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

VIRTUAL ZOOM INVESTIGATION

June 25, 2021

9:02 a.m.

TESTIMONY OF DANI LEVER, remotely
held at the above time and place, taken before
Melissa Gilmore, a Stenographic Reporter and
Notary Public of the State of New York,
pursuant to stipulations between Counsel.

Job No. NY4671568

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

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A P P E A R A N C E S: (Cont'd)

MORVILLO ABRAMOWITZ GRAND IASON
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Attorneys for Witness

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BY: EDWARD M. SPIRO, ESQ.

MARY VITALE, ESQ.

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mvitale@maglaw.com

ALSO PRESENT:

MARC FRIEDMAN, Videographer

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P R O C E E D I N G S

THE VIDEOGRAPHER: Good morning. We are going on the record at 9:02 a.m. Eastern Standard Time on Friday, June 25, 2021.

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

This is media unit number 1 of the video recorded deposition of Dani Lever in the matter of Independent Investigation Under New York State Executive Law Section 63(8).

My name is Marc Friedman. I'm your certified legal video specialist. Your court reporter today is Melissa Gilmore, and we are both from the firm of Veritext Legal Solutions.

This deposition is being held via remote video conference. All counsel consent to this remote video arrangement

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and waive any objections to this manner of reporting. If there are any objections to the court reporter swearing in the witness remotely and this remote video arrangement, please state them now.

Hearing no objection, would counsel now state on the record their appearances and affiliations beginning with the noticing attorney.

MS. MAINOO: Good morning, Abena Mainoo from the law firm of Cleary, Gottlieb, Steen & Hamilton but acting as a special deputy to the first deputy attorney general for the New York State Attorney General's Office.

MS. KENNEDY PARK: Good morning, I'm Jennifer Kennedy Park. Similarly for today's purposes, I'm a special deputy to the first deputy attorney general of the New York Attorney General's Office.

MR. SPIRO: Edward Spiro of Morvillo, Abramowitz, Grand, Iason & Anello for Dani Lever.

MS. VITALE: Mary Vitale also from

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Morvillo Abramowitz also for Ms. Lever.

THE VIDEOGRAPHER: Any other appearances?

MS. LEE: Soo Jee Lee, associate at Cleary Gottlieb, but for purposes of today special assistant to the first deputy general for the New York Attorney General. Thank you.

THE VIDEOGRAPHER: Will the court reporter please swear in our witness and we can proceed.

D A N I L E V E R, called as a witness, having been duly placed under oath by a Notary Public, was examined and testified as follows:

THE REPORTER: All set.

EXAMINATION BY

MS. MAINOO:

Q. Ms. Lever, before I start asking questions, I'm going to give you some background information and some ground rules.

The New York Attorney General has appointed the law firms Cleary, Gottlieb, Steen & Hamilton and Vladeck, Raskin & Clark to

1 LEVER

2 conduct an independent investigation under New
3 York Executive Law Section 63(8) into
4 allegations of sexual harassment brought
5 against Governor Andrew Cuomo, as well as
6 surrounding circumstances.

7 You are here today pursuant to a
8 subpoena issued in connection with this
9 investigation.

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

16 Do you understand?

17 A. Yes.

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

21 Do you understand that?

22 A. Yes.

23 Q. Although this is a civil
24 investigation, the New York Attorney General's
25 Office also has criminal enforcement powers.

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You have the right to refuse to answer a question if answering the question would incriminate you, but any failure to answer could be used against you in a court of law in a civil noncriminal proceeding.

Asserting your Fifth Amendment privilege does have evidentiary significance. If you choose to assert your Fifth Amendment privilege, that fact could be presented to a judge or a jury in a civil proceeding who would be free to draw a conclusion from your assertion of that privilege.

Do you understand that?

A. Yes.

Q. You're appearing today with attorneys present. You may consult with your attorneys if you have any questions about attorney/client privilege.

Do you understand?

A. Yes.

Q. As you can see, we have a court reporter present with us in the virtual room, and she needs to take down my questions and your answers to create a transcript.

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So that our court reporter can create a clean record, please provide a verbal response to each question. Please do not shake or nod your head or give responses like uh-huh.

Do you understand?

A. Yes.

Q. If you do not know the answer to a question, please say you do not know. Please let me finish my question before you begin to answer and I will try to do the same, so we do not talk over each other. This is important to allow our court reporter to create the transcript.

You will not be permitted to review a transcript of the testimony you're giving. If at any time today you want to clarify an answer you have given, please let me know. If you do not understand a question, please let me know and I will try to ask the question in a different way.

I will be asking about names and dates and other specific information. Even if you don't remember a specific name or date, I would ask that you give me your best

1 LEVER

2 approximate answer while indicating that your
3 answer may not be exact.

4 If you need a break at any point,
5 please let me know, but if there is a question
6 pending that you haven't answered yet, please
7 answer the question first and then we can take
8 a break.

9 Please confirm who's in the room
10 with you, Ms. Lever?

11 A. Ed Spiro.

12 Q. Please confirm that you are not
13 using any technology to create a recording of
14 the proceeding on your end.

15 A. I am not.

16 MR. SPIRO: Correct.

17 Q. And please confirm that includes
18 screen capturing tools. You're not using any?

19 A. No. Confirmed.

20 MR. SPIRO: That's correct.

21 Q. Please confirm that you're not
22 letting anyone else listen in including through
23 the use of any devices?

24 A. Confirmed.

25 MR. SPIRO: That's correct.

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

A. Confirmed.

MS. MAINOO: And, Counsel, please provide the same confirmations, both Mr. Spiro and Ms. Vitale.

MR. SPIRO: Yes. I assume she is free to consult with counsel during breaks.

MS. MAINOO: Regarding the application of privilege, correct.

MR. SPIRO: Correct.

MS. VITALE: Confirmed.

MS. MAINOO: Okay. And, Ms. Vitale, you're confirming all of the points?

MS. VITALE: Yes.

MS. MAINOO: Okay.

BY MS. MAINOO:

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

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you say during your testimony to anyone.

If anyone asks you to disclose any such information, please let us know including any reason they give 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're concerned about any potential retaliation from anyone including the Executive Chamber.

Ms. Lever, are you taking any medication or drugs that might make it difficult for you to understand my questions?

A. No.

Q. Have you had any alcohol today?

A. No.

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

A. No.

Q. And I see you have a screen in front of you. Can you just confirm what that is?

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A. Yeah, it's just a computer that has the digital exhibits or documents that you guys are going to bring up today.

Q. Okay. Thank you.

Please state your name, date of birth and current home and business address for the record.

A. Dani Lever. My address is [REDACTED]
[REDACTED]
[REDACTED]

Q. And what about your --

A. Sorry. [REDACTED].

Q. And what about your business address?

A. I am working remotely currently, but it will be in Hudson Yards eventually.

Q. Ms. Lever, have you ever given testimony?

A. No.

Q. Did you do anything to prepare to testify today?

A. I met with my lawyers.

Q. Did you do anything else?

A. No. I reviewed, you know, certain

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documents that they provided me.

Q. How many times did you meet with your lawyers?

A. Over the last week, a handful of times. I can't say with exact certainty, but, you know, somewhere between eight and ten hours.

Q. In total?

A. Yes.

Q. Which lawyers did you meet with?

A. Ed Spiro and Mary Vitale.

Q. Did you speak with anyone else other than your lawyers to prepare to testify?

A. No.

MS. MAINOO: We are going to pull up tab 5, and we will mark it as an exhibit.

(Exhibit 1, Subpoena, marked for identification.)

A. I have it open. Thank you.

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

A. Yes.

Q. Did you read it?

A. Yes.

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Q. Do you understand that this testimony you're giving today is being taken pursuant to the subpoena?

A. Yes.

Q. Please turn to tab 6, which we will also mark as an exhibit.

(Exhibit 2, Subpoena Duces Tecum, marked for identification.)

A. I have it open. Thank you.

Q. Okay. Is this a document subpoena you received from our office?

A. Yes.

Q. Did you read the subpoena?

A. Yes.

Q. Were you the person who gathered the documents that were sent to our office?

A. My counsel collected those documents.

MR. SPIRO: We provided an affidavit of compliance yesterday that lays out what was done in terms of complying with the subpoena.

Q. Ms. Lever, let's turn to your educational background.

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Please take us through your educational background starting with college.

A. I went to University of Wisconsin-Madison. I majored in journalism and mass communications.

Q. When did you graduate?

A. In 2009.

Q. Please give an overview of your employment history, identifying your positions and start and end dates.

A. Following college, I was a fellow at the Clinton Foundation for about four or five months. I then interned at then Attorney General -- then Attorney General Andrew Cuomo's office as a press intern.

I then went to a small consulting firm called VShift where I worked on digital campaigning for the DGA 2010 cycle.

Following that, I went to Attorney General Eric Schneiderman's office in 2011 as a press assistant.

I then went to Pennsylvania to work for Obama's campaign in 2012, also as a press officer. When I returned, I was Bill

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Thompson's press secretary for mayor in the 2013 race.

I then did a few months consulting for [REDACTED] at his consulting firm, and then I began working at the governor's office in January of 2014.

Q. What positions did you hold in the Executive Chamber?

A. I'm sorry. I should add that I also, in 2018, left state service and worked on the governor's re-election campaign and then I came back to state service.

My positions were first deputy press secretary, press secretary, communications director, and on the campaign, I was communications director.

Q. Okay. And you are no longer in the Executive Chamber, correct?

A. Correct. I left in August of 2020.

Q. Where did you go?

A. I work at Facebook now.

Q. What's your position?

A. Communications manager.

Q. When is the first time you met

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Andrew Cuomo?

A. I may have met him, you know, when I interned, but my first meaningful meeting of him was when I started working there in 2014.

Q. And by there, you mean in the Executive Chamber?

A. Correct.

Q. What was that interaction?

A. I don't recall specifically. Obviously, I began working with him and having, you know, certain levels of contact with him at various events.

Q. How did you come to work in the Executive Chamber?

A. Melissa DeRosa had been the deputy chief of staff when I worked for Attorney General Eric Schneiderman, and after the 2013 campaign for Bill Thompson, I obviously, you know, was interviewing at many places, and I interviewed for the first deputy press secretary position.

Q. When did you first meet Melissa DeRosa?

A. It would have been 2011 or so when

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we worked together at the Attorney General's Office.

Q. What was her position when you started working at the Attorney General's Office?

A. Deputy chief of staff.

Q. Did you report to her then?

A. No, I reported to the communications director.

Q. So did Melissa DeRosa approach you about a position in the Executive Chamber?

A. I don't recall who made the initial outreach. I obviously was looking for a job and, you know, talking to anyone in my network.

Q. Was there an interview process?

A. Yes.

Q. What was that process?

A. I don't fully recall, but I met with, you know, various members of the press team and Melissa.

Q. Do you remember anyone else you met with apart from Melissa?

A. I would have assumed it was [REDACTED], but I don't fully recall. [REDACTED] was,

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2 at the time, the press secretary to the
3 governor, who I would have been reporting to.

4 Q. Did you meet with the governor as
5 part of the interview process?

6 A. No.

7 Q. Which office were you based out of
8 when you worked in the Executive Chamber?

9 A. My home base was New York City, but
10 I spent significant amount of time in Albany.

11 Q. And where was your office -- I'm
12 assuming it was in 633 Third Avenue, correct?

13 A. Yep.

14 Q. What floor?

15 A. 39.

16 Q. And where on the 39th floor?

17 A. I had three offices actually. How
18 would you like me to describe where?

19 Q. In relation to the governor, where
20 were your offices?

21 A. My first office -- my first two
22 offices were actually straight down the hall
23 from him, across the way, and then my final
24 office was three doors down from him on the
25 left or I guess if you're facing the governor's

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office, on the right. If you're facing the stairs, it's on the left.

Q. Is there a reason you had three different offices?

A. Yeah, my first office was when I was first deputy press secretary. Then I moved offices when I got promoted to press secretary. I then -- when I left the office to work on the campaign, I, you know, obviously moved all of my stuff out, and then when I came back, I was put into another office.

I also came back with a different title.

Q. What led to your promotion from first deputy press secretary to press secretary?

A. Time and incredibly hard work.

Q. Who gave you the promotion?

A. It would have -- it would have been, you know, our chief of staff and secretary -- sorry. I'm just trying to recall who was secretary at the time. I believe it was Bill.

It would have been the communications director, chief of staff,

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secretary, you know, everybody sort of approves, I believe, advancement.

Q. And then after that, you worked on the campaign as director of communications, correct?

A. Yep. It was a short stint. You know, it was approximately two months. It was just for the general election.

Q. And how did that come about?

A. I'm sure I had expressed interest in working on the campaign, and, you know, it's pretty normal to want to work on cycles when you have worked in politics for a long time. I also had come from the campaigning world.

Q. So is it your recollection that you made the decision to seek the opportunity to work on the campaign?

A. I may have been asked and, you know, happily took the opportunity.

Q. And do you remember whether you were asked and took the opportunity?

A. I don't -- I definitely took the opportunity. It was a conversation with Melissa. I, you know -- I assumed she asked me

1 LEVER

2 if I would want to work on the campaign and I
3 said I did.

4 Q. And then how were you promoted to
5 communications director?

6 A. When I had the title, obviously on
7 the campaign and, you know, when I came back, I
8 did not want to take my old title. I wanted to
9 show up with momentum, and I had asked if I
10 could come back as communications director.

11 Q. Did you ask if you could come back
12 as communications director during your initial
13 discussions with Melissa about leaving to join
14 for the campaign?

15 A. I don't -- no, I don't recall that.
16 I actually wasn't sure I was going to come back
17 at all. So we would not have discussed title
18 at that point.

19 Q. Okay. What's the reason you weren't
20 sure if you were going to come back at all?

21 A. Just if I wanted a change. I
22 decided I did want to go back.

23 Q. Did you have a conversation with
24 anyone about going back to the Executive
25 Chamber?

1 LEVER

2 A. Sorry. Anyone in my life or anyone
3 in the office?

4 Q. Anyone in the chamber.

5 A. Oh, I spoke to Melissa when I
6 decided I did want to come back, and then, you
7 know, obviously we discussed what position I
8 would come back and in what perform.

9 I believe I also spoke to Linda
10 Lacewell about it, who handled some of our
11 personnel stuff.

12 (Reporter clarification.)

13 A. Linda Lacewell. I believe she was
14 chief of staff at the time.

15 Q. What conversation did you have with
16 Melissa DeRosa about coming back to the
17 chamber?

18 A. Just that, you know, I wanted to
19 come back. I did not know how long I wanted to
20 stay, but I definitely wanted to come back.
21 And then when I decided I, you know, wanted to
22 stay for a real amount of time, I asked if I
23 could come back as communications director.

24 Q. What discussion did you have with
25 Linda Lacewell?

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A. It would have been around the same thing. She -- you know, just my desire to come back and the salary at which I wanted to come back in.

Q. When you took on the position as communications director for the campaign, did you succeed anyone in that position?

A. No, there were already communications people on the campaign actually. I went, you know, sort of as an additive, just to help in the final stretch.

Q. Was there a communications director before you?

A. I don't believe so. I think there was a press secretary and then we had a consultant.

Q. And then what about when you came back to the chamber, had there been someone in the position of communications director?

A. No, it was a vacant position when I came back.

Q. Who had last held that role?

A. [REDACTED].

Q. And how long was the position

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vacant?

A. I don't recall.

Q. Did you report to Melissa DeRosa throughout your time in the Executive Chamber?

A. Definitely as communications director. When I first started as first deputy press secretary, I believe the reporting structure would have been to [REDACTED] if I recall directly.

Q. Who did you report to in each position that you held in the Executive Chamber?

A. First deputy press secretary would have been [REDACTED]. Melissa was the communications director, so, ultimately, I reported to her.

When I was press secretary, I reported to [REDACTED], who was the communications director. He then departed and I became communications director when I came back from the campaign and I reported to Melissa.

Q. What about when you worked on the campaign, who did you report to?

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A. The campaign manager. His name was [REDACTED].

Q. During your time in the chamber, were you involved in hiring any staff members?

A. Yes.

Q. Who?

A. Members of my team.

Q. How many members of your team were you involved in hiring?

A. I don't recall specifically.

Q. Do you have a general sense?

A. No. It would have been, you know, a handful.

Q. Do you remember any of their names?

A. No -- Staffer #1 [REDACTED], you know, we hired as a press assistant. Obviously, I, you know, helped promote Peter Ajemien in various roles. I would have met with any new hires coming on to the team.

Q. Were you involved in vetting prospective hires?

A. You mean background checks?

Q. Start with background checks.

Were you involved in background

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checks with prospective hires?

A. No.

Q. Were you involved in considering prospective hires for positions in the chamber?

A. Yes, for my own team.

Q. What was that process?

A. I would have been the -- as communications director, I probably would have been the last interview for, you know, any various member of somebody who was either changing jobs or, you know, being hired on, but it was a standard interview process where they would have met with various people on my team before, you know, obviously being recommended that I take the meeting and make, you know, input into the final decision.

Q. Were you ever involved in determining who traveled with the governor?

A. Sure. To a certain extent. Traveling from the press office, I would have been. Not, you know, people from other teams.

Q. And what factors did you consider in making those decisions?

A. Location. You know, who he needed

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to have on the ground. What made sense based on the type of event. You know, for example, if it was an event surrounding, you know, our transportation policy, I would have asked somebody who worked on transportation issues to advance that event.

Q. In your work on the press team, were you involved in research?

A. Sorry. Can you explain more about what research you mean?

Q. Were you involved in any type of research?

A. I mean, you know, when you're handling a press story you obviously need to research the facts of the issue that you're working on.

Q. So is that a yes?

A. I think it would be research in terms of, you know, if I was dealing with a certain subject matter, that I would be researching the background and facts of the issue.

Q. What is your understanding of opposition research?

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A. It's something that's used -- it's most standardly when you're working, you know, on a political campaign, but it's something that you would use against an opponent.

Q. And during your time in the governor's office, were you involved in opposition research?

A. More so probably on the campaign. It's a standard tactic. I don't recall on the -- you know, specifically working on that in the governor's office.

Q. You say more so when you were on the campaign, but focusing on your time in the Executive Chamber, did you ever -- were you ever involved in opposition research?

A. I don't recall.

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

A. Yes.

Q. How often?

A. I believe it was annually, but I don't fully recall.

Q. What was the format of those

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trainings?

A. I believe when I first started in, you know, the onboarding, it was printed material. There could have been online courses throughout my tenure there, and then towards the end, I believe it was printed material.

Q. And when you say it was printed material, can you explain how that worked?

A. It would have been, you know, the presentation printed.

Q. Who printed the presentation?

A. I don't recall specifically.

Q. How would you get the printed materials?

A. It was likely left, you know, on my desk or handed to me by an assistant.

Q. And what would you do with the printed materials?

A. Look through it.

Q. And I think you said, when you started, it was in a different format.

Am I summarizing that correctly?

A. Yes, in the onboarding package, I believe it comes in a package, but, again, I

1 LEVER

2 don't recall specifically.

3 Q. Did you ever do online sexual
4 harassment trainings?

5 A. I don't recall.

6 Q. So after you reviewed the materials,
7 were you required to do anything else?

8 A. I believe, you know, would sign for
9 any trainings that we do.

10 Q. And did you do all of your trainings
11 using printed materials?

12 A. I don't recall.

13 Q. Other than training on sexual
14 harassment, did you get any other training
15 during your time in the Executive Chamber?

16 A. We -- you know, training on
17 financial disclosure and some other things that
18 we do annually but, again, I don't recall
19 specifics.

20 Q. And do you recall the format of
21 those trainings?

22 A. I don't.

23 Q. What do you understand sexual
24 harassment is?

25 A. I'm not a lawyer, so I don't know

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the definition of sexual harassment.

Q. And I'm not asking you from a lawyer's perspective. I'm asking, do you have an understanding of sexual harassment?

A. Yes.

Q. Okay. What is your -- sorry.

MS. MAINOO: I don't know if, Melissa, you got --

A. I generally have a sense of sexual harassment.

Q. And what is your understanding of sexual harassment?

A. You know, unwanted touching or things of that nature.

Q. Other than unwanted touching, do you understand sexual harassment to include anything else?

A. I think it includes a lot of other things. I'm sorry. I can't think of them off the top of my head.

Q. Can statements be part of sexual harassment in your understanding?

A. Yes. My understanding is yes, statements can be part of it.

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Q. What is your understanding of the process to report sexual harassment by Executive Chamber employees?

A. It would have, you know, been reported to somebody in counsel's office, as well as the chief of staff.

Q. Anyone else?

A. Not that I can think of.

Q. And did the process for reporting sexual harassment by Executive Chamber employees change at any point?

A. I believe it changed after the new law changed, but I don't recall specifically when that was.

Q. And what new law are you referring to?

A. The laws passed by New York State.

Q. And, generally speaking, what was the law that was passed by New York State?

A. I think it strengthened, you know, women's rights on various different fronts.

Q. And how did it strengthen women's rights on various different fronts?

A. I don't recall all the details of

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the law.

Q. I'm not asking for the detail.
Generally speaking?

A. I don't recall.

Q. What is your understanding of the
process to investigate sexual harassment by
Executive Chamber employees?

A. I don't know.

Q. What is your understanding of the
duties and responsibilities of supervisors in
the Executive Chamber if someone reported
sexual harassment by a member of the chamber?

A. I would have reported it to, you
know, someone in counsel's office and to the
chief of staff.

Q. And is that it?

A. Sorry. Can you repeat?

Q. Is that it? Would you have reported
it to anyone else as a supervisor?

A. No, I don't believe so.

Q. Is it your understanding that an
allegation of sexual harassment by an Executive
Chamber employee needs to be investigated?

A. Yes.

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

A. Yes.

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

A. Yes.

Q. Did you ever see an employee handbook for the Executive Chamber?

A. I don't recall.

Q. Let's pull up tab 15.

A. What was that number?

Q. One-five.

A. Okay.

(Exhibit 3, Equal Employment Opportunity Handbook, December 2018, marked for identification.)

Q. Tab 15 is the State of New York Executive Department, Equal Employment

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Opportunity in New York State Rights and Responsibilities, a Handbook for Employees of New York State Agencies. It's dated December 2018.

Have you seen this document before?

A. I have it open in front of me. I don't recall seeing it.

Q. Please go to page 17. And please read the first full paragraph beginning "hostile environment" to yourself. Let me know when you're done.

A. (Document review.) Okay.

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

A. I don't recall.

Q. Is it consistent with your understanding of sexual harassment?

A. As a general policy?

Q. Excuse me?

A. As a general definition?

Q. As any type of definition, is it consistent with your definition of sexual harassment?

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A. Yes.

Q. All right. So please read the fifth paragraph, last sentence beginning "furthermore, any supervisory" to yourself.

A. (Document review.) Yes, I see that.

Q. Were you made aware of this obligation when you worked in the chamber?

A. Yes, and I, you know -- yes.

Q. And to be clear, this is the obligation for any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature to report such conduct so that it could be investigated.

Do you see that?

A. Yes, I see it here on the page.

Q. Okay. Let's turn to page 40. And please read the last paragraph under "adverse employment action to yourself."

A. (Document review.) I see it.

Q. Were you made aware of this definition of retaliation when you worked in the Executive Chamber?

A. I don't recall.

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Q. Any reason to believe it's incorrect?

A. No.

Q. When you were in the press office in the Executive Chamber, did you make any public statements about the administration's policies on sexual harassment?

A. I don't recall specifically, but I would not be surprised if I had. I was an on-the-record spokesperson.

Q. Let's go to tab 13.

A. I don't have a 13.

MR. SPIRO: We go from 9 to 14 of the exhibits that we received.

MS. MAINOO: Okay. We will put it up.

(Exhibit 4, Gotham Gazette Article, June 15, 2018, marked for identification.)

MR. SPIRO: Could you make it larger? It's very difficult to see.

THE WITNESS: Or do you mind if I get up and go closer to the screen?

MS. MAINOO: I'm happy for you to get up and go closer to the screen.

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And let's scroll down to Ms. Lever's statement. It's on the third page in the middle. Yep. Exactly.

Q. So it says, "This year Governor Cuomo signed the strongest anti-sexual harassment policy in the country. It closed gaping loopholes that entrapped women in toxic workplaces, extended protections to contracted workers and strengthened rules that prevent companies from shirking their responsibility to root out bad actors -- instead of sweeping problems under the rug."

A. I'm walking back to the chair.

Q. Okay. So I just read a statement that's attributed to you in this article.

Excuse me, I didn't hear you.

A. Oh, I'm sorry. I said I read it, yes, thank you.

Q. Did you believe that statement when you made it?

A. Yes, I wouldn't say something on the record that I didn't believe.

Q. What did you understand by "toxic workplaces"?

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A. I don't recall specifically on this quote.

Q. What did you understand, generally, by toxic workplaces?

A. I think, in this context, it's toxic workplace as it relates to sexual harassment.

Q. And what would that mean?

A. People should not, you know, be exposed to that environment in the workplace.

Q. And how did Governor Cuomo's anti-sexual harassment policy prevent companies from shirking their responsibilities to root out bad actors?

A. Sorry. I don't remember the specifics of the law.

Q. And I will say this now and going forward, even if you don't understand the specifics, I'm interested in your general understanding.

So, generally speaking, how did Governor Cuomo's anti-sexual harassment policy strengthen rules that prevent companies from shirking their responsibility to root out bad actors?

1 LEVER

2 A. I assume --

3 MR. SPIRO: Don't provide
4 assumption. If you have a recollection
5 whether it's a specific or general one,
6 provide that, but don't assume something.
7 Ms. Mainoo is looking for your best
8 recollection, whether it's general or
9 specific.

10 Q. I'm also interested -- I will also
11 ask about your assumptions, but please go
12 ahead.

13 A. I don't know.

14 Q. What do you assume?

15 A. I can't with certainty assume. I'm
16 sorry.

17 Q. I'm not asking you to speak with
18 certainty.

19 You were starting to say you assume,
20 please finish that sentence.

21 A. To make sure that people who, you
22 know, sexual harassed others are handled
23 appropriately.

24 Q. Meaning what?

25 A. It depends on the confines of the

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law of what that, you know, penalty is supposed to be, which I obviously don't have specifics on.

Q. But when you say the idea is that people who are involved in sexual harassment are penalized, is that what you're saying?

A. I think the actor, not the person involved, but yes.

Q. And how did the governor's policy prevent companies from sweeping problems under the rug?

A. I don't know.

Q. What would you assume?

MR. SPIRO: I'm going to object to a question calling for an assumption.

MS. MAINOO: You can object. This is not a deposition.

Q. Please answer, Ms. Lever.

A. Can you repeat the question?

Q. How do you assume that the governor's policy prevented companies from sweeping problems under the rug?

A. I'm assuming that, you know, things were handled appropriately.

1 LEVER

2 Q. And what do you mean when you say
3 you're assuming that things were handled
4 appropriately?

5 A. That they were reported
6 appropriately and handled appropriately. I
7 obviously, you know, can't speak to every
8 instance.

9 MS. MAINOO: All right. We will put
10 up tab 14 now.

11 Q. Ms. Lever, do you recognize this
12 document?

13 A. Yes, I see it here on the screen.

14 MS. MAINOO: And we will mark it as
15 an exhibit. And the other documents we
16 have put up so far we will also mark as
17 exhibits.

18 (Exhibit 5, E-Mail, Bates Stamped
19 DLEVER-00000902, marked for
20 identification.)

21 A. Can I take a minute to read this,
22 please?

23 Q. Yes, you can.

24 A. (Document review.) Okay.

25 Q. What's the reason -- what is this

1 LEVER

2 document?

3 A. From what I can see, it's a letter
4 to the editor that was submitted to the Times
5 Union.

6 Q. By whom?

7 A. Someone who worked for me on my
8 behalf.

9 Q. And why were you providing this
10 letter to the editor to the Times Union?

11 A. I don't recall the specifics, but,
12 generally, a letter to the editor is in
13 response to a story that's written or an
14 editorial, depending, you know, on which one.

15 Q. And do you recall the story that's
16 referenced in the first paragraph?

17 A. (Document review.) I don't recall
18 with any specificity.

19 Q. How about generally?

20 A. Yeah, I don't -- I'm not quite sure
21 if I handled the original story, but --
22 (Document review.) Sorry. I don't recall in
23 any detail.

24 Q. And what about generally?

25 A. (Document review.) Obviously, it

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was regarding a DCJS case from the subject line.

Q. And you said, at the end of the first paragraph, that every allegation -- well, let me just read the full sentence.

You said, "With something as important as the safety and well-being of victims who feel they have been harassed, the facts matter, and it is why every allegation must be thoroughly and rigorously investigated."

Is that a statement that you believe?

A. Yes.

Q. And in the third paragraph, you said, "The Executive Chamber actually took action and referred the allegations to the agency tasked with investigating these cases immediately -- not months -- after they came to our attention."

What agency were you referring to?

A. It likely would have been the office of employee relations. We called it GOER.

Q. What is GOER?

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A. I'm actually not sure if it's an agency, but it's an office that handles, you know, employment issues is my understanding.

Q. And what is your understanding of GOER's role in handling employment issues?

A. I don't know the specifics of their role. I know that, you know, employee matters are reported to it.

Q. And does that include harassment allegations?

A. I would assume so.

Q. And what was the significance in your statement of the Executive Chamber referring the allegations to GOER immediately and not months after they came to the Executive Chamber's attention?

A. That the governor's office handled the referral properly.

Q. We will turn to the next document.

MS. MAINOO: Okay. And we will mark it as an exhibit.

(Exhibit 6, Memorandum, Bates Stamped Chamber_AG_00012533 through 12534, marked for identification.)

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A. What's the number?

Q. It's on the screen. I don't think you have it in your set. So you can take a minute to review it.

A. (Document review.) Sorry. Can you slow down? (Document review.) Okay. (Document review.) I'm sorry. Could you go back to the top?

THE WITNESS: Were you finished?

MR. SPIRO: Yes.

A. (Document review.) Sorry. You can just scroll. (Document review.) Okay. Thank you.

Q. Ms. Lever, this document is a December 3, 2018, memo from Lauren Grasso to all Executive Chamber employees, correct?

A. Correct.

Q. Are you familiar with the process that's described in the memo for investigating complaints of protected class employment discrimination?

A. That it would be reported to various people or to GOER.

Q. Okay. What's the basis for your

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statement that it would be reported to various people or to GOER?

A. It says that you can -- I'm sorry. I have contacts, but it says that you can file a complaint with your supervisor, executive staff it looks like. That paragraph at the bottom of this page.

Q. All right. Let's scroll down.

A. That's what I was referring to.

Q. And then what it does it say after that?

A. It says, "You may file a complaint with your supervisor, manager, executive staff, counsel's office or human resources. Each of these individuals is required to send your complaint to GOER so that it will be investigated. If you file a complaint with any of these individuals and you do not hear from a GOER investigator within one week, please contact GOER."

Q. So is this memo, which says that any complaints need to be referred to GOER, consistent with your understanding of the process for investigating complaints of

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protected class employment discrimination in the chamber?

A. I mean, this is a copy of the policy, so yes.

Q. And is it consistent with what you understood when you were in the chamber?

A. Yes.

Q. All right. Please return to your seat, so you can be on camera.

Before December 2020, did you ever talk to reporters about possible stories or reporting about the Executive Chamber workplace?

A. Before December 2020?

Q. Yes.

A. I don't recall specific conversations.

Q. Are you generally aware of any contact that you had with reporters about possible reporting on the workplace in the Executive Chamber before December 2020?

A. I believe reporters understood that it was a demanding office to work in.

Q. And I'm not asking about what

1 LEVER

2 reporters understood.

3 I'm asking whether you ever talked
4 to reporters about possible stories that they
5 were considering writing about the workplace in
6 the Executive Chamber?

7 A. I'm sorry. I don't recall specific
8 conversations.

9 Q. Do you recall, generally, any
10 conversations with reporters about possible
11 stories discussing the workplace in the
12 Executive Chamber?

13 A. I imagine, from time to time, it
14 came up. I obviously had worked there for over
15 six years.

16 Q. Okay. When did it come up?

17 A. I don't recall.

18 Q. Did you ever have press points or
19 talking points for reporters about the culture
20 of the Executive Chamber?

21 A. Not -- not in a meaningful way.

22 Q. What do you mean when you say "not
23 in a meaningful way"?

24 A. I would describe the environment
25 that, you know, we worked under, but it wasn't,

1 LEVER

2 you know, set in bullet points. It was if I
3 was having a conversation.

4 Q. Did you ever prepare statements
5 about the workplace in the Executive Chamber
6 for reporters who were considering reporting on
7 the workplace there?

8 A. I don't recall, but if I was asked,
9 I probably would have put out a statement.

10 Q. And what would the statement have
11 said?

12 A. You know, that it's a tough place to
13 work. I'm sorry. I can't recall specifically
14 what I would have said given I don't know
15 exactly what the questions would be.

16 Q. And I have said this before, and I
17 will keep saying it just to try to save you
18 some time today, if you don't understand the
19 specifics, I'm still interested in your general
20 recollection.

21 MR. SPIRO: In that circumstance,
22 you should ask the question, rather than
23 have confusion as to what Ms. Lever
24 specifically recalls versus what she may
25 generally recall.

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Q. Ms. Lever, do you generally recall talking to reporters about possible stories discussing the Executive Chamber workplace?

A. I don't, but I expect over the six years in working there that I spoke to them about it from time to time.

Q. And were any articles ultimately published about the workplace culture in the Executive Chamber before December 2020?

A. There may have been a few.

Q. Do you remember any?

A. I'm sorry, not off the top of my head.

Q. Was the Executive Chamber successful in stopping the publication of stories about the workplace in the Executive Chamber prior to December 2020?

A. Preventing stories you said?

Q. Yes.

A. I wouldn't be able to speak to every story. I think it was pretty well known that it was a tough environment to work and that we, you know, worked very hard with reporters and we -- yeah.

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Q. Was the Executive Chamber successful in stopping the publication of stories about the workplace culture in the Executive Chamber?

A. I don't recall specifics -- specifically, you know, preventing stories about our workplace culture. I think it had been reported on in the past.

Q. But you can't remember a single story?

A. I'm sorry, not off the top of my head right now.

Q. What devices were you issued as an employee in the Executive Chamber?

A. My BlackBerry, a, obviously, desktop computer, desktop phone, and a work laptop.

Q. And how did you use your BlackBerry?

A. For e-mail and messages.

Q. And what kinds of messages did you use your BlackBerry for?

A. There was a type of message called PIN message that we used in addition to e-mail.

Q. And when you say --

A. We did not have texting on our BlackBerries. So we communicated on -- it's

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called PIN, but it was a different way of
texting basically.

Q. Who did you communicate with using
PINs?

A. Any number of people. I could have
pinned anybody that had a BlackBerry.

Q. Were there particular people you
used PINs with?

A. Again, it would have been any
employee, you know, from senior staff to anyone
who was issued a BlackBerry would have had a
PIN, and we often communicated on PIN message.

Q. Did you ever PIN with the governor?

A. Yes.

Q. How often?

A. Probably almost daily. It was one
of the forms that we communicated.

Q. What were the other forms -- excuse
me?

A. I'm sorry. One of the main forms by
which we communicated.

Q. What were the other forms of
communication between you and the governor?

A. In person or on the phone.

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Q. Was there a reason that PINs were one of the main forms of communication between you and the governor?

A. Yeah, he does not have an e-mail.

Q. Did you have an understanding of why he did not have an e-mail?

A. I imagine it was for privacy, but I can't speak to that. Obviously, it was not my decision.

Q. When you say you imagine it was for privacy, what do you mean by that?

A. I think, you know, when you work in the government, we were asked to use our BlackBerries because we had heard that they were a safer form of communication.

Q. And who asked you to use your BlackBerries?

A. I don't recall. It was -- you know, it's known to be a more secure device apparently.

Q. And when were you told that?

A. I don't recall.

Q. Were you told that when you worked in the Executive Chamber?

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A. Yeah, I think it was why we were provided with BlackBerries.

Q. Were you told that when you worked in the Attorney General's Office?

A. Yes, I recall also having -- I'm sorry. I actually don't recall what kind of device I had in the Attorney General's Office. For Eric Schneiderman you mean, right?

Q. Yes.

A. I'm sorry. I don't recall what device we had. I think in my entirety of my time in government I had had BlackBerries, though.

Q. And when you worked in Eric Schneiderman's office, were you told to use PINs?

A. I'm so sorry. I don't recall. It was ten years ago. I also was, you know, a pretty junior staffer, so...

MR. GRANT: Do you recall if Mr. Schneiderman had an e-mail address?

THE WITNESS: I don't.

MR. GRANT: And do you have an understanding as to why PIN messaging or

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BlackBerries, sorry, are more secure?

THE WITNESS: Not particularly.

BY MS. MAINOO:

Q. What about generally?

A. I don't know if it has to do with their infrastructure or hardware. I mean, the device itself, I think, you know, it's sort of well known that people in various corporate businesses use BlackBerry as a form of phone.

Q. At Facebook, do you use a BlackBerry?

A. No, I actually use an iPhone.

Q. When you were in the chamber did you set any auto-delete rules on your e-mails?

A. I had a 30-day deletion policy.

Q. And how did that come about?

A. I don't recall. I had so many e-mails that, you know, it was, I think, an effort to help manage my inbox.

Q. Did you have any auto-delete rules on your BlackBerries?

A. No, I don't think so. I don't know if that has the capabilities.

Q. Did you speak with anyone about

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setting an auto-delete rule for your e-mail?

A. You had to get permission to do it, I believe.

Q. Who did you have to get permission from?

A. I don't remember. I think it's set by, you know, our computer staff, our IT department.

Q. And other than the IT department, did you have any other discussions about setting an auto-delete rule for your e-mails?

A. I don't believe so. Not that I recall.

Q. Before December 2020, were you aware of any allegations of potential sexual harassment against Andrew Cuomo?

A. Before -- sorry. Can you repeat?

Q. Before December 2020, were you aware of any allegations against Andrew Cuomo of potential sexual harassment?

A. No.

Q. Were you aware of any concerns that had been raised about Andrew Cuomo's conduct before December 2020?

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A. There was one instance, yes.

Q. Okay. What was that instance?

A. I had heard a rumor that Charlotte Bennett had an uncomfortable situation with the governor -- interaction, I should say, with the governor.

Q. What did you hear?

A. That was it, that she had had an uncomfortable interaction with the governor.

Q. Who did you hear it from?

A. Staffer #4 and Annabel Walsh.

Q. When did you hear that?

A. I don't recall specifically. It was sometime over the summer, before I was departing the office in 2020.

Q. Did you hear from Mr. Staffer #4 and Ms. Walsh together or separately?

A. I don't recall.

Q. How did you hear this from Staffer #4 Staffer #4 and Annabel Walsh?

A. It was a conversation that Staffer #4 was relaying.

Q. And did you speak with Staffer #4 in person or using a device?

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A. In person.

Q. And what did [Staffer #4] relay about the conversation?

A. That Charlotte had told some friends that -- some friends and, you know, my former colleagues that she had had an uncomfortable interaction with the governor.

