

1 ATTORNEY GENERAL OF THE STATE OF NEW YORK

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5 In the Matter of Independent  
6 Investigation Under New York State  
7 Executive Law Section 63(8)

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12 VIDEOTAPE DEPOSITION OF  
13 JOHN MAGGIORE  
14 VIA ZOOM VIDEOCONFERENCE  
15 June 24, 2021  
16 9:35 a.m.

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22 Case No. 4660519

23 Reported by:

24 Maureen Ratto, RPR, CCR

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Videotape deposition of John  
Maggiore, held virtually via Zoom  
Teleconference, hosted from Veritext  
Legal Solutions, pursuant to notice,  
before Maureen Ratto, Certified Court  
Reporter, License No. XI01165,  
Registered Professional Reporter,  
License No. 817125, and Notary Public.

\* \* \*

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

2

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1                   VIDEOGRAPHER: We are going  
2                   on the record at 9:35 a.m. Eastern  
3                   Daylight Time on Thursday, June  
4                   24th, 2021.

5                   This is Media Unit 1 of the  
6                   remote video-recorded deposition of  
7                   witness 06/24/2021 in the matter of  
8                   Independent Investigation under New  
9                   York State Executive Law 63(8).

10                  The court reporter is Maureen  
11                  Ratto. My name is Bob Jorissen, a  
12                  Certified Legal Video Specialist.  
13                  We are both here today representing  
14                  the firm Veritext.

15                  At this time counsel will  
16                  state their appearances,  
17                  affiliations and stipulate as to  
18                  their acceptance of this remote  
19                  video arrangement and the court  
20                  reporter swearing in the witness  
21                  remotely.

22                  Would the noticing counsel  
23                  please begin.

24                  MR. WEAVER: Andrew Weaver,  
25                  the law firm Cleary Gottlieb Steen

1           & Hamilton LLP here as Special  
2           Assistant to the First Deputy  
3           Attorney General of the State of  
4           New York.

5                   MS. REMBAR:   Lilianna Rembar  
6           from Cleary Gottlieb Steen &  
7           Hamilton also appearing as Special  
8           Assistant to the First Deputy  
9           Attorney General of the State of  
10          New York.

11                   MS. PERSICO:   Jennifer  
12          Persico, Lippes Mathias Wexler  
13          Friedman, representing John  
14          Maggiore.

15                   MR. VACCO:   Good morning.  
16          Dennis Vacco, Lippes Mathias Wexler  
17          Friedman, on behalf of  
18          Mr. Maggiore.

19                           \* \* \*

20          J O H N M A G G I O R E, having been  
21          first duly sworn according to law by  
22          the Officer, testifies as follows:

23          DIRECT EXAMINATION MR. WEAVER:

24                  Q.           Good morning, Mr. Maggiore.

25                  A.           Good morning.

1 JOHN MAGGIORE

2 Q. As I just introduced myself,  
3 names Andrew Weaver. I am here as a  
4 Special Assistant to the First Deputy  
5 Attorney General for the State of New  
6 York.

7 Before I start asking  
8 questions I'm going to give you a little  
9 background information and some  
10 groundrules for today's proceeding.

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

20 You are here today pursuant to  
21 a subpoena issued in connection with this  
22 investigation. I'll note at the outset  
23 that today's proceeding is being  
24 video-recorded. You are under oath. That  
25 means you must testify fully and

1 JOHN MAGGIORE

2 truthfully just as if you were in a court  
3 of law sitting before a judge or a jury.

4 Your testimony is subject to  
5 the penalty of perjury. If you would like  
6 to make any brief sworn statements today,  
7 we'd ask you do so at the conclusion of  
8 our examination.

9 Although this is a civil  
10 examination, a civil investigation, this  
11 office has criminal enforcement powers.  
12 You have the right to refuse to answer a  
13 question if answering the question would  
14 incriminate you. However, any failure to  
15 answer can be used against you in a court  
16 of law in civil non-criminal proceedings.

17 Asserting your Fifth Amendment  
18 privilege does have evidentiary  
19 significance. If you choose to assert  
20 your Fifth Amendment privilege that fact  
21 could be presented to a judge or jury in  
22 a civil proceeding who would be free to  
23 draw a conclusion from your assertion of  
24 that privilege.

25 You are appearing today with

1 JOHN MAGGIORE

2 your attorney present. You may consult  
3 with your attorney if you have any  
4 questions about attorney-client  
5 privilege. However, this is not a  
6 deposition. Your attorneys cannot object  
7 or otherwise participate.

8 As you can see, we have a  
9 court reporter present with us in this  
10 virtual space, and she needs to be able  
11 to take down my questions and your  
12 answers to create a transcript. So the  
13 reporter can create a clean record,  
14 please provide a verbal response to each  
15 question. Please do not shake your head  
16 or nod or give responses like a-hum or  
17 u-huh. Do you understand?

18 A. I understand.

19 Q. If you do not know the answer  
20 to a question, please say that you do not  
21 know. Please allow me to finish my  
22 question before you begin to answer so we  
23 do not talk over each other. This is  
24 important to allow our court reporter to  
25 create the transcript, particularly since



1 JOHN MAGGIORE

2 we're not all in the same room.

3 If at any time today you would  
4 want to clarify an answer you have given,  
5 please let me know. If you do not  
6 understand a question, please let me know  
7 and I will try to ask the question in a  
8 different way.

9 I will be asking about names  
10 and dates and other specific information  
11 today. Even if you don't remember a  
12 specific name or date, I would ask you to  
13 give me your best approximate answer  
14 while indicating that your answer may not  
15 be exact.

16 If you need a break at any  
17 point please let me know. However, if  
18 there is a question pending, please  
19 answer the question first and then we'll  
20 take a break.

21 Can you please confirm that  
22 you are not using any technology to  
23 create a recording of the proceeding on  
24 your end including the use of a screen  
25 capture tool?

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JOHN MAGGIORE

A. I can confirm that.

MR. WEAVER: Can your counsel confirm the same?

MR. VACCO: Yes.

MS. PERSICO: Yes.

Q. Can you please confirm that you're not allowing anyone else to listen in, including through any devices through to this proceeding?

A. I can confirm that.

MR. WEAVER: Counsel can you confirm well.

MR. VACCO: Yes.

Q. Can you also please confirm that you aren't and will not be communicating in realtime or during breaks with anyone else, other than your attorneys, about the substance of your testimony?

A. Yes, I can confirm that.

MR. WEAVER: And counsel, can you also confirm?

MR. VACCO: Yes.

MS. PERSICO: Yes.

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JOHN MAGGIORE

Q. Executive Law 63(8), the provision under which this investigation is being conducted, prohibits you or your counsel from revealing anything about what we ask you or what you say during the testimony to anyone.

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

Please note that you are protected from retaliation from participating in today's testimony. We ask that you let us know if you are concerned about any potential retaliation from the Executive Chamber or anyone else.

A. I am not concerned about that.

Q. To the extent you have any concern going forward, please let us know.

A. Okay.

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JOHN MAGGIORE

Q. Are you taking any medications or drugs today that might make it difficult for you to understand or answer my questions?

A. Not today, no.

Q. Have you had any alcohol today?

A. No, I have not.

Q. Is there any reason you would not be able to answer my questions fully and truthfully?

A. No, not that I can think of.

Q. Please state your full name.

A. John Batista Maggiore.

Q. And your date of birth?

A. [REDACTED] [REDACTED] [REDACTED].

Q. What is your current home address?

A. [REDACTED] [REDACTED] [REDACTED],  
[REDACTED] [REDACTED] [REDACTED].

Q. Do you have a business address?

A. I'm just starting a new job and I probably do but I don't have it

1 JOHN MAGGIORE

2 yet.

3 Q. What is your new job?

4 A. Commissioner in the Public  
5 Service Commission.

6 Q. And will that be based in  
7 Albany?

8 A. Yes, it will.

9 Q. Mr. Maggiore, have you ever  
10 given testimony before?

11 A. Yes, I have.

12 Q. When?

13 A. On two separate cases. I'm  
14 blanking on the years but within the last  
15 decade.

16 Q. And what was the nature of  
17 those cases?

18 A. The more recent one was an  
19 investigation of Joe Percoco, who I used  
20 to work with, and prior to that it was an  
21 investigation that appeared to be  
22 centered around a guy name [REDACTED] [REDACTED].

23 Q. And in what capacity did you  
24 participate in those proceedings?

25 A. Well, in the Percoco case --

1 JOHN MAGGIORE

2 both cases as a witness, so...

3 Q. And was this sworn testimony  
4 that you provided?

5 A. I believe it was sworn in the  
6 [REDACTED] case and I don't believe it was  
7 sworn in the Percoco case.

8 Q. Have you ever testified at a  
9 trial before?

10 A. No, I have not.

11 Q. Did you do anything to prepare  
12 for today's proceeding?

13 A. Yes.

14 Q. What did you do?

15 A. I consulted with my attorneys.

16 Q. Have you done anything else?

17 A. Not -- no.

18 Q. Have you looked at, on your  
19 own, looked at any documents?

20 A. Well, I've been looking at  
21 media accounts as this whole issue has  
22 unfolded for the last several months, but  
23 not specifically to prepare for this case  
24 but more because I'm interested in the  
25 topic.

1 JOHN MAGGIORE

2 Q. In preparing for today's  
3 proceeding did you, on your own, review  
4 any emails?

5 A. On my own, no.

6 Q. How many times did you meet  
7 with your counsel?

8 A. Let's say half dozen.

9 Q. And for a total of how much  
10 time, approximately?

11 A. Maybe 10 hours, total. Does  
12 that sound right?

13 Q. Other than your counsel, have  
14 you spoken to anyone about today's  
15 proceeding?

16 A. Yes.

17 Q. Who?

18 A. I told my wife, I told my  
19 parents and I told a friend that it was  
20 going to take place.

21 Q. And who is the friend that you  
22 told?

23 A. Her name is [REDACTED].

24 Q. Have you told anyone who has  
25 ever worked in the Executive Chamber

1 JOHN MAGGIORE

2 about today's proceeding?

3 A. [REDACTED] works in the  
4 Executive Chamber.

5 Q. In what role?

6 A. Well, her job was my Chief of  
7 Staff and I'm no longer there but her  
8 title hasn't changed. So she's in  
9 transition right now.

10 Q. Tell me about the discussion  
11 that you had with [REDACTED] ?

12 A. Yesterday, as I was walking to  
13 this office, she called me and was really  
14 calling to talk to me about the previous  
15 night's election results and she asked --  
16 that was the main topic of the  
17 conversation. But after we talked about  
18 that she asked if I had talked to the  
19 Attorney General, I said no, I'm going to  
20 do that, I guess I said tomorrow.

21 Q. And what else did she say?

22 A. That's the sum and substance  
23 of that conversation.

24 Q. Did she indicate whether she  
25 had spoken to the Attorney General?



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JOHN MAGGIORE

A. Not in that conversation, no.

Q. Have you spoken to her previously about whether she's spoken to the Attorney General?

A. Yes. When she told me earlier that she had spoken to the Attorney General.

Q. What did she tell you about that discussion?

A. She said that it was mostly about the work environment on the second floor and the circumstances of when she was called to the Executive Mansion to assist the Governor.

Q. What else did she tell you?

A. That's about it. Although, I should say that I asked if anybody told her not to talk to me about it and she said no.

Q. Did she say anything else to you about her time talking to the Attorney General?

A. I don't remember any other specifics. Those are the two topics that

1 JOHN MAGGIORE

2 I remember her telling me about.

3 Q. Was this a phone call or in  
4 person?

5 A. Phone call.

6 Q. Did she say why she was  
7 calling you to tell you this?

8 A. No, not specifically. But we  
9 talk frequently.

10 Q. Has anyone else told you that  
11 they've spoken to the Attorney General?

12 A. Yes.

13 Q. Who?

14 A. Mark Poloncarz.

15 Q. And when did that conversation  
16 take place?

17 A. Some time last month.

18 Q. And tell me about that  
19 conversation?

20 A. He mentioned in passing that  
21 he had a conversation and he was asked  
22 about a conversation that he had with  
23 Larry Schwartz.

24 Q. What else did he say about  
25 that conversation?

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JOHN MAGGIORE

A. That's pretty much it.

Although, we reflected that Larry Schwartz had called him while he happened to be on the phone with me, so he didn't take that call.

Q. Anything else?

A. No, not that I recall.

Q. Have you spoken to anyone else about their speaking to the Attorney General?

A. No, I have not.

Q. You have a binder that we sent to you, correct, in front of you?

A. Yes, I do.

Q. Could you please turn to tab 1?

A. Okay.

(Exhibit 1, Subpoena Duces Tecum, dated June 2, 2021 was received and marked on this date for identification.)

Q. And tab 1 is a document subpoena addressed to you dated June 2nd, 2021. Do you see that?

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JOHN MAGGIORE

A. I do. Yes, I do. I was just looking for the date, which I don't see.

Q. If you turn to the second page you'll see the top.

A. Yes, I see it. Yes.

Q. Did you read and review this subpoena?

A. I did.

Q. And what did you do to comply with it?

A. I consulted with my attorneys. To tell you the truth, I found it a little confusing, which is one of the reasons I consulted with my attorneys.

Q. Did you do anything specifically beyond talking to your attorneys in order to comply with the subpoena?

A. I interacted with them and also with vendors that they use to search both email and social media accounts and some devices that I have so that I could comply.

Q. Which devices were searched?

1 JOHN MAGGIORE

2 A. My cellphone and my iPad.

3 Q. Were these -- is that a  
4 personal cellphone?

5 A. Yes, it is.

6 Q. Is that a personal iPad?

7 A. Yes, it is.

8 Q. Were any other devices  
9 searched?

10 A. No.

11 Q. What email accounts were  
12 searched?

13 A. I have a Gmail call, a Hotmail  
14 account.

15 Q. Any other accounts?

16 A. I don't have any other live  
17 accounts.

18 Q. Do you have any dormant  
19 accounts?

20 A. When I worked -- when I was  
21 actively working in the Chamber I had an  
22 Executive Chamber email account but I  
23 don't have any access to that and I  
24 haven't since October.

25 Q. Other than that, do you have

1 JOHN MAGGIORE

2 any dormant personal accounts?

3 A. I think years ago I used a  
4 Yahoo account but I haven't used that for  
5 years. When I was a student I had a  
6 student account, but that was many many  
7 years ago.

8 Q. What is your Gmail email  
9 account?

10 A. It's [REDACTED]@Gmail.com.

11 Q. And what is your Hotmail  
12 account?

13 A. It's  
14 [REDACTED]@Hotmail.com. The Gmail is  
15 the one that I use most frequently these  
16 days.

17 Q. Were there any -- what media  
18 accounts were searched?

19 A. Facebook, Twitter, Instagram  
20 and LinkedIn.

21 Q. And what is your Twitter  
22 handle?

23 A. I don't remember. I'm sorry.

24 Q. Your Instagram handle?

25 A. I don't remember that either.

1 JOHN MAGGIORE

2 I don't remember any of these handles.

3 I'm sure we can provide that but I just  
4 don't remember.

5 Q. Any other social media  
6 searched?

7 A. No.

8 Q. Any other accounts or forms of  
9 communication were searched?

10 A. No.

11 Q. What about text messages?

12 A. I don't use text messages, so  
13 I had none to search.

14 Q. And have you never used text  
15 messages?

16 A. I had in the past but I had it  
17 disabled from my phone several years ago.

18 Q. When was it disabled?

19 A. I don't remember exactly but I  
20 think it was probably 2018 but it might  
21 have been before that.

22 Q. Can you look, within tab 1  
23 that you're there, the document subpoena?

24 A. Yes.

25 Q. Page 7 paragraph 18 at the

1 JOHN MAGGIORE

2 top, "time period", do you see that?

3 A. Yes.

4 Q. Do you see it says, "The time  
5 period covered by the subpoena is from  
6 January 1 2013 forward?"

7 A. Yes.

8 Q. Do you believe you used text  
9 messaging at some point between 2013,  
10 January 1, 2013 and when you stopped  
11 using text messages?

12 A. Probably, yes.

13 Q. Okay. But you did not search  
14 text messages in responding to the  
15 subpoena?

16 A. I didn't search it myself at  
17 all, but if I did it would have been  
18 associated with the phone number on my  
19 phone. So I don't know the technology but  
20 if there were dormant text messages it  
21 would have been associated with that  
22 number.

23 Q. And what is in number?

24 A. Area code [REDACTED]. I  
25 would not know how to search dormant text



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JOHN MAGGIORE

messages.

Q. Do you know if the vendors you dealt with searched the text messages?

A. May I ask that question to my attorneys?

Q. I'm just asking if you know.

A. Yeah, I don't know.

Q. Can you turn to tab 2, please?

A. I have it.

(Exhibit 2, Subpoena Ad Testificandum dated June 2, 2021, was received and marked on this date for identification.)

Q. And this is a testimony subpoena --

A. Yes.

Q. -- to you dated June 2nd, 2021, correct?

A. Yes.

Q. Have you read the subpoena?

A. I did.

Q. And is this the subpoena for which you are appearing today?

A. Yes, it is.

1 JOHN MAGGIORE

2 Q. Mr. Maggiore, what is your  
3 education background?

4 A. How far back would you like me  
5 to go?

6 Q. College.

7 A. I attended Connecticut  
8 College, where I received a BA. I  
9 attended the Eagleton Institute of  
10 Politics at Rutgers, where I received a  
11 Masters in Political Science. I attended  
12 the Harvard Kennedy School, where I  
13 received a Masters in Public  
14 Administration.

