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* H I G H L Y C O N F I D E N T I A L *

-----x
The Matter of Independent Investigation
Under New York State Executive Law
Section 63(8)
-----x

VIDEOTAPE DEPOSITION VIA ZOOM OF:
PETER AJEMIAN
FRIDAY, JUNE 30, 2021
10:01 a.m.

VIRTUAL ZOOM INVESTIGATION before
ERICA L. RUGGIERI, a Certified Shorthand
Reporter, Certified Realtime Reporter,
Registered Professional Reporter, and
Notary Public for the States of New Jersey
and New York.

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

SPECIAL DEPUTY TO THE FIRST DEPUTY
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BY: BRENDAN R. MCGUIRE, ESQ.
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A P P E A R A N C E S :

ALSO PRESENT :

MARC FRIEDMAN, Videographer

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THE VIDEOGRAPHER: Good morning. We are going on the record at 9:34 a.m. Eastern Standard Time on Wednesday, June 30, 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 one of the video recorded deposition of Witness 06/30/2021 in the matter of Independent Investigation Under New York State Executive Law Section 63(8).

My name is Marc Friedman. I'm your certified video legal specialist. Your court reporter today is Erica Ruggieri. And we are both from the firm of Veritext Legal Solution. This deposition is

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being held via remote video conference.

All counsel consent on this video arrangement 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 objections, would counsel now state on the record their appearances and affiliations beginning with the noticing attorney.

MR. MUKHI: Rahul Mukhi from Cleary Gottlieb and I am with my colleague Lorena Michelen.

MR. MCGUIRE: Brendan McGuire from WilmerHale and I'm with my colleague Sara Maldonado.

THE VIDEOGRAPHER: Anybody else?

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AJEMIAN - HIGHLY CONFIDENTIAL

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

P E T E R A J E M I A N, called as a witness, having been duly sworn by a Notary Public, was examined and testified as follows:

EXAMINATION BY

MR. MUKHI:

Q. All right, Mr. Ajemian, good morning. So we met earlier today. My name is Rahul Mukhi. I'm a partner here at Cleary Gottlieb and we have been appointed Special Deputies to the First Deputy Attorney General in connection with the investigation into sexual harassment allegations against the Governor and the surrounding circumstances. And that's pursuant to New York Executive Law Section 63(8). And you are here today pursuant to a subpoena in that investigation.

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 Do you understand that?

3 A. Yes.

4 Q. Okay. As you just heard
5 this is being video recorded today.
6 We also have a court reporter who is
7 going to be making a transcript.
8 And I would just remind you, you
9 were just sworn in, you are under
10 oath, which means you have to
11 testify truthfully and fully just as
12 you would in a court of law.

13 Do you understand that?

14 A. Yes.

15 THE VIDEOGRAPHER: Counsel, we
16 are getting a little echo. I don't
17 know if it -- sounds like it's on
18 your end. Is everybody else hearing
19 that echo too?

20 MR. MUKHI: We can go off the
21 record. I'm hearing an echo
22 because it seems like it's coming
23 both through the headset and the
24 room.

25 THE VIDEOGRAPHER: I was going

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 to suggest would you like me to go
3 off the record and get that
4 corrected at this point?

5 MR. MUKHI: Yes.

6 THE VIDEOGRAPHER: Standby.
7 The time is 9:37 a.m. We are going
8 off the record.

9 (Brief recess.)

10 THE VIDEOGRAPHER: The time is
11 9:39 a.m. We are back on the
12 record.

13 Q. Mr. Ajemian, sorry for the
14 interruption. So at the end of
15 today you'll have the opportunity to
16 make a brief sworn statement if you
17 wish. Once again, you are going to
18 get a full opportunity to answer my
19 questions but if there's anything
20 else --

21 MR. MUKHI: Hold on. There's
22 a new echo.

23 THE VIDEOGRAPHER: You are not
24 clear again.

25 Q. So Mr. Ajemian, you'll have

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 of course an opportunity to answer
3 all my questions fully, but if
4 there's anything you want to add you
5 will also have an opportunity to
6 make a sworn statement at the end.

7 I do want to let you know even
8 though this is a civil investigation
9 the New York Attorney General also
10 has criminal enforcement powers. So
11 you do have the right to refuse to
12 answer a question that you believe
13 would incriminate you. However, in
14 the civil proceeding that can be
15 used against you, the failure to
16 answer, refusal to answer can have
17 certain implications in the civil
18 context.

19 In the criminal context, and
20 you can speak to your lawyer about
21 this if you need a minute, in the
22 criminal context refusal to answer
23 based on your Fifth Amendment right
24 cannot be used against you but the
25 civil context is different.

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2 Is that clear?

3 THE WITNESS: Could I ask you
4 a question?

5 MR. MUKHI: Yeah, why don't we
6 go off the record.

7 THE VIDEOGRAPHER: Standby.
8 The time is 9:41 a.m. We are going
9 off the record.

10 (Brief recess.)

11 THE VIDEOGRAPHER: The time is
12 9:43 a.m. We are back on the
13 record.

14 Q. All right, Mr. Ajemian,
15 before we took a break I just
16 explained you do have a right not to
17 answer questions based your Fifth
18 Amendment right and that can have
19 certain implications in the civil
20 context that are different than the
21 criminal context. Did you
22 understand what I explained now
23 having conferred with your lawyer?

24 A. Yes, thank you.

25 Q. And obviously you are here

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 with your attorneys today. If at
3 any time you want to take a break to
4 consult with them, let me know. If
5 it's a question about whether
6 certain matters are privileged or
7 you need particular legal advice
8 like you just did now, that's fine.
9 If it's about other issues related
10 to a question I'm asking, I'd just
11 ask that you answer my question
12 that's pending before we take a
13 break. Is that fair?

14 A. Sure.

15 Q. Okay. And then have you
16 been deposed before or testified
17 before?

18 A. No.

19 Q. Okay. So we obviously have
20 the court reporter present so, you
21 know, one of the rules of the road
22 is you should just answer my
23 questions fully and verbally as
24 opposed to how people interact with
25 each other in normal conversations

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 with nods and um-hmms and the like
3 because the court reporter is going
4 to be taking everything down.

5 A. Sure.

6 Q. And then, you know, so far
7 I think you've done this well but
8 just keep in mind wait till I finish
9 my question before you start
10 answering because otherwise the
11 court reporter will only be able to
12 one of us down. Even if you think
13 you know where my question is going
14 just let me get it all out so the
15 court reporter can write it down.

16 Okay?

17 A. Okay.

18 Q. If at any time you want to
19 clarify any of your answers, either
20 in the moment or later on you think
21 of a clarification, just let me know
22 and we can go back.

23 Okay?

24 A. Okay.

25 Q. Also, because you are under

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 oath it's very important that if you
3 do not understand my question you
4 should let me know so you can give
5 us as truthful an answer and if my
6 question is unclear, which may
7 happen time to time, just let me
8 know and I will rephrase it.

9 Okay?

10 A. Okay.

11 Q. And then I'm going to be
12 asking some questions about specific
13 dates and events and potentially
14 specific names of people involved in
15 events. If you don't have a
16 specific recollection, that's fine.
17 You should let us know. But I'd ask
18 if you have a general recollection
19 of something, you should let us know
20 and just specify, you know, I don't
21 recall this specifically but I have
22 a general recollection of a date or
23 a name, something like that.

24 Okay?

25 A. Okay.

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 Q. All right. And our
3 investigation, as I mentioned, is
4 under Section 63(8) of the New York
5 Executive Law and the investigation
6 is confidential. So I'd ask that
7 you not reveal anything you may
8 learn today from my questions or
9 documents outside of conversations
10 with your attorney.

11 Okay?

12 A. Okay.

13 Q. Are you taking any
14 medication that might make it
15 difficult for you to understand my
16 questions today?

17 A. No.

18 Q. Any other reason you could
19 not give truthful testimony today?

20 A. No.

21 Q. All right. Can you just
22 for the record, I know you stated
23 your name earlier, but state your
24 full name, date of birth and your
25 home and business address currently?

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AJEMIAN - HIGHLY CONFIDENTIAL

A. Sure. Witness 06/30/2021.

My date of birth is [REDACTED] [REDACTED]

[REDACTED] My home address is [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

Did you ask for my work address as well?

Q. Yes, please.

A. I currently am working remotely and I don't know the office address off the top of my head that I'll be going to.

Q. And where do you work currently?

A. Apple.

Q. And what did you do to prepare for testimony today other than conversations with your attorney?

A. To prepare for the testimony.

Q. Well, let me ask this. Did you speak to anyone other than your attorneys about your testimony

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 today?

3 A. I spoke to a limited number
4 of people about the fact that I
5 would have to, you know, participate
6 in this today, including my
7 employer, my mother, my best friend.
8 But no specifics of the
9 investigation.

10 Q. Okay. Did you speak to
11 anyone who works at the Executive
12 Chamber or formerly worked at the
13 Executive Chamber about your
14 testimony today?

15 A. That I would be testifying
16 at some point or that I would be --
17 that I --

18 Q. Why don't we start this
19 way. Let me ask just have you
20 spoken to anyone about the substance
21 of your testimony today?

22 A. No.

23 Q. Okay. And then who from
24 the Executive Chamber, either
25 current or past, knows that you

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 would be testifying today based on
3 conversations you had?

4 A. Who current or former that
5 I worked with?

6 Q. Yeah. Anyone from the
7 Executive Chamber whether past or
8 current employee. They may not know
9 today is the day but that you've had
10 conversations with generally that
11 you would -- you were subpoenaed and
12 would be giving testimony?

13 MR. MCGUIRE: To include
14 counsel in the Chamber?

15 MR. MUKHI: Yes.

16 A. Judy Mogul, Beth Garvey,
17 Dani Lever. And just to be clear, I
18 don't think that it was -- I don't
19 think that I ever said like I'm
20 giving testimony but that, you know,
21 this was something that I had to
22 participate in. So --

23 Q. What do you mean by "this,"
24 the investigation?

25 A. Yeah. And coming in for,

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 you know, whether it be an interview
3 or testimony under oath or -- I
4 don't know. I'm trying to think of
5 who else I would have spoken to
6 about it. No one else comes to
7 mind.

8 Q. When did you leave the
9 Executive Chamber?

10 A. My last day was I believe
11 May 7th.

12 Q. You recall that you were
13 subpoenaed sometime toward the end
14 of March, do you recall that?

15 A. Yes.

16 Q. And so --

17 A. For documents.

18 Q. For documents. And your
19 conversations that you just
20 referenced without getting into the
21 substance, do you recall were they
22 before or after you left the Chamber
23 or does it differ depending on the
24 persons you mentioned, Ms. Mogul,
25 Ms. Garvey and Ms. Lever?

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 A. I believe all three would
3 have been before I left the Chamber.

4 Q. And just generally do you
5 recall your conversation with
6 Ms. Lever about the investigation
7 and your potential participation as
8 a witness?

9 A. We are friends and so one
10 of the things that we -- because we
11 are friends and we talk fairly
12 regularly that it was important that
13 we don't talk about the
14 investigation in the course of our
15 conversations so that was sort of a
16 rule that we sort of set up for one
17 another that we weren't going to
18 talk about it, you know, going
19 forward.

20 Q. All right. And I take it
21 you followed that rule?

22 A. Yes.

23 Q. So if you go to tab 1 of
24 the binder that's in front of you.

25 A. Okay.

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 Q. Do you see that this is the
3 subpoena for testimony that was sent
4 by this office to you courtesy of
5 Paul Fishman on April 29th.

6 (Exhibit 1, Subpoena for
7 testimony, marked for
8 identification, as of this date.)

9 A. Yes.

10 Q. You understand that your
11 testimony today is being taken
12 pursuant to that subpoena?

13 A. Yes.

14 Q. Now -- all right. And let
15 me ask you, besides speaking to
16 counsel did you review any documents
17 to prepare for today?

18 A. Yes.

19 Q. And were those documents
20 you reviewed with your counsel in
21 order to prepare?

22 A. Yes.

23 Q. Okay. Any other documents
24 that you either, you know, elected
25 or went out to see if they would

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 refresh you in order to prepare for
3 today besides documents you reviewed
4 with your counsel?

5 A. No.

6 Q. All right. So why don't we
7 shift gears for a minute and if you
8 could just walk through your
9 education post high school and then
10 your employment history until today.

11 A. High school through
12 employment history?

13 Q. Post high school through?

14 A. Post high school, sorry.
15 Sure. So I went to college at
16 Boston University, 2002 to 2006. I
17 majored in music performance. I
18 graduated in 2006, as I said, and
19 then moved to New York to go to the
20 new school where I got a Master's in
21 music. I graduated from the new
22 school, got my Master's two years
23 later so I guess that would have
24 been 2008.

25 And I worked a number of jobs,

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 worked at Starbucks, worked at New
3 York City Opera as an administrative
4 assistant. I freelanced as a
5 musician for about a year I think, a
6 couple years.

7 I started volunteering on the
8 Cuomo 2010 campaign in 2010. I
9 think that would have been March of
10 2010. And then volunteered on that
11 campaign three, four, five days a
12 week depending on the week. And
13 then at the end of that campaign
14 decided that I was going to go into
15 politics and leave music and I
16 started working for -- I started
17 working at Marathon Strategies,
18 which is a strategic communications
19 firm. I guess that would have been
20 2011. I worked there for three
21 years.

22 After three years I went to
23 work for the reelection campaign of
24 then Attorney General Eric
25 Schneiderman as a spokesperson.

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 And then at the end of that
3 campaign I went to work for New York
4 State Senator Brad Hoylman as his
5 chief of staff. I worked there for
6 three years. I took a leave of
7 absence briefly to work on the
8 Hillary Clinton 2016 campaign. And
9 then came back to Brad's office,
10 Senator Hoylman's office.

11 And then at the end of those
12 three years approximately I went to
13 go work in the Governor's office as
14 deputy communications director for
15 transportation. I did that job for
16 a year. And then was promoted to
17 senior deputy communications
18 director. And I did that for year
19 and a half plus, probably not
20 getting that exactly right.

21 And then in August of 2020 I
22 was promoted to communications
23 director. And then I left, as I
24 mentioned, in early May of 2021.

25 Q. What is your current

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 position at Apple and when did you
3 start?

4 A. Sure. So I started June
5 7th and my role is senior PR
6 manager.

7 Q. So coming back to when you
8 left Senator Hoylman's office and
9 went to the Governor's office. What
10 were the circumstances around you
11 moving from the Senator to the
12 Governor's office?

13 A. I think that -- so I
14 realized after the Hillary Clinton
15 campaign that I wanted to do,
16 continue to do public service and I
17 wanted to do it on a bigger level,
18 more impactful level. And, you
19 know, it was a great experience
20 working for the state in the context
21 of working for a state senator but
22 it's a, you know, a limited
23 district. And so, you know, I
24 explored opportunities, you know,
25 that would, you know, in -- you

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 know, for Democratic elected
3 officials and, you know, one of them
4 was the Governor and there was an
5 opening and the interview went well
6 and they offered me the job and I
7 accepted it.

8 Q. Okay. And when you say
9 there was an opening, was there a
10 job posting, were you recruited, how
11 did that work?

12 A. I don't know if there was a
13 job posting. I know that there was
14 -- there was an opening because the
15 Governor's office was actively
16 looking for somebody because the
17 person who had my role who was
18 senior deputy for transportation
19 went to work at the MTA as
20 communications director so there was
21 an opening in the Chamber for that
22 role. I don't know if there was a
23 job posting.

24 Q. How did you find out about
25 that opening?

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 A. I had been giving my resumé
3 to several people, you know, who had
4 relationships in -- with different
5 elected officials. And my resumé
6 made its way into the hands of
7 someone in the -- in the Executive
8 Chamber. It was Rich Azzopardi who
9 reached out to me.

10 Q. Did you know Ms. --
11 Mr. Azzopardi prior to your work at
12 the Chamber?

13 A. No.

14 Q. And who did you report to
15 when you became deputy
16 communications director for
17 transportation?

18 A. Rich Azzopardi.

19 Q. And how about when you
20 became senior deputy communications
21 director?

22 A. Dani Lever, who was -- who
23 was communications director. Who
24 became communications director when
25 I be came senior deputy.

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 Q. What was Mr. Azzopardi's
3 position during this time frame?

4 A. When I came to work at the
5 Governor's office.

6 Q. Yes.

7 A. He was senior deputy
8 communications director. And then
9 when I changed roles he became
10 senior advisor.

11 Q. Okay. And then did anyone
12 report to you when you, starting
13 with deputy communications director
14 for transportation?

15 A. I don't -- I don't think
16 so.

17 Q. How about when you became
18 senior deputy communications
19 director, anyone reporting to you?

20 A. Yes. The -- there were a
21 handful of -- sorry, excuse me.
22 There were a handful of deputy
23 communications directors for fill in
24 the blank such as transportation --

25 Q. Got it.

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 A. -- who reported to me.

3 Q. And when you said you
4 became director of communications
5 sometime in the second half 2020?

6 A. August 2020.

7 Q. And who did you report to
8 at that point?

9 A. Jill DesRosiers.

10 Q. At that point she was chief
11 of staff for the Governor?

12 A. Correct.

13 Q. And who reported to you
14 when you became director of
15 communications?

16 A. Caitlin Girouard, the press
17 secretary. I'm just trying to
18 remember the timing a little bit. I
19 believe those -- that level of
20 deputy communications directors
21 continued to report to me because we
22 hadn't filled my replacement. And
23 then we sort of de facto filled my
24 position. It wasn't in -- in title
25 but it was in -- essentially in the

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 role of deputy communications
3 director and that was [REDACTED] [REDACTED] .
4 I forget when exactly we hired him
5 back from Department of Homeland
6 Securities -- Department of Homeland
7 -- Department of Homeland Security
8 and Emergency Services.

9 Q. Did Mr. Azzopardi report to
10 you during any time frame while you
11 were at the Chamber?

12 A. No.

13 Q. If you know, who did he
14 report to? And if it changed over
15 time you can let us know that.

16 A. It would have been a
17 combina- -- it would have been a
18 combination of Jill DesRosiers and
19 Melissa Derosa.

20 Q. And I understand
21 Ms. DesRosiers went on leave at some
22 point?

23 A. Yes.

24 Q. And who did you report to
25 on a day-to-day basis once she was

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 on leave?

3 A. Melissa Derosa.

4 Q. And then -- shift topics a
5 little bit. Where were you
6 physically located during this time
7 frame November 2017 through May 2020
8 and if it's different locations,
9 different times, let me know and I
10 can follow up?

11 A. Sure. So it was different
12 locations, different times.

13 Q. So when you started where
14 were you based?

15 A. I was based in the New York
16 City office. That first year I was
17 predominantly based in the New York
18 City office.

19 Q. That's 633 Third Avenue?

20 A. Correct.

21 Q. Which floor was your office
22 on?

23 A. 38 --

24 Q. Okay. And where was that?

25 A. Sorry. I think it's 39.

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 The Governor's office is on 39. It
3 was on the same floor as the
4 Governor's office. The elevator
5 goes to 38 and then you go up a
6 floor so that's why. I have 38 as
7 the elevator button stuck in my
8 head.

9 Q. Got it. And physically on
10 the 39th floor where was your office
11 in relation to the Governor's in
12 Manhattan?

13 A. It was -- so that floor is
14 essentially a square, a hollowed out
15 square if that makes sense. He had
16 a corner office. So when you come
17 in through the door up the stairs
18 through the door to enter the 39th
19 floor there's a row of offices in
20 front of you, to the left that
21 corner, that far corner was the
22 Governor's office. If you walked to
23 other end of the hall, if you took a
24 right out of that door and then took
25 another right around the corner,

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 about halfway down the hall there
3 was a vestibule -- not a vestibule,
4 a -- what's it called? It was a
5 desk outside of an office. A
6 cubicle outside of an office.

7 Q. Okay. Did you from where
8 you were sitting during that time
9 frame see the people who were going
10 in and out of the Governor's office
11 from your seat?

12 A. No.

13 Q. During this first year were
14 you -- would you also go up to
15 Albany on occasion?

16 A. On occasion. But it was
17 rare.

18 Q. Okay. And where would you
19 work when you went up to Albany?

20 A. Sometimes I would -- I
21 would just grab a desk outside of or
22 in between -- there are two -- there
23 are two main sort of offices in the
24 communications in Albany. There's
25 like -- there's the press

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 secretary's office -- these are
3 traditional offices. There's the
4 press secretary's office and then
5 there's like a sort of almost
6 bullpen that separates that from the
7 communications director's office.
8 So I would either grab a seat in
9 that bullpen if there was an empty
10 desk or I would grab an empty desk
11 across on the other side of the
12 floor, on the second floor in the
13 Capitol where some of the deputy
14 communications directors sat.

15 Q. Okay. And then once you
16 became senior deputy communications
17 director were you based in Manhattan
18 as well or did you move locations?

19 A. I was based, my home base
20 was -- was Manhattan.

21 Q. Okay. All right. And did
22 you occupy the same physical office
23 when you got that promotion?

24 A. Well, so at a certain point
25 in that first year I moved into an

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 office next to the cubicle or right
3 out- -- so I was like a cubicle
4 outside of an office. I moved into
5 that office that was shared, it was
6 a shared office. There were three
7 of us in that office. And then so I
8 stayed in that office into the
9 beginning of my time as senior
10 deputy communications director.

11 Q. And from that inside the
12 office location could you see the
13 Governor's office and who was coming
14 in and out?

15 A. No.

16 Q. And then at some point when
17 you had that new position as senior
18 deputy communications director did
19 you then move offices at 633, right,
20 Third Avenue?

21 A. Yes.

22 Q. 633?

23 A. Yes. At some point, I
24 don't remember when, I moved into an
25 office on the same floor. If you

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2 were to -- again if you were to go
3 up the stairs, open the glass door,
4 the Governor's office is down the
5 hall to the left. My office was to
6 the right at the end of the hall.

7 Q. And from that location were
8 you able to see who is going in and
9 out of the Governor's office?

10 A. Not from my desk but I
11 could -- if I stood in the doorway I
12 could see who was going into -- just
13 to be clear, sorry. I could see who
14 was going into -- if someone --
15 there are two entrances to the
16 Governor's office. So if -- there
17 are double doors. If I -- I could
18 see if someone was going into the
19 double doors but I could not see --
20 I could see -- or I could see if
21 someone was going into Stephanie
22 Benton's office, which was next to
23 the Governor's office and attached
24 to the Governor's office. So you
25 know, I obviously can't say -- if

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2 someone was going into Stephanie's
3 office, I could not tell if they
4 were going into the Governor's
5 office or if they were just going in
6 to talk to Stephanie.

7 Q. Okay. And then how about
8 when you became director of
9 communications?

10 A. Then I moved into an office
11 again on the same floor. If you
12 were to come up the stairs through
13 the glass doors it's essentially
14 right -- the office is almost right
15 in front of you.

16 Q. Okay. And this was still
17 in Manhattan?

18 A. Correct.

19 Q. And did you at that
20 point --

21 A. Sorry, I'm sorry to
22 interrupt. Just to be clear we are
23 only talking about -- you are only
24 asking about New York City office
25 for right now?

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2 Q. For right now.

3 A. Yeah.

4 Q. Did you also get an office
5 in Albany at some point, permanent
6 office?

7 A. Yes.

8 Q. And where was that?

9 A. That was -- that was the
10 traditional press -- what I
11 mentioned earlier as the traditional
12 press secretary office.

13 Q. And which floor was that
14 on?

15 A. The second floor.

16 Q. Okay. And where was the
17 Governor's office in relation to
18 that?

19 A. It was down a hallway, down
20 another hallway. Then you would
21 have to enter through -- this is
22 traditionally how you enter the
23 office. There are a couple of
24 transmissions to the Governor's
25 office in Albany. But the way I

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2 would go would be, or, you know,
3 right, most people would go would be
4 the door going to a bank of outer
5 offices. And then take a left, go
6 down a small hallway or go through
7 Stephanie Benton's office. Then --
8 then through Stephanie Benton's
9 office is a conference room, which
10 is the governor's conference room,
11 and then through the conference room
12 is the Governor's office.

13 Q. Okay. All right. So I
14 want to just go through the
15 different processes for how you got
16 your position. So when you first
17 were applying in the Chamber which
18 ultimately led to you becoming
19 deputy communications director for
20 transportation, what was the
21 interview process like? You
22 mentioned Mr. Azzopardi reached out
23 to you. What happened next and how
24 did the hiring process play out?

25 A. He reached out to me. We

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2 had a phone conversation in which,
3 you know, I viewed as first
4 interview. And then at the end of
5 that conversation he asked to meet
6 again or asked to meet in person and
7 we had lunch and that was again a
8 traditional, it felt like, you know,
9 it felt like it was an interview.

10 He asked me a series of
11 questions, and -- I'm trying to
12 remember if there was anything else.
13 Oh, then I, sorry, then I -- and
14 then at the end of that an in-person
15 interview he said I'd like you to
16 meet with Dani Lever who was then
17 the press secretary.

18 I -- our schedules weren't --
19 we weren't able to get them to line
20 up for an in-person so we did a
21 phone call that was about an hour
22 long. And at the end of the phone
23 call, you know, she said she would
24 -- they would get back to me and
25 then ultimately I was offered the

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2 job.

3 Q. Did you interview with the
4 Governor?

5 A. No.

6 Q. How about when you got, I
7 assume it was a promotion when you
8 got the senior deputy communications
9 role; is that right?

10 A. Sorry, I didn't understand
11 the question.

12 Q. When you switched positions
13 from deputy communications director
14 to senior deputy communications
15 director I assume that was a
16 promotion?

17 A. It was a promotion, yes.

18 Q. So what was the process for
19 getting that promotion?

20 A. I'm just trying to
21 remember. Around the time of the
22 Governor's reelection Rich Azzopardi
23 said to me that he was working with
24 Linda Lacewell, who was then the
25 chief of staff, to essentially staff

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2 up or staff out a third term for the
3 Governor. And one of the -- and so
4 Rich was, you know, essentially
5 tasked, because Dani had gone over
6 to the campaign, to work on the
7 campaign, Rich was tasked with, you
8 know, identifying if anyone was
9 leaving at the end of the term and,
10 if so, who was going to replace
11 those departures. And he asked me
12 if I would be interested in -- if I
13 wanted to stay for a second -- for,
14 you know, a second year going into
15 the third term and take on a
16 heightened role and I said yes. And
17 he said at the time he -- he was
18 looking to fill his role.

19 And so we -- he -- we
20 discussed my taking over that role
21 and he put forward a proposal that
22 included me in that role as part of
23 the bigger process of staffing up
24 for the third term.

25 Q. And did you speak to the

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 Governor about that change in role
3 before it happened?

4 A. No.

5 Q. Okay. And how about when
6 you became director of
7 communications, how did that
8 promotion come about?

9 A. At a certain point we knew
10 Dani was --

11 THE WITNESS: Can you still
12 hear me? Okay.

13 A. At a certain point we still
14 -- we knew that Dani Lever was going
15 to be leaving government service to
16 go work in the private sector and I
17 was interested in taking over the
18 role and I at some point I believe
19 texted Melissa Derosa and said
20 something to the effect of, you
21 know, with Dani leaving I would like
22 to be, you know, considered for the
23 role and would love to talk to you
24 about that. And she ultimately
25 called me and offered me the job.

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2 Q. Okay. So no formal
3 interview process or the like?

4 A. No.

5 Q. So who did you work with
6 the most while you were in the
7 Executive Chamber? And if it
8 changed over time you can explain
9 that.

10 A. It's a difficult question
11 for me to answer because I work with
12 a lot of people in my role as -- in
13 the press office.

14 Q. Okay. All right, why don't
15 we do it this way. I take it you
16 were interacting with Mr. Azzopardi
17 regularly?

18 A. Yes.

19 Q. Ms. DesRosiers when she was
20 chief of staff as well?

21 A. Yes.

22 Q. And Melissa Derosa, did you
23 interact with her regularly?

24 A. Yes.

25 Q. And Dani Lever before she

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2 left?

3 A. Yes. Can I ask a
4 clarifying question?

5 Q. Yeah.

6 A. Over what time period are
7 we talking about right now?

8 Q. I mean for now I'm just
9 asking generally. If there were
10 time periods, you know, during your
11 years there if there were occasions
12 when you were working closely with
13 these people.

14 A. Sure.

15 Q. We can drill down later.

16 A. Sure.

17 Q. How about with the
18 Governor, how frequently, and this
19 one we can do by time frame so it's
20 easier. When you were deputy
21 director for transportation did you
22 interact with the Governor
23 regularly?

24 A. No. I didn't interact with
25 him at all during that time.

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2 Q. And how about when you
3 became senior deputy director, did
4 you have more interaction or some
5 interaction with him?

6 A. I didn't interact with him
7 until at least halfway through --
8 probably halfway through. I'm
9 trying to be -- it's hard to be
10 precise, I don't know the exact
11 time. But I didn't interact with
12 him until probably approximately
13 halfway through my time as senior
14 deputy communications director.

15 And then, to finish answering
16 your question --

17 Q. Sure.

18 A. -- and then for the rest of
19 that time interacted with him I
20 would say intermittently.

21 Q. Okay. Even when -- is this
22 in your senior deputy role or --

23 A. Yeah. That's what I'm
24 talking about is the senior deputy,
25 yeah.

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2 Q. Okay. And then how about
3 when you became director of
4 communications in August 2020, how
5 frequently would you interact with
6 the Governor?

7 A. I would say, this is
8 generally speaking, weekly, not
9 daily.

10 Q. All right. And what types
11 of issues would you interact with
12 the Governor about?

13 A. In what role?

14 Q. In the --

15 (Zoom interference.)