Q. Did [Staffer #4] say anything else?

A. No, I did not have additional details.

Q. Do you ask any questions?

A. Not that I can recall.

Q. Was Annabel there when [Staffer #4] told you this?

A. I don't recall. I believe so, but I don't recall.

Q. Do you remember when in the summer [Staffer #4] told you this?

A. No. It would have been before I departed in August.

Q. When in August did you depart?

A. Early to mid. My dates switched about a week at some point, but by mid August I had departed.

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Q. Did you report to anyone what [Staffer #4] told you?

A. I remember Annabel saying that she was going to report it to Jill, and Charlotte worked for Annabel, not for me.

MR. GRANT: Is it your understanding that you would not need to report an allegation if the employee did not personally report to you?

THE WITNESS: No, I just think I had known that Annabel was.

BY MS. MAINOO:

Q. So when you had this conversation with [Staffer #4] and Annabel, it was before Annabel or anyone -- let me start again.

At the time when you had the conversation with [Staffer #4] and Annabel, was it your understanding that they had not yet reported to Jill?

A. Sorry. I don't -- you know, I don't recall the details of -- I don't know when the report was made.

Q. You said earlier that Annabel said she would report to Jill, correct?

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A. Yes, I just can't remember if she said "I reported" or "will report." You know, I just can't recall specifically.

Q. Okay. So even though earlier you said Annabel said she would report to Jill, now you're saying you can't remember if Annabel said she would report to Jill or that she had reported to Jill, correct?

A. Yes. Sorry about the confusion.

MR. GRANT: Did you ever check with Jill?

THE WITNESS: No, I did not discuss the matter.

MR. GRANT: Why not?

THE WITNESS: I don't recall ever discussing the matter with Jill.

MR. GRANT: Sorry. My question -- sorry. My question is a bit different.

THE WITNESS: Sorry.

MR. GRANT: I'm asking why did you never check with Jill to see whether or not the report had been made?

THE WITNESS: I don't know.

MR. GRANT: Okay.

1 LEVER

2 BY MS. MAINOO:

3 Q. Did you ask Staffer #4 for any other
4 information about the uncomfortable interaction
5 that Charlotte apparently had with the
6 governor?

7 A. I don't recall asking for additional
8 information.

9 Q. Is there a reason you did not want
10 to know?

11 A. No, no reason. I think, you know,
12 it was a personal issue.

13 Q. At the time you were a supervisor in
14 the chamber, correct?

15 A. I was a member of senior staff, yes.

16 Q. You would not describe yourself as a
17 supervisor in the Executive Chamber as a
18 communications director?

19 A. Oh, no, certainly, to my team. I
20 supervised my team, of course.

21 Q. And, more generally, you were a
22 supervisor in the Executive Chamber, correct?

23 A. In terms of having a supervisory
24 role, then yes.

25 Q. Did you think that you had any

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obligations as a supervisor in the Executive Chamber with respect to potential issues of protected class discrimination?

A. Yes, if it were, you know, ever reported to me, I would have carried it through the correct processes. It was not reported to me, however. I was not there when Charlotte spoke about it, and I had confirmation that Annabel was going to bring it to her supervisor.

MR. GRANT: What confirmation is that?

THE WITNESS: That she had said she was either, you know, had or was planning to report it to Jill.

MR. GRANT: Okay. And, again, you never checked with Jill to make sure that a complaint, in fact, had been made, correct?

THE WITNESS: I don't recall. I don't recall speaking to her about it. Sorry.

MR. SPIRO: At a convenient point, we've been going for over an hour. It

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would be good to take a break.

MS. MAINOO: Okay. We will look for that point soon.

BY MS. MAINOO:

Q. You described the issue as a personal issue. You described what Staffer #4 told you about Charlotte's uncomfortable interaction with the governor as a personal issue.

What did you mean by that?

A. I just meant that it was something that Charlotte was -- happened to Charlotte.

Q. Okay.

MS. MAINOO: Melissa, can you read back the question I asked and the answer that it was a personal issue?

(Record read as follows:

"QUESTION: Is there a reason you did not want to know?

ANSWER: No, no reason. I think, you know, it was a personal issue.")

Q. So what was -- what did you mean by that, that it was a personal issue?

A. I'm sorry. I think I meant that it was, you know, not something that I was probing

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for additional information on.

Q. Did you see it as a workplace issue?

A. I had no details of what it was, just that it was uncomfortable, so...

Q. Charlotte was an employee in the Executive Chamber, correct?

A. Yes.

Q. Charlotte was a junior staff member in the Executive Chamber, correct?

A. Yes.

Q. And you heard that she had an uncomfortable interaction with all of your supervisor, correct?

A. Yes.

Q. And how was that a personal issue for Charlotte?

A. I'm sorry. I meant it in the way that it was happening to her. It was personal for Charlotte, and Charlotte did not speak to me directly about it.

Q. So did the fact that it was happening to Charlotte absolve you of any responsibility in the situation?

A. No, it was -- you know, it was

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speculative, and I did not have additional details on it.

Q. Did you speak to Charlotte?

A. No.

Q. What's the reason you didn't speak to Charlotte?

A. What's the reason I didn't speak to Charlotte?

Q. Right. To get additional details.

A. I imagine I felt it was up to her if she wanted to share those details with me.

Q. So you didn't speak to Jill. You didn't speak to Charlotte.

Did you speak to anyone about what you heard from **Staffer #4** and Annabel?

A. No, not that I recall.

MR. GRANT: And that would include the governor, correct?

THE WITNESS: Correct.

Q. Did you understand the nature of the uncomfortable interaction that Charlotte had with the governor?

A. Not at that time.

Q. Did **Staffer #4** tell you under what

1 LEVER

2 circumstances he learned about Charlotte's
3 uncomfortable interaction with the governor?

4 A. I believe he had said that it was,
5 you know, a night that some of the -- some
6 colleagues were out drinking and that she had
7 disclosed it to a group of people.

8 Q. What else did **Staffer #4** say during the
9 conversations about Charlotte's uncomfortable
10 interaction with the governor?

11 A. That was basically the extent of the
12 conversation, as I recall.

13 Q. Did **Staffer #4** say who was part of the
14 conversation?

15 A. No. I believe **Staffer #2** was
16 there, he had said, and a few others. I'm
17 sorry. I don't know every name.

18 Q. Did you speak with -- did you
19 understand if Annabel was there when Charlotte
20 relayed the information about her interaction
21 with the governor?

22 A. I don't know. I don't believe so.

23 Q. Did you speak with **Staffer #2** about
24 what you heard from **Staffer #4**?

25 A. No.

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Q. How soon after Staffer #4 heard from Charlotte about her uncomfortable interaction with the governor did you speak with Staffer #4 ?

A. I don't know.

Q. Was it days after?

A. I wasn't part of the initial conversation, so I don't know exactly when that happened nor do I recall the exact time I spoke to Staffer #4 .

Q. Based on your recollection, do you think that you and Staffer #4 spoke months after his discussion with Charlotte?

A. No, it -- no. I think it was, you know, relatively soon after the fact. I just don't recall and I obviously don't know when it happened.

Q. And where were you at the time you spoke with Staffer #4 , geographically?

A. In Albany. I had been in Albany basically from the beginning of the year through the time I departed.

Q. When is the first time you became aware of allegations of potential sexual harassment against Andrew Cuomo, setting aside

1 LEVER

2 what you heard from Staffer #4 ?

3 A. It would have been likely when
4 Lindsey Boylan began tweeting about them.

5 Q. And when was that?

6 MR. SPIRO: You can answer.

7 A. Oh. I believe it was in the
8 beginning of 2020.

9 MR. SPIRO: About ten minutes ago I
10 asked for a break and you said you would
11 do so when you moved on to a different
12 subject.

13 THE WITNESS: I actually have to use
14 the bathroom also. Is that okay?

15 MS. MAINOO: Sure. We can stop for
16 you go to the bathroom.

17 How much time do you need,
18 Ms. Lever?

19 THE WITNESS: Just a few minutes.

20 THE VIDEOGRAPHER: Stand by. Stand
21 by. The time is 10:19 a.m. We're going
22 off the record. This will end media unit
23 number 1.

24 (Recess taken.)

25 THE VIDEOGRAPHER: The time is

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10:28 a.m. We are back on the record.
This will be the start of media unit
number 2. Counsel.

MR. GRANT: Sorry. I should also
introduce myself, since I joined a little
bit late. My name is Yannick Grant. I'm
a partner at Vladeck, Raskin & Clark.

One question. I believe earlier you
testified that Linda Lacewell was
involved -- involved in personnel stuff
for the Executive Chamber.

What is your understanding of
Ms. Lacewell's role in that capacity?

THE WITNESS: I don't recall. I
believe she was chief of staff at the time
that I returned. So it would have been
normal course to speak to her about my
return to the office.

MR. GRANT: Okay. And I believe
also earlier you testified that, when
relaying a story, it's important to
research the facts of what you're working
on; is that correct?

THE WITNESS: Yes.

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MR. GRANT: Why is it important to research the facts of a story?

THE WITNESS: To make sure that you can respond with accuracy.

MR. GRANT: Okay.

THE WITNESS: You know -- yeah.

MR. GRANT: No. Go ahead.

THE WITNESS: No, that was it.

MR. GRANT: Okay. That's it actually. Go ahead.

THE WITNESS: I was just going to say to, you know, familiarize yourself with the -- with the subject matter of a story and respond accurately.

BY MS. MAINOO:

Q. Ms. Lever, before we went on break, you had just referenced Lindsey Boylan's tweets.

A. Uh-huh.

Q. You know Lindsey Boylan, correct?

A. I do.

Q. When did you first meet her?

A. I don't recall. It would have been when she was working for the Empire State

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Development Corporation and I was with the governor's office.

Q. How often did you interact with Ms. Boylan during your time in the chamber?

A. Before she moved to the chamber, I would have interacted with her on, you know, matters relating to our economic development projects and, you know, policies, events, and then would have interacted with her more regularly when she came to the office.

Q. And what about after she moved to the chamber?

A. That's when I meant more regularly.

Q. Okay. What was the nature of your relationship with Ms. Boylan?

A. We were friends. We had a professional and personal relationship.

Q. What was your understanding of Ms. Boylan's relationship with the governor?

A. My understanding was that it was professional.

Q. Did you observe any interaction between Ms. Boylan and the governor?

A. Yes, often. We -- you know, any

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time she was in a meeting with him or traveling with him to an event.

Q. What did you observe in those interactions?

A. You know, just standard, we would be oftentimes briefing him on policy, on details of events we were headed to, you know, very standard work matters.

Q. Did you observe Ms. Boylan or the governor touch each other?

A. No, not that I recall.

Q. Did you observe Ms. Boylan or the governor flirt with each other?

A. No, not that I recall.

Q. Did you ever observe the governor yell at Ms. Boylan?

A. Not that I recall.

Q. Did you ever speak with Ms. Boylan about any interactions she had with the governor?

A. Interactions about work or any interaction at all?

Q. Any interactions at all.

A. We -- you know, we would have

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discussed normal work course.

Q. What do you mean by that?

A. If he told her something about work that needed to be relayed to me and vice versa, we would have discussed that.

Q. Did you and Ms. Boylan ever speak about the way the governor conducted himself?

A. Not in a meaningful way that I can recall.

Q. What about setting aside anything in a meaningful way, did you ever speak with Ms. Boylan about the governor's conduct?

A. No, not that I can recall.

Q. Did you ever speak with Ms. Boylan about the governor's management style?

A. On occasion.

Q. What did you speak about?

A. I don't recall specifically, but I can imagine, you know, we talked about it being a hard -- hard place to work, that we had deadlines, that we needed to get him policy, that we needed to adequately brief him.

Very standard conversations that I would have had with her, with many others in

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the office.

Q. Did you ever speak with her about the governor's preferences in terms of how staff handled projects?

A. I can't recall specifically, but that, again, would have been, you know, a standard conversation I would have had with colleagues about, obviously, you know, meeting the standards of the governor.

Q. And what did you understand to be the standards of the governor?

A. He had incredibly high standards for everyone that worked for him, and he required that those standards were met.

Q. Did you ever talk to Ms. Boylan about the governor liking closers or pushers?

A. I don't recall, but closers meaning, you know, he liked things to get over the finish line. That sounds like a standard thing I might say.

Q. And what do you mean when you say he likes things to get over the finish line?

A. Just, you know, tasks to be completed.

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Q. And did it matter to him what methods were used to get the tasks completed?

A. I'm sorry. Could you repeat that?

Q. In your understanding, did it matter to the governor what methods staff members used to make sure -- to make sure that tasks would get completed?

A. I don't think there's like a science to it. I think he just wanted things done.

Q. Did you ever talk to Ms. Boylan about the governor liking pushers?

A. I don't recall.

Q. Have you ever used that term, "pushers"?

A. I think in the context of, you know, making sure that things get finished in terms of a project, I could see my saying, you know, pushing something forward is not totally out of the realm of something I might say.

Q. Did you ever describe the governor as liking pushers?

A. I don't recall.

Q. All right. Let's go to tab 9.

(Exhibit 7, Text Messages,

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October 17, 2017, marked for identification.)

Q. So this -- let's go to row or message number 106 -- or we can start at 105. Yeah. Great.

A. 105 you said?

Q. Yes. This is a series of text messages in April 2018 between you and Lindsey Boylan, correct, if you look down?

A. Yes.

Q. And you say to Ms. Boylan, "He isn't into [REDACTED], which is a problem because she's fabulous."

"He" refers to the governor, correct?

A. I'm sorry. You said 105. I don't see that there.

Q. Let's go to 108.

A. Oh, sorry. Okay. One second. Yep.

Q. "He isn't into [REDACTED], which is a problem because she's fabulous."

Do you see that?

A. Yes, I do.

Q. "He" refers to the governor?

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A. Yes, I believe so, without, you know, obviously being able to recall everything from 2018.

Q. You want to look at 103 and tell me if that jogs your memory about whether "he" refers to governor.

A. (Document review.) Oh, yes, yes. That was Lindsey to me who said "the governor."

Q. Okay. So does that jog your memory that when you say "he" in row -- in message 108, you're referring to the governor?

A. It, you know, makes sense based on the documents in front of me, yes.

Q. Who is [REDACTED]?

A. [REDACTED] is someone who used to work for us in the chamber.

Q. And what's her last name?

A. Her last name is [REDACTED].

Q. What did you mean when you said the governor wasn't into [REDACTED]?

A. You know, I don't recall. I imagine that he, you know, preferred other people to do -- to work with.

Q. He didn't like working with [REDACTED].

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Is that what you're saying?

A. It appears what my text says.

Q. And then let's go down to 122.

Do you see that?

A. Yep.

Q. You say, "She's not a pusher. He likes pushers."

What did you mean by that?

A. I don't recall. I'm sorry.

Q. All right. In context, what do you think you meant?

A. I'm saying, "She's brilliant and hardworking and good. She's not a pusher. He likes pushers."

I imagine it means that she's not incredibly forceful about -- in her demeanor.

Q. And going lower on that page, and the messages 161 and 162, Ms. Boylan says to you, "I can't sometimes with this job. I literally cannot."

How do you interpret Ms. Boylan's statements?

A. I would assume that's just normal, you know, work friends complaining about work

1 LEVER

2 stuff. Those texts are months after the [REDACTED]
3 [REDACTED] texts.

4 Q. Understood. What did you -- what do
5 you understand by Ms. Boylan's statements, "I
6 can't sometimes with this job"?

7 A. Based on the context in this
8 document, I would assume she had a work
9 frustration.

10 Q. Did Ms. Boylan ever complain to you
11 about work frustrations in the Executive
12 Chamber?

13 A. Yeah, I think we spoke to -- about
14 work frustrations to each other. I mean, we
15 were friends at work. It would have been
16 standard, you know, work chatter, if you will.

17 Q. And was it standard work chatter
18 between you and Ms. Boylan for Ms. Boylan to
19 complain to you about the job?

20 A. I don't recall it happening often,
21 but, again, we had a personal relationship.

22 Q. Did it ever happen?

23 A. Well, obviously it happened in this
24 instance.

25 Q. Did it happen any other times?

1 LEVER

2 A. I don't recall.

3 Q. Did Ms. Boylan ever talk to you
4 about wanting to quit her job at the chamber?

5 A. I believe she had left the office at
6 one point, and I asked her, you know, if she
7 was okay. Again, we had a personal
8 relationship.

9 Q. And what did she say?

10 A. I don't recall. Is it in this group
11 of texts for me to --

12 Q. I'm not asking about these texts.
13 I'm asking about your recollection
14 that Ms. Boylan left the office once and you
15 asked if she was okay. What happened?

16 A. I don't know. I was not involved in
17 the, you know, issue before asking if she was
18 okay.

19 Q. And when you say you understood she
20 left the office, what do you mean by that?

21 A. I believe she had said that she
22 quit.

23 Q. Okay. How did you learn that she
24 said she had quit?

25 A. She texted me that.

1 LEVER

2 Q. When was that?

3 A. I don't recall the date.

4 Q. Did she, in fact, quit on that
5 occasion?

6 A. I don't recall because she had come
7 back to the office at other points. So I'm not
8 sure which time I'm referring to.

9 Q. Okay. Did Ms. Boylan threaten to
10 quit the Executive Chamber on more than one
11 occasion?

12 A. I don't believe to me. I don't
13 recall.

14 Q. Did Ms. Boylan threaten to quit the
15 Executive Chamber to someone else on more than
16 one occasion?

17 A. I believe she had tried or, you
18 know, quit maybe a few times. Again, I don't
19 recall.

20 MR. GRANT: You said that you and
21 Ms. Boylan would discuss your work
22 frustrations, correct?

23 THE WITNESS: Yes, on occasion.

24 MR. GRANT: Sorry for interrupting.
25 Do you recall which frustrations

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Ms. Boylan shared with you?

THE WITNESS: No, I don't.

MR. GRANT: Do you recall which frustrations you shared with Ms. Boylan?

THE WITNESS: No, I don't -- I don't.

MR. GRANT: Do you recall any frustrations you had on the job at the Executive Chamber?

THE WITNESS: Yes, it could often be a frustrating place to work.

MR. GRANT: What are some of the things you recall?

THE WITNESS: It was really hard and demanding. It was incredibly stressful. It was obviously very high impact. It was -- you know, it was more stress than not stress, frankly. The majority of the time you are spent, pretty stressed out.

MR. GRANT: Anything else?

THE WITNESS: Of specific frustrations?

MR. GRANT: Or general frustrations that you recall.

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THE WITNESS: Oh, I mean, you know, it's a lot of time away. It's living out of a hotel often. It's ridiculous work hours. It's, you know, just really -- a very high intense work environment.

MR. GRANT: How does it compare to your current job?

THE WITNESS: My current job is pretty stressful, too, but not to the same extent. You know, I obviously work in the private sector for a private company, and it's quite different than making sure that 20 million people are, like, safe and accounted for.

MR. GRANT: Okay.

THE WITNESS: I also, you know, have the benefit of working from home for the time being, and I did not have that when working for the governor's office. So all in all, it's a bit less stressful.

BY MS. MAINOO:

Q. So you mentioned that you believe Ms. Boylan threatened to resign from the Executive Chamber on more than one occasion.

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On one occasion she texted you.

How did you hear about Ms. Boylan's threats to resign from the Executive Chamber on the other occasions?

A. I don't recall.

Q. Did you hear about it from Ms. Boylan herself?

A. I don't recall.

Q. Let's turn to messages 166 and 167. So here, Ms. Boylan says to you, "I should have stayed at ESD. At least people there treat each other with respect."

What did you understand by Ms. Boylan's statements there?

A. That she regretted coming to the governor's office, but, obviously, you know, I can't speak on behalf of Lindsey.

Q. Is that something that Ms. Boylan told you on other occasions?

A. Not that I recall.

Q. Do you recall one way or the other?

A. No.

Q. What did you understand by Lindsey's statement, "at least people there treat each

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other with respect"?

A. Again, not wanting to speak for Lindsey, I assume she meant that she felt disrespected.

Q. And to be fair, when I ask what you understand by something, I'm not asking you to speak for anyone. I'm asking for your understanding.

A. Right. But I mean, you know, these messages without context from many years ago, it's hard for me to completely say with certainty what my understanding is because I don't have all of the facts.

Q. Did Lindsey Boylan ever complain to you about people in the Executive Chamber making her feel disrespected?

A. I don't recall outside of this instance of the text that I'm reading.

Q. Is it consistent with your understanding of the discussions you had with Lindsey Boylan about her frustrations in the Executive Chamber that she felt people there did not treat her with respect?

A. My interactions with Lindsey were

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mostly positive actually, and so I, you know -- I honestly can't speak to her interactions with other people in the office. I think we represented one another, and I had assumed, you know, that her overall impression of the office was a positive one.

Q. And I'm not asking about how you treated her.

Did Lindsey Boylan ever complain to you about anyone in the Executive Chamber treating her disrespectfully?

A. I don't recall.

Q. Did Lindsey Boylan ever complain about the way Melissa DeRosa interacted with her to you?

A. I don't recall that.

Q. Let's go to --

MR. GRANT: Sorry. If you go to message 168, it says, "Hang on. Going to call you in a few."

THE WITNESS: Uh-huh.

MR. GRANT: And that's a message from you to Ms. Boylan, correct?

THE WITNESS: Yes.

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MR. GRANT: And it was about 14 minutes after the text "at least people treat each other with respect," correct?

THE WITNESS: Yes.

MR. GRANT: Okay. Do you recall that conversation?

THE WITNESS: No, I don't. I imagine I was calling to check on her.

MR. GRANT: Okay. And I believe just now you testified that you understood that most of Ms. Boylan's interactions were positive.

THE WITNESS: I said I think her impression of the office was positive.

MR. GRANT: Okay. What's your basis for that understanding?

THE WITNESS: You know, in the times that we spent together, it was focused on work, doing good things for the people of New York. You know, I felt that her -- it was overall positive, the stuff that we worked on together.

MR. GRANT: Anything else beyond the stuff that you worked on together that

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left you with the impression that most of her interactions were positive in the chamber?

THE WITNESS: No. And I, of course, cannot speak to all of her interactions.

MR. GRANT: All right.

BY MS. MAINOO:

Q. But you haven't spoken to any of her interactions, right? You just said that she liked the work that you all did in the chamber, right?

A. I said, for the most part, my interactions with her I felt were positive. Which other interactions, I can't speak to.

Q. Okay. But you're not speaking to interactions Lindsey Boylan had with anyone else in the chamber, correct?

A. Right, because I don't recall all of her other interactions with other people in the chamber.

Q. Did Lindsey Boylan ever describe the chamber as a toxic environment?

A. I don't recall. You know, it was a tough place to work. We were friends and I

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could imagine her, obviously, airing her frustration to me, but I don't recall specifically.

Q. Generally speaking, do you recall Lindsey Boylan describing the chamber as a toxic environment?

A. No.

Q. Let's go to message 293. And it looks like here Ms. Boylan is consoling you about something. She says, "He was in such a crummy mood today. I'm sorry. I just know he said something unfair and not about you at all today."

What's the context of this statement from Lindsey to you?

A. I don't know.

Q. Does "he" refer to the governor?

A. Without assuming, I assume.

Q. What's the basis for that assumption?

A. Just the way it's phrased.

Q. Do you remember an interaction you had with the governor in August of 2018?

A. No, again, I spent almost, you

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2 know -- I had daily interactions with the
3 governor, so it would be hard for me to recall.

4 Q. Did the governor ever say things to
5 you that were unfair?

6 A. I certainly felt so.

7 Q. What are examples?

8 A. You know, I can't think of specific
9 examples, but he, again, had very high
10 standards. There were really hard days. There
11 were really hard moments of certain days.

12 I can't, you know, specifically
13 recall an instance where I felt treated unfair,
14 but I can tell you that there were definitely
15 times where I felt I was treated unfairly.

16 Q. Tell me generally what made you feel
17 like you were treated unfairly.

18 A. I'm sure it would have been reaction
19 to my work product, if I thought it was at a
20 certain caliber and he did not.

21 Q. And how would he have reacted -- how
22 did he react to those circumstances?

23 A. I mean, you know, again, not a
24 science, but he would have told me he was --
25 that it was not, you know, the right approach

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or the right tactic or I should go back to the drawing board or I didn't do something well. Standard things you might hear from your boss.

Q. Did he ever tell you that he could do your job better than you could do your job?

A. I can't -- I can't recall specifically.

Q. Did he ever make statements along those lines?

A. I -- sure. On occasion.

Q. Okay. Let's go to message number 7789 to 7791. And these are messages between you and Annabel Walsh.

A. Yes.

Q. Okay. In September 2018. And Walsh says, "I actually fucking hate this place." You ask, "What's happening." And she says, "Nothing. I just hate this place. I would never agree with Lindsey on anything, but it is" she says "ducking," presumably she meant to say "fucking toxic."

Did you ever have conversations with Annabel Walsh about her frustrations with the workplace environment in the chamber?

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A. Yes, absolutely.

Q. And what do you understand by Annabel's statement, "I would never agree with Lindsey on anything, but it is fucking toxic"?

A. I mean, I obviously don't have the context, but I imagine she was having a very frustrating moment at work.

Q. And do you understand from Annabel's statement that she was saying Lindsey described the chamber's workplace environment as toxic?

A. Yes.

Q. Is that consistent with things that you had heard from Lindsey about the workplace environment in the chamber?

A. I don't -- again, I don't think I can generalize on that. Obviously, I said we had, you know, a close professional and personal relationship, and we would chat about frustrations we were feeling.

I can't generally say that she felt it was toxic all the time.

Q. Did she ever describe the environment in the chamber as toxic?

A. I said earlier I don't recall her

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2 using that with me specifically. Maybe she
3 used it with Annabel from this case.

4 Q. You said just now, you don't
5 remember her generally saying the environment
6 in the chamber was toxic all the time, which
7 suggested that she said, at least on one
8 occasion, that the environment in the chamber
9 was toxic; is that correct?

10 A. I meant -- I'm sorry. I meant, you
11 know, the general description of the office
12 culture. And I think you had asked me earlier
13 if I remember Lindsey using the word "toxic."

14 Q. Do you remember Lindsey ever
15 describing the general environment in the
16 chamber as toxic?

17 A. No, I don't recall.

18 Q. Were you in the chamber when Lindsey
19 stopped working there?

20 A. Yes.

21 Q. Okay. What did you -- did Lindsey
22 tell you that she was leaving the chamber?

23 A. At one point, she had said she, you
24 know, wanted to quit, but I don't recall if
25 that was a time where she then came back

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2 because, as I said, there was a time when she
3 left and then, you know, came back either --
4 you know, within days.

5 Q. Were you in the chamber when Lindsey
6 ultimately left the chamber?

7 A. I would have either been at the
8 chamber or at the campaign.

9 Q. And did Lindsey talk to you about
10 her departure from the chamber when she finally
11 did leave?

12 A. Not that I recall in, you know, any
13 meaningful way.

14 Q. When you say "not that you recall in
15 any meaningful way," what do you mean by that?

16 A. I just -- I can't remember if she
17 actually, you know, said goodbye. I might have
18 already been gone from the office. I don't
19 recall when she left.

20 Q. Did anyone tell you about Lindsey's
21 departure from the chamber?

22 A. Not that I recall.

23 Q. Did Peter --

24 A. I assume I heard.

25 Q. Okay. Why do you assume you heard?

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A. Because, you know, it was a senior staff member leaving the office.

Q. And what did you hear about Lindsey leaving the office at the time?

A. I don't recall.

Q. Did you hear anything about the circumstances under which Lindsey left the office?

A. I don't.

Q. Okay. Did you ever try to persuade Lindsey to stay in the chamber?

A. I don't recall, you know, trying to persuade her. I think I reached out as a friend to make sure she was okay.

Q. And what did you learn when you reached out as a friend?

A. I don't recall the phone conversation. I actually don't recall if we ever connected via phone from the previous questions you guys had asked me.

Q. All right. Let's go to tab 16.

A. One-six you said?

Q. One-six, yes.

MS. MAINOO: And we will mark this

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and the previous document as an exhibit.

(Exhibit 8, Text Messages,
February 2, 2019, marked for
identification.)

Q. So this is -- what is this,
Ms. Lever? Do you recognize it?

A. It looks like text messages between
a group of people.

Q. And who is that group of people?

A. Melissa, Annabel, Stephanie, Jill,
Andrew and myself.

Q. And is this from a particular chat
room or thread?

A. The name on left column says, "Mean
Girls."

Q. And what does that refer to?

A. It refers to a, you know, a joke
that the six of us had in the office.

Q. Who are the six of you?

A. I mean, I imagine it's this group
here in the text. I don't -- yeah, Melissa,
Annabel, Steph, Jill and myself.

Q. Is Andrew Ball part of this?

A. I don't know. He's in the text

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chain. It is unlikely that he was considered.
I think we probably more used the term.

Q. Excuse me. You trailed off at the
end. What did you say?

A. Oh, I just said he was in this text
group, unlikely that he was in the group.

Q. Who set up this group?

A. I don't recall.

Q. Did you all call yourselves Mean
Girls?

A. On occasion. I mean, it was just a
joke amongst, you know, a group of people and,
obviously, you know, it's not how we -- not how
I treated anybody. It was a reference to a
movie.

Q. What was the joke?

A. That we, you know, were a group of
women. That it was just a -- really truly a
funny joke amongst the people in this text.

Q. So how was -- how did the fact that
you were a group of women correspond to the
name Mean Girls?

A. There is a movie about a group of
women.

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Q. There are other movies about groups of women.

Why did you choose that one?

A. It's called Mean Girls, the movie.

Q. Right.

A. I mean, it was about a very close knit group of girls. It was, again, a joke. It was like a funny inside joke.

Q. And I'm trying to understand what was the inside joke?

A. There was a group of us that, you know, really had a large role in the day-to-day work of the governor's office, and we jokingly referred to ourselves as Mean Girls.

Q. Okay. Do you run the place?

A. Do I?

Q. Did you all run the chamber?

A. I don't -- I don't know how to answer that.

Q. Did you manage the chamber, this group of women who you described as Mean Girls?

A. I think it's more that we managed, you know, the day-to-day work of the governor.

Q. And the first message number 2363 is

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a post of a link to a tweet by Lindsey Boylan.

Do you see that?

A. Uh-huh.

Q. Is that a yes?

A. Oh, yes. I'm sorry. Yes.

Q. And we can show you later, if you would like, but this tweet is talking about a plan for Amazon to move to New York City.

Is that consistent with your recollection?

A. I can't see the tweet. Do you mind pulling it up?

Q. We will pull it up and talk more time to put it up, but Jill DesRosiers says, "Didn't she help negotiate it?"

Do you know what that refers to?

A. Without seeing the tweet, I can't say.

Q. Okay.

A. Do you want to just describe to me the contents of the tweet?

Q. We will take a minute and pull up the tweet.

A. Okay. Thank you.

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MR. GRANT: While we're pulling up the tweet, was the joke that the behavior of your group reflected the behavior of the group in the movie that was led by Regina George?

THE WITNESS: That was the joke, but I just want to reiterate that that is not a fair characterization of how, you know, certainly I and other people treated others in the office.

MR. GRANT: But in naming yourselves or whoever named that group, or in discussing yourselves, in jokingly discussing yourselves as Mean Girls, it was that it reflected the behavior of this group lead by Regina George in the movie made by Tina Fey made back in two thousand and something, correct?

THE WITNESS: Correct.

MR. GRANT: All right.

(Exhibit 9, Lindsey Boylan Tweet, February 1, 2019, marked for identification.)

BY MS. MAINOO:

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Q. So we have the tweet up.

A. Okay. Do you mind if I just -- I have very poor vision. (Document review.)

Thank you. I see it.

Q. What was the reason you sent Lindsey Boylan's tweet to the Mean Girls group?

A. I was just flagging it. We often do that. It was also -- you know, it's totally standard to send around flagged tweets and stuff like that.

Q. And why were you flagging the tweet to this group in particular?

A. Well, Amazon was, at the time, or I guess a little beforehand had been a, you know, massive project for the governor's office, and so her commentary on it would have been relevant.

Q. And how did you view Lindsey's commentary on Amazon?

A. I mean, I don't recall -- I don't recall.

Q. Did you view it positively, Lindsey's tweet about Amazon?

A. I don't think it was positive or

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negative. I think she was making a position whether employees had the ability to unionize.

Q. And how did you feel about the fact that she was taking this position?

A. I actually can't recall our position, but I do remember we were negotiating with Amazon, and, obviously, there was a lot going on, but I don't think that that -- I don't know. I don't recall. I don't think her, you know, her tweet was reflective of being positive or negative, though. I can't remember if it was a different position than the office had taken.

Q. Did you speak with Lindsey about that tweet?

A. I don't recall talking to her about that tweet, no. I only had a handful of interactions with her, I believe, after she departed.

Q. Stephanie Benton responds, "Well, now we've heard from the real authority."

How do you interpret Stephanie Benton's response to Lindsey's tweet?

A. I can't speak to that.

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Q. What's your understanding of Stephanie Benton's statement, "Well, now we've heard from the real authority"?

A. That obviously she was not taking the -- Lindsey's statement seriously.

Q. Was Ms. Benton -- do you understand Ms. Benton's statement to be sarcastic?

A. Yes.

Q. And Jill DesRosiers responded, "Didn't she help negotiate it?"

How do you understand Jill's response to Lindsey's tweet?

A. That Lindsey was obviously heavily involved in the deal to win HQ2 in Long Island City. So the fact that she had now changed her position was surprising to Jill.

Q. And were you flagging tweets because, in your view, Lindsey had now changed her position on Amazon?

A. Again, I don't recall where the governor's office was on unionization, so I can't speak to the thread, but based on, you know, the plain reading of this, it appears that it was a departure from the position she

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used to negotiate.

MR. GRANT: Would others in the governor's office besides those on this text chain have been involved or work on the Amazon headquarter issue?

THE WITNESS: Would other people in the office have worked on the Amazon deal?

MR. GRANT: Yes.

THE WITNESS: Yes, it was a tremendous amount of people. It was a, you know, a Marquis project for us at the time.

MR. GRANT: Do you recall whether you flagged this tweet for them?

THE WITNESS: I don't recall. I might have flagged it for Robert, but I don't recall.

MR. GRANT: Is there any reason why you made sure to flag it to the Mean Girls group and not to others in the office who may have had an interest in the project?

THE WITNESS: No, I mean, truly, you know, everyone on this chain would have also been interested in the project. It

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2 was, again, a Marquis project for the
3 office at the time.

4 MR. GRANT: Okay.

5 BY MS. MAINOO:

6 Q. All right. Let's turn to tab 17 and
7 you should take a minute to review the
8 document, so you can refamiliarize yourself
9 with it.

10 MS. MAINOO: We will mark it as an
11 exhibit.

12 (Exhibit 10, Text Messages,
13 February 5, 2019, marked for
14 identification.)

15 A. (Document review.) Okay. Thank
16 you.

17 Q. Okay. So starting with the messages
18 from 966 on, it looks like the name of this
19 group text is "Somehow, We're in Charge."

20 Who was part of that group?

21 A. It looks like Melissa, myself,
22 Stephanie, Annabel, Rich, Jim, Robert, Jill,
23 Beth, Peter.

24 Q. And what did that name mean?

25 A. I mean, this is obviously a large

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portion of senior staff. So I mean, it was a joke that somehow this group of people is in charge.

Q. And this was another inside joke?

A. Yes.

Q. Okay. So starting with message 967 you say, "What the fuck?"

Were you reacting to Lindsey Boylan's tweet, which is on the last page of the document?

A. Had it been sent to like the text before in that chain, the tweet was sent around?

Q. I'm seeing what you're seeing in the document. So I think that's a question for you.

A. There is a blank -- oh, the blank document is the tweet, I assume. The blank from Melissa to me -- to the group.

Q. Why did you respond "What the fuck?"

A. I think I was pretty shocked at the contents of that tweet.

Q. What were you shocked by?

A. That Lindsey had suggested that she

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could not be the mother of young children when she worked in the governor's office.

Q. How are you seeing that in Lindsey's tweet?

A. "I was the only mother of young children on senior staff in my last job in politics. They didn't get it even with all the right policies. It was a toxic and demoralizing experience."

Q. And what was your interpretation of those statements again?

A. That the office did not understand how she could be a mother of young children in her job.

MR. GRANT: I believe earlier you described the office as being a place where there were long hours and lots of intensity, correct?

THE WITNESS: Yes.

MR. GRANT: Do you have a sense of whether or not that's where the environment would be difficult for a young mother to navigate?

THE WITNESS: I don't so much

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disagree that it is a hard place, you know, to -- you were often taken away from your family. I think the issue I had was that Lindsey was suggesting that because I had many conversations with her and this is not the position that was relayed to me.

MR. GRANT: Okay.

BY MS. MAINOO:

Q. And later in the text at page 970, Jim Malatras said, "Let's release some of her cray e-mails."

What do you understand by Malatras' statement?

A. I don't know. I don't know what he's referring to.

Q. Okay. Did you speak with anyone about responding to Lindsey's tweet about being a mother in the chamber?

A. I did. I spoke to Melissa about it and I believe the office of the counsel.

Q. What did you speak with Melissa about?

A. Well, first of all, you know, I had

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been personally offended by the tweet.

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And second of all, I also was the communications director at the time or a press secretary -- oh, communications director. So I expected that we might have to have a response from the office.

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Q. And just to be clear, you were personally offended by the tweet because Lindsey Boylan said something in public that she hadn't told you privately?

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A. No, because I had specifically had multiple conversations with her around this topic, and she had given me completely different advice than what she had put in that tweet.

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I had actually -- I had once -- I'm sorry. I had many times brought up the fact that I was concerned about how you, you know, just as a young ambitious female, how you can have a family and work in an environment such as this one, if not, you know, many others.

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And she would say to me that you can totally have kids in this office. You just need to have enough money to afford childcare,

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2 nannies and taxicabs. And, you know, that
3 stuck with me because I, you know, did not feel
4 like I was in a position where I could afford
5 those things.

6 And so it's something that is, you
7 know, pretty fresh in my brain because it's
8 something I was offended by.

9 She also brought, you know, her [REDACTED]
10 to work, and it was just not accurate how she
11 had -- or, you know, from my actual
12 conversations with her, the way that she spoke
13 in that tweet was not an accurate reflection of
14 how she felt.

15 So you could say I was offended by
16 it, yes.

17 Q. So just so I understand. It sounds
18 like Lindsey Boylan's tweet actually reflected
19 the concerns you had about, well, how can you
20 be a mother in an environment like the chamber,
21 correct?

22 Your issue with Lindsey Boylan's
23 tweet is that, in your understanding, even
24 though she was a mother in the chamber, her
25 experience was fine because she had the money

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to afford taxis and childcare; is that correct?

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A. That was the advice that she had given me when I brought up my own concerns regarding that.

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And by the way, it wouldn't have just been in the chamber, right? It was like this idea that, as a young woman, when you want to have a robust career and also a family, you know, this is not new to Lindsey and I discussing this as an issue, but this was -- certainly, the tweet was certainly not reflective of the advice that she had provided to me in the past.

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Q. And how was the tweet not reflective of advice that she had given you?

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A. Because she never suggested that, you know, that it was a toxic, demoralizing experience and that, you know, obviously her position was that it was hard to have children, young children and be a senior staff member, and that's not how she had reflected it to me.

