

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- - - - - x

In the Matter of:

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

- - - - - x

June 8, 2021
9:06 a.m. (EST)

Testimony of WITNESS
6/8/2021, taken by The New York Attorney
General's Office pursuant to Notice, held
via Zoom videoconference, before Garry J.
Torres, a Stenographer, and Notary Public
of the State of New York.

* * *

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

2

JENNER & BLOCK

3

Attorneys for Deponent

WITNESS 6/8/2021

4

919 Third Avenue

New York, New York 10022

5

TEL: (212) 891-1609

EMAIL: aperry@jenner.com

6

BY: ANNE CORTINA PERRY, ESQ.

7

NIKA ARZOUMANIAN, ESQ.

8

9

CLEARY GOTTlieb STEEN & HAMILTON
LLP

10

Special Deputy

One Liberty Plaza

11

New York, New York 10006

TEL: (212) 225-2482

12

EMAIL: lmichelen@cgsh.com

13

BY: LORENA MICHELEN, ESQ.

ABENA MAINOO, ESQ.

14

YANNICK GRANT, ESQ.

15

16

ALSO PRESENT:

17

JOON H. KIM, ESQ.

18

JIM WINSLOW - VIDEOGRAPHER,

VERITEXT NEW YORK

19

* * *

20

21

22

23

24

25

1 THE VIDEOGRAPHER: We are now on
2 the record. Please note that the
3 microphones are sensitive and may pick
4 up whispering and private
5 conversations.

6 Please turn off all cell phones
7 or place them away from the
8 microphones as they can interfere with
9 the deposition audio. Recording will
10 continue until all parties agree to go
11 off the record.

12 My name is James Winslow
13 representing Veritext New York. Today
14 is June 8, 2021. The time is
15 approximately 9:08 a.m. This
16 deposition is being held remotely, and
17 the witness is located in New York,
18 New York in the matter -- and being
19 taken in the matter Independent
20 Investigation Under New York State
21 Executive Law Section 63(8).

22 This is WITNESS June 8, 2021.
23 At this time, the attorneys present in
24 the room and also attending remotely
25 identify themselves and the parties

1 they represent, starting with the
2 taking attorney.

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

10 MR. KIM: Joon Kim, also from
11 Cleary Gottlieb and acting as a
12 Special Deputy in the Attorney
13 General's Office.

14 MR. GRANT: Yannick Grant, also
15 from the law office of Vladeck, Raskin
16 & Clark, also acting as a Special
17 Deputy to the First Deputy of the New
18 York State Attorney.

19 MS. MICHELEN: Lorena Michelen
20 from Cleary Gottlieb, acting as a
21 Special Assistant to the Attorney
22 General.

23 MS. PERRY: Anne Cortina Perry
24 of Jenner & Block for the witness
25 WITNESS 6/9/2021. My colleague Nika

1 Arzoumanian participating remotely.

2 MS. ARZOUMANIAN: Nika
3 Arzoumanian for WITNESS 6/8/2021 with
4 Jenner & Block.

5 THE VIDEOGRAPHER: Okay. I
6 believe we have everyone. At this
7 time, our court reporter, Garry
8 Torres, representing Veritext New York
9 will swear in the witness and we may
10 proceed.

11 W I T N E S S 6/8/2021,
12 having first been duly sworn by
13 Garry J. Torres, the Notary
14 Public, was examined and
15 testified as follows:

16 MS. MAINOO: Good morning.
17 Thank you for meeting with us today.
18 Before I start asking questions, I'm
19 going to just give you some background
20 information and go over some ground
21 rules.

22 The New York Attorney General
23 has appointed the law firms Cleary
24 Gottlieb Steen & Hamilton and Vladeck,
25 Raskin & Clark to conduct an

1 investigation under New York Executive
2 Law Section 63(8) into allegations of
3 sexual harassment brought against
4 Governor Andrew Cuomo as well as the
5 surrounding circumstances. You are
6 here today pursuant to a subpoena
7 issued in connection with this
8 investigation.

9 I will note that today's
10 proceeding is being video recorded.
11 You are under oath. That means you
12 must testify fully and truthfully just
13 as if you were in a court of law
14 sitting before a judge and jury. Your
15 testimony is subject to a penalty of
16 perjury.

17 If you would like to make any
18 brief sworn statement, we ask that you
19 do so at the conclusion of our
20 examination today.

21 Although this is a civil
22 investigation, this office in New York
23 Attorney General's Office also has
24 criminal enforcement powers. You have
25 the right to refuse to answer a

1 question if answering the question
2 would incriminate you, but any failure
3 to answer can be used against you in a
4 court of law in a civil, noncriminal
5 proceeding.

6 Asserting your fifth amendment
7 privilege does have evidentiary
8 significance. If you choose to assert
9 your fifth amendment privilege, that
10 fact could be presented to a judge or
11 jury in a civil proceeding who would
12 be free to draw a conclusion from your
13 assertion of that privilege.

14 You're appearing today with your
15 attorneys present. You may consult
16 with your attorneys if you have any
17 questions about the application of the
18 attorney/client privilege.

19 As you can see, we have a court
20 reporter present with us in the
21 virtual room, and he needs to take
22 down my questions and your answers to
23 create the transcript. So that the
24 reporter can create a clean record,
25 please provide a verbal response to

1 each question. Please do not shake or
2 nod your head or give responses like
3 m-hmm; do you understand?

4 THE WITNESS: Yes, I do.

5 MS. MAINOO: If you do not know
6 the answer to a question, please say
7 you do not know. Please allow me to
8 finish my question before you begin to
9 answer, and I'll also try to let you
10 finish your answer before I start
11 speaking so we don't speak over each
12 other. It's important to do that so
13 it will allow our court reporter to
14 create the transcript.

15 You will not be permitted to
16 review a transcript of this testimony.
17 If at any time today you want to
18 clarify an answer you have given,
19 please let me know.

20 If you do not understand a
21 question, please let me know and I
22 will try to ask the question in a
23 different way. I will be asking about
24 names and dates and other specific
25 information. Even if you don't

1 remember a specific name or date I
2 would ask that you give me your best
3 approximate answer while indicating
4 that your answer may not be exact.

5 If you need a break at any
6 point, please let me know. But if
7 there's a question pending, please
8 answer the question first and then we
9 can take a break.

10 Please confirm that you are not
11 using any technology to create a
12 recording of the proceeding including
13 by use of screen capturing tools.

14 THE WITNESS: I am not.

15 MS. MAINOO: And Counsel, please
16 confirm the same.

17 MS. PERRY: Confirmed.

18 MS. ARZUMANIAN: Confirmed.

19 MS. MAINOO: Please confirm that
20 you're not allowing anyone else to
21 listen in, including through any
22 devices.

23 THE WITNESS: I am not.

24 MS. MAINOO: Counsel, please
25 confirm the same.

1 MS. PERRY: Confirmed.

2 MS. ARZOUMANIAN: Confirmed.

3 MS. MAINOO: Please confirm that
4 you are not and will not communicate
5 in realtime or during breaks with
6 anyone else about the substance of
7 your testimony.

8 THE WITNESS: I will not.

9 MS. MAINOO: Counsel?

10 MS. PERRY: Confirmed.

11 MS. ARZOUMANIAN: Confirmed.

12 MS. MAINOO: Executive
13 Law 63(8), the provision under which
14 this investigation is being conducted,
15 prohibits you and your counsel from
16 revealing anything about what we ask
17 or what you say during your testimony
18 to anyone.

19 If anyone asks you to disclose
20 any such information, please let us
21 know, including any reason they
22 provide for seeking such information,
23 and we will discuss with you whether
24 any disclosure will be permitted.

25 Please note that you are

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] at
2 Kivvit, K-I-V-V-I-T.

3 DIRECT EXAMINATION

4 BY MS. MAINOO:

5 Q. WITNESS 6/8/2021, have you given
6 testimony before?

7 A. I have not.

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

10 A. I met with counsel.

11 Q. Which counsel did you meet with?

12 A. Anne Perry.

13 Q. Anyone else?

14 A. Yes. Seth Agoda (phonetic) and
15 Katia and I don't know Katia's last name.

16 MS. PERRY: Kaita Jestin
17 (phonetic throughout).

18 A. Jestin. Sorry.

19 MS. PERRY: Also of Jenner &
20 Block.

21 A. All of Jenner & Block.

22 Q. When did you meet with counsel?

23 A. Periodically over the last, I
24 guess, month, month and a half. I don't
25 have an exact -- I'd say four or five

1 times.

2 Q. How long did you meet with
3 counsel?

4 A. Depends on the time. I would
5 say between one and -- depending on the
6 time between one and two, two-and-a-half
7 hours each.

8 Q. Did you speak with anyone else
9 in preparation for your examination today?

10 A. I did not.

11 Q. WITNESS 6/8/2021, please open
12 your binder to tab one, and we'll mark
13 this as an exhibit.

14 A. Can I do one thing? My phone is
15 on vibrating and I felt it. Can I turn it
16 off?

17 MS. MAINOO: Sure. Let's go off
18 the record.

19 THE WITNESS: I apologize.

20 THE VIDEOGRAPHER: Did you want
21 to go off the video record as well or
22 did you want to stay on?

23 MS. MAINOO: Yes, please. Let's
24 go off the record.

25 THE VIDEOGRAPHER: Okay. The

1 time is 9:17. We're off the record.

2 (Whereupon, an off-the-record
3 discussion was held.)

4 THE VIDEOGRAPHER: The time is
5 9:18. We're back on the record.

6 Q. So WITNESS 6/8/2021, let's go to
7 tab one in your binder, which we'll mark
8 as an exhibit. Are you there?

9 A. Yes.

10 Q. Is this document the document
11 subpoena you received from our office?

12 A. I believe so. I didn't look at
13 it very carefully so I believe so.

14 MS. PERRY: You can take a
15 moment to review it now.

16 THE WITNESS: Oh, okay. Yes.
17 It looks like -- to the best -- I
18 looked at the one that came to me.
19 That looks like it's the same one.

20 Q. Did you read the document
21 subpoena that you received from our
22 office?

23 A. Just now?

24 Q. Previously.

25 A. Oh, I skimmed it when it came to

1 me.

2 Q. What did you do to collect
3 documents in response to the subpoena?

4 A. They downloaded my phone, my
5 Gmail and Kivvit, my employer, did the
6 same thing, I'm told.

7 Q. Please open your binder to tab
8 two, and we'll mark this as Exhibit 2.

9 A. It is opened.

10 Q. Is this the testimony subpoena
11 you received from our office?

12 A. Yes, I believe it is.

13 Q. Did you read the testimony
14 subpoena?

15 A. Yes, I did.

16 Q. Do you understand that your
17 testimony today is being taken pursuant to
18 this subpoena?

19 A. Yes, I do.

20 Q. WITNESS 6/8/2021, please take us
21 through your educational background
22 starting in college.

23 A. I went to Skidmore College in
24 Saratoga Springs, New York. I graduated
25 with a Bachelor of Arts.

1 Q. Please walk us through your
2 employment history after college, but
3 before joining the Executive Chamber.

4 A. I started as a producer and a
5 graphics designer at WRGB Television in
6 Albany, New York, then I became the
7 assignment manager of WFOR-TV, which is
8 the CBS station in Miami, Florida.

9 Q. WITNESS 6/8/2021, before you
10 continue, when did you become a producer
11 at WRGB-TV?

12 A. I was an intern there in 1991,
13 and I believe I left there as a producer
14 through several jobs in 1993. And then in
15 1993, I went to WFOR in Miami, Florida,
16 which is the CBS station there and I was
17 there from '93 to '97.

18 And then I went to WJBK
19 television in Detroit, Michigan, and I was
20 there from '97 to '01. And then -- and I
21 was the managing editor there, and then I
22 became the managing editor of WCBS
23 television here in New York on
24 September 10th of 2001. And then in 2008,
25 I was hired at the Attorney General's

1 Office here in New York.

2 Q. How did you come to work for the
3 Attorney General's Office in New York?

4 A. I was -- I came out of a search
5 committee in 2006, and I turned down the
6 job in 2006. And then they came back to
7 me -- "they" being the Attorney General's
8 Office -- in 2008, and I accepted the job
9 in 2008.

10 Q. What led up to the search
11 committee process in 2006?

12 A. I actually don't know. I got
13 a -- I received a call in 2006 from
14 members of the search committee out of the
15 blue actually and had a short conversation
16 with them, if I recall, and turned it
17 down.

18 Q. What's the reason you turned
19 down the position in 2006?

20 A. I believe it was several-fold --
21 oh, and I apologize. I skipped a short
22 stint between WCBS and Attorney General's
23 Office. I was at Inside Edition -- I'm
24 sorry -- as a managing editor for six
25 months or seven months or something like

1 that in between WCBS and Attorney
2 General's Office.

3 Back to the Attorney General's,
4 back to your question. I apologize. As
5 far as I remember, it was several-fold.
6 First of all, it was a pay cut and, second
7 of all, my wife didn't want me to take the
8 job.

9 Q. Who did you speak with back in
10 2006?

11 A. In 2006 the -- members of the
12 search committee who called me -- I know
13 it was [REDACTED] [REDACTED], who I think back
14 then was with the Metropolitan Museum;
15 Steve Cohen, who was with the Attorney
16 General's Office and at some point; I
17 don't recall if it was when -- or it was
18 [REDACTED] [REDACTED], who was -- who has a PR firm
19 here in New York and worked with former
20 Governor Mario Cuomo.

21 Q. And before participating in the
22 search committee process in 2006, did you
23 know any of those three individuals?

24 A. I did not.

25 Q. Other than those three

1 individuals, did you speak with anyone in
2 connection with the 2006 search committee
3 process?

4 A. I -- yes, I had -- I was invited
5 to dinner with former Governor Mario Cuomo
6 and former First Lady Matilda Cuomo with
7 the then Attorney General Andrew Cuomo.

8 Q. Who invited you to dinner with
9 the Cuomos?

10 A. Oh, I don't know for sure. I'm
11 sure it's one of the then Attorney General
12 Andrew Cuomo's schedulers. I don't know
13 for sure.

14 Q. Did you accept the dinner
15 invitation?

16 A. I did.

17 Q. When was the dinner?

18 A. It had to have been sometime in
19 2008 because then I started shortly
20 thereafter.

21 Q. Before that dinner, had you ever
22 met Andrew Cuomo?

23 A. I had not.

24 Q. Have you ever met his parents?

25 A. When I worked at WRGB in Albany,

1 I recall former Governor Mario Cuomo
2 coming in at least once for an interview,
3 but I was a 20-year-old kid back then, but
4 I do remember him coming into the news
5 room. And I also met him one other time.

6 My mother, [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 was a Supreme Court Justice in the Bronx.
8 And I recall meeting him with her, and I
9 was even younger back then I believe. But
10 I can't even give you a date or anything
11 like that, but I do recall meeting him
12 with her, as her son.

13 Q. Did anyone else attend the
14 dinner that you attended with Andrew
15 Cuomo, Mario Cuomo and Madeline Cuomo?

16 A. I don't recall for sure. I
17 believe Steve Cohen was there, but I can't
18 tell you that for sure.

19 Q. Did you bring anyone along to
20 the dinner?

21 A. I did not.

22 Q. How long was the dinner?

23 A. I can't recall that.

24 Q. Where was that?

25 A. That I do recall because

1 that's -- it was at the Harmony Club here
2 in New York City.

3 Q. Did you attend this dinner
4 before or after you had accepted the job?

5 A. It was before.

6 Q. Okay. So earlier you were
7 saying that there was a search committee
8 process in 2006. You turned down the
9 position of communications director; is
10 that correct?

11 A. Yes.

12 Q. And then in 2008, someone
13 contacted you again. Who reached out to
14 you in 2008?

15 A. I believe it was Steve Cohen.

16 Q. What did Mr. Cohen say?

17 A. Something to the effect of -- I
18 don't know exactly, but something to the
19 effect of that he has the opportunity of a
20 lifetime and was I interested.

21 Q. How did you respond?

22 A. I don't really recall. I mean
23 it was something to the effect of I'll
24 have the conversation or something to that
25 effect.

1 Q. Did Mr. Cohen explain why he was
2 presenting a position as the opportunity
3 of a lifetime?

4 A. He did not.

5 Q. Did you have a sense of the
6 reason he described it that way?

7 A. I think he was just being off
8 the cuff. I mean, I -- and I can't tell
9 you that's exactly what he said. I mean
10 that was the -- that was the aura, right,
11 that he -- it was a unique opportunity or
12 something of that sort.

13 Q. Given that you turned down the
14 same opportunity two years before, what's
15 the reason you discussed it with
16 Mr. Cohen?

17 A. I wanted to hear more about it.

18 Q. So what did you hear?

19 A. That the -- they wanted a -- and
20 this is 30,000-foot of the conversation,
21 that they wanted a storyteller. I
22 remember saying that I didn't know
23 anything about politics, and why would
24 they want someone who knows nothing about
25 politics?

1 And they said, we don't want
2 someone who knows about politics. We want
3 someone who knows how to work with the
4 press, and so that intrigued me as far as
5 I recall and so I listened.

6 Q. During the search committee
7 process in -- back in 2006, did anyone
8 describe what the position would involve?

9 A. I can't imagine they didn't,
10 right? Because I spoke to them on the
11 phone, so I can't imagine they didn't. I
12 mean I would assume it was the same basic
13 description without the -- we needed
14 someone who's not involved in politics,
15 who is involved in media. But that's an
16 assumption.

17 Q. Did Mr. Cohen explain why they
18 wanted someone who knew how to work with
19 the press?

20 A. Because the -- because I assume
21 that the job -- the job is to work on how
22 to tell a story and how to tell a story to
23 the press, and so that's -- I mean, that's
24 my assumption.

25 Q. You said "they," who are you

1 referring to as they?

2 A. Whoever was talking to me from
3 the Attorney General's Office, I'm
4 assuming in 2006 and 2008.

5 Q. When you were talking about your
6 conversation with Steve Cohen, I think you
7 said, they want someone who knows how to
8 work for the press. Who are you referring
9 to as "they"?

10 A. Oh, I'm sorry. The Attorney
11 General's Office.

12 Q. Do you remember when you had
13 this conversation with Mr. Cohen?

14 A. I don't. It would have to be
15 soon before I started at the Attorney
16 General's Office, but I'm just assuming
17 that.

18 Q. So what happened next after you
19 spoke with Mr. Cohen?

20 A. We talked and I'm speaking
21 30,000 feet. It was a long time ago. And
22 we did that dinner that I referred to
23 earlier, and then I accepted the job.

24 Q. What did you discuss at the
25 dinner?

1 A. Oh, I don't remember that. I
2 mean, I can only assume my career. I
3 ran -- I helped run CBS during 9/11 so
4 that -- whenever anyone talks about my
5 career we talk about that, so -- but I'm
6 just assuming.

7 Q. Did you have an understanding of
8 the reason you were invited to this dinner
9 with Andrew Cuomo and his parents, maybe
10 Mr. Cohen?

11 A. Yeah. They wanted to talk about
12 the potential of me taking that job.

13 Q. What's the reason Andrew Cuomo's
14 parents came along?

15 A. Oh, I don't know that.

16 Q. So when did you accept the
17 position?

18 A. Soon after the dinner.

19 Q. When did you start?

20 A. I don't have an exact start date
21 that I recall. It was in 2008, but I
22 can -- if you need that, I can find that
23 out at some point. It's in my LinkedIn,
24 so I can go in there.

25 Q. What was your title when you

1 started?

2 A. Communications director.

3 Q. Did anyone else hold that
4 position before you?

5 A. I'm sure somebody did.

6 Q. What were your responsibilities
7 as communications director?

8 A. I was press releases, news
9 conferences and dealing with the intake
10 and outtake of calls from press.

11 Q. I think you said when Mr. Cohen
12 called you in 2008, you said you didn't
13 know anything about politics. Was there a
14 reason you made that statement given that
15 Mr. Cohen was trying recruit you to work
16 in the Attorney General's Office?

17 A. I believe I made that statement
18 just to make sure they knew that if they
19 asked me who my local assembly person or
20 senator was, I would not know that.

21 Q. Was there any discussion before
22 you took on the job as the communications
23 director for the Attorney General's Office
24 about Andrew Cuomo's political ambitions?

25 A. Say that one more time. I'm

1 sorry. Because you cut out for a second
2 on the echo. I apologize.

3 Q. Was there any discussion before
4 you took on the position as communications
5 director for the Attorney General's Office
6 of Andrew Cuomo's political ambitions?

7 A. I don't recall any conversations
8 like that.

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

11 A. I reported to Steve
12 Cuomo -- Steve Cuomo -- Steve Cohen and
13 then Attorney General Cuomo, as well as --
14 I think his title is deputy chief of staff
15 [REDACTED] (phonetic).

16 Q. Who reported to you?

17 A. There were press officers, there
18 was a press secretary and there were some
19 interns based both in New York and in
20 Albany.

21 Q. Who was the press secretary?

22 A. A man named [REDACTED].

23 Q. How many press officers were
24 there?

25 A. There was -- I believe there was

1 two in New York and three in Albany, I
2 believe. Those numbers may be a little
3 bit off, but it wasn't a staff of 50
4 is -- it was a couple down here and a
5 couple up there.

6 Q. Who are they?

7 A. One of the press officers in New
8 York was a woman named [REDACTED] [REDACTED]. There
9 was a press officer -- I believe his name
10 was [REDACTED] [REDACTED] or -- I'm sorry. [REDACTED]
11 [REDACTED] and up in Albany there was a press
12 officer named [REDACTED] [REDACTED] [REDACTED] [REDACTED] and
13 [REDACTED] [REDACTED].

14 Q. Where were you based?

15 A. I was based in New York, but I
16 drove wherever -- wherever was needed.

17 Q. How often did you interact with
18 the Governor -- sorry -- the attorney
19 general?

20 A. On a daily basis.

21 Q. What interactions did you have
22 with Attorney General Cuomo?

23 A. Talk about news articles, talk
24 about -- we met often with EDAGs and other
25 lawyers in the attorney general's office

1 about cases and what could be press
2 worthy, both from a outward bound, but
3 what we could be potentially taking inward
4 bound calls on and that sort of thing.

5 Q. What was your relationship like
6 with Attorney General Cuomo when you were
7 communications director?

8 A. Businesslike.

9 Q. What do you mean by
10 "businesslike"?

11 A. We talked about business and --
12 like any other working environment.

13 Q. Were you close?

14 A. Close? He asked me about my
15 family at work, he would ask how the kids
16 are, I would ask how his kids are. So I
17 mean we knew each other's -- or talked
18 about each other's family and -- but it
19 was business.

20 Q. Would you go to his home?

21 A. Not in the Attorney General's
22 Office, no.

23 Q. Would you go out to dinner?

24 A. Not in the Attorney General's
25 Office unless it was a business dinner.

1 Q. Would you go out for drinks?

2 A. No.

3 Q. So what was your next position
4 after you served as communications
5 director in the New York Attorney
6 General's Office?

7 A. I was communications director
8 for the Governor -- when he became
9 Governor.

10 Q. How did you come to work as
11 communications director when Mr. Cuomo
12 became Governor?

13 A. On election night when he won,
14 he asked if I wanted to be communications
15 director.

16 Q. What did you say?

17 A. I recall calling my wife and
18 then I said, yes.

19 Q. Had you considered the
20 possibility of becoming communications
21 director once Mr. Cuomo became Governor
22 before he was elected?

23 A. I did not and I was actually
24 looking to get out of government. I was
25 looking for other jobs.

1 Q. At what stage were you in
2 looking for other jobs?

3 A. There were several
4 possibilities. The one possibility
5 that -- there were several possibilities,
6 but none of them came through. And so it
7 was good timing on his end.

8 Q. Had you interviewed for any
9 other jobs?

10 A. Yes.

11 Q. When had you started
12 interviewing for any other jobs?

13 A. I don't know exactly, but
14 probably six months before the election.
15 That's just a ballpark.

16 Q. Was there a reason you were
17 looking to get out of government?

18 A. I was away from home a lot. We
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and it was time.

20 Q. Had you spoken to anyone in the
21 Attorney General's Office about the fact
22 that you were looking into other
23 opportunities?

24 A. I don't believe I did.

25 Q. Did you work on Mr. Cuomo's

1 first campaign for Governor?

2 A. In 2002?

3 Q. No. So not his first. His
4 first successful campaign, did you work on
5 the campaign?

6 A. Oh, no. Between AG. I did not.
7 I was on the government side.

8 Q. So when did you get back to
9 Governor-elect Cuomo in response to his
10 offer for you to join the Executive
11 Chamber as the communications director?

12 A. I don't know for sure. I
13 believe there was a light-hearted yes that
14 night after I talked to my wife.

15 Q. Why do you describe it as light
16 hearted?

17 A. Because it wasn't a formal yes.
18 I mean it was a long time ago, but the
19 best I can think of it was a, yeah, of
20 course, we'll go up to Albany, or
21 something to that -- I mean I'm obviously
22 not even paraphrasing. I'm recollecting.
23 But yeah, so that's what I meant by light
24 hearted.

25 Q. Was there a formal discussion at

1 some point?

2 A. Was there a --

3 Q. A formal discussion at some
4 point after you joining the Executive
5 Chamber as a communications director?

6 A. Yes.

7 Q. When was that?

8 A. Sometime after election night,
9 but it couldn't have been too long because
10 I remember starting to plan the
11 inauguration, right, sometime, I guess,
12 around Thanksgiving. So it -- I don't
13 have a time, but it couldn't have been too
14 long.

15 Q. What did you discuss?

16 A. The main thing I remember about
17 that discussion was he told me -- well, a
18 group of us; it wasn't just me -- that we
19 were going to be taking a pay cut from the
20 previous administration because there was
21 a \$10 billion deficit. So it was on us to
22 take a pay cut. So that's what stands out
23 over that time period.

24 Q. Who else was part of that
25 discussion?

1 A. I believe -- and I don't know
2 for sure. I'm -- I'm tossing out names
3 who would have been there, if that makes
4 sense. But Steve Cohen, [REDACTED] [REDACTED]
5 [REDACTED], sorry -- Josh Vlasto, Joe Percoco,
6 potentially Linda Lacewell. I'm just
7 trying to figure out names of folks who
8 went from AG's to the Governor's Office
9 with -- as part of the transition.

10 But as I said, I can't 100
11 percent guarantee that they were in that
12 meeting, but those are the names that
13 would have transferred over.

14 Q. What was your reaction to the
15 news about the pay cut?

16 A. It was not exactly what I wanted
17 to hear.

18 Q. So did the pay cut take effect?

19 A. Yes.

20 Q. Did you have any discussions
21 about how long you would stay on as
22 communications director in the Executive
23 Chamber?

24 A. Yeah. So I had said one year.

25 Q. When did you say that?

1 A. During one of the conversations.
2 I mean -- and there was nothing in
3 writing, there was nothing in -- it wasn't
4 a -- it wasn't a contract. It was just,
5 hey, I can -- it was casual. I can only
6 stay for one year.

7 Q. Did you have any other
8 discussions with the Governor about the
9 terms or conditions of your joining his
10 new administration as communications
11 director?

12 A. I'm sure we did. I don't
13 recall. And I can only imagine I had
14 conversations with HR as well, but I don't
15 recall what those conversations were.

16 Q. Did you end up staying for one
17 year?

18 A. I ended up staying for two
19 years -- almost two years. A year and
20 10 months, something like that.

21 Q. How was that? How was it that
22 you ended up staying for almost two years
23 instead of the one year that you signed up
24 for?

25 A. Just life happens, right, and I

1 ended up staying.

2 Q. Did anyone ask you to stay?

3 A. Not officially, right, but they
4 were like, come on, we're doing so well
5 and life happens, right.

6 Q. Who said, we're doing so well?

7 A. Oh, no. "We." Not necessarily
8 me. I mean, there was a -- for the first
9 two years, there was a tight group who had
10 worked at the AG's Office together. So we
11 were -- we were close for the first two
12 years.

13 Q. Who was in that group? I think
14 earlier you mentioned Cohen, [REDACTED],
15 Vlasto, Percoco?

16 A. Yeah, [REDACTED] [REDACTED] was
17 there. She was at the AG's Office. Who
18 else came over from the AG's Office?

19 Q. You mentioned Lacewell too?

20 A. Lacewell came over to the AG's
21 Office, and some of the press officers
22 from the AG's Office came over as well.

23 Q. When did you leave your position
24 as communications director in the
25 Executive Chamber?

1 A. Right after Hurricane Sandy in
2 2012.

3 Q. Before then, had you ever spoken
4 with the Governor about leaving the
5 Executive Chamber?

6 A. I don't recall.

7 Q. Had you ever spoken with any of
8 your colleagues in the Executive Chamber
9 about leaving before you actually did in
10 2012?

11 A. I'm sure I did. I mean
12 we -- I'm sure I did. We talked about it
13 all the time, right. So I mean, I don't
14 recall an official sit down and have a
15 conversation but I'm sure we did.

16 Q. What's the reason you say you
17 talked about it all the time?

18 A. Oh, because we were away from
19 our families a lot especially at the
20 Governor's Office during such things as
21 Hurricane Wilma -- no Wilma was at CBS.

22 Hurricane Katrina and Hurricane
23 Irene and -- I'm sorry. I was at CBS for
24 Katrina and Wilma. I was at the
25 Governor's Office for Sandy and Irene. So

1 we were away from our families a lot.

2 Q. What were your responsibilities
3 as communications director in the chamber?

4 A. Similar to the Attorney
5 General's Office. News conferences,
6 dealing with the reporters and the
7 Governor's Office had the added
8 responsibility of a lot of agencies and
9 authorities. So that's where the added
10 work came in.

11 Q. Who did you report to?

12 A. I reported to the sector to the
13 Governor, the director of operations for
14 the Governor, who then was Howard Glaser,
15 who worked on the campaign. I don't know
16 if he volunteered or worked. He did
17 something for the campaign but -- and then
18 ultimately the Governor.

19 Q. Who was the secretary to the
20 Governor at the time?

21 A. Stove Cohen.

22 Q. Did you volunteer for the
23 campaign?

24 A. I don't believe I did. I don't
25 recall. I don't recall doing anything for

1 the campaign.

2 Q. Who reported to you?

3 A. I mean, I may have marched in a
4 parade or something. But who reported to
5 me?

6 Q. Yes. When you were
7 communications director in the chamber?

8 A. Oh, the Governor's Office. So
9 Josh Vlasto was -- he was the deputy
10 communications director, and I hope I'm
11 getting titles right.

12 There were -- you want names?
13 Obviously. [REDACTED] [REDACTED] was a press
14 officer, [REDACTED] [REDACTED] was a press officer
15 until he moved to SUNY; [REDACTED] [REDACTED], I think
16 was a deputy press secretary -- my titles
17 are off so don't -- and then he moved to
18 gaming.

19 [REDACTED] [REDACTED] who was -- I don't
20 know what his title was that. I'm sorry.
21 I'm sure there's more, but I can't recall.
22 If I think of it, I'll interrupt. There
23 were more folks. And folks came and went,
24 right.

25 Q. Where were you based?

1 A. I was based for the -- for our
2 time there, basically it was not a spoken
3 rule, but Josh and I were where he was,
4 "he" being the Governor.

5 Q. What's the reason you say it was
6 not a spoken rule?

7 A. Well, there was nothing on paper
8 that says, you have to be here if he's
9 here, right. It was just, the Governor is
10 in Albany, he'll be there at 7:00 a.m., I
11 need you there at 7:00 a.m. in Albany.

12 Q. Was it like that the entire time
13 you served as communications director for
14 the Governor, that you and Josh were where
15 the Governor was?

16 A. Yes, I believe so.

17 Q. Had you worked with Josh before
18 you started working in the Executive
19 Chamber?

20 A. So I had met him because, I
21 believe, we worked on the campaign. I
22 believe he was the press secretary for the
23 campaign. But that's the first time I met
24 him was -- if -- as -- when he was on the
25 campaign.

1 Q. How did you interact with
2 Mr. Vlasto when he was on the campaign?

3 A. Not much. I don't recall seeing
4 him very much. I recall we sat and had a
5 conversation -- I think it was on election
6 night. I was basically in my own world at
7 the AG's Office because there were a lot
8 of cases that were moving because it was
9 the end of -- beginning of the transition,
10 end of the -- that term.

11 Q. How did Josh Vlasto become your
12 communications director?

13 A. The Governor and the secretary
14 hired him.

15 Q. Did they discuss it with you?

16 A. Not -- I don't recall really
17 having a conversation, no.

18 Q. Did your level of interactions
19 with the Governor change after he became
20 Governor? Let me ask that again. Did
21 your level of interactions with Andrew
22 Cuomo change when he became Governor?

23 A. From AG you mean?

24 Q. Right.

25 A. The -- yes. Because the amount

1 of work increased exponentially.

2 Q. How did the exponential increase
3 in the amount of work affect your level of
4 interaction with Mr. Cuomo?

5 A. Well, there was a lot more
6 media, and there was a lot more going on.

7 Q. Did you spend a lot more time
8 with Mr. Cuomo after he became Governor?

9 A. Yes.

10 Q. What kind of relationship did
11 you have with him during that time when
12 you were in the Executive Chamber?

13 A. I would characterize it as a lot
14 of work. And so I mean, it was day and
15 night in terms of -- let me rephrase that.

