



1 MR. CHERONIS: Damon Cheronis.

2 MR. KAMINS: Barry Kamins.

3 MS. SAMSON: Diana Samson.

4 MR. AIDALA: Arthur Aidala. Good morning, your  
5 Honor.

6 THE COURT: All right, attorneys, thank you for  
7 taking my advice and not watching the superbowl, but  
8 instead, inundating each other and the Court with motions  
9 all yesterday and yesterday evening. Who wants to go  
10 first?

11 MR. CHERONIS: Your Honor, I think I instigated  
12 the motions, so I'll raise two issues.

13 The first issue I think should be dealt with is  
14 the proposed testimony of Claudia Posticcini.

15 THE COURT: Emmanuella.

16 MR. CHERONIS: Sorry, Emmanuella. We have filed a  
17 motion to bar her from testifying.

18 If you recall the testimony Ms. Mann, she  
19 indicated she was involved in a threesome with Mr.  
20 Weinstein, and that was not, at least from what I could  
21 hear, even by Ms. Mann's testimony, something she was not  
22 forced to do.

23 It was not one of the charged offenses here. And  
24 on cross examination, Ms. Rotunno did confront her with an  
25 e-mail, excuse me, a journal entry which offered, what we

1 propose, was a different state of mind as to what Ms. Mann  
2 testified to on direct examination.

3 But in both her direct and cross examination, she  
4 did say that she was uncomfortable, and that she left and  
5 went to the bathroom.

6 Now, Ms. Posticcini apparently will testify to  
7 sort of corroborate the fact she was there involved in a  
8 threesome, and Ms. Mann left to the bathroom and was  
9 crying.

10 We think for several reasons that is not something  
11 this Court should allow.

12 One, there is no disagreement as to whether or not  
13 Ms. Mann left the threesome and went into the bathroom.  
14 That came out on both direct examination and cross  
15 examination.

16 Ms. Posticcini cannot testify to Ms. Mann's state  
17 of mind. But more importantly, your Honor, Ms. Posticcini  
18 was interviewed by the People, and in her first interview  
19 she talked about having essentially a consensual sexual  
20 relationship with Harvey Weinstein.

21 THE COURT: Go back, no disagreement about what?

22 MR. CHERONIS: Ms. Mann testified on direct  
23 examination she was uncomfortable during the threesome and  
24 she went into the bathroom.

25 In cross examination she testified that through

1           that letter that she read, that she was uncomfortable and  
2           she went into the bathroom and started crying because she  
3           could not handle it.

4                        So, the real issue isn't if she was uncomfortable  
5           or whether she went into the bathroom, the issue is whether  
6           or not her state of mind was consistent with what she said  
7           on direct examination or consistent with her blog entry.

8                        Now, to call Ms. Posticcini to corroborate that  
9           causes a lot of issues. One is she cannot testify to Ms.  
10          Mann's state of mind. More importantly, it opens the door  
11          to essentially another Molineaux witness. The State has  
12          not sort an application to introduce that as a Molineaux  
13          witness.

14                       And to give you sort of a background, when Ms.  
15          Posticcini was interviewed, she initially said she had a  
16          consensual sexual relationship with Harvey Weinstein. He  
17          never forced her to do anything.

18                       The following day she called Ms. Illuzzi and said  
19          she had thought about it and she felt she was forced into  
20          the situation.

21                       That is not something that this Court should allow  
22          into evidence. I would have to cross examine her on the  
23          prior statement.

24                       THE COURT: Ms. Posticcini said that?

25                       MR. CHERONIS: Yes. So what we happen to have

1           essentially is another Molineaux witness on the stand  
2           testifying she felt forced by Harvey Weinstein to engage in  
3           sexual activity.

4                        When you look at the probative value of Ms.  
5           Posticcini's testimony, it is scant, it is partially  
6           corroborating a non forcible sexual encounter between  
7           herself, Mr. Weinstein, and Ms. Mann.

8                        The prejudicial value, when you look at that, is  
9           substantially -- outweighs the probative value because you  
10          have now another witness who will come into court and say  
11          she had a sexual relationship with Mr. Weinstein, she felt  
12          it was forced, things along those lines.

13                      It is really another Molineaux witness sort of in  
14          sheep's clothing, and the probative value is very slight  
15          opposed to the unfair prejudice by having another Molineaux  
16          witness not disclosed in the State's Molineaux  
17          application.

18                      So we think based on that, the testimony should  
19          not be allowed. She should not be allowed to testify to  
20          her relationship with Harvey Weinstein, the threesome, how  
21          she felt forced to get involved in those situations,  
22          because again, that is a Molineaux witness that the State  
23          is attempting to clothes as a corroborating witness, and  
24          the corroboration they are seeking is scant, it is not  
25          something that is very probative of whether or not Mr.

1           Weinstein forcibly raped Jessica Mann at the Doubletree  
2           which is the main issue regarding Ms. Mann.

3                         So we think for all those reasons, this Court  
4           should bar Ms. Posticcini from testifying.

5                         MS. ILLUZZI:   May I?

6                         THE COURT:    Yes.

7                         MS. ILLUZZI:   So, we disagree with the  
8           characterization that Ms. Posticcini is a Molineaux  
9           witness.

10                        First, Ms. Posticcini is an eyewitness to how the  
11           witness, Jessica Mann, was interacting with the defendant  
12           at a time when she is also saying nice and normal, and even  
13           affectionate things to him via e-mail.

14                        And she was particularly cross examined on the fact  
15           that this proposed three-way was something that she wanted,  
16           that she had hoped to happen, and that oh, big surprise,  
17           she was upset at the very end of it.

18                        Well, the fact is, as Ms. Mann said, she wrote  
19           that as almost a satire of something that was painful for  
20           her.

21                        And certainly in Ms. Rotunno's cross examination,  
22           it became clear that she was cross examining Ms. Mann with  
23           regard to her credibility on that issue.

24                        And it is a larger theme, right, that Jessica Mann  
25           wants the defendant and wants to engage in this conduct

1 with the defendant.

2 And so, this allegation that anything was forced  
3 is now something that is a recent fabrication.

4 So, for those reasons, Ms. Posticcini is  
5 relevant. And moreover Judge, what the People would be  
6 eliciting would not be Ms. Posticcini's issue, but merely  
7 that for her it was an uncomfortable situation as well.

8 Because if you recall, the thing that put Jessica  
9 Mann over the edge was that she looked into this woman's  
10 face and realized this woman as well was very, very  
11 uncomfortable.

12 And so Ms. Mann thought look, we are both  
13 uncomfortable doing something, and it became very, very  
14 emotional for her and she ran to the bathroom.

15 It is not just running to the bathroom, Ms.  
16 Posticcini will testify about what the emotional state as  
17 she observed it of Jessica Mann was at that moment.

18 She is not a Molineaux witness, she is an  
19 eyewitness to something that happened between Jessica Mann  
20 and the defendant.

21 MR. CHERONIS: Well, your Honor, to that end, Ms.  
22 Posticcini you cannot disassociate her relationship with  
23 Mr. Weinstein from her testimony.

24 We have a proffer from the State that says her  
25 sexual relationships with Mr. Weinstein were forced.

1                   Now, that certainly flies in the face of her  
2 earlier statement, but we are then going to have to cross  
3 examine Ms. Posticcini on her relationship with Mr.  
4 Weinstein.

5                   When you look at that, when you look at what the  
6 State will attempt to do by putting on Ms. Posticcini,  
7 another witness that will say she felt forced to be  
8 involved in a sexual encounter with Mr. Weinstein and Ms.  
9 Mann, you are right, it is not a Molineaux witness because  
10 they did not make an application, it serves the same  
11 purpose. It is another essentially accuser who will get on  
12 the witness stand and who is going to make allegations she  
13 felt forced to be involved in sexual activity with Mr.  
14 Weinstein.

15                   Now, when you look at the probative value of that,  
16 it is limited. When you look at the prejudicial affect and  
17 the lack of the State's attempt to try to include her as  
18 another Molineaux witness, we suggest that the probative  
19 value is highly outweighed by unfair prejudice, highly  
20 outweighed.

21                   They did not say it is not a Molineaux witness,  
22 that is the affect of that testimony, that is the actual  
23 affect of that testimony. They did not move for that in  
24 their application, did not ask for that.

25                   When you say it is an eyewitness, that does not



1 take away the prejudicial value of the testimony when you  
2 have the issues we have raised in our motion. We think for  
3 those reasons she should not be allowed to testify.

4 MS. ILLUZZI: Mr. Cheronis is confusing our  
5 discovery to him versus the relevant testimony to be  
6 elicited from the witness.

7 Ms. Posticcini would not be examined on her own  
8 either trepidation or difficulty in being with the  
9 defendant, she is being called as an eyewitness to an  
10 event, that event is crucial here, it is a documentation by  
11 an eyewitness, an independent eyewitness of what the  
12 relationship between Jessica Mann and the defendant was.

13 Moreover, it was opened -- certainly the door was  
14 opened wide opened with Ms. Rotunno's cross examination of  
15 this witness, you know, and certainly on cross examination  
16 Judge, went through it. And in fact, beyond the People's  
17 stern objection, she was permitted to sit there and read  
18 her entire note regarding failed three-way which she just  
19 said was a satire about something painful for her.

20 The implication is Ms. Mann was the liar, the  
21 truth is that she's not.

22 MR. CHERONIS: We don't have to accept Ms. Mann's  
23 interpretation of what that quote unquote satire meant.  
24 The issue is, they are saying they will not elicit any  
25 information about Ms. Posticcini and her relationship with

1 Mr. Weinstein.

2 They are laying a trap for us, because we have to  
3 get into that. What Ms. Posticcini said, she felt forced  
4 in the situation despite the fact Ms. Posticcini two days  
5 prior before thinking about it, told Ms. Illuzzi that it  
6 was not force, she had no issues, but now we are getting  
7 yet again into another Molineaux situation.

8 I'm not confused about anything, I know exactly  
9 what the State is trying to do. They are trying to include  
10 yet another Molineaux propensity witness on a collateral  
11 matter.

12 This is not a charged offense, not even a forcible  
13 offense. This is not the issue at the Peninsular, not the  
14 issue at the Doubletree. By Ms. Mann's admission, it was  
15 consensual.

16 On direct examination she gave her version. On  
17 cross examination she gave her version. In both versions  
18 she indicated she felt uncomfortable and she left crying.

19 Now, to call Ms. Posticcini to corroborate that,  
20 and by doing that inviting us, because we have to  
21 effectively represent Mr. Weinstein, cross examine her on  
22 her relationship with Mr. Weinstein.

23 They are opening the door to propensity evidence  
24 and to more Molineaux evidence, and they did not file an  
25 application to do that.

1                   They did not request this Court make an  
2                   independent determination that Emmanuella Posticcini should  
3                   be allowed to testify to her quote unquote uncomfortable  
4                   forcible situation with Harvey Weinstein. They could have  
5                   done that but they did not.

6                   THE COURT: All right, thank you. So defense  
7                   motion to preclude the testimony of Ms. Posticcini  
8                   regarding the so-called threesome and her testimony all  
9                   together on the ground it constitutes Molineaux evidence,  
10                  it amounts to character and propensity evidence and  
11                  constitutes improper collateral evidence, and that the  
12                  prejudice outweighs the probative value, I find that the  
13                  evidence of the threesome as it is called, does not qualify  
14                  strictly as Molineaux evidence in the first place.

15                  And that the threesome as testified to does not  
16                  constitute as uncharged crime, or even as a bad act. And  
17                  even if it is or were to be considered as Molineaux  
18                  evidence, it has just the most very slightest prejudicial  
19                  value, where it has the very probative value delineating  
20                  the history and nature of the power relationship between  
21                  the defendant and Jessica Mann.

22                  Further, given the cross examination thus far of  
23                  Jessica Mann regarding the so called threesome, including  
24                  Jessica Mann's testimony about the purportedly fictional  
25                  blog describing a version of the so-called threesome events

1 with Ms. Posticcini, Ms. Posticcini's testimony may be  
2 received as noncumulative testimony to show what actually  
3 happened, notwithstanding my ruling about it not being  
4 Molineaux evidence.

5 I would like to suggest that I give something  
6 tantamount to a Molineaux instruction, and would like to  
7 suggest the defense request that.

8 So, if they do want that, please ask at the  
9 appropriate time and I'll say something along the lines of  
10 and with the further subsequent input from the defense,  
11 that there is evidence in this case that on another  
12 occasion the defendant and Jessica Mann and Ms. Posticcini  
13 engaged in a threesome or purported threesome or whatever  
14 description seems appropriate. And that evidence was not  
15 offered and must not be considered for the purpose of  
16 proving that the defendant had a propensity or  
17 predisposition to commit the crimes charged this case.

18 It was offered as evidence to provide background  
19 information as an aid in understanding the history and  
20 context of the relationship between the parties.

21 And this, I think the next part is probably the  
22 most critical and crucial, because it goes to weight and  
23 not admissibility, and the jury is free to believe or not  
24 believe whatever they end up believing or not believing.

25 So I would further state if you find the evidence

1           believable, you may consider it for those limited purposes  
2           and no other.

3                         And not withstanding all of the foregoing, Ms.  
4           Posticcini's testimony should be, Ms. Illuzzi, confined to  
5           her observations which is what you are stating that you  
6           want them for regarding her observations of Jessica Mann,  
7           and there should be no testimony nor even an implication of  
8           non consensual sex on either of their parts, on either  
9           Jessica Mann's part or Ms. Posticcini's part, because that  
10          is not the general theory of the testimony regarding the  
11          so-called threesome.

12                        To the District Attorney's theory of the case, it  
13          tends towards the non consensual activity, that is an  
14          inference to be drawn later on, but the immediate testimony  
15          should be confined to show what the background information,  
16          the history and context of the relationship and or power  
17          relationship between the parties, and the jury can buy it  
18          or not buy it as they can with any other evidence in this  
19          or any other case. And so, do not veer away from that  
20          avenue.

21                        MS. ILLUZZI: Understood Judge.

22                        THE COURT: So, the issue of what constitutes  
23          consent or non consent and its interplay with what is  
24          comfortable or not comfortable, you know, plays a role in  
25          this case, but does not technically, technically go to

1 forcible compulsion or non consent.

2 And obviously defense may or may not go into the  
3 various matters in that regard. I do not, I do not find  
4 that there is any trap laying, I think was the phrase that  
5 you used, Mr. Cheronis.

6 We did start off this trial by, at your request,  
7 me ruling that I would permit the consent theory of the  
8 case to be fully aired out, and that I would not force you  
9 to abide by the most strict rules regarding the admission  
10 of evidence until it was admitted on cross examination or  
11 the defense case. And that your general defense of consent  
12 of the witnesses was under the circumstances of this case,  
13 and to have stated all along since the defendant had stated  
14 all along that this is a defense of consent, that I would  
15 permit that to be fully aired out in whatever permissible  
16 way that you suggested, and I think we have done that.

17 So, let's move to the next issue.

18 MS. ILLUZZI: Your Honor, may I ask. Over the  
19 weekend the defense asked us again whether or not Ms. Mann  
20 or Ms. Young testified in the grand jury in Los Angeles,  
21 and I want to state clearly the People do not have control  
22 over what the Los Angeles District Attorney's Office  
23 provides or does not provide.

24 We have asked them for everything, and they in the  
25 spirit of cooperation, have given us notes from law

1 enforcement, they gave us taped conversations with our  
2 witnesses, whoever they had, and I believe both that was  
3 Ms. Young and Ms. Mann, and they had given us some notes or  
4 reports, police reports from law enforcement regarding  
5 that.

6 What their process is, and their grand jury  
7 process is, and who if anybody testified regarding this  
8 case in Los Angeles, they are not, they are not allowing us  
9 to either know or disclose that, so I don't have anymore  
10 control over it, Judge.

11 I want to let you know completely I do not have  
12 control over it, and we had provided way more than the  
13 statute or anybody, and Los Angeles provided way more than  
14 the statute, discovery laws certainly dictate even in the  
15 new statute.

16 MR. CHERONIS: Two quick issues, your Honor, I  
17 want --

18 THE COURT: The jury is here by the way.

19 MR. CHERONIS: Okay, just a quick point regarding  
20 your comment to me regarding the last issue we had  
21 discussed, the whole airing out of consent.

22 I think you were referring to the Molineaux  
23 hearing --

24 THE COURT: No, I was referring to your request  
25 at opening statements.

1 MR. CHERONIS: Regarding the e-mails.

2 THE COURT: The e-mails that you could use them  
3 freely on your opening over the People's objection, and I  
4 ruled in an anticipatory way that since, even if the strict  
5 rules of evidence would maybe not necessarily allow them in  
6 because they were not prior inconsistent statements  
7 necessarily, that since they did go to your overall theory  
8 of consent, that just based on that alone, that they were  
9 permissible.

10 MR. CHERONIS: I wanted to clarify that.

11 THE COURT: Okay.

12 MR. CHERONIS: Regarding Ms. Illuzzi's comments  
13 about Lauren Young and Jessica Mann, we just asked if they  
14 testified in front of the grand jury, and she said she does  
15 not know that.

16 Okay, I guess I'm stuck with that answer, because  
17 there are ways we can get that information apart and aside  
18 from Ms. Illuzzi turning it over to us.

19 So, I find it interesting they would not even know  
20 if their witnesses testified in front of the grand jury in  
21 Los Angeles.

22 That said, I guess we will ask Ms. Mann or Ms.  
23 Young on direct or cross examination.

24 Regarding my other motions, you want to take that  
25 up at the break?



1 THE COURT: About discovery?

2 MR. CHERONIS: Discovery issues.

3 THE COURT: I think Ms. Rotunno is eager to  
4 resume her cross examination of Ms. Mann, unless there is  
5 any Ms. Mann related stuff.

6 MS. ROTUNNO: There are. One is Ms. Mann  
7 continues to talk about a timeline. We are not in receipt  
8 of the timeline. She said my timeline, I don't have a  
9 timeline.

10 THE COURT: I'm curious about that. I interpret  
11 that to the extent this is helpful to you, as something  
12 people say in California.

13 MS. ROTUNNO: I know. She says in her interview  
14 with the Beverly Hills Police Department and detectives  
15 contacted Maxine Rosenthal, I gave Maxine Rosenthal my  
16 timeline.

17 MS. ILLUZZI: She did not give Maxine Rosenthal a  
18 timeline in the sense that you and I and probably the  
19 defense thinks is a timeline.

20 What she did give her was e-mails with her and  
21 defendant, and she like put a little annotation on the top  
22 of some e-mails. Ms. Rosenthal, if the Court or defense  
23 does not believe me, Ms. Rosenthal is at work. She did not  
24 give her one.

25 THE COURT: But they have the e-mails with the

1 annotation.

2 MS. ILLUZZI: Yes.

3 MS. ROTUNNO: The other issue regarding Ms. Mann,  
4 we were still not tendered any information regarding that  
5 2016 incident that Ms. Mann testified to.

6 MS. ILLUZZI: As I have stated, Judge, in the most  
7 articulate way I can, is that we knew from the beginning  
8 and certainly the defense and everyone knew from the  
9 beginning Ms. Mann had a relationship with the defendant  
10 that was non forcible both before and after the rapes  
11 involved.

12 We didn't ask her to recount every single sexual  
13 encounter and what happened in every encounter and when  
14 exactly that happened. Recently I asked her when she  
15 thinks the last one was, she said 2016 and I elicited it on  
16 direct examination.

17 THE COURT: All right, you know, let's go back a  
18 step. I'm eager to recall the jury, but let's go back to  
19 Tarale Wulff and the Ms. Bussy situation.

20 So, if there is a Brady situation there, it is not  
21 whether or not you wrote something down, it is whether or  
22 not there was a subsequent to the alleged incident, you  
23 know, meeting with the defendant, whether or not Tarale  
24 Wulff herself remembers it.

25 So, if you are aware of it, you know through Ms.

1 Bussy, then under the circumstances of this case and of  
2 those incidents, the meeting after the event, whether or  
3 not Tarale Wulff remembers it, in this, you know, I think  
4 diner or something like that, whatever it was, that  
5 information would need to be turned over to the defense,  
6 and it is my understanding it was not until --

7 MR. CHERONIS: January 30th in an e-mail after Ms.  
8 Wulff testified.

9 THE COURT: Until then, and that is unacceptable  
10 and is the reason Ms. Wulff is going to be recalled, I  
11 believe tomorrow.

12 MS. ILLUZZI: Yes.

13 THE COURT: And defense can resume their cross  
14 examination, and Ms. Bussy is also going to be called or at  
15 least at that door right on the other side where the  
16 officer is, and that the defense can either tell you to  
17 call her or can call her in some fashion at that point on  
18 your case, if they want to, because it is problematic.

19 So similarly, and perhaps hopefully not  
20 identically, if there is an analogous situation, please  
21 either well at this point please tell defense counsel on  
22 the record right now.

23 MS. ILLUZZI: May I answer. First of all, Judge,  
24 addressing your first issue.

25 We understand the Court is saying regarding Ms.

1 Bussy, but allow me to say we never spoke to Ms. Bussy, so  
2 we heard this secondhand.

3 THE COURT: Not the point, not the point.

4 MS. ILLUZZI: Let me finish.

5 THE COURT: Stop staying that, stop saying things  
6 like you know it is secondhand, and stop saying we never  
7 wrote it down.

8 MS. ILLUZZI: Okay, Judge. The thing is we don't  
9 know if it was before or after the event in question, we  
10 don't know. We don't know.

11 We don't know when that brief meeting at the  
12 Mercer Hotel was with Gloria Bussy, Tarale Wulff, and  
13 defendant, we just don't know.

14 Regarding Ms. Mann, Judge, we never got in with  
15 her every single sexual event she had with the defendant.

16 It was obvious that she had continued to have  
17 contact with him. So the only thing we asked her was when  
18 do you think was the last time, and she said October of  
19 2016, that is what I know.

20 MS. ROTUNNO: We didn't hear October.

21 MS. ILLUZZI: I didn't mean October, 2016.

22 MR. CHERONIS: One issue regarding Ms. Wulff, I  
23 agree with the Court's comments the problem is Brady has a  
24 timely disclosure application.

25 We are now in a situation where the State had

1 evidence we believe is potentially exculpatory or  
2 impeachment evidence, we did not get that until after all  
3 the witnesses testified, not with Bussy, who probably has  
4 been following the case, not returned any of my calls  
5 whether out of the country or not, not returned any text  
6 messages.

7 In a normal situation when we get this information  
8 when the State gets it from Mr. Wigdor, we tried to take  
9 down the witness and talk to them in a non dramatic fashion  
10 before the trial started, before Ms. Wulff's testimony was  
11 publicized, so we are in a situation where we were caught  
12 by surprise, where we were sandbagged and now we are trying  
13 to play catch up.

14 That is not fair, that is a violation of Brady,  
15 and in a situation like this to recall Tarale Wulff and  
16 make Ms. Bussy available, we do not think is a sufficient  
17 way to clean it up.

18 THE COURT: Mr. Cheronis, no comment on that  
19 other than I think you made that record plenty of times and  
20 perfectly well.

21 MS. ROTUNNO: With regard to the Ms. Mann issue,  
22 we have an e-mail, I know Ms. Illuzzi eluded to this in her  
23 letter to us and the Court yesterday.

24 We have an e-mail dated April 27th of 2016. In  
25 that e-mail Harvey's apparently at a hotel, where she

1 reaches out, they make a plan to meet. He says I'm in 340  
2 come up.

3 The next response four hours later I feel so  
4 fabulous and beautiful, thank you for everything.

5 Is this supposed to be the last sexual encounter?  
6 If I look at 2016, not only looking at the e-mails but  
7 looking at text messages and phone calls, in 2016 there are  
8 nine phone calls and 74 texts between the two of them.

9 We don't have the context of the texts, some that  
10 surround this incident, if this is what they are saying is  
11 the incident in April.

12 There are no text messages or calls on April, but  
13 calls in August multiple, in September multiple, October,  
14 November, between the two of them.

15 So I don't know. They continue to see each  
16 other. My problem with finding this out on the witness  
17 stand is in both grand juries they stop the contact with her  
18 2014 claim. They do not go into any other contact she has  
19 with him.

20 Then if you look at any of the notes any detective  
21 took, any prosecutors have taken, there is not one mention  
22 of a 2016. So from this e-mail I was supposed to guess  
23 that maybe there was a sexual encounter, this is all we  
24 have.

25 MS. ILLUZZI: That is not true, Judge. In

1 February of 2018 the victim says to him that she does not  
2 want to feel like she's just a booty call, that is in 2017.

3 MS. ROTUNNO: Right, so --

4 MS. ILLUZZI: 2017.

5 MS. ROTUNNO: So how do I know how many times they  
6 had an encounter after that or what that even means?

7 THE COURT: I don't know the answer to that.

8 MS. ROTUNNO: That is why we should have the  
9 information.

10 MS. ILLUZZI: I gave them the information I have  
11 Judge.

12 THE COURT: All right, jury is entering.

13 COURT OFFICER: Jury entering.

14 ( Jury enters courtroom).

15 THE CLERK: Case on trial continued, all parties  
16 are present. Do the parties stipulate the jury is present  
17 and properly seated?

18 MS. ILLUZZI: Yes.

19 MR. CHERONIS: Yes.

20 THE COURT: All right, welcome back jurors.  
21 Thank you for your promptness again. Let's recall the  
22 witness, Jessica Mann.

23 COURT OFFICER: Witness entering.

24 ( Witness enters courtroom).

25 THE COURT: Welcome back, Ms. Mann, if you would

1 sit down, settle in, and let me remind you that you are  
2 still under oath, and the same rules apply. We are handing  
3 you the microphone there. Please resume your inquiry.

4 MS. ROTUNNO: Thank you, Judge.

5 CROSS EXAMINATION CONTINUED

6 BY MS. ROTUNNO:

7 Q Good morning, Ms. Mann.

8 A Good morning.

9 Q I'm going to apologize, I have a cold, so if you do not  
10 hear me just ask me to repeat the question, okay?

11 A Okay.

12 Q I'm going to probably go over a few things we discussed  
13 already on Friday, just to give some things context.

14 Did you speak to anybody about your testimony over the  
15 weekend?

16 A No.

17 Q Did you have any conversations with anybody about what  
18 you testified to here?

19 A No.

20 Q When you testified on direct examination and on cross  
21 examination on Friday, we talked a lot about your friend Talita,  
22 correct?

23 A Yes.

24 Q And there was, I think some issues about at what point  
25 you knew Harvey Weinstein was only interested in you as an



1 actress, correct?

2 A Could you say that again.

3 Q There was conversation about at what point you knew Mr.  
4 Weinstein was no longer interested in Talita as an actress,  
5 correct?

6 MS. ILLUZZI: Objection.

7 THE COURT: Overruled. So, are you able to answer  
8 that question?

9 A I believed he was interested in her as an actress.

10 Q Well, when you testified on direct examination on  
11 Friday, Ms. Mann, you said after you met Mr. Weinstein at the  
12 party, while he came to see you the second time, you asked about  
13 your friend Talita, and he said don't say anything, but no, I'm  
14 not interested in her, I felt a little guilty because she was  
15 the first one that was talking to him and he took my number and  
16 he just said he would follow up with me, correct?

17 A From that, in that conversation, yes.

18 Q So, you knew at the first time you met Mr. Weinstein,  
19 the only phone number he wanted was yours, correct?

20 A Incorrect. I mean yes, sorry, because he wanted my  
21 phone number, correct.

22 Q Then you said the first time that you met up with Mr.  
23 Weinstein after the event at the engagement party you said on  
24 direct that you went to Book Soup, correct?

