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IN THE MATTER OF THE INDEPENDENT
INVESTIGATION UNDER EXECUTIVE
LAW 63 (8)
-----x

VIRTUAL ZOOM INVESTIGATION

June 7, 2021
9:11 a.m.

TESTIMONY of JOSHUA VLASTO, taken by the First
Deputy Attorney General of the New York Attorney
General's Office in the above-entitled action
remotely held, taken before William Visconti, a
Shorthand Reporter and Notary Public within and
for the State of New York.

1 A P P E A R A N C E S:
2

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5 General's Office

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BY: ANNE CORTINA PERRY, ESQ

NIKA ARZOUMANIAN, ESQ.

ALSO PRESENT:

ROCCO MERCURIO, Videographer.

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THE VIDEOGRAPHER: We are now going on the record today is Monday, June 7th, 2021 the time is approximately 9:11. This is the remote video deposition of Joshua Vlasto in the matter of Independent Investigation under New York State Executive Law 63 (8). My is name Rocco Mercurio and the court reporter is William Visconti. Will counsel please introduce yourselves as who you represent.

MS. MAINOO: Good morning, Abena Mainoo from the law firm Cleary, Gottlieb, Steen & Hamilton but acting as a Special Deputy to the First Deputy Attorney General for the New York State Attorney General's Office.

MR. KIM: Joon Kim also from Cleary, Gottlieb, Steen & Hamilton acting in my capacity as a Special Deputy to the First Deputy Attorney General.

MR. GRANT: Yannick Grant from the law firm Vkadeck, Raskin & Clark but also acting in my capacity as a Special Deputy to the First Deputy State Attorney General.

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MS. REMBAR: Lilianna Rembar from Cleary, Gottlieb, Steen & Hamilton acting as a Special Assistant to the First Deputy Attorney General.

MS. PARK: Jennifer Kennedy-Park from Cleary, Gottlieb, Steen & Hamilton and acting as a Special Deputy as well.

MS. PERRY: Ann Cortina Perry of the law firm Jenner & Block for Mr Joshua Vlasto and my colleague participating remotely. Nika do you want to come up and introduce yourself?

MS. ARZOUMANIAN: Nika Arzoumanian with Jenner & Block representing Mr. Josh Vlasto.

THE VIDEOGRAPHER: The court reporter will now swear the witness and we can proceed.

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J O S H U A V L A S T O,
having been first duly sworn by the Notary Public,
was examined and testified as follows:

EXAMINATION CONDUCTED BY MS. MAINOO:

Q. Good morning again, Mr. Vlasto.

A. Can we pause for one second.

Q. Thank you for meeting with us
today, Mr. Vlasto. Before I start asking
questions I'm going to give you some background
information and some ground rules. The New
York Attorney General has appointed the law
firms of Cleary, Gottlieb, Steen & Hamilton and
Vkadeck, Raskin & Clark to conduct an
independent investigation under New York
Executive Law 63 (8) into allegations of sexual
harassment brought against Governor Andrew
Cuomo as well as the surrounding circumstances.

You're here today pursuant to a
subpoena issued in connecting with this
investigation. I will note at the outset that
today's proceeding is being video recorded.
You're under oath and that means that you must
testify fully and truthfully just as if you
were in a court of law sitting before a judge

1 JOSHUA VLASTO

2 and jury. Your testimony is subject to a
3 penalty of surgery. If you would like to make
4 any brief sworn statement we ask that you do so
5 at the conclusion of our examination.

6 Although is a civil investigation,
7 this office, the New York Attorney General's
8 office, also has criminal enforcement powers.
9 You have the right to refuse to answer a
10 questions if answering a question would
11 incriminate you. But any failure to answer can
12 be used in a court of law in a civil
13 noncriminal proceeding. Asserting your Fifth
14 Amendment privilege does have evidentiary
15 significance. If you choose to assert your
16 Fifth Amendment privilege that fact can be
17 presented to a judge or jury in a civil
18 proceeding who would be free to draw any
19 conclusions from your assertion of that
20 privilege.

21 You're appearing here today with
22 your attorneys present. You may consult with
23 your attorneys if you have any questions about
24 the attorney-client privilege. As you can see
25 we have a court reporter present with us in a

1 JOSHUA VLASTO

2 virtual room and he needs to take down my
3 questions and your answers to create a
4 transcript. So that the reporter can create a
5 clean record please provide a verbal response
6 to each question. Please do not shake or not
7 or nod your head or give responses like ah ha
8 or ah hum. Do you understand?

9 A. I do.

10 Q. If you do know the answer to a
11 question say you don't know. Please allow me
12 to finish my question before you begin an
13 answer so we do not talk over each other and I
14 will to try do the same. This is important to
15 allow the court reporter to create the
16 transcript especially since he is not in the
17 same room with us.

18 A. Understood.

19 Q. You had not be permitted to review
20 a transcript of this testimony. If at any time
21 today you want to clarify an answer you've
22 given please let know. If you do not
23 understand a question please let me know and I
24 will try to ask the question in a different
25 way.

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JOSHUA VLASTO

I will be asking about names and dates an other specific information, even if you don't remember a specific name or date, I would ask that you give me your best approximate answer while indicating that your answer may not be exact.

If you need a break at any point just let me know but if there is a question pending, answer that question first and we could take a break.

Please confirm that you're not using any technology to create a recording of the proceeding including the use of screen capturing tools and I ask your counsel to confirm the same?

A. Confirmed.

MS. MAINOO: Counsel?

MS. PERRY: Confirmed.

Q. Please confirm that you're not allowing anyone else to listen in including through any devices?

A. Confirmed.

MS. MAINOO: Counsel?

MS. PERRY: Confirmed.

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JOSHUA VLASTO

Q. Please confirm that you are not --

MS. PERRY: One moment, just to clarify, other than my colleague that is participating.

MS. MAINOO: Correct.

Q. Please confirm that you are not and will not communicate in realtime or during breaks with anyone else about the substance of your testimony?

A. Confirmed.

MS. MAINOO: Counsel?.

MS. PERRY: Confirmed.

Q. Executive Law Section 63 (8) the provision under which this investigation is being conducted prohibits you and your counsel from revealing anything about what we ask or what you say during your testimony to anyone. If anyone asks you to disclose any such information, please let us know, including any reason they provide for seeking such information and we will discuss with you whether any such disclosure will be permitted.

Please note that you are protected from retaliation for participating in today's

JOSHUA VLASTO

1 interview and testimony. We ask that you let
2 us know if you're concerned about any potential
3 retaliation from anyone including the Executive
4 Chamber.
5

6 Are you taking any medication or
7 drugs that might make it difficult for you to
8 understand my questions?

9 A. **Errata - "No."**

10 Q. Have you had any alcohol today?

11 A. No.

12 Q. Is there any reason why you would
13 not able to answer my questions fully and
14 truthfully?

15 A. No.

16 Q. Please state your name, date of a
17 birth and current home and business address for
18 the record?

19 A. Joshua James Vlasto, **[REDACTED]**

20 **[REDACTED]** my home address is **[REDACTED]**
21 **[REDACTED]**.

22 **[REDACTED]**. My work address is **[REDACTED]**,

23 **[REDACTED]** and if you could believe it
24 I don't know the zip code off the top of my
25 head because I've rarely been there so you

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apologize.

Q. Have you ever given testimony before Mr. Vlasto?

A. No.

Q. Did you do anything to prepare for this examination?

A. Yes, I worked with my attorneys.

Q. How many times did you work with your attorneys?

A. A handful, six, seven times.

Q. When attorneys do you meet with?

A. Anne, Sethagata and Tatia.

Q. For how long did you meet?

A. We had a series of sessions sometimes an hour or sometimes two or three, probably totaling six or seven prep sessions I call them.

Q. Did you speak with anyone else in preparation for you testimony?

A. No.

Q. Mr. Vlasto, please open your binder to tab 1 and we will mark this as an exhibit.

(Exhibit 1 for identification,

1 JOSHUA VLASTO

2 Document subpoena.)

3 Q. It tab one the document subpoena
4 that you received from our office?

5 A. Yes.

6 Q. Did you read the subpoena?

7 A. Yes.

8 Q. What did you do to collect
9 documents in response to the subpoena?

10 A. I worked with my attorneys and
11 provided anything that they felt appropriate.

12 Q. Mr. Vlasto, please turn to tab 2
13 in your binder and we mark this as exhibit?

14 (Exhibit 2 for identification,
15 Testimony subpoena.)

16 Q. Is tab 2 the testimony subpoena
17 that you received from our office?

18 A. It appears to be.

19 Q. Did you read the subpoena?

20 A. Yes.

21 Q. Do you understand that your
22 testimony today is being taken pursuant to the
23 subpoena?

24 A. Yes.

25 Q. Mr. Vlasto, please give us to your

1 JOSHUA VLASTO

2 educational background starting with college?

3 A. I went to Cornell University the
4 school of industrial and labor relations and I
5 graduated in 2004.

6 Q. Please walk us through your
7 employment history following college before
8 joining the Executive Chamber?

9 A. I started shortly after graduating
10 Senator Schumer's office in Washington, D.C.
11 for three years. I was a policy aide and then
12 in the press office. For the remaining 3 1/2
13 year out of the six I was the press secretary
14 in New York City. And then in April, 2010 I
15 left the senator's office and joined Cuomo
16 2010. The Attorney General's campaign for
17 Governor where I was the press secretary and
18 after he won I was press secretary on the
19 transition and then joined the administration.

20 Q. How did you come to be press
21 secretary Governor Cuomo's campaign?

22 A. So it was a natural job to take I
23 had been with Chuck for six years and I wanted
24 to start thinking about something else. I was
25 friendly with a couple people in the then

1 JOSHUA VLASTO

2 Attorney General's office who suggested that I
3 come onboard the campaign.

4 Q. Who were you friendly with from
5 the then Attorney General's who suggested that
6 you come to the campaign?

7 A. Primarily [REDACTED] and Joe
8 Percoco.

9 Q. Was there an application process
10 for joining the Cuomo campaign?

11 A. No.

12 Q. Did you interview with anyone?

13 A. Yes.

14 Q. Who did you interview with?

15 A. I interviewed I suppose formally
16 if you want to call it an interview with
17 [REDACTED] and then the Attorney
18 General.

19 Q. Before that interview had you met
20 Mr. Cuomo before?

21 A. I met him once. He had done a
22 press conference with Senator Schumer, so I was
23 working being for Senator Schumer and I briefly
24 met him then.

25 Q. Describe that first interaction?

1 JOSHUA VLASTO

2 A. It was a press conference on the
3 street. I think it was about student loans.
4 It was after the Puerto Rican day parade. And
5 I don't remember if I spoke to the Attorney
6 General at all during the interaction.

7 Q. When you interviewed for the
8 campaign how long did you meet with Mr. Cuomo
9 for?

10 A. About a half hour. I should
11 clarify my family has a long history and
12 relationship with the Cuomo family. My [REDACTED]
13 is close friends with the former Governor
14 Cuomo.

15 I don't recall prior to that press
16 conference ever meeting Andrew Cuomo in any
17 significance. We may have been in the same
18 room or the same event, but we didn't have a
19 relationship at all, but I should note there is
20 a family connection there that dates back to
21 the '70s.

22 Q. What did you discuss at that
23 interview with Mr. Cuomo and your interest in
24 joining the campaign?

25 A. I don't remember much about it.

1 JOSHUA VLASTO

2 It was mostly about my work in Senator
3 Schumer's office and what he was thinking for
4 him campaign -- for what the Attorney General
5 was thinking for his campaign going forward.

6 Q. When that did you do as press
7 secretary for the campaign?

8 A. I was primarily the spokesperson.
9 Fielded media inquiries, attended press events
10 and travelled to the press events that we did
11 across the state.

12 Q. How did you come to join the
13 administration after Mr. Cuomo was elected
14 Governor?

15 A. He was elected in November and I
16 was offered the job as press secretary for the
17 transition which was a formal role. And then
18 at the conclusion of the transition they
19 offered me the deputy communications director
20 job.

21 Q. Who offered you the deputy
22 communications director job.

23 A. The Governor -- the Attorney
24 General at the time, Governor elect I suppose.

25 Q. What were your responsibilities as

1 JOSHUA VLASTO

2 deputy communications director in the
3 administration?

4 A. Similar to the campaign. I was
5 primary spokesperson for the Governor and the
6 administration, fielding media inquiries,
7 attending press events, travelling, writing
8 press releases and so on.

9 Q. Who did you report to as deputy
10 communications director?

11 A. Rich Bamberger.

12 Q. Did you report to Mr. Bamberger
13 the whole time that you were deputy communications
14 director.

15 A. The whole time that I was deputy
16 communications director, yes.

17 Q. Do any one report to when were you
18 deputy communications director?

19 A. Yes, we had a series of staff in
20 the press office.

21 Q. Who were they?

22 A. Oh, boy I mean there was about
23 six, seven aides who were sort of deputy press
24 secretaries, deputy communications directors.
25 I don't remember all the name. I could give

JOSHUA VLASTO

1
2 you a handful. It evolved over the two and a
3 half years as well.

4 Q. Whose names do you remember?

5 A. [REDACTED],
6 [REDACTED] for
7 a period of time. [REDACTED] when he was there.
8 Those are sort of the -- Rich Azzopardi when we
9 overlapped.

10 Q. Azzopardi reported to you when you
11 were deputy communications director?

12 A. Well wait a minute. There wasn't
13 a org chart. Functionally he reported up to
14 me. If you look back at whatever his title
15 was, maybe he report to Rich. So, it was --
16 Rich and I ran the office essentially together.
17 I don't want to be too technical in terms of
18 the reporting structure that's not how the
19 office operated, but I was more senior to him.

20 Q. Just to clarify. When you said
21 maybe he reported to Rich you were saying maybe
22 Azzopardi reported to Bamberger?

23 A. That's correct.

24 Q. And then later when you report to
25 Rich you were talking about Bamberger?

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JOSHUA VLASTO

A. That's correct.

Q. Geographically where were you based when you were deputy communications director?

A. I lived in [REDACTED].

Q. Where was your office?

A. I had an office in Albany in the capitol and I had an office on 41st Street and Third Avenue. So I had an office in both in New York City and Albany.

Q. In New York City that was 633 Third Avenue?

A. That's correct.

Q. What floor were you on the?

A. 39th floor.

Q. Where on the 39th floor did you sit?

A. I had a smallish office on the East Side sort of southeast corner. So there was a big office on the southeast corner and I had the little office next to.

Q. Where was office in relation to the Governor's office?

A. I was down the hall. He was to

1 JOSHUA VLASTO

2 the call it the northeast corner and I was in
3 the southeast corner but we connected by
4 hallway.

5 Q. How often did you interact with
6 the Governor when you were deputy
7 communications director?

8 A. Every day.

9 Q. What sort of interaction did you
10 have with the Governor?

11 A. It ran from discussing media
12 requests to planning whatever events we were
13 doing that day as well as traveling.

14 Q. How long did you serve as deputy
15 communications director?

16 A. Almost two years. From until the
17 end of 2012 thereabouts.

18 Q. After the end 2012 did you
19 continue to serve in the administration?

20 A. I did.

21 Q. In what capacity?

22 A. I became chief of staff.

23 Q. How did you become chief of staff
24 from communications director?

25 A. Larry Schwartz who was secretary

1 JOSHUA VLASTO

2 promoted to me to the roll.

3 Q. What relationship did you have
4 with Mr. Schwartz before that?

5 A. He was my boss. He was the
6 secretary and I worked for him.

7 Q. Did you formally report to Larry
8 Schwartz?

9 A. When I was deputy communications
10 director I suppose I didn't. I reported to
11 Rich and then when I became chief of staff I
12 reported to Larry.

13 Q. Who held the position of chief of
14 staff before you did?

15 A. [REDACTED]

16 Q. Where did [REDACTED] go?

17 A. He became the superintendent of
18 the department of financial services.

19 Q. What were your responsibilities as
20 chief of staff?

21 A. There was no quite defined
22 responsibilities. Essentially my job was to
23 make sure that the day ran smoothly. Make sure
24 that the events were the way that people
25 wanted. That the policy and press came out the

1 JOSHUA VLASTO

2 way they wanted. I still primarily did a lot
3 of media relations for any number of different
4 reasons but that was primarily the role. Just
5 involved in making sure the day ran the way it
6 was supposed to.

7 Q. Did Mr. Schwartz have a discussion
8 with you about the becoming the chief of staff
9 before you were promote?

10 A. Yes.

11 Q. What did he say to you during that
12 conversation?

13 A. We had a series of discussions.
14 The context around it was that Rich Bamberger
15 had left administration. I would have been the
16 natural person to communication director, but I
17 had gone to Larry proactively and said I didn't
18 want to be communications director, I wanted to
19 move out of the press office and take on a more
20 operational role.

21 The conversations that we had in
22 over the end of 2012 I suppose mostly centered
23 around that discussion.

24 Q. What was the reason that you did
25 not want to be communications director?

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JOSHUA VLASTO

A. I wanted to more management operational role not just talking to reporters.

Q. Who reported to you when you were chief of staff?

A. That's sort of a tricky question. There was no org chart that I ever saw. Essentially I managed whatever was going on in that particular day. So I couldn't say who reported to me or didn't. I wouldn't know to define it. But as senior person in terms of making sure whoever was working with the Governor on a particular day way being managed effectively. That's the best way that I would describe it.

Q. You said a couple of times that there was no organize chart. Can you elaborate on that?

A. I guess I should be probably more specific. There was no org chart that I recall or ever saw or ever drafted. Maybe there was one somewhere, but there wasn't one that I ever saw or abided why.

Q. Was that different from other work experiences that you had?

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JOSHUA VLASTO

A. No.

Q. When you were chief of staff how often do you interact with Governor?

A. Every day.

Q. What your interactions with the Governor?

A. In meetings, just listening and hearing and giving advice on what was going on and then reacting to whatever he wanted done out of that particular discussion.

Primarily centering around events. What was the event that day or what was the event that we were doing the next day. By that I mean public events.

Q. Where was your office when you were chief of staff?

A. I had the same office in 633. I didn't move. In Albany I moved out of the press office and sort down the hall. I was still on second floor sort of another office.

Q. Where were you on the secured or unsecured side in Albany when you were chief of staff?

A. The secure side.

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JOSHUA VLASTO

Q. How about when you were deputy communications director?

A. The secure side.

Q. Did you hold any other positions in the Executive Chamber other than deputy communications director and chief of staff?

A. No.

Q. When did you leave the Chamber?

A. I formally left the Chamber at the end of January, 2013. I'm sorry, January, 2014.

Q. Did you informally leave the Chamber before the end of January, 2014?

A. Yes. Well, I informed them that I was leaving the Chamber in December, 2013 that's probably a better way from phrase it.

Q. Who did you inform that you were leaving the Chamber?

A. Larry Schwartz.

Q. What did you say to Mr. Schwartz?

A. At the time I didn't say anything to Larry Schwartz. I put my identification and Blackberry on his desk and with a short resignation letter and left.

JOSHUA VLASTO

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Q. That was in December, 2013?

A. That was in December, 2013, yes.

Q. What were the circumstances that you led to this?

A. I became frustrated with the way the operation in the Chamber had been running. I had warned Larry probably in November that if the dynamic didn't change, I wouldn't be able to continue in my role as chief of staff. The dynamic didn't change so I left my post as chief of staff.

Q. What frustrations did you have about the Chamber?

A. I had become frustrated that I wasn't being able to do my job effectually. That I was being blamed for things that weren't wrong. I was working on matters that I shouldn't have been working on in terms of my portfolio. And to be specific sort of travelling to events constantly. And I just wasn't being put in a position to function properly and I became very frustrated.

Q. What did you see as the reason for your inability to do your job effectively?

1 JOSHUA VLASTO

2 A. I think it was primarily I felt
3 that Joe Percoco had been undermining me with
4 the Governor. I had felt that while I was in a
5 senior role in terms decisionmaking for what
6 events we were doing, what the schedule was, I
7 feel things were being foisted on me. And it
8 is not the role that I agreed to with them and
9 I didn't want to see it slip back to the old
10 role. And I was tired of being undermined.

11 Q. "I didn't want to see it slip back
12 to the old role," what did you mean by that?

13 A. It sounds parochial but I was
14 tired of being on the road. I was travelling
15 with him everywhere. Every single event I was
16 going to. And that prevented me from being a
17 manager effectively. And so despite my efforts
18 to sort of set up an actual structure where I
19 could come off the record, I was being put in a
20 position where I had to be road constantly and
21 it just wasn't effective. It was making me not
22 be able to execute against what I needed to do
23 on that particular day.

24 Q. You mention that you were also
25 frustrated because you were being blamed for

1 JOSHUA VLASTO

2 things, who was blaming you for things?

3 A. It was Joe and the Governor
4 primarily. Whether it was sincere or not I
5 couldn't tell you, but it was frustrating. And
6 I had been there for a long time, I had been
7 for there years and I was sort of just
8 frustrated by it.

9 Q. What kind of things were you being
10 blamed for?

11 A. A specific example was on the day
12 before an event -- it was just take two days
13 back on a Thursday the Governor decided that he
14 very much wanted to travel to Dunkirk for an
15 event and then fly to the north country for an
16 event related to economic development. These
17 events require a lot of work and a lot
18 preparation, you have to build the crowd, you
19 have to think about -- putting together these
20 political events could be time-consuming.

21 And I remember just saying to him,
22 the Governor and Joe, that I think it was a
23 good idea to do this on such notice. We didn't
24 need to it that weekend and also there was a
25 big storm coming in Western New York and that

1 JOSHUA VLASTO

2 we probably wouldn't be able to make it out
3 there anyway. And I remember that the Gov then
4 said to me, well I know you don't like to work
5 on weekends which was preposterous. I had
6 worked every weekend for ten years.

7 I just remembered specifically
8 being very offended by that and realizing that
9 the disconnect between where I was sort of
10 being pushed to in my role and where I wanted
11 to be was growing, so I got very frustrated by
12 that.

13 Q. In describing your frustrations
14 earlier you also referred to a dynamic in the
15 Chamber. What dynamics were you referring to?

16 A. Primarily that. Primarily that
17 another instance was there was the Sunday after
18 Thanksgiving in 2013, so three weeks sort of
19 prior to the interaction I just described, the
20 Gov and Joe and Melissa decided they wanted to
21 go down to the Democratic Governor's
22 Association meeting in Washington on short
23 notice and I said that is fine by me but I'm
24 not going it is Sunday after Thanksgiving. And
25 no, you don't have to go so son. And then lo

1 JOSHUA VLASTO

2 and behold even through it was their idea to go
3 they decided they did not want to go and I got
4 stuck flying down, I don't remember how I got
5 down there, but I remember being frustrated.

6 And realizing that again this was sort of I was
7 outside of the decisionmaking tree in terms of
8 my own role. And I got frustrated.

9 Q. Who did you think was part of the
10 decision-making tree?

11 A. I think it was certainly Joe, the
12 Governor and Melissa. Who I had good
13 relationships with. This was not a period of
14 time where there was acrimony or anything, it
15 was just sort of general frustration, but I
16 realize that was not going in the direct that I
17 wanted it be going and that's why I sort of
18 expressed frustration to Larry.

19 Q. What was Joe Percoco's role at the
20 time?

21 A. His title was executive deputy
22 secretary or something that to effect.

23 Q. Does that mean he reported to
24 Larry Schwartz?

25 A. Yes.

1 JOSHUA VLASTO

2 Q. What was Melissa DeRosa's role at
3 the time?

4 A. She was communications director.

5 Q. How did Larry Schwartz react to
6 your resignation letter?

7 A. I don't remember how Larry
8 specifically reacted, no.

9 Q. What did you say in your
10 resignation?

11 A. I said it's been -- I don't
12 remember the exact words. It was a sentence or
13 two.

14 Q. Did you tell the Governor about
15 your plans to resign?

16 A. No.

17 Q. Did you ever discuss with the
18 Governor your plans to resign?

19 A. He probably called me a day or two
20 later and tried to convince me to come back and
21 work for him.

22 Q. What you say?

23 A. I said I didn't want to come back.
24 That I realized this was end of the road for
25 this. And that I felt bad I had made a

1 JOSHUA VLASTO

2 commitment to him that I would continue in the
3 role, but it was a nonfunctional situation.

4 Q. What commitment had you made to
5 the Governor that you would continuing in the
6 role?

7 A. That I would stay through the
8 first term.

9 Q. When did you tell him that?

10 A. When he offered me chief of staff.

11 Q. When who offered you --

12 A. When the Governor offered me chief
13 of staff. I should say he told me with chief
14 of staff, I want to do this for you, but he
15 said you have to stay through the first term.
16 This it now going back a little bit and at that
17 time I said I would.

18 Q. Let's go back. What discussions
19 did you have with the Governor about becoming
20 chief of staff?

21 A. That was the probably the only one
22 in person. There might have been a text or a
23 PIN back and forth at the time, but I don't
24 recall anything specific.

25 Q. What you did tell him during those

JOSHUA VLASTO

1 discussions?

2
3 A. Essentially what I just said,
4 which was I didn't want to state in the press
5 office. That I felt that I earned this role
6 and this title and that he said he wanted to do
7 for me and it was complexity and they needed to
8 talk to through, whatever normal sort of senior
9 people to do to avoid making a decision in the
10 room. And then he said, look, if you do it you
11 have to stay through the first term and I
12 agreed.

13 Q. What were the reasons that you
14 thought you had earned the role of chief of
15 staff?

16 A. Just being good the two previous
17 years as deputy communications director. And
18 had become a leader on the staff and wanted to
19 take on more management and not just sort of
20 being the press guy.

21 Q. What was the tenor of your
22 discussion with the Governor when he tried to
23 convince you to stay on and chief of staff and
24 told him no?

25 A. I would probably describe it as

JOSHUA VLASTO

1
2 tight. It was an unremarkable conversation.
3 But it wasn't a cordial one either, it was just
4 direct.

5 Q. Did you raise his voice at any
6 time during that discussion?

7 A. Not that I recall.

8 Q. What's the reason that you said
9 was not cordial?

10 A. He and I had a cordial
11 relationship over the three years and talked
12 frequently but in that conversation it was just
13 brief and tight.

14 Q. What is the reason for the delay
15 between your submitting your resignation letter
16 in December, 2013 and formally leaving the
17 Chamber in January, 2014?

18 A. So I agreed, given the nature of
19 the budget cycle that they didn't -- it
20 wouldn't be good for the administration, it
21 wouldn't be right for me to have high profile
22 departure prior to the budget. So I said I
23 would stay in my role until the end of January.
24 So that allowed the state of the state to
25 happen and the budget to be released.

1 JOSHUA VLASTO

2 Q. Did you continue working as chief
3 of staff during that time?

4 A. I would describe it as limited.
5 Highly limited. I didn't attend anymore of the
6 meeting, I went to the budget address, I went
7 to the state of the state but I was not in what
8 I would describe in what I would describe an
9 active role, as best I can recall it was a
10 while ago.

11 Q. Had you previously tried to leave
12 the Executive Chamber before you submitted your
13 resignation in December, 2013?

14 A. No.

15 Q. Had you previously look into
16 leaving the Executive Chamber before that time?

17 A. I had interviewed with people who
18 had reached out to me, but I never seriously
19 considered it.

20 Q. Did you ever tell anyone in the
21 Executive Chamber that you had been
22 interviewing?

23 A. I don't recall if I had. And I
24 also only remember one specific sort of
25 specific interview that went beyond just sort

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JOSHUA VLASTO

of a conversation in terms of going. But no, I don't recall if I did or not.

Q. Before December, 2013 had anyone in the Executive Chamber tried to convince you to stay in the Executive Chamber?

A. I don't think so. I don't see what the circumstances would have been. I don't recall, let's put it that way.

Q. What was your next job after you left the Executive Chamber?

A. I spent two months on -- as a consultant to the Cuomo campaign. What would be then Cuomo 2014. So they paid me a salary. I went to the office to help sort of set up the campaign. It also provided a transition for me and then to off-load -- not off-load, what is the HR term of art. What the is term of art. Like the opposite of onboard.

MS. PERRY: Offboarding.

A. Offboarding.

Q. What did you do as consultant to the campaign?

A. I met with a couple of digital consultants that they were thinking about

JOSHUA VLASTO

1 hiring and sort of helping them out. I
2 remember there was a couple of media requests
3 that had come in that I probably helped triage,
4 but I was not very active.
5

6 Q. This was in February and March,
7 2014?

8 A. That's correct.

9 Q. How did you get that position as
10 consultant on the campaign?

11 A. It was a discussion that I
12 probably had with Joe to make sense that this
13 would be the natural to use the term that we
14 agreed actually offboard would be the next
15 step.

16 Q. Did you agree when you first
17 spoke with Joe Percoco that you would to serve
18 as consultant for two months?

19 A. I think we probably set around
20 that amount of time. I was thinking until I
21 found a job. I needed to find what actually
22 would be my next job. It was around that
23 period of time is what we had envisioned when
24 we had discussed it.

25 Q. Are you aware of anyone else who

1 JOSHUA VLASTO

2 had similar arrangements when they transitioned
3 from the Executive Chamber before they found
4 their next job?

5 A. None specifically. I would say it
6 is not uncommon for someone to leave the
7 government staff, I'm making a generalization,
8 to then go to a political staff for a period of
9 time. So it may have happened, it may not
10 have, but I don't remember anyone specific.

11 Q. When you say that is not uncommon
12 in government, what are you saying that based
13 on? Is it based on your experience with
14 working with Governor Cuomo?

15 A. No, general experience in
16 politics.

17 Q. Is that based on your experience
18 working with Senator Schumer?

19 A. I would say just more generally,
20 just being around policies.

21 Q. What is it based on?

22 A. As I said, I worked in politics
23 and in and around politics my entire career so
24 I've seen a variety of different activities
25 that extend far beyond Senator Schumer and the

1 JOSHUA VLASTO

2 the Governor's Office.

3 So seeing people move from a
4 government role regardless if it's federal,
5 state or local into a campaign role is not
6 uncommon.

7 Q. Whose idea was it for you to
8 transition into a campaign role?

9 A. I don't remember if it was me or
10 Joe or whomever first came up with it.

11 Q. What did you do after you left the
12 consultant's position?

13 A. I want to work at JP Morgan.

14 Q. How do you come to work at JP
15 Morgan?

16 A. [REDACTED] had been the general
17 counsel there and a friend of mine me
18 recommended me for a role which I got.

19 Q. How did you know [REDACTED] ?

20 A. I met him through [REDACTED]
21 [REDACTED] who had been in and around the
22 administration in a variety of roles. She had
23 been a friend of mine and she introduced me to
24 [REDACTED]. He also was a nominee for something,
25 I can't remember what it was, I had met him in

1 JOSHUA VLASTO

2 Albany and we had a friendship.

3 Q. What was your position at JP
4 Morgan?

5 A. I was a director. I don't
6 remember the exact title but you worked in the
7 marketing and communications department.

8 Q. What were your responsibilities?

9 A. I had very little responsibilities. I
10 was managing -- I worked as a part of marketing
11 team that had done some public branding work JP
12 Morgan. They had asked me to help develop a
13 program to promote savings. So sort of odd
14 different pieces.

15 Q. How long did you do that for?

16 A. Only three or four months.

17 Q. What is the reason that you left
18 JP Morgan after three or four months?

19 A. I was offered a job at McAndrews &
20 Forbes.

21 Q. When you were at JP Morgan did you
22 continue to do any work paid or unpaid for the
23 Governor?

24 A. Yes

25 Q. What work did you do for the

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JOSHUA VLASTO

Governor when you were at JP Morgan?

A. Define the term work. I was paid a nominal amount, \$500, as to help edit the original -- the first book that he wrote.

Q. Did you do any other work for Governor?

A. No.

Q. How about for the Executive Chamber?

A. No.

Q. New York State?

A. No. Well you're talking about the period of time at JP Morgan, no.

MR. KIM: Can I ask a follow up question? The \$500 for the work on the book, how did you come you with that figure?

THE WITNESS: I honestly don't recall, I remember getting a call from somebody, either at the book or a lawyer for the Gov or someone involved in it saying in order to comply with ethics guidance I couldn't provide that work for free. And so they said they had to send me

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JOSHUA VLASTO

money, consultation for it and I got 500 bucks.

MR. KIM: Did you have any discussions about the figure, \$500, with anyone?

THE WITNESS: No.

MR. KIM: How much work did you do on that book?

THE WITNESS: I read through the book, drafts, probably three times and I attended one or two sort of editing and sort of media strategy sessions and that was probably it.

MR. KIM: About how many hours do you think you spent on the first book?

THE WITNESS: I couldn't tell you. It was not a substantial amount. I don't recall specifically, I couldn't tell you. But it was not a substantial amount of time.

MR. KIM: Approximately how many hours?

THE WITNESS: 10 tops be maybe 12. I wouldn't say that I read the book

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JOSHUA VLASTO

tremendously carefully. But I would probably say about 10 to 12 hours.

MR. KIM: Did you do any work on the second book, the recent book?

THE WITNESS: No formal work, no.

MR. KIM: How about informal?

THE WITNESS: I reviewed the drafts of the book on one occasion.

MR. KIM: Who asked you to do that?

THE WITNESS: I got a call from --

MS. PERRY: Just to add, this interview is about -- this testimony is about the sexual harassment claims and surrounding circumstances. This seems going afield from that scope.

MR. KIM: Well, you can note your objection. There is reason why we are asking and it is related to surrounding circumstances.

MS. PERRY: Okay.

THE WITNESS: Can he repeat the question?

MR. KIM: Who asked you to do that?

THE WITNESS: Stephanie Benton

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JOSHUA VLASTO

called me and asked if I could come up to Albany and review a draft of the book.

MR. KIM: When was that?

THE WITNESS: End of July of this year. End of July last year.

MR. KIM: Did you do that?

THE WITNESS: Yes.

MR. KIM: Why did you travel to Albany for that?

THE WITNESS: They asked if I would and I did.

MR. KIM: Did you paid for that?

THE WITNESS: No.

MR. KIM: Was there any discussion about getting paid for that?

THE WITNESS: No, I probably mentioned that I had been paid the previous time and would that be necessary this time, but I don't recall the answer and I didn't press it.

MS. PERRY: I don't see the connection here. We have a subpoena for testimony on one topic and I'm happy to a side-bar, but I don't see --

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JOSHUA VLASTO

MR. KIM: We can have a sidebar but we are not going to explain to you the reasons why we're asking. You can lodge an objection, that is fine and it's noted. You can instruct him not to answer and then we can litigate that, if you want. If you think it is privileged there is no basis for that.

MS. PERRY: I would be instructing him not to answer on the basis it is outside the scope of the subpoena that we received.

MR. KIM: I'm not sure that's a basis, a proper basis.

MS. PERRY: Could we take a break?

MR. KIM: Not while a question is pending.

MS. PERRY: Okay, then I would like a break after the question.

MR. KIM: Okay.

THE WITNESS: Could you repeat he the question?

MR. KIM: Who did you have that conversation with?

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JOSHUA VLASTO

THE WITNESS: Honest, I don't recall. It was not something of a big focus of mine.

MR. KIM: We could have a side-bar now.

THE VIDEOGRAPHER: We are now going off the record the time is 9:54.

(Recess Taken).

THE VIDEOGRAPHER: Back on the record, the time is 9:57.

BY MS. MAINOO:

Q. Mr. Vlasto who paid you the \$500 for your work on the first book?

MS. PERRY: Mr. Vlasto, I'm going to lodge the same objection that this is outside the scope of the testimony that was described in the subpoena and I instruct you not to answer.

(COUNSEL DIRECTS WITNESS NOT TO ANSWER.)

Q. You mentioned that in connection with the second book you went to Albany, correct?

MS. PERRY: I'm going to lodge the same objection and instruct you not to

1 JOSHUA VLASTO

2 answer.

3 (COUNSEL DIRECTS WITNESS NOT TO ANSWER.)

4 Q. Mr. Vlasto who offered you the job
5 at MacAndrews & Forbes?

6 A. Steve Cohen.

7 Q. When did Mr. Cohen contact about
8 working at MacAndrews & Forbes?

9 A. I don't remember the exact date,
10 but it was the summer of 2014. June or
11 Julyish.

12 Q. Do you know how Mr. Cohen came to
13 offer you a position at MacAndrews & Forbes?

14 A. I don't know how he came about it
15 doing it.

16 Q. Do you know the reasons he offered
17 you a job when you had just started a previous
18 job about four months before that?

19 A. What he told me was that they were
20 creating a position at MacAndrews to manage the
21 communications for MacAndrews level and at the
22 portfolio company level and the person that was
23 doing that job was not corporate focused and
24 that I would be good for that role.

25 Q. Did you have this discussions with

JOSHUA VLASTO

Mr. Cohen?

A. In the same period of time probably July, 2014. I don't remember the exact date.

Q. What position did Mr. Cohen offer you at MacAndrews & Forbes?

A. I don't remember. It was vice president at MacAndrews & Forbes.

Q. When did you decide to accept the position?

A. That August, middle of August.

Q. Were what were the reasons that you decided to accept the position?

THE WITNESS: Can I pause for a second?

MS. MAINOO: Let's take a break.

THE VIDEOGRAPHER: We are now going off the record at ten o'clock.

(Recess taken.)

THE VIDEOGRAPHER: We are now back on the time is 10:15.

BY MS. MAINOO:

MS. MAINOO: Bill can you read back the last question.

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JOSHUA VLASTO

(Requested portion of record read.)

A. It was a better job. I liked the idea of the role and it seemed like a cool place to work, so...

Q. How did you submit your resignation to JP Morgan?

A. I called my boss at the time [REDACTED] and asked to go see her and told her I was accepting a new role.

Q. Did you speak with [REDACTED] before you left JP Morgan?

A. No, I probably told him after. He had left the company by then.

Q. When did he leave JP Morgan?

A. I don't remember exactly but I know he left after I got there but before I left.

Q. Mr. Vlasto, while you were at MacAndrews & Forbes did you do any work, paid or unpaid, for the Governor?

A. Depends how you defined work. You have to be more specific.

Q. What interactions did you have with the Governor when he worked at MacAndrews

JOSHUA VLASTO

& Forbes?

A. The Governor, limited. I didn't see him that much.

Q. Did you have any interactions with any members of the Executive Chamber?

A. Yes.

Q. Who?

A. Primarily Melissa DeRosa, sometimes [REDACTED] I'd see them around. Those were mostly phone calls. I didn't spend much time at the office or go to Albany.

Q. Going back to my question about --

A. I should say the press office too. I occasionally would get a call from whomever was in the press office in that period of time.

Q. Going back to my question about whether you did any work for the Governor when you were at McAndrews & Forbes, is there a reason that you asked me depends -- is there a reason you said it depends on how you define work?

A. Yes, because I was never hired by them. I didn't have contracts or paid with them. I was a full time employee of

JOSHUA VLASTO

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2 McAndrews & Forbes. I was an appointee by the
3 Governor to the Cornell University Board of
4 Trustees, I don't know if that counts as work.
5 I was not employee at the time. I didn't get
6 paid to be a member of the board. But for
7 about 2 1/2 years I was his appointment to the
8 board of trustees.

9 Q. Apart from appointment to the
10 Cornell Board of Trustees were there any
11 reasons why you paused on my question?

12 A. No.

13 Q. Did you do any work for the
14 Executive Chamber when you were at McAndrews &
15 Forbes?

16 A. No.

17 Q. Did you do any work for New York
18 State when you were at MacAndrews & Forbes?

19 A. No.

20 Q. What the reasoned that you left
21 MacAndrews & Forbes?

22 A. I can't discuss it. I'm under
23 cover by my NDA.

24 Q. When did you leave MacAndrews &
25 Forbes?

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JOSHUA VLASTO

A. July, 2020.

Q. Where did you go after you left MacAndrews & Forbes?

A. Kibbet Inc.

Q. How did you come to work at Kibbet?

A. I had been friends Rich Bamberger and Maggie Moran for many years. Maggie and I had previously talked about my next move careerwise after McAndrews & Forbes would be to go Kibbet so I reached out to her over the summer and reached an agreement.

Q. When did you reach out to Maggie Moran?

A. June or Julyish, I don't remember exactly, of 2020.

Q. When did you formally leave MacAndrews & Forbes?

A. July 31st, was the date. I don't want to be that precise. It was the end of July, I don't remember the exact date, but the end of July.

Q. Before the end of July, 2020, had you stopped working at McAndrews & Forbes?

1 JOSHUA VLASTO

2 A. Had I stopped working at
3 MacAndrews & Forbes, no.

4 Q. When was the decision made for you
5 to leave MacAndrews & Forbes?

6 A. I can't get into the decision-making
7 process, but it was the end of July was my last
8 day there.

9 Q. I'm not asking you about the
10 decision-making process. I'm asking when was
11 the decision made for you to leave MacAndrews &
12 Forbes.

13 A. Probably the end of July, that
14 week. It was quite quick. So called it the
15 last two, three weeks of July.

16 Q. Who was involved in the decision
17 for you to leave MacAndrews & Forbes?

18 A. Me and [REDACTED] and the general
19 counsel at the time of MacAndrews & Forbes.

20 Q. Who was that?

21 A. [REDACTED].

22 Q. When did you speak with Maggie
23 Moran going to Kibbet?

24 A. Prior to leaving MacAndrews &
25 Forbes, but I don't remember the exact time

JOSHUA VLASTO

1
2 around those conversations.

3 Q. How did you know Maggie Moran?

4 A. She had been a friend through
5 politics.

6 Q. When did you first meet
7 Miss Moran?

8 A. Probably 2011 would be the first
9 time that I met her.

10 Q. Under what circumstances did you
11 meet her?

12 A. She had been working for the
13 committee to save New York. I don't remember
14 what you would call her role was, but I
15 probably met her then. I had been familiar
16 with her work mostly through Rich and what they
17 were doing at Kibbet and I would see her around
18 and just always cordial friends.

19 Q. When had you spoken with Maggie
20 Moran in the past about your next career move
21 to join Kibbet?

22 A. We probably had gone for a drink
23 in 2017, 2018ish where she said tried to
24 encourage me to come but you wasn't ready to
25 leave McAndrews then.

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JOSHUA VLASTO

Q. What did you tell Miss Moran in June or July, 2020 about leaving MacAndrews & Forbes?

A. I don't want to discuss anything related to what was going on MacAndrews & Forbes. Other than what I told Maggie I was ready to make a move and wanted to join the firm.

Q. I'm asking you to tell me what you told Maggie. What did you tell Maggie about leaving MacAndrews & Forbes?

A. That I was ready to leave and I -- Kibbet seemed like the right place to go.

Q. You don't tell Miss Moran anything else about MacAndrews & Forbes?

A. No.

Q. Did you mention the NDA with MacAndrews & Forbes to her?

A. I probably would have said to her I can't talk about what is going on or I don't want to get into what is going on or something like that.

Q. Did you speak with anyone else at Kibbet before joining?

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JOSHUA VLASTO

A. Rich Bamberger.

Q. Anyone else?

A. Anyone at Kibbet? Yes, [REDACTED]

[REDACTED] the managing partner. I had an interview with him such as it is.

Q. Why do say such as is?

A. It was a remote conversation on phone, it wasn't an interview. It was a to get to know you.

Q. What position did you have you with when you joined Kibbet?

A. Managing director.

Q. When did you join Kibbet?

A. Formally right after Labor Day.

Q. Did you join informally at another time?

A. I signed my contract early in August and it primarily took effect -- I received some payment upfront but my employment didn't talk full affect until the Tuesday after Labor Day if I remember correctly or thereabouts.

Q. What are your responsibilities at Kibbet?

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JOSHUA VLASTO

A. Managing director in the New York office. I service our client across a wide range of areas.

Q. How do you service your clients?

A. Provide communication advice and strategy, political advise and strategy, financial communications, a lot of corporate work. A range of activities.

Q. Since you joined Kibbet have you done any work for the Governor?

A. No.

Q. Since you joined Kibbet have you done any work for the Governor's campaign?

A. No.

Q. Have you done any work for the Executive Chamber?

A. No.

Q. New York State?

A. No.

Q. Have you done any volunteer work for the Governor?

A. Let me just clarify one thing. I believe Kibbet does some work for New York State. I do not work on those accounts. So I

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JOSHUA VLASTO

don't want to seem evasive, me personally, I do not.

Q. Has Kibbet done any work for the Governor since you joined Kibbet?

A. Since I joined Kibbet, none that I'm aware of, no.

Q. What about before you joined Kibbet, are you aware of any work that Kibbet has done for the Governor?

A. I aware that Maggie served in the role of campaign manager in 2018. What function and sort of structure that took, I don't know.

Q. Are you aware of any work that Kibbet has done for the Executive Chamber?

A. No.

Q. What do you know about the work that Kibbet does for State of New York state?

A. I want to pause there for a second. I don't know if I'm authorized to discuss specific clients. They are not my clients. So, again, I think you have to call Kibbet. It is not for me to discuss.

MS. PERRY: With respect to client

1 JOSHUA VLASTO

2 names and Kibbet counsel and Kibbet
3 clients, I think that Kibbet counsel's
4 decision. We haven't been authorized to
5 share information about Kibbet clients
6 because there are confidentiality
7 agreements in place.

8 Q. Mr. Vlasto are you bound by those
9 confidentiality agreements?

10 A. I believe so. I was not prepared
11 to discuss Kibbet business so I don't want to
12 overstep any agreements that I'm not aware of.
13 I'm not an attorney and I have to rely on them
14 to give me guidance on what I can and cannot
15 discuss.

16 Q. Do you know if Maggie Moran is
17 involved in the work that Kibbet does for New
18 York State?

19 A. I don't know. I can't discuss
20 what she does and doesn't do.

21 Q. When you say that you can't
22 discuss what she does and doesn't do, are you
23 saying that you're not authorized to or you do
24 know not?

25 A. Both, frank. I don't know and I

1 JOSHUA VLASTO

2 don't think I'm authorized to and I don't know
3 what Maggie does day to day and I don't feel
4 comfortable discussing if either form or
5 function.

6 Q. Just to clarify you don't know
7 whether Maggie Moran is involved in the work
8 that Kibbet does for State of New York?

9 THE WITNESS: What do you think,
10 Anne?

11 MS. PERRY: So the question as I
12 hear it is do you know whether or not
13 Maggie does work is participates in or is
14 part the work that Kibbet does for New York
15 State.

16 A. So I will answer I don't know what
17 Maggie does or does not participate.

18 Q. Just to be specific, do you know
19 whether Maggie Moran is involved in the work
20 that Kibbet does for New York State, yes or no?

21 A. I don't.

22 Q. Let's move on to your time at the
23 Executive Chamber.

24 Did you receive any training on
25 sexual harassment when you worked in the

1 JOSHUA VLASTO

2 Executive Chamber?

3 A. I don't recall honest. If there
4 was I'm sure I did it. But I don't recall if
5 at that period of time we had to do it or not.

6 Q. You don't recall whether when you
7 served as deputy communications director in the
8 Executive Chamber you received training on
9 sexual harassment?

10 A. I don't recall, no.

11 Q. You don't recall if when you
12 served as chief of staff in the Executive
13 Chamber you received training on sexual
14 harassment?

15 A. I don't recall. It doesn't mean
16 that I didn't do it, it doesn't mean that it
17 wasn't required. I'm sure I complied with
18 whatever the requirements were, but I don't
19 recall if you did or didn't at that time.

20 Q. Mr. Vlasto what your understanding
21 of the definition of sexual harassment?

22 A. I'm not aware. I couldn't speak
23 to it.

24 Q. Are you familiar, Mr. Vlasto, with
25 allegations against Vito Lopez of sexual

1 JOSHUA VLASTO

2 harassment?

3 A. Only that I remember them being
4 publicly made at the time.

5 Q. At the time you said "Sexual
6 harassment at the workplace cannot be tolerated
7 in any shape or form." Right?

8 A. Yes, I read that clip.

9 Q. What did you mean when you
10 referred to sexual harassment?

11 A. I don't recall the specific reason
12 why I gave that quote. I gave a lot of quotes
13 during that period of time. So, I couldn't
14 tell you what I meant or didn't mean and it
15 certainly probably wasn't based on any legal
16 standard.

17 Q. Even if it wasn't based on any
18 legal standard, what understanding of sexual
19 harassment did your statement that sexual
20 harassment at the workplace could not be
21 tolerated in any shape or form reflect?

22 A. Again, I couldn't speak to my
23 state of mind when I gave that quote.

24 Q. Did you ever see an employee
25 handbook for the Executive Chamber, Mr. Vlasto?

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JOSHUA VLASTO

A. I'm sure I was presented with it at some time, but I couldn't recall what it looked like or if you read it.

Q. Please open your binder to tab three and mark that as exhibit.

(Exhibit 3 for identification, State of New York executive department equal employment and New York State right and responsibility the handbook for employees of New York agencies and it's dated December, 2011.)

Q. This document is the State of New York executive department equal employment and New York State right and responsibility the handbook for employees of New York agencies and it's dated December, 2011. Do you see that?

A. Yes.

Q. Let's turn to page 11. I would like you to read the last paragraph on page 11.

A. Hostile environment sexual harassment consist of words signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature or which are directed to an individual because of that

1 JOSHUA VLASTO

2 individual's sex. Sexual harassment has also
3 been defined as any unwanted verbal or physical
4 advances, sexually explicit derogatory
5 statements, or sexually discriminatory remarks
6 made by someone in the workplace which are
7 offensive or objectionable to the recipient
8 which cause the recipient discomfort or
9 humiliation or which interfere with the
10 recipient's job performance."

11 Q. Mr. Vlasto, were you made aware of
12 this definition of sexual harassment when you
13 worked in the Executive Chamber?

14 A. As I said, I'm sure I was given
15 this handbook, I don't recall if I read it or
16 not.

17 Q. You don't recall whether when you
18 served as chief of staff in the Executive
19 Chamber you read the handbook?

20 A. Correct.

21 Q. When you were in the Executive
22 Chamber did you have any understanding that
23 employees were not supposed to be retaliated
24 against for complaining about harassment or
25 discrimination?

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JOSHUA VLASTO

A. Can you say that one more time, I'm sorry?

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

A. I wouldn't say that I was formally aware, but just as a human being obviously that is a statement that I agree with. Employees should not be retaliated against for raising issues of sexual harassment.

Q. Or any form of harassment?

A. Or any form of harassment.

Q. When you were in the Executive Chamber did you have any understanding that even former employees were protected if they spoke up about experiences they had during their employment?

A. Again I would not say I was formerly aware of any specific definitions, but as a human being I agree with that.

Q. Which you say you're not formerly aware, you used that phrase twice, what do you

1 JOSHUA VLASTO

2 mean by formally aware?

3 A. I was not briefed or recall
4 chapter and verse the legal standards for this.
5 So I don't want to say that I was not aware of
6 it if someone handed me a handbook and I didn't
7 read it chapter and verse. I'm sure I was
8 compliant with all what I needed to in terms of
9 certifications. But in terms of the standards
10 that you just set out, those are standards that
11 I agree with.

12 Q. Please read the first paragraph
13 under adverse employment action? Going back to
14 the exhibit we are turning to page 33 and I've
15 ask Mr. Vlasto to read the first paragraph
16 under adverse employment action?

17 A. "Retaliation consists of an
18 adverse action or actions taken against the
19 employee by the employer. The action need be
20 not be job related or occur in the workplace.
21 Unlawful retaliation can be any action more
22 than trivial that have the effect of dissuading
23 a reasonable worker from making or supporting a
24 charge of discrimination."

25 Q. Mr. Vlasto, were you made aware of

1 JOSHUA VLASTO

2 this definition of retaliation when worked in
3 the Chamber?

4 A. It is the same category. I don't
5 recall the specific definitions, no.

6 Q. But what you say that in your
7 words as a human being you understand this?

8 A. Yes.

9 Q. You understood this when you
10 worked in the Chamber?

11 A. Yes.

12 Q. Page 33 also says "Actionable
13 retaliation by an employer can occur after the
14 individual is no longer employed by that
15 employer." Is that something that you
16 understand?

