

MEMORANDUM

To: File

From: Matt Yogg

Date: May 6, 2019

Re: Contemporaneous Notes Taken During 5–6–2019 Meeting with House Intelligence Committee Staffers Dan Goldman, Nick Mitchell, and Dan Noble (Edited for Clarity)

House Intelligence Committee Staffers Dan Goldman (“Goldman”), Nick Mitchell (“Mitchell”), and Dan Noble (“Noble”) came to the Offices of Davidoff Hutcher & Citron, LLP, located at 605 Third Avenue, New York, New York 10158 (15th Floor Conference Room) to question Robert Costello, Esq. (“Costello”) about Michael Cohen (“Cohen”). Also present was Thomas Fitzpatrick, Esq. (“Fitzpatrick”) as counsel to Costello, and Matthew Yogg, Esq. (“Yogg”) as assistant to Fitzpatrick in Fitzpatrick’s representation of Costello.

Each of Noble, Mitchell, and Goldman arrive separately shortly after 10:00am. At roughly 10:30am, the interview formally begins.

- [Costello] – It all started with the ABC News story, said that 2 attorneys approach Cohen dangling a pardon in front of him, the whole thing wasn’t true – if it were true, that would be obstruction of justice
- [Goldman] – That depends on your definition of obstruction of justice, but I get your point
- [Costello] – I think I need to tell you the story of our first meeting, these emails and call records do not tell whole story
 - Jeff Citron (“Citron”) offers help to Cohen via email, telling him that Costello is an experienced attorney in this area and says Costello may be able to help
 - Citron and Cohen were on the board of Columbia Grammar Prep School
 - Cohen unexpectedly said ok, almost immediately, but said that Citron and Costello would have to come meet him at his hotel
- [Costello] – On April 17, Citron and Costello go to the Regency Hotel, where Cohen is staying, they were instructed to take an elevator up to the second floor, where they would meet Cohen

- They did that, met Cohen on 2, and then took the elevator up to a top floor and went into a large conference room
- They arrived at the hotel at about 2pm and left at about 4pm
- [Costello] – Cohen looked terrible, we [Costello and Citron] looked good
 - The conference room was big, and had a big table
 - Citron first introduced Costello, explaining Costello's experience
 - Cohen thanked them for coming, and summarized his situation, complaining that his home has been searched, his office searched, that his family is suffering, his friends don't talk to him, and that he just couldn't take the pressure
 - It was Costello's first time ever talking to Cohen
- [Costello] – Cohen said he was on the roof over the weekend and was seriously considering jumping off
 - Costello thought Cohen could just be a drama queen
 - But the Costello looked to Citron and saw that Citron was serious
 - We later learned that to be the case – 2 months later, June 13, Cohen met with Jerry Falwell, and talked with Falwell about suicide
- [Costello] – Cohen skips around, he doesn't speak in chronological order
 - Sometimes in the meeting he was boastful, sometimes angry, he was scatterbrain
 - He said repeatedly, "I will never spend a day in jail" and "I don't care what the F** I have to do"
 - He was obsessed with these stories in the press about statements of Eric Schniederman, the former NY AG, and Cy Vance, that if Trump pardons anyone, they will bring charges against Cohen by New York City or New York State
 - Schniederman said it multiple times, Cy Vance once or twice
 - Cohen would say, "can he do that"? – if I get immunity can Schniederman prosecute me
 - Costello didn't know, wasn't prepared to answer, and told Cohen that
 - Additionally, there was legislation on the table to cover the "Trump loophole"
- [Costello] – Cohen raised the issue of the pardon
 - I wouldn't think of bringing it up, he hadn't even been charged with a crime at the time

