

In the Matter of the )  
Independent Investigation )  
under New York Executive )  
Law Section 63(8) )  
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HIGHLY CONFIDENTIAL

VIDEO RECORDED TESTIMONY OF MELISSA DEROSA

New York, New York

Monday, July 5, 2021

Reported Stenographically By:  
PATRICIA A. BIDONDE  
Registered Professional Reporter  
Realtime Certified Reporter  
JOB #: 365722

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July 5, 2021  
9:03 a.m.

HIGHLY CONFIDENTIAL Video  
Recorded Testimony of, MELISSA DEROSA,  
held at the offices of Cleary, Gottlieb,  
Steen & Hamilton LLP, One Liberty Plaza,  
New York, New York, before Patricia A.  
Bidonde, Stenographer, Registered  
Professional Reporter, Realtime  
Certified Reporter, Certified eDepoze  
Court Reporter, Notary Public of the  
State of New York, and Notary Public of  
the State of Connecticut.

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19   ALSO PRESENT:

20   CHRISTIAN BIDONDE, Videographer

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P R O C E E D I N G S  
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THE VIDEOGRAPHER: We are on the record at 9:03 a.m. on July 5, 2021. Audio and video recording will continue to take place until all parties agree to go off the record. Please note that microphones are sensitive and may pick up whispering and private conversations.

This is the video recorded deposition of Melissa DeRosa, in the matter of Independent Investigation under law Section 63, Subpoint 8.

This deposition is being held at Cleary, Gottlieb, Steen & Hamilton LLP, located at One Liberty Plaza New York, New York.

My name is Christian Bidonde. I'm the videographer on behalf of US Legal Support. The court certified stenographer is Patricia Bidonde, on behalf of US Legal Support.

I'm not related to any party in this action nor am I financially

1 interested in the outcome.

2 Counsel will state their  
3 appearances for the record, after which  
4 the court reporter will swear in the  
5 witness.

6 MS. KENNEDY PARK: Good morning,  
7 Ms. DeRosa. I'm Jennifer Kennedy Park.  
8 I'm with the law firm of Cleary,  
9 Gottlieb, Steen & Hamilton. But for  
10 today's purposes, I'm a Special Deputy,  
11 the First Deputy Attorney General of the  
12 New York Attorney General's office.

13 MS. CLARK: Hi. I'm Anne Clark  
14 from the law firm of Vladeck, Raskin &  
15 Clark. And again, I am also a Special  
16 Deputy today.

17 MR. KIM: Joon Kim, also from  
18 Cleary, Gottlieb, Steen & Hamilton and  
19 appearing as a Special Deputy today.

20 MS. MICHELEN: Lorena Michelen,  
21 also from Cleary, Gottlieb, appearing as  
22 a Special Assistant to the First Deputy  
23 Attorney General.

24 MR. HECKER: Sean Hecker, Shawn  
25 Crowley, and Justin Horton, all from

1           Kaplan Hecker & Fink for Ms. DeRosa.  
2   M E L I S S A   D E R O S A, called as a  
3           witness, having been duly sworn by a  
4           Notary Public, was examined and  
5           testified as follows:

6   EXAMINATION BY

7   MS. KENNEDY PARK:

8           Q.     Good morning, Ms. DeRosa.

9           A.     Good morning.

10          Q.     As I just mentioned, my name is  
11   Jennifer Kennedy Park. The New York Attorney  
12   General has appointed the law firms Cleary,  
13   Gottlieb, Steen & Hamilton and Vladeck, Raskin  
14   & Clark to conduct an independent  
15   investigation under New York Executive Law 63  
16   Section (8) into allegations of sexual  
17   harassment brought against Governor Andrew  
18   Cuomo as well as the surrounding  
19   circumstances.

20                 You're here today pursuant to a  
21   subpoena issued in connection with that  
22   investigation. I'll note at the outset that  
23   obviously today's proceeding is being video  
24   recorded and you are under oath.

25                 That means that you must testify

1 fully and truthfully just as if you were  
2 sitting in a court of law before a judge or a  
3 jury. And your testimony is subject to the  
4 penalty of perjury. Do you understand?

5 A. I do.

6 Q. If you would like to make a brief  
7 sworn statement today, I'll give you the  
8 opportunity to do so at the conclusion of the  
9 examination, whether that be today or  
10 tomorrow. Okay? Do you understand?

11 A. I do.

12 Q. Although this is a civil  
13 investigation, the New York Attorney General's  
14 office has criminal enforcement authority. So  
15 you have the right to refuse to answer my  
16 questions if answering the question would  
17 incriminate you.

18 However, a failure to answer can  
19 be used against you in a court of law in a  
20 civil proceeding. Do you understand?

21 A. I do.

22 Q. Okay. You're appearing today  
23 with your attorneys. You can consult your  
24 attorneys today about privileged matters. But  
25 this is not a deposition, and so they won't be

1 making objections. Do you understand?

2 A. Mm-hmm.

3 Q. Okay. As you can see, we have a  
4 court reporter, and we are very thankful to be  
5 in person today. So you just said "mm-hmm" a  
6 second ago. We can't say mm-hmm. So you have  
7 to say yes or no when you're answering my  
8 questions. You can't nod because she can't  
9 record a nod.

10 Do you understand?

11 A. I do.

12 Q. Okay. And you have to let me  
13 finish before you answer, and I'll let you  
14 finish your answer so that she can record my  
15 questions and your answers. Do you  
16 understand?

17 A. I do.

18 Q. Okay. If you want to clarify an  
19 answer at any point, whether it's to a  
20 question that I've just asked you or a  
21 question I asked you before, just tell me.  
22 Just say "Actually, there's something I want  
23 to clarify," and we'll go back and we'll do  
24 that.

25 Do you understand?

1           A.     I do.

2           Q.     If you don't understand a  
3 question I'm asking, please tell me you don't  
4 understand. All right?

5           A.     Yes.

6           Q.     There you go. I'm going to ask  
7 about some names. I'm going to ask about some  
8 dates and some other specific information. If  
9 you don't remember a specific name, if you  
10 don't remember a specific date, I'm asking you  
11 to give me your best approximation.

12                     Do you understand?

13          A.     Yup.

14          Q.     If you need a break, just let us  
15 know, and we'll go off the record as long as  
16 there's not a question pending. If you want  
17 to take a break, I'll just ask -- answer the  
18 question I've just asked, and then we can take  
19 a break. All right?

20          A.     Sure.

21          Q.     No one is recording this in the  
22 room other than the videographer?

23                     MR. HECKER: Correct.

24                     MS. CROWLEY: Correct.

25                     MR. HORTON: Correct.

1 Q. There you go. All right. Under  
2 Executive Law 63, Section 8, the provision of  
3 which this is being conducted, you're  
4 prohibited and your counsel is prohibited from  
5 revealing anything about which we ask you  
6 today or anything about which you tell us  
7 today. If anyone asks you to disclose that  
8 information, you should let us know.

9 Do you understand?

10 A. I do.

11 Q. Okay. Are you taking any  
12 medication or drugs that might make it  
13 difficult for you to understand my questions?

14 A. No.

15 Q. Can you state your name, date of  
16 birth, and your current home and business  
17 address?

18 A. Melissa Dina DeRosa.

19 [REDACTED]. Should I be looking at  
20 you or her when I answer these questions?

21 Q. So you should really be looking  
22 at the camera to the best you can, but I  
23 understand that's awkward. So we'll look at  
24 each other.

25 A. Okay. [REDACTED] I'm

1 at [REDACTED]  
2 [REDACTED]. And I have two  
3 offices, 633 Third Avenue in Manhattan and the  
4 New York State Capitol in Albany.

5 Q. Okay. We're both talking a  
6 little fast today. So we'll both try to slow  
7 down or the court reporter will tell us to  
8 slow down and we'll do our best. All right?

9 A. Okay.

10 Q. Okay. Have you ever given  
11 testimony before?

12 A. I have not.

13 Q. Okay. Other than conversations  
14 with your lawyers, what have you done to  
15 prepare for today's testimony?

16 A. I went back and reviewed some  
17 news articles. I went back and reviewed some  
18 e-mails and text messages, and we did two Zoom  
19 prep sessions and two in-person prep sessions.

20 Q. Are all the news articles,  
21 e-mails, and text messages that you reviewed  
22 to prepare for today documents that your  
23 counsel has produced to us?

24 A. Yes.

25 Q. All right. You've got two big

1 binders in front of you. If you can pull open  
2 the second binder right here, the farthest one  
3 to your left.

4 A. The farthest one to my left? So  
5 this one?

6 Q. Sorry. Your right.

7 A. Okay.

8 Q. And go to Tab 246. Sorry, very  
9 thick. We'll mark this as our first exhibit.  
10 We'll take a moment to look at it. And when  
11 you're done, just look up.

12 (Exhibit 1, Testimony Subpoena  
13 for Melissa DeRosa, dated June 28, 2021,  
14 marked for identification, as of this  
15 date.)

16 A. (Document review.)

17 Q. Okay. Is this the testimony  
18 subpoena you received from the New York  
19 Attorney General's office?

20 A. I believe so.

21 Q. Did you read this subpoena before  
22 today?

23 A. No.

24 Q. So this is the first time you're  
25 reading it?

1 A. Yes.

2 Q. Okay. Have you fully read it?

3 A. Just now, yes.

4 Q. Okay. Do you understand that  
5 this is the subpoena to which your testimony  
6 is being taken today?

7 A. Yes.

8 Q. Okay. We're going to turn to  
9 Tab 237, and mark this as the next exhibit.

10 (Exhibit 2, Subpoena from New  
11 York Attorney General's office for  
12 Melissa DeRosa, requesting documents,  
13 marked for identification, as of this  
14 date.)

15 Q. Why don't you take a look at it.  
16 And then when you're done looking at it, let  
17 me know.

18 A. Yes, so I've read this one  
19 previously.

20 Q. Okay. So is this the subpoena  
21 for documents that you received from the --

22 A. Yes.

23 Q. -- New York State Attorney  
24 General's office? You just have to wait.

25 A. Sorry.

1 Q. It's okay. She'll go crazy if we  
2 don't do that.

3 So is this the testimony subpoena  
4 for documents that you received from the New  
5 York Attorney General's office?

6 A. Yes.

7 Q. Okay. And did you review this  
8 before today?

9 A. Yes.

10 Q. What did you do to comply with  
11 the subpoena?

12 A. The law firm Kaplan Hecker imaged  
13 my phone. I gave them access to my personal  
14 Gmail and my campaign Gmail. All of my  
15 e-mails on my official executive e-mail had  
16 been retained previously because I had been  
17 under a litigation hold.

18 So from, I think, March 1  
19 forward, everything had been retained.  
20 Whether or not I had it deleted it in my  
21 inbox, there was a backup copy. And I gave  
22 the IT people in my office my BlackBerry to  
23 extract the pins.

24 Q. Okay. So just back up. So your  
25 BlackBerry, was that something that was issued

1 to you by the executive chamber?

2 A. Yes.

3 Q. And you provided that to Harold  
4 Moore?

5 A. Correct.

6 Q. Okay. And your phone, what kind  
7 of phone was it?

8 A. An iPhone.

9 Q. Okay. Do you have any other  
10 cellular devices other than the BlackBerry and  
11 the phone?

12 A. There was a work iPhone that was  
13 issued to me two years ago that I never turned  
14 on and wouldn't be able to turn on if you  
15 asked me to. So that exists in the world, but  
16 it wouldn't have anything relevant on it, and  
17 I don't know where it is.

18 Q. Okay. And the cellular phone  
19 that you provided to counsel, that was an  
20 iPhone?

21 A. Yes.

22 Q. And you said you gave your  
23 counsel access to your personal Gmail and to  
24 your campaign e-mail. Do you have any other  
25 e-mail addresses other than your executive

1 chamber e-mail address?

2 A. No.

3 Q. Did you look through any paper  
4 files?

5 A. I don't keep paper files.

6 Q. You don't keep any notebooks or  
7 journals or schedules?

8 A. No.

9 Q. Your personal iPhone, did you  
10 check your auto delete feature at any point?

11 A. Yes. After we received the  
12 subpoena on March 15, we were instructed  
13 shortly after that to make sure that the  
14 30-day auto-delete had been turned off.

15 Q. And had your 30-day auto-delete  
16 been turned off prior to March 15?

17 A. I believe a couple of days prior.

18 Q. How much earlier than March 15  
19 did you turn off the auto-delete feature on  
20 your iPhone?

21 A. I think it was probably around  
22 the 12th.

23 Q. What caused you to turn off the  
24 auto-delete feature on your iPhone?

25 A. I didn't realize that it was on.

1 And I was talking to Harold about information  
2 that I was -- needed to preserve for another  
3 matter. And so in that process, we realized  
4 that the 30-day auto-delete was on and turned  
5 it off.

6 Q. Any other documents you searched  
7 to provide in response to the subpoena?

8 A. Oh, my Twitter account. They  
9 searched the DMs in my Twitter account.

10 Q. Did you give your counsel access  
11 to any other social media accounts?

12 A. Yes. But there was nothing.  
13 They only have Instagram and there's nothing  
14 related to this. And then I believe that they  
15 also went through my -- the hard drive on my  
16 computer, both in New York City and Albany, to  
17 see if there were any relevant documents.

18 Q. When you say "the hard drive on  
19 your computers in New York City and Albany,"  
20 are those executive chamber-issued devices or  
21 personal devices?

22 A. Executive chamber devices.  
23 They're my desktops.

24 Q. So your counsel, Mr. Hecker, and  
25 his colleagues went through your executive

1 chamber hard drives?

2 A. I actually don't know if they did  
3 or if the executive chamber did.

4 Q. Okay. And do you have any  
5 personal computers?

6 A. A laptop.

7 Q. And what happened with that?

8 A. I gave it to Kaplan Hecker and  
9 they imaged it.

10 Q. And going back to social media,  
11 do you have Facebook?

12 A. No.

13 Q. Snapchat?

14 A. No.

15 Q. Any of the other snap platforms?

16 A. Nothing.

17 Q. Do you use LinkedIn?

18 A. No.

19 Q. Anything else we haven't covered  
20 that you did to respond to the subpoena for  
21 documents?

22 A. I think that's it.

23 Q. Okay. Can you take us through  
24 your educational background, starting with  
25 university or college?

1           A.     I attended Cornell University in  
2 Ithaca, New York, received a bachelor's degree  
3 in industrial and labor relations, graduated  
4 in 2004, and then I returned to Cornell  
5 University a couple of years later and got a  
6 master's in public administration and  
7 graduated in 2009.

8           Q.     I'm just going to ask you to slow  
9 down. Okay?

10          A.     Sorry. It's the pace of my --

11          Q.     I understand but she has to  
12 record it, and otherwise we're going to make  
13 her day very difficult if we don't slow down.

14                   Other than the master's from  
15 Cornell, do you have any advanced degrees?

16          A.     No.

17          Q.     Have you taken any advanced  
18 courses?

19          A.     No.

20          Q.     Can you outline your employment  
21 history for us, starting with your first  
22 position after graduating from Cornell in  
23 2004?

24          A.     I was a fashion publicist out of  
25 school for a year at Theory, which is a

1 fashion house here in New York, my rebellious  
2 phase. I then worked for Bolton-St. Johns,  
3 which is my father's firm. I was there for a  
4 year.

5 I worked for one of his partners  
6 on a couple of campaigns, a transportation  
7 bond act initiative and a congressional  
8 campaign.

9 I then worked for -- as a  
10 campaign manager for a woman running for  
11 congress in Upstate New York, [REDACTED],  
12 at which time I was doing that while  
13 simultaneously attending graduate school and  
14 going back and forth.

15 And at the conclusion of that  
16 campaign, I became the director of  
17 communications and legislation for public  
18 affairs from Cordo & Company.

19 After that I was named New York  
20 State director of President Obama's political  
21 organization in New York, Organizing for  
22 America.

23 After that I was named deputy  
24 chief of staff to the attorney general when it  
25 was Eric Schneiderman I served as his acting

1 chief of staff for a brief period of time, and  
2 then I became communications director for  
3 Governor Cuomo.

4 In 2015 we amended my title to be  
5 communications director and strategic advisor  
6 to the governor. The next year I was named  
7 chief of staff, and a year and a half later,  
8 secretary to the governor.

9 I also serve as the chairwoman on  
10 the Council on Women and Girls.

11 Q. When did you become the  
12 communications director for the executive  
13 chamber?

14 A. April 2013.

15 Q. And just to make sure I got this  
16 right: In 2015 is when you became -- you  
17 added the title -- I think you said strategic  
18 advisor?

19 A. Yeah, in January of 2015,  
20 strategic advisor. And then I believe that  
21 December is when I was named chief of staff.

22 Q. December of 2016?

23 A. I think it was 2015 or  
24 January 2016.

25 Q. Tell us about how it is that you

1 became the communications director for the  
2 executive chamber.

3 A. I had known Governor Cuomo for  
4 years just through political circles. I knew  
5 a lot of his top staff. So I was on their  
6 radar.

7 When he was running for attorney  
8 general and won, they actually tried to hire  
9 me to come in and be director of  
10 intergovernmental affairs. Joe Percoco and  
11 Josh Vlasto and [REDACTED] engaged me on that.

12 I declined because I had an offer  
13 to be deputy chief of staff to the attorney  
14 general, and I thought that I would get more  
15 high-level experience being, you know, fewer  
16 chiefs situation. And so I declined that.

17 And then two years later, when  
18 the position for communications director  
19 opened up, they reached back out and recruited  
20 me. And it was an offer I couldn't pass up.

21 Q. When you say "they reached back  
22 out," who reached back out?

23 A. Josh Vlasto, Joe Percoco, and  
24 Larry Schwartz.

25 Q. And you said it was an offer you

1 couldn't pass up. Why is that?

2 A. Being communications director to  
3 the governor of the State of New York is, you  
4 know, for me, growing up in politics and  
5 always sort of dreaming of being at the center  
6 of the political world was something that I  
7 couldn't say no to.

8 Q. Tell us about the interview  
9 process.

10 A. It wasn't an interview process.  
11 I was recruited.

12 Q. In the recruitment process, did  
13 you meet with Governor Cuomo?

14 A. No. Not until after I accepted  
15 the job.

16 Q. How long was the recruiting  
17 process?

18 A. I'm -- I want to say it was  
19 probably, like, a week and a half. They  
20 needed an answer quickly because their  
21 communications director was leaving, and if I  
22 wasn't going to take the job, then they were  
23 going to move on to other options.

24 I had already been working for  
25 the state, and so the background review

1 process was able to be expedited.

2 Q. What was your starting salary as  
3 communications director?

4 A. I think it was [REDACTED]. It was  
5 commensurate with the woman who had the job  
6 before me, [REDACTED] was paid.

7 Q. Did you negotiate that salary?

8 A. I believe I said, "I expect to be  
9 paid what [REDACTED] was paid."

10 Q. Did you talk to anybody else as  
11 part of the decision-making process?

12 A. What do you mean? Like, I  
13 consulted with family.

14 Q. Other than family, did you talk  
15 to anybody else?

16 A. Friends, reporters.

17 Q. And which friends did you talk to  
18 during that recruiting process?

19 A. I spoke to [REDACTED], who was  
20 the attorney general's chief of staff when I  
21 was deputy chief of staff. I spoke to  
22 [REDACTED], who served as  
23 communications -- or campaign manager to the  
24 governor's 2008 run. People like that who  
25 just were generally in politics.

1 Q. Anyone else you can remember  
2 talking to during the recruiting process?

3 A. Like college friends,  
4 girlfriends.

5 Q. And what did you talk to [REDACTED]  
6 [REDACTED] about?

7 A. I asked him if he thought that it  
8 was a good idea.

9 Q. And what did he say?

10 A. He thought that I should stay in  
11 the attorney general's office and be, like,  
12 the youngest chief of staff to the attorney  
13 general, and that I would have a lot more room  
14 to run and grow, and that if I went over there  
15 as communications director, I could get  
16 pigeonholed, and in my time in the attorney  
17 general's office, I had grown to be much more  
18 than that.

19 And so he thought that I should  
20 stay and do that versus going to be  
21 communications director.

22 Q. So he was trying to convince you  
23 to stay?

24 A. Yes.

25 Q. Didn't work?

1 A. No.

2 Q. And you said [REDACTED] -- or I

3 think it was [REDACTED]. What --

4 A. [REDACTED]

5 Q. What did you talk to her about?

6 A. I mean, same thing, what do you  
7 think, and she said it's going to be a lot of  
8 work. It's 24/7. It's very intense. He  
9 works really hard. He expects everyone around  
10 him to work really hard.

11 Although I was always, sort of,  
12 hardwired that way. So it wasn't -- that  
13 wasn't something that dissuaded me. That was  
14 something that excited me.

15 Q. Anything else you remember she  
16 said?

17 A. No.

18 Q. Did either Ms. [REDACTED] or  
19 Mr. [REDACTED] say anything about working with  
20 Larry Schwartz?

21 A. No.

22 Q. Or working with Joe Percoco?

23 A. No.

24 Q. And you said --

25 A. Not that I recall.

1 Q. -- said you spoke to some college  
2 friends. What did you talk to the college  
3 friends about?

4 A. What do you think, what should I  
5 do. And they were like, of course you should  
6 do this. This is the kind of thing you've  
7 wanted your whole life. Like, you're not a  
8 lawyer. Being chief of staff in the attorney  
9 general's office not as a lawyer, like, you're  
10 ultimately going to, you know, reach a ceiling  
11 and what's the point.

12 So go be in the government's  
13 office. It's what you love. It's what you  
14 care about. So they encouraged me to take the  
15 job.

16 Q. Anyone discourage you from taking  
17 the job?

18 A. No, other than [REDACTED]

19 Q. You said, before you took the  
20 role as communications director, that you had  
21 known Governor Cuomo for years.

22 A. Mm-hmm.

23 Q. When was the first time you met  
24 Governor Cuomo?

25 A. I mean, in rope lines and things

1 like that from the time I was a kid. One  
2 instance that I remember meeting him in a more  
3 substantive way was in 2008 when I worked for  
4 [REDACTED] and [REDACTED].

5 They threw a fundraiser for him  
6 at the Capitol Grille, which was a very small  
7 event, 20 people, sit-down lunch. And so it  
8 was a real opportunity to exchange ideas and  
9 hear from him on his philosophy of governing  
10 and get to ask questions.

11 Q. And that was in 2008 you said?

12 A. Mm-hmm.

13 Q. It was the first substantive  
14 interaction you had with Governor Cuomo?

15 A. Mm-hmm.

16 Q. Were you seated at his table  
17 during that lunch?

18 A. There was only one table.

19 Q. What do you remember him talking  
20 about?

21 A. I remember him talking about  
22 challenging bureaucracy. I remember him  
23 talking about how broken Albany was. It was,  
24 like, very clear back then he was thinking of  
25 running for governor.

1                   So he talked a lot about his  
2 vision for moving Albany forward and the  
3 dysfunction and on-time budgets and  
4 legislation that would just wean on for years  
5 and years; and that he believed that Albany  
6 is, sort of, where good ideas came to die, and  
7 that didn't have to be the way.

8                   And he talked a lot about his  
9 time in Albany in the '80s with his father and  
10 how government could be a vehicle for good.  
11 And if you get good, smart, dedicated public  
12 servants, the sky is the limit. It was very  
13 inspiring.

14                Q.     Did you say anything to Governor  
15 Cuomo on that occasion?

16                A.     No. I just listened. I was a  
17 kid.

18                Q.     How old were you?

19                A.     In 2008 I was [REDACTED]

20                Q.     Who else was at your table?

21                A.     It was the partners at the firm  
22 and some clients. So [REDACTED]  
23 [REDACTED] and some other partners -- or some  
24 other clients of the firm. I can't tell you  
25 specifically who. I don't recall.

1 Q. Were you actually introduced to  
2 the governor on that occasion?

3 A. He went around and shook hands  
4 with everyone. It was a very small event.

5 Q. And after that event in 2008,  
6 when was the next time you had a substantive  
7 interaction with him?

8 A. In 2010, my father hosted an  
9 event for him, and I met him -- remet him  
10 again at that event and had a pretty lengthy  
11 conversation.

12 Q. When in 2010 was that event?

13 A. I don't recall the month, but it  
14 had to be -- like, it was before the election.  
15 It had to be, like, August, September of that  
16 year.

17 Q. And you said you had a  
18 substantive interaction. Tell us about that  
19 interaction.

20 A. I was serving as New York State  
21 director for Obama's political organization.  
22 And so I was point person between [REDACTED]  
23 [REDACTED] in the White House and the DNC and  
24 also the state party here in New York.

25 We had just done Obamacare, and

1 so we had a lot of marginal congressional  
2 members who were being challenged. This was  
3 during the Tea Party rise. So it was my job  
4 to, sort of, be the go-between, the political  
5 eyes and ears, and run the campaigns uniformly  
6 for the White House.

7           And so I had access of a  
8 tremendous amount of polling information. I  
9 knew a lot about what was going on on the  
10 ground and a lot of these, like, marginal  
11 areas. And he was running for governor.

12           So we started talking about that,  
13 and I started telling him what I was seeing on  
14 the ground and where I saw trouble and how I  
15 thought the trend line were going to go, where  
16 people were not just going to go vote down  
17 ballot, but potentially vote across ballot.

18           And so we just had a very quick  
19 political conversation.

20           Q.     How long did that conversation  
21 last?

22           A.     Probably, like, ten, 15 minutes.

23           Q.     What was the entry price to  
24 attend this fundraiser?

25           A.     I don't remember.

1 Q. Do you remember how much was  
2 raised?

3 A. No.

4 Q. When was the next substantive  
5 interaction with Governor Cuomo?

6 A. He called me a couple of days  
7 later to follow up on that conversation.

8 Q. Where did he call you?

9 A. On my cell phone.

10 Q. How did he get your cell phone  
11 number?

12 A. From [REDACTED].

13 Q. How do you know that?

14 A. Because [REDACTED]  
15 texted me and said, "Stephanie Benton just  
16 asked for your phone number. I think the  
17 attorney general is going to reach out."

18 Q. Did you know who Stephanie Benton  
19 was at that time?

20 A. I knew that she was the attorney  
21 general's executive assistant.

22 Q. And when was this outreach on  
23 your cell phone from the governor?

24 A. It was shortly after that event.  
25 I don't remember specifically.

1 Q. And he called you on your cell  
2 phone, and how long did that conversation  
3 last?

4 A. Probably about ten minutes. He  
5 wanted to make sure that I was talking to his  
6 campaign, which was being run at the time by  
7 the late [REDACTED] and also the state  
8 party coordinated effort which was being done  
9 by [REDACTED], so that all of the resources  
10 were being shared and information shared and  
11 that we were being -- that they were being  
12 helpful to us, that we were all working  
13 together, which I was happy to do. And that  
14 was actually how I met [REDACTED]

15 Q. Did he try and recruit you during  
16 that call?

17 A. No.

18 Q. You have amazing memory of these  
19 occasions. Did you -- were there documents  
20 that you looked at that that refreshed your  
21 memory about these moments?

22 A. No.

23 Q. When's the next substantive  
24 interaction you had with Governor Cuomo?

25 A. President Obama was coming to a

1 GE plant in Schenectady, and I was the lead on  
2 the ground for the event. And it was shortly  
3 after the governor had been sworn in.

4 And so I was charged with, sort  
5 of, corralling all of the elected officials  
6 and making sure that the event went smoothly  
7 in coordination with the White House.

8 And I saw him at that event and  
9 chatted with him and Senator Gillibrand and  
10 Senator Schumer. It was, like, the first big  
11 event after President Obama was sworn in in  
12 New York.

13 Q. So that makes this when?

14 A. January 2011.

15 Q. And you said you chatted with  
16 Governor Cuomo at this event in January of  
17 2011. What did you chat about?

18 A. He asked me what my plan was, if  
19 I was going to go on the presidential reelect  
20 campaign, which was sort of the natural  
21 question at that moment.

22 Q. And what was your answer?

23 A. I had been offered to be the  
24 deputy national political director, but it  
25 meant relocating to Chicago, and I didn't want

1 to do that.

2 And I thought that it was  
3 exciting that Eric had just been elected  
4 attorney general, and that he was in the  
5 governor's office. And so I thought there  
6 could be an opportunity for me closer to home.

7 Q. Did you talk to Governor Cuomo  
8 about that opportunity?

9 A. I just said that, basically, that  
10 I didn't think I wanted to go to Chicago, and  
11 I wouldn't have a choice if I wanted to take  
12 that role.

13 Q. Did he try to recruit you then?

14 A. He said, "Why don't you come to  
15 work for us? I'm sure there's something in  
16 our operation. We're staffing up right now.  
17 Talk to Josh and [REDACTED] and Joe and  
18 see if there's something that makes sense."

19 Q. Did you do that?

20 A. Joe Percoco called me shortly  
21 afterwards and asked me if I would be  
22 interested in director of intergovernmental  
23 affairs.

24 Q. How much -- how long after the  
25 meeting with the governor at the event in

1 January 2011 did Mr. Percoco call you?

2 A. A couple of days.

3 Q. And tell us about the  
4 conversation with Mr. Percoco.

5 A. He just said, "Hey, reaching out,  
6 following up. I know you spoke to the  
7 governor at the event in Schenectady. Is this  
8 something you might be interested in? I think  
9 you could be great for it."

10 Q. And what did you tell him?

11 A. I appreciated the outreach and  
12 the follow-up, but I had actually accepted an  
13 offer in the intervening period for the  
14 attorney general.

15 Q. Did he try to persuade you to  
16 change your mind?

17 A. "Oh, come on, you want to be in  
18 the governor's office. That's where the real  
19 stuff happens. We're going to do marriage  
20 equality. We're going to tame the beast in  
21 Albany," you know, kind of thing.

22 And I was like, "I appreciate  
23 that and hopefully down the line I won't miss  
24 an opportunity to join the team later on. But  
25 right now I think this is what's best for me."

1 Q. So you're leaving the door open a  
2 little bit?

3 A. Yeah.

4 Q. So after the meeting with  
5 the -- well, the chat with the governor in  
6 January 2011, what's your next substantive  
7 interaction with Governor Cuomo?

8 A. I believe it was the following  
9 year, in 2012. We were negotiating I-STOP,  
10 which is this prescription drug package. It  
11 was a big initiative for the attorney general.  
12 And I was his point person on negotiations.

13 And so it became pretty clear  
14 pretty early that, if I wanted to get it done,  
15 I had to win the governor's office over.

16 And so I worked with Jim  
17 Malatras, who at the time was his policy  
18 director, and Larry Schwartz, who was  
19 secretary to the governor, and, sort of,  
20 brought them along and said this is something  
21 that we could do together. People don't  
22 generally think of our offices as working well  
23 together. Here is an opportunity.

24 And they agreed. And so Jim  
25 Malatras and I together worked on that. And

1 through the course of negotiating that  
2 legislation, I would be in Jim's office. The  
3 governor would walk in occasionally and say,  
4 "Hello. How are the negotiations going?" you  
5 know, just small talk.

6 Q. How did the negotiations go?

7 A. Great. We passed the package.

8 Q. How often were you in meetings  
9 with Mr. Malatras or Mr. Schwartz during that  
10 time when the governor popped by?

11 A. I would say it's sporadic. I  
12 mean, I was in meetings with Jim Malatras  
13 constantly. But it was like -- you know, it  
14 was incidental. Like, if he happened to be  
15 passing through, he would stop in and just  
16 make small talk.

17 Q. And which office were the  
18 meetings in?

19 A. Jim's office.

20 Q. In 633 --

21 A. No. Up in the state capitol.  
22 During legislative session, typically we're in  
23 Albany. And then nonsession days we're in the  
24 city.

25 Q. Where is Mr. Malatras' office in

1 relation to the governor's office?

2 A. Across the hall.

3 Q. So after the negotiation of  
4 I-STOP, when's your next substantive  
5 interaction with the governor?

6 A. I don't think again until they  
7 recruited me to come over in 2013. I'm sure  
8 that I saw him at events and said hello, but  
9 nothing that stands out.

10 Q. Okay. And you joined as  
11 communications director. What was your  
12 responsibility?

13 A. I oversaw the second  
14 floor -- second floor shorthand for the  
15 executive chamber, the second floor's press  
16 operation, and I was also responsibility for  
17 the communications of 56 state agencies and  
18 authorities.

19 I would hire and fire PIOs at the  
20 agencies. It was my job to do overall  
21 strategy, rapid response, press. If we were,  
22 you know, trying to pass a massive piece of  
23 legislation, it was my job to win over the  
24 editorial boards and push back on detractors  
25 and make the best argument. I spoke to

1 reporters frequently.

2 Q. You said "PIOs at agencies." Can  
3 you tell us what "PIOs" stands for?

4 A. Public information officer. I  
5 apologize.

6 Q. It's okay. Did you have  
7 responsibility for hiring or firing anyone  
8 else other than the PIOs?

9 A. No. I mean, within my press  
10 shop, sure. But not outside of  
11 communications.

12 Q. So within the communications  
13 team, you had hiring and firing authority?

14 A. Yes. And that was deputy press  
15 secretaries, press secretary, deputy comms  
16 directors, assistants.

17 Q. What about the briefers, were  
18 they part of your responsibility and  
19 oversight?

20 A. No. I didn't interact with the  
21 briefers really at all.

22 Q. And then you said at some point  
23 you added strategic advisor as a title?

24 A. Yes.

25 Q. What was your responsibilities as

1 strategic advisor?

2 A. They didn't really change. It  
3 was more a reflection publicly that my role  
4 was broader than just doing comms. I had a  
5 very predominant role in what issues we would  
6 take up during State of the State or during  
7 the legislative session.

8 I would run a lot of the  
9 campaigns, be point person. And so the  
10 thought was that if we tacked that on, it was  
11 reflective of the fact that I was his  
12 strategic advisor, but also that in the  
13 outside world, people would be more responsive  
14 and recognize that my role wasn't limited to  
15 communications.

16 Q. Did someone have the role of  
17 strategic advisor before you?

18 A. No.

19 Q. It was a new role created for  
20 you?

21 A. Mm-hmm.

22 Q. You got to say yes.

23 A. Yes. I apologize.

24 Q. How did it come about that you  
25 were going to get this newly created role?

1           A.       Fred Dicker did a New York Post  
2 column at the very end of 2014, as we were  
3 transitioning from Term 1 to Term 2, and he  
4 wrote that it was rumored that I was leaving  
5 the administration.

6                   And so the governor and I spoke  
7 about how best to rebut that rumor. And I  
8 said, "I'm happy to just say that I'm staying  
9 here." And -- but I said to him, you know, "I  
10 would also appreciate if you entertained me  
11 adding on this additional title to my role. I  
12 want to continue to grow. I'm more than just  
13 comms."

14                   I was, you know, Eric's chief of  
15 staff. I was state director for Obama. Like,  
16 I don't want to just be pigeonholed in comms.  
17 And so if we did that, it would not only say  
18 I'm staying here, it affirmatively, like,  
19 also, you know, send a message that I wasn't  
20 going anywhere.

21                   So it's not just that I'm not  
22 leaving this minute, but that I'm not going  
23 anywhere.

24           Q.       So creating the role was your  
25 idea?

1           A.     Yeah.  Creating the -- it was  
2 still comms director.  It was comms director  
3 and strategic advisor.

4           Q.     Sorry, creating the title was  
5 your idea?

6           A.     Mm-hmm.

7           Q.     Had you talked about the creation  
8 of that title with anyone else before you  
9 raised it to Governor Cuomo?

10          A.     It was actually [REDACTED] idea.

11          Q.     And you said there was a New York  
12 Post article with a rumor that you would be  
13 leaving the executive chamber.

14                    Had you been considering leaving  
15 the executive chamber?

16          A.     No.

17          Q.     So no truth to that rumor?

18          A.     No.  But Fred Dicker doesn't  
19 really care about the truth.

20          Q.     So you added the title of  
21 strategic advisor, but your duties remain the  
22 same?

23          A.     Largely yes.  It was more  
24 actually reflective of what I was already  
25 doing.

1 Q. And when you were the comms  
2 director, did you do the role more expansively  
3 than the prior comms director? So these  
4 strategic responsibilities you were just  
5 talking about, were those responsibilities the  
6 prior comms director had?

7 A. Every comms director does the job  
8 a little bit differently, but yes. I would  
9 say that [REDACTED], who had the job  
10 before me, who is now the, you know, VP at  
11 CNN, Rich Bamberger who had the job before  
12 her, like, he was a TV guy.

13 So they were much more focused on  
14 tell the story, who's the victim, how do we,  
15 you know, in the most compelling way, convey  
16 the message. And I think I was much more  
17 tactical, strategic, hand-to-hand combat with  
18 the reporters.

19 These are the issues we should be  
20 focusing on, the party is shifting this way,  
21 we should get there first. It was just a  
22 different approach.

23 But I think that that was also  
24 because traditionally my role was larger  
25 than -- oh, I'm sorry, can I go back? I

1 forgot, when I was in my resume, I served as  
2 deputy press secretary to Nydia Velázquez as  
3 well. So I'm sorry.

4 MR. HECKER: What year was that?

5 MS. KENNEDY PARK: I got that.

6 THE WITNESS: 2006. So it was  
7 right after the democrats took back the  
8 house.

9 A. So there, like, was, you know,  
10 some comms in my background. And when I  
11 worked for Cordo & Company, it was director of  
12 communications and legislation. People knew I  
13 had very good relationships with reporters,  
14 but I wanted to be more than that.

15 Q. Were there any reporters at that  
16 time you didn't have good relationships with?

17 A. I mean, you always fight with  
18 certain reporters.

19 Q. Who were the certain reporters  
20 that you were fighting with?

21 A. Fred Dicker.

22 Q. Anyone else other than Fred  
23 Dicker?

24 A. I mean, Brendan Scott  
25 occasionally. He was also a Post reporter.

1 Liz Benjamin. But, you know, when you say  
2 "fight with," it's, you know, hand-to-hand  
3 combat, and then everybody goes out and has a  
4 drink afterwards.

5 Q. I'm not a comms person. So when  
6 you say "hand-to-hand combat," I don't know  
7 what you mean.

8 A. It's, you know, everyone has a  
9 job to do. And they want to write a story,  
10 and it's your job to shape the story or kill  
11 the story. And so a lot of times that can be  
12 contentious.

13 Q. And then after you took on the  
14 role of strategic advisor, you became  
15 secretary to the governor. Is that right?

16 A. Chief of staff.

17 Q. Chief of staff, sorry, to the  
18 governor. How did that happen?

19 A. The role had become open. It was  
20 first held by [REDACTED], who was viewed  
21 largely as, like, a political communications  
22 person in the administration. Then it was  
23 held by Josh Vlasto, who had been press  
24 secretary and also, you know, did a lot of  
25 politics.

1                   And so I thought that it was the  
2 next natural step for me, following, sort of,  
3 the same path as the two males that were  
4 before me. And so I asked for it.

5           Q.       When you say you asked for it,  
6 you asked Governor Cuomo for it?

7           A.       Yes.

8           Q.       And what did he say?

9           A.       He said, "Do you think it's going  
10 to disrupt the team at all? How will Jill  
11 feel about it? How will Joe feel about it?  
12 How will █████ feel about it?"

13                   And I said, "I don't know but I'm  
14 happy to have those conversations with your  
15 blessing. I don't want to do anything to,  
16 sort of, disrupt the apple cart, but I think  
17 I've earned it."

18                   And he said, "Have some  
19 conversations and if you still feel like it's  
20 what you want, then I, you know, I'm on  
21 board."

22           Q.       What is your understanding of why  
23 the governor thought it might disrupt the  
24 team?

25           A.       Chief of staff is a very tricky

1 title in our administration, because really  
2 the chief of staff is the secretary to the  
3 governor. Chief of staff in our  
4 administration was more focused specifically  
5 on executive operations, politics, comms,  
6 advance, like, that side of the world, not  
7 just running, you know ...

8           When you're chief of staff to the  
9 governor, you run all the agencies. You're  
10 responsible for the agencies. You're  
11 responsible for the working of government.  
12 Chief of staff is sort of a unique, carved-out  
13 role.

14           So when people would get that  
15 title, sometimes it ruffled other people's  
16 feathers because they would think, Oh, are you  
17 now my boss, or where does this put me in the  
18 world vis-à-vis you? And like any  
19 organization, you have to manage, you know,  
20 egos.

21           Q.     So did you go and talk to Jill,  
22 Joe, and [REDACTED]

23           A.     I did.

24           Q.     Tell us about the conversation  
25 with Jill.

1           A.     Jill was excited for me. She was  
2 like, "Congratulations. Absolutely, you  
3 deserve it. I'll do anything I can to support  
4 you."

5           Q.     What was her title at the time?

6           A.     I think that she was at that  
7 point director of scheduling. But Joe was  
8 just about to leave, and she was going to take  
9 Joe's title, which was executive deputy  
10 secretary.

11          Q.     And what about the conversation  
12 with Joe?

13          A.     Joe thought it was great. I  
14 mean, he was leaving, and so I think he wanted  
15 to make sure that he could leave feeling good  
16 that the organization was fully intact and  
17 running in a way that the governor could rely  
18 on.

19                   And I think that he viewed me as  
20 someone who was very steady, that would help  
21 that transition.

22          Q.     And I think you said [REDACTED]?

23          A.     Mm-hmm.

24          Q.     Tell us about that conversation.

25          A.     [REDACTED] had just been named

1 secretary. I had known [REDACTED] since I was a  
2 kid. I had actually gone to him for advice  
3 out of college for, like, what to do with my  
4 life.

5 And he had always, sort of, been  
6 a mentor to me. And he said that he thought  
7 that it was the obvious next step and a  
8 well-deserved title that would suggest more  
9 about what I was doing and more reflective of  
10 my value to the organization, and that I  
11 should absolutely take it.

12 Q. Did you talk to anyone else about  
13 taking the role of chief of staff?

14 A. No.

15 Q. So what happened --

16 A. Well, I mean [REDACTED] like, my  
17 husband.

18 Q. Other than your husband and Jill,  
19 Joe, and [REDACTED] did you talk to anyone else  
20 about taking the role of chief of staff?

21 A. I don't have any specific  
22 recollections, but I'm sure I talked to my  
23 sister. I'm sure I talked to my best friend  
24 [REDACTED] you know, like, people like that.

25 Q. Anyone else in the

1 administration?

2 A. No.

3 Q. Did you talk to Stephanie Benton  
4 about it?

5 A. No.

6 Q. Josh Vlasto?

7 A. He wasn't in the administration  
8 at that point.

9 Q. Did you talk to Josh Vlasto about  
10 it?

11 A. No.

12 Q. Rich Bamberger?

13 A. No.

14 Q. Steve Cohen?

15 A. No.

16 Q. Larry Schwartz?

17 A. No.

18 Q. So after you have those  
19 conversations, you take the role. Is that  
20 right? Did you go back to the governor to  
21 tell him about the conversations?

22 A. Yes.

23 Q. And what did you say?

24 A. I said, "I had the conversations.  
25 Everyone's really supportive. I'm excited.

1 They're excited. If you really feel like it's  
2 okay, it's an opportunity I would like."

3 Q. And what did he say?

4 A. He said that's great. It was a  
5 moment of transition. [REDACTED], who  
6 had been our budget director, was departing.  
7 We had just successfully recruited Robert  
8 Mujica to come in as budget director. And so  
9 we thought we could announce those two changes  
10 at the same time.

11 Q. And is that what you did?

12 A. Yes.

13 Q. So what was your official start  
14 date as chief of staff?

15 A. I think it was December of 2015  
16 or January of 2016, in that range.

17 Q. And as chief of staff, who  
18 reported to you?

19 A. So there's the, like, who was  
20 supposed to report to me versus the in  
21 practice. When I took that job, Jill got  
22 elevated to deputy executive secretary, which  
23 had been Joe's role.

24 And traditionally, the chief of  
25 staff did more of the, like, personnel,

1 hiring. But Jill had been training to do that  
2 under Joe. And so she kept that portfolio.

3 I took legislative affairs,  
4 intergovernmental affairs, communications, and  
5 policy. And she kept coming from -- you know,  
6 she had been the director of scheduling. She  
7 took briefings, advance, staffing, personnel.  
8 And so we, sort of, split the responsibility.

9 Q. So in your -- in your oversight  
10 of legislative affairs, comms,  
11 intergovernmental affairs, and policy, were  
12 you responsible for hiring and firing of  
13 people who served in those roles?

14 A. Yes, I certainly had a role in  
15 it. It wasn't -- you know, it depended on  
16 what level obviously. I wasn't involved in  
17 every hiring and firing.

18 Q. But ultimately, you had say over  
19 who got hired and fired into those teams?

20 A. I certainly had input, yes. I  
21 mean, there were some times I would not feel  
22 like they needed my input. There were some  
23 times when I felt like I wanted to have a say.

24 Q. But it was up to you whether you  
25 had the say or not had the say?

1           A.     Yes.  Not solely up to me but up  
2 to me.  Secretary to the governor is the  
3 person that has the ultimate say in those  
4 things.  So if [REDACTED] wanted to exert himself,  
5 and I deferred a lot to Jill.

6           Q.     Okay.  So secretary to the  
7 governor ultimately has responsibility for  
8 hirings and firings in the executive chamber?

9           A.     Yes.

10          Q.     Does that include transfers as  
11 well?

12          A.     No.  I mean, when I say  
13 "ultimately has discretion," it's like they  
14 are the ultimate boss so they can have the  
15 discretion.  But the -- like [REDACTED] I  
16 can't imagine was involved in any hiring or  
17 firing decisions or transfer decisions.

18                    Like, it's a role you can, sort  
19 of, defer, or you can interject, depending on  
20 whether or not you see fit.

21          Q.     And in --

22          A.     But Joe was primarily the person  
23 that did the personnel decisions, and then  
24 when he left that became Jill.  And then we  
25 have an appointment secretary who right now is

1 [REDACTED], who previously was held by a  
2 number of people, [REDACTED], others, and  
3 they play a role in those decisions as well.

4 Q. So when you were serving as chief  
5 of staff, the secretary to the governor had  
6 ultimate oversight over hiring and firing.

7 But on a day-to-day basis, that  
8 was handled by Jill DesRosiers?

9 A. Correct. And then the state  
10 operations director is the person that's  
11 chiefly responsible for the agencies. And so,  
12 you know, if we were hiring a dep sec or if  
13 you're hiring a commissioner, generally  
14 speaking, you defer to those people, to the  
15 state operations director.

16 It was Howard Glaser, [REDACTED]  
17 [REDACTED] now it's [REDACTED]. Because  
18 those are the people that they manage.  
19 They'll oftentimes ask for your input or sit  
20 for an interview, tell me what you think, but  
21 you defer to their judgment.

22 Q. So then you become secretary to  
23 the governor. How did that happen?

24 A. [REDACTED] had told the governor  
25 he would serve for two years. His two years

1 were coming to an end. And, sort of, as I  
2 imagine how it is in other organizations, you  
3 find your replacement.

4 So [REDACTED] came to me and said,  
5 "You're the obvious choice. You should take  
6 over as secretary. I want to recommend to the  
7 governor that you become secretary."

8 Q. Anything more said in that  
9 conversation?

10 A. I told him I didn't want the job.

11 Q. Why not?

12 A. Because every time that I have  
13 moved up in my professional career, there is a  
14 focus on my father. And it's attention I  
15 don't like. And I knew that going from chief  
16 of staff to secretary, because it's such a big  
17 job, because my father is who he is, that it  
18 would all become about him.

19 Q. You said in the past that the  
20 focus had been, when you had been promoted, on  
21 your father. Can you give us some examples of  
22 that?

23 A. When I was named acting chief of  
24 staff in the attorney general's office, the  
25 New York Times did a write-up, and they

1 described me in two sentences. The second  
2 sentence was, "She's the daughter of powerful  
3 Albany lobbyist [REDACTED]."

4 Whenever people wrote articles  
5 about anything that I was doing, they would  
6 always tack on a line -- sorry, I, like, get  
7 emotional about it -- tack on a line about,  
8 like, who my father was and --

9 Q. Do you want to take a break?

10 MR. HECKER: Do you want take two  
11 minutes?

12 THE WITNESS: No, it's okay. I'm  
13 okay.

14 A. So anyways, it was just -- it was  
15 unwanted attention.

16 Q. And when you told Mr. -- are you  
17 sure you don't want to take a break? When you  
18 told [REDACTED] that you did not want to take  
19 the position because the focus would be on  
20 your father, what did he say to you?

21 A. He said that in life, if you were  
22 going to advance, you had to be prepared to  
23 take hits and keep going, and that if you  
24 showed people who you are, that's all that  
25 would ultimately matter.

1                   And so, like, he wanted to push  
2 me to do it. I'm okay. I'm okay. I'll get  
3 it together. Give me just one second.

4           Q.       Did you talk to anyone else about  
5 taking the position or not taking the  
6 position?

7           A.       Yeah. [REDACTED] my husband.

8           Q.       Other than [REDACTED] did you talk to  
9 anyone else about it?

10          A.       My father.

11          Q.       Okay. And tell us about the  
12 conversation with your father.

13          A.       He thought I was crazy not to do  
14 it. He was like, "You would be the first  
15 woman secretary. You've earned it. You're  
16 smarter than everyone. You wake up earlier.  
17 You run faster. You jump higher. Like, you  
18 should -- you would be crazy. This is, like,  
19 one of those things you get in life and, you  
20 know, you always have that."

21          Q.       Did that change your mind?

22          A.       It was encouraging but I still  
23 wasn't completely sold. And then I had a  
24 conversation with the governor and [REDACTED]  
25 together where they, sort of, tag-teamed me,

1 and they were like, "You're going to do this,  
2 and you're going to be great."

3 Q. Tell us about the conversation  
4 that you had with [REDACTED] and the governor.

5 A. They were saying that I was the  
6 only -- they were like, "You aren't, like, an  
7 option, you are the option. Like, you already  
8 in a lot of ways play the role internally.  
9 People respect you. When you speak, everybody  
10 listens.

11 "Like, you're so assertive. You  
12 have good judgment. You look around and you  
13 can see where the policy is going. You know  
14 how to move legislators. You know how to deal  
15 with press. Like, this is what you should be  
16 doing.

