Andy Weiss and Don Jr. about something they're working on.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part V, page 202
25	2004	I ask my accounting team, Jeff McConney and Eric Sacher, to meet with me and Allen Weisselberg at 4:30.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part V, page 202
26	2004	I notice some doorknobs need polishing and that the copy room needs to be cleaned up a bit, but on the whole, the office is looking good. We've been in our Trump Tower offices for twenty years, and they still look brand-new.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part V, page 202
27	2004	It's a good thing I'm an active type, or this might tire me out.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part V, page 202
28	2004	As I said, I like to keep my eye on things, and I never find property checks tedious.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part V, page 203
29	2004	I have a short meeting with my finance group, Allen, Jeff, and Eric. I should have a picture of these guys for you -- what a crew! However, they do good work. People often ask me where I find the people who work for me. I think it must be divine intervention, if there is such a thing. But somehow, it all works. Remember how I once said that you should try to get people you like to work for you? These guys are a good example of that advice.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part V, page 203
30	2004	All the women on The Apprentice flirted with me -- consciously or unconsciously. That's to be expected. A sexual dynamic is always present between people, unless you are asexual.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Trump: How to Get Rich Part VI, page 223
31	2004	You should also always feel comfortable bargaining for goods and services. I do it all the time, and I'm one of the richest men on earth. Even in high-end shops, I bargain. After all, the more you're paying for something, the more the seller should be able to shave off the price. I hate paying retail, and it makes me cringe when I see other people doing it. I've walked into stores and offered \$2,000 for a \$10,000 item. It can be embarrassing for me (especially since everyone knows that I'm Trump and that I'm wealthy), but you'd be amazed at the discounts you can get if you simply ask. You do have to be willing to walk away, but after you've walked away a few times, the price will come down.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire Everything You Need to Know About Success, Real Estate, and Life Part 2, page 64
32	2004	Pay attention to the small numbers in your finances, such as percentages and cents. Numbers that seem trivial add up and have enormous implications. My parents hammered frugality into me at an early age, and it's the most important money-management skill a person can use. Call it penny-pinching if you want to; I call it financial smarts.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire Everything You Need to Know About Success, Real Estate, and Life Part 2, page 65
33	2004	Don't assume that your stocks are performing well or that your house is appreciating in value or that your business is growing just because someone tells you it is. Always look at the numbers yourself. If things turn grim, you're the one left holding the checkbook.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Like a Billionaire Everything You Need to Know About Success, Real Estate, and Life Part 2, page 68
34	2007	DO NOT TRUST ANYONE. I used to say, "Go out and get the best people, and trust them." Over the years I have seen too many shenanigans, and now I say, "Get the best people, and don't trust them." Do not trust them because if you don't know what you are doing they are going to rob you blind. I know dozens of sophisticated business people who hired accountants and lawyers and others, and they trusted them. They got killed. They lost their businesses. So I say, "Get the best people, and don't trust them."	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 5, page 154
35	2007	My motto is: Always get even. When somebody screws you, screw them back in spades.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 6, page 183
36	2007	When you are wronged, go after those people because it is a good feeling and because other people will see you doing it. Getting even is not always a personal thing. It's just part of doing business.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 6, page 192

Row	Date	Substance of Statement	Bates Number	Source Information
37	2007	There are many bad people out there who want to take you for every penny you have. If you are stupid and gullible it is only a matter of time before someone takes your money. So watch your step and pay attention.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 5, page 150
38	2007	As a matter of fact, I value loyalty above everything else -- more than brains, more than drive, and more than energy.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 5, page 160
39	2007	Some of my best people have been with me for decades. I reward people highly for their loyalty to me and to the entire Trump Organization.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 5, page 162
40	2007	I think the reason we have so many loyal people is that we reward loyalty, and everybody knows this. It has become part of the corporate culture of the Trump Organization. People like Allen Weisselberg and Matt Calamari are great and have proven themselves over many years.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 5, page 162
41	2007	I also like employees who save the company money. Companies suffer when employees do not make enough of an effort to control costs.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 5, page 164
42	2007	I just can't stomach the disloyalty. I put the people who are loyal to me on a high pedestal and take care of them very well. I go out of my way for the people who were loyal to me in bad times. This woman was very disloyal, and now I go out of my way to make her life miserable.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 6, page 180
43	2007	People are not perfect and some of them are outright vicious and hell-bent on doing you in. Use your gut to hire the best people you can find, but do not trust them. Create a work environment where you reward good people for doing good work and for being loyal to you and your company.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 5, page 166
