

EXHIBIT 6

Exhibit 17



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1 BY MR. FRAY-WITZER:

2 Q. Sure.

3 Outside of conversations at which your
4 counsel was present --

5 A. Right.

6 Q. -- were there any conversations as to who
7 would be the best witness to appear today as Fusion
8 GPS 30 (b)(6)'s witness?

9 A. No, there were not.

10 Q. Can you tell me generally what Fusion GPS
11 is?

12 A. Sure. I'm happy to. Fusion GPS is a
13 premium research firm. We are a collection of former
14 journalists. Mr. Simpson and myself worked for
15 roughly 15, 20 years for the Wall Street Journal.
16 Thomas Catan worked for the Wall Street Journal and
17 the Financial Times.

18 Mr. Felch worked for the Los Angeles Times.

19 And then we have a number of other research
20 staff who have various specialized skills such as
21 computer coding, we have people who are trained

1 archivists, people who are experts in open source
2 research and collection.

3 So what we do primarily is collect
4 information, as I said, available in the open source,
5 open source meaning publicly available records,
6 filings, that sort of information. Our typical client
7 base are large law firms engaged in complicated
8 disputes, companies -- large companies looking for
9 deeper situation -- situational awareness of a matter.

10 We work with large hedge funds, ambassadors
11 of private equity firms, those sorts of people.

12 Q. Does the firm conduct what is typically
13 referred to as opposition research for a political
14 candidate?

15 A. Yeah, I hear that term used a lot,
16 "opposition research." It has a certain connotation
17 that I don't really think is very helpful in
18 understanding our methodology.

19 That said, I'll explain that we rarely are
20 involved in political -- what you would describe or
21 what anyone would describe as a political matter.

1 We did so in 2012 and we did so in 2016.
2 And, again, in both those instances what we were asked
3 to do was collect, review, digest and articulate the
4 meaning of public records.

5 Q. And if I understand it, I think -- and
6 please correct me if I'm wrong -- I think your
7 hesitation to use the phrase "opposition research" is
8 that Fusion GPS sees itself as collecting more than
9 just opposition as opposed to collecting, sort of, all
10 information about a subject. Is that accurate?

11 MR. LEVY: Objection, form.

12 But go ahead.

13 THE WITNESS: I think the -- the intention
14 of my answer is -- resides more in -- in what is
15 typically known as opposition research, which is
16 campaign driven, which is typically a collection of
17 what you call votes and quotes that are then distilled
18 for purposes of a campaign; whether it's the cutting
19 of ads or whether it's talking points for a candidate
20 in a debate, that sort of thing.

21 What we are -- what we specialize in and our

1 BY MR. FRAY-WITZER:

2 Q. At some point in time, was Fusion engaged by
3 a client to do research into candidate Trump?

4 A. Yes, we were.

5 Q. When were you engaged to do that?

6 MR. LEVY: Objection to form.

7 Go ahead and answer.

8 THE WITNESS: We were first engaged by a
9 client to research Donald Trump, not Trump and Russia
10 in, I believe it was September, 2015.

11 BY MR. FRAY-WITZER:

12 Q. And who was the original client that engaged
13 Fusion GPS to conduct that research?

14 A. It was the Washington Free Beacon.

15 Q. How did that engagement come about?

16 MR. LEVY: I'm going to instruct the witness
17 not to answer that question at this time inasmuch as
18 it is outside the scope -- more specifically limited
19 by the Court's July 28th, 2018, order allowing
20 Plaintiff to question the 30 (b)(6) non-party witness
21 about any clients who may have been behind the

1 December memo, and any client who is involved in the
2 creation of the dossier as it is referred to in the
3 subpoena.

4 And beyond that, the Court's order
5 documentary 50 states that questions by other clients
6 are outside the scope of this deposition.

7 MR. FRAY-WITZER: I'm not sure that I agree
8 with all of what you said but we'll move on for the
9 moment, and when it becomes an issue it'll become an
10 issue.