17 "And then you do this, and for  
18 the rest of your life, you've done this. And  
19 you don't have to do it forever, but it's  
20 something that you really can't pass up."

21 Q. "Did you raise to -- in front of  
22 the governor the concern about your father and  
23 the focus on your father if you took the role?"

24 A. He and I have had many  
25 conversations about that over the years.

1 Q. And tell us about --

2 A. It's not all that dissimilar to  
3 his situation with his father. So he's  
4 another, you know, voice who always says to  
5 me, like, you can't spend all of your time  
6 worrying about how people are going to judge  
7 you vis-à-vis your dad.

8 Q. Anything else you remember the  
9 governor saying during that conversation?

10 A. No. They were just very  
11 supportive.

12 Q. Other than being concerned about  
13 the focus being on your father if you took the  
14 role, did you raise any other concerns about  
15 taking the position?

16 A. Well, I mean, for half a second,  
17 I was like, I already work so much. I'm going  
18 to have to work so much more. But that was,  
19 sort of, like, a joke because there was no way  
20 to work more than I already was working. It  
21 was just going to be a little bit different.

22 Q. Did you say that, though?

23 A. Yeah.

24 Q. Okay. What did they say in  
25 response?

1           A.     You're young. This is when  
2 you're supposed to work. You know, public  
3 service has a shelf life at a certain point.  
4 You go into the private sector and make lots  
5 of money, and you go on vacations and you read  
6 a book, but that's not what you're supposed to  
7 do at this point in your life.

8           Q.     I can't tell whether you're  
9 telling this is what the governor and  
10 ██████████ said to you or this is what you're  
11 saying about your view. So --

12          A.     No, this is what they were saying  
13 to me.

14          Q.     Okay. All right. So how does  
15 the conversation with ██████████ and the  
16 governor end?

17          A.     I said, "Okay. I will do it."

18                 And ██████████, you know,  
19 celebrated because he got to go back to  
20 Blackstone and get on a plane to Bermuda.

21          Q.     Did you negotiate salary at that  
22 point?

23          A.     No. Actually, ██████████ said to me,  
24 "You're going to be getting the salary that I  
25 have."

1 Q. And what was the salary that [REDACTED]  
2 got?

3 A. I don't remember. It might -- it  
4 was like [REDACTED], [REDACTED], but it wasn't a discussion.  
5 [REDACTED] was like, "You will get the salary that I  
6 have."

7 Q. You didn't ask for more than he  
8 got?

9 A. No.

10 Q. Did you remember talking to  
11 anybody else about -- other than people that  
12 we've talked about about taking the role of  
13 secretary to the governor?

14 A. No. I mean, frankly, it was a  
15 small circle, because I didn't want it to  
16 leak. So ...

17 Q. How long between the first ask  
18 and you saying okay?

19 A. A couple of weeks. It started,  
20 like, in the middle of March, probably. And I  
21 think I accepted the middle of April, and we  
22 announced it the end of April.

23 Q. And what changed going from chief  
24 of staff to being secretary to the governor?

25 A. There was a lot more focus on the

1 agencies, which I didn't really love out of  
2 the gate, in terms of, you know, all of a  
3 sudden I'm thrust into negotiating the capital  
4 plan for the MTA and dealing with New Jersey  
5 on Port Authority matters, you know, dealing  
6 with DEC and DOH when Hoosick Falls happened.

7           It just -- it became a lot less  
8 about the day-to-day on the governor's  
9 movements and the events and the comms and the  
10 politics and a broader shift to the actual  
11 running of government.

12           Q.     Did you still have legislative  
13 affairs, intergovernment affairs, policy, and  
14 comms reporting to you?

15           A.     No. Those went under Jill.

16           Q.     Okay.

17           A.     We -- well -- oh, I'm sorry. I  
18 think first Linda got that title, and then we  
19 named Jill chief of staff when Linda went to  
20 DFS. So for a short period of time, Linda  
21 became chief of staff.

22                     And I actually think when Linda  
23 became chief of staff, we sort of redid the  
24 roles, and we shifted those over to Jill as  
25 deputy executive secretary.

1           And then a short time after that,  
2 Linda became head of DFS, and we promoted Jill  
3 to chief of staff, which was a very  
4 well-deserved promotion.

5           Q.     When you say "Linda," you mean  
6 Linda Lacewell?

7           A.     I'm sorry, Linda Lacewell.

8           Q.     And you say "we promoted." When  
9 you say "we promoted," who do you mean?

10          A.     I mean the organization at large,  
11 but I consulted the governor on those moves,  
12 of course.

13          Q.     And was that in your capacity as  
14 secretary to the governor, consulting him on  
15 those changes?

16          A.     Yes.

17          Q.     Okay. So is that part of the  
18 role of secretary of the governor?

19          A.     Yes. Not always but, I mean, we  
20 were talking about the governor's chief of  
21 staff, yes.

22          Q.     So high-level changes in roles?

23          A.     Yes.

24          Q.     Okay. So any other aspects of  
25 being secretary to the governor that we

1 haven't covered?

2 A. No. I mean, it really is just  
3 you're responsible for the day-to-day  
4 functioning of government. I don't really  
5 know how to be more specific than that. It's  
6 not really -- you know, it's like being chief  
7 of staff to the White House.

8 Q. Maybe we can flesh it out a  
9 little bit. Who did you report to?

10 A. The governor.

11 Q. Who reports to you?

12 A. The chief of staff, state  
13 operations director, senior advisors, policy  
14 director, and the deputy executive secretary.

15 Q. Who doesn't report to you?

16 A. Everybody else.

17 Q. Who does that include?

18 A. So the dep secs, which a dep sec  
19 is a deputy secretary. They each have a  
20 portfolio. So there's, like, a dep sec for  
21 Health and Human Services, and they have  
22 Aging, OTDA, DOH. And they all report up to  
23 them.

24 So it's like there's 56 agencies.

25 So it's broken up by portfolio. And then

1 those commissioners report up to a dep sec.  
2 The dep secs then report to the state  
3 operations director, and the state operations  
4 director reports to me.

5 And I had comms director, which  
6 wasn't necessarily traditional, but --

7 Q. So just hold -- let's pause  
8 there. So actually, the dep secs do report to  
9 you?

10 A. Well, no. They report to [REDACTED]

11 Q. Through the state operations  
12 director?

13 A. Yeah. Yes.

14 Q. Okay. So I'm trying to figure  
15 who --

16 MR. HECKER: Do you mean direct  
17 reports as opposed to indirect reports?

18 Q. Anyone who doesn't have a chain  
19 of reporting that ultimately goes to you.

20 A. Everyone does.

21 Q. Okay.

22 A. Except counsel.

23 Q. Who does counsel report to?

24 A. Directly to the governor and  
25 Stephanie Benton, or executive assistant.

1 Q. She reports directly to the  
2 governor?

3 A. Yes.

4 Q. Are there any counsel roles that  
5 reported to you?

6 A. No. It all flows up through  
7 counsel's office. And that's a statutory  
8 position.

9 Q. What's the protocol for being in  
10 communication with the governor?

11 A. What do you mean?

12 Q. So is there a protocol for  
13 communicating with the governor?

14 A. I don't understand the question.

15 Q. Is there a protocol for getting a  
16 meeting with the governor?

17 A. You would ask, like, [REDACTED]  
18 [REDACTED] who is our current chief of staff.  
19 If she wants a meeting with the governor, she  
20 will ask Stephanie, she'll ask me, she'll ask  
21 the scheduler.

22 You go to one of the people that  
23 talk to him the most directly, and you say,  
24 "This person's requested a meeting."

25 In a perfect world, it all flows

1 through the scheduler. But that's not how it  
2 always happens.

3 Q. Okay. So the other ways that it  
4 happens are you can either go through the  
5 scheduler, you can go through you --

6 A. You go through the secretary, go  
7 through the scheduler, or you go through  
8 Stephanie, who's his executive assistant. But  
9 ideally, the protocol is you go through the  
10 scheduler to avoid mayhem. I'll, like, do  
11 one-offs.

12 Q. Say that again?

13 A. I said I'll do, like, one-offs,  
14 but it's not -- you can't run an operation  
15 like that.

16 Q. What's a one-off?

17 A. The head of the AFL-CIO calls me  
18 and says, "I really need to get the governor  
19 on this Teamsters bill. Can you get me five  
20 minutes?"

21 And I'll go directly to him and  
22 say, "[REDACTED] really wants to talk to  
23 you. Can you squeeze in five minutes?"

24 And he'll say, "Yeah, tell him  
25 I'll call him in an hour."

1                   And then I will tell the  
2 scheduler and say, "FYI, had this  
3 conversation, so at noon he's planning to call

4 ██████████  
5                   But that's not the way it's  
6 supposed to work.

7                   Q.     Anyone else who can do that?  
8 Anyone else who can do a one-off?

9                   A.     Anybody else can in theory do a  
10 one-off and sometimes people do. The way that  
11 the governor functions is he's a very flat  
12 manager.

13                   So if he runs into a deputy  
14 counsel in the lobby of 633 and that person  
15 raises a subject with him and says, "Governor,  
16 I really want to make sure you have this thing  
17 on your plate," he'll say, "Great. Let's set  
18 up a meeting on that, you know, call Jill."

19                   And then I'll get a call from  
20 that person's boss and say, "I'm so sorry.  
21 This person saw the governor, asked for this  
22 thing. It's totally not baked. Like, can we  
23 undo this, or can we do a meeting quickly to  
24 try to get ready for it?"

25                   But he will, you know -- if given

1 the opportunity, he'll engage with anyone.

2 But it becomes mayhem if you run an

3 organization like that.

4 Q. But that happens?

5 A. It does.

6 Q. Often?

7 A. Not often but it happens.

8 Q. Regularly?

9 A. Sometimes.

10 Q. What do you mean --

11 A. I wouldn't say regularly. I  
12 would say it is the exception, not the rule.

13 But it happens.

14 Q. But "exception," how often?

15 A. I don't know, once a week. Once  
16 every couple of weeks.

17 Q. So if you want to get a meeting  
18 with the governor, you go -- you can have a  
19 one-off -- right? -- you run into the governor  
20 and you ask for a meeting or raise a topic  
21 he's interested in.

22 You could talk to Stephanie  
23 Benton. You could talk to you. You could  
24 talk to the scheduler. Any other way to get a  
25 meeting with the governor?

1           A.     Those are the ways.  But again,  
2     like, if someone went to ██████ who is our  
3     chief of staff, and said, "I really need ten  
4     minutes," ██████ could, because she speaks to  
5     him all the time, raise it with him directly.

6                     We just as a team try to keep  
7     each other informed or do it in a uniform way  
8     to avoid craziness.

9           Q.     So we just added the chief of  
10    staff as someone who can -- you can go to to  
11    get a meeting with the governor.  Anyone else?

12           A.     I mean, when you say "can," like,  
13    again, like, any senior staff person, if ██████  
14    ████████ were to see the governor, she could  
15    say, you know, "We really need to do a meeting  
16    with DOT."

17                     She doesn't traditionally.  And  
18    if she did, she would tell us beforehand or  
19    flag it right afterwards.  It's not the usual  
20    way.  But there are people that have access to  
21    the governor.  Robert Mujica chiefly, Beth  
22    Garvey.

23           Q.     So in the normal course of  
24    events, if someone on the senior staff said  
25    they wanted a meeting with the governor, said,

1 "We should talk about X with the governor,"  
2 they should inform the scheduler afterward?

3 A. Yes. We do staff meetings every  
4 day at 9 a.m., and traditionally on those  
5 calls is a time where [REDACTED] who runs the call  
6 right now, or I used to do it when I was chief  
7 of staff, Jill did it when she was chief of  
8 staff, will say, "Does anyone have anything  
9 that they need to raise with the governor?"

10 And that's supposed to be the  
11 opportunity when people say, "I really need to  
12 get a meeting with him on X, Y, or Z," or "I  
13 saw this person at an event, and they really  
14 want to talk to him. You know, I'll delegate  
15 it down, but I think he should know that that  
16 person wanted to reach out."

17 And then the scheduler is  
18 responsible for going to him and saying,  
19 "These five people want to meet with you."  
20 And that's generally done, you know, on that  
21 call. We'll say, "No, no, no, that person  
22 doesn't need that meeting. Melissa will call  
23 them back, or Robert will call them back."

24 But we'll all, sort of, agree as  
25 a group which things actually need to be

1 raised to him so you keep the knucklehead  
2 stuff off his desk. And then it will go to  
3 him through the scheduler or through the chief  
4 of staff.

5 Q. What are the roles that attend  
6 the everyday 9 a.m. staff meeting?

7 A. It's a senior staff meeting. So  
8 it's comms director, it's legislative affairs  
9 director, it's policy director, it's state  
10 operations director, it's counsel, it's budget  
11 director.

12 I join when I can, which is, sort  
13 of, how it's always been with the secretary.  
14 Secretaries, like, join when they can. So not  
15 every single day.

16 Q. Anyone else attend those  
17 meetings?

18 A. The scheduler. Stephanie tries  
19 to join when she can.

20 Q. Anyone else?

21 A. I may be missing somebody, but  
22 not that comes to top of mind. Press  
23 secretary.

24 Q. So we just, kind of, talked about  
25 the way in which you get a meeting with the

1 governor. What's the protocol for staffing  
2 the governor?

3 A. The -- it's sort of changed over  
4 time. But generally speaking, it was always  
5 Jill. I mean, whether she was scheduler,  
6 whether she was chief of staff, whether she  
7 was first deputy secretary, it was  
8 primarily -- or whether she was -- I'm  
9 sorry -- executive deputy secretary.

10 She was chiefly responsible  
11 for -- I mean, we have a saying. It's like,  
12 in our office, you change jobs but it's like  
13 you take your responsibilities with you, and  
14 then you just get more responsibilities.

15 That had always, sort of, been  
16 Jill's role since she was scheduler when I  
17 first got there in 2013, and that was never  
18 really a role that she shook. So, you know,  
19 we do staffing plan for any event.

20 If we do a meeting, you ask the  
21 governor who he wants in the meeting, or you  
22 ask the meeting lead who would be the  
23 appropriate people to be in that meeting, and  
24 then you run it by the governor to make sure  
25 he's comfortable with that.

1                   But it was really Jill who always  
2 did it, and now it's [REDACTED] who has taken over  
3 for Jill since [REDACTED].

4           Q.       Maybe we should step back and  
5 define staffing the governor. So when you say  
6 "staffing the governor," what do you mean?

7           A.       I mean for any event that you do,  
8 there's a staffing plan. So who's the advance  
9 person? Who's the press lead? Who's the  
10 lights person? Who's the sound person?

11                   Who's the body person? Who's the  
12 person on the ground who gives him the  
13 acknowledgement card? There's a full staffing  
14 plan.

15                   In terms of staffing him, like,  
16 in the capitol, it's traditionally Stephanie,  
17 and then she has a couple of assistants who  
18 sit outside of her desk in Albany and one  
19 person who sits outside of her desk in New  
20 York. And it's generally Stephanie and then  
21 with the support of whoever those people are.

22           Q.       And if the governor needs  
23 coverage or staffing outside of -- from the,  
24 sort of, executive assistant perspective,  
25 outside of normal working hours, recognizing

1 that maybe there aren't normal working hours,  
2 how does that happen?

3 A. So there's always, like, an  
4 on-call list. I've never been directly  
5 involved in how it happens. But from what I  
6 understand, they will ask, you know, EA #2  
7 EA #3 the briefers, anyone who is generally  
8 around who's available this weekend or who's  
9 available after seven, in case you need  
10 somebody to either jump on the phone with him  
11 and take dictation or go staff him while he's  
12 writing his speech.

13 And so they, sort of, self-select  
14 into who's available. I know some people  
15 prefer to do it because they have overtime and  
16 it's more money. And then some people are  
17 just happy to do it because they live around  
18 the corner.

19 You know, they are all friends  
20 with each other, and so I think that they try  
21 to coordinate with one another to be  
22 respectful of each other's personal time.

23 Q. How did you come to this  
24 understanding?

25 A. Just osmosis.

1 Q. And when you said "EA #2" do  
2 you mean EA #2?

3 A. Yes.

4 Q. And when you said "EA #3" you  
5 mean EA #3?

6 A. Yes.

7 Q. Do you have any role in staffing  
8 the governor?

9 A. No.

10 Q. Have you ever had input into who  
11 was going to staff the governor?

12 A. No. Except if he's doing, like,  
13 a PowerPoint. The governor has a way, a  
14 tendency of, in my opinion, caring about  
15 things he shouldn't care about. Like, [REDACTED] is  
16 available. That kid works every weekend.  
17 Don't make him work this weekend.

18 Which I say, "But [REDACTED] is the  
19 person who is best at PowerPoint. So with all  
20 due respect, I'm going to overrule you because  
21 it will make my life and everyone else's life  
22 easier if he is the person working with you."

23 So if there's a situation like  
24 that, I may potentially intervene. But  
25 otherwise, no.

1 Q. So sometimes the governor has  
2 input into who is going to staff him?

3 A. Yeah. He'll say, "Who can jump  
4 on the phone?" I think that there are some  
5 people he's more comfortable with than others  
6 based on their skill level, based on their  
7 past performance. If somebody doesn't do a  
8 great job once or twice, he doesn't -- he's  
9 not going to ask them back.

10 And then, you know, he's also,  
11 like, very wary. It's the same thing with the  
12 mansion staff. "Oh, I hate to have them  
13 working this weekend. Let them go home at  
14 three."

15 "It's their job."

16 "No, but they have families."

17 He tries to be sensitive to other  
18 people's schedules and personal lives. And so  
19 if Stephanie says or [REDACTED] says or Jill says  
20 "So-and-so is available this weekend," he'll  
21 say, "EA #2 and EA #3 work all the time.  
22 Don't -- find somebody else. Give them the  
23 day."

24 Q. How many times has that happened?

25 A. It happens. I wouldn't say it's,

1 like, an every-week occurrence but it  
2 certainly happens.

3 Q. How do you know about it if  
4 you're not involved in staffing?

5 A. I'm cc'ed on pins with the draft  
6 in confidential that go out every night, and  
7 so generally those conversations that happen  
8 on those pins.

9 Q. We haven't covered this but  
10 what's a pin?

11 A. A pin is a direct message from  
12 BlackBerry to BlackBerry.

13 Q. Have you had a BlackBerry your  
14 entire time as secretary to the governor?

15 A. I've had a BlackBerry my entire  
16 time in government, when I worked for Eric and  
17 the entire time I've worked for the governor.

18 Q. Did there come a point in time  
19 where some people in the chamber switched from  
20 BlackBerrys to iPhones?

21 A. Yes.

22 Q. And you kept your BlackBerry. Is  
23 that right?

24 A. Yes.

25 Q. Who else kept their BlackBerrys?

1           A.     Anyone who communicates with the  
2 governor.

3           Q.     And why is that?

4           A.     So we were changing over from  
5 BlackBerry to iPhone because allegedly,  
6 although I just think Harold makes it up, the  
7 BlackBerry server was going to come down. So  
8 it was no longer going to be an option.

9                     So they started to transition the  
10 chamber and the agencies from BlackBerrys to  
11 iPhones in anticipation of that change  
12 happening. The governor is very  
13 technologically inept.

14                    The thought of having to train  
15 him on a new device was something that all of  
16 us were very apprehensive about. So we said  
17 to Harold, "When is the drop-dead that the  
18 governor has to change over? And leave us,  
19 like those of us who communicate with him on a  
20 regular basis with BlackBerrys, and then when  
21 he actually has to change over, we'll all  
22 change over."

23                    So they issued us the iPhones.  
24 It's what I mentioned to you earlier. But  
25 I've never turned it on. So me, Robert

1 Mujica, Beth Garvey, Rich Azzopardi, Peter  
2 Ajemian before he left, Stephanie, the  
3 scheduler, [REDACTED] there's a handful of senior  
4 staff that kept their Blackberrys with the  
5 anticipation of when the governor switched  
6 over to the iPhone, that's when we would all  
7 switch over to the iPhone.

8 But Howard was bluffing and the  
9 iPhone server was not going down. And so we  
10 still have them. Although as recently as a  
11 month ago, he tells me "For real this time  
12 it's happening soon."

13 Q. You say Harold was bluffing, and  
14 then I think earlier you -- so you didn't  
15 trust Harold's advice on this point?

16 A. I mean, I love Harold, of course  
17 I do. But he kept saying that the BlackBerry  
18 was going to stop working one day, that one  
19 day we would turn on our BlackBerrys and they  
20 wouldn't work.

21 And I was like, "Okay, Harold.  
22 Well, when that day comes will be the day that  
23 we move over to the iPhone."

24 Q. Other than the governor being  
25 technologically inept, is there any other

1 reasons that he and the team -- the senior  
2 staff kept their BlackBerrys?

3 A. No.

4 Q. Why does this governor use pin  
5 messages?

6 A. It's a secure way to communicate.

7 Q. And by "secure," what do you  
8 understand that to mean?

9 A. It doesn't go across servers.

10 Q. And what's the advantage of it  
11 not going across servers?

12 A. Well, we have had several hacks  
13 at my time being secretary to the governor.  
14 Just before COVID, for example, an agent of  
15 the Iranian government actually hacked into  
16 the New York State server. Our technology is  
17 terrible.

18 Harold has been trying his best  
19 to transition all of us over, but it's very  
20 vulnerable. And we communicate on highly  
21 sensitive topics routinely.

22 And what Harold had told us  
23 always was that the pin to pin was the most  
24 secure way to communicate. So if God forbid  
25 there was a hack, it wasn't something we had

1 to worry about.

2 Q. So how do you tell staff that  
3 they should communicate confidential  
4 information on pin? How does everyone know  
5 that?

6 A. It's not confidential  
7 communication. It's like, instead of texting,  
8 you pin. If -- there's a document retention  
9 policy that the state dictates on certain  
10 documents that have to be retained. It's  
11 mostly official memos.

12 But beyond that, there's no  
13 requirement to save anything, and so it  
14 doesn't matter. Unless you're under  
15 litigation hold or you're involved in a  
16 lawsuit.

17 Q. Sorry, maybe I didn't make myself  
18 clear. So you were saying that the reason  
19 that you wanted to use pin messages or the  
20 executive chamber uses pin messages is because  
21 they're more secure and to prevent  
22 confidential information from being hacked?

23 A. And just generally sensitive  
24 information. You're communicating with the  
25 governor. You're communicating with the

1 budget director.

2 Q. Right. And so how did staff  
3 understand what they should and should not  
4 communicate over pins versus what they should  
5 communicate over e-mail?

6 A. Well, people that were  
7 communicating with the governor primarily  
8 communicated over pin. I, if I was  
9 communicating with Jill or Rich or Peter or  
10 Stephanie, would maybe send a pin. A pin has  
11 a different noise and a pin stands out.

12 I get inundated with thousands of  
13 e-mails every single day. And so the pins  
14 were sort of easier to flag. And when they  
15 came in, it was more like, this is an internal  
16 communication you need to respond quickly.

17 Q. Okay. So now I understand. You  
18 guys are using pin messages both because  
19 they're more secure and because the noise is  
20 more obvious. Is that right?

21 A. It's not just that. But it's  
22 like, for me, for my organizational stuff.  
23 Like, when I see my e-mail, I'll see 2,000  
24 e-mails. And I may not scroll through them.

25 If I see a pin, I'll look at it

1 immediately because I know it's Jill or Peter  
2 or Stephanie or the governor or somebody  
3 communicating, and it's something I should get  
4 back to.

5 Q. Right. Circling back, though, so  
6 what I was asking about is you explained to  
7 that you're using pin messages because you're  
8 concerned that other modes of communication  
9 were not as secure. Correct?

10 A. No. I said it is a secure mode  
11 of communication.

12 Q. Okay. But then you gave me an  
13 example about the New York State server being  
14 hacked. Right?

15 A. Right. I understand you guys  
16 don't like pins.

17 Q. I didn't say I liked pins or  
18 didn't like pins. What I'm trying to  
19 understand is, when you're using pins because  
20 they're more secure, what is the executive  
21 chamber communicating about the use of other  
22 communications devices?

23 A. Well, there's a lot of people  
24 that don't have BlackBerrys, and so you just  
25 use e-mails. Some people use text message.

1 You're not supposed to use your personal  
2 e-mail in order to communicate about  
3 government-related matters. So that's  
4 supposed to stay on your executive e-mail.

5 Q. Okay. And so when people are  
6 using e-mails, are you giving them  
7 instructions about being sensitive around the  
8 kind of information they communicate over  
9 e-mail?

10 A. I'm not giving anyone instruction  
11 over what they're communicating over e-mail.

12 Q. Is there any guidance given to  
13 anyone in the executive chamber about using  
14 e-mail and --

15 A. When you first --

16 Q. -- sorry -- and being sensitive  
17 to issues around confidentiality?

18 A. When you first come into the  
19 chamber, you have a -- what is it  
20 called? -- you go through an orientation where  
21 you do a training. And then every year, I  
22 believe that there's a training that you get  
23 on ITS matters.

24 But people are responsible to  
25 understand the document retention policy and

1 what memos or specific things have to be saved  
2 and archived, and otherwise you're, sort of,  
3 free to do whatever you want.

4 Q. Okay. You're free to do whatever  
5 you want. So you're explaining to me that the  
6 concern is that -- you have the concern that  
7 if you don't use your BlackBerry, it's not as  
8 secure. So what is --

9 A. I understand that using the  
10 BlackBerry --

11 Q. Can I finish the question?

12 A. Well, because I think you're  
13 mischaracterizing what I said.

14 Q. Let me just finish the question.  
15 Okay?

16 A. Yup.

17 Q. Let me just finish the question.

18 MR. HECKER: And when you finish  
19 this question, can we just take five?

20 We've been going, like, an hour and 15.

21 MS. KENNEDY PARK: Yeah, sure.

22 Q. So you said that you're using the  
23 Blackberry because it's more secure. So I'm  
24 asking: Did anyone in the executive chamber  
25 do anything to communicate to executive

1 chamber staff how to use less secure forms of  
2 communication to protect sensitive  
3 information?

4 A. I don't understand the question.

5 Q. Okay. So you told me that you  
6 were using the BlackBerrys in order -- because  
7 they were more secure. Right?

8 A. Mm-hmm.

9 Q. And you were concerned that  
10 information that wasn't on the BlackBerry  
11 could be hacked, for example. Right?

12 A. Mm-hmm.

13 Q. Right. So what did the executive  
14 chamber do to communicate to people about  
15 using communications devices other than  
16 BlackBerry pin to keep them secure?

17 A. I don't think anything.

18 Q. Okay. And did anyone in the  
19 executive chamber, for example, tell anybody  
20 there's certain topics you shouldn't  
21 communicate over e-mail about because they  
22 could be hacked?

23 A. I know that the health -- like,  
24 certain agencies have concerns about certain  
25 sensitive information with identifying numbers

1 for, like, DOH, for example.

2 I know the tax department has  
3 certain restrictions over what they'll send  
4 over e-mail and not send over e-mail. But  
5 it's traditionally something that's involved  
6 in someone's personal identifying information  
7 which, if were to get out into the public,  
8 could be very damaging.

9 Q. Okay. Did anyone in the  
10 executive chamber explain to anybody what  
11 topics they should communicate about using  
12 pins and what topics they --

13 A. No.

14 Q. -- and what topics they could  
15 communicate using other communications  
16 methods?

17 A. No. It's just the standard. If  
18 you're talking about government things, it  
19 should be on your government device. It  
20 should be through pin. It should be through  
21 your executive e-mail.

22 And then to the extent that you  
23 were texting about it, you had to be prepared  
24 to have to turn that over, like, all of your  
25 texts over, because our executive BlackBerrys

1 don't have text message. The function is  
2 disabled. So there is no ability to text on  
3 that.

4 So inevitably, I mean, you could  
5 choose not to. But a lot of people text on  
6 their iPhone, but you're told that if you do  
7 that, you have to be prepared that, should  
8 there be a foil or should there be a  
9 litigation, that you have to turn your iPhone  
10 over.

11 Q. Did you ever give any  
12 instructions to anyone on topics that they  
13 should not use e-mail communications to  
14 communicate about?

15 A. Not that I can recall  
16 specifically.

17 Q. Did you ever give anybody  
18 instructions that they had to use BlackBerry  
19 pin messages to communicate about certain  
20 topics?

21 A. No.

22 MS. KENNEDY PARK: We can take a  
23 break.

24 MR. HECKER: Thanks.

25 THE VIDEOGRAPHER: The time is

1 10:18 a.m. This concludes Media 1. Off  
2 the record.

3 (Recess taken from 10:18 a.m. to  
4 10:31 a.m.)

5 THE VIDEOGRAPHER: The time now  
6 is 10:31 a.m. This begins Media 2. On  
7 the record.

8 BY MS. KENNEDY PARK:

9 Q. Ms. DeRosa, before the break, we  
10 were talking about your role and what you did  
11 and did not have oversight of.

12 What was your role as secretary  
13 to the governor with the PSU?

14 A. The PSU primarily works with the  
15 scheduler and Stephanie. It's largely a  
16 coordinating function, where he's going, when  
17 he's going, we need the helicopter, you know,  
18 we should have a driver on standby.

19 And I talked to -- you know, when  
20 Vinny Straface was the head of the PSU while I  
21 was secretary, I would chat with him regularly  
22 when I saw him. I don't have any, like,  
23 oversight function of the PSU. But I would  
24 see them obviously constantly.

25 Q. Okay. As secretary to the

1 governor, did you have any role in any of the  
2 hiring decisions for the PSU?

3 A. I don't think hiring decisions.  
4 I think sometimes they will run things by me  
5 and say, you know, we're going to do this, and  
6 I will say okay. But I'm not making decisions  
7 about the PSU.

8 Q. What kinds of things would they  
9 run by you?

10 A. There was a period where there  
11 was a lot of transition on the PSU. There  
12 were a bunch of members who wanted to go do  
13 investigative work. And so they were  
14 relocating them.

15 And Vinny would say, you know,  
16 "For this position, I've got this person.  
17 They've staffed a bunch of events before. If  
18 you saw them you'd know them." You know, just  
19 talking through what the changes were.

20 Q. And --

21 A. But I don't know any of them,  
22 like, individually enough to ever really weigh  
23 in in a meaningful way.

24 Q. Was there any issue with PSU that  
25 you ever weighed in on in a meaningful way?

1 A. I don't think so.

2 Q. Any transfer decisions you ever  
3 weighed in on?

4 A. I don't think so.

5 Q. Any firing decisions you ever  
6 weighed in on?

7 A. I don't think so. [REDACTED] was  
8 head of the PSU for a period of time. And  
9 I -- when he said he was going to quit, I  
10 tried to convince him to stay longer because I  
11 was concerned that there wasn't enough  
12 transition time to get somebody properly  
13 trained up. So I had a one-on-one  
14 conversation with him. But otherwise, nothing  
15 that comes to front of mind.

16 Q. Any policy decisions you ever  
17 weighed in on?

18 A. I don't think so except when  
19 COVID happened of having the governor drive  
20 himself and how they would leave the cars and  
21 sanitize the cars before he got in.

22 Q. And tell us about what is the  
23 change with the governor driving himself?

24 A. The governor used to be driven by  
25 a PSU member, and it would be a PSU member and

1 another member of the detail in the car, and  
2 the governor would sit in the front seat.

3           When COVID happened, obviously we  
4 were trying to limit the governor's exposure  
5 to anyone. And so the governor started  
6 driving himself, and I talked to Vinny about,  
7 you know, when a trooper would drive a car to  
8 someplace where the governor would then get  
9 it, that they would wipe down the steering  
10 wheel and wipe down anything that anyone could  
11 have potentially touched, because early on it  
12 was, like, we were especially unclear on the  
13 transmissibility of the virus.

14           Q.     Did Mr. Straface object to the  
15 governor driving himself?

16           A.     Straface, no.

17           Q.     Was there any debate about the  
18 governor driving himself?

19           A.     Not that I recall.

20           Q.     Did you have any input in any  
21 policies regarding how long someone had to be  
22 in service before they could join the PSU?

23           A.     No.

24           Q.     Are you aware of any changes that  
25 were made to the policy regarding how long

1 someone had to be in service before they could  
2 join the PSU?

3 A. Only because of a press inquiry.

4 Q. Okay. And what was that press  
5 inquiry?

6 A. There was a Times Union press  
7 inquiry back in December, and they raised  
8 exactly that point, which I was unfamiliar  
9 with. And I believe the answer was that there  
10 had been a change that was made in a prior  
11 administration.

12 Q. And what was the change that had  
13 been made?

14 A. I think it shortened the length  
15 of time that somebody needed to be a member of  
16 the state police before they could be  
17 considered for the protective unit.

18 Q. And when you say "prior  
19 administration," what do you mean?

20 A. Like the Paterson administration  
21 or the Spitzer administration.

22 Q. And how did you come to  
23 understand that the prior administration had  
24 shortened the time that you had to be in  
25 service before joining the PSU?

1           A.     Because in the context of that  
2 press inquiry, I asked [REDACTED] and Vinny  
3 Straface.

4           Q.     And what did [REDACTED] tell  
5 you?

6           A.     I don't remember if it was [REDACTED]  
7 or Vinny who told me, but they said yes, there  
8 had been a policy change years prior on the  
9 length of time that someone had to serve in  
10 order to be considered for the PSU.

11          Q.     Did they tell you what year that  
12 change was made?

13          A.     I'm sure they did at the time,  
14 but I don't recall off the top of my head.

15          Q.     Did they tell you why that change  
16 was made?

17          A.     No.

18          Q.     Did you ask them?

19          A.     No.

20          Q.     What information was conveyed  
21 back to the Times Union reporter?

22          A.     The Times Union reporter was  
23 calling about a particular detail member, this  
24 woman, Trooper #1. And they had had a source  
25 that said that the governor saw her on a

1 bridge and then said, "Hire her."

2 So I called Vinny and said, "What  
3 happened here? We have to get back to this  
4 reporter."

5 Q. And what did Vinny tell you?

6 A. Vinny said that's not what  
7 happened at all. There was an event. I don't  
8 remember if it was, like, an RFK event or a  
9 Kosciusko Bridge event. It was some event in  
10 the city.

11 It wasn't, like, that they  
12 saw -- like, the way that the Times Union  
13 reporter portrayed it was, like, you saw  
14 someone at a traffic stop, and you were, like,  
15 hey, like, you know, chicky, get in the car,  
16 kind of thing.

17 It was like -- no. It was an  
18 event that there was in the city. She was a  
19 lead trooper on the ground. I think she was  
20 member of Troop NYC, which is the state police  
21 troop in the city, and that she had been on  
22 the ground doing the event.

23 She had done the advance work,  
24 and she had done the event work that day, and  
25 that she was really talented and direct and

1 spoke assertively and had, like, a great  
2 presence about her in terms of, like, being  
3 able to understand where the governor was  
4 going to move and how the troopers needed to  
5 move in response to that, and that she was  
6 very good and that Vinny said at the time, "We  
7 should hire her."

8 Q. So Vinny told you it was his  
9 decision to hire her?

10 A. Yes.

11 Q. And he was the one who  
12 recommended her to get hired?

13 A. Yes.

14 Q. And what was her name?

15 A. **Trooper #1** I don't know her last  
16 name. I believe she's still on the detail.

17 Q. Still on the governor's detail?

18 A. Yeah.

19 Q. And what year was this?

20 A. I think -- and, like, thus the  
21 recollection, and again, this is, like, in the  
22 context of getting information for a press  
23 inquiry, so this isn't from my original  
24 memory, I think it was 2018.

25 And I think Vinny said that at

1 the time, he had said to me that he wanted to  
2 do this. And I said, "Great. More women on  
3 the detail. There's, you know, absolutely no  
4 diversity or gender balance on the detail. So  
5 if you think this person is great, great."

6 Q. So after the Times Union reporter  
7 called in December of 2020, Mr. Straface told  
8 you that he had consulted you about her  
9 hiring?

10 A. Yes. He said, "I told you about  
11 it at the time, and you thought it was great  
12 to increase the gender balance."

13 Q. And what was the connection  
14 between Trooper #1 and this policy change  
15 I was asking about?

16 A. I don't think there was any  
17 connection. The Times Union believed that  
18 there had been a change made for that purpose,  
19 and it became pretty clear that they had a  
20 source who was feeding them bad information.  
21 And once they understood that, they didn't run  
22 the story.

23 Q. Anything else Mr. Straface told  
24 you about Trooper #1?

25 A. No.

1 Q. Did he tell you how many years  
2 she had been in service prior to joining the  
3 PSU?

4 A. No. And I didn't ask. I got the  
5 information that was relevant to respond to a  
6 press inquiry and didn't have any further  
7 discussion about it.

8 Q. It wasn't relevant how long she  
9 had been on PSU, when one of the questions  
10 being asked was whether there was a change in  
11 policy --

12 A. She met the criteria --

13 MS. KENNEDY PARK: Can you just  
14 wait until I finish --

15 THE WITNESS: Sorry.

16 MS. KENNEDY PARK: -- because  
17 she's going to go crazy if we don't do  
18 that.

19 Q. -- so whether there had been a  
20 change in policies shortening the time someone  
21 had to be in service before joining PSU?

22 A. It wasn't relevant because the  
23 change in policy had occurred in a prior  
24 administration. So the way that the source  
25 had been conveying it to the Times Union was

1 to appear nefarious, as if there had been a  
2 policy exception made for this one person,  
3 when in reality that change had been made  
4 years prior.

5 Q. Anything else you remember about  
6 the conversation with -- I'm going to call him  
7 Vinny for ease of this discussion -- Vinny?

8 A. No.

9 Q. You said [REDACTED]. You spoke  
10 to him as well. What did you speak to [REDACTED]  
11 about?

12 A. I don't recall. I just  
13 remember -- like, any time there's -- we have  
14 incoming about the state police, I make sure  
15 that the head of the state police is aware.

16 But I don't think that -- [REDACTED]  
17 just became the head of the state police. And  
18 so I don't think he had any specific  
19 information about it. I think it was -- Vinny  
20 had the information.

21 Q. Why were you handling this press  
22 inquiry?

23 A. Rich Azzopardi came into my  
24 office and said, "The Times Union just called  
25 about this issue," and it made me really mad.

1 Q. And why did it make you mad?

2 A. Because I thought it was sexist.

3 Q. Why did you think it was sexist?

4 A. Because the perception I had was  
5 that some trooper went to the Times Union and  
6 tried to say that this woman only had her  
7 position because she was attractive. And so I  
8 said, "Let's get Vinny on the phone and get  
9 the facts," and Vinny gave me the facts. And  
10 when I learned the facts, I got even more  
11 angry.

12 Q. Did you convey that to the Times  
13 Union?

14 A. I did.

15 Q. What did you tell them?

16 A. I said, "You don't have your  
17 facts straight. This woman, from everything I  
18 hear, is strong, smart, incredibly qualified,  
19 and does a phenomenal job. And you guys are  
20 trying to reduce her hiring to being about her  
21 looks. And that's what men do.

22 "If there is an attractive woman  
23 seemingly near any male-dominated field, you  
24 assume it has something to do with either  
25 their attractive level or who they are

1 sleeping with."

2 Q. That's what you said to the Times  
3 Union?

4 A. Yes.

5 Q. And what did they say?

6 A. Casey Seiler actually agreed and  
7 said he wasn't going to run the story, that  
8 clearly they had a bad source.

9 Q. Did you look for any documents  
10 related to the policy around how long someone  
11 had to be in service before joining the PSU?

12 A. No.

13 Q. After that phone call with the  
14 Times Union, have you had any other  
15 conversations about that policy?

16 A. No.

17 Q. Had you looked at any documents  
18 about that policy?

19 A. No.

20 Q. After that call from the Times  
21 Union, have you had any conversations with  
22 anyone else about a trooper named **Trooper #1**?

23 A. No. Only with counsel.

24 MR. HECKER: No, she's not asking  
25 about that.

1 Q. Other than conversations with  
2 counsel, have you had any conversations with  
3 anyone about a trooper named Trooper #1?

4 A. No.

5 MR. KIM: Can I ask a question?

6 MS. KENNEDY PARK: Yes.

7 MR. KIM: Have you talked to the  
8 governor about the inquiry?

9 THE WITNESS: About the press  
10 inquiry?

11 MR. KIM: Yeah.

12 THE WITNESS: I notified him  
13 after it was dealt with.

14 MR. KIM: After you -- they  
15 reported back?

16 THE WITNESS: After Casey told me  
17 that he wasn't going to run the story, I  
18 told the governor what -- he said to me,  
19 "What's going on? I hear you getting  
20 animated in your office," because our  
21 offices are, like, connected through a  
22 suite.

23 And he said, "What's going on? I  
24 could hear you getting animated."

25 And I said, "This is so crazy.

1 The Times Union called and then I spoke  
2 to Vinny and it was" -- I, like, you  
3 know, gave him a summarized version.

4 And then the governor called  
5 Casey Seiler.

6 MR. KIM: Himself?

7 THE WITNESS: Yeah.

8 MR. KIM: And what did he say?

9 THE WITNESS: He said, "Don't get  
10 mad at Melissa for being so amped up.  
11 This is one of those topics that sends  
12 her off a cliff," and they, like, had a  
13 nice talk about the holidays.

14 I was like -- I only know that  
15 because then Casey called me back and  
16 said, "It's an unusual day when you're  
17 the bad cop and he's the good cop."

18 MR. KIM: Did you talk to him  
19 about the way in which this trooper,  
20 **Trooper #1**, was hired?

21 THE WITNESS: No. I, like -- it  
22 was more of a just straight retelling of  
23 this is what happened, and this is what  
24 Vinny told me, and I dealt with it and  
25 the story is not going to run.

1 MR. KIM: Did he say anything  
2 about how Trooper #1 was hired?

3 THE WITNESS: No. He just said,  
4 "Get Casey Seiler on the phone."

5 MR. KIM: But that's the extent  
6 of the conversation that day?

7 THE WITNESS: Yeah.

8 MR. KIM: How about after that?  
9 Any conversations with the governor  
10 about Trooper #1

11 THE WITNESS: No. There wasn't a  
12 reason. I hadn't even, you know,  
13 remembered who Trooper #1 was until the  
14 press inquiry.

15 MR. KIM: Have you seen her  
16 since?

17 THE WITNESS: If Trooper #1 is who I  
18 think she is, I think I saw her. We had  
19 an event for a bill signing on the tenth  
20 anniversary of marriage equality, and I  
21 think she was at the event.

22 MR. KIM: Have you ever spoken to  
23 her?

24 THE WITNESS: I'm sure in  
25 passing, hello, goodbye. But I don't

1 really -- I'm not, like, a small talk  
2 person.

3 MR. KIM: Thanks.

4 MS. KENNEDY PARK: Turn to  
5 Tab 160 in the binder. We'll mark this  
6 as the next exhibit.

7 (Exhibit 3, The New York Times  
8 article entitled "Who Can Say 'No' to  
9 Cuomo? Melissa DeRosa, His Top Aide,"  
10 dated May 14, 2020, marked for  
11 identification, as of this date.)

12 BY MS. KENNEDY PARK:

13 Q. Do you want to take a look at it?

14 A. I'm familiar with the article.

15 Q. And if I'm right, this is an  
16 article in the New York Times from May 14,  
17 2020, the title of which is "Who Can Say 'No  
18 to Cuomo? His Top Aide, Melissa DeRosa."

19 Did you speak to any reporters in  
20 advance of this article being published about  
21 this article?

22 A. Ruth La Ferla I spoke to. Like,  
23 I did an interview.

24 Q. And did you know that Lis Smith  
25 was being interviewed by Ms. La Ferla?

1 A. Yes.

2 Q. How did you know that?

3 A. Because Ruth asked [REDACTED],  
4 who was managing article, for friends of mine,  
5 colleagues who knew me well that she could  
6 speak to.

7 Q. Did you speak to Ms. Smith in  
8 advance of this article being published about  
9 the article?

10 A. Yeah.

11 Q. And tell us about that.

12 A. I just said, "Thank you so much  
13 for talking to her. I really appreciate it.  
14 I'm nervous about this piece coming out, and  
15 I'm grateful that you're talking to her."

16 Q. Did she tell you what she told  
17 Ms. Ferla?

18 A. I'm sure that she did, but  
19 I -- the specific conversation doesn't,  
20 like -- it wasn't anything so significant that  
21 I recall.

22 Q. Were you involved or consulted  
23 about any fact checking on this article?

24 A. After the fact, when they ran it,  
25 there was a mischaracterization of my

1 husband's role at Uber. And so we talked  
2 about how to get that fixed. And a press  
3 person from Uber called the Times and they  
4 updated it.

5 Q. In advance of the article being  
6 published, were you given a preview of the  
7 article?

8 A. No.

9 Q. Were you consulted in advance of  
10 the article being published about any fact  
11 checking for the article?

12 A. No.

13 Q. Did you work with anyone in  
14 advance of this being published on the fact  
15 checking?

16 A. I don't know what you mean by  
17 that. I did an interview and then they pulled  
18 from the interview, and they clearly had done,  
19 like, a clip job on other stories about me.

20 And if they had questions, they  
21 worked with [REDACTED]. And if she had a  
22 question about something, she would ask me.

23 Q. Who is [REDACTED]?

24 A. [REDACTED] used to work for us.  
25 She does communications, social media. She's

1 a good friend. She worked for us a few years  
2 ago. She left the administration and then  
3 during COVID came back to help.

4 Q. When you say "us," you mean she  
5 worked at the executive chamber?

6 A. Yes.

7 Q. And where does she work now?

8 A. She's currently not working.

9 Q. Other than the  
10 mischaracterization of what your husband's  
11 role is at Uber, were there any other factual  
12 inaccuracies in this article?

13 A. I don't remember. I don't think  
14 so.

15 Q. Okay. In this article, Lis Smith  
16 is quoted as saying:

17 "'If you're an Albany lawmaker  
18 and you get a call from Melissa DeRosa,  
19 you're essentially getting a call from  
20 the governor.'"

21 Is that accurate?

22 A. I mean, that's a perception from  
23 people.

24 Q. Is that accurate?

25 A. No, it's not accurate. Some

1 people I think have that perception.

2 Q. And what's not accurate about it?

3 A. The governor and I are not the  
4 same person. And if the governor is calling  
5 you, the governor is calling you. If I'm  
6 calling you, I'm calling you. It's not the  
7 same.

8 Q. Have you ever made a call that  
9 the governor didn't know about?

10 A. Sure.

11 Q. Did you ever make a call that you  
12 lied to the governor about?

13 A. I don't think so.

14 Q. It goes on in the bottom of the  
15 article to say:

16 "It is not easy to match his  
17 confidence."

18 Do you see that sentence? Oh,  
19 you have to go back to the first page.

20 "Confidence."

21 MR. HECKER: Sorry, where are you  
22 pointing?

23 Q. "'It's not easy'" --

24 MS. KENNEDY PARK: The second  
25 paragraph from the bottom.

1 Q. (Reading):

2 "It's not easy to match his  
3 confidence, his sense of control during  
4 those briefings, but she does,'  
5 Ms. Smith said. 'She is by no means a  
6 "yes" woman. As you may imagine, he  
7 does not relish hearing no.'"

8 Is that an accurate description  
9 of the governor, that he doesn't relish hearing  
10 no?

11 A. I think that any person in power,  
12 you know, there's a give and take. But I  
13 actually think that the governor takes  
14 constructive criticism well and asks for it  
15 all the time. He actually doesn't like people  
16 who just "yes" him.

17 Q. Who does he take constructive  
18 criticism from well?

19 A. Senior staff people that he  
20 respects, outside advisors who he respects,  
21 longtime friends.

22 Q. Then why, when Ms. Smith said,  
23 "As you may imagine, he does not relish  
24 hearing no," why didn't you correct that as  
25 factually inaccurate?

1           A.     It's a quote.  I mean, you'd have  
2 to ask her about it.

3           Q.     Did she preview for you that she  
4 was going to say that?

5           A.     No.

6           Q.     If you turn to the next page, the  
7 second paragraph from the bottom.

8           A.     Mm-hmm.

9           Q.     It says:

10                   "Ms. DeRosa is known to be  
11                    unyielding in her support of the  
12                    governor."

13                    Is that an accurate  
14 characterization?

15           A.     I am very supportive of the  
16 governor, yes.

17           Q.     Are you unyielding in your  
18 support of the governor?

19           A.     I don't know if I'd use that  
20 characterization.

21           Q.     How would you characterize your  
22 support of the governor?

23           A.     I'm very supportive of the  
24 governor.  I don't really understand the  
25 question.

1 Q. It says --

2 A. I understand what it says, but I  
3 don't really understand the question. I'm  
4 very supportive of the governor.

5 Q. You can put that binder aside.

6 A. We're not going to talk about  
7 Karen? She's right there on the page.

8 Q. We'll talk about Ms. Hinton later  
9 today.

10 In the executive chamber, do  
11 you -- you talked earlier about  
12 training -- right? -- when you joined the  
13 executive chamber.

14 What kind of training do you  
15 receive?

16 A. When you first come onboard, you  
17 do, like, an onboarding, and you get a  
18 training on all kinds of different topics  
19 that's required.

20 Q. Who does the onboarding?

21 A. Lauren Grasso does it now, but,  
22 you know, I think she's had that job for a  
23 couple of years. There have been different  
24 people who have had that job over the years.

25 Q. Who did your onboarding?

1 A. I don't remember.

2 Q. And what does the training cover?

3 A. There's ethics training, there's  
4 ITS training, there's sexual harassment  
5 training. And the trainings have grown over  
6 the years as we've added additional  
7 components. There's now, like, a gender  
8 identity training.

9 Q. So you're not -- you just said  
10 that the onboarding includes sexual harassment  
11 training. Is that right?

12 A. Yes.

13 Q. So when you got onboarded, did  
14 you get sexual harassment training?

15 A. Yes.

16 Q. Okay. And tell us about that  
17 training.

18 A. It was so long ago. I don't  
19 remember if I took it on a PowerPoint -- like  
20 on a video at that point or if I used the --  
21 there's like a packet that they give you that  
22 you read, and then you certify that you've  
23 read.

