

SUPREME COURT          NEW YORK COUNTY  
TRIAL TERM            PART 99

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THE PEOPLE OF THE STATE OF NEW YORK : INDICTMENT #
                                        : 2335-18
                                        : 2673-19
                                        :
              AGAINST                   : CHARGE
                                        : Pred Sex Asslt
HARVEY WEINSTEIN                      :
                                        :
                                        :
              Defendant                   :
-----x Trial

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100 Centre Street  
New York, New York 10013  
January 31, 2020

B E F O R E:

HONORABLE: JAMES BURKE,  
JUSTICE OF THE SUPREME COURT

APPEARANCES: (Same as previously noted)

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                THE CLERK:   Case on trial continued, all parties
are present.

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THE COURT: We have one juror who will be here in  
a couple of minutes.

So, about the Molineaux charge, if you want to  
step up and look at what I have.

( Conversation held off the record).

1                   THE COURT: Thank you. Jurors are all here, you  
2                   wanted to make an application or state something for the  
3                   record?

4                   MR. CHERONIS: Yes, your Honor. We filed a motion  
5                   early this morning as it pertained to Tarale Wulff and what  
6                   occurred during her testimony, and what we have learned  
7                   happened long before she testified.

8                   As you recall, Ms. Wulff testified to essentially  
9                   two encounters between herself and Mr. Weinstein.

10                  The first alleged encounter at Cipriani sometime  
11                  in 2004 or 2005; or if you take Mr. Ferrigno's testimony  
12                  2006.

13                  The second alleged occurrence, according to Ms.  
14                  Wulff, took place sometime in 2005, although there were  
15                  discrepancies as to that, at Mr. Weinstein's Crosby  
16                  apartment.

17                  Her testimony was essentially limited to those two  
18                  encounters.

19                  During the course of her cross examination, Ms.  
20                  Rotunno asked her questions about how she essentially  
21                  remembered this occurred in 2005 as opposed to 2004, and  
22                  for the first time during cross examination, it was  
23                  revealed she had a conversation with an individual named  
24                  Gloria Buss (phon splg) and that helped trigger her memory  
25                  as to when these events occurred. Ms. Rotunno asked for a

1 sidebar and approached.

2 When she did so, she indicated to the Court we had  
3 never learned or given the name of Gloria or any  
4 information despite the fact before the cross examination  
5 Ms. Rotunno brought this issue up before your Honor.

6 This was the first time we heard of that. And  
7 despite raising this issue, and we asked for an adjournment  
8 which was not granted, and the cross examination continued.

9 The Court inquired of the State as to whether or  
10 not they had this Gloria name and information, and Ms. Hast  
11 replied I just -- we didn't ever provide the name. We  
12 never talked to the person. There was never any notes or  
13 anything with respect to any conversations we had with that  
14 person about the events and the person. There is no  
15 indication the person had any knowledge of the events.

16 The cross examination continued and concluded.  
17 Mr. Ferrigno testified the next day and the Wulff evidence  
18 was closed.

19 Fast forward to yesterday afternoon. Our office  
20 received an e-mail from Ms. Hast. In that e-mail a  
21 different story was told.

22 In that e-mail, it was disclosed to us for the  
23 first time, that in the summer, in an attempt to discuss  
24 this information with Ms. Wulff, to have her more  
25 accurately date the incident, there was a disclosure of she

1           having a conversation with a friend named Gloria.

2                       After that point, Ms. Wulff contacted the District  
3           Attorney's Office, excuse me, Ms. Wulff's attorney  
4           contacted the District Attorney's Office, and when Ms.  
5           Wulff's attorney contacted the D.A's Office, he explained  
6           that he had spoke with Gloria, and that Gloria recalled Ms.  
7           Wulff asking her to come to a meeting she had with Mr.  
8           Weinstein, because she did not want to be alone with him.  
9           And Gloria in fact went with Ms. Wulff to the Mercer lobby  
10          for the meeting. The attorney did not want to give  
11          Gloria's contact information.

12                     The State was in possession of information that a  
13          witness never disclosed was present for a meeting between  
14          Ms. Wulff and Mr. Weinstein.

15                     She was also privied information as to how or why  
16          Ms. Wulff changed her mind as to the time.

17                     To say that is not Brady material, to say that is  
18          not information that should be disclosed to Mr. Weinstein  
19          and his attorneys, that argument cannot be made in good  
20          faith for a number of reasons.

21                     Ms. Wulff's memory was spotted. Ms. Wulff did not  
22          testify to any other interactions between herself and Mr.  
23          Weinstein.

24                     There is an independent witness who could testify  
25          or give information that in fact on some other occasion or

1 on the occasion in question, she was with Ms. Wulff and Mr.  
2 Weinstein. That would undercut, to a large degree, the  
3 credibility of Ms. Wulff who testified that this was two  
4 incidents. No other time was she in the company of Mr.  
5 Weinstein.

6 And in fact, at least if Ms. Buss is to be  
7 believed, there was another incident where Mr. Weinstein  
8 was talking to her at a coffee shop regarding casting.

9 Ms. Hast stated on the record they did not have  
10 any information from this witness. That was not accurate.  
11 There was information.

12 What was accurate is the information was not  
13 turned over. So we are in a position now where Ms. Wulff  
14 already testified, there is relevant information withheld  
15 from us prior to that cross examination, that witness had  
16 information between the relationship of Mr. Weinstein and  
17 Ms. Wulff, that is Brady material, that is Brady material  
18 encompassing impeachment material, so we could not cross  
19 examine Ms. Wulff on the issue whether or not she had this  
20 meeting with Gloria and Mr. Weinstein, because we did not  
21 know about it, and Ms. Buss could offer that information to  
22 us.

23 There is absolutely no reason that information  
24 should have been withheld, no reason whatsoever. It does  
25 not matter Ms. Wulff did not say it directly.

1           Ms. Wulff's lawyer contacted the State and gave  
2           them that information.

3           So, we are in a position now where Ms. Wulff  
4           having testified without the benefit of having what we  
5           believe -- and we don't believe there is a good faith  
6           argument to the contrary, there was discoverable material  
7           that should have been turned over to us.

8           It is a witness to an interaction between Mr.  
9           Weinstein and Ms. Wulff.

10          Ms. Wulff painted a picture of two incidents,  
11          painted a picture of this being the only time she ever met  
12          with Mr. Weinstein regarding a casting situation, when in  
13          fact now we have information the State had in the summer  
14          that at least another occasion Ms. Wulff met with Mr.  
15          Weinstein at the Mercer Hotel with another individual.

16          Based on that, we are asking you to make a finding  
17          this is a discovery violation. This is in fact a Brady  
18          violation, and if you recall in the letter sent to us when  
19          the date change occurred, it appeared to be more of a  
20          scrivener's error as opposed to information they learned  
21          from Mr. Wigdor or this person named Gloria.

22          So, here we are now in a situation where Ms. Wulff  
23          having already testified, this information was withheld  
24          from us. This information was critical. This information  
25          could have led to discoverable material. This information

1           could have led to an interview of Ms. Buss. This  
2           information could have led to a more thorough cross  
3           examination, because Ms. Wulff never said this to the  
4           State, so we had impeachment evidence regarding that.

5                         We are in a situation where Ms. Wulff is done  
6           testifying. Information was withheld from us.

7                         Yesterday for the first time we received  
8           information about Ms. Buss. I was given in connection to  
9           the Witcom system to attempt to call her, too little, too  
10          late, your Honor.

11                        We are requesting initially, based on what we  
12          consider to be a significant Brady violation, the dismissal  
13          of the indictment. Alternatively, we are asking for Ms.  
14          Wulff's testimony to be stricken with an instruction the  
15          reason it was stricken is because the State failed to turn  
16          over relevant material that would have gone to her  
17          credibility during cross examination.

18                        This is a serious issue, this is not a minor  
19          issue. We consider this a significant Brady violation and  
20          requesting the relieve included in our motion.

21                        THE COURT: People.

22                        MS. HAST: Judge, this is simply not a Brady  
23          violation. Nothing in what Ms. Buss said is inconsistent  
24          with what Tarale Wulff said or testified about.

25                        Ms. Wulff never testified there was no other

1 time. She simply said she only recalled two interactions  
2 with the defendant. She testified about those two  
3 interactions.

4 She still has no recollection of the meeting in  
5 the Mercer Hotel, and she didn't testify about it.

6 When asked, she said these are the only two, I  
7 don't have any other recollection as to another incident  
8 with the defendant.

9 The incident isn't inconsistent in any way with  
10 what Tarale describes.

11 Ms. Buss remembers a time she was going to meet  
12 somebody briefly about acting, and it ended up being the  
13 defendant, a very brief meeting and they left to have  
14 lunch. That is not inconsistent with what Ms. Wulff  
15 testified about having had a conversation with the  
16 defendant about acting, him saying she should come to his  
17 offices to read for a script, and her eventually ending up  
18 at the offices and reading for the script and going to his  
19 apartment.

20 So, it certainly is not a Brady violation. And it  
21 is the People's position it is not a discovery violation  
22 either. It is just simply not material.

23 That woman, we never were able to talk to her; she  
24 never returned calls.

25 I remember when this came up yesterday, we started



1 discussing Gloria and getting in touch with her, the  
2 attorney had told me about that was the reason Tarale had  
3 dated it. But really, the focus of that conversation was  
4 Tarale attempted to date it.

5 Since I started talking with Tarale, she had  
6 always been uncertain about whether or not the situation  
7 with the defendant happened in 2004 when she first started  
8 working at Cipriani, or later in 2005 when she initially  
9 started sort of thinking it was more 2005 because she had  
10 remembered when she talked about the incident, she would  
11 talk about that she had, was getting like the good tables  
12 and that seemed to mean she was at Cipriani for longer than  
13 having just started working there.

14 We had asked her to see if there were any other  
15 things she could check, and paperwork or talk to anybody  
16 that worked there to see if she could better date it. That  
17 is when she ended up having the conversation with Gloria,  
18 and her attorney informed me she believed it was 2005 based  
19 on that conversation, and that she had remembered Gloria,  
20 that she was not friends with Gloria when she first started  
21 working in 2005, and she sort of extrapolated because she  
22 was out with Gloria and asked her to go to this meeting.  
23 She therefore said it had been in 2005 because at that time  
24 she was already good friends, friends with Gloria in the  
25 sense she was going out and doing things with her like

1 going to lunch and the castings.

2 It is the People's position it was not something  
3 related to the subject matter of the testimony, and was  
4 therefore not discoverable.

5 And even if the Court finds that it was  
6 discoverable, the Court under 246 point 80 subsection one,  
7 the Court shall impose an appropriate remedy or sanction if  
8 the party entitled disclosure shows it was prejudiced.

9 Here Tarale would testify she didn't remember, she  
10 does not remember another incident in the Mercer Hotel, and  
11 defense can certainly call her on their case and ask her  
12 that.

13 So that certainly does not show any sort of  
14 prejudice. They can call Gloria and have Gloria say I  
15 remember an incident when Tarale was scared to be alone  
16 with defendant, and she brought me with her and I was  
17 really creeped out by the defendant if they so choose to  
18 have Gloria come in and testify.

19 MR. CHERONIS: Your Honor, Ms. Hast in her letter  
20 explained she received a text message from Gloria on the  
21 27th. I believe Ms. Wulff testified on the 29th.

22 So, as of the 27th, Ms. Hast was in possession of  
23 a text message from Gloria saying she was willing to talk  
24 to Ms. Hast.

25 At that time, Ms. Hast had the information as to

1 what Gloria knew, because she had been told by Mr. Wigdor.

2 For the State to say unilaterally they do not  
3 believe this is material is respectfully laughable. And  
4 the reason it is laughable is because we have now another  
5 meeting between one of the complaining witnesses and Mr.  
6 Weinstein.

7 Was that meeting after the alleged sexual  
8 assault? Was it before the alleged sexual assault? How is  
9 that not relevant. How can the State unilaterally decide  
10 not to turn that over because they do not think it  
11 matters.

12 It does matter. It matters because Ms. Wulff spun  
13 a story of two meetings with Mr. Weinstein.

14 If it turns out the second meeting was another  
15 casting meeting after the alleged incident, do you think  
16 that might go to her credibility? Do you think that is  
17 something the jury may want to know? And the fact she does  
18 not remember it does not matter.

19 There is an independent witness who did remember  
20 it. There is an independent witness who put her with Mr.  
21 Weinstein at a time other than the allegations.

22 There is no argument, there is no good faith basis  
23 for saying this is not relevant material and Brady. It is  
24 all of those things.

25 And the fact Ms. Hast got a text message from Ms.

1 Buss two days before Ms. Wulff testified and did not  
2 disclose it to us at that point, what is the answer for  
3 that? There is no answer.

4 She had that information, she had the contact  
5 information. She knew Ms. Wulff's friend Gloria had  
6 information about contact with Mr. Weinstein because  
7 Mr. Wigdor gave that to them months ago, months ago, and  
8 that was not turned over to us.

9 So, what they are really saying is not that it  
10 does not matter, but that because it could affect the  
11 credibility of Ms. Wulff, we don't think it matters. And  
12 that is not what the Brady decision talks about.

13 It talks about Mr. Weinstein having a right to  
14 defend himself, to get potential exculpatory or impeaching  
15 information. And it is not the State's decision as to what  
16 is Brady material.

17 In a situation like this when it is absolutely  
18 clear that a complaining witness who said she had two  
19 interactions with Mr. Weinstein, there is now a third  
20 interaction, a third interaction she may or may not  
21 remember, and Ms. Rotunno could have cross examined her on  
22 that and could have said didn't you go to another meeting  
23 with Mr. Weinstein? Didn't you meet with him for another  
24 quote unquote casting decision? If she denied it, we could  
25 have called Gloria, but we were robbed of that right

1           because the prosecutors believed it was not important  
2           enough to turn over that information.

3                         That is what happened, lets not distill it, water  
4           it down. This is not a little issue, this is a big issue  
5           and it begs the question what else don't we have?

6                         It begs the question when I asked for Miriam  
7           Haley's unredacted calendar, they said there was not  
8           anything relevant in there. It begs the question when we  
9           asked for fully unredacted versions of Ms. Mann's  
10          psychiatric records, they said never you mind, there is not  
11          enough in there, nothing in there you can use.

12                        It is not their decision, and this is a striking  
13          example of the State unilaterally deciding what they are  
14          going to turn over, and they did it after the witness  
15          testified your Honor. It is a discovery violation, it is  
16          relevant information, it is Brady material.

17                        THE COURT: All right, so the defense motion for a  
18          mistrial to strike the testimony is denied.

19                        The Court renews its direction from Wednesday to  
20          the District Attorney to make certain Ms. Wulff is  
21          available to be recalled on their direct case for defense  
22          counsel, if they want to be in a position to continue their  
23          cross examination and or to call her on their case if that  
24          is something they want to do.

25                        And please defense, let the District Attorney know

1 by say lunch break on Monday whether that is an option you  
2 wish to a available yourself. Jury is entering.

3 MS. ILLUZZI: We have another issue.

4 MR. CHERONIS: Number one, I would like them to  
5 make Ms. Buss available, they can do that, they spoke to  
6 her. Two, I would like the Court to make a ruling whether  
7 or not this was a Brady violation or discovery violation.

8 THE COURT: I'm not making that ruling.

9 MS. HAST: Judge, Ms. Buss does not live in New  
10 York State. I put her phone number into Witcom, defense  
11 can reach out to her through that application. That was at  
12 her request, she does not wish to have her phone number  
13 provided, but she did agree to have her phone number put  
14 into the Witcom application so defense can contact her if  
15 they so choose.

16 But she does not live in New York State, we do not  
17 have power over her with respect to whether or not they  
18 subpoena her.

19 MR. CHERONIS: What do we do?

20 THE COURT: We can discuss that later.

21 MS. ILLUZZI: I have something to put on the  
22 record with regard to Ms. Mann.

23 THE COURT: Quickly.

24 MS. ILLUZZI: Judge, we have questioned Ms. Mann  
25 on any psychotropic medications she may have been on or is

1 on.

2 She's on absolutely no medication. She said in  
3 the aftermath of going to the hospital with regards to  
4 this, she was prescribed Xanax, she took a half pill or she  
5 took one or two pills at that time and has not taken any  
6 psychotropic medication after that. We have questioned  
7 her.

8 THE COURT: Therefore, what is your --

9 MS. ILLUZZI: Can I continue Judge?

10 THE COURT: Can you start off at the end, where  
11 are you going?

12 MS. ILLUZZI: I want to say we made an effort to  
13 discuss with Ms. Mann any other psychiatric treatment she  
14 got, and she has briefly gone to physical therapy with  
15 regards to how to calm her body down when in a moment of  
16 trauma and she --

17 THE COURT: Why are you telling me this?

18 MS. ILLUZZI: I'm doing it for the record, because  
19 I want to make a record about this.

20 And then we handed over to the Court and to  
21 counsel all of the records we have for Ms. Mann with regard  
22 to Mt. Sinai and NYU.

23 Ms. Mann thinks she may have Googled another  
24 trauma therapist but never spoke to her about what happened  
25 with the defendant.

1                   And she also took antidepressant pills for three  
2                   days in her past. So I just want to put that on the  
3                   record.

4                   Furthermore, I want to say we did give those  
5                   records to the Court in both the unredacted and redacted  
6                   version.

7                   I think the Court unredacted a sentence or two.  
8                   We have given that to defense.

9                   With regard to Ms. Haley's calendar, we gave the  
10                  complete unredacted calendar to the defense expert with  
11                  regards to their handwriting analysis and ink dating  
12                  analysis, but said if they wanted, defense wanted to look  
13                  at entries beyond the entries that we thought were  
14                  admissible we would give them to the Court and let them  
15                  decide what is admissible or not.

16                  MR. CHERONIS: To briefly respond to that, your  
17                  Honor. First, regarding Ms. Mann, she should be giving us  
18                  in advance, not making an offer of proof before Ms. Mann is  
19                  testifying.

20                  Two, we are objecting to all that being elicited  
21                  on testimony, and including her self diagnosis, any  
22                  diagnosis she may have received from a medical professional  
23                  or chased history. All that stuff we raised time and  
24                  again.

25                  Again, this is a situation where if they have this



1 information and they obviously think it goes to her  
2 credibility, now is not the time to say in open court what  
3 they should have said a long time ago.

4 Now is not the time to make a speech about the  
5 background and the medication she was on before she is  
6 about to testify.

7 There are rules, you disclose this stuff in a  
8 timely fashion, not in a speech before the Court before the  
9 witness is going to hit the stand. That is not how things  
10 are done.

11 THE COURT: I'll hear you on that.

12 MS. ILLUZZI: Okay, I don't know what there is to  
13 report.

14 THE COURT: Everything you just said is news to  
15 the defense?

16 MS. ILLUZZI: There is nothing, what I'm reporting  
17 to them we --

18 THE COURT: You sure went on for a while if that  
19 is nothing.

20 MS. ILLUZZI: We want to say she's not under any  
21 psychotropic medication. We want people to know she's not  
22 on any psychotropic medication, and she at one point in her  
23 life briefly took Xanax or antidepressants.

24 With regards to what happened with her and the  
25 defendant between relationship reinvented, Mt. Sinai, NYU

1 we turned over.

2 THE COURT: Jury is entering.

3 COURT OFFICER: Jury entering.

4 ( Jury enters courtroom).

5 THE CLERK: Do the parties stipulate the jury is  
6 present and properly seated?

7 MS. ILLUZZI: Yes.

8 MR. AIDALA: So stipulated.

9 THE COURT: Welcome back jurors. People, call  
10 your next witness.

11 MS. ILLUZZI: Yes, the People call Jessica Mann.

12 COURT OFFICER: Witness entering.

13 ( Witness enters courtroom and is sworn in).

14 COURT OFFICER: In a loud clear voice, give your  
15 full name.

16 A Jessica Laney Mann, M. A. N. N.

17 MS. ROTUNNO: I cannot hear.

18 COURT OFFICER: County of residence.

19 A Orange County.

20 THE COURT: All right, good morning Ms. Mann.  
21 Please listen carefully to the questions from the ADA and  
22 answer her questions to the best of your ability.

23 Please answer them loudly, clearly, and slowly.  
24 Give full and complete responses to all questions, but try  
25 not to volunteer information that goes beyond her specific

1           questioned area.

2                       On cross examination it is perfectly likely Ms.  
3           Rotunno will ask you questions also. If and when she  
4           chooses to do so, give to her the same courtesy you're  
5           about to give the District Attorney.

6                       And if you are comfortable responding to either  
7           attorney's questions directly to the jury itself, you may  
8           do that, otherwise just respond to whomever is asking you  
9           questions at any given time.

10                      And if and when you are asked to handle any  
11           exhibits or any items in evidence, you may do so at the  
12           request from either attorney without further permission  
13           from the Court.

14                      Okay, we are going to give you a hand held  
15           microphone and we will push the other microphone out of the  
16           way.

17                      All right, why don't you tap that a couple of  
18           time. So you will have to hold that up and speak right  
19           into it. If that becomes problematic, we will try the  
20           other one. Please inquire.

21           DIRECT EXAMINATION

22           BY MS. ILLUZZI:

23           Q       Good morning Ms. Mann. Can you tell the jury where you  
24           were born and raised?

25           A       I'm a little nervous.

1 Q It is okay, take your time. Take a deep breath, if you  
2 need a break we will take a break.

3 A I was born in Innova, Washington it is a small town  
4 like a dairy farm area, very rural on the plateau of a mountain.

5 Q Was it a densely populated situation?

6 A No.

7 Q Was it vastly different than New York City or even L.A  
8 county in California?

9 A Yes, by far.

10 Q How was it different?

11 A It is a very small town, everyone knows everyone. It  
12 was, I mean a lot of cows, it smells like poop when you go in  
13 there. It is not a lot of culture, so pretty, I was not  
14 isolated, but it is a small town.

15 Q How old are you now?

16 A 34.

17 Q And what jobs have you had and what jobs do you have  
18 now?

19 A Um, well, you know, growing up I worked at McDonalds.  
20 I was a waitress on and off. My whole life and childhood I was  
21 acting. I was on a traveling drama team, doing theater, also  
22 went to hair school, so I became a licensed cosmetologist, and I  
23 would do hair to sort of support myself to do my art.

24 Q Can you describe your childhood to the jury?

25 MS. ROTUNNO: Objection.

1 THE COURT: Sustained.

2 Q Who did you live with growing up?

3 MS. ROTUNNO: Objection.

4 THE COURT: Overruled.

5 A Um well, that varies. My parents divorced when I was  
6 four, so I moved in with my grandparents.

7 MS. ROTUNNO: Objection.

8 THE COURT: Overruled.

9 A Then I left home and I lived with another woman for the  
10 beginning of my 20's, she's like family.

11 Q When your parents were divorced, who did you live with  
12 at four then up until you moved out?

13 MS. ROTUNNO: Objection, relevance.

14 THE COURT: Overruled.

15 A My mother moved us in with my grandparents and she did  
16 remarry to my stepfather. They were together like 10 years and  
17 I had probably two stepfathers and several like stepmoms slash  
18 fiances through my father. It would vary. Divorce was big in  
19 my family.

20 Q Do you have very religious upbringing?

21 MS. ROTUNNO: Objection.

22 THE COURT: Overruled, briefly.

23 A I would describe it how I grew up line in a cult, it  
24 was extremely religious Pentecostal Evangelicalism.

25 MS. ROTUNNO: Objection Judge.

1 THE COURT: Overruled, move on.

2 Q What age were you when you moved out of your family  
3 home, that being your mom and stepdad?

4 A Right after I graduated high school.

5 Q Where did you go then?

6 A I did move in with my grandma, then after I finished  
7 beauty school I left.

8 Q Was your acting career very monetarily successful?

9 MS. ROTUNNO: Objection to leading.

10 THE COURT: Overruled.

11 A At that time, I was not making money. I'm --

12 THE COURT: Hold on, next question.

13 Q At some point, did you move out of the Washington area  
14 and at some point in your life move to Los Angeles, California?

15 A Yes, I moved to L.A when I was 25.

16 Q And what year was that, do you recall?

17 A No.

18 Q Why did you move to California.

19 A Well, it is the place you go to be an actress, and I  
20 always wanted to be there to pursue acting.

21 Q When you got to California, where did you live and who  
22 did you live with?

23 A When I first went there, I found miraculously a  
24 roommate in North Hollywood. Then I dated a guy and was living  
25 in Laguna Beach. Then after getting out of that relationship, I

1 moved back to, well, I was sort of homeless a little bit, then I  
2 was living in West Hollywood.

3 Q During the time when you were homeless --

4 MS. ROTUNNO: Objection relevant.

5 Q Were you living in your vehicle?

6 THE COURT: Sustained.

7 Q At some point Ms. Mann, did you have to actually live  
8 in your car?

9 MS. ROTUNNO: Objection.

10 THE COURT: Overruled.

11 A Yes, I did.

12 Q Once you were in L.A, the L.A area, did you get to go  
13 on auditions at all?

14 A Yeah, I had worked my way up to securing management and  
15 an agent which is very important to continue to get better  
16 auditions and to be taken seriously. So that was a big  
17 accomplishment for me.

18 Q In addition to auditions, did you get to go so some  
19 Hollywood parties?

20 A Yes.

21 Q At some point, did you meet a young woman named Talita?

22 A I met her on a movie we did together.

23 Q What movie was that?

24 A Caveman.

25 Q Was that in the L.A area?

1           A     Yes.

2           Q     Were you getting a lot of acting jobs at that point in  
3 your life?

4           A     That is sort of subjective to me. I would say my, I  
5 had a great booking ratio compared to the auditions I was  
6 getting, and a great call back ratio.

