

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

<p>DISTRICT OF COLUMBIA,</p> <p>Plaintiff,</p> <p>v.</p> <p>58th PRESIDENTIAL INAUGURAL COMMITTEE, <i>et al.</i></p> <p>Defendants.</p>	<p>Civil Action No.: 2020 CA 000488 B Judge José López</p> <p>Next Event: Close of Discovery Date: March 9, 2021</p>
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**THE DISTRICT OF COLUMBIA’S OPPOSED COMBINED MOTION TO EXTEND
DISCOVERY DEADLINES AND MOTION FOR LEAVE TO
CONDUCT ADDITIONAL DEPOSITIONS**

Pursuant to SCR-Civil 16(b)(7), the District of Columbia (“District”), by its Office of the Attorney General, respectfully moves this Court to extend the District’s deadline to issue discovery requests by 30 days. Additionally, pursuant to SCR-Civil 30(a)(2)(A)(i), the District requests leave to take depositions of up to three additional witnesses. The extended discovery and excess depositions requested are for the limited purpose of allowing the District to obtain full fact discovery on the additional count addressed in the District’s First Amended Complaint. The amended complaint adds a second count against Defendants 58th Presidential Inaugural Committee (the “PIC”) and the Trump Organization LLC (“Trump Organization”) for violating the District’s statutory and common law when the PIC improperly paid almost \$50,000 for hotel rooms reserved by the Trump Organization. Despite diligent efforts by the District to conduct discovery on facts related to this improper expenditure, the District has been met with repeated obstacles, including misleading testimony, a closed hotel, and new information revealed after the deadline for issuing

discovery requests passed on February 8, 2021. This is the District's first request for an extension of discovery.

Legal Standard

The Court may modify the scheduling order, including extending discovery deadlines, “on a showing of good cause.” SCR-Civil 16(b)(7). The Court may also grant requests for additional depositions beyond the ten permitted under Rule 30(a) as long as the requested depositions are not “unreasonably cumulative or duplicative.” SCR-Civil 26(b)(2)(C); *see Byrd v. District of Columbia*, 259 F.R.D. 1, 5 (D.D.C. 2009) (granting additional depositions).

Argument

After the initial scheduling order was entered on September 10, 2020, the District has engaged in diligent efforts to conduct discovery on its claims against Defendants. During the course of discovery, the District uncovered a second instance in which the PIC improperly spent its funds: In December 2016, the Trump Organization signed a contract with the Madison, a Loews Hotel, Washington, D.C. (“Loews Madison”) for a block of hotel rooms during the week of the 2017 Inauguration. The point of contact for the room block contract was Lindsay Santoro, then a Trump Organization employee and executive assistant to Donald Trump, Jr., and the authorizing signature on the contract was Mr. Trump's close friend, Gentry Beach. An invoice for this Loews Madison room block for \$49,358.92 was forwarded to the PIC in July 2017, which the PIC paid.

On January 11, 2021, the District filed a Motion for Leave to Amend its Complaint to add a count against the Trump Organization and the PIC for this transaction, which the Court granted on February 16, 2021. The District seeks a brief extension of discovery deadlines for the limited purpose of completing fact discovery on this second count. This limited discovery is necessary because (i) the District still has outstanding third-party document requests, (ii) deposition

testimony already obtained by the District provides unclear and contradictory accounts of how the PIC ended up paying for the Trump Organization's invoice from the Loews Madison and revealed relevant documents that have not been produced by Defendants, and (iii) the District received additional documents after the discovery request deadline that contradict deposition testimony and require further fact discovery.

First, despite good faith efforts to obtain documents from the Loews Madison relating to the contract with the Trump Organization, the District has encountered a number of obstacles that has delayed production of relevant evidence and which supports a brief extension of discovery. The actual hotel is closed due to the current health crisis and the document subpoena the District served on the Waterton DC Madison Hotel, LLC subpoena on November 20, 2020, went unanswered. The District subsequently learned that the Loews Madison, renamed The Madison Hotel after its sale in 2017, was re-sold sometime in late 2020. The District then served the hotel's current management company, Hilton Management LLC ("Hilton"), on January 29, 2021. On February 2, 2021, Hilton produced limited documents that were provided from the hotel's previous owner and/or management company. The current management company did not have the complete record associated with the contract. Due to the hotel changing owners twice and the actual hotel being closed, the District must issue subpoenas to additional entities to obtain the complete record relating to the contract.

