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In the Matter of:

INDEPENDENT INVESTIGATION UNDER
NEW YORK STATE EXECUTIVE LAW SECTION
63(8)

- - - - - x

May 5, 2021

10:01 a.m. (EST)

Testimony of WITNESS

5/5/2021, taken by The New York Attorney
General's Office pursuant to Notice, held
via Zoom videoconference, before Garry J.
Torres, a Stenographer, and Notary Public
of the State of New York.

* * *

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

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BY: DENIS PATRICK KELLEHER, ESQ.

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APPEARANCES CONTINUED ON NEXT PAGE

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A P P E A R A N C E S (cont'd)

ALSO PRESENT:

MARCO SOZIO - VIDEOGRAPHER,
VERITEXT NEW YORK

* * *

1 THE VIDEOGRAPHER: Good morning.
2 We are going on the record at
3 10:02 a.m. on May 5, 2021. Please
4 note that the microphones are
5 sensitive and may pick up whispering,
6 private conversations and cellular
7 interference. Please turn off all
8 cellphones or place them away from the
9 microphones as they can interfere with
10 the deposition audio. Audio and video
11 recording will continue to take place
12 unless all parties agree to go off the
13 record.

14 This is media unit one of the
15 recorded interview of Witness 5/5/2021
16 taken by special deputy for the New
17 York Attorney General's Office in the
18 matter of Independent Investigation
19 Under New York State Executive Law
20 Section 63(8).

21 The deposition is being held
22 remote virtual Zoom located at New
23 York, New York 10004. My name is
24 Marco Sozio from the firm Veritext New
25 York and I'm the videographer. The

1 court reporter is Garry J. Torres from
2 the firm Veritext New York. I am not
3 authorized to administer an oath.
4 Will the court reporter please swear
5 in the witness.

6 W I T N E S S 5/5/2021,

7 having first been duly sworn by
8 Garry J. Torres, the Notary
9 Public, was examined and
10 testified as follows:

11 THE VIDEOGRAPHER: Thank you.

12 We may proceed.

13 MS. CLARK: Good morning,
14 WITNESS 5/5/2021. I know you can't
15 see me, but thank you for being with
16 us today. My name is Anne Clark.
17 Although I'm with the law firm of
18 Vladeck, Raskin & Clark I'm here today
19 in my capacity as someone who's been
20 appointed as special deputy to the
21 first deputy attorney general and I'm
22 going to let everybody else who's here
23 with me introduce themselves even
24 though you can't see us at the moment
25 so you know who the voices are. Jenn?

1 MS. KENNEDY PARK: Hi, I'm
2 Jennifer Kennedy Park. I'm with the
3 law firm Cleary Gottlieb Steen &
4 Hamilton. I'm a partner in the New
5 York office, but for this purposes I
6 also am a special deputy to the first
7 deputy attorney general of The New
8 York Attorney General's Office. Thank
9 you for being here.

10 MS. CLARK: And Hyatt?

11 MS. MUSTEFA: Hi, WITNESS
12 5/5/2021. Like Jenn, I am also at the
13 Law Firm of Cleary Gottlieb Steen &
14 Hamilton and for these purposes I've
15 also been appointed as special deputy
16 for the first deputy of The New
17 Attorney General's Office. My name is
18 Hyatt Mustefa.

19 MS. CLARK: WITNESS 5/5/2021,
20 before I start asking questions I'm
21 going to just give you some background
22 information and some ground rules.

23 The New York Attorney General
24 has appointed the law firms of
25 Vladeck, Raskin & Clark and Cleary

1 Gottlieb Steen & Hamilton to conduct
2 an independent investigation under New
3 York City Executive Law Section 63(8)
4 into allegations of sexual harassment
5 brought against Governor Andrew Cuomo
6 as well as the surrounding
7 circumstances and you are here today
8 pursuant to subpoena issued in
9 connection with this investigation.

10 I think you're aware of this,
11 but I just want to make sure I'm
12 stating on the record that today's
13 proceeding is being video recorded.
14 You have just been placed under oath.
15 That means you must testify fully and
16 truthfully just as you were in a court
17 of law sitting before a judge and jury
18 and your testimony is subject to
19 penalty of perjury. If you would like
20 to make any brief sworn statement we
21 will give you an opportunity to do so
22 at the end of the examination today.
23 Just advising you that although this
24 is a civil investigation the Attorney
25 General's Office also has criminal

1 enforcement powers so you have the
2 right to refuse to answer a question
3 if to do so will incriminate you.
4 However, we have to let you know that
5 any failure to answer can be used
6 against you in a court of law in a
7 civil, not in a criminal, but in a
8 civil proceeding.

9 You are appearing today with
10 your attorney present and you can
11 consult with Mr. Kelleher if you have
12 any questions about attorney/client
13 privilege either your own or any that
14 he's been instructed to assert on
15 behalf of the Executive Chamber.

16 As you can see we have a court
17 reporter with us virtually and he
18 needs to take down my questions and
19 your answers to create a transcript.
20 He pointed out that if we speak too
21 fast as we New Yorkers tend to do that
22 he will let us know that we have to
23 slow down and repeat it. It's also
24 important that you give a verbal
25 response. It you gesture or say

1 uh-huh the court reporter can't
2 capture that. It's also very hard for
3 him to get down what we're saying if
4 we talk at once so even if you think
5 you know where a question is headed
6 let me get the whole question up
7 before you start answering and I will
8 do my best not to jump in until you
9 have finished answering a question.

10 If you don't know the answer to
11 a question let me know. If you don't
12 understand a question let me know that
13 and I will try to rephrase it in a way
14 that makes sense to you. Because of
15 the nature of this proceeding you will
16 not be permitted to review a
17 transcript of this hearing, however,
18 if at any time you want to clarify and
19 answer you'd given just let me know
20 and you'll have the opportunity to do
21 so.

22 At times I'll be asking you
23 about names and dates and other
24 specific information and if you don't
25 remember a specific name or date if

1 you can give me your best approximate
2 answer -- you know, somebody's first
3 name, a description of them, an
4 approximate date that will be helpful.

5 If you need to take a break at
6 any point please let me know. If
7 there's a question pending we will
8 require you to answer that question
9 before we take the break. Because
10 this is being done by video I first
11 want to confirm that you are -- the
12 only person in the room with you is
13 Mr. Kelleher; is that correct?

14 THE WITNESS: That is correct.

15 MS. CLARK: And I want to
16 confirm that neither you nor your
17 counsel are using any technology to
18 create your own recording of this
19 proceeding including any screen
20 capturing tools; is that correct?

21 THE WITNESS: That is correct.

22 MS. CLARK: And if you confirm
23 that neither you nor your counsel are
24 allowing anyone else to listen in
25 including through any phones or other

1 devices; is that correct?

2 THE WITNESS: That is correct.

3 MS. CLARK: And I'm also going
4 to instruct you that neither you nor
5 your counsel should be communicating
6 during this testimony including during
7 any breaks with anyone other than you
8 can cover with each other during
9 breaks about this testimony, do you
10 understand that?

11 THE WITNESS: Yes, I do.

12 MS. CLARK: Now, the Executive
13 Law 63(8), which is the provision
14 under which this investigation is
15 being conducted prohibits you and your
16 counsel from reviewing anything about
17 what we ask you or what you testify to
18 anyone else. So if anyone asks you or
19 your counsel to disclose any such
20 information we ask that you or your
21 counsel through your counsel let us
22 know including any reason they've
23 provided for asking you for that
24 information and then we can discuss
25 that with you -- with your counsel.

1 WITNESS 5/5/2021

2 Are you taking any medication or
3 drugs that might make it difficult for
4 you to testify accurately and
5 truthfully today?

6 THE WITNESS: No, I'm not.

7 MS. CLARK: Are there any other
8 reason, a medical condition or
9 anything else that will impair your
10 ability to testify accurately and
11 truthfully today?

12 THE WITNESS: No, there is not.

13 MS. CLARK: It's a little early
14 in the day, but have you had any
15 alcohol today?

16 THE WITNESS: No, I have not.

17 EXAMINATION

18 BY MS. CLARK:

19 Q. Okay. If you could for the
20 record please state your name, date of
21 birth and current home and business
22 addresses?

23 A. Sure. WITNESS 5/5/2021, [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 [REDACTED] My business address is [REDACTED],

1 WITNESS 5/5/2021

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].

3 Q. And your date of birth?

4 A. [REDACTED].

5 Q. Have you ever given testimony
6 before?

7 A. No.

8 Q. Other than speaking with your
9 attorney, which I don't want to hear the
10 substance of, did you do anything to
11 prepare for this examination?

12 A. I just spoke to my attorney.

13 Q. If you could turn -- do you have
14 the binder -- do you have a binder of
15 exhibits?

16 A. Yes.

17 Q. If you could turn to tab one?

18 MR. KELLEHER: Ms. Clark.

19 MS. CLARK: Yes.

20 MR. KELLEHER: This is Denis
21 Kelleher. We were instructed not to
22 open them.

23 MS. CLARK: Oh, that's right.
24 I'm sorry. Okay. If you could hand
25 it to WITNESS 5/5/2021 and she can

1 WITNESS 5/5/2021

2 show us herself opening it that would
3 be great.

4 MR. KELLEHER: There's two
5 envelopes. One looks like it's 8 and
6 a half by 11 and one looks like it's 8
7 and a half by 14. I don't know, do
8 you want her to open them both at the
9 same time or is there a specific one
10 you would like us to focus on since we
11 don't know what's contained within
12 them?

13 MS. CLARK: Why don't you show
14 us each of them and open both of them
15 at this point.

16 THE VIDEOGRAPHER: Excuse me.
17 Counselor, I'm sorry.

18 MS. CLARK: Yes.

19 THE VIDEOGRAPHER: Sorry to
20 interrupt. I do have tech support on
21 with us right now if you want to
22 troubleshoot the view.

23 MS. CLARK: Sure, if they want
24 to like help us --

25 THE VIDEOGRAPHER: Yeah. Can we

1 WITNESS 5/5/2021

2 just go off the record for a minute?

3 MS. CLARK: Yeah.

4 THE VIDEOGRAPHER: Okay. Thank
5 you. We are now off the record at
6 10:12 a.m.

7 (Whereupon, an off-the-record
8 discussion was held.)

9 THE VIDEOGRAPHER: We are now on
10 the record. The time is 10:22 a.m.
11 Back from break.

12 MS. CLARK: WITNESS 5/5/2021, we
13 were about to break the seal on the
14 envelopes. Okay. So there should be
15 a tab one in one of those books.

16 MS. KENNEDY PARK: WITNESS
17 5/5/2021, there's one for you and one
18 for your counsel.

19 THE WITNESS: Oh, okay.

20 MS. KENNEDY PARK: He can have
21 one on front of him and one for her.
22 Okay.

23 MS. CLARK: I wasn't sure you
24 were sending them. I was a little
25 unclear.

1 WITNESS 5/5/2021

2 THE WITNESS: It's A through Y.

3 MR. KELLEHER: Yes, it's not
4 numbers. It's...

5 MS. CLARK: That's going to make
6 it more interesting. Okay.

7 Q. Tab A. And is tab A the
8 document subpoena that you received from
9 our office?

10 A. Yes.

11 Q. And did you read the subpoena
12 when you got it?

13 A. Yes.

14 Q. And are you the person that
15 gathered the documents that were then
16 provided to our office?

17 A. Yes.

18 Q. Other than everything that was
19 provided including, I know there were some
20 additional documents yesterday, do you
21 have any other documents that are
22 responsive to the subpoena that have not
23 yet been provided to us?

24 A. No.

25 Q. If you could turn to tab B?

1 WITNESS 5/5/2021

2 MS. KENNEDY PARK: Anne, before
3 we move on can we just make sure for
4 the record we're going to mark what
5 you just looked at as Exhibit A for
6 the purpose of this --

7 MS. CLARK: -- tab A is Exhibit
8 A, which we will mark later and tab B
9 is Exhibit B. If you could take a
10 look at that.

11 THE WITNESS: Sure. Okay.

12 Q. Is this the testimony subpoena
13 you received from our office?

14 A. Yes.

15 Q. Did you read that subpoena when
16 you got it?

17 A. Yes.

18 Q. And you understand that your
19 testimony today is being taken pursuant to
20 this subpoena?

21 A. Yes.

22 Q. If I could ask you to turn
23 to --

24 MS. CLARK: And Hyatt, I don't
25 have the -- I printed out -- I just

1 WITNESS 5/5/2021

2 have the old one. Would it be AA or
3 do we not -- what do we do with the
4 additional documents?

5 MS. MUSTEFA: Those are --

6 MR. KELLEHER: Ms. Clark, can
7 you repeat your question?

8 MS. CLARK: Sure. The documents
9 that Denis that you produced yesterday
10 I'm just -- I didn't check with Hyatt
11 as to how I'm sharing those today.

12 MS. KENNEDY PARK: -- screen
13 share those.

14 MS. MUSTEFA: Yeah.

15 MS. CLARK: Okay. We're going
16 to put something on the screen. This
17 will be Exhibit AA.

18 THE WITNESS: Okay.

19 Q. And we got this document
20 yesterday. Is this your résumé?

21 A. Correct.

22 Q. And is this accurate and up to
23 date as of now?

24 A. Correct.

25 MS. CLARK: Hyatt, if you could

1 WITNESS 5/5/2021

2 scroll down.

3 Q. So under education it says
4 University at Albany SUNY bachelors of
5 arts 2012 with a major in globalization
6 and development and a minor in French. Is
7 that an accurate representation of your
8 educational background?

9 A. Yes.

10 Q. Did you take any graduate
11 courses after getting your bachelors
12 degree?

13 A. I did. I took one or two
14 courses towards my MPA.

15 Q. Where did you take those
16 courses?

17 A. SUNY's graduate school.

18 Q. Did you ever get your MPA?

19 A. No, I decided not to pursue it.

20 Q. Next on your résumé or next
21 after college is Mercury LLC from
22 November 2013 to November 2014; is that
23 accurate?

24 A. Yes, although I did some
25 organizing on political campaigns in New

1 WITNESS 5/5/2021

2 York and New Jersey prior to that.

3 Q. Is that what you were doing
4 between getting your bachelors and working
5 for Mercury?

6 A. Correct.

7 Q. And which political campaigns
8 did you do some organizing for?

9 A. Christine Quinn for New York and
10 Sweeney Burzichelli and Riley in New
11 Jersey. It was a three-way state
12 legislative race.

13 Q. And those organizing positions
14 for Christine Quinn and for the folks in
15 New Jersey were those paid positions or
16 volunteer positions?

17 A. Christine Quinn was unpaid. The
18 state legislative race was paid.

19 Q. So you then went -- it was after
20 that that you went to Mercury?

21 A. Correct.

22 Q. What is Mercury LLC?

23 A. It's a public affairs
24 consultancy.

25 Q. It says that you were a director

1 WITNESS 5/5/2021

2 there; is that accurate?

3 A. Correct.

4 Q. I know there's a description
5 here, but what is it that you did at
6 Mercury?

7 A. I was a public affairs
8 professional. I advised clients on media
9 strategy, media relations and politics in
10 New York.

11 Q. Why did you leave Mercury in
12 November 2014?

13 A. My bosses encouraged me to
14 pursue a career in politics and I had an
15 opportunity to work for a state senator.

16 Q. Who were the bosses that
17 encouraged you to pursue a career in
18 politics?

19 A. [REDACTED] [REDACTED]. He's the
20 partner at Mercury.

21 Q. The opportunity was to work for
22 Senator Jeffrey Klein?

23 A. Correct.

24 Q. And how did you come to get that
25 position?

1 WITNESS 5/5/2021

2 A. They were looking for a press
3 secretary. I interviewed with Senator
4 Klein and his chief of staff.

5 Q. And you held that position
6 for -- from November 2014 to
7 November 2015?

8 A. Correct.

9 Q. Why did you leave that position?

10 A. I had an opportunity to work for
11 Andrew Cuomo and, yeah.

12 Q. And how did it come about that
13 you got the position with Governor Cuomo?

14 A. I had mutual friends who knew
15 folks in the Governor's office and they
16 were looking for additional press staff.

17 Q. Who were the friends that you
18 had?

19 A. My husband, [REDACTED]. He
20 used to work with my former colleague Dani
21 Lever. Dani worked in the Governor's
22 office at the time.

23 Q. When you got the position -- and
24 how long did you hold the position
25 with -- as first deputy press secretary?

1 WITNESS 5/5/2021

2 A. I believe it was like two and a
3 half years.

4 Q. What's listed here is
5 December 2015 to April 2018, is
6 that -- seem accurate?

7 A. Yeah, maybe three years, sorry.

8 Q. And I'll come back to your time
9 as first deputy press secretary for the
10 Governor, but on the résumé it next lists
11 that you were press secretary for Cuomo
12 2018 from April 2018 to November 2018; is
13 that accurate?

14 A. Correct.

15 Q. What did you do as press
16 secretary for the campaign?

17 A. I led our long-term
18 communications as well as the day-to-day
19 communications on the Governor's campaign
20 during the primary and during the general
21 election.

22 Q. Why did you move from being
23 press secretary for Governor Cuomo in his
24 official capacity versus being press
25 secretary for the campaign?

1 WITNESS 5/5/2021

2 A. I was asked to take the
3 communications job on the campaign.
4 Obviously it was an election year.

5 Q. Who asked you to take the job on
6 the campaign?

7 A. Melissa DeRosa.

8 Q. Was it your preference to work
9 on the campaign than to work in the
10 Executive Chamber?

11 A. Yes.

12 Q. As press secretary to the
13 campaign to whom did you report?

14 A. To our campaign manager Maggie
15 Moran although I also worked closely with
16 Melissa.

17 Q. And when you were press
18 secretary did you have an office -- first
19 secretary to the campaign did you have an
20 office?

21 A. Correct.

22 Q. Where was that office?

23 A. I don't recall the exact
24 address, but it was 42nd and Third Avenue
25 in potentially an SL Green building.

1 WITNESS 5/5/2021

2 Q. Did you spend any time in the
3 Executive Chamber offices during the time
4 that you were press secretary to the
5 campaign?

6 A. Absolutely not.

7 Q. After the election in
8 November 2018 did you have the ability to
9 go back to the Executive Chamber if you
10 wished?

11 A. Yes.

12 Q. Why did you decide not to go
13 back to the Executive Chamber and instead
14 to go to Kivvit if your résumé is accurate
15 here?

16 A. I had an opportunity to work at
17 a political consulting firm and to take a
18 little time off. I worked 24/7 during
19 that campaign and decided to take a break
20 from state service.

21 Q. Was there anything about your
22 experience working in state service that
23 made you want to take a break from it?

24 A. It was 24/7 all the time and
25 after three and a half years I decided I

1 WITNESS 5/5/2021

2 needed to take a break from state service.

3 Q. Did you meet any resistance from
4 anyone within the Executive Chamber about
5 not returning to the Executive Chamber
6 after the campaign?

7 A. They were not thrilled that I
8 was leaving.

9 Q. Who expressed that they were not
10 thrilled?

11 A. Melissa DeRosa.

12 Q. What did she say to you to
13 express that she was not thrilled with you
14 leaving?

15 A. She asked me to stay a couple of
16 times.

17 Q. Did she say anything other than
18 simply asking you to stay?

19 A. I really don't recall.

20 Q. Did she say anything to suggest
21 that there could be any damage to your
22 career if you chose to leave rather than
23 return to the Executive Chamber?

24 A. Not that I can recall.

25 Q. Did you have any conversations

1 WITNESS 5/5/2021

2 with the Governor about not returning to
3 the Executive Chamber?

4 A. I did not.

5 Q. Did you speak with anyone in the
6 Executive Chamber other than Melissa
7 DeRosa about whether you would return to
8 the Executive Chamber or move in to the
9 private sector?

10 A. I believe I had a conversation
11 with Dani Lever and Rich Azzopardi. They
12 were my former colleagues that I worked
13 closely with.

14 Q. How many conversations did you
15 with have with Dani Lever.

16 A. Probably a few.

17 MR. KELLEHER: It's regarding
18 her decision not to return?

19 MS. CLARK: Yeah. Her decision
20 not to return, yes.

21 Q. None of your -- like generally.
22 And can you walk me through the
23 conversations that you had with Ms. Lever
24 about whether you would return to the
25 Executive Chamber or move on?

1 WITNESS 5/5/2021

2 A. Sure. I told Dani I wanted to
3 leave. Dani was planning to return. She
4 had also come over to the campaign for a
5 short period and that I needed to take a
6 break and she understood that and wished
7 me the best.

8 Q. Anything else said by you or
9 Ms. Lever about whether you would return
10 to the Executive Chamber or move on?

11 A. I think she wanted me to stay
12 longer. We had all worked together for a
13 number of years at this point, but other
14 than that not that I can recall.

15 Q. You said you also spoke to Rich
16 Azzopardi. How many conversations did you
17 have with him about whether you would
18 return to the Executive Chamber?

19 A. Not many. Maybe one or two.

20 Q. What did you say what did
21 Mr. Azzopardi say in the conversations?

22 A. I said that I was leaving and he
23 understood that and wished me the best.

24 Q. How did it come about that you
25 got the position with Kivvit?

1 WITNESS 5/5/2021

2 A. Maggie Moran managed the
3 Governor's campaign and she offered me a
4 job at her firm upon the conclusion of the
5 campaign.

6 Q. What's her role at Kivvit?

7 A. She's a managing partner.

8 Q. When did you first speak to Ms.
9 Moran about moving to Kivvit?

10 A. Apologies. I didn't hear the
11 whole question.

12 Q. I'm sorry. When did you first
13 speak with Ms. Moran about taking a job at
14 Kivvit?

15 A. I believe she'd asked me if I
16 was interested several weeks or -- several
17 weeks before the conclusion of the
18 campaign as I was figuring out what I
19 wanted to do next.

20 Q. Had you ever sought to leave the
21 Executive Chamber at any earlier point?

22 A. No, I did not.

23 Q. Did you ever hear of anyone who
24 had difficulty leaving the Executive
25 Chamber?

1 WITNESS 5/5/2021

2 A. Yes, I did.

3 Q. What did you hear about that?

4 A. That folks who worked closely
5 with the Governor or senior staff in the
6 chamber and more valued members were
7 often -- you know, not wished to depart.

8 Q. Did you hear about that -- who
9 did you hear that from?

10 A. I think colleagues, colleagues.
11 There was definitely chatter.

12 Q. Do you recall anyone
13 specifically who talked to you about that?

14 A. I think Andrew Ball.

15 Q. Did he tell you whether he had
16 any trouble leaving the Executive Chamber?

17 A. I think he had trouble leaving
18 the Executive Chamber.

19 Q. What did he tell you about that?

20 A. He had wished to leave
21 and -- but still wanted to remain in state
22 service, but the Chamber did not want him
23 to leave or take another position in state
24 service.

25 Q. Anything else that Mr. Ball told

1 WITNESS 5/5/2021

2 you?

3 A. Just that it was a hard time.

4 Q. Did anyone else tell you that
5 they've any had issues trying to leave the
6 Executive Chamber?

7 A. Not that -- not directly that I
8 can recall although I had heard stories.
9 Could you repeat the question?

10 Q. Sure. You said that you didn't
11 hear anything else directly, but there
12 were stories. What stories did you hear
13 about people trying to leave who had
14 issues?

15 A. I remember Josh Vlasto was
16 trying to leave a few years back and he
17 had trouble leaving. They wanted him to
18 stay.

19 Q. When you say he had trouble
20 leaving do you know specifically what
21 happened?

22 A. I think it was a general
23 deterioration of the relationship.

24 Q. Did you hear stories about
25 anyone else who had issues trying to

1 WITNESS 5/5/2021

2 leave?

3 A. Not that I can recall.

4 Q. Did you hear any stories about
5 anyone who had a job offer from another
6 state entity that had that offer quashed
7 by the Executive Chamber?

8 A. It's possible although I don't
9 recall any specifics.

10 Q. Did you hear any stories about
11 anyone who had private sector offers
12 rescinded after the Executive Chamber
13 found out that somebody was leaving?

14 A. It's possible although I don't
15 recall specifics.

16 Q. And at Kivvit you were there
17 according to résumé from December 2018 to
18 October 2019; is that accurate?

19 A. Yes.

20 Q. And what were your
21 responsibilities at Kivvit?

22 A. I was a public affairs advisor.
23 I advised an energy company, a health care
24 startup, biotech startup, local government
25 on media strategy, public affairs

1 WITNESS 5/5/2021

2 campaigns and worked with the press.

3 Q. What was the local -- who was
4 the local government that you did work
5 for?

6 A. I may not correctly recall the
7 town, but it was a town -- small town in
8 Westchester.

9 Q. Did you do any work for the
10 Governor or the Executive Chamber?

11 MR. KELLEHER: At Kivvit?

12 Q. At Kivvit?

13 A. Not that I can recall.

14 Q. At Kivvit did you do any work
15 for any New York State agency or entities?

16 A. There was an RFP that I worked
17 on, but did no direct work for any state
18 agency or authority.

19 Q. Do you recall who the RFP was
20 for, what state entity?

21 A. SUNY.

22 Q. Did Kivvit ultimately get that
23 work?

24 A. I believe so, but I think it was
25 awarded around the time I was leaving so

1 WITNESS 5/5/2021

2 I'm not absolutely sure.

3 Q. During the time that you worked
4 at Kivvit did you do any volunteer work
5 that in any way related to the Governor or
6 the Executive Chamber?

7 A. I did not, no.

8 Q. And why did you leave Kivvit in
9 October 2019?

10 A. I was asked by the Chamber to
11 come back into state service to take the
12 top communications job at the MTA.

13 Q. That's the position that you
14 currently hold?

15 A. Correct.

16 Q. And who asked you to assume that
17 position?

18 A. Dani Lever and Melissa DeRosa.

19 Q. When -- did they reach out to
20 you together or separately?

21 A. Separately.

22 Q. Who reached out to you first?

23 A. Dani.

24 Q. When was that?

25 A. Dani and I happened to be at

1 WITNESS 5/5/2021

2 dinner when the person quit who held my
3 previous job.

4 Q. Who was that?

5 A. [REDACTED] [REDACTED].

6 Q. And when you were at dinner with
7 Ms. Lever and the person -- you found out
8 the person quit what did Ms. Lever say to
9 you?

10 A. She was just trying to figure
11 out next steps around the departure. I
12 don't remember if she asked me if I was
13 interested in the job at the time.

14 Q. At the time you had this dinner
15 with Ms. Lever what was her position at
16 the time?

17 A. She was the communications
18 director for the Governor.

19 Q. After the dinner with Ms. Lever
20 what was the next step toward you getting
21 your current position?

22 A. I believe Dani called me and
23 asked me if I was interested in the job.

24 Q. What did you say?

25 A. I said I would think about it

1 WITNESS 5/5/2021

2 and I believe we had a few more calls
3 after that and I realized I was interested
4 in the job.

5 Q. Why did you decide you were
6 interested in the job?

7 A. I enjoyed -- still enjoy state
8 service and I -- while I enjoyed
9 consulting I missed the hustle and bustle
10 of government media relations.

11 Q. In the conversations you had
12 with Ms. Lever did she anything to try to
13 persuade you to pursue the opportunity?

14 A. Absolutely. They wanted me to
15 take the job.

16 Q. What did she say to convince you
17 to take the job?

18 A. It would be a good step for my
19 career, back in the swing of things and
20 that it was a great job in New York
21 politics.

22 Q. Did you have any reservations
23 about taking the job?

24 A. I did have some. I had worked
25 when I was in the Chamber very hard very

1 WITNESS 5/5/2021

2 frequently all the time and I was
3 concerned that I would go back to working
4 24/7.

5 Q. Did you raise that concern with
6 anyone?

7 A. Yes, I believe I told Dani that.

8 Q. And what was her response?

9 A. She thought it would be a little
10 less intense or a different experience.

11 Q. And did she say why she thought
12 it would be less intense or a different
13 experience?

14 A. I wasn't working directly in the
15 Executive Chamber. I was at a state
16 agency authority.

17 Q. Other than the hours is there
18 anything that you and Ms. Lever discussed
19 about the intensity of the Executive
20 Chamber versus the MTA?

21 MR. KELLEHER: I'm sorry.

22 Ms. Clark it's Denis Kelleher. Can
23 you repeat that question or have the
24 reporter repeat it?

25 MS. CLARK: Sure.

1 WITNESS 5/5/2021

2 Q. Other than the long hours you
3 described was there anything about the
4 intensity about the Executive Chamber
5 versus the MTA that you discussed with
6 Ms. Lever when you were discussing to seek
7 the opportunity at the MTA?

8 A. I think we discussed how -- you
9 know, combined with a couple of years in
10 the Executive Chamber and the campaign I
11 had spent a number of years in state
12 service and it was again, very hard work,
13 challenging work and that the MTA would be
14 a different challenge, not something I'd
15 done before and something I was interested
16 in taking on.

17 Q. What was the different challenge
18 you understood the MTA would be before you
19 got there?

20 A. I'm sorry. Could you repeat the
21 question?

22 Q. Sure. You said the MTA was
23 going to be a different challenge. Before
24 you got to the MTA what was your
25 anticipation of what the different

1 WITNESS 5/5/2021

2 challenge would be working at the MTA?

3 A. It was a new set of leaders. We
4 had a new CEO. Five agency presidents so
5 I'd be working with a new group of people
6 and I would also have a more senior role
7 at the MTA.

8 Q. Now, you said you also spoke to
9 Melissa DeRosa about possibility of taking
10 the role at the MTA. How many
11 conversations did you have with Ms.
12 DeRosa?

13 A. Maybe two or three.

14 Q. And what did Ms. DeRosa say to
15 you, what did you say to her when you
16 spoke to Ms. DeRosa about the opportunity?

17 A. She encouraged me to take the
18 job. It was more along the lines of a
19 negotiation at that point around title,
20 salary, encouraging me to take the
21 position.

22 Q. And so Ms. DeRosa was the point
23 person from the negotiations you had about
24 taking the role as opposed to somebody at
25 the MTA?

