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a.k.a. Stormy Daniels  
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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10

11 STEPHANIE CLIFFORD a.k.a.  
STORMY DANIELS,

12 Plaintiff,

13 vs.  
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15 DONALD J. TRUMP,

16 Defendant.  
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CASE NO.: 2:18-cv-06893-SJO-FFM

**DECLARATION OF MICHAEL J.  
AVENATTI IN SUPPORT OF  
PLAINTIFF’S OPPOSITION TO  
DEFENDANT DONALD J. TRUMP’S  
SPECIAL MOTION TO  
DISMISS/STRIKE COMPLAINT  
PURSUANT TO ANTI-SLAPP  
STATUTE OR, ALTERNATIVELY,  
TO DISMISS COMPLAINT  
PURSUANT TO FRCP 12(b)(6)**

Assigned to the Hon. S. James Otero

Action Filed: April 30, 2018

**Hearing Date: September 24, 2018**

**Hearing Time: 10:00 a.m.**

**Location: 350 West 1st Street  
Courtroom 10C  
Los Angeles, CA 90012**

**DECLARATION OF MICHAEL J. AVENATTI**

I, MICHAEL J. AVENATTI, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am an attorney with the law firm of Avenatti & Associates, APC, counsel of record for Plaintiff Stephanie Clifford. I am submitting this declaration in support of Plaintiff's Opposition to Defendant Donald J. Trump's Special Motion to Dismiss/Strike Complaint Pursuant to Anti-SLAPP Statute or, Alternatively, to Dismiss Complaint Pursuant to FRCP 12(b)(6). I have personal knowledge of the information stated herein and if called to testify to the same would and could do so.

2. Attached hereto as Exhibit 1 is a true and correct copy of a transcript of Ms. Clifford's *60 Minutes* interview, which was broadcast on March 25, 2018. I was present during the interview given by Ms. Clifford. The transcript is available online at <https://www.usatoday.com/story/news/politics/2018/03/25/transcript-stormy-daniels-60-minutes-interview/457437002/>.

3. Attached hereto as Exhibit 2 is a true and correct copy of the transcript of a portion of Ms. Clifford's April 17, 2018 *The View* interview. I was present during the interview given by Ms. Clifford. The transcript is available online at <https://www.bayoubuzz.com/bb/donald-trump-news-today/donald-trump-news/item/1063354-transcript-of-the-view-interview-stormy-daniels-attorney-reveal-drawing-of-man>.

4. Attached hereto as Exhibit 3 is a true and correct copy of the April 18, 2018 tweet by Mr. Trump that is the basis for Plaintiff's defamation claim against Mr. Trump. The tweet is available online at: [https://twitter.com/realDonaldTrump/status/986547093610299392?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E986547093610299392%7Ctwgr%5E373939313b636f6e74726f6c&ref\\_url=https%3A%2F%2Fwww.nbcnews.com%2Fnews%2Fus-news%2Fstormy-daniels-sues-trump-defamation-over-con-job-tweet-n870171](https://twitter.com/realDonaldTrump/status/986547093610299392?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E986547093610299392%7Ctwgr%5E373939313b636f6e74726f6c&ref_url=https%3A%2F%2Fwww.nbcnews.com%2Fnews%2Fus-news%2Fstormy-daniels-sues-trump-defamation-over-con-job-tweet-n870171).

1           5. Attached hereto as Exhibit 4 is a true and correct copy of an August 16,  
2 2018 email thread between Ryan Stonerock, one of the attorneys representing Mr.  
3 Trump, and Ahmed Ibrahim, one of the attorneys with my firm. The e-mail refers to a  
4 “response to the complaint,” which our firm understood to mean a response to the  
5 Complaint under Rule 12 of the Federal Rules of Civil Procedure, not a motion made  
6 pursuant to Texas law or a special motion to strike pursuant to any anti-SLAPP  
7 statute. We did not have any notice until well after the Texas anti-SLAPP motion  
8 deadline expired that Mr. Trump intended to file a motion under Texas law.

9           6. No discovery has occurred in this case and Ms. Clifford requires discovery  
10 so that she may respond to Mr. Trump’s Motion to Strike. In particular, Plaintiff requires  
11 discovery concerning the following topics: (a) Mr. Trump’s state of mind when he  
12 posted his April 18, 2018 tweet that is the subject of this lawsuit, (b) Mr. Trump’s  
13 admission of the affair with Plaintiff, (c) Mr. Trump’s knowledge of the 2011 *In Touch*  
14 magazine interview with Plaintiff, (d) Mr. Trump’s knowledge of and involvement in (if  
15 any) the threat to Plaintiff after becoming aware of the *In Touch* magazine interview, (e)  
16 who sent the man who threatened Plaintiff in Nevada in 2011, (f) Mr. Cohen’s awareness,  
17 and the awareness of security personnel and staff members employed by Mr. Trump, of  
18 the foregoing and their communications with Mr. Trump to make them aware of the *In*  
19 *Touch* interview, and (g) any directives given by Mr. Trump to keep tabs on Plaintiff or  
20 to ensure that Plaintiff does not disclose matters relating to Plaintiff and Mr. Trump’s  
21 affair. All of this information is necessary to establish, among other things, that the  
22 statement at issue was untruthful and defamatory, that Mr. Trump had no reasonable  
23 basis to make the statement, and that he made the statement with malice. In order to  
24 obtain this information, it will be necessary for Ms. Clifford to take the deposition of Mr.  
25 Trump, the depositions of third-party witnesses, including without limitation, Michael  
26 Cohen, along with Mr. Trump’s security personnel and staff members.