25 A Yes.

1 Q And you stated that he knew you liked to read?

2 A Yes.

3 Q Ms. Mann, how many conversations had you had with Mr.  
4 Weinstein between the event at Mr. Lambert's engagement party  
5 until the time you saw him at Book Soup?

6 A When he pulled me aside, that is when he mentioned the  
7 book store.

8 Q So, you had talked about that at the party?

9 A He asked me something about like my interests, and I  
10 said I like to read.

11 Q And so, Ms. Mann, you testified on multiple times in  
12 this case, correct, before Friday?

13 A I don't know what you mean.

14 Q This is not the first time you have given testimony in  
15 regard to this circumstances, correct?

16 A You mean when I met with like the District Attorney?

17 Q No, you went to two grand jurys, correct?

18 A Yes.

19 Q You know when you are in a grand you are actually  
20 testifying, correct?

21 A Yeah, I just don't know legal terms.

22 Q Lawyers from this side asked you questions, correct?

23 A Yes.

24 Q You answered them, correct?

25 A Yes.

1 Q There is no one like me or Mr. Cheronis or Mr. Aidala  
2 in that room asking questions of you, correct?

3 A At the grand jury, that was correct.

4 Q You did that twice, right?

5 A Yes.

6 Q Did you do that in Los Angeles as well?

7 A I have not.

8 Q Have they asked you to do that in Los Angeles?

9 A I asked them to just give me space until this trial is  
10 over.

11 Q Then they will have you go in?

12 A If, I don't know if I decided on that.

13 Q And with regard to you going before the grand jury, you  
14 never before said Mr. Weinstein knew that you liked to read,  
15 correct?

16 MS. ILLUZZI: Objection.

17 THE COURT: I didn't hear the end of the  
18 question.

19 Q You never said Mr. Weinstein knew you liked to read,  
20 correct?

21 MS. ILLUZZI: Objection.

22 THE COURT: Overruled.

23 A I don't think so.

24 Q You talked about meeting Mr. Weinstein at Book Soup and  
25 having friends with you, correct?

1 A Correct.

2 Q You didn't want him to know that you brought friends,  
3 correct?

4 A Correct.

5 Q You would not normally bring friends to a business  
6 meeting, correct?

7 A Depends on how I felt about it, but it depends, I have.

8 Q Ms. Mann, you brought friends because you knew Mr.  
9 Weinstein was interested in you and you were not sure how you  
10 felt about that, correct?

11 A No. They were staying the night and I had sort of  
12 double booked, the timing was off, so I wanted them to just  
13 come, I did not know what to do with them.

14 Q When Mr. Weinstein ran into your friends, you knew your  
15 friends were going to see him. You sent your friends a text,  
16 correct?

17 A I wanted, well, I wanted them to meet me outside  
18 because Harvey wanted to walk me to my car and I didn't drive.

19 Q And you did not want him to know that you had friends  
20 there, correct?

21 A I was not sure if it was appropriate or not.

22 Q Because you told them to lie, you sent them a message  
23 and told them to lie, correct?

24 A I just said hey, bump into me.

25 Q Which was a lie?

1 MS. ILLUZZI: Objection, Judge.

2 THE COURT: Overruled.

3 A I don't see how that is a lie.

4 Q Well, you didn't tell Mr. Weinstein they came with you,  
5 right?

6 A He didn't ask me.

7 Q Well, when he said I'm going to walk you to your car,  
8 you didn't say I didn't drive, some of my friends came with me,  
9 correct?

10 A I didn't say that.

11 Q You stated that you didn't tell him you had driven, you  
12 didn't tell him you had driven with friends, so you kind of  
13 panicked. What were you panicking about?

14 A Well, I wanted to be perceived as professional as  
15 possible. I just didn't know if it was appropriate to have  
16 friends, so I was kind of not sure what to do.

17 Q Ms. Mann, at this point you are 27 years old, correct?

18 A Correct.

19 Q And you told them that you wanted them to just bump  
20 into you and you introduced them to Harvey and said oh my gosh  
21 oh, how ironic we met my friends, correct?

22 A I did say that.

23 Q When you were at Book Soup, you were asked a lot of  
24 questions about whether or not you ever felt romantically  
25 interested in Mr. Weinstein.

1           You were asked that about almost every single occasion  
2 you met up with him by the District Attorney, correct?

3           A     I don't, can you restate the question.

4           Q     Everytime you told the ladies and gentlemen of the jury  
5 that you met up with Mr. Weinstein, the District Attorney would  
6 ask you if you were ever sexually attracted or romantically  
7 attracted to Mr. Weinstein, correct?

8           A     Yes.

9           Q     And everytime you answered no, correct?

10          A     Correct.

11          Q     And while you were sitting at the book store, Ms.  
12 Illuzzi asked you if it was normal or what that interaction was  
13 like, what was defendant's mannerisms and demeanor towards you  
14 when you met at Book Soup, do you remember that question?

15          A     Yes.

16          Q     And you stated that he -- there were very few moments  
17 where he made a grunting sound and would look at me. I didn't  
18 know if it was like a personality, or I hate to say, almost an  
19 autistic type of trait, it was a little confusing?

20          A     Correct.

21          Q     You were confused because at that point he was showing  
22 some interest in you, correct?

23          A     Um, I didn't necessarily know how to read that. So to  
24 say I was sure he was showing interest in me, that is incorrect.

25          Q     You suspected, would that be fair to say?

1           A     Based off of his grunts?

2           Q     These are your words, I'm asking you.  When you were at  
3   the book store, whether based off the grunts, based off him  
4   buying you books, based off the way he complemented you,  
5   whatever the circumstances is, you knew that he had an interest  
6   in you, correct?

7           A     I knew he was interested in my acting from what he was  
8   telling me.  And the grunting was like I said, I did not know  
9   how to perceive that.  It was not like so overt that I was like  
10  oh, that is a sexual thing.

11          Q     Did he complement you at the book store?

12          A     I do not remember.

13          Q     Ms. Mann, we talked a lot about a timeline, correct, on  
14  direct and on cross examination.  You brought up a timeline,  
15  correct?

16          A     What do you mean?

17          Q     You would say if you are looking at my timeline, if you  
18  are referring to my timeline, correct?

19          A     I'm still a little confused what you are talking about.

20          Q     Did you ever make a timeline in this case?

21          A     That is privileged.

22                   MS. ROTUNNO:  May I approach?

23                   THE COURT:  No, it is not privileged so answer  
24  the question.

25          A     Did I make a timeline?

1 Q Yes.

2 A I started one.

3 Q What did you do with it?

4 A That was for a lawyer.

5 Q What lawyer?

6 A Well, one of the ones I consulted with.

7 Q How many did you consult with?

8 A I don't know off the top of my head.

9 Q More than five?

10 A I don't think so.

11 Q Did you tender that timeline to anyone?

12 A What does that mean?

13 Q Hand it over, give it to someone?

14 A I wrote it in an e-mail to a lawyer.

15 Q You don't remember who that lawyer was?

16 A Um, no.

17 Q And you turned over a lot of e-mails in this case,  
18 isn't that correct?

19 A All that I had.

20 Q You turned those over to the D.A's Office, correct?

21 A Yes.

22 Q Did you turn over a timeline to the District Attorney's  
23 Office?

24 A No.

25 Q Well, you spoke to Detective Alatorre in Beverly Hills,



1 correct?

2 A Yes.

3 Q You spoke to the detective on a phone call, isn't that  
4 right?

5 A Yes.

6 Q Also in person, correct?

7 A Yes.

8 Q You knew that your conversation with the detective was  
9 recorded, correct?

10 A Oh, I did not know that, they did not tell me.

11 Q Well it was. In that regard, Ms. Mann, you talked  
12 about handing over a timeline to Maxine Rosenthal?

13 A Yeah, I was considering working on a timeline like  
14 finishing it and stuff as well.

15 Q Well, in that phone call, you said you turned over a  
16 timeline because you kept saying to Detective Alatorre I'd  
17 rather look at my timeline, I'd rather you look at my timeline,  
18 I don't want to have to talk about this, isn't that correct?

19 A Yes, because I wanted to be very concise with details,  
20 but I never actually, I didn't turn over a timeline.

21 Q Well, you told Detective Alatorre that you gave one to  
22 Maxine Rosenthal?

23 A That was incorrect.

24 Q So, you lied to the detective?

25 A I must have been confused, but I don't know.

1 Q You are confused a lot?

2 MS. ILLUZZI: Objection.

3 THE COURT: Sustained.

4 Q Let's go through this time frame. When we spoke on  
5 Friday, you said I'm confused about dates and times, correct?

6 A It is convoluted.

7 Q I'm going to try to help you because I have a series of  
8 e-mails I think will help us put this timeline in perspective.

9 MS. ILLUZZI: Objection to the commentary.

10 THE COURT: Overruled.

11 Q Before we get there, I want to ask you one other  
12 question with regard to your original meetings with the  
13 defendant and with people at his office.

14 You stated that when you met with Barbara Schneeweiss  
15 at the Italian restaurant and Harvey Weinstein, you had already  
16 given your credits and you gave your representation information,  
17 they knew my manager, who my agent was, all that information.  
18 That is what you testified to on direct, isn't that correct?

19 A Could you repeat the first part of that.

20 Q Sure. You testified that at your dinner with Barbara  
21 Schneeweiss and Harvey Weinstein, which you say was at an  
22 Italian restaurant, maybe Dantana's correct, you testified that  
23 at that meal, you had given your credits, your representation  
24 information, they knew my manager, who my agent was, all of that  
25 information, that is what you testified to, correct?

1           A     Correct.

2           Q     And that meeting happened very shortly after you met  
3     Mr. Weinstein, correct?

4           A     I believe so.

5           Q     And you met Mr. Weinstein late 2012 at the party,  
6     correct?

7           A     I don't know if it was in 2012 or beginning of 2013.

8           Q     You knew you met him before you started going to Oscar  
9     parties in February of 2013, correct?

10          A     Yes.

11          Q     And you had many meetings with Mr. Weinstein prior to  
12     going to Oscar parties, correct?

13          A     A few, yeah.

14          Q     And you had the Book Soup meeting before the Oscar  
15     parties, correct?

16          A     Yes.

17          Q     You had had the dinner at Dantana's before the Oscar  
18     party?

19          A     Yes.

20          Q     You had the dinner in the Peninsula when you rubbed his  
21     back before the Oscar party, correct?

22          A     Yes.

23          Q     Well, the first e-mail, Ms. Mann, that you sent, the  
24     date is April 12, 2013, 2:05 a.m.

25                           (Continued on next page)

1 (Continued from the previous page.)

2 Q Ms. Mann, this email is dated April 12, 2013 -- April  
3 11, 2013 at 10:46 p.m.

4 MS. ILLUZZI: Objection, Judge. This is not  
5 evidence and we are showing something that's not in  
6 evidence to the jury.

7 THE COURT: Sustained as to that.

8 MS. ROTUNNO: Judge, may we approach on the  
9 emails?

10 THE COURT: Sure.

11 (Discussion held at the bench, off the  
12 record.)

13 (The discussion off the record concluded,  
14 and the following occurred in open court:)

15 THE COURT: Defense X.

16 MS. ROTUNNO: Thank you.

17 BY MS. ROTUNNO:

18 Q Ms. Mann, I am going to mark what I am calling  
19 Defendant's X for identification. Will you look at this email,  
20 please.

21 Ms. Mann, do you see that email that you sent from  
22 your email address on April 11, 2013?

23 A Yes.

24 Q And in that email, that's the first time you mentioned  
25 any agent or manager, is that correct?

1           A     Um, I don't recall this being the first time I  
2 mentioned an agent but I am talking about an agent here.

3           Q     And that's your email address, correct?

4           A     That is correct.

5           Q     And that email address is -- can you tell the Ladies  
6 and Gentlemen of the Jury what that email address is?

7                   MS. ILLUZZI:  Objection, Judge.  Irrelevant.  She  
8 is saying it is her email address.

9                   THE COURT:  Is that currently your email address  
10 today?

11                   THE WITNESS:  It is my email address.

12                   THE COURT:  Do you still use it?

13                   THE WITNESS:  It's active.

14                   THE COURT:  So let's just avoid that.

15 BY MS. ROTUNNO:

16           Q     Ms. Mann, does that email fairly and accurately  
17 descript the words that you spoke on April 11, 2013?

18           A     Um, I am assuming this is my email.  If that's what  
19 you are asking, yes.

20           Q     I am.

21                   MS. ROTUNNO:  Judge, may we submit this into  
22 evidence and put the email up?

23                   MS. ILLUZZI:  No objection.

24                   THE COURT:  No objection, correct?

25                   MS. ILLUZZI:  No objection.

1 THE COURT: So Defense X is received into  
2 evidence without objection and because just like the  
3 People's similar emails earlier in the case, the foundation  
4 was stipulated to and it is ruled relevant.

5 MS. ILLUZZI: Thank you.

6 MS. ROTUNNO: Brian, take the email address off.

7 BY MS. ROTUNNO:

8 Q Ms. Mann, in this email you are stating that you have  
9 an agent who wants to know the point people for the creative  
10 and end of Vampire Academy. Last I heard, three girls were up  
11 for the role of Natalie and Mia's (sic) break down was one out  
12 which is who I want to audition for and Barbara hasn't returned  
13 my last emails regarding Vampire Academy. I am beginning to  
14 think no one is taking me will seriously, correct?

15 A Correct.

16 Q Ms. Mann, that email goes out in April of 2013, is  
17 that correct.

18 A I guess, yes.

19 Q And you send that email out directly to Harvey  
20 Weinstein, correct?

21 A Yes.

22 Q And you didn't send that email to Barbara Schneeweiss,  
23 correct?

24 A Correct.

25 Q And you wanted Harvey to know that no one is taking

1 you seriously, is that right?

2 A Um, yes.

3 Q And he actually responded to you and gave you a  
4 solution about what to do and who you should call, correct?

5 A Um, I yeah.

6 Q And he told you to call Tom, is that right?

7 A I don't remember what the response was.

8 Q And in that email, Ms. Mann, I just want to draw your  
9 attention to one issue. On direct examination you talked to  
10 the -- the prosecutor asked you questions and she asked you  
11 about the role in Vampire Academy, correct?

12 A Yes.

13 Q And you said that you thought -- you started to  
14 realize that this was kind of a sham because the person that  
15 you would play was too young, correct?

16 A I -- when I read the script I saw that the ages were  
17 like 17. And that was one of the first red flags that  
18 something was off.

19 Q Well, Ms. Mann, they sent you a list of all of the  
20 potential roles and you chose Mia, correct?

21 A So --

22 Q Ms. Mann, it's yes or no.

23 MS. ILLUZZI: Objection. Objection, Judge.

24 THE WITNESS: I don't remember the list. I  
25 remember what happened around this time from my

1 perspective.

2 THE COURT: Overruled.

3 Q And you actually chose the role you wanted to read  
4 for, correct?

5 A Well, the reason Mia came up --

6 Q That's not the question I asked you.

7 MS. ILLUZZI: Judge, let her answer, Judge.

8 THE COURT: Overruled.

9 So Ms. Mann --

10 THE WITNESS: Yes.

11 THE COURT: -- please listen carefully to the  
12 questions that the attorney is asking you.

13 THE WITNESS: I am trying.

14 THE COURT: Answer them to the best of your  
15 ability but don't give more information than what the  
16 question strictly calls for, especially on  
17 cross-examination.

18 Frequently, attorneys will ask questions that  
19 calls for a yes or no or I cannot answer that question with  
20 a yes or no. So to the extent that it does not mislead  
21 anybody to answer with a yes or no, please answer with a  
22 yes or no, okay?

23 THE WITNESS: Okay.

24 BY MS. ROTUNNO:

25 Q So Ms. Mann, you chose which part you wanted to read



1 for, isn't that right?

2 A That cannot be answered with a yes or no.

3 Q Well, Ms. Mann you received an email from Neely NEELY,  
4 Eisenstein, EISENSTEIN at Marci Liroff Casting, correct?

5 A Yes.

6 Q And you received that email on April 12 of 2013,  
7 correct?

8 A I am not looking at the email, but I guess so.

9 Q I will show it to you.

10 MS. ROTUNNO: Marking as Defense Y. It is two  
11 pages.

12 Q Do you recognize that email?

13 A So this wasn't to me.

14 Q Look at the last page.

15 A This was to Courtney, not to me.

16 Q Here is the rest of it. This is the first page. This  
17 is the email, Ms. Mann, that you sent over to Ms. Rosenthal.

18 This is the email that you sent over to Maxine  
19 Rosenthal at the DA's Office with this information.

20 Now does this make sense?

21 A Yes.

22 Q So you received information that you were supposed to  
23 go and read for Vampire Academy, correct?

24 A Yes.

25 Q And you were excited that you got that email because

1 then you sent an email to your agent or manager or whoever that  
2 is, correct?

3 A That's not quite the order of events.

4 Q Well, did you send this group of emails out to an  
5 agent or a manager to say, give me some tips?

6 A Did I send this email to my managers?

7 Q Yes.

8 A Well, this email is from Neely to Courtney.

9 Q And then, Ms. Mann, look at the first email on that  
10 list.

11 A Okay.

12 Q Now do you understand?

13 A Okay.

14 Q Now do you understand?

15 A I think so.

16 Q And so, you knew the day after you reached out to  
17 Harvey asking for information on vampire academy, the next day  
18 you received actual booking time, correct?

19 A Yes.

20 Q And then subsequently after that Defense Z, do you  
21 recognize that email?

22 A I do.

23 Q And read to the Ladies and Gentlemen of the Jury what  
24 that email says?

25 A I appreciate all you do for me. It shows.

1 MS. ILLUZZI: Judge, again.

2 Q Sorry, Ms. Mann. Does that email accurately depict  
3 what you sent on April 12, 2013?

4 A I did send this.

5 Q Is that in the same condition as it was at the time  
6 you sent it other than the fact that it is a paper copy?

7 A I think so.

8 MS. ROTUNNO: I am asking that be published to  
9 the jury.

10 THE COURT: Okay.

11 MS. ILLUZZI: We don't object, Judge, to this  
12 being marked in evidence, if that's what you are asking.

13 MS. ROTUNNO: Yes.

14 THE COURT: Yes. Defense Z is received into  
15 evidence.

16 BY MS. ROTUNNO:

17 Q I am asking that it be published to the jury, April  
18 12, 2013, 7:52 p.m.

19 And you said, I appreciate all you do for me. It  
20 shows, correct?

21 A Yes.

22 Q And now, Ms. Mann, this is April of 2013?

23 A Correct.

24 Q I am going to take you back to Oscar season when you  
25 started seeing Mr. Weinstein more regularly after you met him

1 at the party, okay?

2 A Okay.

3 Q Prior to the two Oscar parties that you attended in  
4 February, you testified that you went to the Peninsula and had  
5 dinner with Mr. Weinstein, correct?

6 A Yes.

7 THE COURT: This is 2013?

8 MS. ROTUNNO: Yes.

9 Q And this is the incident where you say Mr. Weinstein  
10 asked to give you a massage and then you ended up giving him a  
11 massage, correct?

12 A Correct.

13 Q And you said at that dinner he started to ask more  
14 personal questions of you, how you grew up, he asked about your  
15 parents, your family, isn't that right?

16 A Yes.

17 Q And you were asking him questions about his family and  
18 his life too, is that correct?

19 A No.

20 Q Well, Ms. Mann, when people ask you questions about  
21 your personal life that's what happens on a date, would that be  
22 fair to say?

23 MS. ILLUZZI: Objection.

24 THE COURT: Overruled.

25 THE WITNESS: We didn't talk about him. He just

1           talked about me.

2           Q     Well, when you go out on dates, Ms. Mann, do men ask  
3     you things about your personal life at dinner?

4                     MS. ILLUZZI:  Objection, Judge.

5                     THE COURT:  Overruled.

6                     THE WITNESS:  I think in any conversation when  
7     you are getting to know someone and on dates included it  
8     happens.

9           Q     So you said that you thought that was very odd but it  
10    was fairly normal to have a conversation about who you were and  
11    where you came from, correct?

12          A     Can you say that again?

13          Q     I said, when you are getting to know someone -- you  
14    said that that conversation was odd.

15                    When you are getting to know someone, that is a fairly  
16    common conversation to have, correct?

17          A     Aspects of his questions were odd.

18          Q     And you continued to answer them, correct?

19          A     Yes.

20          Q     And they weren't odd enough for you to get up from the  
21    table and leave the Peninsula, correct?

22          A     Well, I didn't leave.

23          Q     And they weren't so odd that you said, I am not going  
24    up to your hotel room with you, correct?

25          A     Um, correct.

1 Q And, Ms. Mann, when people were coming up to Mr.  
2 Weinstein during that dinner, talking to him and interrupting  
3 both of you, he was distracted, correct?

4 A He was irritated.

5 Q He was irritated because he was having dinner with you  
6 and people were interrupting, correct?

7 A I guess that's an assumption.

8 Q And in that period of time when he says, I am done  
9 down here; I am taking the food upstairs, you could have left  
10 The Peninsula, correct?

11 A I could have.

12 Q That would have been a perfect time for you to say,  
13 you know what, dinner is over, it was nice to see you, I will  
14 see you again, correct?

15 A That could have happened.

16 Q That's not what you did, right?

17 A That's not what I did.

18 Q And you stated that that was the incident where he  
19 asked to give you a massage, you said no, and you ended up  
20 giving him a massage, correct?

21 A Yes.

22 Q And, again, on direct examination the prosecutor asked  
23 you if you were ever physically or romantically interested in  
24 Mr. Weinstein, correct?

25 A Correct.

1 Q And you said, no, correct?

2 A I am not.

3 Q But you put lotion on your hand and put it on Mr.  
4 Weinstein's back, correct?

5 A I did.

6 Q And when you were talking about that instance on  
7 direct examination on Friday and Ms. Illuzzi asked you during  
8 that incident whether you were ever physically or romantically  
9 interested in the defendant, you started the answer by saying,  
10 if he would have give me a compliment or something like that --  
11 no, I was um -- and then you were stopped.

12 So explain to me what you meant by, well, if he gave  
13 me a compliment or something like that?

14 A What was the question?

15 Q The question was, at this time, Ms. Mann, were you  
16 either physically or romantically interested in the defendant.

17 Now, this is while you are in the Peninsula and he is  
18 lying on his stomach on the bed and you are about to give him a  
19 massage.

20 And Ms. Illuzzi asked you, at this time, Ms. Mann,  
21 were you either physically or romantically interested in the  
22 defendant?

23 And you started to answer, if he would give me a  
24 compliment or something like that, you know, I was -- um and  
25 then you were stopped.

1           So why don't you explain to me what you meant by, if  
2 he was giving me a compliment or something like that.

3           A     Okay. It's a -- my brain -- it's a little stuck.

4           So I am not sure where my mind was going exactly with  
5 that answer but Harvey would compliment me and --

6           Q     What type of compliment?

7           A     Um, I am still trying to answer the first question.

8           So I am not sure I understand. But he, Harvey, would  
9 be very charming and complimentary.

10          Q     And what would he say?

11          A     I think I mentioned earlier he told me -- I don't  
12 believe it but that I look prettier than Natalie Portman,  
13 things like that.

14          Q     Well, Ms. Mann, he said that to you a lot, correct?

15          A     I don't know how much he said it to me.

16          Q     More than once?

17          A     He did say it more than once.

18          Q     He said it to other people about you, isn't that  
19 right, in your presence?

20          A     I am not sure.

21          Q     Well, at one point, Ms. Mann, Mr. Weinstein helped get  
22 you a job cutting hair, is that right?

23          A     Against my will, yes.

24          Q     He helped you get a job against your will?

25          A     Yes.



1 Q So when he reached out to Frederic Fekki, and you know  
2 who Frederic Fekki?

3 A Yes.

4 Q Whose Frederic Fekki? Tell the Ladies and Gentlemen  
5 of the Jury who Frederic Fekki is.

6 A A celebrity stylist.

7 Q And a well-known celebrity stylist, right?

8 A I guess.

9 Q He has his own product line, correct?

10 A Yes.

11 Q You can go into stores and find it?

12 A Correct.

13 Q High-end stores, Walgreens, it's everywhere right?

14 A Correct.

15 Q And Harvey reached out to Frederic Fekki on your  
16 behalf, correct?

17 A I didn't want him to but he did.

18 Q And, Ms. Mann, you stated that you didn't want him to,  
19 but you responded to multiple emails being grateful to him for  
20 his help, correct?

21 A I was always, um, pleasant to Harvey.

22 Q Ms. Mann, let's talk about, always being pleasant.

23 You knew that when you sat down to be prepared to  
24 testify in this case, that your words were going to be a  
25 problem for you on stand, isn't that right?

1 MS. ILLUZZI: Objection.

2 THE COURT: Overruled.

3 THE WITNESS: My words aren't a problem. I just  
4 want to be able to actually explain what went in the under  
5 belly of everything and why email land is different and why  
6 my behavior on email I did to protect myself and I haven't  
7 had the opportunity to fully explain the dynamics outside  
8 of that.

9 BY MS. ROTUNNO:

10 Q And, Ms. Mann, you sat down with these District  
11 Attorneys and many other District Attorneys before them,  
12 correct?

13 A From who?

14 Q Before Ms. Illuzzi and Ms. Hast, there have been other  
15 District Attorneys involved in this case, correct?

16 A I did meet with the LA DA.

17 Q But you met with other New York DAs, Maxine Rosenthal,  
18 Kevin Wilson?

19 A I remember Maxine.

20 Q And they told you from day one that your emails were a  
21 problem, correct?

22 MS. ILLUZZI: Objection, Judge.

23 THE COURT: Sustained.

24 Q Well, you knew from day one you were going to have to  
25 explain away the dynamic in those emails, correct?

1 MS. ILLUZZI: Objection.

2 THE COURT: Sustained as to form. You can ask  
3 that question.

4 Q Ms. Mann, you knew that your words in your emails were  
5 a problem for your testimony, correct?

6 MS. ILLUZZI: Objection, Judge.

7 THE COURT: Overruled.

8 THE WITNESS: I don't consider the truth a  
9 problem.

10 Q Ms. Mann, we are going to get to that.

11 But you spoke words when you were sitting at a  
12 computer, correct?

13 A When I sent emails?

14 Q Yes.

15 A Yes.

16 Q And you typed those words when you were sitting at a  
17 desk, on a laptop or from your phone or wherever you were  
18 typing them, you were typing them that way?

19 A Did I send the emails, yes.

20 Q And you sent them when you were in Los Angeles,  
21 correct?

22 A Well, which ones?

23 Q Well, sometimes you were in Los Angeles, right?

24 A Are you talk talking that I sent to Harvey?

25 Q Ms. Mann, we are talking about where you were

1 physically, your physical person.

2 MS. ILLUZZI: As to when, Judge?

3 THE COURT: Overruled.

4 Q Sometimes you sent them from Los Angeles, correct?

5 A I guess, yeah.

6 Q Sometimes you sent them from Washington if you were  
7 visiting your family?

8 A Yeah.

9 Q Sometimes you sent them from Germany when you were  
10 traveling, correct?

11 A Yes.

12 Q Sometimes you sent them from Las Vegas, correct?

13 A Yes.

14 Q Sometimes you sent them from New York?

15 A I guess there might have been some from New York.

16 Q And every time you sent those emails, Harvey Weinstein  
17 was not there typing for you, correct?

18 A Correct.

19 Q And every time you sent Harvey Weinstein your new  
20 phone number, no one forced you to do that, isn't that right?

