

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

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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 II

7

VIDEOTAPE DEPOSITION VIA ZOOM OF:

8

WITNESS 6/22/21

9

WEDNESDAY, JUNE 23, 2021

10

10:04 a.m.

11

12

13

VIRTUAL ZOOM INVESTIGATION before
14 SILVIA P. WAGE, a Certified Shorthand Reporter,
15 Certified Realtime Reporter, Registered
16 Professional Reporter, and Notary Public for the
17 States of New Jersey, New York and Pennsylvania.

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24 REPORTED BY:

SILVIA P. WAGE, CCR, CRR, RPR

25

1 HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. II
2 A P P E A R A N C E S:
3

4 VLADECK, RASKIN & CLARK, PC
5 Special Deputy to the First Deputy Attorney
6 General of the State of New York
7 565 Fifth Avenue
8 New York, New York 10017
9 (212) 403-7300
10 Aclark@vladeck.com
11 Ecukor@vladeck.com
12 By: ANNE L. CLARK, Esq.
13 BY: EZRA CUKOR, ESQ.

14 CLEARY GOTTLIEB STEEN & HAMILTON LLP
15 Special Deputy to the First Deputy Attorney
16 General of the State of New York
17 One Liberty Plaza
18 New York New York 10006
19 (212) 225-2628
20 Jkpark@cgsh.com
21 Jkim@cgsh.com
22 Hmustefa@cgsh.com
23 BY: JENNIFER KENNEDY-PARK, ESQ.

24 MORVILLO ABRAMOWITZ GRAND IASON & ANELLO PC
25 Attorneys for Witness 6-22-21
26 565 Fifth Avenue
27 New York, New York 10017
28 EAbramowitz.com
29 Espiromaglaw.com
30 BY: ELKAN ABRAMOWITZ, ESQ.
31 BY: EDWARD SPIRO, ESQ.
32 BY: WILLIAM KINDER, ESQ.
33 BY: CATHERINE FOTI, ESQ.
34 BY: MARY VITALE, ESQ.

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HIGHLY CONFIDENTIAL - WITNESS 6/22/21 VOL. II
A P P E A R A N C E S (CONT.):

BRUNE LAW PC
Attorneys for Witness 6-22-21
450 Park Ave #1901
New York, New York 10022
Wsbrune@brunelaw.com
Edougherty@brunelaw.com
BY: SUSAN E. BRUNE, ESQ.
BY: ERIN C. DOUGHERTY, ESQ.

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

JAMES BUDKINS
VIDEOGRAPHER

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

2 THE VIDEOGRAPHER: Good morning. We 10:04:24

3 are going on the record at 10:04 a.m. EDT, 10:04:25

4 June 23rd, 2021. 10:04:30

5 Please note that the microphones are 10:04:33

6 sensitive and may pick up whispering, private 10:04:35

7 conversations and cellular interference. Please 10:04:37

8 turn off all cell phones or place them away from 10:04:40

9 the microphones, as they can interfere with the 10:04:43

10 audio. 10:04:45

11 Audio and video recording will 10:04:46

12 continue to take place unless all parties agree 10:04:47

13 to go off the record. 10:04:50

14 This is Media Unit 1 of the video 10:04:51

15 recorded interview of Witness 6/22/21 continued 10:04:54

16 in the matter of investigation under New York 10:05:02

17 State Executive Law Section 63(8). 10:05:06

18 This interview is being held by video 10:05:09

19 conference. 10:05:12

20 My name is James Budkins from the 10:05:12

21 firm Veritext Legal Solutions. I'm the 10:05:14

22 Videographer. The Court Reporter is Silvia Wage 10:05:17

23 from the firm Veritext Legal Solutions. 10:05:20

24 I am not authorized to administer an 10:05:21

25 oath. I am not related to any party in this 10:05:26

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2 MS. CLARK: And Ezra. 10:06:30

3 MR. CUKOR: Ezra Cukor of Vladeck 10:06:32

4 Raskin & Clark. 10:06:37

5 MS. CLARK: That should be everybody. 10:06:37

6 (Stenographer administering oath.)

7 THE STENOGRAPHER: Oh, now her audio

8 went.

9 Can you please repeat the response

10 please?

11 THE WITNESS: I do.

12 WITNESS 6/22/2021,

13 After having been duly sworn, was examined

14 and testified as follows:

15 THE STENOGRAPHER: Thank you.

16 You may proceed.

17 MS. CLARK: Okay. Thank you. 10:07:02

18 I think I just need to first confirm 10:07:03

19 that those who are not in the conference room 10:07:04

20 with me don't have anyone with them other than 10:07:07

21 the people that have been stated on the record; 10:07:09

22 is that accurate? 10:07:11

23 MR. KINDER: That is correct. 10:07:16

24 MS. CLARK: And confirm that no one 10:07:17

25 including those I'm present with are recording 10:07:18

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

2 this in this proceeding in ant fashion; is that 10:07:21

3 correct? 10:07:23

4 MR. SPIRO: Yes. 10:07:24

5 MS. CLARK: Okay. I'm going to take 10:07:25

6 my headphones down now too. 10:07:27

7 CONTINUED EXAMINATION BY MS. CLARK: 10:07:29

8 Q. Good morning again, Ms. Witness. 10:07:30

9 We were talking about Lindsey Boylan 10:07:32

10 when we broke off yesterday. 10:07:34

11 Did you ever speak with [REDACTED] 10:07:36

12 Staffer #5 about Lindsey Boylan? 10:07:42

13 A. I never heard the name. 10:07:42

14 Q. Did you ever speak with any former 10:07:45

15 members of the Executive Chamber about recording 10:07:49

16 any phone calls with Lindsey Boylan? 10:07:50

17 A. No. 10:07:54

18 Oh, I'm sorry. Are you talking about 10:07:58

19 Staffer #5 ? 10:08:02

20 Q. Yes. 10:08:05

21 A. Ah, okay. We just call him Staffer #5 10:08:05

22 Q. I understand why. I stumble over his 10:08:09

23 name every time. 10:08:12

24 A. So I did speak with Staffer #5 about 10:08:13

25 Lindsey Boylan. 10:08:16

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2 Q. And what was your discussion with 10:08:18

3 Staffer #5? 10:08:20

4 MR. SPIRO: Objection. [INSTRUCTION] 10:08:20

5 The direction of the Executive Chamber, we are 10:08:21

6 asserting attorney-client privilege and have been 10:08:27

7 directed that Ms. Witness should not answer the 10:08:32

8 question. 10:08:34

9 Q. Did you ever hear any recordings that 10:08:35

10 Staffer #5 made of any conversations with Lindsey 10:08:38

11 Boylan? 10:08:40

12 A. No. 10:08:41

13 Q. Are you aware of any current or 10:08:44

14 former members of the Executive Chamber making 10:08:48

15 any recordings of conversations with Lindsey 10:08:50

16 Boylan? 10:08:52

17 A. I am not. 10:08:53

18 Q. You can break out the big exhibit 10:09:02

19 binder and turn to Tab 25. 10:09:05

20 (Deposition Exhibit 14, 10:09:05

21 JM_NB_00000040 - JM_NB_00000051 Text 10:09:05

22 conversation among Judy Mogul, Rich Azzopardi, 10:09:05

23 Melissa DeRosa and Peter Ajemian, was marked for 10:09:05

24 identification.) 10:09:10

25 MR. ABRAMOWITZ: I did something 10:09:10

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2 And this is regarding -- it looks 10:11:00
3 like it's in response to Ms. Boylan's claim about 10:11:01
4 the "strip poker" comment on the flight; is that 10:11:04
5 correct? 10:11:08

6 A. Just give me a second to read it. 10:11:09

7 Q. Sure. 10:11:10

8 A. 1:24. The question was does it 10:11:11
9 appear to be related to Lindsey Boylan's? 10:11:24

10 Q. Allegation about the Governor making 10:11:31
11 a comment about strip poker on a flight. 10:11:33

12 A. Yes. 10:11:36

13 Q. And were you involved in putting 10:11:36
14 together a statement in response to that 10:11:38
15 allegation? 10:11:41

16 A. I was present when this statement was 10:11:41
17 put together. 10:11:43

18 Q. And did you play any role in drafting 10:11:44
19 or editing this? 10:11:46

20 A. I don't think that I made any 10:11:55
21 contribution to this statement, but I was 10:11:55
22 definitely aware that it was being drafted. 10:11:58

23 Q. Were you -- did you speak with any of 10:12:01
24 the people whose names are used in this statement 10:12:04
25 as being on the flights with the Governor? 10:12:10

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2 A. We were talking about -- 10:12:12

3 Q. John Majori, Howard Zemsky, Dani 10:12:15

4 Lever and Abbie Collins. 10:12:17

5 A. I did not -- I was present when 10:12:19

6 Melissa DeRosa spoke to, at least, some of them. 10:12:26

7 Q. Which ones were you present when 10:12:30

8 Melissa DeRosa spoke to them? 10:12:32

9 A. I can't -- I know that I was present 10:12:34

10 when she spoke with Howard Zemsky, but I can't 10:12:37

11 tell you who else she was on the phone with. 10:12:41

12 Q. And were you in the room with Melissa 10:12:44

13 DeRosa and she was making phone calls or 10:12:46

14 something else? 10:12:48

15 A. I was in a room with Melissa when she 10:12:48

16 was making phone calls. 10:12:50

17 Q. And could you hear Mr. Zemsky's end 10:12:52

18 of the conversation? 10:12:55

19 A. No. 10:12:55

20 Q. What did you hear Ms. DeRosa saying 10:12:56

21 to Mr. Zemsky? 10:12:58

22 A. I don't have, you know, a clear 10:13:03

23 recollection. But I believe she was asking him 10:13:07

24 if he remembered these flights and if he had ever 10:13:12

25 heard this conversation. But, you know, I -- I 10:13:15

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2 think I'm more guessing than remembering. I 10:13:21

3 don't have a clear recollection. 10:13:25

4 Q. Do you recall Ms. DeRosa telling you 10:13:26

5 what Mr. Zemsky said? 10:13:28

6 A. I recall her telling me that she had 10:13:32

7 spoken with the people on the flights and that 10:13:35

8 they denied that they had heard the Governor make 10:13:38

9 that comment. 10:13:44

10 Q. If you could turn to Tab 28. 10:13:50

11 (Deposition Exhibit 16, LL_AG03472 10:13:50

12 2/26/21 e-mail from Smith to Pollock, Lever, 10:13:50

13 Mogul, Lacewell, DeRosa, Cohen and Vlasto, was 10:13:50

14 marked for identification.) 10:13:50

15 Q. This is a series of e-mail chains -- 10:14:06

16 THE STENOGRAPHER: I can't hear you. 10:14:06

17 I can't hear you. 10:14:09

18 Q. -- from Ms. DeRosa on February 26, 10:14:09

19 20 -- 10:14:11

20 MR. ABRAMOWITZ: She can't hear you. 10:14:11

21 MS. CLARK: Oh. Can you hear me now? 10:14:12

22 THE STENOGRAPHER: Yes. 10:14:15

23 A. Can I take a minute just to review 10:14:18

24 the e-mail -- 10:14:20

25 Q. Sure. 10:14:21

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2 A. -- before you ask the question? 10:14:22

3 Q. Okay. 10:14:24

4 MS. CLARK: In the meantime, can the 10:14:24

5 Court Reporter hear me? 10:14:25

6 I'm going to grab a bottle of water 10:14:27

7 while she's reading that. 10:14:30

8 THE STENOGRAPHER: Can you repeat the 10:14:55

9 description because I didn't get it? 10:14:56

10 MR. ABRAMOWITZ: Can you repeat the 10:14:58

11 description because she didn't get it. 10:14:59

12 MS. CLARK: While the witness is 10:15:02

13 reading it, I said this is an e-mail chain. The 10:15:04

14 longest one is from Melissa DeRosa to Ms. Witness 10:15:08

15 and others on February 26, 2021. 10:15:14

16 A. I have skimmed it. 10:16:55

17 Q. Okay. 10:16:57

18 A. But... 10:16:58

19 Q. Do you recognize this e-mail chain? 10:16:58

20 A. I clearly received it. It -- I don't 10:17:10

21 recognize it as I sit here today. It doesn't -- 10:17:15

22 I'm not reading it as familiar. 10:17:18

23 Q. Do you recall any conversations about 10:17:20

24 a long statement like this for the Governor to 10:17:22

25 make regarding Ms. Boylan? 10:17:25

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2 A. I do recall conversations about him 10:17:30
3 needing to make or him wanting to make some kind 10:17:35
4 of statement. 10:17:40

5 Q. And did you express any opinion not 10:17:40
6 on the law but on the wisdom or desirability of 10:17:42
7 doing that? 10:17:47

8 A. I expressed a legal opinion. I don't 10:17:50
9 know that I weighed in on the nonlegal aspects of 10:17:55
10 it. 10:17:59

11 Q. Did any of the non-lawyers weigh in 10:17:59
12 on whether it was a good idea or not for the 10:18:01
13 Governor to make this long statement? 10:18:04

14 A. I just don't recall those 10:18:08
15 discussions. I may not have even been on most of 10:18:13
16 them. I don't have a good recollection. 10:18:16

17 Q. If you could turn to Tab 29. 10:18:19

18 (Deposition Exhibit 17, LL_AG_03090 10:18:19
19 3/14/21 e-mail from Garvey to Pollock, 10:18:19
20 DeRosa, Ajemian, Lacewell, Benton, Smith, 10:18:19
21 Vlasto, Mogul, Azzopardi, Cohen and Hormozi, was 10:18:19
22 marked for identification.) 10:18:29

23 Q. We're now in mid March. This is an 10:18:29
24 e-mail dated March 15, 2021. And let me find the 10:18:33
25 one I want to ask about. 10:18:40

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2 I'm just trying to find the part I 10:18:42
3 want to ask about. 10:19:17

4 While I'm looking, do you recognize 10:19:18
5 this chain? 10:19:20

6 A. This one is familiar to me, yes. 10:19:21

7 Q. And do you know what this is in 10:19:22
8 reference to? 10:19:24

9 A. I think was draft responses to 10:19:26
10 specific questions that were being put to our 10:19:32
11 press office from particular media outlet, but I 10:19:35
12 can't tell you which one offhand. Although it's 10:19:40
13 possibly the Wall Street Journal. 10:19:44

14 MR. ABRAMOWITZ: "Possibly" what, I'm 10:19:46
15 sorry? 10:19:47

16 THE WITNESS: Possibly, the Wall 10:19:47
17 Street Journal. 10:19:49

18 A. Cause I just see a reference here, 10:19:50
19 will look like Wall Street -- "Boylan alleges 10:19:53
20 that former and current aids and allies of the 10:19:55
21 Governor retaliated against her in a variety of 10:19:57
22 ways including making calls about her." 10:19:58

23 And then it says, "Will look like 10:20:01
24 Wall Street Journal about calls that were made 10:20:03
25 and tenor." But I really don't remember this 10:20:05

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2 you proceed further, make sure that what you're 10:21:43

3 communicating is not the subject of an 10:21:46

4 attorney-client communication. 10:21:48

5 THE WITNESS: Okay. Thank you. 10:21:49

6 A. There may have been an earlier 10:21:52

7 suggestion in the press that the Chamber had 10:21:54

8 engaged in retaliation. I can't tell you for 10:21:58

9 sure. 10:22:00

10 Q. Was Beth Garvey the only one in the 10:22:03

11 Chamber that was raising concerns about whether 10:22:05

12 responses to Lindsey Boylan could constitute 10:22:08

13 "retaliation"? 10:22:11

14 A. At this moment in time? 10:22:14

15 Q. At that point in time. 10:22:17

16 A. I would say, no. 10:22:19

17 Q. Who else was raising concerns that 10:22:21

18 the response to Lindsey Boylan could constitute 10:22:23

19 retaliation? 10:22:26

20 MR. SPIRO: Objection. [INSTRUCTION] 10:22:27

21 The Executive Chamber has directed that we not 10:22:28

22 waive any attorney-client communications. I 10:22:34

23 think your question, essentially, asks for 10:22:36

24 privileged communications that Ms. Witness may 10:22:40

25 have had with members of the Executive Chamber 10:22:42

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2 in when I was asked to. But I don't remember 10:24:11

3 this specific call. 10:24:13

4 Q. This looks like it has more on 10:24:17

5 specifics on Lindsey Boylan. 10:24:19

6 Do you recall around this time period 10:24:20

7 a conversation it looks like it's after -- it's 10:24:23

8 when Ronan Farrow is working on his article? 10:24:28

9 A. I was on some calls that were related 10:24:39

10 to the article that Ronan Farrow was working on. 10:24:41

11 But I can't pinpoint even the number of calls or 10:24:44

12 who said what when. 10:24:51

13 Q. For any that included people who are 10:24:52

14 not Executive Chamber or staff or outside 10:24:55

15 attorneys, do you recall anything that was said 10:25:01

16 about Ronan Farrow's article in any of these 10:25:03

17 calls? 10:25:05

18 A. Not -- not offhand, no. 10:25:07

19 Q. Now there have been a few references 10:25:15

20 to Kaitlin [REDACTED]. 10:25:17

21 Is my understanding correct that you 10:25:20

22 did not work with her at all in the Executive 10:25:21

23 Chamber? 10:25:24

24 A. No, I didn't. 10:25:24

25 Q. Have you ever met her? 10:25:24

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2 Q. And who did you discuss this with 10:26:41
3 once you learned of the Kaitlin [REDACTED] tweets? 10:26:44

4 A. Well, Melissa DeRosa, Linda Lacewell 10:26:49
5 and possibly others. 10:26:54

6 Q. And in December, what conversations 10:26:56
7 did you have with Melissa DeRosa about it? 10:26:59

8 MR. ABRAMOWITZ: [INSTRUCTION] We've 10:27:02
9 been instructed to assert attorney-client 10:27:02
10 privilege over conversations with Ms. DeRosa 10:27:06
11 about Kaitlin [REDACTED]. 10:27:10

12 Q. And what discussions did you have 10:27:13
13 with Linda Lacewell in December? 10:27:14

14 MR. ABRAMOWITZ: [INSTRUCTION] Same 10:27:17
15 objection. 10:27:21

16 Q. Were you aware of Ms. Lacewell 10:27:21
17 looking at [REDACTED] Kaitlin 's LinkedIn page to find out 10:27:26
18 where she worked? 10:27:29

19 A. I learned that fact after it had -- I 10:27:32
20 was not aware that she was going to do it. I 10:27:42
21 learned that she had done it. 10:27:45

22 Q. Did you learn why she did it? 10:27:49

23 MR. SPIRO: You can answer yes or no. 10:27:54

24 A. I had an understanding of why she did 10:27:56
25 it. 10:27:58

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2 Q. What was your understanding as to why 10:27:59
3 she did it? 10:28:01

4 MR. SPIRO: Ms. Witness, if your 10:28:02
5 understanding is based on a confidential 10:28:04
6 communication that you had in your position as 10:28:06
7 Special Counsel to the Chamber, we've been 10:28:11
8 directed to assert privilege. 10:28:14

9 A. I think that I developed my 10:28:23
10 understanding without such a conversation. I 10:28:26
11 think I just understood that Linda was trying to 10:28:29
12 find out who Kaitlin was and, you know, trying to 10:28:35
13 understand who Kaitlin was and why she would be 10:28:43
14 making such a tweet. But I don't believe I ever 10:28:48
15 had a conversation with anybody as to why Linda 10:28:51
16 had done that. 10:28:54