1 I declare, under penalty of perjury and under the laws of the United States of  
2 America, that the foregoing is true and correct. I have executed this declaration on  
3 September 3, 2018.

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6 /s/ Michael J. Avenatti

Michael J. Avenatti

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# **Exhibit 1**

# Transcript of Stormy Daniels' '60 Minutes' interview

[usatoday.com/story/news/politics/2018/03/25/transcript-stormy-daniels-60-minutes-interview/457437002/](https://www.usatoday.com/story/news/politics/2018/03/25/transcript-stormy-daniels-60-minutes-interview/457437002/)

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## Transcript of Stormy Daniels' '60 Minutes' interview

Stormy Daniels' interview with Anderson Cooper aired Sunday night.

Sent!

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A link has been posted to your Facebook feed.

Editors, USA TODAY Published 9:37 p.m. ET March 25, 2018 | Updated 12:29 a.m. ET March 26, 2018

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Porn star Stormy Daniels, whose real name is Stephanie Clifford, sat down with Anderson Cooper in an interview about her alleged affair with President Donald Trump. USA TODAY

The actress Stephanie Clifford, who uses the stage name Stormy Daniels, arrives to perform at the Solid Gold Fort Lauderdale strip club on March (Photo: Joe Raedle, Getty)

Stormy Daniels

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*Transcript provided by CBS News:*

**Intro:** A week and a half before the 2016 election, Donald Trump's personal attorney paid a porn star named Stormy Daniels to keep quiet about her alleged relationship with the Republican candidate for president. Today, that arrangement is well on its way to becoming the most talked-about "hush agreement" in history, with potential legal and political implications for the president. Through his spokesman, Mr. Trump has denied having an affair with Stormy

Daniels, and his lawyers are now threatening her with financial ruin, saying she has to pay \$1 million dollars every time she violates her agreement to stay silent. But that didn't stop her from coming on *60 Minutes*.

**(Editor's note:** Stormy Daniels' real name is Stephanie Clifford.)

**Anderson Cooper:** For sitting here talking to me today you could be fined a million dollars I mean aren't you taking a big risk?

**Stephanie Clifford:** I am.

**Anderson Cooper:** I guess I'm not 100% sure on why you're doing this.

Stormy Daniels on '60 Minutes': 5 new things

**Stephanie Clifford:** Because it was very important to me to be able to defend myself

**Anderson Cooper:** Is part of talking w-- wanting to set the record straight?

**Stephanie Clifford:** 100%.

**Anderson Cooper:** Why does the record need to be set straight?

**Stephanie Clifford:** Because people are just saying whatever they wanted to say about me, I was perfectly fine saying nothing at all, but I'm not okay with being made out to be a liar, or people thinking that I did this for money and people are like, "Oh, you're an opportunist. You're taking advantage of this. Yes, I'm getting more job offers now, but tell me one person who would turn down a job offer making more than they've been making, doing the same thing that they've always done?"

**Anderson Cooper:** A lotta people are using you for a lotta different agendas.

Stormy Daniels on '60 Minutes': I feared for my safety

**Stephanie Clifford:** They're trying to. Like, oh, you know, Stormy Daniels comes out #metoo. This is not a Me too. I was not a victim. I've never said I was a victim. I think trying to use me to f- to further someone else's agenda, does horrible damage to people who are true victims.

**Narration:** Stormy Daniels' real name is Stephanie Clifford. She's 39 years old, from Baton Rouge Louisiana, and has been acting in, directing, and writing adult films for nearly 20 years. She was one of the most popular actresses in the adult industry when she was introduced to Mr. Trump at a celebrity golf tournament in Lake Tahoe in July 2006. She says he invited her to dinner, and she met him at his hotel suite.

**Anderson Cooper:** How was the conversation?

**Stephanie Clifford:** Ummm (laugh) it started off-- all about him just talking about himself. And he's like-- "Have you seen my new magazine?"

**Anderson Cooper:** He was showing you his own picture on the cover of a magazine.

**Stephanie Clifford:** Right, right. And so I was like, "Does this-- does this normally work for you?" And he looked very taken-- taken back, like, he didn't really understand what I was saying. Like, I was-- does, just, you know, talking about yourself normally work?" And I was like, "Someone should take that magazine and spank you with it." (laugh) And I'll never forget the look on his face. He was like—

**Anderson Cooper:** What-- what was his look?

Stormy Daniels spansks Donald Trump

**Stephanie Clifford:** Just, I don't think anyone's ever spoken to him like that, especially, you know, a young woman who looked like me. And I said, you know, "Give me that," and I just remember him going, "You wouldn't." "Hand it over." And-- so he did, and I was like, turn around, drop 'em."