21 A Nobody forced me.

22 Q Well, Ms. Mann, if you didn't want Mr. Weinstein to  
23 have your phone number you could just not give it to him, fair  
24 to say?

25 A Sure.

1 Q Ms. Mann, at least on five occasions you changed your  
2 phone number from 2013 to 2018 -- 2017 and all five times you  
3 sent him your new number, right?

4 A There was a reason but, yes.

5 Q And the reasons, Ms. Mann, was that you still wanted  
6 the benefit of what he had to offer you, isn't that right?

7 A That's your version of the reason.

8 Q It's really not my version. It is the version of the  
9 facts and the facts are that you still wanted to go to every  
10 Oscar party ever year?

11 A I didn't go every year.

12 Q You went to every one but one, correct?

13 A Um, not past 2016.

14 Q You went in 2013, correct?

15 A 2013.

16 Q 2014?

17 A No. I don't remember 2014.

18 Q We will get there. 2015?

19 A Well, then one of those I didn't go to.

20 Q You don't remember which one?

21 A I thought it was 2014 but I am not good at that. I

22 am --

23 Q Do you remember why you didn't go?

24 A Um, in the one --

25 Q Anyone that you didn't go to, do you remember why up

1 didn't go?

2 A Yes.

3 Q Why?

4 A Because I didn't want to.

5 Q We are going to go through those messages, Ms. Mann.

6 And, Ms. Mann, you stated that you want to tell the  
7 truth, correct?

8 A I do.

9 Q But in your entire relationship with Mr. Weinstein you  
10 lied to him every single time you engaged with him, isn't that  
11 true?

12 A In what way?

13 Q Well, you made him believe that you wanted to be  
14 there, isn't that right?

15 A For my safety, yeah.

16 Q Well, Ms. Mann, you sent him emails telling him how  
17 wonderful he was, isn't that right?

18 A Yes.

19 Q You sent him emails thanking him?

20 A Yes.

21 Q You sent him emails asking him for things?

22 A A few times, yes.

23 Q And never one time, in one email did you ever say, you  
24 know what, I am not that in to you?

25 A I did try to express myself to him.

1 Q In your emails?

2 A I think so.

3 Q Did you find one email as you were going through your  
4 messages that you gave to the prosecutors and said, you know  
5 what, this is the one where I was really trying to walk away?

6 A I think there is evidence in my emails.

7 Q We are going to go through them.

8 I want to get into the very specific timeline  
9 regarding Oscar season 2013 because it's very important to some  
10 of the things that you have testified to.

11 Now, you stated that after meeting him and after the  
12 massage incident, he was asking you about you giving him a  
13 haircut, correct?

14 A Can you restate that?

15 Q After the incident at The Peninsula where you gave him  
16 a massage, he wanted you to cut his hair, correct?

17 A Yes.

18 Q And you told the Ladies and Gentlemen of the Jury that  
19 you did not cut his hair, correct?

20 A Yeah, I don't recall cutting his hair.

21 Q Well, you made an appointment to cut his hair at five  
22 o'clock p.m. sometime around the February 23rd Oscar Party,  
23 correct?

24 A In like my calendar or something or --

25 Q I am asking.

1           A     I don't remember.

2           Q     So the first party that you went to as a guest of  
3 Harvey Weinstein was the February 23rd Oscar Party and that was  
4 the premiere party at the Soho House, isn't that correct?

5           A     I am trusting what you are saying is correct.

6           Q     Mark this as Defense AA. Ms. Mann, I am handing you a  
7 two page email. Do you recognize that?

8           A     Yes.

9           Q     And, Ms. Mann, the second or the third page of that is  
10 actually the Oscar Party that's referenced in that email,  
11 correct?

12          A     Okay.

13          Q     And that email references an invitation for you and a  
14 guest to both parties February 23rd and February 24th, correct?

15          A     Yes.

16          Q     And did those -- does that accurately depict the way  
17 it looked when you received that email and that invitation?

18          A     I don't remember but I am sure it probably is.

19          Q     And you went to both of those parties, correct?

20          A     I think so.

21                   MS. ROTUNNO: I am asking that the evidence mark  
22 be stricken and that these emails be moved into evidence.

23                   MS. ILLUZZI: The evidence mark be stricken? I  
24 am confused.

25                   MS. ROTUNNO: The identification be stricken.



1                   THE COURT:  So Defense double A is received into  
2                   evidence and we will shield the identifying part.

3  BY MS. ROTUNNO:

4           Q     Ms. Mann, you responded to this invitation, saying  
5           thank you so much and you would attend the party at the Soho  
6           House on February 23rd, isn't that right?

7           A     Yes.

8           Q     And you did attend the party at the Soho House on  
9           February 23rd, correct?

10          A     I think so, yes.

11          Q     And that was shortly after meeting Mr. Weinstein,  
12          correct?

13          A     Yes, it's all in that timeframe.

14          Q     Now, do you remember cutting his hair before this  
15          party?

16          A     I know there was one year I did cut his hair before  
17          the Oscars but I don't think it was this one.  I am not sure.

18          Q     And when you went to this party, Ms. Mann, you had  
19          already spent some significant time with Mr. Weinstein from the  
20          time that you met him until you went to this party, correct?

21          A     It's -- yeah.  It felt like it was kind of back to  
22          back.

23          Q     So you saw him a lot, correct?

24          A     I think so.

25          Q     Because he was in LA for a long period of time,

1 correct?

2 A I don't know how long he was in LA for but I know when  
3 he wanted to see me, he wanted to see me and it felt like it  
4 was back to back.

5 Q And you would meet him?

6 A Yes.

7 Q From -- and there are some meetings that you would  
8 have that aren't documented in any emails, correct?

9 A I don't know.

10 Q He would call you sometimes?

11 A I don't know.

12 Q You don't remember if he called you on the phone?

13 A I don't. It's long time ago.

14 Q And when you would have these back to back meetings  
15 with him, you have told us on direct that you went to the Soho  
16 House, correct?

17 A I do remember going to the Soho House.

18 Q And you said when you went to the Soho House there was  
19 an Italian actress that you met at the party in the Soho House,  
20 correct?

21 A Yes.

22 Q And that Italian actress was the photograph that the  
23 DA showed you of Emanuela Postacchini, correct?

24 A Yes.

25 Q And Emanuela was wearing a red dress in that photo,

1 correct?

2 A Yes.

3 Q And you said that that was really similar to what she  
4 was wearing the day that you met her, correct?

5 A Yeah.

6 Q And that's because it was an Oscar party, correct?

7 A Yes.

8 Q And people are dressed up when they go to those  
9 parties, correct?

10 A Yes.

11 Q And that's the same evening that you engaged in the  
12 three-some, the night that you met her, correct?

13 A I am not sure.

14 Q Well, you said it was the night you met her at the  
15 Soho House, correct?

16 MS. ILLUZZI: Objection. That's not --  
17 objection.

18 THE COURT: Sustained. Clarification.

19 BY MS. ROTUNNO:

20 Q Well, Ms. Mann, on direct examination you stated that  
21 you met Ms. Posticcini at the Soho House, correct?

22 A I did meet her there, yes.

23 Q And you said that she was dressed up, correct?

24 A Yes.

25 Q And you said that it was soon after that that you were

1 in a hotel room with her and Mr. Weinstein, correct?

2 A Yes.

3 Q And because you are unclear on dates, I want to show  
4 you what party that was?

5 A I know that that's where I met her, at a Soho House  
6 party.

7 Q And you said on direct examination that later that  
8 night she was in the hotel room?

9 MS. ILLUZZI: Objection. That's -- objection.  
10 That's not the testimony.

11 THE COURT: Sustained.

12 MS. ROTUNNO: I will find it.

13 THE COURT: Okay.

14 BY MS. ROTUNNO:

15 Q I will come back to be that. We will move on.

16 You were asked this question and did you give this  
17 answer.

18 THE COURT: Page?

19 Q 2246, line three, did there come a time when the  
20 defendant asked you to engage in a sexual act that was  
21 different from the other sexual acts, that is a yes or no?

22 Answer, yes.

23 And did there come a time when there was another woman  
24 involved?

25 Answer, yes.

1           Can you describe that to the jury?

2           It started out when I was at a Soho House party and he  
3   wanted to introduce me to a friend. He introduced me to a  
4   friend and didn't say why and that night he wanted to see me,  
5   so I went to his room.

6           A short period of time after I was there this other  
7   woman showed up and he wanted to have a three-some.

8           Isn't that what you testified to?

9           A    Yes.

10          Q    And that was the night after you met her at the Soho  
11   House, correct?

12          A    It's possible.

13          Q    And, Ms. Mann, the next day -- may I have the next  
14   page of that.

15                So after you told the Ladies and Gentlemen of this  
16   Jury about how you felt and how you went into the bathroom and  
17   you were upset and crying and sad, the next day you went to a  
18   party that Mr. Weinstein invited you to, isn't that right?

19          A    Yes.

20          Q    And it was after that party that you and Talita go  
21   back to the Montage with Mr. Weinstein, isn't that right?

22          A    That's not how I remember.

23          Q    Well, I am showing you the dates Ms. Mann.

24          A    Um, it doesn't -- no.

25          Q    Well, Ms. Mann, you went back to the Montage with

1 Talita after one of the Oscar Parties, correct, in 2013?

2 A Um, I know we -- well this says the Mondrian.

3 Q It was just the next day.

4 So the party was at the Mondrian and then you went to  
5 the Montage?

6 A I don't know.

7 Q Ms. Mann, let me ask you this, the event with Talita,  
8 when you were in a hotel room at the Montage happened before  
9 you went to New York in March of 2013, correct?

10 A Can you say that again?

11 Q The event at the Montage with Talita, where you both  
12 go up to Mr. Weinstein's hotel room, happened before you came  
13 to New York in March of 2013?

14 A Yes.

15 Q And the night that Mr. Weinstein invited you back up  
16 to the Montage was the second night of the parties, correct?

17 A I don't know if that's correct.

18 Q Well, you saw him both nights, correct?

19 A I saw him in that time period, it felt like back to  
20 back.

21 Q Right. It was back to back. So I am showing you.

22 You took Talita to this party, correct?

23 A I know we went to parties.

24 Q And did Talita go with you the night that you met  
25 Emanuela? Was she there?

1 A You mean to the party or to the hotel?

2 Q To the party.

3 A Talita was at that party.

4 Q And that was the day before you and Talita went up to  
5 Mr. Weinstein's room?

6 A That was the day before -- can you say that again?

7 Q That was the day before?

8 A Uh-hum.

9 Q You and Talita went up to Mr. Weinstein's room?

10 A I don't know. It's -- my brain is a little. It  
11 doesn't make sense from what I remember.

12 Q It doesn't. You are right but I am just looking at  
13 the dates.

14 MS. ILLUZZI: Objection, Judge.

15 THE COURT: Sustained as to the editorial  
16 comments.

17 BY MS. ROTUNNO:

18 Q And you testified on direct examination on Friday that  
19 Mr. Weinstein would talk very dirty to you about fantasies and  
20 things and compare me to other actresses and that we were doing  
21 kinky, kinky, dirty things. He always wanted to film me,  
22 correct?

23 A Yes.

24 Q Ms. Mann, you have talked to law enforcement, District  
25 Attorneys and investigators for two years about this testimony,

1 correct?

2 A During -- yeah, over the last two years, yes.

3 Q And not one time have you ever told anyone those  
4 things, isn't that right?

5 A No, I have talked about that.

6 Q When?

7 A I am sorry.

8 Q When?

9 A When did I --

10 Q When because you didn't talk about it in the Grand  
11 Juries, correct?

12 A Okay. What's the question again?

13 Q I will make it a little simpler.

14 You told the jury that he would talk very dirty to you  
15 about fantasies and things and compare you to other actresses  
16 and that he said you were doing kinky things, kinky dirty  
17 things with him and he always wanted to film me, correct?

18 A He would talk about the kinky dirty things that he was  
19 doing with other actresses and then, yes, that he wanted to  
20 film me.

21 Q And other than him saying he wanted to film you, any  
22 of this kinky or dirty conversation at any point in time, did  
23 you ever testify about that in either Grand Jury?

24 A I don't recall.

25 Q And did you ever tell Detective Alatorre that when



1 they recorded you?

2 A Well, I wanted to meet with them. I wasn't going into  
3 the whole story.

4 Q Jessica, that's not the question I asked.

5 Did you tell Detective Alatorre those things?

6 A On that first phone call I had with her?

7 Q I don't know how many you have had. All I know is I  
8 have one about an hour long.

9 A Well, if it is not on the recording, I didn't tell it  
10 to her on that first conversation.

11 Q How many times did you -- would you say you told that  
12 to District Attorneys or law enforcement?

13 A I don't know how to give you a number.

14 Q Jessica, you are the one that was answering the  
15 questions. I can't put those words in your mouth. You have to  
16 answer that question. If you know, you know. If you don't,  
17 you don't.

18 A I don't know.

19 Q After the second night at the Montage, when you and  
20 Talita went to Mr. Weinstein's room, when is the next time you  
21 saw him?

22 A Well, I remember it being -- I remember the three-some  
23 thing happening after that.

24 Q But you know you met her at the Soho House, correct?

25 A Yes.

1 Q And there were no more fancy parties at the Soho House  
2 after the Oscar season was over, is that fair to say?

3 A For that year I don't think so.

4 Q Because every time you were invited to a fancy party  
5 you received an invitation like I showed on screen, correct?

6 A Not always I don't think but it's pretty general to  
7 get that.

8 Q Well, every Oscar season there was an email sent to  
9 you, would that be fair to say?

10 A I think so.

11 Q And every screening or movie premier that you went to  
12 there were emails for those?

13 A Yes.

14 Q And you always confirmed that you were on the list,  
15 correct?

16 A I did always go but --

17 Q Well, they would let you know that you were confirmed,  
18 correct?

19 A I guess so.

20 Q And if you said, you couldn't go, then you couldn't  
21 go?

22 A Yeah.

23 Q Ms. Mann, you stated on Friday that Mr. Weinstein's  
24 approval would have meant so much to you, correct?

25 A Yes.

1 Q But Mr. Weinstein was constantly complimenting you,  
2 correct?

3 A Um, sometimes.

4 Q Sending you messages telling you he was proud of you,  
5 correct?

6 A He did say stuff like that.

7 Q Sending you messages saying you deserve any good thing  
8 coming your way, correct?

9 A Yes.

10 Q And you were traveling in Berlin and sent messages and  
11 he would respond very favorably, correct?

12 A Yes.

13 Q And you didn't find one email in the five years that  
14 showed that Mr. Weinstein was negative or pushy or difficult in  
15 any way, is that true?

16 A Well, I knew him and I knew how to read between the  
17 lines and some of his responses --

18 Q So when he would say things to you like, you deserve  
19 it, after you would tell him something great happened to you,  
20 that was a compliment, correct?

21 A That was a compliment.

22 Q After he would tell you that you were beautiful, that  
23 was a compliment, correct?

24 A Sure.

25 Q After he would tell you it was the best haircut he

1 ever had, that was a compliment, correct?

2 A Or manipulation.

3 Q Ms. Mann, let's talk about manipulation.

4 You manipulated Mr. Weinstein every single time  
5 yourself, isn't that correct?

6 A I guess there is an aspect to how you -- I felt I  
7 needed to protect myself that maybe you could say is  
8 manipulating.

9 Q And every time you made him think you wanted to have a  
10 sexual encounter with him, you manipulated him, correct?

11 A What do you mean?

12 Q Every time you engaged in consensual and sexual  
13 encounters with Mr. Weinstein you manipulated him, correct?

14 A Yes.

15 Q You made him think you wanted to be there, isn't that  
16 right?

17 A No, that is not correct.

18 Q So when you decided to have a relationship with Mr.  
19 Weinstein you said, I wanted to try to have a normal  
20 relationship, you lied to him, correct?

21 A Say that again.

22 Q When you said that you wanted to try to have a normal  
23 relationship with Mr. Weinstein, you were lying to him?

24 A When I made the decision that I felt I had to be in a  
25 relationship of how I processed everything, I did think it was

1 going to be a normal relationship but it wasn't.

2 Q And you told him that you wanted a normal relationship  
3 with him, correct?

4 A Say that again.

5 Q You told him that you wanted a normal relationship  
6 with him, correct?

7 A Yeah, but he wouldn't even --

8 Q Jessica, you used --

9 MS. ILLUZZI: Objection. Let her finish, please,  
10 Judge.

11 THE COURT: Sustained. Just don't talk over each  
12 another. Start again.

13 BY MS. ROTUNNO:

14 Q Jessica, yes or no.

15 THE COURT: Just ask the question.

16 Q You told Mr. Weinstein you wanted to have a normal  
17 relationship with him?

18 A I can't answer that with a yes or no.

19 Q And every time you went to see him and you engaged in  
20 sexual behavior with him, that was consensual, you made him  
21 thing you wanted it?

22 A After a long negotiation at times, then yes, I would  
23 put on the face and do what I said earlier which is like role  
24 playing.

25 Q When you say -- describe role playing for me.

1           A     Yes.

2           Q     What your definition of it is.

3           A     Well, when I didn't think that he could have actual  
4 sex, I thought we were -- we were creating the fantasy as if he  
5 was having actual sex.

6           Q     And you engaged in that with him, correct?

7           A     Yes.

8           Q     And you were happy to do that, correct?

9           A     I wasn't happy to do it.

10          Q     Well, you did it?

11          A     I did it.

12          Q     And you didn't say to him, I don't want to do this  
13 with you?

14          A     Oftentimes before we would engage in something sexual,  
15 there was a negotiation and me trying to not do something.

16          Q     What would you say, if you give me a script I will do  
17 this for you?

18                   What negotiation are you talking about?

19          A     So the more I realized I was feeling like I was just  
20 being used, I tried to not have sexual encounters with him and  
21 we would get in this back and forth about it, where, you know,  
22 I would -- I would sometimes try to make excuses or try not to  
23 have -- to be sexual.

24                   And there was just this back and forth and then at a  
25 certain point I would have just kind of give in or he would

1 just want to masturbate while holding me. It would be a, I  
2 would say, a negotiation.

3 Q And you would engage in that negotiation with him,  
4 correct?

5 A Yeah because I wanted to reduce what he wanted from  
6 me.

7 Q Jessica, you could have walked away from Harvey  
8 Weinstein and never seen him again, correct?

9 A Not from my point of view.

10 Q Well, Jessica, your point of view, you talked about  
11 staying with him because you thought he was going to hurt your  
12 father, correct?

13 A He did threaten my father to me.

14 Q Well, Jessica, you had gotten in an argument with your  
15 dad, correct?

16 A Yes.

17 Q And you told Harvey about that, correct?

18 A I was upset.

19 Q And you told him about it because you were upset and  
20 he was someone you could confide in, correct?

21 A I wasn't confiding but I showed up after this argument  
22 with my dad.

23 Q You have other friends besides Mr. Weinstein, correct?

24 A Yes.

25 Q And there were other people you could have called

1 about your argument with your dad, correct?

2 A I am sure I did talk to other people.

3 Q And you choose to tell Harvey about it?

4 A It's just the timing.

5 Q And there were lots of things that you told Harvey  
6 about in the course of five years, isn't that right?

7 A Like what.

8 Q You told him when your dad was sick, correct?

9 A Yes.

10 Q You told him every time you were going to see him and  
11 when you were going to be out of town?

12 A Well, Harvey was trying to see me so I was telling him  
13 what --

14 Q Why you couldn't?

15 A Well, it was an excuse to not have to see him and the  
16 fact is that my dad was dying.

17 Q And you were going to see your dad?

18 A I was literally care-giving my father.

19 Q And this is the same person you thought Harvey could  
20 hurt, correct?

21 A Yeah.

22 Q And yet, when your mother was in town you wanted to  
23 introduce your mom to Mr. Weinstein, isn't that right?

24 A Incorrect.

25 Q Well, Jessica, there are emails going back and forth



1 about meeting Mr. Weinstein with your mother, isn't that right?

2 A That is correct.

3 Q And you said, I'd love you to meet my mom and then you  
4 will see that I have great genes?

5 A I did say that.

6 Q Why would you tell Harvey that?

7 A So -- so my mother was pressuring me really hard to  
8 meet him and I didn't want her to meet him because I didn't  
9 want to involve her in my life. And, um, my mom made me feel  
10 like she was being kind of judgmental, so I thought, well, if  
11 she at least just sees the situation for herself she'll get off  
12 of my back, you know.

13 Q And you when you say that she was pressuring you to  
14 meet Harvey Weinstein, the only information your mother had  
15 regarding you and Mr. Weinstein was what you told her, correct?

16 A Yeah.

17 Q And you told your mother that Harvey Weinstein was  
18 someone in your life, correct?

19 A Well my mother was -- yes.

20 Q And you didn't tell your mother that you believed that  
21 Harvey Weinstein raped you, did you?

22 A My mother knew something was wrong. That's why she  
23 was suspicious.

24 Q And when you say that, Jessica, you didn't tell your  
25 mother, correct?

1 A Of course not.

2 Q And you told your mother that you had a good  
3 relationship with Harvey, isn't that right?

4 A I don't recall saying that to my mother.

5 Q Well, what did you tell her?

6 A I said, it's just professional. I will just cut his  
7 hair.

8 Q So you didn't want your mom to meet him and then find  
9 out that it wasn't professional, correct?

10 A Um, maybe.

11 Q Because you were lying to your mom too?

12 A I was lying to my mother, yes.

13 Q And you had a lot of other clients, correct?

14 A I did have other clients.

15 Q And your mom never asked to meet any of those clients,  
16 correct?

17 A My mother knew I got the job through Harvey.

18 Q And she wanted to meet him, right?

19 A I think that's what is part of what made her  
20 suspicious.

21 Q Because you didn't tell her you had a relationship  
22 with him beyond cutting his hair, correct?

23 A That is correct.

24 Q Jessica, on July 26th of 2014, you sent a message to  
25 Harvey Weinstein that just said, hi, do you remember that?

1 A No.

2 Q I will show it to you in a minute. You reached out to  
3 him, he had not reached out to you and you had a conversation  
4 back and forth. I am going to show you what I am marking as  
5 Defense DD, two pages. Thanks.

6 Jessica the conversation starts at the bottommost  
7 page, the second page and then moves forward.

8 A Okay.

9 Q Do you remember that email that series of emails?

10 A Yes, I do.

11 Q Do those emails truly and accurately depict the  
12 conversation that you had starting on July 26, 2014?

13 A They depict the email conversation, yes.

14 MS. ROTUNNO: Judge, I ask that the  
15 identification mark be stricken and the email be published.

16 MS. ILLUZZI: No objection.

17 THE COURT: Okay. Double D is received into  
18 evidence. Next question.

19 MS. ROTUNNO: Can we publish it, Judge?

20 THE COURT: Please, once it's in you don't have  
21 to ask.

22 MS. ROTUNNO: Thank you.

23 BY MS. ROTUNNO:

24 Q Jessica, you started off that, hi.

25 Harvey responded back, where were you? How are you?

1           You said, I am at work. Just had you cross my mind  
2 and thought I would send a hello. I am well.

3           And he responded to you, love to cross your mind. It  
4 is my favorite exercise.

5           You said, LOL, that made me laugh so hard.

6           And then you asked him, when are you back? Never know  
7 what you are up to these days, correct?

8           A     Uh-hum. Correct.

9           Q     And he tells you when he is going to be in town,  
10 correct?

11          A     Yes.

12          Q     And you told him that your mom is in town and that it  
13 would be great if he could see your mom?

14          A     Yes.

15          Q     And you said, she would love to meet you, plus you can  
16 see how good my genes are and you talked about where you would  
17 meet him, correct?

18          A     Yes.

19                   MS. ROTUNNO: Technical slip here. One second.

20                               (Short pause in the proceedings.)

21          Q     We will go back to that in a second. I will ask a  
22 couple of other questions.

23                   I am going to take you back to the February dates that  
24 you were talking about.

25                   On direction examination the prosecutor asked you was

1     there an event that you went with accompanied by Talita that  
2     you were invited to by the defendant?

3             Yes.

4             And do you recall where that was, what hotel that was?

5             I think it was Mondrian Hotel on Sunset.

6             So that's that February 24th party that we were  
7     talking about, correct?

8             A     Okay.

9             Q     And that's what you testified to on Friday, correct?

10            A     Yes.

11            Q     And you stated that it was at that party that you saw  
12     the defendant and then he asked both you and Talita to go to  
13     the Montage, correct?

14            A     Yes.

15            Q     And that's the night that you claim Mr. Weinstein went  
16     down on you, correct?

17            A     I know that he went down on me whenever that was that  
18     we had the drinks with him.

19            Q     And that was when you were with Talita?

20            A     Yes.

21            Q     And you testified that that was when you were at the  
22     event at the Mondrian, correct?

23            A     Um -- well, that's where I am confused.

24            Q     Ms. Mann, you testified to it on direct examination.

25            A     Yes.

1           Q     Okay. I am sorry, my brain, I might need a break for  
2 a minute. It's getting a little foggy.

3                   THE COURT: Do you?

4                   MS. ROTUNNO: That's fine.

5                   THE COURT: All right, Ms. Mann. If you would be  
6 good enough to step down and wait in the witness room for  
7 further instructions.

8                   All right, jurors, we will take a brief recess.  
9 Please remain mindful of all of my prior admonitions and  
10 instructions during this and any other recess.

11                   Keep an open mind. Do not form an opinion as to  
12 the guilt or innocence of the Defendant. Do not discuss  
13 this case among yourselves or anyone else and refrain from  
14 any and all research or communication, electronic or  
15 otherwise about anything to do with the case.

16                   See you back here in about ten minutes. Thank  
17 you.

18                   (The jury exited the courtroom and the  
19 following occurred:)

20                   THE COURT: Short recess is taken.

21                   Okay, do you want to take your own recess right  
22 now?

23                   MS. ILLUZZI: Yes.

24                   THE COURT: Or I will hear you on any matters.

25                   MR. CHERONIS: We can take a recess.

1 THE COURT: So all right. Be back here in nine  
2 minutes?

3 (Short recess is taken.)

4 THE COURT: All right. If we are set. All  
5 parties are present and before the Court.

6 Jury is entering.

7 (Continued on the following page.)

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1                   THE COURT: Welcome back jurors, we will recall  
2                   the witness.

3                   THE CLERK: Case on trial continues, all parties  
4                   are present. Will the parties stipulate the jury is  
5                   present and properly seated?

6                   MS. ILLUZZI: Yes.

7                   MS. ROTUNNO: Yes.

8                   COURT OFFICER: Witness entering.

9                   ( Witness enters courtroom).

10                  THE COURT: Welcome back, Ms. Mann. I remind you  
11                  that you are still under oath.

12                  The same rules apply, settle in there, and once  
13                  you are settled in, look up and at that point please resume  
14                  your inquiry.

15                  MS. ROTUNNO: Thank you.

16                  Q     Let's go back to the e-mail you reached out to Harvey  
17                  Weinstein on February 26, 2014 with a hi, correct?

18                  A     Yes.

19                  Q     He asks where are you, how are you. Just had you cross  
20                  my mind and thought you. I think that means I though of you.

21                  He said love to cross your mind, it is my favorite exercise.

22                  You said LOL, make me laugh so hard.

23                  He says witty, ain't it. You asked him when are you  
24                  back. I never know what you are up to these days, correct, Ms.