16 MR. MUKHI: Standby. Counsel,
17 I'm going to go off the record. We
18 are frozen. Hold it. Wait. Mr.
19 Ajemian, can you hear us? You were
20 frozen a minute.

21 THE WITNESS: Yes, I can hear
22 you.

23 THE VIDEOGRAPHER: Counsel,
24 okay to proceed?

25 Standby. We are going off the

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2 record. The time is 10:25 a.m. We
3 are off the record.

4 (Brief recess.)

5 THE VIDEOGRAPHER: The time is
6 10:25. We are back on the record.

7 MR. MUKHI: Could the court
8 reporter just read the last answer
9 or the question wherever we got cut
10 off.

11 (Record read.)

12 Q. In the role as
13 communications director.

14 A. So I think what I was
15 saying is one of my main
16 responsibilities as senior deputy
17 communications director that carried
18 into my role as communications
19 director was helping tell the
20 proactive story of state government
21 and the administration. So that
22 included events with the Governor.
23 So I would interact with him about
24 those events, helping brief him on
25 what the proposed events would look

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2 like, who would participate, what
3 our recommendation was for him to
4 say at the event, what the
5 announcement would be, things like
6 that. That was a large part of my
7 interaction with him.

8 This was also obviously during
9 COVID and I don't have the clearest
10 memory but we were still I think at
11 that time doing press conferences
12 three days a week so in the role as
13 communications director there would
14 be certain instances when I would be
15 with a group of people helping him
16 prepare for immediately before that
17 briefing on COVID.

18 Q. All right. And we will
19 discuss some -- some documents in
20 this area but I take it part of your
21 responsibilities was interacting
22 with the press on behalf of the
23 Governor and the Executive Chamber?

24 A. Yes.

25 Q. And so I assume a lot of

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2 back and forth with reporters about
3 stories they are writing and on
4 occasion on a regular basis you'd
5 provide statements on behalf of the
6 Governor or the Chamber or someone
7 else?

8 A. Yes.

9 Q. Okay. So could you just at
10 a high level kind of describe the
11 process that takes place to respond
12 to either an article that has come
13 out or is going to come out and, you
14 know, what I'm interested in is kind
15 of like how the sausage is made in
16 that respect, including, you know,
17 any fact checks, legal checks and
18 the like?

19 A. Sure. Usually media
20 inquiry comes in. It can come in
21 for the -- generally in two ways,
22 one is through the main sort of
23 press, generic press mailbox, e-mail
24 inbox and that gets circulated
25 amongst the press office and then

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2 someone grabs it and says I'm going
3 to -- you know, I'll work on this.
4 Or a reporter will reach out to one
5 of the members of the press office
6 directly and say, hey, I'm writing
7 this story, here's, you know, a
8 little bit about what I'm looking
9 at. And then -- and then generally
10 -- again this is generally, it's not
11 a rule, the press officer, you know,
12 it could be me, it could be, you
13 know, other members of the press
14 office will reach out to the
15 reporter, you know, ask basic
16 questions, try to get as much
17 information as possible about what
18 the story is that they are writing,
19 what the deadline is, you know, any
20 other information we can glean, what
21 their questions are, any other
22 details that are in the story,
23 excuse me, that are relevant to the
24 office. And then once the press
25 officer has that information that

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2 initial set of information from the
3 reporter, would use their judgment
4 to determine who would be the --
5 essentially the, for lack of a
6 better word, policy lead or
7 substance lead for that -- that
8 particular inquiry.

9 So you know, oftentimes we
10 would go to, start with an initial
11 conversation with that person or
12 people. Sometimes it was in the
13 form of, you know, asking to hop on
14 the phone with those people to
15 explain the inquiry and see if we
16 can get some baseline information
17 from the substance lead. Sometimes
18 it was done in the form of an e-mail
19 where the press officer would send,
20 you know, some, you know, forward
21 along maybe the inquiry from the
22 reporter and then some, you know,
23 initial questions or notes from the
24 first conversation with the
25 reporter, forward that along to, you

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2 know, the relevant substance people
3 and -- and there would be a back and
4 forth over e-mail about it.

5 Oftentimes the -- it's
6 obviously, you know, we get, we
7 would get countless media inquiries
8 a week, a day, a month, whatever.
9 So you know, there's a little bit of
10 discretion involved in terms of like
11 what level does this rise to, who
12 needs to be aware of it, who should
13 have a heads up about it even if
14 they are not offering guidance. So
15 there's no real rule in terms of who
16 gives guidance on a particular issue
17 but you as a press officer try to be
18 sort of like internal reporter and
19 get the facts is really the goal.
20 And that's -- that's always like,
21 you know, that's always paramount
22 is, you know, we would always say,
23 you know, get the facts and then you
24 can formulate a response. And, you
25 know, sometimes that would require

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2 getting facts from let's say a
3 deputy secretary for transportation
4 if I were in my transportation role.
5 And the deputy or the assistant
6 counsel for transportation.
7 Sometimes it was the policy
8 director. Sometimes, you know, so
9 it varied by inquiry but that was
10 the, you know, general framework.

11 Then you would get their
12 guidance, you would formulate some
13 sort of response based on their,
14 draft response based on their
15 guidance and then get whatever
16 approvals from those senior people
17 are necessary for that particular
18 inquiry. Again, legal, oftentimes
19 there's a counsel who approves. And
20 -- yeah.

21 And then you would come up
22 with a final, you know, a final
23 response that would usually get
24 e-mailed to the reporter and, you
25 know, on some occasions the press

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2 officer would get back on the phone
3 with the reporter and maybe have a
4 background conversation or an
5 off-the-record conversation that
6 would accompany the on-the-record
7 written statement to help make sure
8 that, you know, the context is
9 there. The reporter may, you know,
10 to make sure that the reporter
11 understands all of the, you know,
12 has a clear picture of the facts and
13 has a full picture of what's going
14 on.

15 Q. Okay. Were there any
16 occasions when you were in the
17 Executive Chamber that you recall
18 when you were asked to put out
19 information or a statement that was
20 factually incorrect?

21 A. Incorrect, no. Nothing --
22 no. Nothing that comes to my mind.

23 Q. Now, the process of who a
24 statement is attributed to, so for
25 example, like I take it sometimes

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2 the Governor gives a direct quote,
3 sometimes it's a specific person in
4 the communications team that's
5 attributed as a spokesperson and
6 sometimes I take it from your last
7 answer it would be the substantive
8 lead potentially who would be
9 quoted. How is that process made
10 who is going to be the person giving
11 a quote for publication?

12 A. It is usually the result of
13 some conversation about who would be
14 the most effective spokesperson for
15 a specific inquiry.

16 Q. Okay. And how about you
17 mentioned on the record, background,
18 off the record, who gets it, who is
19 providing input into that decision,
20 what information will be on the
21 record, what will be off the record
22 in conversations with media?

23 A. Again, it depends on the --
24 the inquiry and the topic.

25 Sometimes, you know -- I will say

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2 oftentimes we, you know, as press
3 officers we will speak off the
4 record with reporters, especially
5 the initial conversation and then,
6 you know, the follow-up conversation
7 or two because we let the
8 on-the-record statement, we want the
9 on-the-record statement to be, you
10 know, what is really reflected in
11 the story. But it depends on the
12 inquiry. And it depends on the
13 topic.

14 Q. Okay. What's the process
15 by which if the Chamber believes the
16 media is publishing something or
17 potentially planning to publish
18 something that's inaccurate from the
19 Governor's office perspective,
20 what's the process to try to correct
21 that or --

22 A. Before they publish?

23 Q. Yeah. Why don't we start
24 with that. Before they publish if
25 there's information you are

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2 receiving that something in the
3 Governor's office's perspective is
4 factually incorrect, what's the
5 process of trying to correct it
6 before it's published?

7 A. We usually try -- so after
8 running down the facts and getting
9 guidance from the relevant substance
10 lead, lead or leads, usually the
11 first step is for the press officer
12 to have an off-the-record
13 conversation with the reporter and
14 lay out the facts and say, you know,
15 try to correct the record. You
16 don't have to deny it on the record
17 because it does not rise to the
18 level of being reportable.

19 If that doesn't work, if we
20 are not successful in that
21 conversation, then we would
22 oftentimes put somebody more senior
23 with more direct knowledge of the
24 matter at hand on the phone with the
25 reporter, again, trying to do it off

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2 the record.

3 If that doesn't work, then you
4 generally try to come up with an
5 on-the-record statement that makes
6 it clear that what the reporter is
7 trying to report is factually
8 inaccurate and you give that to the
9 reporter.

10 Q. And how about if
11 information is published and the
12 Governor's office determines that
13 they believe it's factually
14 incorrect or misleading in some way?

15 A. What do we -- what does the
16 Governor's office do in that case?

17 Q. Yes.

18 A. You know, call the
19 reporter. You know, lodge your
20 complaint with the reporter.
21 Sometimes you would call an editor.
22 And by the way, sometimes you call
23 the editor, oftentimes you call the
24 editor, I left that out, before
25 publication. If you can't -- if you

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2 are not making headway with the
3 reporter themselves, you call the
4 editor.

5 So if it's already published,
6 then it's, you know, similar thing
7 but you are -- it's on the -- on the
8 (inaudible) of it being published.

9 And then -- and then maybe
10 writing a letter to the editor
11 saying this is in- -- saying this is
12 incorrect or misleading. Sometimes,
13 you know, someone in the office
14 would tweet something to that
15 effect.

16 I may be leaving something
17 out, probably I'm leaving something
18 out, but that's generally how we
19 approach it.

20 Q. All right. That's helpful.

21 Why don't we shift gears and
22 go to trainings and policies while
23 you were employed at the Executive
24 Chamber?

25 MR. MCGUIRE: I don't want to

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2 interrupt. We have been going
3 about an hour, if now is a decent
4 time for just a bathroom break if
5 you are switching topics.

6 MR. MUKHI: I'm switching
7 topics.

8 MR. McGUIRE: That would be
9 great. Thanks.

10 MR. MUKHI: Thank you.

11 THE VIDEOGRAPHER: Standby.
12 The time is 10:42. We are going
13 off the record. This will end
14 media unit number one.

15 (Whereupon, there is a recess
16 in the proceedings.)

17 THE VIDEOGRAPHER: The time is
18 10:50 a.m. We are back on the
19 record. This will be the start of
20 media unit number two. Counsel.

21 Q. All right, Mr. Ajemian, so
22 before we took a break we were going
23 to turn to the topic of trainings
24 and policies while you were at the
25 Chamber. Did you receive training

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2 on sexual harassment while you were
3 at the Chamber?

4 A. Yes.

5 Q. And how frequently did you
6 receive that training?

7 A. I don't remember.

8 Q. Ballpark, once, more than
9 once?

10 A. I don't have a clear
11 memory. It was at least once.

12 Q. Do you recall whether the
13 one training or others were online
14 or in person?

15 A. I don't have a clear
16 memory. I think it was online but I
17 can't say with a hundred percent
18 certainty. I just don't remember.

19 Q. And do you have an
20 understanding about whether everyone
21 who worked at the Executive Chamber
22 was required to receive sexual
23 harassment training?

24 A. Sorry. Can you repeat that
25 again?

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2 Q. Sure. Do you know whether
3 or not there was any requirement,
4 for example, that Executive Chamber
5 employees received sexual harassment
6 training on an annual basis?

7 A. On an annual basis. I'm
8 not sure if I knew that before. The
9 media inquiry, the recent media
10 inquiries near the latter part of my
11 time there focused on that question.
12 I'm not sure I knew or thought about
13 it before that. After those media
14 inquiries it was clear to me that
15 yes, that was something that was an
16 annual requirement.

17 Q. But for yourself personally
18 you don't have a recollection one
19 way or the other whether you
20 participated in such training every
21 year you were at the Chamber?

22 A. I don't remember.

23 Q. And did you have an
24 understanding as to the process that
25 applied if there was -- if an

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2 employee of the Chamber had a report
3 or a complaint related to sexual
4 harassment against another member of
5 the Executive Chamber?

6 A. Do I know of the process
7 for someone to report something of
8 that nature?

9 Q. Yes.

10 A. I can speak for myself as
11 in my experience if that -- if
12 something along those lines happened
13 to me or something was reported to
14 me. There are several avenues that
15 I would, I know and I knew to take
16 one of which would be to report it
17 to, you know, depending on the
18 circumstances, of course, but would
19 be to report it to someone in the
20 counsel's office, potentially the
21 director of administration and GOER,
22 which is the Governor's Office of
23 Employee Relations.

24 Q. And while you were employed
25 by the Chamber are you aware --

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2 during that time period were you
3 made aware of any complaints of
4 sexual harassment?

5 A. No.

6 Q. Were you made aware of any
7 complaints that were referred to
8 GOER regarding sexual harassment by
9 an Executive Chamber employee?

10 A. No.

11 Q. Okay. And what was your
12 understanding, if any, about rules
13 concerning retaliation about someone
14 complaining of harassment or
15 discrimination of any kind?

16 A. That retaliation is
17 unacceptable and against the rules
18 and the law.

19 Q. And did you have an
20 understanding one way or the other
21 whether the prohibitions against
22 retaliation that you just described,
23 whether they applied to former
24 employees of the Chamber?

25 A. If the -- you are saying if

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2 the former employee is the
3 complainant?

4 Q. Correct.

5 A. The prohibition, my
6 understanding would be that the
7 prohibition would still apply.

8 Q. All right. Why don't we go
9 to tab 5 of your binder.

10 (Exhibit 5, Handbook For
11 Employees of New York State
12 Agencies, marked for
13 identification, as of this date.)

14 Q. You see that is the -- on
15 the first page you'll see there's a
16 title Handbook For Employees of New
17 York State Agencies?

18 A. Um-hmm, yes.

19 Q. Do you recognize this
20 document?

21 A. I believe but I can't say
22 with certainty that I -- that I have
23 received this when I first started
24 in the Executive Chamber but, again,
25 I can't say with certainty.

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2 Q. So understanding you don't
3 recall specifically whether you are
4 familiar with this document
5 previously if you go to page 16, the
6 sexual harassment section?

7 A. I see it. I see page 16.

8 Q. Okay. And you there's --
9 starting with 16 there's statutory
10 protection section, then Executive
11 Order concern appears. And there's
12 a section that's just titled Sexual
13 Harassment.

14 Do you see that?

15 A. Yes.

16 Q. If you could you just take
17 a minute to review that section
18 which extends on to page 17 and then
19 I have some follow-up questions.

20 (Witness reviews document.)

21 A. Okay.

22 Q. You've had an opportunity
23 to review?

24 A. Yes.

25 Q. So on page 17 the first

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2 full paragraph after the bullet.

3 You see that it states, "Also

4 environment sexual harassment

5 includes but is not limited to

6 words, signs, jokes, pranks,

7 intimidation or physical violence

8 which are of a sexual nature or

9 which are directed at an individual

10 because of that individual's sex.

11 Sexual harassment also consists of

12 any unwanted verbal or physical

13 advances sexually explicit,

14 derogatory statements or sexually

15 discriminatory remarks made by

16 someone which are offensive or

17 objectionable to the recipient which

18 causes the recipient discomfort or

19 humiliation or which interfere with

20 the recipient's job performance."

21 Do you see that?

22 A. Yes.

23 Q. Do you recall being made

24 aware of this definition of sexual

25 harassment when you worked at the

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2 Chamber?

3 A. Yes. I was -- yes, I was
4 aware that all of these things -- I
5 was aware of that -- of the
6 information laid out in this
7 paragraph.

8 Q. Okay. Now, with respect to
9 the one, two, three, four, fifth
10 paragraph. You see it begins "As
11 with all discrimination"?

12 A. Yes.

13 Q. And the last sentence says,
14 "Furthermore, any supervisory or
15 managerial employee who observes or
16 otherwise becomes aware of conduct
17 of a sexually harassing nature must
18 report such conduct so that it can
19 be investigated."

20 Do you see that?

21 A. Yes.

22 Q. Were you aware of that
23 obligation when you worked at the
24 Chamber?

25 A. Yes.

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2 Q. And just to be clear, I
3 think you answered this earlier but
4 when you were a supervisor and had
5 folks underneath you, did there ever
6 come a time when someone who worked
7 for you brought to your attention a
8 potential complaint of sexual
9 harassment?

10 A. No.

11 Q. And all right, why don't we
12 go to page 40, which is the
13 retaliation section?

14 A. I'm sorry, tab 40.

15 Q. Page, sorry. Sorry if I
16 said tab.

17 A. Okay. I see page 40.

18 Q. So I want to focus on the
19 adverse employment section. So the
20 last paragraph on the page.

21 A. Okay.

22 (Witness reviews document.)

23 A. Okay.

24 Q. You see it says,
25 "Retaliation occurs when an adverse

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2 action or actions is taken against
3 the employee by the employer. The
4 action need not be job related or
5 occur in the workplace."

6 Do you see that?

7 A. Yes.

8 Q. Okay. And does that
9 comport with your understanding of
10 what could constitute retaliation
11 when you worked in the Executive
12 Chamber?

13 A. Yes.

14 Q. And then we touched on this
15 earlier. If you look at the next
16 page, the top of page 41. If you
17 can read that first paragraph there.

18 A. Okay.

19 Q. It states, "Actionable
20 retaliation by an employer can occur
21 after the individual is no longer
22 employed by that employer and this
23 can include giving an unwarranted
24 negative reference for a former
25 employee."

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2 And I take it based on a prior
3 answer you understood at the time
4 you worked at the Chamber that
5 actionable retaliation by an
6 employer, including the Chamber,
7 could occur after the individual is
8 not employed by the Chamber in this
9 case?

10 A. Correct.

11 Q. All right. We can put the
12 binder away for a little bit. We
13 will come back to it.

14 So you described a little bit
15 during your various positions the
16 context within when you interacted
17 with the Governor. How would you
18 describe your professional
19 relationship with the Governor?

20 A. I would describe my
21 relationship with the Governor as
22 professional. Professional and I
23 would say productive.

24 Q. And so including yourself,
25 but I'm asking also now based on

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2 what you observed, how did the
3 Governor in your perspective
4 generally treat members of his
5 staff?

6 A. The Governor has extremely
7 high expectations with regards to
8 work product. He says that often.
9 He makes that clear often. And as a
10 result he's incredibly demanding of
11 his staff in terms of, you know,
12 their dedication to the work and
13 he's demanding in terms of the
14 quality of the work product.

15 Q. Okay. Are you aware of
16 either from, you know, being the
17 recipient or observing someone else
18 being the recipient of the Governor
19 yelling at staff?

20 A. Yes.

21 Q. Okay. And can you describe
22 those circumstances when, generally,
23 when you observed the Governor yell
24 or raise his voice to the staff?

25 A. In my experience it was

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2 incredibly rare. My direct
3 experience it was it was incredibly
4 rare. I can remember one occasion
5 when he raised his voice at me. And
6 I have, you know, heard others, you
7 know, describe situations in which
8 he raised his voice but I, you know,
9 I'd say I have found over the years
10 my several years working in politics
11 that one person's interpretation of
12 yelling or raising your voice is
13 different from other person's. And
14 so in terms of my, you know, direct
15 experience I would say, you know, I
16 can remember one instance.

17 Q. And what was that instance?

18 A. We were preparing -- we
19 were preparing -- we were preparing
20 for an event that was going to be
21 the next day, an event where he was
22 going to participate in and make an
23 announcement and he was unhappy with
24 the level of preparation for the
25 event and -- yeah, the level of

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2 preparation for the event. And he
3 expressed his displeasure and why he
4 was, you know, unhappy about what he
5 perceived to be the lack of
6 preparation for the event.

7 Q. And did you have a view
8 whether his perception was a fair
9 one or not?

10 A. I don't remember the exact
11 details of what he took issue with.
12 I found that oftentimes when he
13 provided critiques, they were
14 accurate assessments. Not always
15 but oftentimes they were accurate
16 assessments.

17 Q. Have you ever observed the
18 Governor threatening anyone?

19 A. No, not to my knowledge.

20 Q. Is there any circumstance
21 when you recall the Governor
22 throwing something at someone,
23 either observing it or hearing about
24 that?

25 A. No.

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2 Q. Now, I want to talk about
3 the Governor's physical interactions
4 with his staff. Did you observe the
5 Governor physically interacting with
6 the staff, and we can start with,
7 you know, hugging his staff members
8 on various occasions?

9 A. He has hugged me. He
10 hugged me once.

11 Q. Okay. And what was that
12 occasion, do you recall that?

13 A. It was the end of a -- he
14 had just finished a speech, this was
15 near the end of my -- this was my --
16 when I was communications director,
17 he had just finished the first of a
18 series of state of the state
19 speeches, which was a big production
20 and a big event for him and a lot of
21 work goes into those speeches
22 obviously and those productions.
23 And after the speech, you know, it
24 went -- it went very well and
25 afterward he gave me a hug.

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2 Q. Okay. How about other
3 staff, have you seen the Governor
4 hugging other staff on occasion?

5 A. Nothing comes to mind. I'm
6 not saying that I didn't see him
7 hugging another member of the staff
8 but nothing comes to mind.

9 Q. How about kissing other
10 staff members, including on the
11 cheek?

12 A. Again, nothing comes to
13 mind but I wouldn't. I'm not saying
14 that I never saw him kiss a member
15 of the staff on the cheek in the
16 course of like saying hello or
17 welcoming them.

18 Q. Let me ask you this, do you
19 recall any of those instances where
20 it struck you as unusual that the
21 Governor was kissing a staff member
22 on the cheek?

23 A. Sorry, can you repeat the
24 question?

25 Q. Sure. You said, you know,

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2 maybe there was occasion when he was
3 saying hello and kissed somebody,
4 you don't specifically recall, kiss
5 someone on the cheek. Do you recall
6 any instances where you saw the
7 Governor kiss a staff member on the
8 -- on the cheek and you thought it
9 was unusual or inappropriate or, you
10 know, raised your eyebrow in any
11 way?

12 A. I -- I don't -- I don't
13 remember. I can't think of any
14 situations in which he did that.
15 I'm smiling a little bit because,
16 you know, obviously since the sexual
17 harassment allegations came up that
18 was a, you know, a common -- a
19 common, you know, question and
20 concern and so I have images in my
21 head of like him, you know,
22 greeting, you know, folks at events
23 where he, you know, kissed folks on
24 the cheek of various ages, various
25 genders but, no, I can't think of an

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2 instance when -- when -- that I can
3 remember when he did that with a
4 member of staff.

5 Q. How about any instances
6 where the Governor kissed a member
7 of staff on the lips?

8 A. No.

9 Q. And that question as well,
10 whether you either saw or heard
11 about any instances when the
12 Governor kissed another state
13 employee, so putting aside the
14 Executive Chamber, outside of the
15 Executive Chamber but still a state
16 employee, a state employee on the
17 lips, did you ever observe that or
18 hear about that?

19 A. I never observed it.
20 Obviously that was, you know, I
21 heard about it insofar as there was
22 an allegation by Lindsey Boylan that
23 he had kissed her on the lips.

24 Q. And that you've heard about
25 after --

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2 A. After the -- after the
3 fact, after the allegation was made,
4 yeah.

5 Q. Are you aware of any
6 potential romantic relationships
7 between the Governor and any other
8 executives?

9 A. I am not aware of, no.

10 (Zoom interruption.)

11 Q. Did you ever -- so you
12 testified you weren't personally
13 aware of any romantic relationship
14 between the Governor and another
15 executive staff member and then my
16 follow-up question is if you ever
17 heard something that fell into that
18 category of relationship secondhand?

19 A. I had no knowledge of any
20 relationship that he had with a
21 staff member. Again, later in my
22 tenure when after some of these
23 allegations had come up, reporters
24 -- a couple of reporters had reached
25 out asking about potential --

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2 whether there was any potential
3 relationship with members of staff.

4 Q. Do you recall which members
5 of the staff you were asked about by
6 reporters?

7 A. Yes.

8 Q. And who were those other
9 staff members?

10 A. Senior Staffer #1 [REDACTED], Senior Staffer #3
11 [REDACTED], [REDACTED].

12 Q. Let me ask you, why don't
13 we go one by one. When you got the
14 questions about whether the Governor
15 had been in a romantic relationship
16 with Senior Staffer #3 [REDACTED], were you involved
17 in following up to answer questions
18 around that to see whether it was
19 true or not?

20 A. I don't recall the exact
21 way in which I ran down the facts or
22 whether I even needed to in -- in
23 each of these cases because it was
24 reporters raising it as sort of like
25 a question, not -- as sort of like a

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2 rumor, not necessarily as something
3 that even rose to the level of me
4 needing to -- you know, of being in
5 the ballpark of being true and
6 therefore needing to be, you know,
7 having the facts run down.

8 But again, I can't remember
9 the exact -- the exact, you know,
10 situation for that one.

11 Q. And when you say for that
12 one, you're --

13 A. Senior Staffer #3 .

14 Q. Okay. How did you form the
15 opinion that, you know, the
16 questions around these potential
17 romantic relationships between the
18 Governor and the three staff members
19 you mentioned who were not in the
20 ballpark of being true here?

21 A. With Senior Staffer #3 it was -- there
22 was a specific incident that -- that
23 a reporter was asking about. I
24 think in that case, and again I
25 can't remember exactly how it was

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2 handled, but in that case I asked or
3 someone asked Senior Staffer #3 if that was
4 true and Senior Staffer #3 said no.

5 Q. Do you recall the specific
6 incident that was being asked about?

7 A. It was something related to
8 some sort of event or function
9 outside of the office in which
10 Senior Staffer #3 allegedly was sitting on --
11 was seen, allegedly seen sitting on
12 the Governor's lap.

13 Q. And do you recall was the
14 allegation there that it was at a
15 Super Bowl event, does that ring a
16 bell or do you not recall which
17 event?

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

19 Q. And SS #3 [REDACTED] told you
20 directly that that was not true, is
21 that what you just said?

22 A. I don't have the clearest
23 memory of that but either she told
24 me it wasn't true or she told
25 someone else like, you know, who was

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2 involved in trying to, you know, get
3 the facts on the story that it
4 wasn't true.

5 Q. And then how about with

6 SS#1 [REDACTED], do you recall any facts
7 you tried to run down with respect
8 to the questions you got from
9 reporters about rumors, I think you
10 said, that there was a romantic
11 relationship at some point between
12 the Governor and SS #1 [REDACTED] ?

13 A. Yeah. The -- I forget what
14 the outlet was but they reached out
15 saying that they had [REDACTED]
16 allegedly showing the Governor and
17 SS #1 [REDACTED] -- not allegedly -- showing
18 the Governor and SS#1 [REDACTED] [REDACTED]
19 and there had been a third person at
20 the dinner and after that third --
21 after that third person got up and
22 left [REDACTED] [REDACTED] for the evening the
23 reporter said [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] Senior Staffer #1 [REDACTED]. In that case

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2 the reporter would not [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] but I
4 asked Senior Staffer #1 if she had a
5 recollection of that interaction.
6 Since the reporter told me he was
7 going to describe as -- essentially
8 describe as, you know, some sort of
9 romantic -- they were looking at
10 edge other and behaving in some sort
11 of romantic fashion. So I asked
12 Senior Staffer #1 if she had a recollection of
13 [REDACTED] [REDACTED]. I can't remember if
14 she -- she did have a recollection,
15 she said it wasn't true and then she
16 ended up giving an on-the-record
17 statement for the story denying any
18 relationship, if I remember
19 correctly.

20 And then the story came out
21 and we [REDACTED] [REDACTED] [REDACTED] for the first
22 time and then in my view [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. One could
25 potentially make that leap but it in

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no way, shape or form showed to me
that [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].

Q. And I believe the third one
you said was [REDACTED] [REDACTED] ?

A. Yeah.

Q. Who is she?

A. She's the -- I think she's
still the [REDACTED] [REDACTED] [REDACTED].
And she had previously worked in the
Chamber doing [REDACTED]

Q. What do you recall about
questions around whether the
Governor was in a romantic
relationship with [REDACTED] [REDACTED] ?

A. I recall very little, if
anything. It was again -- and that
one -- that one in particular it
was, you know, I think a reporter
maybe offhand saying, you know, that
there's this, you know, that there's
a rumor. But again, I don't
remember super clearly and I don't
-- yeah, I don't remember super

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2 clearly.

3 Q. Okay. And do you recall
4 running down any facts around that
5 one?

6 A. I don't remember.

7 Q. Okay. So you mentioned
8 with respect to SS #3 [REDACTED] the
9 question was raised about, by
10 reporters, that the story that at
11 some event outside of the office she
12 sat on the Governor's lap. Have you
13 ever seen a staff member of the
14 Governor, either SS #3 [REDACTED] or
15 anyone, sit on the Governor's lap?

16 A. No.

17 Q. And I had mentioned a Super
18 Bowl party. Did you ever attend a
19 Super Bowl party hosted by the
20 Governor?

21 A. I think one.

22 Q. And which one, which year
23 if you recall?

24 A. It would have been -- when
25 is the Super Bowl again?

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2 Q. It changed. Late January I
3 think usually, now it's early
4 February.

5 A. So it probably would have
6 been 2020 because it would have been
7 pre-COVID.

8 Q. Okay. And was that the
9 only Super Bowl party you -- hosted
10 by the Governor that you recall
11 attending?

12 A. That I recall.

13 Q. Okay.

14 A. Correct.

15 Q. All right. Okay.

16 Now have you ever been to
17 events at the Executive Mansion?

18 A. Yes.

19 Q. What type of events?

20 A. Holiday parties, post --
21 post budget receptions, like when we
22 complete the annual budget process.
23 I think there may have been a
24 cabinet meeting at the mansion that
25 was -- yeah. Yeah. So things like

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2 that.