16 The work was day and night. I
17 did not spend day and night with the
18 Governor, but the work was day and night.

19 And therefore had to -- it just
20 coincided that you had to spend more time
21 and it was more time with everybody,
22 right? It was more time with the director
23 of operations who I didn't spend any time
24 with in the AG's Office because he wasn't
25 in the AG's Office. More time with Steve.

1 I spent a lot of time in the office.

2 Q. Did you spend time with Governor
3 Cuomo outside the office?

4 A. Well, if I could define that,
5 right, so outside the office meaning it
6 was work, right, I mean there -- we -- I
7 can't recall, like, a nice mellow dinner,
8 right?

9 There were times -- and I can
10 say Hurricane Irene, right, it was
11 supposed to hit downstate, it didn't hit
12 downstate. It hit upstate. We all had go
13 bags.

14 When it didn't hit downstate --
15 and this is just one example -- he turned
16 to Howard Glaser and I and said get your
17 go bag. We're going in a black hawk and
18 we're going upstate. So I never told my
19 wife if I was going up in a helicopter or
20 anything because she hated that and she
21 hated to know that.

22 And so we flew -- I remember we
23 flew to Johnson City, New York, outside
24 Binghamton, that was completely under
25 water. We landed. We met with the

1 emergency operations guys. "We" being the
2 Governor, Howard Glaser, myself and some
3 state police.

4 And then the Governor said,
5 okay, Howard, you and WITNESS 6/8/2021
6 stay here. I'm going up to Keen Valley,
7 which is near Lake Placid, because they're
8 under water too, and we didn't come home
9 for a couple of days. We had to go to
10 Walmart and buy clothes, right.

11 So when you mean out of the
12 office, there was not a lot of relaxing
13 times, and that's one of the reasons why I
14 left.

15 Q. Did you spend time in the
16 Governor's home during your time in the
17 Executive Chamber?

18 A. I did spend some time in the
19 Governor's home, not -- to get food and
20 stuff sometimes or to prep him on an
21 interview. It was not long periods of
22 time.

23 If we had to go on these long
24 trips or these last-minute trips,
25 sometimes we would run in and grab

1 something out of the fridge on the way to
2 the pad or the helicopter and things like
3 that.

4 Q. Was this Mount Kisco, the
5 executive mansion or both? Which home?

6 A. The Mount Kisco home, I would go
7 up and drop off documents. I live in [REDACTED]
8 [REDACTED] [REDACTED] -- well, I live in
9 my -- [REDACTED] [REDACTED] [REDACTED] [REDACTED]. My
10 school district is [REDACTED] [REDACTED]. So I
11 actually live in [REDACTED] [REDACTED], which is
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. So I used
13 to go up there and drop off paperwork or
14 something like that.

15 Q. When did you tell the Governor
16 you were leaving the Executive Chamber?

17 A. I don't have an exact date. It
18 was before Sandy and then when Sandy hit,
19 I stayed on for some small portion of
20 Sandy and we -- the person who was -- who
21 replaced me was there as well during Sandy
22 so that it was a transition.

23 Q. When did you start interviewing
24 for your next position after the Executive
25 Chamber?

1 A. It wasn't -- I don't know a
2 timetable. It wasn't really a formal
3 interview. My current boss knew -- knows
4 the Governor and was looking to expand the
5 New York office, and she asked me if I was
6 interested.

7 Q. That's Maggie Moran?

8 A. Correct.

9 Q. When did you have that
10 discussion with Ms. Moran?

11 A. I don't have an exact -- I mean,
12 it had to have been -- I'm just
13 back-timing. So Sandy was October, I
14 believe, end of October. So I stayed
15 through some parts of Sandy. So I mean,
16 it had to have been late summer, early
17 fall, but I can't tell you for sure.

18 Q. What did you discuss with
19 Ms. Moran at the time?

20 A. That there were -- that the New
21 York office basically didn't exist and she
22 wanted to create a New York office.

23 Q. Did you reach -- did you
24 initiate this discussion with Ms. Moran or
25 did she reach out to you?

1 A. I believe she reached out to me
2 because I didn't know very much about what
3 she did.

4 Q. Do you know what prompted her to
5 reach out to you?

6 A. I don't.

7 Q. What did you discuss with
8 Ms. Moran about the position at the time?

9 A. Just -- it was a public affairs,
10 public relations position where I would
11 work with the media and clients in the
12 private sector. And I'm summarizing, I
13 mean, obviously.

14 Q. How did Ms. Moran know the
15 Governor?

16 A. I don't know how she knew him
17 prior to me working there. I don't know
18 what sparked their -- what was the genesis
19 of their relationship. I don't know. I
20 would assume it was just her politics, but
21 I don't know.

22 Q. Before you spoke with Ms. Moran,
23 had you ever interacted with her? Before
24 you spoke with her about the position, had
25 you ever interacted with her?

1 A. Once at a meeting in the office,
2 in the New York office. I don't know if
3 it was a meeting or she came to say hello.
4 She was in the New York office. And I
5 don't know if it was he who introduced us
6 or someone else who introduced us, but it
7 was in the New York office.

8 Q. In the Governor's Office in New
9 York?

10 A. Correct. Sorry. Yes.

11 Q. What year was that?

12 A. Oh, I don't know. I mean, not
13 to state the obvious, it had to have been
14 either 2011 or early 2012 just cause --
15 but I don't know.

16 Q. So what happened next after you
17 spoke with Ms. Moran about her interest in
18 expanding the New York office?

19 A. We talked about doing it and she
20 hired me.

21 Q. What was the name of the
22 company?

23 A. Well, back then it was called M
24 Public Affairs.

25 Q. Was there anyone else in the New

1 York office at the time Ms. Moran hired
2 you?

3 A. There were three other people
4 and it was a shared office. It was -- we
5 didn't actually have our own office. It
6 was a shared office. But yes, there were
7 three other people.

8 Q. What position did you have when
9 you joined M Public Affairs?

10 A. Managing director.

11 Q. What were your responsibilities?

12 A. To bring in clients and service
13 the clients.

14 Q. What kind of clients do you
15 have?

16 A. Everything from automotive to
17 airline to private jet consumer, union,
18 coalitions, financial sector.

19 Q. What do you mean by
20 "coalitions"?

21 A. If there are a group who have a
22 common end cause, sometimes they come
23 together as coalitions and join forces.

24 Q. What services do you provide to
25 your clients?

1 A. I do earned media, press and
2 crisis and news conferences and strategy.
3 There are other parts of the office that
4 handle paid media, and I do videos too
5 since that's my background.

6 There's other parts of the
7 office that handle insights, which is
8 basically metrics, right, they handle paid
9 media and research.

10 Q. What is earned media?

11 A. Where you have to go out and
12 pitch it to a reporter, and so it comes
13 from -- you have to earn the story, right?
14 You -- it's not a paid advertisement. You
15 have to earn the story.

16 So you actually have to go to
17 the reporter and pitch it and either get
18 turned down or get accepted.

19 Q. How do you earn a story?

20 A. Well, if you have a story, you
21 go to the reporter and tell him what the
22 story is. And most of the time they go
23 over to their editor and they have a
24 conversation, and they come back and they
25 either say this is good, this isn't good,

1 I'm going to take it, I'm not going it
2 take it, I like it, I don't like it. That
3 kind of thing.

4 Q. Have your responsibilities
5 changed at all since you started working
6 at the company that was then called M
7 Public Affairs?

8 A. Oh, yeah. I'm sorry. It is now
9 called Kivvit. So I'm sorry. I'm sorry.
10 That was the second part of your question
11 before. It merged with another firm and
12 so now it's called Kivvit.

13 Q. Have your responsibilities
14 changed in the time since you first
15 joined?

16 A. Not really. It's just gotten
17 bigger.

18 Q. When was the merger?

19 A. I believe 2014 or 2015. I can
20 find that out. That's on the LinkedIn as
21 well.

22 Q. When did you first join -- when
23 did you join M Public Affairs?

24 A. Right after Hurricane Sandy so
25 late 2012.

1 Q. Since then have you done any
2 work paid or unpaid for the Governor?

3 A. They have called me for favors,
4 quick spot favors, but I haven't done any
5 work.

6 Q. What kinds of favors have they
7 asked you for?

8 A. They'll send me a video and say,
9 what do you think of this video. They
10 will send me a set, like a state of the
11 states set and say what do you think of
12 this state of the states set.

13 They'll look -- see, if I
14 can -- if there's a reporter who I have a
15 good relationship with and they have a
16 question for that reporter, that kind of
17 thing.

18 Q. Who has asked you for these
19 favors?

20 A. Names you mean? Melissa DeRosa,
21 Rich Azzopardi, Peter Ajemian and Dani
22 Lever did as well. She was the
23 communications director before Peter.

24 Q. Anyone else?

25 A. I'm going through my list. I

1 don't think so. But if something pops up,
2 I'll come up. I'm just going through my
3 head. I don't think so. Those are the
4 main --

5 Q. What about the Governor?

6 A. I don't believe the
7 Governor -- I don't believe so. I don't
8 believe so. I can't be for sure, though,
9 but I don't believe so.

10 Q. How often do individuals in the
11 Governor's Office call you for favors?

12 A. I can't give a -- it is -- I
13 would call it -- I would call it sporadic.

14 Q. Would you say once a year?

15 A. No. No. I would say more than
16 that.

17 Q. Ten times a year? Say, once a
18 month?

19 A. Yeah, I would say -- yeah, I
20 would say probably a couple of times a
21 month, maybe once or twice a month, but I
22 would also say some months were -- there's
23 nothing. I'm averaging.

24 Q. Does this apply to the period
25 since you -- that apply to the period

1 since you left the Executive Chamber in
2 late 2012?

3 A. Yeah, sporadically.

4 Q. And again probably a couple of
5 times a month, maybe once or twice a
6 month?

7 A. I'd hate to estimate, but, I
8 mean, I'd hate to estimate. I mean -- I
9 mean, I have to say I have a full-time job
10 so that's number one, but I would say
11 maybe if you join it all.

12 Q. Maybe if you join it all, what?

13 A. Once or twice a month.

14 Q. Are you compensated for doing
15 these favors for the Executive Chamber?

16 A. I'm not.

17 Q. About how much time do you spend
18 providing these favors?

19 A. A call to a reporter is probably
20 a couple of minutes. A look at the video
21 is however long the video is.

22 Q. How long are these videos?

23 A. It depends. Some are eight,
24 nine minutes, some are longer and I
25 do -- I -- a lot of the videos are done

1 outside of the Governor's Office,
2 especially for campaign videos, right. I
3 look at as well. Obviously those are done
4 by an outside vendor.

5 Q. So the longer videos, how long
6 are they?

7 A. I don't know. I guess they
8 range anywhere between two and
9 six minutes, two and seven minutes.

10 Q. I thought you said earlier that
11 some of the videos are eight to
12 nine minutes and some are longer?

13 A. I don't know. It depends
14 on -- I mean there was -- I guess it could
15 be anywhere between two and whatever
16 the -- most videos are not absurdly long
17 because people lose interest.

18 Q. Are they shorter than
19 30 minutes?

20 A. Yes.

21 Q. When you look at sets, about how
22 much time do you spend doing that?

23 A. Say again. I'm sorry.

24 Q. Earlier you said sometimes
25 someone from the Governor's Office will

1 send you a set?

2 A. Yeah. So they'll send me a
3 picture and I'll take a look at it.

4 Q. And about how long do you spend
5 doing that?

6 A. A few minutes.

7 Q. Have you ever made any
8 disclosures relating to the favors that
9 you've provided to the Executive Chamber?

10 A. Disclosures with?

11 Q. Well, not related disclosures or
12 ethics disclosures?

13 A. I would have to check with -- we
14 have an ethics guy. I would have to check
15 with him but I have not.

16 Q. Since you left the chamber in
17 late 2012 have you -- anything for
18 Mr. Cuomo's campaigns other than what you
19 talked about just now?

20 A. I worked with the campaigns on
21 some videos, yes.

22 Q. Were you paid for that work?

23 A. The production company was paid.
24 In most of the videos, we went over
25 budget. So I often -- so they -- so I did

1 not personally get paid.

2 Q. Did you have any relationship to
3 the production company?

4 A. I know them because they do
5 production stuff. Well, I -- one of them
6 that he uses -- I know them because he
7 does some production stuff for Kivvit.

8 Q. I think you said the production
9 company was paid, the production company
10 went over budget, you did not get paid?

11 A. Correct.

12 Q. I'm just trying to understand
13 the relevance of the production company
14 going over budget. Is that the reason you
15 got involved because the production
16 company went over budget?

17 A. No. There was no -- it was just
18 to say they got paid and they went over
19 budget. There was no rhyme or reason to
20 that.

21 Q. So you worked with a production
22 company on these campaign videos?

23 A. Well, they would show me the end
24 product.

25 Q. Who would show you the end

1 product?

2 A. The production company would
3 show me the end product.

4 Q. On behalf of the campaign?

5 A. Yeah. The campaign would just
6 say, would you show it to WITNESS 6/8/2021
7 and see what he thinks.

8 Q. And how long would you spend
9 looking at these campaign videos?

10 A. I don't know. However long the
11 video was, and then I would give a comment
12 or two.

13 Q. Since leaving the Executive
14 Chamber in late 2012, have you done any
15 work paid or unpaid for New York State?

16 A. I have not. I don't have any
17 state clients. Kivvit does have state
18 clients.

19 MS. PERRY: Abena, if we get to
20 a good point, would you mind if we
21 just took a bathroom break?

22 MS. MAINOO: Off the record.

23 THE VIDEOGRAPHER: Okay. Going
24 off the record. The time is 10:31.

25 Going off the record.

1 (Whereupon, a recess was taken.)

2 THE VIDEOGRAPHER: The time is
3 10:42 a.m. We are back on the record.

4 MR. GRANT: Great. WITNESS
5 6/8/2021, just a couple of questions.

6 So a little bit earlier you were
7 describing a process of earning a
8 story where, you know, you convinced a
9 reporter to write something.

10 Are there any sort of, you know,
11 ethical rules, whether formal or
12 otherwise, about what sort of stories
13 you would, you know, try to earn or
14 push somebody to publish?

15 THE WITNESS: So when I put --
16 talk to a reporter about a story --
17 and let's back up for a second as
18 well.

19 So I talk to reporters everyday
20 somewhere in the range of 1 to 20 --
21 I'll give a range, a day -- and a lot
22 of them are not to pitch a story. A
23 lot of them are just to say hello and
24 see what's going on, or I know a lot
25 them because especially in TV. My

1 wife was in television as well, so we
2 hired a lot of the folks here.

3 So when pitching a story, when
4 it is a story that's -- and I'll call
5 it not a fluff story like building an
6 old age home in White Plains, and I
7 left you to cover it. I usually go
8 through the client and usually their
9 counsel as well.

10 And that's what we used to do so
11 that -- the unspoken criteria, right,
12 is it has to be the truth, right. It
13 has to be proven the truth. And a lot
14 of times it goes through counsel, or
15 I'm speaking to counsel before it goes
16 to me.

17 Now, the thing about reporters
18 now is you're going through a very
19 cynical group of folks, right. So A,
20 if you give them something that's not
21 true, they won't do -- they won't
22 print anything of yours ever again,
23 right. So it's your reputation and
24 things are easily sourced and
25 confirmed, right.

1 So that's why court documents
2 are so key to reporters, right,
3 because court documents don't have to
4 be second sourced for reporters.

5 So that's why a lot of
6 times -- well, you guys know, you're
7 in the legal business -- that court
8 documents -- reporters love court
9 documents right, because they don't
10 have to be second sourced.

11 Does that answer your question?

12 MR. GRANT: It does. But I have
13 a couple of follow-ups.

14 THE WITNESS: Sure.

15 MR. GRANT: In this process you
16 just described, what do you do in
17 particular to assess the truth or
18 whether something can proven to be
19 true?

20 THE WITNESS: Well, you talk to
21 the -- in a client case, you talk to
22 the client, right, and you often talk
23 to the counsel.

24 And then if you feel
25 comfortable, the reporter will take it

1 from there in terms of doing their own
2 verification checks.

3 And listen, when it comes to
4 mainstream media, they have a very
5 tough scrutiny. I mean there are some
6 stories I pitched or worked with a
7 reporter on that takes weeks to get
8 into the paper or on TV or whatever
9 the case may be.

10 MR. GRANT: Got you. Also in
11 connection with your current job
12 responsibilities, would you ever look
13 at a video?

14 THE WITNESS: Yes. Yes.

15 MR. GRANT: And in connection
16 with your current job
17 responsibilities, would you look at a
18 set?

19 THE WITNESS: Yes.

20 MR. GRANT: And in connection
21 with your current responsibilities,
22 would you speak to reporters?

23 THE WITNESS: Daily. Maybe even
24 hourly.

25 MR. GRANT: So earlier in

1 response to certain questioning, you
2 described these as not as work, but as
3 favors. What exactly makes them
4 favors and not work?

5 THE WITNESS: It's the casual,
6 hey, if you talk to Bernadette today,
7 can you just ask her if -- ask her
8 what she thought of the news
9 conference today, right.

10 So I would talk to Bernadette on
11 other stuff, and I'd be like, hey,
12 just curious what did you think about
13 the news conference today.

14 And she'd be, oh, I hated it or
15 whatever, and I say, okay. Thank you.
16 Boom. So...

17 MR. GRANT: Are you done?

18 THE WITNESS: Yes.

19 MR. GRANT: And besides Melissa,
20 Azzopardi, Ajemian and others in the
21 Executive Chamber, does anyone else
22 ask you to do similar sorts of favors?

23 THE WITNESS: Outside of
24 government, yes.

25 MR. GRANT: Who?

1 THE WITNESS: I've had clients
2 call me and ask for a favor or an
3 opinion or -- for something that's not
4 involving the client. I've had
5 friends call and ask opinions or help
6 when it comes to media, and I also
7 have media calling me to ask me for
8 opinions or advice.

9 MR. GRANT: Do any of those,
10 meaning clients, friends and I forget
11 what the last category was, do any of
12 them reach out to you once or twice a
13 month?

14 THE WITNESS: Media was the last
15 one. Reporters. And not same person,
16 but I get -- and I don't know a
17 number, but people reach out to me all
18 the time about my opinion on stuff,
19 whether it's friends of friends,
20 friends, reporters or folks who
21 clients, say, call -- call WITNESS
22 6/8/2021 and just ask his opinion.

23 MR. GRANT: Does any specific
24 reporter or friend or client reach out
25 to you once or twice a month?

1 THE WITNESS: Reporters reach
2 out to me once or twice a month, yes.
3 Former colleagues who are now in other
4 jobs reach out to me often for advice,
5 but I don't -- these things are, like,
6 quick opinion, quick advice calls.

7 So I know you're looking for a
8 number. I don't really have a number,
9 but my phone rings all day long.

10 MR. GRANT: Sure. Maybe I'll
11 ask it this way. Does any particular
12 person or entity reach out to you with
13 the same frequency as members of the
14 Executive Chamber?

15 THE WITNESS: Reporters do and I
16 don't know because the timing is
17 interesting, right, because some folks
18 reach out with questions that
19 are -- they want my opinion very
20 quickly. I mean, I can give you
21 another example of which took longer.

22 A friend of a friend reached
23 out, there was a [REDACTED] [REDACTED]

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

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] There was an unsanctioned
3 documentary coming out. This was a
4 couple of years ago, I think.

5 And [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] reached out to me and said,
7 can you, please, help? We don't want
8 this documentary to come out, and you
9 know it was done by a bunch of
10 reporters, a couple of reporters down
11 in [REDACTED].

12 And so I worked with the
13 reporters, with [REDACTED] [REDACTED] to -- I
14 can't recall. I don't think we
15 stopped it. I still think it came
16 out, but it was much toned down.

17 So that was the -- and that I
18 did -- that I did as a call from a
19 [REDACTED] [REDACTED] [REDACTED], right, who sends
20 folks to me for advice, and I took a
21 chunk of time. And they've called me
22 with other stuff, but that chunk of
23 time ended with that help. Does that
24 make sense?

25 MR. GRANT: I believe you

1 testified earlier that you've been
2 called for these sorts of favors by
3 members in the Executive Chamber once
4 or twice a month for -- since the time
5 you left, correct?

6 THE WITNESS: Correct. I said
7 that. But I said it as a number for
8 the whole year.

9 MR. GRANT: Considering the
10 amount of time you've been away from
11 the Executive Chamber, is there any
12 particular reporter or client or
13 friend who's called you with the same
14 frequency as members of the Executive
15 Chamber?

16 THE WITNESS: Yes. Reporters.
17 There are reporters who call me a lot
18 for advice, opinions, favors. Yes.

19 MR. GRANT: Okay.

20 THE WITNESS: Does that answer
21 your question? Okay.

22 Q. Have you ever declined to do a
23 favor for the Executive Chamber?

24 A. There are times that -- I can't
25 recall any specific, but there are times

1 that I'm just too busy.

2 Q. And when you're just too busy,
3 what happens?

4 A. Nothing. I just say I'm
5 swamped.

6 Q. But you can't recall a specific
7 instance?

8 A. I can't. I can't, though. I
9 can think, though, and we can come back if
10 I think of one.

11 Q. Did you receive training on
12 sexual harassment when you worked in the
13 Executive Chamber?

14 A. I believe I did. I must have,
15 right, because I -- I don't recall. I
16 mean, I believe I did. And yeah. I
17 believe I did. I don't recall anything.

18 Q. What's the basis for your belief
19 that you did?

20 A. Because well, I -- that I recall
21 taking the -- I don't know. I mean, I
22 take the test for -- I take the annual
23 things for Kivvit. I believe I did, but I
24 don't recall.

25 Q. What is your understanding of

1 the definition of "sexual harassment"?

2 A. That it is an act that makes
3 somebody feel uncomfortable or makes it
4 hard for them to do their functions or
5 that makes other people uncomfortable.

6 Q. When you worked in the Executive
7 Chamber, did you ever see an employee
8 handbook for the Executive Chamber?

9 A. I don't recall.

10 Q. Please open your binder to tab
11 three and we'll mark this as Exhibit 3.
12 So the title of Exhibit 3 is State of New
13 York Executive Department Equal Employment
14 Opportunity in New York State - Rights and
15 Responsibilities - A Handbook For
16 Employees of New York State Agencies. And
17 it's dated December 2011.

18 Do you see that?

19 A. I do.

20 Q. Let's turn to page 11 of this
21 handbook. And I'd like you to read the
22 last paragraph of page 11 to yourself, and
23 please let me know when you're done.

24 A. I am done.

25 Q. The paragraph that you just read

1 defines sexual harassment, correct?

2 A. It does. Correct.

3 Q. Were you aware of this
4 definition of sexual harassment when you
5 worked in the Executive Chamber?

6 A. I'm assuming so. I don't know
7 for sure.

8 Q. Does this definition of sexual
9 harassment fit generally with your
10 understanding of sexual harassment?

11 A. Yes.

12 Q. When you were in the Executive
13 Chamber, did you have any understanding
14 that employees were not supposed to be
15 retaliated against for complaining about
16 harassment or discrimination?

17 A. I believe so.

18 Q. When you were in the Executive
19 Chamber, did you have any understanding
20 that even former employees would be
21 protected if they spoke up about
22 experiences they had during their
23 employment?

24 A. I believe so. I mean, I believe
25 so.

1 Q. Let's go back to Exhibit 3.

2 Let's turn to page 33.

3 A. 33?

4 Q. Yes. Please read the first
5 paragraph under adverse employer action to
6 yourself, and let me know when you're
7 done.

8 A. I am done.

9 Q. The paragraph you just read
10 defines "retaliation"; is that right?

11 A. Correct.

12 Q. Were you aware of this
13 definition of retaliation when you worked
14 in the chamber?

15 A. I believe so.

16 Q. And page 33 also says in the
17 next paragraph, actionable retaliation by
18 an employer can occur after the individual
19 is no longer provided by this employer.

20 Do you see that?

21 A. I do.

22 Q. Were you aware of this when you
23 worked in the chamber?

24 A. I believe so.

25 Q. Before December 2020, were you

1 aware of any complaints against Governor
2 Cuomo of sexual harassment by anyone?

3 A. I am not. I was not.

4 Q. Before December 2020, were you
5 aware of any complaints by Lindsey Boylan
6 about the work environment at the
7 Executive Chamber?

8 A. I was not.

9 Q. When did you first become aware
10 of Ms. Boylan's complaints about the work
11 environment in the Executive Chamber?

12 A. Somebody told me about the
13 December 2020 tweets.

14 Q. Who told you about the
15 December 2020 tweets?

16 A. I am not a Twitter -- a daily
17 follower. I got -- people called me,
18 reporters called me, lobbyists called me
19 and I did get a call from -- I can't
20 recall either Melissa or Azzopardi.

21 Q. When did either Melissa or
22 Azzopardi call you?

23 A. The best of my recollection,
24 they called me when the first couple of
25 tweets happened, and they called me on the

1 Sunday of the allegation of sexual
2 harassment.

3 Q. What did they say when they
4 called you when the first couple of tweets
5 happened?

6 A. I recall that they denied the
7 substance of the tweets, and they asked
8 what I thought they should do and, the
9 best I recall, my answer was nothing.

10 Q. Do you remember who called you?

11 A. I don't. It was either Melissa
12 or Rich Azzopardi but I don't recall.

13 Q. Do you remember how long the
14 call was?

15 A. I don't.

16 Q. Was anyone else on the call?

17 A. I don't believe so.

18 Q. You said that whoever called
19 you, whether it was Melissa or Rich
20 Azzopardi, denied the substance of the
21 tweets. What did that person say?

22 A. It was something to the effect
23 of -- I guess denial was on the Sunday
24 tweet. It was based on the Sunday tweet.
25 I'm sorry. And then the earlier tweets

1 were, should we do anything. I apologize.

2 Q. As to the earlier tweets, did
3 you ask whoever called you, Melissa DeRosa
4 or Rich Azzopardi, about the substance of
5 Ms. Boylan's earlier tweets?

6 A. I don't. I don't recall.

7 Q. What's the reason you said that
8 they should do nothing?

9 A. Because -- so -- Twitter is a
10 new -- or social media is a new -- so and
11 I deal with this with clients all the
12 time, right, is if there is a response to
13 a social media tweet, it elevates the
14 tweet, right. And it allows reporters to
15 dupe the story by elevating it cause
16 there's both sides, right.

17 So when you -- when -- with --
18 on the corporate side, when I'm dealing
19 with tweets, the first thing you ask is
20 what type of -- are people seeing it? And
21 if you do respond, will it elevate it?
22 And if you do respond, is it just: Yes, I
23 did, no I didn't, yes, I did, no, I
24 didn't, right?

25 So that was my opinion, right --

1 is that if you respond, you elevate and
2 you turn it into more than -- you turn it
3 into a mainstream reporter story.

4 Q. Was anything else discussed on
5 this call about the first tweets from
6 Ms. Boylan?

7 A. I don't recall anything else.

8 Q. Did you work with Melissa DeRosa
9 when you were in the chamber?

10 A. I did not.

11 Q. When did you first interact with
12 Ms. DeRosa?

13 A. When she was hired.

14 Q. And when was that?

15 A. So I left in 2012, [REDACTED]
16 [REDACTED] took over for me -- I don't know.
17 I guess it would be 2013/2014. I don't
18 know. I would have to look. That's an
19 easy look. Whenever -- I'm sorry. I
20 don't know the date. Whenever she...

21 Q. How did you come to start
22 interacting with Ms. DeRosa?

23 A. Well, so when I became
24 communications for the Governor, it's a
25 whole another ball of wax, right. So I

1 spoke to former Pataki communications
2 directors, I spoke to Spitzer
3 communications directors. I spoke with
4 folks who had been there in the past just
5 to see what I was getting myself into,
6 right.

7 And I would ask them for advice
8 as well. And so when she came in I
9 can't -- I don't know if she reached out
10 to me or I reached out to her. I don't
11 know what the trigger, what the genesis
12 was. But as I recall, that's -- that was
13 the kind of interaction.

14 Q. So is it right that you started
15 interacting with Ms. DeRosa after she
16 became communications director for the
17 Governor?

18 A. Correct.

19 Q. How would you describe your
20 relationship with Ms. DeRosa?

21 A. Business. We've never
22 socialized that I can remember.

23 Q. How often would you speak with
24 her? Every month?

25 A. I don't know a number. There

1 would be months where we didn't talk, and
2 then she would call me for a quick opinion
3 on something. Yeah.

4 Q. What about Mr. Azzopardi? Did
5 you work with him when you were in the
6 chamber?

7 A. I don't believe -- I'd have to
8 check other dates. He worked for, I
9 believe, the Assembly or the Senate before
10 he came to the Governor's Office. So I
11 don't want to mix up me knowing him
12 from -- I think I knew him from when I was
13 there from his prior job, but I'd have to
14 check other dates.

15 Q. When did you start interacting
16 with Mr. Azzopardi?

17 A. When he went to the Governor's
18 Office. It was -- as far as I recall, it
19 was a similar conversation, welcome to the
20 Governor's Office conversation.

21 Q. Similar to the one you had with
22 Ms. DeRosa?

23 A. I believe so. And I'm saying
24 that not from total memory, but that's
25 from what the -- what was commonplace,

1 right.

2 Q. And how often would you speak
3 with Mr. Azzopardi?

4 A. I would speak to Azzopardi more
5 than I spoke to Melissa, but I don't have
6 an exact number.

7 Q. What's your relationship with
8 Mr. Azzopardi like?

9 A. Fine. Same -- I mean, friendly,
10 fine, business.

11 Q. Is your relationship with
12 Mr. Azzopardi friendlier than your
13 relationship with Ms. DeRosa?

14 A. Friendly in terms of -- not in
15 terms of conversation, but in terms of --
16 just clarify that so I answer the right
17 thing. I'm sorry.

18 Q. So I asked about your
19 relationship with Ms. DeRosa, you said it
20 was business --

21 A. Yeah.

22 Q. -- and when I asked about your
23 relationship with Mr. Azzopardi, you said
24 friendly and business?

25 A. Yeah. I mean, I talked to him

1 more than I did Melissa. I mean, they
2 asked how [REDACTED] [REDACTED] are and school and so on
3 and so forth, I mean.

4 Q. Do you socialize with
5 Mr. Azzopardi?

6 A. I don't believe socialize in
7 terms of going out for dinner and being
8 together or not. No, I can't remember any
9 time I went out.

10 Q. WITNESS 6/8/2021, did the person
11 who you spoke with, whether it's Melissa
12 DeRosa or Rich Azzopardi, take your advice
13 to do nothing in response to Ms. Boylan's
14 tweets?

15 A. I believe so. I don't know for
16 sure.

17 Q. So you mentioned that either
18 Ms. DeRosa or Mr. Azzopardi called you on
19 the Sunday of Ms. Boylan's sexual
20 harassment allegations?

21 A. That is correct.

22 Q. What happened during that
23 discussion?

24 A. I was at [REDACTED] [REDACTED] baseball
25 practice. It's in [REDACTED] [REDACTED], in an

1 [REDACTED] [REDACTED], and it was COVID so [REDACTED]
2 were allowed in shifts for 5 minutes,
3 5 minutes, 5 minutes, whatever the time
4 was. I'm making up the five minutes.

5 I got a call from either, as I
6 said, either Rich or Melissa. I'm not
7 quite sure. And I recall them saying that
8 Lindsey had tweeted accusing the Governor
9 of sexual harassment, that whoever called
10 adamantly denied it and said that they are
11 getting inundated with media calls.

12 And is it possible if I can make
13 a couple of calls just to tell -- ask the
14 reporters to hold off on their first run
15 of the stories until they can get a
16 response legalized.

17 Q. Did they say anything else,
18 Melissa or Rich, whoever called?

19 A. I'm giving you a 30,000-foot
20 because it was -- A, I was running outside
21 in the freezing cold to take the calls.

22 And B, they were very quick
23 calls. And so I told them that I would
24 make a quick -- couple quick calls and ask
25 the reporters to hold off until they could

1 send a response and obviously no
2 guarantees.

3 Q. Did the person who called tell
4 you the basis for the adamant denials of
5 Ms. Boylan's accusations of sexual
6 harassment against the Governor?

7 A. Did they explain or adamantly
8 deny? No.

9 Q. Did you ask?

10 A. I did not.

11 Q. Did it matter to you?

12 A. Not really. I mean I was at
13 baseball with [REDACTED], and they
14 were doing what they had to do in terms
15 of -- or what they felt they had to do in
16 terms of a response.

17 Q. What happened then?

18 A. I -- at some point in the
19 conversation -- and they -- and it was
20 multiple short conversations, right. So
21 it's not like -- and I remember that
22 because I had to run in and out of the
23 cold.

24 So that's why they said, can you
25 call a couple of the reporters who you

1 deal with a lot. And I did and I asked if
2 they could hold on their first run of the
3 stories until there's a response.