17 Q. Did you have any understanding as to 10:28:55
18 why Linda wanted to find out who Kaitlin [REDACTED] 10:28:58
19 was? 10:29:00

20 A. [INSTRUCTION] I think on that I would 10:29:02
21 -- given the instructions, I've just been given 10:29:07
22 probably, I have to assert or not respond 10:29:11
23 because, I think, that would be a privilege 10:29:14
24 assertion. 10:29:16

25 Q. And did you have any conversations 10:29:18

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2 asked Jill to describe to me what she knew about 10:30:34
3 Kaitlin's hiring, her work experience in the 10:30:41
4 Chamber and her transfer to [REDACTED]. 10:30:45

5 MR. ABRAMOWITZ: I'm sorry. I didn't 10:30:51
6 hear you. 10:30:53

7 A. And her transfer to [REDACTED]. 10:30:53

8 [REDACTED] is the New York State [REDACTED] 10:30:56
9 [REDACTED]. 10:30:58

10 Q. And what did Ms. DesRosiers tell you? 10:30:59

11 A. Again, to the best of my 10:31:01
12 recollection, she told me that Kaitlin had been 10:31:04
13 hired to try and sort of fill Stephanie's role in 10:31:08
14 New York so that Stephanie wouldn't have to 10:31:22
15 travel to New York as frequently with the 10:31:24
16 Governor, that sort of -- I think she described 10:31:27
17 it as Stephanie's deputy somebody may have -- 10:31:36
18 that very quickly that it had become apparent 10:31:40
19 that it wasn't working. She was not fulfilling 10:31:43
20 that function effectively and that a decision was 10:31:48
21 made to try and find another position for her. 10:31:59

22 The Chief of Staff at the time was a 10:32:05
23 woman named [REDACTED] and Kaitlin sort of 10:32:07
24 became [REDACTED] Chief of Staff, to go and work in 10:32:14
25 support the work that [REDACTED] was doing in 10:32:17

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2 connection with a move to -- to reduce the 10:32:23

3 overall head count in the Chamber. 10:32:32

4 And I think while -- and I think also 10:32:35

5 when [REDACTED] announced that she would be leaving, 10:32:39

6 Jill had a conversation with Kaitlin about what 10:32:43

7 she might want to do. I think Kaitlin had 10:32:46

8 expressed in an earlier point to Jill that she 10:32:48

9 wanted to use on policy. And when she spoke with 10:32:51

10 Jill on this occasion, she expressed an interest 10:32:56

11 in [REDACTED] policy, I believe. And I think Jill 10:33:01

12 talked about a few different options that might 10:33:07

13 be available for her and that there was a role 10:33:09

14 identified for her at [REDACTED] and she was moved 10:33:15

15 to [REDACTED]. And I think Jill was not aware and 10:33:18

16 did not think that there would have been any 10:33:24

17 interaction between Kaitlin [REDACTED] and the 10:33:30

18 Governor that Jill was aware of that would have 10:33:34

19 been, I think, she used the words like he 10:33:37

20 wouldn't have screamed at her to Jill's 10:33:42

21 knowledge. 10:33:45

22 Q. Did Ms. DesRosiers say whether [REDACTED] ^{Kaitlin} 10:33:46

23 [REDACTED] had expressed any concerns or negative 10:33:49

24 feelings about the environment in the Executive 10:33:53

25 Chamber? 10:33:55

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2 A. Jill did not say that to me. 10:33:56

3 Q. Did Ms. DesRosiers tell you anything 10:33:58
4 about how Kaitlin came to be hired? 10:34:00

5 A. I don't know if I talked about that 10:34:04
6 with Jill. I definitely spoke with other members 10:34:07
7 of the Executive Chamber about that. 10:34:10

8 Q. And you said you also spoke to Kelly 10:34:13
9 Cummings. 10:34:16

10 How many times? 10:34:17

11 A. About -- 10:34:18

12 Q. About Kaitlin [REDACTED]. 10:34:19

13 A. About Kaitlin [REDACTED], I think, just a 10:34:20
14 single time. 10:34:22

15 Q. And what did you say what did she 10:34:22
16 say? 10:34:24

17 A. I wanted to understand from Kelly 10:34:24
18 what her knowledge and experience with Kaitlin 10:34:26
19 were the same, you know. I know that she would 10:34:30
20 not have been involved with hiring Kaitlin. But 10:34:33
21 I understood she might have had some work 10:34:35
22 interaction with her and maybe some understanding 10:34:39
23 of whether Kaitlin had had a difficult experience 10:34:42
24 or not. And Kelly described that she didn't have 10:34:45
25 enough work to do, that Kelly gave her a project 10:34:58

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2 that she really sort of took ownership of and did 10:35:01
3 a very good job with. Kelly thought that she had 10:35:05
4 sort of a limited -- she thought she wasn't a 10:35:08
5 real go getter. I don't remember her exact 10:35:15
6 words, but she was nice but not a -- you know, 10:35:18
7 for lack of a better word a go getter, that she 10:35:26
8 had been very close to Robert Mujica. 10:35:33

9 I don't think that Kelly had any 10:35:39
10 knowledge of any negative interactions or 10:35:41
11 concerns about Kaitlin's interaction with the 10:35:48
12 Governor. And I also wanted to get in touch with 10:35:50
13 [REDACTED] who was the former head of [REDACTED] 10:35:56
14 and I knew that Kelly would have a way to get in 10:36:00
15 touch with her. So I asked Kelly for her contact 10:36:03
16 information. 10:36:06

17 Q. Before we get to [REDACTED], how many 10:36:07
18 times did you speak to Stephanie Benton about 10:36:10
19 Kaitlin [REDACTED]? 10:36:12

20 A. Probably once or twice. 10:36:15

21 Q. And what do you recall you said and 10:36:18
22 Ms. Benton you said in your discussions about [REDACTED] Kaitlin 10:36:21
23 [REDACTED]? 10:36:23

24 A. I think Stephanie explained in a 10:36:24
25 little more detail what Kaitlin had been expected 10:36:27

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2 to do and that she was not really able to -- one 10:36:30

3 of the things that they expected of her was to 10:36:37

4 sort of get people to pull together materials for 10:36:45

5 things that the Governor needed and to do it 10:36:51

6 quickly. There's always a lot of time pressure. 10:36:54

7 And Kaitlin was supposed to be able to exert that 10:36:57

8 -- to get people to do things in a timely 10:37:07

9 fashion, which is something that Stephanie does 10:37:09

10 frequently, and Kaitlin found those interactions 10:37:11

11 challenging. She was just not able to say people 10:37:18

12 you got to get your remarks done or you got to 10:37:21

13 get this done. It just didn't -- it didn't work 10:37:24

14 successfully. 10:37:27

15 And, I think, again, Stephanie told 10:37:28

16 me that she was not aware of any particularly 10:37:33

17 unpleasant interactions between Kaitlin and the 10:37:36

18 Governor, but that it was not a successful 10:37:38

19 arrangement. She also told me in reference to 10:37:44

20 Kaitlin's hiring that the Governor had met 10:37:48

21 Kaitlin at some kind of an event. Shortly after 10:37:58

22 ██████████ who had been filling, I think, 10:38:05

23 similar although identical role maybe, that ██████ 10:38:08

24 had announced that she was leaving and that the 10:38:13

25 Governor thought that Kaitlin might be good for 10:38:16

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2 that position to -- they called it sitting on the 10:38:19
3 desk and asked Stephanie and Annabelle to speak 10:38:22
4 with her and interview her, which they did. 10:38:29

5 Q. Did Ms. Benton say what about his 10:38:32
6 meeting with **Kaitlin** -- the Governor's meeting 10:38:35
7 with **Kaitlin** led her to believe that she would 10:38:38
8 be a good person for that role? 10:38:40

9 A. I'm having a hard time remembering 10:38:41
10 what Stephanie told me and what Annabelle told 10:38:43
11 me, because the two of them spoke to each of them 10:38:48
12 and I just don't remember right now who told me 10:38:54
13 what. But I think they may have even both have 10:38:56
14 said that she had been highly spoken of. 10:39:00

15 Both -- I think she had worked with 10:39:02
16 **██████████** and had experience in the political 10:39:05
17 arena and that **██████████** had really sent her 10:39:08
18 praises to the Governor and thought that she was 10:39:12
19 great. And I believe that they believed that **████** 10:39:16
20 had said that she had expressed an interest in 10:39:25
21 going back into government service. 10:39:28

22 Q. And did either Ms. Benton or Ms. 10:39:30
23 Walsh say whether the Governor spoke to these 10:39:33
24 people about **Kaitlin** at the event where he met 10:39:35
25 **Kaitlin** or at some other time? 10:39:37

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2 THE WITNESS: Is there any -- 10:40:39

3 MR. ABRAMOWITZ: That's okay. 10:40:41

4 MR. SPIRO: So what time frame is 10:40:43

5 this conversation? 10:40:45

6 THE WITNESS: After -- this would 10:40:45

7 have been in latish December, I believe, after 10:40:47

8 the conversation I had with [REDACTED]. 10:40:50

9 MR. ABRAMOWITZ: You're permitted to. 10:40:53

10 MR. SPIRO: You can testify. 10:40:53

11 A. Okay. So I had heard during a 10:40:55

12 conversation with the head -- the current acting 10:40:58

13 or the then acting head of [REDACTED] that [REDACTED] 10:41:02

14 [REDACTED] had told her that Kaitlin had had a 10:41:06

15 difficult time in the Chamber because of her 10:41:12

16 appearance. And I felt that that was something 10:41:14

17 that I needed to run down and understand. 10:41:19

18 So I went to [REDACTED] who I was 10:41:24

19 told was the source of that information to ask 10:41:26

20 her what -- why she would have said that, what 10:41:29

21 she had heard, what she understood. 10:41:37

22 Q. When you spoke to [REDACTED], what 10:41:40

23 was her position? 10:41:42

24 A. I believe she was working in 10:41:43

25 Massachusetts for [REDACTED] 10:41:45

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2 possibly or [REDACTED]. I knew at the time. I 10:41:48
3 don't know now. 10:41:50

4 Q. And tell me as much as you recall 10:41:51
5 about your conversation with [REDACTED]. 10:41:53

6 A. It was very brief. [REDACTED] said that 10:41:55
7 they had been asked to bring Kaitlin [REDACTED] into 10:42:00
8 [REDACTED]. I think she said that they -- that it 10:42:09
9 was an ask by the Chamber and that they 10:42:19
10 accommodated it, that she didn't have any 10:42:22
11 particular skill in the [REDACTED] but that she 10:42:26
12 actually quickly made her valuable. 10:42:32

13 And that, I think, she said that she 10:42:38
14 had heard that Kaitlin had had a difficult time 10:42:41
15 in the Chamber. But I'm not even sure that she 10:42:47
16 told me that. But when I asked her if she had 10:42:50
17 heard -- when I told her that I had heard that 10:42:54
18 she had suggested that had anything to do with 10:42:58
19 Kaitlin's appearance or that she -- I think I 10:43:05
20 asked if she had been -- I may have used the word 10:43:10
21 "harassment," but I know I asked about her 10:43:14
22 appearance. 10:43:17

23 She said, I never heard that. I 10:43:17
24 never said it. If [REDACTED] who was the head 10:43:20
25 of [REDACTED] said I did, she is mistaken. She was 10:43:26

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2 Q. Did you know who else heard the 10:48:23

3 recording? 10:48:27

4 A. I know that Melissa heard the 10:48:32

5 recording. I don't know who else heard the 10:48:34

6 recording. 10:48:36

7 Q. Do you know if anyone in Chambers 10:48:36

8 retained a copy of the -- 10:48:38

9 THE STENOGRAPHER: Can you please 10:48:38

10 keep your voice up. 10:48:39

11 MR. ABRAMOWITZ: Both of you have to 10:48:40

12 keep your voice up, according to the Court 10:48:42

13 Reporter. 10:48:44

14 Q. Do you know if anyone in Chambers 10:48:44

15 retained a copy of the recording? 10:48:47

16 A. Retained a copy of the recording? 10:48:51

17 THE STENOGRAPHER: I can't hear you. 10:48:51

18 MR. ABRAMOWITZ: NAME, you're going 10:48:54

19 to have to talk louder. 10:48:55

20 MR. SPIRO: Or maybe move the 10:48:56

21 microphone up a little closer. 10:48:57

22 THE WITNESS: Alright. Is that 10:48:57

23 better? 10:48:57

24 A. I do not know if anybody in Chamber 10:48:57

25 retained a copy of the recording. 10:49:01

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2 Is that -- is the volume better? 10:49:03

3 MR. ABRAMOWITZ: Is the volume 10:49:05

4 better? 10:49:07

5 THE STENOGRAPHER: Yes. 10:49:07

6 MR. ABRAMOWITZ: Okay. 10:49:07

7 Q. Now, you mentioned that you spoke to 10:49:09

8 ██████████, the head of ██████████. 10:49:14

9 A. That's correct. 10:49:16

10 Q. When did that conversation take 10:49:16

11 place? 10:49:18

12 A. December 19th. 10:49:18

13 Q. And how did that come about? 10:49:21

14 A. I received a telephone call from a 10:49:25

15 woman named ██████████ who was the assistant 10:49:31

16 secretary for ██████████. It would have 10:49:35

17 been the person to whom ██████████ reported on a 10:49:38

18 regular basis. ██████████ called ██████████. I don't 10:49:42

19 know exactly what the nature of that conversation 10:49:48

20 was. 10:49:53

21 But ██████████ called me and said she 10:49:55

22 thought it was important that I speak to ██████████ 10:50:00

23 ██████████ immediately about a conversation that 10:50:04

24 ██████████ had had with Kaitlin ██████████ who was an 10:50:09

25 employee of ██████████. 10:50:13

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2 Q. And at that point, you were already 10:50:15
3 aware of [REDACTED] 's tweets? 10:50:17

4 A. I had heard about them a couple of 10:50:19
5 days earlier. 10:50:21

6 Q. And did you speak with [REDACTED] by 10:50:23
7 telephone or in person or... 10:50:27

8 A. By telephone. 10:50:28

9 Q. And you said it was on December 19th? 10:50:30

10 A. Uh-huh. 10:50:33

11 Q. You have to say yes or no. 10:50:34

12 A. Yes. 10:50:35

13 Q. And was anyone else on the call? 10:50:35

14 A. Linda Lacewell. 10:50:37

15 Q. And how long -- anyone else on the 10:50:40
16 call? 10:50:43

17 A. No. 10:50:43

18 Q. How long did the call last? 10:50:43

19 A. There were actually two calls. There 10:50:45
20 was a call that included Linda that was probably 10:50:50
21 five to ten minutes. I actually was not at home. 10:50:56
22 I was driving in my car. 10:51:00

23 And then I when I got back to my 10:51:03
24 house, we had a longer call when I was able to 10:51:07
25 take some notes. I would say that that call was 10:51:13

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2 probably, at least, a half an hour maybe longer. 10:51:19

3 MR. ABRAMOWITZ: Can I have a minute? 10:51:24

4 (Side-bar discussion held off the 10:51:26

5 record.) 10:51:26

6 THE STENOGRAPHER: We can hear you. 10:51:42

7 MS. KENNEDY-PARK: I can hear you 10:51:48

8 guys clear. 10:51:48

9 MR. ABRAMOWITZ: It's alright. 10:51:49

10 A. I had subsequent calls with [REDACTED] 10:51:49

11 [REDACTED], but I think you're talking about my 10:51:52

12 initial calls. 10:51:53

13 Q. Well, let's start with how many calls 10:51:54

14 did you have with her altogether? 10:51:56

15 A. Maybe four or five. 10:51:59

16 Q. So let's start with the first one. 10:52:02

17 A. Uh-huh. 10:52:04

18 Q. And what do you recall was said by 10:52:06

19 you, [REDACTED] and Ms. Lacewell on that first 10:52:08

20 call? 10:52:11

21 A. On the very first call, the 10:52:13

22 ten-minute call, I think, I just introduced 10:52:15

23 myself and Linda and asked [REDACTED] to -- told 10:52:18

24 [REDACTED] that we understood that she had something 10:52:29

25 that she thought needed to be conveyed to Chamber 10:52:31

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2 and she gave a very high level kind of summary 10:52:36
3 account of a conversation that she had had with 10:52:40
4 Kaitlin [REDACTED] a day earlier on the Friday before. 10:52:47
5 It's hard for me to distinguish between what she 10:52:56
6 told us initially and what she told us on this 10:52:59
7 slightly later call. 10:53:03
8 But, you know, in sum and substance 10:53:05
9 that [REDACTED] -- that Kaitlin had come to her, had 10:53:06
10 expressed that she had had a very negative 10:53:16
11 experience at the Chamber, that she thought that 10:53:25
12 she had put that behind her but that Lindsey 10:53:31
13 Boylan's tweets had brought back some very 10:53:35
14 negative feelings. And, I think, again, I think 10:53:39
15 [REDACTED] told us in that call that she said, I'm 10:53:48
16 sure you've seen my tweets. And I'm going to be 10:53:50
17 joining a group of women who are going to be 10:53:59
18 asserting a claim against Governor Cuomo. And I 10:54:02
19 think [REDACTED] may have used the term "hostile work 10:54:06
20 environment" in her phone call -- in her initial 10:54:10
21 phone call with me and Linda. 10:54:13
22 But, again, I'm -- it's hard for me 10:54:15
23 to distinguish between the first call and the 10:54:18
24 subsequent call where we asked her for much more 10:54:21
25 detail. 10:54:23

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2 Q. In the first call, did she provide 10:54:24
3 any detail as to why Kaitlin or [REDACTED] was 10:54:25
4 using the term "hostile work environment"? 10:54:31

5 A. My recollection is that in one of 10:54:34
6 those two calls Linda and I determined that she 10:54:35
7 was using the term "hostile work environment" 10:54:43
8 interchangeably with "toxic work environment," 10:54:47
9 that she did not understand that there was a 10:54:52
10 legal definition to a hostile work environment 10:54:54
11 and that she was talking about a difficult work 10:54:56
12 environment. 10:54:59

13 Q. My question was slightly different. 10:55:00
14 I'm sorry. 10:55:02

15 In the first call, did she provide 10:55:03
16 any examples or details as to why she or [REDACTED] 10:55:05
17 Kaitlin would call it a "hostile" or "toxic work 10:55:08
18 environment"? 10:55:13

19 A. I don't recall. She eventually gave 10:55:18
20 us an example. I don't recall if she gave it in 10:55:19
21 the first or the second conversation. The only 10:55:22
22 illustration that she gave, which really wasn't 10:55:27
23 related to -- again, when I said that she did not 10:55:33
24 seem to understand there was a difference between 10:55:39
25 a hostile and a toxic work environment, I think, 10:55:42

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2 what she was explaining was that it was a 10:55:50
3 difficult work environment and that Kaitlin 10:55:51
4 described it as such. But I don't remember that 10:55:55
5 there was an illustration of that. 10:55:59