24 Q. And you don't remember when you  
25 onboarded which one you did?

1 A. No.

2 Q. Have you ever done the video  
3 training on sexual harassment?

4 A. I've done the video training on  
5 ethics a couple of times. I don't remember if  
6 I also did the sexual harassment one early on,  
7 but certainly not for a few years.

8 Q. Do you understand that the sexual  
9 harassment training is a yearly requirement?

10 A. Yes.

11 Q. Have you completed it every year  
12 you've been in the executive chamber?

13 A. I believe that I have. Although,  
14 I know through this process that they don't  
15 have records of everything. But I don't know  
16 if that's because I didn't do it or it's a  
17 record retention issue.

18 Q. When was the last time you did  
19 the sexual harassment training?

20 A. In May.

21 Q. When do you normally do the  
22 sexual harassment training?

23 A. There's generally a deadline and  
24 our assistants are pretty good about standing  
25 over you until you do it. So whenever, you

1 know, you're coming up on the deadline, you  
2 get constant reminders.

3 Q. What's the deadline?

4 A. I actually don't know.

5 Q. Is it at the end of the year?

6 A. I think so but I'm not sure.

7 Q. Who would know?

8 A. Lauren Grasso.

9 Q. So was the deadline in May?

10 A. No.

11 Q. Did you do sexual harassment  
12 training in May of this year?

13 A. Yes.

14 Q. And why did you do that?

15 A. The assistants had all of the  
16 different trainings printed out, and they were  
17 offering them up to people, and I said, "I  
18 should just get this done now."

19 Q. Did you understand why the  
20 assistants had all the trainings printed out?

21 A. I think the people were becoming  
22 more aware of everything, obviously given the  
23 situation. And we didn't do any trainings in  
24 2020 because of COVID. And so I think that  
25 there was a bigger push earlier on.

1 Q. Did you have any role in the  
2 executive assistants bringing out the sexual  
3 harassment training and other trainings in May  
4 of this year?

5 A. I don't think so.

6 Q. Did you instruct anyone to do the  
7 sexual harassment trainings in May of this  
8 year?

9 A. I don't think so.

10 Q. Were you involved in any  
11 conversations in which it was discussed the  
12 need to do sexual harassment trainings in May  
13 of this year?

14 A. I don't think so.

15 Q. You said, I think, that there's a  
16 video option and then there's a paper option?

17 A. Mm-hmm.

18 Q. Can you tell me who gets to do  
19 the paper option and who does the video  
20 option?

21 A. I believe senior staff gets the  
22 option to do the paper -- the, like, packet  
23 that you read and then certify.

24 Q. Okay. And why does senior staff  
25 get the option to do the packet?

1           A.     Because everyone's schedules are  
2 so fluid that when they schedule the  
3 trainings, there was this constant issue of  
4 people missing them. And so this was a way to  
5 ensure that people were absorbing the material  
6 or reading the material if they couldn't make  
7 one of the trainings.

8           Q.     The video sessions have to be  
9 scheduled?

10          A.     The video sessions are scheduled,  
11 yeah.

12          Q.     You can't just click and do it at  
13 your leisure?

14          A.     I have no idea but, earlier on, I  
15 know that they were scheduled. And to this  
16 day, like, the ethics one, for example, like,  
17 there's a scheduled time slot when you can do  
18 it.

19          Q.     Okay. And is -- to your  
20 understanding, the sexual harassment trainings  
21 were also on some sort of schedule?

22          A.     Yes, I think so.

23          Q.     Were you a part of the decision  
24 to offer the sexual harassment training to  
25 senior staffers in paper form?

1           A.     I don't think I was a part of the  
2 decision. I think maybe I was notified, but  
3 I'm not even sure what year it happened.

4           Q.     And you told me earlier you  
5 thought there might be a paper trail problem  
6 with you doing your sexual harassment  
7 training. Why don't you turn to Tab 146 of  
8 your binder.

9                     (Exhibit 4, Certification for  
10 mandated sexual harassment training from  
11 January 4, 2016, marked for  
12 identification, as of this date.)

13           MS. KENNEDY PARK: We'll mark  
14 this as the next exhibit.

15           Q.     Tab 146 is, it looks like, your  
16 certification from January 4, 2016, for the  
17 sexual harassment trainings. Right?

18           A.     It appears that way.

19           Q.     And on that date you certified  
20 that you had read the course material. Is  
21 that right?

22           A.     Mm-hmm.

23           Q.     And that you had completed the  
24 learning activities. Do you see that?

25           A.     I see that it says that.

1 Q. What learning activities did you  
2 complete?

3 A. I don't remember.

4 Q. Have you ever completed learning  
5 activities as part of sexual harassment  
6 training?

7 A. I don't remember.

8 Q. Have you completed any surveys as  
9 part of sexual harassment training?

10 A. I mean, I remember reading the  
11 scenarios. Like, this person says this, this  
12 person says this, and then you read through  
13 the questions. Is that what you mean, or is  
14 it something separate than that?

15 Q. Did you do that? Did you read  
16 through scenarios and then read through  
17 questions about those scenarios?

18 A. Yes.

19 Q. And did you have to pick the  
20 answers for those questions?

21 A. You -- like it says, like, "yes  
22 or no." And then you just say continue to  
23 read.

24 Q. Okay. And in the reading, does  
25 it tell you what the right answers are to

1 those questions?

2 A. Yes.

3 Q. Okay. And do you remember doing  
4 that?

5 A. Yes.

6 Q. And you did that on January 4,  
7 2016?

8 A. I believe so. If that's what was  
9 required in that year, I know that I have done  
10 that.

11 Q. Okay. Why don't you turn to the  
12 next tab. It's 147.

13 MS. KENNEDY PARK: We'll mark  
14 this as the next exhibit.

15 (Exhibit 5, Certification for  
16 mandated sexual harassment training and  
17 equal employment opportunity, rights and  
18 responsibilities training from  
19 December 14, 2016, marked for  
20 identification, as of this date.)

21 Q. This appears to be your  
22 certification of having done two trainings,  
23 one is the mandated training on sexual  
24 harassment in the workplace, and one is on  
25 equal employment opportunity, rights and

1 responsibilities.

2 Is that right?

3 A. It appears that way.

4 Q. Okay. And this is from  
5 December 14, 2016. Do you see that date?

6 A. Mm-hmm.

7 Q. Okay. Tell me what did you  
8 remember about the equal employment  
9 opportunity rights and responsibility  
10 training?

11 A. I don't remember from 2016.

12 Q. Do you remember ever having taken  
13 it?

14 A. Yes.

15 Q. And what do you remember about  
16 the contents of it?

17 A. It's about employee fairness and  
18 how you treat one another in the office and  
19 you make sure that you're not discriminating.

20 Q. And was there a  
21 question-and-answer part of that training?

22 A. I don't remember.

23 Q. Do you remember anything that was  
24 different about this sexual harassment  
25 training than the one you took in January of

1 that year?

2 A. I don't remember.

3 Q. Go to Tab 245.

4 (Exhibit 6, Certification for  
5 mandated sexual harassment training,  
6 dated May 5, 2021, marked for  
7 identification, as of this date.)

8 MS. KENNEDY PARK: We'll mark  
9 this as the next exhibit.

10 Q. This is a certification from  
11 May 5, 2021, signed by you, to the 2021  
12 mandated sexual harassment training in the  
13 workplace. Is that right?

14 A. Yes.

15 Q. And this is the training we were  
16 just talking about that you took in May of  
17 this year. Is that right?

18 A. Yes.

19 Q. And do you remember reading the  
20 course material?

21 A. Yes.

22 Q. And how is that course material  
23 any different than course material you studied  
24 previously on sexual harassment?

25 A. I don't remember.

1 Q. And do you remember what the  
2 learning activities were for this course  
3 material?

4 A. It was the questions.

5 Q. The hypotheticals you were just  
6 telling me about?

7 A. Yeah. Yes.

8 Q. Okay. There's no certification  
9 that's been produced for training for you for  
10 the years 2018 and 2019. Did you take sexual  
11 harassment training in 2018?

12 A. I think so. But there's no  
13 record of it, so I can't be certain.

14 Q. Okay. And how would the record  
15 have gotten lost?

16 A. I don't know.

17 Q. Did you take sexual harassment  
18 training in 2019?

19 A. I think so.

20 Q. And there's no record of it.  
21 Have any idea of what happened to that record?

22 A. No idea.

23 Q. Do you have an actual memory of  
24 taking the training in 2019?

25 A. I have memories of my assistants

1 every year coming in and saying, "We have to  
2 make sure that this gets done." So I don't  
3 know why it wouldn't have happened in those  
4 two years.

5 Q. And are your assistants  
6 responsible for making sure you sign the form  
7 after you've completed the training?

8 A. I don't know that they're  
9 responsible for it, but they've, like, taken  
10 on that responsibility.

11 Q. And who does the certification go  
12 to?

13 A. I believe to Lauren Grasso.

14 Q. Any reason to believe she threw  
15 out your certification?

16 A. I don't know that there was,  
17 like, meticulous attention to record retention  
18 or that it didn't happen. But I find it hard  
19 to believe that, when these things come around  
20 and everyone is very focused on we have to  
21 meet these deadlines, that it wouldn't have  
22 happened.

23 Q. So you believe the training  
24 happened in 2018 and 2019?

25 A. Yes.

1 Q. Didn't happen in 2020. Right?

2 A. No.

3 Q. And why didn't it happen in 2020?

4 A. In COVID we suspended a lot of  
5 the mandated rules and responsibilities around  
6 these trainings.

7 Q. And why did you do that?

8 A. Because we were battling a global  
9 pandemic and no one had a minute to breathe.

10 Q. When was it -- that suspension  
11 lifted?

12 A. I don't remember.

13 Q. Who was involved in the decision  
14 to make the suspension?

15 A. Beth Garvey and I'm sure myself.

16 Q. And who was involved in the  
17 decision to lift the suspension?

18 A. Same.

19 Q. And tell us about why you made  
20 the decision to lift the suspension.

21 A. Well, it wasn't a specific  
22 decision to lift the suspension. As COVID  
23 improved, we just began lifting all kinds of  
24 suspensions, unless they were absolutely  
25 necessary to fight the pandemic.

1 Q. And do you remember when the  
2 suspension on training was lifted?

3 A. No.

4 Q. Did you ever talk to the governor  
5 about the suspension on training?

6 A. No.

7 Q. Did you ever talk to the governor  
8 about lifting the suspension on training?

9 A. No.

10 Q. What do you know about the  
11 governor having taken sexual harassment  
12 training?

13 A. Same, similar situation. I know  
14 that every year we have to do the trainings,  
15 and I know that Stephanie would go in there  
16 and make sure that he read the packet and  
17 signed the certification.

18 Q. How do you know that?

19 A. Because I've gotten the question  
20 in the context of press inquiries.

21 Q. Okay. And what was the question?

22 A. "Did the governor take a sexual  
23 harassment training?"

24 Q. Okay. And who did that come  
25 from?

1           A.     I don't remember originally. It  
2 may have been Norah O'Donnell.

3           Q.     And what did you do to find out  
4 the response to that inquiry?

5           A.     I asked Stephanie and the  
6 governor.

7           Q.     Okay. And what did Stephanie  
8 tell you?

9           A.     That every year she would get a  
10 reminder about the trainings, and that she  
11 would make sure to print out and give them to  
12 him, and that he would review them and then  
13 sign them, and then she would give them to  
14 whoever, whether it be Lauren Grasso or  
15 whoever had her role before that.

16          Q.     Did she watch him review them?

17          A.     No.

18          Q.     And what did the governor tell  
19 you?

20          A.     That every year he would get the  
21 trainings, and that he had to read a packet  
22 and sign something.

23          Q.     Did she tell you that he did, in  
24 fact, read the packet?

25          A.     Yes. He said he believed that he

1 didn't remember a year when he didn't have to  
2 do that.

3 Q. And he said -- did he tell you  
4 that he recalled the packet containing sexual  
5 harassment training?

6 A. Yeah.

7 Q. Okay. Did you --

8 A. All of trainings. I mean, we  
9 generally do them all at once.

10 Q. Did he tell you anything else  
11 about the sexual harassment training?

12 A. No.

13 Q. Who went back to the reporter?

14 A. I don't remember if it was me,  
15 Peter, or Rich. One of the three of us.

16 Q. And what was the reporter told?

17 A. That he completed the sexual  
18 harassment training.

19 Q. Was there any discussion about  
20 whether the governor had signed his own  
21 certification or someone else signed it for  
22 him?

23 A. No.

24 Q. That question wasn't raised by  
25 the press?

1 A. I don't think so.

2 Q. Is that something you talked to  
3 Ms. Benton about?

4 A. No.

5 Q. Is it something you talked to the  
6 governor about?

7 A. No.

8 Q. Have you talked to anyone about  
9 that topic?

10 A. I don't think so.

11 Q. After the question from Norah  
12 O'Donnell on whether the governor did his  
13 sexual harassment training, has there been any  
14 other discussions you've been a part of about  
15 the governor doing his sexual harassment  
16 training?

17 A. No. Again, like anything on this  
18 topic, I feel like conversations were had  
19 around the context of incoming press  
20 inquiries.

21 Q. I'm not sure -- what is that in  
22 response to?

23 A. You are asking about if there was  
24 ever any other conversation around this. So I  
25 think the only other time there could have

1 been conversation around it is if there was an  
2 additional press inquiry, but the answer  
3 didn't change.

4 Q. Okay. Was there an additional  
5 press inquiry about whether the governor had  
6 done the sexual --

7 A. I don't remember.

8 Q. We just can't talk over each  
9 other.

10 A. Sorry, sorry.

11 Q. Was there an additional press  
12 inquiry about whether the governor had done  
13 his sexual harassment training?

14 A. I don't remember but there very  
15 well may have been.

16 Q. Okay. Other than press  
17 inquiries, were there any other conversations  
18 you were a part of about whether the governor  
19 had done his sexual harassment training?

20 A. No, not that I recall.

21 Q. Have you ever seen the employee  
22 handbook?

23 A. Yes.

24 Q. Do you do training on the  
25 employee handbook?

1 A. I don't think so.

2 Q. Does the equal opportunity  
3 employment training that we just looked at,  
4 does that cover the employee handbook?

5 A. I don't remember.

6 Q. Who's responsible in the  
7 executive chamber for making sure that the  
8 employee handbook is complied with?

9 A. I don't know.

10 Q. Do you have that responsibility?

11 A. No. I think that it's personal  
12 responsibility.

13 Q. Everyone in the executive chamber  
14 either directly reports to you or indirectly  
15 reports to you. Is that right?

16 A. Mm-hmm.

17 Q. But you don't think you have  
18 responsibility for ensuring that the employee  
19 handbook is complied with?

20 A. No.

21 Q. Why don't we turn to Tab 153.

22 (Exhibit 7, Employee Handbook,  
23 marked for identification, as of this  
24 date.)

25 Q. Before we look at the handbook,

1 does the governor have a role in making sure  
2 that this handbook is complied with?

3 A. I think that when you get the  
4 handbook, you're supposed to certify that you  
5 have read the handbook and that you will live  
6 up to the responsibilities therein. I think.

7 Q. Did you do that?

8 A. Eight years ago probably. I  
9 don't think it's something we do annually. I  
10 think it's something you do onboarding.

11 Q. I apologize for interrupting you.

12 It's something that happens when  
13 someone is onboarded to the executive chamber?

14 A. I believe so, yeah.

15 Q. And what is done within the  
16 executive chamber to make sure that people do,  
17 in fact, comply with their obligations under  
18 the employee handbook?

19 A. I don't think that that's how the  
20 world works. Like, you -- there's not one  
21 person standing over someone's shoulder,  
22 saying, "We have to make sure that you're  
23 adhering to every single one of these things."

24 You're supposed to read it and  
25 take your own role and personal responsibility

1 to make sure you're adhering to it.

2 Q. Is there anyone who has  
3 responsibility for ensuring that the employee  
4 handbook is complied with?

5 A. I don't know.

6 Q. Is there any sort of compliance  
7 function within the executive chamber?

8 A. In which regard?

9 Q. In ensuring that the handbook is  
10 complied with.

11 A. There's lots of things in a  
12 handbook. Like, what specifically? There's  
13 an ethics officer. There's somebody -- you're  
14 supposed to clear things through counsel.  
15 You're supposed to clear things through JCOPE.

16 I mean, there's not one person  
17 that's charged with standing over someone's  
18 shoulder and making sure that every line in  
19 this book is adhered to, no.

20 Q. So there are people who have  
21 responsibility for ensuring that parts of this  
22 handbook are complied with. Is that what  
23 you're saying?

24 A. Sure.

25 Q. Okay. And who are the people who

1 have responsibility for ensuring that parts of  
2 this handbook are complied with?

3 A. Well, really it's really  
4 yourself.

5 Q. I think you just told me that it  
6 was --

7 A. Yeah, there's counsel. If you've  
8 got --

9 MS. KENNEDY PARK: Hold on just a  
10 second.

11 MR. HECKER: Hey, Melissa, wait  
12 for her question.

13 Q. I think what you just told me  
14 there's an ethics officer, there's counsel,  
15 and now you're saying it's primarily yourself.

16 So, again, who has responsibility  
17 for ensuring that parts of the employee  
18 handbook are complied with?

19 A. You're asking an open-ended  
20 question when I think that there are specific  
21 answers. So there's someone that's supposed  
22 to make sure that you do your trainings every  
23 year. That's Lauren Grasso.

24 It's supposed to be that, if you  
25 have a potential conflict, that you run that

1 through counsel's office, and that you get the  
2 okay through counsel's office and if that  
3 needs to be taken through JCOPE. So there are  
4 different pieces.

5 But I think ultimately people  
6 have personal responsibility. Because it's  
7 not as if the counsel is standing over your  
8 shoulder, saying, "Did you do this, did you do  
9 this, did you do this" every day.

10 Q. I'm not asking about someone  
11 standing over your shoulder. You said that  
12 Lauren Grasso has responsibility for certain  
13 aspects of the handbook, and that the  
14 counsel's office has responsibility for  
15 certain aspects of compliance with the  
16 handbook.

17 Is there anyone else or any other  
18 function that has responsibility for ensuring  
19 compliance with aspects of the handbook?

20 MR. HECKER: And just before  
21 answering that, you may just want to  
22 look at the table of contents so you can  
23 see if that prompts a thought about  
24 whether there are people who have  
25 responsibility for aspects of this.

1           A.     (Document review.)  
2                    These are all the different  
3 trainings that get broken out every year. I  
4 think it's generally a supervisor who is  
5 supposed to make sure your employees are  
6 adhering to these. There's not, like, a  
7 one-stop shop.

8           Q.     Okay. So supervisors have  
9 responsibility for ensuring that the people  
10 they supervise comply with this handbook. Is  
11 that right?

12          A.     Yes.

13          Q.     Are you a supervisor in the  
14 executive chamber?

15          A.     I am.

16          Q.     Okay. So you have responsibility  
17 for ensuring that the people you supervise  
18 comply with this handbook. Is that right?

19          A.     Yeah.

20          Q.     What did you do to ensure that  
21 the people who you supervise complied with  
22 this handbook?

23          A.     If an issue came to my attention,  
24 I would make sure that it was addressed.

25          Q.     Can you give me an example?

1 A. No.

2 Q. No issues have ever come to your  
3 attention that raise --

4 A. Not top of mind.

5 Q. Can you wait for me to just  
6 finish the question, because then she's really  
7 going to get mad.

8 There are no examples that come  
9 to your mind of issues that were raised to  
10 your attention that called into question  
11 whether this handbook was being complied with?

12 A. Not top of mind.

13 Q. Who's [REDACTED]?

14 A. I don't know.

15 Q. You've never heard the name  
16 [REDACTED]?

17 A. I may have heard of it, but it  
18 wasn't something that was -- sticks in my  
19 mind.

20 Q. Where did you hear the name?

21 A. I don't know.

22 Q. Where may have you heard the  
23 name?

24 A. I have no idea.

25 Q. Who's [REDACTED]?

1           A.     [REDACTED] is somebody who  
2 worked on the floor doing health policy and  
3 now works at the Department of Health.

4           Q.     How did he come to work at the  
5 Department of Health?

6           A.     He was transferred to the  
7 Department of Health after he had an issue  
8 with me.

9           Q.     And what was the issue?

10          A.     We had a phone call about COVID  
11 in schools. He was responsible for making  
12 sure that we had all of the updated  
13 information and that compliance was occurring  
14 statewide.

15                   And there had -- you know, we did  
16 these phone calls every day, every other day.  
17 And after about half a dozen of them, when he  
18 didn't have answers to any of the repeated  
19 questions that he would get every morning, I  
20 said, "I don't understand how it is that at  
21 this point you don't have the answers to these  
22 questions. You're talking about matters of  
23 life and death. You're talking about people's  
24 children. And yet you come to these calls  
25 every day completely unprepared. And if you

1 can't do this, then we're going to need to  
2 find somebody else who can."

3           And then following that, it was  
4 relayed back to me that he, apparently after  
5 the call, called me a number of things  
6 including a bitch. I got a phone call from a  
7 lobbyist that said that he had said it to  
8 multiple people, and that a bunch of the  
9 lobbyists were talking about how [REDACTED]  
10 [REDACTED] was running around calling me a bitch,  
11 and I believe [REDACTED], who was someone that  
12 he worked with, may have reported it.

13           Q.     When you say "reported it,"  
14 reported it to who?

15           A.     I think told a supervisor but I'm  
16 not sure who.

17           Q.     And you said he called you a  
18 number of things. What else did he call you?

19           A.     All I know specifically was bitch  
20 but that was enough.

21           Q.     And after it was reported, what's  
22 the next involvement you had with [REDACTED]

23

24           A.     I don't think I did. I spoke to  
25 Judy Mogul and Beth, and I told them what had

1 happened.

2 Q. And what did you tell Judy Mogul?

3 A. Exactly what I just told you.

4 Q. And what did you tell Beth

5 Garvey?

6 A. They were on the phone together.

7 Q. Did you ask that he be

8 transferred?

9 A. I said I didn't feel comfortable  
10 with him working under me if, in reaction to  
11 me asking him to do his job and pushing him on  
12 questions of life or death, that his response  
13 to that was to say I was a bitch and say it to  
14 a number of people.

15 Q. Did you ask for him to be removed  
16 from the second floor?

17 A. Yes. I said I was no longer  
18 comfortable with him.

19 Q. Sorry. You said --

20 A. In that position.

21 Q. -- you were no longer comfortable  
22 with him, and you wanted him off the second  
23 floor?

24 A. I don't remember the exact words  
25 that I used, but I said, "in that position."

1 So that's the sum and substance of the  
2 takeaway.

3 Q. Okay. And him calling you a  
4 bitch is the thing that made you  
5 uncomfortable?

6 A. Yes.

7 Q. And then what happened?

8 A. And then I believe that they  
9 counseled him, and I think he requested the  
10 transfer to DOH.

11 Q. Okay. When you say "counseled  
12 him," what do you know about his counseling?

13 A. I don't know anything about it  
14 beyond the fact that Beth Garvey spoke to him  
15 and I believe counseled him.

16 Q. How do you know that Beth Garvey  
17 spoke to him and counseled him?

18 A. Because she told me afterwards.

19 Q. Okay. And what did she tell you  
20 happened at the counseling?

21 A. That he acknowledged it and that  
22 he wanted the opportunity to apologize to me.

23 Q. And what else did she tell you  
24 happened at the counseling?

25 A. Nothing.

1 Q. Did he apologize to you?

2 A. No.

3 Q. Did you tell Ms. Garvey that you  
4 did not want him to have that opportunity?

5 A. I said it was unnecessary.

6 Q. And why did you think it was  
7 unnecessary?

8 A. Because it was unnecessary.

9 Q. Why was it unnecessary?

10 A. It just was.

11 Q. Can you help me understand that?  
12 He had made you feel uncomfortable. Why was  
13 it unnecessary --

14 A. Because I didn't think him  
15 apologizing --

16 MS. KENNEDY PARK: Sorry, we  
17 just -- let me make sure she got the  
18 question. Hold on a second.

19 MR. HECKER: Melissa, you got to  
20 slow down.

21 THE WITNESS: Okay.

22 Q. I said, "Can you help me  
23 understand why you think it was unnecessary?"

24 A. It just -- I didn't think that an  
25 apology would do anything to resolve the

1 situation. It was what it was. It was just  
2 unnecessary.

3 Q. But you thought transferring him  
4 would resolve the situation?

5 A. I thought that it was  
6 inappropriate to have somebody who was working  
7 for me, after having a difficult conversation  
8 where they were held accountable, to then  
9 react to that by running around and calling me  
10 a bitch.

11 Q. Did you talk to anyone else about  
12 this incident with [REDACTED] other than  
13 Ms. Mogul and Ms. Garvey and the lobbyist?

14 A. Not that I recall.

15 Q. Who was the lobbyist?

16 A. [REDACTED].

17 Q. I think you said that [REDACTED]  
18 requested a voluntary transfer. Is that  
19 right?

20 A. I think so.

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

23 A. I think that's what Beth told me.  
24 Or Judy. One or the other.

25 Q. Earlier you told me that one of

1 the purposes of the employee handbook is to  
2 make sure people, I think you said, behave  
3 appropriately. We can go back and look. But  
4 words to the affect of behave appropriately in  
5 the executive chamber and show respect.

6 Can you think of any other  
7 occasions when you've been involved in a  
8 situation where someone wasn't behaving  
9 appropriately or with respect in the executive  
10 chamber?

11 A. Not off the top of my head.

12 Q. Okay. Do you know [REDACTED]?

13 A. Yes -- well, no. But I know the  
14 name. I don't know him but I know the name.

15 Q. Okay. How do you know [REDACTED]

16 [REDACTED]  
17 A. He had an incident with

18 [REDACTED].

19 Q. Okay. And tell us about that  
20 incident.

21 A. I don't know anything about it.  
22 I just know that there was a conference call  
23 where I think that she asked a question, and  
24 in response to that he called her [REDACTED]

25 Q. And how did you come to that

1 understanding?

2 A. Judy told me.

3 Q. Why was Judy telling you?

4 MR. HECKER: Can we just  
5 establish -- is that a privileged  
6 conversation? I just don't want to --

7 MS. KENNEDY PARK: I'm not aware  
8 that it is. But we can take a break,  
9 and you guys can think about it.

10 MR. HECKER: Do you know the  
11 answer?

12 MS. CROWLEY: Yeah, I think it  
13 is. Can we just take a break now?

14 MS. KENNEDY PARK: Sure. Why  
15 don't we go off the record.

16 THE VIDEOGRAPHER: The time is  
17 11:16 a.m. This concludes Media 2. Off  
18 the record.

19 (Recess taken from 11:16 a.m. to  
20 11:22 a.m.)

21 THE VIDEOGRAPHER: The time is  
22 11:22 a.m. This begins Media 3. On the  
23 record.

24 BY MS. KENNEDY PARK:

25 Q. Before break we were talking

1 about [REDACTED] and Senior Staffer #2 . Can  
2 you tell me what you know about that incident.

3 MR. HECKER: Yeah, to the extent  
4 the information is only through  
5 discussions either with your counsel or  
6 with Ms. Mogul, I instruct you those are  
7 privileged discussions.

8 So you can talk about any other  
9 discussions or information you have  
10 independent of discussions with counsel.

11 Q. Do you have any information about  
12 the incident between [REDACTED] and

13 Senior Staffer #2 that did not come either  
14 through Judy Mogul or through your personal  
15 counsel?

16 A. No.

17 Q. Okay. Are you aware of any  
18 occasions on which anyone in the executive  
19 chamber made a report to GOER?

20 A. Yes. [REDACTED], who was  
21 formally our counsel, made a report to GOER  
22 about an agency matter, but I can't recall the  
23 specifics. I think Jill may have done a  
24 report to GOER on an employee, [REDACTED],  
25 years ago.

1 I'm sure that there are more, but  
2 those are the only ones that come to top of  
3 mind.

4 Q. Okay. Tell us about the report  
5 to GOER that was made by [REDACTED].

6 A. I don't remember. I remember  
7 that at some point in June she asked for a  
8 conference call. I don't remember what the  
9 specifics of the incident were.

10 Q. In June of what year?

11 A. 2020.

12 Q. And you said it was related to  
13 somebody at an agency?

14 A. I believe so. I don't think it  
15 was an executive chamber employee. I think it  
16 was an agency matter.

17 Q. You said she asked for a call. A  
18 call with whom?

19 A. I remember this based on,  
20 admittedly, like rereviewing documents. So my  
21 knowledge of that is not, like, a unique  
22 memory. It's from looking at e-mails. It  
23 was, I think, me and Judy and [REDACTED] maybe  
24 Beth, but I'm not 100 percent sure.

25 Q. Okay. And do you recall what you

1 were told on this phone call?

2 A. I remember -- I don't remember  
3 the exact incident of what occurred, but I  
4 know that -- I believe that it resulted in the  
5 person being referred to GOER, I think maybe  
6 ultimately fired. I don't know.

7 Q. The person who was complaining  
8 being referred to GOER, or someone else being  
9 referred to GOER?

10 A. No. A person, like, that had  
11 alleged to do something. But again, I don't  
12 remember any of the specifics.

13 Q. Okay.

14 A. So I don't want to say something  
15 I don't know.

16 Q. Was the governor briefed on  
17 anything about this incident that [REDACTED]  
18 was reporting on?

19 A. No.

20 Q. What was your understanding of  
21 why that incident was being reported to GOER?

22 A. I think it was a sexual  
23 harassment incident, but I don't remember the  
24 specifics.

25 Q. Because it was a sexual

1 harassment incident, it was being reported to  
2 GOER?

3 A. Yes.

4 Q. And is that consistent with your  
5 understanding of what the employee handbook  
6 requires?

7 A. So from the training, from what I  
8 understand, is that it can either go to GOER  
9 or you can report it to your supervisor or you  
10 can report it to counsel within your agency.

11 And then once one of those people  
12 are aware, they can help you navigate. But  
13 ultimately GOER does sexual harassment  
14 investigations.

15 Q. Okay. So ultimately it's GOER's  
16 responsibility to do a sexual harassment  
17 investigation?

18 A. Yes.

19 Q. So whether someone brings it to  
20 you directly or brings it to their supervisor  
21 or brings it to counsel, ultimately it reports  
22 to GOER?

23 A. Yes.

24 Q. Okay. And you say you came to  
25 that understanding from the training?

1           A.     Yes.

2           Q.     When did that become your  
3 understanding?

4           A.     Always.

5           Q.     The entire time you've been in  
6 the executive chamber?

7           A.     I think so, yeah.

8           Q.     There's no point in time at which  
9 the law changed regarding the reporting of  
10 sexual harassment issues to GOER?

11          A.     I don't think so. The  
12 legislature has a different mechanism. They  
13 report to JCOPE. I know that we changed the  
14 law around the standard of sexual harassment,  
15 but I don't think we changed the law around  
16 the reporting mechanism. But I might be  
17 wrong.

18          Q.     Okay. We'll come back to the  
19 change in the law in a few minutes.

20                    But then the second incident you  
21 said you were aware of that went to GOER that  
22 involved the executive chamber came through  
23 Jill DesRosiers and was about [REDACTED].

24                    Tell us about that.

25          A.     I think, and this was a long time

1 ago, but my -- I think that there was an  
2 incident where [REDACTED] had been on the road  
3 at an event and invited somebody to his room  
4 and answered the door wearing, like, boxer  
5 shorts, with a drink in his hand.

6 And then that person I believe  
7 went to Jill, and then Jill reported it. I  
8 think [REDACTED] maybe quit or something. I  
9 think this led to his dismissal.

10 Q. How did you become aware of this?

11 A. I believe Jill briefed me at the  
12 time.

13 Q. And what was your understanding  
14 as to why Jill was briefing you?

15 A. Because this incident had  
16 occurred and it needed to be dealt with.

17 Q. And what was [REDACTED] role?

18 A. He -- I think he did  
19 intergovernmental affairs but, like, our  
20 regional position. He was in her line of  
21 command.

22 Q. So he worked in the executive  
23 chamber?

24 A. I don't know if technically he  
25 worked in the executive chamber or if he was

1 on an agency line, but he certainly did work  
2 supporting the chamber.

3 Q. Who was the complainant in that  
4 situation?

5 A. I don't remember.

6 Q. Do you remember if it was an  
7 employee of the executive chamber?

8 A. It was certainly an employee. I  
9 don't know if it was of an agency or the  
10 executive chamber.

11 Q. What else do you remember about  
12 Ms. DesRosiers telling you about that  
13 incident?

14 A. I remember just that, that she  
15 told me about the incident and that ultimately  
16 he was dismissed. I don't remember if in the  
17 between -- I don't know if he quit on his own,  
18 he was fired. I just don't remember the  
19 details.

20 Q. And she told you it was being  
21 reported to GOER?

22 A. I believe so.

23 Q. Okay. Did you brief the governor  
24 on that incident?

25 A. I think afterwards. I think

1 after he was gone.

2 Q. Okay. And what did you tell the  
3 governor?

4 A. I don't remember specifically but  
5 I assume -- well, I shouldn't assume. I let  
6 him know that he was gone. I don't remember  
7 how I conveyed the exact circumstances.

8 Q. But did you tell him him being  
9 gone related in some way to him having engaged  
10 in the behavior you described?

11 A. I don't think I was specific, and  
12 I'm not even sure I said, "sexual harassment,"  
13 but I think I told him it was a disciplinary  
14 issue.

15 Q. And was it your conclusion that  
16 [REDACTED] had engaged in sexual harassment?

17 A. It's not my job to interpret, but  
18 it seemed like inappropriate behavior.

19 Q. Let's go back to -- you said  
20 there was a change in the law on sexual  
21 harassment. Tell us what you know about that  
22 change in the law on sexual harassment.

23 A. In 2019 we changed the law to go  
24 from severe and pervasive to no longer having  
25 to be severe and pervasive. So it could just

1 be in the mind of the person who's being  
2 harassed, like, if you feel uncomfortable.

3 Q. Make sure I understand this. So  
4 before the law that was passed in 2019, in  
5 order to be sexual harassment under New York  
6 State law, the conduct had to be severe or  
7 pervasive.

8 Is that right?

9 A. Correct.

10 Q. And the law that was passed  
11 eliminated that requirement?

12 A. Correct.

13 Q. Okay. And what was your  
14 involvement in getting that law passed?

15 A. I was a chief proponent of it,  
16 through the Council on Women and Girls.

17 Q. And what does it mean to be the  
18 chief proponent of it?

19 A. Internally, a lot of times  
20 different staff people will take a lead on a  
21 certain policy matter or issue area, and this  
22 was one that I was very vocal on.

23 Q. And why did you think this policy  
24 change needed to be made?

25 A. Conversations with stakeholders

1 within the Council on Women and Girls, they  
2 thought that the standard legally was set in a  
3 way that discouraged reporting or that was too  
4 murky for plaintiffs to be able to come  
5 forward.

6 Q. Did you agree?

7 A. Yeah.

8 Q. And so, in part, you wanted the  
9 law to get passed to encourage reporting?

10 A. I wanted the law to get passed so  
11 that victims would be able to have an easier  
12 time reporting.

13 Q. And how does that law make it  
14 easier for victims to report?

15 A. It's not actually about the  
16 reporting. I guess that's the wrong word.  
17 Just the standard, so that if there is an  
18 incident of sexual harassment, that the  
19 standard is lower so that people would be held  
20 accountable in a different way.

21 So it wasn't on the victim to  
22 prove and, like, what does "severe and  
23 pervasive" mean and have the courts  
24 interpreted it.

25 Q. What was the governor's role in

1 this change in the law?

2 A. He signed the bill.

3 Q. Other than signing the bill, did  
4 he have a role in the change of the law?

5 A. I don't believe it was an issue  
6 that he personally negotiated. I think that  
7 that was me and Alphonso David. But obviously  
8 he was of -- like, always briefed on what we  
9 were doing, and that was a component of the  
10 women's agenda that I spearheaded that year.

11 Q. Do you remember briefing him on  
12 this change in the law?

13 A. I'm -- not specifically. But I'm  
14 sure it happened. I'm sure that in the  
15 context of negotiations -- I think we did it  
16 in a budget -- we explained to him that this  
17 was one of the things that we were moving  
18 forward on.

19 Q. Are there documents reflecting  
20 that briefing?

21 A. I don't think so. They're  
22 verbal, not written.

23 Q. What do you remember about that  
24 verbal briefing?

25 A. I don't. I mean, I just know --

1 I just know that on high-level issues,  
2 especially when you're coming down to it at  
3 the end and it's, like, what are we going to  
4 get, what's falling off the table, that that  
5 would have been one that we mentioned.

6 Q. Did you brief him on why the law  
7 needed to be changed?

8 A. I think Alphonso briefed him on  
9 why the law needed to be changed, like, before  
10 an event on it, to explain so he understood.

11 Q. Do you know what event that was?

12 A. I think we did a bill signing  
13 with a bunch of the women's rights advocates.

14 Q. Why don't we -- can you turn to  
15 Tab 153?

16 MR. HECKER: 153 again? The  
17 handbook?

18 MS. KENNEDY PARK: 153. The  
19 handbook.

20 MR. HECKER: The same handbook?

21 MS. KENNEDY PARK: Yeah.

22 Q. Turn to page 17. So if you look  
23 at the prior page, just so we're all oriented,  
24 the prior page has "Sexual Harassment" at the  
25 top. This is a section of the handbook that

1 is on the definition of "sexual harassment."

2 Do you see that?

3 A. Mm-hmm.

4 Q. Okay. And you see on the -- page  
5 17 the definition of "hostile environment."

6 You see that?

7 A. Yes.

8 Q. Okay. And the definition says:

9 "Hostile environment sexual  
10 harassment includes, but is not limited  
11 to words, signs, jokes, pranks,  
12 intimidation or physical violence which  
13 are of a sexual nature, or which are  
14 directed at an individual because of  
15 that individual's sex."

16 Did you understand that to be  
17 part of the definition of sexual harassment  
18 while you were working in the executive  
19 chamber?

20 A. (Reading):

21 "Which are directed at an  
22 individual because of that individual's  
23 sex."

24 I thought that there was also,  
25 like, an unwanted component of that.

1 Q. That's a separate part of the  
2 definition on the prior page. Do you want to  
3 look at that?

4 A. Sure.

5 Q. On the bottom of page 16, it  
6 says:

7 "Sexual harassment includes  
8 unwelcome conduct."

9 Do you see that?

10 A. Mm-hmm.

11 Q. So that's one part of the  
12 definition. On page 17, there's a different  
13 part of the definition:

14 "Hostile environment sexual  
15 harassment includes."

16 Do you see that?

17 A. Yes.

18 Q. Is that your understanding of a  
19 part of the definition of sexual harassment  
20 while you worked in the executive chamber?

21 A. I know that there is sex-based  
22 harassment, and then there is, like, quid pro  
23 quo sexual harassment. So I think this would  
24 fall under the category of the sex-based  
25 harassment. Right?

1 Q. And do you know what hostile  
2 environment sexual harassment is?

3 A. Yes.

4 Q. Okay. And is this the definition  
5 of hostile environment sexual harassment?

6 A. Yes.

7 Q. And so when you were working in  
8 the executive chamber, this was your  
9 understanding that part of -- this was your  
10 understanding of the definition of hostile  
11 environment sexual harassment?

12 A. Yes. I mean, I don't know it,  
13 you know, word for word but the thrust.

14 Q. Okay. And when were you made  
15 aware of this definition?

16 A. I mean, I just have always known  
17 what a hostile work environment is. It's  
18 just, like, a term that I'm aware of. I don't  
19 remember as, like, a moment -- you know what I  
20 mean? -- like a moment where I became aware of  
21 what that term meant.

22 Q. This handbook, you said you read  
23 it when you were onboarded. Is that right?

24 A. No. I said you're supposed to  
25 read it when you're onboarded. I believe that

1 I had, like, went through it. I don't know  
2 that I can say I read it word for word.

3 Q. But you told me you had to  
4 certify that you had read this when you were  
5 onboarded. Is that right?

6 A. That you had to review it, yes.

7 Q. You told me that you had to  
8 certify that you had read it. Right?

9 A. I think so.

10 Q. Okay. And you told me that you  
11 had, in fact, certified that you read this  
12 handbook. Is that right?

13 A. Yes.

14 Q. Okay. So you read this handbook  
15 when you were onboarded?

16 A. Yes.

17 Q. Okay.

18 A. I mean, a version of this. I  
19 think this is a 2018 version. I don't know  
20 how it changed from 2013.

21 Q. Yup. After you were onboarded,  
22 have you had any occasion to review this  
23 employee handbook?

24 A. What do you mean, "had an  
25 occasion"?

1 Q. Was there a time when you looked  
2 at it?

3 A. I don't think so.

4 Q. So since you were onboarded,  
5 you've never looked at this employee handbook?

6 A. I don't think so. I think we  
7 just do the annual trainings.

8 Q. You told me there's no annual  
9 training on the employee handbook. Right?

10 A. Sexual harassment has its own  
11 training.

12 MR. HECKER: Hang on. I don't  
13 think there's --

14 Q. You told me there's no annual  
15 training on the employee handbook. Correct?

16 MR. HECKER: Actually, she said  
17 that the components of this are what  
18 they train on.

19 MS. KENNEDY PARK: Let's ask the  
20 question.

21 Q. So is there a training on the  
22 entirety of the employee handbook?

23 A. I don't think so.

24 Q. Okay. There's sexual harassment  
25 training. Correct?

1 A. Yes.

2 Q. Okay. So other than the sexual  
3 harassment training, have you had occasion to  
4 read this employee handbook since you were  
5 onboarded?

6 A. I don't think so.

7 Q. If you go further on page 17,  
8 into the fifth full paragraph, see the  
9 sentence that begins "Furthermore"?

10 MR. HECKER: Page 17?

11 Q. Fifth paragraph, the last  
12 sentence. It begins "Furthermore."

13 A. Yes.

14 Q. Okay:

15 "Furthermore, any supervisory or  
16 managerial employee who observes or  
17 otherwise becomes aware of conduct of a  
18 sexually harassing nature must report  
19 such conduct so it can be investigated."

20 Did you understand this to apply  
21 to you?

22 A. Yes.

23 Q. You are a supervisor or  
24 managerial employee?

25 A. Yes.

1 Q. Is there any occasion on which  
2 you have reported conduct of a sexual  
3 harassing nature?

4 A. Yes.

5 Q. What was that occasion?

6 A. There was a woman, [REDACTED]  
7 [REDACTED] who I believe was at DCJS, who, after  
8 I gave a speech on sexual harassment, sent me  
9 a letter detailing to me a situation that was  
10 happening with her. I consulted with counsel  
11 at the time and referred it to the inspector  
12 general's office.

13 When I became aware that  
14 Charlotte Bennett said something at a bar  
15 about an interaction she had with the  
16 governor, I immediately called Judy Mogul and  
17 reported it.

18 Q. Any other occasions?

19 A. Those are the two I remember  
20 specifically.

21 Q. Okay.

22 A. Oh, and -- I'm sorry -- Brittany  
23 Commisso.

24 Q. Any other people?

25 A. I don't know how Alyssa McGrath

1 was handled. I don't know if ultimately she  
2 was claiming sexual harassment or not. But  
3 that was handled by counsel's office and I  
4 believe referred to the attorney general's  
5 office.

6 Q. Anyone else?

7 A. I think that's it.

8 Q. Okay. Let's start with [REDACTED]  
9 [REDACTED]. You said she worked for DCJS.

10 What's DCJS?

11 A. It's a state agency that handles  
12 criminal justice issues.

13 Q. And what did the letter say?

14 A. I don't remember.

15 Q. Can you tell me the thrust of the  
16 letter?

17 A. I honestly don't even remember  
18 except that the thrust was that she believed  
19 she was the victim of sexual harassment.

20 Q. And the victim of sexual  
21 harassment by who?

22 A. I believe it was her supervisor.

23 Q. Do you remember any of the  
24 details of what she alleged had happened to  
25 her?

1           A.     I don't know.  If you asked me  
2 four years ago, I could recall them, but I  
3 don't remember.

4           Q.     And did this occur in 2017?

5           A.     2017 is when she reported it to  
6 me.  I don't remember if it happened in real  
7 time or if it had happened earlier.

8           Q.     So this was a letter you  
9 received.  Was that a physical handwritten  
10 letter?

11          A.     I think it was an e-mail.

12          Q.     On your executive chamber e-mail?

13          A.     Yes.

14          Q.     Have you seen a copy of that  
15 e-mail recently?

16          A.     No.

17          Q.     And what did you do after you got  
18 the e-mail?

19          A.     I went to Alphonso David, who was  
20 our counsel at the time, and said, "I just  
21 received this e-mail.  How -- what's the best  
22 protocol to handle this?  Given that it's not  
23 an executive chamber employee, they don't  
24 report to me, but I have now become -- made  
25 aware of the situation."

1 Q. And what did he tell you?

2 A. He advised that we refer it to  
3 the inspector general's office for  
4 investigation.

5 Q. Do you remember why he said to  
6 advise -- to go to the IG's office?

7 MR. HECKER: Sorry, can we just  
8 pause for a second?

9 THE WITNESS: Is this counsel  
10 conversations?

11 MR. HECKER: This is while he  
12 was --

13 THE WITNESS: Counsel?

14 MR. HECKER: -- counsel?

15 THE WITNESS: Yeah.

16 MR. HECKER: I think that's  
17 privileged.

18 MS. KENNEDY PARK: All right.

19 BY MS. KENNEDY PARK:

20 Q. Are you aware of how that  
21 complaint was handled other than from Alphonso  
22 David?

23 A. You mean the aftermath?

24 Q. Yes.

25 A. I believe he -- the supervisor

1 was ultimately fired.

2 Q. How did you come to know that?

3 A. I think it was reported in the  
4 paper.

5 Q. Okay. Did you brief anyone on  
6 the letter from [REDACTED]?

7 A. No. Except I think there was a  
8 press inquiry about it.

9 Q. And what did you say in response  
10 to the press inquiry?

11 A. I don't remember but I think in  
12 that context, I had to talk to the  
13 communications team about it.

14 Q. In preparation for today's  
15 testimony, did you look at any documents  
16 related to [REDACTED]?

17 A. No.

18 Q. Did you brief the governor on  
19 [REDACTED]?

20 A. I think at the time I told him,  
21 because it was right after I had given a  
22 speech that this had come through and that he  
23 might get a press question on it at an event,  
24 and that the matter had been referred. But I  
25 don't believe I told him the specifics.

1 Q. Meaning the specifics of what --

2 A. The allegations.

3 Q. -- [REDACTED] had alleged had  
4 happened to her?

5 A. Yes, correct.

6 Q. Any other conversations with the  
7 governor about [REDACTED]?

8 A. Not to my knowledge.

9 Q. We'll come back to the other  
10 three.

11 If you look at that same  
12 document, let's turn to page 40. Just so  
13 everyone's following along, on page 40 there's  
14 a section that has a bold heading that says  
15 "Retaliation."

16 Do you see that?

17 A. Mm-hmm.

18 Q. Okay. Were you made aware of  
19 this section on retaliation as part of your  
20 role in the executive chamber?

21 A. I'm sure that I read it at some  
22 point, yes, back when I onboarded. And I  
23 think it's also a part of the annual sexual  
24 harassment training. I think there's a  
25 modified section on it.

1 Q. Other than during your onboarding  
2 when you read the employee handbook or during  
3 the annual sexual harassment training, have  
4 you had occasion to review this definition on  
5 retaliation?

6 A. I mean --

7 MR. HECKER: Outside discussions  
8 with counsel.

9 THE WITNESS: No.

10 Q. Outside of discussions with your  
11 private counsel, have you had occasion to  
12 review this definition of retaliation with  
13 anyone in the executive chamber?

14 A. I don't think this definition of  
15 retaliation, no.

16 Q. So is there any occasion, other  
17 than the onboarding or the annual training,  
18 where you looked at this definition of  
19 retaliation?

20 A. I don't think so, no.

21 Q. Okay. And at the bottom of page  
22 40, it says:

23 "Adverse employment action.

24 Retaliation occurs when an adverse  
25 action or actions is taken against the

1 employee by the employer. The action  
2 need not be job-related or occur in the  
3 workplace. Unlawful retaliation can be  
4 any action, more than trivial, that  
5 would have the effect of dissuading a  
6 reasonable worker from making or  
7 supporting a charge of discrimination."

8 Did you understand that to be the  
9 definition of retaliation while you've been  
10 employed at the executive chamber?

11 A. I don't know word for word but  
12 the thrust.

13 Q. You understood that that  
14 substance was the substance of the law on  
15 retaliation. Is that correct?

16 A. Yes.

17 Q. And that this was the executive  
18 chamber's policy on retaliation. Is that  
19 correct?

20 A. The thrust of it, yes.

21 Q. Okay. And at -- flip over to the  
22 next page. It says:

23 "Actionable retaliation by an  
24 employer can occur after the individual  
25 is no longer employed by the employer."

1 Did you understand that to be  
2 part of the executive chamber's policy on  
3 retaliation as well?

4 A. Yes.

5 Q. And it goes on to say:

6 "This can include giving an  
7 unwarranted negative reference for a  
8 former employee."

9 Did you understand that to be  
10 part of the executive chamber's policy on  
11 retaliation?

12 A. I don't know specifically but the  
13 thrust.

14 Q. So you understood substantively  
15 that an unwarranted negative reference for a  
16 former employee could be a form of  
17 retaliation?

18 A. Yeah, unwarranted, yes.

19 Q. You can go ahead and put that  
20 aside.

21 What is the process for somebody  
22 getting a transfer from the executive chamber  
23 to a state agency?

24 A. I think it's person by person.  
25 There's no set process.

1 Q. And when you say "person by  
2 person," you mean you'll work it through  
3 individually with any person who wants to  
4 transfer to a state agency?

5 A. Not anyone who wants to, but if  
6 somebody wants -- you know, has an interest in  
7 going to an agency, either because it's less  
8 hours or it's an area of interest or they  
9 think it could be a better fit, if that person  
10 is qualified and there's an opening available,  
11 we're generally happy to facilitate that.

12 Q. Does the executive chamber try to  
13 place people into state agencies or generally  
14 keep them in state government rather than  
15 going to private?