4 Q. Anything else happen?

5 A. So yeah. So that sparked a
6 series of phone calls back and forth
7 between the reporters calling me and then
8 me calling Rich Azzopardi for questions
9 because the reporters had several
10 questions.

11 And this is not in any
12 particular order, and this is not one
13 conversation. This is -- I recall that
14 them asking why is it taking so long,
15 which was a common question.

16 And I told them it was being
17 illegalized (sic), and at some points I
18 just said, listen, if you have a problem,
19 call Azzopardi, right, because, I mean,
20 it's coming from Azzopardi.

21 One reporter -- and as far as I
22 can recollect, I spoke to three reporters
23 on this. There was a fourth reporter who
24 I was dealing with -- another story -- who
25 was talking to someone else involving the

1 Governor story, but asked me a couple of
2 questions while I was dealing with another
3 story that I was dealing with with her on
4 a real estate story.

5 So one reporter, I recall, asked
6 do I need a FOIL and I called
7 Rich -- Freedom of Information -- I called
8 Rich, I said there's a one reporter saying
9 that another reporter is telling him to
10 FOIL, and I recall Rich saying tell him to
11 FOIL.

12 And then the reporters
13 understood and I understood that it was
14 taking time because it was being
15 legalized. And so most of the
16 questions -- oh, and then one of the
17 questions was also -- it's called a
18 "donut," right, if they have a story
19 already written and they're waiting for a
20 response, they do what's called a donut
21 where they leave a blank space.

22 So they'll say the Governor's
23 Office says, and leave a donut so they
24 just have to plug in the response and the
25 editor already approves the top and

1 bottom.

2 And so one reporter asks, I need
3 to do a donut because I'm getting yelled
4 at by my editor. Can you just find out
5 what the response is going to be? And so
6 I called Rich and somewhere in these
7 conversations -- and I don't know which
8 question -- I said call Rich. I'm in
9 baseball and they said, we can't get a
10 hold of him. So can you just try for us
11 because we're getting killed?

12 Back to the donut, I called Rich
13 and Rich's response was, we're going to
14 deny and we're going to talk about
15 disciplinary stuff on Lindsey.

16 And so I just called back and
17 said, they're going to deny and call going
18 to talk about disciplinary stuff on
19 Lindsey.

20 Q. Sorry. Anything else happen?

21 A. No. No. Those were the initial
22 calls.

23 Q. Who were the reporters that you
24 spoke with?

25 A. I spoke to Dave Caruso at the

1 Associated Press, and these are all
2 reporters who I have known for I long
3 time. I spoke to a Bernadette Hogan at
4 The Post. What I recall is a really quick
5 conversation with a Jon Campbell out of
6 Gannett.

7 And then I was working with Dana
8 Rubinstein from The Times on a completely
9 separate story on that day. And so she
10 would toss in, occasionally, in my back
11 and forth with her on the other story, a
12 question or two on this, even though
13 somebody else was talking to her.

14 Q. What did you discuss with
15 Caruso?

16 A. Basically I discussed with
17 Caruso if he can -- the point of holding
18 off as long as you can on the first run,
19 right, is you always want to get your side
20 of the story on the first run. Because
21 once the first run is out, sometimes a lot
22 of the papers and a lot of the blogs and a
23 lot of the social like the Twitter sphere
24 do not take the follow-up stories.

25 So you always want to be in the

1 first run. So that was their -- that was
2 their -- they didn't say that to me
3 outright, but that is the -- that is
4 the -- what's it -- the proto- -- or the
5 want when you're -- that's a bad word, but
6 you understand when you're doing a media
7 story.

8 Q. So what did you say to Caruso?

9 A. I said, can you hold off until
10 there's a response? And looking at the
11 text is what helped piece stuff together,
12 right, is he said he would hold off as
13 long as he could.

14 And there were a series of texts
15 prior saying, I can't hold off anymore, I
16 can't hold off anymore. I got to run. I
17 got run. And at one point I just said,
18 all right. I told them it's coming from
19 Azzopardi -- the response is coming from
20 Azzopardi and nothing more I can do.

21 Q. Go to tab 19 in your binder. I
22 think the document we were just referring
23 to, and this is exhibit -- is this
24 Exhibit 4? Is this a text that you were
25 just referring to?

1 A. Oh, I'm sorry. Yes. Yes, it
2 is.

3 Q. Did you say anything to Caruso
4 other than to tell him to hold off?

5 A. So yeah. So Melissa had sent
6 some prior text to Lindsey -- to -- well,
7 numerous times, she sent prior text to
8 Lindsey with Lindsey saying nice things
9 about the Governor.

10 It was either Melissa or Rich --
11 I'm not quite sure -- who was like can you
12 show -- can you show those to Bernadette
13 and Caruso. They're -- and I'm
14 paraphrasing and I don't know what exact
15 words they used, but they were like,
16 it's -- they're all public and our folks
17 are okay if you show it to them. So I
18 showed one text to both Caruso and
19 Bernadette.

20 Q. Did you discuss anything with
21 Caruso about documents coming from Rich
22 Azzopardi?

23 A. So at some point -- I don't know
24 if I expressed documents. I don't recall.
25 I know that when we talked about the

1 donut, right, and Rich Azzopardi said to
2 me, the donut is denial and disciplinary,
3 and we are going to tell them about
4 disciplinary stuff.

5 I'm pretty sure I told him that
6 because that was part of the dialogue. I
7 do not know about the disciplinary records
8 because earlier -- early on, I don't
9 recall ever knowing about -- early on in
10 the calls, knowing about the disciplinary
11 records.

12 Q. Did you tell Caruso that
13 Azzopardi was going to send him anything?

14 A. Say again. You cut out at the
15 end. I'm sorry.

16 Q. Did you tell Caruso Azzopardi
17 was going to send Caruso any information?

18 A. Yeah. And I texted it too. I
19 texted him saying the response is coming
20 from Azzopardi. When he was getting
21 antsy, I wrote, just texted them again,
22 it's coming from Azzopardi.

23 Q. Did you discuss any other
24 information that was coming from Azzopardi
25 to Caruso?

1 A. Not that I recall. I recall the
2 response and the old text.

3 Q. So let's turn back to Exhibit 4,
4 and let's look at the document with the
5 numbers 1112 at the bottom.

6 A. Four.

7 Q. This is tab 19 in your binder.

8 A. Oh, tab 19. I'm sorry. I'm
9 sorry. What am I looking at?

10 Q. The document with the numbers
11 1112 in the bottom right corner.

12 A. Oh, okay. Got you. Yes.

13 Q. This is text from you to Caruso.
14 And you say, are you good with paperwork?
15 Caruso responds, just going through it
16 now.

17 Does that refer to Mr. Boylan's
18 personnel file?

19 A. I believe it does, and I believe
20 it was a request from either Rich or
21 Melissa to make sure that Dave got it from
22 Rich or Melissa, whoever sent it out.

23 Q. What discussions did you have
24 with Rich Azzopardi or Ms. DeRosa about
25 Ms. Boylan's personnel records?

1 A. The -- as far as I recall, the
2 only -- so there was the beginning, they
3 asked me to call the reporters to hold off
4 and then, based on the text that I
5 reviewed, Rich Azzopardi sent to a group
6 the disciplinary records around.

7 I don't recall seeing the
8 disciplinary records on that day. I was
9 all over the place. So I -- the reviewing
10 of those texts is what obviously makes me
11 know that Rich sent the disciplinary
12 records to a group of folks on a chain.

13 Q. Do you remember a discussion
14 with anyone about Ms. Boylan's personnel
15 records?

16 A. I don't recall a discussion
17 except for the discussion about -- at the
18 beginning about the donut where they said
19 they were going to adamantly deny and have
20 a response involving her disciplinary
21 records -- or issues because he didn't say
22 "records."

23 Q. Did you discuss anything else
24 with Mr. Caruso about Ms. Boylan's sexual
25 harassment allegations?

1 A. I don't believe I did.

2 Q. Let's move on to Ms. Hogan.

3 What did you discuss with her on
4 December 13th?

5 A. Same thing as Caruso. I
6 discussed that the Governor's Office asked
7 me to ask her to hold off because they're
8 coming with a response, that I did send
9 the text that either Melissa or Rich said
10 was public and okay to send and that I
11 believe covers the morning.

12 Q. What happened after the morning?

13 A. Well, at some point -- and I
14 don't know the timing -- at some point
15 Bernadette called and apparently another
16 reporter over the weekend -- or at the end
17 of the week based on the first set of
18 texts -- was working on a story about is
19 it hard to work at the Governor's -- and I
20 noticed from looking at the text. I don't
21 remember from the day -- but was it hard
22 working in the Governor's Office.

23 And it was a reporter named
24 Isabel Vincent who's the Sunday feature
25 investigative reporter from The Post.

1 And she apparently, according
2 to -- and I believe it was according to
3 Rich Azzopardi, was calling around asking
4 former employees of the Cuomo
5 administration if the tweets from the week
6 before with Lindsey were correct and that
7 is it an abusive place to work, but
8 nothing was written. Isabel didn't write
9 anything. So we talked about that as
10 well.

11 Q. Did you and Ms. Hogan discuss
12 anything else?

13 A. Not that I recall.

14 Q. Did you discuss Ms. Boylan's
15 disciplinary records with Ms. Hogan?

16 A. I don't believe I did, no.

17 Q. Did you discuss any information
18 that Mr. Azzopardi would be sending to
19 Ms. Hogan?

20 A. I recall I said the same thing
21 to Bernadette as I did to Caruso.

22 Q. What is that?

23 A. That Rich Azzopardi would be
24 sending an adamant denial and a
25 disciplinary. And they all asked why it's

1 taking so long, as you can see in the
2 tweets, and I recall telling all of them
3 that it was going through legal and that's
4 why it was taking so long.

5 Q. When you say that Rich Azzopardi
6 was going to be sending a disciplinary,
7 what did you mean by that?

8 A. I was just relaying what Rich
9 Azzopardi said to me.

10 Q. What did you understand?

11 A. I didn't really understand
12 anything. I mean, I didn't think about
13 it. I was running back and forth in and
14 out of the baseball, and as far as I
15 remember, I literally mimicked what he
16 said to me in terms of my response to
17 them.

18 Q. I think a few minutes ago you
19 said that Mr. Azzopardi sent you copies of
20 Ms. Boylan's disciplinary records, right?

21 A. Correct. And that was at noon,
22 and I know that from looking at the
23 documents obviously. So that was around
24 noon, and I don't recall on that day
25 reading them or seeing them.

1 I was running around. So I know
2 I did answer one person on that chain with
3 a quick answer or quick question, but I
4 don't -- before seeing that chain, I
5 didn't recall getting those documents.

6 Q. And you told Ms. Hogan that
7 Mr. Azzopardi would be sending
8 Ms. Boylan's disciplinary records to her,
9 correct?

10 A. I don't know if I specifically
11 said that. I know that I mimicked what
12 Rich said -- Azzopardi. I don't recall
13 getting specific on that, and I don't
14 recall getting specific -- and I guess it
15 would depend on what time it was too, but
16 I don't recall getting that specific.

17 Q. Let's go to tab 13 in your
18 binder and this is Exhibit 5.

19 A. Yes.

20 Q. So this is a text message
21 between you and Ms. Hogan?

22 A. Yes.

23 Q. She says at 1:36, one second.
24 On the other line. Did you send the docs
25 yet.

1 Do you see that? This is on the
2 first page. Are you with me?

3 A. Oh, there it is. Okay. Got
4 you.

5 Q. And then turning to the next
6 page you say, Azzo is expending to you any
7 minute. And later you say, Azzo said he
8 was sending I will call him again.

9 Does this jog your memory as to
10 whether you told Ms. Hogan that
11 Mr. Azzopardi would be sending
12 Ms. Boylan's disciplinary records to
13 Ms. Hogan?

14 A. I -- it does not because
15 the -- what I recall is that these
16 reporters were pushing and pushing for
17 response, which I had already told them
18 would include something involving
19 disciplinary because that's what Rich told
20 me and I told them. I don't recall if I
21 meant documents or not documents.

22 Now, if you look at the
23 timetable, I mean, he sent the documents,
24 which I don't recall seeing at noon and
25 this is 1:36. So I do not recall seeing

1 the documents on that day, and I didn't
2 recall when I saw them getting them.

3 But all I recall is that I
4 called the reporters, told them that
5 something was coming -- I didn't -- I
6 don't recall being involved in any of the
7 discussions about what was coming -- and
8 then just handled the -- I got to go to
9 print. I got go to print. I got go it
10 print.

11 And when I could, pushed -- told
12 them to call Azzopardi and say, listen, I
13 can't do anything more. This is
14 Azzopardi's gig. Call Azzopardi.

15 So, I mean, I don't exactly know
16 if I was talking about documents in
17 particular here or just the legalized
18 response that I told them was coming.

19 MS. MAINOO: I think there are
20 texts that are referenced in your text
21 messages with Ms. Hogan and Mr. Caruso
22 we may not have received and so
23 counsel will follow-up on that.

24 Q. Let's go back to tab 19 in your
25 binder, which is Exhibit 4 for us, and you

1 ask Mr. Caruso, are you good with
2 paperwork. Paperwork there refers to
3 Ms. Boylan's disciplinary record, right?

4 A. Let me -- what time was that
5 there?

6 Q. That was 3:13 p.m.

7 A. Okay. So it may have been in
8 the afternoon, as I recall, the back and
9 forth, either Rich or Melissa would call
10 me and say, can you check in with Caruso
11 and see if he got everything, right. So
12 they may have -- they may have said -- or
13 that check on the documents, check and
14 make sure they got the documents. I don't
15 know because I don't recall it.

16 I don't recall the exact
17 verbiage, right. I recall the
18 30,000-foot, right, and the texts are
19 helping me with the filling in the
20 details.

21 Q. Let's go through this in order
22 and see if the texts help you fill in more
23 details.

24 A. Okay.

25 Q. Let's go to tab 17 in your

1 binder.

2 A. Okay.

3 Q. We'll mark it as Exhibit 6.

4 This is a text on December 13th at
5 12:03 p.m., right?

6 A. Correct.

7 Q. You got it, Dani Lever got it,
8 Josh Vlasto got it and Steve Cohen got it,
9 right?

10 A. Correct.

11 Q. Did you speak with any of these
12 people on December 13th?

13 A. Yes.

14 Q. Who?

15 A. I spoke to Dani and I spoke to
16 Josh.

17 Q. What did you speak to Dani
18 about?

19 A. To the best of my recollection,
20 Dani was talking with Dana Rubinstein and
21 so -- and I was dealing with Dana
22 Rubinstein on the other story too.

23 So Dana Rubinstein was asking me
24 about the Governor's story, but Dani -- so
25 but Dani was talking to her. So I would

1 call Dani and say, hey, I just got off the
2 phone with Dana. I don't know exactly
3 what I said to her, but I just got off the
4 phone with Dana. I know you talked to
5 her. I'm dealing with her on another
6 story. Something to that effect.

7 And Josh, I spoke to. I don't
8 know what exactly individual conversations
9 were with Josh, but it had to do with the
10 day's events. I just don't know what.

11 Q. What led to Rich Azzopardi
12 sending you this text message?

13 A. I don't know what the impetus
14 was for this specific text message. I
15 mean, except for what he says in the text.
16 He said something in the text about if --
17 I do remember from reading it -- is are
18 these in the right order or something like
19 that.

20 Q. Who said that?

21 A. Rich Azzopardi, but I don't know
22 what sparked that.

23 Q. The text attaches three
24 documents --

25 A. Say again.

1 Q. The text attaches three
2 documents. The first one is a
3 September 20, 2018, memorandum from
4 Camille Joseph Varlack and the first page
5 of that is NYAGB001806. That's at the end
6 of the exhibit, upside down. So you're
7 going to have to rotate the binder. Do
8 you see that?

9 A. I do.

10 Q. Okay. And it's -- it says,
11 memorandum from Camille Joseph Varlack,
12 deputy director of state operations chief
13 risk officer and special counsel, and it's
14 Alfonso David, counsel to the Governor.

15 Right. Do you see that?

16 A. I do.

17 Q. And the subject of the
18 memorandum is confidential personnel
19 matter, right?

20 A. Yes.

21 Q. And the personnel matter
22 concerns Lindsey Boylan, correct?

23 A. Yes.

24 Q. And the second page of that
25 memorandum is -- it's NYAGB001800. Do you

1 see that page?

2 A. I do.

3 Q. Second document, it's a
4 September 26, 2018, memorandum. The first
5 page of that is NYAGB001803. Do you see
6 that?

7 A. I do.

8 Q. And that is a September 26, 2018
9 memorandum from Julia Pinover Kupiec,
10 assistant counsel and chamber ethics
11 officer and to Alfonso David, counsel to
12 the Governor.

13 Do you see that?

14 A. I do.

15 Q. And the subject of the
16 memorandum is employment counseling for
17 Lindsey Boylan, right?

18 A. Correct.

19 Q. And that memorandum is labelled
20 draft, privileged and confidential
21 attorney/client privileged communication
22 intra-agency communication memos to file.

23 Correct?

24 A. Correct.

25 Q. And the second page of that is

1 NYAGB001805. Do you see that?

2 A. I do.

3 Q. And the last page is NYAGB001804
4 right? You have to flip it again. Flip
5 the binder.

6 A. Correct.

7 Q. Now, the last document that's
8 attached to the text for Mr. Azzopardi is
9 a September 30, 2018, e-mail from Alfonso
10 David, and the first page of that is
11 NYAGB001802. Do you see that?

12 A. I do.

13 Q. The subject of the e-mail is
14 Lindsey Boylan follow-up, right?

15 A. That is correct.

16 Q. That e-mail is labeled
17 privileged and confidential
18 attorney-client communication attorney
19 work product.

20 Right?

21 A. Correct.

22 Q. And the last page of that e-mail
23 is NYAGB001801. Do you see that?

24 A. 801. Yes, I do.

25 Q. So Mr. Azzopardi sent you these

1 documents at 12:03 on December 13th?

2 A. Oh, correct. Sorry. I didn't
3 know you were waiting for a response.

4 Q. Let's go back to tab 19 in your
5 binder, which we've marked as Exhibit 4.

6 A. Yes.

7 Q. And Caruso is saying on the page
8 with the number 1099 on the bottom, we're
9 going to have to right this soon as it's
10 picking up steam. I think the Governor is
11 going to address it. Do you see that?

12 A. I do.

13 Q. You say, got it. Working on
14 that now. You ask him, please don't post
15 without giving me a heads up. Trying to
16 get you something now.

17 A. Correct.

18 Q. On the page with 1105 at the
19 bottom, Caruso says, hey, we've got to go
20 out with what we have. We can update the
21 story with more as it becomes available.
22 And you say, just texted them again. It's
23 coming from Azzopardi.

24 Right?

25 A. Correct.

1 Q. You say again on the page with
2 the numbers on the bottom 1108, it's
3 coming to you in minutes, going to you
4 first, right?

5 A. Correct.

6 Q. And then you send this --
7 separately you send this text from Lindsey
8 Boylan that you said --

9 A. A couple of hours later. Yeah.

10 Q. That you said Melissa DeRosa had
11 sent around, correct?

12 A. (No answer).

13 (Whereupon, a portion of the
14 record was read back.)

15 Q. So the page with numbers 1110 on
16 the bottom is a text message from Lindsey
17 Boylan that you said Ms. DeRosa had sent
18 around, right?

19 A. Correct.

20 Q. And you said that Rich Azzopardi
21 had asked to you send that text message to
22 reporters?

23 A. I don't recall if it was Rich
24 Azzopardi or Melissa and they -- once
25 again it was either Rich Azzopardi or

1 Melissa.

2 And once again the legalization
3 that they said was going on for the
4 response I -- they insinuated that this
5 e-mail that they sent out, the text, the
6 fact that they were public, that
7 the -- and I didn't ask it, but about the
8 insinuation was this was all part of our
9 review process. And so I sent it to them.

10 Q. Can you repeat what you just
11 said? I didn't understand it.

12 A. Yeah, sure. No, absolutely. So
13 the response -- the point that the
14 response was going to take time, right,
15 was told to me because they were
16 legalizing it, right, and I don't know who
17 the "they" is, right, I mean, I gather
18 it's somewhere in counsel at the chamber.

19 So when -- Melissa is the one
20 who sent the old text of Lindsey around
21 and said, in your conversations can you
22 let Bernadette and Caruso know of these
23 old texts, and the assumption I had and
24 the insinuation was -- and I'm
25 paraphrasing, but it was said, these texts

1 are public, you're okay sending this
2 around.

3 And I just lumped that in into
4 the legalization by counsel on their end
5 of the response and sent it. Does that
6 make sense? Back to your earlier question
7 about what sparks you to send stuff out.

8 Q. So the texts that you're saying
9 were public, you're talking about Lindsey
10 Boylan's texts that you then sent out to
11 reporters?

12 A. Correct.

13 Q. So turning to the page with the
14 numbers 1112 on the bottom, you said, are
15 you good with paperwork?

16 A. Correct.

17 Q. And Caruso responded, just going
18 through it now, right?

19 A. Correct.

20 Q. And when you refer to paperwork,
21 you were talking about Lindsey Boylan's
22 disciplinary records, which Azzopardi was
23 sending to Caruso, right?

24 A. I can only assume that that is
25 correct.

1 Q. And let's go back to tab 13 in
2 your binder which we have marked as
3 Exhibit 5. It starts in the morning where
4 you ask Bernadette Hogan if you can call
5 her, right?

6 A. Correct.

7 Q. She said she missed you, and
8 then she says in the afternoon at
9 1:36 p.m. -- let's go back to 12:14 p.m.
10 she says, one sec. On the phone.

11 Presumably you spoke with
12 Ms. Hogan between 1:14 p.m. and 1:36 p.m.
13 She asks you, did you send the docs yet?

14 You see that?

15 A. Yeah, I do.

16 Q. When Ms. Hogan asks, did you
17 send the docs yet, she's referring to the
18 documents that Rich Azzopardi is
19 sending -- is going to send to her which
20 are Ms. Boylan's disciplinary records,
21 correct?

22 A. I would assume that's correct,
23 yes.

24 Q. What's the reason that
25 Mr. Azzopardi sent the disciplinary

1 records to Ms. Hogan and Mr. Caruso
2 instead of you sending the disciplinary
3 records like you did with Ms. Boylan's
4 texts?

5 A. Just because I had -- as far as
6 I can recollect, I mean, I didn't -- I
7 wasn't involved in the discussions. I
8 wasn't involved in the response, and the
9 response was the official response of the
10 Governor -- Governor's Office and his
11 counsel. So that -- I mean, that's my
12 thought process now. It's nothing -- I
13 mean, that's -- I mean, it was the
14 Governor's Office response and his
15 counsel.

16 Q. So if you were not involved in
17 the response and that's the reason you did
18 not send Ms. Boylan's disciplinary
19 records, what made you comfortable sending
20 Ms. Boylan's texts around to reporters?

21 A. I -- the fact that it
22 was -- first of all, I had seen it. I
23 mean, I was looking at it. I hadn't seen
24 -- to the best of my recollection, I still
25 haven't seen the final response from the

1 Governor's Office except for what was in
2 the articles. But Melissa --

3 (Whereupon, a portion of the
4 record was read back.)

5 A. So the response was being
6 legalized and approved by the Governor's
7 Office and sent from the Governor's press
8 officer -- the Governor's counsel. I
9 don't know necessarily know who it came
10 from.

11 The text that Melissa sent
12 around -- I don't know. I just -- she
13 said it was -- they looked at it. It's
14 still in the public domain. Can I just,
15 please, send it to him if I was talking to
16 him? So I sent it.

17 Q. So you're saying the difference
18 between the texts and the disciplinary
19 records is that the disciplinary records
20 of Ms. Boylan were not public, right?

21 A. Well, I mean, I am redoing it
22 now in my head because, at the time, there
23 was no debate in my head, right, it
24 was -- I was out with [REDACTED], called him
25 to tell them a response is being

1 legalized, asked him to hold, that's A.

2 B, here's a tweet that is in the
3 Twitter sphere in your conversations --
4 and we looked at it -- in your
5 conversations can you send it to him?

6 So I mean, I didn't really do an
7 analysis back then. The thing in the back
8 of my head now -- and I can't say what was
9 in back of the head then, but, I mean, is
10 the fact that -- this is with my clients
11 too is that if it's legalized, it's
12 usually good to go, right, but each
13 case -- I mean -- so that -- I had no
14 analysis going on in my head is basically
15 what I'm saying there is that they told me
16 to -- they asked me to have them hold and
17 I asked them to hold and -- while it was
18 legalized.

19 MR. GRANT: Is there a reason
20 why you didn't question yourself at
21 the time?

22 THE WITNESS: I guess if I do
23 20/20 hindsight. I was in a parking
24 lot in [REDACTED], and it started off just
25 by them saying, hey, can you just call

1 these couple of reporters and ask them
2 to hold until we get a response until
3 it gets legalized.

4 And at the beginning of the
5 conversation, I don't recall knowing
6 what that response was going to be or
7 what they were looking at as a
8 response.

9 So I mean, I did not sit there
10 and do an analysis in the -- when I
11 was sitting in the parking lot. But
12 the fact that it's legalized is
13 a -- something that is in the head of
14 all PR folks, right.

15 Q. What did you understand the
16 legalizing process to involve in this
17 circumstance?

18 A. I can only talk about -- because
19 I can -- I can only talk about what the
20 legalized process meant in my time at the
21 Governor's Office, right, which was most
22 of the time it would go through the chief
23 of staff, it would go through the
24 counsel's office and it would go through
25 the Governor, and then come back to us

1 being the press office, and we would go
2 through talking points.

3 Q. Did you ask whoever you spoke
4 with whether it was Ms. DeRosa or Rich
5 Azzopardi about how the Governor's Office
6 had legalized this plan to disclose
7 Ms. Boylan's disciplinary records to
8 reporters?

9 A. I did not. I -- and as I said,
10 I didn't -- I did not.

11 Q. So you took them on their word
12 that the legalizing process had happened,
13 and it was okay to send Ms. Boylan's
14 disciplinary records to reporters?

15 A. Well, I would take it one step
16 back, right, because I never -- I never
17 had the inclination that I was going to be
18 sending anything and I -- and to the best
19 of my recollection, besides that tweet, I
20 didn't send anything, right.

21 So in my head it was -- they
22 asked me to just call up the reporters and
23 say we were legalizing, it's going to take
24 time. We don't want the AP story or The
25 Post story to go out without our legalized

1 response in it. Can you ask them to hold.

2 And so that was -- so in my head
3 I didn't go to step 2, 3, 4 and 5 or
4 whatever. I'm making up numbers
5 obviously, right.

6 I went to, all right, let me
7 just call Caruso and Bernadette and say,
8 please hold off. They're legalizing. I
9 was very clear in my recollection that --
10 and that's why I put it in the text to
11 call Azzopardi. It's coming from the
12 Governor's Office, and I was very clear to
13 them because --

14 I mean, at some point I recall
15 that I was in the parking lot -- I mean, I
16 had to keep leaving [REDACTED] [REDACTED] thing to take
17 a call and those things about where they
18 texted. I can't get a hold of them. I
19 can't get a hold of them. What's going
20 on?

21 I recall me saying, just call
22 him. Call him. I got to go back in and
23 play -- watch the baseball. Just call
24 him, which sparked those texts, right. So
25 yeah. So that was the thought process.

1 As best as I can recollect, it was that.

2 Q. Would it have made a difference
3 if Melissa DeRosa or Rich Azzopardi had
4 asked you to send Ms. Boylan's
5 disciplinary records directly to Ms. Hogan
6 or Mr. Caruso instead of asking you to
7 just tell Ms. Hogan or Mr. Caruso that
8 Azzopardi would be sending Ms. Boylan's
9 disciplinary records?

10 A. In terms of hypotheticals like
11 that, I mean, I always go back in terms of
12 sending statements, right, that it's got
13 to be true because it's my name
14 associated. It's got to be -- in certain
15 cases, it should be legalized. And in
16 terms of my parachuting role in this, I
17 did not ask all the questions that I
18 usually ask because I was not involved in
19 the creation of this or the legalizing of
20 this in terms of my recollection.

21 So it was literally, okay,
22 they're asking me to just hold off on
23 reporters. Let me run out and do this,
24 and let me run back into baseball.
25 So -- and they're -- so yeah, the

1 legalization or the fact that it was
2 legalized -- legalization is a wrong term.
3 That's cannabis, I guess. But in terms of
4 legalizing, it's very important.

5 MR. GRANT: You just said that
6 you did not ask all the questions
7 would usually ask. What are the
8 questions you would usually ask?

9 THE WITNESS: Usually it's a
10 long-term process, right. So I sit
11 down with whoever I'm dealing with and
12 counsel.

13 We are often hired by counsel,
14 as you guys know, because you guys do
15 PR firms as well, right. And so on
16 hard stories you sit down with
17 counsel. You sit down with whatever
18 you're representing and you work on a
19 statement that doesn't jeopardize
20 anything legally, but gets your side
21 out.

22 And then you figure out does it
23 come out from the PR person? Does it
24 come out from the lawyer? And it's
25 usually a long process -- a -- well,

1 this was a long process too. I mean,
2 sometimes you have hours, sometimes --
3 but involved in that process. There's
4 some days in an emergency where I
5 cancel all other client meetings, and
6 I sit with the lawyer and go over
7 somebody's statement.

8 Q. Let's go to tab 16 in your
9 binder.

10 A. I'm sorry. 60?

11 Q. 1-6. 16.

12 MS. ARZUMANIAN: Excuse me.
13 Would it be possible for us to take a
14 restroom break at some point in the
15 near future?

16 MS. MAINOO: In the near future.
17 You think ten minutes is good?

18 MS. ARZUMANIAN: That's just
19 fine. Thank you.

20 MS. MAINOO: So let's mark this
21 as Exhibit 6.

22 Q. So this document, Exhibit 6 tab
23 16 in your binder, this is group texts
24 involving Dani Lever, who you mentioned
25 earlier, correct?

1 A. That is correct.

2 Q. Dani is referring to Dana
3 Rubinstein, who you said you were also
4 dealing with on December 13th about a
5 different story, right?

6 A. That is correct.

7 Q. Dani Lever says, Dana slowed
8 down too, so in other words, Dana is
9 holding off on publishing her story,
10 right?

11 A. That is correct. Well, I mean,
12 I'm assuming that. I didn't talk to Dani,
13 but I don't see any other meaning that
14 that could have.

15 Q. Right. And Dani Lever says,
16 could be off the record, but also wants to
17 see the stuff in file and would take that
18 off record.

19 And that's referring to --
20 again, to Ms. Boylan's disciplinary
21 records, correct?

22 A. I would assume so.

23 Q. Now, did anyone ask to you send
24 Ms. Boylan's disciplinary records directly
25 to any of the reporters you were

1 contacting on December 13th?

2 A. I don't recall anyone saying
3 that, no.

4 Q. And if anyone had asked to send
5 Ms. Boylan's disciplinary records, would
6 you have done it?

7 A. I don't -- I don't think I would
8 without having sat down and talked to
9 counsel and read all the documents and
10 asked counsel why they approved.

11 Q. What's the reason?

12 A. That's how I do it with -- when
13 I'm actually the lead, right.

14 Q. Did you consider whether sending
15 Ms. Boylan's disciplinary records to
16 reporters could be considered retaliation?

17 A. I did not. Once again, I didn't
18 sit down and analyze. And I do not know
19 what the conversations were behind closed
20 doors, so --

21 Q. If someone had asked you to send
22 Ms. Boylan's disciplinary records to
23 reporters, is that a question you would
24 have asked?

25 A. I would assume so. I mean, I

1 would assume so. In my normal protocol,
2 right, I sit down with the lawyers from
3 start to finish.

4 Also in my normal protocol, I'm
5 not in a parking lot in [REDACTED] running in
6 and out, right, which in hindsight for
7 something like this, is something I can
8 probably say I wouldn't do again, right, I
9 would -- so --

10 Q. What wouldn't you do again?

11 A. I wouldn't be distracted
12 handling important affairs.

13 Q. How do you think you would have
14 handled the situation on December 13th if
15 you hadn't been distracted with [REDACTED] [REDACTED]
16 baseball game on a Sunday?

17 A. The way I -- I mean, each case
18 is different, but the way I handle my
19 corporate work, right -- and I had a legal
20 matter last week in a lawsuit that
21 I -- yeah. Yeah. No. No. No. No.
22 It's okay. But thank you. Thank you.

23 Where I spent four hours with a
24 lawyer going over what -- why they're okay
25 saying one thing and what the

1 ramifications are if we do say that one
2 thing. So I mean --

3 Q. WITNESS 6/8/2021, what is your
4 understanding of whether the Governor had
5 approved the sending of Ms. Boylan's
6 disciplinary records to reporters?

7 A. I don't know.

8 Q. Do you think that Rich Azzopardi
9 would have sent Ms. Boylan's disciplinary
10 records to reporters without the
11 Governor's approval?

12 A. I don't know because I was not
13 in the behind the scenes so I don't know.
14 It would be pure speculation.

15 Q. Based on your time in the
16 chamber, would you have sent a former
17 employee's disciplinary records to
18 reporters without the Governor's approval?