1 WITNESS 5/5/2021

2 A. Yes.

3 Q. Did you interview with anyone at
4 the MTA before you were offered the
5 position?

6 A. I did not, no.

7 Q. At the MTA to whom do you
8 report?

9 A. [REDACTED] [REDACTED] our Chairman and CEO.

10 Q. Before you accepted the position
11 did you speak to the Governor about taking
12 the role?

13 A. I did not.

14 Q. Did you speak to anyone in the
15 Executive Chamber other than Ms. Lever or
16 Ms. DeRosa about accepting the role before
17 you took it?

18 A. Maybe Rich Azzopardi.

19 Q. Do you recall anything that you
20 said to him or he said to you?

21 A. It would have just been
22 collegial around I'm happy to work
23 together again.

24 Q. What are your responsibilities
25 as chief communications officer for the

1 WITNESS 5/5/2021

2 MTA?

3 A. I oversee all aspects of
4 communications including our PR operation,
5 marketing, branding, internal
6 communications and our intergovernmental
7 affairs operation.

8 Q. And do you have any staff that
9 report to you?

10 A. Yes.

11 Q. How many staff report to you in
12 your current position?

13 A. We are in the middle of a
14 business transformation. Currently about
15 50 people report to me.

16 Q. And as part of your current job
17 do you interact with anyone in the
18 Executive Chamber?

19 A. I do. You know, when we're
20 doing events or announcing major
21 construction projects or rolling big
22 health and safety COVID related matters
23 out.

24 Q. Who do you deal with in the
25 Executive Chamber when there's either an

1 WITNESS 5/5/2021

2 event or a new announcement such as a
3 COVID related announcement?

4 A. Peter Ajemian, [REDACTED] [REDACTED]
5 (phonetic), [REDACTED] [REDACTED], Robert Mujica,
6 [REDACTED] [REDACTED], that would be the core group.
7 Sometimes Melissa DeRosa.

8 Q. Have you had any contact with
9 the Governor since you took the job at the
10 MTA?

11 A. Yes.

12 Q. What contact have you had with
13 the Governor since you took the job at the
14 MTA?

15 A. Sporadic. If we're doing big
16 announcement, snow storms or big policy
17 announcement we'll speak.

18 Q. And when you speak is that by
19 telephone?

20 A. Yes, or in person at 633 if --
21 you know, there was a snow storm, for
22 example, a few months ago.

23 Q. How many times have you met in
24 person with the Governor since you started
25 work at the MTA?

1 WITNESS 5/5/2021

2 A. Maybe five times.

3 Q. Do you recall -- other than the
4 snow storm a few months ago do you recall
5 the other times you met with the Governor
6 in person?

7 A. There were two MTA meetings with
8 senior executives, there was a press
9 conference with MTA senior leadership and
10 a meeting when I first started with me and
11 Dani about that press conference.

12 Q. In any of the interactions
13 you've had with the Governor since you
14 started at the MTA have you discussed
15 anything other than the event at issue or
16 the announcement at issue?

17 A. Can you repeat the question?

18 Q. Sure. I said other than when
19 you saw the Governor in person since
20 you've been at the MTA have you discussed
21 anything other than the event or
22 announcement at issue?

23 MR. KELLEHER: Can you clarify
24 that? That's a little -- this is
25 Denis Kelleher and that's a little

1 WITNESS 5/5/2021

2 vague.

3 MS. CLARK: Well, she's
4 described -- I can take it event by
5 event, but I --

6 MR. KELLEHER: Okay. Fair
7 enough.

8 MS. CLARK: -- trying to save
9 time here and get to other issues.

10 MR. KELLEHER: No, fair enough,
11 but I think you understand it is a
12 little vague and broad, but -- one
13 more time and my client will happily
14 answer it?

15 MS. CLARK: Yeah. And Denis,
16 this isn't a normal deposition so
17 you're not supposed to be making --
18 speaking up as much, but I understand
19 you're trying to just clarify here,
20 but --

21 Q. So my question is: You said
22 there were five events where you -- five
23 instances with you met in person with the
24 Governor. Other than whatever the event
25 or announcement, the press conference that

1 WITNESS 5/5/2021

2 you were dealing with did you talk to the
3 Governor about anything other than the
4 subject matter of that meeting?

5 A. No.

6 Q. Have you done any paid work for
7 the Executive Chamber since you left the
8 Executive Chamber back in April of 2018?

9 A. No.

10 Q. Have you done any volunteer work
11 for the Executive Chamber since leaving in
12 April of 2018?

13 A. Can you clarify what volunteer
14 means?

15 Q. Have you provided any services
16 to the Executive Chamber without getting
17 paid for them?

18 A. I'm not clear on what a service
19 is.

20 Q. Has -- have you performed any
21 acts at the request of the Executive
22 Chamber on behalf of the Executive Chamber
23 without getting paid for them since you
24 left in April of 2018?

25 A. Around a work product?

1 WITNESS 5/5/2021

2 Q. I will start with the work
3 product?

4 A. No.

5 Q. Have you done anything on behalf
6 of or at the request of the Executive
7 Chamber without getting paid that was not
8 resulting in a work product since April of
9 2018?

10 A. Potentially.

11 Q. What do you mean by that?

12 A. If I was asked to make a call to
13 a reporter on their behalf or something
14 like that I would say, yes.

15 Q. How many times since April of
16 2018 has someone from the Executive
17 Chamber asked you to make a call to a
18 reporter?

19 A. A handful of times.

20 Q. And why don't you describe for
21 me what each of those instances was?

22 A. I think dating back to 2018
23 there was a reporter at the New York Daily
24 News who was looking for information on a
25 toxic work place in the Executive Chamber

1 WITNESS 5/5/2021

2 and I spoke to the reporter on their
3 behalf.

4 Q. Who was the reporter at the
5 Daily News you spoke with?

6 A. Michael Gartland.

7 Q. What was he asking about?

8 A. This was around the time of the
9 presidential election and some staff
10 stories about Amy Klobuchar and he was
11 looking to write a similar story about
12 Governor Cuomo.

13 Q. Who from the Executive Chamber
14 asked you to reach out to the reporter?

15 A. The reporter reached out to me.
16 I believe I told Dani Lever and she asked
17 me to speak to him.

18 Q. And did you discuss with
19 Ms. Lever what you would say to the
20 reporter?

21 A. I believe so.

22 Q. What did the two of you discuss?

23 A. That I would say it was a
24 challenging place to work, that the
25 Governor has very high expectations, but

1 WITNESS 5/5/2021

2 that he's the CEO of New York State and he
3 does the best for New York, he drives his
4 people hard, but he expects results for
5 the people of New York and that's what
6 it's all about at the end of the day.

7 Q. Is that a statement that
8 Ms. Lever came up for you to convey to the
9 reporter?

10 A. I think we collaborated on it.

11 Q. Did you say anything else to the
12 reporter at that time?

13 A. Not that I can recall. The
14 conversation was about the work
15 environment.

16 Q. Did he ask you about any
17 specific incidents?

18 A. I believe so, but I cannot
19 recall the specific incidents he
20 mentioned.

21 MS. CLARK: And by the way,
22 Hyatt, you can take this exhibit down
23 so we can...

24 Q. So what was the next instance
25 after 2018 when the reporter for the Daily

1 WITNESS 5/5/2021

2 News was asking about the toxic work
3 environment?

4 A. I think a few months after that
5 I went back to working at the MTA.

6 Q. And after you went to work for
7 the MTA were there any occasions where the
8 Executive Chamber asked you to speak to a
9 reporter or told you to get back to a
10 reporter about any issues relating to the
11 Executive Chamber as opposed to the MTA?

12 A. Yes, when Lindsey Boylan first
13 Tweeted her allegations of sexual
14 harassment obviously reporters were
15 reaching out to current employees of the
16 Chamber and former colleagues.

17 Q. We'll come back to Ms. Boylan
18 and her Tweets a little bit later. Other
19 than the Daily News reporter reaching out
20 in 2018 were there any other times that
21 reporters reached out to you before
22 Lindsey Boylan's Tweets about the
23 Executive Chamber, the work environment
24 there?

25 A. It's possible. I really can't

1 WITNESS 5/5/2021

2 recall. I speak to reporters very
3 frequently.

4 Q. I want to now go back to your
5 time in the Chamber. We'll come back to
6 the Lindsey Boylan stuff a little bit
7 later. When you worked in the Executive
8 Chamber did you have any role in hiring or
9 firing individuals within the Chamber?

10 A. Can you just repeat the
11 question?

12 Q. Sure. When you were working
13 with the Executive Chamber did you play
14 any role in hiring or firing other
15 employees in the Executive Chamber?

16 A. No.

17 Q. Were you ever part of the
18 interview process for people who were
19 seeking employment with the Executive
20 Chamber?

21 A. Yes, for junior press staff.

22 Q. Was there anyone within the
23 Executive Chamber that functioned in most
24 places would be a human resources
25 department?

1 WITNESS 5/5/2021

2 A. There was a recruiter I guess is
3 the appropriate word, but outside of that
4 I don't know.

5 Q. Who was the recruiter?

6 A. [REDACTED] [REDACTED].

7 Q. What was her -- how did
8 she -- what was her function as a
9 recruiter?

10 A. If we were looking for employees
11 or we needed additional staff or if the
12 Chamber was hiring generally she was more
13 looking at seeking folks who would work in
14 the Chamber.

15 Q. Was there anyone that you would
16 go to if you had questions about benefits
17 at the Chamber?

18 A. Not that I can recall.

19 Q. Was there any process at the
20 Chamber for having performance
21 evaluations?

22 A. No standard process.

23 Q. When you started did you go
24 through any sort of orientation?

25 A. I believe there was a Jay Cobe

1 WITNESS 5/5/2021

2 (phonetic throughout) training.

3 Q. Who was responsible for training
4 new employees or at least who trained you?

5 A. Department leads. I think --
6 you know, outside of the Jay Cobe training
7 or documentation or tech support that we
8 received your superior was responsible for
9 training you.

10 Q. I think I didn't ask you this
11 yet, who did you report to when you were
12 working for the Executive Chamber?

13 A. I believe I reported to Ms.
14 DeRosa.

15 Q. What was her position?

16 A. She was the communications
17 director at the time I was hired.

18 Q. Did you report to Ms. DeRosa
19 throughout your time at the Executive
20 Chamber?

21 A. Can you clarify that, like?

22 Q. At some point did you get a
23 different supervisor or --

24 A. Yeah, we changed -- the
25 communications director changed I believe

1 WITNESS 5/5/2021

2 around the time I was hired. Melissa was
3 promoted to chief of staff. We got a new
4 communications director.

5 Q. Who was the new communications
6 director?

7 A. [REDACTED] [REDACTED].

8 Q. And once [REDACTED] [REDACTED] became
9 communications director did you report to
10 him or did you continue to report to Ms.
11 DeRosa or both or?

12 A. I reported to him. I still
13 continued to work closely with Melissa.

14 Q. Did you have any role in dealing
15 with any complaints that other more junior
16 staff might have in the press office, the
17 communications office?

18 A. No.

19 Q. Was there anyone in the
20 Executive Chamber that handled issues if
21 employees had any complaints or concerns?

22 A. I would say Jill DesRosiers.

23 Q. And what was her role?

24 A. She was at the time the
25 Governor's executive deputy secretary.

1 WITNESS 5/5/2021

2 Q. And do you know who if anyone
3 within the Executive Chamber would be the
4 person to go to if somebody had a
5 complaint of sexual harassment?

6 A. I do not.

7 Q. Do you know who if anyone in the
8 Executive Chamber would be the person to
9 go to if somebody had a complaint of some
10 other form of harassment or
11 discrimination?

12 A. During my time I would say
13 Alphonso David.

14 Q. What was Mr. David's role while
15 you were there?

16 A. He was the counselor to the
17 Governor.

18 Q. Are you aware of him being
19 involved in any complaints of
20 discrimination or harassment?

21 A. Can you clarify if you mean
22 complaints were reported to him or if he
23 had complaints against him?

24 Q. Complaint -- we'll start with
25 complaints reported to him?

1 WITNESS 5/5/2021

2 A. Yes, I believe there were
3 complaints reported to him.

4 Q. What complaints that were
5 reported to Mr. David were you aware of?

6 A. Can you clarify if you mean
7 during my time in the Executive Chamber or
8 after?

9 Q. Well, let's start with during
10 your time?

11 A. I was not.

12 Q. After you left the Executive
13 Chamber did you become aware of any
14 complaints that were made to Mr. David?

15 A. Yes.

16 Q. When did you learn of any
17 complaints that were made to Mr. David?

18 A. I heard about it while I was on
19 the campaign in 2018.

20 Q. And who told you about any
21 complaints made to Mr. David when you were
22 working on the campaign?

23 A. I believe it was Dani Lever.

24 Q. What did she tell you?

25 A. That there were some issues

1 WITNESS 5/5/2021

2 surrounding Lindsey Boylan.

3 Q. Did she tell you what those
4 issues were?

5 A. No, she just said there was a
6 lot of issues with Lindsey and she was
7 acting in her words or her interruption
8 out -- sort of out there.

9 Q. Did she give you any examples of
10 what she said Ms. Boylan was doing that
11 were out there?

12 A. I think sending erratic texts or
13 emails was what I heard.

14 Q. Is this -- did you hear about it
15 at the time the complaints were being made
16 to Mr. David or at some later point?

17 A. I don't know.

18 Q. Did Ms. Lever or anyone else
19 tell you if there were any complaints that
20 Ms. Boylan had engaged any discriminatory
21 harassing conduct?

22 A. At that time, no.

23 Q. At some later point were you
24 told that?

25 A. Yes.

1 WITNESS 5/5/2021

2 Q. When were you told that?

3 A. I believe December 2020.

4 Q. And who told you that?

5 A. I believe it was Ms. DeRosa and
6 Rich Azzopardi.

7 Q. Was that after Ms. Boylan
8 started Tweeting?

9 A. Yes.

10 Q. We will return to that. When I
11 was asking about --

12 A. I'm sorry. May I clarify my
13 answer?

14 Q. Absolutely. At any time.

15 A. Thank you. I believe I had
16 heard there were some discriminatory
17 complaints involving Lindsey prior to
18 that, but I do not recall the date.

19 Q. Do you recall who told you that?

20 A. I can't recall specifically, but
21 my close colleagues likely Dani or Rich.

22 Q. Did they tell you anything about
23 the discriminatory complaints?

24 A. No.

25 Q. Was there anything that prompted

1 WITNESS 5/5/2021

2 them to tell you? Were you talking about
3 something else about Ms. Boylan and they
4 brought it up or do you recall anything
5 about the context?

6 A. No, I think it was just office
7 chatter. I was working on the campaign at
8 the time and not on the Executive Chamber
9 any longer.

10 Q. When I first asked about
11 complaints and Mr. David you asked about
12 if I was asking about complaints to him or
13 about him did you ever hear about any
14 complaints made about Mr. David?

15 A. I did not.

16 Q. When you worked for the
17 Executive Chamber what were your
18 responsibilities?

19 A. I was the first deputy press
20 secretary so I handled media incoming, I
21 worked on events, press releases,
22 rollouts, stories and I booked and staffed
23 the Governor for cable news appearances
24 and I traveled with the Governor around
25 the state for press events.

1 WITNESS 5/5/2021

2 Q. And when you spoke to the press
3 did you sometimes speak to them off the
4 record?

5 A. Yes.

6 Q. Other times did you speak to
7 them on the record?

8 A. Yes.

9 Q. And when you spoke to the press
10 either on or off the record were you
11 always truthful in what you told the
12 reporters?

13 A. Yes.

14 Q. Were you asked to say something
15 to a reporter that you did not understand
16 to be completely truthful?

17 A. Yes.

18 Q. On what occasions, can you
19 describe who made such a request and what
20 they asked you to say?

21 A. I can't recall.

22 Q. Were -- do you recall any
23 requests by Ms. DeRosa to say anything to
24 reporter that you did not believe to be
25 completely truthful?

1 WITNESS 5/5/2021

2 A. I would say, yes, but I can't
3 recall the specifics.

4 Q. Were you ever -- do you recall
5 the general topic?

6 A. I'm sorry. It was many years
7 ago.

8 Q. Go ahead.

9 A. What was that?

10 Q. I was starting to talk and you
11 were talking so I was just going to let
12 you speak.

13 A. I just said it was many years
14 ago. I can't recall specific instances.
15 Maybe if you guys raise some I might be
16 able to, but...

17 Q. If at any point when we're
18 talking today you recall that or anything
19 else feel free to just pipe up and say oh,
20 now that we're talking about this it
21 reminded me of something that I previously
22 --

23 A. Absolutely.

24 Q. When Ms. DeRosa asked you to say
25 something to a reporter that you did not

1 WITNESS 5/5/2021

2 understand to be completely truthful did
3 you do what she told you to do?

4 A. No, I generally say said, no.

5 Q. So you said you generally said
6 no. Do you recall any instances where she
7 told you to say something to a reporter
8 that you didn't understand to be
9 completely truthful that you did what she
10 said?

11 A. No, I think there's spin and
12 there's, this is not accurate and I work
13 in PR so I know the difference.

14 Q. What's the difference between
15 spin and not being accurate for those of
16 us who are not in PR?

17 A. Spin is using the facts to your
18 advantage. Inaccuracy is telling someone
19 something that is completely not true.

20 Q. Did Ms. DeRosa ever ask you to
21 put a spin on something that you thought
22 would create an inaccurate impression?

23 A. I don't believe so.

24 Q. Did the Governor ever ask you to
25 say anything to a reporter on or off the

1 WITNESS 5/5/2021

2 record that you did not believe was fully
3 accurate?

4 A. I don't recall.

5 Q. Did Ms. Lever ever ask you to
6 convey something to a reporter that you
7 did not believe was fully accurate?

8 A. I don't believe so.

9 Q. Did Rich Azzopardi ever ask you
10 to convey something to a reporter that you
11 didn't believe was fully accurate?

12 A. I don't believe so.

13 Q. When you worked in the Executive
14 Chamber were you ever involved in -- you
15 talked about the issued press statements
16 and talking to reporters. Did you ever
17 issue any letters or correspondence on
18 behalf of the Executive Chamber?

19 A. Letters from myself?

20 Q. Or letters that were coming from
21 the Governor or from the Executive
22 Chamber's office?

23 A. Yes.

24 Q. On what sort of circumstances
25 would you be involved in that?

1 WITNESS 5/5/2021

2 A. We frequently sent letters to a
3 congressional delegation, to the White
4 House, to elected officials and we drafted
5 them with Melissa or with the Governor.

6 Q. Now, when you worked in the
7 Executive Chamber where were you
8 physically located?

9 A. 633 Third Avenue.

10 Q. It's our understanding that the
11 Executive Chamber had a few different
12 floors there. What floor were you on?

13 A. 39 I believe.

14 Q. Is that the same floor that the
15 Governor was on?

16 A. Yes.

17 Q. Can you describe where your
18 office was located in relation to the
19 Governor's office?

20 A. I'm going my best. His office
21 was in -- if you entered the 39th floor in
22 the Executive Chamber his office was to
23 the left. If you went to the right and
24 then went around the corner and passed two
25 cubicles, my office was on the left right

1 WITNESS 5/5/2021

2 there.

3 Q. And the two cubicles that you
4 would pass who sat in those cubicles?

5 A. Our press assistants.

6 Q. Who else sat around you or had
7 offices around you?

8 A. I had two other people in my
9 office, Kaitlin [REDACTED] and [REDACTED]
10 and then next door to that was past the
11 two cubicles going towards the Governor's
12 office was [REDACTED] (phonetic) and
13 Dani Lever and then [REDACTED] -- some of the
14 offices changed over the years so I think
15 either [REDACTED] or Melissa sat in a corner
16 office to the right and then [REDACTED]
17 office was there and Annabel Walsh also
18 sat over there, but there was some
19 shifting of offices while I was there.
20 Some people got promotions.

21 Q. Did you stay in the same office
22 the whole time?

23 A. Yes.

24 Q. Did you have a private office or
25 did you share it with somebody?

1 WITNESS 5/5/2021

2 A. I shared it with two other
3 people.

4 Q. Who did the share your office
5 with?

6 A. Kaitlin [REDACTED] and [REDACTED]
7 [REDACTED].

8 Q. And what was [REDACTED] [REDACTED]
9 position?

10 A. She was -- I don't recall her
11 specific title, but she worked on our
12 press team and did women's press and other
13 special media I would say.

14 Q. How long did you share an office
15 with [REDACTED] [REDACTED] ?

16 A. About a year, year and a half.

17 Q. And what was [REDACTED] Kaitlin's
18 position?

19 A. She was originally an executive
20 assistant to the Governor and then a
21 policy advisor I believe.

22 Q. And did she share your office
23 when she was an executive assistant to the
24 Governor or when she was the policy
25 advisor or both?

1 WITNESS 5/5/2021

2 A. When she was the policy advisor.

3 Q. Did she or anyone else tell you
4 how she came to move to being an executive
5 assistant to being a policy advisor?

6 A. I heard that the role as
7 executive assistant wasn't a good fit and
8 she was moved into my office in a policy
9 role.

10 Q. Who told you she wasn't a good
11 fit?

12 A. I don't recall who specifically
13 told me.

14 Q. And in her policy role did
15 you -- when she was in the policy role how
16 long did you share an office with her?

17 A. I believe it was
18 eight -- between eight months and a year
19 and a half. I don't recall the specific
20 time.

21 Q. And did you -- did she work with
22 you in her policy role?

23 A. No.

24 Q. Anyone else that you shared an
25 office with when you in the Executive

1 WITNESS 5/5/2021

2 Chamber?

3 A. I think so when I first got
4 there, but I honestly can't recall who I
5 shared an office with. Oh, [REDACTED] [REDACTED]
6 (phonetic).

7 Q. What was his position?

8 A. He was a deputy press secretary
9 like myself at the time.

10 Q. How long did you share an office
11 with him?

12 A. Maybe six months to a year.

13 Q. Did he leave before you did?

14 A. Correct.

15 Q. Did he tell you why he was
16 leaving?

17 A. He was offered a job in the
18 private sector of a consulting firm and
19 had worked for the state for a number of
20 years and was ready to make a transition
21 was what I was told.

22 Q. Did he tell you why he was ready
23 to make that transition?

24 A. No.

25 Q. Did [REDACTED] [REDACTED] tell you why she

1 WITNESS 5/5/2021

2 left?

3 A. No.

4 Q. Did [REDACTED] Kaitlin leave before you
5 did?

6 A. I can't recall.

7 Q. Did she ever tell you why she
8 left the Executive Chamber?

9 A. No.

10 Q. Did anyone else tell you why
11 [REDACTED] Kaitlin left the Executive Chamber?

12 A. No.

13 Q. Did you and [REDACTED] Kaitlin get along
14 when you had to share an office?

15 A. Yep.

16 Q. Did you ever socialize with her?

17 A. I believe we had drinks one
18 time.

19 Q. Was there anyone else in the
20 Executive Chamber that you socialized
21 with?

22 A. Yes.

23 Q. Who in the Executive Chamber did
24 you socialize with?

25 A. It was a social office. I'd say

1 WITNESS 5/5/2021

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] (phonetic), Kelly
4 Cummings, Melissa DeRosa, Jill DesRosiers,
5 Annabel Walsh, Stephanie Benton, Alphonso
6 David, Rob Mujica, there were probably
7 others.

8 Q. And were there any that you
9 were -- of that group were there some that
10 you were closer to than others?

11 A. I was particularly close with
12 Dani, also close with [REDACTED] and [REDACTED] and
13 [REDACTED] [REDACTED] also, also close with Annabel.

14 Q. What was Ms. Walsh's position?

15 A. She was an executive assistant to
16 the Governor.

17 Q. After you left the Executive
18 Chamber did you socialize with anyone you
19 had worked with -- whom you had worked
20 with in the Executive Chamber after you
21 were gone?

22 A. Yes.

23 Q. Who did you continue to
24 socialize with after you left?

25 A. Dani Lever, Rich Azzopardi,

1 WITNESS 5/5/2021

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Staffer #4, [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED]. I'm probably
4 missing a few to be honest.

5 Q. And have you kept in touch with
6 the Jill DesRosiers?

7 A. Not recently.

8 Q. Have you socialized with Ms.
9 DesRosiers since you left the Chamber?

10 A. Sure.

11 Q. How many times?

12 A. One or two that I can recall.

13 Q. Just the two of you or was there
14 anyone else there?

15 A. It was always a group setting.

16 Q. Who would be part of the group
17 when you would get together with Ms.
18 DesRosiers after you left the Executive
19 Chamber?

20 A. Dani or Annabel would have been
21 there.

22 Q. Have you socialized at all with
23 Ms. DesRosiers since you left the
24 Executive Chamber?

25 A. Yes.

WITNESS 5/5/2021

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Q. How many times?

A. Maybe one time.

Q. Was that one or one or was that part of a group?

A. Part of a group.

Q. Have you socialized with Stephanie Benton since you left the Executive Chamber?

A. Yes.

Q. How many times?

A. I would say once.

Q. Was that one or one or part of a group?

A. Part of a group.

Q. Who was part of that group?

A. I believe it was me. It was a large group. I believe it was me, Dani, Stephanie, [REDACTED], Peter Ajemian, Melissa DeRosa, Robert Mujica, I think that would be the group.

Q. Was there any particular occasion that brought this larger group together?

A. It was Melissa's birthday party.

1 WITNESS 5/5/2021

2 Q. When was that?

3 A. Fall of, the pandemic is
4 throwing me off so I guess 2019.

5 MR. KELLEHER: Anne, this is
6 Dennis Kelleher. I just want to check
7 in and see -- you know, we've been
8 going obviously over hour. You said
9 you had call --

10 MS. CLARK: 11:45. If WITNESS
11 5/5/2021 is up to it if we can go
12 until just before that otherwise if
13 you need the break obviously WITNESS
14 5/5/2021 we'll take the break sooner.

15 THE VIDEOGRAPHER: Excuse me,
16 counselor. Can I just mention I have
17 20 minutes left on this increment, on
18 this media unit. I'm sorry.

19 MS. CLARK: That would be
20 perfectly coincided with our call.

21 THE WITNESS: That's fine.

22 Q. I'd been asking you about
23 socializing. Have you communicated by
24 telephone or text or other communications
25 with Ms. DesRosiers since you left the

1 WITNESS 5/5/2021

2 Executive Chamber?

3 A. Yes, but I would also say before
4 she left the Chamber I also continued to
5 work with her in my role at the MTA and in
6 her role at the Governor's office.

7 Q. With Ms. DesRosiers, after you
8 left the Chamber did you communicate with
9 her by telephone or text message or
10 similar means?

11 A. Yes.

12 Q. Was that -- how often would you
13 keep in touch with Ms. DesRosiers through
14 phone or text?

15 A. Every couple of months maybe.

16 MR. KELLEHER: Maybe more. I
17 just wanted to see if my client needed
18 more water. Can we just stop for 15
19 seconds and let me just get her some
20 water outside? We don't have to go
21 off the record.

22 THE WITNESS: Okay.

23 MR. KELLEHER: Okay. Give me
24 two seconds.

25 Q. And your telephone -- Ms.

1 WITNESS 5/5/2021

2 DesRosiers was it more often by telephone
3 or more often by text or some other means?

4 A. I'd say it was a mix of
5 telephone and text message.

6 Q. And after you left the Executive
7 Chamber were your communications with Ms.
8 DesRosiers by telephone or text of a
9 social nature or did they have to do with
10 work of the Chamber or something else?

11 A. Mostly infrequently, but -- you
12 know, just wondering my take on press or
13 things like that or policy or...

14 Q. And with Stephanie Benton did
15 you have calls or texts with her after you
16 left the Chamber?

17 A. Not really, no.

18 Q. In your job at the Executive
19 Chamber were there people that you worked
20 with on a day-to-day basis most often?

21 A. Yes.

22 Q. And who was that?

23 A. Rich, Dani, Melissa, Jill,
24 Annabel.

25 Q. And on what sort of issues or

1 WITNESS 5/5/2021

2 events would you deal with Mr. Azzopardi?

3 A. Press, any press issues him and
4 I would chat about them.

5 Q. With Ms. DesRosiers when you
6 were in the Executive Chamber what sort of
7 issues would you or events would you
8 communicate with her about?

9 A. Events or policy rollouts,
10 schedule, scheduling matters.

11 Q. With Ms. Lever what sort of
12 issues or events did you communicate with
13 her or deal with her about?

14 A. Press, press events and travel.

15 Q. And Ms. Walsh what sort of
16 events or issues did you interact with her
17 about?

18 A. Scheduling matters.

19 Q. And my pen is running dry so I
20 couldn't write down the names. Was the
21 fifth name Ms. DesRosiers?

22 A. Yes, Jill and Melissa as well.

23 Q. With Ms. DesRosiers what issues
24 or events did you coordinate with her
25 about?

1 WITNESS 5/5/2021

2 A. Policy matters, events and
3 scheduling matters.

4 Q. And when you were in Executive
5 Chamber how frequently did you interact
6 with the Governor?

7 A. Frequently.

8 Q. Was it everyday?

9 A. Almost daily.

10 Q. And you're interactions with the
11 Governor were they primarily in person or
12 some other means?

13 A. Primarily in person.

14 Q. And if you were not
15 communicating with the Governor in person
16 what means of communication did you use to
17 communicate with the Governor?

18 A. Phone or pin via BlackBerry.

19 Q. When you were in the Executive
20 Chamber were you given an Executive
21 Chamber BlackBerry to use to communicate
22 with others in the Chamber?

23 A. Yes.

24 Q. Were you given any -- other
25 phone in addition to the BlackBerry by

1 WITNESS 5/5/2021

2 Executive Chamber?

3 A. No.

4 Q. And did anyone tell you whether
5 there was any preference for using pin as
6 opposed to any other form of
7 communication?

8 A. With each other or with the
9 Governor?

10 Q. Let's start with each other?

11 A. No.

12 Q. What about with the Governor,
13 was anyone -- did anyone tell you that
14 pins were a preferred means for
15 communicating with the Governor?

16 A. Yes.

17 Q. Who told you that?

18 A. I don't -- I can't recall.

19 Q. And did they explain to you why
20 pins were a preferred means of
21 communication with the Governor?

22 A. No.

23 Q. And in terms of telephone calls
24 to the Governor would you call his office
25 phone or his cell phone or a combination?