44	2007	I always think of myself as the best-looking guy and it is no secret that I love beautiful women. That is why I bought the <i>Miss USA</i> and <i>Miss Universe</i> pageants. I love being around beautiful women.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 9, page 269
45	2007	The women I have dated over the years could have any man they want; they are the top models and most beautiful women in the world. I have been able to date (screw) them all because I have something that many men do not have. I don't know what it is but women have always liked it.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 9, page 270
46	2007	I love getting even when I get screwed by someone -- yes, it is true, people still try to take me for a ride, and sometimes they succeed, rarely, but when they do I go after them. You know what? People do not want to play around with me as much as they do with others. They know if they do, they are really in for a big fight. Always get even. When you are in business you need to get even with people who screw you. You need to screw them back fifteen times harder. You do it not only to get the person who messed with you but also to show the others who are watching what will happen to them if they mess with you. If someone attacks you, do not hesitate. Go for the jugular. Attack them back in spades!	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Chapter 6, page 193-194
47	2007	Q: Mr. Trump, since you are not running for president, who do we support and how do we get started? DT: You have a lot of good people. Rudy Giuliani is a very good person. Hillary Clinton is a very good person. We might not like what's going on right now, but we live in a very resilient country, and we'll find a way out of our problems. This country is very, very resilient.	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Think Big - Make it Happen in Business and in Life Page 307
48	2015	So here's the way I work: I find the people who are the best in the world at what needs to be done, then I hire them to do it, and <i>then I let them do it ...</i> but I always watch over them	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Great Again - How to Fix our Crippled America Chapter 2, page 16
49	2015	Some of the properties owned and/or developed and managed or licensed by Donald J. Trump and The Trump Organization Trump Tower, Trump World Tower, Trump Parc, Trump Parc East, Trump Park Avenue	Not Bates-stamped. Disclosed on Addendum A to the ADF.	Great Again - How to Fix our Crippled America About the Author, page 190

Row	Date	Substance of Statement	Bates Number	Source Information
50	10/8/1999	<p>Trump: I think nobody knows more about campaign finance than I do, because I'm the biggest contributor.</p> <p>King: OK, but what about reform? Does it need reform? You're the Reform Party?</p> <p>Trump: Well, it's a very complex -- you know what? It's a very complex thing. As an example, I'm allowed to give \$1,000 to every senator, right?</p> <p>King: Right</p> <p>Trump: Do you know how little that is, and this was 20 years ago, \$1,000. Now, I love it, because, you know, I'm capped out at a \$1,000 per senator and they all love me for it. You know, I give them \$1,000, it's great.</p> <p>King: But you can reform where you have soft money, hard money, PAC money.</p> <p>Trump: Well, no, you have other ways. But the one thing I feel strongly about -- you know, I have heard Bradley and others talking about the government should pay for the elections, and I totally disagree. If you like a candidate, you should be able to contribute to that candidate. Now, they should let it be known that you're contributing, but you should be able to contribute and help that candidate. Otherwise, you're taking away the whole American system.</p>	DANYDJT00184116	Interview with Larry King, timestamp 25:15-26:00
51	6/30/2000	<p>I, Donald J. Trump, being duly sworn, hereby make this statement under oath and of my own free will for the purpose of memorializing my knowledge and recollection of the facts and circumstances related to the reception I hosted on March 27, 2000 for William L. Gormley, a candidate for election to the United States Senate from the State of New Jersey.</p> <p>I paid from my personal funds all the costs of the invitations, food, and beverages for the March 27, 2000 reception I sponsored and hosted for William L. Gormley. I was not reimbursed, in whole or in part, for the costs of the invitations, food and beverages for the March 27, 2000 reception I sponsored and hosted for William L. Gormley.</p> <p>I neither reimbursed, nor caused any other person to reimburse, any employee of Trump Hotels & Casino Resorts, Inc. or its subsidiaries for his or her contribution to Gormley for Senate.</p> <p>In witness whereof, I have executed this Affidavit this 26th day of June, 2000. -- Donald J. Trump</p>	DANYDJT00019626 - DANYDJT00019642	Affidavit submitted to the Federal Election Commission
52	2/10/2011	<p>While I am not at this time a candidate for the presidency, I will decide by June whether or not I will become one. And I will tell you the reason that I'm thinking about it is that the United States has become the whipping post for the rest of the world. The world is treating us without respect. They are not treating us properly. America -- America today is missing quality leadership.</p>	DANYDJT00198530	Remarks at CPAC, timestamp 1:08-1:41
53	4/28/2011	<p>We have the potential to have a great country again. And I have to say again, we are not a great country now, we are not a great county. We love our country, but we are not a great country. If I run and if I win, and I hope you are going to be really pleasantly surprised, we're not talking long, believe me, before June, if I run, and if I win, we will have a rich country again. We will have a great country again. And you know, in a certain way, what I almost like the most, we will be respected as a country again.</p>	DANYDJT00198531	Speech in Las Vegas, timestamp 35:40-36:22
54	5/12/2016	<p>Nobody knows more about taxes than I do -- maybe in the history of the world.</p>	DANYDJT00187136- DANYDJT00187139	Quoted in Nancy Benac, <i>Nothing to Learn from Trump's Taxes? Experts Beg to Differ</i> , Associated Press, May 12, 2016 AP Article
55	10/7/2016	<p>Access Hollywood Tape</p>	DANYDJT00179906	Exhibit 35 to the Oct. 19, 2022 deposition of Donald J. Trump in <i>Carroll v. Trump</i> , No. 20 Civ. 7311 (S.D.N.Y.)