Second, although the District has deposed ten witnesses in this case, only three were able to testify about the PIC's payment of the Loews Madison invoice. These witnesses gave inconsistent accounts of the purpose of the contract and why the PIC agreed to pay it, and none of the witnesses gave a complete or accurate account of the circumstances surrounding the invoice.

Heather Martin, the PIC's Director of Budget and Treasury, could only provide bare details about how the PIC first learned of the Loews Madison invoice and could not testify as to why the PIC ultimately paid the invoice. Ms. Martin testified on October 20, 2020, that she did not recall much about the invoice. She stated that the room block was secured by either the Trump campaign or the Trump Organization but that she had very little information about it. (Dep. Tr. of Heather Martin, 157:16-158:1; 160:20-161:3, attached as Exhibit A.) She was not aware of the room block or invoice prior to July 2017 when it was sent to the PIC for payment. (*Id.* at 158:6-12.) Ms. Martin testified that she asked PIC employees responsible for housing and donors/VIPs if they knew anything about the room block contract and none did. (*Id.* at 167:2-17; 168:7-169:18.) Ms. Martin remembered the name Gentry Beach being on the contract but testified that she still doesn't know who Gentry Beach is. (*Id.* at 157:20-158:1; 168:20-21.) Ms. Martin testified that she did not remember who told her to pay it or why, just that she was told to pay it. (*Id.* at 159:5-8; 163:20-164:4.)

Next, Rick Gates, the PIC's Deputy Chairman, provided further details at his deposition on December 17, 2020, about how the PIC first obtained the Loews Madison invoice, but his explanation for why the PIC paid the invoice contradicts evidence later obtained by the District. Mr. Gates testified that he had no knowledge of the room block contract prior to receiving the invoice in July 2017, which had been forwarded to him by a collection agency. (Dep. Tr. of Rick Gates, 307:13-308:11, attached as Exhibit B.) Mr. Gates also testified that he reached out to the hotel to inquire and was provided with background on the contract, including who stayed there. (*Id.* at 308:17-309:1.) Mr. Gates said that the occupants were individuals associated with the PIC, but he couldn't recall the names, nor were they employees of the PIC. (*Id.* at 309:20-310:14.) When asked why the PIC paid for the rooms, Mr. Gates testified that he reached out to Mr. Beach

to inquire about the rooms and was told that the rooms were for individuals that had been major donors to the PIC. (*Id.* at 312:9-313:13.) Mr. Gates' testimony is contradicted by documents subsequently produced to the District, as set out below.

Donald Trump, Jr.'s testimony at his February 11, 2021 deposition raised further questions about the nature of the Loews Madison invoice and revealed evidence that Defendants had not yet produced to the District. Mr. Trump testified that he did not authorize his assistant or his friend, Mr. Beach, to enter into the contract on behalf of the Trump Organization. (Dep. Tr. of Donald Trump, Jr., 121:12-15, attached as Exhibit C.).¹ Mr. Trump stated that in preparation for his deposition he reviewed emails or documents and stated, [REDACTED] opining that Mr. Beach was [REDACTED] and used Mr. Trump's assistant to help him. (*Id.* at 120:20-121:5.) When asked about the names associated with the rooms and the invoice, Mr. Trump was unable to testify if any of them donated to the PIC. Instead, the names were associated with the campaign or with the Trump family. For example, Mr. Trump testified that one individual was a friend from college, one was a Trump family driver, another was a New York socialite from *Real Housewives of New York* who is also a Trump family friend. (*Id.* at 135:18-145:22.)