1 WITNESS 5/5/2021

2 A. Combination.

3 Q. And for his cell phone was that
4 the -- his BlackBerry or did he have a
5 different phone for phone calls?

6 A. His BlackBerry.

7 Q. During the time you were in the
8 Executive Chamber did his cell phone
9 number change at any point?

10 A. Yes.

11 Q. How often did his cell phone
12 number changed?

13 A. It changed I'd say two times
14 during the time I was in the Executive
15 Chamber.

16 Q. Did anyone tell you why it
17 changed?

18 A. I think one time it broke, but
19 outside of that I can't recall.

20 Q. And when you got the Executive
21 Chamber issued BlackBerry had you had a
22 BlackBerry at any prior positions you
23 held?

24 A. No.

25 Q. Did anyone explain --

1 WITNESS 5/5/2021

2 A. Actually. Sorry. Let me just
3 think about that for a second. No, I
4 stand by that answer.

5 Q. When you joined the Executive
6 Chamber did anyone explain to you how pins
7 worked or what the functions of them were?

8 A. I don't think so. It was like a
9 text message. I was fairly proficient at
10 texting or anything like that so I don't
11 think so.

12 Q. Did anyone tell you whether
13 there was any means by which the pins were
14 preserved by the Chamber?

15 A. Not that I can recall.

16 Q. Your interaction in person with
17 the Governor was that in New York City or
18 in Albany or both?

19 A. Both.

20 Q. How many times did you spend in
21 Albany?

22 A. During session I spent the bulk
23 of my time in Albany.

24 Q. When it was not in session how
25 frequently were you in Albany?

1 WITNESS 5/5/2021

2 A. Infrequently.

3 Q. During session would you spend
4 the whole -- would you just move up to
5 Albany or would you spend the week there
6 or?

7 A. Spend the week there although
8 I'm from Albany so it's fairly easy for
9 me.

10 Q. When you met -- interacted with
11 the Governor in person how often were your
12 interactions with him just the two of you
13 versus in a group setting?

14 A. I was more often in a group
15 setting.

16 Q. When you were in a group setting
17 with the Governor were there specific
18 people who tended to be the ones that were
19 also present?

20 A. I would say it was usually Bill,
21 Melissa, Alphonso, Robert, Dani,
22 Stephanie, Annabel would be the rotating
23 group.

24 Q. That was going to be my next
25 question was whether -- they were all

1 WITNESS 5/5/2021

2 together in large meetings or these were
3 the people that would be in the various
4 meetings would you have with the Governor?

5 A. Various meetings. I would also
6 add Andrew Ball to that.

7 Q. And you said it was most often
8 it would be other people present. How
9 often were you alone with the Governor?

10 A. Infrequently. I mean sometimes
11 for one on one like press matters, but...

12 Q. Now, when you joined the Chamber
13 did you receive any training about sexual
14 harassment?

15 A. Not that I can recall.

16 Q. At any point during your time in
17 the Chamber were you given any training or
18 participated in any training about sexual
19 harassment?

20 A. Not that I can recall.

21 Q. You mentioned when you started
22 you thought that there was some Jay Cobe
23 training. At any later point during your
24 time in the Chamber did you get training
25 on any other subjects?

1 WITNESS 5/5/2021

2 A. I think it was primarily ethics
3 training.

4 Q. Ethics training was that the Jay
5 Cobe training you had in the beginning or
6 was there any later ethics training that
7 you got?

8 A. I think there was another either
9 Jay Cobe or ethics training I took while I
10 was there.

11 Q. What was covered in the ethics
12 training?

13 A. The lobbying ban, gifts -- you
14 know, you couldn't take any gifts. I
15 think that was really the substance.

16 Q. The ethic training cover
17 anything about record retention?

18 A. It may have.

19 Q. Do you recall any instruction or
20 training you got about retaining
21 documents?

22 A. I don't.

23 Q. Were you given any instruction
24 about or guidance about retaining
25 communications such as emails?

1 WITNESS 5/5/2021

2 A. I don't, but I was aware there
3 was a 90-day email deletion policy.

4 Q. So when you joined the Chamber
5 it was your understanding that any of your
6 emails would get deleted automatically
7 after 90 days?

8 A. Yes.

9 Q. Do you recall who told you about
10 that?

11 A. It may have been Rich Azzopardi.

12 Q. Did he or anyone else tell you
13 the reason for the 90-day deletion policy?

14 A. I believe it was something that
15 passed the legislature.

16 Q. Did that change at any point
17 during your time with the Chamber?

18 A. Not that I know of.

19 Q. Were you instructed or aware of
20 any way that you could save an email if
21 you thought it was an important email so
22 it wouldn't get deleted after 90 days?

23 A. I don't think so.

24 Q. Did you have any personal
25 practice as to what you did with the

1 WITNESS 5/5/2021

2 emails; did you just wait for them to be
3 deleted after 90 days, did you delete any
4 emails sooner, anything else in terms of
5 regular practice on your part?

6 A. No, I just went with the policy
7 and emails were deleted after 90 days.

8 Q. Do you recall any occasions
9 where you deleted an email -- you know,
10 went in and specifically manually deleted
11 an email?

12 A. No.

13 MR. KELLEHER: This is Dennis
14 Kelleher. We're on my laptop and my
15 Outlook button is -- every time an
16 email comes over I don't know if
17 you're hearing the chiming.

18 MS. CLARK: We are not so I
19 guess it's just annoying you guys.

20 MR. KELLEHER: All right.
21 Sounds good. My emails are coming
22 over are they being captured -- I
23 guess they're not be captured on the
24 video.

25 MS. CLARK: No, we are not

1 WITNESS 5/5/2021

2 seeing that. We are just seeing this
3 column so...

4 (Whereupon, an off-the-record
5 discussion was held.)

6 Q. Did anyone ever ask for you to
7 delete an email?

8 A. No.

9 Q. Okay.

10 MS. KENNEDY PARK: Before we
11 break can I just ask two questions
12 really quick?

13 MS. CLARK: Of course, Jennifer.

14 MS. KENNEDY PARK: Thank you.
15 On the gift policy training what did
16 the policy prohibit?

17 THE WITNESS: Accepting gifts
18 from outside entities.

19 MS. KENNEDY PARK: And did that
20 include accepting services for free as
21 well?

22 THE WITNESS: I believe so, yes.

23 MS. KENNEDY PARK: Okay. Thank
24 you.

25 MS. CLARK: Okay. It's by my

1 WITNESS 5/5/2021

2 count 11:39, but we'll go with what
3 the videographer says. Jenn, about
4 how long should we take given that we
5 have our call at 11:45?

6 MS. KENNEDY PARK: Maybe come
7 back at noon. Is that good?

8 MS. CLARK: Mr. Kelleher, you
9 can work on closing out your windows
10 and...

11 THE VIDEOGRAPHER: Let me take
12 us off the record. Stand by.

13 MR. KELLEHER: Yeah.

14 THE VIDEOGRAPHER: Stand by.
15 This is the end of media unit Number
16 1. We are off the record at 11:39
17 a.m.

18 (Whereupon, an off-the-record
19 discussion was held.)

20 THE VIDEOGRAPHER: This is the
21 beginning of video unit Number 2. We
22 are now on the record at 12:16 p.m.
23 back from break.

24 Q. Sorry the back was longer than
25 we anticipated, WITNESS 5/5/2021.

1 WITNESS 5/5/2021

2 You said you didn't recall
3 getting training about sexual harassment.
4 Do you recall there being an employee
5 handbook?

6 A. Potentially.

7 Q. If you can turn to Exhibit D,
8 tab D.

9 A. Okay.

10 Q. Does this document look familiar
11 to you?

12 A. I think I've seen it before. I
13 can't say that I've read the whole thing.

14 Q. Do you see on pages 11 to 12
15 that there's a section on sexual
16 harassment?

17 A. Sure.

18 Q. And it says in part sexual
19 harassment has also been defined as any
20 unwanted verbal or physical advances which
21 cause the recipient discomfort or
22 humiliation or interfere with the
23 recipient's job performance. Did you have
24 an understanding that that was what sexual
25 harassment was when you worked at the

1 WITNESS 5/5/2021

2 Executive Chamber?

3 A. I understood what sexual
4 harassment was, but I can't say that I
5 read it out of this book or something like
6 that.

7 Q. Do you recall anyone at the
8 Chamber making you aware of what
9 constituted sexual harassment during your
10 time at the Chamber?

11 A. I can't recall. It was a
12 legislative topic during my time at the
13 Chamber.

14 Q. In the policy also says hostile
15 environment sexual harassment consists of
16 words, signs, jokes, pranks, intimidation.
17 Was that your understanding that all of
18 those things could constitute sexual
19 harassment during your time at the
20 Executive Chamber?

21 A. No.

22 Q. Which parts of that did you not
23 understand were part of sexual harassment
24 during your time at the Chamber?

25 A. I guess, signs, jokes, pranks.

1 WITNESS 5/5/2021

2 Q. You mentioned that there was
3 stuff going on in the legislature at this
4 time involving sexual harassment. What
5 was happening at that time?

6 A. I think there was a Bill around
7 2017 strengthening sexual harassment
8 provisions in the work place in New York
9 State or all employers.

10 Q. Was this after the -- all the
11 press about the Me Too movement?

12 A. I believe so.

13 Q. Were you involved in doing any
14 press about efforts being made by the
15 Governor of the legislature to strengthen
16 sexual harassment laws?

17 A. I think so. I -- just the
18 timeline 2017/2018 is a little blurry in my
19 mind so I'm not sure if I had left and
20 that's when the Bill ended up passing
21 or...

22 Q. But even if it didn't pass 'til
23 later were you part of the discussions
24 about what the Governor and legislature
25 were looking to achieve?

1 WITNESS 5/5/2021

2 A. On the press side some of them.

3 Q. What was your involvement on the
4 press side?

5 A. Just dealing with stories and
6 reporters around the Bill and I
7 specifically remember the campaign for
8 college campuses, Lady GaGa was a
9 spokesperson for that and Cathy Hopeful
10 (phonetic) did a big tour although I did
11 not do a lot of the press on that.

12 Q. Were there any components that
13 you did do press on?

14 A. That was not one of my real
15 portfolio topics, no.

16 Q. Were you involved in any press
17 about any changes to the law on
18 nondisparagement agreements in connection
19 with sexual harassment claims?

20 A. Not that I can recall.

21 Q. Were you involved in any press
22 about expanding the definition of sexual
23 harassment so that it did not have to be
24 severe or pervasive?

25 A. I remember that being in the

1 WITNESS 5/5/2021

2 press and it's likely I worked on some
3 stories, but I don't recall specifics.

4 Q. Now, in the policy it also says
5 any complaint must be investigated by the
6 agency or pursuant to the employee
7 agency's policy. Were you aware of any
8 reporting procedure for sexual harassment
9 during your time in the Executive Chamber?

10 A. I was not.

11 Q. The policy also says that
12 supervisory or managerial employees who
13 become aware of conduct of a sexual
14 harassing nature must report it so it can
15 be investigated. Was that your
16 understanding when you were at the
17 Executive Chamber?

18 A. I understood that sexual
19 harassment should be reported in some
20 respects.

21 Q. So it's your understanding that
22 if -- particularly in a managerial
23 position if they became aware of something
24 they had an obligation to report that?

25 A. Absolutely.

1 WITNESS 5/5/2021

2 Q. Now, if you could look at
3 Exhibit E, the next tab, this is an
4 executive order from August of 2018 and at
5 that point you were on the campaign, not
6 in the Executive Chamber, correct?

7 A. Correct.

8 Q. As part of the campaign did you
9 do any press about the Governor's
10 executive order that's Exhibit E?

11 A. I may be promoted him with
12 reporters a champion of -- you know,
13 expanding sexual harassment protections
14 during his time as Governor.

15 Q. Did you have any discussions
16 with the Governor about this executive
17 order or his expansion of sexual
18 harassment law?

19 A. No.

20 Q. And when you promoted him
21 to -- reported as a champion for sexual
22 harassment what aspects did you promote to
23 the reporters or seek to report?

24 A. The passage of the legislation,
25 his work on college campuses and it's

1 WITNESS 5/5/2021

2 likely I also promoted the executive
3 order.

4 Q. Did you have any conversations
5 with the Governor as to why he was
6 expanding or seeking to expand sexual
7 harassment laws?

8 A. No, I did not.

9 Q. If you look at Exhibit F. This
10 is a document titled Equal Employment
11 Opportunity in New York State Rights and
12 Responsibilities, a Handbook For Employees
13 for New York State Agencies. This is
14 May 2020 so this is after you were at the
15 Executive Chamber. In your position at
16 the MTA were you given a copy of this?

17 A. It's possible, but not that I
18 recall.

19 Q. Since you've been at the MTA
20 have you received any training about
21 sexual harassment?

22 A. Not that I can recall.

23 Q. And either at the MTA or the
24 Executive Chamber do you recall doing any
25 sort of online or video training on any

1 WITNESS 5/5/2021

2 subjects?

3 A. There was an ethics training.

4 Q. Was that -- when you said ethics
5 training was that the ethics training you
6 testified to earlier?

7 A. It could have been an updated
8 version of that.

9 Q. Do you recall doing any other
10 video training or online training on any
11 other subjects?

12 A. No.

13 Q. Do you recall being given any
14 training or guidance about retaliation?

15 A. I don't.

16 Q. When you were in the Executive
17 Chamber did you have any understanding
18 that employees were not supposed to be
19 retaliated against for complaining about
20 harassment or discrimination?

21 A. Yes.

22 Q. And when you were in the Chamber
23 did you have an understanding that even
24 former employees were protected if they
25 spoke up about their experiences during

1 WITNESS 5/5/2021

2 their employment?

3 A. I don't know if that was clear
4 or not.

5 Q. During your time at the MTA has
6 it been clear to you that even former
7 employees are protected if they're
8 speaking out about what happened during
9 their employment?

10 A. Yes.

11 Q. While you were in the Chamber
12 did you have any understanding that doing
13 something like giving somebody a bad
14 reference if you were doing it because
15 they complained of discrimination or
16 harassment could be retaliation?

17 A. Yes. That seems like
18 retaliation.

19 Q. Were you ever aware of the
20 Governor undergoing any sexual harassment
21 training during your time either for the
22 -- working for the Executive Chamber or
23 the campaign?

24 A. I was not.

25 Q. Were you aware of any other

1 WITNESS 5/5/2021

2 employees in the Executive Chamber
3 participating in sexual harassment
4 training either during the time in the
5 Executive Chamber or working on the
6 campaign?

7 A. I was not.

8 Q. When were you on the campaign
9 how much time was Ms. DeRosa devoting to
10 the campaign?

11 A. She devoted a lot of time to the
12 campaign.

13 Q. Was she still working for the
14 Executive Chamber as well during this time
15 period?

16 A. Yes.

17 Q. When you spoke to her about
18 campaign issues was it during the workday?

19 A. There were times it was during
20 the workday. She expressed to me that she
21 had taken time off to work on the
22 campaign.

23 Q. I'm going to ask you to turn to
24 Exhibit I.

25 A. Yes.

1 WITNESS 5/5/2021

2 Q. This is a goer E learning course
3 for equal employment opportunity rights
4 and responsibilities and includes a
5 section on sexual harassment. Does this
6 look familiar at all to you?

7 A. It does not.

8 Q. You can put that aside. During
9 the time that you worked in the Executive
10 Chamber did you have any experiences that
11 you thought could constitute sexual
12 harassment?

13 A. I did not.

14 Q. During the time that you were in
15 the Chamber did anyone say anything to you
16 that made you uncomfortable?

17 A. Not that I can recall.

18 Q. During the time that you were in
19 the Chamber did anyone say anything to you
20 that you thought was not appropriate for
21 the work place?

22 A. Not that I can recall.

23 Q. Did -- during the time that you
24 were in the Chamber did anyone ever tell
25 you that they had experience anything that

1 WITNESS 5/5/2021

2 made them uncomfortable or that they
3 thought was inappropriate?

4 A. Not that I can recall.

5 Q. Other than the Lindsey Boylan,
6 Charlotte Bennett, other women that have
7 gone to the press after you left the
8 Executive Chamber did anyone tell you that
9 there were any other women that had
10 expressed that they experienced conduct
11 that made them uncomfortable or that they
12 thought was inappropriate?

13 A. No one said that to me, no.

14 Q. Did you hear of any other sort
15 of harassment issues; racial harassment,
16 sexual orientation, anything along those
17 line from any Executive Chamber employees?

18 A. No.

19 Q. Now, I believe you testified
20 before that you traveled with the Governor
21 at times; is that correct?

22 A. Yes.

23 Q. By what modes did you travel
24 with the Governor?

25 A. By car or plane.

1 WITNESS 5/5/2021

2 Q. When you traveled by car with
3 the Governor how many people would be in
4 the car?

5 A. I was in the motorcade so there
6 were two cars. You could be in the car
7 with him or you'd be in the tail car.
8 There was always a trooper in both of the
9 cars at any time and probably only seats
10 for one or two other people if you were
11 riding with the Governor.

12 Q. And how often when you were by
13 car with the Governor were you in his car
14 as opposed to the tail car?

15 A. More often in the tail car.

16 Q. Did you ever -- when you rode
17 with him in the car did you observe the
18 Governor's interactions with the troopers?

19 A. Yep.

20 Q. What was the nature of the
21 Governor's interactions with the troopers?

22 A. Just like directional or -- you
23 know, about where we were travelling,
24 timing, things of that nature.

25 Q. Did you ever hear the Governor

1 WITNESS 5/5/2021

2 discussing any personal matters with the
3 troopers?

4 A. No, not that I can recall.

5 Q. Did you ever observe the
6 Governor joking around with troopers?

7 A. Sure, yes.

8 Q. And do you recall any particular
9 instances of that?

10 A. Maybe a joke about their driving
11 or something about that nature.

12 Q. Did the Governor have a
13 preference for how quickly the motorcade
14 drove?

15 A. We just stick to the schedule.
16 We like to move quickly. He liked to move
17 quickly.

18 Q. Were you ever in the car when
19 the Governor was directing the trooper
20 driving to drive faster?

21 A. Not that I can recall.

22 Q. Now, you said you also traveled
23 by plane with the Governor. Can you
24 describe the plane that you traveled with
25 the Governor with?

1 WITNESS 5/5/2021

2 A. I can remember two planes, one
3 was a King Air; it had about four to six
4 seats, four main seats, maybe a jump seat
5 and the then the pilots in the front, very
6 small and there's then a chopper that has
7 -- could max fit six people I think.

8 Q. Let's start with the King Air.
9 Can you describe how the seats were?

10 A. Four facing each other and then
11 one or two jump seats either in front in
12 between the pilot or behind.

13 Q. And then there were seats for
14 the pilots?

15 A. Yeah, two seats up front in the
16 cockpit.

17 Q. On the chopper can you describe
18 how the seating was on the chopper?

19 A. Two bench seats facing each
20 other that I believe could only fit six
21 people max.

22 Q. On the chopper were you wearing
23 headphones?

24 A. No.

25 Q. When you were on the chopper

1 WITNESS 5/5/2021

2 could you have a conversation or was it
3 too noisy?

4 A. You could have a conversation.
5 You needed to speak up, but you could have
6 a conversation.

7 Q. The plane, was that quiet enough
8 that you could have a conversation?

9 A. Yes, similar to the chopper,
10 there was noise. You needed to speak up,
11 but you could have plenty of
12 conversations.

13 Q. On the plane how close -- the
14 two seats, four seats, two facing each
15 other how close were they to each other?
16 So if you were in one seat how close were
17 you to the person next to you?

18 A. Maybe 6 to 12 inches.

19 Q. When you were seated in the
20 plane how close were you to the person
21 seated across from you if that seat was
22 taken?

23 A. Inches.

24 Q. And the helicopter the two
25 benches that faced each other how far

1 WITNESS 5/5/2021

2 apart were they?

3 A. There was more space. Probably
4 two feet in between if you were sitting in
5 bench seats.

6 Q. Did the Governor ever yell at
7 you?

8 A. Probably.

9 Q. Do you recall any occasions when
10 that happened?

11 A. If my work product wasn't up to
12 his standards or if we were in a high
13 stress moment those would have been the
14 times.

15 Q. Did it upset you when the
16 Governor yelled at you?

17 A. Yes, but I also understood the
18 circumstances. It wasn't anything I took
19 fairly personally.

20 Q. Did the Governor ever yell at
21 you in front of other employees?

22 A. Not that I can recall.

23 Q. Did the Governor ever use any
24 harsh language speaking to you or insult
25 you in any fashion?

1 WITNESS 5/5/2021

2 A. He may have insulted me.

3 Q. Do you recall any circumstances
4 or any words that he used?

5 A. Did you think this through, what
6 is this, those types of things, why are
7 you giving me this, this isn't done.

8 Q. Did he use language like that
9 about you in front of other employees?

10 A. Probably, yes.

11 Q. Do you recall any instances when
12 this happened?

13 A. Again, we were at the time
14 working together closely, frequently. I
15 can't recall specific instances, but...

16 Q. Did the Governor ever touch you?

17 A. He probably -- you know, gave me
18 a kiss on the cheek.

19 Q. And how many times did he give
20 you a kiss on the cheek?

21 A. A handful of times.

22 Q. And what was the context in
23 which the Governor would give you a kiss
24 on the cheek?

25 A. If I hadn't seen him in a while

1 WITNESS 5/5/2021

2 or maybe I saw him after I left at an
3 event or something like that.

4 Q. Did he ever ask if he could kiss
5 you before he kissed you?

6 A. I don't think so.

7 Q. Do you ever see him kiss any
8 other employees?

9 A. Probably a kiss on the cheek.

10 Q. Do you recall any particular
11 people that you saw him -- employees that
12 you saw him kiss on the cheek?

13 A. Maybe Dani. Other than that I
14 can't recall specifically.

15 Q. Did you ever see the Governor
16 kiss someone on the cheek who looked
17 uncomfortable the Governor was doing so?

18 A. Not that I can recall.

19 Q. Did it make you uncomfortable
20 when he kissed you on the cheek?

21 A. No.

22 Q. Did the Governor ever hug you?

23 A. Yes.

24 Q. How often did the Governor hug
25 you?

1 WITNESS 5/5/2021

2 A. Not very often.

3 Q. Can you recall any of the
4 circumstances or context in which that
5 happened?

6 A. Maybe if he was saying I'd done
7 a good job if we'd done like a big travel
8 day or something like that or again, if I
9 hadn't seen him if he was working out of
10 Albany for a week or something like that.

11 Q. Did it make you uncomfortable
12 when he hugged you?

13 A. No.

14 Q. And when the Governor hugged you
15 how closely did he hug you, like which
16 parts of your bodies were touching?

17 A. Probably the shoulders.

18 Q. Going back to the kissing, did
19 you ever see the Governor kiss any male
20 employees?

21 A. Not that I can recall.

22 Q. Did you ever see the Governor
23 hug any other Executive Chamber employees
24 male or female?

25 A. Yeah.

1 WITNESS 5/5/2021

2 Q. Who do you recall seeing the
3 Governor hug?

4 A. I think I saw him hug Andrew
5 Ball one time, probably Dani as well,
6 probably Annabel, maybe Alphonso.

7 Q. Did the Governor ever kiss you
8 on the lips?

9 A. No.

10 Q. Did you ever see the Governor
11 kiss any Executive Chamber employees on
12 the lips?

13 A. No.

14 Q. Were you ever -- strike that.
15 Did the Governor ever say
16 anything to you of a sexual or salacious
17 nature?

18 A. No.

19 Q. Did the Governor ever ask you
20 about your personal relationships?

21 A. Yes.

22 Q. What sort of questions did he
23 ask you about your personal relationships?

24 A. If I was dating anybody or I was
25 getting married at the time -- you know,

1 WITNESS 5/5/2021

2 how my wedding planning was going or
3 something like that or congratulating me
4 on my engagement.

5 Q. Did he ever make any suggestions
6 about what was happen to your sex life
7 once you got married?

8 A. I don't think so.

9 MR. KELLEHER: I'm sorry.

10 Q. Did the Governor ever talk to
11 you about his personal life?

12 A. Yes.

13 Q. What sort of things about his
14 personal life did the Governor share with
15 you?

16 A. He told me about his divorce
17 with Kerry Kennedy.

18 Q. Did he ever talk to you about
19 his dating life?

20 A. No.

21 Q. Did he ever tell you he was
22 looking for a girlfriend?

23 A. No.

24 Q. Did he ever ask you to help find
25 him a girlfriend?

1 WITNESS 5/5/2021

2 A. No.

3 Q. Did he ever ask you your opinion
4 on whether age difference mattered in
5 dating relationships?

6 A. No.

7 Q. Did you recall any flights that
8 you took with Lindsey Boylan and the
9 Governor?

10 A. Yes.

11 Q. How many times were you on a
12 flight with Lindsey Boylan and the
13 Governor?

14 A. I would say a handful of times.

15 Q. And the times that you took
16 flights with the Governor and Lindsey
17 Boylan was anyone else on the plane?

18 A. Probably -- there was always a
19 trooper and then probably John Maggione,
20 maybe Howard Zemsky one time and then a
21 PowerPoint person.

22 Q. What was John Maggione's
23 position at the time he was on the flight
24 with you and the Governor and Lindsey
25 Boylan?

1 WITNESS 5/5/2021

2 A. He was the Governor's policy
3 advisor.

4 Q. Did you ever hear the Governor
5 say anything to Ms. Boylan on any flight
6 that related in any fashion to sex?

7 A. No.

8 Q. Did you ever hear the Governor
9 make any comments about strip poker in the
10 presence of Ms. Boylan?

11 A. I did not.

12 Q. Did Ms. Boylan ever look
13 uncomfortable by anything that the
14 Governor said to her?

15 A. Not that I can recall.

16 Q. Did you ever have opportunities
17 to observe how the Governor treated other
18 people in the Executive Chamber?

19 A. Yes.

20 Q. I'm going to ask a different
21 question. I started to ask, you mentioned
22 that the governor kissed you on the cheek
23 and he hugged you. Did the Governor ever
24 touch you anywhere else or in any other
25 fashion?

1 WITNESS 5/5/2021

2 A. I can remember one moment when
3 we were travelling he gave me a hug and he
4 put his face close to mine to just like
5 just tell me I did a good job.

6 Q. And you were travelling. Where
7 were you when this happened?

8 A. Somewhere in upstate State New
9 York. I don't recall the specific
10 location.

11 Q. Were you at an event or were you
12 in a car or a plane or?

13 A. At an event in an event space.

14 Q. If you could describe through
15 the hug and where his face was when this
16 happened?

17 A. Close to mine. Probably like
18 (indicating) this close. Almost foreheads
19 touching.

20 Q. Did the Governor ever put his
21 arm around you?

22 A. No, not that I can recall, no.

23 Q. Did he ever touch your lower
24 back?

25 A. Potentially, yeah. Helping me

1 WITNESS 5/5/2021

2 get into the car or the plane.

3 Q. Did he ever touch your butt?

4 A. No.

5 Q. Did he ever put his hand around
6 your waist?

7 A. No.

8 Q. Did you ever touch your stomach?

9 A. No.

10 Q. Did you ever see the Governor
11 yell at any staff members?

12 A. Yes.

13 Q. How often did you observe the
14 Governor yell at staff members?

15 MR. KELLEHER: Excuse me.

16 A. Occasionally.

17 Q. Which staff members do you
18 recall the Governor yelling at?

19 A. Andrew Ball, Dani, Jill, that's
20 all I have for right now.

21 Q. And did you observe the Governor
22 use any harsh language in speaking to any
23 staff members?

24 A. Yes.

25 Q. And who do you recall that

1 WITNESS 5/5/2021

2 happening with?

3 A. Andrew Ball.

4 Q. What sort of things did the
5 Governor say to Andrew Ball that you
6 recall?

7 A. I can't recall the specifics.

8 Q. Was it about his performance or
9 something else?

10 A. His performance.

11 Q. You ever hear the Governor make
12 negative comments about Mr. Ball's
13 appearance?

14 A. No.

15 Q. Did you ever hear the Governor
16 make any comments about [REDACTED] [REDACTED] [REDACTED] ?

17 A. Not that I recall.

18 Q. Did anyone on staff ever tell
19 you that they were upset at the Governor
20 yelling at them or using harsh language?

21 A. Dani was upset one time or maybe
22 more than once.

23 Q. What do you recall Ms. Lever
24 saying to you?

25 A. She was working really hard and

1 WITNESS 5/5/2021

2 she felt that he was upset with her and
3 she was up set that he was upset.

4 Q. Did she convey to you that she
5 thought that he was overreacting in any
6 fashion?

7 A. No.

8 Q. Did anyone -- I know you said
9 you didn't see it. Did anyone ever tell
10 you that the Governor had hugged or kissed
11 somebody who's on staff?

12 A. Not that I can remember.

13 Q. Did you ever see anyone sit on
14 Governor's lap at a social event or
15 anywhere else?

16 A. I saw Senior Staffer #2 [REDACTED] sit on
17 his lap one time.

18 Q. Where was that?

19 A. It was on a boat in lower
20 Manhattan. I believe we were going around
21 the Statute of Liberty.

22 Q. Was this a work event or a
23 social event?

24 A. It was after a work event so a
25 social event.

1 WITNESS 5/5/2021

2 Q. And who was present?

3 A. Myself, Andrew Ball, Dani,
4 Annabel, Jill, Stephanie, Melissa,
5 Alphonso, Jim Malatras may have been
6 there. Those are all the people I can
7 recall right now.

8 Q. What led up to [REDACTED] Senior Staffer #2
9 sitting on the Governor's lap?

10 A. I don't know. I was sort of in
11 other parts of the boat so I'm not sure.

12 Q. And when [REDACTED] Senior Staffer #2 sat on the
13 Governor's lap did she put her arms around
14 him?

15 A. I believe so, yes.

16 Q. Did he put his arms around her?

17 A. I don't remember.

18 Q. How long did [REDACTED] Senior Staffer #2 sit on
19 the Governor's lap?

20 A. It was not very long.

21 Q. Seconds, minutes?

22 A. Maybe a minute.

23 Q. And did she get up on her own or
24 did someone pull her off or the Governor
25 pushed her off or what happened?

1 WITNESS 5/5/2021

2 A. I don't know.

3 Q. Any other times you saw anyone
4 sitting on the Governor's lap?

5 A. Not that I can recall, no.

6 Q. Did anyone ever tell you about
7 any other instances when the Governor had
8 somebody sit on his lap?

9 A. Not that I can recall, no.

10 Q. Did anyone -- did you ever
11 observe the Governor acting flirtatious
12 with anyone at any events?

13 A. Not that I can recall.

14 Q. Did you ever hear anything about
15 any parties where any staff members left
16 without being fully clothed?

17 A. No.

18 Q. Did you observe the Governor
19 kiss somebody in the public -- you know,
20 nonstaff members at events?

21 A. Yeah, on the cheek.

22 Q. Was there any difference in how
23 the Governor kissed people at events as
24 opposed to how he kissed staff members?

