

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

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4 The Matter of Independent Investigation
5 Under New York State Executive Law
6 Section 63(8)
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6

VOLUME I

7

VIDEOTAPE DEPOSITION VIA ZOOM OF:

8

WITNESS -6-22-21

9

TUESDAY, JUNE 22, 2021

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10:00 a.m.

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REPORTED BY:

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SILVIA P. WAGE, CCR, CRR, RPR

JOB NO. 4663039

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 A P P E A R A N C E S:

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33 BY: WILLIAM KINDER, ESQ.
34 BY: CATHERINE FOTI, ESQ.
35 BY: MARY VITALE, ESQ.

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2 A P P E A R A N C E S (CONT.):

3

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8

9 A L S O P R E S E N T:

10

MARC FRIEDMAN

11 VIDEOGRAPHER

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1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 THE VIDEOGRAPHER: Good morning. We
3 are going on the record at 10:12 a.m. Eastern
4 Standard Time on Tuesday, June 22nd, 201.

5 Please silence your cell phone,
6 computer tone or any other electronic devices you
7 have near you. Audio and video recording will
8 continue to take place unless all parties agree
9 to go off the record.

10 This is Media Unit No. 1 of the video
11 recorded deposition of Witness 06-22-2021.

12 This is in the matter of the
13 Independent Investigation under New York State
14 Executive Session 63(8).

15 My name is Marc Friedman. I'm your
16 Certified Video Legal Specialist. Your Court
17 Reporter today is Silvia Wage. And we are both
18 from the firm of Veritext Legal Solutions.

19 This deposition is being held via
20 remote video conference. All Counsel consent to
21 this remote video arrangement and waive any
22 objections to this manner of reporting.

23 If there are any objections to the
24 Court Reporter swearing in the witness remotely
25 and this remote video arrangement, please state

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2 them now.

3 Hearing no objections, will Counsel
4 please state now on the record their appearances
5 and affiliations beginning with the noticing
6 attorney.

7 MS. CLARK: I'm Anne Clark. I'm with
8 the law firm of Vladeck Raskin & Clark but
9 appearing here today as Special Deputy to the
10 First Deputy Attorney General of the State of New
11 York.

12 MS. KENNEDY-PARK: Hi, I'm Jennifer
13 Kennedy-Park from the law firm Cleary Gottlieb
14 Steen & Hamilton. But for today's purposes, I'm
15 a Special Deputy of the First Deputy Attorney
16 General of the New York Attorney General's
17 Office.

18 MR. ABRAMOWITZ: I'm Elkan
19 Abramowitz, Morvillo Abramowitz, representing Ms.
20 Witness.

21 MR. SPIRO: Edward Spiro of Morvillo
22 Abramowitz Grand Iason & Anello, Counsel for Ms.
23 Witness.

24 MS. BRUNE: Susan Brune of Brune Law
25 PC also for Witness.

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2 MS. DOUGHERTY: Erin Dougherty of
3 Brune Law also for Witness.

4 MS. KENNEDY-PARK: And can the remote
5 people also...

6 MR. KINDER: Yes, Will Kinder of
7 Morvillo Abramowitz on behalf of Ms. Witness.
8 I'm joined at Morvillo Abramowitz's offices by my
9 colleagues Mary Vitale and Cathy Foti.

10 MR. CUKOR: And Ezra Cukor -- oh, I'm
11 sorry.

12 MR. KIM: Go ahead.

13 MR. ABRAMOWITZ: Go ahead, Joon.

14 MR. KIM: Go ahead, go ahead.

15 MR. CUKOR: Ezra Cukor of Vladeck
16 Raskin & Clark also appointed by the Attorney
17 General.

18 MR. KIM: I'm Joon Kim from Cleary
19 Gottlieb Steen & Hamilton also appearing as a
20 Special Deputy for the First Deputy Attorney
21 General.

22 THE VIDEOGRAPHER: Anybody else?

23 MS. CLARK: That should be it.

24 THE VIDEOGRAPHER: Would the Court
25 Reporter please swear in our witness and we can

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 proceed.

3 WITNESS 6-22-2021,

4 After having been duly sworn, was examined
5 and testified as follows:

6 THE STENOGRAPHER: Thank you.

7 You may proceed.

8 EXAMINATION BY MS. CLARK:

9 Q. Thank you for meeting us today. I'll
10 introduce myself again. I'm Anne Clark here
11 today as Special Deputy to the First Deputy
12 Attorney General.

13 The New York Attorney General has
14 appointed the law firms of Vladeck Raskin and
15 Cleary Gottlieb to conduct an independent
16 investigation under New York Executive Law
17 Section 63(8) into allegations of sexual
18 harassment brought against Governor Andrew Cuomo,
19 as well as the surrounding circumstances.

20 And you're here today issued pursuant
21 -- and you are here pursuant to a subpoena issued
22 in connection with the investigation.

23 As the Videographer noted, we are
24 recording today's proceedings. You are also
25 under oath, which I'm sure as an attorney you

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2 know means that you must testify fully and
3 truthfully just as if were in a court of law.

4 At the end I'll remind you if you
5 would like to make a brief sworn statement after
6 we're done questioning, you're free to put your
7 own statement on the record.

8 Although this is a civil litigation,
9 we need to advise you that the New York Attorney
10 General's Office has criminal enforcement powers.

11 You can't hear?

12 A. I have to take these off.

13 MR. ABRAMOWITZ: Put them like this
14 so when you speak, you can talk into the
15 microphone.

16 A. Because there's a lag and it's just
17 impossible for me to hear what you're saying.

18 MR. ABRAMOWITZ: Can I just suggest
19 you putting earphones on your temple.

20 MS. CLARK: And then the Mike.

21 MR. ABRAMOWITZ: Yeah, that's good.

22 THE WITNESS: Alright.

23 MR. ABRAMOWITZ: Although you
24 probably couldn't hear it.

25 THE WITNESS: Yeah.

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2 MR. ABRAMOWITZ: So maybe put them up
3 here. Try it.

4 (There is a discussion off the
5 record.)

6 THE STENOGRAPHER: You want to go off
7 the record for this?

8 THE WITNESS: Yeah, I'd like to go
9 off record.

10 I'm going to find this almost
11 impossible to hear.

12 MR. ABRAMOWITZ: Right. So what are
13 you suggesting, Jennifer.

14 THE STENOGRAPHER: Go off the record.

15 THE VIDEOGRAPHER: Stand by. The
16 time is 10:17 a.m. -- wait, wait -- 10:17 a.m.
17 We're going off the record.

18 (Recess taken 10:17 to 10:19 a.m.)

19 THE VIDEOGRAPHER: The time is
20 10:19 a.m. We are back on the record.

21 MS. CLARK: Okay. We're back on the
22 record.

23 Q. I'll repeat the last thing I said,
24 since I know it was very distracting.

25 A. Okay.

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2 Q. Which is at the end I'll remind you
3 again that if you want to make a brief sworn
4 statement after we're done asking questions, if
5 there's anything we didn't address or there's
6 something you didn't get a chance to say, you'll
7 have the ability to do that.

8 We also have to let you know that
9 although this is a civil investigation, that the
10 Attorney General's Office does have criminal
11 enforcement powers. So you have the right to
12 refuse to answer a question if you think it would
13 incriminate you.

14 Failure to answer can be used against
15 you in civil but not in criminal proceedings, as
16 your Counsel here can advise you on those issues.

17 You are here today with Counsel
18 present and you may consult with them about any
19 privilege issues whether it's attorney-client or
20 Fifth Amendment or any others.

21 We have a Court Reporter present
22 virtually. So it's important that even though
23 we're videotaping that we also get a clean
24 record. So, if you answer by shaking your head
25 or saying uh-huh, I'll remind you to give a

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 verbal response. And the hardest thing in
3 depositions always -- it's even worse with Zoom
4 -- is do not to talk at the same time. That
5 makes it very hard for the Court Reporter. So I
6 will do my best to wait until you're finished
7 answering your question and ask that wait until I
8 finish asking my question.

9 If at any point you don't understand
10 any of my questions, let me know and I'll try to
11 rephrase it in a way that makes more sense.

12 If you need a break at any point --
13 it's going be a long day, we'll just take breaks
14 throughout the day -- just let me know, as long
15 as there is no question pending.

16 MS. CLARK: I know we have several of
17 your attorneys here. So I know who is in the
18 room here.

19 If the attorneys who are remote can
20 confirm that there is no one else in the room
21 with them.

22 MR. KINDER: Yes, hi. There is no
23 one in the room other than myself, Ms. Vitale and
24 Ms. Foti.

25 MS. CLARK: And then I want to

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 confirm that all of those present, you and your
3 Counsel, and those remotely are not recording
4 this proceeding in any fashion including any
5 screen tabs or devices; is that correct?

6 MR. SPIRO: That's correct.

7 MR. ABRAMOWITZ: That's correct.

8 Q. And we also want to advise you not to
9 be communicating throughout the day with anyone
10 in realtime through messaging or any other means.
11 You can certainly confer amongst yourselves.

12 Executive law Section 63(8), the
13 provision under which this investigation is being
14 conducted, prohibits you and your Counsel from
15 revealing anything that we ask or what you say
16 during the testimony to anyone. If anyone asks
17 to you disclose that information, we ask you to
18 let us know that someone has done that.

19 Okay, all set.

20 THE VIDEOGRAPHER: Counsel, this is
21 Marc, the Videographer.

22 MS. CLARK: Okay. I'll move my head
23 less. Now that I'm not reading a speech, it will
24 should get better.

25 THE VIDEOGRAPHER: Your voice trails

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2 off.

3 Q. Are you taking anything today that
4 would affect your ability to testify --

5 THE STENOGRAPHER: I'm sorry. I'm
6 sorry, I'm sorry, everybody is talking at kind of
7 once and you're fading in and out on the
8 microphone. And it's really difficult to get a
9 clear record here.

10 MS. KENNEDY-PARK: Silvia, we're
11 fixing the microphone situation. So Anne was
12 just having to look at documents and so the mike
13 is closer to her mouth now and we'll try to have
14 her move her head less. So I think we should be
15 good to go.

16 You okay now?

17 THE STENOGRAPHER: Yeah, I didn't get
18 everything that she said, just so you know.

19 (There is a discussion off the
20 record.)

21 MR. KENNEDY-PARK: Why don't we
22 proceed for, like, the first just beginning and
23 then I'm going to try to get someone to come
24 bring in some standing mikes for us and see if we
25 can do that.

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2 MS. CLARK: One second.

3 MR. KIM: Can we go off record?

4 MS. CLARK: Go off record so I can
5 switch headphones.

6 THE VIDEOGRAPHER: Stand by. The
7 time is 10:23 a.m. We're going off the record.

8 (Recess taken 10:23 to 10:25 a.m.)

9 THE VIDEOGRAPHER: The time is
10 10:26 a.m. We are back on the record.

11 Q. Okay. I'll try to get some actual
12 questions.

13 Is there any other reason why you
14 can't testify accurately and truthfully today?

15 A. There isn't.

16 Q. Have you had any alcohol today?

17 A. No.

18 Q. Could you for the record state your
19 name, date of birth and your personal business
20 addresses please.

21 A. My name is Witness. My date of birth
22 is [REDACTED].

23 And I'm sorry. Did you ask for both
24 my personal and business address?

25 Q. Yes, correct.

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2 A. My personal address is [REDACTED]
3 [REDACTED]. And my
4 business address is 633 Third Avenue also in New
5 York. And I don't recall the zip code.

6 Q. It's been so long since you were
7 there probably.

8 A. No, I go there every day.

9 Q. Have you ever testified in any
10 proceedings before?

11 A. No, I haven't.

12 Q. Other than conversations with your
13 Counsel, have you done anything to prepare for
14 today?

15 A. No. Well, I've reviewed some
16 documents.

17 Q. What documents have you reviewed?

18 A. I reviewed a series of documents. I
19 couldn't possibly list them all.

20 Q. Were they documents that you
21 produced?

22 A. They were documents that -- many of
23 which, I believe, were produced by Counsel,
24 either my own Counsel or Counsel for the Chamber.

25 Q. And, just for the record, you can

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 take that exhibit binder in front of you, if you
3 could turn to Tab 1.

4 (Deposition Exhibit 1, testimony
5 subpoena to Witness, was marked for
6 identification.)

7 Q. Do you recognize this as the subpoena
8 for your testimony today?

9 A. Yes.

10 Q. And do you understand that you're
11 testimony today is being taken pursuant to this
12 subpoena?

13 A. Yes, I do.

14 Q. And if you while you have that in
15 front of you turn to Tab 2.

16 (Deposition Exhibit 2, document
17 subpoena to Witness, was marked for
18 identification.)

19 Q. And is this the subpoena served on
20 you for documents?

21 A. Yes.

22 Q. And did you read through this
23 subpoena?

24 A. At the time that I received it, I did
25 read through it. I've not reviewed it recently.

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2 Q. And are you the person who gathered
3 the documents responsive to the subpoena?

4 A. No.

5 Q. Who gathered the documents responsive
6 to the subpoena?

7 A. I provided my devices to my
8 attorneys, as well as some -- at least, my
9 Chamber iPhone to Arnold & Porter. I provided
10 certain documents directly to Arnold & Porter.
11 And I believe my Counsel had provided documents
12 to Arnold & Porter as well.

13 Q. And we've received various categories
14 of documents.

15 Is there anything else that you found
16 since you gave documents to your attorneys and
17 the devices to the respective attorneys?

18 A. To the best of my knowledge, I have
19 turned over everything in my possession that
20 could contain responsive documents.

21 Q. And we just got your Certificate of
22 Completion so...

23 If you can give us a brief overview
24 of your educational background.

25 A. Ah. Starting from like -- I'll start

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2 from college unless you want me to --

3 Q. Start from college, yeah.

4 A. Okay. I went to Wesleyan University
5 graduated in 1981, went to New York University
6 law school, graduated in 1985.

7 Q. And could you give us sort of
8 highlights of your employment history post-law
9 school through joining the Chamber.

10 A. Sure. So, after graduating from law
11 school, I clerked for a year for a federal judge
12 in the District of Connecticut. I then joined
13 Debevoise & Plimpton as an associate. I actually
14 worked there entirely part-time for several
15 years.

16 I then left intending to go to
17 graduate school and public health but had an
18 opportunity to join the US Attorney's Office in
19 the Southern District of New York, the Civil
20 Division, which I did in, I think, '92 and
21 remained there for a little over four years.

22 I took a leave of absence which
23 turned into a sort of quasi -- I resigned from
24 the US Attorney's Office after a leave of absence
25 and shortly after that was introduced to some

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2 people associated with the firm Morvillo
3 Abramowitz, discussed various options for coming
4 to work with them and, ultimately, decided that I
5 wanted to remain at home with my children and so
6 began a long and productive tenure with the firm
7 initially assisting them in writing a series of
8 articles that they regularly published in the New
9 York law journal. I began teaching as an Adjunct
10 Professor at Pace Law School.

11 Sometime in 2007 the firm Morvillo
12 Abramowitz approached me about coming to work
13 with them as an attorney, which I did initially
14 remotely on a sort of contract basis, and then
15 joined the firm in January of 2008, became a
16 partner that summer and remained there until
17 early January 2019 when I joined the Executive
18 Chamber.

19 Q. And when did you first meet Andrew
20 Cuomo?

21 A. I first met Andrew Cuomo in connection
22 with preparing him as a witness in an
23 investigation being conducted by Mr. Kim or
24 people under his direction. I can't give you the
25 exact date. But it was in connection with the

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 investigation into the Moreland Commission.

3 Q. And were you retained by the Governor
4 personally or by the Executive Chamber or
5 something else?

6 A. Our firm Morvillo Abramowitz was
7 retained by the Executive Chamber.

8 Q. And other than that investigation,
9 did you do any other work for the Governor prior
10 to joining his administration?

11 A. I prepared him for two additional law
12 enforcement interviews and accompanied him to
13 those interviews.

14 Q. And when did those take place?

15 A. You'll learn I'm not very good with
16 dates, but they took place prior to 2018, maybe
17 2016 or '17, roughly.

18 Q. And how did you come to work for the
19 administration?

20 A. Sorry. [REDACTED]

21 [REDACTED]. Sorry, I need a second.

22 Q. If you need a break --

23 A. No.

24 Q. -- there's [REDACTED] over there too
25 so...

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2 A. I'm okay. [REDACTED]

3 [REDACTED].

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 THE WITNESS: Thank you.

8 A. And I had developed a very close
9 relationship with Linda Lacewell, who was my main
10 client contact when we represented the Executive
11 Chamber, and through a series of conversations
12 with Linda, you know, became -- I had been
13 thinking generally about wanting to go into
14 public service and Linda, essentially, created a
15 job for me that would allow me -- I'm sorry.

16 Q. Take your time.

17 A. She really created a job for me that
18 would allow me to go work in state government
19 working on issues related to gun safety and
20 criminal justice reform, you know, two issues
21 that were very important to me, as well as
22 working on government investigations and other
23 public integrity issues. So it was a job that
24 did not exist prior to our discussions and that
25 she really, I think, through sort of shear force

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2 of will and imagination figured out how to create
3 and it was very quick.

4 I think I first spoke with her about
5 it probably we started talking in November and by
6 December I had the job and by middle of January I
7 was sitting at a desk in the Executive Chamber.

8 Q. And that's January 2019?

9 A. Yes.

10 Q. And what was your title when you
11 first joined?

12 A. It's been the same throughout. It's
13 Special Counsel to the Governor.

14 Q. And in terms of your responsibilities
15 when you first joined, what were you responsible
16 for?

17 A. So I had sort of two separate lanes,
18 if you will. One of them was working on gun
19 safety measures and criminal justice reform
20 issues. And quite separate and independent from
21 that I worked on managing anything that we would
22 have referred to as a nonroutine law enforcement
23 inquiry that came to any agency throughout the
24 state.

25 Q. What is a "nonroutine law enforcement

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2 inquiry"?

3 A. Well, like a routine law enforcement
4 inquiry would be a subpoena for E-ZPass records
5 in connection with some crime where the agency
6 just happened to be literally a custodian of
7 records that might be of interest to law
8 enforcement and that they get dozens, if not
9 hundreds and are handled routinely as a matter of
10 course.

11 "Nonroutine law enforcement inquiry"
12 would be something out of the ordinary course, a
13 sort of you know it when you see it, but that
14 called for some judgment and sort of careful
15 management of request from law enforcement.

16 Q. And how long were these areas or
17 areas of responsibility?

18 A. They remained my -- within my areas
19 of responsibility throughout my time in the
20 Chamber.

21 Q. And have you assumed any additional
22 responsibilities as time has gone on?

23 A. Yes. As time went on, the job, you
24 know, because it didn't exist before I got there,
25 there was a lot of opportunity for me to move

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2 into other areas as needed. I was asked to work
3 on a series of special projects that required
4 some investigative or analytic skills or legal,
5 you know, legal research skills that I had.

6 And then one of my colleagues ██████████
7 ██████████, who had been the Special Counsel for
8 the public integrity, took on the position of the
9 IG or the MTA and I assumed a lot of the
10 responsibilities that she had held including
11 supervision of the Chamber Special Counsel -- I
12 mean, the Special Counsel team, which is a series
13 of couple of dozen fairly senior level attorneys
14 who have dual reporting into -- each one into an
15 agency or several agencies and into the Chamber.
16 They reported into one of my deputies and I had
17 several other attorneys who I supervised.

18 And then the Counsel to the Governor,
19 Alfonso David, stepped down in the summer of 2019
20 and there was a period -- even though there was
21 an acting Counsel to the Governor, there was a
22 period where I took on some of the
23 responsibilities that he had had and retained
24 those, mostly in the criminal justice reform area
25 after the new Counsel came in in the fall.

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2 And then when COVID hit in, you know,
3 March of 2020, like almost everybody else in the
4 Executive Chamber, all job descriptions went out
5 the window and I was engaged, if not a hundred
6 percent of the time, almost, you know, 24 hours a
7 day in addressing COVID-related issues.

8 Q. And has your responsibilities changed
9 at all now that COVID is more under control than
10 it was say a year ago?

11 A. Yeah, well, unfortunately, with the
12 COVID becoming more under control, there have
13 been a series of well-publicized investigations
14 which have been commenced and so I've been
15 focused to a greater extent than at any point in
16 my tenure on the investigative aspect of my
17 responsibilities.

18 Q. And which investigations are you
19 involved in other than this one?

20 A. Actually, with this one because I am
21 -- I was aware that I am a witness, I have
22 actually played very very very little role in
23 this investigation. But there is an Eastern
24 District investigation, a criminal investigation
25 now being conducted by the AG's Office and those

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 are the principal investigations.

3 Q. And during the time that you've been
4 in Chamber, to whom have you reported?

5 A. I report to Melissa DeRosa, who is a
6 secretary to the Governor.

7 Q. And you mentioned having some
8 deputies and then later having Special Counsel.

9 How many people have reported to you
10 and it sounds like if it's changed over time,
11 explain how that's changed.

12 A. So, I think, when I started, I don't
13 think I had any direct reports. And I think
14 about it in terms of signing their time sheets.
15 I think, actually, I technically signed [REDACTED]
16 [REDACTED]'s time sheet, but she, certainly, didn't
17 report to me.

18 After [REDACTED] left, I assumed
19 responsibility for supervising two principal
20 Deputies, [REDACTED] and [REDACTED]. [REDACTED]
21 ran the Special Counsel Program. [REDACTED] had some
22 supervisory responsibility over a group of
23 researchers and some FOIL lawyers. And several
24 of them reported -- you know, I signed their time
25 sheets, although they were technically supervised

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2 by [REDACTED].

3 We had a fellow who came to work with
4 us who worked initially with me primarily on gun
5 safety issues but sort of became an integral part
6 of our team. Her name was [REDACTED]. We
7 now have another young woman in that role sort of
8 as the junior member of our team named [REDACTED]
9 [REDACTED].

10 [REDACTED] left State Service
11 several months ago and woman named [REDACTED]
12 reports to me. And then while I don't have
13 direct supervisory responsibility over the
14 Special Counsel, I'm frequently called into
15 matters that they elevate and I would say I have
16 an informal mentorship supervisory role with the
17 group.

18 Q. And you said that you're at 633 Third
19 Avenue.

20 Where in the building is your office?

21 A. My office is on the 39th floor.

22 Q. And where is that in relation to the
23 Governor's Office?

24 A. Almost completely catty-corner.

25 Q. And do you have an office at the

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2 capital as well?

3 A. I've had several offices assigned to
4 me. The most recent of which ended up being
5 taken over by the nurses who were involved in the
6 COVID, you know, screening. And so I frequently
7 camped out in one particular office, but it
8 wasn't technically assigned to me. But I am
9 infrequently in Albany.

10 Q. Where is the office you "camped in"?

11 A. I have used the office that was
12 assigned to [REDACTED], who is the Deputy
13 Secretary for Economic Development and who was in
14 Albany toward the beginning of COVID but ended up
15 coming back to New York City and I don't think
16 returned to -- neither she nor I was in Albany
17 very often, so it just worked out that I could
18 use her office.

19 Q. And is that on the secured or the
20 unsecured corridor?

21 A. It is on the unsecured -- well, I got
22 to -- the entire second floor is unsecured except
23 for one small portion. But [REDACTED]'s office is
24 on the opposite side of the second floor from
25 where the guard desk is.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And you said you don't spend a lot of
3 time in Albany.

4 How often have you gone to Albany?

5 A. It's irregular. There have been
6 periods where I was there a couple of times a
7 week. I've not been in Albany now since late
8 February.

9 And I would say during the period
10 leading up to COVID, I was there maybe once,
11 maybe twice a month but not very often.

12 Q. And how often have you interacted
13 with the Governor during your time in Chambers?
14 And if it's changed over time, explain that.

15 A. I think I've had one small meeting
16 with him that just involved one other person.
17 I've had attended a number of staff meetings.
18 They were held -- you know, aspirationally, they
19 were held monthly. They did not generally happen
20 on a monthly basis. But when there was a senior
21 staff meeting, I attended that either in person
22 or remotely; probably ten of those during my
23 tenure. Although that's sort of rough estimate.

24 And then I have attended two other --
25 I think, two other meetings that were, you know,

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 on a specific subject matter but also with large
3 groups and I have spoken with him on the phone.

4 Q. In the small meeting you had with one
5 other than, when was that?

6 A. That would have been very early in my
7 tenure in the office.

8 Q. And what was the general topic of
9 that meeting?

10 A. The MTA.

11 Q. Who was the other person?

12 A. ████████████████████.

13 Q. Have you ever met one on one with the
14 Governor alone?

15 A. No.

16 Q. You said you had two other meetings
17 with large groups.

18 What were the topics of those
19 meetings?

20 A. One involved an issue at the
21 Department of Health. It was not COVID related.
22 And I cannot remember what the other one was
23 about. I just remember that it was a smaller
24 group of people.

25 Q. And how often have you spoken to the

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 Governor on the phone?

3 A. Again, not with any consistency or
4 regularity. But I would put it at someplace
5 between one and two dozen times over the course
6 of two years.

7 Q. Do you ever communicate with the
8 Governor by e-mail?

9 A. No.

10 Q. Other than attending meetings or
11 speaking by phone are, there other ways that you
12 communicate with the Governor?

13 A. When I first started, we -- I had a
14 BlackBerry and there was a function on the
15 BlackBerry called a BlackBerry pin. I believe I
16 communicated with him once intentionally by
17 BlackBerry and once I didn't realize that he was
18 on a pin chain that I was on and I did so
19 unintentionally. But, yes, very infrequently.

20 Q. And my understanding from your
21 submission is that at some point you exchanged
22 from a BlackBerry from an iPhone; is that right?

23 A. From my "submission"?

24 Q. From what your attorneys have
25 provided in terms of your devices.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. Oh. Yes, yes. By the very end of
3 2019, I happily swapped out my BlackBerry for a
4 Chamber iPhone.

5 Q. And after that did you have any
6 ability to communicate electronically with the
7 Governor?

8 A. I did not.

9 Q. And how would you describe your
10 relationship with the Governor?

11 A. Cordial. It -- I was not -- I would
12 not say that I was close to him. But it was a
13 very cordial relationship.

14 Q. Now, when you joined the Chambers,
15 did you receive any training on policies and
16 procedures?

17 A. Yeah. I mean, we had an initial
18 orientation. There was a series of policies that
19 we had to read and review, I think, certify that
20 we had done so. So that was when I started and
21 then there is a series of required trainings that
22 one take on an annual basis.

23 And for members of senior staff,
24 those trainings are actually all printed out and
25 presented to -- they were presented to me in a

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 folder and I went through each one of them and
3 had to sign it. I think -- I don't recall if I
4 signed each one as I took it or I had to sign
5 like a cover sheet that I took them. But I went
6 through them and took those.

7 Q. And those are printed in hardcopies
8 as opposed to a computer?

9 A. That's correct. And then,
10 additionally, there is a live ethics training
11 that is required within a certain relatively
12 short time starting in the Chamber and then every
13 two years after that.

14 Q. If you remember, what were the topics
15 covered by the training that you had when you
16 first joined?

17 A. The printed materials?

18 Q. Whatever the materials --

19 A. Yeah.

20 Q. -- when you first joined, whatever
21 training you had.

22 A. It was a series of office policies.
23 I can't tell you right now what the full range of
24 policies were. But I think it ranged from
25 vehicle use and, you know, computer use to --

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 like, I'm pretty sure the anti-discrimination
3 policy was part of the training. I think there
4 was something -- a concept that I had not heard
5 of before called, "Workplace Violence," that was
6 part of the training. My guess is it's close to
7 a dozen topics and I don't remember all of them.

8 Q. And the training when you first
9 joined, was that also printed materials or was it
10 online or live or...

11 A. It was printed.

12 Q. And the training where you get the
13 binder or the folder every year, what topics are
14 covered in those trainings?

15 A. Again, those are the required annual
16 trainings and I think there is -- I think I also
17 took some CLE live trainings. I think I took a
18 diversity equity and inclusion that was required
19 for my CLE offered by the Attorney General's
20 office.

21 I really can't go -- I don't recall
22 all of the trainings that were in the printed
23 folder. But I do know that it did include a
24 training on workplace discrimination and EEO
25 policies.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And that included sexual harassment?

3 A. Yes, it did.

4 Q. I'm going ask you to turn to Tab 3 in
5 your book.

6 MS. KENNEDY-PARK: Yeah, before you
7 do that for a minute.

8 You said the senior staff had the
9 trainings printed for them.

10 Do you know why that was done?

11 THE WITNESS: I don't know why it was
12 done. It was something -- I knew from my initial
13 orientation that we were required to take a
14 series of trainings and I inquired, like, where
15 do I go, where do I find them, how do I do them.