Mr. Trump also referred to emails during his deposition that are relevant to the First Amended Complaint but that have not been produced to the District. He testified that he relied on these emails to support his understanding of why the Loews Madison contract was initially signed and why it was later forwarded to the PIC. (*Id.* at 135:3-7) [REDACTED]

¹ The time period has not yet expired for Defendants to designate any portions of Mr. Trump's deposition testimony subject to the Protective Order, so the District submits this testimony in camera at this time. The District does not believe there is any good faith basis for Defendants to designate the cited portions of Mr. Trump's testimony as confidential.

[REDACTED]

[REDACTED] This deposition occurred after the deadline for discovery requests lapsed on February 8, 2021, and the District respectfully requests a limited extension of the deadline to follow up on this belated revelation of relevant documents. Defendants have not produced these underlying emails even though they fall within the District's prior document requests, and these documents may necessitate further fact discovery.

Finally, new information disclosed after written discovery closed necessitates further fact discovery. On January 29, 2021, the District issued a subpoena to the collection agency that had contacted Mr. Gates regarding the Loews Madison invoice. Hours after Mr. Trump's deposition, the collection agency produced documents in response to the District's subpoena. These documents directly contradict Mr. Gates's testimony, revealing that the invoice was *not* for PIC donors at all, but the payment was to cover rooms in the reserved block that were not used. (*See* Hunter Warfield Debtor Notes, attached as Exhibit D.) The debtor notes kept by the agency show that there were several emails between the collection agency and the Trump Organization as well as the PIC discussing this matter and who would pay the bill. In one entry, the notes address an email received from the hotel that states, in part, "Rick Gates will provide payment, but needs the name changed. They plan to pay immediately when they receive the revised invoice. It just cannot say 'The Trump Organization.'" *Id.* at 2. In another entry the agency noted that it received an email from Mr. Gates where he asks, "Could you make two additional changes. Can you put the invoice to the attention of Heather Martin and use the inaugural committee address. I am copying Heather in case she needs anything else." *Id.* There are further entries that show there are emails between the Trump Organization and the Loews Madison, the collection agency, and even emails to

individuals who stayed at the hotel under the room block. These emails are clearly relevant to the District's claims and further requests are required to obtain them.

The District has made a good faith effort to acquire the necessary factual discovery during the discovery period. However, based on challenges in obtaining documents from the hotel, misinformation provided by witnesses, and new information produced after the discovery period closed, the District has not had the opportunity to gain full access to the necessary documents.

Conclusion

For the foregoing reasons, the District respectfully requests that this Court grant its motion to extend discovery deadlines by 30 days and grant leave to take three additional depositions for the limited purpose of seeking discovery related to its new count added in the First Amended Complaint.

Dated: February 23, 2021

Respectfully submitted,

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RULE 12-I STATEMENT

The undersigned certifies that on February 17, 2021, the District met and conferred with counsel for Defendants 58th Presidential Inaugural Committee, Trump Old Post Office LLC d/b/a Trump International Hotel Washington, D.C., and Trump Organization LLC. Defendants do not consent to the relief sought in the District's Motion.

/s/ Nicole Hill _____
NICOLE HILL
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2021, I caused to be served true and correct copies of the foregoing Combined Motion to Extend Discovery Deadlines and Motion for Leave to Conduct Additional Depositions on all counsel of record via CaseFileXpress.

/s/ Nicole Hill _____
NICOLE HILL
Assistant Attorney General

CERTIFICATE OF DISCOVERY

As of the date of the filing of this Motion, the following discovery has occurred in this case:

1. On September 15, 2020, the District served the following discovery:
 - a. Plaintiff District of Columbia's First Set of Requests for the Production of Documents to Defendant 58th Presidential Inaugural Committee;
 - b. Plaintiff District of Columbia's First Set of Requests for the Production of Documents to Defendant 58th Presidential Inaugural Committee; and
 - c. Plaintiff District of Columbia's First Set of Requests for the Production of Documents to Defendant Trump Old Post Office LLC d/b/a Trump International Hotel Washington D.C.
2. On October 5, 2020, the District served the following third-party discovery:
 - a. Subpoena for Documents to Thomas J. Barrack, Jr.;
 - b. Subpoena for Documents to Richard W. Gates, III.;
 - c. Subpoena for Documents to Ivanka Trump; and
 - d. Subpoena for Documents to Melania Trump.
3. On October 8, 2020, the District took the deposition of Ramsey Stewart.
4. On October 15, 2020, PIC served the following written responses:
 - a. Defendant 58th Presidential Inaugural Committee's Objections & Response to Plaintiff's First Request for Production.
5. On October 15, 2020, the District took the deposition of Sara Armstrong.
6. On October 19, 2020, the Trump Defendants served the following third-party discovery:
 - a. Subpoena for Documents to Accor Management US Inc.;
 - b. Subpoena for Documents to JW Marriott (Washington, D.C.);
 - c. Subpoena for Documents to the Ritz-Carlton (Washington, D.C.);
 - d. Subpoena for Documents to the St. Regis (Washington, D.C.); and
 - e. Subpoena for Documents to the W Hotel (Washington, D.C.)

7. On October 20, 2020, the Trump Defendants served the following third-party discovery:
 - a. Subpoena for Documents to Mandarin Oriental Management (USA).
8. On October 20, 2020, the District took the deposition of Heather Martin.
9. On October 22, 2020, the Trump Organization served the following written responses:
 - a. Defendant Trump Organization LLC's Response to Plaintiff District of Columbia's First Set of Requests for the Production of Documents to Defendant Trump Organization LLC.
10. On October 22, 2020, the Trump Hotel served the following written responses:
 - a. Defendant Trump Old Post Office LLC's Response to Plaintiff District of Columbia's First Set of Requests for the Production of Documents to Defendant Trump Old Post Office LLC d/b/a Trump International Hotel Washington, D.C.
11. On October 22, 2020, the Trump Entities served the following third party discovery:
 - a. Subpoena for Documents to Four Seasons Hotels Limited; and
 - b. Subpoena for Documents to Hay Adams Holdings LLC.
12. On October 22, 2020, PIC served the following third party discovery:
 - a. Subpoena for Documents to The Willard Intercontinental (Washington, D.C.).
13. On October 22, 2020, the District took the deposition of Eric Danziger.
14. On October 26, 2020, the Trump Defendants served the following third-party discovery:
 - a. Subpoena for Documents to Stephanie Winston Wolkoff.
15. On October 28, 2020, the Trump Hotel served the following discovery:
 - a. Defendant Trump Old Post Office LLC's First Set of Interrogatories to the District of Columbia; and
 - b. Defendant Trump Old Post Office LLC's First Requests for Production of Documents to the District of Columbia.

16. On October 29th, 2020, PIC served the following third-party discovery:
 - a. Subpoena for Documents to DTRS Washington, LLC, d/b/a Four Seasons Hotel, Washington, DC.
17. On November 13, 2020, PIC served the following discovery requests:
 - a. Defendant 58th Presidential Inaugural Committee's First Set of Interrogatories to the District of Columbia; and
 - b. Defendant 58th Presidential Inaugural Committee's First Requests for Production of Documents to the District of Columbia.
18. On November 12, 2020, PIC served the following third-party discovery:
 - a. Subpoena for Documents to Stephanie Winston Wolkoff;
 - b. Subpoena for Documents to WIS Media; and
 - c. Subpoena for Documents to Tiny Horse, LLC.
19. On November 13, 2020, the District took the deposition of Patricia Tang.
20. On November 16, 2020, the District took the deposition of Mickael Damelincourt.
21. On November 17, 2020, the District took a deposition of Thomas Barrack, Jr.
22. On November 20, 2020, the District served the following third-party discovery:
 - a. Subpoena for Documents to The Madison Hotel Washington DC, a Hilton Hotel.
23. On November 30, 2020, the District served the following written responses:
 - a. District of Columbia's Response to Defendant Trump Old Post Office LLC's First Set of Interrogatories; and
 - b. District of Columbia's Response to Defendant Trump Old Post Office LLC's First Set of Requests for Production of Documents.
24. On December 1, 2020, the District took the deposition of Ivanka Trump.
25. On December 9, 2020, Defendant Trump Old Post Office LLC took the deposition of Stephanie Winston Wolkoff.
26. On December 16, 2020, the District served the following written responses:
 - a. District of Columbia's Response to Defendant 58th Presidential Inaugural Committee's First Set of Interrogatories; and
 - b. District of Columbia's Response to Defendant 58th Presidential Inaugural Committee's First Set of Requests for Production of Documents.