16 A. If they're, like, a good,  
17 talented person and they say that they want to  
18 leave, of course, you, like, lobby them to see  
19 if you can keep them. Public service  
20 obviously doesn't pay as much as the private  
21 sector, and when you have someone who is  
22 skilled and talented, you want to try to hold  
23 on to them.

24 Q. Have you ever called a state  
25 agency and asked them to, in substance, revoke

1 an offer that had been made to someone in the  
2 executive chamber?

3 A. I don't think so.

4 Q. Have you ever called anyone in a  
5 state agency and told them you wanted them to  
6 stop trying to hire somebody from the  
7 executive chamber?

8 A. I don't think so.

9 Q. Are you aware of either of those  
10 things occurring on anyone else's behalf in  
11 the executive chamber? Meaning did somebody  
12 else in the executive chamber do those things?

13 A. Not specifically.

14 Q. Generally?

15 A. I know that when, like, earlier  
16 in the administration, when Joe did personnel  
17 matters, that sometimes that he would weigh in  
18 on those kinds of things but not anything  
19 specific.

20 Q. When you say "Joe," you mean Joe  
21 Percoco?

22 A. Yes.

23 Q. And what do you know about Joe  
24 weighing in on those things?

25 A. Nothing specific, just general,

1 that, like, he would get involved.

2 Q. And get involved how?

3 A. And decide whether or not he  
4 thought people should be transferred into  
5 agencies.

6 Q. Okay. Was there anyone specific  
7 that you're aware of that Mr. Percoco decided  
8 could not be transferred to a state agency?

9 A. Not specifically.

10 Q. Generally?

11 A. I mean, just what I just told  
12 you.

13 Q. Okay. How did Andrew Ball leave  
14 the executive chamber?

15 A. Which time?

16 Q. How many times has he left the  
17 executive chamber?

18 A. He changed roles a number of  
19 different times.

20 Q. Within the executive chamber?

21 A. I don't know if he was moved on  
22 to agency lines during his time in the  
23 executive chamber.

24 Q. Are you aware of him leaving the  
25 executive chamber?

1           A.     Yes.

2           Q.     What do you know about the  
3 circumstances under which he left the  
4 executive chamber?

5           A.     He had a really difficult time  
6 after the Percoco case. He had to testify. I  
7 think it was really hard on him  
8 psychologically. He -- following that was a  
9 very disruptive force internally,  
10 interpersonally, and in terms of substance.

11                     And we kept trying to give him  
12 different roles and nothing fit. Nothing  
13 worked. And he spoke to Judy Mogul a great  
14 deal during his time there in trying to figure  
15 it out.

16                     And then ultimately I sat him  
17 down with someone named [REDACTED] and Jill  
18 to try to come up with a new system for  
19 events, where I made each of them a captain  
20 and they would each have their own teams.

21                     And I thought it would be really  
22 productive for the governor, for Jill, for the  
23 operations team. I thought it would give each  
24 of them a leadership opportunity to grow. And  
25 Andrew was not happy about that, and then

1 basically said that he wanted to leave.

2 Q. And where did he want to go?

3 A. Just go.

4 Q. Did he want to go to a state  
5 agency?

6 A. I don't think so.

7 Q. Is there any point at which  
8 Mr. Andrew Ball expressed or you became aware  
9 of him expressing a desire to go to the MTA?

10 A. He wanted to go be -- I'm  
11 sorry -- you're refreshing my memory. He  
12 wanted to go be chief of staff to [REDACTED].

13 Q. And why didn't that happen?

14 A. Because he wasn't [REDACTED].

15 Q. And how did they come to  
16 understand that he wasn't [REDACTED]?

17 A. [REDACTED] didn't want to hire him as  
18 his chief of staff.

19 Q. How do you know that?

20 A. Because I spoke to [REDACTED]

21 Q. Okay. Tell us about the  
22 conversation with [REDACTED]

23 A. I don't remember it specifically,  
24 but I know that [REDACTED] -- it was, like,  
25 offboarding somebody at a certain point and

1 saying, like, will you take this person.

2 And he thought that Andrew Ball  
3 was someone who [REDACTED], and  
4 that if he went over to the agency, that he  
5 would be really [REDACTED]. And he would have  
6 this big title, and that it wouldn't be  
7 productive, and that he wouldn't be [REDACTED]  
8 as his chief of staff in the agency.

9 Q. So you were trying to convince  
10 [REDACTED] to take Andrew Ball and he was resisting?

11 A. Early on. And I think I even  
12 asked the two of them to sit down and have  
13 coffee at one point.

14 Q. And did they?

15 A. I think so.

16 Q. And so from your perspective, the  
17 reason Mr. Ball did not get that position is  
18 because [REDACTED] didn't want him to have the job?

19 A. [REDACTED] didn't want him to have the  
20 job. It would have to be some other different  
21 job. And then I don't remember how it  
22 ultimately came to a flat-out end with trying  
23 to find Andrew something, but it became clear  
24 that it was time for Andrew to go.

25 Q. Okay. And I think you said

1 earlier that it became clear it was time for  
2 Andrew to go because he was [REDACTED] and he  
3 had interpersonal challenges.

4 What did you mean by that?

5 A. He had a history of [REDACTED] a  
6 lot of the staff. He would get on conference  
7 calls and speak over people. He wouldn't take  
8 direction from [REDACTED]. He thought he should  
9 have been [REDACTED] boss. He had an [REDACTED]  
10 [REDACTED] of his role in the chamber.

11 I had him work for [REDACTED] at  
12 one point, who was state operations director.  
13 He's like a pros pro. And he went to go work  
14 for [REDACTED] and [REDACTED] said, like, "Andrew, I'm  
15 going to -- you're going to learn some  
16 things."

17 And then he said to [REDACTED] in  
18 response, "You're going to learn some things  
19 from me."

20 And [REDACTED] came to me and said,  
21 "I'm not dealing with this [REDACTED]. Like, I  
22 don't know who [REDACTED]."

23 I tried to put him with [REDACTED]  
24 [REDACTED] at one point. There was a similar  
25 negative back and forth. I think Andrew

1 believed that he should have been her boss.

2 And at a certain point, [REDACTED] was  
3 very exasperated with him and how [REDACTED]  
4 he was to the team. Any time she did calls on  
5 events or tried to move any project forward,  
6 it was almost like he would be [REDACTED] for  
7 the sake of being [REDACTED].

8 Q. You said he was [REDACTED] staff.  
9 Can you tell me what that means?

10 A. Well, I mean, it was in the  
11 Percoco case. Like, he would just -- he would  
12 belittle, be mean to, make fun of, openly  
13 condescend to staff, both his contemporaries  
14 and his juniors. I think he thought of  
15 himself as a mini Joe Percoco.

16 Q. And you said that he, I think you  
17 said, had negative back and forth with [REDACTED]  
18 [REDACTED]. What was that?

19 A. Similar to the [REDACTED]  
20 situation where she would give him a project  
21 or ask him to do something, an assignment, and  
22 he would be flip about it. It was beneath  
23 him. It wasn't something that was up to his  
24 level of sophistication.

25 And he was, you know, like a

1 younger staff person. I think he felt a  
2 certain level of [REDACTED] because of the  
3 amount of time that he had been with the  
4 state. But it didn't match with his

5 [REDACTED]  
6 Like, for the first five or six  
7 years he was there, he really was, like, an  
8 advance person, a body person. And so we kept  
9 trying to give him opportunities to grow that  
10 were a little bit separate from the governor.

11 You know, go work for the state  
12 operations director, go work for [REDACTED] at  
13 one point. And he -- at any time you did, it  
14 would just blow up. And the person would come  
15 back and say, "I'm not taking this anymore."

16 Q. How old was he?

17 A. I want to say Andrew was, like,

18 [REDACTED]. [REDACTED] or [REDACTED]

19 Q. Did you view this course of  
20 conduct that he engaged in as consistent with  
21 the employee handbook?

22 A. What do you mean?

23 Q. Well, so earlier you told me that  
24 one of the purposes of the employee handbook  
25 was to ensure that there was respect in the

1 workplace. Right? Did you view his conduct  
2 as consistent with respect in the workplace?

3 A. No.

4 Q. So what did you do about it?

5 A. The Andrew issue, I mean,  
6 ultimately I said it's time to go. I tried  
7 him in a number of different positions, but  
8 Andrew's [REDACTED] in the  
9 workplace far predated my being in a senior  
10 role.

11 Like, this was when I was comms  
12 director. It's when I was chief of staff.  
13 You know, he really was like a Joe person.  
14 And I think that he [REDACTED]  
15 accordingly.

16 Q. So you were the person who  
17 ultimately decided that Andrew needed to leave  
18 the executive chamber?

19 A. I just said that I was done  
20 trying to find him another position.

21 Q. Did you ever consider making a  
22 report to GOER about Andrew's conduct?

23 A. No. I reported it to Judy. At  
24 one point I actually said to Andrew, "I'm not  
25 comfortable being in a room with you without a

1 lawyer anymore," because he grew increasingly  
2 [REDACTED]. And I told Judy and  
3 reported it to Judy.

4 Q. And what did Judy do about it?

5 MR. HECKER: You don't have to  
6 describe discussions you had with Judy.  
7 Are you aware of Judy taking any action  
8 after you reported it to Judy?

9 A. I think -- I don't think official  
10 action. I think that she tried to mentor him  
11 and support him. She had been his lawyer  
12 during the Percoco stuff, and so she had a  
13 relationship with him. And I think that she  
14 encouraged him to try something new.

15 Q. Meaning new in terms of his

16 [REDACTED]?

17 A. No. I mean new in terms of,  
18 like --

19 Q. Leave?

20 A. Yeah. I mean, not in a, like,  
21 you have to leave but in a, like, you've been  
22 here for ten years. Like, if you're going to  
23 grow, you need to be in a different  
24 environment. Try something new.

25 Q. So counseled him out?

1           A.     She wasn't -- I don't think that  
2 that was her -- like, I didn't tell her to  
3 counsel him out. But I think in counseling  
4 him, he came around to that decision.

5           Q.     Okay. I'm actually asking a  
6 slightly different question. Apologize if  
7 this wasn't clear. But while he was in the  
8 executive chamber, were there any efforts that  
9 you were a part of to try to get him to change  
10 the way he interacted with other members of  
11 the staff?

12          A.     Jill spoke to him multiple times.  
13 I spoke to him multiple times. Alphonso David  
14 certainly sat with him multiple times. Judy  
15 sat with him multiple times.

16          Q.     And when you sat with Andrew to  
17 talk about the way he was treating other staff  
18 members, what did you tell him?

19          A.     That you -- just because you're  
20 in a position where you can make decisions, it  
21 doesn't -- like, that doesn't mean that your  
22 role is to constantly berate people, talk over  
23 people. Like, part of your job is to foster  
24 their own growth, get them to lift themselves  
25 up.

1           A team is only strong as its  
2 weakest link. You don't want to push people  
3 down. Trying to give him positive -- like,  
4 different ways that he could be to be  
5 positive.

6           Q.     Like coaching?

7           A.     Yeah.

8           Q.     And is what Jill and Alphonso did  
9 to your understanding similar?

10          A.     Yes.

11          Q.     Okay. And that coaching didn't  
12 stick?

13          A.     No.

14          Q.     And that's ultimately why you  
15 decided he had to leave the executive chamber?

16          A.     Again, I didn't tell him he had  
17 to leave. But I was done trying to find him  
18 another -- like, we had moved him around nine  
19 times in eight years. It was  
20 counterproductive at a certain point. He  
21 wasn't showing up to work. He would come in  
22 for half days.

23          Q.     Where we started talking about  
24 Andrew Ball, we were talking about employees  
25 who left the executive chamber and any role

1 you had or you were aware of in the executive  
2 chamber preventing someone from taking another  
3 job or saying someone shouldn't have another  
4 job. We started talking about Andrew Ball.

5 I'm going to butcher his last  
6 name, but **Staffer #5**, what do you know  
7 about how he left the executive chamber?

8 A. He went to the Port Authority.

9 Q. Okay. And how did that come  
10 about?

11 A. I think he worked with Jill. He  
12 really wanted to go to the Port Authority, and  
13 she helped facilitate after years of sitting  
14 on this desk outside of Stephanie's office.

15 Q. Do you know how -- you said,  
16 "years." So it took him a long time to go to  
17 the Port Authority. Is that right?

18 A. I mean, I don't know how long he  
19 had been requesting the transfer to the Port  
20 Authority. But I'm saying I know that he sat  
21 outside of Stephanie as, like, Stephanie's  
22 assistant for years.

23 Q. You have no knowledge about how  
24 long he had been asking for the transfer to  
25 the Port Authority?

1 A. No.

2 Q. Do you have any knowledge of any  
3 calls that Jill made to the Port Authority  
4 about him?

5 A. Not firsthand.

6 Q. Secondhand?

7 A. No. I mean, I can imagine that  
8 he called [REDACTED].

9 Q. Not imagine. Do you have any  
10 knowledge?

11 A. No.

12 Q. Okay. Prior to [REDACTED] going to the  
13 Port Authority, had there been any other  
14 positions that you're aware of he had  
15 expressed an interest in?

16 A. I don't remember.

17 Q. How about [REDACTED]? How did  
18 she leave the executive chamber?

19 A. I don't remember.

20 Q. Do you know who she is?

21 A. Yes.

22 Q. Do you have any knowledge about  
23 where she went?

24 A. No.

25 Q. What was her role in the

1 executive chamber?

2 A. She was an assistant working on  
3 that same desk that [REDACTED] worked on. And  
4 she was also a press assistant for a period of  
5 time.

6 Q. You have no idea where her next  
7 job was after the executive chamber?

8 A. I don't remember.

9 Q. You knew she left. Right?

10 A. Yeah, years ago but I don't  
11 remember.

12 Q. Was there any discussion about  
13 why she was leaving?

14 A. No.

15 Q. Was she good at her job?

16 A. Sure. I mean, she was a press  
17 assistant. It wasn't, you know, someone I  
18 came into a lot of contact with.

19 Q. Did you field any calls about her  
20 when she was leaving the executive chamber?

21 A. I don't think so. I don't  
22 remember.

23 Q. What about [REDACTED]? What  
24 was your role, if any, in his leaving the  
25 executive chamber?

1           A.     I don't think I had a role in his  
2 leaving the executive chamber.

3           Q.     What do you know about why he  
4 left the executive chamber?

5           A.     I don't remember. It was after  
6 all the Joe stuff. I don't remember.

7           Q.     You don't have any memory of  
8 having discussions about why [REDACTED]  
9 was leaving the executive chamber?

10          A.     I don't remember.

11          Q.     Were you part of any discussions  
12 about his potential future employers?

13          A.     I don't remember.

14          Q.     Were you part of any discussions  
15 about contacting his potential future  
16 employers?

17          A.     I don't think so.

18          Q.     How did Annabel Walsh leave the  
19 executive chamber?

20          A.     She quit.

21          Q.     And what's your understanding of  
22 why she quit?

23          A.     She -- I told her that I didn't  
24 think that she was succeeding as scheduler. I  
25 wanted to move her into a different role. She

1 could stay in the chamber, she could go to the  
2 campaign, she could go to an agency, but that  
3 it was time to have a new scheduler. And she  
4 made the decision to seek outside employment.

5 Q. Where did she end up?

6 A. I think WeWork. I don't think,  
7 obviously, that she's -- she was working with  
8 my friend [REDACTED]. I don't remember  
9 where she went. I thought it was WeWork, but  
10 the expression on your face leads me to  
11 believe otherwise.

12 Q. That was that expression. But  
13 she went to a private employer?

14 A. Yes.

15 Q. Did you have any contact with her  
16 private employer?

17 A. No.

18 Q. Did you tell her she shouldn't  
19 go?

20 A. I told her I really wanted her to  
21 go to the campaign. I love Annabel. She's  
22 like a little sister. And I wanted to keep  
23 her in the family, and just because the  
24 scheduling role didn't work out, I didn't want  
25 her to interpret that to mean that she needed

1 to leave.

2 I wanted to keep her around  
3 somehow, but that's not what she was  
4 interested in.

5 Q. Sorry, I think you said -- you  
6 just said, "keep her in the family." What did  
7 you mean by that?

8 A. Just like, you know, I have,  
9 like, a little core group of staff people  
10 that, like, I consider like little brothers,  
11 little sisters. And she's like a little  
12 sister.

13 Q. Who else would you put in that  
14 category?

15 A. Dani Lever.

16 Q. Anyone else?

17 A. Peter Ajemian.

18 Q. Anyone else?

19 A. I mean, over the years, sure.  
20 But those are the ones that, like, come to  
21 mind of the most recent.

22 Q. Sure. Over the years, who else  
23 has been in that group?

24 A. [REDACTED].

25 Q. Anyone else?

1 A. [REDACTED].

2 Q. Anyone else?

3 A. [REDACTED], [REDACTED].

4 Q. Anyone else?

5 A. That's all I can think of off the  
6 top of my head.

7 Q. And so just to be clear, this is  
8 a group of people that you think of as, sort  
9 of, part of a family. Like, you think of them  
10 like little brothers or little sisters?

11 A. Yeah.

12 Q. Are all these people younger than  
13 you?

14 A. Yes.

15 Q. And if you're part of this group  
16 of people, so what do you do to support this  
17 group of people?

18 A. I've tried to mentor them over  
19 the years, give them advice about their career  
20 trajectory, personal relationships.

21 Q. Anything else?

22 A. No.

23 Q. Have you ever tried to leave the  
24 executive chamber or thought about leaving?

25 A. For, like, five minutes after the

1 campaign in 2014 but it was fleeting. And  
2 right now I'm considering my options.

3 Q. Who did you talk to in 2014 about  
4 your fleeting idea of maybe leaving?

5 A. I think Joe at the time.

6 Q. Joe Percoco?

7 A. Yeah.

8 Q. Anyone else?

9 A. I think the governor.

10 Q. And tell us about the  
11 conversation with the governor.

12 A. It wasn't -- it wasn't, like, a  
13 memorable conversation. I think at the time  
14 [REDACTED] had just left -- my husband had just  
15 left. He had gone to the campaign, and he had  
16 decided he wasn't coming back, and then I was  
17 trying to decide whether or not I should go or  
18 stay.

19 And I think both Joe and the  
20 governor said, "You have so much growing to  
21 do, you know, you should stay and continue to  
22 be in public service." But it was never,  
23 like, a real conversation.

24 Q. Did you talk to anybody else  
25 about potentially leaving in 2014?

1 A. I think, like, [REDACTED].

2 Q. And who's [REDACTED]?

3 A. A friend of mine who is in public  
4 relations.

5 Q. Were you considering going to  
6 work with [REDACTED]?

7 A. He offers me a job once every six  
8 months. You know, it's like one of those  
9 people that ...

10 Q. And had he offered you a job in  
11 2014?

12 A. I think he was, like, when the  
13 time is right, you know, which is the same  
14 thing he says to when I see him, like, two  
15 weeks ago.

16 Q. Two weeks ago did he offer you a  
17 job?

18 A. No. I'm being facetious, I'm  
19 sorry.

20 Q. Any other occasions in which  
21 you've considered leaving the executive  
22 chamber?

23 A. No. I thought about going over  
24 to the campaign in 2018 but ultimately decided  
25 not to.

1 Q. And why not?

2 A. **Former Consultant** agreed to do the  
3 reelect, and so there -- it wasn't -- they  
4 didn't need both of us.

5 Q. Any other occasions in which  
6 you've considered leaving the executive  
7 chamber?

8 A. No.

9 Q. You said you're exploring your  
10 options right now. What did you mean by that?

11 A. There's possibility, given where  
12 we are in the election calendar, that I would  
13 go work on the reelect or pull together the  
14 coordinated effort for democrats statewide,  
15 which is, sort of, the same conversation we  
16 had in 2018.

17 Q. I see. When **Former Cons.** took the  
18 role?

19 A. Yeah.

20 Q. So it would be that role?

21 A. Maybe or some hybrid of -- **Former Cons.**  
22 was really focused on the campaign. This  
23 would be more global.

24 Q. And who are you talking to about  
25 that?

1           A.     I've had some conversations with  
2 the governor about it.

3           Q.     Tell us about those  
4 conversations.

5           A.     Literally just that. We're at  
6 the point in the calendar where we have to  
7 think about the political apparatus and who's  
8 going to run that. And we've got a bunch of  
9 congressional -- I mean, Nancy Pelosi is  
10 holding on to the majority by four seats. We  
11 can't afford to lose any of the congressional  
12 seats. We should try to shore up a couple.

13                     And so we've had very preliminary  
14 conversations around that.

15           Q.     When does that decision have to  
16 be made?

17           A.     There's no deadline.

18           Q.     When is that decision normally  
19 made?

20           A.     It depends on the year. I think  
21 it's going to be a really tough year  
22 politically next year, with crime rising and  
23 with, you know -- everything is now so  
24 controlled by democrats. I think there's,  
25 like, a swing -- more center that we have to

1 consider.

2           So I would think that we should  
3 be getting something up and running sooner  
4 rather than later.

5           Q.     When **Former Cons.** took the role,  
6 when was she appointed or announced to that  
7 role?

8           A.     She came in -- she did just the  
9 reelect. But she came in -- I want to say it  
10 was something like February or March. But at  
11 that point the primary calendar was different.  
12 The primaries took place in September. We've  
13 since changed the law, and they take place in  
14 June. So everything, like, bumps back.

15                   MS. KENNEDY PARK: Why don't we  
16 go off the record.

17                   THE VIDEOGRAPHER: The time is  
18 12:07 p.m. This concludes Media 3. Off  
19 the record.

20                           (Lunch recess taken from  
21 12:07 p.m. to 1:01 p.m.)

22                           (Continued on the next page.)

23

24

25

1           A F T E R N O O N       S E S S I O N

2                               - - -

3                       (Time noted: 1:01 p.m.)

4                               - - -

5                       THE VIDEOGRAPHER: The time is  
6                       1:01 p.m. This begins Media 4. On the  
7                       record.

8                               - - -

9       M E L I S S A   D E R O S A, resumed and  
10                       testified further as follows:

11       CONTINUED EXAMINATION

12       BY MS. KENNEDY PARK:

13               Q.     Let's shift the focus of our  
14               conversation a little bit and talk about some  
15               specific people. Okay. Do you know who  
16               Lindsey Boylan is?

17               A.     Yes.

18               Q.     Okay. When did you first meet  
19               Ms. Boylan?

20               A.     I don't remember specifically but  
21               sometime I would say 2016ish, 2017ish.

22               Q.     And when you met her, what was  
23               her role?

24               A.     Chief of staff to Howard Zemsky,  
25               who was the CEO of Empire State Development

1 Corporation.

2 Q. Can we call Empire State  
3 Development Corporation ESDC?

4 A. Yes.

5 Q. Okay. Great. And do you  
6 remember the first time you met her?

7 A. I don't specifically.

8 Q. Okay. And when she was the chief  
9 of staff to Howard Zemsky in his role at ESDC,  
10 how often did you interact with her?

11 A. Not frequently. She would come  
12 to -- on some trips. She would be in some  
13 group meetings.

14 But I didn't ever focus that  
15 heavily on economic development as a portfolio  
16 of mine, like, in the division of labor and  
17 senior staff. That more went to the budget  
18 director. So I wasn't -- I didn't interact  
19 with her a ton.

20 There were many more people on  
21 the second floor who interacted with her more.

22 Q. Who are the people that  
23 interacted with Ms. Boylan more?

24 A. I would say Jill DesRosiers,  
25 Annabel, Rob mainly. Because, you know, she

1 would be involved in projects and events. So  
2 she would come to briefings with the governor  
3 about what those projects or events were.

4 Sometimes she would come to  
5 events. And so it was, sort of, like, the  
6 events side of the world, like, more of the  
7 logistics, or, like, Robert Mujica who did the  
8 finances.

9 Q. Okay. So Lindsey's interactions  
10 were more with Jill and Annabel on the event  
11 side or on the briefing side, and then with  
12 Mr. Mujica on the, sort of, policy economics  
13 side?

14 A. That's correct.

15 Q. And 2016 and 2017, was budget  
16 part of your portfolio?

17 A. Everyone works on the budget.  
18 But Robert is the point person. In 2016, I  
19 was chief of staff, and then 2017, I was --  
20 after the budget, I became secretary.

21 Q. And you said she went on trips.  
22 What kind of trips did Ms. Boylan go on?

23 A. Economic development  
24 announcements. We traditionally have relevant  
25 commissioners and their senior staff attend

1 announcements. And they're generally part of  
2 briefing the governor beforehand, and then  
3 working with the press office on the back end  
4 to answer any questions from the media.

5 Q. Were you ever present when  
6 Ms. Boylan briefed the governor on one of  
7 those events?

8 A. I'm sure that I was. I don't  
9 have any specific recollection, but I'm sure  
10 that I was.

11 Q. Okay. You have no memory of what  
12 happened during that briefing or how they  
13 interacted?

14 A. No, not a specific memory.

15 Q. Did there come a time when you  
16 had more interaction with Ms. Boylan?

17 A. When she transitioned over to the  
18 second floor.

19 Q. Okay. And how did it come about  
20 that she transitioned over to the second  
21 floor?

22 A. We needed somebody on the second  
23 floor who could be more focused on economic  
24 development, and she was seemingly very  
25 competent. And it seemed like it would be a

1 good fit.

2 She came over to be dep sec,  
3 which was a little bit tricky because  
4 technically a dep sec is then the boss of the  
5 commissioners that are under their portfolio.

6 So it was a little bit strange  
7 because she's going from being chief of staff  
8 to Howard Zemsky to them being technically his  
9 boss.

10 But we thought that she would be  
11 a good fit, so she became dep sec for economic  
12 development, and I think we also gave her a  
13 title of senior advisor to the governor, which  
14 is something she had wanted.

15 Q. Was the dep sec for economic  
16 development a role that was created, or did  
17 that exist beforehand?

18 A. It existed.

19 Q. And who filled that role?

20 A. Lindsey.

21 Q. Before Lindsey?

22 A. Oh, I think [REDACTED], which  
23 I would never have remembered except that you  
24 mentioned him earlier.

25 Q. And you said she became dep

1 secretary and you said senior advisor to the  
2 governor?

3 A. Yeah.

4 Q. I think you said that was a title  
5 she wanted?

6 A. I believe so, yes.

7 Q. Okay. And what's your  
8 understanding of why she wanted that title?

9 A. I think that it projects that  
10 you're doing more than just that portfolio. I  
11 know that she had an interest in learning  
12 about and being involved in more than just  
13 economic development.

14 And it wasn't an uncommon thing.  
15 We have a number of people who have the title  
16 senior advisor.

17 Q. Is it similar to when you had  
18 your title of strategic advisor?

19 A. I think so. It's comparable.

20 Q. And you said, "we" decided she  
21 would come over. Who's the "we"?

22 A. We had the opening. So we had to  
23 fill it. I think -- I believe that it was me  
24 in consultation with Jill and [REDACTED],  
25 who at the time was state operations director,

1 and the governor.

2 Q. And what do you remember the  
3 governor saying about filling that role, the  
4 role left by [REDACTED]?

5 A. I don't remember anything  
6 specific, but he, I think, also believed that  
7 she was competent and strong and would be a  
8 good fit.

9 Q. Are you aware if the governor had  
10 any conversations with Ms. Boylan in advance  
11 of her taking the position?

12 A. I am aware that he talked to her  
13 about coming to the floor.

14 Q. Okay. And how did you become  
15 aware of that?

16 A. Because he told me.

17 Q. Okay. And what did he tell you?

18 A. Nothing specific more than, "I  
19 spoke to Lindsey, she's open to the role. I  
20 think she'd be great."

21 Q. So this was around the time she  
22 was being considered for the role?

23 A. Yeah.

24 Q. And do you remember anything else  
25 he said about the conversation with Lindsey?

1 A. Nothing specific.

2 Q. Do you remember the governor ever  
3 telling you that Lindsey Boylan had conveyed  
4 that she thought you didn't like her, and that  
5 made her worried about taking the position?

6 A. No.

7 Q. Anything like that the governor  
8 said to you?

9 A. No.

10 Q. Any conversations the governor  
11 had with you about concerns Ms. Boylan had  
12 about taking the position in the executive  
13 chamber?

14 A. No, other than the trickiness  
15 around Howard.

16 Q. Any concerns, other than the  
17 trickiness around Howard, that Ms. Boylan  
18 raised about taking the position in the  
19 executive chamber?

20 A. Not with me.

21 Q. So she took that role when?

22 A. January, February 2018 I want to  
23 say, which I only remember more specifically  
24 because everything that's come back up.

25 Q. Just to go back a second, you

1 said the governor had a conversation with  
2 Ms. Boylan about the role that he told you  
3 about.

4 Was that a one-on-one  
5 conversation?

6 A. I think so.

7 Q. And do you know if that  
8 conversation was in person or over the phone?

9 A. I have no idea.

10 Q. Did you ever ask?

11 A. No.

12 MR. HECKER: Sorry. Just so the  
13 record is clear, which conversation  
14 one-on-one?

15 MS. KENNEDY PARK: The  
16 conversation that the governor had with  
17 Ms. Boylan about taking the role.

18 Q. Was that in person or was  
19 that --

20 MR. HECKER: Do you know?

21 Q. -- over the phone?

22 A. I don't know.

23 Q. You don't know.

24 And you never asked anybody  
25 whether it was in person or over the phone?

1 A. No.

2 Q. Okay. So she takes the role in  
3 January, February, sometime of 2018.

4 Did you observe her interact with  
5 the governor?

6 A. Sure.

7 Q. Okay. And tell us about what you  
8 observed.

9 A. That she was generally a, like,  
10 competent voice in the room. There are  
11 certain people that interact with him better  
12 than others. If you speak in an assertive  
13 way, if you're able to answer second question,  
14 the third question, the fourth question, you  
15 tend to be much more successful with him.

16 People who are a little bit more  
17 meek or unsure of themselves or don't have  
18 that information don't succeed as well. And I  
19 remember being in briefings with her where  
20 questions would come up about specific  
21 projects, and I remember thinking, like, she  
22 can handle these questions.

23 Q. And why were you involved in  
24 those briefings? If it's, sort of, her area  
25 is under your portfolio, why do you end up in

1 the briefings?

2 A. Sometimes when we're getting  
3 ready to do an event, you'll go through the  
4 whole day. So it'll be, like, prep for  
5 Thursday, pull everyone in that has some piece  
6 of Thursday.

7 And so he'll run through, you  
8 know, meeting by meeting, and then the person  
9 who has to be in the room has to answer the  
10 substance. You have, like, the substance  
11 person, the logistics person.

12 And sometimes I would work on  
13 things that she was involved in, just not  
14 predominantly.

15 Q. Other than the interactions in  
16 which you observed her briefing the governor,  
17 did you observe any other interactions between  
18 her and the governor?

19 A. Not really.

20 Q. Did you observe her and the  
21 governor ever touch?

22 A. No. I mean, it wouldn't be a  
23 crazy thing if he hugged her because he's  
24 someone who hugs people in the office. But  
25 nothing specific that stands out.

1 Q. Did you ever observe him hug  
2 Lindsey Boylan?

3 A. I can't specifically recall, but  
4 I wouldn't be surprised.

5 Q. All right. But you don't  
6 remember it happening --

7 A. No.

8 Q. -- yes or no?

9 A. No.

10 Q. Okay. And did you ever observe  
11 the governor yell at Ms. Boylan?

12 A. There was one call that I was on.  
13 I don't remember if she was in the room or on  
14 the phone. I wouldn't say it was yelling, but  
15 he was stern with her.

16 Q. Okay. And what was that call  
17 about?

18 A. I think it was about an  
19 MTA-related project.

20 Q. And what happened?

21 A. She didn't have the answers to  
22 the questions that he was asking.

23 Q. And what did he do?

24 A. I think he said, "Everybody go  
25 back and get your act together before you come

1 talk to me again."

2 Q. Is that something out of the norm  
3 for the governor?

4 A. No.

5 Q. And what happened after that with  
6 Ms. Boylan?

7 A. I don't remember anything  
8 remarkable immediately following that.

9 Q. You were present for that?

10 A. Again, I don't remember if it was  
11 on the phone or in the room.

12 Q. But you overheard it?

13 A. Yes.

14 Q. Did she ever speak to you about  
15 that occasion?

16 A. No.

17 Q. Did she ever speak to you about  
18 any occasion or any issues or concerns she had  
19 about her interactions with the governor?

20 A. No.

21 Q. Did she ever speak to you or  
22 raise any concerns she had about her  
23 interactions with anyone in the executive  
24 chamber?

25 A. No, not that I can recall -- oh,

1 [REDACTED].

2 Q. And what did Ms. Boylan raise to  
3 you about [REDACTED]?

4 A. It was bizarre. We were on the  
5 second floor of the Capitol in Albany, and  
6 something happened between the two of them in  
7 the hallway. And Lindsey came to my office  
8 and said, "I'm not dealing with that little  
9 shit anymore. He is so disrespectful. I just  
10 asked him for something, and he snapped at  
11 me."

12 Q. And what happened after that?

13 A. I called [REDACTED] into my  
14 office.

15 Q. And what happened?

16 A. I took her side, like, with the  
17 perspective that that wouldn't be an uncommon  
18 thing that [REDACTED] -- how [REDACTED] would behave.  
19 I was perhaps not the best manager in that  
20 moment and didn't ask him questions.

21 I assumed that what she told me  
22 was correct. And I said to him, "You can't  
23 speak to Lindsey that way. It's unacceptable.  
24 She's a senior person in this office. She is  
25 someone who is above you."

1                   And he started saying to me, "She  
2 went █████ on me. I did not say anything to  
3 her. I literally just walked by and said,  
4 'Hi, Lindsey,' and she started screaming at me  
5 like a █████. It's not fair that you're  
6 assuming that what she said was correct."

7           Q.       And how did you resolve that  
8 situation?

9           A.       I apologized to █████ for not  
10 hearing him out first, and I said that I would  
11 go back and talk to Lindsey, and that I wanted  
12 the two of them to be respectful to one  
13 another, and that there shouldn't be a  
14 situation where people are yelling at each  
15 other in the hallway.

16                   And then I went back to Lindsey  
17 and I said to Lindsey, "█████ says that  
18 something different happened," and she was  
19 very defensive. And it was almost a situation  
20 of, like, agree to disagree. Like, the two of  
21 them, their versions of the story could not  
22 have been more black and white.

23                   And the ultimate outcome in both  
24 of their conversations with me was like, we  
25 have to move forward. Whatever it is that

1 happened here, like, we're all adults, and we  
2 have to move forward and we have to be  
3 respectful.

4 Q. Was it an isolated incident  
5 having two senior members of the governor's  
6 staff yelling at each other?

7 A. Like that, yes.

8 Q. And what made that different than  
9 other occasions?

10 A. I wouldn't say people yell at  
11 each other, and like, there -- it's a very  
12 high-stress environment. It's very  
13 high-pressure jobs. People go through long  
14 periods of time where they don't get a lot of  
15 sleep.

16 There are times when people can  
17 be short with one another or be stern with one  
18 another or raise their voice. But it's not  
19 common that you would just see two adults  
20 screaming at each other in the hallway of the  
21 second floor of the Capitol with absolutely no  
22 basis.

23 Like, that was a very -- the fact  
24 that I'm remembering that is, like, that was a  
25 very specific thing.

1 Q. What about screaming at each  
2 other in their offices? Is that an occurrence  
3 that you've seen in the executive chamber?

4 A. Early on in my tenure.

5 Q. And who was involved in those  
6 occasions?

7 A. Joe and Larry, Howard and Joe.

8 Q. Anyone else?

9 A. Those are the people that I  
10 recall most specifically.

11 Q. Have you ever screamed at anyone  
12 in the executive chamber?

13 A. I don't think I scream at people.  
14 I certainly have raised my voice.

15 Q. And who have you raised your  
16 voice at?

17 A. Rich Azzopardi, Howard Zucker,  
18 [REDACTED]. I mean, I don't view it as  
19 yelling. I get animated, I get short with  
20 people sometimes, but it's not like gratuitous  
21 screaming for the sake of screaming.

22 Q. And on the occasion that [REDACTED]  
23 and Ms. Boylan were engaged in the hallway,  
24 you thought that was gratuitous screaming?

25 A. It was nonsensical. There was no

1 basis for an argument. There was no -- it was  
2 just two people were screaming at each other  
3 in the hallway.

4 Q. Okay. And so the line you're  
5 drawing is between, sort of, it doesn't make  
6 sense to be screaming versus we're having some  
7 sort of legitimate disagreement --

8 A. Policy -- sorry -- I don't mean  
9 to speak over you.

10 Q. It's okay. A legitimate  
11 disagreement about something, and then that's  
12 okay to raise our voices about that?

13 A. I'm not saying it's ever okay to  
14 raise your voice, but I, in my mind,  
15 differentiate between if you're having a  
16 disagreement over a policy or if  
17 you're -- something is going on and you're  
18 attempting to hold someone accountable for,  
19 you know, a subject matter, versus just  
20 gratuitous eruption.

21 Q. Have you ever had a gratuitous  
22 eruption?

23 A. Well, I guess that's in the eye  
24 of the beholder. I don't think so.

25 Q. Has anyone ever told you that

1 they thought that you had erupted at them?

2 A. Not -- no.

3 Q. Anyone ever told you that they  
4 thought you had treated them disrespectfully?

5 A. Lindsey Boylan.

6 Q. Anyone other than Ms. Boylan?

7 A. I think Kelly Cummings on one  
8 occasion. I think [REDACTED] on one  
9 occasion. No one else I can recall  
10 specifically.

11 Q. Have you ever had someone mentor  
12 you about your management style?

13 A. Yes.

14 Q. Who?

15 A. [REDACTED], [REDACTED].  
16 I mean, like lots of mentors over the years.

17 Q. And on what occasion -- well,  
18 what occasion [REDACTED] mentored you on your  
19 management style?

20 A. There were instances where he  
21 thought that people were too siloed and that  
22 it would be beneficial to do more than just  
23 the 9 a.m. morning meeting, to do lunch  
24 meetings once every three days.

25 He thought that on -- you know,

1 if we didn't have to be working 24 hours a  
2 day, perhaps we shouldn't be, like, you know,  
3 you've got to let people put fuel in the tank,  
4 you've got to let people unplug every once in  
5 a while, like those sorts of things.

6 Q. What about [REDACTED]?

7 A. I mean, [REDACTED] was -- this is  
8 such a digression but she, you know, was the  
9 most powerful woman in New York politics.

10 When I was a kid, I looked up to her.

11 She was the one that taught me,  
12 sort of, the opposite of those things, which  
13 is like, 24 hours a day, you sleep with the  
14 BlackBerry next to your head. Like, if you  
15 get an e-mail, within five minutes you  
16 respond.

17 As a woman in this business, you  
18 are always going to be held to a higher  
19 standard. You have to work harder. You have  
20 to know more.

21 Q. Did anyone in the executive  
22 chamber ever offer you mentorship or coaching  
23 about your management style?

24 A. No.

25 Q. Did Jill DesRosiers ever speak to

1 you about the way you treated anyone in the  
2 executive chamber?

3 A. Jill would give me feedback.

4 Q. Let's talk about this feedback.  
5 What kind of feedback did Jill DesRosiers give  
6 you?

7 A. Jill would say, "I think you're  
8 being a little bit too hard on that person,  
9 like. You know, we've got to give them time  
10 to get room to run." Or, "if that person  
11 doesn't get back to you right away, call me,  
12 and I'll track down the answer."

13 I think she understood that I  
14 was a little bit -- I think that Jill thought  
15 that I was a little bit too hands-on and  
16 micromanaging in some regards, and so she  
17 sought to put a little bit more cushion  
18 between me and some of the people that she  
19 felt like that management style wouldn't be  
20 effective with.

21 Q. So who are the people that Jill  
22 was trying to put a cushion between you and  
23 them?

24 A. I don't remember specifically.

25 Q. Do you remember any specific

1 person that Jill came to speak to about and  
2 give you feedback about?

3 A. I feel like Andrew Ball at one  
4 point. I hate that that name keeps coming up,  
5 but, I think, that's it.

6 Q. Anyone else?

7 A. It's possible, but not that I  
8 remember specifically.

9 Q. And let's circle back to Lindsey  
10 Boylan. You said that there had been -- I  
11 can't remember your words exactly and I don't  
12 want to scroll through.

13 But there had been some negative  
14 interaction with Ms. Boylan. Can you tell us  
15 about what happened?

16 A. Lindsey, when she came to the  
17 floor, any time that I heard about Lindsey, it  
18 was in the context of Lindsey being a problem.  
19 It was [REDACTED] coming to me and saying,  
20 "I am not going to work with this woman  
21 anymore. She treats my assistants terribly.  
22 She is a bully. She refuses to come to  
23 meetings."

24 It was Jim Malatras, who at the  
25 time wasn't even working for the chamber, but

1 I brought him in to help with the State of the  
2 State process. He used to be our state  
3 operations director -- I'm sorry, I'm going to  
4 speak more slowly -- and our policy director.

5 He's someone I lean on a  
6 tremendous amount in terms of his brilliance,  
7 and I brought him over as a favor to help us  
8 with State of the State. She was really nasty  
9 with him, "You're just over here because  
10 you're a man, and I should be leading these  
11 discussions."

12 She just had this natural  
13 tendency to be very aggressive and obnoxious  
14 to people, regardless of their station, age;  
15 it didn't matter. It was everything from the  
16 assistants to the commissioners and to her  
17 boss, who was the state operations director,  
18 [REDACTED].

19 And [REDACTED] has zero ego.  
20 She is just not somebody who needs to be  
21 recognized or acknowledged or praised. She  
22 just really genuinely cared about the  
23 functioning of government. And this was a  
24 constant issue.

25 And then she also had a number of

1 altercations with Annabel and Stephanie and  
2 Jill.

3 Q. Can we focus on that interaction  
4 she had with you?

5 A. Sure.

6 Q. So what was the interaction she  
7 had with you?

8 A. I rarely interacted with her.  
9 There's one interaction with her, which has  
10 been reported, which was in July of 2018.  
11 Jill called me and she was very upset. I  
12 don't -- let me stop.

13 I don't remember if it was over  
14 the phone or in person, but I believe she  
15 called me from, like, across the office. She  
16 was sitting in her office.

17 And there was some project event  
18 that they had been working on, the events  
19 team, and Lindsey had gone around the group,  
20 the team, directly to the governor.

21 And Jill called me and said, "I'm  
22 not doing this anymore. It's her or me.  
23 She's so out of control. She's not a team  
24 player. She does this all the time. I'm not  
25 doing this anymore."

1 Q. Were those Jill's words?

2 A. Pretty -- I mean, I don't -- not  
3 necessarily verbatim, but that was the sum and  
4 substance.

5 Q. Okay. And it was because --  
6 sorry -- Jill's comment that it's her or me  
7 stemmed from, you said, Lindsey had gone  
8 around the team and gone to the governor.

9 Can you tell us a little more  
10 about that? What happened?

11 A. I don't remember specifically if  
12 it was a project or an event, but, like, the  
13 way that it works with the governor, the way  
14 it's supposed to work, is that we reach  
15 consensus as a team and then we go in unified.

16 If you don't do that, it  
17 doesn't -- it doesn't function. And everyone  
18 has an opportunity to raise their perspectives  
19 or objectives, opinions, but, ultimately, you  
20 come to a group consensus, and then you're all  
21 together. You don't undermine one another.

22 And the whole system breaks down  
23 when people go directly to him and undermines  
24 people, and then, he has a different  
25 expectation or he thinks something is ready

1 that's not ready. And this was a recurring  
2 theme with Lindsey. And Jill had reached her  
3 breaking point.

4 Q. What was the specific incident  
5 that Jill was talking about?

6 A. I don't remember, as I said, if  
7 it was a project or an event. But it was  
8 something where she had gone around.

9 Q. And earlier you told me there  
10 were occasions on which people would go  
11 directly to the governor. Right?

12 A. Yes.

13 Q. And that wasn't the preferred  
14 protocol, but it happened. In fact, you did  
15 that. Right?

16 A. Well, I'm secretary to the  
17 governor.

18 Q. Right? And you said other people  
19 did that to you. Right?

20 A. Sure.

21 Q. Okay.

22 A. But -- but --

23 Q. Could you just pause for a  
24 second? What made Lindsey's attempts to speak  
25 to the governor different?

1           A.     Well, as I said, that was the  
2     exception, not the rule, and it was not the  
3     preferred protocol.  And generally, it  
4     happened with people not in the executive  
5     chamber.  It would be a deputy commissioner  
6     sees him in the lobby, and it's there one  
7     opportunity to speak to him.

8           The people inside the chamber,  
9     especially, have a sympathy to making sure  
10    that the whole team succeeds and making sure  
11    that we're all on the same page.

12           And so, especially, within the  
13    executive chamber, people don't do that.  With  
14    Lindsey, it was chronic.

15           Q.     Was there any other individual in  
16    the executive chamber who had broken protocol  
17    the way you are describing Ms. Boylan did?

18           A.     Not chronically, no.

19           Q.     Anyone ever do it?

20           A.     Sure.  As I said.

21           Q.     Who else did it?

22           A.     As I said, you know,  
23    occasionally, Rob Mujica.  Occasionally, you  
24    know, the state operations director.

25           Q.     Who at the time was who?

1           A.     [REDACTED] but very rarely.  
2 She was very good about that.

3           Q.     Okay. And when you say  
4 Ms. Boylan broke this protocol chronically,  
5 what do you mean by "chronically"?

6           A.     Exactly what the word means. She  
7 did it all the time.

8           Q.     Okay. All the time. So, like,  
9 ever day?

10          A.     Multiple times a week.

11          Q.     Multiple times a week. Okay.

12                    Prior to the call in July 2018  
13 from Jill DesRosiers, did you speak to  
14 Ms. Boylan about your preferred protocol for  
15 reaching -- bringing issues to the governor's  
16 attention?

17          A.     When she came over to the floor,  
18 we talked to her -- me, Alphonso, Jill --  
19 about how we operate as a team and interact  
20 with him.

21          Q.     And what did you tell her?

22          A.     That we reach team consensus. We  
23 go to him with one unified voice. We don't  
24 always get our way, but, you know, sometimes  
25 you do, sometimes you don't.

1                   You stand with the team. You  
2 present an idea. If he calls upon you, of  
3 course, you should answer him directly and  
4 give your perspective. But that it didn't --  
5 it wasn't functional for people to go to --  
6 run to him constantly with ideas and work  
7 outside of the protocol. There's just too  
8 much going on.

9                   Q.     Is that a normal part of the  
10 onboarding process for new members of the  
11 executive chamber?

12                  A.     Not formally, but when you're  
13 bringing someone in to be a part of senior  
14 staff, then yes. Like, I remember having that  
15 conversation with [REDACTED] when he became  
16 state operations director.

17                             I remember having that  
18 conversation with Dani Lever when she was  
19 first brought in. Like, that was -- you know,  
20 we would talk each other through it. You want  
21 each other to succeed, and so you try to get  
22 everybody going on the right foot.

23                  Q.     Okay. So what happens after Jill  
24 comes to you and says, "It's her or me"?

25                  A.     I called Lindsey.

1 Q. Okay. Tell us about that  
2 conversation.

3 A. I don't remember it exactly, but  
4 as she says it was, I said something to the  
5 effect of "What the fuck?"

6 Q. Okay. You're saying she says  
7 that. But do you remember --

8 A. She said it to Ronan Farrow. I  
9 don't have specific memory of --

10 THE WITNESS: What? Well, I'm  
11 just saying --

12 MR. HECKER: Just answer what you  
13 remember.

14 Q. Just tell me what you remember.

15 A. Oh, okay.

16 Q. What do you remember?

17 A. I remember that I called her and  
18 I was -- and I wanted an answer as to why she  
19 was doing this.

20 Q. Okay. And what else do you  
21 remember about the conversation?

22 A. I remember that she responded  
23 screaming, "I don't want to do this anymore,  
24 forget this," and hung up the phone.

25 Q. You just imitated her voice. Can

1 you tell me what your voice was like on that  
2 call?

3 A. I think how I did it.

4 Q. Just, like, right now?

5 A. Yeah.

6 Q. Your voice was that level?

7 A. No, no, no. I'm sure it  
8 was -- I'm sure I said, like, "Lindsey, what  
9 is wrong with you?" Something like that.

10 Q. Okay.

11 A. In, like, a stern, you know --

12 Q. And you're not disputing that you  
13 might have said, "What the fuck"?

14 A. I'm not.

15 Q. Okay. And then she said -- and  
16 then what happens after she says "I'm not  
17 doing this"?

18 A. She hung up the phone and I  
19 believe left the office for the day.

20 Q. Okay. Did you think she was  
21 resigning?

22 A. I don't think I knew. I think  
23 that, like, she was -- she had a tendency to  
24 have outbursts and then come back the next  
25 day. So I don't think I knew.

1 I was -- it was also in the  
2 middle of the 2018 campaign. I was, like,  
3 splitting my time between the governor's  
4 office and the campaign. I was taking a lot  
5 of personal time off.

6 And so I had very little  
7 bandwidth, and it was -- this was, like, a  
8 constant problem.

9 Q. You said she had a tendency to  
10 have outbursts like this.

11 How many other outbursts had she  
12 had like this where she left and you weren't  
13 sure if she was coming back?

14 A. I don't know if any of them were  
15 quite like that, but it wasn't uncommon for  
16 her to have an outburst.

17 Q. And when you say "outburst," what  
18 do you mean?

19 A. Respond to somebody yelling and  
20 then either, like, close her door or leave for  
21 the afternoon.

22 Q. Okay.

23 A. But not saying, like, "I quit."

24 Q. Right. And on this occasion in  
25 July, she didn't tell you she quit. Right?

1 A. I don't think so.

2 Q. You just weren't sure if she had  
3 or not?

4 A. Well, not I wasn't sure if she  
5 had or not. I wasn't sure what her intention  
6 was after that phone call.

7 Q. Okay. And are there any other  
8 occasions in which Ms. Boylan had an outburst  
9 and you weren't sure what her intentions were?