7                     But it also necessarily wouldn't be as high as someone  
8 who had more momentum in the industry.

9           Q     And was it lucrative, were you able to then afford a  
10 better apartment and other --

11                     MS. ROTUNNO: Objection, leading.

12          Q     And other staples of life?

13                     THE COURT: Overruled.

14          A     No, it does not pay much, that is why I had to work  
15 several jobs at the same time.

16          Q     At some point, did you meet a man named Harvey  
17 Weinstein?

18          A     Yes I did.

19          Q     I'm going to ask you to look around the courtroom and  
20 tell us if you see him here today with the Court's permission.

21          A     He's sitting right there in the gray suit.

22                     MS. ILLUZZI: With your Honor's permission,  
23 indicating defendant.

24                     THE COURT: Very well, next question.

25          Q     Can you tell the jury where you recall meeting Mr.



1 Weinstein?

2 A I was told the party I --

3 MS. ROTUNNO: Objection.

4 A Was going to in the Hollywood Hills --

5 MS. ROTUNNO: Objection.

6 A Michael Lambert's engagement party.

7 THE COURT: I'll allow it.

8 Q So you went to a party in Hollywood Hills?

9 A Yes.

10 Q Do you recall approximately when that was?

11 A My guess is between the end of 2012 and beginning of  
12 2013.

13 Q Who did you go with?

14 A Talita.

15 Q Can you explain to the jury how it was you came to meet  
16 Mr. Weinstein at that party?

17 A So, I had sort of split up from my friend, and I was  
18 outside. I was -- actually well, I was outside, and I seen her  
19 talking to this old man. And he sort of stood out because he  
20 was like in a tux, he looked really jolly, he could not, his  
21 coat, he was not able to button it. He looked very different.

22 And so, when I saw Talita, I went up to them and I said  
23 who's this guy, you know.

24 Q Continue.

25 A He goes oh, do you know who I am. And I said no. He

1 goes I'm Harvey Weinstein. And I go okay, like -- and he  
2 realized I didn't get it.

3 And Talita was there, and she is squeezing my arm, oh  
4 she's like she knows who you are. No I don't. It turned into  
5 this back and forth. She was trying to cover for me to be like  
6 shut up, shut up.

7 MS. ROTUNNO: Objection.

8 THE COURT: Overruled.

9 A And so then, he told me well, I produce x, y, and z  
10 movies.

11 MS. ROTUNNO: Objection.

12 A He said Shakespear In Love and other things that won  
13 Oscars. He was giving me all his credentials. And then I was  
14 honestly kind of over it.

15 MS. ROTUNNO: Objection, narrative.

16 A And left.

17 THE COURT: Overruled.

18 Q At that first meeting, did you exchange any information  
19 with the defendant?

20 A The first moment I talked to him I did not.

21 Q At some point towards the end of the party, did you see  
22 Mr. Weinstein again?

23 A Yes.

24 Q Can you explain to the jury what happened at that time?

25 A So then, the night was probably dwindling down. I was

1 looking for my friend, and he caught me outside coming. And he  
2 was coming from inside the house through the sliding doors, and  
3 he stopped me and he said oh, I want to talk to you, come with  
4 me.

5 So he started to pull me around to the side of the  
6 house by myself. I was looking around, why is this happening.  
7 But he said it's not good for me or you if anyone sees us  
8 talking; which threw me off.

9 And he goes, talks to me about my looks, I like how you  
10 look, I'm very interested in you as an actress, and I want to  
11 follow up with you.

12 And I asked about my friend Talita, you know. He goes  
13 don't say anything to her, but no, I'm not interested in her. I  
14 felt a little guilty because she was the first one that was  
15 talking to him, and he took my number and he just said he would  
16 follow up with me.

17 Q Did there come a point in time shortly after that party  
18 that you did hear from the defendant?

19 A I'm sorry, I spaced out, what was that?

20 Q Did there come a point in time shortly after the party,  
21 that you did hear from the defendant?

22 A Yes.

23 Q Can you tell the jury what happened at that time?

24 A I don't remember who exactly at the company followed up  
25 with me, but someone reached out and Harvey wanted to take me to

1 Book Soup.

2 Q What is Book Soup?

3 A Book Soup is a book store, it is like a niche little  
4 book store on Sunset Boulevard. He knew I liked to read and he  
5 had told me it is important for me to understand film history if  
6 I want to be an actress. He wanted to recommend and get me some  
7 books on the film industry.

8 Q Did you meet him at Book Soup?

9 A I did meet him at Book Soup and I brought two friends.

10 Q Did they go into Book Soup with you or not?

11 A So, Harvey was late and we sort of made this plan where  
12 I would act like I was by myself, but they would be hanging  
13 around in the book store.

14 I didn't know if it was appropriate for me to bring a  
15 friend, so I did not want to acknowledge I brought friends.

16 They were in the book store for a period of time. I  
17 don't know what point they went back outside to their car.

18 Harvey bought me four books, I only remember two of  
19 them. One was on Alfred Hitchcock, another called Tortaf  
20 (phon), I don't know, starts with a T, and Harvey wanted to walk  
21 me to my car.

22 I did not tell him I driven with my friends, so I kind  
23 of panicked. I text them to bump into me so they ran into us.  
24 I introduced them to Harvey, oh my gosh, oh, how ironic we meet  
25 my friends here. They do music, then Harvey he basically said

1     goodbye to me, then I left with my friends.

2           Q     Ms. Mann, how were you feeling about meeting Harvey  
3     Weinstein in this visit to Book Soup?

4           A     Well, it made sense from the perspective of the guru of  
5     Hollywood is telling me the history I need to know to be a  
6     better actress.

7           Q     Were you happy and excited?

8           A     Yes I was. This was like the biggest, when I met  
9     Harvey, I had given up a lot to be in Hollywood, and even it was  
10    a big fight between me and my dad.

11                   MS. ROTUNNO:  Objection Judge.

12                   THE COURT:  Overruled.

13           A     And with my religious background and everything I  
14    thought God was blessing me.

15                   MS. ROTUNNO:  Objection.

16                   MR. CHERONIS:  Objection.

17           A     For having met him.

18                   MS. ROTUNNO:  Objection.

19                   THE COURT:  Overruled.

20           A     Committing to myself, committing to my dreams, so I  
21    thought it was a blessing.

22           Q     Ms. Mann, I'm going to show you a photograph which we  
23    have previously marked for identification purposes, marked as  
24    People's Exhibit Number Eight.

25                   THE COURT:  Eight?

1 MS. ILLUZZI: Eight.

2 ( Handed to witness).

3 Q Ms. Mann, do you recognize that photograph?

4 A That is me.

5 Q Does that fairly and accurately depict how you looked  
6 at the time you met Mr. Weinstein?

7 A This was my actual head shot from that time.

8 Q Before we show it to the jury, we have to ask the  
9 Judge's permission. If I show you something, we have to wait  
10 for the Judge to okay before we show it to anybody.

11 A Okay.

12 MS. ILLUZZI: With that being said Judge, we are  
13 asking for People's Exhibit Number Eight to be marked into  
14 evidence.

15 THE COURT: Any objection?

16 MS. ROTUNNO: No objection.

17 THE COURT: People's Eight is received into  
18 evidence. Next question.

19 MS. ILLUZZI: I'm going to put it up on the  
20 screen.

21 Q You said that was a head shot, Ms. Mann?

22 A Correct.

23 Q That was taken around the time that you met Mr.  
24 Weinstein?

25 A Yeah, that was taken in L.A when I moved there.

1           Q     Now, I have another photograph which has been  
2 previously marked in evidence as People's Exhibit Number 86. Do  
3 you recognize the man in the jacket in that photograph?

4           A     Yes.

5                     ( Continued on next page ).

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1 (Continued from the previous page.)

2 (Time noted: 10:30 a.m.)

3 Q Who is that?

4 A That is Harvey.

5 Q And does that fairly and accurately represent how Mr.  
6 Weinstein looked in 2013 when you met him?

7 A Yes.

8 Q I ask it to be shown --

9 THE COURT: I have 86 as being July of 2016  
10 coming in --

11 MS. ILLUZZI: We have this marked as 86, Judge,  
12 but we will check.

13 THE COURT: From Tuesday, January 28th?

14 MS. ILLUZZI: Yes.

15 THE CLERK: Eighty-six was in a bundle of four  
16 photographs; 86 through 89 were put in together.

17 MS. HAST: Do we have the date wrong on that?

18 MS. ILLUZZI: We believe that the date on that  
19 one, Judge, should be 2006.

20 THE COURT: This is a different photo?

21 MS. ILLUZZI: So this is 86 and we believe it was  
22 put in.

23 THE COURT: All right, step up.

24 (Discussion held at the bench, off the  
25 record.)



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

3                   THE COURT: All right. My mistake. Thank you.

4 BY MS. ILLUZZI:

5           Q       So we are going to ask to display, number 86 at this  
6 time.

7                   Does that fairly and accurately portray how Mr.  
8 Weinstein looked when you met him in 2013?

9           A       Yes.

10          Q       Ms. Mann, can you do me a favor, would you just sit  
11 forward just a little bit?

12                   Thank you. You can pull your chair up and make sure  
13 you speak into the microphone so everyone can hear you, okay.

14                   In 2013, when you met the defendant, approximately,  
15 how much did you weigh?

16          A       105.

17          Q       How tall are you?

18          A       Five four, three-fourths.

19          Q       Now, I have three photos -- four photos -- we have  
20 three photographs which we have previously marked for  
21 identification as People's Exhibit Number 105, 107 and 108 and  
22 we are going to hand it to the witness.

23                   Okay. Do you recognize those three photographs?

24          A       Yes.

25          Q       Looking at People's Exhibit Number 105 first, so the

1 numbers are on the back of the photo. Just look at this one.

2 What is that a photograph of, 105?

3 A Um, it's it looks like the inside of Book Soup that I,  
4 you know, it's a but bunch of books.

5 Q Let me show you a different photograph if I can have  
6 that pile back.

7 Let me show you People's Exhibit 108.

8 Do you recognize that?

9 A Yes.

10 Q And what do you recognize it to be?

11 A That's the store, the book store that I went to.

12 Q Does that fairly and accurately represent this store  
13 called, Book Soup, that you went to with the defendant in the  
14 interaction you just described for us?

15 A Well, I can't see the street but the sign is the logo  
16 of Book Soup that I went to.

17 Q Do you recognize that logo?

18 A Yes.

19 MS. ILLUZZI: I ask that that be marked in  
20 evidence as People's Exhibit Number 108.

21 THE COURT: Any objection?

22 MS. ROTUNNO: No.

23 THE COURT: Okay. Received into evidence.

24 Next question.

25

1 BY MS. ILLUZZI:

2 Q What was the defendant's mannerism and demeanor  
3 towards you when he met you at Book Soup, can you explain to  
4 the jury?

5 MS. ROTUNNO: Objection.

6 THE COURT: Overruled.

7 THE WITNESS: Most of it I would say was very  
8 normal and he was very engaging.

9 There were very few moments where he made like a  
10 grunting sound and he would look at me but I didn't know if  
11 it was like a personality or, I hate to say, an almost  
12 autistic type trait but it was a little confusing.

13 MR. CHERONIS: Objection. Objection.

14 THE COURT: Overruled.

15 THE WITNESS: Everything else, he was extremely  
16 passionate about film and the books.

17 Q Was he very nice to you?

18 A Yes.

19 MS. ROTUNNO: Leading.

20 THE COURT: Overruled.

21 Q At that time, Ms. Mann, did you feel any romantic or  
22 physical attraction to the defendant?

23 A No.

24 Q Shortly after that meeting, were you contacted by the  
25 defendant again?

1           A     Yes.

2           Q     And did there come a point in time where you went to  
3 dinner with him?

4           A     Yes.

5           Q     And did you go to -- in that dinner, was it just you  
6 and the defendant or was it you and the defendant and a third  
7 person?

8           A     It was me, Harvey and Barbara showed up.

9           Q     And who is Barbara, do you know?

10          A     I believe she is his like, right hand person or  
11 executive-type assistant, something like that.

12          Q     Do you remember Barbara's last name?

13          A     Schneeweiss.

14          Q     Do you remember where that dinner was?

15          A     I know it was an Italian restaurant. I thought maybe  
16 it was Dan Tana's. I am not a hundred percent sure on that.

17          Q     Do you recall how it was that the defendant or Barbara  
18 Schneeweiss contacted you to go to that dinner?

19          A     I think at the book store he had started talking about  
20 planning it because the whole purpose was he wanted me to get  
21 plugged into --

22                   MS. ROTUNNO:  Objection.

23                   THE COURT:  Overruled.

24                   THE WITNESS:  He wanted to plug me into what I --  
25           I don't know what to call -- his system or his team.

1                   He wanted them to know who I was, my credits. A  
2                   very, from my perspective, extremely professional like, the  
3                   momentum is going, you know, you guys are interested in me  
4                   for real, so --

5           Q       Ms. Mann, had you provided the defendant with a reel  
6           of your acting at this point?

7           A       I don't think I had a reel at that point. I have  
8           always had clips. I have had head shots and I had, probably,  
9           some links to stuff I had done.

10          Q       Did the defendant -- did you give the defendant,  
11          provide to the defendant, any illustrations of your acting  
12          ability?

13          A       I did not act for him.

14                   Yeah, I gave my credits and I gave my representation  
15          information. They knew my manager, who my agent was, all of  
16          that information.

17          Q       Did he see you act before that point?

18          A       Not in person, no.

19          Q       You indicated that you gave him the information about  
20          a manager and an agent.

21                   Could you explain to the jury what you mean by that?

22          A       So an agent represents you and so does a manager.  
23          They each sort of do a different type of role.

24                   I would say an agent takes any where from 10 to 20  
25          percent of any bookings or jobs that you receive. They try to

1 promote you to the casting directors. They have the  
2 relationship with casting directors.

3 The manager, very similar. They very often try to  
4 negotiate better pay for you. They can help with more of a  
5 range of things, so --

6 Q And you had that professional help at the time you met  
7 Mr. Weinstein?

8 A Yes, that was before. I had secured that before I met  
9 him.

10 Q After that dinner -- withdrawn.

11 Was there anything other than professional discussion  
12 at that dinner, if you recall?

13 A No.

14 Q After that dinner, did the defendant contact you  
15 again?

16 A Yes.

17 Q Do you remember if he contacted you directly or  
18 through an assistant?

19 A I don't remember.

20 Q Did there come a point in time when he asked you to  
21 meet him at the Peninsula Hotel?

22 A That is correct.

23 Q Again, Ms. Mann, do you remember exactly when this  
24 was?

25 A No.

1 Q Can you tell the jury what happened when you met him  
2 at the Peninsula Hotel?

3 A So The Peninsula dinner, um, I assumed it was very  
4 similar.

5 MS. ROTUNNO: Objection to what she assumed.

6 THE COURT: Sustained.

7 Q Well, without telling us what you assumed going in  
8 there, let me ask you a different question.

9 Did you have any reason to believe that this meeting  
10 that he proposed at the Peninsula was going to be anything  
11 other than a professional meeting as well?

12 A No, everything was extremely professionally directed  
13 as far as my engagements with him up until that point.

14 Q So was that your expectation going to the Peninsula?

15 A Yes.

16 Q Can you tell the jury what happened at that time?

17 A It started pretty normal. He was extremely interested  
18 in who I was. He --

19 MS. ROTUNNO: Objection.

20 MR. CHERONIS: Objection. Objection.

21 Speculation.

22 THE COURT: Overruled?

23 THE WITNESS: He asked me many questions. He  
24 wanted to know about my family. He wanted to know if my  
25 parents were divorced. He wanted to know how much money my

1 father made. He wanted to know if I had a good  
2 relationship with my parents.

3 He asked me things about how I grew up. He asked  
4 me a lot of just, personal questions, like that, you know.

5 And um, I was excited to tell him about who I  
6 was. Some of it seemed really strange to me. I didn't  
7 know why he was curious how much money my family made.

8 I told him, no, we are very poor. You know, I  
9 grew up in a trailer park and stuff like that.

10 MS. ROTUNNO: Objection, Judge.

11 THE COURT: Overruled.

12 THE WITNESS: And people were recognizing him at  
13 the table.

14 And at one point like a gentleman came up to us  
15 and he got very upset at that. He tried to just like get  
16 him to go away and this guy was like, oh, my God. I love  
17 your movies and all of this stuff.

18 MS. ROTUNNO: Objection.

19 THE COURT: Overruled.

20 BY MS. ILLUZZI:

21 Q Ms. Mann, I am just going to stop you for a moment  
22 because you are using the pronoun, he, a lot. So to be clear,  
23 instead of saying, he, you could say the defendant or the  
24 defendant's name if you wish in describing to the jury what  
25 happened.



1           I am going to ask you to take just a short step back  
2 to the point where you are at the dinner and you say somebody  
3 approaches the table. So instead of the pronoun, if you can  
4 say the person or Mr. Weinstein.

5           A     Some gentleman I don't know approached our table,  
6 complimenting him for his films.

7           Q     Complimenting who?

8           A     Sorry. Complimenting Harvey for his films and his  
9 work which irritated Harvey. I noticed that.

10           MS. ROTUNNO: Objection.

11           THE WITNESS: And I thought --

12           MS. ROTUNNO: Objection.

13           THE COURT: Overruled.

14           THE WITNESS: I thought it was -- as a celebrity  
15 I imagine you get bombarded all the time so I felt sorry  
16 for him for that.

17                     At some point, he was done asking me questions  
18 and it was like a flurry.

19                     He yelled for a waiter and he said, we are going  
20 upstairs, we are taking the food upstairs and it was pretty  
21 soon after this guy had come up -- some person in the  
22 restaurant had come up to our table.

23                     So I thought he was trying to get away from all  
24 of the attention that we were gathering and he said, take  
25 the food up to the hotel room and I was a little stunned.

1                   I could tell you that I didn't want to go up  
2                   there but I also felt like I was helping him get away from  
3                   all of this public attention that was clearly distressing  
4                   him in my mind.

5                   And I really didn't have a reason to sense  
6                   anything bad was coming but it was odd. It was odd, you  
7                   know.

8 BY MS. ILLUZZI:

9           Q       Did you go to a different place then?

10          A       Yeah. So like the staff like, you know, brought  
11          everything upstairs and Harvey told me to follow him and so I  
12          followed him into a suite.

13          Q       Is this the Peninsula in Los Angeles?

14          A       Yes.

15          Q       When you get up to the suite, what happens?

16          A       He was not interested in finishing our food. I was  
17          hungry.

18                   He started to like undress himself a little bit, you  
19          know. I thought maybe he was just getting comfortable but it  
20          continued and he walked in to his bedroom and he wanted me to  
21          go in there and I was hesitating.

22                   And he said, let me give you a massage. Take off your  
23          shirt. I want to give you a massage, just relax.

24                   And I was like, no, it's okay. I don't want a  
25          massage. And this went on for a good moment.

1           And he made me feel stupid like why did I think it was  
2 such a big deal. And he said, if you are not going to let me  
3 give you a massage, give me a massage.

4           At that point, he had his shirt off and he had lotion  
5 and so I started putting the lotion on his back and not like,  
6 ahhh, but awkwardly, you know.

7           Q     You are doing hand motions and we have to make a  
8 record of the hand motions.

9           Let me ask the question first, when you say you went  
10 into the bedroom, the defendant had his shirt off, is that  
11 correct?

12          A     Uh-hum.

13          Q     Was he still wearing his pants?

14          A     Yes.

15          Q     So the only thing that was exposed was his shirt?

16          A     Yes.

17          Q     And now, you said that he had lotion and after you  
18 went back and forth you put lotion on his back, is that  
19 correct?

20          A     Yes, that's correct.

21                   MS. ROTUNNO: Objection to the leading. If she  
22 wants her to go back over the time she can go back over it  
23 herself.

24                   THE COURT: Sustained.

25

1 BY MS. ILLUZZI:

2 Q Ms. Mann, then take us to the point, please, where you  
3 said how it was that you then touched the defendant, in what  
4 manner you touched the defendant?

5 A With a flat palm, stiff fingers and smeared it around.

6 Q At this time though, what was the defendant's physical  
7 position?

8 Was he sitting, standing? Can you describe that for  
9 us?

10 A He was laying on his stomach on the mattress.

11 Q Did you unclothe yourself at all?

12 A I did not.

13 Q Can you describe to the jury the sensation of this  
14 rubbing this lotion on the defendant's back?

15 MS. ROTUNNO: Objection.

16 THE COURT: Overruled.

17 THE WITNESS: Um, he has a lot of -- a lot, of  
18 black heads.

19 MS. ROTUNNO: Objection. Nonresponsive.

20 THE COURT: Overruled.

21 THE WITNESS: And the texture of that was  
22 uncomfortable, you know.

23 BY MS. ILLUZZI:

24 Q At this time, Ms. Mann, were you either physically or  
25 romantically interested in the defendant?

1           A     If he would give me a compliment or something like  
2     that, you know, I was um --

3                     THE COURT:   Hold on a second.

4                     Ask the question again.

5                     Listen very carefully to the questions being  
6     asked.  Answer the questions being asked and don't go  
7     beyond the specific question area and wait for the next  
8     question, okay.

9                     Next question.

10    BY MS. ILLUZZI:

11           Q     At that time, Ms. Mann, were you either romantically  
12    or physically attracted to the defendant?

13           A     No.

14           Q     How was the defendant's affect and demeanor towards  
15    you at that time?

16           A     He was not direct with me about what he wanted but he  
17    was making --

18                     MS. ROTUNNO:  Objection.

19                     MR. CHERONIS:  Objection.

20                     THE WITNESS:  He was making implications and I  
21    responded.

22                     MS. ROTUNNO:  Objection.

23                     MR. CHERONIS:  Objection.

24                     THE COURT:  Sustained.  Next question.

25

1 BY MS. ILLUZZI:

2 Q Can you describe the tone of the conversation between  
3 you and the defendant at the time this occurred in that hotel  
4 room?

5 A Manipulative.

6 MR. CHERONIS: Objection.

7 MS. ROTUNNO: Objection.

8 THE COURT: Overruled.

9 Q How was it manipulative?

10 MS. ROTUNNO: Objection.

11 THE COURT: Overruled.

12 THE WITNESS: I was saying I wasn't comfortable  
13 and I didn't want something. And he was making me feel  
14 stupid like I was making a big deal over nothing.

15 Q How long did it last, that process where you were  
16 rubbing lotion on his back?

17 A I don't know.

18 Q Was it two minutes, ten minutes.

19 MS. ROTUNNO: Objection.

20 Q Was it less than ten minutes? Was it more than two  
21 minutes, if you recall?

22 THE COURT: Sustained. Ask that a different way.

23 Q Approximately, how long did this procedure go on or  
24 this incident go on?

25 MS. ROTUNNO: Objection. Asked and answered.

1 She said, I don't know.

2 THE COURT: Overruled.

3 THE WITNESS: I mean, five to ten minutes would  
4 be my guess of the amount of time.

5 MS. ROTUNNO: Objection to her guess, Judge.

6 THE COURT: Overruled.

7 BY MS. ILLUZZI:

8 Q What happened after that?

9 A Well, I left.

10 Q Do you recall how it was that you -- that you left?

11 Was there any conversation or words about it or what  
12 that conversation was?

13 A Well, I did express that I am not sexual or  
14 comfortable with stuff like this with someone I don't know.

15 MS. ROTUNNO: Objection.

16 THE COURT: Overruled.

17 Q At the restaurant before this happened, had you had  
18 anything alcohol to drink, if you remember?

19 A At the Italian restaurant?

20 Q No, no, no. At the restaurant at the Peninsula.

21 A Yes, a glass of wine.

22 Q Did you drink any more than that?

23 A No.

24 Q How about the defendant, did he?

25 A I don't think I have ever seen him drink.

1 Q During that incident, did you see any other part of  
2 his body aside from his back?

3 A No.

4 Q If you recall, when was the next time that you -- if  
5 you recall, seeing or being with the defendant?

6 A He wanted to see me again. I think they were asking  
7 me about giving him a haircut. He wanted a haircut and I had a  
8 lot of questions.

9 MS. ROTUNNO: Objection.

10 THE COURT: Overruled.

11 THE WITNESS: I had a lot of questions. I was  
12 like, where do I give him a haircut?

13 Who is going to be there?

14 Is there a salon we will be at?

15 It was very clear that I was obviously not  
16 wanting to go back to the same --

17 MS. ROTUNNO: Objection.

18 THE COURT: Sustained as to the last part.

19 Next yes.

20 BY MS. ILLUZZI:

21 Q You can't say what was clear to anybody else.

22 A Okay.

23 Q What did you articulate about the circumstances of  
24 giving him a haircut? What did you voice?

25 MS. ROTUNNO: Objection. Foundation. Objection



1 to from.

2 THE COURT: Sustained.

3 Q Who was it that was asking you to give the defendant a  
4 haircut?

5 A I don't remember.

6 Q Did you -- do you recall whether or not at any point  
7 the defendant during this period of time asked you directly for  
8 a haircut?

9 MS. ROTUNNO: Objection. What period of time?

10 THE COURT: Sustained.

11 Q Well, Ms. Mann, after The Peninsula incident, when you  
12 have a recollection about a haircut, can you tell the jury  
13 anything you recall about the circumstances regarding a request  
14 for a haircut?