6 At a subsequent point where she said 10:56:01
7 Kaitlin said that she thought some of her 10:56:05
8 difficulty with the Governor related to her 10:56:09
9 physical appearance, she did give an example, 10:56:11
10 which was that Kaitlin said that she had -- the 10:56:15
11 Governor had asked her to help him look for auto 10:56:23
12 parts on the computer and that she had been 10:56:28
13 wearing a skirt and that he had been either 10:56:33
14 sitting behind her or standing behind her in a 10:56:36
15 way that made her feel uncomfortable. 10:56:38

16 Q. And did you understand that that 10:56:41
17 example related to a hostile work environment -- 10:56:42
18 a sexually hostile work environment? 10:56:45

19 A. I did not understand [REDACTED] to be 10:56:48
20 making a distinction between a toxic work 10:56:52
21 environment and a hostile work environment. 10:56:54

22 Q. My question is, when you heard that 10:56:56
23 example, did you think that related to a toxic 10:56:58
24 work environment or a hostile work environment or 10:57:01
25 neither? 10:57:03

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2 A. I think I heard that example and I 10:57:04
3 needed to understand more about what it was that 10:57:08
4 Kaitlin was saying her work experience was and 10:57:12
5 that [REDACTED] was having a harder time than most 10:57:17
6 people I interview distinguishing between what 10:57:25
7 she had heard and the conclusions that she 10:57:29
8 herself had drawn from with what she had heard. 10:57:32

9 Q. And what makes you describe her in 10:57:34
10 that fashion? 10:57:36

11 A. Because in the subsequent 10:57:37
12 conversation I had with her -- she's a highly 10:57:40
13 intelligent woman. She struggled with the 10:57:43
14 question, what did Kaitlin say to you. She 10:57:47
15 struggled not to be able to summarize her 10:57:52
16 impression of what Kaitlin was trying to say. 10:57:55
17 And it was very hard, harder than usual to get to 10:57:58
18 the words that were used, as opposed to [REDACTED] 10:58:03
19 overall impression of the circumstances. 10:58:06

20 Q. And in the first call, did [REDACTED] 10:58:08
21 say that Kaitlin had expressed any concern 10:58:11
22 about Linda Lacewell checking out her LinkedIn 10:58:14
23 page? 10:58:17

24 A. I don't know if that was expressed in 10:58:19
25 the first call or the second call. But she said 10:58:21

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2 that Kaitlin [REDACTED] had expressed concern about 10:58:29

3 two people, Linda Lacewell and Annabelle Walsh 10:58:41

4 looking at her LinkedIn page and about the phone 10:58:44

5 call that Staffer #6 had placed to her. 10:58:48

6 Q. And did you understand that Kaitlin 10:58:53

7 was concerned that she seemed like the Chambers 10:58:55

8 was checking up on her? 10:58:58

9 A. She was concerned that she was going 10:59:00

10 to lose her job, that she expressed that 10:59:02

11 explicitly and said that she had come to [REDACTED] 10:59:06

12 hoping that [REDACTED] could help her keep her job. 10:59:10

13 Q. And did you understand that Kaitlin 10:59:13

14 was saying that she was afraid that she was going 10:59:15

15 to lose her job because of tweets she had tweeted 10:59:17

16 in support of Ms. Boylan? 10:59:20

17 A. I understood that she linked that and 10:59:25

18 also potentially that she was going to be making 10:59:36

19 -- she did say she was going to be making a legal 10:59:40

20 claim against the Governor, I think. 10:59:43

21 Q. And this is something [REDACTED] told 10:59:47

22 you? 10:59:51

23 A. Uh-huh. 10:59:51

24 Q. You have to say yes -- 10:59:52

25 A. Yes. 10:59:53

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2 MR. ABRAMOWITZ: You have to answer. 10:59:54

3 Q. And what, if anything, did you or Ms. 10:59:55
4 Lacewell say to [REDACTED] when she expressed 11:00:00
5 that Kaitlin had expressed that concern? 11:00:02

6 A. That she needed to reassure Kaitlin 11:00:02
7 that there would be no retaliation whatsoever 11:00:05
8 related to any, you know, that she would be safe 11:00:11
9 from retaliation and I also told [REDACTED] that 11:00:18
10 to the extent that they were monitoring her 11:00:29
11 social media, they couldn't comment on her social 11:00:32
12 media or say anything to her about it and that 11:00:35
13 she needed to be -- there was some discussion 11:00:39
14 about Kaitlin working out of state during COVID 11:00:43
15 and if maybe she needed to be required to come 11:00:51
16 back to work in New York. 11:00:54

17 And I said they had to give her 11:00:58
18 exactly the same accommodations that they were 11:01:00
19 giving to any other employee and had to be 11:01:03
20 scrupulous about that. 11:01:06

21 Q. Were you part of any conversations 11:01:07
22 about the Executive Chamber ceasing to monitor 11:01:09
23 Kaitlin's social media? 11:01:13

24 A. No. 11:01:17

25 Q. Can you turn to Tab 35. 11:01:17

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2 (Deposition Exhibit 19, 11:01:17

3 Chamber_AG_00011491-00011500 undated notes 11:01:17

4 from Witness's conversation with [REDACTED] 11:01:17

5 and Linda Lacewell regarding Kaitlin [REDACTED], was 11:01:17

6 marked for identification.) 11:01:36

7 Q. Are these handwritten notes of yours? 11:01:36

8 A. They are. 11:01:38

9 Q. And is this from your first 11:01:38

10 conversation with [REDACTED] or a subsequent one? 11:01:41

11 A. I believe this is from the one that 11:01:44

12 happened on the 19th. I know because I was 11:01:51

13 taking notes that it was the second conversation. 11:01:52

14 Q. The second one on the 19th? 11:01:58

15 A. Uh-huh. 11:02:01

16 Q. You have to say yes or no. 11:02:02

17 A. Yes. 11:02:03

18 Q. Not the first one because you were 11:02:04

19 driving and couldn't take notes? 11:02:06

20 A. Correct. 11:02:07

21 Q. Okay. Do you know what sort of 11:02:07

22 information redacted in the upper left-hand 11:02:09

23 corner? 11:02:11

24 A. I do. 11:02:12

25 Q. It's a -- 11:02:16

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2 Q. On the first page, it has in quotes, 11:03:20
3 "I was scooped up by the Governor at an event and 11:03:22
4 I had no business getting that she did"? 11:03:25

5 A. I think that what I was starting to 11:03:31
6 say was the job that she did, and then it became 11:03:33
7 clear that [REDACTED] was not quoting -- not saying 11:03:37
8 what Kaitlin said. She was summarizing what 11:03:41
9 Kaitlin said. 11:03:45

10 The crossed out pieces, I believe, 11:03:50
11 were, again, our realizing that [REDACTED] was 11:03:53
12 summarizing rather than what did Kaitlin say to 11:03:55
13 you. And so what is in there within the quotes 11:03:58
14 is what [REDACTED] recalled Kaitlin actually saying 11:04:01
15 to her. 11:04:05

16 Q. And did [REDACTED] say something 11:04:06
17 about Kaitlin saying -- linking her hiring to 11:04:16
18 her appearance? 11:04:19

19 A. I think that was the implication. 11:04:26
20 But I don't think she was explicit. 11:04:30

21 Q. On the page that's stamped 11493, at 11:04:32
22 the top there's things that are numbered 1, 2, 3, 11:04:37
23 4. 11:04:40

24 The first one "LB," that's Ms. 11:04:40
25 Boylan? 11:04:42

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2 impression of the call rather than what Kaitlin 11:07:36

3 had said to her. So I asked her to start again 11:07:39

4 and try and stick to what Kaitlin was saying to 11:07:44

5 her rather than her distilling that and 11:07:48

6 synthesizing it for me. 11:07:53

7 Q. How did you leave the call with [REDACTED] 11:07:55

8 [REDACTED]?

9 A. The last couple of things that I said 11:07:58

10 to her, which I believe are reflected in the 11:08:01

11 notes, are that they had to make clear to her 11:08:04

12 that there would be no retaliation, that they 11:08:07

13 could not make any comments to her related to her 11:08:11

14 social media and that they needed to give her the 11:08:18

15 same accommodations that they had given others. 11:08:24

16 And I told her that I wanted to give some 11:08:27

17 additional consideration into how they should 11:08:32

18 reach back out to Kaitlin concerning her fears 11:08:34

19 of retaliation and then I spoke to Alfonso David. 11:08:39

20 Q. Did you in the first conversation 11:08:46

21 with [REDACTED] tell her that either she could 11:08:48

22 report it or should report to GOER if she thought 11:08:53

23 Kaitlin was complaining about a hostile work 11:08:56

24 environment? 11:08:58

25 A. No. 11:09:03

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2 Q. And so you then had a conversation 11:09:06
3 with Mr. David. 11:09:08

4 A. Uh-huh. 11:09:09

5 MS. CLARK: Is this Chamber asserting 11:09:10
6 privilege over that conversation? 11:09:11

7 MR. ABRAMOWITZ: Yes. 11:09:13

8 MR. SPIRO: Yes. 11:09:14

9 Q. Did you speak with anyone else about 11:09:14
10 the call you had with [REDACTED]? 11:09:17

11 A. I spoke -- well, I had been on the 11:09:19
12 call with Linda Lacewell and I think we jointly 11:09:22
13 spoke to Melissa DeRosa. 11:09:24

14 Q. And what was said in that 11:09:25
15 conversation? 11:09:27

16 MR. ABRAMOWITZ: [INSTRUCTION] And 11:09:27
17 we're asserting privilege of that conversation 11:09:27
18 with Melissa DeRosa. 11:09:33

19 Q. What was the next conversation you 11:09:34
20 had with anyone about Kaitlin [REDACTED]? 11:09:35

21 A. I believe I called [REDACTED] back 11:09:37
22 and I think that I had a conversation with her 11:09:44
23 and her General Counsel. 11:09:46

24 Q. And that's [REDACTED]? 11:09:48

25 A. Yes. 11:09:50

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2 MR. ABRAMOWITZ: Anne, can we stop 11:09:51

3 there for a moment and take a personal break? 11:09:52

4 MS. CLARK: Sure, sure. 11:09:54

5 Let's go off the record. 11:09:58

6 THE VIDEOGRAPHER: Okay. We are 11:10:00

7 going off the record. The time is 11:09 a.m. 11:10:01

8 EDT. 11:10:06

9 (Recess taken 11:09 to 11:21 a.m.) 11:22:02

10 THE VIDEOGRAPHER: We are back on the 11:22:02

11 record. The time is 11:21 a.m. EDT. 11:22:03

12 Q. -- describing a subsequent --

13 THE STENOGRAPHER: I couldn't hear

14 you.

15 Q. You said you had a subsequent

16 conversation --

17 THE STENOGRAPHER: I'm sorry. You 11:22:15

18 have to start from the beginning. 11:22:16

19 Q. -- ██████████; is that correct? 11:22:16

20 A. That's correct. 11:22:17

21 MR. ABRAMOWITZ: Stop, stop, stop. 11:22:17

22 She's having trouble hearing you. 11:22:19

23 MS. CLARK: Can you hear me better 11:22:21

24 now? 11:22:22

25 THE STENOGRAPHER: Yes. 11:22:23

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2 Q. Okay. When we broke, you said you 11:22:24
3 had a subsequent conversation with [REDACTED] and 11:22:25
4 [REDACTED]. 11:22:27

5 When did that take place? 11:22:28

6 A. It would have been -- I think the 11:22:32
7 first conversations that I had with [REDACTED] 11:22:34
8 were on a Saturday. It would have been the 11:22:35
9 following Monday or possibly Tuesday. 11:22:38

10 Q. When in December? 11:22:42

11 A. Yes. 11:22:43

12 Q. And was anybody on the call with you 11:22:48
13 other than [REDACTED] [REDACTED] and [REDACTED] [REDACTED]? 11:22:50

14 A. I don't recall if Linda Lacewell was 11:22:52
15 on those calls. I think I may have done those 11:22:54
16 calls on my own just with the two of them. 11:22:56

17 Q. And did you take notes of those 11:22:58
18 calls? 11:23:00

19 A. I may have. 11:23:00

20 Q. Okay. Why don't you before we look 11:23:01
21 at any notes describe the call. 11:23:04

22 A. I called them back and told them that 11:23:07
23 I thought it was important to get back to [REDACTED] 11:23:09
24 [REDACTED] Kaitlin and give her sort of clear unequivocal 11:23:19
25 reassurance that so long as she was truthful, 11:23:23

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2 that there -- that it was [REDACTED] policy, State 11:23:29
3 policy that there could be no retaliation. I 11:23:35
4 think I said the law. And what I suggested was 11:23:38
5 that [REDACTED] [REDACTED] call her initially because she 11:23:42
6 had had the initial outreach to [REDACTED] [REDACTED], that 11:23:46
7 [REDACTED] give her that message to reassure her, 11:23:49
8 but then [REDACTED] [REDACTED] then tell her that it's 11:23:52
9 ordinarily a matter that would be handled by the 11:23:56
10 General Counsel and that she should then add [REDACTED] 11:23:58
11 [REDACTED] to the call and, essentially, have 11:24:02
12 exactly the same conversation a second time but 11:24:06
13 this time delivered by the General Counsel of the 11:24:08
14 agency so that she would be fully reassured that 11:24:13
15 she would not and could not be subject to any 11:24:17
16 retaliation. 11:24:20

17 Q. And what, if anything, did [REDACTED] 11:24:22
18 or [REDACTED] say after you delivered that 11:24:25
19 message? 11:24:27

20 A. I don't recall any particular back 11:24:27
21 and forth on this subject. They did have that 11:24:32
22 conversation with [REDACTED] Kaitlin and then they called 11:24:35
23 me back to report that it had gone very well and 11:24:39
24 that, in fact, I believe, they told me that she 11:24:41
25 had sort of wept with relief and thanked them for 11:24:44

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2 A. -- [REDACTED], Kelly Cummings -- I 11:26:14
3 also spoke -- I spoke again, subsequently after 11:26:22
4 [REDACTED] told me that she had absolutely not been 11:26:25
5 the source of that understanding, I went back to 11:26:28
6 [REDACTED] and said, you didn't hear it from [REDACTED], 11:26:34
7 who could have you heard from it. 11:26:39

8 And she was surprised and really 11:26:41
9 thought that she had heard it from [REDACTED] and 11:26:45
10 then suggested that perhaps -- and I talked with 11:26:49
11 her about the fact that [REDACTED] who 11:26:55
12 is actually an employee of [REDACTED] and could 11:27:01
13 she have heard it from [REDACTED] who I 11:27:04
14 believe whose name was [REDACTED]. And she said, 11:27:07
15 no, she did not. She was quite sure it wasn't 11:27:10
16 from him. But she wondered and thought perhaps 11:27:13
17 [REDACTED] Kaitlin's supervisor with whom she was 11:27:21
18 apparently very close, a fellow named [REDACTED] 11:27:22
19 might have been the source of the information or 11:27:26
20 might know something more about what experience 11:27:29
21 [REDACTED] Kaitlin had had that might -- I was trying to 11:27:34
22 determine had she -- had I learned or had there 11:27:37
23 been conduct, which would fall within the sexual 11:27:43
24 harassment policy, which would require a report 11:27:47
25 to GOER. 11:27:50

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2 MR. SPIRO: (INAUDIBLE.) 11:27:50

3 (There is a discussion off the 11:27:50

4 record.) 11:28:01

5 THE STENOGRAPHER: If that's supposed 11:28:01

6 to be on the record, I can't hear anything. 11:28:03

7 MR. ABRAMOWITZ: She can't hear 11:28:03

8 anything. 11:28:05

9 A. Yeah, it was that. I left her -- 11:28:05

10 MR. ABRAMOWITZ: That question was 11:28:07

11 not heard by the Court Reporter. 11:28:08

12 THE WITNESS: Oh, okay. 11:28:10

13 MS. CLARK: Well, I'll ask it. 11:28:10

14 A. Yeah. 11:28:11

15 Q. The call was Jill DesRosiers was 11:28:11

16 after your first call with [REDACTED] ? 11:28:13

17 A. Yes. 11:28:15

18 Q. We're going to get to some of the 11:28:15

19 notes about some of these. 11:28:18

20 A. Okay. 11:28:19

21 Q. Let me pause right there. 11:28:19

22 How did you know that [REDACTED] Kaitlin was 11:28:21

23 [REDACTED] staff? 11:28:23

24 A. [REDACTED] told me that fact. 11:28:27

25 Q. And you said that you had internal 11:28:28

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2 and external conversations within Chamber with 11:28:31

3 external lawyers. 11:28:34

4 Which external lawyers did you speak 11:28:35

5 with? 11:28:37

6 A. I spoke with Mr. Abramowitz and I 11:28:37

7 spoke with Cathy Foti, who is a partner at the 11:28:42

8 Morvillo Abramowitz law firm, who has a specialty 11:28:46

9 in public law. 11:28:49

10 Q. And who within the Chamber did you 11:28:50

11 discuss the possibility of [Kaitlin] having a 11:28:53

12 harassment claim? 11:28:55

13 A. With Melissa DeRosa and I had those 11:28:57

14 conversations also with Linda Lacewell, not 11:29:01

15 technically Chamber but to my mind very much a 11:29:05

16 part of the Chamber structure. 11:29:09

17 MS. CLARK: And is Chamber asserting 11:29:10

18 privilege over all of those conversations? 11:29:13

19 MR. ABRAMOWITZ: [INSTRUCTION] Yes. 11:29:15

20 Q. So what was the next conversation you 11:29:19

21 had about [Kaitlin] after -- 11:29:21

22 A. I feel like I'm not routed in time so 11:29:24

23 -- 11:29:27

24 Q. So you said you had the conversation 11:29:27

25 with [REDACTED] and [REDACTED] and they told 11:29:29

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2 you that Kaitlin was happy, that they assured 11:29:34
3 that there would be no retaliation. You had your 11:29:38
4 internal and your external calls. 11:29:41

5 What conversations happened next? 11:29:45

6 A. So, I guess, I had a call with 11:29:51
7 , who was her supervisor. And then after 11:29:54
8 that I had a call with Kaitlin herself, you 11:30:01
9 know, with and another colleague of 11:30:07
10 mine on the phone call. 11:30:10

11 Q. On the call with just , was 11:30:11
12 anyone else on the call? 11:30:15

13 A. No, it was just me and Mr. . 11:30:16

14 Q. And when was that? 11:30:18

15 A. It would have been in January, I 11:30:19
16 think, relatively early January. 11:30:21

17 Q. And what did you say, what did he 11:30:23
18 say? 11:30:26

19 A. Again, to the best of my 11:30:28
20 recollection, I introduced myself. I explained 11:30:32
21 to him that I was trying to determine whether I 11:30:35
22 had a reporting obligation. I think I was 11:30:44
23 explicit that I had heard that Kaitlin had 11:30:49
24 potentially been subject to sexual harassment in 11:30:52
25 the Chamber, that I was trying to understand 11:30:58

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2 whether that was the case, that I understood that 11:31:04
3 Kaitlin had retained Counsel in the matter. So I 11:31:06
4 couldn't speak directly to her. So I was trying 11:31:09
5 to learn what I could. 11:31:12

6 I explained to him why I couldn't 11:31:17
7 speak to her directly under the ethical rules and 11:31:19
8 he told me that he was an attorney and that he 11:31:23
9 understood and appreciated that I was trying to 11:31:25
10 be careful. 11:31:27