15 Q. What year did you receive your  
16 BA?

17 A. 1991.

18 Q. And the MA?

19 A. 1992.

20 Q. And the MPA?

21 A. 2000.

22 Q. Following your MA, what was  
23 your -- can you just walk through a high  
24 level through your employment history?

25 A. Sure. Immediately following

1 JOHN MAGGIORE

2 that I went to Albany as a New York State  
3 Senate Fellow, which was a job but it had  
4 a time period on it. So in 1993 I went to  
5 work for Governor Mario Cuomo. My title  
6 was Confidential Assistant and I worked  
7 for him through the end of his term on  
8 January 1st, 1995. I then went to work  
9 for an assembly member from Buffalo named  
10 Sam Hoyt from January of 1995 until I  
11 went back to school to the Kennedy School  
12 at some point in 1998, I don't remember  
13 the exact month.

14 After -- well, actually, in  
15 between my two years there I went to work  
16 for three months at HUD for HUD Secretary  
17 Andrew Cuomo, but then I went back to  
18 school to finish my degree and after that  
19 from 2000 until the end of 2004 I went  
20 back to work for Sam Hoyt. My last day  
21 might have actually been the beginning of  
22 2015 but in reality I worked until the  
23 end of the year.

24 Q. 2005?

25 A. Sorry. That's right, 2005.

1 JOHN MAGGIORE

2 Right. Yes. I misspoke.

3 So in 2005, the beginning of  
4 2005 there was a brief period where I  
5 didn't have regular employment and then  
6 in the spring, I think it was March, I  
7 went to work for the Buffalo Niagra  
8 Partnership in the capacity of a  
9 contractor for a project that was called  
10 the Erie County Stabilization Project,  
11 which was also a finite project that came  
12 to a conclusion after we published a  
13 report later that year.

14 Following that I went to work  
15 for Buffalo State College as assistant to  
16 the President Muriel Howard. That was  
17 later in 2005. In 2007 I went to work for  
18 Attorney General Andrew Cuomo as a policy  
19 advisor, where I worked for four years.

20 From 2011 --

21 Q. Let's pause there. We'll cover  
22 the Executive Chamber separately.

23 A. Sure.

24 Q. Just a few questions about  
25 some of the positions that you just

1 JOHN MAGGIORE

2 identified.

3 How did you come to become the  
4 Confidential Assistant for Governor Mario  
5 Cuomo?

6 A. I heard about a job opening  
7 and I sent in an application. I was  
8 interviewed and I got the job.

9 Q. Who did you interview with?

10 A. It was a panel of people. I  
11 remember some of them but I don't  
12 remember all of them.

13 Q. Who do you remember?

14 A. [REDACTED], Joe Percoco, [REDACTED]  
15 [REDACTED], [REDACTED], [REDACTED]. I'm  
16 sure there are other people there that  
17 I'm not thinking of.

18 Q. What did you do as a  
19 Confidential Assistant to the Governor?

20 A. That was my title but  
21 informally known it was the job of an  
22 advance man, and I did advance work in  
23 Upstate New York, mostly Upstate New  
24 York. That was my territory.

25 Q. And during the time working

1 JOHN MAGGIORE

2 for Governor Mario Cuomo did you meet or  
3 get to know Andrew Cuomo?

4 A. I met him briefly once but I  
5 did not get to know him when I was  
6 working for Governor Mario Cuomo.

7 Q. And you said you went for a  
8 few months and worked for HUD for Mario  
9 Cuomo?

10 A. Yes.

11 Q. What was your position?

12 A. It was a staff position. I  
13 actually don't even remember the title.  
14 Although it was a staff position, it was  
15 essentially, like, a paid internship.

16 Q. What did you do?

17 A. Mostly intern level work. I  
18 remember one big project I worked on but  
19 most of the work I did was low level and  
20 not really memorable.

21 Q. How did you get that position?

22 A. I called him up and asked him  
23 if I could go work for him over the  
24 summer.

25 Q. You called Secretary Andrew

1 JOHN MAGGIORE

2 Cuomo?

3 A. I did.

4 Q. Had you had any dealings with  
5 Andrew Cuomo before that?

6 A. Yes, I had.

7 Q. And what sort of dealings did  
8 you have with Andrew Cuomo before that?

9 A. In 1995 he came to Buffalo  
10 where I was living and either he or  
11 somebody on his staff called me because  
12 he had heard about me from his father. He  
13 asked if -- actually, I'm not sure if it  
14 was him or somebody on his staff asked if  
15 I could help with an event that he was  
16 doing in Buffalo. And at that time I met  
17 with him privately and we started a  
18 friendship, a relationship at that point.

19 So in subsequent years,  
20 certainly when he came to Western New  
21 York or maybe Upstate New York, I would  
22 see him and on occasion I'd go to  
23 Washington and look him up. Sometimes  
24 we'd talk over the phone.

25 Q. So you formed some sort of

1 JOHN MAGGIORE

2 friendship with Andrew Cuomo during that  
3 time?

4 A. I would say yes.

5 Q. Following your time working at  
6 HUD for Secretary Andrew Cuomo, did you  
7 thereafter continue your friendship with  
8 Andrew Cuomo?

9 A. Yes, I did.

10 Q. How often would you see or  
11 speak to Andrew Cuomo?

12 A. A handful of times every year,  
13 I would say not daily or weekly but, you  
14 know, a handful of times per year.

15 Q. And at some point you said  
16 that you began to work as a policy  
17 advisor in the New York Attorney  
18 General's Office when Andrew Cuomo was  
19 Attorney General, correct?

20 A. That's correct.

21 Q. How did you come to that  
22 position?

23 A. I had volunteered on his  
24 campaign and, you know, it's interesting  
25 I don't remember ever actually having a



1 JOHN MAGGIORE

2 conversation or a negotiation about what  
3 I was going to do but in my head I kind  
4 of assumed I was going to go work there,  
5 and I don't remember the initial  
6 conversation about exactly what I was  
7 going to do. But I worked with him, I  
8 mean, as a volunteer on the campaign and  
9 I probably made my intention known at  
10 that point.

11 Q. Do you recall having a  
12 discussion with anyone at any time about  
13 joining his administration, his Attorney  
14 General administration?

15 A. I'm sure I did but I don't  
16 have a specific recollection.

17 Q. And what were your  
18 responsibilities as a policy advisor?

19 A. Early on I did mostly writing  
20 for the Attorney General. Later on I  
21 mostly did -- I coordinated the agency's  
22 outreach program, especially in Upstate  
23 New York.

24 Q. How often in that role did you  
25 interact with Attorney General Andrew

1 JOHN MAGGIORE

2 Cuomo?

3 A. I would say frequently.

4 Q. Where was your physical office  
5 located?

6 A. My main physical office was in  
7 Albany but I also had kind of a satellite  
8 office in Buffalo.

9 Q. How close physically did you  
10 sit to Attorney General Cuomo's office?

11 A. My Albany office was in the  
12 suite of offices in the capital, which is  
13 limited in size and, therefore, I would  
14 say close to the Attorney General's  
15 office there. He spent most of his time  
16 in New York City and I was not there that  
17 often.

18 Q. When he was in Albany did you  
19 have the opportunity to observe him on a  
20 daily basis as Attorney General?

21 A. More or less, yes.

22 Q. You started to talk about  
23 transitioning into the Executive Chamber  
24 in 2011?

25 A. Yes.

1 JOHN MAGGIORE

2 Q. Can you walk us through the  
3 different roles you've had in the  
4 Executive Chamber from 2011 on?

5 A. Yes. In 2011 I was the  
6 Director of Regional Affairs. From 2012  
7 through the end of the first term I was  
8 Chief of Staff to Lieutenant Governor who  
9 at the time was Bob Duffy. In the second  
10 term, the entirety of the second term I  
11 was the Director of Policy and then  
12 starting in 2019 I had the title of  
13 Senior Advisor to the Governor. I went on  
14 leave in October of 2020.

15 Q. What were your  
16 responsibilities as the Director of  
17 Regional Affairs?

18 A. I mainly oversaw the regional  
19 rep program, again in Upstate New York.  
20 More generally, I was a liaison with  
21 local government officials and sort of  
22 kept tabs on what was going on in Upstate  
23 New York in governmental matters.

24 Q. In that role how often were  
25 you interacting with Governor Andrew

1 JOHN MAGGIORE

2 Cuomo?

3 A. Maybe a little less frequently  
4 than as Attorney General, but it was not  
5 infrequent.

6 Q. Do you have an office in  
7 Albany?

8 A. I did.

9 Q. Where was that physically  
10 located?

11 A. 99 Washington Avenue.

12 Q. So you were not in the Capital  
13 building?

14 A. No. Although, I often squatted  
15 there.

16 Q. Where would you squat?

17 A. In a mezzanine above the  
18 Lieutenant Governor's Office on the  
19 second floor.

20 Q. Is that on the secure side or  
21 the non-secure side of the second floor?

22 A. The non-secure side.

23 Q. How did you get into the role  
24 of Director of Regional Affairs?

25 A. I think I talked to Steve

1 JOHN MAGGIORE

2 Cohen about it between the transition --  
3 you know, I'm sorry. Let me just pause  
4 for a moment.

5 I did go off the payroll of  
6 the Attorney General's Office at the end  
7 to work on the gubernatorial campaign for  
8 about two months. So that actually was a  
9 job because I got paid to do it. But  
10 between the transition from the Attorney  
11 General's Office and then the  
12 gubernatorial administration, I had at  
13 least one and probably more conversations  
14 with Steve Cohen who was the Chief of  
15 Staff to the Attorney General and would  
16 become the Secretary of the Governor.

17 Q. Then you became the Chief of  
18 Staff to the Lieutenant Governor?

19 A. That's correct.

20 Q. How did you transition to that  
21 role?

22 A. I approached the Lieutenant  
23 Governor and I knew that he was looking  
24 and I -- you know, I had gotten to know  
25 him and we had a conversation about it

1 JOHN MAGGIORE

2 and he was glad to take me aboard.

3 Q. Did you ask for permission  
4 from the Governor's Office?

5 A. I had a conversation with my  
6 supervisor at the time, who was Joe  
7 Percoco, and it was a mutual agreement.

8 Q. Did you speak to Governor  
9 Cuomo about becoming Chief of Staff?

10 A. I don't specifically remember  
11 doing so. It wouldn't have been unusual  
12 if I had.

13 Q. Is there a reason you do not  
14 continue in the role of Chief of Staff  
15 for the new Lieutenant Governor in the  
16 second term?

17 A. Yeah. I felt like I had done  
18 the job and I didn't want to start over  
19 and I wanted to move on to something  
20 else.

21 Q. Tell me about the process of  
22 moving on; how did that work?

23 A. Well, I became Policy Director  
24 as a result of conversations with the  
25 Director of State Operations at the time

1 JOHN MAGGIORE

2 who was Jim Malatras.

3 Q. Did the role of Policy  
4 Director exist before you filled it?

5 A. I think I was the first person  
6 to have that exact title, but there were  
7 other people who had similar functions,  
8 including Jim Malatras, prior to being  
9 Director of State Operations.

10 Q. And what were your  
11 responsibilities?

12 A. My main responsibility was  
13 coordinating aspects of the State of the  
14 State process, but I also did policy  
15 analysis and provided advice and feedback  
16 and briefings on policy matters.

17 Q. Did you discuss this new  
18 position with Governor Andrew Cuomo?

19 A. Prior to taking it? Again, I  
20 don't specifically remember but it  
21 wouldn't have been unusual if I did.

22 Q. And what level of interactions  
23 did you have with the Governor in the  
24 role of Policy Director?

25 A. It's a senior staff position

1 JOHN MAGGIORE

2 or at least it was with me and so I began  
3 seeing him with much greater frequency  
4 than I did when I was Chief of Staff to  
5 the Lieutenant Governor.

6 Q. Where did you physically sit  
7 as Policy Director?

8 A. Initially I sat -- I don't  
9 remember the office number, but it was on  
10 the secure side of the second floor. I  
11 later moved to a different office which I  
12 do remember the name as 229.

13 Q. And why did you move to 229?

14 A. It was a nicer office and the  
15 person using it before moved, so I asked  
16 if I could have it.

17 Q. Was that on the secure side  
18 still?

19 A. Yes, it was.

20 Q. And then how did you  
21 transition to Senior Advisor?

22 A. Melissa DeRosa was the  
23 Secretary to the Governor at the time and  
24 she talked to me about shifting my role a  
25 little bit. So I agreed to that and



1 JOHN MAGGIORE

2 that's how that happened.

3 Q. How did your role switch?

4 A. So my new role was principally  
5 supposed to focus on overseeing economic  
6 development in Upstate New York and it  
7 had less of a formal role in the State of  
8 the State process and it was also  
9 supposed to oversee what we would call  
10 intergovernmental relations, especially  
11 with Upstate local elected officials. In  
12 practice, that became the more dominant  
13 part of the job.

14 Q. And what level of interaction  
15 did you have with Governor Andrew Cuomo  
16 in that role?

17 A. In 2019 it was very frequent  
18 and then once sort of COVID kicked in it  
19 became much less frequent.

20 Q. Once COVID kicked in how often  
21 would you interact with the Governor?

22 A. I went into quarantine in  
23 March of 2020 and I never went back to  
24 the Capital to this day and my  
25 interactions with the Governor dropped

1 JOHN MAGGIORE

2 precipitously. I had very few direct  
3 interactions with him in 2020.

4 Q. Did you continue your  
5 friendship with the Governor during that  
6 time?

7 A. It was less active. We were  
8 both doing other things.

9 Q. And you said you went on leave  
10 in October 2020?

11 A. Yes.

12 Q. What was the reason for your  
13 leave?

14 A. [REDACTED] [REDACTED]. [REDACTED] [REDACTED]  
15 [REDACTED] [REDACTED] [REDACTED].

16 Q. Did you have -- did you  
17 experience any resistance from the  
18 Executive Chamber for taking your leave?

19 A. Not at all. Everyone was very  
20 supportive.

21 Q. Are you still technically on  
22 leave today?

23 A. I am on leave. I'm on -- well,  
24 you know what? I think I am a  
25 Commissioner in the Public Service

1 JOHN MAGGIORE

2 Commission and I just don't know the  
3 status of the paperwork, so...

4 Q. But your expectation is not to  
5 return to the Executive Chamber?

6 A. That's correct.

7 Q. As the Policy Director, who  
8 did you report to?

9 A. Initially I reported to the  
10 Director of State Operations, who was Jim  
11 Malatras. After Jim Malatras left, I  
12 reported to the Secretary to the  
13 Governor, who was [REDACTED] [REDACTED]

14 Q. And as Senior Advisor to the  
15 Governor who did you report to?

16 A. The Secretary to the Governor,  
17 who is Melissa DeRosa.

18 Q. As Policy Director, did you  
19 have anyone reporting directly to you?

20 A. I did.

21 Q. Who reported directly to you?

22 A. I had a staff and the members  
23 of that staff changed. If you quiz me I'm  
24 sure I'm going to forget somebody and I'd  
25 be embarrassed about that.

1 JOHN MAGGIORE

2 Q. We won't be embarrassed. Just  
3 tell me who you remember.

4 A. So initially, there's a guy  
5 named [REDACTED] [REDACTED]; there was a woman  
6 named [REDACTED] [REDACTED]; there was a woman  
7 named [REDACTED] [REDACTED]; [REDACTED] [REDACTED] was  
8 actually my First Deputy; [REDACTED] [REDACTED]  
9 joined the staff; [REDACTED] [REDACTED] joined the  
10 staff; Ana Liss was a -- was a Fellow  
11 that transferred to me; [REDACTED] [REDACTED], I  
12 think he was informally reporting to me;  
13 [REDACTED] [REDACTED] reported to me at some  
14 point. Again, I'm sure I'm leaving  
15 somebody out.

16 Q. Did you have administrative  
17 support?

18 A. Yes, I did.

19 Q. And who provided you  
20 administrative support?

21 A. So when I first became Policy  
22 Director there was a woman that was  
23 briefly assigned to me and I'm completely  
24 blanking on her name. She didn't work for  
25 me long.

1 JOHN MAGGIORE

2 Q. Okay.

3 A. After that, that's how Ana  
4 Liss came to me. I mean, she didn't come  
5 to me, I went to her and I pitched her on  
6 moving into my office, and part of what I  
7 was looking for was administrative  
8 support. After that there was a guy named  
9 [REDACTED], who was more or less assigned  
10 to me; after that [REDACTED], I  
11 hired her and she worked for me for a  
12 couple of years; after that [REDACTED]  
13 [REDACTED] became my assistant and she  
14 remained my assistant through the end of  
15 my time as the Director of Policy.