3 Q. Have you ever been to an
4 event at the Governor's -- at the
5 Executive Mansion when staff members
6 went in the pool at the mansion, do
7 you recall anything like that?

8 A. No, no. Went into the
9 pool? No.

10 Q. Have you ever spent the
11 night in the mansion?

12 A. Yes.

13 Q. On what occasions did you
14 spend the night there?

15 THE WITNESS: Can I ask
16 Brendan a question?

17 MR. MUKHI: Sure. Should we
18 go off the record? Let's go off
19 the record.

20 THE VIDEOGRAPHER: Standby.
21 The time 11:34 a.m. We are going
22 off the record.

23 (Whereupon, there is a recess
24 in the proceedings.)

25 THE VIDEOGRAPHER: The time is

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2 11:40 a.m. We are back on the

3 record.

4 MR. MUKHI: Could we just have
5 the last question read back?

6 (Record read.)

7 Q. So that was my question,
8 Mr. Ajemian, before we took a break
9 and by "there" I was referring to
10 the Executive Mansion.

11 A. Sure. So there was a --
12 this would have been sometime in
13 2020. There was a security-related
14 issue involving a member of the
15 senior staff and I was asked to stay
16 at the mansion along with another
17 member of the senior staff while
18 that security issue was being
19 resolved.

20 Q. Okay. Can you describe the
21 security issue you referenced?

22 A. There were -- there were
23 death threats made toward a member
24 of the senior staff and -- and as
25 that situation was playing out and

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2 while it was being resolved by law
3 enforcement there was some
4 determination by, my understanding
5 is there was some determination by
6 the security detail to -- to have,
7 while that was being resolved, to
8 have that senior staff member stay
9 at the mansion and as part of that I
10 was asked to stay and another member
11 of senior staff were asked to stay
12 as well.

13 Q. Who was the staff member
14 that had the threat against them?

15 A. Senior Staffer #1 [REDACTED].

16 Q. And who besides yourself
17 was asked to stay overnight at the
18 mansion?

19 A. Stephanie Benton.

20 Q. And was it just one night
21 that you stayed over at the
22 Executive Mansion or was it more
23 than one night?

24 A. It was two nights.

25 Q. And I'm just trying to get

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2 the circumstances here. Was there
3 any specific threat against you or
4 Ms. Benton?

5 A. Not that I'm aware of.

6 Q. Okay. And so was the --
7 what is your understanding is the
8 decision that led to the
9 recommendation that you and
10 Ms. Benton also spend the night or
11 spend two nights at the Executive
12 Mansion?

13 A. My understanding was
14 because the State Police thought it
15 best to have Senior Staffer #1 stay at the
16 mansion for security reasons that I
17 would stay at the mansion and
18 Stephanie would stay at the mansion
19 as well, you know, as a matter of,
20 you know, how it could be perceived
21 if, you know, someone learned that
22 Senior Staffer #1 stayed at the mansion by
23 herself.

24 Q. Understood. So the
25 perception being if it was just

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2 SS #1 [REDACTED] who stayed overnight
3 there could be a perception that
4 there was some sort of romantic
5 implication, is that fair?

6 A. Yes.

7 Q. When was this
8 approximately?

9 A. I don't remember.

10 Q. Okay. Let me ask this way.
11 Do you recall whether it was
12 pre-COVID or post-COVID, March --

13 A. It was -- I actually don't
14 remember because -- yeah, I don't
15 remember.

16 Q. And did you have -- well,
17 where did you get the understanding
18 that the reason why you and
19 Ms. Benton were being asked to stay
20 overnight was to address the
21 perception, potential perception?

22 A. Where did that
23 understanding come from?

24 Q. Yeah. Did someone tell you
25 that and, if so, who?

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2 A. Senior Staffer #1 [REDACTED]

3 Q. What do you recall about
4 that conversation?

5 A. She said something along
6 the lines of the security detail
7 thinks that it would be best for me
8 to stay in the mansion tonight while
9 they -- while the State Police does
10 the search for this person who has
11 made threats against her life. And,
12 you know, would you consider staying
13 at the mansion as well. You know,
14 because I don't want, you know,
15 there to be -- I'm paraphrasing,
16 right -- you know, I don't want
17 there to be a perception that, you
18 know, I'm sleeping at the mansion,
19 you know, a senior, you know, a
20 senior female member of the
21 Governor's team is sleeping at the
22 mansion by herself.

23 Q. And what was your reaction
24 to that request and reasoning?

25 A. I said -- I said sure.

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2 Q. And were you surprised by
3 the request?

4 A. I don't remember. I don't
5 remember how I felt about it. I
6 remember being scared for her and
7 worried for her. Because it was
8 having a, you know, it had
9 understandably a [REDACTED] [REDACTED] on how
10 [REDACTED] [REDACTED] [REDACTED].

11 Q. And at that point had you
12 heard from reporters or anyone else
13 ever ask any questions about whether
14 there was a romantic relationship
15 between the Governor and SS #1 [REDACTED],
16 do you recall?

17 A. I don't recall.

18 Q. All right. And just to
19 clarify. Did the Governor also on
20 those two nights, to your knowledge,
21 was he also staying overnight at the
22 mansion?

23 A. Yes.

24 Q. Where did you sleep in the
25 mansion?

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2 A. In a guest bedroom on the
3 third floor.

4 Q. And do you know where the
5 Governor's bedroom is?

6 A. His bedroom is on the
7 second floor.

8 Q. And do you know where
9 Ms. Benton and SS#1 [REDACTED] slept that
10 night?

11 A. No.

12 Q. Both those nights. Okay.

13 All right. I want to turn to
14 tab 6 in the binder.

15 (Exhibit 6, Text chain, marked
16 for identification, as of this
17 date.)

18 Q. This is a text chain from
19 March of this year. Do you see
20 that?

21 A. Yes.

22 Q. And just to situate
23 ourselves you recall this is after
24 allegations had come out from
25 Ms. Boylan, Ms. Bennett and others,

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2 I believe, at this point in

3 March 2021?

4 A. Yes.

5 Q. And you send, I'm looking
6 at the first page now but if you
7 need to refresh yourself, you can
8 flip through the entire chain but my
9 question is going to be about the
10 first page.

11 A. This page 17 that I'm
12 looking at?

13 Q. No. I'm looking at page 1.

14 A. I'm sorry.

15 Q. The very top page, it's got
16 a 3801 in the --

17 A. Tab 6. I don't have a --

18 Q. All right, it doesn't have
19 page number but it's the first page.

20 MR. McGUIRE: His is
21 different. His starts at 18.

22 MR. MUKHI: Sorry about that.

23 A. Okay.

24 Q. So you see this is an
25 exchange with you, some members or

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2 the Executive Chamber and some other
3 individuals?

4 A. Yes.

5 Q. Okay. And so you text from
6 a friend who used to work here and
7 then you have the call in and then a
8 description. Do you -- just so I
9 can understand, do you recall
10 whether this was a message from one
11 of your friends who used to work at
12 the Chamber that you copied into
13 this text message?

14 A. Yes, that is exactly what I
15 did.

16 Q. And do you recall who the
17 friend was?

18 A. Yes. It was [REDACTED] [REDACTED].

19 Q. And who is [REDACTED] [REDACTED]?

20 A. He -- I first met [REDACTED] when
21 I was volunteering on the 2010
22 campaign. He worked for the 2010
23 Governor's campaign. And then we
24 worked -- and we, you know, became
25 friends and then he came back to

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2 work in the Chamber at some point
3 when I was -- at some point over the
4 course -- he came to work in the
5 Chamber at some point when I was in
6 the Chamber to do legislative
7 affairs. But then he left -- and
8 then he left and went to the private
9 sector.

10 Q. And if you look at the
11 third sentence from [REDACTED] [REDACTED], is
12 that --

13 A. Yes. [REDACTED].

14 Q. [REDACTED]. So in the third
15 sentence of the paragraph from
16 [REDACTED] [REDACTED], she -- I presume your
17 understanding was that "she" is The
18 Wall Street Journal reporter?

19 A. Correct.

20 Q. So she asked me about pool
21 parties, about someone's quotes
22 going missing, young female staff
23 only getting invited to said pool
24 parties if they flirted enough.

25 Do you see that?

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2 A. Yes.

3 Q. Prior to this message from
4 [REDACTED] [REDACTED] had you heard anything
5 about one or more pool parties at
6 the Governor's mansion where staff
7 members took off their clothes?

8 A. There may -- I don't -- I
9 don't think so. There may have been
10 another reporter who was asking a
11 similar question about pool parties
12 generally but so that's where I -- I
13 don't quite remember the timeline.
14 But no, other than like a reporter
15 around that time frame asking about
16 it, no.

17 Q. And you described earlier
18 that, you know, part of your
19 responsibilities when you get these
20 inquiries is to run down the facts.
21 Do you recall running down the facts
22 around these questions about the
23 pool parties?

24 A. Yeah. Yeah. I went to --
25 there was some discussion with

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2 senior staff about -- about this and
3 whether, you know, it was true or
4 not. And that included, you know,
5 people who would have been at those
6 -- would have been at, you know, a
7 party involving, you know, at a
8 party at the pool house at the
9 mansion. And my understanding based
10 on the guidance I received was that
11 there wasn't, these allegations
12 weren't true -- that what this
13 reporter was trying to report or any
14 reporter along those lines was
15 trying to report wasn't -- wasn't
16 true.

17 Q. All right. Was one of the
18 people you talked to SS #3 [REDACTED] about
19 these questions around pool parties?

20 A. I don't remember if I would
21 -- I don't remember if I would have
22 asked SS #3 [REDACTED] about this or if
23 someone else might have asked her
24 about it. I don't remember. But
25 what I remember the answer being was

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2 that -- actually I don't -- I don't
3 have a clear memory of it except
4 that this as described was not true.

5 Q. So there's -- after the
6 clothes going missing question mark,
7 question mark, question mark,
8 there's been young female staff only
9 getting invited to said pool parties
10 if they flirted enough.

11 Do you see that?

12 A. Yes, I see that.

13 Q. Did you ever observe in
14 your opinion the Governor flirting
15 with staff members?

16 A. No.

17 Q. Did you -- we can put the
18 text aside for a minute. Do you
19 recall ever observing the Governor
20 comment on a staff member's
21 appearance or attire?

22 A. On a staff member's
23 appearance or attire. He once
24 pointed out that I may have been
25 overdressed, like overdressed too

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2 warmly for an event that we were --
3 that we were going to that was going
4 to be outside.

5 Q. Okay. Anything else you
6 recall observing?

7 A. No.

8 Q. You ever recall the
9 Governor making jokes of a sexual
10 nature, jokes that had sexual
11 innuendo in your opinion?

12 A. None come to mind.

13 Q. You ever observe the
14 Governor comment on someone's sex
15 drive?

16 A. Not -- not that -- nothing
17 that comes to mind, no.

18 Q. Did you ever observe the
19 Governor commenting on the size of
20 his hands?

21 A. No.

22 Q. Did you ever hear the
23 Governor use nicknames for staff
24 members?

25 A. Yes.

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2 Q. What nicknames do you
3 recall?

4 A. He called Dani Lever Dani
5 Girl which was obviously a play on
6 the song Danny Boy. That's all I
7 can think of.

8 Q. Did you ever hear the
9 phrase "mean girls" to refer to
10 anyone at the Executive Chamber?

11 A. I have heard that.

12 Q. Okay. Did you -- so I
13 understand we will get to some
14 inquiries from reporters about that
15 phrase. Had you heard that phrase
16 prior to the inquiries once the
17 allegations were being reported?

18 A. I had heard -- I had heard
19 that phrase. It was never clear --
20 yeah, I had heard that phrase.

21 Q. Who had you heard that
22 phrase from?

23 A. I don't remember.

24 Q. Did you have an
25 understanding of who that phrase

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2 applied to?

3 A. No. It was not clear to me
4 who that applied to.

5 Q. Okay. Did you have any
6 understanding of the origin of the
7 phrase?

8 A. No.

9 Q. Are you --

10 A. I'm sorry. The origin of
11 the phrase meaning like am I
12 familiar with the movie, yes. But
13 no, in terms of in the Chamber, no.

14 Q. Now, do you recall ever
15 learning about the Governor
16 expressing interest in hiring a
17 woman onto the staff after meeting
18 her at an event?

19 A. Yes. Insofar as I learned
20 of one of the -- one person who made
21 an allegation against the Governor
22 in a news -- in a media story said
23 that they met the Governor for the
24 first time at an event and then
25 subsequently was hired by the

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2 office.

3 Q. And prior to that being
4 reported on starting in March,
5 approximately, 2021, prior to that
6 having been raised through the
7 media, had you known personally or
8 heard about the Governor, whether
9 that individual or someone else
10 meeting a woman at an event and
11 bringing her on to staff?

12 A. Not that I can -- not that
13 I know of, no.

14 Q. So I want to talk about, we
15 talked a little bit about whether
16 the Governor would raise his voice
17 and I think you said rarely. How
18 about others in the senior staff of
19 the Executive Chamber, was there
20 frequent raising of voices or
21 conflict among senior staff members
22 either within the staff or senior
23 staff or with other members of the
24 Chamber staff?

25 A. I would not say that it was

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2 a frequent occurrence that members
3 of senior staff raised their voice.
4 It happened on occasion as we were
5 dealing with, especially as we were,
6 you know, dealing with incredibly
7 pressing and impactful issues,
8 including COVID. And I also think
9 because of, you know, my -- my role
10 as sort of, you know, someone who is
11 dealing with the press and bringing,
12 you know, media inquiries to a
13 variety of different people
14 oftentimes on sensitive subjects,
15 you know, it's, you know, it is
16 something that, you know, I would
17 probably be more prone to -- to
18 hearing. But yes, occasionally
19 folks would raise their voice.

20 Q. Do you recall who in
21 particular you observed raising
22 their voice on one or more
23 occasions?

24 A. Yes. Melissa has raised
25 her voice in my presence.

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2 Q. What were the circumstances
3 you recall around that?

4 A. During COVID early in the
5 crisis there was, I would say, a
6 crisis within a crisis which was
7 thousands, if not millions, of
8 people were all of a sudden
9 unemployed and the Department of
10 Labor was having a difficult time,
11 the State Department of Labor like
12 Departments of Labor across the
13 country were having a difficult time
14 keeping up with the massive influx
15 of people all of a sudden trying to
16 apply for unemployment and not being
17 able to get through or, you know, or
18 get the support that they needed
19 when they all of a sudden lost jobs
20 in the middle of a public health
21 crisis.

22 And it was bubbling up as an
23 issue that was of serious concern.
24 And the administration needed to
25 figure out a way to fix the issue

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2 and Melissa got involved and said,
3 you know, she was very passionate
4 about the fact that it needed to --
5 we needed to find a solution to the
6 problem so that people could get
7 unemployment benefits. And, you
8 know, I think the intensity in which
9 she spoke to us, you know, reflected
10 the urgency of the -- the moment.

11 Q. Let me ask it this way. In
12 your mind did you ever observe
13 Ms. Derosa yell at someone that you
14 thought was not justified by the
15 moment?

16 A. Not that I can recall.

17 Q. All right. And how about
18 anyone else during your time at the
19 Chamber, understanding your general
20 answer was that sometimes folks
21 raised their voice given the
22 importance of issues, any occasions
23 when you thought someone was out of
24 line in raising their voice at
25 another staff member?

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2 A. Nothing comes to mind.

3 Q. Anyone ever come to you
4 either in your capacity as a
5 supervisor or otherwise to complain
6 about the work environment in any
7 way at the Executive Chamber? So I
8 I'm expanding now just to be clear.
9 Earlier I was asking just about
10 sexual harassment. So now it's a
11 broader question. Just someone
12 coming to you here or a supervisee
13 or even a supervisor to complain
14 about the work environment at the
15 Chamber?

16 A. Nothing comes to mind. Can
17 I just say --

18 Q. Yeah.

19 A. -- you know, it was an
20 incredibly demanding environment and
21 high pressure environment and
22 everyone was working, you know, some
23 version of 24/7. So I think we all,
24 you know, at some point vented
25 frustrations about other members of

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2 the team or about the work or, you
3 know, you know, things like that.
4 So, you know, it's a little
5 difficult for me to answer. But
6 nothing, you know, nothing sticks
7 out in my mind.

8 Q. All right. So are you
9 familiar with Ms. Boylan, Lindsey
10 Boylan?

11 A. Yes.

12 Q. And did you know her when
13 she worked for state government?

14 A. A little bit.

15 Q. Okay. And can you just
16 describe before she left your
17 interactions and relationship with
18 her, if any?

19 A. You know, almost entirely,
20 you know, cordial. I had very
21 limited interactions with her when I
22 worked in the Chamber. I was
23 working on the transportation
24 portfolio, at the time she was
25 working on economic development.

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2 Q. Right.

3 A. So you know my -- and, you
4 know, she was a member of senior
5 staff, I wasn't. So it was a, you
6 know, there were limited sort of
7 cordial, you know, mostly I would
8 say cordial interactions with her.

9 Q. And is this the period you
10 were describing she was deputy
11 secretary for economic development?

12 A. Correct.

13 Q. And what -- and I want you
14 to put aside for a moment questions
15 that came up later but when
16 Ms. Boylan left the Chamber at that
17 time did you have an understanding
18 as to why she left?

19 A. No.

20 Q. Now, what was your
21 impression of Ms. Boylan based on
22 the interactions you had with her at
23 the time that she was working within
24 the Chamber at the same time as you?

25 A. I'm not sure I had a strong

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2 opinion of her because we didn't
3 work together very much. Yeah. I
4 don't know that my -- I don't know
5 that I have like a noteworthy
6 opinion of -- of her when we worked
7 together because we didn't really
8 overlap on much stuff.

9 Q. Have you heard anything
10 about her secondhand and her
11 reputation before she left?

12 A. I had heard a story that
13 she -- that there was some sort of
14 conference call amongst some senior
15 staff and that, you know, she had
16 gotten into an argument with another
17 member of senior staff. Other than
18 that nothing really sticks out.

19 Q. Do you recall who the other
20 member of senior staff that she had
21 the argument with during the phone
22 call?

23 A. I -- I don't know. I'm not
24 sure I ever knew.

25 Q. All right. Why don't you

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2 go to tab 7.

3 (Exhibit 7, Text chain, marked
4 for identification, as of this
5 date.)

6 Q. If you want to refresh it
7 might be helpful just to look
8 through it. It's about four pages
9 of the chain.

10 A. Okay.

11 Q. So you see this is from
12 May 2019, it's a text chain it looks
13 like.

14 A. Yeah.

15 Q. Okay. And you see on the
16 third page that number at the bottom
17 says 468 -- 4648, do you see that?

18 A. Yes.

19 Q. And who's -- you see [REDACTED]
20 [REDACTED], it looks like a screenshot of
21 a text message from someone named
22 [REDACTED] [REDACTED]. Do you know who that
23 is?

24 A. Yes. He previously worked
25 in the Executive Chamber on the

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2 policy team. And -- yeah.

3 Q. And do you know who this
4 text exchange with [REDACTED] [REDACTED], who
5 the person he's exchanging texts
6 with in this screenshot? Do you
7 have an understanding or a
8 recollection of understanding?

9 A. No, I don't know.

10 Q. And do you see in the
11 screenshot looks like there's a
12 re-tweet by someone named Joseph
13 Velasquez of a Lindsey Boylan tweet.

14 Do you see that?

15 A. Yes.

16 Q. And Ms. Boylan's tweet
17 is -- and again this is May 2019 --
18 "I was the only mother of young
19 children on senior staff in my last
20 job in politics they didn't 'get it'
21 even with all the 'right' policies,
22 it was a toxic and demoralizing
23 experience."

24 "I was the only mother of
25 young children on senior staff in my

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2 last job in politics. They didn't
3 'get it' even with all the 'right'
4 policies. It was a toxic" --
5 period. "It was a toxic and
6 demoralizing experience." And
7 there's an ellipses there.

8 Do you recall Ms. Boylan
9 sending this tweet around May 2019?

10 A. I remember this tweet but I
11 don't remember when it was that I --
12 that I saw it.

13 Q. And you see this text chain
14 includes, looks like your cell phone
15 No. [REDACTED]. Do you see that?

16 A. Yes.

17 Q. So any reason to doubt that
18 you received this tweet and learned
19 about it around this time?

20 A. No.

21 Q. Okay.

22 A. And just to be clear, I
23 just wasn't sure if that tweet was
24 contemporaneous to the text or not
25 so that's why I said I don't know

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2 when I saw the tweet.

3 Q. Yeah. Okay. And then if
4 you see on the first page is a tweet
5 from Mr. Malatras, and I understand
6 Mr. Malatras is a former employee of
7 the Chamber. Is that your
8 understanding?

9 A. Correct.

10 Q. And he left at a certain
11 point to go be the president of
12 CUNY, do you recall that? I'm
13 sorry, SUNY, I believe.

14 A. Yeah, he -- I don't know
15 his exact trajectory but he is --
16 yes, that is where he is now.

17 Q. Do you recall just looking
18 at these messages around this time
19 May 2019 where Mr. Malatras was
20 employed?

21 A. I don't.

22 Q. So he says in his message,
23 I don't know if it's a typo, but it
24 says, "Agree. She's [REDACTED] [REDACTED],
25 the staff [REDACTED] her, she was [REDACTED]

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2 and [REDACTED]."

3 Do you see that?

4 A. Yes.

5 Q. Do you have an
6 understanding of what Mr. Malatras
7 meant by that? Who is he is
8 referring to and what he meant?

9 A. No. I mean I read this as
10 he had -- this reads to me as he
11 had, you know, interactions with her
12 that would obviously lead him to
13 have a negative view of her.

14 Q. And did you ever learn the
15 basis for Mr. Malatras's parent
16 negative view of Ms. Boylan?

17 A. Not that I can recall, no.

18 Q. All right. And then if you
19 look a couple of pages later, it's
20 -- at the bottom it says 4650.

21 A. Um-hmm.

22 Q. And it looks like this is
23 also from Mr. Malatras. It says
24 Malatras to Boylan. "Boylan go fuck
25 yourself."

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2 Do you see that?

3 A. Yes.

4 Q. Do you recall, you know,
5 you are a recipient of the text
6 message, but do you recall any
7 conversations outside of this chain
8 related to Ms. Boylan's tweet about,
9 among other things, toxic and
10 demoralizing experience in her last
11 job in politics around this time
12 frame? And I want to just focus it
13 in this time frame, May 2019 and
14 thereabouts.

15 A. Do I have any recollection
16 of why she said that at that time,
17 is that what you are asking?

18 Q. No. My question was do you
19 recall other conversations amongst
20 staff or others about her tweet in
21 this time period?

22 A. Not that I can recall. I
23 remember -- there was -- I'm having
24 a hard time remembering like the
25 timeline of events but at a certain

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2 point Jim tweeted, I remember Jim
3 tweeted that -- that it was a
4 welcoming place for parents and, in
5 fact, he brought his son, his young
6 son, to work some days and there's,
7 you know -- and then he attached a
8 photo of his young son and the
9 Governor together as they were
10 preparing for state of the state or
11 budget or something like that. So I
12 don't -- I don't remember that --
13 when exactly that was but I don't
14 know if Lindsey was replying to
15 Jim's tweet but I remember that that
16 was a -- I remember that that was a
17 tweet that had, you know, Jim had
18 tweeted at some point. And I also
19 remember later at some point a
20 reporter asking if we pushed Jim or
21 asked Jim to say something nice
22 about the work environment for
23 parents of young kids. And the
24 answer was no, we hadn't.

25 Q. And if you can go to the

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2 next tab, tab 8.

3 (Exhibit 8, Text chain, marked
4 for identification, as of this
5 date.)

6 Q. It's another text chain and
7 I believe it's the next couple of
8 days. You can flip through as much
9 as you need to but if you go to 4671
10 there's a tweet of apparently
11 Mr. Malatras.

12 A. Yeah, that was the tweet I
13 was thinking of.

14 Q. On the page 4671?

15 A. Correct.

16 Q. And I think you just said
17 the answer was no, but, you know, I
18 was going to ask the question
19 whether you know if anyone from the
20 Executive Chamber encouraged,
21 suggested Mr. Malatras send a tweet
22 like this in response to
23 Ms. Boylan's earlier tweet?

24 A. Correct. My -- my
25 understanding was he did it on his

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2 own because he felt, you know, in
3 his experience, you know,
4 differently.

5 Q. And you said you got a
6 question from a reporter about that
7 subject. Do you recall was the
8 question asked to you or to someone
9 within the Chamber around this time
10 frame when Mr. Malatras sent the
11 tweet or a later time frame?

12 A. I don't -- I don't
13 remember.

14 Q. And then kind of broadening
15 a bit. Do you recall any press
16 inquiries at all related to
17 Ms. Boylan's tweet in 2019 about,
18 you know, a toxic and demoralizing
19 experience at the Executive Chamber?

20 A. No.

21 Q. All right. And if you look
22 at -- so the next page, 4672.

23 A. Yeah.

24 Q. You see Ms. Boylan
25 apparently re-tweets her original

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2 tweet four days later. She says,
3 "For the record here's what I wrote
4 and I stand by it now and in the
5 future if anyone anywhere come at
6 me."

7 Do you see that?

8 A. Yes.

9 Q. And then if you go to 4680
10 in the same chain. Do you see
11 Mr. Malatras -- I'm sorry, are you
12 there yet? Sorry.

13 A. 4680, yeah.

14 Q. Yeah. E-mail -- sorry,
15 text from Mr. Malatras at 1:11 p.m.
16 on May 23rd.

17 A. Yes.

18 Q. And he puts "come at me" in
19 quotes and then says, "The places I
20 could go with that but I'm a matured
21 president now."

22 Do you see that?

23 A. Yes.

24 Q. Do you recall having an
25 understanding of what he meant by,

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2 "Come at me and the places I could
3 go with that, I'm a matured
4 president now"?

5 A. No, I don't know what he
6 meant.

7 Q. By the way, there's a gmail
8 address there, [REDACTED]@gmail.com.
9 Do you see that?

10 A. Yes.

11 Q. Is that Jill DesRosiers's
12 gmail address, do you know?

13 A. I would assume but I don't
14 know for sure.

15 Q. Do you know, did you
16 ever --

17 A. It says, sorry -- it says
18 Jill DesRosiers right next to that,
19 so yeah.

20 Q. Okay. Fair enough. And
21 then has paren owner?

22 A. Yeah.

23 Q. Did you ever use your
24 personal e-mail address for
25 communications with other members of

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2 the executive staff when you were --
3 Executive Chamber staff while you
4 were employed there?

5 A. Yes. It was on rare
6 occasions for nongovernment-related
7 work.

8 Q. What were you referring to
9 as nongovernment-related work?

10 A. An example would be if the
11 Governor was going to be attending a
12 reception in the evening that was,
13 you know, related to the campaign,
14 the planning for that would be done
15 on -- would have been done on, you
16 know, personal devices, personal
17 e-mail.

18 Q. And what was your
19 understanding as to why the planning
20 for that type of event would be done
21 over personal e-mail?

22 A. Because it's a
23 nongovernment activity.

24 Q. Is that something you were
25 told at some point when you were an

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2 employee of the Executive Chamber,
3 that that was a rule?

4 A. I believe I had a
5 conversation with a number of
6 counsels' office related to that at
7 some point.

8 Q. Just while we are on this
9 subject, did you have a BlackBerry
10 when you were a member of the
11 Executive Chamber?

12 A. Yes.

13 Q. And did you use the
14 BlackBerry to both e-mail and send
15 BlackBerry PINs?

16 A. Yes.

17 Q. Obviously we are looking at
18 text messages as well I believe.
19 Was that when you texted when you
20 were a part of the Executive
21 Chamber, was that on your BlackBerry
22 or was it a separate phone? I guess
23 we are talking about the [REDACTED] for
24 you.

25 A. It was almost always the

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2 personal cell phone, the [REDACTED] number
3 because -- in part because the text
4 messaging function of the BlackBerry
5 was deactivated early in my tenure
6 in the Executive Chamber.

7 Q. Was there a rhyme or reason
8 as to when folks would use
9 BlackBerry PIN versus text message
10 that you have a recollection of?

11 A. No.

12 Q. All right. Were you aware
13 of any document retention policies
14 or procedures while you were a
15 member of Executive Chamber staff?

16 A. I had a conversation with a
17 member of counsel's office related
18 to e-mail which I understand to be
19 privileged. But other than that not
20 to my recollection.

21 Q. Okay. So no conversations
22 regarding PINs or text messages and
23 document retention that you recall?

24 A. Sorry. Just to be clear,
25 you are asking if I was ever been

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2 spoken to about it or had a
3 conversation about document
4 retention or if I had -- or what my
5 general understanding was?

6 Q. Yeah, more the latter, I'm
7 more interested about your
8 understanding and then, you know,
9 I'll follow up to ask where you got
10 the understanding, but did you have
11 an understanding that there was a
12 policy related to the retention of
13 PINs and texts -- and/or texts?

14 A. I was not aware of any
15 policy other than if there is an
16 area in which there is an
17 investigation or a litigation, you
18 know, do not -- it is incumbent on
19 you to retain all your documents.

20 Q. And you know, without --
21 I'm not asking about anything
22 privileged, but did you have an
23 understanding whether there was a
24 policy on outside of the litigation
25 or investigation context of

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2 regularly or on some sort of cycle
3 deleting communications, whether
4 e-mail, text and any other type of
5 communication?