25                  Mann?



1           Just so we are clear about the timeline here, I went a  
2 little out of order. Based on your testimony about Eddie, but  
3 this was after you claim Mr. Weinstein raped you in New York,  
4 correct, in March of 2013?

5           A     Yes.

6           Q     And after you claim you had been dating Eddie and you  
7 met Mr. Weinstein in the Peninsula at the beginning of 2014 and  
8 you claim he raped you again, correct?

9           A     Can you restate the question, the last part.

10          Q     This is after the time you claim Mr. Weinstein raped  
11 you in a hotel room in 2014 at the beginning of 2014 at the  
12 Peninsula, correct?

13          A     No, I have not claimed a date for the Peninsula rape.

14          Q     Because you don't know?

15          A     I don't remember when it happened.

16          Q     We will get back to that. But you were already dating  
17 Eddie in July of 2014, correct?

18          A     I'm not sure.

19          Q     We are going to continue to go over these e-mails. You  
20 talked about what time possibly works for you. He tells you  
21 what time is good, and he says unfortunately I can only say hi  
22 because I will be with Lilly and Lilly is his daughter, correct?

23          A     You were just muffled.

24          Q     Ms. Mann, I have a bad cold. Everybody wants me to  
25 talk into the mic. If it is worse, let me know.

1           12:20 is fine and we will meet you downtown in the bar  
2 area. Unfortunately can only say hi at that time because we  
3 will be with Lilly. All my best, Harvey, correct?

4           A     Correct.

5           Q     And you say Lilly is exceptional?

6           A     Correct.

7           Q     You met her before, isn't that right?

8           A     I think briefly.

9           Q     And you say why don't you let me know what will work.  
10 See you soon, and you are going back and forth about trying to  
11 see one another, correct?

12          A     Correct.

13          Q     And in this e-mail you say about your mom yes, she  
14 would love to meet you plus you can see how good my genes are.

15                MS. ILLUZZI: Asked and answered three times.

16                MS. ROTUNNO: We have not been able to put it up  
17 because of the glitch.

18                THE COURT: Overruled.

19          Q     That is what you send July 29, 2014 at 9:38 p.m?

20          A     Yes.

21          Q     Again, Ms. Mann, at the beginning of this e-mail  
22 exchange, you reached out to Harvey Weinstein, Harvey Weinstein  
23 did not reach out to you, correct?

24          A     Um, I think so, but --

25          Q     I showed you the e-mails, the last e-mail on the bottom

1 of the page. The start of the e-mail chain was from you,  
2 correct?

3 A I'm a little confused because when I worked at the  
4 hotel sometimes I would hear things.

5 Q Jessica, you are already gone from the hotel.

6 A Are you sure.

7 Q I'm positive.

8 A Okay.

9 Q We will get to that too.

10 A Uh huh.

11 Q Now, I want to go back to February 24th when you were  
12 at the Montage with Talita and Mr. Weinstein.

13 And you testified on direct examination he started  
14 manipulating me while you and he were in the room, like well,  
15 you accepted my invitation to these parties, correct?

16 A Yes.

17 Q Because at that point, Ms. Mann, you had already been  
18 to more than one, correct?

19 A I think so.

20 Q And what upset you the most about the Montage when  
21 Talita was waiting for you, is you were embarrassed because  
22 Talita was waiting for so long, correct?

23 A That is not what upset me the most, but --

24 Q Well, when you were asked I kind of locked up and got  
25 really quiet, so much time happened and I was really anxious

1 about Talita being out there by herself and I started to fake an  
2 orgasm to get out of it?

3 A Yes.

4 Q You started to fake an orgasm because you wanted to get  
5 back to Talita because you did not want her to know what you  
6 were doing in the room, isn't that right?

7 A Well, I wanted out of that room.

8 Q And you didn't want to have Talita waiting, knowing  
9 what you were doing?

10 A Well, Talita and I actually talked about it afterwards,  
11 so it was not about not wanting her to know.

12 Q But she did not know what was going to happen before  
13 you went in that room, correct?

14 A No, but she knew I did not want to go in there.

15 Q And you said that when you were in New York, you were  
16 worried about coming down with Thomas and Talita waiting because  
17 you didn't want them to know what was going on in the room?

18 A I didn't want them to have a perception of what it  
19 could have meant with us coming down the stairs.

20 Q Or what it did mean?

21 A Well, I was raped up there.

22 Q We will get to that too. And again, Ms. Mann, in that  
23 incident at the Montage, you lied to Mr. Weinstein when you told  
24 him it was the best you ever had, correct?

25 A Yes.

1 Q And you lied to Mr. Weinstein when you faked the  
2 orgasm, correct?

3 A Yes.

4 Q And you had stated when we talked about the threesome  
5 with Ms. Posticcini, that when I showed you that threesome log  
6 post you put in your phone, and I asked you about what really  
7 upset you was that she had faked the orgasm, and you told me no,  
8 correct, that is not what --

9 A I didn't see her have an orgasm.

10 Q Did you see her fake moaning?

11 A I did.

12 Q And you told many people that, correct?

13 A I told some people I'm sure.

14 Q Well, you told the District Attorney out in Los  
15 Angeles, correct?

16 A Yes.

17 Q And you didn't tell anybody at the grand jury, did you?

18 A I answered every question I was asked in the grand  
19 jury.

20 Q You didn't state that on your direct examination on  
21 Friday. That only came up when I put your blog post up,  
22 correct?

23 A Okay.

24 Q When is the next time you saw Harvey after the incident  
25 at the Montage Hotel?

1           A     Linear timelines, it is hard for me to know, I don't  
2 recall the exact incident.

3           Q     It is easier for you not to know, Jessica, isn't that  
4 right?

5                     MS. ILLUZZI:  Objection.

6                     THE COURT:  Overruled.

7           A     What do you mean?

8           Q     It is easier if you don't have a timeline, correct?

9                     MS. ILLUZZI:  Objection, Judge.

10                    THE COURT:  Overruled.

11          A     That is just not how my brain works.

12          Q     But Jessica, you knew you were coming into a courtroom  
13 and accusing someone of a horrible thing, correct?

14          A     I know how serious this is, yes.

15          Q     When you know how serious it is, you understand dates  
16 and details matter, correct?

17          A     They do.

18          Q     And you talked about this multiple times, correct?

19          A     Okay.

20          Q     Correct?

21          A     Sure, yes.

22          Q     And you have been prepared to testified, correct?

23          A     I don't think there is such a thing as preparation.

24          Q     They asked you questions and you respond, correct?

25          A     They were investigating, yes.

1 Q When you sat down with the D.A's Office in this case,  
2 they asked you questions that they were going to ask you on the  
3 witness stand so you knew what to expect, correct?

4 A I guess, I don't know.

5 Q You don't know?

6 A All the questions have really been the same.

7 Q Right, because they want you to tell them what  
8 happened, correct?

9 A I had to say what happened, yes.

10 Q Has anybody asked you to pin down a timeline, dates?

11 A Yes.

12 Q Yes. Maxine Rosenthal asked you to do that by sending  
13 e-mails, correct?

14 A Yes.

15 Q And you did that, right?

16 A Yes.

17 Q And did you in any way keep any other type of calendar  
18 or diary?

19 A No, I gave them everything that I had, and I had a  
20 third party through my lawyer look at my stuff.

21 Q Who was your lawyer again?

22 A Well, I don't have a lawyer right now.

23 Q Who did you have?

24 A I used Craig over my phone stuff.

25 Q Greg Wilky (phon splg)?

1 A Yes.

2 Q I want to talk about the time, because you saw Harvey  
3 Weinstein between the time that you saw him at the Montage with  
4 Talita and coming to New York, correct?

5 A It is possible.

6 Q Well, I know you did, because you testified that after  
7 the event at the Montage, you assessed the situation to be very  
8 much just oral sex by what I encountered?

9 A Yes.

10 Q And you made that assessment based on your meetings and  
11 time that you spent with Harvey Weinstein, correct?

12 A Yes.

13 Q And that happened after the Montage, correct?

14 A I believe so.

15 Q Well, because in your words, that instance is what made  
16 you say because I did this I want to be in a relationship with  
17 him or try to have a relationship with him, correct?

18 A That is what I remember, yeah.

19 Q So, you had encounters with him before you met him in  
20 New York, correct?

21 A Yeah.

22 Q So that was between the date of February 24, 2013 and  
23 March 18, 2013, correct?

24 A Yeah.

25 Q And you were seeing him often during that period of



1 time, correct?

2 A I just know I saw him and I know how I felt and I  
3 remember certain places and feelings and times. But as far as  
4 like again the linear aspect of that.

5 Q I'm not asking for dates, I'm saying in your words, you  
6 decided after the event at the Montage which we know is February  
7 24th based on the party, if we know after February 24th you made  
8 a decision to have a relationship with Mr. Weinstein based on  
9 the fact that you had engaged in a sexual encounter with him at  
10 the Montage, you saw him again after that and assessed it was  
11 going to be mostly oral, correct?

12 A Yeah, it was -- I was experiencing it as oral.

13 Q That was before you came to New York and met him at the  
14 Doubletree, correct?

15 A Yes.

16 Q That was March 18th of 2013, correct?

17 A Yes.

18 Q And, when you say you assessed the situation to be just  
19 oral sex, you mean that you were giving him oral sex and he was  
20 giving you oral sex, correct?

21 A Sometimes yeah, or sometimes it would just be him.

22 Q But it was a two-way street sometimes, sometimes not,  
23 correct?

24 A Yes.

25 Q And, Ms. Mann, you stated that you made the assessment

1 it was only going to be oral sex, you knew Mr. Weinstein had  
2 five children, correct?

3 MS. ILLUZZI: Objection, Judge.

4 THE COURT: Overruled.

5 MS. ILLUZZI: May we approach, may we approach for  
6 a moment?

7 THE COURT: Not on that.

8 Q You knew Mr. Weinstein had five children, correct?

9 MS. ILLUZZI: Objection.

10 THE COURT: Overruled.

11 A Um, well, I knew when I saw his wife was pregnant, so I  
12 cannot say I knew the exact number, I knew two of the older  
13 girls.

14 Q You knew he had older girls?

15 A Yeah.

16 Q Your friend sent you that People magazine article on  
17 February 8th of 2013?

18 A Yeah, I saw she was pregnant.

19 Q With her second child, right?

20 A Well, I don't know what number child it was.

21 Q Did you read the article?

22 A I don't remember reading it.

23 Q Did it interest you?

24 A Like I was not sitting there trying to count his  
25 children.

1 Q Your response to that was I'm so going to ask him?

2 A Yeah, that is when I found out he was married.

3 Q So, you knew he had kids, however many?

4 A Also at that e-mail, I had not met any of his children  
5 or knew that. I didn't know he was married or had kids when I  
6 first met him.

7 Q I'm not even going there. When you first found out  
8 that he was married with kids was February 8th of 2013 when you  
9 got the e-mail from your friend?

10 A I found out his wife was pregnant.

11 Q So, you knew he was married, you knew he at least had  
12 one child on the way?

13 A Yes.

14 Q You knew he had older kids?

15 A Well, I knew that when I met them at one of the events.

16 Q So, somehow he had kids, correct?

17 A Yeah.

18 Q Ms. Mann, on direct examination you stated that Mr.  
19 Weinstein peed on you once to use your words, correct?

20 A Yes.

21 Q When was that?

22 A I don't know.

23 Q Was that before the incident in New York or after?

24 A That I believe was before, but I'm not sure, because I  
25 had encounters with him a few times after into like all the way

1 into 2016.

2 Q Well, you spoke to the grand jury on two occasions,  
3 correct?

4 A Yes.

5 Q On the first occasion before the grand jury, you never  
6 said anything about Mr. Weinstein peeing on you, correct?

7 A Correct.

8 Q And you didn't tell any law enforcement in Los Angeles  
9 about that, correct?

10 A I'm sure I did talk about it.

11 Q Do you remember if that happened in Los Angeles or New  
12 York?

13 A It had to have happened in L.A.

14 Q It had to have happened in L.A, why is that?

15 A Because he didn't pee on me in New York.

16 Q And when you say it had to have happened in L.A, do you  
17 know what hotel you were in or a house, do you know where you  
18 were?

19 A Do I know where Harvey and I were?

20 Q When he peed on you?

21 A Yeah.

22 Q Where?

23 A We were in the shower. He wanted to shower first which  
24 was beneficial to me. So I was okay with that, and he asked me  
25 to come in the shower.

1                   Then he said have you ever had a golden shower, and I  
2   said no, then I felt him peeing on me.

3           Q       Did you leave then?

4           A       No.

5           Q       Did you say no thanks?

6           A       I was in shock by it, it was gross.

7           Q       Did you freeze?

8           A       I turned into the corner of the shower and just looked  
9   away.

10          Q       When was that?

11          A       I don't know.

12          Q       Do you remember what hotel it was in?

13          A       No.

14          Q       Was it before Emmanuella or after?

15          A       Ma'am, I don't know.

16          Q       Was it before the Montage or after?

17          A       From what I remember when the Montage, when he did that  
18   to me, the stuff in my mind is after.

19          Q       But you are not sure?

20          A       Well, you are confusing me.

21          Q       Jessica, I'm not meaning to confuse you.

22          A       I understand this is important, I agree.

23          Q       It is important.

24          A       But that is what I know.

25          Q       You are allowing all this to happen, and you continue

1 to tell this jury you had no attraction to him whatsoever?

2 A Yes.

3 Q And you called Mr. Weinstein Jekyll and Hyde, Jessica?

4 MS. ILLUZZI: Objection.

5 THE COURT: Overruled.

6 A That is how I felt.

7 Q That is exactly what you were doing to him, isn't that  
8 right?

9 A How so?

10 Q Manipulating him to make him think that you wanted to  
11 see him by sending him e-mails, by going to meet with him and by  
12 engaging in consensual sexual acts?

13 A I avoided him as much as I felt --

14 Q That is not the question I asked you.

15 MS. ILLUZZI: Objection Judge, let her answer.

16 THE COURT: Overruled.

17 A I avoided him as much as I could until the tension felt  
18 intense.

19 Q These are not the questions I'm asking.

20 A Then the Judge just said I could answer, so --

21 MS. ROTUNNO: Judge, I ask her answer be stricken  
22 and she be ordered to answer my question.

23 MS. ILLUZZI: I ask it to stay.

24 THE COURT: Answer stricken. Ask the question  
25 again and please listen carefully to the question being

1           asked of you and answer only that question.

2           Q     Everytime you reached out to Mr. Weinstein and made it  
3     seem as if you wanted to see him, you were acting as Jekyll and  
4     Hyde, isn't that right?

5           A     I don't know how to answer that.

6           Q     Well, everytime you typed an e-mail to him, did you  
7     make him believe it was something other than you are now saying  
8     you wanted to do?

9           A     I wanted him to believe I was not a threat.

10          Q     Jessica, how are you a threat if Mr. Weinstein is not  
11     reaching out to you and you are reaching out to him?

12          A     There were other ways I felt him being involved in my  
13     life beyond just a direct reach out.

14          Q     Jessica, you had not one audition with the Weinstein  
15     Company after Vampire Academy, isn't that right?

16          A     Yes.

17          Q     Not one, correct?

18          A     Correct.

19          Q     So, you stuck around the rest of 2013, the rest of  
20     2014, the rest of 2015 and the rest of 2016 because you thought  
21     he was grotesque and you did not want to have sexual  
22     interactions with him?

23          A     I engaged with my abuser because --

24          Q     How many times --

25          A     Of what I believed in my mind and the perception of the

1 society I lived in and the things and the ways he did threaten  
2 me, and it was always in my best interest to feel that the  
3 temperature gauges between us, I wanted to know that we were  
4 okay and something was not going to happen to me.

5 Q But Jessica, you did not have to meet him anymore, no  
6 more scripts, correct?

7 A Correct.

8 Q After Vampire Academy, no more?

9 A Correct.

10 Q Had you got other acting jobs in that period of time,  
11 had you been booked on one thing in that period of time?

12 A Yes.

13 Q What?

14 A I know I did a Taylor Swift parody video.

15 Q That was not for any major outlet, correct, that was a  
16 friend's project?

17 A It was not a SAG project.

18 Q Tell the ladies and gentlemen of the jury what SAG is?

19 A SAG is the Screen Actors Guild.

20 THE COURT: Okay, next question.

21 Q And that is the body that sort of governs the projects  
22 considered legitimate or work for the union, correct?

23 A There are legitimate independent non union projects.

24 Q Sure, but those do not go through SAG?

25 A Correct.



1 Q You did one thing in that period of time?

2 A No, I did other print work for makeup lines.

3 Q You were not acting?

4 A Well, I acted in that video.

5 Q I'm not taking about the video.

6 A I did continue to do a few projects.

7 Q Did you continue to go on auditions?

8 A I don't remember for how long.

9 Q Did you send any e-mails to Harvey Weinstein after  
10 Vampire Academy asking for scripts or screen tests or send me  
11 somewhere, anything?

12 A Well, Harvey offered me stuff I turned down.

13 Q What did he offer you?

14 A Well, like they sent us, they wanted us to read two  
15 scripts for two movies.

16 Q Who is they?

17 A I think Julie Oh and then Harvey wanted me, he said you  
18 could be good for like a host on Good Morning America, and he  
19 offered me an agent and a manager referral, and I declined all  
20 those things.

21 Q So, this man you were sleeping with for the benefit of  
22 your acting career, you declined his help at this point?

23 A Well, the premise of that question is not true.

24 Q Well, Ms. Mann, you told us that you were willing to  
25 sleep with Harvey Weinstein because you didn't want him to ruin

1 your acting career, correct?

2 A I did not want him to hurt my career, correct.

3 Q And you did not have an acting career, is that fair to  
4 say?

5 A That is subjective.

6 Q Well, I think an acting career begs the question that  
7 you are actually acting in jobs, correct?

8 MS. ILLUZZI: Objection, Judge.

9 THE COURT: Overruled, put it in question form  
10 please.

11 Q In order to be an actor or working actor, you have to  
12 be booked on jobs, correct?

13 A It is sort of like an independent, they come and they  
14 go, and there are parts you work and don't work.

15 So, I don't think you are representing the industry  
16 accurately.

17 Q Well, you kept Harvey Weinstein around for his  
18 contacts, right?

19 A No.

20 Q You kept Harvey Weinstein around because you didn't  
21 want him to ruin your career?

22 A That is part of the reason, yes.

23 Q You didn't have a career to ruin.

24 A I was building one.

25 Q How were you doing that?

1           A     By acting and going on auditions, and I moved my whole  
2 life here for that. That was a part of me.

3           Q     How many auditions did you do a week in Los Angeles  
4 when you met Harvey Weinstein in 2013 other than Vampire  
5 Academy?

6           A     I don't recall.

7           Q     Not many, correct?

8           A     I mean there is a period where I was doing a lot and  
9 going out for a lot, and getting a lot of call backs.

10           A     A percentage of those jobs I would book. It is not  
11 like someone who booked a TV series, I'm not saying I was at  
12 that level yet.

13           Q     You are still not at that level, correct?

14           A     No, I stopped.

15           Q     Ms. Mann, you told the ladies and gentlemen of the jury  
16 on Friday that you didn't want to be associated with Harvey  
17 Weinstein because of his reputation with other directors,  
18 correct?

19           A     With other directors?

20           Q     Directors, producers, actors, whoever?

21           A     I was very observant of what was going on around me.

22                   MS. ROTUNNO: Can she just answer the question.

23                   THE COURT: Overruled, answer stands, next  
24 question.

25           Q     Listen to my question. You said on direct examination

1 on Friday, that you didn't want to be associated with Harvey  
2 Weinstein because you thought your association with him would  
3 stop you from getting other jobs, correct?

4 A I don't recall defining, do you have my direct quote?

5 MS. ROTUNNO: I'll find it.

6 Q So you did not say that?

7 A I know the first part yes, is true. I did not want to  
8 be associated with him because of what I was seeing happening.

9 Q So, you didn't want to be associated with him, but you  
10 were afraid to not be associated with him?

11 A I didn't want to be associated with him, but I was also  
12 afraid that his unpredictability and how he feels from my  
13 perception rejected that would direct more abuse on me.

14 Q You knew there were actresses that were constantly  
15 surrounding Harvey Weinstein, correct?

16 A I did see a lot of girls at the parties.

17 Q They would talk to him?

18 A I think so.

19 Q When the District Attorney asked you on Friday what you  
20 liked about Harvey Weinstein, the first thing you said was he  
21 was very successful and sort of a genius in his own way,  
22 correct?

23 A That is true.

24 Q You knew that he was successful when you met him,  
25 correct?

1           A     Well, after he said who he was and Talita sort of  
2 framed it for me, I realized who he was.

3           Q     You Googled him, correct?

4           A     Probably.

5           Q     And you found out in your words, he was the kingpin of  
6 Hollywood?

7           A     Well, that is what I realized, yes.

8           Q     And what attracted you to a friendship, relationship,  
9 professional situation with him, was his success and his power,  
10 correct?

11          A     I was happy that he was interested in me.

12          Q     Because he was successful and powerful?

13          A     Because he makes movies, that is what he does.

14          Q     Big movies?

15          A     Yeah.

16          Q     Really big movies?

17          A     Like what we all see, made great movies.

18          Q     And had you met someone that looked like Mr. Weinstein,  
19 that did not have his success and his power, you would have  
20 never met him for one meeting, isn't that right?

21          A     Say that again.

22          Q     Had you met someone who looked like Mr. Weinstein in  
23 your description, who did not have his success and his power,  
24 you would have never agreed to meet up with him, isn't that  
25 right?

1           A     Well, I met several people that are powerful, but maybe  
2     not as powerful as Harvey that I had meetings with and talked to  
3     and knew living in L.A.

4           Q     Who are those people?

5           A     How can I just randomly pick.

6           Q     Give me four.

7           A     David Maisel who started Marvel.

8           Q     When did you meet David?

9           A     Probably around the same time.

10          Q     Did Harvey set that up for you?

11          A     No, absolutely not.

12          Q     And do you remember when, before meeting Harvey or  
13     after?

14          A     What?

15          Q     Before meeting Harvey or after?

16          A     I don't know, that is when I moved back to West  
17     Hollywood, a lot of stuff was happening.

18          Q     Did you tell Harvey you knew David Maisel?

19          A     I did.

20          Q     When did you tell him?

21          A     So, I don't know when I told him.

22          Q     You didn't think that would upset him after he said no  
23     actors, nobody in the industry?

24          A     Well, I didn't date David.

25          Q     When did you meet him?

1 A What?

2 Q How many times did you meet him?

3 A David?

4 Q Yes.

5 A He was friends within my friends group. He was around  
6 quite often.

7 Q Who was he friends with?

8 A I don't want to give names of personal people in my  
9 life.

10 MS. ROTUNNO: I'm asking she be required to  
11 answer.

12 MS. ILLUZZI: Object as to relevance.

13 THE COURT: Sustained, next question.

14 Q Jessica, just so we are clear, you said again on page  
15 2246 of the transcript, that Ms. Illuzzi asked you if there came  
16 a time another woman was involved, and you said yes, and she  
17 said can you describe to the jury, and you said, I asked you  
18 that, I apologize, strike that.

19 How soon before coming to New York in March of 2013 did  
20 you see Harvey Weinstein, how soon before?

21 A I don't recall seeing him that soon before.

22 Q And you let him know that you were coming to New York,  
23 correct?

24 A It might have been Talita, it could have been me, I'm  
25 not sure.

1 Q He wanted to meet up or you wanted to meet up, correct?

2 A Talita and Thomas and I, they sort of asked about it.

3 Q Well, let me ask you this Jessica; when Thomas was  
4 deciding to come to New York, Thomas told you he was coming,  
5 correct?

6 A Yes.

7 Q Because you flew with Thomas and he actually paid for  
8 your ticket?

9 A Yes.

10 Q He paid for the hotel room, correct?

11 A Yes.

12 Q You stayed in his room?

13 A Yes.

14 Q That room was under his name?

15 A Yes.

16 Q When you got to New York, you let Harvey know you were  
17 in New York, correct?

18 A Yes, somehow we communicated with him.

19 Q And when you communicated with Harvey, you sent an  
20 e-mail, isn't that right?

21 A I guess.

22 Q And he asked you what time you were going to arrive in  
23 New York, correct?

24 A I trust if there is an e-mail that is what was said,  
25 yeah.



1 Q You responded so good to hear from you. I just arrived  
2 this afternoon and leave on Monday, correct?

3 A Okay.

4 Q I'll show you what I'm marking as Defense double C.

5 ( Handed to witness).

6 Q Do you remember those e-mails back and forth?

7 A Yes.

8 MS. ROTUNNO: I'm asking the identification marks  
9 be stricken. It be moved into evidence and published to  
10 the jury.

11 MS. ILLUZZI: No objection.

12 THE COURT: Okay, double C is received into  
13 evidence.

14 Q Harvey asks you what time do you arrive in New York, he  
15 clearly knew you were coming, correct?

16 A Yes.

17 Q And you say so good to hear from you, I just arrived  
18 this afternoon and leave on Monday, correct?

19 A Yes.

20 Q Then he starts talking about when he can see you. I  
21 can see you tomorrow afternoon at two, or you say I could see  
22 you tomorrow afternoon at two. You go back and forth.

23 He said that, then you say to him hey HW, just got back  
24 in and tell him all the things you were doing in New York. He  
25 says he was coming in from Connecticut, correct?

1 A Yes.

2 Q At some point in time you arrange to meet at the  
3 Doubletree, correct?

4 A Yes.

5 Q He knew you were at the Doubletree because you told  
6 him, correct?

7 A We must have, yes.

8 Q When you planned this trip with Thomas, Thomas wanted  
9 to meet Harvey Weinstein, correct?

10 A Yes.

11 Q And Thomas didn't, other than knowing who he was and  
12 maybe meeting him at a party, Thomas had no direct line to Mr.  
13 Weinstein?

14 A I wouldn't know.

15 Q Well Jessica, you knew when you came here, that he  
16 wanted to meet with Harvey, correct?

17 A Yes.

18 Q And you agreed to facilitate that, correct?

19 A Yes.

20 Q That is one of the reasons Thomas brought you to New  
21 York, correct?

22 A Oh no, no.

23 Q Jessica, you were hoping that Thomas would represent  
24 you, isn't that right?

25 A I did hope that, yeah.

1 Q You thought by introducing him to Harvey and giving him  
2 a contact from Harvey, you had a better chance with Thomas,  
3 correct?

4 A There is truth to that, yes.

5 Q And you never told Thomas about your sexual  
6 relationship with Harvey Weinstein, correct?

7 A No.

8 Q So, you lied to Harvey about Thomas and you lied to  
9 Thomas about Harvey?

10 MS. ILLUZZI: Objection Judge.

11 THE COURT: Overruled.

12 A I lied about what?

13 Q The nature of your relationship?

14 A It was my deepest secret, the things that were  
15 happening to me so I was not talking to people about it.

16 Q Jessica, again, you didn't tell him, correct?

17 A No, Thomas didn't know about was happening to me.

18 Q You did not tell Thomas the reason I have a direct line  
19 to Harvey Weinstein is because I'm sleeping with him, correct?

20 A No, I did not say that.

21 Q You did not say I'm having a sexual relationship with  
22 Harvey Weinstein to get roles in movies, did you?

23 A No.

24 Q When you came to New York, your biggest fear was that  
25 Thomas would figure that out, correct?

1           A     Not necessarily, it was that he would think that I was  
2     sleeping with him because I wanted to or I thought that is how  
3     the industry worked, as opposed to obviously what was really  
4     going on inside of me in that situation.