11 BY MR. FRAY-WITZER:

12 Q. At some point in time, did Fusion's
13 engagement with the Washington Free Beacon end?

14 A. Yes, it did.

15 Q. And when was that?

16 A. I can't recall specifically, but I believe
17 it was around May of 2016, maybe April. You should
18 understand that sometimes our engagements kind of die
19 a natural death and we don't have formal bookends or
20 we don't memorialize the end of an engagement.

21 In this particular case the client's

1 interests had dissipated with the de facto nomination
2 of Mr. Trump as the republican candidate for
3 president.

4 Q. Subsequent to the engagement with the
5 Washington Free Beacon ending, did Fusion GPS acquire
6 a -- another client who was interested in your
7 continuing research on candidate Trump?

8 MR. LEVY: Objection to form.

9 THE WITNESS: Yes, we did.

10 BY MR. FRAY-WITZER:

11 Q. When was that?

12 A. In that same timeframe. I think we -- I
13 can't remember precisely when we signed the contract.
14 It might have been April or May of 2016.

15 Q. And who was the new client?

16 A. Perkins Coie.

17 Q. And --

18 A. C-O-I-E.

19 Q. Perkins Coie is a law firm. Is that
20 correct?

21 A. That's right. They're a law firm. I think

1 their headquarters is in Seattle.

2 Q. And on whose behalf did Perkins Coie engage
3 Fusion GPS?

4 A. We were not told explicitly at the time.
5 However it's pretty obvious that it was the DNC and
6 the Hillary for America campaign.

7 Q. What specifically was the scope of
8 engagement from Perkins Coie?

9 A. Very broad. This gets back to what I was
10 trying to explain to you earlier, that what we sell --
11 and frankly, what we insist our clients buy is a very
12 holistic and broad inquiry that can take in any number
13 of subject matters.

14 So to fill that out a little bit, if you'd
15 like me to?

16 Q. Go ahead.

17 A. An organization like a national campaign or
18 major political party will have its own inhouse
19 researchers to conduct a lot of that, kind of more
20 sort of -- how would I call it without making it sound
21 insulting? Mundane collection, devote some quotes,

1 sort of book I was describing earlier, it's a more
2 specialized skill to pull things like bankruptcy
3 records, to collect those and to process them and
4 digest them and make them understandable by common
5 persons.

6 Q. I guess with respect to this particular
7 engagement, to the best that you recall what was the
8 scope of the engagement? What was -- what was the
9 scope of the engagement?

10 MR. LEVY: I'm going to instruct the witness
11 not to answer this question inasmuch as it would
12 implicate the attorney-client privilege, the attorney
13 work product doctrine.

14 If you want to talk about how these matters
15 worked in a general manner, you can.

16 MR. FRAY-WITZER: I believe that the Court
17 did require answers to this kind of category of
18 questions with respect to what they were hired to do.

19 MR. LEVY: And I also believe that the Court
20 in the same order preserved the opportunity for
21 counsel to invoke attorney work product doctrine where

1 applicable, while allowing the witness to answer
2 questions that did not implicate privilege.

3 Rule 30 (c)(2) is consistent with that
4 order, of course.

5 MR. FRAY-WITZER: And just so I understand,
6 which attorneys are you referring to for attorney work
7 client privilege?

8 MR. LEVY: For any lawyer at Perkins Coie
9 directing and communicating with Fusion GPS during the
10 course of the engagement.

11 MR. FRAY-WITZER: And on what basis are you
12 asserting Perkins Coie's attorney-client privilege?

13 MR. LEVY: The law firm has maintained both
14 privileges with Fusion GPS. It has not authorized
15 Fusion GPS to waive those privileges. It has only
16 released Fusion GPS to disclose the name of Perkins
17 Coie and its underlying clients. There's a letter in
18 the public record to that effect.

19 BY MR. FRAY-WITZER:

20 Q. What efforts did Fusion GPS initially
21 undertake in connection with the assignment from

1 Perkins Coie?

2 A. I'm sorry. I don't -- I'm not sure I
3 understand what you mean by efforts.

4 Q. What did you actually do when you were hired
5 by the Democratic National Committee, Hillary for
6 American campaign through Perkins Coie?