6 A. Outside of the conversation
7 that I had with counsel's office you
8 are saying?

9 Q. Yeah.

10 A. Not to my recollection.

11 Q. I have a couple more
12 questions I could do now or we could
13 break it -- it's -- for lunch. It's
14 up to you.

15 A. I'm fine doing a couple
16 more.

17 Q. All right. Do you
18 recall -- turning back to
19 Ms. Boylan, do you recall around the
20 time of this exchange she had
21 announced that she was running for
22 Congress?

23 A. Yes.

24 Q. And was there -- let me
25 just ask you if you go to tab 12.

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2 (Exhibit 12, Texts, marked for
3 identification, as of this date.)

4 A. Okay.

5 Q. The first page looks like a
6 text from Ms. Derosa to, looks like
7 the same group as earlier.

8 A. April 20, 2019?

9 Q. Yeah. So it's a little bit
10 -- it's about a month before the
11 text messages. There's some
12 blacking out, which is the way it
13 was provided to us. So if you look
14 at the -- it's the second e-mail
15 actually but it looks to be the
16 earlier in time e-mail with the name
17 blacked out.

18 A. Um-hmm.

19 Q. And it says, "I was
20 disappointed to read that you
21 floated your name as a primary
22 opponent to Jerry Nadler."

23 Do you recall that when
24 Ms. Boylan announced that she was
25 going to run for Congress she was

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2 running against Jerry Nadler in the
3 primary?

4 A. I remember that it was
5 going to be against Jerry, yes.

6 Q. And then that e-mail it
7 says, "It is a shame that you did
8 not listen to me. Of course I'm
9 totally behind Nadler. If you run,
10 I seriously doubt you will reach the
11 11 percent level his last opponent
12 did and, unfortunately, you may have
13 seriously impaired any realistic
14 chance to run for" office -- "to run
15 for the other offices you were
16 considering."

17 Do you see that?

18 A. Yes.

19 Q. Okay. And then Ms. Derosa
20 sends it around. Do you have a
21 recollection of this exchange that
22 you received?

23 A. No.

24 Q. Any recollection of the
25 first in time e-mail, the 11:27 a.m.

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2 e-mail who the sender of that e-mail
3 was?

4 A. I don't know who that was.

5 Q. And then the next tab
6 actually, 13.

7 (Exhibit 13, Texts, marked for
8 identification, as of this date.)

9 Q. So this is a little bit
10 later in July, also of 2019. And if
11 you look just for context at the
12 first text, which is from
13 Ms. Derosa.

14 A. Um-hmm.

15 Q. Do you see -- if you just
16 read the link that's being sent
17 around, do you see it's a Daily News
18 link?

19 A. Yes.

20 Q. And if you look at the, I
21 guess, you know, the full HGML it
22 looks to be an article about Nadler
23 and Boylan primary challenger.

24 Do you see that?

25 A. Yes.

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2 Q. Okay. And then there's a,
3 looks like picked up a photo of
4 Ms. Boylan in the -- in the chain?

5 A. Yes.

6 Q. Okay. All right. And so
7 Mr. Malatras replies -- this is the
8 Document 4705 -- he writes, "My
9 God," he leaves out the O. Do you
10 see that?

11 A. Yes.

12 Q. And then Mr. -- and you see
13 yourself on this chain, it looks to
14 be the same group or similar group?

15 A. Yes.

16 Q. Okay. Mr. Azzopardi writes
17 back, "Well, there goes whatever
18 progress I have made this week."

19 Do you see that?

20 A. Yes.

21 Q. Do you have an
22 understanding of what he meant by
23 that?

24 A. No.

25 Q. Okay. Do you recall any

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 efforts being made by Mr. Azzopardi
3 or anyone else in the Chamber to try
4 to push back against Ms. Boylan's
5 congressional aspirations?

6 A. No.

7 Q. Do you recall before
8 February and -- allow me to say
9 this, before December 2020. So 2019
10 and then before -- you recall just
11 to be clear what I'm talking about,
12 that we will get to it, but
13 eventually Ms. Boylan posted some
14 additional tweets in December
15 of 2020 and then later again in
16 February 2021 there was the Medium
17 post?

18 A. Yes.

19 Q. So I'm talking to you
20 before that series of events
21 beginning in December 2020, do you
22 recall talking to anyone in the
23 media about Ms. Boylan's
24 congressional campaign?

25 A. No.

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2 Q. And then do you see on the
3 next page Ms. Benton writes back,
4 "When do we release the nuclear
5 crazy file, I'm ready to testify."

6 Do you see that?

7 A. Yes.

8 Q. And then it looks like on
9 the next page 4708, Mr. Malatras
10 likes that text, do you see that, at
11 least according to what's written on
12 the page?

13 A. Yes.

14 Q. And then it looks like on
15 the next few pages Mr. Malatras
16 sends an image of what looks like a
17 nuclear explosion?

18 A. Yes.

19 Q. Do you recall having an
20 understanding of what Ms. Benton was
21 referring to as the nuclear crazy
22 file?

23 A. No.

24 MR. MUKHI: I think now would
25 be a good time for a break. How

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long do you want to do? We can go
off the record.

THE VIDEOGRAPHER: Standby.
The time is 12:45 p.m. We are
going off the record and this will
end media unit number two.

(Luncheon recess: 12:45 p.m.)

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2 A F T E R N O O N S E S S I O N
3 (Time noted: 1:32 p.m.)
4 P E T E R A J E M I A N, resumed
5 and testified as follows:

6 THE VIDEOGRAPHER: The time is
7 1:32 p.m. We are back on the
8 record. This will be the start of
9 media unit number three. Counsel.

10 EXAMINATION BY (Cont'd.)

11 MR. MUKHI:

12 Q. Mr. Ajemian, before we took
13 the lunch break we were talking
14 about tweets concerning Ms. Boylan
15 that were sent in 2019.

16 Do you recall that?

17 A. Yes.

18 Q. So now if you go to tab 10,
19 and we alluded to this earlier,
20 there were -- there was actually a
21 series of tweets from Ms. Boylan in
22 December of 2020?

23 A. Okay.

24 Q. Do you recognize this
25 thread of tweets by Ms. Boylan?

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2 A. Yes. Sorry, I'm still
3 reading them but, yes, a general
4 sense of yes, these tweets, and
5 remember them.

6 Q. Okay. Now, let me actually
7 -- do you recall having
8 conversations with other members or
9 the Executive Chamber around, again,
10 December 2020 around Ms. Boylan's
11 tweets and potential responses by
12 the Executive Chamber?

13 A. I don't -- I don't recall
14 having conversations around that --
15 around those -- those days. I guess
16 December 5th and December 13th is
17 what you are asking about?

18 Q. Yeah, looks like there's a
19 series of tweets December 5th, then
20 if you go to the next page looks
21 like there's another, it's either
22 continuation of the thread or
23 different thread December 8th. Do
24 you see that at the top of page --
25 the next -- the second page?

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2 A. Yeah. Sorry, yeah,
3 December 5th and December 8th, yeah.

4 Q. And then a new thread it
5 looks like that's started on
6 December 13th with a couple of
7 tweets and sub-tweets or responses
8 within the tweets by Ms. Boylan.

9 Just around this general time
10 frame, December 2020, do you recall
11 conversations with other members of
12 the Executive Chamber about
13 responding to the tweets in any
14 fashion?

15 A. I don't have a clear memory
16 of it. I -- I at least initially
17 don't remember being involved in the
18 initial response to these -- to
19 these tweets. Again, I don't have a
20 perfect memory, I may have but I
21 don't -- I may have had a
22 conversation or there may have been
23 a text about it but I don't think I
24 participated in the response, the
25 initial response related to these

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2 tweets.

3 Q. What do you mean by the
4 initial response, what's the
5 demarcation here you are making?

6 A. If I recall correctly, the
7 first time the Governor's office
8 responded on the record would have
9 been December 13. What day was
10 December 13?

11 Q. What day of the week? I
12 can check.

13 Looks like it was a Sunday.

14 A. Yeah. So I -- if I
15 remember correctly, that was the
16 first day that the Governor's office
17 commented and I wasn't involved in
18 that response.

19 Q. Okay. And --

20 A. I'm not sure if there was a
21 response related to the prior
22 tweets.

23 Q. Okay. And were you aware
24 of the response that was made on or
25 about December 13th?

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2 A. I don't remember. I don't
3 remember -- yeah.

4 Q. And so when you are
5 referring to your response that you
6 recall, your recollection is you
7 weren't involved, is that an
8 on-the-record response from
9 December 13th?

10 A. I don't remember.

11 Q. Okay. Were you involved in
12 any off-the-record responses --

13 A. No.

14 Q. -- around this time period,
15 December 2020?

16 A. December 2020?

17 Q. Yeah.

18 A. Responses to these tweets?

19 Q. Well, we can maybe -- maybe
20 I'm being too precise. Generally
21 were you involved in any
22 communications regarding Ms. Boylan
23 in this time frame, December 2020?

24 A. At some point I think it
25 was several -- I think it was, you

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2 know, it was after this
3 December 13th, December 5th,
4 December 8th, December 13th, I
5 became involved in, I think, certain
6 conversations related to how to
7 respond.

8 Q. So still -- is your
9 recollection it's still
10 December 2020 but it's after
11 December 13th?

12 A. I believe so but again I
13 don't have a -- yeah, I don't have a
14 clear memory of it.

15 Q. Okay. And what do you
16 recall about those conversations?

17 A. I think there was at a
18 certain point the Governor. So the
19 Governor, if I'm not mistaken, was
20 doing press briefings on COVID at
21 that time, like regular press
22 briefings and he was going to
23 respond -- he was going to -- the
24 presumption was he was going to get
25 asked about these tweets and this

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2 would be the first time that he
3 would be in front of the press
4 subsequent to these tweets and so I
5 remember that there was a draft
6 answer that he was prepared to give
7 and that he -- and that he ended up,
8 you know, giving some version of
9 that draft answer.

10 Q. Okay. Anything else you
11 recall about after December 13th
12 your involvement in discussions
13 around Ms. Boylan and communications
14 with the press?

15 A. I remember there was -- at
16 some point there was a, I think a
17 call in which there was a
18 conversation among some group of
19 people, you know, about -- about
20 texts or messages that Lindsey had
21 sent to senior -- a couple members
22 of senior staff and, you know,
23 whether it was worth -- yeah, the
24 messages were, you know, difficult
25 in tone, you know, and if I remember

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2 correctly, she took issue with an
3 Executive Order that the Governor
4 had done related to COVID and she
5 viewed it as a -- she viewed it as
6 being targeted at her, which to my
7 knowledge seemed obvious not to be
8 the case given that it was a public
9 health emergency.

10 And so she essentially, you
11 know, wrote messages to a couple
12 members of senior staff saying that,
13 you know, she would find a way to,
14 you know, pay us back somehow. So I
15 remember there was a question about
16 whether it was worth sharing those
17 messages with the press.

18 Q. Do you know whether those
19 messages were shared with the press
20 in that time period, December 2020?

21 A. I don't know. I did not
22 and I don't -- I don't know for sure
23 and remember, you know, clearly if
24 someone else did.

25 Q. Do you recall a discussion

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2 about sharing any other materials
3 regarding Ms. Boylan during this
4 time frame --

5 A. No.

6 Q. -- with the press?

7 We will get to some questions
8 you got around this subject in
9 March 2021. But do you recall
10 questions you received in that time
11 frame about Executive Chambers staff
12 providing something that was
13 described as Lindsey Boylan's
14 personnel file to reporters in the
15 December 2020 time frame?

16 A. Do I remember having
17 conversations about her personnel
18 files in December 2020?

19 Q. First my question is do you
20 remember the conversations from
21 March 2021 when you were asked about
22 folks in the Chamber releasing the
23 personnel file a few months earlier?

24 A. Yes. Are you -- when I was
25 asked in March 2020 [sic], you mean

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AJEMIAN - HIGHLY CONFIDENTIAL
by The New Yorker, when I was asked
by The New Yorker?

Q. I believe it was The New
Yorker -- New Yorker and others.

A. Yes.

Q. Do you recall being part of
any conversations in December -- let
me back up. Do you remember the
conversations with The New Yorker in
March of 2021 about Lindsey Boylan's
personnel file? So do you remember
any conversations earlier in
March 2021, including in December of
that prior year, about Lindsey
Boylan's personnel file?

A. No.

Q. Do you recall, for example,
calling -- do you know who [REDACTED]
Staffer #6 is?

A. Yes.

Q. Do you recall calling her
with Mr. Azzopardi and Ms. Derosa in
the December 2020 time frame to
discuss providing Ms. Boylan's

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2 personnel files to members of the
3 press?

4 A. No.

5 Q. If you go to tab 34.

6 (Exhibit 34, E-mail with
7 dial-in number, marked for
8 identification, as of this date.)

9 Q. You see that this is a
10 dial-in that's being set up for --

11 A. Yes.

12 Q. And an MDR call from
13 Melissa Derosa?

14 A. Yes.

15 Q. And do you see on the to
16 line it looks like, correct me if
17 I'm wrong, there's some assistants
18 and then there's also some
19 individuals who work at the Chamber
20 and other state agencies?

21 A. Yes.

22 Q. And then if you look under
23 it says recurrence none and then it
24 looks like there's a list of
25 individuals who are also on the to

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2 line.

3 Do you see that?

4 A. Um-hmm, yes.

5 Q. So it's Rich Bamberger.

6 Who is he?

7 A. He was formerly the
8 communications director to the
9 Governor and now works at the
10 communications consulting firm
11 Kivvit.

12 Q. And John Vlasto, who is he?

13 A. Josh Vlasto is -- he was
14 formerly the communications director
15 for the Governor and he also works
16 at Kivvit now.

17 Q. And then was Ms. Lever an
18 employee of the Chamber at this
19 point in December of 2020, do you
20 recall?

21 A. No.

22 Q. She was not or you don't
23 recall?

24 A. She was -- she was not.

25 She was not an employee of the

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2 Chamber.

3 Q. Okay. And Mr. Cohen, do
4 you know what his role, his place of
5 employment was during this time
6 frame?

7 A. My understanding was he was
8 giving, providing counsel, providing
9 advice and counsel.

10 Q. Do you know where he worked
11 at this point in time? It's
12 obviously an ESD.NY.Gov e-mail
13 address. Did you have an
14 understanding whether he was an
15 employee of ESD?

16 A. Yes. So he was chair of
17 ESD at that time. So I would have
18 known that he was chair of ESD at
19 the time.

20 Q. And then Mr. Azzopardi we
21 have covered and then yourself.

22 How about Linda Lacewell?

23 A. She similar to Steve was,
24 you know, I would say someone who
25 gave advice and counsel and was

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2 also, you know, very involved in the
3 COVID response.

4 Q. What do you recall about
5 this December 15, 2020, call?

6 A. The question is what, if
7 anything, do I remember from that
8 call?

9 Q. Yeah.

10 A. I don't remember. I don't
11 have a clear memory of that at all.

12 Q. Do you have a general
13 memory of the call?

14 A. If that was the 15th, it
15 was, I think, generally related to
16 whether Lindsey Boylan was going to
17 make any further accusations or
18 allegations, like more detailed
19 allegations than just the tweets.

20 Q. What do you recall about
21 the discussion surrounding that with
22 this -- this group?

23 A. I don't remember. I think
24 it was again, you know, was there
25 more that she was going to say, was

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2 it going to be more detailed. And
3 again, I can't -- I can't really
4 remember more clearly.

5 Q. So in a way you kind of
6 described the subject as a couple of
7 questions that were being debated.
8 Do you recall what the -- what
9 people were saying about the
10 potential response, whether it was
11 likely she was going to come out,
12 whether it was unlikely, what was
13 the sort of general discussion
14 around those questions?

15 A. I don't really remember.

16 Q. I'm just curious. How
17 frequently would you speak to Rich
18 Bamberger, Josh Vlasto, Steve Cohen,
19 Linda Lacewell, Dani Lever after she
20 left, about issues related to press
21 communications or other strategy
22 relating to the Chamber in this --
23 in this time frame?

24 A. My recollection is it would
25 have been -- it would have been

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2 limited because we were also
3 obviously still dealing with, you
4 know, we were very focused on the
5 second wave of COVID, vaccine
6 rollout or the start of the vaccine
7 rollout so I may have called them
8 for, you know, here and there for
9 advice generally speaking, you know,
10 about various things that we were
11 working on, but -- but I think at
12 that time it probably would have
13 been limited.

14 Q. Okay. So what I'm trying
15 to get at is, you know, it seems
16 like this would be around this time
17 frame at least a somewhat unique
18 group of folks to get together and,
19 you know, given the fact that it is
20 somewhat unique, you know, whether
21 you could add more to what happened
22 on this call, doesn't seem like
23 just, you know, one of ordinary
24 course calls you would have during
25 any given week, this one was a

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2 little different so I'm trying to
3 test your memory here what else you
4 might recall about the discussion
5 that day.

6 A. Yeah, again, I mean I think
7 it was -- it was what, if anything
8 else, was she going to say, meaning
9 Lindsey Boylan, and how to deal with
10 the response generally. It may have
11 been, you know, what should the
12 Governor say. You know, again, I
13 don't -- I don't have a very clear
14 recollection of it.

15 Q. Any recollection one way or
16 the other whether Ms. Boylan's
17 personnel information was discussed
18 on this call?

19 A. No. Meaning I don't have
20 any recollection of being a part of
21 a call in which her personal record
22 was discussed at that time period.

23 Q. So I want to go to -- let
24 me find it. Do you recall
25 maintaining a spreadsheet of

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2 allegations and potential responses,
3 do you recall a document like that
4 that you would maintain?

5 A. A document of potential
6 responses?

7 Q. Yeah, just go to tab 20.
8 You can just tell me if you
9 recognize it and, if you do, what it
10 is.

11 (Exhibit 20, Notes on iPhone,
12 marked for identification, as of
13 this date.)

14 MR. MUKHI: Why don't we go
15 off the record.

16 THE VIDEOGRAPHER: The time is
17 1:57 p.m. We are going off the
18 record.

19 (Brief recess.)

20 THE VIDEOGRAPHER: The time is
21 1:58. We are back on the record.

22 Q. Mr. Ajemian, we just
23 clarified off the record that it
24 appears that the document we are
25 looking at is a compilation of notes

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2 in the notes application on your

3 iPhone.

4 Did you use that notes

5 application to maintain different

6 files or notes on issues related to

7 the allegations against the

8 Governor?

9 A. I used it as a -- as a

10 means to keep notes on, yes, things

11 on this matter.

12 Q. And if you go to, it starts

13 on page 10, dated February 24th,

14 2021, and it's the second row, full

15 row on this page -- sorry, first

16 full row, second row starts "Heard

17 there might be a conf in the

18 Assembly today."

19 Do you see that?

20 A. "Heard there might be a

21 conf in Assembly today"?

22 Q. Yeah. So if you read, I

23 think it continues onto page 11. So

24 if you just -- why don't you just

25 take a minute to read that I'll call

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2 it cell that continues onto page 11.

3 (Witness complies.)

4 A. Yes.

5 Q. So can you just explain
6 your notes in this section of the
7 document?

8 A. Heard there might be a conf
9 in Assembly today. I don't know
10 what that meant except -- I don't
11 remember what that meant. Conf
12 would be conference in the Assembly,
13 when the members of the Assembly
14 meet to discuss issues. Initial
15 hope was to do this afternoon
16 11:00 a.m. conference if nothing
17 come out of that.

18 So I don't know exactly what
19 that was.

20 March 25th set something up by
21 tomorrow that would be great. I
22 don't know what that is.

23 And then the paragraph
24 starting this is an ongoing and
25 transparent attempt, if I recall

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2 correctly was an early draft of the
3 -- of an on-the-record response
4 following Lindsey's Medium post. It
5 was drafted by someone else, I don't
6 know who. I think it was shared
7 with me in an e-mail. This was an
8 initial -- and then it looks like
9 underneath that is an iteration of
10 that draft, neither of these ended
11 up being used with the press.

12 Q. They were not used as
13 on-the-record statements; is that
14 right?

15 A. Correct. Or in any manner
16 that I -- that I recall.

17 And then this -- and then
18 underneath the next sort of dash is
19 another draft of a response.

20 Q. That's the from Caitlin
21 Girouard?

22 A. Yes. Which I believe the
23 -- I believe the on the record, the
24 quoted portion from Caitlin was what
25 we ended up using. The additional

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 information I believe is a draft
3 that we didn't use, if I recall
4 correctly.

5 Q. A draft of what?

6 A. Of a statement that would
7 have gone out in re- -- you know,
8 the official response from the
9 Executive Chamber in response to her
10 Medium post.

11 Q. So in the additional
12 information section there's a part
13 that's in quotes and looks like it's
14 from an Associated Press report.

15 Do you see that?

16 A. Yes.

17 Q. Okay. And then above that
18 is a statement "Ms. Boylan's
19 previous claims that she tried to
20 quit the administration were already
21 proven false as she resigned after
22 being counseled for abuse and
23 harassment of three different female
24 subordinates after which she
25 unsuccessfully asked for her job

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2 back."

3 Do you see that?

4 A. Yes.

5 Q. So did you -- did you write
6 that note in here that's contained
7 in these notes?

8 A. No, not to my recollection.

9 Q. So where did that come
10 from?

11 A. I don't recall.

12 Q. Okay.

13 A. There may -- there may be
14 an e-mail in which, you know, that
15 -- that's clearer but I don't
16 remember.

17 Q. Your recollection is the
18 additional information
19 off-the-record information to
20 provide to reporters potentially?

21 A. It is -- it's another way
22 of saying background. So not for
23 quoting but as sort of like FYI.

24 Q. For reporters?

25 A. Yes.

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2 Q. And before the additional
3 information section those you said
4 were draft on the record quotes that
5 you believe were -- were not
6 actually used, is that your
7 recollection?

8 A. Correct.

9 Q. Related to at least the two
10 quotes related to Lindsey Boylan?

11 A. Correct. The two -- the
12 initial two?

13 Q. Right.

14 A. Correct. The one that says
15 from Caitlin Girouard in front of it
16 looks like -- looks like what ended
17 up being the final version of the
18 statement.

19 Q. Okay. And do you recall
20 why the draft statements concerning
21 Lindsey Boylan around this time
22 frame, February 2020, after the
23 Medium post weren't used?

24 A. Why these two draft
25 statements weren't used?

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2 Q. Yeah.

3 A. I think that there was an
4 -- I think that there was an --
5 there was an argument by some that,
6 made by some that it should be just
7 more factual about whether or not
8 the allegation was true or not. And
9 providing just a more streamlined
10 answer, which is what the office
11 ended up releasing.

12 Q. And do you recall any
13 discussion about not going on the
14 record with these statements because
15 it would constitute retaliation
16 against Ms. Boylan?

17 A. I don't remember.

18 Q. How about the additional
19 information, the background
20 information, what do you recall
21 about why the decision was made not
22 to use that in February 2021?

23 A. I don't remember.

24 Q. So you don't recall a
25 similar conversation you just

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 described about sticking more to the
3 facts of the allegations in
4 connection with deciding not to use
5 the background information that's
6 described here in your notes?

7 A. Sorry, to be clear, you
8 know, it may have been that it was
9 -- that the conversation about
10 streamlining the answer and arguing
11 for a more streamlined answer
12 related to the allegation --
13 speaking to the allegations
14 specifically, could have resulted in
15 limiting this additional -- you
16 know, cutting out -- could have
17 resulted in cutting out this
18 additional information part. I just
19 don't remember -- I just don't
20 remember exactly.

21 Q. All right. So let me see
22 if I can clarify this. So you
23 recall some conversation around this
24 time frame about not using
25 information that's described in this

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2 note with the press including the
3 references to her being counseled --
4 Ms. Boylan being counseled for abuse
5 and harassment because in your words
6 there was the view of some that the
7 response should be more streamlined?

8 A. Should be more streamlined
9 and focused on her specific
10 allegations in the Medium post, yes.

11 Q. And let me just to broaden
12 it. Do you recall any conversations
13 around this time frame,
14 February 2021, among Executive
15 Chamber staff that there shouldn't
16 be discussions with the press about
17 Ms. Boylan's personnel history
18 because doing so might constitute
19 retaliation in response to her
20 allegations either in the Medium
21 post or previously?

22 A. I don't remember a
23 conversation of that nature.

24 Q. Now, let's go to tab 35.

25 (Exhibit 35, E-mail, marked

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 for identification, as of this

3 date.)

4 Q. And if it helps for context
5 I think you referenced a New Yorker
6 piece earlier.

7 A. Yeah.

8 Q. If you look at tab 36, the
9 next tab.

10 A. Yep. Yes. Yes.

11 (Exhibit 36, New Yorker
12 article, marked for identification,
13 as of this date.)

14 Q. So that I believe is about
15 a week -- that New Yorker article is
16 about a week after this exchange.

17 A. Yes.

18 Q. Okay. So it looks like the
19 e-mail chain starts March 9, 2021.
20 Do you see that?

21 A. Yes.

22 Q. Okay. And it's a long
23 e-mail by you. Do you see that?

24 A. Yes.

25 Q. Let me know if this is

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 right, but are these notes that you
3 took of a call with The New Yorker,
4 the reporter who ultimately
5 published the article on the 17th?

6 A. Yes. Well, sorry, to be
7 clear, the start of the e-mail, my
8 e-mail on March 9th?

9 Q. Yeah. Yes. And maybe
10 starting where it says timeline of
11 the events in December.

12 A. So just, yeah. To be
13 clear, those initial three lines are
14 my view and then a draft answer
15 response. And then timeline of the
16 events in December starting from
17 there, those are notes from my
18 conversation with the reporter.

19 Q. Understood. And the
20 reporter, you believe it is the
21 reporter who published the -- who
22 wrote the March 17th New Yorker
23 article who ordered a smear campaign
24 against Andrew Cuomo's first
25 accuser?

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2 A. Yes.

3 Q. Do you recall who the
4 reporter was?

5 A. Eric Lach.

6 Q. And -- all right. Do you
7 recall that the article was going to
8 address, among other things, the
9 outlets in the press that had
10 obtained state government documents
11 relating to Ms. Boylan's job
12 performance?

13 A. That was what the article
14 was about, yes.

15 Q. In December 2020. The
16 article was about those documents
17 being sent to the press.

18 A. Yes.

19 Q. And now though, it looks
20 like you wrote to Ms. Derosa,
21 Ms. Lacewell, Ms. Garvey,
22 Mr. Azzopardi, Mr. Cohen and
23 Ms. Mogul.

24 Do you see that?

25 A. I wrote to them on

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2 March 9th?

3 Q. Yes.

4 A. At 12:13 p.m.?

5 Q. Yes.

6 A. Yes.

7 Q. Okay. And you wrote,

8 "Below is what the story looks like.

9 Deadline is 1:30 p.m. Where did we
10 land on the law. I tried rewriting

11 the response because we should not
12 be attacking people who make
13 allegations."

14 Do you see that?

15 A. Yes.

16 Q. "And my recommendation is
17 to break it up and have the first
18 part from Mike Volforte" -- what is
19 it Volforte?

20 A. Yes.

21 Q. -- "(if he would be
22 willing) and the second part from
23 the Chamber:" and then it's in
24 quotes, "as a general matter is
25 within the government entity's

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2 discretion to share redacted
3 personnel files with certain limited
4 exceptions including in instances
5 when members of the media ask for
6 such public information and when it
7 is for the purpose of correcting
8 inaccurate statements made in the
9 press as was the case in this
10 situation as it related to the
11 circumstances surrounding
12 Ms. Boylan's departure. In an
13 ongoing review by the State Attorney
14 General we cannot consider sharing
15 such documents at this time and
16 cannot comment further at this
17 time."

18 Do you see that?

19 A. Yes.

20 Q. Okay. When you said I
21 tried rewriting the response because
22 we should not be attacking people
23 who make allegations, do you know
24 what you were referring to as to
25 what you did a rewrite of, the

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2 original response that you, reading
3 through here, you tried rewriting?

4 A. It looks like I was
5 referring to an e-mail sent. If you
6 look earlier, that morning, it looks
7 like I was rewriting that draft.

8 Q. The two drafts that came
9 from Ms. Derosa?

10 A. Correct.

11 Q. Do you recall which
12 portions of Ms. Derosa's draft you
13 believed, if any, would be attacking
14 someone making allegations?

15 A. Sorry, I just need to
16 refresh myself on what this was.

17 I don't remember exactly what
18 I would have been referring to but I
19 would assume reading this back that
20 I was referring to the first,
21 depending on what version you are
22 looking at, the first --

23 Q. Yeah, sorry, there are
24 actually three versions. I think I
25 said two earlier.

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2 A. Yeah. Anything up to the
3 point of "as a general matter."

4 Q. So the statement that
5 "Ms. Boylan repeatedly
6 mischaracterized the terms of her
7 departure in the press she resigned
8 when confronted by allegations of
9 bullying and harassing three female
10 subordinates at ESD as well as
11 formal complaints against her by her
12 colleagues in the Executive Chamber.
13 She then subsequently asked for her
14 job back but her request was not
15 granted."

16 So you believe that's what you
17 are referring to as trying to
18 rewrite the response so as to not
19 attack people making allegations?

20 A. Right. And -- yes. And I
21 think it was, you know, probably
22 what I meant was, you know, we
23 shouldn't be doing things or saying
24 things that could be perceived as an
25 attack. But again, yes, generally

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2 that is I think the section that I
3 was referring to.

4 Q. What did you mean by where
5 did we land on the law?

6 A. There was an instruction to
7 find out or be clear on what the law
8 said, vis-a-vis employment records
9 and whether or not they can be
10 released in certain -- released to
11 the public, released to reporters in
12 certain situations, and I think
13 that's what I was referring to.