10 A. Yeah, the day that Alphonso David  
11 confronted her.

12 Q. You're talking about in September  
13 of --

14 A. 2018.

15 Q. -- 2018?

16 A. Yes.

17 Q. Any other occasions in which  
18 Ms. Boylan had an outburst and you weren't  
19 sure what her intentions were?

20 A. Not specifically.

21 Q. Okay. So she hangs up and  
22 leaves. And then what happens?

23 A. I told Linda, Alphonso, and Jill  
24 about the incident.

25 Q. Okay. So Linda Lacewell,

1 Alphonso David, and Jill DesRosiers --

2 A. I'm sorry.

3 Q. It's okay. We'll fill it in  
4 together. Okay.

5 So what did you tell Linda  
6 Lacewell?

7 A. I summarized her conversation.

8 Q. You did this over the phone or in  
9 writing?

10 A. No, I think in person.

11 Q. Okay. With all three of them?

12 A. Yeah, we -- the 39th floor of 633  
13 Third Avenue, there's not that many offices.  
14 So if you're, you know, dealing with something  
15 sensitive, typically you, like, huddle in  
16 somebody's office. It's just walking, you  
17 know, a couple of feet.

18 Q. All right. Tell us about the  
19 huddle.

20 MR. HECKER: Hang on one second.

21 THE WITNESS: Oh, because  
22 Alphonso?

23 MR. HECKER: Well, I'm just  
24 trying to understand, we're talking  
25 about in -- this is in 2018?

1 MS. KENNEDY PARK: July 2018.

2 MR. HECKER: I had understood  
3 that the executive chamber was asserting  
4 privilege over that discussion with  
5 counsel.

6 If I'm wrong, I'm happy to  
7 correct the --

8 MS. KENNEDY PARK: They've  
9 produced text messages between you and  
10 Ms. Lacewell and Ms. DesRosiers about  
11 this incident, and Mr. David. So ...

12 MR. HECKER: I'm fine with  
13 being -- asking her about those,  
14 obviously. I just -- I'm not the one  
15 drawing the lines. So I don't want to  
16 get her crosswise with the decisions the  
17 chamber's made about privilege.

18 MS. KENNEDY PARK: Okay. So for  
19 that conversation, you're going to  
20 instruct her not to answer on the  
21 grounds of executive chamber privilege?

22 MR. HECKER: I'm happy to take a  
23 break and called Mitra Hormozi or Paul  
24 Fishman. I --

25 MS. KENNEDY PARK: Let's not do

1           that.

2                   MR. HECKER: Okay.

3 BY MS. KENNEDY PARK:

4           Q.     So after the privileged  
5 conversation that you had with Ms. Lacewell,  
6 Mr. David, and Ms. DesRosiers, what happens  
7 next?

8           A.     I sent Lindsey a text message and  
9 said something to the effect of, you know,  
10 "I'm sorry that it was a tough conversation.  
11 I hope to see you back tomorrow. Fighting to  
12 make New York a better place, and if you need  
13 me, I'm here."

14          Q.     Were you sorry?

15                   MR. HECKER: Were you -- I'm  
16 sorry?

17          Q.     Were you sorry?

18          A.     I was sorry that it was so  
19 heated.

20          Q.     And then what happens after that?

21          A.     She responded in a text message  
22 that night, responding essentially, "I  
23 don't" -- you know, "I don't mind tough days.  
24 I can't handle conversations like that."

25                   And I -- sorry. I should wait

1 for you to ask another question.

2 Q. What happens next?

3 A. I didn't respond because I didn't  
4 think it would be productive.

5 Q. Did you have an understanding as  
6 to whether Ms. Lacewell reached out to  
7 Ms. Boylan?

8 A. The next day.

9 Q. And do you have an understanding  
10 as to whether Mr. David reached out to  
11 Ms. Boylan?

12 A. I think Alphonso talked to her  
13 the same day that I spoke to her.

14 Q. Any understanding if  
15 Ms. DesRosiers spoke to her?

16 A. It's my understanding Jill and  
17 Lindsey had a conversation first, and that's  
18 what prompted Jill to call me and why I then  
19 called Lindsey.

20 Q. After you called Lindsey, did  
21 Jill have a conversation with Ms. Boylan?

22 A. Not that -- I don't know. I  
23 don't think that day.

24 Q. After that day?

25 A. I -- well, she came back to work.

1 So everyone talked to her again at some point.  
2 But Linda was the one who had a conversation  
3 with her after the incident -- after that  
4 incident.

5 Q. And what do you know about the  
6 conversation between Ms. Lacewell and  
7 Ms. Boylan?

8 A. I don't know anything specific,  
9 just that Linda said, you know, "You're an  
10 important part of the team. We all need to  
11 work together." You know, "I hope that you're  
12 part of the team," something like that.

13 MS. KENNEDY PARK: Can I ask a  
14 question? So the chamber is not  
15 asserting privilege over the --

16 MR. HECKER: I don't know.

17 MS. KENNEDY PARK: -- discussion  
18 between Ms. Lacewell and Ms. Boylan, but  
19 they are asserting privilege over the  
20 discussion between Ms. Lacewell and Ms.  
21 DeRosa?

22 MR. HECKER: Say that again, the  
23 first -- the --

24 MS. KENNEDY PARK: Okay. So we  
25 just asserted privilege over the

1 conversation with Ms. DeRosa that was  
2 had by Ms. Lacewell and Mr. David.  
3 Right?

4 MR. HECKER: That she was  
5 listening in on. That she was --

6 MS. KENNEDY PARK: That she was  
7 present for. Right?

8 MR. HECKER: Yeah.

9 MS. KENNEDY PARK: And now we're  
10 talking about a conversation that  
11 Ms. Lacewell had with Ms. Boylan, but  
12 the chamber has not directed you to  
13 assert privilege over that?

14 MR. HECKER: You mean between  
15 Lacewell and --

16 MS. KENNEDY PARK: No.  
17 Ms. Lacewell and Ms. Boylan.

18 MR. HECKER: Well, I don't know  
19 whether they're asserting privilege over  
20 that conversation, but she's not in it.  
21 So ...

22 MS. KENNEDY PARK: They're  
23 not -- she's going to tell me now what  
24 just happened in the conversation, but  
25 the executive chamber hasn't instructed

1 you to assert privilege over it?

2 MR. HECKER: Do you know?

3 I don't know the answer to that.

4 I don't have clear instruction on it, so

5 I just don't know.

6 THE WITNESS: Can I be helpful?

7 MR. HECKER: No.

8 MS. KENNEDY PARK: Not on the  
9 record.

10 MR. HECKER: No. We can take a  
11 minute if you want.

12 MS. KENNEDY PARK: Why don't you  
13 take a minute. Right? Why don't we go  
14 off the record.

15 THE VIDEOGRAPHER: The time is  
16 1:34 p.m. This concludes Media 4. Off  
17 the record.

18 (Recess taken from 1:34 p.m. to  
19 1:41 p.m.)

20 THE VIDEOGRAPHER: The time is  
21 1:41 p.m. This begins Media 5. On the  
22 record.

23 BY MS. KENNEDY PARK:

24 Q. I think where we left off is:

25 What was your understanding of the

1 conversation that Ms. Lacewell had with  
2 Ms. Boylan?

3 A. I don't have a specific memory,  
4 but I've seen the texts. And, I mean, the  
5 texts, I think, are self-explanatory in that  
6 she says, "I spoke to her. I don't know if  
7 she'll be back, but we'll see."

8 Q. Do you have a memory of that  
9 separate from the text messages?

10 A. No.

11 Q. Okay. And how did the -- and  
12 then how did the situation resolve?

13 A. She came back.

14 Q. And was there any discussion  
15 after she came back about that incident?

16 A. Not that I recall.

17 Q. Was there any  
18 suggesting -- suggestion that Ms. Boylan get  
19 coaching?

20 A. No, I don't -- not that I recall.

21 Q. Was there any suggestion that she  
22 get counseling?

23 A. We had an ongoing conversation  
24 with Alphonso about the fact that this kept  
25 happening and that it all, sort of, came to a

1 head in September, which is when she was  
2 getting counseled.

3 Q. So prior to July of 2018, you're  
4 saying that there had been conversations about  
5 getting Ms. Boylan counseling?

6 A. About, like, this is not  
7 stopping; in fact, it's only getting worse and  
8 more widespread behavior, and we need to do  
9 something about this.

10 But, I mean, unfortunately, and  
11 this is not a great human resources answer,  
12 but in a world where there's, like, a million  
13 things going on, it's, like, you'll have that  
14 conversation and then unfortunately not follow  
15 up.

16 And it wasn't until September  
17 when ESD actually asked that she be removed  
18 from the floor and from the payroll because of  
19 her treatment of subordinates on the floor;  
20 that they came with that formal request, made  
21 a formal complaint.

22 There were a number of --

23 Q. Why don't you pause just for a  
24 second?

25 A. Sorry.

1 Q. So the question was: Prior to  
2 July of 2018, was there any counseling that  
3 was provided to Ms. Boylan?

4 A. No, not that I know of.

5 Q. Okay. But there were -- you said  
6 there were discussions about providing her  
7 counseling?

8 A. I think in the summer. I don't  
9 think about earlier -- I don't earlier than  
10 that conversation that I had with her.

11 Q. So you think after July 2018  
12 there were discussions about counseling for  
13 her?

14 A. Yeah. I just remember in the  
15 run-up to the ultimate September parting of  
16 ways that there were conversations, that it  
17 was -- this was not -- it wouldn't be  
18 tolerable in the long run. We had to figure  
19 this out.

20 Q. But that counseling did not occur  
21 between July 2018 and September 2018?

22 A. I don't know if Alphonso had  
23 independent conversations with her. I don't  
24 know.

25 Q. Okay. But to your knowledge --

1 A. But not that I recall.

2 Q. To your knowledge, no counseling  
3 occurred?

4 A. Not that I recall.

5 Q. Okay. Can you recall anyone else  
6 in the -- I think we covered this earlier, but  
7 remind me. -- anyone else in the executive  
8 chamber who had received counseling?

9 A. [REDACTED], [REDACTED]. Those  
10 are the two I remember off the top of my head.  
11 But I'm sure there are more.

12 Q. Okay. And [REDACTED], what did  
13 he do that resulted in counseling?

14 A. [REDACTED], who used to work for  
15 us, complained about his treatment of her, and  
16 so he was formally counseled.

17 Q. And when you say -- we're talking  
18 about counseling. Let's make sure we have the  
19 same definition.

20 When you're saying "counseling,"  
21 what do you mean?

22 A. I mean that Alphonso and one  
23 other person, generally Camille Varlack or  
24 whomever the ethics officer is at the time,  
25 would sit someone down, go through complaints

1 that are made against them while obviously  
2 protecting complainants' names, and their  
3 behavior in the office, review what  
4 their -- how they are supposed to be behaving  
5 per the handbook, and advise them on how  
6 things needed to change moving forward.

7 Q. And did Mr. [REDACTED] counseling  
8 result in him leaving the executive chamber?

9 A. No.

10 Q. What happened with him?

11 A. He understood that how he behaved  
12 towards [REDACTED] was not acceptable, and from my  
13 understanding, he changed his behavior towards  
14 her.

15 Q. And who did [REDACTED]  
16 counseling?

17 A. I believe Alphonso and Judy at  
18 different points.

19 Q. Anyone else you can remember  
20 getting counseling?

21 A. Those are the only ones I can  
22 remember off the top of my head. I'm sorry.

23 Q. And [REDACTED] counseling, did  
24 that directly result in him leaving the  
25 executive chamber?

1           A.     No.  I think that [REDACTED]  
2     finally understood that [REDACTED] was -- it  
3     wasn't going to work and it was time to find  
4     something new.

5           Q.     So if my understanding is right,  
6     that the purpose of the counsel is to --

7           A.     Improve your --

8           Q.     -- get someone to change their  
9     behavior?

10          A.     Yes.

11          Q.     Improve their behavior?

12          A.     Yes.

13          Q.     So their behavior is consistent  
14     with the handbook?

15          A.     Yes.

16          Q.     It's not a "You're getting fired"  
17     message?

18          A.     Correct.

19          Q.     I got you.  All right.  So why  
20     don't we look at what's Tab 4 in your binder.

21          A.     These are very intense binders.

22          Q.     All right.  So this is -- if I'm  
23     right, what you're looking at is a series of  
24     text messages between you, Jill DesRosiers,  
25     Alphonso David, and Linda Lacewell, from

1 July 26, 2018. Is that right?

2 A. Correct.

3 Q. And there's an attachment that  
4 you send. And that attachment appears to be  
5 what's on page 2, which is a snapshot or  
6 screenshot of a text message between you and  
7 Lindsey Boylan.

8 Is that right?

9 A. Correct.

10 Q. Is this a text message between  
11 you and Ms. Boylan you were referring to  
12 earlier?

13 A. Yes.

14 Q. Where she says:

15 "I don't mind tough days at all"?

16 A. Yes.

17 MS. KENNEDY PARK: Oh, yeah,  
18 let's mark this as the next exhibit.

19 (Exhibit 8, Text messages between  
20 Melissa DeRosa, Jill DesRosiers,  
21 Alphonso David, and Linda Lacewell from  
22 July 26, 2018, marked for  
23 identification, as of this date.)

24 Q. And then the next day, Ms. Boylan  
25 writes:

1 "I'm not sure why Alphonso  
2 couldn't pick up the phone or ask me  
3 himself. What I said and why I was  
4 asking him, Alphonso, to join the  
5 meeting. That's not a team. That's  
6 either because he is afraid of me or  
7 doesn't respect me."

8 Do you have an understanding of  
9 what she's referring to there?

10 A. No.

11 Q. You said that the interaction  
12 with Jill was about disregarding protocol.

13 What was Alphonso David's role in  
14 that protocol?

15 A. I don't remember. I don't  
16 remember -- I've seen this exchange in the  
17 lead-in to this interview. I don't remember  
18 specifically.

19 Q. Okay. Do you remember generally  
20 what the issue was with Mr. David?

21 A. No.

22 Q. Okay. And then she says:

23 "This is after I had already been  
24 read the riot act by Jill."

25 Do you have an understanding what

1 she meant by being read the riot act by Jill?

2 A. I think, and, like, looking at  
3 this and refreshing my memory, it's what I  
4 said earlier, which is I think that my  
5 conversation came after the conversation Jill  
6 had with her.

7 Q. Okay. And that she was  
8 interpreting her conversation with Jill as  
9 having been read the riot act?

10 A. Yes.

11 Q. Okay. And then Mr. David wrote  
12 back in the next set of texts on the next  
13 page:

14 "I'm not doing this. She is  
15 certifiably [REDACTED]. One day it is one  
16 person, the next day it is someone  
17 else."

18 Do you remember that?

19 A. I've seen this so -- in that  
20 context.

21 Q. Do you have any independent --

22 MR. HECKER: Sorry. The  
23 questions she's asking about your memory  
24 are going to be, like, your memory, not  
25 just do you remember seeing this text in

1 prep. That's not the question.

2 MS. KENNEDY PARK: I don't want  
3 to know about what you saw with your  
4 lawyer.

5 A. Okay. So no.

6 Q. Okay. Do you remember any  
7 conversations with Mr. David about Ms. Boylan  
8 being one day one person and the next day  
9 someone else?

10 A. This was a constant dialogue. I  
11 don't remember a specific conversation with  
12 Alphonso in the lead into September, but this  
13 was a constant refrain.

14 Q. I'm trying to understand. This  
15 was a constant refrain before July 26, 2018?

16 A. Yes, it started earlier.

17 Q. Okay. And so the discussion  
18 about potentially giving her counseling  
19 started before July 2018?

20 A. No, I don't -- I don't remember  
21 specifically when we talked about "counseling  
22 her." But I don't think it was before July.  
23 But Alphonso may have a different  
24 recollection.

25 Q. Okay. If you flip through on the

1 26th -- let's see. On the bottom it says  
2 -4837. Ms. Lacewell says that "She didn't say  
3 it's over."

4 This is after Ms. Lacewell has a  
5 conversation with Ms. Boylan. What did you  
6 understand Ms. Lacewell to mean by "She didn't  
7 say it's over"?

8 A. What I said before, that it  
9 wasn't necessarily that she was leaving.

10 Q. What did -- what did Ms. Boylan  
11 say to you was her perspective on this issue  
12 of breaching protocol?

13 A. The conversation she and I had  
14 was very short. We didn't talk about it  
15 again.

16 Q. You never spoke again about the  
17 issue of protocol for contacting the governor  
18 with Ms. Boylan?

19 A. Not based on my recollection, no.

20 Q. Did anyone else between July of  
21 2018 and September of 2018, to your knowledge,  
22 have a conversation with Ms. Boylan about the  
23 protocol for contacting the governor?

24 A. Rob talked to her a lot about it.

25 Q. Okay. And what do you know about

1 the conversations between Mr. Mujica and  
2 Ms. Boylan about the protocol for contacting  
3 the governor?

4 A. Lindsey and Rob had a very  
5 friendly relationship, and I think that he was  
6 trying to coach her to be successful and not  
7 take things so personally. She would pin the  
8 governor or call the governor and say, "I have  
9 this idea for this project."

10 And the governor would say,  
11 "Great, run that by Rob and [REDACTED]"

12 And then she would go to Rob and  
13 say, "What does he think, I'm stupid? You  
14 know, this is so insulting. I have to go run  
15 it by you and [REDACTED]"

16 And Rob would say, "Lindsey,  
17 we -- nobody just runs the governor things.  
18 We talk these things through. Like, it  
19 shouldn't be insulting to you that he's asking  
20 you to talk to me about a project."

21 "I have 25 years of experience in  
22 this area. [REDACTED] is the head of development  
23 for the MTA. And he wants us to all be a team  
24 and talk to each other about these things."

25 And I know that, you know, she

1 would constantly run to Rob and, you know,  
2 complain or vent about her frustrations on  
3 these things, and that he would try to give  
4 her positive feedback to improve. I think  
5 that they've had a friendly relationship.

6 Q. And in the conversations that you  
7 understand were had between Mr. Mujica and  
8 Ms. Boylan, what did she say was her  
9 perspective on why she was going directly to  
10 the governor?

11 A. She was just offended that she  
12 didn't have that direct line, that she felt  
13 like she should be able to go directly to him,  
14 and that if she didn't, it's because she was  
15 being disrespected in some way.

16 Q. Okay. Did she ever say that she  
17 felt that other people had a direct line to  
18 him and that she should also?

19 A. I don't know.

20 Q. Do you know anything else about  
21 what Ms. Boylan said was her perspective to  
22 Mr. Mujica?

23 A. No, I mean, I know that she told  
24 Rob that she [REDACTED] Annabel and Stephanie and  
25 Jill, that she thought I was a [REDACTED], that I

1 had [REDACTED], and that she felt like  
2 she was being "discluded" from things that she  
3 should be in charge of because she had more  
4 talent in her pinky than everyone in the  
5 building.

6 Q. Are those all quotes you're  
7 offering us from Mr. Mujica that he said  
8 Ms. Boylan said?

9 A. The Annabel, Stephanie, Jill,  
10 yes. The [REDACTED] and [REDACTED], yes,  
11 and I believe she put it in writing. And the  
12 part about more talent in her pinky, I think  
13 she expressed to [REDACTED] in writing.

14 Q. And when did you learn about  
15 these things?

16 A. With Rob, I learned about them  
17 after the fact, in March of last year when she  
18 sent her threatening text message to him.

19 With the [REDACTED], more  
20 talent in my pinky, at the time, because that  
21 was, sort of, [REDACTED] breaking point when she  
22 came to me and said, "Her or me. I'm not  
23 doing this anymore."

24 Q. Sorry. When you say you learned  
25 about all the things about Annabel, about Dani

1 Lever, about Stephanie Benton, about the [REDACTED]  
2 comment, and [REDACTED] comment, and about  
3 her complaining about being excluded, those  
4 were in March of 2020?

5 A. Correct.

6 Q. Okay. And that the talent in the  
7 pinky was when?

8 A. It was in an e-mail that Lindsey  
9 wrote to [REDACTED] in September of 2018.

10 Q. And when was the last time you  
11 saw that e-mail?

12 A. In preparation for today.

13 MR. HECKER: You're talking about  
14 outside of prep? I'm not -- look, did  
15 you have a recollection of having seen  
16 that at the time?

17 THE WITNESS: It was a pretty  
18 unforgettable e-mail.

19 MR. HECKER: Okay.

20 Q. And you said [REDACTED] said  
21 it was either her or Ms. Boylan?

22 A. She -- yes.

23 Q. When was that?

24 A. In sum and substance. In  
25 September of 2018. She sent me a series of

1 e-mails where [REDACTED] assistant had inquired  
2 as to the location of the dep secs, because  
3 there was going to be a storm, and that's a  
4 traditional thing that the state operations  
5 director does, figure out where all the  
6 commissioners are, figure out where all the  
7 dep secs are, so you can deploy assets and  
8 resources around the state.

9 Lindsey responded, essentially  
10 saying, "How dare you ask where I'm going to  
11 be, and if this governor or senior staff need  
12 to get me, they can get me whenever they want.  
13 They have my phone numbers."

14 And then separately, she refused  
15 to get on State of the State calls that [REDACTED]  
16 and her deputy, [REDACTED], were running  
17 because she felt it was a waste of her time  
18 and beneath her if she wasn't involved in  
19 conversations with [REDACTED] and Jim  
20 Malatras, because they were really the  
21 decision makers, and that she wasn't going to  
22 participate in anything with her anymore.

23 And [REDACTED] finally reached a point  
24 where she started forwarding me these e-mails  
25 and was like, "Melissa, I'm not doing this

1 anymore. I'm not doing this with her. Like,  
2 either she goes or I go."

3 And at this point, again, this  
4 was, like, right around the time of the  
5 primary in 2018. I was taking a lot of time  
6 off working on the campaign, and it was, like,  
7 any time that I was getting any outreach,  
8 like, that there were issues in the office, it  
9 always seemed to be associated with Lindsey.

10 Q. And what did you do after  
11 Ms. [REDACTED] outreach?

12 A. I forwarded the e-mails to  
13 Alphonso.

14 Q. And what did you ask him to do?

15 A. I said, "Please create a file for  
16 Lindsey."

17 Q. It sounds like you remember that  
18 e-mail, so why don't we pull it up.

19 A. Sure.

20 Q. Tab 165.

21 (Exhibit 9, E-mails including  
22 e-mail from Lindsey Boylan to [REDACTED]  
23 [REDACTED], marked for  
24 identification, as of this date.)

25 MS. KENNEDY PARK: Let's mark

1           this as the next Exhibit.

2           Q.     The bottom -- the very bottom is  
3 an e-mail from Lindsey Boylan to [REDACTED]

4 [REDACTED]

5 And then there's an e-mail from [REDACTED] to you,  
6 Ms. Lacewell, and Ms. DesRosiers that says:

7                   "I am sick and tired of the way  
8 she treats people."

9                   Is this the e-mail you were  
10 referring to?

11           A.     One of, yeah.

12           Q.     And in it she says -- Ms. [REDACTED]  
13 says:

14                   "She needs to be counseled."

15                   Was that a reference to Lindsey  
16 Boylan?

17           A.     I'm sorry, let me just -- if it's  
18 okay.

19                   (Document review.)

20                   Yes.

21           Q.     And then the next e-mail, you  
22 respond to Mr. David, Ms. Lacewell, and  
23 Ms. DesRosiers. And you say:

24                   "Alphonso, please create a file  
25 for Lindsey. Please put this in it."

1 A. Yes.

2 Q. Okay. Is that the e-mail you  
3 were just referring to?

4 A. Yes.

5 Q. Okay. And what did you mean by  
6 "create a file"?

7 A. In my experience, when you have  
8 personnel issues, you have to document them.  
9 And so I was saying, we have an issue, the  
10 state operations director, who is her official  
11 boss, is saying she needs to be counseled. So  
12 I think you have to create -- start to create  
13 a record.

14 Q. Okay. And had you ever asked  
15 Mr. David before to create a record or a file  
16 for someone because of an HR issue?

17 A. I think [REDACTED]. And I don't  
18 think I asked him to do that. I think that  
19 Jill did. But I knew about it.

20 Q. Anyone else?

21 A. Not that I recall.

22 Q. Anyone else you were aware of  
23 that had a file like this created for them?

24 A. Not that I recall, but I'm sure  
25 there are others.

1 Q. How about [REDACTED]?

2 A. Oh, I'm sure [REDACTED]

3 Q. How are you sure?

4 A. Well, I'm -- I take that back.

5 I'm not sure. I assume.

6 Q. Don't assume. Do you know if

7 [REDACTED] --

8 A. I don't.

9 Q. -- has a file like this?

10 A. I don't.

11 Q. [REDACTED]

12 A. I don't know.

13 Q. And then Mr. David responds:

14 "We manage all allegations/claims  
15 using the same process and applying the  
16 same standard. Accordingly, given that  
17 this was independently forwarded to  
18 counsel's office, we have already begun  
19 compiling information regarding this and  
20 other allegations regarding this  
21 employee."

22 What did you understand Mr. David  
23 to mean when he said, "We use the same  
24 process"? What was the process?

25 A. I think exactly what -- I think

1 his words mean what they say, that he was  
2 saying that, you know, she -- I think that he  
3 was responding to the fact that I said,  
4 "Create a file for Lindsey" to make clear that  
5 this was not a unique situation.

6 And with any complaints, they're  
7 handled the same way, which is that you begin  
8 to compile complaints.

9 Q. Okay. So you understand that  
10 what he was writing back was, this is normally  
11 what we do, we create a record of the  
12 complaints?

13 A. That's how I understood it.

14 Q. And what was your expectation  
15 about what Mr. David would do after he created  
16 the file with this document in it?

17 A. Counsel Lindsey.

18 Q. Did you have any other  
19 expectation about what he would do?

20 A. No.

21 Q. Did you expect him to  
22 investigate?

23 A. Yes.

24 Q. Okay. And what did you -- how  
25 did you expect him to investigate?

1           A.     Talk to the people who were  
2 making official complaints to get their side  
3 of things, and also speak to Lindsey.

4           Q.     Were you aware of Mr. David  
5 having done that type of investigation in any  
6 other circumstance?

7           A.     With the [REDACTED]  
8 situation.

9           Q.     Anyone else?

10          A.     I don't remember off the top of  
11 my head. That's just one that specifically  
12 sticks out.

13          Q.     And to your knowledge, is that  
14 what Mr. David did?

15          A.     I think so.

16          Q.     And what do you base that on?

17          A.     Because I remember that he spoke  
18 to Senior Staffer #2 and Senior Staffer #3 at the time. And I  
19 remember that [REDACTED] said that she appreciated  
20 that I had taken her complaint to Alphonso.  
21 And so I assumed that that meant that he was  
22 managing it from there.

23          Q.     Do you understand  
24 Senior Staffer #2 [REDACTED] to be making a complaint  
25 about Ms. Boylan?

1 A. Yes.

2 Q. Did you understand **Senior Staffer #3**  
3 to be making a complaint about Ms. Boylan?

4 A. Yes.

5 Q. And what is your basis for saying  
6 that you understood **Snr Staffer #2** to be making a  
7 complaint about Ms. Boylan?

8 A. Not dissimilar to [REDACTED] They  
9 had nasty e-mail exchange, which then was  
10 forwarded to Alphonso and said, "I want to  
11 make a complaint."

12 Q. **Snr Staffer #2** did that?

13 A. It was either she or **Snr Staffer #3** but  
14 they were both on the same chain.

15 Q. And they said -- your  
16 recollection is that in those documents, they  
17 said, "We want make a complaint"?

18 A. Yes.

19 Q. And so did Ms. Boylan get  
20 counseling?

21 A. An attempt at it, yes.

22 Q. And by "attempt at it," what is  
23 your understanding of what happened?

24 A. That Alphonso --

25 THE WITNESS: Am I allowed to

1 talk about this?

2 A. That Alphonso sat her down.

3 THE WITNESS: Am I allowed to

4 talk about this?

5 MR. HECKER: Hang on.

6 I think this is privileged.

7 MS. KENNEDY PARK: There are --

8 MR. HECKER: I think --

9 MS. KENNEDY: -- piles of

10 documents about this.

11 MR. HECKER: Can you -- look, I  
12 don't want there to be an issue. Can  
13 you use the documents and ask her about  
14 those? If they produced the documents,  
15 go for it.

16 MS. KENNEDY PARK: I'd like to  
17 know what she knows.

18 BY MS. KENNEDY PARK:

19 Q. So what do you know about what  
20 happened with Ms. Boylan? And how do you know  
21 it?

22 Why don't you start with: How do  
23 you know it?

24 MR. HECKER: Do you only know it  
25 through discussions with counsel;

1 Alphonso David in particular?

2 THE WITNESS: Yeah.

3 MR. HECKER: Have you seen  
4 documents relating to it separately?

5 THE WITNESS: The memo that was  
6 put on file subsequently.

7 MS. KENNEDY PARK: Are you going  
8 to allow her to testify what --

9 BY MS. KENNEDY PARK:

10 Q. In the moment what Mr. David told  
11 you?

12 MR. HECKER: The memo has been  
13 produced. Right?

14 MS. KENNEDY PARK: The memo's  
15 been produced. This has all been  
16 waived. I mean, there's press articles  
17 about this.

18 MR. KIM: The subject of Lindsey  
19 Boylan and Alphonso David has been  
20 waived as far as I -- a number of people  
21 have testified about it.

22 I mean, it's our view it's, sort  
23 of, sword and shield.

24 But consultations with -- you  
25 know, and what they did with Lindsey

1           Boylan, that's been openly discussed.

2           MR. HECKER: Go ahead.

3           THE WITNESS: Okay.

4           A.     Following their meeting, Alphonso  
5 and I spoke. I don't remember if it was on  
6 the telephone or in person. But he told me  
7 that he had sat her down with, I think,  
8 Camille -- I think Camille, but there was  
9 definitely another person present.

10                   And that they talked to her about  
11 the complaints that had come in; the three  
12 women at ESD and the fact that Howard Zemsky  
13 and the counsel at ESD had formally requested  
14 she be removed from the ESD line and the  
15 floor.

16                   Senior Staffer #3 and Senior Staffer #2 feeling  
17 that she mistreated them.

18                   ██████████ -- and I can't  
19 remember if there was more than that, but at  
20 least those instances. And that they  
21 attempted to speak to her about it, but it  
22 didn't go very far, that she pretty quickly  
23 erupted and said, "I'm quitting," and she  
24 left.

25                   And then I found out subsequently

1 that day from a lobbyist that she had sent out  
2 a blast e-mail to her contacts saying, "Today  
3 is my last day in the executive chamber."

4 BY MS. KENNEDY PARK:

5 Q. Okay. And before that  
6 conversation with Mr. David, were you aware of  
7 the three women at ESD who had raised concerns  
8 about Ms. Boylan?

9 A. Yes.

10 Q. And how did you become aware of  
11 that?

12 A. From Alphonso. It's, like, a  
13 very serious thing when an agency requests to  
14 have somebody removed from the floor and the  
15 line. It's -- I don't have any memory of that  
16 ever happening.

17 Q. I think the question I asked was:  
18 How did you become aware?

19 A. Yeah.

20 Q. You became aware of it through  
21 Mr. David?

22 A. Yeah.

23 Q. So prior to the conversation  
24 after the meeting with Lindsey Boylan  
25 between -- between "Mr." Boylan and Mr. David,

1 that was not the first time you heard about  
2 these three women?

3 A. No.

4 Q. Okay. And so then you said after  
5 the meeting, Lindsey Boylan -- at the meeting,  
6 Mr. David reported that Lindsey Boylan had  
7 said she quit?

8 A. Yes.

9 Q. Okay. She told Mr. David she  
10 quit?

11 A. Yes.

12 Q. Okay. And then she said --

13 A. I think so.

14 Q. Your recollection is that Mr.  
15 David told you --

16 A. Yes, that's my --

17 Q. -- that Ms. Boylan had quit?

18 A. That's my recollection.

19 Q. Okay. And this was --

20 A. I just -- I'm hedging a little  
21 bit because I don't remember if it was a  
22 situation like when I spoke to her on the  
23 phone, and she, like, left the office and we  
24 were unsure of what was going on.

25 But I know that shortly

1 afterwards, she sent out a blast e-mail to her  
2 contacts saying that today was her last day in  
3 the executive chamber.

4 Q. Okay. So in between the meeting  
5 with Mr. David that you had and you learning  
6 of the blast e-mail, it sounds like you had  
7 some concern that maybe you were in this "what  
8 is her intention" place, like you had  
9 described to me before, is she quitting or is  
10 she not quitting. Is that right?

11 A. No.

12 Q. No?

13 A. I'm saying I don't remember if  
14 Alphonso said to me that she declared in the  
15 meeting that she was quitting, or if it wasn't  
16 until afterwards.

17 So I'm not -- I don't want to  
18 characterize what I knew at the time as saying  
19 I was in that place of I don't know. I'm just  
20 saying to you my memory isn't clear.

21 Q. Okay. Your memory is not clear  
22 as to whether you understood, based upon your  
23 meeting with Mr. David, that Ms. Boylan had  
24 quit?

25 A. That's what I'm saying.

1 Q. Okay. And that she had, on prior  
2 occasions, caused some confusion about whether  
3 she was quitting the executive chamber?

4 A. At least the one instance with  
5 me.

6 Q. Are you aware of any other  
7 instances?

8 A. No.

9 Q. You told me that she had had  
10 multiple outbursts like the one with you.  
11 Right?

12 A. Yes.

13 Q. And on those other outbursts, I  
14 think you already told me that her intention  
15 as to whether she was going to remain in the  
16 chamber was unclear. Is that right?

17 A. I don't think so.

18 Q. Okay.

19 A. There were other times when she  
20 had outbursts with staff and she would act  
21 out, but I don't remember any other specific  
22 time when I thought to myself, is she not  
23 coming back or coming back. That doesn't  
24 necessarily mean that it didn't happen, but I  
25 only recall that one time.

1 Q. I see. Meaning it didn't happen  
2 with other people, just not you?

3 A. That's what I'm saying. I  
4 don't -- I can't, you know, speak to every  
5 incident.

6 Q. Okay.

7 MS. CLARK: Jen, can I just jump  
8 in?

9 MS. KENNEDY PARK: Yeah, sure,  
10 sure.

11 MS. CLARK: So you said the ESD  
12 wanted her removed from their floor.

13 Why didn't she move to the  
14 executive chamber floor when she  
15 switched from ESD to becoming deputy  
16 secretary?

17 THE WITNESS: So she had a very  
18 big office on 37, and all of the offices  
19 on 39 where the governor sits, which is  
20 sort of viewed as, like, that's where  
21 all the senior staff are, there were no  
22 offices that were similar to the one  
23 that she had on 37.

24 So when she came over, she  
25 requested to stay on 37 so that she

1           could keep her office and her assistant,  
2           because, otherwise, she would have been  
3           either severely downgraded in terms of  
4           office size, or she would have gone to  
5           the 38th floor, which she viewed as,  
6           like, beneath her.

7           MS. CLARK: It was her request to  
8           stay on 37?

9           THE WITNESS: Yeah.

10          BY MS. KENNEDY PARK:

11           Q. Did she tell you that she viewed  
12          being on the 38th floor as being beneath her?

13           A. Not in those specific words.

14           Q. And what were the words she used?

15           A. I didn't have the conversation  
16          with her. Jill had the conversation with her.  
17          And I believe, based on my recollection, that  
18          Jill said, "Either you can have one of these  
19          smaller offices on 39, or we can give you a  
20          bigger office on 38." And that she didn't  
21          react well to the idea of being put on the  
22          38th floor.

23           Q. Okay. And what else did Jill  
24          tell you about her not reacting well?

25           A. That Jill's takeaway was she

1 viewed it as being beneath her.

2 Q. All right. So circling back, so  
3 now you're not sure exactly the memory of what  
4 Mr. David told you about whether she was  
5 quitting or not, but then you become aware  
6 that there is an e-mail that Ms. Boylan has  
7 sent.

8 Were you on that e-mail?

9 A. I don't remember. I  
10 didn't -- let me put it this way: If I was,  
11 that wasn't how I learned of it.

12 Q. Okay. And you learned of it  
13 from?

14 A. A lobbyist.

15 Q. Okay. Which lobbyist?

16 A. I think it was -- I think it was  
17 [REDACTED]. I don't -- [REDACTED]. But I  
18 don't remember. I think it was him.

19 Q. Okay. So after you learned about  
20 the e-mail, what did you do?

21 A. I think I called the  
22 communications department and said, "We may  
23 get press incoming on this."

24 Q. Okay. And by calling the  
25 communications department, who did you call?

1 A. Dani and Rich.

2 Q. Okay. And what did they say?

3 A. I just said, "I'm flagging this.  
4 I feel like you could get press incoming. If  
5 you do, let me know."

6 Q. Okay. Did you make any attempt  
7 to reach out to Ms. Boylan?

8 A. I don't think so.

9 Q. Did you speak to anyone else in  
10 the executive chamber about the e-mail other  
11 than Dani Lever and Rich Azzopardi?

12 A. I think Alphonso.

13 Q. Okay. And what do you recall  
14 about your conversation with Mr. David?

15 A. I don't. I think I just was  
16 like, "Well, she sent this out. So I guess  
17 that's that."

18 Q. Did you start looking for a  
19 replacement?

20 A. Not in two days, but, yeah,  
21 pretty immediately.

22 Q. How immediately after that e-mail  
23 did you start looking for a replacement?

24 A. That's an important job. So I  
25 don't remember specifically, but sometime in

1 the near future.

2 Q. Did you ever speak to the  
3 governor about Ms. Boylan's leaving the  
4 executive chamber?

5 A. Yes.

6 Q. Okay. And tell us about that  
7 conversation.

8 A. Alphonso and I spoke to him  
9 together.

10 THE WITNESS: Is that --

11 MR. HECKER: Yeah. I mean, I  
12 think that's privileged unless  
13 Alphonso's already disclosed it.

14 MS. KENNEDY PARK: So just to be  
15 clear, the executive chamber's position  
16 as communicated to you -- sorry, just  
17 got to make a record -- the executive  
18 chamber's position as communicated to  
19 you is that you can disclose the  
20 conversations with Ms. Boylan, but you  
21 can't disclose the conversations with  
22 the governor related to Ms. Boylan?

23 MR. HECKER: Can -- I don't know  
24 that that fairly captures it. There are  
25 some conversations we were aware of and

1 got guidance of. This isn't one of  
2 them.

3 Could we put a pin in this and  
4 come back to it after we get an answer?  
5 We already have an inquiry in, but we  
6 don't have an answer yet.

7 MS. KENNEDY PARK: Okay. Let's  
8 put a pin in it.

9 BY MS. KENNEDY PARK:

10 Q. So after the conversation with  
11 the governor and Mr. David, did you have any  
12 conversations with the governor one-on-one  
13 after that about Lindsey Boylan and her  
14 quitting?

15 A. Yes. She called the office and  
16 attempted to talk to the governor, I think  
17 twice, and Stephanie didn't know what to do.  
18 And so Stephanie sought advice from Alphonso  
19 and -- okay.

20 So I flagged for him, "FYI, it  
21 sounds like Lindsey has called a couple of  
22 times, and Stephanie is dealing with it with  
23 Alphonso."

24 And then she sent Stephanie an  
25 e-mail saying, "I love the governor. Please

1 let me talk to him. I'm the only one who has  
2 his best interest at heart."

3 Q. What happened after that e-mail?

4 A. Stephanie forwarded the e-mail to  
5 Alphonso and copied me.

6 Q. Other than in preparation for  
7 today's meeting, when was the last time you  
8 saw that e-mail?

9 A. Not -- back then. I looked for  
10 it.

11 Q. Were you able to find it?

12 A. No.

13 Q. Do you know if Ms. Benton -- did  
14 you ask Ms. Benton to look for it?

15 A. We both looked for it.

16 Q. Was anyone able to find it?

17 A. No.

18 Q. After the e-mail, did you have  
19 any conversations with the governor after that  
20 e-mail came in about the e-mail?

21 A. We had a conversation about the  
22 advice we received from counsel on how to deal  
23 with it.

24 MS. KENNEDY PARK: And we're  
25 putting a pin in that.

1 Q. Any other conversations with the  
2 governor about Ms. Boylan in September of 2018  
3 about Lindsey Boylan?

4 A. No.

5 Q. Other than what you've just  
6 described in terms of the incident in July,  
7 the incidents that led to the September  
8 attempt at counseling, and your concerns about  
9 Ms. Boylan's breach of protocol, did you have  
10 any other concerns about Ms. Boylan's  
11 performance in the executive chamber?

12 A. No. No.

13 Q. Did you have any other concerns  
14 about Ms. Boylan's behavior in the executive  
15 chamber that you haven't raised to our  
16 attention?

17 A. No, it's -- she was just  
18 incredibly ornery. And it was -- it, for me,  
19 just became a headache. Like, every time I  
20 turned around, someone was complaining to me  
21 about Lindsey.

22 Q. Did you ever have any concerns  
23 that she had behaved inappropriately from a  
24 sexual perspective in the executive chamber?

25 A. Not in the executive chamber, no.

1 Q. Okay. Did you have any concerns  
2 that she had behaved inappropriately outside  
3 the executive chamber?

4 A. When she was at ESD.

5 Q. Okay.

6 A. And I wouldn't characterize it as  
7 inappropriately.

8 Q. Tell us about that.

9 A. I heard, I believe, from -- this  
10 is going to be tricky again -- [REDACTED] who is  
11 counsel at ESD.

12 THE WITNESS: Can I keep going?

13 MR. HECKER: You learned just  
14 facts from [REDACTED]?

15 THE WITNESS: So --

16 MR. HECKER: Was it a discussion  
17 of -- did it include legal advice from  
18 [REDACTED]

19 THE WITNESS: It -- well, she  
20 was, like, reporting it up.

21 MS. KENNEDY PARK: Do you want to  
22 go off the record?

23 MR. HECKER: Yeah.

24 MS. KENNEDY PARK: Can we go off  
25 the record?

1 THE VIDEOGRAPHER: The time is  
2 2:13 p.m. This concludes Media 5. Off  
3 the record.

4 (Recess taken from 2:14 p.m. to  
5 2:24 p.m.)

6 THE VIDEOGRAPHER: The time now  
7 is 2:24 p.m. This begins Media 6. On  
8 the record.

9 BY MS. KENNEDY PARK:

10 Q. So earlier you told me that you  
11 had a conversation with Alphonso David and the  
12 governor about Lindsey Boylan.

13 Can you tell us the part of that  
14 conversation that did not involve the  
15 provision of legal advice by Mr. David?

16 A. We let the governor know that  
17 Lindsey had obviously, like, in the aftermath  
18 of her resignation, reached back out to get  
19 her job back, and following that, had been  
20 attempting to contact the governor directly.

21 Q. And what did the governor say?

22 A. "How should I handle this?"

23 Q. And then Mr. David provided legal  
24 advice?

25 A. Yes.

1 MS. KENNEDY PARK: As to which  
2 your counsel instructed you not to  
3 testify?

4 MR. HECKER: Well, the chamber  
5 has instructed us that they're not  
6 waiving privilege as to that advice.

7 MS. KENNEDY PARK: Okay.

8 Q. And how did you come to know that  
9 Ms. Boylan had reached out to get her job  
10 back?

11 A. Alphonso called me that weekend.

12 Q. And what did he tell you?

13 A. Exactly that, that she had  
14 reached out, I think that Sunday morning, and  
15 said that she --

16 THE WITNESS: I'm fine with this  
17 stuff. Right?

18 A. Okay. So she said that she  
19 acknowledged that her behave -- some of the  
20 things from the complaints were accurate, that  
21 she thought that the **Senior Staffer #2/Senior Staffer #3** stuff  
22 went both ways. It wasn't just one-sided,  
23 that she felt like they also were difficult  
24 with her.

25 And that -- I think she was

1 surprised by the [REDACTED] complaints,  
2 which was interesting to me because [REDACTED] was,  
3 like, the most vocal. And that she wanted to  
4 come back to the chamber. She wanted her job  
5 back.

6 Q. And what did you tell Mr. David?

7 A. We discussed whether or not it  
8 was a good idea.

9 Q. And did Mr. David provide you  
10 with legal advice?

11 A. Yes.

12 MS. KENNEDY PARK: And I'm  
13 guessing the executive chamber is  
14 instructing you not to answer questions  
15 about what that legal advice was?

16 MR. HECKER: About legal advice.  
17 Right.

18 Q. And going back to the  
19 conversation between you, the governor, and  
20 Mr. David, anything else that the governor  
21 said other than asking what we should do?

22 A. No.

23 Q. Was the governor surprised at any  
24 of the information that you conveyed to him?

25 A. I think that he was surprised at

1 the ultimate -- you know, her storming out  
2 while Alphonso was counseling her. I try to  
3 keep stuff off his desk that he doesn't need  
4 to be -- to know about. There's, like, so  
5 many important things going on.

6 So I think that he was aware that  
7 there had been complaints about Lindsey, that  
8 Lindsey had had altercations with members of  
9 the staff, but I don't think necessarily  
10 realized that it had reached that point.

11 Q. How did you come to understand  
12 that the governor was aware that there had  
13 been complaints about Lindsey before the  
14 September 28 incident?

15 A. I think that Stephanie had said  
16 something at some point. I think that I had  
17 said something at some point. I think Robert  
18 said something at some point.

19 Q. To the governor?

20 A. Yes.

21 Q. What did you say to the governor  
22 prior to September 2018 about Ms. Boylan?

23 A. I think I told him about the  
24 incident that I had with her, because I didn't  
25 know if she would go to him directly about it,

1 and so I wanted to make sure he wasn't  
2 blindsided.

3 Q. So earlier I asked you if you had  
4 talked to anybody else about that incident,  
5 and you didn't say the governor was one of the  
6 people you talked to. But now you're  
7 remembering you spoke to the governor?

8 A. Yes, I think.

9 Q. And what was the governor's  
10 reaction to you telling him about that  
11 incident?

12 A. He doesn't -- he traditionally  
13 doesn't like to weigh in on, like --

14 MR. HECKER: Just, do you  
15 remember that conversation and what --

16 THE WITNESS: Not specifically.

17 A. Except that he didn't engage it.

18 Q. Meaning you told him and he  
19 didn't react, to your recollection?

20 A. Right.

21 Q. And can you remind me again --  
22 I'm sorry -- why did you decide to give him a  
23 heads up about the July 2018 incident?

24 A. Because she would potentially go  
25 to him directly.

1 Q. Had she told you she was going to  
2 go to the governor?

3 A. No.

4 Q. And you said you think Ms. Benton  
5 had a conversation with the governor prior to  
6 September 2018 about Ms. Boylan.

7 What do you understand about  
8 those conversations?

9 A. I don't have any specific  
10 knowledge, but I know that the Lindsey/Senior Staffer #3  
11 stuff with Lindsey was pretty intolerable.  
12 And it -- I assume that Stephanie would have  
13 talked to him about it.

14 Q. Okay. Don't assume.

15 A. Okay.

16 Q. Do you know that Stephanie Benton  
17 spoke to --

18 A. No, I think --

19 Q. We just can't talk over each  
20 other. Okay?

21 A. Sorry.

22 Q. That's okay.

23 So do you know that the  
24 Ms. Benton spoke to the governor about Lindsey  
25 Boylan prior to September of 2018?

1 A. No.

2 Q. Do you know if at any time  
3 Ms. Benton spoke to the governor about  
4 Lindsey Boylan?

5 A. No.

6 Q. And then I think --

7 A. Well -- I'm sorry.

8 Q. Go ahead.

9 A. Not to speak over you. I don't  
10 know if she told him about that e-mail that  
11 she received, separate from the conversation  
12 that Alphonso and I had with him.

13 Q. Okay. And you say "that e-mail."  
14 What e-mail are you referring to?

15 A. The one that she said, "I love  
16 him. I'm the only one who has his best  
17 interest at heart. Please let me talk to  
18 him."

19 Q. Okay. So are you aware of  
20 whether Ms. Benton told the governor the  
21 existence of that e-mail?

22 A. I don't. That's what I'm saying,  
23 I -- that would be something where I would  
24 think that that could have come up.

25 Q. And what about Mr. Mujica? What

1 do you know about his conversations with the  
2 governor about Lindsey Boylan prior to  
3 September 2018?

4 A. I was in the room one time when  
5 there was a difficult conversation on the  
6 phone that Lindsey was a part of. And Lindsey  
7 got vocal, like, got her voice raised. And  
8 when the governor hung up, Robert was like,  
9 "It'll be okay, you know. I'll talk to her,"  
10 like, "It's fine," kind of thing.

11 Q. And do you remember why  
12 Ms. Boylan's voice was getting raised?

13 A. I believe it's because the  
14 governor was asking her questions about a  
15 project and she got offended.

16 Q. Well, what did you  
17 understand -- how did you come to understand  
18 that she got offended?

19 A. By her reaction.

20 Q. How did you come to --

21 A. I shouldn't characterize it. Her  
22 voice raised. She was clearly frustrated.

23 Q. Okay. Why don't we do this: You  
24 tell me what Mr. Mujica told you about that  
25 meeting. Were you there?

1           A.     Yes.

2           Q.     Okay.  So what happened in the  
3 meeting?

4           A.     There was a call on speaker phone  
5 with a group of people about a project.  I  
6 think it was an MTA project.  This was around  
7 the time that I was telling you about, the  
8 ██████ -- how Lindsey got upset because the  
9 governor said, "Speak to Rob and ██████ about  
10 it."

11                     And on the phone, the governor  
12 was doing what he generally does, which he,  
13 like, refers to as "peeling the onion" where  
14 he asks a million questions.  And as he was  
15 asking questions, she didn't have the answers.

16                     And then he would ask the next  
17 question, and she was getting increasingly  
18 aggravated, which was obvious by her raising  
19 her voice and getting frustrated.

20                     And then the call ended, and it  
21 was, like, one of those situations -- I'm sure  
22 we've all been in these moments where you're  
23 in a -- like, a meeting with the room, and  
24 everyone looks at each other like -- and Rob  
25 was like, "I'll talk to her.  It'll be fine.

1 I'll talk to her."

2 Q. Was that the end -- that was the  
3 end of the meeting?

4 A. Yes.

5 Q. Okay. Do you have an  
6 understanding as to whether Mr. Mujica  
7 reported back to the governor on his  
8 conversation with Ms. Boylan after that?