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Q. Earlier I asked you several times whether Lindsey described the environment in the chamber as toxic. You said you did not

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recall.

Now you're saying that she did not describe the environment in the chamber as toxic?

A. I think we're speaking about specifically being a mother in our office, and I still do not recall her using the phrase "toxic" to me specifically.

MR. GRANT: We looked at texts earlier between you and Annabel Walsh where the word "toxic" was used, though, correct?

THE WITNESS: Yes, by Annabel.

MR. GRANT: Okay.

BY MS. MAINOO:

Q. Despite what Lindsey said?

A. I -- it was a tough workplace. It was at times toxic. I just don't recall specific instances where Lindsey used that specific phrase with me.

I can understand why she felt it was toxic, as I have said it was an incredibly hard place to work. I agree. It was a very hard place to work.

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MR. GRANT: So what is your complaint about the veracity of the tweet? Is it the fact that Ms. Boylan never said it specifically and that's it, not the fact that it may have actually reflected the working environment in the chamber?

THE WITNESS: Yes, that she was trying to suggest that there -- you know, she lacked the ability to be a young mom in our office when she had told me the opposite of that.

BY MS. MAINOO:

Q. But where in the tweet does she say she couldn't be a young mom in the chamber? She says she was the only mother of young children on senior staff. They didn't get it.

A. It was a toxic and demoralizing experience. That is not how she described her experience to me.

MR. SPIRO: And there's a last sentence which you hadn't read.

A. "Now I run my own company full of, especially moms."

Q. But you've also said you don't

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recall whether she described the environment as toxic. I just want to be clear.

Are you saying no, she did not describe the environment as toxic or I do not recall if she described the environment as toxic?

A. I mean, I don't recall. Based on this tweet, she's suggesting it was toxic and demoralizing experience to be a mother in our office, and that, obviously, you know, was a departure from our conversations regarding this exact topic.

Q. But you're adding those words. She just says it was a toxic and demoralizing experience, right?

A. That the office didn't get her being a mother, even though we have the right policies, right?

Q. Go ahead.

A. Nothing.

Q. How did that contradict what she said about, well, if you have money, you can afford -- you can get childcare and taxis?

A. Because she said it wasn't a

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challenge if you could afford nannies and taxis.

Q. What wasn't a challenge?

A. Being a mom in this job.

MR. GRANT: You reference policies. What policies are you talking about?

THE WITNESS: Lindsey referenced policies.

MR. GRANT: Okay.

Q. So you said you were personally offended, and then as the communications director, you felt like you needed to come up with a response.

A. I'm sorry to interrupt you.

Q. Go ahead.

A. I would have had to be prepared for reporters, you know, to ask me for a response.

Obviously, you know, it says, "Lindsey Boylan for congress" and "Primary Nadler." So she was running for public office. So it would be, you know, completely understandable that I would have had to prepare a response should reporters come to me asking me to respond to her tweet.

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Q. So I think maybe we have been speaking past each other.

Is it the case that you thought Lindsey Boylan was making a statement about the chamber in the context of running for congress to further her political ambition? Is that how you interpreted this statement?

A. I'm sorry. Can you repeat that?

Q. Is it the case that you thought Lindsey Boylan was just making a statement about being a mother in the chamber so that she could further her political ambitions?

A. I can't speak to her specific motivations. My point is -- was to you, was that reporters could ask me for a reaction to her tweet because she was running for congress, and I didn't even know that this was at that time. I'm just looking at her hashtags on her tweet below.

Q. I'm going back to you saying you were personally offended, which I am still trying to understand.

A. Oh, got it. Got it. Sorry.
I was personally offended because --

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I was offended at the time about what Lindsey had said to me. I, you know -- I was offended at the idea that I would only be able to have kids and stay in the job, which I loved, if I had enough money. And so I remember being offended at the time regarding that.

So I was even more offended when she then came out and said something that was drastically different than that. You know, I believe that was not how she felt.

Q. Did you speak with Lindsey Boylan about her tweet?

A. I think I tried to contact her actually, but I don't think I ever spoke to her.

Q. What's the reason you tried to contact her?

A. You know, I think from both hats, a friend who was confused and from, you know, my point of needing to defend the governor.

So I probably would have asked what was going on.

Q. Did you have any conversations with Melissa DeRosa about Lindsey Boylan's tweet?

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A. I think we bounced back and forth a draft of what I would have to say to press in case we would like to make a public comment about it.

Q. Did you end of making a public comment about Lindsey Boylan's tweet?

A. No, I don't think any reporters ended up asking me. It wasn't something I was going to do proactively. It would have just been reactively.

Q. Did you have a discussion with anyone in the chamber about releasing Ms. Boylan's personnel records?

A. No.

Q. In response to this tweet?

A. No, not that I recall.

Q. Did you consider releasing Ms. Boylan's personnel records in response to this tweet?

A. No.

Q. Why not?

A. I'm not sure I knew of them at the time, but I don't recall.

Q. And you said you would not have

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2 released a statement proactively. You would
3 have released it reactively.

4 Why is that?

5 A. I think, you know, from a strategic
6 perspective, I -- obviously, if I was asked, I
7 would have had to defend the office, our
8 policies and senior staff, but there was no
9 need to, you know, proactively, A, put this
10 out. It would have likely given it more
11 oxygen.

12 It would have caused -- I think
13 nobody actually reported on the tweet. And had
14 we put out a statement, it would have likely
15 been reported on. And so when you're deciding
16 on a strategy, it's -- you know, you weigh
17 whether or not you're actually creating more of
18 a story if you respond.

19 Q. Let's turn to message 9672, just to
20 see a draft of the statement.

21 A. I'm sorry. Would you mind just
22 repeating the number?

23 Q. Yes, 9672.

24 A. Okay.

25 Q. So this is a statement that came

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from Melissa DeRosa to you, correct?

A. Yep.

Q. Who drafted the statement?

A. I assume Melissa if she sent it to me, but I don't recall.

Q. And do you agree with that statement?

A. The contents of it?

Q. Yes.

A. Politicizing it? I think that's fair. She, you know, hashtagged her campaign, so I imagine it was a position she was taking in a political arena.

Q. Did you fact check this statement?

A. I don't know how I would fact check someone's opinion, but I knew it to be false because I have had, you know, many conversations with Lindsey about this topic.

MR. SPIRO: When you say you knew it to be false --

THE WITNESS: Oh, I'm sorry. At the time, we had spoken about it it was a different position than she had. I obviously can't speak to whether her

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position changed or, you know, false or --
the truth or false. I would not be able
to fact check it.

Q. And just to be clear about what was
false about her statement, was it false that
Lindsey Boylan was the only mother of young
children on senior staff? Is that what you're
saying was false?

A. I think there were other parents
definitely. May be young. There were
definitely a lot of fathers, but...

Q. Was it false that she described
herself as the only mother of young children?

A. I can't recall everyone's family
status but -- I don't know.

Q. Okay. How about the next statement,
"They didn't get it even with all the right
policies"?

Was that statement false?

A. I think it's certainly subjective.

Q. Is that statement false?

A. I think -- I think many people
understood how challenging it was to have kids
in the Executive Chamber. As we discussed, it

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was a pretty time consuming job.

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So I don't think it's -- I don't think it's accurate to say that other people didn't get it, and I don't think she should be speaking for other people.

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Q. But do you think that statement is false?

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A. I don't know. I can't speak to -- again, I can't speak to the truth or falsity of the statement.

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I can say that I imagine people also felt that it was a tough place to have children. So the generalization that they didn't get it is probably inaccurate.

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Q. And can you speak to the truth or falsity of the statement, "It was a toxic and demoralizing experience"?

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Is that something you can speak to?

A. If that was her position then, again, I would not fact check her position, but it was a departure from the many conversations that the two of us had had on the matter.

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Q. And, finally, she said, "Now I run my own company full of, especially moms."

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Was that statement false?

A. I obviously can't speak to her company.

Q. Let's turn to tab 20.

MS. MAINOO: And we will mark it as an exhibit.

(Exhibit 11, Text Messages, Bates Stamped DLEVER-0013 through 14, marked for identification.)

Q. Do you recognize this document, Ms. Lever?

A. These are -- 20 you said, right?

Q. Yes.

A. These are texts between Lindsey and myself, yes.

Q. What do you remember about these texts?

A. They were texts Lindsey sent to me after she left the office.

Q. Did you respond to them?

A. I think I had responded to the final text to ask her to stop contacting me, but it looks like that's not in this batch.

Q. What was your reaction to her texts?

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A. Which one?

Q. This text here.

A. The "absolutely not helpful"?

Q. Yes.

A. "Absolutely not helpful specific response to a tragedy." (Document review.)

THE WITNESS: Did you want to say something?

MR. SPIRO: It continues on.

THE WITNESS: Oh.

A. Sorry. Can you repeat the question?

Q. What was your reaction to the "Absolutely not helpful specific response" and "the future is coming after assholes" text?

A. You know, obviously, it's not a text you like to get. I was upset by it.

Q. What upset you?

A. I think for a number of reasons. One, that she was, you know, politicizing this executive order in the height of COVID as if it was a direct attack on her, and then saying the future is coming after assholes, it felt like she was calling me an asshole.

I don't think anyone likes to be

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called that.

Q. Were you scared by Ms. Boylan's texts?

A. Scared?

Q. Yeah.

A. I mean, I was disheartened by it and surprised by it. I don't -- I don't know -- I don't know how fearful I was, but I do think it's threatening.

Q. How is it threatening?

A. I think where it says, "I see what the point is here. I will find ways to respond to the message. The future is coming after assholes." That's threatening to me.

Q. And how is it threatening to you?

A. I think she was saying that she was going to respond to our executive order in a way that obviously she felt like she, you know, needed to attack us or -- I can't speak to, you know, the word choice, but you could understand why somebody would interpret this as a threat.

Q. Did you interpret it as a threat?

A. Yes, I was upset by it.

Q. And who did you interpret it as a

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threat against?

A. I guess everyone she was, you know, calling assholes. I imagine it was the governor and senior staff. I don't know. Again, I cannot speak on behalf of Ms. Boylan.

Q. And when you say "our" and "us," you're referring to the Executive Chamber, correct?

A. At the time I was still an employee of the Executive Chamber, correct.

Q. When you were just now were referring to "our" and "us," you were referring to the Executive Chamber, yes?

A. Yes, and at the time that I was working there.

Q. And did you understand the threat to be directed toward the Executive Chamber?

A. Again, I'm sorry, I can't speak for her.

Q. I said. Did you understand -- sorry --

A. Yes, yes.

MR. GRANT: Was there anything in particular you were concerned Ms. Boylan

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may do?

THE WITNESS: No, I mean, you asked if I was scared, I didn't think that, you know, she was going to hurt me or anything like that, but, you know, she was in the middle of a race. It was obviously political. You know, the executive order was applied to elections across the entire state, and, obviously, as I'm sure you guys know, it was out of an abundance of caution to make sure that people weren't doorknocking and having, you know, face-to-face interactions.

So it was just a shocking and disheartening thing to receive.

MR. GRANT: Okay. But my question was a little bit more specific, meaning was there anything particular you were concerned she may do in response or in retribution based on the fact that she had sent what you described as a threatening text message?

THE WITNESS: No.

MR. GRANT: Okay. To go back to a

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document we looked at before this last document, in Ms. DeRosa's draft statement, it said that the claims Ms. Boylan had made were bizarre.

Do you have an understanding of what Ms. DeRosa meant by bizarre?

THE WITNESS: No, I think, generally, it was a pretty weird thing to tweet.

MR. GRANT: Why was it weird?

THE WITNESS: Well, from my perspective, it was weird because it was obviously not the contents of conversations that had predated that between the two of us, but, you know, I don't -- I don't think anybody -- I don't think anybody thought that Lindsey felt that way. So it was bizarre.

MR. GRANT: Did you talk to anybody else about their impressions about what Ms. Boylan would you have thought?

THE WITNESS: About what Ms. Boylan would have thought?

MR. GRANT: Sorry. That was a bit

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mangled. Let me try again.

You say that you didn't understand that Ms. Boylan's tweet was inconsistent with what she had said before to you, correct?

THE WITNESS: Right.

MR. GRANT: Okay. And you said that others understood that it was inconsistent, Ms. Boylan's position now as opposed to what happened back in the day, correct?

THE WITNESS: Yes.

MR. GRANT: Okay. My question is then, did you speak to anyone, meaning did you speak to Melissa DeRosa, for instance, about --

THE WITNESS: Oh, got it. Sorry.

Well, at the time I obviously worked in the chamber that I received these messages, and I think other members of the office received similar ones. And I probably, you know, in sharing those, relayed probably to, you know, some members of senior staff and to counsel

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2 other conversations I had had with her,
3 but I can't recall.

4 MR. GRANT: Okay.

5 BY MS. MAINOO:

6 Q. Annabel had previously said Lindsey
7 described the chamber as a toxic workplace,
8 correct?

9 A. I obviously don't have the timestamp
10 on Annabel's text. I don't know if it predates
11 it, but...

12 Q. Let's go back to it.

13 A. Is that in this chain?

14 Q. It's not in this chain. I will just
15 let you know the tab number.

16 A. Oh, I see it. 9. 9/17/2018. Okay.
17 Yes, it predates that.

18 MR. SPIRO: Can we take a short
19 break?

20 MS. MAINOO: After I ask my next
21 couple of questions.

22 BY MS. MAINOO:

23 Q. So Lindsey's tweet that the chamber
24 was a toxic and demoralizing experience, at
25 least that was consistent with what Annabel

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said Lindsey had said about the chamber,
correct?

A. Again, I'm sorry, I can't speak to
Annabel's texts, but...

Q. I'm asking you to speak to what was
written in Annabel's text in September 2018
where she says she agrees with Lindsey that the
chamber is toxic.

And I'm saying that is consistent
with what Lindsey later tweets about the
chamber, correct?

A. Yes.

MS. MAINOO: We can take our break.
How long do you need?

THE WITNESS: Just a few minutes,
please.

THE VIDEOGRAPHER: Stand by. The
time is 11:35 a.m. We are going off the
record and this will end media unit number
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(Recess taken.)

THE VIDEOGRAPHER: The time is
11:48 a.m. We are back on the record.
This will be the start of media unit

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number 3. Counsel.

MS. MAINOO: Thank you.

BY MS. MAINOO:

Q. Ms. Lever, earlier on we talked about a draft statement that Melissa DeRosa had sent to you -- had sent to you as a proposed response to Lindsey's tweet about being a mother in the chamber.

Other than Melissa DeRosa, did you discuss that draft statement with anyone else?

A. I believe I discussed it with counsel to the governor.

Q. And who was that?

A. Alphonso David.

Q. And what was the purpose of the discussion with Mr. David?

A. Any time I, you know, say something publicly from the office, I would have sought guidance from counsel.

Q. What sort of guidance would you have sought from counsel?

(Reporter clarification.)

A. No, I would have been seeking legal advice on a statement.

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Q. All right. Ms. Lever, let's turn to your experience working in the Executive Chamber.

A. Okay.

Q. I think earlier you referenced interactions with the governor when you worked in the chamber.

How often did you interact with the governor?

A. I would say almost daily.

Q. And was this the case through the time you spent in the chamber?

A. No, when I first started as first deputy press secretary, I would have interacted with him most likely around details of events that I was working on. You know, as a junior staffer in the press office, you -- it's called advance work, but you, basically, like advance many events that the governor attends.

So I would have seen him at events, and, you know, on occasion briefed him on an event, but it wasn't until I had been there for a while that I started daily interactions with him.

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Q. And what was the position you held when you started daily interactions with the governor?

A. Probably press secretary. I can't recall specifically, but, obviously, as I got more senior, I spent more time with him.

Q. Please describe your relationship with the governor during your time in the chamber.

A. We were very close. We were close professionally and personally. We spent an inordinate amount of time together.

Q. And when you say you were close personally, what do you mean by that?

A. He knew my family. He knew my friends. You know, we had a close personal relationship.

Q. How did he know your family?

A. He had met them. They had either come to events or I certainly spoke about them often. And he would have met them over my time at the governor's office. He did, in fact, meet them over my time at the governor's office.

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Q. Who did he meet?

A. My parents, my sister. I think an aunt. I spent a lot of time with him, and, you know, at some of those public events, my parents and family members have come to.

Q. And what about professionally? How were you close professionally?

A. Just that we worked together so closely. You know, I handled everything public facing from the office and, obviously, he's a very public figure.

Q. Did you ever travel together with the governor?

A. Yes, often.

Q. Did you ever travel outside of New York State together?

A. Yes, I think I traveled with him to Vegas once. I traveled with him to DC. I can't remember if there was others, but yes, he rarely left New York, but it would not be abnormal -- oh, I traveled with him to Israel multiple times.

On the rare occasions, it would not be abnormal to have someone that handled press

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with him in and out of state.

Q. Did you ever go to his residence?

A. The mansion, yes. And his former residence in Westchester, I have been at, too, to meet, you know, him for events.

Q. How many times did you go to his residence in Westchester?

A. Rarely, and if I did, you know, I would have been dropped off and gotten into his -- you know, our motorcade, basically, which is only two cars. That makes it sound like it's a whole fleet, but I would have gone into his car and waited for him there.

Q. And what about the executive mansion, how many times did you go there?

A. I would not be able to put a number on it. We did a lot of work there. We had a lot of events there. You know, it's a museum.

So we -- you know, he used to host the press and various elected officials. It's like a -- it's an open -- like almost a public space.

Q. Did you ever socialize with the governor.

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A. How do I define socialize?

Q. I will put the question back to you how.

Do you define socialize in the context of your interactions with the governor?

A. We spend time after work hours. On occasion.

Q. Where would you spend time after work hours?

A. You know, he would sometimes host parties or the campaign would host parties that some folks were invited to. He used to host us for dinner sometimes in Albany, you know, either large groups or small groups.

We obviously were living up there, you know, for a significant portion of the week. And so, at times, he would invite us over for dinner.

Q. Who would also be invited?

A. I think, you know -- without being able to tally, there's -- there were events where there was a lot of staff that were invited. There were events where there was more, you know, senior staff invited. There

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were events that junior staff was invited. I mean, you know, it varied.

Q. What was the governor's conduct towards members of his staff?

A. Like every time? Every interaction with staff, I wouldn't be able to speak to.

Q. Okay. So speaking more generally.

A. I think it depended on the day, on the time, on the issue we were dealing with.

Q. So depending on the day, the time and the issue, how would the governor treat members of his staff?

A. I mean, there were times where it was obviously incredibly professional, all about work. There were times where people were in a lighter mood. There were times when people were in a worse mood and things were more combative or frustrating. You know, it's a normal -- like any workplace I assume has moments.

Q. And tell me about times where things more combative.

A. You know, as I said earlier, it's a really hard place to work. The environment

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could be pretty, you know, brutal at times. We did not have good nights' sleep for years.

There was a ton of work to be done. It was, you know, a really taxing place to work. At times, overwhelming.

Q. Was the governor ever brutal towards staff members?

A. Yes.

Q. In what way?

A. You know, he would lose his temper or question your caliber of work.

Q. And what would the governor do when he lost his temper?

A. I can't speak to every time.

Q. And I'm not asking you to speak to every time.

A. But how can I -- you're asking me to speak to every time he lost his temper?

Q. No, I said I'm not asking you to speak to every time.

A. Oh, so can you rephrase the question?

Q. Yes. How did the governor -- what do you recall about what the governor did when

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2 he lost his temper?

3 A. I think it depended. You know, I
4 have seen him yell. I have been on the other
5 side -- you know, I have been yelled at. I
6 have seen him at -- just generally frustrated
7 about yelling. I have, you know, seen him
8 excuse members of the staff when he was
9 frustrated by the work. He has been
10 disappointed. I mean, varying degrees of
11 actions, I guess.

12 Q. And tell me about occasions when the
13 governor yelled at you. What was the reason
14 the governor yelled at you?

15 A. I can't speak to like specific
16 actions, but, again, you know, if he questioned
17 my product, if he thought I handled a story
18 poorly, if I didn't brief him properly.

19 Those could all be instances where
20 he would react.

21 Q. Did the governor ever curse at you?

22 A. Not that I recall.

23 Q. Did you ever hear the governor use
24 curse words directed at any staff member?

25 A. Again, not that I can specifically

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recall, but it's not something that would surprise me if it happened.

Q. Is it something that would surprise you if the governor ever used curse words toward you?

A. You know, we have had our head to heads. I'm not being shy about that. I just can't remember if he actually, you know, cursed at me.

Q. And what are you describing as head to heads?

A. Moments that I referenced earlier about, you know, again, if he were not satisfied by my work product, a story I worked on, briefing of him. There were moments like that.

Q. There were moments like that when what happened?

A. When he --

Q. What was his reaction?

A. Oh, I mean, again, you had asked about the head to heads. You know, that's what I was referring to.

Q. What do you mean by head to heads?

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Were you yelling at the governor?

A. I don't -- I tried my best never to, you know, raise my voice to my boss, but I would, you know, try to advocate for myself and for my team.

Q. And the governor would yell at you, correct?

A. Not every instance was yelling, as I said. You know, again, his reactions ran a gamut, but -- or a spectrum, but, you know, in instances where he was unsatisfied and I thought that my work was satisfactory, I, you know, would have done my best to explain to him why it was satisfactory.

Q. Did the governor ever throw anything at you?

A. No.

Q. Did he ever throw anything toward you?

A. No, not that I recall.

MR. GRANT: Did he ever throw anything in your presence?

THE WITNESS: Not that I can recall.

MR. GRANT: How frequently did the

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governor yell at you?

THE WITNESS: Again, you know, I worked there for six and a half years.

MR. GRANT: To the best of your recollection, how frequently?

THE WITNESS: Like, you know, a real -- it was a tough place to work. I can't put a number on it. You know, the massive fights, maybe were obviously not our daily interactions.

As I said, we were very close. You know, there were also times where we got along just fine, and he was, you know, proud and invested in the work that I was producing, but, again, you know, it's a hard place to work. It was very demanding.

MR. GRANT: Once a month?

THE WITNESS: Getting yelled at?

MR. GRANT: Yes.

THE WITNESS: I'm sorry. I don't think I could tally it.

MR. GRANT: Do you have a sense whether it would be more or less? Meaning

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more than once a month, less than month a month?

THE WITNESS: I think in specifics of yelling you know, like him raising his voice, I would not be able to put a number on it.

I imagine it was less, but him being frustrated, as I said, it could have been a specific moment in any day, right? Like there are also -- that same day there would have been lighter moments.

I don't -- I'm sorry. I can't quantify it for you.

MR. GRANT: Okay. And besides yelling, in conveying his disappointment, which is, I think, one of the things you listed earlier as his response, you know, when he was upset or angry, how did he convey his disappointment beyond yelling? He being --

THE WITNESS: He would say this is not good work product or this is not how it should have been handled or why didn't you tell me about this or why didn't I

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know about this story or why didn't you brief me.

I mean, again, you know, I was in charge of a lot of his public facing stuff. So it would have been relayed in varied ways.

MR. GRANT: And how frequently did the governor relay or convey disappointment to you?

THE WITNESS: Again, I'm sorry, I can't quantify it, but as I said, you know, it was a tough place to work. I don't know if, you know, I can tell you more or less an amount, but, you know, it was often a high stressful environment, high stress environment.

MR. GRANT: Gotcha. And when you described him excusing members, what do you mean?

THE WITNESS: Oh, that he would maybe like leave a room or he would ask others to leave the room.

MR. GRANT: Did he ever ask you to leave the room?

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THE WITNESS: Yeah.

MR. GRANT: How often?

THE WITNESS: Again, I can't say -- I don't think that that was incredibly often, but, you know, when he wants to end a conversation, he will say, okay, the meeting is over.

That's what I mean by excusing, by the way. You know, like sort of shutting down a meeting.

MR. GRANT: Are there times that he told you to leave the meeting even though the meeting continued?

THE WITNESS: No, not that I can recall.

MR. GRANT: Has he ever done that to anyone else?

THE WITNESS: He could have, you know, said somebody go figure out what the subject is or go figure out the policy or go get more facts in the middle of a meeting.

MR. GRANT: And beyond that, did he ever excuse somebody or tell somebody to

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leave a meeting that was still going on?

THE WITNESS: That's what I mean.
If there was a group of people and
somebody, you know, didn't have an answer,
he could have said individually, please go
find that answer and leave and come back
when you have the answer.

MR. GRANT: Okay.

THE WITNESS: But, again, you know,
these are --

MR. GRANT: Are you saying there was
never a time that the person was told to
leave without the expectation that he or
she should come back at some point with an
answer?

THE WITNESS: I just -- I can't
speak to every time there was a meeting.

MR. GRANT: I'm asking you to the
best of your recollection based on your
observations.

MR. SPIRO: You're speaking over the
witness. Can you just allow her to
finish?

MR. GRANT: Sorry. I'm very sorry.

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THE WITNESS: I was just going to say, you know, I obviously can't speak to every meeting, and to the best of my recollection, I can't remember a time where he individually dismissed somebody without the expectation that they were going to figure something out that he was requesting.

MR. GRANT: Okay.

THE WITNESS: I'm not saying, you know -- just, again, it was six and a half years of my life. So I can't recall every instance.

BY MS. MAINOO:

Q. Did the governor ever behave abusively towards you?

A. What's the definition of abuse?

Q. What's your definition?

A. I don't know.

MR. SPIRO: It was your question. She asked for clarification, and you're throwing it back at her. That's not fair. Come on.

MR. GRANT: Do you have a colloquial

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understanding of what the word "abuse" means?

THE WITNESS: Yes.

MR. GRANT: Okay. And what is that colloquial understanding of the word "abuse"?

THE WITNESS: I guess it's when somebody exerts a certain level of -- I actually don't know -- certain level of pressure and power and somebody is in a, you know, worse position.

BY MS. MAINOO:

Q. Did the governor ever act abusively towards you under your definition of abusive behavior?

A. I don't know if I would use that term. It was a tough -- really tough place to work. I think I agree with everything I have said. You know, it was, at times, toxic. It was a tough place to work. It had long hours.

It was, you know, also incredibly rewarding, and there's a reason why people stay as long as they do. We were able to help draft policy for 20 million people. It was, you

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know, really a highlight of my career, but that doesn't mean that it doesn't come with the stress and anxiety of creating policies that are going to better 20 million people.

Q. And my question wasn't about what was rewarding about the job and --

A. Sorry.

Q. At the end of our meeting, you will have a chance to give a statement and you can speak to that and anything else you would like.

My question was more about the way the governor treated you.

A. No, and I said I wouldn't use the term "abusive," but yes, at times, I could have seen myself feeling that way based on my own colloquial definition.

Q. Okay. So just make sure I'm understanding what you're saying, you would not describe the governor's treatment of you, when you worked in the chamber, as abusive, but you can see yourself having felt like the governor was treating you in an abusive way when you were in the chamber; is that correct?

A. At certain times is what I said,

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yes.

Q. Okay. Did you ever cry as a result of interactions you had with the governor?

A. That was under my definition, right? Just for the record.

Q. Yes, it was under your definition. Did you ever cry as a result of interactions you had with the governor?

A. Yes.

Q. How often?

A. I'm an emotional person, so I cry often. I don't mean to say this -- like make a joke of it, but I am emotive, and so I cry in high stress situations, no matter if those are professional or personal. [REDACTED]

[REDACTED]
but I would say often, even maybe if it wasn't always warranted.

Q. Did you cry once a day when you worked in the chamber?

A. No.

Q. Once a week?

A. No.

Q. Once a month?

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A. Again, I can't quantify it, but when I'm in tough situations, my natural instinct is to emote, which, [REDACTED]
[REDACTED]
[REDACTED]. I can't quantify the number.

MR. GRANT: [REDACTED]
[REDACTED]

THE WITNESS: I'm sorry. I was just pontificating. I think we're supposed to advocate and stand strong and not show emotion all the time.

That's a general position, not something I'm saying at the governor's office.

MR. GRANT: Did you ever cry in the governor's presence, meaning after an interaction you began crying before leaving the governor's presence?

THE WITNESS: Yeah, I think there's a few occasions where I would have teared up in front of the governor.

MR. GRANT: Do you recall how the governor responded in those situations?

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THE WITNESS: No, I'm sure it was off-putting, but no, I can't recall.

MR. GRANT: When you say "off-putting," meaning that how the governor responded would be off-putting or that your crying was off-putting to the governor?

THE WITNESS: I think that -- you know, I don't think anyone's aim is to make somebody cry. So I think probably that reaction would have been off-putting -- my crying would have been off-putting to him, but, again, I can't speak for him and I don't recall.

MR. GRANT: Okay.

BY MS. MAINOO:

Q. Since you joined Facebook, have you had any interactions with your supervisor that resulted -- that led you to cry?

A. No.

Q. When you worked for the Clinton Foundation, did you have any interactions with your supervisor that led you to cry?

A. Not that I recall. It was, you

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2 know, 12 years ago.

3 Q. When you worked in AG Schneiderman's
4 office, did you have any interactions with your
5 supervisor that led you to cry?

6 A. There were definitely instances that
7 made me upset, you know, that also -- any sort
8 of political office, there's times where it's
9 very high stress environments, but I can't
10 recall.

11 Q. When you worked on the Obama
12 campaign, did you have any interactions with
13 your supervisor that led you to cry?

14 A. No.

15 Q. When you worked on Bill Thompson's
16 mayoral campaign, did you have any interactions
17 with your supervisor that led you to cry?

18 A. Yes, definitely. It was a really
19 tough campaign.

20 Q. And who was your supervisor?

21 A. By the way, my supervisor didn't
22 make me cry, but I cried often.

23 Q. That wasn't my question.

24 My question was whether you had any
25 interactions with your supervisor that led you

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to cry when you worked on --

A. I can't recall those specifically with my supervisor, but there were frustrations definitely amongst staff. I mean, it was a tough race.

Q. I will repeat the question, and if the answer is no or you can't recall, please let me know.

When you worked on Bill Thompson's mayoral campaign, did you have any interactions with your supervisor that led you to cry?

A. I can't recall.

Q. And I think you mentioned a job you did with [REDACTED].

When you worked in that position, did you have any interactions with your supervisor that led you to cry?

A. No.

Q. Earlier you mentioned that you went to the mansion on various occasions.

Did any of those occasions involve alcohol?

A. Yes.

Q. Did any of them take place in the

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evening?

A. Yes.

Q. Were any of those at the pool in the mansion?

A. It's called the pool house. There's like a structure that is near the pool where some of like the events that were hosted at the mansion would have been hosted.

Q. Are you aware of any chamber staff who swam in the pool in the mansion?

A. Not at any event I was present for. You know, I have been at events where, you know, kids -- like if it's like -- you know, I think for Easter he does an event where people's -- people come with their families, and I do believe there's swimming there, but in terms of like the evening parties, I don't recall being at any party that people were swimming.

Q. Are you aware of any senior staff swimming in the pool at the mansion?

A. I had heard, I think, maybe even more recently from reporters that there were rumors that there was swimming in the pool.

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Again, I was not present, so I don't know.

Q. Before hearing recently from reporters, did you ever hear about senior staff in the chamber swimming in the pool at the mansion?

A. Sorry. I have a vague recollection, but, again, I can't determine if it predates the reporters telling me or before that. I was not there. I'm sorry.

Q. Sorry. I will let you finish.

A. No, I was saying I have never been at a party where there was swimming that I can recall.

Q. Are you aware of senior staff swimming in the chamber -- sorry.

Are you aware of senior staff swimming in the pool at the mansion?

A. As I just said, you know, I have heard rumors of that from reporters, and I can't remember if I had heard that prior or if I'm conflating, you know, the two instances of hearing it.

Q. And what's your vague recollection?

A. Well, from reporters, there was a

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suggestion that people jumped in the pool.

Q. And who were the people who you heard jumped in the pool?

A. I believe Senior Staffer #3 was one of them and Senior Staffer #2 might have been another.

Q. Do you have any personal knowledge of this?

A. No, not that I can recall. I wasn't there, so, you know, in the instance that had been sort of rumored to me.

Q. And what did you hear as part of that discussion?

A. That people jumped in the pool at the governor's house.

Q. Did you hear anything else?

A. Could you be more specific? I don't -- I don't recall specific details of it.

Q. I want to hear everything that you heard from reporters about people jumping in the pool at the mansion.

A. One reporter's recollection was that there was skinny dipping.

Q. By who?

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A. I believe it was Senior Staffer #3 .

Q. Which reporter told you this?

A. I can't recall. There were a few reporters. It was a rumor that was circulating around the time of the allegation.

Q. And what did you say in response to that information?

A. Well, first, I would have said I wasn't there, and I believe Senior Staffer #3 had told me that that absolutely was not true.

Q. Did you talk to Senior Staffer #3 about this?

A. Just about the, you know, question of its truthfulness so that I could deny it to reporters, so they did not print something that was untrue that would have defamed her.

Q. Did you believe Senior Staffer #3 ?

A. Yes, absolutely.

Q. But you did not have any personal knowledge of this?

A. No, again, I was not there at any pool party where people were in the pool -- I'm sorry -- pool house party where people were in the pool.

Q. What did you hear about Senior Staffer #2

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2 Senior Staffer #2 ?

3 A. Just that she was in the pool. I
4 don't think that that reporter suggested she
5 was -- I think they had suggested she was fully
6 clothed or, you know, in the appropriate
7 clothing.

8 Q. Did the reporter say anything about
9 whether the governor was present?

10 A. I don't believe so.

11 Q. Did you ask?

12 A. I can't recall. I think they would
13 bring that to my attention if that was the
14 allegation.

15 Q. Are you aware of anyone leaving the
16 executive mansion either wrapped in a towel or
17 not fully dressed?

18 A. No.

19 Q. On any occasion?

20 A. No, not that I was present for.

21 Q. Have you heard anything about such
22 an occasion?

23 A. I'm sorry. I don't recall. I
24 imagine it's the same night in question, but I
25 don't recall.

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Q. And what's the reason you say you imagine it's the same night?

A. Because you're asking about somebody skinny dipping and then using a towel, if they weren't fully clothed.

Q. I'm not asking about anyone skinny dipping.

My question was whether you were aware of anyone who left the mansion wrapped in a towel or not fully dressed?

A. No, not that I can recall.

Q. Did you ever hear that **Senior Staffer #3** left the mansion in a towel or not fully dressed?

A. Not that I can recall.

Q. Is that something you would recall?

A. Yeah, I mean, I said to you, to the best of my recollection, it was a retelling from a reporter who was checking with me about the accuracy of the -- that incident, you know, and I was told it was false.

So I just can't -- I don't know. I don't remember hearing the anecdote about the towel, but, again, I can't recall hearing the

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2 anecdote about the towel.

3 Q. Have you ever spent the night at the
4 mansion?

5 A. No.

6 Q. Are you aware of any senior staff
7 who spent the night at the mansion?

8 A. Yes.

9 Q. Who?

10 A. I believe, during COVID, Larry
11 Schwartz, Melissa DeRosa and Stephanie Benton
12 would stay at the mansion on certain nights.

13 Q. What did you understand about Larry
14 Schwartz staying in the mansion?

15 A. Just that he was sleeping there in a
16 spare bedroom.

17 Q. Do you know what floor he was
18 sleeping on?

19 A. No, I don't.

20 Q. And do you know how much time he was
21 spending at the mansion?

22 A. No, he spent a long time in the
23 office. That's where I interacted with him
24 most.

25 Q. Did you understand whether

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Mr. Schwartz was staying at the mansion full time?

A. I don't think he was working for us full time. If I remember correctly, it was a portion of the week or maybe -- I'm sorry. I don't know. I don't want to speculate.

MR. GRANT: And what do you know about Ms. DeRosa staying at the mansion?

THE WITNESS: That's about it. That she was staying over there. I don't know if it was every night or on occasion, but COVID, that whole period basically, you know, we were getting to the office at ungodly hours in the morning and staying very late and, you know, it was pretty close to the office.

MR. GRANT: Do you know where in the mansion Ms. DeRosa was sleeping?

THE WITNESS: No, I don't. You mean which floor?

MR. GRANT: Yes.

THE WITNESS: I'm sorry. I don't know.

MR. GRANT: And Ms. Benton, what do

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you know about her staying in the mansion?

THE WITNESS: I think the same thing. Steph lives pretty far from the office, and, again, the hours were really brutal. And I believe she, you know, was staying there to be close to the office.

MR. GRANT: Okay. And do you have any understanding as to why these three people moved into the mansion and not others?

THE WITNESS: No, I don't. No.

BY MS. MAINOO:

Q. Did you consider moving into the mansion?

A. No.

Q. And what's the reason? Is there a reason you did not consider moving into the mansion?

A. I did not want to stay there. I preferred to stay elsewhere.

Q. What's the reason you did not want to stay in the mansion?

A. Just preference. I mean, I stayed at a hotel.

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Q. If you had been asked to stay at the mansion, would you have?

A. I -- you know, I would have considered it. I probably, just from a personal preference, I -- obviously, you know, I didn't -- it's not my first choice.

Q. I appreciate that's not your preference.

Would you have said yes if you were asked?

A. Are you asking if I would have felt pressured to say yes?

Q. Would you have felt like you should say yes if you were asked?

A. I would have -- it would have been my decision.

Q. Yes, so what would your decision have been?

A. To not stay there, as I said.

Q. Were you asked?

A. No.

MR. GRANT: Do you have an understanding as to whether Ms. DeRosa, Ms. Benton and Mr. Schwartz could have

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also stayed in a hotel?

THE WITNESS: You mean from --
sorry. Can you repeat that?

MR. GRANT: Sure. So you said
earlier in discussing your preferences
that you stayed at a hotel and that is
what you would have preferred, correct --
or what you preferred?

THE WITNESS: Yes.

MR. GRANT: Okay. My question is,
do you have an understanding as to whether
or not the option of staying in the hotel
was also available to Ms. DeRosa,
Ms. Benton and Mr. Schwartz?

THE WITNESS: I'm not sure about
Stephanie because you have to live within
a certain distance. You know, there's
obviously like per diem laws. I don't
know if that's the right word for it, but
there's things that govern who can stay
out of the city that they live in, and I
think it's by miles, if I'm correct.

So I'm not quite sure. Stephanie
might not have been able to stay in a

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hotel, but I mean, sure, if that was their -- you know, I can't speak to motivations as to why they wanted to stay at the mansion.

MR. GRANT: What is the basis for your understanding that the per diem laws would apply differently to the mansion in Albany as opposed to a hotel in Albany?

MR. SPIRO: That's not what Ms. Lever said.

MR. GRANT: Sorry. Withdrawn.

BY MS. MAINOO:

Q. Did you ever speak with Ms. DeRosa about her staying at the mansion?

A. Not that I can recall.

Q. Did you ever speak with Ms. Benton about her staying at the mansion?

A. Not that I recall.

Q. Did you have a view about Ms. DeRosa and Ms. Benton staying at the mansion?

A. Not particularly.

Q. You say not particularly. How about generally?

A. Sorry. No. I mean, I did not have

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an opinion one way or the other. It was not, you know, for me to have an opinion on. I don't care.

Q. And what's the reason you say it's not for you to have an opinion one way or the other, you don't care?

A. I just didn't, you know -- we didn't talk about it. I didn't have an opinion about them staying there.

Q. Are you aware of any potential romantic or sexual relationships the governor may have had at any time with an Executive Chamber member?