14 THE WITNESS: Can I ask you a
15 question?

16 MR. MUKHI: Let's go off the
17 record, please.

18 THE VIDEOGRAPHER: The time is
19 2:21. We are going off the record.

20 (Brief recess.)

21 THE VIDEOGRAPHER: The time is
22 2:32 p.m. We are back on the
23 record.

24 Q. Mr. Ajemian, if we go back
25 to the same e-mail, Cohen 000634 was

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2 the page we were looking at.

3 A. Yes.

4 Q. After your e-mail at 12:13
5 they -- there's -- it looks like you
6 reply to the same chain at 12:49.

7 Do you see that?

8 A. Yes.

9 Q. And talk through with
10 Linda. Is that Linda Lacewell?

11 A. Yes.

12 Q. There's a weak (ph)
13 version. "Beth will, Volforte agree
14 this is accurate. Should these
15 statements start coming from Mitra?"

16 Who is Mitra?

17 A. Mitra Hormozi, who is one
18 of the outside counsels to the
19 Executive Chamber on this matter.

20 Q. And then if you look above
21 that, it looks like -- if you go to
22 the prior page it looks like it's a
23 response from you again to the same
24 chain at 2:15. And then you say,
25 "Spoke with Beth." I assume Beth

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2 Garvey, Linda Lacewell and Judy
3 Mogul; is that right?

4 A. Correct.

5 Q. "Here's where we landed."
6 And then if we look at -- and then
7 you have a looks like on-the-record
8 quote for or a draft of one at least
9 for Beth Garvey?

10 A. Correct.

11 Q. And if you look at the
12 difference between that version in
13 your e-mail at 2:15 and the version
14 that's underneath the 12:13 e-mail,
15 do you see --

16 A. Yes.

17 Q. Let me know if you
18 disagree, I think the principal
19 change is there's a line in the
20 first sentence after correcting
21 inaccurate statements in the press.
22 That's in your 12:13 e-mail that
23 says, "As was the case in this
24 situation as it related to the
25 circumstances surrounding

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2 Ms. Boylan's departure." And that
3 portion of the sentence doesn't
4 appear in your 2:15 draft.

5 Do you see that?

6 A. Yes.

7 Q. Okay. Without getting into
8 anything privileged, do you recall
9 why that change was made?

10 A. I think that that was --
11 that was -- that change was made in
12 a conversation with one of the three
13 lawyers here.

14 Q. Okay. And is your
15 recollection that that was a
16 privileged conversation?

17 A. Yes.

18 Q. Now -- okay. So it looks
19 like in response, if you go to 6:33,
20 Melissa Derosa okays a statement, is
21 that right, where she says okay at
22 2:16?

23 A. Yes.

24 Q. All right. And then you
25 say, "Shipping." What does shipping

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2 mean in this context?

3 A. It means I was sending it
4 to the reporter. It was -- it meant
5 that I understood it to be a final
6 and approved version of the
7 statement and that I was sending it
8 to the reporter.

9 Q. And then is Ms. Garvey and
10 Ms. Lacewell clarifying that whether
11 Ms. Garvey should be listed as
12 acting counsel as opposed to special
13 counsel and senior advisor in the
14 next two e-mails?

15 A. Correct. Linda seems to be
16 suggesting that Beth should be --
17 should be identified as acting
18 counsel. Beth replied, "Not till
19 Friday."

20 Q. And then Ms. Derosa says,
21 "You have to explain what you mean
22 on background. She claims she tried
23 to leave multiple times, et cetera."

24 Do you see that?

25 A. Yes.

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2 Q. And then she -- that's at
3 2:21. And 2:27 she follows up
4 again, March 9th, "Peter, do you see
5 this and are you doing?"

6 Do you see that?

7 A. Yes.

8 Q. And then you say, "yes"
9 12 minutes later. Do you see that,
10 2:32?

11 A. Yes.

12 Q. So can you just explain
13 that exchange with Ms. Derosa?

14 A. She's saying you have to
15 explain what you mean on background.
16 She claimed she tried to leave
17 multiple times. I think Melissa is
18 saying that Lindsey claimed that she
19 tried to leave multiple times. I
20 don't fully understand what she was
21 saying. I don't think I fully
22 understood what she was saying at
23 the time or what the -- what the
24 point was of that. And -- yeah.
25 Then she said, "Peter, do you see

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2 this and are you doing?" I wrote
3 back, "Yes." I did see it. I don't
4 think that I called the reporter and
5 had a background conversation about
6 it.

7 Q. Okay. And why don't you
8 think you had that background
9 conversation about Ms. Boylan
10 claiming she tried to leave multiple
11 times, et cetera?

12 A. I didn't think that it was
13 a relevant detail. The story was
14 about -- in my mind, the main
15 question from the reporter was
16 whether it was permissible to -- for
17 the office to release her employment
18 record. We answered that question
19 and I thought that there wasn't
20 anything else worth saying in this
21 instance.

22 Q. Do you recall telling
23 Ms. Derosa that you were not going
24 to give that background to The New
25 Yorker reporter?

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2 A. I don't think -- I don't
3 remember. I don't remember.

4 Q. But your recollection is
5 you did not take her suggestion that
6 you explain on background that
7 Ms. Boylan tried to leave multiple
8 times, et cetera?

9 A. I don't recall saying to
10 her that I was not going to be
11 having that conversation with the
12 reporter.

13 Q. Right. But I guess I had a
14 slightly different question. You
15 don't recall having that
16 conversation with the reporter
17 either; is that right?

18 A. Correct.

19 Q. All right. Do you recall
20 around this same time that Ronan
21 Farrow from The New Yorker also was
22 writing a story?

23 A. Yes.

24 Q. And was it for the same
25 issue of The New Yorker, do you

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2 recall, as the piece we have been
3 discussing?

4 A. I don't remember but I
5 think it was a different issue.

6 Q. So -- and do you recall
7 interacting with Mr. Farrow in
8 advance of his story?

9 A. In advance of Ronan's
10 story? Yes.

11 Q. Yeah, yeah. Okay. Do you
12 recall that Mr. Farrow's story was a
13 follow-up interview with Ms. Boylan?

14 A. Yes.

15 Q. All right. Why don't we go
16 -- actually, why don't we hand this,
17 it's LL_AG_3156.

18 All right. Do you see this is
19 a chain, Sunday, March 14th between
20 you and several others?

21 A. Yes.

22 Q. Okay. And this, do you
23 recall, which article this related
24 to, whether it was the Ronan Farrow
25 article or?

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2 A. Let me just read this,
3 sorry.

4 Q. Yeah.

5 A. Yes, this would have been
6 related to the Ronan Farrow article
7 in The New Yorker.

8 Q. All right. And it looks
9 like there -- part of this chain is
10 listing out various allegations and
11 then responses underneath. Is that
12 accurate? Ms. Boylan's allegations
13 are bolded and then there's some
14 responses underneath. Is that
15 accurate description?

16 A. Beginning Sunday,
17 March 14th at 8:14 p.m.?

18 Q. Correct.

19 A. Yes. The bolded section
20 would be allegations that Ronan
21 Farrow relayed to me that he was
22 trying to report in his piece, yeah.

23 Q. You see the very last, if
24 you start with the 8:14 p.m., the
25 very last allegation, the bolded on

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2 the -- starts on the subject of
3 Melissa. It's the very last page,
4 3163 at the bottom.

5 A. The one that starts with on
6 the subject of Melissa she recounts?

7 Q. Yeah.

8 A. Yes.

9 Q. And I believe earlier you
10 testified that before Ms. Boylan
11 left, correct me if I'm wrong, you
12 had heard that she had had a run-in
13 or something of that sort on the
14 phone with another senior staff
15 member. Was that senior staff
16 member Ms. Derosa, do you recall?

17 A. No.

18 Q. Do you recall who it was?

19 A. I don't. And I just don't
20 want to -- I don't want to say a
21 name and have it not be that name so
22 I don't -- I don't have a clear
23 memory of who exactly it was, but I
24 would have remembered that it was
25 Melissa. And that also -- it seems

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2 to me way learned after the fact was
3 that conversation between -- that's
4 described in this last bullet was
5 Melissa and Lindsey one on one -- a
6 one-on-one conversation and the
7 argument that I alluded to earlier
8 was part of a conference call with
9 multiple people.

10 Q. All right. So do you see
11 in the first draft of these -- I'll
12 just refer to them as talking points
13 if that's okay.

14 A. Okay.

15 Q. There's from a spokesperson
16 and there's a response, proposed
17 response to the allegation.

18 Do you see that?

19 A. Yes.

20 Q. And then it looks like if
21 you go to another version that you
22 send at 10:06 p.m.?

23 A. Yes.

24 Q. The answer has changed from
25 Ms. Derosa's version and the version

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2 you sent around on the same section
3 that's on the subject of Melissa?

4 A. Yes.

5 Q. Okay. And now there's a
6 quote from Mr. Azzopardi that
7 doesn't refer to Ms. Boylan
8 specifically.

9 Do you see that?

10 A. Yes.

11 Q. And then Mr. Pollock says,
12 "He's good as long as you all have
13 fully litigated the last point and
14 we don't need to go back to where we
15 were."

16 Do you see that?

17 A. Yes.

18 Q. Who is Mr. Pollock?

19 A. He is -- he's a consultant
20 to -- I believe he's a consultant to
21 the Governor's campaign, reelection
22 campaign and he's been an outside
23 advisor to the Governor for many
24 years and he's head of Global
25 Strategy Group.

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2 Q. And when was he brought
3 into the discussions around
4 responding to allegations from
5 Ms. Boylan, if you recall?

6 A. I don't remember. Maybe --
7 I don't remember. Maybe sometime
8 early like 2021, if I remember
9 correctly, but I don't -- you know,
10 I don't exactly remember.

11 Q. Okay. Do you recall the
12 circumstances under which you found
13 out that Mr. Pollock was being
14 brought in to assist or looped into
15 the responses?

16 A. No, I don't remember.

17 Q. All right. What did you
18 understand him to mean, "I'm good as
19 long as you all have fully litigated
20 the last point and we don't need to
21 go back to where we were."

22 Do you recall a discussion
23 around this last point in the
24 talking points?

25 A. Yes. There was a

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2 discussion about whether the office
3 should explain -- explain that
4 conversation between Melissa and
5 Lindsey and give Melissa's
6 perspective on it. And clear --
7 yeah. So it seems that the version
8 that Jeff was commenting on did less
9 of that and so I think he was just
10 asking if that's -- if everyone was
11 comfortable with that approach.

12 Q. Okay. And then
13 Ms. Lacewell adds "Nothing about
14 these exchanges is unique or
15 interesting in this regard."

16 Do you know was that a comment
17 to add to the last answer there?

18 A. Well, I think she's saying
19 -- I think she's catching a typo
20 with --

21 Q. I see. The is?

22 A. -- the is.

23 Q. Got it. And so you say,
24 "Okay, fixing that and shipping. We
25 can do more work during fact

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2 checking."

3 Were you referring to fact
4 checking that would be done by The
5 New Yorker in advance of
6 publication?

7 A. Correct.

8 Q. So now there's a response
9 from Ms. Derosa, do you see that,
10 the next response after your 10:15?
11 If you go to 3156.

12 A. At 10:24 p.m.?

13 Q. Correct.

14 A. Yes.

15 Q. So she says, "Some changes
16 involved," this is right at the top
17 of her e-mail, "what happened to
18 that last answer. This is not, all
19 caps, what we are shipping. We
20 discussed this extensively and we
21 are answering that question."

22 Do you see that?

23 A. Yes.

24 Q. Okay. And then Ms. Garvey
25 writes back, "We don't have to make

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2 news with that answer and it can be
3 spun as retaliatory."

4 Do you see that?

5 A. Yes.

6 Q. And Ms. Derosa asks,
7 "Retaliatory how? If you want to
8 cut out the last part and make
9 purely factual find, but how is it
10 retaliatory to respond to her
11 attacks factually."

12 And then Ms. Derosa puts in
13 text, "Lindsey routinely
14 circumvented the senior staff and
15 went directly to the Governor which
16 disrupted communication
17 organization. She was asked many
18 times not to go to the Governor
19 directly but to follow protocol and
20 refused, which is an ongoing source
21 of tension."

22 Do you see that?

23 A. Yes.

24 Q. Do you recall whether when
25 you spoke to Mr. Farrow at any point

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2 in advance of his article you
3 conveyed that from Ms. Derosa to
4 Mr. Farrow. The point about Lindsey
5 routinely circumventing the senior
6 staff in the sentence that --

7 A. No, I don't -- I don't -- I
8 don't think I made that point to
9 him.

10 Q. Do you recall why you
11 didn't make that point?

12 A. I think that there was a
13 decision by -- ultimately there was
14 a decision by the group that it
15 wasn't a helpful point to make.

16 Q. And why not?

17 A. Our approach I think was to
18 -- our approach was to be -- our
19 approach was to be judicious with
20 our -- our response, trying to keep
21 it factual without it looking like a
22 back and forth like she was
23 attacking the Governor's office, the
24 Governor's office responds, you
25 know, to everything she said or

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2 alleged.

3 Beyond that I think, you know,
4 I think now I'm, you know, getting
5 into what I'm about to say is now
6 getting into probably privilege
7 territory.

8 Q. All right. I want to ask
9 you about something else from this
10 exchange. So if you look at the
11 bottom of 3156. The bottom bolded,
12 what I'm calling -- or referring to
13 as the accusations she accuses
14 Ms. Derosa of leaking personnel file
15 and questions the legality of --
16 Melissa responds. And then it looks
17 like that same quote we saw in the
18 earlier exchange about the other New
19 Yorker article. Do you see that
20 from Beth Garvey, acting counsel?

21 A. Yes.

22 Q. And then off the record how
23 would Lindsey know who released. It
24 it looks like -- was that something
25 that's being typed by Ms. Derosa to

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2 your understanding of this exchange
3 or someone else. I'm talking about
4 the all caps off the record comment?

5 A. I don't remember who typed
6 it. But I remember it being a point
7 that was discussed amongst this
8 group.

9 Q. Okay. So the question is
10 how would Lindsey know who released
11 it. I take it the "it" is referring
12 to the personnel file?

13 A. Correct.

14 Q. What is the basis for her
15 assertion "We can't get into
16 specifics because of the AG's
17 investigation but printing that
18 Melissa was the one that gave it to
19 the press would be inaccurate."

20 And again the "it" to your
21 understanding is referring to the
22 personnel file of Lindsey Boylan?

23 A. Yes.

24 Q. Do you recall -- I think
25 there's some other documents in here

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2 and I think you referenced it
3 earlier -- looking into this issue
4 in advance of the Ronan Farrow
5 article, who leaked, according to
6 this language, the personnel file of
7 Ms. Boylan?

8 A. Sorry, I don't understand
9 the question.

10 Q. Sure. Did you run -- in
11 around this time frame in response
12 to Ronan Farrow's article in advance
13 of that were you running down the
14 facts around who provided
15 Ms. Boylan's personnel file to the
16 press?

17 A. Yes.

18 Q. Okay. Can you describe
19 what you did and what you found when
20 you were running down the facts
21 around that?

22 A. It would have been during a
23 call with this group discussing how
24 to respond to his points that were
25 going to be in the story. And we

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2 didn't discuss -- if I'm remembering
3 correctly, we didn't discuss amongst
4 -- I wasn't a part of a conversation
5 in which we discussed how the
6 unemployment -- how the employment
7 records were released. The
8 conversation I was a part of was
9 more like ruling out certain things.
10 Like saying this is -- it would be
11 inaccurate to say this without
12 identifying what actually happened.

13 Does that make sense?

14 Q. I think so. So did you
15 determine based on what you looked
16 into that, as it said here, printing
17 that Melissa was the one who gave it
18 to the press would be inaccurate,
19 did you also determine that that
20 would be inaccurate?

21 A. That was information that
22 was discussed on the call that I
23 just mentioned.

24 Q. And who -- who supplied
25 information to you to support the

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2 idea that Melissa Derosa being the
3 one who gave it to the press would
4 be inaccurate, was it Ms. Derosa or
5 someone else?

6 A. I think it was Melissa who
7 said she did not give it to the
8 press.

9 Q. Okay. And did you discuss
10 -- I think, if I understood you
11 correctly, you didn't discuss who
12 actually gave Ms. Boylan's personnel
13 file to the press?

14 A. Correct.

15 Q. Okay. Did you have an
16 understanding that even if
17 Ms. Derosa wasn't the one who, you
18 know, gave it to the press as the
19 statement says here, that she was
20 aware that Ms. Boylan's personnel
21 file was being provided to the press
22 in the December 2020 time frame by
23 someone?

24 A. Did I know based on that
25 phone call or one of those phone

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2 calls involving this group that she
3 was aware, yes.

4 Q. So she was, to your
5 understanding, aware that the
6 personnel file was provided to the
7 press in December 2020 and she was
8 aware at that time?

9 A. Yes.

10 Q. And how did you come to
11 that understanding? Did Ms. Derosa
12 tell you that or did you learn some
13 other way?

14 A. I don't remember.

15 Q. And what did you learn, if
16 anything, about whether
17 Mr. Azzopardi was involved in
18 providing Lindsey Boylan's personnel
19 file to the press in December 2020?

20 A. I'm sorry, could you repeat
21 the question? Part of the reason by
22 the way and I'm asking is there's
23 still a delay so if you can repeat
24 it. I apologize.

25 Q. Sure. And there are issues

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2 with this too but I turned off my
3 sound to prevent the delay on your
4 computer.

5 A. Okay. That is much better.

6 MR. MUKHI: Can the court
7 reporter still hear the witness?

8 THE COURT REPORTER: Yes.

9 THE WITNESS: Great.

10 Q. So you said that you
11 determined around this time frame,
12 around the discussions before the
13 Ronan Farrow piece that Melissa
14 Derosa knew about Ms. Boylan's
15 personnel file being provided to the
16 press in December 2020. Do you
17 recall that testimony?

18 A. Yes.

19 Q. So my question is were
20 there discussions at this time or at
21 any time where you became aware of
22 Mr. Azzopardi either having
23 knowledge or some involvement with
24 the provision of Ms. Boylan's
25 personnel file to the press in

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2 December 2020?

3 A. Did I ever -- I just want
4 to make sure I'm understanding. Did
5 I ever become aware -- of Rich
6 Azzopardi being involved in the
7 release of the employment record,
8 that's the question?

9 Q. Yeah.

10 A. Yes, I became aware of
11 that.

12 Q. How did you become aware of
13 that?

14 A. I don't remember exactly
15 but I think he -- it came up in a
16 conversation at some point.

17 Q. Is that with Mr. Azzopardi?

18 A. Yes.

19 Q. Okay. What do you recall
20 about what he told you about his
21 involvement in the personnel file of
22 Lindsey Boylan?

23 A. That -- this is probably
24 around the time of this story --

25 Q. The Ronan Farrow story?

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2 A. -- the Ronan Farrow story,
3 because Ronan Farrow was trying to
4 report that Rich was involved in
5 giving the unemployment -- I keep
6 saying unemployment -- was involved
7 in giving the employment records to
8 the press. And I remember Rich
9 saying, you know, at some point to
10 me around that time that certain
11 press had asked for -- had heard
12 about the -- the records and asked
13 him for them.

14 Q. So members of the press had
15 asked Mr. Azzopardi for Ms. Boylan's
16 personnel records?

17 A. Correct.

18 Q. Did he say how the press
19 would know to ask him for personnel
20 files of Ms. Boylan?

21 A. I don't remember. I don't
22 know.

23 Q. In your time in the
24 Executive Chamber in communications,
25 any occasion you recall where

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2 unprompted the press asked for the
3 personnel files of a former
4 Executive Chamber employee?

5 A. Has a member of the member
6 of the press ever asked me for the
7 unemployment records?

8 Q. For the personnel file.

9 A. There was a request later
10 after this I think from a member of
11 the press seeking the employment
12 records of Anabel Walsh.

13 Q. And were those provided in
14 response to the request you
15 received, to your knowledge?

16 A. They were not provided.

17 Q. What were the circumstances
18 around which -- when there was a
19 request for Ms. Walsh's personnel
20 files, do you recall?

21 A. Can you ask that again,
22 sorry.

23 Q. Yeah. The circumstances
24 when -- let me just clarify. I may
25 have missed it. Was that request

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 for Ms. Walsh's personnel file after
3 this exchange made directly to you
4 by a member of the press or you
5 heard about it secondhand?

6 A. It came in I believe
7 through the general inbox, if I'm
8 remembering correctly.

9 Q. And then do you recall the
10 context within which someone was
11 asking for those files?

12 A. There was no context. It
13 was just a straight question, if I
14 remember correctly.

15 Q. And do you remember which
16 press outlet had sent the request?

17 A. I don't remember clearly.
18 It may have been the Associated
19 Press but I don't remember.

20 Q. Were you involved in any
21 discussions about how to respond to
22 that request to the general inbox?

23 A. Yes.

24 Q. And who was involved in
25 those discussions?

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2 A. It would have -- it was at
3 least -- it was one of the -- one of
4 the members of our counsel's office
5 if not more, and -- and I believe
6 outside counsel as well.

7 Q. And ultimately the decision
8 was made not to provide Ms. Walsh's
9 personnel files to the -- to the
10 press outlet that made the request?

11 A. Ultimately we did not
12 provide anything to the press in
13 response to that inquiry.

14 Q. Any other occasions that
15 you recall the press requesting
16 personnel files of a current or
17 former employee of the Chamber other
18 than what Mr. Azzopardi reported to
19 you about Ms. Boylan and what you
20 just described with respect to
21 Ms. Walsh?

22 A. No.

23 Q. Okay. So just backing up
24 to the conversation with
25 Mr. Azzopardi was it -- about

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2 Ms. Boylan's personnel file and
3 providing it in response to a
4 request, was it around this same
5 time frame that you had the
6 conversation with Mr. Azzopardi, do
7 you recall the kind of lead up to
8 the Ronan Farrow piece or was it a
9 slightly different...

10 A. The conversation with Rich?

11 Q. Yeah.

12 A. It was around, I don't
13 remember exactly, but I think it was
14 around either this inquiry. I think
15 it was around this inquiry.

16 Q. Okay. And so can you just
17 describe for me again what
18 Mr. Azzopardi told you?

19 A. I remember him saying that
20 at least a couple of reporters had
21 asked him for the employment record
22 or some version of an employment
23 record relating -- related to
24 Lindsey.

25 Q. Okay. And anything else

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 you recall from that conversation?

3 A. I think he specifically
4 named Bernadette Hogan from the New
5 York Post as being one of those
6 people.

7 Q. Anyone else?

8 A. I don't remember him naming
9 anyone else. He may have but I --
10 that name I remember.

11 Q. And did Mr. Azzopardi, was
12 your understanding based on the
13 conversation that he was the one who
14 provided the Lindsey Boylan
15 personnel file to reporters or was
16 there someone else that provided it?
17 What was your understanding based on
18 the conversation?

19 A. My understanding was he
20 provided them to at least certain
21 reporters.

22 Q. By he being Mr. Azzopardi?

23 A. Yes.

24 Q. Anyone else that you know
25 of who was involved in providing the

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 personnel file to reporters,
3 specifically Mr. Azzopardi?

4 A. I was not aware of anyone
5 else. I -- obviously Ronan Farrow
6 in his reporting said that Rich
7 Bamberger did as well or
8 participated in some manner. That
9 was the first I heard about it.

10 Q. And to be clear I think we
11 mostly have been talking about
12 providing the press with
13 Ms. Boylan's personnel file in the
14 December 2020 time frame. Are you
15 aware of the files being -- well,
16 let me ask this, are you aware of
17 when the files were provided, the
18 personnel files were provided to the
19 press by Mr. Azzopardi or anyone
20 else?

21 A. To my knowledge, it would
22 have been that, I think,
23 December 13th, that Sunday that we
24 discussed earlier.

25 Q. And where do you have that

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2 knowledge from?

3 A. That was when it was
4 reported in several news outlets.

5 Q. And are you aware of the
6 files, Ms. Boylan's personnel files
7 being sent to reporters after
8 December 13th, either to the same
9 reporters or new reporters?

10 A. Not to my knowledge.

11 Q. Let me ask you, it's a long
12 recording, so I'll try to see if you
13 recall something before getting into
14 playing it. But do you recall
15 recording a conversation between
16 Melissa Derosa, yourself, I believe,
17 Beth Garvey and reporters or editors
18 from the Albany Times Union?

19 A. Yes.

20 Q. And do you recall in that
21 conversation Ms. Derosa asking
22 whether she could send something off
23 the record and Mr. Casey, who is the
24 editor of the Times Union saying
25 that he didn't want something off

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 the record and referencing that he
3 didn't want one of you people
4 sending Boylan's personnel record, I
5 didn't want that either.

6 Do you recall that?

7 A. I don't remember him saying
8 the last point but I remember him
9 generally saying he didn't want to
10 have anything -- he didn't want to
11 deal in any way off the record.

12 Q. Okay. Do you recall of any
13 other reporters saying that they
14 hadn't -- that they didn't want the
15 personnel file of Lindsey Boylan
16 sent to them in December 2020?

17 A. No. Not that I'm aware of.

18 Q. Do you know one way or the
19 other whether the Governor was aware
20 of Ms. Boylan's personnel file being
21 sent by Mr. Azzopardi and
22 potentially others to the press?

23 A. I don't know.

24 Q. I want to turn to another
25 topic.

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2 Do you recall any opposition
3 research being done on any of the
4 complainants of sexual harassment by
5 the Governor, including Ms. Boylan
6 or anyone else?

7 A. I think I know what you
8 mean but what do you mean by
9 opposition research?

10 Q. Well did you -- you worked
11 in media and politics.

12 A. Yeah.

13 Q. Are you familiar with the
14 phrase supposition research?

15 A. Yes, of course.

16 Q. So what is supposition
17 research, your understanding?

18 A. Any research on someone who
19 is, you know, on the other side of
20 the table as you.

21 Q. And do you recall in your
22 dealing with the folks at the
23 Chamber or yourself personally any
24 opposition research being done on
25 any of the public or suspected

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2 complainants of sexual harassment
3 against the Governor by the
4 Governor?

5 A. I don't know that -- I
6 don't know if this falls into the
7 category -- I don't know if I would
8 call this opposition research but
9 there -- there -- there was like a
10 compilation of Lindsey's prior
11 tweets related, you know, where she
12 was -- where she praised the
13 Governor during periods of time
14 where she later alleged sexual
15 harassment occurred. So I don't
16 know if that falls into that
17 category but that comes to mind.

18 There -- I was also reminded
19 as part of the document collection
20 process that there was a -- there
21 was a file looking at -- that had
22 all of, I believe, Lindsey's
23 campaign contributions for one of
24 her campaigns for a public office.
25 I don't know if that falls into that

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2 category but that -- that comes to
3 mind.

4 Q. What do you recall about
5 the circumstances under which that
6 compilation of Lindsey Boylan's
7 campaign donors was available?

8 A. I don't know because I
9 wasn't involved in it. I believe it
10 was sent to me and I, you know,
11 yeah, I didn't do anything with it.
12 I'm not sure how closely I read it
13 or even looked at it.

14 Q. Anything else you think
15 might fall into the category of
16 opposition research?

17 A. Not that I can think of.

18 Q. Were you involved in or
19 have any recollection of former
20 employees of the Chamber about
21 allegations?

22 A. Was I involved in
23 contacting former -- say that again.
24 Sorry.

25 Q. Yeah. Let me ask it more

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2 specifically. So after Ms. Boylan
3 made some public allegations at some
4 point did you become aware that
5 there were calls made to other
6 former employees of the Chamber to
7 give them a heads-up or tell them
8 about -- that Ms. Boylan might be
9 reaching out to them?

10 A. Yes. I believe I learned
11 about that -- I believe I learned
12 about that when The Wall Street
13 Journal reported on it.

14 Q. Were you aware of them
15 prior to the public report, those
16 calls?

17 A. I don't remember. I don't
18 think so. I don't remember.

19 Q. Do you recall being
20 involved in any of those calls?

21 A. No.

22 Q. After it was reported on
23 did you find out, did you run the
24 facts down on those calls?

25 A. Sort of. That ended up

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2 being an inquiry that really Rich
3 dealt with but I helped on it.
4 So -- I think I -- I sought guidance
5 from -- I don't think I did -- I
6 sought guidance from Judy Mogul and
7 Linda Lacewell. But then Rich
8 ultimately dealt with -- you know,
9 dealt with the reporter on that
10 story.

11 Q. And what did you determine
12 to be the facts around that story?

13 A. That -- that calls were
14 made by certain members of the
15 Chamber, the Executive Chamber,
16 women who had previously worked in
17 the Chamber to give them a heads-up
18 that Lindsey, you know, may be
19 reaching out to them and to
20 otherwise I think generally check
21 in.

22 Q. And how did you learn those
23 facts? Who did you speak to or what
24 did you do to learn that
25 understanding?

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2 A. That was part of my
3 conversation with Linda and Judy.

4 Q. And do you recall who was
5 doing the reaching out on behalf of
6 the Chamber?

7 A. I mean I remember it was
8 reported that Rich had reached out,
9 I think Staffer #6 [REDACTED]. I don't
10 remember who else.

11 Q. Do you recall who reached
12 out to the former employees who were
13 getting the calls?

14 A. I think I learned after the
15 fact that Kaitlin [REDACTED] was one of
16 them. She was a [REDACTED] employee.
17 I think [REDACTED]. She worked in an
18 agency in the administration.