9 A. I don't know.

10 Q. Do you know if Mr. Mujica did, in  
11 fact, speak to Ms. Boylan about that incident?

12 A. I believe, based on the text  
13 messages that I saw in -- what month are we  
14 in?

15 Q. I don't know. July.

16 A. -- in February, that, yes, that  
17 he had talked to her and attempted to calm her  
18 down.

19 Q. Okay. And what was the context  
20 in which you saw text messages in February  
21 between Mr. Mujica and Ms. Boylan?

22 A. It was December, I'm sorry.

23 When Lindsey made her anybody  
24 else claims on Twitter, Rob came to see me and  
25 said, "Melissa, you have to see this."



1 counseled?

2 A. No.

3 Q. Did you ever inquire as to what  
4 Ms. Boylan meant that it went both ways  
5 between her and **Senior Staffer #2** and **Senior Staffer #3**?

6 A. No, but I understood it to mean  
7 that to the extent that she thought  
8 that -- that they thought that she was  
9 disrespectful, she thought that they were  
10 disrespectful.

11 Q. Right. So -- but you didn't  
12 inquire as to what she -- what the basis was  
13 for her believing they were disrespectful to  
14 her?

15 A. No. At that point --

16 Q. Didn't ask anybody -- didn't ask  
17 anybody to investigate that?

18 A. No. At that point she had quit.

19 Q. Right. But were you comfortable  
20 with the idea that **Senior Staffer #2** could have  
21 been -- was potentially being disrespectful to  
22 people?

23 A. Based on Lindsey's behavior  
24 towards her assistants, her boss, people she  
25 viewed as beneath her, people she viewed as

1 her contemporaries, I did not believe that  
2 **Senior Staffer #2** was the problem.

3 Q. Okay. So you just decided that  
4 Ms. Boylan was not right about that?

5 A. It wasn't my place to do that one  
6 way or another. This was in the hands of  
7 counsel.

8 Q. So would you have an expectation  
9 that counsel was going to look into that  
10 allegation?

11 A. If there was warranted follow-up,  
12 I believe that they would do it, yes.

13 Q. Are you aware that they did look  
14 into it?

15 A. I don't know.

16 Q. Did you ever ask?

17 A. No.

18 Q. Circling back, we had put a pin  
19 in a conversation you had with **██████████**  
20 related to Ms. Boylan **██████████**.

21 Tell us about that conversation.

22 A. I didn't have the direct  
23 conversation with **██████████**. I don't remember  
24 if it was Linda or Alphonso, but one of them  
25 told me that **██████████** had received a complaint

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[REDACTED]

[REDACTED]

Q. So that was reported to you either by Ms. Lacewell or Mr. David?

A. One of the two of them.

Q. Okay. And what were you told about what was going to happen with that allegation?

A. The concern at that point was,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

And so we thought it was important to ask the direct question and make sure that she was aware of her rights.

Q. Did that happen?

A. Yes.

Q. And how do you know that that happened?

A. Because it was reported back to me.

Q. Okay. Who reported it back to you?

1 A. Alphonso.

2 Q. What did he tell you?

3 A. [REDACTED]

4 [REDACTED]  
5 and that he counseled Lindsey as to what was  
6 in the employee handbook, places that she  
7 could go to report, asked the direct question  
8 if she had ever been the subject of harassment

9 [REDACTED]  
10 [REDACTED], to which she unequivocally said  
11 no, and wanted to make sure that she  
12 understood that if there was any situation  
13 going on that she had a safe space to report,  
14 either through Alphonso, through ESD's  
15 counsel, or directly to GOER.

16 Q. Have you seen any documents  
17 related to that conversation?

18 A. Yes.

19 Q. And what documents have you seen?

20 A. There was a memo that was done  
21 memorializing it.

22 Q. And who has that memo?

23 Mr. David?

24 A. The chamber. I don't know that  
25 it's in Alphonso's possession.

1 Q. And you said [REDACTED]  
2 the incident. Right?

3 A. Yes.

4 Q. And did [REDACTED] the  
5 incident?

6 A. Yes.

7 Q. [REDACTED]

8 A. Yes.

9 Q. Did he speak to anyone else?

10 A. I don't think so.

11 Q. You don't think so, but are you  
12 sure?

13 A. I don't think so.

14 Q. You're sure they spoke to -- they  
15 didn't speak to anybody else?

16 A. That's not what I said. I said,  
17 "I don't think so."

18 Q. Was that the end of that?

19 A. Yes.

20 Q. Did you ever have any  
21 conversations with the governor about that?

22 A. No.

23 Q. Ever speak to anyone else in the  
24 executive chamber about it?

25 A. No.

1 Q. Ever speak to anyone outside the  
2 executive chamber about it?

3 A. No.

4 Are you talking about the rumors  
5 about [REDACTED] or about that  
6 specific incident?

7 Q. I'm talking about that specific  
8 incident.

9 A. No.

10 Q. And when was that?

11 A. Actually, I don't know that  
12 that's right.

13 Q. Let's pause and we'll come back  
14 to that.

15 When was that incident when  
16 Mr. David told you that there -- or  
17 Ms. Lacewell told you that there was this  
18 allegation made about [REDACTED]

19 [REDACTED]

20 A. It was either December or January  
21 of 2017, 2018. Whatever the date is on the  
22 memo, they were -- we took action pretty  
23 quickly.

24 Q. When was the last time you looked  
25 at that memo, other than with your counsel in

1 preparing for today?

2 A. Not in years. I don't even know  
3 that I saw it at the time.

4 Q. When was the first time you saw  
5 it?

6 A. In preparation.

7 Q. You just made reference to rumors

8 [REDACTED]

9 What are those rumors?

10 A. There were rumors that [REDACTED]

11 [REDACTED]

12 Q. Okay. Did you do anything about  
13 those rumors?

14 A. Exactly what I just told you.

15 Q. Other than the incident involving  
16 [REDACTED], was -- did the rumor have any facts  
17 to it?

18 A. No, it was just general chatter.

19 Q. Okay. So what led to the  
20 conversation about -- with Mr. David was  
21 actually a report from someone else?

22 A. Yes.

23 Q. Right? So did you ever do  
24 anything about the rumors about [REDACTED]

25 [REDACTED]

1           A.     No.  I frankly thought that they  
2 were mean.

3           Q.     During Ms. Boylan's time in the  
4 executive chamber or at ESD, were you aware  
5 that she got flowers from the governor?

6           A.     No.

7           MR. KIM:  Can I ask a follow-up  
8 question?

9           You had said that you might want  
10 to correct something when Jen asked  
11 whether you had spoken to anyone about  
12 that incident.

13          THE WITNESS:  When Lindsey  
14 started tweeting in December, [REDACTED]  
15 [REDACTED].  I believe a  
16 reporter from the New York Post asked  
17 about it.

18          And Azzopardi and I spoke about  
19 it and said we're absolutely not  
20 engaging in this.

21          MR. KIM:  About what?  About  
22 the --

23          THE WITNESS:  [REDACTED]

24          MR. KIM:  They raised it, and you  
25 said, "We're not talking about it"?

1 THE WITNESS: Yes.

2 MR. KIM: Had you spoken to  
3 anyone else within the executive chamber  
4 about the rumors generally [REDACTED]  
5 [REDACTED]?

6 THE WITNESS: No. I thought it  
7 was really mean.

8 MR. KIM: Mean in what way?

9 THE WITNESS: Mean in the way  
10 that who knows if it was true or not  
11 true. [REDACTED]

12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED] And I didn't want to  
17 be a part of spreading that.

18 BY MS. KENNEDY PARK:

19 Q. So I think before Mr. Kim asked  
20 you those questions, I'd asked you if you're  
21 aware that Ms. Boylan ever received flowers  
22 from the governor.

23 A. Can I answer that question in a  
24 nuanced way?

25 Q. Sure.

1 MR. HECKER: Just the answer.

2 A. I did not know specifically  
3 Lindsey, but he has a tradition of sending out  
4 flowers to the women on the second floor on  
5 Valentine's Day.

6 Q. Prior to February 22 --  
7 February 24 of 2021, were you aware that  
8 Ms. Boylan was a recipient of flowers from the  
9 governor --

10 A. Not specifically.

11 Q. You've got let me finish.

12 A. Oh, I'm sorry.

13 Q. It's okay.

14 A. Not specifically.

15 Q. And you said he has a tradition  
16 of sending flowers to everyone on the second  
17 floor on Valentine's Day?

18 A. Yeah.

19 Q. Everyone or just women?

20 A. Women. The mansion staff does it  
21 pretty automatically at this point. I think  
22 it was actually a Sandra idea at the  
23 beginning.

24 Q. There's actually no question  
25 pending. So just hold up, okay?

1 A. Sorry.

2 Q. During Ms. Boylan's time at the  
3 executive chamber or at ESD, were you aware  
4 that she had traveled to Puerto Rico with the  
5 governor?

6 A. I think I was on that trip.

7 Q. Okay. And what was that trip  
8 for?

9 A. I don't remember. Hurricane  
10 recovery, I'm sure.

11 Q. Did you see her engage with the  
12 governor on that trip?

13 A. Not that I recall.

14 Q. Did she fly with you?

15 A. I don't remember.

16 Q. Any other occasions in which  
17 you're aware that Ms. Boylan traveled with the  
18 governor?

19 A. I don't think so. I mean, other  
20 than, like, when he would fly to Buffalo to do  
21 a press conference.

22 Q. Are you aware that Ms. Boylan  
23 flew to Buffalo with the governor for press  
24 conferences?

25 A. Yes, she flew all over the state

1 for press conferences.

2 Q. And some of those trips were with  
3 the governor?

4 A. Yes.

5 Q. In the helicopter?

6 A. Some in the helicopter, some in  
7 the King Air.

8 Q. When you say "King Air," you mean  
9 the plane?

10 A. It's a prop plane, generously.

11 Q. How many times are you aware of  
12 Ms. Boylan traveling with the governor either  
13 on the helicopter or on the plane?

14 A. I don't know.

15 Q. More than a dozen?

16 A. Probably. The governor travels a  
17 lot.

18 Q. Are you aware of an occasion on  
19 which Ms. Boylan was involved in planning an  
20 event for the Regional Economic Development  
21 Awards?

22 A. I am.

23 Q. Okay. And what was her role in  
24 that?

25 A. She was the dep sec for economic

1 development. She was Howard's chief of staff.  
2 So as a result, she would be playing a lead  
3 role in that.

4 Q. So by "lead role," do you mean  
5 she was, kind of, planning and organizing the  
6 event?

7 A. Not the logistics, per se, but  
8 the substance.

9 Q. By "substance," who gets the  
10 awards?

11 A. There's a grading process. Each  
12 region of the state has to turn in their list  
13 of projects, and then each region is awarded a  
14 certain amount of money based on the substance  
15 of the project, how many jobs they believe  
16 they're going to create, et cetera.

17 Q. Where are the awards hosted?

18 A. In Albany.

19 Q. And when Ms. Boylan was there,  
20 who was the MC or host of the awards?

21 A. There's a different one every  
22 year.

23 Q. Okay. Who was the -- who were  
24 the ones that hosted when Ms. Boylan was a  
25 member of the ESD or the executive chamber?

1           A.     Generally speaking, it would be a  
2 news anchor. One time it was a local person  
3 from the Albany area. One -- I think one or  
4 two times it was Maria Bartiromo. And I don't  
5 remember the rest.

6           Q.     Do you remember who the local  
7 person was?

8           A.     I don't. Teresa something, I  
9 think.

10          Q.     Do you remember whether  
11 Ms. Boylan traveled with the governor and  
12 Ms. Bartiromo for that event?

13          A.     Only in the context of a recent  
14 news inquiry.

15          Q.     And tell us about that news  
16 inquiry.

17          A.     Ronan Farrow -- I believe it was  
18 Ronan Farrow; there were a lot of press  
19 stories in the spring -- said that she claimed  
20 that she felt degraded, that she was going to  
21 fly on the plane instead of stay back and talk  
22 to people.

23          Q.     And, sorry, just to flesh that  
24 out. She felt -- she -- Mr. Farrow told you  
25 that Ms. Boylan felt degraded that she was

1 going to fly on the plane back from Albany?

2 A. Yes.

3 Q. To New York City?

4 A. To be clear, I never had a direct  
5 conversation with Ronan Farrow. He had that  
6 conversation with Peter Ajemian.

7 Q. And then it was related to you?

8 A. Yes.

9 Q. Okay. And after that  
10 conversation was related to you -- by  
11 Mr. Ajemian. Is that right?

12 A. Mm-hmm.

13 Q. -- what did you do to look into  
14 that allegation?

15 A. Asked Annabel. And -- I don't  
16 think we talked to Jill about it. Asked  
17 Annabel.

18 Q. Annabel Walsh?

19 A. Yes.

20 Q. Why'd you ask Annabel?

21 A. I believe her allegation in the  
22 Ronan Farrow article was specific to Annabel,  
23 that Annabel had made her fly on the plane.

24 Q. That Annabel --

25 A. Or had told her she was supposed

1 to fly on the plane, and that she was upset  
2 about that and let that be known.

3 Q. Okay. And who spoke to  
4 Ms. Walsh?

5 A. I did. Peter did. I think we  
6 conferenced her into a call we were doing  
7 about the article.

8 Q. Who else was on the call?

9 A. There was sort of a revolving  
10 group of people that were involved in press  
11 responses, so I don't want to give you a  
12 complete list because I may be wrong, but  
13 certainly me, Peter, Rich, probably Lis,  
14 probably Jeff -- and I'm sorry. Lis Smith,  
15 Jeff Pollack. Probably Josh Vlasto. Some  
16 iteration of that group.

17 Probably -- and then we would  
18 always have the lawyers on, so either Linda,  
19 Beth, Judy, some iteration of the legal team.

20 Q. And what did Ms. Walsh say about  
21 that allegation?

22 A. That she didn't -- I don't  
23 remember. I don't remember specifically. I  
24 can tell you what my takeaway was, but I don't  
25 remember what words she used.

1 Q. Okay. Do you remember any words  
2 she used?

3 A. I don't. I don't.

4 Q. How about any documents she  
5 pointed you to?

6 A. I think that we pulled the flight  
7 log to see if she was even on the plane, and  
8 she wasn't even on the plane, and so we were  
9 all sort of confused by that.

10 Q. Was the allegation that she had  
11 been on the plane?

12 A. The way it was presented by Ronan  
13 Farrow led us to believe that that's what she  
14 was saying.

15 Q. That's not ultimately what she  
16 said. Right?

17 A. Well, we went back and said, "She  
18 wasn't even on the plane, so what are you  
19 talking about?"

20 And then I think he came back and  
21 said, "Well, that wasn't the issue. It was  
22 that she was being told that she was supposed  
23 to fly on the plane."

24 Q. Okay. And so what was your  
25 takeaway from Ms. Walsh?

1 A. That it was not an issue.

2 Q. And what do you mean by "it was  
3 not an issue"?

4 A. It wasn't something that rose to  
5 a level where she even remembered the  
6 conversation, that it's possible that she said  
7 to Lindsey, "I need you on standby potentially  
8 to fly with the governor and Maria down to the  
9 city."

10 She was the substance lead, it  
11 was economic development. "You're with a very  
12 important person who just hosted these  
13 awards." But, ultimately, the governor  
14 decided who was flying and didn't ask for  
15 Lindsey.

16 Q. And that's what Ms. Walsh  
17 reported to you?

18 A. That was her recollection.

19 Q. That she didn't really remember  
20 it?

21 A. It was like we were putting it  
22 together based on the flight logs and trying  
23 to think back through how it would have gone.

24 Q. Okay. So you thought about how  
25 it would have gone, but she -- did Ms. Walsh

1 actually remember how it did go?

2 A. I don't -- that's what I'm  
3 telling you. I don't remember specifically  
4 the words that she used, but that was the  
5 takeaway from it.

6 Q. Has there ever been, to your  
7 knowledge, any concern expressed by anyone  
8 about the governor being alone on a flight  
9 with Ms. Baroma -- or I'm sorry, I can't  
10 remember her name.

11 A. Bartiromo?

12 Q. Bartiromo.

13 A. Not that I recall specifically.  
14 They were good friends.

15 Q. Okay. Was there --

16 A. They are good friends.

17 Q. Was there any concern expressed  
18 ever, to your knowledge, about Sandra Lee  
19 finding out that the governor had traveled  
20 with Maria Bartiromo?

21 A. No. And the flight logs are  
22 public.

23 Q. Are you aware of any documents  
24 that expressed a concern about Sandra Lee  
25 finding out that the governor was traveling

1 with Ms. Bartiromo?

2 A. I don't think so.

3 Q. You said your takeaway was that  
4 the governor ultimately decided who traveled  
5 with him. Is that because the governor always  
6 decides who travels with him?

7 A. He can have opinions, cannot have  
8 opinions. It depends on the day.

9 Q. Okay. And did Ms. Walsh convey  
10 to you that she had a specific recollection of  
11 the governor having an opinion about the  
12 flight from Albany to New York with  
13 Ms. Bartiromo?

14 A. What I remember was that she had  
15 what she thought -- again, and I don't  
16 remember if this was a specific  
17 recollection -- that she had asked Lindsey to  
18 be on standby just in case, but then,  
19 ultimately, the governor didn't ask anyone  
20 else to fly.

21 Q. Okay. After Ms. Boylan left --

22 MS. KENNEDY PARK: Well, before I  
23 transition to asking about after she  
24 left the executive chamber, Ms. Clark or  
25 Mr. Kim, do you have any questions about

1 her time during the executive chamber?

2 Okay.

3 Q. After Ms. Boylan left the  
4 executive chamber, she ran for congress.  
5 Right?

6 A. Yes.

7 Q. What seat did she run for?

8 A. I don't know the number. I think  
9 it's New York 18. It was against Jerry  
10 Nadler.

11 Q. Okay. How did you become aware  
12 that Ms. Boylan was intending to run for Jerry  
13 Nadler's seat?

14 A. I don't remember. It may have  
15 just been on Twitter. I don't remember.

16 Q. Okay. Did you ever speak to  
17 anyone about the fact that Lindsey Boylan was  
18 running for Mr. Nadler's seat?

19 A. I'm sure I did.

20 Q. Okay. Who did you talk to?

21 A. I don't remem- -- like no one  
22 conversation sticks out specifically.

23 Q. Did you talk to anybody in -- I'm  
24 going to call it Nadler's camp -- about  
25 Ms. Boylan?

1 A. Yes.

2 Q. Okay. Who did you talk to?

3 A. [REDACTED].

4 Q. Can you spell her last name for  
5 the court reporter?

6 A. [REDACTED]

7 Q. Okay. And who's [REDACTED]?

8 A. Jerry Nadler's chief of staff.

9 Q. Okay. When was this  
10 conversation?

11 A. I don't remember. I imagine  
12 either right before or shortly after she  
13 declared. But I don't remember what month  
14 that was.

15 Q. So you were aware before she  
16 declared that she was seeking --

17 A. I don't -- I don't remember. I  
18 think that was --

19 MR. HECKER: Wait.

20 A. Sorry.

21 Q. It's okay. Were you aware before  
22 Ms. Boylan declared she was running for  
23 Mr. Nadler's seat that she was intending to  
24 declare?

25 A. I don't remember, because

1 oftentimes what happens is people will put  
2 out, you know, leaks on purpose so that you,  
3 like, draw out a press cycle. And that will  
4 happen before someone officially does the  
5 podium press conference I'm running.

6 So I just don't remember where in  
7 that calendar that happened.

8 Q. Okay. So tell us what you  
9 remember about the conversation with

10 [REDACTED].

11 A. That [REDACTED] reached out and asked  
12 what I -- if I knew what was going on, why was  
13 a Cuomo person running against Jerry? Were we  
14 going to get involved in the race?

15 Q. [REDACTED] reached out to you?

16 A. Yes.

17 Q. Okay. What did you tell her?

18 A. I said, "I don't know what to  
19 tell you, [REDACTED] like, I can't tell Lindsey not  
20 to run. I wouldn't tell Lindsey not to run.  
21 I don't have any sort of relationship with  
22 her."

23 Q. Did you say anything else about  
24 her?

25 A. That was basically it, that I

1 recall.

2 Q. Do you recall speaking at all  
3 about Ms. Boylan's competency?

4 A. No.

5 Q. Speaking about her character?

6 A. No.

7 Q. Speaking about the circumstances  
8 under which she left the executive chamber?

9 A. No.

10 Q. Speaking about the fact that  
11 there was a file?

12 A. No.

13 Q. Did you speak to anyone else who  
14 had connections --

15 A. Wait, let me back up. I think I  
16 said to her -- in the context of me saying,  
17 like, look, I can't get involved, like she --  
18 like, she didn't leave on great terms, like,  
19 this isn't the kind of thing where I can,  
20 like, pick up the phone.

21 Q. Did you say anything else about  
22 the circumstances under which Ms. Boylan left  
23 the executive chamber?

24 A. Not that I recall.

25 Q. After the conversation with

1 [REDACTED], did you relay that information --  
2 or that conversation to anybody in the  
3 executive chamber?

4 A. I don't remember if I said  
5 something to -- no, I didn't. I was thinking  
6 if I said something to someone at the state  
7 party, but that's not the executive chamber.

8 Q. Did you say something to somebody  
9 at the state party?

10 MR. HECKER: See what you did  
11 there?

12 A. I may have. I may have said  
13 something to the executive director.

14 Q. Okay. Who is the executive  
15 director?

16 A. Now, it's Jay Jacobs. I can't  
17 remember who it was at the time.

18 Q. Okay. And what do you recall you  
19 may have said?

20 A. There's always conversations  
21 about the interparty challenges. And so I  
22 think I said something to the effect of,  
23 "Heads up, Jerry's not happy."

24 Q. And how did you come to  
25 understand that Jerry Nadler wasn't happy?

1           A.     It was the conclusion I drew  
2 based on my conversation with [REDACTED]

3           Q.     Is there something specific  
4 [REDACTED] had said that made you understand  
5 that Mr. Nadler wasn't happy?

6           A.     I don't think anyone likes --

7           Q.     -- Mr. Nadler?

8           A.     -- a primary challenge. It had  
9 nothing to do specifically with Lindsey.

10          Q.     Do you recall speaking to anybody  
11 else about Ms. Boylan's run for congress?

12          A.     I spoke to [REDACTED]  
13 because he told me she came to see him and ask  
14 his advice. Other than that, nothing  
15 specific.

16          Q.     And what did you talk about with  
17 [REDACTED]?

18          A.     He said, "She came to see me and  
19 asked for advice. I said, 'Jerry' -- like,  
20 "'tell me your justification. Why are you  
21 running? Like Jerry's a good member of  
22 congress.'" "

23                    Like convince me, you know, pitch  
24 me kind of thing. And that she just kept  
25 coming back to it's time for new energy and

1 fresh blood. And he was like, "That's not  
2 enough for me."

3 And so he just relayed back to me  
4 that he wasn't particularly impressed, and  
5 that it didn't seem like there was a real  
6 justification that would be sellable in a  
7 campaign.

8 Q. Is your recollection that  
9 [REDACTED] reached out to you to convey  
10 this conversation?

11 A. Not specifically. [REDACTED] and I  
12 are good friends, we talk all the time.

13 Q. Do you remember how Ms. Boylan  
14 came up in the conversation?

15 A. I think he said, "Oh, hey, I sat  
16 with Lindsey Boylan, and she used to work for  
17 you."

18 Q. And did you say anything in  
19 response?

20 A. No.

21 Q. Did you tell him anything about  
22 Ms Boylan's time in the executive chamber?

23 A. No.

24 Q. Did you tell him any of your  
25 personal opinions about Ms. Boylan?

1 A. No.

2 Q. In the context of Ms. Boylan  
3 running for congress, did you share your  
4 personal opinions of her with anyone?

5 A. Not that I recall.

6 Q. And in the context of Ms. Boylan  
7 running for congress, other than telling  
8 [REDACTED] that she didn't leave the executive  
9 chamber on the best terms, did you share any  
10 opinions about her work performance with  
11 anyone?

12 A. No, not that I recall.

13 Q. Let's look at Tab 10 in your  
14 binder.

15 MS. KENNEDY PARK: We're marking  
16 this as the next exhibit.

17 (Exhibit 10, Text message  
18 including Melissa DeRosa, Rich  
19 Azzopardi, and Annabel Walsh dated April  
20 20, 2019, marked for identification, as  
21 of this date.)

22 Q. So if I've done this right, this  
23 is a text message from you to Jill DesRosiers,  
24 Rich Azzopardi, Annabel Walsh, Stephanie  
25 Benton, Jim Malatras, Dani Lever, Robert

1 Mujica, Beth Garvey, Peter --

2 A. I don't know that I'm looking at  
3 the right thing. I'm sorry.

4 Q. I think you are. Yup, look at  
5 the first page.

6 A. Okay.

7 Q. Flip back.

8 MR. HECKER: She's asking you to  
9 look at the first page.

10 Q. Flip back. Right at the top.  
11 See it?

12 A. Okay.

13 Q. There you go. That's what I was  
14 looking at.

15 A. Okay.

16 Q. So we're agreed that this is a  
17 text message from you to that group I just  
18 named?

19 A. Yes.

20 Q. And this is from April 20, 2019.

21 A. Okay.

22 Q. And you appear to have attached a  
23 screenshot that has been heavily redacted.

24 Who are the parties in this  
25 e-mail?

1 A. I have no idea. I have no idea.

2 Q. The bottom e-mail on February 28,  
3 2019, where it says:

4 "I was disappointed to read that  
5 you floated your name as a primary  
6 opponent to Jerry Nadler. It's a shame  
7 that you did not listen to me."

8 A. I don't know who sent that.

9 Q. Is that you who sent it?

10 A. I don't think so. I don't think  
11 so.

12 Q. Okay. Is it [REDACTED]?

13 A. I don't think so.

14 Q. It says:

15 "If you run, I seriously doubt  
16 you will reach the 11 percent level his  
17 last opponent did."

18 Do you understand what that  
19 meant?

20 A. I understand what it means based  
21 on reading this text, but ...

22 Q. How did this get to you?

23 A. I don't know.

24 Q. Well, did you -- do you recall  
25 why you sent it to this group?

1 A. I don't.

2 Q. Did you ask anybody in this group  
3 to do anything in response to this e-mail?

4 A. I don't think so.

5 Q. You can put that aside.

6 A. Did I send this text message?

7 Q. This is a text message on the  
8 first page, it's from you.

9 A. No, I get it, but I'm saying  
10 this.

11 Q. This is the attachment you sent.

12 A. But I don't know who sent it -- I  
13 don't recall who sent it.

14 Q. Right. That's why I'm asking you  
15 because I don't know either.

16 A. Yeah, I don't know. No, and  
17 certainly not [REDACTED]. I don't know.

18 Q. Why do you say it's certainly not  
19 [REDACTED]

20 A. Because that's not his style.  
21 That's -- he would never write something like  
22 that.

23 Q. What do you mean "he would never  
24 write something like that"?

25 A. He's like a very classy, nice

1     guy. He wouldn't write that.

2             Q.     So you think this is not classy?

3             A.     I just -- he wouldn't ever  
4     communicate with her like that. He -- I don't  
5     think he ever communicated with her again. I  
6     have no idea who that's from.

7             MR. HECKER: That's the question.

8             MS. KENNEDY PARK: I have no  
9     sense of what time it is. Okay, it's  
10    3 o'clock. So we've been going for -- I  
11    don't know how long. Do you want to  
12    take a break? We're going to shift.

13            MR. HECKER: Do you want to take  
14    a break?

15            THE WITNESS: Do you want take  
16    like three minutes, just run to the  
17    bathroom?

18            THE VIDEOGRAPHER: The time is  
19    2:59 p.m. This concludes Media 6. Off  
20    the record.

21            (Recess taken from 2:59 p.m. to  
22    3:08 p.m.)

23            THE VIDEOGRAPHER: The time now  
24    is 3:08 p.m. This begins Media 7. On  
25    the record.

1 BY MS. KENNEDY PARK:

2 Q. Ms. DeRosa, do you know someone  
3 by the name of Charlotte Bennett?

4 A. Yes.

5 Q. How did you know Ms. Bennett?

6 A. She worked in the executive  
7 chamber.

8 Q. How did she come to work in the  
9 executive chamber?

10 A. I don't know.

11 Q. Do you know who hired her?

12 A. I don't -- I don't know.

13 Q. What was her first role in the  
14 executive chamber?

15 A. I believe it was briefer.

16 Q. Did she ever change roles?

17 A. Yes.

18 Q. And what role did she change to?

19 A. She went to go work on the health  
20 team.

21 Q. Before she went to work on the  
22 health team, did she have any role other than  
23 briefer?

24 A. I don't think so.

25 Q. Was she ever a senior briefer?

1 A. I don't know.

2 Q. Did she ever staff the governor?

3 A. Yes.

4 Q. Okay. And then was that a  
5 different role than being a briefer?

6 A. They're, sort of,  
7 interchangeable.

8 Q. Okay. Can you explain that to  
9 me? What are the responsibilities of a  
10 briefer?

11 A. A briefer is someone who compiles  
12 research, documents, relevant information for  
13 the governor, for events, phone calls,  
14 meetings.

15 So they're relatively junior but  
16 generally smart, ambitious, hard-working, and,  
17 if need be, if there are certain people  
18 that -- certain of the briefers that -- I  
19 don't really know how to say this, who are  
20 just generally, like, do well with the  
21 governor, then we'll ask them to help pitch in  
22 and staff if we're short-staffed with the  
23 executive assistant pool.

24 Q. You said you weren't sure how to  
25 say it, but you said, "do well with the

1 governor."

2 Can you help me understand what  
3 that means?

4 A. Sure. It's, sort of, what I said  
5 to you before, there are certain people that  
6 do interact better with the governor, people  
7 who are assertive, people who are obviously  
8 competent, people who, if he gives a task to,  
9 they perform the task diligently and well.

10 And so if there are people like  
11 that, who at different times EA#2 or  
12 EA#3 -- Executive Assistant #2 or Executive Assistant #3 or  
13 Stephanie Benton, if they were short-staffed  
14 and they would, you know, need to pull  
15 someone, occasionally, a briefer would come  
16 help the staff, which meant answering the  
17 phones, taking dictation, you know, running  
18 down documents, typical administrative work.

19 Q. So when I used the term staffing  
20 the governor, did you understand me to mean  
21 doing that typical administrative work?

22 A. Yes.

23 Q. So at some point, did you  
24 understand that Mr. Bennett was both a briefer  
25 and doing that typical administrative work?

1 A. Yes.

2 Q. And did that mean that  
3 Mr. Bennett was one of the people that  
4 interacted well with the governor?

5 A. Yes.

6 Q. Did you ever observe her  
7 interacting with the governor?

8 A. Yes -- yes and no. I would -- we  
9 would generally cross paths.

10 Q. By "cross paths," you mean, she's  
11 coming out of the office, you're going into  
12 the office kind of thing?

13 A. Exactly.

14 Q. Were you ever in the governor's  
15 office at the same time as Ms. Bennett?

16 A. Not that I recall specifically.  
17 Once during COVID, I got there at like seven  
18 in the morning, and she was in the office, and  
19 I walked in to say hello, and as I was walking  
20 in to say hello, she was leaving.

21 Q. So your typical crossing paths?

22 A. Yes.

23 Q. So there were no occasions in  
24 which you were -- observed in any meaningful  
25 way Charlotte Bennett interacting with the

1 governor?

2 A. Not that I recall.

3 Q. Did you ever talk to the governor  
4 prior to December of 2020 about Charlotte  
5 Bennett?

6 A. Yes.

7 Q. And tell us about those  
8 conversations.

9 A. Charlotte, on that instance that  
10 I mentioned when I was walked into the office  
11 as she was walking out, he said to me, "Did  
12 you know that she started a sexual assault  
13 nonprofit? You should get her involved in the  
14 Council on Women and Girls."

15 Q. And that was on the occasion when  
16 it was 7 a.m.? This was during COVID?

17 A. Yes.

18 Q. And did you ask him how he came  
19 to understand that Ms. Bennett had started a  
20 sexual assault nonprofit?

21 A. No.

22 Q. Are there any other occasions on  
23 which you, prior to December of 2020, spoke to  
24 the governor about Charlotte Bennett?

25 A. Prior to December of 2020? In

1 June of 2020, end of June, early July.

2 Q. Prior to June, July of 2020, did  
3 you have any conversations with the governor  
4 about Charlotte Bennett?

5 A. Not that I recall.

6 Q. At some point, did Ms. Bennett --  
7 Ms. Bennett worked in which office when she  
8 started?

9 A. I don't know.

10 Q. Do you generally know where the  
11 briefers are located?

12 A. No.

13 Q. Do the briefers deliver a  
14 briefing book to the governor?

15 A. Yes.

16 Q. Is that something that happens  
17 daily?

18 A. Yes.

19 Q. Is that dropped off wherever the  
20 governor is located when the briefing book is  
21 completed?

22 A. Yes.

23 Q. Does that mean it can be dropped  
24 off at the mansion sometimes?

25 A. Yes.

1 Q. Is there a protocol -- prior to  
2 June or July of 2020, was there a protocol for  
3 dropping off anything at the executive mansion  
4 for the governor?

5 A. Not that I was aware of  
6 specifically.

7 Q. Okay. Were you aware generally  
8 of a protocol for dropping things off at the  
9 executive mansion for the governor prior to  
10 June or July of 2020?

11 A. Not really. It wasn't really my  
12 lane.

13 Q. You were generally aware of any  
14 protocols about staff going to the executive  
15 mansion prior to June or July of 2020?

16 A. So there was one instance in  
17 which the governor reached out to Jill, and  
18 Stephanie was upset that he had been in the  
19 mansion alone and he just, like, happened upon  
20 a briefer dropping off a binder.

21 And so, at that time, Annabel --  
22 he basically said, this can never happen  
23 again. So Annabel, Stephanie, and Jill came  
24 up with a protocol where, if any staff came to  
25 the mansion, they would pin Jill, Annabel,

1 Stephanie, me, and CC the detail and say, such  
2 and such is here, permission to enter. And  
3 generally, either Stephanie or I would respond  
4 and say, you know, permission to enter.

5 And the assumption was that one  
6 of us would give the governor a heads up so  
7 that he knew if there was someone on the  
8 premises so that that incident wouldn't happen  
9 again.

10 Q. When was that incident?

11 A. I don't remember.

12 Q. But it was before June or July of  
13 2020?

14 A. Yes.

15 Q. So what was the concern that the  
16 governor had?

17 A. He's like, you know, this is my  
18 house. If I'm wandering around my house, it's  
19 not appropriate that I just bump into a staff  
20 person.

21 Q. Okay. So the protocol became  
22 that when any staff went to the mansion, you,  
23 Annabel, Stephanie, and Jill DesRosiers would  
24 get a pin from the PSU to alert you to that  
25 happening?

1           A.     Whoever was in the front gate.

2           Q.     Did that protocol cover every  
3 staff member?

4           A.     No.

5           Q.     Who didn't it cover?

6           A.     It didn't cover me. It didn't  
7 cover Stephanie. It didn't cover the mansion  
8 staff, so [REDACTED], [REDACTED], whichever  
9 chefs were on.

10                    When Larry Schwartz was living in  
11 the mansion during COVID, it didn't cover him.

12           When [REDACTED] was living in the mansion  
13 during COVID, it didn't cover him.

14                    The rationale was these were  
15 people that he needed to be aware were on the  
16 premises. Stephanie and I were the ones  
17 generally granting the permission and being  
18 the go-between, so it wasn't necessary with  
19 the two of us.

20                    When Larry was living there, the  
21 assumption was he was constantly coming and  
22 going. And the same with [REDACTED]. So the  
23 governor didn't need to be made aware as they  
24 were coming in and going out.

25                    And the mansion staff had a set

1 schedule, so he knew when to expect that they  
2 would arrive and leave.

3 Q. So was the premise then that if  
4 you were going to the executive mansion, you  
5 would alert the governor yourself to that?

6 A. Correct. And same thing with  
7 Stephanie.

8 Q. And were there discussions with  
9 any members of the PSU about this protocol?

10 A. I believe Annabel and Stephanie  
11 and Jill when we put it in place.

12 Q. And did you have any discussions  
13 with the PSU about this protocol?

14 A. I don't think I did directly.

15 Q. Did you have any communications  
16 with the PSU about this protocol?

17 A. I don't think directly. I think  
18 it went through Stephanie, Annabel, and Jill,  
19 some iteration of that group. I was obviously  
20 aware of it.

21 Q. Did you become aware of any  
22 concerns that the PSU had expressed to  
23 Stephanie, Annabel, or Jill about this  
24 protocol?

25 A. No.

1 Q. Did you become aware ever that  
2 the PSU had expressed that they should be  
3 pinning about your and Ms. Benton's entries  
4 and exits to the executive mansion as well?

5 A. No.

6 Q. We went on a little tangent  
7 there, so let's go back to Charlotte Bennett.

8 So there were occasions in which  
9 Ms. Bennett dropped off the briefing book at  
10 the mansion. Is that right?

11 A. Yes.

12 Q. So you didn't know where her  
13 office was.

14 Did you understand that at some  
15 point she had moved to Albany during COVID?

16 A. Not at the time.

17 Q. When did you come to that  
18 understanding?

19 A. In June.

20 Q. Okay. Prior to June, July of  
21 2020, had anyone raised any concerns to your  
22 attention about Ms. Bennett's interactions  
23 with the governor?

24 A. No.

25 Q. Had anyone told you that the

1 governor was flirting with Ms. Bennett?

2 A. No.

3 Q. Had anyone told you that the  
4 governor had been observed flirting and  
5 giggling with Ms. Bennett in his office?

6 A. No.

7 Q. Had anyone told you that the  
8 governor was alone in his office with  
9 Ms. Bennett?

10 A. No, but I'm generally pretty  
11 observant. I know when people are back there  
12 because we share an office suite.

13 Q. Are you always in your office  
14 when the governor is in the office?

15 A. Most -- 99 percent of the time.

16 Q. Were there occasions in which you  
17 knew that Ms. Bennett was alone with the  
18 governor in his office?

19 A. Yes.

20 Q. Who are the other people who you  
21 have observed or come to know were alone in  
22 the governor's office with him other than  
23 yourself and Ms. Bennett?

24 A. Rob Mujica, Beth Garvey, [REDACTED]  
25 [REDACTED] Rich Azzopardi, Dani Lever. I mean,

1 Peter Ajemian. All senior staff at various  
2 points, and sometimes support staff when they  
3 are taking dictation.

4 Q. By "support staff," you mean the  
5 briefers or the executive assistants?

6 A. Correct.

7 Q. Okay. So it sounds like it's not  
8 uncommon for members of the staff to be alone  
9 with the governor in his office?

10 A. Correct.

11 Q. Did you ever prior to June or  
12 July of 2020 observe an occasion on which  
13 Ms. Bennett was upset in the office?

14 A. No.

15 Q. Did you ever observe her crying?

16 A. No.

17 Q. Did you ever hear Ms. Bennett  
18 sing?

19 A. Not that I recall.

20 Q. Did you ever hear the governor  
21 sing in the office?

22 A. Constantly.

23 Q. Constantly. What does he sing?

24 A. Random Italian songs. He sings  
25 Billy Joel. He sings, you know, a million

1 different songs. He has this, like, baritone  
2 voice.

3 Q. Does he sing Meat Loaf songs?

4 A. Yes.

5 Q. "Paradise by the Dashboard  
6 Light?"

7 A. Yes.

8 MR. HECKER: Is that what it's  
9 called?

10 MS. KENNEDY PARK: Yes. I'm that  
11 good.

12 Q. Does he sing Danny Boy?

13 A. Yes.

14 Q. Often?

15 A. It was a thing with him and Dani  
16 Lever, but yes.

17 Q. And tell us what the thing was  
18 with him and Dani Lever?

19 A. He would sing it to her, and she  
20 would sing it back to him and, you know, that  
21 was, like, their -- it was just, like, a  
22 little thing between the two of them.

23 Q. Did you ever observe anyone else  
24 singing Danny Boy with the governor?

25 A. Sure.

1 Q. Who?

2 A. I can't remember anyone  
3 specifically.

4 Q. But you're sure you have, other  
5 than Ms. Lever?

6 A. He just sang it all the time. So  
7 I don't remember a specific person. I know  
8 obviously from press inquiries, but ...

9 Q. Any occasions in which you  
10 observed the governor asking someone to sing  
11 for him?

12 A. Not that I recall. Nothing  
13 specific.

14 Q. So I'm guessing you do not recall  
15 an occasion in which the governor asked  
16 Ms. Bennett to memorize the lyrics to Danny  
17 Boy and to sing it?

18 A. Not that I recall.

19 Q. And it sounds like you don't  
20 recall watching that occasion and describing  
21 it as hazing?

22 A. No.

23 Q. Is there any occasion in which  
24 you've observed something in the executive  
25 chamber that you would describe as hazing?

1 A. No, not specifically.

2 Q. Generally?

3 A. No.

4 Q. Can you recall any occasion on  
5 which you used the word "hazing" to describe  
6 something you witnessed in the executive  
7 chamber?

8 A. No, not that I recall.

9 Q. Were there any concerns raised  
10 about Ms. Bennett having too many  
11 responsibilities?

12 A. Not to me.

13 Q. Would you have been the person to  
14 whom those concerns were raised?

15 A. Nope.

16 Q. Did Ms. DesRosiers ever speak to  
17 you about Ms. Bennett having too many  
18 responsibilities in the chamber?

19 A. Not that I recall.

20 Q. Did Ms. Walsh ever raise that  
21 concern to your attention?

22 A. No.

23 Q. Did Ms. DesRosiers ever complain  
24 to you about any of Ms. Bennett's job  
25 performance?

1 A. Not that I recall.

2 Q. Did Ms. Walsh ever complain to  
3 you about Ms. Bennett's job performance?

4 A. Not that I recall.

5 Q. Let's look at what's at Tab 14.

6 MR. HECKER: Which tab?

7 MS. KENNEDY PARK: Tab 14.

8 (Exhibit 11, Text message change  
9 including Melissa DeRosa, Stephanie  
10 Benton, and Ms. DesRosiers dated  
11 November 6, 2019, marked for  
12 identification, as of this date.)

13 Q. So this is a text message chain  
14 between you, Ms. Benton, Ms. DesRosiers, and  
15 Ms. Walsh, on November 6, 2019. Do you see  
16 that?

17 A. I do.

18 Q. And you see that it begins with  
19 Ms. Benton saying, "Who can go with MCU  
20 tomorrow?" Is MCU a reference to the  
21 governor?

22 A. It's -- I'm trying to remember  
23 what it stands for. Mobile control unit.

24 Q. Is it a reference to the  
25 governor?

1           A.     It's -- yes.  When you travel  
2 with the governor and he's still doing remarks  
3 or preparing for a PowerPoint, it means that  
4 you are responsible for bringing a laptop,  
5 taking the dictation, and also bringing a  
6 printer in case you need to print the document  
7 out upon arrival.

8           Q.     And so as you flip through this,  
9 you will see it says, "To Puerto Rico or to  
10 the plane?"  It says "PR," meaning Puerto  
11 Rico.  And then Ms. Walsh says:

12                     "I mean, I assume me because we  
13 can't work Charlotte too hard, and **S#3**  
14 is working on 57 PowerPoints, PPTs."

15                     Do you see that?

16           A.     I do.

17           Q.     What did you understand about  
18 Ms. Walsh's comment that, "We can't work  
19 Charlotte too hard?"

20           A.     I'm sure I didn't give two  
21 seconds of thought to that text message.

22           Q.     Do you ever hear anyone -- you  
23 can put that away -- raise any concerns about  
24 working Ms. Bennett too hard?

25           A.     Not that I recall.

1 Q. Did you ever hear the governor  
2 raise concerns about how hard Ms. Bennett was  
3 working?

4 A. Not that I recall.

5 Q. Did you ever hear about the  
6 governor raising concerns about how hard  
7 Ms. Bennett was working?

8 A. Not that I recall.

9 Q. Have you ever had anyone raise to  
10 your attention concerns about anyone in the  
11 executive chamber working too hard?

12 A. Sure.

13 Q. Who?

14 A. Brittany Commisso, Dani Lever,  
15 Rob -- I mean, everyone.

16 Q. Everybody except Ms. Bennett?

17 A. Charlotte was not on my radar.  
18 So to the extent that anyone was concerned  
19 about how hard she was working, it wasn't  
20 being conveyed to me in a meaningful way.

21 Q. And why was how hard Mr. Commisso  
22 was working on your radar?

23 A. There was a pin conversation  
24 about it that, frankly, I didn't think about  
25 it at all at that time I previewed before

1 coming here.

2 Q. But other than that pin  
3 conversation, was Ms. Commisso on your radar?

4 A. In the last several months of  
5 2020, yes, because she came to be one of my  
6 executive assistants.

7 Q. Let's go back to Ms. Bennett. So  
8 you said -- earlier, you told us that in June  
9 or July, you became aware of concerns  
10 Ms. Bennett was raising about interactions  
11 with the governor.

12 How did you become aware of that?

13 A. Jill DesRosiers.

14 Q. And when was that?

15 A. Middle of June -- middle of June.  
16 I don't remember the specific day.

17 Q. Middle of June 2020?

18 A. Yes.

19 Q. And how did Ms. DesRosiers  
20 approach you? Was it phone, in person,  
21 e-mail?

22 A. It wasn't e-mail. It was either  
23 phone or in person, but I don't recall.

24 Q. Tell us what you recall about the  
25 conversation with Ms. DesRosiers.

1           A.       That she reached out and said  
2 that Charlotte had -- I don't remember if it  
3 was came to see her or spoke to her, but said  
4 that she was uncomfortable continuing to be a  
5 briefer and that she wanted to move to the  
6 health team to work on health policy.

7           Q.       What else did Ms. DesRosiers tell  
8 you?

9           A.       That was it.

10          Q.       Did she tell you why Ms. Bennett  
11 was uncomfortable?

12          A.       No.

13          Q.       Did she tell you she was  
14 uncomfortable being around the governor?

15          A.       No.

16          Q.       Did you ask her what she meant by  
17 "uncomfortable"?

18          A.       No.

19          Q.       Why not?

20          A.       It was COVID. There were a  
21 million things going on, as I said. Like,  
22 this is a very junior person, and so I didn't  
23 spend any time on it. In retrospect, I should  
24 have.

25          Q.       And what did Ms. DesRosiers tell

1 you she was going to do?

2 A. She said that she wanted to move  
3 to a job on the health team that she had  
4 previously experience in, and that she was  
5 going to facilitate the transfer.

6 Q. And what did you say?

7 A. Okay.

8 Q. What did you understand about why  
9 Ms. DesRosiers was bringing this to your  
10 attention?

11 A. Jill generally makes me aware of  
12 personnel changes in the chamber as like an  
13 FYI.

14 Q. Even for someone who is not on  
15 your radar?

16 A. Yeah.

17 MR. KIM: Can I ask a follow-up  
18 question?

19 THE WITNESS: Sure.

20 MR. KIM: You said she didn't  
21 tell you that she was uncomfortable  
22 being around the governor. Is that  
23 right?

24 THE WITNESS: Not that I recall.

25 MR. KIM: So you were just told

1 that she was uncomfortable, period?

2 THE WITNESS: Yes. That she was  
3 uncomfortable in her job.

4 MR. KIM: And that it had nothing  
5 to do with the governor?

6 THE WITNESS: Not that I recall.

7 MR. KIM: So you -- to your  
8 knowledge, your testimony is you had no  
9 idea one way or the other whether it had  
10 anything to do with the governor?

11 THE WITNESS: I didn't think  
12 about it. I should have. I should have  
13 asked.

14 MR. KIM: Whether you should have  
15 or not, the question is simply: Your  
16 testimony is that you had no idea one  
17 way or the other whether her being  
18 uncomfortable had anything to do with  
19 the governor?

20 THE WITNESS: Not that I recall.

21 MR. KIM: And Ms. DesRosiers  
22 didn't tell you that?

23 THE WITNESS: No, not that I  
24 recall.

25 BY MS. KENNEDY PARK:

1 Q. Ms. DesRosiers says that she did  
2 in fact tell you that Ms. Bennett had said she  
3 had an awkward encounter with the governor  
4 that make her uncomfortable.

5 Was she telling the truth?

6 A. I don't think of Jill as a liar,  
7 but I don't remember that.

8 Q. Do you have any reason to believe  
9 that she would be lying about that?

10 A. I don't, but that's something  
11 that I think I would have followed up on.

12 Q. Well, what did you do after you  
13 had this conversation with Jill?

14 A. Nothing. She said she wanted to  
15 transfer her, and I said okay.

16 Q. You didn't speak to the governor?

17 A. No, not that I recall.

18 Q. Were you aware that Judy Mogul  
19 was involved at the time?

20 A. I came to know that. In real  
21 time, I don't remember if I knew.

22 Q. So that conversation in mid-June,  
23 the only person you talked to is Jill  
24 DesRosiers? You don't ask anybody else what  
25 happened with Charlotte Bennett?

1 A. No.

2 Q. You don't tell anybody else that  
3 Charlotte Bennett is transferring to the  
4 policy team?

5 A. I think I mentioned it to  
6 Stephanie.

7 Q. And what did you tell Stephanie?

8 A. FYI, Jill said that she -- that  
9 Charlotte is moving over to the health team,  
10 because she was someone that Stephanie would  
11 sometimes pull in to do administrative work.

12 Q. Did Ms. DesRosiers ask you to  
13 tell Ms. Benton?

14 A. I don't think so.

15 Q. Did you tell Ms. Benton why  
16 Ms. Bennett was transferring to the health  
17 policy team?

18 A. I don't think so.

19 Q. Did she ask you?

20 A. No, I don't think so. But it  
21 wasn't uncommon for the briefers to -- like,  
22 briefing was like a stepping stone to  
23 someplace else. Nobody stayed in those jobs  
24 forever.

25 Q. How long did you understand it

1 was going to be between the conversation you  
2 had with Ms. DesRosiers and when Ms. Bennett  
3 was transferred?

4 A. I didn't.

5 Q. Did Ms. Benton ask you that?

6 A. I don't think so.

7 Q. After that conversation with  
8 Ms. Benton, did you have any other  
9 conversations about what you learned from  
10 Ms. DesRosiers about Charlotte Bennett wanting  
11 to transfer to the health policy team?