**Anderson Cooper:** You-- you told Donald Trump to turn around and take off his pants.

**Stephanie Clifford:** Yes.

**Anderson Cooper:** And did he?

**Stephanie Clifford:** Yes. So he turned around and pulled his pants down a little -- you know had underwear on and stuff and I just gave him a couple swats.

**Anderson Cooper:** This was done in a joking manner.

**Stephanie Clifford:** Yes. and-- from that moment on, he was a completely different person.

**Anderson Cooper:** How so?

**Stephanie Clifford:** He quit talking about himself and he asked me things and I asked him things and it just became like more appropriate.

**Anderson Cooper:** It became more comfortable.

**Stephanie Clifford:** Yeah. he was like, "Wow, you-- you are special. You remind me of my daughter." You know-- he was like, "You're smart and beautiful, and a woman to be reckoned with, and I like you. I like you."

**Anderson Cooper:** At this point was he doing *The Apprentice*?

**Stephanie Clifford:** Yes. And he goes, "Got an idea, honeybunch." "Would you ever consider going on and-- and being a contestant?" And I laughed and-- and said NBC's never gonna let, you know, an adult film star be on." It's, you know, he goes, "No, no," he goes, "That's why I want you." "You're gonna shock a lotta people, you're smart and they won't know what to expect



**Anderson Cooper:** Did you think he was serious, or did you think he was kind of dangling to get you to wanna be involved him?

**Stephanie Clifford:** Both.

**Anderson Cooper:** Melania Trump had recently given birth to-- to a son, just a few months before. Did that-- did he mention his wife or child at all in this?

**Stephanie Clifford:** I asked. And he brushed it aside, said, "Oh yeah, yeah, you know, don't worry about that. We don't even-- we have separate rooms and stuff."

**Anderson Cooper:** Did you two go out for dinner that night?

**Stephanie Clifford:** No.

**Anderson Cooper:** You had dinner in the room?

**Stephanie Clifford:** Yes.

**Anderson Cooper:** What happened next?

**Stephanie Clifford:** I asked him if I could use his restroom and he said, "Yes, you know, it's through those-- through the bedroom, you'll see it." So I-- I excused myself and I went to the-- the restroom.

It was a Dark and Stormy night in D.C.

**Stephanie Clifford:** You know, I was in there for a little bit and came out and he was sitting, you know, on the edge of the bed when I walked out perched.

**Anderson Cooper:** And when you saw that, what went through your mind?

**Stephanie Clifford:** I realized exactly what I'd gotten myself into. And I was like, "Ugh, here we go." (laugh) And I just felt like maybe-- (laugh) it was sort of-- I had it coming for making a bad decision for going to someone's room alone and I just heard the voice in my head, "well, you put yourself in a bad situation and bad things happen, so you deserve this."

**Anderson Cooper:** And you had sex with him.

**Stephanie Clifford:** Yes.

**Anderson Cooper:** You were 27, he was 60. Were you physically attracted to him?

**Stephanie Clifford:** No.

**Anderson Cooper:** Not at all?

**Stephanie Clifford:** No.

**Anderson Cooper:** Did you want to have sex with him?

**Stephanie Clifford:** No. But I didn't-- I didn't say no. I'm not a victim, I'm not—

**Anderson Cooper:** It was entirely consensual.

**Stephanie Clifford:** Oh, yes, yes.

**Anderson Cooper:** You work in an industry where condom use is-- is an issue. Did-- did he use a condom?

**Stephanie Clifford:** No.

**Anderson Cooper:** Did you ask him to?

**Stephanie Clifford:** No. I honestly didn't say anything.

**Anderson Cooper:** After you had sex, what happened?

**Stephanie Clifford:** He said that it was great, he had-- a great evening, and it was nothing like he expected, that I really surprised him, that a lotta people must underestimate me-- that he hoped that I would be willing to see him again and that we would discuss the things we had talked about earlier in the evening.

**Anderson Cooper:** Being on *The Apprentice*.

**Stephanie Clifford:** Right.

**Narration:** Daniels says she and Mr. Trump stayed in touch. She says he invited her to a Trump Vodka launch party in California, as well as to his office in Trump Tower in New York.

**Anderson Cooper:** So he definitely wanted to continue to see you.

**Stephanie Clifford:** Oh, for sure. Yes.

**Stephanie Clifford:** And this was not a secret. He never asked me not to tell anyone he called several times when I was in front of many people and I would be like, "Oh my God, he's calling." They were like, "Shut up, the Donald?" And I'd put him on speakerphone, and he wanted to know what I was up to. And "When can we get together again? I just wanted to give you a quick update, we had a meeting, it went great. There's-- it's gonna be spectacular, they're totally into the idea," and I was like mmmm that part I never believed.