16 And was told oh, for your senior
17 staff and we'll print them out and give them all
18 to you. And that was clear to me that that was
19 an established practice by the time I got there.

20 MS. KENNEDY-PARK: And so junior
21 staff did them electronically?

22 THE WITNESS: In my understanding,
23 senior staff of which I was a member were the
24 only ones that were given them to be done and it
25 was my understanding was sort of to -- that way

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 their assistants could make sure that they were
3 done and there was followup to make sure that
4 they were done, at least, in my case.

5 Q. And turn to Tab 3 and this is how it
6 was produced to us.

7 A. Uh-huh.

8 Q. I apologize for the microscopic print
9 here.

10 (Deposition Exhibit 3,
11 Chamber_AG_00020983 Spreadsheet of
12 completion of various trainings sent via e-mail
13 to Lauren Grasso on 12/5/19. Sexual Harassment
14 Prevention is the last tab of the Excel, was
15 marked for identification.)

16 A. You're going to have to help me with
17 this one.

18 Q. Have you ever seen this document
19 before?

20 A. Anne, I will be honest with you. I
21 cannot, literally, even with my glasses tell you
22 what this document says.

23 Can you read me what the...

24 Q. Sure. I will tell you that the
25 heading, if I can read it is, "2019 Mandated TRNG

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 Training Compliance," and then it's got various
3 categories.

4 And on the back of the second -- the
5 second page has a section where it has, "Equal
6 Employment Opportunity Rights and
7 Responsibilities." It starts about halfway down,
8 continues onto the next page.

9 And for people in the Executive
10 Chamber including yourself on the back of the
11 second page it says, "not compliant." And this
12 was as of...

13 A. As of when?

14 Q. As of March of 2019.

15 A. Well, I started in January of 2019.

16 First of all, in answer to your
17 question, I do not believe I've ever seen this
18 document before. I, certainly, don't recognize
19 it. I can't say that I definitely didn't see it,
20 but it doesn't look familiar.

21 I started toward the end of January
22 of 2019 and in my understanding the -- other than
23 the comprehensive ethics training, which is
24 mandated that it must happen and I don't know
25 whether it's within 60 or 90 days, but within a

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 defined and relatively short period of time, what
3 I was told and what I believe to be the case is
4 that these trainings must be done on an annual
5 basis. But it was not required of me within the
6 first six weeks of my employment.

7 Q. And for the annual training, did it
8 -- was it tied to your start date or was there a
9 date in a year by which everyone had to complete
10 the various training component?

11 A. Again, my understanding is that
12 everybody must take it within a calendar year and
13 that -- in the late fall is when the materials
14 were circulated, at least, to me.

15 Q. And do you recall whether you did the
16 EEO training in the late fall of 2019?

17 A. That's my recollection, yeah.

18 Q. And in 2020 during COVID, were you
19 given the same binder that you were pre-COVID
20 times?

21 A. No. And my understanding GOER, which
22 is the agency that sort of decides what trainings
23 need to happen and puts out the trainings, made
24 the decision that they would suspend the required
25 training for the calendar year 2020.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And has it been reinstated for
3 calendar year 2021?

4 A. Again, to my understanding, it has.

5 Q. And have you taken it for 2021 yet?

6 A. I did take the training for the
7 sexual -- well, for the workplace discrimination
8 or maybe it's specific to sexual harassment. I
9 took the sexual harassment training.

10 Q. When did you take that?

11 A. When did I take it?

12 Q. Yes.

13 A. Within the last couple of months. I
14 -- it -- you know, it hadn't been up for a while
15 and then when GOER did put it up, I wanted to
16 take it so I did.

17 Q. When you say, "put it up," is that
18 training you did on a computer?

19 A. Yes, I did.

20 Q. And when you finished going through
21 that training on the computer, did you have to do
22 anything to attest that you had taken the
23 training?

24 A. I don't -- I don't recall.

25 Q. You mentioned "GOER."

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 What are the responsibilities of
3 GOER, to your understanding?

4 A. I'm not an expert on all of GOER.
5 And my understanding GOER manages the trainings
6 that are required for all State agencies or for
7 State agent situation that opt in. I'm not sure
8 what the full extent of what its responsibility
9 is. GOER investigates claims of workplace
10 discrimination.

11 And during COVID, GOER was an
12 invaluable partner to us in helping us figure out
13 how to -- how to construct and promulgate and
14 enforce and socialize all of the very complicated
15 workplace-related issues that the State had with
16 its workforce, which, you know, involved
17 everything from telecommuting to workplace safety
18 to, you know, just an enormous range of issues.
19 And GOER was really a partner in that endeavor.
20 They're a resource when it comes to employment.
21 It's the Governor's Office of Employee Relations
22 Or Employment Relations.

23 And when I started, I was told that
24 they were a resource that could be very helpful
25 and I have consulted with GOER on a number of

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 occasions.

3 Q. And who are the individuals at GOER
4 you've consulted with?

5 A. ██████████ who -- Michael
6 Volforte are the two names that I remember. But
7 I have spoken to other people at GOER when either
8 ██████████ or Mike has directed me to somebody.

9 Q. And since the training is fairly
10 fresh for you, what topics were covered within
11 the training?

12 A. They went -- the training went
13 through the policy and -- then you would think --
14 it was fairly fresh. You would think I would be
15 able to remember.

16 I think it only covered sexual
17 harassment. And what I do recall is that there
18 were a series of questions and answers that you
19 had to ask -- or, rather, answer and then there
20 were a series of illustrations, also, in Q&A form
21 but designed to illustrate what would and would
22 not be sexual harassment.

23 But please don't ask me to come up
24 with any of them.

25 Q. I won't ask you the examples given

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 the training.

3 A. Yeah.

4 Q. But from the training and reviewing
5 the policies or anything else, do you have any
6 understanding of what sort of conduct violates
7 the Chamber's sexual harassment policy?

8 A. I would not say that taking this
9 training changed my understanding of what conduct
10 would violate the policy. But I think I do have
11 a general understanding of the conduct that would
12 violate the policy.

13 Q. And what's your general understanding
14 of what sort of conduct would violate the policy?

15 A. I think the definition of sexual
16 harassment under the GOER policy is conduct of a
17 sexual -- un-welcomed or unwanted conduct of a
18 sexual nature or because of somebody's gender.

19 Q. And did the training or did you have
20 an understanding before the training of what the
21 possible avenues were for reporting a sexual
22 harassment claim?

23 A. Yes. I mean, before I took the
24 training this year, yes, I understood that you
25 could report -- somebody who was -- either felt

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 that they themselves had been subject to sexual
3 harassment or were aware of sexual harassment
4 could report that to a supervisor or could go
5 directly to GOER.

6 Q. And did you have any understanding as
7 to whether supervisory or senior level employees
8 had any special responsibilities with respect to
9 reporting harassment?

10 A. Yes, I was aware that a supervisor
11 who learned of conduct that fell within the
12 definition of sexual harassment or potential
13 sexual harassment should -- had an affirmative
14 obligation to report to GOER.

15 Q. And did you have an understanding
16 either from the training or otherwise that the
17 policy prohibited retaliation?

18 A. Yes.

19 Q. And did you have any understanding as
20 to whether the protection against retaliation
21 applied to people who are no longer employed by
22 the Chamber?

23 A. By the time I took that training in
24 2021, I did understand that. But that was not
25 something that -- but I can't tell you when I

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 learned that.

3 Q. Why don't we look at the GOER policy,
4 which is Tab --

5 MS. KENNEDY-PARK: Before you turn to
6 the GOER policy...

7 What prompted you to do the training
8 electronically in 2021?

9 THE WITNESS: I wanted to understand
10 whether the training had changed substantially
11 from when I had previously taken it in 2019.

12 MS. KENNEDY-PARK: And why did you
13 want to come to that understanding, as to whether
14 the training had changed?

15 THE WITNESS: Because there was an
16 intervening change in the law that became
17 effective after the training that I took in 2019.

18 Q. Do you recall what the change in law
19 was that became effective after you took the
20 initial training?

21 A. I don't recall all of the ins and
22 outs of the change of law. But I think that the
23 conduct did not have to be severe, pervasive in
24 order to constitute sexual harassment.

25 Q. If you could turn to Tab 4.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 (Deposition Exhibit 4,
3 GOER_NB_00000033 or Chamber_AG_00015904
4 Equal Employment Opportunity in New York State
5 Rights and Responsibilities A Handbook for
6 Employees of New York State Agencies 2020, was
7 marked for identification.)

8 Q. Do you recognize this document?

9 A. Yes. This is the GOER manual, I
10 think, is how I refer to it.

11 Q. And this one is dated May 2020.

12 Did you see any prior versions when
13 you first joined?

14 A. I think that there was a prior
15 version that I saw that predated this. But this
16 is the one that I'm most familiar with.

17 Q. And when GOER updated this manual in
18 May 2020, did they do anything to circulate it
19 amongst employees?

20 A. I was not aware of what they did. I
21 later learned that, you know, it was provided to
22 our Director of Administrative Services, who
23 posted it on our Intranet.

24 Q. And when you joined, were you given a
25 hardcopy of any prior version of the policy?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. I don't remember what I was given. I

3 --

4 Q. Go ahead.

5 A. I will say that I think that there
6 was something that I was given that I read. I
7 just don't -- I don't recall what it was.

8 Q. If you could turn to Page 11. And
9 there is a heading on -- "Sexual Harassment,"
10 that continues over to the next few pages.

11 If you could read to yourself the
12 part where it says, "sexual harassment defined,"
13 and continues on to the next page.

14 A. Uh-huh.

15 Q. Alright. You can stop there.

16 Part of the policy describes some
17 examples of things that are harassment, such as
18 "words, signs, jokes, pranks," et cetera.

19 Is the description in that paragraph
20 consistent with what your understanding has been
21 about the policy at the Chamber?

22 A. Yes.

23 Q. And you made reference so that the
24 law changed at some point that it no longer has
25 to be severe or pervasive and there is a

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 paragraph about that and it says, "Sexually
3 harassing conduct that consists of more than
4 petty slights or trivial inconveniences"; is that
5 your understanding of what the standard was after
6 the change in the law?

7 A. Yes.

8 Q. And by May of 2020 is when this was?

9 A. Correct.

10 THE STENOGRAPHER: I can't hear you.
11 I'm sorry. I can't hear you.

12 Q. And --

13 THE STENOGRAPHER: Sorry, I can't
14 hear you.

15 MS. CLARKE: Oh, that can't hear.
16 Alright. I will --

17 THE STENOGRAPHER: Your mike is very
18 slow. Your mike is very low, Ms. Clark.

19 A. -- maybe stopping in place. Maybe
20 when we finish talking about the policy, we can
21 take a break.

22 Q. Yeah, absolutely.

23 A. Great.

24 (There is a discussion off the
25 record.)

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MS. CLARK: We'll go for a few
3 minutes and then we'll take a comfort break as
4 well and see if we can fix the tech issues.

5 A. Great, okay.

6 Q. And is it your understanding that
7 there was not a requirement that the person who
8 is experiencing something they believed to be
9 harassment to tell the person who engaged in the
10 conduct that is it's unwelcome at the time?

11 A. I did I understand that.

12 Q. Okay. Why don't we -- we have some
13 more on the policy, but why don't we take a break
14 now --

15 A. Okay.

16 Q. -- and see if we can fix all our
17 issues.

18 THE VIDEOGRAPHER: Stand by. The
19 time is 11:10 a.m. We're going off the record.
20 This will end Media Unit No. 1.

21 (Recess taken 11:10 to 11:26 a.m.)

22 THE VIDEOGRAPHER: The time is
23 11:26 a.m. We are back on the record. This will
24 be the start of Media Unit No. 2.

25 Q. Still have -- oh, you said you wanted

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 to clarify something.

3 A. Yeah. You had asked me about
4 in-person meetings with the Governor and I had
5 said that I recalled two. It was really before
6 the various investigations began and I had two
7 additional in-person meetings with him after the
8 investigations began, one related to the Eastern
9 District nursing home matter and one related to
10 this matter, although before the formal inception
11 of -- before you were named.

12 Q. And who was present for the meeting
13 about this investigation before we were named?

14 A. Linda Lacewell, Melissa, Rich
15 Azzopardi, Stephanie Benton for part of the
16 meeting, at least, Jeff Pollack and Liz Smith and
17 the Governor and for a very brief portion of the
18 meeting, one of his daughters came into the room.

19 Q. And where did this meeting take
20 place?

21 A. It took place in the pool house at
22 the mansion and then there was sort of breakfast
23 meeting the following morning with the same
24 people.

25 Q. Did you stay overnight at the

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 mansion?

3 A. I did.

4 Q. Did everyone you just listed stay
5 overnight at the mansion?

6 A. I don't think Stephanie, Rich or
7 Melissa stayed at the mansion.

8 Q. And do you recall when the meeting
9 was?

10 A. It was the day before the Governor
11 gave his first press conference after Charlotte
12 -- the article with Charlotte Bennett was run.
13 So I can't give you the exact date. But it would
14 have been early March.

15 Q. And what was Jeff Pollack's position
16 at the time?

17 A. His position?

18 Q. Yes.

19 A. I think he was a political advisor to
20 the Governor.

21 Q. And what was Liz Smith's position?

22 A. Similar.

23 Q. And which of the Governor's daughters
24 was present for part of the meeting?

25 A. Michaela came into the room

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 relatively briefly, but she did come in.

3 Q. And the meeting in the pool house,
4 how long did that meeting last?

5 A. It was several hours. We had dinner.
6 There was sort of a social component to it and
7 then, you know, a working component.

8 Q. And you said there was also a
9 breakfast meeting the next morning?

10 A. That's right.

11 Q. And the people that didn't stay over,
12 Stephanie, Melissa and Rich, did they come back
13 for the breakfast meeting?

14 A. I don't -- I don't think Rich was
15 there. I don't recall whether Stephanie was
16 there or not. And Melissa, I think, did come at
17 some point.

18 Q. How long was the breakfast meeting?

19 A. You know, probably -- I was probably
20 there for an hour and then I left and drove back
21 to the City.

22 Q. And the evening meeting and the pool
23 party, what was discussed in that meeting?

24 A. The Governor had drafted a statement
25 that he wanted to make and we went over the

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 statement very carefully like word by word. He
3 practiced delivering it. And then there was, you
4 know, an effort to think through questions that
5 he might be asked to answer, what those questions
6 might be. That aspect of the meeting was really
7 handled almost entirely by the -- Liz, Jeff,
8 Melissa and Rich.

9 Q. And do you recall any of the
10 questions that they anticipated that the Governor
11 might be asked?

12 A. I really don't recall any of the
13 specific questions. There was a list of very --
14 I can't distinguish between what he was asked,
15 what they anticipated he might be asked. I just
16 don't have a clear recollection.

17 Q. Did you take any notes during that
18 meeting?

19 A. No, I didn't.

20 Q. In that meeting, did the Governor
21 discuss at all whether any of the allegations
22 made by Ms. Bennett were true?

23 A. Not to my recollection. We really
24 weren't going into the specific allegations as
25 they pertained to Ms. Bennett.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Did -- was there any discussion in
3 this meeting about any allegations that had been
4 made by the Governor at that point by Ms. Boylan
5 or anyone else?

6 A. The only thing I recall being
7 discussed is whether the Governor had ever
8 touched anybody inappropriately and that was the
9 topic of discussion.

10 Q. And what did the Governor say about
11 that?

12 A. He was adamant that he had not.

13 Q. And was there any discussion about
14 any particular types of touching that might be
15 considered inappropriate, or it was just in the
16 generic?

17 A. You know, there may have been. But I
18 don't recall. I think it was -- it was not a
19 lengthy conversation and it -- to the best of my
20 recollection, we talked about and he denied that
21 he had ever kissed Ms. Boylan, as she had written
22 in her Medium piece. But I think there was
23 broader discussion about inappropriate touching
24 generally.

25 Q. Was there any discussion about

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 whether the Governor had kissed any other
3 employees on the lips?

4 A. Not that I recall.

5 Q. Was there any discussion as to
6 whether the Governor touched any women in the
7 workplace on their breast or their breast area?

8 A. I am highly confident that that was
9 not discussed.

10 Q. Was there any discussion as to
11 whether the Governor touched any women on their
12 buttocks?

13 A. Not that I recall.

14 Q. Do you recall anything else that the
15 Governor said about what conduct he did or didn't
16 engage in?

17 A. You know, only other thing I recall
18 is that he -- one of the questions was whether he
19 had ever engaged in a consensual relationship. I
20 don't remember whether it was described as sexual
21 or romantic but with any state employee and he
22 said he had not.

23 Q. Was there any discussion about what
24 other women anyone at present thought might come
25 forward with any allegations?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. No, not that I recall.

3 Q. Other than going through the
4 statement, which, you know, series of statements
5 we'll get to later, any other topics you recall
6 being discussed in this meeting?

7 A. The only other topic that I recall
8 being discussed, which did relate to Ms. Bennett,
9 was a discussion that I took an active role in
10 trying to explain to him how she could have been
11 affronted by his effort to write her speech about
12 her sexual assault. And I think I tried to
13 explain the concept of man-splaining to him that
14 even if he thought he was being helpful, it may
15 not have been received in the manner in which it
16 was offered. So not a sexual issue, just a kind
17 of boundary issue.

18 Q. What, if anything, did the Governor
19 say about him advising Ms. Bennett about her
20 speech?

21 A. He seemed not to fully grasp the
22 notion that his offer of assistance might not
23 have been received in the spirit that he thought
24 he was offering it.

25 Q. Did he say whether or not he had said

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 to Ms. Bennett, you were raped, you were raped
3 and said that multiple times?

4 A. We did not discuss that aspect of the
5 -- of Ms. Bennett's allegations.

6 Q. Was there any discussion at this
7 meeting about looking for any negative
8 information about the women who had come forward?

9 A. No.

10 Q. The breakfast meeting, what was
11 discussed in the breakfast meeting?

12 A. I guess the frame that I would put on
13 the evening and the morning was that the Governor
14 needed to project contrition and a recognition
15 that he had, I don't know, I don't remember the
16 words that were used, but that he needed to
17 project real contrition and primarily the
18 discussion was about his tone and delivery.

19 Q. In either the evening meeting or
20 morning meeting, did you share with the group
21 your interactions with Ms. Bennett?

22 A. No.

23 Q. Did you say anything about her
24 demeanor when you spoke with her about this
25 incident?

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2 A. I don't recall whether I did or not
3 in that meeting. But, you know, I had -- I felt
4 that she had been credible and sympathetic.

5 Q. Did anyone in the meeting share their
6 view as to whether in terms of what had come out
7 so far with Ms. Bennett that she seemed credible
8 or sympathetic or anything to that effect?

9 A. You know, I don't remember anything
10 specific, but I think was a general understanding
11 that Ms. Bennett was to be accorded respect and
12 that there should be nothing done or said that
13 would in any way be -- should in any way be seen
14 as being disrespectful of her.

15 Q. Was there anyone present who
16 disagreed with that approach?

17 A. No.

18 Q. Did anyone present advocate going on
19 the offensive against Ms. Bennett in any fashion?

20 A. No.

21 Q. Do you recall anything Melissa DeRosa
22 said about how to approach the situation?

23 A. I don't.

24 MS. KENNEDY-PARK: In either the
25 evening meeting or breakfast meeting, did the

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 Governor say that Ms. Bennett had said anything
3 that was inaccurate?

4 THE WITNESS: We really weren't
5 parsing allegations during this meeting. We were
6 really focused on how he would face the public
7 for the first time, the press. And it was not --
8 we weren't engaging in what I imagine you're
9 thinking of as some kind of defensive strategy
10 meeting. It was a press meeting.

11 MS. KENNEDY-PARK: Was there any
12 discussion about whether the Governor had asked
13 anyone about their sexual partners?

14 THE WITNESS: No.

15 MS. KENNEDY-PARK: Was there --

16 THE WITNESS: Well, let me put it
17 this way, not that I recall.

18 MS. KENNEDY-PARK: Was there any
19 discussion about whether the Governor had asked
20 anybody about age differences in people he would
21 date?

22 THE WITNESS: Not that I recall, no.

23 MS. KENNEDY-PARK: Was there any
24 discussion about Lindsey Boylan?

25 THE WITNESS: I don't recall any

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 discussions focused on any individual women or
3 their allegations. I can't say that their names
4 didn't come up or there wasn't some comment. I
5 don't recall anybody.

6 I really do want to stress this was
7 really about him needing to go out there and
8 really express that he knew he had screwed up.

9 MS. KENNEDY-PARK: Was there any
10 discussion comparing the need to go out and
11 acknowledge that he had using your words "screwed
12 up" compared to how he and the Executive Chamber
13 had reacted to Ms. Boylan's allegations?

14 THE WITNESS: No.

15 Q. Part of any later discussions about
16 whether the Governor should continue to express
17 contrition or change his tone as more allegations
18 came out?

19 A. I need to check with my Counsel as to
20 privilege --

21 Q. Sure?

22 A. -- constraints.

23 MS. CLARK: Why don't you mute your
24 microphone and if you want to step out, that's
25 the safest way probably.

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2 MR. SPIRO: Yeah.

3 MS. CLARK: Why don't we go off the
4 record.

5 THE VIDEOGRAPHER: I was going to say
6 we're still on the record. So stand by.

7 The time is 11:41 a.m. We are going
8 off the record.

9 (Recess taken 11:41 to 11:43 a.m.)

10 THE VIDEOGRAPHER: The time is
11 11:43 a.m. We are back on the record.

12 MS. CLARK: Silvia, can you repeat
13 back the question for me and I'll repeat it for
14 the witness.

15 (Whereupon, the question is read back
16 as follows:

17 "Question: Part of any later
18 discussions about whether the Governor should
19 continue to express contrition or change his tone
20 as more allegations came out?"

21 Q. So the question was, were there any
22 later discussions as to whether the Governor
23 should continue to express contrition or change
24 his tone, as more allegations came out?

25 A. And are you talking about discussions

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 with the Governor or general discussions?

3 Q. First with the Governor.

4 A. Okay. I do not think I had any
5 non-privileged conversations, you know, based on
6 my consultation with my Counsel. I do not think
7 I had any non-privileged conversations with the
8 Governor after that meeting.

9 Q. After that meeting, how many
10 privileged discussions in general did you have
11 with the Governor that related to this
12 investigation?

13 A. I recall two.

14 Q. When were they?

15 A. Within a week or so of that meeting.

16 Q. Both of them were within a week or
17 so?

18 A. I think a week or ten days, you know,
19 relatively soon but not immediately thereafter.

20 Q. And for the privileged conversations,
21 who was involved other than you and the Governor,
22 if anyone?

23 A. In the first one, I believe, Melissa
24 DeRosa was on the telephone. And in the second
25 one, Beth Garvey --

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2 Q. And --

3 A. -- possibly -- possibly somebody else
4 but the one I recall is Beth.

5 Q. And putting aside conversations with
6 the Governor, did you speak with anyone else in
7 the Chamber about whether the Governor would or
8 should continue to express contrition after that
9 press conference you were describing?

10 A. Yeah, I'm trying to think about
11 expressing contrition.

12 I don't think that's how I would
13 characterize those conversations, no.

14 Q. How would you characterize those
15 conversations?

16 (INAUDIBLE MALE VOICE.)

17 THE WITNESS: Yeah, no.

18 THE STENOGRAPHER: I'm sorry if
19 that's supposed to be on the record, I didn't
20 hear you.

21 A. I don't know how I should respond to
22 press inquiries.

23 MS. KENNEDY-PARK: When you talk,
24 they can't hear you. So just make sure you
25 unmute yourself.

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2 Q. Sorry, could you give that answer
3 again?

4 A. So the instruction is I should be
5 general.

6 And so I'll say the discussions would
7 have been how he should respond, how he should
8 respond to press inquiries and how the Chamber
9 should respond to press inquiries.

10 Q. Going back to the meeting in the pool
11 house, the breakfast meeting the next morning
12 when people were talking about the need for the
13 Governor to express contrition, what was the
14 Governor's view on that?

15 A. I think he -- he agreed.

16 Q. And in the meetings did he express
17 contrition?

18 A. Yeah.

19 Q. Was there any discussion in the pool
20 house meeting or next morning's meeting about
21 whether the Governor should go through any
22 counselling or anything along those lines?

23 A. Not that I recall, no.

24 Q. Was there any talk about any steps
25 the Governor should take to address his behavior

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 in those meetings?

3 A. I'm going to need you to be more
4 specific when you say "his behavior," exactly
5 what you're talking about.

6 Q. Sure. So my understanding is that
7 there is discussion with the Governor expressing
8 contrition about the way he behaved and his
9 interaction with Ms. Bennett; is that correct?

10 A. I don't know that it was necessarily
11 specific to Ms. Bennett but, yeah, I think that's
12 a fair characterization.

13 Q. So my question was, was there any
14 discussions in this meeting about anything the
15 Governor should do to try to change the way he
16 interacted with Ms. Bennett or other women?

17 A. It is my sense from those meetings
18 and my discussions with Ms. Bennett that his
19 interactions with her were pretty specific to
20 their relationship and there was no -- so the
21 answer is, no. I mean, that relationship was not
22 continuing and I don't think there was any
23 discussion of sort of the broader concern.

24 Q. Part of any later discussion either
25 with the Governor or anyone else as more

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 allegations came out about whether there were any
3 steps the Governor would or should take to change
4 the way he interacted with people or with women?

5 A. No.

6 MS. KENNEDY-PARK: During those
7 weekend meetings, was there any discussion about
8 an investigation?

9 THE WITNESS: I'm not sure it was a
10 weekend.

11 MS. KENNEDY-PARK: Sorry, I apologize
12 it wasn't. The evening and the meeting, the
13 breakfast the next morning --

14 THE WITNESS: Yeah, I think it was a
15 weekday. I mean, I could be wrong.

16 MS. KENNEDY-PARK: Was there any
17 discussion about an investigation?

18 THE WITNESS: Yes.

19 MS. KENNEDY-PARK: Tell us about
20 that.

21 THE WITNESS: The -- my understanding
22 was that he was would say there is an
23 investigation. We're going to cooperate with it
24 and that from my understanding, we would -- that
25 there -- that would be the full -- he would

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 answer questions and that would be it, that we
3 would -- that the investigation would go forward
4 and it was my understanding and view without a
5 lot of additional discussion on the subject.

6 MS. KENNEDY-PARK: Was there
7 discussion during these meetings about who would
8 do the investigations?

9 THE WITNESS: If I'm not mistaken, by
10 the point that we had got -- by the time of these
11 meetings, it had already started that the AG's
12 Office would be conducting the investigation.
13 I'm not sure if you -- your firms had been
14 identified as the investigator yet, but it was
15 imminent.

16 MS. KENNEDY-PARK: Was there any
17 discussion about either Attorney General James or
18 our two law firms at that meeting?

19 THE WITNESS: No. Well, let me put
20 it this way. Neither two law firms and I don't
21 recall anything about the Attorney General being
22 discussed.

23 Q. Turn back to the policy at Tab 4.

24 If you look on Page 13, it talks
25 about reporting sexual harassment.

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2 A. Uh-huh.

3 Q. And why don't you read that to
4 yourself.

5 And in this section on reporting
6 sexual harassment it says, "any complaints of
7 sexual harassment must be reported to GOER."

8 Was that your understanding
9 throughout your time in the Chamber?

10 A. Yes.

11 Q. Now, had you ever been told of any
12 sexually harassing behavior during your time in
13 the Chamber?

14 A. Related to?

15 MR. ABRAMOWITZ: What do you mean by
16 "told"?

17 A. Related to an individual in the
18 Chamber?

19 Q. Related to an individual in the
20 Chamber?

21 A. No.

22 Q. Have you been told of any sexual
23 harassment by anyone in state government that you
24 interacted with did not work directly in the
25 Chamber?

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2 MR. SPIRO: You can answer the
3 question yes or no.

4 A. Yeah, I'm just going to ask you to
5 repeat the question.

6 Q. Sure.

7 A. I just want to make sure I'm
8 answering --

9 Q. So you had asked first with respect
10 to anyone in the Chamber.

11 So my question is, were you made
12 aware of any issue of sexual harassment involving
13 anyone that you worked with in the state
14 government who was not employed in the Chamber?

15 A. In the -- I think the answer is, yes.
16 But I'm just going to qualify by saying I learned
17 of the conduct in the context of litigation that
18 had been filed. In other words, I did not learn
19 of it contemporaneously. There was already
20 litigation about the behavior.