5           Q     But Jessica, from your words, that is how you thought  
6     the industry works because you were engaging in the behavior,  
7     isn't that right?

8           A     That question I don't agree with.

9           Q     Well Jessica, you made a choice to have sexual  
10    encounters with Harvey Weinstein when you were not attracted to  
11    him, right?

12          A     We have not talked about why I made that choice.

13          Q     Jessica, I think we have talked about it. You liked  
14    going to parties and you liked the power and you liked the  
15    potential help to your career?

16          A     That is your version.

17          Q     You knew Thomas was coming to New York for business,  
18    right?

19          A     He told me that, yeah.

20          Q     Did he go to any other business meetings other than  
21    meeting Harvey Weinstein when you were here?

22          A     If he did, I was not there.

23          Q     You and he were sightseeing and did things in the city?

24          A     Yes.

25          Q     You stated that he was really drunk the night before

1 the breakfast meeting, correct?

2 A Yes.

3 Q But he was more interested in meeting Harvey Weinstein  
4 than you were in seeing him, would that be fair to say?

5 A I cannot speak for Thomas.

6 Q Well, you said you weren't interested in seeing Harvey,  
7 correct?

8 A It didn't, like I already knew Harvey didn't matter to  
9 me, I did not care that much.

10 Q But you told him you were coming here because Thomas  
11 wanted to meet him?

12 A Told Harvey I was coming here?

13 Q Yes, or did you tell Harvey you were coming here  
14 because you wanted to see Harvey?

15 A Talita is a big factor.

16 Q But Talita lived in New York at the time?

17 A No, she lived in L.A.

18 Q In March of 2013?

19 A Talita had a place here, but she lived in Los Angeles.

20 Q Well, you told the ladies and gentlemen of the jury on  
21 direct examination that Talita was living in New York or New  
22 Jersey and you slept at her house the second day you stayed in  
23 New York?

24 A I did. She was married and she had like a husband  
25 here, so she was visiting like living at her place, I don't know

1 a week or so at that time.

2 Q Do you know how long she had been here prior to you  
3 coming?

4 A No, not very long.

5 Q Talita could send e-mails to Harvey by herself, you  
6 didn't have to do that for her?

7 A She could, but she was hesitant to.

8 Q Because she wanted you to do it?

9 A Yeah.

10 Q Because in your words, she's the one that really wanted  
11 to have the relationship with Harvey, correct?

12 A I cannot answer that with a yes or no.

13 Q Well, you said that every action you engaged in with  
14 Mr. Weinstein was because you were thinking about not only  
15 yourself, but your friends too, correct?

16 A I was thinking about Talita a lot.

17 Q And you claim the reason you went to the Montage was  
18 because Talita was the one who said we have to go, we have to  
19 go?

20 A That is correct.

21 Q And so, Talita had already had her own ability to  
22 contact Mr. Weinstein, correct?

23 A She did, but I think I know why she did it.

24 Q Well, if Talita went with you on all these events she  
25 went to, she also was invited on her own, isn't that right?

1           A     No, usually it came through me with a plus one for her.

2           Q     You never told her from your perspective Mr. Weinstein  
3     wanted nothing to do with her?

4           A     Well, Harvey was still engaging with her. I cannot  
5     speak for what Harvey wanted or not.

6           Q     Was he being nice to your friend?

7           A     Yeah, I guess so.

8           Q     Did you witness Harvey be nice to Talita?

9           A     How do I answer that?

10          Q     Just the truth, Ms. Mann.

11          A     I know, I'm just -- again, Harvey could be charming but  
12     he always had caveats he slipped in there.

13          Q     To Talita too?

14          A     Yeah.

15          Q     Like what?

16          A     Well, for example, Harvey would say to us like oh, I  
17     know how to keep Jessica around. It's by making you happy and  
18     he would say that to Talita, which at the time I didn't really  
19     understand until I realized that he was literally in a sense I  
20     think bragging about his manipulation.

21          Q     Well, Ms. Mann, Mr. Weinstein genuinely liked you,  
22     correct?

23          A     I don't know.

24          Q     Well, in order to say to your friend I want to keep her  
25     happy, you are interpreting that a different way, but it could

1 be he genuinely just liked you?

2 A Let's ask him.

3 Q Now, let's talk about the Doubletree. You claim that  
4 Mr. Weinstein shows up and calls your room, correct?

5 A He did show up early.

6 Q And he calls your room to let you know he was there,  
7 that is what you said on direct examination?

8 A I don't know if he called, I think I talked to like a  
9 woman.

10 Q You said well, someone in the hotel said I think you  
11 have a guest down here, Harvey. I was in the room so somebody  
12 called the room?

13 A I think so, yeah.

14 Q Harvey. Did Harvey know you were staying in Tommy  
15 Richards's room, did you tell him?

16 A I don't know.

17 Q You didn't have your name down at the front desk, did  
18 you?

19 A I don't know if Thomas put my name on there for a key  
20 or not.

21 Q What time did you receive this call you say was so  
22 early?

23 A I don't remember.

24 Q What time had you arranged to meet?

25 A I don't remember.



1 Q Well --

2 A I think around breakfast time.

3 Q What is breakfast time for you? Mine is like six a.m,  
4 there is a big range.

5 A I don't know, I mean, I don't know.

6 Q You have no idea what time your meeting was?

7 A I don't remember. I just remember it was like going to  
8 be before we really started our day.

9 Q And Harvey didn't show up to that hotel until after  
10 10:30 a.m when he check in, isn't that right?

11 A I don't know the time he showed up. It was before  
12 whenever we were supposed to meet.

13 Q He shows up and you claim that you were panicked he was  
14 there early?

15 A Yeah, he was early.

16 Q At that point you were panicked because you didn't want  
17 your friends to know you had any kind of relationship with him  
18 other than professional?

19 A Incorrect.

20 Q Why did you panic?

21 A I was panicked because I had this dynamic with Harvey  
22 where I felt like I always had to obey and jump.

23 I just lived on edge a little bit to him, that is why I  
24 was panicking.

25 Q You said you waited in the room for a while before you

1     went down?

2           A     Yeah, I sensed something was wrong.  Again, the abuse  
3     occurred when he would be unpredictable and I was doing  
4     unpredictable, I was becoming afraid of that.

5           Q     He showed up for a meeting just a little bit early?

6           A     I don't think it was a little bit, I felt like I knew  
7     something was happening.

8           Q     But how much earlier?

9           A     I don't know.

10          Q     You have no idea?

11          A     I don't remember.

12          Q     20 minutes, 30 minutes, two hours?

13          A     I do not remember.

14          Q     You were ready to go, correct?

15          A     No, I had to get dressed.

16          Q     How long did that take?

17          A     We were still sleeping.

18          Q     How long did that take?

19          A     I don't know, I took my time.

20          Q     You went downstairs, you let him sit there, right?

21          A     I don't know what he did, when I got down there he was  
22     at the counter.

23          Q     But you said you took your time, he was at the counter  
24     the whole time?

25          A     I took as much time I fell I could get away with

1 taking.

2 Q About how long was that?

3 A I don't know.

4 Q You go downstairs and say he's checking into the hotel?

5 A Yes.

6 Q You are not happy about that?

7 A No, because I hear him use a fake name. He's asking  
8 for a room, and I freaked out, that freaked me out.

9 Q You knew from the Peninsula he didn't use his real  
10 name, correct?

11 A Um, yeah, but did I work at the Peninsula after that.

12 Q You had been at hotels with him multiple times before?

13 A I didn't know that until I started working at the  
14 Peninsula.

15 Q When you see him downstairs in the lobby, you start to  
16 get worried about him checking into a room?

17 A Yes.

18 Q You are worried because you don't want to go up there  
19 and have your friends thinks you are sleeping with Harvey  
20 Weinstein?

21 A I was worried because I knew he was doing a bait and  
22 switch again like anytime he done in the past where something  
23 would be agreed to, then he would come asking for some sort of  
24 payment or try to push me to do something I didn't want to do.

25 Q Payment?

1           A     That is what it felt like.

2           Q     Payment for what, what had he given you?

3           A     Not money payment, but like sexual stuff.

4           Q     In exchange for what? You have no movie, you have been  
5 to some parties.

6           A     Exactly, he wanted to use me.

7           Q     And you let him?

8           A     I did let him abuse me, I didn't know how to confront  
9 it.

10          Q     You used him?

11          A     At that point I had nothing to gain from Harvey.

12          Q     You thought you did because you still kept pushing  
13 Vampire Academy?

14          A     Again, Talita was also apart of that push.

15          Q     Do you think if you would have said I hate -- Talita,  
16 he is abusing ne, I don't think we should be dealing with this  
17 guy. You think your friend would have stood up for you?

18          A     Honestly, I don't, I did tell her he had been really  
19 aggressive with me once, that is as far as I got with her.

20          Q     When was that?

21          A     That is when she asked me why I was not going to go to  
22 some party, and we had a conversation, and the most I could say  
23 was he had been really aggressive with me.

24          Q     What party was that?

25          A     I don't remember.

1 Q Remember what year it was?

2 A No.

3 Q Here you are in a crowded lobby of the Doubletree,  
4 correct?

5 A Uh huh.

6 Q The Doubletree is a busy hotel on a busy street in New  
7 York, correct?

8 A Sure.

9 Q People everywhere all the time?

10 A I don't remember it being that packed.

11 Q It was not just you, Harvey Weinstein and staff,  
12 correct?

13 A I don't remember.

14 Q When you are on the, in the lobby of that hotel with  
15 the big doors that you saw in the photograph of the hotel that  
16 slide open, you could have walked right out the door, correct?

17 A Sure.

18 Q You could have said I'm not going upstairs, correct?

19 A I told him I didn't want to.

20 Q Well Jessica, you said I wanted to go upstairs with him  
21 because I thought I could de-escalate the situation?

22 A I felt like at that point that at least I could  
23 confront him privately because I could not publicly.

24 Q Because you had no problem confronting him, correct?

25 A No, I did have trouble vocalizing a lot to him.

1 Q In your words, you said I wanted to go upstairs so I  
2 could confront him privately?

3 A I thought we could at least, he would listen to me.

4 Q Knowing what happened to you in multiple other hotel  
5 rooms, you thought the best place to go was up to the room?

6 A Well, I thought the best place to go to at least where  
7 he would listen to me would be somewhere private, because he was  
8 yelling at me not to embarrass him.

9 Q You could have said Harvey, I'm not going up there, I'm  
10 out the door?

11 A Yeah, but we are not talking about why I felt these  
12 things.

13 Q Jessica, all I'm asking you, you didn't make the choice  
14 to walk out the door?

15 A I did not walk out the door.

16 Q You made the choice to go up to the hotel room?

17 A I mean it was a choice I felt I had to obey.

18 Q Knowing what had happened in the past?

19 A That is why I was scared.

20 Q And multiple people and you could have said help?

21 A Well, I said to the front desk I was sort of trying to  
22 ask for help, we don't need a room.

23 Q How?

24 A I was pleading with them with my eyes.

25 Q Pleading with your eyes?

1           A     Yeah, it was very obvious I was in distress, I was  
2     pacing back and forth.

3           Q     You don't know what is obvious to other people,  
4     correct?

5           A     Sure.

6           Q     They don't know you?

7           A     True.

8           Q     They never met you before?

9           A     That is true.

10          Q     And you are there meeting Harvey Weinstein?

11          A     I did vocalize at the front desk, I was really upset.

12          Q     You were yelling at him?

13          A     I don't think I was yelling, I was like you don't need  
14     a room, why are you getting a room.

15                     Then he pulled me aside and told me not to embarrass  
16     him.

17          Q     Pulled you where?

18          A     Away from the counter.

19          Q     Did you say I don't care, I'm not going upstairs with  
20     you?

21          A     I didn't.

22          Q     When you started to argue with him up in the room, you  
23     were arguing that you don't have time, Talita is coming, she's  
24     going to be here, and I was so afraid that Thomas and Talita  
25     would see me coming out of this room like with him and make all

1 these assumptions, you know, because I was trying to hide  
2 everything?

3 A I was afraid of what they would think of me.

4 Q You didn't say I was afraid he would abuse me, correct?

5 A He had already abused me.

6 Q I'm talking about before you even went up there, this  
7 is before any allegation ever took place, these are your words.

8 A Well, I'm talking about what I was afraid of with the  
9 perception of my friends, and I also had talked about why the  
10 bait and switch and why I was panicked about him being there  
11 early.

12 Q You didn't talk about that on direct examination  
13 Jessica. At least --

14 MS. ILLUZZI: Objection Judge.

15 THE COURT: Sustained.

16 Q At least, you did not say that on direct examination,  
17 did you Jessica?

18 MS. ILLUZZI: Objection, Judge.

19 THE COURT: Overruled.

20 A I have done my best to explain everything and half the  
21 time I have objections cutting me off.

22 MR. CHERONIS: Objection.

23 A I don't think I got anything out.

24 Q Is that a yes or no?

25 A I don't know what I said.



1 THE COURT: Hold on, answer stands. Next  
2 question.

3 Q At least up there in private I can yell at him if I  
4 need to talk to him, which I never really could yell at him and  
5 inside the room. When you gave that answer about starting to  
6 yell at him, you caught yourself, because you knew admitting you  
7 could yell at him was a problem?

8 A Sorry?

9 Q You knew that when you said I could yell at him, that  
10 making that admission is a problem for you, correct?

11 A No, that is what I knew. I did get upstairs, I tried  
12 to leave, I wanted to leave, I escalated the argument and then  
13 based on how I was intimidated and the dynamic of this situation  
14 I ended up shutting down.

15 Q You just did whatever he wanted?

16 A I was trapped in that room.

17 Q You did what he wanted?

18 MS. ILLUZZI: Objection Judge.

19 THE COURT: Overruled.

20 A I obeyed him, yes.

21 Q And then as you were coming downstairs, you said I  
22 panicked because my worst nightmare I felt could happen; the  
23 secret of this dynamic with him was about to be seen in front of  
24 Talita and Thomas, that was embarrassment?

25 A I was embarrassed.

1 Q That is what you said, right?

2 A If that is the direct quote, then yeah.

3 Q You panicked because your worst nightmare could  
4 happen. Question, which was? The secret of this dynamic with  
5 him was about to be seen.

6 Your worst nightmare Jessica was not the fact in your  
7 words you had been taken against your will in a hotel room,  
8 correct, your words?

9 A Abuse is embarrassing. So yeah, having to talk about  
10 it and things being perceived certain ways, it is like I'm a  
11 very insecure person at that time in my life.

12 Q But as insecure as you claim you were, you manipulated  
13 Harvey Weinstein to get him into any meeting or any party that  
14 you wanted to?

15 MS. ILLUZZI: Objection Judge.

16 Q Correct?

17 THE COURT: Sustained.

18 Q As manipulated as you felt, you manipulated Harvey  
19 Weinstein everytime you continued to see him after each  
20 individual sexual encounter?

21 MS. ILLUZZI: Objection.

22 THE COURT: Overruled.

23 A Can you restate the question.

24 Q Let me ask you this, with nice e-mails you would  
25 constantly send, correct, with requests to see him on a regular

1 basis, you were manipulating Harvey Weinstein?

2 A How I handled it to survive and process things, yeah, I  
3 guess we can say manipulation.

4 Q Jessica, you go to breakfast with Tommy, Talita, and  
5 Harvey, correct?

6 A Yes.

7 Q At that breakfast Harvey says oh, I have a screening  
8 tonight for August Osage County?

9 A Yes.

10 Q And you and Talita want to go, right?

11 A No, Talita wanted to go.

12 Q Well Jessica, Tommy Richards booked your flight,  
13 correct?

14 A Yes.

15 Q And Tommy Richards is the one who paid for it?

16 A Yes.

17 Q And you took Tommy Richards aside and had a  
18 conversation with him at that restaurant saying I would really  
19 like to stay, isn't that true?

20 A No, I thought Thomas was mad at me, and I thought that  
21 is why he didn't want me to travel back with him even though I  
22 was wanting to go back with him. He was not getting it I did  
23 not want to stay.

24 Q You are not answering my question. You took him aside,  
25 away from Harvey Weinstein and away from Talita, didn't you?

1           A     I do think we stepped aside.

2           Q     When you stepped aside, you asked him if he minded if  
3     you stayed because you didn't want to be disrespectful since he  
4     bought the tickets?

5           A     I don't remember that, but I know we talked.

6           Q     Away from Harvey Weinstein?

7           A     Yeah.

8           Q     You didn't say Thomas, don't make me stay here?

9           A     I did express that.

10          Q     You said that to him?

11          A     Again, from my perspective I felt like it was obvious I  
12     didn't want to stay. There was this whole back and forth and --

13          Q     Did you say Thomas, I don't want to stay?

14          A     I did say that at the table in front of everybody.

15          Q     So, in front of Harvey you said you don't want to stay?

16          A     Yes.

17          Q     You went away from Thomas and didn't say take me home?

18          A     I did not know what was going on in Thomas's mind, I  
19     thought he was mad at me.

20          Q     That is not the question I'm asking.

21                     MS. ILLUZZI: She's asking her why she did  
22     something or not. I'm going to ask you to allow her to  
23     answer please.

24                     THE COURT: Next question.

25          Q     When you told Thomas I don't want to stay, he gave

1 Harvey Weinstein your flight information?

2 A There was a bit of a long conversation back and forth.

3 Q All of you or alone?

4 A All of us. Then after it appeared to be decided upon,  
5 you know, I still pulled, I do think I talked to Thomas on the  
6 side because I didn't understand why he was even being like  
7 whatever, stay; and I thought he wanted me to just stay because  
8 I thought he was mad at me based on his perception on whatever  
9 he assumed about what he saw.

10 Q You're doing these mental gymnastics in your mind, he  
11 never told you he was mad at you?

12 A Correct.

13 Q So, does he give Harvey your flight information or do  
14 you?

15 A I didn't have access to flight information. I'm not  
16 sure exactly how it was handled; if Thomas sent something there  
17 or if they just booked me another flight. I don't remember, I  
18 was kind of checked out and not really feeling good.

19 Q You were. At some point Harvey Weinstein left?

20 A Yes.

21 Q You are left alone in New York City?

22 A With Talita.

23 Q But no Harvey?

24 A Right.

25 Q Did you get in a taxi and say take me to JFK?

1           A     I didn't have money to buy my own ticket, I could not  
2     have done that.

3           Q     Did you call anyone and say get me out of here, I've  
4     been abused?

5           A     No.

6           Q     You went to the screening where you were going to see  
7     Harvey Weinstein?

8           A     I did.

9           Q     And instead of just saying forget it, I'm not going and  
10    I'll never see him again, you made a choice and you went?

11          A     Harvey knew I was upset, but --

12                   MS. ROTUNNO:  Objection as to what Harvey knew.

13                   THE COURT:  Overruled in the context of this  
14    question an answer.

15          Q     Go ahead.

16          A     I forgot the question.

17          Q     If you didn't have money to buy a ticket, how were you  
18    going to stay in New York without Thomas for another night?

19          A     The Weinstein Company or Harvey, they rebooked a room I  
20    believe, I don't know, I didn't stay there.

21          Q     Did you ever get a confirmation for a room?

22          A     I don't remember.

23          Q     Because there is confirmation for your ticket, but not  
24    your room, you don't remember?

25          A     No, because I did not stay there.

1 Q You stayed with Talita?

2 A I did.

3 Q You didn't stay in a closet, correct?

4 A I did, I slept on the floor.

5 Q You did not sleep on her sofa?

6 A No.

7 Q You didn't tell Talita what happened?

8 A No.

9 Q Did you put on a pretty dress and go to the screening  
10 of the movie?

11 A I don't know what I wore.

12 Q You don't remember?

13 A No.

14 Q You ran into Harvey's family there?

15 A No.

16 Q You didn't speak to any of his kids there, didn't see  
17 his wife?

18 A No, I don't remember if his wife was there or not.

19 Q You knew the next day was Harvey's birthday, correct?

20 A Only when he told me.

21 Q When did he tell you?

22 A When I saw him the next day.

23 Q You saw him the next day?

24 A Yeah.

25 Q On the 19th?

1           A     If that was his birthday.

2           Q     That was.

3           A     Yeah.

4           Q     You saw him the day after you claim he raped you in the  
5 Doubletree?

6           A     Yes.

7           Q     Where did you see him?

8           A     It was some small lobby, I think.

9           Q     Of a hotel?

10          A     I'm not totally sure.

11          Q     Did he ask you to meet him?

12          A     He did.

13          Q     And you went?

14          A     Yes.

15          Q     How far was it from Talita?

16          A     I don't remember where Talita lived, it was across the  
17 water in a subway.

18          Q     New Jersey she lived?

19          A     It is possible.

20          Q     And you don't remember where you went to see Harvey.  
21 Was it near the Doubletree, far from the Doubletree?

22          A     I remember I think I had left my luggage at the hotel.  
23 I did go back for it, I don't remember that, and then so I'm not  
24 sure if I picked that up and then went like south in New York, I  
25 don't remember.



1 Q And you got in your -- did Harvey send a car, did you  
2 get in a taxi, how did you see him?

3 A I don't remember.

4 Q Ms. Mann, you never told anyone you saw Harvey  
5 Weinstein the next day on his birthday, have you?

6 A Yes I have.

7 Q Who did you tell?

8 A When I have been -- an investigator ask or whenever I  
9 talk about all of this.

10 Q Do you remember who you told that specifically to?

11 A I met with quite a few people between both D.A's.

12 Q Do you know who you didn't tell?

13 A Who?

14 Q Either the grand jury when you took an oath to tell the  
15 truth.

16 MS. ILLUZZI: Objection Judge.

17 THE COURT: Sustained.

18 Q Did you tell either grand jury that you saw Mr.  
19 Weinstein the day after the Doubletree incident?

20 A I just answered questions I was asked, I don't know if  
21 that was in the scope.

22 Q Let me ask you this, did you tell it on direct  
23 examination on Friday when Ms. Illuzzi was asking you questions  
24 that you saw Mr. Weinstein the next day on Harvey's birthday?

25 A I don't know if she asked me that, I just answered what

1 I've been asked.

2 Q Then Jessica, when you leave New York, you reached out  
3 to the Weinstein, let me go back.

4 Before you left New York, what was the content of your  
5 conversation with Harvey when you met him in some lobby on the  
6 19th of March, did you wish him a happy birthday?

7 A Can you restate the question.

8 Q What happened in that lobby meeting on March 19th, did  
9 you wish him a happy birthday?

10 A What happened or if I wished him a happy birthday?

11 Q Did you wish him a happy birthday?

12 A Probably.

13 Q What was the content of that conversation?

14 A Um so, he really wanted to see me actually the night  
15 before the premier, and I did not want to see him. And then he  
16 brought his daughter, I think it was Emma, and he said he wanted  
17 to have tea with me.

18 And we talked about Lana Del Rey, he knew that was my  
19 favor music artist. He said maybe I'll have her make a song in  
20 one of my movies.

21 And Emma talked to me and I don't really remember much  
22 about it, but I was very pleasant, just tried to pretend like  
23 nothing was wrong and leave after that.

24 Q When you left, you reached out to the Weinstein Company  
25 and not only asked for a car to take you to LAX, excuse me, JFK,

1 you also asked for a car to pick you up when you got to  
2 California, correct?

3 A There was two parts to that.

4 Q Yes.

5 A May I explain the first part?

6 Q Let me ask you this, did you ask the Weinstein Company  
7 to provide a car for you to go from wherever you were in New  
8 York to the airport at JFK?

9 A They were both offered. I declined the second  
10 initially, the first one yeah, they offered me the ride.

11 Q Before we get to that, on the 19th one of the days you  
12 were in New York, the 18th or 19th you went to a meeting with  
13 Julie Oh at the Weinstein Company, isn't that right?

14 A Yes.

15 Q Was that the 18th or was it the 19th, the day of the  
16 screening or the day after?

17 A I don't remember.

18 Q So, you don't remember if it was after your breakfast  
19 when they said they were going to change your flight or the next  
20 day before you saw Harvey?

21 A It was, it would make sense it was at some point after  
22 the breakfast.

23 Q Right, the 18th because you went with Talita?

24 A I did go with Talita.

25 Q After you were allegedly assaulted in this New York

1 hotel, you have breakfast with your assaulter, correct?

2 A Yes.

3 Q You allow them to change your flight, correct?

4 A Yes.

5 Q Then you go to a reading with Julie Oh at the Weinstein  
6 Company?

7 A It was not a reading.

8 Q What was it?

9 A I don't know what it was. She was just mostly talking  
10 to Talita how to option a book, what that process is, because  
11 Talita had bought a book from Brazil and she wanted to  
12 understand how to own the rights to it.

13 Q Did they put you on camera that day?

14 A Not that I'm aware of.

15 Q And you then left and spent the rest of the day with  
16 Talita before going to the movie screening?

17 A I don't remember what I did in between.

18 Q Then you went to the movie screening?

19 A Yes.

20 Q The next day you saw him?

21 A Yes.

22 Q I'm going to show you what I'm marking as Defense D D.

23 ( Handed to witness).

24 Q Showing you two pages I marked as Defense D D for  
25 identification. Do you recognize those e-mails?

1 A Yes.

2 Q Those e-mails are on March 18th and March 19th of 2018,  
3 2013?

4 A Yes.

5 Q You reach out and ask them to set up a car for you to  
6 go to JFK, correct?

7 A Well, it was already offered to me in person through  
8 Harvey, and I declined.

9 Then when I realized I didn't know what I was doing and  
10 don't have the money for a taxi, I did ask for help to get  
11 there.

12 Q They arranged that for you?

13 A Yes.

14 Q You originally said I can get a ride when I get back to  
15 LAX?

16 A I thought I would be able to.

17 Q When you could not?

18 A Yes.

19 Q You reach out to the Weinstein Company?

20 A Yes.

21 Q They arranged that for you?

22 A Yes.

23 Q Do those e-mails accurately depict the way they looked,  
24 the e-mails when they were sent back and forth?

25 A I think so.

1 MS. ROTUNNO: I ask the identification marks be  
2 stricken and Defense D D moved into evidence.

3 THE COURT: Any objection?

4 MS. ILLUZZI: No objection.

5 THE COURT: D D is received into evidence.

6 Q Publish it to the jury. Next page. The first part of  
7 that e-mail is them sending you your new e ticket, correct?

8 A Yes.

9 Q Then the next e-mail says thank you. Yes, if there is  
10 any way I could get a ride to the airport, he asks you do you  
11 need us to book a car and you said yes. If there is any way you  
12 can do it, it will help me a lot. This is my first time here,  
13 thank you. Once I land, I could find a ride home, thanks  
14 exclamation point.

15 A Yes.

16 Q Then the second page of those e-mails is asking where  
17 you would like to be picked up. You said my hotel will be fine,  
18 the Doubletree Hotel on 51st and Lexington.

19 So, you had them pick you up the next day at the  
20 Doubletree, correct?

21 A Yes.

22 Q That is where the driver came 1:45 in the afternoon and  
23 you were there?

24 A Yes.

25 Q And then you asked to be picked up in Los Angeles and

1 they made that happen for you?

2 A Yes.

3 Q At any point in time, when you were sending these  
4 e-mails, did you let anyone know at the Weinstein Company that  
5 their boss had assaulted you?

6 A No.

7 Q And of all the places that you could call for help when  
8 you don't have a ride, you called Harvey?

9 A Sorry.

10 Q Of all the people you could called when you needed help  
11 because you didn't have money to get a ride, you called Harvey?