**Anderson Cooper:** Did you still get the sense that he was kind of dangling it in front of you—

**Stephanie Clifford:** Oh, for sure, oh yeah.

**Anderson Cooper:** To keep you interested, to keep you coming back.

**Stephanie Clifford:** Of course, of course. I mean, I'm not blind. But at the same time, maybe it'll work out, you know?

**Anderson Cooper:** Did you view it as this is a potential opportunity. I'm gonna see where it goes? #932

**Stephanie Clifford:** I thought of it as a business deal.

**Narration:** In July 2007 – a year after they met – Daniels says Mr. Trump asked to meet with her privately at his bungalow at the Beverly Hills Hotel in Los Angeles to discuss a development regarding her possible appearance on *Celebrity Apprentice*.

**Stephanie Clifford:** I remember arriving, and he was watching *Shark Week*. He made me sit and watch an entire documentary about shark attacks

**Anderson Cooper:** it wasn't at that point a business meeting, it was just watching *Shark Week*.

**Stephanie Clifford:** Yeah.

**Anderson Cooper:** Did you have sex with him again?

**Stephanie Clifford:** No.

**Anderson Cooper:** Did he want to?

**Stephanie Clifford:** Yes.

**Anderson Cooper:** How do you know he wanted to?

**Stephanie Clifford:** Because he came and sat next to me and, you know, touched my hair, and put his hand on my leg, and r-- referenced back to how great it was the last time.

**Anderson Cooper:** How did you get out of it?

**Stephanie Clifford:** Well, I'd been there for, like, four hours. And so I then was like, "Well, before, you know, can we talk about what's the development?" And he was like, "I'm almost there. I'll have an answer for you next week." And I was like, "Okay, cool. Well-- I guess call me next week." And I just took my purse and left.

**Narration:** According to Daniels, Mr. Trump called her the following month to say he'd not been able to get her a spot on *Celebrity Apprentice*. She says they never met again and only had sex in that first meeting in 2006. In May 2011, Daniels agreed to tell her story to a sister publication of *In Touch* magazine for \$15,000. Two former employees of the magazine told us the story never ran because after the magazine called Mr. Trump seeking comment, his attorney Michael Cohen threatened to sue. Daniels says she was never paid, and says a few weeks later, she was threatened by a man who approached her in Las Vegas.

**Stephanie Clifford:** I was in a parking lot, going to a fitness class with my infant daughter. T-- taking, you know, the seats facing backwards in the backseat, diaper bag, you know, gettin' all the stuff out. And a guy walked up on me and said to me, "Leave Trump alone. Forget the story." And then he leaned around and looked at my daughter and said, "That's a beautiful little

girl. It'd be a shame if something happened to her mom." And then he was gone. #933

**Anderson Cooper:** You took it as a direct threat?

**Stephanie Clifford:** Absolutely.

**Stephanie Clifford:** I was rattled. I remember going into the workout class. And my hands are shaking so much, I was afraid I was gonna -- drop her.

**Anderson Cooper:** Did you ever see that person again?

**Stephanie Clifford:** No. But I-- if I did, I would know it right away.

**Anderson Cooper:** You'd be able to-- you'd be able to recognize that person?

**Stephanie Clifford:** 100%. Even now, all these years later. If he walked in this door right now, I would instantly know.

**Anderson Cooper:** Did you go to the police?

**Stephanie Clifford:** No.

**Anderson Cooper:** Why?

**Stephanie Clifford:** Because I was scared.

**Narration:** When a gossip web site reported a few months later that she'd had an affair with Mr. Trump, Stormy Daniels publicly denied it. Five years later, Donald Trump won the Republican nomination for president.

**Stephanie Clifford:** Suddenly people are reaching out to me again, offering me money. Large amounts of money. Was I tempted? Yes-- I struggle with it. And then I get the call. "I think I have the best deal for you."

**Anderson Cooper:** From your lawyer?

**Stephanie Clifford:** Yeah.

**Narration:** The deal was an offer not to tell her story. It came from Mr. Trump's attorney Michael Cohen. In return for signing this non-disclosure agreement, Cohen would pay her \$130,000 dollars through a Delaware-based limited liability corporation he had established in mid-October 2016 called essential consultants. Daniels says the agreement was appealing because it meant she would receive some money but also not have to worry about the affect the revelation of the affair would have on her child who was now old enough to watch the news. She signed the agreement eleven days before the election.

**Anderson Cooper:** Was it hush money to stay silent?

**Stephanie Clifford:** Yes. The story was coming out again. I was concerned for my family and their safety.

**Anderson Cooper:** I think some people watching this are going to doubt that you entered into this negotiation-- because you feared for your safety. They're gonna think y-- that you saw an opportunity.

**Stephanie Clifford:** I think the fact that I didn't even negotiate, I just quickly said yes to this v-- very, you know, strict contract. And what most people will agree with me extremely low number. It's all the proof I need.