19 Q. Anyone else?

20 A. Not that I can recall.

21 Q. Do you know someone by the
22 name of [REDACTED] [REDACTED] ?

23 A. Um-hmm.

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

25 A. She was a [REDACTED] [REDACTED]

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2 [REDACTED] in the Executive Chamber.

3 Q. Okay. And when did she
4 leave approximately, do you recall?

5 A. I don't remember exactly.

6 Q. Do you recall being
7 involved in a reach-out to her in
8 December of 2020 or discussions
9 around a reach-out to [REDACTED] [REDACTED]?

10 A. I remember a discussion I
11 think that someone was going to
12 check in with her I think boyfriend
13 at the time who also used to work in
14 the Chamber.

15 Q. What do you remember about
16 that discussion?

17 A. That -- sorry, which
18 discussion?

19 Q. Sure, you said [REDACTED] [REDACTED]
20 boyfriend, Staffer #1 [REDACTED], right?

21 A. Yes.

22 Q. Do you recall being
23 involved in discussions about I
24 think you said reaching out to

25 Staffer #1 [REDACTED] but my question is

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2 just discussions about

3 Staffer #1 [REDACTED] at that time and what
4 those conversations were in the
5 December 2020 time frame.

6 A. I think, if I recall
7 correctly, [REDACTED] [REDACTED], who was
8 working at the Department of
9 Financial Services but had come back
10 to the Chamber to help on COVID had
11 worked with Staffer #1 [REDACTED]
12 previously. He came to -- basically
13 Staffer #1 came to the Governor's office
14 at the recommendation of [REDACTED]
15 because Staffer #1 had worked on [REDACTED]
16 campaign. And I don't remember
17 exactly why he was reaching out, if
18 it was because it may have been --
19 if I recall correctly, it was to
20 check in because [REDACTED] may have liked
21 something or Staffer #1 liked something
22 on social media related to one of --
23 something that one of the accusers
24 said so I think it was like, you
25 know, again everything okay

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2 question, checking in question.

3 Q. Do you recall who reached
4 out? And just to be clear, was
5 either reach out, to check in, is
6 that a check in to Staffer #1 [REDACTED]
7 you are referencing or check in with
8 [REDACTED] [REDACTED] ?

9 A. I believe he reached -- I
10 don't remember exactly and I don't
11 know exactly, but if I remember
12 correctly, [REDACTED] reached out to
13 Staffer #1, spoke to Staffer #1. I don't
14 believe he reached out to [REDACTED]. But
15 I think it was, you know, I think he
16 was inquiring about both of them
17 because I believe, if I remember
18 correctly, they had each liked
19 something on social media.

20 Q. Okay. Do you recall any
21 discussion you were involved in
22 about collecting e-mails from Staffer #1
23 [REDACTED] where he was rude over
24 e-mail or antagonistic over e-mail
25 in case he needed them? Do you

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2 recall that?

3 So the question is whether you
4 recall being in any discussions
5 about collecting e-mails of [REDACTED]
6 Staffer #1 [REDACTED] in which he was rude or
7 antagonistic over e-mail in case
8 they were needed?

9 A. I don't remember exactly
10 and I'm not sure what that means, in
11 case they are needed but I do
12 remember other members of the staff
13 who were on the same level as him so
14 like deputy press secretaries had
15 complained about Staffer #1. So it rings
16 a bell in that way, but I don't -- I
17 don't remember more specifically
18 than that.

19 Q. And just to be clear, when
20 you said, I think you said someone
21 had liked on Twitter, some social
22 media platform I presume, one of the
23 posts by an accuser of sexual
24 harassment by the Governor, was it
25 [REDACTED] [REDACTED] who liked it or

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2 [REDACTED] Staffer #1 [REDACTED] who liked the --

3 A. I don't remember.

4 Q. One of them?

5 A. One of them or both, I
6 don't remember.

7 Q. So I just want to be clear.
8 You don't recall being part of any
9 discussions where the idea was let's
10 collect some examples of

11 [REDACTED] Staffer #1 [REDACTED] being arguably rude
12 over e-mail in case we need to use
13 them in some fashion in light of the
14 fact that he or [REDACTED] [REDACTED] are
15 expressing support for one or more
16 of the accusers?

17 A. No.

18 Q. Do you recall any e-mails
19 of [REDACTED] Staffer #1 [REDACTED] being forwarded to
20 your personal e-mail around this
21 time frame, December 2020?

22 A. Any e-mails of
23 [REDACTED] Staffer #1 [REDACTED] being forwarded to my
24 personal gmail, no, I don't remember
25 that.

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2 Q. Okay. What do you recall
3 about a potential letter of support
4 for the Governor following
5 Ms. Boylan's allegations in December
6 of 2020?

7 A. At some point, I don't know
8 when, there was a question of
9 whether it would be worth doing a
10 letter of support from former female
11 members of the administration saying
12 I think something to the effect of,
13 you know, that the experiences, you
14 know, laid out by some of the
15 accusers weren't shared by these
16 individuals.

17 Q. What happened with that
18 letter?

19 A. I don't know.

20 Q. What was your involvement,
21 if any, in trying to put the letter
22 together?

23 A. I don't think I was
24 involved at all. I think I may have
25 been on a text chain where it was

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2 discussed.

3 Q. If you go to tab 17.

4 (Exhibit 17, document, marked
5 for identification, as of this
6 date.)

7 Q. And go to the page at the
8 bottom is 3742.

9 A. Okay.

10 Q. This looks like a -- is
11 this a WhatsApp or -- are you able
12 to tell what type of messaging
13 platform this is? Looks like it
14 involves your cell phone and someone
15 named Kathy Calhoun?

16 A. Yes. I don't know -- I
17 don't know if this was a text or
18 not. I don't know.

19 Q. Okay.

20 A. It looks like it was some
21 sort of text message.

22 Q. Who is Kathy Calhoun?

23 A. She was director of state
24 operations for the Governor for a
25 year of the time that I was there.

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2 Prior to that she was chief of staff
3 and acting commissioner at the
4 Department of Transportation when I
5 was the deputy communications
6 director for transportation. And we
7 were friends from our work together
8 on the Hillary Clinton campaign in
9 2016.

10 Q. And when she says, "Write
11 an Op-Ed and let's get as many women
12 as possible to sign it. This is
13 bullshit. Never ever have I
14 witnessed anything even close to
15 sexual harassment."

16 Do you know was this a witness
17 to the draft letter we were
18 discussing or another idea?

19 A. I don't -- I don't think
20 so. I think what I was referring to
21 earlier was a text chain with
22 several people about whether it made
23 sense to do a letter of support
24 signed by just a bunch of women. I
25 don't -- I had forgotten about this

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2 exchange with Kathy. The exchange I
3 was talking about was later.

4 Q. Was the exchange you were
5 talking about also in December 2020
6 or --

7 A. I don't remember.

8 Q. You say, "I'm coming back
9 to you on that." Do you see that?

10 A. Yes.

11 Q. In response, and then you
12 ask her, "What would you want to
13 say?" Do you see that?

14 A. Yes.

15 Q. And then she says, "Rich
16 just called too. I'm on a call.
17 Need 5."

18 Was your understanding that
19 the reference to Rich was Rich
20 Azzopardi calling Kathy Calhoun?

21 A. Yes.

22 Q. And do you know whether
23 there were, even if this Op-Ed
24 sounds like it was a different idea
25 potentially, do you recall whether

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2 there were discussions with
3 Ms. Calhoun about signing the
4 letter, draft letter of support?

5 A. I mean it sounds like she
6 was offering to do that and it
7 sounds like I entertained it, but I
8 got derailed on something else and I
9 don't think anything ever came of it
10 that I am aware of it.

11 Q. Okay. And by do that, what
12 do you mean by that you said she was
13 offering to do that?

14 A. Oh. Well, you described a
15 letter of support. She's saying an
16 Op-Ed of support. I think it's -- I
17 don't know if you mean it's one in
18 the same, but essentially say
19 something in support of that that
20 wasn't her experience.

21 Q. Do you know if Rich
22 Azzopardi reached out to her about
23 signing something supportive?

24 A. I don't know.

25 Q. Who -- it sounds like you

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2 were copied on some messages around
3 the draft letter of support but you
4 didn't take any responsibility with
5 respect to it, is that accurate?

6 A. That I was copied on a
7 draft letter of support?

8 Q. Or discussions about a
9 draft letter of support.

10 A. I remember a text chain in
11 which it was discussed should there
12 be a letter of support.

13 Q. Okay. And do you remember
14 ever seeing a draft letter of
15 support?

16 A. No.

17 Q. Okay. Do you know who was
18 sort of leading that effort, if
19 anyone, to organize a potential
20 letter of support?

21 A. I don't know.

22 MR. MUKHI: I think we have
23 been going about an hour. You want
24 to take a -- I'm about to go to
25 another subject so 3:50. Can we go

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2 off the record?

3 THE VIDEOGRAPHER: Standby.

4 The time is 3:44 p.m. We are going
5 off the record. And this will end
6 media unit number three.

7 (Whereupon, there is a recess
8 in the proceedings.)

9 THE VIDEOGRAPHER: The time is
10 3:57 p.m. We are back on the
11 record. This will be the start or
12 media unit number four.

13 Q. Mr. Ajemian, we were
14 talking about the letter of support,
15 what we were calling a letter of
16 support or draft letter of support.
17 Do you recall inquiries that you
18 received in March 2021 about the
19 letter from reporters?

20 A. Yeah.

21 Q. Why don't we go back to tab
22 20. I believe as we discussed
23 earlier, these are notes from your
24 Apple notes application. If you
25 look on the first page, it's dated

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2 March 17, 2021. There are two boxes
3 there. Created date and modified
4 date.

5 Do you see that?

6 A. Yes.

7 Q. If you look at the checked
8 in box. Do you recall what article,
9 if any, this set of notes relates
10 to?

11 A. Sorry, I just need to read
12 this again.

13 Q. Sure.

14 A. This -- these are notes
15 that relate to The New Yorker story
16 by Ronan Farrow.

17 Q. And at the bottom do you
18 see there's a note by you that says,
19 "I was not involved in conversations
20 related to the release of anyone's
21 employment records or the draft
22 letter reported in The New York
23 Times. I learned about them after
24 the fact."

25 Do you see that?

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2 A. Yes.

3 Q. Okay. And so we talked
4 about the employment records. Is
5 that referring to Ms. Boylan's
6 personnel file?

7 A. Yes.

8 Q. And the draft letter, it
9 says here I learned about them after
10 the fact. Is that referring to both
11 the personnel file and the draft
12 letter?

13 A. Yes.

14 Q. And you testified that you
15 weren't involved in organizing or
16 spearheading the draft letter but
17 you knew about it at the time it
18 was, that there was an effort by
19 others to potentially put together a
20 draft letter.

21 Do you recall that testimony?

22 A. I think -- I think that
23 there may be some confusion or I'm
24 confused about what letter we are
25 talking about. So the letter you

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2 were asking me about earlier was a
3 sign-on letter of support. That
4 letter is distinguished from the
5 letter that was reported in The New
6 York Times.

7 Q. Okay. What -- what was the
8 letter, to your recollection, that
9 was reported on in The New York
10 Times?

11 A. It was the letter that's in
12 one of these exhibits -- the letter
13 that is reported on in one of these
14 exhibits by the New York Times about
15 -- that --

16 Q. If it helps if you know
17 where it is in the exhibit so we can
18 turn to it. Was that The New York
19 Times article in tab 40?

20 A. No.

21 Q. 51?

22 A. No. I'm missing every tab.
23 Okay, I give up. There was a New
24 York Times article right before the
25 -- right before Ronan -- the Ronan

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2 Farrow New Yorker piece came out
3 that talked about a letter that was
4 reported as being -- including --
5 not being like more supportive of
6 the Governor but more being about
7 Lindsey Boylan and --

8 Q. I see.

9 A. Yeah, and being more
10 negative towards Lindsey I guess.

11 Q. When did you find out about
12 that other letter that was more
13 negative about Ms. Boylan as opposed
14 to supportive of the Governor?

15 A. To my recollection, it was
16 when The New York Times started
17 asking about it, I guess in March of
18 2021.

19 Q. And so was it true that you
20 learned about that second letter,
21 the more negative letter about
22 Ms. Boylan, after the fact?

23 A. Yes.

24 Q. And then you said, "Rich
25 Azzopardi was not involved in

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2 conversations related to the draft
3 letter report in The New York Times.
4 He learned about it after the fact."

5 Is that also referring to the
6 same more negative letter?

7 A. Yes.

8 Q. And how did you run down
9 that fact about Mr. Azzopardi's
10 involvement?

11 A. He told me.

12 Q. Now, did you run down
13 whether the Governor was aware of,
14 let's start with the first letter,
15 the letter of support that was
16 drafted, did you make a
17 determination one way or the other
18 whether the Governor was aware of
19 the drafting of that letter of
20 support?

21 A. I don't know.

22 Q. How about the -- well, the
23 second letter, the more negative
24 letter reported on in The New York
25 Times about Lindsey Boylan, did you

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2 look into whether the Governor was

3 aware of that letter?

4 A. No. I didn't work on that
5 story.

6 Q. Who worked on that story,
7 do you know?

8 A. From the press office?

9 Q. Yeah.

10 A. I believe it was Rich
11 Azzopardi.

12 Q. I want to turn to Charlotte
13 Bennett.

14 A. Okay.

15 Q. Do you know -- did you know
16 Ms. Bennett when she worked at the
17 Chamber?

18 A. Yes.

19 Q. What was your interactions
20 with her when she was in the
21 Chamber?

22 A. She was a briefer, what they
23 call a briefer and who also sat
24 outside of, in the New York City
25 office, sat at the desk outside of

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2 Stephanie Benton's office, which is
3 outside, essentially outside of the
4 Governor's office, sort of like the
5 first line of defense, if you will,
6 for people trying to get to the
7 Governor.

8 So we worked on the same floor
9 in the New York City office. And
10 she was a briefer so she helped put
11 together the briefings for the
12 Governor so if she ever needed
13 information from me related to a
14 press announcement that we were
15 going to be doing the next day or
16 the following day, she would come to
17 me for, you know, any materials that
18 should go into the Governor's
19 briefing book.

20 Q. And what was your
21 professional relationship like with
22 Ms. Boylan?

23 A. With --

24 Q. I'm sorry, Ms. Bennett.

25 A. With Ms. Bennett it was

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2 professional, friendly. We had a
3 good relationship.

4 Q. Did you socialize with her
5 outside of the office, Ms. Bennett?

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

7 Q. Did you socialize with
8 anyone outside of the office while
9 you were working at the Chamber?

10 A. Yeah.

11 Q. Okay. Who did you
12 socialize with?

13 A. A lot of different people
14 at a lot of different times.

15 Q. Okay.

16 A. Should I just start naming
17 some people?

18 Q. Yeah.

19 A. Dani Lever, Anabel Walsh,
20 Staffer #4 [REDACTED], Robert Mujica, Beth
21 Garvey, [REDACTED] [REDACTED], Melissa
22 Derosa, Stephanie Benton, [REDACTED]
23 [REDACTED], [REDACTED] [REDACTED], Kelly Cummings.
24 Should I keep going?

25 Q. Well, why don't we put it

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2 this way, you know, did you
3 consider, you know, of the folks you
4 mentioned or anyone else, people you
5 worked with, to be close personal
6 friends of the people that you
7 mentioned, understanding it's, you
8 know, a lot of people socialize with
9 people they work with but what I'm
10 looking for is anyone you consider a
11 close personal friend?

12 A. Yes. I have considered
13 Dani Lever, Anabel Walsh and [REDACTED]
14 Staffer #4 to be close personal friends.

15 Q. So I want to actually turn
16 to tab 22, which is a text between
17 you and Ms. Lever, I believe.

18 (Exhibit 22, Texts, marked for
19 identification, as of this date.)

20 A. Okay.

21 Q. So this looks like -- you
22 recall just looking at this that
23 this is around the time Ms. Boylan's
24 Medium post came out on February 21,
25 2021?

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2 A. Yes.

3 Q. And the first text is you
4 send Ms. Lever a quote. Do you see
5 that?

6 A. Yes.

7 Q. And by the way, was she
8 working at the Chamber by this point
9 or is she --

10 A. No.

11 Q. And where did she work at
12 this point, do you recall?

13 A. Facebook.

14 Q. And then you write, "This
15 is an ongoing and transparent
16 attempt by Lindsey Boylan to advance
17 her political campaign with false
18 accusation and lies about this
19 administration. Her previous claims
20 that she tried to quit the
21 administration were already proven
22 false as she resigned after being
23 counseled for abuse and harassment
24 of three different female
25 subordinates after which she

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2 unsuccessfully asked for her job
3 back. Beyond that these are more
4 politically motivated provocations
5 and we are not going to dignify
6 them."

7 Where did that quote come
8 from?

9 A. That was the draft that was
10 in an earlier exhibit that we, I
11 don't know if you call these
12 exhibits, an earlier tab that we
13 discussed. It was an initial draft
14 of the -- it was an initial draft of
15 a response regarding Lindsey
16 Boylan's Medium post. It was
17 provided to me I forget by whom.

18 Q. Why did you send it to
19 Ms. Lever, do you recall?

20 A. Because she used to be my
21 boss. Aside from being my friend
22 she used to be my boss. I was new
23 in the communications director role
24 and she had a lot more experience,
25 you know, dealing with, you know,

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 tough news stories and she had good,
3 you know, I believe she has very
4 good judgment and so I wanted her
5 advice.

6 Q. It sounds like or reads
7 like the next few lines she's
8 advising to cut it back, is that
9 accurate?

10 A. Yes.

11 Q. Okay. And then she says,
12 after she says these aren't
13 political hacks and I'm scared the
14 women's groups are going to freak
15 out with this and then she tells you
16 to tell her to call Liz.

17 Do you see that?

18 A. Um-hmm.

19 Q. Who is -- what's your
20 understanding when she says tell her
21 to call Liz, who is the her?

22 A. Is this the start of the
23 chain? Yeah.

24 Q. There may be texts earlier
25 that are not on this sheet. If you

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2 can recall based on this context, if
3 not we can see if there are earlier
4 texts that might help.

5 A. I don't remember.

6 Q. And is Liz Liz Smith?

7 A. Yes.

8 Q. And then Ms. Lever says,
9 "What did Charlotte say?" Do you
10 see that?

11 A. Yes.

12 Q. And do you recall Charlotte
13 Bennett making an initial social
14 media post or doing something on
15 social media before she made her
16 allegations public that was
17 supportive of Ms. Boylan?

18 A. I vaguely remember her
19 saying something on social media
20 that was generally supportive of
21 Ms. Boylan, yes.

22 (Off the record.)

23 Q. And then you see -- and
24 then there's a -- looks like there's
25 a link that you send to Ms. Lever at

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2 -- here it's 12:21.

3 A. Yes.

4 Q. Sorry, 12:12?

5 A. Yes.

6 Q. To Charlotte Bennett's
7 status on Twitter?

8 A. Yes.

9 Q. And then Ms. Lever says,
10 "Okay, well less bad than could be."
11 And you say, "But we can't attack
12 Lindsey if Charlotte is backing her
13 up. Or it's much harder." And
14 Ms. Lever says, "No, also it's the
15 wrong move. Who else is she
16 speaking to?"

17 Do you see that?

18 A. Yes.

19 Q. Okay. What do you recall
20 about this exchange and your
21 statement we can't attack Lindsey if
22 Charlotte is backing her up too?

23 A. I think I alluded earlier
24 to there being some contingent of
25 the internal senior group that

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 thought we shouldn't be attacking --
3 that this draft of a statement was
4 too negative toward Lindsey and that
5 we should just pare it back and have
6 it be essentially a denial. I was
7 one of those people.

8 Q. Do you recall discussions
9 with others at the Chamber that one
10 of the reasons to pare back the
11 statement against Ms. Boylan was
12 because Charlotte Bennett had
13 expressed support on social media
14 for the allegations?

15 A. No, I don't remember that.

16 Q. So if you go to tab 23,
17 which is the next tab.

18 (Exhibit 23, E-mail, marked
19 for identification, as of this
20 date.)

21 A. Yeah.

22 Q. You write, looks like it's
23 the same day, just a continuation,
24 "Apparently, Robbie Kaplan thinks
25 it's okay to go on offense."

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2 What did you mean by that?

3 A. Robbie was apparently, my
4 understanding was, was in the camp
5 of those that thought that the
6 original draft of the statement was
7 appropriate is how I understand
8 that.

9 Q. Do you have an
10 understanding of who Mr. Kaplan was
11 representing at that time?

12 A. Do I have an understanding
13 of who she was representing at that
14 time.

15 Q. If anyone.

16 A. Like in the Chamber, or
17 just --

18 Q. Yeah. In the Chamber, if
19 anyone.

20 A. I don't know. I don't know
21 if she was representing anyone at
22 that time.

23 Q. Did you come to learn later
24 that Ms. Kaplan was representing
25 someone in the Chamber?

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2 A. I came to learn later that
3 her partner, her firm were
4 representing Melissa.

5 Q. And then Ms. Lever
6 responds, "I pinged Liz and Josh to
7 get involved."

8 What did you understand
9 Ms. Lever to mean by that?

10 A. I think it's a continuation
11 of the thrust of this entire
12 exchange which is that Dani and I
13 believed that the draft of the
14 statement was too broad and should
15 have been narrowed and pared back
16 to, you know, something more
17 streamlined as a blanket denial and
18 she was asking me or she asked Liz
19 and Josh to get involved to get them
20 on our side of the argument as it
21 were.

22 Q. So just to be clear, your
23 understanding is Dani Lever is
24 saying I pinged Josh and Liz to get
25 involved, it's to get Josh and Liz

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 involved not Dani Lever involved?

3 A. Correct. Meaning get
4 involved to help influence the
5 decision on how this statement was
6 going to turn out.

7 Q. Up until that point were
8 Mr. Vlasto and Ms. Smith involved in
9 responding to the allegations by
10 Ms. Boylan and others?

11 A. I don't really remember
12 exactly when they -- when they got
13 involved.

14 Q. Focusing on Ms. Smith, do
15 you know how she got involved, was
16 it as part of this exchange with
17 Ms. Lever that she first got
18 involved surrounding communications
19 and responses to the allegations of
20 sexual harassment?

21 A. I don't know. I don't know
22 when exactly Liz got involved.

23 Q. Did you have a prior
24 relationship with Liz?

25 A. A little bit.

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2 Q. And what was that?

3 A. She -- we crossed paths
4 very briefly I think in the twenty
5 -- when I was working on the
6 reelection campaign for the Attorney
7 General and then I don't know how we
8 crossed paths again but we became
9 friendly a little bit just when she
10 was working on the Peter Buttigieg
11 campaign and I was a supporter of
12 Pete Buttigieg for president.

13 Q. So we will come back to
14 that. Going back to -- just
15 shifting gears going back to
16 Ms. Bennett. How frequently did you
17 interact with her when you
18 overlapped at the Chamber?

19 A. It depended -- there were
20 periods of time when we interacted
21 pretty regularly. I would say that
22 was more pre-COVID. During COVID I
23 -- if I recall correctly, we -- we
24 didn't interact as much because we
25 spent -- we were -- we were in

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2 Albany and we weren't spending any
3 time in New York City and that was,
4 you know, when I would see Charlotte
5 the most is like, you know, when we
6 were in the New York City office.

7 Q. Okay. Did you during that
8 time period when you overlapped with
9 her, did you have occasion to
10 observe her, Ms. Bennett's
11 interactions with the Governor?

12 A. Yeah. I would have seen
13 them interact a little bit.

14 Q. And based on those
15 observations how would you describe
16 Ms. Bennett's interactions with the
17 Governor?

18 A. Professional, friendly.
19 Professional and friendly I would
20 say.

21 Q. Did you ever see them in
22 physical contact, touching each
23 other in any way?

24 A. No.

25 Q. Did you ever observe any

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 flirting between the two of them
3 where you would have the opinion was
4 flirting?

5 A. No.

6 Q. Did you ever see any banter
7 or joking between the two of them
8 that you recall?

9 A. Did I ever see any banter
10 or joking?

11 Q. Between the two of them.
12 That you recall.

13 A. Yeah, I don't -- no. I
14 don't have a clear memory. I mean I
15 -- it sort of strikes me as
16 something that, you know, would have
17 been part of their dynamic but
18 nothing sticks out.

19 Q. Does the Governor have that
20 dynamic with a lot of people from
21 your observation?

22 A. I don't know if I would say
23 a lot of people but there are many,
24 what is a lot versus many. I don't
25 know. Yes. He has that -- he has

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2 that dynamic with a number of
3 people.

4 Q. And did you ever see the
5 Governor yell at Ms. Bennett or vice
6 versa?

7 A. No.

8 Q. Did you ever speak to
9 Ms. Bennett about her interactions
10 or relationship with the Governor?

11 A. No.

12 Q. And prior -- prior to or
13 just prior to Ms. Bennett's
14 allegations becoming public in The
15 New York Times do you recall that
16 was the first report?

17 A. Yes.

18 Q. Prior to that or the day
19 before or the days before did you
20 have -- were you aware of any of the
21 allegations by Ms. Bennett relating
22 to the Governor?

23 A. No.

24 Q. Were you aware one way or
25 the other --

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2 A. I'm sorry, I'm sorry. Can
3 I -- I need to pause and think about
4 that for a second.

5 Q. Sure.

6 THE WITNESS: I have a
7 privilege question.

8 MR. MUKHI: Let's go off the
9 record, please.

10 THE VIDEOGRAPHER: Standby.
11 We are going off the record. Off
12 the record at 4:29.

13 (Brief recess.)

14 THE VIDEOGRAPHER: The time is
15 4:31. We are back on the record.

16 A. So to answer your question
17 or to, I guess, revise an earlier
18 answer, my previous answer, there
19 was a call -- there was a call
20 involving a group of senior people
21 prior to the allegations being
22 brought forward in the process, you
23 know, during The New York Times
24 process. Prior to that before The
25 New York Times came to us there was

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2 a call on which someone alluded to
3 something related to Charlotte
4 Bennett. The details were not
5 presented on that call. The details
6 of her allegation or experience were
7 not laid out on that call.

8 Q. Okay. So this is a call
9 among Executive Chamber senior staff
10 you said?

11 A. It included some Executive
12 Chamber senior staff, lawyers, but
13 it also included outside advisors.

14 Q. Outside lawyers?

15 A. Outside advisors, not --
16 not lawyers.

17 Q. And who are you referring
18 to as outside advisors?

19 A. If I recall correctly, and
20 I could be misremembering, but if I
21 recall correctly, it would have been
22 Liz Smith and Jeff Pollock, maybe
23 Josh Vlasto.

24 Q. In relation to -- I believe
25 Ms. Bennett's allegations are

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2 published in The Times on
3 February 27th, on or about
4 February 27th. Do you have a
5 recollection this call or something
6 was alluded to Ms. Bennett when that
7 call took place in relation to the
8 allegations being made public by
9 Ms. Bennett?

10 A. No. It was prior to that
11 but I don't know when.

12 Q. Was it -- was it in the
13 2021 time frame or --

14 A. Yeah. Yes. It was --
15 sorry. It was after Lindsey -- I
16 believe, if I recall correctly, it
17 was after Lindsey Boylan's Medium
18 post but before Charlotte's, The New
19 York Times story about Charlotte.

20 Q. And do you recall whether
21 or not this conversation or
22 something was alluded to about
23 Charlotte Bennett that happened
24 before the text chain we were just
25 looking at with Ms. Lever where you

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 discussed that Charlotte Bennett had
3 posted something on social media?

4 A. If I remember correctly,
5 the conversation I'm talking about,
6 the phone conversation, was after
7 the text message exchange with Dani.

8 Q. Was the Governor on that
9 call that you described of senior
10 staff?

11 A. No.

12 Q. And who do you recall
13 making a reference to Ms. Bennett?

14 A. Judy Mogul.

15 Q. And you said detail wasn't
16 provided but what was the gist of
17 what the reference was to
18 Ms. Bennett?

19 A. Someone on the call asked
20 if -- so I think at that point there
21 were rumors that Ronan Farrow was
22 working on a story and someone on
23 the call -- and, you know, there was
24 a lot of question about what -- what
25 he would be working on, you know,

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 given the significance of, you know,
3 his name and his prior reporting.
4 So there was -- there was a question
5 of whether other -- there would be
6 other allegations from other women
7 that anyone on the call was aware of
8 that could likely come out after
9 Lindsey.

10 Q. And in that context --

11 A. And then I think in that
12 context Judy said something, you
13 know, alluded to Charlotte and, you
14 know, and said, you know, she -- she
15 could have come forward and say
16 something, which I don't think -- I
17 don't remember Judy detailing what
18 it was at that time.

19 Q. And what was your reaction
20 to that?

21 A. I don't remember.

22 Q. You are just thinking about
23 it in context --

24 A. I was probably worried.

25 Q. And did you discuss that

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 and the connection to Ms. Bennett
3 potentially coming forward with
4 anyone else at the Chamber around
5 that time?

6 A. No. Not that I remember.

7 Q. Do you recall anyone on the
8 call, you know, when Ms. Mogul said
9 it's possible Ms. Bennett is someone
10 who could come forward responding in
11 any way on the call, like what's
12 that about or?

13 A. Yes. Someone -- I -- yeah.
14 Someone said I think -- actually I
15 -- I think someone probably -- if --
16 I want to be careful because I don't
17 want to speculate. Or I think
18 someone on the call said, you know,
19 without breaking confidentiality is
20 there anything else you can, you
21 know, say about it. Yeah.

22 Q. Do you recall Ms. Mogul's
23 response that she gave you?

24 A. I think she said something
25 to the effect of it would be hard to

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 explain.