15 MR. CHERONIS: Objection.

16 THE COURT: Sustained.

17 Q Did you give the defendant a haircut the first time?

18 A I did not.

19 Q Ms. Mann, at this point, were you invited to any other  
20 parties or events by the defendant?

21 A So I did meet him but it wasn't for a haircut and he  
22 took me to -- we got tea or coffee some where in Beverly Hills.  
23 And that's when he said, well, I want you to come to these  
24 parties, the awards stuff. I am going to send you these  
25 invitations.

1           He asked me if I heard of a designer called Marchesa.  
2    I am not sure.

3           I said, no, I hadn't. He offered me a dress there  
4    which I did not go get one.

5           And then I received invitations to the events.

6           Q    Do you remember, approximately, how long it was from  
7    the time you first met the Defendant to the time when you  
8    started receiving invitations to parties?

9           A    I do not but I felt a lot of it was very pretty close  
10   together.

11          Q    Days, weeks, months?

12                   MS. ROTUNNO:  Objection; asked and answered.

13                   THE COURT:  Overruled.

14                   THE WITNESS:  Within -- within that month in time  
15   frame.

16   BY MS. ILLUZZI:

17          Q    Was there an event that you went to with --  
18   accompanied by Talita that you were invited to by the  
19   defendant?

20          A    Yes.

21          Q    And do you recall where that was, what hotel that was?

22          A    I think it was possibly at the Mandelin Hotel on  
23   Sunset.

24          Q    Did there come a point in time after that party that  
25   you saw the defendant?

1 A Yes.

2 Q And what hotel was that at?

3 MS. ROTUNNO: Objection. Leading.

4 THE COURT: Sustained.

5 Q Where was that, if you recall?

6 A He wanted to meet for drinks at the Montage.

7 Q And who did he invite to come for drinks at the  
8 Montage?

9 A Me and Talita.

10 Q Did you and Talita go to the Montage?

11 A I did not want to. Talita did and we did.

12 MS. ROTUNNO: Objection.

13 Do we have a foundation here?

14 THE COURT: Overruled.

15 Q Where did you go in the Montage at this point in time,  
16 if you recall?

17 A There is a -- there is two bars. We went to the  
18 bigger area first.

19 Q Where in the Montage was that, if you recall? Was it  
20 on the first floor, second floor?

21 A I believe it's on the first floor.

22 Q What did you do there?

23 A Well, he wanted to talk to us about acting again and  
24 there is a lot of conversation in this part.

25 It started with him saying I reminded him of his wife

1 because I was clumsy and his wife is clumsy. And he told a  
2 story of how she like tripped when they first met.

3 He told me I look like -- he told me I am prettier  
4 than Natalie Portman.

5 And then he gave us both critiques on our images.  
6 Mine was my skin, I needed to clear my skin up if I was going  
7 to have a camera that close. He told Talita she needed to lose  
8 weight.

9 And then he said, you guys are perfect for this film I  
10 am producing. It's a vampire film and you would both make  
11 perfect leads.

12 Q Did he indicate anything else about where he wanted to  
13 go next?

14 A So that -- it was really late. We met him after the  
15 party and the bar was closing at this hotel. So we moved to  
16 the small one where he wanted us -- he ordered us one more  
17 drink and hung out there for a little bit.

18 And then that bar was closing and he said, listen  
19 girls, why don't you take your time, finish your drinks, let's  
20 go upstairs. I have the scripts. I will give you the scripts  
21 and, you know, just take your time finishing your drink.

22 And I left and I said, oh, ha, ha. Oh, no. I know  
23 what that means.

24 And then he laughed at me and he said, oh, ha, ha. I  
25 am a harmless old man and then I got embarrassed because, you

1 know, he made fun of me.

2 And he was like, come on girls. I am tired. It's  
3 been a long night. You have nothing to worry about.

4 So me and Talita kind of looked at each other and we  
5 were like, well. I didn't think with my friend there it would  
6 be anything bad.

7 MS. ROTUNNO: Objection.

8 THE COURT: Overruled.

9 Q Did you go up to his suite?

10 A Yes, we did.

11 Q You had said that you had -- that you were drinking at  
12 some point. I assume that's alcoholic beverages, isn't that  
13 correct?

14 A That's correct.

15 Q Were you drunk?

16 A Absolutely not.

17 Q In your presence, did Talita look like she had had a  
18 lot to drink or was drunk?

19 A No. Any party that I have really gone to that is  
20 professional --

21 MS. ROTUNNO: Objection.

22 THE COURT: Hold on. Hold on.

23 Next question.

24 Q What is, generally, your drinking habits?

25 MS. ROTUNNO: Objection.

1 THE COURT: Sustained.

2 Q Did you drink alcoholic beverages at the party prior  
3 to this event at the Montage?

4 A I am sure, maybe, you know, one or two but they served  
5 dinner several hours over time.

6 MS. ROTUNNO: Objection.

7 THE COURT: Overruled.

8 Q So take us back to the point where you indicate that  
9 you and Talita go up to the defendant's suite.  
10 Tell us what happened next?

11 A So we go upstairs and he starts sort of pacing around  
12 the room and undoing his, you know, outfit.

13 And um, we are sort of waiting for what we think we  
14 are going to get, information about this project. And I am --  
15 we are both sitting on a couch and Harvey walks back into his  
16 room --

17 Q I am going to stop you there for one moment Ms. Mann.  
18 Can you, generally, describe the room to the jury?

19 A Yeah, I mean, there is a couch. Its like kind of like  
20 a suite like maybe a one-bedroom apartment feel.

21 There is a living room and then a separate bedroom.

22 Q I am going to ask you to -- take you back then when  
23 you said that he started taking or undressing his outfit.

24 Can you describe what he was doing in terms of his own  
25 clothing?

1           A     Well, kind of looked like he was just getting  
2 comfortable, you know, like you had been in formal wear, you  
3 are just taking your layers off. And then he went into the  
4 back room. So I didn't see that much of -- it wasn't -- wasn't  
5 like I was seeing him get naked in front of me at that point.

6           Q     And what happened next?

7           A     He came to the door frame of the room.

8           Q     Of what room?

9           A     Okay. First, backtrack. First, he yelled at me from  
10 inside of the bedroom and I didn't see him and he called my  
11 name.

12                     He came to the door frame that was from his bed to the  
13 living room door frame and he stood in that door frame and he  
14 called me again, Jessica, come hear.

15                     And I looked at Talita and I said, what does he want?

16                     And she says, I don't know.

17                     MS. ROTUNNO: Objection, Judge.

18                     THE COURT: Overruled.

19                     THE WITNESS: And I said, I don't know what he  
20 wants.

21                     She said, well you better just find out. Like I  
22 don't know.

23                     So I timidly walked up to the door frame and I  
24 lean in and I said, what do you want?

25                     And then he grabs my arm and he pulls me around

1           and as he is pulling me around he closes the door.

2                       And he said to Talita, we will just be a minute  
3           and then he closes the door.

4           Q     What door?

5           A     The bedroom door.

6           Q     When you said he grabbed your arm, can you describe  
7           that to the jury?

8                       Do you remember what arm, the force?

9           A     So, right here, if you grab your elbow.

10          Q     Indicating right above her elbow area.

11          A     There is two pressure points right there. So it was  
12          very tender and it hurt. And that's sort of where he had me  
13          locked, right there.

14          Q     And when you say, he closed the door, was it with the  
15          same hand or a different hand?

16          A     Sort of like that. Like this was the door and this  
17          was pulling me.

18                       MS. ILLUZZI: So with Your Honor's permission,  
19          Ms. Mann is indicating with one arm like a pulling towards  
20          herself and with the other arm a motion away.

21          Q     So is that the motion away where he shut the door?

22                       MS. ROTUNNO: She indicated with her right hand  
23          the pull and the left hand the push.

24                       THE COURT: Okay. Next question.

25



1 BY MS. ILLUZZI:

2 Q What happened then?

3 A As he was closing the door and, um, he then had me by  
4 both arms and he came at me and he was pushing me back and  
5 trying to kiss me like crazy.

6 And I was like, whoa, whoa, whoa, whoa. I told you I  
7 am not sexual. I don't -- I don't know you, all of this stuff,  
8 like trying to just calm it down.

9 And in that process he had pushed me sort of back  
10 towards the bathroom and um, we got in this sort of tussle back  
11 and forth. And I was able to sort of turn around so that his  
12 back was to the wall and I was able to, hopefully, go up to the  
13 door.

14 Q I am going to stop you there for a second.

15 Did you make it into the bathroom or was it happening  
16 just outside of the bathroom?

17 A I was not in the bathroom. This was outside of it.

18 Q Was that bathroom off of the bedroom that you are  
19 describing to us?

20 A I am sorry. What?

21 Q Was the bathroom door inside of the bedroom?

22 A It -- it -- I don't -- I didn't really pay attention  
23 to that, so I don't -- I just know the bathroom was there.

24 Q But did he or you open the bedroom door again to be  
25 near the bathroom or was the bedroom door shut?

1           A     The bedroom door was shut this whole time. He pulled  
2 me in, was pushing me back and I sort of, in the motion of  
3 getting pushed back into the room, had been able to turn my  
4 body to go. And then he still had me by one arm and he wasn't  
5 letting go.

6                     And that's when he really tightened his grip and the  
7 more I fought the angrier he got. And then his anger scared me  
8 so I tried to calm him down and tried to like, joke, you know.

9                     And then, um, he calmed down a little bit but he was  
10 still like, you are going to let me do something for you. I am  
11 not letting you leave until I do something for you.

12                    I said what? What do you want to do?

13                    He wouldn't tell me and um, then he told me to sit on  
14 the bed and then that's when he went down on me.

15            Q     Okay. I am going to take you back for a moment when  
16 you said the Defendant was getting angry at you.

17                    How was he expressing that anger?

18            A     It was very like high, low, high, low.

19                    He started manipulating me, like, well, you accepted  
20 my invitation to these parties.

21                    MS. ROTUNNO: Objection.

22                    THE COURT: Sustained.

23                    THE WITNESS: To these parties and --

24            Q     What was he saying?

25            A     He was saying, you accepted these invitations to my

1 party. A lot of like stuff like that and then the -- you are  
2 not leaving until I do something for you.

3 Q And what was the tone of his voice during this time?

4 A At first he would try to be persuasive and smile about  
5 it. When I would pull away more, he was said like, no, you are  
6 not, like, no type of stuff.

7 I don't remember exactly what he said but the tone  
8 would shift from anger that I felt to this trying to negotiate  
9 with me.

10 Q Now, at the point where you are on the bed, he tells  
11 you to sit on the bed, what position are you in, initially?

12 A When? Say that again?

13 Q So at the point where he tells you to sit on the bed,  
14 what position is your body in, initially?

15 A Sitting upright on the bed.

16 Q And then what happens?

17 A Well, he -- he went down on me.

18 Q And so, it is a little uncomfortable.

19 When you say he went down on you, can you tell the  
20 jury exactly what you meant?

21 A His he put his mouth on my vagina, um --

22 THE COURT: Next question.

23 Q Ms. Mann --

24 A Yes.

25 Q -- do you recall what you were wearing at that time?

1           A     A dress.

2           Q     And do you recall what, if anything, happened to --  
3 what, if any, were your undergarments?

4           A     I just wear underwear.

5           Q     Do you remember what happened to the underwear?

6           A     Well, he pulled them down.

7           Q     And that's before he put his mouth on your vagina?

8                     You have to answer.

9           A     Yes.

10          Q     What are you doing as this is going on?

11          A     I kind of locked up and got really quiet. So much  
12 time had happened and I was really anxious about Talita being  
13 out there by herself and I -- I started to fake an orgasm to  
14 get out of it.

15          Q     And did you do that? Did you fake an orgasm to get  
16 out of it?

17          A     Yes.

18          Q     And what happened at that point?

19          A     He asked me how it was, if I liked it?

20                     And I was nervous so I told him it was the best I ever  
21 had.

22          Q     At this moment in time, Ms. Mann, were you physically  
23 or sexually attracted to the defendant?

24          A     No.

25          Q     Did he disrobe at all during this event?

1           A     I don't remember him having clothes off.

2           Q     After that ended -- after that moment ended, what  
3 happened next?

4           A     I got out of there as fast as I could. I ran to  
5 Talita.

6                     She said what happened, I said, we just got to go, you  
7 know, and we left. She drove us home.

8           Q     Did you tell Talita what happened?

9           A     A little bit. I said, he went down on me and I told  
10 him it was the best I ever had.

11          Q     And why didn't you tell Talita more?

12          A     I was kind of quiet. The thing -- the hard thing  
13 about talking to Talita is that she was always very adamant --

14                     MS. ROTUNNO: Objection.

15                     MR. CHERONIS: Objection.

16                     THE COURT: Sustained.

17          Q     Was there something about your relationship with  
18 Talita that made you hesitate to say more?

19                     MS. ROTUNNO: Objection.

20                     THE COURT: Sustained.

21          Q     Let's stop and talk about Talita for a moment.

22                     What was Talita's affect and demeanor with regards to  
23 meeting Harvey Weinstein and then talking about acting?

24                     MS. ROTUNNO: Objection.

25                     THE COURT: Sustained.

1 MS. ILLUZZI: May we approach?

2 THE COURT: No. Move ahead, please.

3 Q Why didn't you tell Talita more?

4 MR. CHERONIS: Objection.

5 MS. ROTUNNO: Objection.

6 THE COURT: Overruled. Briefly.

7 Q Thank you.

8 A Because she felt that I would ruin my career --

9 MR. CHERONIS: Objection.

10 THE COURT: Sustained. Move on.

11 Q Was Talita encouraging you to go to parties and  
12 meetings with Harvey Weinstein?

13 MS. ROTUNNO: Objection. Leading.

14 THE COURT: Sustained.

15 Q Was Talita also trying to have an acting career?

16 MS. ROTUNNO: Objection.

17 THE COURT: Overruled.

18 THE WITNESS: Yes.

19 BY MS. ILLUZZI:

20 Q What was Talita's affect and demeanor when you invited  
21 her to a party and then after, drinks with Harvey Weinstein?

22 MS. ROTUNNO: Objection.

23 THE COURT: Overruled. Listen carefully to the  
24 questions and answer only the questions that are asked of  
25 you, please.

1 THE WITNESS: Can you repeat it? I am sorry.

2 BY MS. ILLUZZI:

3 Q I am going to try.

4 What was Talita's affect and demeanor with regards to  
5 going to a party and then out for drinks after with Harvey  
6 Weinstein?

7 A I was uncomfortable. Talita would push --

8 MS. ROTUNNO: Objection.

9 THE COURT: Sustained. Stricken.

10 Q Was Talita happy and excited about meeting Harvey  
11 Weinstein?

12 THE COURT: Sustained for three or four reason.

13 MS. ROTUNNO: Objection.

14 MS. ILLUZZI: May we approach.

15 THE COURT: No.

16 BY MS. ILLUZZI:

17 Q Did you confide in Talita how you felt about what had  
18 happened with Harvey Weinstein?

19 MS. ROTUNNO: Objection. Asked and unseared.

20 THE COURT: Overruled.

21 Q That's a yes or no.

22 Did you confide in her how you felt?

23 A No.

24 Q How were you feeling?

25 A Horrified, confused.

1 Q By the way, did Mr. Weinstein give you the scripts to  
2 the vampire movie at that meeting?

3 A He did not.

4 Q Did you see any scripts in his suite?

5 A No.

6 Q Ms. Mann, after that event, did you hear again from  
7 Mr. Weinstein?

8 A Yes.

9 Q Okay.

10 MS. ROTUNNO: Judge, I am going to object, again,  
11 to the characterization and the leading.

12 THE COURT: Hold on.

13 Jurors, this is as good a time as any to take a  
14 break.

15 So, Ms. Mann, if you would step down for a moment  
16 and wait in the witness room and we will recall you in  
17 about five minutes.

18 THE WITNESS: Where am I going?

19 SERGEANT: This way. Just follow me.

20 (Witness is excused.)

21 THE COURT: All right, Jurors. We will take a  
22 break.

23 Please remain mindful of all of my prior  
24 admonitions and instructions during this or any other  
25 recess.



1 See you in about five to ten minutes. Thank you.

2 (Discussion held at the bench, off the  
3 record.)

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

6 THE COURT: Attorneys, can you tell me when you  
7 want me to give the Dunning, Dawn Dunning and Tarale Wulff  
8 charge?

9 Should we wait until after this witness?

10 And tell me when you want me to give the Molineux  
11 for this witness.

12 I guess, maybe, at the end of the direct?

13 MS. ROTUNNO: Yes.

14 MS. ILLUZZI: Judge, also, I believe I should be  
15 able to ask her more questions about Talita and here is  
16 why.

17 The defense has already said and provided us with  
18 notes with regards to what their witness, Talita, is going  
19 to be saying and that will be long after Ms. Mann will be  
20 gone from the stand.

21 Knowing that they are calling Talita, knowing  
22 what Talita is going to say, it seems that, Judge, it's  
23 only fair that I allow the witness to illustrate what she  
24 observed about Talita at that point in time.

25 THE COURT: Well, I have given you extraordinary

1           breadth and leeway on your questions, perhaps improperly on  
2           my part. And then I increasingly narrowed them as they got  
3           to the incident themselves to no avail and I might have  
4           kept with that but the responses from your witness are  
5           nonresponsive and go way beyond your even allowed broad  
6           questions. So no.

7                       MS. ILLUZZI: But, Judge, if I can just ask  
8           another question --

9                       MR. CHERONIS: Let me just say for the record --

10                      MS. ILLUZZI: May I finish?

11                      How is it that this witness cannot testify about  
12           her observations of how another person is acting in her  
13           presence?

14                      MR. CHERONIS: In response to that, two quick  
15           issues:

16                      The state interviewed Talita themselves and when  
17           they interviewed Talita themselves, she said that Ms. Mann  
18           wanted a relationship with Harvey Weinstein. They  
19           completely under-cutted her story on the Peninsula.

20                      They interviewed her first. They know what she's  
21           going to say and that's why there are not calling her.

22                      So it's not as if we gave them anything they  
23           didn't know. So they had that information and now what  
24           they are trying to do is somehow undercut a witness that  
25           they should have called but they won't because it doesn't

1 help their case, claiming we turned this over to them.  
2 They interviewed her. Albaini (sic) interviewed her. They  
3 knew about it well before we ever spoke to her.

4 THE COURT: Well, and you are not asking for the  
5 observations of the witness of another person and even if  
6 you were, you are not receiving those.

7 All right. We are on break for five minutes. If  
8 you need to use the facilities, please do so.

9 (A recess was taken.)

10 (After the recess the following occurred:)

11 THE COURT: All parties are present before the  
12 Court, including the defendant.

13 COURT OFFICER: Jury entering.

14 (The jury entered the courtroom and the  
15 following occurred:)

16 THE CLERK: Case on trial continued. All parties  
17 are present.

18 Do the parties stipulate that the jury is present  
19 and properly seated? The People.

20 MS. ILLUZZI: Yes.

21 THE COURT: The defense?

22 MR. CHERONIS: We do.

23 THE COURT: Welcome back, Jurors. Let's get the  
24 witness.

25 COURT OFFICER: Witness entering.

1 (Witness entered the courtroom.)

2 THE COURT: Welcome back, Ms. Mann. I remind you  
3 that you are still under oath. The same rules apply.

4 Why don't you settle back in there. We will get  
5 you the microphone back.

6 And, Ms. Illuzzi, once she's settled in, please  
7 resume your inquiry.

8 MS. ILLUZZI: Thank you.

9 DIRECT EXAMINATION

10 BY MS. ILLUZZI:

11 Q Ms. Mann, I am going to direct your attention to after  
12 the incident that you have just described for us at the  
13 montage.

14 After that point, did you have continued  
15 conversations -- did you have continued contact with the  
16 defendant?

17 A Yes.

18 Q Can you describe for the jury what that contact was?

19 A Yes.

20 Q And what happened?

21 A I was confused after what happened --

22 MS. ROTUNNO: Objection.

23 THE COURT: Overruled.

24 THE WITNESS: -- and I made the decision to be in  
25 a relationship with him and part of that is because --

1 MS. ROTUNNO: Objection.

2 THE COURT: Overruled.

3 THE WITNESS: -- I was sexual with very few  
4 people --

5 MR. CHERONIS: Objection.

6 MS. ROTUNNO: Objection.

7 THE COURT: Sustained.

8 BY MS. ILLUZZI:

9 Q Well, Ms. Mann, without telling us about your past --

10 A Uh-hum.

11 Q -- can you tell us what became of your relationship of  
12 the defendant?

13 MS. ILLUZZI: Judge, with your permission, I  
14 would ask that the first part of her answer on the last  
15 question not be sustained but the last part, I understand  
16 your ruling is sustained.

17 THE COURT: Next question. No.

18 BY MS. ILLUZZI:

19 Q Ms. Mann, describe for the jury what your relationship  
20 with the defendant became?

21 A I entered into what I thought was going to be a real  
22 relationship with him and it was extremely degrading from that  
23 point on.

24 MS. ROTUNNO: Objection.

25 Q Describe what was happening?

1 THE COURT: Overruled.

2 Q Describe what was happening to you and what your  
3 interaction with him was?

4 MS. ROTUNNO: Objection. Foundation, Judge.

5 THE COURT: Overruled.

6 THE WITNESS: He would talk very dirty to me  
7 about --

8 MS. ROTUNNO: Objection.

9 MR. CHERONIS: Foundation.

10 THE COURT: Overruled.

11 THE WITNESS: -- fantasies and things and compare  
12 me to other actresses that he said were doing kinky --

13 MS. ROTUNNO: Objection.

14 THE WITNESS: -- kinky, dirty things with him.

15 MS. ROTUNNO: Judge, can we approach?

16 THE COURT: Overruled. No.

17 THE WITNESS: He always wanted to film me.

18 MS. ROTUNNO: Objection.

19 Q Did you ever give him permission to do that?

20 A I never gave him permission.

21 THE COURT: Question and answer stands.

22 Next question.

23 Q What became -- what was the relationship?

24 Describe the relationship for the jury?

25 A It would be, basically, him wanting to see me and just

1 needing a fix like a drug addict.

2 MS. ROTUNNO: Objection.

3 MR. CHERONIS: Objection.

4 THE COURT: Sustained.

5 MR. CHERONIS: What's going on here?

6 BY MS. ILLUZZI:

7 Q Without the summarizing, without those adjectives,  
8 describe physically what it is that you did with the defendant  
9 and what he did with you?

10 MS. ROTUNNO: When, Judge? Foundation.

11 THE COURT: Fair enough.

12 Q After the Montage when you indicated you entered in to  
13 a relationship with the defendant?

14 MS. ROTUNNO: Same objection. Objection. How  
15 soon after the Montage?

16 THE COURT: Overruled.

17 THE WITNESS: So the first time I saw Harvey  
18 after he went down on me was the very first time I saw him  
19 completely naked.

20 I assessed the situation to be very much just  
21 oral sex by what I encountered --

22 MS. ROTUNNO: Objection. What does this have to  
23 do with the relationship?

24 THE COURT: Overruled.

25 THE WITNESS: And so I --

1 MS. ROTUNNO: The foundation as well.

2 THE WITNESS: Oh, can I talk?

3 Q Take your time, Ms. Mann.?

4 A So -- so he would want me to talk about --

5 MS. ROTUNNO: Objection to what he would want.

6 THE COURT: Sustained.

7 Q What would he say to you? What would he do with you?

8 What would you say to him? What would you do with  
9 him?

10 A He would say, do you like my big, fat Jewish Dick.

11 MS. ROTUNNO: Objection. Objection.

12 Judge, may we approach?

13 MR. CHERONIS: Judge may we approach?

14 THE COURT: Okay. If you would step down there  
15 for a moment.

16 (Discussion held at the bench, off the  
17 record.)

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

20 MS. ROTUNNO: Judge, I am asking that those  
21 answers be stricken and the prosecutor be directed to move  
22 on.

23 THE COURT: Request denied. Next question.

24 BY MS. ILLUZZI:

25 Q Ms. Mann, can you describe to the jury the defendant's



1     physicality?

2             A     The first time I saw him fully naked --

3                     MS. ROTUNNO:  Objection.  Unresponsive.

4                     THE WITNESS:  -- I felt --

5                     THE COURT:  Overruled.

6                     THE WITNESS:  I thought --

7                     MS. ROTUNNO:  Objection.

8                     THE COURT:  Overruled.

9                     THE WITNESS:  I thought he was deformed and  
10            intersex.

11                    MS. ROTUNNO:  Objection.

12                    THE WITNESS:  He has an extreme scarring that I  
13            didn't know if he may be was a burn victim, but it wouldn't  
14            make sense.

15                    MS. ROTUNNO:  Objection.

16                    THE COURT:  Overruled.

17                    THE WITNESS:  He does not have testicles and it  
18            appears like he has a vagina.

19                    MS. ROTUNNO:  Objection.

20                    THE COURT:  Overruled.

21            Q     And does the defendant also have a penis?

22                    MS. ROTUNNO:  Objection.  Leading.

23                    THE WITNESS:  He does have a penis.

24                    THE COURT:  Overruled.

25            Q     Did you engage in non forcible sexual situations with

1 the defendant?

2 A I engaged in non forcible oral sex with the defendant.

3 Q What did you think your relationship was?

4 MS. ROTUNNO: Objection, Judge.

5 THE COURT: Overruled.

6 THE WITNESS: I thought it was going to be a  
7 normal.

8 THE COURT: Sustained --

9 Q What did you feel towards the defendant?

10 What was your feelings about the defendant?

11 A When I first saw him, I was filled with compassion,  
12 absolute compassion. It seems like his anger came from a place  
13 of pain.

