

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

HIGHLY CONFIDENTIAL

VIDEO-RECORDED TESTIMONY OF MELISSA DeROSA

New York, New York

Tuesday, July 6, 2021

Vol. II

Reported stenographically by:
JESSICA TAFT, RMR, CMR
Job #: 365725

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

July 6, 2021
9:00 a.m.

Volume II

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 Jessica Taft, Stenographer,
Notary Public of the State of New York.

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

2

3

4 CLEARY, GOTTLIEB, STEEN & HAMILTON, LLP

5 Special Deputy to the First Deputy Attorney

6 General to the State of New York

7 One Liberty Plaza

8 New York, New York 10006

9 BY: JENNIFER KENNEDY PARK, ESQ.

10 212.225.2357

11 jkpark@cgsh.com

12 BY: JOON H. KIM, ESQ.

13 212.225.2950

14 jkim@cgsh.com

15 BY: LORENA MICHELEN, ESQ.

16 212.225.2482

17 lmichelen@cgsh.com

18

19 (Continued...)

20

21

22

23

24

25

1 A P P E A R A N C E S: (Continued)

2

3 VLADECK, RASKIN & CLARK, P.C.

4 Special Deputy to the First Deputy Attorney

5 General to the State of New York

6 565 Fifth Avenue

7 New York, New York 10017

8 BY: ANNE L. CLARK, ESQ.

9 212.403.7300

10 aclark@vladeck.com

11

12 KAPLAN HECKER & FINK LLP

13 Attorneys for the Witness

14 350 Fifth Avenue

15 Suite 7110

16 New York, New York 10118

17 BY: SEAN HECKER, ESQ.

18 212.763.0883

19 shecker@kaplanhecker.com

20 BY: SHAWN G. CROWLEY, ESQ.

21 scrowley@kaplanhecker.com

22 BY: JUSTIN R. HORTON, ESQ.

23 jhorton@kaplanhecker.com

24

ALSO PRESENT:

25 MATTHEW TURSI, Videographer

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: We are on
3 the record at 10:02 a.m. on July 6th,
4 2021. Audio and video recording will
5 continue to take place until all
6 parties agree to go off the record.
7 Please note that microphones are
8 sensitive and may pick up whispering
9 and private conversations.

10 This is the continued
11 video-recorded deposition of Melissa
12 DeRosa in the matter of Independent
13 Investigation under NY State Executive
14 Law Section 63(8). This deposition is
15 being held at Cleary, Gottlieb, Steen
16 and Hamilton, LLC, located at One
17 Liberty Plaza, New York, New York
18 10006.

19 My name is Matthew Tursi. I am
20 the videographer on behalf of US Legal
21 Support, located at 90 Broad Street,
22 Suite 603, New York, New York 10004.
23 The court reporter is Jessica Taft on
24 behalf of US Legal Support.

25 I am not related to any party

1 in this action, nor am I financially
2 interested in the outcome.

3 Counsel, you may proceed.

4 M E L I S S A D e R O S A,

5 Having been previously duly sworn by a
6 Notary Public within and for the State of
7 New York, continued to testify under oath as
8 follows:

9 EXAMINATION BY

10 MS. KENNEDY PARK:

11 Q Ms. DeRosa, good morning.

12 A Good morning.

13 Q You know that you are still under
14 oath, correct?

15 A Correct.

16 Q Let's pick up where we left off
17 then.

18 Have you ever heard the governor
19 use nicknames for anyone?

20 A Yes.

21 Q What nicknames?

22 A Um, sorry, like Robert we call
23 "Bobert" or sometimes "Sphinx." There was
24 "Sponge" obviously. I am sorry, I am
25 like -- there are lots, but they are not

1 coming to me in this moment. Like,
2 Azzopardi we call "Azzo." You know, Jim
3 Malatras is like "doctor," not a real
4 doctor. Like, he has nicknames; some of
5 them more creative than others for lots of
6 the staff.

7 Q Do you have a nickname?

8 A No.

9 Q Have you heard the governor use
10 the term "█████ the Man"?

11 A Yes.

12 Q Who does that refer to?

13 A I think Annabel.

14 Q "█████ the Man" refers to Annabel
15 Walsh?

16 A Maybe not.

17 Q But you have heard him use that
18 term?

19 A I think so.

20 Q Have you ever heard him use the
21 term "sister wives"?

22 A And we call -- um, sorry we call
23 Annabel "Frannie." Stephanie calls her
24 "Frannie." I think the governor will repeat
25 that sometimes.

1 Yes, I have heard the term
2 "sister wives."

3 Q Who have you heard use that term?

4 A Um, my [REDACTED].

5 Q Your [REDACTED] refers to who in the
6 executive chamber as "sister wives"?

7 A Alyssa and Brittany.

8 Q Have you ever heard the governor
9 use the term "sister wives"?

10 A No.

11 Q Have you ever heard anyone in the
12 executive chamber use the term "sister
13 wives"?

14 A No.

15 Q In what context is your [REDACTED]
16 using the term "sister wives" to describe
17 Alyssa McGrath and Brittany Commisso to you?

18 A When the story came out about
19 Alyssa and Brittany, my [REDACTED] -- I was
20 getting a lot of, like, incoming from people
21 who thought that they knew things or "you
22 should look at this" or "I heard this once."
23 And he commented to me that it was
24 unbelievable to him that Brittany wouldn't
25 have told Alyssa in realtime because they

1 were inseparable and that they were known as
2 "sister wives."

3 Q Did he say how he knew that?

4 A No.

5 Q Have you ever heard the governor
6 refer to someone using a term of endearment
7 like "dear," "honey" or "sweetheart"?

8 A Yes.

9 Q Who does he refer to using those
10 terms?

11 A He sometimes calls me "honey"
12 when he's mad at me in, like, a short way.
13 But I think that he's generally, can be not
14 great with names. And so if he were to see
15 somebody at an event he doesn't necessarily
16 recall their name, he can say "Great to see
17 you, darling."

18 [REDACTED] at the mansion, who
19 has been with the Cuomos since Mario, um,
20 she refers to her as "darling" all the time,
21 people like that.

22 Q Anyone else in the senior staff
23 of the executive chamber that you have heard
24 the governor refer to using a term of
25 affection?

1 A Like Dani, Annabel, Stephanie,
2 just depending on what the context is.

3 Q Are you comfortable with the
4 governor referring to you as "honey"?

5 A No, because when he does it's
6 like -- he's saying it in, like, a short
7 way, and I'm like, "Don't honey me," like.

8 Q Has that stopped the governor
9 from referring to you as "honey"?

10 A It's now sort of become a little
11 bit of a joke between us.

12 Q Going back, are you comfortable
13 with the governor referring to you as
14 "honey"?

15 A Yes.

16 Q Has anyone expressed to you that
17 they are not comfortable with the governor
18 using terms of affection to refer to them?

19 A No.

20 Q Have you heard the term "Mean
21 Girls"?

22 A Yes.

23 Q Okay. Who does the term "Mean
24 Girls" refer to?

25 A Andrew Ball, me, Stephanie, Dani,

1 Jill and Annabel.

2 Q What is the origin of the term
3 "Mean Girls" to describe that group of
4 people?

5 A There was a text chain that we
6 were all on that we had used to internally
7 communicate. And at one point Andrew Ball
8 named the text chain "Mean Girls."

9 Q Do you know why -- did you ever
10 discuss with him why he did that?

11 A He -- it was obviously a
12 reference to the movie because we were a
13 group of friends that hung out all the time.

14 Q Sorry. The movie is about a
15 group of friends who hang out all the time?

16 A Yes.

17 Q A group of girls who are mean,
18 right?

19 A Yes.

20 Q Did you ever refer to yourself as
21 "Regina George" to other members of the
22 executive chamber staff?

23 A There is a, an instance on the,
24 on a boat that we were on where I think that
25 Andrew called me "Regina George," and then

1 I, like, joked about it afterwards.

2 Q Have you ever used the term "Mean
3 Girls" in the executive chamber?

4 A In the context of the text chain.

5 Q Have you ever used it outside of
6 the context of the text chain?

7 A Not that I recall.

8 Q Have you ever heard the governor
9 use the term "Mean Girls" to describe that
10 group of people?

11 A Yes. I think Andrew told him
12 that we were like the "Mean Girls," that
13 that was the name for us. And I don't think
14 the governor has ever seen the movie, but
15 any time that he felt we weren't being
16 inclusive, or we should be more inclusive,
17 he would say: "Stop being the Mean Girls."

18 Q And what did the governor ever
19 say to you about being inclusive?

20 A That we should be more inclusive.

21 Q Who were you not being inclusive
22 to?

23 A He -- this is a little bit what I
24 touched on yesterday. It was like socially
25 speaking, not in a professional sense. He

1 felt like when we -- if we went out at
2 night, we should be inviting everyone and
3 everyone should be hanging out together.

4 Q Did you ever object to the
5 governor, to him using the term "Mean Girls"
6 to describe you and others?

7 A Yes.

8 Q And what did you say?

9 A I said: "I hate that term.
10 Please stop using it."

11 Q Did he stop using it?

12 A Yes.

13 Q After that, he never used it
14 again?

15 A Not in my presence.

16 Q Did you ever hear anyone else
17 tell him that they didn't like being
18 referred to as part of the "Mean Girls"?

19 A Not in my presence.

20 Q Did you ever hear Jill tell him
21 that she didn't like being referred to as
22 part of the "Mean Girls"?

23 A No.

24 Q Ever hear Jill tell him that she
25 was not in fact mean?

1 A It's possible.

2 Q Ever hear the governor speak
3 Italian?

4 A Yes.

5 Q How often?

6 A All the time.

7 Q Do you speak Italian?

8 A No.

9 Q Do you understand what he's
10 saying?

11 A No. I understand -- sorry. I
12 understand, like, words here and there, but
13 I'm not fluent in...

14 Q Has the governor ever used the
15 term "bella" to describe you or another
16 woman in the executive chamber in your
17 presence?

18 A I think in the, like, "ciao
19 bella" sense he would say that.

20 Q Do you understand what that
21 means?

22 A Beautiful.

23 Q Did you think that was
24 appropriate?

25 A Yes.

1 Q Why is that?

2 A I just thought it was a term of
3 endearment.

4 Q Did you ever hear the governor
5 joke about his hand size?

6 A No. I have heard his brother
7 make fun of his hand size.

8 Q Have you ever heard the governor
9 imply that the size of his hands had
10 something to do, some relation to the size
11 of his penis?

12 A No.

13 Q Did you ever hear the governor
14 ask about tattoos?

15 A Yes.

16 Q Tell us about that.

17 A Well, he didn't ask. [REDACTED]

18 [REDACTED] offered at an event that we were at
19 that she had a tattoo.

20 Q What did the governor say?

21 A "What does it say?"

22 And she said, "I think it says
23 Excelsior."

24 It was, like, the state motto,
25 and she was very excited to tell him about

1 it.

2 Q Did she show him where the tattoo
3 was?

4 A I don't remember.

5 Q Any other occasions in which you
6 heard the governor ask about someone's
7 tattoos?

8 A In the context of Charlotte.

9 Q Any others?

10 A Not that I recall.

11 Q Ever become aware that the
12 governor was looking for someone he had met
13 at an event who had a tattoo of a dove?

14 A Only in the context of press
15 inquiry.

16 Q What did you do in response to
17 that press inquiry?

18 A I don't think we responded to
19 that specifically. I don't remember.

20 Q Did you look into the facts?

21 A No, not that I remember. But
22 maybe. That was a crazy time.

23 Q Did you ever hear the governor
24 threaten anyone?

25 A No.

1 Q Ever hear the governor threaten
2 to call someone a child rapist?

3 A In the context of The New York
4 Times.

5 Q Meaning what?

6 A There was an inquiry about the
7 governor saying that in The New York Times.

8 Q Were you involved in the
9 governor's denial of saying that?

10 A Yes.

11 Q Okay. And how did you come to
12 the conclusion that you would deny it?

13 A Rich and I asked him.

14 Q And he said?

15 A He had no memory of that.

16 Q You are aware later there was a
17 tape of him threatening to call someone a
18 child rapist, is that correct?

19 A Yes.

20 Q So, the governor told you he had
21 no memory of that, and then later it turned
22 out it was true?

23 A Yes.

24 Q Any other occasions in which you
25 heard the governor threaten to name call

1 someone like that?

2 A Not that I recall.

3 Q Okay. Ever see the governor
4 throw something at someone?

5 A Yes, but not in, like, a hostile
6 way.

7 Q What did he throw?

8 A There is a soccer ball in the
9 office; we kick it around. There is, like,
10 a Nerf Ball that we throw back and forth,
11 stuff like that.

12 Q Ever see him throw fruit at
13 someone?

14 A I have seen him throw an almond,
15 like, "catch this," but not at someone.

16 Q Like to -- he threw an almond to
17 someone to catch it?

18 A Yes.

19 Q A single almond?

20 A Yes.

21 Q Did you ever see him throw a
22 speaker?

23 A No.

24 Q Ever see him throw a stapler?

25 A No.

1 Q You told me before that the
2 governor has hugged you, right?

3 A Yes.

4 Q The governor's has never kissed
5 you --

6 A No.

7 Q -- is that right?

8 A Well, yes. On the cheek.

9 Q On the cheek?

10 A Maybe on the forehead.

11 Q And you said the governor's never
12 kissed you on the lips, is that right?

13 A Correct.

14 Q Has the governor ever massaged
15 you?

16 A I don't think so.

17 Q Either your back or your arms?

18 A I don't think so, but it's
19 possible.

20 Q When you say "it's possible,"
21 what do you mean?

22 A I mean, I could foresee a
23 scenario where I was sitting in a chair, and
24 he came up from behind me and he was like:
25 "Hey slugger," like, "What's going on?"

1 Like, I could see that.

2 Q Did he ask -- well, you don't
3 remember that happening, is that right?

4 A Right.

5 Q Did you ever witness him
6 massaging anyone else in the executive
7 chamber?

8 A No.

9 Q Did the governor ever pat you on
10 your stomach?

11 A No.

12 Q Did you ever see him pat anyone
13 else on their stomach?

14 A Yes.

15 Q Who?

16 A [REDACTED], I think, when she
17 was pregnant.

18 Q Other than -- well, on that
19 occasion, did he ask [REDACTED] if he could
20 touch her?

21 A I think so.

22 Q Other than [REDACTED], have you
23 seen him pat anyone else on the stomach?

24 A Potentially [REDACTED] in the
25 same situation, but I don't recall

1 specifically.

2 Q [REDACTED] (sic) was pregnant?

3 A [REDACTED]

4 Q [REDACTED] was pregnant?

5 A Yes.

6 Q Has the governor ever touched you
7 on the butt?

8 A No.

9 Q Have you ever seen him touch
10 someone else on the butt?

11 A No.

12 Q Has the governor ever put his
13 lips on your neck?

14 A No.

15 Q Has the governor ever laid his
16 head in your lap?

17 A No.

18 Q Did you become aware that someone
19 claimed that they had observed the governor
20 put his head in your lap?

21 A Yes.

22 Q Tell us about that.

23 A [REDACTED], when she was leaving
24 the chamber, the night that she was -- the
25 day that she was leaving she was going out

1 for drinks, and Annabel was going down with
2 her. And the governor was like, "Be nice;
3 go hang out with the kids."

4 And I was, like, okay. So I went
5 downstairs to the bar and I met them at
6 Docks, and I was asking her about her new
7 job and what her prospects were. And it
8 was, like, very friendly. It was clear that
9 she was really drunk. And after a short
10 period of time, I said to Annabel, "Why
11 don't we take off."

12 And Annabel and I went to
13 Knickerbocker, which is a bar under my old
14 apartment or on the same block as my old
15 apartment. And when we got there, she said
16 to me that [REDACTED] had said that she believed
17 there was something going on with the
18 governor and I.

19 Q Sorry. And how does that relate
20 to you having heard that someone said that
21 the governor put his head on your lap?

22 A So she said that -- I am sorry.
23 I guess I should not wave.

24 So she said that -- I was really
25 upset about it. I said that that's not

1 true.

2 And then a few months later,
3 Andrew Ball and I were having a drink, and
4 Andrew Ball told me that he had heard that
5 [REDACTED] was telling people that she
6 walked into the office and that the governor
7 was on top of me, kissing me. To which I
8 expressed outrage. And he said, "I'm just
9 telling you what she said."

10 And so then it sort of became
11 like the [REDACTED] story was like the fish
12 story. Like every time someone told the
13 story, it got worse. And it became, like,
14 the multiplier effect of, like, two people
15 tell two people who tell four people who
16 tell six people.

17 And at some point I heard a
18 version of the story where it was that she
19 walked in and he was laying with his head on
20 my lap.

21 Q And you're, you're saying that
22 never happened?

23 A No.

24 Q Did anyone other than Mr. Ball or
25 Mr. (Sic) Walsh talk to you about that

1 allegation?

2 A No.

3 Q No?

4 A No.

5 MR. HECKER: Your mean Ms.

6 Walsh? It came out as Mr. Walsh.

7 MS. KENNEDY PARK: I meant Ms.

8 Walsh, yes, sorry, Ms. Walsh.

9 BY MS. KENNEDY PARK:

10 Q Have you ever been in a romantic
11 relationship with the governor?

12 A No.

13 Q Are you aware of the governor
14 having a romantic relationship with any
15 member of his staff?

16 A No.

17 Q Did you ever tell anybody you had
18 an emotionally romantic relationship with
19 the governor?

20 A No.

21 Q Did you ever tell anybody you had
22 an emotionally intimate relationship with
23 the governor?

24 A No.

25 Q Has the governor ever held your

1 hand?

2 A Yes.

3 Q When?

4 A Lots of times.

5 Q On what occasions?

6 A I thought [REDACTED],

7 and he held my hand. When the nursing home

8 stuff happened, he held my hand. Like in

9 moments of, like, like traumatic things or

10 like, you know, the night of the election I

11 remember, like, it was, like, "We did it,"

12 and we were, like, holding hands. Like, I

13 have held hands with him.

14 Q Have you observed him holding

15 hands with anybody else?

16 A In similar circumstances.

17 Q Circumstances of stress or

18 celebration?

19 A Yes.

20 Q Did you ever hear that anyone was

21 uncomfortable with the governor holding

22 their hands?

23 A No.

24 Q Have you ever seen a member of

25 the staff sit on the governor's lap?

1 A No.

2 Q Did you ever become aware of an
3 allegation that a member of the staff had
4 sat on the governor's lap?

5 A I heard a rumor.

6 Q What did you hear?

7 A I heard that at a Super Bowl
8 party that **Snr Staffer #3** had sat on his lap.

9 Q Who did you hear that from?

10 A I don't remember at the time, but
11 I know that in the context of recent press
12 inquiries, that came in.

13 Q Did you look into whether that
14 was true or not?

15 A No.

16 Q Were you at a Super Bowl party
17 with the governor and where **Snr Staffer #3** was in
18 attendance?

19 A Yes.

20 Q Did you see **Snr Staffer #3** engage with
21 the governor?

22 A No, not in that -- I mean, yes,
23 of course I'm sure I saw them talking, but
24 not in that particular instance. I left
25 early.

1 Q Was there ever an occasion on
2 which you told **Snr Staffer #3** that she had
3 behaved inappropriately with the governor at
4 a Super Bowl party?

5 A Not that I recall.

6 Q Was there ever an occasion where
7 you chided her for any conduct she had at a
8 Super Bowl party?

9 A Not that I recall specifically at
10 a Super Bowl party.

11 Q Any other party?

12 A Yes.

13 Q Tell us about that.

14 A **Snr Staffer #3** was drinking a lot at the
15 time around when [REDACTED]. And I am
16 a little bit of a hard-ass at these things.
17 And I feel like if you're at an event and
18 there are other legislatures and supporters
19 and friends, like, just because there is a
20 bar in the room, that's not for you
21 necessarily. Like, that's for the guests
22 and you need to be controlled. And that
23 she -- there was a period of time where she
24 was drinking all the time in excess.

25 Q What did you say to **Snr Staffer #3**?

1 A I don't recall specifically, but
2 generally: You can't get drunk like that;
3 it's not appropriate.

4 Q Did any member of the governor's
5 family ever speak to you about his
6 interactions with **Snr Staffer #3**?

7 A I think [REDACTED] may have.

8 Q What do you remember that
9 [REDACTED] spoke to you about?

10 A That [REDACTED] said that she was
11 inappropriate, that she was really drunk at
12 the party.

13 Q Sorry. [REDACTED] told you
14 that **Snr Staffer #3** was inappropriate at the
15 party?

16 A Really drunk at the party, yes.

17 Q And did she say what the
18 interactions were that the governor and **Snr**
19 **Snr Staffer #3** had had on that occasion?

20 A I don't think that she saw, but I
21 think that she had heard the same lap
22 sitting.

23 Q That [REDACTED] had heard
24 that **Snr Staffer #3** had sat on the governor's
25 lap?

1 A Yes.

2 Q Was [REDACTED] present for that
3 occasion?

4 A She was -- I don't know,
5 actually. I know [REDACTED], her husband, was
6 there. [REDACTED] doesn't generally come to
7 events. I don't remember if she was there
8 or not there, like, if it was gossip after
9 the fact.

10 Q So, but you think her husband was
11 there?

12 A Yes.

13 Q And after that was raised to your
14 attention, is that why you spoke to **Snr**
15 **Staffer #3** about drinking at events?

16 A I don't think so. I think it was
17 just generally that she had been drinking a
18 lot.

19 Q So after that was raised to you
20 by [REDACTED], you did not speak to **Snr**
21 **Staffer #3** about that concern?

22 A I talked to her about the
23 drinking. I don't remember where in the
24 timeline that was.

25 MR. KIM: Can I ask one

1 follow-up question on an earlier
2 series of questions?

3 MS. KENNEDY PARK: Yes.

4 EXAMINATION BY

5 MR. KIM:

6 Q Did, did Alfonso David ever ask
7 you, when he was counsel of the executive
8 chamber, ask you if you had a relationship
9 with the governor?

10 A Yes.

11 Q When was that?

12 A After I became secretary.

13 Q What did he -- what did he ask?

14 A I don't remember it as him
15 asking. More like telling, like, people are
16 saying this.

17 Q People are saying what?

18 A That there is something with you
19 guys.

20 Q Who did he say was saying those
21 things?

22 A He didn't say specifically.

23 Q What did he ask you?

24 A That's what I am saying, I guess
25 I don't know if it was a question or more

1 like an information sharing.

2 Q Did he ask you were you, were you
3 in a relationship with the governor?

4 A I don't recall, but I think I
5 just immediately responded and said, "That's
6 not true."

7 Q Do you know if he inquired with
8 the governor?

9 A I don't.

10 Q Anyone else ask you that
11 question, whether you had a relationship
12 with the governor?

13 A Rich Azzopardi, when we got the
14 [REDACTED] inquiry.

15 Q What did he ask?

16 A He was like, "How do we want to
17 respond to this?" [REDACTED] originally
18 called and said -- they, like, changed their
19 story seven times, too.

20 So they called and they said that
21 they had a source that said they saw the
22 governor [REDACTED], like --

23 I am sorry. You get the point. And that
24 they had a blind source saying that we were

25 [REDACTED]

1 [REDACTED], [REDACTED],

2 [REDACTED] And I

3 got really upset.

4 And then they claim that it was

5 [REDACTED] and that they had

6 [REDACTED] of that. And this went on all day.

7 And we -- Judy spoke to the

8 lawyer and threatened defamation. It was,

9 like, you can't, like, say these things; you

10 don't have [REDACTED] of these things.

11 And then ultimately we pushed

12 them, and they finally said the [REDACTED]

13 were -- first they said that they thought it

14 [REDACTED].

15 And then they said that it [REDACTED]

16 [REDACTED]

17 [REDACTED] And so I had

18 to respond to that press inquiry.

19 Q So other than Alfonso David and

20 Rich Azzopardi, anyone else ask you whether

21 you have had a relationship with the

22 governor?

23 A Not that I recall specifically

24 right now. But if I think about it, I will

25 come back.

1 Q And the -- [REDACTED] saying
2 that she saw the governor with his head in
3 your lap, did anyone ask you about that?

4 A No.

5 Q Did Steve Cohen ask you about
6 that?

7 A No. I said something to Steve
8 about it.

9 Q What did you say?

10 A When I heard that [REDACTED] -- I was
11 hearing, like, horrific versions of this
12 [REDACTED] story. And I said to Steve,
13 like, "What is going on? Why is this person
14 saying this stuff about me? I don't
15 understand."

16 And he was like, "Don't worry
17 about it; it's not a thing. People gossip,
18 people rumor monger."

19 Q You volunteered that to Steve?

20 A That I --

21 Q Steve Cohen, that you just raised
22 this with Steve Cohen?

23 A Yes, because -- I mean, we got
24 [REDACTED] from Steven, and I knew that they were
25 very close. She had worked at McAndrews

1 before, and then I think went back to
2 McAndrews afterwards.

3 Q When you say you got [REDACTED] from
4 Steven, what do you mean by that?

5 A I am sorry. He referred her to
6 work in our office.

7 Q And so you -- when did you reach
8 out to Steve Cohen to say this?

9 A Pretty immediately after the
10 fact.

11 Q Which was when?

12 A In 2016, 20 -- I don't remember
13 if it was 2016 when Annabel said something
14 to me or if it was a few months later when
15 Andrew Ball said something to me.

16 Q And did Steve Cohen say whether
17 [REDACTED] told him something similar?

18 A No.

19 Q At any point after 2016, have you
20 spoken to Steve Cohen about [REDACTED]?

21 A Yes.

22 Q When?

23 A In December of last year.

24 Q What did you talk to him about?

25 A When Lindsey made her allegations

1 on Twitter, she started by doing the toxic
2 work environment, hostile work environment.
3 And then, like, every day her allegations
4 grew bigger and bigger and, like, more
5 aggressive and more pointed. And as she was
6 doing it, it obviously was garnering a
7 tremendous amount of press attention. And
8 so reporters started to call and email
9 random people who used to be in the
10 administration. And at the same time,
11 Lindsey started cold calling and emailing
12 people. And she had hired -- we believe
13 that she had hired a lawyer from Wigdor who
14 was doing the same thing. And at one point
15 I believe the lawyer from Wigdor reached out
16 to [REDACTED] and [REDACTED] forwarded that to me or,
17 I am sorry, to Steve. And Steve told me and
18 Linda and Judy, and then Rob also told me
19 that that had happened.

20 Q And what did you do?

21 A I said, "What's going on?" Like,
22 "What is happening here?"

23 And he said she just wanted --
24 you know, [REDACTED] is a friend. She wanted to
25 make sure that we knew that people were

1 reaching out to people, but, like, she has
2 no interest in talking to press or anything.
3 Like, she is not -- like, she is like an
4 ally and a friend; she likes the governor.
5 Like, she is, like, telling us this to be
6 helpful.

7 Q And in those discussions, did the
8 fact that she had said she had seen the
9 governor with his head in your lap come up?
10 Did that discussion come up?

11 A Not specifically, but that she
12 had -- I said, "You know, Steve, she was the
13 one that started the rumors, like, all those
14 years ago."

15 And he said to me, "Don't be
16 silly, it's not a thing." Like, to the
17 extent that she said something, like, it
18 wasn't malicious, and don't think about it.

19 Q Did you have any role in
20 directing [REDACTED] -- did you have any
21 role in directing [REDACTED] to any
22 particular lawyers?

23 A No.

24 Q Do you know which lawyer she was
25 directed to initially?

1 A I know that Steve got a phone
2 call from her and she needed legal counsel,
3 and he had initially said talk to Mitra.
4 And then I think that they referred her to a
5 separate lawyer, which is what happened with
6 a bunch of people.

7 Q Mitra was counsel for the
8 executive chamber?

9 A Yes.

10 Q Did you tell -- you can assert
11 the privilege.

12 MR. HECKER: I think the
13 discussions with Mitra or other legal
14 counsel from chamber about who is
15 going to represent who would be
16 privileged.

17 EXAMINATION BY

18 MS. CLARK:

19 Q Did anyone tell you that there
20 were any photographs of **Snr Staffer #3**
21 sitting on the governor's lap?

22 A I did hear that.

23 Q Who did you hear that from?

24 A **Staffer #4** .

25 Q What did **Staffer #4** tell you

1 about that?

2 A It was again, like, recently in
3 the context of a press inquiry, and they
4 were talking about it. And I said, "Did
5 this happen?"

6 And she said, "I don't remember."

7 And S#4 said, "I think there
8 might be a photo."

9 And I said, "You think or you
10 know?"

11 And he said, "I think."

12 Q Did S#4 say why he thought that
13 there was a photo?

14 A No.

15 Q When you said she said she didn't
16 remember, that is Snr Staffer #3?

17 A Yes.

18 Q Did any reporters ask you about
19 the incident with or possible incident with
20 Snr Staffer #3 sitting on the governor's lap?

21 A Not me.

22 Q Who did they -- did you hear from
23 anyone else that reporters were asking about
24 it?

25 A I heard that Josh Toshi

1 (phonetic) from The Washington Post had
2 reached out to Snr Staffer #3 directly.

3 Q Did you hear whether any press
4 people were asserting that they had
5 photographs of Snr Staffer #3 sitting on the
6 governor's lap?

7 A No.

8 Q Did anyone other than Staffer #4
9 ever tell you there might be a photograph of
10 the incident?

11 A Not that I recall, and I think I
12 would remember.

13 Q Did Staffer #4 say whether he was
14 present at that party?

15 A He didn't say. I do think he was.

16 Q And did he say whether he saw
17 this happen or not?

18 A No.

19 Q Did you ask him?

20 A No. Snr Staffer #3, I know that Snr Staffer #3
21 spoke to the reporter directly afterwards
22 and said, like, that "You can't write this
23 about me; it's not fair." And it never went
24 anywhere.

25 Q Do you know whether Snr Staffer #3

1 told the reporter it didn't happen?

2 A I don't know.

3 Q Did you have any conversations
4 with **Snr Staffer #3** about what she would or
5 wouldn't say to reporters about it?

6 A In the context of that call where
7 she was saying that The Washington Post
8 reached out.

9 Q What did you say to her?

10 A I didn't instruct her.

11 Q Was anyone else on this call?

12 A I think **Staffer #4** was in the
13 background. I think Rich was in the room.

14 Q Did Mr. Azzopardi give her any
15 direction as to what to say or not to say to
16 the reporter?

17 A No. I think that she said that
18 she was going to say it's not fair to write
19 things about people. Like, if they had
20 their own stories and they want to come
21 forward, then that's fair game. But it's
22 not fair for you to take rumor or innuendo
23 and write it. And I am not telling you that
24 this happened, so it's not fair.

25 That was how she told me that she

1 was going to handle it.

2 Q Did she ever report back to you
3 after she spoke to the reporter to say what
4 she actually said to the reporter?

5 A I don't think so, but it didn't
6 get reported.

7 MR. KIM: Can I ask one more?

8 FURTHER EXAMINATION

9 BY MR. KIM:

10 Q Did you ever hear about whether
11 there was [REDACTED] of
12 you interacting in an intimate way with the
13 governor?

14 A In the context of the [REDACTED]
15 inquiry.

16 Q Other than the [REDACTED].

17 A No. In that context it was --
18 there was -- they said there was [REDACTED]
19 Somebody said that there was [REDACTED]. It was
20 all like -- it was [REDACTED] it was [REDACTED]
21 [REDACTED] it was [REDACTED] it was like
22 a whole gamut.

23 Q From who did you hear that?

24 A From who did I hear what?

25 Q That there were these other

1 [REDACTED] and [REDACTED]

2 A From [REDACTED].

3 Q Who is [REDACTED]?

4 A He is a former press secretary
5 who said that he heard -- like, during that
6 period of time there were tons of rumors
7 going around. And that was a rumor that was
8 floating around.

9 And so when the [REDACTED] piece
10 happened, I was, like, is this [REDACTED] is
11 this [REDACTED] is it [REDACTED] is it [REDACTED]
12 [REDACTED]? What are these people going to
13 report that then I am going to have to have
14 my family see.

15 FURTHER EXAMINATION BY

16 MS. KENNEDY PARK:

17 Q On **Snr Staffer #3**, did you ever
18 look for the photos that were being talked
19 about by the reporters?

20 A I don't think so.

21 Q Are you aware if anyone tried to
22 look for those photos?

23 A I don't think so, but it's
24 possible.

25 Q Have you ever asked for photos to

1 be deleted from the governor's PhotoShelter
2 site?

3 A Yes.

4 Q On what occasion?

5 A When there was the woman out in
6 Rochester who came forward, the one who was
7 represented by Gloria Allred. I am blanking
8 on her name.

9 Q Ms. Vill?

10 A Yes. She was making claims about
11 the photos taken that day and that it was
12 illustrative of him having an inappropriate
13 engagement with her.

14 And I immediately went on to
15 PhotoShelter and tried to find other photos
16 from that day to demonstrate the point that
17 it wasn't -- it wasn't anomalous. This was
18 a situation that, you know, he hugs people
19 at disaster sites. He puts his hand on
20 people's face. It was not uncommon. In
21 fact, it was the rule, not the exception.

22 And so I scrambled and asked them
23 to put up photos of that day so that we
24 could share them with the press to show
25 these photos.

1 And then after the fact, the
2 woman who was in one of the photos reached
3 out and said that she was not happy that her
4 photo had been added. And so I said, "Can
5 we delete these?"

6 Q Did you delete the photo
7 permanently or just delete it from the
8 public access to this --

9 A No, just from the public access.
10 We own the photos.

11 Q Have you ever deleted photos from
12 the executive chamber's repository of
13 photographs of the governor?

14 A I don't think so.

15 Q Have you ever directed anyone to
16 do that?

17 A I don't think so.

18 Q Are you aware of anyone doing
19 that?

20 A I don't think so.

21 Q When was the first time you spoke
22 to Governor Cuomo about Lindsey Boylan's
23 tweets regarding her experience in the
24 executive chamber?

25 A The Monday following her first

1 tweets, um, we were going to the office for
2 a press conference, and I told him about
3 them because I thought it was possible that
4 we were going to get a question at the press
5 conference.

6 Q So what day was that?

7 A Monday.

8 Q Do you remember? Sorry, I don't
9 have a calendar in front of me.

10 A The 7th.

11 Q The 7th, okay.

12 What did you tell him?

13 A I told him that Lindsey had done
14 some tweets over the weekend about the worst
15 team environment, and that, that it was
16 toxic. I don't remember specifically what
17 the, those first rounds of tweets were, but
18 I summarized them.

19 And I said, "In the event that we
20 get a question, just let me take it. I
21 don't want you to give sound on this. There
22 is no point. I don't want to elevate the
23 issue."

24 And he asked if anyone had
25 written it. And I said I think at that

1 point The Post and Fox News had picked it up
2 on hostile work environment.

3 Q Anything else the governor said
4 in that conversation?

5 A No. He was, like, okay. He
6 didn't think much of it.

7 Q Did it come up at the press
8 conference that day?

9 A It did not.

10 Q And that's the 7th.

11 When was the first time you saw
12 the tweets relating to -- I think her words
13 were "a toxic team"?

14 A The day that they happened.

15 Q How did they come to your
16 attention?

17 A I think Rich Azzopardi flagged
18 them for me.

19 Q What did you do after Rich
20 Azzopardi flagged her December 5th tweets
21 for you?

22 A I think I flagged them for
23 Alfonso, Linda, Judy.

24 MS. KENNEDY PARK: Why don't we
25 open your binder. You want the one

1 that has Tab 161 in it. We will mark
2 what's at Tab 161 as the next exhibit.

3 (Thereupon, Exhibit 13, Tab
4 161, a series of tweets from Ms.
5 Boylan, 12/5-12/13, was marked for
6 identification, as of this date.)

7 THE WITNESS: Yes, these are
8 the tweets.

9 BY MS. KENNEDY PARK:

10 Q So what is at Exhibit 161 is a
11 series of tweets from Ms. Boylan that begin
12 on December 5th and end on December 13th.
13 And what you're pointing to the tweet from
14 December 5th. That is the one Rich
15 Azzopardi flagged for you?

