

NEW YORK STATE
COMMISSION ON PUBLIC INTEGRITY

-----X
In the Matter of an Investigation
into Governor David A. Paterson's
acquisition of World Series Tickets
-----X

INTERVIEW UNDER OATH OF LONN TROST, at the offices of Boies,
Schiller & Flexner LLP, 575 Lexington Avenue, New York, New York, on Tuesday,
January 26, 2010, at 11:55 a.m., before MARGARET EUSTACE, a Shorthand Reporter
and Notary Public, within and for the State of New York.



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A P P E A R A N C E S :

On behalf of New York State
Commission on Public Integrity:

BRIDGET HOLOHAN, ESQ.
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540 Broadway
Albany, New York 12207

JEFF SCHLANGER, ESQ.
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On behalf of the Witness:

JONATHAN SCHILLER, ESQ.
CHRISTOPHER DUFFY, ESQ.
Boies, Schiller & Flexner LLP
575 Lexington Avenue
New York, New York 10022

Also Present:

LAWRENCE J. MURELLO,
Associate Confidential Investigator
ROBERT J. SHEA,
Associate Confidential Investigator

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Whereupon,

LONN TROST,

after having been first duly sworn, was
examined and testified as follows:

EXAMINATION BY

MR. SCHLANGER:

Q. Good morning, Mr. Trost.

My name is Jeff Schlanger. I have
been engaged by the New York State Commission
on Public Integrity to assist in the current
investigation, which is an investigation into
the question of whether or not Governor
Paterson received a gift inappropriately, a
gift from the Yankees.

I will be asking you some questions.
The answers will be recorded by the court
stenographer, who is to my right. The court
stenographer can only take down verbal
answers, so if you would give verbal answers
to all my questions, I would appreciate it.
And if there is any question that you don't
understand, please ask me to repeat it or
rephrase it and I will do that for you.

A. Okay.



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L. Trost

MR. SCHILLER: May I just ask a question?

MR. SCHLANGER: Yes.

MR. SCHILLER: Are you an official of the New York State Government?

MR. SCHLANGER: No. I have been engaged by the New York State Commission.

MR. SCHILLER: So are you a lawyer?

MR. SCHLANGER: I am.

MR. SCHILLER: And your company is called Keypoint Government Solutions, so you are under contract to the -- who are you under contract to?

MR. SCHLANGER: No. I am engaged by the New York State Commission on Public Integrity for the purposes of this investigation.

MR. SCHILLER: I see.
And Keypoint is a legal firm?

MR. SCHLANGER: No.

MR. SCHILLER: What does Keypoint do?

MR. SCHLANGER: Let's go off the record.



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L. Trost

(Discussion held off the record.)

MR. SCHLANGER: Back on the record.

Q. Sir, are you employed currently?

A. Yes.

Q. By whom are you employed?

A. By the New York Yankees Partnership.

Q. What is your position with the Partnership?

A. I am the chief operating officer and general counsel.

Q. For how long have you been so employed?

A. As general counsel, since 1997. As chief operating officer, since 2000.

Q. How long have you been with the Yankees in total?

A. Been, does that mean work with work for or associated with?

Q. Why don't you give us all three.

A. Associated with since 1975, 1976. I should say worked for from '76. Employed by since '97. And associated with since '63 or '64.

Q. And what are duties and



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L. Trost

responsibilities of your current position or positions, I guess?

A. As general counsel I am responsible for all legal work that has to get done. As chief operating officer I am responsible for everything that has to get done.

Q. So then you are really responsible for everything that has to get done?

A. Yes.

Q. Okay. And with respect to gifts and government officials attending games, are you aware of a policy that the Yankees has?

A. I guess we should break that up.

Q. Okay.

A. Yankees have many policies on many different things. I don't know about gifts, but with respect to governmental officials coming to game, we have a policy.

Q. Let's talk about that policy.

Can you state the policy?

A. Certainly. They either pay or provide us with an appropriate letter reflecting the fact that they need not pay.

Q. When you say "appropriate letter that

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L. Trost

they need not pay," what would be an acceptable reason for them to not pay?