12 A Yes, that is how alone I was.

13 Q You didn't ask Thomas the one that bought your plane  
14 ticket?

15 A I thought he was mad at me.

16 Q For what, for what Jessica?

17 A I thought he just made an assumption about what he  
18 could have assumed by seeing us come down the stairs.

19 Q Did he say anything to you?

20 A He was not really talking to me, that is why I thought  
21 he was mad at me.

22 Q Were you trying to fix it?

23 A What do you mean trying to fix it?

24 Q Trying to figure out why he was upset?

25 A He wouldn't really talk to me.

1 Q Then Jessica, you are back in New York and on March  
2 26th you send an e-mail to somebody named Mallary at the  
3 Weinstein Company, isn't that right?

4 A I guess.

5 ( Handed to witness).

6 Q Do you recognize that e-mail?

7 A Um, yes.

8 Q You sent that e-mail to someone at the Weinstein  
9 Company named Mallary?

10 A Yeah.

11 Q Does that e-mail accurately depict the way the e-mail  
12 looked when you sent it?

13 A I guess so,.

14 MS. ROTUNNO: I ask the identification marks be  
15 stricken and it be moved into evidence.

16 THE COURT: Any objection?

17 MS. ILLUZZI: One second Judge. No objection.

18 THE COURT: Double E is received into evidence.

19 Next question.

20 Q It says hi Mallary, I was curious if it has been enough  
21 time to e-mail the script to me so I can continue prepping and  
22 also, any sides been chosen for the remaining roles, correct?

23 A Yes.

24 Q This was still about Vampire Academy, correct?

25 A I think so.



1 Q Well, I'll clear it up for you. In April you send an  
2 e-mail to Barbara and you are still taking about Vampire?

3 A Yes.

4 Q So, when you send this e-mail, you send this e-mail  
5 after you are back in New York, correct?

6 A I'm in New York when I send this.

7 Q After you are back from New York?

8 A Yes.

9 Q Because you came back from New York on March 19th  
10 right, 2013?

11 A Yes.

12 Q This is a week later?

13 A Yes.

14 Q Showing you what I marked as Defense FF.

15 ( Handed to witness).

16 Q Do you recognize that e-mail?

17 A Yes.

18 Q Does that e-mail truly and accurately show the  
19 conversation you had?

20 A Yes.

21 Q On that day?

22 A Yes.

23 MS. ROTUNNO: I ask the identification marks be  
24 stricken and defense FF be moved into evidence.

25 THE COURT: Any objection?

1 MS. ILLUZZI: No.

2 THE COURT: Received into evidence.

3 Q On April 11th you send an e-mail to Barbara  
4 Schneeweiss, this is where you let her know that Mia is the role  
5 I want to read for, and I saw it on the breakdown earlier. The  
6 script was not able to be released, but if I'm anything in the  
7 looks department in the type for Mia, is it possible for me to  
8 get an appointment and the side script released now, thank you  
9 for your consideration, correct?

10 A Yes.

11 Q This is around the same time that you are now telling  
12 Harvey you do not think people are taking you seriously,  
13 correct?

14 A I this so, yes.

15 Q That was the other e-mail I showed you where right away  
16 you got a response Marcy Liroff's people?

17 A Yes.

18 Q Then you responded, Defense G. G.

19 ( Handed to witness).

20 (Continued on next page)

21

22

23

24

25

1 (Continued from the previous page.)

2 Q Do you recognize that email?

3 A Yes.

4 Q And that is an email that you sent to Harvey because  
5 now people actually reached out to you, correct?

6 A Yes.

7 Q And does that email truly and accurately depict the  
8 way it was when you sent it?

9 A Yes.

10 THE COURT: Are you moving GG into evidence?

11 MS. ROTUNNO: Yes. I am asking to strike the  
12 identification marks and move GG into evidence.

13 THE COURT: Any objection?

14 MS. ILLUZZI: No.

15 THE COURT: Okay. That's received into evidence.

16 BY MS. ROTUNNO:

17 Q And Julia O., when she met with you back at The  
18 Weinstein Company -- I am sorry to go back for a second, I  
19 forgot about this one.

20 You had told Julie O. that you were looking for three  
21 scripts, correct?

22 A I don't remember that. I know we talked about two  
23 others.

24 Q Because you had already read for Vampire Academy and  
25 there were two others, correct?

1 A Yes, she brought it up first.

2 Q And one was the G verge?

3 A The Giver.

4 Q And St. Vincent De Van Nuys?

5 A That sounds about right.

6 Q And you had told Julie that you wanted to see those  
7 scripts?

8 A She offered them to us if we wanted to.

9 Q Did Harvey ever bring those up?

10 A I don't know. Julie did.

11 Q Did you ever get those?

12 A No.

13 Q And this was after you talked about Vampire Academy,  
14 correct?

15 A With Julie?

16 Q Yes.

17 A I don't remember if we talked about Vampire Academy in  
18 that meeting I know we talked about the books and she mentioned  
19 two projects that were coming up with the company.

20 Q And then a few days later, April 17th, Harvey reaches  
21 out to you and says he is coming to LA, do you remember that?

22 A No but --

23 Q I am showing you what I am marking as Defense HH.

24 The top is April 19, 2013, 7:11:27.

25 And do you recognize those emails?

1 A Yes.

2 Q Do those emails truly and accurately depict the way  
3 you sent them and when he sent responses to you?

4 A Yes.

5 MS. ROTUNNO: I am asking that the identification  
6 mark be stricken and HH be moved into evidence.

7 MS. ILLUZZI: No objection.

8 THE COURT: HH is received into evidence.

9 BY MS. ROTUNNO:

10 Q Harvey says, dear Jessica, I am going to be in LA on  
11 Saturday, may be Friday night too. Will you be around?

12 You said, it would be great to see you again and catch  
13 up. Here is my schedule with work, where you tell him what you  
14 can and can't do, correct?

15 A Yes.

16 Q He then says, Saturday night. And you say, text me or  
17 call me on Saturday. I will be done around nine I believe is  
18 the earliest. We can work something out from there, correct?

19 A Correct.

20 Q And showing you what I am marking as Defense II for  
21 identification, Your Honor it's 7/9/13, 7:48 a.m.

22 I am showing you what I have marked as Defense II for  
23 identification. Do you recognize that series of emails?

24 A Yes.

25 Q And you reached out to Harvey on July 8th on the

1 bottom, correct?

2 A Yes.

3 Q And that truly and accurately depicts the conversation  
4 that you had on those dates, correct?

5 A Yes.

6 MS. ROTUNNO: Judge, I would like to strike the  
7 identification marks and move Defense II into evidence.

8 THE COURT: Okay.

9 MS. ILLUZZI: No objection.

10 THE COURT: II is received into evidence.

11 BY MS. ROTUNNO:

12 Q You reach out to Harvey and you say, I fly back on the  
13 12th from Seattle. Let's get together.

14 And he asks you if you are in Seattle now, correct?

15 A Yes.

16 Q He tells you when he is going to be in LA.

17 You say, will you still be in town then.

18 I don't know what that refers to and then he says,  
19 will try.

20 And then you say to him, if your schedule won't be  
21 there when I return, I can adjust my schedule to be flexible  
22 elsewhere, correct?

23 A Yes.

24 Q And then, Ms. Mann, there comes a point where you need  
25 work, correct?

1 A There was a point in my life, yes.

2 Q And you start looking for work as a hairstylist in  
3 around July of 2013, would that be fair to say?

4 A Yes.

5 Q And you are plugged into a lot of different contacts  
6 that Harvey has about different stylists that you can work for,  
7 correct?

8 A I was, yes.

9 Q And he reaches out to many different people on your  
10 behalf, correct?

11 A I think like two or three.

12 Q And you ended up -- one was Frederic Fekki that we  
13 talked about earlier, correct?

14 A Yes.

15 Q And he also reached out to someone at the Peninsula  
16 Hotel?

17 A Yes.

18 Q And you ended up getting a job at the Peninsula Hotel  
19 as a stylist, correct?

20 A Yes.

21 Q And you took that job, correct?

22 A Yes.

23 Q No one forced you to take that job?

24 A No.

25 Q Harvey didn't go with you to any of the interviews,

1 correct?

2 A He did not.

3 Q He wasn't there when you had to, I assume, show them  
4 how you cut hair?

5 A Yes.

6 Q You had to go in and sort of audition to work there,  
7 fair to say?

8 A Yes.

9 Q And show your skill?

10 A Yes.

11 Q And they hired you?

12 A Yes.

13 Q And you were there for several months?

14 A I remember -- don't remember how long but, yes.

15 Q And after you got that job, let me back up.

16 When you were given the contacts for those jobs, you  
17 reached out after that, Harvey would put you in touch and then  
18 you followed up, correct?

19 A There was an email chain that I responded to and then,  
20 yeah, they scheduled an appointment to me.

21 Q Well, you went to Frederic Fekki and you interviewed  
22 there?

23 A I did.

24 Q And you actually cut hair there, correct, and you even  
25 did color maybe?



1           A     I don't know if I did color. I think I had to do a  
2 model. I don't remember what the scope off range was for the  
3 work of hair.

4           Q     And you did that, right?

5           A     Yes.

6           Q     And you did that at The Peninsula, correct?

7           A     Yes.

8           Q     And you got hired at The Peninsula, correct?

9           A     I did.

10          Q     And then on August 14th, you reach out to Harvey,  
11 sending him a new phone number, correct?

12          A     Correct.

13          Q     And you tell him that you are trying to get ahold of  
14 him because you were getting a new phone number, you dropped  
15 yours at work and it won't work properly, correct?

16          A     If that's what it said, yes.

17          Q     Defense JJ. I am showing you what I have marked a  
18 Defense JJ.

19                   Do you recognize that email that you sent to Harvey?

20          A     Yes, I do.

21          Q     Does that email truly and accurately depict the  
22 message up sent to Harvey Weinstein on that date?

23          A     Yes.

24                   MS. ROTUNNO: I am asking that it --

25                   MS. ILLUZZI: No objection.

1 MS. ROTUNNO: I ask that the identification marks  
2 be stricken and moved into evidence.

3 THE COURT: JJ is moved into evidence.

4 BY MS. ROTUNNO:

5 Q Can you read that for us, Jessica?

6 A Trying to get a hold of you. Getting a new phone in a  
7 couple of days. Dropped mine and won't work properly. Talita  
8 does not have your number as we checked. You can reach me if  
9 you need at my new roommate's number, redacted, her name is,  
10 redacted.

11 The movie brilliant and extremely well timed. You  
12 never cease to be a part of influential and to the heart  
13 stories. Hope some of your genius rubs off than me. My  
14 favorite movie is still this year's Oscar winner August Asage  
15 County, M putting money on it.

16 As always, I am happy to see your smile and looking  
17 forward to sitting down with you and catching up. Be so much  
18 easier if I lived in New York.

19 Q Jessica, you sent this in August of 2013, correct?

20 A Yes.

21 Q Five months after you claimed Mr. Weinstein attacked  
22 you in a New York hotel, correct?

23 A Yes.

24 Q And what you decide to put into this email is the  
25 screening you went to when you say he forced you to stay in New

1 York, correct?

2 A What was that?

3 Q The movie you choose to put in here five months later,  
4 is the movie that you say he forced you to go and see in New  
5 York?

6 A I never said he forced me to go and see it. They  
7 changed my travel. I mean, I went to it after.

8 Q And it's the movie that you went to see the day after  
9 you claim you were assaulted in a New York hotel?

10 A Yes.

11 Q And you go on and on about the movie being brilliant  
12 and extremely well timed, correct?

13 A Yeah.

14 Q Would you consider that email manipulative, Ms. Mann?

15 A I think I could see what you are saying. So there was  
16 an aspect, again, where my flattery and I am going above and  
17 bond, yes.

18 Q You reached out to him, not only do I not have my  
19 phone, here is my roommate's number, correct?

20 A Yes, uh-hum.

21 Q Because I want you to be able to talk to me?

22 A Well, that's not the reason why, but --

23 Q Just so he had it?

24 A There is -- there is a reason behind why my behavior  
25 was like --

1 Q Jessica, you could have emailed him. If he wanted to  
2 get a hold of you, he emailed you all the time, correct?

3 A Yes.

4 Q The emails I am showing you are not the only emails  
5 between the two of you?

6 A That is correct.

7 Q So you thought it was so important to make sure he  
8 also had a phone number to reach you, correct?

9 A There is a reason that I felt it was important. I  
10 needed to be the one to give him that, yes.

11 Q And he responds back, right?

12 A Yes.

13 Q Something like, how come you didn't meet me after  
14 award or something?

15 A Right.

16 Q And did you respond?

17 A I don't remember.

18 Q Did he call you at that number?

19 A I don't know.

20 Q Well, I would assume, and correct me if I am wrong,  
21 that you spoke regularly on the phone and that's why you were  
22 so concerned about him having a phone number?

23 A I don't think we spoke that regularly on the phone.

24 Q But for some reason you wanted to make sure he had a  
25 phone number?

1           A     There is a reason for it, yes.

2           Q     And what is it?

3           A     Well, a lot of dynamic that I had with him, there are  
4 things that happened in society, in my world around that, that  
5 I felt like he was -- always had a way to find me and get a  
6 hold of me or people would say things and be like, Harvey is  
7 looking for you and this and that, so --

8           Q     Who? What people would say --

9           A     Whether it was Talita or sometimes people that I  
10 worked with, you know --

11          Q     Who? Who Jessica? Who that you worked with?

12          A     Well, when I worked at the Peninsula, there is a lot  
13 of people and I had this perception because sometimes I would  
14 be asked about him through other people, like such as Talita or  
15 people I had worked with.

16                 So I am trying to articulate what I felt about how I  
17 perceived my society. And I felt that at least if I was  
18 perceived as not trying to run away from him because I was  
19 denying a lot of hurtful things that were happening to me, that  
20 it was a another buffer.

21                 It's just keeping him happy. Here, see, here is my  
22 number. Everything is okay. Let me worship you again.

23                 Again, the email, I felt safe on email.

24          Q     And you were lying to him?

25          A     About what?

1           The movie was good. I would use truth and then I  
2 would really expound on it. I was kind of scared to lie to him  
3 because I didn't know what he would find out that I lied about.

4           Q     As always I am happy to see your smile and looking  
5 forward to sitting down and catching up, truth or lie?

6           A     I was still avoiding him, so there is a -- that's a  
7 lie.

8           Q     Well, Jessica, you were working at The Peninsula at  
9 this time, right?

10          A     I think so.

11          Q     You are cutting his hair?

12          A     Occasionally.

13          Q     And you are going up to his room to cut his hair?

14          A     Yeah, with every client.

15          Q     And, well, there is a salon there also?

16          A     There is but there are several -- there are many room  
17 calls.

18          Q     Some people come to the salon and some people have you  
19 come upstairs?

20          A     Yes.

21          Q     And you never told the people at the Peninsula, I  
22 would rather cut Harvey's hair down here?

23          A     No.

24          Q     And why on this day, if you remember, were you trying  
25 to get a hold of him?

1           A     I don't remember what triggered that but it's probably  
2 something in my environment.

3           Q     Something that you needed from him?

4           A     No.

5           Q     When you say something in your environment, what do  
6 you mean?

7           A     I don't remember around this timeline. I don't know.

8                   THE COURT: Good time for a break.

9                   MS. ROTUNNO: Sure.

10                   THE COURT: Ms. Mann, if you would be good enough  
11 to step down and you can give the microphone to the  
12 officers and wait in the witness room for further  
13 instructions from the District Attorney.

14                           (Witness is excused.)

15                   THE COURT: All right, jurors. Have a good  
16 lunch.

17                           Please remain mindful of all of my prior  
18 admonitions and instructions during this and any other  
19 recess. Avoid any and all media or press or anything,  
20 whatsoever, to do with the case.

21                           See you back here prior to 2:15.

22                           Thank you very much. Have a good lunch:

23                           COURT OFFICER: Remain seated, please.

24                                   (The jury exited the courtroom and the  
25 following occurred:)

1 THE COURT: Okay. The witness and the jurors  
2 have left.

3 See you at 2:15.

4 MS. ILLUZZI: May we approach before we leave?

5 THE COURT: Yes. Ms. Rotunno.

6 (Discussion held at the bench, off the  
7 record.)

8 (Lunch recess is taken.)

9 (Continued on the next page.)

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1 ( P.M session of February 3, 2020).

2 THE COURT: All parties are present. Jury is  
3 entering.

4 COURT OFFICER: Jury entering.

5 ( Jury enters courtroom).

6 THE CLERK: Case on trial continues, all parties  
7 are present. Do the parties stipulate the jury is present  
8 and properly seated?

9 MS. ILLUZZI: Yes.

10 MR. CHERONIS: Yes.

11 THE COURT: Let's get the witness back. Welcome  
12 back jurors, thank you.

13 COURT OFFICER: Witness entering.

14 ( Witness enters courtroom).

15 THE COURT: All right, welcome back Ms. Mann. I  
16 remind you that you are still under oath and the same rules  
17 apply. Ms. Rotunno.

18 MS. ROTUNNO: Thank you.

19 CROSS EXAMINATION CONTINUED

20 BY MS. ROTUNNO:

21 Q Good afternoon, Ms. Mann.

22 A Hi.

23 Q Ms. Mann, I'm going to draw your attention to August of  
24 2013.

25 Do you remember Harvey reaching out to you telling you

1 that he was having dinner with a friend of his who owns the New  
2 York Knicks and asking if Talita wanted to come and join for  
3 dinner, or if you had another friend?

4 A I do remember that.

5 Q Did you go to that dinner?

6 A I don't have a microphone. I do remember that.

7 Q Did you go to that dinner?

8 A I think that I did.

9 Q And you went to that dinner with Harvey and his  
10 friend. Did you bring a friend with you?

11 A Again, I'm not a hundred percent sure if I went, but I  
12 don't think I brought a friend.

13 Q That dinner was La Dolce Vida in California?

14 A I don't know.

15 Q Had you been to La Dolce Vida with Harvey?

16 A I know I've been to an Italian restaurant.

17 Q I'm going to show you what I am marking as defense KK  
18 for identification.

19 ( Handed to witness).

20 Q Do you recognize that series of e-mails?

21 A Yes.

22 Q Do they truly and accurately depict the conversation  
23 you had with regard to dinner at La Dolce Vida?

24 A Yes.

25 MS. ROTUNNO: I'm asking the identification marks

1           be stricken and KK be moved in evidence.

2                   MS. ILLUZZI: No objection.

3                   THE COURT: KK is received into evidence.

4           Q       In this message, Mr. Weinstein is asking you to meet in  
5 the lobby, then you would go to dinner. His friend Jim is in  
6 town, he's very single, owns the New York Knicks. Does Talita  
7 want to come and join us for dinner or if you have another  
8 friend?

9           A       Yes.

10          Q       You responded saying Talita was out of town in Santa  
11 Barbara?

12          A       Yes.

13          Q       You didn't have to worry about Talita here because she  
14 was not available?

15          A       That is correct.

16          Q       You said I don't know if I met your friend, I will know  
17 in person, as I'm a face person. I was hoping for some time  
18 privately with you to share the direction I'm going in life and  
19 catch up because it has been a while.

20                   Do you have another guest you could invite for your  
21 friend or should I here (sic) meet you another time. That is  
22 probably a typo, correct?

23          A       I don't remember.

24          Q       He says happy to see you, want to see you. I will get  
25 a friend for my friend, spend an hour then you and I will get

1 dessert, ice cream. Looking forward to see you, correct?

2 A Yes.

3 Q You wanted to talk to Harvey privately about the  
4 direction you were going in your life, correct?

5 A Yes.

6 Q That is what you told him, correct?

7 A Yes.

8 Q You set up a date with him, correct?

9 A Set up this dinner or --

10 Q Yes.

11 A Well, he set it up.

12 Q You agreed to go?

13 A I think I went.

14 Q And did you meet with him afterwards?

15 A I don't think so.

16 Q So, you did not get to see each other after, didn't  
17 talk to him about the direction your life was going in?

18 A Well, if it's what I'm remembering, he told me, if it  
19 is correct, that he was tired and that we would have to talk  
20 another time.

21 Q And you would remember a dinner with somebody who owns  
22 the New York Knicks, correct?

23 A I don't really care about basketball, but I think I was  
24 there. I only remember a guy maybe with a goatee, but I do not  
25 remember a girl if there was one or anything like that.

1 Q Then the next time you reached out to Mr. Weinstein, at  
2 least via e-mail, was Tuesday August 27th when you told him  
3 again that you got a new phone number, correct?

4 A If that is the next e-mail that we have, yes.

5 Q Tuesday August 27th. I'll show you what I marked as  
6 Defense LL for identification.

7 MS. ILLUZZI: No objection.

8 ( Handed to witness).

9 Q Do you recognize that e-mail, Ms. Mann?

10 A Um yeah, I guess it is from me.

11 Q You sent that to Mr. Weinstein, and does that truly and  
12 accurately depict what you sent on that date?

13 A Yes.

14 MS. ROTUNNO: I'm asking the identification marks  
15 be stripped and Defense LL be received.

16 MS. ILLUZZI: No objection.

17 THE COURT: LL is received into evidence.

18 Q It says dear Harv, I got a new number. Just wanted you  
19 to have it. Hope you are well. Call me anytime. Always good  
20 to hear your voice, correct?

21 A Yes.

22 Q He tells you that he's going to London, right?

23 A Yes.

24 Q Ms. Mann, again, you are reaching out to Mr. Weinstein  
25 with your phone number, correct?

1 A Yeah.

2 Q Because at the time you wanted him to have it, correct?

3 A I explained why I would give him my number, yes.

4 Q Ms. Mann, you are explaining that because you know when  
5 you look at the e-mails, it makes absolutely no sense to say  
6 what you are telling this jury now, then having to explain why  
7 you would give him your number?

8 MS. ILLUZZI: Objection.

9 Q Correct?

10 MS. ILLUZZI: Objection.

11 THE COURT: Sustained.

12 Q Ms. Mann, you know that when you look at these e-mails,  
13 it is a problem given what you testified to this jury?

14 MS. ILLUZZI: Objection.

15 THE COURT: Sustained.

16 Q Ms. Mann, on September fifth of 2013, you were invited  
17 to a premier on Saturday, September 7th to see Mandela by the  
18 Weinstein Company, correct?

19 A Yes.

20 Q You were also invited to a premier Sunday, September  
21 8th, to see Filomena, correct?

22 A Yes.

23 Q You were invited to go again to see the premier of  
24 August of Osage County on September 9th, correct?

25 A Yes.

1 Q And did you go to any of these?

2 A I don't recall going to any of those.

3 Q These were all out of Los Angeles, would that be fair  
4 to say?

5 A What do you mean by out?

6 Q Not in California?

7 A I don't know.

8 Q They were in Toronto?

9 A I didn't know.

10 Q Did you ever travel to Toronto to go to any event?

11 A No, are you sure they were not in L.A.

12 Q I'll show you.

13 A I believe you, I'm just asking.

14 Q I'm sure there may be some in Los Angeles. You were  
15 specifically invited to Toronto, remember that?

16 A I never noticed it was in Toronto.

17 Q And at the time this is all happening, this is when you  
18 are continuing to interview for jobs as a hairstylist, do you  
19 remember that?

20 A I remember -- are you talking about when I was -- after  
21 the Peninsula or before the Peninsula?

22 Q This is before the Peninsula on September of 2013?

23 A Okay.

24 Q Actually starting as soon as July of 2013 these  
25 conversations started happening, correct?

1           A     Okay.

2           Q     And I asked you about whether or not Harvey reached out  
3     to Frederick Fakai (phon splg) and put you on the e-mail chain?

4                   MS. ILLUZZI:  Objection, asked and answered.

5                   THE COURT:  I'll allow it.

6           Q     Correct?

7           A     Can you restate the question.

8           Q     Harvey was reaching out to Frederick Fakai (phon splg)  
9     on your behalf and you were being cc'd on those e-mails,  
10    correct?

11          A     It was Harvey or an assistant, someone from the  
12    Weinstein Company.

13          Q     Harvey reaches out.  Dear Fred, I have a friend who is  
14    very attractive who is a hairstylist.  If you have a L.A  
15    styling, she would be brilliant, a real knockout and looks like  
16    Natalie Portman.  She's sweet to boot.  Looking to work in L.A  
17    all my best, Harvey?

18          A     Yes.

19          Q     Do you remember responding with somebody Frederick and  
20    going back and forth?

21          A     Yes.

22          Q     I'm going to show you what I'm marking as defense MM.

23                   ( Handed to witness).

24          Q     See those e-mails?

25          A     Yes.



1 Q Do those truly and accurately depict the conversation  
2 you had at that time?

3 A Yes.

4 MS. ILLUZZI: I object to it being marked in  
5 evidence. It is not a prior inconsistent statement.

6 THE COURT: Can I see it.

7 MS. ROTUNNO: It does not have to be.

8 THE COURT: Received into evidence.

9 Q Dear Frederick, I have a friend who is very attractive,  
10 a hair stylist. If you have an L.A stylist, she would be  
11 brilliant, a real knockout, looks like Natalie Portman, sweet to  
12 boot. Looking for work in L.A. He asks for your resume. They  
13 link you in and you send the information that was needed,  
14 correct?

15 A Yeah, but did you show me something else?

16 Q No.

17 A I don't remember this top part.

18 Q It is the same paper.

19 A Okay.

20 Q Then Jessica, did you send Mr. Weinstein a message on  
21 September 12th of 2013 talking about a photographer, a well  
22 known photographer you had seen in Los Angeles and you heard him  
23 saying some things about Harvey?

24 A Yes.

25 Q You reached out to Harvey on September 11, 2013 to let

1 him know about the conversation?

2 A I did.

3 Q He did not reach out to you on that day, correct?

4 A Correct.

5 Q Let me show you what I'm marking as NN.

6 ( Handed to witness).

7 Q Do you remember that e-mail?

8 A Yes.

9 Q Does this e-mail truly and accurately depict the  
10 conversation you had on September 11th of 2013?

11 A Yes.

12 MS. ROTUNNO: I'm asking the identification marks  
13 be stricken and NN be moved into evidence.

14 MS. ILLUZZI: No objection.

15 THE COURT: Okay, that is received into evidence.

16 Q Ms. Mann, can you read what you sent Mr. Weinstein on  
17 September 11th of 2013 to the jury.

18 A I wanted to share something with you I overheard the  
19 other day. A well known photographer I met was talking about  
20 top people in the industry, because he's doing a photo shoot  
21 revolving around that, and your name came up. And the most  
22 beautiful well spoken praise I ever heard came from his lips.

23 He said that you have set the bar with every project in  
24 the industry that says this is now the standard, and that made  
25 me smile because I know that that is true.

1           You mastered story telling and continuously are  
2 outdoing yourself in the competition. You are the bar, miss you  
3 big guy.

4           Q     That is the message you sent to Harvey Weinstein?

5           A     Yes it is.

6           Q     And you sent that to Harvey Weinstein after you  
7 overheard someone speaking about him, correct?

8           A     I remember talking to this guy.

9           Q     And nobody forced you to send this message, right?

10          A     That is correct.

11          Q     You sent it to Harvey and put a bunch of complements in  
12 there?

13          A     Yes.

14          Q     That is how you saw Harvey Weinstein, isn't that right,  
15 on September 11th of 2013, that is exactly the way you felt  
16 about Harvey Weinstein, isn't that right?