A. No, not that I recall.

Q. Did you ever hear any rumors about any potential or romantic or sexual relationships the governor may have had with an Executive Chamber member?

A. Sorry. Can you repeat that?

Q. Did you ever hear any rumors about potential romantic or sexual relationships the governor may have had with members of the Executive Chamber?

A. After the allegations were made, I

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had heard from reporters that there was one -- one of the women who had made the allegations that, you know, they were asking if it was potentially a consensual relationship with the governor.

Q. And other than that, had you heard any rumors or statements?

A. Oh, sorry. I also had been asked, in my time working for the governor, if Senior Staffer #1 had any relationships with the governor.

Q. Who asked you that?

A. I certainly recall the New York Post asking us, you know, the office, for a reaction. I'm sure other reporters. It was obviously something, you know, that we denied.

Q. And when you say it was obviously something that you denied, what do you mean by that?

A. Senior Staffer #1 denied it and we denied it. We denied that the rumor was true.

Q. And did you understand whether the rumor was true?

A. I was told by one of the participants that it was not true. So that's

1 LEVER

2 my understanding.

3 Q. Did you hear from the governor about
4 whether the rumor was true?

5 A. I don't remember speaking with the
6 governor about it.

7 Q. Did you fact check whether the
8 denial was true?

9 A. How would I fact check that?

10 Q. Did you do anything to verify
11 whether the denial was true?

12 A. I was --

13 MR. SPIRO: This is really getting
14 ridiculous. I mean --

15 MS. MAINOO: Ed, we can speak off
16 the record, but I'm going to continue
17 asking my questions.

18 Q. Ms. Lever, did you do anything to
19 confirm --

20 MR. SPIRO: You getting your answers
21 and then you keep pressing in areas where
22 you know that you've exhausted Ms. Lever's
23 recollection. You know, we're wasting a
24 tremendous amount of time this morning
25 going over issues and repeatedly asking

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the same questions --

MS. MAINOO: And we're going to waste a lot more time if you continue speaking during my interview.

MR. SPIRO: -- on the part of Ms. Lever to do more when Senior Staffer #1 denied that she had any kind of intimate relationship with the governor.

MS. MAINOO: Ed, this is the last time I'm going to hear from you in this way during this interview.

Melissa, can you repeat my question?

A. The way to fact check that was to ask Senior Staffer #1, and she denied it, and so I denied it.

Q. Okay. Did you consider asking the governor?

A. No.

Q. What's the reason you did not consider asking the governor?

A. Senior Staffer #1 had already told me that it was false.

Q. And so why was that enough?

A. Because I trusted her response, and

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she was one of the participants in the alleged rumor.

Q. And how many times did you hear this rumor?

A. I would say maybe three times. One of them being, you know, very recent. I think there was a [REDACTED] that came out more recently, but, you know, less than a handful.

Q. Did you hear any rumors about Senior Staff #3 having a potential relationship with the governor?

A. Not that I recall.

Q. Did you hear any rumors about Senior Staff #2 having a potential relationship with the governor?

A. Not that I recall.

Q. All right. Let's turn to tab 150. Do you recognize this document, Ms. Lever?

A. No, but I'm reading it.

Q. Okay.

MS. MAINOO: We will mark it as an exhibit.

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(Exhibit 12, Text Messages, Bates Stamped AWALSH00000577 through 579, marked for identification.)

A. (Document review.) Okay.

Q. So let's scroll down, and let's go to Annabel's statement, "I'm in such an awkward heli with Melissa and Gov."

Do you see that?

A. Yes.

Q. And you say, "What why? Going where?" She says, "New York City."

And then let's scroll further about what -- how Ms. Walsh found herself there, and she said -- you asked, "So you just took a ride?" She says, "No, they said I had to because [REDACTED] and Kaitlin aren't there. All of my stuff is still in Albany and I'm so annoyed that I'm awkwardly 3rd wheelinnit."

What did you understand by Ms. Walsh's statement that she's so annoyed that she's awkwardly third wheeling it?

A. I have no recollection of this.

Q. Sitting here today, what do you understand by that?

1 LEVER

2 A. I don't know. I don't know -- I
3 don't interpret it sexually.

4 Q. How do you interpret it?

5 A. Melissa and the governor were
6 incredibly close. You know, they like speak
7 their own language, I think, at times. That's
8 how we felt. And -- I don't know. I obviously
9 can't speak for Annabel in this moment, but it
10 wasn't -- I don't know if I can speak to --
11 from 2017.

12 Q. And what do you mean when you say
13 they speak their own language?

14 A. They are just, you know, both --
15 they are very, very close. She is his top
16 aide.

17 Q. And how does that closeness manifest
18 itself?

19 A. They spend a lot of time together.
20 They do a lot of things together. They think
21 the same way on many issues and policies and,
22 you know, standard -- standard -- like I'm not
23 suggesting it's unprofessional.

24 I'm just saying that they are very
25 close. But, again, I can't speak to the motive

1 LEVER

2 behind Annabel's text.

3 Q. I'm not asking about the motive.
4 I'm just asking how you understand Annabel's
5 statement that she is the third wheel with
6 Melissa and the governor?

7 A. Yeah, I don't feel like I can do
8 that. It could have -- you know.

9 Q. What?

10 A. I'm sorry. I don't feel like I can,
11 you know, just come up with a plain reading of
12 this. I don't know. I think I would have
13 needed context or a recollection of what
14 happened around it.

15 Q. Your response was, "I mean, who
16 cares. Ride home."

17 What did you mean by that?

18 A. To not be annoyed that she had to,
19 you know, go down and staff him. You got a
20 ride home in a helicopter.

21 Q. Did you ever feel like you were a
22 third wheel between the governor and Melissa?

23 A. No, not -- you know, not that I can
24 recall.

25 Q. Are you aware of the governor ever

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using the term "Mean Girls"?

A. He would, you know, occasionally jest about the name. Most often to say we should stop being Mean Girls.

Q. What did you understand by that?

A. He, you know, wanted us to be inclusive. Again, the language is the a characterization. You know, I think I obviously treated everybody I possibly could with a tremendous amount of respect and hope that I was and treated people inclusively.

Q. So did you think it was inaccurate that the governor said you should stop being Mean Girls?

A. Yes, I mean, I think, you know, it was just in jest.

Q. Did you ever tell the governor to stop calling you a Mean Girl?

A. I don't recall. I think -- you know, I don't recall.

Q. Did you ever hear the governor use any other nicknames?

A. Yeah, he used to call me Dani girl. He sometimes referred to [REDACTED] as [REDACTED]. He

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had, you know, nicknames for people. It was mostly endearing.

Q. Was it anything other than endearing?

A. No, not that -- not that, you know, I can recall.

Q. Did you ever hear the governor speaking Italian?

A. Yes.

Q. In what context?

A. He would just sometimes, you know, jokingly speak Italian.

Q. To whom?

A. I can't say. I was not present every time the governor spoke Italian, but, you know, if he was leaving the office, he could have said finito or, you know, it was just sort of part of his dialect.

Q. Did you ever hear the governor making a joke with a sexual innuendo?

A. Possibly. I don't recall specific instances.

Q. What's the reason you say possibly?

A. Because sometimes, you know,

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things -- there were light moments at work. We would joke around, but I can't recall anything specifically.

Q. Did you ever hear the governor joke about the size of his hands?

A. Not that I -- not that I can recall.

Q. Did you ever hear the governor comment on someone's appearance?

A. Yes, I have seen him comment on -- you know, a random occasion, he would comment on people's ties, shoes.

Q. Did you ever hear the governor comment on someone's weight?

A. Yeah, I mean, I actually would speak to him [REDACTED] at times. You know, he was supportive in those instances. Yeah.

Q. What do you mean when you say you would speak with him [REDACTED]?

A. [REDACTED]
[REDACTED]
[REDACTED]

Q. Did the governor ever comment on your weight?

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A. Not, you know -- not in any derogative -- in a derogatory way. [REDACTED]
[REDACTED]
[REDACTED]

Q. Okay. I will ask the question again.

What comments, if any, did the governor make about your weight?

A. None. It was not about my weight.
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]

Q. Did you ever hear the governor comment on anyone's tattoos?

A. Not that I recall.

Q. Do you ever hear the governor asking about anyone's sexual or romantic relationships?

A. Romantic, yes. I can't recall -- you know, I don't think they were sexual in nature, but [REDACTED]

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█. I spoke to him when █
█. I spoke to him about my, you know,
█.

Q. Did the governor ever ask you about your romantic relationships?

A. You know, we were personally close. He asked how I was doing. He asked often how █ was doing.

So, yeah, in terms of my partner, he would ask after him on occasion.

Q. Did he ever ask you about your sex life?

A. No, not that I can recall.

Q. Is that something you would recall?

A. I think so.

Q. Did you ever see the governor flirting with anyone?

A. You know, he was outwardly friendly to men and women. I don't recall seeing him inappropriately, you know, flirting with somebody in the office.

Q. You said inappropriately flirting. Let's take out the inappropriately.

Did you ever see the governor

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flirting with anyone?

A. Not that I can recall. He was -- you know, he is jovial. He is gregarious. He can be -- he's friendly.

So if there's a definition of flirtation, I'm happy to hear it, but, you know, it was -- he can be friendly. I have not seen any, like, instances that I interpreted to be flirtatious.

MR. GRANT: Did you observe any differences in the way the governor would be friendly with men and women who worked in the Executive Chamber?

THE WITNESS: Not particularly.

MR. GRANT: And what do you mean when you say "not particularly"?

THE WITNESS: You know, I have seen him hug women in the office. I have seen him hug men in the office. Sort of like that.

MR. GRANT: Okay. And is there any differences that you can recall?

THE WITNESS: No, not that I can recall.

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BY MS. MAINOO:

Q. Did you ever see the governor ask anyone to sing or memorize song lyrics?

A. We used to sing Danny Boy together, which is how I got the nickname Dani girl, but, you know, it was all in good fun.

Q. When you say you used to sing Danny Boy together, how did that come about?

A. I don't recall. The governor might have been singing it, and I might have, you know, joined in. I don't -- it was just out of -- it was totally in jest.

Q. Did the governor ever ask you to sing Danny Boy with him?

A. I don't recall. It was, you know, sort of -- it was like just a joke. Sometimes when he would see me, he would start singing the lyrics.

Q. Did you ever ask the governor to sing Danny Boy with you?

A. I don't recall doing that, no.

Q. Did you ever see the governor ask anyone else to sing with him?

A. I don't recall.

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Q. Did you ever hear the governor threaten anyone?

A. Could you be more specific?

Q. Did you ever, on any occasion, see the governor threaten anyone?

A. I think I need more context.

Q. When you were working in the Executive Chamber, did you ever see the governor threaten anyone, let's start with in the chamber?

A. I can't recall, you know -- I can't recall.

Q. Is there a reason you are struggling with the question?

A. I was just trying to think of instances in which a threat could be perceived -- you know, in what context it could have been perceived as a threat.

I think it's just broad. I'm happy to answer if you can give me a little bit more specifics.

Q. Specifics about what?

A. What kind of -- like what constitutes a threat or, you know, I just -- I

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can't -- the reason I paused was because I was going through scenarios in which I could have imagined it, but I, you know, can't, with any sort of detail, remember anything like that.

Q. So you can use threat in the same way you used threat when you were talking about Lindsey Boylan's text message to you. So I will ask the question again.

Did you ever see the governor threaten anyone?

A. Then probably, on occasion.

Q. Okay. What were the circumstances?

A. I don't recall specific circumstances, but if you're using it in the way that, you know, you had presented it to me regarding Lindsey of saying things like that, then I -- you know, I don't want to say no, but I can't think of anything off the top of my head.

Q. Who did you see the governor threaten?

A. I have seen him have pretty tough discussions with reporters. I have seen him have tough just, you know, discussions with

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elected officials. You know, again, though, I am not suggesting all of these tough discussions were threats. I just -- it's a real -- it's a really wide net you're casting.

Q. Have you seen the governor threaten people on multiple occasions?

A. I can't recall. You know like so, for example, with a reporter, he might say we're not going to speak to you anymore or we're not going to give you access, but that is a very standard thing that you do when you're interacting with reporters.

So I don't -- you know, I don't know if -- that's not a threat or you might interpret it to be a threat.

Q. I'm asking you to tell me, from your perspective, on what occasions have you seen the governor threaten reporters.

A. I cannot recall specifics around that.

Q. But you have seen the governor threaten reporters?

A. Probably, in my six and a half years there.

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Q. And you have also seen the governor threaten elected officials?

A. I know I have used that as a term. I can't recall if I've ever seen him. Obviously, I read about, you know, the more recent stuff with Ron Kim, but I can't recall specifically a time where he, you know, threatened someone in front of me.

Q. Have you ever heard of the governor threatening an elected official other than recently with Ron Kim?

A. Sorry. Can you repeat the question?

MS. MAINOO: Melissa, can you read it back?

(Record read.)

A. Not that I -- not that I can recall, not in front of me.

Q. Have you ever heard of the governor threatening an elected official?

A. Not that I can recall.

Q. Is that something you would recall?

A. No, not necessarily. I just -- you're asking me for examples that I can't provide.

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Q. And you don't have to provide examples. I'm just asking if you have ever heard of, from your time in the chamber, the governor threatening an elected official.

A. But if I say yes, then you're going to ask me who, and I can't answer that.

Q. And that's your answer.

A. Ever seen or heard of him -- you know, budget negotiation. Maybe that's not a threat, right? It's negotiating over what ends up in the budget, but, again, without -- with specificity, I can't recall a time of hearing that.

Q. Okay. So I want to be clear because I think you might be answering a next question -- the next question that I'm not asking yet.

The question I'm asking right now is, have you ever heard of the governor threatening an elected official? Yes or no?

MR. SPIRO: We're excluding the Ron Kim reported story?

MS. MAINOO: Yes.

A. Yes.

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Q. Okay. The next question is, do you recall anything about what you heard about the governor threatening an elected official?

A. No.

Q. Have you ever heard of the governor throwing anything at anyone?

A. Not that I can recall.

Q. Has the governor ever touched you?

A. I can't remember if there were recent reports of that.

Has the governor ever touched me?
Not in a way that was unwelcome.

Q. In what way has the governor touched you?

A. We have hugged. We kissed on the cheek.

Q. Has the governor ever kissed you on the lips?

A. No.

Q. How would you have reacted if the governor kissed you on the lips?

A. He never has.

Q. And how would you have reacted if he had kissed you on the lips?

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MR. SPIRO: Objection, calls for speculation.

Q. You can answer.

A. I don't think he ever would because that was -- would not have been appropriate.

Q. Did you ever see the governor kiss Annabel Walsh on the lips?

A. No.

Q. Did Annabel Walsh ever tell you about the governor kissing her on the lips?

A. Not that I recall.

Q. Is that something you would have recalled?

A. I think so.

Q. What's the reason you think so?

A. I think it's pretty specific.

Q. Is it also because you would think that was inappropriate?

A. Yes.

Q. Have you ever seen the governor asking anyone if he could kiss them?

A. On the cheek?

Q. Anywhere.

A. I think at events I probably have

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seen him ask women if he can, you know, shake their hand, give them a hug. Men, too, by the way.

Q. Have you ever seen the governor ask anyone if he could kiss her?

A. Not that I can recall specifically but at events -- you know, most events he would be shaking hands or hugging or kissing on the cheek, you know, multiple people because they all sort of come to greet him.

Q. Have you ever seen -- sorry. Please finish.

A. Not that I can recall. Nothing remarkable.

Q. Have you ever seen the governor massaging anyone's shoulders?

A. No, not that I can recall.

Q. Are you aware of any instances where a staff member sat on the governor's lap?

A. Not that I can recall.

Q. Are you aware of any instances where **Senior Staffer #3** sat on the governor's lap?

A. There was, again, a rumor that I had heard from a reporter about that.

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Q. What did you hear?

A. They had asked if -- you know, that they had heard a rumor that Senior Staffer #3 had sat on the governor's lap at a party.

Q. And what's the reason they were telling you?

A. Well, they were basically asking me to, you know, confirm it or deny it. That's what reporters do. They come to you with rumors and speculation, and then they hope that you confirm something for them that they can then report because you need multiple sources to report on certain, you know, depending on the standards of the paper that you come from, but for the most part, you would need sources to confirm things for you before you can print them.

So in that instance, they were coming to me asking if it were true.

Q. And how did you respond?

A. I said that it was not.

Q. And what was the basis for your statement that it was not true?

A. I asked Senior Staffer #3 .

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Q. And what did she say?

A. That she had no recollection of that happening. So I said there was no recollection of that happening.

Q. And just now you said you told the reporters that it was not true --

A. Sorry. I said that there was no recollection of it.

Q. So you said to reporters Senior Staffer #3 has no recollection of whether she sat on the governor's lap?

A. I don't know if those were my exact words, but I -- you know, it never ran, so, obviously, they did not have a confirmed version of that occurring.

Q. What did you say to reporters about whether it occurred or not?

A. I would have said off the record that I checked with the source, you know, the subject in question, and that they said that she had no recollection of that.

It's not like a combative instance with a reporter. That's their job is to basically come at you fishing with information,

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and your job is to confirm or deny it.

Q. And that's not what I'm asking about.

What I want to understand is whether you told the reporter that the information was not true or that Senior Staffer #3 did not recall?

MR. SPIRO: Ms. Lever answered the question. You can answer it again.

A. Yeah, I believe I said to the reporter that Senior Staffer #3 has no recollection of that being true.

Q. Which reporter was that?

A. I don't recall. It was -- again, it was -- you know, there was a few rumors circulating amongst the reporters during this whole time period.

Q. Was it a reporter from the Washington Post?

A. Oh, the Washington Post, I think, asked and then Politico asked, but I can't remember which asked about the pool versus the lap.

Q. And who from Politico asked?

A. I don't remember the reporter.

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Q. Which reporter from the Washington Post asked?

A. I believe it was Josh Dawson. There were a lot of reporters, you know, sort of circling, but I do believe it was Josh. I can't recall with a hundred percent certainty.

MR. GRANT: Have you seen or heard of [REDACTED] sitting on the governor's lap?

THE WITNESS: Not, not that I can recall.

MR. GRANT: Did you ever observe any differences in the way that the governor greeted female employees versus male employees?

THE WITNESS: No.

MR. GRANT: Did you observe that the governor kissed female staffers with the same frequency with which he kissed male staffers?

THE WITNESS: I don't recall kissing being an incredibly frequent thing. I don't know.

MR. GRANT: Okay.

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THE WITNESS: It wasn't like, you know -- yeah.

BY MS. MAINOO:

Q. Are you aware of the governor ever expressing an interest in or hiring a woman after meeting her at an event?

A. Sorry. Can you repeat the question?

Q. Are you aware of the governor ever expressing interest in hiring a woman after meeting her at an event?

A. Yes.

Q. What are you aware of?

A. There was one woman on my team named [REDACTED], who I think the governor met at an event. She worked at Kivvit, and her boss had highly recommended her. And the governor, you know, had alerted me to her and we hired her.

Q. How long did she stay in the chamber?

A. We actually only overlapped about two weeks. I don't actually remember the day that she left, but she did not stay for a significant period of time.

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Q. Did she stay for a year or more?

A. I don't think so. I think it was maybe six to eight months, but, again, I wasn't working in the chamber, so I can't say with any certainty.

Q. What did [REDACTED] look like?

A. She's young. I think she's maybe a year or two younger than me. Not that I'm calling myself young, but it's flattering. She has blond hair. She's lovely.

Q. What position did you hire [REDACTED] for?

A. A deputy communications director.

Q. And what work did she do at Kivvit before she joined the chamber?

A. Oh, I'm sorry. She actually before Kivvit had worked for Michael Bloomberg's campaign. She handled the women's, you know, issue advocacy portfolio, and we had hired her to come in and also do -- I think she was definitely communications director for -- I don't know if it was issue advocacy, but similar, you know, where she would basically run campaigns around the sort of initiatives

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that we were prioritizing for the year.

Q. My question was what was the work that she did at Kivvit?

A. Oh. I think she was an account manager. I don't have her resume in front of me.

Q. And what's your understanding of when the governor decided to hire [REDACTED]?

A. It was actually at a time when I was leaving, so I anticipate that he felt the need to staff up the comm shop.

Q. I'll ask my question more clearly. Do you understand that Governor Cuomo decided to hire [REDACTED] after meeting her at an event?

A. I think that's where he first met her, at an event, and she worked for Rich Bamberger at the time, who recommended her highly both to him and to me.

Q. And did you decide to hire her based on your discussion with Bamberger?

A. No, I decided to hire her based on my discussion with the governor.

Q. What impression did you have about

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A. She seemed to be, you know, hardworking, and she had -- was obviously very lovely. Again, she came highly recommended, and my impressions, you know, from the two weeks that we overlapped, was that she was hungry and wanted to work hard.

Q. What position did you hire her for?

A. Again, deputy communications director for issue advocacy, I believe was the final title.

MR. GRANT: Did you have a vacancy for that role before speaking with the governor about this role?

THE WITNESS: It was actually a role held a few years before. I think her name was ██████████ (phonetic). I might be mangling her last name. But that was a position that existed in the past. And before ████████, though, it had been vacant for many years and -- yeah.

MR. GRANT: Had you been actively recruiting for someone in that role before speaking to the governor about this

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potential?

THE WITNESS: No.

MR. SPIRO: When we get to a convenient point, it's coming up to 1 o'clock. I think it would be good to take a lunch break.

MS. MAINOO: Yep.

THE WITNESS: I had not been recruiting for the job.

BY MS. MAINOO:

Q. Did you consider not hiring [REDACTED] ?

A. Yeah, but because I was transitioning out, you know, I obviously knew the needs of the team, given my departure, and I did not think that that job was necessarily a priority.

Q. Did you tell the governor that?

A. I think I did.

Q. What did he say?

A. He said to hire her anyway.

Q. So you did?

A. I did. By the way, it was my understanding that she did a great job, even in

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the short time she was there.

Q. What's the basis of that understanding?

A. Just talking to people who had still worked with her. I, again, only overlapped with her for about two weeks, but according to other people in the office, they thought that she was well qualified, you know, and was a hard worker.

Q. Which people?

A. I believe both [REDACTED] and Peter Ajemien had said that to me.

MR. GRANT: Is this the only incident or instance you recall the governor hiring somebody after meeting them at an event?

THE WITNESS: Obviously, I recall, and especially, you know, given recent reporting, about Kaitlin [REDACTED] being hired after the governor meeting her at an event.

MR. GRANT: Anyone else?

THE WITNESS: Not that I can think of.

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MR. GRANT: And I'm correct that

Kaitlin is also a woman, correct?

THE WITNESS: Yes. Kaitlin is her first name, yes.

BY MS. MAINOO:

Q. What do you know about the circumstances of Kaitlin's hiring?

A. I actually was not involved at all in her hiring.

Q. That's not my question.

My question is what do you know about the circumstances of her hiring?

A. I don't have any great detail about the circumstances of her hiring. I was not involved.

Q. Again, not asking for great details or about your involvement.

What do you know about the circumstances of Kaitlin's hiring?

MR. SPIRO: Asked and answered.

MS. MAINOO: Understood.

Q. Go ahead, Ms. Lever.

A. What was the question?

MS. MAINOO: Melissa, can you read

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it back when you have a chance? Thanks.

(Record read.)

A. I believe, to the best of my recollection, is that the governor met her at an event and wanted to hire her. Oh, and that she apparently also came, you know, recommended from prior positions she held.

Q. And who did you learn that from?

A. I can't recall. I imagine it was some of the people on her team. You know, it should have been Annabel or Stephanie, but, again, I can't recall.

Q. Did you ever witness senior staff in the chamber yell at other staff members?

A. Yes.

Q. What did you witness --

MR. SPIRO: If we're getting to a new topic, it's after 1 o'clock. We have been going since 9 o'clock this morning.

MS. MAINOO: Ed, I'm going to take a break when I'm ready, and it will be shortly. I didn't say I would do it after the next topic.

MR. SPIRO: No, you have conditions

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on this examination going forward. It's 1 o'clock. We have been going for four hours, and the witness is entitled to a lunch break.

MS. MAINOO: No one is disputing that.

MR. SPIRO: I asked you ten minutes ago --

MS. MAINOO: You're making this go longer. Please stop right now.

MR. SPIRO: You said we would stop for lunch. You had that opportunity. You're moving on to a different topic, and you're not treating this witness with respect and in a fair and appropriate way.

MS. MAINOO: I have heard you.

BY MS. MAINOO:

Q. Ms. Lever, we will stop in a couple of minutes.

So please tell me what you witnessed.

A. What was the question?

Q. We can repeat the question and your answer.

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(Record read.)

Q. And then my next question was, what did you witness, Ms. Lever?

A. I, myself, have been yelled at, and I have also seen other people yell.

Q. Who yelled at you?

A. Melissa has yelled at me. You know, again, high stress environment. There's often -- you know, there's been yelling and you make up, you know, pretty shortly after. It's, as I have said, a very intense place to work.

Q. Did Melissa yell at you every week?

A. I don't think every week. Again, it's really hard to quantify over six and a half years of time spent, but her style is pretty aggressive.

Q. Is her style to yell at staff members?

A. No, but it's to act aggressively. I mean, she's, you know, a crazy hard worker. She eats, sleeps and breathes the job, and she's just a very intense person.

Q. And what do you mean when you say "her style is to be aggressive"?

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A. She's just aggressive in her style of working.

Q. What do you mean by aggressive?

A. She's tough. She isn't, you know -- she's just -- she's a really tough boss. She's secretary to the governor.

I don't remember being yelled at, you know, once a week, but she -- just her standard operating procedure is to run at a high level.

Q. And was her standard operating procedure to yell?

A. No, but it was just to be -- you know, she's a tough boss.

Q. And when you say "she's a tough boss," what do you mean by that?

A. She's very demanding.

Q. And that includes yelling at staff, correct?

A. On occasion.

Q. Frequently, would you say?

A. I can't, you know, recall the level of frequency, but it's not, you know -- it certainly happened.

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Q. And you mentioned that you witnessed other staff members being yelled at.

Who yelled at other staff members?

A. I can't recall with, like, specificity. Yeah, I'm sorry. It's not just Melissa. It was just -- you know, I really can't think back now.

Q. Did Melissa yell at other staff members other than you?

A. Yeah, I would assume so.

Q. Did you ever see Melissa yell at other staff members other than yourself?

A. Yes.

Q. Do you remember any of them?

A. No, not -- not with enough detail. No, I don't recall specific times.

Q. Did you ever hear Melissa yell at Annabel Walsh?

A. Probably, in the six and a half years that I've worked there.

Q. Did you ever hear Melissa yell at Jill DesRosiers?

A. Probably.

Q. Did you ever hear Melissa yell at

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Stephanie Benton?

A. I wouldn't rule it out. It wasn't as if I was her only -- as I said she -- she was a tough boss. She was really demanding. She had incredibly high standards, and she expected them to be met. And when they weren't, you know, she reacted similarly to the governor.

I don't think her reaction was -- her standard reaction was to yell, but on occasion, I have been yelled at and I have seen her yell at others.

Q. And earlier you were starting to say just now, you don't think you were her only. What were you saying?

A. I was going to say only person she yelled at. She yelled at Rich. She yelled at Pete. You know, I have seen her -- she gets -- she reacts, again, on a spectrum, but I have seen her yell. Again, she's a pretty, you know, intense and tough boss.

MS. MAINOO: We can take our break now.

THE WITNESS: Thank you.

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MR. SPIRO: Thank you.

THE VIDEOGRAPHER: Stand by. The
time is 1:09 p.m. We are going off the
record and this will end media unit number
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(Luncheon recess taken at 1:09 p.m.)

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A F T E R N O O N S E S S I O N

(Time noted: 1:56 p.m.)

D A N I L E V E R, resumed and testified
as follows:

THE VIDEOGRAPHER: The time is
1:56 p.m. We are back on the record and
this will be the start of media unit
number 4 -- media unit number 4.

CONTINUED EXAMINATION

MS. MAINOO:

Q. Ms. Lever, when you worked in the
chamber, did you yell at any staff members?

A. Not that I recall. I treated, you
know, my team members with respect.

Q. Did you ever curse at any staff
members?

A. Not that I recall. You know, again,
there could have been moments of frustration,
but for the most part, I, you know -- no.

Q. Did you see any staff members in the
chamber treat anyone in any way other than with
respect?

A. You know, we were under tremendous
amount of pressure. There were -- it was

1 LEVER

2 really high stakes. I think I've seen
3 people -- you know, again, there's been moments
4 of frustration, as I had said. So yes, on
5 occasion.

6 Q. Which staff members in the Executive
7 Chamber did you see treat others not
8 respectfully?

9 A. You know, I can't think of like
10 specific situations, but, again, as I said,
11 there were obviously moments of very high
12 stress and, you know, people reacted. And in
13 moments, I think they weren't treated with
14 respect. I don't think that that was like the
15 standard, you know, operating mode.

16 Q. Did you see the governor not treat
17 staff members with respect during your time in
18 the Executive Chamber?

19 A. On occasion.

20 Q. And you also saw Melissa DeRosa not
21 treat staff members respectfully during your
22 time in the Executive Chamber, correct?

23 A. Again, you know, on occasion. I'm
24 speaking from my own experience, but --

25 Q. Did you see Stephanie Benton not

1 LEVER

2 treat staff members respectfully in the
3 Executive Chamber?

4 A. Not that I can -- you know, not that
5 I can recall.

6 Q. Are you aware of staff members in
7 the Executive Chamber telling jokes of a sexual
8 nature?

9 A. Not that I can recall.

10 Q. Are you aware of any bullying
11 behavior by staff members in the Executive
12 Chamber?

13 A. In what -- can I have more context?

14 Q. Do you have an understanding of the
15 term "bullying"?

16 A. Could you define it for me?

17 Q. Do you have -- I'm asking you, do
18 you have an understanding of the term
19 "bullying"?

20 A. Probably a general sense.

21 Q. And what is your general sense of
22 what bullying means?

23 A. That people are treated in a
24 derogatory way repeatedly.

25 Q. Did you ever see any staff members

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in the Executive Chamber bully anyone else in the chamber?

A. I can't recall, you know, specific instances.

Q. Generally speaking, do you know of any staff members in the chamber bullying other staff members in the chamber?

A. Again, you know, I don't think that's like the consistent posture, right? There, obviously, were moments of very high intensity, high pressure.

Q. Ms. Lever, I'm not asking about the consistent posture.

I'm asking if you are aware of any incidents of bullying by members of the Executive Chamber?

A. I can't think of any off the top of my head.

Q. Are you aware of any?

A. I can't be aware if I can't think of them.

Q. I don't know if your distinguishing between, well, if I say yes, then the follow-up question will be which ones. So that's why I

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will ask the question again.

Generally speaking, are you aware of any instance of bullying by members of the Executive Chamber?

A. I think people could have felt bullied. I can't think of the times where I witnessed bullying occur.

Q. Did you ever hear about staff members in the chamber bullying others?

A. No, not that I can recall.

Q. Did you ever hear about any incidents involving [REDACTED]?

A. Yes.

Q. What did you hear?

A. Somebody who worked for me named [REDACTED] felt like [REDACTED] was being incredibly aggressive with her over a presentation we were working on either for the State of the State or for the budget. I believe it was for the State of the State.

Q. How did you become aware of how [REDACTED] felt?

A. She came to me and talked about it.

Q. What did she tell you?

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2 A. That [REDACTED], you know, had -- was
3 calling -- [REDACTED], who was under tremendous
4 amount of pressure from the governor, was, you
5 know, projecting that pressure on to [REDACTED].
6 And she had told me that he called her, you
7 know, a ridiculous amount of times and was very
8 demanding for her to produce, I believe they
9 were graphics that he had been waiting for or
10 that the -- you know, the governor was sort of
11 waiting for.

12 Q. Did you understand from your
13 discussion with [REDACTED] that she felt like
14 [REDACTED] was bullying her?

15 A. I mean, she was incredibly upset. I
16 don't know if she used the term "bullying."

17 Q. And even if she didn't use the term
18 "bullying," did you understand from what she
19 said that she felt that [REDACTED] was bullying
20 her?

21 A. You know, as I defined it, it was
22 being treated in a demeaning way repeatedly. I
23 don't know if that was like a consistent thing.
24 I think that instance, which by the way was not
25 okay -- but I don't think she described it to

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2 me as bullying. I don't -- it was -- it was
3 not an okay thing for him to be doing or
4 treating her properly or professionally.

5 Q. What did you say to [REDACTED] ?

6 A. I apologized. I, you know, consoled
7 her. I told her she was doing a great job. I
8 said I would handle it.

9 Q. Did you handle it?

10 A. I reported it to Jill, who was the
11 chief of staff at the time, you know, and one
12 of my supervisors, and, you know, we talked
13 about what we should do. And Jill told me that
14 she would talk to [REDACTED] about it and counsel him
15 on it, and I think -- to the best of my
16 understanding, I think it did stop.

17 Q. When did [REDACTED] tell you about her
18 negative interaction with [REDACTED] ?

19 A. I believe it was -- again, I had
20 said to you it was either State of the State or
21 budget, which are traditionally a few weeks
22 apart. I believe it was State of the State,
23 and, you know, it was obviously following that.

24 Q. What year was this?

25 A. I guess 2019 because 2020 was -- we

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didn't really have the State of the State, I don't think.

Q. Did you report what [REDACTED] told you to GOER?

A. I reported it to Jill.

Q. My question was did you report it to GOER?

A. No.

Q. Did you consider reporting it to GOER?

A. No, I considered reporting it to my supervisor, which I did.

Q. And do you know if Jill reported it to GOER?

A. I don't.

Q. Did you ever discuss with Jill or anyone reporting [REDACTED] complaints to GOER?

A. I don't.

Q. Is the answer no?

A. I don't recall. You asked if I recall speaking to anybody about it, and I don't recall.

Q. Did you speak with anyone about

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referring what [REDACTED] told you about [REDACTED]
[REDACTED] to GOER?

A. I don't recall.

Q. Would you recall if you had done
that?

A. If I had spoken to somebody about
reporting it?

MR. SPIRO: Objection, calls for
speculation.

A. I'm not sure.

Q. I will ask the question again.
Would you recall if you had spoken
with anyone about referring [REDACTED]
complaints about [REDACTED] to GOER?

A. I don't know if I would recall that.

Q. Did you ever consider reporting
anything to GOER during your time in the
Executive Chamber?

A. No, not that I recall.

Q. And you said that [REDACTED] talked
to you about [REDACTED] on one occasion.

Did anyone else talk to you about
[REDACTED] treatment of [REDACTED] ?

A. I believe [REDACTED] either friend or

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boyfriend at the time was somebody who worked in the office, and if I recall, he had also mentioned it to me in another conversation.

Q. What did he mention to you?

A. That [REDACTED] was particularly hard on [REDACTED].

Q. And was this in connection with the presentation you referenced or separate from that?

A. I don't recall, you know, the specific time period of that. I believe it was around then.

Q. And what's [REDACTED] boyfriend's name?

A. Staffer #1 [REDACTED]. I don't think they were boyfriend at the time. I only found out they were dating after they left. And I have no idea when they started dating.

Q. And other than Staffer #1 [REDACTED] and [REDACTED], did anyone else tell you about [REDACTED] interactions with [REDACTED]?

A. Not that I can recall.

Q. You were [REDACTED] supervisor, correct?

A. Correct.

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Q. And based on -- okay. What's the reason you talked to Jill about what [REDACTED] [REDACTED] told you?

A. I thought it was inappropriate, and she was really upset by it.

Q. What did you think was inappropriate about it?

A. That she felt like she was in that position that he was treating her, you know, unprofessionally.

Q. Did you see anything wrong with what [REDACTED] described to you?

A. Yes, absolutely that's why I reported it.

Q. And what did you think was wrong with what [REDACTED] told you?

A. That [REDACTED] was being too hard on her and aggressive.

Q. Did you talk to [REDACTED]?

A. I spoke to Jill and Jill spoke to [REDACTED].

Q. The question, did you speak to [REDACTED], is that a yes or no?

A. No, I don't recall speaking to him

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about it.

Q. You described other people's behavior as aggressive. You've described the chamber environment as tough.

What was different about what [REDACTED] was doing to [REDACTED]?

A. Sorry. I don't understand the question.

Q. You said that Melissa DeRosa acted aggressively.

Did you report Melissa DeRosa to anyone?

A. Oh, I mean, this was a specific case that [REDACTED] brought to my attention.

Q. Can you elaborate on that? I'm not understanding the point.

A. When I said that people were aggressive in the office and it was tough, you know, people were under a tremendous amount of pressure. The office operated at a very high clip. Like that was, you know, general.

This instance that [REDACTED] brought to my attention was specific. And I had not -- you know, I had never witnessed that exact

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behavior happening at another point.

Q. So are you saying that because this was an isolated incident versus something pervasive that's a reason to report it?

A. No, I'm saying that somebody who worked for me came and made a very specific complaint about an interaction that she had with somebody who worked in the office, and I took it incredibly seriously, and I reported it.

Q. You didn't report it to GOER, though, right?

A. I reported it to my supervisor.

Q. The process was for you to report protected workplace discrimination issues to GOER, correct?

A. I thought that original document said supervisor or GOER.

Q. We can -- let's go back to that document.

A. Okay.

Q. And just so I understand it, how did you perceive [REDACTED] complaint against [REDACTED]? Did you see a gender aspect to it?

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A. No, not particularly, but I was troubled by it.

Q. You say not particularly. Were you -- did you see a gender dynamic to it at all?

A. No, I just meant I could probably see, you know -- I don't -- I think if there was a male in her position that was responsible for producing the same material, he probably would have been treating him the same way, but, again, I can't speak for [REDACTED] or his motivations behind the treatment.

Q. And I'm not asking you to do that, but the way [REDACTED] was treating [REDACTED], according to [REDACTED], raised red flags for you and that's why you went to Jill, right?

A. Yes, but I don't think my flags were raised necessarily because it was gender.

Q. So why were the red flags raised?

A. Because he was acting inappropriately.

Q. Inappropriately under what standards?

A. Professional standards.

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Q. Workplace standards?

A. Yes.

Q. Okay. And we don't need to look at the document.

You said that the memo said any report could go to a supervisor but that a supervisor -- do you agree that the process was for a supervisor to refer reports to GOER?

A. I don't have the document in front of me, but...

Q. We will put it back up then.

A. But, sure, I mean, I accept your -- I take your word for it.

Q. And you don't just have to take my word for it, but, again, did you have any discussion with Jill about whether she was going to report [REDACTED] to GOER?

A. No.

Q. Are you aware of [REDACTED] pushing a staff member into a urinal?

A. No.

Q. After you spoke with Jill, did you follow up in any way on what [REDACTED] told you?

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A. I recall having, you know, a second conversation in which I said, did you speak to [REDACTED], and I believe Jill said, yes.