17 A. It seems reasonable, yes.

18 Q. Is this something that you would
19 have understood dating back to your time in the
20 chamber?

21 A. Yes.

22 Q. Before December, 2020 were you
23 aware of any complaint by Lindsey Boylan about
24 the work environment in the Executive Chamber?

25 A. Before December, 2020, yes,

1 JOSHUA VLASTO

2 because she had made tweets publicly in an
3 around her campaign for congress.

4 Q. What do you remember about her
5 tweets?

6 A. Frankly basically what you just
7 said which is they had raise issues about her
8 time in the Chamber and how woman were treated
9 and so on. I don't remember what they
10 specifically said.

11 Q. Did you discuss those tweets with
12 anyone?

13 A. I'm sure in the course of
14 day-to-day we had a conversation here or there,
15 but nothing specific comes to mind.

16 Q. Who would you have discussed
17 Miss Boylan's tweets from her campaign with?

18 A. Again, I couldn't say
19 specifically. I don't recall.

20 Q. Do you recall if you discussed
21 Miss Boylan's tweets with anyone from the
22 Executive Chamber?

23 A. No, I don't remember any specific
24 conversations. It doesn't mean that it didn't
25 happen, but...

1 JOSHUA VLASTO

2 Q. Did you learn about complaints by
3 Lindsey Boylan in December, 2020 about the work
4 environment in the Executive Chamber?

5 A. I suppose, yes, when she started
6 tweeting again.

7 Q. How did you learn about
8 Miss Boylan's complaints?

9 A. I don't remember how I
10 specifically learned. If I saw the tweets
11 first or I got a phone call from someone
12 telling me.

13 Q. What do you remember about the
14 tweets in December, 2020?

15 A. You know, I hadn't looked at them
16 recently so I don't remember what exactly they
17 said. It was more hostile work environment,
18 adverse to woman and so on.

19 Q. Did you have a view on the
20 truthfulness of Miss Boylan's complaints?

21 A. I didn't have a view on the
22 truthfulness of the complaints and I don't want
23 to get tripped on timeline because there were a
24 lot of different tweets in a lot of different
25 moments. I do remember some of the things that

1 JOSHUA VLASTO

2 she had said in those tweets and various posts
3 that were inconsistent with what she had
4 telling me over the years. But in terms of
5 whether they were accurate or not, I wasn't
6 there, so.

7 Q. How were Miss Boylan's tweets
8 inconsistent with what she had been telling
9 over the years?

10 A. Again I don't want to get tripped
11 up on a timeline. I don't remember the order
12 of her tweets or what came first from when.
13 But certain items stuck out at me as being
14 inconsistent such as not wanting to work --
15 move from ESDC to the Executive Chamber. That
16 was something that she had said to me she had
17 wanted to do. When I read she had tweet that
18 that was something that she did not want to do,
19 that as inconsistent.

20 Q. Let's go tab 9 in your binder and
21 we will mark this as the next exhibit.

22 (Exhibit 4 for identification,
23 Tweets from Lindsey Boyland.)

24 Q. Do you recognize this is document?

25 A. It looks like tweets from Lindsey.

1 JOSHUA VLASTO

2 Q. Is there anything in this document
3 that is inconsistent with what you had heard
4 from Miss Boylan?

5 A. Give me a second to read it.

6 (Witness reviewing document.)

7 A. The only thing that I would
8 suggest is the tone. And again I was not there
9 in the Governor's office or at ESDC, so I
10 couldn't tell what it was actually like. But
11 in the times that we discussed her experience
12 in the administration, she was never critical.
13 So to suggest these were critical, that is
14 something that is somewhat inconsistent. That
15 is inconsistent.

16 Q. Do you have any idea of you
17 truthfulness of any of Miss Boylan's complaints
18 that are reflected in this document, this
19 exhibit?

20 A. No, I don't have a view.

21 Q. Did you sue these tweets at any
22 time before today?

23 A. I'm sure I read them when she
24 tweeted them.

25 Q. Do you do in to try to verify

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JOSHUA VLASTO

whether they were true or not?

A. No.

Q. Do you know if anyone in the Executive Chamber tried to verify whether these complaints were true or not?

A. No. It doesn't mean they did or didn't, it just means I don't.

Q. What was your reaction to the complaints Miss Boylan made that's reflected in this document?

A. I was surprised given that it was inconsistent with things she had told me.

Q. Just to clarify, when you say it was inconsistent with things she told you, based on your earlier statement that just means that the tone was more critical than what she suggested before?

A. That's correct.

Q. Did you discuss Miss Boylan's complaints with anyone in early December?

A. I'm sure I did.

Q. Who did you discuss them with?

A. Melissa, again I don't remember -- there were a lot of different sort of series of

1 JOSHUA VLASTO

2 complaints, so I can't identify exactly who I
3 spoke to on which ones, but I'm sure Melissa
4 and I talked about these.

5 Q. What is the reason that you're
6 sure you and Melissa talked about --

7 A. We talked often.

8 Q. What you did and Melissa discuss?

9 A. I couldn't tell you, I couldn't
10 recall specifically around these tweets.

11 Q. Just to make sure that we are on
12 the same page, you're referring to Melissa
13 DeRosa, correct?

14 A. That's correct.

15 Q. Apart from Melissa DeRosa did you
16 speak with anyone else about Miss Boylan's
17 complaints in early December?

18 A. I can't recall specifically. It
19 doesn't mean I didn't, I couldn't recall a
20 specific conversation here or there.

21 Q. Did you discuss Miss Boylan's
22 complaints with Rich Bamberger in early
23 December, 2020?

24 A. Again, I'm sure we talked
25 generally about her complaints, whether or not

JOSHUA VLASTO

1 we discussed these I couldn't tell you.

2 Q. Did you discuss Miss Boylan --

3 A. I shouldn't should't say I
4 couldn't tell you. I don't recall.

5 Q. Did you discuss Miss Boylan's
6 complaints with [REDACTED]?
7

8 A. I don't know if I did at this
9 point, but I can't recall if I did or didn't.

10 Q. Turn to tab 11 and we will mark
11 this as an exhibit.

12 (Exhibit 5 for identification,
13 Series of chats involving Mr. Vlasto, [REDACTED]
14 [REDACTED] and [REDACTED]
15 [REDACTED].)

16 Q. So this is a series of chats
17 involving you, [REDACTED]
18 and [REDACTED].

19 A. Yes.

20 Q. You mentioned [REDACTED]
21 earlier, who are [REDACTED] and [REDACTED]
22 [REDACTED]?

23 A. Friends of mine.

24 Q. How do you know them?

25 A. We worked together in the

JOSHUA VLASTO

1
2 Governor's office.

3 Q. What was [REDACTED] role?

4 A. He was -- he worked for the state
5 operations director. I don't remember his
6 exact title.

7 Q. What about [REDACTED] ?

8 A. He was the same. He was the
9 schedule for a period of time. I don't
10 remember his exact title.

11 Q. You sent a text saying "This is
12 just at story that is not going to end well for
13 anyone. If she keeps it up her issues will
14 come out and then no one looks good." What do
15 you mean by that.

16 A. So, it was a glib comment to
17 start. These are friends mine. We are talking
18 politics on a rolling sort of text claim.

19 In terms of her issues will come
20 out, there have been rumors and reports about
21 her behavior in the Chamber over the years --
22 not in the Chamber, sort of government. But
23 think I it was more just abstract. If she
24 continues to raise her profile on these issues
25 it will expose other issues in general.

JOSHUA VLASTO

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Q. She refers to Lindsey Boylan?

A. That's correct.

Q. What were the rumors and reports about Miss Boylan from her time in the government?

A. So, it is more things that I just heard along the way whether or not she had had [REDACTED] or whether or not -- that was really it.

Q. When you say whether or not Miss Boylan had had [REDACTED] [REDACTED] what do you mean by that?

A. There had been rumors that she had [REDACTED]. [REDACTED]

Q. What were the rumors?

A. I can't talk specifically on them. I wasn't there and I didn't put too much credence in any of them. These are rolling conversations.

Q. So her issues refer to rumors about [REDACTED] [REDACTED] Yes?

A. Yes, I'm sorry, yes.

JOSHUA VLASTO

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Q. Who are the people that Miss Boylan was rumored [REDACTED]

[REDACTED]

[REDACTED] There was a question about -- yeah, [REDACTED]

[REDACTED]

A. Yes.

Q. Did you discuss Miss Boylan's complaints with Governor in early December?

A. No. I don't recall specifically if I did. I don't believe so, but I don't want to say declaratively because I don't remember every conversation that you had.

Q. Did you discuss Miss Boylan's complaints with the Governor at any point?

A. Not that I can recall, no. He may have participated in calls that I was on with groups of people, but I don't recall ever specifically speaking to him directly one on one.

Q. Please tell me about those calls in which the Governor may have participated?

1 JOSHUA VLASTO

2 A. You know what, I don't remember
3 specifically. These are ongoing jumping on,
4 jumping off of calls. I seem to remember and
5 again I don't know if it was at this moment, if
6 it was this series of tweets or it was a
7 subsequent series of tweets him jumping on to --
8 I should say him listening or participating in
9 one of the calls. I don't remember if he said
10 anything I just remember someone saying the
11 Gov's in the room.

12 Q. When was that call?

13 A. I don't remember the specific
14 call.

15 Q. What month was that call?

16 A. Again, I couldn't tell you what
17 month. It was in and around these circumstances,
18 but I don't remember the sequence of specific
19 calls.

20 Q. Do you recall if the call was in
21 December, 2020?

22 A. No, I couldn't tell you
23 declaratively.

24 Q. Do you remember if the call was in
25 February, 2021?

1 JOSHUA VLASTO

2 A. I couldn't say declarative. Let's
3 take a step back for a second. I have [REDACTED]
4 [REDACTED], I have a job that I had just started
5 and these were a serious of fast moving moments
6 that to say that I paid half attention to would
7 be generous. I'm listening in on other end of
8 these calls, sometimes I'm driving, I have [REDACTED]
9 all over the place and I have a career and job
10 you a family to feed.

11 On the scale of priorities this
12 was not particularly high. And so in terms of
13 remembering the specific sequences of calls and
14 this person was talking about this then, it is
15 going to be challenging if not impossible just
16 given the nature me.

17 I'm in my room, [REDACTED]
18 and sometimes I'm paying attention and
19 sometimes I'm not. Sometimes I care what they
20 are talking about, most of the time I don't.

21 Q. Given your various responsibilities
22 with your [REDACTED] [REDACTED] and fact that you just
23 started a job, you have a career, a job and a
24 family to feed, what is the reason that you
25 were involved in these calls?

1 JOSHUA VLASTO

2 A. I was a sounding board. I had
3 been in and around the Governor's office for a
4 long time and they would often, Melissa or the
5 press office would call the me and ask me for
6 advice on moments in time. What did you think
7 of this. Did you see that story. So I was a
8 sounding board for stuff. They called me and
9 ask me opinion and I would provide it.

10 Q. Did you consider not serving as a
11 sounding board to the Executive Chamber?

12 A. I don't think I would consider it
13 serving as a sounding board. The phone rang
14 sometimes I picked it up and sometimes I
15 didn't.

16 Q. Did you consider saying to Melissa
17 DeRosa that you did not have the time of
18 bandwidth to help the Executive Chamber?

19 A. Again, on occasion I would say hey
20 I cannot get on calls today. Hey, I'm too busy
21 you have to stop. Leave me alone. Give me
22 some space or I'm not available today. So
23 episodically I would say, I can't work on this
24 today or I can't participate in this call
25 today. Work probably not being an accurate

1 JOSHUA VLASTO

2 term but I can't participate on those calls.

3 Q. Did you consider saying I can't
4 work on this, period?

5 A. Ultimately I did later in March.
6 So I don't know if we are sticking to timeline
7 here or not, but ultimately when I was asked to
8 take on a formal role or Kibbet was asked to
9 take on a formal role as well, I declined on my
10 behalf. I said I'm not participating in this.

11 Q. What was the response when
12 episodically when you would say you were not
13 available?

14 A. Nothing. I wouldn't get on a
15 call. I wouldn't answer my phone.

16 Q. Let's go back to a call involving
17 the Governor. Do you remember what was
18 discussed on the call that the Governor
19 participated in or may have participated in?

20 A. No, I mean it was, if I remember
21 correctly it was around -- it was not during
22 December -- it is hard to remember, right,
23 because there were so many different
24 accusations, there were different times going
25 on. It was in a moment when nursing homes was

1 JOSHUA VLASTO

2 rather hot and then her tweets appeared and so
3 I think that is the confluence moment that I
4 remember that he was on the phone.

5 To say which moment of
6 intersection that was I don't recall as there
7 were several periods of time when they crossed
8 over.

9 Q. Do you remember what was
10 discussed on that call, setting aside when the
11 capped happened?

12 A. It was whether or not we needed to
13 put out a statement to deny -- whether or not
14 the Governor's office would put out a statement
15 to deny the allegations that she was making.

16 Q. What is the reason -- previously
17 you said whether or not we need to put out a
18 statement. Who is "we" there?

19 A. I should have been more clear.
20 Whether or not the Governor's office needed to
21 put out a statement.

22 Q. Did you still identify with the
23 Governor's office then?

24 A. I don't know what that means. I
25 worked at Kibbet and am independent citizen. I

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don't identify with the Governor's office.

Q. What is the reason you said we, whether or not we need to put out a statement?

A. Because I was on a call with a group of people, so in that moment.

Q. Who else was on the call?

A. I don't remember specifically. And I also can't in this these calls say declaratively because I'm not A, in the room so I don't know who is in the room on the other end of the phone. Often also these are calls that are patched in by the various assistants and who knows who's dialing in to what.

So throughout rest of this exercise I'm not going to know who was on each different call because who knows would have walked in and out or who could have been patched in or dialed in.

MR. GRANT: Do you recall approximately how many calls you had of this variety when you described these sort of episodic calls?

THE WITNESS: Yeah, there were times when this were several a day and there were

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times when there were none for a period of a week. It depends on what was going on in a particular matter or whether the news was hot, when there was a lot of news or not.

MR. GRANT: Can you give me a ballpark figure as to how many calls there were?

THE WITNESS: I really can't. It's too hard to estimate. Because some calls were very long, some call were shot. Sometimes there would he a quick call. This is not a formal process so I'm reluctant to put a definitive figure on it other than to say it was a regular rolling series of calls over a period of time. But sometimes there would be none. Sometimes there would he a lot. Sometime there would be ones that I just wouldn't get on. Sometimes I would get on ten minutes and decided I wanted to go do something else and would hang up the phone and not tell them.

So you know I'm very hesitant to give a more defined structure than in

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reality this period of time had.

MR. GRANT: I believe earlier there was some discussion with the definition of sexual harassment and I believe in your answer you said something along the lines of well, noting that it was a legal standard.

Did you have a colloquial understanding what sexual harassment was while you worked in the Executive Chamber?

THE WITNESS: Again, I don't want to ascribe to a specific standard that I'm not fully aware of wasn't. But as a human being, I treat people with respect and in the workplace and I expect people to do the same.

So I don't want to -- I'm not an attorney and I'm not a public officer anymore, so I don't to ascribe myself to a standard that I'm not personally familiar with, but all I can tell you is that I treat people with respect in the workplace. I never had a complaint issued towards me in any capacity ever. So I'm very

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comfortable with my sort of standard how I set they things.

I just don't want to provide a definition that might end up being inconsistent seven years after I left the Executive Chamber.

MR. GRANT: In your role in the Executive Chamber you supervised employees, correct?

THE WITNESS: Yes.

MR. GRANT: Do you have an understanding as to whether or not managers in the Executive Chamber were required to report instances of sexual harassment that they observed or that they otherwise became aware of?

THE WITNESS: Again, I don't know what the standard was then. What the rules were. I know they changed several times over the years and decade. All I know is that if someone came to me with a formal complaint, I would have reported it and I would of expected my team to do the same.

MR. GRANT: You say formal

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complaint. What the difference between a formal complaint and an informal complaint to you?

THE WITNESS: To me personally and again I don't want to speak to a handbook from ten years ago. If it was someone saying XYZ did XYZ to me, it made me uncomfortable and it was sexualized, then that be would something I would feel I needed to deal with.

MR. GRANT: That's it.

BY MS. MAINOO:

Q. Now, in response to Mr. Grant's questions you referred to a regular rolling series of calls. Over what periods did that periods of calls take place?

A. I would say loosely December through early March. 2020 to 2021. I don't want to get too specific, I just don't recall it. But that is generally the period of time as I think about it.

Q. What was the subject of those calls?

A. A very broad question, I suppose.

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2 In the ones that I would participate in, it
3 would be related to media response and what
4 does the Governor's office say to this inquiry.
5 What should he say or the administration say if
6 there is press conference that day. And then
7 also providing insight on what reporters might
8 write. I can only speak for myself. That is
9 the calls that I would participate in.

10 Q. What were the media responses or
11 press conference concerning? The allegations
12 the sexual harassment?

13 A. Nothing specific. Remember over
14 the period of time where I, to use the phrase
15 sounding board, I would give them my view on
16 how to answer questions or respond to issues on
17 a wide variety of topics. On economic
18 development, on COVID, on anything. I didn't --
19 I don't think about this stuff in terms of
20 siloed moments in time. Because at a press
21 conference you can be asked anything.

22 Q. Is there a reason that you were
23 involved in the series of calls during the
24 period from December, 2020 to early March,
25 2021? What was going on there then?

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2 A. I would be asked if I could join a
3 call and I joined it. If someone called me I
4 answered phone. It is not really anything
5 beyond that. It was up to me to decide in a
6 moment here or there whether I joined the calls
7 for not. There was no subject matter or agenda
8 to go through beforehand.

9 Q. Was there anything happening in
10 the period from December, 2020 to early March,
11 2021 that involved or warranted this response?

12 A. Well, based on what was in the
13 newspaper, there was a lot of news around the
14 Governor, there was a lot of questions that
15 were being raised about him across a wide
16 variety of topics. To the extent they asked me
17 to participate and listen and provide advice, I
18 would do it. But it was -- there were a number
19 of different issues that were going on then.

20 Q. What were the issues that were
21 going on then?

22 A. There was certainly Lindsay's
23 allegation came to the fore. There were issues
24 regarding the numbers of nursing homes, deaths
25 in nursing homes. There was just general sort

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2 of COVID response and what was going on. There
3 was -- there was workplace culture. I suppose
4 that was triggered under Lindsey. There was
5 Ron Kim and those sort of strains of news
6 narratives out there.

7 Q. Other than Lindsey Boylan's
8 allegation, were there any other allegations
9 that were discussed on this series of calls?

10 A. Over time more allegations of
11 sexual -- the nature, the nature of sexual
12 harassment nature came to light.

13 Q. Those other sexual harassment
14 allegations were also discussed on these calls?

15 A. As they came out.

16 Q. Generally speaking who
17 participated in this series of calls that you
18 referenced?

19 A. To my knowledge, again, with the
20 caveat that I don't know who was in the room on
21 the end of the phone and I don't know who
22 dialed in, all know who's speaking or who is on
23 a particular e-mail. It was generally Melissa,
24 members of press office Peter Ajemian, Rich
25 Azzopardi, Steve Cohen, Linda Lacewell, Judy

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1 Mogul, later on Jeff Pollock and Lis Smith.

2 Q. What was Steve Cohen's role?

3 A. I can't speak to what his
4 arrangement was.

5 Q. What you understand to be his role
6 in those discussions?

7 A. I can't speak to it. Steve is --
8 has been a sounding board for them. He has
9 been an attorney. I don't know -- I don't want
10 to speak to what Steve's his role and
11 relationship was other than it was not abnormal
12 for him to participate in a call.

13 Q. What about Linda Lacewell?

14 A. She is the superintendent of
15 financial services but in the same vein, over
16 the course of 11 years it was not abnormal for
17 her to be on a call regarding media response.

18 Q. You also mentioned Jeff Pollock
19 and Lis Smith. What was Jeff Pollock's role?

20 A. I don't know if he had a formal
21 role or arrangement or not. So it was in the
22 same vein of someone who I assumed the
23 Governor's office called frequently as a
24 sounding board for advice. But I don't know if
25

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2 he had a formal arrangement or not.

3 Q. Was it unusual for Jeff Pollock to
4 be involved in these discussions?

5 A. Let me put it this way, in terms
6 of the calls -- in terms of being a sounding
7 board in me roll over 11 years, Jeff was not on
8 many of them. But that is not to say that he
9 wasn't on regular strategy calls over the 11
10 years, it just wasn't ones that I was
11 necessarily on. He could have ended up being
12 on more than I was for all I know. I don't
13 want to artificially narrow.

14 Over the years I was not on a lot
15 of strategy calls, group calls over the period
16 of years. When I was I was and when I wasn't I
17 wasn't. But I don't know what Jeffrey was or
18 not.

19 Q. Did you ever speak with Jeff
20 Pollock about the capacity in which he was
21 severing on the calls?

22 A. No.

23 Q. What was Lis Smith's role?

24 A. I'd put it the in same category as
25 Jeff. I know that she had worked on the

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2 campaign in 2018. And I know she had been a
3 friend of Melissa's and sounding board for her
4 as well. Whether or not she had a formal
5 arrangement I don't know.

6 Q. Did you take any action in
7 relation to responding to Miss Boylan's
8 complaints before December 13th, 2020?

9 A. Define actions.

10 Q. Is there a reason you need to
11 define actions?

12 A. Yes.

13 Q. What is the reason?

14 A. Because I don't know what it
15 refers to. There is formal action, there is --
16 you have to be more specific.

17 Q. Did you take any informal action
18 in relation to responding to Miss Boylan's
19 complaints before December 13, 2020?

20 A. Again, you have to define what an
21 action is. Speaking to -- if someone is asking
22 me what do I think or do you know them
23 responding to that question and action or --
24 so, I think you have to be a little more
25 specific.

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2 Q. Did you speak with anyone in
3 relation to responding to Miss Boylan's
4 complaints before December 13, 2020?

5 A. I'm sure people ask me about them
6 in the course of travels. Certainly around the
7 congressional campaign and I would answer
8 essentially the same way as I did here which is
9 I wasn't there, but this is inconsistent with
10 what she was telling me.

11 Q. Did you speak to any reporters
12 about Miss Boylan's complaints before
13 December 13th, 2020?

14 A. I'm sure I did. I mean people
15 would ask me about her because over the --
16 reporters would often ask me about things that
17 were going on just generally with regard to the
18 Governor's, the Governor's Office, the
19 Executive Chamber even when I was out of the
20 administration. It is safe to say that when
21 she was making those allegations people would
22 ask me.

23 Q. Did you contact any reporters
24 about Miss Boylan's complaints before
25 December 13th, 2020?

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A. I couldn't say if I did or not, I don't remember.

Q. Did you ever contact the New York Post before December 13, 2020 about Miss Boylan complaints.

A. Before December 13, I don't know, I have to look.

Q. Let's look at tab 13 in your binder. .

MS. MAINOO: Mark this as exhibit.

(Exhibit 6 for identification, Text from Mr. Vlasto to Mr. Bamberger on December 12th, 2020.)

Q. So tab 13 looks like a text from you on December 12 --

A. Wait I'm looking at wrong them. Go ahead.

Q. You told me, what is tab 13?

A. This is a text from me to Rich, I guess. It says dad owner. So I guess this is Rich's text. So yes, to Rich. I was not text being my father.

Q. On December 12th, 2020?

A. That is what I'm looking at, yes I

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guess.

Q. What did you say to Rich?

A. It says "I'm going to call Post and confirm the Boylan stuff."

Q. What do you mean by that?

A. I don't recall.

Q. Who at the Post would you have called?

A. I would imagine it would be Bernadette Hogan but I couldn't say for sure, but it likely was.

Q. What is the reason that you say it was likely Bernadette Hogan?

A. I didn't really talk to anybody at the Post beyond her in that period of time.

Q. This text message refers to you reaching out to the post, correct?

A. I'm going to call the Post, yes.

Q. What was Boylan stuff?

A. I don't know in this particular case. I don't remember what she was writing or not at this moment.

Q. Did anyone ask you to contact the Post about Miss Boylan's complaints?

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A. I don't recall if they did or not.

Q. Did Melissa DeRosa ask you to contact the Post about Miss Boylan's complaints?

A. There were instances when she did. But in terms of this text and this moment, I can't recall if they did or not.

Q. Tell me about the instance when Melissa DeRosa ask you to contact the Post?

A. So, there was one instance Lindsey Boylan had sent some hostile text messages to Rob Mujica and Dani Lever threatening text message and they were sort of bizarre. Melissa had been pushing us to get them to reporters to write stories about them. And again I don't remember if this was before this text or after are the day of so I don't have any recollection of that.

I reached out to Bernadette and told her about these text message as she said she was not interested in them and that was the end of it.

Q. Did you send the text messages to Miss Hogan?

A. Yes.

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2 Q. Did you send the test messages to
3 any other reporters?

4 A. Mike Gartland at The Daily News.

5 Q. What did you say to Mike Gartland
6 at The Daily News?

7 A. Mike -- if I remember the
8 conversation correctly I said, I don't know if
9 these are going to be relevant for your
10 reporting or not, take a look at them and he
11 decide they were not and I said okay. I
12 remember telling Melissa at the time, I don't
13 think these are interesting or going to make
14 much news at all.

15 Q. What is the reason that you still
16 sent the texts to Bernadette Hogan and Mike
17 Gartland?

18 A. Probably just because she had
19 pushing us to do so and I wanted to stop them --
20 get it off my plate.

21 Q. When you say Melissa DeRosa had
22 been pushing us to test to the reporters, who
23 is us?

24 A. Me and Rich and generally that the
25 group that I described earlier.

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Q. Let's be clear, you?

A. Yes.

Q. Rich Bamberger? Yes?

A. Yes.

Q. Who else?

A. The press office, Azzopardi, Peter Ajemian, again I don't specifically if she asked them -- it is mirky and Lis and Jeff Pollock as well.

Q. You were not part of the press office then, correct?

A. I was not.

Q. Did you ever tell Melissa DeRosa that you would not send information to reporters at Melissa DeRosa was pushing you to send to reporters?

A. Yes.

Q. When did that happen?

A. With regard to these text messages.

Q. But you sent the text messages?

A. Ultimately in that case I decided to do it just to move on.

Q. Did you ever decline a request

1 JOSHUA VLASTO

2 from Melissa DeRosa to provide information to
3 reporters regarding sexual harassment
4 allegations against the Governor?

5 A. That's tricky. Right, because, in
6 calls in discussions over the course of all of
7 those periods of time, there were -- no, I
8 guess I don't specifically remember an instance
9 where I said no. That's is not something that
10 I'm going to do and it never probably came to
11 the point where I was actually asked you. But
12 I can't think of a time where you said no.

13 Q. Did the Governor approve of you
14 sending information about Lindsey Boylan to
15 reporters?

16 A. I don't know.

17 Q. Did you have any concerns about
18 whether the Governor approved of your sending
19 information about Lindsey Boyland to reporters?

20 A. Say that one more time.

21 Q. Did you have any concerns about
22 whether the Governor approved of you sending
23 information about Lindsey Boyland to reporters?

24 A. If Melissa was asking me to do it
25 I was not concerned.

1 JOSHUA VLASTO

2 Q. What is the reason that if Melissa
3 was asking you to do it you were not concerned
4 about whether the Governor approved?

5 A. It would be -- I would assume that
6 this was something that either he approved --
7 he agreed with it or it was consistent with the
8 strategy that they had discussed. I would not
9 have ever assumes that what I was doing was
10 inconsistent.

11 Q. What's that basis for that
12 assumption?

13 A. My own experience of the
14 administration and the Governor's office.

15 Q. Before December 13th, 2020 were
16 you aware of any complaints by Lindsey Boyland
17 of sexual harassment by the Governor?

18 A. Say the date one more time.

19 Q. December 13th, 2020.

20 A. Had she already made these
21 complaints? This is -- the timeline gets a
22 little tricky here.

23 Q. I will show you her tweets?

24 A. Yes, I want to be precise.

25 Q. Go to tab 15 in your binder which

1 JOSHUA VLASTO

2 we will mark as an exhibit.

3 (Exhibit 7 for identification,
4 Tweets from Lindsey Boylan.)

5 MR. GRANT: Before we go there can
6 I ask a couple of questions?

7 MS. MAINOO: Yes.

8 MR. GRANT: I believe you testified
9 just now that in relations to sending they
10 text messages you initially voiced
11 opposition or declined to tell Melissa and
12 ultimately relented. What do you say to
13 Melissa when you declined to send the text
14 message originally?

15 THE WITNESS: That they were the
16 newsworthy and interesting and that
17 reporters would agree with my assessment
18 that it was not newsworthy or interesting.

19 MR. GRANT: How to Melissa react to
20 that statement?

21 THE WITNESS: She -- and this was
22 over the course of several back and forth.
23 It was conversations in a variety of
24 different groups an so on. That it was
25 just -- we kept saying this is not

1 JOSHUA VLASTO

2 interesting. This is not relevant. And
3 she disagreed and kept pushing to have
4 someone try and connect them with a
5 reporter.

6 MR. GRANT: Do you recall
7 specifically anything she said in these
8 conversations?

9 THE WITNESS: Just sort of get them
10 out. We need these out there. These
11 should be out there. That kind of stuff.

12 MR. GRANT: During these
13 conversations did she ever explain her
14 position as why these text messages needed
15 to be out there?

16 THE WITNESS: I think it showed a
17 pattern of Lindsey being threatening to
18 administration officials. And I think
19 probably in Melissa's view as well as
20 likely Dani Lever, that this was how
21 Lindsey behaved in the Chamber.

22 In order to provide a contrast to
23 what she was saying about how people in the
24 administration behave, these texts provided
25 a contrast of how actually she treated

1 JOSHUA VLASTO

2 people, she being Lindsey in this case,
3 treated people in the Executive Chamber.

4 MR. GRANT: Did you understand that
5 Miss DeRosa believed that if these text
6 messages reached the press, the press would
7 write stories that would be unfavorable to
8 Miss Boylan?

9 THE WITNESS: I think that is
10 what -- I think that Melissa wanted those
11 and I can't speak for what Melissa wanted
12 or didn't want. What she was articulating
13 to us that these are texts that show a
14 pattern of behave by Lindsey. And that in
15 the context of the stories they would show
16 that Lindsey is portraying in these text a
17 series harassments and threats against her,
18 that this was something that she
19 participated in, Lindsey being, in the
20 administration and subsequently leaving.

21 Whether or not Melissa ever
22 articulated something that was direct about
23 how impact Lindsey personally, I don't
24 remember it. But I wouldn't rule it out.

25 MR. GRANT: Putting aside normative

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2 values such as like good or bad or in terms
3 of what the impact would be, was it your
4 understanding that Miss DeRosa wanted these
5 text messages out there because the press
6 would write stories about Miss Boylan being
7 threatening or harassing to government
8 officials?

9 THE WITNESS: That is a fair way
10 to -- that is a fair way to characterize my
11 view of what this was. This interaction
12 was and how I was approaching it. Whether
13 or not she had motives otherwise, I can't
14 speak to what her motives were.

15 The way that you characterized it is
16 a fair way for me to think about how I was
17 thinking about it.

18 Let me also add that my view that
19 these were not interesting, not relevant
20 and would ultimately not be reported and so
21 that's how, of course, it proved out to be.

22 MR. GRANT: Do you recall if
23 Miss DeRosa ever said anything specifically
24 about what sort of stories she wanted the
25 press to write about these text messages?

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JOSHUA VLASTO

THE WITNESS: You know, again, it is just writing on the text messages and saying that the text have threats in them and getting those threats in the newspaper.

MR. GRANT: That's it, Abena.

BY MS. MAINOO:

Q. So we are on tab 15?

A. Yes.

Q. Have you seen this document before?

A. These were the tweets that she sent about sexual harassment.

Q. I take it from your answer you have seen these tweets before?

A. Yes.

Q. When did you see these tweets?

A. In and around the time that she tweeted them.

Q. Before you saw these tweets, had you ever heard about complaints by Lindsey Boyland of sexual harassment by the Governor?

A. No.

Q. How did you learn about the tweets?

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A. I don't recall, either I saw them or someone called me about them.

Q. What was your reaction to Miss Boylan's allegations of sexual harassment by the Governor?

A. I suppose I was surprised factually but not surprised from an observer standpoint that it seemed to be where her tweets were progressing to.

Yeah, so I was surprise because I had never heard this discussed. I never heard it from her. I never heard it from anyone else. But I guess I would say I wasn't surprised in that it seemed that that was naturally where her tweets were headed.

Q. Did you have any understanding about whether Miss Boylan's allegations of sexual harassment by the Governor were true or not?

A. No. Other than Melissa saying they were not true to me. I didn't have any understanding in either direction.

Q. What happened before Melissa told you that Miss Boylan's allegation of sexual

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2 harassment by the Governor were not true?

3 A. What do you mean?

4 Q. How did Melissa come to tell you
5 that Miss Boylan's allegations of sexual
6 harassment by the Governor were not true?

7 A. I don't remember the specific
8 conversations, I'm sure in one of these
9 conversations she said we got to deny this.
10 And can we, and she said, yeah, it is not true,
11 okay.

12 Q. Just so I'm clear --

13 A. This is going to be a theme for
14 today. On a call with a group along the lines
15 of what we -- the people we discussed, I'm sure
16 someone said or Melissa said let's -- should we
17 deny this. Should we, meaning them, meaning
18 Governor's office, deny it. And either someone
19 said are they true or not or we assumed based
20 on what she was saying that they were not true
21 to progress along the linings of a denial.

22 Q. Do you remember whether a
23 member of the group was specifically asked
24 whether the allegations were true?

25 A. No. There was not ever a

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2 protracted discussion that I can recall at
3 least.

4 Q. So do you remember whether
5 Melissa DeRosa ever said anything about whether
6 Miss Boylan's allegations of sexual harassment
7 by the Governor were true or not?

8 A. I'm sure on one of those calls she
9 said we can deny this or we are going to deny
10 it or it is not true. I don't remember the
11 specific words. I don't remember the specific
12 conversation.

13 Q. Are you saying that you thought a
14 statement by Melissa DeRosa that we can deny
15 this was synonymous with a statement by Miss
16 DeRosa that the allegations were not true?

17 A. Well, no. I would say that that
18 was going to be their position. That if she
19 was saying it was not true, that either she
20 believed it was not true or that was what they
21 were going to say.

22 Whether or not that is relevant
23 to whether they were true or not was not a
24 decision or determination that I was making at
25 that moment. I'm not an arbiter of what in

1 JOSHUA VLASTO

2 that moment is true or not. They are saying it
3 is not true, they are going to deny it, okay,
4 next step.

5 Q. What I want to be clear about is
6 whether Melissa DeRosa or any other member of
7 the Executive Chamber actually said allegations
8 -- let's start with Miss Boylan's allegations
9 of sexual harassment were not true?

10 A. So I'm saying that saying -- I
11 don't remember the exact words, but if she were
12 to say we are going to deny it or we are going
13 to put a flat denial out it is synonymous in my
14 experience with them say it's not true.

15 I'm not -- I'm trying to unparse
16 I'm not trying to parse. I'm trying to make it
17 clear from those initial conversations that the
18 message that me on the outside or us on the
19 outside were getting was that the Governor's
20 office was saying these accusations were not
21 true. Regardless of actual phrasing that is
22 what they were telling us at large.

23 Q. So just so I'm clear. Was it
24 your understanding when someone from the
25 Governor's office said we are going to deny

1 JOSHUA VLASTO

2 particular allegations, that the Governor's
3 office was saying those allegation were not
4 true? Because there is difference between --

5 A. There is difference but in my
6 lane and the things that I focus on, it doesn't --
7 there isn't a difference to me. I'm not
8 evaluating -- I'm there -- I'm on these calls
9 for a media analysis. I'm not an investigator.
10 I'm not a lawyer.

11 So my job when I'm told
12 something -- I shouldn't say my job. My view
13 is, okay, how does this fit in the media
14 narrative. How is this going to get covered.
15 As to the veracity what they are telling me at
16 any moment it is up to me to investigate it
17 other than the common sense. Other than is it
18 something that a completely outside the realm
19 of possibility.

20 Q. Does it matter to you when the
21 Governor's office says that they going to deny
22 the allegation whether it is actually true?

23 A. Of course it matters to me. But
24 it is not my role to prove it in that moment.
25 It is not my view and it is not how I was

1 JOSHUA VLASTO

2 behaving in that moment. I'm not -- I get
3 presented with the situation and they asked me
4 for advice and they said they are going to deny
5 it, okay.

6 Q. Not to overcomplicate this. When
7 the Governor's office -- if the Governor's
8 office said we are going to deny particular
9 allegations, would you ask whether the
10 allegations were true or not?

11 A. It depends. It depends. In this
12 case I probably just made the snap judgment it
13 wasn't worth pushing on or pressing on. I
14 would imagine over time I can't recall a
15 specific moment or instance where I would say,
16 is there anything to this, is there anything
17 going on here. I don't recall specifically to
18 Lindsey raising those issues. But again, it is
19 not a place that I put myself in.

20 Over time and I'm sure we will
21 get to it, I ultimately said, look I'm not
22 going to participate in anymore, there is a
23 pattern of progression here. In that moment
24 they said they were denying it and that was the
25 moving on.

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2 Q. So to be clear, in connection with
3 Lindsey Boyland's allegations of sexual
4 harassment by the Governor, you don't remember
5 if anyone from the Governor's office said
6 Lindsey Boyland's allegation of sexual
7 harassment were not true. What you remember is
8 that someone from the Governor's office said
9 that the Governor's office would deny Miss
10 Boylan's allegation of sexual harassment by the
11 Governor; is that correct?

12 A. That is fair enough other than she
13 could have said the words, they are totally not
14 true. Or in a subsequent later conversation
15 someone could have said, is there any truth
16 this. Anything that we should know. I don't
17 want to rule it out, but if you're asking sort
18 of what I was thinking in the moment or what
19 was going on in the moment, the posture was
20 that it was not true.

21 Q. I'm not asking about what you were
22 thinking. I'm asking you about what you
23 remember the Governor's office saying.

24 A. Yes.

25 Q. What I'm hearing you don't

1 JOSHUA VLASTO

2 remember anyone from the Governor's office
3 saying Lindsey Boylan's allegation of sexual
4 harassment by the Governor are not true?

5 A. Correct and what I'm saying and
6 I'm not ruling it out and I'm also not saying
7 that they were parsing either. It wasn't that
8 they were hedging with me or the people on the
9 other end the phone.

10 Q. Did you discuss Lindsey Boyland's
11 complaints of sexual harassment with anyone
12 else at the Executive Chamber?

13 A. Rich Bamberger.

14 Q. Anyone else?

15 A. I'm sure I probably had a
16 conversation -- no, on the phone probably just
17 Rich. I don't talk to many other people.

18 MR. GRANT: Putting aside whether
19 or not it was a someone saying we are going
20 to deny this or saying it is untrue, do you
21 recall at any moment either Melissa or
22 anyone else on the call provided a basis
23 for making that statement, meaning what was
24 their basis for denying?

25 THE WITNESS: No. No. I mean I

1 JOSHUA VLASTO

2 get the point of that question. I don't
3 remember anyone saying -- well, I suppose
4 how would you even do that. She is making
5 these allegations and who could
6 declaratively at the moment say they
7 weren't true other than saying that we are
8 going to deny them were saying they weren't
9 true.

10 MR. GRANT: I guess this is point
11 for my follow up question. Do you know if
12 anyone during those calls ever said that
13 they investigated in any way these
14 allegations?

15 THE WITNESS: No. I never heard
16 anyone say that they investigated sexual
17 harassment allegations that Lindsey made
18 begins the Governor. I don't recall anyone
19 saying that.

20 MR. GRANT: You said I think in
21 response to one of -- -

22 THE WITNESS: Let me be precise for
23 a second. You're asking me if in any
24 discussion someone said we'd investigated
25 -- we investigated her claims against the

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Gov and there is nothing there. That's what you're asking?

MR. GRANT: Yes.

THE WITNESS: The answer is no, I never heard anyone -- I never there was ever an investigate and until that moment I had not heard that she made allegations.

MR. GRANT: Putting aside the investigation, do you remember if, I think you already answered it, Miss DeRosa or anyone else on these calls said there was any basis for the statement that we are going to deny?

THE WITNESS: No. And just to be clear, I had never heard she made allegations about the Governor before she did. Again, that doesn't mean she didn't. Maybe she did and I didn't know.

MR. GRANT: I think in response to one of the earlier questions you said that it depends whether or not you press somebody on the truth of the statement.

What are the factor that it depends on?

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2 THE WITNESS: I mean as a media
3 person I think it is -- again, my level of
4 caring about this stuff is pretty low, in
5 terms of this stuff I'm referring to the
6 Governor and how one moment in time is
7 being handled by them. It is not something
8 that put a light of time and effort and
9 energy into in terms of sort of just
10 analytically thinking about it.

11 I think my general rubric is, does
12 it sound credible and possible. Just
13 generally if someone says something to me
14 does this sound credible, does this sound
15 realistic, then I would move forward with
16 it. If it was something that incredible
17 then I would say this doesn't make sense.
18 Or if I knew was patently untrue, so the
19 converse is true as well. If someone were
20 to say to me it's raining outside, it's
21 not raining outside. So...

22 MR. GRANT: The last one for me.
23 Is it fair to say that you didn't press on
24 the point here because you believed
25 Miss DeRosa or somebody else's claim that

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we can deny was credible?

THE WITNESS: It was credible enough in the moment to not say that a statement that they were to put out denying it would be taken as incredible. Right. In the moment it was credible enough and based on my own rubric as well, I never heard of her make these kind of allegations before so it was so completely new. And in addition based on my own over the last two three months, two three weeks but also going back to the Nadler campaign which we talked about earlier, she was saying things that were inconsistent with my view or what she had been telling me about her experience in the Governor's office. So for her then to tweet in this moment sexual harassment and then to deny it was not an incredible thing for them to say. I should uncredible not incredible.

MR. GRANT: That's it.

BY MS. MAINOO:

Q. Before December, 2020 had you heard about any complaints of sexual harassment

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about the Governor?

A. Against the Governor?

Q. Against the Governor?

A. No.

Q. Let's look at tab 18 in your binder.

(Exhibit 8 for identification, Text message on December 13th, 2020 from Mr. Bamberger to Mr. Vlasto.)

Q. This is a text on December 13th from Rich Bamberger to you and Bamberger says to "you want to --

A. Wait a minute.

Q. 18. Are you there?

A. Yes. This is Rich to me, "do you want to tell Melissa the rumor about the other person."

Q. Correct and we will mark this as an exhibit. Give me the background of this text please?

A. I don't remember.

(Witness reviewing document.)

A. I don't recall what that refers to.

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Q. Did you ever speak with Melissa DeRosa --
Does Melissa here refer to Melissa DeRosa?

A. I'm sure, yes.

Q. Did your speak with Melissa DeRosa
about a rumor about sexual harassment
allegations involving someone else?

A. I don't necessarily know if that's
what this refer to. I don't know what this
refers to. I don't know if the other person in
this equation is another accuser. I don't
honestly remember.

Q. Did you ever hear rumors about
another accuser accusing the Governor of sexual
harassment?

A. After Lindsey made her
accusations, Melissa mentioned to me that there
were one or potentially two other staffers that
either had made accusations against him or
could have or there were something had
happened. And she sort of referenced them in
the abstract. That answers that question, I
think.

Q. When was that communication with
Melissa?

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2 A. It would have been after -- I
3 don't remember the exact back and forth. It
4 would have been after Lindsey made the sexual
5 harassment claims, but before more came out.
6 So whatever that window is, that is when it
7 was.

8 Q. December, 2020 --

9 A. Or January, thereabouts.

10 Q. Who were those staffers?

11 A. Ultimately I think it turned out
12 to be Charlotte Bennett and I forget the other
13 young woman's name. But it was those two.

14 Q. The other young woman, has she
15 publicly made allegations of sexual harassment
16 by the Governor?

17 A. Yes. Maybe. I have to look the
18 names again, I apologize.

19 Q. What was the role of the second
20 young woman --

21 A. It was a briefer. But it speaks
22 to my level of focus at this moment. I don't
23 remember which one came first or which
24 contortion. She mentioned there were two young
25 women they were either concerned about would

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2 make allegations or had raise concerns about
3 behavior before.

4 Q. What was the context of that
5 discussion with Melissa DeRosa?

6 A. It was the context of sort of her
7 being concerned that these two young women
8 would make additional allegations against him.

9 Q. Was it prompted by any questions
10 that you asked Melissa DeRosa?

11 A. I probably had said, I seem to
12 remember a refrain of mine where I would say,
13 look, these stories, again, I only talk about
14 press stories. I'm not going into the inner
15 working of the Chamber and also I don't know
16 any of these people. I only know Miss Melissa.

17 If more allegations were to come
18 out then this is a narrative and a story line
19 that would obviously get worse. So she at one
20 point said I probably would have said to her,
21 is there anybody else that we have to worry
22 about -- you have to worry about. Is there
23 anyone else out there. And she well, at one
24 point she said there is one more and then
25 subsequently down the road there was another

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2 conversation where I recall that she said there
3 is under this one and another one.

4 Melissa didn't always give me a
5 lot of information and since I didn't work
6 there or know these folks, at the time I
7 wouldn't process it specifically anyway. I
8 wasn't really paying too much attention.

9 Q. What did Melissa DeRosa say
10 during Charlotte Bennett during that discussion?

11 A. I don't recall. Again, I get my
12 incidences sort of confused, because I wasn't
13 singularly focus on the facts and wasn't
14 singularly focused on this entire matter
15 period. I don't recall specifically what she
16 had said. But I do remember her saying there
17 is a girl, a young woman, Charlotte Bennett,
18 who worked here and we might have an issue with
19 her. We referring to them.

20 Q. Did you ask questions about
21 Charlotte Bennett's allegations?

22 A. No.

23 Q. What is the reason you did not --

24 A. Because I didn't want to know.
25 First of all it is not my business and second

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2 of all I didn't want to know more. I just
3 didn't want to get too deep into the substance
4 or facts of these various situations.

5 Q. Given that you were helping to
6 respond to these allegations, what is the
7 reason that you didn't want to know more about
8 the actual allegations?

9 A. I suppose it is because I -- it
10 goes to the questions that we were just talking
11 about before. I had known Lindsey. She had
12 been a friend of mine. We interacted together
13 and she was saying things that I knew to be
14 inconsistent with the truth.

15 Once this sort of moved into
16 instances and women that I didn't know
17 personally, never worked with and had, to your
18 questions, no real rubric for evaluating what
19 was going on, I mean in my own demeanor became
20 much more reticent in talking about facts and
21 substance of this other than continuing to
22 listen a be part of the team to help manage the
23 response. But I can't didn't ask. I didn't
24 want to know. I didn't want to push.

25 Q. What is the reason that you were

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2 willing to help manage the response even if you
3 didn't want to know about the actual allegations?

4 A. So I think that to say that I was
5 helping manage the response is a bit far. I
6 think that my view of this is to be a sounding
7 board and be helpful on communication matters
8 relating to Governor's office and relating to
9 Governor. It's a role that I had played off
10 and on for a period of time. This was a
11 dynamic and aggressive situation that when I
12 could I would join calls and participate in.
13 It was happening very much in realtime and it
14 was going in directions that I didn't know or
15 didn't anticipate and make decisions and
16 participated in moments what he I felt
17 appropriate and I could.

18 Q. Since you're speaking about
19 characterizations, does it go too far to say
20 that Lindsey Boyland's allegations with
21 inconsistent with the truth since earlier you
22 said that the inconsistencies you saw between
23 Lindsey Boylan's tweets and what you understood
24 was that the tone of Lindsey Boylan's tweet was
25 more critical than anything she told you?

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2 A. Again, I split them, right. I
3 don't have a view on the truth of what she was
4 saying or not. I just don't. I didn't then
5 and I had reasons for doubt because of my own
6 interactions with her and inconsistencies with
7 other comments she had clearly made that were
8 inconsistent with what she told me.

9 Over time, I sort of put that that
10 category. I'm trying to answer the three
11 questions at once. I didn't make a judgement
12 about her being true or not much. But it gave
13 me enough doubt or enough room to credibly
14 believe what she denies that I was getting to
15 move forward on Lindsey and to just keep going
16 and keep trying to be helpful in ways that I
17 could over time.

18 But as it sort of -- when it
19 veered into areas -- when the accusations
20 veered into areas that I was not as familiar
21 with people I didn't know, I didn't want to go
22 any deeper. I didn't want to pry any further.
23 Even if it was continuing to be supportive of
24 putting out statements that we denying these
25 accusations because that was the right media

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2 strategy at the time bases on what they were
3 telling me, that was still consistent.

4 In terms of having doubts about
5 the other accusations relative to Lindsey, I
6 did have a slightly different calibration for
7 those subsequent allegations.

8 Q. What do you mean when you say you
9 had a slightly different calibration?

10 A. I didn't have the seem experience
11 with other young women that I did with Lindsey.

12 Q. Did you have any discussion with
13 anyone from the Executive Chamber about
14 Miss Boylan's personnel information?

15 A. Yes.

16 Q. Who?

17 A. So, in the days after, again I
18 don't remember the specific days, some series
19 of accusations, again, I have to look, someone
20 on one of these calls said we did an
21 investigation in her behavior in the workplace.
22 And she had all these problems. There were
23 accusations against her. That is now I became
24 aware of them.

25 Q. Who said there was an

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2 investigation?

3 A. I don't recall.

4 Q. Who was on the call?

5 A. I don't recall the specific call.
6 I mean during that period of time it was sort
7 of that similar group, press office, Melissa,
8 myself, Steve Cohen, Linda, Beth Garvey at time
9 was on those calls, Judy Mogul and so on. But
10 to say definitively who was on is impossible.

11 Q. Someone on the call said there was
12 an investigation and then what happened?

13 A. That they had done this
14 investigation and there was a personnel file
15 that existed that detailed the allegations that
16 she had made and that ultimately there had been
17 some sort of meeting with her that Alphonso
18 attended and again I'm not saying this is what
19 happened I'm just giving you my recollection of
20 what they told me happened, where she resigned
21 on the spot. Where they confronted her with
22 this information and she resigned.

23 The reason why she resigned was
24 relevant was that in one of her tweets she said
25 she tried to quit for something and the fact

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2 that she resigned when she was confronted with
3 information and apparent they had some sort of
4 an e-mail where she asked her job back or
5 something showed that she was being
6 inconsistent with the comments that she made in
7 the tweets.

8 I don't want to say the call,
9 because they are not linear moments and I could
10 have gotten off and had the take [REDACTED]
11 somewhere and jumped back on. This is not
12 something that is happening in a linear
13 fashion. Then the thesis was should add these
14 reporters are starting to write stories
15 quickly, I think it was the weekend, should
16 they get the personnel file and be able to
17 report on it. And be able to report on the
18 fact there were harassment allegation made
19 against Lindsey from her subordinates.

20 Q. Who raised the question whether
21 reporters should get the personnel file?

22 A. I don't remember.

23 Q. Do you remember if Melissa DeRosa
24 was on these calls?

25 A. Yes. Again, I don't want to say

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2 she is was every minute of the call, but, yes
3 generally speaking she would have been on these
4 calls.

5 Q. Do you remember if Beth Garvey
6 would have been on they calls?

7 A. As best I can remember she was on
8 at least some of them in that period of time.
9 That's a safe answer. I can't remember exactly
10 if she was on all of them.