**Anderson Cooper:** you feel like if you had wanted to go public, you could have gotten paid a lot of money to go public--

**Stephanie Clifford:** Without a doubt. I know for a fact. I believe, without a shadow of a doubt, in my heart, and some people argue that I don't have one of those, but whatever, that I was doing the right thing. I turned down a large payday multiple times because one, I didn't wanna kiss and tell and be labeled all the things that I'm being labeled now. I didn't wanna take away from the legitimate and legal, I'd like to point out, career that I've worked very hard to establish. And most importantly, I did not want my family and my child exposed to all the things that she's being exposed to right now. because everything that I was afraid of coming out has come out anyway, and guess what? I don't have a million dollars. (laugh) You didn't even buy me breakfast.

**Narration:** Fifteen months after she signed the non-disclosure agreement, in January 2018, the *Wall Street Journal* published this story, quoting anonymous sources, saying that Mr. Trump's attorney Michael Cohen had paid her for her silence. Daniels says she was not the source of the story. But once it was published, she says she was pressured by her former attorney and former business manager to sign statements that Michael Cohen released publicly, denying she'd had an affair with Mr. Trump.

**Anderson Cooper:** So you signed and released-- a statement that said, I am not denying this affair because I was paid in hush money I'm denying it because it never happened." That's a lie?

**Stephanie Clifford:** Yes.

**Anderson Cooper:** If it was untruthful, why did you sign it?

**Stephanie Clifford:** Because they made it sound like I had no choice.

**Anderson Cooper:** I mean, no one was putting a gun to your head?

**Stephanie Clifford:** Not physical violence, no.

**Anderson Cooper:** you thought that there would be some sort of legal repercussion if you didn't sign it?

**Stephanie Clifford:** Correct. As a matter of fact, the exact sentence used was, "They can make your life hell in many different ways."

**Anderson Cooper:** They being...

**Stephanie Clifford:** I'm not exactly sure who they were. I believe it to be Michael Cohen.

**Narration:** President Trump's attorney Michael Cohen has denied ever threatening Stormy Daniels. The payment Cohen made to her is now the subject of complaints to the Justice Department and the Federal Election Commission, alleging that it was an illegal campaign contribution. That part of the story and more from Stormy Daniels when we come back.

**Narration:** What makes the dispute between Stormy Daniels and the President more than a high-profile tabloid scandal is that her silence was purchased eleven days before the presidential election, which may run afoul of campaign finance laws. The president's long-time lawyer Michael Cohen says he used \$130,000 of his own money to pay Stormy Daniels. Cohen has said the money was not a campaign contribution. But Trevor Potter, a former chairman of the Federal Election Commission appointed by President George H.W. Bush, told us he doesn't agree.

**Trevor Potter:** The payment of the money just creates an enormous legal mess for I think Trump, for Cohen and anyone else who was involved in this in the campaign.

**Anderson Cooper:** Are you saying that can be seen as a contribution to benefit a campaign?

**Trevor Potter:** I am. it's a \$130,000 in-kind contribution by Cohen to the Trump campaign, which is about \$126,500 above what he's allowed to give. And if he does this on behalf of his client, the candidate, that is a coordinated, illegal, in kind contribution by Cohen for the purpose of influencing the election, of benefiting the candidate by keeping this secret.

**Narration:** The payment Stormy Daniels received is the subject of complaints by watchdog groups to the department of justice and the federal election commission, which Trevor Potter used to be chairman of. He's now president of the non-partisan campaign legal center, which supports the enforcement of campaign finance laws.

**Anderson Cooper:** If the president paid Michael Cohen back, is that an in kind campaign contribution that the president should've then reported?

**Trevor Potter:** It is. If he was then reimbursed by the president, that doesn't remove the fact that the initial payment violated Cohen's contribution limits. I guess it mitigates it if he's paid back by the candidate because the candidate could have paid for it without limit.

**Anderson Cooper:** What if the president never reimbursed Michael Cohen?

**Trevor Potter:** Then he is still out on the line, having made a illegal in kind contribution to the campaign.

**Anderson Cooper:** You're saying this is more serious for Michael Cohen if the president did not pay him back?

**Trevor Potter:** Yes. I think that's correct. #936

**Narration:** We wanted to speak with Mr. Trump's attorney Michael Cohen about this, but he did not respond to our calls and written request for comment. Cohen told the New York Times last month he used his own personal funds to facilitate a payment of \$130,000 to Stormy Daniels and said, "neither the Trump Organization nor the Trump campaign . . . reimbursed me for the payment . . ." This past week, Cohen told *Vanity Fair* magazine, "What i did defensively for my personal client, and my friend, is what attorneys do for their high-profile clients. I would have done it in 2006. I would have done it in 2011. I truly care about him and the family – more than just as an employee and an attorney."

**Michael Avenatti:** It's laughable. It's ludicrous. It's preposterous.

**Anderson Cooper:** Lawyers don't do that, you're saying. You-- you--

**Michael Avenatti:** Ever.

**Narration:** Michael Avenatti is Stormy Daniels' attorney. He's a Los Angeles trial lawyer who is suing the president in a California court, seeking to have Stormy Daniels' non-disclosure agreement – or "NDA" – declared invalid, in part because the president never signed it on the lines provided for his alias -- "D.D.," David Dennison.