Q. Did you have any discussions with [REDACTED] after that, after the first discussion you had with her?

A. I don't recall. You know, she worked for me, so we talked all the time. I believe it had stopped. I don't recall.

Q. What's the reason you believe it had stopped?

A. I never heard about it again.

Q. Did you ask?

A. I don't recall asking because we had daily if not -- we checked in with each other a lot because she was on the team.

Q. So we have the exhibit back up, and I'm going to direct you to the bottom of the first page going into the second page. And it says, "You may also file a complaint with your supervisor, manager, executive staff, counsel's office or human resources. Each of these individuals is required to send your complaint to GOER so that it will be investigated."

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Do you see that?

A. Yes.

Q. Does it provide for the supervisor to then tell her supervisor.

Do you agree with that?

A. I don't understand the question.

Q. The process is for a supervisor, who receives a complaint, to send the complaint to GOER, correct?

A. Yes.

Q. The process is not for the supervisor to refer any complaint to her own supervisor, right?

A. I'm sorry. I'm a little confused with all the supervisors. I reported it to my supervisor, and your suggestion is that my supervisor was required to report it to GOER.

Q. No, I'm saying that you, as a supervisor, were required to report it to GOER, at least under this process, correct?

A. Sure. I'm sorry. I'm not, you know, well steeped in it.

MS. MAINOO: Okay. You can take it down.

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Q. But you got training on it. Is that a yes?

A. Yes.

Q. Did you receive any other complaints about workplace issues when you were a supervisor in the Executive Chamber?

A. Not that I can recall.

Q. Why did you decide to leave the Executive Chamber?

A. I was ready for a new job. I had never worked in the private sector, and I wanted -- you know, I was seeking a little more work-life balance.

Q. Was your decision to leave influenced, in part, by the culture in the Executive Chamber?

A. Influenced, in part, by what?

Q. The culture, the yelling and aggressive behavior that you described.

A. No, it was time for a change.

Q. Why did you decide at that point that it was time for a change?

A. I had just been considering it for quite some time actually. You know, as I said

1 LEVER

2 earlier, even after the campaign, I was unsure
3 if I wanted to go back. So it was just time
4 for a change. I had been there six and a half
5 years.

6 Q. Did you speak with anyone as you
7 were considering a change?

8 A. Sure.

9 Q. Who?

10 A. I spoke to -- you mean about people
11 within the office?

12 Q. People within the office, correct.

13 A. Yeah, I spoke to Jill. I spoke to
14 Annabel. At certain points, you know, I
15 alluded to it to Melissa. I spoke to Peter. I
16 spoke to Rich.

17 These people were obviously very
18 close friends of mine. And I was very open
19 about the fact that, you know, I wasn't
20 planning on staying much longer.

21 I actually wanted to leave before
22 COVID, and then, obviously, once COVID hit, I
23 felt like I had to, you know, help get the
24 state through it, but it was not a secret.

25 Even the governor -- I even had

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discussions with the governor about leaving.

Q. What discussions did you have with the governor about leaving?

A. Just that I wanted, you know, work-life balance. I wanted to have a family. I wanted to do a lot of things that I was ready for in my personal life. I wanted to get married.

MR. GRANT: You said you alluded to it to Ms. DeRosa, correct?

THE WITNESS: Yeah, I shouldn't have said that. The reason I said that is because I definitely spoke to her about it in 2018, like, definitively. I just can't remember if -- and months before I left, but I just can't remember if, you know, throughout my period of the two years that I stayed, how overtly I was speaking to her about it. But it was not a secret in the office that I was trying to transition out.

BY MS. MAINOO:

Q. And you said a couple times you wanted to do things like get married and have a

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family.

Did you not think you could do those things in the chamber?

A. I mean, I could have gotten married, but, you know, when you basically spend half your time in Albany, it's sort of hard to get a guy to propose, to put it mildly.

I think you can get married. I think you can obviously have children, but it's -- as I have said, you know, many times, it's a really tough place to work and the time commitment is really tough. So it would be hard to start a family.

MR. GRANT: Correct me if I'm wrong, I believe you testified earlier that you had spoken to Ms. DeRosa sometime in 2018 and then another time some months before you ultimately left the chamber, correct?

THE WITNESS: Correct.

MR. GRANT: What do you recall about the conversation with Ms. DeRosa in 2018, if anything?

THE WITNESS: The original conversation?

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MR. GRANT: Yeah.

THE WITNESS: It was a tough conversation. You know, Melissa and I were really close personally. I had known her for many years. She taught me a lot about, you know, dealing with the press and communications, and it was frankly bittersweet for me to leave, too. It was a tough conversation to have.

MR. GRANT: Do you recall anything that Ms. DeRosa told you during this conversation after you expressed your desire to leave?

THE WITNESS: Yes, she tried to get me not to leave.

MR. GRANT: And how did she try to get you not to leave?

THE WITNESS: She said that, you know, I was making a mistake, that I should stay in state service, that the governor -- you know, there's no job like it, and that Facebook is -- like it would be better to stay here than to go work at Facebook.

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MR. GRANT: Gotcha. Was there any other way -- is there any other way in which she tried to convince you not to leave?

THE WITNESS: Could you be more specific?

MR. GRANT: Sure. So you said she told you there's no job like this, that you're making a mistake.

Is there any other way in which she conveyed to you that you should not leave?

THE WITNESS: Sorry, that was the same question.

MR. GRANT: Okay.

THE WITNESS: You know, it was a long conversation. It was a tough conversation.

I'm just trying to think. I ended up pushing it back a few months. You know, I didn't leave right away. You know, I think I explained to her the tradeoff I was making, and I think she thought that it wasn't -- that I shouldn't be leaving.

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MR. GRANT: Okay. And now, for that second conversation that you said was months before you left.

THE WITNESS: That conversation was months before I left. It was, I believe, in maybe in April or -- April and then I didn't leave until August.

MR. GRANT: Gotcha.

THE WITNESS: But I had also -- you know, that was what I was saying in the past, that she had known my desire to have more balance in my life.

MR. GRANT: Gotcha. And so then I guess I will go back to the conversation that you recall from 2018.

What do you recall about that conversation, if anything?

THE WITNESS: That was actually more -- excuse me -- more focused on, you know, what role I would take if I were to come back to the chamber and my desire to only stay for a very short amount of time, that I hadn't fully decided if I want to come back but, you know, just general.

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MR. GRANT: Okay.

BY MS. MAINOO:

Q. And you said that you delayed your departure by a few months.

How did that come about?

A. It was the height of COVID. I think I -- you know, they wanted me to stay longer. I felt like I had to stay longer. Facebook completely understood that I had to stay longer.

It was -- you know, it was obviously probably the most critical period. As you know, March was the height.

And so I got the offer like at the end of March, early April. So you can imagine that that would not have been a great time for the communications director to leave.

Q. So you got the offer at the end of March, early April, and you ultimately left the chamber in August?

A. Correct.

Q. When did you tell Melissa DeRosa about your offer to join Facebook?

A. I don't recall specifically. I

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believe it was sometime in April.

Q. Before you got your offer -- well, how did you get your position at Facebook?

A. I interviewed.

Q. Did you tell any of your colleagues in the chamber that you were interviewing with Facebook?

A. Yes, I think I did.

Q. Who?

A. I believe Jill, Annabel and possibly Peter, maybe Rich.

Q. Did you tell Melissa?

A. I was pretty open. No, I did not tell Melissa.

Q. Is there a reason you did not tell Melissa?

A. I think it's, I mean, sort of different when you're talking to your friends versus talking to your boss.

Q. And how is it different?

A. I just think it's different.

Q. In what way?

A. I just -- I wasn't ready to tell her.

1 LEVER

2 Q. Was she angry when you told her?

3 A. She was upset. I was upset. It was
4 upsetting. We spent a lot of time together.
5 We were close. It was --

6 Q. How do you know she was upset?

7 MR. SPIRO: Have you finished your
8 answer?

9 THE WITNESS: No.

10 Q. How did you know she was upset?

11 MR. SPIRO: Can you let Ms. Lever
12 finish her answer?

13 Q. Ms. Lever, I think my question was,
14 was she angry, and you said she was upset.

15 How did you know she was upset?

16 A. Because she had conversations about
17 it where she told me she was upset.

18 Q. Did she express in any way
19 physically that she was upset?

20 A. Physically, like did she --

21 Q. Did she yell?

22 A. Oh, no.

23 Q. Was she angry?

24 A. I think she was a little bit
25 surprised. She wasn't -- in that initial

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conversation, I don't believe she was angry. It was an upsetting conversation for both of us.

Q. Was she angry in any other conversations?

A. There were other points where it was -- you know, she was angry that I was leaving, yes.

Q. Okay. How did you know that she was angry that you were leaving?

A. Because we continued to talk about it.

Q. Did she say anything that showed you that she was angry that you were leaving?

A. Yes, many things.

Q. What did she say that let you know she was angry that you were leaving?

A. I mean, it was over the course of multiple conversations. I don't recall specifics, but, you know, that she didn't want me to leave, that I was -- I think the office -- it was that I was abandoning the office.

Q. And how did that make you feel?

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A. Awful.

Q. Did you think that was fair?

A. It was at a time when we were under tremendous pressure. So I actually -- in this instance, I could understand why, you know, it was even more upsetting than anyone just generally leaving.

Q. But did you think it was fair for her to tell you you were abandoning the office after you had served for six and a half years?

A. I just want to say I don't think she specifically used that term "abandoning." I don't recall the actual words she used. I think that's how she felt.

Q. Okay. Did you think it was fair for her to convey that she felt you were abandoning the office after you had served in government for over six years?

A. I mean, I left. So, you know, I chose the right thing for me.

Q. But did you think it was fair for her to convey that you were abandoning the office?

A. I think fair is too general of a

1 LEVER

2 term to use after, you know, I spent so much
3 time and effort under so much pressure, and,
4 you know, we had a really close personal
5 relationship and professional relationship, and
6 so it wasn't just a standard departure.

7 You know, I felt, of course, I had
8 given my time and eventually I left and it was
9 fine.

10 Q. When did you first tell the
11 governor --

12 MS. MAINOO: Sorry. Go ahead,
13 Yannick.

14 MR. GRANT: I was just going to ask,
15 and this may have been covered earlier,
16 but was one of the reasons that you did
17 not tell Ms. DeRosa that you were
18 interviewing because you were scared of
19 what her reaction would be?

20 THE WITNESS: I think I wanted to
21 get the job before. I think that's very
22 normal in any workplace, that you secure a
23 job and, you know, make your final
24 decision.

25 You know, even if I was offered, I

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don't know if I was a hundred percent taking the job. So I didn't think that it was necessary to tell her.

MR. GRANT: Did you have any concerns that she may interfere with your getting a potential offer had you told her before that you were interviewing?

THE WITNESS: No.

MR. GRANT: Have you ever heard of anyone -- of Melissa DeRosa interfering in a potential job offer to a Executive Chamber employee?

THE WITNESS: I don't recall specifically to Melissa. I know that in -- you know, I think there was obviously instances where Joe Percoco did that, but I don't recall -- I don't recall Melissa doing that.

MR. GRANT: Do you recall anyone besides Mr. Percoco?

THE WITNESS: No, I mean, I think, you know, what you hope for is that you get more than two weeks, but I don't know if I have heard of anyone, you know,

1 LEVER

2 trying to stop a job.

3 MR. GRANT: That's it.

4 BY MS. MAINOO:

5 Q. When did you speak with the governor
6 about your plans to go to Facebook?

7 A. I called him in May. I believe it
8 was -- I'm sorry. I'm not quite sure of the
9 date.

10 Q. But you think it was in May?

11 A. Yes.

12 Q. Is there a reason that stands out to
13 you?

14 A. Only because in my very foggy memory
15 I thought it was Memorial Day, but, I'm sorry,
16 I just don't have a clear recollection.

17 Q. So that that would be the end of
18 May, correct?

19 A. Uh-huh.

20 Q. And you got the offer at the end of
21 March or in early April, correct?

22 A. Again, I believe. I can look back
23 at my records later, but I believe.

24 Q. So what did you tell the governor
25 when you spoke with him?

1 LEVER

2 A. That I got a job offer and I was
3 taking it.

4 Q. How did he react?

5 A. It was a very short conversation.
6 He said -- I think he even said that's great,
7 and then we sort of ended it abruptly, and
8 then, you know, it was maybe a minute and a
9 half. He was surprised.

10 Q. Sorry. Can you repeat?

11 A. I said I think he was surprised.

12 Q. Okay. What's the reason you say you
13 think he was surprised?

14 A. Just based on his reaction.

15 Q. And what was that reaction?

16 A. I don't recall exactly.

17 Q. You say you think that the governor
18 was surprised based on his reaction. I'm
19 trying to understand what about his reaction
20 let you know that he was surprised?

21 A. He said things like "wow."

22 Q. And did he end the conversation
23 abruptly?

24 A. He just said, let's talk about it,
25 you know, tomorrow or this weekend.

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Q. Then did he hang up?

A. We both hung up. He didn't hang up on me.

Q. Has he ever hung up on you?

A. Not that I can recall, but -- not that I can recall.

Q. But you wouldn't be surprised? Is that a yes?

A. It's I cannot recall.

Q. But you would not be surprised?

A. I can't recall.

Q. So did you have a follow-up conversation with the governor about your plans to go to Facebook?

A. I think we spoke a few times over the next, you know, couple of months about my leaving, about the team, about, you know, just general things that you would talk to your boss about before you go.

Q. Did the governor ask you to stay?

A. No, not that I recall.

Q. Is there a reason you waited until the end of May to tell the governor that you were planning to leave?

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A. No, probably had to work up some courage.

Q. What's the reason you had to work up some courage?

A. Whenever you're leaving a job, it's a high stress thing. I was upset. I was sad. I spent a lot of time there, and, you know, as I said, it was a bittersweet reason for leaving.

Also, my start date, given that it was influx, you know, I didn't feel the need to give -- give anybody a ton of lead time, like months of lead time.

Q. When did you accept the offer from Facebook?

A. I don't recall.

Q. Did you accept it in April?

A. I don't recall when I formally accepted or signed.

Q. Did you accept --

A. I mean, there was a negotiation period. You know, I negotiated it. I actually think I told the governor very soon after I finally finalized the contract. I went back

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and forth with Facebook a lot on, you know, the job.

Q. What did you go back and forth with Facebook about?

MR. SPIRO: Why is that relevant?

Q. You can answer, Ms. Lever.

MR. SPIRO: No, before you answer, why is it relevant what the terms of her contract with her current employer are?

MS. MAINOO: Ed, I'm not asking about the terms of her contract with her current employer. We can take this discussion offline.

Q. Ms. Lever, in the meantime, please answer the question.

MR. SPIRO: We will discuss this offline.

Q. Ms. Lever, what did you go back and forth with Facebook about?

DI MR. SPIRO: You're not going to answer that question now.

Ask your next question.

Q. Ms. Lever, what did you go back and forth with Facebook about?

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DI MR. SPIRO: Same direction.

Q. I'm going to sit here until I have an answer to the general question, what did you go back and forth with Facebook about.

A. The parameters of the job, the level, things like that. Very standard things when you're negotiating a contract with a free term employer.

Q. Did you go back and forth with Facebook about your start date?

A. Yeah, but that was less of a negotiation.

Q. Okay. What were your -- please go ahead.

A. As I said, they understood that it was a hard time to leave.

Q. When were you initially due to start at Facebook?

A. I don't recall the start date. Maybe June. I don't recall, though.

Q. Since you joined Facebook, have you done any work for the Executive Chamber or the governor?

A. In my personal time.

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Q. In connection with your work for Facebook, have you done any work for the governor or the Executive Chamber?

A. Oh, no, absolutely not, no.

Q. So what do you mean when you say that in your personal time you have done work for Facebook -- sorry. I'll start again.

What do you mean when you say in your personal time you have done work for the governor or Executive Chamber?

A. I think I misunderstood the question. Could you actually re-ask the original question?

Q. Sure.

MS. MAINOO: Melissa, can you read back the question that got the response "in my personal time."

(Record read.)

A. So that was the original question? It wasn't if I've done work for Facebook with the governor's office, right?

Q. That was a separate question I asked later.

So the question on the table right

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now is, since you joined Facebook, have you done any work for the Executive Chamber or the governor?

A. But not on behalf of Facebook, to be clear?

Q. Correct.

A. Right. I, you know, have been part of various conversations regarding the recent allegations.

Q. And how did you get involved in those conversations about the recent allegations?

A. Melissa called and asked, you know, my advice and thoughts on how to respond to some of the recent allegations.

Q. And did Melissa ask you to take on a role in responding to the allegations of sexual harassment against the governor?

A. No, there is no formal role.

Q. And when did you have that conversation with Melissa?

A. It wasn't a specific conversation. You know, she called and asked me to -- what did I think about certain things and, you know,

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wasn't asking me for a specific role.

Q. When did she call you?

A. I believe -- I can't recall specifically, but, you know, we started talking in December.

Q. And since then, have you continued to help the Executive Chamber and the governor respond to allegations of sexual harassment against the governor?

A. Not in many months.

Q. When is the last time you did that?

A. I'm not sure. I don't recall. Many months ago.

Q. January?

A. Maybe March. I'm really not sure.

Q. And how is it that you stopped helping out with the response to sexual harassment allegations against the governor?

A. How is it that I stopped?

MR. SPIRO: Do you understand the question?

THE WITNESS: No.

MR. SPIRO: Could you rephrase the question?

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Q. So I think before I said, when is the last time you helped respond to the allegations, and you said you think in March.

A. But I said I don't know. I really don't.

Q. Okay. You don't know, maybe in March.

A. I just know that, you know, it's been a long time since I have spoken to them about this.

Q. Okay. Is there a reason that it's been a long time since you have spoken to them about this?

A. Not particularly. I don't -- I mean, I think some of the coverage stopped. I think, you know, there's obviously an ongoing investigation and that was -- continues to be the response of the governor's office.

Q. Has anyone from the Executive Chamber called you since March to ask for your help in responding to the sexual harassment allegations?

A. Again, I don't want to be tied to March as if I'm, you know, misstating

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something.

Q. Since March or whenever is the last time.

A. And the question is, has anyone called me to talk about the sexual harassment allegations?

Q. Has anyone called you to ask for your help in responding to the sexual harassment allegations since the last time you remember being involved?

A. No, not since the last time I remember being involved.

MR. GRANT: Do you recall having a conversation with anyone around the time you stopped assisting in responding to allegations -- the allegations?

THE WITNESS: No, not that I can recall. I also -- I'm sorry. I don't fully understand the question.

MR. GRANT: Sure. It was a bit mangled. Let me start over.

So you recall there was some point where you no longer were assisting in the response that the Executive Chamber was

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making to the allegations of sexual harassment, right?

THE WITNESS: Yeah.

MR. GRANT: Okay. My question was, at around that time, did you have a conversation with anyone related to stopping --

MR. SPIRO: Are you excluding conversations with counsel?

MR. GRANT: Yes.

THE WITNESS: Not that I recall.

MR. GRANT: Okay.

BY MS. MAINOO:

Q. Did you speak with anyone at Facebook about your involvement in responding to the allegations of sexual harassment against Governor Cuomo?

A. I did.

Q. Who?

A. I spoke to my supervisor before sending out a statement regarding the initial allegations made by Lindsey Boylan, and I, you know, the -- in terms of having conversations regarding the subsequent allegations, that was

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really done in my personal time.

Q. So I think you're referring to the statement that Caitlin Girouard issued in February 2021 talking about the complaint.

Is that the statement that you are referring to just now?

A. Yes. Yes.

Q. Please go ahead.

A. No, no. That's the right one.

Q. And you're saying that you spoke to your supervisor before you put your name on that statement?

A. Correct.

Q. Okay. Other than talking to your supervisor before you put your name on the statement that was issued publicly, did you speak with anyone at Facebook about the fact that you were helping the Executive Chamber respond to sexual harassment allegations against the governor?

A. As I said, I was doing that on my personal time.

Q. So the answer is no, because you were doing that on your personal time, correct?

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A. Correct.

Q. I didn't hear you.

A. Correct.

Q. Did you have any concerns about whether anyone at Facebook would approve of you being involved in the response to the sexual harassment allegations against the governor?

A. I think there would have been a problem if I, you know, was speaking on behalf of the governor's office, which I was not, obviously, as I speak on behalf of Facebook now. But, you know, no, I was, obviously, as I said, doing this in my personal time.

Q. So you didn't have any concerns about any potential repercussions in terms of your employment at Facebook?

A. Not in terms of, you know, helping on the response effort. Obviously, as I said, if it were an on-the-record statement, I would not have put my name to it, given that I currently was a spokesperson for another company, and that would have been a problem.

Q. You heard over time about articles and possible reporting on your involvement in

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helping the governor's office respond to the sexual harassment allegations, right?

A. Can you repeat?

Q. You heard, at various times, about possible stories discussing your involvement in the response to the sexual harassment allegations against the governor, correct?

A. Sure. By USA Today or, you know, Journal News that had heard that I was part of the response.

Q. And you didn't want any articles to be published saying that you were part of the response, right?

A. I was doing something on my personal time. So no, I did not.

Q. And part of the reason you did not want your role to be publicized was because of the possible concerns about your employment, correct?

A. I think, you know -- yeah, one of, but not because I was -- it did not impact my work at Facebook.

Q. But you were worried that it could impact your work at Facebook if your role in

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the response were publicized, right?

A. It's something that I was doing on my personal time, and I would have preferred Facebook not to know about it.

Q. What's the reason you would have preferred Facebook not to know about it?

A. Because I was doing it in my personal time.

Q. Is it the case that you don't want Facebook to know about anything you do in your personal time?

A. I think for the majority, you know, I think you should keep things -- yeah, I would say, but I can't speak to every single thing. But in this matter, it was my personal time.

Q. And did you have any concerns that your employment at Facebook might be jeopardized --

A. No.

Q. -- by your role in helping to respond to the sexual harassment allegations?

MR. SPIRO: Let her finish the question, then pause, then give your answer.

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A. Sorry. Can you repeat the question?

Q. Did you have any concerns that your role at Facebook -- let's start again.

Did you have any concerns that your employment at Facebook might be jeopardized by your involvement in helping to respond to the sexual harassment allegations?

A. No.

Q. When Melissa called asking for your help in responding to the sexual harassment allegations, did you consider telling her no?

A. It wasn't, again, like a general role on a team. She called after Lindsey had tweeted the original tweet, which, you know, had no details about allegations, and it was before the other women came forward. And it was just sort of what do you think, you know, what do you think, how do we respond. It wasn't like a formal process.

Q. At any point between December and March, did you consider saying no, when you were asked to help respond to sexual harassment allegations against the governor?

A. Yeah, I mean, there were also times

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where I, you know, had -- was busy and I didn't, you know, pick up a phone call and I was focused on my job at Facebook. I was new and, you know, I -- I had a real job.

Q. So I'm trying to understand that answer.

You had a real job and so -- and so what?

A. You asked me if there was any time when I thought about saying no, and I'm saying there were times when I did say no, right? I was just like maybe too busy to help.

MR. GRANT: Was there a time that you ever considered telling Ms. DeRosa that you no longer wanted to receive any calls related to responding to the allegations of sexual harassment that had been made against the governor?

THE WITNESS: Yes.

BY MS. MAINOO:

Q. When was that?

A. I can't recall specifically.

Q. Generally speaking, when was that?

A. I cannot even give a general time

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period. It was, you know, thoughts that I was having in my head.

Q. But did you ever tell her that?

A. No, and the question was if I ever thought about it.

MR. GRANT: And why didn't you tell that to Ms. DeRosa?

THE WITNESS: It was unnecessary.

MR. GRANT: Why was it unnecessary?

THE WITNESS: You know, I think towards -- I don't know the month again, but towards the end, I just stopped helping as much as I had been in the beginning.

MR. GRANT: Okay.

BY MS. MAINOO:

Q. How did you first learn about Lindsey Boylan's complaints of sexual harassment against the governor?

A. Twitter.

Q. And how did you learn about them on Twitter?

A. I believe Melissa sent me the tweet, but I think, you know, other people saw it,

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too.

Q. And when was this?

A. I believe December.

Q. 2020?

THE WITNESS: Was it --

A. Yes.

Q. What did you learn about

Ms. Boylan's complaints about sexual harassment
by the governor in December 2020?

A. Nothing because there was no detail
provided.

Q. What was your reaction?

A. I was surprised.

Q. What's the reason you were
surprised?

A. I had never heard of her making
those allegations, you know, her -- she started
obviously on the parental issue, and then I
think she had then talked about it being toxic,
and then she had jumped to sexual harassment.
So I didn't know really what to think except
that her story kept changing.

Q. And how was her story changing?

A. I had just laid that out.

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Q. So you're saying that she talked about being a parent. She also talked about the toxic work environment, and she talked about sexual harassment.

So are you saying that the additional details she was adding to her story that her story was changing?

A. Yeah, you know, in my time spent with her, she never mentioned anything like that. As I said, we were, you know, pretty friendly. First, you know, she had obviously texted about the executive order, then she had talked about how toxic the workplace -- I actually think the parental thing came before that.

She was throwing a lot out there. There was a lot of -- a lot of -- you know, a lot out there.

Q. When you heard about Ms. Boylan's complaints about -- let's start again.

When you heard of Ms. Boylan's sexual harassment allegations against the governor, did you think back to what you had heard from **Staffer #4** about Charlotte's

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Bennett's interactions with the governor?

A. No.

Q. Did you discuss Ms. Boylan's sexual harassment allegations with anyone?

A. Yes.

Q. Who?

A. Again, they weren't -- you're just talking about the original tweet where she alleged sexual harassment, not the details, correct?

Q. Correct.

A. Right. So there wasn't so much to discuss. It was more do we, you know, say anything, is this worth saying, are people reporting on it. You know, what should the response be.

It was not -- we didn't have any detail to discuss about the specifics of the allegations because she had not made the claims yet.

Q. And by "we," you're talking about the Executive Chamber, correct?

A. Correct.

MR. GRANT: I'm not sure if you said

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this, but with whom did you discuss the tweet?

THE WITNESS: There was a group of people from the chamber. I believe it was Melissa, Rich, I'm not sure about Peter, and maybe Josh Vlasto and Rich Bamberger.

MR. GRANT: Okay. Thanks.

BY MS. MAINOO:

Q. Was the governor part of those discussions?

A. I spoke to him at one point about it, yes.

Q. Okay. When did you speak with him about it?

A. I believe that was a Sunday afternoon on -- you know, I'm not quite -- recall the time.

Q. Was this in December?

A. It was the day the tweet -- that she tweeted that.

Q. Okay. And what did you speak with him about?

A. Just, you know, how he thought we should respond to it.

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Q. What did he say?

A. I don't recall the specifics of what he said. I think, you know, we were all talking just about how best to respond.

Q. I want to hear everything about what he said, so even if you don't have the specifics.

A. I don't recall.

Q. Do you recall anything that he said?

A. No.

Q. Who else was on this call?

A. Melissa, I believe -- again, to the best of my recollection, Melissa, Rich, possibly Bamberger and Vlasto.

Q. And this was on December 13 when Lindsey Boylan tweeted about sexual harassment by the governor, correct?

A. Correct.

Q. And during this conversation, the group spoke about disclosing Ms. Boylan's personnel information to the press, correct?

A. I don't think that -- I don't know if that's true. I can't recall if it was that conversation.

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Q. Okay. Was there a conversation about disclosing Ms. Boylan's personnel information to the press?

A. Yes.

Q. Okay. Who was part of that conversation?

A. Again, I think that same group, maybe plus or minus a few other people.

Q. Okay. Melissa?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Okay. Rich Azzopardi?

A. Yes.

Q. Peter?

A. I don't recall.

Q. Rich Bamberger?

A. I believe so.

Q. Josh Vlasto?

A. There were a few different calls that day, I believe.

Q. Okay. Josh Vlasto?

A. Yes.

Q. The governor?

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A. Again, I don't know if he was on the call where we specifically discussed that.

Q. What was discussed on the call about Lindsey Boylan's personnel file?

A. I don't really recall. I think, you know, she had made these accusations and suggested details around her departure from the office that, you know, I think the governor's office felt was not accurate, and so they wanted to provide the facts around her departure, and that's the basis of the discussion.

Q. What did Lindsey Boylan say about -- what details did Lindsey Boylan give about her departure that the governor's office wanted to correct?

A. I don't recall. I just know that it was not -- you know, I don't think that the governor's office felt like it was the full picture.

Q. What was the full picture, that Lindsey Boylan had accused the governor of sexual harassment?

A. No, no, no, that she left, you know,

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three times or four times. I don't recall the contents of her tweet, but in reality, I think the governor's office, you know, obviously felt that she left after being counseled for her own behavior.

And so it was inaccurate for her to suggest that she, you know, left under the circumstances that she tweeted.

Q. But how -- under what circumstances do you think she suggested that she left?

A. I don't recall. Can I pull up the tweet?

Q. Yes. Let's pull up the tweet.

A. Do you have it handy?

Q. I'm not asking you to do. I'm working with my team to get the tweet up.

A. Oh, okay. Great. Thank you.

MR. GRANT: While we're getting the tweet up, one question.

I know you said earlier that you couldn't remember the specifics about what the governor may have said in the one call in which he participated, right?

THE WITNESS: Uh-huh.

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MR. GRANT: Do you recall anything generally about the subjects that he --

THE WITNESS: Sorry for interrupting.

(Reporter clarification.)

MR. GRANT: -- that the governor discussed during the call? Meaning if you don't necessarily recall specific phrases or specific words, but generally, what were the subjects that he was discussing?

THE WITNESS: I think we were discussing, you know, what reporters were saying, which reporters were going to cover the story.

MR. GRANT: Okay.

THE WITNESS: I mean, speaking to a bunch of communications people. So that would have been the contents of the conversation.

MR. GRANT: Gotcha. And during the call in which -- during the conversations during which you discussed potentially releasing Ms. Boylan's personnel file, I recall you said you don't remember whether

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or not the governor participated in those conversations, correct?

THE WITNESS: Correct. I don't recall even myself being on the calls discussing that.

MR. GRANT: Gotcha. Okay. Do you recall if anyone during those calls said that they were relaying information made during the call to the governor? Meaning, for instance, did Ms. DeRosa say she was going to speak to the governor about these issues?

THE WITNESS: I'm sorry, I don't recall.

MR. GRANT: Okay.

THE WITNESS: Again, I don't recall myself being on calls where that was discussed, so...

BY MS. MAINOO:

Q. Earlier you testified that you remember the purpose of releasing Lindsey Boylan's personnel file.

So how did you hear about that?

A. I definitely did not say the purpose

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of any call was to discuss releasing the personnel file.

Q. And that's not what I just said. You said you remembered that the governor's office wanted to correct facts about the detail --

A. Yeah, I don't know if it happened on, you know, specific calls, if that was later relayed to me. I just don't recall.

Q. Okay. We will put the tweet up.

A. Thank you.

(Exhibit 13, Lindsey Boylan Tweets, marked for identification.)

Q. Okay. So you can take your time and look at the tweets, and when you're ready, please get back to your seat and let us know which tweets the governor's office was trying to correct.

A. Okay. (Document review.) Could you scroll down? Sorry. Stop. (Document review.) You can keep going. Okay. (Document review.)

Sorry, is this when she actually said the sexual harassment and the departing or this looks like it predates that? (Document

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review.)

Okay. You can keep going, please.
Stop. (Document review.) You can keep going.

Q. Do you see the tweet alleging sexual harassment.

Do you see that on the page?

A. Yes, it says, "@NYGovCuomo sexually harassed me for years." Yep. I was asking about -- sorry. Can you stop? (Document review.) Okay. Keep going.

And then what about when she spoke about her departure?

Q. What are you referring to?

MR. SPIRO: It's further up where she says three times.

A. Sorry. Can you go back up to that?

MR. SPIRO: It's on December 6.

A. Oh, "I tried to quit three times."

MR. SPIRO: December 5. Right there.

A. Okay. Thank you for doing that.

Q. Of course. So I think you were explaining earlier that -- that you understood that the governor's office released

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Ms. Boylan's personnel file to the press to try to correct details about the circumstances of her departure.

A. Yes.

Q. Okay. What information was the Executive Chamber looking to correct?

A. I believe that, you know, she was obviously counseled about her own behavior and that she had wanted to not quit. I don't have a tremendous amount of detail on it.

Q. What did you learn about Ms. Boylan being counseled about her own behavior?

A. That there were complaints made against her from subordinates, multiple complaints.

Q. When did you hear about multiple complaints being made against Lindsey Boylan?

A. I think around this time.

Q. How did you learn about that?

A. Someone from the governor's office told me. I'm not sure who.

Q. And did you get any documents from Lindsey Boylan's personnel file about those complaints?

1 LEVER

2 A. I don't recall.

3 Q. But Rich Azzopardi sent you
4 memoranda about complaints against Lindsey
5 Boylan, correct?

6 A. I don't recall receiving them, but
7 yes, I guess.

8 Q. What do you mean by you don't
9 remember receiving them, but yes, you guess?

10 A. You're telling me. You just told me
11 as a fact that Rich Azzopardi sent them to me
12 so --

13 Q. I will ask it as a question.
14 Did Rich Azzopardi send you
15 memorandum from Lindsey Boylan's personnel file
16 about complaints against Lindsey Boylan?

17 A. Okay. I don't recall.

18 Q. You're saying now that you don't
19 recall, but you were prepared to say, but you
20 guess, yes.

21 Is there a reason for that?

22 A. Well, I thought that you had told me
23 I had received it.

24 Q. I'm asking you, did you receive it?

25 MR. SPIRO: She answered the

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question. Ms. Lever obviously
misunderstood what was your leading
question to be a statement of fact by you.

Q. Ms. Lever, did you receive
information from Rich Azzopardi about
complaints against Lindsey Boylan?

A. I don't remember receiving the
documents.

Q. All right. So let's refresh your
memory.

MR. GRANT: Before we refresh,
one -- a couple of questions.

The tweet that you were hoping to
correct the misinformation in was dated
December 5 or December 6, correct?

THE WITNESS: Uh-huh.

MR. GRANT: But you only decided to
start discussing correcting this
misinformation after the tweet, a week
later, so -- about sexual harassment,
right?

THE WITNESS: You know, I had
already left the governor's office. It
wasn't a decision that I was making, and I

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don't know when those discussions began.

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I don't recall, but being, you know, a

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part of them, as I said, but again, you

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know, that was up to the governor's

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office. I'm not sure when they decided

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and why they decided.

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MR. GRANT: Understand, and sorry

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for making it seem as though you were

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independently making that decision, but I

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guess my real question is, you weren't

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looped in until after Ms. Boylan's tweet

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about sexual harassment, right?

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THE WITNESS: I can't recall if, you

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know, there were other conversations about

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the initial tweets, but there was no press

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coverage of the initial tweet. So I don't

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think anybody was -- I don't know if

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anybody called me on it. I just cannot

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recall. I do remember seeing the initial

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tweets, but I think -- you know, I

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remember the December 13 date.

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MR. GRANT: And perhaps I'm

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misremembering your testimony from

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earlier, but I recall that in your earlier

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testimony you said that part of the discussions you had about Lindsey Boylan's earlier tweets about the toxic environment, the discussion was like whether or not we respond because sometimes when you respond, you wind up creating news you didn't want to create, right?

THE WITNESS: Right.

MR. GRANT: Okay. So was there any discussion about needing to correct the misinformation at that time that you recall?

THE WITNESS: That predated December 13?

MR. GRANT: Yeah.

THE WITNESS: Yeah, not that I recall.

MR. GRANT: All right. Thank you.

BY MS. MAINOO:

Q. Okay. So let's put up tab 153.

THE REPORTER: And let me just ask you, that last document that was put up, we are marking that as an exhibit?

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MS. MAINOO: We are. Thanks,
Melissa.

(Exhibit 14, Documents, Bates
Stamped NYAGB001799 through 1806, marked
for identification.)

A. You said 153?

Q. Correct.

A. Okay.

Q. Do you recognize this document?

A. No, but I'm reading it right now.

(Document review.)

Q. Let me know when you're ready.

A. (Document review.) Okay. I see the
documents. I have not finished reviewing, but
in the interest of time, I see them here.

Q. Do you recognize these documents?

A. Do I what?

Q. Do you recognize the documents?

A. Some of them are labeled.

Q. Let's start with the first page.

Do you recognize that?

A. No.

Q. The very first page, this is a text
message from Rich Azzopardi to certain people.

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A. Oh, I thought you meant the next one.

Q. Do you recognize that document?

A. No, but I see it here.

Q. Okay. And your name is included, right? Let's stick with the first page.

A. Yeah.

Q. Is that your number?

A. Yes.

Q. Okay. So you received this text message from Rich Azzopardi on December 13, 2020?

A. Yeah.

Q. Do you still have this text message?

A. I don't know.

Q. Okay. We will follow up separately about that.

So this is December 13 at 12:03 p.m. It's from Rich Azzopardi, and it goes to Rich Bamberger. It goes to you. It goes to Josh Vlasto, and it goes to Steve Cohen.

Do you know why Rich Azzopardi sent this text message to you on December 13?

A. I imagine he was -- wanted to show

1 LEVER

2 us what was in the file.

3 Q. And do you know what preceded Rich
4 sending you that text message?

5 A. No.

6 Q. Was there a discussion about Lindsey
7 Boylan's personnel file?

8 A. I don't recall if I was on, you
9 know, calls about that. I imagine, yes, there
10 was a call.

11 Q. Okay. And you imagine you were part
12 of the call, correct?

13 A. No, I don't recall if I was part of
14 the call.

15 Q. Okay. Do you recall if you had any
16 discussions, whether they were by phone or text
17 or any other way, about Lindsey Boylan's
18 personnel file on December 13?

19 A. Specifically on December 13, I don't
20 recall.

21 Q. Okay.

22 A. I know the governor's office was
23 discussing them, releasing them.

24 Q. Were you part of discussions at any
25 time about information in Lindsey Boylan's

1 LEVER

2 personnel file?

3 A. One more time.

4 Q. Were you part of discussions at any
5 point, not just December 13, about Lindsey
6 Boylan's personnel file?

7 A. I believe I was on calls discussing
8 them. I cannot recall in detail.

9 Q. When do you believe those calls took
10 place?

11 A. I don't know.

12 Q. Did those calls take place in
13 December of 2020?

14 A. I assume so, if I received this in
15 December.

16 Q. Do you recall any of those calls
17 taking place before December 13, 2020?

18 A. I don't recall.

19 Q. Do you recall the governor being
20 part of any of those calls?

21 A. No, I don't.

22 Q. Do you recall Melissa DeRosa being
23 part of any of those calls?

24 A. Yes.

25 Q. What do you recall about the

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discussions regarding Lindsey Boylan's

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personnel file?

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A. That, you know, the governor's

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office felt that they wanted to provide

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additional facts as to why Lindsey actually

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left the office, and that she was making these

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claims about toxic workplace, and that she

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herself had complaints made against her

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regarding toxicity.

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Q. And what did you think about this

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plan to provide information from Lindsey

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Boylan's personnel file?

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A. I think the governor's office -- it

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was reasonable that they would have wanted to

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make sure that the reporters and the public had

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all of the facts when they were reporting. You

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know, Lindsey obviously had presented this on a

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very public stage on Twitter, and it's well --

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you know, it makes total sense, from a response

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perspective, that they would want the

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records -- you know, the other additional facts

23

in context reflected in the reporting.

24

Q. Did you agree with the plan to

25

release information from Lindsey Boylan's

1 LEVER

2 personnel file to the press?