56	10/8/2016	<p>I've never said I'm a perfect person, nor pretended to be someone that I'm not. I've said and done things that I regret, and the words released today on this more than a decade-old video are one of them. Anyone who knows me knows these words don't reflect who I am. I said it, I was wrong, and I apologize. I've traveled the country talking about change for America, but my travels have also changed me. I've spent time with grieving mothers who lost their children, laid-off workers whose jobs have gone to other countries, and people from all walks of life who just want a better future. I have gotten to know the great people of our country, and I have been humbled by the faith they have placed in me. I pledge to be a better man tomorrow, and will never, ever let you down. Let's be honest. We're living in the real world. This is nothing more than a distraction from the important issues we are facing today. We're losing our jobs, we are less safe than we were 8 years ago, and Washington is totally broken. Hillary Clinton and her kind have run our country into the ground. I've said some foolish things but there's a big difference between the words and actions of other people. Bill Clinton has actually abused women, and Hillary has bullied, attacked, shamed, and intimidated his victims. We will discuss this more in the coming days. See you at the debate on Sunday.</p>	DANYDJT00181648	Twitter - 12:19 A.M.

Row	Date	Substance of Statement	Bates Number	Source Information
57	10/9/2016	<p>Cooper: Thank you Mr. Trump. The question from Patrice was about 'Are you both modeling positive and appropriate behaviors for today's youth?' We received a lot of questions online, Mr. Trump about the tape that was released on Friday, as you can imagine. You called what you said 'locker room banter.' You described kissing women without consent, grabbing their genitals. That is sexual assault. You bragged that you have sexually assaulted women. Do you understand that?</p> <p>Trump: No, I didn't say that at all. I don't think you understood what was said. This was locker room talk. I am not proud of it. I apologize to my family, I apologized to the American people. Certainly, I am not proud of it. But this is locker room talk. You know, when we have a world where you have ISIS chopping off heads, where you have them, frankly, drowning people in steel cages, where you have wars and horrible, horrible sights all over and you have so many bad things happening, this is like medieval times. We haven't seen anything like this. The carnage all over the world and they look and they see, can you imagine the people that are frankly doing so well against us with ISIS and they look at our country and see what's going on. Yes, I am very embarrassed by it and I hate it, but it's locker room talk and it's one of those things. I will knock the hell out of ISIS. We are going to defeat ISIS. ISIS happened a number of years ago in a vacuum that was left because of bad judgment. And I will tell you, I will take care of ISIS. We need to get on to much more important and bigger things.</p> <p>Cooper: For the record, are you saying that what you said on the bus 11 years ago, that you did not actually kiss women without consent or grope women without consent?</p> <p>Trump: I have great respect for women. Nobody has more respect for women than I do.</p> <p>Cooper: So for the record, you're saying you never did that?</p> <p>Trump: Frankly, you hear these things. They are said. And I was am embarrassed by it. But I have respect for women--</p> <p>Cooper: --Have you ever done those things?</p> <p>Trump: -- And they have respect for me. And I will tell you, no I have not. And I will tell you, that I'm going to make our country safe and we're going to have borders which we don't have now. People are pouring into our country and they're coming in from the Middle East and other places. We're gonna make America safe again, we're gonna make America great again but we're gonna make America safe again and we're gonna make America wealthy again. Because if you don't do that, it just, it sounds harsh to say, but we have to build up the wealth of our nation. Other nations are taking our jobs and they're taking our wealth.</p>	DANYDJT00184117	Second Presidential Debate, timestamp 6:35 - 9:00
58	10/9/2016	<p>Raddatz: You will get to respond right now. This tape is generating intense interest. In just 48 hours it has become the single most talked about story of the entire 2016 election on Facebook with millions and millions of people discussing it on the social network. As we said a moment ago, we do want to bring in questions from voters around the country via social media. And our first stays on this topic. Jeff from Ohio asks on Facebook, Trump says the campaign has changed him. When did that happen? So Mr. Trump, let me add to that, when you walked off that bus at age 59, were you a different man or did that behavior continue until just recently? And you have two minutes for this.</p> <p>Trump: That was locker room talk. I'm not proud of it. I am a person who has great respect for people, for my family, for the people of this country and certainly I am not proud of it, but that was something that happened. If you look at Bill Clinton, far worse. Mine are words and his was action. His words, what he has done to women. There's never been anybody in the history of politics in this nation that has been so abusive to women. So you can say any way you want to say it, but Bill Clinton is abusive to women. Hillary Clinton attacked those same women, and attacked them viciously, four of them here tonight. One of the women, who is a wonderful woman at 12 years old was raped. At 12. Her client, she represented, got him off and she is seen laughing on two occasions laughing at the girl who was raped. Kathy Shelton, that young woman, is here with us tonight. So don't tell me about words. I am, absolutely, I apologize for those words, but it is things that people say, but what President Clinton did, he was impeached, he lost his license to practice law, he had to pay an \$850,000 fine to one of the women. Paula Jones who is also here tonight. And I will tell you that when Hillary brings up a point like that and she talks about words that I said 11 years ago, I think it's disgraceful and I think she should be ashamed of herself, if you want to know the truth.</p>	DANYDJT00184056- DANYDJT00184057	Second Presidential Debate, timestamp 13:00-15:25
59	10/9/2016	<p>Cooper: So have you paid personal federal income tax?</p> <p>Trump: A lot of my—excuse me, Anderson—a lot of my write- off was depreciation and other things that Hillary as a senator allowed. And she'll always allow it, because the people that give her all this money, they want it. That's why. See, I understand the tax code better than anybody that's ever run for president.</p>	DANYDJT00184068- DANYDJT00184069	Second Presidential Debate, timestamp 54:05-54:58
60	10/11/2016	The very foul mouthed Sen. John McCain begged for my support during his primary (I gave, he won), then dropped me over locker room remarks!	DANYDJT00181641	Twitter - 12:52 P.M.