A. That would certainly be up to them to make that determination. I am not going to page determination for them. They provide me with a letter from counsel or something similar that they need not pay, I accept it.

Q. Irrespective of what it says?

A. No irrespective of what it says.

Q. What would it have to say for you to accept it?

A. It would have to provide me with sufficient information in that letter to convince me that they were convinced that they do not have to pay.

Q. So if you received a letter which said that going to attend or I would like to attend a specific game and bring 10 people with me and it is not on official business, would you provide tickets to that?

MR. SCHILLER: Did you say not on official business?

MR. SCHLANGER: Yes.

A. Let's start over.

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L. Trost

Q. Okay. You want the question again?

A. Yes.

Q. If the letter were to indicate that the reason for the attendance at the game was not official business, would you provide the tickets for free under those circumstances?

A. Regardless of who the letter was from, I will simplify it, no.

Q. Would it be fair to say that the only reason you would provide tickets is if the -- a letter indicated that it was official business?

A. Or something that I felt was similar.

Q. For how long has that been the policy of the Yankees?

A. While -- I can't give you a time, though.

Q. Was there something which engendered that policy?

A. I can't necessarily tell you.

Q. Why is that?

A. I don't know what engendered that policy. It was just a policy that we put into place and I don't remember when it was.



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1 L. Trost

2 Q. Was it the policy when you became
3 general counsel in 1997?

4 A. No.

5 Q. Do you recall how long after it
6 became the policy?

7 A. No.

8 Q. Was there any set of circumstances
9 which arose which made you the change the
10 policy?

11 A. If there were, I can't recall at this
12 moment.

13 Q. What was the policy before this
14 became the policy?

15 A. I don't know if there was a policy.

16 Q. Without a policy, what was the normal
17 course of action that the Yankees would take
18 when a request was made by a public official
19 prior to this policy being in effect?

20 A. Could you repeat the question?

21 Q. Sure. Prior to the current policy
22 being in effect, how would the Yankees handle
23 a request from a public official for tickets
24 to specific game?

25 A. That generally was up to George

1 L. Trost
2 Steinbrenner at that time.

3 Q. So he would be consulted on each
4 occasion?

5 A. You generally don't consult with
6 George Steinbrenner. He tells you.

7 Q. How would he become aware of the
8 request?

9 A. You would ask him.

10 Q. The public official would ask him?

11 A. Whoever received the request.

12 Q. Under the current policy, can you
13 explain how a request would be handled?

14 A. If there was a request from a
15 governmental official to attend the game?

16 Q. Correct. How would that be handled?

17 A. That request would ultimately wind up
18 in the office of Brian Smith.

19 Q. And Brian Smith is who within the
20 organization?

21 A. Vice president for community and
22 corporate affairs.

23 Q. Do you know what Mr. Smith, according
24 to policy, would do with that request?

25 A. He would inquire as to whether or not

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the tickets were being paid for or deemed not have to be paid for because it was official business.

Q. By the way, is this policy written somewhere?

A. If it is, I am not aware of it.

Q. Do the Yankees have a policy and procedure manual of some kind?

A. Not to my knowledge.

Q. Did there come a time -- withdrawn.

To the best of your knowledge, since the policy has been adopted, has there ever been any deviation from the policy?

A. Not to my knowledge.

Q. Did there come a time when you became aware that Governor Paterson had requested tickets for game one of the World Series?

A. Yes.

Q. When did you first become aware of that?

A. I received a call, I believe, on the 20th of October.

Q. Just for the record, when was the first game of World Series, what date?

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A. My recollection is the 28th.