- [Goldman] – And that was your recollection, that he brought it up?
- [Costello] – Yes, remember the only thing that he had revealed to us was payments to Daniels and McDougal
 - I thought this was a bit fishy at the time
 - There was no way for them to get a search warrant for a lawyer's office for hush payments to a porn star, you and I both know that you would need to get that authorization from ~~Central~~ ^{DoJ} -- and ~~Central~~ ^{DoJ} is not going to give that on a mere campaign finance violation
 - That's why I pressed Cohen – I said there's no way that's the only thing you did
 - But Cohen said over and over, "I did not do anything further"
- [Costello] – For these reasons, on the walk back to our offices after the meeting, I explained to Citron that the SDNY must have more on this guy
 - It also seemed odd why he was so interested in state crimes, FEC violations are federal
- [Goldman] – What did you do when he asked about state prosecution
- [Costello] – I researched it, you can see this in my Westlaw records
- [Goldman] – So in that first meeting, you're saying that there was no discussion of Rudy Giuliani ("Giuliani")?
- [Costello] – Not true, there were times when Cohen was boastful – and times when he would speak poorly about people, like Ivanka Trump ("Ivanka") and Jared Kushner ("Kushner"), who he generally did not like – but he didn't like Giuliani
- [Goldman] – Just in the first meeting, was Giuliani brought up?
- [Costello] – Giuliani was brought up, it was less than 5 seconds when Cohen said that he had a relationship with him, said that Giuliani was screwing up the case
- [Goldman] – Why would that be relevant?
- [Costello] – Because Giuliani was a Trump defender on TV, and apparently, at least according to Cohen, Giuliani wasn't doing a very good job
- [Goldman] – This document was not produced
 - [it quickly became evident that Costello had produced that document, which all meeting attendees thereafter acknowledged]

- [Goldman] – Did you have a view as to whether Cohen should cooperate with SDNY at your first meeting with Cohen?
- [Costello] – We asked him at the hotel, we said, let’s talk about your options, do you have any info on Trump, a get out of jail free card, but he said he didn’t have anything on him, nothing
 - We then asked if he had anything about the Trump Campaign, keep in mind, Cohen was looking for a way out and we were exploring those options, but he had nothing
 - Then said he did know that there was a lot of money missing from Trump Inaugural Committee – we asked whether Trump was involved, and Cohen said Trump didn’t know anything
 - He then said that he didn’t have – or at least would not admit – that he had anything of value to trade
- [Goldman] – How did Cohen evolve over two months?
- [Costello] – He didn’t evolve at all
 - You [Goldman] may have experience with this as a prosecutor, but when you’re working on the other side, when you’re defending an accused party, the first time you sit down with them they don’t level with you, and then at your third or fourth meeting with them, they say something like, “Oh wait, I remember something”
 - So with that in the back of my head, I told Citron after the first meeting that I thought Cohen was lying about what he did
- [Goldman] – As you know, Cohen came down and had 2 meetings with the House Intelligence Committee – we know you met with SDNY – we also had a meeting with the SDNY to “de–conflict”
- [Costello] – “De–conflict,” what the heck does that mean?
- [Goldman] – We do it to so that we [the House Intelligence Committee and the SDNY] are not getting in in each other’s way – but we’re not prosecuting anything
- [Costello] – But you can refer cases
- [Goldman] – That is highly unusual when there is an existing and ongoing case related to you
- [Costello] – Not related to me, related to Cohen

- [Goldman] – Yes, and I did not say that with any accusatory intent – we don’t want you to think we are doing Cohen’s bidding, or anything of the sort – and we’re not going against Cohen
- [Costello] – You should be, because he lied to you, and I’ve seen what he’s said in the news and I assume consistent with what he told you
- [Goldman] – Yes part of this meeting may be to see if he is trustworthy, we are doing a larger investigation here, concerning obstruction as a whole, and any conversations you had with Giuliani, with Cohen, with others, concerning the narrow question of a pardon
- [Costello] – There really isn’t much here, in terms of a dangling of a pardon, I would have done the dangling, and I know I didn’t do it
- [Goldman] – Your notes that you did ~~not~~ provide me, can you tell me when you put them together
- [Costello] – Citron and I put joint recollections together in conjunction with documents, emails, and phone records, we did this in March after news first came forward – I’m not naive, I know that the person who makes the slightest error in recollection can be skewered by press, or worse
- [Costello] – Back to hotel meeting, Cohen said he had cooperated with the House, with the Senate, and the Special Counsel, but he did not tell me that he lied to the Senate Intelligence Committee
 - Why wouldn’t they just ask, Cohen said, which seems reasonable – so I told Cohen that it’s in Cohen’s own self-interest to level with us [Costello and Citron], because this doesn’t make sense
 - Cohen then says “I swear to god Bob,” and he kept that same story to the end that he did nothing other than Daniels and McDougal
- [Costello] – So walking down the street with Citron, I’m thinking this doesn’t add up
 - Cohen previously said he got a HELOC to pay Daniels, and said he took out the HELOC in order to hide the payment from his wife, and to protect Melania Trump (“Melania”)
 - I was guessing at the time that when Cohen took out the loan, he had not accurately represented to the bank what its actual purpose was