17          A     Um, how I felt about him?

18          Q     Yes Jessica.

19          A     Well, there is a back story to my feelings of this, but  
20 I mean again, there is truth in the fact he is a master story  
21 teller, that is true.

22          Q     You wanted him to make sure that he knew how you felt  
23 about what you heard?

24          A     I wanted him to know about this conversation I had with  
25 someone and that I was speaking politely about him.

1 Q Then Jessica, you reached out to Harvey again on  
2 September 14th of 2013, isn't that right?

3 A I guess if there is an e-mail, yes.

4 Q In that e-mail, that was close to your birthday,  
5 correct?

6 A What is the date?

7 Q September 14, 2013?

8 A A couple of weeks yeah, October second.

9 Q Close to Talita's birthday?

10 A Yeah, I think she's end of September, I'm not sure.

11 Q Showing you what I'm marking as defense OO for  
12 identification. You are reaching out to Harvey Weinstein,  
13 correct?

14 A Yes.

15 Q Does that message truly and accurately depict the  
16 message you sent on that day?

17 A Yes.

18 MS. ROTUNNO: I'm asking that the identification  
19 marks be stricken and OO entered into evidence.

20 MS. ILLUZZI: No objection.

21 THE COURT: Received into evidence as OO.

22 Q Read that to the ladies and gentlemen of the jury.

23 A Talita's birthday is this Sunday, and mine is October  
24 second. Will you be in L.A anytime around my birthday, Jess.

25 Q He responded to you tomorrow night late, for the

1 Emmy's?

2 A Yes.

3 Q You knew when you sent this, the Emmy's were in Los  
4 Angeles at that time, correct?

5 A It is possible, I don't know.

6 Q As an actress, you knew where all the parties were as  
7 an aspiring actress, fair to say?

8 A Well no, yes and no. I was not that informed about the  
9 industry. I was learning a lot during this year.

10 Q So, you weren't informed in September of 2013, but at  
11 the time you met Mr. Weinstein at the end of 2012, you were very  
12 serious about your craft?

13 A Sorry.

14 Q I said you weren't very informed on September 14th of  
15 2013, but when you met Mr. Weinstein at the end of 2012, you  
16 were very serious about your craft?

17 MS. ILLUZZI: Objection Judge.

18 THE COURT: Overruled.

19 A I was serious about my craft from even way back when I  
20 was in high school, but I had no education. I didn't even know  
21 you can go to college for acting school because in my culture,  
22 my religion, it was considered evil.

23 MS. ROTUNNO: Objection, nonresponsive.

24 MS. ILLUZZI: Objection to the objection.

25 THE COURT: Answer stands.



1 ( Handed to witness).

2 Q Do you recall that series of e-mails?

3 A Yes.

4 Q Does that e-mail truly and accurately depict the  
5 messages sent back and forth?

6 A It was what was sent.

7 MS. ROTUNNO: I'm asking the identification marks  
8 be stricken, and Defense PP moved into evidence.

9 MS. ILLUZZI: No objection.

10 THE COURT: Received into evidence.

11 Q This is a series of conversations between you and Mr.  
12 Weinstein where you talk about what your schedule is. You will  
13 nanny, maybe you'll reschedule, and talking about where maybe  
14 you could meet, possibly lunch, and he tells you when he's back  
15 in Los Angeles, correct?

16 A Yeah.

17 Q He tells you he's proud of you on top of that e-mail?

18 A Yes.

19 Q Because you are telling him in that series of  
20 conversations what you are trying to do to better yourself,  
21 correct?

22 A Well, I was kind of making excuses why I was busy, but  
23 again, I did not want to lie about what I was doing.

24 Q So you were not nannying?

25 A I was.

1 Q You were busy that night?

2 A Yeah, I have not fully read all this, but yes.

3 Q And you're telling him you are very honored?

4 A Yes.

5 Q At the end you say by the way, I was so happy you saw  
6 me today, very honored, correct?

7 A Yes.

8 Q So, at some point you saw Harvey on Tuesday, October  
9 22nd of 2013?

10 A I guess so, yeah.

11 Q Do you remember where that was?

12 A No.

13 Q Now, there was a lot of testimony on your direct  
14 examination on Friday with regard to what you felt about the  
15 Vampire Academy audition or screening that you did, correct?

16 A Yeah.

17 Q You said that when you saw the breakdown of the part,  
18 what was significant to you and you said it exposed so many  
19 lies, correct?

20 A Yes.

21 Q And you said those lies had to do with the fact you  
22 could never play the character that had the age that you claim  
23 she had, correct?

24 A I have not been able to actually fully answer what I  
25 felt the lies were.



1 Q I'm asking if that is one of them?

2 A About the age, the age thing was suspicious, yes.

3 Q But again, you are the one that contacted the casting  
4 people and told them what part you wanted to read for, correct?

5 A I saw the breakdown. We did reach out and then they  
6 asked, I don't remember them asking me what I wanted to read  
7 for, I think we probably went over that, I saw Mia and read from  
8 Mia.

9 Q I showed you the e-mail where you said I would like --

10 A Yeah, I think we went over that.

11 Q And, you then went to do an audition, correct?

12 A Yes.

13 Q On direct examination you said I suppose we can call it  
14 an audition, right?

15 A I suppose.

16 Q Now, you went and read in front of a camera, correct?

17 A The second time, yeah.

18 Q You had the sides for the audition?

19 A I did.

20 Q And you and Talita both were able to read?

21 A Yes.

22 Q You were recorded?

23 A Yes.

24 Q And you had never been in an audition at the Weinstein  
25 Company before, correct?

1           A     No.

2                         MS. ILLUZZI:  Objection.

3                         THE COURT:  Overruled, the answer stands.

4           Q     And the first time you read on camera at the Weinstein  
5 Company was the time they taped you, correct?

6           A     Yeah.

7           Q     Jessica, you have seen your audition, correct?

8           A     I don't want to see it.

9           Q     You have seen it?

10          A     No I have not.

11          Q     You never seen it?

12          A     No.

13          Q     So you never watched the audio of you or video doing  
14 it?

15          A     No.

16          Q     Do you remember you told the ladies and gentlemen of  
17 the jury that it was unlike any audition, correct?

18          A     Yes.

19          Q     And auditions are done usually in front of a blank wall  
20 or blank curtain or screen, correct?

21          A     I was in a casting office, so that part would be the  
22 only normal aspect of that whole situation.

23          Q     And you went to a casting office that casts parts for a  
24 movie, correct?

25          A     On a weekday when it was closed.

1 Q You don't know what their hours are for whatever  
2 reason. Let the record reflect the witness is shrugging her  
3 shoulders and --

4 A I did not shrug shoulders.

5 Q And giving a look with head tilted.

6 A I'm looking at --

7 MS. ILLUZZI: Objection to this.

8 THE COURT: Elicit an answer, sustained.

9 Q I'm going to mark your audition as Defense Q Q and I'm  
10 going to ask that you watch the audition then we will talk about  
11 what makes it unlike another audition.

12 A I don't need to watch it to know what makes it not like  
13 a regular audition.

14 Q I get to decide that.

15 MS. ILLUZZI: Objection.

16 THE COURT: Sustained, I get to decide it, move  
17 on.

18 MS. ROTUNNO: Can we play the audition?

19 THE COURT: No.

20 Q You said it was not like a regular audition, correct?

21 A Correct.

22 Q You were recorded, correct?

23 A Yes.

24 Q You had sides?

25 A Correct.

1 Q You were able to decide what part you were going to  
2 read for?

3 A That is not normal, normally they tell you what they  
4 want you to read for.

5 Q You were dealing with Harvey Weinstein, correct?

6 A I was dealing with different people in the department  
7 and I guess indirectly Harvey.

8 Q That he sent you to --

9 A Barbara and him overseeing it.

10 Q You never dealt with somebody as big as Harvey  
11 Weinstein when it came to an audition?

12 A Correct.

13 Q Why don't you want to see the audition?

14 MS. ILLUZZI: Objection.

15 THE COURT: Sustained.

16 Q Do you remember what time you went to the audition?

17 A No.

18 Q Ms. Mann, is it possible the reason you did not get the  
19 part is because you just weren't that good?

20 MS. ILLUZZI: Objection.

21 THE COURT: Overruled.

22 A Well, I know it was a horrible audition because of how  
23 I felt for sure.

24 Q That is why you don't want to watch it, correct?

25 MS. ILLUZZI: Objection.

1 THE COURT: Sustained.

2 Q You said on direct examination multiple times that you  
3 were avoiding seeing Harvey Weinstein, correct?

4 A Yes.

5 Q But, Ms. Mann, on multiple occasions you reached out to  
6 him, correct?

7 A On e-mail, yes.

8 Q And you never called him?

9 A I don't even hardly recall barely speaking to him on  
10 the phone. I remember one time I spoke on the phone, there  
11 might have been a few more.

12 Q Send him text messages?

13 A I don't recall that.

14 Q You don't recall any text messages with Harvey?

15 A I think they are in the very beginning when I met him I  
16 sent something that he literally chastised me like crazy for,  
17 and said don't ever send stuff like that.

18 I do not remember what it was or what I did wrong, but  
19 I got in trouble.

20 Q Well, the phone records between you and Mr. Weinstein,  
21 Ms. Mann, don't start until February of 2014, so --

22 A Okay.

23 Q Are you certain you text him in the beginning?

24 A That was, I think that is still in the beginning.

25 Q 2014?

1 A 2014?

2 Q Yes.

3 A Like I said, I remember only texting him once. It felt  
4 like it was in the beginning, so I don't know.

5 Q And you made phone calls to him, correct, and he made  
6 phone calls to you?

7 A I know there is a time I called him.

8 Q And you stated on direct examination when asked if he  
9 ever gave you any money, you said absolutely not, correct?

10 A Yes.

11 Q But he took you to dinners, correct?

12 A Um, he took me to that one dinner at the Peninsula.

13 Q With his friend from the Knicks?

14 A Yeah, I think I went to that one.

15 Q That was not the only two dinners you had with Mr.  
16 Weinstein from 2012 until 2017, correct?

17 A There was the one with Barbara that I remember.

18 Q And there were many others, would that be fair to say?

19 A I cannot think of many others.

20 Q And he helped you get a job, correct?

21 A Again, against my will, but yes.

22 Q Took you to parties, invited you to parties?

23 A I had party invitations.

24 Q And you went to them?

25 A Yes.

1 Q And you wanted to go to them?

2 A There is an aspect that it can still help my career,  
3 yeah.

4 Q So you wanted to go?

5 A I did go.

6 Q Let's get to the point where you tell Mr. Weinstein  
7 that you are in a relationship. And do you remember exactly  
8 when you met Eddie?

9 A No, but it was probably around the same time that I met  
10 Harvey.

11 Q So, you met Eddie in 2012?

12 A Yes, didn't start dating officially until later, but I  
13 don't remember exactly when I met him.

14 Q Well, do you remember if you started dating Eddie  
15 before or after Christmas?

16 A I don't remember.

17 Q Do you remember what the weather was like?

18 A Again, we were, we had chemistry, it was like, just a  
19 dynamic that was not official until later, I was not his  
20 official girlfriend.

21 Q Do you remember how it became official or where you  
22 were?

23 A No.

24 Q So, you sent Harvey an e-mail on November 12, 2013.  
25 I'm marking it as People's, Defendant's R. R.

1 ( Handed to District Attorney).

2 ( Handed to witness).

3 Q Do you recognize that e-mail?

4 A Yes I do.

5 Q What do you recognize that e-mail to be about?

6 A That my heart was hurting.

7 Q And that e-mail was sent, that is an accurate  
8 description of what was sent on that date?

9 A Yes, let me finish reading it.

10 Q Does that truly and accurately depict the contents of  
11 the conversation on that date?

12 A Yes.

13 MS. ROTUNNO: I ask the identification marks be  
14 stricken and R. R moved into evidence.

15 MS. ILLUZZI: No objection.

16 THE COURT: Received into evidence.

17 Q Read that to the ladies and gentlemen of the jury.

18 A My heart is hurting. I don't feel good about being  
19 upstairs while you had to get ready, only because it makes me  
20 feel like I'm in a situation that would be hurtful to my partner  
21 and I know I would not want him in the same situation.

22 I don't want to feel this way because it will make me  
23 push away.

24 I know you wanted to know how serious I am about this  
25 person, excuse me, and I know I fell in love and I want to do



1 right by him.

2 I'm learning how to be a woman and I want to make sure  
3 I make choices that make me feel like I have integrity.

4 I know you have watched me grow in this. You mentioned  
5 it yesterday, that was encouraging. Next time I get to see you,  
6 can we please make time where we can be in a setting I feel I  
7 can best respect the relationship.

8 I want to put all of me in. Thank you for your  
9 unflinching support and kindness. It has helped me believe in  
10 myself.

11 I'm loving these projects you are supporting in film by  
12 the way it will change our consciousness in the word support  
13 quality until these important stories, Jess.

14 Q Harvey says you pick the restaurant, preferably  
15 cheeseburgers, correct?

16 A Yes.

17 Q And you laugh with a LOL and smiley face?

18 A Yes.

19 Q This was before you were able to sit down and have a  
20 conversation with Harvey about your boyfriend, correct?

21 A I don't know.

22 Q And do you remember when you sent this e-mail talking  
23 about how he's watched you grow, he mentioned it yesterday and  
24 that was encouraging?

25 A I mean I remember reading that in the e-mail, yes.

1 Q Do you remember where you were when you saw him when  
2 you mentioned it to him yesterday?

3 A No.

4 Q Do you remember if he was in Los Angeles?

5 A I don't remember if that is when I was at the Peninsula  
6 or I don't know right this moment.

7 Q And you wanted to talk to him about your relationship,  
8 correct?

9 A In this e-mail?

10 Q At some point you said next time I see you I want you  
11 to make time so we can talk about this. Next time I get to see  
12 you, can you please make time where we can be in setting I feel  
13 I can best respect the relationship. I want to put all of me  
14 in.

15 A Yeah, I think I was just, didn't want him to put me in  
16 whatever situations that were bothering me if it were  
17 appropriate.

18 Q He said you pick the restaurant?

19 A He did.

20 Q He did not tell you no, that is not going to happen?

21 A Not in an e-mail he would not.

22 Q He did not tell you that on the phone?

23 A I don't recall having a phone call with him.

24 Q He didn't send a text message?

25 A He would not put anything in writing like that.

1 Q He would only say it to you in person?

2 A He would only say the threatening things to me in  
3 person, yes.

4 Q So, you send this message to Harvey Weinstein telling  
5 him you are in a relationship, correct?

6 A Yeah, I mean I'm mentioning my partner.

7 Q Based on this e-mail, it is pretty clear you already  
8 had a conversation with him about a partner because it was not  
9 like oh, I had to tell you something, it was I don't feel great  
10 about being upstairs while you had to get ready only because it  
11 make me feel like I'm in a situation that would be hurtful to my  
12 partner and I know I would not want him in the same situation.

13 A What was the question?

14 Q That is what you wrote, right?

15 A That is what I wrote.

16 Q What you mean by that is the fact if your boyfriend was  
17 meeting another woman you would not feel good about that,  
18 correct?

19 A I would not feel good about that.

20 Q And you were meeting another man, correct?

21 A Well, I don't, the timeline again, I have to work that  
22 out in my brain, but I know that Eddie knew I was still like  
23 cutting his hair and he had a problem with that.

24 Q We will get to that, I'm only asking about this  
25 e-mail.

1           A     I forgot the question.

2           Q     In this e-mail, when you said I don't feel good about  
3 being upstairs while you had to get ready, so he was clearly  
4 going somewhere without you, would that be fair to say based on  
5 your words?

6           A     Sure.

7           Q     And you didn't like that, right?

8           A     What do you mean I didn't like that?

9           Q     You did not feel good about it?

10          A     I did not want him undressing around me. I did not  
11 feel good about him talking his clothes off around me.

12          Q     You wanted to say to him I don't want you to do that  
13 anymore?

14          A     Yeah.

15          Q     And you realized?

16          A     There was a lot of behaviors I did not want him to do.

17          Q     You realized your boyfriend would not have been  
18 comfortable and vice versa. You would not have been comfortable  
19 if your boyfriend was in this situation?

20          A     True.

21          Q     You were seeing two people at one time?

22          A     Well, I had to be in his hotel room. Again, I do not  
23 remember if this was when I was at the Peninsula, there were  
24 times I was upstairs with him under work hours. So he would do  
25 stuff to me on those work hours like grab me or pull me on his

1 lap and kiss me and that would make me very uncomfortable.

2 Q In the hotel room?

3 A Yes.

4 Q While you were have a consensual relationship you  
5 continued to have?

6 A The salon called me up to cut his hair.

7 Q You would do that?

8 A Yeah, because it was a considered a client of the  
9 salon.

10 Q Jessica, you were more than Harvey Weinstein's  
11 hairstylist, correct?

12 A Yeah, there is a dynamic there, I do not deny that.

13 Q You were going to dinners with him?

14 A I had.

15 Q You were talking to him via e-mail?

16 A Yes.

17 Q Sending him complements?

18 A Yes.

19 Q He was sending you complements back?

20 A He was.

21 Q You were making him believe you cared about him?

22 MS. ILLUZZI: Objection.

23 THE COURT: Overruled.

24 A I did want him to think that I was naive and safe and  
25 not a threat.

1 Q But you are not naive, are you?

2 A I'm observant, I'm not that smart.

3 Q And you wanted Mr. Weinstein -- strike that. You knew  
4 exactly what you were saying to Mr. Weinstein because at the  
5 point that is exactly how you felt, correct?

6 A Repeat the question.

7 Q You knew exactly what you were saying to Mr. Weinstein  
8 in these e-mails because it is exactly what you felt at the  
9 time?

10 A My feelings at the time, okay, to understand what I  
11 say, you have to understand my perspective and my beliefs, that  
12 is not something I have really been able to delve into with  
13 you. I agree, I know what I said on e-mail and I said what I  
14 said, there are reasons for this.

15 Q Ms. Mann, you said that you wanted to be perceived as  
16 naive, correct?

17 A Yes.

18 Q You wanted to be perceived as naive, but you were not  
19 naive, correct?

20 A I don't know how to judge I was not naive versus was.  
21 I didn't go to finish college, what is the measuring stick for  
22 my smartness?

23 Q Let's talk about your conversation with Eddie.

24 A Okay.

25 THE COURT: Juror number three, you cannot talk

1 to the other jurors.

2 THE JUROR: Sorry.

3 Q Do you remember if you spent a Christmas with Eddie?

4 A Yes.

5 Q That would have been Christmas of 2013, correct?

6 A Maybe.

7 Q Well, you broke up sometime later 2014, possibly the  
8 fall, would that be fair to say?

9 A Probably.

10 Q So you saw one holiday with him?

11 A Yes.

12 Q It was after that holiday, that you saw Mr. Weinstein  
13 at the Peninsula, correct?

14 A I don't know.

15 Q Well, let's talk about your e-mails. I'll mark this as  
16 Defense SS. Showing you defense SS for identification.

17 ( Handed to witness).

18 A Yes.

19 Q Does that truly and accurately depict that  
20 conversation?

21 A Yes.

22 Q Ms. Mann, you cut Mr. Weinstein's hair the day that you  
23 claim he violated you in the Peninsula in 2014, correct?

24 A I don't think I claimed that.

25 Q You cut Mr. Weinstein's hair on January 5th of 2014 or

1 possibly January 4th of 2014, is that correct, based on this  
2 e-mail I showed you?

3 A I did give him one really bad haircut once.

4 MS. ROTUNNO: I'm asking, if I did not say it the  
5 identification marks be stricken and this be put up.

6 MS. ILLUZZI: No objection.

7 THE COURT: SS received into evidence.

8 Q Read that message from Harvey and the message from  
9 you.

10 A Dear Jessica, that is the best haircut and trim I've  
11 gotten. I've got a million complements, thank you. All my  
12 best. Harvey, you are the one who makes it look good with your  
13 smile and beautiful eyes, but thank you, that makes me so happy  
14 to hear, Jess.

15 Q Jessica, this is the day you claim Mr. Weinstein raped  
16 you in a hotel?

17 A I never put a date to when I was raped.

18 Q Because it is easier for you not to put a date because  
19 then you have to answer to these things?

20 A That is not true.

21 MS. ILLUZZI: Objection.

22 THE COURT: Overruled.

23 Q Well Jessica, you said in between the e-mail I showed  
24 you from November of 2013 where you tell Harvey you want to have  
25 a respectful relationship, you have no contact with him from



1 that e-mail until this one, are you aware of that?

2 A Okay.

3 Q And then, you don't have any contact with him for a  
4 period of time after except going to parties, would that be fair  
5 to say?

6 A Probably.

7 Q And in February, Mr. Weinstein was asking you if you  
8 are still with the boy?

9 A Yes.

10 Q Showing you defense TT.

11 ( Handed to witness).

12 Q Does this truly and accurately depict the conversation  
13 you had around February 20th of 2014?

14 A Yes.

15 MS. ROTUNNO: I'm asking the identification marks  
16 be stricken and TT moved into evidence.

17 THE COURT: Any objection?

18 MS. ILLUZZI: No objection.

19 THE COURT: TT is received into evidence.

20 Q Read Harvey's e-mail to you in that conversation for  
21 the jury.

22 A Dear Jessica, are you around tomorrow. I'm arriving to  
23 Los Angeles this afternoon, here today and tomorrow. Still with  
24 the boy, ha, ha, smiley face. You know the answer to that.

25 Q Now, Ms. Mann, this is after you claim he assaulted you

1 in the Peninsula Beverly Hills, correct?

2 A Again, I don't know the date, but --

3 Q Well, Ms. Mann, you had the conversation with Harvey  
4 about the fact that you wanted to move on and only see your  
5 boyfriend sexually, correct?

6 A I wanted him to stop doing things to me, yes.

7 Q And he says still with the boy, correct?

8 A Yeah.

9 Q He does not tell you that you have to see him, correct?

10 A Correct.

11 Q He does not tell you, you are going to lose your job at  
12 the Peninsula if you do not come and talk to him, correct?

13 A He didn't tell me that.

14 Q And no one at the Peninsula did either, correct?

15 A Tell me what?

16 Q You were going to lose your job?

17 A Okay, he didn't say a direct threat like that, no.

18 Q Jessica, he never made one direct threat to you in the  
19 five years you knew him?

20 A Yes he did.

21 Q Jessica, you spoke to the detective in Los Angeles and  
22 Detective Alatorre said to you has he ever made any direct  
23 threat to you and your answer was never a direct threat, is that  
24 correct?

25 A Then I am misunderstanding the definition. I took

1 things he said to me as they, I guess a direct threat like I'm  
2 going to kill you, no.

3 Q Jessica, he did not threaten to take anything away from  
4 you, did he?

5 A I would be happy to tell you some things he said for  
6 you to determine.

7 Q What direct threats did he make to you, Jessica?

8 A For example --

9 Q Direct.

10 A He would say okay, we are friends, you want to be my  
11 friend in this town. People who aren't my friend don't do good  
12 in this town. You are my friend, everything is okay, things  
13 like that, vague but still threatening.

14 Q Jessica, Harvey Weinstein is a pretty funny witty guy,  
15 would that be fair to say?

16 A In public, yes.

17 Q When you sit down with him you told the ladies and  
18 gentlemen of this jury he's engaging, correct?

19 A In public, yes.

20 Q You said that he's smart?

21 A He is.

22 Q He's a genius?

23 A He's very smart.

24 Q The guru of Hollywood?

25 A I would say yes.

1 Q Complementary to you?

2 A Yes.

3 Q It is your position, Ms. Mann, he would just flip on a  
4 dime the minute you were alone with him?

5 A When he heard the word no and you can't give him what  
6 he wanted, yes, that is when this monster would come out.

7 Q And you cut his hair in April of 2014, isn't that  
8 right?

9 A I guess so.

10 Q And he sent, you sent him an e-mail saying I heard you  
11 wore a hat all week?

12 A Yes.

13 Q Do you remember that e-mail?

14 A Yes.

15 Q And what did you hear that made you send that e-mail?

16 A The one where the driver said, told me that he wore a  
17 hat.

18 Q The driver is somebody that you spoke to on a regular  
19 basis?

20 A The driver always had his car parked out front at that  
21 Peninsula, if he saw me sometimes he would say hi.

22 Q He would say hi to you because he knew you were friends  
23 with Harvey?

24 A I think he recognized me.

25 Q Sometimes you would be driven in the car with Harvey,

1 correct?

2 A I remember being in the car like two times, but again,  
3 the driver was at where I worked.

4 Q Would the driver take you places if you needed to go  
5 somewhere?

6 A I don't recall other than that drive from the airport.

7 Q Does that e-mail truly and accurately depict the  
8 conversation you had with regard to the hat?

9 A Yes.

10 Q So again, Ms. Mann, you did not ever reach out to Mr.  
11 Weinstein to talk about what you heard, correct?

12 A I didn't have to.

13 Q But you did?

14 A I did.

15 MS. ROTUNNO: I'm asking the identification  
16 marks be stricken on Defense UU and it be entered into  
17 evidence.

18 THE COURT: Any objection?

19 MS. ILLUZZI: No objection.

20 THE COURT: UU is received into evidence.

21 Q We don't have this on the computer. It said I heard  
22 you wore a hat all week smiley face, and he responded back I'm  
23 Farrell, and then sometime in June Harvey reaches out to you and  
24 finds out that you are no longer working at the Peninsula,  
25 correct?

1 A Correct.

2 Q You left the Peninsula?

3 A Yes.

4 Q You had no problem quitting your job?

5 A I needed to quit that job.

6 Q Well, you quit the job because you were offered another  
7 job that paid better, correct?

8 A I was actively seeking a way out from the Peninsula.

9 Q And you left?

10 A Yes.

11 Q You didn't let him know you were leaving?

12 A Correct.

13 Q He was not upset that you left?

14 A I think he was.

15 Q He never communicated that to you, correct?

16 A I don't remember something specific right this moment.

17 Q Well Jessica, the rape that you described that  
18 allegedly took place at the Peninsula happened before you left  
19 the Peninsular Hotel, correct?

20 A I think it did.

21 Q Well, you were working, because you said I was working  
22 so I had to wear professional pants, correct?

23 A Yeah.

24 Q Right?

25 A Yeah, I remember wearing work clothes and pants.

1 Q And you were in work clothes because you were at the  
2 salon going to rooms cutting hair, correct?

3 A I feel like I did work at the Peninsula at that time.

4 Q So, sometime between the letter you sent him in  
5 January, excuse me in April, November of 2013 until the time you  
6 left the Peninsula, which had to be after the Farrell  
7 complement, correct?

8 A What is the question?

9 Q Well, I'm trying to figure out the timeline.

10 A I don't know it.

11 Q Let's try to figure it out with these e-mails. You  
12 received an e-mail on April 14th, that you sent an e-mail April  
13 14th saying I heard you wore a hat all week?

14 A Yes.

15 Q That was because of a haircut he got, correct?

16 A Yes.

17 Q Was that haircut from you or someone else?

18 A Like I said, I know I gave him a really bad haircut  
19 once, so --

20 Q Do you think that was that day?

21 A It could have been.

22 Q If you only gave a bad haircut once, it would make  
23 sense it would be this e-mail you sent?

24 A It could correlate with that, yes.

25 Q So, sometime between April 14th of 2014 and June 19th

1 of 2014 when Harvey said I got to the Peninsula and you are not  
2 here?