11 Q. Just to be clear, Melissa DeRosa
12 and Beth Garvey would have been on calls
13 discussing the disclosure of Miss Boylan's
14 personnel file --

15 A. Yes, that is safe to.

16 Q. Do you remember if Melissa DeRosa
17 and Beth Garvey would have been on calls
18 discussing the disclosure of Miss Boylan files
19 the press.

20 A. Yes.

21 Q. Do you remember to Peter Ajemian
22 would have been on calls discussing the
23 disclosure of Miss Boylan's personnel file to
24 the press?

25 A. I don't remember if he himself was

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2 on. It is safe to assume that members of the
3 press office were on Rich or Peter. But to
4 sort of blanketly say I don't recall him on
5 there, but I can't say for sure.

6 Q. Do you remember Rich Azzopardi
7 would have been call discussing of Miss Boylan's
8 personnel file to the press?

9 A. It is the same answer, it depends,
10 I don't remember if he was on specific calls on
11 or off. I know I spoke to him about them. But
12 I don't remember if he was participating in
13 sort of the group calls or had been jumping on
14 or off. It is hard for me to be definitive
15 about it.

16 Q. Do you know if Linda Lacewell
17 would have been on calls discussing the
18 disclosure of Miss Boylan's personnel file to
19 the press?

20 A. I believe so, again, I don't know
21 if she was on all of them or in the moment or
22 wherever, but do vaguely remember she was part
23 of that kind of swirl.

24 Q. Do you remember if Steve Cohen was
25 part of discussions about the disclosure

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1
2 Miss Boylan personnel file to the press?

3 A. I don't remember if he was on
4 those sort of group discussions. Nor do I
5 remember if he was on a particular side
6 conversation or not. I don't remember. It
7 doesn't mean that he was or wasn't, I just
8 don't recall off top of my head.

9 Q. What about Judy Mogul do you
10 remember if she part of discussions about the
11 disclosure of Miss Boylan's personnel file to
12 the press?

13 A. Yes, I remember she was on at
14 least some of them. I remember her voice, but
15 I don't recall generally speaking if she was on
16 all of them or not.

17 Q. So after the question was raised
18 whether Miss Boylan's personnel information
19 should be given to reporters, what happened?

20 A. So, then the conversation, again I
21 don't remember prompted by who, is this
22 something that is permissible. Is it
23 permissible legally for the state or the
24 government or the Governor's office to release
25 someone's personnel file. And whether I raised

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2 it or someone else did, was we shouldn't do
3 anything that is inconsistent with what the
4 rules and law is. And I remember Judy or Beth
5 or one of lawyers that was on the call saying
6 let me check or I will get back to you. And
7 then subsequently they did.

8 Q. Was Governor part of any
9 discussions about the disclosure of
10 Miss Boylan's personal file to press?

11 A. I don't remember if he was or
12 wasn't. It doesn't mean that he wasn't. But I
13 don't remember his voice there. But I can't
14 say for sure.

15 Q. You said one of lawyers said let
16 me check. Who are you describing as the
17 lawyer?

18 A. I don't remember who said it but
19 it would have been a Beth Garvey or Judy Mogul
20 or Linda in that role. In that space.

21 Q. What happened next?

22 A. We got -- the word got back that
23 it was permissible for -- it wasn't a violation
24 of public officer's law or any sort of law for
25 the state to put someone's personnel file in

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2 the public domain. And that was what happened
3 next. The word came back I think they had
4 spoken to [REDACTED], one of the lawyers had
5 spoken to [REDACTED] who was the general counsel
6 at ESDC as well.

7 Q. How did word get back?

8 A. I imagine they called us back on a
9 call and said can everybody jump back on a call
10 phone or someone patched me into a call.

11 Q. What happened after that?

12 A. So then I think the discussion
13 probably moved to, should we -- should the
14 Governor's office put this file out. And my
15 view at the time was that, as long as it was
16 okay with the lawyers, as long as it was
17 permissible under all the rules and regs, that
18 given she was given that Lindsey was making
19 accusations of harassment, it was relevant
20 context for the reporters to included that
21 information in their reporting. That was my
22 view.

23 Q. What views did others express?

24 A. Most people as best I can remember
25 shared that view. I don't remember it being

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2 too much debated other than if it was as long
3 as it was something that was permissible.

4 Q. Who shared that view?

5 A. On which?

6 Q. Who shared the view that
7 Miss Boylan's personnel information should be
8 disclosed to the press?

9 A. I don't think it was personnel
10 information. I think it was the idea that
11 there had been your accusations of harassment by
12 her of her employees that were investigated and
13 were codified in a formal process. And that
14 that was relevant, given that she had been
15 making public allegations about harassment in
16 the administration.

17 Q. Who shared the view that this
18 information should be --

19 A. I'm not trying to parse it. It
20 was not something that anyone expressed a view
21 against that I can recall. To the extent that
22 the participants in the discussion were
23 participating, that it seemed there was no
24 dissenting view other than the sort of
25 consistent point of, as long as this is

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2 something that is legally consistent.

3 Q. Did the participants on the call
4 discuss what information should be provided to
5 the press?

6 A. Yes. So the at least my view and
7 again I don't remember what each person said or
8 anything, my view was to not parse, to be sort
9 of straightforward and factual and not discuss
10 them. Not analyze them. Just since they were
11 reporting about harassment this was something
12 that could be reported on base on what the
13 lawyers said. Not to have any statements --
14 this my view, again, whether or not it was
15 accepted I couldn't tell you. It should just
16 be straightforward.

17 Q. So what in your view did you say
18 should be shared with the press about --

19 A. My view was that only -- if they
20 decided, to the Governor's office decided to
21 give the personnel files to reporters that that
22 should be the end of it. Just the facts.

23 Q. What did you understand was
24 included in the personnel file that should be
25 provided to reporters?

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2 A. That there were claims by
3 subordinates about harassment. That they had
4 been women. One had been African American.
5 That there was some issue with expenses. I
6 don't remember exactly what they told me.
7 Ultimately I reviewed, I saw the file and then
8 I saw what was in it. It was more generic sort
9 of overrating behavior and so on.

10 Q. Was the decision made to share
11 Miss Boylan's personnel files with reporters?

12 A. So ultimately they decided that
13 the report should be -- that the personnel file
14 should be given to reporters.

15 Q. Who made that decision?

16 A. I mean, who made the decision, I
17 don't know. Melissa ultimately told us that
18 that was something that they had decided they
19 were going to do. But ultimately who made that
20 decision, I don't know.

21 Q. When did Melissa say they the
22 Governor's office was going to share --

23 A. I don't remember. It was on a
24 discussion, so I can't say exactly when, but in
25 the progression that I was describe that was

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2 the next piece.

3 Q. Around when did these discussions
4 happen?

5 A. Whatever day that these stories
6 were public. I don't have it in front of me so
7 whatever days that these stories were going to
8 be out there. It was after she made her
9 initial allegations.

10 Q. Was this in December, 2020?

11 A. Yes, I would -- was she when she
12 tweeted, it was the 14th, so in that vicinity,
13 yes.

14 Q. What is your understanding whether
15 the Governor had approved the disclosure of
16 Miss Boylan's personnel file to reporters?

17 A. I don't remember if she said she
18 had discuss it with him or not. So other than
19 her telling us that it was something that they
20 wanted to do, I don't know if she discussed it
21 directly with him or not.

22 Q. When you say that the disclosure
23 of Miss Boylan's personnel file was something
24 they wanted to do, who is "they"?

25 A. The Governor's office.

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2 Q. Did you assume that the Governor
3 had approved the disclosure of Miss Boylan's
4 personnel file to the reporters?

5 A. Yes. Look, I would say it is safe
6 to say in practice, yes. No one said -- not
7 that I can recall anyone saying anything. If
8 she were to say -- it is like I said before, if
9 she were to say this is something that were
10 going to do, then it was either consistent
11 something, his strategy or she had she talked
12 to him about it, but I don't know if she had or
13 not?

14 Q. You used a lot of pronouns there.

15 A. Feel free to clear me up.

16 Q. Can you restate?

17 A. It was safe to say if Melissa said
18 that anything, that anything, was going to
19 happen -- if they wanted to do something or she
20 had made decision it was either safe to say was
21 consistent with what the Governor wanted or had
22 been discussed with him and he approved it. In
23 between that room, I don't know. I'm not
24 there. So I can't is say for sure if she
25 discussed it with him directly or not.

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Q. A part of the discussion about disclosing Miss Boylan's personnel file, did anyone say anything about whether the disclosure of Miss Boylan's personnel could be considered retaliation?

A. Not that I can recall, no. I mean it doesn't mean that they said it or not, but I don't remember someone saying that.

Q. Did you consider whether disclosing Miss Boylan's personnel file could be considered retaliation?

A. I suppose I considered it based on my own rubric of evaluating these situations. And I felt my view was if she was making -- if Lindsey was making allegations about harassment that if there was a codified record of her own harassment, that that was relevant for the reporting and that is where I came out on it.

Q. Just back to the question whether you considered whether disclosing Miss Boylan's personnel file could be considered retaliation, did you?

A. No, again, I don't want to speak to the legal standard, right, or the public

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2 officer's standard, but in terms my own view
3 about whether or not it was appropriate for
4 that information to be part of the public
5 record, as long as the lawyers said it was
6 permissible and something that was not going to
7 violate whatever rules or regs govern the state
8 personnel files, that I didn't find it
9 inconsistent with a factual reporting. No.

10 I don't want to get to speak to
11 the specific definition of retaliation but it
12 was something that felt not inconsistent with a
13 fact pattern that should be reported on as long
14 as it was appropriate.

15 Q. You mention earlier that there was
16 a discussion about whether the disclosure of
17 Miss Boylan's personnel file was permissible
18 under public officer's laws. Do you remember a
19 discussion of any other laws whether any other
20 laws permit or prohibit the disclosure of
21 Miss Boylan's personnel file to reporters?

22 A. No, I was would also say when I
23 with listen or asking questions about the legal
24 standard, I was certainly referring to the
25 broader legal standard which was any rules or

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2 regs in any capacity. So no, I wasn't saying
3 well as long as it is this particular -- no, I
4 was saying this has to be a hundred -- my -- I
5 don't want to this I was saying because I don't
6 remember the my exact words. My view was it
7 had be to be 100 percent consistent with any
8 rules and applicability.

9 So I suppose in that sense that
10 would cover an idea of a retaliation standard.
11 But again my view of how you view all these
12 situations I try to apply my standard what is
13 right and what is wrong. I didn't view it as
14 retaliation.

15 Q. Just to be clear my question was
16 more about what was discussed in connection
17 with the disclosure of Miss Boylan's personnel
18 file. I heard you earlier to say there was a
19 discussion about whether the disclosure of Miss
20 Boylan's personnel file would violate public
21 officer's law.

22 A. Correct, so what I was listening
23 to, I don't know what discussions they had
24 elsewhere and I don't know if the lawyers were
25 parsing. But what I was listening for was a

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2 declarative statement from the lawyers that
3 this was something that was legally permissible
4 by any legal standards. That was my reporting.
5 Whether or not that was what they did or what
6 they said or what they thought or they were
7 parsing, I would hope that they weren't. I
8 hope they didn't parse. So I suppose that
9 would be my answer.

10 Q. Did you hear anyone on the calls
11 about the disclosure of Miss Boylan's personnel
12 file to reporters talk about the public
13 officer's law?

14 A. I don't recall any discussion that
15 I heard where they differentiated between
16 different laws. Different legal standards. So
17 it was, is this okay by a legal standard. I
18 don't remember someone says well it is okay by
19 this or not and not this section. Because I
20 wasn't listening for that. It that was the
21 case I would not have been supportive.

22 Whether or not that is true or
23 not, whether legal advice was sound or they
24 were parsing and I didn't pick up on it is -- I
25 can't speak to that. But that was certainly

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2 the standard that I was listening and applying
3 to.

4 Q. Did anyone on the call say
5 anything about whether Miss Boylan's personnel
6 file was confidential?

7 A. Not in the sense -- not beyond the
8 legal standard. If it was confidential and
9 then put out that would be violating the rules
10 of the confidentiality in my sort of logic. So
11 if they had said this is a confidential file
12 then I would say, well, you can't put out
13 confidential files. It would be a violation of
14 the rule. So I didn't hear that in those
15 conversations. Again I don't know if they said
16 it or not, but I didn't hear it.

17 Q. Did anyone say anything about
18 needing treat information in Miss Boylan's
19 personnel file as attorney work product?

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

21 Q. What happened after Melissa DeRosa
22 communicated the decision that Governor's
23 office would disclose Miss Boylan's personnel
24 file to the reporters?

25 A. So then as the conversation likely

1 JOSHUA VLASTO

2 shifted toward how. And my view at the time
3 was it should be the Governor's press office
4 that give it to the reporters. Because in the
5 theory of process fact based, we don't need to
6 do anything around it. And I believe if I
7 remember correctly that was strategy that was
8 agreed upon. That they decided on.

9 Q. Did anyone express any other
10 views about how the Boylan personnel file
11 should be disclosed to reporter?

12 A. No, not that I can recall. I seem
13 to remember someone and you I don't remember
14 who saying, should we put a statement out or
15 should we have a background paragraph with
16 facts of it. These conversations at time go on
17 these tangents that frankly I don't listen to.
18 Not only do I not remember them, I'm sure I
19 wasn't listening in the first place.

20 I can't speak to in any
21 specificity sort of own scenarios that were
22 discussed because I don't listen. I express my
23 true and either it goes that direction not.

24 MR. GRANT: Do you recall
25 specifically anyone who proposed the idea

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of adding more commentary to the disclosure
the personnel file?

THE WITNESS: I seem to remember
that that was discussed. I don't remember
who brought it up. I don't remember how
seriously it was considered. It was not my
view. And if there is documentation or
wherever I pushed back against it I would
have because it would have been
inconsistent with my view.

I seem to remember that in the evace
of the discussion. But that was not a view
that I shared.

MR. GRANT: Why was it not your
view.

THE WITNESS: Again, I thought it
should just be fact based. If there were
credible -- if there were factual
allegations that were investigated that the
reporters should be able to report on them.
I didn't view anymore being helpful from a
media strategy perspective.

MR. GRANT: Do you recall whether
or not you looked at these materials in the

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course of these conversations about them being disclosed?

THE WITNESS: Yes.

MR. GRANT: Do you recall if there was any conversation about the sufficiency of the investigation that was laid out in those materials?

THE WITNESS: Not -- meaning what? Meaning this sort of credibility of the investigation itself and whether it was real or -- be a little more specific.

MR. GRANT: So basically what you just said, meaning was there any conversation about this investigation meaning you're putting out this file with this investigation into Miss Boylan's conduct in the past. Before you're giving that to the press something in this file, was there any conversation about this the sufficiency of the investigation.

THE WITNESS: Not that I can recall, no. I remember thinking and reading it that it was a document that had been reviewed and certified by the lawyers

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and existed. So I don't remember myself doubting the credibility of it and I don't remember any specific discussion that I was on where they discussed it. No, I don't remember.

MR. GRANT: You were an government employee for quite a bit time.

THE WITNESS: Yes. Well depends on how you define government employee. I was employed in the Executive Chamber in three years and one month and I'm 40 years old.

MR. GRANT: You worked in the Executive Chamber, correct.

THE WITNESS: I did.

MR. GRANT: In your experience working in the Executive Chamber, did you understand that it was common for parts of an employee's personnel file to be in the public domain?

THE WITNESS: Well that's it interesting. There was an incident with Howard Glaser reading an employee's personnel file on the radio, something that I as the press person at the time

1 JOSHUA VLASTO

2 vigorously spoke out against. Again, not
3 for the legal reasons of it, but because I
4 thought it was a bad medium move to do
5 that.

6 So, yes, there was one incident
7 where there was a personnel file of a state
8 employee that was released publicly. The
9 reason why I'm laughing it was sort of a
10 silly one.

11 MR. GRANT: Sure. Do you recall
12 any other time that you knew that part of
13 an employee's personnel file including an
14 investigation into their supposed improper
15 conduct was put into the public domain?

16 THE WITNESS: No. Not that I can
17 specifically recall, no. That doesn't mean
18 it didn't happen. It doesn't mean that
19 there were investigations or IG reports or
20 a variety of different or in contortions of
21 reports that were either found their way to
22 the public or released publicly.

23 It is probably not safe to say that
24 employees' personnel issues never reached
25 the public. I think that is probably a

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more accurate answer. It is not something that was terribly inconsistent with the reality of governmental employees misconduct.

MR. GRANT: Finally, in your experience has Melissa ever taken, I mean Miss DeRosa, ever taken an action that had not been approved by the Governor?

THE WITNESS: Oh, I'm sure. I don't know in either direction. Again what ways speaking to is sort of my general view of how the Executive Chamber and the government operate. Which is that she would not do something that was inconsistent with what he wanted or had been directly approved. As to whether she had never done something like that, I don't know, no.

MR. GRANT: That's it.

THE WITNESS: Do you mind if you take a quick restroom break?

MS. MAINOO: Sure.

THE VIDEOGRAPHER: We are now going off the record at 12:04.

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(Recess taken.)

THE VIDEOGRAPHER: We are back on the record the time is 12:13.

MS. MAINOO: Bill, can you read back the last statement that I made.

(Requested portion of record read.)

Q. Let's open your binder to tab 24 and will mark this as an exhibit?

(Exhibit 9 for identification, Meeting invite for a call on December 15, 2020.)

Q. Tab 24 looks like a meeting invite for a call on December 15, 2020?

A. Okay.

Q. Do you see that?

A. Yes.

Q. It lists various individuals in the distribution list and then in it looks like in the invite itself it lists Rich Bamberger Josh Vlasto, Dani Lever, Steve Cohen, Rich Azzopardi, Linda Lacewell and Peter Ajemian. Do you see that?

A. Yes.

Q. Do you remember a call on

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December 15th, 2020?

A. Not specifically, no.

Q. Earlier you had referenced calls in which a group discussed disclosing Miss Boylan's personnel file to reporters. Do you remember if that was discussed on the call on December 15th, 2020?

A. No, I couldn't pinpoint a specific call.

Q. You mentioned that after the question of whether to disclose Miss Boylan's personnel file to reporters was discussed the group also discussed how to do this. What happened following the discussions?

A. It depends, right, ultimately Rich Azzopardi gave the file to a series of reporters in the LCA. There was also a discussion related to reporters that either he or the Governor's press office didn't have good relationships with. And it was also a factor that this was the weekend and reporters just were not around. And so on one or two instances the Rich Azzopardi or Melissa asked me or Rich Bamberger to reach out to a reporter

1 JOSHUA VLASTO

2 or two that we had friendships with or
3 relationships with an just flag them to call
4 the Governor's office before they filed their
5 stories or for additional context or whatever
6 language we used.

7 Q. I'll start with what you started
8 with. You said Rich Azzopardi gave Miss
9 Boylan's personnel file to reporters. What do
10 you know about Rich Azzopardi giving to
11 Miss Boylan's personnel file to reporters?

12 A. Just what I said, I wasn't on the
13 phone calls him, I don't know what he said or
14 what was on the e-mails. That is what he was
15 doing and it occurred.

16 Q. How do you know that
17 Rich Azzopardi give Miss Boylan's personnel
18 file to reporters?

19 A. In either in subsequent
20 conversations he said he did it or I would read
21 about it, it would be in their stories, so.

22 Q. How do you know that it was Rich
23 Azzopardi who give the personnel file to the
24 reporters?

25 A. I only because as I recall he

1 JOSHUA VLASTO

2 would have either told the group or told
3 Melissa or relayed to me that he had spoken to
4 XYZ reporter and given the file. Or just a
5 general outgrowth of the initial conversation
6 was that Rich would give the file to reporters
7 who called. Azzopardi that is.

8 Q. Do you have any discussion about
9 Peter Ajemian giving the Miss Boylan's
10 personnel file to reporters?

11 A. I don't recall in either
12 direction, I don't.

13 Q. Which reporters did Rich Azzopardi
14 give Miss Boylan's personnel file to?

15 A. I don't know.

16 Q. You also mentioned there was a
17 discussion about involving you and Rich
18 Bamberger in connection with the disclosure of
19 Miss Boylan's personnel file, when did those
20 discussions happen?

21 A. In and around -- after the
22 lawyer's side of the world had given a very
23 clear view that this was something that was
24 permissible and legal under any legal standard
25 that they had discussed. It was -- then the

1 JOSHUA VLASTO

2 next step was what is the -- how to do this.
3 How to follow through.

4 And that was -- the discussion was
5 there are reporters that Rich Azzopardi has
6 relationships with that he knows he could get
7 on the phone. There are reporters that Rich
8 and the press office don't have good
9 relationships with and he was worried that he
10 was not going to be able to get them on the
11 phone or that they had just a sour rapport that
12 it wouldn't be a good conversation or
13 productive conversation.

14 So that is where they asked if
15 Rich and I would -- we would call the reporter
16 or two to say call the press office, Azzopardi
17 will talk to you.

18 Q. How was it conveyed to you -- how
19 was that information conveyed to you?

20 A. One of these calls, it was on one
21 of these calls. I don't remember who, I don't
22 remember when, but in the course of these
23 discussions that is how it was communicated.

24 Q. Who communicated to you the
25 request for you to contact reporters in

1 JOSHUA VLASTO

2 connection with the disclosure Miss Boylan's
3 personnel file?

4 A. I don't remember specifically.

5 Q. I think earlier you mentioned
6 Melissa and Rich Azzopardi, correct?

7 A. No, what I think I probably said
8 about Melissa and Rich Azzopardi that they were
9 the communicators of -- yes, they the
10 communicators of this is what we are going to
11 it, let's go do to. I don't remember who
12 specifically said, Josh, can you call this
13 person, Rich can you call this person. I
14 imagine it was probably those two but you
15 couldn't say definitively. But I'm happy to go
16 back through if you like.

17 Q. Was there anyone who you think
18 might asked you to contact reporter about --

19 A. No. Sorry I answered that
20 abruptly.

21 Q. Let me make sure we have the
22 question.

23 Is there anyone else who you think
24 might have you to contact reporters about Miss
25 Boylan's personnel file?

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A. No.

Q. Do you think Melissa DeRosa ask you to contact reporters about Miss Boylan's personnel file?

A. It was either her or Rich in the course of these conversations, I would imagine. I don't remember it specifically, but that is logically the progression.

Q. Was Rich Bamberger part of the discussing about Miss Boylan's personnel file?

A. I suppose in hindsight he was. I don't remember him specifically on calls or wherever, but he ultimately and I talked about it and discussed it. So, yes, I imagine he was.

Q. What did you and Rich Bamberger discuss?

A. Nothing. I would imagine we just talked about following through on that next step which was to call a reporter or two that we had a relationship with and direct them to speak to the Governor's office.

Q. Who were those reporters?

A. I don't remember. Certainly I

1 JOSHUA VLASTO

2 don't remember who Rich was talking to. I also
3 don't specifically recall. I think I spoke to
4 Jimmy Veilkind at the Wall Street Journal only
5 I think that because that is someone who had a
6 difficult relationship with the Governor's
7 office and someone that I have a good
8 relationship with. At that moment I think that
9 was maybe it, but I don't remember for sure.

10 Q. At any point in time did you
11 communicate with any other reporters about Miss
12 Boylan's personnel file?

13 A. So subsequently looking back I
14 saw that I had sent a copy of them to Mike
15 Gartland. But I don't remember the context of
16 or circumstance. I think it might have been a
17 day or two later, I don't remember. And
18 maybe Bernadette Hogan at the Post as well.
19 But I don't remember for sure who I spoke to
20 and when and in what progression.

21 Q. Just so I'm clear, what was your
22 communication with Jimmy Veilkind about Miss
23 Boylan's personnel file?

24 A. If I remember correctly in that
25 moment it was just call Rich. Don't blow him

1 JOSHUA VLASTO

2 off. Don't just go to the bar it's Saturday or
3 Sunday, make sure you put a call him, Rich will
4 call you back.

5 Q. By Rich you mean Azzopardi?

6 A. Credit.

7 Q. Did you tell Jimmy the reason to
8 communicate with Rich Azzopardi?

9 A. I don't think I did. I don't
10 remember this conversation specifically. I
11 don't remember the back and forth. And I just
12 remember at least in the moment trying to be
13 somewhat prescribed in saying just call
14 Governor's office. But I couldn't tell I
15 specifically those conversations.

16 Q. Did you tell Jimmy Veilkind that
17 you were asking him to call the Governor's
18 office in relation to Miss Boylan's personnel
19 file?

20 A. I don't think I used those word.
21 I probably would have said call Rich, he will
22 have something for you. But I may have been
23 more specific, I don't recall. I really don't.

24 Q. Was there a reason that you might
25 have been more vague?

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2 A. Only because the discussion that I
3 was at least following up on was just call the
4 Governor's office. And so if I remember
5 correctly I was that narrow. Just saying call
6 the Governor's office they will call you back.
7 The press office. I can't say for certain 100
8 percent that I stated that in the conversation.
9 I think I did, I think so, but I'm not 100
10 percent sure.

11 Q. How did you communicate with Jimmy
12 Veilkind about this?

13 A. I texted him call me or I called
14 him.

15 Q. You also mentioned Bernadette
16 Hogan, what discussion did you have with
17 Bernadette Hogan?

18 A. I don't remember specifically. I
19 don't know even know if I called her in that
20 instance. You asked me sort of the universe of
21 reporters that might have called and she
22 probably might have been one of them, but I
23 don't remember a specific conversation.

24 Q. To be fair I'm asking about --

25 A. Personnel file, understood.

1 JOSHUA VLASTO

2 Understood. These why I'm giving the most
3 precise answer that I can, which is I don't
4 want to rule out that I spoke to Bernadette. I
5 don't remember speaking to her specifically
6 about the personnel file in that moment. I
7 can't rule it out, but I don't remember
8 specifically saying, okay, Bernadette is a
9 reporter that I'm going to call.

10 Q. You said you don't remember
11 specifically speaking to Bernadette in this
12 moment. Do you remember any point in time
13 speaking with Miss Hogan about Miss Boylan's
14 personnel file?

15 A. I certainly spoke to Bernadette
16 about the overall issues that we were dealing
17 with. So to rule out that I never spoke to her
18 about X,Y and Z anything, I would not be
19 comfortable doing in this setting. But I don't
20 remember a specific conversation with
21 Bernadette about personnel file.

22 Q. Let's turn to Mike Gartland. What
23 interactions did you have with Mike Gartland
24 relating do Miss Boylan's personnel file?

25 A. I don't remember even talking to

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2 him. I don't even remember sending him the
3 file but subsequently looking back on these
4 records as we producing them it turns out that
5 I did in fact send to him at some point. I
6 don't remember the context around it. So we
7 have to sort of -- that's the best I got.

8 Q. Would you have on your own sent
9 Miss Boylan's personnel file to Mike Gartland?

10 A. No.

11 Q. You wouldn't have sent Miss
12 Boylan's personnel file to Mike Gartland
13 because someone in the Governor's office asked
14 you to, correct

15 A. Yes. Well, asked maybe not. It
16 would have been can you -- yes, I guess it is
17 safe to say I would not have just sent it of my
18 own volition, no.

19 Q. Who from the Governor's office
20 asked you to send Miss Boylan's personnel file
21 to Mike Gartland?

22 A. It would have either been Rich or
23 Melissa. I'm reluctant to speculate but it is
24 all sort of contained in that same universe.

25 Q. Is there a reason that whereas

1 JOSHUA VLASTO

2 Rich Azzopardi was sending Miss Boylan's
3 personnel file to reporters initially the
4 discussion was about you and Rich Bamberger
5 contacting reporters to ask them to call
6 Governor's office?

7 A. The reason is what I said, right.
8 Which is that the view at the time from the
9 collective group and approved by Melissa or
10 directed by Melissa was to have the Governor's
11 office put out those files. The concern was
12 raised from a pure press mechanics was that
13 either that these reporters would not call the
14 Governor's office for comment just because of
15 relationship had been so sour or they would
16 just file and leave and that the Governor's
17 office would not be able to make contact in an
18 affirmative way with these reporters and that's
19 where winch Rich and I were asked to
20 potentially help.

21 It has nothing to do with sort of
22 the substance, it's just frankly press
23 mechanics.

24 Q. In discussing press mechanics was
25 there a discussion about having you or Rich

1 JOSHUA VLASTO

2 Bamberger just go ahead and the personnel file
3 to Jimmy Veilkind?

4 A. Not specifically that I can
5 recall. I'm sure there was a discussions of,
6 hey, here is how should the Governor's officer
7 put these fills out and ultimately that is
8 where it came out, but I don't remember the
9 specifics back and forth.

10 Q. Was there a reason that you didn't
11 just send the personnel file to Jimmy Veilkind
12 directly?

13 A. It is not my role. It is not what
14 I do. I'm not in the government. I'm not in
15 the room. I'm not there. And I don't quite
16 recall if I made an affirmative decision to say
17 hey I'm not going to -- I remember thinking,
18 okay, that's the right way to do this for the
19 Governor -- the right way to have the file put
20 out it is have the Governor's do it.

21 Q. What was reason for you sending
22 the Miss Boylan's personnel file directly to
23 Mike Gartland?

24 A. I don't remember that's the rub.
25 I imagine that after -- if you remember

1 JOSHUA VLASTO

2 correctly and I don't have the text in front of
3 me, I think it might have been a day or two
4 later but maybe, but I don't remember the
5 circumstances around that.

6 Q. When you say a day or two later, a
7 day or two after that?

8 A. After the initial round of
9 coverage, but I honestly don't remember. I
10 have to look.

11 Q. When was the initial round of
12 discussions?

13 A. After she went public on the
14 personnel files -- after she went public about
15 sexual harassment. After those -- let answer
16 another way which is, I'm not aware -- I was
17 never aware of the personnel file prior to
18 Lindsey Boylan making these sexual harassment
19 allegations. I wasn't aware them. I didn't
20 know about them. As best as I recall no one
21 ever talked to me it. So all the subsequent
22 discussing that I was at least part of
23 personnel file was after those allegations were
24 made. I think that's right. Now I'm sort of
25 second guessing my memory so let's keep going.

JOSHUA VLASTO

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2 Q. Do you have any reservations about
3 sending Miss Boylan's personnel file directly
4 to reporters?

5 A. Not that I can recall, no. Again,
6 I'm not the implement of the -- I'm not the
7 press officer, I'm not person in the LCA. My
8 view was to keep things direct in terms of the
9 personnel file being released. And so I assume
10 in the time I just thought that the most direct
11 way would be if this is -- since this is
12 permissible under the law, have the Governor's
13 office do it.

14 Q. What is LCA?

15 A. I'm sorry, the Legislative
16 Correspondence Association. It is the
17 shorthand for Albany reporters.

18 Q. Would you have pushed back then on
19 a request from Rich Azzopardi or Melissa DeRosa
20 to send Miss Boylan's personnel file directly
21 to Mike Gartland?

22 A. I can't speculate and I don't
23 remember the circumstances around me sending
24 it.

25 Q. Was it typical for you to send

JOSHUA VLASTO

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2 reporters information on behalf of the
3 Governor's office after you left the Executive
4 Chamber?

5 A. I would imagine send information
6 atypical, but it was not atypical for me to
7 have a conversation with the reporter based on
8 what was going on in the news cycle with regard
9 to the Governor's office and/or Melissa or Rich
10 or Peter or anybody saying can you talk to this
11 reporter, walk him through this, walk him
12 through that. It was not atypical.

13 Q. How often did it happen that the
14 Governor's office would have you speak on their
15 behalf with reporters?

16 A. Frequently.

17 Q. Did this happen frequently ever
18 since you left the Executive Chamber back in
19 January, 2014?

20 A. Yes, I mean there were periods of
21 time when I was not -- they would not call and
22 ask me. But most of the time when they did, I
23 would try and do it.

24 Q. What's the reason that you would
25 try to do it?

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2 A. No particular reason. I'm a press
3 person and I worked in the administration and
4 if there was a reporter that I could help to
5 and was also helpful to me as a person this
6 deals with reporters all the time so I never --
7 it was easy conversation or something that I
8 was familiar with, it was not that big of a
9 deal.

10 Q. How was it helpful to you?

11 A. I deal with reporters for a
12 living. And I have good relationships with
13 reporters and to the extent that if they were
14 working on a story that I could be helpful with
15 in any direction I would talk to them.

16 Q. Do any one pay you for
17 communicating with reporters on behalf of the
18 Executive Chamber?

19 A. No.

20 Q. Is there anyone else on whose
21 behalf you communicate for free?

22 A. Sure. Lots of people.

23 Q. Who?

24 A. I mean I don't want to give
25 specific names since it's way outside of this.

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JOSHUA VLASTO

I'm often asked by friends and former colleagues, people in politics to speak to reporters on their behalf. It happens regularly.

Q. Please open your binder to tab 16 and we will mark this as exhibit.

(Exhibit 10 for identification, Text message from Rich Azzopardi to Mr. Vlasto, Steve Cohen, Dani Lever and Rich Bamberger.)

A. Okay.

Q. What is this document? Start with the first page with the number NYAGB 00152 at the bottom?

A. This looks like a text message from Rich Azzopardi to me, Steve, Dani Lever and Rich Bamberger.

Q. Was Dani Lever part of the discussions about disclosing Miss Boylan's personnel file to reporters?

A. She probably was on some calls and not all of them. I don't remember in either direction.

Q. Does seeing this text remind you

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whether Steve Cohen was part of discussions about disclosing Miss Boylan's personnel file to reporters?

A. No not differently than what I said earlier.

Q. Which was what?

A. Sometimes it is not uncommon for him to be on calls and off calls. I don't remember if he was specifically on them or not, but it perfectly logical that he would have been.

Q. Do you remember what led to Rich Azzopardi sending this text to you, Dani Lever, Rich Bamberger and Steve Cohen?

A. I have not looked at the contents the text yet.

Q. Please go for it.

(Witness reviewing document.)

A. This whole thing here?

Q. Yes.

A. Yes, I mean, this looks like at lease the last page, the 159 page, looks like the memo that Alphonso wrote regarding the allegations. I mean it looks like a memo summarizing them.

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Q. What led to Rich Azzopardi sending this text and attachments?

A. I don't remember.

Q. The text attaches pictures of three documents, correct?

A. It looks like I got five pages or six pages here.

Q. But three documents?

A. Yes, I don't know it looks -- some of this is sort of in different pieces here.

Q. Let's look at the following two documents. The first has at the bottom NYAGB 004159.

A. Okay 159.

Q. And then the second page has at bottom NYAGB 004153?

A. Okay. That is this little snippet?

Q. Yes.

A. You're telling me that this little snippet at the end is the second page of 159?

Q. Is that you what you think?

A. I don't know. I don't know what to think. I see a bunch of pages here that

1 JOSHUA VLASTO

2 don't. I'm not trying to difficult, but I'm
3 just say it's like you know...

4 Q. We'll look at another document I
5 think makes a clearer. So the next document I
6 want to show you -- well before we move on.

7 A. I'm sorry I don't meant to
8 interrupt, it just looks like they are a little
9 of out of order in my pages here.

10 Q. The document ending 159 is from a
11 Camille Joseph Varlack Deputy Director of State
12 Operations --

13 A. This looks like a cover table from
14 memo with details about Lindsey Boylan and the
15 accusation against here.

16 Q. It is from Camille Varlack to
17 Alphonso David counsel to the Governor?

18 A. Yes, that is what I'm looking at.

19 Q. The subject of the memorandum is
20 confidential personnel matter, right? Yes?

21 A. Yes.

22 Q. And it is dated September 20th,
23 2018?

24 A. Yes.

25 Q. At the personnel matter concerns

JOSHUA VLASTO

Lindsey Boylan?

A. That is what appears to. [REDACTED]

Q. I want you look at document that at the bottom of 156?

A. Yes, okay.

Q. And then 158?

A. Okay.

Q. And 157?

A. Okay.

Q. And turning to 156 it is the first page of a memorandum from Julia Pinover Kupiec Assistant Counsel and Chamber Ethics Officer to Alphonso David Counsel to the Governor's office? Yes?

A. Yes.

Q. September 26th, 2018?

A. Okay.

Q. That is what you see? I need to say yes or no.

A. Yes.

Q. The subject is employment counseling for Lindsey Boylan, correct?

A. Yes.

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JOSHUA VLASTO

Q. And the two other pages I identified for you ending 158 and 157, to those appear to be the second and third --

A. Yes, yes, yes.

Q. The memorandum from Julia Pinover Kupiec is labeled draft privileged and confidential attorney/client privileged communication intra agency communication memo to file. Do you see that?

A. Yes, I do.

Q. And then the text also attaches and now we are turning to the documents which at the bottom 4155.

A. Yes.

Q. And 4154.

A. Okay.

Q. And this is a September 30th, 2018 e-mail from Alphonso David to Julia Pinover Kupiec and Camille Varlack?

A. Yes.

Q. And the subject is Lindsey Boylan follow up?

A. Yes.

Q. And that e-mail is labeled

JOSHUA VLASTO

1 privilege and confidential attorney-client
2 communication and attorney work product, right?

3 A. Yes.

4 Q. Were these the documents that were
5 discussed in relation to disclosing Miss
6 Boylan's personnel file to the press?

7 A. Not as I recall.

8 Q. What do you recall?

9 A. I seem to remember these but --
10 maybe is the 159 business. I don't want to
11 state -- I can't state definitively, I can't
12 say definitively, certainly these have the
13 details of the allegations against her, whether
14 or not these were the actual files were that
15 kicking around I suppose they are based on the
16 fact that Azzopardi sent them. Yeah.

17 So I don't quite know how to
18 answer your question. This appears to be the
19 files that were sent, but I'm not a hundred
20 percent certain these are the exact copies that
21 were sent to reporters or the final drafts or
22 final versions or whatever.

23 Q. Were these the documents that were
24 discussed by the group regarding complaints
25

1 JOSHUA VLASTO

2 that were allegedly made against Lindsey Boylan
3 when she worked in the government?

4 A. These are the issues that were
5 discussed, right. Whether or not this version
6 or these specific documents what we were
7 talking about I couldn't tell you.

8 For example, there was one version
9 that I saw at one point had the names of the
10 employees redacted. So I don't want to get
11 caught in version control. But, yes, generally
12 speaking these are the allegations of the
13 contents the personnel files that were being
14 discuss.

15 Q. You just pointed to a document,
16 which document were you pointing to?

17 A. 159.

18 Q. What were you pointing to on 159?

19 A. Like I remember a conversation
20 with Azzopardi that the names of the employees
21 should be redacted to protect their anonymity
22 or something. It is all by way of saying I
23 don't know what version these are or if there
24 changes. I don't want to get caught this is
25 the file that I saw in this discussion. But

1 JOSHUA VLASTO

2 generally speaking these are files that relate
3 to the allegations against her when she worked
4 there.

5 Q. Other than thinking that maybe
6 information in the documents that you're
7 looking at in this exhibit may have been
8 redacted is there any reason to think that
9 different versions of the documents were sent
10 to reporters?

11 A. I don't know, honestly, because I
12 don't know what they were sending to people and
13 what they had. I only know what they sent me.
14 So I don't have any -- I never heard about
15 different versions or different discussions,
16 but you I certainly can't rule it out.

17 Q. What did you send to reporters?

18 A. As I said, I only -- I didn't recall
19 before this subpoena came sending that file to
20 Mick Gartland. So beyond that I don't recall
21 sending anything to reporters.

22 Q. You said that there was a
23 discussion with Rich Azzopardi about redacting
24 employees names to protect their anonymity.
25 Tell me about that discussion?

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JOSHUA VLASTO

A. I remember at one point I said to Azzopardi are you guys going to redact the employees names. He said this is probably a good idea.

Q. What's the reason that you made that suggestion?

A. Because they were accusers I suppose, probably should be protected.

Q. What did you think that the accusers should be protected from?

A. Having their names out publicly if they didn't want that.

Q. Do you know if the accusers were consulted about disclosing the complaints being made regarding Miss Boylan?

A. No, I don't. I don't know in either direct.

Q. Do you do ask whether the accusers had been conducted?

A. No.

Q. Do you remember who was on the call in which you asked whether the accusers information would be redacted?

A. I don't remember if it was just me

1 JOSHUA VLASTO

2 and Rich talking or if it was on the group, I
3 don't recall.

4 Q. Did you have one-on-one
5 discussions with Rich Azzopardi about the
6 disclosure of Miss Boylan's personnel file?

7 A. Probably.

8 Q. How many one-on-one discussions
9 did you have with Rich Azzopardi?

10 A. I don't know.

11 Q. Did you have --

12 A. It was a span of -- this was not a
13 protracted period of time. So it couldn't be
14 more than a handful.

15 Q. Did you have a discussion with
16 Melissa --

17 A. Sorry, I'm off camera apparently.

18 Q. Do you have a one-on-one
19 discussion with Miss DeRosa about the
20 disclosure of Miss Boylan's personnel file?

21 A. I don't remember. It is perfectly
22 logical that we would have, but I don't
23 remember if we specifically did.

24 Q. Now, did you speak with anyone
25 outside the Executive Chamber about the

1 JOSHUA VLASTO

2 disclosure Miss Boylan's personnel file other
3 than the reporters?

4 A. Well Rich Bamberger, I imagine
5 that we had a conversation. And to the extent
6 I don't remember any of the specific
7 conversations but sometimes there would be
8 people outside of -- outside of those
9 conversations that were on the calls. So Dani
10 Lever is outside the Executive Chamber. I
11 don't want to say no, but I don't remember
12 specifically any discussions that particular
13 day.

14 Q. At any point in time did you speak
15 with any individuals outside the Executive
16 Chamber about the disclosure of Miss Boylan's
17 personnel file?

18 A. I don't remember a specific
19 conversation, but it doesn't mean that it
20 didn't happen. These are -- all of these days
21 are one call after another after another after
22 another with me tuning in and tuning out. So
23 it is very hard to be specific in recalling in
24 the moment who I was speaking to at any
25 particular moment.

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JOSHUA VLASTO

Q. Did you discuss with Maggie Moran the disclosure of Miss Boylan's personnel file to reporters?

A. Not that I recall. But I would put that in the category of I don't remember. I don't remember.

Q. To this date have you spoken with Miss Moran about the disclosure Miss Boylan's personnel file to reporters?

A. Yes.

Q. What have you discussed with Miss Moran?

A. I told her that essentially the progressions that I just told you. After these incidents occurred, sort of after me and Maggie and Rich sort of were thinking about things relative to Kibbet, I wanted her to be aware as my managing partner, my level of engagement over the previous couple of months. And she and I had been talking about frequently the issues involving the Governor and reacting to it. What she was talking to them about and what I was talking to them about and I wanted to have her transparency in terms of me.

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JOSHUA VLASTO

Q. What did you tell Miss Moran?

A. I told her that -- I don't remember the specific conversation. I told her that --

It says I'm about to be signed out.

I don't remember the specific conversation, I just remember recounting for her that both Rich and I had reached out to a reporter or two get them to call -- to encourage to them to call the Governor's office to get the personnel file.

Q. Did tell her that you sent the personnel file to Mike Gartland?

A. I didn't. I don't think at that moment I remember that I had.

Q. Since you remembered --

MS. MAINOO: Let's take break it looks like his computer is restarting.

THE VIDEOGRAPHER: We are going off the record the time is 12:47.

(Recess taken)

THE VIDEOGRAPHER: We are back on the record the time is 12:50.

JOSHUA VLASTO

BY MS. MAINOO:

Q. Since you recalled that you sent Mike Gartland Miss Boylan's personnel file have you told Maggie Moran this?

A. No.

Q. You said you and Miss Moran spoke about your involvement in the issues involving the Governor what she was talking about with the Governor's office. What you and Miss Moran speak about?

A. I told her that. I recounted the discuss around the text message that we discussed earlier, the two text messages.

Q. Forwarding Lindsey Boylan's text messages to reporters?

A. Correct.

Q. What did Miss Moran say about her involvement with the Governor's office?

A. It wasn't a conversation where she was telling me much. It was sort of me, Rich and her as a unit, right, as a team at Kibbet trying to just understand what could be written about me and Rich and Maggie if stories were to start talking about how the Governor responded

1 JOSHUA VLASTO

2 to these various issues and we just wanted to
3 be prepared and honest with each other about
4 making sure that we were transparent and who
5 had been working -- who had one visible and
6 privy to what.

7 Q. What were you and Miss Moran
8 and Mr. Bamberger concerned about with respect
9 to Kibbet?

10 A. I don't think we were concerned
11 necessarily about anything. It was just making
12 sure -- we are communications professionals and
13 business thing to do for a communication
14 strategy is understand what could be written
15 and how we would respond if were reporters were
16 to write it.

17 Q. Did you have any concerns about
18 the potential impact on Kibbet of any reporting
19 about your role in responding to the
20 allegations of sexual harassment against the
21 Governor?

22 A. I did not.

23 Q. Did anyone?

24 A. No.

25 Q. Did Miss Moran have any concerns

JOSHUA VLASTO

1
2 about Kibbet?

3 A. Not in that conversation and I
4 can't speak to her what she thinks.

5 Q. Did she express any concerns in
6 any other conversations?

7 A. Yes, I mean later on when Rich
8 was later mentioned in a story, the Ronan
9 Farrow story she expressed some concern that
10 this was going to be reputationally problematic.

11 Q. You said later on, so when did the
12 conversation, the initial conversation between
13 you and Miss Moran and Mr. Bamberger happen?

14 A. I don't remember specifically when
15 it came about. But it was probably more around
16 the time when the Governor's office had asked
17 me to take a formal role and was pressing me to
18 take a formal role, probably that March period.
19 I don't know for sure.

20 Q. Let turn to tab 17 in your binder
21 and mark this as an exhibit.

22 (Exhibit 11 for identification, Text
23 to Rich Bamberger, Dani Lever, Josh Vlasto,
24 Melissa DeRosa, Linda Lacewell dated
25 12/13/2020.)

JOSHUA VLASTO

1
2 Q. On the first page Rich Azzopardi
3 sends a text to Rich Bamberger, Dani Lever,
4 Josh Vlasto, Melissa DeRosa, Linda Lacewell.
5 You're in it and Rich Azzopardi says "Some
6 helpful stuff in here, I know he talk to [REDACTED]
7 and [REDACTED]." What do you understand by
8 that statement?

9 A. I don't remember the context of
10 it. I imagine [REDACTED]
11 [REDACTED]

12 Q. Turn to the next page it is a link
13 to an article about Lindsey Boylan's
14 allegation, do you see that? Yes?

15 A. Yes.

16 Q. Was Rich Azzopardi's comments are
17 on the first page of this chat, the number on
18 the bottom of it ends in 224. Was Rich
19 Azzopardi talking about helpful information in
20 an article, helpful from the perspective of the
21 Governor's office?

22 A. Yeah, I imagine, given the next
23 text is the Times Union story. I'm sure if
24 this an oar, he was referring he was wasn't go
25 our attention to the story that he then send

JOSHUA VLASTO

1
2 the link to.

3 Q. What was the time of Rich
4 Azzopardi's first text?

5 A. They are both at 4:20.

6 Q. Does that suggest --

7 A. It suggests that he was sending
8 this story to this group to say there was some
9 helpful stuff in there and that he, I imagine
10 he is referring to the reporter, talked to
11 [REDACTED] and [REDACTED].

12 Q. On the next page you say "give
13 them the doc"?

14 A. Yes.

15 Q. You're you referring to Lindsey
16 Boylan's personnel file, correct?

17 A. I imagine that I am.

18 MR. GRANT: Do you recall if there
19 is a reason there is an exclamation point
20 at end of that statement?

21 THE WITNESS: I was probably
22 expressing my view emphatically that given
23 my view that the stories would benefit --
24 should have the context of what was in
25 those files, that this story I guess in

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JOSHUA VLASTO

this moment when he sent it to me did not have that context in it.

So that would mean the Times Union posted that information without that information in it and my view is it would be appropriate to have that information in there.

Q. In them in your statement refers to reporters?

A. I believe in this case it refers to that story.

Q. Them refers to Times Union?

A. Yes.

Q. Let's turn to tab 21 in the binder and mark this as an exhibit.

(Exhibit 12 for identification, Text message from Rich Azzopardi to Mr. Vlasto dated December 15th, 2020 with attachments.)

Q. This is a text message from Rich Azzopardi to you on December 15th, 2020 with attachments, correct?

A. It appears that way.

Q. The attachments are the same two

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JOSHUA VLASTO

memos and e-mail with Boylan's personnel information that Azzopardi had previously sent on December 13th, right? Yes?

A. This is a text message including a copy of the personnel file.

Q. The first document is Camille Varlack's September 20th, 2018 memo?

A. An appears that way.

Q. The second document is Julia Kupiec's September 26th, 2018 memo, right?

A. That it does.

Q. The last document is Alphonso David's September 30th, 2018 e-mail, right? I just need you to say yes.

A. Yes, I'm sorry, yes.

Q. Just going back to tab 16, I want to confirm that the documents attached in tab 21 are the same as those in tab 16?

A. I mean they appear to be the same. And so I suppose my vantage point it would be considered the same. But I haven't looked at them specifically if it was something different, but they appear to be the same with the difference also there appears in what

1 JOSHUA VLASTO

2 Azzopardi sent me in Tab 21 has the redactions
3 that I discussed.

4 Q. Go to tab 22. We will make this
5 as an exhibit. What is tab 22?

6 (Exhibit 13 for identification, Text
7 message from Mr. Vlasto to Mike Gartland
8 dated 12/15/2020.)

9 A. It's a text message from me to
10 Mike Gartland.

11 Q. It does it include anything else?

12 A. It appears to contain that file
13 that we just looked at under the previous tab.

14 Q. That memo from Miss Kupiec and
15 the e-mail from Mr. David?

16 A. It appears that way.

17 Q. The memo from Miss Varlack as I
18 mentioned earlier, the subject is confidential
19 personnel matter, correct? Yes or no?

20 A. Yes. It says confidential
21 personnel matter.

22 Q. The memo from Miss Kupiec is
23 labeled draft privileged and confidential
24 attorney-client privileged communication
25 interagency communication right? Yes?

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JOSHUA VLASTO

A. Yes. I'm just looking back at one other thing just to give context.

Q. The e-mail from Mr. David is labeled privileged and confidential, attorney-client communication and attorney work product, correct.

A. Yes.

Q. Did you have any reservations about sending these documents to Mr. Gartland which were labeled, among other things, confidential?

A. No, the lawyers had said it was permissible for the Governor's office and for these records to be in the public domain.

Q. I think earlier you had indicated that if the documents were confidential you would have had concerns about violating confidentiality rules, correct?

A. Well, once I was told these confidentiality rules would not be violated by putting these out, I suppose I didn't have that concern at that point.

Q. Were you specifically told that confidentiality rules would not be violate --

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JOSHUA VLASTO

A. I don't recall if it was specific or not, but as I said my view was I and others said is this something that is permissible legally okay, and they came back with the view that it was, my assumption was that that covered both confidentiality and any other applicable laws. I don't remember any reason for thinking otherwise.

Q. Have you ever discuss with Rich Bamberger --

A. Just one thing that I want to point out again and that's why I was thumbing back through it. I hope that is okay, too late now not. If you look at the document about [REDACTED] and [REDACTED] --

MS. MAINOO: For the record. Let's just make sure we are on the same page.

A. Go to tab 17 and look at the date, Sunday December 13th.

Q. Right.

A. If my recollection is correct, that is the day that this was all happening. That she made the accusations it that is was very public and discussed. If you look at the

1 JOSHUA VLASTO

2 date of my text to Mike Gartland, it was three
3 later, two days later, Tuesday the 15th. So
4 that is again why I say I don't remember why I
5 say I sent to him, but the information in here
6 was already in the public domain for 48 hours
7 or so. So I imagine that is another reason why
8 in the moment I didn't have a moment to pause.
9 It was already public.

10 And I believe it was reported on
11 publicly. I don't remember if any specific
12 outlets posted it or not, but this is still two
13 days, three days later.