- But Cohen never admitted any wrongdoing in this regard, he never said he misrepresented the nature of the loan, at least to me and Citron
- [Costello] – And Citron, during the walk back, said he thought Cohen was telling the truth about considering suicide
- [Costello] – So at that first meeting, Cohen said to me and Citron, I want you “on my team” or “at the table”
 - He said he was talking to another boutique criminal law firm, and was not going to tell us who that was
 - I eventually discovered that it was Guy Petrillo (“Petrillo”), when Cohen sent me an email with an email chain that included Petrillo
- [Noble] – So to be clear, Cohen said this at the Regency Hotel, that he wants you on his team?
- [Costello] – Yes, and you can see this corroborate by an email I sent to my son, at **Page 7**, recounting a phone call I had with Cohen and Cohen’s use of this flowery language, such as “I would be eternally grateful . . .”
 - As you can see, I thought he was a bullshit artist
- [Costello] – But to fully understand how I dealt with him, you need to understand how this firm [Davidoff Hutcher & Citron LLP] works
 - Here, business origination is exceedingly important, much more so than at a lot of other firms
 - This fact was actually a bit fortunate for us, because I had to relate everything to Citron, and was therefore able to provide you the emails you now have
 - But it also meant I couldn’t kick the case
- [Costello] – When we learned that he retained Petrillo, I was happy
 - This because I thought Cohen was going to stop calling me, stop asking me to do things
 - But no, when I spoke with Cohen, Cohen said he wanted me to keep helping
 - Cohen even employed more of his flowery language
 - I mean, at that time the nature of who Cohen actually was, it was crystal clear to me – he will say anything to get what he wants

- [Costello] – The USAAs at the SDNY asked me, “Do you think that Cohen thought he had a pardon in his back pocket?”
 - I told them [the USAAs at the SDNY] no, absolutely not
 - Cohen was seriously considering suicide, Citron, who knew Cohen for years thought this, Cohen discussed this with Jerry Falwell and his wife at dinner
 - Would anyone who had a pardon in their back pocket do this?
- [Costello] – But Cohen wanted to see whether “a pardon was on the table”
 - We asked me to ask “your friend” – Cohen for some reason always referred to Giuliani as “your friend” – whether “a pardon was on the table”
 - But I didn’t want to do this – it was premature, he hadn’t even been charged, and told Cohen it was premature
 - I was also embarrassed to bring it up for those reasons
 - But I did it because Cohen asked me to
- [Costello] – But as soon as I asked Giuliani about it, at least as soon as Giuliani understood what I was asking, Giuliani was suddenly curt, and quickly shut me down
 - I later found out that 5 or 6 other people had also asked about a pardon, one of which were Steve Ryan (“Ryan”)
- [Mitchell] – You later found this out from Cohen?
- [Costello] – No, I found it out from Giuliani
- [Costello] – So on the one day where Cohen came to the offices of this firm [Davidoff Hatcher & Citron LLP at 605 Third Avenue, New York, New York 10158], I actually had the help of security to sneak him up to our offices on the 15th Floor, and brought him into a conference room
 - My assistant Julia Forkash (“Forkash”) met him a reception, and we went into the conference room on the same floor
 - Citron then came down from our other offices on the 34th Floor, and brought a copy of our retainer
 - At that time, Cohen was implying that he was paying his own fees at McDermott Will & Emery (“McDermott”)
 - Citron said we wouldn’t kill him on legal fees