Q. Okay.

A. Indicating that the Governor intended to go.

Q. And from whom was the call?

A. I think it was Matthew Nelson.

Q. Did you know Mr. Nelson?

A. No.

Q. So --

A. I knew he was from the Governor's office, but I don't know him.

Q. Can you tell us how this came about? Were you in your office when you received the call?

A. Yes.

Q. You spoke directly to Mr. Nelson?

A. I assume so.

Q. Do you have a recollection of speaking directly to him?

A. I recollect speaking to someone who identified himself as Matthew Nelson.

Q. Can you tell us what he said to you and what you said to him in response?

A. He said to me "the Governor intended



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2 to go." I said, "How many tickets?" He said,
3 "Five". I said, "Fine, I will turn it over to
4 Brian Smith."

5 That's the last conversation we had.

6 Q. Did it seem presumptuous of him to
7 say that the Governor intended to go?

8 A. No.

9 Q. Was there any preceding conversation
10 to that that might have led Governor Paterson
11 or Mr. Nelson to believe that the Governor
12 could go?

13 A. Yes.

14 Q. What was that conversation?

15 A. There was a conversation I had with a
16 gentleman who identified himself as Matthew
17 Nelson. It took place the beginning of
18 October, end of September. At that point, I
19 spoke with him and the conversation was
20 basically was the Governor intending to go to
21 the game.

22 Q. That was your question to him?

23 A. Yes.

24 Q. And what led you to ask that
25 question?

1 L. Trost

2 A. A number of things. We are in a new
3 stadium, we have to be prepared with
4 appropriate security for governmental
5 officials. Especially the Governor, who I
6 understand is legally blind, especially since
7 he continuously reports on the radio how much
8 he intend to attend games, especially Met
9 games.

10 I understand he is a Met fan and he
11 has announced repeatedly that he goes to Met
12 games. This is post season obviously. The
13 Mets were not going to be in the post season.
14 I had to make certain that we had appropriate
15 security in place if he intended to go to the
16 game.

17 Q. So would you characterize your
18 conversation with Mr. Nelson at the end of
19 September, beginning of October as an
20 invitation for the Governor to attend?

21 A. Absolutely not.

22 Q. Would you characterize it rather as
23 an inquiry as to whether or not he intended to
24 come?

25 A. Yes.



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L. Trost

Q. And what was the response to your question relative to whether he intended to come or not?

A. I will let you know.

Q. I'm sorry, if you said this, this was prior to any of the playoff games?

A. Correct.

Q. Did there come a time after that conversation that you had another conversation with Mr. Nelson?

A. Yes.

Q. When was the next time you spoke or corresponded with him?

A. I spoke with him again on either October 27th or 28th as I previously testified.

Q. So would it be fair to say that the original question which you had asked back in the end of September or early October never got answered for you?

A. Correct.

Q. Now, with respect to the conversation on October 27th, we will assume that's the date for the purposes of this discussion, can

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L. Trost

you relate again what Mr. Nelson said to you?

A. That the Governor intended to go and there would be five.

Q. And in response to that assertion or statement by Mr. Nelson, you did what?

A. Spoke with Brian Smith about it.

Q. Can you tell us what the conversation with Mr. Smith was?

A. Yes. I told him the Governor indicated he was going to attend with five.

Q. During your conversation with Mr. Nelson, did you inquire relative to whether or not this would be official business or whether or not the Governor was going to pay for these tickets?

A. No.

Q. How was the policy of the Yankees then enforced with respect to Mr. Nelson and the Governor's prospective attendance at the game?

A. Brian Smith would communicate with them, ask for a credit card, ask for payment, ask for a check, whatever he would ask for, or an official letter indicating that the

1 L. Trost

2 Governor need not pay.

3 Q. If I understand correctly, it was
4 Brian Smith's responsibility to enforce the
5 policy by doing one of those two things?

6 A. Correct.

7 Q. Did you have a subsequent
8 conversation with Mr. Smith about his
9 conversation with Mr. Nelson?

10 A. Yes.

11 Q. When was that and what was the
12 substance of that conversation?

13 A. I can't tell you when it was, but the
14 substance of the conversation was did the
15 Governor pay or did you get the letter.