19 A. Most of the time when I was
20 there, both in AG's Office -- AG's Office,
21 everything was legalized. It didn't
22 matter what. I mean, to a certain extent.
23 Somethings weren't. We did a toy gun
24 thing, and I didn't have to legalize it.

25 In my time, most -- much of the

1 serious stuff went through chief
2 of -- secretary counsel. And I
3 remember -- I don't have specific, but I
4 remember sometimes going through having to
5 be cleared by the Governor as well.

6 Q. Would you discuss the sending of
7 Ms. Boylan's disciplinary records in
8 connection with allegations of sexual
9 harassment against the Governor as the
10 type of serious thing that would have been
11 cleared by the Governor?

12 A. I would.

13 Q. How do you know Dave Caruso?

14 A. So Dave Caruso was in the AP
15 when I was in the Attorney General's
16 Office, and he covered a lot of consumer
17 stuff, consumer stories. And we
18 did -- we -- the Attorney General's Office
19 back then, did a lot of ticket scalping.
20 We did a whole toy gun thing in Buffalo,
21 Rochester, Syracuse, Binghamton, so I used
22 to talk with him a lot.

23 And now he runs the New York
24 office so I talk with him a lot now on the
25 corporate front, and I talked with him

1 less in the Governor's Office because the
2 Governor's Office has what's called the
3 LCA, which is an acronym. It's the
4 Legislative Correspondence Association,
5 and there are AP reporters who solely
6 cover the Governor. So...

7 Q. What about Bernadette Hogan, how
8 do you know her?

9 A. Bernadette Hogan and I have
10 worked on a lot of stories together. She
11 is only a couple of years in the LCA,
12 Legislative Correspondence Association,
13 but she and I have done a lot of stories
14 together.

15 MS. MAINOO: Let's go off the
16 record and take a break.

17 THE VIDEOGRAPHER: The time is
18 12:21 p.m. We're off the record.

19 (Whereupon, a recess was taken.)

20 THE VIDEOGRAPHER: The time is
21 12:35 p.m. We are back on the record.

22 Q. WITNESS 6/8/2021, let's go to
23 tab 15 in your binder and we'll mark this
24 as I think we're at Exhibit 7. So this is
25 another group text message exchange, and

1 it starts with Rich Azzopardi. I think
2 he's commenting on a Times Union article
3 about Ms. Boylan's allegations, which is
4 on the next page, the one with the numbers
5 225 on the bottom. Do you see the link?

6 A. I do.

7 Q. Josh Vlasto says, give them the
8 docs, which we understand refers to Ms.
9 Boylan's disciplinary records, which says,
10 I don't know if I trust them. Josh says,
11 fair enough.

12 Then Rich says at 4:26 p.m.,
13 updated AP, and he sends a link to -- an
14 AP article reporting on Ms. Boylan's
15 disciplinary records, among other things.
16 You say at 4:38 p.m. -- and this is the
17 page with the numbers 240 at the bottom.
18 Do you see that?

19 A. I do.

20 Q. You say, agreed. Caruso story
21 muddies the waters tremendously. That's
22 the story we need from all of them.

23 "We" refers to the Governor's
24 Office there, right?

25 A. Correct.

1 Q. And Mr. Caruso had published a
2 story that reported on Ms. Boylan's
3 disciplinary records, right?

4 A. I would assume so. I don't
5 recall exactly what the story said but I
6 would assume so.

7 Q. Let's go to tab 18 in your
8 binder, and we'll mark that as Exhibit 8.
9 This is on the same day. This is earlier
10 that day, in the morning. You said to
11 Josh Vlasto, do you want to also tell
12 Melissa the rumor about the other person
13 you talked about with her just so we cover
14 ourselves or should we just be quiet?

15 Melissa is Ms. DeRosa, right?

16 A. That is correct.

17 Q. What rumor are you referring to?

18 A. I don't know how long prior to
19 this, and I can't recall who, but there
20 was somebody who, in my calls with
21 reporters prior to this, said that they
22 had heard that Lindsey [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] at the
24 state.

25 Q. And who did you hear this from?

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

2 A. Say again?

3 Q. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 A. Obviously it is completely
6 unconfirmed by me and completely rumor,
7 but [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].

8 Q. Did you share this information
9 with Ms. DeRosa?

10 A. Did not.

11 Q. What's the reason?

12 A. Because it's rumor. Because it
13 was rumor.

14 Q. What's the reason you said, just
15 so we cover ourselves or should we just be
16 quiet?

17 A. Just in case -- I mean, it came
18 from a reporter, right, so if a reporter
19 knows, the assumption is that, at some
20 point, they're going to try and confirm.
21 So the thought process is do you let them
22 know so that it doesn't blindsides them if
23 a reporter comes to them, or since it is
24 completely unconfirmable by me, obviously,
25 do you just let it go?

1 And I just let it go.

2 Q. What would you be covering
3 yourself from?

4 A. Oh, if there's a call from a
5 reporter saying, I'm posting in 15 minutes
6 that [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED],
7 right. It's just the -- the cover is the
8 lack of surprise, that my language is
9 ambiguous, but the cover is lack of
10 surprise, right, so you share it.

11 Q. Are you suggesting that rumors
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] would have been bad for the
14 chamber?

15 A. No. I don't -- I don't have an
16 opinion either way on that, right.
17 Obviously it would be bad for [REDACTED], but I
18 don't have an opinion either way on that.

19 I mean, it was basically, as I
20 look at it, a share of intelligence that
21 came from a reporter. That's all. It
22 wasn't a -- that's all it was -- is should
23 I let them know that a reporter said this
24 is basically -- was basically the
25 question.

1 Q. Publication of a rumor about

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

3 [REDACTED] would have been negative for
4 her, right?

5 A. Yeah, I think it would be
6 negative for everybody, I mean, [REDACTED]
7 [REDACTED] for her, for -- I mean, so that's
8 why I -- I mean, I didn't tell anybody.

9 Q. But --

10 A. But the rumor didn't come from
11 me is what I'm saying, right. Somebody
12 told me and my question to myself was do I
13 inform somebody that this reporter said
14 this to me?

15 I went to Josh for a gut check
16 and said, should we tell Melissa that this
17 reporter came to me, as a gut check.

18 MR. GRANT: How would telling
19 Melissa be an act that would help
20 cover yourself?

21 THE WITNESS: No. Not cover me.
22 I meant that as cover in terms of not
23 surprise anybody, right.

24 MR. GRANT: Is "ourselves" the
25 Executive Chamber?

1 THE WITNESS: I don't know,
2 right. I mean, I don't know exactly
3 what I meant. It could be, and I'm
4 throwing out assumptions here. I
5 literally meant it as should we let
6 her know? But it could be as if the
7 story comes out and the reporter says,
8 well, I told WITNESS 6/8/2021 about it
9 six months ago. I can't believe you
10 wouldn't know. I mean, I guess I
11 could argue with that.

12 I don't know what my mindset was
13 for the "ourselves," but I mean, I'm
14 throwing out what could have been in
15 my head. I'm sorry. It was a long
16 time ago, but yeah.

17 MR. GRANT: And this e-mail
18 is -- or text message -- sorry -- is
19 dated December 13, 2020 at 10:06 a.m.?

20 THE WITNESS: Correct.

21 MR. GRANT: By that point,
22 Ms. Boylan's allegations or some of
23 Ms. Boylan's allegations have become
24 public, correct?

25 THE WITNESS: Correct.

1 MR. GRANT: Would a story
2 running about her [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] have been useful for
5 counteracting the allegations she had
6 made against the Executive Chamber?

7 THE WITNESS: In my opinion --
8 and, A, let me just say I never -- I
9 don't believe I ever meant it like
10 that.

11 But to answer your question, I
12 don't think so at all, right, because,
13 I mean, if you argue it -- and I'm
14 debating it not on the thought process
15 behind this, I'm debating it as a
16 debate -- [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] doesn't help at all
19 because [REDACTED] [REDACTED] [REDACTED], right.

20 It just proves that you -- if
21 that rumor is true, which I have no
22 idea if it is or not, it just proves
23 you have no control over what's going
24 on in your administration, right. So
25 that would be my argument but --

1 MR. GRANT: In that same vein,
2 what was the significance of
3 Ms. Boylan's disciplinary records to
4 responding to her allegations?

5 THE WITNESS: Once again, I have
6 to speculate because I wasn't in the
7 conversation, right. So I'm going to
8 speak 30,000 on what I do with
9 clients, right.

10 So nowadays, especially with
11 Twitter and stuff like that, it's very
12 important to get both sides out,
13 right, and that's why the whole legal
14 process is important.

15 So if you were to ask me as an
16 independent PR person, right, as an
17 independent PR person, if there was
18 bad stuff coming out about somebody I
19 was working with, I would go and say,
20 okay. Let's sit down. You tell me
21 what's the truth. You tell me what we
22 can prove. And, legal, you tell me
23 what we can say, and let's get it out,
24 right, which is different.

25 And it's different in every

1 case, right, because I talked earlier
2 about Twitter, how sometimes you don't
3 want to respond to Twitter because it
4 highlights it.

5 On cases like this, the
6 reporters, meaning mostly mainstream
7 reporters, right, because there's a
8 whole another rule for blogs and stuff
9 like that, which is a little bit of
10 the Wild West, right.

11 But for mainstream, they -- and
12 I hear from them everyday. They
13 debate whether to run stories off of
14 what is written on, like, Twitter.
15 And there's a new one that came out
16 that all the reporters moved to
17 stack -- stack house or stack
18 something which is an unedited
19 opinion, right.

20 So they are reporters -- and I'm
21 speaking 30,000 feet -- have this
22 daily debate. And I hear it from them
23 because I speak to them about it and I
24 talk to them and they call me about it
25 of what is a story or what should be a

1 story that comes off of these unedited
2 social media sites.

3 Because in the old days, right,
4 someone goes to a reporter and says,
5 here's my story. And they say, great.
6 Let me see what it is, let me dole it
7 out. Let me see if it stands true or
8 not. And it's different now.

9 So back to your original
10 question, why -- what was the
11 impetus -- and I'm speaking from no
12 knowledge as to what's going on in the
13 room, but what is the impetus of doing
14 something like this?

15 And the impetus of doing
16 something like this -- because I see
17 it everyday -- is if you don't get
18 your side out now quickly, you
19 get -- the narrative is created for
20 you, right.

21 So -- and -- please, once again,
22 this has nothing to do with anything
23 of conversations in the room because I
24 have no idea what happened in that
25 room but that the -- and -- that's

1 also -- as I said earlier, the impetus
2 for saying hold your story. Hold your
3 story. Don't do your story. I need
4 to get a story.

5 Me and that story -- because
6 once that story goes out, you're the
7 paragraph at the bottom that says
8 updated, right? Joe Schmo says he
9 didn't do it, right.

10 And the -- we see it all the
11 time in our -- do you have an echo or
12 is it just me? We see it all the time
13 in the -- in our -- we have a metrics
14 team, right, that does metrics and
15 sees what happens. We do it all the
16 time.

17 The average reader gets through
18 maybe the second paragraph, right,
19 definitely doesn't make it to the
20 bottom.

21 So I'm not speaking for this
22 instance, but that is the impetus and
23 that's why people are so crazed about
24 getting in the first run of the
25 stories.

1 And that's why you also want to
2 be as quick as possible, but obviously
3 you have to be as thorough as
4 possible.

5 MR. GRANT: And in mentioning
6 getting out your side of the story, is
7 there any way in which Ms. Boylan's
8 disciplinary records refuted any of
9 the allegations she had made by that
10 point?

11 THE WITNESS: All right. So I'm
12 obviously speaking as a PR person on
13 this. You could debate it both ways,
14 right. On one side, I could debate it
15 as nothing or -- not debate it. Some
16 folks would say nothing -- there's one
17 allegation that should not or cannot
18 be tainted by anything, right, because
19 that's a separate allegation yada,
20 yada, yada, right. And I'm speaking
21 in terms of press. I'm not
22 speaking --

23 Then there's the other side that
24 says, listen, anything that you can
25 get out there that shows your side,

1 that gives a fuller picture, that
2 benefits you, right, I mean -- it's
3 the debate I do everyday, right, with
4 all of the corporate folks, right, and
5 there's no case that says -- the same,
6 and it's walking a tightrope everyday.

7 MR. GRANT: Was the benefit that
8 the information in the disciplinary
9 records was unflattering to
10 Ms. Boylan?

11 THE WITNESS: So once again,
12 with my PR hat on, you could say,
13 right, that her prior allegations that
14 it's an abusive place to work -- I
15 don't think it does anything for the
16 sexual harassment claim, right. I
17 think that you could argue that her
18 prior tweets of -- it's an abusive
19 place to work, it could make people
20 second guess what she means by that.

21 Does this make sense?

22 MR. GRANT: Okay. And taking
23 off your PR cap, to the extent you
24 spoke with Ms. DeRosa/Azzopardi about
25 releasing this information, did any of

1 them give any -- make any statements
2 suggesting what they thought was
3 significant having this information
4 out there?

5 THE WITNESS: I don't
6 recall -- I don't recall any
7 statements except for the ones I
8 talked about at the beginning where
9 they said that they -- that they're
10 going to adamantly deny the
11 allegations, but I don't -- I don't
12 recall any conversations where --
13 okay. We're going to put this out and
14 here's why.

15 MR. GRANT: Okay --

16 THE WITNESS: I assume that's
17 what they talked about behind closed
18 doors.

19 MR. GRANT: Did you care?

20 THE WITNESS: I go back to the
21 original thing is I was literally
22 running in and out on a phone, annoyed
23 sometimes, as you saw when I said,
24 just call Azzopardi or it's coming
25 from Azzopardi. That would be part of

1 the process that I would go through
2 with a corporate client, right.

3 Because also with a corporate
4 client -- and your point is exactly
5 right, right, is if I do this, what is
6 the benefit, right, and what is the
7 negative? And I don't know if they
8 went through that process.

9 MR. GRANT: And going back to
10 the tweet you shared with reporters
11 Ms. Boylan's tweets saying something
12 positive about the Governor, what was
13 the significance of that tweet in
14 responding to Ms. Boylan's
15 allegations?

16 THE WITNESS: I had no -- I had
17 no grand plan in my head. It was
18 literally, as part of a conversation,
19 take a look at this and I left it
20 there, right. And I don't believe
21 anything was used on that.

22 It was -- and it was literally
23 either Rich or Melissa call and say,
24 when you talk to them, let them know,
25 let them know. So I -- I, in between

1 going back and forth and going home
2 and so and so forth, I sent it.

3 MR. GRANT: And did either
4 Ms. DeRosa or Mr. Azzopardi say why
5 they wanted that tweet in front of
6 reporters?

7 THE WITNESS: I don't recall
8 that, but she did send it -- that
9 tweet out to a group of us numerous
10 times.

11 MR. GRANT: Do you understand
12 or -- what do you understand to be the
13 benefit of having that tweet be part
14 of the Executive Chamber side of the
15 story?

16 THE WITNESS: Obviously put my
17 PR hat on. Someone could say -- and I
18 think it goes to more to the abuse
19 text than the sexual harassment text,
20 right.

21 The abuse text is the response
22 could be she is -- she said nice
23 things about him -- I think it was
24 after the election. I think that
25 was -- she said nice things about him

1 after the election while she worked
2 there; how bad could it have been?
3 That's with my PR hat on.

4 Q. Going back to tab 18 which we've
5 marked as Exhibit 8 this is the text
6 between you and Josh about, do we -- do
7 you want to also tell Melissa about the
8 rumor.

9 I understand you were trying to
10 interpret what you may have been saying
11 there. Is one possible interpretation
12 that you were asking Josh Vlasto about
13 telling Ms. DeRosa about a rumor regarding
14 other potential allegations of sexual
15 harassment against the Governor?

16 A. I don't believe so. No.

17 Q. Earlier, you said one possible
18 interpretation is that a reporter might
19 later go to the chamber and say, hey, we
20 heard this rumor about Lindsey Boylan [REDACTED]
21 [REDACTED] [REDACTED]. We told WITNESS 6/8/2021.

22 A. Can I add -- because I wasn't
23 hard enough on that first question. I
24 know and recall no -- no one complaining
25 to me in my time there of any -- of any

1 issues.

2 So I was too soft. I want to
3 make sure that that's clear. I'm sorry.
4 I didn't mean to interpret you. I promise
5 I wouldn't interrupt you. I apologize.

6 Q. No worries. But had you heard
7 any rumors about potential allegations of
8 sexual harassment against the Governor?

9 A. I have not.

10 Q. So I think one possible
11 interpretation you gave was that a
12 reporter might later go to Melissa DeRosa
13 and say, we heard this rumor about Lindsey
14 Boylan [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED]. We told WITNESS 6/8/2021. And so
16 when you said, we should cover ourselves
17 or just be quiet, that's what you were
18 referring to.

19 Am I summarizing correctly what
20 you said earlier?

21 A. I believe so. Say it one more
22 time just to make sure I got it right.
23 I'm sorry.

24 Q. So I thought one interpretation
25 you gave was that a reporter might later

1 go to Melissa DeRosa and tell Melissa
2 DeRosa about a rumor of [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] Lindsey Boylan and
4 that reporter would say to Ms. DeRosa, we
5 told WITNESS 6/8/2021 previously, correct?

6 A. That is correct.

7 Q. And so here, just so we cover
8 ourselves or should we just be quiet,
9 would mean should we tell Melissa before
10 someone else tells her that we knew?

11 A. Correct. And there is -- why do
12 I think that, and I am not speculating --
13 yeah, speculating that is, years ago I
14 guess, there was a rumor that [REDACTED] Senior Staffer #1 was
15 having an affair with somebody and we got
16 that from a reporter.

17 And the reporter ended up
18 calling or saying something or saying
19 something to somebody who told Melissa and
20 she said, well, why didn't you tell me. I
21 said, well, there's nothing to tell,
22 right. I mean, this reporter said
23 something and I didn't hear anything
24 again.

25 I can't say that those two

1 things are intertwined because it just
2 triggered, but she was angry that we
3 didn't tell her that there was that rumor
4 out there.

5 Q. How did she express her anger?

6 A. She said, the next time, you
7 have to tell me.

8 Q. Did she yell at you?

9 A. No.

10 Q. How did you know she was angry?

11 A. She said, I'm angry you didn't
12 tell me. I mean, something to that
13 extent, right.

14 Q. Who was **SS #1** rumored to have been
15 having an affair with then?

16 A. I don't know. The -- this was
17 years ago and it was -- I don't have -- it
18 was somebody in the chamber. So I don't
19 know who that is.

20 Q. Was the rumor that **Senior Staffer #1**
21 **██████████** was having an affair with the
22 Governor?

23 A. I don't know. That was an
24 assumption of what the reporter was
25 saying, but I didn't press the reporter

1 and I didn't press anybody.

2 Q. What's the reason that was the
3 assumption that's what the reporter was
4 saying?

5 A. Just -- no -- just going through
6 the possibilities. I literally cut that
7 conversation. I remember it clearly. I
8 cut that conversation off at the past and
9 said, okay.

10 Q. What did the reporter say to
11 you?

12 A. I don't know the exact words --
13 and, once again, it's part of these bigger
14 conversations. It was something to the
15 extent of, have you heard anything about
16 **Senior Staffer #1** not being with her husband
17 anymore?

18 And I was like, no, I don't
19 know. And I don't know. It wasn't -- it
20 wasn't a push off. I don't know. So and
21 that was it.

22 Q. And based on the question, have
23 you heard anything about **Senior Staffer #1** not being
24 with her husband anymore, you inferred
25 that the reporter was suggesting that

1 SS #1 was having an affair with the
2 Governor?

3 A. No. No. I didn't infer him
4 only, if that makes sense. I thought to
5 myself all the people in the chamber, and
6 obviously he's in the chamber.

7 So I apologize if I insinuated
8 that. I, in no way, meant that I went
9 right to him. I meant that I went to a
10 range of folks and all rumors and I stayed
11 away from that.

12 Q. Who are those folks?

13 A. The other folks. Oh, my God. I
14 forgot who was there then. So I
15 guess -- I don't know. I -- I don't
16 recall who else was there. I'd have to
17 figure out when I had that conversation.

18 And the issue is -- not the
19 issue -- is I have all these conversations
20 all day long with these reporters when
21 they're nosing around for stuff, right,
22 and they're tossing stuff in and some of
23 it may be real. Some of it may not be
24 real. Most of it is not real, and they go
25 for your reaction, right? So I don't know

1 what year it was.

2 Q. So other than the Governor, is
3 there no one else in the chamber who you
4 inferred Senior Staffer #1 [REDACTED] was rumored to
5 have been having an affair with?

6 A. I don't recall who else. I
7 mean, I did -- I would assume I did the
8 same thing I did with you, right, is go
9 through who was in the chamber. So I
10 don't remember what year it was. So I'm
11 not exactly sure who else in the chamber
12 would have been there.

13 Q. When Melissa DeRosa confronted
14 you and she was angry, what was she angry
15 about?

16 A. That I didn't let her know of
17 the rumor.

18 Q. Which rumor?

19 A. That SS #1 may not be with her
20 husband and whatever the reporter
21 insinuated.

22 Q. I think earlier when you talked
23 about this conversation in which Melissa
24 DeRosa was angry with you, you said she
25 was angry that you didn't let her know

1 about a rumor that SS #1 was having an
2 affair with someone, right?

3 A. Yeah. I don't know the exact
4 words that the reporter gave, right. So
5 it was -- and I should have stressed that
6 that it was a couple of years ago. So I
7 don't know the exact words, but there
8 was -- there was the -- now, I'm -- there
9 was some type -- there was a conversation
10 with the reporter who said that, have I
11 heard anything about SS #1 .

12 And I believe he said her
13 husband -- and I don't know if I went to
14 affair or if he said affair or she. I
15 don't know because it was years ago, but
16 something going on with SS #1 .

17 Q. Have you ever heard a
18 rumor -- have you ever heard a rumor about
19 Senior Staffer #1 having an affair with the
20 Governor?

21 A. I have.

22 Q. Who did you hear it from?

23 A. I don't know. I don't know.

24 Q. Have you ever discussed that
25 rumor with Melissa DeRosa?

1 A. I don't know exactly what I said
2 to Melissa, but I did express to Melissa
3 that there's talk about -- and I'm
4 paraphrasing, so about **SS #1** and her
5 husband, right, and I don't know if I said
6 affair directly.

7 But -- and that's when she said,
8 you have to tell me when folks tell you
9 stuff like that.

10 Q. When you had that discussion
11 with Melissa DeRosa, you had in mind a
12 rumor about an affair that **Senior Staffer #1**
13 was rumored to be having with the
14 Governor, correct?

15 A. I don't know, I don't believe
16 so. I don't know what order it came in.
17 The -- if my recollection is correct, the
18 original conversation that I had with a
19 reporter did not name anybody in
20 particular. I did hear rumors. I don't
21 know if it's post-that or pre-that. I
22 don't know. I don't know the chain. It
23 was really a long time ago.

24 (Whereupon, a portion of the
25 record was read back.)

1 A. I don't know the timing of the
2 chain of events or the chain of the
3 conversations.

4 Q. Did you ever ask SS#1 [REDACTED] if
5 she and the Governor had a relationship?

6 A. I did not.

7 Q. Did you ever talk with anyone
8 about whether Senior Staffer #1 [REDACTED] and the
9 Governor had a relationship?

10 A. Josh Vlasto.

11 Q. What did you and Josh Vlasto
12 discuss?

13 A. I told him about the rumor. I
14 believe it was when Melissa said I need to
15 tell her when these rumors happen. And I
16 recall saying to Josh if she asked me to
17 let her know if those rumors or some
18 rumors or whatever rumors they are pop up
19 again.

20 Q. Did you discuss anything else
21 with Josh Vlasto concerning a potential
22 relationship between Senior Staffer #1 [REDACTED] and
23 the Governor?

24 A. I don't recall ever having a
25 larger conversation, no.

1 Q. Earlier you said, in addition to
2 Mr. Caruso and Ms. Hogan, you spoke with
3 Campbell. What did you discuss?

4 A. As far as I recall, it was just
5 an initial conversation with John Campbell
6 to say, can you hold on as long as you can
7 because they are legalizing a response and
8 it's coming. I don't recall any other
9 conversations with him after that.

10 Q. Did you tell Mr. Campbell that
11 Mr. Azzopardi would be sending
12 Ms. Boylan's disciplinary records to him?

13 A. I don't recall saying that to
14 him, no.

15 Q. You said earlier that you also
16 discussed Ms. Boylan's sexual harassment
17 allegations against the Governor with
18 lobbyists. Which lobbyists did you
19 discuss them with?

20 A. Say that again. I'm sorry.

21 Q. You said earlier that you had
22 discussed Ms. Boylan's sexual harassment
23 allegations with lobbyists?

24 A. I don't remember saying that
25 except for a lobbyist tweeted -- I'm

1 sorry -- texted to me on that Sunday the
2 allegation -- Lindsey's allegation. A
3 lobbyist from Albany.

4 Q. Who is that?

5 A. [REDACTED] [REDACTED] (phonetic
6 throughout).

7 Q. What do you know [REDACTED] [REDACTED] ?

8 A. We share numerous clients.

9 Q. Did you speak with [REDACTED] about
10 Ms. Boylan's sexual harassment
11 allegations?

12 A. I didn't speak with him
13 specifically about the allegation. I
14 spoke with him. He -- a woman who used to
15 work in the Cuomo administration reached
16 out to him to see if there's anything that
17 she could do because she told him and
18 she's a client of his.

19 She, according to him, said that
20 she never had an abusive experience and is
21 willing to speak out or willing to tell
22 her story.

23 Q. So what happened then?

24 A. So he actually sent me two
25 people. One person I didn't know and

1 didn't say and didn't have any follow-up.

2 I called Rich Azzopardi and said
3 that, hey, there's a client of a lobbyist
4 who called the lobbyist to say that she is
5 willing to tell her story about what it
6 was like to work in the Cuomo
7 administration.

8 And I also added, because the
9 lobbyist told me, that she was one of the
10 folks who spoke to The Post on the story
11 that The Post didn't do.

12 Q. What are the names of the women?

13 A. I only know one. Her name is
14 [REDACTED] [REDACTED] [REDACTED]. I'm sorry. [REDACTED].
15 [REDACTED], sorry.

16 Q. Did you discuss anything else
17 with [REDACTED]?

18 A. I don't recall discussing
19 anything else. At some point, I said to
20 him, just give me [REDACTED] number so that I
21 don't have to keep going to you and then
22 going back to her -- having you go back to
23 her and so on and so forth. So he sent me
24 her number.

25 Q. Did you connect [REDACTED] with any

1 reporters?

2 A. I didn't connect anybody. I
3 sent her -- I spoke to Rich Azzopardi and
4 said, are there any reporters -- let me
5 back up.

6 I said something to the effect
7 of she's willing to do something. He
8 said, there is a reporter -- and I forgot
9 his name -- from the Times Union who is
10 working on a story. Can you see if she
11 could call him?

12 And there was also a reporter
13 working from CNN and can you see if she'll
14 call him as well? cnn.com, not CNN video.
15 And so I said, I will ask.

16 Q. What's the reason you are
17 helping to direct people to reporters on
18 behalf of the Governor's Office?

19 A. [REDACTED] [REDACTED] said that she called
20 him and asked him how she can get her
21 story out and he didn't know.

22 And so he said, can you help.
23 And I said, yeah, I'll find out if there's
24 any reporters doing anything on it.

25 Q. You also asked that [REDACTED] [REDACTED]

1 would be willing to talk to various
2 people, correct?

3 A. Talk to the reporters. Well, so
4 what I did is I said to [REDACTED], can
5 you -- these are the two reporters that
6 are writing. I think it was two. It was
7 Mark and somebody else. And I said, will
8 you send her these -- their names and
9 phone numbers. And obviously if she wants
10 to call, she can call. If she doesn't
11 want to call, she doesn't have to call,
12 and she can do what she wants with it,
13 right.

14 So that's -- that was the point
15 of sending those. I mean, obviously doing
16 that she -- I don't even know if she
17 called or not.

18 And if I do recall, I asked [REDACTED]
19 if she had called, and he checked with
20 her. And I think he said she left a
21 message an something like that. And then
22 he put us together. He sent me her phone
23 number.

24 Q. Did you want to play the role of
25 helping the Governor's Office respond to

1 the sexual harassment allegations by
2 Ms. Boylan?

3 A. Say again. You cut out at the
4 start.

5 Q. Did you want to play the role of
6 helping the Governor's Office respond to
7 the sexual harassment allegations by
8 Ms. Boylan?

9 A. No. And I didn't even think of
10 it like that, right. I mean, these were
11 all parachuting in and getting out my
12 thought process, I think, in this, right.

13 And now that I think back on it,
14 was folks wanted to get out their story,
15 they reached out to help. I didn't guide
16 them in terms of their stories, right. I
17 just told them how they could -- if they
18 wanted to tell them.

19 Q. Did you send any other
20 information about Ms. Boylan directly to
21 reporters in addition to the tweets you
22 discussed earlier?

23 A. I don't recall sending anything
24 else. I sent [REDACTED] [REDACTED] a letter that
25 somebody in the chamber wrote and they

1 were looking for sign on, but I don't
2 recall sending anything else to a
3 reporter.

4 Q. Did you leak texts from
5 Ms. Boylan to any reporters?

6 A. Did I leak texts from?

7 Q. Ms. Boylan to any reporters?

8 A. Texts from Ms. Boylan to me?

9 Q. From Ms. Boylan to anyone?

10 A. I don't believe so.

11 Q. Let's go to tab 29 in your
12 binder, and we'll mark it as an exhibit.

13 A. Oh, those. I'm sorry. I didn't
14 know what you were referring to. I
15 apologize.

16 Q. Should I ask my question again?

17 A. Yes, please. Thank you.

18 Q. Did you leak text messages from
19 Ms. Boylan to any reporters?

20 A. So, yes. Melissa called me and
21 said that Lindsey had sent threatening
22 texts to members of the chamber and they
23 were in possession of the chamber and the
24 people who got the texts were okay
25 with --

1 And she wanted to ask a reporter
2 if these meant anything or were anything
3 and can I send it to -- can I ask Marcia
4 Kramer.

5 And so I sent them to Marcia, I
6 said, hey, this is from -- these are the
7 texts of two Executive Chambers -- or two
8 that were sent to two Executive Chamber
9 folks. The Executive Chamber folks
10 Melissa said that they were okay showing
11 it to you and are they anything.

12 And her response -- "her" being
13 the reporter -- response was as we -- if I
14 recall this correctly, was the same
15 response I had was, welcome to politics
16 which is -- that's not a quote, but that's
17 what the reporter said to me, said, okay.
18 Welcome to politics. And I -- I've known
19 her for 20 years, the reporter.

20 Q. So just to be clear, Melissa
21 DeRosa wanted you to send text messages
22 that Lindsey Boylan had sent to chamber
23 employees over to a reporter, Marcia
24 Kramer, correct?

25 A. Correct.

1 Q. And the idea was that Melissa
2 wanted Marcia to use the text messages in
3 a story in a way that would depict Lindsey
4 Boylan negatively, correct?

5 A. I don't know what her intentions
6 were. Her conversation with me was, I
7 want to see what Marcia thinks about
8 this -- Marcia being the reporter. I want
9 to see what Marcia thinks about this. I
10 do not know what her future intentions
11 were, but she wanted to hear what Marcia
12 thought about it.

13 Q. Melissa wanted Marcia to write a
14 story saying Lindsey Boylan sent
15 threatening text messages to chamber
16 employees, correct?

17 A. I can only speculate that that's
18 where she wanted to go, but I did not have
19 that conversation with her as to where she
20 wanted to go. She wanted to know from
21 Marcia if these texts were a threat to
22 the -- showed that -- showed that Lindsey
23 did a threat to the chamber employees.

24 Q. Melissa wasn't asking for
25 Marsha's opinion. You told Marcia that

1 Melissa wanted Marcia to look at the texts
2 and see them as threats, correct?

3 A. Well, what I said to Marcia is
4 that's how Melissa sees it. I mean, I'm
5 going back to a December, but Melissa
6 clearly saw these based on my recollection
7 of the conversation. Melissa saw these as
8 a threat to the people who she sent it to.

9 The people who she sent it to,
10 according to my recollection of the
11 conversation with Melissa, was like, it's
12 okay to show these to a reporter. Melissa
13 asked me to show them to the reporter.

14 Q. Melissa asked you to send the
15 texts to a reporter so that the reporter
16 would write a story about Lindsey Boylan
17 sending threatening text messages,
18 correct?

19 A. I can only assume that is
20 correct, yes. But she didn't say it out
21 right. But I can only assume that that's
22 correct.

23 Q. And you had a discussion with
24 members of the Governor's Office about
25 leaking those text messages from Lindsey

1 Boylan, correct?

2 A. Correct. Based on the Melissa
3 conversation.

4 Q. So how many conversations did
5 you have with people in the Executive
6 Chamber about leaking text messages from
7 Lindsey Boylan?