16 A Yes.

17 Q And then you said you told Linda
18 Lacewell, Alfonso David?

19 A And I think Judy, maybe not the
20 same time, but certainly within, like, a
21 couple of days.

22 Q Why did you tell Linda Lacewell?

23 A Because we were all involved
24 with, like, we, we, Lindsey when she left.
25 So Linda was obviously aware of the

1 circumstances and Alfonso too. And it
2 wasn't the first time she had done negative
3 tweets.

4 Q You recall other occasions in
5 which Ms. Boylan had tweeted negative tweets
6 about the executive chamber?

7 A Yes.

8 Q What were those?

9 A The year prior, I don't remember
10 the specific month, there was something
11 about child care. She talked about how you
12 couldn't have a -- you couldn't be a working
13 mother in the chamber. And she did a tweet
14 and then Jim Malatras did a tweet
15 independent of hers where he said,
16 "Government service is hard; it's supposed
17 to be, but I always found that the chamber
18 was welcoming of my son." And tweeted a
19 bunch of photos of his son [REDACTED] at our
20 office.

21 Q Did Jim Malatras do that on his
22 own?

23 A I think I talked to him about it,
24 but I think it was his idea.

25 Q Did the executive chamber have

1 any response to Ms. Boylan's tweets from the
2 year prior regarding having children in the,
3 being a mother of children in the executive
4 chamber?

5 A I'm sorry, can you repeat that?

6 Q That was a poor question.

7 Did the executive chamber have
8 any response to Ms. Boylan's tweets about
9 her experience as a working mother?

10 A Did the executive chamber have a
11 response to Ms. Boylan's tweets about her
12 being a working mother? I don't remember.

13 Q Did you put out a press release?

14 A I don't think so.

15 Q Did you talk to reporters about
16 it?

17 A I don't think so.

18 Q Did you field calls from
19 reporters?

20 A I don't think I did. Rich may
21 have, or Peter or Dani, whoever was in the
22 press shop at the time. It's sort of rare
23 that a reporter calls me directly.

24 Q So, what do you recall about Rich
25 Azzopardi or Peter Ajemian fielding calls

1 from the press at that time?

2 A I think that they deferred them
3 to Jim's tweet, I think. I don't have a
4 clear memory of it.

5 Q Meaning they pointed them to Jim
6 Malatras's tweets?

7 A Yes.

8 Q Were you aware of them telling
9 the reporters anything else about Ms.
10 Boylan?

11 A No, not at the time.

12 Q Any other occasion on which you
13 recall Ms. Boylan tweeting negatively about
14 the executive chamber prior to December 5th?

15 A Just that instance, I think.

16 Q Prior to December 5th, were you
17 aware of Ms. Boylan ever describing her
18 experience with the executive chamber as it
19 being a toxic work environment?

20 A I think in the context of her
21 leaving.

22 Q And what do you mean by that?

23 A When she said to Alfonso that
24 Annabel and Stephanie were a problem and
25 that she had complained to Rob.

1 Q Any other occasions in which you
2 understood Ms. Boylan had described her
3 experience in the executive chamber as being
4 a toxic environment?

5 A Not that I recall specifically or
6 generally.

7 Q Were you aware that she had
8 multiple written communications in which she
9 described it as a toxic work environment?

10 A I don't think so, but you are
11 asking in a way that means maybe I did.

12 MR. HECKER: Just wait, wait
13 for the next question.

14 THE WITNESS: Okay. Sorry.

15 BY MS. KENNEDY PARK:

16 Q After the December 5th tweet, you
17 told Linda Lacewell, you told Alfonso David;
18 you might have told Judy Mogul?

19 A Yes.

20 Q Then on December 7th you told the
21 governor about it.

22 In between the 5th and the 7th,
23 did you do anything else about Lindsey
24 Boylan's tweets?

25 A No.

1 Q Did you talk to anybody else
2 about Lindsey Boylan's tweets?

3 A Potentially people in the press
4 shop. Potentially Rich and Josh at that
5 point.

6 Q Do you remember speaking to Rich
7 Bamberger, Josh Vlasto -- I'm sorry, Rich
8 Azzopardi?

9 A Yes.

10 Q Tell us what you remember telling
11 them.

12 A Well, I don't think I told him
13 anything. I think I -- I think he called me
14 and said, "She is tweeting this stuff."

15 And I was, like, "She is [REDACTED],
16 and I feel like we have to figure out how to
17 respond."

18 And he was like, "No, you're
19 [REDACTED]. Responding to this is not smart.
20 Let's just -- who cares; it's Lindsey. She
21 is tweeting, she is running for office."
22 Like, leave it alone.

23 Q So that was the conversation with
24 Rich Azzopardi?

25 A Uh-huh.

1 Q Anyone else?

2 A Not that I recall.

3 Q Did you decide to leave it alone?

4 A Yes.

5 Q Did you talk to anybody else
6 about the decision to leave it alone?

7 A There were a lot of discussions
8 that week.

9 Q Between December 5th and
10 December 7th, did you talk to anyone else --

11 A I don't think so.

12 Q -- about leaving -- got to let me
13 finish.

14 A Sorry.

15 Q It's okay.

16 Between December 5th and
17 December 7th, did you talk to anyone else
18 about leaving it alone?

19 A I don't think so.

20 Q If you flip to the next page of
21 that exhibit, you see that Ms. Boylan
22 tweeted on December 8th?

23 A Uh-huh.

24 Q And she tweeted a series of
25 things.

1 How did you become aware of her
2 December 8th tweets?

3 A I don't remember. I think after
4 the first tweets I was just looking at her
5 Twitter feed.

6 Q So you think you saw them on her
7 Twitter feed?

8 A I think so.

9 MS. KENNEDY PARK: And if you
10 look at -- let's go to Tab 163 and
11 mark this as the next exhibit.

12 (Thereupon, Exhibit 14, Tab
13 163, text message, was marked for
14 identification, as of this date.)

15 BY MS. KENNEDY PARK:

16 Q And this looks like a text
17 message between you and Josh Vlasto. Is
18 that right?

19 A Uh-huh.

20 Q This is on December 8th and it
21 looks like you were sending Ms. Boylan's
22 December 8th tweets to Mr. Vlasto, is that
23 correct?

24 A Uh-huh.

25 Q Why did you send them to Mr.

1 Vlasto?

2 A He was advising us on how to deal
3 with it, advising me.

4 Q Advising you or advising the
5 executive chamber?

6 A They are sort of one and the
7 same, but me specifically.

8 Q As of December 8th, was there
9 anyone else from whom you were seeking
10 advice on how to respond or deal with Ms.
11 Boylan's tweets?

12 A It's possible Bam -- Rich
13 Bamberger. It's possible Dani Lever. There
14 is, like, a network of press people around
15 us who I routinely ask for advice.

16 Q Okay. So tell us what you
17 remember about the advice you sought and
18 received on December 8th.

19 A Is it possible -- because I just
20 know December is going to be really long --
21 to take a quick five-minute break?

22 MS. KENNEDY PARK: Sure.

23 THE VIDEOGRAPHER: Going off
24 the record at 10:45 a.m.

25 (Brief break.)

1 THE VIDEOGRAPHER: We are back
2 on the record at 10:56 a.m.

3 BY MS. KENNEDY PARK:

4 Q Ms. DeRosa, I understand you want
5 to clarify a point or supplement a point we
6 talked about earlier.

7 A Yes. In the context of the [REDACTED]
8 [REDACTED] inquiry, I also spoke to Josh Vlasto
9 about the rumors.

10 Q And what did you say to Josh
11 Vlasto?

12 A I called him really upset about
13 the [REDACTED] inquiry and said that I had
14 also heard those rumors years earlier, like,
15 a similar version of the [REDACTED] but [REDACTED]
16 and that I was really upset about it.

17 And he asked me point blank if
18 there was ever anything that physically
19 happened between us.

20 Q And what did you say?

21 A I said no.

22 Q What else was said during the
23 conversation with Mr. Vlasto about the [REDACTED]
24 [REDACTED] article?

25 A He told me that [REDACTED]

1 [REDACTED] and
2 was, like, "You can be honest with me if
3 there was ever anything that happened."

4 And I said there is nothing that
5 ever physically happened. [REDACTED]

6 [REDACTED]
7 [REDACTED] and that I care about him a lot, and I
8 was, like, very upset because I felt like
9 because of the amount of time that we spent
10 together and because everyone knew that we
11 were so close, there was always this rumor
12 that I was sleeping with him, which I was
13 not, and that, like, my biggest, like, fear
14 in life was that people would think that I,
15 like, got my job because I was, like,
16 sleeping with my boss. And I was, like,
17 having a nervous breakdown about it. And
18 he, like, coached me through it, and he
19 helped me write my statement.

20 Q Do you remember anything else you
21 said to Mr. Vlasto in that conversation?

22 A I was just saying that -- I was,
23 like, the bar is so low now, like, they will
24 just write any rumor.

25 I was, like, they are going to,

1 like -- people have seen us a million times
2 have dinner. People have seen us a million
3 times hang out. And, like, now there is
4 this, like, feeding frenzy, and if the [REDACTED]
5 [REDACTED] is going to write this and, like, these
6 things that, like, someone is going to write
7 this, it is going to ruin my life.

8 Q Do you want to take a break?

9 A No, it is okay.

10 Q In that conversation, did you
11 tell Mr. Vlasto that the [REDACTED]
12 [REDACTED]?

13 A I said that it was [REDACTED]
14 I don't know that I used the word
15 [REDACTED] but, like, it was [REDACTED]
16 and that I would never do anything
17 physically with him and I had never done
18 anything physically with him, but that we
19 had a [REDACTED].

20 But I don't think I said [REDACTED]

21 [REDACTED]

22 And I told him that I had spent
23 all of this time with the kids during COVID,
24 and they had all become like family, and
25 that it was [REDACTED] that I was, like,

1 [REDACTED].

2 Q Has the governor ever done
3 anything that has made you uncomfortable?

4 A No.

5 Q Has the governor ever said
6 anything to you that made you uncomfortable?

7 A No.

8 Q Do you want to take a break now
9 before we go back to talking about December,
10 or --

11 A Could I have just maybe just one
12 minute?

13 MS. KENNEDY PARK: Yes. Take
14 as much time as you need.

15 THE VIDEOGRAPHER: Going off
16 the record at 10:59 a.m.

17 (Brief break.)

18 THE VIDEOGRAPHER: We are back
19 on the record at 11:05 a.m.

20 BY MS. KENNEDY PARK:

21 Q So, before the break we were
22 talking about December 8th.

23 A Yes.

24 Q So what happens on December 8th
25 after you saw the tweet and after you sent

1 it to Mr. Vlasto?

2 A I don't think anything. I think
3 it was more like we were spinning
4 internally, trying to figure out what to do,
5 how to respond, if a response was
6 appropriate, how to manage any potential
7 press incoming.

8 Q So what is -- at the end of the
9 day on the 8th, is there any resolution made
10 about whether to respond or how to respond?

11 A That we were going to keep doing
12 nothing, that the belief was that she wanted
13 attention, she was running for office, and
14 that she was going to continue to say more
15 and more outrageous things with the desire
16 of eliciting a response so that she would
17 get our megaphone platform, and it would
18 elevate her.

19 Q Did anyone disagree with that
20 view? Anyone suggest you should have a
21 response?

22 A Yes.

23 Q Okay. Who disagreed?

24 A Josh Vlasto.

25 Q What was his view?

1 A He felt like we needed to get her
2 personnel file out there.

3 Q And that was on December 8th?

4 A I don't remember specifically
5 what day, but it was, like, early on. It
6 was days before that actually happened.

7 Q So days before the personnel file
8 of Ms. Boylan got out there, Mr. Vlasto had
9 raised getting it out there?

10 A Yes.

11 Q Was he the first person to raise
12 the idea of getting her, Lindsey Boylan's
13 personnel file out there?

14 A So, we got an inquiry from
15 Bernadette Hogan from The Post. After she
16 did her first tweet, she called Azzopardi
17 and said: "I've heard that she left on bad
18 circumstances. I've heard that she had
19 issues with black female subordinates. I
20 would write that story."

21 And Rich and I discussed it, and
22 Rich was very adamantly of the view that
23 that was not a good idea.

24 Q This was after Ms. Boylan's first
25 tweet?

1 A Yes.

2 Q And why were you adamantly of the
3 view that that was not a good idea?

4 A Rich was adamantly of the view.

5 Q Sorry, why was Rich of the view --

6 A Because years earlier Howard
7 Glaser had read somebody's personnel file on
8 the radio after they had a -- I don't
9 remember exactly what happened. It was
10 before I was in the administration.

11 But there was something that
12 happened with a former employee, I think at
13 DEC or a state agency. And Howard Glaser
14 responded by going on Fred Dicker's radio
15 show and reading the person's personnel
16 file, and it was a disastrous public
17 relations move.

18 Q In what way was it a disastrous
19 public relations move?

20 A Because to the extent that they
21 were trying to demonstrate that the person
22 was not credible or had a personal axe to
23 grind, it didn't. The story became: The
24 bully Cuomo administration went on the radio
25 and read this person's personnel file.

1 Q And who raised that in the
2 context of discussing Ms. Boylan's personnel
3 file?

4 A Rich.

5 Q What was your view as of
6 December 5th through 8th about this issue?

7 A I didn't know. I was a little
8 bit paralyzed. I was in the mode of I was
9 soliciting a lot of different opinions, and
10 given an hour-to-hour basis changing my own
11 view on what I thought was right.

12 In some moments I think we should
13 stop this before it keeps going, and in
14 other moments I understood the merit of not
15 engaging.

16 Q And what specifically on the
17 personnel file was your view between
18 December 5th and December 8th?

19 A The -- I'm sorry, can you ask
20 that again?

21 Q Sure.

22 What specifically was your view
23 about the personnel file and the release
24 thereof between December 5th and
25 December 8th?

1 A That's what I'm saying. I'm
2 saying that, like that was an internal
3 battle for me, and I was doing this thing
4 that I often do where I call five people and
5 ask their advice and try to get to a place
6 in my head where I feel certain about what
7 it is that we're going to do to respond.

8 And I would speak to Judy Mogul
9 who would say that's not a good idea, and
10 she would win me over. And then I would
11 speak to Josh who would say we need to get
12 the file out there; and then I would think
13 that was the right idea. And I was in that
14 period of time very uncertain about what to
15 do.

16 Q But you're the decisionmaker, is
17 that right?

18 A Yes.

19 Q And the personnel file ultimately
20 is provided to the press, is that right?

21 A Yes.

22 Q And it's provided by who?

23 A Rich Azzopardi in a couple of
24 instances, and Josh Vlasto in an instance.

25 Q That was at your direction?

1 A Yes.

2 Q And how did it come to be that
3 you made the decision that Mr. Azzopardi and
4 Mr. Vlasto would provide Lindsey Boylan's
5 personnel file to the press?

6 A The tweets continued for days.
7 They got more and more escalating. It
8 appeared that her strategy was working of
9 continuing to get press, Twitter followers.

10 In between tweets, she would
11 tweet out a link to donate to her political
12 campaign.

13 There had been a leak on that
14 Friday before her sexual harassment
15 allegations -- I saw you scrunching your
16 eyes.

17 Q I am just calculating days. Go
18 ahead.

19 A What day was the Sunday? Was it
20 the 13th?

21 Q I think that's right.

22 A Okay. So the 11th there was a
23 rumor that we were, that the governor was
24 being considered for attorney general, and
25 she, like, went crazy and her language

1 elevated from -- it went from a toxic work
2 environment to harasser, abuser. And then
3 it became if Joe Biden does this, like,
4 people -- we are going come for receipts.

5 So it kept going, going, going.
6 And by the time we got to Sunday, the
7 group's view was, which I shared, was: We
8 made a mistake by not doing something
9 earlier. All we've done is given her this
10 room to run. And it made her more and more
11 emboldened. Her claims have become more
12 exaggerated, more nasty, sharper.

13 And she has a built-in audience
14 of affirmation between the far left and the
15 far right who politically hate the governor.
16 And that she completely mischaracterized
17 from the outset her dismissal from the
18 office. But in not refuting it, we almost
19 allowed a narrative to harden. And so --

20 And this is always sort of the
21 struggle I find when you are dealing with a
22 crisis like this where it's like: Do you
23 respond and risk giving, you know, elevating
24 someone more and it being an overreaction,
25 especially with my office and my boss where,

1 like, we are constantly viewed as bullies?

2 And so then it looks like an
3 overreaction. And then you, like, raise
4 this person up. Or do you just let it go?
5 But then every time someone says it and you
6 don't knock it down, it becomes part of the
7 record, and you build and harden a
8 narrative. And so that was the ying and the
9 yang.

10 And that Sunday morning, the
11 first call I actually got was from Rich
12 saying: "Did you see Lindsey's tweet? She
13 is talking about eagle feathers." Because
14 she had tweeted the governor lies about
15 things big and small, including an eagle
16 feather.

17 And I then went to go look at her
18 Twitter feed. And I said, "Did you see
19 these other tweets?"

20 And he said, "No. What happened?"

21 And I said, "I think we need to
22 go to the office." And I met him at the
23 office.

24 Q And the tweets you're referring
25 to were the tweets on December 13th in which

1 Ms. Boylan alleged that she had been
2 sexually harassed by the governor, is that
3 right?

4 A Yes.

5 Q Those are the tweets that are on
6 page five of Tab 161?

7 MR. HECKER: You are looking at
8 the wrong tab.

9 MS. KENNEDY PARK: Tab 161.

10 THE WITNESS: I am sorry.

11 BY MS. KENNEDY PARK:

12 Q It's okay.

13 A Which page?

14 Q Page five.

15 A Yes.

16 Q These are the tweets you are
17 referring to?

18 A Yes.

19 Q So prior to these tweets, there
20 had been -- I am characterizing, but make
21 sure I got this right.

22 There had been discussion amongst
23 a number of people in the executive chamber
24 about whether to respond to Ms. Boylan's
25 tweets, including to release her personnel

1 file, is that right?

2 A Yes.

3 Q And you made the decision that
4 you would not do that prior to
5 December 13th?

6 A Yes.

7 Q What changed your mind on the
8 13th?

9 A She had gone so far, and we were
10 getting press inquiries, and they were
11 conflating everything.

12 The story wasn't the governor
13 sexually harassing Lindsey Boylan or, like,
14 "aide alleges."

15 It was: "After five days of
16 tweeting about a hostile toxic work
17 environment in which Ms. Boylan previously
18 hinted that she was asked to sign a
19 nondisclosure agreement, comes out with
20 explosive allegations about sexual
21 harassment."

22 And so because we hadn't engaged
23 the six days prior, trying to argue with the
24 reporters about the initial basis of her
25 claims and saying she lied about that, she

1 left when confronted with her own -- with
2 allegations of her own bullying and
3 contribution to a hostile or a toxic work
4 environment and then asked for her job
5 back -- and of course nobody ever asked her
6 to sign an NDA -- it was impossible because
7 at that point it was like, Well, why didn't
8 you guys say that five days ago? And we
9 were asking you about this five days ago,
10 and you didn't say anything.

11 And so strategically, I thought
12 the best thing to do was to give a statement
13 on the record from Kaitlin, from the press
14 office -- it was in Kaitlin's name -- that
15 directly responded to the allegations of
16 sexual harassment. And then to give the
17 personnel file out.

18 Q Did you consider in that thought
19 process that Ms. Boylan had made what was a
20 protected disclosure about being sexually
21 harassed?

22 A No.

23 Q Did you seek any advice on
24 whether the fact that she had made a
25 protected disclosure should change that

1 analysis about releasing the personnel file?

2 A I sought legal advice.

3 Q Who did you seek legal advice
4 from?

5 A Judy and Linda, at first. And I
6 also said --

7 MR. HECKER: Wait, sorry.

8 THE WITNESS: I am not going to
9 talk about the actual advice.

10 MR. HECKER: Okay, go ahead.

11 THE WITNESS: Judy and Linda at
12 first, and then I said, "Confirm this
13 with Gower."

14 BY MS. KENNEDY PARK:

15 Q And, to be clear, the advice you
16 sought from Ms. Mogul was related to whether
17 you could release the personnel file after
18 Ms. Boylan had made a protected disclosure?

19 A Whether it was legal, yes.

20 Q Did you ask Ms. Mogul to opine on
21 whether that could be considered retaliation?

22 A No.

23 Q Why not?

24 A I didn't get into the specifics
25 of the law. I just said, "Is this legal and

1 allowed?" She understood the circumstances;
2 we were talking about it all morning.

3 Q Did you -- earlier we looked at
4 the employee handbook, and you told me
5 everyone has a personal responsibility to
6 ensure that the handbook is complied with.
7 Do you remember telling me that?

8 A Yes.

9 Q Do you remember that there is a
10 section in the handbook that prohibits
11 retaliation? Do you remember that?

12 A Yes.

13 Q So what did you do to ensure Ms.
14 Boylan was not retaliated against from
15 making a protected disclose regarding sexual
16 harassment?

17 A I asked the lawyers if it was
18 okay, if what we were doing was within the
19 legal confines and wouldn't do anything to
20 undermine them.

21 Q That was the question you posed?

22 A My question was: Is this
23 allowed? Is this legal? Is this allowed?

24 Q And you asked them to consult
25 with Gower?

1 A Yes.

2 Q Why did you do that?

3 A Because Gower is the government
4 agency that deals with employment matters.
5 And so I wanted to make sure that it wasn't
6 just our counsel's -- like, people in my
7 counsel's office opining, but that they
8 checked with someone who I viewed as being
9 extraordinarily credible. And, like, if
10 there was an issue, they would know more
11 than Linda and Judy.

12 Q And did you understand at that
13 time -- or I guess were you seeking legal
14 advice about the question of whether the
15 file could be released or whether the file,
16 releasing the file would be retaliatory?

17 A I wasn't specific. It was: Is
18 this allowed, period, in response to these
19 stories? In response to the incoming that
20 we are getting from the press, are we
21 allowed to do this?

22 Q Were you involved in any
23 non-privileged conversation on December 13th
24 in which the topic of retaliation was
25 discussed?

1 A I don't remember.

2 Q Were you involved in any
3 non-privileged conversation on December 13th
4 about whether it was the right thing to do
5 to release her personnel file after she had
6 made an allegation of sexual harassment?

7 A I don't remember. I don't, like,
8 remember if it was specifically that way.

9 Q Were you involved in any
10 non-privileged conversation in which you
11 considered or discussed whether releasing
12 Ms. Boylan's personnel file after she had
13 made a claim of sexual harassment would
14 discourage others from making such claims?

15 A No.

16 Q Did you think about that?

17 A No. I thought that -- I was very
18 focused on Lindsey, and I thought that
19 Lindsey -- that frankly it would discourage
20 other people about lying about the terms in
21 which they left. But it wasn't about
22 discouraging other people to come forward.

23 Q As of December 13th, what had you
24 done to investigate or seek out the facts
25 related to Ms. Boylan's claim of sexual

1 harassment?

2 A I had a conversation with the
3 governor.

4 Q Tell us about that conversation.

5 A I asked him if there was any
6 truth to her very vague allegation on
7 Twitter.

8 Q And what did he say?

9 A He said, "No, absolutely not."

10 I said, "I need you to tell me
11 the truth. I can't do this with one hand
12 tied behind my back. If there's something I
13 need to know, I need to know it, and we will
14 figure it out with the lawyers, but I need
15 to know."

16 And he said, "No, there is no
17 truth to it."

18 He was uncomfortable with the
19 fact that we said so blanketly nothing
20 ever -- "These are quite simply not true,
21 because she made a veiled reference to
22 sexual harassment about my looks." And he
23 said, "It's possible that at some point I
24 commented on, you know, 'You look nice
25 today,' the way I do with everyone. And if

1 we are saying, like, flatly, this quite
2 simply didn't happen, like, are we being
3 inconsistent?"

4 And my view was and the view of
5 the team was like, "You are parsing; she is
6 not saying did you compliment me. This is
7 like specific to harassment."

8 And he said that in that case he
9 felt comfortable with it.

10 Q In the conversation, is there
11 anything else you remember about the
12 conversation you had with the governor about
13 Lindsey Boylan's claim about sexual
14 harassment?

15 A No, it was like -- it was longer
16 than what I just said to you, but that was
17 the content.

18 Q This occurred on December 13th?

19 A Yeah.

20 Q And in the context of that
21 conversation with the governor, did you
22 raise Charlotte Bennett?

23 A I don't think so.

24 Q Why not?

25 A It was about Lindsey.

1 Q You didn't question in your own
2 mind whether her allegations might be true,
3 given what you had learned about what had
4 happened between him and Charlotte Bennett?

5 A No.

6 Q Did anyone on December 13th
7 discuss Ms. Bennett?

8 A I did with Judy.

9 Q What happened in that
10 conversation?

11 MS. KENNEDY PARK: Are you
12 going to invoke privilege?

13 MR. HECKER: Yes.

14 BY MS. KENNEDY PARK:

15 Q On December 13th, did you discuss
16 Charlotte Bennett with anyone else other
17 than Ms. Mogul?

18 A Not in a non-privileged
19 conversation.

20 Q Who else?

21 A I think Rich Azzopardi, Linda,
22 and Steve.

23 Q When you say "Steve," you mean
24 Steve Cohen?

25 A Steve Cohen.

1 Q Who else was on the, in the
2 conversation on December 13th about
3 Charlotte Bennett with you and Rich
4 Azzopardi?

5 A I think that was the group. Rich
6 in person, Linda was in person. And then
7 Steve and Judy were on the phone.

8 Q On December 13th, did you have
9 any one-on-one conversations with any
10 members of that group?

11 A I'm sure that I had many. It was
12 the whole day was a scramble of phone calls
13 back and forth.

14 Q Can you suss out calls in which a
15 lawyer was not present?

16 A Linda was in my office for the
17 entire day. So, I don't think so.

18 Q And were you seeking legal advice
19 from these people?

20 A Constantly.

21 Q Were you seeking advice from Mr.
22 Cohen?

23 A Yes.

24 Q Was Mr. Cohen being paid for his
25 legal services?

1 A No.

2 Q Did that raise any ethics
3 concerns for you?

4 A No.

5 Q Why not?

6 A The governor hates when I say
7 this, but it's, like, it's how it's always
8 been with Steve. Steve in the aftermath of
9 his leaving has continued to provide legal
10 counsel to the governor, to the chamber. I
11 have asked his legal advice. He has been a
12 trusted legal advisor since I came to work
13 at the governor's office.

14 Q So because it's the way it has
15 always been done, that didn't raise any
16 ethics concerns to you?

17 A Correct.

18 FURTHER EXAMINATION

19 BY MS. CLARK:

20 Q When you spoke to the governor,
21 did you speak -- did the subject of
22 releasing Ms. Boylan's personnel file come
23 up?

24 A I told him after.

25 Q After it was done?

1 A Yes.

2 Q What did he say?

3 A "Is this okay? Did the group
4 think this was the right decision? Did you
5 make sure that this was legal?"

6 And I said, "Yes."

7 Q And leading up to the 13th when
8 the decision was made to release the
9 personnel file, did you have any discussions
10 with the governor about the possibility of
11 releasing her personnel file?

12 A I don't think so. I sort of have
13 a management style with him where I go to
14 him when things, a fire is out or out of
15 control. And when it's in between, I don't
16 like to go to him, especially when I don't
17 have a clear view, I don't have a clear
18 recommendation.

19 And so the majority of the calls
20 that we -- I don't think I involved him at
21 all. It was -- even I didn't tell him about
22 the first tweets until the Monday after when
23 she had started them on Saturday. So, I
24 re-raised them that Sunday morning.

25 Q And after the governor asked and

1 you said the group was okay with it, what
2 was the governor's response?

3 A "Okay."

4 Q Did he ever raise any questions
5 or concerns about releasing Ms. Boylan's
6 personnel file?

7 A Yes. When I told him that we had
8 done that, he asked me if I made sure it was
9 legal and everything was legally
10 appropriate.

11 Q Did the two of you have any
12 discussion about whether it could be viewed
13 as retaliation?

14 A No.

15 FURTHER EXAMINATION

16 BY MS. KENNEDY PARK:

17 Q I am trying to understand why you
18 didn't raise it with the governor, because
19 you told us that the Howard Glaser incident
20 was in your mind as you were thinking
21 through the issue of releasing the file.
22 And the words you used were: That was
23 disastrous PR situation. And now you are
24 going to release another personnel file. So
25 I am trying to understand why you didn't

1 raise it with the governor.

2 A What do you mean, before I did
3 it?

4 Q Yes.

5 A I didn't want to put him in a
6 position where he was making that decision.

7 Q Why didn't you want to put him in
8 a position where he was the one making that
9 decision?

10 A Because I knew that in some
11 corner there would be criticism about it,
12 and I didn't want it to have to be his call.

13 Q In what corner did you think
14 there would be criticism of it?

15 A From Lindsey and the people that
16 she had been cultivating all week.

17 Q What did you think the criticism
18 was going to be?

19 A That it was an overreaction, that
20 it was unfair.

21 Q Unfair in what way?

22 A That people -- that we had given
23 out personal information about her.

24 Q Did you understand that the
25 criticism might be that you retaliated

1 against her?

2 A Not in that term, no. I viewed
3 it as a public relations issue, not a legal
4 issue.

5 Q But did you understand that the
6 criticism might be that you had tried to
7 damage her reputation?

8 A No.

9 Q Did you think it was going to
10 damage her reputation?

11 A She was running for public
12 office. She was a public figure at that
13 point. I know better than anyone how much
14 that is terrible when you get criticized in
15 the press.

16 But she made public allegations
17 that she had never made privately years
18 after she had left in an open forum on
19 Twitter without using any specifics, after
20 spending a week criticizing lots of members
21 of the administration, mischaracterizing the
22 terms of her departure, implying that she
23 was asked to sign a nondisclosure agreement.
24 And so no.

25 Q So you didn't think it was going

1 to damage her reputation by releasing the
2 personnel file?

3 A No.

4 Q Let's just step back and unpack
5 what you just told us.

6 So you said she had made public
7 allegations that she had never made
8 privately for years, right?

9 A Right.

10 Q Did you seek out the facts to
11 determine if she had ever privately made
12 allegations about the governor or about the
13 working environment?

14 A Yes.

15 Q What did you do?

16 A Talked to Alfonso.

17 Q And when was that?

18 A In the lead-up to that day.

19 Q And what did he tell you?

20 A That when he counselled her,
21 vis-à-vis the [REDACTED] situation, that
22 he had asked her point blank if there had
23 ever been any issues of harassment, if she
24 understood her rights, if she knew where she
25 could go to report to make sure that she

1 knew that she was -- that he was a resource
2 as well.

3 And that at that time she had
4 said flatly no. And that was, I believe,
5 January of 2018. And in her tweets she said
6 it has been going on for years and everyone
7 saw and nobody did anything.

8 Q What else did you do to make sure
9 that you were certain Ms. Boylan had not
10 made any private allegations regarding the
11 governor, other than speaking to Mr. David?

12 A Nothing. I asked him if when she
13 was leaving, in that conversation when she
14 was leaving -- am I allowed to talk about
15 this?

16 Q You just did.

17 MR. HECKER: Well, counsel, I
18 am sure you are not trying to get her
19 to violate a privilege that is not
20 hers.

21 Let me just go back to the
22 question. Make a representation about
23 whether he has already testified about
24 it? If he testified about it, she can
25 too.

1 MR. KIM: About what, Alfonso
2 David?

3 MS. KENNEDY PARK: The
4 conversation with Ms. DeRosa about
5 (inaudible).

6 MR. KIM: Yeah, I mean, he was
7 pretty open about it.

8 MR. HECKER: If he testified
9 about it, she can testify about it.

10 THE WITNESS: Okay. I just
11 wanted to make sure.

12 BY MS. KENNEDY PARK:

13 Q Just to be clear, the only person
14 you spoke to to confirm that Ms. Boylan had
15 not privately made allegations about the
16 governor was Mr. David, is that right?

17 A Yes.

18 Q Did you ever consider speaking to
19 Ms. Boylan?

20 A No.

21 Q Was it ever discussed that
22 someone should reach out to Ms. Boylan?

23 A Yes.

24 Q Why was the decision made not to
25 do that?

1 A I talked to Howard Zemsky about
2 it. I thought if anyone would still have a
3 relationship with her, that he would be the
4 right person.

5 And I called him and said, "Do
6 you know what is happening here? Is there
7 any truth to this as you understand it? I
8 don't get it. Can you talk to her and see
9 what is going on?"

10 And he said that he did not feel
11 comfortable talking to her.

12 Q Did you ask anybody else to reach
13 out to Ms. Boylan?

14 A I don't think so.

15 Q Did you try to reach out to Ms.
16 Boylan?

17 A I accidentally called her.

18 Q When was that?

19 A That Sunday afternoon when I was
20 sitting in my office and we were dealing
21 with all of the incoming...

22 Q What happened on the call?

23 A Nothing. I took out my phone. I
24 was, like, in the middle of, you know, going
25 back and forth between Josh and Dani and

1 having conversations about what was going
2 on. And it was one of those things where,
3 like, you are thinking about somebody and
4 you -- like, I like put in Lindsey and then
5 hit dial and immediately hung up. And then
6 I called Josh and said, "You are not going
7 to believe what I just did."

8 Q Other than by accident, did you
9 consider reaching out to Ms. Boylan?

10 A No.

11 Q Did you consider having anyone in
12 the executive chamber reach out to Ms.
13 Boylan?

14 A No.

15 Q Why not?

16 A I didn't believe what she was
17 saying was true. She had made clear from
18 the whole week of her tweets that she hated
19 all of us and didn't want anything to do
20 with any of us.

21 Alfonso had talked to her while,
22 when she was leaving. And she didn't raise
23 anything in the context of those
24 conversations in addition to the September --
25 December conversation. And I believed that

1 she was somebody running for office, and she
2 was seeking out public office, and that she
3 was saying things that were not true in
4 order to get attention for a political
5 campaign.

6 Q So, to be clear, the reasons you
7 didn't believe her is, one, she hadn't
8 raised it before, is that right?

9 A Right.

10 Q Two, she was running for public
11 office, is that right?

12 A These aren't reasons why I did
13 not believe her.

14 I didn't believe her because I
15 didn't believe her. I thought she was
16 making it up.

17 Q Why didn't you believe her?

18 A Because I didn't view Lindsey as
19 credible.

20 Q But you didn't ask, have anyone
21 reach out to her to find out what the basis
22 of her claims were?

23 A Other than Howard Zemsky.

24 Q Okay. And sitting there on
25 December 13th, you knew that the governor

1 had given her flowers, is that right?

2 A Yes.

3 Q And sitting there on
4 December 13th, you knew that she had
5 traveled with the governor, is that right?

6 A Yes.

7 Q And sitting there on
8 December 13th, did you know that the
9 governor had compared her to one of her
10 ex-girlfriends; did you know that?

11 A No.

12 Q And on December 13th, you knew
13 about what had happened with Charlotte
14 Bennett, is that right?

15 A Yes.

16 Q Just to make sure we have it in
17 the record, can you look at what is at Tabs
18 5, 6, 7, 8 and 9? We are going to mark this
19 as one exhibit in the binder separately.

20 (Thereupon, Exhibit 15, Tabs 5,
21 6, 7, 8 and 9, personnel file of
22 Lindsey Boylan, was marked for
23 identification, as of this date.)

24 BY MS. KENNEDY PARK:

25 Q Are these the documents that

1 comprise the personnel file of Lindsey
2 Boylan that we have been talking about?

3 A I don't know that it's complete,
4 but yes.

5 Q What do you think is missing?

6 A There were emails from -- let me
7 just look and see. No, this may be
8 everything. There was the [REDACTED], but
9 that was not included.

10 Q When you say [REDACTED]
11 what are you talking about?

12 A The one from the counseling
13 session with Alfonso.

14 Q [REDACTED]
15 [REDACTED]
16 [REDACTED], is that right?

17 A Yes.

18 Q Was there a decision made not to
19 include that in the file that was provided
20 to the press?

21 A I don't think it was sent to us
22 in the same file, but I know that it exists.

23 Q So you had it on December 13th?

24 A I don't think I had it in my
25 possession. I don't think I saw it until

1 very recently. But I knew of its existence.

2 Q Were there discussions about

3 that, that [REDACTED]

4 [REDACTED], on December 13th?

5 A No.

6 Q Were there discussions about it

7 in the lead-up to December 13th?