Row	Date	Substance of Statement	Bates Number	Source Information
61	10/13/2016	People who are capable of such crimes against our nation are capable of anything. And so now we address the slander and libels that was just last night thrown at me by the Clinton machine and the New York Times and other media outlets, as part of a concerted, coordinated and vicious attack. It's not coincidence that these attacks come at the exact same moment, and altogether at the same time as WikiLeaks releases documents exposing the massive international corruption of the Clinton machine, including 2,000 more e-mails just this morning. These vicious claims about me of inappropriate conduct with women are totally and absolutely false. And the Clintons know it, and they know it very well. These claims are all fabricated. They're pure fiction and they're outright lies. These events never, ever happened and the people said them meekly fully understand. You take a look at these people, you study these people, and you'll understand also. The claims are preposterous, ludicrous, and defy truth, common sense and logic. We already have substantial evidence to dispute these lies, and it will be made public in an appropriate way and at an appropriate time very soon. These lies come from outlets whose past stories and past claims have already been discredited. The media outlets did not even attempt to confirm the most basic facts because even a simple investigation would have shown that these were nothing more than false smears. . . . These people are horrible people. They're horrible, horrible liars. And interestingly, it happens to appear 26 days before our very important election, isn't that amazing? This invented account has already been debunked by eyewitnesses who were there. They were there. The very witness identified by the author has said the story is totally false.	DANYDJT00179916	Rally in West Palm Beach, timestamp 13:32-16:00 19:59-20:33
62	10/14/2016	After many, many years, even many decades, without complaint, the media and the Clinton campaign have brought forward false allegations less than a month before the most important election in modern times. These allegations are 100% false, as everybody – I think you know. I think you get it. I think you get it. They are made up, they never happened. When have you met tens of thousands of people as I have, and I have met thousands and thousands and thousands of people, know them, know them well, it's not hard to find a small handful of people willing to make false smears for personal fame, who knows maybe for financial reasons, political purposes or for the simple reason they want to stop our movement they want to stop our campaign. Very simple. These claims defy reason, truth, logic, common sense, they're made without supporting witnesses – no witnesses. Hey, you know, 20 years ago, 10 years ago, 14 years ago, 12 years ago, not me, believe me. Not me, not me. You would be very impressed, actually, with my life, in so many regards, including that regard. No, not a single shred of evidence. Eye witnesses have already debunked the wild and ludicrous allegations of a magazine article that appeared, and I'll tell you what – it was just incredible. It was People magazine, and the article appeared and a statement was made, but if it was true they would have put it in the article. They would have had to put it into the article. But they didn't do that. And they didn't do that for simple reason – because it never happened. 12 years ago. Never complained, never talked to the bosses, never – all of a sudden two nights ago we get a call and the call is from People magazine. They didn't even want a quote. I think maybe what we should do is boycott that issue of People magazine. So, that's the way it is. But I just want to tell you folks, it is a campaign that's amazing, and I'm not going to be talking about it much because we want to talk about other things and we have to talk about other things. But if it affects 5% or 2% or 10% or – it's all false stuff, it's all a concerted effort and I think it's the only way they're going to stop us. The only way. And I don't think that's going to happen.	DANYDJT00179917	Rally in Charlotte, timestamp 10:55-14:05
63	10/14/2016	As you have seen, right now I am being viciously attacked with lies and smears. It's a phony deal. I have no idea who these women are – have no idea, I have no idea. And I think you all know I have no idea because you all understand me very well for a lot of years, okay? When you looked at that horrible woman last night you said, "I don't think so, I don't think so." Whoever she is, wherever she comes from, the stories are total fiction. They are 100% made up, they never happened, they never would happen. I don't think they would happen with very many people, but they certainly aren't going to happen with me. Folks, you know my people always say "oh don't talk about it, talk about jobs, talk about the economy" don't worry, your jobs are going to be – they are going to be coming back to North Carolina like you've never seen. The economy is going to be good. But I feel I have to talk about it. Because, you have to dispute when somebody says something, and fortunately we have the microphone, we are able to dispute, some people can't. These are lies being pushed by the media and the Clinton campaign to try to keep their grip on our country. They are all false, they are totally invented, fiction. All 100% totally and completely fabricated. Never met this person, these people, I don't know who they are. I don't know who – think about what's happening to our country, think of what's happening – I don't know who these people are. I look on television, I think it's a disgusting thing and its being pushed – they have no witnesses, there's nobody around, they just come out – some are doing it probably for a little fame, they get some free fame. It's a total setup. Now suddenly after many many years, phony accusers come out, less than a month before one of the most important elections in the history of our country. . . . These are all horrible lies, all fabrications, and we can't let them change the most important election in our lifetimes. If 5% of the people think its true and maybe 10% think – we don't, we don't win.	DANYDJT00179918	Rally in Greensboro, timestamp 13:35-15:56 18:42-18:58
64	10/15/2016	Nothing ever happened with any of these women. Totally made up nonsense to steal the election. Nobody has more respect for women than me!	DANYDJT00181643	Twitter - 2:29 P.M.