16 Q. And what was the response to that
17 question?

18 A. That he has a letter from the
19 Governor's counsel.

20 Q. Did you see the letter?

21 A. During that conversation?

22 Q. Or subsequent thereto, prior to the
23 game?

24 A. No.

25 Q. Was it your understanding or did

1 L. Trost

2 Mr. Smith indicate to you whether or not that
3 letter covered all of the tickets that were
4 being requested or not?

5 A. The Governor's representative told me
6 he wanted five. I told that to Mr. Smith.
7 Mr. Smith would deal with it the way he had
8 to. If he was getting paid for five, if he
9 was getting a letter, he was getting a letter
10 for five.

11 Q. That was your assumptions?

12 A. Those are the facts.

13 Q. With respect to the seats that were
14 ultimately given to the Governor, how are
15 those seats held aside or are they held aside
16 -- withdrawn.

17 How did you determine what seats to
18 give the Governor?

19 A. I didn't.

20 Q. Who did?

21 A. Brian Smith.

22 Q. And are you aware of how those seats
23 are assigned generally?

24 Let me rephrase the question.

25 Are you aware whether or not seats

1 L. Trost
2 are set aside specifically for these kinds of
3 occasions where government officials might
4 request tickets for official government
5 business?

6 A. No, we do not set aside seats for
7 government officials or anyone.

8 Q. How did it come about that these
9 seats were available for this game, if you
10 know?

11 A. Well, there are always seats
12 available until the last seat is sold. When
13 you are in the World Series, you don't have
14 many seats because baseball takes so many of
15 them, so right towards the end, you are
16 dolling out the limited number of seats that
17 you have, whether they are singles, whether
18 they are behind a screen, whatever there is.

19 Q. Would I be incorrect in assuming that
20 these were somewhat coveted seats for the
21 first game of the World Series?

22 A. The seats or those seats or specific
23 seats?

24 Q. The seats in general, let's say?

25 A. The seats in general coveted for



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2 Yankees game in general.

3 Q. So how is it that these seats or any
4 seats are still available one day before the
5 game?

6 A. There are seats available on the day
7 of the game.

8 Q. How does occur?

9 A. Because every seat doesn't get sold.
10 Even if we are sold out, every seat not sold.

11 Q. Is that by design?

12 A. No, that's by fact.

13 Q. To whom are those seats normally
14 assigned? Are they season ticket holders or
15 are they general Yankee seats that are in the
16 general domain?

17 A. Why don't we go back and break it up.
18 There are so many parts to that question.

19 Which seats are assigned to who?

20 Q. Are you aware of what seats
21 ultimately the Governor received?

22 A. I have absolutely no idea.

23 Q. Who would know that? Would that be
24 Mr. Smith?

25 A. Correct.

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L. Trost

Q. Do you have any knowledge of how seats are held back, if they are held back, for sale on the day of the game?

A. Whatever is available on the day of the game would be sold.

Q. What would cause a seat to become available or be available on the day of the game as opposed to having been sold before the day of the game?

A. It hadn't been sold.

Q. I understand that hadn't been sold. Is there a reason it hadn't been sold?

A. There must be hundreds of reasons why it hadn't been sold. I can't tell you why any particular seat hasn't been sold at any particular time.

Q. Would it be fair to say that those seats that hadn't been sold one day prior to the game one of the World Series were not for sale to the general public?

A. I want you to repeat the question because I think the answer is now because you used a couple of negatives.



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1 L. Trost

2 MR. SCHILLER: Why don't you just
3 read the question back.

4 (Record read.)

5 A. No.

6 Q. That would not be fair?

7 A. That would not be fair.

8 Q. So the general public could have gone
9 up to the box office and purchased those
10 seats?

11 A. Yes.

12 Q. So that concept of the game being
13 sold out prior to the game day, if anybody had
14 this concept, that would be inaccurate?

15 A. Incorrect.

16 Q. My statement is correct that it would
17 be inaccurate; is that right?

18 A. No, your statement is incorrect.

19 Q. So tell me, if you would, whether or
20 not the game was deemed to be sold out prior
21 to one day before, that is on the 26th or the
22 25th?