3 Q. Anything else you recall
4 about that discussion?

5 A. No.

6 Q. And then -- so that's
7 sometime between February 24th and
8 February 27th, is that your
9 recollection?

10 A. Yes.

11 Q. And then if you look at tab
12 40, that's The New York Times
13 article on February 27, 2021.

14 (Exhibit 40, The New York
15 Times article, 2/27/2021, marked
16 for identification, as of this
17 date.)

18 Q. Do you see that?

19 A. Yes.

20 Q. You see that's the article
21 that first contained publicly at
22 least Ms. Bennett's allegations?

23 A. Yes.

24 Q. And then if you go to tab
25 41. This looks like a text from you

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 to Jill DesRosiers.

3 (Exhibit 41, Text from Peter
4 Ajemian to Jill DesRosiers, marked
5 for identification, as of this
6 date.)

7 Q. Do you see that?

8 A. Yes.

9 Q. And I believe -- was she
10 out on leave at this time?

11 A. Yes.

12 Q. If you flip through looks
13 like in the top message you ask her
14 if she has a few minutes to chat and
15 you guys miss each other and talk
16 about trying to reach each other.

17 Do you recall whether you
18 ultimately reached Ms. DesRosiers?

19 A. Yes, I did.

20 Q. What do you recall about
21 your conversation that day?

22 You need a minute?

23 A. Yeah.

24 MR. MUKHI: Why don't we go
25 off the record.

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 THE WITNESS: Thank you.

3 THE VIDEOGRAPHER: Standby.

4 The time is 4:41. We are going off
5 the record.

6 (Whereupon, there is a recess
7 in the proceedings.)

8 THE VIDEOGRAPHER: The time is
9 4:47. We are back on the record.

10 A. So to answer your question,
11 I did connect with Jill. The
12 purpose of the call that day was to
13 give her a heads-up that The New
14 York Times had reached out about the
15 Charlotte Bennett allegation and
16 that The Times was going to talk
17 about Jill's role in that situation
18 in The New York Times story.

19 Q. And do you recall that the
20 story described that Ms. Bennett had
21 brought her allegations or issues
22 related to her allegations to, among
23 others, Ms. Mogul and
24 Ms. DesRosiers?

25 A. Yes.

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 Q. Prior to -- okay.

3 A. Yes.

4 Q. And Ms. DesRosiers's
5 comment on that issue during your
6 conversation with her, you know, the
7 underlying facts of that issue?

8 A. I -- no, I don't remember
9 -- I don't remember Jill commenting
10 on how she handled it in my
11 conversation with her. I remember
12 saying to her -- I remember saying
13 to Jill I was trying to reassure her
14 a little bit because I knew from the
15 reporter that Charlotte had said to
16 the reporter that she was happy with
17 how Jill and Judy handled the
18 situation and she had no, I'm
19 paraphrasing, she had no problems
20 with or issues with Jill or Judy.
21 So I relayed that to Jill as a means
22 to try to reassure her that, you
23 know, that her mentions in the story
24 weren't going to be negative or her
25 handling of it was -- was anything

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 improper or anything like that.

3 Q. What do you recall
4 generally about the response to
5 Ms. Bennett's allegations since,
6 correct me if I'm wrong, as I
7 understand it, the allegations are
8 first printed in The New York Times
9 and is it the following day that
10 Ms. Bennett appeared and -- or maybe
11 it was the following week she
12 appeared in a segment of 60 -- 60
13 Minutes?

14 A. Sometime thereafter, yes.
15 It first appeared in The New York
16 Times and then she -- she went on
17 television I think the next week.

18 Q. What do you recall about
19 responding to press inquiries or the
20 communication strategy around
21 Ms. Bennett's allegations?

22 A. I think the impression, you
23 know, based on phone calls I was on,
24 conversations I was on in the
25 process of dealing with The New York

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 Times inquiry was that, you know,
3 this rose to the level of being
4 something that the Governor himself
5 should speak to, that the response
6 should be in the Governor's voice.

7 Q. Okay. And do you recall,
8 you know, running to ground the
9 facts around her allegations,
10 Ms. Bennett's?

11 A. To an extent I was -- yes,
12 insofar as I was -- I went, I was
13 sort of -- when The New York Times
14 reached out they reached out -- the
15 reporter reached out to me and to
16 Rich. As a party I was asked to get
17 on the phone with the reporter with,
18 I guess it was Saturday morning, I
19 was asked to get on the phone with
20 the reporter with Beth and, you
21 know, get an understanding of more
22 detail of what -- what he was going
23 to be reporting, what Charlotte was
24 alleging, what he was going to be
25 reporting and then I brought that

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2 back to, you know, a group of
3 people, including senior staff in
4 the Chamber and outside advisors and
5 throughout the course of, I guess,
6 Saturday, I guess it was Friday
7 night bleeding into Saturday and
8 Saturday, you know, morning and
9 afternoon I was part of phone calls
10 where, you know, where folks were
11 trying to understand the facts and
12 understand what happened and
13 understand, you know, what Charlotte
14 alleged or said at the time. I
15 guess I should be careful. I think
16 she said things at the time, I don't
17 know that she made -- I don't think
18 she made specific allegations per se
19 at the time but anyway, you know, we
20 are trying to understand what --
21 what Judy's recollection of the
22 situation was, but in terms of, you
23 know, getting the facts on whether
24 any of it was true, any of what
25 Charlotte was alleging was true, I

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2 did not -- I wasn't involved that I
3 remember in any conversations with
4 the Governor about whether he at
5 that time when we were responding to
6 The New York Times, whether or not
7 he viewed them as true or not.

8 Q. And how about later, were
9 you part of any conversations with
10 the Governor about the truth of
11 Ms. Bennett's allegations?

12 A. Later, days later, there
13 was a prep session with the Governor
14 preparing him for what would be his
15 first time doing a press conference
16 where, you know, you know, since
17 Charlotte had come forward in The
18 New York Times. So it would be the
19 first time he would be answering
20 questions, you know, directly in
21 front of a camera live, you know, on
22 that matter. And so there was a
23 prep session with him that I was a
24 part of in which the -- in which
25 Charlotte's allegations were

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 discussed.

3 Q. Okay. And what was the
4 discussion?

5 A. I don't remember exactly
6 everything that was said. You know,
7 a lot of it was repetition of what
8 he had said in his statement over
9 the or statements over the course of
10 the weekend, a reiteration of that.
11 I remember him talking about his --
12 I remember him talking about [REDACTED]
13 [REDACTED] who was a survivor of
14 sexual assault. As a -- if I
15 remember correctly, it was like a --
16 it was as a comparison to or it was
17 his way of like relating to or
18 explaining how he was relating to
19 Charlotte in prior conversations.
20 That's what I can remember about
21 that conversation with him and, you
22 know, as it related to Charlotte.

23 Q. And when you are saying he
24 was relating the circumstance around
25 [REDACTED] [REDACTED] through a prior

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 conversation with Charlotte was that
3 in reference to the conversation
4 that Ms. Bennett described about
5 conversations she was involved at
6 with the Governor and the discussion
7 about her past --

8 A. Yes.

9 Q. -- sexual misconduct that
10 she was a victim of?

11 A. Yes.

12 Q. Who was on this prep
13 session? Was it in person or on the
14 phone?

15 A. It was in person.

16 Q. Okay.

17 A. Linda Lacewell, Judy Mogul,
18 Melissa Derosa, Liz Smith, Jeff
19 Pollock, Rich Azzopardi, myself, if
20 I remember correctly -- if I'm -- I
21 may be leaving one or two people out
22 but I think that's generally it.

23 Q. Where was the prep session?

24 A. At the Executive Mansion.

25 Q. Any other conversations

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 involving the Governor where
3 Ms. Bennett's allegations were
4 discussed that you were a part of?

5 A. Not that I recall.

6 Q. And this was sometime after
7 Ms. Bennett's allocations and before
8 the Governor's first press
9 conference after the allegations?

10 A. Correct.

11 Q. Do you remember what day of
12 the week it was?

13 A. I think the -- I think the
14 press conference -- so the -- I
15 think the press conference was a
16 Wednesday, was that Wednesday or
17 Thursday and the prep session would
18 have been the night before and then
19 there was a little bit more the next
20 morning.

21 Q. More prep?

22 A. Yeah.

23 Q. And the press conference
24 was in Albany?

25 A. Yes.

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2 Q. I want to go to tab 43.

3 A. Okay.

4 (Exhibit 43, E-mail chain,
5 marked for identification, as of
6 this date.)

7 Q. So this is a chain with
8 some of the people you just
9 mentioned from February 28th, 2021.

10 Do you see that?

11 A. Yes.

12 Q. Looked like a draft
13 statement in response to
14 Ms. Bennett's allegations; is that
15 accurate?

16 A. Yes. It was the -- it
17 looks like it's a draft of the, I
18 guess, day two statement because The
19 Times story had appeared Saturday
20 evening and this is Sunday so I
21 think we issued another statement on
22 Sunday. And it looks like this was
23 a draft of that statement.

24 Q. All right. And if you look
25 at tab 45 quickly, you'll see --

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2 A. Yes.

3 Q. -- the Governor's statement
4 on February 28th.

5 (Exhibit 45, Governor's
6 statement on February 28th, marked
7 for identification, as of this
8 date.)

9 Q. By the way, going back to
10 tab 43 you see on the first page,
11 one of the individuals who is on the
12 chain and responds is Chris Cuomo.

13 Do you see that?

14 A. Yes.

15 Q. And that's the Governor's
16 brother?

17 A. Yes.

18 Q. What was his role in
19 responding to Ms. Boylan -- sorry,
20 Ms. Bennett's allegations or anyone
21 else's allegations?

22 A. He participated in some of
23 the phone calls, the group phone
24 calls where folks were discussing,
25 you know, how to respond to

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2 Charlotte's allegations and, you
3 know, offered suggestions or, you
4 know, his -- his view and I think
5 based on his like, you know, based
6 on his knowledge of the Governor or
7 his conversations with the Governor.

8 Q. And did he participate in
9 strategy, communications about
10 strategy with respect to responding
11 to any allegations other than
12 Ms. Bennett, meaning did he
13 participate in some of the later
14 allegations we will discuss?

15 A. Yes.

16 Q. Okay. And had he in your
17 time in communications up until this
18 point, February of 2021, had he
19 previously been involved in
20 communication strategy at the
21 Executive Chamber?

22 A. From my perspective -- from
23 my seat, no, not -- not that I was
24 aware of.

25 Q. Okay. All right. And if

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2 you go to tab 44.

3 (Exhibit 44, Draft statement,
4 marked for identification, as of
5 this date.)

6 Q. So it looks like a
7 statement being sent, draft
8 statement being sent around on
9 February 28th.

10 Do you see that?

11 A. Yes.

12 Q. And Ms. Derosa sends a copy
13 of the draft statement and you see
14 your response at 2:47 p.m. is
15 "Delete hundreds of times"?

16 A. Yes.

17 Q. And there's a reference to
18 the Governor's statement. He says,
19 "At work sometimes I think I'm being
20 playful and make jokes that I think
21 are funny. Some people do not find
22 them funny or appropriate. I do on
23 occasion tease people in what I
24 think is a good natured way and I do
25 use nicknames. I do it in public

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2 and in private. You have seen me do
3 it at briefings hundreds of times."

4 Do you see that?

5 A. Yes.

6 Q. And is that where you are
7 referring to delete the hundreds of
8 times?

9 A. Yes.

10 Q. And why were you suggesting
11 that?

12 A. Because I -- sorry. I
13 didn't think that it was -- it
14 didn't -- it sounded like -- it
15 sounded inflated. It didn't sound
16 -- I understood the point that they
17 were making, that it was a regular
18 occurrence but to say that it was
19 hundreds of times at briefings just
20 didn't ring, you know, ring factual
21 to me.

22 Q. And then you say, "Also
23 let's make sure we have actually
24 heard about people reaching out to
25 Charlotte in a negative way. If

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2 that's not actually true, it creates
3 another problem."

4 A. Yeah.

5 Q. If you turn back to tab 43
6 you can look at the very last page,
7 I think it cut off in tab 44 but the
8 last paragraph in the draft, in the
9 prior tab is "Separately my office
10 has heard anecdotally that some
11 people have reached out to
12 Ms. Bennett to express displeasure
13 about them coming forward. My
14 message to anyone doing that is you
15 have misjudged what matters to me in
16 my administration and you should
17 stop now."

18 Do you see that?

19 A. Yes.

20 Q. And so was that where you
21 were referring to when you said,
22 "Let's make sure we've actually
23 heard about people reaching out to
24 Charlotte in a negative way"?

25 A. Yes.

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2 Q. "And if that's not actually
3 true it creates another problem."
4 What did you mean by if that's not
5 actually true it creates another
6 problem?

7 A. I just thought it was
8 important that everything we say --
9 you know, I just -- I believe that
10 everything we said, everything the
11 Governor said would be scrutinized
12 and, you know, for the same reason I
13 said that, you know, we should
14 delete hundreds of times, you know,
15 if it's not -- if we are not
16 absolutely sure that it's a hundred
17 percent true then -- then I didn't
18 think it was worth saying. Then I
19 didn't think it was worth saying.

20 Q. Okay. And did you -- do
21 you know whether someone ran that to
22 ground, whether that was actually
23 true or not, that people were
24 reaching out to Charlotte in a
25 negative way?

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2 A. I don't remember.

3 Q. If we go to tab 45, which
4 we looked at briefly before?

5 A. Yup.

6 Q. You see it still has the
7 hundreds of times language on the
8 briefing, you see that?

9 A. Yes.

10 Q. And it still has the last
11 paragraph there?

12 A. Yes.

13 Q. If we go to tab 48.

14 (Exhibit 48, E-mail, marked
15 for identification, as of this
16 date.)

17 A. Okay.

18 Q. Okay. There was, I think,
19 reference earlier to the --
20 Bernadette Hogan, the New York Post
21 reporter?

22 A. Yes.

23 Q. And do you see there are
24 questions being e-mailed to you,
25 Mr. Azzopardi, and [REDACTED] [REDACTED]. Who

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is [REDACTED] [REDACTED] ?

A. He was a [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED], for the Downstate region.
He reported to me.

Q. And their list of questions
from Ms. Hogan, "What complaint did
Ms. Mogul and Ms. DesRosiers review?
Did either of them open a formal
investigation? If so, what were the
findings? Was Charlotte Bennett's
complaint referred to the Governor's
Office of Employee Relations? If
yes, was a formal investigation
conducted? 5, if yes, what were the
results of the investigation? And
6, does the Executive Chamber
believe its personnel are not
subject to the laws governing other
state government agencies and
offices?"

Do you see that?

A. Yes.

Q. And then [REDACTED] [REDACTED] writes

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2 back, "As previously stated, we will
3 not have further comment on this
4 until the AG's review is complete
5 and we can't comment further at this
6 time."

7 Do you see that?

8 A. Yes.

9 Q. And Ms. Hogan writes back,
10 "That response does not answer my
11 question and asks why wasn't this
12 complaint handled by GOER in the
13 first place? Did the Executive
14 Chamber break its own rules?"

15 So my question is did you -- I
16 see the statement that was given
17 which just says no comment
18 essentially. Was any work done to
19 track down the answers to these
20 questions?

21 A. At this point I think that
22 the answer is no, because we had
23 already determined there was already
24 a judgment made by the office that,
25 you know, these were questions that

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2 would be part of the Attorney
3 General's investigation. And so
4 litigating them in the press, you
5 know, was -- you know, it wasn't
6 deemed to be prudent.

7 Q. If you turn to tab 50.

8 (Exhibit 50, E-mail from
9 Ms. Hogan, marked for
10 identification, as of this date.)

11 Q. There's some additional
12 questions from Ms. Hogan around
13 whether the Governor completed
14 himself the state mandated sexual
15 harassment training for 2019.

16 Do you see that?

17 A. Yes.

18 Q. Okay. And a question of
19 whether Ms. Benton completed the
20 Governor's training on sexual
21 harassment on his behalf in 2019.
22 Do you remember those questions?

23 A. Yes.

24 Q. Do you recall looking into
25 those questions?

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2 A. No. I think that Rich
3 handled -- I think Rich handled that
4 -- that inquiry.

5 Q. All right. So I want to
6 turn to the allegations by Anna Ruch
7 or Ruch. How do you pronounce it
8 Ruch or Ruch?

9 A. I don't know.

10 Q. We will go with Ruch. What
11 do you recall about those
12 allegations and any response you
13 worked on?

14 A. I don't remember working on
15 -- I don't -- I don't think I worked
16 on that. I don't think I worked on
17 Anna's -- stories related to Anna's
18 allegations.

19 Q. Do you recall speaking to
20 go Mr. Rhodes about the allegations?

21 A. Gareth Rhodes?

22 Q. Yeah.

23 A. Sorry, I may be getting
24 confused now. What were the
25 specific allegations?

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2 Q. So why don't we go to --

3 A. I think I'm confusing Anna
4 Ruch or Ruch with Ana Liss.

5 Q. Let's see if we can -- 51.

6 (Exhibit 51, E-mail, marked
7 for identification, as of this
8 date.)

9 A. Okay. Sorry. Can you ask
10 your questions related to Anna Ruch
11 again.

12 Q. Sure. Do you recall, and
13 you can take a minute to take a
14 look, do you recall working on the
15 response to the allegations made by
16 Ms. Ruch, Anna Ruch?

17 A. I think I was on a call
18 related to it but I didn't -- I
19 don't think I worked on -- I don't
20 think I dealt with the reporters on
21 it. I think Rich handled this one.
22 He was the sort of lead press
23 officer on this one.

24 Q. Do you recall talking to
25 Mr. Rhodes about Ms. Ruch's

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2 allegations?

3 A. Yes.

4 Q. What do you recall about
5 that?

6 A. That he -- he felt like he
7 was -- he told me that he felt like
8 he was in a really difficult
9 position because he was working for
10 the Governor essentially still. He
11 was still detailed at that time to
12 the Executive Chamber, working on
13 COVID. But this -- but Anna was a
14 close friend or is a close friend of
15 Gareth's wife and this photo was
16 taken at Gareth's wedding and so,
17 you know, Gareth relayed to me that
18 he felt I think like he was in a
19 difficult position sort of in
20 between his employer and his spouse.
21 Yeah.

22 Q. Do you recall giving
23 Mr. Rhodes a heads-up that there was
24 going an article about the incident
25 with Ms. Ruch at his wedding?

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2 A. I don't remember that, but
3 it sounds like something I would
4 have done.

5 Q. Go to tab 56.

6 (Exhibit 56, E-mail, marked
7 for identification, as of this
8 date.)

9 A. Okay.

10 Q. This is an e-mail chain
11 involving yourself and others on
12 March 3rd, 2021.

13 A. Okay.

14 Q. Why don't you look through
15 it. My question is whether this was
16 a text chain that was going on while
17 the Governor was speaking and if it
18 was that press conference that you
19 mentioned.

20 A. Okay. This goes on for a
21 while.

22 Q. Do you recall the context
23 of when this chain was being
24 exchanged?

25 A. Yes. It was during -- it

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2 looks to me like it was during and
3 after the initial -- that first
4 press conference where the Governor
5 addressed Charlotte's allegations in
6 front of the cameras.

7 Q. Where were you at the time,
8 were you actually present for the
9 press conference or you were
10 somewhere else?

11 A. I was in -- I was present.
12 It was in the red room of the
13 Capitol and I was in the room in the
14 back of the room.

15 Q. Look at the very last text
16 from Ms. Smith.

17 A. Okay.

18 Q. So you see she says, "Yeah,
19 it's good, but all depends on who
20 else comes out. He has been
21 sleeping with people he works with
22 for decades I have been told."

23 Do you have any understanding
24 of what Ms. Smith was referring to
25 by that?

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2 A. No. I mean nothing -- not
3 really more than what is said here
4 except, you know, I think she had
5 said something to the effect of, you
6 know, she had heard from reporters
7 from time to time, I think, that,
8 you know, what she says here.

9 Q. And the he, is that a
10 reference to the Governor, is that
11 your understanding?

12 A. That is my understanding.

13 Q. And then did you have
14 any -- she told you she heard from
15 reporters this information that the
16 Governor has been sleeping with
17 people he works with for decades.
18 Did she give you any more detail
19 around that, what she had heard?

20 A. No.

21 Q. Okay. And did you have any
22 further conversation with her about
23 her next statement, "Consent when
24 power is involved is complicated as
25 is flirtation"?

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2 A. No.

3 Q. And what was Ms. Smith's
4 role in all this in participating in
5 these various chains we have been
6 going through?

7 A. She was someone who gave --
8 provided strategic advice, sort of
9 outside voice who had, you know, a
10 little bit more perspective and, you
11 know, as a deeply experienced
12 communications professional, I would
13 say the Chamber relied on her
14 guidance or her -- her input.

15 Q. Okay. Karen Hinton?

16 A. Yes.

17 Q. Do you recall her
18 allegations and any involvement you
19 had in the response?

20 A. Yes.

21 Q. What do you recall about
22 that?

23 A. I recall that the
24 Washington Post reached out I think
25 on a Friday night or a Saturday

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2 morning. They were doing a lengthy
3 story about the Governor and the
4 Governor's office and one of the --
5 one of the key points that he was
6 leading with in the story was an
7 allegation from Karen Hinton saying
8 that he, that the Governor hugged
9 her, I think it was 20 years prior
10 in a hotel room. And so I was part
11 of the phone calls that were meant
12 to, you know, help discuss how the
13 Chamber or the Governor would
14 respond to that allegation.

15 Q. And what was the strategy
16 around responding to that particular
17 allegation?

18 A. The view expressed by folks
19 was that it wasn't true. That it
20 didn't happen. And furthermore,
21 that an allegation of a hug from 20
22 years ago, you know, did not or is
23 something that, you know, should
24 really be looked at closely by the
25 media as something, you know,

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2 whether it should rise to the level
3 or, you know, whether it's actually,
4 you know, reportable as something
5 that is newsworthy or significant.

6 Q. If we go to tab 61.

7 (Exhibit 61, BlackBerry PIN,
8 marked for identification, as of
9 this date.)

10 A. Yes.

11 Q. So you recognize this, is
12 this a BlackBerry PIN?

13 A. Yes.

14 Q. And is it from the Governor
15 on March 5th, 2021?

16 A. Yes.

17 Q. And he sends it to you,
18 Ms. Benton, Ms. Derosa and
19 Mr. Azzopardi.

20 Do you see that?

21 A. Yes.

22 Q. "Let's do this right on
23 Hinton Google what she said and see
24 if we have the TY" -- is that the
25 thank you letter?

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2 A. Yes.

3 Q. -- "she just sent me after
4 [REDACTED] [REDACTED]."

5 And then it looks like if you
6 look at the next page, Ms. Derosa
7 writes back, okay or "K"?

8 A. Yes.

9 Q. And then the Governor
10 writes back, "Did they find it?"

11 Do you know what this was
12 referencing to?

13 A. I think it was a letter --
14 I understood this to be he recalled
15 a letter that she had written to him
16 thanking him and it sounded like it
17 was some sort of positive letter
18 after she had [REDACTED] [REDACTED] [REDACTED]. So
19 the way I understood it was she was
20 thanking him for something that he
21 had done to support her during that

22 [REDACTED]

23 Q. And if you go to the next
24 tab, the next two tabs, do you see
25 it's another PIN from the Governor?

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2 A. Yes.

3 Q. Do you recall receiving
4 this PIN?

5 A. Yes. Yes.

6 Q. Okay. And what -- what is
7 your understanding of what the
8 Governor is sending in this message?

9 A. What's my understanding of
10 what he's saying here?

11 Q. Yeah, it's in quotes and --
12 is this a draft statement or is this
13 -- what -- what is this
14 communication from the Governor as
15 you recall it?

16 A. I understood it to be a
17 draft statement that would be given
18 to the press in response to the
19 media inquiry from the Washington
20 Post.

21 Q. And this would be a draft
22 statement in the name of the
23 governor or?

24 A. It's unclear to me.

25 Q. Okay. And was anything

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2 like this ultimately issued by the
3 Governor or the Chamber, if you
4 recall?

5 A. No, not that I recall.

6 Q. Go to tab 68.

7 (Exhibit 68, E-mail, marked
8 for identification, as of this
9 date.)

10 A. Okay.

11 Q. It looks like this is a
12 chain between you and Ms. Smith, do
13 you see that. Among others, looks
14 like --

15 A. Tab 68?

16 Q. Yeah. If you flip through
17 Ms. Smith is on it and Ms. Derosa.

18 A. Yes, she is one of the
19 people on it, yes.

20 Q. If you look at, starting at
21 5490 there's a control number or
22 Bates number at the bottom. So
23 starting where Ms. Smith says, "BC
24 I'm guessing because now I feel it's
25 less about him being creepy at the

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2 office."

3 Do you see that? It's towards
4 the bottom.

5 A. Yes, yes.

6 Q. "And more about his
7 inability to get things done in
8 Albany"?

9 A. Yes.

10 Q. And Ms. Derosa says, "Yes,
11 he'll be back out starting
12 tomorrow." Do you see that?

13 A. Yes.

14 Q. And then that [REDACTED] number
15 that's your number?

16 A. Yes.

17 Q. And then you wrote back,
18 "He did contrite because" it was the
19 right -- "because that was the right
20 thing to do, especially after
21 Charlotte. Then press/polls
22 overplayed hand and real people
23 think this is overblown so now he's
24 in fight mode which is like any day
25 of the week that ends in Y for

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2 Andrew Cuomo." And Ms. Derosa says,
3 "yes," and Mr. Azzopardi likes it.

4 What did you mean by that
5 statement?

6 A. So I think generally in
7 this conversation the group is
8 trying to reflect on how the
9 Governor is being perceived through
10 a few of these allegations. And I
11 was giving a judgment on my read on
12 how the sort of zeitgeist, the
13 political zeitgeist would be
14 thinking about where things were at
15 that point in time. I wasn't
16 expressing my opinion it was sort of
17 like my reflection on what maybe
18 political insiders, how they would
19 view where the Governor is
20 politically at that point.

21 Q. All right. I want to turn
22 to Ana Liss. So earlier I think we
23 had had a mix up on Ana Liss and
24 Anna Ruch. Was Ana Liss the
25 individual you said you were not

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2 involved in responding to the press
3 reports and --

4 A. That's my recollection.

5 Q. And then are you aware of
6 allegations by an anonymous
7 complainant that the Governor groped
8 her at the Executive Mansion?

9 A. Yes.

10 Q. Did you run down to find
11 out who that anonymous complainant
12 was?

13 A. I didn't -- so I became
14 aware of who it was. I didn't -- I
15 didn't work on that story.

16 Q. How did you become aware of
17 who it was?

18 THE WITNESS: Can I ask a
19 privileged question?

20 MR. MUKHI: Should we go off
21 the record or stay on? Doesn't
22 matter to me.

23 (Whereupon, there is an
24 off-the-record discussion.)

25 A. Sorry.

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2 Q. No problem. So I think the
3 question is how did you learn who
4 the anonymous complainant was, the
5 identity of the anonymous
6 complainant?

7 A. I believe I learned about
8 it -- I learned the person's
9 identity from a member of senior
10 staff but I don't remember exactly
11 who it was.

12 Q. Do you recall who your
13 belief that the complainant was?

14 A. I do remember who the
15 complainant -- yes.

16 Q. Who is that, to your
17 understanding?

18 A. It's okay to say it in this
19 context obviously.

20 Q. I mean I won't confirm or
21 deny whether it's a person, I'm just
22 asking you what your belief is.

23 A. Brittany Commisso.

24 Q. Did you ever observe
25 Ms. Commisso and the Governor

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2 interact with each other?

3 A. Did I ever witness the
4 Governor and Brittany interact with
5 one another? I'm sure I did.
6 Nothing in particular stands out.

7 Q. All right. How about
8 allegations against the Governor by
9 a woman who just identified herself
10 by her first name Kaitlin?

11 A. I think I know what you are
12 referring to. Is it -- can you give
13 me a little bit more context so I
14 know that I'm understanding
15 correctly.

16 Q. Let me see if I can come
17 back to that. We can come back to
18 it if needed.

19 Did you -- let me just ask
20 this. Did you have any involvement
21 in responding to those allegations,
22 to your recollection?

23 A. Which allegations?

24 Q. By a woman who just
25 identified herself as Kaitlin, no

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2 last name publicly?

3 A. I think what you are
4 referring to is a person who made an
5 allegation in the New York Magazine.
6 If that's the person you are
7 referring to, I did not work on
8 that, no. I did not work on the
9 response to that, to that story.

10 Q. Tab 80 appears to be the
11 New York Magazine article.

12 (Exhibit 80, New York Magazine
13 article, marked for identification,
14 as of this date.)

15 A. Yes. This is the New York
16 Magazine story. So yes, I didn't
17 work on the New York Magazine story.

18 Q. If you go to tab 79.

19 (Exhibit 79, Chat, marked for
20 identification, as of this date.)

21 A. Okay.

22 Q. You see this is a chat
23 March 10, 2021, 8:17 p.m. It's you,
24 Ms. Derosa, Ms. Smith and
25 Mr. Azzopardi?

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2 A. Yes.

3 Q. It appears, correct me if
4 I'm wrong, at the same time this
5 chat is going on there's some sort
6 of conference call?

7 A. Yes.

8 Q. Do you recall what the call
9 was that was going on during this
10 chat?

11 A. The -- actually this is
12 related to the New York Magazine
13 story. I think the initial outreach
14 Rich did with, I think with
15 Melissa -- I don't remember. Rich
16 was maybe on the phone with the
17 reporter trying to get an
18 understanding of what the
19 allegations were that were being
20 made in the New York Magazine story.
21 I think I heard the conversation. I
22 think Melissa and Liz also heard the
23 conversation and they are commenting
24 on that conversation.