11 He told me that he had spoken with 11:31:28
12 Kaitlin about her experience in the Chamber, 11:31:34
13 which he said he understood to have been very 11:31:38
14 very difficult, but that in no way had he 11:31:42
15 understood that any aspect of it related to her 11:31:48
16 physical appearance or anything that could 11:31:52
17 constitute sexual harassment that, I think, he 11:31:55
18 said on that call that he used to work on the 11:31:59
19 second floor, which is sort of shorthand for 11:32:01
20 working for the Governor in Albany and that 11:32:04
21 everybody knows that it's a very -- it can be a 11:32:06
22 very stressful environment and that in his 11:32:10
23 understanding that was the essence of Kaitlin's 11:32:14
24 experience. 11:32:19

25 Q. Anything else said by you or him in 11:32:20

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2 (Deposition Exhibit 21, 11:33:02

3 Chamber_AG_00011501 undated notes that appear 11:33:02

4 to relay Benton's thoughts about Kaitlin, was 11:33:02

5 marked for identification.) 11:33:07

6 Q. There's a part redacted at the top. 11:33:07

7 Do you know the nature of that? Was 11:33:10

8 that something that somebody told you or your 11:33:11

9 thoughts on legal claims or something else? 11:33:14

10 A. It may have been notes from a 11:33:21

11 conversation that I had unrelated to my efforts 11:33:24

12 to try and understand the facts as they pertained 11:33:26

13 to Kaitlin. But I don't remember what was on the 11:33:29

14 top of that page. 11:33:33

15 Q. And what are these -- this page of 11:33:33

16 notes reflect? 11:33:36

17 A. This would have been my call with 11:33:38

18 Stephanie Benton to try and understand the facts 11:33:40

19 that Stephanie had relating to Kaitlin's 11:33:48

20 experience -- hiring and experience in the 11:33:51

21 Chamber? 11:33:53

22 Q. And this note isn't dated. 11:33:54

23 Do you recall what the date was? 11:33:56

24 A. No, but I believe that it would have 11:33:57

25 -- I think it would have predated my conversation 11:34:01

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2 with [REDACTED]. I think that I spoke to people in the 11:34:03

3 Chamber in the December period and there was a 11:34:06

4 brief lull during the holidays and where I was 11:34:11

5 quite occupied with a couple of other significant 11:34:18

6 matters and then I picked it back up shortly 11:34:24

7 after the holidays. 11:34:27

8 Q. And if you can turn to Tab 38. 11:34:28

9 (Deposition Exhibit 22,

10 Chamber_AG_00011502 - Chamber_AG_00011506:

11 Undated notes (Chamber_AG_00011505 is dated

12 12/28/20) that appear to record conversations

13 between Witness, [REDACTED] and Jill

14 DesRosiers about Kaitlin [REDACTED], was marked for

15 identification.) 11:34:37

16 Q. The first page at the top says, 11:34:37

17 "Jill." 11:34:39

18 Is this portion reflecting your 11:34:40

19 conversation with Jill DesRosiers? 11:34:44

20 A. It does. And I believe that there 11:34:45

21 was an earlier exhibit, which is the second page 11:34:50

22 of these notes, that somehow got separated. 11:34:52

23 Remember I said you'll find a page -- 11:34:55

24 Q. Okay. 11:34:58

25 A. -- that has water stains on it? 11:34:59

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2 Q. Yes. 11:35:02

3 A. I think this is Page 1 and there is 11:35:03

4 another page of notes of my conversation with 11:35:05

5 Jill that is Page 2 of the same conversation, not 11:35:07

6 what you're looking at. 11:35:10

7 Q. Okay. Well, maybe we'll come across 11:35:11

8 it somewhere else. 11:35:16

9 A. Yes, we looked at it yesterday. 11:35:16

10 Q. Okay, okay. 11:35:18

11 And do you recall the date of this 11:35:21

12 conversation? 11:35:23

13 A. No, again, it would have been in 11:35:24

14 December, but I don't recall the exact date. 11:35:25

15 MR. SPIRO: After your conversation 11:35:32

16 -- 11:35:33

17 A. After my conversation -- yes, so it 11:35:33

18 would have been sometime between say 11:35:34

19 December 21st and December 25th. That's my best 11:35:36

20 guess. 11:35:40

21 Q. And the next page that's here, it's 11:35:41

22 in different color ink. 11:35:47

23 A. Yeah, don't think -- I think that 11:35:49

24 these may have been taken at around the same 11:35:50

25 time, but they are not related. In fact, hold on 11:35:53

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2 Q. You have to say yes or no. 11:37:25

3 A. Yes, sorry. 11:37:26

4 Q. The next page says, "pictures of 11:37:28

5 event"? 11:37:29

6 A. Yes. 11:37:30

7 Q. What is that in reference to? 11:37:30

8 A. I think there are often photos taken, 11:37:31

9 more than often. I think as a general rule there 11:37:34

10 are photos taken when the Governor goes to an 11:37:36

11 event and they are accessible and somebody looked 11:37:39

12 at the pictures and told me that somebody named 11:37:43

13 [REDACTED] or -- I think that's her name, 11:37:50

14 [REDACTED] and [REDACTED] appeared in the 11:37:54

15 pictures at the event. 11:37:57

16 Q. Did you ever view pictures of the 11:37:58

17 Governor and Kaitlin at the event? 11:38:01

18 A. I don't believe I did. 11:38:03

19 Q. Did you ever see any pictures of the 11:38:05

20 Governor holding her which looked like a dance 11:38:07

21 pose? 11:38:10

22 A. I can't -- I can't for sure say that 11:38:11

23 I never did, but I have no recollection of that. 11:38:13

24 Q. And if you turn to the next page, 11:38:17

25 it's dated 12/28 and is that your call with Kelly 11:38:19

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2 call together from [REDACTED] [REDACTED] and Kaitlin -- from 11:39:52
3 [REDACTED] [REDACTED] and Kaitlin essentially, saying how 11:39:57
4 could you tell the Chamber that Kaitlin had hired 11:40:06
5 a lawyer, that's not true; how could you say that 11:40:10
6 she had been sexually harassed, that's not true. 11:40:13

7 And I don't know if the word would be 11:40:20
8 demanding but strongly expressing an interest in 11:40:22
9 wanting to talk to me directly and quite angry at 11:40:26
10 [REDACTED] and [REDACTED]. And they didn't know if I 11:40:31
11 wanted to speak to either [REDACTED] [REDACTED] or Kaitlin 11:40:38
12 and I said, yes, I would be very happy to do so 11:40:48
13 if, in fact, she wasn't represented. 11:40:51

14 So I think I spoke then briefly with 11:40:54
15 [REDACTED] [REDACTED]. And then we arranged to have a call 11:40:57
16 the next day with Kaitlin, which I did have one 11:41:01
17 of my colleagues join and then [REDACTED] [REDACTED] decided 11:41:05
18 he would join, if I was going to have one of my 11:41:09
19 colleagues on the call. 11:41:11

20 Q. Turn to Tab 39. 11:41:13

21 (Deposition Exhibit 23, 11:41:13
22 Chamber_AG_00011482 - Chamber_AG_00011485 notes 11:41:13
23 from 1/14/21 of Witness' various conversations 11:41:13
24 with Kaitlin [REDACTED], [REDACTED], [REDACTED] and 11:41:13
25 [REDACTED], was marked for identification.) 11:41:15

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2 Q. Is this from the call that you 11:41:15
3 received from [REDACTED] and [REDACTED]? 11:41:17

4 A. Yes. 11:41:20

5 Q. It looks like maybe something got 11:41:23
6 spilled on these notes too, although they're 11:41:25
7 still legible. 11:41:29

8 A. I don't know. It just -- I think I'm 11:41:29
9 just doodling but... 11:41:33

10 Q. What does it say in the left-hand 11:41:36
11 margin? 11:41:38

12 A. "Kaitlin emotion. [REDACTED] speaking for 11:41:43
13 her. She wanted to know if they had spoken to" 11:41:47
14 -- and then I wrote the word "charge" but maybe 11:41:54
15 it's Chamber. I, certainly, intended to say 11:41:58
16 Chamber. 11:42:01

17 THE WITNESS: Sorry. 11:42:01

18 MR. ABRAMOWITZ: No, I mean, you... 11:42:02

19 Q. How about three-quarters of the way 11:42:09
20 down it says, "They spoke to [REDACTED]." 11:42:11

21 What is that a reference to? 11:42:14

22 A. As I understood it, Kaitlin and [REDACTED] 11:42:15
23 had gone to [REDACTED] initially about their dismay 11:42:19
24 at what they understood my conversation with 11:42:27
25 [REDACTED] and -- with [REDACTED] to have been or maybe 11:42:30

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2 ██████ and ██████ and that ██████ had urged them 11:42:36
3 to go and talk directly with ██████ and ██████. 11:42:43
4 That's what I took that to mean. 11:42:46

5 Q. And then there's something in 11:42:47
6 parenthesis that says -- on the right-hand 11:42:49
7 side -- "per ██████ what she is saying today is 11:42:51
8 markedly different than what she said several 11:42:55
9 weeks ago/significant change of heart." 11:42:58

10 What is that a reference to? 11:43:00

11 A. I think I said to ██████, how do you 11:43:02
12 reconcile what they've said to you now with what 11:43:05
13 you told me you said in December, like, what is 11:43:08
14 this? 11:43:08

15 And ██████ -- that was ██████ 11:43:12
16 response, that she sort of stuck by that she had 11:43:15
17 given me an accurate account of what Kaitlin had 11:43:21
18 told her, but that she felt that Kaitlin had had 11:43:27
19 a "change of heart." Those were her words. 11:43:32

20 Q. Was there any discussion with ██████ 11:43:36
21 ██████ as to whether Kaitlin had a "change of 11:43:39
22 heart" because of her concerns with retaliation 11:43:41
23 or anything along those lines? 11:43:43

24 A. I did not have a conversation about 11:43:46
25 why ██████ ██████ thought Kaitlin may have had a 11:43:50

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2 "change of heart." But I understood that they 11:43:56

3 had given her a very solid assurance that she 11:43:59

4 would not be subject to retaliation. If I 11:44:03

5 remember correctly, in either the first call that 11:44:07

6 Kaitlin had with [REDACTED] or the one where they 11:44:16

7 addressed her retaliation claims, Kaitlin said, I 11:44:19

8 understand if you need to reach out to people in 11:44:23

9 Chamber to discuss this matter with them and you 11:44:26

10 do what you need to do. I did not take from that 11:44:29

11 that there was sort of significant concern, I 11:44:34

12 think, you know, especially, given the 11:44:45

13 retaliation assurance. And I wasn't really 11:44:49

14 relying on [REDACTED] [REDACTED] to tell me what was in [REDACTED] 11:44:56

15 [REDACTED] Kaitlin's mind. 11:45:00

16 Q. At the bottom it's little bit cut off 11:45:02

17 and it says, "WITNESS INITIALS needs to stay 11:45:04

18 completely" -- what do you recall what that was? 11:45:07

19 A. I don't. 11:45:12

20 Q. I'd ask a better copy at some point 11:45:12

21 but... 11:45:15

22 A. I don't. I don't recall. 11:45:16

23 Q. At the next page, is that from the 11:45:26

24 same call or a different call? It's dated again. 11:45:31

25 A. Yes, it would be a separate telephone 11:45:35

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2 call that, essentially, went over the same 11:45:40

3 grounds, but this time with Linda on the call. 11:45:43

4 Q. And it says, "Per [REDACTED] you guys are 11:45:49

5 really upsetting her." 11:45:52

6 What was that a reference to? 11:45:54

7 A. That I believe was a quote from [REDACTED] 11:45:59

8 to [REDACTED] and [REDACTED]. I believe the "you guys" was 11:46:02

9 not a reference to me but rather a reference to 11:46:13

10 what [REDACTED] said to [REDACTED] and [REDACTED], "You guys are 11:46:19

11 really upsetting her." 11:46:23

12 Q. That [REDACTED] [REDACTED] and [REDACTED] [REDACTED] were 11:46:24

13 upsetting her? 11:46:27

14 A. That's my best recollection, yeah. 11:46:28

15 Q. On the next page, 11448, is that 11:46:35

16 still from your conversation with [REDACTED] [REDACTED] 11:46:37

17 and [REDACTED] [REDACTED] and Ms. Lacewell? 11:46:39

18 A. Uh-huh. 11:46:42

19 Q. You have to say yes or no. 11:46:42

20 A. Yes. Sorry. 11:46:44

21 Q. It says, "Why is Chamber calling my 11:46:45

22 boss? This is what they do." 11:46:48

23 What is that a reference to? 11:46:51

24 A. That was a quote as relayed by, I 11:46:52

25 believe, [REDACTED] [REDACTED] to me and Linda from 11:46:58

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2 Kaitlin. 11:47:01

3 Q. And then it refers to the "[REDACTED]" 11:47:02

4 [REDACTED] Staffer #6 call." 11:47:04

5 What did they say about that? 11:47:05

6 A. That she -- I guess, in addition to 11:47:16

7 making reference to my call to [REDACTED], she said 11:47:18

8 that there had also been the call from [REDACTED] Staffer #6, who 11:47:28

9 didn't work for Chamber, worked for the MTA, but 11:47:31

10 saying that a reporter was asking about me and 11:47:36

11 then I worked for [REDACTED]. 11:47:38

12 And then Kaitlin saying, the only 11:47:41

13 other person I talked to -- I think she means 11:47:45

14 from Chamber -- is Mujica and we only talk about 11:47:49

15 jogging because we both love jogging. 11:47:54

16 Q. Were you aware of whether any 11:47:59

17 reporters had called asking about [REDACTED] Kaitlin and 11:48:00

18 her work at [REDACTED] in this time frame? 11:48:04

19 A. I did not have any information on 11:48:07

20 that issue. 11:48:09

21 Q. Were you aware of telling [REDACTED] Staffer #6 11:48:13

22 to lie and tell [REDACTED] Kaitlin that reporters were 11:48:15

23 calling and asking about her? 11:48:17

24 A. I don't have any unprivileged 11:48:21

25 information on that question? 11:48:21

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

2 Q. About three-quarters of the way down 11:48:29
3 it says, "Who did you speak to Chamber? Not at 11:48:31
4 liberty to say." 11:48:34

5 What is that a reference to? 11:48:35

6 A. Again, my recollection is that this 11:48:42
7 was either [REDACTED] or Kaitlin [REDACTED] asking [REDACTED] 11:48:43
8 and [REDACTED] who they had spoken to in Chamber and 11:48:50
9 [REDACTED] and [REDACTED] -- and/or [REDACTED] responding that 11:48:54
10 they weren't at liberty to say. 11:48:57

11 Q. And then it says, [REDACTED] policy is 11:48:59
12 if any claim related to harassment" -- 11:49:03

13 A. We would report up. 11:49:06

14 Q. -- "we would report up." 11:49:07

15 Is that something that [REDACTED] 11:49:10
16 or [REDACTED] [REDACTED] said they told [REDACTED] Kaitlin? 11:49:12

17 A. I believe it's something that [REDACTED] 11:49:14
18 [REDACTED] told [REDACTED] Kaitlin and that then [REDACTED] 11:49:18
19 responded -- my recollection was that [REDACTED] [REDACTED] 11:49:20
20 and [REDACTED] [REDACTED] were trying to say this isn't a 11:49:31
21 [REDACTED] matter. We would just report it up and 11:49:34
22 sort of suggesting that their call to me had been 11:49:42
23 a report that they understood to be about 11:49:44
24 potential harassment. And that [REDACTED] was saying 11:49:47
25 it is a [REDACTED] matter because it involves 11:49:52

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

2 What discussion did you have with 11:50:38

3 [REDACTED] [REDACTED] about the subject of that call? 11:50:40

4 A. He's explaining to me that she has 11:50:54

5 not retained Counsel -- I think this is according 11:50:58

6 to Kaitlin [REDACTED] -- has not retained Counsel and 11:51:01

7 it is fine for me to speak directly to her, 11:51:04

8 meaning, [REDACTED] me, that she did talk to a lawyer 11:51:10

9 after she received a call from Chamber but did 11:51:15

10 not retain Counsel. 11:51:17

11 And I said she got a call from 11:51:20

12 Chamber? That's my "WITNESS INITIALS question 11:51:22

13 question." 11:51:26

14 And he said, someone named [REDACTED] Staffer #6 11:51:27

15 asked her, "RE: Press." 11:51:30

16 "I don't know what transpired in the 11:51:33

17 call." That is [REDACTED] -- that's my making a note 11:51:34

18 of what [REDACTED] is telling me. 11:51:39

19 Q. And on the next page, it says, "not 11:51:40

20 gone to press and do not intend to go to press." 11:51:46

21 Is that something that [REDACTED] [REDACTED] said 11:51:51

22 to you? 11:51:53

23 A. Yes. He said, yes. 11:51:53

24 Q. Is that something that you had asked 11:51:56

25 him about? 11:51:58

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

2 A. I don't believe so. 11:51:58

3 Q. And then it looks like it says, "what 11:52:00

4 she wants is she wants issue to go away. She 11:52:03

5 doesn't want to be on the wrong side of the bus 11:52:07

6 here"; is that what it says? 11:52:11

7 A. Those were his words. 11:52:12

8 Q. What did you understand him to mean? 11:52:13

9 MR. ABRAMOWITZ: Where is it? 11:52:18

10 A. I understood him to mean that she 11:52:19

11 felt that she was being depicted as being part of 11:52:21

12 a claim -- legal claim that was going to be made 11:52:32

13 and that she did not want to be seen in that 11:52:37

14 light. But she clearly also viewed Chamber as 11:52:40

15 kind of an imposing force. 11:52:44

16 Q. And you then said you had a 11:52:49

17 conversation -- a call with [REDACTED] [REDACTED] Kaitlin 11:52:52

18 and someone on your staff; is that correct? 11:52:56

19 A. Yes. I mean, there are, you know, 11:52:59

20 was more to my call with [REDACTED] [REDACTED]. 11:53:03

21 Q. Oh. What else was said in your call 11:53:05

22 with [REDACTED] [REDACTED]? 11:53:07

23 A. Well, [REDACTED] [REDACTED] said that she is 11:53:08

24 adamant that she -- Kaitlin has not made any 11:53:10

25 claims of harassment or any other kind of 11:53:14

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

2 harassment. He, again, referenced that we both 11:53:16
3 know he and I what a pressure cooker the Chamber 11:53:20
4 could be. It's not suited to everyone. It 11:53:24
5 wasn't suited to her, but that she is not making 11:53:26
6 her harassment claim. 11:53:29

7 And that I also -- after he said that 11:53:30
8 she doesn't want to be on the wrong side of the 11:53:35
9 bus, that my only goal was to reassure her that 11:53:38
10 she was not in any -- reassure her that she was 11:53:41
11 not on the wrong side of any bus or on -- you 11:53:49
12 know, that there was nothing that she needed to 11:53:50
13 be concerned about. 11:53:52

14 And he said, "great." And then he 11:53:53
15 said that Kaitlin was a great employee for him 11:53:55
16 and "she just wants to move on and do her work. 11:53:59
17 And she is concerned that her comments that I 11:54:03
18 made to Counsel and ■, neither of which came 11:54:09
19 from her." I think she -- she was distancing 11:54:15
20 herself from comments that had been attributed to 11:54:22
21 her. I don't -- maybe it's ■. 11:54:24