16 Q. As the Special Advisor to the  
17 Governor, did you have anyone reporting  
18 directly to you?

19 A. Yeah. It was -- just for the  
20 record, it was Senior Advisor to the  
21 Governor.

22 Q. Sorry. Senior Advisor to the  
23 Governor.

24 A. Yeah.

25 Q. Who reported to you directly?

1 JOHN MAGGIORE

2 A. So some people carried over,  
3 but the staff when I left, [REDACTED] [REDACTED]  
4 was my Chief of Staff; [REDACTED] [REDACTED] was  
5 a policy advisor to the Governor; [REDACTED]  
6 [REDACTED] was a Fellow; Brittany  
7 Commisso was my assistant but I think she  
8 transferred out from being my assistant  
9 at that time; I had [REDACTED] [REDACTED] at one  
10 point was a Fellow working for me and  
11 then he took on a staff position; I had  
12 another Fellow, I'm sorry, I'm blanking  
13 on his name. I didn't have enough coffee  
14 today. I know there's a couple of other  
15 people that cycled through my office.

16 Q. You said Brittany Commisso had  
17 been your assistant but then had left.  
18 When did she leave?

19 A. I think it was the beginning  
20 of 2020.

21 Q. Did she support you in your  
22 role as Policy Director or only as Senior  
23 Advisor to the Governor?

24 A. Only as Senior Advisor.

25 Q. And how did she come to work

1 JOHN MAGGIORE

2 for you?

3 A. [REDACTED] [REDACTED] took another  
4 job in the administration and the Chief  
5 of -- the Governor's Chief of Staff, Jill  
6 DesRosiers told me that Brittany was  
7 interested in coming back to the Chamber  
8 and was available to take that role. I  
9 spoke with her and we made a mutual  
10 agreement for her to join our staff.

11 Q. Had Brittany worked at the  
12 Executive Chamber prior to being your  
13 assistant?

14 A. She had.

15 Q. In what role?

16 A. She played a similar role for,  
17 if I remember correctly, the Deputy  
18 Secretary for Transportation.

19 Q. But she had left the Executive  
20 Chamber?

21 A. She did.

22 Q. And did you understand why she  
23 left the Executive Chamber?

24 A. I think she got a higher  
25 paying job.

1 JOHN MAGGIORE

2 Q. Did you know her prior to her  
3 starting as your executive assistant?

4 A. I had met her, but I wouldn't  
5 say that I knew her.

6 Q. And, I'm sorry, you said that  
7 Melissa DeRosa said that she was  
8 interested in coming back to the office?

9 A. No, not Melissa DeRosa. Jill  
10 DesRosiers.

11 Q. Jill DesRosiers?

12 A. Yes.

13 Q. And did Jill give you any  
14 color as to that?

15 A. Color? What do you mean by  
16 that?

17 Q. As to why she was interested  
18 in coming back to the Executive Chamber?

19 A. I'm sure she did but I don't  
20 remember what she said.

21 Q. Did you ever hear the -- your  
22 team working under you as Policy Director  
23 referred to as the Island of Misfit Toys?

24 A. No.

25 Q. It made you laugh. Why did



1 JOHN MAGGIORE

2 that make you laugh?

3 A. It sounds funny. No, I never  
4 heard that and it sounds funny.

5 Q. Mr. Maggiore, did Governor  
6 Andrew Cuomo ever say to you, in sum or  
7 substance, that he was going to steal  
8 Brittany Commisso from you?

9 A. No.

10 Q. Did the Governor ever tell  
11 you, in sum or substance, that he was  
12 jealous that she was your assistant?

13 A. I don't remember him saying  
14 anything.

15 Q. Is it something you think you  
16 would remember?

17 A. Probably, but I can't be sure.

18 Q. Do you recall having a  
19 birthday party in the summer of 2019?

20 A. I do.

21 Q. Was the Governor present?

22 A. He was.

23 Q. Was Brittany Commisso present?

24 A. Yes, she was.

25 Q. Do you recall any conversation

1 JOHN MAGGIORE

2 with the Governor related to Brittany  
3 Commisso during that birthday party?

4 A. He talked to almost everybody  
5 there. I think -- yeah, I remember them  
6 talking in my presence.

7 Q. Do you remember anything  
8 specifically said during that  
9 conversation?

10 A. No. That was sort of a light  
11 night. We weren't having serious  
12 conversations.

13 Q. Has the Governor ever made a  
14 comment to you or in front of you about  
15 Brittany Commisso?

16 A. I'm sure that he has.

17 Q. Anything that you remember?

18 A. No.

19 Q. Anything that stands out?

20 A. No.

21 Q. Has the Governor ever made a  
22 comment to you about stealing a member of  
23 your support staff?

24 A. I don't recall him ever saying  
25 that.

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JOHN MAGGIORE

Q. Did you have the opportunity to observe Brittany Commisso working and interacting with the Governor?

A. Yes.

Q. In what way?

A. I know I've seen them together and sometimes when she worked for me she would sometimes assist the Governor as well.

Q. In what capacity would she assist the Governor?

A. I think broadly I can say administrative.

Q. Did Ms. Commisso ever talk to you about her role in supporting the Governor?

A. Yes.

Q. What did she tell you about it?

A. Well, at such times that she would assist the Governor and I wasn't there she would come back and tell me that, you know, what she did, answer the phone, take dictation, something like

1 JOHN MAGGIORE

2 that.

3 Q. Did she support the Governor  
4 on the weekends?

5 A. Yes.

6 Q. Was that something that you  
7 were made aware of?

8 A. Yes, it was.

9 Q. How were you made aware of  
10 that?

11 A. At some point, I'm trying to  
12 remember who, somebody asked if anybody  
13 on my staff was willing volunteer to work  
14 on the weekends and she volunteered.

15 Q. Did she ever talk to you about  
16 her work on the weekends supporting the  
17 Governor?

18 A. Yes.

19 Q. What did she tell you?

20 A. Nothing memorable. Again, the  
21 type of thing that she did, you know,  
22 maybe she would tell some sort of funny  
23 story, but I can't think of a specific  
24 story.

25 Q. You think she may have told

1 JOHN MAGGIORE

2 you a funny story about working for the  
3 Governor on the weekend?

4 A. Yeah. I mean, my general  
5 impression was that she was in a good  
6 mood when she came back but I can't  
7 remember specifics.

8 Q. Do you remember any general  
9 topics of which the stories may have  
10 covered?

11 A. Usually some version of what  
12 it was she was doing in terms of the  
13 work.

14 Q. Do you recall anything  
15 generally about the type of work she was  
16 doing?

17 A. I would characterize it as  
18 administrative.

19 Q. And you think that you recall  
20 perhaps she told funny stories about  
21 doing administrative work for the  
22 Governor?

23 A. Yeah, I do. But again, I can't  
24 remember a specific story.

25 Q. Did you ever observe or hear

1 JOHN MAGGIORE

2 the Governor use a nickname in reference  
3 to or in describing Ms. Commisso?

4 A. Not to my recollection, no.

5 Q. Did you observe or hear any  
6 comments or questions about -- I'm sorry.

7 Did you observe or hear any  
8 questions or comments from the Governor  
9 about Ms. Commisso's relationship status?

10 A. "Relationship" in what way?

11 Q. Romantic relationship status.

12 A. No.

13 Q. Did you ever hear or observe  
14 the Governor comment on Ms. Commisso's  
15 appearance?

16 A. No.

17 Q. Did Ms. Commisso ever attend a  
18 Christmas party with you at the  
19 Governor's mansion?

20 A. I can't say for her. I can't  
21 say for sure.

22 Q. Do you recall ever discussing  
23 the Christmas parties with Ms. Commisso?

24 A. Not specifically.

25 Q. Generally?

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JOHN MAGGIORE

A. I've been to Christmas parties and I have been liberal in talking about them but I can't remember who I've spoken with about that.

Q. Did you ever hear the Governor make informal comments or jokes to Ms. Commisso on topics other than work?

A. No.

Q. Did you ever observe the Governor touching Ms. Commisso in any way?

A. Not that I recall.

Q. Do you think you would recall something like that?

A. Not if he shook her hand or something like that. But no, I wouldn't remember something like that, no.

Q. What would you -- are there categories of touch that you think you would remember?

A. Be more specific.

Q. Well, you said you couldn't recall whether or not he had ever touched her.

1 JOHN MAGGIORE

2 A. Right.

3 Q. And you gave me examples of  
4 things that you wouldn't necessarily  
5 recall, shaking hands, et cetera.

6 Is there some sort of physical  
7 contact that you would recall if you had  
8 seen it with the Governor and  
9 Ms. Commisso?

10 A. Something unusual I would  
11 probably recall.

12 Q. What would you consider to be  
13 unusual?

14 A. I don't know. I would know it  
15 when I saw it.

16 Q. Did you ever see the Governor  
17 kiss Ms. Commisso?

18 A. No.

19 Q. Not even on the cheek?

20 A. I don't recall him ever  
21 kissing Ms. Commisso on the cheek.

22 Q. Do you recall any time when  
23 Ms. Commisso appeared upset in the  
24 office?

25 A. Yes.



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JOHN MAGGIORE

Q. What do you recall about that?

A. Well, sometimes she would get upset if some work thing didn't work out. I think that she was having [REDACTED] [REDACTED] [REDACTED] that she was expressing about a little bit. But I'm trying to think of specific stories, but the answer is yes.

Q. Did you speak to her when she was upset?

A. Yes.

Q. Besides work things not going well or [REDACTED] [REDACTED] [REDACTED], was there any other reason she gave you for being upset while in the office?

A. Not to my recollection, no.

Q. Did she ever explain that she was upset with the Governor?

A. No. I never heard her say that she was upset with the Governor.

Q. Did she ever say the Governor made her feel uncomfortable?

A. No. I never heard her say that.

Q. When is the last time you

1 JOHN MAGGIORE

2 spoke to Ms. Commisso?

3 A. Earlier this year. It's been  
4 several weeks. I can't think of the  
5 specific date.

6 Q. And what was the nature of the  
7 communication?

8 A. I spoke with her somewhat  
9 frequently after I went on leave but that  
10 sort of trailed off and I haven't talked  
11 to her in a while, so...

12 Q. When you spoke to her earlier  
13 in the year what was the subject matter  
14 of your discussion?

15 A. I think the last time I called  
16 her I was trying to get the Governor's  
17 phone number because the number I had  
18 didn't work.

19 Q. Did she give it to you?

20 A. No. She said she would let him  
21 know that I was trying to call him.

22 Q. Did you talk about anything  
23 else?

24 A. If we did it was incidental.

25 Q. You stated that you had been

1 JOHN MAGGIORE

2 following news accounts of the  
3 allegations of harassment against  
4 Governor Cuomo; is that correct?

5 A. Yes. That's correct.

6 Q. Are you aware of an anonymous  
7 allegation by someone that claims to have  
8 been groped in the Executive Mansion?

9 A. I have seen accounts of that,  
10 yes.

11 Q. Do you have an understanding  
12 of who that individual is?

13 A. I don't know who that  
14 individual is.

15 Q. Have you discussed it with  
16 anyone in Albany about who that might be?

17 A. I've -- yes. Sure. Yes.

18 Q. Has a particular name been  
19 given to you as to who that complainant  
20 would be?

21 A. Nobody with knowledge has told  
22 me who that is.

23 Q. I'm not asking about anyone  
24 with knowledge. I'm asking if someone has  
25 given you a name?

1 JOHN MAGGIORE

2 A. I have engaged in  
3 conversations that was speculative about  
4 who it might be, yes.

5 Q. Was there a particular name  
6 that was speculated?

7 A. Yes. Yes.

8 Q. What was that name?

9 A. I've heard more than one name,  
10 yes. I've heard more than one name.

11 Q. What names have you heard?

12 A. Well, Brittany's name was one  
13 of them. There was a woman named Kaitlin  
14 who was another. I'm trying to think if  
15 there was a third.

16 Q. Do you know Kaitlin's last  
17 name?

18 A. I don't remember Kaitlin's  
19 last name. I didn't recognize it when I  
20 heard it.

21 Q. And who told you or who  
22 provided the name Brittany to you, in  
23 this context?

24 A. I don't know. This is a topic  
25 I've talked to many people about. I mean,

1 JOHN MAGGIORE

2 not the specific case but in general and  
3 I can't recall the conversation I've had  
4 about it.

5 Q. Sitting here today, you cannot  
6 recall anyone who specifically said that  
7 it may be your executive assistant who  
8 had made the allegation of being groped?

9 A. No. I've spoken to many  
10 friends about this and I can't recall  
11 everyone that I've spoken to.

12 Q. I'm not asking for everyone.  
13 I'm asking for anyone.

14 A. I'm sure it came up with [REDACTED]  
15 [REDACTED]. But she was not telling me,  
16 right? We were just speculating.

17 Q. By speculating, were you also  
18 suggesting names who it might be?

19 A. I don't recall suggesting a  
20 name, no.

21 Q. So she was the one suggesting  
22 the name?

23 A. Yeah. I think that's right.

24 Q. And she suggested it may be  
25 Brittany?

1 JOHN MAGGIORE

2 A. As I recall, yes.

3 Q. And did she tell you the basis  
4 for that speculation?

5 A. I remember she told me about a  
6 news article that I hadn't seen yet and  
7 she drew my attention to it.

8 Q. And did she -- and that news  
9 article did not include a name, correct?

10 A. That's right. And I  
11 subsequently read it and it did not  
12 include a name and I've never seen an  
13 article that included a name.

14 Q. But you said that Jill may  
15 have suggested or speculated that it was  
16 Brittany, correct?

17 A. No, I didn't say Jill.

18 Q. I'm sorry. Who did?

19 A. I said it might have been  
20 [REDACTED] [REDACTED].

21 Q. I'm sorry. I mis -- that was  
22 my bad handwriting. I apologize. And did  
23 [REDACTED] explain what the basis for her  
24 speculation was?

25 A. I do remember a conversation

1 JOHN MAGGIORE

2 where she thought that the description of  
3 the person might have been Brittany.

4 Q. And what about the description  
5 suggested it might be Brittany?

6 A. As I'm sitting here now, I  
7 don't remember.

8 Q. Did you talk to anyone else  
9 who suggested or speculated that it might  
10 be Brittany?

11 A. I'm not saying that I didn't  
12 but I don't recall any other specific  
13 conversations.

14 Q. After [REDACTED] speculated that  
15 it might be Brittany, did you speak to  
16 anyone else where the topic of whether or  
17 not it was Brittany took place?

18 A. I know I spoke to my wife  
19 about it.

20 Q. Anyone in the Executive  
21 Chamber?

22 A. Not to my recollection.

23 Q. After you were told it might  
24 be your executive assistant, you didn't  
25 speak to anyone in the Executive Chamber

1 JOHN MAGGIORE

2 about the possibility?

3 A. Not to my recollection, no.

4 Q. Have you spoken to  
5 Ms. Commisso about whether or not she  
6 made those allegations?

7 A. I did not.

8 Q. Have you reached out to her in  
9 any way to offer any type of support, if  
10 it was her who made the allegation?

11 A. No. I don't presume to know it  
12 was her. So no, I did not.

13 Q. Do you recall any other  
14 conversations where the subject matter  
15 involved whether or not the complainant  
16 was Brittany Commisso?

17 A. In addition to [REDACTED] [REDACTED] and  
18 my wife, no.

19 Q. Did you read -- you said you  
20 did read the allegations in the article?

21 A. I recall reading a New York  
22 Times article and a Times Union article.

23 Q. What was your reaction to  
24 those allegations?

25 A. I was certainly surprised. It



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JOHN MAGGIORE

didn't comport with my -- it's sort of hard to believe, really.

Q. Why?

A. The behavior described was inconsistent with the behavior that I've observed from the Governor over many years.

Q. In what way was it inconsistent?

A. I have never seen him violent with anybody, physically violent. That description seemed to be an act of physical violence and I have never seen him physically violent.

Q. Other than the physically violent aspect of the description, was there anything else that you found to be inconsistent?

A. That was really the part that stood out in my mind.

Q. Following the allegation that you read about in the newspapers, have you spoken to the Governor about those allegations?

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JOHN MAGGIORE

A. No. I haven't spoken to the Governor since October of 2020.

Q. Not once?

A. Not once.

Q. Have you communicated in any way with the Governor since October 2020?

A. After he nominated me to the Public Service Commission last month I wrote him a letter thanking him and giving him an update on how I was doing.

Q. Was it a physical letter that you wrote?

A. Yes. It was a physical letter.

Q. Have you communicated with him otherwise since you left in October of 2020?

A. No.

I'm sorry. I spoke to him two days after I left. So the answer to that is yes but that was the last time I talked to him.

Q. Thank you for clarifying.

What was your assessment of Brittany as an executive assistant?

1 JOHN MAGGIORE

2 A. I think she did a good job.

3 Q. Did you have any complaints or  
4 concerns with her?

5 A. Sure. I mean, I would -- I'm  
6 trying to think of specific examples but  
7 not every work product is great. So if I  
8 thought about if something could have  
9 been done better I wasn't afraid to say  
10 that.

11 Q. Anything else, view as to her  
12 role as an executive assistant?

13 A. Nothing is coming to mind.

14 Q. You said that while as a  
15 Policy Director, Ana Liss had been a  
16 Fellow that had come to work for you,  
17 correct?

18 A. That's correct, yes.

19 Q. And you said that you had  
20 pitched her, I believe you said?

21 A. Yes. That's correct.

22 Q. Tell me about that.

23 A. I had known of her, I'd see  
24 her on the second floor and I did not  
25 have an assistant, I did not believe that

1 JOHN MAGGIORE

2 I really needed a full-time assistant,  
3 but I did need somebody else on my team.  
4 So I approached her, I described the role  
5 that I had in mind. I specifically  
6 remember saying it would be about 20%  
7 administrative and 80% substantive. And  
8 she agreed that that sounded appealing  
9 and came over to work for me.