25 A. Not that I saw.

1 WITNESS 5/5/2021

2 Q. Did you ever see anyone who
3 looked uncomfortable with the Governor
4 kissing them at an event?

5 A. Not that I saw.

6 Q. Did you see the Governor hug
7 people at events?

8 A. Yes.

9 Q. Did you ever see anyone who
10 looked uncomfortable with the Governor
11 hugging them at an event?

12 A. No.

13 Q. And with the people the Governor
14 kissed at an event did you see him kiss
15 men and women or just one gender?

16 A. No, men and women.

17 Q. Did you know whether the people
18 that he kissed were people that he knew
19 well or strangers or some where in
20 between?

21 A. Definitely a mix, but certainly
22 a number of them were strangers.

23 Q. Did the Governor ever engage in
24 conduct that you considered to be
25 bullying?

1 WITNESS 5/5/2021

2 A. Not that I can recall.

3 Q. Did you ever hear the Governor
4 threaten anyone?

5 A. No.

6 Q. Did you observe any differences
7 generally the way the Governor treated men
8 versus women on his staff?

9 A. I think he was sometimes harsher
10 on male staffers.

11 Q. In what way?

12 A. More direct in terms of his
13 feedback.

14 Q. Did you observe the Governor
15 having his photo taken with people?

16 A. Yes, many times.

17 Q. Did you observe any difference
18 between how he stood -- what his physical
19 interaction was with the people he was
20 having photos with whether it was men
21 versus women?

22 A. I'm sorry. Can you repeat the
23 question?

24 Q. Sure. When the Governor was
25 having his photo taken did you observe any

1 WITNESS 5/5/2021

2 difference between -- you know, how close
3 he was or how he touched people when he
4 was having his photo taken when it was a
5 man or a woman?

6 A. Not that I can recall.

7 Q. Did you ever observe the
8 Governor holding people close with his
9 hands close -- for women close to where
10 their breasts were?

11 A. No.

12 MS. KENNEDY PARK: The occasion
13 on which [REDACTED] Senior Staffer #2 was on the
14 Governor's lap was anyone taking
15 photos or video?

16 THE WITNESS: I don't know.

17 MS. KENNEDY PARK: Are you aware
18 of any photos or video from that
19 event?

20 THE WITNESS: I'm not.

21 Q. If you could look at Exhibit N
22 in your book binder. Do you recognize the
23 people in this photograph?

24 A. I don't.

25 Q. Have you seen the Governor have

1 WITNESS 5/5/2021

2 his hands like that on people he'd had his
3 photo taken with -- taken photos with
4 before?

5 A. Probably, yes.

6 Q. Have you seen him hold any men
7 like that when he's having his photo taken
8 with them?

9 A. I don't know.

10 Q. If you could turn to Exhibit O,
11 the next tab. Do you recognize the people
12 in this photo?

13 A. Yes.

14 Q. Who's in this photo?

15 A. Kaitlin [REDACTED] and Governor
16 Cuomo.

17 Q. Have you seen this photo before?

18 A. I have not.

19 MR. KELLEHER: Ms. Clark, just
20 to be clear the exhibit seems to
21 depict some people in the background
22 so I'm assuming you're asking about
23 the female that's with the Governor
24 front and center in the photo.

25 MS. CLARK: Yes, correct.

1 WITNESS 5/5/2021

2 MR. KELLEHER: Okay.

3 Q. Have you seen the Governor pose
4 like this with any men?

5 A. I haven't, no.

6 Q. Did you go to Gareth Rhodes
7 wedding by the way?

8 A. I did not, no.

9 Q. If you could look at Exhibit P.
10 Have you seen this photo before?

11 A. In the newspaper.

12 Q. Have you seen the Governor hold
13 anyone else like this at an event?

14 A. Like members of the audience?

15 Q. Members of the audience -- did
16 you see anyone hold the -- did you see the
17 Governor hold anyone like this where he
18 was sort of holding their face?

19 A. Yes, I have.

20 Q. How many times did you see him
21 do that to people?

22 A. Only a few times.

23 Q. And do you recall any of the
24 instances?

25 A. I think there was one time, one

1 WITNESS 5/5/2021

2 time I can recall where we were upstate
3 addressing a flood situation and a woman
4 was very upset about the flood in her home
5 and he was trying to comfort her.

6 Q. And do you recall her name?

7 A. I don't.

8 Q. And what did Governor do to try
9 to comfort her?

10 A. He was assuring her that he was
11 going to do everything he could to affix
12 the situation and that the state was
13 providing all the resources they could and
14 that he understood her pain around
15 basically losing her home.

16 Q. At what point or what way did
17 the Governor touch this woman?

18 A. I think he touched her face
19 similar to the way that he's touching this
20 woman's face.

21 Q. Did she seem comfortable with
22 the Governor touching her face?

23 A. I can't speak for that
24 situation.

25 Q. Did the Governor kiss that

1 WITNESS 5/5/2021

2 woman, the one who was upset about the
3 flood?

4 A. He may have on the cheek, but I
5 can't recall.

6 Q. Have you seen the Governor do
7 this with anyone else?

8 A. I think one time he did it to
9 Dani.

10 Q. And do you recall the
11 circumstances when he did it to Dani?

12 A. It was probably after, before an
13 event.

14 Q. Was -- did Dani ever tell you
15 whether she was comfortable with the
16 Governor doing that?

17 A. It never came up.

18 Q. Did you ever see the Governor
19 touch a man like that?

20 A. Potentially an older gentleman,
21 but I can't recall specifically.

22 Q. When you say potentially do you
23 recall one way other the other whether he
24 ever did that?

25 A. I believe so, but I can't recall

1 WITNESS 5/5/2021

2 the specific.

3 Q. Do you recall whether it was
4 somebody that he knew?

5 A. I don't.

6 Q. If I asked this before I
7 apologize. Did you ever see the Governor
8 touch someone in a way where that
9 person -- you know, looked uncomfortable
10 with it?

11 A. Not that I can remember.

12 Q. Did you ever hear the Governor
13 make comments about any staff members'
14 clothing?

15 A. Yeah.

16 Q. What comments did you hear the
17 Governor make about staff members'
18 clothing?

19 A. That's a nice dress or what's up
20 with those pants or something like that.

21 Q. Did you hear the Governor make
22 other sorts of comments about peoples'
23 appearance?

24 A. Not really.

25 Q. Did the Governor ever make any

1 WITNESS 5/5/2021

2 comments about your clothes or appearance?

3 A. I think one time he mentioned
4 that I was dressed up or wearing make up.

5 Q. What did he say about it?

6 A. Oh, you're wearing make up.

7 Q. Did you ever hear the Governor
8 tell any female employees that they should
9 wear a dress?

10 A. No.

11 Q. Did you ever hear or hear about
12 the Governor asking somebody who's wearing
13 a dress to spin around in her dress?

14 A. I think so, yes.

15 Q. Did you observe that or did you
16 hear about it?

17 A. I don't recall.

18 Q. What do you recall about that?

19 A. I can't recall if it happened
20 during my time in the Executive Chamber or
21 if I read it in the newspaper at this
22 point.

23 MS. CLARK: And Hyatt, are you
24 able to play tab 18?

25 MS. KENNEDY PARK: Before you do

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WITNESS 5/5/2021

that Anne can I ask? Did you normally wear make up to work at the Executive Chamber?

THE WITNESS: Not all the time, many times -- you know, we worked a lot, show up with no make up and if we had an event or something I'd put make up on or if we were -- yeah, mostly for events.

MS. KENNEDY PARK: And what the context for the Governor commenting on the fact that you wearing make up?

THE WITNESS: For the fact that I a lot of times were not wearing make up unless we were at an event or something of that nature.

MS. KENNEDY PARK: The fact that the Governor commented on you wearing make up did that make you change your make up practices?

THE WITNESS: Not at all and I would say that outside of my employment in the Executive Chamber other people have made a similar

1 WITNESS 5/5/2021

2 comment.

3 MS. KENNEDY PARK: Okay. Thank
4 you.

5 MS. CLARK: We are going to play
6 a short video for you now.

7 THE WITNESS: Okay.

8 (Whereupon, a video started
9 playing.)

10 A. I can't hear any sound if
11 that's...

12 MR. KELLEHER: We still can't
13 hear anything.

14 MS. CLARK: Yeah. We might have
15 to come back to this --

16 MR. KELLEHER: And I don't read
17 sign language.

18 MS. KENNEDY PARK: Hyatt, is the
19 audio on your computer on the bottom
20 right, on? Hyatt, why don't we take
21 it down and we'll figure out the audio
22 on the break.

23 Q. Have you seen any clips of the
24 Governor making a comment to a doctor
25 administering the COVID-19 test to him?

1 WITNESS 5/5/2021

2 A. Yes, I've seen that before. I
3 think I watched it live.

4 Q. When you watched it live did you
5 have any reaction to what the Governor
6 said?

7 A. I did not --

8 MR. KELLEHER: Can we hold on a
9 second?

10 A. It's a little hard.

11 MR. KELLEHER: It sounds like we
12 finally got the video to the YouTube
13 and I heard the Governor's voice so
14 -- is that part of the question?

15 MS. CLARK: That was not part of
16 the question. That was -- the
17 technical difficulties that have
18 popped up throughout the day.

19 MR. KELLEHER: I understand.

20 Q. What do you recall the Governor
21 said to that female doctor and in the
22 press briefing?

23 A. I don't know.

24 Q. Do you recall him making some
25 comment about how she looked in her gown?

1 WITNESS 5/5/2021

2 A. I believe so, but I also believe
3 I read about it in the paper after the
4 fact and more recently.

5 Q. Did you think that was
6 inappropriate comment for the Governor to
7 make to a doctor administrating a COVID-19
8 test to him?

9 A. It's really hard for me to
10 respond to that given I don't know what he
11 said.

12 Q. We may come back to that. Did
13 you ever hear him make any comments like
14 that about telling somebody that they made
15 some outfit look good or filled out an
16 outfit or anything that wasn't just
17 about -- you know, like nice dress, but
18 rather how they embodied it?

19 A. Not that I can recall, no.

20 Q. Were you -- we were just talking
21 about make up. Were you ever told what
22 the expectations were for how you dressed
23 in the office?

24 A. Never.

25 Q. Did you notice any sort of

1 WITNESS 5/5/2021

2 pattern to how the senior women in the
3 Executive Chamber dressed?

4 A. Everybody looked nice, wore
5 dresses, but it was politics. I think a
6 lot of people also get dressed up working
7 in state or local government.

8 Q. Did the senior women on staff
9 wear dresses other than pants or pant
10 suits?

11 A. Not that I can recall.

12 Q. Was there any pattern in terms
13 of the senior women in the office wearing
14 high heels?

15 A. Folks wear heels.

16 Q. Was there any sort of different
17 expectations in terms of how to dress in
18 the Executive Chamber for men versus
19 women?

20 A. Not that I know of.

21 Q. During the time you were in the
22 Executive Chamber were there any men hired
23 to be briefers for the Governor?

24 A. Not that I can recall.

25 Q. Were you aware of any men who

1 WITNESS 5/5/2021

2 were hired to be briefers either before or
3 after your time in the Executive Chamber?

4 A. Yes, I should correct my
5 previous answer and say, yes. [REDACTED]

6 [REDACTED] (phonetic throughout) was hired
7 to be head of briefing I believe during my
8 time in the Executive Chamber.

9 Q. How long was he head of
10 briefing?

11 A. Less than a year.

12 Q. Anyone in the -- any other
13 briefing position who were men either
14 during your time before or after?

15 A. I don't know. Not during my
16 time, but I don't know about after.

17 Q. Did the Governor ever use any
18 nicknames to refer to you?

19 A. Yes.

20 Q. What nicknames did the Governor
21 have for you?

22 A. He called me rabbit.

23 Q. What was your understanding as
24 to how the Governor came to call you
25 rabbit?

1 WITNESS 5/5/2021

2 A. I staffed him every Easter
3 because I'm from Albany and I wore rabbit
4 ears because it was Easter and I was
5 working and I decided to wanted to have a
6 little bit of fun with it.

7 Q. Did it bother you that the
8 Governor called rabbit?

9 A. No.

10 Q. Were there any other nicknames
11 that the Governor had for you?

12 A. Not that I know of.

13 Q. Did you hear the Governor use
14 nicknames for anyone else?

15 A. It's possible.

16 Q. Do you recall any?

17 A. Not off the top of my head.

18 Q. Do you recall any nicknames for
19 Annabel Walsh?

20 A. I can't remember the nickname.

21 Q. Do you recall any nicknames for
22 Melissa DeRosa?

23 A. I can't.

24 Q. Do you recall any anymore names
25 for Stephanie Benton?

1 WITNESS 5/5/2021

2 A. I don't know what the nicknames
3 were or I can't remember if he said them.
4 Maybe I would, but...

5 Q. Do you recall any names for
6 Kaitlin [REDACTED] ?

7 A. I do, but I think because it's
8 been reported in the press I'm remembering
9 it and it was sponge.

10 Q. Is that something you heard the
11 Governor use in reference to [REDACTED] Kaitlin ?

12 A. I can't recall if she told me
13 about it or if I'd heard about it in the
14 office.

15 Q. Did you have any understanding
16 as to why the Governor called [REDACTED] Kaitlin
17 sponge?

18 A. Again, I recently read about it
19 in the press so it was because he wanted
20 her to soak up all the knowledge of the
21 office.

22 Q. Do you recall anyone telling you
23 that during the time that you were in the
24 office?

25 A. I think probably, yes.

1 WITNESS 5/5/2021

2 Q. Did you ever receive any flowers
3 from the Governor?

4 A. Yes.

5 Q. How many times?

6 A. I think twice.

7 Q. What were the occasions?

8 A. I believe it was Valentine's
9 Day.

10 Q. Was it Valentine's Day both
11 times?

12 A. I think so.

13 Q. What flower or flowers did you
14 get from the Governor on Valentine's Day?

15 A. It was a rose.

16 Q. And did the Governor give it to
17 you personally or how did you get it?

18 A. It was on my desk.

19 Q. Was there any note or card with
20 the rose?

21 A. Yes.

22 Q. What did it say?

23 A. To the best of my recollection
24 it said thanks for all you do. Keep up
25 the hard work, Andrew Cuomo.

1 WITNESS 5/5/2021

2 Q. Were you aware of other
3 employees getting a rose on Valentine's
4 Day?

5 A. Yes.

6 Q. Which other employees were you
7 aware of getting a rose on Valentine's
8 Day?

9 A. Stephanie, Dani, Annabel, Jill,
10 Melissa would be who I could remember
11 right now.

12 Q. Were you aware of any men
13 getting any roses on Valentine's Day from
14 the Governor?

15 A. No, I was not.

16 Q. Were you aware of the Governor
17 giving any gifts to any male employees on
18 Valentine's Day?

19 A. Not that I know of.

20 Q. Were there any other occasions
21 on which you got any other sort of gift
22 from the Governor?

23 A. Yes.

24 Q. How many times did you get gifts
25 from the Governor?

1 WITNESS 5/5/2021

2 A. I can think of one other time.

3 Q. What was that?

4 A. It was a bottle of perfume.

5 Q. What was the occasion on which
6 the Governor gave -- what was the
7 circumstance on which the Governor gave
8 you a bottle of perfume?

9 A. It was for Christmas.

10 Q. What year was that?

11 A. 20 -- must have been 2017 going
12 into 2018 Christmas.

13 Q. Did the Governor give it to you
14 himself or through somebody else?

15 A. No, it was on my desk. I think
16 I was on vacation over the holidays and I
17 came back and it was on my desk.

18 Q. Did it have a note or card?

19 A. I think it had a note that said
20 something very similar to a thanks for all
21 you do, keep up the good work.

22 Q. That Christmas did you hear
23 whether the Governor gave anyone else
24 gifts?

25 A. Yes.

1 WITNESS 5/5/2021

2 Q. What other gives were you aware
3 of that Christmas?

4 A. I knew that Stephanie had picked
5 out the gifts and she gave them to at
6 least Dani and Annabel and Jill also
7 received gifts. I believe Melissa
8 received gifts. I think some others may
9 have received gift certificates or
10 something like that, but I don't know all
11 the details.

12 Q. Do you know what gifts the other
13 women you listed got?

14 A. Dani received make up; she got
15 some different lip sticks and things. I
16 don't know specifically what the other
17 women received.

18 Q. Were you aware of any men who
19 got gifts from the Governor that
20 Christmas?

21 A. I think Andrew Ball may have
22 gotten a gift certificate, but I don't
23 -- I'm not sure.

24 Q. Did the Governor ever ask you to
25 sing for him?

1 WITNESS 5/5/2021

2 A. No.

3 Q. Did the Governor ever ask you to
4 recite or memorize any song lyrics?

5 A. No.

6 Q. Were you ever present where the
7 Governor asked or directed anyone else to
8 sing?

9 A. Not that I can remember.

10 Q. Were you ever present when the
11 Governor asked somebody to recite or
12 memorize song lyrics?

13 A. Not that I can remember.

14 Q. Did ever hear about the Governor
15 asking or directing somebody to sing?

16 A. Not that I can remember.

17 Q. Did you hear about the Governor
18 asking a staff member to recite or
19 memorize song lyrics?

20 A. Not that I can remember.

21 Q. Did you ever hear the Governor
22 commenting or asking other staff members
23 about their relationship status?

24 A. Yes.

25 Q. What did you hear in that

1 WITNESS 5/5/2021

2 regard?

3 A. I know he asked Dani about her
4 boyfriend at the time.

5 Q. What did he ask about her
6 boyfriend?

7 A. Just how it was going and -- you
8 know, how it was going. She had [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] during her
10 time at the Chamber so...

11 Q. Any other comments or questions
12 that you observed the Governor make to
13 another staff member?

14 A. About their relationships
15 specifically?

16 Q. Either specific relationship or
17 their relationship status?

18 A. Maybe the that fact Annabel [REDACTED]
19 [REDACTED] but outside of that nothing else.

20 Q. Did anyone ever tell you about
21 the Governor asking them about their
22 relationship status or commenting on it?

23 A. Dani did, but I think we were
24 also on the plane together on an occasion
25 when he had asked her about it.

1 WITNESS 5/5/2021

2 Q. Did you ever hear the Governor
3 talk about anyone's sex drive?

4 A. No.

5 Q. Did you ever hear the Governor
6 talk about the size of his hands?

7 A. I think he did say he has large
8 hands one time.

9 Q. Just the one time?

10 A. That the I can remember.

11 Q. What do you recall him saying
12 about that?

13 A. I've got large hands.

14 Q. Did the Governor say anything to
15 suggest that he thought him having large
16 hands signified anything else?

17 A. I don't think so. It was sort
18 of joking around. I think it was on the
19 plane.

20 Q. Even if it was joking did he
21 make any jokes about his hand size
22 corresponding to the size of any other
23 body parts or anything else of a sexual
24 nature?

25 A. That was not my interpretation.

1 WITNESS 5/5/2021

2 Q. Did the Governor ever show you a
3 cigar box that Bill Clinton had given him?

4 A. No.

5 Q. Did anyone ever tell you about a
6 cigar box that Bill Clinton had given to
7 the Governor?

8 A. Yes.

9 Q. Who told you about that?

10 A. I actually heard about it from a
11 reporter who he showed it to.

12 Q. With was the reporter?

13 A. Ken Lovett.

14 Q. What media outlet was Mr.
15 Lovett with at the time?

16 A. The Daily News.

17 Q. What did Mr. Lovett tell you
18 about what the Governor had told him?

19 A. It was this past year.

20 Q. And but what did Mr. Lovett say
21 to you?

22 A. That the Governor had given him
23 a tour of his office and showed him the
24 Bill Clinton cigar box and that he was
25 clearly very proud of it.

1 WITNESS 5/5/2021

2 Q. Did Mr. Lovett tell you anyone
3 else that the Governor had told him about
4 the cigar box he got from Bill Clinton?

5 A. No.

6 Q. Did you ever observe the
7 Governor commenting on anyone's tattoos?

8 A. No.

9 Q. Did anyone ever tell you that
10 the Governor had commented about any of
11 their tattoos?

12 A. No.

13 Q. Did you ever hear the Governor
14 using names that had any sort of sexual
15 connotations?

16 A. Not that I can recall.

17 Q. Do you recall the Governor using
18 a saying that involved old bowls and young
19 bowls?

20 A. No.

21 Q. Did you ever observe the
22 Governor throw fruit toward anyone in the
23 Executive Chamber?

24 A. Yes.

25 Q. And how many times did you see

1 WITNESS 5/5/2021

2 him do that?

3 A. One time.

4 Q. And why don't you describe for
5 us what happened that time?

6 A. Sorry. We had just done a
7 series of radio and it was probably radio
8 appearances and he had phoned in to NY1
9 and they showed an old head shot of him
10 and he had asked Rich Azzopardi to replace
11 the head shot either a few weeks or months
12 back and NY1 was still using the same head
13 shot so he told me to get Rich Azzopardi
14 into the office and I brought Rich
15 Azzopardi into the office and he yelled at
16 him for not replacing the head shot and
17 then he threw a bag of fruit at us and
18 told us to get out.

19 Q. What sort of fruit or how big a
20 bag was this?

21 A. It was not from COSCO. It was a
22 regular sized bag of dried apricots that
23 were probably half eaten.

24 Q. And did you and Rich Azzopardi
25 talk about what happened after the

1 WITNESS 5/5/2021

2 Governor threw the dried apricots at you?

3 A. I they we laughed.

4 Q. Did the bag hit either one of
5 you?

6 A. I don't remember.

7 Q. Did the you ever see the
8 Governor throw anything else at any other
9 employees?

10 A. Not that I can recall.

11 Q. Were there other occasions in
12 which you heard the Governor express
13 concerns about which photos of him were
14 used?

15 A. Yeah, I think when it came to
16 head shots he wanted new head shots for
17 phone interviews on TV, not old ones.

18 Q. After events did the Governor go
19 through photos from the events?

20 A. Yes.

21 Q. And what did the Governor do
22 when he went through photos from events?

23 A. I was not directly involved, but
24 I believe he had staff go through and
25 select photos for constituents that we

1 WITNESS 5/5/2021

2 would then mail signed photos out to with
3 messages from him.

4 Q. Did the Governor -- were you
5 aware of the Governor giving any
6 guidelines as to what photos he did or
7 didn't like to used for these purposes?

8 A. I was not really involved in the
9 process.

10 Q. Did you ever hear the Governor
11 use the term mean girls?

12 A. Yes.

13 Q. How often did you hear the
14 Governor use the term mean girls?

15 A. A handful of times.

16 Q. And can you describe any of the
17 context in which the Governor used the
18 term mean girls?

19 A. You know, these are the mean
20 girls or this is the means girl group or
21 that was how it was referred to.

22 Q. Who did you understand the
23 Governor was referring to when he used the
24 term mean girls?

25 A. Melissa, Stephanie, Jill,

1 WITNESS 5/5/2021

2 Annabel maybe Dani.

3 Q. Did the Governor ever use the
4 term mean girls in front of any of the
5 women you just listed?

6 A. Yes.

7 Q. Did you ever hear any of those
8 women refer to themselves as the mean
9 girls?

10 A. Yes.

11 Q. Which of those women did you
12 hear refer to themselves as mean girls?

13 A. Melissa I think.

14 Q. What did Melissa say about it?

15 A. I think we were on a boat and
16 someone called her Regina George and she
17 laughed and thought it was a joke and...

18 Q. What did you understand the
19 person meant when they referred to her as
20 Regina George?

21 A. A mean girl.

22 Q. What did she say about mean
23 girls?

24 A. It was more like just a
25 close -- they were all like a close group

1 WITNESS 5/5/2021

2 like clickish.

3 Q. When was the boat trip when he
4 referred to Ms. DeRosa as Regina George?

5 A. I believe it was summer of 2017
6 to the best of my knowledge.

7 Q. Who referred to Ms. DeRosa as
8 Regina George?

9 A. I don't recall.

10 Q. Did you hear anyone refer to Ms.
11 DeRosa as Regina George or any other
12 occasions?

13 A. Not that I can remember.

14 Q. Did Ms. DeRosa seem amused to
15 being referred to as a mean girl?

16 A. Yes.

17 Q. Did you hear anyone else in the
18 chambers use the term mean girls?

19 A. Could you repeat the question or
20 rephrase it?

21 Q. You've talked about the Governor
22 using the term. Did you hear anyone else
23 that you worked with in the Chamber
24 referred to Ms. DeRosa or any combination
25 of those other women as mean girls?

1 WITNESS 5/5/2021

2 A. I don't remember who
3 specifically the term was mentioned in the
4 office.

5 Q. Did you ever refer to them as
6 the mean girls?

7 A. Not really, no.

8 Q. Did you ever witness or hear
9 about the Governor express an interest in
10 hiring somebody after he met them for the
11 first time at an event or meeting?

12 A. Yes.

13 Q. How many times were you aware of
14 that happening?

15 A. I can remember one time.

16 Q. When was that?

17 A. It was -- we were doing a parade
18 in Manhattan. I don't remember which
19 parade it was. He had met someone at the
20 event.

21 Q. And did the Governor say he
22 wanted to hire that person?

23 A. I don't know the specific
24 details around what he said.

25 Q. Do you know if anyone in the

1 WITNESS 5/5/2021

2 Chamber had to try to find this person?

3 A. It's possible, but I have no
4 direct knowledge of that.

5 Q. This person that he met at the
6 parade was it a man or a woman?

7 A. It was a woman.

8 Q. And did you see this woman?

9 A. Yes.

10 Q. What did she look like?

11 A. She had long dark hair and I
12 think she was wearing a blue dress.

13 Q. About how old was she?

14 A. 30s.

15 Q. And how long did the Governor
16 speak to her if at all?

17 A. Not very long I don't think.

18 Q. Did you understand what position
19 the Governor wanted to hire this person
20 for?

21 A. I don't know. I wasn't aware of
22 any of the details around it.

23 Q. Do you know if this woman got
24 hired?

25 A. She did I believe.

1 WITNESS 5/5/2021

2 Q. What sort of position did she
3 get hired into?

4 A. I think she was an attorney.

5 Q. And what was the parade? Do you
6 recall which parade it was?

7 A. We were at a -- some sort of
8 religious -- I can't remember if it was a
9 -- I don't know. It was a religious
10 building where we did an event and then we
11 I believe walked out and did a parade, but
12 I don't recall specifically what parade or
13 it was a -- it was a mosque. Maybe it was
14 a mosque. I think it was mosque actually,
15 yeah.

16 Q. When was this?

17 A. 2016/2017 around that time.

18 Q. Were you aware of Governor ever
19 looking through pictures from an event to
20 identify somebody that he wanted to hire
21 he'd met at an event?

22 A. It's difficult for me to answer
23 that question because I've read about it
24 in the press again so I don't believe I
25 had direct knowledge of that at the time.

1 WITNESS 5/5/2021

2 Q. When you're referring to that
3 you're referring to the New York Magazine
4 about the Governor meeting somebody at a
5 party?

6 A. Yeah.

7 Q. Did Kaitlin [REDACTED] ever tell you
8 anything about how she came to work in the
9 Executive Chamber?

10 A. Not really. I mean she told me
11 that she was working for -- I believe he
12 she was working for a lobbying firm and
13 that she had the opportunity to work in
14 the Governor's office and was encouraged
15 by her colleagues to do it.

16 MS. KENNEDY PARK: Anne, could I
17 ask a question about the parade for a
18 second, please?

19 MS. CLARK: Yep.

20 MS. KENNEDY PARK: Sorry.

21 WITNESS 5/5/2021, I'm not clear. How
22 did it come to your attention that the
23 Governor wanted to hire the woman with
24 the long dark hair and the blue dress?

25 THE WITNESS: I think I was told

1 WITNESS 5/5/2021

2 THE WITNESS: No, I remember
3 seeing her at the event, my colleagues
4 told me about it later and then I
5 remember she started working with
6 either the Executive Chamber or I
7 think it was the division of human
8 rights. I'm not clear on the whole
9 thing. I only have those secondhand
10 details.

11 MS. KENNEDY PARK: Did you talk
12 to anyone on the photo team about it
13 since that occasion when they told you
14 the first time?

15 THE WITNESS: No.

16 MS. KENNEDY PARK: Talk to
17 anybody else about it?

18 THE WITNESS: I mean I think the
19 reps who did the photos it was common
20 knowledge among them I'm sure. I mean
21 I spoke to them about it, but I can't
22 really remember. Maybe I mentioned it
23 to Dani.

24 MS. KENNEDY PARK: Melissa
25 DeRosa?

1 WITNESS 5/5/2021

2 THE WITNESS: No, I didn't talk
3 about it with her.

4 MS. KENNEDY PARK: Okay.
5 Thanks, Anne.

6 Q. You said she worked in the
7 Executive Chamber of the state division of
8 human rights?

9 A. Yes.

10 Q. Do you know who she reported to
11 in her job?

12 A. She may have reported to
13 Alphonso, but again I'm not clear on if it
14 was in the Chamber or if it was at the
15 human rights division.

16 Q. Did anyone tell you whether
17 there was an opening at the time or
18 whether something was created for her?

19 A. I only know what I told you guys
20 so far.

21 Q. Were you aware of any
22 circumstances where a position was created
23 for somebody because the Governor wanted
24 to hire that person?

25 A. It may be this woman, but again,

1 WITNESS 5/5/2021

2 I don't have the details.

3 Q. Did the guys who handled the
4 photos tell you about any other occasions
5 where the Governor expressed an interest
6 in hiring somebody?