8 A No.

9 Q Why release the whole file

10 instead of making a statement about what had

11 happened with Ms. Boylan's employment?

12 A Because it would have been a "he
13 said, she said." And the only way to combat
14 that with the press is with facts and with
15 proof.

16 Q What did you do to confirm that

17 the facts in that file were accurate, Mr.

18 David's memo specifically?

19 A I believed them to be accurate

20 from the time that it was written

21 originally. The emails are

22 self-explanatory, and the summaries of

23 Alfonso's interactions with her were, from

24 what I understood, truthful at the time.

25 Q Did you ever speak to **Snr Staffer #3**

1 about whether she had made a complaint
2 against Lindsey Boylan?

3 A I don't know.

4 Q The memo, you can flip to the
5 memo if you would like. It's at Tab, Tab
6 7 --

7 A Oh.

8 Q -- on the bottom of page two.

9 A I believe that she forwarded
10 emails and said, "I want to make a complaint
11 against Lindsey," either she or **Senior Staffer #2**,
12 but I think they were on the same one.

13 Q Can you point to those?

14 A Sorry, I am lost in the tabs.

15 Q Why don't you look at Tab 5.

16 A I found my way there.

17 Q Yeah. At the bottom, it's Bates
18 stamped Chamber AG16809.

19 A Yes.

20 Q Are these the emails you are
21 referring to?

22 A Yes.

23 Q Do you see them having been
24 forwarded?

25 A I don't see that here.

1 Q Did you ever discuss with Snr
2 Staffer #3 whether she had made a complaint
3 against Lindsey Boylan?

4 A I don't know. I don't know. I
5 don't remember.

6 Q So how do you know that part of
7 Mr. David's memo was accurate?

8 A Because I trust Alfonso.

9 Q Did you ever discuss with Snr
10 Staffer #3 whether she had described Ms. Boylan's
11 behavior to Mr. David as [REDACTED]
12 [REDACTED]?

13 A Can you ask that again?

14 Q Did you ever discuss with Snr
15 Staffer #3 whether she had described to Mr. David
16 Ms. Boylan's behavior as [REDACTED]
17 [REDACTED]?

18 A I don't remember.

19 Q So you don't know if that was
20 factually true or not?

21 A I believed that Alfonso David was
22 telling the truth and that if he put
23 together a personnel file, that what was in
24 it was factual and accurate.

25 Q So the way that you confirmed

1 that the facts in the personnel file were
2 accurate is by relying on Mr. David?

3 A Correct.

4 Q Is there anyone else you talked
5 to about the release of the personnel file
6 that we haven't covered?

7 A I don't think so, but if, if I
8 remember it differently, I will correct it
9 in real time.

10 The group that I remember was
11 Rich Bamberger, Josh Vlasto, Rich Azzopardi,
12 myself, Linda, Steve, Judy, and I don't
13 remember if Beth Garvey was directly
14 involved, but she was in and out of my
15 office on that Sunday. She actually was the
16 one that got the hard copy of the files from
17 counsel's office and brought them down.

18 Q Do you recall whether Ms. Garvey
19 rendered legal advice on the release of the
20 personnel files?

21 A I don't think she did.

22 Q Anyone else you remember
23 discussing the release of the personnel
24 files within this December time period?

25 MS. CLARK: Wait a second.

1 Did you tell Ms. Garvey why you
2 wanted the personnel file?

3 THE WITNESS: I don't remember.

4 BY MS. KENNEDY PARK:

5 Q Anyone else?

6 A Not that I recall. If something
7 jogs my memory, I will correct it.

8 Q What about Liz Smith?

9 A Oh, yes, Liz.

10 Q Tell us about your conversations
11 with Liz Smith about Lindsey Boylan's
12 personnel file.

13 A I think I called her and said
14 Lindsey did this, did these tweets. She had
15 been doing this stuff all week. We are
16 trying to figure out what to do. What do
17 you think? It's how I explained to you
18 before. I, like, generally asked a lot of
19 people's opinions who I trust, and then try
20 to make a decision based on that.

21 Q Did you tell her that the tweets
22 had alleged that the governor had sexually
23 harassed Ms. Boylan?

24 A I don't remember.

25 Q And what did Ms. Smith say?

1 A That we should release the file.

2 Q Anything else you recall in that
3 conversation?

4 A We talked about sourcing.

5 Q Can you explain what you mean by
6 "sourcing"? Take that back, withdrawn.

7 What did you talk about with Ms.
8 Smith about sourcing?

9 A And I don't remember if this was
10 just with her or if, like, Josh was on the
11 phone, too, and Dani Lever. I think Dani
12 Lever was involved that whole day, too.

13 I was trying to go back and forth
14 because I sort of felt, like, if this is a
15 decision that we are going to make, we
16 should stand by it. And so we should just
17 say the governor's office gave this, versus
18 saying, like, you know, "documents obtained
19 by."

20 Q What was Ms. Smith's advice?

21 A I don't remember what her
22 specific view was. But in the context of
23 that conversation with she and Josh and
24 Dani, we landed on saying "obtained by."

25 Q And why did you make the decision

1 to say "obtained by" instead of going on the
2 record?

3 A Because they felt like -- we felt
4 like, ultimately, um, that it was less, it
5 would be less viewed as bullying if it --
6 you know, it would be less, less looked at
7 as heavy handed from the side of the chamber
8 if there was, like, some level of it looks
9 like the reporters just got it.

10 Q So you were trying to put some
11 distance between the chamber and the release
12 of the files?

13 A Yeah.

14 Q You didn't want it to be clear to
15 the public that it was the chamber who chose
16 to release the files?

17 A I don't know that we didn't want
18 to make it clear to the public in the first
19 instance. They -- we wanted to be a little
20 bit less perceived as heavy handed.

21 Q Were you trying to distance the
22 governor from the release of the files?

23 A The governor wasn't involved in
24 the release of the files, so he didn't need
25 to be distanced.

1 Q I understand that. But was part
2 of the strategy of staying off the record to
3 keep the governor from being associated with
4 the release of the files?

5 A I don't think we thought about it
6 that specifically.

7 Q Did you think about that generally?

8 A I think it was about the office
9 more than him.

10 Q He is the head of that office,
11 right?

12 A Yes.

13 Q Was there any discussion amongst
14 the group that you just listed about telling
15 the governor that the files were going to be
16 released?

17 A I don't remember.

18 Q You don't remember if there was
19 any discussion? No one raised: We should
20 tell the governor?

21 A I don't remember.

22 Q No one raised: We shouldn't tell
23 the governor?

24 A No one said that.

25 Q You remember that nobody said,

1 "We shouldn't tell the governor," but you
2 don't remember whether the topic was raised?

3 A Correct. I would have remembered
4 if someone said specifically don't tell the
5 governor.

6 Q Did anyone express concerns about
7 whether the governor should be informed
8 given the Howard Glaser situation?

9 A I don't think so. It was my
10 judgment that he shouldn't be involved in
11 that decision.

12 Q To protect him, right?

13 A It shouldn't have been up to him.

14 Q Why is that?

15 A It was a decision that we were
16 making to respond to attacks on the office,
17 and I didn't want him to be in a position of
18 having to make that decision one way or
19 another.

20 Q These attacks were on the
21 governor, right?

22 A The office.

23 Q And the governor, right?

24 A And the governor.

25 Q She had specifically alleged that

1 the governor sexually harassed her?

2 A Yes, but the personnel file
3 wasn't in response to that.

4 Q I see. So your view is that the
5 personnel file was not released in response
6 to her allegations that the governor
7 sexually harassed her?

8 A It wasn't.

9 Q But as a chronological matter,
10 that's what happened?

11 A It was that day because there was
12 a tremendous amount of press incoming.

13 Q Right. As a chronological
14 matter, that is what happened. You made a
15 decision to release the personnel file after
16 she made the claim of sexual harassment?

17 A Correct. But that wasn't the
18 response to sexual harassment. The response
19 to sexual harassment --

20 Q I didn't ask that question so I
21 don't need --

22 A I just want to be clear for the
23 record.

24 MR. HECKER: She can complete
25 her answer, counsel.

1 MS. KENNEDY PARK: I don't need
2 a speech.

3 THE WITNESS: I am giving
4 something for the record.

5 MS. KENNEDY PARK: You can
6 wait. Let's finish the questions and
7 then at the end --

8 MR. HECKER: You are seriously
9 not going to let her to finish the
10 answer because you don't like the
11 answer?

12 THE WITNESS: Let's take a
13 break.

14 MS. KENNEDY PARK: No, let's
15 stay on the record, actually.

16 THE WITNESS: No, I'm going to
17 take a break. Thank you.

18 MS. KENNEDY PARK: You can take
19 a break, but we are going to stay on
20 the record.

21 (Witness exits.)

22 MS. KENNEDY PARK: You have a
23 lot of me asking questions and a lot
24 of the witness giving long narrative
25 answers when I have asked a very

1 specific question. And you guys
2 complained the other day about this
3 going on too long. And, in fact, your
4 witness complained on the record
5 yesterday about this going on too
6 long. So if she can answer the
7 question I asked, that would be a lot
8 more helpful.

9 MR. HECKER: This witness has
10 answered more questions and answers in
11 the time that we've had so far than
12 any witness in my entire career, given
13 the pace of the questioning. She has
14 answered all your questions. And for
15 her to want to clarify an answer to a
16 question when you have asked a series
17 of leading questions is totally
18 inappropriate. She should be allowed
19 to clarify an answer.

20 MS. KENNEDY PARK: I told her I
21 would give her an opportunity to do
22 that after I finished asking my
23 questions. Okay?

24 MR. HECKER: Well, I disagree,
25 and I disagree with your

1 characterization of how this has gone.
2 She has been answering all your
3 questions, and not, not in, with any
4 added verbosity. So, you can -- we
5 are going to go back --

6 MS. KENNEDY PARK: I think we
7 can let the record speak for itself on
8 the verbosity.

9 MR. HECKER: I agree with you
10 about that.

11 MS. KENNEDY PARK: So why don't
12 we take the un-agreed break right now
13 or we can go back on the record.

14 MR. HECKER: I thought you said
15 multiple times that any time she
16 wanted to take a break, that she just
17 had to ask. She just asked.

18 MS. KENNEDY PARK: I did tell
19 her she had to let me get an answer to
20 the question that was pending, and she
21 also just walked out.

22 MR. HECKER: She did answer
23 your question. You were objecting to
24 her supplementing her answer.

25 MS. KENNEDY PARK: Let's go off

1 the record, take the break you want to
2 take, and then we can come back.

3 MR. HECKER: Okay. Sounds
4 good.

5 THE VIDEOGRAPHER: Going off
6 the record at 11:46 a.m.

7 (Brief break.)

8 THE VIDEOGRAPHER: We are back
9 on the record at 11:52 a.m.

10 BY MS. KENNEDY PARK:

11 Q We will come back to the why of
12 releasing the personnel file in a moment,
13 but you said Dani Lever as someone you
14 talked to --

15 A Yes.

16 Q -- about the release of the
17 personnel file. When did you talk to her?

18 A I think that day.

19 Q The 13th?

20 A Yes.

21 Q And was that with the lawyers
22 present or was that without the lawyers
23 present?

24 A Linda was in my office the whole
25 day.

1 Q So Linda was present?

2 A Yes, or potentially others.

3 Q And why was Dani looped in?

4 A Again, it was another person. I
5 have a group of people around me whose
6 opinions I trust and listen to and seek
7 counsel from, and she is one of them.

8 Q Do you remember her expressing a
9 view on the release of the personnel file?

10 A No.

11 Q How about Jeff Pollock? Was he
12 involved that day?

13 A No, I don't think so. I don't
14 think so.

15 Q Do you know if he was on the call
16 with Ms. Smith?

17 A I don't think so.

18 Q Did you consult any of your
19 family members?

20 A I don't think so. I may have
21 talked to [REDACTED] about it.

22 Q Your husband?

23 A (Thereupon, the witness nods in
24 the affirmative.)

25 Q And then the last conversation --

1 let me ask: Was that the only
2 conversation -- you told us about a
3 conversation with the governor after the
4 file had been released that you described
5 for Ms. Clark.

6 Was there any other conversation
7 you had with the governor about the release
8 of the personnel file?

9 A Not that day.

10 Q When was the next time you spoke
11 to the governor about the release of the
12 personnel file?

13 A I don't remember specifically or
14 generally. I don't remember.

15 Q But there was another conversation?

16 A At some point in the last, you
17 know, six months, sure, it's been a pretty
18 big topic of conversation.

19 Q Can you tell us about any of the
20 conversations you have had with the governor
21 about the release of Ms. Boylan's personnel
22 file?

23 A In the context of stories, press
24 inquiries.

25 Q Tell us about that.

1 A There have been leaks out of this
2 investigation that you guys are heavily
3 focused on retaliation.

4 Q And so what happened with the
5 governor after those leaks?

6 A Nothing, I just would tell him
7 The Times just wrote a story.

8 "What does it say?"

9 I would summarize the main points.

10 Q So other than briefing the
11 governor on what the press reporting was,
12 have you had any conversations with the
13 governor about the provision of Lindsey
14 Boylan's personnel file to the press?

15 A Not that I recall, but I just
16 give the caveat that I talk to people all
17 day long. I talk to Rich all day long.
18 There was a period where I talked to Josh
19 all the time. Like, I don't want to draw
20 any hard lines and not be telling the truth,
21 but nothing that I remember specifically.

22 Q I totally understand you can't
23 necessarily place the conversations in time
24 and tell us every single conversation you
25 have ever had about this.

1 But sitting here today, you don't
2 have a memory of another conversation with
3 the governor after December 13th about the
4 release of Lindsey Boylan's personnel file?

5 A Not beyond what I just mentioned
6 to you.

7 Q The press summary?

8 A Yes.

9 MS. KENNEDY PARK: Mr. Kim, I
10 understand you had some questions?

11 FURTHER EXAMINATION

12 BY MR. KIM:

13 Q Was there any discussion ever
14 about whether it was appropriate to share
15 information about someone's personnel file
16 with someone outside the executive chamber,
17 like Josh Vlasto, Liz Smith?

18 A Before we shared it with them, we
19 had asked whether or not it was okay to
20 share at all. And am I allowed to say what
21 legal advice there was given?

22 MR. HECKER: No.

23 Q Who did you ask that advice
24 before you shared it with Josh Vlasto, Liz
25 Smith?

1 A Judy and Linda.

2 Q Do you remember asking them that
3 question, whether it's okay to share the
4 personnel file and information about it with
5 Josh Vlasto and Liz Smith?

6 A I don't think I asked
7 specifically about those people. But I had
8 asked them whether or not it was publicly
9 available information.

10 Q You had asked them whether the
11 personnel file was publicly available
12 information?

13 A If it was FOIL-able.

14 Q What did they say?

15 MR. HECKER: Well, I think the
16 advice that she got from them would be
17 privileged for the same reason that
18 the conversations generally are
19 privileged.

20 Q So it's your testimony that
21 before you discussed the personnel file with
22 Josh Vlasto, Liz Smith or anyone outside of
23 the executive chamber, that you sought
24 advice of that question separate from the
25 question that we have talked about, asserted

1 privilege over some aspects of it, the Gower
2 advice about releasing it to the reporters,
3 separate from that, you sought to obtain
4 advice about whether you could disclose that
5 information to others outside of the
6 executive chamber?

7 A With anyone.

8 Q That was with Judy Mogul and --
9 was that with Judy Mogul?

10 A It was either Judy or Linda, one
11 or the other.

12 Q Was Linda in the executive
13 chamber at the time?

14 A She was the superintendent of
15 DFS, but she had been -- you mean
16 physically?

17 Q No. What you were about to say,
18 formally.

19 A She is the head of DFS. At that
20 time, she was living and working in Albany
21 on COVID and had been stationed on the
22 second floor of the executive chamber for a
23 bunch of months. And she had formerly been
24 counsellor to the governor and special
25 counsel in the chamber and chief ethics

1 officer.

2 Q So you asked Linda Lacewell, the
3 superintendent of DFS, whether it's okay to
4 disseminate information about a personnel
5 file outside of the executive chamber?

6 A Yes.

7 Q She was outside of the executive
8 chamber, right?

9 A Yes.

10 Q Did any outlets not want the
11 personnel file?

12 A The New York Times originally
13 wanted it and then backed off of it.

14 Q Did they say why?

15 A They said unless we would say
16 that we gave it to them, they didn't want
17 it.

18 Q But did you send it anyway? Do
19 you know if it was sent anyway to The New
20 York Times?

21 A Sorry, let me revise.

22 They asked for it at first; we
23 gave it to them. Then they came back on the
24 sourcing, and said: "Our editor is not
25 comfortable putting this is as 'source

1 obtained by.' We would have to put 'sent by
2 the governor's office.'"

3 Q What did you do?

4 A We discussed whether or not we
5 thought that that was an advantageous
6 decision, and we decided not to.

7 Q Any other outlets not want it?

8 A I don't think so.

9 Q Times Union?

10 A Times Union took it.

11 Q Did they subsequently say that
12 they didn't want it sent to them?

13 A Did they subsequently say they
14 didn't want it sent to them?

15 Q They had not wanted it but got it
16 sent to them?

17 A I don't think so.

18 MR. KIM: Okay.

19 FURTHER EXAMINATION

20 BY MS. CLARK:

21 Q You said The New York Times asked
22 for it.

23 Did anyone tell reporters to ask
24 for the file specifically?

25 A Yes.

1 Q Who did that?

2 A Rich Bamberger did that with the
3 AP and The New York Post. And either Josh
4 or Dani did it with The Times.

5 Q You also said that you -- you
6 asked whether the information was FOIL-able.
7 At that point, had there been any FOIL
8 requests for the file?

9 A I think so.

10 Q Who made the FOIL request for the
11 file?

12 A I think after Lindsey did her
13 initial tweets earlier in the week, we got a
14 FOIL request for her personnel file, I
15 think.

16 Q Do you recall who that was from?

17 A I don't. I think it was a media
18 outlet.

19 Q Do you recall who the FOIL
20 request was sent to?

21 A The FOIL office.

22 Q Who told you about the existence
23 of the FOIL request?

24 A I think Judy; she oversees FOIL.

25 Q Did the FOIL office respond to

1 the FOIL request?

2 A No, beyond I think just
3 confirming receipt of the FOIL request, you
4 don't turn that around that quickly,
5 generally.

6 MR. KIM: Wait. So you are
7 saying it wasn't December 8th, and the
8 13th a FOIL request came in?

9 THE WITNESS: I think so.

10 MR. KIM: A FOIL request came
11 in?

12 THE WITNESS: I think so. I
13 know that ultimately there were many
14 FOIL requests that came in for her
15 personnel file and other people, but
16 I'm pretty sure that after she did her
17 initial round of tweets that we got a
18 FOIL request.

19 MR. KIM: You are pretty sure
20 that those were conveyed to you by
21 Judy Mogul?

22 THE WITNESS: I think so.

23 BY MS. CLARK:

24 Q Who -- were other people's
25 personnel files FOILED in the convening

1 months?

2 A Yes.

3 Q Whose?

4 A Charlotte, Alyssa, Brittany, and
5 potentially others, but I know those for
6 sure.

7 Q Was Annabel Walsh's?

8 A Yes.

9 Q And did the chamber or the FOIL
10 office release any personnel files in
11 response to those FOIL requests?

12 A No.

13 Q Were you involved at all in the
14 decisions as to whether or not to release
15 those files?

16 A No.

17 Q Who was making those decisions?

18 A Judy.

19 Q As of today, July 6th, has the
20 FOIL office responded to the FOIL request
21 that you say came in between December 8th
22 and 13th?

23 A Yes.

24 Q What was the response to the FOIL
25 request?

1 A That they responded that they
2 couldn't give out the records under the law
3 enforcement exemption because of this
4 investigation.

5 FURTHER EXAMINATION

6 BY MS. KENNEDY PARK:

7 Q You told Ms. Clark that Ms.
8 Commisso, Ms. McGrath, Ms. Bennett and maybe
9 someone else's files were also FOILED, but
10 they declined to release them.

11 Do you understand what the basis
12 of that declination was?

13 A What I just said: The law
14 enforcement exemption because of this
15 investigation.

16 Q When you were in the office on
17 Sunday the 13th, who was providing
18 administrative support for the team that was
19 working?

20 A Brittany Commisso.

21 Q Did she stay the whole day?

22 A I don't remember. She was in and
23 out.

24 Q Do you remember any interactions
25 you had with her?

1 A No.

2 Q Where was she sitting in relation
3 to where your office was?

4 A She was sitting in a desk outside
5 my office.

6 Q Was your door open or closed?

7 A Both.

8 Q Sometimes open, sometimes closed?

9 A And then at one point I think
10 that she went across the hall.

11 Q To your understanding, if
12 someone's sitting at a desk outside your
13 office and the door is open, can they hear
14 what is going on in your office?

15 A Depends.

16 Q Depends on what?

17 A The volume of your voice, the
18 number of people talking.

19 Q Did you have any concerns that
20 Ms. Commisso was potentially overhearing the
21 conversations about Ms. Boylan that day?

22 A I think at one point.

23 Q And then what happened?

24 A That I said I don't think anyone
25 should be sitting outside my office.

1 Q Did you tell Ms. Commisso that?

2 A I think Rich did.

3 Q Did you ask Mr. Azzopardi to tell
4 her that?

5 A I don't remember if it was his --
6 if he raised it, or if it was me, or if it
7 was Linda.

8 Q And then where did she move to?

9 A The -- there is a pen of offices
10 right across the hall.

11 Q Did you ever have any
12 understanding of whether she overheard the
13 discussion about releasing Ms. Boylan's
14 personnel file?

15 A I don't know.

16 Q Before we took the break, you
17 wanted to explain your thinking as to why
18 the personnel file was released. Would you
19 like to explain that?

20 A I think we did already.

21 MS. KENNEDY PARK: Okay. I am
22 going to move on to another topic
23 unless you have questions.

24 MS. CLARK: Ultimately, when
25 the files were provided to the press,

1 were names other than Ms. Boylan's
2 redacted?

3 THE WITNESS: Yes.

4 MS. CLARK: Whose decision was
5 that?

6 THE WITNESS: Linda and Judy, I
7 think, got that from Gower. Sorry.

8 MS. CLARK: Who made the
9 redactions?

10 THE WITNESS: Rich.

11 MS. CLARK: So any explanation
12 as to why they were redacted is
13 getting into privilege?

14 MR. HECKER: Yeah, I think
15 probably obvious, but yes.

16 MS. KENNEDY PARK: Let's turn
17 to Tab 21. Let's mark this as the
18 next exhibit.

19 (Thereupon, Exhibit 16, Tab 21,
20 Email chain, was marked for
21 identification, as of this date.)

22 BY MS. KENNEDY PARK:

23 Q This is an email chain between
24 you and John Maggiore on December 15th in
25 which he sends you some pictures and some

1 song lyrics.

2 How did this email come about?

3 A I called John and asked him if he
4 had any idea what Lindsey could be talking
5 about. And he said no. And he said she
6 was, you know -- if anything, she loves to
7 be around the governor, that he thought that
8 she had a mostly positive experience in the
9 chamber, and he specifically cited this
10 event at the pool house.

11 And I said, "What was in the
12 song? I don't remember."

13 And he said, "I'll send it to
14 you. I think I have it." And then he sent
15 me this picture and said she had given him
16 the kiss on that cheek.

17 And then he told me that shortly
18 after this, she came over to the chamber and
19 that he felt like when she made that
20 transition, that he -- she viewed him as
21 beneath her, and she no longer was nice to
22 him or friendly with him, and that he just
23 thought that she was mean and didn't
24 understand.

25 Q What caused you to reach out to

1 Mr. Maggiore?

2 A I was racking my brain for
3 anything.

4 Q When I asked you earlier what did
5 you do to factually investigate, is this
6 part of you sort of racking your brain to
7 factually investigate?

8 A Yes.

9 Q Okay. Who else did you reach out
10 to?

11 A I don't really meet a million
12 people, but I spoke to other people that
13 were, that worked for her, with her, trying
14 to understand if anyone knew what she was
15 talking about, or if they knew what she was,
16 like, up to politically.

17 Q Would you give us your best
18 memory of who those people are?

19 A Not in chronological order. Does
20 that matter?

21 Q No.

22 A I spoke to [REDACTED], I spoke
23 to [REDACTED], I spoke to Annabel, I spoke
24 to Jill, I spoke to John Maggiore. I don't
25 know if I spoke to [REDACTED] or if

1 Stephanie did. I spoke to [REDACTED] from
2 the Attorney General's Office. That's all
3 that comes to top of mind. But if I
4 remember, I'll update it.

5 Q And at the time you are speaking
6 to this group of people that you just gave
7 us, was it your understanding that other
8 people were reaching out to other members,
9 former members of the chamber staff?

10 A Yes.

11 Q And why were they doing that?

12 A In the immediate aftermath of
13 her, that week of tweets, she began to reach
14 out to people directly through LinkedIn and
15 text message. I think the first person she
16 contacted was [REDACTED], or the first
17 person that I became aware of was [REDACTED]
18 [REDACTED]. And then she had -- she had been
19 emailing people a very specific script on
20 LinkedIn. And then her, a lawyer for Wigdor
21 was sending the exact same script.

22 So at first I was like, is this,
23 is she -- like, from what I understand from
24 firms like Wigdor, that if they see
25 something in the paper, they will just try

1 to chase something to see if there is a
2 case. So I didn't know if they were doing
3 it independently of Lindsey, or if they were
4 working together.

5 But former colleagues of ours
6 reached out to us and showed us the outreach
7 that they were getting, and the language was
8 identical. So it was clear that they were
9 working together.

10 And then also reporters were
11 calling around to former staffers, current
12 staffers, people that the governor knew for
13 40 years. It was like a cluster in that
14 moment. There was a lot of activity. And
15 so we were getting the incoming and hearing
16 about this, and then we started calling
17 people.

18 Q And the "we" was you and who
19 else?

20 A Me, Rich, Annabel, Andrew Ball,
21 Stephanie, [REDACTED], who is a friend.

22 [REDACTED] -- or Linda, excuse me, Judy.

23 Q Anyone else?

24 A Maybe. And if it comes to me, I
25 will refresh.

1 Q Was this group of people coming
2 back to you to tell you what they had
3 learned from their outreach calls?

4 A Yes.

5 Q Someone was keeping a running
6 list of who was being out -- who -- who was
7 being spoken to?

8 A Yes.

9 MS. CLARK: You said the first
10 one you were aware that Ms. Boylan
11 reached out to was [REDACTED]. When
12 was that in relation to Ms. Boylan's
13 various tweets?

14 THE WITNESS: It was, I think,
15 my best recollection is it was the day
16 after -- it was either the day of or
17 the day after the sexual harassment
18 allegations.

19 BY MS. KENNEDY PARK:

20 Q So either the 13th or the 14th?

21 A Yes.

22 Q So these calls that we are
23 talking about either started on the 13th or
24 the 14th?

25 A I think actually started on the

1 15th.

2 Q The 15th? Okay.

3 A Well, I am sorry. I mean like
4 the proactive calls I think started the next
5 day.

6 I think [REDACTED] told us -- it was
7 either that Sunday or that Monday night --
8 that she had gotten outreach. And it was
9 like a domino, that there was suddenly --
10 [REDACTED] reached out that she had
11 gotten outreach. [REDACTED] said she had
12 gotten outreach. [REDACTED], I believe
13 said that she had gotten outreach.

14 And so it was like a, it was like
15 a moment where the calls were coming and the
16 calls were going out, but the calls to us
17 started first.

18 Q Okay. And the group that was
19 making the calls, did you all talk about
20 what the goal of the calls was?

21 A It was fact finding. It was to
22 find out what's going on. Have they heard
23 from Lindsey? Have they heard from the
24 lawyer? Have they heard from a reporter?
25 Did they have any information?

1 Q Was there any part of that that
2 was fact finding, whether any of these
3 individuals themselves might have a claim of
4 sexual harassment against the governor?

5 A Kaitlin [REDACTED] But no.

6 Q Sorry, stepping back from anyone
7 specifically, but was there part of the
8 outreach into everyone that you said you
9 were fact finding, was part of that fact
10 finding figuring out if any of these people
11 might have a basis to assert a claim of
12 sexual harassment against the governor?

13 A No.

14 Q Separate from this outreach, were
15 you a part of any discussions about trying
16 to determine whether there might be anybody
17 else who had a complaint of sexual
18 harassment against the governor?

19 A Not complaint about sexual
20 harassment against the governor. It was
21 more focused on the outset of who are
22 potentially disgruntled people who would
23 talk to the press? Um, and trying to
24 understand, like, where the reporters were
25 going to go and how we would deal with it.

1 Q When you say "disgruntled," what
2 do you mean by that word?

3 A Exactly what it means: People
4 who left not happy, who didn't have a good
5 experience or who left not happy.

6 Q Right. And how did you come up
7 with the group of people who left not happy?

8 MS. CROWLEY: Who are you
9 talking to about this?

10 THE WITNESS: Judy, Linda.

11 MR. HECKER: Those are
12 privileged also.

13 MS. KENNEDY PARK: Okay.

14 BY MS. KENNEDY PARK:

15 Q Did you have those conversations
16 about the people who might be disgruntled
17 with anyone who was not a lawyer?

18 A Yes. But I don't know -- oh, you
19 mean independent of them being on the phone?

20 Q So yes.

21 So you were not in the presence
22 of a lawyer when you were having a
23 conversation about figuring out who might
24 have left the chamber unhappily?

25 A Yes.

1 Q Who were those people that you
2 had those conversations with?

3 A Annabel, Stephanie, Andrew Ball,
4 and potentially others, but those are the
5 ones that come to mind.

6 Q Tell us about your conversation
7 with Ms. Walsh about was there anyone who
8 had left the chamber unhappy.

9 A I don't remember.

10 Q Do you remember if she identified
11 anyone?

12 A She was going to reach out to her
13 network of people. But I don't remember if
14 it was just to check in or if they were
15 unhappy. I don't remember.

16 Q What about Ms. Benton?

17 A Same.

18 Q She was just going to reach out
19 to her network?

20 A I don't actually think Stephanie
21 spoke to many people, um, but yes.

22 Q How did Andrew Ball get involved
23 in these conversations?

24 A I called him.

25 Q Tell us about that conversation.

1 A I said, um, so one of the junior
2 staffers flagged the "Sponge" tweet, the
3 tweet about Kaitlin.

4 I say "Sponge" because when I
5 called Andrew Ball, I said, "Did you see
6 this Kaitlin tweet?"

7 And he immediately responded and
8 said, "Sponge."

9 Because I couldn't remember
10 anything about her, and Jill DesRosier, who
11 is sort of like the fountain of knowledge on
12 all personnel matters, was -- we couldn't
13 talk to her really because [REDACTED]

14 [REDACTED]

15 And so I asked him, "Did you know
16 anything about this Kaitlin situation?"

17 And he said, "Sponge." And then
18 he said, "I think that he's the one that
19 told me that we got her from [REDACTED],"
20 and, um, at an event, a fundraiser with [REDACTED]
21 [REDACTED].

22 And I said, "Is there anyone else
23 who you can think of who left angry, who
24 would be mad, that you think would likely be
25 working with Lindsey?"

1 And he said -- I don't remember
2 what he said in response to that.

3 And then I said to him, "Remind
4 me about the [REDACTED] conversation." And
5 he reminded me about the [REDACTED]
6 conversation.

7 And I said, "That wasn't true."

8 And he said, "I know."

9 And I know at the time it wasn't
10 true. And I had spoken to people at the bar
11 about it and told people it wasn't true.

12 And then he said that [REDACTED]
13 [REDACTED] had once asked him and he said it
14 wasn't true.

15 And then I asked him who else
16 that he thought maybe people could be
17 reaching out to, and he said he would think
18 about it. And I think after that Annabel
19 and Stephanie spoke to him.

20 Q What did they tell you about
21 their conversations with Mr. Ball?

22 A I think that he was part of,
23 like, trying to come up with people that we
24 thought that Lindsey could be trying to
25 reach out to and check in with.

1 Q Did you understand that Ms.
2 Benton and Ms. Walsh had asked him to call
3 certain individuals?

4 A Yes.

5 Q And what did you understand was
6 his reaction to that request?

7 A I don't know.

8 Q Did they tell you anything about
9 his reaction to that request?

10 A I think he was happy to do it.
11 If it was otherwise, I wasn't made aware.

12 Q On the list of people you told us
13 who were giving outreach, or making outreach
14 calls, you didn't put [REDACTED] on
15 there?

16 A Oh, [REDACTED].

17 Q Was she making outreach calls,
18 too?

19 A I know that Stephanie spoke to
20 [REDACTED]. I don't know if [REDACTED] -- I
21 don't remember, but it's very possible.

22 Q Anyone else you can remember?

23 A Not off the top of my head.

24 Q [REDACTED]?

25 A Yeah, that sounds right.

1 Q Staffer #5 ?

2 A I don't know if Staffer #5 called
3 anyone proactively. I know that Lindsey
4 called Staffer #5 at one point on a story later,
5 but it's possible.

6 Q Let's talk about the Staffer #5
7 Staffer #5 and Lindsey's situation. Tell us
8 about that.

9 A The call later?

10 Q Yes.

11 A Lindsey was pitching stories.
12 Rebecca Traister, and also Ronan Farrow.
13 And she reached out to Staffer #5, and Staffer #5 spoke
14 to her. And she asked him whether or not he
15 would be willing to talk to a reporter, too.

16 And she said, "You are the one
17 that brought me the rose, right?"

18 And he said -- I think -- I don't
19 know what he said in response to that to
20 her. I think maybe it wasn't a question.
21 Maybe she just said, "I think you were the
22 one who brought me a rose. Would you be
23 willing to talk to somebody?"

24 And that Staffer #5 said, "I didn't see
25 anything like what you've described." And

1 then there was, like, a lot of dead air.

2 Q And how do you know about that
3 conversation?

4 A Because he recorded it.

5 Q How did it come about that [REDACTED]
6 **Staffer #5** recorded that call with Lindsey
7 Boylan?

8 A He called Stephanie when, um,
9 when Lindsey reached out to him and said,
10 "Lindsey called me. I am happy to do
11 anything to help. Should I call her back?"

12 And then Stephanie said, "Yes."

13 Q How did it come about that he
14 recorded the call?

15 A I think he asked whether he
16 should.

17 Q And who told him that he should?

18 A Stephanie.

19 Q Did she consult with you about
20 that?

21 A She told me that he was going to
22 make the call, that Lindsey had reached out
23 to him, and he would try to figure out what
24 she was up to.

25 Q Were you aware before the call

1 that **Staffer #5** had been told he should
2 record the call?

3 A Yes.

4 Q So Ms. Benton told you that?

5 A Yes.

6 Q Did anyone seek any legal advice
7 about recording that phone call?

8 A No.

9 Q Did anyone tell **Staffer #5**
10 that legal advice had been sought about
11 recording that phone call?

12 A No. Well, can I back up for a
13 second?

14 Q Sure.

15 A Not specific to that phone call.

16 Q What do you mean by that?

17 A I had asked Alfonso David prior
18 about whether or not it was legal to record
19 phone calls.

20 Q And when had you asked him that?

21 A In December.

22 Q Prior to the conversation between
23 Ms. Boylan and **Staffer #5** ?

24 A Yes.

25 Q In what context did that come up?

1 A In the context of Kaitlin.

2 Q Why don't we talk about Kaitlin
3 [REDACTED] then.

4 So when was the first time after
5 December 5th that you heard the name Kaitlin
6 [REDACTED]?

7 A She did a tweet around the same
8 time of Lindsey's tweets, and somebody
9 flagged it for me. I don't remember if it
10 was Annabel or Dani. Somebody, like,
11 screen-shotted it to me and sent it to me.

12 Q Let's look at Tab 27.

13 A Yes.

14 MS. KENNEDY PARK: Let's mark
15 this as the next exhibit.

16 (Thereupon, Exhibit 17, Tab 27,
17 text message chain between the witness
18 and Annabel Walsh, was marked for
19 identification, as of this date.)

20 BY MS. KENNEDY PARK:

21 Q This is a text message chain
22 between you and Annabel Walsh. And you say:
23 "Can you resend me that Kaitlin [REDACTED]
24 tweet?"