14 Q. Before Miss Boylan's personnel
15 file had been reported on did you have
16 reservations about sending her personnel file
17 directly to reporters?

18 A. I wouldn't say reservations, it is
19 just not how the process was playing out. And
20 I felt again for transparent -- for consistency
21 sake and in line with my view that it should be --
22 this information should be presented in a
23 straightforward fact based way, that the
24 Governor's office should have been the ones to
25 give those files -- to provide those files to

1 JOSHUA VLASTO

2 reporters consistent with what the lawyers
3 said.

4 Q. Did you ever suggest that Rich
5 Azzopardi should send Miss Boylan's personnel
6 file to Mike Gartland himself?

7 A. I don't recall. I'd have to check
8 but I imagine that The Daily News by Tuesday
9 would have already reported on the allegations
10 and I don't know if they had those instances in
11 there. But also Mike Gartland is not the
12 Albany reporter, so I don't know the
13 circumstances about why I sent it to him.

14 Q. You sent Miss Boylan's personnel
15 file to Mike Gartland four minutes after Rich
16 Azzopardi sent you the redacted versions of
17 Miss Boylan's personnel file, correct?

18 A. It appears that way.

19 Q. Did you speak with Rich Bamberger
20 about your sending Miss Boylan's personnel file
21 direct to Mike Gartland?

22 A. I don't recall. But keeping in
23 mind, again, this information was already
24 public at this time.

25 Q. Do you recall if you've ever

1 JOSHUA VLASTO

2 spoken with Rich Bamberger about your sending
3 Miss Boylan's personnel file directly to Mike
4 Gartland?

5 A. No.

6 Q. What is your relationship to Mike
7 Gartland?

8 A. I've spoken to him on the phone a
9 couple of times.

10 Q. How do you know him?

11 A. I was introduce to him by Rich
12 Bamberger shortly after I joined Kibbet.
13 Introduced in the sense of connected over
14 e-mail and talked on the phone. I never met
15 him.

16 Q. In your life you've only spoken
17 would Mike Gartland twice?

18 A. No, I spoke with him a couple of
19 times on a different issues. Several times I
20 should say.

21 Q. About how many times?

22 A. Seven or eight.

23 Q. When is the first time that you
24 interacted with Mike Gartland?

25 A. Rich introduced me to him on

1 JOSHUA VLASTO

2 client matter. There it was a story we were
3 working on that he either was covering or
4 interested in and I want to try and reach him.
5 Rich had known him and worked with him longer
6 so he introduce me to him.

7 Q. And Rich here is --

8 A. Bamberger.

9 Q. Around when was first interaction
10 with Mike Gartland?

11 A. Shortly after joining Kibbet.

12 Q. So around the fall --

13 A. Fall of 2020.

14 Q. So before you sent Miss Boylan's
15 personnel file to Mike Gartland in December of
16 2020 about how many interactions did you with
17 Mike Gartland?

18 A. Four or five.

19 Q. Did you speak with Mike Gartland
20 about fact that you were sending Miss Boylan's
21 personnel file to him?

22 A. I don't recall. I don't recall
23 the circumstances around sending it over. I
24 did not recall it until I went back through my
25 stuff.

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JOSHUA VLASTO

Q. Is Mike Gartland one of the reporters to didn't have a good represent with the Governor's office?

A. I don't know. I don't know. I don't remember his name being discussed. He is not in Albany. He doesn't cover Albany. He covers politics, but he is not in Albany. I don't remember if his name was discuss at that moment.

Q. Did you have any other discussions with Mike Gartland about the allegations of sexual harassment against the Governor?

A. Not that I recall. I don't remember the circumstances around sending it to him. Well, ask that again.

MS. MAINOO: Bill, can you read that back.

(Requested portion or record read.)

A. Yes.

Q. What discussions did you have --

A. There was one other matter that I discussed with Mike.

Q. What discussions did you have with Mike Gartland?

1 JOSHUA VLASTO

2 A. There was another matter that came
3 up after Lindsay's initial tweets relating to a
4 staff member who worked for Lindsey Boylan on
5 her campaign who had come forward to Charlie
6 King about the fact that she had resigned from
7 the campaign because Lindsey made these
8 allegations and that it was her view there was
9 no base to them. This is what is being relayed
10 to me.

11 What was relayed to me by Melissa
12 after somebody had a conversation with Charlie
13 was that the staff member resigned because her
14 view there was no basis to these allegations
15 and that Lindsey had just been tweeting them to
16 get attention and, you know, get attention.

17 Q. So then did Melissa DeRosa ask to
18 reach out to Mike Gartland about this?

19 A. I don't remember what she
20 specifically said, no. But she did say what is
21 a way to get this information out. And I think
22 ultimately Melissa patched in Charlie King or I
23 called Charlie to see if what this was and what
24 information -- what the real circumstances
25 were. Then it occurred to me that Mike might

1 JOSHUA VLASTO

2 be interested in that news if someone that had
3 resigned over the campaign.

4 Q. How did it occur to you that Mike
5 might be interested in news about someone
6 resigning from Miss Boylan's campaign?

7 A. There had been a lot of coverage
8 about Lindsay's allegations. A lot of
9 reporters were interested in it. I heard that
10 piece of news and figured that it would be
11 something that they would potentially report.

12 Q. After Miss DeRosa shared with you
13 the information about Miss Boylan's press
14 secretary resigning, did Miss DeRosa ask you to
15 convey or communicate that information to any
16 reporters?

17 A. Yes.

18 Q. What did she say?

19 A. Let me be a little more precise.
20 I don't remember the exact words she said, but
21 it was definitely, this is a fact, this is a
22 piece of news that could go -- that would be
23 newsworthy for reporters. I don't remember the
24 words that she used though.

25 Q. Understanding that you don't

JOSHUA VLASTO

1
2 remember the word that Miss DeRosa used, did
3 Miss DeRosa communicate that she would like you
4 to convey the about the resignation of Miss Boylan's
5 press secretary to reporters?

6 A. Likely, yes.

7 Q. You mentioned Charlie king, who is
8 he?

9 A. Charlie King used to work for
10 Governor when he was secretary of the housing
11 and urban development and has been a friend and
12 advisor to the Governor for a long time and he
13 works at Mercury now.

14 Q. Do you know him?

15 A. Do I know Charlie King, yes.

16 Q. What is your relationship with
17 him?

18 A. He is friend of mine.

19 Q. What is the name of the Boylan
20 staff member to resigned from her campaign?

21 A. Now, at the time the press
22 secretary told me that she had an NDA with
23 Lindsey.

24 Q. We have text messages with her
25 name?

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JOSHUA VLASTO

A. I just don't want to -- I'm comfortable with it. [REDACTED].

Q. Did you have any other discussions with Mike Gartland about sexual harassment allegations against the Governor?

A. Beyond the back and forth, no, not that I can recall.

Q. So far we have your sending Miss Boylan's personnel file to Mike Gartland and then you told Mike Gartland about the resignation of [REDACTED] anything else?

A. And the text messages and the ones that we discussed earlier.

Q. The text messages that --

A. The Rob Mujica and Dani Lever text messages.

MR. GRANT: At any point did Miss DeRosa say why she thought it was important that the information concerning the press secretary resigning should be in the public domain?

THE WITNESS: Certainly newsworthy it would show -- at least was being relayed to me was that [REDACTED] had said to Charlie

1 JOSHUA VLASTO

2 that she thought that Lindsey was making
3 this all up and that it was just done to
4 get attention.

5 So that was is what was conveyed to
6 me. Whether or not [REDACTED] was saying that or
7 that that is actually what happened, I
8 don't know. Certainly from a media
9 analysis perspective in my view and I can't
10 think tell what you Melissa was thinking,
11 that would have been a relevant fact in
12 terms of how these issues were being
13 reported.

14 MR. GRANT: Did you and Miss DeRosa
15 every have any discussion of how broadly
16 she wanted this information disseminated.

17 THE WITNESS: I don't remember the
18 specifics of the conversation. It was more -- it
19 was we have this information sort of what
20 do we do about it. That's the best they I
21 can remember. Without sort of assigning
22 specific words to it.

23 MR. GRANT: You say specifically,
24 but generally was there ever a time that
25 she described how broadly she wanted this

1 JOSHUA VLASTO

2 information --

3 THE WITNESS: I don't recall. I
4 wouldn't rule it out. I wouldn't rule it
5 out. And I also wouldn't rule out that she
6 talk to other people about it as well. In
7 terms of my interaction on the [REDACTED]
8 information, it was Mike. My view -- it
9 was the outgrowth of my conversation with
10 her was to connect [REDACTED] were Mike.

11 BY MS. MAINOO:

12 Q. Did anyone from the Governor's
13 office ever ask you to contact Mike Gartland
14 specifically in connection with the allegations
15 of sexual harassment by the Governor?

16 A. I don't think so. I don't
17 remember exactly how it came to be that [REDACTED]
18 was going to talk to Mike. I don't remember if
19 it was my suggestion or Melissa's. I don't
20 remember.

21 Q. Setting aside whose idea it was,
22 did there ever come a time when anyone in the
23 Governor's office asked you to reach out to
24 Mike Gartland about stories he was writing in
25 relation to the allegation of sexual harassment

1 JOSHUA VLASTO

2 by the Governor?

3 A. I don't recall. I mean -- I don't
4 recall. It doesn't mean I wouldn't rule it
5 out. I wouldn't rule out people saying could
6 you check with Mike. Could you check in with
7 X. I wouldn't rule it out but I don't remember
8 any specific conversation about anything
9 specifically that Mike was writing. Other than
10 the instances that we described.

11 Q. So on the occasions that you
12 discussed, did someone from the Governor office
13 ask you specifically to reach out to Mike
14 Gartland?

15 A. Other than the issues that we
16 discussed I don't recall -- I'm not trying to
17 parse. I'm trying to be precise. Other than
18 the moments in interactions that we had talked
19 about. The text messages related to -- the two
20 threatening text messages related to [REDACTED]
21 and I suppose the related to whatever this file
22 went over, I don't remember other instances
23 where they said specifically call Mike about X
24 or Mike about Y. That doesn't mean it didn't
25 happen, but I don't recall any.

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JOSHUA VLASTO

Q. So in connection with the Boylan text messages to Dani Lever and Rob Mujica, did someone from the Governor's office ask you specifically to communicate with Mike Gartland?

A. Yes, Melissa. Melissa specifically said can you -- it would probably taken a verbiage of can you try Mike or Mighty Mike on this. But not in an abnormal or specific way at least that I can perceive.

Q. In connection with [REDACTED] resignation, did anyone from the Governor's office ask you specifically to communicate with Mike Gartland?

A. I would imagine she would have probably said, can you go to Mike on this. Can you check with Mike on this. Do you think Mike would write this.

Q. She being Melissa DeRosa?

A. Yes.

Q. In connection with Miss Boylan's personnel file, sending Miss Boylan's personnel file to Mike Gartland, did anyone in the Governor's office ask you specifically to send Miss Boylan's personnel file to Mike Gartland?

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JOSHUA VLASTO

A. I don't recall. I don't recall. Mike could have ask me for it. It had already been reported. Mike could have called me and said, hey, I'm following something can you send this to me. I mean it is perfectly possible.

MR. GRANT: Are you saying that it is possible or are you saying that you recall specifically Mike Gartland asking for it.

THE WITNESS: I'm saying it's possible. I'm saying I don't recall the circumstances about why I sent Mike that personnel file. The only information that you gleaned form it base and these and prepping when I found that text is that two days after the initial disclosure of the files, either Mike wanted them or the Governor's office wanted to get them to him. I don't remember what it was and I don't remember why, but it is all the possible.

BY MR. MAINOO:

Q. Open your binder to tab 31 and we will mark this as an exhibit.

1 JOSHUA VLASTO

2 (Exhibit 14 for identification,
3 Texts from Mr. Vlasto to Mr. Gartland on
4 12/15 at 5:06 p.m.)

5 Q. The first text is on the
6 December 15th at 5:06 p.m. from you to Mike
7 Gartland and you said, "Just heard the press
8 secretary resigned too last week when they
9 hatched the plan." This is about [REDACTED]
10 resignation from Boylan's campaign, correct?

11 A. Yes, it appears that way, yes.

12 Q. This is the same day less than two
13 hours after you sent Miss Boylan's personnel
14 file to Mike Gartland, correct?

15 A. It answer that way.

16 Q. Do you remember providing
17 information to Mike Gartland about [REDACTED]
18 resignation?

19 A. Yes.

20 Q. You don't remember sending
21 Miss Boylan's personnel file to Mike Gartland
22 on the same day?

23 A. I don't remember.

24 Q. Does seeing this text jog your
25 memory about the discussions that you had with

1 JOSHUA VLASTO

2 anyone regarding sending information to Mike
3 Gartland about the sexual harassment
4 allegations?

5 A. No. No, not anything other than
6 that we just described. I said not anything
7 new or different than we just discussed.

8 Q. Were you encouraging Mike Gartland
9 to publish this story about [REDACTED]
10 resignation from the Boylan campaign?

11 A. It is safe to say that I was
12 trying to connect him up with [REDACTED] and get him --
13 have him write a story about it, sure. But it
14 was at the initiation of Charlie and [REDACTED] and
15 Melissa, but it was not something that I
16 defined. It was information given to me and I
17 was making a connection as you can see here.

18 MR. GRANT: If you look back at
19 first text in that chain I believe you
20 write "when? They hatched the plan." Is
21 that correct.

22 THE WITNESS: Yes.

23 MR. GRANT: Who is they?

24 THE WITNESS: In that case it would
25 have been referred referring to they, the

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JOSHUA VLASTO

campaign. Lindsay's campaign.

MR. GRANT: What is the plan?

THE WITNESS: It was present to me as best I can remember that [REDACTED] either was in a meeting or had heard about a meeting they had that they, Lindsay's campaign, some guy named file [REDACTED] or something, where either they had discussed she was sending the tweets or she had just announced that she was going to sound these tweets. So that is what I imagine I was referring to.

MR. GRANT: Okay. --

THE WITNESS: It's a little mushy in terms of what I was being told, but that is what I imagine I was referring to there.

MR. GRANT: Would it be fair to say that what you were conveying to Mike to write was a story about them hatching this plan?

THE WITNESS: No, I think if I remember correctly in the conversation with Mike about [REDACTED], conversations, it was more that she had resigned and that she would be

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JOSHUA VLASTO

willing to talk about the circumstances around it and I guess I used plan as a colloquial. But ultimately I wasn't the one doing the talking to Mike. It was me connecting him with [REDACTED].

MR. GRANT: The circumstances would include this plan in connection with her departure, correct?

THE WITNESS: The context of what [REDACTED], I expected [REDACTED] to tell him was this plan or the way that she had perceived how Lindsey came about to make these tweets. That is what I was telling Mike that she was going to talk about.

MR. GRANT: Since you were using pronouns here, had you discussed this plan beforehand, before this text?

THE WITNESS: Well it had been communicated to me by Charlie and Melissa that this is what [REDACTED] had told them had happened in the campaign.

MR. GRANT: My question is --

THE WITNESS: Again, I also had a conversation at some point, I don't know if

1 JOSHUA VLASTO

2 before or after these texts, with [REDACTED]
3 herself. I'm not trying to be parsing. I
4 don't have if this text is before or after
5 that conversation. But I'm relying on the
6 information that Charlie and Melissa had
7 communicated to me.

8 MR. GRANT: My question was a bit
9 different. Looking back at that first
10 text, when they hatched the plan. I'm
11 wondering how would Mike have context of
12 that if this was the first time that it was
13 conveyed to him?

14 THE WITNESS: I didn't say it was
15 the first time it was conveyed to him. I
16 don't recall the conversation to him. I
17 imagine I previewed him -- the press
18 secretary resigned. You know what it
19 probably is, it is probably the press
20 secretary is not referring to [REDACTED]. It was
21 another person who I heard resigned. It
22 was somebody else who had resigned and I
23 was referring this was a follow-up to that
24 text. [REDACTED] wasn't the press secretary.
25 She was a consultant or something.

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JOSHUA VLASTO

MR. GRANT: Who was the other person that --

THE WITNESS: I don't know. I don't know their name. They worked for [REDACTED]. Now there was another person. I was told there was another person. Whether or not there was, I don't recall.

MR. GRANT: This was another person in the Boylan campaign, correct?

THE WITNESS: Correct.

MR. GRANT: Do you recall anything about this the circumstances of why you were discussing the departure of this person from the Boylan campaign with Mike?

THE WITNESS: In the same context of [REDACTED] resigning as well. Sort of that people were leaving the campaign.

MR. GRANT: What was your understanding of why this was relevant to the allegations that Miss Boylan had made against Governor Cuomo?

THE WITNESS: Because [REDACTED] said to Charlie and Melissa that Lindsey was going to shoot off these tweets and there

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JOSHUA VLASTO

was basis to it and she doing it to get attention or something to that effect. So that to me is relevant to the reporting of how these accusations were being covered.

MR. GRANT: The other employee's departure, it would be in the same context as [REDACTED] departure?

THE WITNESS: Correct. If I remember correctly it was something who worked for [REDACTED] or either had been at [REDACTED] firm or something like that.

MR. GRANT: Thank you.

BY MS. MAINOO:

Q. Mike did not connect with [REDACTED] correct?

A. No, he did.

Q. Mike was able to connect with [REDACTED] ?

A. Yes.

Q. We had previously understood from your counsel that [REDACTED] and Mike ultimately did not connect.

A. They did, I was not on the call.

[REDACTED] said I know Mike Gartland, I've worked

JOSHUA VLASTO

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2 with him before I'm going to call him and she
3 did. I was not on the call.

4 Q. I think Mike's article also said
5 [REDACTED] could not be reach for comment.

6 A. Okay.

7 Q. Was there a reason that you were
8 providing this information that you heard from
9 Melissa DeRosa and Charlie King to Mike instead
10 of someone from the Governor's press office?

11 A. No, no particular reason.
12 Something that Melissa had suggested or asked
13 me to do. I don't remember if it was a
14 suggestion or an ask. It seemed like relevant
15 reporting. I can't remember the circumstances
16 but I didn't think much of it and it seemed
17 like a relevant fact and newsworthy if [REDACTED] was
18 going to talk to Mike and it didn't seem like
19 an issue or problem to connect them if she was
20 going to do it on her own volition.

21 Q. Did that come a time when you
22 got tired of Melissa and the Governor's office
23 asking you to contact Mike about stories
24 relating to the sexual harassment allegation
25 against the Governor.

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JOSHUA VLASTO

A. I would say said I was tired of it throughout this entire process.

Q. What you were tired?

A. It is not tired. It is my day-to-day, this activity was not my top priority and I was doing my best to provide counsel and support when necessary to help in the response. And I give the best advice that I could and sometimes I would move the ball forward move something forward and sometimes I wouldn't. My level of interest and just -- so often to answer your question. Often.

Q. How many hours did you devote to this effort helping with the response to the allegations of sexual harassment by Governor Cuomo?

A. Hours devoted it probably a strong work. Listening to calls it could be several hours a week. In terms of actually doing something, nominal.

Q. How many hours did you spend in relation to helping with the response to sexual harassment allegations against the Governor?

A. I don't know. And I would be very

JOSHUA VLASTO

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2 hesitant to ballpark it. The calls could sometimes could
3 be lengthy, sometime they could be brief, so
4 I'm hesitant to -- but it was a busy -- there
5 were frequent calls during those three or four
6 months.

7 Q. This is the period --

8 A. December to Marchish.

9 Q. How long were the lengthy calls?

10 A. It could be an hour or two.

11 Q. How long were the short calls?

12 A. Minutes. And there would be calls
13 that probably lasted hours that I was on for
14 minutes.

15 Q. Do you think you spent more than
16 10 hours a week between December and March in
17 helping with the response to the allegations of
18 sexual harassment against Governor Cuomo?

19 A. I don't know. I don't know. If
20 it means sitting on a call, maybe there were
21 weeks. But I would be hesitant to speculate.
22 I don't know. I had spoken to Maggie about
23 sort of the guidelines that govern the rules
24 for how much time we could devote on something
25 like this and she assured me that just by being

1 JOSHUA VLASTO

2 on calls was not an issue. It was not
3 something that would trip any sort of line.

4 Q. What guidelines did you discuss
5 with Miss Moran?

6 A. The lobbying guidelines.

7 MS. PERRY: Josh don't get into
8 conversations with counsel, including
9 counsel for Kibbet.

10 THE WITNESS: Thank you for
11 reminding me.

12 Q. When did you have the discussions
13 with Miss Moran about the guidelines for
14 lobbying?

15 A. Only one or twice in this
16 particular process.

17 Q. When were those discussions?

18 A. Over -- I don't remember the
19 sequence of the months.

20 Q. Do you remember if the discussions
21 with Miss Moran about lobbying guidelines were
22 in December or March?

23 A. No.

24 Q. Let's turn to tab 33 in your
25 binder and we will mark this as an exhibit.

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JOSHUA VLASTO

(Exhibit 15 for identification, Text message between Mr. Vlasto and Rich Bamberger on Saturday December 19.)

Q. So this is a text message between you and Rich Bamberger and Saturday December 19, correct?

A. It appears that way.

Q. You say, "7:15 in the morning on a Saturday they asked me to call Gartland. A lesson for the future." What are you talking about?

A. Melissa probably called me at that hour suggesting that I call Mike. And I was expressing frustration to Rich that that time was early.

Q. What was Melissa asks you to call Mike Gartland about?

A. I have to look back at the surrounding circumstances. I think this is probably around the time of the text messages. And if he was going to report on the text messages. I seem to remember being in the Park with [REDACTED], but I couldn't say for sure.

Q. Mike Gartland ended up writing a

1 JOSHUA VLASTO

2 story about [REDACTED] resignation from the
3 Boylan campaign, right?

4 A. Yes. He did mention [REDACTED]
5 statement as best I can recall.

6 Q. Mike's story also talked about
7 Miss Boylan's personnel file, right?

8 A. Yes, you're telling me. I have
9 not read the story in months.

10 Q. Well, we will get to Mike's story
11 late.

12 What do you mean by a lesson for
13 future in your text to Rich Bamberger?

14 A. To stop answering the phone. I
15 probably was expressing my frustration that
16 this was becoming annoying in that I shouldn't
17 be -- that doing something that they asked me
18 to do was annoying me and taking up too much
19 focus and too much time and I don't like
20 getting calls at seven o'clock in the morning
21 on a Saturday just like any other human being.
22 I was probably saying a lesson in the future
23 and that the next time they ask me to do
24 something the answer should be no or more
25 within reason in terms of the time commitment.

JOSHUA VLASTO

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Q. Who is "they" their?

A. Melissa.

Q. How is Melissa they?

A. They meaning the grand they.

Q. Is they Melissa and the Governor?

A. Not really. It is more they being colloquial.

Q. Rich Bamberger says on next page, "agree on that they didn't have me give anything to Kramer. Are you referring to Marcia Kramer?

A. Yes.

Q. What did the statement mean?

A. They didn't have me give anything to Kramer.

(Witness reviewing document.)

A. I don't remember, I don't quite get it to be honest. Either he is saying that he was glad that he didn't give the text messages to Marcia. Something like that. I don't remember exactly. I can't quite divide it. I'm trying to figure it out.

Q. Did Mike Gartland write a story about the text messages to Dani Lever and Rob

JOSHUA VLASTO

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Mujica?

A. Not that I remember.

Q. This story that is referenced in these texts is not about the text messages from Lindsey Boylan and to Dani Lever and Ron Mujica?

A. I guess it is not, I guess it is about the [REDACTED] story.

Q. And Miss Boylan's personnel file?

A. I suppose, yes. But remember the personnel file had already been out there.

Q. But Mike Gartland still wrote about the personnel file.

A. Okay.

Q. Did Melissa DeRosa when she called you on December 19 at 7:50 in the morning, did she want Mike Gartland to publish his story?

A. I imagine what she was asking is Mike going to write and what is he going to say.

Q. There was pressure for Mike to get the story?

A. She wanted me the exert pressure to get the story you out.

JOSHUA VLASTO

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2 Q. Bamberger said in the text that
3 Gartland, he's been good to us and Kibbet level
4 too and you respond most importantly. What did
5 you understand by Bamberger's statement?

6 A. That he has been friendly reporter
7 when we talk to him he's a friendly guy and we
8 work well with him at Kibbet. And that my view
9 what I said most importantly not to push too
10 hard. This is not a bih -- this is not a top
11 priority of for us at Kibbet, me a Rich, and no
12 need to go overboard in pushing him because he
13 is a good guy that we work well with.

14 Q. When you say things like Mike
15 Gartland is friendly and he is a good guy who
16 we work well with, you mean that Mike Gartland
17 is helpful to Kibbet or Kibbet clients; is that
18 correct

19 A. He is helpful to me -- I would
20 probably say more me and Rich in the context of
21 part of our jobs is to work with reporters on
22 issue relates to clients. So and Mike has
23 always been an easy person to talk to and work
24 with. So I value those relationships. I value
25 relationships with reporters and I don't want

JOSHUA VLASTO

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2 to do anything -- I don't to push or do anything
3 to alienates those relationships that was the
4 discussion here. I'm not going to call a guy
5 [REDACTED] at 7:15 in the morning saying
6 where are we.

7 Q. What did you understand by on a
8 Kibbet level?

9 A. Probably more just a professional
10 level. Kibbet clients and just as people.

11 Q. What about Kibbet clients and just
12 us as people?

13 A. Nothing. That is what I mean.
14 That if we -- part of our jobs is to work with
15 reporters on issues in Albany and New York
16 City, around the world, around the country.
17 And so we like to have good relationship with
18 reporters and so he has been good to us in
19 terms of being a good reporter. Being easy to
20 work with.

21 Maybe Rich is referring to
22 something specific, I don't remember that he
23 was. This is sort of common parlance in the
24 world the communications.

25 Q. Just to be clear. Did you

1 JOSHUA VLASTO

2 understand Rich Bamberger's statement he been
3 good to us on a Kibbet level to mean Mike
4 Gartland has been good to Kibbet clients and to
5 you and Rich in your capacity as Kibbet
6 employees?

7 A. I took it more broadly just that
8 he has been good to us and easy to work with.
9 I'm not trying to say it's difficult it is not a
10 direct linkage. We work with reporters all the
11 time on any number of different issues. I'm
12 trying to be precise which is he is not saying
13 this is someone who works for us or with us.
14 He is a good guy, he is easy to work with, and
15 was a decent reporter.

16 And alienating him or doing
17 something that would aggravate, would just not
18 be helpful to me, Rich or if we had a client
19 issue or any other issue that we need to deal
20 would the Albany press or the with Daily News.

21 Q. Mike isn't part of the Albany
22 press --

23 A. I know.

24 Q. He has been good to us on a Kibbet
25 level too includes Mike Gartland who has been

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JOSHUA VLASTO

good to Kibbet clients --

A. I imagine he has. I have not been at Kibbet that long so I can't remember specific interactions other than one time I went to him with a story that I don't think he ultimately did. So I'm sure Rich was referring to him that he had been working with Mike and always worked with well him. And the conversations that I had with him he always seemed like a nice guy and decent reporter.

MS. MAINOO: Off the record.

(Discussion off the record.)

THE VIDEOGRAPHER: Going off the record the time is 1:35.

(Lunch recess taken at 1:35 p.m.)

1 JOSHUA VLASTO

2 A F T E R N O O N S E S S I O N

3 2:12 p.m.

4 J O S H U A V L A S T O ,

5 resumed, having been previously duly sworn,

6 was examined and testified further as

7 follows:

8 THE VIDEOGRAPHER: Back on the

9 record. The time is 2:12.

10 BY MS. MAINOO:

11 Q. Mr. Vlasto, we've handed you what
12 is marked as our next exhibit, Exhibit 16 I
13 believe?

14 (Exhibit 16 for identification,
15 Article by Mike Gartland of The Daily News
16 dated December 19, 2020.)

17 Q. And it's an article by Mike
18 Gartland of The Daily News dated December 19,
19 2020 and the headline is "Ex-Gov aide Lindsey
20 Boylan loses press staffer over Cuomo sex
21 harass allegation: Source."

22 The article talks about the
23 departure of the Boylan campaign communication
24 consultant?

25 A. This is not the whole story. Oh,

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JOSHUA VLASTO

no, I'm sorry. Hold on.

Q. I will give you a chance to thumb through it?

A. The page numbering is off here. Okay, the way it printed is sort of odd. So, okay, keep going.

Q. So talks about [REDACTED] departure and it says [REDACTED] did not return a call and it also talks about Miss Boylan's personnel records. Do you see that?

A. Yes.

Q. Now this article is on the same date as the date of the text messages between you and Rich Bamberger in which you said Miss DeRosa had called you about pressing Mr. Gartland to publish his story, correct?

A. Yes, it looks like it, yes.

Q. And does that remind you that the story that Miss DeRosa wanted to get Mr. Gartland to publish quickly was about the departure of Miss Boylan's --

A. Yes.

Q. campaign consultant and Miss

JOSHUA VLASTO

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2 Boylan's personnel record?

3 A. Yes that is what this is about.

4 Q. So now go to tab 25 in your
5 binder. Mark this as the next exhibit.

6 (Exhibit 17 for identification, Text
7 messages between you and Rich Bamberger
8 dated 12/16/20.)

9 A. Okay.

10 Q. Now, this is text messages between
11 you and Rich Bamberger. You say, what did he
12 say. Then Rich says, did they pull back on
13 leaking this text. And you say, it appears
14 that way. What is the background of this
15 discussion?

16 A. I imagine it relates to the text
17 messages.

18 Q. You're talking about the Lever and
19 Mujica text messages?

20 A. Yes.

21 Q. Do you know who he refers to here?

22 A. I do not know who the he is. It
23 probably based on the next text related to Rich
24 Azzopardi.

25 Are we going to being come back to

JOSHUA VLASTO

1 the Gartland story? Does this come back to it?

2 Q. No, unless you have anything else
3 to say about it?
4

5 A. I just want to make one point just
6 to say where it says [REDACTED] did not return
7 a call. My understanding is they did speak. I
8 was not on the call, but I'm just letting you
9 know.

10 Q. How do you interpret the statement
11 in the article [REDACTED] did not return a
12 call?

13 A. Protecting the source. The
14 report -- that Mike was protecting the fact
15 that they had spoken.

16 Q. So are you saying --

17 A. Or they told -- they gave me
18 incorrect information that they had spoken. I
19 don't remember who told me that he had spoken,
20 but one of them did.

21 Q. When you say one of them did --

22 A. Either Mike or [REDACTED] told me that
23 they did. So I noticed you asked me that
24 before and so...

25 Q. Thank you for going back to that.

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JOSHUA VLASTO

Go to tab 30 in your binder.

(Exhibit 18 for identification, Text between Mr. Vlasto and Rich Bamberger December 18th, 2020.)

A. Okay.

Q. This is an another text between you and Rich Bamberger December 18th, 2020?

A. Yes.

Q. You say, I think I'm going to loose the bet with the Gov?

A. Yes.

Q. Also, it is what it is?

A. Yes.

Q. Up until December, 2020 to the end of December, 2020 what discussions did you have with the Governor about the allegations of sexual harassment against him?

A. Until sort of the beginning of December, 2020 or --

Q. Go to the end of December, 2020.

A. Well, there is a clear line of demarcation in December, so I think we need to be a little bit more precise.

Q. You choose the line of

1 JOSHUA VLASTO

2 demarcation?

3 A. Call it December 1st, 2020. I
4 never had a discussion with the Governor about
5 sexual harassment allegations against him
6 because I wasn't aware of any. So I think
7 that's a clearer line and I'm not trying to put
8 words in your mouth, I hoped you understand
9 what while getting out.

10 In terms of after Lindsey made her
11 accusations, I wouldn't say that I ever had any
12 discussions with him, he would be on these
13 calls from time to time where the media
14 response to the allegations was discussed. And
15 so those would have been really the only times
16 during that December period where we would have
17 discussed the allegations against him.

18 Q. What did the Governor say on the
19 calls that he participated in?

20 A. Very little. Very little. And it
21 was sort of episodic as well. I can't say for
22 certain, I don't remember -- let me take
23 another step back for a second.

24 When these calls and are scheduled
25 or convened, at least on my end, they are not

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2 convened or scheduled with any purpose. It is
3 not like we're going to talk about X or we're
4 going to talk about Y. So when I'm -- that especially
5 that applies to when I'm on call because it is
6 more the generic sort of media landscaping
7 response. When he would pop in that would be
8 context of the discussion.

9 I think that is just important to
10 remember only because there was never like,
11 hey, the Gov wants to talk to you about the
12 sexual harassment allegations against him. I
13 should call him the Governor, bit it's
14 shorthand.

15 Q. Did you have any one-on-one
16 communications with the Governor in which the
17 allegations of sexual harassment against the
18 Governor were discussed?

19 A. Not the substance of them. I
20 think there were some texts back and forth when
21 we were doing -- going through some points in a
22 statement what he was going to say in a press
23 conference. And certainly in the calls where
24 he would have appeared -- not appeared visually
25 but joined, those type issues would have been

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discussed. The media response to it.

Q. What did the Governor say during the calls?

A. I couldn't remember specifically. It was more walking through what questions he would ask and tone and tenor, stuff like that. I don't remember any specific sort of back and forth with him about the allegations specifically. I just don't recall it.

Sometimes as I said sometimes there might have been a text back and forth about a specific statement and so on, nothing of any notability.

MR. KIM: Let me ask you, Abena was probably going to ask it, but did anyone ever ask the Governor on any of these calls whether any of the allegations were true?

THE WITNESS: No, we were discussing it earlier. I never sort on the nose or heard anyone say are these true or they not true. The way that the media response came about was the foundational premise that was introduced on the calls from a Melissa or from a Rich was that

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2 these were going to be accusations that
3 were going to be denied.

4 So at least in the discussions that
5 he was on they never dove deep into the
6 substance or the back and forth on it. It
7 was we are going to deny it and how do we
8 structure and deliver the denial or how do
9 they deliver the structure and denial.

10 MR. KIM: Understanding early on
11 there was a decision it was going to be
12 denied. Were there ever any discussions
13 with anyone whether the allegations were
14 true or not?

15 THE WITNESS: You know, not in a
16 probing sense. Certainly not on the
17 specifics. And again, this one we are very
18 focus -- we had been focused on Lindsey. I
19 think as time went on and the pattern
20 continued to develop, I think my posture
21 sort of changed in terms of how I was
22 engaging with the information that I was
23 getting.

24 I don't mean for cagey about it,
25 it's that it was clear there was a pattern

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that was emerging publicly and that maybe there could be more substance to or less substance. The long way of answering I was never part of any in-depth discussion with any anybody whether the allegations were factually true or not what, quote unquote, what really happened.

MR. KIM: Did it matter to you?

THE WITNESS: With respect to Lindsey as you said earlier I had had enough doubt in my mind given the inconsistencies what she had been saying publicly with what she said to me over our year when we were friends as well as sort of erratic behavior that I had been seeing over the years to doubt it and to have enough doubt in my mind. I think that that sort of carried through a little bit for the next two for three accusers. But by then I was pretty much removing myself from the process and not interested in participating anymore.

So that's the long way of saying with Lindsey it is not that it didn't

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matter, it is that I have enough doubt in my mind. And then over time as more allegations came out, more doubt came into my mind.

MR. KIM: Okay, thank you.

BY MS. MAINOO:

Q. You just said more doubt came into your mind. What did you mean when you said more doubt came into your mind?

A. We talked about it earlier, I think I knew Lindsey specifically. I knew her personally, I knew what she had told me about her experience in the Governor's office. Other than Karen Hinton, I didn't know any of accusers personally. Supposedly Anna Liss was there when I was there. I don't remember her. I didn't know her. I didn't know any of these people. I was not around in the office anymore. So my level of ability to believe one thing or another was going on was less. Was just less.

So it doesn't change necessarily my posture because if the Governor and Melissa and the others were telling me they were

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2 denying this, it was absolutely not true, and I
3 was being a part of or talking through the
4 media response, I was comfortable with those
5 denials as they came in but increasingly less
6 confident as time went on.

7 But also to be precise, I don't
8 have a view if these accusations are true or
9 not, I just don't. I don't know. I don't work
10 there. I don't spend time in that office. I
11 don't have firsthand knowledge of it. I'm told
12 what I'm told.

13 Q. Did the Governor ever deny any
14 allegation of sexual harassment that were made
15 against him?

16 A. The calls and the discussions
17 don't work that way. No one ever asked him,
18 are these things true much. It was not just
19 the form the way these conversations played
20 out. It was just assumed they would be denied.
21 I will say as time went on I participates in
22 less and less of these calls and even if I was
23 on the e-mail or text, I wasn't jumping on
24 these calls frequently as time went on.

25 I suppose the answer could be I

1 JOSHUA VLASTO

2 don't know that anyone ever asked as time went
3 on. I did not and I did not hear.

4 Q. The reason that I asked that
5 question, I heard you say just now as the
6 Governor and Melissa denied the allegations and
7 said they were absolutely not true. I want to
8 confirm --

9 A. I don't recall him saying -- I
10 shouldn't say he denied it. I never heard
11 anyone ask him directly. It just wasn't the
12 way those discussions ran. Again that might
13 have changed as time went on.

14 Q. Regardless whether anyone asked
15 the Governor, did you hear him say the way that
16 Melissa DeRosa was saying that the Governor's
17 office's going to deny the allegations?

18 A. In the conversations that he would
19 participate in, he would say, yes, I'm going to
20 deny this, I'm going to say no. I'm going to
21 say this and this and this. Yes, I think in
22 the form and course of the discussion in terms
23 of how he was going to respond is, for example
24 if he had a briefing that day, he was going to
25 be in front of press and be asked questions

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2 about it. In addition when he ultimately gave
3 that statement, that public statement at the
4 briefing that he read, the foundational premise
5 was that he was going to deny it.

6 Q. Just to be clear --

7 A. I'm not trying course.

8 Q. Which statement are you referring
9 to?

10 A. When he was at the briefing I
11 don't remember the date, it is publicly
12 available when he gave sort of an apology or
13 sort of a protracted statement at the end of
14 briefing about the allegations against him.
15 Again, that the premise of that formulation of
16 the statement which I really wasn't
17 particularly involved in was that that he was
18 denying it.

19 Q. Going back to this exhibit. What
20 is the bet that you said you thought you were
21 going to lose with the Governor?

22 A. I tried to remember. I don't
23 remember exactly the bet. But it was -- I
24 imagine it was related to the order in which
25 questions were going to be asked in the

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2 briefing. And that if the first question was
3 going to be related to an accusation or the
4 economy or -- it was a tongue in cheek.

5 Q. What was your bet?

6 A. No, no, no, I take that back. I
7 take that back. The bet was about the text
8 messages. The bet was about whether or not
9 they would report on the text messages and I
10 told him and the group on the call that they
11 were not newsworthy and not interested.

12 Q. So the Governor was part of
13 discussions about disclosing Miss Boylan's text
14 messages to Miss Lever and Mr. Mujica in the
15 press?

16 A. At one point, yes.

17 Q. Was the Governor also part
18 discussions about disclosing Miss Boylan's
19 personnel file to the press?

20 A. I don't remember if he was
21 specifically in those conversations, you know,
22 in those moments.

23 Q. What discussion was the Governor
24 part of regarding the disclosure of Miss
25 Boylan's text messages to the press?

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2 A. I don't remember the specific
3 conversation. Again this text just jogged my
4 memory. But I remember that my bet was that no
5 one was going to be interested in writing them.
6 They were not newsworthy or interesting and
7 that he and Melissa probably said no, they are,
8 they will get reported. I said you're wrong
9 and either someone signaled to the group that
10 they they would interested in them and it looks
11 like I was going to wrong and I turned out to
12 be right.

13 Because it says if you look back,
14 it says I'm going to lose the bet. My bet was
15 they were not interested. I imagine he said,
16 yeah, I think they will be interested. And
17 folks are losing interest. I think that is
18 what this was. That's what it is. Maybe
19 that's not right, I have to look at what was
20 going on in the press that day. I don't know
21 what to say.

22 Q. What is your best guess?

23 A. One of two things, either I made a
24 bet about the order of the questions were going
25 to be. Is the first question going to be about

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2 allegations or COVID or economy. Or if it was
3 a bet if reporters would write about the text
4 messages. Because I remember I was in a
5 minority view about whether or not they were
6 interesting for not and I just thought they
7 weren't.

8 Q. If the bet had been about the
9 order of questions whether the first question
10 would be about the sexual harassment
11 allegations or COVID, which side of that bet
12 would you have been on?

13 A. I don't remember. But it was not
14 uncommon for me to say I'll bet you this, I'll
15 bet you that.

16 Q. Was Rich part of this discussion
17 that the Governor was part of?

18 A. Again, I don't recall specifically
19 the conversation. I imagine if I was sending
20 this text to Rich I was familiar with what I
21 was talking about.

22 Q. The did Executive Chamber ever
23 approach you about providing your services in
24 connection with the sexual harassment
25 allegations?

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A. In connection with responding to the in various investigations and sort of all over issue, yes. Well, the Governor did.

Q. Tell me about that discussion that you had with Governor?

A. This was later. This was March. I don't remember the date. It was a weekend and I was on a call with the Governor and a couple of other sort of outside people not this core group and I don't quite know how I got roped into this particular side conversation that was going on.

In it, it was after they had launched sort of impeachment inquiry it was pretty far down the road. He said to the group at some point in his initial sort of soliloquy, and my good friend Josh Vlasto of 20 years is going to takeover the politics and press operation in leading the response to the assembly and all of these investigations and he is going to work -- he is going to be the lead point person on all of this stuff.

Q. Did you discuss that with the Governor before --

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A. No.

Q. Who else was on the call?

A. I guess I remember Bill Baldwin was on it was a different signed of lane. It was Bill, I think Larry maybe, Jane Rosenthal and Ken Sunshine I think. That sort of roll. That universe of it. I don't remember everybody who was on it.

Q. How did you end up on that call with them?

A. I don't remember. I talked to Jane at some point during the week and she had been saying to me he need a strategy to get back on his feet proactive in terms of the economy and the reopening, get more out there. What do you think. I don't know Jane Rosenthal that well, I said I agree, if that is where he wants to go, positive and protective, I'm in for that. I'm willing to help. She said okay, I'll see if he wants to get on the phone with weekend and that is how that call came to pass.

Q. Did you anyone about the call before call much?

A. No, I didn't know what he was

1 JOSHUA VLASTO

2 going to say.

3 Q. How do you respond to the
4 Governor's announcement that you were going to
5 take over the politics and press strategy --

6 A. I immediately you hung the up the
7 phone after he said that, I got off the call.
8 I did not wait for call to end. I did the say
9 any, I just hung up the phone.

10 Q. What is the reason that you hung
11 up?

12 A. Because I didn't know what he was
13 talking about and I didn't want to be working
14 on something that I did not agree with and was
15 sort of surprised by the entire thing.

16 Q. What happened in relation to that
17 topic after you hung the phone?

18 A. I called Maggie Moran, my managing
19 partner and said do you know anything about
20 this. It occurred to me in the moment that
21 Maggie and him had had a conversation. So I
22 wanted to make sure that I hadn't missed
23 anything she say I don't know what he is
24 talking about.

25 She said something like what do

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2 you think. And I said I'm not doing this. I
3 don't want to do that. I have 15,000 other
4 things to do. I said I will do it if you ask
5 me to. If you ask me to, I will do it. She
6 said absolutely not. I don't know what this
7 is.

8 And she said, what do you want to
9 do, I said nothing. I'm just going to keep --
10 I was walking [REDACTED], I'm just going to keep
11 walking.

12 Q. Did this call with the Governor
13 happen before or after the Ronan Farrow article
14 cam out?

15 A. Before. I'm fairly certain
16 before. I would have to double-check the
17 dates, but yes, I'm pretty sure it was before.

18 Q. Did you have any other discussions
19 with the Governor about taking over the
20 politics and press strategy?

21 A. Yes, he called me later that
22 afternoon a tried to encourage me to do it and
23 I said I was not comfortable doing it. And he
24 offered a variety of different ways that I
25 could work for the law firm, Kibbet could be

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1 retained, I said none of that works for me
2 personally. I said if you want to work with
3 Kibbet you have to talk to Maggie.
4

5 Q. Was anyone else on the call?

6 A. No.

7 Q. How long was the call?

8 A. Five minutes, tops.

9 Q. During this call did you ask the
10 Governor about the truthfulness about the
11 allegation against him?

12 A. No.

13 Q. Do you say why you did not want to
14 take on this role?

15 A. I told him as best I can recall
16 that I didn't want -- I didn't agree with the
17 style that they were taking. They were
18 attacking the legislature still, in some way
19 the public comments toward the victims were
20 negative and I felt not only not consistent
21 with how I would have handled it but also poor
22 media strategy. And having been a spokesperson
23 my whole career, I didn't want to be put in
24 that spot. I didn't want to be saying things
25 and being formally representing in this

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2 process.

3 But primarily it was I had just
4 building a book of business, I had clients that
5 I recruited to work with and I just didn't want
6 to deal with it anymore. And I didn't like
7 that he said it without discussing it with me.

8 Q. How did you think that that the
9 Governor's office should have been approaching
10 the women who were accusing the Governor of
11 sexual harassment?

12 A. I think denials are one thing. I
13 think as time went on -- I just found the
14 explanation to get more convoluted and sort of
15 accusatory. I can't put my finger on a
16 specific thing here or there. But it was also
17 the way he was attacking the legislature, the
18 way that he was attacking federal officials. I
19 just felt that that was nothing that I wanted
20 to really be a part of and was ultimately
21 accelerating the political decline that we were
22 see.

23 Q. What do you mean when say the
24 information was convoluted?

25 A. I remember there was a couple of

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2 instances where he said things along the lines
3 the lines of -- I don't remember. I'm hesitant
4 to verbalize it because I don't want to get it
5 wrong. It was like I -- people have their own
6 political axe to grind. It was just -- it was
7 wrong. It was a wrong way to handle it. It
8 was the wrong way to think about it. It was
9 the wrong way to handle the moment. The
10 momentum behind the number of accusations
11 coming out true or otherwise, was just not a
12 situation that I felt comfortable being in the
13 middle or much less in front of.

14 Q. You said the Governor's office was
15 being accusatory toward the women accusing the
16 Governor of sexual harassment. Wasn't that
17 also the case with respect to Lindsey Boylan?

18 A. Not in my view. And certainly not
19 in the conversations that I participated in.

20 Q. How did you think the Governor's
21 office's response to Lindsey Boylan allegations
22 differed from the others in the way that made
23 you uncomfortable when came to the other
24 allegations?

25 A. It goes back to what I said

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1 initially. Which is based on my interactions
2 personally with Lindsey, there were
3 inconsistencies in what she was saying
4 publicly, significant. I also found her tone
5 even in the tweets was discordant with at least
6 the Lindsey I had known during our friendship.
7 The sort of surrounding political motivation,
8 the erraticness of the comments and the
9 inconsistencies of what she was talking about,
10 A, gave me enough comfort to be in that space.

12 But also B, if you look at the
13 conduct that had been reported in the personnel
14 file that was at least based on what had been
15 present to me and approved by the lawyers, fact
16 base harassment that was relevant to evaluating
17 harassment in the administration. That to me
18 is a direct link. And threatening behavior or
19 people who I know credibly saying I heard them
20 sort of a hatch a plan to make this up, all of
21 that seemed to me very credible and real and
22 direct.

23 I think that over time given that
24 I didn't know the people, given that I wasn't
25 there, given that I was just on the other end

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2 of phone a who knows what was going on, I
3 thought of them differently. And that was how
4 I viewed it. I just viewed the two sort of
5 categories differently.

6 Q. You mentioned that when you
7 spoke with Jane Rosenthal that you had told her
8 that if the response to the Governor's office
9 was positive a proactive that you would be
10 willing to help. What do you mean by that?

11 A. My point was that I had sort of
12 run out of energy, wheel spinning and sort of
13 endlessly debating the various contortions of
14 denials and so on. If he and Melissa wanted to
15 have a serious pivot in terms of their public
16 posture at large, this isn't specific on the
17 allegations, it is just how to present him
18 publicly and what are we doing, what is he
19 doing, then I would -- that would be something
20 that I would be sort of okay having a
21 conversation about.

22 But I saw no evidence that that
23 was the case. And the next day or two later
24 whenever it was, it obviously that was not
25 where he was going to do. And then by throwing

1 JOSHUA VLASTO

2 me in the middle of it without telling me, it
3 was obvious that it was not going to go in a
4 direction that I felt comfortable with.

5 Q. Did you have any other discussions
6 with the Governor about taking over the
7 politics and press strategy?

8 A. No, just two . With him
9 personally, just those two.

10 Q. Did you have any conversations
11 with anyone else?

12 A. I spoke -- right after I spoke to
13 Maggie called Melissa and we had a tense
14 conversation where I told her I would not be
15 doing what he just announced I was doing. And
16 was pretty pissed that that was the way that it
17 had been presented to me and to everybody else.

18 Q. How did Melissa respond?

19 A. She was sort of angry back at me.
20 I think she had been very tired from the whole
21 thing and sort of I can't deal with this. I
22 don't think you have -- you should be all upset
23 about this and angry about it. You want me to
24 tell him no, I was like yes, I want you tell
25 him no and she say why and I said, because I'm

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2 not doing it that's why.

3 Q. When you spoke with -- now did you
4 speak with --

5 A. It was the call, the group, Maggie
6 and Melissa.

7 Q. And then Governor?

8 A. I had a brief conversation with
9 Chris Cuomo.

10 Q. Let talk about your discussion
11 with Chris Cuomo?

12 A. Similar to Melissa. He called me
13 and he didn't bring up this interaction that I
14 had with the Governor but I didn't it was a
15 coincidence that he was calling. And he said
16 what is going on. I told him and he said you
17 don't want to do that, and I said no, I don't.
18 And he really said, okay. I will talk to him
19 it will be all right, don't worry about it. He
20 didn't push me to take the role and it was a
21 brief conversation. But I expressed the same
22 thing that I just described. I don't know why
23 he just said what he said, I'm not doing that.

24 Q. So the sequence was, there was
25 group call, was Melissa DeRosa on the group

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call?

A. No.

Q. Was Chris Cuomo on the group call?

A. No.

Q. So the group call was Governor, Bill Mulrow, Larry Schwartz, Jane Rosenthal, Sunshine?

A. Yes.

Q. Anyone else that you remember?

A. Not that I remember there might have been one or two and Larry may not have been on, I don't remember specifically.

Q. Was Steve Cohen on it?

A. I don't think so. Again, I'm not certain. I said this many times, I'm at my [REDACTED] house, I'm walking [REDACTED] [REDACTED] I'm not taking notes and I'm not taking attendance who's on these calls.

Q. After that call you called a Maggie Moran?

A. Yes.

Q. How long did you speak with her?

A. Briefly.

Q. And then you called Melissa

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DeRosa?

A. Yes.

Q. And the Chris Cuomo call you?

A. Yes.

Q. And then when does the Governor call you?

A. After Chris.

Q. How long after Chris --

A. All in the same half hour windowish is best I can recall.

Q. By the time that the Governor called you, did you know whether he had gotten your response?

A. No, unclear and I wouldn't have remembered it. I don't know if Melissa told him or not.

Q. Did you tell him yourself?

A. Yes.

Q. Did you ever take notes on any of these -- on any calls about the investigations that the Governor was facing?

A. Notes, probably not. Not that I can remember at all. There is one interaction that I saw where ways taking down a statement

1 JOSHUA VLASTO

2 and doing some edits around one of the
3 statements, but I never took sort or
4 contemporary notes or anything like that. I
5 think half the time I was driving.

6 Q. Do you know if the Governor spoke
7 with Maggie Moran about retaining Kibbet?

8 A. She told me that he called her and
9 she had told him no. Subsequently that she
10 said she had told him that we couldn't take
11 them on as a client. She told me that he said
12 if I would take a leave from Kibbet to do it.
13 She said you have to talk to Josh about it and
14 he said well I will call him and he never did.