7 A. That I understood.

8 Again, it's an iteration of what I described
9 earlier. I would boil it down as Donald Trump
10 discussed. We were given a very broad mandate to
11 follow our instincts and our leads where they led.

12 Obviously we are a more specialized kind of
13 research firm, we used to work at the Wall Street
14 Journal, Candidate Trump had gone through four
15 bankruptcies. That's a pile of paper. And so we were
16 obviously looking at that.

17 We were looking at his business trajectory
18 and footprint, not just in the United States or New
19 York but globally.

20 So, is that helpful?

21 Q. Yes.

1 I want to jump forward for a moment and
2 we'll come back. But at some point in time, did
3 Fusion GPS's engagement with Perkins Coie on this
4 matter end?

5 A. Yes, it did.

6 Q. When was that?

7 A. It ended on election day, 2016, early
8 November. I think it was November 8th, 2016.

9 Q. Was Fusion GPS subsequently hired to
10 continue the Trump research that you had been
11 conducting?

12 A. I'm not sure I understand. Hired by Perkins
13 Coie?

14 Q. No. Hired by anyone else?

15 A. Yes.

16 Q. When was Fusion GPS subsequently hired to
17 continue research?

18 A. I believe February or March of 2017.

19 MR. LEVY: And beyond that, I'm going to
20 instruct the witness not to discuss that matter
21 because it's limited by the Court's July 28th, 2018,

1 order.

2 BY MR. FRAY-WITZER:

3 Q. And your counsel has anticipated my next
4 question, so let me ask it anyway and then you can
5 give the instruction.

6 It has been reported that Fusion GPS was
7 retained by the Penn Quarter Group to continue
8 research into President Trump.

9 Is that the engagement that you're referring
10 to?

11 MR. LEVY: I'm going to instruct the witness
12 not to discuss any client matters outside of what
13 you've already discussed --

14 BY MR. FRAY-WITZER:

15 Q. At --

16 MR. LEVY: -- consistent with the Court's
17 order.

18 BY MR. FRAY-WITZER:

19 Q. At the time that the -- what we have
20 referred to as the December memo from Christopher
21 Steele, a memo dated December 13th, 2017 --

1 A. '16.

2 Q. '16. Thank you.

3 At the time the December memo was created,
4 did Fusion GPS have a client that was paying for
5 research into President Trump?

6 A. No, we did not.

7 Q. [REDACTED]

[REDACTED]

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1 public record research on behalf of one of their
2 clients.

3 BY MR. FRAY-WITZER:

4 Q. And had Fusion hired Orbis prior to the
5 Trump investigation?

6 A. I honestly don't recall. We may have. If
7 we had, it would have been a small, limited
8 engagement. But I don't recall.

9 Q. How did Fusion come to engage Mr. Steele
10 and/or Orbis in connection with the Trump
11 investigation?

12 A. Sure.

13 As I testified earlier, we had been looking
14 at Mr. Trump and his business record for the better
15 part of eight or nine months, during which time we had
16 come to a couple of decisions. One was that we were
17 exhausting some of the public record material,
18 especially as they related to Donald Trump's
19 engagement with Russia. Public records aren't --
20 aren't easily accessed in Russia or the former Soviet
21 Union.

1 We decided that that was a major area of
2 inquiry in which we could add value.

3 So Mr. Simpson and myself decided that we
4 would like to supplement our research with some more
5 human inquiries.

6 We considered a number of contractors who do
7 that kind of work and we decided after much discussion
8 that Mr. Steele was the most highly qualified and
9 reliable contractor we could hire, and so we did so.

10 You have to understand, too, that in that
11 line of work and especially when you're dealing with
12 Russia and the former Soviet Union, there's a large
13 amount of bad information and disinformation that can
14 flow through to someone like a research company like
15 ours. [REDACTED]

[REDACTED]

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13 BY MR. FRAY-WITZER:

14 Q. When did -- when did you engage Mr. Simpson
15 and/or Orbis?

16 MR. LEVY: Mr. Simpson?

17 BY MR. FRAY-WITZER:

18 Q. Mr. Steele and/or Orbis? Thank you.

19 A. I believe it was in May, late May of 2016.

20 Q. [REDACTED]

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BY MR. FRAY-WITZER:

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Q. What other colleagues at Orbis did you speak with or did Fusion speak with other than Mr. Steele himself?

