

ROBBINS GELLER RUDMAN  
& DOWD LLP

JASON A. FORGE (181542)  
jforge@rgrdlaw.com

RACHEL L. JENSEN (211456)  
rjensen@rgrdlaw.com

655 West Broadway, Suite 1900  
San Diego, CA 92101

Telephone: 619/231-1058  
619/231-7423 (fax)

ZELDES HAEGGQUIST & ECK, LLP  
AMBER L. ECK (177882)

ambere@zhlaw.com

HELEN I. ZELDES (220051)  
helenz@zhlaw.com

ALREEN HAEGGQUIST (221858)  
alreenh@zhlaw.com

AARON M. OLSEN (259923)  
aarono@zhlaw.com

625 Broadway, Suite 1000  
San Diego, CA 92101

Telephone: 619/342-8000  
619/342-7878 (fax)

Class Counsel

[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

TARLA MAKAEFF, et al., on Behalf of  
Themselves and All Others Similarly  
Situated,

Plaintiffs,

vs.

TRUMP UNIVERSITY, LLC, et al.,

Defendants.

No. 3:10-cv-0940-GPC(WVG)

CLASS ACTION

**PLAINTIFFS' RESPONSES TO  
DONALD J. TRUMP'S AND  
TRUMP UNIVERSITY, LLC'S  
STATEMENTS OF UNDISPUTED  
FACTS AND PLAINTIFFS'  
STATEMENT OF ADDITIONAL  
MATERIAL FACTS THAT  
FURTHER PRECLUDE  
SUMMARY JUDGMENT**

DATE: April 3, 2015  
TIME: 1:30 p.m.  
CTRM: 2D (Schwartz)  
JUDGE: Hon. Gonzalo P. Curiel

[REDACTED]

**PLAINTIFFS' RESPONSES TO DONALD J. TRUMP'S  
STATEMENT OF UNDISPUTED FACTS**

**Adjudication No. 1: The California Unfair Competition and False Advertising  
Law Claims**

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Examples of Supporting Evidence <sup>1,2</sup>
1.	Mr. Trump's intent and purpose when forming Trump University ("TU") was to help people by providing them with real estate investing education and knowledge to make their lives better.  Supporting Evidence: DEx. 4 <sup>3</sup> at 40:11-41:8, 69:13-70:15, & 71:23-73:6.	Disputed. The purpose of Trump University ("TU") was not to educate, but to [REDACTED].  Examples of Supporting Evidence:  CC Ex. 12 (TU 52934-53105 (PlayBook)) <sup>4</sup> at TU 52934, TU 52936; TU 52955, TU 53031-53072.  CC Ex. 10 (Schnackenberg Decl.), ¶6.
2.	Mr. Trump selected the name Trump University because it "just sounded good."  Supporting Evidence: DEx. 4 at 81:21-24.	Disputed. Trump testified that Sexton chose the name. "Trump University" capitalized on the strength and consumer recognition of the Trump "brand."  Examples of Supporting Evidence:  Ex. 5 (DJT Tr.) at 82:20-22 ("Q. In this case, did you believe that the name Trump would be an asset to Trump University? A. Yes, I think so.").

<sup>1</sup> Plaintiffs object to defendant's Statement of "Facts" to the extent that the citations to "supporting evidence" do not support those "undisputed" facts, which is rife throughout defendant's statement. The most egregious examples are noted below. Further, plaintiffs do not concede that any evidence referenced by defendant is admissible at trial.

<sup>2</sup> While the evidence referenced herein, along with the evidence referenced in plaintiffs' opposition brief, filed concurrently herewith, is sufficient to preclude summary judgment, it represents only a sampling of the evidence that plaintiffs intend to put on at trial.

<sup>3</sup> All references to "DEx." are to the exhibits to the Declaration of Nancy L. Stagg in Support of Donald Trump's Motion for Summary Judgment, filed concurrently herewith.

<sup>4</sup> Here, and throughout, unless otherwise noted, references to "CC Ex." are to the Exhibits filed in support of Plaintiffs' Motion for Class Certification (*see* Dkt Nos. 122-2; 195-1); references to "Ex." are to the Exhibits attached to the Declaration of Rachel L. Jensen ("Jensen Decl."), filed concurrently herewith; and emphasis is added and citations are omitted.

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Examples of Supporting Evidence <sup>1,2</sup>
		<p>Ex. 10 at TRUMP 00161480.</p> <p>CC Ex. 83 (Marketing Guidelines) at TU- TU-DONNELLY0000002, 0014-0016.</p> <p>Ex. 32 at BLOOM 0514 ( [REDACTED] ).</p>
3.	<p>Mr. Trump selected the original instructors for TU.</p> <p>Supporting Evidence: DEx. 1 ¶4; DEx. 3, Supp. Resp. to SROG Nos. 10 &amp; 14; DEx. 4 at 52:19-54:23, 59:9-60:24, 110:13-111:9.</p>	<p>Disputed. Trump did not select any of the instructors for the Live Events. Only the Live Events are at issue here, so earlier instructors are irrelevant.</p> <p>Examples of Supporting Evidence:</p> <p>CC Ex. 10 (Schnackenberg Decl.), ¶9.</p> <p>Ex. 15 (Sexton NY AG Exam.) at 157:13-15 ("None of our instructors at the live events were handpicked by Donald Trump.").</p> <p>Dkt. No. 32 at 5-6 (judicial admission that Trump's "involvement [was] completely absent").</p> <p>Ex. 16 (Sperry Tr.) at 29:18-30:16; Ex. 19 (Miller Tr.) at 55:22-56:1; Ex. 4 (Martin Tr.) at 45:13-19; Ex. 18 (Childers Tr.) at 45:18-20.</p>
4.	<p>Original TU instructors included Prof. Gary Eldred of Stanford and the University of Virginia, and Profs. Don Sexton and Jack Kaplan of Columbia University Business School.</p> <p>Supporting Evidence: DEx. 1 ¶4; DEx. 3, Supp. Resp. to SROG Nos. 10 &amp; 14; DEx. 4 at 52:19-54:23, 59:9-60:24, 110:13-111:9.</p>	<p>Disputed as to phrase "[o]riginal TU instructors," as Sexton, Gordon and Kaplan were not speakers at any Live Events, and of the more than 2000 Live Events, it appears that Eldred presented at one event in Las Vegas in 2007, and provided one field training in Orlando, Florida. Only the Live Events are at issue here, so earlier instructors are irrelevant.</p> <p>Examples of Supporting Evidence:</p> <p>CC Ex. 10 (Schnackenberg Decl.), ¶9.</p> <p>Ex. 17 (TU 102277-315) (showing "Eldred" only for "RETREAT Blank Region" except one event on November 2, 2007 in Los Vegas at TU 102278).</p> <p>Ex. 64 (Covais Class Cert. Opp. Decl.), ¶16(a) ( [REDACTED] ).</p>
5.	TU's initial courses were	Undisputed. Only the Live Events are at issue



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response <sup>1,2</sup> and Examples of Supporting Evidence
	<p>online and TU introduced live seminars in 2007 followed by the mentorship program.</p> <p>Supporting Evidence: DEx. 1 996 &amp; 8.</p>	<p>here, so earlier courses are irrelevant.</p>
6.	<p>Mr. Trump personally met with some instructors and reviewed the applications and resumes of the other instructors.</p> <p>Supporting Evidence: DEx. 3, Supp. Resp. to SROG Nos. 10 &amp; 14; DEx. 4 at 52:19-54:23, 59:9-60:24.</p>	<p>Disputed. Trump did not personally meet with any of the instructors for the Live Events and did not review their resumes.</p> <p>Examples of Supporting Evidence:</p> <p>CC Ex. 105 at 5 (Response to ROG No. 13) (admitting in discovery that Trump was at most only personally involved in the selection of the early online instructors, and did not claim any personal involvement in the selection of the Live Events instructors, including review of their resumes).</p> <p>CC Ex. 96 (Trump Calendar) at TU 71963 ( [REDACTED] ).</p> <p>Ex. 45 at TRUMP 00186870 ( " [REDACTED] " ).</p> <p>Ex. 15 (Sexton NY AG Exam.) 157:13-15 ("None of our instructors at the live events were handpicked by Donald Trump.").</p> <p>Dkt. No. 32 at 5-6 (judicial admission that Trump's "involvement [was] completely absent").</p> <p>Ex. 16 (Sperry Tr.) at 29:18-31:21; Ex. 19 (Miller Tr.) at 55:22-56:1; Ex. 4 (Martin Tr.) at 45:13-19; Ex. 18 (Childers Tr.) at 45:18-20.</p>
7.	<p>Mr. Trump wanted TU to have good instructors and provide a positive experience and education to students.</p> <p>Supporting Evidence: DEx. 4 at 62:4-14, 95:7-18.</p>	<p>Disputed. The number one criteria for Live Event instructors was their ability to sell and close the deal, not their ability to educate students. The purpose of TU was not to educate students, but to " [REDACTED] ".</p> <p>Examples of Supporting Evidence:</p> <p>CC Ex. 12 (2010 PlayBook) at TU 52934, TU 52936, TU 52955 ( " [REDACTED] " ), TU 53031-72 ("Sales PlayBook").</p>



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Examples of Supporting Evidence <sup>1,2</sup>
		<p>Ex. 46 (TU 49899-9901) at TU 49899 [REDACTED].</p> <p>CC Ex. 10 (Schnackenberg Decl.), ¶¶6, 11.</p> <p>Ex. 5 (DJT Tr.) at 111:22-112:1 ("Q. Okay. So do you know whether there was any college requirement? A. You'd have to ask Mr. Sexton. We had requirements, but you'd have to ask.").</p> <p>Ex. 5 (DJT Tr.) at 113:16-114:6 ("Q. Did Trump University require the instructors to have any specific licenses? A. You'd have to ask Mr. Sexton. Q. Did Trump University call any of their references? A. Yes, they did, but you'd have to ask Mr. Sexton. He was very high on these people. Q. Okay. Did Trump University take into consideration any previous employment with a similar type of company? A. You'd have to ask Mr. Sexton. Q. Were the instructors or mentors ever required to take any tests to demonstrate their proficiency in teaching the courses? A. Again, you'd have to ask Mr. Sexton.").</p> <p>Ex. 16 (Sperry Tr.) at 29:18-31:21.</p> <p>Ex. 19 (Miller Tr.) at 55:22-56:1.</p> <p>Ex. 47 TU 168227-TU 168228 (Martin Ex. 53) ([REDACTED]).</p> <p>CC Ex. 9, ¶¶6-7; CC Ex. 11, ¶¶4-6; CC Ex. 22 at TU-PLTF00277.</p>
8.	<p>There was no target market for TU seminars and Mr. Trump had no knowledge regarding the number of TU students who were senior citizens.</p> <p>Supporting Evidence: DEx. 4 at 127:18-128:10.</p>	<p>Disputed. TU conducted detailed analyses of its target markets and collected information about the demographics of attendees at its events, including their age. Also, irrelevant to the extent that the standard is "should have known" attendees included senior citizens.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 32 at BLOOM 00519-20.</p> <p>CC Ex. 12 (2010 PlayBook) at 53062 [REDACTED]</p>