3 A Uh huh.

4 Q That you left?

5 A I did leave the Peninsula.

6 Q It would make sense based upon these conversations that  
7 it was sometime between April and June?

8 A No, I'm not claiming that, and I will not attach a  
9 timeline, I really don't know.

10 Q Because it does not help you to attach to a timeline?

11 MS. ILLUZZI: Objection.

12 A It actually would help me.

13 Q Let's go through it.

14 THE COURT: Hold on, sustained, next question.

15 Q You left the Peninsula before June 19, 2014 because  
16 Harvey Weinstein sends you an e-mail on June 19th of 14 saying I  
17 got to the Peninsula and low and behold you weren't there,  
18 what's going on, correct?

19 A Yes.

20 Q You remember responding to that e-mail, right?

21 A I don't know.

22 ( Continued on next page).

23

24

25



1 (Continued from the previous page.)

2 Q Well, I am going to show you what I am marking as  
3 Defense BB for identification.

4 Do you recognize that conversation?

5 A Yes.

6 Q Does that conversation truly and accurately depict the  
7 conversation that you had on that date?

8 A Yes.

9 MS. ROTUNNO: I am going to ask that the  
10 identification mark be stricken and BB be entered into  
11 evidence.

12 MS. ILLUZZI: No objection.

13 THE COURT: BB is received into evidence.

14 Q Jessica, let's look at that email. Maybe it will help  
15 us with the time limit. So on June 19th of 2014, Harvey says,  
16 you are not at the Peninsula. What's going on?

17 And you respond, hello my friend, exclamation point,  
18 exclamation point. I was offered another job that pays better  
19 because someone saw the work and still I had a -- I decided to  
20 take it and to continue making money and to save to build my  
21 dream salon, correct?

22 A Yes.

23 Q So now we are past the dream of being an actress,  
24 correct?

25 A Yeah.

1 Q And at this point you want to build a salon, right?

2 A Well, correction. I still did want to be an actress  
3 but, you know, I was getting -- I was pretty affected by that  
4 audition thing and -- and I still wanted it but I quit talking  
5 about it really with Harvey.

6 Q You were affected by the Vampire Diary audition?

7 A Yes, it was humiliating.

8 Q On June 21st of 2014, he asks you again, are you still  
9 married, correct?

10 A Correct.

11 Q And you responded back, happily with a smiley face,  
12 correct?

13 A Yes.

14 Q And you ask him, were you gone that long from the  
15 Peninsula, correct?

16 A Yes.

17 Q And you say, I been at my new job for almost three  
18 months, correct?

19 A Yep.

20 Q So that would mean that you left the Peninsula some  
21 time in March or April, correct?

22 A I guess so.

23 Q Well, based on your words, I am asking you.

24 A Yes.

25 Q So some time then between November of 2013 when you

1 sent Harvey that email about being upstairs in his room while  
2 he is getting ready to the point where you left the Peninsula  
3 and you cut his hair and gave him a bad haircut, that's when  
4 you are claiming the assault happened at the Peninsula last?

5 A That is not -- I have not made a claim of when that is  
6 and I am serious, I don't know. I have an assumption within a  
7 range that I have talked about.

8 Q Well, Ms. Mann, you claimed it happened at the  
9 beginning of letting Harvey know you were in a relationship.

10 A I remember the conversation in that room that I had  
11 with him. I was telling him that I want his, basically, his  
12 permission to go have another relations even though I had  
13 already started one.

14 Q And he is now talking to you about that relationship?

15 A What do you mean?

16 Q Are you still married?

17 A That why -- that's how he would phrase my being in a  
18 dating relationship.

19 Q Because he knew you were already in one with Eddie?

20 A At that -- at this email?

21 Q Yes.

22 A Yes, I think that would be a fair thing to say.

23 Q And in that email in March he asked you if you were  
24 still married, still with the boy, correct?

25 A Okay.

1 Q And then in July of 2014, in July of 2014, you sent  
2 Harvey another email about your dad, correct?

3 A I don't know the email but I guess so.

4 Q I am showing you what I am marking as Defense WW for  
5 identification.

6 Now, again, Ms. Mann, I will have you look at that.

7 Does that truly and accurately depict the conversation  
8 that you had on that date?

9 A Yes.

10 Q And, Ms. Mann, in that email --

11 MS. ROTUNNO: I will ask that the identification  
12 be stricken and that it be moved into evidence.

13 MS. ILLUZZI: No objection.

14 THE COURT: WW is received into evidence.

15 BY MS. ROTUNNO:

16 Q Jessica, I am going to show you your -- question,  
17 that's your email?

18 That's the one we have loaded.

19 You tell Harvey. I am very behind on responding. My  
20 father's cancer came back and it has just broken my heart. In  
21 between work I have been driving to Vegas. Needless to say,  
22 this has left me exhausted at times, correct?

23 A Yes.

24 Q And you reach out and let him know this, correct?

25 A I was responding to something. I don't know what.

1 Q Something old may be?

2 A Well, I clearly said, hi, I am responding to him. He  
3 reached out some how.

4 Q And he says to you, just know I think of you. My  
5 prayers for your dad. Will be in LA Friday, if you have a  
6 chance, correct?

7 A Yeah.

8 Q He doesn't tell you he wants to hurt your dad, does  
9 he?

10 A Not at that moment.

11 Q He tells you he is praying for your dad, correct?

12 A Yes.

13 Q And then the next day he let's you know that he is in  
14 Los Angeles and you respond.

15 I am going to show you what I am marking as Defense  
16 YY -- Defense XX, excuse me.

17 Do you recognize that email?

18 A Yes, I do.

19 Q Does that truly and accurately depict the conversation  
20 on that day?

21 A Yes.

22 MS. ROTUNNO: I am asking that the identification  
23 marks be stricken and it be moved into evidence.

24 MS. ILLUZZI: No objection.

25 THE COURT: XX is received into evidence.

1 MS. ROTUNNO: Judge, apparently we don't have  
2 this uploaded. If I can use the ELMO.

3 THE COURT: Okay.

4 Q It says, dear Jessica, are you around on any evening?  
5 I am going to be in LA.

6 You say, there is no one else I would enjoy catching  
7 up with that understands me quite like you. I don't get off  
8 work until after seven and come from Santa Monica. I know I  
9 will be hungry. What is your timing? Do you have time for  
10 dinner, correct?

11 A Yes.

12 Q And you are telling him that nobody understands you  
13 quite like him, correct?

14 A I did say that.

15 Q Jessica, explain to the Ladies and Gentlemen of the  
16 Jury what relationship re-invented is?

17 A They were people I found on YouTube. I don't know how  
18 else to explain it.

19 Q And what is it?

20 A Um, it was teaching you how to have a relationship  
21 with yourself, to tell the truth to yourself and own the truth  
22 and be comfortable with the truth and they sort of like coach,  
23 I guess.

24 Q And before we go there, I want to talk to you about  
25 Eddie and I am sorry that I am going back but I want to go back

1 to April of 2014, April and May of 2014.

2 You were dating Eddie at that time, correct?

3 A I am not sure.

4 Q Well, you sent Eddie an email on May 22, 2014?

5 Do you remember a long email you sent Eddie with  
6 regard to Harvey?

7 A Yes.

8 Q And in that email you talk about your relationship  
9 with Harvey, correct?

10 A Yes.

11 Q Because Eddie didn't like Harvey, correct?

12 A Yes.

13 Q And Eddie was upset about your relationship with  
14 Harvey, correct?

15 A Eddie was upset about everything.

16 Q Well, you didn't tell Eddie about the full nature of  
17 your relationship with Harvey, right?

18 A Correct.

19 Q But you would use your relationship with Harvey to  
20 make Eddie upset when things got bad between you and Eddie,  
21 correct?

22 A I don't know how to answer that.

23 Q Would you throw your relationship with Harvey in  
24 Eddie's face?

25 MS. ILLUZZI: Objection to the characterization,

1 Judge.

2 THE COURT: Recharacterize it.

3 Q Sure. Would you use your relationship with Harvey  
4 when you and Eddie were arguing?

5 A I, again, I don't know how to answer that. It's not  
6 quite accurate to the fights that we had.

7 Q Well, before I get to the email from May, you and  
8 Eddie were sending each other text messages in March of 2014,  
9 do you remember those?

10 A I don't remember but I know we did text.

11 Q Well, do you remember Eddie sending you a text message  
12 that says, let's break it down from the beginning. You met  
13 Harvey and asked me if you should date him, in capital letters.

14 Do you remember Eddie sending you that?

15 A Eddie did say that but I did not ask Eddie to date  
16 him. That is an incorrect characterization of the conversation  
17 me and Eddie had.

18 Q That is what Eddie said to you?

19 A That is what Eddie said to me.

20 Q And not to pursue you, correct?

21 That you told Eddie -- you asked Eddie if you should  
22 date Harvey and have Eddie not pursue you, correct?

23 A That's Eddie's text message to me. That's not the  
24 conversation me and Eddie had.

25 Q So Eddie is making this up?



1           A     Eddie would twist things and be verbally, sometimes  
2 abusive, and come at me. So he was, again, twisting a  
3 conversation to hurt me in that, yes.

4           Q     Just like you did every time you sent Harvey an email?

5           A     Are you asking if I was hurting Harvey?

6                     MS. ILLUZZI: Objection.

7           Q     Well, if you weren't being honest --

8           A     Can you restate the question?

9           Q     No, I don't plan to.

10                    And then he says, then photo booth, you didn't exactly  
11 set the stage for a respectful, loving, trusting relationship  
12 Jessica. If you are going to cast a stone, please make sure  
13 you don't live in a motherfucking glass house, is what Eddie  
14 send you?

15          A     Yes.

16          Q     And you responded back, fuck you, right?

17          A     Yes.

18          Q     And you and Eddie had an ongoing argument with regard  
19 to Harvey, correct?

20          A     It was a point of tension.

21          Q     And you never told Eddie that Harvey assaulted you in  
22 a hotel room in New York, correct?

23          A     No.

24          Q     And you never told Eddie that Harvey assaulted you in  
25 a hotel room in California when you told Harvey about this new

1 loving relationship you wanted to enter into?

2 A Right.

3 Q And you never told Eddie when you wanted integrity in  
4 your relationship with him what happened in a hotel room with  
5 Harvey?

6 A Right.

7 Q Actually, Jessica, you continued to accept invitations  
8 from Harvey after you claim you were raped in a hotel room in  
9 Beverly Hills, correct?

10 A Yes.

11 Q And you continued to accept invitations while you were  
12 still dating Eddie, correct?

13 A I remember one event that I went to. I know I turned  
14 down others.

15 Q Which one do you remember going to?

16 A It was The Butler, I believe.

17 Q And then you also went to Oscar parties, correct?

18 A Well, I know one year I didn't. I believe that's when  
19 Eddie was around. I went with Eddie to an Oscar party.

20 Q Well, let's talk about the email that you sent Eddie  
21 in May of 2014. I am going to show you what I am marking as  
22 Defense YY.

23 THE COURT: YY.

24 THE CLERK: YY.

25 Q It's a multiple page email.

1 Do you remember this email?

2 A Yes, I do.

3 Q And does this email truly and accurately depict what  
4 you said to Eddie in May of 2014?

5 A I did send this to Eddie.

6 Q And you reference Harvey multiple times in that email,  
7 is that correct?

8 A Yes.

9 Q And you talk about your relationship with Harvey?

10 A A part of it, not all of it.

11 Q And how Harvey treats you?

12 A A part of it, yes.

13 Q And Jessica, it's easy for you to say today that it is  
14 a part of it because you know that the way you characterized  
15 this in this email is a problem based on the rest of your  
16 testimony, correct?

17 A No.

18 MS. ILLUZZI: Objection, Judge.

19 THE COURT: Sustained.

20 Q How many times did you sit down with the District  
21 Attorneys and go over this email?

22 A I don't know.

23 Q Multiple?

24 A Ma'am, I don't know.

25 Q Did they ask you to explain it?

1 A Probably.

2 Q Multiple times?

3 A Ma'am I, don't know.

4 Q More than once?

5 A I remember that I actually gave this over, so I am the  
6 one that disclosed this.

7 Q We have it too?

8 A But I gave it to you guys.

9 Q No, we have it too.

10 A Okay.

11 Q And you sent that email, right?

12 A I did send this email, yes.

13 Q And never once do you talk about Harvey treating you  
14 poorly, correct?

15 A This was my first step in starting to vocalize things.  
16 So this was as far as I got.

17 Q And Eddie didn't even respond to you, did he?

18 A I don't know.

19 Q Well, I think you told Maxine Rosenthal that Eddie  
20 never even responded or you told relationship reinvented that  
21 Eddie never responded?

22 A Okay.

23 Q Does that email truly and accurately depict what you  
24 sent to Eddie?

25 A That is an email that I sent.

1 MS. ROTUNNO: May I ask that the identification  
2 mark be stricken and it be moved into evidence.

3 THE COURT: Any objection?

4 MS. ILLUZZI: No objection.

5 THE COURT: YY is received into evidence.

6 BY MS. ROTUNNO:

7 Q May I have this put up on the screen.

8 I know it's long. I am going to ask you to read the  
9 entire email.

10 Jessica, I am going to have you start reading this as  
11 long action as it's up on the screen and then I may stop you  
12 and ask you for some clarification points, okay?

13 A Okay.

14 Q And the redacted part is to Eddie, correct?

15 A Yes.

16 Q And go ahead.

17 A Dear Eddie. I feel that I know in my heart what I am  
18 about to share with you will stay -- this is going to be a  
19 little emotional for me -- will stay right here where it is.

20 Q Jessica, would you rather I read it?

21 A No.

22 Q Okay.

23 A I understand if what I say hurts so bad that you seek  
24 counsel. I will trust it is with the right people.

25 However, your response on Whats App has really, really

1 hurt because I had hoped to be met with love and I feel met  
2 with hate. So I reevaluated my reason for letting you into  
3 this part of me. It is you -- it is to love you and not  
4 myself. To let you know the truth of all that I am so that you  
5 will no longer love only parts of me.

6 I would have loved you to be in a place that would  
7 have responded. I am here to listen when you want to share but  
8 I can't control that.

9 I can read it.

10 I have desperately wanted and pushed you to have an  
11 honest relationship with me. Yet all along there have been  
12 parts of myself back -- what I am about to say takes place  
13 around the time when we first met through the ons and offs.

14 I knew by the things you said, what you would accept  
15 in me and what you wouldn't so I lived in fear of rejection.

16 The living in that fear of rejection I found myself  
17 angry. I was angry because of the mistakes I had made in my  
18 life or wounds that I had that I felt judged by them when I  
19 didn't know how to change them.

20 And I could say without knowing who I was at that  
21 time, when I finally broke out of the cycle of relationships  
22 that were controlling, I rebelled against living my life  
23 according to the standards that someone else had set.

24 Those standards you have are actually very in line  
25 with who I am but when we met I had lost so much of myself to

1 controlling relationships, I found myself competing with many  
2 aspects of myself or illusions. The illusion that I had to do  
3 opposite of what you felt so that I wouldn't feel like I was  
4 just living to win your approval.

5 I have said, Eddie can never know X because I would  
6 die if he did because I knew what would happen and that would  
7 mean that you would never talk to me again.

8 There were those around me who said, he never needs to  
9 know. In a way I agreed because sometimes things just don't  
10 matter or a part of the past but what I do know is that knowing  
11 how you would feel about this information during the time I  
12 have known you created a dynamic in me that always felt like  
13 maybe I never knew the truth of your life.

14 I could not see that you were my mirror, instead I  
15 hyper focused on you. My secret and my fear is knowing that a  
16 part of the dynamic I had with Harvey would mean you would  
17 never talk to me again.

18 I had to work through a lot of delusion in that  
19 situation and father issues. I was close enough to him to tell  
20 you that he no longer has a working penis. On the lower half  
21 of his body he had some type of surgery or burn and is lucky to  
22 even have his parts. I never asked what happened. I once  
23 tried to tell you when I lived in Silver Lake and you were  
24 still at Carries at the Porch. I told you how sometimes I felt  
25 hopeless, that I should just be with an old her man because I

1 am a lost cause.

2 Harvey was the one I believed saw past the junk  
3 because my own issues in me found ways to bond in that  
4 situation whether they are true or not.

5 I accepted that my father was that older man who dated  
6 younger than me and I would in turn become that kind of woman  
7 because of my failed relationships.

8 Harvey validated me. He always offered to help me in  
9 ways that my parents didn't. I felt approval to pursue the  
10 industry because he was encouraging. He encouraged me to and  
11 is who he is in it.

12 My parents would never invest in me for that. I  
13 literally left my father's house to escape because I could not  
14 live the life they wanted me to live.

15 I took the last of my money and bought a one-way  
16 ticket and a suitcase and one bag and flew to Burbank Airport.  
17 I arrived with nothing. No home. No direction. I just did it  
18 because that was my breaking point. God provided and a day  
19 later I moved in with Danny in North Hollywood out of the blue  
20 and got a job at Bobby Ball.

21 Nothing in my life fell in to place until I did the  
22 unthinkable and bought that plane ticket. I used to walk five  
23 miles a day to and from work just to live.

24 Harvey was my father's age and he gave me all the  
25 validation I needed. I thought at that time.



1           He offered to give me things. I refused them all. I  
2 never let him buy me things or give me money when he tried. I  
3 did let him change my plane tickets so I could stay an extra  
4 day in New York with Talita when I went to the August Asage  
5 County screening. I really saw him because of scheduling and a  
6 big part of myself avoided him because I didn't yet control the  
7 situation.

8           I think he liked me because in a way he couldn't get  
9 me and I didn't take from him. I didn't have an agenda other  
10 than my own wounds playing out subconsciously.

11           I have since long ago had very clear boundaries with  
12 him. I still had gone to some of the invitations he has sent  
13 me and he has always been very nice to me.

14           I held on because I did feel a sense of friendship  
15 with him and felt like the situation was finally defined. I  
16 grew to know who I was.

17           I did continue to cut his hair once or twice and I  
18 think I had to fight for that with you because I needed to not  
19 feel shame from what I was afraid you would think.

20           I remember the day I realized I was controlling my  
21 world because I was sexually assaulted and that story played  
22 out where I played into sexual dynamics with people to feel  
23 like I would never be taken advantage of again.

24           When that happened I grieved deeply for myself.

25           It was then I looked at the true father wounds that

1 had played out specifically in me with my father and Harvey. I  
2 tried to make him a pseudo father.

3 Q Jessica, I am going stop you there and ask you a  
4 question.

5 This sexual assault you are talking about is from when  
6 you were younger, correct?

7 MS. ILLUZZI: Can she have a break?

8 THE COURT: Ms. Mann, why don't you stay there.  
9 Jurors why do we take a break.

10 Please be mindful of all of my prior admonitions  
11 and instructions during this or any other recess.

12 Ms. Mann, why don't you stay there.

13 COURT OFFICER: Jurors follow me, please.

14 (The jury exited the courtroom and the  
15 following occurred:)

16 THE COURT: Okay, Ms. Mann. Why don't you wait  
17 in the witness room for a little while.

18 SERGEANT: Follow me.

19 (Witness is excused.)

20 THE COURT: Ms. Rotunno, Ms. Illuzzi, can you  
21 step up a moment.

22 MS. ILLUZZI: Yes.

23 (Discussion held at the bench, off the  
24 record.)

25 (The discussion off the record concluded,

1 and the following occurred in open court:)

2 THE COURT: Be back in five minutes?

3 (Short recess is taken.)

4 THE COURT: Let's recall the witness first.

5 Okay.

6 (Witness enters the courtroom.)

7 THE COURT: Why don't you settle in there Ms.

8 Mann.

9 When the jury comes back, I will remind you that  
10 you are still under oath.

11 MS. ILLUZZI: We might want to wait one second  
12 before we call the jury back in.

13 THE COURT: Okay, Ms. Illuzzi, I thought I  
14 said --

15 MS. ILLUZZI: I just want to approach.

16 (Witness is excused.)

17 THE COURT: All right. All sides agree we should  
18 resume tomorrow at 9:30.

19 MS. ILLUZZI: Yes.

20 THE COURT: Jury is entering.

21 COURT OFFICER: Jury entering.

22 (The jury entered the courtroom and the  
23 following occurred:)

24 THE CLERK: Case on trial continued. All parties  
25 are present.

1                   Do the parties stipulate that the jurors are  
2                   present and properly seated? People.

3                   MS. ILLUZZI: Yes.

4                   THE CLERK: Defense.

5                   MS. ROTUNNO: Yes.

6                   PROSPECTIVE JUROR: All right, Jurors. So we  
7                   will recess until tomorrow at 9:30. So see you tomorrow at  
8                   9:30.

9                   Please remain mindful of all of my prior  
10                  admonitions and instructions during this or any other  
11                  recess. Keep an open mind. Do not form an opinion as to  
12                  the guilt or innocence of this defendant.

13                  Do not discuss this case among yourselves or with  
14                  anyone else nor allow anyone to discuss it in your  
15                  presence. And certainly refrain from any and all research  
16                  or communication on the internet or otherwise or  
17                  electronically or social media-wise. Avoid all media  
18                  accounts electronically or otherwise about anything,  
19                  whatsoever, to do with this case.

20                  Have a pleasant afternoon and evening. See you  
21                  tomorrow and we will pick up where we left off.

22                  Thank you.

23                  (The jury exited the courtroom and the  
24                  following occurred:)

25                  THE COURT: All right. So the jury has left.

1 The door is closed.

2 A couple of things, just, there was an attorney  
3 here earlier from the office of Mr. Wigdor regarding a  
4 Motion to Quash a non-party subpoena and just on its face,  
5 the motion to quash is granted because based upon the  
6 grounds listed in one and two that the subpoena fails to  
7 provide reasonable notice to comply, and second, that the  
8 subpoenas are over broad and lacks specificity. I do not  
9 reach any grounds contained in parts three or four.

10 And so, I am instructing at Clerk of this Court  
11 to call Mr. Wigdor's office to tell him that.

12 And that is all I have to say on that matter.

13 Mr. Cheronis.

14 SERGEANT: Judge, can I borrow the ADA real  
15 quick?

16 THE COURT: Can she wait?

17 MS. ILLUZZI: Excuse me, one second.

18 Mr. Cheronis necessary, can you wait?

19 MR. CHERONIS: Yes.

20 (Short recess is taken.)

21 MR. CHERONIS: Your Honor, the only other issues  
22 I wanted to raise in my motion that we discussed this  
23 morning not regarding Ms. Postacchini but regarding Mr.  
24 Wigdor -- excuse me, Ms. Wulff and Ms. Mann, there was a  
25 request, since it's come to light that some of the

1           communications that were made to the state were made by Mr.  
2           Wigdor, we have received some notes from, I believe, a  
3           conversation with Mr. Wigdor but they are redacted.

4                        So what we are requesting is if the state can  
5           make inquiries, first of all, to give us un-redacted notes  
6           that they had with Mr. Wigdor and if there are any  
7           communications Mr. Wigdor and Ms. Busse, I think based upon  
8           where we are in this situation they should make reasonable  
9           inquiry to see if those can be turned over.

10                      MS. ILLUZZI: You are talking about Mr.  
11           Wigdor and Ms. Wulff?

12                      He does not have any relationship --

13                      MR. CHERONIS: Nothing to do with this. It was  
14           something that I included in the motion that I did not  
15           discuss fully. They were redacted portions of Mr. Wigdor's  
16           conversations and if he had conversations with Ms. Busse  
17           and there is many.

18                      MS. ILLUZZI: I have to look at it again.

19                      MR. CHERONIS: All right. Good enough.

20                      THE COURT: But I have the same question.

21                      So you are requesting that the DA try to get from  
22           Mr. Wigdor un-redacted notes?

23                      MR. CHERONIS: Two parts. We have been given  
24           redacted notes. Then I think that based on the posture we  
25           find ourselves because the information was relayed to the

1 DA from Mr. Wigdor regarding Ms. Busse's statement, if he  
2 has anything regarding that we are asking that the People  
3 make a reasonable request to see if that is available.

4 THE COURT: And the status is that Ms. Wulff and  
5 Ms. Busse will be physically present and available for  
6 being called -- being re-called and being called?

7 MS. HAST: You asked us to have Ms. Wulff  
8 available tomorrow. She is planning on being here  
9 tomorrow.

10 And with Ms. Busse we are still working on that,  
11 but with a goal towards your requested date of Thursday.

12 MR. CHERONIS: The problem is there is no point  
13 in having Ms. Wulff here tomorrow. I will try to talk to  
14 Ms. Busse. I think I need to speak with her before I  
15 decide whether I am going to recall Ms. Wulff. So I don't  
16 want to put the cart before the horse.

17 My goal is to speak to Ms. Busse and make that  
18 determination but I am not going to decide whether to put  
19 on Ms. Wulff until I speak to Ms. Busse.

20 THE COURT: Well, coordinate closely with the DA  
21 on that because if she shows up and the DA doesn't have  
22 anybody else, I am going to tell them or tell you, this is  
23 your opportunity, so --

24 MR. CHERONIS: It can't be my opportunity, Judge.

25 THE COURT: I won't compel that to be your

1 opportunity if you coordinate with them, so don't have her  
2 here then tomorrow.

3 MS. ILLUZZI: We can have her here Thursday.

4 THE COURT: That's fine if that is the way it  
5 extrapolates and works out but please coordinate with each  
6 other.

7 Now that you know, Mr. Cheronis, has alerted all  
8 of us to him preferring to call Ms. Busse first.

9 MR. CHERONIS: Or at least to talk to her which I  
10 would have done months ago.

11 THE COURT: If all of that works out the way you  
12 see it working out, that will be, of course, fine.  
13 Otherwise, you know, I mean -- I guess --

14 MR. CHERONIS: The whole issue, Judge, is because  
15 we didn't have this information in a timely manner. So to  
16 put me in a position --

17 THE COURT: No, that's not the whole issue.  
18 That's part of the issue. Some significant part of the  
19 issue is that no one has been able to talk to this Ms.  
20 Busse including the DA.

21 MR. CHERONIS: They did talk to her.

22 THE COURT: Beyond what Ms. Hast has said from  
23 last week.

24 MR. CHERONIS: Sure, but the point is they had  
25 this information in the summer.



1                   THE COURT: My point is if Ms. Busse is  
2 completely unavailable, then you may or may not wish to  
3 call Ms. Mann and I want --

4                   MR. CHERONIS: Wulff.

5                   THE COURT: Ms. Wulff and I want you to have that  
6 opportunity whether it's, you know, with or without Ms.  
7 Busse. So I would prefer it to be the way that you want  
8 it, but it may not be.

9                   MR. CHERONIS: If Ms. Busse is not available, I  
10 will ask again to strike the testimony of Ms. Wulff for  
11 obvious reasons but we are not there yet.

12                   THE COURT: All right. Any other issues?

13                   MS. ILLUZZI: No.

14                   THE COURT: All right. And can you step up so  
15 you can tell me when you think Ms. Mann's testimony is  
16 going to conclude so I can order you to have witnesses here  
17 in a timely manner?

18                   MS. ILLUZZI: You don't have to order me. We  
19 will have witnesses here in the late morning.

20                   THE COURT: We cannot run out of witnesses again,  
21 because at this point -- at this point, I will compel you  
22 to rest.

23                   MS. ILLUZZI: One time I ran out of witnesses.

24                   THE COURT: Two times.

25                   MS. HAST: Two times.

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THE COURT: Three times is out.

All right, see you at 9:30.

Thank you.

(The trial was adjourned to February 4,  
2020, at 9:30 a.m.)