21 Q. Since it's in litigation --

22 A. Yeah.

23 Q. -- who are the people involved?

24 A. The -- gosh. The name of one of the
25 employees who was accused of sexual harassment is

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 [REDACTED]. I'm not going to get the spelling
3 right. But it's phonetically [REDACTED] maybe

4 [REDACTED]. And the other is named [REDACTED]

5 [REDACTED]. And the
6 I'm blanking the name of the women complainants.

7 Q. And what part of the state government
8 did the two men work in?

9 A. [REDACTED] worked at the Division
10 of Criminal Justice Services, DJCF. He ran the
11 forensics laboratory.

12 And [REDACTED] had a number of
13 roles. I think he was the Executive Deputy
14 Commissioner at OPWDD. But I think that the
15 conduct in question may have occurred when he was
16 at the Justice Center. And I am not sure, but I
17 think one or both of them may have had prior
18 complaints against them.

19 Q. And so, on the page that you read, it
20 says that state employees can be subject to
21 discipline "for engaging in harassing behavior of
22 anyone in the workplace including contractors,
23 clients, vendors or members of the public."

24 Was that your understanding
25 throughout your time in the Chambers?

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2 A. I don't know if it was throughout my
3 time in Chamber. But I, certainly, understand
4 now that it's quite extensive.

5 Q. And when did you gain that awareness?

6 A. I'm not sure. I don't know. I'm not
7 sure.

8 Q. Was it in this calendar year?

9 A. No.

10 Q. If you could turn to 41.

11 A. Page 41.

12 Q. It's actually in the section that
13 begins on Page 40 called, "Reporting
14 Discrimination in The Workplace."

15 A. Uh-huh.

16 Q. And on the bottom of 41 onto 42, the
17 paragraph again talks about "provisory
18 responsibility to report harassing behavior to
19 GOER." And it says, "even if the individual who
20 complained requested that it not be reported."

21 Has that been your understanding
22 throughout the time you've been in Chamber?

23 A. Yes.

24 Q. And if you skip back a little bit
25 back to Pages 39 and 40, a policy on retaliation.

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2 A. Uh-huh.

3 Q. Take a moment to read that to
4 yourself.

5 A. Okay.

6 Q. In this discussion of retaliation it
7 says in part that retaliation can be "any action
8 that's more than trivial, that would have the
9 effect of dissuading a reasonable person for
10 making or supporting an allegation of
11 discrimination."

12 Has that been your understanding
13 throughout the time you've been in Chamber?

14 A. I think I have my understanding of
15 that policy has -- I did not -- not throughout my
16 time in Chamber. I, certainly, have that
17 understanding now.

18 Q. When did you develop the
19 understanding that the part I read is the policy?

20 A. I think that my understanding in
21 reading that policy has been sharpened over the
22 past several months.

23 Q. Prior to the last several months,
24 what was your understanding of what sort of
25 actions rose to the level of retaliation?

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2 A. My understanding was that it would
3 have had to be a work-related action.

4 Q. And the policy here states that the
5 action does not to be job related or occur in the
6 workplace.

7 So you now understand that that's the
8 policy?

9 A. Well, I think that the policy may be
10 more expansive than I initially understood it to
11 be.

12 Q. This also states that actual
13 retaliation by an employer "can occur after the
14 individual is no longer employed by that
15 employer. This can include giving an unwarranted
16 negative reference for a former employee."

17 A. I did understand that an unwarranted
18 negative reference by an employee could be
19 retaliatory.

20 Q. And did you understand that any other
21 actions related to a former employee could also
22 constitute retaliation?

23 A. Any action related to a former
24 employee? No, I didn't understand that, sorry.

25 Q. Did you have any understanding that

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 any negative action taken toward an employee, at
3 least, in part because they had made some sort of
4 allegation could constitute retaliation?

5 A. I'm not sure that I -- I wouldn't say
6 "any negative action" against an employee who had
7 made a claim of retaliation. I think that's
8 probably a broader reading than is my
9 understanding of the policy.

10 Q. Specific in my phrasing, as you sit
11 here today, is it your understanding that any
12 negative action taken including against
13 ex-employees that is the actions taken, at least,
14 in part because that person made an allegation of
15 discrimination or harassment to constitute
16 retaliation?

17 A. Could it -- theoretically, it could,
18 yeah. I think I need you to be more specific.

19 Q. And do you have any sense in your
20 mind as to where the line is drawn as to when
21 something crosses the line into retaliation?

22 A. You know, I try and deal in the
23 concrete and so I can't really engage in that
24 line drawing. I'd need sort of a specific --
25 specifics to be able to tell you what my thinking

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 is.

3 Q. But is it your understanding today
4 that the action has -- with respect to the
5 policy, the action is one that could dissuade --
6 that's not trivial that could dissuade a
7 reasonable person of making or supporting an
8 allegation; is that correct?

9 A. An action that had that effect could
10 constitute retaliation.

11 Q. And what's your understanding it
12 doesn't actually have to dissuade somebody from
13 coming forward or supporting an allegation, it's
14 one that could dissuade a reasonable person; is
15 that your understanding?

16 A. You know, I think you're getting
17 beyond what my understanding is and, again, sort
18 of getting into the theoretical. So I'm a little
19 reluctant to become an expert on like the
20 boundaries of what is and is not retaliation.

21 Q. But in any of your jobs prior to
22 getting to the Executive Chamber, did you ever do
23 any research of other work relating to
24 discrimination laws?

25 A. You know, I think 40 years ago --

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2 30-year something years ago when I was at the US
3 Attorney's Office, I think, I had a couple Title
4 7 cases. In fact, I tried an age discrimination
5 -- a religious discrimination case but not in the
6 last four decades.

7 Q. So, before December 2020, were you
8 aware of any allegations of potential sexual
9 harassment involving Governor Cuomo?

10 A. Before?

11 Q. December of 2020.

12 A. No.

13 Q. When is the first time you became
14 aware of any potential allegations of sexual
15 harassment regarding Governor Cuomo?

16 A. I think Lindsey Boylan's tweet in
17 December where she said that the Governor
18 harassed her; not specifically.

19 Q. And we'll come back to her tweets in
20 a bit.

21 Now, we've talked a little bit about
22 Charlotte Bennett.

23 Did you work with her at all when she
24 was in the Chamber?

25 A. I didn't work with her, no.

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2 Q. Did you ever interact with her?

3 A. I think she and I did our orientation
4 on the same day and I would occasionally see her
5 and say hello or her desk -- she sat sometimes at
6 a desk that was very near either Annabelle or
7 Annabelle Walsh or Dani Lever's offices and I
8 would sometimes need to speak to them and ask
9 Charlotte if she would tell them that I was
10 looking for them.

11 Q. When did you become aware that Ms.
12 Bennett had any concerns about her interactions
13 with Governor Cuomo?

14 A. I think in the middle of June 2020.

15 Q. And how did you learn that Ms.
16 Bennett had concerns about her interactions with
17 the Governor?

18 A. I received a call from Jill
19 DesRosiers.

20 Q. And where was Ms. DesRosiers at the
21 time, was she in New York City or Albany or
22 somewhere else?

23 A. I am assuming that she was in Albany,
24 but I really don't know. I really don't know,
25 actually. There's no basis for my assumption.

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2 Q. At the time Ms. DesRosiers called
3 you, was Ms. Bennett still working in the
4 Chamber?

5 A. Yes.

6 Q. And what did Ms. -- how long was your
7 call with Ms. DesRosiers?

8 A. I don't -- I don't remember.

9 Q. And what did she say to you what did
10 you say to her?

11 MR. ABRAMOWITZ: [INSTRUCTION]
12 Objection, privilege.

13 MR. SPIRO: Just for the record, we
14 should note that the invocation of the privilege
15 has been directed by the Counsel for the
16 Executive Chamber.

17 Q. Did Ms. DesRosiers seek legal advice
18 from you on this call?

19 A. Yes, I think that's fair.

20 Q. Did you provide legal advice to Ms.
21 DesRosiers in this call?

22 A. Yes.

23 Q. Did you discuss what information Ms.
24 DesRosiers shared with you with anyone else?

25 A. No, I don't think so.

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2 Q. What, if anything, did you do with
3 regard to the information that Ms. DesRosiers
4 provided to you?

5 A. At that time, nothing.

6 Q. When was the next time you had any
7 conversation with anyone about Ms. Bennett and
8 her interactions with the Governor?

9 A. It would have been end of June 2020.

10 Q. And who did you have a discussion
11 with in the end of June?

12 A. Again, I had a phone call with Ms.
13 DesRosiers and then, at least, one phone call
14 with -- I think several phone calls with Ms.
15 DesRosiers, a phone call with Linda Lacewell. I
16 think several phone calls with Ms. Lacewell. I
17 spoke to Melissa DeRosa and I spoke with Alfonso
18 David. There may have been others with whom I
19 spoke. But those are the ones that I recall, as
20 I sit here.

21 Q. And what information did Ms.
22 DesRosiers share with you in late June?

23 MR. SPIRO: Objection, privilege.

24 MR. ABRAMOWITZ: [INSTRUCTION] Same
25 direction.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Was Ms. DesRosiers seeking legal
3 advice from you in the conversations in late
4 June?

5 A. Yes.

6 Q. And how many conversations did you
7 have with Linda Lacewell?

8 A. On that --

9 MR. ABRAMOWITZ: When?

10 A. -- last day?

11 Q. In late June about Ms. Bennett.

12 A. I would say multiple, more than two,
13 probably less than five but we spoke, you know,
14 between two and five times that day.

15 Q. And what was Ms. Lacewell's position
16 at the time?

17 A. Ms. Lacewell's title was the
18 Superintendent of Department of Financial
19 Services. But she had been, essentially,
20 seconded to the Chamber on, I think, a completely
21 full-time basis managing many aspects of the
22 Chamber's COVID response. She may have actually
23 gone back to New York the week before. But she
24 had been full time in Albany for many months.
25 But she had -- since my arrival at the Chamber

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2 had been somebody with whom I had frequent
3 communication on, you know, a large range of
4 matters that I was dealing with.

5 She had institutional knowledge that
6 I didn't have. She had substantive knowledge
7 that I didn't have. And she had a level of --
8 she was a very very trusted advisor to Melissa
9 and in my understanding to the Governor. And so
10 I frequently consulted with her on the matters
11 that I was working on.

12 Q. So, in late June in regard to
13 Charlotte Bennett, what did you and Ms. Lacewell
14 discuss?

15 MR. ABRAMOWITZ: Same objection.

16 [INSTRUCTION] We've been directed not to answer
17 that question by the Executive Chamber Counsel.

18 Q. How many conversations did you have
19 with Melissa DeRosa in late June about Ms.
20 Bennett?

21 A. That day, it was one particular day.
22 I think it was the last day in June, June 30th.
23 It's very hard to remember, like, specific
24 conversations. But I would say, at least, two
25 possibly more.

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2 Q. And what was the reason that you were
3 talking to Ms. DeRosa?

4 A. Well, she was my supervisor. I think
5 she was aware of the issue that Jill had brought
6 to my attention. And she wanted to understand
7 and be kept informed of what I was doing.

8 Q. And what did you and Ms. DeRosa
9 discuss about what you learned in late June?

10 MR. ABRAMOWITZ: [INSTRUCTION] Same
11 objection.

12 Q. Alfonso David, what was his position
13 in late June of 2020?

14 A. He was the former Counsel to the
15 Governor, which is the, you know,
16 constitutionally appointed position. It's,
17 essentially, the General Counsel to the Executive
18 Chamber. His work at that time was -- I don't
19 know if his title was President Or Executive
20 Director, but he was leading the human rights
21 campaign but was somebody who I turned to for
22 specific --

23 THE STENOGRAPHER: I'm sorry, I'm
24 sorry I didn't catch the words because of the
25 coughing. Sorry.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. Oh, sure.

3 MS. BRUNE: The last three or four
4 sentences?

5 MR. ABRAMOWITZ: That's a long cough.

6 A. So what's the last thing that the
7 Reporter got so that I know where to pick up.

8 (Whereupon, the partial answer is
9 read back as follows:

10 "Question: His work at that time
11 was -- I don't know if his title was President Or
12 Executive Director but he was leading the human
13 rights campaign but was somebody who I turned to
14 for specific --")

15 A. (Continuing.) Advice. And I don't
16 remember what I said; advice and counsel in a
17 capacity that we would have referred to as
18 transitional guidance sort of carryover from when
19 he was in the Chamber.

20 Q. In late June, how long had he been
21 gone from the Chamber?

22 A. Not quite a year.

23 Q. And in late June, were you consulting
24 with him about anything that had occurred during
25 his time in Chamber?

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2 A. In that conversation that I had with
3 him on June 30th, I was consulting with him
4 related to a matter that he had been intimately
5 involved with or -- hold on one second.

6 (Sidebar discussion off the record.)

7 A. Alright. Are we on?

8 Q. Yes.

9 A. In my understanding, Alfonso had
10 actually written or been intricately involved in
11 writing not just the executive order and the law
12 but the actual GOER manual. He was the architect
13 of this policy and I wanted his advice on an
14 interpretation of the policy.

15 Q. After he left Chambers, how
16 frequently did you consult with him about what
17 you referred to as these transitional issues?

18 A. Certainly not nearly as frequently.
19 I spoke to Linda Lacewell on, at least, a weekly
20 if not daily basis at certain points.

21 With Alfonso, I consulted with him
22 maybe half a dozen times or had at this point and
23 then have since then on other issues. So he's
24 somebody that I would turn to for specific
25 matters on which I thought he had insider

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 expertise.

3 Q. And has the Chambers change -- strike
4 that.

5 Were you seeking any legal advice
6 from Mr. David when you spoke to him on
7 June 30th?

8 A. I was seeking -- yeah, I was seeking
9 his guidance on an interpretation of the policy.
10 I think that constitutes legal advice.

11 Q. And on any occasions in which you've
12 consulted with Mr. David for legal advice, has
13 the Chambers retained Mr. David?

14 A. You mean with an official engagement
15 letter and payment?

16 Q. Something along those lines, yes.

17 A. Not to my knowledge, no.

18 Q. Even without an official engagement
19 letter, has the Executive Chamber paid Mr. David
20 for any consultations where he's provided legal
21 advice since he left?

22 A. Again, I am not aware that the
23 Chamber has paid Mr. David for legal advice
24 given.

25 Q. And when you pinpointed your

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 conversations with Melissa DeRosa and Alfonso
3 David on June 30th, is that when Ms. DesRosiers
4 called you about Ms. Bennett for the first time
5 since mid June?

6 A. Those conversations would have been
7 on the same day but after my initial conversation
8 with Ms. DeRosa.

9 Q. And after -- strike that.

10 In the month of June of 2020, did you
11 have any discussions with the Governor about Ms.
12 Bennett?

13 A. I had one discussion with the
14 Governor about Ms. Bennett in June of 2020.

15 Q. And when in June of 2020 was that?

16 A. The evening of June 30th.

17 Q. And was that -- get to a point when
18 you spoke to Ms. Bennett.

19 Was it after you had spoke with Ms.
20 Bennett?

21 A. Yes, it was.

22 Q. And was anyone else present when you
23 spoke to the Governor?

24 A. Well, it was a telephone conversation
25 and Melissa DeRosa was also on the phone.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. How long was that phone call?

3 A. It was not a lengthy phone call,
4 maybe in or around ten minutes. But I can't tell
5 you exactly. It might have been a little longer
6 than ten minutes.

7 Q. And what was discussed on that call?

8 MR. SPIRO: Same objection.

9 MR. ABRAMOWITZ: Same objection.

10 MR. SPIRO: [INSTRUCTION] Privilege.

11 Q. Now, your discussions with Melissa
12 DeRosa, Linda Lacewell, Melissa DeRosa, Alfonso
13 David on June 30th, did those all occur before
14 you spoke to Charlotte Bennett?

15 A. Sorry, you said Jill, Melissa, Linda
16 and Alfonso?

17 Q. Yes.

18 A. I had conversations with all four of
19 those individuals before I spoke to Ms. Bennett
20 and with, to the best of my recollection,
21 everyone but Alfonso -- after I spoke to her on
22 the 30th and then I spoke with the same group
23 again on the 1st of July and I also spoke with
24 Alfonso on the 1st of July.

25 MS. CLARK: And is the Chamber

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 asserting privilege with all of those
3 conversations?

4 MR. ABRAMOWITZ: [INSTRUCTION] Yes.

5 MR. SPIRO: Yes.

6 Q. And before June 30th, did you speak
7 to anyone at GOER about any of the concerns
8 raised by Ms. Bennett?

9 A. (No response.)

10 Q. Do you know if anyone else spoke to
11 anyone at GOER before June 30th about any
12 concerns raised by Ms. Bennett?

13 A. Not that I'm aware of.

14 Q. So, in reference you spoke to Ms.
15 Bennett on June 30th; is that the first time you
16 spoke to her outside of just a casual hello sort
17 of thing?

18 A. I think that's correct.

19 Q. And was your conversation with Ms.
20 Bennett in person or by phone?

21 A. I was on the telephone. In my
22 understanding, she was in Jill DesRosiers' office
23 sitting with Jill.

24 Q. And were Ms. Bennett and Ms.
25 DesRosiers in Albany?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. Yes, they were.

3 Q. And how did this meeting/call come
4 about?

5 A. I asked Ms. DesRosiers to -- I told
6 Ms. DesRosiers that I wanted to speak with Ms.
7 Bennett and that I wanted her to also be present
8 during the conversation. And I'll call her Jill,
9 Jill arranged it. I think we were -- Charlotte
10 was in a meeting and we were waiting and waiting
11 and I think Jill finally literally pulled her out
12 of the meeting because it, you know, she was on
13 the health team, it was COVID and they -- some of
14 these calls could go for literally hours and
15 hours. And in my memory, we waited a couple of
16 hours and then I said we just needed to speak
17 with her so Jill pulled her out.

18 Q. And how long did this call last?

19 A. It was well over an hour.

20 Q. And how did you lead off the meeting?

21 A. I think I thanked Charlotte. I think
22 I acknowledged that it might be an awkward
23 conversation for her, but that she needed to give
24 me honest and complete answers. I told her that
25 everybody was held to the same standard.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 And then I asked her to tell me -- I
3 told her I understood that she had had an
4 interaction with the Governor that was -- I don't
5 remember the word I used -- distressing or made
6 her uncomfortable and that I needed her to tell
7 me what happened and asked her to tell me in her
8 own words what had happened.

9 Q. And what did she tell you?

10 A. You know, in sum and substance, she
11 told me that over the course of some period of
12 time, she and the Governor had had a series of
13 very personal discussions that centered around
14 the fact that she had been a victim of sexual
15 assault [REDACTED]
16 [REDACTED] when she was in college.

17 And the Governor shared with her that
18 [REDACTED] had also -- was also a sexual
19 assault survivor [REDACTED]. And the
20 two of them talked about that shared experience.
21 I think the Governor before he told Charlotte
22 about [REDACTED] asked that they have a cone of
23 silence and ascertain that she understood that
24 that that meant that there would be a measure of
25 confidentiality in what he was telling her. And

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 they talked about the impact of the --
3 Charlotte's experience on her relationship with
4 her parents, the difficulty that she had with the
5 investigation, the impact on her sex life, which
6 she told me affirmatively she thought were -- she
7 recognized that that level of discussion -- I
8 think she said to me, specifically, I know it's
9 unusual for me to talking about my sex life with
10 him, but it was appropriate and it was serious
11 and respectful.

12 I think the Governor shared with her
13 that [REDACTED] had had a hard time being
14 open with him about her experience. He said that
15 he had tried to move mountains for [REDACTED].
16 She told me that he had neither touched her nor
17 made a sexual advance but recounted that in a
18 conversation in the middle of May where she was
19 speaking to him about a speech that she planned
20 to give at the college that she had graduated
21 with and it might have been like a women's
22 college within the larger school that he had
23 initially made some suggestions that she thought
24 were helpful and that she incorporated in the
25 speech, but that at a certain point and in my

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 understanding it was in response to perhaps his
3 view that she had used a euphemism to describe
4 her assault.

5 He responded in a way that she found
6 aggressive and distressing. "You were raped,"
7 "you were raped." She said he repeated it more
8 than three times and said some men treat women
9 like play things.

10 She relayed to me that that was very
11 distressing to her in her words because she felt
12 he wasn't saying it for her benefit, that she
13 didn't feel that it was for her benefit. That
14 she described that interaction as a turning point
15 for her.

16 She described interaction with him, I
17 think, possibly during that same conversation but
18 that but also in a subsequent conversation where
19 in response to a question from her as to how are
20 you doing, he told her that he was lonely, that
21 his longtime girlfriend was not speaking to him.

22 He said, I think, in the context of a
23 lot of -- a reference to a lot of mail coming in
24 from women sort of expressing an interest in him
25 that her job was to find him a new girlfriend.

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2 In this later conversation, he told
3 her that -- he asked her what an appropriate age
4 for a new girlfriend would be. And then answered
5 his own question by saying, he thought somebody
6 -- she should be over 22 and that comment was,
7 again, very distressing to Charlotte. She said
8 he knew that she was -- that that was younger
9 than she was both because she had given the
10 speech on her 25th birthday and because she had
11 played soccer with [REDACTED] and he knew that
12 so he would know that she was older than 22.

13 She said that she thought he was
14 "grooming" her and I asked her to explain what
15 that meant because to me "grooming" was a term
16 that I had only heard used in the context of men
17 in pedophilia, essentially. And so I wanted to
18 understand what was it that he did.

19 And she identified his reference to
20 the cone of silence, as she referred to as
21 "classic grooming behavior." And she said also
22 that his picking an age for an appropriate
23 girlfriend for him at an age younger than hers
24 she referred to as a "red flag" and the third
25 thing that she identified was that -- in a

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 subsequent meeting a couple of days later shortly
3 after she arrived, Melissa and Stephanie both
4 left and she felt that in her words had "cleared
5 the area" in a way that she read as a signal that
6 he was showing her that she could obtain privacy.

7 She, you know, as I said, she said he
8 had not made an advance, but she had a concern
9 that that he might in the future do so and that
10 she had had gone to Jill and asked Jill for a
11 transfer -- transfer that she had previously
12 asked for but asked Jill to make happen this
13 transfer to the health policy team.

14 And told me sort of subject to
15 confirmation in our next discussion the next day
16 that she felt that she had caught this early
17 think. She said, it was like a little seed of an
18 idea and that she had, essentially, taken steps
19 to remove herself from the situation before the
20 words that she used was "anything bad happened"
21 and confirmed to me that he had not taken any
22 unwanted steps. But that's the gist of my
23 discussions with Charlotte.

24 Q. When she was talking about the
25 discussion she had with the Governor about her

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 history of sexual assault, did she tell you that
3 the Governor asked her for details about her
4 assault?

5 A. I think that she said he asked her
6 about the assault. I don't think that she gave
7 me a great deal of detail about exactly what he
8 had asked her. But it was my understanding from
9 Charlotte that they had had a -- in her words --
10 a very very personal and in-depth conversations.

11 And I will say that when I asked her
12 if she thought that these discussions were
13 appropriate, she was very definitive that she
14 thought that they were.

15 Q. Did you ask her whether she thought
16 that the later discussions about age difference
17 and getting him a girlfriend and things like that
18 were appropriate?

19 A. I didn't ask her. I think she made
20 clear to me that the age difference conversation
21 she -- that when he picked a specific age of 22,
22 that's what she identified to me as
23 inappropriate. I asked her to tell me what was
24 it that you -- that you found distressing, I
25 think, is the word I used and, I think, I also

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 used inappropriate.

3 And she was very specific that it was
4 not the general conversation about him wanting a
5 girlfriend but, specifically, that he identified
6 an age range that she felt she was in.

7 Q. I'm sorry.

8 THE WITNESS: Closer to my mouth, is
9 that better?

10 Q. Did she tell you that the Governor
11 made any comments about getting on a motorcycle
12 with a woman and drive off into the mountains?

13 A. Yes, she did say that he mentioned
14 that.

15 Q. Did she tell you whether he asked her
16 any questions about her relationships with his
17 ex-wife?

18 A. She did ask -- she did tell me that
19 he asked her about her sex life and the impact of
20 the assault on her sex life.

21 Q. Did she tell you whether he asked
22 about whether she was in relationships with
23 anyone in the Chambers?

24 A. I think that she asked -- she told me
25 that he asked if she had an interest in a few

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 specific individuals in the Chamber. But I don't
3 recall her asking -- her telling me that he asked
4 her about whether she was in a relationship with
5 anyone in the Chamber. I'd have to look at my
6 notes to ascertain whether she told me that or
7 not.

8 Q. And you said that she said that he
9 did not touch her or make a sexual advance; is
10 that correct?

11 A. Yes.

12 Q. Is that something that she just said
13 or did you ask her about that?

14 A. I asked her, specifically.

15 Q. And, in your mind, was that what
16 distinguish it from sexual harassment and not
17 harassment whether there was a sexual advance or
18 physical touch?

19 A. Well, if there was a sexual advance
20 or physical touch, it would be harassment. But
21 those are not the only -- I mean, the absence of
22 those two things would not in my mind mean that
23 there was no harassment; so not necessary but not
24 sufficient.

25 Q. And you said that Ms. Bennett brought

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 up the concept of "grooming" and you asked her
3 what it was.

4 Did you say anything in response to
5 her about this concept of "grooming"?

6 A. No. I was very conscious of not
7 wanting to challenge anything that Charlotte was
8 saying, certainly, relating to her perceptions.
9 There were a couple of times where she said that
10 the Governor had said something to her, which
11 seemed a little surprising that the -- the
12 wording. And so I said, did he -- he really say
13 that.

14 So at one point she said, he asked me
15 who I was sleeping with.

16 And I said, did he say "sleeping
17 with"?

18 And she said, well, no, he said
19 "hanging out with."

20 So there were a couple of times where
21 I thought Charlotte had attributed language to
22 the Governor that I wanted to make sure he had
23 had actually said. But when Charlotte was
24 talking to me about her own perceptions, I was
25 very mindful of the fact that it was not my role

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 and I was not going to do or say anything to try
3 and challenge those perceptions or suggest that I
4 was not crediting her account of her perception.

5 Q. Did she tell you anything about any
6 discussions about tattoos with the Governor?

7 A. He told me that she raised with him
8 that she was going to get a tattoo for her
9 birthday and pulled up, I believe, on her phone a
10 picture of the tattoo that she planned to get.
11 She said that she was -- she told him that she
12 was going to get it on her arm and that she
13 suggested -- these were her words -- that she put
14 it on her chest or her ass, that was another time
15 where I said, did he say "ass"?

16 And she said, well, no, he said butt.

17 But, I think, those were the only two
18 times where I asked her, you know -- I tried to
19 clarify whether he had really done or said that.
20 But, yes, she raised the tattoo with me.

21 Q. I believe you testified that Ms.
22 Bennett said that she had taken action before
23 "anything bad happened" or words to that effect.

24 A. I think those were her words.

25 Q. Did you say anything along those

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 lines to her?

3 A. I don't think I used the word
4 "anything bad happened." I think those were
5 Charlotte's words.

6 When I spoke to her the second time
7 after I had done this consultation I discussed
8 with you and spent quite a bit of time reading
9 and making sure that I understood the policy and
10 its parameters, I wanted to make sure that I
11 understood what Charlotte was saying to me and --
12 excuse me. I sort of paraphrased to her my
13 understanding that -- and I think, again, not an
14 exact quote, but my notes on this are pretty
15 accurate that I said to her that I wanted to make
16 sure that I understood what she had to say and
17 that I did not want to put words in her mouth,
18 but that in my understanding she had had these
19 very personal conversations with the Governor,
20 that there came a point where she became less
21 comfortable with those conversations and that she
22 -- I think, the words I used were exercised to
23 agency to control the situation to remove
24 herself. I think I said before he took an
25 unwanted step or -- but, again, I would have to

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 look back at my notes.

3 And her response was, yes, yes, you
4 know, I left before "anything bad happened."
5 Those were her words. I don't think -- I would
6 not have used those words.

7 Q. In June 30th or early July, did you
8 have any concern that if Ms. Bennett had not
9 arranged a transfer out of the Executive Chamber
10 that the Governor's conduct would have progressed
11 further?

12 A. I -- I wasn't sort of thinking in
13 terms of hypotheticals and what ifs. So, no, I
14 don't think I tried to imagine what might have
15 happened at that point.