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	No. Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response <sup>1,2</sup> and Examples of Supporting Evidence
		<p>[REDACTED].</p> <p>CC Ex. 12 (2010 PlayBook) at TU 52969 ([REDACTED]).</p> <p>Ex. 33 (TU 211309, TU 212059 (registration cards demonstrating that TU collected age information and that attendees included senior citizens).</p> <p>Ex. 18 (TU-EVERETT0000322)</p> <p>Ex. 37 (TU-LOW0000893).</p> <p>Ex. 38 at TRUMP 00160985 ([REDACTED]).</p> <p>Ex. 39 at TRUMP 00149849 ([REDACTED]).</p> <p>CC Ex. 107 at TU-BROWN0000066 (completed "Goal Setting Sheet" requesting age information).</p> <p>Ex. 26 (Low Tr.) at 26:7-27:1 ("Q. In response to my question, was there anything about the advertisement that when you read it, you thought this looks like it's focused towards someone that's over 60 or 65 years old? A. Yes. Q. What was it? A. Improving your income, make it more secure.").</p> <p>Ex. 26 (Low Tr.) at 27:2-10 ("Q. Was there anything in the ad that specifically mentioned or addressed anything about people of certain age? A. Retired people. Q. You think the ad was addressed to retired people? A. Among the categories. Q. So what is it that you recall? A. Retired, that word, 'retired' people.").</p> <p>Ex. 26 (Low Tr.) at 212:8-213:9 ("Q. So what – what portion of this were you referring to that look – that you're saying was targeting senior citizens? A. "I always marvel of the diversity of the people we're able to help at our workshops from retirees looking for a second career, to stay-at-home moms who want to supplement the family income, to people whose work has dried up and need a career change. We've trained them all in making real money</p>



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response <sup>1,2</sup> and Examples of Supporting Evidence
		<p>through real estate.” Last paragraph, “I’ve had students go from working minimum-wage jobs to becoming millionaires. It takes effort. No change of that magnitude happens by itself. I have faith in you as long as you have faith in yourself.” Q. Any other writings besides that one in which you believed targeted seniors? A. I don’t have anything precise, exact, but I believe in one of the ads at least in the newspaper, I – I believe with Donald Trump’s picture in it, and this is 2009, where he talks about the bubble breaking and that opportunities were available for people in real estate investing. And I believe he probably cited in there senior citizens or those – well, let me put it this way: Those with less – to make your income more secure, you should come and hear about this. There is something about that.”).</p>
9.	<p>Mr. Trump did not personally send emails to prospective students.</p> <p>Supporting Evidence: DEx. 4 at 77:17-21.</p>	<p>Undisputed, but irrelevant. Trump approved advertisements, authorized TU to use his name, image and signature, and acknowledged that TU personnel may have sent out emails on his behalf.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 5 (DJT Tr.) at 75:15-77:21 (“It’s possible somebody did on my behalf.”).</p> <p>CC Ex. 38 at TU 62068 (Ad with Trump signature).</p> <p><i>See also</i> Plaintiffs’ Additional Fact No. 4 below.</p>
10.	<p>Mr. Trump made no written statements or representations to Makaeff prior to her purchase of TU programs.</p> <p>Supporting Evidence: DEx. 5 at 111:23-113:10.</p>	<p>Disputed, in part. Makaeff was recruited to attend the Fulfillment Seminar by a friend who attended the Preview and relayed Trump’s misrepresentations to Makaeff. Further, Makaeff was exposed to Trump’s representations at the Fulfillment Seminar prior to purchasing the Gold Elite program.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 49 (TUMAKAEFF 298, 308, 311).</p> <p>Ex. 58 (TU 140593-94).</p> <p>Ex. 9 (Makaeff Tr.) at 77:1-6 (“I don’t know</p>



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response <sup>1,2</sup> and Examples of Supporting Evidence
		<p>what day it was of the three days, but I know that we were promised insider secrets from Donald Trump. We were promised a one-year apprenticeship, even with the 1500-dollar course where you would have someone to talk to through an 800 number for a year.”).</p> <p>Ex. 9 (Makaeff Tr.) 100:19-101:20 (“Q. Can you remember any representations that Donald Trump made during the three-day Fast Track to Foreclosure program to you? A. You mean in written – Q. Writing, verbal, live, taped. A. In my book, there are no ads that I see; however, I believe that there were ads on the slides with, you know, ‘This is the next best thing to being my apprentice. You’ll learn inside secrets from me. I’ve been in the real estate business for 75 years. I’m passing this on because I want to help others.’ Things to that effect. Q. All right. Were there any statements that you attribute to Donald Trump that caused you to go into the Elite program? A. Everything that he said. Q. Okay. So, list for me those items that he said. A. That he was going to provide insider secrets, real estate secrets, that it was going to be the next-best thing to being his apprentice, that he was going to provide his hand-picked instructors, that no other real estate course could be as comprehensive as his was, and his was basically the best of the best. And also, of course, just his name and his reputation as a land mogul.”).</p> <p>CC Exs. 6, 93.</p>
11.	<p>Makaeff never attended a free preview seminar.</p> <p>Supporting Evidence: DEx. 5 at 67:18-21.</p>	<p>Undisputed. However, Makaeff was recruited to attend the Fulfillment Seminar by a friend who attended the Preview and related representations about “Trump University.” CC Exs. 6, 93.</p>
12.	<p>Makaeff had not reviewed or seen any information regarding TU prior to attending her 3-day seminar.</p> <p>Supporting Evidence: DEx. 5 at 64:25-65:11; DEx. 7 at 719:6-17.</p>	<p>Disputed. Prior to attending the 3-day Fulfillment Seminar, Makaeff’s friend forwarded her an email from TU about the program with a link to the promotional video of Donald Trump.</p> <p>Example of Supporting Evidence: Ex. 50 (TU 140593-94).</p>
13.	Makaeff did not rely on any	Disputed. Prior to attending the 3-day

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Examples of Supporting Evidence <sup>1,2</sup>
	<p>written representation from Mr. Trump prior to her 3-day seminar.</p> <p>Supporting Evidence: DEx. 5 at 11:13-21.</p>	<p>Fulfillment Seminar, Makaeff's friend forwarded her an email from TU about the program with a link to the promotional video of Donald Trump.</p> <p>Example of Supporting Evidence:</p> <p>Ex. 50 (TU 140593-94).</p>
14.	<p>Makaeff did not visit the TU website or see any of Mr. Trump's blog posts prior to her purchase of the Gold Elite Package from TU.</p> <p>Supporting Evidence: DEx. 5 at 188:9-11; DEx. 6 at 582:19-23.</p>	<p>Undisputed, but irrelevant.</p>
15.	<p>Makaeff did not recall seeing the Donald Trump video prior to her purchase.</p> <p>Supporting Evidence: DEx. 5 at 100:2-18 and 109:4-13.</p>	<p>Disputed. Makaeff testified she possibly saw Trump make oral statements or representations "possibly in a video screen shot method." Makaeff believes she saw a video of Donald Trump at some point.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 9 (Makaeff Tr.) at 110:18-111:22, 114:14-24, 646:21-648:1.</p> <p>Ex. 50 (TU 140593-94).</p>
16.	<p>Mr. Trump was not present at Makaeff's 3-day seminar.</p> <p>Supporting Evidence: DEx. 5 at 100:2-4.</p>	<p>Undisputed, but irrelevant.</p>
17.	<p>Makaeff's decision to purchase the Gold Elite package was not caused by reliance on any representation from Mr. Trump.</p> <p>Supporting Evidence: DEx. 5 at 97:13-100:1, 108:20-110:23, 113:2-115:14, 122:2-123:13; DEx. 6 at 565:24-566:18; DEx. 7 at 720:4-724:18.</p>	<p>Disputed. Makaeff testified that "everything [Trump] said" caused her to purchase the Gold Elite package.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 9 (Makaeff Tr.) at 101:6-19; <i>see also id.</i> at 100:19-101:20; 565:2-14, 567:9-568:14, 583:2-24, 720:4-721:1. Makaeff would not have spent \$35,000 if it were not for the Trump name. <i>Id.</i> at 118:18-119:5.</p> <p>Ex. 50 (TU 140593-94).</p> <p>CC Ex. 6.</p>



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Examples of Supporting Evidence <sup>1,2</sup>
18.	<p>Makaeff did not review a letter or email from Mr. Trump prior to contracting with TU.</p> <p>Supporting Evidence: DEx. 5 at 19:13-24:20; DEx. 8 (TU-MAKAEFF0000273-311).</p>	<p>Disputed. Prior to attending the 3 day Fulfillment Seminar, Makaeff's friend forwarded her an email from TU about TU programs.</p> <p>Example of Supporting Evidence: Ex. 50 (TU 140593-94).</p>
19.	<p>Makaeff received a letter from TU President, Michael Sexton, that stated he chose the TU instructors.</p> <p>Supporting Evidence: DEx. 5 at 71:18-73:19; DEx. 8 (TU-MAKAEFF0000273).</p>	<p>Undisputed as to receiving a letter from Michael Sexton. Disputed as to the rest, as Makaeff testified that she was told that Trump handpicked the instructors himself.</p> <p>Examples of Supporting Evidence: Ex. 9 (Makaeff Tr.) at 73:11-14, 98:20-99:3, 101:6-19, 109:19-21.</p>
20.	<p>Low has no memory of the TU advertisement he first saw containing a representation by Mr. Trump that he handpicked TU's instructors.</p> <p>Supporting Evidence: DEx. 9 at 25:5-23.</p>	<p>Disputed. Low saw a full-page advertisement in the <i>San Diego Union Tribune</i> that said learn from Trump's secrets at one of his free seminars.</p> <p>Examples of Supporting Evidence: CC Ex. 5, ¶3 ("I took a free introductory Trump University seminar at the Westin Gaslamp Quarter Hotel in San Diego, California, on or about November 18, 2009, based on an advertisement I saw in the newspaper.").</p> <p>Ex. 26 (Low Tr.) at 25:5-23 ("Q. All right. And how did you first hear about Trump University? A. Full-page advertisements he had in the San Diego Union-Tribune. Q. Do you remember what it said? A. I remember the gist of what it said. I cannot quote word by word. Q. What's your best memory of what the ad – A. My best memory – I cannot be literal with this. I can give you the gist. In 2009, we were having a crisis in this country in terms of real estate. Mr. Trump's ads stated profit from real estate investing. Learn from me secrets. If you want sec (sic) – secure your income, come to one of my free seminars. That was the gist of the important stuff that caught my attention. Free seminar.").</p>
21.	The only written representations from Mr.	Disputed. Low saw a full-page advertisement in the <i>San Diego Union Tribune</i> prior to