25 And then she screen captures a

1 tweet from Kaitlin [REDACTED] that says: "Keep
2 talking, Lindsey. Men like him should not
3 be in positions of power."

4 Is this what you were referring
5 to?

6 A Well, it says: "Can you resend
7 me," so it was clear she had done it earlier
8 in the week. But yes.

9 Q Do you remember how much earlier
10 in the week she had sent you the tweet?

11 A I think it was, like,
12 approximately Tuesday or Wednesday.

13 Q So that's the 14th or 15th?

14 A I think so.

15 Q And so after the first time Ms.
16 Walsh had sent you the tweet, what did you
17 do?

18 A I spoke to people. I spoke to
19 Andrew Ball and asked him. I spoke to
20 Annabel and asked her. I tried to get a
21 handle on who she was and why she would be
22 tweeting this.

23 Q I think you have told us about
24 the conversation with Mr. Ball already.

25 What was the conversation with

1 Ms. Walsh about Kaitlin [REDACTED]?

2 A I don't recall specifically. But
3 generally it was: "Does this make sense to
4 you that she would be tweeting like this?"

5 Q And what do you recall Ms. Walsh
6 telling you?

7 A I remember that she told me that
8 she had worked outside of the governor's
9 office for a couple of months on the desk
10 assisting Stephanie, that she did not have a
11 good experience, like, for him or for her,
12 that she -- like that -- it was clear that
13 it was not a job that she was well suited
14 for and that the governor was often
15 frustrated with her. And that we --
16 she then was reassigned to be [REDACTED]
17 [REDACTED] chief of staff.

18 Q Sorry. This is what Ms. Walsh
19 told you?

20 A She was -- I didn't remember
21 anything about Kaitlin at that point. So
22 she was refreshing my memory of the
23 circumstances around Kaitlin's employment
24 and that she -- I think that's maybe all she
25 said at that time. We talked about it

1 later.

2 Q So what happens next about
3 Kaitlin [REDACTED] after you speak to Mr. Ball
4 and Ms. Walsh?

5 A So, and I, I don't want to be
6 specific on timing because it's all a little
7 bit jumbled.

8 But I was trying to figure out if
9 somebody -- so when I looked at the tweet,
10 the thing that really struck me was that it
11 was being promoted by Alessandra Biaggi.

12 So Alessandra Biaggi is somebody
13 who is a political adversary who I have
14 fought with publicly and privately for
15 years. And she had been calling for the
16 governor's resignation earlier and had been
17 a very vocal critic.

18 And when I say the Kaitlin tweet,
19 when Annabel first sent it to me, I went to
20 her account. And she only had, like, call
21 it 200 followers. So it struck me as very
22 strange that a state senator would be liking
23 and promoting her tweets. So I instantly
24 thought that they were working together.

25 Q Okay. So what did you do about

1 that?

2 A I tried to figure out if someone
3 could call her and find out what was going
4 on. I thought that there was a politically
5 calculated movement afoot that was being
6 driven by Biaggi and Boylan, and that
7 Kaitlin was part of it.

8 Q So who did you get to call her?

9 A I asked around to, like, just
10 internally in that group and said: Who
11 knows her? Like, who is friendly with her?
12 And no one had really kept in touch with
13 her. I think Annabel told me that she had
14 dated [REDACTED] when she worked in the
15 office, but nobody really knew [REDACTED] well
16 enough to ask.

17 So I, I don't remember if it was
18 Annabel who told me -- I think it was
19 Annabel who told me that **Staffer #6**,
20 **Staffer #6** had been her office
21 mate, and so I called **Staffer #6**.

22 Q Tell us about the conversation
23 with **Staffer #6**.

24 A I called her and said, "Hey, did
25 you see this tweet?"

1 And she was like, "Yes, it's
2 crazy."

3 And I said, "I'm trying to figure
4 out what's going on. Biaggi is, like,
5 involved in this. Would you mind reaching
6 out to her? Would that be weird?"

7 And she said, "I've -- I haven't
8 spoken to her in a few years, but she was my
9 office mate."

10 I think I asked her in that
11 conversation if there was anything that
12 happened while she worked there that would
13 make her think that she would be
14 disgruntled, angry, tweeting like this. And
15 she said no.

16 Q **Staffer #6** said no?

17 A Yeah.

18 Q And prior to the outreach to
19 **Staffer #6**, had there been any press inquiries
20 about **Kaitlin**?

21 A There were -- a bunch of the
22 reporters were calling around trying to
23 advance the Lindsey Boylan story. And there
24 was nothing specific to Kaitlin, but they
25 were tracking every, all the tweets and

1 looking for former employees.

2 Q But there was no specific press
3 inquiry about Kaitlin [REDACTED]?

4 A No.

5 Q And no information about Kaitlin
6 [REDACTED] had been provided by the executive
7 chamber to the press at that point?

8 A Correct.

9 Q And so what happens next with [REDACTED]
10 **Staffer #6**?

11 A So I asked her if she wouldn't
12 mind reaching out to her. She said,
13 "Absolutely not; I'm happy to."

14 And then she -- I don't know if
15 she called her or if she texted her, but
16 they didn't connect initially. They had a
17 series of texts, and then they spoke that
18 evening.

19 Q How many times did you reach out
20 to **Staffer #6** to find out if she had
21 reached out to **Kaitlin**?

22 A I don't remember. A few.

23 Q Why did you keep reaching out?

24 A I am a type A control freak.

25 And, like, whenever there is, like,

1 something that's going on, I'm very
2 impatient.

3 Q [Staffer #6] told you she would be
4 happy to reach out to [Kaitlin]? Were those
5 her words?

6 A Yes.

7 Q And then did she?

8 A Yes.

9 Q How did it come about that this
10 relates to the advice she received from Mr.
11 David on recording phone calls?

12 A So they had texted back and
13 forth, and Kaitlin said she would call her
14 after five or could talk after five. And so
15 then [Staffer #6] called me and said she can speak
16 after five. "Should I call?"

17 And I said, "Yes."

18 And so then I was, like, wait;
19 let me get Alfonso on the phone, I want to
20 make sure we are not doing anything wrong.
21 So I conferenced in Alfonso David.

22 Am I allowed to talk about this?

23 MR. HECKER: Apparently, yes.

24 MS. KENNEDY PARK: Yes, that
25 has been waived.

1 BY MS. KENNEDY PARK:

2 Q Sorry, before you tell me what
3 Alfonso said, what were you concerned about
4 that you might be doing wrong?

5 A I wanted to make sure if she was
6 talking to, if she was talking to Kaitlin on
7 the phone, that she was doing it in a way
8 that was appropriate.

9 Q I'm just trying to understand
10 what would have been inappropriate. What
11 was the concern you were having?

12 A I don't know. It wasn't -- I was
13 just worried that Kaitlin could say or do
14 something that could be misperceived -- not
15 Kaitlin, **Staffer #6**. And so I just wanted to
16 make sure that Alfonso was comfortable with
17 it and that he was able to give us advice
18 before she talked to him.

19 Q So, and prior to Mr. David
20 joining this call, had you suggested to **████**
21 **Staffer #6** that she record it?

22 A I don't think so.

23 Q And why were you reaching out to
24 Mr. David?

25 A For the reason I just stated.

1 Q Sorry. I understand the question
2 you wanted to ask him. But why didn't you
3 reach out to, like, Judy Mogul, Beth Garvey?
4 Why did you reach out to someone outside of
5 the executive chamber?

6 A I rely on Alfonso primarily on
7 employment law issues.

8 Q Even though he is now at the
9 human rights campaign?

10 A Yes.

11 Q Have you ever asked Mr. David if
12 there is any concern under the human rights
13 campaign about him providing legal advice to
14 the executive chamber on employment issues?

15 A I don't think so.

16 Q So you get Mr. David on the phone
17 and what happens?

18 A And we talked about what **Staffer #6**
19 could say. And I asked if she should record
20 the call. And he said, "Yes. And assume
21 she is recording it too."

22 Q So you asked if she could record
23 the call?

24 A Yeah.

25 Q During that conversation, was

1 there any discussion of where Kaitlin
2 might be located?

3 A I don't think so.

4 Q You didn't raise that issue?

5 A I don't think so.

6 Q Mr. David didn't raise that
7 issue?

8 A I don't think so.

9 Q Did you know where Kaitlin was
10 located?

11 A I know now. I don't remember
12 when I came to find out that information.

13 Q Where do you know that she -- you
14 now know where she was located. Where was
15 she located?

16 A In California.

17 Q How do you know that?

18 A From --

19 MR. HECKER: Is this something
20 you only know from counsel?

21 THE WITNESS: Yeah.

22 MR. HECKER: If you can
23 separate out any understanding you
24 have that's, that you learned without
25 discussions from counsel or before

1 discussions with counsel, you can
2 share that.

3 THE WITNESS: The weekend that
4 -- so Staffer #6 and Kaitlin spoke. Do you
5 want to spend more time on that or
6 should I --

7 BY MS. KENNEDY PARK:

8 Q Yes, sure, go ahead.

9 A Staffer #6 and Kaitlin spoke. Staffer #6
10 then sent me the recording. I played it for
11 Alfonso, Linda, Judy, Steve to get their
12 reaction.

13 Q Let's pause there.

14 In the conversation you had with
15 Staffer #6, what did you ask her to say to
16 Kaitlin?

17 A We were trying to figure out a
18 natural way to start the conversation. And
19 I said, "Why don't you say that there's
20 reporters calling around because of all of
21 the tweets and I saw your tweet and wanted
22 to give you a heads up. People are asking
23 about your tweet."

24 Q Did you ask Staffer #6 to convey
25 to Kaitlin that reporters were asking

1 about her tweet?

2 A Yes.

3 Q Was that true?

4 A No.

5 Q You were comfortable with [REDACTED]

6 **Staffer #6** lying to **Kaitlin** [REDACTED] about that?

7 A Yes.

8 Q Did you seek any advice about
9 that?

10 A Alfonso was on the phone.

11 Q Why were you comfortable with her
12 lying about it?

13 A I don't know that it was, that I
14 thought about it. It was trying to figure
15 out an avenue in, and it was truthful that
16 reporters were calling around and that the
17 Times Union had been calling around. And I
18 felt like it was only a matter of time.

19 Q Then the call happened, and you
20 listened to the recording of the call, is
21 that right?

22 A Yes.

23 Q What was your reaction to the
24 call?

25 A I did not think it went well.

1 Q Why not?

2 A There were two things. One, it
3 was very clear from listening to the call
4 that **Staffer #6** was very stunted and
5 uncomfortable and that Kaitlin was very
6 stunted and uncomfortable.

7 So to the extent that, you know,
8 we would be able to glean anything, all it
9 did was, I think, make a situation that was
10 sort of like a question mark and made it
11 bad.

12 And then additionally, separate
13 and apart, I -- it stuck out to me that when
14 **Staffer #6** mentioned Biaggi, that she responded
15 and said, "Alessandra; did you reach out to
16 Alessandra, too? Are you reaching out to
17 Alessandra, too?"

18 And, like, a side part of me was,
19 like, you don't call someone Alessandra; you
20 call her Senator Biaggi, you call her
21 Biaggi. And so it fed into my, the notion
22 in my head that she was working with Biaggi
23 and that there was a greater potential that
24 she was working with Lindsey.

25 Q After the call, did you discuss

1 it with Staffer #6 ?

2 A Yes.

3 Q What did Staffer #6 say?

4 A She said that did not go well.

5 Q Anything else she said?

6 A We talked again later that night.

7 Q What did she say?

8 A She said that she talked to her
9 husband about it.

10 Q And what else did she say?

11 A And that her husband was like, "I
12 can't believe you guys. I can't believe you
13 reached out to her just because she has a
14 couple of likes. She has 200 followers."

15 And then she joked like, "Tell
16 Melissa to leave me out of these schemes in
17 the future and tell Alfonso David that the
18 next time I see him I've got words for him."

19 Q She joked?

20 A She was relaying her conversation
21 with Staffer #5 like, like in a joking way.

22 Q Was Staffer #6 in a joking way
23 on that phone call with you?

24 A Yes.

25 Q She wasn't upset?

1 A Not on that phone call.

2 Q Had she been upset in a prior
3 call?

4 A Yes.

5 Q Tell us about that.

6 A It was when she had just spoken
7 to her and she said that did not go well.

8 Q And describe what, how she
9 presented herself as upset.

10 A What do you mean by that?

11 Q How do you know she was upset?

12 A The tone of her voice.

13 Q Was she crying?

14 A I don't think so, no.

15 Q Was she part of the conversation
16 with Ms. Lacewell, Ms. Mogul and Mr. Cohen?

17 A No, I don't think so.

18 Q Did she speak -- to your
19 knowledge, did she speak to any of them?

20 A Maybe Judy. I spoke to Judy --
21 so right after the call, right after we
22 listened to the call, I called Judy
23 separately. And I said that I --

24 Q Don't --

25 MR. HECKER: Yes, I believe

1 that call is still -- I mean, that
2 discussion is privileged.

3 THE WITNESS: Sorry.

4 BY MS. KENNEDY PARK:

5 Q Are you aware of any
6 conversations **Staffer #6** had with either
7 **Kaitlin** -- sorry, Ms. Mogul -- Ms. Mogul,
8 Ms. Lacewell or Mr. Cohen?

9 A I don't remember.

10 Q After you played the call for
11 that group of people, was there any other
12 further follow-up regarding **Kaitlin** ?

13 A Yes.

14 Q What happened?

15 A Two days later, I got a phone
16 call from Judy that Kaitlin had reached
17 out --

18 MR. HECKER: I think your
19 discussion with Judy about this topic,
20 I think the chamber is claiming
21 privilege.

22 THE WITNESS: Can I clarify my
23 response?

24 MR. HECKER: Sorry, you can't.

25 MS. KENNEDY PARK: Do you want

1 to go off the record so you can talk
2 to your counsel about this?

3 THE WITNESS: No. I just want
4 to clarify that when you say was any
5 other action taken around **Kaitlin** ,
6 not proactively. After that was when
7 she had gone to **██████████** and then
8 **██████████** called the chamber.

9 MS. CLARK: So you had a copy
10 of the recording?

11 THE WITNESS: Yes.

12 MS. CLARK: And what did you do
13 with it after you played it for the
14 attorneys?

15 THE WITNESS: Nothing.

16 MS. CLARK: Did you keep it?

17 THE WITNESS: No.

18 MS. CLARK: When did you delete
19 it?

20 THE WITNESS: I think pretty
21 soon afterwards.

22 MS. CLARK: Prior to the call
23 when it was you on the phone with **██████████**
24 **Staffer #6** and Mr. David --

25 THE WITNESS: Sorry, can I

1 clarify one thing?

2 I didn't save it on my phone.

3 It was in a text message.

4 MS. CLARK: Did you delete the
5 entire text message?

6 THE WITNESS: Yes.

7 MR. KIM: Why did you delete
8 it? I mean, presumably you wanted to
9 record it because you wanted to keep a
10 record of what happened.

11 THE WITNESS: I listened to it.
12 I'm sorry. I don't mean to cut you
13 off.

14 MR. KIM: Why did you delete it?

15 THE WITNESS: I had listened to
16 it, and I didn't think there was any
17 need to keep it.

18 MR. KIM: It was not helpful?

19 THE WITNESS: It's not that it
20 was not helpful; it was just not
21 necessary.

22 MR. KIM: You reached out to
23 Kaitlin [REDACTED] -- when you were asking
24 Staffer #6 [REDACTED] to reach out to Kaitlin
25 [REDACTED], you said because you were

1 worried that she had left unhappy, so
2 maybe she was in some kind of
3 conspiracy with Senator Biaggi and
4 Lindsey Boylan or working with them.

5 THE WITNESS: No. Not that she
6 had left unhappy and therefore. That
7 I had seen the tweet and that she was
8 being promoted by Biaggi, and I was
9 trying to understand what happened or
10 like what -- sorry.

11 MR. KIM: Go ahead.

12 THE WITNESS: I was trying to
13 figure out, is this someone who left
14 unhappy? Is this someone who is
15 disgruntled? Is this someone who's,
16 like, just involved in far-lefty
17 politics and maybe is involved with
18 them? I was trying to figure it out.

19 MR. KIM: **Staffer #6** told
20 you she had left unhappy, correct?

21 THE WITNESS: I don't think so.

22 BY MS. KENNEDY PARK:

23 Q Annabel Walsh told you **Kaitlin**
24 had left unhappy?

25 A That she had moved from the desk

1 to the [REDACTED] job. But then that she
2 had, like, made a group of friends, that she
3 had been dating [REDACTED]. And they
4 didn't think that when she left the chamber
5 she left unhappy. She left the chamber
6 because [REDACTED] was leaving to go into
7 the private sector, and so her job didn't
8 exist anymore because she was chief of staff
9 to [REDACTED] and that Jill had asked her: What
10 do you want to do? Would you like to stay
11 in the chamber and do something different?
12 And she had expressed an interest in [REDACTED]
13 [REDACTED]. And so Jill facilitated her getting
14 a position at [REDACTED].

15 Q That all came out of the
16 conversation with Ms. Walsh?

17 A I don't remember when all of that
18 came out. This was like a, you know,
19 conversations that happened over a series of
20 days. But that is now my complete -- that
21 was my complete understanding prior to
22 learning about the Kaitlin call to [REDACTED].

23 Q To be clear, before you reached
24 out to **Staffer #6**, what you had just told
25 me was that Ms. Walsh had told you that

1 Kaitlin did not have a good experience
2 either for her or for the governor in the
3 governor's office, and she wasn't well
4 suited for the position.

5 A On that desk.

6 MR. KIM: Did any part of you
7 wonder whether she had experienced any
8 inappropriate behavior?

9 THE WITNESS: From the
10 governor?

11 MR. KIM: Yes.

12 THE WITNESS: No.

13 MR. KIM: And so the outreach
14 was entirely to confirm or not your
15 suspicion that she was disgruntled and
16 working with Lindsey Boylan, Senator
17 Biaggi?

18 THE WITNESS: Yes.

19 MS. CLARK: When you had the
20 phone call with Staffer #6 and Mr.
21 David before she called Kaitlin, did
22 anyone instruct Staffer #6 to try to
23 get Kaitlin to admit there was no
24 sexual harassment or something along
25 those lines?

1 THE WITNESS: No. Alfonso was
2 very clear that Staffer #6 could say what
3 her experience was, but she could not
4 put words in Kaitlin's mouth, and she
5 shouldn't lead her.

6 So he said, "You can say what
7 your experience was and then pause,
8 and allow her an opportunity to
9 respond. And if it feels like it's
10 tense or it feels uncomfortable, you
11 should just end the call."

12 MS. CLARK: And did Staffer #6
13 on that call try, you know, to say
14 anything about not experiencing sexual
15 harassment herself?

16 THE WITNESS: Yes.

17 MS. CLARK: What was Kaitlin
18 Kaitlin response?

19 THE WITNESS: Silence.

20 MS. CLARK: At the time of the
21 call, what was, where was Staffer #6
22 working?

23 THE WITNESS: MTA.

24 MS. CLARK: What position with
25 the MTA?

1 THE WITNESS: I don't
2 technically know her title. Press
3 secretary, communications director.
4 It is a senior communications role.

5 MS. CLARK: How did she get
6 that job?

7 THE WITNESS: I got her the
8 job. I think I asked her to take the
9 job.

10 MS. CLARK: When had you gotten
11 her the job with the MTA?

12 THE WITNESS: I don't remember
13 in the time line. She had left the
14 campaign and gone to work at Kiwit and
15 then the opening at the MTA happened,
16 and I recruited her. Actually, I
17 don't know if I was the first person
18 to talk her. Me, Rich, Dani,
19 somebody.

20 MS. CLARK: You were involved?

21 THE WITNESS: Yes.

22 MS. KENNEDY PARK: It is 12:45
23 and we are going to turn to another
24 large topic. Do you want to go off
25 the record?

1 THE WITNESS: What's the topic?

2 (Discussion held off the record.)

3 THE VIDEOGRAPHER: Going off

4 the record at 12:42 p.m.

5 (Lunch recess.)

6 THE VIDEOGRAPHER: We are on

7 the record at 1:37 p.m.

8 BY MS. KENNEDY PARK:

9 Q Ms. DeRosa, I ask you to turn to
10 what is Tab 133 in your binder. I am going
11 to mark this as the next exhibit. I want
12 you to take a moment to take a look at it.

13 (Thereupon, Exhibit 18, Tab
14 133, draft of an op ed, was marked for
15 identification, as of this date.)

16 BY MS. KENNEDY PARK:

17 Q What is this document?

18 A This was a draft of an op ed.

19 Q Who wrote this draft?

20 A The governor.

21 Q When did he write this?

22 A I don't remember the precise day,
23 but it was following the sexual harassment
24 tweets, like, in that week.

25 Q So after December 13th?

1 A Yes.

2 Q When you say he wrote it, what do
3 you mean? Did he type this?

4 A No. He doesn't type.

5 Q So how did it come to be in the
6 form that we have it in?

7 A He hand wrote it and Stephanie
8 Benton typed it.

9 Q Were you there when he wrote it?

10 A He was in his office. I was in
11 my office.

12 Q Did he consult you about the
13 writing?

14 A At various points, yes.

15 Q Tell us about those
16 consultations.

17 A So I understood this as an
18 exercise to sort of put everything in one
19 place that we had gleaned. And the idea was
20 to push back on Lindsey. And I didn't think
21 it was a good idea.

22 Q Whose idea was the letter?

23 A The governor's.

24 Q And were the consultations about
25 whether the letter was a good idea?

1 A We talked about it.

2 Q And tell us what the governor
3 said.

4 A I don't remember specifically,
5 but, generally, that we, like, we should
6 push back and that we didn't know, you know,
7 what she was going to say or do. And that
8 if we had all the facts in one place, that
9 that would be a way to push back.

10 Q And why was it that the governor
11 was putting all the facts in one place?

12 A I don't know.

13 Q Do you have any understanding why
14 he took it upon himself to write this?

15 A No, but it's not unusual. The
16 governor writes op eds constantly. He
17 writes letters to the editor constantly. He
18 writes articles. He's, you know, just very
19 hands on in that way.

20 Q Are those letters and articles
21 that you are talking about and op eds you
22 are talking about things that come from him?

23 A Yes.

24 Q Was this intended to come from
25 the governor?

1 A No.

2 Q Who is this intended to come
3 from?

4 A It was supposed to be from a
5 collection of former employees. The onset,
6 specifically Alfonso, Dani and Cathy
7 Calhoun.

8 Q And whose idea was it at the
9 onset to be Alfonso, David, Dani Lever and
10 Cathy Calhoun?

11 A When he asked me who, if we were
12 to do something, that I thought would be
13 inclined to sign a letter, I said I thought
14 those three.

15 Q During those consultations when
16 this was being drafted, what else did you
17 and the governor talk about?

18 A I thought that the letter would
19 backfire. I also thought that it would be
20 really hard to get anyone to sign it. And I
21 said that I thought we should ask other
22 people for advice.

23 Q Did you explain to the governor
24 why you thought it would backfire?

25 A Yes.

1 Q What did you tell him?

2 A From a public relations
3 perspective, I think it's one thing to talk
4 about things that are already in the public
5 record or acknowledged as fact. But I
6 thought that there were things in this
7 letter that we knew from hearsay or
8 secondhand sources. And I also felt pretty
9 strongly that her personal behavior wasn't
10 relevant.

11 Q Can you point us in the letter to
12 the parts that you thought were hearsay or
13 not a matter of the public record?

14 A Yes. On the back page.

15 Q At the bottom of 357, on the
16 bottom right hand there is a set of names?

17 A Oh, yes. The piece about her
18 behavior with men. "Indeed Ms. Boylan's
19 inappropriate behavior is not limited to
20 female colleagues," that paragraph.

21 Q How is it that the governor came
22 to write that: "As professional women, we
23 observed her interactions with male
24 colleague. It was often unprofessional as
25 well, sitting on people's laps and kissing

1 them in public"?

2 A Like, how did he come to have
3 that information?

4 Q Yes.

5 A Josh Vlasto told me that [REDACTED]
6 [REDACTED] told him that at one point they were at
7 Docks, and Lindsey was really drunk and [REDACTED]
8 [REDACTED] and the next day
9 sent an apology email.

10 Q And you told the governor that?

11 A Yes.

12 Q And then the next sentence says:
13 "Indeed, Ms. Boylan at one point had to
14 apologize to one male staff member who was
15 highly offended by her behavior."

16 Who was this staff member that
17 was being referred to?

18 A It's both [REDACTED] and also --
19 I am blanking on his name. There is another
20 senior male colleague, [REDACTED].

21 Q Sorry. It says: "1.1 male staff
22 member."

23 A Right. That could be for either,
24 the [REDACTED] apology and then also [REDACTED]
25 [REDACTED].

1 Q What was the information you
2 conveyed to the governor about [REDACTED]?

3 A That I had heard that she was
4 very drunk at a bar with [REDACTED] and
5 that she was [REDACTED]. And
6 then she called and left him voicemails
7 apologizing.

8 Q You said she was [REDACTED]
9 [REDACTED].

10 What did you tell the governor
11 she did?

12 A I don't remember specifically,
13 but generally that she was, like, [REDACTED]
14 [REDACTED]

15 Q Did you describe for the governor
16 what [REDACTED] -- what specifically she
17 did that was [REDACTED] [REDACTED]?

18 A I don't think so. I heard
19 different versions of that story.

20 Q Is there anything else that you
21 told the governor that was not already part
22 of the public factual record, or it was only
23 based on hearsay?

24 A "We understand from credible
25 sources that female members of campaign team

1 quit when they learned she would make such
2 claims for purely political advantage."

3 Q What did you tell the governor
4 about that?

5 A That that was not precisely my
6 understanding of what had happened.

7 Q What was precisely your
8 understanding of what had happened?

9 A That she -- the morning of the
10 tweets, she told her campaign team before
11 she did the tweets that she was going to do
12 the tweets. And that one of the staff
13 people, at least one of the staff people
14 pushed her and said: "Specifically what
15 happened? You can't just put something like
16 that out into the world."

17 And she said that she didn't have
18 specifics, but she knew in her heart that it
19 was true. And then the staff person
20 subsequently quit.

21 Q Who did you hear this from?

22 A Josh Vlasto.

23 Q Who did Josh Vlasto hear it from?

24 A [REDACTED].

25 Q Is that the staff member?

1 A Yes.

2 Q Is this what you told the
3 governor?

4 A Yes.

5 Q Anything else here that you told
6 the governor was not part of the public
7 factual record?

8 A I guess it could be interpreted
9 that way, for purely political advantage.
10 Like, it's not a crazy leap that that was
11 the interpretation. But that's not how I
12 understood it. I understood it to be more
13 principle based.

14 Q That the person, the staff member
15 who objected had done it on a principle
16 basis?

17 A Yes.

18 Q Not on the basis of being,
19 because she believed Ms. Boylan's claims to
20 be for purely political advantage?

21 A I think that she -- the way that
22 I interpreted it was this was a really
23 serious topic. And for whatever reason you
24 are doing it, if it is not real or credible,
25 you shouldn't be doing it.

1 And I believe that that person
2 didn't want to be part of the campaign,
3 like, if she was going to be working for
4 someone like that. It wasn't expressed to
5 me that she said, like, verbatim: I am not
6 doing this because of politics.

7 Q And that's the information you
8 got from Mr. Vlasto?

9 A Yes.

10 Q That had come from [REDACTED]?

11 A Yes. And I had heard a version
12 of it before that from Charlie King.

13 Q What did Charlie King tell you?

14 A That -- I had reached out to
15 Charlie, and I said: "What's going on? I
16 heard [REDACTED] is on that campaign."

17 And he was like: "She is?
18 That's crazy. I will call her and see
19 what's going on." And he called her and she
20 told him a version of that.

21 And he then called me and said:
22 "FYI, she doesn't work on the campaign
23 anymore. After Lindsey did what she did,
24 she quit and gave me a summary of what I
25 just told you." And then we talked about

1 getting that into the press.

2 Q You talked about getting that
3 into the press with Mr. King?

4 A Yes.

5 Q And what was the conclusion about
6 getting that into the press?

7 A Charlie said: "If you guys want
8 to talk to her directly or someone wants to
9 talk to her directly, I'm happy to make the
10 connection."

11 Q Did anyone do that?

12 A Josh.

13 Q That's how Mr. Vlasto came to
14 talk to [REDACTED]?

15 A Yes.

16 Q Was that information that Mr.
17 Vlasto learned from [REDACTED] ever conveyed
18 by anyone in the executive chamber or
19 affiliated with the executive chamber to the
20 press?

21 A Yes.

22 Q When?

23 A So when we were going back and
24 forth on this op ed and we thought the idea
25 became abandoned, we said we can try to get

1 that into the press so that that's a part of
2 the public record so if going forward, the
3 fact that that occurred is out there and
4 people will know that. So instead of saying
5 it in an op ed, because we heard it from
6 somebody, it would be part of the public
7 record.

8 Q Okay. So did it get conveyed to
9 reporters?

10 A To one reporter.

11 Q Which reporter?

12 A I think it was Dennis Slatery.

13 Q Who conveyed it?

14 A Josh.

15 Q At your direction?

16 A Yes.

17 Q Let's go back to the draft.

18 Is there anything else in the
19 draft that you told the governor you thought
20 was not already part of the public factual
21 record or was based on hearsay?

22 A I don't think so.

23 Q When you say it was not already
24 part of the public factual record, do you
25 mean it wasn't in the personnel files that

1 had been provided to the press by the
2 executive chamber?

3 A When I say "public record," I
4 mean reported in the press.

5 Q Reported in the press based on
6 the personnel files that had been provided?

7 A Yes.

8 Q Then there is a sentence on the
9 bottom of the first page at 356 that says:
10 "Ms. Boylan then contacted the governor's
11 office saying that she loved him and needed
12 to talk to the governor."

13 Is that a reference to the email
14 messages you told me you thought existed
15 that were sent to Stephanie Benton by Ms.
16 Boylan after she was counselled?

17 A Yes.

18 Q And those are the emails that you
19 have been unable to locate?

20 A Yes. So I revise my comment.
21 That was something that was not in the
22 public record.

23 Q At the time the governor was
24 drafting this, had you had those emails?

25 A No.

1 Q When the governor was drafting
2 this, did you provide him with the personnel
3 file?

4 A No.

5 Q Did anyone provide him with the
6 personnel file?

7 A No, I don't think so. And I
8 think the quotes where it says: Abusive,
9 disrespectful, XXX, that was intended for
10 one of us to fill in the blank.

11 Q Anything else -- actually, you
12 said earlier that you had told the governor
13 you thought publishing this op ed would
14 backfire.

15 What did you mean -- well, what
16 did you tell him you meant by that?

17 A That I thought from a public
18 relations perspective, it was a mistake.

19 Q Can you explain that to me?

20 A Well, there are the issues of I
21 didn't think anything should be included
22 that wasn't part of a public record, that I
23 thought that the comment about her personal
24 life -- comments about people's personal
25 lives have no impact on whether or not they

1 can also be sexually harassed. And that
2 that's a form of slut shaming and that it's
3 just never acceptable.

4 And I thought that if something
5 like, some version of this were to go out,
6 unless highly sanitized, that there would be
7 a lot of blowback, that people would react
8 in a way that regardless of the merit of her
9 claim, or regardless of the things she had
10 said about the terms of her leaving her
11 employment, that it wouldn't, wouldn't serve
12 any purpose in terms of either correcting
13 the record or, um, in terms of furthering
14 some sort of a public argument.

15 Q Did you explain that to the
16 governor?

17 A Yes.

18 Q In the conversations where the
19 governor was consulting you while drafting
20 this, is there anything else you talked to
21 him about or he talked to you about that you
22 haven't told me?

23 A Sure, but not that I recall.

24 Q So what happens after he drafts
25 this?

1 MR. KIM: Can I ask a question?

2 MS. KENNEDY PARK: Yes.

3 MR. KIM: When you said that
4 will be both ineffective and a form of
5 slut shaming, what did he say?

6 THE WITNESS: I don't think
7 that he understood it right away. But
8 as I talked it through with him, he
9 was, understood and said okay.

10 MR. KIM: So at the initial
11 drafting stage he understood, he
12 understood it, is that what you are
13 saying, he understood that argument?

14 THE WITNESS: This was a
15 conversation that took place over the
16 course of, I want to say two days, so
17 I don't remember at what point
18 specifically. I don't think I was as
19 pointed in my criticism off the bat.
20 This was like a conversation that went
21 on. There are, like, different parts
22 of it were discussed in different
23 iterations of conversations.

24 BY MS. KENNEDY PARK:

25 Q So what happens after the

1 governor completes the draft?

2 A I told him that I didn't think it
3 was a good idea.

4 He said: "Why don't you check
5 with some of the folks on the team and see
6 what they think."

7 Q Which folks did you check with?

8 A Steve Cohen, Judy Mogul, Linda
9 Lacewell, Alfonso David, Josh Vlasto, Dani
10 Lever, and Robby Kaplan.

11 Q Did the governor tell you to
12 check with any of these individuals?

13 A He thought that I should reach
14 out to Robby. And also the lawyers, the
15 Steve, Linda, Judy group.

16 Q So he told you Ms. Kaplan, Mr.
17 Cohen, Ms. Mogul and Ms. Lacewell?

18 A Yes.

19 Q And then you selected Mr. David,
20 Mr. Vlasto and Ms. Lever?

21 A Yes.

22 Q What about Ms. Walsh?

23 A And Annabel.

24 Q And what was the governor's
25 request?

1 A He wanted feedback. I think
2 that, um, as is the case sometimes, he
3 thinks that I am being hard-headed in saying
4 no, and he wanted to get a gut check from
5 other people that he trusted. And so I
6 asked that group.

7 Q At this point, what was Ms.
8 Kaplan's role?

9 A She was the head of, one of the
10 heads of Times Up and a good friend and
11 someone whose advice I take, I'm very
12 respectful of and I solicit.

13 Q Sorry, a good friend of yours?

14 A She and I did legislation
15 together in 2019, sexual harassment
16 legislation, statute of limitations on rape.
17 So I had previously worked very closely with
18 her, and she and the governor know each
19 other well.

20 Q Was she your lawyer?

21 A Not at that time.

22 Q Was she the governor's lawyer?

23 A Not at that time. Never, she has
24 never been the governor's lawyer. Oh,
25 that's not -- can I --

1 Q What do you need to do?

2 MR. HECKER: Wait. Why don't
3 you answer the question, the question
4 she is asking now, and then we can
5 break if we need to.

6 BY MS. KENNEDY PARK:

7 Q Was she the governor's lawyer?

8 A No. I am sorry. Can I just ask
9 them something?

10 MR. HECKER: I understand what
11 you are getting at, and it is not
12 responsive to the question.

13 THE WITNESS: I just didn't
14 want to say something that isn't
15 correct.

16 MR. HECKER: It's fine.

17 BY MS. KENNEDY PARK:

18 Q Was she the executive chamber's
19 lawyer?

20 A No.

21 Q Is she your lawyer now?

22 A Yes.

23 Q When did she become your lawyer?

24 A In February.

25 Q Anyone else who you sought

1 feedback on on this letter?

2 A I don't think so.

3 Q So I want to go through each of
4 these people and the feedback. But before
5 we do that, the letter gets revised, right?

6 A (Thereupon, the witness nods in
7 the affirmative.)

8 Q How does it get revised?

9 A Different people made edits.

10 Q Did you make any edits?

11 A At some point.

12 Q Let's start with Steve Cohen.

13 What did Steve Cohen tell you about the
14 governor's draft op ed?

15 A Steve Cohen's initial reaction
16 was that it wasn't a good idea. Steve,
17 Linda and Judy all thought that it was a
18 huge overreaction and that it wasn't -- it
19 wouldn't land in any way that was effective,
20 not all that dissimilar from my position.

21 And then Steve sort of altered
22 his position and said that he was going to
23 take a stab at editing it, and he thought
24 that if certain edits were made, it could
25 get to a place where it could be acceptable

1 to go.