16 Q. What was Ms. Bennett's demeanor
17 during the meeting?

18 A. She was -- I thought she was very
19 together, very clear spoken, very thoughtful. I
20 -- my sense was she was trying very hard to give
21 me a full and accurate account of her
22 interactions with the Governor. She -- the
23 second time I spoke to her, she told me that she
24 was very anxious about -- that there might have
25 to be an investigation. But other than that, I

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 didn't -- I found her to be sort of calm and
3 thoughtful and very sort of deliberate.

4 MR. ABRAMOWITZ: Was the word
5 "deliberate"?

6 THE WITNESS: Deliberate.

7 A. I mean, she was very thoughtful and
8 very clear in her recitation.

9 Q. Did you become emotional at anytime
10 on June 30th?

11 A. I did not -- I understand that she
12 was tearful toward the end of our conversation.
13 But I actually did not hear her crying and was
14 not aware that she was crying.

15 Q. Did you have any discussion in the
16 June 30th meeting about reporting issues she
17 raised to GOER?

18 A. The issues that she raised to GOER?

19 Q. Yeah.

20 A. She asked me at the outset of our
21 conversation -- I think the very first thing she
22 asked me was, what were you going to do?

23 And I said I needed to hear from her
24 before I could tell her what I needed to do.

25 She initiated our second conversation

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 by saying that she had read the manual and that
3 she was, I think, her words were afraid that
4 there was going to need to be an investigation
5 and that it had made her sufficiently anxious.
6 And I believe that she had said she had [REDACTED]
7 [REDACTED].

8 Q. And so that was on July 1st?

9 A. (No response.)

10 Q. You have to say yes or no.

11 A. Yes; sorry.

12 Q. Did she tell you why the thought of
13 an investigation by GOER made her so anxious?

14 A. She did not. But she had told me in
15 her words that the investigation conducted by the
16 college that she went to was a "shit show" and
17 those were her words and that it caused some
18 issues with [REDACTED]. And so I understood
19 that she did not want to go through an
20 investigation.

21 Q. Did you describe to her at all what a
22 GOER investigation would look like?

23 A. No.

24 Q. If you had performed GOER of Ms.
25 Bennett's concerns, do you have any understanding

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 as to what would have happened next at GOER?

3 A. As I said, I didn't spend a lot of
4 time on hypotheticals. But it was my
5 understanding that had GOER done an
6 investigation, even if it had substantiated a
7 finding of sexual harassment, which, you know, I
8 did not think there had been sexual harassment,
9 that there would have -- that there were sort of
10 relatively limited cards in GOER's deck.

11 But as I said, it -- I went into my
12 conversation with Ms. Bennett on June 30th
13 assuming that I would be making a report to GOER
14 and sort of thinking through what that would
15 entail.

16 By the time I spoke to her, it became
17 clear to me that she did not think that the
18 Governor had engaged in conduct which fell within
19 the sexual harassment definition. She clearly
20 did not want an investigation. She conveyed that
21 that was very important to her.

22 And then I wanted very much to, you
23 know, support Charlotte, not to cause her
24 additional distress. But I also understood that
25 I needed to undertake my only analysis of whether

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 I had an independent legal obligation to report
3 to GOER. And that that's what I did and
4 concluded that I did not.

5 Q. What was your understanding as to
6 what actions, if any, GOER could take if they
7 found any allegations of sexual harassment by the
8 Governor to be found?

9 A. I think GOER makes recommendations.
10 It doesn't take "actions." And so they would
11 have made recommendations, presumably, had they
12 done an investigation and had they substantiated
13 it.

14 Q. And if it was conduct by the
15 Governor, do you know to whom GOER would make any
16 recommendations if the conduct was substantiated?

17 A. I did not know the answer to that.

18 Q. Who was the head of GOER at the time?

19 A. Michael Volforte.

20 Q. And do you know to whom he reported?

21 A. I think he reports in through the
22 Executive Chamber, probably to one of the Deputy
23 Secretaries up to Kelly Cummings.

24 Q. So a few levels below the Governor;
25 is that accurate, in the hierarchy?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. Yes, in the hierarchy.

3 Q. And you said that Ms. Bennett at some
4 -- on July 1st said to you that she did not think
5 that the conduct met the definition of the sexual
6 harassment policy; is that something that she
7 said to you?

8 A. She did not use those words with me.
9 But what she told me had occurred, in my
10 judgment, did not meet the definition of sexual
11 harassment under the policy.

12 Q. On either June 30th or July 1st, did
13 she tell you that she was afraid of retaliation?

14 A. Absolutely not.

15 Q. On either June 30th or July 1st, did
16 she tell you she was afraid of the Governor
17 learning that she had raised these concerns?

18 A. No. She said that she was afraid
19 that the Governor would be mad at her for asking
20 to transfer away from him.

21 Q. Did she tell you -- as of June 30th,
22 she had already transferred, correct?

23 A. Correct.

24 Q. Did she tell you whether or not
25 anyone had told her that the Governor was upset

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 that she had transferred out of Chamber?

3 A. No, she did not say that. The
4 discussion came up in the context of my asking
5 her and saying to her, I just want to make sure
6 that you are not -- I don't know what words I
7 used but, essentially, chased away from the job,
8 that you don't feel that you were forced to leave
9 a job that you want to have because of what
10 happened here. Because if that is the case, I
11 will personally take every conceivable step to
12 make sure that you can remain in that job and do
13 so comfortably.

14 And, I think, I said, Jill and I
15 would do that together, like, we were expressed
16 to her that we were fully fully committed to
17 ensuring a safe environment for her, if she
18 wanted -- in any event, but if she wanted to
19 remain in the briefing position.

20 And she interrupted me and said, no,
21 no, no, this is "my dream job." She used the
22 term, I think, twice. But she said, I think, in
23 the context of that conversation, that she was
24 afraid that he would be mad at her for
25 transferring.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. On either June 30th or July 1st, did
3 you explain to Ms. Bennett -- state to Ms.
4 Bennett that she is protected from any
5 retaliation?

6 A. I did not use the word "retaliation."
7 But, I think, we conveyed in words and substance
8 to Ms. Bennett that we would -- Jill and I would
9 personally protect her from anything.

10 Q. And did you explain how you and/or
11 Ms. DesRosiers could "protect" Ms. Bennett from
12 the Governor?

13 A. We didn't. It was, you know, it --
14 it just -- she wasn't expressing any particular
15 concern other than that he would be angry at her
16 for moving jobs. And I was trying to convey to
17 her and, I think, I did successfully that we were
18 -- that Jill and I were always available to talk
19 to her about anything.

20 I don't know that we used the word
21 "protect." I don't think that we wanted to
22 suggest to her that she was in any kind of unsafe
23 situation, but that we were there for her. She
24 could come talk to us at anytime. We talked
25 about counseling that the State could make

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 available to her, but that if she just generally
3 needed somebody to talk to, we would be there for
4 her.

5 And, I think, we both genuinely -- we
6 were -- I meant it from the bottom of my heart
7 and I believe that Charlotte understood that.

8 Q. You mentioned "counseling" the State
9 could provide.

10 What did you tell her about that?

11 A. I think we just referenced that the
12 State had resources available to people who were
13 survivors of sexual violence, that it sounded to
14 me like it was handling her situation very well.
15 But that if she felt that she needed additional
16 support, that there were resources available
17 through the State.

18 Q. Anything else that you can recall
19 from the June 30th conversation?

20 A. I have no doubt that I left out some
21 detail, but there's nothing that I recall right
22 now.

23 Q. And can you describe the
24 conversations you had with various people that
25 you spoke to on June 30th?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Did you speak to anyone else other
3 than the people we've gone through, with the
4 Governor, Ms. DesRosiers, Ms. Lacewell, Jill
5 DesRosiers, I think you said, and Alfonso David
6 the next day, I think is what you said.

7 A. Yeah. In that period, I believe,
8 those are the only individuals that I spoke to
9 about this.

10 Q. Did you consult any documents?

11 A. I did look very closely at the GOER
12 manual. I looked at materials that were
13 available on the website of the Division of Human
14 Rights. I think I maybe went and looked at the
15 law. Yes, I consulted a number of documents. I
16 can't give you an exhaustive list, but I did, at
17 least, that.

18 Q. You mentioned the GOER handbook.

19 Is that the one that we were going
20 over that's at Tab 4, the May 2020 version?

21 A. Yes.

22 Q. Did you look at any other GOER
23 documents?

24 A. At that time, I can't tell you
25 whether I looked at the complaint form or not at

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 that time. I may have. I don't recall any other
3 GOER documents that I looked at.

4 Q. The GOER handbook, did you ask anyone
5 to give you a copy of it or how you would access
6 it?

7 A. Yeah, I think that I did.

8 Q. Who did you ask versus --

9 A. I believe I asked Lauren Grasso to
10 help me get a copy of it.

11 Q. And did you speak to anyone else
12 about getting a copy of it?

13 A. Not that I recall.

14 Q. And prior to asking Ms. Grasso, did
15 you know how to access the GOER handbook?

16 A. Well, I knew it was available on the
17 Intranet, but I -- because I was working
18 remotely, had a great deal of difficulty figuring
19 out -- I'm not very technologically savvy. So
20 there's a way to get into our system and get it,
21 but the way I remoted in, I couldn't get it off
22 of our system. But I also knew it was available
23 on the website, but I was asking Lauren. I
24 actually wanted to see the predecessor documents,
25 which I also asked Lauren for.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And did Ms. Grasso tell you how to
3 access them or send them to you or something
4 else?

5 A. I think she sent them to me, but I
6 don't remember.

7 Q. And how did she send them to you?

8 A. Well, if she sent them to me, she
9 would have done it by e-mail.

10 Q. Did you consult with the handbook and
11 these other documents before speaking to Ms.
12 Bennett again?

13 A. Yes.

14 Q. And what conclusions did you draw
15 after reviewing these documents?

16 A. I concluded that if I had understood
17 Ms. Bennett correctly and that the Governor had
18 not taken any unwanted steps, that he had not
19 engaged in conduct that would violate the policy,
20 specifically, he hadn't engaged conduct of a
21 sexual nature that was unwanted or directed at
22 her because of her gender.

23 Q. And was there anything that she told
24 you that you thought might have fallen in that
25 definition?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. No. There were things that she told
3 me that I thought were not appropriate. But that
4 did not fall within the definition of unwanted
5 conduct of a sexual nature.

6 Q. And what were the things that she
7 told you about that you considered to be
8 "inappropriate"?

9 A. I thought it was "inappropriate" for
10 the Governor to be having a conversation with an
11 employee -- 25-year-old employee who was a
12 survivor of sex assault about her sex life, about
13 her assault.

14 I was very aware that talking to a
15 survivor of sexual assault requires special skill
16 and, you know, ideally, training but, certainly,
17 sensitivity that I did not think that the
18 Governor demonstrated in the account that that
19 Charlotte gave me when I was...

20 Q. And if Charlotte had not been a sex
21 assault survivor but had been 25-year old female
22 employee in the Chamber, do you think it was
23 appropriate for the Governor to talk about her
24 sex life?

25 A. I do not think it's appropriate, no.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Anything else that Ms. Bennett told
3 you about that you thought was "inappropriate"?

4 A. Well, I thought talking with her
5 about her sex life was inappropriate. I thought
6 talking about her sexual assault was
7 inappropriate.

8 Q. Did you think the Governor talking to
9 her about his dating life or hoped for dating
10 life was appropriate?

11 A. I would -- you know, in the scale of
12 inappropriate, I would -- I can conceive of
13 situations where, you know, the Governor could
14 have talked about his dating life that I would
15 not think was inappropriate. So I just don't put
16 it in the same category.

17 Q. Do you think --

18 MR. SPIRO: I don't mean to
19 interrupt. We're coming up to 1 o'clock, so
20 maybe at an appropriate point we can take a lunch
21 break.

22 MS. CLARK: We can push forward a
23 little bit further. I am a big believer in
24 taking lunch breaks. So we will take one but...

25 Q. In terms of specific comments that

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 Ms. Bennett said the Governor made about, you
3 know, appropriate age for him dating and she was
4 one that was younger than her, did you consider
5 that to be an inappropriate conversation?

6 A. In this context with this young
7 woman, I did think it was inappropriate. But,
8 again, it was not conduct of a sexual nature and
9 so it did not fall within our sexual harassment
10 policy. But did I think he should be talking to
11 her about wanting to date a 22-year old, no.

12 Q. You identified several subjects that
13 Ms. Bennett said she and the Governor talked
14 about that related to sex but you said not of a
15 sexual nature?

16 How do you draw the distinction.

17 A. What comments did I say "related to
18 sex"?

19 Q. I didn't say you said. I was saying
20 Ms. Bennett made comments about -- she talked to
21 Governor about her sex life. She talked to the
22 Governor about her sexual assault. They talked
23 about his interest in dating women as young as
24 22.

25 These all relate in some fashion to

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 sex, or would you disagree with that?

3 A. I think I am going to take issue on
4 that on the last one first. Dating I don't think
5 is conduct of a sexual nature. I mean, even if
6 you look at the current GOER training, they talk
7 about asking somebody on a date and talking about
8 dating and being lonely is not sexual in nature.
9 So I did not consider his reference to dating to
10 be about sex.

11 Whether a discussion of rape is a
12 discussion about sex, I don't think it is. I
13 mean, it's a discussion about sexual violence.

14 But given the context of their
15 discussions where there was a topic that she was
16 comfortable discussing and had introduced, I
17 don't think that our sexual harassment policy
18 makes it a taboo subject, particularly, where the
19 topic of conversation was not unwanted or
20 un-welcomed. She made it clear that it was.

21 And, again, discussions about her sex
22 life, if she had said that she thought those were
23 inappropriate or that he had crossed a line, that
24 would have been a violation of the policy and I
25 would have reported it without hesitation.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And is it your understanding that the
3 policy covers conduct or discussions beyond those
4 that are of a sexual nature; is that your
5 understanding?

6 A. If it's directed at somebody -- well,
7 if it's unwanted and directed at somebody as a
8 result of their gender.

9 Q. Do you know whether the Governor
10 spoke with any men in the office about the
11 appropriate age range for him to date women?

12 A. I don't know who else the Governor
13 has spoken to about dating.

14 MS. KENNEDY-PARK: You told us that
15 Ms. Bennett made a reference to feeling that the
16 Governor was "grooming" her; is that right?

17 THE WITNESS: (No response.)

18 MS. KENNEDY-PARK: And what do you
19 understand the term "grooming" to mean?

20 THE WITNESS: Well, as I said, I had
21 no understanding of the term "grooming," as it
22 related to consenting adults. I thought of it as
23 a term -- I had only heard it used in the context
24 of pedophilia.

25 So I asked Charlotte to just describe

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 the conduct that she thought constituted
3 "grooming," because our policy talks in terms of
4 conduct. It has an objective component and a
5 subjective component. The objective component is
6 the conduct. The subjective component is how it
7 is received.

8 And what she described to me
9 objectively did not constitute unwanted conduct
10 of a sexual nature, as I understood the policy.

11 MS. KENNEDY-PARK: Right. I was
12 focused on the term "grooming."

13 Did you understand the term
14 "grooming" to be a reference of something of a
15 sexual nature?

16 THE WITNESS: I understood her to be
17 saying that she thought he was trying to lay the
18 groundwork, potentially, for a sex relationship
19 but that he had not taken any overt action or
20 steps in that direction.

21 MS. KENNEDY-PARK: In the
22 conversation, I think, you said if she had told
23 you the Governor had "crossed a line," you would
24 have reported it; is that right?

25 THE WITNESS: If she had told me that

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 the Governor's inquiries about her sex life were
3 unwanted, I would have reported it.

4 MS. KENNEDY-PARK: I think the words
5 you just used, though, where you said if she had
6 told you that the Governor had "crossed a line,"
7 you would have reported it; isn't that what you
8 just said?

9 THE WITNESS: It may be what I just
10 said. But what I meant is "crossed a line" as
11 defined by our sexual harassment policy.

12 MS. KENNEDY-PARK: Didn't Ms. Bennett
13 tell you in that meeting that the Governor had
14 "crossed a line"?

15 THE WITNESS: I think that the
16 closest that Ms. Bennett came to saying that in
17 the meeting was in the context of his reaction
18 where he said, "you were raped," "you were
19 raped," and his comment about dating a 22-year
20 old. Neither of which in my understanding fell
21 within the definition of conduct of a sexual
22 nature.

23 MS. KENNEDY-PARK: I understand you
24 don't think it "fell within the definition of
25 conduct of sexual nature."

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 But is it correct that Ms. Bennett
3 told you more than once in the conversation that
4 the Governor's conduct had "crossed a line"?

5 THE WITNESS: She never used that
6 term with me.

7 MS. KENNEDY-PARK: Your understanding
8 she never used the term "crossed the line"?

9 THE WITNESS: Not that I recall, no.

10 MS. KENNEDY-PARK: Okay.

11 THE WITNESS: I mean, is it
12 conceivable, yes, but I don't believe that she
13 did.

14 MS. KENNEDY-PARK: Okay.

15 THE WITNESS: I think she used the
16 term "turning point." But I don't think she said
17 "cross a line."

18 Q. Did she tell you in the conversation
19 in which the Governor talked about the age
20 difference that he asked her whether she had ever
21 dated anyone older?

22 A. She definitely did not say that to
23 me.

24 Q. Did she tell you that the Governor
25 asked her her views on monogamy in that

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 conversation?

3 A. Yes, she did.

4 Q. Did she tell you that she thought
5 that that conversation was one that the Governor
6 was laying the groundwork to make sexual advances
7 toward her or words to that effect?

8 A. The conversation where he asked her
9 about monogony?

10 Q. And the age difference, that was all
11 in the same conversation, correct?

12 A. The only aspect of the conversation
13 that she -- well, let me go back.

14 When she said he asked her about
15 monogony, she actually took a beat and launched
16 into a little thing with me and Jill about how

17 [REDACTED]
18 [REDACTED]. It was like a little lecture for
19 us.

20 She did not identify that as anything
21 that she thought was anything inappropriate. She
22 did identify the age range of 22, excuse me, as
23 -- that she thought was inappropriate.

24 Q. And did she think discussion about
25 date something one that was younger than her was

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 the Governor laying the groundwork to make some
3 sort of sexual advance toward her?

4 A. She referred to it as a "red flag"
5 and it was in the context of my asking her
6 explain what she meant by "grooming." So I think
7 that is a fair characterization.

8 Q. And is it your understanding that
9 that conversation which among other things they
10 talked about the age difference was so upsetting
11 to Ms. Bennett that she went to Ms. DesRosiers
12 and asked for a transfer?

13 A. It's my understanding that the
14 cumulative effect of her realizing in her words
15 that the Governor was not engaged in these
16 conversations for her benefit caused her to feel
17 uncomfortable continuing to have the kind of
18 personal relationship that they developed and
19 that she went to Ms. DesRosiers in order not to
20 be alone with him anymore.

21 Q. And is it your understanding that Ms.
22 DesRosiers took this seriously enough that she
23 arranged for a transfer for Ms. Bennett that took
24 place within days?

25 A. It is my --

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MR. SPIRO: Objection. If your
3 answer is based upon your communication with Ms.
4 DesRosiers, it's covered by the Chamber's
5 assertion of attorney-client privilege.

6 THE WITNESS: Okay.

7 A. I think it's only -- well, it's based
8 -- the transfer was arranged very quickly.

9 Q. More "quickly" than usual?

10 A. Well, Charlotte had asked for that
11 transfer in my understanding weeks, if not months
12 earlier, so, no.

13 Q. Well, was it your understanding when
14 she asked weeks or months earlier that any action
15 was taken to effectuate that transfer at that
16 time?

17 A. No. But that's often the case and
18 then there's a precipitating event and then the
19 transfer happened.

20 Q. And the "precipitating event" here
21 was Ms. Bennett telling Ms. DesRosiers that she
22 did not want to be alone again with the Governor
23 again, correct?

24 A. The "precipitating event" was
25 Charlotte asking that the transfer be effectuated

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 because she was not comfortable being alone with
3 the Governor.

4 MS. CLARK: We have a fair amount to
5 go with Ms. Bennett. So, I guess, we can take a
6 lunch break now. But you can leave the exhibit
7 binders in this room while you go wherever you
8 want to go for lunch.

9 We can go off the record.

10 THE VIDEOGRAPHER: Stand by. The
11 time is 1:09 p.m. We are going off the record.
12 And this will end Media Unit No. 2.

13 (Lunch recess taken 1:09 to
14 p.m.)

15 THE VIDEOGRAPHER: The time is
16 2:08 p.m. We are back on the record and this
17 will be the start of Media Unit No. 3.

18 Counsel.

19 Q. So you mentioned before when you were
20 talking about the June 30th conversation, you
21 said you spoke to Ms. Bennett again on July 1st.

22 What time of day did you speak with
23 her on July 1st?

24 A. It was late afternoon or early
25 evening.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And how did that conversation come
3 about?

4 A. Charlotte texted me to say that she
5 wanted to speak to me again and we texted back
6 and forth to figure out a time that worked for
7 both of us.

8 Q. And, just so I make sure I know what
9 we're talking about, it's Tab 7.

10 (Deposition Exhibit 5, JM_NB_00000152
11 - JM_NB_00000156: Text conversation between
12 Witness and Charlotte Bennett dated 7/1/20, was
13 marked for identification.)

14 Q. I know it's in an odd format but...

15 A. Yeah, yeah.

16 Q. Is this the substance of your text
17 exchanges with Charlotte?

18 A. It is. And it is an odd format, but,
19 yes. I think there was more than this. I think
20 there was some back and forth on timing.

21 Q. It keeps going.

22 A. Okay. Oh, I see, yes.

23 Q. The formatting is -- as I said, I
24 don't know --

25 A. Yeah.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. -- the technical reasons --

3 A. Yeah, yeah.

4 Q. -- but it's with each page, yeah.

5 And was this a telephone conversation
6 again?

7 A. Uh-huh.

8 Q. You have to say yes or no.

9 A. Oh, yes, it was.

10 MR. ABRAMOWITZ: Yes or no?

11 Q. And was anyone on the call with you?

12 A. Jill was and, in this instance, it's
13 my understanding that Jill was also on the phone.
14 So it was it was a three-way call.

15 Q. How long was this call?

16 A. It was not nearly as long as the
17 first one, maybe -- I'm approximating but around
18 ten minutes.

19 Q. And I know --

20 A. Maybe 15.

21 Q. And I know from time to time you've
22 mentioned we're talking about June 30th, some
23 things that were said on the July 1st.

24 Why don't you start from scratch and
25 tell me all that you recall that was said on

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 July 1st.

3 A. On July 1st, I think, Charlotte
4 started by thanking me for getting on the phone
5 and I think she said, it's not a big deal. I'm
6 not even sure if it's worth the call or something
7 sort of apologetic.

8 And I reassured her that she didn't
9 need to apologize.

10 She told me that she had been feeling
11 very anxious. That she had read the handbook,
12 the GOER handbook, that she was afraid that there
13 was going to need to be an investigation. I
14 think she said that she had got -- she had been
15 so anxious that [REDACTED].

16 I told her that, you know, she should
17 not be anxious. And I don't remember what I said
18 but just to try to settle her down.

19 [REDACTED]
20 So I'm always very anxious to try and just get
21 people to breathe and realize everything is going
22 to be okay.

23 And then she asked me if I had given
24 any -- you know, if I had either given any
25 further thought or reached any conclusions after

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 our conversation.

3 And I told her that I had, that, you
4 know, I was familiar with the manual and that I
5 had gone back over my notes very carefully, which
6 I had and that, you know, I wanted to be very
7 careful that I was understanding her correctly.
8 I think I said -- I'm sure I said, I really don't
9 want to put any words in your mouth, but, you
10 know, as I understand it -- you know, my
11 understanding of what she relayed was that she
12 had these very very personal conversations with
13 the Governor that she thought were appropriate
14 and that at a certain point -- and I don't
15 remember how I phrased it -- because that she
16 became less comfortable with the conversations
17 and that she sort of proactively removed herself
18 from that situation before -- and, again, I don't
19 remember the exact phrase I used, but before
20 there was any unwanted step taken.

21 And she -- I remember she just sort
22 of -- she was like, yes, yeah, very, yes, you
23 know, that's exactly right. I left before
24 anything bad happened. And she, you know, sort
25 of reiterated -- she was very sort of affirmative

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 that that was a correct characterization.

3 And then I said, in that case, I had
4 concluded that there had been no violation of the
5 sexual harassment policy and that an
6 investigation would not be necessary. I don't
7 know if I said a report to GOER or an
8 investigation, but, you know, in words or
9 substance that it would not be necessary to do
10 anything further.

11 I told her that I thought it was -- I
12 wanted to make sure that the job -- that she
13 hadn't been sort of forced out of a job that she
14 wanted. I think there are people who -- I think
15 that a job in close proximity to the Governor is
16 a necessity more desirable than a job working on
17 the health policy team and, you know, from my
18 advantage point, I understood that those jobs
19 staffing the Governor and his briefers are high
20 burnout jobs. They're entry level jobs. They
21 are not career path jobs.

22 They were in the middle of COVID.
23 Charlotte had an interest in health and health
24 policy and the health team was where the action
25 was. And so it made sense to me that this would

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 be an exciting prospect for her, but I wanted to
3 hear directly from her.

4 She reassured me that that was the
5 case. I think I sort of started to say when, you
6 know, what I wanted to say and she interrupted me
7 and said it was her "dream job," that I went back
8 and said because if you did want it -- and I hear
9 what you're saying that it's not what you want,
10 but if you did want that, we would arrange for
11 you to have that job and be comfortable. I think
12 I said, you would not have to be alone with him.

13 And she said, no, no, no. I'm really
14 happy where I am. She really was, I think, very
15 happy. And she expressed relief.

16 You know, the way that she had been
17 talking about her relationship with the Governor
18 was interesting to me. It did not strike me as
19 how you would imagine a young 25-year old talking
20 to the Governor of the State. They had exchanged
21 a lot of intimate details and she -- not
22 withstanding the fact that she definitely had
23 asked for the transfer, she also had expressed a
24 great deal of affection and sort of -- for him.
25 She had not really expressed anger so much as

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 just a sense that things had shifted in a way
3 that had made her uncomfortable. And I think she
4 was a young woman who was acutely aware of her
5 environment her surroundings, where she felt safe
6 and comfortable and was going to act, you know,
7 to ensure her safety.

8 But I did say to her, it almost
9 sounds to me like you thought he was acting like
10 a friend.

11 And she said, I still think he's my
12 friend. She said, it's very complicated because
13 he's my friend, he's my boss, he's the Governor,
14 but I think of him as my friend.

15 Which I thought was interesting and
16 it did sort of shed some light on how she was
17 feeling and it made me feel, you know, even more
18 comfortable with the conclusion I had reached
19 that while she definitely had articulated a
20 concern about something that might happen, she
21 still felt very much like it had been sort of
22 constructive and positive experience and
23 relationship for her and she was quite conflicted
24 about it.

25 She did express that she was afraid

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 that he would be angry at her for leaving the job
3 and asking for the transfer. And I think I -- I
4 don't remember whether it was at the end of that
5 conversation or the end of an earlier
6 conversation where we talked about if she needed
7 anything. I know that there was counseling
8 available and I think it was at the end of that
9 conversation that I really tried to convey to her
10 that, you know, I had an open door and she could
11 come talk to me anytime.

12 I had tremendous admiration for her.
13 I never met anybody who had been quite as sort of
14 able to articulate what she was thinking and
15 feeling and taking -- and these were her words,
16 not mine -- sort of taking this experience that
17 had been incredibly painful for her and trying to
18 turn it into something constructive.

19 And I thought while I did not approve
20 of the fact that she had these conversations with
21 the Governor, I certainly didn't hold her
22 responsible for it. And I thought she was
23 somewhat -- like, I admired that she was as
24 comfortable as she was talking about her
25 experiences and talking about them with the

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 Governor and, I think, I expressed that to her.

3 Q. Do you recall what was said by anyone
4 on the phone?

5 A. Not -- not as I sit here right now.

6 Q. Did you tell Ms. Bennett at any point
7 that you had reviewed the law between your first
8 and second conversation?

9 A. I know that I told her that I had --
10 that I was familiar with the handbook. I don't
11 know if I told her that I reviewed the law.

12 Q. But did you at any point tell Ms.
13 Bennett that you thought most of her interactions
14 with the Governor were inappropriate?

15 A. No. I am actually quite sure that I
16 did not say that.

17 Q. And we talked about some of these
18 questions for the June 30th conversation.

19 But in the July 1st conversation, did
20 you tell her that if she wanted to there could
21 still be a complaint made to GOER?