**Anderson Cooper:** Michael Cohen has said, "Look, this had nothing to do with the election." He would've made this agreement months before.

**Michael Avenatti:** So why didn't he? It just slipped his mind? It's just a coincidence that, in the waning days of the campaign, he thought to himself, "Oh, you know, I know I've been thinkin' about this for years. Perhaps now is a good time to get that NDA executed with Stormy Daniels."

**Narration:** Avenatti disputes the notion that Cohen was working in a purely personal capacity when he arranged the hush money for Stormy Daniels. He's found documents that show Michael Cohen used his Trump Organization email address in setting up the payment. He also says the non-disclosure agreement Stormy Daniels signed in 2016, when she was represented by a different lawyer, was Fed-Exed to Cohen at his Trump Organization office in Trump Tower in New York.

**Michael Avenatti:** That is a copy of the Federal Express confirmation

**Narration:** The cover letter from Daniels' previous attorney also identifies who he thought Michael Cohen was working for . . . .

**Michael Avenatti:** To Mr. Cohen as executive vice president and special counsel to Donald J. Trump, the Trump Organization, again-- listing the 5th Avenue address. this idea that there's a separation now between Mr. Cohen, individually, and the Trump Organization or Mr. Cohen, individually, and Donald Trump, it-- it-- it's nonsense.

**Anderson Cooper:** There are people who argue that this much ado about nothing, that if this was not a story about, an adult film actress and the President of the United States, no one would pay attention.

**Michael Avenatti:** This is about the cover-up. This is about the extent that Mr. Cohen and the president have gone to intimidate this woman, to silence her, to threaten her, and to put her under their thumb. It is thuggish behavior from people in power. And it has no place in American democracy.

**Narration:** Avenatti points to this recent court filing in which the president's lawyers claim Daniels is already liable for damages "in excess of twenty million dollars" for unspecified violations of her non-disclosure agreement. And in that article in Vanity Fair this past week, Michael Cohen said that when he wins damages from Stormy Daniels, "I might even take an extended vacation on her dime."

**Anderson Cooper:** You're saying they're tryin' to intimidate her.

**Michael Avenatti:** There's no question. You threaten someone-- with a \$20 million lawsuit, it's a thuggish tactic. It's no different than what happened in the parking lot in Las Vegas.

**Anderson Cooper:** People make threats in lawsuits all the time. People, you know, say, "You're gonna have to pay a lot of money when you lose this -- this case."

**Michael Avenatti:** People don't threaten people with \$20 million lawsuits, that they're gonna take their home and take an extended vacation on the money they receive. People don't conduct themselves like this. They don't. And they shouldn't.

**Anderson Cooper:** Stormy Daniels did sign the agreement. She got \$130,000. Isn't she welching on a deal?

**Michael Avenatti:** No, she's not welching on a deal, 'cause there never was a deal.

**Anderson Cooper:** But she still took the money.

**Michael Avenatti:** She took the money. But the fact of the matter is Mr. Trump never signed the agreement. He was obligated to sign the agreement in order for the agreement to spring into effect.

**Narration:** That's not true, according to Michael Cohen, who has said only his signature was required. What was also required under the non-disclosure agreement was for Stormy Daniels to turn over all "video images, still images, email messages, and text messages" she had regarding Mr. Trump.

**Anderson Cooper:** Did you do that?

**Stephanie Clifford:** I can't answer that right now.

**Anderson Cooper:** You don't want to say one way or the other if you have text messages or



**Stephanie Clifford:** My attorney has recommended that I don't discuss those things.

**Anderson Cooper:** You seem to be saying that she has some sort of text message, or video, or-- or photographs. Or you could just be bluffing.

**Michael Avenatti:** You should ask some of the other people in my career when they've bet on me bluffing.

**Anderson Cooper:** In college and law school, you did opposition research for democratic political operative Rahm Emanuel. Some people looking at that would say you're politically motivated,

**Michael Avenatti:** I haven't done anything in politics in over 20 years.

Anderson Cooper: But this is not the usual case you take on. You were a former democratic operative. And you're talking about deposing the president. That sounds political."

**Michael Avenatti:** No, it sounds righteous.

Anderson Cooper: How so?

**Michael Avenatti:** Because my client is credible. She's tellin' the truth.

**Narration:** Trevor Potter, the former chairman of the federal election commission, says the agency's investigations often take a long time and usually result only in monetary penalties.

But there is another scenario that could present a problem for the president: Special counsel Robert Mueller's inquiry into Russian interference in the 2016 election. In March, the Washington Post reported that the "special counsel has examined episodes involving Michael Cohen," including his efforts to launch a Trump-branded project in Moscow in the fall of 2015 when Mr. Trump was seeking the Republican nomination.

**Anderson Cooper:** is there any way that Special Counsel Robert Mueller could investigate the Stormy Daniels payment?

**Trevor Potter:** Ya that's the wildcard here.

**Anderson Cooper:** As a prosecutor, you wanna get leverage over somebody that you could then use to get them to give you other information on which--

**Trevor Potter:** Correct.

**Anderson Cooper:** --you're really interested in?

**Trevor Potter:** Correct.

**Narration:** That's what special counsel Mueller appears to be doing with Paul Manafort, Mr. Trump's former campaign chairman, who faces multiple charges including tax and bank fraud.