7

A. Christopher Burrows, B-U-R-R-O-W-S.

8

MR. LEVY: We've been going on for about an hour. Can we take a break?

10

MR. FRAY-WITZER: Yes.

11

THE VIDEOGRAPHER: Going off the record at 11:08.

13

(Whereupon, a recess ensued.)

14

THE VIDEOGRAPHER: Back on the record at 11:21.

16

BY MR. FRAY-WITZER:

17

Q. So, I believe we were talking about Fusion GPS's decision to engage Christopher Steele in connection with the Trump investigation. And I think you told us some of the reasons why Fusion GPS decided to engage Mr. Steele.

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1 BY MR. FRAY-WITZER:

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10 BY MR. FRAY-WITZER:

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1 It's just the document.

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2 Q. The memos that were produced between May of
3 2016 and November of 2016 have sometimes been referred
4 to as the pre-election memos.

5

Are you familiar with that term?

6

A. I don't know that I'm familiar with it but I
7 don't dispute it.

8

[REDACTED]

[REDACTED]

[REDACTED]

12

Q. Did you review the memos in preparation for
13 today?

14

A. I reviewed them carefully. I didn't count
15 them.

16

MR. LEVY: If you want to put them in front
17 of the witness, feel free.

18

MR. FRAY-WITZER: I will at some point.

19

BY MR. FRAY-WITZER:

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Q. Did anyone at Fusion have conversations with

10

Congress concerning the pre-election memos?

11

MR. LEVY: During the election campaign?

12

Exhibit 6 is a lengthy conversation about

13

the pre-election memos with Congress.

14

BY MR. FRAY-WITZER:

15

Q. Prior to Mr. Simpson's testimony in front of

16

Congress, did Fusion have any communications with

17

anyone in Congress concerning the pre-election memos?

18

A. No, we did not.

19

Q. Did anyone at Fusion have communications

20

with the Department of Justice concerning the

21

pre-election memos?

1 MR. LEVY: At what time?

2 BY MR. FRAY-WITZER:

3 Q. At any time.

4 A. At any time?

5 Q. At any time.

6 A. Yes.

7 Q. What conversations did Fusion have with the
8 Department of Justice concerning the pre-election
9 memos?

10 A. We recall a meeting between Glenn Simpson
11 and Bruce Ohr, that's O-H-R, [REDACTED]
[REDACTED] for the purpose of transmitting to

13 Mr. Ohr a copy of these pre-election memoranda.

14 That would have taken place after the
15 election.

16 Q. On what date?

17 A. I don't recall the specific date. I think
18 it was late November.

19 Q. And did Mr. Simpson provide Mr. Ohr with a
20 copy of the pre-election memo?

21 A. Yes. [REDACTED]

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[REDACTED]

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Q.

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1 Q. Do you know if McCain Institute is a
2 government entity?

3 A. I don't believe it is.

4 Q. [REDACTED]

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15 Q. [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

10

[REDACTED]

1 MR. SIEGEL: Objection.

2 THE WITNESS: No, we don't.

3 BY MR. FRAY-WITZER:

4 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11 MR. LEVY: Are you moving an exhibit? Can I
12 just take a quick break?

13 MR. FRAY-WITZER: Yeah.

14 THE VIDEOGRAPHER: Going off the record at
15 1423.

16 (Whereupon, a recess ensued.)

17 THE VIDEOGRAPHER: Back on the record at
18 1426.

19 BY MR. FRAY-WITZER:

20 Q. So we've talked a bit about the pre-election
21 memos and I want to turn now to the -- what we've

1 referred to as the December memo. It's the memo of
2 December 13th, 2016.

3 And let me ask you first, when did you first
4 learn -- and in this context I mean Fusion. When did
5 Fusion first learn that there was an additional memo
6 that Mr. Steele had created?