65	10/16/2016	Polls close, but can you believe I lost large numbers of women voters based on made up events THAT NEVER HAPPENED. Media rigging election!	DANYDJT00181645	Twitter - 7:36 A.M.

Row	Date	Substance of Statement	Bates Number	Source Information
66	10/17/2016	The media is trying to rig the election by giving credence – and this is so true, by giving credence to false stories that have no validity and make it front page news – they take a story with absolutely nothing that didn't exist and they put it on the front page news because they want to poison the minds of the voters. So, well they really do, they want to poison the mind – they take things, and statements, and put it in, from 30 years ago, from 20 years ago – by the way, just so you understand, just so I can be very clear, events that never happened, just so you do understand that, okay? It's amazing. It's amazing. I think most people do believe me, that's why we are having, and it's in our favor, a backlash like nobody has ever seen before. They're tired, people are tired of it. Front page news – a phone call – front page news, and then it turns out, it's false stuff, it's all false stuff.	DANYDJT00181618	Rally in Green Bay, timestamp 13:45 - 15:03
67	10/17/2016	Can't believe these totally phony stories, 100% made up by women (many already proven false) and pushed big time by press, have impact!	DANYDJT00181646	Twitter - 8:15 A.M.
68	10/19/2016	Nobody has more respect for women than I do. Nobody. Nobody has more respect...And frankly, those stories have been largely debunked. And I really want to just talk about something slightly different.	DANYDJT00187190	Third Presidential Debate, timestamp 52:55-53:10
69	10/22/2016	They're trying to poison the mind of the American voter. Every woman lied when they came forward to hurt my campaign, total fabrication, the events never happened, never. All of these liars will be sued after the election is over.	DANYDJT00181622	Rally in Gettysburg, timestamp 9:00 - 9:26
70	1/11/2017	Michael Cohen — I was being — Michael Cohen is a very talented lawyer. He's a good lawyer in my firm.	DANYDJT00174765	News Conference in New York, timestamp 53:04-53:09
71	1/20/2017	While this does not constitute a formal announcement of my candidacy for the 2020 election, because I have reached the legal threshold for filing FEC Form 2, please accept this letter as my Form 2 for the 2020 election in order to ensure compliance with the Federal Election Campaign Act. See 52 U.S.C. 30102(e)(1); 11 C.F.R. 100.3(a)(1). Sincerely, Donald J. Trump	DANYDJT00198344	Federal Election Commission Form 99
72	4/5/2018	Reporter: Mr. President, did you know about the \$130,000 payment to Stormy Daniels? Trump: No. Reporter: Then why did Michael Cohen make it if there is no truth to the allegations? Trump: Well, you would have to ask Michael Cohen. Michael is my attorney and you'll have to ask Michael.	DANYGJ00074800	Video of statement to reporters on Air Force One. (Also identified as GJ Exhibit 45.)
73	4/21/2018	The New York Times and a third rate reporter named Maggie Haberman, known as a Crooked H flunkie who I don't speak to and have nothing to do with, are going out of their way to destroy Michael Cohen and his relationship with me in the hope that he will "flip." They use [] non-existent "sources" and a drunk/drugged up loser who hates Michael, a fine person with a wonderful family. Michael is a businessman for his own account/lawyer who I have always liked & respected. Most people will flip if the Government lets them out of trouble, even if [] it means lying or making up stories. Sorry, I don't see Michael doing that despite the horrible Witch Hunt and the dishonest media!	DANYGJ00000031	Twitter - 9:10 A.M. (Also identified as GJ Exhibit 48.)
74	4/26/2018	Doocy: How many — how much of your — Mr. President, how much of your legal work was handled by Michael Cohen? Trump: Well, he has a percentage of my overall legal work -- a tiny, tiny little fraction. But Michael would represent me on some things. He represents me -- like with this crazy Stormy Daniels deal he represented me. And, you know, from what I see he did absolutely nothing wrong. There were no campaign funds going into this.	DANYDJT00181624	Telephone call aired on Fox and Friends, timestamp 15:00-15:30
75	5/3/2018	Mr. Cohen, an attorney, received a monthly retainer, not from the campaign and having nothing to do with the campaign, from which he entered into, through reimbursement, a private contract between two parties, known as a non-disclosure agreement, or NDA. These agreements are [] very common among celebrities and people of wealth. In this case it is in full force and effect and will be used in Arbitration for damage against Ms. Clifford (Daniels). The agreement was used to stop the false and extortionist accusations made by her about an affair, [] despite already having signed a detailed letter admitting that there was no affair. Prior to its violation by Ms. Clifford and her attorney, this was a private agreement. Money from the campaign, or campaign contributions, played no roll in this transactions.	DANYDJT00201870- DANYDJT00201872	Twitter - 6:46 A.M. (Also identified as GJ Exhibit 48.)