8 A. Best of my recollection, it is
9 these and Melissa because Melissa sent
10 them out and then followed up. I don't
11 recall having a conversation with anybody
12 else in the chamber about it.

13 Q. Did you have a conversation with
14 Rich Azzopardi about leaking text messages
15 from Lindsey Boylan?

16 A. I may have, but I don't recall
17 exactly who. It may have been Rich as
18 well. I definitely know it came from
19 Melissa because she's the one who sent
20 them. So it may have been Rich as well
21 because they both were the folks who were
22 talking to me, so --

23 Q. Let's go to tab 21 in your
24 binder.

25 A. 31?

1 Q. 21.

2 A. Oh, 21.

3 Q. So this a call invite for
4 December 15, 2020. The subject is MDR
5 call. Your name is the first one on the
6 list below. Did you join this call?

7 A. I don't recall.

8 Q. Did you join any calls with
9 groups of people including employees in
10 the chamber in December 2020?

11 A. I don't recall group calls.
12 There were a lot of individual calls, but
13 I don't recall group calls.

14 Q. Who were the individual calls
15 with?

16 A. Predominantly and very
17 predominantly Melissa and Rich Azzopardi.

18 Q. Do you have any individual calls
19 with the Governor?

20 A. I don't believe I did, no.

21 Q. Have you spoken with the
22 Governor since December 1, 2020?

23 A. I did a group call with the
24 Governor about the state of the state
25 on -- I believe it was sometime towards

1 the middle of December and there was -- I
2 don't know 15 or 20 people on both inside
3 chamber and outside chamber.

4 Q. Was there any discussion on that
5 call about sexual harassment allegations
6 against the Governor?

7 A. I don't recall anything, no.
8 There were a lot of outside folks as well,
9 like myself.

10 Q. Have you been part of any
11 discussions with the Governor -- any other
12 discussions with the Governor since
13 December 1, 2020?

14 A. I don't -- I don't recall any
15 except for the state of the state.

16 Q. Did you discuss Ms. Boylan's
17 allegations against the Governor with
18 anyone else other than the people we
19 talked about?

20 A. Well, I've been talking to my
21 wife just about everything.

22 Q. Anyone else?

23 A. No. Not that I can recall, no.

24 Q. What about Maggie Moran?

25 A. Oh, Maggie Moran. I'm sorry.

1 Yes. Maggie Moran because she's my boss,
2 so I've been briefing her along the way.

3 Q. What have you been briefing her
4 about along the way?

5 A. About media stories and there
6 were some early talk in December about the
7 allegations.

8 Q. What was the early talk in
9 December about the allegations?

10 A. There was some talk on a chain
11 with Maggie, Josh and I about the
12 allegations.

13 Q. What did you discuss?

14 A. So Maggie -- I talked about
15 and -- about whether she believed -- well,
16 it's not really believed Lindsey or not.
17 What her opinion was on the sexual
18 harassment allegations.

19 Q. What did she say?

20 A. She texted something to the
21 effect of she saw Lindsey with -- [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED], and she used a
23 phrase that I've never heard, but that you
24 can't stand on a sand-something.

25 Q. Did you discuss anything else

1 with Ms. Moran about the sexual harassment
2 allegations by Ms. Boylan?

3 A. I don't recall anything
4 specific, no. I mean, obviously she's
5 been following the media and she -- "she"
6 being Maggie -- has had other interactions
7 with executive staff that I -- that I know
8 because she's told me she's had
9 interactions, but I don't know what those
10 interactions are.

11 Q. Who were those interactions
12 with?

13 A. She's told me that she's had
14 interactions with Melissa and the
15 Governor.

16 Q. How many interactions has she
17 had with the Governor?

18 A. I have no idea because I
19 wouldn't know that.

20 Q. How many interactions has she
21 had with Melissa?

22 A. I don't know that either.

23 Q. Have you discussed anything else
24 with Ms. Moran about Ms. Boylan's
25 allegations?

1 A. We talked about when the
2 additional accusations came out, Maggie
3 had strong feelings that the Governor
4 should -- I don't know if "commit" is the
5 right word -- put himself into counseling.

6 And so she texted that to Josh
7 and I saying that she told -- I think it
8 was Melissa -- that she -- that she felt
9 he should go into some type of counsel.

10 Q. Did you have any other
11 discussions with Ms. Moran about her
12 recommendation for the Governor to go into
13 counseling?

14 A. That was not one conversation,
15 right, it was -- and it was a spattering
16 during other conversations. So it's not
17 one conversations. It was just kind of a
18 spattering of ideas while talking about
19 actual work.

20 Q. What did you think of
21 Ms. Moran's suggestion for the Governor to
22 go into counseling?

23 A. I didn't really have an opinion
24 either way. I said -- I remember during
25 one conversation I said that -- or one

1 text. I don't know if it was text or
2 conversation or something like that.

3 I said in the synopsis of -- or
4 the 30,000-foot of, I said that he should
5 just do his job and let the investigation
6 happen, and that's the best way to either
7 clear himself or figure out if he has to
8 go into counseling.

9 And I'm paraphrasing. I didn't
10 say it like that, but that was the one of
11 the conversations that we had.

12 Q. Did Ms. Moran say the reason for
13 her suggestion that the Governor should go
14 into counseling?

15 A. Kind of. I mean, the impression
16 or the -- was maybe not necessarily more
17 of a PR move than a counseling move but --

18 Q. Did you have any other
19 discussions with Ms. Moran about sexual
20 harassment allegations against the
21 Governor?

22 A. I don't believe so. I don't
23 believe so.

24 Q. Did you talk to anyone else
25 about the sexual harassment allegations

1 against the Governor?

2 A. Maggie, Josh? I don't believe
3 so.

4 Q. What was your view of the
5 truthfulness of Ms. Boylan's allegations?

6 A. I don't know. I actually said
7 what I just said to you that I said to
8 Maggie. I actually said to Josh at one
9 point when we were just talking, before
10 there was any type of -- I think it was
11 before there was any type of
12 investigation -- I said, just call for
13 independent investigation, right. If you
14 call for it and -- that's the only way to
15 clear if you can clear, if that makes
16 sense, right.

17 Because -- or unless if that
18 doesn't happen, then you go through
19 she-said/he-said, she said, he said,
20 right. So at one point, I was just -- and
21 it was a conversation that didn't go
22 anywhere except for Josh and I.

23 I said, why don't you call for
24 an independent investigation, right, and
25 then whatever comes, right. And then he

1 can do his job while there's an
2 independent investigation.

3 And it was definitely -- I don't
4 know what date it was. It was definitely
5 before because there'd be no point of him
6 calling an independent investigation when
7 there already is an independent
8 investigation.

9 Q. Does it matter to you whether
10 Ms. Boylan's sexual harassment allegations
11 against the Governor were true or not?

12 A. Say again. I'm sorry.

13 Q. Did it matter to you whether
14 Ms. Boylan's sexual harassment allegations
15 against the Governor were true or not?

16 A. Well, yeah. I mean, it's
17 important that the truth come out.

18 Q. And did you ever ask the
19 Governor whether Ms. Boylan's allegations
20 were true?

21 A. I did not.

22 Q. Did you ever ask anyone whether
23 Ms. Boylan's allegations were true?

24 A. Just that initial conversation
25 with Melissa at the beginning where she

1 was adamant that it wasn't. That was not
2 me questioning her. That was her saying
3 it to me. Does that make sense?

4 Q. Did Melissa DeRosa say the basis
5 for her adamant denial that -- of
6 Ms. Boylan's allegations of sexual
7 harassment against the Governor?

8 A. She did not.

9 Q. Isn't that one of the questions
10 that you normally asked about?

11 A. Whether -- you mean on a
12 corporate side?

13 Q. In your work?

14 A. Yeah, but I go back to -- and
15 the hindsight 20/20 thing. I mean,
16 literally when she said that was on that
17 Sunday when I was bouncing back and forth,
18 baseball, this, that. So she was adamant
19 in -- with the corporate world when I'm
20 the lead then, yes, I would ask that.

21 Q. And Sunday, December 13th, was
22 not the only day you discussed
23 Ms. Boylan's sexual harassment allegations
24 against the Governor with Ms. DeRosa,
25 correct?

1 A. I don't know. Maybe not. I
2 don't know. I mean, I can't recall. Are
3 you talking before December 13th or after
4 December 13th?

5 Q. I'm saying after December 13th,
6 you had other conversations with
7 Ms. DeRosa about Ms. Boylan's sexual
8 harassment allegations, correct?

9 A. I'm sure I did. I'm sure I did.

10 Q. And on none of those occasions
11 did you ask Ms. DeRosa to explain the
12 basis for adamantly denying Ms. Boylan's
13 allegations, correct?

14 A. I did not, correct.

15 Q. Did you ever question
16 information that came to you from the
17 Executive Chamber?

18 A. In general, you mean or in this?

19 Q. In general.

20 A. Well, when I was the comms
21 director, I used to question stuff all
22 time, both in the AG's Office and the
23 Governor's Office.

24 Q. After you left the chamber and
25 members of chamber would call you for

1 favors, did you ever question the accuracy
2 of information that they were passing on
3 to you?

4 A. I don't recall of the most of
5 the -- most of the opinions they were
6 looking for were stuff -- opinions
7 involving videos and sets and a question
8 -- questions about a reporter, questions
9 about how to do -- how to do something
10 logistically. I can't recall -- I can't
11 recall an apples-to-apples comparison of
12 this.

13 Q. So was December 13, 2020, the
14 first time that anyone in the chamber
15 asked you to pass on information to
16 reporters?

17 A. I can't say 100 percent sure,
18 but I can't recall. And they -- I can't
19 recall a situation like this.

20 I mean, for example, there were
21 times during COVID that they would call me
22 and say, we're doing a briefing now at
23 10:00 not 11:00. We can't get everybody
24 on the horn. Can you just let these two
25 guys know it's at 10:00 and not 11:00,

1 right. So I can't say that.

2 And then it would happen the
3 other way as well, right. A reporter
4 would call me and say, I can't get ahold
5 of the Governor's Office. When is there a
6 COVID briefing or when is his news
7 conference or stuff?

8 But -- so I can't say never
9 because I did call somebody with change of
10 time or something. Or when he went to
11 Israel once, a reporter called me and
12 said, I didn't know he was going to
13 Israel. When is he going to Israel
14 because she didn't get to the advisory.

15 So I remember I called and said,
16 who do I have to call to get her on the
17 Israel trip? That kind of thing.

18 Q. What was your view of the
19 truthfulness of Ms. Boylan's allegations
20 about the work environment in the chamber?

21 A. It is a tough place to work.
22 It's -- you work 25 hours a day, and it is
23 a very stressful place to work and long
24 hours.

25 Q. So is it fair to say that you do

1 not think Ms. Boylan's allegations about
2 the workplace environment in the chamber
3 are false?

4 A. Well, I can't say -- let me back
5 up because I don't know what she
6 experienced, right. I wasn't there when
7 she was there. I was never with her when
8 she was there.

9 In my experience in the chamber,
10 I didn't feel abused and -- but it was a
11 really hard place to work, right,
12 so -- but I don't -- and I mean abusive,
13 not sexual harassment. I mean, but I
14 can't say it enough. It's a very hard
15 place to work.

16 I don't -- I have no other
17 political experience, so I don't know what
18 other political offices are like. I hear
19 that other political offices are also hard
20 places to work.

21 I know that television is a hard
22 place to work as well and my experience in
23 TV was hard as well, in terms of hours and
24 stress and so on and so forth. So I can
25 only speak for myself.

1 MS. PERRY: I don't know if
2 there's a good place for a break just
3 to get some food.

4 MS. MAINOO: Yeah. Can we do
5 that in ten minutes?

6 MS. PERRY: Are you okay?

7 THE WITNESS: Yeah, I'm fine.
8 They can go as long as they want.

9 Q. So let's go to tab 28 in the
10 binder, and we'll mark it as an exhibit.
11 And this is a text exchange between you
12 and Josh Vlasto.

13 He says, I think I'm going to
14 lose the bet with the Gov. Folks losing
15 interest is what it is.

16 A. Yeah. I saw this. I'm not
17 exactly sure what this is. I can
18 speculate, but I'm not really exactly
19 sure. I can only speculate that the --

20 Josh is saying that the initial
21 accusations by Lindsey lasted a week and
22 didn't -- I mean, this is what I'm getting
23 from this thing, it didn't go anywhere.
24 So -- but it is purely speculation because
25 I don't know.

1 Q. Were you part of any discussions
2 involving Josh and the Governor?

3 A. No. I don't recall being on any
4 of that, no.

5 Q. Did Josh tell you about any
6 discussions he had with the Governor?

7 A. He told me about one where he
8 said to the Governor -- and I'm
9 paraphrasing. He said to the
10 Governor -- the Governor asked him what he
11 has to do and Josh responded something to
12 the effects of, well, try being nice to
13 people.

14 I don't know where on the
15 timeline spectrum that was, but -- and I
16 don't know what exactly the conversation
17 was on the other side prior to that, but
18 that was his answer.

19 Q. Let's go to tab 30 in your
20 binder, and we'll mark it as an exhibit.

21 A. Got you.

22 Q. This is an exchange between you
23 and Josh. Josh is telling you about
24 Melissa or maybe Rich pressing him to ask
25 Mike Gartland to publish his article

1 discussing Ms. Boylan's allegations and
2 Ms. Boylan's disciplinary records and
3 texts that Ms. Boylan wrote.

4 Do you remember this?

5 A. Yeah. A little bit. I mean,
6 I -- after reading it, I kind of know what
7 the inkling -- what the synopsis is a
8 little bit.

9 Q. What's the synopsis?

10 A. So there was a woman and I
11 got -- I remember this as a conversation
12 with Josh, not with anybody else, and I
13 don't know what the trigger of this was.
14 Well, he told me what the trigger, but it
15 comes from Josh not from the actual
16 trigger, if that makes sense.

17 So there's a guy named Charlie
18 King who is a consultant. He's another PR
19 guy, but I think he ran with the Governor
20 in 2002, I believe, as lieutenant
21 Governor. I think, and he was friends
22 with somebody on Lindsey's campaign.

23 And so the way Josh told it --
24 and I have no other knowledge except for
25 what Josh told. Charlie called and said

1 that the woman quit Lindsey's campaign
2 because she didn't -- she had some
3 issue -- and I don't know what issue --
4 with the complaint. I don't know if the
5 issue was with how she did it or that she
6 did it or the actual complaint. I have no
7 clue. And that Charlie King got
8 the -- spoke to the woman, and the woman
9 said she wanted to tell her story.

10 And Melissa asked Josh if he
11 could call Gartland and tell Gartland what
12 the story was and then -- I don't know if
13 he hooked Gartland up with Charlie King or
14 what. I don't know what the -- but that
15 is all -- I stress that is all thirdhand
16 from Josh telling me. So I don't know how
17 much of that except for what Josh said.

18 Q. On the second page of the
19 document, the one with the numbers 030 on
20 the bottom, you --

21 A. Yes.

22 Q. -- you agreed to Josh's
23 statements complaining about the constant
24 requests from Melissa and you said, agree
25 on that. They didn't have me give

1 anything to Kramer.

2 You're referring to Marcia
3 Kramer there?

4 A. Yes, I am.

5 Q. What did you mean, they didn't
6 have me give anything to Kramer?

7 A. This is my recollection.
8 Melissa was insanely persistent on stuff,
9 right, as you can see from the beginning
10 he said, like, oh, my God. They called me
11 at 7:15 in the morning.

12 And I recall that -- I believe I
13 was saying that because I was happy
14 because of the persistence of the calls
15 eased or stopped and so that's that.
16 I -- that's my remembrance.

17 Q. So you're saying the persistence
18 of Ms. DeRosa's calls to you had eased or
19 stopped?

20 A. Uh-huh.

21 Q. Yes?

22 A. Yes, correct. I'm sorry.

23 Q. And then Josh describes the
24 Gartland story. He says, it's good. And
25 you say, Gartland has been good to us on a

1 Kivvit level too.

2 What did you mean by that?

3 A. Well, I've known Gartland for a
4 long time and so I -- Gartland and I work
5 on a lot stories. I -- together, so
6 that's all that meant.

7 Q. So how has Gartland been good to
8 Kivvit clients?

9 A. He answers the phone every time
10 I call, right. And if it's a story, then
11 he does it. And I stress, right, that
12 he's just the first step, right. I,
13 obviously, have to make it past his editor
14 and so on and so forth.

15 But there's a lot of folks who
16 may or may not pick up the phone and so on
17 and so forth, but when I call about stuff,
18 he picks up the phone.

19 Q. Any other ways he's good to
20 Kivvit?

21 A. No. That's it.

22 MS. MAINOO: Okay. Let's go off
23 the record.

24 THE WITNESS: Okay great.

25 THE VIDEOGRAPHER: Okay. The

1 time is 1:59 p.m. We're off the
2 record.

3 (Whereupon, a lunch break was
4 taken at 1:59 p.m.)

5 THE VIDEOGRAPHER: The time is
6 2:42 p.m. We're back on the record.

7 Q. WITNESS 6/8/2021, other than
8 what we've already discussed, were you
9 involved between December 2020 and
10 January 2021 in the Executive Chamber's
11 response to Ms. Boylan's complaints of
12 sexual harassment by the Governor?

13 A. In terms of conversations or?

14 Q. Let's start with conversations.

15 A. Between December 2020 and
16 January 2021, I don't believe so. Oh,
17 yes. And that's in here, too, I think.
18 There's -- [REDACTED] [REDACTED], as part of her -- as
19 part of the conversations. I'm sorry.

20 As part of the conversations
21 with [REDACTED] [REDACTED], she -- I said -- let me back
22 up. I'm sorry. It's hard getting started
23 again after you take a break.

24 So we talked about that. I had
25 sent [REDACTED] [REDACTED] names of reporters. He

1 passed them along to [REDACTED]. Whether she
2 called them or not, I'd check with [REDACTED],
3 but I don't know if she ever spoke with
4 them or not.

5 Rich Azzopardi also called me
6 and said that some folks in the chamber
7 are writing a letter that they thought
8 could be a good op-ed and would she be
9 willing? I said, I have no idea.

10 I called her and said, would you
11 be willing? She said, I have no idea.
12 She said, can you send it to me? I said
13 fine. And she said, send it on Signal,
14 which I've never used. And so she
15 explained to me how to download Signal.

16 I sent her the letter. She
17 looked at it and said, I can't write this
18 because my -- I mean, I can't send this
19 because my boss won't let me sign this in
20 a million years and I said, okay.

21 And I believe that's the last
22 time that we actually had a conversation.
23 She did send me a Signal in February,
24 which I didn't see until March because
25 it's not on my phone as something that

1 dings because I don't use it.

2 So I opened it and I don't have
3 it, and I don't have exactly what it said
4 because I also didn't know that Signal
5 leaves in six hours. But it was something
6 to the effect of, let me know what I can
7 do -- MDR. How can I help MDR. Or
8 something of that sort and that's that.

9 Q. And MDR refers to Melissa
10 DeRosa?

11 A. That is correct.

12 Q. Did you have any other
13 conversations other than the ones you've
14 described?

15 A. I don't believe so.

16 Q. Did you communicate with any
17 reporters other than the ones you've
18 mentioned about Ms. Boylan's complaint of
19 sexual harassment by the Governor between
20 December 2020 and January 2021?

21 A. I don't believe so.

22 Q. Did you work on any statements
23 or op-eds or letters or responses to press
24 inquiries relating to Ms. Boylan's
25 complaints of sexual harassment by the

1 Governor?

2 A. I don't believe so. I
3 got -- people sent me stuff, but nothing
4 was done with any of it, and it was not
5 stuff -- it is not material that was asked
6 for by me. It was material that was just
7 sent to me.

8 Q. Who sent you material?

9 A. The Governor's sisters sent me
10 material, and Maggie Moran sent me
11 materials that she received and I believe
12 that's it.

13 Q. What did the Governor's sisters
14 send you?

15 A. All kind of materials. It was
16 press releases about banners that were
17 going to be flying around beaches, it was
18 some lawyer in New Jersey who was -- who
19 did some op-ed or some letter to the
20 editor, it was questions as to should
21 Steve Cohen or Larry Schwartz be doing
22 op-eds.

23 The only -- one of the -- and
24 there was one letter to the editor or
25 something of that -- or statement that

1 former Congresswoman Nita Lowey wrote.
2 Melissa sent it to -- Melissa -- was
3 somehow on that text chain and she said,
4 are you doing anything with this? And I
5 respond something to the effect of no.
6 And she said, state party will handle it,
7 or something of that sort. Yeah. So --

8 And Maggie got something from
9 [REDACTED] [REDACTED], an op-ed from [REDACTED] [REDACTED],
10 who's a fundraiser. I don't know if she
11 currently still is or not, but she was a
12 fundraiser for the Governor.

13 Q. Did you comment on any
14 statements or drafts that you received?

15 A. I don't believe so and I
16 actually -- Maria called once and I told
17 her I'm not handling anything.

18 And I got another call from
19 somebody who was close to the Cuomo
20 family, and I told him that I wasn't
21 handling anything. And in -- actually in
22 one of the text chains with Maggie, Maggie
23 actually says, have you talked to -- and
24 I'm paraphrasing, so excuse me -- so have
25 you talked to any of them, and I responded

1 something to the effect of no. And they
2 said, do you want to talk, and I
3 responded, no.

4 So I mean, I think that's it in
5 terms of conversations -- or not
6 conversations, materials that were sent to
7 me.

8 Q. Just now when you referred to
9 Maria, were you referring to the
10 Governor's sister, Maria?

11 A. Yes. I'm sorry. Yes. Maria
12 Cuomo Cole, who about a year ago I
13 actually helped out with a New York Times
14 story on something so she had my number.

15 Q. When you helped her out, did you
16 get paid for that help?

17 A. I did not.

18 Q. Who asked you to help out Maria
19 Cuomo?

20 A. She just asked me some advice on
21 a reporter. That's all. It was a
22 quick -- she asked me if I knew a reporter
23 and I said yes.

24 Q. Did the chamber ever retain you
25 to provide services in connection with its

1 response to allegations of sexual
2 harassment against the Governor?

3 A. Say that one more time. You
4 have a weird echo.

5 Q. Did the chamber ever retain you
6 to provide services in relation to
7 allegations of sexual harassment against
8 the Governor?

9 A. No.

10 Q. Did the chamber -- start over.
11 Did anyone retain you to provide
12 services in relation to allegations of
13 sexual harassment against the Governor?

14 A. No.

15 Q. You refer to a letter that Rich
16 Azzopardi called you about. When did Rich
17 Azzopardi call you about that letter?

18 A. It was when -- so [REDACTED] asked me
19 if there was anything she could do. I
20 called Rich, Rich called me -- Rich, I
21 would assume, went to Melissa.

22 Rich called me back and said,
23 there's a letter. I remember calling [REDACTED]
24 back and saying, there's a letter. I
25 remember her saying, send it to me. So I

1 called -- I remember calling Rich back and
2 saying, send it to me, and then I got
3 three versions or three different e-mails
4 of the letter from Melissa.

5 I sent it to [REDACTED] via Signal.
6 [REDACTED] was like, I can't do this. I said,
7 okay. And then that was it.

8 Q. Had you ever heard about the
9 letter before you spoke with [REDACTED]?

10 A. I don't recall hearing about it,
11 no.

12 Q. When is the first time you heard
13 about the letter?

14 A. When I had that interchange with
15 [REDACTED] and [REDACTED] to me, me to Rich.

16 Q. Did you ever comment on the
17 letter?

18 A. I don't recall ever commenting
19 on the letter, no.

20 Q. Other than [REDACTED], did you send the
21 letter to anyone?

22 A. Not that I recall, no.

23 Q. Did you consider signing on to
24 the letter?

25 A. Did I? No. I didn't really

1 read the whole letter before I sent it to
2 [REDACTED] and I -- no, I didn't.

3 Q. Other than Rich Azzopardi and
4 [REDACTED], did you discuss the letter with
5 anyone else?

6 A. Well, discuss, so I guess it was
7 an about a week later I got a
8 call -- maybe two weeks later. I don't
9 know. The timing is all -- I'm not quite
10 sure.

11 I got a call from Jesse
12 McKinley, who's a New York Times reporter,
13 and I've known him for a long time.

14 And I said -- and he said to me
15 something to the effect of, Maggie
16 Haberman, who is a also a New York Times
17 reporter, heard that you are the
18 mastermind behind the letter.

19 And I recall at first saying,
20 what letter, right? Because I was not.
21 And then he said, the letter that former
22 female employees were being asked to sign
23 on to. And I said to Jesse, I said, I'm
24 going to -- I'm going to tell you now --
25 and we've known each other a long time --

1 absolutely, positively, absolutely not.
2 Categorically deny. I said, I will use
3 every phrase that you ever heard. He
4 said, okay. I will call you back.

5 So he called me back in
6 30 minutes and said we were wrong. Maggie
7 Haberman asked a whole bunch of other
8 people and it definitely was not you. And
9 I said, yes. Thank you.

10 But then about 30 minutes later,
11 I get a call from the Wall Street Journal
12 saying, we heard you are the mastermind
13 behind the letter. So I said to them
14 absolutely, categorically deny.

15 And I actually sent them -- I
16 was so out of sorts that I actually sent
17 them an on-the-record that said there
18 couldn't -- and I don't recall what it
19 was. I said, it couldn't be any more
20 farther are from the truth, that I had
21 nothing do with sculpting, creating that
22 letter.

23 So then he called me -- I've
24 known him for a long time too since he
25 worked for a politico. So he called me

1 back and he said, yeah. I checked it out
2 a couple times through a couple other
3 sources and you're not it.

4 And then a certain amount of
5 time later, The Post calls me and says, I
6 heard you are the mastermind. And they
7 all used the same lingo, right.

8 And I said, I just spoke to The
9 Times. I just spoke to Jessie. I just
10 spoke to the Wall Street Journal. It's
11 totally false. Completely, totally false
12 and then they called back and said, yeah.
13 Okay. We believe you.

14 So I mean, I'll never know what
15 happened, and I'll never know who it was,
16 right, because I know better not to ask
17 for alleged sources. But as Jesse said to
18 me -- and I'm paraphrasing -- you know
19 it's not true when Maggie Haberman says
20 it's not true, right.

21 So I don't know what that was
22 about. I don't know who was trying to
23 defer what -- but that's why -- and in
24 it's in here, I think. I did, like -- I
25 mean, I was so -- mixture angry, upset all

1 at the same time.

2 So I wrote some statements that
3 I sent to Maggie Moran, not Maggie
4 Haberman, and to Josh, just in case
5 somebody else called. Because in the
6 media business, if you have three
7 high-ranking reporters who call about the
8 same exact topic and use the same exact
9 lingo all within a short span, something
10 is up. So I wanted to have that ready.

11 Q. What's the reason you were so
12 upset?

13 A. Because somebody was saying that
14 I masterminded that and I did not.

15 Q. What did you think of the
16 letter?

17 A. Well, after -- with this, I read
18 it, right, and I wouldn't sign that, as I
19 said. I mean, so and it's -- and it
20 also -- so -- yeah. So I had those
21 statements ready to go.

22 Q. And it also what?

23 A. What's that?

24 Q. I thought you said, I wouldn't
25 sign that. And you started to say, and it

1 also?

2 A. Oh, no. I -- I do recall saying
3 to [REDACTED] that I doubt she's going to sign
4 this from my skim through and she says,
5 you're right.

6 Q. What's the reason you said you
7 wouldn't sign the letter?

8 A. Just because, to a certain
9 extent too, I didn't know. I mean, it
10 came from somebody in the Executive
11 Chamber, but I didn't know exactly where.
12 And also, I always like to do my own
13 letters, right, if I have an opinion so --

14 Q. Ms. DeRosa sent you the letter,
15 right?

16 A. Correct.

17 Q. So when you say you didn't know
18 where the letter came from, it came from
19 Ms. DeRosa to you --

20 A. Correct. Correct. But I was
21 not in any room in discussion of the
22 letter or the genesis of the letter or the
23 purpose of the letter or -- except to get
24 folks to see if they'll sign on.

25 Q. So is that the reason you say

1 you wouldn't sign the letter?

2 A. I don't -- I would -- if I ever
3 do a letter, I would do my own letter,
4 right, for anything. I'm not talking
5 about this in particular.

6 Q. What did you think of the
7 substance of the letter?

8 A. I thought it looked like a brain
9 dump of just all kinds of -- it didn't
10 seem like a cohesive letter.

11 Q. Given that you didn't think the
12 letter seemed cohesive, what's reason you
13 were shopping it around to other people to
14 sign?

15 A. Well, I wasn't shopping it
16 around. She -- I would not have sent it
17 to her if she hadn't asked for it. I had
18 no push for her to do it.

19 So it was -- she -- [REDACTED] asked
20 what else she could do, if there's
21 anything else she could do. I went back
22 and said, is there anything else she can
23 do? They said, how about the letter? I
24 sent it to her. She said no and that was
25 it.

1 I definitely wasn't calling
2 around folks and saying, hey, we got this
3 letter, and do you want to be on it.

4 Q. Whose idea was it to write this
5 letter?

6 A. I don't know.

7 Q. What discussions did you have
8 with Ms. DeRosa about the letter?

9 A. To the best of my recollection,
10 it was just the [REDACTED] stuff, right. Where
11 Rich asked Melissa for it.

12 I did ask a side question to
13 Melissa because [REDACTED] asked me if they had
14 anybody else signed on. So I texted
15 Melissa and said, is there anybody else
16 signed on? And she sent me a couple of
17 names. And I sent it over to [REDACTED].

18 Q. Just to make sure I have the
19 chronology correct, you heard about the
20 letter and then you told Melissa that [REDACTED]
21 was interested in helping out; is that
22 correct?

23 A. I believe it was the other way.
24 I believe that, as far as I can remember,
25 [REDACTED] said to me, is there anything else I

1 can do to explain my story?

2 I called Rich. Rich went to
3 Melissa, I assume. Melissa went back to
4 Rich and said, there's a letter. And then
5 I let [REDACTED] know there was a letter and then
6 sent it to her on Signal.

7 Q. When [REDACTED] asked if there was any
8 other way she could help, how did she
9 communicate with you?

10 A. Phone. She called me or someone
11 called each other. It was by phone. I --

12 Q. Did you ever talk about
13 complaints -- any other complaints against
14 Lindsey Boylan from a previous employer?

15 A. So Melissa had off the
16 cuff -- so Lindsey and I -- I worked for
17 RBC as a consultant at the firm that I'm
18 at back in 2013, 2014. Lindsey was on the
19 team, on the -- she was not the lead of
20 the client team.

21 Melissa, in passing, as part
22 of -- and I -- I don't know what the other
23 conversations were -- and I don't recall
24 exactly the date -- said, I wonder if she
25 had the same problems at RBC.

1 I sent an e-mail to Josh and --
2 just to get a gut check because I was not
3 about to call on anybody at RBC, and he
4 100 percent, 1000 percent agreed. And
5 that was the end of that, and I don't
6 believe she ever asked again.

7 Q. Wasn't it the case that you
8 suggested to Josh trying to find out about
9 any complaints against Lindsey Boylan from
10 her time at RBC, and Josh suggested
11 actually that the two of you should do
12 less and not more?

13 A. No. I saw the e-mail chain and
14 that initially came from Melissa. His
15 "less not more," I think, was just less
16 not more, but I didn't make any initial
17 outreach, no.

18 Q. So the suggestion came from
19 Melissa. And after Melissa made the
20 suggestion, you raised the question with
21 Josh, and he said let's not do this; is
22 that right?

23 A. Yeah. And I wasn't going
24 to -- I mean, as far as I remember, and I
25 remember that part clearly. My gut was I

1 wasn't going to do anything anyway and I
2 was just double-checking. I was just
3 doubling-checking my gut with Josh.

4 Q. And how did you double-check
5 your gut with Josh?

6 A. With this, with the e-mail.

7 Q. Let's go to tab 26 in the
8 binder, so we'll mark it as an exhibit.
9 You just say, what about RBC and see if
10 there are complaints there. Right?
11 That's what you see?

12 A. Yes. I believe we had a
13 conversation before, but that was what my
14 gut check was, right. And he said,
15 you -- we offer less not more. And then,
16 this letter is nuts. Is the letter -- is
17 the letter letter.

18 Q. Just now you said, yeah, I think
19 you offer less not more. But the text
20 message doesn't say that, right? It just
21 says, I think you and me offer less not
22 more.

23 Correct?

24 A. Correct. Sorry. Yes. I read
25 that wrong.

1 Q. Your text message was repeating
2 the suggestion, what about RBC and see if
3 there are complaints there, correct?

4 A. Well, that -- yeah. I mean, my
5 recollection is that that is what Melissa
6 asked me and then I texted -- I guess it's
7 a text. I texted Josh. I definitely
8 didn't bring it up at the start. There
9 was no way I was going to do that.

10 Q. Right. You were just following
11 Melissa's instructions, correct?

12 A. Well, no. Because I didn't
13 follow her instructions because I didn't
14 do it. I just bouncing her idea, right,
15 thinking about the idea and bouncing it
16 off Josh, right.