7 MR. LEVY: Objection, vague. When you say
8 additional memo, additional to what?

9 BY MR. FRAY-WITZER:

10 Q. Other than the -- what we've referred to as
11 the December memo, were there any other post election
12 memos prior to January 10th, 2017?

13 MR. LEVY: Objection. Memos from whom?

14 MR. FRAY-WITZER: From Mr. Steele.

15 MR. LEVY: About what?

16 MR. FRAY-WITZER: About the Russia
17 investigation, about the Trump investigation.

18 THE WITNESS: I don't believe so.

19 BY MR. FRAY-WITZER:

20 Q. So post election but before January 10th,
21 2017, there's only one additional memo, correct?

1 receiving the December memo, [REDACTED]
[REDACTED]

3 [REDACTED]
[REDACTED]
[REDACTED]

6 Q. I think you've testified that in December of
7 2016, Fusion no longer had a client for this work, for
8 the investigation that you were conducting, correct?

9 MR. LEVY: Objection. I just want to be
10 really precise here. I'm objecting to form. Can you
11 repeat the question, please, if there's a question?

12 MR. FRAY-WITZER: I think there was.

13 Could you read it back, please?

14 (Requested portion of record read.)

15 BY MR. FRAY-WITZER:

16 Q. The question is, is that correct?

17 MR. LEVY: And I'm going to object because
18 it's vague.

19 BY MR. FRAY-WITZER:

20 Q. In December of 2016 did Fusion GPS have a
21 client for whom it was working and conducting

1 additional research into Donald Trump?

2 MR. LEVY: Objection, asked and answered.

3 THE WITNESS: No, we did not.

4 BY MR. FRAY-WITZER:

5 Q. Given that you did not have a client at that
6 time, was Fusion surprised to learn that there was an
7 additional memo coming?

8 A. A little bit. However, let me fill that in
9 for you if I may.

10 The context, again, is our abiding belief at
11 this time that the United States had elected someone
12 who had been compromised by the Russian government and
13 was colluding in some way with the Russian government
14 and that Russia was interfering with our electoral
15 process to elect this specific individual who had won.

16 So there comes a point when this is not
17 about clients and money and dollars and cents, it's
18 about your national security. That's where our head
19 was, [REDACTED]

20 So if there's more information that can shed
21 light on that emergency or the crime in progress I've

1 described, we were going to go get it and we were
2 going to deliver it.

3 Q. You were going to deliver it to whom?

4 A. In this case, James Comey.

5 Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 Q. I'm going to -- I'm going to back up for
17 just a moment.

18 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

4

Q. And I want to get a little specific with

5

you --

6

A. Sure.

7

Q. -- because I believe your testimony was that

8

those things were your understanding. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15

BY MR. FRAY-WITZER:

16

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8

Q.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16

Q. Do you know when Fusion might have given the

17

memo to Mr. Ohr?

18

A. I don't recall that.

19

Q. Do you know for certain whether or not

20

Fusion did or did not give the memo to Mr. Ohr?

21

A. I'm trying to remember and I just don't

1 recall. I believe we did.

2 Q. Was there a meeting with Mr. Ohr subsequent
3 to the meeting that you had described earlier today?

4 A. There may have been but we don't recall one.

5 Q. How would Fusion have provided the memo to
6 Mr. Ohr if there was no meeting?

7 A. I don't think we would have.

8 Q. The meeting that you described earlier was
9 before December 13th, 2016. Is that correct?

10 A. That's correct.

11 Q. And so I guess I'm confused. If the only
12 way that you would have provided the document to Mr.
13 Ohr if you did was in a meeting and there was no
14 meeting after the first meeting, how would you have
15 provided the document to Mr. Ohr?

16 A. I'm sorry. I'm just -- we're not able to
17 recall a subsequent meeting. There may have been.

18 Q. So Fusion -- and this is fine, but Fusion
19 doesn't know one way or another whether or not there
20 was a meeting and whether or not the document was
21 provided to Mr. Ohr?