2 Q And did he describe for you what
3 kind of edits he thought needed to be made?

4 A He may have, but I don't remember
5 off the top of my head.

6 Q Is there information in the
7 letter that Mr. Cohen was not aware of prior
8 to receiving it, to your understanding?

9 A I don't know. I don't recall.

10 Q Let's go to Ms. Mogul. What was
11 Ms. Mogul's reaction to the governor's draft
12 op ed?

13 A I asked her to fact check, and
14 she felt there was a -- similar with me,
15 thought there was a lot in this that
16 couldn't be backed up factually and that she
17 thought it was an overreaction.

18 Q What specific things did Ms.
19 Mogul say couldn't be backed up factually?

20 A I don't remember, but I know she
21 had issues with it.

22 Q She had factual issues with it?

23 A Yes. Issues that, like, you
24 couldn't fact check them because they
25 weren't in the public record. So what I was

1 saying before, like, it was hearsay.

2 Q Well, so they could have been
3 fact checked, but you would have to go talk
4 to people about it, is that right?

5 A Yeah, I guess that's right.

6 Q Did anyone ever suggest going to
7 talk to some of the people who could have
8 confirmed or denied some of these facts that
9 were based on hearsay?

10 A No. Josh had had the direct
11 conversation with [REDACTED]. So from that
12 perspective, I think we thought that that
13 happened. But no, there was no extensive
14 conversation about that.

15 Q Linda Lacewell, what was her
16 reaction to the governor's draft op ed?

17 A She thought it was an
18 overreaction.

19 Q What else did she say?

20 A That there is no way Alfonso was
21 going to sign it.

22 Q Did she tell you why she thought
23 there was no way Alfonso was going to sign
24 it?

25 A Because he was the head of HRC,

1 and it would have required board sign-off
2 and approval.

3 Q Any other reason she conveyed?

4 A Not that I recall.

5 Q Anything else you remember her
6 saying?

7 A Not specifically or generally.

8 Q Mr. David, what was Mr. David's
9 reaction or feedback on the governor's draft
10 op ed?

11 A He thought that it was too much.
12 And he thought that it would be a better
13 tact to take to do a more positive, a short,
14 simple statement that's more positive in
15 tone, that it would be easier to get people
16 to sign on to.

17 Q Did he explain what he meant,
18 explain to you what he meant by "too much"?

19 A That it was -- there was too much
20 information. It was an overreaction,
21 similar -- it would, like, boomerang, that
22 he just didn't think that it would come off
23 well.

24 Q What was Mr. Vlasto's reaction to
25 the governor's draft op ed?

1 A He was in my camp. He agreed
2 that it wasn't a good idea.

3 Q What did he explain about why it
4 wasn't a good idea from his perspective?

5 A That he thought that it was way
6 too much of an overreaction. The story had
7 died. There was the one story over the
8 weekend when she tweeted her tweets. The
9 press didn't find her credible, the
10 personnel stuff was out there, that this
11 didn't do anything to help. All you would
12 do is restart a conversation that wasn't
13 being had.

14 Q What was Ms. Lever's reaction to
15 the governor's draft op ed?

16 A That she didn't think it was a
17 good idea.

18 Q What did she say about why she
19 didn't think it was a good idea?

20 A I don't remember specifically. I
21 just remember that she didn't think -- I
22 think everyone had sort of the same reaction
23 which is, like: We understand that you are
24 frustrated, we understand that you want to,
25 you know, fight back, but this is not the

1 right way to do it.

2 Q Did Ms. Lever tell you she would
3 not sign this?

4 A Yes.

5 MS. CLARK: Did Mr. David say
6 he wouldn't sign it? You said before
7 Ms. Lacewell said he wouldn't sign it.
8 Did he tell you that directly as well?

9 THE WITNESS: He originally
10 said that he couldn't sign it. And
11 then he said: "If you need me to, I
12 will."

13 BY MS. KENNEDY PARK:

14 Q Did he tell you: I will, but I
15 have to go check with my board?

16 A I don't know about that last
17 part, but he said to me: "Listen, like, if
18 you need me to, I will do this."

19 Q What about Ms. Kaplan? What was
20 her reaction to the governor's draft op ed?

21 A She thought that it was fine.

22 Q What did she say?

23 A She read it to Tina, whose last
24 name I'm blanking on, who is the head of
25 Times Up. And they thought that with some

1 edits, that it was perfectly acceptable
2 pushback, and it could be an effective tool.

3 Q What were the edits that were
4 suggested by Ms. Kaplan?

5 A I don't remember, like, when she
6 put pen to paper, but she didn't like the
7 part about the sitting on the lap and
8 kissing someone in public and being
9 inappropriate with men.

10 Q Did she express to you why she
11 didn't like that part?

12 A That she was concerned it could
13 be perceived as slut shaming.

14 Q Was Ms. Kaplan aware of any of
15 the facts in this op ed before it was sent
16 to her?

17 A The personnel file information
18 was public at that point. I don't remember
19 what else.

20 Q Had you had any conversations
21 with Ms. Kaplan about any of the information
22 in this draft op ed excluding the personnel
23 file before this was sent to her?

24 A I don't think so.

25 Q So how would she have known any

1 of that information?

2 A The major thrust of this is the
3 personnel file information, absent the part
4 about the lap sitting and then the Boylan
5 contacting the governor's office saying she
6 loved him. I may have told her that that
7 happened.

8 Q She couldn't have learned about
9 it any other way other than from you?

10 A Correct.

11 Q And then Ms. Walsh, what was Ms.
12 Walsh --

13 MR. KIM: Had Ms. Kaplan been
14 consulted prior to the release of the
15 personnel file?

16 THE WITNESS: No.

17 MR. KIM: Did she give her view
18 on whether the release of the
19 personnel file was, was fine or okay?

20 THE WITNESS: No. But I
21 thought it was notable that she as
22 someone who's a phenomenal lawyer and
23 women's advocate and head of Times Up
24 thought that this was fine, and that
25 she had read it to the head of Times

1 Up, Tina, who thought it was fine and
2 good.

3 BY MS. KENNEDY PARK:

4 Q Except for the part of sitting on
5 the lap and kissing people in public?

6 A Yes.

7 Q And did the head of Times Up, to
8 your knowledge, before this op ed was
9 shared, have any information other than what
10 was in the public domain about Lindsey
11 Boylan?

12 A No, although I don't -- there
13 were many versions of this, so I don't know
14 which version she saw.

15 Q What about Ms. Walsh? What was
16 Ms. Walsh's feedback on the governor's draft
17 op ed?

18 A Annabel did not think it was a
19 good idea and thought that it would
20 backfire.

21 Q What else did she say?

22 A I think Stephanie asked her if
23 she would be willing to sign it, and she
24 said no. She said that she asked her boss,
25 and her boss said no. But I assumed that

1 that wasn't true and she just didn't want to
2 do it.

3 Q In any of these conversations
4 that you had with any of the people you just
5 mentioned, did you discuss the question of
6 whether this op ed could be viewed as
7 retaliatory?

8 A No.

9 Q Did anyone raise that concern?

10 A Not with me.

11 Q Did anyone raise the concern that
12 it could be defamatory?

13 A Yes.

14 Q Who raised that concern?

15 A I think Alfonso or Judy.

16 Q What do you remember Alfonso or
17 Judy saying about concerns about defamation?

18 A I don't remember anything
19 specific, but I remember generally that they
20 were concerned about that.

21 Q So you gather all this feedback
22 on the draft op ed, and what did you do with
23 it?

24 A I told the governor.

25 Q Before we talk about what you

1 told the governor, did you talk to Liz Smith
2 about the draft op ed?

3 A I don't think so.

4 Q How about Jeff Pollock?

5 A I don't think so.

6 Q You told the governor about the
7 feedback. What did you tell him?

8 A That Robby and the head of Times
9 Up thought that it was okay with some
10 changes, that Steve thought with some
11 changes it would be okay, and that everybody
12 else thought it was a bad idea.

13 Q Did you tell him that Mr. David
14 had said that he wouldn't sign it initially?

15 A I don't remember. I may have.

16 Q Did you tell him that Ms. Lever
17 said that she wouldn't sign it?

18 A I don't think we were there yet
19 at this point.

20 Q What did the governor say?

21 A "Well, if Robby thinks it's okay
22 and the head of Times Up thinks it's okay
23 and Steve thinks it's okay, then I think
24 you're overreacting."

25 Q What else did he say?

1 A That was basically it. He said,
2 "Why don't we see if we can get some people
3 to sign on to it?"

4 Q So it was the governor's idea to
5 see if you could get people to sign this op
6 ed?

7 A Yes.

8 Q And was it the governor's idea to
9 go beyond Ms. Lever, Ms. Calhoun and Mr.
10 David?

11 A To [REDACTED] ?

12 Q No, I'm sorry, I don't know
13 how -- I didn't mean to say [REDACTED]
14 [REDACTED].

15 Was it the governor's idea to go
16 to people to see if they would sign it,
17 other than Ms. Lever, Ms. Calhoun and Mr.
18 David?

19 A I don't think so. When I
20 realized pretty early that those people were
21 going to be, it was not likely, it was who
22 else could we potentially reach out to if we
23 were going to move forward with this.

24 Q So I'm just trying to understand
25 what the governor said because I thought you

1 said that the governor said: Let's see who
2 we can get to sign it.

3 A Of Dani, Alfonso and Cathy.

4 Q I see, okay.

5 Did the governor make any
6 revisions to the letter --

7 A Yes.

8 Q -- after this?

9 A Yes.

10 Q So after that conversation with
11 the governor, what did you do next?

12 A I -- there was a lot of activity.
13 The next thing that I remember very starkly
14 is that I called Josh.

15 Q What did you tell Josh?

16 A That I thought that this was a
17 really bad idea and would he help me make
18 that case.

19 Q What did he say?

20 A "Yes."

21 Q You mean make the case to the
22 governor?

23 A Yes.

24 Q So then what happens next?

25 A So I asked the governor if he

1 would be willing to do a group call.

2 Q The group being who?

3 A I don't remember specifically,
4 but some version of Steve, Linda, Judy,
5 Josh, myself, Alfonso.

6 Q Some version of the group you had
7 gotten feedback from?

8 A Yes.

9 Q Minus Ms. Kaplan?

10 A Yes.

11 Q Did that call happen?

12 A Yes.

13 Q Tell us what happened on that
14 call.

15 A I set the table at the onset of
16 the call and said I wanted to get this group
17 on the phone to talk about the op ed idea,
18 and I teed up Josh and said, "We have all
19 discussed it and I think Josh is best to
20 represent the consensus of the group."

21 And Josh said, "Gov, I think this
22 is a really bad idea doing this now and it
23 exploding is -- once you do that, you can't
24 pull it back. But if you don't do it now,
25 it doesn't mean that down the road, should

1 there be some value in doing some form of
2 something, that that option is off the
3 table. And I think that this will be viewed
4 by the press as a gross overreaction. I
5 think to the extent that people don't
6 believe Lindsey's credible, you are going to
7 garner sympathy for her, and this is not the
8 way that we should move forward."

9 Q Did Mr. Vlasto raise any of the
10 concerns that Ms. Mogul or Mr. David had
11 expressed about potentially defaming Ms.
12 Boylan?

13 A I don't think so.

14 Q In that conversation with the
15 governor, did anyone raise any concerns that
16 this could be viewed as potentially
17 retaliatory?

18 A I don't know that that word was
19 used specifically, but I think it was
20 implied.

21 Q Can you explain to me what was
22 said that implied that there were concerns
23 that it could be viewed potentially as
24 retaliatory?

25 A When you are putting something

1 out that, with these different things in
2 here that no one had ever heard of, like
3 with slut shaming, it's like, why are you --
4 this isn't relevant. It is not directly
5 relevant to what we're talking about, and so
6 it would be viewed as just trying to shame
7 her.

8 Q So it was the part of the letter
9 that was about, the paragraph that begins
10 "Indeed"?

11 A Yes.

12 Q That was focused on, that that
13 could potentially -- not necessarily in
14 words -- can be viewed as retaliatory?

15 A Yes.

16 Q Because it's not relevant to her
17 claims of sexual harassment?

18 A Correct.

19 Q You viewed the rest of the letter
20 as being relevant to her claims of sexual
21 harassment?

22 A Not of sexual harassment but of
23 the terms under which she left, responding
24 to the allegations that she had left because
25 we bullied her, and it was toxic and hostile

1 and that she -- and sort of like bringing to
2 the forefront the political nature of what
3 was going on, that she was doing this for
4 politics.

5 There was some version of it that
6 actually I think included a reference to
7 Wigdor's firm because Wigdor's firm had just
8 represented Tara Reade, and they had given
9 major contributions to the Trump campaign.
10 And so I understood -- I understood the
11 intention but thought that it was going to
12 not land well.

13 Q That intention that you just
14 explained, was that what the governor
15 explained why he wanted to do this letter?

16 A We didn't have an explicit
17 conversation about it beyond, like, we have
18 to push back.

19 Q Did the governor ever say he was
20 drafting this op ed to respond to the claims
21 Ms. Boylan had made about why she left the
22 executive chamber?

23 A That was the context in which we
24 discussed it.

25 Q That's what he said?

1 A Yes.

2 Q In that context, did he ever
3 raise her claims of sexual harassment?

4 A I don't think so.

5 Q So he never said anything about
6 her claims of sexual harassment in relation
7 to drafting this op ed?

8 A No, only insofar as
9 contextualizing them vis-à-vis her political
10 campaign.

11 Q Can you explain what you mean by
12 that?

13 A Meaning all of a sudden she is
14 coming forward just as she announced she was
15 running for office. She was getting her
16 name in the paper. She was working with a
17 lawyer who was a Trump supporter, who had
18 just been representing Tara Reade, that
19 she -- and, like, that she wasn't credible.

20 Q I see.

21 So that the governor was saying
22 that part of the reason he wanted to do this
23 was that he believed her claims of sexual
24 harassment were politically motivated?

25 A Yes.

1 Q So he did raise the idea that
2 this op ed would be in response to her
3 claims of sexual harassment?

4 A I don't want to put specific
5 words in his mouth because I don't remember
6 specifically, but that was my understanding.

7 Q So what else happens on the group
8 call?

9 A So the governor generally -- the
10 way that I like do principle management with
11 him is that I prove that you can do
12 something and then explain why it's a bad
13 idea because if you just say "I can't get it
14 done," it seems like, you know, a bad excuse
15 for a boss.

16 And so we said, you know,
17 essentially, like: Yes, Robby signed off on
18 it; yes, Steve has signed off on this
19 version; Alfonso says he will do it if we
20 really need to. But we all collectively
21 think it's a bad idea. And he said okay.
22 And it was, like, write a letter, stick it
23 in a drawer.

24 Q And is that -- the conversation
25 ends?

1 A Josh in that call said: "In the
2 meantime, I talked to [REDACTED], and I think
3 I can land a story in the Daily News about
4 her leaving the campaign.

5 Q What else is said in the group
6 call?

7 A That's all I remember.

8 Q So Josh is the only one who
9 spoke?

10 A I teed it up.

11 Q No one else spoke?

12 A Not that I remember, but it is
13 possible.

14 Q And in between the calls you did
15 to solicit feedback from this group and the
16 call you had with the governor, was anyone
17 else called to tell them that there might be
18 this letter?

19 A Yes.

20 Q How did that happen?

21 A Annabel said she wouldn't be able
22 to do it because of work. Dani said she
23 didn't think she would be able to do it
24 because of work. I don't think she -- I
25 don't know if she actually asked them and

1 they said no or if she didn't believe that
2 she would be able to.

3 And so I talked to Linda and
4 Stephanie about if we needed to get another
5 cosigner, do we think there would be anyone
6 who's willing to do it.

7 Q What did Linda and Stephanie say?

8 A Stephanie said, "I think [REDACTED]
9 [REDACTED] would do it."

10 Q What did Linda say?

11 A I don't think that she had
12 specific ideas of who else would be willing
13 to do it.

14 Q Did [REDACTED] get called?

15 A Stephanie called her.

16 Q Were you on that call?

17 A No.

18 Q Did you ever speak to [REDACTED]
19 [REDACTED] about the letter?

20 A No.

21 Q Did Ms. Benton tell you what
22 happened in the conversation with [REDACTED]
23 [REDACTED]?

24 A Yes.

25 Q What did she tell you?

1 A That [REDACTED] was happy to sign.

2 Q Did she say anything else?

3 A She said that she could see if we
4 needed her to find other people.

5 Q What did Ms. Benton say in
6 response to that?

7 A I think she said, you know, "Hold
8 on for now; I'll let you know."

9 Q Did there come a point where Ms.
10 Benton went back to [REDACTED] or anyone
11 went back to [REDACTED] and said don't
12 hold on; we should call more people?

13 A I don't know. I know that
14 Alfonso spoke to a couple of people, but I
15 don't know if [REDACTED] spoke to anyone else
16 at that point.

17 Q Did you come to learn at some
18 point that [REDACTED] had spoken to other
19 people?

20 A I know that [REDACTED] spoke to
21 other people, but I don't know if it was in
22 the context of this or the other. There was
23 another version of the suggestion Alfonso
24 had of, like, a very short, more positive
25 statement.

1 Q Going back to this draft, the
2 governor's draft op ed, how is it -- who did
3 Mr. David speak to about it?

4 A I don't remember. I think [REDACTED]
5 [REDACTED] or [REDACTED].

6 Q Anyone else?

7 A I don't think so. Maybe Cathy.

8 Q Cathy Calhoun?

9 A Yes.

10 Q How is it that Mr. David came to
11 speak to those individuals about whether
12 they would sign this draft op ed?

13 A We were brainstorming about other
14 people that would potentially be willing to
15 sign on.

16 Q And those three names came up?

17 A Yes.

18 Q Did you ask him to call those
19 people?

20 A I think he offered.

21 Q And did he report back to you on
22 the calls with [REDACTED], [REDACTED] and Cathy?

23 A Yes, but I don't remember the
24 response.

25 Q For any of them?

1 A I know that he said that he read
2 them, read the letter to at least one other
3 person, but I don't think ever sent it to
4 anyone else. And that he thought that there
5 would be other people who would sign on.

6 Q But for these specific three
7 individuals --

8 A I don't --

9 Q -- do you understand, do you
10 understand that -- did Mr. David ever tell
11 you what they said in response to that?

12 A He may have, but it wasn't so
13 noteworthy that I remember.

14 Q Your understanding is Mr. David
15 was reading them the letter -- sorry, the op
16 ed?

17 A At least one person.

18 Q Who is that?

19 A I think [REDACTED].

20 Q To the other two, what was your
21 understanding of what he was conveying to
22 them about the draft op ed?

23 A Again, I just want to be clear, I
24 don't think it was this version. This was
25 like a very early draft.

1 Q But some version of an op ed?

2 A Yes, but I think that that
3 version of the op ed had been toned down.

4 Q But it wasn't the more positive
5 letter?

6 A No, although people got outreach
7 on that, too, later.

8 Q We will talk about that in a few
9 minutes.

10 And what was your understanding
11 about whether [REDACTED] was read some
12 version of the draft, governor's draft op
13 ed?

14 A I don't know, but I think so
15 because if you are agreeing to sign on to
16 something, I think you need to know what it
17 says.

18 Q To your knowledge, did, [REDACTED]
19 [REDACTED] know the information that was in
20 this draft op ed that was not in the public
21 domain about Ms. Boylan?

22 A I don't know what the draft that
23 she was shared, that was shared with her
24 contained in it.

25 Q You don't know which draft was

1 shared with her?

2 A I don't think it was until later.

3 MS. KENNEDY PARK: Why don't we
4 go look at some of the drafting.

5 MS. CLARK: While you are about
6 to turn, do you know if Linda Lacewell
7 reached out to anyone to get them to
8 sign the letter?

9 THE WITNESS: She may have, but
10 I don't have a specific memory of who.

11 BY MS. KENNEDY PARK:

12 Q Let's look at Tab 170. We will
13 mark what is at 170 as the next exhibit.
14 This is appears to be another draft of the
15 governor's op ed regarding Ms. Boylan that
16 was sent by you to Linda Lacewell and Judy
17 Mogul on December 16, 2020, is that right?

18 A Yes.

19 (Thereupon, Exhibit 19, Tab
20 170, another draft of the governor's
21 op ed regarding Ms. Boylan, was marked
22 for identification, as of this date.)

23 BY MS. KENNEDY PARK:

24 Q And this draft contains more
25 information than the draft we were just

1 looking at, is that right?

2 A Yes.

3 Q More details.

4 A Yes.

5 Q Who prepared this draft?

6 A Some combination of that group.

7 Q How did that come about?

8 A There were continual edits being
9 made to this on a parallel track while the
10 conversations were being had.

11 Q And just physically, is someone
12 going into a Word document and making edits?

13 A I think that Stephanie had the
14 pen, but certainly, like, Steve made edits
15 and sent a version. I made edits and sent a
16 version. Like, I think I probably put in
17 the actual language from the complaint or
18 from her personnel file.

19 Q But Ms. Benton had the sort of
20 pen, for lack of a better word?

21 A Yes.

22 Q If you turn to page 1025, which
23 is the second page at the very top, there is
24 a paragraph that begins "However".

25 A Yes.

1 Q See that paragraph? It says:
2 "As far as Ms. Boylan suggesting that the
3 governor made inappropriate comments about
4 her looks, which she characterizes as sexual
5 harassment, is concerned, she abuses all
6 legitimate victims."

7 Who wrote that sentence?

8 A I don't remember.

9 Q Did you write that sentence?

10 A I don't think that specific
11 sentence, although it sounds like me.

12 Q Did you agree with that sentence?

13 A I agreed that I thought that what
14 Lindsey was doing cheapened actual sexual
15 harassment and sexual assault claims. But I
16 don't know -- I'm sorry --

17 Q No, go ahead.

18 A I don't know that I felt that
19 way, the way that it was written here.

20 Q Meaning that it says that
21 inappropriate comments about her looks
22 essentially cheapen sexual harassment
23 victims?

24 A I'm just saying that I think that
25 to the extent that Steve or the governor

1 wrote that, I don't think that that's my
2 writing, but that is a sentiment that I
3 agreed with and that I said at the time and
4 continue to believe. And so it doesn't
5 surprise me that, like, a version of that
6 sentiment got in.

7 Q What I am trying to understand
8 is, what about making inappropriate comments
9 about someone's looks delegitimizes sexual
10 harassment from others? That is what I am
11 trying to understand.

12 A We didn't believe he made
13 inappropriate comments about her looks.

14 Q So the basis is you didn't think
15 she was credible?

16 A Correct.

17 Q Okay. And at this point in time,
18 did you have any understanding as to whether
19 the governor had compared Ms. Boylan to an
20 ex-girlfriend?

21 A No.

22 Q And then the second sentence
23 says: "We know from direct experience the
24 nature of the governor and the interactions
25 between the governor and Ms. Boylan, as we

1 were present for most of their
2 interactions."

3 Were the authors of this present
4 for most of the interactions between Ms.
5 Boylan and the governor?

6 A The authors, as it was intended
7 to be the signatories, yes. Dani was around
8 her all the time, Cathy Calhoun was around
9 her all the time. I don't know about
10 Alfonso, but it sort of -- the first
11 paragraph was sort of irrelevant at that
12 point because I think there was an
13 understanding that those people weren't
14 going to necessarily sign on, but there was
15 going to be some group of people who knew
16 her well and had been around during this
17 period.

18 Q But that group of people had been
19 present for most of her interactions with
20 the governor?

21 A The group hadn't been settled on,
22 but that was the aim.

23 Q Is to find the people who had
24 been present for most of her interactions
25 with the governor?

1 A Yes.

2 Q But the governor had been on
3 occasion alone with Ms. Boylan?

4 A Yes. But she didn't say that he
5 sexually harassed her when they were alone.

6 In her original tweets, she said
7 that he harassed her about her looks and
8 would sometimes grill her about her work,
9 which was very good, and that it went on for
10 years and that everybody saw it.

11 And so this was pre-Medium post;
12 this was just based on her public
13 statements.

14 She wasn't saying: When the
15 governor and I were alone he harassed me.
16 She was actually saying the opposite, which
17 was: Everyone saw it in there.

18 Q In her tweets she was also saying
19 she wasn't going to give all the details,
20 right?

21 A I don't remember her specific
22 language, but she said she wasn't going to
23 say more than that. And our understanding
24 at that point from her campaign people were
25 that she said to them: "I don't have any

1 specifics, but I know it to be true in my
2 heart."

3 Q That was your understanding of
4 what she had said to [REDACTED]?

5 A Yes.

6 Q In the next paragraph it says:
7 "Ms. Boylan claims the governor made
8 comments 'about her looks.' Ironic given
9 that Ms. Boylan referred to the governor as
10 handsome and told the staff that she loved
11 the governor."

12 Who drafted that second sentence
13 that begins "Ironic"?

14 A I don't know.

15 Q Had you ever heard Ms. Boylan
16 refer to the governor as handsome?

17 A Yes.

18 Q Did you believe that was
19 inappropriate?

20 A Yes.

21 Q I want to pause there.

22 You thought it was inappropriate
23 that Ms. Boylan referred to the governor as
24 handsome?

25 A I thought it was odd.

1 Q You thought it was inappropriate?

2 A I am choosing my words more
3 carefully.

4 Q There is a draft op ed that
5 refers to that as inappropriate. Do you
6 remember that draft?

7 A No. There were a lot of
8 versions.

9 Q We will come back to that later.
10 What did you think was odd about
11 it?

12 A I thought it was odd that she
13 referred to him as handsome. [REDACTED]
14 had told me that, and I think also told Dani
15 or somebody, that whenever she traveled with
16 them, he looked -- she looked at him, like,
17 very longingly and, like, puckered her lips
18 and constantly, like, referred to him in
19 ways that was, that she thought was odd.

20 Q Have you heard people say that
21 about you, that you look at the governor
22 that way?

23 A Yes.

24 Q Do you think that is offensive?

25 A Yes.

1 Q When you thought it was -- you
2 said it was odd that she referred to the
3 governor as handsome. You told me earlier
4 today or yesterday that the governor
5 referred to women as "bella," right?

6 A Yes.

7 Q That means beautiful, right?

8 A Yes.

9 Q Do you think it was odd that the
10 governor referred to women as beautiful?

11 A I thought that that was more
12 playful. I understand your point on the
13 inconsistency.

14 Q You understand that that's
15 inconsistent?

16 A Yes.

17 Q And so you don't know who
18 drafted -- do you know who drafted this
19 beginning of the paragraph that was added?

20 A No.

21 Q Was it the governor?

22 A It may have been.

23 Q Let's go to the next paragraph.

24 There is some information added
25 in here about a political campaign

1 consultant or her campaign backers and
2 lawyers. Do you see that?

3 A Yes.

4 Q Who added that?

5 A Again, I don't remember who put
6 pen to paper. But as I told you before,
7 that was something that we had been talking
8 about.

9 Q Where did that information come
10 from?

11 A It was publicly available.

12 Q From where?

13 A We pulled a list of her campaign
14 consultants and checked them against who
15 else they were consulting for.

16 Q And who did you have pull that
17 list?

18 A I think Linda.

19 Q And then the last sentence says:
20 "We understand from credible sources that
21 female members on her campaign team were
22 offended and actually quit when they heard
23 she and her campaign planned to make such
24 claims for purely political advantage."

25 Do you see that?

1 A Yes.

2 Q Do you know who added that?

3 A No.

4 Q Was that based on what Mr. Vlasto
5 had conveyed to you?

6 A Yes, but it's wrong in that it
7 was one person.

8 MS. KENNEDY PARK: I was just
9 going to ask about that.

10 MS. CLARK: If you can go back,
11 when it said supported by lawyers and
12 financial backers of Donald Trump, was
13 the lawyers a reference to the Wigdor
14 firm?

15 THE WITNESS: Yes.

16 MS. CLARK: And financial
17 backers, was that also in reference to
18 the Wigdor firm or something else?

19 THE WITNESS: No, yes.

20 MS. CLARK: Would you pull a
21 list of people who contributed to her
22 campaign?

23 THE WITNESS: Yes.

24 MS. CLARK: Did you do
25 background, cross reference them for

1 who they were?

2 THE WITNESS: Not individually.

3 It was, like, eyeballing, looking for
4 connections, who's connected to who,
5 what's going on.

6 MS. CLARK: Just so I am clear,
7 the reference to lawyers and financial
8 backers is a reference to the Wigdor
9 firm?

10 THE WITNESS: Correct.

11 Wigdor had done, I think,
12 \$50,000 to the RNC and the Trump
13 campaign in 2018 at the same time they
14 were representing Tara Reade.

15 BY MS. KENNEDY PARK:

16 Q Turn to the last page of this
17 draft.

18 A Uh-huh.

19 Q And it says -- the second full
20 paragraph, it says: "The governor always
21 treated us and every women with whom we saw
22 him interact with respect."

23 Who added that sentence?

24 A I don't remember.

25 Q Did you think that's true with

1 respect to Charlotte Bennett?

2 A I wasn't thinking about Charlotte
3 Bennett.

4 Q Do you think that's true with
5 respect to Charlotte Bennett?

6 A I think that I would rather not
7 opine on Charlotte Bennett in this context.

8 Charlotte, the Charlotte
9 situation had nothing to do with Lindsey.
10 The Charlotte situation was completely
11 separate.

12 This we viewed as a hundred
13 percent political malice and being driven by
14 political opponents of the governor. This
15 had nothing to do with Charlotte.

16 Q I want to make sure from your
17 perspective it had nothing to do with
18 Charlotte Bennett. So no one ever raised
19 Charlotte Bennett in the context of
20 considering whether Ms. Boylan's allegations
21 were potentially credible?

22 A No.

23 Q And then -- I guess I don't know
24 if you will answer this, but that sentence
25 says: "He always treated us and every women

1 with whom we saw him interact with respect."

2 Do you think him calling Kaitlin

3 [REDACTED] "Sponge" was respectful?

4 A Again, I think in retrospect, as
5 I said earlier we should have been more
6 sensitive to that. But it wasn't meant with
7 ill intent.

8 Q Do you think it was respectful?

9 A I think it was an attempt to be
10 playful and have her feel like part of the
11 team, but I don't -- if she interpreted it
12 in a way that was not respectful, then it
13 wasn't respectful.

14 Q And so this sentence, this is not
15 true?

16 A I am not going to comment on
17 that.

18 Q In the paragraph above it says:
19 "We encourage all women to come forward with
20 valid complaints of harassment."

21 Do you see that?

22 A Uh-huh.

23 Q Did you think that this draft op
24 ed, this op ed if it was published, would
25 encourage women to come forward with valid

1 claims of harassment?

2 A I don't think I thought about it.

3 Q Did you talk to anybody about
4 that?

5 A I don't think so.

6 Q Did anybody express a concern
7 that this might discourage women from coming
8 forward?

9 A Discourage them?

10 Q Yes.

11 A No, I think it's the opposite.

12 Q That publishing this op ed would
13 actually encourage women?

14 A No. I am saying that that line I
15 don't think is discouraging.

16 Q I am asking if publishing this op
17 ed, from your perspective, would encourage
18 women to come forward with valid claims of
19 sexual harassment?

20 A I didn't even get there in my
21 head. In my head this thing was never going
22 out.

23 Q But it was being shared with a
24 number of people?

25 A With a close group of advisors.

1 Q Was [REDACTED] part of a
2 close group of advisors?

3 A No.

4 Q Was [REDACTED] part of a close
5 group of advisors?

6 A No.

7 Q Was [REDACTED] part of a close
8 group of advisors?

9 A No.

10 MS. CLARK: Right before that
11 it says: "The allegations of
12 harassment are made for political or
13 extortive purposes."

14 Who added the part about
15 extortive purposes?

16 THE WITNESS: I don't remember.

17 MS. CLARK: And did you think
18 that Ms. Boylan was engaging in
19 extortion in making her allegations?

20 THE WITNESS: I believe Lindsey
21 was engaging in retaliation.

22 MS. CLARK: In retaliation for
23 what?

24 THE WITNESS: She had sent Rob
25 Mujica and Dani Lever text messages

1 the March prior, in the heart of COVID
2 when the governor signed an executive
3 order to suspend petitioning. And she
4 believed that what we were doing was
5 personal to her and aimed at hurting
6 her political campaign. And I know
7 this because she sent text messages to
8 Dani and to Robert promising
9 retribution.

10 MS. CLARK: Did anyone say they
11 thought it was in any way extortion?

12 THE WITNESS: I don't think
13 that we looked at that word that
14 closely. This wasn't going to go out.

15 MS. KENNEDY PARK: Why don't we
16 turn to --

17 MR. HECKER: Can we take just
18 five?

19 MS. KENNEDY PARK: Oh, sure.

20 THE VIDEOGRAPHER: Going off
21 the record at 2:33 p.m.

22 (Brief break.)

23 THE VIDEOGRAPHER: We are back
24 on the record at 2:46 p.m.

25 BY MS. KENNEDY PARK:

1 Q Can you turn to Tab 172, please?

2 This is the next exhibit. It's a text
3 message between you and it says "Dad." Is
4 that your dad?

5 A No.

6 (Thereupon, Exhibit 20, Tab
7 172, text message, was marked for
8 identification, as of this date.)

9 BY MS. KENNEDY PARK:

10 Q Who is it?

11 A I have no idea, but based on the
12 below, the meta data, it says Rich
13 Bamberger.

14 Q And so this is on
15 December 16th --

16 A Uh-huh.

17 Q -- at 5:59 p.m.

18 A Uh-huh.

19 Q And we were just looking at a
20 draft of the letter, the draft op ed from
21 December 16th. And Mr. Bamberger writes:
22 "Who is confirmed signing on?"

23 And if you flip the page, you
24 write back: "██████████, Dani, Annabel said
25 they would do."

1 Is that accurate?

2 A If I wrote it, it must have been.
3 I think that early on they said that they
4 would consider signing on to something, and
5 then, like, later, as the progress
6 progressed, they said that either their
7 employers wouldn't let them do it or they
8 didn't want to.

9 Q Let's turn to Tab 22. We will
10 mark this as the next exhibit.

11 (Thereupon, Exhibit 21, Tab 22,
12 text message chain, was marked for
13 identification, as of this date.)

14 BY MS. KENNEDY PARK:

15 Q This is a text message chain on
16 December 16th at 10:01 p.m. from you to
17 Annabel Walsh, Stephanie Benton and Dani
18 Lever. Do you see that?

19 A Yeah.

20 Q And it says: "Just sent you guys
21 current op ed. ██████████ has agreed to
22 do. Alfonso said if we need him to, he
23 will. ██████████ and ██████████ looking
24 now. I wouldn't ask you guys if we weren't
25 fighting for our lives."

1 Does this refresh your
2 recollection as to whether Annabel and Dani
3 had at this point said yes, that they would
4 sign on?

5 A I think that they had said early
6 on that they would be willing to but that
7 they had to check with their employers.

8 Q And when they said they would be
9 willing to, had they seen a copy of the
10 draft op ed?

11 A I don't remember.

12 Q And then this says: "[REDACTED]
13 and [REDACTED] looking now." Those are
14 two individuals we haven't talked about
15 before as having seen the draft op ed.

16 How did [REDACTED] come to see the
17 draft op ed?

18 A I don't remember who spoke to
19 her.

20 Q Do you remember anything she said
21 about the draft op ed?

22 A No. Although now that I'm
23 putting this together, I think Bamberger
24 must have talked to [REDACTED], but I don't, I
25 don't know if she saw a version, if he

1 emailed it, if he read it, if he summarized
2 it. I think it was Rich Bamberger. [REDACTED]
3 [REDACTED], I think, must have been Linda.

4 Q Linda Lacewell?

5 A Yes.

6 Q And what do you remember hearing
7 about [REDACTED]'s reaction to the draft op
8 ed?

9 A I think that because she was
10 inspector general to the MTA, she didn't
11 think that she could go anywhere near it.

12 Q It was just her position?

13 A I don't remember. But I know
14 that it was not, it was not a yes.

15 Q Did you have any reason to
16 believe that [REDACTED] knew the nonpublic
17 facts that were contained in the draft op ed
18 about Ms. Boylan?

19 A No.

20 Q Do you have any reason to believe
21 [REDACTED] knew the nonpublic facts about
22 Lindsey Boylan that were contained in the
23 draft op ed?

24 A No. And I know I put in there
25 "looking now," but I don't know if they were

1 actually looking or someone read it or
2 summarized it. I think it was more like
3 shorthand for "considering."