22 A. No, I didn't. She was so clearly not
23 wanting to make a complaint to GOER, that I
24 didn't -- and also that she had, you know, read
25 and was familiar with the handbook. And she was

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 a sophisticated consumer here. I did not say to
3 her if she changed her mind, she could always
4 file a complaint.

5 Q. Did she at any point talk to anyone
6 else who might have witnessed interactions
7 between Ms. Bennett and the Governor to get their
8 view of what had gone on between the two of them?

9 A. No. I need to be really clear. I
10 was not trying to investigate what Charlotte was
11 saying or not saying. I was really just limiting
12 what I was doing to try to understand what
13 Charlotte had experienced from Charlotte's
14 perspective.

15 Q. And my understanding is that it
16 didn't go to GOER, so they didn't investigate.

17 Do you know if anyone investigated
18 what had occurred between Ms. Bennett and the
19 Governor at any point prior to 2021?

20 A. Not to my knowledge.

21 Q. Did you take notes during the
22 conversations you had with Ms. Bennett?

23 A. I did.

24 Q. And could you turn to Tab 8.

25 (Deposition Exhibit 6,

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 Chamber_AG_00000705 - 00000733 handwritten
3 notes dated 6/30/20, was marked for
4 identification.)

5 Q. Are these your notes?

6 A. They are.

7 Q. Did you take the notes while you were
8 speaking to Ms. Bennett?

9 A. The answer is, yes, although I do
10 have a question about some of the notes in the
11 far left margin and whether I -- whether I wrote
12 some of the stuff in the first page in the left
13 margin in anticipation of our conversation.

14 Q. And the page numbering, did you do
15 that at the time or --

16 A. No. The page numbering is
17 confounding to me. I was taking the notes on a
18 pad that ended up not having enough paper. And
19 so I ended up writing on the back of some pages.
20 It was -- it was a -- the conversation was far
21 more extensive than I planned. I was not in a
22 place where I could, like, stop and get more
23 paper. So I had to make due with what I had.

24 And the page numbering was my attempt
25 to make order of my notes pretty much immediately

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 afterwards and I'm not sure if I did a good job.

3 Q. If you look at the page Bate stamp
4 numbers CHAMBER_AG 719. It has, "T/G with
5 Charlotte and Jill DesRosiers at 6/30/20."

6 A. Hold on one sec.

7 MR. ABRAMOWITZ: Where are we?

8 A. Yes. So --

9 Q. What are -- what is this section
10 here?

11 A. This was an effort to re-copy and
12 somewhat reorganize my notes, I think, almost
13 immediately after the initial conversation.

14 Q. And if you turn to Page Bates 731
15 dated July 1st, '20.

16 Did you take that during the call
17 with...

18 A. 31?

19 Q. Yeah.

20 A. Yes. Those were while I was talking
21 to Charlotte. But in this conversation, I did
22 much more talking than Charlotte did and I find
23 it very very difficult to talk and take notes at
24 the same time. So, I think, I abandoned that
25 endeavor relatively quickly hoping that Jill had

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 good notes and then, again, like literally the
3 second that I got off the phone with Charlotte, I
4 did the next page of notes, you know, really like
5 immediately after the call because I realized I
6 hadn't adequately captured it from my
7 contemporaneous notes.

8 Q. On the first page --

9 A. Uh-huh.

10 Q. -- on the far left margin, it looks
11 like there's some questions.

12 Did you write that out in advance to
13 ask her or --

14 A. I'm sorry, the very first page?

15 Q. Yeah, the very first page.

16 A. Yeah, I'm thinking that I did. I
17 don't have a distinct recollection of it, but it
18 would be consistent with how I might plan for,
19 you know, an interview like this. It was, you
20 know, somewhat impromptu, didn't have a lot of
21 time to prepare for it. I wanted to figure out
22 how I wanted to start and have some questions in
23 the margin just to remind myself so that I could
24 go back and check to make sure that I covered
25 what I wanted to cover.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Your handwriting is far more legible
3 than mine, but I might have a few questions.

4 A. Okay. Yeah, well, it deteriorates.

5 Q. On the first page in the bottom
6 right-hand corner it says, "He kept say you were
7 raped, you were raped," and then there is a dash
8 and what does that say?

9 A. "Aggressive."

10 Q. "Aggressive."

11 And then further down it says,
12 "strange he had to know I was"?

13 A. "Uncomfortable."

14 Q. And on the second page -- all the way
15 down it says, "looking for a girlfriend not
16 linear. He asked me about how being sexually
17 assaulted affected the way I was attracted to
18 men."

19 What is the nonlinear -- "not linear"
20 refer to?

21 A. I believe that Charlotte was saying
22 the conversation wasn't linear, that that was
23 something that Charlotte said to me. I don't
24 think that is commentary on my part.

25 Q. The part that says, "he asked me

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 about how being sexually assaulted affected the
3 way I was attracted to men," is that something
4 that Ms. Bennett said the Governor asked her?

5 A. I'm pretty sure that is a direct
6 quote.

7 Q. Also, on Page 2, it has the name Jada
8 Pinkett Smith and Chelsea Handler?

9 Do you know what that's a reference
10 to?

11 A. Yes. So Charlotte was, I think, told
12 us that she was reading mail from people who had
13 written him or -- and I think it was -- these
14 were two people who in my understanding had in
15 some way reached out in admiration to the
16 Governor and Charlotte suggested them to the
17 Governor and she dismissed both of them. I think
18 he said -- this is from memory or maybe it may be
19 in more detailed notes -- that Jada Pinkett was
20 married and that Chelsea Handler was [REDACTED].

21 Q. Page 3, at the top does that say,
22 "asked about recent hook ups"?

23 A. Yes.

24 Q. It says, [REDACTED] ?

25 A. [REDACTED]

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. About two-thirds of the way down it
3 says, "next day just me everybody else left.
4 Felt like a followup to how he would find
5 privacy."

6 What was that a reference to?

7 A. That she had previously said that
8 when he raised wanting a girlfriend, she had
9 mentioned that it might be hard for him to find
10 privacy. And I don't know if she already told me
11 that at this point. But later on she goes
12 through a more detailed explanation and explains
13 that she had said that to him.

14 So, here, I think, what she's saying
15 and she elaborated on it later was that she felt
16 that -- oh, here. It's just immediately above
17 this.

18 "Forget about the pandemic for a few
19 hours." And she says, "I don't know how you
20 would have time for a relationship."

21 And he said, "privacy isn't a
22 problem." I think she did say that she raised
23 privacy.

24 "And then the next day it was just me
25 and everyone else left and it felt like a

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 followup of how to define privacy." So it was
3 all part of one thought.

4 Q. And did she say when everybody left
5 that she thought it was a way for him to find
6 privacy with her?

7 A. To demonstrate to her that he could
8 arrange for privacy, if he needed it.

9 Q. "He asked if I had found a GF" -- is
10 that girlfriend?

11 A. Girlfriend, yeah.

12 Q. "He said I looked like Daisy Dukes
13 and then he left."

14 What is that?

15 A. I think she told us that she didn't
16 know what it meant either and so she looked it up
17 on the Internet and it was a reference to a
18 character in a television show that wore shorts.

19 Q. Did you know what the reference was
20 when she described it to you?

21 A. No.

22 Q. Did you look it up?

23 A. No.

24 Q. Do you think that that's an
25 appropriate comment for a Governor to make to a

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 female employee?

3 A. It did not -- she understood it to
4 make reference to the fact that she was wearing a
5 pair of shorts. It did not offend me. I mean,
6 it -- as I said, there were things that I thought
7 had occurred between the two of them that I
8 thought were inappropriate.

9 I think the comment about somebody
10 wearing shorts in the office is not
11 inappropriate.

12 Q. Below that it says, "Asked a lot of
13 questions in my sexual history"; is that
14 something that Ms. Bennett said the Governor had
15 done?

16 A. Yes.

17 Q. And then it looks like on Page 4 at
18 some point you went back over her history in the
19 office?

20 A. Yes. So, here, I am concerned that
21 the page numbering that I came up with may not
22 have been right and may not have been right at
23 the time and I thought of it -- whether I should
24 be re-numbering, I'm not sure.

25 But the answer, generally, to your

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 question is, my standard way of doing an
3 interview like this and the way I did this one
4 was to let her just talk and tell me what
5 happened without a lot of guidance from me and
6 then to go back to the beginning to get
7 background and to tease out more details from the
8 story and that's what I did here.

9 Q. On page number that's five, you know,
10 it may not really have been fifth, in the middle
11 it talks about, "He asked me to do pushups for
12 him."

13 A. Uh-huh.

14 Q. What was that a reference to?

15 A. This was in reference to her
16 explaining -- and I do think that five follows
17 from, at least, the second half of Page 4.

18 She was describing her history of
19 working with him and describing early on when she
20 started staffing him that they had personal
21 conversations and that they talked about, I
22 think, the fact that she was doing weight
23 training or -- and they got into sort of a pushup
24 competition where he would ask her to do pushups
25 and tell her he could do, I don't know, 20 more

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 or something like that.

3 And I asked her if she thought that
4 was appropriate and she told me that she did.

5 MS. KENNEDY-PARK: And before you get
6 there...

7 Can I say where is that in the notes
8 that you asked her if you thought that that was
9 appropriate?

10 THE WITNESS: I don't know if it's in
11 this set of notes or if it is in the later set of
12 notes, because, again, I don't always write down
13 when I'm asking a question. But I have a pretty
14 distinct recollection of asking it. And it -- my
15 guess is that it's in my later notes. I could be
16 wrong, but I do remember asking her.

17 MS. KENNEDY-PARK: Okay.

18 Q. Seven there is something in the left
19 margin toward the top?

20 A. That's my initials.

21 Q. Oh. Oh, INITIALS, okay.

22 A. "INITIALS how did he respond."

23 Q. And she says, "He was interested. He
24 asked a lot of cues about" -- and I can't --

25 A. "Why [REDACTED]. What I

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 wanted to do long-term. He wanted me to take a
3 step back, not one bad experience. I told him I
4 was raped at ■■■."

5 I think that was her way of saying it
6 just wasn't one bad experience.

7 Q. If you turn to the page that's on
8 Page 11 in your handwriting.

9 MR. ABRAMOWITZ: 11.

10 Q. And there's a reference "to get on a
11 bike with a woman and go to a mountain."

12 What does that say, "with"?

13 A. "Tired and lonely wants to get on a
14 bike with a woman go into," I think, it's the
15 mountains, but I have the word "a mountain." She
16 said that it was within a larger conversation.

17 Q. And then in the margin it says,
18 "convo approximately an hour"; is that what it
19 says?

20 A. Yes.

21 Q. And she told you that Melissa --

22 A. Came into the office --

23 Q. -- DeRosa came into his office so he
24 handed her a PowerPoint?

25 A. That's right.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. At the bottom of the page, did she
3 describe an incident where the Governor commented
4 on how she was wearing her hair?

5 A. Yeah. I asked her if this incident
6 was the first time she was distressed. And she
7 said back in November -- so we're now in August
8 -- or I'm sorry, June -- July, July, June, July.
9 And she's referring, I think, to the prior
10 November. She was having a bad week. When he
11 arrived at 633, which is the Manhattan office, he
12 said, "why aren't you wearing your hair like
13 that," and then he didn't talk to her for the
14 rest of the day. And didn't say anything to her.
15 "And then asked me why I was wearing my hair like
16 that." I think she said -- I think it says,
17 "because it was messy." And he walked away.

18 And I said -- and she said, "she said
19 it very loudly so everybody could hear he doesn't
20 like my hair." And she said she was upset by
21 that statement.

22 Q. Let's look at 14. It makes reference
23 to "going into office with [Exec. Asst. #2]"; is that [Executive
24 [Assistant #2]?

25 A. Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And then it makes reference to a
3 comment about "predator and harassment."

4 What was that about?

5 A. I don't think she was able to explain
6 it and I didn't understand it. But she said that
7 she was only -- you know, we -- you know, it was
8 during COVID. She was wearing a mask and she
9 said that the mask kept sucking into her face and
10 he said she looked like "predator." And I think
11 she had explain to me that "predator" was like an
12 animated super hero character. My popular
13 culture lexicon is not very good.

14 And then he made a strange comment --
15 a "weird comment" were her words about how could
16 somebody say he was sexually harassing her for
17 saying she looked like "predator."

18 Q. And the next page in the top section
19 on the right it says, "does age matter? Paused
20 ready to" join -- or "to give an answer. Cut me
21 off and said it didn't" --

22 A. Sorry -- I'm -- okay, sorry. "Does
23 age matter, paused" -- or "she paused. She was
24 ready to give an answer, but he cut her off and
25 said age didn't matter."

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And then what does it say below that?

3 A. And then she says, "you should have a
4 party."

5 Q. What did she say he said in response?

6 A. I think I said, "then what?"

7 And there was no -- she did not say
8 what he said in response.

9 Q. And --

10 MS. KENNEDY-PARK: Respond --

11 Witness, could you move back to --

12 THE WITNESS: Oh, sorry apologies.

13 MS. KENNEDY-PARK: It's okay.

14 Q. And in a the margin it says, "want to
15 distance myself"?

16 A. So this was the point at which I
17 completely ran out of paper and so the very end
18 of our conversation I noted in the far left
19 margin.

20 She said, "I want to distance myself.
21 I don't want to" -- it says, "be alone," but I'm
22 not sure if that's actually what she said or if I
23 just wrote it. I don't remember her saying that.

24 "Jill has been amazing. I don't want
25 to make waves. Want to make" -- she said, "as

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 small as possible I recall."

3 And then I think I may have asked her
4 about the "Daisy Dukes" reference, because I
5 didn't understand it. Or that may have been at
6 earlier point and she said that she pretended
7 that she understood it. She looked it up and it
8 was a reference to her shorts. That's where she
9 explained the "Daisy Dukes" comment.

10 MS. KENNEDY-PARK: Do you now
11 understand that Daisy Dukes is famous for wearing
12 incredibly short shorts?

13 THE WITNESS: No, I did not know
14 that.

15 MS. KENNEDY-PARK: Okay.

16 Q. And on the page we're looking at, it
17 says, "June 5 groom, cone of silence" something?

18 A. I think this is where I'm asking her
19 to explain -- I went back at -- you know, she had
20 mentioned "grooming" earlier and I went back and
21 asked her to explain what she meant by
22 "grooming."

23 And she said the "cone of silence"
24 thing. "Do you know what this is? No one will
25 know. I won't say anything if you won't say

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 anything. Yes, when questions became more
3 personal."

4 And then I said, "Did he make a
5 sexual advance? She said no."

6 And then she referenced the age
7 difference as -- she referred to it as a "red
8 flag I recall, especially, that he picked a
9 specific age."

10 I asked about "anything else." And
11 she says, "not that I can think of."

12 And then she said -- I think, I said,
13 "anything else" again. And she said, "he likes
14 my make up. We talked about that on Tuesday."
15 Everything -- "the Tuesday after everything was
16 fine. He arrived and departed he called me
17 wings," and that referred to her eye make up.

18 Q. (INAUDIBLE.)

19 THE STENOGRAPHER: I'm sorry. I
20 didn't catch the question at all.

21 MS. KENNEDY-PARK: Okay. You need to
22 repeat your question. I think --

23 Q. (INAUDIBLE.)

24 On page that's stamped 727, these are
25 within your notes that you wrote after --

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. Right.

3 Q. -- the conversation.

4 In the upper left corner, there is
5 something that says -- with an arrow that says,
6 "clarify/confirm with JDR."

7 What's that's a reference to?

8 A. So, I think, on the previous page,
9 she says, "We had a very long conversation.
10 Stephanie asked were you working that whole time
11 dictating, what were you talking about?"

12 And then I have a note saying,
13 "unclear response," and a note to myself saying
14 clarify with Jill -- "clarify/confirm with Jill."
15 Like, I -- I don't think I heard or understood
16 what she said in response and I didn't -- you
17 know, I think I did stop her a couple of times so
18 that I could take a careful note. But I also
19 didn't want to stop her too much while she was
20 talking. And my recollection Jill didn't hear it
21 either.

22 Q. (INAUDIBLE.)

23 THE STENOGRAPHER: I'm sorry, I can't
24 hear you.

25 MS. KENNEDY-PARK: They can't hear

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 you again, Anne. I don't know why that is.

3 MS. CLARK: Sorry.

4 A. Yeah, I see. We talked about
5 monogamy.

6 Q. "Monogamy. [REDACTED]
7 [REDACTED]. He asked about how being
8 sexually assaulted affected the way she was
9 attracted to men"?

10 A. Correct.

11 Q. And it says, "He asked about recent
12 hookups"?

13 A. Uh-huh.

14 Q. Is that a word she used?

15 A. Yes, it's a word she used.

16 Q. Did she say it's a word the Governor
17 used?

18 A. This was her word and it was not an
19 instance where I asked her to clarify whether it
20 was his word or not.

21 Q. And then further down it says, "He
22 asked if that was my last serious relationship.
23 He wanted to know who I had been seeing, if I was
24 sleeping with other people, if they were sleeping
25 with other people."

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Is that something that she said the
3 Governor asked her about?

4 A. Yes.

5 Q. And a little further down it says,
6 "He said it's hard not touching someone in
7 months."

8 A. Right.

9 Q. That's something she said the
10 Governor said?

11 A. Uh-huh.

12 Q. You have to say yes or no.

13 A. Oh, sorry. Yes, that's something
14 that she said the Governor said.

15 Q. And that she then responds to him, "I
16 said are [REDACTED] gone?"

17 A. Yes. And then she said he asked her,
18 "and she said that her parents wouldn't even let
19 her in the house because of COVID and that she
20 had not even had a hug in months."

21 I think you need to remember we were
22 like in a period of time where many people had
23 not had a hug in months and it was very hard,
24 especially, frankly, for the people who are
25 living in Albany.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Did he ever say that a hug from [REDACTED]

3 [REDACTED] was --

4 THE STENOGRAPHER: I'm sorry, you're
5 breaking up. I'm sorry. You're breaking up.

6 MS. KENNEDY-PARK: The Court Reporter
7 can't hear either of you now.

8 THE WITNESS: Oh, no.

9 MS. KENNEDY-PARK: So if we just get
10 our mikes closer a little bit, maybe it raises
11 our voice a little bit.

12 Q. Did Ms. Bennett say that the Governor
13 said anything along the lines of that a hug from
14 [REDACTED] was not the sort of hug that he was
15 looking for?

16 A. No, she did not.

17 Q. On the page that's stamped 729 toward
18 the bottom it says, "There were a lot of red
19 flags. He asked if I knew what a cone of silence
20 was. I said, yes."

21 Is that something -- and that's under
22 the June 7th.

23 Is that something that she said was
24 discussed in the June 7th conversation, as well
25 as the earlier one?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. No. I think that this was toward the
3 end of our conversation after she had finished --
4 on June 7th, as I understood it, was a very very
5 quick encounter where he said that she looked
6 like "Daisy Dukes" and then he left. That was it
7 but that five lines.

8 And then this next part about "a lot
9 of red flags" was my asking her to sort of go
10 back and talk to me about what she had meant by
11 "grooming."

12 Q. It looks like it's about July 1st
13 there is one page that's very short and then
14 there's the follow along the --

15 THE STENOGRAPHER: I'm sorry. You're
16 break up again. I don't know why.

17 A. Yeah, so it was --

18 MS. KENNEDY-PARK: We have to pause.
19 I'm sorry. But, Anne, they can't hear you for
20 some reason all the sudden. I don't know if --
21 Silvia is saying you're breaking up like you're
22 coming in and out.

23 THE STENOGRAPHER: Now, I can't hear
24 you at all.

25 MS. KENNEDY-PARK: She's not talking.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 She's trying to fix the audio.

3 THE WITNESS: Are they able to hear
4 me okay?

5 MS. CLARK: Can you hear me better
6 now?

7 MS. KENNEDY-PARK: They said, eh,
8 but, yes, Judy, they can hear you.

9 MR. SPIRO: Maybe move the mike up a
10 little further directionally.

11 MS. CLARK: Maybe it's something
12 different from the...

13 THE VIDEOGRAPHER: We're still on the
14 record.

15 (There is a discussion off the
16 record.)

17 THE VIDEOGRAPHER: Do not turn on
18 automatically adjust please.

19 MS. KENNEDY-PARK: Thank you, Marc.
20 Yeah, it went back to that setting without Anne
21 doing anything. She's fixing it.

22 THE VIDEOGRAPHER: Thank you.

23 MS. CLARK: Is it better now, Marc?

24 MS. KENNEDY-PARK: Yes.

25 THE VIDEOGRAPHER: Yes. Continue

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 please.

3 MS. KENNEDY-PARK: Go ahead.

4 Q. So I had asked whether you did the
5 same thing of taking some notes during the call
6 and others afterwards?

7 A. Yeah. In fact, the July 1st call I
8 took even fewer notes because, I think, I
9 mentioned I was doing the talking and I can't --
10 I can't do both at the same time. And so the
11 ones I took did afterwards, I literally did them
12 the second I hung up.

13 Q. And what did you do with your notes
14 after you took these notes?

15 A. I saved them.

16 Q. Did you give copies to anybody or
17 share them with anybody?

18 A. No. I -- I may have shared the
19 contents of the notes. But the actual notes
20 themselves I retained until after the
21 investigation started.

22 Q. Did -- were you aware of Ms.
23 DesRosiers taking notes?

24 A. I was aware that she took notes.

25 Q. Did you ever obtain a set of her

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 notes at any point?

3 A. Yes. The next time that I saw Jill
4 in Albany, which was sometime later, I can't tell
5 you exactly when it was, she handed me a steno
6 pad that her notes and I saved them with mine.

7 Q. Did she just give them to you or did
8 you ask her for them or something else?

9 A. I think that we had discussed the --
10 at -- you know, contemporaneously with her taking
11 the notes, that I would want to retain them. But
12 I think she just gave them to me the next time
13 she saw me.

14 Q. And where did you retain her notes?

15 A. With my notes.

16 Q. And were they in a file with anything
17 else, or was it just those sets of notes?

18 A. They were just in a file with those
19 sets of notes.

20 MS. KENNEDY-PARK: Mr. Clark asked
21 you if you shared your notes with anyone and you
22 said no.

23 But on the meeting on the weekend
24 after Ms. Bennett's story came out -- sorry, I
25 keep saying "weekend." It wasn't weekend.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 The evening meeting and the breakfast
3 meeting, did you share your notes with anyone on
4 that occasion?

5 THE WITNESS: I did not provide
6 copies of my notes to anyone. I did talk about
7 at an earlier point the contents of my notes with
8 several people.

9 MS. KENNEDY-PARK: Okay.

10 Q. After July 1st but before December of
11 2020, did you speak with Ms. Bennett again?

12 A. I'm sorry, July -- between July 1st
13 and December 2020?

14 Q. Yes.

15 A. Yes.

16 Q. How many times did you speak with her
17 in that time period?

18 A. I think I had one conversation with
19 her.

20 Q. And when was that?

21 A. It was sometime in the fall. I had
22 heard that -- I think I had heard that she was
23 leaving. I know that I had heard that she had
24 taken [REDACTED] and I had a
25 conversation with her both about [REDACTED] and

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 about the fact that she was thinking of leaving
3 the Chamber.

4 Q. And was this by telephone?

5 A. Yes.

6 Q. Was anyone else on the call?

7 A. No.

8 Q. How long was your call?

9 A. Again, I don't know, exactly. But
10 I'd say between 5 and 10 minutes, not long but it
11 was a conversation.

12 Q. And other than asking about her
13 leaving and asking about [REDACTED], do you
14 recall anything that you said or she said in that
15 conversation?

16 A. I mean, I recall her telling me that
17 she had been [REDACTED], I think, [REDACTED].
18 It was a [REDACTED]. It was either [REDACTED] or
19 [REDACTED]. I'm pretty sure she said [REDACTED],
20 that she was [REDACTED]
21 [REDACTED].

22 She was very upset. She said she had
23 not felt as well for a long time as she was
24 currently feeling, that she was feeling very good
25 and it had been a long time since she felt good

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 and she was relieved to have a [REDACTED] and a
3 [REDACTED].

4 She was in, as I said, you know, very
5 high spirit and said that the work with the
6 health team had not worked out the way she wanted
7 to. I think [REDACTED], who she had been
8 working closely with, had left the Chamber and
9 had gone to work at SUNY and she said that the
10 man who had been recently hired as the Deputy
11 Secretary for health so that would be a position
12 senior to [REDACTED]'s didn't seem to have the time or
13 interest in mentoring her that she wanted and
14 that it just wasn't satisfactory to her that she
15 had decided that she wanted to go to graduate
16 school. I think in the -- so it was some health
17 program, but it had a specific focus and I don't
18 remember what it was. But it just wasn't public
19 health. It was something very very specific and
20 she found a program that she really wanted to do,
21 but that it was to start in January.

22 And so we were in the fall and I
23 suggested to her that if she wasn't happy in the
24 health portfolio, she wouldn't need to leave. We
25 could, you know, try and find her something where

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 she was happy, you know, while she waited for the
3 graduate program to start.

4 And I encouraged her to talk to Jill
5 before she made any final decisions. Because,
6 you know, Jill was the Chief of Staff and sort of
7 new where there might be places that would be
8 good for her. I think she ultimately did talk to
9 Jill and did decide to resign.

10 I think initially, she was going to
11 take some accrued leave and then another
12 opportunity came along and so she ended up
13 leaving very quickly and there was -- I recall
14 seeing some e-mail back and forth about it could
15 we pay out her leave, could we accelerate her
16 leave, you know, it was the administrative stuff.
17 But I was copied on those communications.

18 Q. And when Ms. Bennett talked about her
19 reasons for leaving, did she say whether her
20 interactions with the Governor had played any
21 role in her decision to leave state government?

22 A. I wouldn't put it that way, but I
23 think I do recall her saying that she did not
24 want to give her best self to him. It was in the
25 context of her saying how good she felt and that

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 she -- I think her words were, I don't want to
3 give my best self to him. So she conveyed that,
4 you know, she was not feeling nearly as friendly
5 towards him as she had when I last spoke with
6 her.

7 Q. Did you talk with Ms. Bennett about
8 supporting her in any fashion other than finding
9 a different state job for her?

10 A. Not that I can think of.

11 Did you have something specific in
12 mind?

13 Q. I was just asking.

14 A. I don't remember talking about other
15 types of support, no.

16 Q. Have you spoken to Ms. Bennett since
17 then?

18 A. No.

19 Q. Have you communicated in writing with
20 Ms. Bennett since then, other than the e-mails
21 about her -- you might have been on about her
22 leave pay?

23 A. I actually was not on -- I think I
24 was forwarded those e-mails. I was not on those
25 e-mails to the best of my recollection. No, I

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 don't recall having any communication with Ms.
3 Bennett after that last phone call. You know
4 it's possible when she sent a good-bye note I
5 might have sent something back, but not that I
6 recall.

7 Q. Did you work ever with Lindsey
8 Boylan?

9 A. No.

10 MR. ABRAMOWITZ: We're going to go
11 into a new topic? You're done talking with
12 Charlotte Bennett?

13 A. I would like --

14 MR. ABRAMOWITZ: We would like a
15 break.

16 A. -- to take a quick --

17 MS. CLARK: Sure.

18 MS. KENNEDY-PARK: Alright. Off the
19 record.

20 THE VIDEOGRAPHER: Stand by. The
21 time is 2:56 p.m. We are going off the record.
22 This will end Media Unit No. 3.

23 (Recess taken 2:56 to 3:04 p.m.)

24 THE VIDEOGRAPHER: The time is
25 3:04 p.m. We are back on the record. This will

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 be the start of Media Unit No. 4.

3 Counsel.

4 Q. So I'll just start again since we're
5 starting a new area.

6 Did you work at all with Lindsey
7 Boylan?

8 A. No.

9 Q. Did you ever meet her?

10 A. No.

11 THE STENOGRAPHER: You're on silent.
12 You're on silent.

13 Q. (INAUDIBLE.)

14 THE STENOGRAPHER: The witness is on
15 silent. The witness is on silent.

16 MS. KENNEDY-PARK: Start again, Anne.

17 Q. Okay. Did you work with Lindsey
18 Boylan?

19 A. I did not.

20 Q. Did you ever meet Lindsey Boylan?

21 A. No.

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

25 A. No.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. When did you first become aware that
3 Ms. Boylan was making any allegations about the
4 work environment in the Executive Chamber?

5 A. In early December of 2020.

6 Q. And how did you learn about it?

7 A. I -- it was either on a phone call or
8 an e-mail with Melissa and/or Linda Lacewell and
9 I don't remember. But one of the two of them, if
10 not both of them brought it to my attention.