17 Q. You were repeating her idea to
18 Josh?

19 A. Correct. Correct. Correct.

20 MR. GRANT: If you had no
21 intention of following through or
22 calling RBC, why even ask Mr. Vlasto?

23 THE WITNESS: I don't know. I
24 mean, there's -- we -- Josh and I
25 always do a free change of ideas and I

1 did. I mean, in the context of --
2 this is separate but it may help
3 your -- in the context of these --
4 these are like little pops of pop,
5 right.

6 I mean, the calls with Melissa
7 and the -- or and the calls with the
8 reporters are little pops in between
9 my real job and [REDACTED],
10 right. So it's not like I was sitting
11 there thinking about it, right. She
12 said it, I said what about -- I
13 wouldn't even know who to call by the
14 way, but that's a whole another story
15 which is neither here or there, right,
16 but there was little pops of gut
17 check.

18 MR. GRANT: Got you. And if
19 Mr. Vlasto had said, yeah, I think we
20 should do it, would you have responded
21 any differently?

22 THE WITNESS: Yeah. No. I
23 don't think -- A, I can't imagine I
24 would have done it. B, I wouldn't
25 even know what to do. And C, I

1 wouldn't have done it.

2 MR. GRANT: Do you know anyone
3 who still works at RBC?

4 THE WITNESS: They -- the team
5 leads that I were there with are all
6 long gone. We were -- I think it's
7 2015 is when -- was my last contract
8 with them.

9 MR. GRANT: What sort of
10 complaints did Ms. DeRosa want you to
11 find or suggest that you may find?

12 THE WITNESS: I don't know. She
13 didn't say and it was -- as far as I
14 recall, it was literally part of
15 another conversation and it was a
16 one-liner, right. I wonder what else
17 is out there, and that's her talking,
18 not me.

19 MR. GRANT: Okay.

20 Q. If you aren't even entertaining
21 the idea of contacting RBC to see if there
22 were complaints there, why didn't you just
23 say that in response to Ms. DeRosa's
24 suggestion?

25 A. I don't know. I can't

1 speculate, but I can tell you I was never
2 going to or be in a position to call RBC.
3 But I -- I can't speculate on the answer.

4 Q. In response to a request from
5 Melissa DeRosa for a favor, have you told
6 her I will never do that?

7 A. In the past? I'm sure I have.
8 Well, yes, I have actually. I can -- one
9 of my clients got into a fight with her,
10 and she wanted them to retract something
11 out of the Daily News or The Post and we
12 said no.

13 Q. Who was the client?

14 MS. PERRY: Objection. WITNESS
15 6/8/2021, I just -- per counsel, we're
16 not supposed to disclose client
17 names --

18 THE WITNESS: Okay.

19 MS. PERRY: -- industry or
20 coalition.

21 A. Okay. It was a union.

22 Q. What fight did your client have
23 with Melissa DeRosa?

24 A. They had a disagreement.

25 Q. About what?

1 A. About -- if I say that, you'll
2 know who the client is.

3 MS. PERRY: Anything that's
4 going to tend to reveal client name,
5 the client identity, then per
6 counsel's instruction you should not
7 reveal it.

8 A. It involved a COVID issue during
9 COVID.

10 Q. When was this?

11 A. I -- oh, my God. This was last
12 April or last May.

13 Q. Did you have any discussions
14 with Ms. DeRosa about this issue?

15 A. Yes.

16 Q. What did she say?

17 A. She wanted us to retract it, and
18 I said that we're not retracting it.

19 Q. What did she say in response?

20 A. She wasn't happy that it wasn't
21 being retracted.

22 Q. How did she express her
23 displeasure?

24 A. She basically said that, I'm not
25 happy with how it's being -- that it's not

1 being retracted.

2 Q. How long was the discussion?

3 A. Say again?

4 Q. How long was your discussion
5 with Ms. DeRosa?

6 A. A couple of minutes.

7 Q. Are there any other occasions
8 where you said no to Ms. DeRosa?

9 A. I'm sure there are. I -- I'm
10 sure there are. I can't think of them
11 now.

12 MR. GRANT: When Ms. DeRosa made
13 that request of you involving the
14 union, did she know it was a client of
15 Kivvit and a client of yours?

16 THE WITNESS: Yes.

17 Q. Has she made similar requests to
18 you before about one of your clients?

19 A. I don't recall. I don't think
20 so. I don't recall. I'll have to think
21 about that.

22 Q. Did you discuss Ms. DeRosa's
23 request with your client?

24 A. Say again. I'm sorry. There's
25 a weird echo. I'll move this. Go ahead.

1 I'm sorry.

2 Q. Did you discuss Ms. DeRosa's
3 request to retract the information with
4 your client?

5 A. Yes.

6 Q. What did you discuss with your
7 client?

8 A. Just that she, "she" being
9 Melissa, didn't like what was said, and we
10 both agreed that there was no problem with
11 what she said.

12 Q. Was it the client's call whether
13 or not to retract the information?

14 A. Well, in the end, yes. It's
15 always the client's call, right. I gave
16 advice, but it's always the client's call.

17 Q. So the client said no to
18 Ms. DeRosa's request, correct?

19 A. Correct. And I advised that
20 that was the correct decision.

21 Q. And you communicated to
22 Ms. DeRosa that the client would not see
23 to her request, correct?

24 A. Correct.

25 Q. Was Melissa DeRosa's suggestion

1 about RBC? Was that related to this
2 letter?

3 A. I don't believe it was, no.

4 Q. What do you think it related to?

5 A. I can only speculate, right, but
6 I think she was just free thinking and
7 that's what came out.

8 Q. What is your understanding of
9 the Governor's involvement with the
10 letter?

11 A. I have no knowledge on that
12 except for what was in the media.

13 Q. What did you see in the media?

14 A. The press said that he did have
15 an involvement.

16 Q. What do you think of that?

17 A. Whether -- I don't think it's
18 out of the realm of possibility. I
19 could -- I mean, it's only speculation,
20 right, but I could see him involved with
21 the letter, but I don't know what happened
22 behind closed doors, right. So it's only
23 speculation.

24 Q. What is the reason you can see
25 the Governor involved with the letter?

1 A. Because he's a very hands-on
2 Governor.

3 Q. And he's particularly hands on
4 when it comes to press issues, correct?

5 A. That is correct except for TV,
6 but other stuff in press -- yes, that is
7 correct.

8 Q. How is TV handled?

9 A. He -- well, at least when I was
10 there I did -- I handled a lot of the TV
11 logistics and stuff like that. But, yes,
12 you are correct.

13 Q. Did you have any concerns about
14 the letter that you shared with [REDACTED] [REDACTED] ?

15 A. Concerns in terms of?

16 Q. What the letter said?

17 A. I have to say I didn't read the
18 letter so carefully. I basically copied
19 and I sent it via Signal. I did skim it,
20 as I said, because I did. And I'm -- I
21 don't know the exact quote, but I did say
22 to her, I can't imagine how you're going
23 to sign this. So I did skim it, but I
24 didn't really read it.

25 Q. Did you consider whether the

1 letter could be considered retaliation
2 against Ms. Boylan?

3 A. I did not.

4 Q. Did you consider whether sharing
5 the draft of the letter could be
6 considered retaliation?

7 A. I did not.

8 Q. Did you consult with anyone
9 about this?

10 A. I did not.

11 Q. Did you find out whether the
12 letter had gone through the legalizing
13 process?

14 A. I did not ask, no. I did
15 assume, but I did not ask.

16 Q. Did you ask any questions about
17 this letter that you got from Ms. DeRosa?

18 A. I did not.

19 Q. Other than [REDACTED], who had agreed
20 to sign it, right?

21 A. Correct. Correct. And I didn't
22 think to ask either because I assumed it
23 went through the same processes.

24 And I looked at it as [REDACTED] had
25 come to me and had agreed to look at it.

1 I'm hypothesizing a little bit on why I
2 didn't ask but I do recall. I mean, you
3 said earlier shopped it around. I
4 definitely didn't shop it around.

5 She came to me through somebody
6 else. She didn't -- I mean, she searched
7 me out through the -- via lobbyists and
8 there was absolutely no pressure or
9 shopping around on my end at all.

10 MR. GRANT: Having scanned the
11 letter, what did you think the purpose
12 of the letter was?

13 THE WITNESS: The purpose of the
14 letter in terms of the skim was
15 to -- I believe -- I mean, I don't
16 want to get into their heads -- was to
17 get the other side out.

18 MR. GRANT: The other side being
19 what?

20 THE WITNESS: Well, get both
21 sides of the story out, right. And
22 that's not to say that I am saying
23 that that is the appropriate way that
24 it should have gone, but it goes to
25 our earlier conversation of that if I

1 were -- when I'm on -- when I'm really
2 on a client, I sit down and we talk
3 about what is the response, what is
4 the legality of the response, what is
5 the meaning of the response, what
6 response will you get back from your
7 response, right.

8 There's a whole -- and I don't
9 have an actual checklist, but there's
10 a whole checklist in my head that you
11 go through when you do stuff like
12 this, which I did not do because I was
13 not -- I was not the lead and I wasn't
14 in the conversation, right, so --

15 MR. GRANT: Did you understand
16 that part of the purpose of the letter
17 was to undermine the allegations that
18 had been made by Ms. Boylan?

19 THE WITNESS: I understood it --
20 well, and I understood it from
21 skimming it. Exactly what I said is
22 an attempt to get all sides out there.
23 In terms of in [REDACTED] case when she
24 initially came to me, she said, I had
25 a good experience at the Governor's

1 Office. I'd like to tell that story,
2 right.

3 So that was initially what -- if
4 I do recall -- and I do recall that in
5 terms of her to [REDACTED] and [REDACTED] to me.
6 So I don't know where that line is,
7 you know.

8 MR. GRANT: And do you think
9 that the side of the story that was to
10 be offered by this letter would have
11 undermined some of the allegations
12 that had been made by Ms. Boylan?

13 THE WITNESS: I don't know if
14 it's undermined. I don't know. I
15 mean, I go back to that telling --
16 that whenever you're dealing with a
17 situation like this, when there's one
18 side -- the PR person, not the legal
19 person in me but the PR person in me
20 says, what is -- what is the other
21 side?

22 And then you got go through that
23 checklist to make sure that you are
24 doing everything you should and could
25 and on the other side.

1 So I mean, the -- I go back to
2 the thing about [REDACTED] was -- and she
3 said it to me was, I want to get my
4 experiences on the Governor's Office
5 out there. So --

6 MR. GRANT: Do you have any
7 memory if the letter addressed issues
8 beyond the fact that other women had
9 positive experiences in the Executive
10 Chamber?

11 THE WITNESS: Say again?

12 MR. GRANT: Do you recall if the
13 letter addressed any other point
14 beside the fact that other women --

15 THE WITNESS: Yeah. Yeah, it
16 did. It did. And I actually saw that
17 while I was reviewing the documents.
18 It did.

19 MR. GRANT: Okay. And one final
20 thing. You, I believe, testified
21 earlier that you saw multiple
22 iterations of this letter, correct?

23 THE WITNESS: Yeah. Melissa
24 sent me three separate e-mails, and I
25 don't know what changed in them. But

1 she sent me three e-mails with the
2 letter.

3 MR. GRANT: Is the fact that
4 they were still in the drafting
5 process suggest to you that it hadn't
6 been legalized as you defined that
7 term earlier?

8 THE WITNESS: Oh, I don't know.
9 I can't answer that. I mean, they
10 could have wanted to see what she
11 thought of it, it could have been
12 legalized and then somebody wanted to
13 change some of the language. It could
14 have been -- I mean, who knows. I
15 have no idea.

16 MR. GRANT: Would a document
17 continued to be legalized if language
18 was changed from what had been
19 approved before?

20 THE WITNESS: Well, I mean,
21 hypothetically you could take out a
22 paragraph. You could change a word
23 here or there. I mean, I'm only
24 speaking hypotheticals because I have
25 no comparison. You can change a word

1 or two. You could have misspellings.
2 I don't know. I'm just -- not that
3 any of that happened. I'm just
4 throwing out hypotheticals.

5 MR. GRANT: And if a change were
6 more substantive than changing a
7 couple words or two, would the
8 document still be legalized?

9 THE WITNESS: I think if counsel
10 is involved in -- and continues to be
11 involved until the final -- and I'm
12 not speaking in this case, right --
13 then yeah. As long as counsel is
14 involved and before it goes -- as long
15 as counsel is involved throughout and
16 for the final copy that goes out then
17 yeah. I would say yeah.

18 MR. GRANT: Okay.

19 Q. Let's go to tab 24 in your
20 binder, and we'll mark it as an exhibit.

21 A. What did you say, 24?

22 Q. Yes.

23 A. Okay.

24 Q. So let's go to the document with
25 the number 861 on the bottom.

1 A. 861. Okay. Okay.

2 Q. So on December 17th, Melissa
3 DeRosa asked to you call McKinley. Is
4 that Jesse McKinley?

5 A. Yes, I would assume it is. Yes.

6 Q. And Jesse McKinley is the person
7 who later called and told you you were the
8 mastermind of the letter?

9 A. Yes, correct.

10 Q. Did you call Jesse McKinley?

11 A. I have no clue. I don't know.
12 I talk to him all the time. I don't know
13 if I called him about this specific
14 e-mail.

15 Q. And the next page with the
16 number 869, you say to Melissa, should we
17 leak her the text to Rob and Dani. She
18 was interested in seeing them.

19 You're referring to texts that
20 Lindsey Boylan sent to Rob Mojica and Dani
21 Lever, correct?

22 A. That is correct.

23 Q. Who is "she" here?

24 A. So I think it's Marcia is the
25 she, and this goes to our earlier

1 conversation, right, where Melissa wanted
2 to know what Marcia thought of it.

3 Q. Well, the text shows that you
4 suggested sending -- leaking the text to
5 Marcia Kramer, correct?

6 A. Well, so it's -- we go back to
7 my -- what I believe is my poorly-written
8 text because -- all of the push to send
9 these to Marcia came from Melissa and
10 we -- I use "we" with clients too, right.
11 I guess it's a bad habit. "We" is the
12 joint "we."

13 Q. "We" is the chamber, right?

14 A. "We" as a chamber, and I use
15 "we" when I talk about clients, too. I'm,
16 like, we have to get -- we have to talk to
17 so and so, we have to go here. So --

18 Q. Let's go to the next page. This
19 is the one with the number 870 on the
20 bottom.

21 A. Right.

22 Q. So in response to your
23 suggestion, should we leak the texts --
24 the Boylan texts --

25 A. Yeah.

1 Q. -- to Marcia Kramer, Melissa
2 DeRosa says, not yet.

3 Right?

4 A. Correct.

5 Q. And then later on in the text
6 messages, this is the document with the
7 number 877 on the bottom.

8 A. 877?

9 Q. Yes.

10 A. Okay.

11 Q. You're updating Melissa about
12 Josh's -- Josh Vlasto's work to get Mike
13 Gartland to publish his story, correct?

14 A. Yes.

15 Q. Now, you suggested several times
16 that [REDACTED] [REDACTED] reached out because she
17 wanted to get her story out, but none of
18 the documents we have shows [REDACTED]
19 affirmatively reaching out, correct?

20 A. Well, the -- there's [REDACTED] [REDACTED]
21 texts from [REDACTED] to [REDACTED] and then [REDACTED] to
22 me.

23 Q. And what do those show?

24 A. Those show her -- him reaching
25 out to me on behalf of her.

1 Q. Right. So let's go back and
2 look at that. This is tab 12 in the
3 binder.

4 A. 12 you said?

5 Q. Yes. Tab is 12 shows an
6 exchange between you and [REDACTED] on
7 December 13th, correct?

8 A. Say again.

9 Q. This document, tab 12, is a text
10 exchange between you and [REDACTED] on
11 December 13th, correct?

12 A. Correct.

13 Q. [REDACTED] is not mentioned on the
14 first page, right?

15 A. Correct. It's this other person
16 who called [REDACTED], who I don't know, and it
17 ended there.

18 Q. So on the second page, [REDACTED] is
19 mentioned?

20 A. Correct.

21 Q. Once. And what [REDACTED] says
22 is -- [REDACTED] is basically passing on a
23 message from [REDACTED] to you, can you tell
24 WITNESS 6/8/2021 Bernadette Hogan called,
25 and I said the same thing I did with

1 Isabel.

2 Right?

3 A. Correct.

4 Q. And you'd been texting with
5 Bernadette Hogan that day too, correct?

6 A. Yes.

7 Q. There's nothing here showing
8 that [REDACTED] [REDACTED] is the one who initiated
9 contact with you, right?

10 A. There's nothing there, but I'm
11 telling you she did.

12 Q. Let's go to tab 31 in your
13 binder.

14 A. Tab 31?

15 Q. Yes. And now it's
16 February 19th. Josh texted, you haven't
17 heard from them this morning, which leads
18 me to believe that is he off the
19 reservation again.

20 You said, agreed, I spoke with
21 Dani this morning and today is not going
22 to be good and it's not going to get
23 better until he figures it out, until then
24 there's nothing we can do except deal with
25 our full-time, daytime paying job.

1 And we should mark this as an
2 exhibit. What's going on in this
3 exchange?

4 A. I don't know. I mean, I -- I
5 don't know. I have -- I can only
6 speculate because I don't remember this.

7 Q. You and Josh are discussing the
8 Governor, correct?

9 A. Correct. I -- yes.

10 Q. And you're discussing the issues
11 that the Governor was facing at the time,
12 right?

13 A. I would assume, yes.

14 Q. What role did you have with
15 respect to the issues the Governor was
16 facing?

17 A. In terms of past December, I
18 don't recall having any role. I think
19 this is just me pontificating because I
20 would assume this was around the time that
21 more allegations came forward. Oh, unless
22 this is -- yeah. This must be the time
23 when more allegations came forward.

24 Q. So let's go it tab 32.

25 A. 32?

1 Q. Yes. Oh, February 24th. Is
2 this what you were referring to when you
3 mentioned more allegations coming out?

4 A. Yeah. So I don't know what that
5 is referring to. I mean, it could be
6 referring to something non-this related or
7 he could have said something at a news
8 conference that I deemed as not
9 appropriate or I'm not quite sure. I
10 don't know what the 717 thing about.

11 Q. Did you discuss any of the
12 nursing home issues with anyone in the
13 Governor's Office or the Governor?

14 A. I have not.

15 Q. And what about the issues with
16 Ron Kim?

17 A. I have not.

18 Q. Did you learn about Ms. Boylan's
19 more detailed allegations against the
20 Governor at some point?

21 A. Besides her article?

22 Q. As reflected in her article?

23 A. Oh, oh. Have I learned more
24 than the article?

25 Q. Did you learn about what she

1 said in the article?

2 A. Oh, yes. Yes.

3 Q. When?

4 A. When the article came out.

5 Q. Did you read the article?

6 A. I did.

7 Q. What was your view of the
8 truthfulness of Ms. Boylan's allegations
9 in the article?

10 A. I don't know. I mean, I read
11 the article. And back to what we had
12 talked about earlier, the only way to --
13 is to have an independent investigation.

14 Q. Did you discuss Ms. Boylan's
15 detailed allegations with anyone?

16 A. I don't believe I did. No. My
17 wife and I talked about it but besides
18 that, no.

19 Q. What about your colleagues?

20 A. I don't believe so, no.

21 Q. You didn't discuss them with
22 Maggie Moran?

23 A. I don't believe I did. I don't
24 believe -- post the December stuff, I
25 don't recall but I don't believe I did. I

1 mean, I -- I may have in passing or she in
2 passing, but there were no long
3 conversations that I recall.

4 Q. Did you discuss with Josh
5 Vlasto?

6 A. I don't believe -- any long
7 conversations with Josh. I can't recall
8 for sure, but I don't recall anything that
9 stands out.

10 Q. Did you discuss Ms. Boylan's
11 detailed allegations with anyone from the
12 Executive Chamber?

13 A. I don't recall discussing
14 detailed accusations from the article, no.

15 Q. Did your involvement in
16 responding to allegations of sexual
17 harassment by the Governor have any
18 repercussions for your employer?

19 A. I don't believe it has had any
20 for the employer -- for my employer. We
21 haven't lost any clients. So I don't
22 believe so.

23 Q. Has it raised any concerns about
24 potential repercussions for your employer?

25 A. Haven't had any long

1 conversations. Obviously always worried
2 about reputation and so on and so forth.
3 I mean, there's no doubt about that.

4 Q. Have any concerns been raised
5 about reputational harm to your employer
6 resulting from your involvement in
7 responding to allegations of sexual
8 harassment by the Governor?

9 A. There haven't been a -- long
10 conversations. Listen, I -- there's
11 always a reputation concern, right, for
12 both Kivvit and for myself.

13 I mean, I certainly -- in terms
14 of this, did not have a -- did not do the
15 checklist that I usually do when -- if I'm
16 the lead on something and the fact that it
17 was under counsel gave me a little -- was
18 important to me.

19 And I was -- in terms of my
20 recollection, I was not in the meetings.
21 I didn't decide on it. So reputation is
22 always on the front burner.

23 Q. You said, the fact that it was
24 under counsel. What did you know about
25 counsel's involvement?

1 A. Just what they said that
2 the -- that the response was going to be
3 delayed because they were reviewing
4 it -- legally reviewing it.

5 The tweets, as we discussed
6 earlier, were public and I -- that one
7 tweet -- and I understood that it fell
8 under the same guise, right, in terms of
9 it was public and everything was being
10 looked at and so on and so forth.

11 I mean, back to your question,
12 reputation first and foremost.

13 Q. Did you ever speak to counsel?

14 A. I did not, which is, as we
15 talked about, different from what I would
16 do if this were actually my event, right,
17 my -- "event" is the wrong word. My case,
18 my ownership, right.

19 Q. Did anyone tell you which
20 counsel was reviewing?

21 A. Did not.

22 Q. Did anyone tell you what counsel
23 was reviewing?

24 A. What they were reviewing? Well,
25 the response because that's why he was so

1 delayed.

2 Q. Did anyone tell you what counsel
3 was reviewing the response for?

4 A. Oh. No. No. I'm sorry. I
5 misunderstood your question. No, they did
6 not. I mean, in my nonlegal head -- when
7 the lead counsel looks over everything
8 that's going public, right.

9 Q. Did you ask anyone's permission
10 at Kivvit to get involved in responding to
11 the allegations of sexual harassment
12 against the Governor?

13 A. I did not ask them specifically,
14 no, that I would -- that I got a call and
15 this is what the call was about.

16 Q. Did you ask generally?

17 A. Well, generally Maggie Moran is
18 a fan -- "fan" is the wrong word -- has us
19 or allows us to give our opinion and our
20 advice to the Governor and she does it as
21 well.

22 Q. How do you know that Maggie
23 Moran allows you to give your opinion and
24 advice to the Governor?

25 A. Well, there was -- and this is,

1 I guess, secondhand or thirdhand through
2 Josh when -- and a little bit through
3 Maggie, but Maggie said that the Governor
4 had asked Kivvit to be retained in this
5 situation. We said, no. Kivvit said, no.

6 And then Maggie wrote in a
7 text -- which I know from my reviewing --
8 but he would still like us to volunteer
9 and I -- and so I think that's where the
10 text ended.

11 It should be in here and
12 then -- and that's when -- at a certain
13 point, I had responded, I'm not responding
14 to them, or something of that sort.

15 Q. When did that text exchange take
16 place?

17 A. Oh, I don't know. I
18 guess -- maybe that's April or May.

19 Q. Of what year?

20 A. Oh, no. It would have to be
21 this April or May. So it would have to be
22 20 -- hold on. When was that -- oh, no.
23 It would have to be this year. It would
24 be -- I'm sorry. I'm losing track of
25 dates. Sometime in the spring.

1 Q. And that would have been
2 after --

3 A. Yeah. Spring.

4 Q. And that would have been after
5 you were already involved in helping the
6 Governor's Office respond to allegations
7 of sexual harassment by the Governor,
8 correct?

9 A. Say that again?

10 Q. This exchange in which you're
11 saying Maggie Moran authorized you to
12 provide services to the Governor --

13 A. Well, she didn't authorize.
14 She -- the -- she said that the Governor
15 asked her if there -- if there -- if she
16 could still volunteer. So I don't know if
17 I'd say it was authorized, but there was
18 a -- there was obviously a conversation
19 with the Governor, which I was not privy
20 to.

21 Q. But you got a text message from
22 Maggie Moran about this?

23 A. Yeah. Saying that we
24 weren't -- that we weren't going to
25 be -- that he wanted to hire us, but we're

1 not going to do the hiring, but he wanted
2 volunteer, but there was -- there was no
3 affirmative back on the volunteer
4 according to what I know, but --

5 Q. And I'm not sure that we got
6 that message.

7 MS. MAINOO: And so if we do not
8 have it, Counsel, we'd ask for that
9 message.

10 MS. PERRY: Okay.

11 Q. And just to be back, WITNESS
12 6/8/2021, my original question had been
13 whether you asked for anyone's permission
14 before getting involved in responding to
15 the allegations of sexual harassment
16 against the Governor. It sounds like the
17 answer is no; is that correct?

18 A. Correct. I did not go to
19 Kivvit.

20 Q. And when I asked about concerns
21 about potential repercussions for Kivvit
22 of your involvement in responding to the
23 allegations of sexual harassment against
24 the Governor, you said there were detailed
25 conversations. Were there any general

1 conversations?

2 A. No. I mean, there was general
3 conversations, obviously, after there were
4 a couple of TV stories -- I'm sorry --
5 newspaper stories, right. So there were
6 some general conversations after those.

7 Q. And what was discussed in those
8 general conversations?

9 A. Just we were in a story and the
10 response to the story was we will
11 cooperate in any way we can and we should
12 just monitor those stories.

13 Q. Was Maggie Moran upset about the
14 situation?

15 A. Yes.

16 Q. Were you upset?

17 A. Yes. I don't like to be in
18 stories.

19 Q. What was Ms. Moran upset about?

20 A. That were in a story.

21 Q. And what was the concern about
22 you being in a story?

23 A. Just were -- we're on -- we like
24 to be on -- we don't like to be in
25 stories.

1 Q. There's a concern about a
2 potential harm to your business, correct?

3 A. Sure. The reaction to any
4 story.

5 Q. Did your involvement in helping
6 the Governor's Office respond to sexual
7 harassment allegations change this any way
8 after you were in a story?

9 A. Say it again.

10 Q. Did your involvement -- did your
11 level of involvement in helping the
12 Governor's Office respond to the
13 allegations of sexual harassment change in
14 any way after your name appeared in a
15 story?

16 A. Well, stories were in March. I
17 had very little, if any, role or any
18 actions taken or any opinions given after
19 December.

20 Q. What was the reason for that?

21 A. I got swamped with work. And so
22 their -- after that weekend in December, I
23 can't recall -- and I'm thinking -- I
24 can't recall doing anything with the
25 chamber.

1 MS. PERRY: And if I could just
2 ask -- we've been going a little
3 bit -- if we could take a brief break.
4 Would this be a good point?

5 MS. MAINOO: Yeah. Sure.

6 THE VIDEOGRAPHER: Okay. The
7 time is 3:58. We're off the record.

8 (Whereupon, a recess was taken.)

9 THE VIDEOGRAPHER: The time is
10 4:04 p.m. Back on the record.

11 A. Great. Just to make sure I
12 understood the question, to clarify. So
13 in terms of Kivvit and Maggie have known
14 that I give advice and opinion to folks
15 when they call on the second -- from the
16 chamber. And obviously Maggie gives
17 advice and opinion.

18 On the morning of December 13th
19 though, I didn't pick up the phone and
20 call anybody and say, I got a call from
21 them asking my opinion on this. But they
22 do know that.

23 Q. How is it that they know that?

24 A. Well, I think several ways. I
25 think I've talked to them about it. I

1 think Maggie has talked to the Governor
2 about it, and I think Maggie has talked to
3 Melissa about it.

4 Q. What have you talked about on
5 that subject?

6 A. To --

7 Q. I think you said, I've talked to
8 them about it, meaning you talked to
9 people at Kivvit about --

10 A. Oh, just so they know such as if
11 a video comes and they say, take a look at
12 this video. And I'm talking to Maggie,
13 I'll say, yeah, I just looked at this cool
14 video, they're using it for the Erie Canal
15 and it's cool.

16 Q. Have you ever discussed with
17 anyone at Kivvit with an arrangement by
18 which you provide free services to the
19 Executive Chamber?

20 A. I have not, but they also
21 understand that, for the most part, the
22 advice and opinion I give -- and I think
23 similar to Maggie and Josh, but I don't
24 want to speak for them -- is these are not
25 long things that take a lot of time in

1 terms of my case and can take a lot of
2 energy. They are asking for advice and
3 opinion.

4 Q. Is it part of your business
5 development to provide advice and opinions
6 to the Executive Chamber for free?

7 A. I wouldn't phrase it like that.
8 I think it's part of business development
9 to give advice and opinion to all kinds of
10 people, to reporters and to clients and
11 former clients and friends and so on and
12 so forth.

13 Just to kind of stay --
14 especially with the reporters -- to a
15 certain extent, stay relevant, right, and
16 stay on their radar.

17 Q. And that includes the Executive
18 Chamber?

19 A. That includes?

20 Q. The Executive Chamber?

21 A. I -- well, yeah. And -- yeah.
22 And it's actually what I did as well in
23 the Executive Chamber. So as I said, I
24 call Pitaki folks and Spitzer folks to ask
25 them advice. So, yeah.

1 So I just wanted to clarify that
2 because I may have misunderstood your
3 question. I apologize.

4 Q. Earlier I think you said that,
5 between December and February, you were
6 not involved in responding to allegations
7 of sexual harassment against the Governor,
8 correct?

9 A. Say that again.

10 Q. I think earlier you said you
11 were not involved in responding to
12 allegations of sexual harassment against
13 the Governor. In the period between
14 December and February, you were not
15 involved in helping to respond to the
16 allegations of sexual harassment against
17 the Governor, correct?

18 A. Oh, no. I don't know if I said
19 that. I mean, we just went through the
20 whole December stuff, right.

21 Q. After December?

22 A. Huh?

23 Q. I remembered you saying you were
24 swamped at some point after December. You
25 were not involved, correct?

1 A. I don't recall being involved.

2 Q. There were no allegations of
3 sexual harassment against the Governor in
4 January 2021, correct?

5 A. There were no allegations
6 against the Governor, January of
7 20 -- except for the allegations in
8 December, correct.

9 Q. There were no new allegations in
10 January 2021, right?

11 A. I believe that's correct. I
12 believe that the timeline is right -- I
13 don't know exactly what the timeline was,
14 but Charlotte was in February as well, I
15 believe.

16 Q. Let's go to tab 25 in your
17 binder and we'll mark it as an exhibit.
18 What is this e-mail?

19 A. This is an e-mail from Maggie
20 Moran to Melissa.

21 Q. And Maggie is sharing
22 information from Kivvit's insights unit
23 about coverage of Lindsey Boylan's
24 allegations against the Governor, correct?

25 A. Correct.

1 Q. Do you know the reason Maggie
2 Moran was sharing this information with
3 Melissa?

4 A. I don't.

5 MR. GRANT: Do you have an
6 understanding as to why you were
7 copied on it?

8 THE WITNESS: I don't. She
9 copied Josh -- I believe Josh and
10 myself. I don't.

11 Q. Let's go to tab 36 in your
12 binder. This is an e-mail from you
13 forwarding a press release from the
14 Governor's press secretary to the
15 Governor's sister, right?

16 A. Correct.

17 MS. MAINOO: And we'll mark this
18 as an exhibit.

19 Q. What's the reason you forwarded
20 the press release to the Governor's
21 sister?

22 A. If I do recall, she called me
23 and said, has there been any statement
24 given out. And I forwarded it to her.

25 Q. Do you understand why she was

1 calling you and not the Governor's press
2 office?

3 A. I do not.

4 Q. Did you point her to the
5 Governor's press office?

6 A. I did not. I just forwarded it
7 to her. I believe -- yeah, no. I did
8 not.

9 Q. Let's go to the next tab. This
10 is 37 in your binder and we'll mark it as
11 an exhibit. This is February 26th, so two
12 days after Lindsey Boylan's detailed
13 allegations come out. You ask Josh, why
14 is Linda calling me? You're referring to
15 Linda Lacewell, correct?

16 A. Correct.

17 Q. Did you ever discuss the sexual
18 harassment allegations against the
19 Governor with Linda Lacewell?

20 A. I don't recall discussing with
21 her.

22 Q. When is the last time you recall
23 calling Linda Lacewell?

24 A. I don't know. But it has to
25 be -- I don't know. It has to be months

1 but I don't know. She's not a person
2 where you -- oh, there was one call from
3 her -- and I don't know if it's this --
4 asking me for -- if I had any candidates
5 for the press office for jobs.

6 Q. This is -- when was this?

7 A. I don't recall, but -- I don't
8 know. I don't recall, but she asked me if
9 I had any candidates.

10 Q. For the Governor's press office?

11 A. Correct.

12 Q. What's Ms. Lacewell's role?

13 A. What's her role? She is the
14 superintendant of the department of
15 financial services. I don't think they
16 moved her during COVID. I don't know.
17 Her title is superintendant of the
18 department of financial services.