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Examples of Supporting Evidence <sup>1,2</sup>
	<p>Trump Low could remember were pictures of Mr. Trump.</p> <p>Supporting Evidence: DEx. 9 at 47:13-20.</p>	<p>attending the free seminar. Low also received a personal, signed letter from Trump.</p> <p>Examples of Supporting Evidence:</p> <p>CC Ex. 5, ¶13 ("I took a free introductory Trump University seminar at the Westin Gaslamp Quarter Hotel in San Diego, California, on or about November 18, 2009, based on an advertisement I saw in the newspaper.").</p> <p>Ex. 26 (Low Tr.) at 25:5-23, 198:9-16.</p> <p>Ex. 26 (Low Tr.) 42:12-21 ("Q. Did you receive anything from Donald Trump concerning any program other than the free 90-minute program? Q. No. Anything from Donald Trump personally? A. The letter that I got signed by Donald J. Trump about coming to learn about profiting from real estate investing.").</p> <p>Ex. 26 (Low Tr.) at 204:4-16 (A. I – I con- – I con- – I considered communications with Donald Trump his Trump 101 book that he gave us – he gave all the students. I consider everything that Trump University letterhead is on, including the description of what an in-field mentorship was, Trump University letterhead. Every piece of paper, I considered that as – as communications from Donald Trump with all of the buyer of services through – from Trump University, which Donald Trump states or stated in his Trump 101 book, introduction, I believe, by Mr. Michael Sexton, that this is Donald Trump's baby. A hundred percent he believed in this.").</p> <p>Ex. 26 (Low Tr.) at 35:11-24 ("Q. And what was the reason why you decided that you wanted to buy a Trump University program? A. Number one, Mr. Trump in a letter that he sent me signed by him, Donald Trump, Donald J. Trump, describing what I would get from him, from Donald J. Trump. Since he had a worldwide reputation of making millions in real estate investing, why not check out the possibility of learning from the master? Q. Did you believe that you were going to work personally with Donald Trump? A. I believed that Donald Trump was going to be – if he signed his name, he was going to be a</p>

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Examples of Supporting Evidence <sup>1,2</sup>
		<p>guarantee of quality on the information, the secrets that he was going to share.”).</p> <p>Ex. 26 (Low Tr.) at 37:20-23 (“A. I do not recall a hundred percent, but I believe in the ads, the information that he sent me, that we – that he – that – that he sent all of us, that you were going to learn from Mr. Trump his secrets.”).</p> <p>Ex. 30 (TU-LOW0000058-59).</p> <p>Ex. 26 (Low Tr.) at 170:4-11 (“A. Per my recollection, there may have been some inclusion in the advertisements of Mr. Trump in the local newspaper. And for certain, there again per my recollection, when we – when I walked in to hear the 90-minute free seminar, they had boards with Mr. Trump’s face and I believe also other boards of testimonials of people who had made money in real estate investing. That would be per my recollection.”).</p> <p>Ex. 51 (TU-LOW0000243-244).</p>
22.	<p>Low never met Mr. Trump.</p> <p>Supporting Evidence: DEx. 9 at 28:3-4.</p>	Undisputed, but irrelevant.
23.	<p>Low never spoke to Mr. Trump.</p> <p>Supporting Evidence: DEx. 9 at 28:5-6.</p>	Undisputed, but irrelevant.
24.	<p>Mr. Trump never made any oral statements to Low.</p> <p>Supporting Evidence: DEx. 9 at 28:7-8 &amp; 46:13-16.</p>	<p>Disputed. Low viewed recorded presentations of Trump on the TU website.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 26 (Low Tr.) at 206:3-11 (“Q. I want you to tell me every statement that came out of Donald Trump’s mouth that you heard concerning Trump University. A. Per my recollection, Donald Trump recorded presentations on his website. He recorded on his – I guess CDs that you could listen to, that all of us as students had access to about profitable real estate investing.”).</p>
25.	Low has no recollection of ever seeing the Donald	Disputed. During his deposition, Low could not recall having seen the Trump video. at the



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response <sup>1,2</sup> and Examples of Supporting Evidence
	<p>Trump video.</p> <p>Supporting Evidence: DEx. 9 at 188:11-13.</p>	<p>90-minute program but the video was not played during Low's deposition to refresh his recollection. Moreover, the PlayBook directed [REDACTED], thus creating an issue of material fact as to whether Low saw the video.</p> <p>Examples of Supporting Evidence:</p> <p>See Plaintiffs' Additional Fact No. 2 below.</p>
26.	<p>Low's decision to purchase an in-person mentorship from TU was not caused by reliance on any representation from Mr. Trump.</p> <p>Supporting Evidence: DEx. 9 at 67:19-23.</p>	<p>Disputed. Low purchased Trump programs because of the misrepresentations Trump made. The letter Low received from Trump personally was the "number one" reason Low purchased Trump programs.</p> <p>Example of Supporting Evidence:</p> <p>See Plaintiffs' Response to Fact No. 21 above.</p>
27.	<p>Mr. Trump did not make representations to Low regarding what he would receive for his \$25,000 mentorship purchase, instead TU told Low for \$25,000 he would receive a "Trump University handpicked mentor."</p> <p>Supporting Evidence: DEx. 9 at 70:4-16.</p>	<p>Disputed. Low believed that Trump made representations to him through the signed letter he received from Trump that said Trump would share his secrets with Low. Further, Low believed that Trump made representations to him about "handpicked" mentors through Trump's personnel at TU.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 26 (Low Tr.) at 70:4-23 (TU told him he would receive a "handpicked mentor").</p> <p>Ex. 26 (Low Tr.) at 198:12-16 ("A. I have seen in writing, I – per my recollection, from Donald Trump, to say that he is going to share secrets in real estate investing, his knowledge. He supported Trump University a hundred percent in real estate investing education.").</p> <p>Ex. 26 (Low Tr.) at 42:18-43:2 ("Q. No. Anything from Donald Trump personally? A. The letter that I got signed by Donald J. Trump about coming to learn about profiting from real estate investing. Q. Was that for the free program? Q. If you recall. A. Per my recollection, Donald Trump was going to share his secrets, real estate investing. I took it as being very significant that he signed it. I got that from him.").</p>



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Examples of Supporting Evidence <sup>1,2</sup>
		Ex. 51 (TU-LOW0000243-244).
28.	<p>Low thought the mentor could possibly be handpicked by Mr. Trump or selected according to Mr. Trump's standards.</p> <p>Supporting Evidence: DEx. 9 at 98:11-23.</p>	<p>Disputed.</p> <p>Examples of Supporting Evidence:</p> <p>CC Ex. 5 (Low Decl.), ¶¶4, 8(e) (Low believed he would receive a mentor handpicked by Trump).</p>
29.	<p>Makaeff never entered into a contract with or paid Mr. Trump or TU for the first 3-day seminar.</p> <p>Supporting Evidence: DEx. 5 at 65:12-21; DEx. 7 at 718:2-24.</p>	<p>Disputed. TU expressly anticipated and encouraged signers to bring another to accompany them. Makaeff accepted this offer and split the cost with her friend.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 9 (Makaeff Tr.) at 65:12-24 ("Q. To your knowledge, did you sign any kind of contract or agreement with Trump University regarding Fast Track to Foreclosure? A. For the 1500-dollar aspect? Q. Right. A. I don't believe so. I don't recall. Q. Do you have any memory of paying Trump University any money for you to attend the Fast Track to Foreclosure? A. No. I paid my friend \$750.").</p> <p>Ex. 9 (Makaeff Tr.) at 717:19-718:16.</p> <p>Ex. 50 (TU 140593-94).</p>
30.	<p>Makaeff did not contract with or pay Mr. Trump for her Gold Elite package.</p> <p>Supporting Evidence: DEx. 5 136:20-23; DEx. 15.</p>	<p>Disputed. Makaeff contracted with Trump through TU. Trump owned approximately [REDACTED] of TU.</p> <p>Example of Supporting Evidence:</p> <p>Ex. 52 (TU 01632).</p>
31.	<p>Low never paid any money to Mr. Trump for TU programs.</p> <p>Supporting Evidence: DEx. 9 at 175:12-23.</p>	<p>Disputed. Low paid Trump through TU. Trump owned approximately [REDACTED] of TU.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 52 TU 01632.</p> <p>Ex. 26 (Low Tr.) at 209:13-210:4 ("Q. Were you – so the – the amount of money that you're currently out of pocket – and you received a credit back from one of your credit card companies, correct? A. Yes. Q. For \$7,500? A. Yes. O. All right. So you're out of pocket</p>

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Examples of Supporting Evidence <sup>1,2</sup>
		how much money? A. Well, I'm out of pocket for the whole experience of Trump University. Q. How much money? A. \$995 for the LLC, 1,495 for the three-day profitable – Profit in Real Estate Investing, and a thousand dollars for my lawyer, who I hired to do the demand letter, and \$25,000 for the in-field mentorship, of which you subtract 7,500 that I've gotten back.”).
32.	Low did not contract with Mr. Trump for his 3-day seminar or in-person mentorship.  Supporting Evidence: DEx. 16 & 17.	Disputed. Low contracted with Trump through TU. Trump owned approximately [REDACTED] of TU.  Example of Supporting Evidence:  Ex. 52 (TU 01632).
33.	TU stopped enrolling new students in classes after July 2010.  Supporting Evidence: DEx. 1 ¶9; DEx. 2 at 135:25-136:22.	Disputed. Trump has made statements that he intends to resume business in the future.  Examples of Supporting Evidence:  CC Ex. 13 at BBB NY 00534-36.  Ex. 31.  Ex. 5 (DJT Tr.) at 80:14-81:6 (“Q. Okay. Is Trump University currently in business? A. It can be.”).  Ex. 66 (“As soon as this case is over, we will consider re-opening the school to all our students and hire back the teachers and others, thereby creating lots of jobs for New York,” Trump said in a statement.”).
34.	TU changed its name to the Trump Entrepreneur Initiative on June 2, 2010.  Supporting Evidence: TAC (Dkt. No. 128, n.1).	Undisputed.

## Adjudication No. 2: The Consumer Legal Remedies Act Claim

Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
Fact Nos. 1-32	See Plaintiffs' Responses to Fact Nos. 1-32.