10 Q. And what type of substantive  
11 work was she doing for you?

12 A. Most of it had to do with the  
13 State of the State process. The period  
14 that she was working for me was before  
15 the end of the legislative session where,  
16 you know, the vast majority of my efforts  
17 was on this State of the State process.

18 Q. And what was she doing prior  
19 when you pitched her to come work for  
20 you?

21 A. She was assigned to the  
22 Director of State Operations. My memory  
23 is fuzzy about what specifically what  
24 type of work she was doing.

25 Q. And who was the Director of

1 JOHN MAGGIORE

2 State Operations at that time?

3 A. At that time it was Jim  
4 Malatras.

5 Q. Did you speak to him about  
6 bringing Ana Liss over to work for you?

7 A. Oh, Yes. Yes.

8 Q. What was his reaction to that?

9 A. He was agreeable.

10 Q. Where did Ms. Liss physically  
11 sit when she worked for you?

12 A. I had an office that was  
13 connected to a suite. There was an  
14 exterior office and she sat in that  
15 exterior office.

16 Q. Again, that was on the secure  
17 side, correct?

18 A. Yes.

19 Q. Did she report directly to you  
20 or was there someone else that she  
21 reported to?

22 A. No. She reported directly to  
23 me at that time.

24 Q. Did she -- during the time  
25 working for you, did Ms. Liss ever also

1 JOHN MAGGIORE

2 provide support to the Governor?

3 A. Not to my recollection. I  
4 don't recall her providing support to the  
5 Governor when she was working for me.

6 Q. Do you recall her having any  
7 types of interactions with the Governor  
8 when she worked for you?

9 A. I do recall that we were at a  
10 reception where they shook hands and took  
11 a picture.

12 Q. What about day-to-day  
13 work-wise?

14 A. No. And it would have been  
15 unusual when she was working for me to  
16 encounter the Governor.

17 Q. Other than the reception that  
18 you recall her taking a picture with the  
19 Governor, do you recall any other  
20 interactions between Ms. Liss and the  
21 Governor?

22 A. I do not.

23 Q. Do you ever recall the  
24 Governor making a comment about Ms. Liss  
25 to you or in front of you?

1 JOHN MAGGIORE

2 A. No.

3 Q. Are you aware if Ms. Liss ever  
4 travelled with the Governor?

5 A. No. I'm not aware she ever  
6 travelled with the Governor.

7 Q. As part of your review of  
8 press accounts against the Governor, are  
9 you aware that Ms. Liss has made  
10 allegations against the Governor?

11 A. Yes.

12 Q. And have you reviewed those  
13 allegations?

14 A. Through media accounts, yes.

15 Q. Have you ever spoken to  
16 Ms. Liss about her allegations?

17 A. I have not.

18 Q. When is the last time you  
19 spoke to Ms. Liss?

20 A. I think it was probably in  
21 2018. I think I ran into her at an event  
22 in Rochester.

23 Q. But not since then?

24 A. I'm not sure it was that year,  
25 but not since then.

1 JOHN MAGGIORE

2 Q. Do you ever text with  
3 Ms. Liss?

4 A. No. I don't text with anybody.

5 Q. Do you ever interact on social  
6 media with Ms. Liss?

7 A. Yes. She's on Facebook, I'm on  
8 Facebook. I know she's liked things that  
9 I posted and I've liked things that she  
10 posted.

11 Q. Any direct communications or  
12 direct messages with her that you recall?

13 A. No. But there might have been  
14 similar type of interactions on Twitter  
15 as well.

16 Q. After her allegation became  
17 public did you reach out to offer any  
18 support to Ms. Liss?

19 A. I did not.

20 Q. Do you have any information  
21 either supporting or undermining the  
22 allegations that Ms. Liss has made  
23 against the Governor?

24 A. I do not.

25 Q. Have you spoken to anyone



1 JOHN MAGGIORE

2 about Ms. Liss' allegations against the  
3 Governor?

4 A. I've talked to my wife about  
5 it.

6 Q. Anyone else?

7 A. Not to my recollection. Again,  
8 I've talked to [REDACTED] [REDACTED] about this  
9 general topic and I'm sure it has come up  
10 but I can't think of specifically what  
11 I've said.

12 Q. Do you recall anything  
13 [REDACTED] [REDACTED] has said about Ms. Liss'  
14 allegations?

15 A. No. [REDACTED] does not know Ana  
16 Liss.

17 Q. Did anyone in the Executive  
18 Chamber reach out to you after Ms. Liss'  
19 allegations to speak to you about it?

20 A. No.

21 Q. Did you have any views or  
22 assessments of Ms. Liss as a member of  
23 your staff as to her skill or competency?

24 A. Yes. I thought she was very  
25 good and I actually intended to see if we

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JOHN MAGGIORE

can get a permanent job for her.

Q. And what happened there?

A. Before I took any action she told me that she had accepted another job because she wanted to back to the Finger Lakes.

Q. Did it surprise you that she accepted a job before telling you?

A. It did.

Q. Why?

A. Well, I had no clue that it was coming and, like I said, I might have been hopeful that we could keep her in the Chamber.

Q. During your time in the Executive Chamber was there ever a policy that members of the Executive Chamber were to inform senior staff if they were considering leaving the Executive Chamber?

A. Not to my recollection. It certainly wasn't a policy in that case.

Q. Have you had situations where members of your staff were leaving the

1 JOHN MAGGIORE

2 Executive Chamber and you would provide a  
3 heads up to other members of the  
4 Executive Chamber staff?

5 A. I don't recall doing so, no.

6 Q. Have you ever witnessed or  
7 heard about a situation where individuals  
8 experienced challenges to leaving the  
9 Executive Chamber?

10 A. You know, I think I've seen  
11 that in some of these articles but I  
12 don't have firsthand knowledge of that  
13 happening.

14 Q. So in all of your time in the  
15 Executive Chamber you are not aware of  
16 anyone who tried to leave the Executive  
17 Chamber and experienced challenges in  
18 doing so?

19 A. When you say "challenges" what  
20 do you mean?

21 Q. Resistance from the Executive  
22 Chamber for leaving.

23 A. I don't know that I could say  
24 that, no, because -- no. I don't think I  
25 could say that.

1 JOHN MAGGIORE

2 Q. That was a terrible question  
3 on my behalf. Let me ask a better  
4 question.

5 In all the time working in the  
6 Executive Chamber are you aware of any  
7 time when someone wanted to leave the  
8 Executive Chamber and staff at the  
9 Executive Chamber pressured them not to  
10 leave?

11 A. Pressured them, no. But it  
12 would be typical to say; oh, what can we  
13 do to keep you? But again, I can't think  
14 of a specific instance.

15 Q. In all of your time in the  
16 Executive Chamber you are not aware of a  
17 situation where staff in the Executive  
18 Chamber took affirmative actions to keep  
19 people from leaving?

20 A. I can't think of any.

21 Q. Did anyone ever tell you about  
22 that happening?

23 A. Well, again, I think I've seen  
24 reference to such a thing.

25 Q. I'm not asking what you've

1 JOHN MAGGIORE

2 read. What did you experience?

3 A. Nothing comes to mind.

4 Q. Not even rumors or stories  
5 within the Executive Chamber?

6 A. I can't remember any, no.

7 Q. Would it surprise you if  
8 members of the Executive Chamber's staff  
9 took affirmative steps to keep members of  
10 staff from leaving?

11 A. No. It's hard for me to be  
12 surprised anymore. So no.

13 Q. When Ms. Liss told you she was  
14 leaving, did she give you any explanation  
15 other than wanting to return to the  
16 Finger Lakes region?

17 A. No. That was the explanation  
18 she gave.

19 Q. Did you try to convince her to  
20 stay?

21 A. I let her know that I had  
22 intended to try to find a role for her. I  
23 didn't try to talk her out of it, if  
24 that's what you're asking.

25 Q. Did she provide any more color

1 JOHN MAGGIORE

2 other than wanting to return to the  
3 Finger Lakes region?

4 A. No, she didn't.

5 Q. What was your reaction to  
6 Ms. Liss' allegations that you read  
7 about?

8 A. What was my reaction? I --  
9 this whole thing is very confusing to me  
10 and I don't understand what's happening,  
11 and that did not -- that added to my  
12 confusion.

13 Q. Did the allegations that she  
14 made surprise you?

15 A. It surprised me that she was  
16 making allegations. That surprised me  
17 very much.

18 Q. I think we would agree that  
19 the allegations that Ms. Liss has made  
20 did not involve any violence, as we were  
21 discussing earlier, correct?

22 A. Right. I don't recall her  
23 saying anything violent happened to her.

24 Q. Right. So taking away that  
25 aspect that could certainly surprise you

1 JOHN MAGGIORE

2 or would be different or inconsistent  
3 with the behavior that you would expect  
4 from the Governor, did Ms. Liss'  
5 allegations, were they inconsistent with  
6 your experience or observations of  
7 Governor Andrew Cuomo?

8 A. I don't remember all of what  
9 the allegations were, but there were some  
10 of the things that she said that were not  
11 surprising and I didn't take issue with.

12 Q. Do you recall anything that  
13 you found not surprising?

14 A. Yes. She said that the  
15 Governor took a picture with her in which  
16 he had his hand on her waist and I've  
17 seen that picture, so that didn't  
18 surprise me at all.

19 Q. Did you have a reaction to her  
20 feeling uncomfortable about that?

21 A. I was surprised that she felt  
22 uncomfortable. Well, I was surprised that  
23 she was saying at that time that she felt  
24 uncomfortable about that.

25 Q. Why were you surprised?

1 JOHN MAGGIORE

2 A. I had seen her display that  
3 picture in a way that I thought expressed  
4 a private manner.

5 Q. Any other reasons why you were  
6 surprised by that allegation?

7 A. I didn't recognize it to be  
8 something that would make somebody  
9 uncomfortable.

10 Q. Why not?

11 A. It seemed like a fairly  
12 typical pose.

13 Q. Do you recall anything else  
14 from her allegations that you did not  
15 take issue with?

16 A. I'm sorry. If you want to go  
17 through them I could tell you but --

18 Q. One of the allegations was the  
19 Governor asked her about whether she had  
20 a boyfriend. Did that --

21 A. I never heard him say that but  
22 I have no reason to doubt her.

23 Q. What about the Governor  
24 calling her "sweetheart"?

25 A. Again, I never heard him say



1 JOHN MAGGIORE

2 that.

3 Q. Any reason to doubt?

4 A. I don't have firsthand  
5 knowledge, so I can't attest to the  
6 accuracy of that.

7 Q. Well, have you heard the  
8 govern use language like "sweetheart"  
9 with others?

10 A. No.

11 Q. In all the time you've known  
12 the Governor you've never heard him use  
13 the term "sweetheart"?

14 A. I've never heard him ever  
15 calling anyone "sweetheart".

16 Q. Do you know Lindsey Boylan?

17 A. I do.

18 Q. How do you know her?

19 A. We worked together.

20 Q. In what capacity?

21 A. When I was Policy Director she  
22 had been the Chief of Staff to the  
23 President and CEO of Empire State  
24 Development and later she became the  
25 Executive Secretary for Economic

1 JOHN MAGGIORE

2 Development.

3 Q. And how often would you  
4 interact?

5 A. When she was Chief of Staff to  
6 the head of ESD we interacted very  
7 frequently, daily. When she became Deputy  
8 Secretary we interacted much less  
9 frequently.

10 Q. Did you develop a friendship  
11 with Ms. Boylan?

12 A. I would say that's fair,  
13 especially when she was working at ESD.

14 Q. Would you communicate outside  
15 of work channels?

16 A. Yes.

17 Q. Would you socialize?

18 A. Yes.

19 Q. Did that end? Did that  
20 friendship end at any point?

21 A. I haven't even spoken with her  
22 since she left the Chamber. So I  
23 wouldn't consider ourselves friends at  
24 this point.

25 Q. So you were friends while you

1 JOHN MAGGIORE

2 worked together but from that point on  
3 the friendship did not continue?

4 A. That's right.

5 Q. From your observations was  
6 there any particular individuals that  
7 Ms. Boylan had a difficult relationship  
8 with in the Executive Chamber?

9 A. I'm sorry. Can you be more  
10 specific?

11 Q. Did you think that Ms. Boylan  
12 had a difficult relationship with anyone  
13 in the Executive Chamber?

14 A. I observed her less frequently  
15 when she was Deputy Secretary. While she  
16 was Chief of Staff I can't think of  
17 anybody in the Executive Chamber she had  
18 a difficult relationship with.

19 Q. Were you aware of any  
20 complaints made against Ms. Boylan when  
21 she was in the Executive Chamber?

22 A. I have read there were  
23 complaints.

24 Q. At the time were you aware of  
25 it?

1 JOHN MAGGIORE

2 A. No, not formal complaints.

3 No.

4 Q. What about informal  
5 complaints?

6 A. I vaguely remember hearing  
7 some grousing but I don't remember  
8 exactly what.

9 Q. What do you remember about the  
10 grousing?

11 A. I'm trying to think of who  
12 might have said this. She, as Deputy  
13 Secretary, she was still doing some of  
14 the Chief of Staff type of role, she had  
15 become more difficult to work with,  
16 something along those lines.

17 Q. Do you recall who had said  
18 that?

19 A. I just want to be sure and I'm  
20 not sure, so --

21 Q. I understand you're not sure,  
22 but who do you think told you that?

23 A. Yeah. I just don't want to  
24 speculate in case I'm remembering wrong.

25 Q. Fair enough. I'm asking you

1 JOHN MAGGIORE

2 to speculate.

3 A. You are asking me?

4 Q. I'm asking you to speculate. I  
5 want to be very clear on the record, I'm  
6 asking you to speculate. Who do you  
7 speculate had told you this?

8 A. I'm sorry. I just don't want  
9 to go there.

10 Q. Well, I understand that, Mr.  
11 Maggiore, but there is no basis for --  
12 there is no basis not to answer my  
13 question. It's not a privilege issue.

14 I understand that it's  
15 speculation, the record is clear that  
16 it's speculation. But I'm asking you,  
17 you have a name in your mind and I'm  
18 asking you to tell me that name.

19 A. [REDACTED].

20 Q. Do you recall anything -- I  
21 understand it may or may not be  
22 [REDACTED]. Do you remember anything  
23 that was said in the context of that  
24 discussion?

25 A. I think that his -- if it was

1 JOHN MAGGIORE

2 him -- complained that she was still  
3 doing ESD type work while she was in a  
4 different capacity.

5 Q. Did you think Ms. Boylan was  
6 difficult to work with?

7 A. Not when she was Chief of  
8 Staff to the head of ESD. I found her  
9 more difficult to work with when she  
10 became the Deputy Secretary.

11 Q. Why is that?

12 A. She became harder to reach,  
13 she didn't always participate in some  
14 meetings that Deputy Secretaries should,  
15 and I just generally became less  
16 communicative with her.

17 Q. Are you aware that Ms. Boylan  
18 has made allegations against Governor  
19 Andrew Cuomo?

20 A. Yes, I am.

21 Q. How did you become aware of  
22 those allegations?

23 A. Well, initially I read a story  
24 about some Tweets that she made.

25 Q. Did you follow her on Twitter?

1 JOHN MAGGIORE

2 A. I did at one point, but not by  
3 the time that she had Tweeted those  
4 things out.

5 Q. Was there a reason why you  
6 unfollowed her on Twitter?

7 A. I think she blocked me from  
8 her account.

9 Q. Was there any event that  
10 precipitated that blocking?

11 A. Her departure from the  
12 Chamber.

13 Q. So when she departed the  
14 Chamber she blocked you, is that what you  
15 recall?

16 A. Yes. Yes.

17 Q. Did you ever have a discussion  
18 with her in any way about that or --

19 A. No.

20 Q. -- in the interactions?

21 A. No. She never explained to me  
22 why she left. She never explained to me  
23 why she blocked me from Twitter.

24 Q. Did you have the opportunity  
25 to observe Ms. Boylan and the Governor

1 JOHN MAGGIORE

2 interacting when she worked in the  
3 Executive Chamber?

4 A. I did.

5 Q. Did you see anything that you  
6 felt was unusual about their  
7 interactions?

8 A. No.

9 Q. Do you recall the Governor  
10 ever using a nickname to describe  
11 Ms. Boylan?

12 A. I do not.

13 Q. Do you recall the Governor  
14 ever physically touching Ms. Boylan?

15 A. Not specifically, no.

16 Q. Generally?

17 A. No.

18 Q. Did you know or observe any  
19 changes in the relationship between the  
20 Governor and Ms. Boylan, the way they  
21 interacted during her time in the  
22 Executive Chamber?

23 A. Well, when she became Deputy  
24 Secretary she began attending senior  
25 staff meetings and I don't think she was



1 JOHN MAGGIORE

2 a regular attendee before that.