4 Q And I think Rich Bamberger is
5 someone we hadn't talked about before as
6 someone who gave feedback on the letter.
7 Did he give feedback on the letter?

8 A He may have, but I don't remember
9 specifically what his feedback was.

10 Q You don't remember if he was pro,
11 against?

12 A I think we were all pretty
13 against.

14 Q Except Ms. Kaplan?

15 A And Steve thought it was okay if
16 properly edited.

17 Q Turn to Tab 25. This is an email
18 chain. We will mark this as the next
19 exhibit.

20 (Thereupon, Exhibit 22, Tab 25,
21 email chain, was marked for
22 identification, as of this date.)

23 BY MS. KENNEDY PARK:

24 Q That is an email chain between
25 you and Ms. Walsh on December 16th. It

1 begins at 8:47 p.m. And she writes: "Below
2 is the Tom Brokaw letter."

3 Do you recall this email?

4 A Not specifically, but generally.

5 Q Tell us what you remember about
6 it.

7 A As I said previously, I think
8 Alfonso was the first one that raised the
9 idea of doing something that was more
10 positive and affirmative and not negative.
11 And I think that the group was, like,
12 talking amongst themselves about trying to
13 steer in that direction. And so Annabel
14 pulled this Tom Brokaw letter as an example.

15 Q You don't think it was Annabel's
16 idea to do something more positive?

17 A I thought it was Alfonso. It
18 could have been Annabel. I thought it was
19 Alfonso, though.

20 Q And what happens with the
21 suggestion to do something akin to the Tom
22 Brokaw letter?

23 A We considered it, a version of it
24 was drafted. I think Stephanie and Linda
25 worked to get signatories. But, again, it

1 was another, like, write a letter, stick it
2 in a drawer.

3 Q Who drafted the letter, the Tom
4 Brokaw-like letter?

5 A I don't remember.

6 Q Can you turn to Tab 174? We will
7 mark this as the next exhibit.

8 (Thereupon, Exhibit 23, Tab
9 174, email chain, was marked for
10 identification, as of this date.)

11 BY MS. KENNEDY PARK:

12 Q This is an email chain between
13 Linda Lacewell, Stephanie Benton, and you
14 beginning at the bottom of what is Bates
15 stamped page 55. It is printed out a little
16 oddly, but if you turn to the bottom of page
17 56, it is an email from Stephanie Benton to
18 Linda Lacewell, cc'ing you on December 17th
19 at 9:43 p.m., and it says: "So this is
20 progress. How do we get him 50-plus names?"

21 Go on, there is a whole list of
22 names. And on the bottom of 57 it says:
23 "Send to Linda. Tell her ask 50 names to
24 sign the following letter. We all worked
25 for Governor Cuomo directly. His motto,

1 performance, integrity, pride. We work for
2 the people."

3 Do you see that?

4 A Yes.

5 Q Did Governor Cuomo draft this
6 statement at the bottom of 57 and the top
7 the 58?

8 A I don't know, but it sounds like
9 him.

10 Q Is the conveyance of "Send to
11 Linda. Tell her to ask 50 names," did you
12 ask 50 names? Did you understand that to be
13 an instruction coming from the governor?

14 A Yes. Well, I understand that
15 looking at this. I don't have automatic
16 recall of that moment.

17 Q And then this list of names that
18 is put together, do you know how this list
19 of names came to be?

20 A I think I was brainstorming, and
21 I think Stephanie looked back over old staff
22 lists to come up with ideas. And then it's
23 clearly some current staff. It looks like
24 pretty much a hodgepodge.

25 Q A hodgepodge of what?

1 A People. There's no, like,
2 consistency except they worked for him at
3 some point.

4 Q Is it all women?

5 A Yes.

6 Q It's all women who worked for him
7 at some point?

8 A Yes, and some that currently
9 still did at the time.

10 Q Ms. Bennett's not on this list.
11 Do you understand why Ms. Bennett is not on
12 this list?

13 A That she wasn't someone who would
14 come to anyone's top of mind to say we
15 should ask her to sign on to a letter like
16 this.

17 Q Kaitlin is not on this list.
18 Why is she not on this list?

19 A I don't know if Stephanie knew at
20 that point about the Kaitlin conversations
21 or not, or if I had a role in editing this.

22 Q Do you remember editing this and
23 taking out Kaitlin's name?

24 A I don't.

25 Q You see that Ms. Commisso's name,

1 Brittany, is on here, you see that? It says
2 Brittany?

3 A Yes.

4 Q Was that Ms. Commisso?

5 A Yes.

6 Q Do you understand if Ms. Commisso
7 was reached out to as to whether she would
8 sign on to this letter?

9 A I don't know.

10 Q [REDACTED] is on here.

11 A Yes.

12 Q Do you have an understanding if
13 [REDACTED] was reached out to about signing
14 on to this letter?

15 A I don't think so.

16 Q And how did it come to be that
17 she was not reached out to?

18 A I don't know.

19 Q So what happens after the list
20 gets put together?

21 A I don't remember.

22 Q Is it somebody's job to reach out
23 to all these people?

24 A I think that Stephanie was
25 working with Linda to come up with people

1 who could reach out to these people.

2 Q To come up with people who could
3 reach out to these people?

4 A Yes.

5 Q And who do you understand was
6 part of the group of people that Ms. Benton
7 was reaching out to to reach out to this
8 list of individuals?

9 A I think the same group as
10 earlier, like the Annabel, Dani, Linda,
11 Alfonso, the same group that we had engaged
12 earlier.

13 Q Does that include [REDACTED]
14 [REDACTED]?

15 A Yes.

16 Q Did it include [REDACTED]?

17 A I think so.

18 Q Andrew Ball?

19 A Yes.

20 Q Staffer #5 [REDACTED]?

21 A I think so. Staffer #5 and [REDACTED]
22 [REDACTED].

23 Q So, how many people end up
24 agreeing to sign on to the letter?

25 A I don't remember.

1 Q Do you have a ballpark?

2 A I don't.

3 Q Did you finish the work of
4 getting through the list of figuring out how
5 many people would sign on?

6 A I don't think so.

7 Q Why not?

8 A I don't remember if the idea just
9 died or if we affirmatively killed it, but,
10 again, there was a constant refrain of,
11 like, the story isn't alive; why are we
12 doing things that are going to ignite it?

13 MS. CLARK: Can I just ask on
14 this, the top of that sheet, that
15 email we were just looking at, Ms.
16 Benton writes to Ms. Lacewell, copying
17 you, says: "So this is progress. How
18 do we get him 50-plus names? It would
19 be great to keep his mind on this path
20 and a real shot in the arm if we get
21 names in a.m."

22 Do you understand all the
23 "him's" in that to be the governor?

24 THE WITNESS: Yes.

25 MR. KIM: What do you

1 understand it to mean "to keep his
2 mind on this path"?

3 THE WITNESS: I don't recall
4 what I thought in that moment, but I
5 can tell you what I think now.

6 MR. KIM: Sure.

7 THE WITNESS: Is that okay?

8 Okay. As I said, there was a
9 consensus among the group that the
10 negative op ed was not the right way
11 to go. And so we thought that this
12 was a more constructive, positive
13 exercise to engage in, and that if
14 ultimately we needed to put something
15 out, this was something that Joe Biden
16 had done; this was something that
17 other men who had been in situations
18 where they were accused of sexual
19 harassment had done. And so that this
20 was just a more positive use of
21 people's time.

22 MR. KIM: So this as opposed to
23 the more negative one that was being
24 drafted?

25 THE WITNESS: Yes.

1 BY MS. KENNEDY PARK:

2 Q Why don't you turn to Tab 29. We
3 will mark this as the next exhibit.

4 (Thereupon, Exhibit 24, Tab 29,
5 text message chain, was marked for
6 identification, as of this date.)

7 BY MS. KENNEDY PARK:

8 Q This is a text message chain on
9 December 23rd between you, Ms. Walsh, Mr.
10 Ball, Ms. Benton. I don't think I'm missing
11 anybody. And you write: "Hey guys, any
12 luck with [REDACTED] and [REDACTED]?"

13 Who is [REDACTED]?

14 A I don't know her last name.

15 Q Who is [REDACTED]?

16 A I think that's [REDACTED].

17 Q And what did you mean by "Any
18 luck with [REDACTED] and [REDACTED]"?

19 A I think given the time period, it
20 was either to sign on to the letter or check
21 in with them and see if they heard anything
22 from anyone.

23 Q Do you remember which it was?

24 A No.

25 Q If you turn to the top of the

1 second page, you write: "Anna may shut down
2 ██████."

3 What did you mean by that?

4 A I think that that was, like, talk
5 to her.

6 Q "Shut down" means talk to her?

7 A Like, come on, Annabel, bring it
8 home. Like, did you get her to sign on, or
9 did you talk to her and see if she heard
10 anything?

11 Q Was there any concern that ██████
12 ██████ might have had an unhappy experience
13 in the executive chamber?

14 A I don't think so.

15 Q It was never raised to your
16 attention?

17 A I don't think so.

18 Q The "shut down" comment wasn't
19 meant to try to prevent --

20 A No, no.

21 Q Can I just finish --

22 A Sorry.

23 Q -- before you say no?

24 A Sorry.

25 Q The "shut down" comment wasn't

1 meant to convey that Ms. Walsh should
2 essentially prevent [REDACTED] from speaking
3 out about her experience in the chamber?

4 A No.

5 Q And then you wrote: "Good work,
6 Ball." What was that about?

7 A Because he said: "Spoke to
8 [REDACTED]. All good. Steph, I just tried
9 you." This is what I assume this was a
10 response to.

11 Q And then after that you wrote:
12 "In case anyone was wondering, [REDACTED]
13 loves the governor."

14 Who's [REDACTED]?

15 A She worked for us.

16 Q Did you speak to her?

17 A No.

18 Q Who spoke to her?

19 A A mutual friend.

20 Q Who is the friend?

21 A [REDACTED].

22 Q You asked [REDACTED] to speak
23 to her?

24 A Yes.

25 Q Why?

1 A Because the -- Lindsey -- because
2 of what we have been talking about, that
3 Lindsey had come out and said what she said,
4 we knew that she was actively trying to
5 engage people who potentially had a bad
6 situation or that she thought that would
7 align with her.

8 When I say bad situation, I mean,
9 like, was disgruntled when they left, not
10 that I thought that she was, like, sexual
11 harassment issues.

12 And that she had been reaching
13 out to people, or the press was reaching
14 out, or her lawyer was reaching out.

15 Q And so why didn't you speak to
16 [REDACTED]?

17 A I didn't have a relationship with
18 her.

19 Q And what did [REDACTED] tell
20 you about his conversation with [REDACTED]?

21 A That he spoke to her for a while
22 and that she said that she loved working for
23 the governor. She thought that he was
24 great, but that [REDACTED] as a jerk.

25 Q Did you have any concern about

1 her using the phrase "she loved working for
2 the governor"?

3 A No.

4 Q Any concern about her saying she
5 loved the governor?

6 A No, but when I say she loved the
7 governor, I didn't mean like she loves the
8 governor. She was like, she was really
9 positive about the governor.

10 Q And then Andrew Ball wrote back:
11 "She hates me too. She's dangerous. Ask
12 [REDACTED]. Dangerous is a bad word
13 choice."

14 What did you understand Mr. Ball
15 to mean by that?

16 A I don't know.

17 Q Did you ever ask him what he
18 meant by that?

19 A I don't think so. This was the
20 instance I was telling you about yesterday
21 when I think [REDACTED] was counsel. It
22 was in relation to [REDACTED].

23 Q Okay.

24 MS. KENNEDY PARK: Mr. Kim, you
25 had a question about [REDACTED]?

1 MR. KIM: Yeah.

2 FURTHER EXAMINATION

3 BY MR. KIM:

4 Q Earlier, when we first started
5 asking you about Lindsey Boylan's tweets and
6 the people you reached out to, I think one
7 of the people you mentioned was [REDACTED]
8 [REDACTED]?

9 A Yes.

10 Q When did you reach out to him?

11 A I reached out to him at the end
12 of the first week after the Lindsey tweets,
13 when I was trying to figure out the
14 political connections.

15 Q What did you ask him?

16 A I asked him -- well, there had
17 been all kinds of rumors going around that
18 Jumaane Williams, you know, put her up to
19 this or was working with them, or Biaggi, or
20 the Working Families Party, or potentially
21 Tish James.

22 And when I looked at the
23 consultants, I saw that [REDACTED] was one of
24 the consultants, and I knew that [REDACTED]
25 had been a consultant for Tish. And so I

1 called [REDACTED] and said, "Do you know
2 anything about this?"

3 Q What did he say?

4 A He said that he didn't, but he
5 would be happy to look into it.

6 Q And did he?

7 A Yes.

8 Q And he got back to you?

9 A Yes.

10 Q What did he say?

11 A The first time -- we had a couple
12 of conversations.

13 The first time he said that he
14 had spoken to [REDACTED] and that [REDACTED] said that
15 it wasn't a concerted campaign effort off
16 the bat, that she had shared that she was
17 going to do it, but that it wasn't a part of
18 a broader plan, which was consistent with
19 what I had learned from the [REDACTED]
20 conversations.

21 And [REDACTED] told me because I
22 think [REDACTED] thought Lindsey wasn't
23 credible, that he had said to him, you know,
24 you shouldn't get involved with something
25 like this if, you know, you don't believe

1 her.

2 And that he had expressed that he
3 thought that, um, that he didn't know that
4 he believed her or didn't believe her, but
5 that he thought that it would be a bad look
6 as a male campaign staffer if after she came
7 out with allegations, that he left. And
8 that was it at the onset.

9 Q When you said he didn't think it
10 would be a good look, you are saying [REDACTED]?

11 A Yes. And we had subsequent
12 conversations.

13 Q What is the subsequent
14 conversations?

15 A So, um, he, [REDACTED] had said to
16 me, "Feel free to keep in touch. I'll stay
17 close to him. I'll keep you updated on what
18 I hear. Happy to share information as it
19 comes."

20 And then the following week I
21 spoke to him again, and he told me that
22 Lindsey had retained legal counsel and was
23 trying to put together a legal strategy, and
24 that she told the campaign that she thought
25 that she had two other people that would be

1 with her if she decided to go public.

2 And I said, "Harassment or like
3 had a bad workplace?"

4 And he said, "I don't know, but
5 the implication was harassment."

6 Q And did [REDACTED] tell you how
7 he got that information?

8 A From talking to [REDACTED].

9 Q Did he say who the two people
10 were?

11 A No, he didn't know.

12 Q How did you know [REDACTED]?

13 A He was the attorney general's
14 chief of staff, and I knew him through her
15 run for attorney general.

16 Q Any other conversations with
17 [REDACTED]?

18 A We probably spoke half a dozen
19 times in that time period.

20 I spoke to him one more time on
21 December 23rd, there or about, and just
22 said, "Are you hearing anything?"

23 And he said, "No, I don't think
24 she has a strategy. I know she's trying to
25 come up with something, but I don't think

1 there is a press conference tomorrow or
2 anything."

3 And I said: "Thank you. I
4 really appreciate it."

5 And he said, "No problem. I will
6 stay close." And then he said, "But in the
7 future, maybe it's better if you and I are
8 not the points of contact because you are
9 secretary to the governor and I am the
10 attorney general's chief of staff."

11 Q When he said "she," he meant
12 Lindsey Boylan?

13 A Yes.

14 Q And then did you have a
15 discussion about who should be the point of
16 contact?

17 A I had said at one point, "Rich,
18 would you mind checking in with [REDACTED]?"
19 We didn't identify someone -- like, [REDACTED]
20 and I didn't identify another person. But
21 Rich had a conversation with him, and I
22 think Rob Mujica also had a conversation
23 with him.

24 Q With [REDACTED]?

25 A Yes.

1 Q Any other conversations with him
2 about Lindsey Boylan?

3 A No, but I had a conversation with
4 the attorney general.

5 Q When did you have that?

6 A The day when we decided to, um,
7 that we did the executive order giving, um,
8 her the authority to appoint a special
9 prosecutor.

10 She called me once the -- there
11 was a lot of back and forth that day. Once
12 it had been settled, she reached out to me
13 and she said to me, "Melissa, you have to
14 calm down. Everything is going to be fine.
15 I was at an event yesterday, and a lot of
16 people came up to me and said that Lindsey
17 Boylan is not credible. Nobody views her as
18 credible. This other allegation with
19 Charlotte Bennett is just words. You have
20 to learn to trust people."

21 Q She said that to -- the attorney
22 general said that to you?

23 A Yes.

24 Q When was that?

25 A The day of, the day that we did

1 the -- I don't -- the day that we did the
2 executive order. It was the Sunday
3 following -- I'm sorry, I didn't mean to cut
4 you off. It was the Sunday following The
5 New York Times Charlotte Bennett report, and
6 I had had a contentious conversation with
7 [REDACTED] and [REDACTED] -- I am blanking on her last
8 name -- earlier in the day because I did not
9 think the attorney general should be in
10 charge of this investigation. I thought
11 there was no way that it wouldn't be
12 inherently political. There were all kinds
13 of rumors that she wanted to run against the
14 governor. I didn't think it would be fair.

15 And I asked, I asked [REDACTED]
16 point blank on the phone: "Are you going to
17 publicly announce that you are not ruling
18 out a run for governor?"

19 Q Let's back up.

20 So it sounds like we backed into
21 a call from the attorney general to you.
22 But prior to that was a call to you and
23 [REDACTED] and [REDACTED] together or
24 separately?

25 A Together. Although I had -- I am

1 sorry. I didn't mean to cut you off.

2 I had a number of conversations
3 with [REDACTED] that day, different iterations;
4 one with Beth Garvey, one with me, Beth and
5 [REDACTED]. I had another conversation with the
6 attorney general earlier that morning. So
7 there had been a lot of back and forth.

8 Q Why don't you walk through for us
9 that morning when you had the calls with the
10 attorney general's office?

11 A Sure. So the night prior The New
12 York Times story hits. We had a draft
13 statement prepared, one from Beth Garvey
14 that spoke to how the office dealt with the
15 Charlotte Bennett allegations at the time,
16 and one -- maybe they were both from Beth.
17 But the subject matters that we were
18 addressing -- or one from the governor, I
19 think. One where we were addressing her
20 allegations, and one where Beth responded to
21 how the office handled the claims.

22 And in that we said that we
23 wanted a full thorough, fair investigation,
24 and that we were asking Anne Clark -- no, I
25 am sorry, Barbara Clark to do the

1 investigation.

2 Q Barbara Jones?

3 A Barbara Jones to do the
4 investigation, Judge Jones. And we put that
5 out.

6 I spoke to the leaders through
7 their staffs. I spoke to [REDACTED].
8 I spoke to [REDACTED] and said, "FYI, a
9 story is coming out. We are not going to go
10 point-by-point in the article. We are going
11 to call for an investigation. We are asking
12 this judge, who is like above reproach who
13 everyone thinks really highly of, to lead
14 the investigation."

15 And they said, "Okay." And then
16 the announcement goes out pretty quickly on
17 Twitter.

18 I think Liz Kreuger and others
19 started -- Senator Kreuger and others
20 started to tweet: She's not impartial. She
21 was law partners with Steve Cohen. It needs
22 to be the attorney general.

23 And I had a subsequent
24 conversation with the leaders, chiefs of
25 staff, where they said: Listen, we didn't

1 know about this Steve piece. Politically
2 it's not tenatable. You are going to have
3 to do the attorney general.

4 Initially, they were fine not
5 doing the attorney general, and they said:
6 You're going to need to -- politically you
7 are never going to sustain the tsunami here.
8 You have to do the attorney general.

9 And we tried to push back
10 initially. Steve Cohen had a couple of
11 validators for Judge Jones that we sent some
12 reporters to who said very positive things
13 about her reputation and credibility. But
14 by the morning it was clear that that wasn't
15 going to hold.

16 And so then we talked through
17 other options, and we talked amongst
18 ourselves as a group. I think we jumped on
19 a conference call. And Josh said: "You are
20 going to end up with the attorney general.
21 Just go there now. Don't take seven hours
22 to get there. Just go there now."

23 And I was going back and forth
24 with Linda and with Steve and with the
25 governor on what to do. And there was an

1 inherent distrust in the attorney general
2 leading the investigation.

3 It was right after the nursing
4 home report. I raised in that moment -- I
5 had these conversations with [REDACTED] at
6 the time: I don't know how they don't
7 recuse on this. Like, they were involved.
8 And by the way, if there was something wrong
9 with fact finding and getting this
10 information, the attorney general's office
11 was involved. And so I raised this stuff at
12 the time and we went back and --

13 Q You mean involved in the nursing
14 home or in this?

15 A No, no, in this because I told
16 them that -- at the time I was talking to
17 [REDACTED], and I said if this is a
18 conspiracy, the attorney general's office
19 was involved in it. Like, how do they not
20 recuse when their chief of staff was
21 shuttling information to the governor's
22 office?

23 And if someone's going to come
24 out with a report and say that that process
25 was wrong, or retaliatory or whatever, they

1 were involved, and they knew about it.

2 And so I raised all of these
3 points. We talked it through. We decided,
4 me, the governor, Steve, let's see if Chief
5 Judge DiFiore would be willing to make a
6 selection of special prosecutor along with
7 the attorney general. And then at least we
8 can feel like there is a check on the
9 process, so it's not just someone who wants
10 to run for governor, who will pick somebody
11 with an axe to grind and do a report that is
12 not fair or even.

13 And the governor had a
14 conversation with the attorney general. She
15 agreed. Rob Mujica, I believe, had a
16 conversation with [REDACTED]. He agreed.

17 We drafted a statement. We blast
18 out. As we are blasting out the statement
19 announcing that we are going to do a joint
20 appointment between Chief Judge DiFiore and
21 the attorney general. [REDACTED] calls back.
22 I believe he called Rob.

23 At this point [REDACTED] and I were
24 not talking. We had a falling out after the
25 nursing home report. And he called Rob and

1 he said, "We are not okay with it. We have
2 changed our mind."

3 And Rob said, "But this is what
4 the attorney general agreed to."

5 And he said, "Well, staff wasn't
6 on board. We didn't know you were going to
7 put something out so quickly. We are not
8 okay with this."

9 And so then it starts this
10 rigmarole back and forth over are we giving
11 her subpoena authority? Do we trust they'll
12 stay within the confines of the executive
13 order? Are they going to go far beyond the
14 scope and try to use anything they can to
15 politically damage the governor?

16 We didn't initially want to give
17 subpoena power, but it became clear
18 politically it became untenable to not give
19 subpoena power. If you say you are going to
20 do an investigation, then you have to give
21 the investigators the tools to do the
22 investigation.

23 And so we had this whole back and
24 forth, and we ultimately decided that there
25 was no, there is nowhere else to go. We

1 didn't have an option politically. And
2 so -- and I was trying to talk to the
3 editorial boards and sort of keep them on
4 the reservation.

5 And it was clear that the only
6 way to do that was to say that Judge DiFiore
7 wasn't going to be involved, that it was
8 just going to be the attorney general, that
9 there had been past precedent because the
10 governor had done it with Spitzer and
11 Patterson, and that there was no other
12 choice.

13 And it was a moment where I felt
14 like we were living minute-to-minute. And
15 so while I strongly disagreed with the
16 decision at the time, we did it.

17 Q So, there was a number of
18 telephone conversations, it sounds like,
19 where you were talking to [REDACTED] on
20 that day, or was it through other people?

21 A I did, not at first, but I did.

22 Q And when was that conversation?
23 Like, what was it about?

24 A The day's a blur, so I can't
25 pinpoint an hour for you, but I had a

1 conversation with he and with their first
2 deputy and with my counsel. And I believe
3 that was when I said to him point blank, "Is
4 Tish going to say it publicly she is not
5 running for governor? Because I don't trust
6 you."

7 Q What did they say?

8 A This isn't about politics; I am
9 not going to answer that question.

10 Basically, the same answer the attorney
11 general gave at the press conference that
12 she held two weeks ago when she was asked if
13 she was running for governor.

14 Q What else, what else did you talk
15 about?

16 A We went back and forth on the
17 language of the executive order. I was very
18 anxious to get a statement out announcing
19 that we had come to an agreement to do this
20 jointly because the press incoming was
21 unrelenting.

22 He was insistent that he wanted
23 to make sure that it was done right. And he
24 wanted to make sure that they agreed with
25 the language on the executive order before

1 we put anything out.

2 Q And the "he" being [REDACTED]?

3 A Yes.

4 Q And were you able to reach an
5 agreement?

6 A Yes.

7 Q Did you raise this question of
8 them having to recuse themselves because of
9 the involvement?

10 A Not to them. I raised it with
11 the governor, I raised it with Elkan
12 Abramowitz. I believe I raised it with
13 Steve.

14 Q What did they say?

15 MR. HECKER: I think that the
16 conversations you would have had with
17 Elkan Abramowitz would be privileged.
18 I don't know what position the chamber
19 is taking about the conversations with
20 Steve about that.

21 MS. CROWLEY: That was
22 privileged as well.

23 MR. HECKER: Privileged.

24 MR. KIM: So the involvement --

25 MS. KENNEDY PARK: But you said

1 you raised it with the governor,
2 right?

3 THE WITNESS: With them. We
4 were on the phone.

5 BY MR. KIM:

6 Q The involvement you are talking
7 about is the outreach that you and Rich
8 Azzopardi had about talking to [REDACTED]?

9 A Yes.

10 Q Anything else? Any other
11 involvement?

12 A No. But it was a series of, you
13 know, eight, ten phone calls. He was
14 actively shuttling information. He was
15 telling me that she had hired a legal team,
16 that she thought she identified two people.

17 I mean, if we are going to say
18 that all of that was wrong, they were active
19 participants in it.

20 MS. KENNEDY PARK: Did you
21 understand that at that point Ms.
22 Boylan had publicly tweeted that there
23 were two other people?

24 THE WITNESS: No.

25 MS. KENNEDY PARK: Okay.

1 THE WITNESS: And I don't think
2 that she had.

3 BY MR. KIM:

4 Q And then you said that you also
5 had a personal conversation with the
6 attorney general?

7 A Yes.

8 Q When was that? What was that
9 about?

10 A That was the conversation I had
11 just described. So, well, I had spoken to
12 her a couple of times that day. I spoke to
13 her once earlier when we were going back and
14 forth on the language. I was getting very
15 frustrated that I felt like any time the
16 governor had a conversation with the
17 attorney general and they came to an
18 agreement, her political people would
19 immediately walk it back.

20 And so it was like this
21 counterproductive loop. They were okay with
22 Chief Judge DiFiore, then they weren't.
23 Then they were okay with -- she was okay
24 with Chief Judge DiFiore advising but not
25 selecting. And then they weren't.

1 And there was this back and forth
2 that kept happening. And I spoke to her at
3 some point in the course of that back and
4 forth and then she -- once the agreement was
5 reached, she called me and that's when she
6 said, "You need to calm down and trust
7 people."

8 Q Why don't you walk through that
9 conversation. She called you.

10 A Yes.

11 Q And she said what?

12 A She called me and she said: "You
13 have to calm down."

14 And I said, "This is crazy."

15 And she said, "Listen. I was at
16 an event yesterday. So many people came up
17 to me and said Lindsey Boylan is not
18 credible. She is not credible. On the
19 Charlotte Bennett thing, it is just words.
20 I will talk to you on the side. I will be
21 engaged with you back and forth. I'm
22 worried about you. You are not sleeping.
23 That's how you made that mistake in the
24 meeting on the nursing homes. It's not like
25 you to misspeak. You misspoke because you

1 haven't slept in a year. And I am worried
2 about you, and you have to find a way to
3 trust people."

4 Q What did you say?

5 A I said, I said, "First of all,
6 that's not what I said in the room on
7 nursing homes. I said The Post took my one
8 half of one sentence out of context and
9 ruined my life. And that's not what I meant
10 to say. And Lindsey Boylan isn't credible,
11 and I think this is crazy."

12 And she said, "It's going to be
13 okay, and I need you to trust that it's
14 going to be okay."

15 Q Did you have a relationship with
16 her?

17 A Yes.

18 Q What kind of relationship did you
19 have with her?

20 A When the governor was running for
21 reelection in 2018, I helped negotiate the
22 cross endorsement between Tish for attorney
23 general and the governor. And so I was
24 responsible in part for wrangling all of her
25 political support at the democratic

1 convention. And she and I -- she and the
2 governor never really had a relationship.
3 It was really she and I. We would meet for
4 drinks on occasion and we -- she had a
5 friendship with my dad, and we knew each
6 other.

7 Q So when she said "You need to
8 calm down," was that -- was she on calls
9 where you had been excited, or was it your
10 understanding it had been reported to her?

11 A I think it was relayed back.
12 When I spoke to her earlier that day, I
13 don't remember what my temperament was. But
14 I hadn't slept, was, you know, going, going,
15 going, trying to constantly address this
16 issue. I kept thinking I was at the goal
17 line, put out the statement, pull the
18 statement back. I was fielding all this
19 incoming from elected officials. It was a
20 very exhausting day, and I was exasperated.

21 Q And so that's, so that's the one
22 conversation you had with the attorney
23 general that day?

24 A Yes.

25 Q And it was your understanding

1 that she was also speaking separately to the
2 governor?

3 A Yes.

4 Q How many times?

5 A I don't know, but I think at
6 least twice.

7 Q And were those, the substance of
8 those conversations reported back to you?

9 A Yes.

10 Q Reported to you by the governor?

11 A Yes.

12 Q What was reported to you?

13 A In the first instance, he spoke
14 to her -- when we had this idea about, um,
15 Chief Judge DiFiore and the attorney general
16 making the joint selection, I said to him,
17 "The only way we're going to get this done
18 is if you talk to her. Like, I can't go to
19 [REDACTED]. [REDACTED] and I aren't even speaking
20 right now. This isn't going to get done at
21 a staff level. You have to have the
22 conversation principal to principal."

23 And he spoke to her, and she said
24 yes. And so when he came back to me and
25 said, "She agreed. Put out the statement."

1 Q And then what happened?

2 A I think, although I don't
3 specifically recall that they had a
4 subsequent conversation about when they
5 walked back doing the joint appointment to
6 do an advisory with the Chief Judge. And
7 that she had been okay with that.

8 Q Anything else reported to you
9 about the conversations the attorney general
10 had with the governor?

11 A No, not that I recall.

12 Q When is the first time you
13 learned they weren't okay with that?

14 A With which, with the joint?

15 Q Yes.

16 A Within two minutes of the
17 statement going out.

18 Q Within two minutes of your
19 statement going out?

20 A Yes.

21 Q How was that reported to you?
22 Was it a call from [REDACTED]?

23 A I believe [REDACTED] called Rob
24 Mujica.

25 Q Did they say why they were not?

1 A They said that the attorney
2 general agreed to it without running it by
3 staff, and staff wasn't comfortable with it,
4 that there was precedent around the attorney
5 general doing this on her own. She was a
6 black woman. How can you undermine her?
7 And at the same time, they started calling
8 around to elected officials in the city to
9 say: Start this Twitter chatter around.
10 You can't undermine a female attorney
11 general on this. You're trying to put
12 someone in who you selected in Chief Judge
13 DiFiore, which I thought was, I thought was
14 ironic given the fact that we also got --
15 like, the governor endorsed Tish. We spent
16 millions of dollars on her campaign. I
17 personally wrangled a vote for her at the
18 democratic convention.

19 So if you are going to say there
20 is a conflict because the governor appointed
21 Chief Judge DiFiore, there was certainly a
22 political relationship with the attorney
23 general. The difference was at that moment
24 it was a couple of weeks after the nursing
25 home report came out, and the relationship

1 had gone sideways.

2 Q Any subsequent conversations with
3 [REDACTED] ?

4 A Just that day going back and
5 forth on the language.

6 Q After that?

7 A I don't think so.

8 Q How about with the attorney
9 general?

10 A I haven't spoken to the attorney
11 general since that day.

12 Q How about -- how about [REDACTED],
13 the first deputy attorney general?

14 A I don't think I was on any calls
15 with her. I know that Beth had calls with
16 her immediately following the executive
17 order being signed about process. I may
18 have been on a call, but it wasn't anything
19 so significant that I remember.

20 Q In the call you had with the
21 attorney general, was it one-on-one, or was
22 anyone else on the call?

23 A It was one-on-one, but I was in
24 the governor's mansion.

25 Q So what does that mean?

1 A So I had been at the office for
2 most of the day dealing with this back and
3 forth. And at a certain point I drove over
4 to the governor's mansion, and it was while
5 I was at the governor's mansion she called
6 me on my cell phone.

7 Q Was someone else listening on
8 your end?

9 A There were people around. The
10 governor was in the next room. I think his
11 brother-in-law [REDACTED] was there
12 and the staff was there as they usually are.

13 Q Did you report what you spoke to
14 the attorney general about to people in the
15 room?

16 A In real time.

17 Q What did they say?

18 A Well, I hung up with her. I
19 said, "Can we get Elkan on the phone?" I
20 don't remember if I spoke to Elkan first,
21 Steve first, but I got them on the phone and
22 I said, "I just had this insane conversation
23 with the attorney general."

24 MR. HECKER: You can't go into
25 the substance of that conversation.

1 THE WITNESS: Sorry.

2 Q You just said you just had an
3 insane conversation with the attorney
4 general?

5 A Yes.

6 Q Without, without including the
7 discussions that involved Elkan, what did
8 you, what did you talk about?

9 A I relayed the contents of the
10 conversation.

11 Q What did people say?

12 A So I am now remembering Judy
13 Mogul was also involved in this.

14 Am I allowed to say what she
15 said?

16 MR. HECKER: No, it is
17 privileged.

18 Q Any conversations other than
19 including lawyers that you had on this
20 subject?

21 A I may have told Rich Azzopardi
22 about it.

23 Q What did Rich Azzopardi say?

24 A We couldn't, we didn't know,
25 like, what game she was playing.

1 Q Is that what he said? What did
2 Rich Azzopardi say about it?

3 A I don't recall specifically, but
4 I remember, like, the reaction was: What is
5 going on here? Especially because it was
6 just after the nursing home report, which
7 they had blindsided us with.

8 Q Any other conversations with
9 anyone about that call other than with
10 counsel?

11 A I don't think so, but if I think
12 of it I'll tell you.

13 Q Any other conversations that you
14 are aware of --

15 A Oh, I am sorry, I did tell
16 somebody else. [REDACTED].

17 Q Who is [REDACTED]?

18 A The chief of staff for senate
19 majority leader.

20 Q What did you tell her?

21 A They had a view that Tish, that
22 the attorney general was generally, like,
23 shifty in how she dealt with the
24 legislature. She used to always say to me
25 that I was crazy to trust her. And after

1 this happened, I said to her, "You're never
2 going to believe the conversation I had with
3 her."

4 Q And what did -- and you conveyed
5 the conversation?

6 A Yes.

7 Q What did she say?

8 A I don't think she was surprised.

9 Q What did she say?

10 A I think she said, "I am not
11 surprised."

12 Q Anything else?

13 A That she was like, "What are you
14 going to do with that information?" Like,
15 you're in this moment, and, like, you know,
16 there is this tsunami coming at you, like
17 you can't -- there is nothing to do with
18 this information.

19 Q Any other conversations about
20 that call with the attorney general?

21 A Not that I recall, but if I
22 remember something I will tell you.

23 Q Are you aware of any other
24 conversations that the attorney general had
25 with the governor on the subject of this

1 investigation or the sexual harassment
2 allegations?

3 A I don't think they spoke since
4 that day.

5 Q Any other conversations you have
6 had with anyone in the attorney general's
7 office about sexual harassment allegations
8 or this investigation?

9 A No.

10 FURTHER EXAMINATION

11 BY MS. KENNEDY PARK:

12 Q Has anyone provided you with
13 information about our investigation since it
14 began?

15 A Sure.

16 Q Who?

17 MR. HECKER: No, not -- the
18 question is not asking you to go into
19 any discussions with counsel.

20 THE WITNESS: Oh, no, just what
21 I read in the press.

22 BY MS. KENNEDY PARK:

23 Q Other than in the press, no one's
24 provided you any information about our
25 investigation?

1 A Not beyond counsel.

2 Q After Mr. Kim and Ms. Clark were
3 appointed by the attorney general, were you
4 involved in any research on Mr. Kim and Ms.
5 Clark?