**Anderson Cooper:** Paul Manafort has been charged with crimes that don't have anything to do with Russia in some cases. #939

**Trevor Potter:** Well, and that certainly preceded the campaign. And so-- clearly, the Justice Department, the deputy attorney general who is ultimately in charge of this, has determined that looking at what Manafort did in other contexts -- is relevant to the investigation. And I think you can say exactly the same thing about Cohen. He was -- involved -- indisputably with Trump Organization activities with Russia and negotiations with the Russians. Mr. Cohen is in the middle of a place that's of great interest to the special counsel.

**Anderson Cooper:** is there any recent precedent for p-- prosecuting somebody for an undisclosed campaign contribution?

**Trevor Potter:** As it happens, there is. There's sort of a pretty spectacular one

**John Edwards (in news footage):** I did an awful, awful lot that was wrong.

**Narration:** Former senator John Edwards was prosecuted, but never convicted, for payments a supporter and his campaign finance chairman made a year before the 2008 election to a woman who'd had Edwards' child.

**Trevor Potter:** I think the Edwards case is not as strong as the facts we have so far in the Trump case.

**Anderson Cooper:** Why do you think the potential case against Cohen or Trump is a stronger case than the Edwards case?

**Trevor Potter:** The timing of it. It wasn't the year before the election. It's right in the middle of the run up to Election Day. When-- Trump's conduct with women was a prime campaign issue. In fact, it was what everyone was focused on.

**Narration:** White house press secretary Sarah Sanders did not respond to our request for comment from the president. But we did receive a letter from Mr. Trump's attorney Charles Harder, who asked that we show on camera and read on air one of the statements Stormy Daniels signed in January, denying reports she'd had an affair with Mr. Trump. It says, in part: "My involvement with Donald Trump was limited to a few public appearances and nothing more."

**Anderson Cooper:** If Stormy Daniels denied the affair in 2011, which you say is a lie, denied the affair in early January 2018, denied the affair in late January of 2018, doesn't that hurt her credibility? I mean, she's lying, she's lying, she's lying.

**Michael Avenattil:** I think there's no question that it calls into question her credibility. I also think that there's no question that when the American people take all of the facts and evidence into consideration, that they are going to conclude that this woman is telling the truth. And Anderson, to the extent that Mr. Cohen and the president have an alternative version of the

**Anderson Cooper:** But come on. You would not sign statements one, two, three times about something which you knew to be a lie.

**Michael Avenatti:** If the President of the United States' fixer made it clear to me, either directly or indirectly, that I needed to sign it, and I was in the position of Stormy Daniels, I might sign those statements

**Stephanie Clifford:** I felt intimidated and s-- honestly bullied And I didn't know what to do. And so I signed it. Even though I had repeatedly expressed that I wouldn't break the agreement, but I was not comfortable lying.

**Anderson Cooper:** How do we know you're telling the truth?

**Stephanie Clifford:** 'Cause I have no reason to lie . I'm opening myself up for, you know, possible danger and definitely a whole lot of s\*\*\*.

**Anderson Cooper:** But, you know, there is a potential ups-- financial upside maybe somebody will want you to write a book. Maybe, you know, you can go on a bigger tour and make more money--

**Stephanie Clifford:** That's--

**Anderson Cooper:** --dancing?

**Stephanie Clifford:** That's a lot of ifs. I could also get shunned. I mean, I could automatically be alienating half of my fanbase right at this very moment.

**Anderson Cooper:** Jenna Jameson -- another well-known-- adult film actress said recently about you, "The left looks at her as a whore and just uses her to try to discredit the president. The right looks at her like a treacherous rat. It's a lose-lose. Should've kept her trap shut."

**Stephanie Clifford:** I think that she has a lotta wisdom in those words.

**Anderson Cooper:** the president watches 60 Minutes, if he's watching tonight, what would you say to him?

**Stephanie Clifford:** he knows I'm telling the truth.

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# **Exhibit 2**

## Transcript of The View Interview: Stormy Daniels, attorney reveal drawing of man

[bayoubuzz.com/bb/donald-trump-news-today/donald-trump-news/item/1063354-transcript-of-the-view-interview-stormy-daniels-attorney-reveal-drawing-of-man](http://bayoubuzz.com/bb/donald-trump-news-today/donald-trump-news/item/1063354-transcript-of-the-view-interview-stormy-daniels-attorney-reveal-drawing-of-man)

Tuesday, 17 April 2018 15:49 [Media Sources](#)

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Today, Stormy Daniels revealed the sketch of the person she claims threatened her in a Las Vegas parking lot seven years ago. She originally made the claim of a man making a veiled threat demanding that she drop the Donald Trump thing after she made efforts to tell her story about her alleged relationship with Trump in 2006.