3 Q. Were you attending -- did you  
4 attend those meetings as well?

5 A. I did.

6 Q. And did you notice anything  
7 memorable about her interactions or her  
8 role in those meetings?

9 A. No.

10 Q. Did you ever observe any  
11 disagreement or a fight between the  
12 Governor and Ms. Boylan?

13 A. No. I don't recall any  
14 disagreement or fight between the two of  
15 them.

16 Q. What was your reaction to  
17 Ms. Boylan's allegations?

18 A. I didn't believe them.

19 Q. Why not?

20 A. Umm, they didn't seem credible  
21 to me.

22 Q. What did not seem credible  
23 about it?

24 A. The initial Tweet that I read  
25 about was a vague allegation, without any

1 JOHN MAGGIORE

2 kind of support that I recall reading  
3 about, that seemed very inconsistent with  
4 the type of behavior that I had observed  
5 the Governor performing.

6 Q. What was inconsistent about  
7 it?

8 A. As I recall, the initial Tweet  
9 was that he harassed her by constantly  
10 talking about her looks. I had been in  
11 their presence many times, I have no  
12 recollection of him commenting on her  
13 looks.

14 Q. Anything else?

15 A. As far as I know, that was the  
16 sum and substance of the initial Tweet.

17 Q. What about her later  
18 allegations?

19 A. Yeah. What are you asking?

20 Q. I'm asking, what were your  
21 reactions to the later allegations?

22 A. I also did not find them to be  
23 credible.

24 Q. What did you find to be not  
25 credible?

1 JOHN MAGGIORE

2 A. There was a description of an  
3 event where she alleged the Governor was  
4 going to play strip poker. I didn't  
5 believe that.

6 Q. And why didn't you believe  
7 that?

8 A. I'm trying to think of my  
9 initial reaction versus my subsequent  
10 thoughts and it's hard for me to  
11 separate, so I apologize.

12 Q. That's fine. Give me either or  
13 a blend of the two.

14 A. Well, I subsequently would  
15 learn that I was on the flights that  
16 would have fit the description that she  
17 made that this event would have occurred.

18 I have no recollection of the  
19 Governor making that comment to me. That  
20 would have been a bizarre and memorable  
21 comment.

22 I also had conversations with  
23 other people that were on the flight,  
24 nobody else remembered him saying that.  
25 Also, it would have been inconsistent. So

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JOHN MAGGIORE

I had -- I had concluded it didn't happen.

Q. At some point did the Press Office for the Executive Chamber put out a statement attributed to you about that comment?

A. Yes.

Q. How did that statement come about?

A. I was called one day to get -- inviting me to join a call with others, including Chamber staff and what turned out to be other people that were on those flights and we talked about what did or didn't happen. Nobody on -- there was at least two calls, just to be clear.

Nobody that was on the flights remembered anything like that happening. And one of the press officers asked if we would feel comfortable signing a statement. We talked about the wording of the statement until we arrived at something that we felt comfortable with.

Q. Who organized those calls?

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JOHN MAGGIORE

A. I initially got a call from somebody on Melissa DeRosa's staff and she led the first call but she wasn't on the second call.

Q. Melissa or someone on her staff?

A. Melissa led the first call. She did not lead the second call.

Q. Who was on the first call?

A. So from the Governor's staff, as I recall, Melissa, Rich Azzopardi, Peter Ajemian and Caitlin Girouard. The other people that I recall being on the call were myself, Howard Zemsky, Danny Weber and Abbey Collins.

Q. On that first call what do you recall being said, as best you can remember?

A. I, myself, had not been aware that Lindsey had published the piece, so I remember Melissa asking if we knew that she published a piece and I remember my own reaction that I didn't.

Somebody described what

1 JOHN MAGGIORE

2 Lindsey had said and they remember  
3 Melissa asking us if we remembered  
4 anything like that.

5 While were we on the phone,  
6 somebody explained that we were the ones  
7 on the flight. So I then remember that it  
8 became pretty clear that many of us,  
9 myself included, had not read the piece.  
10 Melissa asked if we would take a few  
11 minutes to find it and read it and then  
12 we get back on the phone. So we hung up.  
13 I was going for a walk at the time. I  
14 found it, and the second call happened  
15 shortly thereafter.

16 Q. And who organized the second  
17 call?

18 A. Again, it was somebody from  
19 Melissa's staff but she wasn't on the  
20 call.

21 Q. Other than -- was there anyone  
22 else that was on the first call that was  
23 not on the second call?

24 A. I don't remember that anybody  
25 else dropped off. I don't recall that

1 JOHN MAGGIORE

2 anybody else dropped off.

3 Q. Do you recall if anyone else  
4 joined?

5 A. No.

6 Q. What do you recall about the  
7 conversation of the second call?

8 A. It was more about the wording  
9 of the statement. I recall that we were  
10 all agreeable to a statement and that  
11 second call was about exactly how to word  
12 it.

13 Q. Were you shown a draft of the  
14 statement before it was released?

15 A. I don't remember seeing a  
16 draft but I do remember it being read to  
17 me.

18 Q. Other than discussions about  
19 the statement, was there anything else  
20 covered on the second call?

21 A. There might have been  
22 incidental reference to the rest of the  
23 article but I certainly said that I had  
24 read it but that was not what the  
25 conversation really focused on.

1 JOHN MAGGIORE

2 Q. After the second call, did you  
3 have any other discussions with anyone  
4 from the Executive Chamber about  
5 Ms. Boylan's allegations?

6 A. Yes.

7 Q. What other discussions have  
8 you had?

9 A. It's possible that there was  
10 more than one -- more than two calls on  
11 this topic. Also separate from that I  
12 had a separate conversation with Melissa  
13 asking if I would be willing to talk to  
14 the New York Times. I said --

15 Q. Tell me -- sorry.

16 A. I'm sorry.

17 Q. I shouldn't have interrupted  
18 you. I apologize. Keep going.

19 A. I said I would be willing to  
20 but it never came about.

21 Q. What else did you talk about  
22 with Melissa on that call?

23 A. That's all I recall.

24 Q. Did she say why she wanted you  
25 to speak to the New York Times?



1 JOHN MAGGIORE

2 A. I'm sure she did but I don't  
3 remember specifically what she said.

4 Q. Did you have an understanding  
5 of what your role was to be in speaking  
6 to the New York Times?

7 A. To comment on the statement  
8 that I had signed off on.

9 Q. Did you expect to comment on  
10 any other allegations made by Ms. Boylan?

11 A. Did I expect to?

12 Q. Sorry. Was the expectation  
13 you would discuss other allegations by  
14 Ms. Boylan with the New York Times?

15 A. No, but I understand that  
16 reporters sometimes ask further  
17 questions.

18 Q. And did you agree to speak to  
19 the New York Times?

20 A. I did.

21 Q. And did you ever end up  
22 speaking to the New York Times?

23 A. I did not.

24 Q. How is the seating  
25 arrangements on the planes? There's two

1 JOHN MAGGIORE

2 planes; is that correct?

3 A. I'm only aware of one plane  
4 that the Governor regularly takes.

5 Q. Okay. How was the seating  
6 arrangement in that plane?

7 A. It's a very small plane. There  
8 are four chairs, two face each other,  
9 there is an aisle, narrow aisle and then  
10 two others face each other, behind those  
11 chairs there is one additional chair and  
12 there is a kind of a bench.

13 Q. So at most there would be six  
14 people who could be on the plane at one  
15 time?

16 A. Uncomfortably but I think you  
17 could probably fit a seventh if you  
18 really needed to, not including the  
19 pilots.

20 Q. Okay. Does the Governor  
21 usually travel with security on his  
22 flight?

23 A. Yes.

24 Q. Where does the Governor  
25 traditionally sit on the plane?

1 JOHN MAGGIORE

2 A. The -- in a seat opposite the  
3 door towards the back, which is to say  
4 away from the cockpit.

5 Q. Does it face forward or does  
6 it face backwards?

7 A. It faces forward.

8 Q. Is there a seat opposite it  
9 facing forward, facing the Governor's  
10 seat?

11 A. There had been. As you're  
12 asking the question, I remember the last  
13 time I was on the plane that seat had  
14 been removed.

15 Q. So one less seat on the plane  
16 more recently?

17 A. Yeah. As you're asking it, I  
18 recall that.

19 Q. But do you have a sense of  
20 when that seat was removed? Do you have a  
21 general ballpark guess of when that  
22 change was made?

23 A. Probably 2019.

24 Q. Prior to 2019 or prior to when  
25 that change was made, there was a seat

1 JOHN MAGGIORE

2 opposite the Governor?

3 A. Yes, indeed.

4 Q. And so the Governor is towards  
5 the back of the plane facing forward in  
6 one of the seats that faced each other?

7 A. Yes.

8 Q. As the Governor is sitting  
9 there is he on the right-hand or  
10 left-hand side of the aisle, from the  
11 Governor's perspective?

12 A. The aisle would be to his  
13 left.

14 Q. To his left?

15 A. Right.

16 Q. Was there a seat where the  
17 security, his PSU member would  
18 traditionally sit?

19 A. Usually the PSU member would  
20 either sit on that bench or the chair  
21 that's behind those four chairs, across  
22 from the bench, usually.

23 Q. When you flew with the  
24 Governor did you have kind of a regular  
25 seat that you would sit in?

1 JOHN MAGGIORE

2 A. More often than not I would  
3 sit kitty-corner to him but not  
4 exclusively.

5 Q. More often than not you would  
6 be facing backwards in those situations?

7 A. The cockpit would be to my  
8 back. I would be facing him, but from the  
9 opposite side, kitty-corner.

10 Q. Did someone traditionally sit  
11 across from the Governor?

12 A. No. If that seat wasn't needed  
13 it was usually kept open. I've sat in  
14 that seat.

15 Q. Understood. Understood. I'm  
16 sure people sit in different seats. I'm  
17 just asking for more often than not.

18 When you're traveling on the  
19 plane how do you all communicate? Are you  
20 able to talk?

21 A. Yes.

22 Q. Can you talk in a normal  
23 voice?

24 A. Yeah.

25 Q. It's not loud on the plane?

1 JOHN MAGGIORE

2 A. It is loud but we're so close  
3 together that it's hard not to hear one  
4 another.

5 (Exhibit 3, Statement from  
6 Press Secretary Caitlin Girouard,  
7 dated February 24, 2021 was  
8 received and marked on this date  
9 for identification.)

10 Q. Can you look at tab 14 in your  
11 binder?

12 A. Yes.

13 Q. Is this the statement that we  
14 were discussing?

15 A. Yes, it is.

16 Q. February 24, 2021 Statement  
17 from Press Secretary Caitlin Girouard?

18 A. That's it. Yes.

19 Q. And this statement is from  
20 you, Howard Zemsky, Dani Lever and Abbey  
21 Collins, correct?

22 A. That's correct.

23 Q. And the statement says, "We  
24 were on each of these October flights and  
25 this conversation did not happen."

1 JOHN MAGGIORE

2 A. That's what the statement  
3 says, yes.

4 Q. And that was your belief?

5 A. Yes.

6 Q. And you were certain that the  
7 statement had not happened?

8 A. Anything is possible, but that  
9 is my belief still.

10 Q. When you say "anything is  
11 possible", does that mean a statement or  
12 comment could have been made that you did  
13 not hear?

14 A. Theoretically, that's  
15 possible.

16 Q. But that's not what the  
17 statement says, right? The statement  
18 says that the conversation did not  
19 happen, correct?

20 A. Right. Right.

21 Q. And that's based upon the fact  
22 that you don't recall it happening,  
23 correct?

24 A. It's based on, first, that I  
25 don't recall it happening and secondly,

1 JOHN MAGGIORE

2 that nobody else recalled it happening.

3 Q. When you were discussing the  
4 statement did anyone ever propose saying  
5 that they did not -- they don't recall  
6 this conversation ever happening?

7 A. Yes. We talked about the  
8 specific language.

9 Q. And why was this formulation  
10 used?

11 A. Well, we went back and forth  
12 with different language. I could say that  
13 I felt comfortable with this, which is  
14 why I agreed to it.

15 Q. Did anyone want to hedge the  
16 language a little bit more?

17 A. In the course of discussing  
18 the language we talked about different  
19 ways of saying it and including some that  
20 were less certain. But at the end -- in  
21 the end we all agreed to this statement.

22 Q. And when you said "in the end  
23 you all agreed", was there anyone  
24 particularly pushing the more definitive  
25 statement?



1 JOHN MAGGIORE

2 A. Rich Azzopardi.

3 Q. Did he give a reason why?

4 A. It was along the lines of;  
5 none of you remember this happening, it  
6 didn't happen. And just, you know,  
7 personally I agreed with that.

8 Q. Did anyone express hesitation?

9 A. Prior to that point, again, we  
10 talked about different versions of the  
11 language. So we did not immediately  
12 arrive at the language.

13 Q. Did anyone in particular  
14 express -- that you recall expressing  
15 hesitation about being so definitive?

16 A. No. But I mean, early on in  
17 the conversation I think I did.

18 Q. Why?

19 A. Well, the early part of the  
20 conversation all I could say was that I  
21 don't remember it. But as we talked it  
22 through, it became clear that nobody else  
23 remembered it either, so that -- my  
24 certainty evolved based on that.

25 Q. How long was that second call

1 JOHN MAGGIORE

2 to discuss the statement?

3 A. I don't remember.

4 Q. Five minutes? An hour?

5 A. I don't think it was an hour,  
6 but it was certainly longer than five  
7 minutes.

8 Q. Do you ever recall anyone  
9 referring to Ms. Boylan as "Lisa" in  
10 reference to the Governor's  
11 ex-girlfriend?

12 A. No. I never remember anybody  
13 calling her Lisa.

14 Q. Or even making the comparison?

15 A. No.

16 Q. Do you know whether the  
17 Governor received a cigar box from  
18 President Bill Clinton?

19 A. Yes, I do.

20 Q. How do you know that?

21 A. Once when I visited his office  
22 when he was HUD Secretary in the '90s he  
23 showed it to me. He continued to have the  
24 box on display in subsequent offices. He  
25 showed it to almost anybody who walked in

1 JOHN MAGGIORE

2 there.

3 Q. Did he ever make jokes about  
4 the fact that it was a cigar box from  
5 President Bill Clinton?

6 A. No. It seemed to be an object  
7 that he was very proud of.

8 Q. Do you recall any other  
9 conversations you've had that we haven't  
10 talked about regarding Ms. Boylan's  
11 allegation that you had with the  
12 Executive Chamber staff?

13 A. No.

14 Q. When is the last time you  
15 spoke to Melissa DeRosa?

16 A. Many weeks ago. I can't  
17 remember a specific date.

18 Q. What was the subject of that  
19 conversation?

20 A. I'm conflating in my mind the  
21 last two conversations I've had but I  
22 don't remember.

23 Q. Well, the last few  
24 conversations that you had, what topics  
25 have you covered with Ms. DeRosa?

1 JOHN MAGGIORE

2 A. It might have been this topic,  
3 it might have been that.

4 Q. Do you recall anything else  
5 you discussed with Ms. DeRosa?

6 A. Ever? Sure. I mean, I've  
7 talked with her.

8 Q. In your last -- in your last  
9 several conversations, do you recall any  
10 other topics other than the statement in  
11 response to Lindsey Boylan's allegation?

12 A. No. No.

13 Q. You seemed to hesitate. Is  
14 there a reason?

15 A. Yeah. Because I had some email  
16 exchanges. She wished me happy birthday.  
17 I don't think she called me to say that.  
18 I shot her an email offering her moral  
19 support. I don't think I verbally  
20 discussed it. I can't remember if it was  
21 email or conversation but I think it was  
22 email.

23 Q. You said you shot her an email  
24 offering moral support?

25 A. Yes.

1 JOHN MAGGIORE

2 Q. Moral support for what?

3 A. There was a period when she  
4 was receiving a lot of public criticism  
5 and I thought it was unfair, so I sent  
6 her an email saying something along the  
7 lines of; hey, hang in there, it's not  
8 fair.

9 Q. Did she respond?

10 A. I think so. I think she  
11 responded thanks, something like that.

12 Q. Why do you think that the  
13 attention and criticism she was receiving  
14 was unfair?

15 A. Again, when I try to put  
16 myself back in that mindset, I remember  
17 that was my reaction. You know, in  
18 general I tend to feel supportive towards  
19 colleagues. But, I'm sorry, I can't  
20 think of my specific of what led from A  
21 to B.

22 Q. I believe your counsel has a  
23 copy of the production that we received  
24 last evening in response to the subpoena;  
25 is that correct?

1 JOHN MAGGIORE

2 MS. PERSICO: Yes.

3 Q. You can probably see at the  
4 bottom there are numbers JM and a series  
5 of numbers.

6 A. Yes.

7 Q. Called Bates numbers.

8 A. Okay.

9 Q. Could you find the document  
10 that's JM 40, that's four-zero?

11 A. I got it.

12 (Exhibit 4, email dated  
13 February 22, 2021, from John  
14 Maggiore to Melissa DeRosa, Bates  
15 JM000040 was received and marked on  
16 this date for identification.)

17 Q. This is an email from your  
18 Gmail account on February 22nd, 2021 to  
19 [REDACTED]@Gmail.com, subject line:  
20 Hang in There.