14 MS. ROTUNNO: Objection.

15 THE COURT: Sustained.

16 Q Did you continue to see the defendant?

17 A I did.

18 Q Did you desire him sexually?

19 MS. ROTUNNO: Objection. She just testified she  
20 entered --

21 THE COURT: Overruled.

22 THE WITNESS: No.

23 Q Why did you continue to have a relationship with him?

24 A There is a lot of layers to that question.

25 THE COURT: Okay. Next question.

1 Q While you were in this situation with the defendant,  
2 what were you feeling towards him?

3 A I saw him the way that I saw my father.

4 MS. ROTUNNO: Objection.

5 THE COURT: Overruled. Next question.

6 Q In what way?

7 A My dad had similar anger.

8 MS. ROTUNNO: Objection.

9 THE COURT: Overruled. Move on.

10 Q Did the defendant at times display anger to you?

11 MS. ROTUNNO: Objection, foundation.

12 THE WITNESS: Yes.

13 THE COURT: Overruled.

14 Q In what way would he -- in what circumstances would he  
15 display anger towards you?

16 A If he heard the word, no, it was like a trigger for  
17 him.

18 MS. ROTUNNO: Objection.

19 THE COURT: Overruled.

20 THE WITNESS: He --

21 MS. ROTUNNO: Objection.

22 THE COURT: Overruled.

23 THE WITNESS: He also -- he also peed on me once.

24 MS. ROTUNNO: Objection. Foundation.

25 THE COURT: Overruled.

1 THE WITNESS: He would -- um, it was -- it was  
2 like being discarded after I served my purpose.

3 MS. ROTUNNO: Objection.

4 THE COURT: Sustained. Next question.

5 BY MS. ILLUZZI:

6 Q Did his demeanor towards you fluctuate?

7 A Yes.

8 Q How did it fluctuate?

9 A It was like Jekyll and Hyde. I mean --

10 MS. ROTUNNO: Objection, Judge.

11 THE COURT: Overruled.

12 THE WITNESS: -- he could be the most charming,  
13 informative person. He could lift you up to anyone he  
14 introduced you to and then behind closed doors it would be  
15 dependent upon if I gave him what he wanted.

16 Q Why did you engage in this relationship with the  
17 defendant?

18 A One of the aspects initially was the fact that I had  
19 had a sexual encounter with him, you know, when he -- when he  
20 went down on me and that that wasn't something that I could  
21 undue. And that really confused me and hurt me.

22 And there is a stigma in the industry --

23 MS. ROTUNNO: Objection.

24 THE COURT: Sustained. Hold on. Next question.

25 (Continued on the next page.)

1 Q Ms. Mann, did you want to be physically sexual with the  
2 defendant?

3 MS. ROTUNNO: Objection.

4 A I --

5 THE COURT: Hold on, sustained.

6 Q What was your feelings physically or sexually with the  
7 defendant?

8 A I had no attraction or sexual attraction to him.

9 Q In addition to what you have previously described, what  
10 was the size differential between you and the defendant?

11 A Well, I was 105 and he was, I would assume 350, I don't  
12 know, large and tall.

13 Q What was his hygiene when he was with you?

14 MS. ROTUNNO: Objection.

15 THE COURT: Overruled.

16 A It was very bad, he smelled like --

17 MS. ROTUNNO: Objection.

18 THE COURT: Overruled.

19 A Shit, excuse me, sorry, like poop.

20 MS. ROTUNNO: Objection.

21 THE COURT: Overruled.

22 A And he just was dirty.

23 MS. ROTUNNO: Objection.

24 THE COURT: Overruled.

25 Q Did you feel emotions towards the defendant?

1 MS. ROTUNNO: Objection, foundation.

2 THE COURT: Overruled.

3 A I did have confusing emotions.

4 Q Describe those for the jury?

5 A There is a long period of time where these emotions  
6 fluctuated, it was not sexual emotions, but there was some sort  
7 of emotional dynamic there for me.

8 Q In what way?

9 A His approval would have meant so much to me.

10 MS. ROTUNNO: Objection.

11 THE COURT: Overruled.

12 A And I wanted, it's hard for me to break it down because  
13 my mind is within the different timeframes of things.

14 But when I would feel hurt or the anger I would stifle  
15 that down and just look for the good, and --

16 THE COURT: Hold on, next question.

17 Q Why didn't you stop seeing him?

18 A There is no short answer to that. There are many  
19 things that happened over time. One time -- and I would like to  
20 be able to say all of them. One time --

21 MS. ROTUNNO: Objection.

22 THE COURT: Hold on.

23 Q Can you describe why it is that you stayed in a  
24 relationship with the defendant? So Ms. Mann, without telling  
25 us of single interactions, what we are asking you is to

1 summarize for the jury why you stayed in a relationship with the  
2 defendant, if you could?

3 A Well, I tried to break off the actual relationship very  
4 soon.

5 MS. ROTUNNO: Objection, foundation.

6 THE COURT: Overruled.

7 A I stayed in contact with him for several reasons.

8 Q What were those reasons?

9 A I thought he was going to hurt my father.

10 MR. CHERONIS: Objection.

11 MS. ROTUNNO: Objection.

12 Q What did he say?

13 MR. CHERONIS: Can we approach?

14 Q What did he say or do that made you think that?

15 THE COURT: Overruled.

16 A I had a fight with my dad once, and he saw I was upset.

17 MS. ROTUNNO: Objection, foundation.

18 A And he said to me that he has guys with bats and he  
19 will send two men over there with bats, and he told me a story  
20 of an actress and stalkers, that he had --

21 MS. ROTUNNO: Objection.

22 A He had already done that too.

23 THE COURT: Overruled.

24 Q But Ms. Mann, was there anything that you liked about  
25 the defendant?

1           A     Of course. He was very successful, he's sort of a  
2     genus in his own way. There are many likeable things about him  
3     when he is his nice self.

4                     MS. ILLUZZI: Just give me a moment, Judge.

5           Q     Did you feel as if you could stop having a relationship  
6     with him and stop seeing him?

7                     MS. ROTUNNO: Objection.

8                     THE COURT: Sustained.

9           Q     Ms. Mann, did you look forward to seeing the defendant?

10                    MS. ROTUNNO: Objection, foundation.

11                    THE COURT: Overruled.

12           A     I learned very quickly --

13                    MS. ROTUNNO: Objection.

14           A     What it would become --

15                    THE COURT: Sustained, hold on. Next question.

16                    MS. ROTUNNO: For the record.

17           Q     Did you express --

18                    MS. ROTUNNO: For the record, the witness is  
19     throwing her hands up and shrugging her shoulders.

20                    THE COURT: Next question.

21           Q     Ms. Mann, how often would you see the defendant?

22                    MS. ROTUNNO: Objection, when, foundation.

23                    THE COURT: Reask that.

24           Q     After the Montage and to recollect between that trip to  
25     New York City, in that period of time, how often would you see



1 the defendant?

2 A In the beginning he wanted to see me a lot, there is a  
3 lot of back to back.

4 MS. ROTUNNO: Objection to what he wanted.

5 THE COURT: Sustained. Ms. Mann, please listen  
6 to the questions you are being asked, and focus on the  
7 question you are being asked and answer only something that  
8 is responsive to the exact question being asked, okay,  
9 nothing beyond that, all right, understood?

10 A No, not understood.

11 THE COURT: Okay, so --

12 A I don't understand.

13 THE COURT: What color is the sky on this planet  
14 generally?

15 A Blue.

16 THE COURT: Great, you now understand. Next  
17 question.

18 Q In the period of time from after the Montage event to  
19 the trip to New York City, how many times approximately were you  
20 in the defendant's company?

21 A I don't know.

22 Q Would it be as often as every day, every week, every  
23 few weeks?

24 MS. ROTUNNO: Objection.

25 THE COURT: Overruled.

1           A     It felt back to back, I don't know to measure that in  
2     time.

3           Q     Did there come a time when the defendant asked you to  
4     engage in a sexual act that was different from the other sexual  
5     acts? That is a yes or no?

6           A     Yes.

7           Q     And did there come a time when there was another woman  
8     involved?

9           A     Yes.

10          Q     Can you describe that to the jury?

11          A     It started when I was at a Soho house party, and he  
12     wanted to introduce me to a friend.

13                   MS. ROTUNNO: Objection as to what he wanted.

14                   THE COURT: Overruled.

15          A     He introduced me to this woman at that party. He  
16     didn't say why, and that night he wanted to see me, so I went to  
17     --

18                   MS. ROTUNNO: Objection what he wanted.

19          A     To his room.

20                   THE COURT: Overruled.

21          A     And a short period of time after I was there, this  
22     other woman showed up and he wanted to have a threesome.

23          Q     How did that go?

24          A     Um, bad.

25          Q     Explain?

1           A     I was uncomfortable, my understanding of her was she  
2 was uncomfortable --

3                     MS. ROTUNNO:  Objection.

4           Q     What, in your mind --

5                     THE COURT:  Stricken.

6           Q     Made you think this other person was uncomfortable?

7                     MS. ROTUNNO:  Objection.

8           A     She did not speak very good English and she appeared  
9 nervous.

10                    THE COURT:  Overruled.

11                    MS. ROTUNNO:  Objection.

12                    THE COURT:  Overruled.

13           Q     What if anything happened at that time, what happened?

14           A     Well, he wanted us to go into the room and for both of  
15 us to undress.

16                    MS. ROTUNNO:  Objection, as to what he wanted.

17                    THE COURT:  Overruled as to that.

18           A     So he asked us to go back there.  He told us to  
19 undress.  She undressed, I think I had taken my top off and I  
20 expressed I never had a threesome before.

21           Q     Was that true?

22           A     That is true, at that point, yes, and she was -- what I  
23 gathered from her broken English was that she never had a girl  
24 do down either or experience that.

25                    MS. ROTUNNO:  Objection.

1 THE COURT: Overruled.

2 A And she had laid on the bed, and I was still standing.  
3 And Harvey was telling us orchestrations like I want you to go  
4 down on her, and I said I don't know how to do that, and I think  
5 that I grabbed her boob. And when she vocalized that this had  
6 not happened to her before --

7 MS. ROTUNNO: Objection.

8 THE COURT: Overruled.

9 A Very tense, I saw myself in her.

10 MS. ROTUNNO: Objection.

11 THE COURT: Overruled.

12 A Not being able to communicate, and I broke down, I ran  
13 out of there into the bathroom and I started crying and crying  
14 and I was completely overwhelmed by it.

15 Then she came to the bathroom to ask if I was okay, and  
16 Harvey seemed kind of upset and then he was like kind of teasing  
17 me like oh, I'll never do that again with you, and I went out  
18 and sat on the couch. And then he and her went back in the room  
19 and closed the door, and I waited.

20 Q Did you ever see that woman again?

21 A I did.

22 Q When?

23 A I'm not sure how far into the future it was, but she  
24 was looking for a place to live.

25 Q Okay, continue, what happened with that?

1           A     She came over to the apartment to see the space to be  
2     with Talita, and I didn't hear from her after that.

3           Q     I'm going to show you a photograph we marked People's  
4     106 for identification. I want only you to look at it at this  
5     point.

6                     ( Handed to witness).

7           Q     Do you recognize the person depicted in that  
8     photograph?

9           A     Yes.

10          Q     Who is it?

11          A     Sorry.

12          Q     Who do you recognize that person to be, do you  
13     recognize that person?

14          A     I do, I'm hesitant to say her name.

15          Q     Do you know her name?

16          A     Yes.

17          Q     What is her first name?

18          A     I'm only hesitant because --

19                     MS. ROTUNNO: Objection.

20          A     I'm calling her out.

21          Q     You do not have to worry about that, if you can tell us  
22     her first name.

23                     THE COURT: Overruled.

24          A     Emmanuella.

25          Q     Does that fairly and accurately represent how

1 Emmanuella looked in 2013?

2 A When I met her, she was in an outfit like that.

3 Q Is this the woman who you were with in Harvey  
4 Weinstein's room you just described to us when you ran away  
5 crying?

6 A Yes.

7 MS. ILLUZZI: I ask it be marked in evidence as  
8 People's number 106.

9 THE COURT: Any objection?

10 MS. ROTUNNO: No.

11 THE COURT: 106 is received into evidence. Next  
12 question.

13 Q Ms. Mann, did there come a point in time when you went  
14 to New York City in 2013?

15 A Yes.

16 Q Do you remember when that was?

17 A Around St. Patrick's Day.

18 Q Was that the first time you were ever in New York City?

19 A Yes.

20 Q Who did you go to New York City with?

21 A Thomas.

22 Q Who is Thomas?

23 A Thomas is an agent in the industry.

24 Q When you say agent in the industry, you mean the  
25 entertainment industry?

1 A Correct.

2 Q How did you know Thomas?

3 A Well, I auditioned for him originally, and then I ran  
4 into him like a year or so later at a Weinstein Company party.

5 Q Did Thomas invite you to come to New York City with  
6 him?

7 A He did.

8 Q Did he say why he was going to New York City?

9 A I know, I think he was writing it off as a business  
10 trip.

11 Q Did you have any physical relationship with Thomas at  
12 all?

13 MS. ROTUNNO: Objection.

14 A Absolutely not.

15 Q Up until this day?

16 A Nothing, never.

17 Q Do you remember what the business was that Thomas was  
18 going to New York City for?

19 A I don't.

20 Q Do you know what if any the relationship was between  
21 Thomas and the defendant, Harvey Weinstein?

22 A As far as I knew, they had never formally met.

23 Q How did you know that?

24 A Because Tommy went, wanted to meet him, that is what he  
25 told me.

1 Q Had you told anybody up until this point about what was  
2 going on between you and the defendant?

3 A I attempted to.

4 MS. ROTUNNO: Objection.

5 A It started to go bad, so I did not say anything after  
6 that.

7 MS. ROTUNNO: Objection.

8 A Sorry I cannot hear.

9 THE COURT: Overruled.

10 Q Overruled means you can answer. You indicated that you  
11 tried to tell somebody and it did not go well, explain that to  
12 the jury?

13 MS. ROTUNNO: Objection, foundation.

14 THE COURT: Sustained as to any additional part.

15 Q Did you go in that period between the Montage and New  
16 York City, were you going to events with the defendant?

17 A I don't understand.

18 Q During that period of time between the Montage incident  
19 and the New York City incident, would the defendant go with you  
20 to events?

21 A Not with me, he would be there at some point, depends  
22 on the event. Sometimes he would not show up until the evening.

23 Q Do you recall taking a lot of photographs with you and  
24 the defendant?

25 A I never took any with him.



1 Q I'm going to take you back now to going to New York  
2 City. Where did you stay in New York City, do you recall?

3 A We went to different districts in New York, so we  
4 changed hotels.

5 MS. ROTUNNO: Objection relevance.

6 THE COURT: Overruled.

7 Q At some point in time during that trip, did you stay at  
8 the Doubletree Hotel?

9 A Yes.

10 Q When you say the Doubletree Hotel, who stayed with you?

11 A Thomas.

12 Q Was that in the same room?

13 A Yes.

14 Q But again, was there any physical relationship between  
15 you and Thomas?

16 A None.

17 MS. ROTUNNO: Objection, asked and answered.

18 THE COURT: Overruled.

19 Q Did you have a great deal of money in your life?

20 A No.

21 MS. ROTUNNO: Objection, relevance.

22 A No.

23 Q Did Thomas pay for your trip?

24 A He did.

25 Q On that trip, did you have plans to meet with the

1 defendant?

2 A Yes.

3 Q What were those plans?

4 A We were all going to have breakfast; me, Talita, and  
5 Harvey, and Thomas.

6 Q Where was that breakfast to take place?

7 A I don't remember, other than we planned to be  
8 downstairs at the lobby, and I think we were going to eat there.

9 Q The night before the breakfast was to happen, what was  
10 Thomas doing?

11 A He was completely obliterated and out past four a.m  
12 drinking.

13 Q Were you with him out past four a.m drinking?

14 A No.

15 Q Take us now to the morning where you were to have  
16 breakfast with the defendant, Thomas and Talita.

17 Can you tell the jury what if anything happened in the  
18 morning of that day?

19 A So, we had all planned a time and Harvey shows up  
20 pretty early before that meeting, and --

21 Q Are you notified that he's there?

22 A Yeah.

23 Q Do you recall how you were notified he's there?

24 A Well, someone in the hotel I think said you have a  
25 guest down here, Harvey, I was in the room, so --

1 Q What happened when you found out he was there?

2 A I panicked.

3 Q And what did you do?

4 A I tried to delay and I think I reached out to Talita  
5 and was like oh my God, he's here. How far are you. And I  
6 waited kind of as long as I could until I felt like I had to go  
7 down there.

8 And so I go downstairs. And when I get downstairs,  
9 Harvey is checking into the hotel, and then I really freak out,  
10 and I go up to the counter where he's talking to someone, and I  
11 say what are you doing. And I could tell he's getting a room,  
12 and no one is like really answering me. I was hey, we don't  
13 need a room, why are you getting a room.

14 Q Why were you upset about that?

15 A Because I knew what he was trying to do.

16 MS. ROTUNNO: Objection.

17 THE COURT: Overruled.

18 Q Had you been trying to avoid sexual situations with the  
19 defendant?

20 MS. ROTUNNO: Objection.

21 A Yes.

22 THE COURT: Overruled.

23 Q What was his demeanor when he was standing there  
24 checking in?

25 A He was, he got very mad at me for trying to speak up,

1 and I was saying to the people like we don't need a room.

2 So he pulled me aside away from the counter and he told  
3 me not to embarrass him, and I got really quiet and I just  
4 started pacing, and he went back to the counter and I was  
5 looking at the people at the counter like pleading like I did  
6 not want them to give him a room key.

7 And then he got it and he comes back to me, you know,  
8 and he put his arm on me and started guiding me to go to the  
9 room. And so I thought well, at least up there in private I can  
10 yell at him if I need to and talk to him, which I never really  
11 could ever yell at him, and inside the room --

12 Q Take your time.

13 A I started to argue with him, we don't have time, Talita  
14 is coming, she's going to be here. And I was so afraid that  
15 Thomas and Talita would see me coming out of this like room with  
16 him and make all these assumptions, you know, because I was just  
17 trying to hide everything.

18 And I attempted twice to open the door and leave and he  
19 blocked the door both times.

20 Q You have to describe for us how that was, how is it  
21 that you tried to open the door and how did he block it?

22 A So, I attempted to open the handle and he would put his  
23 arm up both times.

24 Q With your Honor's permission, indicating with her right  
25 hand above her head.

1                   When you say putting his arm up, where was he putting  
2 his arm?

3           A       Well, it was over me, and higher than me, and then he  
4 would, he took my hand off the handle.

5           Q       But when you were opening the handle, were you getting  
6 the door open at all?

7           A       Yeah, a little bit.

8           Q       Then what would happen with his arm?

9           A       That is when he would slam it shut.

10          Q       When he was slamming it shut, where was that in  
11 relation to your body?

12          A       Well, we are both right there by the door. I was on  
13 the side where the door opens, you know. I could, if it opened  
14 enough I could go right out it. But he was more on the side  
15 where the hinges were to just close it.

16          Q       When he put his hand above you, where was his hand in  
17 relationship to the door and the door jam?

18          A       The door jam -- well, I'm kind of confused what you are  
19 asking me.

20          Q       Okay. You're trying to open the door and you said he's  
21 putting his arm up slamming it, right?

22          A       Yeah.

23          Q       Describe that to us, how was he slamming the door?

24          A       So, we were both facing each other, you know, squared  
25 kind of like that, and he would, it is just with his body, his

1 shoulder to the door, it was very easy like that.

2 MS. ILLUZZI: Indicating with her body his right  
3 hand.

4 Q You are saying his right hand, you have to answer.

5 A Yes.

6 Q Then when you opened the door, would he force it  
7 closed?

8 A Yes, I was using strength.

9 Q What happened after you tried this several times?

10 A Well, I kind of shut down a little bit and then he told  
11 me to undress and I still was not undressing.

12 And then he comes at me and grabs my hand to try to  
13 force me to start undressing myself as he held my hand to do it,  
14 and --

15 Q How were you feeling?

16 A Panicked, because my worst nightmare I felt like could  
17 happen.

18 Q Which was?

19 A That --

20 MS. ROTUNNO: Objection.

21 THE COURT: Overruled.

22 A This secret of this dynamic with him was about to be  
23 seen in front of Talita and Thomas.

24 Q That was embarrassment, is that correct?

25 A Panic and more panic.

1           Q     Did you have any other feelings about the defendant at  
2     that moment?

3           A     I was very angry inside and a little scared because we  
4     were having, at that point, that was one of the more escalated  
5     times. He never kind of came at me like with his hands holding  
6     me to undress myself.

7           Q     Were you able to get out of the room?

8           A     No.

9           Q     What did you do next?

10          A     I gave up at that point, and I undressed and he stood  
11     over me until I was completely naked, then he told me to lay on  
12     the bed.

13                     And once I was naked and laying on the bed, he walked  
14     into the bathroom and sort of closed the door behind him. He  
15     was gone for not very long at all, and the door is still kind of  
16     open a little bit.

17                     And then he came out naked and he got on top of me and  
18     that is is when he put himself inside of me, his penis inside of  
19     me.

20          Q     Inside of your vagina?

21          A     Yeah.

22          Q     What was his demeanor towards you prior to going, prior  
23     to him going into the bathroom?

24          A     He would have commanding type statements such as you  
25     know, undress now.

1 Q Can you describe to the jury his tone of voice?

2 A Like a drill sergeant and sharp and angry, it is hard  
3 to put it into emotion.

4 Q Had you ever had intercourse with him before this  
5 moment?

6 A No, I would have what I thought were were doing was  
7 role playing. But I don't have any, I didn't have any  
8 experience of his penis inside of me.

9 Q After he put his penis inside you, describe what  
10 happened next?

11 A When he was done, he got dressed and I ran into the  
12 bathroom.

13 Q I'm going to stop you there for a second. When he was  
14 putting his penis in your vagina, where was your body and where  
15 was his?

16 A I was laying completely on my back the whole time, and  
17 he was completely laying on top of me, which is not very  
18 comfortable.

19 Q Were you able to move or get up?

20 A No, you can't under him.

21 Q Continue now to the point where he gets dressed, what  
22 do you do?

23 A I go to the bathroom and I was just trying to collect  
24 myself for a minute, and I see a needle in the trash can, and I  
25 flip out and I grab it and I look at it.



1                   And I remember the name, I wanted to Google it. And I  
2 was it's just the realization that he stabbed himself with a  
3 needle and there has to be --

4                   MS. ROTUNNO: Objection.

5           A        Blood.

6                   THE COURT: Overruled.

7           A        And he was inside of me, and I was kind of in shock  
8 over that.

9           Q        Did the defendant use a condom or any protection when  
10 he put his penis in your vagina?

11          A        No.

12          Q        Do you recall the name of the needle that you saw in  
13 the garbage?

14          A        I do not remember the medical term, but when I Googled  
15 it, it basically implied --

16                   MS. ROTUNNO: Objection.

17                   THE COURT: Overruled.

18          A        Dead penis type thing.

19          Q        Where was the name, was there packaging or where was  
20 the name with regards to the needle, if you recall?

21          A        I'm not sure, but whatever I picked up, you know, there  
22 was the word somewhere in there, I guess.

23          Q        Do you recall anything else in the garbage with the  
24 needle?

25          A        I don't remember.

1 Q What happens next?

2 A I just remember being to the point where we were  
3 walking down some stairs and there was Talita and Thomas waiting  
4 for us.

5 Q Did you tell them what happened?

6 A No.

7 Q Why didn't you tell them what happened?

8 A I was so embarrassed, I wanted Thomas to respect me and  
9 -- I thought that since he saw him and I walking down the  
10 stairs, they would think whatever they wanted to think, you  
11 know.

12 I didn't, I was not that close to Thomas like that  
13 either, it is a very personal thing that happened to you.

14 Q Did you eventually meet Thomas and Talita at breakfast  
15 in that hotel?

16 A Yeah, we did.

17 Q Do you recall what the conversation was?

18 A I was pretty shut down. Thomas was really hung over,  
19 kind of out of it, and Talita was pretty perky.

20 Harvey said he had a premier, and that I should stay  
21 one more day and go to this premier, and it would be good for  
22 me.

23 And I didn't want to stay, and I kept saying no, I  
24 can't, I need to get back, I came with Thomas. He was saying  
25 oh, well change your flight, whatever, we will take care of it.

1           And Talita of course was very much like yeah, lets go,  
2 please go, then he said we can go see the office and all these  
3 like things he wanted to give us.

4           And I kept trying to communicate with Thomas, you know,  
5 that I didn't want to go but he was so, I think he was just hung  
6 over and just didn't care or really understand me.

7           MR. CHERONIS: Objection.

8           THE COURT: Overruled.

9           Q     Did you ask Thomas like, you know, what did you ask  
10 Thomas specifically, what did you say with regard to staying  
11 overnight?

12          A     Well, I remember that I kept trying to use the excuse  
13 because I didn't book my travel, that I couldn't change it or  
14 anything. And I just remember not feeling seen or heard really  
15 by either friend.

16          Q     Well, did you tell him what happened upstairs?

17          A     No.

18          Q     Did you wind up staying another night in New York?

19          A     I did.

20          Q     And what arrangements were made for you at the hotel?

21          A     Somehow, I'm not sure if anything was coordinated with  
22 Thomas, but there was either my reservation was changed or a new  
23 ticket was booked, and I think that they probably renewed a  
24 night for me, but I didn't stay at the hotel.