7 A. No.

8 Q. For the people in the press
9 office -- the communications office were
10 you ever told that someone was going to
11 join the office because the Governor
12 wanted that person hired?

13 A. Other than there was an open
14 position and we need to hire someone, no.

15 Q. When there was an open position
16 were you ever told that it was being
17 filled by somebody at the direction or
18 request of the Governor?

19 A. I think that's hard to answer
20 because there was a vacancy for the
21 communications director position when I
22 was there and of course he would want to
23 hire a communications director.

24 Q. I meant for lower level people.
25 For junior people did you ever hear the

1 WITNESS 5/5/2021

2 Governor recommended or wanted this person
3 hired?

4 A. No, I did not.

5 Q. Were you aware of whether the
6 Governor ever had a sexual or romantic
7 relationship with any members of the
8 executive staff?

9 A. I'm not aware of that.

10 Q. Did you ever hear any rumors
11 about him having a relationship with any
12 members of the executive staff?

13 A. In the office or outside of the
14 office I guess?

15 Q. First in the office?

16 A. No, I didn't hear about it in
17 the office.

18 Q. Outside of the office did you
19 hear any rumors?

20 A. There were rumors from reporters
21 and lobbyists, yes.

22 Q. What were the reporters and
23 lobbyists saying to you?

24 A. There were rumors that he had an
25 affair with Senior Staffer #1, there were rumors

1 WITNESS 5/5/2021

2 that he had an affair with Senior Staffer #2. I
3 other than hearing it from the Albany
4 gossip circles I had no other knowledge of
5 it.

6 Q. And which reporters or lobbyists
7 told you they heard the Governor had an
8 affair with [REDACTED] Senior Staffer #1 ?

9 A. I can't recall specifically.

10 Q. Did any of them tell you what
11 the basis was for the belief or the rumor
12 that they had a relationship?

13 A. No, they did not.

14 Q. Who were the reporters or
15 lobbyists who said they believed or heard
16 a rumor that the Governor had a
17 relationship with [REDACTED] Senior Staffer #2 ?

18 A. I -- one of my friends who's a
19 lobbyist as Bolton St. John's (phonetic)
20 had said that she'd heard that from other
21 people. Reporters, I don't know if I
22 heard it directly from them or indirectly.
23 I really can't recall who specifically
24 said that.

25 Q. Who's your friend who told you

1 WITNESS 5/5/2021

2 she had heard about the relationship
3 between the Governor and [REDACTED] Senior Staffer #2 ?

4 A. [REDACTED] [REDACTED] (phonetic).

5 Q. And she tell you what the basis
6 was for what she heard about [REDACTED] Senior Staffer #2
7 and the Governor?

8 A. No.

9 Q. Did you ever hear anything
10 including any rumors about the Governor
11 having a relationship with [REDACTED] Senior Staffer #3 [REDACTED] ?

12 A. No.

13 Q. Did you ever hear anyone make
14 any complaints about how the Governor
15 treated Ms. DeRosa versus other staff
16 members?

17 A. That the Governor provided
18 favorable treatment or?

19 Q. Anything along those lines?

20 A. I think maybe Dani said it to me
21 once, just that he was sometimes tough on
22 us.

23 Q. And was that in comparison to
24 how he treated Ms. DeRosa?

25 A. Yes.

1 WITNESS 5/5/2021

2 Q. Did anyone ever raise any
3 concerns about whether the Governor
4 treated Ms. Boylan differently from other
5 staff members?

6 A. No.

7 Q. Did you ever hear even
8 secondhand about any times that the
9 Governor acted inappropriately or made
10 somebody uncomfortable other than the
11 recent press, of course, but?

12 A. No, not that I can recall.

13 MR. KELLEHER: Anne, this is
14 Dennis, according to my clock we're
15 getting close to this 90-minute I
16 guess time allotment with respect to
17 the video. I was just wondering what
18 you want to do about it.

19 MS. CLARK: Take break.

20 MR. KELLEHER: Yeah, it's
21 obviously it's a little bit past my
22 lunch time also. I guess was curious
23 as to how much longer do you think you
24 -- we can go off the record if you
25 want and have this conversation.

1 WITNESS 5/5/2021

2 MS. CLARK: Yeah, why don't we
3 go off the record.

4 THE VIDEOGRAPHER: Okay. Stand
5 by. This is the end of media unit
6 Number 2. We are now off the record
7 at 1:40 p.m.

8 (Whereupon, an off-the-record
9 discussion was held.)

10 (Whereupon, a lunch break was
11 taken at 1:40 p.m. (EST))

12 THE VIDEOGRAPHER: This is the
13 beginning of media unit Number 3. We
14 are now on the record at 2:03 p.m.
15 Back from break.

16 Q. Okay. Welcome back, WITNESS
17 5/5/2021. How would you describe the
18 culture in the Executive Chamber?

19 A. It was hard charging, very
20 driven, deadline driven, a lot of type A
21 people who were very ambitious.

22 Q. Did you ever hear -- we talked
23 about how the Governor yelled at certain
24 people at certain times. Did you ever
25 hear any other senior staff yell at a

1 WITNESS 5/5/2021

2 staff member?

3 A. I would say Melissa.

4 Q. Did you say DesRosiers?

5 A. Yes, Melissa DeRosa.

6 Q. Anyone other than Ms. DeRosa
7 that you -- that had yelled at you or you
8 heard yell at someone else?

9 A. Not during my time there, no.

10 Q. After you were gone did you hear
11 any -- were you on the campaign or at any
12 other times hear anyone on the senior
13 staff yell at other staff members?

14 A. Maybe Andrew Ball sort of giving
15 feedback on events or things to other
16 staff members.

17 Q. And Mr. Ball would yell at them
18 when he was giving them feedback about
19 events?

20 A. It probably happened once or
21 twice, yeah.

22 Q. Did Ms. DeRosa ever yell at you?

23 A. Yes.

24 Q. How many times?

25 A. Multiple times.

1 WITNESS 5/5/2021

2 Q. How often; was it daily, weekly,
3 monthly occurrence?

4 A. I would say monthly at least.

5 Q. And what sort of things
6 precipitated Ms. DeRosa yelling at you?

7 A. If a story didn't turn out right
8 or if I wasn't focused on the right
9 things, if something went wrong at an
10 event.

11 Q. Did you feel that she sometimes
12 yelled at you for things that were not in
13 your control?

14 A. Yes, I think PR is a difficult
15 profession.

16 Q. Did you hear her yell at other
17 people?

18 A. Yes.

19 Q. How often?

20 A. Weekly.

21 Q. Do you ever see anyone who
22 seemed upset being yelled at by Ms.
23 DeRosa?

24 A. Dani and Annabel.

25 Q. Did they say anything to you

1 WITNESS 5/5/2021

2 about being upset about being yelled at by
3 Ms. DeRosa?

4 A. Yes.

5 Q. What did they say to you?

6 A. That it was unfair that she was
7 hypercritical.

8 Q. What was your reaction when she
9 yelled at you?

10 A. It was upsetting.

11 Q. Did she ever use harsh language
12 when speaking to you?

13 A. Occasionally, yes.

14 Q. Do you recall any instances?

15 A. Maybe a -- maybe swear words.

16 Q. Do you recall any particulars?

17 A. I don't. Probably the F word.

18 Q. Did you ever experience or
19 observe Stephanie Benton yelling at any
20 staff members?

21 A. Not that I can recall.

22 Q. Did you ever experience or
23 observe Rich Azzopardi yelling at any
24 staff members?

25 A. Not that I can recall.

1 WITNESS 5/5/2021

2 Q. Did you experience or observe
3 Peter Ajemian yelling at any staff
4 members?

5 A. I did not.

6 Q. Other than what you just
7 described from Ms. Lever and Ms. Walsh
8 have any other staff members complained to
9 you or in your presence about how they
10 were treated by anyone else on the senior
11 staff?

12 A. I think Andrew Ball, Melissa.
13 He complained to me about Melissa.

14 Q. What did he say to you about Ms.
15 DeRosa?

16 A. He said she could be harsh.

17 Q. Anything else?

18 A. Not that I can remember.

19 Q. Did you ever see anyone other
20 than the Governor throw something at an
21 employee?

22 A. No.

23 Q. Did you ever hear about
24 anyone -- you know, the Governor or anyone
25 else throwing anything at anybody?

1 WITNESS 5/5/2021

2 A. Not that I remember.

3 Q. Were you aware of any incidents
4 of harassment or bullying or abusive
5 behavior by one staff toward another?

6 A. I was not aware of that.

7 Q. I want to talk a little bit
8 about Ms. Boylan. Did you
9 interact -- other than you mentioning
10 being on some flights with Ms. Boylan did
11 you interact with Lindsey Boylan during
12 the time you were both in the chambers?

13 A. Yes, we worked on policy
14 announcements together.

15 Q. What was your relationship with
16 Ms. Boylan like?

17 A. It was collegial, friendly in
18 the office.

19 Q. Did you ever have any issues
20 with how she treated you?

21 A. No.

22 Q. Where was Ms. Boylan located
23 relative to your location?

24 A. At the time we were travelling
25 between New York City and Albany. I don't

1 WITNESS 5/5/2021

2 recall where her office was in New York
3 City. I think in Albany we all sat on
4 different places on the second floor.

5 Q. What were her responsibilities
6 when the two of you overlapped?

7 A. She was doing economic
8 development policy and I did press so...

9 Q. Do you know who Ms. Boylan
10 interacted with the most in the Executive
11 Chamber?

12 A. I don't know.

13 Q. How did you -- did you hear
14 about how Ms. Boylan got along with other
15 people in the Executive Chamber?

16 A. During my time in the Executive
17 Chamber I -- it seemed like she got along
18 fine with people.

19 Q. And for -- between the time that
20 you left the Chamber and Ms. Boylan's
21 recent Tweets starting December 2020 did
22 you have any communication with Ms.
23 Boylan?

24 A. I think she asked me, texted me
25 two summers ago asking for a

1 WITNESS 5/5/2021

2 recommendation for someone to do press on
3 her campaign.

4 Q. Which campaign was that of hers?

5 A. Against Jerry Adler (phonetic).

6 Q. And did you provide her a
7 recommendation?

8 A. I said that I would look into it
9 and get back to her. No one had come to
10 mind off the top of my head.

11 Q. Was this communication by phone,
12 by text?

13 A. By text.

14 MS. CLARK: And Hyatt, could you
15 pull up tab 34? I don't think we have
16 that in the binder.

17 Q. On this first page there is a
18 message. Can you describe what this is
19 about the journalists and the NDAs?

20 A. Yeah, I think Melissa sent that
21 to myself and Lis and it was -- can you
22 scroll up a little bit or scroll down or?

23 MR. KELLEHER: I didn't pull out
24 the hard copy. This is obviously a
25 document --

1 WITNESS 5/5/2021

2 THE WITNESS: No, I know what it
3 is now. I'm sorry.

4 MR. KELLEHER: Would you like me
5 to pull out the hard copy?

6 THE WITNESS: Yeah, that would
7 be helpful.

8 MR. KELLEHER: Just give me one
9 second, please. Excuse me one sec.

10 (Pause in proceedings)

11 A. So this was a text message
12 between Lindsey and Dani that Melissa sent
13 to myself and Lis Smith.

14 Q. And Melissa, is that Melissa
15 DeRosa?

16 A. Yes.

17 Q. And who's Lis?

18 A. Lis Smith, she's a consultant.
19 She and I worked together on the
20 Governor's campaign. She was our
21 consultant at that time.

22 Q. If you look at this second page
23 and so it's your understanding this was a
24 message that was sent to you, Melissa
25 DeRosa and Lis Smith or were you sending

1 WITNESS 5/5/2021

2 it to them or I'm just trying to
3 understand?

4 A. No, yeah. It's -- these are
5 from my iMessage so it's a little
6 confusing, but Melissa sent that to Lis
7 and myself and it was a conversation via
8 text message between Lindsey Boylan and
9 Dani Lever.

10 Q. And how did you get the text
11 message between Lindsey Boylan and Dani
12 Lever?

13 A. Melissa sent it to me.

14 Q. Do you know what the substance
15 of this is referring to with the NDAs and
16 [REDACTED] [REDACTED] ?

17 A. I don't know.

18 Q. Do you know any understanding as
19 to why Ms. DeRosa was sending it to you?

20 A. Yes. We had spoken on the phone
21 Dani was in possession of these text
22 messages and Melissa thought it showed
23 that Lindsey was acting erratically or in
24 a threatening matter to Dani.

25 Q. Why did she view this as a

1 WITNESS 5/5/2021

2 threat to Dani?

3 A. I think it says somewhere in
4 here. The future is coming after
5 assholes. Yeah.

6 Q. And that's a few pages down?

7 A. Yeah.

8 Q. This whole list -- this whole
9 series was a series of things that Melissa
10 DeRosa said to you and to Ms. Smith?

11 A. Yes.

12 Q. And in the middle where it says
13 Lindsey please stop contacting me. I wish
14 you well. Was that something that
15 Ms. Lever had sent to Ms. Boylan?

16 A. Yes.

17 Q. And when Ms. DeRosa said that
18 she thought that Ms. Boylan was acting
19 erratically and threatening Ms. Lever what
20 else if anything did she say?

21 A. This was just an example of that
22 type of behavior and Lindsey I think there
23 may have been another set of text
24 messages. I don't know who they were
25 between, but that also showed or

1 WITNESS 5/5/2021

2 demonstrated erratica behavior by Lindsey.

3 Q. When did Ms. DeRosa send you
4 this series of text messages?

5 A. Mid December.

6 Q. Was after Ms. Boylan had
7 Tweeted?

8 A. Yes.

9 MS. CLARK: Hyatt, if you can
10 pull up tab 35?

11 Q. And what is this series?

12 A. So at the time I had spoken to
13 Melissa, Rich and Peter about Lindsey's
14 Tweets and the Dani text messages and I
15 had been sent these text messages from a
16 former colleague over the summer which
17 also showed some strange behavior from
18 Lindsey, but had nothing do with the
19 allegations she had made towards the
20 Governor.

21 Q. Who provided you with this
22 series of text messages?

23 A. [REDACTED] .

24 Q. And when you say Melissa, Rich
25 and Peter, that's Melissa DeRosa, Rich

1 WITNESS 5/5/2021

2 Azzopardi and Peter Ajemian?

3 A. Yes.

4 Q. Then on the last page of this is
5 that you writing to the -- to the three of
6 them [REDACTED] kind of freaking so tell me
7 before you do anything with these and
8 that's in reference to the person that
9 gave you these?

10 A. Yes, he did not want to do
11 anything with the text messages and I told
12 them that explicitly.

13 Q. Looks like Mr. Ajemian says
14 don't do Clayton (phonetic). Do you know
15 what that's in reference to?

16 A. It's unrelated to this. We were
17 holding a press conference on the storm a
18 few months back and there's a Daily News
19 reporter who was going to ask a question
20 about who decided to shut down the subways
21 and we wanted to skip that reporter.

22 Q. We'll come to back to her Tweets
23 in a moment, but while you were still in
24 the Chamber, we've talked about the
25 flights, did you observe Ms. Boylan in any

1 WITNESS 5/5/2021

2 meetings with the Governor on any other
3 occasions?

4 A. Outside of the flights?

5 Q. Outside of the flights?

6 A. Yes.

7 MS. CLARK: Hyatt, you can take
8 that down. I'm sorry.

9 Q. What sort of occasions did you
10 observe Ms. Boylan interact with the
11 Governor on other occasions?

12 A. Staff or event meetings or --
13 you know, prep for events or press
14 briefings.

15 Q. Did you ever observe the
16 Governor touch Ms. Boylan or Ms. Boylan
17 touch the Governor?

18 A. No.

19 Q. Did anyone ever tell you that
20 they had observed any physical contact
21 between the Governor and Ms. Boylan?

22 A. No.

23 Q. Did you ever observe or heard of
24 any nicknames either of them had for the
25 other?

1 WITNESS 5/5/2021

2 A. No.

3 Q. Did you ever observe or hear
4 about the Governor asking Ms. Boylan
5 questions about romantic relationships?

6 A. Not that I can recall.

7 Q. Did you ever hear or hear about
8 the Governor make any comments about Ms.
9 Boylan's appearance?

10 A. Maybe that she was wearing a
11 nice dress.

12 Q. Did you ever hear of any conduct
13 by either Ms. Boylan or the Governor that
14 could be construed as sexual harassment?

15 A. I did not.

16 Q. During the time that you and Ms.
17 Boylan overlapped did you observe any
18 change in the relationship between her and
19 the Governor?

20 A. I did not.

21 Q. What did you observe of the
22 relationship they had?

23 A. It was collegial. I mean she
24 was part of senior staff and she was in
25 regular meetings.

1 WITNESS 5/5/2021

2 Q. Did you ever hear the Governor
3 make any comments or jokes to Ms. Boylan
4 about anything that wasn't work related?

5 A. I didn't.

6 Q. Now, you testified that you only
7 heard more recently about complaints about
8 made against Ms. Boylan. Were you aware
9 of any other complaints, I guess any other
10 employees about how they treated other
11 people or any discriminatory actions or
12 anything at all related to that involving
13 any employees other than Ms. Boylan either
14 while you were in the Chamber or since
15 leaving?

16 A. Not that I'm aware of.

17 Q. We'll come back to the Tweets in
18 a little bit. I'm going to talk again
19 about [REDACTED] Kaitlin. We've talked a little
20 bit about her previously. Did [REDACTED] Kaitlin
21 or anyone else tell you anything about
22 what her salary was?

23 A. No.

24 Q. Did you have any understanding
25 to how salaries were set in the Executive

1 WITNESS 5/5/2021

2 Chamber?

3 A. I did not.

4 Q. Did you have any observations
5 about how [REDACTED] Kaitlin -- strike that.

6 Did you see [REDACTED] Kaitlin and the
7 Governor together at any point?

8 A. Yes.

9 Q. In what sort of circumstances?

10 A. If I was going to his office for
11 a meeting she was staffing him at the time
12 or if she was, yeah. Just her staffing
13 him.

14 Q. And anything out of the ordinary
15 strike you in the relationship between
16 [REDACTED] Kaitlin and the Governor?

17 A. No.

18 Q. Did you ever see the Governor
19 touch [REDACTED] Kaitlin ?

20 A. No.

21 Q. Did you ever hear the Governor
22 make any jokes or talk about any nonwork
23 related things to [REDACTED] Kaitlin ?

24 A. Not that I can remember.

25 Q. Did you ever observe the

1 WITNESS 5/5/2021

2 Governor looking or leering at [REDACTED] Kaitlin 's
3 body?

4 A. No.

5 Q. Did [REDACTED] Kaitlin ever talk to you
6 about working with the Governor?

7 A. No.

8 Q. Did you ever observe any change
9 in her attitude toward the Governor or
10 working with the Governor?

11 A. I didn't, but I knew she was
12 upset about her change of position.

13 Q. And how do you know that?

14 A. She was sad.

15 Q. Did she say anything to you
16 about it?

17 A. I can't really remember anything
18 specific, but we shared an office.

19 Q. And you said that you were told
20 that she was removed from the executive
21 assistant position because it wasn't a
22 good fit. Who told you that?

23 A. I think I learned of it from
24 Jill because she was moved to my office
25 and Jill told me she would be changing

1 WITNESS 5/5/2021

2 position.

3 Q. Did Jill describe at all what
4 she meant by not a good fit?

5 A. No.

6 Q. Did anyone at any later point
7 tell you in what way [REDACTED] Kaitlin allegedly
8 was not a good fit?

9 A. No.

10 Q. After [REDACTED] Kaitlin 's Tweets which
11 we'll get to did anyone share any
12 information with you of why she was moved
13 from executive assistant to being in your
14 office?

15 A. I was just told it didn't work
16 out or it wasn't a good fit.

17 Q. Did anyone tell you why she
18 ultimately left the Executive Chamber all
19 together?

20 A. No, but I think she told me
21 during her time when we shared an office
22 that she wanted to get a position in a
23 state agency.

24 Q. Did she or anyone else tell you
25 how she came to ultimately get a position

1 WITNESS 5/5/2021

2 in a state agency?

3 A. No.

4 Q. Did you see [REDACTED] Kaitlin interact
5 with other members of the Chamber?

6 A. I believe she was friends with
7 [REDACTED] [REDACTED] and with [REDACTED] [REDACTED].

8 Q. And did you see -- was there
9 anyone that she didn't have a good
10 relationship with in the Chamber?

11 A. I don't think her and Stephanie
12 had a good relationship.

13 Q. And what's that understanding
14 based on?

15 A. Just my observations.

16 Q. What did you observe that led
17 you to believe that they didn't have a
18 good relationship?

19 A. Just that after she left the
20 position there was really no interaction
21 between them.

22 Q. Did Ms. Benton ever say anything
23 to you about her views of [REDACTED] Kaitlin ?

24 A. No.

25 Q. Did [REDACTED] Kaitlin ever say anything

1 WITNESS 5/5/2021

2 to you about how she was treated by
3 Ms. Benton?

4 A. No.

5 Q. Did you have any sense of the
6 relationship between Ms. DeRosa and
7 [REDACTED] Kaitlin ?

8 A. No.

9 Q. Did you have any sense of the
10 relationship between Ms. DesRosiers and
11 [REDACTED] Kaitlin ?

12 A. I didn't.

13 Q. Do you have any sense of the
14 relationship between Ms. Walsh and
15 [REDACTED] Kaitlin ?

16 A. No.

17 Q. Do you know if [REDACTED] Kaitlin and
18 Ms. Lever interacted?

19 A. I don't believe they did.

20 Q. Ms. Lever ever share with you
21 anything about her relationship with
22 [REDACTED] Kaitlin ?

23 A. Nothing that I can recall.

24 Q. And I can't recall if I asked
25 you this before so sorry if I did, were

1 WITNESS 5/5/2021

2 you present when [REDACTED] Kaitlin traveled with
3 the Governor?

4 A. I don't know. I can remember
5 coming back from an event with her without
6 the Governor, but I can't remember if I
7 traveled with her with the Governor.

8 Q. Did anyone ever tell you that
9 Jill DesRosiers had anything to do with
10 Kaitlin [REDACTED] moving to [REDACTED] (phonetic
11 throughout)?

12 A. No.

13 Q. Did anyone ever tell you that
14 [REDACTED] Kaitlin shared any information with
15 anyone at [REDACTED] about her time in the
16 Chambers?

17 A. Can you repeat the question?

18 Q. Sure. Did anyone ever tell you
19 that [REDACTED] Kaitlin shared with her new
20 colleagues at [REDACTED] anything about her
21 experiences in the Executive Chamber?

22 A. I was told in December or in the
23 past few months that she had given a
24 statement to folks at [REDACTED] about her
25 time in the Executive Chamber, but that is

1 WITNESS 5/5/2021

2 all I know about that.

3 Q. Who told you that?

4 A. Rich Azzopardi.

5 Q. What did he tell you about it?

6 A. That she had given a statement
7 to folks at [REDACTED] about her time in the
8 Chamber.

9 Q. Did Mr. Rich Azzopardi tell you
10 how he learned of it?

11 A. He didn't.

12 Q. Did he tell you what she said
13 about her time in the Chambers in that
14 statement?

15 A. No.

16 Q. Did he tell you what he thought
17 the significance was of her telling people
18 at [REDACTED] about her time in the Executive
19 Chamber?

20 A. He did not.

21 Q. Did he tell you how it came
22 about that she gave a statement to the
23 people at [REDACTED] about her time in the
24 Executive Chamber?

25 A. She did not or I'm sorry. He

1 WITNESS 5/5/2021

2 did not.

3 MS. CLARK: Hyatt, if you
4 could...

5 Q. Earlier you testified that there
6 was a time when you saw the Governor touch
7 a woman when he was comforting her about
8 being upset about the flood. We're going
9 to show you a photo and ask you if this
10 person looks familiar to you so...

11 MS. KENNEDY PARK: Before you
12 bring that up. WITNESS 5/5/2021, this
13 conversation with Rich -- Mr.
14 Azzopardi about Kaitlin [REDACTED] when did
15 that take place?

16 THE WITNESS: I would say it was
17 December, January or February.

18 MS. KENNEDY PARK: And how did
19 that conversation come about?

20 THE WITNESS: Rich knew that I
21 had made a phone call to Kaitlin [REDACTED]
22 and he brought it up in that context.

23 MS. KENNEDY PARK: Okay. We'll
24 circle back to that. Thanks, Hyatt.

25 MS. CLARK: You can scroll down,

1 WITNESS 5/5/2021

2 Hyatt, because that one is a little
3 blurry.

4 Q. Does this woman look familiar at
5 all to you?

6 A. Yes.

7 Q. And who is this or who do you
8 understand this to be?

9 A. This is a homeowner in the
10 Finger Lakes, but I would clarify this is
11 not the woman I was referring to.

12 MS. CLARK: You can take that
13 down, Hyatt.

14 Q. Do you know this woman -- how do
15 you know who this woman is?

16 A. It was reported in the press. I
17 also believe I was travelling with the
18 Governor that day that he interacted with
19 this woman.

20 Q. Do you recall anything about his
21 interactions with that woman that day?

22 A. I remember touring the home and
23 that's it.

24 Q. Do you recall witnessing the
25 Governor touch or kiss the woman in the

1 WITNESS 5/5/2021

2 Finger Lakes?

3 A. I was with him the whole time.
4 I'm sure it happened. I don't have any
5 specific memory of the interaction.

6 Q. Do you recall calling or being
7 instructed to call that woman after that
8 and inviting her to any events?

9 A. No.

10 Q. Were you at all involved in
11 sending a photo of this woman and the
12 Governor to her?

13 A. No.

14 MS. KENNEDY PARK: Have you
15 spoken to anybody in the Executive
16 Chamber about recognizing that -- that
17 woman or remember being at that event?

18 THE WITNESS: Not during my time
19 and not since the flood.

20 MS. KENNEDY PARK: Ever?

21 THE WITNESS: No.

22 MS. KENNEDY PARK: Okay.

23 Q. After that woman and --

24 THE WITNESS: Actually, let
25 me -- can I rephrase my answer?

1 WITNESS 5/5/2021

2 MS. KENNEDY PARK: Sure.

3 THE WITNESS: Peter Ajemian
4 mentioned it to me in the last few
5 months when the allegations came out
6 and told me I was with the Governor
7 when that happened.

8 Q. Did you tell him whether you had
9 any recollection of it?

10 A. I didn't have any specific
11 recollection. I remember travelling to
12 Greece or -- you know, Finger Lakes with
13 the Governor for flood-related events at
14 the time.

15 Q. Did Mr. Ajemian ask you any
16 questions about what you recall or
17 observed?

18 A. No.

19 Q. Let's turn to December of 2020.
20 How did you first learn that Ms. Boylan
21 was making allegations of harassment
22 relating to the Governor?

23 A. She Tweeted them.

24 Q. And how did you become aware of
25 the Tweets?

1 WITNESS 5/5/2021

2 A. They were picked up by the press
3 very quickly.

4 Q. Why don't you turn to tab 20.
5 I'm sorry. Exhibit Q. And are these the
6 first Tweets that you -- that you're
7 referring to?

8 A. Yes.

9 Q. And you said the press picked
10 them up pretty quickly. Did you read
11 about them in the press or hear about them
12 from reporters or something else?

13 A. I read about them on Twitter,
14 heard about the stories and probably was
15 contacted by a reporter.

16 Q. Do you recall any reporters
17 contacting you about it?

18 A. Yes. The Wall Street Journal
19 Jimmy Vielkind and Andrew Siff of NBC TV
20 and those were phone calls.

21 Q. What did they say to you when
22 they called you?

23 A. They just asked me about the
24 Tweets and -- you know, what the deal is.

25 Q. What, if anything did you say to

1 WITNESS 5/5/2021

2 them?

3 A. I spoke to them off the record
4 and I said I didn't know anything about
5 the Tweets and -- you know, I didn't know
6 anything about it.

7 Q. Now, between September 2018 when
8 Ms. Boylan left the Chamber and December
9 2020 other than the text about whether you
10 can recommend a press secretary for her
11 did you have any communications with Ms.
12 Boylan?

13 A. She sent me some direct messages
14 on Twitter and that is the only other
15 communication I've had with her and I did
16 not respond to those.

17 Q. After Ms. Boylan -- at a later
18 point Ms. Boylan provided some more
19 detail; is that correct?

20 A. Yes.

21 Q. Now, one of the things she
22 mentioned was an event at Madison Square
23 Garden on January 6, 2016 where she
24 described meeting the Governor. Were you
25 present for that event?

1 WITNESS 5/5/2021

2 A. I believe so, yes.

3 Q. Did you observe anything about
4 the interactions between the Ms. Boylan
5 and the Governor at that event?

6 A. I don't recall anything about
7 it.

8 Q. Were you present at the
9 December 2016 holiday party in Albany?
10 Sorry, what was that?

11 A. Was it in Albany?

12 Q. In Albany.

13 A. I believe so, yes.

14 Q. Did you observe or did you hear
15 about Ms. Boylan getting a tour of the
16 Governor's Albany office during that
17 holiday party?

18 A. I did not.

19 Q. Did you ever hear the Governor
20 call Ms. Boylan Lisa or refer to her -- to
21 Ms. Boylan as a better looking version of
22 an ex-girlfriend?

23 A. No.

24 Q. Were you aware of the Governor
25 ever dating somebody named Lisa?

1 WITNESS 5/5/2021

2 A. I was not.

3 Q. Did you go to -- on any of the
4 trips to Puerto Rico following Hurricane
5 Maria?

6 A. Yes, one trip.

7 Q. Was Ms. Boylan on that trip?

8 A. I honestly don't remember.

9 Q. After you saw the Tweets and got
10 the calls from the reporters or in the
11 midst of that what's the first time you
12 spoke to anyone who was currently or
13 previously in the Executive Chamber about
14 Ms. Boylan's Tweets?

15 A. I believe Ms. DeRosa called me
16 one evening and just wanted to get my take
17 on how the press coverage was.

18 Q. And what did you tell her?

19 A. The press coverage was not
20 great.

21 Q. What else did you and Ms. DeRosa
22 discuss?

23 A. Really just the fact that
24 Lindsey was alleging these things and that
25 everybody was picking it up and I can't

1 WITNESS 5/5/2021

2 recall if it was the first day that she
3 Tweeted these things or shortly after
4 that, but that was the substance of the
5 conversation.