6 A No.

7 Q Are you aware that any research
8 was done?

9 A No.

10 Q Did you ask anyone to do
11 opposition research?

12 A No.

13 Q We are going to go back in time
14 now.

15 A Can I take two minutes just to
16 the bathroom?

17 MS. KENNEDY PARK: Yes.

18 THE VIDEOGRAPHER: Going off
19 the record at 3:30 p.m.

20 (Brief break.)

21 THE VIDEOGRAPHER: We are back
22 on the record at 3:37 p.m.

23 BY MS. KENNEDY PARK:

24 Q So, when you turn to your binder
25 with what is Tab 175, we will mark that as

1 the next exhibit.

2 (Thereupon, Exhibit 25, Tab
3 175, email, was marked for
4 identification, as of this date.)

5 Q This is an email that you sent to
6 yourself, but within that is an email from
7 [REDACTED]. Can you explain what this is?

8 A Yes. It's Lindsey's campaign
9 filing.

10 Q Why did you ask for this?

11 A I routinely ask the campaign to
12 pull filings from people that I either think
13 are going to run against us or who I believe
14 are running against us. And, like, see
15 who's -- how much they have raised, who's
16 supporting them, try to find connections
17 between the different camps.

18 And you can see in this instance,
19 I asked for Alessandra Biaggi, Boylan, the
20 WFP and Jumaane Williams because I believe
21 they are all working together.

22 Q Working together in what sense?

23 A To take down the governor.

24 Q Using the sexual harassment
25 allegations that Ms. Boylan had made?

1 A As a part of it, yes.

2 Q And so what did you glean from
3 getting this report?

4 A Nothing.

5 Q Was there anything in this report
6 that supported your view that they were
7 coordinating?

8 A No. But Jumaane and Biaggi had
9 basically raised nothing in that filing, and
10 so there was nothing to really get. At
11 first when I looked at Lindsey's filing, I
12 thought that there was some campaign finance
13 issues. But I didn't see anything.

14 Q You said at first when you looked
15 at it you thought there was some campaign
16 finance issues for Ms. Boylan. What were
17 those?

18 A When █████ sent me the form and I
19 opened it, I didn't realize it initially,
20 but I thought that there was campaign
21 finance fraud because of the way that the
22 donors were laid out. There was specific
23 donors listed to different addresses which
24 is like a -- it appeared at first as if
25 somebody gave money from different

1 addresses, which would have been campaign
2 finance fraud because it would have impacted
3 the public matching funds.

4 Q Did you resolve that concern?

5 A Yes.

6 Q How did you resolve that concern?

7 A I showed it to Rich, and said,
8 "Do you see what I see?"

9 And he immediately said, "This is
10 a sorting error." And so he asked [REDACTED] to
11 fix it. And then we looked at it again, and
12 there was nothing.

13 Q Other than Mr. Azzopardi, did you
14 convey this information in this document to
15 anybody else?

16 A Yes.

17 Q Who?

18 A Rich Bamberger.

19 Q For what purpose?

20 A I thought it was a story to
21 plant.

22 Q And what was the story to plant?

23 A I thought there was campaign
24 finance fraud.

25 Q And after Mr. Azzopardi told you

1 he viewed it as a sorting error, did you
2 convey that to Mr. Bamberger?

3 A Yes.

4 Q Was the story ever planted?

5 A No.

6 Q To your knowledge, did Mr.
7 Bamberger ever reach out to reporters with
8 any information about Ms. Boylan's campaign
9 contributors?

10 A No. This happened within, like,
11 ten minutes.

12 Q Were there any other steps you
13 took to look into what you thought was a
14 coordinated effort by Ms. Biaggi, Ms.
15 Boylan, WFP, and Jumaane Williams?

16 A No, although there was an article
17 that came out in the middle of February
18 where Biaggi was quoted saying: "We are
19 going to need an army to take this
20 motherfucker down." And it was her and
21 Gustavo Rivera going back and forth.

22 So it continued to fuel my belief
23 that this was political orchestration.

24 Q Did you take any steps to further
25 investigate your view that there was a

1 coordinated effort by these individuals?

2 A No. Once we did the referral to
3 the attorney general's office, there was
4 nothing else to do.

5 Q So this happens -- this email is
6 on January 20th, and the referral to the
7 attorney general's office happens?

8 A End of February.

9 Q End of February, early March.
10 Was there any action you took related to Ms.
11 Boylan in that interim related to her
12 campaign finances?

13 A No.

14 Q To Ms. Biaggi's campaign
15 finances?

16 A No.

17 Q Let's fast forward to February.
18 For purposes of trying to just
19 move us along, is there anything between
20 January 20th and approximately February 21st
21 that you are dealing with with respect to
22 sexual harassment allegations against
23 Governor Cuomo?

24 A No.

25 Q Let's turn to Tab 180.

1 (Thereupon, Exhibit 26, Tab
2 180, email, was marked for
3 identification, as of this date.)

4 Q It starts with an email from
5 Richard Azzopardi on February 21st at 5:17
6 with what appears to be a draft statement
7 that says: "Amongst other things, she is a
8 disgruntled former employee who quit after
9 being counseled on multiple harassment
10 complaints against co-workers and
11 subordinates?"

12 Do you see that?

13 A Yes.

14 Q Is the "she" being referred to
15 Lindsey Boylan?

16 A Yes.

17 Q Tell us how that draft came to be
18 in existence.

19 A The Times was doing a story off
20 of the Ron Kim interaction with the governor
21 about the governor being a bully, and they
22 told Rich that they were going to quote
23 Lindsey calling the governor Harvey
24 Weinstein. And we were trying to figure out
25 how, what our on-the-record would be.

1 Q Who drafted this statement that
2 is reflected in Mr. Azzopardi's email?

3 A I don't remember, but I'm sure it
4 was some combination of me and Rich and it
5 looks like Steve.

6 Q Did any of it come from the
7 governor?

8 A I don't think so.

9 Q And it says, Mr. Azzopardi says
10 to Steve Cohen in this email cc-ing you and
11 Peter Ajemian, "He did not. He read it to
12 me." What did you understand that to mean?

13 A "Did Jesse McKinley send you what
14 they were going to say specifically that
15 Lindsey said?"

16 Q The implication was no, the
17 reporter had just read it to him?

18 A On the phone, yes.

19 Q Then Mr. Vlasto writes: "Please
20 don't send this. Please, please, please."

21 Did you talk to Mr. Vlasto about
22 his view on this statement?

23 A Yes.

24 Q What did he say?

25 A He didn't think we should send

1 it.

2 Q What did he explain was the
3 reason?

4 A I think that he thought that we
5 were going to stoke it, and we shouldn't
6 re-raise any of this, particularly after Ron
7 Kim because it was like we were being called
8 a bully and this would validate that.

9 Q Did you talk to anybody else
10 about this statement?

11 A I think Linda.

12 Q And what was Linda's view?

13 A I don't remember.

14 Q Anyone else?

15 A I'm sure I talked to the governor
16 about it.

17 Q What do you recall the governor
18 saying?

19 A I don't remember.

20 Q Do you remember what his view was
21 even if you don't remember the words?

22 A I don't. It was a really
23 difficult time for me.

24 Q Was the statement, this statement
25 of ever released?

1 A No.

2 Q Was that your decision or the
3 governor's decision or someone else's
4 decision?

5 A It was not necessary.

6 Q Why wasn't it necessary?

7 A I spoke to the editor and got it
8 taken out of the story.

9 Q Got the Harvey Weinstein quote
10 taken out of the story?

11 A Yes.

12 Q Tell us what you said to the
13 editor.

14 A I said: "How can you quote her
15 calling him Harvey Weinstein? Harvey
16 Weinstein raped people. It's not fair for
17 The New York Times to say that."

18 Q What did he say?

19 A It was a she.

20 Q Sorry, she say?

21 A That she heard me and that she
22 was going to review it.

23 Q Did you convey to her the
24 substance of the draft statement about Ms.
25 Boylan?

1 A I don't remember.

2 Q Do you remember conveying any
3 information about Ms. Boylan to her?

4 A Yes. I said to her -- we were
5 off the record. And I said to her, "This is
6 somebody who came out and made specious
7 allegations on Twitter two months ago, and
8 it was crazy that you guys reported it the
9 first time and it's even crazier that The
10 Times would allow her to say something like
11 this now."

12 Q Why were you off the record?

13 A That's not unusual. I didn't
14 want to be quoted in a story.

15 Q And then it didn't end up in the
16 story, you said?

17 A She said she heard me and she
18 would take a look at it. And then I believe
19 Jesse McKinley came back to her and Rich and
20 said it is not included. And so once that
21 happened, it was -- we didn't -- there was
22 nothing to do any further.

23 Q If you look at Tab 263 --
24 actually, before you do that, just to save
25 your arms, let's look at Tab 179. We will

1 mark this as the next exhibit.

2 (Thereupon, Exhibit 27, Tab
3 179, screen shots of pins, was marked
4 for identification, as of this date.)

5 Q These are, appear to be pins that
6 the governor sent to you. Is that correct?

7 A Yes.

8 Q Screen shots of those pins?

9 A Yes.

10 Q They don't necessarily seem to be
11 in the order in which the pins may have been
12 sent to you, just to note that as you are
13 looking at them.

14 A Uh-huh.

15 Q But this is the order in which
16 they were produced to us.

17 What is this?

18 A It looks like a draft response to
19 The Times story.

20 Q That the governor drafted
21 himself?

22 A Yes.

23 Q If you look on 985 -- again, I
24 don't think these are in order, but it says:
25 "Hinton's comments are false and

1 nonsequiturs."

2 What Hinton comments did you
3 understand the governor to be referring to?

4 A This was before Karen -- I don't
5 remember. Whatever Karen said in that
6 story, but it was before she said the hug.

7 Q Did you speak to the governor at
8 this point about Ms. Hinton?

9 A I think I just relayed what I
10 understood was, she was saying about him in
11 the story.

12 Q This was his response to that?

13 A Yes.

14 Q Then if you look on the next
15 page, Bates stamp 986 on the bottom, it
16 says: "The governor never said a WFP member
17 was a child rapist."

18 Is this the denial that we spoke
19 about before of the governor saying he had
20 never said someone was a child rapist or
21 threatened someone with calling them a child
22 rapist?

23 A Yes.

24 Q Turned out that wasn't true,
25 right?

1 A I don't think he said it exactly
2 the way that it is here. But, yes, there
3 was a conversation where something similar
4 to that was said.

5 Q Did you ever speak to the
6 governor about his statement that he had
7 never said those words?

8 A That day when he told us what to
9 write back.

10 Q What did he tell you?

11 A He said, "I will draft a
12 statement."

13 Q And other than that, did you
14 speak to him about it?

15 A I don't think so.

16 Q And when it came out that, the
17 recording came out with the governor saying
18 those words on the recording, did you speak
19 to him about that?

20 A Yes, I'm sure that I did.

21 Q What happened in that
22 conversation?

23 A I think I told him -- there was a
24 lot of activity at that point. I think it
25 was around the time there was also a Ronan

1 Farrow story that was about to come out.
2 And I think I said to him that The Times
3 called and said that they had a recording of
4 the conversation that he had had that that
5 was from.

6 And I asked him if he wanted to
7 say something on the record in response to
8 that. And I think he and Rich work-shopped
9 something that was sent, but The Times
10 didn't do anything with, the podcast.

11 Q The thing that he and Rich
12 work-shopped, what did it say?

13 A I don't remember.

14 Q Do you remember if even if not
15 the specific words, what the substance of it
16 was?

17 A No.

18 Q Is there any occasion on which
19 you were talking to the governor about the
20 allegations of sexual harassment made
21 against him, and you questioned whether he
22 was telling you the truth?

23 A Yes.

24 Q Tell us about that.

25 A That was the, what I told you

1 about the Lindsey conversation, when I said:
2 "I need to know if this is true. If you are
3 holding anything back from me, I have to
4 know. I can't do my job with one hand tied
5 behind my back."

6 Q Any other occasion?

7 A Not that I remember that
8 specifically.

9 Q Any occasion in which you said to
10 him in words or in substance when talking
11 about sexual harassment allegations: Well,
12 you didn't get it right on the child rapist
13 thing, so how, how can I know you are
14 getting it right now?

15 A No.

16 Q Now you can go to 263. We will
17 mark this as the next exhibit.

18 (Thereupon, Exhibit 28, Tab
19 263, The New York Times article, was
20 marked for identification, as of this
21 date.)

22 Q Is this The New York Times
23 article we were just speaking about?

24 A Yes.

25 Q Great. You can go ahead and put

1 that aside.

2 How did you become aware of
3 Lindsey Boylan's Medium post?

4 A I think I saw it on Twitter.

5 Q Where were you when you saw it on
6 Twitter?

7 A At the mansion.

8 Q With who?

9 A I was in a room by myself, but
10 there was a whole team there. Steve Cohen,
11 I think, was there. I don't know if Maggie
12 Moran was there. I think Beth was in the
13 room, Judy, maybe Linda. They were all in
14 the room together, I believe.

15 Q And the governor?

16 A Yes.

17 Q Anyone else?

18 A I don't think so.

19 Q After you saw it on Twitter, what
20 happened?

21 A I came into the room and said,
22 "Lindsey Boylan just posted something on
23 Medium."

24 Q What was the meeting they were
25 having about?

1 A Nursing homes.

2 Q You interrupted the meeting on
3 nursing homes to tell him about the Medium
4 post?

5 A Yes.

6 Q Did you tell them in words or in
7 substance that the Medium post was more
8 important than the conversation they were
9 having?

10 A I don't remember, but I remember
11 that they initially didn't react, and that I
12 was concerned.

13 Q So what did you do to get their
14 attention?

15 A I came in and I said, "There is
16 this Medium post," and like, "Lindsey Boylan
17 put out this Medium post."

18 Oh, I think Stephanie was there.

19 And they were like, "Is anyone
20 picking it up?"

21 And I said, "I think it's getting
22 traction on Twitter; we're definitely going
23 to get press incoming on this."

24 And they said, "Okay," and they
25 sort of just went back to doing what they

1 were doing. And I went into the other room.

2 And then I came back in and said,
3 "Guys, I need someone to help me with this.
4 I can't do this by myself. I need to figure
5 this out."

6 Q And what happened next?

7 A I think Judy came into the room
8 with me and we were trying to figure out --
9 we were reading it. We were trying to
10 figure out what was going on and what was in
11 it and how to respond.

12 Q And then I assume if I ask you
13 about the substance of those conversations,
14 you are going to tell me those conversations
15 are privileged?

16 MR. HECKER: Correct.

17 Q So what happens next?

18 A I think I spoke to Liz and Jeff.
19 I may have spoken to Josh. And we were
20 trying to figure out the best way to
21 respond.

22 Q Tell us about your conversations
23 with Liz.

24 A I don't remember.

25 Q Anything about what was said?

1 A I initially was of the mind that
2 we should try to go point by point and give
3 answers. And the group overwhelmingly said
4 that that was not going to be a productive
5 exercise.

6 Q The group being Liz, Jeff and
7 Josh?

8 A I think so. Dani may have been
9 involved in some conversations.

10 Q Anyone else?

11 A No, I think that's it.

12 Q And what was the group's
13 explanation for why they didn't think you
14 should go point-by-point?

15 A That it wouldn't be a workable
16 press strategy, that we should continue the
17 same tact that we took in December, which
18 was a one simple, like, one line dismissive
19 answer.

20 And the one point on the strip
21 poker on the plane, I thought: Let's call
22 the people that were on the plane and ask
23 them whether or not that ever happened. And
24 then if it didn't and they are willing to
25 say that, then that's someone else, not him

1 saying that something that she said
2 factually in the story happened that didn't
3 happen.

4 Q Sorry. When you say "not him,"
5 you mean the governor?

6 A Yes.

7 Q So was part of this discussion
8 with Liz, Jeff, and Josh about what the
9 governor should or should not say on the
10 record?

11 A Yes. It was like what the office
12 should say or should not say on the record.

13 Q Did you or anyone else do
14 anything to, other than the strip poker
15 comment, investigate or find the facts, I
16 should say, regarding the allegations she
17 made in the Medium post?

18 A We asked the governor.

19 Q Okay. And tell us about the
20 conversation with the governor.

21 A It was in a room with Judy Mogul.

22 Q Let's go to Tab 249.

23 (Thereupon, Exhibit 29, Tab
24 249, talking points, was marked for
25 identification, as of this date.)

1 Q Have you seen this document
2 before?

3 A No, I don't think so.

4 Q Do you know what this document
5 is?

6 A It looks like talking points.

7 Q Do you know who wrote these
8 talking points?

9 A It looks like talking points the
10 governor wrote.

11 Q Why do you think they are talking
12 points that the governor wrote?

13 A This is the style that Stephanie
14 generally writes up his talking points.

15 Q So, your best guess is that
16 Ms. -- Governor Cuomo conveyed these to Ms.
17 Benton, and she typed them up?

18 A Yes.

19 Q Or maybe he hand wrote them, and
20 she typed it up, something like that?

21 A Something like that.

22 Q And you have never seen them
23 before?

24 A I don't think so.

25 Q Can you look over them and then

1 tell us if this is, in sum and substance,
2 what you understood to be the governor's
3 factual recitation of his experience with
4 Ms. Boylan?

5 MR. HECKER: I am struggling
6 with that question as framed, to the
7 extent that you are asking her based
8 on the discussion that she was only in
9 with Judy Mogul.

10 BY MS. KENNEDY PARK:

11 Q Is there any other discussion you
12 had in which you came to understand the
13 governor's position on the allegations that
14 Ms. Boylan had made other than with counsel?

15 A I think whenever we had those
16 conversations there was counsel present.

17 Q And that counsel was who?

18 A At different times it was Beth,
19 it was Linda, it was Judy, it was Steve.
20 But I can't recall specific conversation.

21 Q But at some point you were
22 drafting a point-by-point response
23 potentially to the, to Ms. Boylan's Medium
24 post, is that right?

25 A I don't know that I actually put

1 pen to paper on it. I think that the group
2 persuaded me pretty early that it wasn't
3 going to be a useful exercise. But I don't
4 remember.

5 MS. KENNEDY PARK: Let's just
6 look at another way to get at this.

7 Can we go off the record a
8 second?

9 THE VIDEOGRAPHER: Going off
10 the record at 3:59 p.m.

11 (Brief break.)

12 THE VIDEOGRAPHER: We are back
13 on the record at 4:01 p.m.

14 BY MS. KENNEDY PARK:

15 Q So if you turn to what's in your
16 binder as Tab 186, we will mark this as the
17 next exhibit.

18 A Okay.

19 (Thereupon, Exhibit 30, Tab
20 186, series of emails, was marked for
21 identification, as of this date.)

22 Q So this is a series of emails
23 between you, Linda Lacewell, Judy Mogul,
24 Steve Cohen, Dani Lever, Liz Smith and Jeff
25 Pollack. Do you see that?

1 A Yes.

2 Q The very first email in the chain
3 is, you write "My edits," and it appears to
4 be a statement in the governor's voice
5 addressing Ms. Boylan's allegations. Do I
6 have that right?

7 A Yes.

8 Q Who prepared this draft that you
9 edited?

10 A I believe the governor did.

11 Q The governor prepared the first
12 draft?

13 A Yes.

14 Q And so this is the governor's
15 recollection of his contact with Ms. Boylan,
16 is that fair?

17 A Yes.

18 Q Other than looking into the strip
19 poker comment, did you or anyone in this
20 group of people speak to anyone other than
21 the governor about Ms. Boylan's allegations
22 from a factual perspective?

23 A I don't think so.

24 Q So you were taking the governor
25 at his word?

1 A Yes.

2 Q And do you remember what edits --
3 it's not clear from this what edits you
4 made.

5 A I don't.

6 Q There is -- look on the second
7 page of the version that you said "My edits"
8 in response to. At the top of the first
9 paragraph on that page, the last sentence
10 says: "The only time the door is ever
11 closed is when we were having a legislative
12 leaders meeting or a large group meeting."
13 Is that true?

14 A It's generally true, but it
15 shouldn't have been stated that absolutely
16 because there's always exceptions.

17 Q Because it is not absolutely
18 true, right?

19 A Correct.

20 Q Have you been behind closed doors
21 in the governor's office with just the
22 governor?

23 A Yes.

24 Q As have other people, right?

25 A Yes.

1 Q And so the next sentence, it
2 says: "The door of my office in New York
3 City is always open for the same reason."
4 That wasn't fully true either, right?

5 A No.

6 Q And then it says: "In some ways
7 I do this for my protection also. If anyone
8 says anything inappropriate, I have a
9 witness."

10 Did you understand what the
11 governor meant by that?

12 A Yes.

13 Q Can you explain it?

14 A I think it's been pretty widely
15 reported. But back when he was at HUD, he
16 had a rule about always keeping the door
17 open for that reason.

18 Q For, for what reason?

19 A So that if anyone ever tried to
20 characterize a conversation, he would have a
21 witness who would be able to say what
22 happened.

23 Q But he didn't actually follow
24 that rule all the time?

25 A Not all the time.

1 Q And was it your recollection that
2 some of the conversations with Ms. Bennett
3 that the governor had occurred with the door
4 open?

5 A Yes.

6 Q If you look at the fifth
7 paragraph on that page, it says: "At no
8 time did I kiss Ms. Boylan on the lips."

9 A Yes.

10 Q Did you understand that was the
11 governor's position?

12 A Yes.

13 Q If you compare that to the notes
14 that we were just looking at at Tab 249 --
15 be a little bit of a document ninja -- the
16 first sentence says: "Facts: Never kissed
17 her. Inapprop."

18 Did you understand the governor's
19 position on whether or not he had kissed Ms.
20 Boylan on the lips to have changed?

21 A No.

22 Q His position was always he had
23 never kissed her on the lips?

24 A Yes.

25 Q You have never seen him kiss any

1 woman on the lips, from his staff, is that
2 right?

3 A No.

4 Q What happens with this, the
5 governor's recitation of his recollection,
6 his relationship with Lindsey Boylan?

7 A Nothing.

8 Q What was it used for?

9 A Nothing. We were going back and
10 forth making edits to try to decide -- oh,
11 this was -- we were considering him reading
12 this at a press conference. And we couldn't
13 all agree on a draft that we all thought
14 made sense, so the thrust of the
15 conversation that made sense. And what I'm
16 guessing happened is that he then took the
17 notes that he used -- that you on the later
18 tab.

19 Q Sorry. Can you unpack that for
20 me a little bit?

21 So there was a view that the
22 governor would not read us this statement
23 because the group that we had just talked
24 about couldn't coalesce on a version of it,
25 is that right?

1 A I think based on looking at these
2 documents and the notes that you just showed
3 me.

4 Q And what's your memory of why the
5 group couldn't coalesce on a version of a
6 statement that the governor could read at a
7 press conference about Ms. Boylan?

8 A Some people thought it was too
9 wordy, some people thought it was too
10 defensive.

11 Q Any other views that were
12 expressed?

13 A I don't remember.

14 Q Anyone express the view that
15 there was parts of it that were not true?

16 A I don't remember.

17 Q Did you have any personal
18 knowledge of Ms. Boylan's allegations?

19 A No.

20 Q Did anyone that was a part of
21 this group have any personal knowledge of
22 her allegations?

23 A Stephanie -- there's a part in
24 the Medium post where she claimed that the
25 governor kissed her and that she was worried

1 that Stephanie would have seen.

2 And I remember having a
3 conversation and Stephanie was saying,
4 "That's crazy," because the distance between
5 Stephanie's desk and the governor's desk in
6 New York City is very close. And she said,
7 "I can't imagine if I was sitting there that
8 something like that could have happened and
9 I wouldn't have seen."

10 Q She can't imagine that if Ms.
11 Boylan was in the governor's office, that
12 she wouldn't have seen the governor kiss her
13 on the lips?

14 A Yes.

15 Q So Ms. Benton told you she had
16 never seen that happen?

17 A Yes.

18 Q Anyone else in that group have
19 any personal knowledge of the allegations in
20 Ms. Boylan's Medium post?

21 A I don't remember at this point
22 what other specifics there were in the
23 Medium post.

24 Q Let's talk about the strip poker
25 comment.

1 So you said you made a suggestion
2 that that was the one thing from the Medium
3 post that you could, you could look into it,
4 right?

5 A Yes.

6 Q So what did you have done and do
7 to look into it?

8 A I got -- I looked at the flights
9 and saw -- because she referenced, I think
10 she referenced a month and a flight to
11 western New York.

12 And so I pulled the flights which
13 are online and publicly available to see who
14 had been on the planes when they traveled,
15 and I was thinking if someone heard that
16 comment it would stick out to them.

17 And so I saw that there was four
18 people: John Maggiore, Abbey Collins, Dani
19 Lever and Howard Zemsky who had been on
20 iterations of the flights. And I got them
21 on the phone, and I asked them if they had
22 ever heard that.

23 Q In the Medium post, do you
24 remember her saying a month? Do you
25 remember her saying a year?

1 A I think she said both.

2 Q And when you got those people on
3 the phone, what did they say?

4 A No, that they had never heard
5 anything like that.

6 Q Tell us the entire conversation.

7 Was --

8 A I don't remember it verbatim. It
9 wasn't a long conversation. I think I said,
10 "Does anyone remember this being said?" And
11 they each responded.

12 Q Responded that they didn't have a
13 memory?

14 A Correct.

15 Q Did anyone say: I don't have a
16 memory either way?

17 A I don't think so.

18 Q And what were you asking them to
19 do?

20 A I said, "Then would you guys feel
21 comfortable doing a statement?"

22 Q What did each of them say?

23 A Yes.

24 Q And did you provide them with a
25 draft statement?

1 A Yes.

2 Q And was that ultimately released?

3 A Yes.

4 Q Let's look at Tab 57. We will
5 mark this as the next exhibit.

6 (Thereupon, Exhibit 31, Tab 57,
7 text message, was marked for
8 identification, as of this date.)

9 Q This is a text message on
10 February 24th between you and Dani Lever.
11 What is this?

12 A It looks like a version of that
13 statement. I don't know if that's verbatim
14 what it ended up being, but it looks like
15 that is a version of that statement.

16 Q When you say "that statement,"
17 which statement?

18 A The one we were just talking
19 about in reference to the strip poker.

20 Q The strip poker statement?

21 A I think so. Um, I don't know. I
22 think so.

23 Q You think this is in reference to
24 the strip poker statement?

25 A I think so.

1 Q Is Dani Lever one of the people
2 who you were talking to?

3 A Yes.

4 Q This doesn't say anything about
5 strip poker, though, right?

6 A No.

7 Q Do you know why this was being
8 provided to Ms. Lever?

9 A I don't remember.

10 Q And if this is the strip poker
11 statement, was this meant to say that he can
12 be playful, he can make bad jokes, so maybe
13 he did make the strip poker joke?

14 A No.

15 Q So why was that in here?

16 A Because part of how we were
17 responding generally was to convey that he
18 was somebody who joked around and could be
19 awkward, but that he wasn't sexually
20 harassing people.

21 Q Was part of what you were
22 conveying that he could make jokes of a
23 sexual nature?

24 A No.

25 Q Had you ever heard him make jokes

1 of a sexual nature?

2 A I worked for him for eight and a
3 half years. At some point I'm sure there
4 was a joke of a sexual nature but nothing
5 specific that I can recall.

6 Q Did anyone else share with you
7 that they had heard the governor make jokes
8 of a sexual nature?

9 A Not -- no, not that I can recall.

10 Q Do you know if this statement was
11 shared with anyone else?

12 A I don't remember.

13 Q Do you remember if you or anyone
14 else asked anyone to make this statement on
15 the record?

16 A Yes.

17 Q Who else was asked?

18 A I -- if this is the statement on
19 the plane, then yes, I asked the four people
20 that were on the plane.

21 Q Anyone else?

22 A No. I don't think so.

23 Q Do you know if this was shared
24 with **Staffer #4** ?

25 A I don't think so. This may

1 actually just be a general statement about
2 the Medium post.

3 Q What do you mean by "a general
4 statement about the Medium post"?

5 A I am sorry. I really just don't
6 remember. But I'm looking at this again and
7 it doesn't reference the strip poker. I
8 don't remember exactly what this statement
9 was.

10 MS. CLARK: You said you
11 checked the flights to see who was on
12 them. What sort of documentation did
13 you check?

14 THE WITNESS: There are --
15 every flight that the governor takes
16 is posted online. And so I just
17 looked online to see. And it has the
18 people who flew on it. It's the
19 manifest, and the manifest is -- like,
20 if the plane goes down, that is the
21 record of who was on it and who dies.
22 And so the manifest is viewed as being
23 a hundred percent correct.

24 MS. CLARK: Is that published
25 in advance because of who was expected

1 to be on it, or after the fact who
2 actually flew, or something else?

3 THE WITNESS: Who actually
4 flew.

5 BY MS. KENNEDY PARK:

6 Q Why don't you look at Tab 185.
7 This may refresh your recollection about
8 what Tab 57 is. Mark this as the next
9 exhibit.

10 (Thereupon, Exhibit 32, Tab
11 185, statement, was marked for
12 identification, as of this date.)

13 Q Is this the statement about the
14 strip poker comment?

15 A Yes.

16 Q Does that refresh your
17 recollection that the statement at 57 is not
18 the strip poker statement?

19 A It's clearly not, but I don't
20 remember what that is.

21 Q So you don't remember what the
22 purpose of this statement was?

23 A No.

24 Q Was there any outreach at this
25 time being done to former members of the

1 executive chamber to make statements on the
2 record about the governor?

3 A I don't remember.

4 Q You don't remember whether in
5 February there was any outreach done to get
6 former members of the executive chamber
7 staff to make statements on the record?

8 A I don't remember.

9 Q Let's go to Tab 54. So this is a
10 text message. We are going to mark this as
11 the next exhibit.

12 (Thereupon, Exhibit 33, Tab 54,
13 text message chain, was marked for
14 identification, as of this date.)

15 Q This is a text message chain
16 between you and Liz Smith on February 24th.
17 And at 10:54 a.m., Ms. Smith says: "We made
18 a mistake yesterday with this entire
19 response."

20 A I think I said that.

21 Q You said that, okay. What did
22 you mean by that?

23 A I thought that in hindsight, we
24 should have gone with my idea, which was try
25 to contextualize and rebut point by point.

1 The reporters focused on just the strip
2 poker line and basically interpreted that to
3 say he's denying this one specific thing,
4 but nothing else, and so it left it sort of
5 mushy.

6 Q And then Ms. Smith goes on, if
7 you look at the next page, and she says: "I
8 couldn't disagree more with you. Going hard
9 has gotten you guys to where you are now,
10 which is a very bad place. You can go hard
11 if you want to keep ruining his reputation."
12 Do you see that?

13 A Yes.

14 Q What did you understand her to be
15 saying?

16 A The Ron Kim situation.

17 Q What do you mean by "the Ron Kim
18 situation"?

19 A Liz felt like the way that we
20 reacted to Ron Kim was totally over the top
21 and that that created this bully narrative
22 that was layered on top of other things that
23 were going on in the press, and that we had
24 to stop. She was just, like, do less.
25 Like, nobody should be responding to

1 anything right now. I couldn't agree with
2 you more. To the extent that I think she
3 disagreed with me, I think they thought the
4 mistake was doing the strip poker line at
5 all and not just doing a flat denial.

6 Q And then on the next page she
7 wrote: "I also agree that the Biaggi thing
8 was idiotic."

9 What did you understand her to
10 mean by that?

11 A I think I said that. Oh, no, no,
12 you are right.

13 Q Yeah.

14 A I had done a response to Biaggi.
15 The night before, she was on New York 1, and
16 they asked her about whether or not it was
17 the kind of work environment, anything she
18 had ever seen. And I don't remember
19 specifically what she said, but she implied
20 that, yes, it was the kind of work
21 environment that she had seen. And I wanted
22 to respond and respond aggressively, and I
23 did and Rich did.

24 Q What do you mean by that?

25 A We just went on the record from

1 Rich saying that she constantly
2 mischaracterized her role in the executive
3 chamber and that she didn't even interact
4 with the governor.

5 Q And then you wrote back: "I
6 know. Jeff told me my instincts have been
7 off on this."

8 And she wrote: "Yes, I would
9 agree with him on that."

10 What did you understand that to
11 mean?

12 A Jeff told me the next day that
13 that was a huge mistake and that all we had
14 done was give Biaggi a platform and make her
15 relevant, which they believed was also the
16 case with the Ron Kim response. If there
17 had been no Ron Kim response, then, then it
18 wouldn't have turned into as big of a deal,
19 that we were doing things that were making
20 the story bigger.

21 Q You were feeding into the
22 narrative that people in the executive
23 chamber were bullies, right?

24 A Yes.

25 Q And being too aggressive?

1 A Yes.

2 Q So then what is the sort of next
3 big event in the timeline of the sexual
4 harassment allegations against the governor
5 that you remember after the strip poker
6 press release?

7 A The Charlotte thing happens.

8 Q What's the first indication that
9 you had that Ms. Bennett was going to make a
10 public allegation regarding the governor?

11 A She had posted something on
12 Instagram or Twitter, I can't remember
13 which.

14 Q Do you remember what she posted?

15 A It was the Lindsey Medium post.

16 Q If you look at Tab 53.

17 A Yes.

18 Q Is this how you found out about
19 Ms. Bennett's social media post?

20 A Yes, I think so.

21 Q We will mark this as the next
22 exhibit.

23 (Thereupon, Exhibit 34, Tab 53,
24 text message chain, was marked for
25 identification, as of this date.)

1 Q This is a text message chain
2 between you and [REDACTED] (sic). What
3 was her role at the time of this text?

4 A [REDACTED].

5 Q [REDACTED], sorry.

6 A That's okay. She was director of
7 legislative affairs, I think, director of
8 legislative affairs and policy.

9 Q And so what happens after you get
10 this text message?

11 A I don't remember. I think I, I
12 think I flagged it for Judy, probably Linda,
13 but I don't remember.

14 Q Was this your first indication
15 that Charlotte Bennett was going to make a
16 public allegation?

17 A Yes.

18 Q And then did you get any heads up
19 from any reporters?

20 A I actually -- just to go back, I
21 didn't know, but I suspected that it was a
22 possibility.

23 Q What did you do to prepare for
24 that possibility?

25 A Nothing.

1 Q Why not?

2 A What was there to do?

3 Q Did you talk to the governor?

4 A No.

5 Q Did you talk to Liz Smith about
6 getting ready for it?

7 A I don't remember.

8 Q Do you want to take a break?

9 A No, that is okay.

10 Q I think I had asked this, but I
11 will ask it again.

12 Did you get a heads up about the
13 article coming out?

14 A No.

15 Q When was the first time you
16 learned about the article?

17 A That Friday night I was driving
18 home from the office and Rich called me.

19 Q What did he tell you?

20 A The Times just reached out.

21 Q What did he tell you The Times
22 had said?

23 A That they were writing a story
24 about Charlotte.

25 Q I am sorry, when I said heads up

1 about the article, that's what I meant.

2 Okay?

3 A Oh, it is not a heads up. They
4 were calling for comment.

5 Q What did Ms. Azzopardi tell you
6 the article was going to say?

7 A I don't remember at the time, and
8 the facts changed over the course of the
9 24 hours. I think that they had done an
10 interview with her. I think that they had
11 interviewed her over a period of days, and
12 that they shared some information with us at
13 first and then more information with us the
14 following day.

15 Q What information do you remember
16 they shared with you at first?

17 A I don't remember.

18 Q Do you remember any of it?

19 A No.

20 Q Was anything else going on at
21 this time?

22 A Yes.

23 Q The nursing home stuff?

24 A Yes.

25 Q And so do you remember after The

1 New York Times gave Mr. Azzopardi sort of
2 second dose of information, do you remember
3 any of the details that were conveyed then?

4 A I know what was ultimately in the
5 story. I don't remember the moment that we
6 got the information.

7 Q And you said some of the
8 information changed over time. Do you mean
9 some of the facts they were telling you
10 changed, or just the amount of information
11 changed?