25          Q     Why not?

1           A     I was scared because he knew where I was and I didn't  
2 want him to come back and find me, I was trying to avoid him.

3           Q     Where did you stay?

4           A     I slept in a closet on the floor in Talita's house.

5           Q     After breakfast later on that day, did you go anywhere?

6           A     We did.

7           Q     Where did you go?

8           A     We met with a woman named Julie Oh at the Weinstein  
9 office.

10          Q     What happened relevant to that?

11          A     It was mostly Talita asking questions about how to  
12 option a book, how can the company do that. Two movies they  
13 were going to be producing, I was not that engaged, it was  
14 mostly Talita.

15          Q     By that time, had you read the script for, the script  
16 for that vampire movie?

17          A     This is where I mixed up some.

18          Q     If you don't know, it is okay.

19          A     Yeah, at this moment I just told all that stuff, I'm  
20 not really sure.

21          Q     You indicated that he had a premier that night, do you  
22 recall what the premier was?

23          A     I believe it was August Osage County.

24          Q     Did you see a flier for it, like an invitation for it?

25          A     I mean usually we get an e-mail. Right at this moment

1 I don't recall.

2 Q When you say you went to the premier, when you say we,  
3 who is the we you are talking about?

4 A Me and Talita.

5 Q Did you see the defendant at that premier?

6 A Yes I did.

7 Q Did you interact with him?

8 A I think there was a brief greeting after the movie  
9 where, you know, Talita complemented the movie and I said it was  
10 a good movie as well.

11 I actually cried at that movie, and then Harvey wanted  
12 me to have tea with him and his daughter Emma right after.

13 Q Did you do that?

14 A I did not do that. And he was mad.

15 Q You had indicated the time you came into Manhattan was  
16 around St. Patrick's Day, is that correct?

17 A Yes.

18 Q In 2013. Was that the only time you ever stayed at the  
19 Doubletree?

20 A Yes.

21 Q Again, that was the actual evening of the premier, like  
22 it was the morning?

23 A I think so.

24 Q The evening was the premier?

25 A Yeah, because he said stay just one more day.

1 Q When you went back to Talita's home. Sorry, give us  
2 one second.

3 You have to project your voice, okay. When you went  
4 back to Talita's home after the premier, did you tell Talita  
5 what had happened at the hotel earlier in the day?

6 A I did not.

7 Q How close were you to Talita at that point?

8 A We have been roommates, but I was not necessarily  
9 confiding in her.

10 Q Did you ever say anything negative about the defendant  
11 to Talita?

12 A One time.

13 Q When was that?

14 A She wanted to know why I did not want to go to one of  
15 his parties.

16 MS. ROTUNNO: Objection.

17 MR. CHERONIS: Objection.

18 THE COURT: Overruled for that.

19 A And --

20 THE COURT: Hold on.

21 Q At that time, what if anything did you tell Talita?

22 MS. ROTUNNO: Objection, foundation.

23 THE COURT: Sustained.

24 Q How did Talita react to you saying something negative  
25 about the defendant?

1 MS. ROTUNNO: Objection.

2 THE COURT: Sustained.

3 Q Did Talita ever encourage you to end your relationship  
4 with the defendant?

5 MS. ROTUNNO: Objection.

6 THE COURT: Sustained.

7 A She --

8 THE COURT: Hold on.

9 Q I'm going to take you back now to when you returned  
10 home to Los Angeles.

11 Was there still communication between you and the  
12 defendant?

13 A Minimal, yes.

14 Q Can you describe what form of communication you usually  
15 had with the defendant?

16 A Mostly only e-mail.

17 Q And was it e-mails, what was, where was the e-mail with  
18 regard to the defendant, was it his home, office, do you  
19 remember?

20 A He gave me what he told me was a private e-mail.

21 Q As you sit there now, do you remember what it was?

22 A I believe it was HW 375 at something, I don't know.

23 Q Can you describe your communications with the defendant  
24 for the most part, the tone of your conversations and your  
25 communications with him?

1 A Most would be a lot of flattery, a lot of compliments.

2 Q From who to who would the compliments be going?

3 A Me to him.

4 Q Why, why were you flattering him?

5 A Well, I felt like it was like, you know that fairytale  
6 The Emperor With No Clothes, his ego was so --

7 MS. ROTUNNO: Objection.

8 A Fragile.

9 THE COURT: Overruled.

10 A And it would also make me feel safe, because  
11 worshipping him in this sense is really, there is a lot of  
12 dynamics in the relationship, I hope I can explain.

13 Q So, you were sending him flattering e-mails, is that  
14 correct?

15 A Yes.

16 Q Did you mean everything that you said?

17 A It was not about meaning, it was about being perceived  
18 as --

19 MS. ROTUNNO: Objection, non-responsive.

20 THE COURT: Overruled.

21 A I wanted to be perceived as innocent and naive and not  
22 a threat.

23 Q Why?

24 A I was afraid I would trigger his anger, and his anger  
25 when he felt rejection, I assume when he felt rejection --



1 MR. CHERONIS: Objection.

2 THE COURT: Sustained.

3 Q I'm going to ask you to go back, you cannot say what  
4 somebody else feels.

5 A Okay.

6 Q You can only say what you feel.

7 A Okay.

8 Q So, why was it that you were sending flattering e-mails  
9 to the defendant?

10 A Because I learned real quick what pattern of behavior  
11 was --

12 MS. ROTUNNO: Objection.

13 THE COURT: Sustained.

14 Q Ms. Mann, did you mean all of the flattering things you  
15 said to the defendant?

16 A I usually would try to find something based in truth.

17 MS. ROTUNNO: Objection.

18 THE COURT: Sustained.

19 A But it was not --

20 MR. CHERONIS: Objection.

21 THE COURT: Sustained.

22 A Does that?

23 Q That means you cannot answer, this is my fault for  
24 asking the questions, not yours, okay.

25 MS. ROTUNNO: Objection.

1 THE COURT: Sustained.

2 Q Did you genuinely mean the nice things you were saying  
3 to the defendant?

4 MS. ROTUNNO: Objection.

5 THE COURT: Overruled. So the possible answers  
6 are yes or no or I cannot answer that question with a yes  
7 or no.

8 A I cannot answer that question with a yes or no.

9 Q Did you at times say things to the defendant that you  
10 didn't really feel?

11 MS. ROTUNNO: Objection.

12 A I exaggerated.

13 THE COURT: Overruled.

14 Q Why did you exaggerate?

15 A When he would abuse me --

16 MS. ROTUNNO: Objection.

17 A He would --

18 MS. ROTUNNO: Objection.

19 THE COURT: Sustained.

20 MS. ILLUZZI: May we approach?

21 THE COURT: No.

22 Q How were you feeling towards the defendant?

23 MS. ROTUNNO: Objection.

24 THE COURT: Sustained.

25 Q Were you ever afraid of the defendant?

1 MS. ROTUNNO: Objection.

2 A Yes.

3 THE COURT: Overruled.

4 Q Did that drive the tone of your e-mails?

5 MS. ROTUNNO: Objection.

6 A Yes.

7 THE COURT: Overruled.

8 Q Taking you back now to L.A, was there further  
9 discussion regarding your audition or auditioning for that  
10 vampire movie?

11 A I know there was a point where we read the scripts at  
12 the office, and there was another future point where I saw a  
13 breakdown on the internet which means they had put out a casting  
14 notice.

15 MS. ROTUNNO: Objection.

16 A For a role.

17 MS. ROTUNNO: Objection Judge.

18 THE COURT: Overruled.

19 Q Do you remember the name of the movie at that point?

20 A Vampire Academies.

21 Q When you said that we had read the script at the  
22 office, who is the we?

23 A Me and Talita.

24 Q And what office was that?

25 A The Los Angeles Weinstein Company.

1 Q When you saw the breakdown of the parts, was that  
2 significant to you?

3 MS. ROTUNNO: Objection.

4 A Yes because --

5 MS. ROTUNNO: Objection, calls for hearsay.

6 THE COURT: Overruled.

7 A Because it exposed so many lies.

8 MS. ROTUNNO: Objection.

9 THE COURT: Overruled.

10 Q In the entertainment industry, in your understandings,  
11 when is a breakdown of the parts put out?

12 MS. ROTUNNO: Objection.

13 THE COURT: Overruled.

14 A When they are looking to cast the roles.

15 MS. ROTUNNO: Objection as to they.

16 THE COURT: Overruled.

17 Q Had you been called to audition for this movie prior to  
18 what you saw in terms of the breakdown?

19 A It was a fake audition, but yes.

20 MS. ROTUNNO: Objection.

21 MR. CHERONIS: Objection.

22 THE COURT: Overruled.

23 Q Listen to my question, before you saw the breakdown  
24 come out, did you audition?

25 A No.

1 Q After the breakdown came out, did you contact someone  
2 at the Weinstein Company?

3 A Yes.

4 Q Who was that that you contacted?

5 A I think Harvey directly and at some point I talked to  
6 Barbara.

7 Q After speaking to Harvey and or Barbara with regards to  
8 the audition, did you in fact go to an audition for Vampire  
9 Academies?

10 A I suppose we can call it an audition.

11 Q Describe it for the jury.

12 A It was unlike any audition I have ever had in my whole  
13 career of acting. It was -- everything was closed. There were  
14 not even lights on, there was no one there, we had to wait for  
15 some one to come to open it, then we each read first this woman  
16 then we were leaving and as we were leaving she was oh, I was  
17 supposed to put you on camera.

18 MS. ROTUNNO: Objection.

19 THE COURT: /OEUFRD?

20 A Come back and do it again, and it was not normal.

21 Q Did you know the age range of the actors that would be  
22 considered for the role that you were auditioning for?

23 A Only once I saw the script.

24 MS. ROTUNNO: Objection.

25 THE COURT: Overruled.

1 Q How old were you at the time you auditioned for the  
2 value period movie?

3 A I was 27 I think.

4 Q Did you provide anybody with that information, either a  
5 resume or anything that also reflected you are age?

6 A Well the Weinstein Company or Harvey had my resume, my  
7 age prior to all of this.

8 Q You had said we, with regards to audition. Did the  
9 same thing happen with Talita, did she also then come back and  
10 go on tape and audition for the value period November very?

11 MS. ROTUNNO: Objection?

12 A We both did at the same time.

13 Q Do you remember the first or last name of the perp who  
14 was there auditioning you?

15 A Well, I'm not one hundred percent but I thought it was  
16 Marcy but I'm not sure.

17 Q After that point, did you continue to see the  
18 defendant?

19 A Yes.

20 Q And what would occasion you seeing the defendant?

21 A Well, I just remember seeing him when I read the  
22 script. There was a big period of time that I did not see him.

23 Q Did you know where the defendant ordinarily lived?

24 A Not until way later, no.

25 Q How would the defendant communicate with you that he

1 wanted to see you?

2 A Well, usually someone in the office would start calling  
3 me, then if I did not respond to that, he would maybe send and  
4 e-mail or something like that.

5 Q After what occurred in the, in New York, did you try to  
6 avoid seeing the defendant?

7 A Yes.

8 Q In what way would you try to avoid seeing him?

9 A Well, I know that I wanted to avoid specifically being  
10 like alone with him, there are like 10 things running through my  
11 brain right now.

12 MS. ILLUZZI: If you need a break let us know?

13 A It is just hard, it is so fragmented to not explain  
14 everything.

15 Q The question before you is how would you avoid trying  
16 to see him?

17 A I would make a lot of excuses.

18 Q Like what?

19 A Like I'm working or sorry I forgot, or then I would be  
20 sure to say it's not you, I promise, it is my life that is  
21 crazy, it has nothing to do with you. I would or ignore the  
22 calls, you know.

23 Q Did you ever try to navigate around sexual events?

24 A Yes.

25 Q Did that have anything to do with the I /SKWREPBGS you

1 saw in the garbage pale?

2 MS. ROTUNNO: Objection?

3 A Absolutely.

4 THE COURT: Overruled.

5 Q Explain that to the jury?

6 A When I research sort of what it was, ever pattern, I  
7 sort of pick up on.

8 MS. ROTUNNO: Objection Judge.

9 THE COURT: Sustained.

10 Q Not his pattern, but what was it about that research  
11 that was important to you?

12 MS. ROTUNNO: Objection?

13 A It explained his behavior to me.

14 MS. ROTUNNO: Objection.

15 THE COURT: Hold on, sustained.

16 Q What was the result of the research that you conducted,  
17 what was the information you /TPWAT erred?

18 LEFT 2: Roy objection?

19 A I can only--

20 THE COURT: Hold on, sustained.

21 Q Did you research the medication or whatever was in the  
22 garbage pale?

23 A I did research it.

24 Q And did that research inform you?

25 MS. ROTUNNO: Objection.



1 Q With regards to the defendant ability to have sex?

2 MS. ROTUNNO: Objection?

3 A Yes.

4 THE COURT: Overruled.

5 MS. ROTUNNO: She's not a doctor.

6 Q In what way it it inform you about the defendant  
7 ability to have sex?

8 MS. ROTUNNO: Objection.

9 THE COURT: Overruled?

10 A It could only be used.

11 MS. ROTUNNO: Objection?

12 A So many times.

13 LEFT 2: Objection asking for medical--

14 THE COURT: Sustained.

15 Q Irrespective of what the medication or the research  
16 that you did indicated, did it change your path attorney or you  
17 are responses to the defendant?

18 A Absolutely.

19 Q In what way?

20 A I would delay the days between where I felt I needed to  
21 show up and I would extend that past the point where I felt the  
22 likelihood of him having used it already.

23 MS. ROTUNNO: Objection judge?

24 A Would have past.

25 THE COURT: Overruled, move opinion.

1 MS. ROTUNNO: The likelihood, what foundation,  
2 likelihood, how, when, where.

3 Q At some point did you get a job at the Peninsular  
4 Hotel?

5 A I did.

6 Q What kind of job was that?

7 A Cutting hair.

8 Q Where was the salon with regard to the Peninsular  
9 Hotel.

10 A Well they converted an old hotel room to a salon, it  
11 was on the first, I'm not sure if it is considered the first  
12 floor, you go down a few stairs.

13 Q How did you get that job?

14 A Through Harvey.

15 Q This man, did Harvey Weinstein ever give you money?

16 A He attempted to.

17 Q Did you take it?

18 A Absolutely not.

19 Q What was your financial situation at that time  
20 withdrawn. The place you work at, was that the place in Los Angeles?

21 A Yes.

22 Q What was your financial situation during that time?

23 MS. ROTUNNO: Objection?

24 A I could not evening afford /REPT, I was so broke.

25 Q Did you ask the defendant for money?

1 A No.

2 Q Did he attempt to give you money at some point?

3 MS. ROTUNNO: Objection.

4 THE COURT: Sustained?

5 A He a item dead to deliver--

6 THE COURT: Asked and answered.

7 Q How much money did the defendant try to give you?

8 MS. ROTUNNO: Objection.

9 THE COURT: Sustained.

10 Q How did you reject the money that the defendant tried  
11 to give you?

12 MS. ROTUNNO: Objection.

13 THE COURT: Sustained.

14 Q When you were with the defendant, did he at times brag  
15 about connections that he had?

16 MS. ROTUNNO: Objection.

17 THE COURT: Overruled?

18 A Yes very much.

19 Q Explain that to the jury?

20 MS. ROTUNNO: Foundation.

21 THE COURT: Overruled?

22 A He loved to tell me that bill Clinton was his neighbor,  
23 I'm sorry. He would talk about all this money that he  
24 would raise for big organizations, I mean he had a story  
25 for most anyone in the world if you asked him really, but

1 the biggest one for me was bill Clinton.

2 Q Did you ever witness him taking a call with the former  
3 president?

4 A Yes.

5 Q Explain that to the jury?

6 A The first call.

7 MS. ROTUNNO: Objection.

8 THE COURT: Overruled?

9 A He would talk about Mr. Present I don't remember the  
10 exact nature of that first call, then the last two I saw was  
11 when he was raise is money for hill Roy Clinton.

12 MS. ROTUNNO: Objection foundation.

13 THE COURT: Overruled?

14 A They were talking about the actresses he would bring in  
15 for him.

16 MS. ROTUNNO: Objection they are talking.

17 THE COURT: Overruled.

18 Q How did this affect your conduct with regards to the  
19 defendant?

20 A Its intimidated me because when you are raising that  
21 much money for that powerful of a perp that you can just call  
22 them on your phone, they are not going to want to deal with some  
23 one crying rape.

24 MS. ROTUNNO: Objection?

25 A And /RAOUPBG that.

1 THE COURT: Overruled?

2 A In my opinion.

3 Q Ms. Mann, did you have any of these connections?

4 A No.

5 Q At some point, Ms. Mann, did you begin a relationship  
6 with somebody else?

7 A Yes.

8 Q And what was that persons job?

9 A He was I would say pretty well known actor.

10 Q Did you try or did you tell the defendant that you were  
11 in a relationship?

12 A Yes.

13 Q Explain what happened at that time?

14 MS. ROTUNNO: I ask for the foundation.

15 THE COURT: Overruled?

16 A I had been avoiding, let me start again.

17 Q Take your time?

18 A Okay, I was scared to tell Harvey that I knew I had to  
19 do it because I wanted integrity for my relationship, I didn't  
20 want Harvey to tip to behavior to me that he was doing, and  
21 during the course of my dynamic with Harvey, he would tell me  
22 things like rules that he had, such as you can date anyone you  
23 want but you cannot date anyone in the industry, I won't have  
24 it, I find that disrespectful and unprofessional. He so since I  
25 was dating and actor, I was particularly concerned about

1 protecting the actor I was dating, and we were supposed to go  
2 and talk after this dinner that Harvey invited me to, but he  
3 brushed it off until finally he agreed to see me after work.

4 MS. ROTUNNO: Objection, foundation, when, when.

5 THE COURT: Overruled?

6 A And so I said to him, Harvey, you know my dreams and my  
7 hopes that I want to find a relationship, and I want to get  
8 married one day and have kids, and I just want you to know  
9 that I met someone, and I would like to have a relationship  
10 with, and I already started a relationship with this  
11 person, I was already sleeping with this person, so that  
12 was very important to me to protect our sexual  
13 relationship, and, and then Harvey asked me well who is  
14 this guy, who is this guy that captured you, and I said I'm  
15 not going to tell you, he goes is it a banker, I was  
16 silent, is it invest membership guy, Wall Street guy, I  
17 remained silent, he goes is it and actor, I look down and  
18 still did not say anything, and he knew.

19 MS. ROTUNNO: Objection what he knew.

20 THE COURT: Overruled?

21 A I assumed, I assumed.

22 MS. ILLUZZI: Your Honor this might be a nice time  
23 to break for lunch.

24 THE COURT: Okay, Ms. Mann you can step down and  
25 wait for further instructions from the D A. In the witness

1 room ( witness crying on the stand loudly) ( witness exit  
2 courtroom).

3 THE COURT: All right jurors, we will take our  
4 lunch recess remind mindful of all my prior add mop  
5 institutions on instructions keep and open mind, do not  
6 form and opinion as to the guilt or envelopes of the  
7 defendant, do not discuss this case among yourselves or  
8 with anyone else nor allow anyone to discuss it in your  
9 presence and most certainly refrain from any and all  
10 research or communication, electronically or otherwise  
11 about anything whatsoever to do with the case. See you  
12 back here prior to 2:15, thank you very much ( jury exit  
13 courtroom).

14 THE COURT: Yes.

15 MR. CHERONIS: I would like to add to the initial  
16 Molineaux application I made, not Molineaux application, my  
17 application regarding Ms. Wulff. Now, now the State before  
18 they sat down dropped and extra little /TEUD bit that the  
19 witness that they contacted is in some other state, so we  
20 are in a position now where because of their discovery and  
21 Brady violations there is a witness that is outside the  
22 control of this Court, that somebody we most likely will  
23 not be able to obtain to testify in this courtroom. It is  
24 sort of the Cherry on top of the Brady violation where we  
25 are given this information after the witness already

1 testified about the ability to interview that witness and  
2 most likely without the ability to get that witness present  
3 in court, so for another reason we are asking this Court  
4 decide it was in fact a discovery violation, it was a Brady  
5 violation and to order a mistrial.

6 I cannot see /-R for the leave of me with a  
7 straight face the State can stand up, say this witness does  
8 not matter and oh by the way she's not in the State of New  
9 York, it about falls the mind.

10 THE COURT: All right see you prior to 2:15,  
11 thank you ( lunch recess taken).

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1 (P.M session of January 31, 2020).

2 MS. HAST: Judge during the lunch break we got in  
3 touch with Gloria, and she will be making herself available  
4 next week if necessary to come to New York, if they  
5 request.

6 THE COURT: They do. So have her here Thursday,  
7 and have Ms. Wulff available I guess here Tuesday, and I'll  
8 ask them if they want her to be recalled.

9 All parties are present also Mr. Kamins.

10 ( Jury enters courtroom).

11 THE CLERK: Case on trial continues, all parties  
12 are present. Do the parties stipulate the jury is present  
13 and properly seated?

14 MS. ILLUZZI: Yes.

15 MS. ROTUNNO: Yes.

16 THE COURT: Welcome back jurors. Once again,  
17 thank you for being so timely all the time.

18 COURT OFFICER: Witness entering.

19 ( Witness enters courtroom).

20 THE COURT: Welcome back Ms. Mann, I remind you  
21 that you are still under oath and the same rules apply.  
22 Settle in there, we will get you the microphone back.

23 Ms. Illuzzi, once Ms. Mann is settled in, resume  
24 your examination.

25 MS. ILLUZZI: Thank you.

1 DIRECT EXAMINATION CONTINUED

2 BY MS. ILLUZZI:

3 Q Ms. Mann, I'm going to take you back to a point which  
4 we left off before the lunch hour with regards to an incident  
5 which took place at the Peninsular Hotel in Los Angeles.

6 At the time this incident took place, do you know  
7 approximately how long you had known the defendant?

8 A I believe less than a year.

9 Q At the time of this incident in the Peninsular, were  
10 you still working as a hair dresser at the Peninsular?

11 A Yes.

12 Q Ms. Mann, in your observations, how was the defendant  
13 treated at the Peninsular Hotel?

14 A As if he owned it.

15 Q As an employee of the Peninsular, how was it that you  
16 were expected to act towards guests?

17 MS. ROTUNNO: Objection.

18 THE COURT: Towards guests, overruled.

19 A Very respectful, pleasant, very greeting, greet people.

20 Q What did you observe of how the defendant acted in the  
21 Peninsular?

22 MS. ROTUNNO: Objection.

23 THE COURT: Overruled.

24 A All of -- even upper management curtailed to anything  
25 he wanted.

1 Q What was his affect and demeanor in the Peninsular?

2 MS. ROTUNNO: Objection.

3 THE COURT: Overruled.

4 A He got, he had his tables specifically for him at that  
5 restaurant. He got the conference room whenever he wanted to.

6 Q I'll stop you. Listen to my question. What was his  
7 affect and demeanor, what was he like at the Peninsular?

8 A He was like a boss. He told people what he wanted and  
9 he got it.

10 Q I'm going to take you back to the point at which you  
11 are having a conversation with the defendant in his hotel room  
12 at the Peninsular with regards to the fact that you were now in  
13 a different relationship, a relationship with someone else.  
14 Take us back and tell us about that conversation?

15 A So wow, I mean I refused to be answering him.

16 Q With regards to what?

17 A Who I was dating, and by the time he got to the  
18 question if he was an actor, his eyes changed and he was not  
19 there. They were very black and he ripped me up from my chair  
20 from the table, and he was screaming you owe me, you owe me one  
21 more time.

22 As he was dragging me into the bedroom I didn't fall,  
23 but I was having a lot of trouble keeping my balance, he was  
24 pulling me so fast he, he sort of threw me down on the edge of  
25 the bed and he was demanding that I take off my clothes, and I

1 was begging him, I said no, please, no, because I already been  
2 with my boyfriend.

3 He stood over me and he said take off your clothes  
4 again, and I said no again. And he said I don't have time for  
5 games. And he lunged at me with both hands and they hooked into  
6 my pants, and he ripped my pants so hard and so fast off of me  
7 that I had three scratches down each leg from the top of my  
8 thigh to right above my knee. He pulled my pants down.

9 Only the middle scratch had dots of blood that had come  
10 up, but there were three red marks and it hurt. It stunk kind  
11 of like a paper cut but deeper, and I froze and lost my voice  
12 and I crawled back to the pillows and I got in a ball and I had  
13 no strength.

14 I remember thinking because he had walked into the  
15 bathroom, I was hearing myself saying run, run, pull up your  
16 pants and run, and I could barely grab my underwear and I just  
17 couldn't move, and he came back out and he grabbed both of my  
18 ankles and he pulled me so hard down by my ankles that I flew  
19 back. And as he was down there, he pushed my legs apart and did  
20 something with my pants to get them out of his way, and then he  
21 put his mouth on my vagina and he started to lick my vagina and  
22 then he stopped and he said something, I don't know what he  
23 said.

24 And then he came at me to get on top of me and then he  
25 penetrated me.

1           Q     You've got to explain to the jury what that is when you  
2 say penetrated?

3           A     He put his penis inside of me and he started to just  
4 like try to, you know, hump and have sex with me.