11 Q. And what did they say to you?

12 MR. ABRAMOWITZ: Objection.

13 [INSTRUCTION] We're going to assert -- the
14 Executive Chamber has instructed us to assert
15 privilege on those communications.

16 Q. And were they seeking legal advice
17 from you in bringing this to your attention?

18 A. Can I consult with my Counsel --

19 Q. Sure.

20 A. -- for a moment?

21 (Sidebar discussion held off the
22 record.)

23 THE VIDEOGRAPHER: We're still on the
24 record.

25 MS. KENNEDY-PARK: We can go off the

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 record.

3 THE VIDEOGRAPHER: Stand by. The
4 time is 3:06 p.m. We are going off the record.

5 (Recess taken 3:06 to 3:12 p.m.)

6 THE VIDEOGRAPHER: The time is
7 3:12 p.m. We are back on the record.

8 MS. CLARK: Back on the record.

9 A. Okay. The question was, I'm sorry,
10 were they asking me for legal advice?

11 Q. Yes.

12 A. There was legal advice sought during
13 those calls.

14 Q. And did you see Ms. Boylan's tweets?

15 A. I saw -- well, the actual tweets
16 themselves, only a couple.

17 Q. And did you see them only after other
18 people brought them to your attention?

19 A. The initial ones were brought to my
20 attention. I briefly tried to figure out how to
21 see them myself and I'm not a Twitter
22 sophisticate and I found it very difficult to
23 follow it and so I had others help me.

24 Q. If you can turn to Tab 10.

25 (Deposition Exhibit 7, Boylan Tweets

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 dated 12/5, 12/8 and 12/13/2020, was marked for
3 identification.)

4 A. Uh-huh.

5 Q. And these are tweets that start on
6 December 5th, continue on the 8th and thereafter.

7 Have you seen all of these before?

8 A. Yes, I think so.

9 Q. And seeing the dates of the tweets,
10 can you place in time when you first became aware
11 of her tweets?

12 A. Well, it wasn't before December 5th.
13 I can't tell you whether it was December 5th or
14 6th or possibly even the 7th.

15 Q. Other than the call just described
16 with Ms. DesRosiers and Ms. Lacewell, did you
17 speak to anyone else in the Executive -- current
18 employees in the Executive Chamber about Ms.
19 Boylan's tweets in the December time period?

20 A. There were a series of calls in the
21 December time period. And I can't give you a
22 complete list of everybody I talked to. But I
23 know I spoke with some frequency with Melissa
24 DeRosa, Linda Lacewell and at some point also
25 with Steve Cohen and I did speak with Alfonso

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 David.

3 Q. And were the discussions with Alfonso
4 David related to any legal advice?

5 A. Yes. I also spoke with one of my
6 colleagues who works with me, Julia Kupiec, who
7 had some firsthand knowledge of some of the
8 events.

9 Q. And what did you discuss with Ms.
10 Kupiec?

11 A. I think I she had sat in on a
12 counseling session that Alfonso David had had
13 with Ms. Boylan in September 2018 and she talked
14 with me about that as well as her own -- her own
15 interactions and observations with Lindsey and I
16 believe at some point in -- I think it was 2019
17 Ms. Boylan had -- there had been a couple of
18 instances where Ms. Boylan had contact with
19 members of the Executive Chamber that were
20 violations of the ethics rules about contacting
21 -- you know, having post-employment contact with
22 the Chamber and she discussed those with me.

23 Q. What did you she tell you were the
24 contacts that Ms. Boylan had in 2019 that
25 violated the ethics rule?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MR. SPIRO: Objection, privileged.

3 [INSTRUCTION] We've been directed by the Chamber
4 to assert privilege with regard to those
5 communications.

6 Q. What is your understanding as to what
7 the rules are with regard to post-employment
8 contact with the Chambers?

9 A. Well, I will say Julia is the lead
10 expert on them. But with limited exceptions,
11 there is a two-year bar on having work-related
12 contact with the Chamber. So you can wish people
13 happen birthday. You can congratulate them on,
14 you know, a birth of a child. You can have
15 social contact. But you cannot conduct
16 work-related business with the Chamber within two
17 years of departure. One exception is for what I
18 referred to before, which is transitional, if it
19 has to do with something that you working on in
20 the Chamber and there is a need to understand,
21 you know, sort of for transition purpose and that
22 transitional period can be quite lengthy. And
23 then, additionally, it would never be appropriate
24 to use an Executive Chamber e-mail for political
25 purposes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Are you aware of whether the
3 Executive Chamber took any actions in 2019 about
4 any of the contact Ms. Boylan had with the
5 Chamber in 2019?

6 A. Yes.

7 Q. And what action did they take in
8 2019?

9 A. I just want to make sure that I'm
10 allowed to that answer that.

11 MR. ABRAMOWITZ: I think --

12 MR. SPIRO: Yeah.

13 A. There was a report made to JCOPE
14 about Ms. Boylan's making a fairly broad
15 announcement related to her candidacy for the
16 democratic nomination for Congress for when she
17 was running -- when she was challenging Gerald
18 Nadler's seat. I don't remember the exact
19 substance of her outreach to Chamber, but it was
20 judged to be a violation of the ethics laws and
21 there was a report made to JCOPE concerning that
22 outreach.

23 Q. And do you know what, if anything,
24 JCOPE did as a result of that report?

25 A. No.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. In your conversations with Alfonso
3 David about Ms. Boylan, was anyone else on the
4 call?

5 A. I don't believe so.

6 Q. How many calls did you have with
7 Steve Cohen about Lindsey Boylan?

8 A. It could have been several, I don't
9 remember, but I think it was several calls.

10 Q. And what did you discuss with
11 Mr. Cohen?

12 MR. ABRAMOWITZ: [INSTRUCTION]
13 Executive Chamber has directed us not to answer
14 those questions.

15 Q. Were you seeking legal advice from
16 Mr. Cohen?

17 A. I was seeking Steve's judgment, which
18 had a component could be said to be legal.

19 Q. Was any -- forgive me if I asked
20 this.

21 Was anyone else on your calls with
22 Mr. Cohen?

23 A. Informed speculation I'm thinking
24 that some of those calls may have included Linda
25 and/or Melissa.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And am I correct that Mr. Cohen was
3 not working for the Executive Chamber at this
4 time; is that correct?

5 A. That is correct. He had done some
6 work with the Chamber during COVID, but I think
7 at this point he was mostly at ESD.

8 Q. And did the --

9 A. Let me -- let me rephrase that. I
10 think he still had some residual work on some of
11 the COVID-related reopening, but this was not
12 related to that.

13 Q. To your knowledge, did the Executive
14 Chamber pay Mr. Cohen for any consultations he
15 participated in regarding Lindsey Boylan?

16 A. I do not believe they did.

17 MS. KENNEDY-PARK: One more question,
18 Anne.

19 Were the conversations with Mr. Cohen
20 in any way related to his responsibilities from
21 his time in the Chamber?

22 THE WITNESS: No.

23 MS. KENNEDY-PARK: So the
24 conversations were not appropriately
25 characterized as "transition" conversations?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 THE WITNESS: I would not
3 characterize those as "transitional."

4 Q. After the Chamber became aware of Ms.
5 Boylan's tweets, were you involved in any aspect
6 of responding to those tweets?

7 A. Can you be more specific about which
8 tweets and what aspects?

9 Q. Sure. In December when she started
10 tweeting about the environment in Executive
11 Chamber, were you involved in taking any action
12 in response -- on behalf of the Chamber in
13 response to the tweets?

14 A. Not when she started. Not when she
15 started tweeting, no.

16 Q. At some point were you involved in
17 any aspect of responding to either the tweets or
18 Ms. Boylan's allegations?

19 A. There came a point on December 13th
20 where I was asked to transmit some memos -- memos
21 that had either been written by the Executive
22 Chamber or by ESD to Linda Lacewell and Melissa
23 DeRosa, which I did. And I was asked to
24 participate in a telephone call with Mike
25 Volforte from GOER to determine whether there was

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 any legal prohibition on releasing those memos.

3 Q. And do you recall who the authors of
4 those memos were?

5 A. I think there were multiple authors
6 of the memos that that I was asked to send. I
7 think Julia Kupiec authored one. I think it's
8 possible that Camille Varlack authored one. And
9 I think one or more were authored by somebody
10 within ESD.

11 Q. And the memos, where did you get them
12 from in order to transmit them?

13 A. I got them from Julia.

14 Q. And did anyone tell you the purpose
15 of you transmitting the memos about Ms. Boylan?

16 A. Yes.

17 Q. What were you told?

18 MR. SPIRO: [INSTRUCTION] Objection,
19 privilege.

20 Q. Did some of those memos bear the
21 label "privileged and confidential"?

22 A. Yes.

23 Q. Who was on the call to -- with GOER's
24 other than you?

25 A. Me, Linda Lacewell and Mike Volforte.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And what was discussed in that
3 conversation?

4 MR. ABRAMOWITZ: [INSTRUCTION] We've
5 been instructed to assert privilege to that
6 conversation.

7 Q. Were you part of any conversations in
8 December of 2020 in which anyone raised any
9 concerns that releasing memos about Ms. Boylan
10 could be considered retaliation?

11 A. I was not.

12 MR. ABRAMOWITZ: Wait. Well,
13 alright.

14 You were not?

15 THE WITNESS: I was not.

16 Q. Do you have an understanding of what
17 was eventually done concerning the memos
18 concerning Ms. Boylan?

19 A. I understand that they -- some of
20 them were released to members of the press.

21 Q. And do you believe that it might
22 dissuade somebody from coming forward with
23 allegations of harassment if they thought
24 confidential memos about their employment would
25 be released to the press in response?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. If you're asking about the memos that
3 were released related to Lindsey, I think, they
4 are not fairly characterized as confidential.
5 So, if the answer is whether -- I mean, I think
6 it doesn't apply to this situation.

7 Q. You said you don't think they were
8 confidential.

9 Were they publically available prior
10 to the release to the press?

11 A. They were -- had they been FOIL'ed,
12 they may well have had to be released. So, in
13 answer to your question, were they publically
14 available, I believe, upon an appropriate FOIL
15 request, those memos could have been released.

16 Q. Had there been any FOIL requests up
17 to that point regarding Ms. Boylan's personnel
18 records?

19 A. I'm not -- I do not know the answer
20 to that. But I would not characterize those
21 records as personnel records.

22 Q. Had there been any FOIL request
23 regarding records relating to Ms. Boylan's
24 employment up to that point?

25 A. I do not know the answer to that.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Was it your understanding that the
3 reason that they were being released to the press
4 was in response to a FOIL request from any media
5 entity?

6 A. It was my understanding that they
7 were being released to the press in response to
8 press inquiries but not FOIL.

9 Q. Was it your understanding that
10 anything in those memos related to the
11 allegations of harassment that Ms. Boylan was
12 making?

13 A. I'm sorry. The question was whether
14 the memos related to the allegations of
15 harassment?

16 Q. Correct.

17 A. What I would say is the memos spoke
18 to Ms. Boylan's characterization of the workplace
19 as being a "toxic workplace," which I think were
20 her words that she was somehow -- which -- where
21 she cast herself as being a victim of a toxic
22 work environment. And I think those memo spoke
23 to her role in what, you know, in the environment
24 and her contribution to an unhealthy work
25 environment for some of the people that she

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 worked with.

3 Q. And do you have any understanding as
4 to what inquiries the press were making that led
5 to the release of the memos?

6 A. I do not. I mean, generally, I had
7 an idea that her tweets were creating press
8 inquiries. Particularly, on the morning of the
9 13th, there was a surge in press inquiries.

10 Q. And, to your knowledge, did any of
11 the press people ask for any documents about Ms.
12 Boylan's conduct in the workplace?

13 A. I don't know what the press was
14 asking.

15 MS. KENNEDY-PARK: And in your
16 experience in the Executive Chamber, has the
17 Executive Chamber ever resisted responding to a
18 FOIL request on the grounds that the information
19 sought was protected from disclosure by the
20 attorney-client privilege?

21 THE WITNESS: Many times.

22 MS. KENNEDY-PARK: And the memos that
23 we're talking about were labeled "attorney-client
24 privileged"; is that right?

25 THE WITNESS: They had a header that

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 said "attorney-client privilege," but I do not
3 believe that there was any legal advice being
4 sought or received in those memos or that they
5 were privileged.

6 MS. KENNEDY-PARK: Did you review the
7 memos for that purpose?

8 THE WITNESS: Yes.

9 MS. KENNEDY-PARK: And you offered
10 that advice?

11 MR. ABRAMOWITZ: [INSTRUCTION] I
12 won't let her answer that based on the direction
13 from the Executive Chamber.

14 (Sidebar discussion held off the
15 record.)

16 THE WITNESS: We also discussed that
17 particular issue with Alfonso David, who
18 supervised the writing of, at least, one of those
19 memos, if not more.

20 MS. KENNEDY-PARK: You discussed with
21 Mr. David the question as to whether he viewed
22 the memos as protected from disclosure by the
23 attorney-client privilege?

24 THE WITNESS: Correct.

25 MS. KENNEDY-PARK: And what did he

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 say.

3 MR. ABRAMOWITZ: [INSTRUCTION] Same
4 objection, cannot tell you exactly what he said.

5 MS. KENNEDY-PARK: But the memos
6 themselves were labeled "attorney-client
7 privileged"?

8 THE WITNESS: The memos themselves
9 were labeled "attorney-client privileged" and I
10 concluded that they were not.

11 Q. It your understanding that before the
12 memos were released to the press that the names
13 of other individuals were redacted?

14 A. On the grounds of personal privacy.

15 Q. And what was the basis for
16 determining that those persons were entitled to
17 privacy but Ms. Boylan was not?

18 (Sidebar discussion held off the
19 record.)

20 MR. ABRAMOWITZ: [INSTRUCTION] We've
21 been directed not to answer that question by
22 Executive Chamber.

23 A. It was advice, advice given on that
24 ground.

25 Q. Who gave that advice?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MR. ABRAMOWITZ: No, you can say who.

3 A. Michael Volforte.

4 MR. ABRAMOWITZ: Strike the word that
5 advice and if you just say "advice," the answer
6 can stand.

7 A. I don't want to --

8 MR. ABRAMOWITZ: We don't want --

9 THE WITNESS: I don't want to waive
10 any privileges.

11 Let's just say I spoke to Michael
12 Volforte and after the conversation I spoke to
13 Michael Volforte, those redactions were -- in my
14 understand, were a applied. I didn't apply the
15 redactions, but they were applied.

16 MR. ABRAMOWITZ: And we want to make
17 it clear on the record there was no waiver of the
18 attorney-client privilege.

19 MS. CLARK: I will not assert waiver
20 based on the word "that."

21 A. Thank you.

22 MR. ABRAMOWITZ: Thank you.

23 MS. CLARK: We may seek other
24 privilege, but we won't on that one.

25 MR. ABRAMOWITZ: Okay.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Were you involved in any other
3 conversations about how to respond to the press
4 regarding Ms. Boylan?

5 A. Non-legal conversations?

6 (Side-bar discussion held off the
7 record.)

8 MR. ABRAMOWITZ: You're allowed to
9 talk about this. The press, go ahead.

10 MR. SPIRO: Can we step outside for a
11 moment?

12 MR. ABRAMOWITZ: Let me hear the
13 question, though? Can I hear the question?

14 MS. KENNEDY-PARK: Anne, can you
15 repeat the question?

16 MS. CLARK: Sorry. Silvia, can you
17 read the question back.

18 (Whereupon, the question is read back
19 as follows:

20 "Question: Were you involved in any
21 other conversations about how to respond to the
22 press regarding Ms. Boylan?")

23 MS. CLARK: Discussions about how to
24 respond to the press regarding Ms. Boylan.

25 MR. ABRAMOWITZ: Okay.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MS. KENNEDY-PARK: We can go off the
3 record.

4 THE VIDEOGRAPHER: Stand by. The
5 time is 3:34 p.m. We're going off the record.

6 (Recess taken 3:34 to 3:35 p.m.)

7 THE VIDEOGRAPHER: The time is 3:35.
8 We are back on the record.

9 Q. So the question was were you involved
10 in any discussions on how to respond to the press
11 inquiries regarding Lindsey Boylan?

12 A. I offered a nonlegal opinion that I
13 was opposed, strongly opposed, to releasing
14 memos, any memos related to Lindsey Boylan's
15 employment.

16 Q. To whom did you express that opinion?

17 A. Melissa, Linda, I believe, Steve,
18 although I'm not positive, and possibly others.

19 Q. And why were you opposed to --
20 "strongly opposed to releasing the memos"?

21 A. Because as I read Ms. Boylan's
22 tweets, she was accusing us of being mean and
23 saying that -- I think she was saying that they
24 would find some way to be mean to her and I
25 thought we should not be mean and not -- I

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 thought she was trying to bait a reaction out of
3 the Executive Chamber and I thought the Chamber
4 should not react.

5 Q. Putting aside the legality of it, who
6 was in favor of releasing the records?

7 A. Well, at a certain point, I was
8 overruled and I know that Melissa thought that my
9 strategy of sort of starving the story of oxygen
10 was not working.

11 Q. To your knowledge, was the Governor
12 aware of the discussion about whether to release
13 these memos concerning Ms. Boylan?

14 A. I have no knowledge that the Governor
15 was aware one way or the other of these
16 conversations.

17 Q. In general, are you aware of whether
18 Ms. DeRosa, typically, consults with the Governor
19 about press strategy?

20 A. I have a belief that Ms. DeRosa makes
21 some decisions on her own without consultation
22 with the Governor and there are other matters on
23 which she consults with him and I don't know how
24 she decides what to discuss with him and what not
25 to.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 But I will say that she has a great
3 deal of authority to make decisions on her own.

4 MS. KENNEDY-PARK: In the
5 conversations that -- the nonlegal conversations
6 about the release of Ms. Boylan's personnel
7 information, was Rich Azzopardi part of those
8 conversations?

9 THE WITNESS: First of all, again,
10 I'm not going to call these "personnel records."
11 I don't, specifically, recall whether Rich was
12 involved in those conversations or not.

13 MS. KENNEDY-PARK: And what about
14 Peter Ajemian?

15 THE WITNESS: I don't think that
16 Peter was involved.

17 Q. If you can turn to Tab 11.

18 MS. KENNEDY-PARK: Before we do
19 that...

20 Was anyone from the firm Kivvit
21 involved?

22 MR. ABRAMOWITZ: Kivvit?

23 MS. KENNEDY-PARK: Kivvit.

24 THE WITNESS: I'm not familiar with
25 that law firm.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MS. KENNEDY-PARK: Okay. Was John
3 Vlasto involved?

4 THE WITNESS: Josh Vlasto?

5 MS. KENNEDY-PARK: Josh Vlasto,
6 sorry.

7 THE WITNESS: I believe at a later
8 point considerably later. I mean, time was
9 compressed. But on maybe December 18th I was on
10 -- I think around the 18th, it was the first time
11 I ever spoke to Josh Vlasto and he was on a call.

12 MS. KENNEDY-PARK: Okay. And before
13 the 18th, what about Rich Bamberger, was he
14 involved?

15 THE WITNESS: I think, again, I
16 believe the first time I ever spoke to Rich
17 Bamberger was on a call later in December.

18 Q. Tab 11 and, again, these are in an
19 unusual format, but my understanding is these
20 were reproduced by your attorneys and represent
21 text conversations between you and Alfonso David
22 on December 7th.

23 (Deposition Exhibit 8, JM_NB_00000136
24 - JM_NB_00000151 text conversation between
25 Witness and Alfonso David dated 12/7, was marked

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 for identification.)

3 A. Okay.

4 Q. Do you recognize -- again, it prints
5 out as one line per page.

6 A. I do. I recognize that that is a
7 text I sent to Alfonso.

8 Q. And was it your text of, "can we
9 spoke briefly about the Twitter troll"?

10 A. That was my text.

11 Q. And who were you referring to?

12 A. I was referring to Melissa [sic]
13 Boylan.

14 Q. Had you spoken to Alfonso David
15 before that?

16 MR. ABRAMOWITZ: About?

17 Q. About Ms. Boylan.

18 A. I am deducing that I must have
19 because this seems to me like a reference to
20 somebody that I had recently spoke -- that he
21 would know who I was talking about suggests to me
22 that we had, in fact, spoken about Lindsey prior
23 to that text.

24 Q. And what did you mean by referring to
25 her as the "Twitter troll"?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. So I'm not great with, like, the
3 lingo. But I thought this was an example of
4 trolling, as I understood it, that she was doing
5 things to make sure that we noticed that the
6 Chamber -- she was doing things to make sure that
7 the Chamber would notice that she was saying
8 nasty things about them in a way that I thought
9 was transparently designed to get quite a rise
10 out of us and I thought likely to drive Twitter
11 followers to her and, you know, she had recently
12 announced her campaign for Borough President.
13 She had previously many months earlier announced
14 that she was going to find a way to get even with
15 the Governor for something that he had done. And
16 this just struck me as pretty classic trolling,
17 if I am using the word properly.

18 Q. And when you said several months
19 earlier she had announced her intention "to get
20 even with the Governor," when did you become
21 aware of that indication?

22 A. Around this time. Well, let me just
23 say I have some vague recollection that I may
24 have seen a text that was sent to Dani Lever
25 earlier in the spring because it included a

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 picture of herself and [REDACTED] wearing some
3 face paint and when I saw that picture around
4 this time, it looked familiar to me, which leads
5 me to think that I may have seen it earlier. But
6 I just recognize the picture. But I, certainly,
7 was shown or, at least, told about very specific
8 text messages sent to both Dani Lever and Robert
9 Mujica that said in words or substance, I will
10 find a way to get back at him.

11 Q. When you say it included a picture of
12 her and [REDACTED] with face point, that was
13 Ms. Boylan and [REDACTED] ?

14 A. (No response.)

15 Q. You have to say yes or no.

16 A. Yes. I'm sorry.

17 I've given that instruction so many
18 times. I'm a little embarrassed that I need
19 to...

20 Q. Oh, I had my deposition taken once.
21 It's very different on the other side.

22 A. Yeah.

23 Q. If you can turn to Tab 12 please.

24 (Deposition Exhibit 9,
25 Chamber_AG_00011486 undated notes about

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 Lindsey Boylan, was marked for identification.)

3 Q. Are these notes of yours?

4 A. They are.

5 Q. And what are these notes about?

6 A. I believe that these are partial
7 notes of a phone call that I had with Jill
8 DesRosiers at some point in December, but I can't
9 -- I mean, after the 13th of December, but I
10 can't tell you when.

11 Q. And it starts by saying, "She got
12 along well with [REDACTED]"; is that what that says?

13 A. Uh-huh.

14 Q. You have to say yes or no.

15 A. Yes, that's what it says.

16 Q. And who is [REDACTED]?

17 A. I think the name is [REDACTED] and
18 I cannot tell you who -- I can't even -- I think
19 I can tell you that [REDACTED] was a man, but I don't
20 know what his role was when he worked at the
21 Chamber or anything else about him.

22 Q. Then there is some discussion about
23 some you know named [REDACTED]. What's that --

24 A. [REDACTED].

25 Q. [REDACTED].

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. That would be [REDACTED]. I
3 believe [REDACTED] was a briefer same role that
4 Charlotte was hired into. I can't tell you what
5 "he would have interacted" meant.

6 "Jill reported that he hates us, that
7 he hated the place, that he thought it was
8 horribly run, that it was bad environment, that
9 he found it chaotic, that" -- I wrote, "putting
10 things up and cancelling," which refers to the
11 recurrent problem of events being planned in
12 excruciating detail and then never happening.
13 "That he came from the White House structure,
14 that he had very little interaction with the
15 Governor."

16 She said, "if [REDACTED] was in a meeting,
17 it was probably" -- and I don't know what the end
18 of that sentence was. "She does not remember the
19 Governor beating up on Lindsey. She said he was
20 more playful with her. Lindsey was an outlier.
21 She was sort of friendly and then became nuts.
22 She was friendly with John Majori, [REDACTED]
23 and [REDACTED]" -- I've forgotten's [REDACTED] last name.
24 I'm sorry, [REDACTED].

25 "[REDACTED] was always miserable and

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 he probably got along with [REDACTED]."

3 Q. Do you recall why you were discussing
4 [REDACTED] with Ms. DesRosiers?

5 A. I think that [REDACTED] may also
6 have been sending very negative tweets either in
7 that moment or over time. But he was a vocal
8 critique of the administrations.

9 Q. Okay. And where it says, "he was
10 more playful with her," is that a reference to
11 Ms. DesRosiers saying that the Governor was more
12 playful with Lindsey?

13 A. Yeah, that he didn't -- she didn't
14 remember the Governor sort of beating up on
15 Lindsey. In fact, he was more playful with her
16 than, you know, beating up on her.

17 Q. And did Ms. DesRosiers describe any
18 of the interactions that she characterized as
19 "playful"?

20 A. No.

21 Q. And when you had this conversation
22 with Ms. DesRosiers, was she out on leave?

23 A. She was. I think this was not long
24 after [REDACTED].

25 Q. And did you call her, specifically,

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 to ask for information about Ms. Boylan?

3 A. No, I think I actually called to ask
4 her a series of questions and Ms. Boylan was only
5 one of those questions.

6 Q. Did the others relate to work in the
7 Chambers?

8 A. What I discussed with her all related
9 to work in the -- well, I'm sure we talked about
10 ██████████. But the reason for the phone call
11 would have been professional.

12 MS. KENNEDY-PARK: What were the
13 other topics that you discussed on the call?

14 THE WITNESS: Well, I think we --

15 MR. SPIRO: Just provide a very high
16 level description. Don't get into the substance
17 of any confidential communication you may have
18 had with Ms. DesRosiers.

19 THE WITNESS: Well, I would have
20 thought that this was confidential, so I'm flying
21 a little blind here.

22 But I will say we talked about ██████████
23 ██████████, obviously. And we talked about -- I
24 believe we talked about Kaitlin ██████████.

25 Q. So your discussion with Jill

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 DesRosiers about Kaitlin [REDACTED] ?

3 A. I think I did.

4 Q. Okay. We'll get to the Kaitlin [REDACTED]
5 section and see if those appear there.

6 A. Yeah, I believe it was actually part
7 of the same set of notes. And if I'm not
8 mistaken, I dropped some water on them, so
9 there's some pretty distinctive blotches. So
10 you'll recognize them when you see them.

11 Q. Now, did you ever see any drafts of
12 letters that were being contemplated being
13 released responding to Ms. Boylan's allegations?

14 A. Yes.

15 Q. And when did you first hear about
16 that?

17 A. It would have been within a few days.
18 I'm going to approximate December -- on or around
19 December 15th.

20 Q. And who drafted the first draft of
21 the letter?

22 A. I'm not aware who drafted it.

23 Q. Were you involved in drafting the
24 letter?

25 A. No.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Were you involved in any edits to the
3 letter?

4 A. At one point I was asked to fact
5 check the letter and I undertook to establish
6 whether there was documentary support for some of
7 the assertions in the letter and I did do that.

8 Q. If you turn to Tab 15.

9 (Deposition Exhibit 10,
10 Chamber_AG_00001020 - Chamber_AG_00001021 e-mail
11 from DeRosa to Witness, Lacewell and Steve Cohen
12 dated 12/15/20, was marked for identification.)

13 Q. There is an e-mail from Melissa
14 DeRosa to Steven Cohen, Linda Lacewell and you on
15 December 15th, 2020 and there is an attachment
16 that relates to Ms. Boylan.

17 Do you recognize this as one of the
18 versions of the draft letter in response to Ms.
19 Boylan's allegations?

20 A. Yes. And this may very well have
21 been the first draft that I saw.

22 Q. Do you know if this was the one that
23 you fact checked?

24 A. I think I fact checked a somewhat
25 later draft of the letter.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. What allegations or what statements
3 that were in a draft letter do you recall fact
4 checking?

5 A. I recall as I sit here today, I think
6 -- again, I don't think it was this precise
7 version. But I think I corrected the amount of
8 time she had been at the Chamber. I checked to
9 -- there were some adjectives that were used to
10 describe how she had been described and I wanted
11 to make sure that each one of those adjectives
12 was in one of the memos that had been written
13 either by ESD or by a member of the Chamber. I
14 remember looking at some e-mails that were
15 attached to some of those memos. That's
16 generally what I did. But I can't tell you right
17 now, like, where the specific facts and there
18 were some changes that I suggested.

19 I think there was some reference to
20 some legal advice in here and I suggested that
21 they reword it so that it didn't reveal the
22 contents of legal advice that had been given.