**Adjudication No. 3: The California Financial Elder Abuse Claim**

<b>Mr. Trump's Undisputed Material Facts and Supporting Evidence</b>	<b>Plaintiffs' Response and Supporting Evidence</b>
Fact Nos. 1-9, 20-28, 31-32	<i>See</i> Plaintiffs' Responses to Fact Nos. 1-9, 20-28, 31-32.

**Adjudication No. 4: The Florida Misleading Advertising Law Claim**

<b>No.</b>	<b>Mr. Trump's Undisputed Material Facts and Supporting Evidence</b>	<b>Plaintiffs' Response and Supporting Evidence</b>
35.	Everett never spoke to or had any contact with Mr. Trump.  Supporting Evidence: DEx. 10 at 26:9-14, 35:2-22. & 154:9-14.	Undisputed, but irrelevant.
36.	Everett had no recollection of seeing the Donald Trump video.  Supporting Evidence: DEx. 10 at 107:3-7.	Disputed. During her deposition, Everett could not recall having seen the Trump video, at the 90-minute program but the video was not played during Everett's deposition to refresh her recollection. Moreover, the PlayBook directed [REDACTED], thus creating an issue of material fact as to whether Everett saw the video.  Examples of Supporting Evidence:  Ex. 8 (Everett Tr.) at 107:3-10 ("Q. Did you see any kind of video from Donald Trump at the 90-minute program? A. They started with a – oh, geez. I'm sorry. That's been so long ago. I – I don't specifically remember. And I – I don't have any notes from that time during – I was writing, again, on notepads. That could have refreshed my memory, the things I had written down. The thing that I -- that stands out.").  <i>See</i> Plaintiffs' Additional Fact No. 2 below.
37.	Everett did not review the TU website prior to purchase.  Supporting Evidence: DEx. 10 at 240:2-5.	Undisputed, but irrelevant.
38.	Everett did not review any blogs by Mr. Trump on the TU website prior to	Undisputed, but irrelevant.



1	<b>No.</b>	<b>Mr. Trump's Undisputed Material Facts and Supporting Evidence</b>	<b>Plaintiffs' Response and Supporting Evidence</b>
2			
3		purchase.	
4		Supporting Evidence: DEx. 10 at 240:6-9.	
5	39.	The invitation Everett testified she received from Mr. Trump does not contain a representation that TU was "accredited" or that TU provides students with one year of expert support or mentoring.	Disputed. The invitation Everett received from Trump included the word "university" and had other indicia of an accredited university.
6			Examples of Supporting Evidence:
7			Ex. 48 (TU-EVERETT0000322).
8			Ex. 42 (TU-EVERETT0000048-49).
9			Ex. 40 (TU-EVERETT00000005 & 08).
10		Supporting Evidence: DEx. 10 at 161:2- 19; DEx. 11 (TU-EVERETT00000008).	Ex. 8 (Everett Tr.) at 159:3-11 ("A. Okay. The – I'll start with the basic invitation from Donald Trump with his personal name and the letter that we've referenced earlier stating – signed by Donald Trump outlining the program that he's offering for investing in real estate. Now, it doesn't give every detail on here line by line of what every program is going to be, but he's represented that he is with Trump University and has handpicked mentors.").
11			
12			
13			
14			
15			
16			Ex. 8 (Everett Tr.) at 163:1-11 ("Now – and I would have to see that presentation to exactly quote that, but I know that I left the free seminar with the impression that I'm working with Donald Trump, with his university, and that the program is legitimate. And a university generally implies it isn't a three-day workshop and just one person working for you, that there is a staff, an available staff to assist. In these seminars, they explain they had a full staff of experts, handpicked experts that understand real estate investing.").
17			
18			
19			
20			
21			
22	40.	Nothing in the invitation Everett received from Mr. Trump caused her to spend money on TU programs.	Disputed. Because of the invitation Everett received from Trump, she attended the Preview. As a result of attending the Preview, she spent \$1,500 on the 3-day Fulfillment seminar.
23			Examples of Supporting Evidence:
24			
25		Supporting Evidence: DEx. 10 15:19-16:13, 35:23-36:2; DEx. 11 (TUEVERETT00000008).	Ex. 8 (Everett Tr.) at 26:23-28:2.
26			
27			Ex. 8 (Everett Tr.) at 40:25-41:3 ("I would not have attended the free seminar had I not thought there was some opportunity. And this letter to me stated that there is an opportunity to make
28			

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
		<p>money in investing in real estate.”).</p> <p>Ex. 8 (Everett Tr.) at 43:17-20 (“And I would like to clarify that as a result of attending the free seminar, I did spend money and continued with the workshop. So to clarify, I spent \$1,500 as a result of the free seminar.”).</p> <p>Ex. 8 (Everett Tr.) at 72:15-23; 85:13-19.</p> <p>Ex. 8 (Everett Tr.) at 245:18-20 (“Yeah. And I think we were all there, from what I could tell, based on the Trump name. I mean, without the Trump name, I would not have been there at all.”).</p> <p>Ex. 40 (TU-EVERETT00000005 &amp; 08).</p>
41.	<p>Everett’s decision to purchase the 3- day seminar was not based on written or oral representations from Mr. Trump.</p> <p>Supporting Evidence: DEx. 10 at 83:13-85:19.</p>	<p>Disputed. Everett purchased TU programs based on the Trump name and misrepresentations Trump made personally and through TU.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 8 (Everett Tr.) at 83:23-84:3 (“Q. All right. And based on that representation by Mr. Jamison, you decided to purchase the – the \$1,500 three day workshop? A. As a result of attending that Trump session, yes, with the Trump name. The Trump name played a huge role in my decision.”).</p> <p>Ex. 8 (Everett Tr.) at 245:18-20 (“Yeah. And I think we were all there, from what I could tell, based on the Trump name. I mean, without the Trump name, I would not have been there at all.”).</p> <p>CC Ex. 4, ¶2 (“Based on the Trump name and representations made in the free seminar, I paid for the \$1,500 seminar. . .”).</p> <p>Ex. 40 (TU-EVERETT00000005, 08); <i>see also</i> Plaintiffs’ Response to Fact No. 40.</p>
42.	<p>Everett’s decision to purchase the Gold Elite package was not based on written or oral representations from Mr.</p>	<p>Disputed. Everett purchased the Gold Elite package based on the Trump name and representations Trump made through TU.</p> <p>Examples of Supporting Evidence:</p>



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
	<p>Trump.</p> <p>Supporting Evidence: DEx. 10 at 115:18-116:15, 145:14-17, 147:21-148:10, &amp; 164:25-165:15.</p>	<p>Ex. 8 (Everett Tr.) at 45:11-15 (“Q. – part of your decision, what you’re holding in your hand? Was that letter a basis for you deciding to purchase the Gold Elite program? A. The basis was a result of the printed material and the three-day workshop.”).</p> <p>Ex. 8 (Everett Tr.) at 83:23-84:3 (“Q. All right. And based on that representation by Mr. Jamison, you decided to purchase the – the \$1,500 three day workshop? A. As a result of attending that Trump session, yes, with the Trump name. The Trump name played a huge role in my decision.”).</p> <p>Ex. 8 (Everett Tr.) at 245:18-20 (“Yeah. And I think we were all there, from what I could tell, based on the Trump name. I mean, without the Trump name, I would not have been there at all.”).</p> <p><i>See also</i> Ex. 8 (Everett Tr.) at 95:10-18, 115:18-116:12, 140:20-141:8, 142:11-14.</p> <p>CC Ex. 4, ¶3 (“Based on the representations made in the \$1,500 seminar, I paid \$35,000 for the Trump Elite program. . . .”).</p> <p>Ex. 40 (TU-EVERETT0000005 &amp; 08).</p> <p>Ex. 53 (TU-EVERETT0000078).</p>
43.	<p>Everett understood that TU was not a traditional university.</p> <p>Supporting Evidence: DEx. 10 at 251:1- 13</p>	<p>Disputed and irrelevant. Below is Everett’s actual testimony that defendants cite:</p> <p>Ex 8 (Everett Tr.) at 251:1-16 (“Q. Now, you – you put in quotes when you said the word “university.” Did – did you believe that this was a – a university similar to, let’s say, University of Florida? A. No, I did not think it was University of Florida, but I thought it was a – like a – you might have like a real estate school or a special school that has certification and follows certain guidelines for the state and – Q. Okay. So let’s talk about that. You knew it wasn’t a university like the University of Florida? A. I didn’t think it was full scale like a University of Florida, no. Q. Okay. But you thought it might have some kind of</p>

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
		<p>certification? A. Oh, of course.”).</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 8 (Everett Tr.) at 163:6-11 (“And a university generally implies it isn’t a three-day workshop and just one person working for you, that there is a staff, an available staff to assist. In these seminars, they explain they had a full staff of experts, handpicked experts that understand real estate investing.”).</p> <p>Ex. 8 (Everett Tr.) at 247:17-19 (“The name “University” implied to me a full staff with people that were knowledgeable in training, you know, educational program.”).</p> <p>Ex. 8 (Everett Tr.) at 250:21-25 (“I didn’t really concentrate on that statement. I – my impression of the Trump University is that I have training and educational. That it is a university. It’s an educational institution. That there would be training brought, various kinds of training, and the mentorships and support.”).</p> <p>Ex. 8 (Everett Tr.) at 277:21-278:4 (“I was upset. I felt they were – they had misrepresented themselves. When you think of a university like the University of Florida, you don’t think it’s going to be around for two years and then collapse where half the employees are gone or the president miss – is missing and things of that nature. So I was upset about the – I thought it was total misrepresentation. This is a long-term company. It’s not a two-year company.”).</p> <p>CC Ex. 13 at BBB NY 00505 (referring to professors, faculty and university is misleading).</p>
44.	<p>Mr. Trump did not represent to Everett that TU was “accredited.”</p> <p>Supporting Evidence: Supporting Evidence: DEx. 10 at 251:21-252:6.</p>	<p>Disputed. The invitation Everett received from Trump included the word “university” and had other indicia of an accredited university.</p> <p>Examples of Supporting Evidence:</p> <p><i>See</i> Plaintiffs’ Response to Fact No. 43.</p> <p>CC Ex. 13 at BBB NY 00505 (referring to professors, faculty and university is misleading).</p>