6 Q. So you recall this conversation
7 being in the fairly early days of the
8 Tweets?

9 A. Yeah.

10 Q. How long was your conversation
11 with Ms. DeRosa?

12 A. A few minutes.

13 Q. Did she ask you to do anything?

14 A. Not at that time. I think we
15 also talked about -- you know, if the
16 Governor -- the Governor I believe had not
17 yet addressed the press and just -- you
18 know, planned to address the press and how
19 to handle it.

20 Q. Do you recall any of the
21 specifics of what you discussed about how
22 the Governor should address the press?

23 A. I had recommended he do it soon
24 and -- you know, we had also just talked
25 about him simply saying these things

1 WITNESS 5/5/2021

2 didn't happen or were untrue.

3 Q. And did you have any firsthand
4 knowledge as to whether these things were
5 true or not?

6 A. Can you rephrase the question?

7 Q. Sure. At the time that you Ms.
8 DeRosa were talking about having the
9 Governor just tell the press these things
10 weren't true did you have a basis for
11 knowing whether or not they were true?

12 A. I believe she had said the
13 Governor sexually harassed her for years
14 and I had no knowledge that those were
15 accurate and Melissa had told me they were
16 inaccurate.

17 Q. Did Melissa tell you her basis
18 for saying that the allegations were
19 inaccurate?

20 A. Not at that time.

21 Q. What was the next communication
22 you had with anyone who was a current or
23 former member of the Executive Chamber
24 about Ms. Boylan?

25 A. To the best of my knowledge I

1 WITNESS 5/5/2021

2 think Rich and Melissa and Peter called me
3 one evening and this may have been the
4 same day that she posted the Tweets and
5 they were discussing again how to respond
6 to the Tweets.

7 Q. Was this in December or later?

8 A. December.

9 Q. How long was this call?

10 A. Probably ten minutes. We hung
11 up for a little bit and then we talked
12 again for probably another five minutes.

13 Q. And what -- do you recall any of
14 the specifics that anybody said on those
15 two calls?

16 A. I think the specifics were one,
17 they had -- they were talking about
18 leaking the personnel file to reporters
19 and two, the text messages that Dani had
20 sent to Melissa that Melissa had sent to
21 myself and Lis and those texts were
22 demonstrating Lindsey behaving erratically
23 or threatening Dani and what to do with
24 those things.

25 Q. And who on the call was in favor

1 WITNESS 5/5/2021

2 of leaking Ms. Boylan's personnel file?

3 A. I think they had already given
4 it to the New York Post at that time and
5 the conversation was around giving it to
6 other outlets.

7 Q. Did they tell you what was in
8 the personnel file?

9 A. No.

10 Q. Did they tell you why they had
11 decided to leak parts of Ms. Boylan's
12 personnel file to the press?

13 A. Actually, let me rephrase that
14 answer. I was told that there were
15 discrimination complaints against Ms.
16 Boylan from former employees around the
17 time that she was leaving.

18 Q. And it's your understanding that
19 that's what was leaked to the Post and
20 they were talking about leaking it to
21 other reporters?

22 A. Yes.

23 Q. Did anyone on the call say why
24 they had leaked those complaints to the
25 Post and were talking about leaking to

1 WITNESS 5/5/2021

2 others?

3 A. Because it showed that she had
4 left the Chamber under less than favorable
5 circumstances.

6 Q. And did you give your opinion
7 about leaking the complaint about Ms.
8 Boylan to the press?

9 A. I did. I thought they should be
10 leaked as well.

11 Q. Why did you think they should be
12 leaked?

13 A. I also agreed that it showed she
14 had left the Chamber under less than
15 favorable circumstances.

16 Q. Did anyone on the call discuss
17 that the complaints were things that had
18 up until that point been kept
19 confidential?

20 A. We did not.

21 Q. Did anyone on the call discuss
22 that the documents relating to them were
23 drafted by lawyers and should be treated
24 as attorney work product up until that
25 point?

1 WITNESS 5/5/2021

2 A. I was not told that, no.

3 Q. Did anybody on the call discuss
4 whether leaking previously unknown
5 complaints about Ms. Boylan to the press
6 could be considered retaliation?

7 A. We did not discuss that.

8 Q. Anything else said by you or
9 anyone else on the call about leaking the
10 complaint about Ms. Boylan to the press?

11 A. No, I think I covered it.

12 Q. Did anyone on the call say
13 whether they discussed with the Governor
14 leaking these complaints about Ms. Boylan
15 to the press?

16 A. No one said that.

17 Q. Did anyone say whether they told
18 the Governor they had or were going to do
19 this?

20 A. No one said that on the call.

21 Q. In your experience working with
22 the Governor how involved was he in
23 deciding what sensitive information to
24 disclose to the press?

25 A. Fairly involved.

1 WITNESS 5/5/2021

2 Q. During your time working in the
3 press office did Ms. DeRosa ever leak
4 information to the press -- sensitive
5 information to the press without letting
6 the Governor know about it and getting his
7 approval?

8 A. Potentially, but I don't know
9 any specifics -- you know, or I can't
10 recall any specifics either way.

11 Q. And getting back to the call you
12 had with Ms. DeRosa, Mr. Azzopardi and
13 Mr. Ajemian what was the discussion about
14 leaking the text messages between Ms.
15 Boylan and Ms. Lever?

16 A. Melissa was in favor of getting
17 a reporter to write about the threatening
18 text messages. I sort of said I don't
19 think there's any there there (sic) and
20 she wanted to get Lis's opinion and we
21 conferenced in Lis Smith. She said she
22 also didn't think there was much there in
23 terms of the text messages.

24 Q. And was there any discussion
25 with Ms. Smith about the leaking of the

1 WITNESS 5/5/2021

2 complaints about Ms. Boylan when she was
3 still an employee?

4 A. I believe she -- I believe there
5 was a conversation where Lis agreed that
6 the files should be in the stories, yes.

7 Q. On the calls was there any
8 discussion about which other reporters to
9 send the complaint to?

10 A. I think the conversation was it
11 should just be in all the stories.

12 Q. And was there any discussion as
13 to who was going to provide the
14 information to the reporters?

15 A. There wasn't, but it was not
16 going to be anybody else outside of the
17 Chamber was my understanding.

18 Q. Anything else about that
19 conversation that you recall?

20 A. That was really the substance.

21 Q. What was the next conversation
22 you had with anyone who was a current or
23 former member of the Chamber about Ms.
24 Boylan?

25 A. Probably Melissa checking in to

1 WITNESS 5/5/2021

2 see -- you know, how the coverage was
3 going or how the Governor's response was.

4 Q. When was that?

5 A. Probably a day or two after
6 that.

7 Q. What did you say to her?

8 A. In regards to the coverage that
9 the coverage was not great and in regards
10 to his response I think he handled the
11 press well.

12 Q. Anything else said by you and
13 Ms. DeRosa on that call?

14 A. There were multiple phone calls
15 with Melissa so I'm not exactly sure of
16 the chronology. At one point she had also
17 asked me to call Kaitlin [REDACTED]

18 Q. We'll come to [REDACTED] Kaitlin in a
19 minute. At any point did anyone have any
20 conversations with you about a letter that
21 would be attacking Ms. Boylan that current
22 or former employees would sign onto?

23 A. No.

24 Q. At any point were you involved
25 in any discussions about getting current

1 WITNESS 5/5/2021

2 or former employees to sign onto a letter
3 in support of the Governor in response to
4 allegations of harassment?

5 A. Yes.

6 Q. And who -- who spoke to you
7 about that?

8 A. Stephanie Benton.

9 Q. When did she speak to you about
10 that?

11 A. In mid December.

12 Q. And what did Ms.
13 Benton -- describe -- was anyone else on
14 that call?

15 A. It was just Stephanie and I.

16 Q. And how long was that call?

17 A. A few minutes.

18 Q. What did you say and what did
19 she say?

20 A. She read me a relatively short
21 statement about the Governor advancing
22 women's rights in his administration and
23 promoting women and she read it to me and
24 it seemed fine and I said she could put my
25 name on it and then after that I texted

1 WITNESS 5/5/2021

2 her and asked her to send me the draft.

3 Q. Did she send you a draft of
4 that?

5 A. No.

6 Q. Did she tell you who else had
7 agreed to sign onto the letter or
8 statement?

9 A. I don't remember.

10 Q. Did she ask you who else she
11 should ask to sign onto the statement?

12 A. She did not.

13 Q. Did she ask you to reach out to
14 anyone to ask them to sign onto the
15 statement?

16 A. She did not.

17 Q. Other than -- did you have any
18 other conversations with Ms. Benton about
19 Ms. Boylan's allegations?

20 A. I didn't.

21 MS. KENNEDY PARK: Did Ms.
22 Benton tell you why she wasn't sending
23 you the draft letter?

24 THE WITNESS: No.

25 Q. How many conversations did you

1 WITNESS 5/5/2021

2 have with Ms. DeRosa about Ms. Boylan's
3 allegations?

4 A. Probably around ten, maybe a
5 dozen.

6 Q. And they started sometime in
7 December. How long did they go on for?

8 A. Probably until late February.

9 Q. Were any of them after Ms.
10 Boylan had published her piece in Medium
11 providing the details?

12 A. Yes. Maybe more than a dozen.

13 Q. Were there any cause where
14 anyone other than Ms. DeRosa was on the
15 calls between the two of you?

16 A. Yes. There was the call with
17 Rich and Peter, there was one call with
18 Dani and myself and her. There was
19 another call with Dani, Rich, Peter,
20 Howard Zemsky, John Maggiore and Judy
21 Mogul, probably just her and Rich again.
22 I think those are the conversations.

23 Q. The conversation that was you,
24 Mr. DeRosa and Dani Lever when was that?

25 A. It may have been in February. I

1 WITNESS 5/5/2021

2 was on the phone with Dani and Melissa
3 called me and we all just got on the
4 phone.

5 Q. What did he each of you say on
6 that call?

7 A. I think it was about --
8 apologies. I forget when the op-ed was
9 published on Medium. I think it was about
10 that op-ed and some of the allegations
11 from Lindsey and what reporters were
12 writing.

13 Q. Do you recall any of the
14 specifics that any of you said?

15 A. Yeah, I think I had brought up
16 the flowers as we all received flowers and
17 -- you know, I thought it was a nice
18 gesture at the time. I can't
19 remember -- I can't really recall what
20 Melissa said. Dani agreed with me about
21 flowers and so did Melissa. I don't
22 remember exactly what they said.

23 Q. Do you recall any other specific
24 allegations during the call?

25 A. Not really. I think Melissa --

1 WITNESS 5/5/2021

2 you know, asked what we were hearing from
3 reporters. She asked Dani and I to speak
4 to the Times and I told her that I
5 received a call from the Wall Street
6 Journal and from NBC.

7 Q. Did she tell you what you should
8 say to the press?

9 A. She said -- you know, push back
10 if you can and -- you know, I said the
11 flowers thing and that was really the
12 substance of the conversation.

13 Q. And thereafter did you speak to
14 reporters about the allegations?

15 A. I spoke to the Wall Street
16 Journal and NBC, but I can't recall if I
17 spoke to them before I spoke to her or
18 after. I think I spoke to them before and
19 then she had asked to call the Times. I
20 did not call the Times.

21 Q. What did you say to the Wall
22 Street Journal and to NBC?

23 A. To NBC I just said -- you know,
24 strange times, I don't -- you know, I
25 can't really speak to anything other than

1 WITNESS 5/5/2021

2 plane allegation which I've already
3 addressed pubically. To the Wall Street
4 Journal I said the thing about the flowers
5 and how I thought it was a nice gesture
6 for people who were working very hard and
7 sacrificing time away from their families
8 in Albany and how I think it was strange
9 to take it any other way. That was really
10 the substance. I think the Wall Street
11 Journal asked me about allegations that
12 she had gone crazy or something like that
13 and I said I couldn't really speak to
14 that. I wasn't really at the Chamber
15 during that time.

16 Q. Did the reporter from the Wall
17 Street Journal say where he'd heard about
18 Ms. Boylan going crazy?

19 A. He said he had spoken to Melissa
20 about it.

21 Q. And did you -- did Ms. DeRosa
22 tell you that she was going to tell people
23 from the press that Ms. Boylan had gone
24 crazy or something along those lines?

25 A. Can I speak to my attorney for a

1 WITNESS 5/5/2021

2 second?

3 Q. Does this relate to a privilege
4 issue?

5 MR. KELLEHER: It may. Just
6 give me us a couple of minutes?

7 MS. CLARK: If it relates to
8 privilege. If it's anything else
9 please just cut it off and get back to
10 me.

11 MR. KELLEHER: Well, I
12 understand. It's -- until I know
13 exactly what she wants to talk to me
14 about I can't -- I need to speak to
15 her first.

16 MS. CLARK: Okay.

17 THE VIDEOGRAPHER: Counselor,
18 should I take us off the record?

19 MR. KELLEHER: You don't have to
20 take us off the record. We're just
21 going to mute and we're going to step
22 away for two seconds, okay, from the
23 camera.

24 A. I just wanted to clarify that my
25 conversation with the Wall Street Journal

1 WITNESS 5/5/2021

2 was off the record both between myself and
3 the reporter. And when he told me about
4 his conversation with Melissa it was off
5 the record.

6 Q. I understand journalistic
7 circles. When you're under subpoena it's
8 a little bit different so --

9 A. Absolutely.

10 Q. I think I've been asking you did
11 Ms. DeRosa tell you she was going to share
12 with the press that Ms. Boylan had gone
13 crazy or words to that effect?

14 A. I think she told me she was
15 sharing -- you know, damaging information
16 about Ms. Boylan, but the specifics I
17 can't -- I don't know.

18 Q. And at any point did you and Ms.
19 DeRosa discuss whether providing the press
20 with damaging information about Ms. Boylan
21 could constitute retaliation?

22 A. We did not.

23 Q. You described a conversation
24 with you and Ms. DeRosa and numerous other
25 people. I'm not sure I got all the names

1 WITNESS 5/5/2021

2 down. When was that conversation?

3 A. The conversation I believe
4 you're referencing Melissa, Dani, Howard
5 Zemsky, John Maggiore, Judy Mogul that the
6 Medium op-ed that was published and that
7 the statement was put out around the
8 allegations on the plane.

9 Q. Was the subject of this
10 statement that you agreed to have your
11 name attached to?

12 A. Yes.

13 Q. And why don't I call it up in a
14 second. Hold on.

15 MR. KELLEHER: And Anne, I'm
16 going to mute you for one second.
17 Okay? Just very briefly before you
18 get to your next question, Anne, we
19 can -- my client can reschedule what
20 she needed to do at 4:00. However
21 she's got a 5:00 that she's got to be
22 on.

23 MS. CLARK: Okay.

24 MR. KELLEHER: Okay. So --

25 MS. CLARK: We appreciate that.

1 WITNESS 5/5/2021

2 MR. KELLEHER: -- I wanted to
3 give you a little heads up from a
4 timing perspective and I guess when we
5 take our break when we have to change
6 the video we can see how much more you
7 have and that will give her an
8 opportunity to reschedule before.

9 MS. CLARK: Okay.

10 MR. KELLEHER: Okay?

11 Q. If you could turn to Exhibit L.

12 A. Yeah.

13 Q. And is this the statements that
14 came out in response to Ms. -- that was
15 issued in response to Ms. Boylan's
16 allegations with regard to the plane?

17 A. Yes.

18 Q. And was this call with you, Ms.
19 DeRosa, John Maggiore, Howard Zemsky, Dani
20 Lever, Judy Mogul is that the first time
21 you -- anyone talk to you about issuing a
22 statement in response?

23 A. Yeah.

24 Q. Why don't you walk us through
25 what was discussed in this call by

1 WITNESS 5/5/2021

2 everybody?

3 A. The op-ed had just come out. I
4 was not aware that it was out, received a
5 call, folks were conferenced in and we
6 were specifically asked about the
7 allegation of the strip poker being said
8 to Lindsey on the plane by the Governor.
9 None of us had a recollection that that
10 had happened and we were asked if we were
11 okay with putting our names on a
12 statement.

13 Q. Who was it who placed the call
14 to you?

15 A. Melissa DeRosa.

16 Q. Was it Melissa DeRosa who asked
17 if it was okay to have your name placed on
18 the statement?

19 A. I believe so.

20 Q. Did you agree in that call to
21 have your name placed on the statement?

22 A. I did.

23 Q. Did anyone on the call express
24 any hesitation about putting their name on
25 the statement?

1 WITNESS 5/5/2021

2 A. There was not hesitation. I
3 think there was discussion over the
4 phrasing.

5 Q. What discussion do you recall
6 over the phrasing?

7 A. Dani was in favor of saying none
8 of us recollected this conversation
9 happening on the flights.

10 Q. Would it have been possible for
11 any conversation to happen on a flight
12 that was not overheard by other people on
13 the same flight?

14 A. I think it would be difficult,
15 but it's a possibility, yes.

16 Q. Was there any discussion about
17 that on this group call?

18 A. No.

19 Q. How long was this group call?

20 A. There were two or three calls.
21 They each lasted a couple minutes.

22 Q. Was everybody on all of the
23 calls?

24 A. I think Judith Mogul was
25 conferenced in. I don't think she was on

1 WITNESS 5/5/2021

2 all of the calls and I'm not sure that
3 Howard Zemsky was on all of the calls.

4 Q. If you turn to Exhibit M it's
5 the press release including like the
6 flight schedule. Was that shared with you
7 before -- the flight schedule shared with
8 you before you were asked to -- agreed to
9 have your name attached to the statement?

10 A. It was read to me over the
11 phone.

12 Q. And did you discuss with anyone
13 other than on this group call whether you
14 would agree to put your name on this
15 statement?

16 MR. KELLEHER: Sorry. Can you
17 repeat that question? I didn't --

18 MS. CLARK: Sure.

19 Q. Other than in this group call
20 did you talk to anyone outside of the
21 group call about whether you should put
22 your name on this -- agree to have your
23 name put on this statement?

24 A. I think I may have mentioned it
25 to my colleague Ken Lovett, but I didn't

1 WITNESS 5/5/2021

2 ask his opinion. I just told him it was
3 happening.

4 Q. Where was Mr. Lovett? I know
5 you said he had been at the Daily News
6 before. Was he still at the Daily News
7 when you shared this with him?

8 A. No, he works with me at the MTA.

9 Q. Did you tell anyone else at the
10 MTA that you were going to agree to have
11 your name attached to this statement?

12 A. I told our CEO before it came
13 out so that he was aware.

14 Q. Did he have any interaction to
15 that?

16 A. Not that he told me.

17 Q. You also said there was another
18 call with you Ms. DeRosa and
19 Mr. Azzopardi, when was that?

20 A. Either in December or February
21 probably.

22 Q. And what was the subject of that
23 conversation?

24 A. Again, the press around the
25 sexual harassment claims.

1 WITNESS 5/5/2021

2 Q. And do you recall anything
3 specifically that was said in that call?

4 A. Just what reporters were saying
5 or what the coverage was. That's what I
6 can remember.

7 Q. Do you recall what anyone said
8 about what the reporters were saying or
9 about what the coverage was?

10 A. I think -- I think it was that
11 the coverage was what it was and that some
12 of the reporters did not believe Lindsey's
13 allegations.

14 Q. Did any reporters tell you they
15 didn't believe Lindsey's allegations?

16 A. No one said that to me directly,
17 no.

18 Q. After Ms. Boylan went public
19 with her allegations with the Governor did
20 you have any communications with her?

21 A. Other than the direct messages
22 she sent me on Twitter, no.

23 MS. CLARK: And Hyatt, could you
24 put up tab 38 just so we make sure
25 we're talking about the same thing?

1 WITNESS 5/5/2021

2 Q. Is this the direct message
3 you're talking about?

4 A. Yes.

5 MS. CLARK: You can take that
6 down, Hyatt.

7 Q. Did you ever speak to anyone in
8 the Executive Chamber other than what you
9 already testified to about whether any of
10 the other allegations made by Ms. Boylan
11 were true?

12 A. Can you repeat the question?

13 Q. Sure. Other than conversations
14 you've already gone through did you have
15 discussions with anyone else in the
16 Executive Chamber about whether any of the
17 allegations Ms. Boylan made were true?

18 A. No.

19 Q. Now, you mentioned that in one
20 conversation Ms. DeRosa talked to you
21 about you calling Kaitlin [REDACTED]; is that
22 correct?

23 A. Yes.

24 Q. When was that?

25 A. Shortly after Lindsey first

1 WITNESS 5/5/2021

2 Tweeted about the allegations against the
3 Governor.

4 Q. And describe to me what the
5 discussion was.

6 A. Melissa called me and asked me
7 about Kaitlin [REDACTED] and her position in
8 the Chamber and what went on really was
9 trying to get an understanding about why
10 that was Tweeted and who she was.

11 Q. When you say why that was
12 Tweeted what you are referring to?

13 A. Kaitlin [REDACTED] had Tweeted in
14 response to Lindsey's allegations that --
15 encouraging Lindsey to keep talking and
16 saying men like the Governor shouldn't be
17 in power.

18 Q. Had you seen those Tweets before
19 Ms. DeRosa reached out to you?

20 A. I had not.

21 Q. Did she share those Tweets with
22 you?

23 A. Yes.

24 Q. In what manner did she share the
25 Tweets with you?

1 WITNESS 5/5/2021

2 A. She texted them to me.
3 Texted -- I think it was one Tweet she
4 texted to me.

5 Q. When Ms. DeRosa first asked you
6 about [REDACTED] Kaitlin what did you tell her
7 about her?

8 A. She knew that we had shared an
9 office and I said that Kaitlin was sort of
10 unceremoniously turned out of the
11 executive assistant position and given a
12 position as a policy advisor and moved to
13 my office.

14 Q. Did Ms. DeRosa say anything
15 about [REDACTED] Kaitlin 's removal from the
16 executive assistant position?

17 A. No, she did not seem to know a
18 lot about it.

19 Q. If you can look at Exhibit R I
20 just want to make sure these are the
21 Tweets we're talking about.

22 MR. KELLEHER: There's a lot of
23 pages here, Anne. I don't know
24 which -- you want us to start in the
25 back or the front? I also think

1 WITNESS 5/5/2021

2 according to these are dated in
3 February and she's talking about
4 something that happened in December
5 unless I'm misreading that.

6 Q. Okay. Put those aside for now.
7 Ms. DeRosa you said asked you about
8 [REDACTED] Kaitlin and you told her about being
9 removed. Did -- what else if anything was
10 said by you or Ms. DeRosa in that
11 conversation?

12 A. That was really it. I just
13 explained the move and what had happened
14 and that was really it. She was just
15 looking I think for information on who
16 Kaitlin was and what had happened.

17 Q. And at that point when was the
18 last time you had had any communication
19 with [REDACTED] Kaitlin ?

20 A. Around the time we both left the
21 Chamber.

22 Q. And what was the next
23 communication you had with Ms. DeRosa
24 about [REDACTED] Kaitlin ?

25 A. She called me the next morning

1 WITNESS 5/5/2021

2 and asked me to call Kaitlin and check in.

3 Q. And did she tell you why she
4 wanted you to check in?

5 A. She was looking for information
6 about if she was working with Lindsey or
7 if she had allegations against the
8 Governor.

9 Q. Did she tell you what she wanted
10 you to ask [REDACTED] Kaitlin or find out from
11 [REDACTED] Kaitlin ?

12 A. She told me she wanted me to let
13 her know that reporters had seen the Tweet
14 and to see if Kaitlin was -- you know, had
15 experienced anything like that or
16 anything.

17 Q. Had any reporters at that point
18 asked you about the Tweets with -- by
19 [REDACTED] Kaitlin ?

20 A. They had not.

21 Q. And Ms. DeRosa told you to tell
22 [REDACTED] Kaitlin that reporters had been asking
23 about the Tweet. Did Ms. DeRosa tell you
24 whether any reporters had in fact asked
25 anyone in the Chambers about the Tweets?

1 WITNESS 5/5/2021

2 A. I'm sorry. Could you repeat the
3 question?

4 Q. You said that Ms. DeRosa told
5 you to tell [REDACTED] Kaitlin that reporters had
6 seen the Tweets, correct?

7 A. Yes.

8 Q. Did Ms. DeRosa tell you whether
9 or not in fact reporters had asked about
10 the Tweets?

11 A. I still don't -- the difference
12 between saw or asked?

13 Q. No no no. The difference
14 between she told you what to tell
15 [REDACTED] Kaitlin, do you know whether what she
16 was telling you to tell [REDACTED] Kaitlin was true
17 or not that reporters had been asking
18 about?

19 A. I don't know.

20 Q. Did you agree to reach out to
21 [REDACTED] Kaitlin?

22 A. I did after many phone calls and
23 asks from Melissa.

24 Q. Well, in the first call what did
25 you say when she asked you to reach out to

1 WITNESS 5/5/2021

2 [REDACTED] Kaitlin ?

3 A. I said, okay.

4 Q. In the first call?

5 A. I believe so.

6 Q. And did you thereafter reach out
7 to [REDACTED] Kaitlin ?

8 A. I -- it was presented to me as a
9 check-in to let her know of the reporters
10 were circulating the Tweets and so sort of
11 see what was going on. I called her. She
12 did not pick up and then I told Melissa
13 that and Melissa told me to text her.

14 Q. And did you then text her?

15 A. Yes.

16 Q. And if you could look at Exhibit
17 S are those texts between you and

18 [REDACTED] Kaitlin ?

19 A. Yes.

20 MS. KENNEDY PARK: Maybe I
21 misheard WITNESS 5/5/2021, but how
22 many times did Ms. DeRosa ask you to
23 contact [REDACTED] Kaitlin before you did?

24 THE WITNESS: I don't remember
25 if it was in the first conversation or

1 WITNESS 5/5/2021

2 not.

3 MS. KENNEDY PARK: How many
4 conversations were there before you
5 contacted [REDACTED] Kaitlin ?

6 THE WITNESS: At least one or
7 two.

8 MS. KENNEDY PARK: Okay. What
9 else did Ms. DeRosa say to you?

10 THE WITNESS: She -- we spoke
11 many times that day. She wanted me to
12 ask her -- you know, or look for
13 information about if she was working
14 with Lindsey.

15 MS. KENNEDY PARK: And what did
16 you say?

17 THE WITNESS: I said I would
18 reach out to her and see if she would
19 talk to me.

20 MS. KENNEDY PARK: Did you say
21 anything else?

22 THE WITNESS: Not that I can
23 recall.

24 MS. KENNEDY PARK: You made it
25 sound like Ms. DeRosa had to convince

1 WITNESS 5/5/2021

2 you to make this call; is that right?

3 THE WITNESS: I'm happy to walk
4 through the day. She had asked me to
5 check in with Kaitlin and to give her
6 a call and then to text her and check
7 in and let her know that the reporters
8 were circulating the Tweets and then
9 she proceeded to call me numerous
10 times that day and text me numerous
11 times that day to see if I was
12 checking in with Kaitlin or not.

13 Q. We'll go through each of those
14 in a second. When you called [REDACTED] Kaitlin
15 did you have her number?

16 A. I did not.

17 Q. How did you get her number?

18 A. Melissa sent it to me.

19 Q. Do you know where Melissa got
20 it?

21 A. I don't know.

22 Q. And so is Exhibit S represent
23 the text that you had with [REDACTED] Kaitlin ?

24 MR. KELLEHER: What's the
25 number? What's the letter?

1 WITNESS 5/5/2021

2 MS. CLARK: S. S. S as in Sam.

3 A. Yes.

4 MR. KELLEHER: I'm sorry.

5 Q. And is -- do you know what day
6 it was that you first sent -- is that your
7 first text, hey it's WITNESS 5/5/2021, I
8 assume that's your name before you got
9 married, just want to connect if you have
10 a minute. That was sent at 9:30 in the
11 morning. Do you know what day that was?

12 A. I believe it was December 17th.

13 Q. And after this exchange asking
14 if you could connect and she said she was
15 on a work call 'til 10 did you -- at what
16 point in this chain did you next speak to
17 Ms. DeRosa?

18 A. I think I told Melissa she
19 didn't seem interested in speaking with
20 me.

21 Q. When in that chain was it after
22 she said -- you know, I'm busy right now?

23 A. Yes.

24 Q. What did -- did you reach out to
25 Ms. DeRosa and tell her that or did Ms.

1 WITNESS 5/5/2021

2 DeRosa call you to find out what was going
3 on, how did that come about?

4 A. Yes, she called me to find out
5 what was going on.

6 Q. You sent this text at 9:30 in
7 the morning. Do you recall how long after
8 that that Ms. DeRosa texted you to find
9 out what was going on?

10 A. Maybe an hour or two after that.

11 Q. When you told Ms. DeRosa that
12 [REDACTED] Kaitlin didn't seem interested what was
13 her response?

14 A. You will continue to press her
15 to speak to me and for me to screen shot
16 my text messages with Kaitlin and send
17 them to her.

18 Q. What was your response to Ms.
19 DeRosa when she said that?

20 A. I said, okay. And I sent her
21 the text messages and said -- you know, I
22 can't do anything about it if she doesn't
23 want to talk to me, but I'll try again.

24 Q. Did you have any hesitation
25 about continuing to press [REDACTED] Kaitlin ?

1 WITNESS 5/5/2021

2 A. A little bit, but again, it was
3 sort of initially presented to me as a
4 check-in to let her know about the
5 reporters and the Tweets and to sort of
6 see what was going on.

7 Q. Did you have any concerns about
8 sharing the screen shots of your text
9 messages with [REDACTED] Kaitlin with Ms. DeRosa?

10 A. I didn't.

11 Q. If you flip just briefly to
12 Exhibit T are those the text messages
13 between you and Ms. DeRosa?

14 A. Yes.

15 Q. Sorry. Did you answer?

16 A. Sorry was there a question?

17 Q. I said exhibit T are those the
18 text messages between you and Ms. DeRosa
19 about [REDACTED] Kaitlin ?

20 A. Yes.

21 Q. So Ms. DeRosa told you to keep
22 trying. What did you do at that point?

23 A. Said, okay. I'll text her one
24 more time and said Melissa told me to say
25 to her I wanted to offer some specifics

1 WITNESS 5/5/2021

2 around reporters circulating the Tweets
3 and to see if she would speak to me then.