15 Q. Do you know when Miss Moran spoke
16 with the Governor about --

17 A. Later that afternoon. He told her
18 that he was going to call me, according to her,
19 and he did never did.

20 Q. Do you know if the Governor spoke
21 would Rich Bamberger about --

22 A. I don't. I don't recall Rich ever
23 mentioning that he had, but I don't have any
24 information that suggested that he did.

25 Q. Did you ever speak with Rich

1 JOSHUA VLASTO

2 Bamberger about the Governor announcing that
3 you're going to take --

4 A. I'm sure I relayed the specifics
5 of the conversation at some point with Rich.

6 Q. What kind of relationship did you
7 have with the Governor after you left the
8 Chamber?

9 A. Sort of episodic. Different kind
10 of relationships. I mean in the immediate
11 aftermath it was distant. I left I guess at
12 the end of March when you left at the time of
13 the campaign. It was a couple of months that I
14 didn't hear from him or them. But later in
15 August Joe reached out. There was
16 conversations

17 Q. This is August, 2014?

18 A. 2014, yes. I always had a decent
19 relationship with him but I wouldn't say that I
20 talked to him frequently directly. It would
21 actually be highly infrequently and I was not
22 in his physical presence that much. I didn't
23 hang around.

24 Q. Did you attend any face-to-face
25 meetings about the investigations that the

JOSHUA VLASTO

1
2 Governor was facing between December, since
3 December 2020?

4 A. Since December 2020 face-to-face
5 meetings, no. With him, no.

6 Q. In-person meetings with anyone?

7 A. No, not that I recall. I'm trying
8 to think if I ever saw them, no, I don't
9 remember any moment when I say them.

10 Q. Did anyone ask you to go to the
11 mansion?

12 A. Yes.

13 Q. Who?

14 A. Melissa asked me one time, Stef
15 asked me one time.

16 Q. Stef Benton?

17 A. Stephanie Benton.

18 Q. When did Melissa ask you to go to
19 the mansion?

20 A. I don't remember the specific
21 moment in the chronology but it was in there at
22 some point.

23 Q. What about Miss Benton?

24 A. The same. Stef had texted that
25 they were trying to get that group to come up

1 JOSHUA VLASTO

2 to the mansion and I told her I couldn't go
3 doctor.

4 Q. Do you remember if it was closer
5 to December time period or the March time
6 period?

7 A. Probably closer to the March time
8 period. In the heat of things, but I don't
9 remember the specifics around that.

10 Q. When you say in the heat of
11 things, do you mean in the relation to the
12 sexual harassment allegations?

13 A. No, to all of it, the noise and
14 news around it.

15 Q. Around the sexual harassment
16 allegations?

17 A. Around the Governor's political
18 problems.

19 Q. Including sexual harassment?

20 A. Including sexual harassment but
21 not solely.

22 Q. Including the nursing home issue?

23 A. Just in general and Ron Kim and
24 impeachment and 15 other problems that were
25 emerging.

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Q. Are you aware of a draft letter responding to Miss Boylan's allegations?

A. Yes, I think -- I know what you're referring to, so. I wouldn't call it a letter. You can call it whatever you want

Q. What you would you call it?

A. It could be a more of an op-ed or a letter, yes, but please.

Q. What do you know about that statement regarding Miss Boylan's allegations?

A. I know I thought it was not a good idea and said as much and I also know in the back of my mind I was pretty sure it was never going to go much of anywhere so you didn't pay that much attention to it.

Q. What is the reason that you thought it wasn't a good idea?

A. Pure media strategy. If I remember the chronology together that the sorry was sort of dying down a little bit and that an op-ed or letter, call it what you like, would continue the negative story lines. Regardless of the substance and contents of it.

Q. When did you first hear this idea

1 JOSHUA VLASTO

2 for that op-ed?

3 A. I remember that it that been sort
4 of discussed in a conference -- one of these
5 endless calls and sort of been tabled and not
6 really considered seriously. And I got a call
7 from Melissa early in the morning where she was
8 irate that Steve had convinced the Governor, I
9 shouldn't say convinced, told the Governor that
10 he thought this was a good idea and it was back
11 something that he was considering and Melissa
12 was not happy that it was being considered
13 again.

14 Q. When was op-ed was discussed in
15 a call was the Governor part of the call?

16 A. I don't remember. I don't believe --
17 I don't remember. It sort of fall into the
18 bucket of the circular conference calls.

19 Q. Do you remember how the idea of
20 the op-ed was initially tabled?

21 A. I don't. This also falls in a
22 category of things that I didn't care about and
23 focus on. I knew that there would be endless
24 amounts of discussion and drafts and edits and
25 nothing that I cared to take any interest or

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2 time in. So there was a lot of back and forth
3 about it. I could tell you honestly I probably
4 have not read it through even once. Even to
5 this day.

6 Q. Whose idea was this op-ed?

7 A. I don't remember who specific idea
8 it was. If you look at the history of
9 politicians responding to these type of
10 allegations some, Joe Biden had his former
11 aides write a sign on letter we are they talked
12 an X, Y and Z. So it is not an uncommon media
13 response maneuver to encourage women that the
14 elected official has worked in the past to come
15 forward and put out statements stating their
16 support for women and so on.

17 The concept is not a novel one.
18 The question that I sort of had in mine --
19 again, I don't remember how it sort of entered
20 the conversation given that it is not that big
21 of a -- it is not surprising that people
22 engaged in a political media response in these
23 kind of issues would consider such an idea.

24 Q. Do you know if Mike Bloomberg ever
25 use this media response maneuver?

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A. I don't know. I know he had allegations against him, but -- I think so.

Q. Do you remember Linda Lacewell discussing this media response maneuver?

A. Not specifically. But she was in around these discussions during that period of time, so it is safe to assume that she expressed an opinion.

Q. So you said you don't remember whose idea it was, earlier you said Steve Cohen told the Governor he thought it was a good idea?

A. Yes, because remember what I said there was a discussion about media response, someone -- we talked about it and I don't know who the royal we was in that case. But it got tabled as sort of as a bad idea. The reason I remember the specific Melissa conversation it was because after it was sort of tabled her call to me was to express frustration that it was back on the table because of the conversation that Steve apparently had with the Governor.

Q. Do you know what Melissa's view

1 JOSHUA VLASTO

2 was of the op-ed?

3 A. It was that it was not a smart
4 thing to do for -- at least communicated to me
5 that it was not a smart thing to do for the
6 reasons that I had outlined which was it would
7 only continue to amplify the story and the goal
8 was to have the story line diminish.

9 Q. Do you remember when Melissa
10 DeRosa called you?

11 A. It was early in the morning. I
12 remember that.

13 Q. What the about month?

14 A. I don't know. It would be in and
15 around the time when this draft was kicking
16 around in the e-mail.

17 Q. What else do you remember about
18 this op-ed?

19 A. That was it, really. As I said it
20 was not something that I paid any attention to.
21 And I realized that it was just going to go on
22 and people were going to talk about it and talk
23 about it and do a bunch of drafts and
24 ultimately the story line would fade and they
25 wouldn't use it, so why waste the time and

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energy engaging on it.

Q. Over what period of time were you involved in discussions about the op-ed?

A. I can't say for certain, but if you look at time that the drafts were going back on forth in the e-mails, that is when the time it was debated and discussed. What I would say is that I was not active or engaged in those discussions. Just because I'm on the e-mails didn't mean that I read them. I didn't care which way was going in any direction.

Q. Go that tab 27 in your binder.

(Exhibit 19 for identification, E-mail from Melissa DeRosa to Steve Cohen, Linda Lacewell, Joshua Vlasto and Judy Mogul dated December 16th, 2020.)

Q. Tab 27 starts with an e-mail from Melissa DeRosa to Steve Cohen, Linda Lacewell, you and Judy Mogul date December 16th, 2020. Do you see that.

A. Yes I do.

Q. Does that jog your memory about when discussions about this op-ed started?

A. No. It is not that I don't have a

1 JOSHUA VLASTO

2 recollection of it, it is -- you asked me when
3 these conversations were going on, they were
4 going on when these e-mails were going back and
5 forth.

6 Q. Do you remember --

7 A. Like I said, I was not an active
8 part of these conversations. I couldn't have
9 cared either way.

10 Q. Do you know who drafted this
11 statement in the e-mail that Melissa sent you
12 on December 16th?

13 A. I do not know.

14 Q. Do you know if before December 16
15 at 1:36 you had seen a draft of the op-ed?

16 A. I don't.

17 Q. Turn to the page with numbers on
18 the bottom ending 07. This is from Steve Cohen
19 to you and it says, just there is a subject
20 here, it doesn't -- it includes the op-ed.

21 A. Yes.

22 Q. Do you remember what led to Steve
23 Cohen sending you this e-mail?

24 A. I'm sure Steve had said on a
25 discussion either in the group or individually

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1
2 hey, I took a pass at the op-ed, take a look at
3 it.

4 Q. Steve's e-mail is at 2 p.m.,
5 right?

6 A. That is what it appears, yes.

7 Q. The before Steve's e-mail Melissa
8 sent an e-mail at 1:36?

9 A. Yes, I guess, yes.

10 Q. Does that say anything to you one
11 way or the other about whether Steve took a
12 pass at op-ed?

13 A. If certainly shows he took a pass
14 at it, right. Whether or not who drafted what
15 and whose editing what, I couldn't tell you.

16 Q. When you say Steve took a pass, do
17 you mean Steve was commenting on the op-ed?

18 A. If I remember correct, yes. Here
19 if you look italics in all of this and this is
20 all I learned subsequent to reviewing this
21 stuff as I said, I don't remember reading this
22 in the first place, his edits and sort of his
23 comments and changes on it and he was sending
24 me to take a look at it.

25 Q. Other than discussing the op-ed

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with Melissa DeRosa one-on-one, did you discuss the op-ed one-one-one with anyone else?

A. I seem to remember Steve calling me at some point saying why he was thought it was a good idea and my saying I don't think it was a good idea, but I don't remember any specific conversations or discussions of note.

Q. Linda Lacewell and Judy Mogul are also copied on e-mails about this topic, do you remember what their role was?

A. It is the same as we discussed on the previous instances, sort of they are on these calls. I think Linda is superintendent of financial service and Judy is special counsel or some title.

I was saying their capacity in terms of my perception on these calls and these e-mails is the same as during the previous instances they are just part of the group that would be included in these discussion.

Q. In your view does this op-ed have anything to do financial services?

A. No.

Q. What was the relevance of Linda

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2 Lacewell's role as superintendent of financial
3 services?

4 A. I couldn't tell you. I would only
5 tell you that it was not uncommon for Linda
6 over the course of the last 11 years to be part
7 of media response and strategy calls that I was
8 on.

9 Q. So go to the page with the numbers
10 on the bottom ending in 15, this is yet another
11 version of the op-ed. In addition to Steve
12 Cohen, Linda Lacewell, you and Judy Mogul
13 Alphonso David and Dani Lever and Richard
14 Bamberger are also copied.

15 A. Yes.

16 Q. Do you remember Richard Bamberger
17 being involved in discussions about this op-ed?

18 A. I don't remember him being
19 specifically involved, but clearly he was on an
20 e-mail.

21 Q. Do you remember talking to Richard
22 Bamberger or communicating with Richard
23 Bamberger about the op-ed?

24 A. I don't remember any specific
25 conversations, because as I said I remember

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2 saying this was a bad idea so I'm sure I
3 communicated to Rich I thought this was silly.
4 But I don't remember specific back and forth.

5 Q. If you go to page with the numbers
6 018, this is an e-mail from Cohen to Melissa
7 DeRosa copying Linda Lacewell and you. And
8 here it looks like Steve Cohen has some
9 critical comments on the letter or op-ed, do
10 you see that?

11 A. Yes.

12 Q. Do you remember Steve Cohen not
13 liking any aspects of the op-ed?

14 A. I don't remember it but clearly he
15 didn't. He clearly had a view.

16 Q. You didn't think the op-ed was a
17 good idea. Steve Cohen had his issues with the
18 op-ed. Melissa to you she had issues with the
19 op-ed. Who thought the op-ed was a good idea?

20 A. I don't know the answer to that.
21 And all I can tell you is that my experience
22 and as we progressed through the timeline is
23 going to be become a more relevant theme, I
24 didn't care, I didn't pay attention. I don't
25 know why they were still kicking this around.

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2 I don't remember. Maybe Melissa was -- maybe
3 she changed her mind or maybe someone she was
4 talking to gave her different advice or maybe
5 this was Steve pushing it along and trying to
6 get it right, I don't recall.

7 Q. Turning to the page with the
8 numbers ending 072, this an e-mail from you
9 reacting to the op-ed, right? Yes? I need you
10 to say yes or no.

11 A. Yes.

12 Q. You said lots to through here, but
13 I certainly wouldn't use the Jumanee Williams
14 piece?

15 A. Yes.

16 Q. You read the op-ed, right?

17 A. No, I remember them talking about
18 on one of the calls something related to
19 Jumanee Williams be behind it. There was also
20 connectivity to the [REDACTED] issue because one
21 of the advisors, that guy [REDACTED] that I mention
22 earlier had been working for Jumanee Williams
23 or something and they had said that, someone
24 had said that it was related -- that all of
25 these accusations had been juiced up by Jumanee

1 JOSHUA VLASTO

2 Williams because Jumanee Williams is going to
3 run against him in 2022.

4 So what I would say what I was
5 reacting to was something that someone said to
6 me and I was reacting to it and I was say lots
7 to go through here meaning I'll read it which I
8 won't, but I wouldn't talk about the Jumanee
9 Williams piece.

10 Q. Now that we see these drafts of
11 the op-ed/letter, does it help you remember the
12 timeline in terms of when the op-ed was discuss
13 and it was tabled and then we resuscitated?

14 A. It doesn't help me remember it
15 because I'm remembering as much as I can. I
16 think the timeline that I laid out is the best
17 that I can remember. The details that I
18 remember is that phone call from Melissa. But
19 that phone call from Melissa didn't get me to
20 tune more or less.

21 Q. You said you got the op-ed was not
22 a good idea because the story had already
23 basically moved?

24 A. Or I thought it was going to. Or
25 either it was or already or it was going to.

1 JOSHUA VLASTO

2 Either way this would cause greater attention
3 on to these issues rather than less.

4 Q. These drafts of the op-ed are from
5 December 16th, 2020?

6 A. It appears that was.

7 Q. That's three days after Lindsey
8 Boylan tweeted her sexual harassment
9 allegation? Yes?

10 A. I suppose.

11 Q. We could go back and look?

12 A. I take you word.

13 Q. That's one day after of sent Mike
14 Gartland Miss Boylan's personnel file, right?

15 A. That's correct.

16 Q. What was it about the op-ed that a
17 day later you thought the story had already
18 moved when the day before you sent Mike
19 Gartland Miss Boylan's personnel file and three
20 days later you were pressing Mike Gartland to
21 write a story about Miss Boylan's allegation?

22 A. Let go through timeline a little
23 bit. Because here this was just not a good
24 idea. Part of the reason the story was fading
25 was because Lindsey was not talking to

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2 reporters. She was not speaking to them. So
3 proactively putting out an op-ed or letter with
4 all of this in here or whatever they were
5 talking about to me made no sense.

6 As I heard about the [REDACTED],
7 that she had resigned that seemed like a fact
8 that was relevant. If a reporter found it
9 relevant. So to me those would two different
10 from a media strategy which is only thing that
11 I'm really doing here, those are two different
12 types of response.

13 One is a piece of news or concrete
14 action that a reporter can decide is newsworthy
15 or not another one is just plopping something
16 out there to tell a story. I don't equate
17 those two and didn't -- even hearing it now you
18 connecting them it still to me doesn't make
19 sense.

20 MR. GRANT: Why would it important
21 to get the information about [REDACTED] out there
22 if the story was already dying out?

23 THE WITNESS: So I wouldn't say
24 important. What I would say it was news
25 and that something that happen that would

1 JOSHUA VLASTO

2 show and cast some doubt or give a context
3 to the accusations. And frankly it was I
4 got a call from Charlie King and Melissa to
5 say this happened, we want to get it out
6 there, it should get out and I we went
7 through ways to get to the reporter.

8 The same would the text messages.
9 Those are substantive items and news that
10 happened. So I do think they are
11 different.

12 MR. GRANT: Do you think that
13 providing context to a story that may be
14 dying down would amplify that story that
15 otherwise was dying?

16 THE WITNESS: I don't necessarily
17 think it would amplify it, I think it would
18 give it context and facts. One, [REDACTED]
19 a senior political person and a press
20 secretary resigning from the campaign after
21 she heard or believed was that Lindsey
22 Boylan had been making up these accusations
23 and tweeted them for her own intention is
24 different from a proactive public statement
25 with all sorts of different gobbly gook in

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here.

So I think they are different. I also think a one-off story with a fact about the aftermath is also different than a letter or op-ed coming from, you know, directly related to the Governor, I think those are two different things.

BY MS. MAINOO:

Q. It sound like your issue with the op-ed is really one about the format because the on pop includes the same information that you provided to reporters, right, on the first page?

A. It does not, no.

Q. The first page, the one ending in 72 the last paragraph talks about the personnel issues, do you see that? "Unfortunate we are also aware that during Miss Boylan's relatively brief tenure no less than six complaints were raises about her conduct." And the second page ending in 73 it also talks about [REDACTED] departure, right. Do you see that? "We understand from credible sources that female members on Miss Boylan's campaign were offended

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2 and actually quit when she and her campaign
3 planned to make such claims for purely
4 political advantage."

5 A. Okay.

6 Q. The next page ending 74 it
7 includes the text that you earlier described as
8 the threaten text to Dani Lever and Rob Mujica.

9 A. Okay.

10 Q. So this op-ed letter included
11 information that you were sending to the
12 reporters around the same time. Why did you
13 think the op-ed was not a guide idea?

14 A. Because it was not a good idea.
15 It was not -- it was something that would
16 amplify the sword and would be seen as a direct --
17 something coming directly from the administration
18 and directly from allies of the Governor and
19 would amplify and make a bigger sword. You can
20 tell me I'm wrong and my media analysis is
21 incorrect and that's all I'm providing you is
22 my view of it. You can tell me I'm wrong or
23 try and parse the difference of it, but that
24 was my view at the time.

25 Q. And in contrast with the op-ed

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2 the information that you're providing the
3 reporters was coming indirectly and was not
4 attributed to the Governor's office, right?

5 A. No. [REDACTED] was speaking to
6 Mike Gartland directly and that was up to her
7 if she was going to talk about it. I wasn't
8 saying, hey, I heard you have to write it on my
9 end. I connected [REDACTED] with Mike who she also
10 have a relationship with and she felt
11 comfortable saying what she was saying and what
12 had happened. It was not indirect. It was
13 direct.

14 Q. The personnel files and the text
15 messages?

16 A. The personnel files in terms you
17 Mike had already been out there and those are
18 facts related to it and it had cleared by the
19 lawyers if terms going out there. The text
20 messages as said I did not think were
21 newsworthy and they were facts, they were
22 obvious, they were direct threats to
23 administration officials, but in terms of their
24 newsworthiness, I would agree with your
25 colleague's assessments there is a difference

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there which is why I didn't think were newsworthy.

Q. Go to tab 26 and it looks like a call invite for the same date December 16th, 2020. As the date of the various drafts of the op-ed. Do you see that?

A. I do.

(Exhibit 20 for identification, Call invite for the same date December 16th, 2020.)

Q. Was there a call on December 16th about the op-ed?

A. I don't remember. Also the 16th is a weekday, [REDACTED] I'm not -- not only do I not remember, but I have stuff to do that is not related to their particular activities.

MR. GRANT: Sorry to interrupt a couple of questions. I'm not sure you answered this already, but what exactly didn't you think would be a good idea including the stuff about Jumanee Williams?

THE WITNESS: They mentioned it, I thought, A, it didn't sound right. I'm a

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political observer and it just didn't sound credible. If the stated goal of this letter was to demonstrate former female colleagues support for the Gov something, putting -- it didn't make any sense. It was an unnecessary tangent. But as I said, I didn't give it too much thought.

MR. GRANT: And then also if you go to page 18.

THE WITNESS: Page 18 in which tab?

MR. GRANT: This is tab 27.

THE WITNESS: 27, okay.

MR. GRANT: And I think it is in the fourth paragraph from the top of the page where it states Alphonso. "Counseling the Gov is actually legal advice." What counseling are you referring to there.

THE WITNESS: I didn't write this.

MR. GRANT: Sorry. I withdraw that question.

BY MS. MAINOO:

Q. Did you provide any other comments on this letter?

A. Not that I can recall, no.

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Q. Did you send the letter to anyone?

A. At that time, no.

Q. At any other time?

A. I subsequently -- later down the road -- no, I did not send the letter to anyone, not. I withdraw that, I realized that I didn't actually do it.

Q. Were you confusing with the letter with something else?

A. No, I was confusing a conversation that you had.

Q. What conversation were you confusing this with?

A. Down the road when the existence of the letter ultimately leaked Bernadette Hogan had obtained a copy of it. Bernadette Hogan from the New York Post. And she asked me to confirm that if the draft she had was authentic. Ultimately I was -- I did confirm for her as a source the authenticity of it, but I didn't do it by sending her the letter. I just took a phrase or two and did a find and replace to make sure it was the same one. I didn't ultimately send it to her.

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Q. Was there a reason that you didn't send the letter to Miss Hogan?

A. I just didn't feel like sending thing around willy nilly. She obtained letter and her own. Not for me to go send it around. But I wanted to be helpful.

Q. Do you know how Miss Hogan found out about the letter?

A. I do not.

Q. Did you ever participate in discussions involving the Governor about the letter or op-ed?

A. Not ones that I can recall specifically. He may have been on a call or may not have been on these. I don't remember any comments that he made specifically on it. It doesn't mean that he wasn't.

Q. Go do tab 29 in your binder.

(Exhibit 21 for identification, Text messages on December 17.)

Q. This is the next day, December 17th after the draft of the letter had been sent around. And Rich Bamberger says what about RBC and see if there are complaints

1 JOSHUA VLASTO

2 there. You say I think you and me offer less
3 not more. This letter is nuts. What is
4 reflected in this exchange?

5 A. The consistency of my review of
6 the letter. So the RBC reference is related to
7 Lindsey used to work at Royle Bank of Canada,
8 RBC. Rich at then M Public Affairs which a now
9 Kibbet had RBC as a client. I don't remember
10 exactly what Rich said to me, but he said
11 something along the lines of either he heard
12 from or spoken to a former employee of RBC or I
13 should say, I don't know if the employee was a
14 former or whatever but they are not a client
15 anymore, I don't know who it was. Someone who
16 was at RBC when Lindsey was there.

17 Who had either contacted Rich or
18 Rich spoken to them and that person relayed all
19 [REDACTED] to Lindsey's [REDACTED] while she
20 as was at RBS. [REDACTED]

21 [REDACTED] and erratic behavior and so on and
22 so forth. Rich said should we tell the
23 Governor's office this, should we provide this
24 information. And this was him following up on
25 a verbal conversation we had where he said what

1 JOSHUA VLASTO

2 about the RBC thing and I said, I think we
3 offer less not more, in terms of no need to do
4 more here. Just leave them alone. And this
5 letter is nuts I think speaks to self.

6 Q. Your statement this letter is nuts
7 refers to the draft op-ed letter about Lindsey
8 Boylan's allegations that we have been
9 discussing?

10 A. I imagine that it does given the
11 timeline.

12 Q. Do you know when Rich spoke with
13 this individual who talked about Miss Boylan's
14 issues at RBC?

15 A. I don't. I remember I was in my
16 car when he call me to tell me about it and
17 with some combination of [REDACTED] but I don't
18 remember the circumstance of it nor do I
19 remember the details.

20 Q. What it in December, 2020?

21 A. I imagine it was around this time
22 based on this text.

23 Q. Do you know if Rich ever spoke
24 with anyone about the information or
25 allegations he learned concerning Miss Boylan's

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time at RBC?

A. I don't know. I don't know if he did nor not.

MR. GRANT: Do you know if anyone in the Executive Chamber asked Rich to look into connections between Miss Boylan and RBC?

THE WITNESS: I don't remember him ever saying that, so, I don't recall him ever saying that.

MR. GRANT: Did he ever explain to you why he decided to speak with this person at RBC about Miss Boylan?

THE WITNESS: Again, I said I don't remember how that conversation between Rich and this RBC person was initiated, other than it happened. So I don't remember.

BY MS. MAINOO:

Q. The rest of the text is redacted.

A. Yes, it was a client matter.

MS. MAINOO: We previously asked for an unredacted version of it. Will we get it?

MS. PERRY: My understanding is

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JOSHUA VLASTO

from Kibbet counsel they are not revealing Kibbet client information.

MS. MAINOO: We'll need to discuss this document.

Q. Let's go to tab 35 in your binder. (Exhibit 22 for identification, Text message from Mr. Vlasto to Governor Cuomo dated 2/18/21.)

Q. It is text message between -- well what is it?

A. It is appears to be a text message from me to the Governor.

Q. What is the background of this?

A. I'm just reading this again. It looks like it is several months or two months later. Relates a little but to nursing home and Ron Kim and all sorts of other activity, other noise that was going on. This is me trying to give him a way to talk about it. And reflects a refrain mine during that period of time which was take the temperature down. And that these issues that's been sort of spiralling publicly out of control and that the temperature needed to come down. People needed

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2 to focus on doing the job, passing the budget,
3 blah blah blah.

4 Q. What led to you sending this draft
5 statement to the Governor?

6 A. I imagine we were -- I have to --
7 you have to put myself in my shoes, these calls
8 off and on continuing and sometimes they're
9 productive and sometimes they're not. But the
10 political and media situation for him was
11 deteriorates rapidly on multiple fronts. And I
12 imagine this was the type of advice that I was
13 giving him and though you know what I was going
14 to send it to him directly, send him a note and
15 try to give him some advice right to him.

16 Q. Did he respond?

17 A. I don't remember if he responded
18 to this. He doesn't always respond anyway. So
19 I don't remember what quite came of this.

20 Q. Did you discuss the draft
21 statement with him?

22 A. I don't recall. I probably did.

23 Q. When you say you probably did,
24 what the reason for saying that?

25 A. I probably did. If I drafted this

1 JOSHUA VLASTO

2 and sent it to him, it wouldn't be in the
3 abstract. I wouldn't have just shot it cold to
4 him. It means we talked earlier that day or
5 Melissa or the press office said he is not
6 listen to us right now, could you sent it to
7 him directly, something like that.

8 Q. Did he use this statement?

9 A. Not that I can recall.

10 Q. What did you know about the
11 truthfulness of the information in the
12 statement?

13 A. I only knew it was what we had
14 been saying. So I was working with the
15 information that they had said publicly and
16 told us in our discussions. So I was merely --
17 I was trying to put what had been said publicly
18 in a cogent way to try and take the temperature
19 down.

20 (Exhibit 23 for identification, Text
21 message between Mr. Vlasto and Rich
22 Bamberger dated 2/19/21.)

23 Q. Turn to tab 36 and the text
24 message between you and Rich Bamberger the next
25 day after your text message to the Governor.

1 JOSHUA VLASTO

2 A. Okay.

3 Q. And you say "haven't heard from
4 them this morning which leads me to believe he
5 is off the reservation again." And Bamberger
6 responds, "Agreed, I spoke with Dani this
7 morning and today is not going to be good and
8 it is not going to get better until he figures
9 it out, until then there is nothing that we can
10 do accept deal with our full-time day paying
11 job."

12 A. Yes.

13 Q. And you said haven't heard from
14 them this morning, are you referring to
15 Governor's office?

16 A. Yes.

17 Q. And then when you say which leads
18 me to believe he is off reservation. He is the
19 Governor?

20 A. Yes.

21 Q. What do you mean by which leads me
22 to believe he is off the reservation again?

23 A. That my advice or view, take the
24 temperature down, were not working and that he
25 was talking to other people or taking a

1 JOSHUA VLASTO

2 different course and I probably was relieved to
3 not be included in those conversations that
4 day.

5 Q. What did you understand by
6 Bamberger's statement about, until he figures
7 it out there is nothing we could do accept deal
8 with our full-time paying jobs?

9 A. I don't remember the specific
10 context, right, it is Friday, it's ten o'clock
11 in the morning and we are working, other than
12 general exacerbation that he and I were feeling
13 and tired and we had our day jobs and we have a
14 company that we are committed and clients and
15 we want to work.

16 Q. At that time what role did you
17 have with respect to the issued that the
18 Governor was facing?

19 A. Nothing changes other than just
20 being on a call from time to time and sounding
21 board. Nothing was different.

22 Again I have to look back at the
23 specific chronology where this was in the
24 moment of the allegations and sort of what was
25 going on. But nothing materially had changed

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as best I could tell.

Q. Did you feel pulled between your full-time paying job and your work for the Governor?

A. Yes, I mean I felt pulled between what was going on in the Governor's situation and just everything else in my life. Not necessarily specifically to work, but just it was the middle of COVID winter and I have [REDACTED] [REDACTED] and friends and a job and there are other things in life. So yes, to say there was a pull and strain on the 24 hours in any given day is a fair statement.

Q. Let's look at tab 38 in your binder.

(Exhibit 24 for identification, E-mail from Mr. Vlasto to Miss DeRosa dated 2/21/21.)

Q. It starts with Rich Azzopardi sending a draft statement. This is now February 21st?

A. Yes.

Q. So two days after the text with

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2 Bamberger that we just looked at. And then
3 later Rich Azzopardi says, "He did not. He
4 read it to me." And at the top of the chain
5 you say, "Please don't send this please please
6 please."

7 A. Yes.

8 Q. What do you understand by Rich
9 Azzopardi's statement in the earlier in the
10 chain, He did not. He read it to me?

11 A. I don't know. So Azzopardi -- I
12 see, if you go down Azzopardi sends to this
13 Steve, Melissa and Peter. And then Steve edits
14 it. So he read it to me means Rich is saying
15 that the Governor read it to him.

16 Q. That's referring to the statement --

17 A. I imagine it is the first
18 statement at the bottom of the page.

19 Q. Describing Miss Boylan as a
20 disgruntled former employee?

21 A. Yes.

22 Q. Who quite after being counseled on
23 multiple --

24 A. I'm just looking at the
25 progression of the chain, so it is 5/17

1 JOSHUA VLASTO

2 Azzopardi send this to Melissa, Steve and Peter
3 not me not anybody else. And then so that
4 means he got the call, right, Azzopardi got
5 called. Steve then edits it and then Azzopardi
6 writes back, he did not but I don't know what
7 he did not is referring to. He read it to me.
8 I assume that he is referring that the Governor
9 read it to him, but I don't know given that I
10 was not on this e-mail chain.

11 Q. Just to be clear with you use of
12 pronouns you're assuming that Azzopardi got a
13 call from the Governor?

14 A. Yes, again I was not on this
15 e-mail, and it looks like Rich was just sending
16 a statement around. So I assume that is what
17 he is saying. I don't know for sure.

18 Q. What is the reason that you
19 said -- you begged them not to send this?

20 A. Because this is not an appropriate
21 statement to send.

22 Q. What is the reason it is not an
23 appropriate statement to send?

24 A. To use this phrasing and these
25 kind of words to characterize, frankly anybody,

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is not something that I would be comfortable with in any circumstance.

Q. What is it about this phrasing that makes you uncomfortable?

A. Talking about being counseled, disgruntled, you know, spurious allegations and so it's not something that I would support putting out with regard to anything.

Q. Did you ever become aware of the more detailed complaints that Miss Boylan made about the Governor in February, 2021?

A. I'm sorry?

Q. Did you become aware of more detail complaints made about the Governor --

A. The medium post?

Q. Yes.

A. I became aware of them in the medium post.

Q. When did you become aware of medium post?

A. When it posted. Sort of in that same category of I don't remember if I saw it or someone called me or I was a call and someone brought it up. The contents of it I

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only became aware once it became public.

Q. Did you discuss the medium post with anyone?

A. I'm sure they had conversations about how to react to it.

Q. When say we had conversation about how to react to it, you're talking about the Governor's office?

A. The Governor's office, the same group. I imagine Jeffery and Lis and then Steve and so on. The same sort of contingent.

Q. And Linda?

A. Linda, yes.

Q. Melissa?

A. Yes.

Q. The Governor?

A. I don't remember -- I don't know if he was on these calls specifically on the medium post, but it is possible, but I don't remember specifically.

Q. After the more detailed allegations came out, did you have a view whether they were true?

A. To be honest, I really don't

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2 remember what was in the medium post, so I'd
3 have to review it again. I don't think that my
4 view really changed though in terms of
5 continuing to do -- to continue the posture
6 that the Governor had in terms of Lindsay's
7 allegations. I don't remember it changing much
8 in terms of my view.

9 Q. In terms of continuing the posture
10 you meaning denying the allegations? Tab 40
11 includes the medium post if you --

12 A. Yes, this is all of this stuff,
13 yeah

14 Q. Did you ask anyone if
15 Miss Boylan's detailed allegations were true?

16 A. No.

17 Q. Was there ever any discussion
18 about Roberta Kaplan conducting an
19 investigation into allegations of sexual
20 harassment against Governor?

21 A. I remember her name was talked
22 about it and I can't remember at what moment in
23 the sequence but sort of in the same bucket of
24 common responses to when allegations like these
25 are made is you bring in somebody from the

1 JOSHUA VLASTO

2 outside to do a review and do an investigation.

3 And I imagine that is where her name sort of
4 came up. I don't know Robbie Kaplan, I've
5 never spoken to her, I don't think. I just
6 know her by reputation.

7 Q. In what context did the idea of
8 Robbie Kaplan doing an investigation?

9 A. I don't recall. I don't remember
10 specifically. I certainly -- it's certainly possible
11 that at any point we were discussing -- does
12 the Gov bring in an outside person to take a
13 look and so on, this all obviously we are
14 getting to the other pieces of this. So I'm
15 sure that where her name came about. Whether
16 it was in this moment or not, I don't know.

17 As I said I don't know Robbie
18 Kaplan I don't deal with outside lawyers. It
19 was really my bailiwick.

20 Q. Did idea of Robbie Kaplan doing a
21 investigation come in the same context as these
22 or discussions involving Linda Lacewell and
23 Steve Cohen and Melissa DeRosa and others?

24 A. I imagine it came up in that
25 group. The moment it time that it was pegged

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2 to, I don't recall.

3 Q. Go to tab 41 in your binder.

4 A. I also don't recall and would have
5 no way of knowing how far those conversations
6 progressed. Right, you know, just because I
7 might have heard about it, I don't have any
8 visibility into whether or not any steps were
9 taken to do it.

10 MR. GRANT: Was there any
11 discussion related to what the purpose of
12 that investigation would have been?

13 THE WITNESS: In terms of my
14 visibility and again I'm sort of answering
15 these questions more in the abstract of
16 what an outside review would have looked
17 like because I don't remember the specific
18 Robbie Kaplan, but your colleague asked did
19 I ever hear her name the answer is yes I
20 heard her name but I don't remember the
21 inspect context.

22 An independent review would be to
23 look at the allegations. And I saw it as a
24 media response tool to show that these
25 allegation would be looked by an

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independent credible authority. But again I don't remember the sort the moment in time that it was pegged to.

MR. GRANT: Is it your understanding that this investigation was part of larger discretion about press strategy?

THE WITNESS: I want to be precise. I don't remember a specific conversation about this investigation or Robbie Kaplan investigation. I'm sure in the course of ongoing discussions someone probably said let's get someone from the outside and come in and review and that probably is where Robbie -- see if Robbie Kaplan can do it.

In terms of that specific concept, I don't remember anything more specific or further or substantive than that. To call it sort of that investigation, at least from my vantage point, I'm not saying they didn't have discussions that I wasn't a part of or something, in terms of my vantage point I don't remember any other depth to it, but that certainly doesn't mean anything frankly..

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Q. Lets go to tab 43 instead of 41 that I initially suggest and we will mark that as exhibit.

(Exhibit 25 for identification, Text message from Mr. Vlasto to Mr. Pollock dated 2/24/21.)

Q. This is February 24th, 2021 from you to Jeff Pollock, 617 number, do you know this who that is?

A. I have to look at my phone.

Q. We'll go back to that later. Maggie Moran, 646 number, Beth Garvey. Stephanie Benton, Melissa DeRosa a couple of other numbers, Lis Smith, Dani Lever and another number.

MS. PERRY: Counsel, we'll want to know who these people are later.

Q. And you say "Robbie Kaplan is the best player right now, get it out and refer everything to that, facts are facts."

Does do jog your memory about discussing about Robbie Kaplan?

A. No, I imagine this was live texts tracking what I just said.

1 JOSHUA VLASTO

2 Q. Just to make sure the record is
3 clear, you imagine these at text talking about
4 announcing that Robbie Kaplan was going to do
5 an investigation into the allegations of sexual
6 harassment?

7 A. Yes, as I said someone said why
8 don't we get Robbie Kaplan and this is me say
9 that's is a good idea. Again, I don't remember
10 the specific context of call. So if you look
11 at dates here it looks like it's a couple day
12 at medium post. I mean who knows what's going
13 on in that particular call

14 Q. You're expressing here the view
15 that Robbie Kaplan is the best play. What do
16 you mean by that?

17 A. Again just from a pure media
18 strategy. Robbie Kaplan is eminently respected
19 on not only women's workplace and sexual
20 harassment issues but as just generally seen
21 total honestly and integrity and someone who
22 could take a look at what was going on and give
23 a review of it.

24 My review in terms of the rubric
25 of how do you sort of manage it from a media

1 JOSHUA VLASTO

2 perspective, not from depth and severity of the
3 specifics of any allegations and not whether or
4 not she would do it or not.

5 (Exhibit 26 for identification, Text
6 message from Mr. Vlasto to Miss Moran dated
7 2/24/21.)

8 Q. Look at tab 41 which on the same
9 day, February 24th. You're saying to Maggie
10 "we are back down the rabbit hole. Gov having
11 fits on the radio." And Maggie says, "start
12 asking him questions. Why didn't you say it at
13 the time you were being extorted. You say "This
14 never ends." And then you talk about how
15 Lindsey asked you push her name for the job in
16 the Chamber?

17 A. Where do you say. Yes, I got it.
18 I'm on the page

19 Q. At 482 you say "Gov and Melissa
20 want us on Boylan" it looks like Maggie Moran
21 couldn't talk and sounded like you were
22 planning to join a call.

23 Is that a fair summary of what is
24 going on in that exchange?

25 A. Seems that way.

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2 Q. What do you mean by Gov having
3 fits on radio?

4 A. I imagine he was on the radio
5 having a fit and speaking in -- again I have to
6 look but I'd take it literally.

7 Q. Having a fit about what?

8 A. I should be serious. I think -- I
9 don't remember the specific interview what was
10 going on that day I'd have to listen to it.
11 That it was a period of time when I imagine he
12 was attacking legislature, Ron Kim, federal
13 officials, the press, and that this probably
14 was an interview where he was doing more of the
15 same and lashing out.

16 Q. Do you remember joining a call to
17 discuss Lindsey Boylan's allegations?

18 A. I don't.

19 Q. Did you talk to any reporters
20 after Lindsey Boylan's medium post come out on
21 behalf of the Governor's office?

22 A. I don't remember if I had a
23 specific conversation.

24 Q. Did you speak with Josh Dawsey of
25 the Washington Post?

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A. I spoke to Josh regularly and speak to Josh regularly and I don't remember if I had a inspect conversation with him at that time.

(Exhibit 27 for identification, Text message from Mr. Vlasto to Miss Moran and other dated 2/25/21.)

Q. Go to tab 46. This is from you, this is the next day, February 25, and you say, "Richard or Peter, one of you should reach out Wapo just to connect formally. I'm talking to Josh again at 4."

Do you remember a conversation that you had with Josh with The Washington Post?

A. I'm sure I talked to him before or thereabouts but I don't remember the content conversation.

Q. Do you remember ever talking to Josh Dawsey about Miss Boylan's allegation?

A. Year, I mean I don't remember if it was at this specific moment, but certainly Josh over the time, over the course of these months ask me what I thought.

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Q. What did you tell him?

A. Essentially what I have been telling you here which is the things that she had been say publicly that were not -- were I believe to be not true based on my interactions with her related to her time working there.

As for the sexual harassment stuff I wasn't there. I'm not going so say either way what it is. All I can speak to is what I saw and what I heard.

Q. Did you doubt the truthfulness of Miss Boylan's allegation in the workplace in the Executive Chamber?

A. Yes.

Q. Base on your experience in the Executive Chamber --

A. Well let's back up a second. Define experiences in the workplace. There is little overlap there.

Q. Miss Boylan described the work environment in the Executive Chamber as toxic. Do you disagree with that?

A. Do I disagree with that. I don't know. I was not there. I was not in that

1 JOSHUA VLASTO

2 workplace when she was there.

3 Q. Based on your time working in the
4 Executive Chamber would you disagree with the
5 description of the environment there as toxic?

6 A. I think you have to better define
7 toxic. Which aspects of it, right. I'm not
8 trying to be cagey, I want to be precise.

9 Q. How would you describe the work
10 environment at the Executive Chamber based on
11 your experience working there?

12 A. It was a difficult place to work.
13 It was hard charging. We work constantly. At
14 time things were difficult and tense.

15 I also loved my job. I was proud
16 of the work that I did. I always wanted to
17 work in New York State government as a career
18 goal and I was proud of my time there and
19 developed great relationships and long-lasting
20 friends. I don't look back on it negatively.

21 Q. I'm not asking about your
22 assessment of your time at the Executive
23 Chamber. Would you describe the work
24 environment at the Executive Chamber based on
25 your experience there as abusive?

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2 A. I can only give you my assessment
3 of my experience there. I can speak for myself
4 and I could speak more colleagues speak for my
5 interaction with colleagues afterwards and
6 subsequent. I would -- we have to just be more
7 specific in terms of what we are talking about.
8 Using broad generalizations in terms of how the
9 place works or operates is not something that I
10 think will give my accurate view on my time
11 there.

12 Q. Just to ask my question again.
13 Would you describe the work environment as
14 abusive in the Executive Chamber?

15 A. No, broad speaking, no. Were
16 there times when it could be abusive, sure.
17 There would be times when there would be
18 difficult moments and yelling and
19 aggressiveness. But to say that is a broad
20 characterization of what went on day-to-day
21 during my time there, again I left 7 1/2 years
22 ago -- no, I left seven years ago. To say that
23 that was pervasive is not accurate.

24 Q. So in what ways do you disagree
25 with Miss Boylan's allegations about the work

1 JOSHUA VLASTO

2 environment in the Executive Chamber?

3 A. I don't disagree with her
4 allegations about the workplace. Can we say
5 when we talk about workplace, are we talking
6 about the sexual harassment or are we just
7 talking about workplace culture. Those are two
8 different categories.

9 I would say that all I can offer
10 is based on how she described to me her
11 experiences there. And never did she ever say
12 to me or talk about specific instances, not
13 only of abuse or hostile work environment, but
14 never was critical of her time and experience
15 there.

16 That doesn't mean that that is
17 accurately representing what went on and that
18 she told me everything that went on and over
19 time as her tone and sort behavior changed from
20 my view maybe things changed with regard to
21 what was going on in the Executive Chamber. But
22 all I can base it on what she told me and she
23 never mentioned any of that.

24 Q. It sounds like when you say
25 Miss Boylan's allegation are inconsistent, what

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2 it boils down to is Miss Boylan's allegation
3 about her experience in the Executive Chamber
4 are different from what Miss Boylan told you
5 about her experience in the Executive Chamber.
6 Is that fair?

7 A. It is fair. Again I want to be
8 very precise, certainly the sexualize side, we
9 never take that, she never not mentioned it to
10 me and she never mention it either. I want to
11 make sure that we are staying outside that lang
12 because it different issue.

13 In terms of her wanting to work
14 there, enjoying working there, excited about
15 possible promotions and sort of being proud of
16 the work there, I never heard her speak
17 differently.

18 MR. GRANT: Do you remember ever
19 asking Miss Boylan if she considered the
20 work environment abusive in any way?

21 THE WITNESS: No.

22 MR. GRANT: Do you recall ever
23 asking Miss Boylan whether or not she
24 observed or experienced any sort of sexual
25 harassment in the office?

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2 THE WITNESS: If I proactively
3 asked her, no.

4 BY MS. MAINOO:

5 Q. Please open your binder to tab 95
6 and we will mark it as an exhibit.

7 (Exhibit 28 for identification, Text
8 message exchange between Mr. Vlasto and
9 Maggie Moran dated March 18th, 2021.)

10 Q. So tab 95 is a text message
11 exchange between you and Maggie Moran dated
12 March 18th, 2021. She said she wanted to talk
13 to you?

14 A. No, I said I wanted to talk to
15 her.

16 Q. You're right. You said you wanted
17 to talk to her. You wanted to give her an
18 update and it looks like it is about the Ronan
19 Farrow story about Miss Boylan, right?

20 A. Yes.

21 Q. You say "fact checker calling him
22 shortly to close the loop." There are you
23 referring to Rich Bamberger?

24 A. Yes.

25 Q. And Miss Moran says, "his

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2 instincts a bad right now, we need to protect
3 him from himself and for the firm. If you want
4 me to explain, give me a call."

5 What do you understand by
6 Miss Moran's statement?

7 A. His is referring to Rich
8 Bamberger. And I imagine that she had had a
9 conversation with Rich where Rich was telling
10 her ideas about what he needed to do to react
11 until a potential mention in the Ronan Farrow
12 story which he thought would be problematic and
13 that if I want to hear more I should give her a
14 call.

15 Q. Did give Miss Moran a call?

16 A. I don't remember if I gave her
17 a call specifically off this. I'm sure I did.
18 She was my boss so I'm sure we had a
19 conversation. But we had had several
20 conversation in and around this period of time
21 as things were developing. I don't remember a
22 specific phone call off of this text, but I'm
23 sure I did call.

24 Q. What conversations did you have?

25 A. This was during the period of

1 JOSHUA VLASTO

2 Ronan, so it was mostly trying to manage what
3 was going to be written in the Ronan Farrow
4 story about Rich.

5 Q. What were you trying to manage
6 about what would be written in the Ronan Farrow
7 story about Rich?

8 A. I had heard and I don't remember
9 exactly how I sort of got this information that
10 Ronan, Ronan was going to mention that Rich had
11 been giving out the personnel file to
12 reporters. And that that would be problematic
13 for him. He didn't want to be mentioned in the
14 story and so I at least attempted to try to get
15 him out of the story.

16 Q. How did you attempt to try to get
17 Rich Bamberger out of the story?

18 A. I reached out to Ronan Farrow to
19 try -- to talk to him.

20 Q. What did you say to Ronan Farrow?

21 A. I said, look, I tried to explain
22 to him off the record that that was not what
23 Rich did. And I think there was some confusion
24 in terms of the reporting between the letter
25 and the personnel file and who had been giving

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2 what to whom. I even think time people got the
3 two Riches confused in terms of the press. I
4 was trying to clear up for him his reporting in
5 terms of Rich giving the personnel file out was
6 inaccurate and he should not put it in the
7 story.

8 Q. What did you say to Ronan Farrow
9 about Rich Bamberger's role in relation to the
10 personnel file?

11 A. I said what I said here, all Rich
12 did was call the reporters and direct them to
13 call the Governor's office. That ultimately it
14 was the Governor's office that gave out the
15 personnel file. And so the information that he
16 had was inaccurate A. And B, that Rich was --
17 that is not a news item. I say I don't know
18 what you're writing Ronan and it is none of my
19 business but in terms of the relevance of this
20 one line, it doesn't seem important in fact
21 base to me, is there a way to take it out.

22 Q. You didn't say to Ronan that you
23 sent to Miss Boylan's personnel file to a
24 report, right?

25 A. I did not.

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JOSHUA VLASTO

Q. How is it Rich was the focus of attention in connection with the personnel file?

A. The answer is I don't know. I have my suspicions. I think actually part of it is in fact there was a confusion in the way the story had been reported between Rich Azzopardi and Rich Bamberger. As silly as this sounds. I don't know that for sure, I'm speculating. But it was thinly sourced and I don't know.

Q. Did you have any concerns that your role in the disclosure in Miss Boylan's personnel file would be publicized?

A. I mean I had not heard that it would be.

MR. GRANT: If you had heard that would you have been concerned?

THE WITNESS: I mean I don't want to speculate. I think the thing to remember is both with Rich's conversations with reporter and mine, they were conversations with reporters. So they knew who they were talking to on the other side of the phone.

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JOSHUA VLASTO

None of the Albany reporters or Mike Gartland would have found it interesting or newsworthy that they had a conversation with us directing him to call the Governor's office.

Ronan was an outside of Albany reporter as everybody knows so I think concern was that he was not going to understand the context or put it in the proper context with respect to Rich.

I can't speculate to what I would have thought if it had been me, because it wasn't, but that was part of the reason that this was getting tense and nervous because Ronan was a bigger stage and a different reporter who wasn't around at all during this instance.

BY MS. MAINOO:

Q. Did you have concerns about similarly Ronan would find it interesting that you sent Miss Boylan's personnel file to Mike Gartland?

A. No.

Q. Is there a reason that there would

1 JOSHUA VLASTO

2 have been less reputational risk for Kibbet if
3 your role in sending Miss Boylan's personnel
4 file to reporters had been publicized versus
5 Rich Bamberger's role?

6 A. I don't think there would have
7 been any difference in reputational risk. Rich
8 and I were friends and partners and colleagues.
9 We have been associated with each other for 11
10 years. So him being mentioned versus me being
11 mentioned versus both of us being mentioned I
12 don't think would have any differentiating
13 impact on the reputational risk to Kibbet.
14 What happens to Rich happens to me and
15 vice-versa

16 Q. There was concern about
17 reputational risk to Kibbet of disclosures,
18 whether they were true for not, about Rich
19 Bamberger's sending Miss Boylan's personnel
20 file to report, right?

21 A. I would say Maggie was concerned
22 and Rich was concerned. Me personally I was
23 not as concerned, but I was reacting to their
24 level of concern.

25 Q. Let's go to tab 96 unless Yannick

1 JOSHUA VLASTO

2 you have anything else. What is reflected in
3 this exchange? We are marking it as an
4 exhibit.

5 (Exhibit 29 for identification, Test
6 message from Mr. Vlasto to Miss Moran and
7 Mr. Bamberger dated March 17, 2021.)

8 A. This was me -- ultimately my
9 effort to get Rich out of the story was not
10 successful. And so Ronan gave me a sense of
11 what the mention of Rich in the sorry was going
12 to be. This was relaying it to Maggie and
13 Rich.

14 Q. The page ending in 49 you say,
15 "Ah, the Gareth Rhodes gambit. Let's discuss."

16 A. That is sort of cut off own mine.
17 There it is. What that's referring to it was a
18 tongue and cheek comment. Gareth at one point
19 when there were a confluence of stories being
20 written about Gareth both the incident that
21 happened at his wedding as well as him
22 resigning form the COVID task force had been
23 talking to both me and Rich on sort of how he
24 should handle mediawise. He is an old friend
25 of our he used to work for us.

1 JOSHUA VLASTO

2 At one point he was contemplating
3 putting out a statement disavowing his
4 relationship with the Governor, whatever
5 contortion it was. And Rich I think in the
6 previous one had sent a statement of similar
7 lines so I was referring back to that in a
8 tongue and cheek manner.

9 Q. Did you ever consider signing on
10 to the op-ed or letter that was being drafted
11 about Lindsey Boylan?

12 A. I was never asked and no.

13 Q. Did you ever ask anyone to sign on
14 to that letter or op-ed?

15 A. No.

16 Q. So before December, 2020 were you
17 aware of any complaints by Charlotte Bennett
18 relating to the Governor?

19 A. No.

20 Q. When did you first become aware of
21 complaints by Miss Bennett relating to the
22 Governor?

23 A. I can't pinpoint the specific time
24 that a conversation matched a name with an
25 allegation. It sort of came -- it started to

1 JOSHUA VLASTO

2 come up in the ongoing conversations after
3 Lindsey made her allegations.