1 MR. SIEGEL: Objection.

2 MR. LEVY: Asked and answered, object --
3 objection.

4 THE WITNESS: Right.

5 BY MR. FRAY-WITZER:

6 Q. Did --

7 A. I don't dispute that if it would have been
8 we would have done that.

9 Q. But you don't know if you did?

10 A. I don't recall.

11 Q. Did Fusion provide the December memo either
12 on its own or as part of the dossier to any media
13 outlets?

14 A. The December 13th memo?

15 Q. Yes.

16 MR. LEVY: Before publication of the
17 dossier?

18 MR. FRAY-WITZER: Before January 10th, 2017.

19 THE WITNESS: No. We don't believe so.

20 BY MR. FRAY-WITZER:

21 Q. [REDACTED]

1

[REDACTED]

[REDACTED]

3

A. Just to be clear, you're talking about the

4

December 13th memorandum?

5

Q. Either on its own or as part of the

6

collection of memos?

7

A. No, we did not.

8

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

A. [REDACTED]

9

[REDACTED]

15

Q. You are. But I want to actually be

16

specific --

17

A. Sure.

18

Q. -- to understand whether or not.

19

A. Yep.

20

[REDACTED]

[REDACTED]

1 Q. Do you see where it says Statement of Truth:
2 "The defendants believe the facts set out in the
3 particulars of the claim are true."

4 Do you see that?

5 A. Yes, I do.

6 Q. Do you recognize Mr. Steele's signature
7 under that?

8 A. No, I don't.

9 Q. Do you have any reason to believe that that
10 is not Mr. Steele's signature?

11 A. I don't.

12 Q. If you would turn to Page 3, please.

13 A. (Witness complies.)

14 Q. Paragraph 18, under a heading: The
15 Confidential December Memorandum. "Defendants
16 continued to receive unsolicited intelligence on the
17 matters covered by the pre-election memorandum after
18 the U.S. presidential election and the conclusion of
19 the assignment to Fusion."

20

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 BY MR. FRAY-WITZER:

18 Q. Paragraph 20, "The defendants considered
19 correctly that the raw intelligence in the December
20 memo -- memorandum, A, was of considerable importance
21 in relation to alleged Russian interference in the

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5

MR. LEVY: Objection.

6

MR. SIEGEL: Objection.

7

MR. LEVY: Evan, you've got seven hours

8

under the rules.

9

MR. FRAY-WITZER: Then please let the

10

witness answer the question and we can get past it.

11

MR. LEVY: It's been answered.

12

THE WITNESS: The question was -- repeat it

13

for me. Sorry. I'm just getting a little tired.

14

BY MR. FRAY-WITZER:

15

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21

MR. LEVY: Objection, asked and answered.

1

[REDACTED]

[REDACTED]

3

BY MR. FRAY-WITZER:

4

Q.

[REDACTED]

[REDACTED]

[REDACTED]

7

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21

Q. On January 10th, 2017, did Fusion become

1 aware that the memos written by Orbis and Christopher
2 Steele had been published by BuzzFeed?

3 A. Yes, we did.

4 Q. How did Fusion first become aware of the
5 publication?

6 A. I can't specifically recall.

7 Q. Do you recall how you first became aware of
8 the publication?

9 A. Vaguely.

10 Q. And how is that?

11 A. In the internet age and the age of Twitter
12 things don't stay quiet for very long. So someone in
13 the office -- I don't know if it was Glenn or another
14 colleague said these memos had been published.

15 Q. To the best of your recollection, what was
16 Mr. Simpson's reaction to the publication of the memo?

17 A. We shared the same reaction, which was
18 disappointment, extreme disappointment. Because
19 publication of these memoranda in an un-redacted
20 fashion could have jeopardized sources and methods
21 that could jeopardize, in turn, the ultimate sources

1 of the information and their physical safety. That
2 was our primary concern, and overarching concern I
3 would say.

4 Q. What, if anything, did Fusion do on
5 January 10th of 2017 when it learned that the memos
6 had been published by BuzzFeed?