3 A. Again, I think it's entirely
4 reasonable that the governor's office would
5 have wanted the facts out there when it comes
6 to Lindsey. You know, she obviously is a
7 public figure. She had been tweeting about the
8 governor in various different forms.

9 When she originally left the office,
10 she had treated positively about the governor,
11 then, obviously, you know, her tune had changed
12 when she talked about not being able to be a
13 mom, then she talked about it being a toxic
14 workplace, then she went to sexual harassment,
15 and then there was also this suggestion that
16 she left the office, that the third time it
17 stuck, which makes it seem that, you know, she
18 had quit, when I think it's totally fair that
19 the governor's office wanted to provide that
20 context around it.

21 Q. Did you understand that Lindsey
22 Boylan quit the Executive Chamber in
23 September 2018? I thought that's what you
24 testified to earlier; is that right?

25 A. Could you say that one more time?

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Q. Did Lindsey Boylan quit her job in the Executive Chamber?

A. I believe I testified that I did not know what happened to Lindsey. The July messages that you showed me, you know, I know that I reached out to her. I don't know the final time that she left the office, which is what I believe I said the first time.

Q. Was Lindsey Boylan fired from the Executive Chamber?

A. I don't know. I was not in the office at that time. I had left for the campaign and was not involved.

Q. So it sounds like what you're now saying is you don't know whether or not Lindsey Boylan quit; is that correct?

A. At the time of her departure, I did not know the reasons behind her leaving.

Q. I'm not asking about the reasons behind her leaving. I'm asking, do you know if she quit or was she fired?

A. I do know that she quit. I mean, according to this document that I just read, she asked to come back.

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Q. After what?

A. After being counseled for having complaints made against her by women in her office.

Q. And then she quit, correct?

A. And then she asked to come back.

Q. She quit and then she asked to come back, correct?

A. Based on this note that I'm reading right now in front of me.

Q. Okay. But she quit, correct? Is that a yes or a no?

A. Sure. Yes.

Q. And my earlier question was -- and I'm not asking for the talking points. My question was just did you agree with the plan to release Lindsey Boylan's personnel information to the press?

A. I obviously was not working for the governor at the time or for the governor's office. So it was not my call. I understood why the governor's office would have wanted the facts out there.

Q. You were helping out with the

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response to the allegations against the governor, correct?

A. This was not -- again, not a formal -- you know, this was December 13. It was the first day before she had made any actual substantial allegations, and it's completely within reason that the governor's office would want the facts out there.

Q. And my question is just did you agree or did you disagree? Did you agree, yes or no?

A. I don't think it's a yes-or-no answer.

Q. And why is that?

A. It wasn't up to me to decide.

Q. Did you think it was a bad idea to release Lindsey Boylan's personnel file?

A. No, I think it was perfectly reasonable for people to understand the facts and circumstances around her departure, given that she had made these allegations.

Q. And, in fact, you thought it was okay for the governor's office to victim shame on the record, right?

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MR. SPIRO: Objection. You know better than to frame a question like that.

Q. Ms. Lever, you can answer the question.

MR. SPIRO: And, second, you know, it's your conclusion that there was victim shaming, and you're trying to put words in Ms. Lever's mouth.

Q. Ms. Lever, did you think it was okay to victim shame -- or the governor's office to victim shame on the record when it came to Lindsey Boylan?

A. What's on the record?

Q. I'm just using your words, Ms. Lever.

Did you agree that it was okay for the Executive --

A. When did I use the term "on the record"?

Q. We will get to that next, but I want your answer now.

Did you think it was okay for the governor's office to victim shame on the record?

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A. I don't understand what is on the record?

Q. Okay.

A. I never -- these documents were not provided on the record, to the best of my knowledge. Having not provided them, my understanding is that they were not provided on the record. I don't -- what I was saying is to set the record straight, meaning provide the facts.

In terms of on the record as a response, that's a different story.

MR. GRANT: Do you know whether or not it would have been possible -- or, sorry, I should take a step back.

Do you recall if there were discussions about how to disseminate this information to the press?

THE WITNESS: I don't recall.

MR. GRANT: Okay. Would it have been possible to correct the misinformation in Ms. Boylan's tweets without disseminating the personnel records themselves?

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THE WITNESS: I can answer just from a perspective of, you know, working in communications.

MR. GRANT: Sure.

THE WITNESS: It would be much more helpful to provide -- I'm sure similar for you guys in court, right? It's more helpful to provide documentation to back up your claims whenever -- whenever you're making an argument.

So, you know, I think that's why the governor's office decided to release the documents.

MR. GRANT: And would it have been possible for the governor's office to give a statement including the facts without necessarily releasing the personnel file itself?

THE WITNESS: I don't know if that statement -- again, this is now just from my experience professionally, that that statement would have carried the same weight.

MR. GRANT: Sure. But it would have

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been possible to do so, correct?

THE WITNESS: Yeah, I think the goal was to just provide the facts.

MR. GRANT: Okay. And do you recall if there was any -- do you have any recollection as to how this material was given to the press?

THE WITNESS: I don't. I did not provide it to the press, so I don't know.

MR. GRANT: Do you recall or do you know --

THE WITNESS: I don't know if it was read to people or, you know, e-mailed. I don't know how it was provided.

MR. GRANT: Do you know whether or not the governor or the governor's office attributed the information to itself when it disseminated the information?

THE WITNESS: I'm not really sure. That would be very easy to find out, though, if you look at the story, how it was sourced.

MR. GRANT: Okay. And would there be a particular reason why the governor's

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office would not want to attribute the information itself, but, rather, simply disclose the personnel records?

THE WITNESS: I don't know if I could speak to that judgment. I'm sorry. I can't speak to the reason behind the sourcing.

MR. GRANT: Sure. And in your professional experience, would the story carry more weight if the governor's office, in addition to releasing the records, actually attributed the release of the records to itself?

THE WITNESS: I think the governor's office probably just wanted it out there. I don't know if it mattered. I think it was probably a strategic decision not to put a statement out, but, again, I think, you know, the stories would have been -- if they were using the documents, then it would have sort of amounted to the same point being made to the public.

MR. GRANT: Sure. So did you think there was -- or do you think there's a

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potential strategic advantage to leaking the documents without attributing the release of the information to yourself -- or without the governor's office attributing the release of the information to itself?

THE WITNESS: Yeah, I mean, it's cleaner to, you know, sort of gets the facts out there, but then doesn't get into a back and forth, which, as we discussed previously, sometimes can actually, you know, sort of breathe more oxygen into things.

MR. GRANT: Okay.

THE WITNESS: So it's always -- you know, I think in this case, again, not speaking on their behalf, but the interest was to get the facts out there.

MR. GRANT: Thank you.

BY MS. MAINOO:

Q. What is your understanding of whether the governor had approved the disclosure of Lindsey Boylan's personnel information to the press?

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A. I have no insight into that.

Q. What is your understanding of whether the governor's office would have moved forward with disclosing Lindsey Boylan's personnel file to the press without the governor's approval?

A. Again, you know, I don't know. It could have been a decision made without him. I'm not sure. I don't want to speculate.

Q. Did Melissa DeRosa approve the disclosure of Lindsey Boylan's personnel information to the press?

A. I believe so.

Q. Based on Melissa DeRosa's approval of the disclosure of Lindsey Boylan's personnel information, would you expect that the governor also approved of that?

A. I can't speak to that. I don't know.

Q. Earlier you said that Melissa and the governor spoke their own language, correct?

A. Yes.

Q. You said they thought the same way about issues and policies, right?

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A. Yes, but I did not say that it was in every single instance that they have, you know, ever had.

Q. And that's not what I'm suggesting. Would you expect any deviation between Melissa and the governor about whether the governor's office should disclose Lindsey's personnel information to the press?

A. I don't know, but it's not out of, you know, the realm of possibility that she discussed it with him. Given that I obviously was not in the room or party to those discussions, I can't say either way.

Q. Okay. Did anyone say anything about whether disclosing Lindsey's personnel information could be considered retaliation?

A. Not that I recall.

Q. Did you consider that?

A. No. I think, you know, this, obviously -- these allegations weren't being made in, you know, a courtroom or confidential documents.

She was making these allegations on Twitter, and there were various allegations of

1 LEVER

2 which, you know, I said the story changed. You
3 said she continued to add more detail.

4 There was just such a lack of
5 consistency. They were, you know, somewhat out
6 of left field. Obviously, since her departure,
7 her feelings on the office had changed and she
8 was running for office.

9 So she was, you know, a public
10 figure in a very political arena. She was
11 making these allegations publicly, and I think
12 the governor's office felt like they had other
13 facts that they could provide that gave more
14 context.

15 And so, you know, in this instance,
16 I don't think that -- obviously, not being a
17 lawyer, so I don't know the definition of
18 retaliation, but I don't think in this case,
19 you know, that -- it was reasonable for them to
20 want to disseminate this information.

21 Q. Did anyone say anything about the
22 information that was disseminated being
23 confidential?

24 A. I don't recall.

25 Q. What are your expectations about

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confidentiality of your personnel file from the Executive Chamber?

A. I don't know if I had a personnel file.

Q. What do you mean by that?

A. I've never been counseled for my behavior. I don't know if I have a personnel file.

Q. So is it your understanding that only people in the Executive Chamber who have been counseled for their behavior have personnel files?

A. I don't know. And I would not want to misspeak on that. I just said I have no idea if I have a personnel file.

Q. Okay. The information that Rich Azzopardi sent to you from Lindsey Boylan's personnel file was confidential, though, correct?

A. I see that there is a privilege and confidential sign on it. Although it says, "attorney work product," so I don't know what the privilege is for, but...

MR. SPIRO: At a convenient point,

1 LEVER

2 can we take a short break?

3 MS. MAINOO: Sure. Let's go for a
4 little bit and then we will take that
5 break.

6 Q. Let's go to tab 27.

7 (Exhibit 15, Text Messages,
8 December 13, 2020, marked for
9 identification.)

10 A. 27.

11 Q. Two-seven, yes.

12 A. Okay.

13 Q. And let's look at message 296 this.

14 Is from you to Rich Azzopardi and Melissa
15 DeRosa on December 13, and you say, "I think we
16 can victim shame on the record."

17 What did you mean by that?

18 A. Are there additional texts from that
19 conversation that I could look at?

20 Q. You are free to look at other texts
21 on that page?

22 A. 12/13/2020. Is this all the same
23 conversation?

24 Q. Ms. Lever, these are your texts, so
25 I would ask you.

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A. I don't know when they were spliced and provided to me, so I'm just asking if this was the entire conversation. (Document review.)

6

Q. Let me know when you're ready.

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A. (Document review.) Okay.

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Q. Okay. And you were looking for additional context. I think the message before in which you say, "I think the disgruntled former employee needs to come from a source or other Cuomo employee. Truth is she stormed out over allegations of her own misconduct to female employees. Begged to come back. I think we can victim shame on the record."

A. Honestly, I think I meant I don't think -- I think we can't.

Q. You're saying that when you wrote, "I think we can victim shame" on the record, you actually meant you think we cannot victim shame on the record?

A. I'm suggesting that, based on the texts above, where it says, "I think the disgruntled former employee needs to come from a source," which means that I would have said

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it should not come from an on-the-record
spokesperson.

Q. Okay. So what did you mean by
victim shame?

A. I imagine I meant attacking somebody
who comes forward with an allegation of sexual
harassment.

Q. And at this point, were you aware of
the complaints against Lindsey Boylan from her
time in the chamber? Can we presume that based
on the chats?

A. I don't think, at this point, she
had alleged her claims, right? She just made
the one comment, one, like, broad comment, not
the details, correct?

Q. That's not my question.
My question is, at the point when
you said, "Truth is she stormed out over
allegations of her own misconduct to female
employees," whether at that point you were
aware of complaints against Lindsey Boylan from
her time in the chamber?

A. I'm sorry. I don't recall. Is this
after the -- her tweet thread? I just -- I'm

1 LEVER

2 confused on the timeline.

3 Q. Sure. If it would be helpful, we
4 can put tab 25 back up.

5 A. I just don't know if when -- yeah,
6 that would be great.

7 So that was at 8:50 in the morning.
8 So this is after that, right?

9 So I think I knew of her allegations
10 just from the tweet that -- the tweet thread, I
11 would assume. I don't remember or recall the,
12 you know, knowing about -- I don't recall
13 knowing about the allegations against Lindsey
14 because, again, I was at the campaign by then,
15 and I had nothing to do with, you know, the
16 surroundings of her departure.

17 MS. MAINOO: Sorry. I lost my
18 connection, so I missed your answer. I'm
19 happy to ask Melissa to read it, if that's
20 easier.

21 MR. SPIRO: Probably makes the most
22 sense. Thank you.

23 (Record read.)

24 MS. MAINOO: Thanks, Melissa.

25 Q. At least according to these tweets,

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as of 10:15 a.m., you were aware of --

A. Oh, got it. Sorry. I was confused. You meant that I was aware of -- that she had been counseled before leaving.

Q. Correct.

A. I guess maybe I found out that morning, or, again, I told you I didn't recall exactly when I found out about that. It could have been between the December 5th or 6th when she talked about her reason for leaving and now. As I said, I really don't recall.

Q. Did you speak with anyone outside of the Executive Chamber about the information in Lindsey Boylan's personnel file regarding alleged misconduct by her?

A. Sorry, I am going to answer this, but can we take a break after?

Q. Absolutely.

A. Okay. Sorry. Do you mind repeating the question?

Q. The question was, do you remember -- well, sorry. The question is, did you speak with anyone outside the Executive Chamber about Lindsey Boylan's -- about complaints regarding

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Lindsey Boylan's own conduct in the Executive Chamber?

A. I believe I spoke to a few reporters about it off the record.

Q. Okay.

MS. MAINOO: We can take the break.

THE WITNESS: Thank you so much.

MS. MAINOO: Thank you.

THE VIDEOGRAPHER: Stand by. The time is 3:36 p.m. We are going off the record. This will end media unit number 4.

(Recess taken.)

THE VIDEOGRAPHER: The time is 3:50 p.m. We are back on the record. This will be the start of media unit number 5. Counsel.

BY MS. MAINOO:

Q. All right. So, Ms. Lever, before we took the break, you explained that you spoke with reporters off the record about Lindsey Boylan's personnel file.

A. I'm not -- I don't recall if it was about the file, but it would have been around

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circumstances of her departure.

Q. Okay. Which reporters did you speak with about the circumstances about Lindsey Boylan's departure?

A. A New York Times reporter.

Q. Who?

A. A New York Times reporter.

Q. And what's the name of the New York Times reporter?

A. Dana Rubinstein.

Q. What did you discuss with Ms. Rubinstein?

A. Just that there was, you know, additional facts that the governor's office wanted to make sure that the press was aware of and, you know -- that was it.

Q. And did Mr. Azzopardi send the information from Lindsey Boylan's personnel file to Dana Rubinstein?

A. I'm not sure. I don't recall.

Q. Did anyone send Dana Rubinstein the information from Lindsey Boylan's personnel file that Rich Azzopardi sent to you?

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

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don't think I was the only person that spoke to her, so I just don't know.

Q. So going back to tab 27. Looking at message number 6, this is a chat from Rich Bamberger and I imagine you will want to look at --

A. Sorry. What number was it?

MR. SPIRO: Number 6. Scroll down.

THE WITNESS: Okay. Sorry.

A. Okay.

Q. Actually, you should look at 5 and 6.

In 5, you say, "This just mentions them but doesn't explain" -- let's start with 4.

You say, "Do we have additional details of complaints made against her? This just mentions them, but doesn't explain what they were."

And then Rich Bamberger asks, "Dani, are you calling Dana with these?"

A. I don't know what the "these" are referring to.

Q. Is that referring to the information

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about Lindsey Boylan's personnel file that Rich Azzopardi had texted to the group?

A. What was the number for Rich Azzopardi's text?

Q. Number 153, tab 153, and he sends his text at 12:03 p.m. And these other texts are at 12:06 p.m. same day.

A. I honestly don't recall what they were in reference to. I did not send Dana personnel records.

Q. I'm not asking if you sent Dana the personnel records.

I'm asking if anyone from the Executive Chamber, or otherwise, sent Dana the personnel records that Rich sent you?

A. I don't know, and I don't believe the Times -- I don't recall if the Times reported on the records.

Q. And I'm not asking you that either.

Based on the time line, Rich sends you the information from Lindsey Boylan's personnel file at 12:03. At twelve oh -- what time is it -- 12:06, you're discussing with Rich and others who received the personnel

1 LEVER

2 files, complaints made against Lindsey Boylan.
3 Rich Bamberger asks if you're calling Dana with
4 these.

5 So my question is, did you speak to
6 Dana Rubinstein about the personnel
7 information -- first question. Did you speak
8 with Dana Rubinstein about the information in
9 the personnel file for Lindsey Boylan?

10 A. As I said, I already answered that.
11 I did not, you know, provide the documents. I
12 believe we spoke about the circumstances of her
13 departure. I don't recall if I specifically
14 spoke about the documents themselves.

15 Q. And do you know if anyone sent the
16 documents to her?

17 A. Again, no.

18 Q. And to be clear, is that an I don't
19 recall or no?

20 A. You said do you know if anybody sent
21 them to her, and I don't.

22 Q. Okay. So flipping to the third
23 page, this is the last text message. It's
24 message 208, and you say to Dana Rubinstein,
25 "The docs prove that just isn't true."

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Is that a reference to the information from Lindsey Boylan's personnel file? You can look at the text message before, which, I think, is the defense that you were presenting earlier.

A. Yeah, I think so because it had been reported in the Associated Press story that I sent, which is right below that.

Q. So when you say, "The docs prove that just isn't true," you're referring to the information from -- you're referring to the information from Lindsey Boylan's personnel file that Rich Azzopardi had sent you, correct?

A. Sorry. Can you repeat the question?

Q. Yes. When you say to Dana Rubinstein, "The docs prove that just isn't true," you're referring to the information from Lindsey Boylan's personnel file that Rich Azzopardi had sent you, correct?

A. I think the matter that's actually in discussion is that she tried to quit three times before it stuck is what I was saying the docs prove isn't true.

Q. Yes, and when you said the docs, you

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were referring to the information from Lindsey Boylan's personnel file that Rich Azzopardi had sent you, right?

A. I just can't say if it was Rich Azzopardi sending them to me or is it from the Associated Press story that I sent below that, you know, points to the personnel memos.

Q. Okay. But you are referring to the personnel memos, right?

A. Yes.

Q. Did you send any information to Dana Rubinstein about Lindsey Boylan?

A. I think we spoke on the phone. I sent her, obviously, that Associated Press story.

Q. Did you send her anything else about Lindsey Boylan?

A. I believe I had sent some positive tweets that Lindsey -- or spoke to her about positive tweets that Lindsey had tweeted, you know, after she departed. And that was just in effort to make sure that, you know, the story was balanced because she was referring to tweets where Lindsey was being critical, and I

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felt it was important that she also see tweets where Lindsey applauded the governor's office.

Q. And you sent her those tweets, too, correct?

A. I definitely -- again, I just can't recall if it was over the phone. We definitely discussed it or if I sent them to her.

Q. Okay. So let's look at the top of the page, message number 54. You say to the group, "Sent to Dana."

MR. SPIRO: I'm sorry. What page are we on?

MS. MAINOO: We are still on the third page of tab 27.

MR. SPIRO: Got it. Okay. I was on the fourth page.

Q. And then Dana asks you, "Do you have a link? Would like to embed."

A. Oh, so then that was the tweets.

Q. Let's go to tab 31.

A. Okay.

(Exhibit 16, Text Messages, December 14, 2020, marked for identification.)

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Q. Who are [REDACTED], [REDACTED] and [REDACTED]?

A. I'm so sorry. I lost my download of the main file.

They are some of my friends, personal friends.

Q. How do you know [REDACTED]?

A. We worked together. Actually, all four of us worked together on the Obama campaign in 2012.

Q. Did any of them work in the chamber?

A. No.

Q. And you said, "Guys, I spent the weekend defending the governor against sexual harassment allegations."

What did you mean by that?

A. Exactly what I said.

Q. Which is what?

A. That I was frustrated that I had to spend the weekend defending the governor against sexual harassment allegations.

Q. Is that what you said, that you were frustrated that you had to spend the weekend doing that?

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A. When I first said what I said and then you questioned that. It appears that I, you know, was complaining.

Q. What were you complaining about?

A. That I had to spend the weekend defending the governor against sexual harassment allegations.

Q. Why do you say you had to spend the weekend doing that?

A. I didn't say had. I said, "Guys, I spent the weekend defending the governor against sexual harassment allegations." Sorry. I misspoke.

Q. Did you feel like you had to spend the weekend defending the governor against sexual harassment allegations?

A. No.

MR. GRANT: Then why did you do it?

THE WITNESS: I had worked there a very long time. I was very close to the governor. I was close to people that still worked there, and I was, you know, assisting in terms of the -- thank you so much. Sorry. We're switching computers.

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What number was that, the text to
[REDACTED] ?

MS. MAINOO: 31.

THE WITNESS: I was providing, you
know, my strategy for response.

MR. GRANT: Understood. I think
this maybe circles back to Abena's earlier
question, but I know that what you --
you're describing what you did.

My question is, why did you do it?
You no longer worked for the Executive
Chamber, right?

THE WITNESS: Correct.

MR. GRANT: So you're not on the
payroll. You're not an employee, and I
imagine that the Executive Chamber has a
press department, correct?

THE WITNESS: They do.

MR. GRANT: Okay. So why did you
defend the governor through the weekend in
a way -- and I believe you said earlier
that it was frustrating, correct?

THE WITNESS: The office you mean?

MR. GRANT: No, no, no. It was

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frustrating having to spend your weekend.

THE WITNESS: You know, as I said, I was personally close to the governor and the people that worked there, and it's not uncommon that, you know, folks who have departed the office continue to help the governor. I mean, we had been through a lot together as a team.

MR. GRANT: Okay.

BY MS. MAINOO:

Q. And lower down, you say in message 974, "But she also treated women of color horribly. So she did worse."

What did you mean by that?

A. I don't recall.

Q. Excuse me?

A. I do not recall.

Q. Were you suggesting that Ms. Boylan's allegation could not be taken seriously because she had also done something?

A. I don't recall. I'm reading -- I'm trying to read up to get a better sense.

(Document review.)

Q. All right. Let me know when you're

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2 done.

3 A. (Document review.) I could have
4 been alluding to worse than just telling me
5 that I was too poor to have a baby and stay
6 working for the governor, but I don't recall,
7 if you see in text 947, but, again, I don't
8 want to speculate. I just don't recall.

9 Q. Was it your understanding that if,
10 to the extent Lindsey Boylan harassed anyone,
11 that she herself could not be a victim of
12 harassment?

13 A. No, I don't think -- outside of
14 Lindsey Boylan, but, generally speaking, I
15 don't think that those two things are mutually
16 exclusive.

17 Q. And what about specifically with
18 respect to Lindsey Boylan?

19 A. I think Lindsey had, you know, real
20 credibility issues, not just about this, but I
21 would say again, about the, you know, being a
22 woman in the workplace, about her, you know,
23 coming out of the office and praising the
24 governor, including for things like his work on
25 women's rights, to then later saying that it

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was a toxic workplace, to then saying she was sexually harassed, to saying that she left under different circumstances than she actually did, and, you know, that she was running for office.

I think that it was -- there was a lot of context around this.

Q. Is it your understanding that someone who accuses another person of harassment is not credible if she previously praised that person?

A. No.

Q. Okay. Did you take any -- sorry?

A. I was just going to say, you know, she hadn't provided any details.

Q. Okay. Did you take any other actions in relation to responding to Lindsey Boylan's December 2020 complaint of sexual harassment?

A. Did I take any further action?

Q. Yes. Did you do anything else to help with the response to the allegations?

A. Well, we discussed the statement that Caitlin Girouard put out, but that was, I

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believe, after her additional details were provided.

Q. Before that time, did you do anything else to help respond to the allegations Lindsey Boylan made?

A. Not that I recall, no.

Q. Do you speak with any reporters other than Dana Rubinstein?

A. You know, a handful of reporters called me to ask my thoughts. I don't recall the specific dates, but a bunch of reporters called me asking me my thoughts on this stuff.

Q. Now, had anyone asked you to speak with Dana Rubinstein about Lindsey Boylan's allegations?

A. Yes.

Q. Who?

A. Melissa and the governor.

Q. When did Melissa and the governor ask you to speak with Dana Rubinstein?

A. That day that, you know, we were on the call with the governor and he was asking what reporters were talking about what stories, who was writing, what the plan was.

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Q. And what did the governor say?

A. Just, you know, who's talking to who.

Q. Did he assign you to talk to Dana?

A. No, I think Melissa had said Dani, you know, can call Dana. I don't recall specifically, but I believe that is what happened.

Q. Was there any discussion about what -- about what you should tell Dana?

A. I don't recall if, you know -- no, I don't recall specifically.

Q. What about generally?

A. I think, again, as I had said, you know, just making sure that the reporters had all the facts.

Q. About what?

A. About Ms. Boylan's time at the governor's office and the way that she left.

Q. There was a discussion with the governor about making sure the reporters had the facts about the circumstances of Lindsey Boylan's departure from the chamber, correct?

A. I'm sorry. I want to retract that.

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I don't recall the specifics of what was discussed with the governor more than, you know, things were -- who's writing, what are they writing, what are they including, but, obviously, like that was the governor's office desire was to get those facts out.

I had said earlier that I did not recall, you know, what the contents of that one conversation that the governor was on.

Q. I know what you said earlier. I don't know if maybe you recalled more as we were talking about it.

MS. MAINOO: Yannick, you had a question?

MR. GRANT: Thanks.

I believe earlier today you described the Executive Chamber work environment as being difficult at times, correct?

THE WITNESS: Yes.

MR. GRANT: And earlier today you described positive aspects to working in the Executive Chamber, right?

THE WITNESS: Yes.

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MR. GRANT: So it's possible to have both positive feelings about a work environment as well as negative feelings about a work environment, correct?

THE WITNESS: Definitely.

MR. GRANT: Okay. So how do -- why do you think Ms. Boylan's favorable tweets of the governor undermine her credibility -- the credibility of her sexual harassment allegations?

THE WITNESS: I think it was, you know, a confluence of things, that the idea that she -- you know, her tweets were sort of lobbed from all over, the fact that she was running for office, that she was doing it so publicly.

I mean, on these tweets, you know, she was hashtagging her campaign. So this is not, you know, a normal circumstance of somebody making allegations in this way, and at that point, she also had provided no detail.

MR. GRANT: Gotcha. Thanks.

BY MS. MAINOO:

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Q. So other than talking to reporters, were you involved in any other way in responding to Lindsey Boylan's allegations before February 2021?

A. I don't fully recall. Could you be more specific?

Q. Are you aware of a draft letter responding to Lindsey Boylan's allegations?

A. Yes.

Q. Tell me what you know about that letter.

A. There was a draft letter that the governor's office wanted to release from former employees of the governor.

Q. What else do you know about the letter?

A. It did not go out.

Q. Is there a reason you are looking off camera as you are answering?

A. No, not at all. Sorry.

Q. What else do you know about the letter?

A. Can you ask me more specific questions?

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Q. I will start with broad questions.
What do you know about the letter?

A. There was a letter drafted that the governor's office wanted people to put their name on who used to work for the governor's office. I was asked to sign it. I declined, and the letter never went out.

Q. What were the origins of the letter?

A. I'm unsure. I was sent it -- I was sent it by, I believe, Melissa. There were a few drafts of it. I believe she sent me the original letter. Yeah.

Q. Before Melissa sent you a draft of the letter, had you been involved in any discussions about it?

A. There were discussions about potentially like having somebody sign, you know, an op-ed or a statement, which would be a standard form of, you know, responding to things like this, but not -- I don't -- the contents of which I don't recall discussing.

Q. And who was involved in that initial discussion?

A. I believe Melissa, Linda, Steve,

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maybe Bamberger and Vlasto. I don't fully recall the list.

Q. Was the governor involved in those discussions?

A. I had not -- I do not recall having any discussions with him regarding the letter specifically.

Q. And are you aware of whether the governor was involved in any discussions about the letter?

A. No. Oh, sorry. Can you repeat the question?

Q. Are you aware whether the governor was involved in any discussions about the letter?

A. Oh. I was told that he had the desire to put the letter out.

Q. Who told you that?

A. Sorry. I thought you had asked about myself having discussions.

Melissa and maybe Stephanie.

Q. And Stephanie you said?

A. I said maybe Stephanie. I don't fully recall.

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Q. When did Melissa or Stephanie tell you that they wanted to put the letter out?

A. When they were trying to find people to sign it.

Q. And when was that?

A. I don't know -- I don't recall the specific date of the letter, but it was around -- I think it was like, you know, two days' time, that the whole thing lasted about two days, the discussion around sending it out.

Q. And do you remember over which two days the discussion around sending out the letter happened?

A. No. Do you have the e-mail that I could pull up?

Q. Yeah. We will get to the e-mail in a minute.

A. Okay. It had the date on it.

Q. Do you remember if the discussions about the letter took place after Lindsey made her allegations of sexual harassment against the governor?

A. I believe so.

Q. And what's the reason that you did

1 LEVER

2 not want to sign on to the letter?

3 A. The draft letter I thought was much
4 too aggressive. You know, I did not think it
5 was appropriate to put something out that, you
6 know, was that forceful.

7 As we said earlier, you know, you
8 don't want to put something out that amounts
9 to, you know, victim shaming. And I did not
10 think it was the right strategy, frankly.

11 Q. In the first draft of the letter
12 that you saw, was it drafted to come from you
13 and other people?

14 A. I was asked if I would sign it
15 amongst other people, which I said no to
16 because I did not agree with the contents, and
17 I also did not think it was the right approach.

18 Q. What about its contents did you not
19 agree with?

20 A. I did not think it was the right way
21 to handle the situation to be, you know, so
22 direct about all of the issues in Lindsey's
23 allegations -- oh, I'm sorry, all of the issues
24 in -- you know, around what was going on.

25 Q. What do you mean by that?

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A. Can we pull the letter up so I can refresh my memory?

Q. Sure. Did you ask anyone to sign the letter?

A. So we still can't pull it up?

Q. We will get to the letter. Did you ask anyone to sign the letter?

A. Okay. But you're asking me really specific questions on things that I can't remember, so it's helpful.

Q. I appreciate that.

Did you ask anyone to sign it?

A. I had made one call to somebody, not necessarily this version, but asking if she would be willing to put her name on a statement in support of the governor.

Q. Okay. Were you involved in drafting the letter?

A. No.

MR. GRANT: Who was that person you asked to sign the letter?

THE WITNESS: Her name was [REDACTED].

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MR. GRANT: And your testimony is that you don't recall reaching out to anyone else?

THE WITNESS: Specifically about signing the letter or signing a version of the letter, I don't recall.

MR. GRANT: And that would include [REDACTED] ?

THE WITNESS: I did not reach out to her asking her to sign the letter. I don't believe. I don't recall doing that. I did speak to her, but that was more just about, you know, what she was hearing, and she used to work for the governor's office and then worked as a [REDACTED]. So we were just sort of chatting.

I don't recall ever asking her to sign on to the letter.

MR. GRANT: Gotcha. And when did you reach out to her?

THE WITNESS: I don't remember.

MR. GRANT: And what was the purpose of you reaching out to her?

THE WITNESS: Just to see what she

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was hearing. As I said before, you know, she worked in the governor's office a long time. We were on the same team, and she now works for a news organization. So we were sort of just shooting the shit and wanted to see -- sorry. Can I retract that?

MR. SPIRO: It's okay.

MR. GRANT: It's fine.

THE WITNESS: I'm sorry. That was inappropriate.

MR. GRANT: Don't worry. I'm not perturbed.

THE WITNESS: Can we strike from the record, as they say on Law & Order?

MR. SPIRO: It's okay.

THE WITNESS: We were just -- you know, I was just sort of calling to see what was up and just, you know, more of like a catch up.

MR. GRANT: Had anyone asked you to call her?

THE WITNESS: Yes, I mean, I think at that point the governor's office wanted

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people -- just to know what people were hearing and seeing, and I was asked to call [REDACTED] as one person, which made, you know, total sense since we used to work together.

MR. GRANT: Gotcha. And when you say the governor's office, who in the governor's office directed that you reach out to people?

THE WITNESS: I think it was -- I don't recall specifically, but I believe it was either Melissa, Stephanie or Linda.

MR. GRANT: Okay. Thanks.

BY MS. MAINOO:

Q. We can pull up the letter, and we will need your help in figuring out which versions of the letter you may have gotten earliest. So let's start with tab 155.

(Exhibit 17, E-Mail, Bates Stamped Chamber_AG_00001024 through 1026, marked for identification.)

A. 155?

Q. Yeah.

A. Okay.

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Q. Is this the first version of the letter that you saw?

A. (Document review.) I don't know. This was one of the other earlier versions so -- because I think they were all quite similar -- or the two that I received maybe were quite similar.

Q. Okay.

A. Did you also attach the other letter or did you just do the one?

Q. We have other versions that we can pull up.

A. I mean, I would honestly have to know by the timestamp. Sorry about that.

Q. No, no worries.

A. And I am sorry for cursing. I feel badly and embarrassed on that one.

Q. So let's go to tab 35. That's another version of the letter.

MR. GRANT: By the way, do you have an understanding as to who was involved in drafting the various iterations of this letter?

THE WITNESS: I don't know the

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specifics. I imagine the governor had something to do with the drafting of the letter.

MR. GRANT: Anyone else besides the governor?

THE WITNESS: No, I think the majority of people did not think that this was the right approach.

MR. GRANT: But my question -- sorry.

Do you recall anyone besides the governor?

THE WITNESS: No. I obviously also wasn't like present in the office, you know, when drafts were being written, so I don't know, but I think, you know, the majority of people, again, did not think that this was the right approach.

So I would be hesitant to think that they had involvement in the letter drafting. Does that make sense?

MR. GRANT: Yep.

BY MS. MAINOO:

Q. What do you mean when you say the

1 LEVER

2 majority of the people did not think this was
3 the right approach?

4 A. You know, I don't think Melissa or
5 Stephanie felt that this was the right thing to
6 put out. I think putting out a standard
7 statement, you know, in support of the governor
8 makes sense, but something of this nature does
9 not. And I think most people agreed it did
10 not.

11 MR. GRANT: Do you recall
12 specifically if Ms. DeRosa ever said she
13 disagreed with sending any of the
14 iterations of this letter?

15 THE WITNESS: I think the
16 conversation would have been more about
17 how there's absolutely no way, you know,
18 people would sign this and that she
19 agreed. I don't recall those --
20 specifically those conversations.

21 MR. GRANT: And do you recall any
22 conversations with Ms. Benton in which she
23 expressed that she did not think the
24 governor's office should send any
25 iterations of this letter?

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THE WITNESS: I think it was, you know, similar conversation.

MR. GRANT: Gotcha.

THE WITNESS: I don't recall the specificity. I'm sorry.

MR. GRANT: No worries. I'm sorry.

(Exhibit 18, E-Mail, Bates Stamped DLEVER-00001 through 3, marked for identification.)

BY MS. MAINOO:

Q. So we put up another version of the letter. This is tab 35.

A. Okay. Great. (Document review.)

They are at the same time -- oh, no, sorry. 4:59. So I guess, yeah, the Melissa, Linda, Judy must be the first version that came earlier, unless this is p.m., but I highly doubt it.

MR. SPIRO: There are many versions of this letter, so don't speculate.

THE WITNESS: Okay.

MR. SPIRO: If you have a recollection, that's fine.

THE WITNESS: I don't.

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MR. SPIRO: But don't speculate.

THE WITNESS: And I don't even know the differences between the drafts, frankly.

BY MS. MAINOO:

Q. Did you provide any comments on the letter?

A. Specific comments or my overall thoughts?

Q. Start with specific comments.

A. Well, one is, you know, I had a problem with them referencing my texts with Lindsey, and then separately my overall thoughts was that this absolutely should not be sent, and that I would not sign it.

Q. What was your issue about -- what was your issue with them referencing your texts with Lindsey?

A. I mean, I do not think any of the contents of this letter should go out. I think, you know, they were personal texts, and I did not want them shared.

Q. Did you share your texts with Lindsey with anyone?

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A. I -- at the time I certainly did because I was working for the governor's office, and I believe I refreshed people's memory of them, you know, in and around the time of the allegations.

Q. What's the reason you refreshed people's memory of the texts around the time of the allegations?

A. I don't recall specifically why. It certainly wasn't to be inputted in a letter.

Q. So did you ask for the references to your texts with Lindsey to be taken out of the letter?

A. I did.

Q. And were they taken out of the letter?

A. I believe so. I mean, the letter never went out.

Q. Who did you speak with about removing references of your texts with Lindsey from the letter?

A. I don't recall. Maybe Stephanie and Melissa.

Q. Did you speak with anyone else about

1 LEVER

2 the letter?

3 A. Obviously, not this version
4 specifically, but I did speak to [REDACTED]
5 [REDACTED], as I said, and I'm not sure who else.
6 I may have asked, you know, whether people were
7 signing it, but I don't recall.

8 Q. What's the reason you agreed to
9 reach out to [REDACTED]?

10 A. You know, she used to work for me,
11 and she had also worked for -- with Lindsey at
12 ESD, and I think, you know, we were sort of
13 talking to people that had left the governor's
14 office, and she was on that list of people.

15 Q. Did you have any qualms about
16 reaching out to [REDACTED] about the letter?

17 A. Did I have any qualms about reaching
18 out to her? You know, again, this would have
19 been a standard, you know, press approach to
20 ask people to sign on to types of documents
21 like this, not this one specifically, so -- and
22 it's up to people's choice.

23 You know, I called her and asked if
24 she would be willing to put her name on a
25 statement of support, not necessarily this

1 LEVER

2 letter obviously. I said that, you know, other
3 women and then -- who formerly worked for the
4 governor's office was being asked. I said that
5 I personally did not think I would put my name
6 on any sort of statement, but, you know, if she
7 wanted to, that option was available to her,
8 and to see if she would be willing, and that I
9 said she should talk to her current employer
10 and make sure that they would be okay, and that
11 it would be totally fine either way what she
12 decided.

13 MR. GRANT: Do you recall whether or
14 not you spoke to [REDACTED] before or
15 after seeing an iteration of this letter?

16 THE WITNESS: I don't recall
17 exactly. I don't recall.

18 MR. GRANT: Okay.

19 THE WITNESS: And she actually did
20 end up speaking to her employer, and I
21 think they said it was okay, but the --
22 you know, no version of this letter ever
23 went out.

24 BY MS. MAINOO:

25 Q. Did you comment on -- well, did you

1 LEVER

2 ever see versions of the letter including you
3 as -- and naming you specifically at the
4 beginning of the letter? I think we saw
5 earlier in tab 155 one of the versions did.

6 A. I don't remember -- I don't remember
7 seeing that. I see it now.

8 As I said I, you know, said that I
9 would not sign the letter, so I assume that my
10 name was taken out of it.

11 Q. Did you ever speak with Alphonso
12 David about the letter?

13 A. We did not actually connect. I
14 believe I asked if he was considering signing
15 it, and I'm not quite sure -- I don't actually
16 recall if he responded.