23 A. To the best of my recollection, yes.

24 Q. So how is it that seats are available
25 notwithstanding the game being deemed to be



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1 L. Trost

2 sold out?

3 A. A sell out doesn't mean every seat
4 has been sold.

5 Q. What does a sellout mean?

6 A. From game to game, it means there are
7 a certain number of seats that have been sold
8 that can be sold, a certain number of seats
9 that are likely not to be sold. A certain of
10 seat that are singletons. A certain number of
11 seats obscured. Those seats might be
12 available. Still it is a sellout.

13 Q. Okay. When did you become first
14 aware that the Governor had, in fact attended
15 the game? Did you see him at the game?

16 A. Two questions. I first became aware
17 of when somebody called from a newspaper to
18 somebody who ultimately relayed that
19 information to me.

20 And no, I did not see the Governor at
21 the game.

22 Q. You said that there was an inquiry
23 from a newspaper; is that correct?

24 A. That's what I understand.

25 Q. And how did you become aware that the

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L. Trost

Governor had, in fact, attended the game?

A. I believe I received a call from -- I believe I received a call from Alice McGillon, who might have been the person who received the call from the newspaper inquiring.

Q. And can you relate the conversation with Alice McGillon?

A. No.

Q. Because?

A. I have no real recollection. I just believe she is the one that relayed the information pertaining to the Governor being at the game.

Q. What, if anything, did you do relative to that conversation?

A. Nothing.

Q. Did you talk to Mr. Smith after that?

A. No.

Q. Did you have any further conversations with anybody about the facts and circumstances of the Governor's attendance at that game?

A. Yes.

Q. Do you recall with whom?



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L. Trost

A. A large group of people.

Q. Okay.

A. Counsel, Randy Levine, Brian Smith,
Alice McGillon.

Q. What was the first conversation that
you had with anybody after you became aware of
the Governor attending the game?

A. I believe it was with Alice McGillon.

Q. And do you recall the general nature
of that conversation?

A. No.

Q. Do you recall what the next
conversation you had was with whom?

A. No.

Q. Can you give us the sum and substance
of the conversations that you had after you
learned that the Governor had, in fact,
attended the game?

A. Not really.

Q. Did there come a time when you became
aware of who the Governor attended the game
with?

A. No, absolutely not.

Q. So to this day, as you sit here, you

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L. Trost

have no idea who the Governor attended with?

A. Correct.

Q. Have you reviewed documents in this case?

A. Yes.

Q. And those documents didn't identify any of the people who attended the game?

A. Not to my knowledge.

Q. Did there come a time when you learned that some of the tickets which had been received by the Governor or the Governor's personnel were, in fact, paid for?

A. Yes.

Q. Do you know how that came about?

A. I was shown copies of checks and letters.

Q. Checks and letters regarding what?

A. Paying for tickets for the game.

Q. Had you had any involvement between the time that you learned that the Governor had attended the game and the time you saw copies of checks and letters that any involvement with arrangements for those payments?

1 L. Trost

2 A. That question is?

3 MR. SCHILLER: Rephrase it.

4 Q. I will rephrase it.

5 After you learned that the Governor
6 had attended the game, were you involved in
7 any conversations relative to payment for
8 those tickets?

9 A. Ever?

10 MR. SCHILLER: Including
11 conversations with me?

12 MR. SCHLANGER: No, excluding
13 conversations with you.

14 A. Could you repeat question?

15 Q. Sure.

16 After you learned that the Governor
17 had, in fact, attended game one of the World
18 Series, did there come a time when you were
19 involved in making arrangements for payments
20 for any of those tickets?

21 A. No.

22 Q. Did there come a time prior to your
23 seeing copies of checks and/or letters that
24 you offered -- withdrawn.

25 Did there come a time subsequent --

1 L. Trost

2 withdrawn.

3 Did there come a time prior to your
4 seeing the checks and letters that you had any
5 indication that checks and letters checks
6 and/or letters would be coming from the
7 Governor's office?