4 Q. And you -- is that when you
5 wrote just want to let you know they are
6 mentioning you are still at [REDACTED], et
7 cetera, so just flagging, hope you are
8 well. I can give you more specifics. Let
9 me know if you want me to check. I'm
10 happy any time. Is that when you wrote
11 that?

12 A. Yes.

13 Q. To your knowledge, had any
14 reporters asked any questions about [REDACTED]
15 **Kaitlin** being at [REDACTED] ?

16 A. I was told Melissa that the
17 reporters were circulating the Tweet.

18 Q. Did Ms. DeRosa tell you that
19 they were -- had connected [REDACTED] **Kaitlin** to
20 [REDACTED] ?

21 A. I don't recall.

22 Q. Did Ms. DeRosa tell you to
23 specifically mention [REDACTED] **Kaitlin** 's current
24 position at [REDACTED] in the Tweet to try to
25 get her to talk?

1 WITNESS 5/5/2021

2 A. I don't recall.

3 Q. What happened next after you
4 sent that Tweet?

5 A. After I sent the text message?

6 Q. The text message, sorry, not
7 Tweet?

8 A. To Melissa or?

9 Q. You sent it to [REDACTED] Kaitlin saying
10 that reporters were asking about her being
11 at [REDACTED], what was the next thing that
12 happened?

13 A. She said she would talk to me
14 after 5.

15 Q. Prior to her responding did you
16 have any more conversations with Ms.
17 DeRosa?

18 A. I can't recall if it was before
19 or after that.

20 Q. What's the next call you recall
21 with Ms. DeRosa?

22 A. I let Melissa know that she said
23 she would speak to me.

24 Q. And what did Ms. DeRosa say?

25 A. She said, okay, and she sort of

1 WITNESS 5/5/2021

2 said -- you know, again, let her know
3 reporters are circulating the Tweets. She
4 said something about us sharing an office
5 as a connection point and I let her know
6 that -- you know, I'd speak to her at 5
7 and circle back.

8 Q. Any other communications between
9 you and Ms. DeRosa or anyone else of --
10 between the call you just described and
11 when you called [REDACTED] Kaitlin back?

12 A. Yes. Before I was going to call
13 Kaitlin Melissa called me and again was
14 sort of talking to me about what I should
15 say and then she said hold on and she
16 conferenced in Alphonso David.

17 Q. Okay. I'm going to stop you
18 there because we're having a dispute about
19 the substance of that part of the call.
20 Before Mr. David -- what time of the day
21 was that that Ms. DeRosa called you again?

22 A. It was close to 5:00.

23 Q. During the course of this day
24 did you speak to anyone else other than
25 Ms. DeRosa or Mr. David about [REDACTED] Kaitlin ?

1 WITNESS 5/5/2021

2 A. I think I told my colleague Ken
3 Lovett that Melissa had asked me to reach
4 out.

5 Q. And what did he say?

6 A. He just sort of was like, okay.

7 Q. Did he say anything to suggest
8 to you he didn't think that was a good
9 idea or anything along those lines?

10 A. I can't remember.

11 Q. Did you have any concerns at
12 that point about calling [REDACTED] Kaitlin?

13 A. I think as Melissa became more
14 insistent on me reaching out I became
15 concerned and I don't know what I can say
16 about the...

17 Q. When Ms. DeRosa called and
18 before she patched in Mr. David what did
19 the two of you say to each other in that
20 part of the call?

21 A. I think she asked me to record
22 the call.

23 Q. And what did you say?

24 A. I was concerned about it and she
25 said it's fine and there's nothing wrong

1 WITNESS 5/5/2021

2 with that and I agreed to do it.

3 Q. At any point during the day when
4 you were talking to Ms. DeRosa when Mr.
5 David was not on the phone and you said
6 Ms. DeRosa was getting more insistent did
7 she say anything that you felt was
8 pressuring you to do this?

9 A. I think it was the volume of
10 calls and texts and checking in and asking
11 for the screen shots of my conversation
12 with her as proof that I was actually
13 doing what she'd asked me to do.

14 Q. At any point did Ms. DeRosa
15 suggest that you should do this because
16 she got you your job at the MTA or
17 anything along those lines?

18 A. She did not suggest that.

19 Q. Anything else that was said on
20 the part of the call with you and Ms.
21 DeRosa before Mr. David got on the call?

22 A. Not that I can remember.

23 Q. Prior to her patching in
24 Mr. David did Ms. DeRosa tell you why she
25 was going to patch in Mr. David?

1 WITNESS 5/5/2021

2 A. No.

3 Q. I just want to say that we are
4 having a dispute with the Executive
5 Chamber as to whether the next part of the
6 conversation is privileged or not. Based
7 on what we know about it we don't think it
8 is privileged, but because that dispute is
9 not resolved we're going to ask you not to
10 divulge what was said in that portion of
11 the question. We are going to ask some
12 questions relating to that call.

13 How -- when it was you and
14 Mr. David and Ms. DeRosa was anyone else
15 on the call?

16 A. No.

17 Q. The part of the call before
18 Mr. David got on when it was just you and
19 Ms. DeRosa how long was that part of the
20 call?

21 A. Can you repeat that?

22 Q. When it was you and Ms. DeRosa
23 on the call before she patched in
24 Mr. David how long was that part of the
25 call?

1 WITNESS 5/5/2021

2 A. A minute. We had talked many
3 times that day.

4 Q. Without disclosing what was said
5 with when Mr. David joined the call how
6 long did that part of the call last?

7 A. A few minutes.

8 Q. And prior to right before Ms.
9 DeRosa patched in Mr. David at any point
10 prior in the day did she talked about you
11 recording [REDACTED] Kaitlin ?

12 A. Just closer to the call, the
13 call before she conferenced in Alphonso.

14 Q. And when it was the two of you
15 before she conferenced in Mr. David did
16 she tell you why she wanted to you to
17 record [REDACTED] Kaitlin ?

18 A. No.

19 Q. Prior to Mr. David joining the
20 call did Ms. DeRosa give you any
21 instructions as to what you should or
22 shouldn't say in your call with [REDACTED] Kaitlin ?

23 A. Yes, she encouraged me to again,
24 talk about the reporters circulating the
25 Tweets, mention that we shared an office

1 WITNESS 5/5/2021

2 and sort of see if she was talking to any
3 reporters.

4 Q. Prior to Mr. David getting on
5 the phone in any of your conversations
6 with Ms. DeRosa that day did she talk to
7 you about trying to get [REDACTED] Kaitlin to agree
8 that there was no sexual harassment or
9 anything along those lines?

10 A. No.

11 Q. When you spoke to --

12 THE VIDEOGRAPHER: Sorry,
13 Ms. Clark. I'm sorry. I need to
14 change out the media unit. It will
15 take me less than 30 seconds.

16 MS. CLARK: Okay. Great.

17 THE VIDEOGRAPHER: Thank you.
18 Stand by. Thank you. This is the end
19 of media unit Number 3. We are now
20 off the record at 3:33 p.m.

21 (Whereupon, an off-the-record
22 discussion was held.)

23 (Whereupon, a recess was taken.)

24 THE VIDEOGRAPHER: This is media
25 unit Number 4. We are now on the

1 WITNESS 5/5/2021

2 record at 3:40 p.m. Back from break.

3 Q. We were talking about the call
4 with you, Ms. DeRosa and Mr. David before
5 the break. Were you seeking legal advice
6 from Mr. David on the call?

7 A. No.

8 Q. Did Mr. David provide you with
9 anything that you understood to be legal
10 advice on the call?

11 A. What constitutes legal advice?

12 Q. I'm trying to be careful here
13 and not get into the substance of the
14 conversation, but did he tell you anything
15 about any advice about what would or would
16 not be legal, for example, things along
17 those lines?

18 A. No.

19 Q. Did Mr. David tell you that he
20 was acting as an attorney for the
21 Executive Chamber on any part of the call?

22 A. No.

23 Q. Did Mr. David tell you that the
24 conversation was privileged or
25 confidential or not to share it with

1 WITNESS 5/5/2021

2 anyone else?

3 A. I don't recall that.

4 Q. Other than discussions with your
5 lawyer have you conveyed the substance of
6 the conversation that you had with Mr.
7 David and Ms. DeRosa to anyone else?

8 A. Other than my husband I don't
9 believe so.

10 Q. Without getting into the detail
11 can you tell me what the general subject
12 matter was of the conversation with you
13 Ms. DeRosa and Mr. David?

14 A. Can you repeat that question?

15 Q. I don't want the detail of what
16 was discussed, but can you tell me what
17 the general topic was of the conversation
18 you had with Ms. DeRosa and Mr. David?

19 MR. KELLEHER: Anne, in light of
20 the fact that they're claiming
21 privilege I'm going to pause right now
22 so she can answer this without future
23 problems.

24 A. He was preparing me to have a
25 conversation with Kaitlin.

1 WITNESS 5/5/2021

2 Q. Did you have any understanding
3 as to the purpose of you calling [REDACTED] Kaitlin
4 and recording the call?

5 A. Again to see if she was working
6 with Ms. Boylan or talking to reporters
7 was my knowledge of the reason for the
8 call.

9 Q. And prior to this call had you
10 spoken to anyone else about recording a
11 call with [REDACTED] Kaitlin ?

12 A. No.

13 Q. How long after the call you had
14 with Ms. DeRosa and Mr. David did you call
15 [REDACTED] Kaitlin ?

16 A. Probably like 15 or 20 minutes
17 after that.

18 Q. In between the time you spoke to
19 Ms. DeRosa and Mr. David and the time you
20 called [REDACTED] Kaitlin did you talk to anyone
21 else about the call?

22 A. I don't believe so, no.

23 Q. Including did you have any
24 further conversation with Ms. DeRosa after
25 you had the joint call with her and Mr.

1 WITNESS 5/5/2021

2 David?

3 A. No, they -- Melissa told me to
4 call her after.

5 MS. CLARK: We are going to play
6 for you a recording that we got from
7 your lawyer so we can identify this
8 and it will also refresh your memory
9 about this.

10 Hyatt, fingers crossed that the
11 audio works this time. Hyatt, can you
12 play that?

13 (Whereupon, audio started
14 playing.)

15 (Whereupon, audio ended
16 playing.)

17 MS. CLARK: Okay. Hyatt, you
18 can take that down.

19 Q. Is that the recording -- an
20 accurate recording of the call you had
21 with [REDACTED] Kaitlin ?

22 A. Yes.

23 Q. Is that the complete call?

24 A. Yes.

25 Q. And so am I correct that you

1 WITNESS 5/5/2021

2 didn't [REDACTED] Kaitlin you were recording the
3 call?

4 A. I did not.

5 Q. How did you record the call?

6 A. On voice memos on the iPhone.

7 Q. Did you ever delete it from your
8 phone?

9 A. I did.

10 Q. When?

11 A. I believe a few weeks or a month
12 or so after I made that phone call.

13 Q. Why did you delete it from your
14 phone?

15 A. I was embarrassed by the call.
16 I didn't think it was the right thing to
17 do and so I deleted it.

18 Q. At what point did you feel like
19 it wasn't the right thing to do?

20 A. As soon as the call was over.

21 Q. After you played -- after you
22 -- after the call was over what's the
23 first thing you did?

24 A. I called Melissa and told her
25 that I was upset about making the call,

1 WITNESS 5/5/2021

2 that I felt like it was -- I was upset
3 about making the call and I let her know
4 that.

5 Q. And you started to say you
6 thought it was, what did you tell you her
7 you thought the call was?

8 A. The thought the tone of the call
9 was like somewhat confrontational.

10 Q. What else did you tell her about
11 the call?

12 A. That was it.

13 Q. What was Ms. DeRosa's response?

14 A. She wanted me to send her the
15 recording and she said she would call me
16 back.

17 Q. Did you send her the recording?

18 A. I did.

19 Q. Other than to your lawyer and
20 through your lawyer to us and to Ms.
21 DeRosa did you send a copy of the
22 recording to anybody else?

23 A. No.

24 Q. To your knowledge, did you play
25 it for anybody else?

1 WITNESS 5/5/2021

2 A. Maybe my husband, but certainly
3 no one outside of that. Actually, I did
4 not even play it for him.

5 Q. After you -- and you then sent
6 the recording to Ms. DeRosa?

7 A. Yes.

8 Q. And after you sent the recording
9 to Ms. DeRosa what was your next
10 communication with Ms. DeRosa?

11 A. She called me and she
12 conferenced in Linda Lacewell and she
13 assured me that I had done nothing wrong.

14 Q. Did Ms. Lacewell say anything on
15 that call?

16 A. She said it was fine.

17 Q. Did Ms. DeRosa say why she was
18 conferencing in Ms. Lacewell?

19 A. I think -- can you repeat the
20 question?

21 Q. Did Ms. DeRosa say why she was
22 conferencing in Ms. Lacewell?

23 A. No.

24 Q. What else was said in that call?

25 A. Just that I did nothing wrong

1 WITNESS 5/5/2021

2 and it was fine.

3 Q. In that call at any later point
4 did Ms. DeRosa say whether she was happy
5 with what you captured on the recording?

6 A. She never said anything like
7 that.

8 Q. Did you of any subsequent
9 discussions about the recording with Ms.
10 DeRosa or anyone else?

11 A. I think Melissa had let me know
12 that -- you know, she had shown it to or
13 played it for Stephanie and for Steve
14 Cohen and they said it was fine.

15 Q. Did Ms. DeRosa tell you whether
16 she shared it or played it for anyone
17 else?

18 A. Linda had clearly heard it.

19 Q. Did Ms. DeRosa tell you whether
20 she shared it with the Governor or played
21 it for the Governor?

22 A. She did not tell me that.

23 Q. Did you have any discussions
24 with anyone about the recording?

25 A. No.

1 WITNESS 5/5/2021

2 Q. Have you of discussions with
3 anyone else in the Executive Chamber other
4 than what you already testified to about
5 Kaitlin [REDACTED] since she first Tweeted?

6 A. [REDACTED] Staffer #4 called me the same
7 day that Melissa called me at the same
8 time about Kaitlin and that Melissa was
9 looking for information about Kaitlin and
10 about that Tweet that I did not know about
11 at the time.

12 Q. What else did [REDACTED] Staffer #4 say to
13 you in that call?

14 A. He called me and said what --
15 you know, what [REDACTED] Kaitlin had Tweeted this
16 and I said why is Melissa calling me and
17 he said probably about this and I took
18 Melissa's call and I had the conversation
19 with Melissa.

20 Q. Did you speak again to [REDACTED]
21 Staffer #4?

22 A. Yes, I did.

23 Q. What happened -- what did you
24 say in the subsequent part in the
25 follow-up call?

1 WITNESS 5/5/2021

2 A. He just said that Melissa had
3 asked him and I believe Annabel and
4 Stephanie about Kaitlin and her time in
5 the Executive Chamber.

6 Q. And did he say what, if anything
7 he shared with Ms. DeRosa?

8 A. Just that I can't speak to what
9 he said to Melissa about Kaitlin [REDACTED] and
10 her time in the Executive Chamber.

11 Q. Did he share with you either
12 what he said or Ms. Benton or Ms. Walsh?

13 A. Not that I can recall.

14 Q. Did Ms. DeRosa ever share with
15 you what anyone else told her about [REDACTED]
16 [REDACTED] Kaitlin ?

17 A. I think she said that one of my
18 colleagues, I don't remember who, a
19 similar story as mine that she was sort of
20 moved positions, put in the office and
21 was -- you know, upset about it.

22 Q. Did Ms. DeRosa ever tell you
23 that she was digging up dirt or trying to
24 find dirt on [REDACTED] Kaitlin ?

25 A. No.

1 WITNESS 5/5/2021

2 Q. Did Ms. DeRosa ever share
3 anything any negative information that can
4 be shared with the press about [REDACTED] Kaitlin ?

5 A. No.

6 Q. Anyone else in the Executive
7 Chamber you discussed [REDACTED] Kaitlin with
8 after -- at any point after she Tweeted?

9 A. I believe I had a conversation
10 with Annabel about it, but again, just
11 that she had a tough -- you know, when she
12 was moved positions and into the office
13 with me.

14 Q. What, if anything did Ms. Walsh
15 say?

16 A. Her recollection was the same as
17 mine or similar.

18 Q. And in your call with [REDACTED] Kaitlin
19 at some point you talked about how it was
20 a tough place to work where expectations
21 are high, but you had never seen anything
22 like harassment. Did you expect or hope
23 that [REDACTED] Kaitlin would say she hadn't
24 experienced anything like harassment
25 either?

1 WITNESS 5/5/2021

2 A. I don't believe based on what
3 you guys have told me I can speak to this
4 part of the conversation.

5 Q. Did you think it would be
6 helpful to the Governor if [REDACTED] Kaitlin
7 agreed with your statement that it was a
8 tough place to work, but there was no
9 harassment?

10 A. Can you repeat the question?

11 Q. Sure. Did you think it would be
12 helpful to the Governor if [REDACTED] Kaitlin had
13 agreed with your statement that while it
14 was a tough place to work that there was
15 no sexual harassment in the Governor's
16 office?

17 A. That did not cross my mind.

18 Q. Now, [REDACTED] Kaitlin responded to you
19 by asking you who had reached out to you
20 specifically and you mentioned the Times
21 Union. To your knowledge did anyone at
22 the Times Union asked any questions about
23 [REDACTED] Kaitlin ?

24 A. No, but I -- my professional
25 opinion the Tweets would have been

1 WITNESS 5/5/2021

2 circulating and it would have been odd for
3 me to reach out to her if nobody had
4 reached out to me.

5 Q. So you just -- is it your
6 decision to just pick a publication to say
7 that it had reached out?

8 A. I was aware that the Times Union
9 was working on a story about women working
10 in the Executive Chamber.

11 Q. But to your knowledge they
12 hadn't asked specifically about [REDACTED] Kaitlin ;
13 is that correct?

14 A. Correct.

15 Q. When you're making the call at
16 any point thereafter did you have any
17 concerns that making this call to [REDACTED]
18 Kaitlin or recording the call can you viewed
19 as retaliation against [REDACTED] Kaitlin ?

20 A. Can you repeat the question?

21 Q. Sure. Either at the time you
22 were making the call or any point
23 thereafter did you have any concerns that
24 making and recording this call to [REDACTED]
25 Kaitlin could be a form of retaliation?

1 WITNESS 5/5/2021

2 A. I was not aware of that, no.

3 Q. Did you have any discussions
4 with Ms. DeRosa or anyone else as to
5 whether this outreach to [REDACTED] Kaitlin was an
6 attempt to get her to stop talking about
7 this?

8 A. No.

9 Q. Did you have any discussions
10 with Ms. DeRosa or anyone else about
11 trying to neutralize or silence anyone who
12 was speaking out in behalf of in support
13 of Ms. Boylan?

14 A. No.

15 Q. Did you have any concerns about
16 whether the outreach to [REDACTED] Kaitlin might be
17 part of any effort to retaliate against
18 Ms. Boylan?

19 A. I was not aware of that, no.

20 Q. Did you at any point read the
21 story in New York Magazine -- I think you
22 testified earlier you've read the story in
23 New York Magazine that talked about
24 someone named Kaitlin?

25 A. Yes.

1 WITNESS 5/5/2021

2 Q. Did you have any understanding
3 as to who the Kaitlin in the New York
4 Magazine story was?

5 A. Yeah.

6 Q. Who did you understand it to be?

7 A. Kaitlin [REDACTED].

8 Q. And the allegations made by [REDACTED]
9 [Kaitlin] did you have any basis to dispute
10 any of the things that she said in the New
11 York Magazine story?

12 A. I haven't read that story in
13 many months so I can't really speak to
14 that.

15 Q. When the story came out do you
16 recall being struck one way other the
17 other as to whether what she had said
18 sounded true or not?

19 A. Can you repeat the question?

20 Q. Sure. When you read the story
21 do you recall what your reaction was as to
22 whether you felt this was -- you know, she
23 was telling the truth or not?

24 A. I didn't have any reaction to
25 it, no.

1 WITNESS 5/5/2021

2 Q. Did you -- after the story came
3 out in New York Magazine did you discuss
4 the story or [REDACTED] Kaitlin with anyone in the
5 Executive Chamber?

6 A. No.

7 Q. Now, you did -- am I correct
8 that -- did you overlap at all with
9 Charlotte Bennett?

10 A. I worked --

11 MS. KENNEDY PARK: Anne, before
12 we move on to Ms. Bennett may I ask
13 just a few questions about [REDACTED] Kaitlin ?

14 MS. CLARK: Sure.

15 MS. KENNEDY PARK: Prior
16 to -- in your conversations -- sorry,
17 I'm getting feedback. In your
18 conversations with Ms. DeRosa after
19 [REDACTED] Kaitlin had Tweeted but before you
20 spoke to Mr. David did Ms. DeRosa say
21 anything to you along the lines of
22 this is what you signed up for in
23 asking you to make the phone call to
24 [REDACTED] Kaitlin ?

25 THE WITNESS: Directed at me?

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WITNESS 5/5/2021

MS. KENNEDY PARK: Yes.

THE WITNESS: I'm sorry. I'm just going to ask you to rephrase the question.

MS. KENNEDY PARK: Sure. In your conversations with Ms. DeRosa when you expressed concern about making the phone call to [REDACTED] Kaitlin did she ever say anything along the lines of this is what you signed up for to you?

THE WITNESS: No.

MS. KENNEDY PARK: You said you were upset and embarrassed after the phone call with [REDACTED] Kaitlin. Why?

THE WITNESS: It just seemed to me that recording a conversation with a former colleague was not something I should have done.

MS. KENNEDY PARK: Recording it without her knowledge?

THE WITNESS: Yes.

MS. KENNEDY PARK: Were you -- were you at all upset that you

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WITNESS 5/5/2021

were not truthful with [REDACTED] Kaitlin in that conversation with her?

THE WITNESS: I was upset about the whole conversation.

MS. KENNEDY PARK: You said the conversation was confrontational. What about it was confrontational?

THE WITNESS: I think that was my understanding of the tone of the conversation, but I was also again, going through the realization that this was a mistake so...

MS. KENNEDY PARK: When you say the tone of the conversation was it your tone that was confrontational or was it [REDACTED] Kaitlin 's tone that was confrontational?

THE WITNESS: I just thought the whole conversation in my view had seemed more confrontational than I had expected.

MS. KENNEDY PARK: I think I asked you this. You said you were upset about the entire phone call, but

1 WITNESS 5/5/2021

2 just to be clear, you acknowledged
3 that there were things you said to [REDACTED]
4 Kaitlin that were not true; is that
5 right?

6 THE WITNESS: That's correct.

7 MS. KENNEDY PARK: Okay. All
8 right. Thanks, Anne.

9 Q. Sticking with [REDACTED] Kaitlin. Did
10 you get the sense that [REDACTED] Kaitlin was
11 suspicious of this call from you out of
12 the blue?

13 A. Yes.

14 Q. Did you understand why she was
15 suspicious?

16 A. Essentially because I hadn't
17 spoken to her in quite some time and I was
18 calling her out of the blue.

19 Q. Had anyone in the Executive
20 Chamber ever asked to you record any other
21 conversations on any other occasions?

22 A. Outside of my profession which
23 you could record media interviews and
24 conversations with reporters, no.

25 Q. Did anyone ever tell you whether

1 WITNESS 5/5/2021

2 there were any other conversations
3 recorded with people regarding the
4 allegations about the Governor?

5 A. I was not told about that.

6 Q. So turning to Ms. Bennett. Did
7 you interact -- did you overlap with her
8 at all?

9 A. Not during my time in the
10 Executive Chamber.

11 Q. Did you overlap with her when
12 you were working on the campaign?

13 A. No.

14 Q. Did you interact with her since
15 you've been at the MTA?

16 A. Yes.

17 Q. Did you have any dealings with
18 you when you were at Kivvit?

19 A. No.

20 Q. What were your interactions with
21 Ms. Bennett during your time at the MTA?

22 A. When I first started she's asked
23 me for my contact info so she would have
24 it, we were doing events -- you know,
25 regarding the MTA with the Governor,

1 WITNESS 5/5/2021

2 interactions over briefing materials or
3 policy items, but nothing beyond that.

4 Q. And did you ever observe any
5 interactions between her and the Governor?

6 A. No.

7 Q. Have you -- since you left the
8 Chamber have you been to -- strike that.

9 I don't know if I've asked you
10 this before. At any point have you ever
11 been to events at the Governor's mansion?

12 A. You said strike that. So during
13 my entire career --

14 Q. During your entire career have
15 to been to events at the Governor's
16 mansion?

17 A. Yes.

18 Q. When you're working for the
19 Executive Chamber how many times did you
20 go to the Governor's mansion?

21 A. A number of times.

22 Q. Was it for work-related events
23 or social events or something else?

24 A. Both.

25 Q. And when it was social events

1 WITNESS 5/5/2021

2 did you ever see the Governor engage in
3 any behavior that you would consider
4 flirtatious with anyone?

5 A. I didn't see that, no.

6 Q. Did you ever spend the night at
7 the Governor's mansion?

8 A. No.

9 Q. Were you aware of any other
10 staff members spending the night at the
11 Governor's mansion?

12 A. I was not. I was aware that
13 Larry Schwartz slept at the Governor's
14 mansion.

15 Q. During this time you worked for
16 the campaign did you go to the mansion?

17 A. No.

18 Q. Since you -- your time with the
19 campaign ended have you been back to the
20 mansion at all?

21 A. I don't think so, no.

22 Q. Did you ever speak with any
23 current or former members of the Executive
24 Chamber about Ms. Bennett's allegations?

25 A. Yes.

1 WITNESS 5/5/2021

2 Q. And with whom did you speak
3 about Ms. Bennett?

4 A. I think it was just in a general
5 role of a bunch of the allegations. I
6 think I spoke to [REDACTED] Staffer #4 about it. I
7 probably spoke to Annabel about it and
8 Dani about it, but -- you know, I'm still
9 friends with my colleagues from the
10 Governor's office.

11 Q. Did you ever have any
12 conversations with Ms. DeRosa about Ms.
13 Bennett's allegations?

14 A. I didn't.

15 Q. Did you have any conversations
16 with Rich Azzopardi about Ms. Bennett's
17 allegations?

18 A. Rich mentioned to me that
19 Charlotte had Tweeted it and I was
20 surprised by that and I also did mention
21 that Charlotte had Tweeted it to Melissa
22 and then that was in a separate
23 conversation and then Melissa said she
24 would call me back.

25 Q. Okay. First when you told Rich

1 WITNESS 5/5/2021

2 about it you said you were surprised. Why
3 were you surprised? Or he told you,
4 sorry.

5 A. I just -- she seemed like very
6 nice girl and I thought that she -- you
7 know, in my very limited experience with
8 her I was just surprised.

9 Q. Were you surprised that she was
10 saying these things happened or did you
11 think she was lying or what -- I'm trying
12 to get what aspect you were surprised
13 about?

14 A. I just think it would be
15 surprising to anybody about someone you
16 work with accusing your former boss of
17 sexual harassment if you didn't have any
18 knowledge of anything like that.

19 Q. And you said that you shared it
20 with Ms. DeRosa. Why?

21 A. Rich had just mentioned to me, I
22 can't remember why we were on the phone,
23 maybe just catching up, that she had
24 Tweeted and again, I was surprised that
25 Charlotte had Tweeted that and I just

1 WITNESS 5/5/2021

2 mentioned it to Melissa thinking she would
3 probably be surprised too.

4 Q. You said Ms. DeRosa said she'd
5 call you back? Did you have subsequent
6 conversation with Ms. DeRosa about Ms.
7 Bennett's allegations?

8 A. I did not, no.

9 Q. Did you have any conversations
10 with Stephanie Benton about Ms. Bennett's
11 allegations?

12 A. No.

13 Q. Did you ever have any
14 conversations with Jill DesRosiers about
15 Ms. Bennett's allegations?

16 A. No.

17 Q. You said you did speak with [REDACTED]
18 Staffer #4. How many times did you speak with
19 [REDACTED] Staffer #4 about it?

20 A. I think just once after many of
21 the allegations had come out.

22 Q. What did you say, what did he
23 say in that conversation?

24 A. I said I was just surprised and
25 that there was a lot of people coming out

1 WITNESS 5/5/2021

2 and saying various things and he said
3 yeah, I know. And then he said that
4 Charlotte during his time in the Executive
5 Chamber had told him about the incident
6 with the Governor and that he was in her
7 personnel file.

8 Q. [REDACTED] Staffer #4 said he had -- Ms.
9 Bennett had told him about the incident
10 with the Governor. Which incident are you
11 referring to?

12 A. I'm not sure.

13 Q. When you said that [REDACTED] Staffer #4
14 said he's in her personnel file,
15 who -- who's the he and the she and her in
16 that?

17 A. He, S #4, is in Charlotte's
18 personnel file I guess because she had
19 told him about the -- some interaction
20 with the Governor included in the
21 allegations and I don't know anything
22 beyond that.

23 Q. Did [REDACTED] Staffer #4 say whether
24 anyone had asked him about Ms. Bennett's
25 allegations?

1 WITNESS 5/5/2021

2 A. He did not.

3 Q. Did he say whether he had
4 reported Ms. Bennett's allegations to
5 anyone?

6 A. We didn't get into that, no.

7 Q. Anything else you recall that
8 was said between you and [REDACTED] Staffer #4 in the
9 conversation you had with him?

10 A. That was it.

11 Q. You said you spoke to Annabel
12 Walsh. How many times did you speak with
13 her?

14 A. A few times.

15 Q. And if you can separate them out
16 fine, if not tell me everything you recall
17 about what was said between you and Ms.
18 Walsh in your few conversations with her?

19 A. We really spoke about when the
20 investigation started we were both --
21 realized that we needed to get attorneys
22 and that's what we spoke about and then
23 she also told me that she had made a phone
24 call to a former colleague. I don't
25 recall who it was and that was really it.