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
		CC Ex. 83 at 017 ("Tone – Think of Trump University as a real University").
45.	<p>Everett thought TU was "like a real estate school or special school that has certification . . . ."</p> <p>Supporting Evidence: DEx. 10 at 251: 1- 13; 251:24-252:6.</p>	<p>Disputed to extent defendants contend this is a complete description of Everett's impressions of TU. Everett thought TU was a "university" and educational institution.</p> <p>Example of Supporting Evidence: <i>See</i> Plaintiffs' Response to Fact No. 43.</p>
46.	<p>Everett did not contract with or pay Mr. Trump for seminars or mentorship.</p> <p>Supporting Evidence: DEx. 10 at 362:22-365:11; DEx. 18; DEx. 19.</p>	<p>Disputed. Everett contracted with and paid Trump through TU. Trump owned approximately [REDACTED] of TU.</p> <p>Examples of Supporting Evidence: Ex. 52 (TU01632).</p> <p>Ex. 8 (Everett Tr.) at 142:18-144:15 ("Q. Do you have a contract with Donald Trump? A. I thought I did. I thought it was Donald Trump and Trump University. Q. Okay. So it's your belief that you have a written contract with Donald Trump? A. Through Trump University. Q. Alright, so you think you have a written contract with Donald Trump? A. Yes.").</p>
47.	<p>Everett received in excess of one year of expert support, but did not avail herself of this opportunity.</p> <p>Supporting Evidence: DEx. 10 at 125:4- 14, 212:10-213:22.</p>	<p>Disputed. Everett did not receive an "in-field mentorship" or expert support as Trump was unable to provide her with a mentor who could deliver on the promises made about the "Trump" mentorship.</p> <p>Examples of Supporting Evidence: CC Ex. 4, ¶¶4-5 Ex. 23 (Everett Decl.), ¶¶6-9. Ex. 8 (Everett Tr.) at 62:25-63:11; 108:12-18, 109:16-25, 128:15-129:1.</p>

**Adjudication No. 5: The Florida Deceptive and Unfair Trade Practice Act and Elder Abuse Claims**

Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
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Fact Nos. 1-9, 35-47	<p><i>See</i> Plaintiffs' Responses to Fact Nos. 1-9, 35-47. Additionally, at the 3-day Fulfillment, Everett was asked to provide information about her finances.</p> <p>Example of Supporting Evidence:</p> <p>Ex. 8 (Everett Tr.) at 105:6-11.</p>
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#### Adjudication No. 6: The New York Deceptive Acts and Practice Claim

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
	Fact Nos. 1-9	<i>See</i> Plaintiffs' Responses to Fact Nos. 1-9.
48.	<p>Brown had no memory of the content of the first TU announcement he saw.</p> <p>Supporting Evidence: DEx. 12 at 16:23-17:6, 17:16-22, 18:14-19:14.</p>	<p>Disputed. During his deposition, Brown recalled seeing an advertisement that featured Trump's name.</p> <p>Examples of Supporting Evidence:</p> <p>CC Ex. 3, ¶2.</p> <p>Ex. 25 (Brown Tr.) at 17:16-22 ("Q. And what was it about the e-mail or announcement that interested you, if anything? A. I think the thing that was most interesting to me was that Mr. Trump's name was on it, and I felt that he was a legitimate person who had made a lot of money in real estate, and that was – I – I felt like that would be a great opportunity, to hear from him.").</p> <p>Ex. 25 (Brown Tr.) at 16:23-17:6 ("Q. When did you first hear anything about Trump University? A. The first time I heard something was – I can't remember exactly whether it was an e-mail or if it – or if it was an announcement in the mail. It might have been an announcement. Q. Do you have a copy of that e-mail or announcement? A. I don't, no.").</p> <p>Ex. 25 (Brown Tr.) at 18:14-21.</p>
49.	<p>Brown did not receive any writings from Mr. Trump prior to his purchase of the 3-day seminar.</p> <p>Supporting Evidence: DEx. 12 at 41:9-42:4.</p>	<p>Disputed. Also, defendants' purported fact does not match the question posed during this portion of Brown's deposition: "did you see any writings from Donald Trump <i>about the \$1,495 program</i> before you purchased it?" Ex. 25 (Brown Tr.) at 41:19-21.</p> <p>Examples of Supporting Evidence:</p>



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
		<p><i>See</i> Plaintiffs' Response to Fact No. 48.</p> <p>CC Ex. 3, ¶2.</p> <p>Ex. 54 (TU-BROWN0000041-42).</p>
50.	<p>Brown did not identify any writings from Mr. Trump that he relied on before purchase.</p> <p>Supporting Evidence: DEx. 12 at 63:14- 15; DEx. 13; DEx. 14 (TUBROWN0000047-64).</p>	<p>Disputed. Also, the cited portion of Brown's deposition offers no support for defendants' purported fact. Brown recalled seeing an advertisement that featured Trump's name.</p> <p>Examples of Supporting Evidence:</p> <p><i>See</i> Plaintiffs' Response to Fact No. 48.</p> <p>Ex. 54 (TU-BROWN0000041-42).</p>
51.	<p>Brown did not identify any writings from Mr. Trump that represented TU would provide one year inperson mentoring or a year-long apprenticeship.</p> <p>Supporting Evidence: DEx. 12 at 63:23- 24; DEx. 13; DEx. 14 (TUBROWN0000051-60).</p>	<p>Disputed. Defendant's cited materials do not support his purported facts. Brown received writings from Trump – through TU – that represented he would be receiving, for \$24,995, a year-long mentorship.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 25 (Brown Tr.) at 156:8-13, 158:3-8, 218:5.</p> <p>Ex. 54 (TU-BROWN0000041-42).</p> <p>Ex. 55 (TU-BROWN0000049-64).</p>
52.	<p>Brown did not see any documents from TU regarding the in-field mentorship prior to purchase.</p> <p>Supporting Evidence: DEx. 12 at 97:5-7.</p>	<p>Disputed. At the Profit from Real Estate Investing seminar, Brown received written materials from TU regarding the in-field mentorship.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 54 (TU-BROWN0000041-42).</p>
53.	<p>Brown was told the mentorship was phone calls prior to in-person mentoring.</p> <p>Supporting Evidence: DEx. 12 at 108:8-22.</p>	<p>Disputed. Brown was told that he would receive one-on-one personal mentoring for a year.</p> <p>Examples of Supporting Evidence:</p> <p>CC Ex. 3, ¶4.</p> <p>Ex. 25 (Brown Tr.) at 184:11-13.</p> <p>Ex. 25 (Brown Tr.) at 185:1-19 ("Q. And they said the words "a full year of mentoring"? A.</p>

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
		<p>Yes. Q. Okay. And by "mentoring," do you mean in-field help? A. One-on-one personal mentoring. Q. For 365 days? A. That's what it sounded like to me or that's what it meant to me.").</p> <p>Ex. 25 (Brown Tr.) at 218:10-18 (mentoring is in person and it can be by telephone).</p>
54.	<p>There was no representation to Brown that the in-person mentoring was more than three days.</p> <p>Supporting Evidence: DEx. 12 at 113:25-114:7.</p>	<p>Disputed. Brown was told that he would receive one-on-one personal mentoring for a year.</p> <p>Example of Supporting Evidence:</p> <p><i>See</i> Plaintiffs' Response to Fact No. 53.</p>
55.	<p>Mr. Trump never represented to Brown that he would receive an unlimited year of expert support and mentoring, any representation of a full year of mentoring came from TU while signing his contract.</p> <p>Supporting Evidence: DEx. 12 at 158:6-8, 184:10-185:9, 187:9-15 &amp; 220:19-221:1.</p>	<p>Disputed. Trump represented – through TU – that Brown would receive a full year of mentoring.</p> <p>Example of Supporting Evidence:</p> <p><i>See</i> Plaintiffs' Response to Fact No. 53.</p>
56.	<p>Mr. Trump did not represent to Brown that TU was an "accredited" university.</p> <p>Supporting Evidence: DEx. 12 at 103:6-9.</p>	<p>Disputed. Trump told Brown via the Main Promotional Video that he would be learning from his "handpicked" "professors" and "adjunct professors" from a university better than the best business schools. Brown believed TU was an actual university in a classroom setting. Below is Brown's full answer.</p> <p>Examples of Supporting Evidence:</p> <p>Ex. 25 (Brown Tr.) at 103:6-25 ("Q. All right. Did anybody represent to you that Trump University was an accredited university? A. No. But doesn't it imply it when it says university? Wouldn't you think that they had gone through an accreditation process and called themselves a university? They – I found out later that they changed it from university to entrep- – I can't – Entrepreneurial Initiative or something like that. And that – I found out afterward that the – the</p>



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
		<p>state, I think it was New York State Education Department or an education department of some kind told them that they couldn't do that. But when – when it says Trump University, don't you expect it to be a university, an actual university? Q. So did you believe that you would get college credit by going to Trump University? A. Not college credit. Q. All right. Well, what did you – A. But at least – but at least a university-type education, same caliber, same level.”).</p> <p>Ex. 25 (Brown Tr.) at 106:12-25 (A. Was it represented to me that way? No, it wasn't. But it's – I'm – I've gone to – I've gone to school for many years, and you have to – we all have. When you see the word “university,” you study – you think you're going to be sitting in a classroom learning. That's not what happened. Now, these – these – the free and then the three-day were – there are lots of universities who hold three-day conferences. That's what I thought this was. And then I thought, okay, now we're going to get into the real stuff. We're going to go and we're going to be sitting together. We're going to be talking about this. And I'm going to have a mentor working with me one on one.”).</p> <p>Ex. 25 (Brown Tr.) at 99:21-100:15 (“A. It was important for me to have – I – I feel the best learning experience is learning through an expert in a classroom setting so that you can read, you can learn, you can discuss. And then the second thing – the second part of that excellent educational experience is to have someone who can actually apply – help you apply those principles that you learn in a classroom setting. And – and that's what I thought I was getting from Trump University. It's a univer- – it was a university, and I thought I was getting people that were experts, that – that were professors, that were Ph.D.s, that were exceptional in these areas and the best of the best, and that they would – that they would teach me what I needed to know in a classroom setting. I didn't – that was not clear. And I thought we were going to – we were going to have classroom opportunities and – and then the mentor, also. So I was looking forward to the mentor that I thought was handpicked by Mr.</p>