17 Q. What's the reason you asked if he
18 was considering signing it?

19 A. Just to see.

20 Q. Would that have influenced your
21 decision whether to sign?

22 A. No.

23 Q. Did you ask Mr. David to help you
24 with outreach to people about signing a
25 statement in support of the governor?

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A. I might have asked if he could either join a call with me or, you know, help me, but not for any particular reason that I recall. And that did not happen. I spoke to [REDACTED] by myself.

Q. What would you have been asking Alphonso David to help you with?

MR. SPIRO: Objection, calls for speculation.

Q. You can answer, Ms. Lever.

A. I was just going to say I don't recall.

Q. Okay. Let's go to tab 36.

(Exhibit 19, Text Messages, Bates Stamped AWALSH00000041, marked for identification.)

Q. Do you recognize this document?

A. (Document review.) Yes.

Q. What is it?

A. It appears to be a text from Melissa to a group of people -- oh, maybe to me and Annabel, asking us to sign on to the letter. I imagine this is the same op-ed in question. I don't know if there was, you know, another

1 LEVER

2 draft or version at that point.

3 Q. And you're referring to tab 35?

4 A. Yeah, I would assume. I mean, is
5 this the same day, right?

6 Q. Right.

7 A. I'm going on timestamps here.

8 Q. Okay. Did you ever have a
9 conversation with Melissa DeRosa following
10 these text messages?

11 A. I don't recall. I had no intention
12 of signing the letter, so that must have been
13 communicated, but I don't recall.

14 Q. Did you speak with Annabel Walsh
15 about the letter?

16 A. I don't recall.

17 Q. Did you try to speak with Annabel
18 Walsh about the letter?

19 A. I don't recall.

20 Q. All right. Let's go to tab 33.

21 (Exhibit 20, Text Message, marked
22 for identification.)

23 Q. Does this jog your memory about when
24 you tried to talk to Annabel Walsh about the
25 letter?

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A. Annabel reaching out to me to say I need to talk to you about this letter. So I did not reach out to Annabel Walsh about the letter.

Q. Okay. Did she reach out to you about the letter?

A. It appears.

Q. Did you speak with her?

A. I don't recall. I didn't even recall getting this text, so...

Q. Okay. Let's go to tab 40.

(Exhibit 21, Text Messages, December 17, 2020, marked for identification.)

Q. And these are messages between you and Linda Lacewell, correct?

A. Sorry. I'm just pulling it up. (Document review.) Yes.

Q. And earlier you referred to Linda. You were referring to Linda Lacewell?

A. Earlier in our conversation?

Q. Yes.

A. Yes.

Q. Okay. What did you mean by, "I

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still don't know why we are talking to Gov
lol"?

A. I don't recall. Maybe we were
getting on a phone call.

Q. Okay.

A. Sorry. I don't recall with any
detail.

Q. What do you understand by Linda
Lacewell's statement, "Trying to support mdr"?

A. I don't recall.

Q. Sitting here today, what do you
understand by that statement?

A. I could not say one way or another.
Pretty general statement.

Q. Is a reasonable interpretation of
the statement that Linda Lacewell was saying we
are here to try to support Melissa DeRosa at
this time?

A. Sure, but I don't know what the
support refers to is what I was saying.

Q. Okay.

A. Or why the support was required.

Q. Well, this is coming after Lindsey
Boylan's sexual harassment allegations against

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the governor, correct?

A. Yes.

Q. Is it fair to say that your -- this exchange with Linda Lacewell is about the sexual harassment allegations against the governor?

A. No. I mean, maybe in and around that topic, but I don't know for certain.

Q. Okay.

MR. GRANT: Do you recall whether there were any other issues in or around December 17, 2020, that Melissa DeRosa needed support with?

THE WITNESS: Yes, I don't know the specific date, but there was also the issue with the nursing homes happening.

MR. GRANT: Anything else?

THE WITNESS: Nursing homes. I don't recall. I don't even recall that nursing homes was December 17, but in and around this time, there was obviously a lot going on.

MR. GRANT: Okay. My question was just, can you recall any other issue that

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you would need to show support for Melissa DeRosa about in mid -- around December 17, 2020?

THE WITNESS: No, not that I can recall.

MR. GRANT: Okay. And do you recall whether or not you were involved in any discussions about the nursing homes issue?

THE WITNESS: What do you mean? Is the nursing homes relevant to this?

MR. GRANT: I will get back to this later.

THE WITNESS: Okay.

BY MS. MAINOO:

Q. All right. Let's go to tab 46 in the meantime.

(Exhibit 22, Text Messages, February 22, 2021, marked for identification.)

A. 46 you said?

Q. Yes, four-six. You can take a minute to review it. It's from earlier this year.

A. (Document review.) Okay. I see it.

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I reviewed it.

Q. Okay. What did you mean when you said, "Is Dean Chang or Cliff Levy coming for me? I've lost it on them multiple times"?

A. I think there were stories at this time maybe about Melissa, a reporter had written a op-ed -- an op-ed about, you know, her -- I believe this was around this time. I don't recall specifically, but I think I was making a joke that the editors of The New York Times could out me for, you know, prior head-to-head battles I had with them in the past.

Q. What head-to-head battles were you referring to?

A. I mean, there were many over time.

Q. And then you reference, at 74 and 75, a quote that you say, "From the Dawsey Vilensky original Jesse story from 2016," what were you referring to?

A. It must have been another story where we responded about the workplace.

Q. This is an earlier story from 2016 about the workplace environment in the chamber,

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correct?

A. That looks to be right, yes.

Q. And your statement then, as it is now, was that everyone in the administration works extremely hard, right?

A. What do you mean then versus now?

Q. At the time your statement was everyone in the administration works extremely hard, correct?

A. Yes.

Q. Okay. And in our meeting today, when we talked about the environment in the chamber, you told us that everyone works really hard in the chamber, it's a tough job, right?

A. I don't know if I used those words exactly, but I do think that people are incredibly hardworking and it is a tough place to work.

Q. And what was the reason you were sending your talking points from 2016 in your chat to Peter Ajemien in February 2021?

A. I think I had thought that it was a statement they could reuse for the more current workplace harassment stories -- sorry

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workplace, you know, environment toxic stories.

Q. Did you become aware of the more detailed complaints Ms. Boylan made about the governor in February 2021?

A. Yes, when she posted them on medium.

Q. Is that when you learned about them?

A. Yes.

Q. What was your reaction to them?

A. I was surprised. I obviously had never heard them before.

Q. Did you have personal knowledge of any of the allegations she was making?

A. No.

Q. Did you have personal knowledge of her allegations about the strip poker comment?

A. Did I have personal knowledge that she had said that -- that he said that to her?

Q. Correct.

A. No, I don't believe he did say that to her.

Q. Okay. What's your basis for saying you don't believe he said that to her?

A. I just have zero recollection of him ever saying that, and, you know, she had talked

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about it being on a flight that either myself or a number of other employees could have been on, and all of us did not remember him ever saying that, and that's what we put in that statement.

Q. Okay. So is it more accurate to say that you are not aware of the governor ever making the strip poker comment to Lindsey Boylan?

A. Yes, I could obviously only speak for the flights that I was on.

Q. Do you have any personal knowledge of Lindsey Boylan's allegation that the governor suggested that she looked like a former girlfriend of his?

A. No, only that I read that in the piece.

Q. Did you ever hear anyone referring to Lindsey Boylan as Lisa when you were in the chamber?

A. I'm sorry as who?

Q. Lisa.

A. No.

Q. Did you have personal knowledge of

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Lindsey Boylan's allegation that the governor kissed her on the lips?

A. No.

Q. Did you discuss -- did you discuss her more detailed allegations with anyone?

A. I was alerted to them by the governor's office. I read the post, the medium post that outlined them, and then we had further discussion about the response.

Q. Who in the governor's office alerted you to the more detailed allegations?

A. I believe it was a combination of Rich, Melissa and Peter. It was a call.

Q. And did you ask those who alerted you whether Ms. Boylan's allegations were true?

A. I imagine at some point because, you know, I think the governor's office denied them.

Q. But you don't specifically remember if you asked anyone if Lindsey Boylan's allegations of sexual harassment were true?

A. I don't remember if I had time to ask or I was immediately told that, you know, the governor's office said it was not true.

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Q. Did it matter to you whether or not Lindsey Boylan's allegations were true or not?

A. In what context? I obviously only can speak to the one incident where she had mentioned that there were people on the plane, and I could only speak to the times that I was on the plane.

I'm not sure that the comment was even made on the flight that I was on, but I felt confident that I could say that I had no recollection of him ever saying that.

Q. Did it matter to you, as you were helping respond to the Lindsey Boylan's sexual harassment allegations, whether her allegations were true?

A. Sorry. One more time.

Q. As you were helping with the response to sexual harassment allegations against the governor, did it matter to you whether or not Lindsey Boylan's allegations were true?

A. I was told they were not true.

Q. And who told you they were not true?

A. The governor's office.

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Q. Who from the governor's office told you?

A. I don't recall specifically, but obviously there was -- you know, they put out a statement vehemently denying the allegations.

Q. Did you ever speak with the governor about whether or not Ms. Boylan's allegations against him were true?

A. I don't recall.

Q. Were you involved in and after February 2021 in the Executive Chamber's response to sexual harassment allegations against the governor?

A. Somewhat. Again, you know, offered my advice on how they should respond.

Q. Did you do anything else other than offer your advice on how they should respond?

A. Maybe talking to a few other reporters off the record, but it was more that reporters were reaching out to me than the other way around.

Q. Anything else?

A. Not that I recall.

Q. Did you work on any press statements

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or responses to press inquiries?

A. Oh, yeah, I thought that would have been covered by the how to respond. You know, again, I think I advised on responses to the allegations -- for the press, I should say, if that's what you are not now talking about.

Q. How much time did you spend helping the governor's office respond to sexual harassment allegations between December and March?

A. I don't think I could quantify it. It was some time. You know, I was also pretty busy with my other, you know, work. So it was more in my personal time, weekends, nights.

Q. Please go ahead.

A. I just said nights.

Q. Did you say nights?

MR. SPIRO: Yes.

Q. Okay. Is there a reason you were spending your nights and weekends helping your former job deal with the situation?

MR. SPIRO: We covered this about three or four times.

A. Yeah, we talked about this before.

1 LEVER

2 Q. You can answer, Ms. Lever.

3 A. It's the same answer. I worked
4 there a really long time, and, you know, I was
5 helping them strategize on how best to respond.

6 Q. Let's go to tab 48.

7 (Exhibit 23, Text Messages, Bates
8 Stamped AWALSH00001220 through 1221,
9 marked for identification.)

10 Q. Do you recognize this document?

11 A. Yes.

12 Q. Okay. What is it?

13 A. A text between Annabel and I.

14 Q. What's your understanding of
15 Annabel's statement, "Oh, God, the medium
16 story. I'm sorry. They obviously know,
17 right?"

18 A. I think she meant did the governor's
19 office know that the story was out.

20 Q. And you ask, "Do you follow
21 Charlotte?"

22 What's the reason you asked whether
23 she followed Charlotte?

24 A. I don't recall.

25 Q. Charlotte refers to Charlotte

1 LEVER

2 Bennett, correct?

3 A. I would assume.

4 Q. You asked, "How bad is it that I put
5 my name to that?"

6 Are you referring to the Caitlin
7 Girouard statement that mentions you?

8 A. Yes.

9 Q. What's the reason you asked that
10 question?

11 A. You know, again, I didn't want my
12 name on -- I didn't want to be involved in this
13 way. I said the same thing about the letter.

14 Q. So what's the reason that you
15 included your name in that statement?

16 A. I was asked to.

17 Q. Who asked you?

18 A. Melissa.

19 Q. What did Melissa ask you?

20 A. There was a group of us, whether or
21 not this happened, and if we would put a
22 statement out saying it didn't, which by the
23 way was true. I just didn't want my name out
24 there.

25 Q. So why did you say no?

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A. I don't recall why.

Q. Let's go to tab 49.

(Exhibit 24, Text Messages, February 24, 2021, marked for identification.)

Q. So let's focus on the chat starting with message 1267 from you to Lis Smith.

Who's Lis Smith?

A. I'm sorry. I don't see it. What number are you in? 49?

Q. Tab 49.

A. Yeah.

Q. And message 1267.

A. Oh, "Did you see the Lindsey?"

Q. Yes.

A. Okay.

Q. So who's Lis Smith?

A. Lis is a political consultant.

Q. How do you know her?

A. I know her for years. We are friends, good friends, and she worked on the governor's 2018 re-election campaign with me.

Q. What's the reason you reached out to Lis Smith and asked if she had seen Lindsey

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Boylan's post?

A. I don't recall.

Q. Was Lis Smith at the time helping to respond to sexual harassment allegations against the governor?

A. I don't recall when Lis got involved. She did help, but I don't recall when.

Q. How did Lis get involved?

A. I'm not sure.

Q. Do you have any sense?

A. I imagine, you know, Melissa called her, but they are also close friends, but I don't recall. I'm sorry. I don't have details into that.

Q. Who's [REDACTED] ?

A. He's a friend who used to work for the governor. He now works at [REDACTED].

Q. And was he involved in the response to sexual harassment allegations against the governor?

A. No.

Q. What's the reason you reached out?

A. What's the reason he reached out? I

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obviously can't speak to that. He was clearly -- had seen the news, I guess, and reached out.

Q. Did you have any other -- please go ahead.

A. I just said we're friends.

Q. Did you have any other discussions with him about the sexual harassment allegations against the governor?

A. No, not that I recall.

Q. Let's go to the next tab, tab 50.

A. Okay.

(Exhibit 25, Text Messages, February 24, 2021, marked for identification.)

Q. Specifically, message 6175 where you tell Peter Ajemien, "Tell her to call Lis."

A. Sorry, 6175. Okay.

Q. Does "her" refer to Melissa?

A. Yes, I believe so.

Q. Okay. What did you mean tell Melissa to call Lis?

A. Can I just scroll up for a second?

Q. Sure.

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A. (Document review.) I imagine I was advising him to tell Melissa to seek Lis' advice on this statement that I obviously disagreed with them sending.

Q. And was it your understanding at that point that Lis was helping with the response to the sexual harassment allegations against the governor?

A. Yeah, I guess that makes sense, but, again, I'm not sure when she -- I'm not sure.

Q. And then later on, at 6182 -- let's start with 6180. Peter Ajemien sends you a post with a link to Charlotte Bennett's tweet.

A. Uh-huh.

Q. And then Peter says, "But we can't attack Lindsey if Charlotte is backing her up or it's much harder," and you say, "No, also it's the wrong move."

What do you understand by Peter's statement?

A. Sorry, where is -- I'm so sorry, I lost it.

Q. I'm sorry. I'm looking at 6180 going down to 6184.

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A. Okay. I accidentally X'd out of 50. He says, but we can't attack Lindsey if Charlotte is backing her up or it's much harder. It's also the wrong move.

I mean, I'm clearly saying that I don't think attacking women is the right thing to do. You know, my advice was focused on contrition and being apologetic.

Sorry, was that the question about my, no, it's the wrong move?

Q. Thank you.

Another question I had was, what did you understand by Peter's statement we can't attack Lindsey if Charlotte is backing her up?

A. Oh. I obviously can't speak for Peter.

(Document review.) I'm sorry. I can't speak exactly for Peter. I imagine he's talking also about a, you know, press response.

Q. So earlier you talked about hearing from Staffer #4 about Charlotte Bennett having an uncomfortable interaction with the governor, correct?

A. Yeah.

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Q. At any other point did you hear more information about Charlotte Bennett's interactions with the governor before her allegations became public?

A. It was around the same time, but there was a conversation where some of us were provided a summary of some -- of Charlotte's allegations against the governor, yes.

Q. Okay. Let's break that down. Who provided the summary of Charlotte's allegations against the governor?

A. Judy Mogul.

Q. Okay. Who did she provide that summary to?

A. The folks that were assisting in responding to the governor -- I'm sorry, responding to the allegations.

Q. And who was that?

A. I believe, you know, Melissa, Rich, Peter, Lis, maybe Jeff Pollock, Jeff Vlasto, you know, Steve Cohen. I'm not exactly sure who was on that call.

Q. And what did Judy say on that call?

A. She summarized Charlotte's -- a

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conversation that she had with Charlotte around the allegations she was making about the governor.

Q. And how did she summarize that conversation with Charlotte? What did she say?

A. She talked about a few of the -- again, a little bit of the details of what Charlotte was likely to have alleged in, you know, The New York Times story in her interview.

Q. And when was this?

A. I don't recall.

Q. Was it before Charlotte's --

A. I believe it was before the story came out. I just don't recall if it was before the governor's office had the inquiry or not. I'm sorry, I don't know.

Q. To your understanding, what prompted Judy providing this summary of Charlotte's allegations?

A. I don't recall.

Q. Just now you referred to an inquiry that came in.

What inquiry are you referring to?

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A. The New York Times, but I -- again, that's why I said I'm not sure. I think it was in and around the time of that story coming out.

Q. Okay. And what inquiry did the governor's office receive?

A. That Charlotte had sat down with -- for an interview with the paper.

Q. Did The New York Times seek any information from the governor's office?

A. They asked the governor's office to respond to the allegations Charlotte was making.

Q. Do you remember anything from Judy's summary of what she heard from Charlotte about Charlotte's interactions with the governor?

A. You know, just -- just wanted to make the point that I -- I don't think I recall what I heard from that conversation, what I read in The Times, and what I saw in Charlotte's, you know, television interview. So I might be conflating. I could probably generalize, though.

But it would have been around, you

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2 know, the governor speaking to Charlotte about
3 her dating life, the governor speaking to
4 Charlotte around being a victim of sexual
5 assault, and the governor asking Charlotte or
6 watching Charlotte do push-ups in front of him,
7 among maybe other things.

8 Again, I don't know, you know, what
9 I've learned from which -- which entity.

10 Q. Do you remember hearing from Judy
11 about the governor asking Charlotte whether age
12 differences matter in relationships?

13 A. I don't recall if it was from that
14 conversation or from the newspaper or from the
15 media, but, obviously, I know that is an
16 allegation that Charlotte has made.

17 Q. Do you remember Judy saying
18 Charlotte felt like the governor was grooming
19 her?

20 A. I don't -- I don't know if Judy had
21 said that in her conversation or that was,
22 again, something that Charlotte had said either
23 in the press or on television.

24 Q. When Judy provided the summary, did
25 you have the sense that she was reading from a

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document?

A. I think she was taking us through -- you know, I don't know how she memorialized her conversation with Charlotte, but I think she was taking us through that conversation.

Q. She was taking you through her notes of her conversation with Charlotte?

A. It was over the phone, so I don't know that I -- you know, it was -- it was -- you know, yes, it was -- I imagine it was either from notes or from very good memory.

Q. Did anything disturb -- did you find anything that Judy shared about her conversation with Charlotte disturbing?

A. I thought it was troubling, yes.

Q. What's the reason you thought it was troubling?

A. You know, those interactions were not appropriate.

Q. What was not appropriate about those interactions?

A. Can you be specific?

Q. You just said those interactions were not appropriate, and I'm trying to

1 LEVER

2 understand what about those interactions was
3 not appropriate?

4 A. I just meant depending on which
5 interaction -- you know, obviously they were --
6 it was an upsetting thing to hear, all of it,
7 without saying if it was from that -- you know,
8 the conversation from the paper, from the TV
9 interviews.

10 Q. Did Judy say anything about whether
11 she believed what Charlotte said?

12 A. At no point was Charlotte's
13 credibility questioned by Judy or anyone on the
14 call.

15 Q. Did you believe what Charlotte
16 was -- let's start again.

17 Did you believe what Charlotte told
18 Judy?

19 A. I had no reason to think that
20 Charlotte would ever not tell the truth about
21 something. Yeah, I did believe it. And I
22 don't think anyone -- you know, Judy certainly
23 didn't dispute or question her -- I don't think
24 anyone on the call, I should say, questioned
25 like that whether or not it was true.

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Q. Was the governor on the call?

A. No.

Q. Let's go to tab 51.

(Exhibit 26, Text Messages,
February 24, 2021, marked for
identification.)

Q. And on the second page, message
number 24. This is February 24, 2021.

A. Yeah.

Q. And this is after you had posted a
tweet from Charlotte, at message 22. You say,
"Also, we have issue with her real or imagined,
but it's a problem."

What did you mean by that?

A. That, you know, I had obviously, as
we talked about earlier, known that Charlotte
had had the uncomfortable interaction with the
governor. And even without detail, which is I
think is why I used the real or imagine, I just
had no insight into what it was at the time.

Q. So at the time of this chat with
Lis, is it the case that you hadn't heard the
details from Judy?

A. Yeah, I would assume.

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MR. SPIRO: Don't assume.

A. I'm sorry. I'm sorry. To the best of my knowledge, yeah. I did not know -- I did not know.

Q. Okay. And what's the reason you were describing what Staffer #4 had told you earlier as a problem?

A. You know, it's a flip -- I think I was being flip. I just meant that it could be another issue for the governor's office to handle.

Q. Did you speak with anyone --

A. No, I didn't have any details at that point. I don't believe I had any details at that point.

Q. Okay. I will just finish the question.

Did you speak with anyone at that point about what Staffer #4 had told you previously?

A. Not that I recall.

Q. Did you give Lis any detail beyond saying, "We have issue with her real or imagined, but it's a problem"?

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A. I don't think I had any details to share at that point.

Q. Did you connect Lis Smith with Staffer #4 Staffer #4 to get more details?

A. No, not that I recall.

Q. Were you involved in any discussions about conducting an independent investigation into sexual harassment allegations against the governor?

A. Not meaningfully. I might have been on chains where it was being discussed.

Q. Okay. And what was discussed?

A. I truly wasn't involved. I think it was determining -- you know, I know the governor's office had originally put out a statement that they wanted to call for the independent investigation and select the investigator. And, obviously, that changed to the Attorney General's Office.

I wasn't, you know, at all involved in decision making around any of that, though.

Q. Were you part of any discussions about Robbie Kaplan conducting an independent investigation?

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A. Again, not in a meaningful way. I might have been on discussions where it was -- I might have been on conversations where it was discussed, but I did not speak to Robbie and/or come up with that idea.

Q. Let's go to tab 55.
(Exhibit 27, Text Messages, February 24, 2021, marked for identification.)

Q. Do you recognize it?

A. From Jimmy?

Q. Yes.

A. Yeah, I see it here.

Q. So at message 278, Jimmy says, "Nobody ever really leaves." You say, "You're telling me."

What did you understand by Jimmy's statement?

A. The reporter just -- yeah, and everyone sort of jokes that the governor's office is like Hotel California. You never really leave.

Q. Meaning what? I'm not familiar with the analogy.

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A. Just that you, you know, when you leave the office, you're still like in the family. You are still in the governor's, you know, family, basically, of people.

Q. Is that consistent with your experience?

A. Yeah, to an extent.

Q. Is that why you said "You're telling me"?

A. I imagine. I honestly don't recall having the specific conversation, although it's cute.

Q. Let's go to tab 58.

(Exhibit 28, E-Mail, Bates Stamped DLEVER-00000417, marked for identification.)

Q. Do you recognize this?

A. I do.

Q. What is it?

A. It's a statement that Melissa and I had discussed -- you know, it was the day that a lot of -- obviously, there was a lot of news coverage, and I believe we were talking about what we could give to The New York Times to

1 LEVER

2 sort of just explain that, you know, the
3 governor is the same person in private as he is
4 in public.

5 And I believe Melissa, you know,
6 obviously drafted something and sent it to me.

7 Q. And was this meant to be a response
8 to Lindsey Boylan's medium post?

9 A. I don't remember what it was
10 specifically in response to. I think the
11 governor's office had already responded
12 obviously with that, you know, statement of
13 denial that Caitlin had put out. I think this
14 was just probably something separate that they
15 wanted to give to some press, or they wanted
16 someone to give to press.

17 Q. But also responding to Lindsey
18 Boylan's medium post, correct?

19 A. I don't think so. You know, this
20 could have been like, for example, someone else
21 in a story saying, oh, the governor is X or
22 does X.

23 And so you might want to respond
24 like to the specific allegations. I don't --
25 it was for that news cycle, but I just don't

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know if it was directly for the medium post,
which I believe the governor's office had
already responded to.

MR. GRANT: Was it in response to
Charlotte Bennett's allegations?

THE WITNESS: No, I -- I'm not sure
when The New York Times story came out
about Charlotte. I don't think it was the
24th. I think the 24th was -- do you?
Can you refresh my memory of when The
Times story came out?

MR. GRANT: Sorry. I can't right
now.

THE WITNESS: Okay. No, I think --
I don't recall, but I believe this
predates that.

BY MS. MAINOO:

Q. The 24th was Lindsey Boylan's medium
post, right?

A. Yeah, I believe so.

Q. Do you know if Melissa DeRosa sent
this draft statement to anyone else?

A. I know it appeared in the paper with
Ashley Cotton's name on it.

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(Reporter Clarification.)

MR. SPIRO: Cotton, C-O-T-T-O-N.

Q. Did Melissa DeRosa ask you to put your name on this statement?

A. She may have. I said no.

Q. What conversation did you have with Melissa DeRosa about attributing the statement to yourself?

A. I don't recall, but I do remember saying that I, you know, was not going to put my name on any additional statement, you know, or could not.

Obviously, you know, I would have to run it by my current employer, and I also had no interest.

Q. What's the reason you had no interest?

A. I just don't want to be involved on the record.

Q. And how did your supervisor respond when you said you were putting your name on the Caitlin Girouard statement?

A. I asked for permission. I didn't tell her I was doing it.

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Q. Okay. And how did your supervisor respond?

A. She was okay with it.

MR. GRANT: How did Ms. DeRosa respond when you told her you wouldn't put your name to this statement, meaning the statement in exhibit -- or tab 58?

THE WITNESS: Sorry. One more time?

MR. GRANT: Sorry. How did -- I believe you testified that you told Ms. DeRosa you wouldn't put your name to this statement, correct?

THE WITNESS: Yes.

MR. GRANT: What do you recall about Ms. DeRosa's response to you saying that?

THE WITNESS: I don't know if she ever responded. I don't think -- you know, it wasn't -- it wasn't -- it wouldn't have been a detailed conversation.

BY MS. MAINOO:

Q. Was she angry?

A. I don't believe so. She never said.

Q. Sorry. Could you repeat your

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answer?

A. She never said that she was.

Q. Were you concerned about whether she was angry with you?

A. I might have been. I don't really recall.

Q. Do you agree with the statement?

A. Yes.

Q. Okay.

A. That's the way I know him.

Q. Excuse me?

A. That's how I know him to be.

Q. Okay.

A. It's accurate.

Q. So it's accurate based on your experience with the governor?

A. Correct, which is all I can obviously speak for.

Q. And the statement says at the end, "He can be direct but nothing that ever crosses the line."

What would cross the line?

MR. SPIRO: Objection.

You can answer.

1 LEVER

2 A. I don't know.

3 Q. Earlier we talked about kissing a
4 staff member on the lips.

5 Would that cross the line if the
6 governor kissed a staff member on the lips?

7 A. I would say. I think it's any --
8 you know, if -- if that person felt -- yeah.
9 Sorry.

10 Q. So would it cross the line if
11 Governor Cuomo kissed a staff member on the
12 lips?

13 A. Yes.

14 Q. Okay. And -- okay. Let's go to tab
15 61.

16 MR. GRANT: One more question.
17 Sorry.

18 And what do you mean where it says,
19 "he can be direct"? How do you understand
20 the governor to be direct?

21 THE WITNESS: I don't -- I don't
22 know.

23 MR. GRANT: And do you have an
24 understanding as to how the governor is
25 playful?

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THE WITNESS: Yeah, I mean he jokes around. You know, certainly makes bad jokes. Like I said earlier, he can be jovial and friendly and, you know, playful.

MR. GRANT: Okay.

A. And what was the tab you requested?

Q. Six-one. Sixty-one.

A. Okay.

(Exhibit 29, Text Messages, February 24, 2021, marked for identification.)

Q. Does this jog your memory about whether you worried about Melissa being mad at you for not putting your name on the statement we were just looking at?

A. Yeah, now it does. I said I may have been.

Q. Yes, you did.

And what's the reason you were worried about whether Melissa was mad at you?

A. It was a very high stress time obviously, and I, you know, still wanted to help in my own ways, and I would not have

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wanted her to be disappointed, and she wasn't.

MR. GRANT: Why were you concerned if Ms. DeRosa was disappointed?

THE WITNESS: I don't know. Again, you know, we had a really close personal relationship.

MR. GRANT: Do you think there is anything that Ms. DeRosa would do if she were mad at you that you wouldn't want her to do?

THE WITNESS: No, and I, you know, I don't -- no.

MR. GRANT: Okay.

THE WITNESS: I think it was a personal thing.

BY MS. MAINOO:

Q. All right. Let's turn to tab 62.

(Exhibit 30, Text Messages, Bates Stamped AWALSH00001222 through 1227, marked for identification.)

Q. So do you recognize this document?

A. I don't. Can I -- it's pretty long. Do you want to bring my attention to somewhere or do you want me to read the whole thing?

1 LEVER

2 Q. So I'm going to ask you, in the
3 first place, about the -- your first exchange
4 with Annabel Walsh. So you can end at "not a
5 today convo."

6 A. "Not a today convo." Oh, okay.
7 Sorry. Do you know whether that first message
8 is from her to me or me to her?

9 Q. The first message is from you to
10 her. Your name is at the very top.

11 Do you see that?

12 A. Like faded.

13 Q. Like faded. Exactly right. Right
14 here, "Dani Lever," and then, "I spent over six
15 years."

16 A. Okay. (Document review.) That's
17 where I should stop, right?

18 Q. That's right. So was Annabel saying
19 she felt badly for Melissa?

20 A. I don't know who she was
21 referencing. I don't see Melissa anywhere in
22 the conversation.

23 Q. Okay. Let's go up in the
24 statement -- earlier in the chat, you make the
25 statement that you had discussed with Melissa,

1 LEVER

2 correct?

3 A. Yes.

4 Q. And then you say, "It's not about
5 the statement. They got Cotton to do it,"
6 right?

7 A. Yeah, I think maybe because later
8 down, I think she was saying that she called --
9 maybe Melissa called her.

10 Q. Right. And so -- and Annabel is
11 saying Melissa had called her just to ask if
12 she was hearing anything, right?

13 A. Uh-huh.

14 Q. Is that a yes?

15 A. Yes.

16 Q. Okay. And Annabel was also saying
17 she feels badly for Melissa, right?

18 A. Again, without certainty, but...

19 Q. Based on the context?

20 A. Yeah, maybe that makes sense.

21 Q. Okay. And what did you understand
22 by that?

23 A. I think this was a tough situation
24 for anyone working in the office at the time.

25 Q. And then later on -- so we're -- on

1 LEVER

2 the fourth page, you reference a conversation
3 that you had with Andrew Ball about getting him
4 to unlike Charlotte's tweet, correct?

5 A. (Document review.)

6 Q. This is starting at --

7 A. He says, "I did it by accident"?

8 Q. Yes.

9 A. Yeah.

10 Q. What's the background of that
11 discussion?

12 A. You know, at the time, I think
13 reporters were sort of circling, and I believe
14 Melissa had alerted Annabel and I to the fact
15 that Andrew had liked Charlotte's tweet. And I
16 just called him to ask, you know, did you mean
17 to do that. If so, that's fine.

18 But if not, you know, reporters are
19 definitely like scouring Twitter to see who's
20 interacting with the tweets to call as sources,
21 which I, you know, explained to him that it
22 would look like he would be somebody that they
23 could call.

24 And he actually said that he had
25 done it by accident and that he was going to

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unlike it.

Q. So who first brought up Mr. Ball unliking Charlotte Bennett's tweet? Was it you or him?

A. You mean Andrew and I?

Q. Yeah.

A. I think I brought it up to him and said -- you know, pointed out that he liked -- I had assumed it was done by accident, but it was also to just tell him that reporters would be reaching out, and I don't know if Andrew wanted that.

Q. Okay. But looking at your chats with Annabel, your chats with Annabel suggest that you didn't believe that Andrew had liked Charlotte's tweets by accident, that you had given him that excuse, but you didn't actually believe that, right?

A. I don't know. I can't recall.

Q. And -- okay.

MR. GRANT: Why do you care whether or not reporters would reach out to him as a source?

THE WITNESS: I didn't know if he

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would have wanted that. He was not in the press world. So I was just, you know, alerting him to the fact that it would look like a bigger deal.

MR. GRANT: Why were you concerned or why did you want or feel the need to alert him?

THE WITNESS: We were friends. I think he had -- you know, I think we had already spoken about what was going on.

MR. GRANT: Were there any concerns beyond him simply getting press inquiries?

THE WITNESS: What other concerns?

MR. GRANT: I'm asking broadly. Were there any other concerns aside from the fact that he -- he may get -- he's not a press person and, therefore, may not have understood the implication that he would be getting lots of press because he liked the post?

THE WITNESS: Yeah, I mean, I wasn't like attempting to intimidate him from liking posts. I truly tried to explain to him that this was going to get a lot of

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attention. The reporters knew who Andrew was, and I knew that, you know, that would be a very easy way for them to find people to call.

MR. GRANT: Sorry, if I forget. Did you discuss -- how did you learn that Mr. Ball had liked the post?

THE WITNESS: I can't remember. I think Melissa or Annabel sent me a screenshot.

MR. GRANT: Gotcha. And then did Ms. DeRosa or Annabel say anything in particular about reaching out to Mr. Ball about the post?

THE WITNESS: I don't recall. There was a conversation. I just don't recall.

MR. GRANT: And do you recall generally, during that conversation, if anyone directed you to reach out to Mr. Ball about the post?

THE WITNESS: I don't recall whether I asked or volunteered.

MR. GRANT: Okay. And do you recall if anyone, during that conversation,

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raised any concern about the press reaching out to Mr. Ball?

THE WITNESS: I don't recall.

MR. GRANT: And do you know whether or not there were any concerns? And this is not just simply based on that conversation, but more broadly, do you know if there were any concerns about what could happen if Mr. Ball spoke to the press about Charlotte Bennett and other issues in the Executive Chamber?

THE WITNESS: No, not anything that I was involved in.

MR. GRANT: Okay.

MR. SPIRO: Before we continue the questioning, do you have any sense as to how much longer you're going to be today.

MS. MAINOO: We can take a break to discuss this off the record.

MR. SPIRO: Great. Okay.

THE VIDEOGRAPHER: Stand by. The time is 5:25. We are going off the record. And this will end media unit number 5.

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(Recess taken.)

THE VIDEOGRAPHER: The time is 5:33 p.m. We are back on the record. This will be the start of media unit number 6.

BY MS. MAINOO:

Q. So sticking with the document that we're looking at, which is tab 62. Going back to the third page.

Annabel, I think here she's talking about Staffer #4 She says, "He's like jumping ship on him," I think she's talking about the governor, "because he talked to [REDACTED]. I mean, he's not. His line is he's a single guy so sometimes he would flirt because he's a single guy but nothing bad."

Am I correct that this is in reference to the governor?

A. Sorry. I'm just scrolling one, two -- third page you said?

Q. Correct.

A. Yeah, I imagine.

Q. Okay. And do you agree with Annabel's statement that sometimes the governor

1 LEVER

2 would flirt?

3 A. Sorry. Is that her statement or is
4 she relaying to me Staffer #4 statement?

5 Q. How do you understand the statement,
6 "I mean, he's not. His line is he's a single
7 guy so sometimes he would flirt because he's a
8 single guy but nothing bad"?

9 A. Well, it says "his line is," so I
10 imagine that's Staffer #4 position.

11 Q. Okay. Do you agree with Staffer #4
12 statement that sometimes the governor would
13 flirt?

14 A. Not -- I would not agree with the
15 line "sometimes he would flirt because he's a
16 single guy."

17 Q. What part of that do you not agree
18 with?

19 A. I just -- that's not how I would
20 characterize the governor. That's not -- I
21 mean, like that's not been my, you know,
22 interactions with him.

23 Q. Have you ever observed the governor
24 flirting with anyone?

25 A. I think you asked me that earlier

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and, I said, you know, not to my knowledge, no.

Q. Okay. Let's go back to your description of your conversation with Andrew Ball. And this is on the next page toward the bottom.

A. Okay.

Q. And you say, "But like why? So Melissa would see it," question marks.

What did you mean by that?

A. I assume I meant that sometimes Andrew likes to provoke.

Q. What do you mean by "sometimes Andrew likes to provoke"?

A. That's what I mean. I'm friends with him. I assume that's what I meant at the time.

Q. Did Andrew have any issues with Melissa DeRosa?

A. Yes.

Q. What were those issues?

A. I think he felt she treated him poorly. It's hard for me to speak on behalf of Andrew, but...

Q. And let's go to tab 64.

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(Exhibit 31, Text Messages,
February 24, 2021, marked for
identification.)

Q. It's a text exchange between you and
Andrew in which you ask Andrew, "You liked
Charlotte's tweet? Call me."

You asked, "Was that on purpose?
Can you unlike it?" And he says, "Done."

Does this capture the interaction
you and Andrew had that lead to him unliking
Charlotte Bennett's tweet?

A. No, I think we spoke on the phone.

Q. Okay.

A. We talked about the undue or
potentially unwanted attention.

Q. Okay. But is it correct that you
asked Andrew to unlike Charlotte Bennett's
tweet?

A. Yes.

Q. And did you do that at Melissa
DeRosa's request?

A. I don't recall.

Q. Did anyone ask you to tell Andrew to
unlike Charlotte Bennett's tweet?

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A. I don't recall.

MR. GRANT: Why would Andrew liking Charlotte Bennett's tweet provoke Ms. DeRosa?

THE WITNESS: I think she just would not have expected, you know, people that we all worked so closely with to do that.

MR. GRANT: Why? And by "do that" do you mean support or give implied support to a statement by liking it of a statement from someone conveying what they believe is a sexual harassment incident that they --

THE WITNESS: No, I think it's more about bringing attention. As I said, my, you know, discussion with Andrew is about attention.

MR. GRANT: So is it your understanding that it would provoke Ms. DeRosa because it brings more attention to the tweet?

THE WITNESS: I'm not sure.

MR. GRANT: Okay.

BY MS. MAINOO:

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Q. Let's go to tab 86.

(Exhibit 32, Text Messages, February 28, 2021, marked for identification.)

Q. Let me know when you get there.

A. Okay.

Q. And you ask Peter Ajemien, "What if Lindsey attacks me?"

A. Yeah.

Q. What did you mean by that?

A. If she publicly attacked me or maligned me.

Q. What was the question?

A. Sorry?

Q. What was your question to Peter?

A. What if Lindsey attacks me?

Q. Yes. What's the background of that? What's the meaning of that?

A. Lindsey can attack people on Twitter and has -- you know, she had sent me some pretty threatening e-mails and messages around this time. So I just did not want her doing that to me in public.

Q. Okay. When you say Lindsey sent you

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threatening e-mails, are you referring to her e-mail saying, "You could have been a decent person. You are not. You have no integrity"?

A. I think there are two messages that I received.

Q. Okay.

A. There's a -- there was another one that Annabel and I were both sent, and the subject line I remember being, you know, somewhat threatening.