19 Q. That's her title. What is her
20 role with respect to the Governor's
21 Office?

22 A. Oh, I don't know because -- I
23 don't know. I know what her role was back
24 in 2011 and 2012. She was like -- I don't
25 know what her title was.

1 She was, like, ethics-something
2 and she helped with job recruitment, but I
3 don't know what her role is now.

4 Q. In the past year, have you
5 interacted with Ms. Lacewell apart from
6 this discussion about the press office?

7 A. I don't believe so. I may have
8 seen her up in Albany but nothing --
9 nothing more than a hallway.

10 Q. Were you involved in any group
11 discussions involving her?

12 A. I don't recall any, but I don't
13 remember. I don't recall any, no.

14 Q. What did you discuss with
15 Ms. Lacewell when she called?

16 A. Say again.

17 Q. What did you discuss with
18 Ms. Lacewell when she called?

19 A. I don't recall calling her back.
20 I don't recall having a conversation.

21 Q. How did you know what she wanted
22 to talk to you about?

23 A. I don't. The call of the press
24 office was not this call. I'm sorry. I
25 wasn't clear. It was a different time.

1 Q. I understand.

2 A. Okay.

3 Q. What did you discuss during the
4 call about the press office?

5 A. Oh, that she needed candidates,
6 and I said I would try to help her find
7 them.

8 Q. What positions was she trying to
9 fill?

10 A. Oh, I don't know. I know that
11 she needed maybe -- I don't know, but
12 she -- press secretary maybe and a press
13 officer, but I don't recall specifically.

14 Q. Did you get back to her with any
15 names?

16 A. I actually did and they never
17 called him, and I actually hired him at
18 Kivvit because we had an opening.

19 Q. Did it seem odd that
20 Ms. Lacewell was calling you about
21 staffing up the Governor's press office?

22 A. I don't know. I didn't really
23 think twice. I just said I would try and
24 see if anybody is available.

25 Q. Let's go to tab 60 in your

1 binder and we'll mark it as an exhibit.

2 A. 60?

3 Q. Yes. I think you've alluded to
4 this exchange earlier, correct?

5 A. Say again.

6 Q. I think you alluded to this
7 discussion earlier between you, Maggie
8 Moran and Josh Vlasto, right?

9 A. Yes.

10 Q. And this is about Ronan Farrow's
11 article about Lindsey Boylan?

12 A. Yes.

13 Q. And were you -- you wanted to
14 know whether the discussion of you and the
15 article would be about whether you were
16 pushing reporters to the Governor's Office
17 to get Ms. Boylan's disciplinary documents
18 or, as you put it, just helping out,
19 correct?

20 A. Yes.

21 Q. Now, there's a reference on the
22 page with the number 48 to an e-mail from
23 Carl Campanile. Do you know what that
24 e-mail is about?

25 A. Yes. Carl -- Carl was asking

1 Maggie whether she, as his former campaign
2 manager, feels like he should resign.

3 Q. Did Maggie respond?

4 A. I don't believe she did.

5 Q. Now, why was it important for
6 you to prepare a draft statement or draft
7 comment about your role with respect to
8 the letter we looked at earlier concerning
9 Lindsey Boylan?

10 A. Why did -- I took it like this
11 because it echoes. Why did I do a
12 statement?

13 Q. Why was it important for you to
14 prepare a statement?

15 A. Because it's always good to have
16 something ready, A and B. I think I was
17 just trying to be prepared.

18 Q. Prepared for what?

19 A. If anybody else called.

20 Q. Let's look at the draft
21 statement that you prepared. Let's go to
22 the one on page with the number 49. And
23 there's a sentence. I think this is
24 actually -- this is Maggie's draft,
25 correct?

1 A. 49, yes.

2 Q. Okay. And you adopted it on the
3 page with the number 51, right? You
4 adopted it with some tweaks, correct?

5 A. Yeah, I believe so. I'm reading
6 it now.

7 Q. Maggie had suggested that you
8 say, there have been rumors that I was
9 personally involved in efforts to
10 undermine one victim and they're patently
11 false.

12 That was included in Maggie's
13 statement on page 49, right?

14 A. Yep.

15 Q. You didn't include that in your
16 statement. You typed -- you made it
17 narrower and referred specifically to the
18 letter. You said on page 51, there had
19 been rumors that I was personally involved
20 in efforts to write a letter to undermine
21 one victim and those rumors are patently
22 false.

23 Right?

24 A. Yeah, I wouldn't read anything
25 into that. I don't know what the two

1 interchange is.

2 Q. Well, isn't it true that you
3 were personally involved in efforts to
4 undermine Lindsey Boylan's allegations?

5 A. I feel like that -- and we'll go
6 back. I feel like, no, in terms of on the
7 initial day in December 13th that, A,
8 counsel was approving everything.

9 B, I was not involved in any of
10 the -- in the conversations that I can
11 recall of what was being put out and the
12 guidance that -- or the question that I
13 asked to the reporters changed nothing of
14 the stories, right.

15 It was the second floor that
16 approved those -- the response, which I
17 didn't even know what the response was.
18 The second floor sent out the response and
19 technically if you -- I think if you look
20 back, even if I didn't make those calls to
21 the reporters, those calls changed
22 nothing, right.

23 Because there was no -- there
24 was no -- there was no interaction between
25 myself and the response, myself and the

1 legal, and myself and the second floor
2 putting it out.

3 The -- I mean, would I have done
4 it -- should I have asked more questions?
5 Absolutely, right, and but the -- my
6 conversation with the reporters and me
7 asking them to change -- to hold off until
8 the legalized response came changed
9 absolutely nothing of the current events
10 of those days.

11 So it was a needless call or the
12 calls were a -- not needless, useless call
13 because in the end, the articles were what
14 they were, right. They either had the
15 stuff that the counsel in the chamber did
16 or they didn't.

17 So I guess one of the things
18 that I can say is that -- is that I feel
19 no action that I took changed the course
20 of the articles.

21 Q. Right, what you're saying boils
22 down to, what I did had no incremental
23 effect. But you were still involved in
24 the efforts to undermine Lindsey Boylan,
25 right? You sent Lindsey Boylan's

1 disciplinary records, you leaked Lindsey
2 Boylan's texts, correct?

3 A. Well, I did not know what the
4 response was going to be. And the
5 texts -- according to my understanding
6 from Melissa, it was a public document and
7 I assume that counsel looked at it.

8 And I -- and it didn't make it
9 in anywhere and I -- I pushed it in a -- I
10 didn't push it. I mentioned it in a
11 conversation. So I mean, I would.

12 Q. And I misspoke. You didn't send
13 the personal record yourself. You were
14 involved in the effort by telling
15 reporters to get that -- Rich Azzopardi
16 would send them the disciplinary records,
17 correct?

18 A. Well -- so my conversations with
19 the reporters were that counsel is -- at
20 the -- counsel is legalizing a response in
21 the later e-mails when they say where is
22 the response, where is the response, I did
23 say Azzo is send it -- will be sending it
24 or something of that sort.

25 Q. The text does not say, where is

1 the response? The text said, where are
2 the docs? And you said, Azzo is sending
3 the docs, did you get the paperwork?

4 And you testified today that you
5 were saying Azzopardi was sending
6 Ms. Boylan's disciplinary records. You
7 did, right?

8 A. Well, at the beginning I -- when
9 we talked about it, I did not know what
10 the response was going to do when I
11 initially called the reporters.

12 Q. Later you did, right?

13 A. Later I did repeat, yes, in the
14 text what Azzopardi and Melissa said to me
15 and they do say docs, but I didn't -- at
16 the beginning I did not know what their
17 response was going to be.

18 Q. You also say in one of your
19 messages -- and this is on the page with
20 the number 53 -- I did not know specifics
21 of statement and did not see statement.
22 Is that referring to the Lindsey Boylan
23 letter that Melissa DeRosa sent you three
24 times?

25 A. No. That, I believe -- which

1 one is this? Where are you, just so I can
2 read it?

3 Q. Page 53. Maggie Moran asks, did
4 you know they were handing out a hit job
5 letter on Lindsey.

6 And then your response is, I did
7 not know specifics of statement and did
8 not see statement.

9 A. I think that goes to the tweet,
10 to the December 13th tweet.

11 Q. How does that go to the
12 December 13th tweet?

13 A. The response, statement is same
14 thing as the response.

15 Q. Maggie Moran asked about a hit
16 job letter on Lindsey. Isn't that the
17 Lindsey Boylan letter that Josh Vlasto
18 described as nuts?

19 A. So I think these are a little
20 bit -- and I'm assuming because I don't
21 remember the day, but I'm assuming these
22 are a little non sequitur. I think the I
23 did not know specifics of statement and
24 did not see statement is the December 13th
25 response.

1 Q. Before December 2020, were you
2 aware of any complaints by Charlotte
3 Bennett relating to the governor?

4 A. I was not.

5 Q. When did you first become aware
6 of complaints by Ms. Bennett relating to
7 the Governor?

8 A. When the article came out in The
9 Times and we had heard rumors earlier but
10 from -- I mean, just from our reporter
11 calls but not a name. We heard rumors
12 that more complaints were coming. So in
13 The Times.

14 Q. Who had you heard rumors from?

15 A. Reporters.

16 Q. What did they say?

17 A. Exactly that, that we're hearing
18 rumors.

19 Q. What was your understanding of
20 the truthfulness of Ms. Bennett's
21 complaint?

22 A. Oh, I don't know Ms. Bennett,
23 and I only know what was in the articles.

24 Q. Did you ask anyone from the
25 Executive Chamber if Ms. Bennett's

1 allegations were true or not?

2 A. I did not. I do not recall
3 asking anything on Ms. Bennett.

4 Q. Let's go to tab 41.

5 A. 41?

6 Q. 4-1.

7 A. Okay.

8 Q. Josh says, it's over. You ask,
9 what you hearing? He says, on with them.
10 And you ask, when is the next story coming
11 out? Josh says it's over. You ask him
12 what he's hearing. He says he's on with,
13 presumably, people in the chamber. You
14 asked, when is the next story coming out?
15 He says, unclear. And you say, call when
16 can.

17 What's going on here?

18 MS. MAINOO: And let's mark this
19 as an exhibit.

20 A. I can only speculate Josh is on
21 a call with the Governor's Office, who
22 gave him some information and that's that.

23 Q. What information?

24 A. I don't know. I mean, we would
25 have to cross reference the dates. I can

1 only assume or speculate that there was
2 another article that came out.

3 Q. Did you help the Governor's
4 Office with the response to Ms. Bennett's
5 sexual harassment allegations?

6 A. I did not. I did not.

7 Q. Did anyone ask you to help?

8 A. No.

9 MS. MAINOO: And we'll mark this
10 as an exhibit.

11 Q. On March 3rd, Melissa DeRosa
12 asked you if you could find out if
13 Charlotte Bennett was doing a CBS
14 interview, right?

15 A. Correct.

16 Q. Did you?

17 A. I believe I heard from CBS that
18 she was.

19 Q. Did you contact CBS pursuant to
20 Melissa's request?

21 A. I think I -- I talk to CBS all
22 the time so -- but I did ask -- I recall
23 asking CBS based on this e-mail.

24 Q. Based on Melissa's request?

25 A. Say again.

1 Q. Based on Melissa's request,
2 correct?

3 A. Yes.

4 Q. Let's go to tab 50 in the
5 binder.

6 MS. MAINOO: And we'll mark it
7 as an exhibit.

8 Q. What is it?

9 A. Well, it's an e-mail from Rich
10 but I still do not know why I'm on this
11 e-mail.

12 Q. Is Rich asking you to help
13 respond to inquiries from CBS regarding
14 Ms. Bennett's allegations?

15 A. I don't believe so. No.
16 Because I don't recall anything except for
17 just this e-mail sent and that's it.

18 MR. GRANT: Did you have any
19 reason to doubt that you received that
20 text message?

21 THE WITNESS: Which text
22 message?

23 MR. GRANT: The exhibit that
24 we're looking at. Oh, sorry. I'm at
25 the wrong place. Yes, I believe that

1 is a text message, if you look, from
2 Rich Azzopardi and the number --

3 THE WITNESS: Oh, it's a text.
4 Okay. I don't know why I'm on this
5 text.

6 MR. GRANT: My question was,
7 though, do you have any reason to
8 doubt that this is a text message from
9 your phone?

10 THE WITNESS: Oh, no, I
11 don't -- I have no reason to, no.

12 MR. GRANT: Okay. And to
13 follow-up on the question that was
14 posed to you earlier, reading the
15 substance of this text message from
16 Mr. Azzopardi to you, is Mr. Azzopardi
17 asking you to source information from
18 CBS about Charlotte Bennett's
19 allegations?

20 THE WITNESS: I don't recall any
21 ask and I don't recall any response
22 from me. It's just a text.

23 MR. GRANT: Okay.

24 Q. Are you aware of a draft
25 statement responding to Charlotte

1 Bennett's allegations?

2 A. I am not.

3 Q. Before December 2020, were you
4 aware of any complaints by Anna Ruch
5 relating to the Governor?

6 A. I was not. I am not.

7 Q. Are you aware of any complaints
8 that Anna Ruch has made relating to the
9 Governor?

10 A. I do not.

11 Q. Do you know anything about
12 statements that Anna Ruch has made
13 concerning her interactions with the
14 Governor?

15 A. I am not.

16 Q. Have you read any articles about
17 that?

18 A. I've -- I read the articles when
19 they came out. I don't recall what they
20 say.

21 Q. Did you discuss Ms. Ruch's
22 complaints with anyone?

23 A. Is Ms. Ruch the woman at the
24 wedding?

25 Q. You can look at tab 44.

1 A. Oh, okay. So Gareth, who is the
2 groom, is a friend of mine but I never
3 discussed with this. I did help him with
4 a statement that he put out, but we never
5 discussed the article.

6 Q. Have you ever discussed anything
7 concerning Anna Ruch with Gareth Rhodes?

8 A. I have not. I do not ever
9 recall discussing with Ms. Ruch.

10 Q. Have you ever discussed anything
11 concerning Anna Ruch with Gareth Rhodes?

12 A. I do not recall, no.

13 Q. You said you helped Mr. Rhodes
14 with a statement. What was the statement?

15 A. Say again.

16 Q. You said earlier that you helped
17 Gareth Rhodes with a statement. What was
18 the statement?

19 A. When he was -- when he left his
20 role on the COVID task force to go back
21 into DFS.

22 Q. So what did the statement say?

23 A. It just basically said that, if
24 I recall, he's done his time for the COVID
25 task force and that -- and that he

1 supports Ms. Ruch and he's going back into
2 his role at DFS.

3 Q. What did you think of Ms. Ruch's
4 complaints?

5 A. I have no basis to give an
6 opinion. I mean, I read the article.

7 Q. Let's look at the picture that's
8 on the first page of the article. What do
9 you think of the picture?

10 A. I have seen the Governor hold
11 people's faces like that in the past.

12 Q. Have you seen the Governor hold
13 young women's faces like that in the past?

14 A. I don't -- I can't pinpoint who
15 but he does -- when he greets some people
16 he holds their faces, yes.

17 Q. Does the interaction that's
18 depicted in the picture look like an
19 appropriate interaction?

20 A. If it makes Anna Ruch feel
21 uncomfortable, it is not.

22 Q. How does Anna Ruch look in terms
23 of her comfort level in the picture?

24 A. Oh, I don't know. I -- you
25 could say she looks uncomfortable.

1 Q. Did you discuss Ms. Ruch's
2 complaints with anyone from the Executive
3 Chamber?

4 A. Say that again?

5 Q. Did you discuss Ana Ruch's
6 complaints with anyone from the Executive
7 Chamber?

8 A. I don't recall ever, no.

9 Q. Now, Gareth Rhodes --

10 A. You have to turn.

11 Q. I think you said that Gareth
12 Rhodes drafted a statement that touched
13 on -- I think you said --

14 (Whereupon, an audio visual
15 disruption occurred.)

16 Q. Did Mr. Rhodes ever send you a
17 draft statement that he wrote supporting
18 Anna Ruch?

19 A. Yes.

20 Q. Gareth Rhodes proposed saying
21 that the interaction that Anna Ruch
22 described was not appropriate, right?

23 A. Correct.

24 Q. And you said that the statement
25 would make news as former top aide going

1 against the Governor, right?

2 A. I did, but I also said it's
3 totally -- I mean, totally fine so yes, I
4 did. I'm sorry.

5 Q. From what -- in what capacity
6 were you advising Gareth Rhodes in
7 connection with that statement?

8 A. As a friend. We -- our families
9 socialize.

10 Q. What did you learn about the
11 other public allegations about the
12 Governor of sexual harassment?

13 A. How did I learn?

14 Q. Have you heard about any other
15 allegations against the Governor of sexual
16 harassment?

17 A. Besides the ones that have been
18 in the paper?

19 Q. Besides the ones that we have
20 discussed so far?

21 A. Oh, there were several others in
22 the paper, in the media.

23 Q. Do you have personal knowledge
24 of any of them?

25 A. Of any of the accusations? I do

1 not.

2 Q. Have you discussed any of those
3 accusations --

4 A. I have not.

5 Q. -- with the Governor? Have you
6 discussed any of those accusations with
7 anyone in the Executive Chamber?

8 A. I don't recall, no. No, I don't
9 recall having a conversation.

10 Q. Let's go to tab 52 in your
11 binder.

12 A. 53?

13 Q. 52. So on the page with the
14 number 296, you say to Josh Vlasto,
15 apparently Cohen was working on the
16 beginning of a letter for someone to sign
17 on. Can you see what he did already?

18 Josh says, will do and he
19 says -- he said he hadn't and was grumpy.

20 Cohen refers to Steve Cohen,
21 right?

22 A. I believe so. I have no idea
23 what the letter he's referring to --

24 Q. Presumably it's a letter in
25 support of the Governor, right?

1 A. I have no idea. I don't know.

2 Q. Did you have any discussions
3 with Steve Cohen about the sexual
4 harassment allegations against the
5 Governor?

6 A. I do not recall any
7 conversations with Steve.

8 Q. But you can't rule it out?

9 A. No. I mean, thinking back I
10 don't recall talking with Steve about it.

11 Q. As of March 7, 2021, were you
12 still helping the Governor's Office
13 respond to sexual harassment allegations?

14 A. I don't recall doing anything to
15 help them out. I mean, you pointed out
16 the question to CBS, which I now recall
17 from this.

18 I do recall some media calling
19 me to ask if the Governor would do an
20 interview, and I passed them off to the
21 press office. But I don't recall anything
22 else except for that.

23 Q. In that same document, you said
24 on the page with the number 1300, people
25 think he's resigning.

1 This refers to the Governor,
2 right?

3 A. Correct. I believe he called a
4 news conference last minute. And under
5 the calls I got from reporters, they all
6 ask me that.

7 Because the calls from the
8 reporters still came in, right. I mean, I
9 got calls from everything from ABC -- I
10 mean, World News to 60 Minutes to CBS
11 Sunday Morning.

12 Q. Were you making any calls to
13 gauge the levels of support for the
14 Governor after more allegations of sexual
15 harassment came out starting at the end of
16 February?

17 A. No. I don't recall any calls to
18 gauge support.

19 Q. Did you make any calls to seek
20 support for the Governor?

21 A. Say that again.

22 Q. Did you make any calls seeking
23 support for the Governor?

24 A. No, I don't. I don't recall any
25 calls seeking support for the Governor.

1 Q. So let's go to tab 57 in your
2 binder and we'll mark it as an exhibit.

3 And you said, 60 minutes just
4 said they are hearing a big story is
5 coming but wouldn't give any details.
6 Maria and Madeline keep calling me to
7 pitch op-eds from family and friends but
8 I'm not going to.

9 What's the background from those
10 statements?

11 A. What I said earlier. I mean, I
12 spoke to and speak to anywhere from one to
13 many reporters a day, and when they asked
14 requests, I would often say, call the
15 press office. They would say, no one is
16 picking up or no one is responding.

17 And they would say, can you pass
18 a message along and say we'd like to do an
19 interview? And a lot of times, I would
20 send either a text or an e-mail to Melissa
21 or Rich and say, 60 Minutes called. And
22 the Maria and the Madeline thing are the
23 Governor's sisters and, as we discussed
24 earlier, they kept sending me stuff and --
25 that I didn't respond to, and so I was

1 letting Maggie and Josh know.

2 Q. Was there a reason you did
3 not -- start again.

4 Was there any reason you were
5 not going to pitch the op-eds to family
6 and friends that you were getting from the
7 Governor's sisters?

8 A. Because I was swamped with work
9 and that's a full-time job. And I didn't
10 have any time, and I didn't want to do it.

11 Q. Did there come a time when,
12 based on the number of sexual harassment
13 allegations against the Governor, you
14 didn't want to be involved any more in
15 helping the Governor's Office respond to
16 the allegations?

17 A. I think there is something of
18 that there. I think that the snapshot in
19 time of the first week in December was a
20 snapshot in time.

21 And as I said, I was always in
22 favor and pushing with the independent
23 investigation, find out what's going on.
24 So I think it's a combination of that and
25 swamped and this is a full-time job.

1 Q. Can you just clarify the
2 explanation you gave about the independent
3 investigation? I understood earlier you
4 said you thought the allegations should be
5 investigated, right?

6 A. Correct.

7 Q. But that's different from
8 saying, look, there's a growing number of
9 sexual harassment allegations. I'm not
10 comfortable being involved.

11 Did you reach that point?

12 A. Yeah, I think so. I mean, to go
13 back, I think the snapshot in time in
14 December, right -- and I still go back to
15 them holding off -- reporters holding off
16 to get a fuller view -- a more complete
17 story.

18 And then having it all legalized
19 and I think the layer after the -- after
20 layer turns more from guidance and advice
21 to this is a full-time job for the press
22 office, right, and the press office needs
23 to handle it.

24 Q. When is the last time you spoke
25 with Melissa DeRosa?

1 A. Before March -- I don't know. I
2 don't know exactly.

3 Q. Let me ask my question
4 differently. When is the last time you
5 communicated with Melissa DeRosa?

6 A. I believe it was before March,
7 but I don't know for sure. I don't -- but
8 I have not -- I can't recall communicating
9 in the recent past.

10 MR. GRANT: When was the last
11 time Melissa DeRosa communicated with
12 you?

13 THE WITNESS: I don't another
14 for sure, but it's been
15 some -- not -- I've had no
16 communications in the recent past. I
17 mean, it may be since you guys reached
18 out, but I don't know for sure.

19 Q. What about Rich Azzopardi? When
20 is the last time there were any
21 communications from or to Rich Azzopardi?

22 A. I don't know that for sure
23 either, but it hasn't been in the recent
24 past. I think same approximate time as
25 Melissa.

1 Q. And when is the last time you
2 had any communication with anyone in the
3 Executive Chamber?

4 A. I think same time because I
5 didn't -- I don't really communicate with
6 anyone except for mostly Rich Azzopardi
7 and occasional Melissa.

8 Q. Have you spoken with Peter
9 Ajemian since he left the Executive
10 Chamber?

11 A. I have not. I don't
12 believe -- I have not.

13 Q. Did you discuss with him his
14 plans to leave the Executive Chamber?

15 A. I don't believe so. I mean he
16 told me he was leaving.

17 Q. When?

18 A. I think it was January, I
19 believe. I think it was during -- around
20 the state of the state.

21 Q. What did he tell you?

22 A. That he was leaving.

23 Q. Did he say --

24 A. Nothing. I'm sorry. I cut you
25 off.

1 Q. Did he say the reason?

2 A. He did not.

3 Q. Do you know Lindsey Boylan?

4 A. I do know Lindsey Boylan.

5 Q. How down her?

6 A. So she was, as we talked about a
7 little bit, she was on the client team for
8 RBC. And sometime -- I think it was 2015,
9 maybe 2016, one of the leads on the client
10 team asked if I could talk with her about
11 going into public service.

12 Q. Did you?

13 A. I did.

14 Q. What did you discuss?

15 A. I said it was very rewarding and
16 very hard.

17 Q. Did you discuss anything else?

18 A. We actually -- I believe it was
19 then we -- I believe we did a coffee with
20 Josh Vlasto to have a coffee and talk
21 about it.

22 Q. Do you know if Lindsey Boylan
23 knew Josh Vlasto before you had that
24 coffee?

25 A. She didn't know him before I

1 introduced them. I think that was the
2 first time they had met but I'm not quite
3 sure.

4 Q. What's the reason you introduced
5 them?

6 A. Because he's a good person to
7 talk about public service with.

8 Q. What was your next interaction
9 with Ms. Boylan?

10 A. So she started to work for the
11 state. She went to work for the state.
12 And then towards the end of her stint with
13 the state, she texted -- she texted or
14 e-mailed, I can't remember, Josh and I to
15 get together, have some coffee.

16 I don't think that ever happened
17 because of schedules, and then she texted
18 me about her next steps after state
19 government.

20 Q. What were those?

21 A. She ran against Jerry Nadler for
22 Congress.

23 Q. What did she text you about?

24 A. She asked me for some advice,
25 and she asked my opinion on some of the

1 materials that she had done. And she
2 asked me if I knew of any folks who she
3 could hire or bring onto the campaign.

4 Q. What did you say?

5 A. I gave her some advice on an
6 article, on a speech that she was giving
7 and on some of her materials.

8 Q. Did she ask you to work with
9 her?

10 A. She did.

11 Q. What did you say?

12 A. That I couldn't.

13 Q. What was the reason?

14 A. I was very busy and I don't
15 usually do campaigns, political campaigns.

16 Q. Did you ever observe
17 Ms. Boylan's interactions with the
18 Governor?

19 A. Say that again. Did I?

20 Q. Did you ever observe
21 Ms. Boylan's interactions with the
22 Governor?

23 A. I did not.

24 Q. Did you ever hear about
25 Ms. Boylan's interactions with the

1 Governor?

2 A. In terms of prior to the
3 allegations?

4 Q. Yes?

5 A. Oh, I'm sorry. No. I don't
6 recall anything like that, no.

7 Q. Do you know Karen Hinton?

8 A. I do know Karen Hinton.

9 Q. How do you know her?

10 A. So Karen Hinton used to work
11 with the Governor when he was at HUD.
12 Howard Glaser is Karen Hinton's husband.
13 Howard Glaser is the head of operations
14 for the state.

15 And Howard Glaser also works
16 with me on several clients currently, and
17 Howard Glaser actually works for or is a
18 consultant to -- I don't know what her
19 relationship, that is, exactly with the
20 lobbying firm that [REDACTED] [REDACTED] works for.

21 Q. When is the last time you
22 interacted with Ms. Hinton?

23 A. It's been some time. Ms. Hinton

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

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 And I helped her out with some
3 of her clients [REDACTED] [REDACTED] [REDACTED] [REDACTED].
4 One of her clients in particular. There
5 were supposed to be two but the other ones
6 were fine. I helped her out with one
7 client [REDACTED] [REDACTED] [REDACTED] [REDACTED].

8 Q. Do you recall a discussion you
9 had with Ms. Hinton in 2019 referencing a
10 [REDACTED]?

11 A. Yeah. So that's the client.
12 She's not a client anymore. She's a wind
13 farm association. She runs a wind farm
14 association.

15 Q. Have you ever spoken with
16 Ms. Hinton about her allegations against
17 the Governor?

18 A. I don't recall any conversation
19 about her with that.

20 Q. Do you know any of the other
21 women who have made the allegations of
22 sexual harassment against the Governor?

23 A. I don't believe I know any of
24 the others, no.

25 Q. Have you interacted with any of

1 them?

2 A. Not that I know of.

3 Q. Do you work with Ms. DeRosa's
4 father?

5 A. I do not.

6 Q. Does Kivvit?

7 A. I don't know. I don't -- well,
8 I don't know about other people's clients.
9 I don't know who the lobbyist is but I
10 don't know.

11 Q. When you were in the chamber,
12 did the Governor ever speak harshly to
13 you?

14 A. Yes.

15 Q. Under what circumstances did the
16 Governor speak harshly with you when you
17 were in the chamber?

18 A. Usually if there was something
19 bad that happened in the media.

20 Q. Like what?

21 A. A bad story.

22 Q. "Bad story" meaning something
23 that made the Governor or his
24 administration look bad?

25 A. Correct.

1 Q. How would he speak to you on
2 those occasions?

3 A. Asking me what happened, why
4 there was the bad story.

5 Q. Would he use any curse words?

6 A. I don't recall curse words, no.

7 Q. Have you ever heard the Governor
8 use curse words?

9 A. I can't recall him using curse
10 words. I mean, no. I can't recall him
11 using curse words.

12 Q. Have you ever --

13 A. "Stupid" and "idiot" he uses but
14 not curse words.

15 Q. Any other insults that you've
16 heard the Governor use?

17 A. No. I mean, he would sometimes
18 say "stupid." He would sometimes say
19 "idiot," he would sometimes say "do you
20 know how to do your job," things like
21 that, but I can't recall any curse words.

22 Q. And in what context would he use
23 the word "stupid"?

24 A. If something bad happened in
25 terms of an article that he felt should

1 have been handled better.

2 Q. Would he call you stupid?

3 A. Yeah.

4 Q. Would he call you an idiot?

5 A. Sometimes I recall.

6 Q. Did he raise his voice when he
7 spoke to you?

8 A. Usually not. Usually not.

9 Q. What about when he'd gotten bad
10 press?

11 A. Yeah. He -- there wasn't a lot
12 of yelling. It was just very intense
13 talking.

14 Q. Did this "intense talking"
15 involve a raised voice?

16 A. Oh, I don't know. I mean, I'm
17 sure sometimes it did. Nothing comes to
18 the top as over the top.

19 Q. Did you -- did the Governor ever
20 call you an incompetent asshole?

21 A. I don't recall that.

22 Q. Did you ever hear the Governor
23 call anyone an incompetent asshole?

24 A. I can't. I can't say I have.

25 Q. Did the Governor ever threaten

1 you?

2 A. In terms of physical violence?

3 Q. Verbally?

4 A. Like, I'm going to fire you or
5 something?

6 Q. For example.

7 A. No. But he -- one line he would
8 say, is why don't I do my job and your job
9 because you obviously can't do your job.
10 But there was never any -- I had never any
11 fear of being fired or anything of that
12 sort.

13 Q. Did he ever say -- start again.
14 Did he ever threaten to ruin
15 your career?

16 A. He did not.

17 Q. Did he ever throw anything at
18 you?

19 A. I don't recall him throwing
20 anything at me, no.

21 Q. Is that something you would
22 recall?

23 A. I think so. I mean, I would
24 hope so, but I don't recall him throwing
25 anything at me.

1 MR. GRANT: Do you recall him
2 ever throwing something in your
3 presence?

4 THE WITNESS: Like in anger
5 obviously? No, I don't.

6 MR. GRANT: And in an instance
7 that he was not angry, has he ever
8 thrown something in your presence?

9 THE WITNESS: Well, I remember
10 one time sitting in his office and he
11 -- I think it was a basketball. He
12 threw a quick basketball and it was
13 out of fun. It wasn't during an
14 argument or an issue. Does that make
15 sense?

16 MR. GRANT: Yes. And making
17 sure my question is clear, I don't
18 mean necessarily at you. Have you
19 ever seen the Governor throw
20 something, whether in anger or not, in
21 your presence meaning having thrown
22 something at a wall?

23 THE WITNESS: Oh, I see. I
24 don't recall that, no.

25 Q. Did the Governor ever touch you

1 when you worked with him in the Executive
2 Chamber?

3 A. No, I don't recall any touch.

4 Q. Did he ever shake your hand?

5 A. Yes. Oh, yes. I mean, he shook
6 my hand, yes. And he hugged. He hugs
7 people.

8 I took your question as a hug
9 that made me feel uncomfortable. There
10 was no touch that made me feel
11 uncomfortable. He does hug and he does
12 shake hands and he does put his arm around
13 people, yes.

14 Q. How often did he hug you?

15 A. Oh, I don't know. I don't know.
16 I mean, he would sometimes hug when he
17 says hello. Not in the office, right. If
18 you drop something off at his house or
19 something he would come up and hug. I
20 can't recall a hug of any sort in the
21 office. But I mean, it was -- I mean, it
22 was a long time ago.

23 Q. Did the Governor ever kiss you?

24 A. The Governor has kissed me on my
25 cheek, yes.

1 Q. Cheek to cheek or lips to cheek?

2 A. Oh, I don't know. I think it
3 was -- I'm only assuming. I think it was
4 cheek to cheek and it may have even been a
5 double cheek, but I don't know for sure.
6 But it was all -- I mean, I know -- on
7 like birthdays and stuff he used to come
8 up and give you a kiss on the cheek.

9 Q. Did the Governor ever comment on
10 your appearance?

11 A. Yeah, he said -- we were in the
12 private sector. There's only one that I
13 recall. He said that the private sector
14 has treated me well and I should go to the
15 gym with him, but I took it in good fun.

16 Q. Did he ever comment on your
17 clothes?

18 A. Yes, he commented -- he would
19 comment that shoes aren't shined and that
20 collar stays aren't in. Those are the
21 only comments I can think of in terms of
22 clothes. He was meticulous about shined
23 shoes and collar stays and ties. You had
24 to wear a tie.