- The legal fees of this firm [Davidoff Hutcher & Citron LLP] are mid-level, pretty reasonable
- Citron gave Cohen the retainer, our retainers are only about 7 pages long,
- Cohen said he would come back with it, because he had to be at McDermott
- [Goldman] – Can you talk about your relationship with Giuliani?
- [Costello] – I was first a student assistant to Giuliani, Michael Mike (“Mukasey”), and Joe Jaffe (“Jaffe”) when they were all USAAs at the SDNY
 - After finishing law school at Fordham, I went into private practice at Dewey Ballantine LLP (“Dewey Ballantine”), and stayed there for 3 years
 - In those days, they did^{not} let you come to the SDNY straight out of law school
 - But by the time that I came to the SDNY, Giuliani had become the Deputy Assistant Attorney General, so we didn’t have any overlap
 - However, we maintained a friendship over the years and staying in contact
- [Goldman] – So you were at Dewey Ballantine right out of school?
- [Costello] – Yes, but I maintained the friendship with Giuliani
 - Do you remember the pine tar incident?
 - At that time I was affiliated with the Yankees and Giuliani was not, so I brought Giuliani to a game, and we sat with Billy Martin (“Martin”)
 - Martin said he knew every person with illegal bats, because they would x-ray those bats when they were brought into the stadium
 - So I asked him why wouldn’t you cite them for those bats
 - Martin then told us that it was not good time
 - When George Brett hit that two-run home run in the ninth inning to give the Royals the lead against the Yankees, we knew what he was talking about
- [Costello] – Giuliani and Mukasey were at both of my weddings – my first wife passed away years back and I later remarried
 - Who knew one guy would become the USAG and the other the NYC Mayor
- [Mitchell] – The meeting at the Regency Hotel, was that on April 17? Was that the same day as Citron’s email?
- [Costello] – No Citron’s email was on April 16

- [Mitchell] – And on April 19, it was announced that Giuliani would be representing Trump, how did you react to that news
- [Costello] – I thought it was good news
 - We knew that Cohen had a joint defense agreement with Trump, and to have someone that you can trust and are comfortable working with is very important in those situations
- [Goldman] – What did Cohen say about the joint defense agreement at the Regency Hotel meeting?
- [Costello] – Cohen said that Ryan was in a defense agreement with Trump
- [Goldman] – Let’s go for some generalized questions then we’ll drill down – what did he say about Jay Sekulow (“Sekulow”)?
- [Costello] – Cohen never mentioned Sekulow
- [Mitchell] – Did Sekulow ever come up?
- [Costello] – Yes, with Giuliani, to see if it was OK to reach out
- [Goldman] – So there was no discussion of anyone else in joint defense agreement?
- [Costello] – No
- [Goldman] – Did Cohen ever speak about his testimony to Congress?
- [Costello] – No, other than referencing that he was cooperating with the Senate and House
 - I did not know what Cohen had been testifying about, or that he lied to Congress, very stupid stuff
- [Costello] – Cohen never told me specifics, I only was told very general stuff
 - For example, he would complain about Giuliani, never anything specific
 - Cohen would just say things like “he [Giuliani] is fucking this up Bob”
- [Costello] – That’s why I wanted to have a joint meeting to discuss the issues
 - I wanted to discuss the issues Cohen apparently had with Giuliani
 - I wanted to get on same page with Ryan
 - Cohen led me to believe that Ryan was the reason Cohen was slow-playing us on signing the retainer
 - I later found out that it was Cohen himself causing the slow-playing
- [Mitchell] – Did you ever have that meeting?