5                     And I remember he had attacked me so fast. Almost  
6 every other time he would get fully naked and this time he still  
7 had a tee-shirt on, and I couldn't breathe. He was so heavy on  
8 me, and I just remember looking at the TV and staring at it and  
9 then it went black, and I don't know if I past out or if it was  
10 too overwhelming, and then the next thing I come to is I'm on my  
11 knees and he is shoving his penis in my mouth, and he has an  
12 orgasm, and that was the first time I ever experienced some sort  
13 of fluid that came out of his penis and, and it choked me, and  
14 it was so bad, and when he was done he went and laid on the bed  
15 as I crawled to the bathroom on my hands and knees to the sink  
16 to try to spit out the taste in my mouth, and I was scared to  
17 look at myself, but I did, and I saw that I had been crying long  
18 enough that my eyes were red and swollen at that point.

19                     But I don't know when I started to cry, and then he  
20 called me and I was scared when I heard my name, and he wanted  
21 me to come to him.

22                     So I went out there after compressing my eyes with some  
23 cold water to try to hide the fact I had been crying, because I  
24 was scared if he saw I was upset he would get more mad and then  
25 he attempted to reframe what happened like he had done before to

1 me --

2 MS. ROTUNNO: Objection, Judge.

3 THE COURT: Overruled.

4 A And he said thanks, like okay, now you can go have your  
5 relationship and what you can do is you can bring me other  
6 girls. You can be my, what do they call it, a wing girl, and  
7 then he apologized to me.

8 He said I'm so sorry about earlier. I just find you so  
9 attractive, I couldn't resist. And then he would want me to  
10 answer him that we are friends right, yes, we are friends, yeah  
11 we are friends I said.

12 So much was going through my mind, and when I felt like  
13 he was okay with letting me leave after he finished talking to  
14 me, I left.

15 Q Ms. Mann, are you okay? After that incident at the  
16 Peninsular, Ms. Mann, did you ever express at any point to the  
17 defendant that you were upset or not interested in being with  
18 him?

19 A He did a couple of things that I was trying to express  
20 that were upsetting me.

21 Q Did you ever voice what was going on in your head in  
22 any writings or e-mails to him?

23 A Yeah, I think I sent him an e-mail, my heart was  
24 hurting.

25 Q Did you try to dissuade him from seeing you in a sexual

1 manner?

2 MS. ROTUNNO: Objection.

3 THE COURT: Rephrase that please.

4 Q Did you try to avoid sexual matters with him?

5 MS. ROTUNNO: Objection, leading.

6 THE COURT: Overruled.

7 A Yeah, I wanted to have my relationship and not engage  
8 with him in any way that would be disrespectful to my boyfriend.

9 Q Do you just, did you ever come out and say to the  
10 defendant you raped me or I hate you or anything like that?

11 A I was too scared to confront him that directly.

12 Q Over the next months and over the next two years, that  
13 being 2014, 15 and 16, did you see the defendant less than in  
14 that first year?

15 A Very minimally.

16 Q Why was it minimally, why wasn't it the same as it was  
17 prior to this?

18 A Well, part of that is because I worked at the hotel  
19 still for a short period of time, and I don't really remember  
20 the encounters picking up until about 2016.

21 Q Ms. Mann, would there be weeks and months where you did  
22 not have any interaction with the defendant?

23 A Yeah.

24 Q Was it less and less interactions as those few years  
25 went by?

1           A     Yeah.

2           Q     At one point in time, did you reach out to the  
3 defendant for some help?

4           A     There is two times I can think of.

5           Q     Okay.

6           A     One was the job that I got requested I get a membership  
7 at the Soho House which is an exclusive, I think there is one  
8 here in New York. You have to have an invitation to get in  
9 there, and my boss wanted one or referral. And the only person  
10 I knew that could make that happen was Harvey, and I didn't feel  
11 I had to engage with him to see that, but I did kind of call  
12 that I needed it for my work.

13          Q     When was the next time or the other time?

14          A     The second time my father's car I inherited and I could  
15 not afford hardly living, and I had a lot of tickets and I think  
16 my tabs might have been expired. There is something I got  
17 pulled over for and I was going to lose my car, and I couldn't  
18 lose my car.

19          Q     Were you at times living in your car?

20          A     I was.

21                   MS. ROTUNNO: Objection.

22          A     I know I could survive if I have a car.

23                   MS. ROTUNNO: Objection.

24                   THE COURT: Sustained.

25          Q     Were you at times living in your car?



1           A     Yes.

2                     THE COURT:     Sustained.

3                     MR. CHERONIS:    Objection.

4                     MS. ILLUZZI:    I thought that was other questions,  
5                     sorry.

6           Q     What kind of help did you reach out to the defendant  
7           for?

8           A     I was kind of vague at first.  I didn't really know how  
9           to ask for really what I needed, which was I was not even sure.  
10          But I kind of talked to Barbara a lot about the exact situation  
11          which had to do something with the Department of Motor Vehicles  
12          and I cannot remember if I had a bunch of parking tickets at  
13          that time, it was kind of an overwhelming situation, I was not  
14          sure how to fix.

15          Q     What did you want the defendant to do or what did you  
16          ask Barbara or the defendant to do for you?

17          A     Just I think to just like help me somehow, because  
18          Harvey always said to me if you ever need anything, that he  
19          would help me, and I never wanted to ask him for help, but I was  
20          really desperate this time.

21          Q     In 2015 after the summer of 2015 or around the summer,  
22          did the defendant in any way change his demeanor towards you?

23          A     Very significantly in 2016.

24          Q     Without telling us, let me ask you a leading question,  
25          okay, did you see the defendant again in 2016?

1 A Yes.

2 Q And did something sexual happen at that time?

3 A Yes.

4 Q Was it coerced in any way?

5 A No.

6 Q Fast forwarding to the fall of 2017. Did you decide to  
7 go to law enforcement with regards to what happened with you and  
8 the defendant?

9 A I did.

10 Q And did you go to the media or did you go to law  
11 enforcement?

12 MR. CHERONIS: Objection.

13 THE COURT: Overruled.

14 A I went to the, I'm not sure which came first, police or  
15 the District Attorney or the difference between any of that, but  
16 I started the law stuff.

17 Q Did something happen in the fall of 2017 that prompted  
18 you to go to the police; just yes or no?

19 A Yes.

20 Q Did there come a point in time you met with prosecutors  
21 and detectives from the NYPD?

22 A Yes.

23 Q And also eventually investigators from the District  
24 Attorney's Office?

25 A Yes.

1 Q And was that here in New York as well as Los Angeles?

2 A Yes.

3 Q At some point, were you asked whether or not you still  
4 had your whatever cell phones that you had when you were  
5 communicating with Harvey Weinstein?

6 A Yes.

7 Q And were you asked to produce those cell phones?

8 A Yeah, I think I'm the one that mentioned them.

9 Q Did something about giving your cell phones over make  
10 you feel somewhat uncomfortable?

11 A Yes.

12 Q What was that, what made you feel uncomfortable?

13 A Well, I have naked photos of myself on there.

14 Q Did you have a conversation with a police detective  
15 regarding your discomfort with just handing your phones over?

16 A Yes.

17 Q And was that Nick DiGaudio?

18 A Yes.

19 Q And when you expressed this to Detective DiGaudio, what  
20 if anything did he say to you?

21 A He was really wanting the phones, and he said if those  
22 pictures or anything like that makes you uncomfortable, we can  
23 just delete them and we won't tell Joan.

24 Q When he said we won't tell Joan, who is that referring  
25 to?

1 A You.

2 Q Upon hearing that, what did you do?

3 A Hired a lawyer.

4 Q Did you delete any photographs from your phones?

5 A Absolutely not.

6 Q And did you then after seeing a lawyer, hand them to  
7 us?

8 A I gave them to my lawyer who gave them to you.

9 Q Had you ever seen or spoken to that detective again?

10 A No.

11 Q I'm going to show you some photographs and exhibits.  
12 I'm going to first show you two photographs, you have to look at  
13 them by yourself; People's Exhibit 107 and People's Exhibit  
14 Number Nine.

15 ( Handed to witness).

16 Q Do you recognize what is depicted in those two  
17 photographs?

18 A Yes.

19 Q Do they fairly and accurately represent the Doubletree  
20 that you were with Tommy Richards in March of 2013?

21 A Yes.

22 Q Is that fairly and accurately the way that hotel looked  
23 when the defendant brought you to a room there?

24 A It looks like it.

25 MS. ILLUZZI: At this time I ask it be admitted as

1 People's Exhibit Number Eight--

2 THE COURT: 107 and Nine.

3 MS. ROTUNNO: No objection.

4 THE COURT: Those are received into evidence.

5 Q Now, Ms. Mann, you had several cell phones over the few  
6 years that you interacted with the defendant, is that correct?

7 A That is correct.

8 Q When you changed your cell phone number, did you inform  
9 the defendant of the change in the number?

10 A One time.

11 Q Did you also inform other people in his office when you  
12 had a new cell phone?

13 A I only remember one e-mail where I sent my number out,  
14 I don't remember telling multiple people.

15 MS. ILLUZZI: I'm going to show you, show it to  
16 counsel.

17 Q Do you recall all your cell phone numbers?

18 A No.

19 Q Ms. Mann, I'm going to show you a few e-mails and they  
20 are marked, your Honor, People's Exhibit Number 151 to 155.

21 ( Handed to witness).

22 Q Take your time and look at those please.

23 A Okay.

24 Q Do those e-mails contain the cell phone numbers that  
25 you had at various times during the period in time you were in

1 contact with the defendant?

2 A The only one that I really don't remember having is  
3 there is one on here, I'm not saying it is not mine, I don't  
4 remember that number.

5 Q But, did you, which one, what are the first three  
6 numbers of the one you do not remember?

7 A The area code 217.

8 Q What are the next three numbers?

9 A 752.

10 Q But, if you put them in this e-mail, were they cell  
11 phones that you were using at the time and then giving that  
12 information to the defendant or his office?

13 A Yeah, most likely, of course.

14 MS. ILLUZZI: For the purpose of those numbers, we  
15 ask those exhibits be put into evidence as People's 151  
16 through 155.

17 THE COURT: Any objection to that?

18 MS. ROTUNNO: No.

19 THE COURT: Those will be received into evidence.

20 Q What was the last time that you saw or spoke to the  
21 defendant?

22 A The last time I engaged with him was that e-mail I  
23 read.

24 Q Say it again?

25 A The last time I ever engaged with him was that e-mail I

1 read.

2 Q Which e-mail, I'll give you back this pile and tell us  
3 which e-mail was the last time you ever contacted him, tell us  
4 the number on the back?

5 A 155.

6 Q Ms. Mann, do you know, are you done?

7 A Sorry, I thought this included something that I'm not  
8 seeing on here. I don't recall anything after around this  
9 period of time.

10 Q When was that?

11 A February 2017.

12 Q Ms. Mann, I'm going to ask you if you have known or  
13 know or ever spoke to the following people: Do you know a woman  
14 name Annabella Sciorra?

15 A No.

16 Q Miriam Haley?

17 A No.

18 Q Tarale Wulff?

19 A No.

20 Q Lauren Young?

21 A No.

22 Q Dawn Dunning?

23 A No.

24 Q When you decided to go to law enforcement about this  
25 case, did you think about or explore whether or not it would be

1 possible for you to sue the defendant for money?

2 A I did not understand how law works. I discovered in  
3 the process of talking to a lawyer the difference of civil  
4 versus criminal. I did not want to do civil, I wanted to do  
5 criminal.

6 Q And from the time you went to law enforcement up until  
7 now, did you ever ask the defendant for any money?

8 A No.

9 Q Have you filed any lawsuits?

10 A No.

11 Q Are you planning on filing any lawsuits?

12 A No.

13 Q Ms. Mann, you had indicated to the jury that you were  
14 at times trying to sort of put off or ignore communications from  
15 the defendant, is that correct?

16 A Yes.

17 Q And did you, on at least one of your phones, have  
18 voicemails both from the defendant and Barbara Schneeweiss  
19 trying to get in touch with you?

20 A Yes.

21 Q Did you have an opportunity to listen to a C D in my  
22 office with regards to that?

23 A Yes.

24 Q I'm going to show you what has been marked as People's  
25 Exhibit Number 156 for identification.



1           Showing you People's Number 157, do you recognize that  
2 C D, sorry 156, do you recognize that C D?

3           A     I recognize my signature.

4           Q     Did you put your signature there after listening to  
5 that C D in my office?

6           A     Yes I did.

7           Q     On that C D, does that have messages by the defendant  
8 to you and messages from Barbara Schneeweiss to you?

9           A     Yes.

10           MS. ILLUZZI: I'll not publish it now, but enter  
11 it into evidence as People's 156.

12           THE COURT: Any objection?

13           MS. ROTUNNO: No objection.

14           THE COURT: Okay, 156 is received into evidence.

15           MS. ILLUZZI: That is it at this time, thank you.

16           THE COURT: Excuse me?

17           MS. ILLUZZI: That is it at this time, thank you.

18           THE COURT: Okay, Ms. Rotunno.

19           MS. ROTUNNO: Can we take a quick break and  
20 approach on an issue?

21           THE COURT: Step up please, and can you step  
22 down.

23           ( Conversation held off the record).

24           THE COURT: All right, why don't we have the  
25 witness stay there for a moment.

1                   We will take a quick break jurors. Please remain  
2 mindful of all my prior admonitions and instructions during  
3 this or any other recess. See you back here in five  
4 minutes, thank you.

5                   ( Jury exit courtroom).

6                   THE COURT: Why don't we have the witness go into  
7 the witness room for a few minutes.

8                   All right, you wanted, do we need Ms. Rotunno?

9                   MR. CHERONIS: I think, your Honor, the issue we  
10 have is Ms. Mann testified on direct examination to a  
11 consensual sexual encounter with Mr. Weinstein.

12                   Ms. Illuzzi carefully led her not to say anything  
13 about it. The problem that we have is that this is the  
14 first time that was disclosed to us.

15                   Ms. Illuzzi said well, she told us about it but we  
16 did not take notes. I think that might also be potentially  
17 Brady material, material that an individual who is claiming  
18 that Harvey Weinstein sexually assaulted her admits to  
19 having consensual sex with him.

20                   What we are requesting is a proffer from the State  
21 as to the details of that conversation. Proffer from the  
22 State as to what occurred, when it occurred and where, and  
23 we are asking for that before we begin our cross  
24 examination.

25                   THE COURT: Fair enough.

1 MS. ILLUZZI: Judge, the defense knew and  
2 certainly so did we that there were several consensual  
3 encounters between the defendant and Ms. Mann.

4 They have all of her e-mails, she is even  
5 e-mailing him up until February of 2017 that she is seeing  
6 him and asking him for help on things.

7 And at some point we asked when was the last time,  
8 it was a series of times, and she said October 2016. And  
9 to us it was not extraordinarily significant because she  
10 had other sexual, consensual sexual encounters.

11 MR. CHERONIS: So, what we are asking for now,  
12 since Ms. Illuzzi just told the Court that she's had  
13 conversations with Ms. Mann about several sexual encounters  
14 that were consensual, the District Attorney memorialize and  
15 turn that over.

16 We cannot guess this witness was going to say  
17 that. We have e-mails, we have a lot of things. What we  
18 do not have are any conversations, any proffers, anything  
19 that supports what Ms. Illuzzi just said.

20 We are glad she said it now, but if there are a  
21 number of sexual encounters consensual that Ms. Mann told  
22 the District Attorney about, we should have those.

23 The State should not have the decision as to  
24 whether to take notes for Brady material.

25 They keep talking about we didn't take notes.

1           Sometimes you got to put pen to paper. Sometimes you got  
2           to write things down. When a complaining witness who just  
3           got finished crying for an hour and a half talking about  
4           what a monster Harvey Weinstein was, told them on numerous  
5           occasions there were consensual sexual encounters, that  
6           triggers their obligations under Brady.

7                        MS. ILLUZZI: They knew this all along. In fact,  
8           if you recall, they went through great lengths talking  
9           about the fact she said I don't just want to be a booty  
10          call. They knew that exactly what she testified to, that  
11          at some point in time she felt that she was in a  
12          relationship with him and although she didn't want sex, she  
13          was not forced to have sex.

14                       MR. CHERONIS: It is not what she thinks we know,  
15          it is what they know that triggers Brady.

16                       She cannot sit there and say Mr. Cheronis knows  
17          this, or Mr. Weinstein knows that. Brady is triggered by  
18          what they know, and they just told you they have  
19          information from Ms. Mann there were numerous consensual  
20          sexual relationships, and the fact a prosecutor in a  
21          criminal courtroom can stand up and say that is not Brady  
22          material when a case is surrounding the issue of consent,  
23          boggles my mind.

24                       And for us to now be in a position we have to get  
25          up and cross examine Jessica Mann and ask her questions

1           about this when the State has withheld information  
2           regarding consensual sexual relationships between Mr.  
3           Weinstein and Ms. Mann, that she has told the State about,  
4           that is a problem, that is a problem in any courtroom, in  
5           any state, in any jurisdiction.

6                       MS. ILLUZZI: Judge, she never said she wanted to  
7           have sex with Harvey Weinstein. She said she had sexual  
8           contact with Mr. Weinstein that was not coercive. Everyone  
9           knew that, that was clear in everything we handed over to  
10          them.

11                      MR. CHERONIS: What part of the Government's  
12          obligations under Brady don't we understand here.

13                      When a witness says I had a relationship with Mr.  
14          Weinstein and describes sexual encounters they are claiming  
15          are not forced, how does that not trigger a duty to turn  
16          that over to the defense, and we want that before we begin  
17          our cross examination of Jessica Mann.

18                      We are entitle to that and asking for a mistrial  
19          based on yet another discovery Brady violation.

20                      MS. ILLUZZI: Judge, it was exactly what this  
21          witness testified to, okay. Everyone knew she had other  
22          sexual encounters with the defendant that were not forced,  
23          okay.

24                      We are saying consensual, but the point is it was  
25          not forced, and she was in this relationship with him over

1 a number, over a period of time. Not only did they know  
2 that, but all their parties indicated that, their opening  
3 statement indicated that, and they have been touting these  
4 e-mails back and forth regarding that.

5 In fact, the e-mails were saying look, she does  
6 not want to be with him that way. She does not, she feels  
7 uncomfortable when he's changing, she does not just want to  
8 be a booty call, they knew all this.

9 MR. CHERONIS: Your Honor, it is almost like it is  
10 bizarreable. The end of the day when the State has this  
11 information, it does not matter what she thinks we know.

12 They just said on the record Ms. Mann talked to  
13 them about specific sexual encounters with Mr. Weinstein  
14 not forced. How can they not have to turn that over. How  
15 can they not disclose that whether they think we know  
16 something or not. Those are specifics.

17 MS. ILLUZZI: Grand jury minutes on bates stamp  
18 11234 in the grand jury. When you saw him over the next  
19 few weeks, did you let him do sexual things to you. Yeah,  
20 so I decided okay, I'll have a relationship and they --  
21 there were consensual times I did see him after that.

22 MR. CHERONIS: When they have specific  
23 descriptions, your Honor, they just got into something in  
24 2016, this is not -- this should not be an issue, they  
25 should turn this over.

1                   When they talk to somebody and get specifics as we  
2                   know they did because Ms. Illuzzi led her, she has a  
3                   specific situation where she had consensual sexual  
4                   relationships, whether she wanted it or not with Mr.  
5                   Weinstein, they did not divulge the specifics of that, and  
6                   apparently, according to Ms. Illuzzi, there were other  
7                   instances she specifically divulged to them.

8                   MS. ROTUNNO: To that, grand jury is misleading.  
9                   That portion of the grand jury speaks between the time she  
10                  met Mr. Weinstein and Talita was with her at the Montage  
11                  until she came to New York. That was not past the incident  
12                  at the Peninsular, that Ms. Mann testified to in around  
13                  2014.

14                  THE COURT: Okay, so it is three o'clock, are you  
15                  prepared to start your cross?

16                  MS. ROTUNNO: No Judge, I want all that  
17                  information.

18                  THE COURT: Okay, what information do they not  
19                  have? Can you walk over there and tell them?

20                  MR. ILLUZZI: This is what I have.

21                  MS. ROTUNNO: I want it in writing.

22                  MS. ILLUZZI: She does not have a specific date,  
23                  she knows in 2016 she had one more.

24                  MS. ROTUNNO: Ask her where, the circumstances.

25                  MR. CHERONIS: What we --

1 MS. ILLUZZI: I'm happy to put her on the stand.

2 MR. CHERONIS: The State should tender us a  
3 proffer of this information. Ms. Illuzzi also said  
4 although she may be backtracking, there were other  
5 situations when her and Mr. Weinstein had sex she did not  
6 want to have but consensual.

7 MS. ILLUZZI: This is exactly in the grand jury.

8 MR. CHERONIS: This is a different time frame.

9 MS. ILLUZZI: That time frame.

10 MR. CHERONIS: You got into specifics with your  
11 witness.

12 MS. ILLUZZI: Okay, I don't know what else they  
13 are asking for, Judge.

14 MS. ROTUNNO: I'll tell you.

15 MS. ILLUZZI: Everyone knew.

16 THE COURT: Hold on.

17 MS. ROTUNNO: I'll tell you, anything after the  
18 Peninsular and allegedly 2014 after she tells about her  
19 boyfriend and relationships until the last time she speaks  
20 to him, that is what I'm asking.

21 MR. CHERONIS: We want everytime she said she had  
22 consensual sex with Mr. Weinstein. If she has that  
23 information we want it and want the State to tender to us  
24 the way they are supposed to. All we want is to play by  
25 the rules, and those are the rules.



1 THE COURT: I'll recall Jessica Mann. Do you  
2 want me to read the Molineaux regarding her prior and after  
3 portion we discussed in the morning?

4 MR. CHERONIS: You will call her for what  
5 purpose?

6 THE COURT: I'm going to bring the jury back and  
7 ask Ms. Rotunno to start her cross examination.

8 MR. CHERONIS: My question is based on the  
9 argument we made in our request, what is the ruling as to  
10 that?

11 THE COURT: I'm telling the District Attorney to  
12 discuss this with you at the end of business today and  
13 right up until Monday morning.

14 MR. CHERONIS: We are asking respectfully before  
15 we start our cross examination we get this information.

16 THE COURT: Okay, I understand that, and based  
17 upon what Ms. Illuzzi said thus far, that is denied.

18 (Continued on next page)

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1 (Continued from the previous page.)

2 MR. CHERONIS: We are asking for a mistrial based  
3 upon what we believe to be another Brady violation.

4 THE COURT: Understood. Denied.

5 Do you want me to read this portion when the jury  
6 comes back?

7 MS. ROTUNNO: Yes.

8 THE COURT: All right, jury.

9 COURT OFFICER: Jury entering.

10 (The jury entered the courtroom and the  
11 following occurred:)

12 THE CLERK: Case on trial continued all parties  
13 are present.

14 Do the parties stipulate that the Jury is present  
15 and properly seated, The People?

16 THE COURT: People.

17 MS. ILLUZZI: Yes.

18 THE CLERK: The defense?

19 MS. ROTUNNO: Yes.

20 THE COURT: All right, Jurors, before we start  
21 cross-examination having finished the People's direct, let  
22 me give you the first of a number of legal instructions  
23 that I am going to be giving you throughout and then you  
24 will hear something along these lines at the time of my  
25 final instructions at the very end of the case. And you

1 may hear me repeat variations of this numerous times from  
2 here on out.

3 As to Jessica Mann, you have heard evidence from  
4 Jessica Mann that the defendant had interactions of a  
5 sexual nature with Ms. Mann prior to and after the crimes  
6 charged in this case.

7 This evidence regarding these interactions was  
8 not offered and must not be considered for the purpose of  
9 proving that the defendant had the propensity or the  
10 predisposition to commit the crimes regarding Ms. Mann in  
11 this case.

12 It was offered as evidence for your consideration  
13 on the question of whether the defendant intended to  
14 forcibly compel Ms. Mann to engage in the sexual acts and  
15 whether Ms. Mann consented to those sexual acts.

16 You have also heard evidence from Ms. Mann  
17 regarding the defendant's behavior towards others.

18 Again, this evidence was not offered and must not  
19 be considered for the purpose of proving that the defendant  
20 had a propensity to commit the crimes charged in this case.

21 It was offered for the limited purpose of  
22 explaining Ms. Mann's delay in reporting the sexual  
23 assaults and to show her state of mind.

24 If you find this evidence believable, you may  
25 consider it for these limited purposes and for no other.

1                   Okay. Recall the witness.

2                   MS. ROTUNNO: Judge, if we can approach with one  
3 quick issue?

4                   THE COURT: Okay.

5                                 (Discussion held at the bench, off the  
6 record.)

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

9                   SERGEANT: Witness entering.

10                                (Witness entered the courtroom.)

11                   THE COURT: Okay. Ms. Mann, I remind you that  
12 you are still under oath and the same rules apply.

13                                And Ms. Rotunno.

14                   MS. ROTUNNO: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. ROTUNNO:

17                                MS. ROTUNNO: Could I have this up, so I have  
18 some where to put my stuff.

19                   Q     Good afternoon, Ms. Mann. Good afternoon.

20                   A     Hi.

21                   Q     You spent the entire morning and part of the afternoon  
22 speaking to the Ladies and Gentlemen of the Jury about horrific  
23 instances that you encountered with Mr. Weinstein, is that  
24 correct?

25                   A     Yes.

1           Q     And you spoke about an encounter that involved a  
2 three-some, isn't that right?

3           A     Yes.

4           Q     And you told the Ladies and Gentlemen of the Jury that  
5 that three-some was so horrifying to you because it was  
6 something that you didn't want to do, correct?

7           A     Correct.

8           Q     And that you ended up in the bathroom curled up in a  
9 ball and that the other Italian woman came in and saw you in  
10 the bathroom, correct?