22 And I said, I'm going to call her, 11:54:31
23 but I'm going to have somebody else on the line. 11:54:34

24 ■ asked, "why would you have 11:54:38
25 somebody else on the line?" 11:54:39

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2 And I said, there was too, much more 11:54:40
3 than the average miscommunication and that I 11:54:42
4 wanted someone else on the call to make sure that 11:54:46
5 we were setting things as straight as possibly 11:54:49
6 could be set straight. 11:54:54

7 Q. And how long after your call with 11:54:55

8 [REDACTED] did you have the call with [REDACTED] and 11:54:57
9 [REDACTED] Kaitlin and someone from your staff? 11:55:01

10 A. I think it happened the next day and 11:55:02
11 not that day, but I could be mistaken. 11:55:05

12 Q. How long did the call last? 11:55:07

13 A. Not long. It was probably under ten 11:55:08
14 minutes. 11:55:12

15 Q. And who from your staff did you have 11:55:12
16 with you? 11:55:14

17 A. [REDACTED]. 11:55:15

18 Q. Don't turn to -- 11:55:17

19 A. Oh. 11:55:17

20 Q. We'll get to that soon. 11:55:19

21 A. Okay. 11:55:20

22 Q. What was her role? 11:55:20

23 A. [REDACTED] was the Deputy Special Counsel 11:55:22
24 for public integrity and worked as one of my 11:55:26
25 principal deputies. 11:55:32

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

2 Q. And did you take any notes during the 11:55:33
3 call? 11:55:35

4 A. I may have taken some very high level 11:55:36
5 notes. But I was counting on [REDACTED] to take more 11:55:41
6 detailed notes. 11:55:44

7 Q. And do you know if [REDACTED] took more 11:55:45
8 detailed notes? 11:55:48

9 A. I believe she did, yes. 11:55:48

10 Q. And we're going to turn in a minute 11:55:51
11 to some typed notes. 11:55:53

12 Do you know if the handwritten notes 11:55:54
13 that either you or [REDACTED] took still exist? 11:55:56

14 A. I believe they do, yes. 11:55:59

15 MS. CLARK: And have they been 11:56:01
16 produced or is there a privilege being asserted 11:56:02
17 on those? 11:56:04

18 MR. ABRAMOWITZ: (INAUDIBLE.) 11:56:05

19 THE STENOGRAPHER: I can't hear you. 11:56:06

20 A. I can peak and let you know. 11:56:07

21 OKAY. So those are her typed notes. 11:56:11

22 Q. Okay. 11:56:13

23 A. I don't -- I don't see either my 11:56:14
24 notes or her notes had in here. 11:56:16

25 Q. Okay. We can come back to it. 11:56:18

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

2 Before we turn to the typed notes, 11:56:20
3 what do you recall was said during this call? 11:56:22

4 A. I recall that Kaitlin was -- I 11:56:26
5 wouldn't say quite agitated, but there was a 11:56:36
6 level of agitation. She was not calm on the 11:56:39
7 call. That she was very very focused on the fact 11:56:42
8 that she had never retained Counsel and that she 11:56:50
9 had never said that she retained Counsel. She 11:56:53
10 referred to that repeatedly as a lie. "Why would 11:56:56
11 they lie. That's a lie. I never retained 11:57:00
12 Counsel." 11:57:04

13 And I said, that's good. Like, I 11:57:04
14 think I may have initiated it by saying, I really 11:57:07
15 need to confirm with you that you haven't 11:57:11
16 retained Counsel before I can talk to you. And 11:57:13
17 it got her, you know -- there was some agitation. 11:57:15

18 And she was, you know, she said 11:57:25
19 that's a lie and she said, "and I never said that 11:57:28
20 I was sexually harassed." 11:57:32

21 And I said, okay, even if you didn't 11:57:36
22 say that you were sexually harassed, were you the 11:57:38
23 subject of behavior that could be considered 11:57:42
24 sexual harassment. 11:57:46

25 And she again said, "no, that's a 11:57:48

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

2 lie." And she was really very adamant and 11:57:51

3 agitated. And, I think, she said I don't know 11:57:57

4 why they would say those things, words to that 11:58:04

5 effect. She said that she only came forward -- 11:58:08

6 she only went to talk to [REDACTED] because she 11:58:13

7 understood that the Chamber was looking at her 11:58:17

8 LinkedIn and she wanted to be transparent with 11:58:23

9 her employer about the fact that she had tweeted, 11:58:33

10 I think, favorably to Lindsey. 11:58:39

11 I tried to be reassuring to her that 11:58:48

12 she was somewhat apologetic, I think, and she was 11:58:54

13 upset and I tried to sort of soothe her and tell 11:58:58

14 her that she had no reason to be anxious. 11:59:02

15 And then I -- and then she said to 11:59:05

16 me, if you have questions in the future, you 11:59:08

17 should come directly to me. 11:59:11

18 And I said and the same holds true, 11:59:12

19 if there is anything that you want to discuss in 11:59:15

20 the future, you can call me directly. And she 11:59:17

21 thanked me for the call. I believe she expressed 11:59:20

22 that she felt somewhat better from the call and 11:59:24

23 she hung up. It was not a long call. 11:59:28

24 Q. Did you ask her about what you had 11:59:31

25 heard from [REDACTED] [REDACTED] that she thought her 11:59:32

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

2 treatment in Chamber had been related in some 11:59:32

3 fashion to her appearance? 11:59:34

4 A. I don't think I that asked her -- I 11:59:35

5 know that I did not sort of go back over what 11:59:39

6 ██████████ had reported to me to ask her about. 11:59:42

7 Q. Why not? 11:59:47

8 A. I thought that I had a woman who was 11:59:50

9 in distress that was saying that she had not made 11:59:58

10 the assertions that had been attributed to her 12:00:08

11 and I did not think -- I did not want to 12:00:11

12 cross-examine her, you know, given the State that 12:00:15

13 she was in. 12:00:22

14 Q. Was she crying on the call? 12:00:24

15 A. I don't -- I don't recall her crying. 12:00:26

16 But I did have a sense that she was -- she seemed 12:00:30

17 to be under a lot of stress. 12:00:38

18 Q. Did you ask her anything about the 12:00:40

19 circumstances of her hiring to the Chamber? 12:00:42

20 A. No. 12:00:44

21 Q. Did you ask her anything about her 12:00:44

22 job duties during the Chamber? 12:00:46

23 A. No, I didn't. 12:00:48

24 Q. Did you ask her about the incident 12:00:49

25 that ██████████ had described where the Governor 12:00:51

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

2 asked for help getting car parts and was 12:00:53

3 allegedly staring at her? 12:00:56

4 A. No, I didn't. 12:00:58

5 Q. After she said she wasn't making a 12:01:05

6 claim of sexual harassment and wasn't saying it 12:01:07

7 was sexual harassment, did you ask her any 12:01:10

8 questions about her experience? 12:01:12

9 A. Not that I recall. 12:01:14

10 Q. If you can look at Tab 41. 12:01:18

11 (Deposition Exhibit 25, 12:01:18

12 Chamber_AG_00016644 1/15/21 Phone Interview of 12:01:18

13 Kaitlin [REDACTED], was marked for identification.) 12:01:22

14 Q. Are these your notes or the notes 12:01:22

15 that were taken rather by [REDACTED] [REDACTED]? 12:01:25

16 A. These -- this was a memo that [REDACTED] 12:01:31

17 [REDACTED] prepared based on her notes. 12:01:35

18 THE STENOGRAPHER: I can't hear you. 12:01:44

19 Q. -- or did this go through drafts? 12:01:44

20 MR. ABRAMOWITZ: She can't hear you. 12:01:47

21 Q. Oh. Was there any only one version 12:01:47

22 of this or did this go through drafts? 12:01:49

23 A. I'm not aware of any drafts that went 12:01:52

24 through. I don't know whether [REDACTED] prepared 12:01:54

25 drafts, you know, an earlier draft before she 12:01:58

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

2 -sent this to me. But I didn't edit or comment 12:02:01

3 or make any proposed changes on this draft. 12:02:04

4 Q. And it looks like in this memo it 12:02:07

5 says that [Kaitlin] said that [Staffer #6] -- and it 12:02:09

6 says, "writer's note. [Staffer #6] had reached 12:02:12

7 out to her so that's why Kaitlin had originally 12:02:15

8 spoken out on the subject." 12:02:18

9 Did you ask [Kaitlin] anything about 12:02:19

10 why she was concerned about the call from [REDACTED] 12:02:21

11 [Staffer #6]? 12:02:23

12 A. Well I have to say my recollection 12:02:27

13 was not so much that [Kaitlin] expressed a 12:02:29

14 concern about the call from [Staffer #6] so much 12:02:35

15 as that she felt that the call from [Staffer #6] 12:02:37

16 was what prompted her to come -- to go to [REDACTED] 12:02:41

17 and, essentially -- I think the words that she 12:02:48

18 used was that she wanted to be transparent with 12:02:51

19 [REDACTED]. Yeah, she stated, "she has tried to be 12:02:54

20 transparent to [REDACTED]." I remember her talking 12:02:57

21 about transparency. 12:03:01

22 Q. Did you ask her anything about the 12:03:02

23 call with [Staffer #6]? 12:03:04

24 A. I didn't. 12:03:05

25 Q. And about halfway down it -- this 12:03:08

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

2 memo says that you said with respect to the 12:03:12

3 sexual harassment allegation, "Witness stated 12:03:14

4 that she had a responsibility due to state law to 12:03:16

5 understand that there were any further steps for 12:03:19

6 her and Witness to take." 12:03:20

7 What steps would you have taken if 12:03:23

8 **Kaitlin** had said that she believed anything had 12:03:25

9 happened to her was sexual harassment? 12:03:27

10 A. I would have encouraged her to go to 12:03:30

11 GOER or gone to GOER myself. 12:03:32

12 Q. Did you have any discussion with her 12:03:34

13 about the GOER process during this conversation? 12:03:36

14 A. No. 12:03:38

15 Q. Did you refer her to the employee 12:03:39

16 handbook? 12:03:42

17 A. No. 12:03:43

18 Q. Did you talk to her about retaliation 12:03:45

19 on this call? 12:03:48

20 A. I did not talk to her about 12:03:49

21 retaliation on this call. 12:03:51

22 Q. After you spoke to **Kaitlin** and 12:03:55

23 , did you have any conversation with 12:03:58

24 anyone else about that conversation? 12:04:00

25 A. I, again, expect that I would have 12:04:08

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

2 spoken at a minimum to Linda Lacewell and Melissa 12:04:15

3 DeRosa. I may have spoken to Alfonso David, but 12:04:21

4 I don't remember. 12:04:26

5 MS. CLARK: And is the Chamber 12:04:35

6 asserting privilege overall of those 12:04:37

7 conversations? 12:04:39

8 MR. ABRAMOWITZ: [INSTRUCTION] Yes. 12:04:39

9 Do you want to come sit at this side of the 12:04:41

10 table. 12:04:43

11 Q. Do you want to turn to Tab 42. 12:04:43

12 A. Uh-huh.

13 (Deposition Exhibit 26,

14 JM_NB_00000028, JM_NB_00000030 & JM_NB_00000036

15 2/20/21 & 3/1/21 excerpts of text conversation

16 among WITNESS, Steve Cohen and Linda Lacewell,

17 was marked for identification.) 12:04:47

18 Q. These are some tweets from Kaitlin 12:04:47

19 ██████.

20 Do you know when these tweets were 12:04:50

21 made? 12:04:52

22 A. I don't know. But I can surmise that 12:05:00

23 they were probably made sometime after 12:05:04

24 February 24th. 12:05:08

25 Q. And have you seen these tweets 12:05:09

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

2 about the Governor's interactions with Ron Kempf. 12:06:23

3 Q. And why did you understand that that 12:06:31

4 was that was about? 12:06:33

5 A. Because I think the allegation at the 12:06:35

6 time it was being made was that the Governor had 12:06:37

7 in his words or substance threatened to end Ron 12:06:40

8 Kempf's career. 12:06:45

9 Q. And **Kaitlin** says, "I've been on the 12:06:45

10 receiving end of 'I'll end your career.'" 12:06:47

11 Did you talk -- ask **Kaitlin** if 12:06:49

12 anyone in the Chamber had said anything like that 12:06:52

13 to her? 12:06:55

14 A. No. 12:06:56

15 Q. Why not? 12:06:57

16 A. At this time, I believed that there 12:06:59

17 would be an investigation that would be conducted 12:07:06

18 by a body other than GOER and was confident that 12:07:10

19 that was going to occur and did not think it was 12:07:15

20 at that point either incumbent upon me or, 12:07:21

21 frankly, appropriate for me to continuing to do 12:07:25

22 any kind of fact gathering. 12:07:29

23 Q. When was the last time you did any 12:07:32

24 "fact gathering" relating to any allegations or 12:07:34

25 possible allegations of harassment involving the 12:07:37

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

2 specifically, related to me in my role and I was 12:08:58

3 involved in conversations about what the best way 12:09:03

4 to respond to those inquiries was. 12:09:06

5 MR. ABRAMOWITZ: Can you speak up. 12:09:10

6 Q. And who did you have that 12:09:11

7 conversations with? 12:09:12

8 A. I had those conversations with 12:09:12

9 Mr. Abramowitz, Mr. Spiro, Ms. Foti. 12:09:18

10 Q. And any non-lawyers? 12:09:27

11 A. I'll add [REDACTED], but he's also a 12:09:27

12 lawyer. I believe with Mr. Azzopardi and with 12:09:31

13 Melissa DeRosa possibly with Linda Lacewell, but 12:09:38

14 I don't recall. 12:09:44

15 Q. What conversations did you have with 12:09:45

16 Melissa DeRosa about the response concerning your 12:09:47

17 role relating to Charlotte Bennett? 12:09:51

18 MR. SPIRO: (INAUDIBLE.) 12:09:57

19 THE STENOGRAPHER: I can't hear you. 12:09:57

20 MR. ABRAMOWITZ: You're not being 12:10:01

21 heard. 12:10:02

22 A. I think I can answer because I think 12:10:02

23 it related to my own personal feelings. 12:10:05

24 MR. ABRAMOWITZ: Yeah, this wasn't... 12:10:08

25 Q. And what conversations did you and 12:10:10

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

2 persuasion was done by people who are lawyers. 12:11:33

3 Q. And you said that you thought some 12:11:36

4 things are being said about you "were not right" 12:11:37

5 or not fair, something along those lines. 12:11:40

6 What things were being said that you 12:11:42

7 had that reaction to? 12:11:45

8 A. I don't remember the specific 12:11:46

9 questions or statements that were made or being 12:11:51

10 attributed to me or made about me. I think that 12:11:56

11 maybe the first time it came up was in connection 12:12:01

12 with the interview that Ms. Bennett did with 12:12:06

13 Norah O'Donnell where the network may have given 12:12:09

14 a preview. I just really don't remember the 12:12:13

15 specifics. I have tried very hard not to spend a 12:12:19

16 lot of time reading and thinking about that. 12:12:22

17 Q. Do you remember anything that you 12:12:25

18 heard whether in the teaser or in the full 12:12:26

19 interview that you thought was not fair or not 12:12:29

20 right? 12:12:31

21 A. I did not watch the full interview. 12:12:33

22 Q. Did anyone who was not a lawyer tell 12:12:38

23 you about it? 12:12:40

24 A. No, I did not get a detail download. 12:12:43

25 Q. Did you have any conversations with 12:12:45

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

2 Jill DesRosiers in the period in which Ms. 12:12:47

3 Bennett's story was coming out? 12:12:50

4 A. I believe I spoke to Jill on the 12:12:52

5 morning of the 28th, which would have been the 12:12:58

6 day before the story came out. And at some point 12:13:05

7 either that day or very soon thereafter Jill told 12:13:14

8 me that she had retained -- 12:13:21

9 MR. SPIRO: (INAUDIBLE.) 12:13:21

10 THE STENOGRAPHER: I can't hear you, 12:13:25

11 sir. I can't hear you, sir. This is not on the 12:13:26

12 record just so you know. 12:13:31

13 A. So I was going to say that Jill had 12:13:32

14 told me that she had retained Counsel and I told 12:13:33

15 Jill that I thought from that moment on we should 12:13:35

16 talk about ██████████. 12:13:42

17 THE STENOGRAPHER: Whatever

18 instruction you just gave her, I did not get.