8 A. Not to my recollection.

9 Q. Did you know subsequent to learning
10 of the attendance of the Governor that there
11 was an article published in the New York Post
12 regarding his attendance at the game?

13 A. No.

14 Q. Did you ever become aware of that?

15 A. Could you repeat the question?

16 Q. Did you ever become aware of an
17 article which was published in the New York
18 Post relative to the Governor's attendance at
19 the game?

20 A. Yes.

21 Q. When did you first become aware of
22 that article?

23 A. When I read it.

24 Q. Did you read it contemporaneously
25 with it being published?

1 L. Trost

2 A. I don't think so.

3 Q. Did you have conversations with
4 anybody after reading that article relative to
5 the Governor's attendance at the game?

6 A. I am certain I did, but I don't
7 recall with who.

8 Q. Did you speak to any reporters
9 relative to the Governor's attendance at the
10 game?

11 A. No.

12 Q. Outside of Ms. McGillon, Mr. Levine
13 and Mr. Smith and counsel, did you speak to
14 anybody else about the Governor's attendance
15 at the game?

16 A. No.

17 Q. Are you aware -- you said you were
18 not aware what seats the Governor occupied; is
19 that correct?

20 A. That's correct.

21 Q. To this day you are still not aware?

22 A. Correct.

23 Q. Did there come a time when you
24 learned that the Governor had, in fact,
25 attended another game during the 2009 season,

1 L. Trost

2 2008-2009 season?

3 A. Yes.

4 Q. I'm sorry, the 2009 season.

5 When did you first become aware of
6 that?

7 A. I would say within the last 30 days.

8 Q. How did you become aware of that?

9 A. There was an inquiry we received to
10 basically check our records to see if there
11 were other governmental officials who attended
12 games.

13 Q. And it was during the search to
14 comply with that request that you learned it?

15 A. Correct.

16 Q. How did you learn it?

17 A. Brian Smith told me that the Governor
18 attended opening day.

19 Q. Aside from the Governor's attendance
20 on opening day and his attendance at the World
21 Series game one, are you aware of any other
22 attendance by the Governor during the 2009
23 season?

24 A. No.

25 Q. Aside from the Governor's attendance

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during the 2009 season, are you aware of any attendance by other government officials?

MR. SCHILLER: Attendance at what?

MR. SCHLANGER: Baseball games during the 2009 season.

A. At Yankee stadium?

Q. At Yankees stadium.

Tell me about it, if you would?

A. I learned that the acting borough president also arrived at Yankee stadium on opening day and was there for a period of time. And I am assuming governmental officials refers to the state. We are not talking about the first day and the second lady.

Q. Let's include the first lady and the second lady.

A. I am aware that they were at the first World Series game.

Q. Are you aware of how they obtained tickets for that game?

A. I am not aware that they had tickets.

Q. Are you aware of where they were seated?

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A. Yes.

Q. Where were they seated?

A. In the Commissioner's suite.

Q. You indicated that in answer to my question that you weren't aware of the government officials attendance at any Yankee game.

Are you aware of any government official's attendance at any other game, a game other than Major League Baseball?

A. Only from what Governor Paterson has indicated on the radio.

Q. What is your understanding of what he indicated on the radio?

A. He appears on the Boomer and Carton show.

Q. I'm sorry?

A. FAN, Boomer and Carton. He appears on there quite frequently and discusses his attendance at games.

Q. Have you had discussions with anybody relative to his attendance at those games?

A. No.

Q. Do you have any knowledge as to



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1 L. Trost
2 whether or not he has attended those games on,
3 quote, official business. Unquote?

4 A. I am not aware if he attended. I am
5 only aware of what he said.

6 MR. SCHILLER: Are these Mets games
7 he is talking about?

8 THE WITNESS: Yes.

9 MR. SCHILLER: The Governor says he
10 goes to Mets games; is that right?

11 THE WITNESS: Yes.

12 BY MR. SCHLANGER:

13 Q. Are you aware of whether or not the
14 policy of the Yankees is the policy of Major
15 League Baseball or the Mets?