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
		<p>Trump and this educational component.”).</p> <p>Ex. 25 (Brown Tr.) at 220:4-10 (“Letter B, did Donald Trump ever say that Trump University is a ‘legitimate academic institution’? MS. ECK: Objection. Calls for a legal conclusion. A. I don’t think he said it was a legitimate academic institution, but he implied that it was.”).</p> <p>Ex. 25 (Brown Tr.) at 221:2-8 (“Q. Did Donald Trump ever say that you were going to learn from Trump University professors? A. He did. Q. And where did he say that? A. On the video that was played for us. Q. And do you know, in fact, if any of the – A. And – and adjunct professors, I think, or –”).</p> <p>CC Ex. 2 (Main Promotional Video).</p> <p>CC Ex. 13 at BBB NY 00505 (referring to professors, faculty and university is misleading).</p> <p>Ex. 12 (Frey Tr.) at 70:23-75:20 (use of “university” “faculty” “professors” and comparison to other business schools could lead consumers to believe that TU is a university).</p> <p>CC Ex. 83 at 017 (“Tone – Think of Trump University as a real University”).</p>
57.	<p>Brown never visited the TU website prior to his purchase.</p> <p>Supporting Evidence: DEx. 12 at 137:23-138:4.</p>	Undisputed, but irrelevant.
58.	<p>Before Brown purchased the 3-day seminar he knew TU was not an actual university.</p> <p>Supporting Evidence: DEx. 12 at 154:7-17.</p>	<p>Disputed. Trump told Brown via the Main Promotional Video that he would be learning from his “handpicked” “professors” and “adjunct professors” from a university better than the best business schools. Brown believed TU was an actual university in a classroom setting.</p> <p>Example of Supporting Evidence: <i>See</i> Plaintiffs’ Response to Fact No. 56.</p>
59.	Brown knew TU courses	Disputed and irrelevant. Brown thought TU was



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
	<p>were not held in a "university-type" setting.</p> <p>Supporting Evidence: DEx. 12 at 153:22-25.</p>	<p>a university that would be held in a classroom-type setting with experienced and educated professors.</p> <p>Also, defendants' supporting evidence does not support their purported fact: Ex. 25 (Brown Tr.) at 153:22-25 ("Q. Did you expect the three-day \$1,500 – or \$1,495 program to be in the university-type setting, as you described?" A: Not the three-day, no. ").</p> <p>Example of Supporting Evidence:</p> <p><i>See</i> Plaintiffs' Response to Fact No. 56.</p>
60.	<p>Mr. Trump never represented to Brown that TU was a "legitimate academic institution."</p> <p>Supporting Evidence: DEx. 12 at 220:4-10.</p>	<p>Disputed. Trump told Brown via the Main Promotional Video that he would be learning from his "handpicked" "professors" and "adjunct professors" from a university better than the best business schools. Brown believed TU was an actual university in a classroom setting.</p> <p>Example of Supporting Evidence:</p> <p><i>See</i> Plaintiffs' Response to Fact No. 56.</p>
61.	<p>Brown never met or spoke with Mr. Trump.</p> <p>Supporting Evidence: DEx. 12 at 18:5-13.</p>	<p>Undisputed, but irrelevant.</p>
62.	<p>Mr. Trump never told Brown what he would receive in any specific program.</p> <p>Supporting Evidence: DEx. 12 at 237:25-238:8.</p>	<p>Disputed. Trump told Brown via the Main Promotional Video that he would be learning from Trump's "handpicked" "professors" and "adjunct professors." Trump also told Brown through TU that he would receive one-on-one personal mentoring for a year.</p> <p>Examples of Supporting Evidence:</p> <p>CC Ex. 2 (Main Promotional Video).</p> <p>Ex. 25 (Brown Tr.) at 182:25-183:9 ("Q. And I'm going to – when you say one, I'm going to stop you and ask you who said it and when. So we're going to go through them and make sure I know exactly the promises, who said it and when. A. Okay. From the beginning? Q. Right. A. 'The people in this – at the university</p>

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
		<p>are handpicked by me.' I think that was – that was Mr. Trump for sure. 'They're the best of the best. You'll get the best of the best,' something like that.").</p> <p>Ex. 25 (Brown Tr.) at 237:9-20 ("Q. I've highlighted some portions. And what you state at the top sentence is that defendants, plural, so that includes Donald Trump, promised you that by purchasing Trump – the Trump Elite program for \$35,000, you would receive your own mentor who would work side by side with you. Now, Donald Trump didn't make that promise to you, did he? A. He – I believe he did in the – the video.").</p> <p>CC Ex. 3, ¶4.</p> <p>Ex. 25 (Brown Tr.) at 98:6-99:5, 156:8-13, 158:6-8, 221:2-8, 227:18-22, 238:4-8; 274:1-8.</p> <p>Ex. 25 (Brown Tr.) at 184:10-185:9 ("Q. Okay. What else was promised to you? A. Let me see. That I would have – as far as the mentorship was concerned, that I would have a full year of mentoring. Q. Who promised that? A. That was promised by whoever I signed the document for. Q. You don't remember who that was? A. No, I don't remember. There were several people. Q. That was somebody in the back of the room? A. Yeah. Yeah. Q. And that was made to just you personally as you were signing a document? A. That was – I think that was made to the entire group at one point. Q. And they said the words "a full year of mentoring"? A. Yes. Q. Okay. And by 'mentoring,' do you mean in-field help? A. One-on-one personal mentoring. Q. For 365 days? A. That's what it sounded like to me or that's what it meant to me.").</p>
63.	<p>Mr. Trump did not attend the preview or 3-day attended by Brown.</p> <p>Supporting Evidence: DEx. 12 at 41:9-15 and 59:23-25.</p>	Undisputed, but irrelevant.
64.	Brown did not recall a representation from Mr. Trump in the Donald Trump video regarding	Disputed. Brown viewed the Main Promotional Video at the free preview and testified that Trump represented that students would be learning from Trump's "handpicked"



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
	<p data-bbox="391 338 756 405">Mr. Trump handpicking the instructors.</p> <p data-bbox="391 432 748 531">Supporting Evidence: DEx. 12 at 22:19-23:24 and 60:1-11.</p>	<p data-bbox="820 338 1526 436">“professors” and “adjunct professors.” Also, Defendant’s supporting evidence does not support their purported fact.</p> <p data-bbox="820 464 1341 501">Examples of Supporting Evidence:</p> <p data-bbox="820 529 1523 596">Ex. 25 (Brown Tr.) at 98:1-99:5, 183:14-20; 221:2-8, 227:18-22, 238:4-8, 274:1-13.</p> <p data-bbox="820 623 1526 789">Ex. 25 (Brown Tr.) at 23:2-5 (“Q. Do you remember any other specifics? A. He did say he would have – he was – that he was hiring the best teachers so we would have the best experience.”).</p> <p data-bbox="820 816 1526 1171">Ex. 25 (Brown Tr.) at 182:25-183:9 (“Q. And I’m going to – when you say one, I’m going to stop you and ask you who said it and when. So we’re going to go through them and make sure I know exactly the promises, who said it and when. A. Okay. From the beginning? Q. Right. A. ‘The people in this – at the university are handpicked by me.’ I think that was – that was Mr. Trump for sure. ‘They’re the best of the best. You’ll get the best of the best,’ something like that.”).</p> <p data-bbox="820 1199 1526 1394">Ex. 25 (Brown Tr.) at 238:4-8 (“Q. Did he say anything of what you would receive for any particular program? A. For a particular program, no. But generally he was saying that you would receive top people to work with you, handpicked by Mr. Trump.”).</p> <p data-bbox="820 1421 1526 1808">Ex. 25 (Brown Tr.) at 267:12-268:3 (“A. Did I – Q. Do you have any information about the experience or qualifications of any of the instructors or mentors at Trump University? A. The only – the only thing I could go on was what Mr. Trump said in the video, that they were handpicked; they were the very best, that they were professionals, that they were – they – he said that they were professors. Q. Did he say that every mentor was a professor? A. I’m not sure if he said every one, but he – I think he said all are handpicked. I – I’m –.”).</p> <p data-bbox="820 1835 1526 1961">Ex. 25 (Brown Tr.) at 221:2-8 (“A. I don’t – I don’t believe Donald Trump did. Q. Did Donald Trump ever say that you were going to learn from Trump University professors? A. He</p>

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
		did. Q. And where did he say that? A. On the video that was played for us. Q. And do you know, in fact, if any of the – A. And – and adjunct professors, I think, or –.”).
65.	Brown purchased the 3-day seminar because “I wanted to continue making money. I felt that more education would be able to help me make better judgments and better choices – or maybe not better, but the best choices.”  Supporting Evidence: DEx. 12 at 49:3-7.	Undisputed that a portion of Brown’s deposition contains the language defendant quotes, but disputed to the extent defendant contends this was an exhaustive explanation for Brown’s purchase decision. Brown purchased the 3-day seminar because he was told he needed a Trump handpicked mentor in order to succeed in real estate.  Examples of Supporting Evidence:  CC Ex. 3, ¶3.  Ex. 25 (Brown Tr.) at 189:6-20 (“Okay. The video that you saw at the free program – A. Right. Q. – was it just an interview between the interviewer and Mr. Trump? A. I – that I don’t remember. I – I don’t remember anyone else being in it. Q. Was there a narrator? A. I don’t remember, no. I just remember Mr. Trump talking and explaining – you know, I – I was there because of Mr. Trump. I – I wanted to hear what he had to say. And everything else felt like it was in addition to – to – to help us get excited, to help us make a decision to – to spend more money. That’s what it felt like.”).
66.	Brown did not contract with or pay Mr. Trump for seminars or mentorship.  Supporting Evidence: DEx. 20 & 21.	Disputed. Brown contracted with and paid Trump through TU. Trump owned approximately [REDACTED] of TU.  Example of Supporting Evidence:  Ex. 52 (TU 01632).

#### Adjudication No. 7: The Money Had And Received Claim

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
	Fact Nos. 29-32, 46, 66	See Plaintiffs' Responses to Fact Nos. 29-32, 46, 66.
67.	Oberkrom did not contract	Disputed. Oberkrom contracted with and paid



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
	<p>with or pay Mr. Trump for seminars or mentorship.</p> <p>Supporting Evidence: DEx. 25 at 11:21-23, 204:14-25, 29:21-30:7, 205:3-17, DEx. 26</p>	<p>Trump through TU. Trump owned approximately [REDACTED] of TU.</p> <p>Examples of Supporting Evidence: Ex. 52 (TU 01632).</p> <p>Ex. 7 (Oberkrom Tr.) at 11:24-12:10 ("Q. And how much money have you personally spent that you in any way relate to Trump University or any Trump University products, services and so forth? A. The initial 2500 – or \$25,000 that we and my partner, Mike Barr, signed up with Trump U to get mentored by Donald Trump and his hand-picked instructors. And then additionally to that, the credit card for what I put the purchase on, all that interest is accumulated where it's put me in a big financial bind.").</p>
68.	<p>Keller did not contract with or pay Mr. Trump for seminars or mentorship.</p> <p>Supporting Evidence: DEx. 23 at 66:9-69:23; DEx. 24.</p>	<p>Disputed. Keller contracted with and paid Trump through TU. Trump owned approximately [REDACTED] of TU.</p> <p>Example of Supporting Evidence: Ex. 52 (TU 01632).</p>

**Adjudication No. 8: The Unjust Enrichment Claim**

Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
Fact Nos. 29-32, 46, 66-68	<i>See</i> Plaintiffs' Responses to Fact Nos. 29-32, 46, 66-68

**Adjudication No. 9: The Negligent Misrepresentation Claim**

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
	Fact Nos. 1-68	<i>See</i> Plaintiffs' Responses to Fact Nos. 1-68.
69.	<p>Keller never met Mr. Trump.</p> <p>Supporting Evidence: DEx. 23 at 108:24-109:1.</p>	Undisputed, but irrelevant.
70.	Keller never spoke to Mr.	Undisputed, but irrelevant.