19 Q. And did you ever speak with Ms.

20 DesRosier's Counsel?

21 THE STENOGRAPHER: I didn't get the

22 question. This is terrible. I'm not getting the

23 information. 12:13:55

24 MR. ABRAMOWITZ: There was no 12:13:55

25 instructions. Apologies. 12:13:56

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

2 A. I'm sorry, was there a question? 12:14:04

3 Q. Did you speak ever to Ms.

4 DesRosiers's Counsel? 12:14:09

5 A. I did have a brief conversation with 12:14:11

6 Ms. DesRosiers's Counsel. 12:14:15

7 Q. And when was that? 12:14:16

8 A. It would have been sometime in the 12:14:18

9 days immediately following the article with 12:14:22

10 Charlotte. 12:14:32

11 Q. And what did you discuss with Ms.

12 DesRosiers's Counsel? 12:14:34

13 A. The only thing that I remember is 12:14:39

14 that I -- I asked them to convey to Jill that it 12:14:44

15 was my decision and that I would take 12:14:55

16 responsibility for it. 12:14:58

17 Q. Do you need a moment? 12:15:03

18 MR. ABRAMOWITZ: Yeah. 12:15:06

19 THE STENOGRAPHER: Are we going off 12:15:11

20 the record? 12:15:13

21 MS. CLARK: Let's go off the record 12:15:13

22 for a couple of minutes. 12:15:14

23 THE VIDEOGRAPHER: We are going off 12:15:15

24 the record. The time is 12:15 p.m. EDT. 12:15:16

25 (Recess taken 12:15 to 12:23 p.m.) 12:23:28

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

2 THE VIDEOGRAPHER: We are back on the 12:23:28
3 record. The time is 12:23 p.m. EDT. 12:23:29

4 Q. Okay. Now you can... 12:23:33

5 A. So you had asked what I had said to 12:23:36
6 Jill's lawyers. It was Marybeth Hogan and only 12:23:39
7 thing I remember saying to her other than that I 12:23:45
8 would get her a copy of Jill's notes was to 12:23:47
9 please convey to Jill that I took full 12:23:53
10 responsibility for the decision that I made after 12:23:59
11 the phone call that Jill -- the phone calls that 12:24:08
12 Jill and I had with Charlotte and that I wanted 12:24:11
13 Jill to understand that I was comfortable with 12:24:15
14 that decision. I thought it was the right 12:24:18
15 decision. And that I would, you know, try to, 12:24:21
16 you know, to the fullest extent possible to make 12:24:28
17 clear that Jill had come to me and that it was on 12:24:32
18 me. I was very concerned about Jill's time. 12:24:38

19 Q. Had you spoken to Jill since the time 12:24:44
20 that she told you that she has an attorney? 12:24:46

21 A. I think that we have exchanged a 12:24:49
22 couple of text messages when the [REDACTED] made, you 12:24:50
23 know, [REDACTED] -- I don't know if the record is 12:24:54
24 clear that [REDACTED] 12:24:56

25 [REDACTED] 12:25:00

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

2 conveyed to me that she was terrified about 12:27:29

3 retaliation, which were not words or substance 12:27:31

4 that was in any way conveyed to me. 12:27:37

5 And I worked with my Counsel and with 12:27:40

6 some people from the press office on revising an 12:27:43

7 earlier statement that I had made that was a 12:27:48

8 little bit more forceful than that that was not true. 12:27:50

9 I believe after Mr. Azzopardi from 12:27:55

10 the press office went back to the Wall Street 12:28:00

11 Journal with my denial, they changed the quote 12:28:03

12 that was being attributed to me, also the quote 12:28:06

13 that wasn't true but a little milder. I think it 12:28:08

14 became -- I wasn't -- that he was only mentoring 12:28:09

15 her. Again, words that I absolutely never used. 12:28:13

16 So there was that moment where I was 12:28:18

17 focused on what was being said about me in the 12:28:22

18 press. But other than that, I have tried not to 12:28:26

19 follow it because I find it very distressing. 12:28:31

20 Q. If you could turn to Tab 51 please. 12:28:37

21 (Deposition Exhibit 28, 12:28:37

22 JM_NB_0000021 - JM_NB_0000025 3/4/21 text 12:28:37

23 conversation among Melissa DeRosa, WITNESS, 12:28:37

24 Linda Lacewell and Steve Cohen, was marked for 12:28:37

25 identification.) 12:29:01

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

2 Q. On the first page it says, "Priv this 12:29:01
3 is what's new. Ms. Bennett alleges there are 12:29:04
4 other former female staffers who have contacted 12:29:08
5 her in recent days who were transferred to new 12:29:10
6 positions when alleged Gov. Cuomo harassed them." 12:29:14

7 Do you recognize this? 12:29:18

8 A. It does not look familiar to me. I'm 12:29:19
9 not suggesting that I didn't get it, but I don't 12:29:23
10 recognize it. 12:29:25

11 Q. I will represent to you that this 12:29:26
12 came from your Counsel and was represented as a 12:29:29
13 conversation among Melissa DeRosa, you, Linda 12:29:32
14 Lacewell and Steven Cohen. 12:29:36

15 Does that refresh your memory at all? 12:29:38

16 A. It doesn't. As I said, I'm not 12:29:41
17 saying I didn't get it. But it does not refresh 12:29:45
18 my memory. 12:29:49

19 And I will add I'm not aware of a 12:29:59
20 single woman who was transferred after they 12:30:02
21 alleged that the Governor harassed them. 12:30:06

22 Q. And on the last page it says, "This 12:30:10
23 is harassment." 12:30:12

24 Do you know who wrote that and what 12:30:15
25 that's a reference to? 12:30:17

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

2 A. I think that Lindsey Boylan. Because 12:30:18
3 I do remember was reaching out to Annabelle Walsh 12:30:22
4 and Dani Lever and that Melissa was concerned and 12:30:28
5 said, "this is harassment." 12:30:34

6 Q. We're going to switch gears. 12:30:37

7 A. Okay. 12:30:39

8 Q. Prior to March 8th of 2021, were you 12:30:40
9 aware of any issues that either Brittany Commisso 12:30:43
10 or Alyssa McGrath might have with the Governor? 12:30:47

11 A. No, I was not. 12:30:53

12 Q. If you could -- where is that? 12:30:57

13 Turn to Tab 52. 12:31:09

14 (Deposition Exhibit 29, 12:31:09

15 JM_NB_00000126 - JM_NB_00000129 2/26/21 text 12:31:09

16 conversation between Judy Mogul and Kelly 12:31:09

17 Cummings, was marked for identification.) 12:31:20

18 Q. Do you recognize this document? 12:31:20

19 A. Yeah, I recognize the photograph. 12:31:26

20 Q. Do you recall Ms. Cummings sending it 12:31:28
21 to you? 12:31:32

22 A. Yes, I do. 12:31:33

23 Q. Is that before March 8th? 12:31:33

24 A. I believe it was shortly after the 12:31:37
25 Governor's first press conference that followed 12:31:44

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

2 Charlotte's New York Times article. So, yes, it 12:31:52
3 would be before -- it would be before March 8th. 12:31:57

4 Q. This is on Twitter. These two women 12:32:00
5 work on the second floor and then it looks like 12:32:04
6 the equivalent of a frowny face. 12:32:05

7 Is that something that Ms. Cummings 12:32:07
8 sent to you? 12:32:10

9 A. Yes. Alyssa McGrath had worked -- I 12:32:10
10 spoke to her after I got the text message and she 12:32:14
11 explained that Alyssa worked for her. And I, 12:32:19
12 actually, had met Alyssa, but I didn't recognize 12:32:22
13 either Brittany or Alyssa from the picture. 12:32:25

14 And Kelly was very concerned and I 12:32:36
15 suggested to Kelly, again, not legal advice just 12:32:42
16 personal advice that she call them and tell them 12:32:42
17 that it was on Twitter so they didn't find out 12:32:47
18 from somebody else. 12:32:49

19 Q. Did you have discussion with Ms. 12:32:50
20 Cummings expressing any concern about the 12:32:54
21 placement of the Governor's hands in that photo? 12:32:56

22 A. I probably did. 12:32:59

23 Q. And what, if anything, did Ms. 12:33:00
24 Cummings say? 12:33:02

25 A. Again, I don't have a distinct memory 12:33:03

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

2 of that aspect of the conversation, but neither 12:33:06

3 of us was happy with the picture. 12:33:08

4 Q. Did you speak to either Ms. Commisso 12:33:11

5 or Ms. McGrath about the picture to see if they 12:33:16

6 were comfortable with it? 12:33:19

7 A. I did not. But I believe that 12:33:20

8 Stephanie Benton spoke to Brittany Commisso about 12:33:22

9 it. 12:33:27

10 Q. And did Ms. Benton tell you about her 12:33:27

11 conversation with Ms. Commisso? 12:33:31

12 A. I was on a communication where 12:33:33

13 Stephanie was asking if there was anything that 12:33:35

14 could be done to take the picture down. 12:33:36

15 Q. And who was on that communication? 12:33:40

16 A. I think there were lawyers on the 12:33:43

17 communication. 12:33:48

18 MR. ABRAMOWITZ: I'm sorry. I can't 12:33:48

19 hear you. They were or they weren't? 12:33:49

20 MS. ABRAMOWITZ: Can't hear you. 12:33:49

21 A. There were lawyers on the -- I 12:33:49

22 believe Beth Garvey was on that chain. 12:33:51

23 Q. Did you have any conversations with 12:33:53

24 Stephanie Benton that did not involve other 12:33:54

25 lawyers in which Ms. Benton described any 12:33:57

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

2 into -- you know, speak to the people in the 12:35:21

3 Chambers to see if anyone had experiences along 12:35:24

4 the lines that Ms. Bennett had? 12:35:25

5 A. The same reason, no. 12:35:26

6 Q. Were you part of decisions as to who 12:35:29

7 would conduct any investigation? 12:35:33

8 A. Generally speaking or is that related 12:35:36

9 to this matter? 12:35:39

10 Q. As related to this matter. 12:35:39

11 A. I'm sorry. Then the question again 12:35:42

12 is what? 12:35:44

13 Q. Sure. Were you part of any 12:35:45

14 discussions about who should conduct the 12:35:46

15 investigation into the sexual harassment 12:35:48

16 allegation? 12:35:49

17 A. Yes, I was. 12:35:49

18 Q. Who did you have such discussions 12:35:50

19 with? 12:35:52

20 A. I had those discussions with Melissa, 12:35:53

21 Linda, Steve Cohen, Mr. Abramowitz and there may 12:35:57

22 have been other people, but those were the 12:36:06

23 principal people. And I don't know if I 12:36:08

24 mentioned the Governor, I'm sorry, yeah. 12:36:14

25 Q. And communication with all these 12:36:15

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

2 people were in the same communication, or did you 12:36:17
3 have separate communications with the various 12:36:19
4 people you mentioned? 12:36:21

5 A. There were multiple communications. 12:36:22
6 I had communications just between me and 12:36:23
7 Mr. Abramowitz. I had communications with Linda 12:36:29
8 Lacewell and Steve that involved Mr. Abramowitz. 12:36:33
9 I believe some of those communications may have 12:36:36
10 also included Melissa. I had communications with 12:36:38
11 the Governor and Linda Lacewell. I believe 12:36:44
12 Melissa may have been part of some of those 12:36:48
13 conversations. It was -- there were many 12:36:50
14 conversations. And then I also am aware that 12:36:54
15 there were conversations that I was not involved 12:36:59
16 in. 12:37:01

17 MS. CLARK: And is the Chamber 12:37:01
18 asserting privilege on the conversations 12:37:02
19 involving the Governor? 12:37:04

20 MR. ABRAMOWITZ: [INSTRUCTION] Yes. 12:37:05

21 MR. SPIRO: Yes. 12:37:06

22 Q. Were you involved in at all in 12:37:08
23 vetting any of the potential investigators? 12:37:10

24 A. Yes. 12:37:15

25 Q. And what was your role with respect 12:37:15

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

2 to vetting any potential investigators? 12:37:17

3 A. I sent some names to our vetting 12:37:19

4 team. 12:37:25

5 Q. Who was on the "vetting team"? 12:37:25

6 A. It's comprised of five individuals 12:37:27

7 who are really skillful researchers and who have 12:37:32

8 a kind of standard vetting approach that they use 12:37:36

9 through publically available information. 12:37:40

10 Q. And what department do they work in? 12:37:42

11 A. It's called "vetting." 12:37:45

12 Q. When they're not vetting potential 12:37:51

13 investigators, what sort of vetting do they do? 12:37:54

14 A. They do -- I mean, they do a 12:37:55

15 tremendous amount of -- I mean, they are really 12:37:57

16 our research team. So part of their role is any 12:37:59

17 employment candidate even before they are 12:38:06

18 interviewed, anybody who is going to be appearing 12:38:08

19 at a Governor event in sort of close proximity to 12:38:13

20 the Governor. I use them extensively during the 12:38:18

21 work I did on COVID to vet potential vendors that 12:38:23

22 we were thinking of doing business with. They 12:38:27

23 really are a research arm. I think the speech 12:38:34

24 writing team uses them extensively. They are a 12:38:38

25 group of unbelievably skillful hard working 12:38:40

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

2 something and they weren't specific, but they 12:40:36

3 felt that it related back -- when they had a 12:40:38

4 later conversation with her over the weekend, 12:40:41

5 they felt that it was sort of the beginning of a 12:40:43

6 revelation from her; that they had been out with 12:40:46

7 her over the weekend. I don't know if it was 12:40:49

8 Sunday night or Saturday night; that she had told 12:40:53

9 one or both of them that she had had an 12:41:00

10 experience with the Governor where she had been 12:41:05

11 in his private office in the mansion. And I 12:41:09

12 believe they said that he had forcefully thrown 12:41:14

13 her up against the wall and put his hand under 12:41:18

14 her shirt and felt her breast. 12:41:24

15 They said she was very upset. They 12:41:28

16 were very upset, that she had retained a lawyer. 12:41:31

17 They had the name of the lawyer. And they said 12:41:35

18 that while they had some scepticism about 12:41:42

19 Charlotte and I did not explore that with them 12:41:48

20 what that meant, they believed Brittany, that 12:41:51

21 they felt that -- that they believed Brittany and 12:41:54

22 they thought what she said had happened and they 12:41:57

23 were very concerned and they were reporting it to 12:42:02

24 me. 12:42:04

25 I think I told them that I needed to 12:42:05

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

2 loop Beth Garvey and the two of us called them 12:42:11

3 back. 12:42:13

4 THE STENOGRAPHER: You have to put 12:42:17

5 the microphone next to your face. 12:42:18

6 MR. ABRAMOWITZ: You have to put the 12:42:18

7 microphone closer to your face. 12:42:18

8 THE WITNESS: Oh, sorry. 12:42:18

9 A. I think, essentially, the same thing. 12:42:21

10 I think they just repeated the story. I don't 12:42:23

11 think there was any real difference. 12:42:25

12 Q. Turn to Tab 53. 12:42:26

13 (Deposition Exhibit 30, 12:42:26

14 Chamber_AG_00011515 3/8/21 notes from 12:42:26

15 discussion with Executive Assistant #3 and Executive Assistant #2 12:42:26

16 ██████████, was marked for identification.) 12:42:32

17 Q. Are those your notes from one of 12:42:32

18 those calls? 12:42:33

19 A. From the second call. 12:42:34

20 Q. Did you take any notes from the first 12:42:36

21 call? 12:42:39

22 A. I tried to. I was actually on my 12:42:39

23 computer and I lost the connection. I was taking 12:42:41

24 notes on my e-mail. I lost the connection while 12:42:52

25 that was happening and when that occurs the -- 12:42:56

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

2 there is no function which saves what I was 12:43:00

3 working on, so they evaporated. And I think I 12:43:03

4 made a note of that. 12:43:09

5 Q. Way down it says, "Saturday night 12:43:12

6 dinner with Alyssa and Brittany." 12:43:14

7 Did you understand that to be a 12:43:17

8 reference to Alyssa McGrath? 12:43:19

9 A. I did. 12:43:20

10 Q. And it says, "They are worried about 12:43:21

11 their job." 12:43:24

12 What is that a reference to? 12:43:24

13 A. I think they were expressing -- 12:43:29

14 again, I don't -- I'm not positive. Hold on one 12:43:32

15 second. 12:43:39

16 I think that Exec. Asst. #2 and Exec. Asst. #3 are 12:43:42

17 conveying to me that they are worried about their 12:43:45

18 own jobs from reporting to me. 12:43:48

19 Q. And did they also say that Ms. 12:43:50

20 Commisso was worried about her job? 12:43:54

21 A. I believe that's what the line above 12:43:55

22 that says, "worried about her job. They are 12:43:57

23 worried about their job." 12:44:01

24 Q. At the top it says, "call from Exec. Asst. #3 12:44:02

25 and Exec. Asst. #2 tearful." 12:44:04

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

2 again, to the best of my recollection, we 12:47:33

3 encouraged him to file the police report. I 12:47:36

4 think he demurred and said that he -- I think he 12:47:43

5 expressed to us that he would not be doing that. 12:47:48

6 But I don't -- I don't remember that clearly. I 12:47:50

7 know that ultimately the decision was made that 12:47:53

8 the Chamber had to file a police report. 12:47:57

9 And he also expressed that she had 12:48:01

10 received -- that Brittany had told him that she 12:48:07

11 had never received any sexual harassment 12:48:10

12 training, that she did not know where the 12:48:15

13 handbook or the complaint form was and that she 12:48:20

14 did not know who her supervisor was. 12:48:24

15 Following that call I reached out to 12:48:30

16 Lauren Grasso and did some fact finding on some 12:48:36

17 of the issues that Mr. Primo had raised. 12:48:39

18 Q. So pause there. 12:48:44

19 Was there any discussion in your call 12:48:45

20 with Mr. -- and Mr. Primo was Ms. Commisso's 12:48:47

21 attorney; is that correct? 12:48:51

22 A. That's correct. 12:48:51

23 Q. Was there any discussion about any 12:48:52

24 information being leaked to the press in your 12:48:54

25 conversation with Mr. Primo? 12:48:56

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

2 A. Le me just go back. I really don't 12:50:15
3 remember that specific story. I know that there 12:50:19
4 was press outreach regarding allegations made 12:50:22
5 related to Ms. Commisso and there may have been 12:50:25
6 some communication with the reporter. 12:50:30

7 But with respect to the story that 12:50:34
8 you're talking about and, particularly, with the 12:50:36
9 allegation of her being thrown up against the 12:50:39
10 wall, that I don't have a recollection of. 12:50:42

11 Q. Did anyone in Chambers ever suggest 12:50:44
12 putting the story out there about Ms. Commisso? 12:50:48

13 A. Not my knowledge. 12:50:50

14 Q. If you can turn to Tab 47 [sic]. 12:50:52

15 (Deposition Exhibit 31,
16 Chamber_AG_00011520 - Chamber_AG_00011521 undated
17 notes from what appears to be a call among Mogul,
18 Beth Garvey, Mitra Hormozi and Brian Premo about
19 Commisso's allegations, was marked for
20 identification.) 12:51:12

21 A. I need to take a moment just to... 12:51:12

22 MS. CLARK: No, Tab 57? 12:51:26

23 (There is a discussion off the 12:51:26

24 record.) 12:51:28

25 MR. ABRAMOWITZ: You said 47. 12:51:28

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

2 MS. CLARK: Oh, sorry. 12:51:29

3 MR. SPIRO: No, you did say 47. 12:51:29

4 MS. CLARK: Oh, I'm so sorry. I 12:51:30

5 apologize. 12:51:30

6 MR. SPIRO: I was looking for 47. 12:51:32

7 MS. CLARK: Okay, I was like, oh, 12:51:33

8 this type isn't so bad. 12:51:35

9 A. Oh, yes, I see that now, yeah. 12:51:37

10 Q. Are these your discussions with Brian 12:51:39

11 Primo that you just described? 12:51:41

12 A. Yes, I believe so. 12:51:43

13 Q. In the middle it says, "EEO 12:51:44

14 complaint." 12:51:46

15 What is that a reference to? 12:51:47

16 A. I think that he said she's filing an 12:51:51

17 EEO complaint. 12:51:55

18 Q. At the bottom it says, "WITNESS 12:51:59

19 INITIALS"; is that a reference to things you 12:52:02

20 said? 12:52:04

21 A. Yeah, that I'm saying, "encourage her 12:52:04

22 to go to the police. We have an obligation 12:52:07

23 irrespective of whether she goes or not." 12:52:11

24 And then he says to me -- I said that 12:52:15

25 there is an Intranet portal, which has all of 12:52:21

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

2 said to you or what advice you may have given to 12:54:35

3 Ms. Grasso. That's at the direction of Chamber. 12:54:38

4 A. I followed up on some of the 12:54:41

5 questions that had been raised by Mr. Primo with 12:54:42

6 Ms. Grasso. 12:54:45

7 Q. Did you review Ms. Commisso's 12:54:46

8 personnel file? 12:54:48

9 A. Not at that time, I did not. 12:54:49

10 Q. At some point later did you? 12:54:51

11 A. I think that in connection with some 12:54:55

12 document request that were made related to the 12:55:01

13 subpoena, her personnel file may have been among 12:55:04

14 a group of files that was sent to me. But in 12:55:09

15 terms of a review -- I mean, I may have looked at 12:55:11

16 it. I don't even remember if hers was among 12:55:15

17 them. But there was a box of personnel files 12:55:18

18 that were sent to me and that I forwarded onto 12:55:21

19 Arnold & Porter for production. 12:55:26

20 Q. Did you take any steps to ensure that 12:55:28

21 Ms. Commisso, Exec. Asst. #2 -- and I forget the 12:55:33

22 other one's last name. 12:55:38

23 A. Executive Assistant #3 12:55:39

24 Q. (Continuing.) That they did not 12:55:40

25 experience any retaliation? 12:55:42

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

2 A. I tried to. 12:55:43

3 Q. What did you try to do? 12:55:44

4 THE WITNESS: Am I allowed to talk 12:55:49
5 about advice that I gave? 12:55:50

6 MR. SPIRO: [INSTRUCTION] No, 12:55:52
7 unfortunately. 12:55:54

8 A. I rendered advice on the subject. 12:55:55

9 Q. Do you know if any steps were take to 12:56:00
10 prevent retaliation against the executive 12:56:03
11 assistants? 12:56:04