7 A. We called, in the first instance, Ken
8 Bensinger. It was myself and Mr. Simpson as we recall
9 it. And we -- we called him because his name was on
10 the accompanying story and we knew him. And we asked
11 him to immediately see if he could take those down
12 because we told him about our concerns about the
13 safety of sources and methods.

14 Q. As specifically as you can recall, what did
15 Fusion say to Mr. Bensinger?

16 A. You need to take those memos down right now.

17 Q. What do you recall Mr. Bensinger saying in
18 response?

19 A. I recall that he had no power to do that and
20 that we needed to speak to his superiors.

21 Q. And did you -- by you in this instance I

1 mean Fusion, did Fusion subsequently speak to, as you
2 put it, Mr. Bensinger's superiors at BuzzFeed?

3 A. We did. As we recall we put in a phone call
4 to Ben Smith, who is the editor in chief or executive
5 editor of BuzzFeed with whom we were acquainted, and
6 we reiterated that same concern to him.

7 Q. And what was Mr. Smith's response?

8 A. He responded not unreasonably in my view and
9 in retrospect, that these memoranda -- at this point
10 it had been reported that these memoranda had been
11 summarized to the tune of two pages for the sitting
12 president of the United States and briefed to the
13 president elect by James Comey. So he argued that it
14 was a clear matter of public and national interest.
15 And I should say as the former national security
16 editor of the Wall Street Journal, he's not wrong
17 about that. We would -- I would have made the exact
18 same argument.

19 The narrow thing we were concerned about was
20 that issue of the security, physical security of
21 sources and method. And we were concerned that there

1 were indicia of numbers of sources, of their placement
2 in Russia and outside of Russia that could have
3 jeopardized their safety.

4 That's all we were thinking about. We
5 agreed that it was a matter, a vital matter of
6 national and public interest.

7 Q. Does Fusion know what information was
8 contained in the supposed two-page summary?

9 A. No, we do not. However, I can tell you
10 again, I'm relying on my own experience as -- for what
11 that's worth of being the national security editor for
12 the Wall Street Journal, that a two-paged memorandum
13 does not reach the desk of the president of the United
14 States without multi-agency review, a thorough vetting
15 and thorough corroboration on some level. It just
16 doesn't happen.

17 Q. Do you have any information whatsoever in
18 this specific instance as to what steps were taken to
19 create that two-paged memo and what it contained?

20 MR. LEVY: Objection, asked and answered.

21 THE WITNESS: I do not have that specific

1 A. Good afternoon.

2 Q. I just have a few questions for you.

3 What is the -- just because the jury is
4 unlikely to be familiar with it, what is the
5 Washington Free Beacon? What is it?

6 A. It's a conservative leaning publication
7 based in Washington, D.C.

8 Q. Okay. And would it be fair to characterize
9 it as republican leaning?

10 A. Yes, it would.

11 Q. So, would it be accurate to say that between
12 roughly September of 2015 and the spring of 2016,
13 Fusion was retained to conduct research on Donald
14 Trump by a republican leaning organization and that it
15 subsequently was retained to conduct research by the
16 democratic party indirectly. Is that accurate?

17 A. That's correct.

18 Q. I mean, you -- you did research for both
19 sides on this one. Is that fair -- in a sense? Not
20 -- I don't mean for both sides but you were retained
21 by both sides at different times to conduct research?

1 MR. FRAY-WITZER: Objection.

2 THE WITNESS: That's correct.

3 BY MR. SIEGEL:

4 Q. You testified that as you received the
5 memoranda from Mr. Steele, that Fusion undertook its
6 own efforts to try to independently assess the
7 credibility of the information. And I believe you
8 testified about Carter Page, you testified about Paul
9 Manafort, you testified about Alexsei Gubarev and XBT.

10 Are there any other examples that you can
11 recall of people or topics within the dossier that
12 Fusion undertook to look at the credibility of those
13 -- of those allegations on its own?

14 A. Sure.

15 I would say that the most prominent example
16 I probably overlooked is Michael Cohen who is Donald
17 Trump's -- or was Donald Trump's attorney, personal
18 attorney, and I believe worked with the Trump
19 Organization for many years.