12 A. Not until weeks later, that I  
13 recall.

14 Q. To your understanding, between  
15 June 12 and June 29 of 2020, was the governor  
16 informed about Ms. Bennett's transfer?

17 A. I believe he was, but I don't  
18 remember how.

19 Q. And why do you believe that he  
20 was?

21 A. Because we were doing a party for  
22 the 111th briefing, and we were going through  
23 who was going to be included on the list, and  
24 he wanted to make sure that the kids were  
25 invited, and I think Stephanie said she's not

1 working on the floor anyways.

2 She was a big part of COVID.

3 Include her, include S#2 include S#3

4 include [REDACTED]

5 Q. When was this conversation?

6 A. Either the day of or the day  
7 before the last briefing. So call it June 18,  
8 June 19.

9 Q. So it's your impression that as  
10 of June 18 and June 19, the governor was not  
11 aware that Ms. Bennett had left the briefing  
12 team?

13 A. No. That's what I'm saying, I  
14 think he was aware, but was saying, like, in  
15 any event, make sure to include the people who  
16 worked hard on COVID.

17 Q. And what is your understanding of  
18 how he became aware that Ms. Bennett had moved  
19 to the health policy team?

20 A. I don't remember. I don't know.

21 Q. You said -- someone said, "make  
22 sure the kids were invited."

23 Who were "the kids"?

24 A. Like the young -- the junior  
25 staffers. So Staffer #2 , Staffer #3 . It

1 wasn't just Charlotte, [REDACTED]. I think there  
2 were a handful of the briefers.

3 Q. And, to your knowledge, was  
4 Ms. Bennett invited to the party that  
5 celebrated the 111th briefing?

6 A. Yes.

7 Q. You saw her there?

8 A. Yes.

9 Q. Did you interact with her there?

10 A. Yes.

11 Q. Tell us about that interaction.

12 A. After the governor and his  
13 daughter went into the main house, a bunch of  
14 senior staff left. And some people lingered,  
15 and I stayed back and sat at a table outside  
16 the pool house, and there were a handful of  
17 people, and she was there.

18 Q. You sat at a table with her?

19 A. Mm-hmm.

20 Q. Okay. And tell us about what you  
21 talked about.

22 A. We were joking around about the  
23 last briefing, what was in the shot -- there  
24 was a bobble head in the shot; everybody was  
25 trying to figure out whose idea that was. It

1 was, like, very lighthearted conversation.

2 Q. Prior to that event, how many  
3 times had you actually spoken to Ms. Bennett?

4 A. A handful.

5 Q. How long did your conversation  
6 with her that evening last?

7 A. It wasn't with her. It was with  
8 a group. And it was probably ten minutes.

9 Q. Where does **Executive Assistant #2** sit in  
10 relation to your office?

11 A. Outside my office.

12 Q. Was she one of your executive  
13 assistants?

14 A. Yes.

15 Q. And when you say outside your  
16 office, how many feet are we talking?

17 A. 30. There's a good distance  
18 between my desk to the door and then more  
19 distance between the door to her.

20 Q. Do you know if she can hear you  
21 on the phone?

22 A. I don't know. Sometimes I know  
23 they listen in.

24 Q. When do they listen in?

25 A. If they connect a call, sometimes

1 they listen.

2 Q. Do you know if EA#2  
3 connected you to the call you had with Jill  
4 DesRosiers in the middle of June about  
5 Charlotte Bennett?

6 A. I don't. I don't think she was  
7 sitting outside then, but she was probably  
8 sitting across the hall. For COVID, we had no  
9 one sitting in that pen.

10 Q. What's the next involvement you  
11 had with Charlotte Bennett after the party for  
12 the 111th briefing?

13 A. I had a phone call from Jill  
14 June 29 or 30 saying that a bunch of the  
15 junior staffers, the kids, had been out the  
16 night before, and Charlotte cried and said  
17 something about the governor being  
18 inappropriate with her. I don't remember if  
19 the words were that she thought he hit on her,  
20 but something to that extent.

21 Q. And what else did Ms. DesRosiers  
22 tell you?

23 A. That's all that I remember,  
24 specifically.

25 Q. And what did you say in that

1 conversation?

2 A. "Get Judy and figure out what's  
3 going on."

4 Q. Did you ask her who else had been  
5 with the kids that night?

6 A. I don't remember if I did in that  
7 conversation, but I think I have a rough idea  
8 of who was there. I don't remember in which  
9 conversation I gleaned that information.

10 Q. Okay. Who was there?

11 A. **Staffer #2**, I think **Staffer #3**,  
12 **Staffer #4** I think **██████████**. I think some of  
13 the younger female briefers.

14 Q. Who are the younger female  
15 briefers that you think were there?

16 A. I don't know their names. But  
17 **██████████** is one of them.

18 Q. What is **██████████**'s last name?

19 A. I don't know.

20 Q. Is it **██████████**?

21 A. Yes.

22 Q. How did you come to learn that  
23 **S#2** **S#3** **S#4** and **██████████** were with  
24 Ms. Bennett that evening?

25 A. **S#4** told Jill.

1 Q. And then Jill told you?

2 A. Yes.

3 Q. So let's dial this back. So you  
4 have a conversation with Jill, she says that  
5 Charlotte had been with a group of people, and  
6 said that the governor had been inappropriate  
7 with her, and she may have said that the  
8 governor hit on her. You told her to get Judy  
9 and figure out what was going on.

10 Anything else you remember about  
11 that conversation?

12 A. No.

13 Q. After that conversation, what did  
14 you do next?

15 A. I don't remember if I spoke to  
16 Judy also. I may have called Judy. I think I  
17 called Judy.

18 Q. And what did you tell Judy?

19 MR. HECKER: I think that is  
20 privileged.

21 Q. Were you asking Judy for legal  
22 advice?

23 A. Yes.

24 Q. Who else did you call after that?

25 A. I don't think anyone else at that

1 point. I -- I don't think anyone else at that  
2 point.

3 Q. What happens next?

4 A. Jill and Judy sat with -- I don't  
5 know if it was on the phone or in person, but  
6 they spoke to Charlotte for a number of hours.

7 Q. How did you come to know that?

8 A. Because they called me  
9 afterwards.

10 Q. And in between them calling you  
11 to tell you that they had met with Charlotte  
12 Bennett for a number of hours and your  
13 conversation with Judy Mogul that you've been  
14 directed not to convey the substance of, did  
15 you speak to anybody else about Charlotte  
16 Bennett?

17 A. I think Stephanie.

18 Q. And what did you discuss with  
19 Ms. Benton?

20 A. I told her about the **S#4**  
21 conversation.

22 Q. So now let's go back. So how did  
23 you learn about the **S#4** conversation?

24 A. From Jill.

25 Q. And what did Jill tell you?

1           A.       Exactly what I just told you,  
2   that **S#4** called her and said that they had  
3   been out the night before, that Charlotte had  
4   started to cry and said something about being  
5   inappropriate and maybe that -- I can't  
6   remember if she used the word "hit" on her,  
7   but that's how I heard it.

8           Q.       Did you take notes?

9           A.       No.

10          Q.       And what did Ms. Benton say?

11          A.       She was shocked.

12          Q.       And can you tell me what she said  
13   that made you understand that she was shocked?

14          A.       "What are you talking about?  
15   That's crazy."

16          Q.       Those were her words?

17          A.       That was the sum and substance.  
18   I don't remember verbatim.

19          Q.       What was your reaction to being  
20   told that Charlotte Bennett --

21          A.       I was shocked.

22          Q.       Can I finish the question?

23          A.       Sorry.

24          Q.       What was your reaction to being  
25   told that Charlotte Bennett had said the

1 governor had been inappropriate with her and  
2 conveyed in substance that the governor had  
3 hit on her?

4 A. I was shocked.

5 Q. Did you express that shock to  
6 anyone?

7 A. To Jill, Judy, and Stephanie.

8 Q. What did you say to Jill?

9 A. "What's going on? I can't  
10 believe this."

11 Q. What did you say to Stephanie?

12 A. Similar.

13 Q. Did you tell either of them that  
14 it was ridiculous?

15 A. I don't think in that  
16 conversation.

17 Q. Was there another conversation in  
18 which you described it as ridiculous?

19 A. I don't know if I used that word,  
20 but I had doubts.

21 Q. Why don't we get to the point  
22 where you had doubts and you may have  
23 described it as ridiculous.

24 So after -- anyone else? You  
25 spoke to Stephanie Benton, you spoke to Jill

1 DesRosiers, you spoke to Judy Mogul.

2 Did you speak to anyone else  
3 between, let's call it mid-June and June 29  
4 about Charlotte Bennett?

5 A. Linda.

6 Q. What did you discuss with Linda?

7 A. I don't remember where she fell  
8 in the timeline. I think I spoke to her after  
9 Judy and Jill had the first conversation. I  
10 think that's when we looped her in, the  
11 June 30.

12 Q. So let's come back to that in a  
13 second. Between the middle of June and the  
14 conversation that you became aware of that  
15 Jill and Judy had with Charlotte, did you  
16 speak to anybody else about Charlotte Bennett?

17 A. Not that I recall.

18 Q. Did you speak to the governor?

19 A. Not that I recall.

20 Q. Do you understand that anyone  
21 spoke to the governor between mid-June and  
22 June 29 about Charlotte Bennett?

23 A. Between mid-June and June 29  
24 about Charlotte Bennett, that she had moved.

25 Q. Other than that?

1 A. Not that I recall.

2 Q. Did you speak to Lis Smith?

3 A. No.

4 Q. Jeff Pollack?

5 A. No.

6 Q. Chris Cuomo?

7 A. No.

8 Q. Alphonso David?

9 A. Alphonso was looped in after the  
10 Judy/Jill conversation with Charlotte.

11 Q. So You get a report on the  
12 meeting between Charlotte Bennett and Judy and  
13 Jill. What's the report?

14 A. I don't think I'm allowed to talk  
15 about that.

16 MR. HECKER: Any discussion with  
17 counsel, then the chamber is asserting  
18 privilege.

19 MS. KENNEDY PARK: So our  
20 understanding is that to the extent  
21 you're seeking legal advice and legal  
22 advice was conveyed, that you will not  
23 disclose that, but to the extent that  
24 facts were conveyed that had been  
25 learned from Ms. Benton, that those are

1 not privileged.

2 MR. HECKER: So that's fine. So  
3 just stick to the facts part.

4 THE WITNESS: Okay.

5 Q. So what did you learn from Judy  
6 and Jill that Ms. Bennett had said happened  
7 between her and the governor?

8 A. It was a very long resuscitation,  
9 but essentially, that she had told the  
10 governor that she was a victim of sexual  
11 assault, that after she told him that she was  
12 a victim of sexual assault, that they had a  
13 long conversation in which the governor  
14 disclosed that he had experience dealing with  
15 sexual assault in his own family.

16 And she told him that she was --  
17 I don't remember exactly the timeline, but  
18 this is what I walked away with. She told him  
19 that she had moved up for COVID, that she  
20 didn't see her parents, that [REDACTED]  
21 [REDACTED], that Hamilton college  
22 rejected her claim around sexual harass --  
23 around sexual assault, excuse me -- and that  
24 she was in Albany and she was by herself and,  
25 like, very isolated.

1                   And then it was, like,  
2 fast-forward May, June, that they had had two  
3 conversations that she felt uncomfortable  
4 with, one was when she was writing a speech to  
5 give at Hamilton college, and he said -- she  
6 told him about the speech and then he said,  
7 "I'm happy to look at it or read it or  
8 something."

9                   And she -- I don't know if she  
10 showed him a printed copy or if she read it to  
11 him, but that he listened to it, and that he  
12 felt that she wasn't owning her story in a way  
13 that she should be.

14                   And she said -- or he said --  
15 like, "You were raped, you were raped, you  
16 were raped." And that she felt like he wasn't  
17 saying it for her benefit, and that she was  
18 shaken by that.

19                   And that he said something to the  
20 effect of, like, "I'll help you rewrite it,"  
21 and that she didn't appreciate that. It felt,  
22 like, he was mansplaining to her or, like,  
23 condescending.

24                   And then that they had another  
25 conversation where she talked about getting

1 mail, incoming mail, and that she was sorting  
2 through his mail, and there were all these  
3 love letters, and that he had said to her,  
4 "Okay, good, you can be in charge of finding  
5 me a girlfriend."

6           And she said, "Oh, what's the age  
7 range that you're comfortable with?" And he  
8 was, like, "I don't know, anything over 22."  
9 And that he asked her about being lonely and  
10 COVID, and that she said she was lonely, and  
11 he said that he was lonely.

12           And I'm trying to think if I'm  
13 missing any salient points.

14           In the course of that  
15 conversation, Judy said to me that she said  
16 that Charlotte said, "The governor asked who I  
17 was sleeping with," and that Judy said, "He  
18 asked you who you were sleeping with?" And  
19 she said, "Well, no, he asked me who I was  
20 hanging out with, but I knew what he meant."

21           And at that moment, a light went  
22 off in my brain. I have ██████ that have been  
23 sexually assaulted, and I understand how, when  
24 you've gone through that kind of traumatic  
25 experience, that you can perceive things

1 through a certain lens.

2 Q. I want you to put that aside and  
3 just convey to me what it is that Ms. Mogul  
4 and Ms. DesRosiers told you Ms. Bennett said.

5 A. Those things. I mean, I'm  
6 summarizing. It was a very long conversation.

7 Q. Were they reading to you from  
8 notes?

9 A. I think Judy was.

10 Q. Do you recall them telling you  
11 that Ms. Bennett had said that the governor  
12 had asked her about monogamy?

13 A. Yes.

14 Q. And that that asking her about  
15 monogamy occurred after the governor asked her  
16 who she was hanging out with?

17 A. I don't remember the order in  
18 which it was conveyed, but I do remember the  
19 monogamy comment.

20 Q. And do you remember them telling  
21 you that the governor had referred to her as  
22 Daisy Duke?

23 A. I don't know if I remember them  
24 telling me that at the time, but I know that  
25 now.

1 Q. What was your reaction to hearing  
2 this?

3 A. Shock.

4 Q. And why?

5 A. Because it didn't sound to me  
6 like the person that I knew. I mean, pieces  
7 of it I could see happening. But the way that  
8 it was being conveyed was not consistent.

9 I can see a conversation where  
10 she says I checked the mail, "You've got all  
11 these love letters from Cuomosexuals," and  
12 that he said, "Great, you sort the mail, you  
13 can find me the girlfriend."

14 When she said that he said, "Who  
15 are you sleeping with?" And this exchange  
16 which was very -- like in my mind, that these  
17 two were on different -- they were having  
18 different conversations when she said the,  
19 "Who are you sleeping with? Who are you  
20 hanging out with?"

21 And I know that he will ask  
22 people, "Who are you going out with at night?  
23 What are you doing to keep yourself busy? Are  
24 you okay? Is everyone being inclusive?"  
25 Like, he would have those conversations.

1                   But then like the monogamy piece,  
2 and I was just, like, digesting everything.

3                   MR. KIM: Did they convey to you  
4 that Charlotte Bennett said the governor  
5 asked her whether she had been with an  
6 older man?

7                   THE WITNESS: I don't remember in  
8 that conversation, but at some point, I  
9 came to know that she had said that.

10                  MR. KIM: Is that something you  
11 had heard the governor ask people?

12                  THE WITNESS: No.

13                  MS. CLARK: Did they tell you  
14 that the governor had said he wanted to  
15 get on a motorcycle with a woman on the  
16 back and ride off into the mountains?

17                  THE WITNESS: Yes.

18 BY MS. KENNEDY PARK:

19                  Q. Did they tell you that he had  
20 said that more than once?

21                  A. I don't think they told me he  
22 said that more than once, but I remember that  
23 anecdote.

24                  Q. Did they tell you that  
25 Ms. Bennett said the governor said he wanted

1 to be touched?

2 A. Yes.

3 Q. And did they tell you that  
4 Ms. Bennett had said in response to that,  
5 "Well, you have your daughters," and that the  
6 governor said, "That's not what I mean"?

7 A. I don't remember if it was in  
8 that conversation or a subsequent  
9 conversation.

10 Q. Did you convey your shock on the  
11 call with Ms. Mogul and Ms. DesRosiers?

12 A. Yes.

13 Q. What did you say?

14 A. I don't remember specifically.  
15 But it was very difficult for me to believe,  
16 and I was upset.

17 Q. You were upset why?

18 A. Because it was -- it seemed crazy  
19 to me.

20 Q. I'm sorry. I'm trying to  
21 understand. What seemed crazy about it?

22 A. The whole concept of this  
23 conversation seemed crazy.

24 Q. Were you upset for Ms. Bennett?

25 A. I was upset about the entire

1 situation. I didn't know what to think.

2 Q. Were you upset for Ms. Bennett?

3 A. Of course, I was upset for her,  
4 but I also didn't know what to think.

5 Q. In that conversation, did you, in  
6 essence, describe it as ridiculous?

7 A. I don't remember, but I certainly  
8 had a reaction that I thought the whole thing  
9 was crazy.

10 MR. KIM: "Crazy" meaning what?

11 Made up?

12 THE WITNESS: No. Like, I don't  
13 know if I used the word "ridiculous." I  
14 very easily could have used the word  
15 "ridiculous," but in that sense of,  
16 like, this is ridiculous, like, this is  
17 crazy. What are you saying to me? I  
18 don't understand. I couldn't wrap my  
19 head around it.

20 MS. KENNEDY PARK: What else do  
21 you remember--

22 MR. KIM: Sorry, can I ask?

23 MS. KENNEDY PARK: Yeah, go  
24 ahead.

25 MR. KIM: You couldn't wrap your

1 mind -- head around the possibility that  
2 the governor said these things?

3 THE WITNESS: I was trying to --  
4 what is the word when you're, like,  
5 trying to square one thing with another  
6 thing. It's, like, I was trying to  
7 understand how this conversation could  
8 have happened and make sense of it, with  
9 the things that they were telling me and  
10 the context that I had.

11 BY MS. KENNEDY PARK:

12 Q. The context you had meaning your  
13 experience with the governor. Is that what  
14 you're saying?

15 A. No.

16 Q. What context?

17 A. I'm saying the context I knew  
18 about [REDACTED]. I'm saying the context --  
19 I'm saying the red flag to me which was the  
20 who are you hanging out with. He said who --  
21 or sleeping with versus hanging out with. I  
22 was trying to understand and, like,  
23 reconcile -- that was the word I was looking  
24 for -- reconcile in my head what if this was  
25 real, not real. What was the explanation for

1 it. It all seemed crazy to me.

2 Q. What do you mean what was real  
3 and not real?

4 A. If somebody says to you, "The  
5 governor asked me who I was sleeping with" and  
6 they said, "He asked you who you are sleeping  
7 with?" And she responds by saying, "Well, no,  
8 he asked who I was hanging out with, but I  
9 know what he meant."

10 That is somebody having a  
11 different conversation. And I have experience  
12 with sexual assault survivors and the prism  
13 through which they see the world.

14 Q. I see. So what you're saying is  
15 your understanding, sitting in that  
16 conversation, was that it was a red flag for  
17 her to clarify that the governor didn't say  
18 sleeping with, said hanging out with, but she  
19 understood what he was saying because you knew  
20 she was a sexual assault survivor?

21 A. I -- when you have a perception  
22 of that, and it's so different from the  
23 reality, you have to wonder what else is  
24 getting lost in translation.

25 Q. Why did you understand it was

1 different from reality?

2 A. Because she said it was. She  
3 said, when pushed, "No, he didn't ask who I  
4 was sleeping with. He asked me who I was  
5 hanging out with."

6 And if someone asked me who I was  
7 hanging out with, I would not assume that  
8 person was inquiring about my sex life.

9 Q. And so you didn't understand that  
10 when she said, "I knew what he was saying," it  
11 was because he had also said he wanted to be  
12 touched, that he had said he wanted to get on  
13 a motorcycle and go away, he had asked about  
14 the age of her sex partners and then asked her  
15 about whether she was monogamous, and that  
16 that was the basis on which she said, "I knew  
17 what he was saying to me"?

18 A. No, because it was my  
19 understanding -- I thought that that came  
20 earlier in the conversation.

21 Q. I see. So because it came  
22 earlier, then you thought the hanging out was  
23 separate from those comments?

24 A. I don't know.

25 MS. CLARK: Did they tell you

1 that the governor asked to talk to her about a  
2 tattoo she was considering getting?

3 THE WITNESS: I believe that was  
4 in Judy's notes.

5 MS. CLARK: Do you recall them  
6 telling you a conversation about it?

7 THE WITNESS: I don't recall  
8 specifically, but she read the notes.  
9 So I'm sure that she did.

10 MS. CLARK: Did Ms. Mogul tell  
11 you that she found Ms. Bennett to be  
12 credible?

13 THE WITNESS: I don't remember at  
14 what point, but she said it at some  
15 point.

16 MR. KIM: Did you try to  
17 reconcile in your mind also the comment  
18 about whether she had been with older  
19 men?

20 THE WITNESS: Yes and no.

21 MR. KIM: Okay. How did you try  
22 to reconcile? And how did you know?

23 THE WITNESS: I could see a  
24 scenario where the governor was trying  
25 to play therapist, where he, in his own

1 experience with sexual assault victims,  
2 would probe and ask questions about  
3 whether or not they were engaged in  
4 healthy relationships.

5 MR. KIM: That's how you tried to  
6 reconcile it?

7 THE WITNESS: That was how I was  
8 reconciling it.

9 MR. KIM: Is that the exercise  
10 you were going through with every  
11 comment that was being reported to you,  
12 you would try to reconcile it?

13 THE WITNESS: No.

14 MR. KIM: So then in your mind,  
15 the governor -- you didn't question  
16 that -- you had no reason to question  
17 that he had said that?

18 THE WITNESS: No. Well,  
19 beyond --

20 MR. KIM: And to reconcile it in  
21 a way that is not inappropriate?

22 THE WITNESS: Let me back up.  
23 Yes, I had reason to question it based  
24 on the sleeping with, hanging out with.  
25 So I didn't know how much was being

1 relayed verbatim or how much was being  
2 relayed through somebody's personal  
3 lens. But it wasn't really my job to.

4 MR. KIM: So let me unpack that.  
5 Based on the fact that she clarified  
6 what was said, you had to question --  
7 you had a basis to question whether she  
8 was telling the truth when she also said  
9 the governor asked her whether she had  
10 been with an older man? Is that your  
11 testimony?

12 THE WITNESS: I would not call  
13 her a liar. That's not what I'm saying.  
14 I'm saying that sometimes people hear  
15 things a different way than they are  
16 said, and only people who know what is  
17 said are the people are in the room.  
18 And ...

19 MR. KIM: So what -- so how did  
20 you reconcile? Do you think -- were you  
21 thinking that Ms. Bennett had heard  
22 something different when she reported  
23 that he asked whether she had been with  
24 an older man?

25 THE WITNESS: I didn't know.

1 MR. KIM: You thought, he must be  
2 playing therapist? That was a --

3 THE WITNESS: That was a  
4 possibility.

5 MR. KIM: What else?

6 THE WITNESS: I don't know what  
7 else.

8 MR. KIM: Did you think for a  
9 second that maybe he was making an  
10 advance?

11 THE WITNESS: It was very  
12 difficult for me to wrap my head around  
13 that.

14 MR. KIM: Let me ask you that  
15 question again. Did you think for a  
16 second that maybe he was --

17 THE WITNESS: No.

18 MR. KIM: -- making an advance?  
19 Not for a second?

20 THE WITNESS: No.

21 MR. KIM: Why not?

22 THE WITNESS: Because it's not  
23 who I know.

24 MR. KIM: It's not possible?

25 THE WITNESS: It's not who I

1 know. And Charlotte was like a sweet  
2 kid. Like, no, I could not see him  
3 coming on to Charlotte.

4 MR. KIM: So in your mind, it was  
5 impossible?

6 THE WITNESS: It didn't really  
7 matter what was in my mind.

8 MR. KIM: I'm not asking you  
9 whether it mattered or not. In your  
10 mind, was it impossible that he had made  
11 an advance on her?

12 THE WITNESS: Yes.

13 MR. KIM: And that's how you  
14 treated her allegations?

15 THE WITNESS: I didn't treat it  
16 any way. I left it to counsel.

17 MR. KIM: That's what you  
18 assumed, that it was impossible?

19 THE WITNESS: I couldn't wrap my  
20 head around it.

21 MR. HECKER: Why don't we take  
22 two minutes?

23 MS. KENNEDY PARK: Can we just  
24 finish, please?

25 THE WITNESS: Can I actually run

1 to the bathroom?

2 MS. KENNEDY PARK: I want to just  
3 finish out the conversation with Judy  
4 and Jill.

5 MR. HECKER: With Judy and Jill?

6 MS. KENNEDY PARK: Yeah.

7 MR. HECKER: Go ahead.

8 MS. KENNEDY PARK: Okay.

9 BY MS. KENNEDY PARK:

10 Q. So, is any of what you just  
11 discussed with me, Ms. Clark, and Mr. Kim what  
12 you conveyed to Judy and Jill on the phone  
13 call with them?

14 A. I don't remember.

15 Q. What did you convey to Judy and  
16 Jill?

17 A. We have to figure this out. This  
18 is crazy.

19 Q. Did you convey to them that you  
20 couldn't see the governor making a sexual  
21 advance on Charlotte?

22 A. I think so.

23 Q. What else did you convey to them?

24 A. I don't remember specifically.

25 Q. Do you remember generally?

1           A.     Exactly what I've already told  
2 you, that I thought it was crazy and that we  
3 had to figure out how to deal with this.

4           Q.     Did you call it a red flag that  
5 she had clarified the question about sleeping  
6 with her versus hanging out with her?

7           A.     I don't know if I used that term,  
8 but I think I did, yeah.

9           Q.     And what did you say about that?

10          A.     That that to me demonstrated that  
11 it's possible that not everything she heard is  
12 what he said, and that we needed to figure it  
13 out. And I asked Judy to consult with  
14 Alphonso and Linda and come back and tell me  
15 how she was going to handle it.

16          Q.     Did you in words or in substance  
17 convey to Judy and Jill that the governor  
18 could have never done or said these things?

19          A.     I don't remember, but I could  
20 have.

21          Q.     Did you ask any questions about  
22 what Charlotte had conveyed to Judy and Jill?

23          A.     I'm sure I did, but I don't  
24 remember specifically.

25          Q.     Do you remember generally?

1 A. No.

2 Q. Did you ask them what they were  
3 going to do?

4 A. I think I said, "We need to  
5 figure this out."

6 Q. Right. But did they tell you  
7 what they were going to do?

8 A. I don't think they knew.

9 Q. Were you crying during this  
10 conversation?

11 A. I don't think so.

12 Q. Was Jill?

13 A. I don't think so.

14 Q. Was Judy?

15 A. No.

16 Q. Were you aware whether  
17 Ms. Bennett was crying when she conveyed this  
18 information to Judy or Jill?

19 A. I don't remember.

20 Q. Did they describe to you what her  
21 demeanor was when she told them about her  
22 conversations with the governor?

23 A. No, because I don't know if it  
24 was on the phone or in person. I just know it  
25 was a very long conversation.

1 Q. You mean it was a long  
2 conversation between Judy, Jill, and  
3 Ms. Bennett?

4 A. I think like three hours.

5 Q. And you don't recall them telling  
6 you anything about her demeanor?

7 A. They may have, but I don't  
8 remember. That wasn't the thing in the  
9 conversation that I remember.

10 MS. KENNEDY PARK: Why don't we  
11 go ahead and go off the record.

12 MR. HECKER: Okay.

13 THE VIDEOGRAPHER: The time is  
14 3:58 p.m. This concludes Media 7. Off  
15 the record.

16 (Recess taken from 3:58 p.m. to  
17 4:14 p.m.)

18 THE VIDEOGRAPHER: The time now  
19 is 4:14 p.m. This begins Media 8. On  
20 the record.

21 BY MS. KENNEDY PARK:

22 Q. You had previously told us in a  
23 conversation you had with Jill DesRosiers  
24 about Charlotte Bennett in mid-June, you don't  
25 remember her mentioning that was -- she was

1 uncomfortable with the governor. Right?

2 A. Correct.

3 Q. You have to --

4 A. Sorry. I'm sorry.

5 Q. And then in June you come to

6 learn that -- that what Ms. Bennett was

7 uncomfortable with related to the -- right?

8 CERTIFIED STENOGRAPHER: I'm

9 sorry. Can you repeat that please.

10 Q. In June you came to understand

11 that what Ms. Bennett was uncomfortable with

12 related to the governor?

13 A. Yes.

14 Q. Did you raise to Ms. DesRosiers

15 why she hadn't told you earlier that

16 Ms. Bennett's concerns related to the

17 governor?

18 A. I don't remember if I talked to

19 her about that, but in my mind, I remember

20 thinking I should have -- it should have been

21 a flag. The word "uncomfortable" should have

22 been a flag. I should have done something.

23 Q. Not just the word

24 "uncomfortable," but wouldn't it have been

25 important for you to know that the concerns

1 were about the governor in mid-June?

2 A. I don't -- I didn't -- I don't  
3 think I had a conversation with Jill about it  
4 later, Except that in my mind I was like, I  
5 should have done something about this earlier.

6 Q. But you didn't speak to Jill  
7 about the fact that she had not told you the  
8 concerns were about the governor?

9 A. No.

10 Q. And that didn't made you angry  
11 that she hadn't told you that it was about the  
12 governor?

13 A. No.

14 Q. Wouldn't that be important  
15 information for you to know?

16 A. I wasn't focused on that at that  
17 point.

18 Q. And I just wanted to note, did  
19 the governor ever speak to you about age  
20 differences in your relationship partners?

21 A. Not that I recall.

22 Q. Did he ever ask you how old  
23 someone would be that you would date?

24 A. Not that I recall.

25 Q. Did he ever ask you your thoughts

1 on monogamy?

2 A. Not that I recall.

3 Q. Did he ever tell you that he  
4 missed being touched?

5 A. No.

6 Q. Did he ever compare you to Daisy  
7 Duke?

8 A. No.

9 Q. Did he ever tell you he was  
10 lonely and wanted to get on a motorcycle and  
11 drive away?

12 A. No.

13 MR. KIM: Can I --

14 MS. KENNEDY PARK: Go ahead.

15 MR. KIM: After you learned this,  
16 learned what Charlotte Bennett said he  
17 had said, did you ask the governor  
18 whether he had said any of these things  
19 to her?

20 THE WITNESS: There was a  
21 conversation between the governor, Judy  
22 Mogul, and me.

23 MR. KIM: And you're asserting  
24 privilege on that?

25 MR. HECKER: Yes.

1 MR. KIM: Other than that  
2 conversation, have you discussed  
3 Charlotte Bennett's allegations with the  
4 governor at all?

5 THE WITNESS: The following day.

6 MR. KIM: The following day. Day  
7 after what?

8 THE WITNESS: The -- the day  
9 after I learned of all of this, so  
10 July 1.

11 MR. KIM: So what did you talk to  
12 the governor about then?

13 THE WITNESS: I was really upset.

14 MR. KIM: What did you say?

15 THE WITNESS: I think that he  
16 could see that I was upset, and he asked  
17 what was wrong, and I said, "I'm really  
18 upset."

19 And he said, "Why?"

20 And I said some version of, "I  
21 can't believe -- I can't believe that  
22 this happened. I can't believe you put  
23 yourself in a situation where you would  
24 be having any version of this  
25 conversation."

1 BY MS. KENNEDY PARK:

2 Q. And what did the governor say in  
3 response?

4 A. "I looked at her [REDACTED]  
5 [REDACTED]"

6 Q. Sorry, say that again?

7 A. I looked at her [REDACTED].

8 Q. The governor told you he looked  
9 at Charlotte Bennett and [REDACTED]?

10 A. Yes.

11 Q. And he said [REDACTED]  
12 [REDACTED]?

13 A. Yes.

14 Q. And so the explanation the  
15 governor gave you was he was treating  
16 Ms. Bennett [REDACTED]

17 [REDACTED]?

18 A. Yes.

19 Q. Did he convey to you that he  
20 would speak to [REDACTED] about monogamy?

21 A. The conversation didn't go any  
22 further than that.

23 Q. And you said -- you told him you  
24 were upset. At this point, did you understand  
25 the governor was aware of what Ms. Bennett had

1 said?

2 A. There was one conversation with  
3 Judy and him.

4 MR. HECKER: You can answer that  
5 question yes or no, whether you  
6 understood that he and -- he knew what  
7 Ms. Bennett had alleged at that point.

8 A. Not all of it.

9 Q. Okay. You knew that he was aware  
10 of some of what Ms. Bennett -- Bennett had  
11 alleged?

12 A. From the conversation with Judy  
13 Mogul.

14 Q. Okay. And the governor -- you  
15 said you were upset. How did the governor  
16 know that you were upset? Were you physically  
17 upset?

18 A. I don't hide it well, yeah.

19 Q. Okay. And describe that for us.

20 A. It was like a combination of  
21 anger and, like, frustration.

22 Q. And what were you angry about?

23 A. That we could -- that, like, he  
24 would put himself in that situation.

25 Q. And did you raise to him any

1 concerns about what he had done to Charlotte  
2 Bennett?

3 A. Not beyond me saying, "I can't  
4 believe how stupid -- like I don't understand  
5 how this could happen."

6 Q. Is that what you told him, "I  
7 don't understand how this could happen?"

8 A. Yes.

9 Q. And did the governor acknowledge  
10 that the conversation had occurred?

11 A. That's when he said to me, "I  
12 looked at her and [REDACTED]."

13 Q. Did he dispute in that, to you,  
14 any of the things Ms. Bennett had said he had  
15 told her?

16 A. It was a very curt conversation.

17 Q. How long did it last?

18 A. 30 seconds.

19 Q. Where were you?

20 A. In the car.

21 Q. Which car?

22 A. Driving from the office to the  
23 helipad.

24 Q. Do you need a moment?

25 A. I'll be okay.

1 Q. There's tissues there.

2 A. Thank you.

3 Q. Do you need a minute?

4 A. I'm okay.

5 Q. Is this the kind of reaction you  
6 had in front of the governor?

7 A. Yeah.

8 Q. And you said you were frustrated.  
9 What were you frustrated about?

10 A. I understood, based on my  
11 conversation with him and Judy, what his side  
12 of it was, and it just -- it just, it's like,  
13 what were you thinking?

14 Q. At any point, did you raise the  
15 governor -- with the governor what should be  
16 done for Ms. Bennett?

17 A. No.

18 Q. I think you were just saying to  
19 me a moment ago you -- you were concerned  
20 about "us." I think that's what you said. We  
21 can scroll back.

22 What did you mean by "us"?

23 A. It was like, you know, the  
24 administration, him, Charlotte, it was all of  
25 it. It was like, this -- like, you -- it's,

1 like, you did something that could jeopardize  
2 your career.

3           It's this sexual assault victim  
4 feels like, you know, you were saying these  
5 things to her. It was, like, as I was  
6 learning about it from Judy the night before,  
7 it was, like -- there was, like, a, like, gong  
8 going off, like -- it was, like, you know,  
9 like, a dinging noise of, like, what the hell  
10 is happening? Like, none of this makes any  
11 sense. It didn't comport with the person that  
12 I knew.

13           Q.     And when you're in the car, how  
14 does the conversation with the governor end?

15           A.     I got out of the car.

16           Q.     Was -- did you ask to get out of  
17 the car? Like, did the car stop? You asked  
18 to pull over? Or was the --

19           A.     The car stopped and I got out.

20           Q.     Okay. And was the car supposed  
21 to stop, like, you arrived somewhere?

22           A.     I think we were, like, at a  
23 light.

24           Q.     You were at a traffic light?

25           Okay. And you got out of the car?

1 A. Yeah.

2 Q. And where did you go?

3 A. I went and met up with a  
4 girlfriend.

5 Q. Okay. Did the governor try to  
6 reach you after you got out of the car?

7 A. Not immediately.

8 Q. And which girlfriend did you meet  
9 up with?

10 A. My friend [REDACTED]

11 Q. What did you tell -- what's  
12 [REDACTED] last name?

13 A. [REDACTED]

14 Q. Who's [REDACTED]?

15 A. A best friend from college.

16 Q. Okay. And how did you end up  
17 meeting up with [REDACTED]?

18 A. We had been talking that the next  
19 time I was in the city, we could get together.  
20 I, like, because of COVID, really hadn't seen  
21 her for a while.

22 Q. Was it a prearranged meeting with  
23 her?

24 A. No.

25 Q. So did you reach out to her and

1 ask her to meet with you?

2 A. Yeah, I knew she was in the town.

3 Q. Okay. Where did you meet?

4 A. At a restaurant.

5 Q. And what did you say to

6 [REDACTED]?

7 A. Nothing about any of this.

8 Q. Were you visually upset?

9 A. No. I think I shook it off by  
10 the time I got there.

11 Q. You said it -- Joon?

12 MR. KIM: Can I ask a follow-up  
13 question about your conversation in the  
14 car?

15 So you said he said he [REDACTED]  
16 [REDACTED]. And you said that you  
17 understood what he meant?

18 THE WITNESS: I understood from  
19 the conversation the night before with  
20 Judy his version of the events.

21 MR. KIM: How do you explain the  
22 question whether Charlotte had been with  
23 older men as [REDACTED]  
24 [REDACTED]?

25 THE WITNESS: There were [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] and that the questions the governor was posing were, like, out of concern, that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. KIM: So you understood the governor when saying, "Have you been with older men," that he was expressing concern as if she was [REDACTED]?

THE WITNESS: Like, acting in a [REDACTED], someone who is a victim of sexual assault acting in a [REDACTED].

MR. KIM: How did you understand his statement that I can -- "I, the governor, am okay with, you know, anyone over 22" to be explained by him seeing

1 in Charlotte Bennett [REDACTED] ?

2 THE WITNESS: That wasn't the  
3 context in which I understood that  
4 comment.

5 MR. KIM: So that you didn't  
6 understand?

7 THE WITNESS: No. I'm saying  
8 that was a direct -- I understood that  
9 to be a part of a conversation where  
10 Charlotte started the conversation by  
11 saying, "I've been going through your  
12 mail. You're getting all these love  
13 letters. There are all these women that  
14 want to date you."

15 And that he said, "You can be in  
16 charge of finding me a girlfriend."

17 And she said, "What's the age  
18 range I should be looking at?"

19 And he said, "Anything over 22."

20 I interpreted that to be, like, a  
21 joky conversation.

22 MR. KIM: So that was a joke in  
23 your mind?

24 THE WITNESS: Yeah. Like banter.

25 MR. KIM: Did the governor say

1           that that was a joke?

2           THE WITNESS: I don't think I can  
3 talk about --

4           MR. HECKER: Can we -- sorry -- I  
5 just want to make sure there isn't some  
6 conflation of two different  
7 conversations.

8           If you're asking her about the  
9 conversation in the car, you should  
10 disclose everything you remember about  
11 the conversation in the car.

12           And if there was this back and  
13 forth with the governor about individual  
14 statements, you should disclose it. And  
15 if not --

16           MR. KIM: No, I don't think that  
17 was the question.

18           So the question was: You  
19 testified that you understood after the  
20 governor said, "[REDACTED],"  
21 so I'm following up on that question.  
22 It's not any particular conversation.

23           At that point, you know that one  
24 of the things the governor said was,  
25 "I'm okay with anyone over 22."

1                   So the question was: How did  
2                   you -- or did you in your mind reconcile  
3                   that comment with his statement that I  
4                   saw her -- "[REDACTED],"  
5                   and I think you were starting to answer  
6                   by saying that, you thought, was a  
7                   joking response to the letters.

8                   THE WITNESS: Yes. Like, it was  
9                   in a different context.

10                  MR. KIM: So my follow-up  
11                  question was: So that comment you sort  
12                  of put it off to the side because that  
13                  was a joke?

14                  THE WITNESS: Yes.

15                  MR. KIM: Correct?

16                  THE WITNESS: Like a -- like  
17                  banter.

18                  MR. KIM: Did you ever ask the  
19                  governor about whether he, in fact, made  
20                  that statement about him being okay with  
21                  22?

22                  And this is where you can -- if  
23                  you think it -- other than in the  
24                  context of discussions with counsel.

25                  MR. HECKER: Right. Outside the

1 context of discussions with counsel, did  
2 you ask the governor about that  
3 particular statement?

4 THE WITNESS: No.

5 MR. KIM: So but in your mind,  
6 you separate that out as a joke.  
7 Correct?

8 THE WITNESS: There's -- yeah.

9 MR. KIM: Okay. The comment  
10 about, "Have you been with an older  
11 man," that's concern?

12 THE WITNESS: Yes.

13 MR. KIM: The comment -- how do  
14 you reconcile the comment -- how did  
15 you, if at all, reconcile the comment  
16 about how he wants to ride away with a  
17 woman on a motorcycle in the woods?

18 THE WITNESS: I didn't.

19 MR. KIM: You did not that --

20 THE WITNESS: He didn't confer to  
21 me that that -- sorry -- I didn't have  
22 that conversation with him outside of  
23 counsel.

24 MR. HECKER: No, the question is:  
25 Did you come to some reconciliation of

1           how that made sense to you, that  
2           statement? That's -- either you did  
3           reconcile it or you didn't.

4           THE WITNESS: No, I didn't.

5           MR. KIM: So when you said you  
6           understood where he was coming from, you  
7           understood -- or you could try to  
8           understand bits and pieces?

9           THE WITNESS: Yes.

10          MR. KIM: Did you ever understand  
11          the entire exchange as somehow to be  
12          explained as the governor thinking or  
13          treating her [REDACTED]?

14          THE WITNESS: Parts of it, yes.  
15          The interaction about the speech, I  
16          could see him and [REDACTED] having that  
17          conversation. I think I've seen them  
18          have a version of that conversation.

19          Some of these other things, yes.  
20          Some of these other things I still to  
21          this day don't know if they were  
22          actually said or not said. I --

23          MR. KIM: And I asked this  
24          question earlier, but it didn't cross  
25          your mind that maybe he was making a

1 sexual advance on her?

2 THE WITNESS: No.

3 MR. KIM: And that -- so that  
4 conversation lasted 30 seconds?

5 THE WITNESS: Yes.

6 MR. KIM: And then you left the  
7 car?

8 THE WITNESS: Yes.

9 MR. KIM: Have you spoken to the  
10 governor at all about Charlotte Bennett  
11 and her allegations since?

12 THE WITNESS: In -- sorry.

13 MS. KENNEDY PARK: Go ahead.

14 THE WITNESS: In the context of  
15 press inquiries.

16 MR. KIM: Outside the presence of  
17 counsel?

18 THE WITNESS: We always had  
19 lawyers on those calls.

20 MR. KIM: Are you asserting  
21 privilege over those conversations?

22 MR. HECKER: I don't even know  
23 which conversations we're talking about.

24 THE WITNESS: That was like -- I  
25 don't think so -- right? -- because

1           there were outside people on those  
2           calls.

3           MS. KENNEDY PARK:   Why  
4           don't -- can we --

5           MR. KIM:   Yeah, sorry, sorry.

6           MS. KENNEDY PARK:   Okay.  That's  
7           okay.  We'll get to those conversations  
8           that occurred after December 2020.

9   BY MS. KENNEDY PARK:

10           Q.     Let's just go back for a second.  
11           And you get out of the car.  It sounds like  
12           you made the car stop.  Right?

13           A.     We were stopped.  I don't know if  
14           I made it stop or if it was at a light, but we  
15           were stopped.

16           Q.     And you spontaneously got out of  
17           the car?

18           A.     Yes.

19           Q.     Okay.  Because you were upset,  
20           that's what you said.

21           A.     Okay.

22           Q.     And then you went and met with  
23           ██████████?

24           A.     Yes.

25           Q.     You said none of this came up

1 with [REDACTED]?

2 A. No.

3 Q. Did you talk about quitting the  
4 executive chamber with [REDACTED]?

5 A. No.

6 Q. Or resigning?

7 A. No.

8 Q. Did you talk about anything  
9 related to the executive chamber?

10 A. Just COVID, generally. The  
11 waitress recognized me from the briefings,  
12 wanted to take a selfie. She was, like, proud  
13 of me. It was, you know, like, we hadn't seen  
14 each other in months. It was just catching up  
15 with an old friend.

16 Q. And I think you alluded to that,  
17 at some point, the governor reached out to you  
18 after you had gotten out of the car  
19 spontaneously.

20 When did the governor reach out  
21 to you?

22 A. I don't know if he reached out to  
23 me or if I reached out to him, but I spoke to  
24 him later that day.

25 Q. Okay. Spoke to him over the

1 phone?

2 A. Yes.

3 Q. And tell us about that

4 conversation.

5 A. I don't remember it well. I  
6 think at that point, Judy and Jill had come  
7 back to me. I don't remember what order I  
8 spoke to people in.

9 Q. Okay. So what do you remember  
10 about the conversation with the governor later  
11 in the day?

12 A. Really not much.

13 Q. What do you remember about the  
14 conversation with the governor later in the  
15 day?

16 A. Nothing specific.

17 Q. Anything general?

18 A. No.

19 Q. You don't remember anything about  
20 the conversation with the governor?

21 A. No. I had been drinking.

22 Q. How late at night was this?

23 A. Call it, like, 5 o'clock.

24 Q. What time did you get out of the  
25 car?

1           A.     Hours earlier.  1 o'clock,  
2     2 o'clock.

3           Q.     Was there any contact between you  
4     and any members of the executive chamber  
5     between 1 or 2 o'clock and 5 o'clock?

6           A.     I definitely talked to Jill and  
7     Judy a handful of times.  I don't remember  
8     specifically what times.

9           Q.     How much did you drink?

10          A.     A couple glasses of wine but I  
11     hadn't eaten.

12          Q.     Did you have any pins with the  
13     governor that evening?

14          A.     I don't think so.

15          Q.     Did you tell anybody about the  
16     content of your conversation with the governor  
17     at 5 o'clock that evening?

18          A.     I don't think so.

19          Q.     Did you tell your husband?

20          A.     I don't think so.  No, definitely  
21     not.

22          Q.     And you don't remember anything  
23     that was said?

24          A.     I don't remember specifically.

25          Q.     Do you remember generally?

1           A.     No, not in a way that I feel  
2 comfortable conveying. I don't --

3           Q.     What was the topic of the  
4 conversation?

5           A.     I think I was probably still mad.

6           Q.     And what did he say to you?

7           A.     I don't remember.

8           Q.     Do you remember even the form of  
9 what he said? Did he apologize to you?

10          A.     I don't remember.

11          Q.     Did he say anything about  
12 Ms. Bennett?

13          A.     I don't think so.

14          Q.     Okay. You don't think that  
15 happened, but you don't remember anything else  
16 about that conversation --

17          A.     I don't -- don't think I spoke to  
18 him again about Charlotte, like one-on-one.

19          Q.     In any of these conversations  
20 with the governor, did you ask him if there  
21 were other women to be concerned about?

22          A.     No.

23          Q.     Why not?

24          A.     I don't know. I didn't.

25          Q.     It didn't occur to you that from

1 a, sort of, secretary-of-governor perspective  
2 that you should know whether there might be  
3 other accusers?

4 A. He seemed pretty shocked that  
5 Charlotte was accusing him. And he's been  
6 someone who's been in the public eye for 40  
7 years, and everything has been written about  
8 him and every rock has been flipped over. And  
9 there's never been allegations like this  
10 before.

11 Q. And so that gave you comfort that  
12 there might not be other allegations out  
13 there?

14 A. It was not what I was focused on.

15 Q. What were you focused on?

16 A. I was still upset about the  
17 Charlotte situation.

18 Q. And the calls that happened  
19 between one and two that day and five, when  
20 you spoke to the governor again, a  
21 conversation that you don't remember, what  
22 were the conversations with Jill and Judy  
23 about?

24 A. Charlotte had gone back to them.

25 Q. And what did they tell you about

1 what Charlotte said?

2 MR. HECKER: Is that privileged  
3 too? I think that's going to be  
4 privileged too if it's Judy.

5 Q. Well, you can tell us what the  
6 facts are about what Charlotte said, because  
7 we actually have the notes of the  
8 conversation.

9 MR. HECKER: The notes were  
10 produced?

11 MS. KENNEDY PARK: Yeah.

12 MR. HECKER: You mean the notes  
13 of the conversation between Judy and  
14 Charlotte?

15 MS. KENNEDY PARK: Yeah.

16 MR. HECKER: That I get. But the  
17 conversation --

18 MS. KENNEDY PARK: Right. So I  
19 asked her, "What did she tell you  
20 Charlotte said?"

21 MR. HECKER: Yeah, but I don't  
22 know that -- I don't know whether --  
23 well, can you distinguish between facts  
24 communicated to you in that conversation  
25 and discussion about legal advice in

1 terms of what to do? I'm just -- that's  
2 the question.

3 THE WITNESS: No.

4 MR. HECKER: Then I'm not going  
5 to -- I'm going to instruct her not to  
6 answer.

7 BY MS. KENNEDY PARK:

8 Q. So you can't remember in any of  
9 those conversations with Jill and Judy any  
10 facts that were conveyed to you about what  
11 Ms. Bennett said on July 1?

12 A. I don't know how to differentiate  
13 them from legal, like, because it was all in  
14 the context of how Judy was recommending going  
15 forward.

16 Q. Right. I'm not asking what Judy  
17 said about going forward. I'm just asking  
18 what did she tell you the words were that  
19 Charlotte Bennett said?

20 MR. HECKER: Wait. I'm going to  
21 instruct her not to parse it that  
22 finely. You -- I don't know whether you  
23 can get this from Judy, but I'm going to  
24 leave it to chambers and their lawyers.

25 MS. KENNEDY PARK: I'll ask this

1 question instead.

2 Q. Do you actually remember those  
3 conversations?

4 A. I remember the conversation  
5 taking place. I don't remember the specifics  
6 of the conversation, but I spoke to Judy again  
7 the following day.

8 Q. At any point in the conversations  
9 with Jill or Judy, did you tell them that you  
10 had been drinking?

11 A. I don't remember.

12 Q. Did you tell the governor that  
13 you had been drinking?

14 A. I don't remember.

15 Q. Are there any other occasions on  
16 which you drank so much that you don't  
17 remember the conversations you had?