11          A     That is true.

12          Q     And you said that you went in the bathroom because it  
13 was something that you didn't want to do, correct?

14          A     Yes.

15          Q     And her name Emanuela Postacchini, is that correct?

16          A     I don't know her last name.

17          Q     Emanuela?

18          A     Yes.

19          Q     Ms. Mann, I am going to show you what I am marking as  
20 Defendant W, I believe, and what I am showing you is a note  
21 from your phone that was recovered and given to us by the  
22 District Attorney.

23                     Would you look at that, please?

24          A     I know it.

25          Q     And you know that note, right?

1           A     Yes.

2           Q     And you know it because you wrote it, correct?

3           A     That is correct.

4           Q     And if we can pull that up. I would like you to read  
5 the note from your phone to the Ladies and Gentlemen of the  
6 Jury.

7                   MS. ILLUZZI: Objection.

8                   THE COURT: Can you step up?

9                   Can I see that, please?

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

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

14                   THE COURT: Okay.

15           Q     And Ms. Mann, you wrote that note about the event that  
16 you testified here today, correct?

17           A     Incorrect.

18           Q     Oh, what's that note about?

19           A     What is this?

20           Q     Yes.

21           A     This is from -- well, I started a blog called, The  
22 Bitch and I -- it's not online anymore. It was -- had an  
23 anonymous name and I would try to write exaggerated comedy  
24 through an anonymous name.

25                   Other titles in my blog have included His Mob Wife,

1 The Brazilian Wax from Hell. Experiences that I could take  
2 from real life and expound upon and create a premise to create  
3 humor through.

4 And this was one of the blogs that I thought was going  
5 to be funny because I thought ever guy wants a girl to have a  
6 three-some and I was incapable. And I had tried two other  
7 times to have a three-some after the experience with Harvey.

8 And there.

9 Q Let me ask you --

10 A Can I finish? Can I not finish?

11 THE COURT: Hold on. Let's wait for a question.

12 Q So tell me when the two other three-somes that you had  
13 were after Harvey?

14 MS. ILLUZZI: Objection. That's not relevant.

15 MS. ROTUNNO: Judge, she just opened the door.

16 THE COURT: Overruled.

17 THE WITNESS: I don't remember when they were. I  
18 remember who.

19 Q Who were they?

20 A Friends.

21 Q And they obviously were before you wrote that note,  
22 correct?

23 A Incorrect.

24 Q So they happened after you wrote that note?

25 A Oh, no, sorry. This -- when I -- I wrote this in

1 2014 -- 2013 was when I -- before I was -- when I was dating  
2 like a few people in between and I had an official relationship  
3 with Eddie.

4 Q Well, you were also seeing Harvey in 2013, correct?

5 A I had a dynamic with him.

6 Q You were seeing Harvey and then you started seeing  
7 Eddie and you were having three-somes with other people while  
8 you were will seeing Eddie?

9 A Yes.

10 Q Correct?

11 A Incorrect.

12 Q You talked about how manipulated you felt by Mr.  
13 Weinstein, correct?

14 A Yes.

15 Q But, Ms. Mann, you were manipulating Mr. Weinstein to  
16 get invited to fancy parties, correct?

17 A I was not manipulating him but I was invited.

18 Q You were using him?

19 A I was not using him.

20 Q So you claim that you had no idea that Mr. Weinstein  
21 wanted to have a sexual relationship with you when you first  
22 met him, correct?

23 A Yes.

24 Q And you claim that when you met him at the party for  
25 the Hollywood producer in Hollywood Hills -- and you met him at



1 the party in the Hollywood Hills, correct?

2 A Yes.

3 Q And he asked you for your phone number, correct?

4 A Yes, he did.

5 Q And he called you, correct?

6 A I don't recall if he called me.

7 Q Well -- and you met at a book store, correct?

8 A He invited me and I met him there.

9 Q And he bought you books, correct?

10 A Yes.

11 Q Normally, at a business meeting someone is not buying  
12 you books --

13 A They were all relevant to my career.

14 Q He brought them for you?

15 A They were relevant to my career.

16 Q He bought them for you?

17 A Okay.

18 Q Correct?

19 A Yes.

20 Q And then he wanted to see you again, correct?

21 A Yes.

22 Q And then the third time you met him for dinner at the  
23 Peninsula Hotel, correct?

24 A Well, he wanted to see me again for industry related  
25 stuff and then after that industry related meeting he did want

1 to see me again.

2 Q Well, he took you upstairs to his room at the  
3 Peninsula?

4 A By the third time I met him.

5 Q Yes.

6 A Yes.

7 Q When you went up to his room, in your words, you told  
8 the Ladies and Gentlemen of the Jury that the first thing he  
9 did was walking around the room and take off his shirt,  
10 correct?

11 A I didn't actually see him. I saw him getting  
12 comfortable and undressing but at some point when he went into  
13 the room he took off his shirt.

14 Q And at that point, did you know it wasn't a business  
15 meeting any more?

16 A I knew it was weird.

17 Q And it wasn't a business meeting anymore?

18 A Well, I should hope not.

19 Q Correct. And at that point he said, you know what, I  
20 would like to give you a massage?

21 A He did ask me.

22 Q That's never been a part of any business meeting I was  
23 a part of.

24 A His shirt was not off when he first asked me for a  
25 massage.

1 Q And you said, no?

2 A Of course I said, no.

3 Q And you said no because a massage is not a part of any  
4 business meeting you had ever been a part of, correct?

5 A No.

6 Q And then he took his shirt off, right?

7 A I did not watch him take his shirt off but when he  
8 called me from the room his shirt was off.

9 Q And he asked you to give him a massage?

10 A He was negotiating me from with the room when I was  
11 out there, yes.

12 Q Again, not part of a normal business meeting, correct?

13 A No, that's not.

14 Q And when he was laying on the bed with no shirt on,  
15 you didn't walk out of that hotel room?

16 A I didn't want to offend him and I wanted to deescalate  
17 and end on a good term.

18 Q Let me ask you this, you didn't want to offend him  
19 because you wanted what he had to offer, isn't that right?

20 A I think he had a lot of power.

21 Q And you liked that power?

22 A And it was in my best interest to not try to hurt  
23 myself but I didn't want to massage him.

24 Q Because you wanted to use the power he had, correct?

25 A Use, no. I wanted it to be professional.

1 Q You wanted to benefit from the power he had whether it  
2 was professional or otherwise, correct?

3 A I wanted to benefit from my agents. I wanted to  
4 benefit from my managers but they weren't putting me in those  
5 types of situations either.

6 Q And you had a choice to walk right out of that hotel  
7 room and never see Harvey Weinstein again, isn't that right?

8 A That could have been death to any attempt of a career  
9 I would have had.

10 Q Let's talk about that career. Let's talk about that.  
11 You told the Ladies and Gentlemen of the Jury that you  
12 were an actress when you met Harvey Weinstein, correct?

13 A I was.

14 Q What acting credits did you have when you met Harvey  
15 Weinstein?

16 A I had done Cavemen. I believe I had done a Disney  
17 show. There is stuff not listed on my IMDb that I had done.

18 Q Let's explain to the Jury what IMDb is.  
19 Tell the Ladies and Gentlemen of the Jury what that  
20 is?

21 A I don't know what it stands for. It is --

22 Q You are an actress and you don't know what IMDb stands  
23 for?

24 MS. ILLUZZI: Objection.

25 THE COURT: Sustained.

1 Q Tell them what it is.

2 You don't know what it stands for, tell them what it  
3 is.

4 A It's just another platform, like several that are out  
5 there, that you can list your credits on.

6 Q And would it be fair to say that you have very few  
7 credits listed, correct?

8 A As far as what I could list on there but my actual  
9 resume had more credits.

10 Q Because what you could list on there would actually  
11 make someone a legitimate actor or actress, correct?

12 MS. ILLUZZI: Objection.

13 THE COURT: Overruled.

14 THE WITNESS: As far as I know IMDb is not like  
15 necessarily regulated by SAG or determined by SAG. I think  
16 it's just a -- some person whoever sat that up.

17 Q Well, you can add things to your on IMDb, correct?

18 A I don't recall. There is a listing process to it. I  
19 don't know if I -- if it has to be verified or how that works.  
20 But they put things in place, I believe, protect that.

21 Q You told the Ladies and Gentlemen of the Jury that you  
22 were a serious actor, you were really trying to pursue acting  
23 when you came to California, right?

24 A Yes.

25 Q And you had not acted anywhere else before coming to

1 Los Angeles other than --

2 A Incorrect.

3 Q -- other than small theater groups and a traveling  
4 theater?

5 A I was working in a minor market in Arizona before Los  
6 Angeles. I was on a sketch show that was being produced for  
7 TV.

8 Q Did it ever make it to TV?

9 A I am sorry.

10 Q Did it after ever make it to TV?

11 A I don't think so. I booked a Go Daddy commercial, but  
12 they ended up canceling the scene with Danika (sic) but they  
13 still had to pay me for it.

14 Q So, again, your credits were quite limited at the time  
15 you moved to California, correct?

16 A Sure.

17 Q And when you met Mr. Weinstein at The Peninsula, you  
18 told the Ladies and Gentlemen of this Jury that you put lotion  
19 in your hand and put it on his back, correct?

20 A Yes.

21 Q While he is laying on the bed?

22 A Yes.

23 Q And at some point after that you leave the hotel,  
24 correct?

25 A Yes.

1 Q And you told them that before you left the hotel, what  
2 your impression was of his back and how you felt about it,  
3 correct?

4 A Yes.

5 Q And knowing that, Ms. Mann, you still decided to see  
6 him again, correct?

7 A Yes.

8 Q Because you decided that you could overlook what you  
9 found grotesque about his back and grotesque about his  
10 appearance because you wanted what Mr. Weinstein could offer  
11 you?

12 MS. ILLUZZI: Objection.

13 THE COURT: Overruled.

14 Q Correct?

15 A I think you are categorizing that wrong.

16 Q Well, how about this, Mr. Weinstein had talked to you  
17 about your career, correct?

18 A Yes.

19 Q And if Mr. Weinstein hadn't talk to you about your  
20 career or acting you wouldn't have gone back to see him, isn't  
21 that true?

22 A Are you saying if he had just straight up asked me for  
23 a date?

24 Q Yes.

25 A I would have said, no.

1 Q Correct. And you would have said no because you  
2 wanted what he had to offer you, right?

3 A So there is stages to that.

4 Q Ms. Mann -- Ms. Mann.

5 MS. ILLUZZI: Objection, Judge. I would ask that  
6 she be able to answer.

7 THE COURT: Overruled.

8 Q Ms. Mann, you were using Harvey Weinstein, isn't that  
9 right?

10 MS. ILLUZZI: Objection.

11 THE COURT: Overruled. I meant sustained. No,  
12 you may not answer the question in any way you want.

13 Listen to the questions and answer them and if  
14 Ms. Illuzzi objects I will either sustain or overrule the  
15 objection.

16 THE WITNESS: Okay.

17 BY MS. ROTUNNO:

18 Q You were lying to Harvey Weinstein, right?

19 A No.

20 Q Well, you told the Ladies and Gentlemen of this Jury  
21 that you never wanted to have sex with Mr. Weinstein, right?

22 A What was that?

23 Q You never wanted to have sex with Mr. Weinstein.

24 A No, I did not.

25 Q Even when you say it was consensual, correct?



1           A     Correct.

2           Q     So you were lying to him every single time you engaged  
3     in sexual activity with him that you didn't want to have?

4           A     There were times where I did pretend to role play with  
5     him?

6           Q     When you say, pretend to role play, what do you mean  
7     by that?

8           A     Well, I could see that his stuff from what I thought  
9     initially didn't work, when what appeared to be an orgasm that  
10    he would have, nothing would come out and I sort of thought  
11    that it was his way of reenacting and feeling like he could  
12    have sex if we pretended.

13          Q     So you pitied him?

14          A     I do. I have compassion for him.

15          Q     When you left The Peninsula, you went to Weinstein  
16    Company events, correct?

17          A     When I left The Peninsula?

18          Q     Yes.

19                   MS. ILLUZZI: Objection.

20          Q     We are now talking about the first time you talked  
21    about putting lotion on Mr. Weinstein's back.

22                   You went to many Weinstein Company events after that?

23          A     I think it was just a couple, right, at that period.

24          Q     Well, but over the course from 2013 to 2017, that you  
25    talked to Mr. Weinstein you went to multiple events over the

1 years, would that be fair to say?

2 A Like I think I went to all of the Oscar reading  
3 parties, except for maybe, one or two.

4 Q But you like the Oscar parties, correct?

5 A Everyone likes the Oscar parties.

6 Q That's the pinnacle of where you want to be in  
7 Hollywood, correct?

8 A Every actress wants to win an Oscar.

9 Q In your words, in different times, you called him the  
10 kingpin of Hollywood, right?

11 A I have called him that .

12 Q And you liked being with the kingpin of Hollywood,  
13 correct?

14 A Incorrect.

15 Q Well, Ms. Mann, you knew he was married the day you  
16 met him, correct?

17 A Um, the day I met him, no.

18 Q Well, how soon after you met Mr. Weinstein did you  
19 learn he was married?

20 A One of my girlfriend's sent me something about him  
21 being married.

22 Q And that was on February 8th of 2013, correct?

23 A I don't know.

24 Q Well, did your friend send an email with a link to  
25 People magazine talking about Harvey Weinstein and Georgina

1 Chapman expecting another baby?

2 A That sounds right.

3 Q You received that email on February 8, 2013, and you  
4 responded, haha, haha, I'm so going to ask him?

5 A Yes.

6 Q So you knew he was married, right?

7 A At that point. Not before.

8 Q So that was very soon after you met him?

9 A Uh-hum. If that's in the timeline, yes.

10 Q And did you call him up and ask him about that?

11 A I did not.

12 Q The next time you saw him, did you say, hey, do you  
13 have a wife?

14 A Not until I -- I officially assumed to start a  
15 relationship, did I have a conversation about the dynamic and  
16 he told me sort of their rules about that.

17 Q And your religious background in Washington, you  
18 thought it was a good idea to use the married guy?

19 A Well, I left my religion.

20 Q So you don't follow any of those beliefs any more,  
21 correct?

22 A I am spiritual. I didn't not know my identity when I  
23 left my church and my family and I questioned everything I was  
24 taught and I didn't want to judge.

25 Q And so, you decided anything goes, right?

1 A Not anything.

2 Q Well, you were going out with a married man, right?

3 A Well, he told me that --

4 Q That's not the question I asked you. You decided to  
5 go out with a married man, correct?

6 A Yes.

7 Q You decided to have sexual relations with a married  
8 man, correct?

9 A Under the guise that they had an open relationship.

10 Q Well, you decided to engage in three-somes, correct?

11 MS. ILLUZZI: Objection.

12 THE COURT: Overruled.

13 THE WITNESS: I didn't want to engage in the  
14 first three-some.

15 Q Well, I want to go back to that note I gave you, Ms.  
16 Mann. Let's talk about that note. You stated you wrote that  
17 as sort of a fantasy idea for the blog?

18 A It was written for a blog and I never posted it.

19 MS. ROTUNNO: I would like to post this, Judge,  
20 and have Ms. Mann read this.

21 MS. ILLUZZI: No objection.

22 THE COURT: Okay.

23 That is Defense W received into evidence without  
24 objection.

25 Q Go ahead, Ms. Mann.

1 MS. ILLUZZI: I am going to object to her reading  
2 the whole thing.

3 MS. ROTUNNO: I am asking that it be read, Judge.

4 MS. ILLUZZI: Objection, Judge.

5 THE COURT: How long is it?

6 MS. ROTUNNO: It's a page.

7 THE COURT: Okay, go ahead.

8 THE WITNESS: Do I have to?

9 MS. ROTUNNO: Yes.

10 MS. ILLUZZI: Again, Judge, objection. It's  
11 obviously, it's written and typewritten for every one to  
12 understand.

13 MS. ROTUNNO: Judge, I am asking that it be read  
14 and then I will question her after that.

15 THE COURT: Objection, overruled.

16 Q Please direct the witness.

17 Please read, Ms. Mann.

18 A The failed three-some. Part one, because I had had  
19 another failed three-some.

20 Everyone thinks about it. Most end up trying it and  
21 probably everyone talks about it.

22 I'd succeeded at failing not just once but twice at my  
23 three-some game. It's definitely not as easy as the movies,  
24 you know, those special ones where the buff washing mechanic  
25 comes over to fix a screw and it happens to be when my hot girl

1 next door neighbor and I are in tiny pajamas watching TV and  
2 throwing popcorn on each other.

3           Yeah, the idea started out great.

4           An older man I was casually dating enjoyed his women  
5 and open dialogue to see if I would be interested in a little  
6 three-some fun.

7           I thought about it and said to myself, why the fuck  
8 not. I could try it and if I didn't like it, well, there you  
9 go, cross that one off the list.

10           So my date arranged a time when I could meet his  
11 friend. I was ushered around a party when I was introduced to  
12 what I can only describe as Jesus as a woman. Her beauty was  
13 ridiculous. She was just the right -- she was a just right  
14 height, tall, honey blond Italian.

15           When we spoke from her -- when she spoke from her lips  
16 she dripped with a slight accent that made any attempt at  
17 graceful speech I had look like Ebonics. Sorry about that.

18           I said, yes, immediately because of it -- isn't  
19 what -- I said, yes, immediately because isn't what makes a  
20 three-some a three-some a super hot babe.

21           I didn't feel sexually attracted to her but then,  
22 again, I didn't know what to expect. Maybe if I just played  
23 with her boobs and made out that would make it work, what did I  
24 have to lose.

25           So that evening we all met up. I went into a pregame

1 mode trying to amp myself up. I felt like a 14 year old boy  
2 about to lose his virginity.

3 Was I supposed to play with her?

4 Did everyone think that because I have a clit I  
5 somehow -- I'm somehow a magical pussy eater?

6 Was I a magical pussy eater?

7 Wait. Backtrack. Who said -- who said watch them I  
8 could try that.

9 Pretend to be a fly on a wall but then that really  
10 isn't a three-some.

11 My mind won't stop spinning so I pounded a bunch of  
12 champagne hoping the bubbles would slur me up enough to stumble  
13 around somewhat seductively and pull off the world's greatest  
14 three-some with Ms. Italy.

15 At this point, I completely forgot about my date and  
16 realized I was staring -- starting at a naked woman. This was  
17 different than being a kid at a pool where bush and old  
18 grandmas walked around naked. This was like Playboy threw out  
19 a bunny and I don't know what to do.

20 So I grab a boob; kind of squeezed it around. She  
21 moaned as if it felt good. I looked at her surprise so I  
22 squeezed the other. She had those perfect pink tits and I  
23 liked the way they mushed up. Definitely real.

24 I don't know what my date was doing at this time but  
25 next thing I know there is a real life pussy right in front of

1 me.

2 Oh my God. It's perfect and I hate her for it. I  
3 wonder if she was born with that or bleached and tucked.

4 At this point, it's like a science class for me, only  
5 we all happen to be naked. I can't even get into anything  
6 sexual because I am so caught up in the fact that I can play  
7 with this real life Barbie doll but I hardly even know my own  
8 body and it's ticks.

9 What the fuck was I supposed to do with hers?

10 Do you have the rest?

11 Q There is a second page.

12 A You should have the -- it went blank.

13 Q You can read it from the paper.

14 A Oh, oh.

15 Q It's on the screen now.

16 A I can't stop staring and I realized I have completely  
17 stopped participating. My date starts to go down on her  
18 showing me how it's done.

19 I decide to suck a boob. I doubt it was sexual but  
20 she could act on every cue.

21 That sneaky bitch though, next thing I know she starts  
22 to have an orgasm and I look at her face because, hello, I have  
23 never seen a real woman orgasm in person and then I know.

24 She faked it. She fucking faked it. What a bitch.

25 Who fakes a fake orgasm?



1           This dude doesn't know any better but I do. I give  
2 her shade and I get up. I am over this, I say.

3           My date gets fussy like a two year old brat that  
4 didn't get his toys.

5           At that point, I go into the bathroom and sob.  
6 Unexpected, I know, but I did. I couldn't take it.

7           These weren't my friends and I felt no connection to  
8 Ms. Perfect specimen. It wasn't me.

9           So I got in touch with myself and left them to fuck  
10 while I moved on with my life.

11          Q     Now, Ms. Mann, you stated on direct examination that  
12 you had a three-some with Harvey Weinstein and an Italian  
13 actress, correct?

14          A     Yes.

15          Q     And this note in your phone talks about the older man  
16 that you were casually dating, correct?

17          A     Correct.

18          Q     It talks about the Italian actress, correct?

19          A     Correct.

20          Q     It talks about touching a boob like you talked about  
21 on direct examination, correct?

22          A     Yes.

23          Q     But then there is something really different about  
24 this note than what you testified to on direct examination,  
25 isn't that right?

1           A     That is right.

2           Q     It has the details of going into the bathroom and  
3 being upset, correct?

4           A     I did mention that, yes.

5           Q     But the whole part about crying and going in and being  
6 upset because she faked the orgasm, correct?

7           A     No.

8           Q     Well, that's what this says, right?

9           A     Um --

10          Q     This says she faked it?

11          A     I did not correlate -- when I was writing this, I  
12 broke down and started crying and I did not correlate in this  
13 going to the bathroom and sobbing because she faked it.

14                 I do mention that but I am talking about how these  
15 aren't my friends.

16          Q     Well, because this is really what happened that night?

17          A     That is correct.

18          Q     Correct? She didn't fake it?

19          A     I don't even know that she had an orgasm.

20          Q     So you decided to use bits and pieces of that night to  
21 come up with this?

22          A     Just like my other blogs, yes.

23          Q     The bits and pieces of what you described was a  
24 horrible night for you, you turned it into this?

25          A     I wanted to reframe it through comedy.

1 Q Ms. Mann, it's easier to reframe things now after you  
2 have to look at it and have to explain it, isn't that right?

3 A No, there is a reason why this one never got published  
4 is because it was painful for me and I couldn't put it out  
5 there.

6 Q Well, after this painful event, Ms. Mann, whether it  
7 happened this way, whether it happened the way you testified on  
8 direct examination, you went to see Mr. Weinstein again, isn't  
9 that right?

10 A Yes.

11 Q Multiple times?

12 A I was still considering myself as seeing him but it  
13 was -- I didn't know how to get out of it.

14 Q Well, you called him your casual boyfriend, isn't that  
15 right?

16 A I never identified who was in that. If you want to  
17 assume that's him --

18 Q I am asking.

19 A I was not referring to anyone specific.

20 Q But you did call him your casual boyfriend, right?

21 A I don't recall officially calling him my casual  
22 boyfriend.

23 Q Well, did you call him your casual boyfriend when you  
24 talked to Nadia Tyson about him?

25 A I don't recall that.

1 Q Did you call him your casual boyfriend when you talked  
2 to Talita about him?

3 A No.

4 Q Did you call him your casual boyfriend when you talked  
5 to your friend Ms. Carter in California?

6 A No, they used that term. They said, boyfriend. I did  
7 not use that term.

8 Q And you know they used that term because you know they  
9 spoke to the DA, correct?

10 A Um -- I don't know if they actually spoke to them. I  
11 know that awhile back a Los Angeles police person called them.

12 Q And you know that they described Harvey Weinstein --

13 A I don't know what they said.

14 Q -- as your casual boyfriend?

15 A I don't know what they said.

16 Q Ms. Mann, you just said on cross-examination that they  
17 used the term, casual boyfriend.

18 MS. ILLUZZI: Objection, Judge.

19 THE COURT: Sustained.

20 Q Your friends referred to Mr. Weinstein as your casual  
21 boyfriend, correct?

22 A I don't know what they said. There were times to me  
23 that Ashley had used the term.

24 Well, what is he? Is he your boyfriend?

25 Q And Ashley is one of your best friends, is that right?

1           A     She is someone I have known for a while.

2           Q     And there was a period in your life when she was quite  
3     close to you, would that be fair to say?

4           A     Yes.

5           Q     And you talked to your friends about the events that  
6     you go to, correct?

7           A     I guess.

8           Q     You talk to your friends about the people you spend  
9     your time with?

10          A     What do you mean?

11          Q     When you get on the phone with a friend of yours, do  
12     you talk about your day?

13                   MS. ILLUZZI:  Objection, Judge.

14                   THE COURT:  Sustained.

15          Q     Well, you talk to your friends about the things you do  
16     and the People you hang out with?

17                   MS. ILLUZZI:  Objection, Judge, as to relevance.

18                   THE COURT:  Overruled.

19                   THE WITNESS:  I think that's a very general  
20     question.

21     BY MS. ROTUNNO:

22          Q     Ms. Mann, did you talk to Ashley Carter about the  
23     things that you did and the people you spent your time with  
24     between the years of 2012 to 2017?

25          A     I am sure she knew some things going on in my life.

1 Q And you talked to her about Harvey Weinstein, correct?

2 A When I first met him?

3 Q Ms. Mann, it's a yes or no.

4 A We did talk about -- because I brought them with me.  
5 They wanted to know who this person was.

6 Q Where did you bring Ashley Carter?

7 A To -- her and her sister to Book Soup and they stayed  
8 the night with me that night.

9 Q And did Ashley ask you after Book Soup what happened  
10 with that big producer that you met at Book Soup?

11 A Why would she ask me?

12 She met him herself.

13 Q I am asking you, did she ask you after the fact, did  
14 she follow-up and say, what's going on with the Hollywood  
15 producer?