23 Q. Did you fact check any version of the
24 letter that said that Ms. Boylan had called the
25 Governor "handsome" or words to that effect?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Excuse me?

3 A. I did see that language.

4 Q. Did you fact check that language?

5 A. I was unable to fact check that.

6 Q. When you say you were unable to fact
7 check it, do you mean you undertook to fact check
8 it and you couldn't confirm it or something else?

9 A. There was no document that I could
10 look to fact check that.

11 Q. Did you speak to anyone who claimed
12 they had heard her make that comment?

13 A. No.

14 Q. In this version it talks about -- and
15 the page that's stamped 1022, "Ms. Boylan's
16 inappropriate behavior was not limited to female
17 colleagues. As professional women, we observed
18 her interactions with male colleague and it was
19 often unprofessional as well, sitting on people's
20 laps and kissing them in public. Indeed, Ms.
21 Boylan at one point had to apologize to one male
22 staff member who was highly offended by her
23 behavior."

24 Did you fact check any of those
25 statements?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. There was no document that I recall
3 seeing that confirmed that. But there were
4 people that I spoke to who told me that they had
5 heard that this happened. But I did not consider
6 that something I could substantiate or get
7 comfortable with.

8 Q. Who told you they had heard these
9 things happened?

10 A. I believe [REDACTED] told me that she had
11 heard that it happened and I am thinking that I
12 heard something along these lines from [REDACTED],
13 who is the General Counsel of ESD, but I am not
14 certain of that. I think I heard it from either
15 Melissa or Linda as well. But it was rumor and I
16 was very uncomfortable with that.

17 Q. Did anyone tell you that they had
18 personally observed Ms. Boylan kissing or sitting
19 on the lap of any male employees?

20 A. I'm not sure.

21 Q. And did anyone tell you who was the
22 man or men with whom Ms. Boylan kissed in public
23 or sat on their laps?

24 A. I was told a name and I do not
25 remember the name.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And were you told the name of the
3 male staff member who was supposedly highly
4 offended by her behavior?

5 A. Oh, I understood that to be the same
6 person. Maybe I'm misreading it, but that was my
7 understanding.

8 Q. Did you speak to the man in question
9 about what happened?

10 A. I did not.

11 Q. Was he still an employee of New York
12 State?

13 A. I don't know.

14 Q. Do you know if anyone else spoke to
15 that man?

16 A. I don't know.

17 Q. Were you aware of anyone -- any
18 current or former employees of the Chamber who
19 were asking people to sign on to this letter
20 before you did your fact checking?

21 A. I am aware that there was what I
22 understood to be some limited outreach to current
23 and former members including -- I think, the
24 letter itself talks about -- they were all
25 former, as I understood it, Kathy Calhoun who

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 left before I got there, Dani Lever who -- and
3 Annabelle -- I don't know -- I know Annabelle was
4 approached and Alfonso David, all of whom were
5 former employees. So I was aware that there was
6 some discussion with them. I think I later
7 became aware that there was discussion with, you
8 know, with some additional former senior staff.
9 But I can't tell you whether I learned about that
10 before or after I was engaged in the fact
11 checking.

12 Q. Were you involved in any discussions
13 about whether it was a good idea to release a
14 letter like this?

15 A. Yes.

16 Q. And who were you involved in such
17 discussions with?

18 A. Steve, Linda and Melissa.

19 Q. And when did you first start having
20 discussions about whether this was a good idea?

21 A. The first time I saw the letter.

22 Q. And what was your opinion?

23 A. I thought it was a horrible idea.

24 Q. Who was in favor of releasing a
25 letter like this?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. I am not sure that any of the three
3 individuals that I mentioned Steve, Linda or
4 Melissa thought it was a good idea.

5 Q. Did you ask anyone to sign on to this
6 letter?

7 A. No.

8 Q. Did you ask anyone to sign on to any
9 sort of statement in support of the Governor?

10 MR. ABRAMOWITZ: And the question?

11 Q. Any sort of statement in support of
12 the Governor?

13 A. No, I did not.

14 Q. Do you know whether the Governor saw
15 any drafts of this letter?

16 A. I don't know.

17 Q. Do you know if the Governor was
18 involved in any discussions about whether a
19 letter like this should be sent out?

20 A. I am aware that he was involved in
21 such discussions, yes.

22 Q. Do you know whether the Governor was
23 in favor of releasing a letter like this?

24 A. I have a belief that he was, but I
25 don't have personal knowledge.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Who told you --

3 MS. KENNEDY-PARK: And what is the
4 basis for that belief?

5 THE WITNESS: I'm having a hard time
6 recalling exactly who said what when and what I
7 heard. But I think when you say, "a letter like
8 this," there was a second shorter letter that was
9 more flattering to the Governor and less negative
10 about Ms. Boylan. And I believe that the
11 Governor thought that was a good idea.

12 Q. Did anyone tell you that the Governor
13 was in favor of releasing a letter that was
14 critical of Ms. Boylan along the lines of the one
15 that's at Tab 15?

16 A. No one told me that.

17 Q. And do you remember who told you that
18 the Governor was in favor of a shorter version
19 that was more flattering to the Governor and less
20 critical of Ms. Boylan?

21 A. As I said, I don't -- I don't
22 remember exactly who told me that. But I -- I
23 was sufficiently opposed to it that I actually
24 suggested that we engage Elkan to have a
25 conversation with the Governor to dissuade him

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 from sending the letter.

3 Q. And did the Chamber or the Governor
4 retain Elkan in connection with this letter?

5 A. I don't believe there was any
6 official retention, but we did enlist -- I
7 enlisted him in that regard.

8 Q. Were you part of any conversations in
9 which anyone expressed any concern that a letter
10 along the lines of the one in Tab 15 could be
11 considered retaliation?

12 A. I was not.

13 Q. And if you turn to Tab 16, it looks
14 like another version of this letter.

15 (Deposition Exhibit 11,
16 Chamber_AG_00001024 e-mail from DeRosa
17 to Lacewell & Witness dated 12/16/20 at 11:21,
18 was marked for identification.)

19 Q. Did you have any role in the changes
20 from Exhibit 15 to Exhibit 16?

21 A. Again, I think this may have been an
22 earlier draft than the one I fact checked.

23 Q. On this one, the second to last
24 paragraph states, "The Governor always treated us
25 and every woman with whom we saw him interact

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 with respect."

3 Did you have any discussions about
4 your knowledge of the Governor's interactions
5 with Charlotte Bennett when you saw language like
6 that?

7 A. No.

8 Q. At any point in December of 2020
9 after Ms. Boylan starting tweeting, did you raise
10 what you knew about the Governor's interactions
11 with Ms. Bennett?

12 A. Did I raise this with Ms. Bennett?

13 Q. No. Did you raise with anyone in the
14 Executive Chamber, you know, while we're talking
15 about the Governor's treatment of women, here is
16 something that you should know about or words to
17 that effect?

18 MR. SPIRO: You can just answer this
19 question yes or no.

20 A. And the question is at any point
21 after she started tweeting?

22 Q. Yes, but in this rough time period,
23 like, December, the early days.

24 A. Early December, no.

25 Q. Mid to late December?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. Yes.

3 Q. And with whom did you have such
4 discussions?

5 A. With Melissa DeRosa, Linda Lacewell
6 and I believe with Steven Cohen at some point in
7 December.

8 Q. And was this the first time you had
9 discussions with Steven Cohen about Charlotte
10 Bennett?

11 A. To the best of my recollection,
12 that's correct.

13 Q. And in December of 2020, did you
14 discuss any other women who interacted with the
15 Governor with anyone?

16 A. I just want to go back for one minute
17 and just amend my previous answer. I also
18 discussed Charlotte Bennett for the first time
19 with outside Counsel in December. But I'm sorry
20 you had moved on.

21 Q. Which outside Counsel was that?

22 A. Elkan Abramowitz and Cathy Foti.

23 Q. And were they retained by the Chamber
24 at that point?

25 A. There was discussion about retaining

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 them. But, ultimately, we did not do a formal
3 engagement.

4 Q. And in December of 2020, other than
5 Ms. Boylan and Ms. Bennett, were there other
6 women that you spoke about with anyone else who
7 is a current or former Executive Chamber employee
8 regarding interactions between the Governor and
9 women?

10 MR. SPIRO: Again, just answer yes or
11 no.

12 A. Yes.

13 Q. And with which women did you discuss?

14 A. Kaitlin [REDACTED].

15 Q. Anyone else?

16 A. Not -- no, I don't think so.

17 I'm sorry, I'm just going to ask you
18 to repeat the question again because I want to
19 make sure I'm giving you a correct response.

20 Q. Sure. In December of 2020 after Ms.
21 Boylan started tweeting, did you discuss any
22 women's interaction with the Governor other than
23 Ms. Boylan, Ms. Bennett and now you've mentioned
24 Kaitlin ?

25 A. Yes. And I think it would go beyond

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Kaitlin .

3 Q. Who else -- what other women did you
4 discuss?

5 A. I just want to make sure I'm...

6 MS. KENNEDY-PARK: We can go off the
7 record.

8 (Sidebar discussion held off the
9 record.)

10 THE VIDEOGRAPHER: Stand by. The
11 time is 4:04 p.m. We are going off the record.
12 This will end Media Unit No. 4.

13 (Recess taken 4:04 to 4:06 p.m.)

14 THE VIDEOGRAPHER: The time is 4:06.
15 We're back on the record. This will be start the
16 Media Unit No. 5.

17 Q. So I won't read back the exact
18 question, but I'll repeat it generally.

19 In December of 2020, you described or
20 said you had conversations about Lindsey Boylan.
21 You said you had conversations about Charlotte
22 Bennett. You had conversations about Kaitlin
23 .

24 Are there any other women's
25 interactions with the Governor that you had

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 conversations with anyone about in December of
3 2020?

4 A. Yes.

5 Q. Which women did you discuss?

6 MR. ABRAMOWITZ: [INSTRUCTION] We've
7 been instructed by the Executive Chamber that we
8 cannot answer that question.

9 Q. With whom did you have discussions
10 about any other women in December of 2020?

11 A. Melissa DeRosa, Linda Lacewell,
12 Annabelle Walsh, Stephanie Benton and possibly
13 Jill DesRosiers. But, I'm not sure about that.

14 Q. And was this a series of
15 conversations or one conversation with this whole
16 group?

17 A. It was a series of different
18 conversations.

19 Q. And how many other women's names did
20 you learn of in that series of conversations?

21 MR. ABRAMOWITZ: [INSTRUCTION] We
22 will exercise the objection that the Executive
23 Chamber has given about this subject.

24 Q. What was -- who instigated the
25 conversations in which the topic of other women

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 came up?

3 A. I don't know who instigated it.

4 Q. And what was the purpose of those
5 discussions?

6 MR. ABRAMOWITZ: [INSTRUCTION] I
7 think that we would object to an answer to that
8 question.

9 Q. Is there anything in particular that
10 prompted a series of discussions with all those
11 people about other women's interactions with the
12 Governor?

13 A. In part outreach from Lindsey Boylan
14 and her attorneys to certain former employees of
15 the Chamber.

16 Q. And how did you learn about such
17 alleged outreach?

18 A. I learned about those from internal
19 conversations with members of the Chamber.

20 Q. And how did they learn of alleged
21 outreach?

22 MR. SPIRO: Objection.

23 MR. ABRAMOWITZ: [INSTRUCTION] We'll
24 have to object to that.

25 THE WITNESS: Okay.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Separate time period.

3 When you reached out to
4 Mr. Abramowitz to talk to the Governor about the
5 letter, we're talking about the letter that made
6 negative comments about Lindsey Boylan?

7 A. No, it was actually a subsequent much
8 shorter letter that I never saw but that was read
9 to me over the telephone.

10 Q. And was it relating to Ms. Boylan's
11 allegations?

12 A. It was relating much more to the -- I
13 mean, indirectly, yes, it was designed to be a
14 sort of positive affirmation of the Governor's
15 treatment of women and respect for women.

16 Q. Was it before Ms. Bennett's
17 allegations had become public?

18 A. Oh, yes. It was December -- in
19 December 18th or 19th.

20 Q. And --

21 A. 18th.

22 Q. -- what role, if any, did you have in
23 responding to the issue of Ms. Boylan or her
24 attorneys reaching out to other women?

25 A. Again, I had a series of

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 conversations with people within the Executive
3 Chamber, as well as with recently departed
4 individuals to --

5 MR. SPIRO: Ms. Witness, I think you
6 can stop there --

7 THE WITNESS: Okay.

8 MR. SPIRO: -- without further
9 explanation.

10 THE WITNESS: Alright.

11 Q. Was there a series of conversations
12 happening because there was a concern of any
13 pending or impending litigation?

14 A. In part, yes.

15 Q. Was the series of conversations to
16 deal with press inquiries?

17 A. I think there was an aspect. The
18 conversations I had were not to deal with press
19 inquiries but there were some conversations to
20 deal with press inquiries.

21 Q. Were your conversations you were
22 involved with to deal with anything other than
23 the possibility of impending litigation?

24 A. I would say that I was gathering
25 facts but definitely within an eye toward whether

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 there was a risk of potential litigation.

3 Q. And you said that you spoke to
4 Executive Chamber employees.

5 Did you speak to any former employees
6 of the Executive Chamber about other women in the
7 December time period?

8 A. Other women in addition to the three
9 that I've identified?

10 Q. Yes.

11 A. Yes.

12 Q. Which Executive Chamber employees did
13 you speak with?

14 MR. ABRAMOWITZ: [INSTRUCTION] I
15 think we are going to reiterate that all of Ms.
16 Witness's outreach with respect to the questions
17 you're asking are privileged.

18 MS. CLARK: The identity of the
19 people as well that she spoke with?

20 MR. ABRAMOWITZ: Yes, part of the
21 work product.

22 Q. Were you speaking to women that you
23 understood might have had potentially
24 inappropriate interactions with the Governor?

25 MR. ABRAMOWITZ: Objection.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. No.

3 MR. ABRAMOWITZ: Objection.

4 THE WITNESS: Okay.

5 Q. Okay. Were you speaking with people
6 who might have had information about other women
7 that had --

8 MR. ABRAMOWITZ: [INSTRUCTION] Same
9 objections -- same objection.

10 Q. And has the Executive Chamber
11 directed you to object to the identity of people
12 she spoke with who are themselves not potential
13 complainants?

14 MR. ABRAMOWITZ: In connection with
15 this investigation that you're asking her about,
16 yes.

17 MS. CLARK: Okay. Well, the word
18 "investigation" was just used.

19 MR. ABRAMOWITZ: Inquiry, inquiry.

20 Q. Were you doing anything to determine
21 the validity of any allegations made by Ms.
22 Boylan against the Governor?

23 A. No, no.

24 Q. Were you involved in going back and
25 doing any investigation of the allegations that

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 Ms. Bennett had told you earlier about earlier
3 regarding her --

4 A. Not investigating.

5 Q. Were you involved in determining
6 whether any other women actually had any
7 inappropriate contact with the Governor?

8 MR. ABRAMOWITZ: [INSTRUCTION] It's
9 part of the same question that you're asking.
10 Other than the women who have been named, we've
11 been instructed that she cannot answer questions
12 about any inquiries because of the work product
13 doctrine.

14 A. Can I -- can I try and -- let's go
15 off for one second.

16 MS. KENNEDY-PARK: Go off the record.

17 (Side-bar discussion held off the
18 record.)

19 THE VIDEOGRAPHER: Stand by. The
20 time is 4:14. We're going off the record.

21 (Recess taken 4:14 to 4:21 p.m.)

22 THE VIDEOGRAPHER: The time is
23 4:21 p.m. We are back on the record.

24 Q. During the break we had some
25 discussion about what you've felt comfortable you

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 could share without us asserting any waiver.

3 Can you state what you feel
4 comfortable sharing and keeping with the
5 parameters established by the Executive Chamber?

6 THE WITNESS: Are you okay with this?

7 MR. SPIRO: We're okay with the
8 understanding that the Attorney General's Office
9 will not argue waiver.

10 A. Okay. So I had a series of
11 conversations with a series of individuals in
12 order to try and ascertain whether there might be
13 potential additional claimants/complainants
14 concerning sexual harassment by the Governor and
15 concluded after those inquiries that the only
16 person that I needed to make additional inquiry
17 about was Kaitlin [REDACTED].

18 Q. Is it your understanding based on our
19 off-the-record discussion was that you applied
20 certain factors, but you're not allowed to
21 disclose what those factors are, correct?

22 A. Applied certain factors?

23 Q. Factors in deciding whether someone
24 would be require further followup.

25 A. No, that's not what I meant; applied

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 certain factors in determining who in addition I
3 should make inquiry about.

4 Q. And are you able to share with us the
5 number of -- you know, what the size of the
6 universe was before you narrowed it down to
7 Kaitlin [REDACTED]?

8 A. Yeah, I would say, roughly, 10 to 12
9 give or take.

10 Q. And can you tell us how many people
11 you spoke with before narrowing it down to
12 Kaitlin [REDACTED]?

13 A. So leaving Kaitlin aside, I probably
14 spoke with four or five individuals.

15 Q. Now, you mentioned that there was a
16 shorter letter --

17 MR. KIM: Can I ask a question?

18 Whose idea was it to do this inquiry?

19 THE WITNESS: I don't know whether it
20 originated with me. But I, certainly, was part
21 of the process of deciding that those inquiries
22 were called for.

23 MR. KIM: Was the Governor aware that
24 you were doing that?

25 THE WITNESS: Not to my knowledge.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MR. KIM: Melissa DeRosa?

3 THE WITNESS: Yes.

4 Q. Was Linda Lacewell part of the
5 discussion about whether you should engage in
6 this inquiry?

7 A. Yes.

8 Q. Was Steve Cohen part of that
9 discussion?

10 A. I don't think so.

11 Q. Was Alfonso David part of that
12 discussion?

13 A. No.

14 Q. Was Stephanie Benton part of that
15 discussion about whether you should have the
16 inquiry?

17 A. It's possible that she was on phone
18 calls in which we discussed it. But I don't have
19 a specific recollection of Stephanie's
20 involvement.

21 Q. So you talked about in addition to
22 the various versions of the detailed letter that
23 made negative comments about -- let's stick with
24 the longer letter for a minute.

25 You said you fact checked it.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 After you determined that you could
3 not find support in documents or otherwise for
4 certain statements, were there still people in
5 the Chambers advocating for releasing such a
6 letter?

7 A. I did not speak to anyone who
8 conveyed to me that they thought it was a good
9 idea that we proceed with that letter.

10 Q. Do you know who was drafting the
11 various iterations of the letter?

12 A. I don't.

13 Q. Do you recall anything Melissa DeRosa
14 said about whether the letter was a good idea or
15 not?

16 A. I don't recall anything specific that
17 Melissa said. But my general recollection is
18 that she had trepidation about the letter.

19 Q. Were you part of any conversations
20 with any outside press advisors about the letter
21 such as Josh Vlasto, Rich Bamberger?

22 A. Not about this longer version of the
23 letter.

24 Q. Were you part of discussion about
25 outside press people about the shorter version we

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 were talking about?

3 A. I was part of one discussion.

4 Q. And who was on that -- in that
5 discussion?

6 A. I am -- I don't know if this is a
7 complete list and I could even be adding somebody
8 that wasn't on the call. But as far as I recall,
9 Elkan was on the call. I was on the call. I'm
10 pretty sure Linda was on the call. Steve Cohen
11 may or may not have been on the call. I just
12 don't remember. I know Josh Vlasto was on the
13 call. I believe Rich Bamberger was also on the
14 call. Rich Azzopardi I believe was on the call.
15 I don't know if I mentioned Melissa, but she was
16 certainly on the call. And there may have been
17 others. It was a fairly large call and I was not
18 familiar. I think there was a woman who was on
19 the call, but I can't tell you whether it was Liz
20 Smith or possibly someone else.

21 Q. How long was this call with the large
22 cast of characters?

23 A. I don't remember, but I would say, at
24 least, 15 minutes is my guess.

25 MR. ABRAMOWITZ: 15 did you say?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 THE WITNESS: I think so. That's a
3 guess.

4 Q. And when was this call, was it still
5 December?

6 A. It -- I believe that it was the night
7 of December 18th.

8 Q. And what makes you think that that's
9 the date?

10 A. Because I had a text exchange with
11 Elkan following the call.

12 Q. And what do you recall was discussed
13 during this call?

14 A. Generally, that it was just an all
15 around bad idea to try and get people to sign on
16 any type of letter like this, that it was not
17 going to resonate or be useful. I was very much
18 of the view and I may have expressed it that the
19 story had, essentially, died at that point and
20 that we would literally be like, you know,
21 resurrecting the story. There -- I remember Josh
22 Vlasto speaking very eloquently against it and it
23 was, as I said, it was the first time I had ever
24 been on the phone with Josh and I was just very
25 impressed with him and how cogent he was. He

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 managed to say sort of what I was thinking, but
3 in half the words and twice as well as I could
4 have said it.

5 I do not remember anybody on that
6 call advocating that the letter was a good idea.

7 Q. Do you recall who drafted or came up
8 with the idea for the shorter letter?

9 A. I don't. Also, I think I left out, I
10 believe, the Governor was on that call.

11 Q. Did the Governor say anything about
12 whether he thought the letter was a good idea?

13 A. I don't remember the Governor -- I
14 have a vague recollection that the Governor asked
15 some questions. But, as I said, I don't think
16 there was a strong advocate for the letter
17 amongst the people on the call.

18 Q. Did anyone on the call refer to
19 anyone else who had been a strong advocate of the
20 letter?

21 A. Not that I remember.

22 Q. And do you know whether prior to this
23 call that you think was on December 18th, anyone
24 had reached out to current or former employees to
25 ask them to sign on to such a letter?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. Yes.

3 Q. And what do you know about that?

4 A. I received a phone call where the
5 letter was read to me and I was asked to sign it.

6 Q. Who called you?

7 A. Linda Lacewell.

8 Q. And what was your response to Linda
9 Lacewell?

10 A. I told her that I would sign the
11 letter.

12 Q. And do you know who else was
13 contacted?

14 A. The only other person I know that was
15 contacted was [REDACTED].

16 Q. And how do you know she was
17 contacted?

18 A. Because she called me afterwards very
19 unhappy about having been asked to sign the
20 letter and I also heard from Linda that [REDACTED]
21 had expressed reluctance.

22 MR. KIM: I'm sorry. Did you say you
23 would sign the letter or you would not?

24 THE WITNESS: I said -- I told Linda
25 I would sign the letter.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MR. KIM: You would, even though you
3 thought it was a bad idea?

4 THE WITNESS: Yes.

5 MR. KIM: Why?

6 THE WITNESS: Because that letter as
7 read to me was completely accurate and consistent
8 with my experience and observation of the
9 Governor. There was nothing in the letter that I
10 thought was untrue or inaccurate at all and so
11 did not feel like I was in a position to say that
12 I wouldn't sign it. But I thought that in was
13 not a good idea.

14 MR. KIM: And for the earlier letter,
15 you said no one was advocating for it.

16 Who drafted it then?

17 THE WITNESS: I don't know who
18 drafted it. And I don't know if anyone --

19 MR. ABRAMOWITZ: This is about the
20 fourth time it's been asked and answered. We
21 don't know.

22 THE WITNESS: I don't know who
23 drafted it. And I don't know if anyone was
24 advocating for it. I did not hear anyone
25 advocating for it and I was finally against it

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 and made my views very clear.

3 Q. You said Linda Lacewell read you a
4 version of the shorter letter.

5 Did you ever see any versions of that
6 in writing?

7 A. No, it was read to me once.

8 Q. Are you -- did anyone ask you to
9 reach out to any current or former employees?

10 A. About this letter?

11 Q. About this shorter letter.

12 A. No.

13 Q. Do you know whether the outreach that
14 went on was limited to senior people or whether
15 it also included more junior level Executive
16 Chamber employees?

17 A. I don't think I ever knew the extent
18 of the outreach. But, as I sit here today, I
19 have no memory or knowledge.

20 Q. Did anyone have any discussion with
21 you about trying to reach a certain number of
22 signatories for the letter?

23 A. No. Let me just say, not that I
24 recall. I may have discussed with Linda what she
25 was asked to do, but I don't -- I don't have a

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 clear recollection.

3 Q. Did Linda tell you anything about
4 anyone else she was reaching out to?

5 A. No, just her conversation with

6 ██████████.

7 Q. Did Stephanie Benton tell you
8 anything that she was doing to reach out to
9 people to get people to sign on?

10 A. I don't think so.

11 Q. And at some point -- turn to Tab 22.

12 (Deposition Exhibit 12,
13 JM_NB_00000056 - JM_NB_00000059 text
14 conversation among Witness, Stephanie
15 Benton, Alfonso David and Linda Lacewell
16 dated 12/18, was marked for identification.)

17 Q. It's more text messages that you
18 produced.

19 Do you recognize these?

20 A. I don't believe that I wrote this
21 text message. I may have received it.

22 Q. And the information we have from
23 Counsel is that these were text conversations
24 amongst you, Stephanie Benton, Alfonso David and
25 Linda Lacewell on December 18th.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. Okay.

3 Q. Does that refresh your recollection
4 at all as to who wrote any of these?

5 A. We're on December 18th?

6 Q. Yes.

7 A. It doesn't refresh my recollection
8 about who wrote it. But I am -- I'm confident it
9 was not me.

10 Q. The first page says, "[REDACTED] and [REDACTED]
11 raised why no men on sign on."

12 Do you know who "[REDACTED] and [REDACTED]" are
13 referring to.

14 A. [REDACTED] would be [REDACTED], who was at
15 the time sort of senior communications person in
16 the Chamber. And [REDACTED] -- your Court Reporter is
17 going to have their head explode -- [REDACTED]
18 [REDACTED], who we just call "[REDACTED]." But she's
19 the Inspector General for the State and you can
20 look up the spelling of her name. I'm not going
21 to try it.

22 Q. We can provide that.

23 A. Yeah.

24 Q. Did anyone tell you if [REDACTED] or [REDACTED] had
25 agreed to sign on to the letter?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. It is possible that I spoke with one
3 or both of them about it. But I don't -- I don't
4 recall. If I -- I may have spoken to [REDACTED], but I
5 don't have a clear recollection.

6 Q. And I know you said you didn't make
7 phone calls.

8 Did anyone ask you to make phone
9 calls?

10 A. No.

11 Q. If you look at the -- there is
12 another page that says, "Okay."

13 And then there is one that says, "Who
14 can help make these calls really hard for me
15 while with him?"

16 Do you recall who wrote that?

17 A. That sounds to me like it came from
18 Stephanie. But I have to say if I received this,
19 which I obviously did, I did not take it as a
20 request for me to make a phone call.

21 Q. When it says, "really hard for me
22 while with him," do you believe the reference to
23 "him" is the Governor?

24 A. I did understand it to be. I mean,
25 that's how I understand the reference.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Did anyone tell you whether the
3 Governor was aware of outreach being done to get
4 people to sign on?

5 A. I have no unprivileged information in
6 that regard.

7 Q. If you can turn to Tab 23.

8 (Deposition Exhibit 13,
9 JM_NB_00000061 - JM_NB_00000114 text
10 conversation among Witness, Steve Cohen,
11 Melissa DeRosa and Linda Lacewell from
12 12/31/20 to 2/26/21, was marked for
13 identification.)

14 Q. And just so you know, this represents
15 a text conversation amongst you, Steve Cohen and
16 Melissa DeRosa and Linda Lacewell from
17 December 31st to February 26th, 2021.

18 A. The text conversation started on
19 December 31st?

20 Q. That is what I have in my notes here.

21 A. It's my understanding that the
22 message relayed here was conveyed at an earlier
23 date.

24 Q. Okay. And when it says, "This is the
25 latest," do you recall who sent this message?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. I don't see where it says, "this is
3 the latest."

4 Q. On the first page of Tab 23.

5 A. No.

6 MR. ABRAMOWITZ: It doesn't say that.

7 Q. What's on the first page of your
8 Tab 23?

9 A. Yeah, I see it says, "this is the
10 latest," bu I don't recall --

11 Q. Oh, you don't recall -- I thought you
12 didn't see it. I thought, oh, no, we had some
13 technical issue.

14 A. No, no, no. I'm sorry. I thought
15 you asked if I recalled who sent it. And the
16 answer is, no, I don't.

17 Q. On the next page, there is something
18 from [REDACTED] saying, "[REDACTED], I'm hoping
19 we can have strictly confidential conversation
20 about your brief work in 2016."