Q. Okay.

A. I think it was "coming your way" or "coming for you" or something like that.

Q. Okay. Are you referring to the e-mail that said, "Coming your way Annabel and Dani. I have often thought of you recently and what sad, depressing and soulless people you both are" --

(Reporter clarification.)

Q. Are you talking about the e-mail that says, "I have often thought of you recently and what sad, depressing and soulless people you both are"? And it, basically, just goes on about how it must be depressing to be

1 LEVER

2 you.

3 Is that the e-mail you're talking
4 about?

5 A. That's the one.

6 Q. And in what way did you find it
7 threatening?

8 A. I think receiving an e-mail that
9 attacks your -- attacks a person that way with
10 the subject line "coming your way" is -- felt
11 threatening. I don't know how else to
12 interpret it.

13 Q. Let's put up tab 108 just for
14 reference.

15 MS. MAINOO: And we will mark it as
16 an exhibit along with the other documents
17 we put up.

18 (Exhibit 33, E-Mail, Bates Stamped
19 DLEVER-00017, marked for identification.)

20 Q. And, Ms. Lever, is it the subject
21 line that you found threatening or also the
22 text of the e-mail itself?

23 A. Well, the text of the e-mail I found
24 to be obviously defamatory and not true, but
25 the subject line I felt was threatening.

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Q. How did you interpret "coming your way"?

A. That she was coming my way.

Q. Did you respond?

A. No.

Q. When did you first become aware of public allegations by Charlotte Bennett relating to the governor?

A. Sorry. We have spoken about this, right? This was either with the summary from Judy.

Q. Public allegations by Charlotte Bennett.

A. Oh, then The New York Times story.

Q. Okay. And when did you become aware of The New York Times story?

A. When the governor's office received the request for comment.

Q. What was your reaction to Charlotte Bennett's public allegations?

MR. SPIRO: Asked and answered.

You can answer.

Q. Ms. Lever, you can answer.

A. As I said before, they were

1 LEVER

2 obviously troubling.

3 Q. Okay. Do you know Charlotte
4 Bennett?

5 A. I do.

6 Q. When did you first meet her?

7 A. Whenever she started working at the
8 chamber. I don't know what time period.

9 Q. What was your understanding of
10 Charlotte Bennett's relationship with the
11 governor?

12 A. I thought it was professional.

13 Q. Have you communicated with Charlotte
14 Bennett since she left the Executive Chamber?

15 A. I don't believe so.

16 Q. Have you communicated with her since
17 her allegations were made public?

18 A. No.

19 Q. After Ms. Bennett's allegations
20 became public, did you discuss them with
21 anyone?

22 A. After they became public?

23 Q. Correct.

24 A. You mean people in the governor's
25 office or people in my life?

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Q. Let's start with people in the governor's office.

A. I don't know. I don't recall. We obviously discussed the response.

Q. Do you know if anyone ever asked the governor whether Charlotte Bennett's allegations were true or not?

A. I don't, and I did not.

Q. Did you learn anything different from the public reports about Charlotte Bennett's allegations that you had not heard from Judy Mogul's summary?

A. You know, without going side by side, I can't recall, but I think Charlotte had given additional detail in the story and then later in the CBS interview.

Q. What additional details did Charlotte provide?

A. I don't recall. I just remember there being more detail than the initial conversation we had with Judy.

Q. Did you take notes of your conversation with Judy?

A. No.

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Q. Do you remember precisely what Judy said?

A. No.

Q. Let's go to tab 73.

(Exhibit 34, E-Mail Chain, Bates Stamped DLEVER-00000438 through 439, marked for identification.)

A. Okay.

Q. Is this the inquiry that you referenced earlier about Charlotte's story?

A. I believe so, yes.

Q. So this is an e-mail from Jesse McKinley on February 26 that you got on February 27, correct?

A. That works to be right.

Q. Okay. Do you know when the conversation with Judy took place in relation to this e-mail?

A. I don't recall.

Q. Did the conversation with Judy happen before Jesse McKinley's e-mail on February 26?

A. I believe so, but, again, I don't recall.

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Q. Do you understand why Rich Azzopardi forwarded Jesse McKinley's e-mail to you?

A. I think he wanted my thoughts on how they were responding.

Q. Did you provide your thoughts on how they were responding?

A. I think a whole group of us provided thoughts on how best to respond to all of this.

Q. And who was that group?

A. The same as discussed, a combination of, you know, Lis, Jeff, myself, Josh, Rich and then the members of the governor's office.

Q. Was the governor part of those discussions?

A. I don't believe so. I'm sorry. Not in the discussions that I, you know, was a party to.

Q. Was Chris Cuomo part of the discussions?

A. I had been on, you know, a few calls with Chris. I don't remember if he was on specific calls about this story.

Q. What calls were you on with Chris?

A. I can't recall in detail. There

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2 were a few calls, you know, overall on the
3 response that Chris was on.

4 Q. What's the reason you were involved
5 in helping respond to Charlotte's allegations
6 against the governor?

7 A. I think it's the same as I had
8 stated. I had -- you know, was -- been with
9 the governor's office for a long time, and the
10 people who were working there were, you know,
11 close friends of mine, and I was asked to help.

12 Q. But you believed Charlotte Bennett,
13 right?

14 A. Yes. I don't have any reason to
15 doubt Charlotte Bennett, I should say.

16 Q. Did you ever speak with the governor
17 about Charlotte Bennett's allegations?

18 A. I don't recall.

19 Q. Were you ever involved in
20 discussions that the governor was a part of
21 about Charlotte Bennett's allegations?

22 A. I might -- I could have been, but,
23 you know, my advice on the majority of these
24 women, outside of Lindsey, was to show
25 contrition and, you know, be apologetic.

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Obviously, you know, wait for it to be investigated and, you know, that was it.

Q. If you believed Charlotte Bennett's allegations, what was the point of the investigation in your mind?

A. I think -- I mean, I'm sure there's additional context or the governor might have a different perspective on the conversations.

Q. What do you remember about what Chris Cuomo said on any calls that you were a part of that he was involved in?

A. I don't recall in any detail. It would have been calls, you know, that we were all having sort of, again, how best to respond.

Q. What about generally speaking?

A. About how to respond.

Q. So you said your advice was to show contrition, apologize and something about investigations being completed.

What was Chris Cuomo's advice?

A. I think the general consensus of most people was that. You know, obviously, like these responses and thoughts were hashed out, but I can't specify what other people's

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positions were. I know we landed in a place where that was the strategy.

Q. Did you ever suggest that the governor should resign?

A. No.

Q. Did you ever discuss that with anyone?

A. Not -- I think the discussions would have been others calling on him to resign, not whether he resign.

Q. Did you ever think that he should resign?

A. No, I think there's an investigation under way and that should play out.

Q. Do you know Anna Ruch?

A. I don't. I'm sorry. I know of her. I don't personally know her.

Q. How do you know of her?

A. Because there was a story about her in the press.

Q. And what was the story about her in the press?

A. That the governor kissed her on the cheek at a wedding, and she did not want him

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to.

Q. Were you at the wedding?

A. I was.

Q. Have you seen the photos of the governor's interactions with Anna Ruch at the wedding?

A. I have.

Q. What do you think of them?

A. You know, the governor obviously has -- it was in front of a lot of people. I don't think he meant to make her feel uncomfortable, but if that is her position, then I can respect that.

Q. How are you comfortable speaking on behalf of the governor?

MR. SPIRO: Can you repeat the question?

Q. How are you comfortable speaking on behalf of the governor?

MR. SPIRO: Do you understand the question?

A. What was my answer that prompted that question?

MS. MAINOO: Melissa, can you read

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it back? That I don't think the governor meant to.

(Record read as follows:

"ANSWER: You know, the governor obviously has -- it was in front of a lot of people. I don't think he meant to make her feel uncomfortable, but if that is her position, then I can respect that.")

Q. Do you need me to repeat the question, Ms. Lever?

A. Please.

Q. How can you speak on behalf of the governor?

A. I shouldn't speak on behalf of the governor, but I have been to many events with him where there's photographers and he takes photos with people in the crowd, and I think that that's what he was doing in this instance, too.

Q. Have you seen multiple instances of the governor interacting with people in the way he interacted with Anna Ruch?

A. No, I did not witness. I have only seen in photos. So I don't know, you know, the

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exact interaction.

Q. Okay. Based on the photos that you have seen, have you seen multiple instances of the governor interacting with people in the way that's represented in the photo of the governor's interaction with Anna Ruch at Gareth Rhodes' wedding?

A. Sorry. Can you repeat it one more time?

Q. Okay. Have you observed multiple instances of the governor interacting with people in the way that's shown in the photos of the governor's interactions with Anna Ruch at Gareth Rhodes' wedding?

A. I don't think I can speak to that. I just can't think of, you know, all of the times I have seen him.

Is the reason you're asking because the photo -- I'm just confused about the question. I'm sorry.

Q. You said earlier that it was in front of a lot of people.

What was the significance of that?

A. Oh, that I don't -- well, it was

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mistakenly that I was speaking on behalf of the governor's intention.

Q. I think that was the next statement you made, but before that, you said it was in front of a lot of people.

So I just wanted to understand, what was the significance of the fact that the governor's interactions with Ms. Ruch took place in front of a lot of people?

A. That I -- you know, I think that he felt that he was just like working the room the way that he would at any other event.

Q. Again, how do you feel comfortable speaking on behalf of the governor here?

A. I have been asked to speak on behalf of other people you have asked me about.

Q. And you refused.

A. You know, I don't know. I should not have -- I should not speak on his behalf then.

MR. GRANT: Do you think a person may feel even more uncomfortable having a lot of people around when she's involved in an unwanted encounter?

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MR. SPIRO: Objection, calls for speculation.

THE WITNESS: Yeah, I was about to say I can't speak to that.

MR. GRANT: Personally, do you think that you may feel more uncomfortable if somebody engaged you in an unwanted interaction in front of other people?

THE WITNESS: I don't know.

MR. GRANT: Okay. And do you know how long Ms. Ruch or if Ms. Ruch knew the governor before this interaction?

THE WITNESS: No, but I think reporting had said that she did not.

MR. GRANT: How -- personally, would it make you uncomfortable if someone you met for the first time held your face?

THE WITNESS: I think it depends who the person is.

MR. GRANT: And would it make you potentially feel uncomfortable if someone you met for the first time asked to kiss you?

THE WITNESS: I think it depends on

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who the person is.

MR. GRANT: All right.

BY MS. MAINOO:

Q. How would it change depending on who the person is?

A. I don't know. I could see myself in a situation with friends where somebody says, oh, can I -- if I'm meeting for the first time, that you hug.

Q. What about a complete stranger?

A. That's what I meant. Like if it was a friend of a friend. I just can't speak to every time I would be in an interaction like that was my point.

Q. Let's go to tab 97.

(Exhibit 35, Text Messages, March 1, 2021, marked for identification.)

Q. Who is [REDACTED] ?

A. A friend of mine from college.

Q. What did you mean by your statement, "I have been working on it with them 24/7?"

A. It was an overstatement, but I imagine working with the governor's office.

Q. To respond to sexual harassment

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allegations?

A. Yes.

Q. And what did you understand by [REDACTED] statement, "OMG. Just as you try and transition out, you can't escape"?

A. That I was still working for the governor's office, and she knew I was leaving for work-life balance.

Q. But you were still part of the chamber?

A. No, I absolutely was not still part of the chamber.

Q. Was that the implication of her statement, you can't escape?

A. I mean, I think her implication is you can't escape the governor's office, but I obviously was not part of the chamber at that time.

MR. GRANT: Do you have an understanding of what [REDACTED] meant where it states, "I feel like they'd want you badly"?

THE WITNESS: I don't know. She could have been speaking about the press,

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given that they said, "Have they tried to reach you for statements?"

MR. GRANT: And do you have any understanding why she would say, "I feel like they want you badly," if the press were reaching out to you?

THE WITNESS: You know, I worked with the governor for a long time. I think most reporters would have seen me as a good source to go to for information.

BY MS. MAINOO:

Q. But your response was, "I have been working with on it with them 24/7."

Does that suggest that [REDACTED] question, "I feel like they'd want you badly," refers to the chamber?

A. I don't know, or my 24/7 could have referred to the press. I don't recall.

Q. And so how would that make sense then with [REDACTED] next statement, "Just as you try and transition out, you can't escape"?

A. It makes total sense. She was suggesting that I can't, like, escape, you know, that world.

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Q. That world of working for the governor's office, correct?

A. Or just dealing, you know, with -- yeah, the governor's office, things surrounding him, the press, a number of things.

Q. In connection with the governor's office?

A. Yes.

Q. Did you talk to Gareth Rhodes about press statements relating to Anna Ruch's allegations?

A. I don't know if it was press statements, but I did speak to him about -- oh, I'm sorry. You mean in regards to Gareth himself?

Q. Correct.

A. Yes, I did.

Q. Okay. What did you speak about?

A. Gareth was in a really tough position. You know, obviously this had happened at his wedding, and the press knew that it had happened at his wedding. So they were reaching out to him for comment, and given that he still worked for the state, he was in

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an incredibly tough situation, and I was sympathetic to him.

We talked about what he could do to respond to the press that was asking him questions.

Q. And you were discouraging him from making a statement to the press, correct?

A. I don't recall doing that.

Q. Okay. Let's go to tab 99.

(Exhibit 36, Text Messages, March 2, 2021, marked for identification.)

A. Ninety-nine?

Q. Ninety-nine, correct.

A. Okay.

Q. So Gareth sends a draft statement at 5136 that says, "I want to just say the interaction described by Anna was not appropriate. I regret she experienced this and am proud of her for sharing her story."

And your response is, "If you comment, you become the story," right?

A. Yes. That was my opinion from a press -- from a strategic position.

Q. Let's go to tab 98.

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(Exhibit 37, Text Messages, Bates Stamped AWALSH00001234 through 1235, marked for identification.)

Q. And I'm interested in the second page where you tell Annabel, "Don't call Steph back, trust me."

A. Okay.

Q. Why are you laughing?

A. I don't -- I don't know. I'm sorry. I'm tired.

Q. Does this jog your memory about a conversation you had with Annabel?

A. No.

Q. So Annabel says, "She called me and asked about a statement and said she'd a call me back, and now I'm ducking. What was it?" You say, "That, but I'll call you later to explain."

What's the reason you told Annabel not to call Steph back?

A. I have no idea.

Q. It had -- did it have to do with the statement?

A. It must have been a statement that

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they were calling around to see if people would put out, but I -- I don't know.

Q. I think you talked about Kaitlin [REDACTED] earlier when we were talking about the governor hiring people he met at events.

Do you know Kaitlin [REDACTED]?

A. I do.

Q. When did you first meet her?

A. When she began to work for the chamber.

Q. Did you observe any interactions between Kaitlin and the governor?

A. You know, day-to-day interactions. She staffed him.

Q. What did you observe about their interactions?

A. Nothing of note.

Q. Have you communicated with her since she left the chamber?

A. I have not.

Q. Have you spoken about her since December 2020?

A. Around the recent allegations, I believe I have.

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Q. Okay. And what have you said about her around the recent allegations?

A. I don't recall specifically.

Q. Generally?

A. I'm sorry. I don't recall generally either. I don't recall.

Q. What's the reason her name has come up around the recent allegations?

A. I think there was a story that included some anecdotes that people had said might have come from her.

Q. Were you involved in any discussions with anyone in the chamber about Kaitlin [REDACTED] since December 2020?

A. I think it would have just been around the allegations.

Q. In that story specifically?

A. Yeah, I believe so. You know, in and around. I'm not sure.

Q. Do you have any personal knowledge of her allegations?

A. No. You mean when I was at the office?

Q. Starting with when you were at the

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office.

A. No. We had a nice relationship and were friendly. She had never talked about that.

Q. And since then, other than what you saw in the article?

A. It would only have been what I saw in the article, and then, you know, if there were discussions around that.

Q. Let's go to tab 45.

(Exhibit 38, Text Messages, February 22, 2021, marked for identification.)

Q. So [REDACTED] asks, "Who did he try to fire based on not being able to transfer a call?" And you say, "I don't know. Kaitlin?"

What is this about?

A. I think there was a story that had included an anecdote that somebody said the governor fired them regarding a call, if I remember correctly.

Q. And what was the reason you suggested it might have been her?

A. I guess I thought it could have been

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her.

Q. Had you heard that from anyone?

A. I don't recall.

Q. Did you ever speak with Annabel Walsh about Kaitlin [REDACTED]?

A. I could have. I don't recall.

Q. Are you aware of any opposition research conducted regarding Lindsey Boylan?

A. What does opposition research mean? Like the personnel docs?

Q. If you consider that -- if you would include that within your definition of opposition research.

A. I don't know.

Q. I think earlier on you testified about your understanding of opposition research.

Is there a different definition you would apply in this context?

A. No, I don't know if I have ever discussed opposition research about Ms. Boylan.

Q. Are you aware of any opposition research regarding Lindsey Boylan?

A. Not that I recall.

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Q. Are you aware of any opposition research regarding Charlotte Bennett?

A. Not that I recall.

Q. Are you aware of any opposition research regarding any of the women who has made allegations of sexual harassment against the governor?

A. Not that I recall.

Q. Is that something you would recall?

A. I'm not sure. Yeah, I would assume, but I don't know.

Q. Are you aware of any other allegations of sexual harassment against the governor other than what we have discussed today?

A. There were additional names in the subpoena that I believe had made allegations against the governor.

Q. And other than what you read about publicly, do you know anything about any of those other allegations?

A. No. No, I don't believe so.

Q. Okay. Let's start with Ana Liss.

Do you have any personal knowledge

1 LEVER

2 of any of Ana Liss' allegations?

3 A. I don't.

4 Q. Have you spoken with anyone in the
5 chamber about Ana Liss' allegations?

6 A. I might have discussed the interview
7 that she did about Richard's party, but no, not
8 in any meaningful way.

9 Q. What is it that you might have
10 discussed about the interview?

11 A. I'm so sorry.

12 Q. Please go ahead.

13 A. Just, you know, that she had, you
14 know, conducted an interview where she talked
15 about Rich.

16 Q. Who did you talk about that with?

17 A. I think to Rich.

18 Q. What did you discuss with Rich?

19 A. Just to check in and see if he was
20 okay.

21 Q. What was the reason for finding out
22 if Rich was okay?

23 A. We were friends.

24 Q. Were you concerned about Rich based
25 on the interview?

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A. Not overly concerned. I was just checking in. That's the only recollection I have of speaking about Ana Liss at all.

Q. What about Alyssa McGrath? Do you have any knowledge of Alyssa McGrath's allegations?

A. No.

Q. Do you know her?

A. Yes, just, you know, casually.

Q. Have you observed any of her interactions with the governor?

A. No.

Q. What was your reaction to her allegations?

A. I don't recall my reaction. You know, obviously, all of these were troubling, and I had advised that they should continue with, you know, just being apologetic and letting the investigation play out.

Q. Do you know who the anonymous complainant is who alleged that the governor groped her in the mansion is?

A. I believe I do.

Q. Who do you believe that is?

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A. A woman by the name of Brittany
Commisso.

Q. And what's the basis for your
belief?

A. I can't recall if I heard that from
reporters or from someone in the governor's
office.

Q. Do you know her?

A. I do.

Q. Have you observed the governor's
interactions with her?

A. No.

Q. And what was your reaction to her
allegations?

A. Again, you know, troubling. Those
allegations were obviously troubling.

Q. Have you been part of any
discussions with the governor in which the
allegations about his conduct were discussed?

A. Sorry. Could you repeat that?

Q. Have you been part of any
discussions with the governor in which the
allegations about his conduct were discussed?
I think earlier you referred to a December 13

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call. Other than that?

A. There might have been a few other calls.

Q. What did the governor say on the calls?

A. It was more, you know, the same sort of just deciding how to respond and the same as, you know, other calls without him on it.

Q. Did he deny any of the allegations?

A. I did not speak to him in that, you know, level of detail about the specific allegations.

Q. Is that a no, he did not deny any of the allegations?

A. I did not speak to the governor about the specific allegations.

Q. That was not my question.

My question was whether he denied any of the allegations?

A. You asked if I had spoken to him about denying it, and I told you I did not discuss the allegations with him.

Q. I will repeat my question.

Did the governor deny any of the

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allegations during any of the discussions that you were part of?

A. Not that I recall. I have heard -- you know, Melissa has told me that he denied the allegations, but not that I recall from the governor himself.

Q. And which allegations has Melissa told you the governor has denied?

A. I don't recall specifically.

Q. Has Melissa told you that the governor has denied Charlotte Bennett's allegations?

A. I don't recall specifically.

Q. Have you had any one-on-one discussions with the governor in which any allegations about his conduct were discussed?

A. No.

MR. GRANT: Did Ms. DeRosa admit to you or -- sorry.

Did Ms. DeRosa, during any conversation you had with her about the veracity of the governor's -- of the allegations against the governor, did she ever say that any of the allegations were

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true?

THE WITNESS: No. She also didn't say false, though, to be clear.

MR. GRANT: Okay.

THE WITNESS: I don't think there was a position taken either way.

MR. GRANT: But you did say earlier that she said that he denied certain allegations, correct?

THE WITNESS: Right, like the Lindsey Boylan allegation, which I believe they denied on the record. There might have been other examples of a denial that I can't recall.

MR. GRANT: Do you know if there was ever a moment when Ms. DeRosa said the governor admitted to anything?

THE WITNESS: No.

MR. GRANT: Okay.

BY MS. MAINOO:

Q. Let's go to tab 102.

(Exhibit 39, Notes, Bates Stamped DLEVER-00000703, marked for identification.)

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Q. Do you recognize this document,
Ms. Lever?

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A. I do.

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Q. What is it?

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A. It's a note to myself.

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Q. Okay. And what does it reflect?

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A. A conversation I had with Jimmy
Veilkind.

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Q. What did you talk to Jimmy Veilkind
about?

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A. I think Jimmy called me, and he was
writing a story. And I guess he was describing
what the contents of the story would include.

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Q. And what was the reason you took
notes of your call with Jimmy?

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A. I take notes so I remember things.
I can't remember things without writing them
down.

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Q. Did you share these notes with
anyone?

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A. I don't think so. I might have
relayed, you know, information, but I don't
think I sent them. They are not really
legible.

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Q. Did you relay information from these notes to anyone?

A. I don't recall.

Q. Did you relay what you had discussed with Jimmy Veilkind to Rich Azzopardi?

A. I don't recall, but I could have.

Q. And is it also possible that you relayed this information to Melissa DeRosa?

A. Sure.

Q. Let's go to tab 103.

(Exhibit 40, Text Messages, March 3, 2021, marked for identification.)

A. Okay.

Q. And you said to Lis Smith, at the top in the first message, 1372, you refer to a story that is being written about the people -- including about the people who are helping the governor respond to the sexual harassment allegations, and it mentioned apparently you and Ms. Smith.

And you said to her you didn't really want to be in this type of story.

Do you see that?

A. Yeah.

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Q. Okay. And you said later, at 1375, you wanted to strategize how to get out of the story, correct?

A. Yeah.

Q. Okay. What's the background of this?

A. I think that's it. You had asked me earlier about, you know, there being a few times where reporters were going to report this, and that's it, that I did not want to be included.

Q. What's the reason you were discussing that with Lis Smith?

A. Because they said that they were also going to include Lis, and I was telling her that.

Q. Let's go to tab 106.

(Exhibit 41, Text Messages, March 3, 2021, marked for identification.)

Q. And at message 106, you tell Peter Ajemien and Rich Azzopardi that you really wanted deployed Dani Lever thing out of the story, and you said you're nervous about Facebook knowing you've been working on this,

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et cetera, et cetera, and naming Mean Girls
bullshit.

What did you mean by this?

A. This is a different story.

Q. Okay. So what's the background of
these chats?

A. Nothing. WNYC, you know, was also
similarly suggesting that I was deployed, and I
did not want to be in this story either.

Q. And what was your concern about
Facebook knowing you have been working on the
response to sexual harassment allegations?

A. I just did not want to be on the
record in these stories. I think, you know,
that's reasonable, that I would not want to be
on the record when I have a job that I'm on the
record for another company.

Q. Did you ever tell anyone in the
Executive Chamber that you did not want to help
with the response to the sexual harassment
allegations because you were working for
another company?

A. I think we talked about this
earlier, and I don't know if I expressly had

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those conversations. I think I just pulled back and stopped.

Q. When did you pull back and stop?

A. I don't recall. We also talked about that earlier.

Q. What I remember us talking about earlier was that there hasn't been as much coverage, and you haven't been involved. I didn't hear you say that you pulled back and stopped.

Is that what you're saying?

A. I think I had said that I, you know, became less active, or I don't remember the exact words.

Q. When did you become less active?

A. I don't recall.

Q. Was it in January?

A. No, I think we did also talk about this where I said I didn't recall when we, you know, stopped talking about it.

Q. Okay. As of March, you were still working on it, correct?

A. Yeah, I think looking at these texts -- yeah, I don't know when it stopped,

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though. It started in February and then March.
I don't know when it stopped.

Q. Let's go to tab 112. This is from
March, so just a few months ago.

(Exhibit 42, Text Messages, March 6,
2021, marked for identification.)

Q. Lis Smith says, "This is hell." You
respond, "Beyond." She asks, "Why is Linda
trying to dictate statements?"

What's the background of this?

A. I don't know. It must have been in
reference to a call.

Q. Okay. And Linda refers to?

A. Lacewell.

Q. And what did you mean when you said,
"beyond," that this was beyond hell?

A. I would assume.

Q. Meaning that the work relating to
the response of sexual harassment allegations
was beyond hell?

A. I don't recall what Lis was
referring to. It could have been the call
itself.

Q. Excuse me.

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A. It could have been the call itself.

Q. Okay. And you don't understand what you were referring to when you said beyond?

A. No I, think I'm referring to beyond, this is hell. I'm saying I don't know what the "this is hell" is referring to.

Q. But your statement "beyond" is agreeing with Lis' statement "this is hell," correct?

A. Correct.

Q. Okay.

A. My point is I don't recall what the "this is hell" is in reference to.

Q. Okay. Let's look at tab 119.

(Exhibit 43, Text Messages, March 8, 2021, marked for identification.)

Q. It looks like the name of this group text is Rapid Response.

What does that refer to?

A. The group of people that were helping with the response.

Q. And is that the people listed in this thread or is there anyone else who was also part of the group?

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A. I don't know. I think this pretty much encompasses it.

Q. Was Josh Vlasto part of the group?

A. For a certain period of time.

Q. Until when?

A. I don't recall.

Q. And you refer to -- there's a question from Melissa DeRosa about whether you've heard from them on this, and you say, "No, you've only heard from Gormley and Politico this morning." And then you make a suggestion about how the governor's office should respond.

Do you see that?

A. Yeah.

Q. Do you understand -- what did you mean when you said you'd only heard from Gormley and Politico this morning?

A. I think Melissa or Rich had sent -- you see above on the first line, that The New York Times was working on a story. So Melissa was saying have you heard from The New York Times on this, and I said, "No, I have only heard from Gormley and Politico." Meaning

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Gormley works for News Day and Politico is Politico.

Q. And then in the next message, what were you saying there?

A. How they could respond, a suggestion on how to respond to The Times.

Q. Okay. Let's go to tab 123.

(Exhibit 44, Text Messages, March 9, 2021, marked for identification.)

Q. What's the background of that chat?

A. I don't know. I -- obviously, I imagine it was regarding the Times Union story.

Q. About the anonymous complainant, correct? Is that a yes?

A. Yes.

Q. Did you have any other discussions with Lis Smith about these allegations?

A. I don't think so. I don't recall.

Q. Did you have a view on the allegations detailed in the Times Union story?

A. I think I said yes, they are obviously troubling.

Q. Did you have a view about whether they were true or not?

1 LEVER

2 A. I don't -- no.

3 Q. Did you talk to reporters about the
4 allegations of the anonymous complainant?

5 A. No, not that I recall. Not that I
6 recall. The only thing would have been -- you
7 know, you asked me earlier what -- how I found
8 out her name, and I said I could not remember
9 if it was from a reporter or from the
10 governor's office, but I don't think I had any
11 meaningful conversations with reporters about
12 this.

13 Q. Okay. Let's go to tab 126.
14 (Exhibit 45, Text Messages,
15 March 10, 2021, marked for
16 identification.)

17 Q. Who is Laura Nahmias?

18 A. She was a reporter for the Daily
19 News or on the editorial board for the Daily
20 News.

21 Q. And at the -- in the last message
22 you say, "I just cannot picture this
23 happening."

24 What did you mean by that?

25 A. That I cannot picture the governor

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doing that.

Q. And what was the basis of that statement?

A. My six and a half years' time spent with him.

Q. Did you speak with Ronan Farrow about his story regarding Lindsey Boylan's allegations?

A. I did.

Q. What did you speak with him about?

A. He called me and told me that Lindsey had, you know, talked about how people were bullied in the office by the governor, and she had given an example, a very personal example about me and he was calling to confirm that.

Q. And what was the example that she gave about you?

A. That the governor used to make, you know, fun of the fact that [REDACTED], and that the reason was [REDACTED] -- and by the way, she had provided names for [REDACTED] -- [REDACTED]

1 LEVER

2 because [REDACTED]. None of
3 which happens to be true, by the way.

4 Q. Did you speak with him about
5 anything else?

6 A. I felt that that was enough. I
7 obviously denied this and said that it was not
8 my experience, that I hadn't -- you know,
9 obviously that was not my relationship with the
10 governor, and we were personally close, so much
11 so that, [REDACTED], I let the governor
12 know, and that I hadn't, you know, rarely felt
13 as bullied as I had in that moment by Lindsey
14 Boylan.

15 And I asked him to take it out of
16 the story as it was a complete inaccuracy.

17 Q. Did he agree to do that?

18 A. He did but asked if I would be
19 willing to say something else in order -- you
20 know, dealing with the press can sometimes be
21 transactional. And he asked me my general
22 thoughts about Lindsey, and I gave them. Not
23 on the record. I gave them on background as,
24 you know, either someone who had worked with
25 her or a former employee who had worked with

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her.

Q. And is that what's reflected in the notes of your call with him?

A. Could you tell me what link you're talking about? What PDF?

Q. That is tab 136.

(Exhibit 46, Notes, Bates Stamped DLEVER-00000869, marked for identification.)

A. These would have been notes, yeah, of my conversation.

Q. Okay.

A. But it would have been how he was describing the story. Like I -- obviously, you know, I didn't provide any of these details from Lindsey.

Q. Okay. There's a reference to the governor making repeated comments about [REDACTED] weight.

Did you ever hear the governor make comments about [REDACTED] weight?

A. Not that I can recall.

MR. GRANT: Do you recall hearing the governor comment on any Executive

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Chamber employee's weight?

THE WITNESS: No, not that I recall. I had said earlier that, you know, I discussed [REDACTED] with him, but that was obviously welcomed, as I was the one that instigated the conversation.

Q. Let's go to tab 137.

(Exhibit 47, Text Messages, March 15, 2021, marked for identification.)

Q. So do you know what the message at the top is? This is message number 1.

A. I think it's Ronan asking me what he could use from our conversation.

Q. Okay.

A. And then I responded with what I felt comfortable with, which, by the way, is incredibly accurate, that I have seen Lindsey do well at her job, and I've also had experiences that I felt a little bullied by her, which is exactly, by the way, case in point in the anecdote that she provided to him on the record about [REDACTED].

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Q. Did you say anything to Ronan about whether everything the governor did was appropriate?

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A. I don't recall. I mean, I think the story was really about Lindsey because I think she had done an interview, if I remember correctly. So I don't know if he had asked me about other things.

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He was obviously focused on confirming this anecdote that, you know, Lindsey gave him, which, obviously, I was only focused on because I was so deeply offended and upset by it.

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Q. So what I'm focusing on is in the statement that Ronan sent you in the second to last sentence -- I guess the third to last sentence. It says, "Is everything he did appropriate? Obviously not. But is there room for nuance and explanation for a lot of this? I think so."

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Is that something you said so Ronan?

A. I don't recall. You know, it was obviously something he had said he wanted to use, but I don't recall the specifics of the

1 LEVER

2 conversation. Again, I was much more focused
3 on what Lindsey had said about me.

4 Q. Going down to 287. Now, this is a
5 message between you and Jimmy Vielkind.

6 A. Yeah.

7 Q. And you say, "You're going to make
8 it look like to readers that I wrote the
9 letter."

10 Is this a reference to the op-ed
11 Lindsey letter that we were talking about
12 earlier?

13 A. Yeah, I think Jimmy, you know, had
14 seen -- I had a version of it that obviously
15 included my text messages in it, and I was
16 providing additional context. He understood.
17 He did not end up including me in the story.

18 You know, I was suggesting that, by
19 including my name, it would have made it seem
20 like I wrote the letter, which he knew I did
21 not. So he took my name out of the story.

22 Q. Let's go to tab 140.

23 MR. SPIRO: Can we go off the record
24 for a minute?

25 MS. MAINOO: Sure.

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THE VIDEOGRAPHER: Stand by. The time is 6:36 p.m. We are going off the record.

(Recess taken.)

THE VIDEOGRAPHER: The time is 6:37. We are back on the record.

(Exhibit 48, E-Mails, Bates Stamped DLEVER-00000899 through 902, marked for identification.)

BY MS. MAINOO:

Q. Okay. So tab 140 is an e-mail from Eric Lach at The New Yorker to you with an attachment.

What's the background of this, Ms. Lever?

A. Eric is a reporter at The New Yorker, and he was inquiring to me about a matter involving DCJS. And similar to what you had shown me earlier, I believe he thought I would have some sort of knowledge of it, given that I had put out that letter to the editor to the Times Union regarding the matter.

Q. Do you know why it was coming up three years after this article?

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A. I think Eric was, you know, trying to basically write the story that looked at, I guess, the -- you know, historically, the other allegations made of sexual harassment in state government. I believe the story was published regarding this.

Q. And you spoke with Eric, right?

A. Yeah, just the same as I said to you, you know, I really didn't have any details. I wasn't involved in the matter and that was essentially it.

Q. Let's go to tab 144.

(Exhibit 49, Notes, Bates Stamped DLEVER-00001012, marked for identification.)

Q. These are your notes with your call with Eric?

A. Yes.

Q. Okay. And you say, "We heard about it after and then referred to GOER right away."

Do you see that?

A. Yeah. Again, you know, as I said, I have a very unfortunate habit of taking notes when I'm on calls to remember things. And so,

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again, this would have been, you know, him sort of explaining to me what the issue was that he was writing about or inquiring about.

Q. Have you taken notes of any of the calls that you had regarding the response to the sexual harassment allegations?

A. No, I don't believe so.

Q. Is there a reason?

A. My memory doesn't work like that. This is more about specific details about something from like a reporter that I would want to make sure to remember.

Q. Do you know Sherry Vill?

A. Who?

Q. Sherry Vill, V-I-L-L.

A. I don't think so.

Q. Have you heard about the woman who alleges that the governor interacted with her inappropriately when he visited her home after it was flooded?

A. I might remember reading about that. I don't recall.

Q. Do you have any personal knowledge about that woman's allegations?

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A. No.

Q. Other than your attorneys, have you spoken with anyone about our investigation?

A. No.

Q. Let's go to tab 143.

(Exhibit 50, Notes, Bates Stamped DLEVER-00001010 through 1011, marked for identification.)

Q. Ms. Lever, do you recognize this document?

MR. SPIRO: Before you go further, this document was inadvertently produced in that a portion of it includes a conversation that Ms. Lever and I had shortly after Ms. Lever received a call from Jenn Kennedy Park. So we will provide you with a redacted version of the document, but I think we can identify the portion which includes the notes of Ms. Lever's conversation with Jenn Park, and then if you would not question her on any of the privileged portion, we would appreciate it.

MS. MAINOO: Got it. So just so I'm

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clear, other than the notes of Ms. Lever's conversation with Jenn Park, the rest of this document is privileged?

MR. SPIRO: Correct.

A. I think it begins with her phone number and e-mail.

Q. Got it. Let's take it down.

Ms. Lever, are you aware of any opposition research conducted into members of the investigative team that's looking into sexual harassment allegations against the governor?

A. I'm not, not that I know of or recall knowing.

Q. Are you aware of any other potential or actual allegations of sexual harassment against the governor that have not been made public?

A. No.

MS. MAINOO: All right. I'm looking over my notes to see if I have any other questions. In the meantime, my colleagues may.

MR. GRANT: I will just say nothing

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from me.

THE WITNESS: Thank you.

BY MS. MAINOO:

Q. Have you given any advice to the governor, the Executive Chamber about what to do at the conclusion of this investigation?

A. No.

Q. Do you know if anyone has given advice to the governor about what to do at the conclusion of this investigation?

A. I don't. Not that I'm aware of.

Q. Are you aware of any nondisclosure agreements you were asked to sign regarding the Executive Chamber?

A. No.

Q. Have you given any advice to the governor or anyone about the governor seeking therapy?

A. No, not that I recall.

Q. Have you given any advice about the governor changing his behavior?

A. Not that I recall.

Q. Have you given any advice about a change in the office culture of the Executive

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Chamber?

A. Providing advice to the governor's office that they should change?

Q. Yes.

A. Not that I recall.

Q. Have you heard anyone give any advice about the governor seeking therapy?

A. Not that I recall.

Q. How about the governor changing his behavior?

A. Not that I recall.

Q. About the governor and the Executive Chamber changing the office culture?

A. Not that I recall.

MS. MAINOO: All right. No further questions. Thank you both. Thanks, everyone, really.

THE WITNESS: Yeah. Thank you, all. I really appreciate it, and I hope you have a great weekend.

MS. MAINOO: Is there anything you would like to add or any answers you wish to clarify before we finish?

MR. SPIRO: Not at this time.

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MS. MAINOO: Anything else that you can think of that's relevant to our investigation?

THE WITNESS: No.

MS. MAINOO: If you would like to make a brief short statement, you may do so now.

THE WITNESS: I'm okay. Thank you.

MS. MAINOO: We're now going to conclude this examination. Thank you for speaking with us. I remind you, you have continuing obligations under our subpoenas. If we need you to come back to answer additional questions, we will contact you through your attorney.

Also, if you have additional documents that are responsive to our subpoena, you have a continuing obligation to produce them to us.

THE WITNESS: Of course. Thank you.

MS. MAINOO: Thank you.

MR. GRANT: Thank you very much.

THE VIDEOGRAPHER: Anybody else?
Stand by while I close the record.

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This concludes today's deposition.
The number of media units used is 6. They
will be retained by Veritext Legal
Solutions.

We are going off the record at
6:46 p.m. Eastern Standard Time.
Everybody stay safe and have a good
weekend.

(Time noted: 6:46 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

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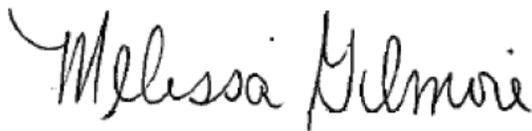
COUNTY OF RICHMOND)

I, MELISSA GILMORE, a Notary Public within and for the State of New York, do hereby certify:

That DANI LEVER, the witness whose deposition is hereinbefore set forth, was duly placed under oath by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of July, 2021.



MELISSA GILMORE