Daniels showed the sketch on The View. Here is the transcript of the discussion:



THE VIEW: You recently sat down with the forensic artist a very well known one, who created a sketch of the alleged suspect based on your memory from that day and now you're ready to reveal that sketch for the first time can we take a look at that?

THE VIEW: and to your recollection is that the person that threatened you?

absolutely

THE VIEW: looks exactly like that person?

THE VIEW: Stormy, why did you feel that couldn't go to the police when you were threatened?

Two things: First of all, I was scared especially when he told me what not to do and I went home and like regrouped and I was going to, because I always feel like you should stand up for yourself and you should report it but the problem was that in this particular case, instance, I would have gone to the police and would have said, " a man approached me, this is what he said to me, he told me, you know, leave mr. Trump alone and they're very next question the detective would have asked me--.why would somebody tell you to leave Mr. Trump alone? And I would have had to answer that question, which was not public at the time and I would have had to tell the police, the entire police department and police reports are public record I know that for a fact, I had sex with Donald Trump and then the whole world would have known

and I was in the process of trying to quiet that or figure out what to do and and honestly I was just afraid and I didn't want everyone to know I didn't want my family to find out that way. I didn't want my life turned upside down.

THE VIEW: When you were speaking to news organizations though and Michael, perhaps you can answer this too, including ABC you never brought up the threat ,so why now? Because I knew it would be asked a question that you were asked. You just asked me like--"why didn't you say anything?". And I did tell quite a few people actually from back then and

THE VIEW: Who did you tell?

I told family members and two friends and people that i worked with.

ATTORNEY FOR DANIELS: It's obvious that she not going to sit down with the sketch artist and fabricate this, this is a very detailed sketch it was created by a woman by the end of Lois Gibson, she has the world record for the most identification. She works with the FBI and law enforcement all around the country and she found, she found Stormy to be very credible and is highly confident the sketch and we hope that it's got to

THE VIEW: By this is by memory and this was how many years ago?

THE VIEW: It was seven yers ago and you remember to that detail, it looks like an actor sort of That's why he stood out to me, is because I thought, honestly that he was sort of handsome. When I saw him and i was parking I that;s somebody's husband. I want to finish answering my question to Megan, honestly one of the main reasons I didn't say anything is because I didn't tell my husband at the time I didn't want him to be upset with me and then I felt like honestly it's so much time has passed I was embarrassed to say something and have them say--

THE VIEW: But your husband knew about the incident with you and Trump in California

At that point in time, he didn't know. So, to go home and "this guy attacked me and by the way he did this because of this, is why, I didn't want him to think I was a bad mom or put put our daughter in danger. I just didn't know.

THE VIEW: Michael, have you handed this swketch over to the authorities?

Yea, we're not really in a position to really get into who we've shared it with or what the contacts were etcetera, but what we will say is this--is that-- we're offering a \$100,000 reward for information leading to the identification of this man and if people go to-- they can send us the information that they have if you send us information that you have and if you positively identify him we're going to pay you \$100,000 cuz we want to get to the bottom of who this is and we think we know who sent him, we want to confirm it.

THE VIEW: I just need to make a legal note real quickly, the sketch is not evidence that the underlying story is true. Just need to put that out there

ATTORNEY: All that legal..

....something like that, then, you've got something

THE VIEW: Do you think the description because it's seven years old will it hold up in a court of law if this person is able to be identified?

ATTORNEY: We believe it will and in fact Lois Gibson has worked with cases that have been much longer than 7 years of age and it has been very successful in getting identifications and having things like that hold up in a court of law, so we're confident that this is going to be another instance and we're hopeful that someone, we know that someone knows something. This man bragged to someone or told somebody about it and we're going to get to the bottom of it

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# **Exhibit 3**



## Donald J. Trump Verified account

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 [twitter.com/realDonaldTrump/status/986547093610299392](https://twitter.com/realDonaldTrump/status/986547093610299392)



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# **Exhibit 4**

**From:** Ahmed Ibrahim  
**Sent:** Thursday, August 16, 2018 3:15 PM  
**To:** 'Ryan Stonerock'  
**Cc:** Michael J. Avenatti; Charles Harder  
**Subject:** RE: Clifford v. Trump - Case No. 2:18-cv-06893-DDP-MAA - Response to Complaint

Ryan,

Our position is that the response should be filed within 21 days of the transfer order.

Ahmed

---

**From:** Ryan Stonerock [<mailto:RStonerock@harderllp.com>]  
**Sent:** Thursday, August 16, 2018 3:05 PM  
**To:** Ahmed Ibrahim  
**Cc:** Michael J. Avenatti; Charles Harder  
**Subject:** Clifford v. Trump - Case No. 2:18-cv-06893-DDP-MAA - Response to Complaint

Ahmed:

We are writing regarding the timing of our client's response to Ms. Clifford's defamation complaint. We propose that the deadline for Mr. Trump's response be 21 days after entry of the Court's order on the Notice of Related Case that our office filed on Monday, 8/13.

Please let me know if this is acceptable at your earliest convenience. If so, we will prepare an appropriate stipulation.

Best,



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