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
	Trump.  Supporting Evidence: DEx. 23 at 109:2-3.	
71.	Keller never communicated in writing with Mr. Trump.  Supporting Evidence: DEx. 23 at 109: 4-6.	Undisputed, but irrelevant.
72.	Mr. Trump did not attend Keller's preview seminar.  Supporting Evidence: DEx. 23 at 109:7-9.	Undisputed, but irrelevant.
73.	Keller's decision to purchase the 3- day seminar was not caused by reliance on any representation from Mr. Trump.  Supporting Evidence: DEx. 23 at 129:19-130:20.	Disputed. Keller purchased the three day after seeing recorded videos of Donald Trump and seeing representations in print via an email he received from TU.  Examples of Supporting Evidence:  Ex. 44 (Keller Tr.) at 35:6-15 ("A. Yes These are the statements I recall: That the mentors were hand-picked by Donald Trump, all the experts were chosen by Donald Trump and that you would receive a year-long help or assistance from Donald Trump's hand-picked experts or mentors that he chose. Q. Those statements were made when? A. They were made at the pre-seminar meeting for the seminar and at the seminar."").  Ex. 44 (Keller Tr.) at 39:3-23 ("Q. How were you first contacted by anybody at the Trump University? A. By e-mail Q. And do you know how Trump University obtained your e-mail address? A. I do not know. Q. Was this – when you received it, in your mind, did you believe this was a blanket e-mail that went out, or was it addressed specifically to you and seemed to be personalized to you? A. No, blanket e-mail address. Q. And can you recall any of the information in that initial e-mail? A. I do not recall the information in that e-mail. It – all I can remember is that information about learning Donald Trump's investment strategies, plans, techniques, his secrets to invest just like him."").  Ex. 44 (Keller Tr.) at 40:13-41:1 ("Q. Was the initial e-mail an invitation to participate in



No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
		<p>anything? A. I recall, yes, it said, 'Come learn Donald Trump's strategies specific strategies.' But it did not give his specific strategies. It just said 'learn his strategies.'" Q. The e-mail that you received that we're talking about – A. Uh-huh. Q. – did it invite you to go to a program? A. Yes. That was the – the pre-meeting, the seminar. Q. And did you go to the pre-meeting? A. I did.").</p> <p>Ex. 44 (Keller Tr.) at 109:25-110:5 ("A. I'm trying to – I'm thinking about that, trying to remember. I think there were videos, just recorded videos of him saying stuff. I don't think – I – I – I can't recall the specifics or when or where, but I think I kind of remember some recorded videos.").</p> <p>Ex. 44 (Keller Tr.) at 42:3-12; 44:2-45:4; 45:16-46:4; 48:15-49:6; 61:9-19; 63:23-64:4; 64:9-65:8; 91:17-20; 92:23-94:5; 112:6-13; 116:21-117:1; 118:11-25; 123:25-124:18.</p> <p>Ex. 65 (Keller Tr. Ex. 3) (TU-PLTF00206).</p>
74.	<p>Keller received a full refund for his Gold Elite purchase from TU.</p> <p>Supporting Evidence: DEx. 23 at 85:8-12, 169:19-24.</p>	<p>Undisputed, however Keller has not received a full refund of all TU Live Event purchases.</p>
75.	<p>Oberkrom never met Mr. Trump.</p> <p>Supporting Evidence: DEx. 25 at 11:16-18.</p>	<p>Undisputed, but irrelevant.</p>
76.	<p>Oberkrom never spoke to Mr. Trump.</p> <p>Supporting Evidence: DEx. 25 at 11:19-20.</p>	<p>Undisputed, but irrelevant.</p>
77.	<p>Oberkrom's decision to purchase the in-field mentorship was based on statements made at the 3-day seminar.</p> <p>Supporting Evidence: DEx. 25 at 184:11-187:2, 213:14-25</p>	<p>Disputed to the extent defendant contends the statements at the 3-day seminar were the only bases for Oberkrom's purchase decision. Oberkrom purchased TU programs because they were offered by Trump.</p> <p>Examples of Supporting Evidence: Ex. 56 (TU-OBERKROM0004).</p>

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
		Ex. 7 (Oberkrom Tr.) at 373:9-20 ("Q. Was the fact that these seminars were – were offered by or associated with Donald Trump a reason that you signed up for and took these seminars? A. Well, it wasn't just a reason. It was the only reason. 'Cause I had an opportunity to go to all these other seminars and be mentored from a bunch of different people, but the name Donald Trump was very alluring to me. He had a reputation of being a very powerful, knowledgeable person in real estate. And this was, I seen, as an opportunity to benefit from some of that knowledge.").
78.	Oberkrom knew Mr. Trump would not attend his 3-day seminar.  Supporting Evidence: DEx. 25 at 61:6-13	Undisputed, but irrelevant.

**Adjudication No. 10: The Fraud Claim**

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
79.	Fact Nos. 1-78	<i>See</i> Plaintiffs' Responses to Fact Nos. 1-78.

**Adjudication No. 11: The False Promise Claim**

No.	Mr. Trump's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
80.	Fact Nos. 1-78	<i>See</i> Plaintiffs' Responses to Fact Nos. 1-78.

**PLAINTIFFS' RESPONSES TO TRUMP UNIVERSITY, LLC'S  
STATEMENT OF UNDISPUTED FACTS**

No.	Trump University's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
1.	Plaintiffs did not disclose any damages experts or provide any expert reports	Undisputed.



No.	Trump University's Undisputed Material Facts and Supporting Evidence	Plaintiffs' Response and Supporting Evidence
	related to damages in this case.  Supporting Evidence: Stagg Decl. at ¶¶3-4.	
2.	TU stopped enrolling new students in classes after July 2010.  Supporting Evidence: DEx. 1 <sup>5</sup> ¶9; DEx. 2 at 135:25-136:22.	Disputed, to the extent that defendant implies there is no evidence that Trump intends to resume his conduct.  Examples of Supporting Evidence:  CC Ex. 13 at BBB NY 00534-36.  Ex. 31.  Ex. 5 (DJT Tr.) at 80:14-81:6 ("Q. Okay. Is Trump University currently in business? A. It can be.")  Ex. 66 ("As soon as this case is over, we will consider re-opening the school to all our students and hire back the teachers and others, thereby creating lots of jobs for New York," Trump said in a statement.").
3.	TU changed its name to the Trump Entrepreneur Initiative on June 2, 2010.  Supporting Evidence: TAC (Dkt. No. 128, n.1).	Undisputed.

**PLAINTIFFS' STATEMENT OF ADDITIONAL MATERIAL FACTS  
THAT FURTHER PRECLUDE SUMMARY JUDGMENT**

**I. Trump and Trump University's Promotional Materials and Live Events Promised Trump's Integral Involvement**

No.	Plaintiffs' Additional Facts	Defendants' Response and Supporting Evidence
1.	Donald Trump personally appeared in a promotional video for Trump University ("TU") and made the following representations: "We're going to have professors and adjunct professors that are absolutely terrific. Terrific people, terrific	

<sup>5</sup> All references to "DEx." are to the exhibits to the Declaration of Nancy L. Stagg in Support of Donald Trump's Motion for Summary Judgment, filed concurrently herewith.

No.	Plaintiffs' Additional Facts	Defendants' Response and Supporting Evidence
	<p>brains, successful. The best. We are going to have the best of the best and honestly if you don't learn from them, if you don't learn from me, if you don't learn from the people that we're going to be putting forward – and these are all people that are handpicked by me – then you're just not going to make in terms of the world of success. [W]e're going to teach you better than the business schools are going to teach you and I went to the best business school.”</p> <p><b>Example of Supporting Evidence:</b> CC Ex. 2 (“Main Promotional Video”).</p>	
2.	<p>The PlayBook directed that [REDACTED]</p> <p><b>Examples of Supporting Evidence:</b> CC Ex. 12 at TU 52954; Ex. 4 (Martin Tr.) at 109:10-19; Ex. 25 (Brown Tr.) at 22:19-23:5, 182:25-183:9, 98:6-99:5, 221:2-8, 227:18-22, 238:6-8, 274:3-5; Ex. 44 (Keller Tr.) at 112:11-16.</p>	
3.	<p>Trump personally recorded radio ads for TU.</p> <p><b>Example of Supporting Evidence:</b> Ex. 57 (TRUMP 00208127-36).</p>	
4.	<p>Donald Trump approved TU's advertisements, including advertisements that used the name “Trump University” and referenced Trump's “handpicked instructors” or “my world-class instructors.”</p> <p><b>Examples of Supporting Evidence:</b> Ex. 3 (Sexton Tr.) at 396:25-397:3, 398:7-20; Ex. 2 (TRUMP 00165047); Ex. 58 (TU 102427); Ex. 1 (Bloom Tr.) at 78:16-80:7; Ex. 5 (DJT Tr.) at 77:17-21, 117:13-22, 120:14-19, 135:11-136:7, 136:18-24, 137:14-21; Ex. 43 (TRUMP 00230126-27); CC Ex. 75 at TU 130434-46; CC Ex. 79; CC Ex. 32 (TU 25265-66); CC Exs. 36-38, 42, 43, 45, 46, 64; Ex. 59 (DJT Resp. to RFA No. 7); CC Ex. 23 at TU 97131; CC Ex. 29; CC Exs. 31-32, CC Ex. 33 at Supp. Response to ROG No. 7; CC Ex. 41 at TU 59085; CC Exs. 79, 82, 88.</p>	
5.	<p>Trump and TU held TU out to customers as an actual academic institution unique in the marketplace because of its association with Donald Trump.</p>	



No.	Plaintiffs' Additional Facts	Defendants' Response and Supporting Evidence
	<b>Examples of Supporting Evidence:</b> CC Ex. 2 (Main Promotional Video); CC Exs. 3-7; CC Ex. 47 at TU 59177; CC Ex. 54 at TU 97048; CC Exs. 65, 83; Ex. 6 at TU 154675, TU 154696 (Trump's negotiating system); Ex. 30 (TU-LOW0000058-59); Ex. 10 at TRUMP 00161480.	
6.	Trump and TU represented that TU rivaled top business schools and had a faculty of world-class experts.  <b>Examples of Supporting Evidence:</b> CC Ex. 83 at TU-DONNELLY0000002, 14-17; CC Ex. 2 (Main Promotional Video); Ex. 6 at 154669; CC Ex. 79; CC Ex. 8, ¶7.	
7.	TU Live Event speakers told attendees that they would learn Trump's investing techniques.  <b>Examples of Supporting Evidence:</b> Ex. 22 at TU 97184, TU 97188; CC Ex. 32 at TU 25265-66; CC Ex. 40 at TU 59163; Ex. 67.	
8.	Trump's real estate expertise was the overarching selling point for TU Live Events.  <b>Examples of Supporting Evidence:</b> Ex. 9 (Makaeff Tr.) at 100:23-102:10, 118:18-119:5; Ex. 7 (Oberkrom Tr.) at 373:9-20; Ex. 8 (Everett Tr.) at 84:2-3; Ex. 26 (Low Tr.) at 35:11-24, 42:18-43:2 (The letter Low received signed by Trump was one of the reasons Low signed up for the seminar.); Ex. 3 (Sexton Tr.) at 163:16-164:3, 459:3-18; Ex. 4 (Martin Tr.) at 154:19-156:16, 182:6-19; CC Ex. 9, ¶6-7.	