21 What do you understand this to be?

22 A. I understood that [REDACTED],
23 who we believed -- I was told was a lawyer
24 working with Lindsey Boylan, had reached out to a
25 couple of former Chamber employees but much

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 earlier in December, December 13th, 14th, 15th,
3 in that time frame, and that one of the people to
4 whom she reached out was somebody named ██████████
5 ██████████. And as I read this, I understood it to
6 be that outreach.

7 Q. And do you know how this "outreach"
8 came to be in the possession of either you,
9 Mr. Cohen, Ms. DeRosa or Ms. Lacewell?

10 A. I believe that ██████████ had a
11 close relationship with Steve Cohen and so I'm
12 summarizing she sent it to Steve, but I don't
13 know that.

14 Q. Did you have any conversations with
15 ██████████ directly about her experience in
16 Chambers?

17 A. I never spoke with ██████████.

18 Q. If you go back -- unfortunately,
19 these aren't Bate stamp. If you keep going,
20 there is a picture of Ms. Boylan and then there
21 is a page that says, "She's been going after me
22 all day."

23 Do you know who wrote that?

24 A. I'm sorry. Where does it say, "She's
25 been going to me all day"?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MR. ABRAMOWITZ: After the picture.

3 Keep going.

4 THE WITNESS: Keep going?

5 MR. ABRAMOWITZ: Next page.

6 THE WITNESS: That's Lindsey Boylan.

7 MR. ABRAMOWITZ: Next page, next page
8 there.

9 Q. The fourth piece of paper on the back
10 side.

11 A. Yeah, okay. "She's been going after
12 me all day and did tweet with [REDACTED] in it."

13 I believe that that is from Melissa
14 referring to Lindsey Boylan. And, again, I
15 believe it's from an earlier point in time than
16 you identified it as or, possibly, it was a
17 mistake on the firm's side. But I could be
18 wrong. But I do think that this is from Melissa
19 and referring to [REDACTED].

20 Q. Keep going.

21 At some point there's some pictures
22 it looks like people dancing. It says, "Rough
23 and rowdy ways."

24 Do you know what that is?

25 A. "Dancing in some rough and rowdy

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 ways"?

3 Q. It's a big picture -- we're still in
4 the same tab.

5 A. Okay.

6 Q. Unfortunately, there's no --

7 A. Here we go.

8 Q. -- Bates numbers.

9 A. Yes, "rough and rowdy ways," I see
10 that, yeah.

11 Q. Do you know what that is?

12 A. No. I would guess that it is related
13 to the music, you know, URL on the facing page
14 and I am highly confident I did not open the URL.

15 Q. If you keep going a few pages,
16 there's a page on the left-hand side says, "We
17 are tracking/saving all of these tweets, yes."
18 And someone writes -- responds, "yes," and then
19 somebody says, "Judy says it's done daily."

20 A. Yes.

21 Q. Were you or were you aware of anyone
22 tracking Ms. Boylan's tweets daily?

23 A. Yes.

24 Q. And who was tracking her tweets
25 daily?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 A. I asked a member of my team to do so
3 because as I said, I --

4 MR. SPIRO: No need to give the
5 explanation as to why.

6 Q. Who on your team --

7 A. Alright. It just has to do with my
8 Twitter confidence. It's not a legal issue.

9 Q. Who on your team did you ask to track
10 it?

11 A. [REDACTED].

12 Q. And in December of 2020, did you have
13 [REDACTED] or anyone else tracking anyone
14 else's tweets?

15 A. I think that I asked to see Kaitlin
16 [REDACTED] tweets, but I think [REDACTED] Kaitlin had taken
17 her Twitter down. And I also asked to have
18 somebody follow Charlotte Bennett's tweets.

19 Q. Anyone else's tweets?

20 A. Not that I recall. It's possible,
21 but I just don't remember.

22 Q. In January of 2021, were you involved
23 in any discussions or activity relating to any
24 allegations regarding the Governor's behavior?

25 A. I continued to have some -- I had

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 started some discussions related to Kaitlin [REDACTED]
3 in December and I continued those discussions
4 into January.

5 Q. Other than with respect to Kaitlin
6 [REDACTED], who we're going to come to, anyone else
7 you were talking about or involved in discussions
8 about in January of 2021?

9 A. I was involved in discussions
10 relating to Lindsey Boylan also in January 2021.

11 Q. And had Ms. Boylan posted any
12 additional information on Twitter in
13 January 2021?

14 A. She may well have, I just am not
15 sure. I suspect she had continued to tweet.

16 Q. And in January 2021 with regard to
17 Ms. Boylan, were you looking into potential
18 litigation or dealing with press responses or
19 something else?

20 A. I would say something else.

21 Q. And what was your involvement with
22 Ms. Boylan in 2021, January 2021?

23 A. Yes, I asked certain members of my
24 team to do some legal analysis related to Ms.
25 Boylan.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Did the Chambers retain any outside
3 Counsel to conduct any analysis regarding Lindsey
4 Boylan in the January 2021 time period?

5 A. No, no outside Counsel.

6 Q. And in February, prior to Ms. Boylan
7 posting her blog post on Medium, were you
8 involved in any other activity regarding Ms.
9 Boylan in that February time period?

10 A. I don't think so.

11 Q. Were you involved in any discussions
12 about the Governor's conduct with women in
13 February 2021 before Ms. Boylan's blog post
14 appeared?

15 A. Not that I recall.

16 Q. How did you first become aware of her
17 blog post?

18 A. Ms. Boylan's blog post?

19 Q. Ms. Boylan's blog post.

20 A. I think I said before Melissa or
21 Linda or both of them reached out to me by either
22 phone or by e-mail.

23 Q. I thought that was about the tweets.

24 A. Oh, oh, you're talking about, sorry,
25 about the Medium post.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MR. ABRAMOWITZ: The Medium --

3 Q. The Medium post, sorry.

4 A. Yes.

5 Q. How did you first become aware of
6 that?

7 A. I was in a meeting with a number of
8 people on a completely unrelated issue when it
9 posted and, I think, I sat at a table and it was
10 read out loud to me.

11 Q. Who were you with when it was read
12 out loud to you?

13 A. I was with the Governor, Steve Cohen,
14 I believe, Linda Lacewell, Melissa and there may
15 -- there may have been other people in the room
16 at the time. I just don't recall.

17 Q. And where was this meeting?

18 A. It was at the mansion.

19 Q. And were all of -- were people
20 already assembled?

21 A. Yes.

22 Q. What was the meeting about when this
23 --

24 A. Nursing homes. Sorry, I don't mean
25 to say it. But, yes, it was an completely

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 unrelated meeting.

3 Q. And who read it to this assembled
4 group of people?

5 A. I believe Melissa did.

6 Q. And do you know how Melissa became
7 aware of it?

8 MR. ABRAMOWITZ: I didn't hear the
9 question.

10 MS. SPIRO: How did Melissa become
11 aware of the post.

12 Q. How did Melissa become aware of the
13 post?

14 A. I don't know.

15 Q. After it was read, was there
16 discussion about it?

17 MR. SPIRO: Just answer yes or no.

18 A. Yes.

19 Q. And what was the discussion in?

20 MR. SPIRO: [INSTRUCTION] At the
21 direction of the Chamber, we are not going to be
22 answering that question on the grounds of
23 privilege.

24 Q. Were you involved in any effort --
25 let me back up.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 And the Medium article had more
3 detail than Ms. Boylan's prior posts, correct?

4 A. Yes.

5 Q. Were you involved in any effort to
6 determine the truth or not of the more detailed
7 allegations?

8 A. Yes.

9 Q. And what was your role?

10 THE WITNESS: Can I talk about what I
11 did?

12 MR. SPIRO: Let's step outside for a
13 minute.

14 THE WITNESS: Okay.

15 MS. CLARK: Going off.

16 THE VIDEOGRAPHER: Stand by to go off
17 the record.

18 (Sidebar discussion held off the
19 record.)

20 THE VIDEOGRAPHER: The time is 4:47.
21 We're going off the record.

22 (Recess taken 4:47 to 4:48 p.m.)

23 THE VIDEOGRAPHER: The time is 4:48.
24 We are back on the record.

25 MR. SPIRO: Ms. Witness, you can

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 answer the question with the understanding that
3 by providing your answer you're not waiving any
4 applicable privilege.

5 MS. CLARK: That is fine.

6 A. Would you just ask me the question
7 again?

8 Q. Sure. I had asked if you had any
9 involvement in determining the truth or not of
10 any of the -- excuse me, specific allegations in
11 Ms. Boylan's Medium post and you said, yes, and I
12 asked what your role was.

13 A. I had a conversation with the
14 Governor and I was present when Melissa DeRosa
15 had a series of additional telephone
16 conversations.

17 Q. You said "Melissa DeRosa had a series
18 of" other -- "additional telephone
19 conversations."

20 Were those with the Governor as well
21 or just you and Melissa DeRosa?

22 A. I -- there were a number of people in
23 the room. Melissa was on the phone. The
24 conversations that she was having were not with
25 me or the Governor. They were with other people.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 And I think I also was part of a conversation
3 that involved Stephanie Benton.

4 Q. And in any of those conversations,
5 was anyone present who was not either a lawyer or
6 a current member of the Executive Chamber?

7 A. Steve Cohen was in the room for part
8 of the time and out of the room for most of the
9 time in my recollection. And I don't remember
10 anybody being present other than members --
11 current members of the Chamber with -- possibly,
12 Linda Lacewell was also possibly in and out of
13 the room, but I don't remember her being there
14 for much of the time.

15 Q. And you say, in the room.
16 Where did this take place?

17 A. In the mansion.

18 Q. And was this the same day that the
19 blog post occurred or some later day?

20 A. Same day.

21 MR. KIM: Now, you're allowing
22 substance of those questions or no? Just what
23 did you do?

24 MR. ABRAMOWITZ: [INSTRUCTION] No.

25 MR. KIM: Not just --

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MR. ABRAMOWITZ: It's not us.

3 MS. CLARK: That's what everybody
4 says.

5 MR. ABRAMOWITZ: What?

6 MS. CLARK: I said, that's what
7 everybody is saying.

8 MR. ABRAMOWITZ: No, well, no. I
9 don't care what everybody is saying.

10 Go ahead.

11 Q. Were you part of any conversations
12 about Lindsey Boylan's Medium post that included
13 anyone such as Josh Vlasto, Liz Smith, Chris
14 Cuomo, any other Cuomo family members?

15 A. I think I was on some telephone
16 conversations that included those individuals.

17 Q. And how many conversations were you
18 on that included some or all of those people?

19 A. Three or four. I5 could have been as
20 many as six. I really don't remember.

21 Q. And what was discussed on the --
22 limiting ourselves with the privilege
23 instruction, let me ask the substance of the
24 conversations where there were people who were
25 not part of the privileged protection part of the

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 conversation what was discussed?

3 A. I have very very little recollection
4 other than that the same thing was kind of said
5 over and over and over again. And I couldn't
6 even begin to tell you, I'm sorry, what it was.

7 There was concern about might there
8 be somebody else that comes forward, what is the
9 best way to deal with. There were varying
10 opinions offered by varying people. Sometimes
11 Melissa would convene the call and get off the
12 call and we would all talk about what we thought
13 the plan should be and then there would be
14 agreement and then Melissa would get on the call
15 and we'd have the same conversation over again.
16 But it -- they were very time consuming very
17 nonproductive calls, in my personal view.

18 Q. And can you place them in -- and
19 these are calls that took place after the Medium
20 post, correct?

21 A. Correct.

22 Q. And over what period of time did they
23 take place?

24 A. I would say they took place between
25 -- and this is really a rough guesstimate on my

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 part, between the time of Lindsey's Medium post
3 and the day that the Governor made his first
4 statement to the press.

5 Q. And in any of those discussions where
6 there were people who were not employees of the
7 Chamber present who were not lawyers, was there
8 any discussion as to whether any of the
9 allegations that had been made public were true
10 or not?

11 MR. ABRAMOWITZ: These would be the
12 discussions where non-privilege?

13 MS. CLARK: The non-privileged
14 discussions.

15 A. I think there was a general
16 understanding that the Governor had forcefully
17 and strenuously denied that the allegations that
18 Lindsey made, specifically, related to kissing
19 her but perhaps some of the other allegations
20 were untrue.

21 Q. And on any of these non-privileged
22 calls, was there any discussion about Ms.
23 Bennett's allegations, if any, that happened
24 after her story became public?

25 A. Yes.

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2 Q. And was there any discussion about
3 whether the Governor agreed or disagreed with the
4 allegations that Ms. Bennett was making?

5 A. There was no discussion that I recall
6 in which Ms. Bennett's -- the substance of Ms.
7 Bennett's allegations were discussed. I can't
8 say it didn't happen. But it was not the major
9 focus of discussion and I don't have a specific
10 recollection.

11 If I was on the call, Charlotte was
12 off limits is, essentially -- and I'm not saying
13 that she wouldn't have been within limits if I
14 wasn't on the call. But while I was present,
15 there was no discussion that would have involved
16 trying to refute the Charlotte Bennett
17 allegations.

18 Q. In any of the non-privileged
19 discussions, did you share any of your
20 conversations with Ms. Bennett?

21 A. I did.

22 Q. And what did you tell people on those
23 calls about your conversations with Ms. Bennett?

24 A. I actually read my notes to a large
25 group of the people who were on those calls.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. Do you recall who was on the phone
3 when you read your notes?

4 A. I don't. I mean, it was a lot of
5 people.

6 Q. Do you recall any of the reaction
7 when you read your notes to the large group of
8 people?

9 A. No.

10 Q. Did you tell people on any of these
11 calls that you found Ms. Bennett to be credible?

12 A. I did.

13 Q. And did anyone react to that?

14 A. No.

15 Q. On any of these calls where Ms.
16 Bennett came up, did anyone come forward with any
17 reasons to disbelieve Ms. Bennett?

18 A. No.

19 Q. Was there any discussion about
20 looking for --

21 A. Let me just be clear. I'm talking
22 now about my notes and what Ms. Bennett told me.

23 Q. Were you on any non-privileged calls
24 where there was discussion of any allegations
25 that Ms. Bennett made that were not contained

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 within your notes?

3 A. I may very well have been on a call
4 after the New York Times article came out. But I
5 don't remember, you know, a conversation in which
6 we went through and did a comparison and talked
7 about the differences. But the call -- the calls
8 that I remember were prior to the New York Times
9 story coming out and that is the call in which I
10 was very clear that I found her to be credible
11 and that I knew Jill did as well.

12 Q. And that was a call before her story
13 came out in the New York Times?

14 A. Yes.

15 Q. And on that call, was there anyone
16 that didn't already know about possible
17 allegations from Ms. Bennett before you shared
18 your conversations or read your notes?

19 A. I believe that there was a call a
20 couple of days earlier where I shared the
21 substance of what Charlotte had said to me. But
22 the call where I read my notes was on -- I
23 believe this -- I think her story -- the New York
24 Times story came out on Sunday, if I'm not
25 mistaken. And I think that I read my notes to

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 this fairly large group of people on the Saturday
3 before the story came out.

4 Q. And anyone who heard you read your
5 notes, did any of them say that they hadn't heard
6 anything about this, this was sort of news to
7 them?

8 A. Nobody expressed that on the call
9 with me.

10 Q. And were you on any non-privileged
11 calls where anyone came forward with any
12 information or threw out any information that
13 they used could be used to discredit Ms. Bennett?

14 A. Absolutely not.

15 Q. Were you on any non-privileged calls
16 where there was any discussion about what could
17 be done to obtain information to possibly
18 discredit Ms. Bennett?

19 A. No.

20 Q. And during these non-privileged
21 calls, was there conversation about Kaitlin?

22 MR. KIM: Can I ask one follow-up
23 question?

24 Before Anne went into Charlotte
25 Bennett, she asked about the conversation with

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 Lindsey Boylan and you said you got the
3 impression that the Governor had forcefully
4 denied the kissing allegation, correct?

5 THE WITNESS: I don't remember if I
6 said I got "the impression" but, yes, yeah.

7 MR. KIM: Or -- well, did he say --
8 did he deny it in your presence?

9 THE WITNESS: On these -- well, I'm
10 not going to talk about conversations that the
11 Governor and I had where there were no
12 non-Chamber/non-lawyers present.

13 On these phone calls, that was
14 certainly the understanding.

15 MR. KIM: How about the other
16 allegations that Lindsey Boylan had made?

17 THE WITNESS: I don't recall the
18 focus of these phone calls relating to the other
19 allegations. I think that there was a real focus
20 on whether he had kissed her against her will. I
21 think that there were -- I wouldn't be surprised
22 if the other allegations were discussed, Joon,
23 but I don't, specifically, recall what was or
24 wasn't said. The focus was on that allegation.

25 MR. KIM: Okay.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. In the non-privileged calls when you
3 were talking about Charlotte Bennett was there
4 any discussion about whether any action had been
5 taken other than transferring Ms. Bennett in
6 response to raising those concerns?

7 MR. SPIRO: We're in the pre-New York
8 Times story period?

9 MS. CLARK: Pre-New York Times time
10 period, yes.

11 A. I don't recall whether there was any
12 discussion along those lines.

13 Q. To your knowledge, other than
14 transferring Ms. Bennett, was anything or any
15 changes made in Chambers as a result of the
16 conversations that you and Ms. DesRosiers had
17 with Ms. Bennett?

18 A. I understood that there were going to
19 be some changes in the way that he was staffed.
20 And I asked my colleague Julia Kupiec who did
21 exit counselling on the ethic rules to also
22 conduct informal exit interviews to try and
23 ascertain whether there were women -- you know,
24 when people were leaving, generally, whether
25 there were concerns that we ought to know about.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 But, in particular, I wanted to know if there
3 were any women who might have concerns.

4 Q. When did you ask Ms. Kupiec to do
5 that?

6 A. I believe starting in December. I'm
7 not positive, but I think it was around that time
8 period.

9 Q. And did she thereafter engage in what
10 you call "informal exit interviews" with any
11 women departing the Chamber?

12 A. She did. I, actually, participated
13 in, at least, one such interview.

14 Q. And who was the employee who you
15 participated in?

16 A. Her name was [REDACTED].

17 Q. And did she express any concern about
18 anything that happened in the Chambers?

19 A. None at all.

20 Q. Did Ms. Kupiec tell you whether any
21 other women who left Chambers raised any concerns
22 about their treatment or the environment or
23 anything along those lines?

24 A. I'm smiling when you say "the
25 environment," because somebody did raise a

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 concern about the fact that we didn't recycle as
3 well as we should have. So "the environment,"
4 yes. But no, no -- no concerns about their
5 treatment as women.

6 Q. When you said you understood there
7 were changes in staffing, what were those
8 changes?

9 A. I understood that if there were
10 materials that were going to be dropped at the
11 mansion, that they would be left at the guard
12 post and that there would be, you know -- care
13 would be taken so that really more for the
14 Governor's protection that there would be -- that
15 they would avoid situations where the Governor
16 might be seen as being in a compromising
17 situation with any woman.

18 Q. And when did these changes go into
19 effect?

20 A. I understood that they were in a --
21 would be going into effect in, you know, after I
22 spoke with Charlotte Bennett.

23 Q. After you spoke with her in early
24 June or July?

25 A. Yes.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And do you know if after that fact
3 there were occasions where any women were working
4 alone with the Governor?

5 A. I was not aware of any such
6 circumstance, except I did hear that [REDACTED]
7 [REDACTED] had been working alone with him, which
8 is one of the reasons that I wanted to talk to
9 her before she left.

10 Q. When did you hear that she was
11 working alone with him?

12 A. Sometime in the recall.

13 Q. Did you ask her about it in the fall?

14 A. I heard about it very shortly before
15 I heard that she was leaving the Chamber.

16 Q. Who told you about her working alone
17 with the Governor?

18 A. Melissa.

19 Q. And what did Melissa say about it?

20 A. She said that she had heard that
21 [REDACTED] had been in a meeting alone with the
22 Governor and that she had objected to that.

23 Q. And do you know where this meeting
24 took place?

25 A. I don't know.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And did you ask anyone else whether
3 [REDACTED] had a meeting alone with the
4 Governor?

5 A. No.

6 Q. Was there any effort made to make
7 sure that the Governor didn't meet alone with any
8 young men?

9 A. Not that I'm aware of.

10 Q. Did you talk to anyone to see if
11 there were any other women who were meeting or
12 working alone with the Governor after July 1st,
13 2020?

14 A. No.

15 MR. KIM: You mentioned that in your
16 mind the purpose of the rule was to protect the
17 Governor?

18 THE WITNESS: In my mind, I -- yes, I
19 thought the purpose of the rule was -- so, for
20 instance, when the Governor travels, he never has
21 a women staying in the room next to him. And in
22 my mind, it was a similar prophylactic rule so
23 that there could be no allegation made that the
24 Governor had made inappropriate contact. I
25 thought it was an important prophylactic measure.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 MR. KIM: And was any part of the
3 purpose to protect the women from inappropriate
4 conversations of the type that you had heard from
5 Charlotte Bennett?

6 THE WITNESS: That's not how I would
7 characterize it.

8 MR. KIM: So how would you
9 characterize it?

10 THE WITNESS: And I need to be clear
11 that it wasn't that there should be no women
12 along with him, but that young staffers, that the
13 sort of dropping off of packages should not
14 become an opportunity for long in-depth personal
15 conversations.

16 MR. KIM: A risk that the allegations
17 may be made against him, that was the concern to
18 protect him from the allegations?

19 THE WITNESS: To protect him from the
20 possibility that somebody may consider his
21 conversations with them -- well, just -- what I
22 would say is that I wanted to make sure that the
23 possibilities were minimized.

24 As I told Counsel before you came
25 into the room, I thought that the Governor had

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 been inappropriate when he engaged in these
3 personal conversations with Charlotte. And I
4 wanted to avoid future such conversations.

5 MR. KIM: And so part of that would
6 be to protect the female staffers being -- from
7 being subjected to inappropriate conversations,
8 correct?

9 THE WITNESS: I would say that my
10 primary concern here was to avoid a situation
11 where there could be any room for any
12 misunderstanding.

13 MR. KIM: Is that what you concluded
14 had happened, that there had been an
15 "misunderstanding" between Charlotte Bennett and
16 the Governor?

17 THE WITNESS: I did not conclude one
18 way or another what happened between Charlotte
19 and the Governor other than listening to
20 Charlotte's account of what I considered deeply
21 personal conversations, which Charlotte herself
22 told me thought were appropriate but which I
23 personally did not think were appropriate and I
24 thought there was risk there.

25 MR. KIM: So the reason I ask about

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 the purpose being to protect the Governor, that
3 sort of presumes -- from allegations that sort of
4 presumes that the allegations are false. At
5 least, that's how I would interpret protecting
6 someone from allegations of an inappropriate
7 conduct, because if they're true, then they would
8 -- it's not protecting the person who says the
9 inappropriate things. It's protecting the person
10 who is subjected to those -- the inappropriate
11 conduct.

12 So I was trying to understand how
13 keeping him away from female staffers is to
14 protect him, unless the assumption is that the
15 allegations are going to be false.

16 THE WITNESS: Well, first of all, I
17 never suggested that he was going to be kept away
18 from female staffers.

19 MR. KIM: Or not have more than -- or
20 not be staffed with one female staff.

21 THE WITNESS: I wanted to minimize
22 the opportunities for personal conversations
23 between the Governor and young female staffers.
24 I -- in no way, shape or form am suggesting that
25 Charlotte Bennett wasn't telling the truth. I

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 think I've been very very clear on that point.

3 But I thought that it would be a good
4 idea to create an environment where similar
5 conversations did not take place.

6 MR. KIM: In part to protect people
7 like Charlotte Bennett, that was my question.

8 THE WITNESS: Well, you're talking
9 about "protecting." I don't think that Charlotte
10 needed "protecting." I think that Charlotte was
11 a -- by her own account -- a willing participant
12 in those conversations.

13 But I thought there was risk to the
14 Governor in engaging in personal conversations
15 with female staffers and I wanted to minimize
16 that risk.

17 MR. KIM: I use the word "protect,"
18 because you said the purpose was to protect the
19 Governor.

20 THE WITNESS: Yes, from risk.

21 MR. KIM: But not Charlotte Bennett,
22 people like Charlotte Bennett?

23 THE WITNESS: No.

24 MR. KIM: She did not need the
25 protection, the Governor needed the protection?

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 THE WITNESS: I'm sorry, I thought
3 your conversation -- your question was did I need
4 to protect the Governor from people like
5 Charlotte Bennett.

6 MR. KIM: Well, from allegations you
7 said, that was the purpose of the rule.

8 THE WITNESS: From any suggestion
9 that he had engaged in any improper conduct.

10 MR. KIM: Okay.

11 THE WITNESS: But I didn't think the
12 Governor needed protection from Charlotte and I
13 didn't think that Charlotte needed protection
14 from the Governor.

15 Q. You mentioned that this was similar
16 to a rule that the Governor had when traveling.

17 A. Correct.

18 Q. Have you ever traveled with the
19 Governor?

20 A. I have not traveled with the
21 Governor.

22 Q. And you said that the rule was the
23 Governor not have a hotel room adjacent to
24 another women -- to a woman; is that correct?

25 A. That's my understanding, yeah.

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I

2 Q. And where did you get your
3 understanding from?

4 A. I think from several sources. It's
5 just something that I was aware of.

6 Q. Did anyone ever tell you there were
7 occasions when the Governor had a room next a
8 female staff?

9 A. No. In fact, I've been told that
10 that did not happen.

11 Q. Who told you that that did not
12 happen?

13 A. There was a newspaper had inquiry
14 several months ago and I -- about a trip to
15 Israel and I spoke to the head of his advance
16 team who told me that he had actually -- the
17 hotel assigned a room to **Senior Staffer #1** next to the
18 Governor and that he had taken that room and
19 given **Senior Staffer #1** a different room.

20 Q. And who was that that you spoke to?

21 A. The name is .

22 MR. SPIRO: It's about 5:15. We've
23 been going for quite a while. And I know we
24 talked before about coming back tomorrow. So, at
25 some point, if we can maybe break for the

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 evening, I think, that would make.

3 MS. CLARK: Yeah, not quite but
4 getting there.

5 MR. SPIRO: Good.

6 Q. Since we've been talking about this
7 series of non-privileged conversations that you
8 had between the Medium post and the Charlotte New
9 York Times article, I think, you said there was
10 some discussion of Kaitlin [REDACTED] in those
11 conversations?

12 A. I don't actually remember in those
13 conversations talking about Kaitlin.

14 Q. In any of those non-privileged
15 communications between the Medium post and the
16 New York Times article, was there discussion
17 about any other women that might come forward
18 with claims?

19 A. No, I don't think so.

20 Q. Was there any discussion in any of
21 those non-privileged conversations about anyone
22 speaking to women who worked with the Governor to
23 see if anyone else had any concerns about their
24 interactions with the Governor?

25 A. I'm sorry. I need to ask you to

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 repeat that question.

3 Q. Sure. During the non-privileged
4 conversations, did anyone talk about doing any
5 sort of investigation or survey to talk to
6 potentially junior female staffers in the
7 Executive Chamber to see if anyone else had any
8 interactions with the Governor that were
9 concerning?

10 A. No.

11 MS. CLARK: We can probably take a
12 break here now.

13 A. For the evening?

14 Q. For the evening, yes.

15 MR. ABRAMOWITZ: So 10 o'clock
16 tomorrow.

17 MS. CLARK: We can go off the record.

18 THE VIDEOGRAPHER: Yeah. Give me a
19 second. Stand by. Wait.

20 Stand by. The time is 5:16 p.m.
21 This concludes today's deposition of witness
22 06-22-21. The number of Media Units used is
23 five. They will be retained by Veritext Legal
24 Solutions. We are off the record at 5:16 p.m.

25 (Time noted: 5:16 p.m.)

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. I
2 C E R T I F I C A T E O F R E P O R T E R
3

4 I, SILVIA P. WAGE, a Certified
5 Shorthand Reporter, Certified Realtime Reporter
6 and Registered Reporter, herby certify that the
7 witness in the foregoing investigation was by me
8 duly sworn to tell the truth, the whole truth,
9 and nothing but the truth in the within-entitled
10 cause; that said investigation was taken down in
11 shorthand by me, a disinterested person, at the
12 time and place therein stated, and that the
13 testimony of the said witness was thereafter
14 reduced to typewriting, by computer, under my
15 direction and supervision

16 I further certify that I am not of
17 counsel or attorney for either or any of the
18 parties to the said investigation, nor in any way
19 interested in the event of this cause, and that I
20 am not related to any of the parties thereto.

21
22 

23
24 **SILVIA P. WAGE**
25 dated June 28, 2021
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