21 A. That's what I was thinking of,  
22 yes.

23 Q. Do you remember sending this  
24 email to Ms. DeRosa?

25 A. I do.

1 JOHN MAGGIORE

2 Q. You say that you've "-- been  
3 appalled by the shit-show that's been  
4 unfolding over the last several days."

5 A. Forgive me for my language,  
6 but yes.

7 Q. Don't need to ask my  
8 forgiveness.

9 What specific shit-show had  
10 been unfolding that prompted you to send  
11 this email?

12 A. There was coverage of a call  
13 that she had done with the Legislature  
14 where she made some comments that had  
15 been very controversial and she was  
16 receiving criticism for that.

17 Q. What comments were  
18 controversial?

19 A. It had to do -- statistics  
20 having to do with nursing homes.

21 Q. Did this have anything in your  
22 mind to do with the allegations related  
23 to sexual harassment?

24 A. No.

25 Q. You make the comment, "These

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JOHN MAGGIORE

folks coming for you are a bunch of pretend sharks acting like raspberry jam. There's blood in the water."

The folks that you are referring to, are those folks that were reacting to the nursing home numbers?

A. Yes.

Q. Did it have anything to do, was that comment in any way directed towards individuals who made allegations of harassment against the Governor?

A. No.

Q. Did you send any other messages of moral support to the members of the Executive Chamber?

A. It wouldn't surprise me if I did, but I don't have any recollection.

MR. WEAVER: Anna, can you do a screen share and bring up SB\_AG\_3871?

(Exhibit 5, email from John Maggiore to Stephanie Benton dated March 1, 2021, Bates SB\_AG\_3871 was received and marked on this date



1 JOHN MAGGIORE

2 for identification.)

3 Q. Mr. Maggiore, we're showing  
4 you a document we didn't have a chance to  
5 send you.

6 I don't know, can you see it  
7 or do you need to stand up? It's a  
8 pretty short document.

9 A. I can see it.

10 Q. I can read it all to you and  
11 for the record I will.

12 A. No. No. I see it.

13 Q. This is an email from your  
14 Gmail account on Monday, March 1st, 2021,  
15 to [REDACTED]@Gmail.com, subject  
16 line also is Hang in There. Do you see  
17 that?

18 A. I do.

19 Q. It's a short email. It says,  
20 "Steph, I feel sick about what's  
21 happening. Please let me know if I can be  
22 of any help to you, to him or to any of  
23 my friends over there. Much love, John."

24 A. Yes.

25 Q. Do you remember this email?

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JOHN MAGGIORE

A. I do. Now that you show me, I do.

Q. What made you send this email to Ms. Benton?

A. Some of the stories about what we're talking about.

Q. Regarding sexual harassment?

A. Yup.

Q. Anything in particular?

A. I don't know if a particular story triggered it. So I don't remember if a particular story triggered it.

Q. Do you remember if Ms. Benton responded to you?

A. I don't think she did.

Q. When is the last time you spoke to Ms. Benton?

A. I called her a few weeks ago. She did take the call. She said she was having lunch and she would call me, but we never reconnected.

Q. Why did you give her a call?

A. I hadn't spoken to her in months. I wanted to see how she was

1 JOHN MAGGIORE

2 doing. I wanted to talk to her.

3 Q. In your email you say you feel  
4 sick about what's happening. What  
5 specifically were you feeling sick about?

6 A. This whole episode is  
7 extremely confusing and concerning to me.  
8 So the whole -- yeah, it's very  
9 upsetting.

10 Q. You said "confusing" a few  
11 times.

12 What is confusing about the  
13 allegations of sexual harassment against  
14 Governor Cuomo?

15 A. Well, they're very very out of  
16 character. They don't seem to be  
17 describing the guy that I know.

18 Q. Is it confusing that there are  
19 multiple allegations?

20 A. Yes.

21 Q. And you also said it's very  
22 upsetting. Why is it upsetting?

23 A. I think it's self-evident.  
24 It's an upsetting topic.

25 Q. But what, in particular, is

1 JOHN MAGGIORE

2 upsetting about the topic?

3 A. Sexual harassment is a serious  
4 business. And discussions, allegations  
5 made are, I think, very serious and  
6 apparently upsetting. It's upsetting that  
7 this is happening at all.

8 Q. Is it upsetting that the  
9 allegations are about Governor Andrew  
10 Cuomo?

11 A. Yes.

12 Q. Is it upsetting because you  
13 don't believe the allegations?

14 A. There is a lot of allegations  
15 and I think, you know, I'm hesitant to  
16 paint with too broad a brush. There are  
17 certainly some allegations that I would  
18 have no way of knowing whether they were  
19 true or not.

20 Q. And I think you can take the  
21 Screen Share down.

22 Mr. Maggiore, do you recall  
23 Charlotte Bennett?

24 A. Barely, but yes.

25 Q. And how do you know her?

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JOHN MAGGIORE

A. She also worked in the Chamber and her time overlapped with me.

Q. What sort of interactions did you have with her?

A. I barely remember interacting with her but I'm sure she was on calls that I was also on and I'm sure she requested briefing materials from me, but I don't have really have a lot of specific recollection of interacting with her.

Q. Did you ever have an opportunity to observe Ms. Bennett interacting with the Governor?

A. No.

Q. Are you aware that Ms. Bennett has made allegations against Governor Cuomo?

A. I am.

Q. Did you watch her interview on CBS?

A. I did.

Q. And what was your reaction to that?

1 JOHN MAGGIORE

2 A. You know, I was stunned.  
3 Again, it was surprising.

4 Q. And what specifically was  
5 surprising?

6 A. I wasn't expecting to see a  
7 story where Charlotte Bennett was making  
8 these accusations. It was not something  
9 I could have guessed.

10 Q. And why is that?

11 A. Again, it would have been --  
12 this would be new, this is new ground.

13 Q. I assume you've not spoken to  
14 Ms. Bennett about her allegation?

15 A. That's correct. I have not  
16 spoken with her.

17 Q. Have you spoken to anyone in  
18 the Executive Chamber specifically about  
19 Ms. Bennett's allegations?

20 A. I don't recall speaking to  
21 anybody in the Chamber about her  
22 allegations.

23 Q. How about former colleagues  
24 that you're in contact with?

25 A. I don't have any specific

1 JOHN MAGGIORE

2 recollection of it. I can't say it didn't  
3 come up incidentally in conversation.

4 Q. I think everyone agrees that  
5 when her CBS interview aired it received  
6 a lot of attention.

7 A. Yeah.

8 Q. After that occurred you didn't  
9 pick up the phone to talk to any current  
10 or former colleagues about those  
11 allegations?

12 A. Throughout of course of this  
13 I've had several conversations about the  
14 general issue. I'm sure this has come up  
15 but I don't have any specific  
16 recollections of talking about her  
17 allegations, in particular. I'm not  
18 saying they didn't happen, I just don't  
19 recall.

20 Q. And you said throughout this  
21 period you've had conversations. Other  
22 than your wife, who have you typically  
23 had conversations with about the  
24 allegations?

25 A. Friends, my parents, you know,

1 JOHN MAGGIORE

2 I've been liberal in my discussions, [REDACTED]  
3 [REDACTED].

4 Q. I'm interested in folks who  
5 are in the Executive Chamber or somehow  
6 associated with the Executive Chamber.

7 A. I'm sure.

8 Q. Do you recall any names?

9 A. Well, again, I specifically  
10 recall talking to [REDACTED] [REDACTED].

11 Q. Anyone else?

12 A. I often talk with [REDACTED]  
13 [REDACTED]. I know the topic has been -- has  
14 come up in conversation.

15 I'm trying to think. I already  
16 told you about the conversations  
17 following the Lindsey Boylan statement.  
18 That's what comes to mind, but it  
19 wouldn't surprise me if I talked to  
20 somebody else who was in the Chamber.

21 Q. Do you know Alyssa McGrath?

22 A. I do.

23 Q. And how do you know her?

24 A. She also worked on the second  
25 floor during some of the time that I



1 JOHN MAGGIORE

2 worked there, so I would see her around.

3 Q. What role did she have?

4 A. She was an administrative  
5 assistant.

6 Q. Who did she support?

7 A. Different people, but I  
8 principally saw her when she worked for  
9 Kelly Cummings.

10 Q. Did you ever have  
11 opportunities to observe Ms. McGrath and  
12 the Governor interacting?

13 A. Not to my recollection.

14 Q. Did you ever recall any  
15 discussions with the Governor where  
16 Ms. McGrath was discussed?

17 A. No.

18 Q. Have you spoken to Ms. McGrath  
19 about her allegations?

20 A. No, I have not.

21 Q. Do you recall any specific  
22 discussions with anyone else either in  
23 the Executive Chamber or associated with  
24 the Executive Chamber about Ms. McGrath's  
25 allegations in particular?

1 JOHN MAGGIORE

2 A. As I recall, that was  
3 mentioned in that story that I had  
4 previously mentioned [REDACTED] [REDACTED] drawing my  
5 attention to.

6 Q. Have you ever recalled seeing  
7 Ms. McGrath upset in the office?

8 A. No.

9 Q. Does Ms. McGrath have any  
10 close friends that you're aware of in the  
11 Executive Chamber?

12 A. Yes.

13 Q. Who?

14 A. I know she's close friends  
15 with Brittany Commisso and Lauren Grasso.

16 Q. And how do you know that she's  
17 friends with Ms. Commisso?

18 A. Brittany has told me and I've  
19 seen them interact.

20 Q. Have you ever heard any  
21 reference to the two of them as "mingle  
22 mamas"?

23 A. I've seen media stories but I  
24 have not heard it firsthand.

25 Q. Did Ms. McGrath ever tell you

1 JOHN MAGGIORE

2 the Governor made her feel uncomfortable?

3 A. No.

4 Q. Has anyone ever told you that  
5 the Governor makes them feel  
6 uncomfortable?

7 A. Uncomfortable in what way?

8 Q. Presumably it's up to them.  
9 But has anyone ever told you that the  
10 Governor makes them feel uncomfortable?

11 A. I don't recall anybody using  
12 those specific words but if you want to  
13 be more specific --

14 Q. Well, when I say the word  
15 "uncomfortable", what do you understand  
16 that to mean?

17 A. It could mean anything. It's a  
18 broad term.

19 Q. Although it's a broad term, do  
20 you have an understanding of the term,  
21 what "uncomfortable" means, meaning not  
22 comfortable?

23 A. Yes.

24 Q. Okay. So you don't recall  
25 anyone ever using the words that the

1 JOHN MAGGIORE

2 Governor made them feel uncomfortable; is  
3 that correct?

4 A. I don't recall anybody using  
5 the words saying that the Governor made  
6 them feel uncomfortable.

7 Q. Do you recall anyone ever  
8 telling you that the Governor made them  
9 feel bad in any way?

10 A. I'm sure.

11 Q. Why are you sure?

12 A. You know, I've -- I've worked  
13 with people who worked for the Governor  
14 for many years and I'm sure after some  
15 sort of meeting somebody complained about  
16 the boss.

17 Q. Have you ever heard or has  
18 anyone ever told you that the Governor  
19 has said something inappropriate to them?

20 A. Not to my recollection.

21 Q. Did you ever hear the Governor  
22 say anything that was inappropriate?

23 A. Nothing that comes to mind.

24 Q. In all the years you've known  
25 him you've never heard him say something

1 JOHN MAGGIORE

2 that was inappropriate?

3 A. To a staff member, no.

4 Q. To you?

5 A. No.

6 Q. So you've never heard him say  
7 anything inappropriate to you?

8 A. Nothing comes to mind.

9 Q. And you qualified it "to a  
10 staff member". Have you ever heard him  
11 say something inappropriate to someone  
12 who is not a staff member?

13 A. I remember a couple of times  
14 he stuck his foot in his mouth at press  
15 conferences.

16 Q. But in all the years that  
17 you've worked with Andrew Cuomo you've  
18 never heard him say something that you  
19 felt was inappropriate to a staff member?

20 A. Like I said, nothing comes to  
21 mind.

22 Q. Are you aware of allegations  
23 made by an individual whose first name is  
24 Kaitlin?

25 A. I think I saw a story along

1 JOHN MAGGIORE

2 those lines.

3 Q. Do you have any idea who  
4 Kaitlin refers to?

5 A. No.

6 Q. Has anyone ever given you a  
7 last name associated with Kaitlin?

8 A. I don't even remember what the  
9 allegations were, so I have very little  
10 recollection of this, other than that I  
11 do remember seeing an article where there  
12 was a name.

13 MR. WEAVER: We're coming up  
14 on two hours, which I think is a  
15 limitation for the media device, so  
16 can we go off the record?

17 VIDEOGRAPHER: We will be  
18 going off the record at 11:27  
19 Eastern Standard date time. Stand  
20 by.

21 (Recess is taken.)

22 VIDEOGRAPHER: We are back on  
23 the record at 11:42 a.m. Eastern  
24 Daylight Time. Go ahead,  
25 counselor.

1 JOHN MAGGIORE

2 Q. Mr. Maggiore, have you ever  
3 heard Andrew Cuomo make a jokes of a  
4 sexual nature?

5 A. Not that I recall.

6 Q. Have you ever heard him make  
7 an innuendo of a sexual nature?

8 A. No.

9 Q. Have you ever heard him  
10 discuss topics of a sexual nature?

11 A. Yes, as a matter of public  
12 policy.

13 Q. Beyond that?

14 A. No.

15 Q. Are you aware of any  
16 situations where Governor Andrew Cuomo  
17 met a woman at an event and proceeded to  
18 hire her to work in the Executive  
19 Chamber?

20 A. No.

21 Q. Have you ever been asked to  
22 identify or locate a woman that  
23 Mr. Andrew Cuomo has met at an event?

24 A. No.

25 Q. Who is [REDACTED] [REDACTED] ?

1 JOHN MAGGIORE

2 A. I don't recognize the name.

3 Q. Do you recall ever inviting  
4 her to interview for a position at the  
5 Executive Chamber?

6 A. I don't recognize the name.

7 Q. Mr. Maggiore, during your time  
8 in the Executive Chamber have you  
9 personally ever experienced any behavior  
10 or conduct that you felt was sexual  
11 harassment?

12 A. No.

13 Q. During your time in the  
14 Executive Chamber have you witnessed any  
15 behavior that you would consider to be  
16 sexual harassment?

17 A. No.

18 Q. During your time in the  
19 Executive Chamber has anyone ever told  
20 you about conduct or behavior that you  
21 would consider to be sexual harassment?

22 A. No.

23 Q. Have you heard the term "mean  
24 girls"?

25 A. I have.



1 JOHN MAGGIORE

2 Q. In what context have you heard  
3 the term "mean girls"?

4 A. It's supposedly refers to a  
5 clique in the Chamber.

6 Q. What do you mean "supposedly"?

7 A. I don't know what it refers  
8 to.

9 Q. You don't know the individuals  
10 who are in this supposed clique?

11 A. It was always a mystery to me.

12 Q. Did you ever ask?

13 A. I don't recall asking. It  
14 seemed frivolous.

15 Q. Is it a term you heard often?

16 A. No.

17 Q. But you had heard it before?

18 A. Yes, I had.

19 Q. Have you seen it referenced in  
20 the press accounts?

21 A. No.

22 Q. Have you seen the names  
23 associated with it that are referenced in  
24 the press accounts?

25 A. I don't recall.

1 JOHN MAGGIORE

2 Q. Does the Governor use  
3 nicknames to refer to staff members?

4 A. Sometimes.

5 Q. Which nicknames can you  
6 recall?

7 A. He would sometimes refer to me  
8 as Big John and the other thing that  
9 enters my head right now is he would  
10 refer to Annabel Walsh as Anna May.

11 Q. Any others?

12 A. Nothing comes to mind, but I'm  
13 sure.

14 Q. Have you seen Governor Andrew  
15 Cuomo hug staff members?

16 A. Yes.

17 Q. In what context?

18 A. Greetings.

19 Q. Any other contexts?

20 A. No.

21 Q. Have you ever seen him  
22 physically touch someone in a way that  
23 you felt was potentially inappropriate?

24 A. No.

25 Q. Have you ever seen the

1 JOHN MAGGIORE

2 Governor kiss members of staff?

3 A. He's kissed me.

4 Q. Have you seen him kiss other  
5 members of staff?

6 A. I don't specifically recall.

7 Q. You don't recall whether or  
8 not the Governor, as part of his regular  
9 greeting, kisses individuals?

10 A. As part of his greeting, yes.

11 Q. So do you recall seeing him  
12 kiss members of staff?

13 A. I can't think of an individual  
14 instance but it wouldn't have been  
15 unusual.

16 Q. Have you ever seen the  
17 Governor kiss anyone on the lips?

18 A. Not to my recollection.

19 Q. Have you ever seen the  
20 Governor put his hands on someone's face?

21 A. Yes.

22 Q. In what context?

23 A. Again, as a form of greetings,  
24 as part of a greetings.

25 Q. In any other context?

1 JOHN MAGGIORE

2 A. No.

3 Q. Have you ever seen the  
4 Governor massage a staff member's  
5 shoulders?

6 A. No.

7 Q. Have you ever seen a staff  
8 member massage the Governor's shoulders?

9 A. No.

10 Q. Have you ever seen anyone sit  
11 on the Governor's lap?

12 A. No.

13 Q. Have you ever heard the  
14 Governor ask whether he could kiss  
15 someone?

16 A. No.

17 Q. Have you ever seen the  
18 Governor throw anything at anyone?

19 A. Throw anything? No.

20 Q. Throw anything.

21 Have you ever attended any  
22 social events at the Governor's Mansion?

23 A. Yes, I have.

24 Q. Aside from large events either  
25 for Legislators or all Executive Chamber

1 JOHN MAGGIORE

2 staff, have you attended what I would  
3 call smaller social gatherings of the  
4 Executive Chamber?