76	5/15/2018	In the interest of transparency, while not required to be disclosed as "reportable liabilities" on Part 8, in 2016 expenses were incurred by one of Donald J. Trump's attorneys, Michael Cohen. Mr. Cohen sought reimbursement of those expenses and Mr. Trump fully reimbursed Mr. Cohen in 2017. The category of value would be \$100,001 - \$250,000 and the interest rate would be zero.	DANYDJT00140916	OGE Form 278e, at 1, 45
77	8/22/2018	If anyone is looking for a good lawyer, I would strongly suggest that you don't retain the services of Michael Cohen!	DANYDJT00201873	Twitter - 8:44 A.M. (Also identified as GJ Exhibit 48.)
78	8/22/2018	I feel very badly for Paul Manafort and his wonderful family. "Justice" took a 12 year old tax case, among other things, applied tremendous pressure on him and, unlike Michael Cohen, he refused to "break" - make up stories in order to get a "deal." Such respect for a brave man!	DANYDJT00201874	Twitter - 9:21 A.M. (Also identified as GJ Exhibit 48.)

Row	Date	Substance of Statement	Bates Number	Source Information
79	8/23/2018	<p>Earhardt: Michael Cohen, tell me about your relationship with him.</p> <p>Trump: Well he was a lawyer for me for, one of many, you know, they always say the lawyer and then they like to add the fixer, well I don't know if he's a fixer, I don't know where that term came from but he's been a lawyer for me, didn't do big deals, did small deals, not somebody that was with me that much. You know they make it sound like I didn't live without him. I understood Michael Cohen very well. He, well it turned out he wasn't a very good lawyer, frankly. But he was somebody that was probably with me for about ten years and I would see him sometimes, but when I had deals and big deals I had outside lawyers and I have a lot of inside lawyers too in addition to Michael. I always found him to be a nice guy.</p>	DANYDJT00175120	Fox and Friends, timestamp 1:30-2:13
80	8/23/2018	<p>Earhardt: Did you know about the payments?</p> <p>Trump: Later on I knew. Later on. But you have to understand, Ainsley, what he did and they weren't taken out of campaign finance. That's the big thing. That's a much bigger thing. Did they come out of the campaign. They didn't come out of the campaign. They came from me and I tweeted about it. You know I put, I don't know if you know, but I tweeted about the payments, but they didn't come out of campaign. In fact my first question when I heard about it was, did they come out of the campaign because that could be a little dicey and they didn't come out of the campaign and that's big, but they weren't, that's not a, it's not even a campaign violation. If you look at President Obama, he had a massive campaign violation, but he had a different Attorney General and they viewed it a lot differently, you know. We have somebody that they seem to like to go after a lot of Republicans, but he settled his very easily. In fact I put that out fairly recently. So Obama had it, other people have it, almost everybody that runs for office has campaign violations, but what Michael Cohen pled to weren't even campaign related, they weren't crimes.</p>	DANYDJT00175120	Fox and Friends, timestamp 2:40-3:53
81	10/17/2018	<p>AP: Sir, as the president of the United States, is it appropriate to call a woman, and even one who is making serious allegations and who you are in litigation against, to call her a horseface?</p> <p>Trump: You know what? You can take it any way you want.</p> <p>AP: How should we take it?</p> <p>Trump: Did you see the letter? She put out a letter. I had nothing to do with her. So she can lie and she can do whatever she wants to do. She can hire a phoney lawyer. You take a look at this guy, a stone-cold loser. Take a look at his past. They can say anything about me. I'm just saying, I just speak for myself. You take a look, and you make your own determination.</p>	DANYDJT00173816 - DANYDJT00173817	Transcript of Oval Office Interview by Associated Press reporters Catherine Lucey, Zeke Miller, and Jonathan Lemire, at 4-5
82	12/13/2019	<p>Woodward: I can see from the letters. He's begging. I'm sorry, he's begging.</p> <p>Trump: And communication is unbelievably difficult because there are no telephones. All right? He reads all of my social media. You see the statements I put out. You saw the one I put out a week ago, right? A few days ago.</p> <p>Woodward: Yes.</p> <p>Trump: That was meant for a party of one. Okay?</p> <p>Woodward: To him?</p> <p>Trump: Yeah. He sees all of that. That's the primary way of communication [laughs] which is a little - because I've got so many, hundreds of millions of people. But, but -</p> <p>Woodward: And this is the one, December 8, "Kim Jong Un is too smart and has far too much to lose, everything actually, if he acts in a hostile way."</p> <p>Trump: Yeah. That was only meant for him. I call it a party of one. Even though tens of millions of people are seeing it. Right?</p> <p>Woodward: Understand.</p>	Not Bates-stamped. Disclosed on Addendum A to the ADF.	The Trump Tapes Bob Woodward Interviews Interview 3: Nothing Scares Me Page 111