- [Costello] – No, it never happened
 - Cohen led me to believe that Cohen was paying for all his McDermott bills
 - We later learned that an insurance company was doing it, not Cohen
- [Goldman] – Did you ever end up having a sit down with Giuliani
- [Costello] – Yes, at the top of 666 Fifth Avenue, at a cigar bar called the Havana Club
 - On the day before, I was on a 2-hour call with Cohen, the call records show that
 - You can even see that the call was so long that that I had to break it up to use restroom
- [Goldman] – That was after you learned about Petrillo?
- [Costello] – Yes, I learned about Petrillo being retained on June 14, Cohen told me about it on June 19
- [Costello] – On June 22, a good friend had taken me to Bobby Vans, it was a Friday afternoon, got a call from Rudy Giuliani re: Tom Arnold story
 - I then quickly reached out to Cohen, calling and texting Cohen to call back asap, was getting very annoyed as this was a very big deal
 - However, Cohen didn't get back to me until very late that night
 - Cohen said was at McDermott all day, that he was tired and going to have dinner with wife, and that he would back to Costello tomorrow
 - I was pissed off because I had a golf tournament the next day
- [Mitchell] – So you wrote a memo about your lengthy conversation with Cohen on June 23, why didn't you want to just send that memo to Giuliani in an email?
- [Costello] – I wanted to make sure that everything that was in the memo was understood by Giuliani, sometimes with a guy like Giuliani, they pick it up and put it down, so I went to the Havana Club and read the whole thing to him while he sat across from me
 - Giuliani had this propane lighter that he was playing with, he must have had one of the guys working there come over 4 times to try to fix it
- [Mitchell] – So your read the whole thing to him?
- [Costello] – Yes, and I'm not liking it at all, I'm not a smoker
 - Then Al Sharpton walks by with 4 bodyguards, and I teased Giuliani about belonging to club with Sharpton
- [Mitchell] – So you weren't as much worried about the content, just the message

- [Costello] – Yes, Giuliani is juggling a new issue each day, it was important to me that he the content of the memo was actually communicated to him
- [Goldman] – Did you ever have any discussions about the recording?
- [Costello] – No, we never discussed that with Cohen or Giuliani?
- [Goldman] – Were you surprised?
- [Costello] – That a lawyer would tape his client? Yes
- [Goldman] – No, that it was released?
- [Costello] – Yes, I’m still of the mindset that the SDNY would not do that
- [Goldman] – It was released to CNN, do you have any idea how?
- [Costello] – No, I don’t know why he [Cohen] would do it – it makes him look bad – but I wouldn’t put it past him
- [Goldman] – If you were a betting man, would you think that Giuliani would reveal on Hannity that Cohen was being reimbursed for his legal expenses – isn’t that a bit odd?
- [Costello] – I understand where you are coming from, and I understand where you are going with this
 - I’ve done my homework, researched Twitter and other social media
 - But no, I’m not privy to the conversations between Trump and Giuliani
 - Trump appears to be very insistent, many billionaires are that way
- [Goldman] – Did Giuliani ever discuss that with you?
- [Costello] – No
- [Goldman] – But if Rudy Giuliani’s going on Hannity and then the next day, Cohen’s complaining about Giuliani, didn’t you think of making the connection?
- [Costello] – You’re asking my state of mind, shouldn’t you be asking what I know?
- [Mitchell] – April 20 is a first time you spoke with Giuliani, you said the conversation could not have gone better
- [Costello] – Yes, we spoke at 10:30pm, Giuliani said he was leaving his firm, and the normal lines of communications had been disrupted
 - Giuliani had this gate keeper named “Eric Katsimonos” [phonetic], who was a pain in the ass

- So I called Mukasey and said I needed to reach Giuliani, and asked that Giuliani call me, and that's why Giuliani called
- [Mitchell] – So the call with Giuliani was on April 20, and then on April 21, there is the document on **Page 83**
- [Costello] – This has been misquoted in news, Mueller report, etc., concerning backchannel communications
 - While I was on Cohen's team, that was not going to be announced publically,
 - Thus, this was not some nefarious thing, it just whether we would ^{keep} my representation public
 - The Mueller Report falsely said that I first used the term – which was false
- [Mitchell] – So this was Giuliani's word?
- [Costello] – Yes
- [Noble] – Did the Special Counsel's office ever reach out to you?
- [Costello] – No, they never did – and I don't see how they could come to such a conclusion without even speaking to me
- [Mitchell] – So when you told Giuliani that Cohen wanted to keep a quiet back channel, how did Giuliani react?
- [Costello] – No reaction
- [Mitchell] – Is there a reason you were referring to Giuliani as “your friend,” and the president as “the big guy”?
- [Costello] – Because it was Cohen's language, and there was no reason for me to think that any of these emails would ever be made public or revealed, they were privileged
- [Mitchell] – What was Cohen's reaction when you told him that Giuliani would not even discuss a pardon?
- [Costello] – I don't think he was surprised, I expected Giuliani's reaction, and I think Cohen did as well
 - You'll see there's one email that discusses this, **Page 95**
- [Mitchell] – You say here that talk of a pardon was premature and that this was bad timing, is there any reason why you didn't explain these reasons in more detail?
- [Costello] – I wanted to talk to Cohen about it, this was the very beginning of the relationship