16 A. I don't know if Major League Baseball
17 has a policy, and I certainly don't know what
18 the Mets policy is.

19 Q. With respect to the Governor's
20 attendance at opening day, were you involved
21 in that at all?

22 A. I think I testified I didn't even
23 know he attended until the last couple of
24 days.

25 Q. That was the first you became aware

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of it?

A. Yes.

Q. Were you at the stadium on opening day?

A. Yes.

Q. Were you at the stadium on the day of the first game of World Series?

A. Yes.

Q. Were you aware of any ceremonial function that the Governor had on either occasion such as throwing out the first ball or any other Yankees ceremonial occasion?

A. Can you repeat again?

(Record read.)

A. Yes, I am aware and no, there weren't any that I am aware of.

Q. The ticket that the Governor ultimately secured relative to game one of the World Series, and I know we have gone over this before, but I just want to see if I understand it, is it your testimony that those tickets were available through the box office to anybody who walked up and asked for tickets?



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2 A. Yes.

3 Q. And that would have been until the
4 day of the game, until they were sold?

5 A. I guess that would have been until
6 somewhere in the middle of the game when we
7 stop selling tickets.

8 MR. SCHILLER: Haven't we been over
9 this? I know you are in shock, but next year
10 just go on out and maybe you can get yourself
11 tickets now that you know -- I should say this
12 year.

13 MR. SCHLANGER: Right, 2010.

14 Q. In terms of the repayment of the
15 tickets, are you aware of whether or not the
16 checks were made out to an individual by the
17 name of Irfan Kirimica, I.R.F.A.N.,
18 K.I.R.I.M.I.C.A.?

19 A. Irfan Kirimica.

20 Q. Are you aware whether or not checks
21 were made out to Mr. Kirimica?

22 A. I believe they were, his name was on
23 it in some way. I don't recall if it said to
24 him or him as a director of ticket operation
25 practices or to him at the -- I can't know. I

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2 don't know ticket office.

3 Q. Is that his title, director of ticket
4 operations?

5 A. Yes.

6 Q. Do you know who instructed the checks
7 be made out to him?

8 A. No.

9 Q. You indicated that if, in fact,
10 somebody were requesting, a government
11 official were requesting tickets not for
12 official business that there would be a
13 requirement for payment; is that correct under
14 the policy of the Yankees?

15 A. Correct.

16 Q. How would that payment normally be
17 made?

18 A. There would be -- obviously there is
19 three ways. They can bring us a check, they
20 can bring us cash, but the normal way is they
21 provide us a credit card number, a billing
22 address and the name, and we accept that, put
23 it through. And if goes through, then it is
24 paid.

25 Q. Is the normal protocol that Mr. Smith



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would ask for a credit card payment under those kind of circumstances?

A. To the best of my knowledge, correct.

Q. I am going to show you Exhibit Numbers 1 and 2 previously marked and ask you to take a look at these two.

(Witness complies.)

Q. Just let me know when you've had a chance to look at that.

A. Okay.

Q. Do you recognize what those two items are?

A. Yes.

Q. With respect to Exhibit Number 1, can you tell us what that is?

A. This is an e-mail that was sent by Peter Kiernan on the 15th of April to Brian Smith. It was copied to David Johnson. The subject was Governor Paterson. And it pertains to opening day at Yankee Stadium.

The second letter --

Q. Exhibit Number 2?

A. Yes, I apologize.

Exhibit Number 2 is, again, counsel

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from the Governor to Brian Smith pertaining to the first game of the World Series, again pertaining to Governor Paterson.

Q. Now, with respect to Exhibit Number 2, is it your understanding that that letter covered the five tickets being given by the Yankees to Governor Paterson as being under the rubric of official business?

A. This letter governed the five tickets asked for by Governor Paterson, yes.

MR. SCHLANGER: Just one moment.
Off the record.

(Discussion held off the record.)

MR. SCHLANGER: Back on the record.

Q. Directing your attention again to Exhibit Number 2, which you indicated covered the five tickets which were given to the Governor for game one of the World Series.