18 MR. HECKER: That  
19 mischaracterizes her testimony.

20 Q. Are you telling me that you drank  
21 so much that that's why you don't remember the  
22 conversation you had with the governor that  
23 night?

24 A. I don't remember specifically,  
25 no.

1 Q. Okay. But do you remember  
2 generally?

3 A. No.

4 Q. Okay. So you remember neither  
5 specifically nor generally?

6 A. No.

7 Q. Okay. And is the reason that you  
8 don't remember because you'd been drinking?  
9 Is that what you're implying by telling me how  
10 much you drank?

11 A. I had a couple of drinks, yes,  
12 and I hadn't been eating.

13 Q. What happens after the call with  
14 the governor?

15 A. Nothing. The next day I talked  
16 to Judy again.

17 Q. So at 5 o'clock you just signed  
18 off work?

19 A. No, no. I went back up to Albany  
20 and I went to sleep.

21 Q. Do you remember how you got back  
22 to Albany?

23 A. Yes. I was driven.

24 Q. By PSU?

25 A. No.

1 Q. By who?

2 A. The driver.

3 Q. Okay. And did you do any work  
4 after 5 o'clock that night?

5 A. I don't think so, no.

6 Q. Is that unusual?

7 A. Yes.

8 Q. Okay. And what's the reason you  
9 weren't doing any work?

10 A. I had been drinking.

11 Q. Did you send any e-mails?

12 A. I don't remember.

13 Q. Did you send any pins?

14 A. I don't think so.

15 Q. And then you wake up on July 2.

16 What happens on July 2 related to Charlotte  
17 Bennett?

18 A. I spoke to Judy again.

19 Q. Without getting into the  
20 substance, what was the topic of the  
21 conversation with Judy Mogul on July 2?

22 A. A summary of the day prior.

23 Q. Are you able to delineate in your  
24 mind in the conversation with Judy any facts  
25 that she conveyed to you about what Charlotte

1 Bennett had said the prior day?

2 MR. HECKER: Look, I think that  
3 you're trying to parse this a little too  
4 finely. My understanding is that  
5 counsel for the chamber has designated  
6 those conversations as privileged. So  
7 I'm going to have her abide by that  
8 judgment.

9 MS. KENNEDY PARK: All right.  
10 Just for the record, I don't think we're  
11 the ones that are parsing this too  
12 finely.

13 BY MS. KENNEDY PARK:

14 Q. So you -- you're going to stand  
15 on the privilege on the conversation with Judy  
16 Mogul.

17 On July 2, who else did you speak  
18 to about Charlotte Bennett?

19 A. I may have spoken to Jill, I may  
20 have spoken to Linda, but I don't recall  
21 specifically.

22 Q. Do you remember what you spoke to  
23 Jill about?

24 A. I'm sure it was about the  
25 conversation the day prior, but I don't

1 remember specifically.

2 Q. Do you remember generally?

3 A. A recap of the day prior.

4 Q. Okay. And what was the recap you  
5 were given from Jill?

6 A. I don't remember specifically.

7 Q. Do you remember generally?

8 A. No. Sorry.

9 Q. What about Linda Lacewell? What  
10 was the subject matter of the conversation  
11 with her on July 2?

12 A. I don't even remember if I spoke  
13 to her on July 2. I'm saying it's very  
14 possible that I did because the three of us  
15 were talking a lot in that, like, compact  
16 period of time.

17 Q. Who else in that compact period  
18 of time was involved in discussions about  
19 Charlotte Bennett?

20 A. Alphonso David.

21 Q. Anyone else?

22 A. No.

23 Q. Rich Azzopardi?

24 A. No.

25 Q. Peter Ajemian?

1 A. No.

2 Q. Why didn't you involve the press  
3 team?

4 A. Because it wasn't a public  
5 relations matter. And it was none of their  
6 business. There was a potential complaint.  
7 There was potential -- I didn't know how this  
8 was going to be handled legally. It was not  
9 something I would talk about with anyone.

10 Q. Was there any concern expressed  
11 in any conversations you were a part of that  
12 Charlotte Bennett might go to the press?

13 A. No.

14 Q. That she would make a public  
15 disclosure?

16 A. No.

17 Q. Why was Alphonso David involved?

18 A. Why was he involved?

19 Q. Mm-hmm.

20 A. We routinely involved him in  
21 legal matters after he left as a matter of his  
22 transition.

23 Q. And how long had it been, before  
24 July of 2020, that he had left the chamber?

25 A. A year.

1 Q. And his transition was still  
2 going on after a year?

3 A. We continue to rely on Alphonso  
4 now.

5 Q. And what's his role now?

6 A. He is the executive director of a  
7 human rights campaign.

8 Q. So he has another job?

9 A. Yes.

10 Q. He doesn't work for the state  
11 anymore. Right?

12 A. No.

13 Q. And yet you were seeking his  
14 legal counsel?

15 A. Yes.

16 Q. Did the executive chamber pay for  
17 those services?

18 A. No.

19 Q. Was there a contract for his  
20 services for legal advice?

21 A. No.

22 Q. Did you ever raise any concerns  
23 about the fact that there wasn't a contract  
24 for his services?

25 A. No.

1 Q. Did you ever raise any concerns  
2 about whether -- the fact that he was not  
3 being paid legal fees?

4 A. No.

5 Q. Did anyone raise any of those  
6 concerns?

7 A. Not to me.

8 Q. Okay. What was the topic of the  
9 conversations with Alphonso David?

10 A. I didn't speak to Alphonso  
11 directly, Judy did.

12 Q. Were you briefed on those  
13 conversations?

14 A. Yes.

15 MS. KENNEDY PARK: And if I ask  
16 the substance, I'm guessing you're going  
17 to tell me, at the direction of chamber,  
18 you're invoking privilege?

19 MR. HECKER: Correct.

20 Q. Why was Linda Lacewell involved?

21 A. Linda is always involved in legal  
22 matters that are sensitive to the chamber.

23 Q. And why is that?

24 A. Out of habit.

25 Q. She's the superintendent of DFS.

1 Is that right?

2 A. Yes. But she had just spent four  
3 months living in Albany, working on the second  
4 floor with us doing COVID. And even if she  
5 wasn't, I would probably say we should seek  
6 her advice.

7 Q. And why is that?

8 A. Because I trust her and I think  
9 she has good judgment.

10 Q. And what was the subject matter  
11 of the counsel that you sought from her?

12 A. I think I told Judy to consult  
13 with Linda.

14 Q. Did you have any direct  
15 conversations with Ms. Lacewell?

16 A. Yes.

17 Q. And what was the subject matter  
18 of those conversations?

19 A. She was --

20 Q. Don't tell me the substance, just  
21 tell me the subject matter.

22 MR. HECKER: Subject matter.

23 A. Charlotte.

24 MS. KENNEDY PARK: And if I ask  
25 you for the substance of those

1           conversations, are you going to object  
2           on the grounds of privilege?

3           MR. HECKER: Correct.

4           Q.     Anyone else during this time  
5           period that was being consulted about  
6           Charlotte Bennett?

7           A.     No.

8           Q.     To your knowledge, was anybody  
9           from GOER consulted about Charlotte Bennett?

10          A.     I don't know.

11          Q.     Have you ever asked that question  
12          of anyone?

13          A.     I don't remember if at the time  
14          we talked about if she had spoken to GOER or  
15          if she had contemplated speaking to GOER.

16          Q.     Who is "she"?

17          A.     Judy.

18          Q.     But it was your understanding,  
19          from the handbook that we talked about  
20          earlier, you told me that ultimately all  
21          allegations or concerns of potential sexual  
22          harassment needed to be raised to GOER.

23                   Is that right?

24          A.     Well, you have to report them  
25          either to counsel's office, to your

1 supervisor, and then I think based on that,  
2 you decide whether or not you go to GOER.

3 Q. Okay. Earlier you told me it  
4 wasn't decide whether to go to GOER, it was  
5 that all of them had to go to GOER. That's  
6 what you testified to earlier.

7 A. If there was a complaint.

8 Q. Okay. And was it your view that  
9 there was not a complaint here?

10 MR. HECKER: I don't know how she  
11 can answer that without delving into the  
12 conversations that she had with counsel  
13 who gave her legal advice about that  
14 issue.

15 A. It wasn't my call.

16 Q. Did you seek or receive legal  
17 advice on the question of whether Charlotte  
18 Bennett had made a complaint?

19 A. I referred the matter when it was  
20 relayed to me to Judy Mogul.

21 Q. And are you saying you relied on  
22 Judy Mogul's legal advice as to whether  
23 Charlotte Bennett had raised a complaint?

24 A. Correct.

25 Q. Other than the people that we

1 just talked about during this June, July 2020  
2 time period, did you speak to anybody else  
3 about Charlotte Bennett?

4 A. No one.

5 MR. KIM: What about Steve Cohen?

6 THE WITNESS: No.

7 MR. KIM: Do you know if others  
8 did?

9 THE WITNESS: I don't think so.

10 Q. What about Chris Cuomo?

11 A. No.

12 Q. Do you have any understanding of  
13 who the governor was speaking to at this time  
14 about Ms. Bennett?

15 A. I assume no one.

16 Q. After -- well, how were  
17 Ms. Bennett's concerns resolved?

18 MR. HECKER: If it requires you  
19 to make reference to a privileged  
20 conversation you had with Judy Mogul or  
21 another lawyer within chambers, then I  
22 think that's privileged conversation.

23 A. It's privileged conversation.

24 Q. After Ms. Bennett's concerns  
25 were -- about her interactions with the

1 governor were raised, were there any changes  
2 in the policies of the executive chamber?

3 A. Judy instituted a change --

4 MR. HECKER: Go ahead.

5 A. -- where briefers, instead of  
6 going into the house, left the book with the  
7 gate, with the trooper at the gate.

8 And then one of the people from  
9 the house would come pick it up and deliver it  
10 to the governor, or a trooper would bring it  
11 into the house and leave it in the bin.

12 Q. Were there any other changes made  
13 to the executive chamber policies after  
14 Charlotte Bennett's allegations?

15 A. Judy didn't think -- she thought  
16 that it was important that there were always  
17 two people together if it was a junior staff  
18 person so that there couldn't be any  
19 misperceptions or any conversations that could  
20 happen.

21 Q. Sorry. Judy thought that there  
22 should be two people at all times where?

23 A. Like, staffing the governor, if  
24 you're going to have a junior staff person, so  
25 that you would eliminate the possibility that

1 there could ever be a potential misperception.

2 Q. So the new policy was that the  
3 governor would always be staffed by two  
4 people?

5 A. That was what Judy had  
6 recommended. I don't know if it was really  
7 institutionalized.

8 Q. And you're understanding the  
9 basis for that recommendation was to avoid a  
10 misperception?

11 A. Yes.

12 Q. Is that your position, that  
13 Ms. Bennett misperceived her conversation with  
14 the governor?

15 A. I don't -- my opinion on this is  
16 irrelevant.

17 Q. I think you should answer the  
18 question. Was your opinion that Ms. Bennett  
19 had misperceived the conversation with the  
20 governor?

21 A. Parts of it, yes.

22 Q. And the parts of it are the parts  
23 that you described to Mr. Kim earlier. Is  
24 that right?

25 A. Yes.

1 Q. The parts where he was trying to  
2 play therapist with her because he viewed her  
3 [REDACTED]?

4 A. Yes.

5 Q. But the other parts she didn't  
6 misperceive?

7 A. I didn't know.

8 Q. Okay. And this policy about  
9 staffing the governor always with two people,  
10 did that just apply when there was a woman  
11 junior staffer?

12 A. I'm not sure.

13 Q. And who else was involved in  
14 coming up with this policy, this new policy?

15 A. I think it was Judy's  
16 recommendation. And I think she talked to  
17 Jill about it.

18 Q. Did you talk to Jill about it?

19 A. I don't remember if Jill was in  
20 the conversation I had with Judy or if it was  
21 separate. But Jill handled a lot of the  
22 staffing, so ...

23 Q. Did you talk to the governor  
24 about it?

25 A. No.

1 Q. Why not?

2 A. I don't know.

3 Q. And you said -- you intimated  
4 that it never really was instituted. Did I  
5 understand that right?

6 A. I said I don't know.

7 Q. You don't know if it was  
8 instituted or not. Who would know that?

9 A. Jill, Stephanie.

10 Q. Did it matter to you if this was  
11 instituted?

12 A. I don't know what that means.

13 Q. So counsel made a recommendation  
14 that a staffing protocol for the governor be  
15 changed. Did you ensure that that  
16 recommendation was followed?

17 A. There was one instance when I was  
18 aware that it wasn't being followed, and I  
19 took action on it.

20 Q. Okay. And what was the instance  
21 when you became aware it wasn't being  
22 followed?

23 A. There was a time when [REDACTED]  
24 [REDACTED] and **Staffer #2** [REDACTED] were back meeting  
25 with the governor. And I called **EA#2** [REDACTED] and

1 asked what was happening in the office, and  
2 she said that **Staffer #2** -- that **S#2** and  
3 **[REDACTED]** had been back there, and then **S#2** had  
4 left and **[REDACTED]** was back there.

5 Q. Sorry, I missed who you  
6 called -- you called **EA#2**

7 A. Yes.

8 Q. Okay. And then what happened  
9 after that?

10 A. I called the governor and said  
11 that I didn't think that she should be back  
12 there alone; that if **S#2** wasn't there  
13 anymore, that you should continue the  
14 conversation with her later.

15 Q. Did you tell him why?

16 A. No.

17 Q. And what did he say?

18 A. "Okay."

19 Q. And then what happened?

20 A. I believe she left the office.

21 Q. The governor must have told her  
22 to leave?

23 A. I think he wrapped up the  
24 meeting. I wasn't there in person.

25 Q. Okay. Have you ever heard of

1 something called the Graham-Pence rule?

2 A. Yes.

3 Q. What is the Graham-Pence rule?

4 A. That the vice president -- former  
5 vice president not be left alone with a woman.

6 Q. Is what Judy was recommending  
7 essentially the Graham-Pence rule for the  
8 governor?

9 A. Sounds similar, yes.

10 Q. Did you have any concerns about  
11 Judy recommending what is essentially the  
12 Graham-Pence rule for the governor?

13 A. She was doing it out of his  
14 protection. And previously I know that when  
15 he was at HUD, he had a very similar policy.  
16 We also don't close the door to the conference  
17 room.

18 We don't close the door to the  
19 inner office so that -- I mean, it's as much  
20 for his protection as it is anybody else's so  
21 that there's always a witness to things.

22 Q. Do you have any concerns that the  
23 Graham-Pence rule is gender discriminatory?

24 A. No.

25 Q. Why not?

1           A.     Because -- I mean, if -- yes, if  
2 it applies only to women, sure, but ...

3           Q.     And was it being applied in  
4 this -- to the governor only for women?

5           A.     I don't remember if it was  
6 specifically to men and to women, but I think  
7 it was just if there was going to be a  
8 staffer, there should two.

9           Q.     Right. But you just told me  
10 that, in essence, what was happening is the  
11 Graham-Pence rule for Governor Cuomo. Right?

12          A.     Well, as you were describing it.

13          Q.     What do you --

14                 THE WITNESS: Can I take a break,  
15 please?

16                 MS. KENNEDY PARK: Yeah, of  
17 course. Sure.

18                 THE VIDEOGRAPHER: The time is  
19 4:51 p.m. This concludes Media 8. Off  
20 the record.

21                         (Recess taken from 4:51 p.m. to  
22 5:07 p.m.)

23                 THE VIDEOGRAPHER: The time now  
24 is 5:07 p.m. This begins Media 9. On  
25 the record.

1 BY MS. KENNEDY PARK:

2 Q. Prior to December of 2020, are  
3 there any conversations you had about  
4 Charlotte Bennett that we haven't discussed  
5 yet?

6 A. No. Not that I recall. Once the  
7 matter was, sort of, closed, it wasn't  
8 discussed again.

9 Q. So in between -- so this is July  
10 of 2020 and December of 2020 -- did you have  
11 any conversations about the fact that  
12 Charlotte Bennett was leaving the health  
13 policy team?

14 A. I think Judy and Jill, one or the  
15 other, maybe both, let me know that she was  
16 leaving.

17 Q. And do you remember what Jill  
18 told you about that -- about Charlotte  
19 leaving?

20 A. I think that she wanted to pursue  
21 graduate school.

22 Q. Did Jill or you discuss offering  
23 her a different position within the  
24 government?

25 A. I don't recall. Maybe, but I

1 don't remember.

2 Q. Do you recall discussing with  
3 Jill trying to keep her on the payroll until  
4 she began graduate school?

5 A. I don't remember.

6 Q. Anything else you remember about  
7 the conversation with Ms. DesRosiers?

8 A. No.

9 Q. Do you remember Ms. DesRosiers  
10 telling you that Charlotte had an [REDACTED]  
11 [REDACTED]?

12 A. Yes.

13 Q. What do you remember about that?

14 A. That she was [REDACTED] and that  
15 she needed a [REDACTED] and that, I think,  
16 someone had told her that they couldn't have  
17 it, and then Jill intervened to make sure that  
18 she could have it if that's what she needed.

19 Q. Okay. And what did Jill tell you  
20 about why Ms. Bennett needed [REDACTED]  
21 [REDACTED]?

22 A. That she was [REDACTED]

23 Q. She told you it was because [REDACTED]  
24 [REDACTED]?

25 A. [REDACTED] specifically.

1 Q. Okay. And did that -- when did  
2 that conversation occur?

3 A. I don't remember, September,  
4 October.

5 Q. Was it in the time frame when you  
6 were speaking to Jill about Ms. Bennett  
7 leaving the executive chamber?

8 A. Yes.

9 Q. Okay. How many conversations  
10 with Jill did you have about Ms. Bennett  
11 leaving the executive chamber?

12 A. Not many. One, two.

13 Q. Were there any conversations with  
14 Ms. DesRosiers about whether Ms. Bennett might  
15 disclose her allegations against the governor  
16 if she left the executive chamber?

17 A. No.

18 Q. Your conversation with Ms. Mogul,  
19 can you tell us what the topic of that  
20 conversation was?

21 MR. HECKER: Topic's fine.

22 A. I think that Charlotte was  
23 leaving.

24 Q. And as to the substance, is the  
25 executive chamber directing you not to answer

1 those questions on the ground of privilege?

2 MR. HECKER: Same ruling they've  
3 given us on this topic with -- of  
4 discussions with Ms. Mogul, yes.

5 MS. KENNEDY PARK: I enjoy that  
6 now they have rulings. Okay.

7 MR. HECKER: Position.

8 Q. So other than the --

9 MR. HECKER: As you know,  
10 Counsel, it's not our privilege to make  
11 judgements about --

12 MS. KENNEDY PARK: I understand.  
13 I apologize for the joke.

14 Q. Other than the conversation about  
15 Ms. Bennett leaving the chamber, did you have  
16 any conversations with anyone between July  
17 of 2020 and December of 2020 about  
18 Ms. Bennett?

19 A. Not that I recall.

20 Q. Did you tell the governor  
21 Ms. Bennett was leaving?

22 A. I don't think so.

23 Q. Did anyone tell the governor  
24 Ms. Bennett was leaving?

25 A. I don't know.

1 Q. You said there were a number  
2 of -- you described them as kids that had been  
3 involved in the original conversation with  
4 Ms. Bennett at a party where she described  
5 having an inappropriate interaction with the  
6 governor.

7 A. I don't think it was a party. I  
8 think that they went to a bar.

9 Q. At a bar?

10 A. Yeah.

11 Q. Did anyone circle back with any  
12 of those individuals to understand what  
13 Ms. Bennett had said?

14 A. I don't know. If anyone would  
15 have, it would have been Judy, but I don't  
16 know.

17 Q. Did you ever direct anyone to do  
18 that?

19 A. No.

20 Q. Are you aware of anyone else  
21 other than Ms. Bennett and the governor and  
22 **Staffer #4** who were spoken to about  
23 Ms. Bennett's experience with the governor  
24 from a factual perspective? Do you know what  
25 I mean when I say that?

1           A.     I'm not sure if Judy spoke to  
2 additional people while she was gathering  
3 information.  If it would have been anyone, it  
4 would have been her.

5           Q.     I'm going to move off of  
6 Charlotte Bennett now, unless Ms. Clark or  
7 Mr. Kim have any additional questions about  
8 Ms. Bennett.

9                     Earlier you mentioned someone  
10 named [REDACTED].  Did I get that right?

11          A.     Mm-hmm.

12          Q.     What was her position in the  
13 executive chamber?

14          A.     She was a -- I don't remember her  
15 specific title but, like, a deputy comms  
16 director, deputy press secretary.

17          Q.     How did she come to be employed  
18 in the executive chamber?

19          A.     Rich Bamberger recommended her.

20          Q.     How did he know her?

21          A.     I think she worked for Kivvit for  
22 a period.

23          Q.     Did the governor meet her before  
24 she came to work in the executive chamber?

25          A.     Yes.

1 Q. And how did he meet her?

2 A. I think Rich brought her up for  
3 State of the State to, like, shadow him, I  
4 think.

5 Q. And the governor met her on that  
6 occasion?

7 A. Yes.

8 Q. When was that?

9 A. January.

10 Q. Of 2021?

11 A. 2020.

12 Q. 2020. And whose idea was it to  
13 bring [REDACTED] into the executive chamber  
14 staff?

15 A. I think that Rich recommended it  
16 to the governor directly.

17 Q. And how did you become aware of  
18 that?

19 A. Because Dani Lever then told me  
20 that she was trying to talk to her about  
21 coming over for a job.

22 Q. And Dani Lever is the one who had  
23 told you that Rich Bamberger had recommended  
24 her to the governor?

25 A. I don't remember who told me that

1 piece. It wasn't, like, all -- you know, it  
2 wasn't, like, a big, exciting piece of news.  
3 It's not something I remember specifically.

4 Q. But you have some recollection  
5 that somebody told you it was Rich Bamberger  
6 who recommended her?

7 A. Yes, yes.

8 Q. Okay. And the governor had met  
9 her on just that one occasion or on more than  
10 occasion?

11 A. I don't know if he brought her up  
12 a second time, but I know for sure that one  
13 time.

14 Q. Had there been any concerns  
15 raised after January 2020 about [REDACTED]  
16 interactions with the governor?

17 A. The -- I mean, the one I told you  
18 about.

19 Q. Anything other than that?

20 A. Not about his interactions with  
21 her.

22 Q. About something else?

23 A. No. I think that Dani had a  
24 difficult time trying to figure out the best  
25 role for her in the press office.

1 Q. Did that relate to the governor  
2 at all?

3 A. No. I think that she genuinely  
4 couldn't figure out how to best utilize her.

5 Q. Had the governor raised any  
6 concerns about how [REDACTED] was being  
7 utilized?

8 A. I think that he thought that she  
9 was talented, based on a couple of meetings  
10 that she was in. She was assertive, she spoke  
11 up, she was creative, and that he wanted to  
12 make sure that they were using her.

13 Q. How did you come to that  
14 understanding, that that was the governor's  
15 view?

16 A. The governor oftentimes thinks  
17 that we hire people and that they aren't  
18 managed well. And I remember there was a  
19 conversation where he was asking Dani, "What  
20 do you have her doing? Do you have her  
21 working on substance? Is she engaged? Don't  
22 just hire people and leave them in a desert."

23 Q. Any other concerns that were  
24 raised about [REDACTED] role in the  
25 executive chamber?

1           A.     That's what I remember.

2           Q.     Any concerns raised about her  
3 interactions with the governor by her or  
4 anyone else?

5           A.     No.    And when she left the  
6 chamber -- oh, that was another -- Judy, after  
7 Charlotte, changed the policy so that anyone  
8 who was leaving, there would be an exit  
9 interview where they would be asked express  
10 questions about their interactions with the  
11 governor, their treatment in the chamber, so  
12 that we could get real-time feedback and, if  
13 there were any issues, try to address them as  
14 they were coming up.

15                     And I know that she did an exit  
16 interview with [REDACTED] or Julia Kupiec or some  
17 combination.    An exit interview was conducted  
18 with [REDACTED].

19           Q.     And what do you know about the  
20 substance of [REDACTED] exit review?

21           A.     That she was perfectly happy,  
22 that she enjoyed the time in the chamber.    She  
23 didn't want to be in Albany.    She didn't like  
24 working, you know, 18-hour days.    She wanted  
25 more of a work-life balance, but that she was

1 grateful to have been part of the team and  
2 supported everybody.

3 Q. In instituting this exit  
4 interview protocol, were any HR professionals  
5 consulted?

6 A. I don't know how Judy came up  
7 with it.

8 Q. Was any -- to your knowledge, was  
9 any research done about the value or  
10 significance of exit interviews?

11 A. I don't know.

12 Q. Do you know if any research was  
13 done about whether employees leaving are  
14 truthful in exit interviews?

15 A. I don't know.

16 Q. Did you or anyone in the  
17 executive chamber consider doing post-exit  
18 interviews, meaning interview somebody a  
19 period of time after they had left the  
20 executive chamber?

21 A. No.

22 Q. You said that sometimes the  
23 governor gets involved in determining whether  
24 someone is being best utilized. I apologize  
25 if I'm not getting your words exactly right.

1                   Were there any other occasions in  
2 which the -- to your knowledge, the governor  
3 raised an issue about how someone was being  
4 utilized?

5           A.     Yes.

6           Q.     Who?

7           A.     I mean, it happens all the time.

8 I'm trying to think of something specific.

9 I'm sorry, I can't think of anything specific.

10 But it's not an uncommon refrain for him.

11           Q.     Do you know someone by the name  
12 of Kaitlin [REDACTED]?

13          A.     Yes.

14          Q.     Who's Kaitlin [REDACTED]

15          A.     Kaitlin [REDACTED] is somebody who  
16 worked in the chamber for a short time a  
17 couple of years ago.

18          Q.     And what year was that?

19          A.     2017.

20          Q.     Okay. And what was her role?

21          A.     She was hired to be Stephanie's  
22 assistant in New York City.

23          Q.     Did you have a role in her  
24 hiring?

25          A.     No.

1 Q. Do you know how she came to the  
2 attention of the executive chamber?

3 A. Yes.

4 Q. How did you come to your  
5 understanding of how she came to the attention  
6 of the executive chamber?

7 A. [REDACTED] had just left, and so  
8 there was an opening for that position. And  
9 the governor was at an event that [REDACTED]  
10 hosted, and he met her at that event. And [REDACTED]  
11 [REDACTED] was, like, singing her praises that  
12 she was this rising star, go-getter, really  
13 talented.

14 And the governor -- we had that  
15 position open. And so then afterwards, he  
16 spoke to Jill and Annabel about seeing if she  
17 was interested in doing that job.

18 Q. Sorry, I think the question I  
19 actually asked was how did you come to that  
20 understanding?

21 A. I was at the event.

22 Q. Okay. So you saw the governor  
23 interact with [REDACTED]?

24 A. I don't remember if I saw him  
25 interact with her specifically. But I know

1 the next day he asked Jill and Annabel to  
2 follow up on the conversation.

3 Q. Right. When you were at the  
4 event, did you see the governor interact with  
5 [REDACTED] ?

6 A. Yes.

7 Q. Did you hear his conversation  
8 with [REDACTED] about Kaitlin [REDACTED] ?

9 A. No.

10 Q. So how did you come to understand  
11 that [REDACTED] and Mr. -- Governor Cuomo  
12 had had a conversation about Kaitlin [REDACTED] ?

13 A. Because the next day when they  
14 were talking about bringing her in to see if  
15 she would be interested in filling that  
16 position, he said, "[REDACTED] said she's great. She  
17 worked for [REDACTED]. Check with [REDACTED]  
18 [REDACTED] who was [REDACTED] assistant at the  
19 time -- or chief of staff, excuse me -- at the  
20 time.

21 Q. At that time, when you were  
22 having the conversation with the governor, did  
23 he know what her name was?

24 A. I don't remember.

25 Q. Do you know anything about how

1 folks found her to contact her?

2 A. I think that -- no, the answer is  
3 no.

4 Q. Okay. And other than being in  
5 that meeting with the governor, and it's -- I  
6 think you said Ms. Walsh and Ms. Benton? Is  
7 that right?

8 A. No. I think it was Jill and  
9 Annabel.

10 Q. Sorry, Jill and Ms. Walsh. Did  
11 you have any other knowledge about how  
12 **Kaitlin** came to be employed in the executive  
13 chamber?

14 A. No. I think it was just that  
15 simple.

16 Q. Were any concerns raised by the  
17 governor when **Kaitlin** was in the executive  
18 chamber about whether she was being best  
19 utilized?

20 A. He wanted to make sure that she  
21 wasn't set up for failure, that she was being  
22 given projects, that Stephanie was engaging  
23 her, that she was being properly managed.

24 Q. When did Governor Cuomo raise  
25 those concerns?

1           A.     At various points at the  
2 beginning.

3           Q.     You mean at the beginning of her  
4 employment?

5           A.     Yes, excuse me.

6           Q.     In those conversations, did the  
7 governor ever tell you **Kaitlin** had expressed  
8 concerns about how she was being utilized?

9           A.     Not that I recall.

10          Q.     In those conversations, did the  
11 governor ever tell you **Kaitlin** had expressed  
12 concerns about how she was being treated by  
13 other members of the senior staff?

14          A.     No. But he wanted to make sure  
15 that she felt included.

16          Q.     Did he express to you that she  
17 had said she did not feel included?

18          A.     I don't think so. But I know  
19 that he was always very much like, you know,  
20 everyone should go out together, everyone  
21 should be friends, everyone should socialize  
22 together, you need to make sure you're  
23 inclusive.

24          Q.     Was he saying those things  
25 because that didn't happen?

1           A.     I think that he is always a  
2 little bit like a camp counselor in that way.  
3 He's always worried, making sure that everyone  
4 feels good and comfortable and, like, they're  
5 socializing altogether, and that everyone is,  
6 like, a -- very much a group outside of the  
7 office.

8           Q.     Ms. DeRosa, I just want to be  
9 clear. I don't want you to mind read for the  
10 governor. I just want you to tell me what he  
11 said. Right?

12          A.     He said what I said.

13          Q.     Okay.

14          A.     "Make sure you're including  
15 Kaitlin. Don't put her on an island and set  
16 her up to fail."

17          Q.     And what did you do to ensure  
18 that **Kaitlin** was not put on an island and  
19 set up to fail?

20          A.     I didn't do anything. She didn't  
21 report to me.

22          Q.     Who did she report to?

23          A.     Stephanie and secondarily Jill  
24 and Annabel.

25          Q.     Did you ever hear anything after

1 that -- those conversations with Governor  
2 Cuomo about whether **Kaitlin** was being  
3 successful in her position?

4 A. She was not.

5 Q. And tell us about that.

6 A. She would forget things, big and  
7 small. She, it appeared, would get stressed  
8 out under pressure and, like, couldn't put  
9 phone calls through and would drop phone  
10 calls.

11 She wouldn't necessarily make  
12 herself available. Like, we're very, you  
13 know, last minute, everyone needs to come to  
14 the office or, you know, working long hours.  
15 And I know that there were some issues with  
16 that with Annabel.

17 And I know that when they had  
18 hired her, she had wanted a higher salary  
19 because she said that if she was taking this  
20 job, that she couldn't do waitressing on the  
21 weekends or get, like, a second job.

22 So if she was going to not have  
23 time for a second job, that she needed to make  
24 sure that she had a salary that was  
25 commiserate with what would have otherwise

1 been full-time employment plus part-time  
2 employment.

3 But then I know that Annabel and,  
4 I think, Stephanie were frustrated that she  
5 then, like, wasn't actually available  
6 oftentimes to work some of those hours.

7 Q. Did she, in fact, get that  
8 salary?

9 A. Yes.

10 Q. What was her salary?

11 A. I don't remember.

12 Q. And the description that you're  
13 giving me about how she was not being  
14 successful in her role in the chamber, are  
15 those issues that you were aware about in real  
16 time?

17 A. Yes.

18 Q. Before December 2020?

19 A. Yes.

20 Q. Okay. And what about including  
21 her? What do you know about whether **Kaitlin**  
22 was being included?

23 A. She had her own separate group of  
24 friends.

25 Q. Was she invited to social events

1 with the senior staff?

2 A. If we were all downstairs and  
3 she, like, walked in, we would say, "Sit  
4 down." But, no, she was junior staff, and she  
5 socialized with other junior staff.

6 Q. So when the governor told you to  
7 make sure she was included, what did you  
8 understand that to mean?

9 A. I don't think I even spent two  
10 minutes processing it.

11 Q. Did you ever see **Kaitlin**  
12 interact with the governor?

13 A. Yes.

14 Q. Describe those interactions.

15 A. I always remember thinking he  
16 was, like, really making an effort with her to  
17 succeed. He would put her in the room with  
18 all of us during event prep meetings. He  
19 would engage with her in the room with other  
20 people to make sure that she felt like she was  
21 part of the discussion.

22 Q. Did he have a nickname for her?

23 A. Yes.

24 Q. What was that?

25 A. Sponge.

1 Q. Who came up with that nickname?

2 A. I think he did.

3 Q. Did you use that nickname for

4 her?

5 A. Everybody did.

6 Q. Did anyone ask **Kaitlin** how she

7 felt being called Sponge?

8 A. I didn't.

9 Q. To your knowledge, did anyone ask

10 her how she felt about --

11 A. I don't --

12 Q. -- being called sponge?

13 A. -- know.

14 Q. Sorry, you just got to wait.

15 A. Sorry, sorry.

16 Q. It's okay. We're doing better

17 now.

18 Did you ever see the senior staff

19 yell at her?

20 A. I don't know about yell at her.

21 I certainly was frustrated with her on a

22 couple of occasions. But it's how I

23 characterized it before. I can be, like, very

24 stern and animated, but I don't generally

25 raise my voice all that much.

1 Q. Can you give me an example of how  
2 you interacted with her -- express your  
3 frustration?

4 A. She had the responsibility for  
5 making sure the governor had the book every  
6 day, which was --

7 Q. The briefing book?

8 A. -- the briefing book. It was one  
9 of her responsibilities, which entailed going  
10 around the office and making sure that  
11 everyone who had a role in the briefing book  
12 had completed that task.

13 So certain people had to review  
14 the remarks. Certain people had to review the  
15 substance. Certain people had to review the,  
16 you know, talking points, whatever it was for  
17 the book.

18 And it just constantly -- like,  
19 there was a goal when she was hired to change  
20 that process and make sure that he got it in a  
21 more timely manner, and it constantly didn't  
22 happen.

23 Q. So tell me about your  
24 conversation with her where you said you  
25 expressed frustration.

1           A.     I don't remember specifically.  
2     But I know that there were times when I said,  
3     "You're not doing the job that you're supposed  
4     to be doing, and it's important that he get  
5     this book at this time. And if someone isn't  
6     getting you something and you need to tell me  
7     so that I go make them get it to you, like,  
8     that conversation needs to be had.

9            "It can't happen after the fact  
10    because the task isn't accomplished. It needs  
11    to happen on the front end."

12          Q.     Okay. Can you recall any  
13    occasions in which you observed anyone in the  
14    senior staff yelling at her? I know you were  
15    saying you didn't.

16          A.     Well, I mean, I was definitely  
17    stern with her. No, not specifically or  
18    generally, no.

19          Q.     See anyone berate her?

20          A.     No.

21          Q.     Belittle her?

22          A.     No.

23          Q.     Would you put calling her Sponge  
24    in the category of belittling her?

25          A.     I didn't think so at the time,

1 but now I can see why someone may feel that  
2 way.

3 Q. Any occasions in which you saw  
4 anyone treat her in a way you thought was not  
5 respectful?

6 A. No.

7 Q. Treat her in a way you thought  
8 was inappropriate?

9 A. No.

10 Q. See her cry?

11 A. No.

12 MS. KENNEDY PARK: I'm going to  
13 switch to something else, unless you  
14 guys have questions about **Kaitlin** ?  
15 Okay.

16 Q. How did **Executive Assistant #2** come to be  
17 employed in the executive chamber?

18 A. She was a recommendation of a  
19 lobbyist, but I can't remember which one.

20 Q. And what role was she --

21 A. I think maybe  -- I'm  
22 sorry.

23 Q. I'm sorry. I didn't mean to  
24 interrupt you. . Is that right?

25 A. I think so.

1 Q. Okay.

2 A. I don't -- I don't know. It was  
3 one of the lobbyists recommended her.

4 (Discussion off the record.)

5 Q. And what was she hired to do?

6 A. Be an executive assistant.

7 Q. To who?

8 A. To the governor.

9 Q. That was the role she was first  
10 hired into?

11 A. I believe so.

12 Q. She wasn't hired to be your  
13 executive assistant?

14 A. I don't think so but we share.

15 Q. You share all the governor's  
16 executive assistants?

17 A. Not Stephanie, obviously.

18 Q. So who else do you share?

19 A. **Executive Assistant #3**, whoever is sitting  
20 in the pen outside of my office, which  
21 changes. And then, in New York City, I have  
22 my own executive assistant. And then he has  
23 Stephanie and then the person that sits  
24 outside of Stephanie's office.

25 Q. So in Albany, whoever sits at the

1 pen are both your executive assistants and his  
2 executive assistants?

3 A. Yes.

4 Q. What did you do to make sure that  
5 the people who sat in the pen understood that?

6 A. I don't remember.

7 Q. Do you recall ever speaking to  
8 **Executive Assistant #2** about the fact that she was hired  
9 to be your assistant?

10 A. I don't remember.

11 Q. Do you remember what happened on  
12 her first day in the office?

13 A. No.

14 Q. Did she travel with the governor?

15 A. I don't remember.

16 Q. Earlier we talked about someone  
17 named Brittany Commisso. You know  
18 Ms. Commisso?

19 A. Yes.

20 Q. What do you know about how she  
21 got hired into the executive chamber?

22 A. I've heard differing versions. I  
23 don't know firsthand.

24 Q. What do you know secondhand?

25 A. I think that she had a friend

1 from high school who was an assistant in  
2 counsel's office, and that she had a job  
3 working for Albany County, but [REDACTED]

4 [REDACTED]  
5 [REDACTED] and it was, like, not a sustainable  
6 situation for her.

7 And so her friend, like,  
8 recommended her to come in as an executive  
9 assistant.

10 Q. Who did you hear that from?

11 A. Rich Azzopardi.

12 Q. When did you hear that from  
13 Mr. Azzopardi?

14 A. In the last several months.

15 Q. Since February?

16 A. Yes.

17 Q. Did you ever observe the governor  
18 interacting with Ms. Commisso?

19 A. Yes.

20 Q. How would you describe their  
21 interactions?

22 A. Friendly, respectful.

23 Q. Did you ever observe any  
24 interactions that you thought were not  
25 respectful?

1 A. No.

2 Q. How tall is Ms. Commisso?

3 A. Maybe a little bit shorter than  
4 me. So 5'6.

5 Q. How tall is the governor?

6 A. Well, his driver's license says  
7 5'11, but I think he believes it's 6'1.

8 Q. Duly noted. Did you ever hear  
9 the governor make comments about  
10 Ms. Commisso's height?

11 A. No.

12 Q. You ever see the governor measure  
13 his height against Ms. Commisso's?

14 A. Not that I recall.

15 Q. We're going to talk more about  
16 Ms. Commisso and **Kaitlin** later when we get  
17 to December of 2020. But before then, did you  
18 know Ana Liss when she worked in the executive  
19 chamber?

20 A. No.

21 Q. Do you know Alyssa McGrath?

22 A. Yes.

23 Q. Okay. And how did Ms. McGrath  
24 come to be employed in the executive chamber?

25 A. I have no idea.

1 Q. And what's her role in the  
2 executive chamber?

3 A. She's an executive assistant.

4 Q. To whom?

5 A. She's rotated but for a time she  
6 sat outside in the pen.

7 Q. And what time period did she sit  
8 in the pen?

9 A. I think in the fall of 2020.

10 Q. Have you ever observed her  
11 interacting with the governor?

12 A. Sure.

13 Q. Okay. And tell us about those  
14 interactions.

15 A. Same. Friendly, respectful.

16 Q. Have you ever seen her have an  
17 interaction with the governor that you did not  
18 think was respectful?

19 A. No.

20 Q. That you thought was not  
21 friendly?

22 A. No.

23 Q. Would you describe the governor's  
24 interactions with Charlotte Bennett that we  
25 discussed earlier that you learned about in

1 June of 2020 as respectful?

2 A. I really can't -- I can't --

3 Q. Well, you can comment on whether  
4 Ms. Commisso and Ms. McGrath have had  
5 respectful interactions with the governor, but  
6 you're not -- you can't comment on whether --

7 A. I never --

8 MR. HECKER: I think she's --

9 Q. -- you characterized those  
10 interactions with Ms. Bennett as respectful or  
11 not?

12 MR. HECKER: You've asked her, I  
13 can't count the number of questions,  
14 about her views about the conversation  
15 with Ms. Bennett, and now you're just  
16 coming back to them and asking for new  
17 adjectives.

18 Why don't you move on to  
19 something else.

20 MS. KENNEDY PARK: I'm actually  
21 using her own adjectives, and I'd ask  
22 you not interrupt and not to instruct  
23 the witness on the record. That's not  
24 why you're here.

25 MR. HECKER: I'm not instructing

1 the witness at all.

2 BY MS. KENNEDY PARK:

3 Q. Can you answer the question?

4 A. I've already talked about my  
5 views on those conversations, and I never saw  
6 the governor have the conversations that  
7 Charlotte Bennett reported to Judy Mogul, and  
8 I never saw the governor have any  
9 conversations like that with anyone.

10 Q. With anyone else?

11 A. Including Brittany or Alyssa.

12 Q. Why don't we talk about the  
13 governor's conversations with other people.  
14 Have you ever heard the governor make a joke  
15 that had sexual content?

16 A. I'm sure at some point in the  
17 last eight years, but nothing specific comes  
18 to mind.

19 Q. Why are you sure?

20 A. I guess that's not -- I shouldn't  
21 have said that. I don't know. Nothing  
22 specific comes to mind.

23 Q. Anything general come to mind?

24 A. No.

25 Q. Is it -- the reason that you said

1 that you're sure it happened is because the  
2 governor has made jokes with sexual content?

3 A. Not sexual content.

4 Q. Okay. So tell me about the jokes  
5 you have in mind.

6 A. I don't have any jokes in mind.

7 Q. Okay. Have you ever -- were you  
8 there when the governor received his Emmy  
9 statue?

10 A. Yes.

11 Q. What did he say?

12 A. Well, what do you mean?

13 Q. The governor has an Emmy. Right?

14 A. Yes.

15 Q. And he got awarded that Emmy in  
16 2020. Right?

17 A. Yes.

18 Q. Has the governor talked to you  
19 about that Emmy statue?

20 A. Sure. I'm the one that told him  
21 we were -- he was being awarded it.

22 Q. That's great. And has the  
23 governor ever commented on the actual  
24 physicality of the Emmy statue in your  
25 presence?

1 A. Not that I recall.

2 Q. Have you ever heard about  
3 the -- about him commenting about the  
4 physicality of the Emmy statue?

5 A. No.

6 Q. Were you there when the Emmy  
7 actually arrived?

8 A. I don't think I was in the room,  
9 no.

10 Q. Have you ever heard the governor  
11 tell a -- like, an anecdote about an old bull  
12 and a young bull?

13 A. I can tell you're going someplace  
14 specific about this, but I'm not -- I can't --  
15 no.

16 MR. HECKER: Just answer whether  
17 you've heard --

18 A. No, I don't recall.

19 Q. Have you ever heard the governor  
20 comment on people's appearance?

21 A. Yes.

22 Q. Tell us about those comments.

23 A. "Nice tie, Jim." "Melissa, did  
24 you get a new haircut?" You know, "S#2 new  
25 shoes?" Just, you know, comments like that.

1 Q. Comments about people's clothing?

2 A. Yeah.

3 Q. Other than comments on people's  
4 clothing, have you heard the governor comment  
5 about people's appearance?

6 A. Sure.

7 Q. And what kinds of comments?

8 A. "You look tired." "You look nice  
9 today." You know, like, things like that.

10 Q. Ever observe the governor asking  
11 someone wearing a dress to spin around?

12 A. No.

13 Q. Would that shock you that that  
14 happened?

15 A. I've never seen it.

16 Q. You think if that happened, it  
17 would be inappropriate for the workplace?

18 A. I don't know. No, yes, I don't  
19 know. Would it be inappropriate for the  
20 workplace? I guess I -- like everything in  
21 life, there's context. But I don't remember  
22 anything.

23 Q. Ever hear the governor comment on  
24 somebody having nice legs?

25 A. No. But -- no.

1 Q. No, but what?

2 MR. HECKER: Wait, wait, wait.

3 MS. KENNEDY PARK: Let her  
4 finish. She was going to say something.

5 MR. HECKER: She said, "No, but"  
6 and then you said, "No, but what?"

7 If you have more to add, you  
8 should add it. And if not, the question  
9 is whether you have ever heard anyone  
10 comment on someone having nice legs.

11 A. No.

12 Q. But what? What were you about to  
13 say?

14 A. There was reporting on it.

15 Q. Okay. Did you look into that  
16 after the reporting?

17 A. No.

18 Q. Did you talk to the governor  
19 about it after the reporting?

20 A. No.

21 Q. Have you ever heard the comment  
22 make -- the governor make comments about  
23 somebody's weight?

24 A. Sure.

25 Q. What comments?

1           A.     Like, ██████████ lost a lot  
2 of weight at one point.  There's -- he's  
3 commented on my weight, ██████████

4           Q.     Did he ever comment on ██████████  
5 ██████████ weight?

6           A.     Not to me.

7           Q.     To other people?

8           A.     I don't know.

9           Q.     Have you heard about the governor  
10 commenting about ██████████'s weight?

11          A.     Yes, through reporting.

12          Q.     Okay.  Did you ever ask the  
13 governor if it was true?

14          A.     No.

15          Q.     Did you ever ask anybody else if  
16 it was true?

17          A.     No.

18          Q.     Okay.  Have you ever heard the  
19 governor yell at someone?

20          A.     Sure.

21          Q.     On the staff?

22          A.     Sure.

23          Q.     How often?

24          A.     Not often.

25          Q.     Weekly?

1 A. No.

2 Q. Monthly?

3 A. No.

4 Q. Has he yelled at you?

5 A. Sure.

6 Q. What about?

7 A. I don't remember a specific but  
8 I'm sure it's happened.

9 Q. Anybody else you can remember him  
10 yelling at?

11 A. Not off the top of my head.

12 Q. Did you ever yell at Kaitlin

13 [REDACTED]

14 A. I think we already went over  
15 that.

16 Q. I don't remember. Can you just  
17 remind me? Did you yell at Kaitlin [REDACTED]?

18 A. Feels like this is long enough.  
19 I had stern conversations with Kaitlin [REDACTED]  
20 when she didn't do her job.

21 Q. Okay. Let's look at Tab 2.

22 MS. KENNEDY PARK: Let's mark  
23 this as the next exhibit.

24 (Exhibit 12, Text message chain  
25 including Melissa DeRosa, Annabel Walsh,

1           and Jill DesRosiers, dated February 23,  
2           2017, marked for identification, as of  
3           this date.)

4           Q.       This is a text message chain from  
5           you, Jill DesRosiers, Annabel Walsh -- I'm not  
6           missing anybody else -- from February 23,  
7           2017. And you text:

8                        "I just yelled at [REDACTED]  
9           This is after yelling at Sponge this  
10          morning."

11                       Do you see that?

12          A.        I do.

13          Q.        Does that refresh your  
14          recollection if you've ever yelled at Kaitlin  
15          [REDACTED]

16          A.        No. But I use the word "yell"  
17          interchangeably with, like, being stern with  
18          someone.

19          Q.        Those are the same thing in your  
20          mind?

21          A.        Yes.

22          Q.        Have you ever seen the governor  
23          kiss people?

24          A.        Yeah.

25          Q.        At events?

1 A. Absolutely.

2 Q. What about kissing members of the  
3 executive chamber?

4 A. Yes.

5 Q. On the cheek?

6 A. Yes.

7 Q. On the mouth?

8 A. No.

9 Q. Has the governor ever kissed you  
10 on the mouth?

11 A. No.

12 Q. Has anyone ever told you that the  
13 governor kissed them on the mouth?

14 A. No.

15 Q. Would it surprise you to learn  
16 that the governor frequently kissed Annabel  
17 Walsh on the mouth?

18 A. Yes.

19 Q. Did she ever tell you that?

20 A. No.

21 THE WITNESS: I'm sorry, guys.

22 I'm so tired.

23 MR. HECKER: Want to take a  
24 break?

25 MS. KENNEDY PARK: Want to take a

1 break?

2 THE WITNESS: Yeah. Like five  
3 minutes.

4 MS. KENNEDY PARK: If you want to  
5 stop for today -- let's go off the  
6 record.

7 THE VIDEOGRAPHER: The time is  
8 5:41 p.m. This concludes Media 9. Off  
9 the record.

10 (Recess taken from 5:41 p.m. to  
11 5:48 p.m.)

12 THE VIDEOGRAPHER: The time now  
13 is 5:48 p.m. This begins Media 10. On  
14 the record.

15 MS. KENNEDY PARK: We'll close  
16 out the record for the day. Thank you.

17 THE VIDEOGRAPHER: The time is  
18 5:48 p.m. This concludes Media 10 of  
19 today's investigation. Off the record.

20 (Time noted: 5:49 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK )

: ss.

COUNTY OF NASSAU )

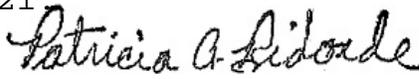
I, PATRICIA A. BIDONDE, a Notary  
Public within and for the State of New  
York, do hereby certify:

That MELISSA DEROSA, the witness  
whose deposition is hereinbefore set  
forth, was duly sworn by me, and that  
such deposition is a true record of the  
testimony given by the witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I  
am in no way interested in the outcome  
of this matter.

IN WITNESS WHEREOF, I have  
hereunto set my hand this day,

July 8, 2021



PATRICIA A. BIDONDE  
Stenographer  
Registered Professional Reporter  
Realtime Certified Reporter