12 A. Other than a series of very pointed 12:56:05
13 conversations, I'm not aware beyond advice that I 12:56:10
14 and others gave on this point. Well -- and, 12:56:17
15 additionally, I asked [REDACTED] Exec. Asst. #2 and [REDACTED] Exec. Asst. #3 12:56:21
16 to please let me know if they experienced any 12:56:26
17 retaliation. 12:56:29

18 Q. And have you heard back from either 12:56:29
19 of them? 12:56:31

20 A. No. 12:56:32

21 Q. If you can turn to Tab 58. 12:56:34

22 (Deposition Exhibit 32,
23 Chamber_AG_00011539-11540 & GOER_NB_00000009
24 3/15/21 e-mail from Beth Garvey to Michael
25 Volforte (Director of

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

2 A. Not -- I am -- because I am not the 12:57:37
3 complainant here, I would not know. So I do not 12:57:41
4 know. But I would draw no conclusion from that. 12:57:44

5 Q. Do you know -- was it Mr. Garvey who 12:57:50
6 drafted the complaint? 12:57:54

7 A. To the best of my knowledge, it was 12:57:55
8 Ms. Garvey. 12:57:56

9 Q. Other than the followup you had with 12:58:00
10 Ms. Grasso, is there anything else -- in the 12:58:02
11 conversations you've already described, is there 12:58:04
12 anything else you did after you learned about the 12:58:06
13 situation with Ms. Commisso? 12:58:09

14 A. Related to fact finding? 12:58:11

15 Q. Fact finding or anything else. 12:58:13

16 A. No further fact finding. I did have 12:58:16
17 some additional conversations relating to press, 12:58:18
18 as it related to Ms. Commisso. 12:58:28

19 Q. And what conversations did you have 12:58:30
20 about press relating to Ms. Commisso? 12:58:33

21 A. I had a series of conversations 12:58:35
22 related to a story that was coming out with 12:58:41
23 Melissa DeRosa, Beth Garvey and the Governor and, 12:58:48
24 I believe, I also spoke with Rita Glavin, who was 12:58:53
25 individual Counsel to the Governor, about 12:58:59

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

2 rendering my legal advice about a proposed 12:59:05

3 response. 12:59:10

4 Q. And were you rendering legal advice 12:59:11

5 in both sets of conversations? 12:59:13

6 A. It was a series of conversations over 12:59:16

7 the course of a very very short time period. 12:59:18

8 There was a deadline and I can't, again, 12:59:20

9 distinguish one conversation from the next other 12:59:23

10 than the ultimate conversation. 12:59:28

11 Q. Are there any conversations in that 12:59:30

12 series over which the Executive Chamber is not 12:59:32

13 asserting privilege? 12:59:35

14 MR. SPIRO: [INSTRUCTION] I don't 12:59:37

15 believe so. 12:59:38

16 MR. ABRAMOWITZ: Not that I'm aware 12:59:38

17 of. 12:59:39

18 Q. Have you been involved with anything 12:59:42

19 else regarding Ms. Commisso after that response 12:59:44

20 to -- or discussion or response to the press? 12:59:46

21 A. No. 12:59:48

22 Q. At some point did you become aware of 12:59:49

23 allegations regarding Alyssa McGrath? 12:59:51

24 A. I did. 12:59:54

25 Q. How did you become aware of that? 12:59:55

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

2 A. I either read them in the newspaper 13:00:00

3 or saw a press inquiry. 13:00:03

4 Q. And were you involved at all in 13:00:08

5 dealing with or responding to the allegations 13:00:12

6 regarding Alyssa McGrath? 13:00:17

7 A. Not that I recall. 13:00:18

8 Q. Did you discuss the allegations with 13:00:19

9 anyone in the Chambers? 13:00:20

10 A. I may have, but I don't have any 13:00:23

11 recollection. 13:00:29

12 Q. Did you have any discussion with the 13:00:30

13 Governor about Ms. McGrath's allegations? 13:00:32

14 A. No. 13:00:35

15 Q. Did you ever review Alyssa McGrath's 13:00:38

16 personnel file? 13:00:41

17 A. I would say I did not review it. I 13:00:44

18 don't know if it was among the files that I was 13:00:47

19 involved in transmitting. 13:00:49

20 Q. Did you ever hear any discussion 13:00:52

21 about the possibility of releasing any records 13:00:54

22 from Ms. McGrath's personnel file to the press? 13:00:57

23 A. I did not. 13:01:00

24 Q. Were you involved in dealing with or 13:01:08

25 responding to any other allegations of harassment 13:01:12

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

2 that have come out publically regarding the 13:01:16

3 Governor? 13:01:18

4 A. I was definitely looped on to press 13:01:20

5 chains involving a series of articles that were 13:01:24

6 being written. I don't think I played an active 13:01:28

7 role in suggesting any responses. 13:01:35

8 Q. Were you part of any conversations 13:01:42

9 about the potential for ██████████ or ██████████ 13:01:44

10 ██████████ to make any allegations against the 13:01:50

11 Governor? 13:01:53

12 A. Is that the same individual? 13:01:53

13 Q. I -- I gotten -- I don't know. 13:01:55

14 A. Okay. I don't think so. 13:01:58

15 Q. Do you have any basis for believing 13:02:06

16 that a ██████████ ██████████ would possibly be bringing 13:02:09

17 forward any allegations regarding the Governor? 13:02:13

18 A. No. I'm hesitating because I think 13:02:17

19 ██████████ ██████████ may be suspected to be a source of a 13:02:19

20 story that the Governor and SS #1 ██████████ had adjoining 13:02:25

21 rooms on a trip to Israel. That is where I think 13:02:31

22 I heard ██████████ ██████████ name, so not with respect to 13:02:35

23 anything related to her and I really hesitate to 13:02:38

24 even attribute that story to her other than I did 13:02:42

25 hear that she was the source of the leak. 13:02:46

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

2 Q. Who told you she was the source? 13:02:47

3 A. I don't remember. 13:02:49

4 Q. And was she on that trip to Israel? 13:02:50

5 A. I don't know. 13:02:52

6 Q. Do you know Vincent Straface? 13:02:59

7 A. Yeah, I've spoken to him. 13:03:03

8 Q. How many times have you spoken to 13:03:07

9 him? 13:03:09

10 A. Probably a dozen, maybe a little bit 13:03:09

11 more. He was in charge of the Governor's 13:03:12

12 security detail and one of my responsibilities 13:03:14

13 dealt with any security threat or issue to the 13:03:19

14 Governor's family. 13:03:23

15 Q. Have you had any conversations with 13:03:24

16 Mr. Straface since December 2020? 13:03:26

17 A. I did. 13:03:29

18 Q. How many conversations? 13:03:30

19 A. A single one, I believe. 13:03:31

20 Q. And when was that? 13:03:33

21 A. Within the last week. 13:03:34

22 Q. And what discussion did you have with 13:03:36

23 him? 13:03:37

24 A. I called him to ask him if he had 13:03:38

25 retained Counsel. 13:03:40

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

2 Q. And did you talk with her about her 13:06:37

3 reasons for resigning? 13:06:40

4 A. Yes. 13:06:41

5 Q. What did she tell you her reasons 13:06:41

6 were for resigning? 13:06:45

7 A. She had been a victim's right 13:06:45

8 activist. She had, I think, worked in the DA's 13:06:49

9 office doing sex trafficking cases. And she, I 13:06:53

10 think, her words were that her life's work 13:06:59

11 representing and defending victims was in 13:07:04

12 contention with the allegations that had been 13:07:09

13 made against the Governor and she took issue with 13:07:13

14 some aspect of his public statement following the 13:07:18

15 revelations about Charlotte. 13:07:25

16 Q. Did she say what aspect she took 13:07:27

17 issue with? 13:07:29

18 A. She may have told me, but I don't 13:07:29

19 remember. 13:07:32

20 Q. And what, if anything, did you say to 13:07:33

21 her? 13:07:35

22 A. I told her I would miss her. 13:07:37

23 Q. If you can look at Tab 60. 13:07:40

24 (Deposition Exhibit 33, 13:07:40

25 Chamber_AG_00011481 3/5/21 [REDACTED] 13:07:40

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

2 A. I don't. I think that it was after 13:09:01
3 the Medium article and I recall -- the only 13:09:03
4 specific thing I recall is a view that was 13:09:12
5 expressed and I cannot tell you by whom. But I 13:09:17
6 believe Chris either expressed it or agreed with 13:09:21
7 it that an allegation of touching -- 13:09:24
8 nonconsensual touching was a much more serious 13:09:30
9 allegation than an allegation of an improper joke 13:09:35
10 or look -- or the touching fell into a different 13:09:43
11 category and had to be treated differently. 13:09:49

12 Q. Were you part of any calls that 13:09:51
13 included Chris Cuomo in which there were specific 13:09:53
14 discussion about Ms. Commisso's allegations? 13:09:57

15 A. No. Again, I don't believe so. 13:09:59

16 Q. In any of the calls that included 13:10:06
17 Chris Cuomo, was there any discussion about 13:10:08
18 whether any of the allegations were true or not? 13:10:10

19 A. As I said before, I think, that the 13:10:17
20 Governor had issued or conveyed an unequivocal 13:10:21
21 denial that he had kissed Ms. Boylan in an 13:10:28
22 inappropriate way and I -- I'm guessing, but it's 13:10:34
23 informed speculation that Chris may have been on 13:10:44
24 a call where that was -- you know, the premise -- 13:10:47
25 you know, one of the premises of the call. 13:10:54

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

2 Q. Did the Governor ever say whether he 13:10:56
3 kissed Ms. Boylan in any manner other than the 13:10:58
4 way that she described it in the Medium piece? 13:11:01

5 A. I don't -- I did not have any 13:11:04
6 unprivileged conversations with the Governor on 13:11:05
7 that subject. 13:11:08

8 Q. Did you ever speak to any potential 13:11:11
9 investigators that were under consideration? 13:11:13

10 A. I did not. 13:11:16

11 Q. I think you described some meetings 13:11:24
12 you had with the Governor early on in our 13:11:25
13 conversation. 13:11:29

14 Did you ever witness the Governor 13:11:29
15 yell at anybody? 13:11:32

16 A. I have. 13:11:34

17 Q. How many times? 13:11:36

18 A. Maybe two or three. 13:11:44

19 Q. And who did he yell at? 13:11:46

20 A. In one meeting, he yelled at several 13:11:49
21 senior health department officials. I think [REDACTED] 13:11:59

22 [REDACTED], [REDACTED]. Those are the two that I 13:12:11
23 remember. But it was a very heated conversation. 13:12:21

24 Q. And what was he yelling at them 13:12:23
25 about? 13:12:26

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

2 MR. SPIRO: [INSTRUCTION] Ms. 13:12:27

3 Witness, was the subject of that discussion 13:12:29

4 covered by the attorney-client privilege? 13:12:31

5 THE WITNESS: I believe it was. 13:12:33

6 Q. On what other occasions did you 13:12:34

7 witness the Governor yell at anyone. 13:12:37

8 A. I guess if you're talking about 13:12:45

9 yelling as a very loudly raised voice, that may 13:12:47

10 be the only one that I witnessed. I, you know... 13:12:49

11 Q. Did you ever hear the Governor curse 13:12:53

12 at anybody? 13:12:55

13 A. No. 13:12:56

14 Q. Did you ever hear the Governor insult 13:12:57

15 somebody, call them incompetent or stupid or 13:13:00

16 anything along those lines? 13:13:04

17 A. "Incompetent," yes; "stupid," no. 13:13:06

18 Q. Who have you heard the Governor call 13:13:08

19 "incompetent"? 13:13:10

20 A. I believe in that same meeting I 13:13:11

21 heard the word "incompetence" and I have heard 13:13:12

22 him say to somebody who I thought was highly 13:13:16

23 competent, I'll talk to you when you know what 13:13:19

24 you're talking about, which I took to be the 13:13:24

25 equivalent of calling her incompetent. 13:13:28

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

2 Q. What rumor did you hear? 13:16:20

3 A. I have heard a rumor that Senior Staffer #3 13:16:22

4 sat -- Senior Staffer #3 sat on his lap, but it is 13:16:27

5 a rumor and I very loathed to talk about rumors 13:16:31

6 other than making it very clear that I -- that 13:16:36

7 rumors are rumors. 13:16:39

8 Q. Do you recall who told you the rumor? 13:16:41

9 A. I think Lauren Grasso. 13:16:46

10 Q. Did you ever hear about there being a 13:16:47

11 picture of Senior Staffer #3 sitting on the Governor's 13:16:50

12 lap? 13:16:53

13 A. Yes, I did. 13:16:53

14 Q. Have you ever seen the picture? 13:16:54

15 A. No. 13:16:55

16 Q. Have you ever asked Senior Staffer #3 about 13:16:55

17 it? 13:16:57

18 A. No. 13:16:57

19 Q. Do you know if anyone else in 13:16:58

20 Chambers asked Senior Staffer #3 about it? 13:17:00

21 A. I don't know. 13:17:02

22 Q. Have you ever heard the Governor make 13:17:03

23 any jokes of a sexual nature? 13:17:05

24 A. No. 13:17:09

25 Q. Have you ever heard him comment on 13:17:10

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

2 A. I think when I was discussing the 13:19:13
3 Charlotte Bennett situation with her. 13:19:19

4 Q. Did you ever hear the Governor refer 13:19:21
5 to women in the office as honey or sweetie or 13:19:23
6 anything along those lines? 13:19:27

7 A. No. 13:19:29

8 Q. Have you ever Governor speak Italian 13:19:29
9 to anyone? 13:19:33

10 A. I've heard the Governor use Italian 13:19:34
11 words. But in particular to a woman? Listen, 13:19:37
12 99 percent of our senior staff are women. And so 13:19:42
13 it may very well be that it was to a woman but 13:19:46
14 not in any way that I considered gendered. 13:19:49

15 Q. Did you ever hear about the Governor 13:19:55
16 hiring a woman after meeting her briefly? 13:20:03

17 A. Yes. 13:20:06

18 Q. Who have you heard about that about? 13:20:06

19 A. [REDACTED]. 13:20:09

20 Q. And what was [REDACTED]'s position? 13:20:11

21 A. I believe [REDACTED] had been an elected 13:20:13
22 official upstate and was present at an event that 13:20:16
23 the Governor attended and the story I heard was 13:20:26
24 that he was so impressed by her, he said, I need 13:20:29
25 her to come work for me. And they offered her a 13:20:33

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

2 position and, I believe, she may have resigned 13:20:36

3 from her elected position to come work for us. 13:20:39

4 Q. Any other times where you heard the 13:20:42

5 Governor met somebody briefly and hired them? 13:20:44

6 A. Well, there's Kaitlin, possibly [REDACTED] 13:20:51

7 [REDACTED]. But I'm not sure. But I think she was 13:21:00

8 hired maybe at the suggestion of one of the 13:21:09

9 Governor's advisors and was hired fairly quickly 13:21:13

10 and was hired by the Governor, you know, was at 13:21:18

11 the Governor's request. 13:21:21

12 Q. And what position was she hired into? 13:21:22

13 A. She was hired into a communications 13:21:24

14 position. 13:21:26

15 Q. And was that position that was open 13:21:26

16 or was that created for her? 13:21:28

17 A. I don't know. 13:21:30

18 Q. Anyone else? 13:21:30

19 A. Those are the only ones that I can 13:21:32

20 think of. 13:21:35

21 Q. Are you aware of whether the 13:21:36

22 Governor's ever had a sexual or romantic 13:21:37

23 relationship with any members of the Executive 13:21:40

24 Chamber? 13:21:42

25 A. I am not aware of any such 13:21:43

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

2 retaining Morvillo brought the notebooks to them 13:24:24

3 to be copied. 13:24:30

4 Q. And when you got -- oh, okay. 13:24:31

5 A. And I searched through my office, my 13:24:33

6 recycling box, my files. 13:24:40

7 Q. Did you do anything with respect to 13:24:45

8 any electronic devices or computers you had to 13:24:47

9 make sure that information was preserved? 13:24:49

10 A. Well, I brought my laptop computer, 13:24:52

11 my personal laptop computer that I have used 13:24:56

12 throughout COVID to Morvillo, had that imaged and 13:24:59

13 my personal iPhone I had imaged immediately. 13:25:05

14 Q. What about your work iPhone? 13:25:10

15 A. I did not have that imaged until 13:25:11

16 recently. 13:25:14

17 Q. Did you make sure that your the 13:25:14

18 settings on your personal and work iPhone were 13:25:19

19 set so things were not deleted? 13:25:19

20 A. When I became aware that there was a 13:25:22

21 setting on my phone that needed to be addressed, 13:25:24

22 I did. But I did that later then I received the 13:25:32

23 preservation notice. 13:25:36

24 Q. When did you become aware of that 13:25:37

25 setting? 13:25:39

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

2 A. I believe either you or one of your 13:25:40
3 colleagues asked one of my attorneys at Morvillo 13:25:43
4 if -- they expressed a particular interest in 13:25:47
5 some text messages from the December time period. 13:25:51
6 I think this was sometime in April. I knew I had 13:25:56
7 never deleted any text. And so I went back to 13:26:00
8 look and found that I did not have text going 13:26:03
9 back before March and became very concerned and 13:26:08
10 deduced that there must have an auto delete 13:26:17
11 function and I called first Harold who was our 13:26:21
12 head of IT and when I didn't reach Harold, I 13:26:25
13 called [REDACTED], who was sort also in IT. 13:26:28
14 She runs our New York City office, but she used 13:26:33
15 to be in the IT department. And she told me 13:26:36
16 that, in fact, there was a setting on my Chamber 13:26:38
17 iPhone that auto deleted text. She walked me 13:26:41
18 through on how to turn it off. 13:26:44

19 And then I spoke to my Counsel and I 13:26:47
20 spoke to Beth Garvey who told me that, in fact, 13:26:49
21 there had been a memo that had gone out on this 13:26:54
22 very subject, which I did not -- I just missed. 13:26:56

23 Q. And once you spoke to the tech 13:27:04
24 people, was it your understanding that -- was it 13:27:06
25 just your phone that was automatically set to 13:27:09