5 A. Yes, I have.

6 Q. In what context have you  
7 attended such social gatherings?

8 A. As a guest.

9 Q. And what were the purpose of  
10 those social gatherings?

11 A. Social. There have been social  
12 gatherings at the mansion that I have  
13 attended.

14 Q. Are these usually in the pool  
15 house or around the pool?

16 A. Frequently.

17 Q. And who, during these frequent  
18 events, are the typical attendees?

19 A. There are many such events  
20 with different invitees.

21 And just for clarification,  
22 when I said "frequently", I meant that  
23 they were frequently at the pool house,  
24 not that they were frequent.

25 Q. Who typically attended these

1 JOHN MAGGIORE

2 smaller social events?

3 A. A different cast of characters  
4 for different events.

5 Q. The events that you attended,  
6 do you recall seeing particular  
7 individuals more than once?

8 A. Yes.

9 Q. And who do you recall seeing  
10 at these social events more than once?

11 A. Other members of the senior  
12 staff, other members of the  
13 administration that the Governor has  
14 frequent contacts with.

15 Q. Which members of the senior  
16 staff?

17 A. Too many to name.

18 Q. Can you name some?

19 A. Melissa DeRosa, Alphonso  
20 David, Rob Mujica, Letizia Tagliafierro,  
21 Howard Zemsky was often invited, he  
22 wasn't a senior staff member but he was  
23 often invited to these things, Jill  
24 DesRosiers, Annabel Walsh. More than  
25 that, though.

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JOHN MAGGIORE

Q. How would these events normally originate?

A. It would originate in different ways. I don't know that there was a normal way.

Q. Well, how are some of the ways that they originated?

A. Many of them are planned social events for some specific purpose. Some of them are very impromptu.

Q. And how are the impromptu gatherings, how do they originate?

A. I was never involved in originating any of them, so I can't say.

Q. How did you know to go to the Executive Mansion for a social gathering?

A. Someone would call me and see if I was available to go.

Q. It's the same person who typically called you?

A. Not necessarily.

Q. And when you were called, were you told just asked were you available to go to the Executive Mansion? What was the

1 JOHN MAGGIORE

2 premise?

3 A. Yes. Something along those  
4 lines, yes.

5 Q. And was the Governor present  
6 typically for these social gatherings?

7 A. Yes.

8 Q. Have you ever witnessed any  
9 members of the executive staff swimming  
10 in the Executive Mansion?

11 A. Yes.

12 Q. Who?

13 A. Stephanie Benton, Bill Mulrow,  
14 Andrew Ball.

15 Q. Were these -- is this one  
16 event or over multiple events?

17 A. This was one event. I think  
18 that there was a staff pool party at one  
19 point that I don't have recollection of.

20 Q. Aside from a staff pool party,  
21 have you seen any members of staff using  
22 the pool perhaps fully clothed?

23 A. I'm sorry. The people that I  
24 referred to were not at the pool party. I  
25 was referencing a different party that I



1 JOHN MAGGIORE

2 don't remember. But yes, those staff  
3 members were fully clothed.

4 Q. What were the -- do you  
5 remember what the event was when those  
6 staff members fully clothed used the  
7 pool?

8 A. No.

9 Q. Was the Governor there when  
10 that happened?

11 A. Yes.

12 Q. Did anyone say anything?

13 A. I'm sure. I don't recall what  
14 anybody said.

15 Q. Did it surprise you that  
16 members of staff had gone in the swimming  
17 pool?

18 A. Sure. Yes.

19 Q. Did it seem appropriate to  
20 you?

21 A. To the extent I remember, it  
22 seemed funny.

23 Q. Why did it seem funny?

24 A. Because there were people who  
25 were fully clothed jumping into the pool.

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JOHN MAGGIORE

I think the intent was to make us laugh.

Q. Did you ever -- were you ever aware of a member of senior staff leaving one of these social events late at night wearing only a towel?

A. No.

Q. Have you ever seen the Governor do what you would consider flirt with members of staff?

A. No.

Q. Have you ever seen the Governor comment on a member of staff's appearance?

A. Yes.

Q. What do you recall?

A. He would sometimes comment on my clothing.

Q. What would he say?

A. He would comment on my tie or my socks or my suit or something like that.

Q. And by "comment", what do you mean?

A. Well, what the word means. He

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JOHN MAGGIORE

would on occasion say that's a nice tie or that's a funny tie or something along those lines.

Q. Was it typically a positive comment?

A. Yeah. I took such comments to be light and friendly.

Q. Did you ever hear him comment on anyone else's appearance?

A. Not that I recall.

Q. Did you ever hear him comment on the attire of staff members, besides yourself?

A. Not that I recall.

Q. Did you ever hear the Governor make a comment about a woman's physique?

A. No.

Q. Did you ever hear the Governor comment whether a woman was attractive?

A. No.

Q. Have you ever heard the Governor call someone a bitch?

A. Never.

Q. Did you ever hear the Governor

1 JOHN MAGGIORE

2 curse at anyone?

3 A. I'm sure, but I don't have a  
4 specific recollection.

5 Q. Has he ever cursed at you?

6 A. I don't remember him cursing  
7 at me.

8 Q. Is the Governor a yeller?

9 A. I've heard him yell.

10 Q. Has he yelled at you?

11 A. Yes.

12 Q. What about?

13 A. I remember he was yelling at  
14 me because he was dissatisfied with the  
15 work product.

16 Q. What specifically was he  
17 dissatisfied about?

18 A. A presentation that was part  
19 of the 2015 State of the State, and then  
20 a couple weeks later an analysis I did of  
21 -- it had to do with local governments.

22 Q. And how long did he yell at  
23 you for those?

24 A. Oh, I don't remember.

25 Q. How would you describe the

1 JOHN MAGGIORE

2 work environment in the Executive  
3 Chamber?

4 A. In what way?

5 Q. If I asked you the question;  
6 describe the work environment at the  
7 Executive Chamber, what would you say in  
8 response?

9 A. A lot of hard-working people.

10 Q. Okay. Do you find it to be a  
11 toxic work environment?

12 A. No.

13 Q. Do you find it to be a  
14 challenging work environment?

15 A. Yes.

16 Q. Why is it challenging?

17 A. The work is pretty  
18 challenging; we don't control what's  
19 happening; there's a pandemic; there's a  
20 riot; there is a flood; there is  
21 something new every day and the  
22 government never rests.

23 Q. We talked before about the  
24 term "mean girls".

25 I understand you apparently

1 JOHN MAGGIORE

2 don't recall or know who the names refer  
3 to, but is it your sense that it's  
4 referring to senior staff?

5 A. Well, it could but I really  
6 don't know -- it's always been a mystery  
7 who the term really refers to.

8 Q. Do you have a sense of whether  
9 senior staff in the Executive Chamber --  
10 would you consider them to be mean?

11 A. No.

12 Q. Are members of the Executive  
13 Chamber yellers?

14 A. Joe Percoco used to yell.

15 Q. Anyone else?

16 A. I wouldn't describe anybody  
17 else as a yeller.

18 Q. If people had complained that  
19 the Executive Chamber was a toxic  
20 environment with a lot of yelling, would  
21 that be inconsistent with your  
22 experience?

23 A. Yes.

24 Q. Has anyone ever told you they  
25 felt that the environment in the

1 JOHN MAGGIORE

2 Executive Chamber was toxic?

3 A. I don't specifically recall  
4 anyone using that terminology.

5 Q. Do you generally recall it?

6 A. No.

7 Q. Do you generally recall anyone  
8 complaining about the environment in the  
9 Executive Chamber, the work environment?

10 A. Yes.

11 Q. What do you recall them  
12 complaining about?

13 A. Long hours, tough work,  
14 frequency of changing what we're doing.

15 Q. Did anyone ever complain about  
16 the management style of the Executive  
17 Chamber?

18 A. I'm sure but I don't have  
19 specific recollection.

20 Q. Sitting here today, Mr.  
21 Maggiore, do you consider senior members  
22 of the Executive Chamber to be difficult  
23 to work for?

24 A. No.

25 Q. Have you ever heard the

1 JOHN MAGGIORE

2 Governor discuss relationship status with  
3 members of staff?

4 A. What type of relationship?

5 Q. Personal romantic relationship  
6 status.

7 A. Yes.

8 Q. What do you recall hearing?

9 A. I recall conversations he had  
10 with Dani Lever about [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
11 [REDACTED].

12 Q. Anyone else? Anything else?

13 A. That's what I recall.

14 Q. Did you ever travel with the  
15 Governor outside the State of New York?

16 A. I'm trying to think. I don't  
17 recall traveling with him outside the  
18 State of New York.

19 Q. Have you ever gone to Puerto  
20 Rico with the Governor?

21 A. No.

22 Q. Israel?

23 A. No.

24 Q. Down to Washington, D.C.?

25 A. I don't think so. I'm sorry.



1 JOHN MAGGIORE

2 You know -- no, I've never gone with him  
3 to Washington, D.C. as Governor, never.

4 Q. As a member of the Executive  
5 Chamber did you receive the Executive  
6 Chamber's policy on sexual harassment?

7 A. Yes.

8 Q. And in what form did you  
9 receive that?

10 A. I recall training modules and  
11 I also recall in-person training.

12 Q. And how frequent was that  
13 training?

14 A. As I recall, either one or the  
15 other or both were annual.

16 Q. Did you complete them when you  
17 were a member of the Executive Chamber?

18 A. As I recall, I did.

19 Q. Were you ever given the policy  
20 in writing?

21 A. I don't remember.

22 Q. Did you ever see an employee  
23 handbook for the Executive Chamber?

24 A. I saw an online version.

25 Q. If you could go back to your

1 JOHN MAGGIORE

2 binder and turn to tab 5.

3 A. Okay.

4 (Exhibit 6, Handbook for the  
5 Employees of State Agencies dated  
6 December 2018 was received and  
7 marked on this date for  
8 identification.)

9 Q. Tab 5 is State of New York  
10 Executive Department, a Handbook For  
11 Employees of the New York State Agencies  
12 December 2018.

13 A. Got it.

14 Q. Have you ever seen this  
15 document before?

16 A. It looks familiar.

17 Q. If you could turn with me to  
18 page 17, obviously look at whatever parts  
19 you need to look at.

20 A. Page 17.

21 Q. And just for context, on page  
22 16 you'll see the section is entitled  
23 Sexual Harassment?

24 A. Yes.

25 Q. And back on page 17, at the

1 JOHN MAGGIORE

2 top of the page the first full paragraph,  
3 just read along with me, "Hostile  
4 environment, sexual harassment includes  
5 but is not limited to words, signs,  
6 jokes, pranks, intimidation or physical  
7 violence, which are of a sexual nature or  
8 which are directed at an individual  
9 because of that individual's sex. Sexual  
10 harassment also consists of any unwanted  
11 verbal or physical advances, sexually  
12 explicit derogatory statements or  
13 sexually discriminatory remarks made by  
14 someone which are offensive or  
15 objectionable to the recipient, which  
16 cause recipient discomfort or humiliation  
17 or which interfere with the recipient's  
18 job performance."

19 Do you see that?

20 A. I do.

21 Q. Do you ever recall reading  
22 that as a member of the Executive  
23 Chamber?

24 A. It looks familiar to me.

25 Q. Is that consistent with your

1 JOHN MAGGIORE

2 understanding of what is considered to be  
3 sexual harassment under the policy?

4 A. Yes. Yes.

5 Q. In your time working at the  
6 Executive Chamber have you been made  
7 aware of any instances that would fit  
8 this definition?

9 A. No.

10 Q. If you'll go down the page a  
11 little bit, I guess four paragraphs below  
12 where I just was --

13 A. Okay.

14 Q. -- it says, "As with all  
15 discrimination and harassment, if an  
16 employee is a victim of sexual harassment  
17 or observes it in the work place the  
18 employee should complain promptly to a  
19 supervisor, managerial employee,  
20 personal administrator or equal  
21 employment officer."

22 It goes on to say, "The  
23 complaint can be verbal or in writing."

24 It goes on to say a sentence later, "Any  
25 complaint, whether verbal or written,

1 JOHN MAGGIORE

2 must be investigated by the agency.

3 Furthermore, any supervisor or managerial  
4 employee who observes or otherwise  
5 becomes aware of conduct of a sexually  
6 harassing nature but report such conduct  
7 so that it can be investigated."

8 Do you see that?

9 A. I do.

10 Q. Do you recall being aware of  
11 that part of the policy?

12 A. Again, it looks familiar to  
13 me.

14 Q. Is that consistent with your  
15 understanding of the reporting  
16 obligations under the sexual harassment  
17 policy?

18 A. Yes.

19 Q. So to be clear, if you had  
20 witnessed or were made aware of any  
21 sexual harassment conduct that might be  
22 sexual harassment, did you have an  
23 obligation to report it?

24 A. Yes.

25 Q. And you understood that from

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JOHN MAGGIORE

the training that you received on an annual basis?

A. Yes.

Q. The paragraph below where we just were, "If an employee is harassed by a co-worker or a supervisor, it is very important that a complaint be made to a higher authority promptly."

Do you see that?

A. I do.

Q. Hypothetically speaking, do you consider the Governor to be the highest authority at the Executive Chamber?

A. Yes.

Q. So if the Governor was someone who is committing sexual harassment, do you have any idea what the higher authority would be to report to?

A. Not as I'm speaking with you right now.

Q. Still on the same document, turn to page 39, there is a section entitled Harassment Must Be Reported.

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JOHN MAGGIORE

A. I see it.

Q. Two sentences into that first paragraph, under that section it says, "Harassment should be reported to a supervisor, manager, human resources officer or EEOC officer."

Do you see that?

A. I do.

Q. Did the Executive Chamber have a human resources officer?

A. I believe so but I haven't actually been in the Chamber since March of 2020, and I don't recall who that would have been.

Q. So when you were a member of the Executive Chamber for ten years -- nine years, do you recall who the human resources officer was at any point?

A. Not as I'm sitting here, no.

Q. In the next paragraph it says, "An employee with supervisory responsibility has a duty to report harassment that he or she observes or otherwise knows about. A supervisor who

1 JOHN MAGGIORE

2 has received a report of harassment from  
3 an employee or an intern has a duty to  
4 report it to management, even if the  
5 employee or intern who complained has  
6 asked that it not be reported. Any  
7 harassment or potential harassment that  
8 is observed must be reported, even if no  
9 one is complaining about it."

10 Do you see that?

11 A. I do.

12 Q. Is that consistent with your  
13 understanding of the policy in the  
14 Executive Chamber?

15 A. Yes, it is.

16 Q. And specifically, that even if  
17 no one has complained, it must be  
18 reported if it's potential harassment?

19 A. It looks familiar to me, so  
20 yes.

21 Q. And you understood that from  
22 your trainings?

23 A. Yes.

24 Q. At some point do you remember  
25 the Governor issuing an Executive Order



1 JOHN MAGGIORE

2 related to the Governor's Office of  
3 Employee Relations, what's known as GOER,  
4 regarding the reporting of sexual  
5 harassment?

6 A. I think so.

7 Q. Look at tab 4 in your binder.

8 A. Okay.

9 (Exhibit 7, State of New York  
10 Executive Order 187, was received  
11 and marked on this date for  
12 identification.)

13 Q. This is the Executive Order  
14 187.

15 A. I see it.

16 Q. It's entitled Insuring  
17 Diversity and Inclusion in Combatting  
18 Harassment and Discrimination in the  
19 Workplace. Do you see that?

20 A. I do.

21 Q. If you turn to -- it doesn't  
22 have page numbers but it's the third  
23 page, there's a section Roman iii?

24 A. I see it.

25 Q. And it's subsection (b) at the

1 JOHN MAGGIORE

2 bottom of the page.

3 A. "In order to promote"?

4 Q. "In order to promote the  
5 effective, complete and timely  
6 investigation of complaints of  
7 employee-related protected class  
8 discrimination, as of December 1st, 2018  
9 the Governor's Office of Employee  
10 Relations, GOER, has been responsible for  
11 conducting all investigations into  
12 employment-related discrimination  
13 complaints filed by employees,  
14 contractors, interns or other persons  
15 engaged in employment at the effective  
16 State Agencies, as defined by other  
17 sections of the Executive Order."

18 Do you see that?

19 A. Yes, I do see that.

20 Q. Do you recall this change to  
21 the policy, that all complaints will be  
22 investigated by GOER, or what is known as  
23 GOER?

24 A. I recall that this was issued,  
25 so yes.

1 JOHN MAGGIORE

2 Q. Were you a part of the  
3 discussions as an advisor to the Governor  
4 about the issuance of this Executive  
5 Order?

6 A. I don't think so.

7 Q. Do you have an understanding  
8 of why this change was made?

9 A. Not specifically, no.

10 Q. Did you have an understanding,  
11 though, that GOER was to be the one  
12 responsible for investigating claims of  
13 harassment?