25 Q. I see.

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2 A. I should clarify my prior
3 comment when I said I didn't work on
4 this story. I wasn't the lead
5 person handling -- managing this
6 story from a press perspective.

7 Q. Okay. So -- I appreciate
8 the clarification. So this -- your
9 recollection is Rich and Melissa are
10 talking to the reporter of the New
11 York Magazine article that's in tab
12 80. Okay. And you guys are, you
13 and Ms. Smith are silent observers,
14 is that fair?

15 A. If I remember correctly.
16 Melissa may have been a silent
17 observer. I don't remember.

18 Q. Okay. And then do you
19 recall what Ms. Smith meant by -- it
20 says ONG. I don't know if it's a
21 typo, supposed to be "OMG it's
22 Kaitlin"?

23 A. Um-hmm.

24 Q. Do you remember what that
25 was referring to?

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2 A. I assume she was referring
3 to Kaitlin [REDACTED] because the next
4 thing she says is something about
5 the lumberjack and the -- I can't
6 remember if it was gleaned from the
7 details that were provided in the
8 story that that sounded like -- one
9 of the details in the story sounded
10 like something that related to
11 Kaitlin [REDACTED] -- I'm sorry, I'm
12 struggling to remember exactly what
13 it was or how -- how that connection
14 was made but I think that's how I
15 understand this or, yeah, that's how
16 I understand this.

17 THE VIDEOGRAPHER: Hearing no
18 objection. We are going off the
19 record at 5:41 p.m. and this will
20 end media unit number four.

21 (Whereupon, there is a recess
22 in the proceedings.)

23 THE VIDEOGRAPHER: The time is
24 5:43 p.m. We are back on the
25 record. This will be the start of

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2 media unit number five.

3 Q. So I just wanted to
4 clarify, I know you don't have a
5 specific recollection, but is your
6 general recollection that something
7 about the comment about the
8 lumberjack related to your
9 recollection that Kaitlin is Kaitlin
10 [REDACTED] ?

11 A. Maybe not. I may be
12 connecting dots in my head in
13 retrospect that I don't fully
14 remember. I remember the lumberjack
15 was related to Kaitlin once the
16 story came out. I don't know -- I
17 don't know how Liz -- I don't know
18 what portion of the conversation led
19 Liz to believe that it was Kaitlin.

20 Q. And did you ever -- did you
21 know [REDACTED] Kaitlin ?

22 A. Yes. For a very brief
23 period we overlapped in the Chamber.

24 Q. And did you ever observe
25 her interact with the Governor?

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2 A. No.

3 Q. And then if you turn to the
4 next page.

5 A. Okay.

6 Q. You see Ms. Smith says, "Do
7 e-mail and phone."

8 Do you recall what that was a
9 reference to?

10 A. No. I don't know.

11 Q. And how about "Make it
12 painful for her."

13 Do you recall what -- what
14 your understanding was that
15 Ms. Smith meant by that?

16 A. I think she meant she was
17 making -- she was -- I think she was
18 trying to coax Rich to get more out
19 of the reporter. Like the reporter
20 was kind of being vague about what
21 was going to be included in the
22 story. And I think, if I remember
23 correctly, Rich was trying to --
24 Rich was trying -- make it painful
25 for her, her being the reporter.

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2 Q. Okay. And then Ms. Smith
3 says --

4 A. Sorry, just to be clear.
5 She meant like don't be afraid to be
6 tedious like in asking your
7 questions.

8 Q. Be tedious with the
9 reporter?

10 A. Yeah, like ask a lot of
11 questions. Don't be afraid to like
12 annoy her basically.

13 Q. Understood. And then
14 Ms. Smith says, "Guys, Rich, stop
15 you are being absurd, find a right
16 balance. Have someone else take
17 over. Call. Not Rich" -- typo,
18 should be Peter, "Melissa take
19 over."

20 Do you see that?

21 A. Yes.

22 Q. Do you recall, did you at
23 some point jump into this call with
24 the New York Magazine reporter?

25 A. I don't think I did. To

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 the best of my recollection, I don't
3 think I did.

4 Q. All right. Do you recall
5 Ms. McGrath making public
6 allegations of sexual harassment by
7 the Governor?

8 A. Yes. I remember The New
9 York Times reaching out about,
10 reaching out to me about her
11 allegation.

12 Q. And what do you recall
13 about that?

14 A. The reporter called me and
15 said -- excuse me -- something to
16 the effect of someone -- another
17 person who currently works in the
18 Chamber, Alyssa McGrath, is making
19 allegations related to the Governor.
20 I think I asked him some, you know,
21 preliminary questions but then I
22 essentially passed it off to -- I
23 essentially passed it off to Melissa
24 who was speaking -- my understanding
25 was she was speaking to the Governor

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 and the Governor's lawyers at that
3 point and they -- they handled the
4 response and then -- and then once
5 they settled on a response either
6 Rich or I, I forget who, I think it
7 was Rich sent their final approved
8 statement on to the re 82porter.

9 Q. If you go to tab 82.

10 (Exhibit 82, Texts, marked for
11 identification, as of this date.)

12 Q. I think this is a text
13 exchange between you and Ms. Smith.
14 Why don't you flip through. My
15 question is going to be on the last
16 page, 35 -- 3409.

17 A. 3409, okay.

18 Q. It's a message at the top,
19 it looks like it's from Ms. Smith to
20 you. "I'm getting the sense that
21 they've sicked a whole bunch of pro
22 Melissa partisans on me, including
23 you, which is fine. We are not
24 doing a hit piece, it's not our
25 usual style, but Cuomo is not a

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2 particularly nice man a lot of the
3 time and I haven't a sense of how
4 she deals with that when she sees
5 it, or if she doesn't see that
6 aspect of him, why."

7 Do you see that?

8 A. Yes.

9 Q. Okay. What was your
10 understanding of that message from
11 Ms. Smith?

12 A. I don't remember, this is
13 March 24th, 2021, correct?

14 Q. Yeah.

15 A. And it looks to me -- it
16 looks to me like she was copying and
17 pasting something that a reporter
18 had sent to her. I would imagine
19 some sort of -- a reporter was
20 working on some sort of profile of
21 Melissa.

22 Q. If you go to tab 83.

23 (Exhibit 83, E-mail with
24 Mr. Flegenheimer, marked for
25 identification, as of this date.)

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2 Q. Who is Matt Flegenheimer?

3 A. He's a reporter for -- he
4 is a report for The New York Times
5 Magazine.

6 Q. If you go to the fourth --
7 do you remember what was the context
8 for you being in communication with
9 Mr. Flegenheimer?

10 A. Yes. He was -- Matt was
11 working on a profile of the Governor
12 for The New York Times Magazine.

13 Q. And if you look at, it's
14 4751 at the bottom.

15 A. Okay.

16 Q. You see there's a message
17 from you towards the bottom half,
18 "Hey, hoping to get a resolution on
19 this Melissa thing. Spoke to
20 [REDACTED] for a while earlier and she
21 asked me to put the request in
22 e-mail form as well but haven't
23 heard back. Have you heard
24 anything?"

25 Do you see that?

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 A. Um-hmm. Yes.

3 Q. What do you recall, what
4 was the Melissa thing?

5 A. There was something --
6 there was some characterization,
7 this is after the story published,
8 after the profile published, and
9 there was something in the story, in
10 the piece that characterized, if I
11 remember correctly, characterized
12 Melissa in a particular way that
13 Melissa took issue with and, you
14 know, he felt was unfair and so we
15 tried to persuade them to change it
16 on the online version of the story
17 because we didn't think it was fair.

18 Q. And was it changed to your
19 recollection?

20 A. No.

21 Yes. I say later we asked
22 to -- we asked to be able to provide
23 a defense of Melissa. If they
24 weren't going to change essentially
25 the characterization then she should

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 have the -- if they were to say
3 something critical of her in the
4 piece, then she should have the
5 opportunity to respond and they
6 didn't offer the opportunity to
7 respond. So that's what we were --
8 that's our plea to the New York
9 Times Magazine was about that.

10 Q. Got it.

11 MR. MUKHI: Why don't we take
12 a five-minute break and see what --
13 let me see what else we have -- we
14 will go off the record.

15 THE VIDEOGRAPHER: Standby.
16 The time is 5:55 p.m. We are going
17 off the record.

18 (Whereupon, there is a recess
19 in the proceedings.)

20 THE VIDEOGRAPHER: The time is
21 6:03. We are back on the record.

22 Q. Okay. Mr. Ajemian, a few
23 more questions. Tab 89.

24 (Exhibit 89, March 6, 2021
25 message between Mr. Ajemian and

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 Ms. Lever, marked for
3 identification, as of this date.)

4 Q. You'll see these are some
5 documents where we've put a blue
6 sheet for the tab numbers.

7 A. Okay.

8 Q. If you go to the second
9 blue sheet, it's tab 89.

10 A. Okay.

11 Q. All right. And do you see
12 actually the very last page of tab
13 89 before the blue sheet for tab
14 number 90? It's -- it looks like
15 March 6, 2021, in the evening. The
16 message is between you and
17 Ms. Lever.

18 A. Okay.

19 Q. And she asks, Ms. Lever
20 asks, "Did anyone get on that call?"

21 Do you know what call she was
22 referring to?

23 A. I don't remember based on
24 this.

25 Q. Okay. And did Ms. Lever

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 participate in any of -- I know we
3 have seen her on some text chains
4 with yourself. Did she participate
5 in any of those calls with senior
6 staff and other outsiders about --

7 A. Yes.

8 Q. Was she a regular
9 participant on those calls or less
10 than regular?

11 A. During certain periods she
12 was a regular participant.

13 Q. And she asks, did anything
14 -- anything happen. And this is
15 March 6th. You wrote back,
16 "Consensus is go on offensive, don't
17 hide. This is jump the shark."

18 Do you remember what you meant
19 by that?

20 A. Was March 6th the
21 Washington Post story that included
22 Karen Hinton?

23 Q. I believe it was around
24 that time, either the 5th or the
25 6th.

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2 A. So I was relaying to her
3 what the consensus was of a call
4 that, if I'm remembering correctly,
5 a call that we had just gotten off
6 of related to how to respond if this
7 was, in fact, the day of the
8 Washington Post story involving
9 Karen Hinton. I think the consensus
10 was from that call, I was relay to
11 Dani that the consensus from that
12 call was that this allegation was an
13 example -- you know, demonstrated
14 that the situation vis-a-vis the
15 Governor and all these different
16 allegations had jumped the shark and
17 that there was, you know, a little
18 bit of a pile-on effect happening,
19 if I'm remembering correctly.

20 Q. And this, do you remember
21 who participated, even if you don't
22 remember the particular call, who
23 participated in the call where that
24 consensus -- where they came to that
25 consensus?

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2 A. I can't remember the exact
3 makeup of the call but I think it
4 would have, you know, it included
5 Melissa, either Beth or Judy or
6 both, Liz Smith, Josh Vlasto. Maybe
7 some others, probably some others,
8 I'm probably forgetting some and I
9 also may be adding people in that I
10 -- inadvertently. I just don't
11 remember clearly.

12 Q. Do you recall any
13 conversations with the Governor
14 about going on offense at any point?

15 A. No. Conver- -- no.
16 Although this is reminding me that
17 -- of an earlier PIN that we looked
18 at which was from the Governor. But
19 offensive in this case wasn't --
20 wasn't like to diminish or, sorry,
21 to, you know -- it was -- it was
22 supposed to -- it was more like less
23 conciliatory, less contrite and more
24 the tone was, you know, this isn't
25 -- this isn't true and I know the

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2 media has a -- a responsibility to
3 really report out these allegations.

4 Q. Let me ask you, turning to
5 another subject, why did you decide
6 to leave the Chamber in May of 2021
7 was your departure date?

8 A. Yes, early May. I went
9 into the Governor's office wanting
10 to do public service and wanting to
11 focus -- you know, and wanting to,
12 you know, do public service at a
13 very high level as I alluded to
14 earlier. Following, you know, after
15 several years in the Chamber which
16 is a tough, you know, and demanding
17 job in the best of circumstances,
18 after having done a year of -- a
19 year plus of COVID response every
20 single day, in the office every
21 single day which was incredibly
22 rewarding and I was incredibly proud
23 of, at a certain point it felt like
24 my job was just turning into -- my
25 job became more about responding to

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2 allegations such as the ones we
3 discussed today or -- or other
4 things that I didn't feel I had the
5 capacity to deal with, mental
6 capacity to deal with especially at
7 that time and especially after, you
8 know, a year plus of COVID.

9 And so it was just time for me
10 to go in a different direction and
11 try to get some more balance in my
12 life by going into the private
13 sector. Hopefully get some more
14 balance in my life by going into the
15 private sector.

16 Q. And when you reference that
17 there were other things besides, you
18 know, having to continually respond
19 to allegations like the ones we have
20 been going through, were those other
21 things at the office that were
22 weighing on your decision or outside
23 of the office?

24 A. No. I meant -- I meant
25 issue areas that were consuming the

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2 media's attention, yeah.

3 Q. What issues in particular?

4 A. Nursing homes.

5 Q. And when did you actually
6 make the decision that you were
7 going to leave? I know you left in
8 May but when did you make the
9 decision?

10 A. I made the final decision I
11 think in mid-March.

12 Q. Okay. And who did you tell
13 that you were making that decision?
14 Who did you...

15 A. I informed Melissa Derosa,
16 Judy Mogul, Beth Garvey, Rich
17 Azzopardi.

18 Q. Was there any pushback you
19 received from anyone about leaving
20 at that time or around that time?

21 A. I wouldn't -- I wouldn't
22 call it -- I'm not sure I would call
23 it pushback. Melissa -- Melissa and
24 I had a conversation about whether
25 it would be possible, whether I felt

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2 comfortable staying a little longer,
3 staying till the end of session.

4 End of the legislative session,
5 which would be the end of June or
6 mid-June. But it was I felt handled
7 professionally. I thought she was
8 professional. It was a -- obviously
9 a very difficult decision and she
10 was -- she expressed sadness over me
11 wanting to leave and leaving, as did
12 others. Judy, you know, Beth, Rich.
13 But I think ultimately everyone
14 respected my decision.

15 Q. And did you have your job
16 lined up at Apple when you made your
17 decision to leave after --

18 A. It was not lined up when I
19 made the decision to leave. No, it
20 was not lined up when I made the
21 decision to leave. But I think at
22 that time I had started having
23 conversations, if I'm remembering
24 correctly in the timeline, I had
25 started having conversations with

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2 potential future employers that I
3 was excited about.

4 Q. Okay. So if you go to tab
5 90.

6 (Exhibit 90, Texts, marked for
7 identification, as of this date.)

8 Q. This is February 25th so I
9 think it's after Lindsey Boylan's
10 Medium posting, the day after. And
11 but -- so it starts then and then it
12 continues through when Ms. Boylan --
13 I'm sorry -- Ms. Bennett's
14 allegations become public in The New
15 York Times.

16 A. Ms. Bennett?

17 Q. Yeah.

18 A. Um-hmm.

19 Q. So just to situate it. You
20 see towards the bottom of the second
21 page --

22 A. Yes.

23 Q. -- it looks like this is an
24 exchange between you and Ms. Lever.

25 A. Yes.

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2 Q. She says, "There is nuance
3 here." And then she says, "Okay,
4 now no." And then you say, "There
5 is no nuance. I'm resigning."

6 What do you recall about this
7 exchange?

8 A. This was an exchange
9 between me and Dani during a -- we
10 were texting with one another while
11 we were on a group conference call
12 in which Judy Mogul was reading
13 through her notes of, her notes from
14 her conversations with Charlotte
15 Bennett when Charlotte had spoken to
16 Judy previously. So that is the
17 sort of backdrop of these text
18 messages.

19 So we were -- Dani and I were
20 commenting back and forth to one
21 another about, you know, essentially
22 what we were hearing on the call.

23 Q. Okay. What do you recall
24 about what Ms. Mogul recounted?

25 A. What do I recall now or

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2 what was I commenting on in these
3 texts? Like what specifically was I
4 commenting on?

5 Q. I think first starting
6 generally what do you recall?

7 A. I remember -- I recall
8 being -- being struck by how
9 detailed Judy's notes were. And I
10 was struck by -- it was a very
11 emotional -- I was struck very
12 emotionally by hearing -- hearing
13 Judy read through the notes because
14 it was, if I remember correctly, it
15 was almost in Charlotte's voice.

16 And so it just struck me as --
17 it struck me as sad because one of
18 the things that Charlotte recounts
19 to Judy is her -- her experience
20 with sexual assault or misconduct
21 which was just very difficult to
22 hear and sad to hear and then which
23 I think I'm expressing to Dani.

24 At one point Dani is agreeing
25 that it's a lot, meaning it's a lot

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2 emotionally is how I understand
3 that. And then Dani is saying there
4 is nuance here meaning there were
5 certain details in Charlotte's
6 recounting to Judy that I guess, I
7 don't know what exactly -- I don't
8 remember exactly what Dani viewed as
9 nuance, like it wasn't cut and dry
10 like this was, you know, problematic
11 per se.

12 But then as Judy kept reading
13 I think Dani is saying, okay, no.
14 And I'm saying -- I'm agreeing there
15 is no nuance. And then I say I'm
16 resigning.

17 So obviously I was incredibly
18 emotional during that, hearing that
19 conversation or hearing, you know,
20 Judy recounting and reading her
21 notes. And I was responding
22 emotionally in this text message.

23 You know, at this point I
24 hadn't heard -- I had only heard
25 this, really this -- this side of

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2 the story through Judy's notes from
3 Charlotte. I hadn't heard or didn't
4 have an appreciation for the
5 Governor's perspective.

6 And, you know, once I had
7 heard that I -- it became far less
8 clear to me. My opinion of the
9 situation became far less clear to
10 me. And, you know, my view on it is
11 I just don't know. I don't know
12 what happened and I don't -- I'm not
13 sure I know how I feel about what --
14 I'm not sure how I feel about all of
15 it.

16 Q. All of it being
17 Ms. Bennett's allegations?

18 A. Yeah. Well, really
19 everything actually.

20 Q. Okay. And just I want to
21 go back to there is no nuance just
22 to make sure I understand. So
23 during this text exchange Ms. Mogul
24 is doing basically a read-out of her
25 notes of her prior conversation with

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2 Ms. Bennett before she laughed about
3 her allegations, Ms. Bennett's
4 allegations. And so as I
5 understand, you just said it, she's,
6 Ms. Mogul is reading through her
7 notes. At some point Ms. Lever says
8 the portion of the retelling or
9 read-out there's nuance. Then
10 Ms. Mogul gets to a different part
11 and Ms. Lever says okay, now -- now
12 there's not any nuance. And by
13 nuance you mean whether it's black
14 and white, whether these allegations
15 are serious and supported, is that
16 fair?

17 A. I think it's nuance would
18 mean in this case it's a complicated
19 and complex dynamic between two
20 people. And as Judy continued
21 reading the notes I think Dani and I
22 felt at that point in time that
23 maybe that wasn't the case, it
24 wasn't so complicated or complex of
25 a dynamic. But again, as I learned

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2 more and heard the Governor talk
3 about the situation publicly and
4 privately, you know, it
5 reintroduced, you know, a belief
6 that this is complex and
7 complicated.

8 Q. Okay.

9 A. And I don't really know
10 what happened.

11 Q. Understood. But in this
12 exchange when you are hearing or you
13 heard from the Governor, when you
14 heard Ms. Mogul's recounting of what
15 Ms. Bennett told her, at some point
16 during that recounting you said
17 there's no nuances. Is it fair to
18 say you meant there's no nuance
19 whether this is sexual harassment or
20 not, this is sexual harassment, is
21 that what the meaning of there is no
22 nuance?

23 A. No. I think it would have
24 been -- maybe just a little bit more
25 broad like is this appropriate or

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2 not.

3 Q. Okay.

4 A. Yeah.

5 Q. Okay. And so at some point
6 on that day at least as you are
7 hearing it, Ms. Mogul retell it at
8 some point, in your mind there's no
9 nuance, that this is not
10 appropriate?

11 A. At that point in time,
12 correct, yes.

13 Q. And then when you said I'm
14 resigning, was that a response to
15 what you had just heard that
16 Ms. Bennett had said about her
17 interactions with the Governor?

18 A. Yes. It was a combination
19 of that and just being tired of --
20 being tired of dealing with these
21 stories and having it be -- having
22 it really consume, at that point in
23 time consume -- yeah, consume my
24 professional life.

25 Q. Okay. And did you make the

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2 decision that day to resign or was
3 it later on?

4 A. No. It was later.

5 Q. Okay. And do you recall
6 what portion of Ms. Mogul's
7 retelling of Ms. Bennett's report
8 that struck you as there not being
9 any nuance to at that time?

10 A. I don't remember exactly.
11 It was a -- it was a, as I'm sure
12 you know, a very long -- it was a
13 lengthy reading so there was a lot
14 -- there was a lot of material
15 there.

16 Q. All right. I just want to
17 hand you -- I believe you were there
18 when we received these documents
19 earlier today. So this is a Signal
20 conversation between you and
21 Ms. Smith?

22 A. Yes. Yes.

23 Q. And who else among the
24 folks we have been discussing,
25 either the Executive Chamber staff

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 or the outside advisors as you've
3 described them, did you Signal with
4 during this time frame?

5 A. So I rarely Signalled or
6 use Signal. In rare occasions -- on
7 rare -- in rare instances a few
8 folks reached out to me I think over
9 Signal, not necessarily to discuss
10 Cuomo-related stuff. So Dani and I
11 Signaled at some point about
12 personal matters.

13 Beth Garvey, Robert Mujica.
14 But they were again, very limited.

15 Q. So you see this is an
16 exchange between you and Ms. Smith.
17 On the second page it looks like
18 Ms. Smith says, "Delete anything
19 that could be used against
20 Governor."

21 A. Um-hmm.

22 Q. "Tweets about Kavanaugh,
23 Franklin, Me Too, Weinstein, people
24 resigning, sexual harassment."

25 Do you see that?

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2 A. Yes.

3 Q. And then you ask, you know,
4 some questions about whether people
5 will see it and whether research --
6 researchers or tweets. Do you
7 recall this interaction with
8 Ms. Smith?

9 A. Yes.

10 Q. Did you delete any tweets
11 in response to her comment?

12 A. Yes. I deleted, I don't
13 remember exactly, but I think it was
14 like two or three tweets that were
15 from a press conference probably
16 around a year earlier where the
17 Governor had done an announcement on
18 new sexual harassment laws that he
19 was signing or we were pushing to
20 pass. And, you know, it was like
21 photos of the Governor at the deus
22 with advocates and then, you know,
23 maybe some quotes from -- from the
24 Governor from that event.

25 Q. Was this on your personal

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2 Twitter feed or --

3 A. My personal Twitter feed,
4 yeah. This is -- I was -- part of
5 my confusion here was I wasn't sure
6 if she was talking about the
7 Governor's Twitter feed and then it
8 became clear that she was talking
9 about my personal Twitter feed.

10 Q. Got it. Any other tweets
11 you recall besides ones about that
12 event you described?

13 A. No, not that I -- not that
14 I can recall.

15 Q. Was there any discussion
16 you recall about any other deleting
17 of e-mails, tweets, documents after
18 the allegations come out of anything
19 that could be used against the
20 Governor?

21 A. No.

22 MR. MUKHI: Okay. If you can
23 just give me -- if you go back to
24 the blue packet I'll call it, 92.

25 (Exhibit 92, E-mail with

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2 [REDACTED] [REDACTED], marked for
3 identification, as of this date.)

4 Q. Who is [REDACTED] [REDACTED]
5 [REDACTED] ?

6 A. He is a friend of mine.

7 Q. Okay.

8 A. Personal friend, unrelated
9 to the Governor's office.

10 Q. Let me take you on the
11 third page on March 3rd where he
12 says, "Sending thoughts on this
13 tough morning. I know you have to
14 be frustrated with all of this COVID
15 news, bigfooting your attempts to
16 get GAMC predator coverage this
17 morning." I assume that's sarcasm?

18 A. Sarcasm, yes. This -- yes.

19 Q. All right. And --

20 A. Sarcasm, satire, some
21 version of some -- all of the above.

22 Q. And then if you go to, I
23 guess it's the third page, at the
24 bottom, "Just hearing that [REDACTED] is
25 getting transferred."

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2 Do you see that all the way at
3 the bottom?

4 A. "Just hearing that [REDACTED]
5 is getting transferred," yes.

6 Q. "He decided to go back to
7 his agency job" I believe is your
8 response. Does [REDACTED] [REDACTED] know
9 Mr. [REDACTED] ?

10 A. He knows who [REDACTED] is. He
11 doesn't know him personally.

12 Q. You said, "He decided to go
13 back to his agency job."

14 A. Yes.

15 Q. So he doesn't know
16 Mr. [REDACTED] or [REDACTED] [REDACTED] to your
17 knowledge, [REDACTED] [REDACTED] ?

18 A. No, he does not.

19 MR. MUKHI: All right. Let me
20 just -- if we go off the record for
21 two minutes, I'll see if I have
22 anything else.

23 THE VIDEOGRAPHER: Standby.
24 Time is 6:35. We are going off the
25 record.

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2 (Whereupon, there is a recess
3 in the proceedings.)

4 THE VIDEOGRAPHER: The time is
5 6:38. We are back on the record.
6 Counsel.

7 Q. Mr. Ajemian, when you left
8 the Chamber did you -- were there
9 any informal or formal agreements
10 you -- you entered into regarding
11 confidentiality, like an NDA or
12 anything informal?

13 A. No.

14 Q. Okay. Now since you left
15 the Chamber in May have you
16 participated in any phone calls with
17 other folks who were still at the
18 Chamber or others around strategy in
19 responding to the allegations?

20 A. No.

21 Q. Have you -- have you stayed
22 in touch with people from the -- the
23 Chamber since you left?

24 A. I have stayed in touch with
25 Dani as I mentioned. Melissa has --

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2 Melissa called me early on maybe
3 once or twice to check in and say
4 hello and subsequently, you know,
5 texted me a couple times just to
6 check in and say hope you are well,
7 to which I responded hope you are
8 well.

9 Rich Azzopardi is very
10 similar, limited interaction. Beth
11 Garvey very similar, limited
12 interaction. That's -- I have
13 checked in on Jill just by text to
14 say I hope your family is doing
15 okay. But that's all I can think of
16 right now.

17 Q. Any discussion with anyone
18 who is still at the Chamber about
19 the investigation into the
20 allegations against the Governor,
21 anything related?

22 A. No.

23 Q. And by the way, what are
24 your responsibilities at Apple in
25 your new position now?

1 AJEMIAN - HIGHLY CONFIDENTIAL

2 A. I do corporate
3 communications, public relations
4 related to the app store. Yeah, I
5 can go into more detail but
6 that's --

7 Q. Who do you report to, like
8 how high up are you basically in the
9 organization?

10 A. I'm -- my title is senior
11 PR manager. I report to a senior
12 director for corporate
13 communications who reports to a VP
14 who reports to another VP who
15 reports to the CEO.

16 Q. So then finally is there
17 anything you'd like to add or
18 clarify in any of your answers from
19 earlier today?

20 A. I don't think so.

21 Q. Okay. Is there anything
22 else you can think of based on
23 everything we've discussed today and
24 your understanding of -- on the
25 scope of this investigation that you

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 can think of that would be relevant
3 to our investigation in your mind?

4 A. In my experience it is the
5 Executive Chamber is full of really
6 smart, talented, dedicated people
7 and I hold them in incredibly high
8 regard and respect the work that
9 they do, and they do a lot of great
10 work. So that's relevant to me.

11 Q. Okay. Anything relevant to
12 sexual harassment or hostile work
13 environment, any information you
14 have related to those issues that we
15 haven't discussed today?

16 A. No.

17 Q. Okay. And I heard the
18 statement you just made. Is there
19 anything else, any statement you'd
20 like to make for the record?

21 A. No.

22 MR. MUKHI: Okay. All right.
23 So we're about to end the
24 examination. So thank you. I know
25 it was a long day. I just want to

1 AJEMIAN - HIGHLY CONFIDENTIAL
2 remind you so you still have
3 continuing obligations under the
4 subpoenas. If you find, locate any
5 additional responsive documents,
6 you should provide them to your
7 counsel who can provide them on to
8 us. If we have any follow-up
9 questions we will reach out to your
10 counsel as well under the
11 testimonial subpoena.

12 And we'd just ask -- I asked
13 at the top that you remember that
14 our investigation is confidential
15 so anything you saw or gleaned from
16 our discussion today we'd ask that
17 you keep it confidential.

18 THE WITNESS: Understood.

19 MR. MUKHI: We can go off the
20 record.

21 THE VIDEOGRAPHER: Standby.
22 This concludes today's deposition
23 or inquiry by Peter Ajemian. The
24 number of media units used is five.
25 They will be retained by Veritext

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AJEMIAN - HIGHLY CONFIDENTIAL
Legal Solutions. We are going off
the record at 6:43 p.m. Eastern
Standard Time. Stay safe
everybody.

(Time noted: 6:43 p.m.)

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STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

I, ERICA L. RUGGIERI, RPR and a
Notary Public within and for the State
of New York, do hereby certify:

That I reported the proceedings
in the within-entitled matter, and
that the within transcript is a true
record of such proceedings.

I further certify that I am not
related by blood or marriage, to any
of the parties in this matter and
that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 8th day of
July, 2021.



ERICA L. RUGGIERI, RPR, CSR, CLR