Row	Date	Substance of Statement	Bates Number	Source Information
83	12/13/2019	<p>Trump: I have a tremendous Twitter following. You know I actually have - hey, ask Dan to come in please? Dan?</p> <p>*Dan Scavino enters*</p> <p>Woodward: Okay, so where is it now? What's the next step?</p> <p>Trump: Wait a minute, I just - hey Dan, you know the great Bob Woodward. This is Dan Scavino.</p> <p>Scavino: Yes, I do. How are you, sir?</p> <p>Woodward: How are you, sir?</p> <p>Scavino: Nice to meet you.</p> <p>Woodward: Nice to meet you.</p> <p>Trump: So on my Twitter site, plus the other sites, plus Facebook, Instagram, what do I have?</p> <p>Scavino: A hundred seventy-six million total right now. Twitter, Instagram, Facebook. You have @realDonaldTrump, @teamtrump -</p> <p>Trump: Well that way I can fight the fake news. Its the most - I had dinner with Zuckerberg the other night at the White House, okay?</p> <p>Woodward: Yeah.</p> <p>Trump: And he sits down. I said, you're not treating this world fairly. Anyway, he sits down and he goes, congratulations Mr. President. I said, what? He said, you're by far number one on Facebook. I said, that's good. I said, who's second? He said Modi of India. I said, yeah, but he's got 1.5 billion people. [laughter]</p> <p>Woodward: Yeah.</p> <p>Trump: But he said that. You heard that?</p> <p>Scavino: I was right there.</p> <p>Trump: He said you're number one. Its in the list, but you're number one. Said number one on Facebook.</p> <p>Scavino: Since 2015.</p> <p>Trump: By far. So it allows me to fight these fakers, these terrible human beings that are in the media that people think are legitimate but they're not. And you and I might disagree.</p>	Not Bates-stamped. Disclosed on Addendum A to the ADF.	The Trump Tapes Bob Woodward Interviews Interview 3: Nothing Scares Me Page 111-113
84	12/30/2019	<p>Trump: Ask him how many people. How many people do I have?</p> <p>Scavino: I actually did it today, 176.2 million people on Twitter, Facebook, Instagram, LinkedIn.</p> <p>Trump: It's six different sites. Now that's - by the way, so when I have - that's more than all of these people put together. My wonderful, dishonest media. Listen -</p> <p>Woodward: Do you agree -</p> <p>Trump: Do me a favor. Hey, Dan. That's on six different sites -</p>	Not Bates-stamped. Disclosed on Addendum A to the ADF.	The Trump Tapes Bob Woodward Interviews Interview 4: It Ended in Dust Page 169

Row	Date	Substance of Statement	Bates Number	Source Information
85	10/19/2022	<p>Q: You're familiar with a woman by the name of Jessica Leeds?</p> <p>A: No, I don't think so. But explain. Go ahead.</p> <p>Ms. KAPLAN: Let's mark that. (DJT Exhibit 37 was marked for identification.)</p> <p>THE WITNESS: Ch, this is another one.</p> <p>BY Ms. KAPLAN</p> <p>Q: A New York Times article dated October 12, 2016, entitled "Two Women Say Donald Trump Touched Them Inappropriately." And I heard you sighing, sir.</p> <p>A: Yeah.</p> <p>Q: Does that mean that this refreshes your recollection of who this is?</p> <p>A: Yes, it does. This woman made up a story, just like your client made it up. Just made up a story. Having to do with sitting next to me on an airplane. And, I mean, I 'll have to read this again, but that story was so false, also. But this was, I guess, making out as opposed to what your client said. This story was so false. This is a disgrace, also. They're all a disgrace.</p> <p>Q: And do you recall speaking about Ms. Leeds' allegations at campaign events in 2016?</p> <p>A: I might have. I thought it was so like your client, I thought it was so ridiculous.</p> <p>Q: Let's take a look at the next video, which is DJT 38. (DJT Exhibit 38 was marked for identification.) (Video played.)</p> <p>BY Ms. KAPLAN</p> <p>Q: When you said --</p> <p>A: Is that finished now?</p> <p>Q: When you said in that video that Ms. Leeds would not be your first choice, you were referring to her physical looks; correct?</p> <p>A: Just the overall, not -- I looked at her. I see her. I hear what she says. Whatever. You wouldn't be a choice of mine, either, to be honest with you. I hope you're not insulted. I wouldn't under any circumstances have any interest in you. I'm honest when I say it. She, I would not have any interest in.</p>	DANYDJT00179873	Oct. 19, 2022 deposition in <i>Carroll v. Trump</i> , No. 20 Civ. 7311 (S.D.N.Y.), at 182:23 - 184:22