4 Q. You heard about it from Melissa
5 DeRosa I think you said earlier?

6 A. Yes.

7 Q. Did you know whether
8 Miss Bennett's allegations were true?

9 A. No.

10 Q. You didn't ask anyone, right?

11 A. No.

12 Q. Go to tab 56 in your binder and we
13 will mark this as an exhibit.

14 (Exhibit 30 for identification, Text
15 message from [REDACTED] to Mr. Vlasto dated
16 2/28/21.)

17 Q. This is you and [REDACTED],
18 right?

19 A. Yes.

20 Q. Before this text message on
21 February 28th, 2021 had you and [REDACTED]
22 discussed Miss Bennett?

23 A. T had we discussed Miss Bennett,
24 no, I can't imagine that we did. I can't say
25 for certain, but I can't imagine that we did.

1 JOSHUA VLASTO

2 Q. [REDACTED] said "this ain't a
3 knockout, but you know there is lot more like
4 this." And you say "one day at a time"?

5 A. Time. I imagine I meant to write
6 time.

7 Q. How did you interpret [REDACTED]
8 [REDACTED] statement, you know there is a lot
9 more like this?

10 A. I imagine what he was saying he
11 probably heard about others and were going to
12 be making similar accusations.

13 Q. Did you have an understanding
14 there were more allegations to come?

15 A. I can't tell -- I can't be certain
16 based on this particular moment in time. What
17 I can say is more a cosmic view is after
18 Lindsey made her allegations it was sort of a
19 rolling disclosure both internally where either
20 Melissa or somebody else on the calls would say
21 okay, there is another one -- there is this
22 person that we have an issue with or this
23 person said XYZ or I would be become aware of
24 them because there would be a media request
25 that came into the Governor's office that they

1 JOSHUA VLASTO

2 would flag for this group. So in that case I
3 would know about it before it was public, but
4 only for a sort period of time.

5 Q. Did you ever discuss Miss
6 Bennett's allegations with the Governor?

7 A. I can't remember a specific
8 conversation if I did or not.

9 Q. Go to tab 74 in your binder and we
10 will mark it as an exhibit.

11 (Exhibit 31 for identification, Text
12 message between Mr. Vlasto and Melissa
13 DeRosa on March 4, 2021.)

14 Q. This is a text message between you
15 and Melissa DeRosa on March 4, 2021. And on
16 the page ending 408 Miss DeRosa says, I think
17 she is referring to a CBS reporter, "her new
18 part is there are more woman." You respond,
19 "everyone knows that and thinks that."

20 What did you mean by your
21 response?

22 A. I was referring to the reporters,
23 I imagine. I can't remember the specifically,
24 but I imagine that comment is that at that
25 point, we are in early March, all the reporters

1 JOSHUA VLASTO

2 assumed that more would be coming. There were
3 several allegations that were already out
4 there. Rumors had been swirling all over
5 Albany in the conversation. So my point there
6 was the fact that Charlotte, I suppose, had
7 said there are more women out there during her
8 interview with Nora O'Donnell would not be seen
9 as remarkably newsworthy given the perception
10 the reporters at that moment.

11 Q. You're not referring to reporters.
12 You're saying everyone and you don't say
13 assume, you say everyone knows that and thinks
14 that.

15 Did you know and/or think that
16 there would be more allegations of sexual
17 harassment against the Governor?

18 A. No, in fact it is exactly what I
19 said. This is my way of saying everyone
20 meaning everyone with political world or anyone
21 following this knows that in their mind there
22 is more coming.

23 Again I don't wanted to be totally
24 specific because I don't remember the exact
25 moment, but I can't think of a moment where

1 JOSHUA VLASTO

2 there was a prolonged period where there was a
3 specific allegation that existed privately that
4 was not public. At least from my vantage
5 point.

6 So if we are talking about my
7 conversations with Melissa, I can't think of a
8 moment where I was having -- had a piece of
9 information for a very long period of time
10 about a specific allegation before it was
11 public. I wouldn't said every knows X, Y and Z
12 on anything specific because I never had that
13 kind of information. I just know that at these
14 moments, in early March, everyone was talking
15 about there is going to be more, there is going
16 to be more, there is going to be more.

17 Everyone in that case the way I
18 speak to people would have been referring to
19 the media, the reporters, the legislature. The
20 political world.

21 Q. Earlier you said there was this
22 pattern and progression of sexual harassment
23 allegations against the Governor. What did you
24 mean by that?

25 A. I think it's in line what I just

JOSHUA VLASTO

1
2 said. We have now reached if you remember my
3 chronology correctly, this is sort of apex of
4 the momentum and the number of allegations
5 there were coming out. So I think this comment
6 is reflective of the statement that I made
7 previously.

8 Q. As of March 4, 2021 how many
9 allegations of sexual harassment had been made?

10 A. I don't know. I'm referring to
11 the general atmospherics at this point. I
12 don't remember the specific moment. But if
13 this is around the Nora O'Donnell, we are
14 already at a period where several are already
15 out there.

16 THE WITNESS: Can we take a quick
17 break?

18 MS. MAINOO: Let's go off record.

19 THE VIDEOGRAPHER: Going off record
20 the time is 4:04.

21 (Recess taken)

22 THE VIDEOGRAPHER: We are back on
23 the record, the time is 4:12.

24 BY MS. MAINOO:

25 Q. Mr. Vlasto did you ever

JOSHUA VLASTO

1
2 communicate with Senator Schumer or anyone on
3 Senator Schumer's staff about the sexual
4 harassment allegations against Governor Cuomo?

5 A. Yes.

6 Q. Who?

7 A. I have one phone call with [REDACTED]
8 [REDACTED] who is the senator's New York chief of
9 staff.

10 Q. When did you have that phone call?

11 A. I believe it was in and around the
12 time of the second or third allegation.

13 Q. What led to giving this gentleman
14 a phone call?

15 A. Melissa asked me to reach out to
16 [REDACTED] to see what the senator would say at an
17 upcoming press conference with regard to the
18 allegations.

19 Q. This is Melissa DeRosa?

20 A. Yes.

21 Q. What did you do in response to
22 Miss DeRosa's request?

23 A. I called [REDACTED] and said, just a
24 heads up, there is likely another story coming
25 and in you have any questions or you need

1 JOSHUA VLASTO

2 anything feel free to call Melissa. And let me
3 know what Chuck is going to say if he gets any
4 questions. It was a brief non-substantive
5 conversation.

6 Q. What story what you referring to?

7 A. I don't remember the specific --
8 which one in the progression it was. But it
9 was an upcoming bigger story about allegations.
10 And I'm not parsing, I just don't remember
11 which one in that sort of cascade triggered
12 Melissa asked me to call [REDACTED].

13 Q. When did you call [REDACTED]?

14 A. As I said, after Melissa had asked
15 me to, I did. Shortly thereafter. But I don't
16 remember exactly in the sequence of allegations
17 but it was in a moment where we knew another
18 story was coming. And they wanted me to call
19 Chuck and everyone sort of called a different
20 elected official to let them know another story
21 was coming and if they had any questions or
22 anything they could call.

23 Q. Who else made calls to elected
24 officials?

25 A. I believe Jeff Pollock called

1 JOSHUA VLASTO

2 Senator Gillibrand and Scott Stringer. I don't
3 remember anybody else. It was sort of nothing
4 of any great moment.

5 Q. Go to tab 57 in your binder and
6 mark this as an exhibit.

7 (Exhibit 32 for identification,
8 E-mail from Mr. Vlasto to Beth Garvey and
9 other dated 2/28/21.)

10 Q. When you called [REDACTED], did you
11 say anything else to him other than to give him
12 a heads up that another story was coming?

13 A. No. I said what I said, if you
14 need anything you can call Melissa DeRosa.
15 They had a relationship, a friendship and that
16 was really it. Just to let him know it was
17 coming.

18 Q. Did you ask for Senator Schumer to
19 take any position?

20 A. No.

21 Q. So tab 57 is an e-mail from you to
22 Beth Garvey, Stephanie Benton, Maggie Moran
23 Dani Lever, Melissa DeRosa, Jeff Pollock, Lis
24 Smith, Matthew Moran and some unknown numbers
25 and we also ask for you identify those people?

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JOSHUA VLASTO

A. Yes.

Q. You pasted in this text message a statement from a Schumer spokesperson. What's the reason that you sent this text?

A. To report back to this particular group what Chuck's spokesperson had said.

Q. How did you statement tie to Chuck's spokesperson had said?

A. What do you mean?

Q. When you spoke to [REDACTED], what did [REDACTED] say?

A. [REDACTED] said, okay buddy, how are holding up, are you doing okay. I said I'm doing fine. Moving along. As I said we didn't discuss specific allegations. Despite what the next text says, I didn't encourage him to take a position or I would never assume to tell the senator's office what they should or not should not particularly on this issue or frankly on any other issues.

Q. You sent this text message it says on the Bates number -- the number ending 575 to convey what Chuck's spokesperson had said?

A. Yes.

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JOSHUA VLASTO

Q. But this message says "Schumer spokesperson Allison Biasotti on the second Cuomo accusation, Senator Schumer has said many time that sexual harassment is never acceptable and must not be tolerated an that any credible allegations should be thoroughly investigated."

A. Yes.

Q. How does that statement that you passed on --

A. I think it was a copy of a tweet. I think I copied the text of a tweet from a reporter to relay that to the group that that is what Ali Biasotti put out on behalf of Chuck.

Q. What I'm asking is what did Ali Biasotti's statement have to do with what [REDACTED] told you when you called [REDACTED]?

A. Nothing. I don't quite understand the question. I called [REDACTED] just to give him a heads up that another story was coming and in response to the story X number of hours later I guess Ali put out this statement. I then copied the words from the tweet and sent it around to the group to let the group know

1 JOSHUA VLASTO

2 that's what Chuck's office had said after the
3 story had come out.

4 Q. I had misunderstood your earlier
5 statement to relate to [REDACTED] to whom you had
6 spoken. You spoke to him on the phone.

7 A. Yes.

8 Q. Separately you sent a copy and
9 paste of a tweet that Alison Biasotti put out.

10 A. Yes, or it was a tweet of a
11 reporter with her statement. I don't know if
12 it was her tweet or not. This was after I
13 spoke to [REDACTED] and after the story had come
14 out.

15 Q. The text message that you sent to
16 that group you're saying does not reflect what
17 you discussed with [REDACTED]?

18 A. No.

19 Q. Melissa DeRosa responds for your
20 text message to say good work Josh?

21 A. Yes.

22 Q. Did you speak would Melissa DeRosa
23 about the Schumer statement that you had sent
24 over?

25 A. Not that I can recall.

1 JOSHUA VLASTO

2 Q. How do you interpret Melissa
3 DeRosa's good work Josh statement?

4 A. I imagine it was that Chuck didn't
5 call on him to resign on didn't call for an
6 inquiry or something. I imagine that the
7 ongoing discourse at this moment would have
8 shown that this was an acceptable outcome in
9 terms of the momentum for investigations and
10 resignations and so on. But I did not discuss
11 with [REDACTED] what Chuck or Chuck's office should
12 or should not say.

13 Q. When you were asked to contact
14 Senator Schumer's staff, were you asked by
15 anyone in the Governor's office to say what
16 position Senator Schumer should take with
17 respect to the allegations of sexual
18 harassment?

19 A. I don't remember the specific
20 instruction. I'm sure there was probably along
21 the way could he say this would it better if he
22 said this. Regardless I would not have relayed
23 a suggestion at the time to [REDACTED] about what
24 Chuck should or shouldn't say.

25 Q. Who asked you to call Senator

JOSHUA VLASTO

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Schumer?

A. Melissa.

Q. Did Melissa identify a specific person who you should call?

A. No.

Q. To be clear what did Melissa want you to say to the Schumer staff?

A. I don't remember the specific instruction. If it was telling him -- see he will say this see if he will say that. I don't remember if she was that direct. But it was again sort in the common parlance of political crisis response, to reach out to your governing partners before they read about something bad in the paper at times will soften the blow in terms of the news.

And so that was why she had asked this group to reach out to the senior elected officials from the across the state, not just Chuck. But given my history with Chuck, I was asked to call Chuck, I called [REDACTED] and had the conversation that we just described.

Q. Did you ever speak with any

1 JOSHUA VLASTO

2 member of Senator Schumer's staff or Senator
3 Schumer about the allegations against Governor
4 Cuomo at any other time?

5 A. No. I believe I had a subsequent
6 back and forth after this one with [REDACTED] who
7 is Chuck's press secretary, just again, sort of
8 a similar any sense of what Chuck is going to
9 say at this press conference this morning and I
10 don't think he wrote me back.

11 Q. When I reached out to [REDACTED], it
12 was about Charlotte Bennett's allegations; is
13 that correct?

14 A. I don't know I have to look at the
15 timeline. As I said after the group knew that
16 another story was coming and before it actually
17 published. Which story it was, I don't know
18 and I would have to look. I'm sure it would be
19 clear as we went through it.

20 MR. GRANT: Was part of the concern
21 there that Senator Schumer or another
22 politician may be asked to comment before
23 you would have -- before you or somebody
24 else had an opportunity to discuss it with
25 them?

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JOSHUA VLASTO

THE WITNESS: I imagine, it is more sort of, as I said process, where it always better to give your partners, governing parse a heads up of the. But also as you said, I would not presume anything that I would say to anybody in Chuck's office would influence what he would say. So I didn't try to. I called [REDACTED] to give him a heads up. He and I have been friends for 15 years now. And that was it.

BY MS. MAINOO:

Q. Miss Biasotti's statement as reflected in this exhibit was about the second Cuomo accusations. Do you see that?

A. Yes, so I guess that's right.

Q. You guess what's right?

A. I guess that it was about Charlotte Bennett. I assume that's what the case is.

Q. You assume that you called [REDACTED] about Charlotte Bennett's allegation?

A. I called [REDACTED] about whatever story was about to come out. And this timing is 2:35 a.m. so I imagine that I woke up with

1 JOSHUA VLASTO

2 [REDACTED] and texted around and I
3 imagine she put this statement out the previous
4 day. I don't remember the exact progression.

5 Whatever story popped prior to
6 this text was the story that she and I were
7 referring to. Second Cuomo accuser,
8 accusations, I suppose that is Charlotte.
9 Without looking at the clips I don't know.

10 Q. Look at tab 53 in your binder.
11 Does that jog your memory about I which
12 complainant that you discussed with [REDACTED]?

13 A. Which tab was the Biasotti? It
14 was 2057. So 2:38, yeah, that would make
15 sense. It says published February 27th and I
16 sent this around on February 28th at 2:30 until
17 morning. So that would make sense.

18 Q. Are you aware of a draft statement
19 responding to Miss Bennett's allegations?

20 A. I'm sure there was one kicking
21 around. I don't remember it specifically, but
22 I'm sure it is in here.

23 Q. Go to tab 49 in your binder and we
24 will mark it as an exhibit.

25 (Exhibit 33 for identification,

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JOSHUA VLASTO

E-mail from Mr. Vlasto to Lis Smith and other dated 2/27/21.)

A. 49 you said, yes.

Q. So 49 is a series of e-mails on February 27th with draft statements and you weigh in at 10:49 a.m. Do you see that?

A. Yes.

Q. What's the background of this exchange?

A. So without looking in detail, I imagine this is just an e-mail chain going around about what the statement should be responding to what then I just saw is Jesse McKinley's story relating to Charlotte Bennett.

Q. Is it fair to say that your e-mail on February 27th at 10:49 a.m. reflects your comments on the draft statement responding to Miss Bennett's allegations?

A. I think that is probably fair to say. Sort of if this was going around while we were on the phone or just on e-mail. But yes, if I sent this around this would have reflected my comments on the style and structure the statement.

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JOSHUA VLASTO

Q. Earlier you referred to being on a call and commenting on a statement, were you talking about this statement or something he is?

A. I think it was this. This is what I was in my mind thinking of.

Q. Who was on in call?

A. Some combination of this group, I would imagine. I don't remember the specific call.

Q. Was Melissa DeRosa on the call?

A. I'm sure, yes.

Q. Was Rich Azzopardi on the call?

A. Again, I don't know. And I don't know if they were on or off but it was safe to assume it was this group or some combination of them is reflected on.

Q. Was the Governor on the call?

A. Which call? Which specific call are you talking about?

Q. You were just talking about -- commenting on this statement during --

A. I see what you mean. Let me more precise. I don't know if this was contemporaneous

1 JOSHUA VLASTO

2 with the call. I would imagine it was because
3 I was probably just doing a little edit on it,
4 but as to the specific nature and moment, I
5 don't remember anything remarkable about or
6 specific about the call.

7 Q. Do you remember if the Governor
8 was on the call?

9 A. I don't.

10 Q. The statement that you sent around
11 it starts, "Recent claims that I made sexual
12 advances toward women in the workplace are
13 untrue."

14 What did you know at the time
15 about the accuracy of this statement?

16 A. What did know about at the time.
17 It is what I had been told and was consistent
18 with what had been told to me during these
19 conversation.

20 Q. Here you're just referring back to
21 the general strategy of denial or something
22 more specific?

23 A. I imagine both really, right,
24 which was their the Governor's and Melissa
25 posture was they were denying these pieces.

1 JOSHUA VLASTO

2 When the accusations came in through Jesse in
3 this case I suppose, they immediately went into
4 denying. They were denying this. And as you
5 can see if you scroll back and again I haven't
6 read this in-depth, there a number of different
7 sort of combinations and various ways they
8 approach it, in terms of my view told me they
9 were denying and this is reflective of that
10 denial.

11 Q. Did you add this statement
12 recently claims that I made sexual advances
13 toward women in the workplace are untrue?

14 A. I mean it looks like I added it
15 based on the fact that it wasn't verbatim in
16 here. I imagine that I would not have divined
17 that phrasing out of no where. It either had
18 been mentioned on a call previously or was
19 something that had been verbally discussed.

20 I don't remember the specific
21 chronology of how this came together. It is a
22 Saturday morning, who knows.

23 Q. You didn't do anything to verify
24 the statement recent claims that I made sexual
25 advances towards women in the workplace are

JOSHUA VLASTO

1 untrue, correct?

2 A. Other than what was told to me.
3 Again, I'm the media person and not an
4 investigator. If Melissa and Governor told me
5 that it was untrue and that was the public
6 posture then that was what I was working were.
7

8 Q. I think earlier I tried to be
9 specific about this. Did the Governor ever
10 tell you that allegations of sexual harassment
11 were untrue?

12 A. I don't recall him ever saying
13 those words, but that was the posture they were
14 taking in all of these calls. I also don't
15 take them as parsing either. I never thought
16 to myself, boy, he is not denying things. I
17 never sort of got to that level. Their posture
18 always was that these allegations were untrue
19 and publicly we are going to deny them. On I'm
20 not an investigator, I'm not a lawyer and I was
21 reflecting the information that I was getting.

22 Q. You're saying their posture was
23 that these allegations were untrue. Did anyone
24 ever say these allegations are you true or are
25 you saying because the Governor and Melissa

1 JOSHUA VLASTO

2 DeRosa were denying the allegations that meant
3 their posture was that the allegations were
4 untrue?

5 A. We are at the same -- we are
6 saying the same thing. Which is no one --
7 there was never a specific, are these true.
8 Talk to us about your interactions with X, Y
9 and Z. That is not the level of detail that my
10 conversations on any of these matters got to.
11 Did those conversation happen somewhere with
12 some people, who knows, I don't.

13 All I know when anything to my
14 phone call it was about what was being said
15 publicly and the facts in my view had already
16 been sort of arbitrated.

17 MR. GRANT: Did you have any
18 concern about conveying back publicly than
19 what is different from what is known
20 privately?

21 THE WITNESS: I do as a human being.
22 I'm an honest person and that's who I am.
23 Right. At the same time I'm not the
24 arbiter of the facts in this particular
25 discussion. And so if the Governor and

1 JOSHUA VLASTO

2 Melissa tell me they are going to say
3 something that is not true publicly, then
4 that's the posture that they're going to
5 take in this moment and I'm choosing to
6 participate or not participate and in this
7 moment I chose to participate.

8 So, but yes, I tend not to say
9 things that are not true. I tend to tell
10 the truth.

11 MR. GRANT: Do you think there is
12 any risk from the publicity level to make a
13 public denial that later is proven to be an
14 untruth denial?

15 THE WITNESS: Of course, yes.

16 BY MS. MAINOO:

17 Q. So go to the next tab which is 50
18 and we will mark this as an exhibit.

19 (Exhibit 34 for identification,
20 E-mail from Mr. Ajemian to Mr. Azzopardi
21 and others dated 2/27/21.)

22 Q. This document includes another
23 version of the statement that you had sent,
24 this time at 12:37 p.m. same date
25 February 27th, 2021. It looks like the

1 JOSHUA VLASTO

2 statement "Recent claims that I made sexual
3 advances toward women on the workplace are
4 untrue" had evolved to "Let me be clear, I
5 never made sexual advances toward women in the
6 workplace."

7 Can you explain how that statement
8 evolved?

9 A. So, I can't remember the specific
10 evolution of the conversations. What I can
11 sort of recall is I sort of simply had the pen
12 in this particular case and was reflecting
13 whatever discourse was going on on the phone
14 and just resending back to the group whatever
15 the agreed phone verbiage is.

16 I don't recall what triggered the
17 change in language. But it was not, as I can
18 recall, me changing my view. It was me
19 reflecting the collective view of typing up
20 whatever statement they were contemplating.

21 Q. Was the Governor part of these
22 discussions?

23 A. I don't recall. It is possible,
24 but I don't recall specifically.

25 Q. So you're saying that there was a

1 JOSHUA VLASTO

2 call going on about a statement that the
3 Governor would issue, revisions were made to
4 what the Governor would say to make the
5 statement stronger and talk about what he has
6 never done and you can't remember if the
7 Governor was part of that discussion?

8 A. I don't know about the word
9 stronger or weaker, that is objective. But
10 yes, it is common for people involved in media
11 and press response to not have the principal on
12 every discuss about what that statement would
13 be.

14 Q. Were you comfortable, going back
15 to the question Mr. Grant asked earlier, making
16 these revisions to this statement without
17 confirming that the principal be comfortable
18 with those statements?

19 A. It wasn't my job to confirm
20 comfortability with that. My job was to -- not
21 my job. In this moment I was acting as the pen
22 reflecting the group's collective thoughts.

23 So whether or not he was
24 comfortable with these changes or whatever, was
25 not relevant for me in particular moment of

1 JOSHUA VLASTO

2 just reflecting what people were saying.

3 Q. Did you assume that the Governor
4 would be comfortable with the changes that you
5 were making?

6 A. No, I didn't have any idea. I was
7 just sort of writing down and editing in
8 realtime as best I can remember what people
9 were saying.

10 Q. Did you get any input about what
11 you could or could not say on behalf of the
12 Governor?

13 A. First of all this is not a
14 statement coming from me. So let's take that
15 step back. I'm not saying any of this to
16 anyone. This is writing down what people are
17 saying for their internal review and frankly
18 convenience.

19 So in the way that this stuff
20 operates, I would have never contemplated in
21 the moment that, A, I would be the one sort of
22 verifying this and B, much less the one putting
23 it out. So that wasn't much less in my mindset
24 was going on.

25 Q. Would anyone convey to you that

1 JOSHUA VLASTO

2 you needed to change this statement?

3 A. I don't know. I don't know if --
4 your question presumes that there are people on
5 these calls that know more than I do. And I
6 assume that that is always the case. And
7 whether they are going to edit it or change it
8 or provide my accurate or inaccurate
9 information, that is not up to me in the moment
10 to decide.

11 Again, going back do what prompted
12 this change, I don't remember and I couldn't
13 speculate.

14 Q. Let's go to tab 51 in your binder
15 and we will mark this as an exhibit.

16 (Exhibit 35 for identification,
17 E-mail to Mr. Ajemian and other from Miss
18 Mogul dated 2/27/21.)

19 Q. Same day 3:02 p.m. from you, you
20 say "Spoke to MDR this clause has to come out,
21 nor did ever think that I was acting in any way
22 that was inappropriate." What the background
23 of that?

24 A. I don't remember specifically. I
25 think this was just sort of me acting in this

1 JOSHUA VLASTO

2 role of sort of trying to get everyone's
3 collective feedback into one piece of paper. I
4 don't remember specifically.

5 Q. Do you think you were still on a
6 call with the group?

7 A. Probably not. If I had said spoke
8 to MDR, Melissa DeRosa, then it probably means
9 that I had a one-on-one conversation with her
10 afterwards. Keeping in this mind that this day
11 has gone on for hours and hours and hours --
12 I'm not referring to this day, I'm referring to
13 this day. This is the moment where I start to
14 stop paying attention and sort of keep it
15 moving.

16 Q. This day the day that year
17 referring to, this is February 27th, 2021,
18 right?

19 A. Yes.

20 Q. This is a Saturday?

21 A. Yes.

22 Q. You had previously sent a draft
23 statement at 12:21 p.m. that day, right? Yes?

24 A. Yes, that IS what this says, yes.

25 Q. And three hours later you're

1 JOSHUA VLASTO

2 sending another e-mail about the draft
3 statement, right?

4 A. That's correct.

5 Q. Your e-mail said, based on a
6 discussion that you had with Melissa DeRosa,
7 language in the draft statement needed to come
8 out. Is that a correct interpretation?

9 A. Yes.

10 Q. And that language was nor did I
11 ever think I was acting in any way that was
12 inappropriate.

13 What conversation did you have
14 with Melissa DeRosa that prompted you to send
15 the e-mail saying that language needed to come
16 out of the draft statement?

17 A. I don't remember the specific
18 conversation. I don't remember why. I don't
19 remember if it was because she had a factual
20 objection or she didn't like the context of it.
21 So I don't recall the specific reason why other
22 than clearly she had called me or I called her
23 and we talked about this line and other edits
24 to the statement.

25 As you can see the edits kept

1 JOSHUA VLASTO

2 going. It is not like that was the end of the
3 conversation. The wheel kept on turning.

4 Q. Go to tab 52 in your binder. We
5 will mark this as an exhibit.

6 (Exhibit 36 for identification,
7 Statement from the Governor.)

8 Q. This is a statement from the
9 Governor, right?

10 A. Yes.

11 Q. Just tying it back to the e-mails
12 that we have been looking at. What do you
13 understand this statement to be?

14 A. This is the outgrowth of the
15 statement that we had been editing in the
16 previously e-mails or I should say the ultimate
17 statement that went out.

18 Q. This statement includes a line
19 that, "I never made advances toward Miss
20 Bennett nor do I ever intent to act in any way
21 that was inappropriate." Do you see that?

22 A. Yes.

23 Q. It seems nor did I ever think that
24 I was acting in any way that was inappropriate
25 which Miss Melissa told you had to come out was

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changed it "nor did I ever intend to act in any way that was inappropriate." Yes?

A. That appears to be the progression of what happened, yes.

Q. Do you remember any discussion between your discussion with Miss DeRosa and the issuance of the final statement about that language?

A. No, and it would not have been out of the ordinary for things to change after this particular group was reviewing something.

MR. GRANT: Why would that not be out of the ordinary?

THE WITNESS: Because I don't work there. So coming from sort of a group that is wrangling over a statement, going through a statement to ultimately what gets put out by the Governor's press office, there is a gap in time that I don't have any visibility into or a process that I'm not participating in. So knows what conversations they had between the last e-mail on that chain and ultimately the statement going out.

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JOSHUA VLASTO

MR. GRANT: The group in which you included though do include people that were in press office, correct?

BY MS. MAINOO:

THE WITNESS: Correct.

Q. The language, nor did I ever think that I was acting in anyway that was appropriate, was that your language?

A. I don't remember.

Q. Is it in any of the drafts that you sent?

A. I don't remember. I have to read it all through.

Q. Please go ahead?

A. Wait a minute. Which tab?

MS. PERRY: By you language, are you asking is this language that he came up or is that includes in e-mails that he circulated? I think those are two different questions.

MS. MAINOO: E-mails that he circulated.

A. I don't know, look there is 20 pages in here you want me to read through all

1 JOSHUA VLASTO

2 of it. There is 15 different versions of the
3 same statement.

4 Q. I'm asking you to look at the
5 versions of the statement that you e-mailed
6 around.

7 A. Those are not the only ones on
8 here. So I'm looking at one from 10:49.
9 Deeply regret she felt anything otherwise.

10 (Witness reviewing document.)

11 A. Then there is this version I never
12 intended to act in anyway that was inappropriate.
13 That was not in this one. He says in this one
14 on 12:51, the last that thing that I would ever
15 have wanted was for her to feel any of the
16 things that are being reported. I see, okay.

17 (Witness reviewing document.)

18 A. I mean it doesn't look like those
19 exact words, it says never did I act in any way
20 that was inappropriate, it looks like it had
21 previously been written never intended to do
22 anything but supportive and helpful and the
23 last thing that I ever wanted was her to feel
24 any of the things that are being reported. To
25 put it broadly it does look like that thesis is

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2 in there. But in terms of the specific words,
3 it is hard to tell.

4 Q. Let's look at tab 51 again. The
5 e-mail from Melissa DeRosa at 2:56 on
6 February 27th.

7 A. Okay.

8 Q. Are the specific words nor did I
9 ever think that I was acting in any way
10 inappropriate included in the version that Miss
11 DeRosa sent?

12 A. Yes it appears that it is.

13 Q. Then Miss DeRosa spoke with you
14 later and told you that that language had to
15 come out, correct?

16 A. Yes. Based on this e-mail
17 progression, yes.

18 Q. Go to tab 58. In your binder and
19 we will mark this as an exhibit?

20 A. It appears that way.

21 Q. It's a Sunday, it is a text message
22 between you and Rich Bamberger and this is the
23 day after the e-mails about the statement and
24 you say, "it's over" and Bamberger says "what
25 you hearing" you say "on with them" and

JOSHUA VLASTO

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2 Bamberger says, "when is the next story coming
3 out" you say "unclear" and he says, call when
4 can."

5 When you say it is over what were
6 you saying?

7 A. I imagine that I had gotten a
8 piece of news on one of these calls that said
9 there was going to be another bad story or
10 something problematic and would lead me to
11 conclude that his political future was in
12 jeopardy.

13 Q. This is Governor Cuomo?

14 A. Yes, Governor Cuomo

15 Q. And you're on another call with
16 the group that you mentioned before?

17 A. Well, it says there is text
18 message here that says on with them, so I
19 imagine that is what I was referring to.

20 Q. Do you remember the call that you
21 had on February 28th?

22 A. I do not.

23 Q. Do you remember what news you
24 thought it was coming out that would jeopardize
25 Governor Cuomo's political future?

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A. I do not.

Q. Do you remember if the Governor was on that call?

A. I do not.

Q. Did you have any discussions with anyone about the Governor's political future being in jeopardy other than this February 28th call that you reference in your text with Rich Bamberger?

A. Over the course of this three/four months, yes, separate conversation.

Q. What conversations did you have?

A. It is hard to sort of break them out, but it is only logical even separating the fact that I was either on these text chains or participating in occasional calls anyone that I interact with on a daily basis would ask me about what was going on with the Governor.

Frankly in good times and bad. During the previous year during COVID everyone always asked me what was going with the Governor. It certainly safe to say during this period of time that I was getting calls from a variety of different sectors asking about his

1 JOSHUA VLASTO

2 political future.

3 Q. During the calls with Melissa and
4 the other members of the group that you
5 identified previously, were there every any
6 discussions about the Governor resigning?

7 A. There were discussions in terms of
8 would there be -- would this get to a point
9 where he would resign. So none of us that I
10 can recall and certainly not me ever
11 recommended resigning. He never said I think
12 I'm going to have to resign. But certainly,
13 and again I don't want to link it directly to
14 this moment because I don't know what was
15 happening there. As the political problems
16 continued to mount there was a discussion about
17 resignation and that only escalated as time
18 went on. A discussion publicly, a discussion
19 externally.

20 Q. What was the internal discussion
21 about resignation?

22 A. At least in the conversations that
23 I was on, it was not something that we put into
24 at part of the strategy necessarily. I don't
25 know the conversations that he was having. At

1 JOSHUA VLASTO

2 one point he asked me and I don't remember the
3 specific trigger. He said there were a couple
4 of people on the call, do I have to resign
5 after that. And it was probably to Carl
6 Heastie or Andrea calling on him to resign
7 publicly. And I said that is a decision only
8 you can make that it is up to you.

9 Ultimately it didn't come to that
10 moment. Carl, the speaker I should say,
11 Speaker Heastie did not call on him to resign.
12 So it never got to that progression. But that
13 is as close as ever I had conversation about
14 resignation.

15 Q. So the conversation about Carl
16 Heastie, was it framed as a hypothetical?

17 A. Yes, it is if Carl and Andrea both
18 call me on me to resign sort of then what. Do
19 I then have to -- what happens next. And I
20 remember at least my answer with the group was
21 that is only a decision only he could make.

22 Q. Who else was on call?

23 A. The same group more or less. I
24 don't remember specifically if there is anybody
25 different or distinct.

1 JOSHUA VLASTO

2 Q. When was that discussion?

3 A. It was in around the time Carl and
4 Andrea ultimate put out those -- Speaker
5 Heastie and Majority Leader Stewart Cousins put
6 out their statements. The Leader then did call
7 on him to resign. The Speaker was sort of one
8 step short of that. So whatever that was
9 occurring either the day before or the day.

10 MR. GRANT: I recall a discussion
11 about this text exchange beginning it's
12 over, you said it was in relation to a
13 potential new allegation. What was in that
14 new allegation?

15 THE WITNESS: It was relatively bad
16 news, I imagine. Whether it was an
17 specific allegation or not, I have to look
18 at the surrounding clips. But if Charlotte
19 Bennett came out on the 27th or
20 thereabouts, this was to continue the
21 analogy of sort of the rise in cascade,
22 this was the beginning of that rise in
23 cascade. I imagine some media inquiry had
24 come in regarding some more bad news.

25 MR. GRANT: Is it fair to say that

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you believe this allegation was worse than the allegations than Miss Bennett put forward?

THE WITNESS: No, I don't remember what the specific things I was talking to Rich about that was, so I don't know what it was.

MR. GRANT: Also, beyond, you know, members of these calls becoming aware because of a press inquiry or something, did anyone in this group take any active steps to look into whether or not there had been prior allegations against the Governor?

THE WITNESS: Can I pause for second and ask Anne a question?

MS. MAINOO: Is it question about privilege?

THE WITNESS: Yes, it's an about privilege. Do you want to step outside for one second?

MS. MAINOO: Off the record.

THE VIDEOGRAPHER: Off the record the time a 4:52.

(Recess taken.)

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THE VIDEOGRAPHER: Back on the record the time is 5 o'clock.

MR. GRANT: I going to ask the court reporter to read back the last question that had been asked.

(Requested portion of record read.)

THE WITNESS: So the answer to that question is not that I'm aware of, no. In terms of in those moments, in those months, four months did anyone say, any of the lawyers, anybody say I went back and looked at this or I want back and talked to him, I didn't hear of that occurring.

BY MS. MAINOO:

Q. Did you hear about that happening at any other time?

A. I did hear that I believe it was Charlotte Bennett's that Judy Mogul had done an investigation in around the time that she had raise an issue. And they had done sort of a review or investigation into it. But that was as best I understood at the time of those allegations. Did that address your question?

MR. GRANT: I believe so. I guess

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JOSHUA VLASTO

just to be absolutely clear. At any time did you become aware of members of this group taking active steps to look into whether or not there were prior allegations against the Governor besides Charlotte Bennett?

THE WITNESS: No, members of that group.

BY MS. MAINOO:

Q. How did you hear about the investigation regarding Miss Bennett's allegations?

A. It came up in probably one of these discussions about the response and so on and Judy or Melissa had asked Judy to talk through what they had found in this investigation or the comments that she had made.

Q. What did Judy say?

A. I don't recall the specifics. She walked us through her notes and investigation that she did.

Q. What did she say when she walked through the notes an investigation that she

JOSHUA VLASTO

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2 did?

3 A. I mean it is tricky. I don't
4 remember the specifics of what was in the
5 notes. How the investigation played out or who
6 she talked to. I know she interviewed
7 Charlotte, taken sort of her statement or
8 whatever and they had taken, or at least
9 explained to me, a corrective action in line
10 with what Charlotte wanted. So that is what
11 they said was the conclusion of that review
12 that Judy had.

13 To answer your question that
14 was not retrospective. That was told to us as
15 already having been done previously.

16 Q. What did you understand Judy's
17 investigation consisted of, that Judy spoke
18 would Charlotte Bennett?

19 A. Yes.

20 Q. Did Judy describe any other
21 investigative steps that had been taken as part
22 of this investigation?

23 A. Not that I recall. I believe that
24 she and Melissa ultimately did have a
25 conversation with the Governor -- she said they

1 JOSHUA VLASTO

2 ultimately had a conversation with the
3 Governor, but I don't recall the specifics of
4 what they said they discussed. And I'm sure --
5 I don't remember if Judy said if she had talked
6 to Charlotte's supervisor or colleagues, but
7 there was a sense that was relayed to us that
8 Charlotte wanted to go to another department or
9 something like that. And that Judy became
10 aware of that or that was in the conversation.
11 I don't remember the specifics of it.

12 Q. What corrective action did Judy
13 Mogul say had been taken as a result of this
14 investigation?

15 A. I don't remember if Judy
16 specifically said it or just someone who works
17 there currently said that Charlotte had gotten
18 a job now, I think it was the Department of
19 Health, that was where she ultimately wanted to
20 work anywhere as the next step as being a
21 briefer.

22 Again I don't know if that matches
23 the fact pattern in reality, I'm not saying
24 that it does. I'm just only recounting to the
25 best of my recollection what I was told.

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Q. What's the reason that this investigation was summarized and presented to the group?

A. Because Melissa was trying to inform us as a group and reactive of what Charlotte might say publicly in terms of what could be in an article or what could be in an interview or something.

Q. So this discussion about Judy's investigation came before the press report about Charlotte Bennett's allegations?

A. Better to say concurrently. It was, if I remember correctly and again, Charlotte just jogging my recollection based on what I'm seeing there was Times story and there was another one X number of days later.

So in terms of that chronology I don't really remember where it was. It was an effort because Charlotte made these specific allegations that Melissa was sort of letting the group know what Charlotte had claimed previously privately to Judy in part of that review.

Q. You mentioned earlier that Melissa

1 JOSHUA VLASTO

2 DeRosa had told you about Charlotte Bennett's
3 allegations and allegations by a second person.
4 Was your conversation with Melissa about
5 Charlotte Bennett and this second person before
6 or after you heard about this investigation?

7 A. Before. It would have been
8 before.

9 Q. Was Judy Mogul part of the
10 discussion about the investigation?

11 A. She we counted -- let me be
12 precise. Melissa had told me about those two
13 people in that previous conversation. She
14 didn't tell me in that moment as best I can
15 recall that they had done an investigation.
16 The investigation that Judy did came up in the
17 context of responding to Charlotte Bennett's
18 accusations, so I wasn't aware previously that
19 they had investigated to the best that I
20 recall. If she mentioned it in passing she may
21 have, but I don't remember if she did.

22 Q. Judy Molgul is the person who told
23 the group about the investigation that she did?

24 A. I think it was prompted my Melissa
25 telling Judy tell the group about this, but it

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2 also could have been Judy telling the group, I
3 looked at this here is what you found. I don't
4 remember that exact progression.

5 Q. Do Judy Mogul tell the group what
6 she had found?

7 A. Yes.

8 Q. What did she say to the group
9 about what she had found?

10 A. I don't recall the specifics who
11 said what she said was in her notes, but she
12 recounted her notes to us.

13 Q. What did you understand the notes
14 to be notes ?

15 A. An interview that she had done
16 with Charlotte or interviews. I believe there
17 may have been two separate times that they
18 spoke. I just remember sort of being two
19 categories of notes, but I don't remember the
20 specifics of it.

21 Q. But you remember that Judy Mogul
22 read the notes of her interviews with Charlotte
23 Bennett to the group?

24 A. Yes.

25 Q. Do you know if Judy Mogul told the

1 JOSHUA VLASTO

2 group about any legal conclusions that she had
3 reached?

4 A. She had said something along the
5 lines of, based on her or their interpretation,
6 their view was that the behavior had not
7 crossed the line of harassment. In their
8 interpretation.

9 Q. Who is they here?

10 A. Her and Beth or whomever made the
11 legal determination at the time.

12 Q. Did Judy Mogul explain the basis
13 for the legal determination?

14 A. No, I don't remember her getting
15 into too much detail.

16 Q. Did Judy Mogul discuss the
17 handbook that we discussed with you earlier?

18 A. No.

19 Q. Did Judy Mogul talk about the
20 definition of sexual harassment?

21 A. Probably in the abstract. Sort of
22 saying that this was her view, it didn't
23 violate harassment. I don't remember if she
24 recounted or not, I really don't.

25 Q. If Judy Mogul's view was that

1 JOSHUA VLASTO

2 there was no sexual harassment what was the
3 reason for corrective action?

4 A. You have to ask her.

5 Q. Did you have an understanding?

6 A. No.

7 Q. Based on what you heard, what was
8 your reaction to what Miss Mogul described in
9 terms of what happened between Charlotte
10 Bennett and Governor?

11 A. Honestly I didn't really have a
12 reaction. I just sort of half listened. They
13 were denying parts of it or saying that she got
14 this wrong. It was just sort of nothing
15 specific in my view. Right. In terms of my
16 overall reaction, I don't know these people, I
17 don't know what goes on up that, I didn't have
18 sort of a strong view in either direction.

19 Certainly she had presented a
20 claim and they looked at it. So this was a
21 different level of engagement then at least
22 that had been presented to me with regard to
23 Lindsey Boylan.

24 Q. How did they look at it?

25 A. Based on what had presented to me,

1 JOSHUA VLASTO

2 they had not interviewed and Lindsey Boylan had
3 not raised an issue regarding sexual harassment
4 in the workplace and they had not interviewed
5 her about it, based on what they had told me.

6 This now became a case where they
7 had. That Charlotte had raised an issue at
8 some point along the way and Judy and whomever
9 look at and discuss it with the Governor and
10 took this corrective action to have her at the
11 Department of Health. So that was different,
12 that had a bit of a different feel.

13 Q. In the way that Judy Mogul
14 presented the chronology to you, did she say
15 Charlotte Bennett raised allegations, Judy
16 Mogul interviewed Charlotte Bennett and then
17 the Governor's office took corrective action in
18 the form of moving Charlotte Bennett?

19 A. That was at least my take away.
20 These months later that is how I remember the
21 conversation, the progression of the
22 conversation. What that's the actual fact
23 pattern I couldn't tell you. That's at least
24 how I sort of remember it.

25 MR. GRANT: Is Judy Mogul share why

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JOSHUA VLASTO

she came to be investigating Charlotte Bennett's complaint?

THE WITNESS: No.

MR. GRANT: Has Judy Mogul ever told you that it is part of her job duties to investigate discrimination complaints?

THE WITNESS: No, but then again, I don't know what her job duties are.

MR. GRANT: Do you any understanding that it is part of Judy's job duties to investigate discrimination complaints?

THE WITNESS: No, as I said I don't know what her job duties are. I never met Judy. I talked to her on the phone. I mean maybe I met her once or twice in passing. I don't recall meeting her. I don't know what her assignment is in the Chamber.

MR. GRANT: Were there any discussions of any records besides Judy's notes?

THE WITNESS: Not that I recall, no the.

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JOSHUA VLASTO

MR. GRANT: Before we had talked about the investigation that took place with respect to allegations about Miss Boylan and an investigation there.

Was there ever any discussion here about releasing whatever records there were because there were fact pertinent to a story in the public?

THE WITNESS: I think part of what generated the discussion about the notes was the media response to Charlotte. And at times I think you'd see this sort of individual questions and allegations came through in the media requests and that they had contemplated specifically refuting each one or some sort of contortion about that. I think ultimately that plan was abandoned.

So the answer I guess I suppose to your question is, yes, there was at times a discussion about putting out facts, but that plan was ultimately -- that idea was ended up being abandoned.

MR. GRANT: When you say facts would that include the actual contemporaneous

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records that were made or just explanations?

THE WITNESS: I don't recall any specific discussion about putting out the notes. I think they probably talked about, well she said this at this moment, now she is a saying that. I remember at one point thinking, those two are not equal. Just because she is saying something different than what she said to Judy Mogul doesn't make one true and untrue. Right. She can say what she wants to say and the facts will be the facts.

I remember thinking in that sort of bizarre moment where they were debating whether or not to specifically refute her accusations, like these are not facts refuting these allegations. It is not matching up right.

MR. GRANT: Were there ever any conversation about releasing the facts where there was corroboration between what she had previously said and what she said at this time?

THE WITNESS: I don't remember the

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2 substance well enough or I don't remember
3 the specific points in the allegations in
4 the Times articles or media request versus
5 what is in Judy's notes, I don't remember
6 how things matched up. I remember thinking
7 to myself, none of this sort of matches up
8 and should not be debated or discussed and
9 ultimately it wasn't.

10 BY MS. MAINOO:

11 Q. What facts were members of the
12 Executive Chamber talking about using to try to
13 refuse Miss Bennett's allegations?

14 A. I don't remember the specific
15 facts. If I remember correctly Charlotte
16 Bennett's made a series of accusations in an
17 interview with the New York Times that Jesse or
18 whoever was writing it sort of delineates and
19 advanced those specific accusations. And again
20 I'm only remembering this sort of because I had
21 seen this in the discovery process.

22 Melissa whoever at the time was
23 suggesting do we go -- do they go point by
24 point to refute them or not. So that is the
25 sort of progression. I don't remember though,

1 JOSHUA VLASTO

2 frankly I don't remember off the top of my head
3 what the allegations were to begin with.

4 Q. Base on what you heard from Miss
5 Mogul about Miss Bennett's allegations, what
6 did you think by appropriateness of the conduct
7 that Miss Bennett described between her and the
8 Governor?

9 A. I think I didn't really come to a
10 substantive and factual judgment. Where I
11 said, oh, I know she is telling the truth or I
12 know she is not telling the truth. That is not
13 how I operated.

14 I do think that with regard -- if
15 you wanted to compare it to say Lindsey, I
16 didn't have reason for doubt other than what
17 the Governor's office and Melissa and people
18 were saying to me that it was not true. So
19 that is what we kept continuing off of. I
20 didn't sort come to a conclusion in either
21 direction.

22 Q. Was anyone saying that the conduct
23 described in Miss Mogul's notes based on her
24 interview with Miss Bennett was not true?

25 A. I don't remember. I don't

1 JOSHUA VLASTO

2 remember a debate and discussion about the
3 substance and what was in Judy's notes. A,
4 because I wasn't there anyway, so I wasn't
5 paying too close of attention. B, since I
6 wasn't there, I wouldn't have been able to sort
7 of opine on it anyway. I never met her. I
8 don't know what she was doing. I don't
9 remember if there was a point by point on
10 Judy's note in terms of factualness and
11 veracity, I don't recall.

12 Q. Based on conduct as described in
13 Judy Mogul's notes, did you think that the
14 Governor's conduct towards Miss Bennett was
15 appropriate?

16 A. Here is what I would say. I would
17 say that I didn't come a ruling or an opinion
18 on the conduct in my head. Because, again,
19 they denied it and that is what they were going
20 with what a media strategy perspective and
21 that's where I put myself.

22 If it turns out that it was --
23 that these allegations are verified, it would
24 be inappropriate. She a young 30 years his
25 younger and whatever they said happened and

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2 wherever, it would not be something that I
3 thought was inappropriate if it was true.

4 Q. Let's just go back. When you
5 said Judy Mogul described her investigation you
6 said Judy Mogul concluded that the conduct did
7 not rise to the level of harassment. Correct?

8 A. Correct.

9 Q. Judy Mogul did not say that what
10 Miss Bennett told Judy Mogul happened between
11 Miss Bennett and the Governor was not true?

12 A. She never said it was not true.
13 Is what you're asking? If Judy said we looked
14 at this -- I'm just giving a hypothetical.
15 You're asking me if Judy said, I talked to
16 Charlotte I investigated it and the stuff she
17 told me is not true. She never said that. Not
18 that I can recall.

19 Q. She said I spoke to Charlotte, the
20 stuff that she told me doesn't rise to the
21 level of harassment?

22 A. Right. She also didn't say and I
23 corroborated it the these five different ways.
24 She didn't say it either.

25 Q. Did she say she had done anything

1 JOSHUA VLASTO

2 to corroborate or refute what she heard from
3 Miss Bennett?

4 A. Not that I recall.

5 Q. What did her investigation consist
6 of other than talking to Miss Bennett?

7 A. That I said previously which was
8 that she spoke to Charlotte Bennett and I think
9 she may have spoken to her supervisor and then
10 had a subsequent conversation with Melissa and
11 the Governor. Whether or not that was in fact
12 the actual scope of her investigation, I don't
13 know. But that is what I recall from how she
14 described her conversations with Charlotte and
15 the notes that was going to put out.

16 MR. GRANT: In that conversation,
17 did Miss Mogul ever describe what expertise
18 she has in employment law?

19 THE WITNESS: No, not that I can
20 recall.

21 MR. GRANT: Did she ever describe
22 what sort of legal standard she was
23 applying, meaning is it Title 7, is it the
24 New York State Human Rights Laws, the New
25 York City Human Rights Laws, anything like

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that?

THE WITNESS: No, as I said previously she sort of said and this doesn't -- I remember her saying look it doesn't rise to the legal definition of sexual harassment. She didn't say specific title if it was Public Officer's Law or X, Y and Z.

As best I can recall there could have been subsequent conversations which she did opine on more specifically but not in anything that I was privy to.

Q. You said Miss Mogul talked about a discussion that she and Miss DeRosa had the with Governor. Did miss Mogul say she interviewed the Governor?

A. I wouldn't call as what she said as described as interview. It was more of a follow-up discussion. Sort of the way she described it, she and Melissa talked to the Governor that Charlotte had made these claims and that this was the recommended -- that -- I'm being precise because I don't remember exactly how they said it. And that she would

1 JOSHUA VLASTO

2 get a job at the Department of Health where is
3 she wanted to go anyway.

4 It is mushy only because I don't
5 remember the inspect phrasing and obviously I
6 wasn't there, so that was the basic progression.
7 I wouldn't say she said she interviewed the
8 Gov, I think it was more that she followed up
9 with him.

10 Q. You referenced a discussion that
11 Miss Mogul said she had with Miss Bennett's
12 supervisor?

13 A. I didn't say specifically. I said
14 I seem to remember that she referenced that she
15 may have talked to the supervisor or the person
16 who -- now, I'm getting confused because there
17 was another accuser that work at [REDACTED] or --
18 yes, either way. There was a -- around
19 Charlotte there was a conversation where she
20 talked a colleague or supervisor or somebody.

21 Q. Let's talk about another accuser
22 who worked at [REDACTED], what do you know about
23 that?

24 A. There was another accuser that
25 worked at [REDACTED] that had been in the Chamber.

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2 Q. How did you hear about that
3 accuser?

4 A. She was the other one that Melissa
5 reference in that initial conversation.

6 Q. So the initial conversation before
7 you ever heard about this investigation that
8 Miss Mogul said she did, you heard from Melissa
9 DeRosa about two accusers, one was Charlotte
10 Bennett and the second was a woman that work at
11 [REDACTED] ?

12 A. Yes. It was not she had actually
13 work at [REDACTED] but had gone to work at [REDACTED]
14 but worked at Chamber. I'm trying to be precise.