20 Mr. Cohen who I believe has now pled guilty
21 to eight felonies is accused or it is written in --

1 the dossier represents that he has made deniable cash
2 payments to individuals. I believe that's
3 substantially what Mr. Cohen has pled guilty to.

4 Q. And did you -- at the time these memos came
5 -- were coming in, did you make any efforts to look at
6 Michael Cohen?

7 A. We made substantial efforts to look at
8 Michael Cohen.

9 Q. And can you describe those?

10 A. Sure.

11 We looked at his history, we looked at his
12 taxi business, we looked at his family background.
13 His taxi business it would appear was financed and
14 supported in part by Russians, Russian-Americans.

15 He himself is married to someone who is
16 Russian.

17 We looked at his background and his
18 relationships to people like Felix Sater with whom --
19 they were connected on social media. And those were
20 just a few examples of many things we looked at
21 regarding Mr. Cohen.

1 Q. Did those enhance your confidence in the
2 credibility of the statements in the dossier about Mr.
3 Cohen?

4 A. Substantially so.

5 Q. Do you know who Mr. Agalarov is?

6 A. I do.

7 Q. Did you undertake any efforts to investigate
8 the statements related to Mr. Agalarov?

9 A. Yes, we did.

10 Q. What did you do?

11 A. We researched his history with Mr. Trump and
12 his support for the Miss Universe pageant. We also
13 looked at -- just to be clear you're talking about
14 pre-publication?

15 Q. Pre-publication, yes, as the memos are
16 coming in?

17 A. We looked at his background. We found
18 evidence of a substantial relationship between the
19 Agalarov family and Mr. Trump including a music video
20 cut by Aras Agalarov's son Emin in which Mr. Trump
21 appears.

1 Q. And did the research you conducted about Mr.
2 Agalarov enhance your confidence level about the
3 credibility of the statements made to him -- or
4 connected, related to him?

5 A. Yes, it did.

6 Q. Do you know who Sergei Ivanov is?

7 A. I do.

8 Q. Did you undertake any efforts to assess
9 statements related to Sergei Ivanov in the dossier?

10 A. Yes, we did.

11 Q. What did you do?

12 A. We read substantially about Mr. Ivanov who's
13 known to us. He is the head of the presidential
14 administration or was.

15 The dossier recounts in large, in many
16 instances, a story of tension between various
17 individuals in the Kremlin, inside the Kremlin,
18 specifically between a camp related to Mr. Peskov, who
19 is the spokesman for the Kremlin and Mr. Ivanov. It
20 talks about how those tensions are coming to a head.
21 Subsequently we learned that Mr. Ivanov did in fact --

1 was in fact let go by Mr. Putin, which was a
2 surprising development to us because of their long
3 history together going back to Saint Petersburg.

4 Q. And did you look at all into whether there
5 was a pension payment system that involved Russian --

6 A. We did.

7 Q. What did you find?

8 A. And there is such a system and we -- in fact
9 as recently as the other day, it was reported that
10 Sergey Kislyak the former ambassador to the United
11 States undertook such cash payments to people. Mr.
12 Kislyak obviously is someone who had met with Michael
13 Flynn who is awaiting a plea agreement under -- with
14 Mr. Mueller and with -- Mr. Kislyak also met with
15 various other people in the Trump orbit including
16 Carter Page, including Jeff Sessions.

17 Q. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

1

[REDACTED]

2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13

Q. Mr. Fray-Witzer showed you today a number of

14

statements from other people that in one way or the

15

other used the word "verified", "further verified",

16

"unverified." I'm not going to ask you what that

17

means to other people.

18

What did you understand the reference to

19

verification meant in connection with the statements

20

in the dossier?

21

MR. FRAY-WITZER: Objection. What context?

1

[REDACTED]

[REDACTED]

3

BY MR. SIEGEL:

4

[REDACTED]

[REDACTED]

[REDACTED]

7

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20

MR. SIEGEL: Give me a minute.

21

THE VIDEOGRAPHER: Going off the record at