- [Mitchell] – When you brought up the issue of timing and pardon talk being premature, had you previously discussed this with Cohen?
- [Costello] – Yes, I had discussed it with him, but I needed to time to research it – there are not too many cases involving the president of the United States, or pardons
- [Mitchell] – And this concerns the first time you brought up a pardon with Giuliani?
- [Costello] – Yes, so I went slow, I did not want to embarrass myself, that’s why I prefaced the statement to Giuliani as: “I know this is premature, but Cohen has insisted I ask, is a pardon on the table?”
- [Goldman] – Any discussion of a pardon at that point, also must relate back to the president himself
- [Costello] – You’re assuming that I believe that a federal election campaign violation is criminal, it is almost always civil
 - I happen to have a little knowledge of FEC violations due to other clients who I have helped, that client I also told to “sleep well tonight”
 - And so I knew there was something more, he just wasn’t saying
- [Goldman] – You understand there’s a difference between a candidate knowingly committing an FEC violation and unwittingly doing so, right?
- [Costello] – Yes, but this was a BS violation, look at the John Edwards case?
 - But again, I knew he had to have done something different
- [Goldman] – Let’s go to the sleep well question, what did you mean by friends in high places?
- [Costello] – The president of the United States,
 - This was like a love fest
 - There were numerous stories on internet stating “Trump hates Cohen” and “Cohen hates Trump,” and Cohen was very concerned that this was destroying his relationship with Trump
 - He took out his phone one time and showed me all his “friends,” Don Lemon, Rachael Maddow, etc.,
 - I told him he was a schmuck, these people are not your friends, ^{these are} ~~the~~ reporters that want information

- [Goldman] – This email, “I spoke with Rudy, he said you were loved – I told him everything you asked me to,” what does that mean?
- [Costello] – Cohen asked me to tell Giuliani that all the stories in the press about Cohen hating Trump are BS, and Giuliani was saying that Cohen was loved
- [Goldman] – Then the email says, “this communication channel must be maintained,” what does that mean?
- [Costello] – I was saying that you need someone who you can trust to make sure that we can communicate
- [Goldman] – This email appears to show that Cohen is close to White House, is that fair?
- [Costello] – Yes
- [Goldman] – You have a lot of experience with defense, and in a joint defense agreement, sometimes breakdown has to do with communication
- [Costello] – Usually they break down because of self-interest
- [Goldman] – So why did he need this love?
- [Costello] – Because that’s what Cohen wanted? That’s what he requested – but we still needed communications, that is extremely important, but I couldn’t get everyone on the same page, Giuliani certainly never consulted with me before he went on TV
- [Mitchell] – But you could see how these emails could be interpreted as falling in line?
- [Costello] – Yes, I could see that, but I was there, and I know what I was saying and why
 - Trump and Giuliani never at any point thought Cohen was a threat
 - Why would they take interest in Cohen if they thought he was a threat?
 - When he was talking about suicide, when Giuliani learned from Falwell what Cohen said at dinner with him, why would Giuliani reach out to do something about it?
- [Mitchell] – Is it your practice to keep memos like this one on Page 322?
- [Costello] – No, not normally
- [Mitchell] – Then why would you do such a memo here?
- [Costello] – Because this is an historic case, an important case
- [Mitchell] – Is your use of the word “premature” here, is that referring to a pardon?
- [Costello] – Yes, that’s what I would suspect it is