16 A Probably but she would have said, what's up with  
17 Harvey.

18 Q Because she knew who Harvey was, right?

19 A Yeah.

20 Q She knew who Harvey was because you introduced her to  
21 Harvey, correct?

22 A I did introduce them.

23 Q And she knew who Harvey was because she knew through  
24 you that you continued to see Harvey?

25 A I don't know how much she knew or didn't know.

1 Q Well, Ms. Mann, here's the issue, all of your friends  
2 didn't really know what was going on because you were lying to  
3 your friends, correct?

4 A It was something that I was hiding.

5 Q And in hiding, you are keeping something from them,  
6 correct?

7 A Yes.

8 Q And you are not being honest about the nature of your  
9 relationship, correct?

10 A I wasn't talking about the pain that I was in.

11 Q Ms. Mann, I know that's a very dramatic answer.

12 MS. ILLUZZI: Objection.

13 THE COURT: Sustained.

14 Q Let's talk about this.

15 When you went to New York in March of 2013, you came  
16 with Tommy Richards, correct?

17 A Yes.

18 Q And Tommy Richards was a friend of yours, correct?

19 A Yes.

20 Q And Tommy Richards was somebody who you respected,  
21 Correct?

22 A Yes.

23 Q And you told the Ladies and Gentlemen of the Jury that  
24 Tommy Richards was someone that worked in the industry,  
25 correct?

1 A Yes.

2 Q And he didn't know Harvey Weinstein?

3 A Well, I don't know -- of course he knew him. I don't  
4 know if he ever met him.

5 Q Well, you had something that you could offer to Tommy  
6 Richards and that is an introduction to Harvey Weinstein,  
7 right?

8 A I suppose you could look at it that way.

9 Q And Mr. Weinstein didn't know that you dropped out of  
10 the sky in New York City, correct?

11 MS. ILLUZZI: Objection.

12 THE COURT: Just sustained as to form.

13 Q You called Mr. Weinstein to tell Mr. Weinstein that  
14 you were coming to New York, correct?

15 A I don't recall if I called him.

16 Q Well, you showed up in a city where he lives, right?

17 A Yes.

18 Q And you knew he lived here?

19 A I don't know if he lived in New York.

20 Q Ms. Mann, you had been spending time with him at this  
21 point for two months, three months?

22 A I think at some point later, like a year later, when  
23 he said Bill Clinton was his neighbor, I think he said  
24 something about Connecticut but I am not even sure about that.

25 Q You knew he didn't live in Los Angeles because you



1 could only see him when he showed up in Los Angeles?

2 A I never really had those intimate types of  
3 conversations with Harvey.

4 Q You slept with him and had no idea where he lived?

5 A He literally wanted to have --

6 MS. ILLUZZI: Objection to that, Judge.

7 THE COURT: Overruled.

8 Q I will withdraw the question.

9 And you set up the meeting with Harvey Weinstein in  
10 New York, correct?

11 A I don't know. It could have been Talita.

12 Q When -- when you came to New York, you didn't tell  
13 Tommy Richards that you had been sleeping with Harvey  
14 Weinstein?

15 A No.

16 Q Because you didn't want him to know, correct?

17 A I didn't want anyone to know.

18 Q Because you knew it would make you look bad?

19 A There is a stigma surrounding actresses --

20 Q And you didn't want that stigma?

21 A Of course not.

22 Q But you wanted the benefit of what the action got you?

23 A That question is --

24 Q Ms. Mann, answer the question.

25 A That question is implying to me -- I can't answer that

1 question. I would like to explain how I felt.

2 Q I think you answered it with your non answer.

3 MS. ILLUZZI: Objection, Judge, objection judge.

4 THE COURT: Sustained as to the commentary, next  
5 question.

6 BY MS. ROTUNNO:

7 Q Ms. Mann, you lied to Tommy Richards because you  
8 didn't want Tommy Richards to judge you for sleeping with  
9 Harvey Weinstein?

10 A What did I lie to Tommy about?

11 Q You didn't tell him that you were having a sexual  
12 relationship with Harvey Weinstein?

13 A Is not disclosing something lying?

14 Q Well, I am asking. I don't know.

15 You didn't tell him?

16 MS. ILLUZZI: Objection.

17 THE COURT: Overruled.

18 THE WITNESS: Okay. No, I did not tell him.

19 Q And you were so embarrassed at the thought of him  
20 knowing that you were in a hotel room with Mr. Weinstein?

21 A That is correct.

22 Q And you were so embarrassed at the thought that Talita  
23 would know that you were in a hotel room with Mr. Weinstein?

24 A I didn't want them to see us coming down.

25 Q But Talita had already known you went to a hotel room

1 with Mr. Weinstein, right?

2 A Well, yeah.

3 Q Because Talita was in that hotel room with you?

4 A That one time, yes.

5 Q At the time that you told Talita he went down on me  
6 and I pretended I liked it?

7 A Talita was there, yes.

8 Q And you told her that?

9 A Told her that I --

10 Q That he went down on you and you pretended to like it?

11 A I said, I told him it was the best I ever had.

12 Q And that was a lie?

13 A That was a lie.

14 Q And you lied to Mr. Weinstein?

15 A About?

16 Q When you said it was the best I ever had, you lied to  
17 him, right?

18 A Well, it's obvious he wants me to talk about it after  
19 he does that to me.

20 Q Did you lie to him?

21 A Of course. I wanted out.

22 Q And you lied to Talita?

23 A Yes -- no. What did I lie to Talita about?

24 Q And the reason you lied?

25 A Well --

1 Q You lied to Talita because you said he went down on me  
2 and it was the best I ever had?

3 MS. ILLUZZI: Objection. That's not the  
4 testimony.

5 THE COURT: Overruled. And you can explain.

6 THE WITNESS: I didn't tell Talita that I had  
7 received the best oral sex. I told Talita that I told  
8 Harvey that.

9 BY MS. ROTUNNO:

10 Q But you told Talita he went down on you?

11 A She asked what happened in there, I said, he went down  
12 on me.

13 Q When Talita was outside the room, in the room outside  
14 from the bedroom, you didn't yell for Talita to come help you,  
15 did you?

16 A I did not.

17 Q You did not yell for Talita to come save you?

18 A I did not.

19 Q You didn't scream and yell for her?

20 A I did not.

21 Q You didn't call out to her in any way?

22 A I did not.

23 Q So in that moment, Ms. Mann, when you came out of the  
24 hotel suite Talita already knew what was going on inside of  
25 that bedroom, correct?

1           A     No, she didn't?

2                     Why would she ask me if she knew?

3           Q     Well, you were embarrassed about that, right?

4           A     No, I was in -- in a threatening situation and it was  
5     overwhelming to have had him do something sexual to me that was  
6     unwanted.

7           Q     Let me ask you about the threatening situation you  
8     were in with your friend outside the door.

9                     Why didn't you just call for her if you felt like it  
10    was such a threat?

11          A     I think -- the fact is, I was engaging with Harvey in  
12    this back and forth fight and that was taking so much of my  
13    attention and then he got in my head and it was very  
14    overwhelming so my response was to shut down.

15          Q     Ms. Mann, the reason you didn't want to yell for her,  
16    again, was you wanted the benefit of the relationship with Mr.  
17    Weinstein?

18          A     That is not the reason.

19          Q     Well, after that much unwanted circumstance happened,  
20    in your words, you saw Mr. Weinstein again?

21          A     So that --

22          Q     Correct?

23          A     What was the question?

24          Q     You saw Mr. Weinstein again after the incident at the  
25    Montage?

1 A I did.

2 Q And I want to talk about the Montage.

3 Before you actually got up to that hotel suite, you  
4 met Mr. Weinstein at a Hollywood Oscar Party, correct?

5 A The first time I met him.

6 Q The night of the Montage.

7 A I am not sure exactly which party -- party it was. It  
8 was around, I believe, the time of the Oscars.

9 Q So there was an event first, right?

10 A Yes.

11 Q And then Mr. Weinstein invites you and Talita to a  
12 hotel for drinks, correct?

13 A Correct.

14 Q And you already knew what happened in the Peninsula  
15 with the back massage?

16 A Which is why I did not want to go.

17 Q But you went.

18 A Well, Talita said to me that the biggest producer in  
19 Hollywood wants to meet with us, we have to go.

20 Q Well, but at that point you already knew that Harvey  
21 Weinstein wasn't interested in Talita because that's what you  
22 told the Ladies and Gentlemen of the Jury on direct.

23 A But Harvey was talking --

24 Q Answer that question.

25 A Say it again.

1 Q You already knew that Harvey wasn't interested in  
2 Talita because he told you that?

3 A Sexually?

4 Q At all. Harvey wasn't interested in Talita's acting,  
5 he was -- wanted --

6 MS. ILLUZZI: She is cutting off the witness.  
7 Objection. Objection.

8 MS. ROTUNNO: She asked me a question, Judge. I  
9 was answering her.

10 THE COURT: Don't engage in that kind of  
11 colloquy.

12 And you just look up at me and I will stop them.

13 BY MS. ROTUNNO:

14 Q Harvey already told you that he wasn't interested in  
15 Talita as an actress, correct?

16 A They also had me send her information with her resume  
17 and her reel, as well after the meeting before I met them at  
18 the Montage.

19 So why would they want her stuff as well?

20 Q But he already told you he wasn't interested?

21 A He told me he wasn't interested in Talita but the  
22 company itself still, from my perspective, requested Talita's  
23 information.

24 Q Well, you never told Talita that Harvey said he wasn't  
25 interested in her?

1           A     I would -- no.

2           Q     So if you didn't want to go to the bar at the Montage,  
3 wouldn't the biggest way to do that would be to say to Talita,  
4 he is not interested in you anyway?

5           A     I don't feel that was my place to say that to her.

6           Q     So the better idea was to put yourself in a position  
7 you didn't want to be in for a chance you knew your friend was  
8 never going to have because he already told you he wasn't  
9 interested in her?

10                   MS. ILLUZZI:  Objection, Judge.

11                   THE COURT:  Well, sustained as to -- not the  
12 content of the question --

13                   MS. ROTUNNO:  I will break it down.

14           Q     The best out you had to not go to the Montage was to  
15 tell Talita, Harvey Weinstein wasn't interested in her,  
16 correct?

17                   MS. ILLUZZI:  Objection, Judge.

18                   THE COURT:  If you understand the question,  
19 please answer it.

20                   THE WITNESS:  I don't think --

21           Q     You don't understand?

22                   You don't what?  What?

23                   You were shaking your head.  I don't know what that  
24 means.

25           A     You are assuming that that was the best.  I don't



1 know. I didn't assess the best outcome.

2 Q Ms. Mann, I am assuming nothing. I am asking  
3 questions based upon what you told this Court on your direct  
4 examination.

5 A I want to answer as best as possible.

6 Q Just answer it truthfully.

7 A If you can just slow it down for me a little bit.

8 Q Sure. You were armed with the information that Mr.  
9 Weinstein was not interested in Talita as an actress, correct?

10 A Yes.

11 Q You told the Ladies and Gentlemen of the Jury on  
12 direct examination that you knew that Mr. Weinstein was not  
13 interested in Talita as an actress?

14 A Yes, I was just thinking about that moment, how I  
15 felt. Harvey said to me, because I asked him if he had gotten  
16 her number, he told me he had it.

17 Q Ma'am --

18 A -- he wasn't interested.

19 MS. ILLUZZI: Objection. Objection.

20 MS. ROTUNNO: Judge, it's non responsive.

21 THE COURT: Sustained as to both of your  
22 objections.

23 Ask the question. Listen carefully to the  
24 question.

25 THE WITNESS: I am trying.

1                   THE COURT: Answer within the question area and  
2                   try not to volunteer information that goes beyond the  
3                   specific question.

4                   THE WITNESS: I am trying.

5                   MS. ROTUNNO:

6           Q       Ms. Mann, you told the Ladies and Gentlemen of the  
7           Jury on direct examination that you knew Harvey Weinstein was  
8           not interested in Talita, correct?

9           A       I don't know the range of the scope of his uninterest  
10          but I knew that he had not gotten her phone number that night.

11          Q       Well, he -- it's beyond her phone number. He told you  
12          he wasn't interested in Talita, correct?

13          A       I guess, yeah.

14          Q       And did you ever tell Talita that?

15          A       No.

16          Q       So every time Talita felt that she had a chance you  
17          continued to let that go on?

18          A       Well, they also let us believe she had a chance.

19          Q       Well, when you say --

20          A       Why wouldn't they just tell her? Why would they give  
21          her a manager? Why would they take her information? Why would  
22          he help her?

23                   It doesn't make sense.

24          Q       Mr. Weinstein had already given you that information,  
25          correct?

1           A     That initial, yeah.

2           Q     Okay.  And you continued to say that you were worried  
3     about Talita, that you were making choices because of what  
4     Talita wanted, correct?

5           A     Yeah.

6           Q     But you knew that he didn't care about her?

7           A     Well, he offered us the movie and he wanted to -- he  
8     told us, us two would be the leads in that movie.  So that's  
9     interest in Talita from my perspective.

10                   Why would he say that if he wasn't interested?

11          Q     He didn't offer you a movie, he offered you a chance  
12     to audition?

13          A     Well, when he says you two are perfect for the lead  
14     roles, I want to cast you in my film, however I interpret that  
15     in that moment, in that moment it was he wanted to put us in  
16     the movie.  Then it became a different process where the story  
17     changed from him a little bit.

18          Q     Ms. Mann, you had very few credits as an actor,  
19     correct?

20          A     Sure.

21          Q     And Mr. Weinstein is telling you he has a script you  
22     could be perfect for, correct?

23          A     Well, I have already --

24          Q     That's what he told you?

25          A     Yes.

1 Q He told you he had a script that you would be perfect  
2 for, correct?

3 A Yes.

4 Q Did you think that meant you were getting a role?

5 A I did.

6 Q And did you think that because you were sleeping with  
7 him?

8 A No, I hadn't had a sexual encounter with him, other  
9 than the massage at that point. He did not go do that to me  
10 until after we had already talked about the movie.

11 Q And so, you are in a hotel room with him, where in  
12 your words, he goes down on you and you tell him it's the best  
13 you ever had, and then he actually gives you that script and  
14 sets you up with people to talk to?

15 A He did not give me the script that night.

16 Q No, but you got it?

17 A Through asking later, yes.

18 Q But you got it?

19 A We went and read it, yes.

20 Q And as an actor you know that that's the process that  
21 you take when you are auditioning for a role, correct?

22 A Sorry. I spaced out.

23 Q As an actor --

24 A Yes.

25 Q -- you know that there is a process before you are

1 cast in a movie, correct?

2 A Yes.

3 Q Because in your words to this jury on direct  
4 examination you had not acted for Mr. Weinstein, correct?

5 A I didn't hear the last thing.

6 Q He had not seen you act?

7 A Well, I had sent them all that I had so I don't know  
8 what they watched or didn't or researched or didn't.

9 Q You didn't invite him to anything that you had been in  
10 at the time? He wasn't there with you watching you involved on  
11 screen or act in a play, correct?

12 A No, he had not seen my performance live.

13 Q Right. And so, at this point, all you know is they  
14 have what you sent, correct?

15 A At which point?

16 Q At the point that you are being talked about about  
17 this script and going to read and going to audition.

18 A Yeah, I mean I assumed if he is telling me that it's  
19 because they looked at my stuff and when he says, you have a  
20 great look for it, like I believed that. I did and they had my  
21 stuff.

22 Q As an aspiring actress, you knew that there was  
23 more to the gig than a good luck, right?

24 A I would say -- I would say what -- what allowed me to  
25 believe it is that there is always these stories like, Charlize

1 Theron was discovered in a bank and then she gets into these  
2 projects.

3 I don't know that I fully understood the industry at  
4 that time. So the possibility of it from my little perspective  
5 did feel real and I am sorry if that was stupid of me, but --

6 Q I am not saying it is or it isn't. But what I am  
7 saying to you is, you knew that there was still a process that  
8 happened for actors?

9 A Well, according to normal stuff where I have never met  
10 the producer but maybe when the producer wants you and he puts  
11 whoever he wants in his movie, I didn't know if there was a  
12 different process for that.

13 Q And that's what you were hoping for?

14 A The movie was important to my career.

15 Q And that is what you were hoping for?

16 A What do you mean by, hoping?

17 I thought it was real.

18 Q You were hoping that you were going to be cast in this  
19 movie?

20 A It would be --

21 Q Correct?

22 A Yes.

23 Q You were actually banking on it, correct.

24 MS. ILLUZZI: Objection.

25 THE COURT: Sustained. Only as to the word

1 banking.

2 Q You were counting on it, correct?

3 A Counting on being cast?

4 Q Yes.

5 A Um, I think from -- it would have made a life altering  
6 difference in my career at that point.

7 (Continued on the next page.)

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1 Q That is not the question I asked you.

2 A Counting on it, I mean --

3 Q You thought it was a done deal?

4 A I don't know really what I thought, because it was so  
5 different, but I was open to however the formalities of that was  
6 going.

7 Q And you were going to continue to do whatever you had  
8 to do to make that happen?

9 A I wouldn't put it that way.

10 Q Well, Ms. Mann, let me ask you this. When you moved to  
11 L.A, did you hire an acting coach?

12 A I went to many acting things.

13 Q Did you have your own acting coach?

14 A I went to different acting schools. I would take the  
15 workshop and classes with different coaches, yeah.

16 Q When did you start doing that?

17 A I have been doing that before I moved to L.A and when I  
18 first moved to L.A, so --

19 Q When you moved to L.A, where did you go?

20 A There is one in, right by my place in North Hollywood.  
21 I cannot think of the name off the top of my head.

22 Q Who was the coach you saw?

23 A I don't remember the name. I could try to look on a  
24 map later and see by location which school it was.

25 Q How long did you see that coach?



1           A     I was in ongoing training with different people.

2           Q     When you met Mr. Weinstein, were you still seeing  
3     acting coaches?

4           A     Yes.

5           Q     Who were they?

6           A     It is like a school, I did a class, it is just my brain  
7     is focused on -- that was so meaningless to me to try to  
8     remember the schools and teachers I had, I'm a face person, not  
9     a name person.

10          Q     You know where you went to high school, correct?

11          A     That is easy, it is the name of my town.

12          Q     This is a school, correct?

13          A     Yeah, but it is not the name of the town.

14          Q     You don't remember?

15          A     Right now I don't. I could research and answer the  
16     question later.

17          Q     Did you go to more than one school?

18          A     Yes.

19          Q     How many?

20          A     I don't know.

21          Q     For what period of time?

22          A     Quite a while, I don't know.

23          Q     Do you remember when you stopped?

24          A     I mean I stopped for um, when I moved to New York I  
25     didn't take any acting classes.

1 Q When did you move to New York?

2 A I'm just not good with dates, I don't know, a couple of  
3 years ago.

4 Q When did you go back to California?

5 A After I had the, after the fall of 2017 somewhere.

6 Q Speaking of moving around, when you moved to  
7 California, you didn't leave your grandmother's house and move  
8 to L.A to act, correct?

9 A Correct.

10 Q You lived many places in between grandma's house and  
11 California?

12 A I lived in a few.

13 Q Where did you live?

14 A Florida, South Carolina, Texas for one month until we  
15 moved to Arizona.

16 Q So, you lived in four states before you actually went  
17 to California, correct?

18 A If you consider a month residency.

19 Q Well, it is Texas, correct?

20 A Yeah, but it was like a month.

21 Q Did you move alone, with people?

22 A I was with, I was with a family.

23 Q And when you came to California, you came to California  
24 by yourself, right?

25 A When I officially moved there, yes.

1 Q That was back when you were 25, correct?

2 A Yeah.

3 Q When did you start dating the boyfriend, that was  
4 Eddie, correct?

5 A Yes.

6 Q And when did you start dating Eddie?

7 A I'm not sure.

8 Q Approximately?

9 A I don't know, we were on and off before it was ever  
10 official.

11 Q As far as you know?

12 A Just the dynamics was a little crazy.

13 Q Do you know how long you dated?

14 A Maybe a year.

15 Q And how long had you been seeing him before you decided  
16 to tell Harvey that you had a boyfriend?

17 A Well, the very last time I saw Harvey, I didn't see him  
18 for months, I think several, several months, and during that  
19 time, I started a relationship with Eddie.

20 Q And you decided that you wanted to tell Harvey about  
21 that, right?

22 A Yes.

23 Q You wanted to tell Harvey about that because you didn't  
24 want to be sleeping with more than one person at a time,  
25 correct?

1           A     Because what?

2           Q     You didn't want to sleep with more than one person at a  
3 time, correct?

4           A     With Eddie, yeah, I considered us in a serious  
5 relationship.

6           Q     And do you remember when you had that conversation with  
7 Mr. Weinstein?

8           A     No.

9           Q     Do you remember how soon after meeting Mr. Weinstein in  
10 New York it was?

11          A     Way down the line.

12          Q     What does that mean to you?

13          A     I have tried to remember the date, I mean I don't know.  
14 But it was not like there was a long period of time.

15          Q     Well, Ms. Mann, you have multiple, multiple e-mails  
16 that were sent between you and Mr. Weinstein, correct?

17          A     Over the whole course of knowing him, yeah.

18          Q     Like binders, would that be fair to say?

19          A     Yeah.

20          Q     Did you look back at those e-mails to see if you could  
21 figure out based on what you had said to one another, when this  
22 relationship may have taken place?

23          A     I don't -- when I was trying to figure it out, I could  
24 not figure it out.

25          Q     And how did you try to figure it out?

1           A     I went through my e-mails.

2           Q     And based on your e-mails, you did not see a timeline  
3 of Harvey asking you if you had a boyfriend or how is the  
4 boyfriend or husband, you could not figure it out?

5           A     So, after I had -- Harvey would use a term like how's  
6 married life or something like that.

7           Q     Could you figure it out based on those e-mails?

8           A     I said I don't know.

9           Q     So, if I drew your attention to like early 2014 to mid  
10 to later 2014, would that make sense in your timeline?

11          A     Make sense about what?

12          Q     When you dated Eddie?

13          A     I don't know, I'm really bad with dates in a sense of  
14 time.

15          Q     Let me ask you this, Ms. Mann, how many times prior to  
16 testifying here today, did you talk to the State attorneys or  
17 the District Attorneys at this table?

18          A     I don't know.

19          Q     Approximately?

20          A     I don't know.

21          Q     More than five?

22          A     I don't know.

23          Q     Well, you came twice to talk to go before the grand  
24 jury, correct?

25          A     Yeah.

1 Q And did you give testimony in Los Angeles?

2 A What do you mean, like tell them what happened or  
3 official testimony or what, I don't know legal terms.

4 Q That is okay, I'll explain it to you. Did you speak to  
5 law enforcement in L.A?

6 A Yes.

7 Q Did Ms. Illuzzi come to L.A and speak to you?

8 A There was a meeting with the L.A District Attorney and  
9 the New York District Attorney there.

10 Q And when was that?

11 A I don't know.

12 Q Was that recently?

13 A My brain has been through a lot, I just don't, with  
14 numbers and times and dates, it is just not in my mind, I don't  
15 know.

16 Q Well, how many times have you been to New York and met  
17 with the prosecutors here?

18 A I don't know.

19 Q You have no idea how many times?

20 A I never thought I needed to keep track, I don't know.

21 Q How many times did Ms. Illuzzi prepare you for your  
22 testimony?

23 A Prepare?

24 Q How many times did she talk to you about what you were  
25 going to say?

1           A     She's talked to me about what I'm going to say? I  
2     mean, no one has talked to me about what I'm going to say in a  
3     sense of what to say.

4           Q     Ms. Mann, I'm not stating that. I'm asking you how  
5     many times she sat down with you to see what you were going to  
6     say when you sat there?

7           A     I said over and over I don't know how many times I met  
8     with them.

9           Q     Well, did you prepare for your testimony several days  
10    before today?

11          A     Um, several days -- yeah, I came in one day.

12          Q     And you sat down and they said here's the questions we  
13    are going to ask and would have you answer them, correct?

14          A     I don't think we went through all the questions.

15          Q     Did you go through some?

16          A     Um, let me think. It's um, hard for me to recall. I  
17    have not slept for like two weeks now, so I just, it is hard for  
18    me to really recall.

19          Q     So, you don't know?

20          A     No, I don't. I would be happy to answer that, it's  
21    just I have not been sleeping.

22          Q     And --

23                   THE COURT:    Ms. Rotunno, tell me a good time to  
24    break.

25                   MS. ROTUNNO:  This is fine.





1                   Have a great weekend, stay out of trouble, see you  
2                   back here before 9:30.

3                   ( Jury exits courtroom).

4                   THE COURT:     Attorneys, can I talk to you for a  
5                   moment.

6                   ( Conversation held off the record).

7                   THE COURT:     Yes, Ms. Rotunno.   As the jury was  
8                   coming in, you asked to approach the bench prior to your  
9                   cross examination and made a motion, and I told you that  
10                  was fine, and was timely made.   Make it at this juncture,  
11                  please do so.

12                  MS. ROTUNNO:   Before the jury was called in, I  
13                  approached the Court and made a motion for a judgment of  
14                  acquittal at the close of the State's evidence with regard  
15                  to Jessica Mann and her claim on March 18, 2013, that the  
16                  State has not met their burden with regard to the elements  
17                  of that charge given her testimony on direct examination.

18                  THE COURT:     That is denied, and you can of course  
19                  make that again at the end of the People's case.

20                  Anything else we need to get on the record at this  
21                  point?   Okay, see you Monday 9:30, thank you.

22                  ( Trial adjourned to February 3, 2020).

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