86	10/19/2022	<p>Q: Now, do you recall that in the video we showed you from the Greensboro event -- withdrawn. Do you recall that in the video we showed you where you're talking about Ms. Stoyhoff, you said, quote: "Take a look. You take a look. Look at her. Look at her words. You tell me what you think. I don't think so. I don't think so."</p> <p>A: Yes.</p> <p>Q: Isn't that also a reference to Ms. Stoyhoff's appearance?</p> <p>A: Well, yeah. I don't find her attractive. I mean, you know. Hey, she accused me of something falsely, years after. After writing a fantastic story about me, she accused me of something out of nowhere. And I didn't even know who it was when this accusation was leveled. Yeah, she made a charge against me. And will tell you as part of my statement no, I would not be attracted to her at all.</p> <p>Q: And another way of saying that Stoyhoff wasn't your type; correct?</p> <p>Ms. HABBA: Objection to form.</p> <p>THE WITNESS: You can take it any way you want it.</p>	DANYDJT00179876	Oct. 19, 2022 deposition in <i>Carroll v. Trump</i> , No. 20 Civ. 7311 (S.D.N.Y.), at 194:15 - 195:15
87	10/19/2022	<p>Q: What is Truth Social?</p> <p>A: It's a platform that's been opened by me as an alternative to Twitter.</p> <p>Q: And your handle on Truth Social is @realdonaldtrump?</p> <p>A: I believe so, yes.</p>	DANYDJT00179858 - DANYDJT00179859	Oct. 19, 2022 deposition in <i>Carroll v. Trump</i> , No. 20 Civ. 7311 (S.D.N.Y.), at 125:22 - 126:3

Row	Date	Substance of Statement	Bates Number	Source Information
88	10/19/2022	<p>Q: Are you familiar -- I'm sure you are -- with something that's often referred to as "the Access Hollywood tape"?</p> <p>A: Yes, I am.</p> <p>Ms. KAPLAN Okay. Let's mark it and play it as 35. play it as 35 And I apologize. I'm hoping the technology works better.</p> <p>(DJT Exhibit 35 was marked for identification.)</p> <p>(Video played.)</p> <p>BY Ms. KAPLAN</p> <p>Q: That's you in that video, speaking?</p> <p>A: Yes, correct.</p>	DANYDJT00179869	October 19, 2022 deposition of Donald J. Trump in Carroll v. Trump, No. 20 Civ. 7311 (S.D.N.Y.), at 168:20 - 174:21
89	10/19/2022	<p>Q: And you say -- and again, this has become very famous -- in this video, "I just start kissing them It's like a magnet. Just kiss. I don't even wait. And when you're a star, they let you do it. You can do anything, grab them by the pussy. You can do anything." That's what you said; correct?</p> <p>A: Well, historically, that's true with stars.</p> <p>Q: True with stars that they can grab women by the pussy?</p> <p>A: Well, that's what -- if you look over the last million years, I guess that's been largely true. Not always, but largely true. Unfortunately or fortunately.</p> <p>Q: And you consider yourself to be a star?</p> <p>A: I think you can say that, yeah.</p>	DANYDJT00179871	October 19, 2022 deposition in Carroll v. Trump, No. 20 Civ. 7311 (S.D.N.Y.), at 168:20 - 174:21
90	10/19/2022	<p>Q: And your current wife is Melania Trump?</p> <p>A: That's correct, yes.</p> <p>Q: And you married her, according to my records, 2005?</p> <p>A: Yes.</p> <p>Q: And you're still married to her today?</p> <p>A: Yes.</p>	DANYDJT00179838	October 19, 2022 deposition in Carroll v. Trump, No. 20 Civ. 7311 (S.D.N.Y.), at 44:3-9
91	3/15/2023	I did NOTHING wrong in the "Horseface" case. I see she showed up in New York today trying to drum up some publicity for herself. I haven't seen or spoken to her since I took a picture with her on a golf course, in full golf gear including a hat, close to 18 years ago. She knows nothing about me other than her conman lawyer, Avanatti, and convicted liar and felon, jailbird Michael Cohen, may have schemed up. Never had an affair with her, just another false acquisition by a Sleazebag. Witch Hunt!	DANYDJT00138371	Truth Social - 11:32 P.M.
92	8/4/2023	IF YOU GO AFTER ME, I'M COMING AFTER YOU!	DANYDJT00179971	Truth Social - 4:16 P.M.
93	11/6/2023	<p>Q: The first question, were you aware that you had to maintain complete and accurate books and records pursuant to this agreement?</p> <p>A: I don't know specifically, but it sounds right to me.</p> <p>Q: Do you believe you complied with that requirement?</p> <p>A: Yes.</p>	DANYDJT00192274	Nov. 6, 2023 Trial Testimony in <i>People v. Trump</i> , Index No. 452564/2022, at 3609:5 - 3609:10
94	11/6/2023	<p>Q: How did you know that the banks did not pay much attention to your statements?</p> <p>A: Because I have been dealing with banks for 50 years, and I probably know banks as well as anybody.</p>	DANYDJT00192144	Nov. 6, 2023 Trial Testimony in <i>People v. Trump</i> , Index No. 452564/2022, at 3479:8 - 3479:11