15 Q. A former Chamber employee --

16 A. Correct, that was my understand.

17 Q. What did Miss DeRosa say about the
18 [REDACTED] woman?

19 A. I really don't remember the
20 specifics of it. I really don't.

21 Q. Do you know name of that woman?

22 A. Not off the top of my head, no,
23 sorry.

24 Q. Was there ever any other
25 discussion about this woman who you used to

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1 work at the Chamber and moved to [REDACTED] ?

2 A. Not that I can recall
3 specifically. I think she had tweeted
4 something at some point in this progression.
5 And that had them concerned, but I don't
6 remember. I don't remember how it matches up.

7 Q. How did you hear about a tweet by
8 the [REDACTED] woman?
9

10 A. I'm sure somebody sent it to me or
11 flagged it on a call.

12 Q. What discussion was there on the
13 tweet?

14 A. This is getting into the real
15 short straws of conversation that I just don't
16 recall.

17 Q. Did anyone talk about any
18 investigation that they said they did regarding
19 the [REDACTED] woman?

20 A. Not specifically that I can
21 remember, no.

22 Q. Did Miss Mogul say anything about
23 the [REDACTED] woman?

24 A. Not that I can remember, no.
25 Again, I apologize if I'm getting some of these

1 JOSHUA VLASTO

2 timelines confuse, this was a moment that I was
3 not at high focus with that.

4 Q. I think you said earlier and this
5 is how we started talk about this that someone
6 said -- someone referenced a conversation with
7 the supervisor of [REDACTED].

8 A. Yes, that's right. I know that
9 Judy had talk to other people -- I know that
10 Judy talked to other people around her around
11 Charlotte Bennett and the notes, what I
12 supervisor that jogged my memory about a
13 conversation that someone had had with the
14 supervisor around the person who had been at
15 [REDACTED].

16 Q. What was the conversation that
17 someone had with the supervisor of the woman
18 who moved to [REDACTED]?

19 A. I don't remember.

20 Q. So going back to Miss Mogul and
21 the investigation she did of Miss Bennett. The
22 investigation was she interview Miss Bennett
23 and Miss DeRosa talked to the Governor about a
24 recommendation to move Miss Bennett and
25 Miss Bennett was moved, correct?

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A. That is at least how I recall Judy telling me about it.

MR. GRANT: Did Miss Mogul say at that time that she had spoken to any other witnesses?

THE WITNESS: Not that I can recall, no. I don't remember. I'm sorry, I don't.

Q. Was there ever any discussion about the disclosing Miss Mogul notes of her conversations with Miss Bennett?

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

Q. Was there ever any discussion about disclosing information about prior allegations of sexual harassment that Miss Bennett made?

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

Q. Did you ever have any discussions involving Chris Cuomo regarding Miss Bennett's allegations?

A. I don't recall -- I certainly had conversations with Chris during this period of time. Whether we specifically talked about Charlotte Bennett, I imagine that we probably did. In course of these conversations that

1 JOSHUA VLASTO

2 were sort of ongoing. I don't remember
3 anything specific said about her.

4 Q. Was it this one-on-one
5 conversation with Chris Cuomo?

6 A. I'm not referring to any specific
7 conversations. Sometimes Chris and I would
8 talk directly and sometimes Chris would be on
9 the calls.

10 Q. How do you know Chris Cuomo?

11 A. How do I know Chris Cuomo? I know
12 him primarily through the fact that he is the
13 Governor's brother and he also had a friendship
14 with my [REDACTED].

15 Q. What did you and Chris Cuomo
16 discuss regarding sexual harassment allegations
17 against the Governor since December, 2020?

18 A. You know I think it is sort of a
19 broad question and I think we have to be more
20 specific about it. Try if you can.

21 Q. Let's start with December, 2020.
22 Did you have any discussions with Chris Cuomo
23 in December, 2020 about sexual harassment
24 allegation against Governor Cuomo?

25 A. I don't think so. I have to look

1 JOSHUA VLASTO

2 back at my phone log. I don't really recall
3 talking to Chris that much in the initial
4 period of time. So I can't tell you -- I couldn't tell
5 you specifically when we started discussing it.
6 But generally speaking, I don't remember
7 spending too much time on the phone with him in
8 the initial phase.

9 Q. When did you have more discussions
10 with Chris Cuomo about sexual harassment
11 allegations against Governor Cuomo?

12 A. As the situation with the Governor
13 sort of deteriorated publicly, mediawise and
14 Chris had made sort of his public declaration
15 that he was not going to be involved in CNN's
16 coverage of the issues involving the Governor,
17 then I would say I talked to him more
18 frequently. He was on some of these calls. He
19 was on some of these e-mails and he would call
20 me directly on occasion given our sort of
21 separate relationship.

22 Q. What did he say during these
23 discussions?

24 A. You know often on the side
25 conversations it was more me giving him a

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2 perspective of what was going on in Albany. He
3 doesn't work in Albany. He is a national media
4 person. At times he would call me after a call
5 and say, hey, what does this mean or do you
6 think this is going to be in Albany. So our
7 conversations tended to be more narrow in terms
8 Albany politics. Tended to be.

9 Q. What role did Chris Cuomo play in
10 these discussions about sexual harassment
11 allegations against the Governor?

12 A. He was on -- it was not -- I
13 wouldn't say it was specific to the
14 allegations, it was more of the situation that
15 the Governor was in. That as this sort of grew
16 into a major situation for the Governor
17 personally, I think Chris felt he needed to be
18 involved. It was his brother. I think it was
19 just more -- he would offer general advice and
20 perspective.

21 Q. Are you aware of complaints by
22 Anna Ruch relating to the Governor?

23 A. Anna who, how do you spell it?

24 Q. Anna Ruch R-u-c-h.

25 A. I know the name I can't match the

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1
2 allegations to the person off the top of my
3 head. I heard the name around.

4 Q. Go to tab 63 in your binder.

5 (Exhibit 38 for identification,
6 Article entitled Cuomo accused of unwanted
7 advance at a wedding, can I kiss you.)

8 A. She was at the wedding, okay. The
9 answer to that question is yes.

10 Q. You were at the wedding?

11 A. I was.

12 Q. Have you met Miss Ruch before?

13 A. No.

14 Q. Did you see the Governor holding
15 anyone's face at Gareth Rhodes's wedding?

16 A. I don't remember, no.

17 Q. Is that something that you would
18 recall?

19 A. I didn't see the Governor much at
20 wedding, I saw him at the end on the way out.

21 Q. Have you seen the Governor holding
22 anyone's face the way it is depicted in this
23 picture?

24 A. Yes.

25 Q. Who?

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2 A. I saw Rich Bamberger send me a
3 picture of him holding his [REDACTED] face at
4 one point. Again, this particular pose I
5 couldn't say I've seen instantly replicated.
6 But you know, based on Rich showing me the
7 picture of him holding [REDACTED] face, I guess
8 the answer to that question is yes, I have seen
9 him do it.

10 Q. Have you heard the Governor ask
11 anyone can I kiss you?

12 A. No. But it wouldn't be something
13 that I would necessarily hear him say.

14 Q. When did you first become aware of
15 Miss Ruch's complaints relating to the
16 Governor?

17 A. Complaints is tricky. She put
18 something on Instagram. I think she put this
19 picture in Instagram with a link to Jesse
20 McKinley's Instagram and Gareth sent me a
21 screen shot of it. So while it didn't
22 specifically include a complaint at that time I
23 think that that was how I sort of first became
24 aware that something may have happened at the
25 wedding.

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Q. Let's mark that document as an exhibit.

(Exhibit 37 for identification, Text message between you and Rich Bamberger dated 2/28/21.)

Q. Mr. Vlasto, you're referring to the picture that is on the first page in the article?

A. That's correct. Again I have to look at Instagram feed and you will all of that. That was the first time that I had heard that something may have happened at wedding.

Q. Did you have any discussions with anyone after you saw the Instagram feed?

A. I don't remember. I mean Gareth might have texted me something or not. I don't remember.

Q. What did you think when you saw the Instagram photo?

A. I remember probably thinking that was not great in terms of a media moment that he had puts Jesse McKinley on there, the New York Times reporter. But it is what it is. It was not something that I reacted to in any way

1 JOSHUA VLASTO

2 up or down. That's all that I can remember.

3 Q. Did you discuss the situation
4 involving Miss Ruch with anyone?

5 A. Not at that moment. Not until
6 eventually Jesse wrote this story. Until is
7 actually became a formal sort of media inquiry
8 from the Times.

9 Q. What did you discuss at that
10 point?

11 A. It was just again the sort of
12 wheel of response. Where you think the
13 questions came in and they debated what they
14 were going to say or not.

15 Q. Did you have any view of whether
16 the Governor's conduct as Miss Ruch described
17 it was appropriate?

18 A. I don't remember -- I don't think
19 it was on the conduct. I remember thinking
20 that this photo was uncomfortable and awkward
21 and not the way a 60 year old man should be
22 greeting a young female stranger and if felt
23 sort of odd and awkward. At the same time I
24 didn't see what happened in the moment. It was
25 a big wedding. So I didn't sort of have a big

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2 reaction to it and frankly became more focused
3 less on the Governor and more on Gareth and
4 sort of what this meant for him and this stuck.
5 You don't want your wedding on front of New
6 York Times and involved in this. I don't
7 remember having a strong reaction other than
8 this picture was pretty awful.

9 Q. When say the pictures was
10 uncomfortable, what do you mean by?

11 A. Exactly what I said. Which is
12 this is not a way of 60 year old man should be
13 greeting a stranger who is a woman who is in
14 her 20s or 30s. And that this was not -- this
15 it an uncomfortable hold and an uncomfortable
16 picture from a media perspective as well.

17 Q. Do you think Miss Ruch looked
18 uncomfortable in the photo?

19 A. In my view she does look
20 uncomfortable in the photo.

21 Q. What was concern that you had for
22 Mr. Rhodes?

23 A. More personal as a friend that
24 this was something that was going to bring his
25 name and his wedding into that media maelstrom

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2 that we were in. And that's not fun. We had a
3 good time at his wedding and we are friends and
4 that is not a fun that to be a part.

5 Q. Other than this publicity around
6 Gareth Rhodes's wedding was there any concern
7 about potential fall out for Gareth Rhodes
8 based on his relationship with the Governor and
9 his time in the Executive Chamber?

10 A. Well not related to the wedding
11 itself but concurrently and based on my vantage
12 point coincidentally this wedding disclosure
13 started in around the time that he resigned
14 from the COVID task force. So I believe if I
15 remember correctly it was a Thursday, Friday,
16 Saturday where he had resigned and there was
17 the -- it was sort of happening simultaneously
18 and his concern as well as mine for him as a
19 friend, this was going to drag him into an
20 unfortunately news cycle.

21 Not that he done anything wrong
22 or inappropriate I was supportive of both his
23 resignation from the task force and counseled
24 him on how to hand it and certainly not
25 dismissive or concerned that Anna had come

1 JOSHUA VLASTO

2 forward, but I was concerned for him as a
3 friend that he was going to dragged into this
4 media cycle through know fault of this his own.

5 Q. Go to tab 65 in your binder and we
6 will mark that as exhibit.

7 (Exhibit 39 for identification, Text
8 message between Mr. Vlasto and Gareth
9 Rhodes on March 1st, 2021.)

10 Q. This is a text message between you
11 and Gareth Rhodes on March 1st, right?

12 A. Yes.

13 Q. You are talking about the Times
14 article about Miss Ruch's experience with the
15 Governor at Gareth Rhodes wedding. You say to
16 Mr. Rhodes, "Will call you. Don't get
17 involved. Don't talk to her. Let her do what
18 she needs to do."

19 A. Yes.

20 Q. What were saying there?

21 A. Exactly what it says which is she
22 has to do what she has to do and if she needs
23 to speak out publicly about what happened she
24 should do. And the worst thing that he could
25 do as a person but also from a media control

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2 perspective would be to call her and encourage
3 her, discourage her from doing whatever she
4 felt she needed to do with regard to the
5 Governor.

6 Q. She refers to Anna Ruch, right?

7 A. Yes.

8 Q. Was there a reason why you
9 thought Mr. Rhodes might get involved or talk
10 to Miss Ruch or discourage her from speaking
11 out about the Governor?

12 A. So I'd have to look at the
13 progression around the other text messages
14 right, which I'm sure we will talk about
15 shortly. So I don't quite remember the moment
16 in time, but if he said Peter had called him,
17 Peter meaning Peter Ajemian, that I would
18 imagine I was thinking that they were going to
19 ask Gareth to do something or say something. I
20 had heard, you know, Times doing the woman from
21 you wedding meant that I had seen in the chain
22 that this media crew come in. I was tipping
23 him off even if he -- the fact that he had
24 called Peter probably illicit, or Peter had
25 called him, just don't get involved. Don't do

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2 anything; let it go. She's gotta do what she's
3 gotta do.

4 Q. To be clear, you were thinking
5 that Peter Ajemian was calling from the
6 Governor's office to ask Gareth Rhodes to?

7 A. I didn't know, right, I didn't
8 know what Peter was calling him about. I don't
9 recall a specific conversation where someone
10 said Peter was calling him. However, I wanted
11 to be very clear with Gareth, not that he
12 needed reminding, he is a good person and has
13 good compass, that the worst thing he could do
14 would be to engage with her in any way and that
15 would be a mistake and I never got a sense he
16 disagreed with me with that assessment or there
17 was any reason that I thought he would've
18 behaved otherwise. But I was just emphatic
19 about it because I'm his friend.

20 Q. But again, the issue that you were
21 flagging for Gareth Rhodes was that, if Peter
22 Ajemian was calling Gareth Rhodes to ask Gareth
23 to discourage Miss Ruch from speaking out that
24 Gareth should not get involved?

25 A. Yeah, I don't remember if that was

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2 specific, if I knew at that moment that specifically
3 Peter was calling him about that. But it is safe to
4 say that my reaction to that text suggested that they
5 were reaching out to Gareth and I just wanted
6 to in essence buck him up to make sure that if
7 they did ask something like that, that he would
8 have the confidence and support of an old
9 friend not to do it.

10 THE VIDEOGRAPHER: Excuse me, I

11 think we lost the reporter again. We are
12 going off the record, the time is 5:41.

13 (Recess taken.)

14 THE VIDEOGRAPHER: Back on record

15 at 5:43.

16 BY MS. MAINOO:

17 Q. Mr. Vlasto do you need us to
18 repeat the question?

19 A. Probably a good idea.

20 MS. MAINOO: Bill can you read the
21 question back?

22 (Requested portion of record read.)

23 A. So the answer to that question no
24 specific reason other than based on this text
25 if the Governor's office was calling him, I

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2 wanted to buck him up to make sure that he knew
3 not to do that. And I just did that to buck
4 him up.

5 Q. I think what he said earlier was
6 that based on the text that Peter Ajemian
7 called Mr. Rhodes, you thought there was a
8 possibility that the Governor's office was
9 calling Mr. Rhodes to discourage Miss Ruch from
10 speaking out against Governor'?

11 A. I don't remember specifically
12 having hearing that. I think that -- I wanted
13 to make sure that he knew not to do anything
14 like that. That is his friend would support
15 him no matter what and don't to that. Don't
16 call her. Let her do what she needs to do.

17 Q. Is there a reason why Peter
18 Ajemian might be calling Mr. Rhodes?

19 A. I don't remember specifically.
20 This is 4:24 and Monday and again I have to
21 look at the other text messages and other side
22 conversation that had been going on to see who
23 was saying what to whom at that time. But, you
24 know, I want to make sure that he knew don't --
25 if they ask you, if you get asked to do

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2 something, don't do it.

3 Q. Would it have been consistent with
4 the Governor's office's strategy in response to
5 the allegations for Mr. Ajemian to call Gareth
6 Rhodes to ask Gareth Rhodes to discourage
7 Miss Ruch from speaking out against the
8 Governor?

9 A. I would not say it was consistent
10 with the strategy, I never heard of them doing
11 that. However certainly in the moment I
12 thought just make sure he knows don't do it.
13 It is certainly possible. But I wouldn't say
14 it was consistent, it is certainly possible.

15 Q. Did the Governor's office deny
16 Miss Ruch's allegations?

17 A. I don't remember what they
18 ultimately said.

19 Q. So far of the allegations that we
20 have discussing you said the Governor's office
21 denied those allegation, right?

22 A. At least to me, yes. I don't
23 remember -- you're asking publicly? I don't
24 think there was ever an specific discussion of
25 true or not in this case. It was an isolated

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JOSHUA VLASTO

moment. I don't remember getting to into the weeds. In this particular context I was much more focused on Gareth and sort of helping him manage this very complex moment.

Q. Do you remember Governor's office reaction to Miss Ruch's allegation?

A. Not specifically, no.

THE VIDEOGRAPHER: Off the record the time is 5:27.

(Recess taken) .

THE VIDEOGRAPHER: We are back on the record the time is 5:52.

BY MS. MAINOO:

Q. Sticking with tab 65 -- actually, go to the second page the one with number 042 on the bottom.

A. Yes.

Q. You say, but I basically told them I can't help any more take me off the e-mails, calls, etc. Gareth said, she called me this morning. You said, me too. Gareth said I'll tell you about it later. And you said, same.

What are you talking about when you say basically I told them I can't help

1 JOSHUA VLASTO

2 anymore?

3 A. So Melissa in one conversation
4 around this time sort of expressed frustration
5 about Gareth leaving, a sense that [REDACTED]
6 Gareth wife, had tweeted something supportive
7 of Anna and Melissa was sort of pissed about
8 that. And also that Gareth had left the task
9 force. And I essentially told her I said look,
10 that crosses a line with me, Gareth is my close
11 close friend and he has been nothing been
12 supportive to you and the Governor and so let's
13 not even go there. And if we do talk more
14 about Gareth I'm not going to participate.
15 This is not something that I'm going to
16 participate in.

17 And whether I actually told her
18 I'm not going to participate and take me off
19 the e-mails, I don't remember specifically
20 saying that but it was reflective of a tense
21 conversation that I had with her.

22 Q. When you said take me off the
23 e-mail, calls etc. which me e-mails and calls
24 etc. were you referring to?

25 A. I was referring to the text chain

1 JOSHUA VLASTO

2 and the e-mail chain. As I said I don't
3 remember if I specifically said that to her and
4 ultimately it didn't happen. But it was the
5 result of a frustrating conversation and I want
6 to communicate to Gareth that I had become very
7 frustrated by it.

8 Q. Did you tell Gareth about this?

9 A. Say again?

10 Q. Did you tell Gareth about your
11 conversation with Miss DeRosa?

12 A. I'm sure I did, yes.

13 Q. Did Gareth tell you about his
14 conversation about Miss DeRosa that is
15 referenced in that chat?

16 A. Yes.

17 Q. What did say?

18 A. He said something along the lines
19 that she had said to him we are not mad at you.
20 It is going to be okay. Something like that.
21 And he sort of said, look, I'm just taking time
22 off. I'm off the task force. Just don't want
23 to bother.

24 The way that I remember him saying
25 it was sort of a brief conversation, but I

1 JOSHUA VLASTO

2 don't remember specifically.

3 Q. What did you understand by
4 Miss DeRosa's statement we are not mad at you?

5 A. Her and Governor that was more
6 specific to the resigning from the task force
7 but the sounding circumstance with both of
8 these things were going on at the same time.

9 I remember his reaction to was why
10 in the world would I be worried if they were
11 mad at me. It is the other way around. It was
12 sort of a nothing moment other than just to
13 keep friends and focus and not sort of get into
14 the game playing back and forth.

15 Q. Why would it be the other way
16 around?

17 A. I think that he was upset that he
18 had been dragged into all of this and what
19 possible reason would I have to be worried
20 about them, I resigned from that task force.
21 So been and done.

22 (Exhibit 40 for identification, Text
23 messages from [REDACTED] to Mr. Vlasto
24 dated 3/1/21.)

25 Q. Go to the next tab, which is 66.

JOSHUA VLASTO

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2 And this is [REDACTED] exchange between you and
3 [REDACTED]. [REDACTED] says on page with 3301
4 on the bottom "going to make this statement
5 harder did justify with that photo." And the
6 next page shows a statement, "To be clear I
7 never inappropriately touched anybody and I
8 never propositioned anybody and I never
9 intended to make anyone feel uncomfortable, but
10 these are allegations that New Yorkers deserve
11 answers to." That is a statement by Governor,
12 right?

13 A. I imagine than was based on what
14 [REDACTED] said previously.

15 Q. In response you said "I told Jeff
16 that was a big mistake." Right?

17 A. I don't think this is right
18 because I remember having a conversation with
19 Jeff Pollock about a quote that Jeff had given
20 on the record regarding sort of the Governor's
21 political standing, something more generic and
22 told Jeff to stop doing that. You're way too
23 far out in terms of your name being associated
24 with all of this and so on. I don't think
25 these two relate to each other.

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JOSHUA VLASTO

I can't say for certain, but I do remember a specific conversation that you had with Jeff where I told him an action that he had taken was a big mistake. It was not this.

Q. On the next you say "and to stop going on the record."

A. Correct.

Q. "I certainly have".

A. Correct. That confirms what I just said which is I think the sequencing of this these two document is not quite right or maybe if it was one on top of other, [REDACTED] texted me and I didn't respond to it. I don't know. But I'm pretty certain that this I told Jeff was a big mistake don't refer to this statement.

Q. What did you think of the statement that is reflected on the page with 3302 on the bottom?

A. What do you mean what I think of it?

Q. Did you think that it was a mistake for the Governor to make that statement?

1 JOSHUA VLASTO

2 A. I don't know. I certainly, [REDACTED]
3 seems to think it was a mistake. I don't
4 remember what I was thinking at the time. I
5 also don't remember -- I don't know what the
6 context was of this statement. So this
7 statement came out prior I imagine to the Anna
8 Ruch item. So, the point [REDACTED] is making is
9 the Governor said this previously, now with
10 the Anna Ruch photo that would be an
11 inconsistent statement, but I don't know if I
12 necessary agree with it or not, but I don't
13 remember reacting to it in a big way.

14 Q. Go back to tab 65 which is your
15 text message with Gareth on March 1st.

16 A. Okay.

17 Q. The same day as the one that we
18 were just looking at right?

19 A. Yes.

20 Q. And this exchange with Gareth
21 Rhodes also includes the same statement, right?

22 A. Yes.

23 Q. So to your question about whether
24 the statement -- to your question about the
25 chronology about [REDACTED] text and Miss Ruch's

1 JOSHUA VLASTO

2 story seems like at least news of Miss Ruch's
3 story had come out before [REDACTED] texts about
4 the Governor statement. Do you agree?

5 A. Yes, that means the statement
6 though was prior to it. Yes. That is what I'm
7 essentially saying. That the news of Anna
8 comes out, [REDACTED] sends me this text with this
9 and saying what he said previously now is going
10 to be inconsistent with what is in the photo.
11 That is what I think [REDACTED] is saying.

12 Q. And you're saying that your
13 statement, I told Jeff that was a big mistake
14 does not relate to this earlier statement by
15 the Governor?

16 A. Based on the next text and to stop
17 going on the record, I certainly have, I had a
18 conversation with Jeff Pollock about him not
19 going on the record anymore in his own capacity
20 about politics, he had giving a quote toe AAP
21 so that is what this comment is referring to.
22 I don't know how that got jarbled but it does
23 to a bit jarbled.

24 Q. It reads to me as if you're
25 talking about two thing. I told Jeff that was

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JOSHUA VLASTO

a bid mistake and to top going on the record.

A. I don't know. I think I might, but I have to look deeper.

Q. Did you have reason to think as of March 1st, 2021 that the Governor had inappropriately touched anyone?

A. I didn't have any specific reason to think in either direction. I would say that as the number of accusations continued to increase, my level of sort of concern about what was going on increased. Just sort of instinctually. I wouldn't say that I had any facts, because as I said, the way that the days were evolving is I was getting facts or getting new details essentially from the media, right, so there was no sort of disconnect between what the media was reporting and what I was hearing at this point.

So to say that I had new fact that changed my view, no, I had the same thing that the public was getting which was sort of more and more accusations that were, if true, inappropriate and the progression in and of itself became a concern.

1 JOSHUA VLASTO

2 Q. Were you involved in helping with
3 the Executive Chamber's response to Miss Ruch's
4 statement about the Governor?

5 A. I don't recall specifically. As I
6 said, at this moment I was much more focused on
7 Gareth and sort of the issues that was going
8 through. And as said, I sort of had a tough
9 conversation with Melissa, let get through
10 Gareth and be done with it.

11 I would say I observed it and I
12 saw based on text and e-mails and the
13 occasional phone, but I don't recall being
14 tremendous any involved more -- I don't
15 remember being involved in any greater or
16 similar scale to the previous ones. I mean I
17 feel at this point I sort of was taking much
18 greater myself out of the process.

19 Q. Did you hear about allegations of
20 sexual harassment against the Governor made by
21 anyone else other than Miss Boylan,
22 Miss Bennett, the [REDACTED] woman and Miss Ruch?

23 A. Over time more have come out. So
24 I suppose the way that I would answer it, I
25 have not heard of any specific allegations that

JOSHUA VLASTO

1
2 have not become public.

3 Q. Have you heard any allegations
4 involving [REDACTED]?

5 A. I have not heard any specific
6 allegations. I heard in a call there was a
7 discussion that she might come forward and
8 make accusations but not only did they not say
9 any specifics on that call but ultimately she
10 has not come out.

11 Q. Is that a call with the group --

12 A. Yes.

13 Q. Melissa and others?

14 A. Yes.

15 Q. What was said that on that call?

16 A. Judy Mogul at one point said I
17 hear [REDACTED] is going to make a claim
18 against the Governor, does anyone know her or
19 did anyone work with her. That's how it came
20 up.

21 Q. What was said in response to Miss
22 Mogul's question?

23 A. I said I had known her and worked
24 with her, she was there when I was there she
25 was a friend of mine and remained a friend for

JOSHUA VLASTO

1
2 a period of time after I left the Governor's
3 office and she left Governor's office.

4 Q. Did you say anything about your
5 knowledge about any allegations that [REDACTED]
6 [REDACTED] might make?

7 A. Yes, I told them I never heard her
8 make an allegation against the Governor. It
9 didn't make it not true. I was simply saying
10 she had never to come to me both during the
11 time in the administration or after with a
12 complaint.

13 Q. *did anyone else saying anything
14 in response to Miss Mogul's statement about
15 [REDACTED] ?

16 A. Not specifically towards her.
17 There was a subsequent minor discussion if it
18 was getting confused and it was going to be
19 [REDACTED] or somebody else. It was rapid
20 fire and it came and went in two seconds.

21 Q. When was that discussion about
22 [REDACTED] ?

23 A. In this sort of progression. I
24 remember I was in the car with [REDACTED] driving
25 back from skiing, so I don't remember the day.

1 JOSHUA VLASTO

2 It would have been the weekend. That's sort of
3 the best that I got, but it was in and around
4 this time and I think there is a text message
5 where I relay that to [REDACTED], so whatever date
6 I relayed to [REDACTED] was the date that that
7 conversation occurred.

8 Q. Did you observe any interaction
9 between [REDACTED] and the Governor when were
10 you in the Chamber?

11 A. None remarkable. I remember her
12 sitting outside in the reception desk outside
13 Governor's office in New York City for a period
14 of time but then ultimately I left before she
15 did, so I don't remember much interaction with
16 her and him at all while I was there. But she
17 was there longer than I was. So I couldn't
18 rule out there wasn't interaction.

19 Q. So where [REDACTED] sat in the
20 New York City office would that have been in
21 front of Miss Benton's office?

22 A. Yes, there was a desk on the other
23 side of the wall from Stephanie and the other
24 side of the wall from the Governor sort of in
25 the corner. So it was in my line of sight from

1 JOSHUA VLASTO

2 my desk but outside its Stef's desk and the
3 Gov's desk. I have an image in my head of her
4 sitting there at some period of time.

5 Q. What was her role?

6 A. She was sort of briefing sort of
7 assistant group of people at that time.

8 Q. Were there any men in that group
9 of briefers?

10 A. Not that I can recall at that
11 moment. No.

12 Q. During your time in the Executive
13 Chamber were there any men in the group of
14 briefers?

15 A. Not that I recall, no sorry.

16 Q. Go to tab 67 in your binder and
17 mark this as an exhibit.

18 (Exhibit 42 for identification, Text
19 messages from Mr. Vlasto to a bunch of
20 numbers dated 3/1/21.)

21 Q. Who was involved in this exchange?

22 A. The WhatsApp not to say it with a
23 bit of snark. Is my friends from college.
24 They are not politically engaged, they are
25 lawyers and bankers. They are just friends

1 JOSHUA VLASTO

2 from college and so we have a rolling text
3 change with them about kids a knucklehead stuff
4 throughout the day. That is who is on these.
5 I don't know which numbers match to whom, but
6 it is no one in the Governor's office, no one
7 who works in state politics, no one who has
8 ever had any action interaction other than at
9 times in college with Melissa because she went
10 to the same college as me, none professional
11 capacity and none in the last 20 years. Just
12 to be clear that is what this group it is.

13 Q. So that group --

14 A. I don't know this is the silly
15 rolling conversation that all of us have with
16 our college friends. I imagine they were
17 asking me what was going on Governor and I gave
18 a glib response, oh, there is going there is
19 going to be another one that is going to pop.
20 I cannot imagine it was anything specific or
21 anything like that. Just a moment in time.

22 If we matched the date and time
23 with what was going on in the text chain I'm
24 sure we can identify what I was referring to.
25 I was not passing anything along sensitive to

1 JOSHUA VLASTO

2 nuance to particular group.

3 Q. Separating out whatever you may
4 have been passing along, what I'm interested in
5 is the text on document 1063 where you say
6 after your statement there is another one out
7 there ready to pop. You say, "If it read like
8 I think it's curtains."

9 Were you talking about a specific
10 allegation that at the time you thought was
11 coming?

12 A. I'm sure I was. I don't know. I
13 have to look at the March 1st -- what was going
14 on on March 1st. But I would put this in the
15 category of the it's over text that I sent to
16 somebody which is just my general reflection
17 things were got worse not better and these
18 negative press and negative stories.

19 Q. What did this allegation concern?

20 A. I don't know. It was whatever was
21 going on in that particular moment.

22 Q. Do you know whether the allegation
23 that was referenced in this exchange has been
24 made public?

25 A. Oh, I would imagine it has. As

1 JOSHUA VLASTO

2 said, I don't to the best of my recollection,
3 have not heard about any allegations that have
4 not been public. I cannot imagine and I don't
5 know any scenario where we reference something
6 even at that point in time that has not since
7 become public.

8 Again I was getting my information
9 as I said previously primarily from the media
10 inquiries that coming and so logic would
11 contact the next one, whatever I was referring
12 to, was already with the media to begin with.

13 Q. Earlier you referenced allegations
14 by [REDACTED] supposedly which had not been
15 made public, right?

16 A. No, I heard from Judy Mogul that
17 she heard that [REDACTED] might be making
18 allegations. I didn't hear from Judy Mogul
19 that [REDACTED] that made allegation or was making
20 allegations. I heard that Judy said she had
21 heard that she might be.

22 Q. Are there any other potential
23 allegations that you heard about from any
24 source that have not been made public yet?

25 A. No.

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JOSHUA VLASTO

Q. So [REDACTED] allegation are the only potential allegations that have about that have not yet been made public?

A. Again, I don't know that [REDACTED] [REDACTED] has allegations.

Q. That's why I said potential?

A. That is my point, right, Judy Mogul could have heard it wrong. [REDACTED] might not have anything to say about the Governor. Again, I don't was it to be seen as an inconsistency between allegations or not. I heard in this call that she was -- Judy was saying [REDACTED] might come forward.

Other than what has become public I'm aware of any other allegations that have been made with the Governor privately or publicly.

Q. I'm not interested in identifying any inconsistencies here. What I want to know about is the universe what you heard you about.

You mentioned [REDACTED] potential allegations, are there any other potential allegations that you head about that have not been made public?

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A. Not that I can think of off the top of head, no. I can't think of any one in the swirl of conversations over these three/four months that has not subsequently come out even in the category of a [REDACTED] who someone heard might come forward. I can't think of anyone else in that category off the top my head, no.

Q. Let's go to tab 80 that your binder?

A. Was that okay? Was that precise enough. 81?

Q. 80. Why did you chuckle?

A. The phrasing.

Q. What does that mean?

A. "Flirty and handsy but will likely force Andrea to do something."

Q. Mark that as an exhibit, this is a March 6th, 2021 text from you to Rich Bamberger and Maggie Moran.

(Exhibit 42 for identification, March 6th, 2021 text from Mr. Vlasto to Rich Bamberger and Maggie Moran.)

Q. What were you talking about there?

1 JOSHUA VLASTO

2 A. I imagine that I was recounting
3 what was likely to be in the upcoming story. It
4 the surrounding text chain was available, my
5 guess would be that someone asked -- one of
6 them asked me what is the next story going to
7 say. And I was saying this -- I can't say for
8 certain, I don't know.

9 Q. Andrea here who is that?

10 A. Andrea Stewart-Cousins.

11 Q. "So likely will force Andrea to do
12 something," does that refer to Miss Stewart-Cousins
13 calling for the Governor's resignation?

14 A. I don't know where we were in the
15 progression here. If this was after the AG's
16 office had been given the referral for not. I
17 have to look back in sort of the sequencing of
18 things. Do something could have referred to
19 get the AG's office involved or do something
20 resign calling on him to resign. It depends
21 where we were at this moment.

22 Q. Go to tab 82. We will also mark
23 this as an exhibit.

24 (Exhibit 43 for identification, Text
25 between Mr. Vlasto, Maggie Moran, Rich

1 JOSHUA VLASTO

2 Bamberger dated 3/9/21.)

3 Q. It is another text between you,
4 Maggie Moran, Rich Bamberger. Maggie is asking
5 about a new allegation and you said from a
6 briefer and you're saying you don't know the
7 name but it not good, physical, etc.

8 A. Yes.

9 Q. What allegation was the subject of
10 that discussion?

11 A. I would have to look at coverage
12 and see what was going on. And so I believe
13 subsequently there has been an allegation that
14 has come out from another briefer about an
15 incident that happened in the mansion that was
16 reported in wherever so I imagine this is what
17 I was referring to.

18 (Exhibit 43 for identification, Text
19 from Miss Moran to Mr. Vlasto dated
20 3/9/21.)

21 Q. Go to tab 83.

22 A. Yes.

23 Q. Is that what you were referring
24 to?

25 A. I imagine based on timeline it

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JOSHUA VLASTO

was, this is the day before and then the story pops the next day.

Q. What is basis for your understanding -- for your statement in tab 82 that you thought the accuser was a briefer?

A. They probably said it on the call and referred to her as a briefer.

Q. How did you hear about this allegation, was it from the group including Melissa DeRosa and others?

A. Yes, the same way that the others would have come up.

Q. What was said about this allegation?

A. All I really heard was a recounting from the media -- all I remember is the media inquiry coming in. But I don't remember specifically sort of when this one came up and when, whom and where.

(Exhibit 44 for identification, Text from Mr. Vlasto to a group of numbers dated 3/3/21.)

Q. So let's go to tab 89 I think it is with that group again. This is the college

JOSHUA VLASTO

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buddy chat?

A. It appears to be.

Q. And you say, "the problem is there are just more stories to come in he is in denial." What did you mean there.

A. The same thing as before, that there is a media inquiry into the Governor's office sort of every -- twice, three times a day and the stories just get coming and coming and I was reflecting what was going on in that moment.

Q. Were you referring specifically to the sexual harassment allegations or was it more general?

A. Probably mostly specific to the sexual harassment allegations. At that point that was I imagine what was driving the conversation.

Q. You're saying that the Governor was in denial?

A. Yes, that is who I would have been referring to.

Q. In denial of what?

A. I think it was a pretty low moment

1 JOSHUA VLASTO

2 at that point and I was probably of the mind
3 that this was all the going end, to be over
4 soon, that he would probably have to resign.
5 If the progression continued and so that is
6 probably would be what I was reflecting that.

7 Q. Do you remember after your calls
8 with the Governor, Bill Mulrow and that other
9 group that you mention before, do you remember
10 if it happened by this point on March 13th?

11 A. I don't remember if it happened by
12 then but this was the general vicinity. I remember
13 it was in and around March, mid-March.

14 Q. Earlier you referred to Ana Liss,
15 what do you know about Ana Liss' allegations?

16 A. Nothing other than what I read in
17 the paper.

18 Q. Were Ana Liss's allegations
19 discuss among the group including Melissa
20 DeRosa and others?

21 A. Yes, at this point I was not
22 engaging and not listening and I just wasn't.
23 Even though I'm on these texts and these
24 e-mails my level of comprehension and what I
25 was listening to was very limited.

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JOSHUA VLASTO

Q. Let's go to tab 79 and we will mark it as exhibit.

(Exhibit 45 for identification, Text message between Mr. Vlasto and [REDACTED] [REDACTED] dated March 6th, 2021.)

Q. This is text message between you and [REDACTED] March 6th, 2021. [REDACTED] asks, Is the Ana Liss one real? You say medium. What did you mean by medium?

A. I imagine I was just listening to a call then and reflecting my sense of what they were saying and what I was reading. And what top media request came in, but I don't remember what I was specifically referring to.

Q. What do you understand by [REDACTED] question whether Miss Liss's he says allegations were real?

A. I think it is safe to say that [REDACTED] was referring to in this moment there are there some doubt in sort of the depth of these accusations that was cast publicly, the severity of them and also a political analysis that was being made were the allegations getting worse or were they sort of consistent

1 JOSHUA VLASTO

2 with this pattern of behavior.

3 I assume this is my assessment the
4 that the Anna Liss accusations they were being
5 recounted to me from what the media heard what
6 were not of a gradation or a severity of
7 behavior that was worse than what we already
8 heard. That it wasn't necessarily going to be
9 a trajectory changing moment, other than it was
10 another accusation that came out. But it was a
11 glib response not based on much though or
12 substance as best I can recall.

13 I'm also sort of merely parroting
14 what I'm hearing. I'm just listening I'm not
15 really giving it much analysis.

16 (Exhibit 46 for identification, Text
17 from Mr. Vlasto to a bunch of numbers dated
18 3/13/21.)

19 Q. Go back to tab 88 in the binder.
20 That's the WhatsApp chat. Someone asked, is
21 the groping stuff all BS. You say, it depends
22 how you define BS. Someone said under the
23 shirt is legit.

24 What do you mean by depends on
25 how define BS?

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JOSHUA VLASTO

A. Depends on how you define BS meaning if they were telling the truth or not. Is it more severe or less severe. It is just just being glib on a text. Not putting too much effort on a Saturday at 4 in the afternoon what I'm saying to folks.

Q. What did you understand by the statement, under the shirt is legit?

A. I don't know which one of my friends said that. But I think he was probably just suggesting if the Gov were to do that that would be an serious problem.

Q. Do you agree with that?

A. Yes.

MR. GRANT: Is it your understanding that it would be less server if it was over the shirt?

THE WITNESS: No, I'm not really getting -- opining on the specifics in a silly WhatsApp chat with my college friends. Again I'm not giving it much sort analytical and emotional thought. I think any type of behavior alone, as I said talking about the wedding or talking about

1 JOSHUA VLASTO

2 Charlotte Bennett's any type of behavior
3 where you have someone in a senior position
4 with a younger woman it is not appropriate
5 behavior in that regard. And that is what
6 I felt, whether I reflect that in a
7 WhatsApp text with my college friends on a
8 Saturday, I couldn't tell you.

9 Q. At any point did you come to think
10 that the Governor should resign?

11 A. I don't know. I don't think so.
12 That's a tough question, it is bigger than just
13 the accusations. I think that certainly much
14 of the collateral damage that we are seeing to
15 the staff, former staff and some of the
16 heartache and tumult that these accusers have
17 done through and the bravery some of it could
18 have been avoided if he resigned.

19 At the same time I believe in the
20 process and there should be a process and we
21 are going through the process right now. I
22 never really got to that point other than a
23 legal of frustration at one point I said at
24 least this can all go away if he were to resign
25 and we can all move on. But not on any

1 JOSHUA VLASTO

2 specific fat point or anything.

3 Q. Did you ever say that you were in
4 favor the Governor resigning?

5 A. No. Not beyond -- not in those
6 conversations with the Executive Chamber and
7 certainly not with him. I may have once or
8 twice with friends out of exasperation
9 reflected frankly what I just said, a feeling
10 that this cycle would end on that the ancillary
11 damage to reputations of friends of mine,
12 associates, to other women who have come
13 forward in term the bravery that they've shown
14 would have ended. In terms of the political
15 process I didn't think so.

16 Q. Did you ever say to Rich Bamberger
17 and Maggie Moran I'm certainly in favor of
18 resignation at this point?

19 A. I'm sure I did. But that as I
20 recall was a more a personal preference to end
21 this sort of cycle that we were going through.
22 That was not reflective of any political
23 analysis or substantive judgement. That was
24 more me expressing that I wanted to move on
25 personally from these issues that had been

JOSHUA VLASTO

1 swirling.

2
3 Q. In what way did you want to move
4 on personally from swirling issues?

5 A. I like my work, I like my [REDACTED], I
6 like my weekends and I don't like talking about
7 the Cuomo administration in a formal or
8 informal capacity for expended periods of time.
9 So I was eager to not have these issues
10 continue to be focal point of the news cycle
11 and my conversations and focus on my business
12 and the family.

13 Q. Did you ever consider saying to
14 Melissa or the Governor what you just said?

15 A. I did. If you recall, I said when
16 they asked me to take on a bigger role I said
17 I'm not going to take on any role. And often I
18 would say, look, I can't get on these calls, I
19 can't be on this call, I'm tied on this
20 particular day. I through the lines where I
21 could from a logistic schedule, so the answer
22 to your question I did.

23 Q. But you never just flat out said
24 you would not play a role, right?

25 A. No, no, because it is not my role

1 JOSHUA VLASTO

2 or place. I don't have a formal role. When
3 they asked me to take a formal role I said no.
4 And ultimately I choose when to pick up the
5 phone and when not to pick up the phone, what
6 texts and e-mails to respond to. Over time I
7 stopped responding to the texts and stopped
8 responding to the e-mail. I continued to try
9 to give advice where I could and where it was
10 appropriate. But you know that became a long
11 experience that I was eager to have finished.

12 Q. When is the last time that you
13 spoke with the Governor?

14 A. That conversation. Yes, that
15 conversation about taking -- when I told him I
16 couldn't take a formal the role. I don't
17 recall speaking to had since.

18 Q. When last time that you
19 communicated with the Governor?

20 A. Probably then as well. I don't
21 text with him. I don't recall any specific
22 conversations after that moment.

23 Q. When is the last time that you
24 communicated with Melissa DeRosa?

25 A. She texted me over the weekend

JOSHUA VLASTO

1
2 sending --

3 Q. This past weekend?

4 A. Yes. She sent a screen shot of
5 her and [REDACTED], but I do not
6 respond. She sent me a text a couple of weeks
7 ago, April, saying I Miss you. I flagged it
8 for counsel. And I responded saying here old
9 friend we will talk soon or something like
10 that. I sort of brushed it off.

11 MR. GRANT: Do you have an
12 understanding as to why Miss DeRosa texted
13 you a picture of you and [REDACTED]
14 [REDACTED]?

15 THE WITNESS: My [REDACTED].
16 [REDACTED]. So it's an old photo. The
17 answer is I don't. In the text she said
18 that that just popped up in her feed. I
19 don't know what feed she was referring to.
20 So that was at least the reason in the
21 text.

22 BY MS. MAINOO:

23 Q. You said before that Miss DeRosa
24 had texted you that she missed you and you said
25 that it was a couple of weeks ago?

1 JOSHUA VLASTO

2 A. Yes, end of April sort of out of
3 no where.

4 Q. How far back do you and
5 Miss DeRosa go?

6 A. We went to college together.

7 Q. Did you know her in college?

8 A. Yes.

9 Q. How did you meet?

10 A. We both went to Cornell
11 University, but we were in the same college
12 within the Cornell University the School of
13 Industrial and Labor Relations, same year. It
14 was a smaller college within the bigger
15 university so you knew people in your grades.

16 Q. Do you meet freshman year?

17 A. I don't remember, somewhere in the
18 course.

19 Q. Have you maintained a relationship
20 ever since you met in college?

21 A. Not really. I think that she and
22 I became friends in college and then I went to
23 Washington and I don't know what she did. She
24 reconnected when I went up to Albany, when I
25 went to work for the Governor mostly because I

1 JOSHUA VLASTO

2 didn't know many people up there and I was
3 going to end up spending a lot time.

4 I would see her every so often we
5 would have a drink or whatever. And then when -- she
6 would work for Schneiderman, the then attorney
7 General. There was then a discussion of when
8 Rich left would -- not necessarily time with
9 Rich probably more time when [REDACTED]
10 leaving or whatever was going, could Melissa
11 come over and work for us and I was certainly
12 part of the group that was trying to recruit
13 her to come to the Governor's office, which
14 ultimately was successful later down the road.

15 Q. Do you know if Miss DeRosa is
16 aware that you're speaking with her this week?

17 A. I don't know.

18 Q. Did anyone know that you were
19 speak with us this week?

20 A. No, just [REDACTED]. Well, I don't
21 want to talk privileged counsel discussions.

22 Q. Have you told anyone that you're
23 speaking with us?

24 A. Other than counsel, and [REDACTED],
25 no.

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2 (Exhibit 47 for identification, Test
3 from Mr. Vlasto dated 2/21/21.)

4 Q. Let's go to tab 37 in your binder.
5 So that starts with a text from you to the
6 Governor saying "Hi Gov, Melissa asked me to
7 call you on this quote for the Times. It's a
8 dumb story that's been written a thousand
9 times." And you went back and forth with the
10 Governor about a statement.

11 What is the background of this
12 exchange?

13 A. I don't remember the specific
14 story. It was a Sunday night, I remember that
15 Melissa was particularly sort fried and tired
16 and she just asked if I could talk to the Gov
17 directly to get this quote to the Times..

18 Q. Did the Governor ever end up using
19 the quote that you provided?

20 A. I don't remember what ended up
21 happening. I gave it to Rich Azzopardi as a
22 reflection of the conversation that you had
23 with Governor and then I think he gave some
24 version of this. That was more also just
25 reading the quote now I think was more related

1 JOSHUA VLASTO

2 to Ron Kim and sort of the Gov's interactions
3 with staff and the Albany culture.

4 Q. There is a reference to Karen
5 Hinton's allegations, right?

6 A. I guess this was around that time
7 as well. I haven't gotten to that page yet.
8 Yes.

9 Q. Since you left the Executive
10 Chamber has Melissa DeRosa frequently asked to
11 call the Governor?

12 A. No. No.

13 Q. You mentioned interactions that
14 you had with the Governor since leaving the
15 Executive Chamber. Did you have those
16 interactions directly or did Melissa or anyone
17 else mediate?

18 A. I can think of only a handful of
19 instances over the last couple of years where
20 he would called me directly. Again, maybe five
21 times over the course of the seven years I have
22 been out. So in those interaction when I saw
23 him it wasn't just one-one-one, Melissa would
24 be there and some of the staff would be there.
25 It was very infrequent. I didn't go to Albany

JOSHUA VLASTO

1 that much. I didn't hang in the office.

2 Q. In the five or so times when
3 Governor called you directly, what was the
4 reason?
5

6 A. One was during the campaign in
7 2018, he was getting knocked for something and
8 ask for some advice about it. Sort of odd. He
9 called me about a story once when I was at
10 McAndrews, I don't remember when it was. Very
11 episodic and brief.

12 I also like times when I would see
13 him -- [REDACTED] did a fundraiser for them and I
14 saw him from a distance there. I saw him at
15 the Tappan Zee Bridge opening. That kind of
16 stuff.

17 Q. What were you doing there?

18 A. They invited all the former staff
19 who worked on the bridge. It was a big
20 ceremony.

21 Q. Did you ever speak with Linda
22 Lacewell about the issues that the Governor was
23 facing since December, 2020?

24 A. One-on-one, sometimes she and
25 Steve with call me afterwards and we would have

1 JOSHUA VLASTO

2 a debrief quickly. But no, not really. And Linda
3 and I don't have that kind of relationship. We
4 don't -- very little one on one.

5 Q. What would you speak to Steve and
6 Linda Lacewell debrief about?

7 A. I don't remember. I remember once
8 or twice I happen to be on the phone with them
9 afterwards. I don't remember the specific context of
10 the discussions.

11 Q. You know Karen Hinton?

12 A. Yes.

13 Q. How do know her?

14 A. She a Howard Glaser's wife.

15 Q. What is the significant of that?

16 A. Howard, her husband and I worked
17 together to the Governor's office the first
18 term and are personal friends.

19 Q. Do you have a direct relationship
20 with Miss Hinton?

21 A. No. I remember I guess I saw in
22 the documents that were produced over time she
23 would ask me if I knew a reporter here or
24 there. That was years ago. [REDACTED]

25 [REDACTED] so

1 JOSHUA VLASTO

2 I haven't spoken to her since [REDACTED] though
3 keep in close touch with Howard. No, I
4 wouldn't say that I had a direct friendship or
5 relationship with Karen. We went to their
6 house once for a barbecue me and [REDACTED] and
7 that it was 2014. A long time ago me and [REDACTED]
8 [REDACTED].

9 Q. Do you know anything about
10 Miss Hinton's allegations against the Governor
11 other than what is reported?

12 A. No.

13 Q. Have you discuss Miss Hinton's
14 allegations with anyone?

15 A. Yes, I mean Josh Dawsey and I
16 spoke about them. Not of any substance though.
17 I don't have any -- no. I was in high school
18 what they were working together. So I never
19 opined on whether it was true or not. I had no
20 idea.

21 Q. Do you know any of the other women
22 to made complaints relating to the Governor's
23 conduct?

24 A. No, Lindsey and Karen and I
25 suppose I overlapped with Ana Liss when she was

1 JOSHUA VLASTO

2 there, but I don't remember meeting her or
3 working with her but she apparently worked for
4 Howard when we were there at the same time. So
5 it is safe to say I met her by I don't recall
6 any interaction.

7 Q. Let's back to your interactions
8 with the Governor. Has the Governor ever
9 spoken harshly to you?

10 A. Yes.

11 Q. On what occasions?

12 A. On several occasions over the
13 years. I mean I think it's important to
14 understand the relationship that I had with him
15 when I was working in the Governor's office. I
16 travelled with him a lot, we developed a very
17 close relationship to the point where he
18 trusted me, I trusted him and so he could say
19 things to me or be me on Joe Percoco and he
20 knew we wouldn't repeat that or he was letting
21 off steam or venting it wouldn't be
22 problematic.

23 Often times he would vent
24 frustration that he had with a particular
25 moment or circumstance or whatever on me and

1 JOSHUA VLASTO

2 Joe and me and Joe just understood he was doing
3 that with us because he didn't want to do it in
4 front of anybody else.

5 I did give that context, yes,
6 there were many times when he with would raise
7 his voice and yell with me and with me and Joe
8 in particular.

9 Q. Did the Governor ever use curse
10 words toward you?

11 A. Yes.

12 Q. Which ones?

13 A. Repeating curse words, I don't
14 want to -- he referred to me in a group, two
15 other staffers as incompetent assholes.

16 Q. Next else?

17 A. The occasional this is fucking
18 terrible. Nothing of any sort of directness
19 and nothing that -- I'm not -- I don't want to
20 defend it or anything. That is factual.

21 Q. Did the Governor ever insult you
22 other than what you just described?

23 A. Insult no, nothing person -- no.
24 Being called an incompetent asshole. It was in
25 one of those moments of he is really frustrated

JOSHUA VLASTO

1
2 by something that what was going on he had to
3 let off steam.