14 A. Yes.

15 Q. And what was that based on?

16 A. I know I've seen this before.

17 Q. Do you remember discussing  
18 this policy change with anyone?

19 A. No.

20 Q. Did you discuss it with the  
21 Governor?

22 A. I don't recall ever discussing  
23 it with the Governor.

24 (Exhibit 8, Handbook for the  
25 Employees of State Agencies dated

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JOHN MAGGIORE

May 2020 was received and marked on this date for identification.)

Q. If you look at tab 10 this is another version of the Handbook for the Employees of State Agencies dated May 2020?

A. Yes.

Q. So it's prior to your formal departure from the Chamber?

A. Yes.

Q. If you turn with me on page 13 and, again, just for context, back on page 11 it's the section on Sexual Harassment, but here on page 13.

A. Okay.

Q. Under Reporting Sexual Harassment it says, "As with all forms of discrimination and harassment, if an employee, including an intern or contractor working in a State workplace experiences sexual harassment or observes it in the workplace the employee should complaint promptly to GOER by the New York State Employee Discrimination

1 JOHN MAGGIORE

2 Complaint Form at the website provided or  
3 by contacting the Equal Employment  
4 Officer."

5 It also goes on to say, "The  
6 employee must also report such conduct to  
7 a supervisor, managerial employee or  
8 personnel administrator."

9 It says further down the  
10 paragraph, "Any complaint, whether verbal  
11 or written, must be investigated by GOER  
12 or pursuant to the Employee Agency's  
13 policy. Furthermore, any supervisor or  
14 managerial employee who observes or  
15 otherwise becomes aware of conduct of a  
16 sexual harassing nature must report such  
17 conduct so it can be investigated."

18 Is that still consistent with  
19 your understanding of the policy for  
20 sexual harassment?

21 A. It is consistent, yes.

22 Q. And if you had been aware of  
23 potential sexual harassment it would have  
24 been your obligation to report it?

25 A. Yes.

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JOHN MAGGIORE

Q. And you would have done so?

A. Yes.

MR. WEAVER: I want to do another screen share here. Anna, it's our number 22, the August 8th chat.

(Exhibit 9, printout of Chat messages, dated August 8, 2019, Bates JD-NYAD0004714 was received and marked on this date for identification.)

Q. Mr. Maggiore, I'm showing you a chat and we'll go through it page by page. I will tell you initially, right away, you are not on this chat communication.

A. Okay.

Q. The participants are Jim Malatras, Jill DesRosiers, Melissa DeRosa, Rich Azzopardi, Annabel Walsh, Stephanie Benton, Dani Lever, Robert Mujica, Beth Garvey and Peter Ajemian. It's from August 8, 2019.

So we're going to go page by

1 JOHN MAGGIORE

2 page because of the way it was produced,  
3 unfortunately.

4 So it begins with Malatras  
5 saying "I think this is a shot." And if  
6 we go to the next page we'll see that  
7 this is the Lindsey Boylan article.

8 A. Right.

9 Q. And the pullout is that,  
10 "Boylan expresses frustration with how  
11 women in politics are often defined by  
12 men in leadership, whether it's who they  
13 are challenging, or who they worked for."

14 And then next you'll see  
15 Melissa DeRosa says "At who?" And next  
16 DeRosa says, "First of all, that's my  
17 line." And then Malatras chimes in, "Rob,  
18 totally Rob." And then Malatras says,  
19 "And perhaps the biggest alpha male we  
20 have - John Maggioro." Do you see that  
21 that?

22 A. Yes, I do.

23 Q. And if you go to the next page  
24 it's a link to the article.

25 Next page, Malatras says, "You

1 JOHN MAGGIORE

2 should file a complaint against her Teen  
3 Vogue for plagiarism." And DeRosa says,  
4 "um duh". And Azzopardi says, "I'm glad  
5 we can all finally talk about John  
6 Maggiore's toxic masculinity."

7 A. Yes.

8 Q. And then Malatras concludes by  
9 saying, "I for one am relieved."

10 A. Okay.

11 Q. Do you believe you have toxic  
12 masculinity?

13 A. No. I think that was ironic.

14 Q. And why do you think it's  
15 ironic?

16 A. That's how I read it. It  
17 appears to be a humorous exchange.

18 Q. And what makes it humorous?

19 A. Because he seems to be  
20 suggesting something ridiculous that  
21 everybody would have received as absurd.

22 Q. Why would anyone who receives  
23 that consider it absurd?

24 A. I think that I'm not perceived  
25 as having toxic masculinity. I think I'm



1 JOHN MAGGIORE

2 perceived as being a nice guy.

3 Q. Do you think this is funny?

4 A. Yes.

5 Q. You do think joking about  
6 toxic masculinity is an appropriate  
7 subject for a joke in this context?

8 A. I didn't read the attachment  
9 but as it applies to me it's, you know,  
10 absurdism.

11 Q. And as someone who -- as  
12 someone who everyone considers to be a  
13 nice guy, at any point did you feel that  
14 your nice-guy personality did not fit in  
15 well with the Executive Chamber?

16 A. No. I think I fit in very well  
17 at the Executive Chamber.

18 Q. Do you think you stood out?

19 A. I hope so.

20 Q. Let me be more clear. Do you  
21 think you stood out because others were  
22 not particularly nice?

23 A. I wouldn't say that.

24 Q. Why do you hope you stuck out?

25 A. I aspire to be outstanding.

1 JOHN MAGGIORE

2 Q. And do you think being nice is  
3 a way to be outstanding?

4 A. It's just my nature.

5 Q. As a nice guy you didn't have  
6 any concerns with the culture of the  
7 Executive Chamber while you worked there?

8 A. No.

9 Q. As part of the stories around  
10 the public allegations there is a lot on  
11 the toxic nature of the culture in the  
12 Executive Chamber, does that surprise  
13 you?

14 A. Yes.

15 Q. Is that inconsistent with your  
16 experience?

17 A. Yes.

18 Q. Do you think those people are  
19 wrong?

20 A. You'd have to ask me about a  
21 specific allegation and how they  
22 characterize it.

23 Q. That members of senior staff  
24 are abusive?

25 A. Yes, I don't think that's

1 JOHN MAGGIORE

2 correct.

3 MR. WEAVER: Anna, you can  
4 take the screen share down.

5 Q. As a member of the Executive  
6 Chamber what is your understanding of the  
7 Chamber's record retention policy?

8 A. I couldn't recite it. Again, I  
9 have been on leave for months. I couldn't  
10 recite it.

11 Q. Well, what was your practice  
12 for record retention as a member of the  
13 Executive Chamber?

14 A. I'm sure I followed the rules  
15 but, again, I'm a little bit removed.

16 Q. Do you recall ever managing  
17 your files in any way, meaning deleting  
18 things, et cetera?

19 A. Yes.

20 Q. And what rules or principles  
21 did you follow in deleting things?

22 A. I remember that there was a  
23 policy, so I referred to it but I don't  
24 remember what it is, as I'm sitting here.

25 Q. Did you have a practice of

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deleting your emails on a regular basis?

A. Yes.

Q. Why?

A. To clear up my emails.

Q. Were you ever instructed to do so?

A. No.

Q. How did you communicate with other members of senior staff when you were a member of the Executive Chamber, in what forms of communication?

A. Verbal, in person, writing, email.

Q. What about texting?

A. Well, at some point I did have texts on my phone but I had it disabled.

Q. Did you have a Chamber-issued device?

A. I did.

Q. What type of device did you have?

A. The last device I had was an iPhone and previous to that was a Blackberry.

1 JOHN MAGGIORE

2 Q. When you had a Blackberry did  
3 you ever use texting with the Blackberry?

4 A. Texting? I don't think the  
5 Blackberry could do texting.

6 Q. Did you do pin messages?

7 A. Yes.

8 Q. So in addition to emails you  
9 would -- would you pin senior members of  
10 the executive staff?

11 A. Yes.

12 Q. And did you ever communicate  
13 in electronic form with the Governor when  
14 you were a member of the Executive  
15 Chamber?

16 A. Yes.

17 Q. And what form of communication  
18 did you use?

19 A. Pin function.

20 Q. Was that the only way you  
21 communicated electronically with the  
22 Governor?

23 A. Yes.

24 Q. Did you ever understand why  
25 that was the case?

1 JOHN MAGGIORE

2 A. He didn't use email.

3 Q. Do you have an understanding  
4 of why he didn't use email?

5 A. No.

6 Q. He never discussed it with  
7 you?

8 A. No.

9 Q. Did you ever ask anyone why he  
10 didn't use email?

11 A. No.

12 Q. When you switched to an  
13 iPhone, were you still able to  
14 communicate electronically with the  
15 Governor?

16 A. I was not.

17 Q. Did that impact your ability  
18 to do your job in any way?

19 A. I rarely had the need to  
20 communicate electronically with the  
21 Governor. So in practice, no.

22 Q. Do you have an understanding  
23 of document retention as it related to  
24 Blackberry pins?

25 A. I don't remember.

1 JOHN MAGGIORE

2 Q. Do you recall deleting  
3 Blackberry pins?

4 A. I don't remember.

5 Q. Do you recall if your device  
6 had any auto-delete function on it?

7 A. No, I don't recall.

8 Q. If you could go back to the  
9 stack of the documents your counsel  
10 produced yesterday.

11 A. Okay.

12 (Exhibit 10, email dated  
13 December 15, 2020 from John  
14 Maggiore to Melissa DeRosa, Bates  
15 JM000031 was received and marked on  
16 this date for identification.)

17 Q. If you could find a document  
18 starting at page JM-31.

19 A. I got it.

20 Q. It's an email from Melissa  
21 DeRosa to your Gmail account December 12  
22 -- December 15, 2020. Do you see this?

23 A. I'm sorry. I'm looking at an  
24 email from me to her.

25 Q. I'm sorry. You're correct. It

1 JOHN MAGGIORE

2 was my mistake. From you to Melissa. Do  
3 you see that?

4 A. I do.

5 Q. Bates 31?

6 A. I do. I see it.

7 Q. Subject line is, "80% sure  
8 this was the song."

9 A. Yes.

10 Q. Do you recall this email?

11 A. I do now, yes.

12 Q. Tell me about it.

13 A. Melissa had called me and  
14 asked if I had the lyrics to a song that  
15 I and others performed at a holiday  
16 party, a few years ago, I believe it was  
17 2017. I was pretty sure the attached  
18 lyrics were what she was referring to.

19 Q. And why did she call you about  
20 getting the lyrics to the song?

21 A. I don't recall her telling me  
22 why she was asking for them.

23 Q. Well, it says "80% sure this  
24 was the song."

25 A. Yeah.



1 JOHN MAGGIORE

2 Q. And it talks about having  
3 pictures of "me, her, [REDACTED], Kelly, [REDACTED]  
4 and [REDACTED] [REDACTED]." Do you know who the  
5 "her" is?

6 A. Yes.

7 Q. Who is the "her"?

8 A. Lindsey Boylan.

9 Q. Okay. So does that help  
10 refresh why Ms. DeRosa had reached out to  
11 you about these lyrics?

12 A. No. I don't remember her  
13 saying why she reached out.

14 Q. Did Ms. Boylan make, as part  
15 of her allegations, reference to some  
16 song or performance?

17 A. I don't recall that she did.

18 Q. You don't recall any more  
19 discussion around this email?

20 A. I do.

21 Q. What do you recall?

22 A. Melissa had asked me if I had  
23 these song lyrics and I recall that the  
24 group that sang the song included Lindsey  
25 Boylan and that's why I referred to that

1 JOHN MAGGIORE

2 picture, and then I included the  
3 different picture that is also part of  
4 this package.

5 Q. Sorry. It's also part of the  
6 --

7 A. Part of the package you just  
8 directed me to.

9 Q. But again, your email that  
10 says "showing me", refers to "her". And  
11 you know that's Lindsey. Presumably that  
12 means Melissa was somehow referencing  
13 Lindsey when she talked to you?

14 A. As I recall, I brought up  
15 Lindsey in that conversation.

16 Q. What else do you recall from  
17 that conversation?

18 A. I don't recall the specific  
19 language.

20 Q. You don't recall whether or  
21 not it had anything to do with Boylan's  
22 allegations?

23 A. No.

24 Q. Do you recall the Governor  
25 requiring members of staff to memorize

1 JOHN MAGGIORE

2 lyrics to songs?

3 A. No.

4 Q. Did you ever hear any stories  
5 about staff being required to memorize  
6 lyrics to songs?

7 A. No.

8 Q. Has the Governor ever asked  
9 you to sing "oh, Danny boy" for him?

10 A. No.

11 Q. Have you ever heard the  
12 Governor ask anyone to sing "oh, Danny  
13 boy" for them?

14 A. No.

15 (Exhibit 11, email from  
16 Lindsey Boylan dated March 4, 2021,  
17 Bates JM000052 was received and  
18 marked on this date for  
19 identification.)

20 Q. If you could stay in that same  
21 packet of produced documents and find  
22 document JM-52?

23 A. 52.

24 Q. It's an email from Lindsey  
25 Boylan dated March 4, 2021 to presumably

1 JOHN MAGGIORE

2 that's [REDACTED] [REDACTED], your Gmail account  
3 and Jim Malatras?

4 A. Yes.

5 Q. Do you remember this email?

6 A. I do.

7 Q. What do you remember about it?

8 A. I remember receiving it. I  
9 remember reading it.

10 Q. Did you do anything in  
11 reaction to this email?

12 A. I called Jim Malatras and told  
13 him that I had gotten it.

14 Q. And what else do you remember  
15 about that conversation with  
16 Mr. Malatras?

17 A. Nothing.

18 Q. Did he say he got the email  
19 too?

20 A. I don't specifically recall.

21 Q. Did you guys at all talk about  
22 the substance of the email?

23 A. Not in length.

24 Q. Why not?

25 A. I'm sure we talked about it.

1 JOHN MAGGIORE

2 It wasn't a long conversation.

3 Q. Well, if you're sure you  
4 talked about it, what do you think you  
5 talked about?

6 A. The intent of calling him was  
7 to give him a heads up that I had  
8 received it and it appeared to be  
9 addressed to him. I don't remember if he  
10 said he received it already.

11 Q. Did you follow up with  
12 Ms. Boylan after this?

13 A. I did not.

14 Q. Was there any event that was a  
15 precursor to her sending you this email?

16 A. Not to my knowledge.

17 Q. Were you curious?

18 A. Umm, I suppose, sure.

19 Q. Did you act on that curiosity?

20 A. No.

21 Q. Why not?

22 A. I saw no benefit in doing so.

23 Q. Did you talk to other members  
24 of the Executive Chamber about this  
25 email?

1 JOHN MAGGIORE

2 A. Yes.

3 Q. Who did you talk to?

4 A. Rich Azzopardi.

5 Q. Tell me about that

6 conversation.

7 A. I called him and I told him I

8 received the email. He told me that some

9 other staff members received similar

10 emails.

11 Q. What else did he tell you?

12 A. That's it.

13 Q. Did you say anything else to

14 him?

15 A. Not that I recall.

16 Q. Did he tell you who else

17 received similar emails?

18 A. I remember him saying that

19 Dani Lever and Annabel Walsh had received

20 similar emails.

21 Q. Anyone else?

22 A. Not that I recall.

23 MR. WEAVER: We've just gone

24 about an hour and we said we would

25 reevaluate.

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JOHN MAGGIORE

VIDEOGRAPHER: With no objection, we'll be going off the record at 12:31 p.m. Eastern Daylight Time. Stand by.

(Recess is taken.)

VIDEOGRAPHER: And we are back on the record at 12:41 p.m. Eastern Daylight Time. Go ahead, counselor.

Q. Mr. Maggiore, once you became a senior member of the Executive Council as a Policy Director, to the extent you would -- if you witnessed other staff being harassed or bullied or somehow mistreated do you think you would have intervened in some way?

A. Yes.

Q. And, you know, we've talked about there being allegations being publicly made about the environment, the toxic environment in the Executive Chamber. As someone who you described everyone thinks is a nice guy, sitting here today, are you worried that there

1 JOHN MAGGIORE

2 were problems there that you didn't see  
3 as a senior member of the executive  
4 staff?

5 A. I don't know about what I  
6 didn't see, so no.

7 Q. So you are not worried at all?

8 A. Worried?

9 Q. Yeah. Worried.

10 A. No. No. I mean, the whole  
11 thing is concerning to me but I wouldn't  
12 use the word "worry".

13 Q. And I use the word "worry"  
14 just because you were in a senior  
15 position within the Executive Chamber,  
16 right?

17 A. Yes.

18 Q. And you've said that the  
19 environment you experienced is not  
20 consistent with the allegations that have  
21 been made about the toxic environment or  
22 difficult environment for women, correct?

23 A. Correct.

24 Q. Mr. Maggiore, I don't have any  
25 other questions at this time.



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JOHN MAGGIORE

Do you wish to make a brief sworn statement on the record?

A. No, I don't. Thank you.

MR. WEAVER: At that point we can go off the record.

VIDEOGRAPHER: This concludes today's testimony given by 062421.

The total number of media units received was three and will be retained by Veritext.

We are going off the record at 12:43 p.m. Eastern Daylight Time. Stand by.

(The proceedings were adjourned at 12:43 p.m.)

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C E R T I F I C A T E

I, MAUREEN M. RATTO, a Registered Professional Reporter, do hereby certify that prior to the commencement of the examination, JOHN MAGGIORE was sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in this action.



-----  
MAUREEN M. RATTO, RPR

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