27. On December 17, 2020, the District took the deposition of Richard W. Gates, III.
28. On January 26, 2021, Defendant Trump Old Post Office LLC served the following written responses:
 - a. Defendant Trump Old Post Office's LLC's Response to Plaintiff District of Columbia's Second Set of Requests for the Production of Documents to Defendant Trump Old Post Office LLC d/b/a Trump International Hotel Washington, D.C.
29. On January 28, 2021, the District served the following discovery:
 - a. Plaintiff District of Columbia's First Set of Interrogatories to Defendant Trump Old Post Office LLC d/b/a Trump International Hotel Washington, D.C.
30. On January 29, 2021, the District served the following third-party discovery:
 - a. Subpoena for Documents to The Madison Hotel Washington DC, a Hilton Hotel c/o Hilton Hotel Management LLC; and
 - b. Subpoena for Documents to Hunter Warfield, Inc.
31. On February 4, 2021, the District served the following written responses:
 - a. District of Columbia's Supplemental Response to Defendant the 58th Presidential Inaugural Committee's First Set of Interrogatories.
32. On February 5, 2021, Defendant 58th Presidential Inaugural Committee served the following discovery:
 - a. Defendant 58th Presidential Inaugural Committee's First Set of Requests for Admission by the District of Columbia; and
 - b. Defendant 58th Presidential Inaugural Committee's Second Set of Interrogatories to the District of Columbia.
33. On February 8, 2021, the District serve the following discovery:
 - a. Plaintiff District of Columbia's First Set of Interrogatories to Defendant 58th Presidential Inaugural Committee;
 - b. Plaintiff District of Columbia's First Set of Interrogatories to Defendant Trump Organization LLC;
 - c. Plaintiff District of Columbia's First Set of Requests for Admission to Defendant 58th Presidential Inaugural Committee;
 - d. Plaintiff District of Columbia's Third Set of Requests for the Production of Documents to Trump Old Post Office LLC d/b/a Trump International Hotel Washington, D.C.; and

- e. Plaintiff District of Columbia's Second Set of Requests for the Production of Documents to Defendant 58th Presidential Inaugural Committee.
34. On February 11, 2021, the District took the deposition of Donald J. Trump, Jr.
35. On February 12, 2021, the District served the following written responses:
- a. District of Columbia's Supplemental Response to Defendant Trump Old Post Office LLC's First Set of Interrogatories.
36. On February 18, 2021, the 58th Presidential Inaugural Committee took the deposition of Mai-Lan Smith.

THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

<p>DISTRICT OF COLUMBIA,</p> <p style="text-align:right">Plaintiff,</p> <p style="text-align:center">v.</p> <p>58th PRESIDENTIAL INAUGURAL COMMITTEE, <i>et al.</i></p> <p style="text-align:right">Defendants.</p>	<p>Civil Action No.: 2020 CA 000488 B Judge José López</p>
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ORDER

Upon consideration of the District of Columbia’s Motion to Extend Discovery Deadlines and for Leave to Conduct Additional Depositions, any opposition thereto, and the record herein, it is hereby, this _____ day of _____ 2021,

ORDERED that the Motion is **GRANTED**; and it is further

ORDERED that the District shall have 30 days from the date of this Order to issue any additional discovery requests; and it is further

ORDERED that the District shall have 60 days from the date of this Order to conduct three additional depositions.

Judge José López
District of Columbia Superior Court

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