25 Q. And white shirts?

1 A. I don't know anything about the
2 white shirt. I mean, I wore blue and so
3 on and so forth.

4 Q. Did you ever hear or hear about
5 the Governor make comments of a sexual
6 nature?

7 A. I do not recall any.

8 Q. Did you ever hear or hear about
9 the Governor make comments with sexual
10 innuendos?

11 A. I do not recall any off the top
12 of my head, no.

13 Q. You mentioned earlier a saying
14 that the Governor had about I can do my
15 job and your job. Are there any other
16 sayings that the Governor had?

17 A. No. That one that you just said
18 is a big one for him. Another big one was
19 if only I had a working bank, press shop,
20 a working civil rights units, a working
21 labor unit, a working -- right. But those
22 are the two I remember.

23 MR. GRANT: I think you said
24 earlier that the Governor hugs,
25 correct?

1 THE WITNESS: I did. Yes, I
2 did.

3 MR. GRANT: Have you seen the
4 Governor hug other employees besides
5 you?

6 THE WITNESS: Yes, but I don't
7 know when and who. I mean, but yes.
8 But I don't know when and who. I
9 mean, and my recollection is, it was
10 both men and women when they walked in
11 to say hello. And my, recollection,
12 too, is that it was not at a business
13 function. It was like if you showed
14 up at the mansion for something to say
15 hello.

16 MR. GRANT: And when you say men
17 and women, would that include
18 employees?

19 THE WITNESS: Well, yeah. I
20 mean, his -- I mean, like -- I
21 remember -- well, like Steve Cohen and
22 him would hug, right, and sometimes,
23 right, hello, how are you, hug, right.
24 So I mean -- but I don't know where
25 and when and who because it was

1 just --

2 MR. GRANT: As you recall, was
3 it only long-term employees or would
4 he also hug newer employees?

5 THE WITNESS: Well, when I was
6 there, the executive staff all had
7 been with him since the beginning of
8 the Attorney General's Office, right.
9 So they all had been there [REDACTED],
10 Steve, [REDACTED], Lacewell, so on and so
11 forth had all been there since the
12 beginning of the AG's Office since
13 2006 so --

14 MR. GRANT: Are you saying that
15 you cannot recall the Governor ever
16 hugging an employee besides those in
17 that group that you just named?

18 THE WITNESS: No, I don't. I
19 just don't remember back to 2011 and
20 2012, right.

21 MR. GRANT: So is it possible
22 that he hugged a newer employee and
23 not just one that had been there for a
24 significant period of time?

25 THE WITNESS: Sure, it's always

1 possible.

2 MS. CLARK: In your observation,
3 did he ask to hug these employees
4 before he did so?

5 THE WITNESS: Oh, I don't know.
6 I can only speak for me. I would come
7 in and he would give a hug. I don't
8 remember him saying, can I give you a
9 hug. But that's just me.

10 MR. GRANT: As someone who's
11 worked in many offices, do you think a
12 newer employee could approach a hug
13 differently from an employer than a
14 more long-standing employee?

15 THE WITNESS: It all depends on
16 what makes somebody uncomfortable,
17 right. So the answer is -- and it
18 doesn't have to be old and new, it's
19 just could be -- it's obviously person
20 to person. But yeah.

21 Q. Have you ever stayed overnight
22 at the mansion?

23 A. I have.

24 Q. How many times?

25 A. Once.

1 Q. When was that?

2 A. The Governor took his
3 brother-in-laws and some former and
4 current staff -- I was a former at that
5 time -- on a white water rafting trip in
6 the Adirondacks, and we had that for -- I
7 think it was somebody's birthday. I can't
8 recall though. And we had to leave at
9 6:00 in the morning, so he had folks come
10 in and stay at the mansion.

11 Q. Who stayed at the mansion?

12 A. Say again?

13 Q. Who else stayed at the mansion?

14 A. It was Larry Schwartz, [REDACTED]
15 [REDACTED], Josh Vlasto, me, [REDACTED] [REDACTED]
16 his other brother-in-law, who I forgot his
17 name. He's a [REDACTED] [REDACTED]
18 [REDACTED] and then his other than
19 brother-in-law, who also I forgot his
20 name. He's the guy who did the [REDACTED]
21 [REDACTED] business. I forgot his name.
22 Steve Cohen, Joe Percoco and I think
23 that's it. I mean, it was -- I think it
24 was 2014 or 2015. So those names are off
25 the top of my head.

1 Q. After you left the chamber, how
2 often did you interact with the Governor?

3 A. After I left the chamber, how
4 often?

5 Q. Did you interact with the
6 Governor?

7 A. Sporadically. Usually if they
8 needed any advice or opinion, I would get
9 a call from either Melissa or Dani Lever
10 or Peter or Azzopardi.

11 Q. What did you understand to be
12 the Governor's involvement in any outreach
13 that you got from Melissa DeRosa, Dani
14 Lever or Rich Azzopardi or any other
15 employee in the chamber?

16 A. For Melissa, the assumption is
17 is that it was pretty close. For the
18 other folks, it was mostly press
19 questions, right. Do you know this
20 reporter, do you -- have you ever dealt
21 with this reporter, so on and so forth.

22 Q. So to clarify, are you saying
23 that when Melissa reached out to you, you
24 assumed that the Governor was closely
25 involved?

1 A. It's a good assumption.

2 Q. What's the basis for that
3 assumption?

4 A. That they are -- that she's his
5 right hand.

6 Q. What about when Rich reached out
7 to you? What did you understand in terms
8 of whether the Governor was involved?

9 A. Most of the time it involves
10 media press, so probably not.

11 Q. The Governor is a hands-on
12 manager, right?

13 A. Yeah. But usually a call is a
14 pre-emptive call, right. So it would be
15 like, hey, 60 Minutes called. What do you
16 think is a good idea -- and I'm just doing
17 a hypothetical -- do you think it's a good
18 idea to do it? So that when they go in
19 and say, 60 Minutes called, and he'll say,
20 do you think it's a good idea to do it,
21 they're armed with some info.

22 Q. Since you left the chamber, how
23 often did you interact directly with the
24 Governor?

25 A. How often did I interact -- I'm

1 sorry.

2 Q. Interact directly with the
3 Governor?

4 A. Very rarely in a group setting
5 and very, very rarely on an individual
6 setting.

7 Q. How rare was it? Say, once a
8 year?

9 A. No. I mean, they used to ask my
10 help with mostly videos, as I said. So
11 right. There was state of the state and
12 they would ask my advice on the state of
13 the state. There was campaign stuff they
14 would ask my advice on, whether it was
15 campaign radio or something of the sort.

16 So if that was the case, it was
17 mostly on a group call and very rarely, if
18 at all, were there any individual
19 interaction. Even in person, it was in
20 groups.

21 Q. So would you say that you
22 interacted with the Governor in a group
23 setting, say, once a month or is that --

24 A. No. I think that's too much. I
25 mean, I would maybe see him a handful of

1 times a year because there's campaign
2 events, right. There's fundraisers and
3 there's the state of the state, and that's
4 really the only times I can think of that
5 I would see him.

6 Q. What about communicating with
7 him, knowing that wasn't face to face?
8 How many times a year would you do that
9 with the Governor?

10 A. Does that include phone calls?

11 Q. Yes.

12 A. Yeah. So I don't know. Maybe
13 because the state of the state -- maybe
14 would be a couple of phone calls. I mean,
15 I -- say -- I don't know. I mean, I
16 wouldn't say more than ten.

17 Q. Since you left the chamber, have
18 you ever pinned with the Governor?

19 A. Have I ever pinned with the
20 Governor? I may have pinned right when I
21 left, but not in years and years and
22 years.

23 MS. MAINOO: Let's take the
24 break. Let's go off the record.

25 THE VIDEOGRAPHER: We are of the

1 record. The time is 5:31.

2 (Whereupon, a recess was taken.)

3 THE VIDEOGRAPHER: The time is
4 5:43 p.m. We're back on the record.

5 Q. WITNESS 6/8/2021, other than the
6 time you went on the rafting trip, have
7 you stayed overnight at the mansion
8 before?

9 A. I have not.

10 Q. When you were in the Executive
11 Chamber, did you ever observe or hear
12 about the Governor being upset with any
13 staff members?

14 A. For performance or, like,
15 outwardly upset?

16 Q. Outwardly upset?

17 A. Sure. He was not shy about his
18 emotions, and during staff meetings, if
19 there was an issue or he thought there was
20 an issue with someone's work, he was not
21 shy about calling them out.

22 Q. Have you ever observed or heard
23 about the Governor yelling at any staff
24 member?

25 A. At a staff meeting?

1 Q. In any context?

2 A. Sure.

3 Q. How often would that happen when
4 you were in the chamber?

5 A. I don't know. It actually
6 depended -- the number of times depended
7 on what was going on, right. If there was
8 a high stress week or if there was a lot
9 going on, then it would be more.

10 If it was a low stress week,
11 then much less. And what are high stress
12 weeks, right? Right before the budget,
13 right before the session and if there was
14 any breaking news like Irene or Sandy,
15 right where there were important decisions
16 to be made.

17 Q. Did you -- have you ever heard
18 or heard about the Governor insulting a
19 staff member?

20 A. Assaulting a staff member?

21 Q. Insulting.

22 A. Oh, insulting a staff member.

23 Well, yeah. Some folks -- some people
24 will take being called stupid as an
25 insult. So, yes.

1 And I mean, I didn't take it --
2 I mean, I've been through a lot of TV
3 newsrooms where I've been called a lot of
4 names, and so I wasn't insulted by it.
5 But I can definitely see how somebody
6 could be insulted by it.

7 Q. Did you ever -- have you ever
8 seen or heard about the Governor threaten
9 a staff member?

10 A. I cannot recall him saying a
11 threat.

12 Q. Have you ever seen or heard
13 about the Governor throwing anything at a
14 staff member?

15 A. I have not heard about him
16 throwing anything.

17 Q. How does the -- how does the
18 conduct toward -- how did Mr. Cuomo's
19 conduct towards staff members compare when
20 he was attorney general to when he was
21 governor?

22 A. I think that governor was a lot
23 more stressful. So back to my original
24 comment of more stress, more contentious
25 conversations.

1 Essentially because you said
2 he's a media guy, the AG's Office -- and
3 one thing I found is the AG's Office is,
4 to a certain extent, mostly proactive
5 media, right. Like, if you want to do a
6 story, you go and do a story.

7 The Governor's Office is mostly
8 reactive media, right, because -- and so
9 I -- at least in terms of my own mental
10 health, right. And so they're -- they
11 follow each other.

12 Q. When you worked in the AG's
13 Office, did the Governor ever call you
14 stupid?

15 A. Oh, my God. That was long time
16 ago. I can only assume he did. I don't
17 know. We had -- we had a -- at the -- on
18 my third day there, we -- he asked me my
19 opinion about something, and I gave him my
20 honest opinion about something. And he
21 kiddingly said -- I think kiddingly said,
22 I was elected, not you, so we do it my
23 way. And I said, well, then fine. If you
24 want to do it your way, then don't ask me
25 my opinion on it, right.

1 So -- but that shows to you
2 things were a little mellower. And I
3 think it was because of the
4 proactive/reactive thing, AG's Office to a
5 Governor's Office. I have -- I mean, now
6 I'm going look on my phone and tell you.

7 So right now, I have 20,371
8 unread e-mails and 927 texts, right,
9 because I get tons of e-mails and texts a
10 day. That's the same -- the Governor's
11 Office was insane in terms of the
12 incoming. So I mean, that goes to the
13 stress level.

14 Q. When you were at the AG's
15 Office, did the Governor ever call you an
16 idiot?

17 A. It was years ago. I can -- I'm
18 sure he did but I don't know.

19 Q. Have you ever observed or heard
20 about the Governor flirting with a staff
21 member?

22 A. I have not. I can't recall
23 anything, and I haven't heard of anything.

24 Q. Have you ever observed or heard
25 about the Governor touching a staff member

1 in a way that made the person
2 uncomfortable?

3 A. I have not. Not until the
4 articles.

5 Q. Have you ever seen the Governor
6 hug a staff member in the office?

7 A. I'm sure I have. I can't -- I
8 can't tell you who or when, but I'm sure.
9 As I said, he sometimes says hello by
10 hugging.

11 Q. Have you ever seen the Governor
12 kiss a staff member?

13 A. I'm sure I have. I mean, as we
14 talked about, the double-cheek kiss. I
15 don't know who or when but I'm sure I
16 have.

17 Q. What about on the lips?

18 A. I can't recall him kissing
19 anybody on the lips.

20 Q. Have you ever seen or heard
21 about a staff member sitting on the
22 Governor's lap?

23 A. I have not heard or seen anybody
24 sitting on his lap, a staff member. I
25 mean, heard -- I read about the current

1 articles, but when I was there, no.

2 Q. Have you ever heard the Governor
3 comment on a woman's appearance?

4 A. I have.

5 Q. What have you heard?

6 A. I don't know specifically,
7 right, but I can remember him saying, you
8 look very nice, or that's a nice dress or
9 something of that sort. Or the opposite,
10 way to dress up, right. Something like
11 that. I mean, so --

12 Q. Have you ever heard or heard
13 about the Governor comment on a staff
14 member's relationship status?

15 A. I have and I can't give you an
16 exact quote, but a long time ago something
17 like, you've been dating a long time, why
18 aren't you married by now? Or something
19 of that extent.

20 Q. What about, do you have a
21 boyfriend?

22 A. I have not heard that that I can
23 recall.

24 Q. Have you observed or heard about
25 any differences in the way Mr. Cuomo

1 treats men versus women on staff?

2 A. I have not. In the AG's Office
3 and the Governor's Office, I'd say it was
4 50/50 in terms of men to women and I
5 haven't seen anything.

6 Q. And the questions that I've been
7 asking about the Governor, would the
8 answer change if I asked about Mr. Cuomo
9 in any capacity?

10 A. Say that one more time. I'm
11 sorry.

12 Q. The questions that I've been
13 asking about the Governor, would your
14 answer to those questions asked if I asked
15 about Mr. Cuomo in any capacity? For
16 example, have you ever seen Mr. Cuomo kiss
17 a staff member whether he was the Governor
18 or attorney general?

19 A. Oh, so either office?

20 Q. Correct.

21 A. I don't believe so. It was the
22 same in the AG's Office as the Governor's
23 Office.

24 Q. When you say it was the same,
25 what do you mean?

1 A. Well, he would greet some people
2 with a hug, he would greet some people
3 with a kiss. The interesting thing -- and
4 I just thought of this when I was outside.

5 So my [REDACTED] went to the
6 inauguration in 2010. [REDACTED] [REDACTED] [REDACTED], I
7 think, because [REDACTED] [REDACTED] now. [REDACTED] [REDACTED].
8 And the picture that we have in [REDACTED] -- one
9 of the pictures in [REDACTED] [REDACTED] [REDACTED] is him
10 holding her cheeks like the picture in the
11 article, but -- so I don't think it would
12 change my answers.

13 MR. GRANT: By the way, have you
14 ever seen the Governor hold a man's
15 face like that?

16 A. I can't pinpoint any time, but
17 who knows? But I can't pinpoint any time.

18 Q. Have you ever observed or heard
19 about any differences in how Governor
20 Cuomo treats or treated Melissa DeRosa
21 compared to other staff members?

22 A. Say that one more time. I'm
23 sorry. There's a weird echo. I
24 apologize.

25 Q. Have you ever observed or heard

1 about any differences in how the Governor
2 treats or treated Melissa DeRosa compared
3 to other staff members?

4 A. I have not heard of any
5 difference. I've heard that they get into
6 screaming matches, but I haven't seen that
7 and I haven't witnessed that.

8 Q. Do you know if the Governor ever
9 had a sexual or romantic or intimate
10 relationship with any staff members?

11 A. Not that I know of.

12 Q. Have you heard rumors of this?

13 A. We had that talk earlier, but I
14 have not. I mean, for the time I was with
15 him, he was with Sandra Lee. So Sandra
16 was with him a lot, but I haven't heard
17 anything.

18 Q. So just to be clear, you have
19 not -- you're saying you have not heard
20 any rumors about the Governor having any
21 type of relationship with any staff
22 members?

23 A. Correct.

24 MS. PERRY: Sorry. Just to be
25 clear, I think, WITNESS 6/8/2021, you

1 said other than what you discussed
2 earlier?

3 A. We talked about what the
4 reporter said about **Senior Staffer #1**, and it was
5 unclear if that was the Governor. It was
6 unclear if it was somebody else, right. I
7 just want to make sure I make that clear.
8 Thank you.

9 Q. Just to be clear, what did the
10 reporter say again?

11 A. What did the reporter say again?
12 It was something to the effect of **Senior Staffer #1**
13 and her husband and rumors and, as we
14 talked about, I wasn't clear if there was
15 an insinuation from the reporter about
16 something with somebody in the chamber.

17 And if that person in the
18 chamber, I said -- went through the whole
19 list of who it could be and obviously
20 other governors in the chamber. Does that
21 make sense?

22 Q. When you went through this list,
23 did you go through the list with the
24 reporter or in your own head?

25 A. No. With you earlier. I'm

1 sorry. Earlier in the day.

2 Q. Right. And when we went
3 through --

4 A. Oh, no. No. No. In my head.
5 In my head.

6 Q. Have you ever observed or heard
7 about Andrew Cuomo making any staff member
8 uncomfortable?

9 A. I have not.

10 Q. Are you aware of any incidents
11 of harassment, bullying or any other
12 hostile or aggressive behavior by Andrew
13 Cuomo?

14 A. I have not. Now, that's not to
15 say that folks haven't had a bad day,
16 right, and said, I had a bad day and he
17 yelled at me. Or I've said, I had a bad
18 day and he yelled at me, but I haven't had
19 any saying in terms of bully or I felt
20 scared or I felt intimidated.

21 Q. How would you describe the
22 culture in the Executive Chamber?

23 A. As I explained to folks who ask
24 about government, right, it's very
25 stressful, very intense, very long hours,

1 very aggravating at times, but very
2 rewarding and I would suggest it -- I
3 suggest it to folks who ask. I suggest
4 it's a good idea to do some public service
5 to the folks who ask.

6 Q. How would you describe the work
7 environment in the chamber when you were
8 there?

9 A. Same thing, stressful,
10 exhausting, tense but rewarding.

11 Q. Would you describe it as
12 abusive?

13 A. I would not.

14 Q. Have you heard about any shifts
15 in the culture of the Executive Chamber
16 since you left the chamber?

17 A. I have not, but I've never had
18 a -- I haven't had a conversation like
19 that but I have not.

20 Q. Have you heard about any shifts
21 in the work environment in the Executive
22 Chamber since you left?

23 A. I have not.

24 Q. Have you ever heard about or
25 observed senior staff in the chamber

1 yelling at other staff members?

2 A. I can only speak from when I was
3 there, right, and the senior staff yelled
4 at senior staff. And I can't recall a
5 time when senior staff yelled at lower
6 staff, but senior staff used to yell at
7 each other as well.

8 Q. Did Joe Percoco ever yell at
9 junior staff?

10 A. That's a -- yes, actually that's
11 a good point. I didn't think of that.
12 Well, I don't know if they were junior
13 staff. He did yell. It was a long time
14 ago.

15 Q. Did any senior staff yell at
16 anyone else other than senior staff when
17 you were in the Executive Chamber chamber?

18 A. I'm sure they did and you
19 brought up Joe. So I'm sure they did.

20 Q. When you were in the Executive
21 Chamber, did you ever hear about or
22 observe senior staff insulting any staff
23 members?

24 A. I'm sure it happens.

25 Q. When you were in the Executive

1 Chamber, you didn't yell at junior staff
2 members, right?

3 A. I don't think I did.

4 Q. And you didn't insult any staff
5 members, did you?

6 A. I don't recall ever insulting a
7 staff member. And I hope my memory is
8 correct, but I don't recall insulting
9 staff members.

10 Q. Is that something you would
11 recall?

12 A. I -- maybe. I would assume so.

13 Q. When you were in the Executive
14 Chamber, did you ever hear about or
15 observe senior staff threatening any staff
16 members?

17 A. I do not recall. Threatening,
18 like, their jobs?

19 Q. Threatening in any way?

20 A. I'm sure it happens, but I don't
21 recall.

22 Q. When you were in the chamber,
23 did you ever observe or hear about senior
24 staff throwing things at any staff
25 members?

1 A. No.

2 Q. Are you aware of any incidents
3 of harassment, bullying or other hostile
4 or aggressive place -- taking place in the
5 Executive Chamber from your time there?

6 A. I am not.

7 Q. Are you aware of any aggressive
8 behavior by Joe Percoco in the Executive
9 Chamber when you were there?

10 A. Aggressive meaning physical?

11 Q. Not necessarily physical.

12 A. I'm sure some folks would look
13 at some of his actions as aggressive.

14 Q. Did you?

15 A. We did fight, but and -- about
16 opinions but nothing that intimidated me
17 at all.

18 MR. GRANT: You said earlier
19 that you would suggest that someone
20 work in public service, correct?

21 THE WITNESS: Correct.

22 MR. GRANT: Would you suggest
23 that somebody work in the Executive
24 Chamber?

25 THE WITNESS: I would, based on

1 my experience in the Executive
2 Chamber. I would.

3 MR. GRANT: Have you ever
4 suggested that someone work in the
5 Executive Chamber?

6 THE WITNESS: Yeah. I mean,
7 well, yes. I suggested to Lindsey
8 that she would love to work in
9 state -- that I felt she would be very
10 good in state government and when we
11 met for coffee.

12 I have told some of my employees
13 at Kivvit, who now work in politics,
14 that it's a great place to learn. And
15 actually I've had my direct right hand
16 actually left Kivvit to go into
17 politics. Not too long ago, a couple
18 of months ago, and she called me the
19 other day. She's like, life at Kivvit
20 is a piece of cake compared to this.

21 She said, this is crazy. She
22 said, but I learned how to push back
23 because you told me it was tough. And
24 she said somebody had called screaming
25 at her because she was late to a radio

1 interview with the principal or
2 something like that, and she said, I
3 pushed back and said I can do what can
4 do.

5 She said, I can't wait to get
6 out of politics. But she said, it was
7 the best thing for me to go and try
8 this. So I would, yes.

9 MR. GRANT: When you say
10 "politics" there, are you referring to
11 the Executive Chamber?

12 THE WITNESS: No, she didn't go
13 to the Executive Chamber. She went to
14 a campaign, a mayoral campaign, but
15 there was an another Kivvit person who
16 we hired, who is from the chamber and
17 his feeling was that I learned a lot,
18 right --

19 MR. GRANT: Who's that?

20 THE WITNESS: I said another --
21 or what's his name -- [REDACTED] [REDACTED].

22 MR. GRANT: And focusing back on
23 the question I originally asked, is
24 there anyone who you suggested that
25 you can recall telling him to work in

1 the Executive Chamber?

2 THE WITNESS: Besides?

3 MR. GRANT: Besides Ms. Boylan.

4 THE WITNESS: Well, I brought in
5 [REDACTED], and I don't know if I have --
6 I don't know if I have a name for you.
7 Let me think.

8 MR. GRANT: And [REDACTED] is a man,
9 correct?

10 THE WITNESS: Correct.

11 MR. GRANT: Has any women told
12 you they loved her experience in the
13 Executive Chamber that you can recall?

14 THE WITNESS: Well, the folks
15 who I worked with back when. I don't
16 really interact with many of the folks
17 in the Executive Chamber except
18 for -- that list, Dani, Melissa, Rich
19 and Peter Ajemian.

20 So in that group, the women are
21 Melissa, Dani and -- I guess that's
22 it. Two out of the four -- two out of
23 the five. So I haven't heard any way,
24 right, because I haven't heard any
25 real interaction.

1 MR. GRANT: Okay.

2 Q. Would you encourage your
3 daughter to work in Andrew Cuomo's
4 Executive Chamber?

5 A. I would. [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 Q. And you'd encourage her to work
10 in Governor Cuomo's Executive Chamber?

11 A. I wouldn't have a problem with
12 that.

13 Q. Have you done any work for
14 clients at Kivvit involving Governor
15 Cuomo?

16 A. I do have some clients who have
17 business in Albany, but that's usually a
18 business with the legislature -- business
19 with the budget or the session, right,
20 which is -- the first trick is getting
21 stuff through the legislature.

22 Q. Do you have any clients at
23 Kivvit who have business involving the
24 Governor?

25 A. Do I have any clients

1 business -- besides their legislative
2 agenda, I don't believe I do.

3 Q. What do you mean when you say,
4 besides their legislative agenda?

5 A. Well, a lot of them have bills,
6 either budget bills or session bills,
7 right. And so we usually get hired by a
8 lobbying firm to do -- or media or
9 grassroots stuff or build websites and
10 stuff like that.

11 Q. And if your client's bills get
12 through the legislature, then they have to
13 go in front of the Governor, correct?

14 A. That is correct.

15 Q. So is the answer to the question
16 whether you have done any work for clients
17 at Kivvit who have business involving the
18 Governor, yes?

19 A. Yes. Legislative stuff involves
20 bills and budget involves the Governor.
21 Correct.

22 Q. Have you discussed the sexual
23 harassment allegations against the
24 Governor with any of your clients at
25 Kivvit?

1 A. I cannot recall any conversation
2 like that, no.

3 Q. Let's go to tab 49 in your
4 binder.

5 A. Okay.

6 Q. We'll mark it as an exhibit.
7 This is an e-mail chain starting March 10,
8 2021. It's about the allegations of the
9 anonymous complainant and at the top it
10 says, thanks ugh.

11 The top of the chain shows that
12 the e-mail was sent to you March 11, 2021,
13 and it's redacted by Kivvit's counsel
14 because it says that it reflects client
15 information.

16 Do you recognize this e-mail?

17 A. Yes. And so my interpretation
18 of a conversation is to talk about it,
19 right, and to say, here are my feelings
20 yada, yada, yada.

21 The clients -- we do clips a lot
22 for clients and we do clips in the
23 morning, usually as a wrap-up of the day.
24 And then a lot of the clients ask for
25 breaking news clips throughout the day

1 involving anything which effects the
2 states they're in.

3 So I apologize. Our
4 definition -- I misinterpreted your
5 definition. So yes, this is part of the
6 clips service that we give to clients. I
7 would say most of my clients get clips
8 every morning that are put together by our
9 trainees, and then somebody on the team
10 sends them articles in the day.

11 Q. And this document doesn't just
12 reflect the clip, right? It also includes
13 a reaction from your client, correct?

14 A. It appears so, yes.

15 Q. And do you know why your client
16 said, thanks ugh, in response to the clip
17 about the allegations from the anonymous
18 complainant?

19 A. I don't. I mean, I can only
20 assume he meant that's bad news for the
21 Governor. But I don't.

22 Q. Would bad news for the Governor
23 negatively impact your client?

24 A. Not necessarily.

25 Q. But possibly?

1 A. It's a hypothetical. I don't
2 know. I don't know. Depends on their
3 issue, but who knows?

4 Q. Let's go to tab 48 in the binder
5 and we'll mark it as an exhibit. It's
6 dated March 3, 2021. It looks like an
7 e-mail heavily redacted by Kivvit. You're
8 on it. So is [REDACTED] [REDACTED] and [REDACTED]

9 [REDACTED] [REDACTED]

10 So, WITNESS 6/8/2021, who is
11 she?

12 A. She's a former employee of
13 Kivvit.

14 Q. And who is [REDACTED] [REDACTED] ?

15 A. He's an employee of Kivvit.

16 Q. And it looks like there's a
17 statement in the e-mail on the first page
18 saying, thank you for sharing the article.

19 And then on the next page --
20 this has the number 712 on the bottom of
21 the page. It says, there are only two
22 places where this can get fixed now; the
23 Governor's Office or the legislature.

24 Given the other troubles facing
25 the Governor, I question if he will have

1 either the will or the focus to save us at
2 this very late date. He is in an
3 existential fight for his political life,
4 and I'm guessing that our issue is not
5 exactly top of mind for him. To me, that
6 means we need to focus on the legislature.

7 Do you see that?

8 A. Yes, I do.

9 Q. Before that, there's a link to
10 an article. It look likes it's talking
11 about, among other things, the sexual
12 harassment allegations against the
13 Governor, correct?

14 A. Where is the link?

15 Q. It's on the page with the 713 on
16 the bottom. It's sort of in the middle of
17 the --

18 A. Oh, okay. There it is. From
19 the city, right?

20 Q. Right.

21 A. Okay.

22 Q. So let's go back to this
23 statement about there are only two places
24 where this can get fixed now; the
25 Governor's Office or the legislature.

1 Can you explain it?

2 A. I can't because I don't know
3 what it is or who wrote it. All I can say
4 is, 30,000 feet, there's -- we work with
5 the lobbyists all day long on strategy,
6 right.

7 And so I would assume or
8 speculate that this is a strategy thing, a
9 strategy synopsis. And depending on who
10 you focus on, depends who the lobbyist
11 tells us to focus on, because it says
12 focus on the legislature, depends on what
13 grassroots actions and stuff like that we
14 take.

15 We have tools that we use
16 where -- websites. Folks can sign on to
17 websites, and they automatically e-mail to
18 whatever lawmaker the lobbyist suggests or
19 there's a tool on the websites that you
20 call. It's called "hold and release" or
21 "call and release," where folks call in
22 and leave a message. And then the tool
23 sends that voicemail message to the
24 voicemail of the certain lawmaker who the
25 lobbyist says.

1 So I am completely speculating,
2 but I'm assuming it's a strategy
3 paragraph. But I don't know from who,
4 but --

5 Q. So to get closer to the text,
6 right, I read it to suggest that there are
7 two options for your client to get the
8 relief or whatever it's seeking; the
9 Governor's Office or the legislature.

10 One of those options now appears
11 to be unavailable because, with the sexual
12 harassment and other issues the Governor
13 is facing, he does not have the bandwidth
14 to be able to help with your client's
15 issue.

16 Is that a fair interpretation?

17 A. I don't know if it's a help or
18 if -- and I'm just speculating -- or if
19 the power shift is now if the legislature
20 passes it, then the Governor will sign it.

21 But is all stuff we get from the
22 lobbyist, right, is that okay? Your bill
23 is held up somewhere. Target your
24 grassroots and so and so forth towards the
25 assembly or towards the senate or towards

1 the Governor depending on whatever the
2 lobbyist says.

3 Q. The language back to you
4 specifically is, I question if he will
5 have either the will or the focus to save
6 us at this very late date.

7 Right?

8 A. Sure.

9 Q. So in other words, I question
10 whether the Governor can save us or help
11 us.

12 Is that fair?

13 A. I don't know. I mean, that's
14 how lobbyists talk a lot, right. And just
15 so you know, the New York lobbying laws
16 are we have to register for some clients
17 because if you do grassroots stuff or if
18 you build a website or anything to change
19 a -- that affects a bill. Even if you
20 don't do any meetings, you're now a
21 registered.

22 So I know from my clients, we're
23 very careful in term of any grassroots or
24 anything of that sort that we register
25 just to make sure there's no black and

1 white -- or there's no gray area. There's
2 only black and white.

3 Q. Is the significance of what you
4 just said that Kivvit makes sure to make
5 the appropriate disclosures? Is that what
6 you're saying?

7 A. We do. I don't know if it's
8 related to this because I don't know who
9 wrote this. But yes.

10 Q. And do you know whether Kivvit
11 makes any of those disclosures in relation
12 to the pro bono services you provide to
13 the Executive Chamber?

14 A. I don't know.

15 Q. WITNESS 6/8/2021, is there
16 anything you would like to add or any
17 answers you wish to clarify before we
18 finish?

19 A. I don't think I do.

20 Q. Is there anything else you can
21 think of that's relevant to our
22 investigation?

23 A. I don't at this time.

24 Q. If you would like to make any
25 brief sworn statement, you may do so.

1 A. I -- I'm okay. I think
2 we've -- I think we've covered a lot.

3 MS. MAINOO: We will now
4 conclude this examination. Thank you
5 for speaking with us today. I'll take
6 this opportunity to remind you that
7 you have continuing obligations under
8 our subpoenas.

9 If we need you to come back to
10 answer additional questions, we will
11 contact you through your attorney.

12 Also if you have additional
13 documents that are responsive to our
14 document subpoena, you have a
15 continuing obligation to produce them
16 to us. We can go off the record.

17 THE VIDEOGRAPHER: Okay. The
18 time is 6:27 p.m. We're off the
19 record. We have concluded for this --
20 today.

21
22 (Whereupon, the Testimony of
23 WITNESS 6/8/2021 conducted via Zoom
24 videoconference concluded at 6:26 p.m.
25 (EST) on Tuesday, June 8, 2021.)

CERTIFICATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Garry J. Torres, a Notary Public
for and within the State of New York, do
hereby certify:

That, WITNESS 6/8/2021, the witness
whose testimony as herein set forth, was
duly sworn by me; and that the within
transcript is a true record of the
testimony given by said witness.

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

IN WITNESS WHEREOF, I have hereunto
set my hand this 15th day of June, 2021.



GARRY J. TORRES

* * *