What was your reaction when the Governor wanted to, notwithstanding his prior request, pay for some of those tickets?

A. I had a letter from the Governor's counsel indicating that the tickets need not be paid for. What followed and what ensued

1 L. Trost
2 was substantial inquiry by various newspaper
3 reporters. I assume the Governor felt he
4 should pay for the tickets.

5 Q. Generally, with respect to seats in
6 Yankee Stadium for the World Series, first of
7 all, are those seats more expensive for the
8 World Series than they are for regular season
9 games?

10 A. Not necessarily.

11 Q. Seat for seat?

12 A. Not necessarily.

13 Q. And how is value established for
14 tickets for games, that is the face value of
15 various seats?

16 A. You would have to inquire of Major
17 League Baseball, they establish prices.

18 Q. Because it's the World Series?

19 A. Because it's the World Series.

20 Q. Are you aware what the range of
21 prices are for regular tickets, that is
22 non-corporate box?

23 A. A non-suite seat at Yankee Stadium
24 ranges from \$5 in 2009 to \$325 in 2009. And
25 that will be in 2010 from \$5 to \$250.

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Q. That's regular season?

A. Correct.

Q. And are the playoffs regulated by you or Major League Baseball?

A. Major League Baseball.

Q. And the top price seats are located where, the 325 going down to 250?

A. The 325 seats are sections 115 to 125, which will now be between 250 and 235. I may be wrong with my sections, but I think that's accurate.

Q. Generally, where are those sections?

A. They start in section 115, which is on the right field side of home plate going towards the left field side between outside of the dugouts in either direction, approximately.

Q. What is the role of the Yankees vis-a-vis sales of World Series tickets as opposed to the role of Major League Baseball?

A. The World Series, the Yankees sell the tickets. Major League Baseball does not. We sell them on behalf of Major League Baseball and turn the money over to them each

1 L. Trost

2 night.

3 Q. And do they set the parameters of
4 those sales?

5 A. Yes -- I spoke too fast. Explain
6 what you mean.

7 Q. Would they require a hold back of any
8 number of tickets on a day-to-day basis so
9 tickets would be left on the day of the game
10 until whatever time the box office closes?

11 A. Not necessarily, but they could if
12 they wanted to.

13 Q. Do you know if they do, though?

14 A. It hasn't affected us yet. I don't
15 know what they do in other cities.

16 Q. Are there tickets that they maintain
17 themselves that are not for sale by the
18 Yankees?

19 A. Thousands upon thousands upon tens of
20 thousands.

21 Q. Do you know whether or not the
22 tickets that Governor Paterson ultimately
23 secured for game one of the World Series were,
24 in fact, Major League Baseball seats?

25 A. If we had the tickets, they wouldn't

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have been Major League Baseball tickets.
Major League Baseball -- if we had the
tickets, they were from us.

Q. Do you know whether or not the
tickets which were given to Governor Paterson
for this game were tickets that you had?

A. No.

Q. So we really don't know or you really
don't know as you sit here whether or not they
were Major League Baseball seats or Yankee
seats?

A. That's correct. Brian Smith will
tell you.

Q. That's fine.

MR. SCHLANGER: Off the record.

(Discussion held off the record.)

MR. SCHLANGER: Back on the record.

Q. You indicated that you were present
on the day of the World Series game one?

A. Yes.

Q. And where were you? Are you in an
office or on the field or in different places
throughout the game?

A. I was most of the time sitting in my



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office.

Q. And you testified, did you not, or stated that, in fact, you didn't know that Governor Paterson was there at all?

A. Correct.

MR. SCHLANGER: Okay. Thank you.

(Time noted 12:45 p.m.)



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C E R T I F I C A T I O N

I, MARGARET EUSTACE, a Shorthand Reporter and notary public, within and for the State of New York, do hereby certify:

That LONN TROST, the witness whose examination is hereinbefore set forth, was first duly sworn by me, and that transcript of said testimony is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 28 day of January, 2010.

Margaret Eustace (signature)
MARGARET EUSTACE