4 Q. Did the Governor ever threaten
5 you?

6 A. No. Not define sort of give a
7 context for threat. Like if you don't do --
8 you know.

9 Q. What is understanding of a threat?

10 A. If you don't do this I'm going to
11 do that. No, we didn't have that kind of
12 rapport.

13 Q. What about without the condition,
14 just I'm going to do this?

15 A. No.

16 Q. Did the Governor ever throw
17 anything at you?

18 A. Once.

19 Q. What happened?

20 A. He was mad about something at the
21 state of the state and was very upset and
22 through a computer speaker across the room that
23 came near to my place. Again there was no one
24 else in the room, maybe Stephanie Benton was
25 there, maybe not and it was late and we all had

1 JOSHUA VLASTO

2 a long day and it wasn't at me. It wasn't like
3 he was mad at me. And he wasn't trying to hurt
4 me. It was just a moment frustration.

5 Q. Have any of other colleagues ever
6 thrown anything at you?

7 A. No.

8 Q. Did Senator Schumer ever throw
9 anything at you?

10 A. No.

11 Q. You gave examples what I asked
12 about the Governor speak harshly to you of
13 government calling you an incompetent asshole
14 and saying this is fucking terrible. What
15 other examples can you provide?

16 A. None others stand out in my mind.
17 It was a tough workplace. Sometimes tempers
18 got hot but nothing else sort of jumps out as a
19 moment where boy he said this specific thing
20 that bothered me or crossed the line.

21 I would say that what we talked
22 about earlier was when I reached my moment of
23 frustration, was when he said the reason why
24 didn't want to go a particular event was
25 because I didn't want to work on a weekend.

1 JOSHUA VLASTO

2 That in my rubric was what bothered me the
3 most. Being thought of as someone who wasn't
4 working hard enough when I was working
5 incredibly hard. That is what ultimately cross
6 my red line in terms of our represent.

7 Q. I got a sense of your standards
8 and your rubric. Setting aside your standards
9 and rubric, are there examples of the Governor
10 speaking with you in a way that a reasonable
11 person, maybe an outsider who is not familiar
12 with the Governor or the Chamber would consider
13 harsh?

14 A. But I'm the only one who gets to
15 decide what conduct that I engaged in is
16 inappropriate. So I don't -- if I decide
17 something is inappropriate like I just said,
18 then I decide it is inappropriate. If he is
19 mad about something and needs to let off a
20 little steam, I decide in that moment and
21 afterward that this was not something that I
22 felt cross the line because I knew what he was
23 doing.

24 I don't certainly apply standards
25 for myself based on somebody else's objective

1 JOSHUA VLASTO

2 standard of whatever to be sort of broad about
3 it. I'm not being evasive honest I get to
4 decide what is inappropriate with regard to me.

5 Q. Did Governor ever call you any
6 other names other than the ones that you
7 mentioned?

8 A. Not that stand at in my head.

9 MR. GRANT: Do you think there is
10 sort of conduct that is objectively
11 inappropriate?

12 THE WITNESS: Well, I would say that
13 the words and incidents that I described
14 were involving a subordinate or someone to
15 that worked for me on someone that who
16 didn't have the relationship and the
17 dynamic with him that I did, then it would
18 be inappropriate. Right.

19 That if he just did this to someone
20 out of nowhere or junior staffer, but that
21 is not what happened, that is not what I
22 saw. I was applying standards for myself.
23 If someone had come to me and said hey, he
24 called me X and through Y at me, that would
25 be very different, my reaction would be

1 JOSHUA VLASTO

2 very different.

3 Q. You mentioned earlier the Governor
4 letting off steam. How would the Governor let
5 off steam would you?

6 A. Most of the time it was just sort
7 of this is no good. This is not -- this is
8 problem. This person is not working out. Why
9 can't we get this right. Long lengthy
10 conversations. We spent a lot of time
11 together. I travelled -- there were not a lot
12 of us who travelled with him and during that
13 period of time I traveled with him a lot so we
14 spent a lot of time together.

15 Q. Did the Governor ever touch you
16 physically?

17 A. No. Other than handshakes and
18 normal social things.

19 Q. Did the Governor ever hug you?

20 A. I'm sure he did. Again, no
21 abnormal, a greeting or something like that.

22 Q. Did the Governor ever kiss you?

23 A. No. Well maybe on cheek. Like
24 sort of standard Italian greeting. I couldn't
25 tell you but now that you say it, probably.

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JOSHUA VLASTO

Q. Cheek to cheek his lips to you
cheek?

A. Cheek to cheek, casual.

Q. Did the Governor ever comment on
your appearance?

A. No.

Q. Did he ever comment on your
clothes?

A. Yes.

Q. What did he say?

A. I wore jeans to an event, my first
event. I wore jeans to and I didn't not what
the event was, it was a formal event so I was
not dress appropriately and he made a comment
essentially saying what is this. I was not
dressed for the event appropriately. I was
told it was that different event. He was
justified in saying that jeans was not
appropriate for this particular -- I think it
was a presidential event it was like Barack
Obama was giving the speech or something. I
was woefully underdressed but said with a
little tongue in cheek.

Q. Did Governor ever comment on

1 JOSHUA VLASTO

2 clothes on any other occasion?

3 A. No.

4 Q. Did the Governor ever comment on
5 you relationship status?

6 A. Yes, I remember a text when I got
7 engaged or a PIN when I got engaged sort of
8 joke like, hey man, you didn't tell me or
9 something like that. Nothing beyond that.

10 Q. Did you ever hear or hear about
11 the Governor making comments of a sexual
12 nature?

13 A. I never heard about him making
14 comments of a sexual nature to other women.
15 Right, I never heard of him sort of engaging in
16 those type of banter with people that were
17 sort of outside of his immediate circle. And
18 nothing beyond sort of banter with us, the Joes
19 and the Howards of the world. But never
20 anything beyond that and certainly not with any
21 of the women or senior women in the office. At
22 least the best I remember, no.

23 Q. Tell me about the banter between
24 the yous and Joes and Howards and the Governor?

25 A. Nothing specific really stands

1 JOSHUA VLASTO

2 out. It really doesn't. I don't remember him
3 ever commenting a subordinate she look like
4 XYZ. I can't isolate a specific comment, I
5 can't.

6 Q. Do you remember the Governor
7 making a comment about any women regardless
8 whether she did or did not work in the Chamber?

9 A. No. I'm not -- I just -- it also
10 wasn't the kind of relationship that I have
11 with people. I don't talk like that maybe he
12 just didn't talk about it with my and that kind
13 of stuff. I don't remember any specific times
14 where he would be making these comments about
15 women. It wasn't the kind banter that I heard
16 from him with me.

17 Q. I thought you just distinguished
18 between --

19 A. That's the hard part.

20 Q. Let me just finish. I thought you
21 just distinguished between any statements the
22 Governor may have made to senior woman staff or
23 others versus the banter that the Governor
24 engaged in with people like you and Joe Percoco
25 and Howard Glaser. What kind of banter did the

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JOSHUA VLASTO

Governor engage in with people like you, Joe Percoco and Howard Glaser?

A. Again, I'm trying to think of specific comments that I remember, I don't. I don't remember he said X about Y. I don't have that front of mind in my memory. It was a long time ago.

MR. GRANT: Putting aside specific comments do you remember the general subjects about which was discussed in these is conversations?

THE WITNESS: I'm reluctant to sort generally categorize it because I don't want to misalign a substantive comment with something that actually happened. As we are having this conversation going through my memory to think about an specific here and there and I don't have one right now. I don't have I was in the office and he said X. I don't have one available for you.

It was a long time ago. There was a lot going on and these are not things that I committed to my memory as significant

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moments. I could speak to the moments that I was involved in as I just did. These are not things have been lodged in my memory for seven years.

BY MS. MAINOO:

Q. Was there a difference in the way the Governor spoke with people like you, Joe Percoco and Howard Glaser versus other people?

A. I think his tone would be more relaxed. I think during those periods of time he was withdrawn from -- we didn't do a lot of sort of gland handing events. We didn't do a lot of sort of in-person events. We would do a speech and come back to the office.

We spent a lot of time together both in New York City and in Albany. So there are times when we would be in the office when we had senior staffing, there would be a lot of people around and it would be tight and formal and so on. There would be times we would be Joe's office or Howard's office of Gov's office and have our feet on the table and we would talk about the day and relax.

So again that is why I don't have

1 JOSHUA VLASTO

2 in front of mind a specific conversation where
3 he had it because it was just part of the, day
4 was the day. And also I would say I worked
5 really really hard. I was under constant media
6 pressure. I was getting a ton of media
7 requests. I worked really hard and so I tried
8 to keep it business with him as much as
9 possible.

10 Q. Did your ever hear the Governor
11 make comments about young bulls and old bulls?

12 A. Bulls.

13 Q. Bulls like the Chicago team.

14 A. No, not really, no. I mean I
15 remember him talking about himself being old, a
16 phrase like if the young only knew and the old
17 only could. Is a phrase I quoted often. So it
18 doesn't sound like something -- it does sound
19 like something he would say just in sort of the
20 structure, but I don't remember that specific
21 phrase.

22 Q. What about a comment about the
23 young bull running down the hill to sex with
24 just one bull and the old bull taking his time
25 and walking down the hill and having sex with

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all the bulls?

A. No.

Q. Did you ever hear the Governor make comments with sexual innuendos?

A. Yes.

Q. What comments?

A. I remember and that was again to me. That I had been running the Taste New York Program about promoting New York food and wine and he said that sort of a pornographic edge to it. I didn't quite see it, but that is what he said. Ultimately we didn't change the name.

Q. Anything else?

A. That was it. That's the one that I remember in this moment.

Q. Have you ever stayed overnight at mansion?

A. Yes.

Q. How often?

A. Two times.

Q. When was the first time?

A. It was years ago. I don't remember the circumstance. It was January I remember it was very cold and the pipe froze.

1 JOSHUA VLASTO

2 I don't remember what the reason was why I was
3 staying at the mansion but you stayed up in the
4 room in the top. We were there and we had been
5 work and we stayed up and had drinks, the
6 staff.

7 Q. Were you in the Executive Chamber
8 then?

9 A. I honestly don't recall, I think
10 so or it was just after I left. I don't
11 remember exactly.

12 Q. Did any other staff stay
13 overnight?

14 A. I remember Melissa was there, [REDACTED]
15 [REDACTED] was there and Stef was there. I don't
16 remember where they stayed. I only remember
17 because I remember having drinks with them late
18 into the evening, but I don't recall where they
19 stayed. I only remember I stayed there because
20 the next morning the pipe froze I couldn't take
21 a shower.

22 Q. You stayed on the third floor?

23 A. Yes. Probably, yes.

24 Q. Do you remember if the Governor
25 was in a relationship with Sandra Lee at this

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time?

A. I don't remember. I imagine that that was during the periods of time that they were together. But I don't know what the status of their relationship was at that time.

MR. GRANT: Is there any reason why you wouldn't have stayed on the second floor?

THE WITNESS: That was the floor he stayed on. I remember the room I had had a pointy top on it so I guess that means I stand on the third floor but it was a long time ago and one night.

Q. What was second time?

A. When I went up in July last year to review a draft of the book.

Q. That was fright Friday night?

A. Yes.

Q. When did you go home?

A. Saturday afternoon.

Q. Was there any other staff staying at the mansion?

A. I believe -- well, I don't know the answer to that. I don't know who

1 JOSHUA VLASTO

2 ultimately stayed over. I went to bed, Stef
3 and Melissa were still there. The Gov had gone
4 to bed an hour or two before. We had stayed up
5 in the pool house having a couple of drinks.
6 The Gov went do bed. Stef showed me to what
7 room I was going to stay in which was on the
8 third floor and then I don't know ultimately
9 know where they stayed. I imagine they stayed
10 in the mansion but I don't know for sure.

11 Q. Were they living at the mansion at
12 the time?

13 A. I don't know.

14 Q. You didn't have any discussions
15 about where they were staying?

16 A. No.

17 MR. GRANT: Were they staying on
18 the same floor as you?

19 THE WITNESS: I don't know if they
20 were staying. Stef showed me to my room
21 and I went to bed.

22 Q. Was there a reason Stephanie
23 Benton showed you to your room in the executive
24 mansion?

25 A. Nothing other than I imagine that

1 JOSHUA VLASTO

2 that is what she did normally when people
3 stayed there. I don't know my way around the
4 third floor of the executive mansion. She
5 showed me to my room. And it was late maybe
6 the staff had gone home. The household staff.

7 Q. The previously time you stay in
8 the mansion who showed you to your room?

9 A. I don't remember.

10 Q. How did the Governor treat members
11 of his staff?

12 A. It's a very broad question. So we
13 have you have to be more specific.

14 Q. Let get specific did you ever
15 observe or hear about the Governor yelling at
16 any staff members?

17 A. Sure, yes.

18 Q. How often?

19 A. It depends. It is sometimes -- it
20 depends on what was going on the particular
21 day, week and month.

22 I would say though that he in my
23 experience there, was not a yeller at the
24 general staff. That he tended to be more
25 circumspect, reserved among people that would

1 JOSHUA VLASTO

2 outside inner circle when I was there. The
3 real conversation I would say what happened
4 after the particular meeting. And that he
5 would come to us or some combination of as with
6 what he really thought had occurred in that
7 meeting.

8 I would not say that he yelled at
9 anyone outside of our circle. Except when it
10 was for political or policy purposes. So I
11 remember him yelling at the head of LIPA, the
12 Long Island Power Authority during Sandy
13 because the lights hadn't been turned back on
14 in the Rockaways and he just took his head off.
15 That wasn't a workplace conversation.

16 I remember conversations during
17 labor negotiations where he would yell at the
18 particular labor leader. So that I think is
19 safe as a matter of this discussing to put
20 outside of the conversation in the workplace
21 even though the head of LIPA was a state
22 authority. Those are sort of two isolates
23 incidents.

24 In terms of yelling at staff when
25 I was there outside of our sort of immediate

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1 group, I think it was more or less reserved.

2 Q. Who was part of the immediate
3 group or the circle that you referred to who
4 would be yelled out by the Governor?
5

6 A. Let me separate the two. I think
7 it was the immediate group where the folks on
8 the second floor in the Executive Chamber, me
9 and Rich [REDACTED], Larry, Howard, Joe,
10 that -- Stef to the extent that she was part of
11 it. Linda at the time she was in the role of
12 the Chamber. So that sort of closer inner
13 circle was where the more tense and hot
14 conversations occurred.

15 Q. Did you ever observe or hear about
16 the Governor insulting any members of that
17 immediate group that you just described?

18 A. I only remember the instances that
19 involved me. He called Rich stupid once with
20 me. I remember that. [REDACTED]
21 he was tough on but they had known each other
22 for 60 years.

23 Q. How was he tough on [REDACTED]

24 A. He would yell at him about
25 something that he didn't like. But I would put

1 JOSHUA VLASTO

2 that in the category of [REDACTED] had been a close
3 friend and confidant both of his father and him
4 personally. And he is someone that you could
5 let that kettle out of the steam -- let the
6 steam out of the kettle?

7 Q. We talked about Rich, [REDACTED]. What
8 about Linda?

9 A. Yes, same. He would be frustrated
10 and yell. This is wrong. This is -- get this
11 fixed. This is fucked up. In that category.
12 I would also again put Linda in that same
13 category was she was part of his circle where
14 she knew it wasn't personal and was just move
15 on with the day. That wasn't to say we didn't
16 get frustrated by that, but that was my sense
17 of how -- where it manifested itself.

18 Q. Anyone else?

19 A. Not jump to mine other than the
20 names that I mentioned in term of the second
21 floor when I was there.

22 Q. Let's goes to tab 86 in your
23 binder. And we will mark it as an exhibit.

24 (Exhibit 48 for identification,
25 Series of text from Mr. Vlasto to the

1 JOSHUA VLASTO

2 members of the WhatsApp group on
3 March 12th, 2021.)

4 Q. This is a series of text from you
5 to the members of the WhatsApp group on
6 March 12th, 2021. You say "the odd part about
7 these workplace stories it is not even close to
8 what it was really like to work there
9 day-to-day, it was so much work." And you were
10 asked how so and you said "the abuse on mind
11 games. But for me it never really bother me it
12 was part of the deal."

13 How was it so much work working in
14 the Chamber than what has been described in the
15 articles at least as of March 12th, 2021?

16 A. Again I can only speak to my
17 experience I was not there in the seven years.
18 The article that are out there referenced other
19 people's experience. Again, this interaction
20 with my collect friends on a WhatsApp I think
21 is reflective of what I just said. Which is,
22 not only was it never really bothered me it was
23 part of my relationship with him, A.

24 B, the mind games and the sort of
25 mind games were what I talked about toward the

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2 end where I was being told that I didn't want
3 to work on weekends and that my saying that we
4 shouldn't do an event on Saturday Dunkirk when
5 there is going to be a giant storm on an event
6 that needed to do on that day because I didn't
7 want to work.

8 That to me that is messing with my
9 head given that I had not been by him the three
10 or four previous weekends both at the DGA and
11 Washington then there was the trash crash
12 Metro-North. So that I would put in the
13 category of mind games and that is ultimately
14 bothered me. That is ultimately what crossed
15 my mind.

16 I also think the counter to what I
17 was talking about is in some of these stories
18 in my rubric if he had been saying those things
19 to me, they would not have crossed that
20 threshold of, okay, this is part of what it's
21 like to be around him and to work with him a
22 close relationship. And part of being a close
23 relationship with him over time is that he
24 feels he could vent his frustration to you.

25 Everybody of is entitled to react

1 JOSHUA VLASTO

2 differently. Everyone is entitled to fit the
3 standards to meet their standards. I have mine
4 and the people in those articles have theirs.

5 Q. What was abuse that you referred
6 to?

7 A. I mean, begin, I think it is sort
8 of generic stuff that I was talking about the
9 sort. The sort of yelling and things that I
10 would encounter with him on a daily basis. But
11 that didn't trip the wire for me but seemed
12 much less in items of legal of the level of
13 heat tripped the wire for other people.

14 So maybe I was being glib with my
15 friends in term of how I was viewing those
16 other people, but in term my standard for how
17 he treated me it was not inconsistent.

18 Q. How was it part of the deal? What
19 was the deal that you were referring to?

20 A. I would say the deal. Again, I
21 was sort of being sort of glib. It was
22 essentially what I was describing which is part
23 of things that I enjoyed so much about my job
24 was the time that I got to spend with the
25 Governor, the time that we got to be mixing it

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2 up and working on these hugely consequential
3 issue. And he was so well and we were doing so
4 well and I had a front row seat for all of
5 that. Did he occasionally did get hot, yes.
6 That's what it meant to be part of the inner
7 circle there. At 31 years old I was proud of
8 it, I was happy to be part of that office.

9 Q. Did you ever see or hear about the
10 Governor threatening any staff member?

11 A. No, that was not -- give me a
12 specific sort of scenario or hypothetical or
13 maybe, that was not the style that I saw with
14 him, no.

15 Q. Did you ever see or hear about the
16 Governor throwing anything at a staff member?

17 A. No other than my incident, no.
18 And again nobody saw my incident. It was just
19 me.

20 MR. GRANT: And Miss Benton.

21 THE WITNESS: Yes, I guess Stef too.

22 Q. Did you ever observe or hear about
23 the Governor flirting with a staff member?

24 A. No. Not -- no. No one ever came
25 to me and said he was flirty with this person

1 JOSHUA VLASTO

2 or crossed the line with this person, no.

3 Q. Did you ever see the Governor do
4 anything that was flirty with a staff member?

5 A. No. No, I don't remember these
6 moments. I don't have them in my memory as
7 anything that I would say, yes, he was really
8 flirty with her. He was trying to date -- that
9 was not his style. If you really want to pull
10 the rubric back, in those days [REDACTED]
11 were still at home so every other week he was
12 going home or 3 1/2 our of the days of the
13 week. We were shutdown than he was with his
14 family. And I suppose Sandra Lee -- there was
15 a different period of time.

16 And also it sounds sort of naive
17 and vague, we were also working really really
18 hard, so I didn't focus on these sort of minor
19 moments here and there. I didn't focus on -- I
20 didn't commit to memory any specific isolate
21 moment or conversation. I don't quite know how
22 else to describe it.

23 Q. Are there any minor moments that
24 observed or heard about?

25 A. No.

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2 Q. Did you hear about any changes in
3 the Executive Chamber since you left? You have
4 been talking about how things were in your
5 time.

6 A. Well, I think in terms of rumors
7 and culture shifts, right, certainly the
8 behavior described in these accusations is very
9 different from what I saw. Certainly this sort
10 of culture of reporting in terms of how the
11 senior staff treated the junior staff in some
12 of these articles is different from what I saw.
13 And certainly no one has written those stories
14 about me or Rich or my colleagues at the time,
15 so I can't say for certain what goes on there
16 today.

17 What I can say in terms my
18 perspective is, that this was not something
19 that was being written about us when I was
20 there or him.

21 Q. Other than what you've seen
22 reported to articles, have you heard about any
23 shift in the culture of the Executive Chamber
24 since you were there?

25 A. No, I mean I think that some of

1 JOSHUA VLASTO

2 the stuff I hear there was more socializing at
3 mansion. Some rumors that had been going on
4 during the reporters was like pool parties and
5 stuff like that. We would occasionally have
6 sort holiday party or come over for drinks,
7 they were not sort of parties, they were
8 actually we used to joke they were quite stiff.
9 I think it became a little more social up there
10 among the staff.

11 So there was sort of those little
12 isolated things that I would hear, but I wasn't
13 there. So I couldn't tell you what a pool
14 party was actually like I didn't go to a pool
15 party.

16 Q. What rumors did you hear?

17 A. They would have -- there was a
18 pool party, that they had sort of a late night
19 pool party and people were swimming. I never
20 saw anybody in that pool when I was there.

21 Q. Did you ever hear any rumors
22 about any staff member jumping in the pool at
23 mansion?

24 A. I heard or a reporter had heard
25 that **Senior Staffer #3** had jumped in the pool.

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2 Senior Staffer #3 who is friend told somebody in one of
3 these calls that didn't happen. I don't have
4 any reason to believe it did or didn't. I know
5 Senior Staffer #3 and maybe it did or maybe it didn't.
6 But to the previous point that was the kind of
7 rumor that was incongruous with the experience
8 that I had there.

9 You asked about changes, that is
10 something that I would not see happening with
11 us.

12 Q. How did you hear about this rumor
13 about Senior Staffer #3

14 A. I either heard it in one of these
15 calls when we were analyzing a media report or
16 Josh Dawsey asked me about it. I don't
17 remember which came first.

18 Q. Did you ever observe or hear about
19 the Governor touching a staff member?

20 A. No. When I was there, no.

21 Q. How about after or from what you
22 have seen in public?

23 A. Only what I heard. I mean define
24 touching. Let be more specific.

25 Q. Did ever you observe or hear about

1 JOSHUA VLASTO

2 the Governor hugging a staff member?

3 A. It is a tough question, right,
4 because it is, of course, he hugged people.
5 Did I ever hear someone say to me
6 inappropriately or he's been hugging a lot of
7 people recently, no.

8 To say I heard specifically that
9 there was increase hugging, I did not hear
10 that. But I also did the hear the opposite
11 which was he stopped hugging people.

12 Q. Did you ever observe or hear about
13 the Governor hugging someone in a way that made
14 him or her uncomfortable?

15 A. Not beyond the allegations that
16 have been delineated.

17 Q. Did you ever observe or hear about
18 the Governor kissing a staff member on the
19 lips?

20 A. No, not outside Lindsey Boylan who
21 I believe she made that specific claim. Not
22 outside of any of claims that have been public.

23 Q. Have you ever seen or hear about a
24 staff member sitting on the Governor's lap?

25 A. This Senior Staffer #3 at the pool party I

1 JOSHUA VLASTO

2 think someone had said that Senior Staffer #3 sat on his
3 lap on someone seen her sitting on his lap at
4 pool party. That was sort of it.

5 Q. How did you hear that?

6 A. In the same sort of conversation
7 about the pool party. The same sort of
8 conversations. Not there was a specific one
9 about the pool party, that same sort of series
10 of circumstance.

11 Q. Did you hear Senior Staffer #3 response to
12 that?

13 A. I don't remember talking to
14 Senior Staffer #3 specifically. I remember either Dani
15 lever or Melissa who knows her and is friends
16 with her had spoken to her and that she was in
17 fact talking to Josh Dawsey directly and
18 denying the whole incident. Whether or not she
19 did, I don't know.

20 Q. Did you ever go to any super bowl
21 partied after you left the Chamber?

22 A. After I left the Chamber, no. I
23 don't think so. I went to -- there was one or
24 two when I was there. But they were public
25 parties. They were at venues. One was at

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2 Bill's Bar and Burger. I don't think I ever
3 went to the Super Bowl parties after I left.

4 Q. Did you see or hear about the
5 Governor commenting on staff members
6 appearance?

7 A. No.

8 Q. Did you ever see or hear about the
9 Governor commenting on staff members
10 relationship status?

11 A. I mean made the comment to me
12 about [REDACTED] when we got engaged. It was a PIN.
13 It wasn't anything. I don't remember anything
14 specifically. It doesn't sound out of the
15 ordinary though. If he would ask someone who
16 they were going out with. I remember reading
17 that and thinking that sounds right but I don't
18 remember him saying about someone specifically.

19 Q. Have you ever e-mailed with the
20 Governor?

21 A. Have you ever e-mailed with the
22 Governor? Yes, I e-mailed -- he had an e-mail
23 when we was the Attorney General. I don't
24 believe I ever really e-mailed him, I can't
25 think of the top of my head any specific time

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2 that I e-mail when he became Governor but I
3 can't say for certain.

4 Q. When the Governor was Attorney
5 General, he had an e-mail account, right?

6 A. There was an e-mail linked to his
7 Blackberry that I remember that we use
8 occasionally.

9 Q. After Mr. Cuomo became Governor
10 did he stop using e-mail?

11 A. As best I remember. I don't
12 remember exactly how it came and went. The
13 primary we used PINs and we used PINs.

14 Q. What was the reason for switching
15 over to PINs exclusively?

16 A. I don't know. By the time I sort
17 of started communicating with him directly it
18 was using Blackberry PINs. PINs are more
19 secure I guess they are not housed on a server
20 or something. That is not to say he didn't
21 e-mail with people and I know he text with
22 people. I was not a regular texter with him.
23 I know he texted with people.

24 Q. Do you know Mr. Cuomo used PINs
25 before he became governor?

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A. I think why PINs on the campaign. That sounds about right.

Q. When you worked on the campaign what method of communication did you use when were not speaking face to fact?

A. I didn't did not communicate with him that much directly during the campaign. I travelled with him occasionally and we would talk and he would call me. But in terms of I didn't have that sort of one-to-one dynamic with him yet. It came more after the election.

Q. Did you ever communicate on e-mails including the Governor's e-mail when you were working on the campaign?

A. Yes, I think that sounds right. I don't remember specifically but that sounds right. This is the 2010 campaign. This is many many years ago.

Q. Was there ever any discussion that you either were part of or heard about concerning the Governor's use of e-mails?

A. No, there was discussion and press attention on the Governor's lack of use of e-mails. Right. And there was reporting about

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2 the PINs and whether or not they were FOILable
3 or so on. I never heard a discussion about his
4 concerning use of e-mail. So if someone has
5 concerns about him using e-mail, I don't know
6 there were concerns.

7 Q. When I say concerning I meant
8 synonymous regarding --

9 A. Yes, regarding -- yes there was
10 attention about the lack of use of e-mails, but
11 I never heard about the use of e-mails.

12 Q. Was there any discussion in the
13 Chamber about the Governor's lack of use of
14 e-mails?

15 A. I mean mostly in my view at the
16 time if I remember -- I don't remember. It was
17 one of 4 million press requests that we getting
18 that day. I didn't see to think it was a big
19 story or big deal and I would use whatever
20 devices they told me to use.

21 Q. Were PINs used to communicate with
22 the Governor because they were more
23 confidential?

24 A. I don't -- again, I used what
25 devices they gave me. To my knowledge PINs are

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2 not saved on a server so they disappear when, I
3 don't know if delete them or whatever, I'm not
4 a technological guy, I just used whatever they
5 had.

6 Q. How did you become aware that PINs
7 are not saved on a server so they disappear?

8 A. I don't know. Somebody told me
9 that or I read about them or just general
10 knowledge.

11 Q. Did anyone in the Chamber talk
12 about e-mail retention practices when you
13 worked in the Chamber?

14 A. I mean we had lengthy discussions
15 over the years about the retention policy and
16 who was saving what and so on. We always had
17 FOIL requests coming in. There was sort of the -- I
18 wouldn't say it was his use that was the ever
19 present issue. It was just the general use of
20 regular e-mail a personal e-mail, PINs across
21 all the staff and what was retained and what
22 was FOILable, it was a constant issue with the
23 press.

24 Q. Were there any particular members
25 of senior staff who were responsible for that

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2 issue?

3 A. So Linda primarily, that type of
4 stuff fell to her. What was the retention
5 policy what were the agencies retaining, what
6 we were retaining, who were we working.
7 Whether or not she did anything about it or
8 whatever, I don't know. It was so long ago.
9 But, yes, that was generally in her portfolio.

10 Q. Did you observe or hear about any
11 differences in the way that Governor treated
12 men versus women on the staff?

13 A. So when I was there no, I mean I
14 found him to be polite and respectful and
15 cordial. I don't recall ever thinking this is
16 a dynamic that is going the wrong way. Mostly
17 because no one ever came to me. If someone had
18 called me and came to me and said, you know, I
19 had an a weird conversation with him or I
20 really feel this is inappropriate I would have
21 done something about it and I would have
22 reacted to it, but I can't recall a specific
23 conversation.

24 MR. GRANT: Have you ever heard the
25 Governor use language that would commonly

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being considered sexist?

THE WITNESS: No.

MR. GRANT: Have you ever heard the Governor use the word bitch?

THE WITNESS: Maybe. But maybe just with me. Sort of casually like she is a bitch or but not in a room with people, no.

MR. GRANT: You were an employee of the Governor at the time, correct?

THE WITNESS: At the time of what?

MR. GRANT: At the time that he may have said the word bitch?

THE WITNESS: I suppose. But begin, okay, let's go keep.

MR. GRANT: Do you think he could have been considered to be signalling anything to a male subordinate by freely using that language.

THE WITNESS: Not to me.

MR. GRANT: Okay. Have you ever heard the Governor use the word cunt?

THE WITNESS: Never, no. I don't recall him ever using that word. It might

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stick out in my head that is a word that I never heard him say that.

BY MS. MAINOO:

Q. Setting aside whether anyone came to you to complain about the Governor's conduct, did you observe or hear about differences in how the Governor treated men versus woman on the staff?

A. You know it is sort of defined the staff. He was with Linda, with Stephanie, with [REDACTED], he was tough with us. As a group collectively, so I didn't see any differentiation between the way he treated men and women in our circle.

To say that he would treat subordinate outside women either commissioners or junior staff I never saw -- I saw an difference how he treated me relative to them, but I didn't sort of see at those moments him either -- as I said, I didn't see a sort of demeaning or sexualizing that at least was front of mind to me or noticeable to me. When I was there. It was a long time ago though.

Q. Was the Governor nicer to woman

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subordinates than men subordinates?

A. I would say he was cordial and polite to subordinates. I think that I would say probably it's safe to say that he was polite with women from the that were on the outside of the inside. And cordial.

Q. Did that differ from the way he treated men who were on the outside?

A. Not -- I mean not in any way in my view that is different than is sort of the normal social morays of how we treat each other as people.

So I will give you example. Every time Maria Bartiromo came up to the mansion, to Albany to host a Regional Economic Development Awards, she would host this sort of ceremony at the capitol. He would give her flowers at the end in front of everybody. It was on the stage. He would not have given a man flowers. Who if [REDACTED] came and hosted he wouldn't have given [REDACTED] a bouquet of flowers. That is the difference a little bit.

You could say well should he have given Maris Bartiromo flower or not, I would

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2 probably put in the not column. That is
3 probably not something that you want to doing
4 with a reporter and with a prominent woman in
5 front of the staff. But that was a difference
6 between how he would have treat a man and a
7 women.

8 Q. Did you ever observe or hear about
9 any difference how the Governor treated Melissa
10 DeRosa?

11 A. Not while I was there. We
12 overlapped I suppose for a year. Over time
13 certainly I would hear rumor and reports that
14 they have gotten very close relationship. They
15 were running the government together. That she
16 was in charge of everything. So, yes, that was
17 certainly a change in the dynamic in terms of
18 the power structure she got promoted several
19 times since I left. Since I left, yes.

20 Q. Did you observe any of that
21 yourself?

22 A. No, I mean I wasn't interacting
23 with them, right. She was in charge she was
24 secretary of the Governor, so, I can't think of
25 an instance where beyond sort of being in a

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2 discussion that she was running where there was
3 a dynamic, obviously -- let's keep going, the
4 answer is in the workplace I didn't see it as I
5 was not in the workplace.

6 Q. Outside the workplace?

7 A. Ask the full question, let's be
8 specific. A change in the dynamic from when?

9 Q. Did you observe any differences in
10 how the Governor treated Melissa DeRosa?

11 A. I just described them relative to
12 the workplace. I don't think this difference
13 necessarily in terms of how he treated her from
14 one minute to the next. I'm not trying to be
15 evasive. I'm just trying to answer the
16 question.

17 I didn't see him in these sort
18 of -- even in those calls, sort of interact
19 with her and her level of device and sort of
20 their dynamic and demeanor on these calls to
21 the extent that I was listening be much
22 different than 2016 where there was a large gap
23 of time, two years where I wasn't speaking to
24 the Governor or Governor's office. There was
25 lot of gaps in my interactions with the two of

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2 them.

3 Q. Did you observe differences in how
4 the Governor interacted with Melissa DeRosa as
5 opposed to other staff members?

6 A. Certainly the was very deferential
7 to her and listen to her and she carried an
8 enormous amount of weight when she said
9 something he agreed. Again I didn't interact
10 with the two of them that much at all. I
11 probably spoke to him a dozen or two times in
12 any context. I talked to her often, but I
13 didn't see them interact that much even over
14 the course of the seven years on the outside.

15 Q. Do you know if the Governor had a
16 sexual or romantic relationship with any staff
17 member?

18 A. I don't know that he.

19 Q. Have you ever heard rumors about
20 that?

21 A. Yes.

22 Q. What you have you heard?

23 A. I mean I'm reluctant these are
24 private citizens and grown ups and adults I'm
25 very reluctant to comment on rumors that I

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2 heard that are unsubstantiated. I don't have
3 any evidence to back them up and they have
4 never been publicly reported. I'm reluctant to
5 engage in spreading of rumors about people's
6 personal lives. I don't feel comfortable with
7 that.

8 Q. Earlier you told us a rumor about

9

10 Was that rumor substantiated?

11 A. I wouldn't say it was
12 substantiated I heard it from senior people
13 within the administration as well as people who
14 interacted with her. So I suppose that is a
15 fair point. I heard those rumors from credible
16 people that I respect. So I suppose these are
17 different because those credible people that I
18 deal with deny these rumors and they've never
19 been reported or substantiated so I do suppose
20 there a difference. I take you point. Again
21 I'm reluctant to mention anything that is
22 unsubstantiated that I heard from a reporter or
23 Albany gossip.

24 Q. So are those the sources of rumors
25 that you heard about the Governor having sexual

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2 or romantic relationships with any staff member
3 reporters or Albany gossip?

4 A. Generally Albany gossip. I
5 mean -- okay, keep going.

6 Q. You mean what?

7 A. So there was a conversation with
8 Senior Staffer #1 where she told me at one point that she
9 had [REDACTED]

10 [REDACTED]. I didn't ask her to define that. I
11 didn't get into the details, but that is
12 something that she told me. She subsequently
13 denied that to me after she had told me that.
14 It has been never been reported I have no
15 evidence backwards, but at one point she did
16 tell me that.

17 Q. When did you have this
18 conversation with Senior Staffer #1 in which she
19 told you she had an [REDACTED]
20 [REDACTED] ?

21 A. [REDACTED]
22 [REDACTED]
23 which they ultimately did. And she feared that
24 in those stories that there would be, as I
25 said, sort of a writing of those rumors. That

JOSHUA VLASTO

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2 they would either insinuate on it's face or
3 sort of allude to the idea they were having
4 some sort of relationship. And so she
5 obviously was concerned about that and called
6 me to give her advice on how to handle the
7 story. Ultimately that is when she told me
8 that [REDACTED].

9 It was [REDACTED]
10 [REDACTED]. I didn't press on what that ment. But
11 that is what prompted her to tell me.

12 Q. When was that conversation with
13 Senior Staffer #1?

14 A. During those couple of months.
15 Whenever the next day or that day that they

16 [REDACTED]
17 [REDACTED] [REDACTED]
18 [REDACTED]

19 Q. What did you say to Senior Staffer #1
20 during these this conversation?

21 A. I said okay. I said what do you
22 want to say. What do you want to say about
23 this. She said I don't want this public, I
24 just don't want to go near it. I said let's
25 figure out to go through it.

JOSHUA VLASTO

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Q. What you advise her to do?

A. We worked through a statement that she would give or that the Governor would give it he was asked at the upcoming briefing [REDACTED] [REDACTED] I never really thought they would be asked about it. And we sort of played with the language a little bit. Ultimately [REDACTED] did not print those rumors. They printed the story but didn't post anything related to those rumors and no one ever asked.

Q. Did you and Senior Staffer #1 exchange any text about this?

A. No.

Q. Did you exchange any e-mails?

A. I don't think so. I have to look back. I'm sure we would have produced them if we did.

Q. We will ask to you double-check.

A. We discussed the statement, I doubt that I wrote it down or anything like that. I don't recall doing that. I would have to double-check.

Q. Was anyone else involved in this

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discussion?

A. Chris Cuomo was on phone.

Q. Did you have any other discussions with Senior Staffer #1 about her relationship with the Governor?

A. No, as I said after that the [REDACTED] [REDACTED] came and went no one asked about it sort of moved on. And as I said a couple of days later she said to me and just so you know we don't have a relationship. And I said okay. I'm not -- I didn't want to pry. It is not my business.

Q. What did you understand by Senior Staffer #1 Senior Staffer #1 reference to [REDACTED] [REDACTED] ?

A. As I said I didn't press. It is not my business I think it was her telling me that there had been some sort of [REDACTED] [REDACTED] and I didn't care to understand more. It is not my business. Her posture was going to be she would deny it publicly and that is something that I wasn't pushing back on. I want to help she was a friend and this involved her

JOSHUA VLASTO

1 personally and I wanted to be helpful.

2
3 Q. Have you a discuss with anyone
4 else who was currently or was previously in the
5 Executive Chamber about the nature of
6 Senior Staffer #1 relationship with the Governor?

7 A. No. I mean I would say that some
8 people ask me about the rumors or repeat rumors
9 about the two them. But I don't disclose that
10 nature of that conversation. I just say it is
11 rumors or gossip.

12 Q. Given what Senior Staffer #1 told you
13 about her [REDACTED]
14 [REDACTED], what's the reason for
15 characterizing what you heard about Senior Staffer #1
16 and Governor as rumors or just gossip?

17 A. I'm telling you that I'm
18 characterizing that to outside people who ask
19 me. I'm not in the business of talking about
20 her personal life with people other than this
21 particular rumor.

22 Q. When we were talking in this room
23 and I asked you whether you --

24 A. Yes, you want to go through what
25 you ask me and I can explain.

JOSHUA VLASTO

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Q. Explain.

A. Yu asked me about inappropriate touching and hugging and physical contact and so on. I don't know what the nature of their relationship was. She described it as an [REDACTED] and I don't know what that means. I didn't press to define it. I'm not being evasive I'm just being precise.

Q. I asked you if you know if the Governor had a sexual or romantic relationship with any staff members and you said no.

A. I don't know that they had sexual relationship. I don't know what that means. I don't know that they had sex. She at one point said to me we have not had sex. That is what when she told know. I don't know if that true or not.

Q. When did Senior Staffer #1 tell you --

A. In that conversation.

Q. What else did Senior Staffer #1 say in a that conversation?

A. I mean I'm giving you what is responsive to what you're asking. I'm -- this

1 JOSHUA VLASTO

2 is what she told me in the course of this very
3 tense moment, but I didn't push to define it.
4 I didn't ask questions, I didn't want -- I
5 didn't care to pry into her personal life. She
6 told me stuff and that is what she told me.

7 Q. How long was the conversation?

8 A. Minutes, 15 fifteen minutes.

9 Q. How did that conversation start?

10 A. She called me and told me what the

11 [REDACTED] was.

12 Q. What did she say?

13 A. She said [REDACTED]

14 [REDACTED]
15 [REDACTED] and she
16 says pretty upset about it and said could we
17 get Chris Cuomo on the phone and we got Chris
18 Cuomo.

19 Q. Who called Chris Cuomo?

20 A. I don't remember if I patched him
21 in or she patched had in.

22 Q. What did Chris Cuomo say?

23 A. He didn't say much it was sort of
24 along the lines of was he said. Which is that
25 reacting to her saying this [REDACTED]

JOSHUA VLASTO

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[REDACTED]

[REDACTED]. Something along those lines. I didn't find that relevant. Then we sort of went into what would the sort of statement look like if she was asked. If he was asked or she was asked.

Q. To be clear, Chris Cuomo asked Senior Staffer #1 whether Senior Staffer #1 intended to [REDACTED]?

A. Yes.

Q. Did you understand Senior Staffer #1 to be say she presently in those [REDACTED] [REDACTED] at the time of your call?

A. Yes.

THE VIDEOGRAPHER: Going off the

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JOSHUA VLASTO

record the time is 7:38.

(Recess taken).

THE VIDEOGRAPHER: We are back on
record the time is 7:44.

MS. MAINOO: Bill, can you read back
the last thing on the transcript.

(Requested portion of record read.)

BY MS. MAINOO:

Q. So I think earlier you said Chris
Cuomo asked if Senior Staffer #1

[REDACTED]

A. Yes.

Q. What was Senior Staffer #1 response?

A. She said she didn't know and that
she thought maybe, maybe not. But it wasn't
more specific than that.

Q. Did you understand whether Chris
Cuomo had previously been aware of what

Senior Staffer #1
[REDACTED]

A. Based on that conversation and an
subsequent conversation that I had with him
after that call. He was at least projecting to

JOSHUA VLASTO

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me that he did not know. Whether or not that is true or not I don't know.

Q. What else did Miss Mr. Cuomo say on that call?

A. On the initial or the follow up call?

Q. The initial call.

A. Essentially it is probably we both though, we both though it was [REDACTED]

[REDACTED] That was sort of so much else going on, [REDACTED] and his view and mine was that if [REDACTED]

[REDACTED]
[REDACTED]

Q. That was your advice even

Senior Staffer #1 [REDACTED]
[REDACTED]
[REDACTED]

A. Yes.

Q. How did the topic of sex come up during that call?

[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

JOSHUA VLASTO

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Senior Staffer #1

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THE WITNESS: Can we discuss this off-line it makes me very uncomfortable

MS. MAINOO: You can take a break.

THE VIDEOGRAPHER: We are going off the record the time is 7:48.

(Recess taken)

THE VIDEOGRAPHER: Back on the record the time is 7:52.

BY MS. MAINOO:

Senior Staffer #1

JOSHUA VLASTO

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[REDACTED]

Q. Did Senior Staffer #1 say this in the context of a call with you and Mr. Chris Cuomo?

[REDACTED]

JOSHUA VLASTO

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2 Q. Did Senior Staffer #1 say anything else
3 on this call?

4 A. No, I mean it sort of -- not of
5 [REDACTED]. It then sort
6 moved to a discussion about what a statement
7 and the response to any questions would be. So
8 again, I'm sort of jogging my memory here. I
9 don't recall anything that stood out.

10 Q. Did you or Chris Cuomo ask
11 Senior Staffer #1
12 [REDACTED]

13 A. We didn't ask. She brought it up
14 in terms of between the [REDACTED]
15 [REDACTED] I didn't ask and Chris didn't ask.

16 Q. You mentioned a call that you and
17 Chris had, when was that?

18 A. After we wrapped the sort of
19 conversation with Senior Staffer #1 and I should say the
20 Governor did join that discussion towards the
21 end. Where he did not participate much and it
22 was not -- it was an after she told us about
23 [REDACTED] and he chimed
24 in and started talking about the response to
25 the statement.

JOSHUA VLASTO

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2 Q. When did the Governor join this
3 call?

4 A. Frankly it was probably my
5 impression at the time that they had been
6 listening to call and I had been on the speaker
7 phone or we had been on the speaker phone and
8 then at one point it was taken off mute or
9 something like that. But it was not only in
10 the context and then it talking about here is
11 what we would say and so on.

12 Q. Was gave you the impression that
13 the Governor had been on the call the whole
14 time?

15 A. Because she didn't say hey let me
16 go patch the Governor in or let me get him. He
17 was just sort of on.

18 Q. Was anyone else on this call?

19 A. Not then. After we had another
20 sort of round about in terms of the statement
21 where Jeff Pollock and [REDACTED] were
22 brought on but Senior Staffer #1 did not discuss the
23 nature of their relationship. It was purely
24 the statement. So they do not have the
25 information, at least they were the not told

1 JOSHUA VLASTO

2 the information that I just told you in my
3 presence. It was just a context of [REDACTED]
4 [REDACTED] was going to suggest there is
5 relationship, what should we say.

6 Q. Who was part of that call?

7 A. Jeff, [REDACTED], the
8 Governor was on that call.

9 Q. Chris Cuomo?

10 A. I don't remember if Chris was on
11 with that group. I don't remember. He may
12 have been, but I see seem to remember him not.

13 Q. Were there any other calls about
14 Senior Staffer #1 relationship with the Governor?

15 A. Not that I was on. So over the
16 course of the day they were dealing with the
17 [REDACTED] and so the Governor I think had done
18 the briefing, [REDACTED], so
19 there would have been no reason to ask, so he
20 never had to give that statement. And then the
21 [REDACTED] again I might be getting
22 the sort of timeline wrong, but it doesn't
23 matter.

JOSHUA VLASTO

1 [REDACTED] and it was a nonevent.
2
3 So no one ever -- that I'm aware of there were
4 no follow up questions or anything like that so
5 the statement that we talked about was never
6 needed and never discussed again until as I
7 said [REDACTED] Senior Staffer #1 in a one off comment a couple of
8 days or weeks later said by the way, we never
9 had a relationship.

10 Q. Did you believe her when she said
11 that?

12 A. You know this is going to sound
13 thin, I didn't know what to believe. [REDACTED]

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED] [REDACTED]
20 [REDACTED]

21 Q. You mentioned a conversation that
22 you had with Chris Cuomo. When was that
23 conversation?

24 A. This was after the initial
25 conversation with the Governor and [REDACTED] Senior Staffer #1

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JOSHUA VLASTO

Q. The same day?

A. Yes, it was minutes after.

Q. For how long?

A. Probably 10 or 15 minutes, it was just sort of a quick debrief on what we had just heard.

Q. What you did you discuss?

A. Sort of what we just heard and the various sort of permutations about where the story could go. I seem to remember him saying a comment like I don't know if this is true or not. I don't know the nature of their relationship. Again, if this is -- he is his brother, these are human beings, he might have been trying to protect him, I didn't put much on that particular conversation.

Q. Have you told anyone about Senior Staffer #1

Senior Staffer #1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

JOSHUA VLASTO

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[REDACTED]

Q. Have you observed or heard about the Governor make any staff member uncomfortable ever?

A. So, obviously we have been well aware of the public incidences and so on. I can't remember a specific incident where I heard from someone or saw and said, boy, that was a sexualized -- that was something that made she feel uncomfortable. I only know the that things that I read about and heard about in passing. But I can't think of a specific incident off the top of my head.

Q. Have you ever observed or heard about members of the circle, the group that you referenced earlier, including people like Linda Lacewell Joe Percoco yelling at any staff members in the execute Executive Chamber?

A. Joe occasionally, but I don't remember -- I don't have a specific moment in my head of a yelling or dressing down of a

1 JOSHUA VLASTO

2 junior staffer, I don't. We had 4 million
3 meetings over the course of these years.

4 Q. Did you ever yell at a staff
5 member in the Executive Chamber?

6 A. Me, not that I can recall, no.

7 Q. Have you ever seen or heard about
8 a staff member in the Executive Chamber being
9 upset by any treatment they received from
10 members of the inner circle?

11 A. When I was there -- I'm trying to
12 go back. Certainly not on my team. Not in the
13 press office. You know -- I'm trying to think.
14 It is so illogical to say I don't remember such
15 an specific incident because it was a difficult
16 environment and we were frustrated constantly.
17 I think [REDACTED] got a lot, [REDACTED] got yelled at a
18 lot, I guess he was in the inner circle. [REDACTED]
19 [REDACTED] was scheduler he would get a couple
20 of yellings, I remember during that period of
21 time the Governor was tough on him. Again I
22 don't have an inspect recollection at the
23 moment. So it all in that sort of category,
24 yes, he was tough -- we were tough on staff but
25 I don't have the specific isolated storied to

JOSHUA VLASTO

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2 recount.

3 Q. Is there anything that you would
4 like to add or any answers that you wish to
5 clarify before we finish?

6 A. No.

7 Q. Is there anything else that you
8 can think of that is relevant to our investigation?

9 A. No.

10 Q. If you would like to make any
11 brief sworn statement you may do so now?

12 A. I would want to add one piece we
13 didn't talk about and it relates to the Gareth
14 period of time. Stef we went over those texts
15 where Gareth -- where I gave Gareth the sort of
16 advice don't talk to them, don't call her or
17 whatever I said.

18 There was a conversation I had
19 with Stephanie Benton that Stephanie called me.
20 She said to me what are you hearing from
21 Gareth, what do you know, what I do think. I
22 said I'm not hearing much. I said I'm not
23 going to talk about it. She said why don't you
24 call him and see what he is saying. Tell him
25 he is okay. Tell him can he tell you about

1 JOSHUA VLASTO

2 what he is hearing about what about Ana is
3 going to say. Can you see if he will call sort
4 of pushing me to get some information. And I
5 said of course, Stef, I will call him but I'm
6 absolutely not going to push him call Ana and
7 I'm not going to do that at all.

8 I called Gareth and you told him
9 exactly that. I said under no circumstances
10 should you call her. Do not get involved in
11 this at all. She needs to do what she needs to
12 do. I didn't relay that back to Stephanie, but
13 I wanted to make that clear there was that ask
14 to call Gareth to call Ana and we didn't end
15 you executing against it.

16 Q. Thank you for clarifying that. Do
17 you have any information about the nature of
18 Miss Benton's relationship with the Governor?

19 A. No.

20 Q. Have you heard rumors?

21 A. Again I don't want to talk about
22 specific unsubstantiated rumors, however I've
23 never had a conversation with her or him or
24 anybody about their relationship.

25 MS. MAINOO: We are going to

JOSHUA VLASTO

1
2 conclude this examination thank you for
3 speaking with us today Mr. Vlasto. I will
4 take this opportunity to remind you that
5 you have continuing obligations under our
6 subpoena for documents, if you have
7 additional documents that responsive to our
8 subpoena you have a continuing obligation
9 to produce them to us. You also have
10 continuing obligations under our subpoena
11 for testimony if we need to come back to
12 answer additional questions we will contact
13 you through your attorney.

14 THE WITNESS: Thank you.

15 MS. MAINOO: We could go off the
16 record.

17 THE VIDEOGRAPHER: This concluded
18 today deposition the time is 8:04.

19 (TIME NOTED: 8:04 P.M.)
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C E R T I F I C A T E

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STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

I, WILLIAM VISCONTI, a Certified Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing proceedings were taken before me on June 7, 2021;

That the within transcript is a true record of said proceedings;

That I am not connected by blood or marriage with any of the parties herein nor interested directly or indirectly in the matter in controversy, nor am I in the employ of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of November, 2021.



WILLIAM VISCONTI