- [Mitchell] – Was this written on April 24?
- [Costello] – Probably not, but within a couple of days from then
- [Mitchell] – The quotation is very specific – did you take any notes?
- [Costello] – No, but the memo doesn't purport to be a transcript
- [Mitchell] – Was this the call where you discussed the pardon with Giuliani?
- [Costello] – I can't tell you for sure, I think it is
- [Mitchell] – Did you discuss pardons with him on more than one occasion?
- [Costello] – When we actually discussed a pardon? No, just one,
 - But there may have been one other conversation where I alluded to a pardon, with a word like “end game”
 - I probably knew what I was talking about but Giuliani I do not believe did
- [Goldman] – Can we agree that this last paragraph was about a pardon?
- [Costello] – No, I may have known that it was about a pardon Giuliani did not
- [Mitchell] – The April 23 email, doesn't this track the content of the memo, where it refers to needing to figure out how this case was referred to SDNY?
- [Costello] – That issue was discussed multiple times, Cohen for whatever reason was very interested in this, and I guess this was difficult for him to find out
- [Goldman] – So is it your position that this does not discuss pardons? The reference to end game strategy, you told Giuliani that there was an end game strategy, Giuliani said premature, and reported back to Cohen
- [Costello] – This is the second time I brought it up
 - Look at the prior email
- [Goldman] – But you say “the question of timing is premature . . .”
- [Costello] – Yes, that was what I was saying to Cohen about his request that I ask about the pardon
- [Goldman] – I want to look at the memo, the last paragraph, that's about pardons
- [Costello] – It was about the love fest between Trump and Cohen
- [Goldman] – But at some point, to probe the issue you would need to reveal some information

- [Costello] – Yes, and when I said “end–game” conversation Giuliani didn’t get it, I’m saying end–game conversation and premature, we’re talking about the same thing here
- [Goldman] – April 23 Email – “the question of timing is premature and I will expand upon that when we meet” – does that relate to meeting with Giuliani or with Cohen?
- [Costello] – That’s a good question, I can’t tell you for sure
- [Mitchell] – You may not have had this conversation with either Cohen or Giuliani on April 23 – there are no call records
- [Costello] – The call records do not include calls made from my office phone, only my cell phone
- [Goldman] – So when you said end game strategy and “top of the list” you’re saying that this is not discussing pardons – look at memo
- [Costello] – I spoke with Giuliani multiple times, one time I said “end game strategy,” Giuliani did not understand what I was talking about, and Cohen is specifically asking about it
 - So subsequently, on a second call, I used the word “pardon,” I may have also used the phrase “end game strategy” as well
- [Goldman] – What about “that subject,” what did he mean about that?
- [Costello] – I can’t tell what he was thinking
- [Goldman] – I’m reading the paragraph and this is clearly what I was thinking it meant, how on earth could it mean anything else

[10 minute break]

- [Mitchell] – Just a few final questions before we wrap up here – the handwritten note, **Page 325**, what does this refer to?
- [Costello] – This was a meeting with Michael Cohen – Cohen was furious that the SDNY was seeking to get copies of his transcript from high school, law school, etc.
- [Mitchell] – What about the reference to the boss, was that Trump?
- [Costello] – Yes, that was a reference to Trump and Cohen’s devotion to him
- [Mitchell] – The email on **Page 111**, which states that “Rudy spoke to Asterido,” what does this mean?

- [Costello] – Asterido is of counsel at this firm [Davidoff Hutcher & Citron LLP], and he was going to be speaking as commentator on CNN
 - This had nothing to do with Cohen
- [Mitchell] – So, this is not related to any of the other parts of email?
- [Costello] – No, not related
- [Mitchell] – **Page 152**, when you say “my friend,” that’s Giuliani, right?
- [Costello] – Yes, I’m trying to get everyone on the same page with respect to joint defense agreement and meeting,
- [Goldman] – What do you mean by “significant information”?
- [Costello] – That may have been literary license to get him into the office – let me look at the prior emails (looks to **Page 150**)
 - McDermott was the right choice for Cohen for what they provided – they’re DC based, and good for doc review
 - But Cohen needed a NYC-based firm, this is when I learned that Trump paying his fees
- [Mitchell] – Can you tell me about **Page 184**
- [Costello] – This again concerned my efforts to organize a meeting, the pardon never came up again after Giuliani shut me down on the phone, whether explicitly or via euphemism

[Interview concludes at roughly 12:45pm]