## II. Trump's Substantive Involvement with TU Was "Completely Absent"

No.	Plaintiffs' Additional Facts	Defendants' Response and Supporting Evidence
9.	Donald Trump has admitted that his involvement in the operations of TU was "completely absent." Trump did not handpick the Live Events instructors, did not mentor students, the Live event instructors did <i>not</i> teach Trump's real estate secrets.  <b>Examples of Supporting Evidence:</b> Dkt. No. 32 at 5-6; Ex. 5 (DJT Tr.) at 86:15-24.	

No.	Plaintiffs' Additional Facts	Defendants' Response and Supporting Evidence
	107:10-19, 119:18-120:1-4, 130:14-20; Ex. 15 (Sexton NYAG Exam.) at 160:22-61:2, 163:8-11, 167:20-168:8; Ex. 4 (Martin Tr.) at 58:14-20; Ex. 18 (Childers Tr.) at 48:16-49:18; Ex. 16 (Sperry Tr.) at 29:18-30:16, 31:5-11; Ex. 19 (Miller Tr.) at 55:14-56:1; CC Ex. 108.	
10.	Michael Sexton, who had no real estate experience beyond purchasing his own home, was in charge of the hiring of the Live Events instructors and curriculum for TU Live Events.  <b>Examples of Supporting Evidence:</b> Ex. 5 (DJT Tr.) at 87:1-10; Ex. 3 (Sexton Tr.) at 393:8-17.	
11.	The Live Event instructors were not handpicked by Donald Trump, did not teach his secrets, and were independent contractors paid commissions for sales.  <b>Examples of Supporting Evidence:</b> Ex. 13 (Sexton NYAG Exam.) at 157:13-15; CC Ex. 10 (Schnackenberg Decl.), ¶9; Ex. 16 (Sperry Tr.) at 29:18-30:16; Ex. 19 (Miller Tr.) at 55:22-56:1; Ex. 4 (Martin Tr.) at 45:13-19; Ex. 18 (Childers Tr.) at 45:9-20; CC Ex. 11, ¶¶5-7; CC Exs. 55, 75-78, 86, 110; Ex. 6.	

### III. Trump University Used the Term "University" in Violation of Law for Five Years

No.	Plaintiffs' Additional Facts	Defendants' Response and Supporting Evidence
12.	Joseph Frey of the New York State Education Department sent Trump a letter dated May 27, 2005, demanding that, in light of the relevant rules and regulations, including New York State Education Law §224(1), Trump University discontinue the use of the name "Trump University."  <b>Examples of Supporting Evidence:</b> Ex. 13 (Yates Affidavit), ¶8; Ex. 11 (Roberson NYSED Decl.) at TU-PLTF03744-45; Ex. 12 (Frey Tr.) at 51:20-52:3, 53:9-54:3.	
13.	In 2005, TU personnel represented to the NYSED that TU would relocate operations to Delaware, but instead set up a [REDACTED] in Delaware and	



No.	Plaintiffs' Additional Facts	Defendants' Response and Supporting Evidence
	<p>continued to operate out of New York.</p> <p><b>Examples of Supporting Evidence:</b> Ex. 13 (Yates Affidavit), ¶¶6-37; CC Exs. 133, 139, 140; Ex. 12 (Frey Tr.) at 98:18-99:5.</p>	
14.	<p>NYSED personnel told TU that it "is an unlicensed school," offering "illegal training" in which students "should never have been enrolled" and current students should get refunds.</p> <p><b>Examples of Supporting Evidence:</b> CC Ex. 67; Ex. 14 (NYSED 00067-83); Ex. 60 (Kramer NYSED Decl.) at TU-PLTF03740-41; CC Exs. 68, 137.</p>	
15.	<p>Trump has been found to have violated Education Law §5001(1) by operating an unlicensed school.</p> <p><b>Examples of Supporting Evidence:</b> <i>Matter of People of the State of N.Y. v Trump Entrepreneur Initiative LLC</i>, No. 415463/2013, 2014 N.Y. Misc. LEXIS 4533, at *26-*27 (N.Y. Sup. Ct. Oct. 8, 2014).</p>	
16.	<p>The BBB gave TU a D- rating. After Trump threatened to sue the BBB, the rating was changed to "Not Reviewed."</p> <p><b>Examples of Supporting Evidence:</b> CC Ex. 13 at BBB NY 00506-507, 532.</p>	

#### IV. The Mentorship Did Not Deliver on Defendants' Promises

No.	Plaintiffs' Additional Facts	Defendants' Response and Supporting Evidence
17.	<p>A real estate agent could provide everything offered by TU mentors.</p> <p><b>Examples of Supporting Evidence:</b> CC Ex. 73 at TU 137810; Ex. 23 (Everett Decl.), ¶¶6-9; Ex. 25 (Brown Tr.) at 121:5-14.</p>	
18.	<p>Plaintiffs did not receive the unlimited one-year of expert mentoring by a Trump handpicked mentor as promised.</p> <p><b>Examples of Supporting Evidence:</b> Ex. 23 (Everett Decl.), ¶7 (Troy Peterson was not knowledgeable about TU methods); Ex. 26 (Low</p>	

No.	Plaintiffs' Additional Facts	Defendants' Response and Supporting Evidence
	Tr.) at 98:17-99:2 (Nowlin did not know San Diego market); CC Ex. 5, ¶¶6-9; CC Ex. 15, ¶¶12-17; CC Exs. 59, 60, 73 at TU 137803 ("██████████"), 91, 126.	
19.	Plaintiffs were subjected to "teachings" that violated state and local laws.  <b>Examples of Supporting Evidence:</b> CC Ex. 93 (Makaeff Class Cert. Reply Decl.), ¶5; Ex. 27 (Cohen Tr.) at 39:5-40:24; Ex. 28 (TU-COHEN0000531).	
20.	Plaintiffs were subjected to additional sales pitches by speakers and mentors even after purchasing the Elite program.  <b>Examples of Supporting Evidence:</b> Ex. 18 (Childers Tr.) at 71:20-72:4; Ex. 9 (Makaeff Tr.) at 386:3-8; Ex. 8 (Everett Tr.) at 136:19-138:5; Ex. 61 (TU LOW0000048); CC Ex. 8, ¶7.	

## V. Additional Relevant Facts

No.	Plaintiffs' Additional Facts	Defendants' Response and Supporting Evidence
21.	Trump has stated that he intends to start up Trump University again.  <b>Examples of Supporting Evidence:</b> Ex. 5 (DJT Tr.) at 80:19-22, 159:24-160:7; Ex. 31; Ex. 66 ("As soon as this case is over, we will consider re-opening the school to all our students and hire back the teachers and others, thereby creating lots of jobs for New York," Trump said in a statement.").	

DATED: March 6, 2015

ROBBINS GELLER RUDMAN  
& DOWD LLP  
JASON A. FORGE  
RACHEL L. JENSEN

s/ Rachel L. Jensen  
RACHEL L. JENSEN



1 655 West Broadway, Suite 1900  
2 San Diego, CA 92101  
3 Telephone: 619/231-1058  
619/231-7423 (fax)

4 ROBBINS GELLER RUDMAN  
5 & DOWD LLP  
6 DANIEL J. PFEFFERBAUM  
Post Montgomery Center  
7 One Montgomery Street, Suite 1800  
San Francisco, CA 94104  
Telephone: 415/288-4545  
415/288-4534 (fax)

8 ROBBINS GELLER RUDMAN  
9 & DOWD LLP  
10 MAUREEN E. MUELLER  
120 East Palmetto Park Road, Suite 500  
11 Boca Raton, FL 33432  
Telephone: 561/750-3000  
561/750-3364 (fax)

12 ZELDES HAEGGQUIST & ECK, LLP  
13 AMBER L. ECK  
14 HELEN I. ZELDES  
ALREEN HAEGGQUIST  
15 AARON M. OLSEN  
625 Broadway, Suite 1000  
16 San Diego, CA 92101  
Telephone: 619/342-8000  
619/342-7878 (fax)

17 Class Counsel  
18  
19  
20  
21  
22  
23  
24  
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26  
27  
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CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2015, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 6, 2015.

s/ Rachel L. Jensen  
RACHEL L. JENSEN

ROBBINS GELLER RUDMAN  
& DOWD LLP  
655 West Broadway, Suite 1900  
San Diego, CA 92101-8498  
Telephone: 619/231-1058  
619/231-7423 (fax)

E-mail: rachelj@rgrdlaw.com



## Mailing Information for a Case 3:10-cv-00940-GPC-WVG Makaeff v. Trump University, LLC et al

### Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Amber Lee Eck**  
ambere@zhlaw.com,winkyc@zhlaw.com,robysns@zhlaw.com
- **Jason A Forge**  
jforge@rgrdlaw.com,tholindrake@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **Jeffrey L. Goldman**  
jgoldman@bbwg.com
- **Rachel L Jensen**  
rjensen@rgrdlaw.com,llendzion@rgrdlaw.com,mbacci@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **Jill Ann Martin**  
jmartin@trumpnational.com,lvincent@trumpnational.com
- **Thomas R. Merrick**  
tmerrick@rgrdlaw.com
- **Benjamin James Morris**  
bmorris@foley.com,vgoldsmith@foley.com
- **Maureen E. Mueller**  
mmueller@rgrdlaw.com,e\_file\_sd@rgrdlaw.com
- **Aaron M. Olsen**  
aaron@zhlaw.com,winkyc@zhlaw.com
- **Daniel Jacob Pfefferbaum**  
dpfefferbaum@rgrdlaw.com
- **Nancy L. Stagg**  
nstag@foley.com,smoreno@foley.com

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