1 WITNESS 5/5/2021

2 Q. Did she say why she'd made a
3 phone call to a former colleague?

4 A. I think the Chamber asked her to
5 make that call.

6 Q. Did she say when that happened?

7 A. No.

8 Q. Did she say whether she had
9 recorded or been asked to record a
10 conversation?

11 A. I don't recall.

12 Q. Did she say who from Chambers
13 asked her?

14 A. I don't recall.

15 Q. Do you know who it was that she
16 called?

17 A. I believe it was maybe a former
18 scheduler, but I don't know. I don't
19 know.

20 Q. Did Ms. Walsh tell you what she
21 spoke to the former colleague about?

22 A. No.

23 Q. You said when had the
24 investigation started you and Ms. Walsh
25 discussed that you would need lawyers.

1 WITNESS 5/5/2021

2 Did you discuss why you would need
3 lawyers?

4 A. It seemed like a large
5 investigation and that everybody was
6 getting attorneys and so it seemed like
7 the right thing to do.

8 Q. Anything else discussed by you
9 or Ms. Walsh in your various conversations
10 about the investigation or Ms. Bennett or?

11 A. She also mentioned there were
12 accusations in the press about her and she
13 was concerned about that and wanted to get
14 a lawyer for those reasons.

15 Q. Did she say what allegations
16 that were in the press that she was
17 concerned about?

18 A. A party at the mansion and I
19 didn't know much about it, but she was
20 concerned that again, there were a lot of
21 inaccurate things being said about her.

22 Q. Did she say that what was in the
23 press about her at a party at the mansion
24 was not accurate?

25 A. She didn't say that. She just

1 WITNESS 5/5/2021

2 said there were a lot of inaccuracies with
3 reporters being thrown around.

4 Q. Did she tell you whether there
5 were any other questions she had received
6 from reporters?

7 A. It seemed to me that there
8 were -- you know, no, she didn't.

9 Q. Were you getting any calls from
10 reporters after Ms. Bennett came forward?

11 A. Yes. The Wall Street Journal,
12 NBC at some point Ronan Farrow reached out
13 to me. Those are the ones can remember
14 right now.

15 Q. Were there particular things
16 they were asking you about, were they just
17 asking general questions or something
18 else?

19 A. General questions. Ronan Farrow
20 asked a lot of specifics around Lindsey
21 Boylan.

22 Q. Do you recall what Mr. Farrow
23 was asking about?

24 A. Lindsey Boylan had told him that
25 I was sitting next to her on the plane and

1 WITNESS 5/5/2021

2 that when she alleges the Governor said
3 let's play strip poker and that she was
4 concerned for my safety because I was a
5 pretty girl.

6 Q. And what did you say?

7 A. I said I don't recall that ever
8 happening and that I was not on the a
9 flight with Lindsey to western New York in
10 October 2017.

11 Q. Anything you recall about your
12 communications with Mr. Farrow?

13 A. He asked me about the general
14 tone of the office and I said it's
15 challenging, it's high expectations, but
16 that I also enjoyed my time there.

17 Q. Did you speak to anyone in the
18 Executive Chamber about what you would or
19 should say to Ronan Farrow or any other
20 reporters?

21 A. Peter Ajemian called me and
22 asked me if I wanted to issue another
23 statement in response to Lindsey's
24 expanded version of the plane incident and
25 I said I was going to stick by the

1 WITNESS 5/5/2021

2 statement that we had issued earlier.

3 Q. And did you communicate with
4 anyone else about what you would or should
5 say to the press?

6 A. Not, not really.

7 Q. Anything else you recall about
8 your conversations with Ms. Walsh about
9 the -- Ms. Bennett's allegations or the
10 other allegations that were coming
11 forward?

12 A. I -- no.

13 MS. KENNEDY PARK: Did Ms. Walsh
14 ever tell you reporters had asked her
15 about photographs with her with the
16 Governor?

17 THE WITNESS: Not that I can
18 recall.

19 MS. KENNEDY PARK: Did any
20 reporters ask you about photographs of
21 Ms. Walsh and the Governor?

22 THE WITNESS: No.

23 Q. You said you also had
24 discussions with Dani Lever, is that one
25 conversation or more than one?

1 WITNESS 5/5/2021

2 A. I'm sorry. Discussions about
3 what?

4 Q. About Charlotte Bennett and
5 allegations that were coming out?

6 A. Probably more than one, but just
7 generally about the allegations against
8 the Governor.

9 Q. And what did you say and what
10 did she say?

11 A. I think I said -- you know, I
12 never really seen anything like sexual
13 harassment in the work place and that we
14 both agreed it was a challenging job, but
15 that we had not seen the things that were
16 being alleged in the place during our time
17 there.

18 Q. Anything else said by you and
19 Ms. Lever -- of what period of time did
20 you have the calls with Ms. Lever? Let me
21 ask that you that first.

22 A. Infrequently -- you know,
23 between Dani and I still speak regularly
24 so I'd say -- you know, between December
25 and late February.

1 WITNESS 5/5/2021

2 MS. CLARK: Hyatt, I'm not sure
3 what tab is it if you could pull up
4 the Ronan Farrow Tweets, Tweet, I keep
5 calling them Tweets, texts? Too much
6 testimony about the Tweets, the texts.

7 Q. These are text messages between
8 you and Ronan Farrow?

9 A. Yes.

10 Q. Did you also have any phone
11 calls with him?

12 A. Yes.

13 Q. How many phone calls did you
14 have with him?

15 A. Probably three.

16 Q. And what was discussed by you
17 and him in those phone calls?

18 A. He called me to let me know that
19 he was writing a story and that he had
20 spoken to Lindsey Boylan and that she had
21 alleged that I was on a plane next to her
22 when she claimed that the Governor said
23 the strip poker comment.

24 Q. If you --

25 MS. CLARK: Hyatt, if you can

1 WITNESS 5/5/2021

2 scroll to the second page of these.

3 Q. There's -- it looks like a text
4 from Mr. Farrow saying she claims the
5 calls to colleagues were about her. Her
6 implication appears to be that you were
7 gathering information about her censing
8 out who might support her or marginally
9 support for the Governor on this point.
10 Did you have any conversation with Mr.
11 Farrow about that?

12 A. Yeah, I said Lindsey's Tweet
13 wasn't accurate and I gave him the same
14 statement I provided to the New York Post
15 which said the same thing.

16 Q. Did you consider your call to
17 [REDACTED] Kaitlin to be an attempt to get
18 information about Ms. Boylan or who might
19 be supporting her?

20 A. My call to [REDACTED] Kaitlin was to talk
21 to her about her experience. Also we did
22 not chat about -- we did not chat about if
23 she was working with Lindsey or not and I
24 did not call many colleagues about
25 Lindsey. I did not call colleagues about

1 WITNESS 5/5/2021

2 Lindsey.

3 MS. CLARK: Okay. Hyatt, you
4 can take hat down. Thank you.

5 Q. Have you read accounts about
6 other women who have come forward with
7 allegations about the Governor?

8 A. Yes.

9 Q. Do you know the identity of the
10 woman who alleged that the Governor groped
11 her breasts?

12 A. I don't.

13 Q. Have you discussed that
14 allegation with anyone who is a current or
15 former member of the Executive Chamber?

16 A. I don't believe so, no.

17 Q. Now, when you either in the
18 Chamber or on the campaign were you aware
19 of executive assistants and other support
20 staff being asked to work the Governor's
21 mansion on the weekends?

22 A. I wasn't unless there was an
23 event or something at the mansion.

24 Q. Did you know an employee named
25 Alisa McGrass (phonetic)?

1 WITNESS 5/5/2021

2 A. I did not know her, no.

3 Q. Did you know Anna Liss
4 (phonetic).

5 A. No.

6 Q. In your discussion with [REDACTED]
7 **Kaitlin** you made a reference to Alessandra
8 Biaggi. Did you have any interactions
9 with her when she was in the working in
10 the Chamber?

11 A. I don't think so other than
12 maybe emails, but no substantive
13 interactions at all.

14 Q. Did you ever see her interact
15 with the Governor?

16 A. Not that I can remember.

17 Q. And you made a reference to Ms.
18 Biaggi liking or reTweating a post. Is
19 that something you that saw or did
20 somebody tell you about that?

21 A. Melissa told me about that.

22 Q. And did Ms. DeRosa ask you to
23 bring that up with [REDACTED] **Kaitlin** ?

24 A. Yes.

25 Q. Did she tell you why she thought

1 WITNESS 5/5/2021

2 it was significant that Ms. Biaggi had
3 liked or reTweeted the post?

4 A. I think -- no, she didn't.

5 Q. Did you have any understanding
6 as to why Ms. DeRosa was bringing it up
7 even though she didn't tell you why?

8 A. My understanding is that she's a
9 state senator and -- you know, people
10 follow state senators pretty closely.

11 Q. Did you know Jessica Hinton at
12 all. Jessica, sorry. Karen Hinton?

13 A. Yes.

14 Q. In what context did you know
15 Karen Hinton?

16 A. Karen and I both worked at
17 Mercury back in 2013 and we were
18 colleagues then and, yeah. That's how I
19 know Karen.

20 Q. Did you ever observe any
21 interactions between Ms. Hinton and the
22 Governor?

23 A. No.

24 Q. Now, were you aware that there
25 were also some reporters who published in

1 WITNESS 5/5/2021

2 some fashion or another accounts of
3 interactions with the Governor?

4 A. Only those I read in the press.

5 Q. Which ones did you read in the
6 press?

7 A. Jessica Bakeman.

8 Q. And did you interact with Ms.
9 Bakeman when you were doing press at the
10 time Executive Chamber?

11 A. No, I don't believe she covered
12 Albany at that time.

13 Q. Do you know Ms. Bakeman?

14 A. I don't know her.

15 Q. Did you see any reporters who
16 Tweeted about interactions with the
17 Governor?

18 A. Not that I can recall.

19 Q. If you could look at Exhibit W,
20 please?

21 MR. KELLEHER: W?

22 MS. CLARK: W.

23 MR. KELLEHER: As in William?

24 MS. CLARK: As in William.

25 A. Okay.

1 WITNESS 5/5/2021

2 Q. Did you ever see those Tweets
3 before?

4 A. So I think the issue with the
5 exhibit is that the statements are blank
6 in the printout so I cannot see the
7 statements. I can only see the text of
8 the Tweet which says my full statement and
9 the screen shots are missing.

10 Q. Oh dear. Okay. Did you ever
11 hear about any statements Ms. Bauman (sic)
12 (phonetic) made in any form about her
13 interactions with the Governor?

14 A. I believe I saw them on Twitter.

15 Q. Did you ever have any
16 interactions between the Governor and Ms.
17 Bowman (phonetic throughout)?

18 A. I did not.

19 Q. Do you know Ms. Bowman?

20 A. I do not.

21 Q. Did you see any Tweets by Andrew
22 Neilson (phonetic throughout)?

23 A. I don't know the substance of
24 any Tweets Lindsey (sic) Nelson (sic).

25 Q. If you could turn to Exhibit X.

1 WITNESS 5/5/2021

2 The first page it's blocked out, but
3 there's text on the second page.

4 A. I did see these Tweets on
5 Twitter.

6 Q. Did you ever observe any
7 interactions between Ms. Neilson and the
8 Governor?

9 A. I don't recall any.

10 Q. Do you know Ms. Neilson?

11 A. I don't believe so, no.

12 Q. During any point have you heard
13 about the Governor touching a reporter
14 whether it's kissing hugging or touching
15 or any other fashion?

16 A. Not that I can recall.

17 Q. Did you -- were you aware of
18 your -- hear about or hear the Governor
19 report -- referring to any reporter by a
20 nickname?

21 A. Not that I can recall.

22 Q. Do you ever hear or hear about
23 the Governor commenting about the
24 appearance of any reporters?

25 A. I don't recall that.

1 WITNESS 5/5/2021

2 Q. Did you ever observe or hear
3 about the Governor yelling or raising his
4 voice with a reporter?

5 A. Heard about it.

6 Q. What did you hear about it?

7 A. That he had raised his voice
8 with reporters. That's what I heard.

9 Q. Who did you hear it from?

10 A. I don't recall specifically. I
11 think it was widely known.

12 Q. Did you hear it from reporters
13 themselves?

14 A. I think both Jimmy Vielkind and
15 Ken Lovett had told me about past
16 reactions from the Governor and I don't
17 remember if they said specifically said
18 yelling or raising his voice, but...

19 Q. Do you recall anything that --
20 we'll start with Mr. Lovett -- said about
21 any unpleasant interactions with the
22 Governor?

23 A. Just that there was always a
24 back and forth or -- you know, there was a
25 back and forth and the Governor not

1 WITNESS 5/5/2021

2 agreeing with his reporting sometimes and
3 him being fine with that.

4 Q. Did Mr. Lovett ever say that he
5 thought Mr. -- that the Governor's own
6 conduct was out of the ordinary in any
7 fashion?

8 A. No, I don't think so.

9 Q. What did Mr. Vielkind tell you
10 about his interactions with the Governor?

11 A. It was a similar conversation
12 just that the Governor was critical of
13 Jimmy's reporting.

14 Q. And did Mr. Vielkind ever say
15 that the Governor had yelled at him?

16 A. I don't remember.

17 Q. Did any reporter ever say to you
18 that the Governor had threatened or
19 bullied them?

20 A. No.

21 Q. Did the Governor -- did you
22 either -- strike that.

23 Did the Governor either say to
24 you or did you hear that the Governor had
25 preferences for certain reporters?

1 WITNESS 5/5/2021

2 A. Can you repeat the question?

3 Q. Sure. Did the Governor either
4 say directly to you or did you hear about
5 from someone else that the Governor had
6 preferences for certain reporters?

7 A. I didn't.

8 Q. Other than what you already
9 testified about did you have any calls
10 with reporters or reach out to any former
11 employees in connection with any of
12 allegations made about the Governor or
13 about the environment in the Chambers?

14 MR. KELLEHER: I'm sorry. Can
15 you repeat that?

16 MS. CLARK: Sure.

17 Q. Other than what you've already
18 testified to did you speak to reporters or
19 reach out to ex employees regarding
20 allegations about the Governor and sexual
21 harassment or the toxic work environment?

22 A. I spoke to the Times Union about
23 the office environment and was asked by
24 them about Lindsey's allegations and WNYC
25 called me about the story about women in

1 WITNESS 5/5/2021

2 the Executive Chamber.

3 Q. And what did you say to the
4 Times Union?

5 A. I said it was a tough place to
6 work, expectations were high, but that it
7 was also -- I learned a lot while working
8 there.

9 Q. Anything else you said to the
10 Times Union?

11 A. They asked me about Lindsey's
12 allegations and I said I had not seen
13 something like that in my time in the
14 Executive Chamber.

15 Q. Anything else?

16 A. Not that I can recall.

17 Q. What did you say to WNYC?

18 A. They asked me about make up and
19 dress code and I said that I was not aware
20 of requirements for a dress code or
21 wearing make up.

22 Q. Anything else?

23 A. No.

24 Q. Other than what you've already
25 testified to has anyone affiliated with

1 WITNESS 5/5/2021

2 the Executive Chamber asked you to take
3 any actions in response to the allegations
4 made against the Governor?

5 A. Nothing beyond what I've already
6 testified to.

7 Q. In the any of the conversations
8 that you've had with Ms. DeRosa or other
9 people attached to the Executive Chamber
10 has there been any discussion about doing
11 anything in response to the allegations
12 that you thought was unethical or improper
13 or in any other way a bad idea?

14 A. Nothing other than what I've
15 testified to already.

16 Q. Were you aware of any other
17 allegations of sexual harassment involving
18 anyone else in the Executive Chamber?

19 A. No.

20 Q. Were you ever aware of any
21 allegations of sexual harassment involving
22 Robert Freeman?

23 A. Who? I'm sorry.

24 Q. Robert Freeman?

25 A. I don't know who that is.

1 WITNESS 5/5/2021

2 Q. Robert Freeman was the executive
3 director of the state's committee on open
4 government. Did you hear anything about
5 any allegations of harassment involving
6 him?

7 A. I think I read about it in the
8 press.

9 Q. Did you ask anyone to speak to
10 reporters about this?

11 A. No.

12 Q. Did you speak to anyone in the
13 Executive Chamber about the allegations?

14 A. No.

15 Q. When is the last time you
16 communicated with the Governor?

17 A. Probably a few months ago around
18 the snow storm.

19 Q. And forgive me, when was the
20 snow storm?

21 A. I know. I'm trying to remember.

22 MR. KELLEHER: My recollection
23 is we had a lot of snow this season.

24 A. It was sort of double whammy, it
25 must have been this winter a few months

1 WITNESS 5/5/2021

2 ago. It was a few months ago. I don't
3 know.

4 Q. Was it after Ms. Boylan had
5 started Tweeting?

6 A. It may have been.

7 Q. Was it before Ms. Bennett had
8 come forward?

9 A. I don't remember.

10 Q. Did you have any discussions
11 with the Governor at any point about any
12 of the allegations?

13 A. I have not, no.

14 Q. Other than what you've testified
15 to have you spoken to current or former
16 members of the Executive Chamber since
17 Lindsey Boylan's Tweets started in
18 December 2020?

19 A. Can you repeat the question?

20 Q. Sure. Other than you've already
21 testified to have you had any other
22 communications or meetings with anyone in
23 the Executive Chamber since Lindsey
24 Boylan's Tweets came out?

25 A. Around sexual harassment

1 WITNESS 5/5/2021

2 allegations?

3 Q. Or the work place generally or
4 anything that wasn't MTA specific. Let's
5 put it that way.

6 A. No.

7 Q. Were you ever asked to perform
8 duties for the Governor or senior staff
9 that you thought were outside the scope of
10 your state duties?

11 A. I volunteered for the campaign,
12 but other than that, no.

13 Q. Have you ever observed anyone in
14 the Executive Chamber working on anything
15 outside of the scope of their state
16 duties?

17 A. I can't speak to that.

18 Q. Did you have any involvement in
19 the Governor's latest book?

20 A. I did not, no.

21 Q. Were you aware of anyone who was
22 at all pressured to ever work on the
23 Governor's campaign?

24 A. I don't believe so, no. I think
25 people volunteered their time.

1 WITNESS 5/5/2021

2 Q. Were you aware of anyone working
3 on the Governor's campaign during work
4 time?

5 A. I can't speak to when people
6 took time off or volunteered their time
7 for the campaign.

8 Q. Were you ever involved in any
9 proposals to prohibit -- that were put
10 forward to prohibit an employee of a state
11 office holder or state legislature from
12 volunteering on their boss's political
13 campaign?

14 A. I'm just going to ask you to
15 repeat that.

16 Q. Were you ever involved in any
17 discussions about proposals for
18 legislation or regulations that would
19 prohibit employees of a state office
20 holder or state legislature from
21 volunteering on their boss's political
22 campaign?

23 A. I don't recall that.

24 Q. Even if it didn't involve the
25 Governor -- are you aware -- not involving

1 WITNESS 5/5/2021

2 the Governor that might have involved
3 other people any incidents of harassment
4 or bullying in the Chamber?

5 A. I don't have knowledge of that,
6 no.

7 Q. When you left the Chamber to
8 work on the campaign do you know who
9 replaced you if anyone?

10 A. I think Kaitlin Gerard
11 (phonetic) or Richard replaced me.

12 Q. When you left the Chamber did
13 you turn in your Chamber issued
14 BlackBerry?

15 A. Yes.

16 Q. Did the campaign give you a new
17 device to use?

18 A. No.

19 Q. You use your personal device for
20 the campaign stuff?

21 A. Yes.

22 Q. Were you aware of any state
23 resources such as computers or printers or
24 scanners being used for any campaign work?

25 A. I was not aware, no.

1 WITNESS 5/5/2021

2 Q. You talked about when you worked
3 on the campaign you interacted with Ms.
4 DeRosa. Were there any other members of
5 Chambers that you interacted with in the
6 course of your duties for the campaign?

7 A. Jill DesRosiers and Annabel
8 Walsh on scheduling matters as well as
9 Stephanie Benton.

10 Q. Did you deal with them on
11 anything other than scheduling matters?

12 A. It was really all schedule
13 related and -- you know, coordinating
14 event -- campaign events and meetings and
15 things like that with his Executive
16 Chamber agenda and there were meetings
17 that were held offsite with Jill and
18 Melissa to coordinate all of those things.

19 Q. Did you ever have any
20 communications with Ms. DesRosiers and Ms.
21 Bennett about scheduling while they were
22 at work?

23 A. I believe so, but I can't speak
24 to time they took off from their
25 schedules.

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2 MS. CLARK: We are going to the
3 end. It might be a good place to take
4 a break.

5 MR. KELLEHER: Okay.

6 MS. CLARK: Five-minute break.
7 We're almost there and we'll be right
8 back.

9 THE VIDEOGRAPHER: Stand by.

10 MR. KELLEHER: How long is the
11 break?

12 MS. CLARK: Five minutes.

13 MR. KELLEHER: Okay.

14 THE VIDEOGRAPHER: Okay. Stand
15 by to go off the record. We are now
16 off the record at 4:43 p.m. for break.

17 (Whereupon, a recess was taken.)

18 THE VIDEOGRAPHER: We are now on
19 the record. Time is 4:50 p.m. Back
20 from break.

21 Q. A couple of little for the
22 purpose up. Thanks. You'd shown before
23 the text you got from [REDACTED] [REDACTED] that you
24 shared with Ms. DeRosa. Did you tell him
25 that you why going to share them with Ms.

1 WITNESS 5/5/2021

2 DeRosa?

3 A. He knew. I told him.

4 Q. And he said that was okay?

5 A. No, he was not happy with it.

6 Q. Did you tell him before or after
7 you shared them with Ms. DeRosa?

8 A. I told him after. He told me he
9 was not happy. I told Melissa and Rich
10 not to share the text messages.

11 Q. Did he tell you why he wasn't
12 happy?

13 A. He was working for Scott
14 Stringer and he did not want Scott
15 Stringer's name in the newspaper involved
16 in these allegations.

17 Q. And the -- you discussed some of
18 the calls you had after you shared the
19 tape recording of your call with [REDACTED] Kaitlin
20 with Ms. DeRosa and one was with Ms.
21 DeRosa and Ms. Lacewell and they said you
22 did nothing wrong. Anything said in that
23 conversation?

24 A. Really not -- nothing I can
25 remember that it was fine.

1 WITNESS 5/5/2021

2 Q. Did you say anything?

3 A. I don't remember what I said.

4 Q. And then you said there was
5 another call with Mr. Cohen and Ms.
6 DeRosa?

7 A. No, there was no call. Melissa
8 just mentioned that she had shared the
9 audio with Stephanie and with Steve and
10 they had also said this there was nothing
11 wrong with the phone call.

12 Q. Did she said anything else about
13 their reaction to the phone call?

14 A. No.

15 Q. Did she tell you why she shared
16 it with them?

17 A. No.

18 Q. I think you might have asked
19 this, but did she tell you she shared it
20 with anyone else?

21 A. Not that I know of.

22 Q. Now, you -- we've gone through
23 today some of the documents that you gave
24 to your lawyer to give to us. What did
25 you do in order to search for and gather

1 WITNESS 5/5/2021

2 documents for us?

3 A. I went through my text messages
4 dating back to when the first allegations
5 were made and to see which text and email
6 correspondence I might have with reporters
7 were responsive to the subpoena that I was
8 issued.

9 Q. Did you look for any text
10 messages with people from the Executive
11 Chamber prior to when the allegations came
12 out?

13 A. I don't believe so.

14 Q. Do you have text messages that
15 might relate to any of the complainants
16 who's names you know prior to December of
17 2020?

18 A. I don't believe so, no.

19 MS. CLARK: We'll ask you to
20 take a look for that and if you find
21 something let your counsel know.

22 Q. Did you ever participate in any
23 Google Hangouts with any current or former
24 members of the Executive Chamber?

25 A. No.

1 WITNESS 5/5/2021

2 Q. Did you have any communications
3 other than the text messages any other
4 formats in which you communicated with
5 members of the Executive Chamber in a way
6 that would be captured? Did you email
7 with them, did you communicate in any
8 other fashion?

9 A. I'm just going to ask you to
10 repeat it and then I'll respond.

11 Q. Sure. Did you communicate with
12 members of Executive Chamber in any
13 reportable fashions other than text
14 messages such as emails or in any other
15 platform?

16 A. No. During the campaign we
17 briefly used Signal, but that was all
18 related to campaign business and we only
19 used it for a short time.

20 Q. Do you still have -- I'm not as
21 familiar with Signal, the communication
22 that you had through Signal?

23 A. I don't even think I have the
24 app anymore.

25 MS. CLARK: We would ask you to

1 WITNESS 5/5/2021

2 take a look -- just check that.

3 Q. And have you -- had you deleted
4 any text messages with members of the
5 Chamber before getting our subpoena?

6 A. No.

7 Q. Do you have any practice about
8 deleting text messages?

9 A. I originally had a 90-day
10 deletion or 30-day deletion for my text
11 messages on my cell phone, but my messages
12 are also preserved through my iMessage on
13 my computer.

14 Q. How far back do the iMessages on
15 the your computer go back?

16 A. Pretty far. I don't know the
17 specific date, but I would say years.

18 Q. Did you ever take any steps to
19 delete those messages?

20 A. No, other than for running out
21 of space on -- for storage on my phone.

22 MS. CLARK: Do you guys have any
23 other questions about the document
24 collection?

25 MS. KENNEDY PARK: So you

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mentioned to us today some text messages that you had with Ms. DeRosa. Are those in your iMessage account?

MR. KELLEHER: Are you talking about text messages with Ms. DeRosa prior to December of 2020?

MS. KENNEDY PARK: No, after December 2020.

THE WITNESS: I've given you all the text messages I have with Melissa since that date.

MR. KELLEHER: Related to the allegations of sexual harassment?

MS. KENNEDY PARK: So that includes all the text messages that were with Melissa DeRosa to set up the call with [REDACTED] Kaitlin and after Ms. Boylan had Tweeted?

THE WITNESS: Yes.

MS. KENNEDY PARK: Okay.

Q. Have you texted with Ms. DeRosa since December 2020 about subjects other than -- other than the MTA or the allegations involving the Governor?

1 WITNESS 5/5/2021

2 A. I think she asked me about a Van
3 Gogh exhibit I went to and whether I liked
4 it.

5 Q. Other than your current attorney
6 have you sought or received legal advice
7 from anyone else regarding the allegations
8 involving the Governor?

9 MR. KELLEHER: Can we --

10 THE WITNESS: Yeah.

11 MR. KELLEHER: -- mute you for a
12 second?

13 MS. CLARK: Sure.

14 A. I did speak to one other
15 attorney.

16 Q. And is -- does that attorney
17 have any connection current or prior with
18 the Executive Chamber?

19 A. No. I don't know how to answer
20 that.

21 MR. KELLEHER: I'm going have to
22 think about this and we are running
23 out of time. Is this something we can
24 get back online tomorrow and have
25 a -- and discuss this? Actually, you

1 WITNESS 5/5/2021

2 know what, we'll give the name. Go
3 ahead.

4 A. [REDACTED], MTA.

5 Q. And other than in connection
6 what you've already testified to today
7 have you reached out to reporters on
8 behalf of Chambers on any other topics
9 since you left the Chambers?

10 A. Not that I can recall.

11 Q. And since you left the Chambers
12 when you've communicated with people from
13 the Chambers other than on MTA business
14 has it been through your personal device?

15 A. Yes.

16 Q. And do you know when you've
17 communicated to people from the Chambers
18 whether it is their personal or Chambers
19 accounts that they are communicating with
20 you?

21 A. Usual -- if it's text message
22 usually it's personal phones.

23 Q. Do you ever -- you've given us
24 text messages. I don't think you've given
25 us emails. Have you ever emailed with

1 WITNESS 5/5/2021

2 members of the Executive Chamber?

3 A. Not related to anything outside
4 of MTA business.

5 Q. Is there anything you'd like to
6 clarify from your prior testimony today,
7 anything you thought of that you want to
8 adjust what you've said?

9 A. No.

10 Q. Is there any statements you want
11 to add to what we've asked you about?

12 A. No.

13 Q. Knowing generally the
14 information that's out there what I've
15 asked you about is there any other
16 information you think we should have about
17 allegations involving the Governor?

18 A. No.

19 MS. CLARK: So we would ask to
20 you check and either through that
21 checking discover any documents to
22 produce those documents. There might
23 be things that come up in other parts
24 of our investigation that require us
25 to bring you back and we will let your

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attorney to if that's the case. And I just want to repeat what I said at the outset that you should not be sharing with anyone nor should your attorney be sharing with anyone what we talked about today and so if anyone asks you that information let your attorney know and he will let us know and we will address that at that time. Any other parting information, Jennifer?

MS. KENNEDY PARK: Just one more question which is: Other than your lawyer and anyone he had spoken to who have you told that you were meeting with us today?

THE WITNESS: I just -- I said I was out of the office, but I didn't say I was meeting with you guys.

MS. KENNEDY PARK: Have you told anyone that you were meeting with us?

THE WITNESS: My husband.

MS. KENNEDY PARK: Anyone else?

THE WITNESS: No.

MS. KENNEDY PARK: Okay.

1 WITNESS 5/5/2021

2 Thanks.

3 MS. CLARK: Okay. I think we
4 are -- I got 5:02. We tried to get
5 you done at 5.

6 MR. KELLEHER: Yeah --

7 THE WITNESS: Thank you.

8 THE VIDEOGRAPHER: I'm sorry to
9 interrupt. I just have to officially
10 take us off.

11 MR. KELLEHER: Thank you.

12 THE VIDEOGRAPHER: Are we done,
13 Counsel?

14 MS. CLARK: Yes. Subject to
15 things develop we might need her back,
16 but we are done.

17 THE VIDEOGRAPHER: Okay. Stand
18 by. We are off the record at 5:02
19 p.m. and this is end of the recorded
20 interview of witness 5, dash, 5, dash,
21 2021. The total number of media units
22 used was four and will be retained by
23 Veritext New York.

24
25 (Whereupon, the Testimony of

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WITNESS 5/5/2021
WITNESS 5/5/2021 conducted via Zoom
videoconference concluded at 5:02 p.m.
(EST) on Wednesday, May 5, 2021.)

CERTIFICATION

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I, Garry J. Torres, a Notary Public
for and within the State of New York, do
hereby certify:

That, WITNESS 5/5/2021, the witness
whose testimony as herein set forth, was
duly sworn by me; and that the within
transcript 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 11th day of May, 2021.



GARRY J. TORRES

* * *