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

2 delete text, or was that default in the Chambers 13:27:13

3 on the work iPhones? 13:27:14

4 A. I learned that it was a default 13:27:15

5 setting. 13:27:17

6 Q. And do you know how often the text 13:27:17

7 were deleted as a default before steps were 13:27:20

8 taken? 13:27:24

9 A. On my phone? 13:27:25

10 Q. On your phone. 13:27:26

11 A. I believe it was set for every 30 13:27:28

12 days so that they would have been deleted on a 13:27:31

13 regular basis as each day hit that the phone only 13:27:36

14 captured 30 days worth of text. 13:27:44

15 Q. Who is [REDACTED]? 13:27:46

16 A. He was hired as the Deputy Secretary 13:27:50

17 for health at some point over the summer. And he 13:27:57

18 is now in a senior position at the Department of 13:28:02

19 Health. I still don't quite understand the 13:28:08

20 structure there. But he is primarily -- I mean, 13:28:10

21 he has responsibility for nursing homes. 13:28:14

22 Q. Did you ever hear that [REDACTED] may 13:28:16

23 have referred to anyone as a "bitch"? 13:28:20

24 A. Yes. 13:28:23

25 Q. What did you hear about that? 13:28:24

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

2 A. I heard that he called or referred to 13:28:26

3 Senior Staffer #1 as a "bitch." 13:28:30

4 Q. Where did you hear that from? 13:28:32

5 A. SS #1 . 13:28:34

6 Q. And do you know if anything was done 13:28:35
7 in response to Senior Staffer #1 saying that 13:28:38

8 called her a "bitch"? 13:28:44

9 A. He was transferred to the Department 13:28:45
10 of Health. 13:28:48

11 Q. Was any investigation conducted about 13:28:50
12 whether he called Senior Staffer #1 a bitch? 13:28:53

13 A. I don't know if I would call it an 13:28:57
14 "investigation." I thought it was important to 13:28:59
15 understand whether he had, in fact, done so. And 13:29:04
16 so we did try and determine that, yes. 13:29:08

17 Q. When you say, "we" tried to determine 13:29:13
18 that. 13:29:15

19 Who is "we"? 13:29:15

20 A. Beth Garvey and I. 13:29:16

21 Q. Did you speak to ? 13:29:19

22 A. I did not. 13:29:21

23 Q. Do you know if Ms. Garvey spoke to 13:29:22
24 him? 13:29:25

25 A. I believe she did. 13:29:25

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

2 Q. And his transfer was as a result of 13:29:27

3 -- after he was spoken to, he was transferred to 13:29:31

4 the Department of Health? 13:29:33

5 A. Yes. But he requested that transfer. 13:29:34

6 Q. Do you know whether he admitted to 13:29:38

7 calling Senior Staffer #1 a bitch? 13:29:40

8 A. I believe he did. 13:29:41

9 Q. Was any report made to GOER about the 13:29:42

10 incident? 13:29:45

11 A. I spoke, at least, two times with 13:29:46

12 GOER about this incident. 13:29:50

13 Q. And what were your discussions with 13:29:52

14 GOER? 13:29:54

15 THE WITNESS: Can I discuss those? 13:29:55

16 MR. ABRAMOWITZ: One minute. 13:29:59

17 MS. CLARK: Sure. They have to 13:30:00

18 consult. I can see it's color coded. 13:30:01

19 MR. ABRAMOWITZ: You like the colors? 13:30:04

20 THE WITNESS: Maybe we should step 13:30:06

21 outside. 13:30:08

22 MR. ABRAMOWITZ: Yeah, let's step 13:30:09

23 out. 13:30:10

24 Can we take a break? 13:30:11

25 MS. CLARK: Sure. And we're almost 13:30:12

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

2 done. I didn't make it by one, but we should be 13:30:14

3 done by two. 13:30:17

4 THE VIDEOGRAPHER: Okay. We are 13:30:18

5 going off the record. The time is 1:30 p.m. EDT. 13:30:19

6 (Recess taken 1:30 to 1:36 p.m.) 13:36:16

7 THE VIDEOGRAPHER: We are back on the 13:36:16

8 record. The time is 1:36 p.m. EDT. 13:36:18

9 MS. CLARK: We're back on the record. 13:36:25

10 Q. Did you determine whether you can 13:36:27

11 answer the last question or not? 13:36:29

12 A. I think I cannot. 13:36:31

13 MR. SPIRO: [INSTRUCTION] At the 13:36:34

14 direction of Counsel for the Executive Chamber. 13:36:35

15 Q. Did Senior Staffer #1 ask you to take any 13:36:39

16 action with respect to [REDACTED] [REDACTED]? 13:36:43

17 A. She didn't ask me to take any action, 13:36:47

18 but she asked that [REDACTED] [REDACTED] be removed from the 13:36:53

19 floor were her words. 13:36:57

20 Q. And do you know did she make that 13:37:03

21 request to you or to somebody else? 13:37:05

22 A. I was on a phone call where she said 13:37:07

23 she wanted him off the floor. 13:37:09

24 Q. Who else was on that call? 13:37:11

25 A. Jill and Beth. 13:37:12

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

2 Q. Do you know if Beth spoke to anyone 13:37:18

3 other than [REDACTED] [REDACTED] about whether he called [REDACTED] 13:37:20

4 Senior Staffer #1 a "bitch" or not? 13:37:24

5 A. I think she spoke to several other 13:37:24

6 people. 13:37:26

7 Q. Do you know who else she spoke to? 13:37:27

8 A. I don't remember. I don't remember. 13:37:29

9 Q. If I can ask you to turn to Tab 63. 13:37:39

10 (Deposition Exhibit 35, 13:37:39

11 Chamber_AG_00011508 - Chamber_AG_00011514 13:37:39

12 WITNESS' notes regarding [REDACTED], was 13:37:39

13 marked for identification.) 13:37:43

14 A. Uh-huh. 13:37:43

15 Q. And these are -- are these notes of 13:37:45

16 yours? 13:37:47

17 A. Uh-huh. 13:37:48

18 Q. You have to say yes or no. 13:37:48

19 A. Yes, they are. 13:37:50

20 Q. And it's dated January 8th, 2021? 13:37:50

21 A. Right. 13:37:53

22 Q. What's this in reference to? 13:37:53

23 A. An employee named [REDACTED] had 13:37:58

24 been engaged with the events team, which can be 13:38:03

25 very very large, on a Martin Luther king birthday 13:38:11

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

2 event that Senior Staffer #2 had been running and the 13:38:18

3 calendar invite had gone to a large group of 13:38:21

4 people. Apparently, the call had not gone well. 13:38:23

5 He did not have some answers to questions that 13:38:30

6 Senior Staffer #2 was asking about the capacity of the 13:38:32

7 church that the event was going to be held and 13:38:37

8 the number of people who would be in attendance 13:38:40

9 and she needed to understand that to understand 13:38:42

10 the COVID compliance. 13:38:45

11 And the two of them had words and 13:38:48

12 Senior Staffer #2 said, I'm not doing this. When you 13:38:55

13 have the answer, we'll get back on a call. 13:38:59

14 And he sent a reply all to the entire 13:39:04

15 group that had received the calendar invite 13:39:07

16 saying -- I think the words were, that was a 13:39:11

17 racist attack. I think that was a racist attack 13:39:15

18 or I felt that was a racist attack and 13:39:18

19 inappropriate. 13:39:21

20 And I immediately starting getting 13:39:22

21 calls from a lot of different people. So the 13:39:25

22 first person I spoke to was [REDACTED], who 13:39:30

23 is one of our constituency people. I spoke to 13:39:36

24 [REDACTED] who was the Governor's scheduler. 13:39:40

25 And then I spoke to [REDACTED]. I think I probably 13:39:43

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

2 disrespect that he felt he had been shown. And 13:41:48
3 that I wanted to talk to him about ways in which 13:41:52
4 we could try and make the Chamber be less fraught 13:41:57
5 and difficult environment for him and for 13:42:08
6 everybody else. We talked about a number of 13:42:11
7 different ideas and then my understanding -- I 13:42:16
8 actually started to pursue some of those ideas 13:42:17
9 and then he resigned. I believe he resigned in 13:42:20
10 February. 13:42:25

11 Q. And did you speak to him about his 13:42:26
12 reasons for resigning, or did anyone convey to 13:42:28
13 you his reasons for resigning? 13:42:32

14 A. I don't recall. 13:42:34

15 Q. And what ideas did you start to 13:42:35
16 pursue about how to make the Executive Chamber a 13:42:38
17 "less fraught" place? 13:42:41

18 A. Well, the specific ideas that I 13:42:43
19 talked with him about because I asked him what he 13:42:47
20 thought would be -- you know, I tried to engage 13:42:49
21 with him is that I had been part of a working 13:42:54
22 group on diversity equity and inclusion that 13:42:57
23 started in the fall -- summer and fall of 2019 13:43:01
24 and that a couple of times and that he thought it 13:43:03
25 was good and useful start, in his words, and so I 13:43:13

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

2 took some steps to try and re-invigorate that. I 13:43:20

3 reached out to somebody from the department of 13:43:24

4 financial services who had run a series of 13:43:29

5 diversity equity and inclusion series and then I 13:43:32

6 engaged our Chief Diversity Officer ██████████ 13:43:36

7 ██████████ because I felt like it would be better 13:43:40

8 coming from her rather than from an old white 13:43:42

9 woman and then I wanted to try and support her 13:43:47

10 and encourage her to try and think through how we 13:43:51

11 could, you know, particularly, for our employees 13:43:56

12 of color create an environment where they felt 13:43:58

13 more supportive. ██████████ was involved in some 13:44:01

14 of those discussions, but it was very much my 13:44:05

15 thought that it shouldn't be ██████████ and me that 13:44:09

16 designed the curriculum and required people to 13:44:12

17 come and that it would be much more effective if 13:44:15

18 ██████████ could organize this and take some 13:44:19

19 ownership of it so that it had more resonance 13:44:23

20 with the people that we were trying to reach. 13:44:27

21 And then I've spoken to just about 13:44:31

22 anybody who will listen about workplace culture 13:44:34

23 and making it a more pleasant place to work, a 13:44:38

24 place where people say thank you and recognize 13:44:45

25 good work and don't blame or look for people to 13:44:49

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2 blame whenever anything goes wrong. And I've had 13:44:54
3 that conversation up down and sideways and then 13:44:57
4 with a few of my senior colleagues at 633 we 13:45:01
5 started organizing just breakfast to try and 13:45:05
6 create kind of a friendlier nicer culture. 13:45:08

7 Q. Have you seen any changes in the 13:45:12
8 environment since you started this effort? 13:45:13

9 A. Maybe slightly. I mean, incremental. 13:45:17
10 I think people do say thank you more often than 13:45:21
11 they used to, but it's a work in progress. 13:45:26

12 Q. Do you know if the Chief Diversity 13:45:27
13 Officer continued with the ideas that you brought 13:45:30
14 to her? 13:45:32

15 A. I last met with her two to 13:45:33
16 three weeks ago. It was not clear to me that 13:45:37
17 this was an initiative that she was actively 13:45:39
18 pursuing. 13:45:42

19 Q. Do you know if anyone conducted an 13:45:43
20 exit interview with [REDACTED]? 13:45:45

21 A. I'm not sure. I know that [REDACTED] and 13:45:48
22 I consulted with Counsel about whether her 13:45:54
23 continuing to conduct those interviews could be 13:46:03
24 seen by you and your team of investigators as 13:46:06
25 interfering with your investigation. And I 13:46:10

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2 believe that while █████ continued to talk to 13:46:13

3 people about ethics counseling, she did not 13:46:17

4 continue to do the kind of exit interviews that 13:46:21

5 she and I had initially anticipated that she 13:46:25

6 would do. 13:46:29

7 Q. Did you ever speak to █████ Senior Staffer #2 13:46:29

8 about █████ concerns? 13:46:32

9 A. Yes. 13:46:35

10 Q. How many times? 13:46:35

11 A. I think just once. 13:46:36

12 Q. And what was said? 13:46:37

13 MR. SPIRO: Objection. [INSTRUCTION] 13:46:40

14 On the ground of attorney-client privilege at the 13:46:42

15 direction of Chamber, you should not answer the 13:46:45

16 question. 13:46:48

17 THE WITNESS: Okay, alright. 13:46:48

18 Q. Are you the person that gets involved 13:46:51

19 anytime there is any possibility of any issue of 13:46:53

20 discrimination or harassment in the Chamber, at 13:46:57

21 least, since you've been there? 13:46:59

22 A. Well, I'll say not since I've been 13:47:00

23 there. I think since Alfonso left, I may have 13:47:02

24 become -- I'm, certainly, aware that several of 13:47:10

25 these issues have been brought to me and I think 13:47:14

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2 I've become the de facto address. 13:47:16

3 Q. Is there anyone in an HR function in 13:47:20
4 the Executive Chamber that addresses these 13:47:22
5 issues? 13:47:25

6 A. So, on issues relating to reasonable 13:47:28
7 accommodation, Lauren Grasso is the person who 13:47:29
8 deals with those and I have worked with her on 13:47:35
9 how to manage those; otherwise, our HR function 13:47:40
10 is really on the benefits and sort of paperwork 13:47:49
11 side handled by the Department of Budget. And I 13:47:54
12 think people relied fairly heavily on GOER for HR 13:47:59
13 advice. I know I do. 13:48:06

14 But we do not have an HR department, 13:48:08
15 the way you would think of an HR department. 13:48:11

16 MS. CLARK: Jen, do you have anything 13:48:16
17 to add? Is Jen still here? 13:48:19

18 MS. KENNEDY-PARK: I'm here. Can you 13:48:24
19 hear me? 13:48:25

20 MS. CLARK: I can hear you, yes. 13:48:26

21 MS. KENNEDY-PARK: Okay. NAME, can 13:48:28
22 you help us understand how you distinguish the 13:48:31
23 situations you just described in which you 13:48:34
24 consulted with GOER regarding Senior Staffer #1's 13:48:37
25 complaints about being called a "bitch" and 13:48:42

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2 [REDACTED], I believe, complaint about a 13:48:45
3 potential "racist" incident from your decision 13:48:47
4 not to consult GOER with respect to Charlotte 13:48:50
5 Bennett's allegations? 13:48:53

6 THE WITNESS: No. That's a good 13:48:56
7 question. I think that I started relying on GOER 13:48:57
8 more heavily after Charlotte. I had had some 13:49:04
9 conversations with GOER previously. But I think 13:49:11
10 that because the matter with Ms. Bennett -- first 13:49:19
11 of all, I -- because the matter with Ms. Bennett 13:49:23
12 involved not just the Governor and Ms. Bennett 13:49:31
13 but a very confidential fact about the Governor's 13:49:34
14 [REDACTED], I felt some responsibility not to have 13:49:40
15 a lot of discussions about the circumstances 13:49:45
16 other than with people who I had reason to 13:49:48
17 understand already knew. I knew that I had been 13:49:51
18 told that Alfonso was aware of the situation with 13:49:55
19 the Governor's [REDACTED]. I felt that in that 13:49:58
20 instance it was appropriate to talk to Alfonso 13:50:05
21 rather than to go to GOER and potentially reveal 13:50:07
22 what I considered to be highly confidential 13:50:12
23 information about a third party. 13:50:14

24 MS. KENNEDY-PARK: And so, just to be 13:50:19
25 clear, you made the decision to go to Mr. David 13:50:20

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2 who at that time was not an employee of the 13:50:23

3 Chamber; is that correct? 13:50:27

4 THE WITNESS: I made the decision to 13:50:29

5 go to Mr. David who in my understanding had 13:50:31

6 written the GOER manual and was an expert on the 13:50:35

7 policy rather than to involve others in a matter 13:50:40

8 that I considered to be highly confidential about 13:50:49

9 a third party who had no say in her involvement 13:50:56

10 in these issues. 13:51:00

11 MS. KENNEDY-PARK: At the time you 13:51:00

12 consulted -- 13:51:02

13 MR. ABRAMOWITZ: Maybe just to go off 13:51:02

14 the record for a minute. May we go off the 13:51:04

15 record for a minute because I want to consult 13:51:06

16 with my client. 13:51:10

17 THE VIDEOGRAPHER: We're going off 13:51:11

18 the record at 1:51 p.m. 13:51:12

19 MS. KENNEDY-PARK: Mr. Abramowitz, 13:51:16

20 unless this is about privilege, I would not like 13:51:17

21 to go off the record now. 13:51:19

22 THE VIDEOGRAPHER: Are you guys 13:51:20

23 agreed to go off the record or not? 13:51:20

24 MS. KENNEDY-PARK: We are not. 13:51:24

25 MR. ABRAMOWITZ: You control the 13:51:25

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2 understanding you correctly to be saying that the 13:52:08
3 reason you did not go to GOER about Ms. Bennett's 13:52:11
4 allegations against the Governor was to keep 13:52:14
5 information about the Governor's family private? 13:52:17

6 MR. SPIRO: There were two different 13:52:23
7 questions asked. One said the only reason and 13:52:24
8 then the second said the reason. And just I 13:52:27
9 think so the record is clear, we should get some 13:52:30
10 clarification on that. 13:52:33

11 MS. KENNEDY-PARK: You can answer the 13:52:37
12 question I just asked. 13:52:38

13 Is that the reason you did not go to 13:52:38
14 GOER? 13:52:40

15 THE WITNESS: It was one of the 13:52:42
16 reasons I did not go to GOER. 13:52:44

17 MS. KENNEDY-PARK: Okay. What are 13:52:46
18 the other reasons you didn't go to GOER? 13:52:47

19 THE WITNESS: Because I felt that 13:52:52
20 Alfonso was a very useful resource and that I 13:52:53
21 could get confirmation from him about my 13:53:01
22 understanding of the policy and felt that, you 13:53:05
23 know, ordinarily as I said I tried not to take up 13:53:12
24 Alfonso's time, but that in this instance it was 13:53:16
25 an appropriate use of his time. And I 13:53:19

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2 three occasions and plus a number of calls on 13:54:31

3 COVID. 13:54:37

4 MS. KENNEDY-PARK: And on any of the 13:54:40

5 occasions when you spoke to individuals at GOER, 13:54:43

6 did you believe that they were not experts in 13:54:46

7 interpreting the handbook? 13:54:49

8 THE WITNESS: I didn't -- I did not 13:54:56

9 form a belief that they were not experts. And 13:54:59

10 I'm quite certain that if you had asked me the 13:55:02

11 time I would have considered them to have that 13:55:04

12 expertise. But it wasn't something that I 13:55:07

13 considered. 13:55:11

14 MS. KENNEDY-PARK: I don't have any 13:55:14

15 other questions. Thank you. 13:55:15

16 Thank you Anne. 13:55:16

17 MS. BRUNE: So, Jen and NAME, I don't 13:55:18

18 know if you're talking about passed each other. 13:55:20

19 Is the information seeking advice on 13:55:22

20 the handbook or the decision about whether or not 13:55:24

21 to fill out the complaint form and convey a 13:55:25

22 complaint to GOER with respect to Ms. Bennett's 13:55:30

23 statement? 13:55:33

24 I don't know if you're answering -- 13:55:34

25 MS. KENNEDY-PARK: It's not about the 13:55:35

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2 and a half. And if anyone tries to obtain that 13:56:26
3 information from you, we'd ask that you tell your 13:56:29
4 lawyers so they can tell us. 13:56:31

5 A. Okay. Thank you. 13:56:33

6 Q. Thank you. 13:56:35

7 MS. CLARK: We can go off the record. 13:56:35

8 MR. ABRAMOWITZ: Thank you. 13:56:37

9 THE VIDEOGRAPHER: We are off the 13:56:38
10 record at 1:56 p.m. And this concludes today's 13:56:39
11 interview given by Witness 6/22/21 continued. 13:56:43

12 The total number of media units used 13:56:48
13 was four and will be remained by Veritext Legal 13:56:51
14 Solutions. 13:56:55

15 (Time noted: 1:56 p.m.)

16
17

WITNESS 6/22/21

18
19 Subscribed and sworn to before me
20 this __ day of _____, 2021.

21

Notary public

22
23
24
25

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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**

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