12 A The amount of information and
13 they had said some things that they
14 ultimately didn't put in the story.

15 Q Do you remember what those were?

16 A Yes, because they involved me.

17 Q Okay. And what were those
18 things?

19 A That on one of the mornings that
20 the governor had spoken to Charlotte, that
21 the way that the meeting had gotten
22 interrupted was that I walked in.

23 Q And did you tell Mr. Azzopardi to
24 tell them that wasn't true?

25 A No.

1 Q So how did that end up not in the
2 story?

3 A It was my belief that Charlotte
4 asked The Times not to include my name and
5 not to include Stephanie's name.

6 Q How did you come to the belief
7 that Charlotte Bennett asked for your name
8 not to be included and Ms. Benton's name not
9 to be included?

10 A It was a guess. It didn't make
11 sense to me otherwise. I was too hot at
12 that moment with the nursing home stuff. It
13 was click bait. Like, for them to have that
14 and not include it, it felt like it was at
15 her request.

16 Q Did you ever ask anybody about
17 that?

18 A No.

19 Q And so the story comes out, and
20 what happens next?

21 A The story comes out. We blast
22 the statement, and then the story I told you
23 earlier about the back and forth on Barbara
24 Jones.

25 Q So how did the statement that was

1 put out get prepared?

2 A We did it as a group.

3 Q And what was the group that was
4 involved?

5 A Some iteration of Judy, Linda,
6 Steve, Liz, Jeff, Josh, me, Rich, Peter,
7 Dani.

8 Q And the governor?

9 A Yes.

10 Q What conversations did you have
11 with the governor in response to The Times
12 article regarding Charlotte Bennett?

13 A I don't remember.

14 Q You don't remember any
15 conversations you had with the governor?

16 A I don't remember.

17 Q Do you remember the governor ever
18 denying any details of the story Ms. Bennett
19 conveyed to The New York Times?

20 A I don't know that it was denying
21 versus contextualizing.

22 Q And what do you remember about
23 the governor contextualizing some of the
24 things that Ms. Bennett conveyed to The New
25 York Times?

1 A I don't remember specifically.

2 Q Do you remember generally?

3 A No.

4 MS. KENNEDY PARK: Why don't we
5 take a break for five minutes.

6 THE VIDEOGRAPHER: Going off
7 the record at 4:25 p.m.

8 (Brief break.)

9 THE VIDEOGRAPHER: We are back
10 on the record at 4:33 p.m.

11 BY MS. KENNEDY PARK:

12 Q Why don't you turn to Tab 191,
13 and we will mark this as the next exhibit.

14 (Thereupon, Exhibit 35, Tab
15 191, email chain, was marked for
16 identification, as of this date.)

17 Q So this is a text message chain
18 between you and a group of people we have
19 been discussing: Josh Vlasto, Peter
20 Ajemian, et cetera, and it appears to be
21 about the governor's statement in response
22 to Ms. Bennett's allegations.

23 Do I have that right?

24 A Yeah, it looks that way.

25 Q So if you turn at the page that's

1 Bates stamped 66 on the bottom right-hand
2 corner --

3 A Uh-huh.

4 Q -- you wrote "a different
5 approach" and then you prepared a draft.
6 Can you help us understand --

7 MR. HECKER: Counsel, you said
8 text chain, but I assume you meant
9 email chain.

10 MS. KENNEDY PARK: Sorry, I
11 meant email chain. I am also tired
12 too.

13 BY MS. KENNEDY PARK:

14 Q So can you explain to us what
15 your approach was to the governor's response
16 to allegations Charlotte Bennett had made?

17 A This is what I was saying before
18 about how the group had different
19 approaches. Like, one camp really felt like
20 concise, say less, don't try to explain
21 this, don't try to defend it. Say that, you
22 know, she was wonderful, she has a right to
23 come forward and that there should be a full
24 airing of the allegations that was done.

25 And this is the alternate

1 approach, which was more of the like: Go
2 point-by-point, try to contextualize, try to
3 give people something because I feared that
4 if the story was written without any
5 context, that you could never unring that
6 bell.

7 Q So previously we had talked about
8 that being the approach with respect to Ms.
9 Boylan, but that was also the debate that
10 was happening with respect to Ms. Bennett.
11 Is what you're saying?

12 A Yes.

13 Q If you turn to Tab 189. Like I
14 said, I'm going to try to move us fast
15 through here. Okay?

16 (Thereupon, Exhibit 36, Tab
17 189, text message chain, was marked
18 for identification, as of this date.)

19 Q This is a separate text message
20 chain amongst some of the same group. And
21 at the bottom of the first page, you see
22 where it says from Mr. Vlasto: "Spoke to
23 MDR." That is you, right?

24 A Uh-huh.

25 Q "This clause has to come out.

1 Nor did I ever think that I was acting in
2 any way that was inappropriate."

3 Why did you express the view that
4 that had to come out of the statement the
5 governor was going to make about Ms.
6 Bennett?

7 A I don't think that was my view.
8 I think that was Josh's view, and he said
9 there is no way anyone can read this and not
10 say it was inappropriate. And so saying
11 that he didn't believe it was inappropriate,
12 like, further demonstrates how, that he was,
13 like, out of touch and that we shouldn't
14 characterize it, and we should just wait for
15 the investigation.

16 Q What was your view on that
17 advice?

18 A I don't remember, I don't
19 remember specifically on that. I just -- to
20 give you context --

21 Q Sure.

22 A -- the -- as you said, the
23 nursing home stuff was going on. And that
24 Friday night and Saturday are, like, very
25 hazy for me.

1 Q I understand. So just do your
2 best to remember. If you don't remember,
3 just tell me "I don't remember." Okay?

4 A And part of the reason that I
5 think I involved so many of the outside
6 advisors because I wasn't in, like, a mental
7 state to do what I normally do and so I was
8 relying on other people.

9 Q Okay. Did you --

10 MR. KIM: Was that -- sorry.

11 Was that a week the nursing
12 home stuff was particularly active,
13 bad or was --

14 THE WITNESS: No, the nursing
15 home stuff broke on, I think it was
16 like the -- I don't remember, sometime
17 in the middle of February. But it was
18 just, like, not stopping. And then
19 the Ron Kim conversation happened,
20 which, like, blew it all up. And I
21 was scared and I was upset and I was
22 just, like, very traumatized by the
23 situation.

24 MR. HECKER: You don't need to
25 say more about that.

1 THE WITNESS: Okay. It was
2 just like everything was, like, piling
3 on top of each other.

4 MS. KENNEDY PARK: Do you want
5 to go off the record?

6 THE WITNESS: Sure.

7 THE VIDEOGRAPHER: Going off
8 the record at 4:38 p.m.

9 (Brief break.)

10 THE VIDEOGRAPHER: We are back
11 on the record at 4:40 p.m.

12 BY MS. KENNEDY PARK:

13 Q Did you share Mr. Vlasto's view
14 that no one could read what Ms. Bennett had
15 said and think that it was appropriate?

16 A I thought that absent any
17 context, there was no way to explain it, and
18 that if we weren't going to go the route of
19 providing any context, that he was right, it
20 should come out.

21 Q Why don't you turn to the next
22 Tab. It is actually in the same Tab. If
23 you flip to the next page -- sorry, 189. It
24 is 6743 at the top.

25 It says: "Paternalistic is not

1 good. I think it means patronizing, looking
2 down on someone."

3 Do you recall there being a
4 debate about the governor using the word
5 paternal?

6 A Yes.

7 Q Okay. What do you recall about
8 that?

9 A We thought that the Times had,
10 was reporting that Charlotte used the word
11 "paternal," and so, like, reacting to that
12 and saying she was right in her first
13 instinct, he was being paternal, but people
14 didn't like the word because they were,
15 like, it's condescending.

16 It's -- in this, in this story
17 absent context, absent anything, it will
18 come off like in not a positive way, and we
19 should use a different word, and I think we
20 settled on "mentor."

21 Q Do you remember the governor
22 weighing in on the use of the word paternal
23 and paternalistic?

24 A Yes. But I think that he was
25 okay to swap it out for "mentor" when we

1 gave the alternative option. I think what
2 he wanted to make sure was what was being
3 conveyed was that he felt like he was
4 playing a role of, of a mentor, of someone
5 who is acting more in that regard and that
6 her initial reaction, that that's how he was
7 being was the right one.

8 Q And did the governor express that
9 he was being paternalistic or behaving in a
10 paternal way?

11 A Yes. Again, it was the -- I
12 think he viewed the terms paternalistic and
13 mentor as synonymous. And when -- I think
14 that we thought we were using the word that
15 The Times was using. And I think that maybe
16 it ended up being that she was mentor, and
17 so then we mirrored the language.

18 Q Did anyone ever explain to the
19 governor the difference between paternal and
20 paternalistic and mentor?

21 A Not in my presence.

22 Q In the context of preparing the
23 governor's statement in response to Ms.
24 Bennett, did anyone explain to him what
25 mansplaining meant?

1 A Not in -- no, no.

2 Q In any other context?

3 A Yes.

4 Q Tell us about that.

5 A In prep for the press conference,

6 I think Judy raised the word mansplaining.

7 Somebody raised the word mansplaining.

8 MR. HECKER: Was the

9 conversation in preparing for the

10 press conference a conversation that

11 happened only with counsel present?

12 THE WITNESS: They were in the

13 room the whole time.

14 BY MS. KENNEDY PARK:

15 Q Liz Smith and Jeff Pollock were

16 also there?

17 A Yes.

18 MS. KENNEDY PARK: The

19 conversation is not privileged.

20 MR. HECKER: Go ahead.

21 BY MS. KENNEDY PARK:

22 Q We will get to the prep session

23 and then get through some of the other

24 documents. We will talk about the prep

25 sessions. Turn to 64, Tab 64.

1 (Thereupon, Exhibit 37, Tab 64,
2 text message chain, was marked for
3 identification, as of this date.)

4 Q This is a text message chain
5 between you and [REDACTED].
6 Who's [REDACTED]?

7 A The [REDACTED].

8 Q At the first beginning of the
9 text message it says: "Is there a way to
10 share that she did an exit interview sharing
11 that she left because -- " See that? I
12 won't read the whole thing.

13 A Yes.

14 Q How did [REDACTED]
15 get that information?

16 A I believe [REDACTED] spoke to
17 her.

18 Q Were you present when Governor
19 Cuomo spoke to [REDACTED]?

20 A No.

21 Q What did you know about Ms.
22 Bennett's exit interview?

23 A Am I allowed to talk about that?
24 I know it from Judy. Does that matter?

25 MR. HECKER: It matters, yes.

1 If you only know what you know from
2 Judy, then it's privileged.

3 BY MS. KENNEDY PARK:

4 Q Did you have any conversations
5 with Liz Smith or Jeff Pollack or Josh
6 Vlasto where you discussed Ms. Bennett's
7 exit interview?

8 A I don't remember. We may have in
9 the context of responding to The Times, but
10 I don't remember. I don't remember
11 specifically.

12 Q Did it come up during the prep
13 session?

14 A I don't think so.

15 Q Was [REDACTED] present for any of
16 the conversations at the mansion?

17 A At the prep session.

18 Q She was there?

19 A Yes, for a few minutes, not for
20 long.

21 Q You can put that aside.

22 A But that was after this.

23 Q The prep session?

24 A Yes.

25 Q You are talking about the prep

1 session for the March 3rd press conference,
2 right?

3 A Correct.

4 Q Let's turn to Tab 193.

5 (Thereupon, Exhibit 38, Tab
6 193, press statement, was marked for
7 identification, as of this date.)

8 Q If I have this right, Tab 193 is
9 the press statement the governor issued in
10 response to Ms. Bennett's allegations, is
11 this right?

12 A It looks correct, yeah. It looks
13 like what we put out, yes. And there was
14 the separate statement I mentioned before
15 from Beth Garvey that was put out at the
16 same time.

17 Q In the last paragraph, it says:
18 "Separately, my office has heard anecdotally
19 that some people had reached out to Ms.
20 Bennett to express displeasure about her
21 coming forward."

22 Do you see that sentence?

23 A Yes.

24 Q What facts do you know about
25 that?

1 A I don't know any facts about it.
2 I think that somebody on the call when we
3 were doing the response call raised that
4 some of the people on Twitter were being,
5 like, very mean to Charlotte and being
6 hostile and that we should convey in no
7 uncertain terms that that was inappropriate.
8 And Charlotte had ever right to speak out,
9 and Charlotte had every right to pursue
10 this, and that that was not condoned.

11 Q What did you understand people
12 were saying about her on Twitter that was
13 mean or was hostile?

14 A I actually don't know. It was a
15 characterization of tweets I didn't see.

16 Q That was just the
17 characterization that we told you what
18 anybody was saying?

19 A I don't think specifically. It
20 was general.

21 Q It says: "My message to anyone
22 doing that is that you have misjudged what
23 matters to me and my administration and you
24 should stop now."

25 What did you understand that to

1 mean, "what matters to me and my
2 administration"?

3 A That women, that women have a
4 right to come forward and that she, her,
5 Charlotte, mattered, and that nobody was,
6 like, no one was condoning anyone attacking
7 her doing anything to hurt her.

8 Q But the administration had
9 condoned doing things to hurt Ms. Boylan, is
10 that right?

11 A I don't know if I would say hurt.
12 To respond to Ms. Boylan, but Charlotte and
13 Lindsey were two different worlds in our
14 view.

15 Q I understand that. You didn't
16 believe Ms. Boylan's allegations were
17 credible. But she made allegations of
18 sexual harassment, right?

19 A Yes.

20 Q People had raised questions about
21 whether releasing her personnel file may
22 have been retaliatory, right?

23 A I don't remember, but we checked
24 legally if it was acceptable.

25 Q Right. And there was enough

1 concern about the release of the personnel
2 file that a decision was made not to involve
3 the governor in that decision, right?

4 A Correct.

5 Q Your position is still that
6 releasing the personnel file didn't hurt Ms.
7 Boylan?

8 A I don't know that it is not,
9 didn't hurt Ms. Boylan. It was factual
10 information to correct the public record.
11 And she had gone out and made public
12 allegations, including that we tried to make
13 her sign a nondisclosure agreement and
14 mischaracterized the terms of her departure.
15 And we had a legal right to defend ourselves
16 and correct the public record. Charlotte
17 and Lindsey were not the same.

18 Q Did you have a view as to whether
19 circulating the governor's draft op ed that
20 contained very personal information about
21 Ms. Boylan hurt Ms. Boylan?

22 A No.

23 Q You didn't have a view about
24 that?

25 A No.

1 Q But you wanted that paragraph
2 taken out, right?

3 A Yes.

4 Q You thought having that paragraph
5 in there was not appropriate, right? That's
6 what you told me earlier?

7 A Yes.

8 Q Do you think it could have hurt
9 Ms. Boylan that that information was being
10 circulated?

11 A My concern wasn't for Lindsey. I
12 was worried about the message that it would
13 send to ever try to slut shame a woman. And
14 I believed that what somebody does in their
15 personal life does not have bearing on
16 whether or not that person can also be
17 sexually harassed.

18 Q I see. So you were concerned the
19 message that having that information out
20 there would send to other women?

21 A I felt like from a principled
22 perspective, that was not okay, that I just
23 didn't think it was okay.

24 Q Why don't you go to Tab 62.

25 (Thereupon, Exhibit 39, Tab 62,

1 text message chain, was marked for
2 identification, as of this date.)

3 Q This is a text message chain
4 between you and Chris Cuomo?

5 A Yes.

6 Q Do you remember what happened
7 with you and Mr. Cuomo?

8 A When?

9 Q Around the time that the governor
10 made his public statement regarding
11 Charlotte Bennett.

12 A I talked to Chris pretty
13 regularly. He was on some calls that we
14 did, and he advised us on how to respond.

15 Q Okay. And what was his advice?

16 A It changed. It shifted over
17 time.

18 Early on he thought I -- that we
19 would never convince the public. We
20 wouldn't win the fight in the public or the
21 press, and so don't try. And just say that
22 the workplace was -- he used the word
23 "hostile," but I don't think he understood,
24 legally speaking, the term "hostile."
25 Hostile obviously has connotation around

1 behavior directed at a protected class. I
2 think he meant the word "toxic."

3 But he was saying, like, take a
4 piece of this, own it, and move past it.
5 You are never going to win the fight, so
6 don't try.

7 Q Did that evolve over time, you
8 said?

9 A Well, as the situation evolved,
10 the circumstances changed. And when there
11 was a big push for us to resign, he was
12 ardently opposed to that.

13 Q Ardently opposed to the governor
14 resigning?

15 A Yes.

16 Q Not "we"?

17 A The administration.

18 Q In this, Mr. Cuomo sent you what
19 he thought should have been the governor's
20 statement. You see that at the bottom here
21 on March 1st?

22 A Yes.

23 Q And was Mr. Cuomo in contact with
24 his brother?

25 A Yes.

1 Q And to your understanding, had
2 Mr. Cuomo been a part of conversations in
3 which the governor conveyed what had
4 happened between him and Ms. Bennett?

5 A I don't think so.

6 Q You don't think Mr. Cuomo had any
7 conversations with the governor in which he
8 conveyed what happened between Ms. Bennett
9 and the governor?

10 A I don't think so. I think that
11 Chris gleaned the information from group
12 calls that he was on with us.

13 Q And so Mr. Cuomo wrote a
14 statement that said: "I don't dispute that
15 our conversation was as she reports."

16 Would that have been true coming
17 out of the governor's mouth?

18 A Again, I think that -- first of
19 all, I don't -- Chris sends me a lot of
20 things a lot of the time. Half of it I
21 don't engage in. He gives unsolicited
22 advice.

23 I don't -- I think that this goes
24 back to the contextualizing.

25 So there are some pieces of it

1 that I think is not in dispute that
2 conversations were had. But absent the
3 context, it's unexplainable. And I think
4 that he was referencing some of that, but
5 not the entire situation in its entirety.

6 Q Are there any parts of the
7 conversation that happened, that Ms. Bennett
8 conveyed happened between her and the
9 governor, to your understanding, that are in
10 dispute?

11 A Yes.

12 Q Which parts?

13 A She early on said -- Ms. Bennett,
14 Charlotte, early on said that he did not
15 proposition her, but it's what she
16 understood after the fact which was
17 inconsistent with what I understand was
18 relayed to Jill and Judy. And then it over
19 time kept getting more and more explicit.

20 And then she tweeted in response
21 to -- I think you guys bringing her in under
22 subpoena, that he sexually came on, advanced
23 at some things. It was, like, very
24 explicit. Like, her language changed over
25 the course of a couple of months.

1 Q Can I interrupt for a second
2 because I think I asked a very poor
3 question.

4 What I am trying to understand
5 is: Are there any parts of what Charlotte
6 Bennett said the governor said to her in the
7 conversation she had with the governor that,
8 to your understanding, are in dispute? Not
9 the context or how she characterized them,
10 but the words she said the governor said to
11 her.

12 A Yes.

13 Q And what words did she say to the
14 governor that you believe are in dispute?

15 A I don't have a full catalog, but
16 I know obviously the one that I discussed
17 with you guys yesterday where she said he
18 asked who I was sleeping with. And then
19 Judy said: "He asked you who you are
20 sleeping with?" And she said: "No, he
21 asked" -- yeah, "he asked who I was hanging
22 out with, but I knew what he meant."

23 And I don't want to speak for the
24 governor specifically for any other things
25 that he would want to dispute, but it's not

1 my understanding that he accepts her version
2 of events.

3 Q To your understanding, what
4 specific things that she conveys that he
5 said in The New York Times interview or in
6 her CBS interview does the governor dispute
7 were said?

8 A I don't remember specifically
9 what she said, and it's all jumbled up at
10 this point.

11 Q Do you remember generally the
12 things he told you he was disputing?

13 A No.

14 Q Mr. Cuomo goes on to say, to
15 suggest I guess, that the governor should
16 apologize to Ms. Bennett personally.

17 What did you think about that
18 suggestion?

19 A I didn't engage it.

20 Q Did you ever discuss that with
21 the governor?

22 A No.

23 Q Did you ever consider whether the
24 governor should personally apologize to Ms.
25 Bennett?

1 A I did not think that when The New
2 York Times story came out, that it was
3 appropriate for anyone from our office,
4 including the governor, to reach out to
5 Charlotte.

6 MS. KENNEDY PARK: I am going
7 to move past Charlotte unless you guys
8 have questions. Okay.

9 BY MS. KENNEDY PARK:

10 Q When did you first become aware
11 that Anna Ruch was going to make allegations
12 regarding an interaction she had with the
13 governor?

14 A Anna Ruch, um, the day that they
15 happened.

16 Q And how did you learn about it?

17 A I don't remember. Peter or Rich,
18 somebody told me that The Times was running
19 a story.

20 Q And what did you do in response
21 to hearing about The Times potentially
22 running a story about Ms. Ruch?

23 A I talked to Gareth.

24 Q Gareth who?

25 A Gareth Rhodes.

1 Q Why did you talk to Gareth
2 Rhodes?

3 A Because the incident allegedly,
4 the incident allegedly occurred at his
5 wedding.

6 Q When you say "allegedly," there
7 are photographs of this incident, right?

8 A Yes.

9 Q What did you --

10 A But I don't --

11 Q And what did you talk to Mr.
12 Rhodes about?

13 A Can I just correct something?

14 Q Sure.

15 A There are photographs, but I know
16 that she also said he said: "Can I kiss
17 you?" I didn't -- I don't know specifically
18 what was said or not said. I wasn't
19 standing there for the event.

20 Q Were you at the event?

21 A Yes.

22 Q Did you observe the governor
23 interact with Ms. Ruch?

24 A No.

25 Q So you called Mr. Rhodes. Why

1 did you call him?

2 A To find out what was going on.

3 Q Tell us about that conversation.

4 A It was -- I said to him, "What is
5 going on?"

6 And he said that she was very
7 good friends with his wife. I think that
8 she had tweeted it. [REDACTED].

9 Q "She" meaning Mr. Rhodes' wife?

10 A Yes, [REDACTED]. And that she, that
11 her friend felt offended and that, you know,
12 she wanted to stand by her friend.

13 Q You called Mr. Rhodes after his
14 wife had tweeted in support of Ms. Ruch,
15 right?

16 A Yes.

17 Q And what did you say to Mr.
18 Rhodes?

19 A "Why would [REDACTED] do that?"

20 Q What was Mr. Rhodes' response?
21 What you just described to me?

22 A Yes.

23 Q Then what did you say?

24 A I said, "Okay." I called him the
25 next day and apologized.

1 Q Did that conversation get heated
2 between you and Mr. Rhodes?

3 A I think so, because I was like,
4 "I can't believe that [REDACTED] -- why would
5 [REDACTED] do this?"

6 Q And did you say it like that, or
7 did you say it with a different tone of
8 voice?

9 A I think it was in that tone, but
10 like not -- I feel like I am being sort of
11 quiet right now.

12 Q Were you yelling at him?

13 A I don't think I was yelling.

14 Q But you called to apologize. Why
15 did you call him the next day to apologize?

16 A Because I shouldn't have put him
17 in that position.

18 Q And why not?

19 A Because it's his wife and it's
20 his wife's friend, and I should have
21 exercised better self control in that moment
22 and not put it on Gareth to do anything
23 with. It wasn't his place to intervene, and
24 I know and really like [REDACTED]. And I acted
25 impulsively in a moment and I shouldn't

1 have.

2 Q In those conversations you had
3 with Mr. Rhodes, did you ask him to come
4 back to the COVID task force?

5 A I don't remember if we talked in
6 that, in those conversations. He and I, the
7 night that The Times story broke about
8 Charlotte, or the night that The Times
9 reached out about the story about Charlotte,
10 that Friday night, Gareth and I were in my
11 office together. And he was telling me that
12 he wanted to go back to DFS.

13 And we kept -- I asked him if we
14 could talk about it. I love Gareth and I
15 think he is incredibly talented and I have
16 been a mentor to him. And I wanted to talk
17 to him about not leaving. But people kept
18 coming in and out, and so we didn't have an
19 opportunity. And then he had to go because
20 Peter Ajemian was driving him back to the
21 city. So he left with Peter, and I didn't
22 have an opportunity to talk to him.

23 So I know that subsequently I
24 asked him if he would continue to do work
25 with the COVID task force. But I don't

1 remember in which conversation it was.

2 Q But was it in one of these two
3 conversations where you also were talking
4 about Ms. Ruch?

5 A I don't remember.

6 Q What was his response?

7 A That he needed to be back in the
8 city. He needed to -- he had been living in
9 Albany for six months at that point. [REDACTED]
10 was in the city, so they weren't physically
11 in the same place. They were newlyweds.
12 And that it was time for him to move
13 forward, he had to go on.

14 And I think he said, "If there
15 are specific things I can be helpful with, I
16 would be happy to be helpful with them, but
17 I can't do it the way I have been doing it."

18 Q Can you turn to Tab --

19 MR. KIM: Can I ask a question?

20 MS. KENNEDY PARK: Mm-mmm.

21 FURTHER EXAMINATION

22 BY MR. KIM:

23 Q Did you have a conversation with
24 Gareth Rhodes about the statement he issued
25 in connection with the reason for his

1 departure?

2 A No.

3 Q You didn't take issue with the
4 fact that he issued a statement about --

5 A I think Peter had that
6 conversation with him.

7 Q You don't remember having that
8 conversation with him before your call where
9 you apologized?

10 A I don't think so because I think
11 that happened after.

12 Q Did you have any conversation
13 with the governor about calling Gareth
14 Rhodes to apologize?

15 A About the governor calling him to
16 apologize?

17 Q Yes.

18 A I think so.

19 Q What conversation did you have
20 with the governor?

21 A In the lead-up to Gareth leaving
22 the COVID task force totally unrelated to
23 any of this, he had a difficult time on
24 vaccines. And there had been a few negative
25 exchanges with the governor, and he said

1 that he didn't want to continue to serve on
2 the task force and that he needed to go back
3 to the city and get back to his life, and
4 this was too much, and it had been enough.
5 And I really didn't want him to.

6 Q And so the question was whether
7 you had a conversation with the governor
8 about apologizing to Gareth Rhodes.

9 A Yes, I think so.

10 Q What do you remember about that?

11 A I love Gareth to the extent that,
12 like, feelings are hurt. He was incredible
13 for the last however many days during COVID,
14 and I think that you should apologize.

15 Q And how about with respect to his
16 conduct at the wedding, the governor's
17 conduct at the wedding?

18 A Oh, no, not having to do with
19 that.

20 Q It was after The New York Times
21 article, correct?

22 A I don't remember. I don't
23 remember if I asked the governor -- that was
24 a conversation that had been ongoing from
25 the week prior. Gareth was, Gareth was

1 really upset the week earlier when he said
2 that he was going to leave, and I wanted to
3 make sure that that was made right.

4 Q Did you listen in on the
5 conversation between the governor and Gareth
6 Rhodes?

7 A No.

8 Q Did you report back to the
9 governor after the conversation?

10 A I think just to say that he spoke
11 to Gareth.

12 Q Did he say anything about his
13 conduct at the wedding?

14 A I don't think so.

15 FURTHER EXAMINATION

16 BY MS. KENNEDY PARK:

17 Q Why don't you turn to Tab 194.
18 We will mark this as the next exhibit.

19 (Thereupon, Exhibit 40, Tab
20 194, text message chain, was marked
21 for identification, as of this date.)

22 Q This is a text message chain
23 between you and a large group of people,
24 group of people you have been discussing or
25 were working with on the allegations.

1 And this is -- just to save us
2 time, this is after the article about Anna
3 Ruch comes out or around that time.

4 And on the second page, see Ms.
5 Smith says: "Christine Blasey Ford was
6 Looney Tunes in the height of 'Me Too'
7 overreach, so this checks out."

8 What did you understand her to
9 mean by that?

10 A I think it is in reference to her
11 lawyer.

12 Q Did you agree with the comment
13 that Ms. Ford was Looney Tunes?

14 A I don't think so.

15 Q Did you agree with the comment
16 that Ms. Ford was the height of "Me Too"
17 overreach?

18 A No.

19 Q Did you -- look at the next page
20 and Ms. Smith says: "I told him his story
21 was pathetic and an embarrassment to The
22 Times." Do you see that?

23 A Yes.

24 Q What did you understand that was
25 in response to?

1 A I think that is the Anna Ruch
2 story.

3 Q Do you agree that The Times story
4 on Anna Ruch was pathetic?

5 A I don't know if I would use the
6 word pathetic, but I thought it was evidence
7 of a pile-on that in any other circumstance
8 would not be worthy of six inches in a New
9 York City tabloid. And that The New York
10 Times had a very specific agenda as it
11 related to this. And the fact that it went
12 on the front page was nonsensical.

13 Q Did you have any personal
14 knowledge of interactions between Ms. Ruch
15 and the governor?

16 A No.

17 Q Did you have any reason to
18 believe that her allegations about what
19 happened between the governor and her were
20 not true?

21 A The allegations that he touched
22 her face at a wedding and took a photo, no.

23 Q And the things that he said to
24 her?

25 A The "Can I kiss you"?

1 Q Yes.

2 A No.

3 Q Did you speak to the governor
4 about those allegations?

5 A No.

6 MS. CLARK: Did you ask the
7 governor if he put his hand on her
8 bare lower back?

9 THE WITNESS: No.

10 MS. CLARK: Did you ask the
11 governor if she moved his hand, and he
12 called her aggressive?

13 THE WITNESS: No.

14 MS. CLARK: Do you know whether
15 or not that actually happened or not?

16 THE WITNESS: I don't, but when
17 this story was surfaced, it was -- we
18 were, like, we are batting around not
19 saying anything. Like, everyone's
20 view in our group was it was so crazy.
21 It was like this was the, like, shark
22 jumping moment. He is at a wedding
23 with hundreds of people.

24 Our whole staff was there.

25 Tons of New York City reporters were

1 there. He was working a room. He was
2 taking a photo. And to the extent
3 that there was, that she felt
4 uncomfortable, of course you should
5 never do anything to make anyone feel
6 uncomfortable, but this was not sexual
7 harassment.

8 BY MS. KENNEDY PARK:

9 Q To the extent she felt
10 uncomfortable, did you think the story was
11 an embarrassment from that perspective?

12 A I don't think someone feeling
13 uncomfortable when they take a photo with a
14 politician is one newsworthy for The New
15 York Times. I don't know I would use the
16 word pathetic, but it felt like a reach.

17 Q Even in a situation where she had
18 to remove the governor's hands from her
19 body?

20 A Yes.

21 Q [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 A Yes.

25 Q Tell us about that.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A [REDACTED]

Q Is that an incident that you made reference to in a draft letter or op ed that you prepared?

A Yes.

Q And what did you do about that situation?

A When?

Q At any point.

A I reported it.

Q Who did you report it to?

A [REDACTED]

Q How long after it occurred did you report it?

A In April.

Q How long after it occurred did you report it?

A Eleven months.

Q Why did it take so long?

A I thought about what to do on the outset. I decided not to do anything with it.

When all of this started to happen, I was getting really upset about what I viewed as blatant hypocrisy of

1 everyone who was trying to capitalize on a
2 moment. And at the same time, as a result
3 of these stories that were coming out,
4 everyone in Albany was chattering about
5 different things. And I started to hear
6 other rumors about [REDACTED]. And then
7 I felt like I should say something.

8 Q So it was in April, after all the
9 allegations against the governor had come
10 out?

11 A Yes.

12 Q And on that occasion -- we can
13 look at the letter, but as described, [REDACTED]
14 [REDACTED], is that
15 right?

16 A [REDACTED]

17 Q [REDACTED]
18 [REDACTED]

19 A Yes.

20 Q [REDACTED]
21 [REDACTED]

22 A [REDACTED]

23 Q Similar to what Ms. Ruch did?

24 A Yes. I would, although,

25 distinguish between [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]

[REDACTED]

[REDACTED] and being in a room with 500 people where people are taking photographs and there is press and everyone, like, hundreds of people around you.

Q [REDACTED]

A [REDACTED]

Q Let me go talk about just for a second Andrew Ball.

At some point did Andrew Ball like Charlotte Bennett's tweets?

A Yes.

Q And what did you do about that?

A I think that somebody flagged it on our rapid response chain.

Q And then what happened?

A I don't remember if anyone talked to him about it or not.

Q You don't remember having anyone go talk to Andrew Ball about liking those tweets?

A I don't remember. I think we talked about it, but I don't know if somebody actually did.

1 Q And did you talk about making
2 sure that Andrew Ball unliked those tweets?

3 A No.

4 Q What was the purpose of -- what
5 was said in the discussion about Andrew Ball
6 liking the tweets?

7 A I think it was: What's Andrew
8 Ball doing?

9 Q Anything else?

10 A No. I mean, Andrew obviously
11 left on really hostile terms. I thought
12 that when we were -- like a few months went
13 by and everyone was talking that he was
14 okay. And it was, like, sort of erratic and
15 contradictory to the things he was saying to
16 us privately how he was being publicly. And
17 I thought that Andrew had an axe to grind.

18 Q Did you say all of that in the
19 conversation about Andrew Ball's liking the
20 tweets?

21 A No, I don't think so.

22 Q What axe did he have to grind?

23 A When he left he was really mad at
24 me. He felt like I didn't accommodate him
25 in what he wanted. We had one really

1 difficult conversation where I said to him,
2 "I will no longer speak to you outside the
3 presence of a lawyer." And it's only
4 snowballed since that time. It's gotten
5 much worse even since this.

6 Q Let's talk quickly about Larry
7 Schwartz.

8 A Uh-huh.

9 Q Is it right that you asked Mr.
10 Schwartz to contact certain county
11 executives to ask them for their position on
12 support of the governor?

13 A Yes.

14 Q Is it correct that you asked him
15 to do that on two occasions?

16 A I don't remember. It definitely
17 happened. It could have been more than
18 once.

19 Q Did he come back to you and tell
20 you what was said in those conversations?

21 A Yes.

22 Q Why did you ask Mr. Schwartz to
23 do it?

24 A We did a group call with Larry, I
25 think Charlie King may have been on that

1 call, [REDACTED], Jay Jacobs.

2 So there was like the
3 communications version of the rapid response
4 team, which is the outside consultants that
5 we always had the lawyers on and that is
6 that rapid response team, and this was the
7 political version of that.

8 And at a couple of different
9 points, I activated the political rapid
10 response team to gauge where we were because
11 there was a snowball effect happening with
12 people calling for our resignation, and we
13 were trying to get people to take the
14 position that they would wait and hear the
15 outcome of the investigation.

16 Q I think the question was: So why
17 did you have Larry Schwartz make the call to
18 the account executives?

19 A So we all got on the phone. I
20 was divvying it and asking certain people to
21 talk to certain people, but it was based on
22 their relationships.

23 So [REDACTED] took members of the
24 legislature, and Charlie took, like, Hakeem
25 Jeffries and some of the folks he is close

1 with in the city. And Jay took the Long
2 Island delegation, and I asked Larry to call
3 the county executives. He was a deputy
4 county executive in Suffolk and in
5 Westchester. He got a couple of them
6 elected, like, worked very closely on their
7 campaign so those were his personal
8 relationships.

9 Q At the time he was, for lack of a
10 better term, the vaccine czar, right?

11 A Yes.

12 Q Did you have any concerns about
13 what the appearance would be of the vaccine
14 czar calling county executives that were
15 supporting the governor?

16 A No.

17 Q Since those calls have happened,
18 have you discussed that concern with anyone?

19 A When press reports came out.

20 Q Who did you discuss it with?

21 A My lawyers.

22 Q Don't tell me the substance.
23 Anyone else that you discussed it with other
24 than the lawyers?

25 A I think probably my press people

1 when we had to respond.

2 Q What did you tell your press
3 people?

4 A Just that, that it was an
5 outreach effort, a political outreach
6 effort, and that the two things had nothing
7 to do with one another, and I didn't connect
8 them. And that I didn't believe that Larry
9 ever would have introduced the two topics
10 together.

11 Q You were not on any of the calls,
12 right?

13 A No, but I know Larry, and I don't
14 think he would do that.

15 Q But you weren't on any of the
16 calls, right?

17 A Correct.

18 MR. KIM: Can I ask a follow-up
19 question?

20 Putting aside your appearance,
21 it didn't cross your mind that county
22 executives might feel some pressure
23 receiving a call from Larry Schwartz
24 whose only role in the government at
25 that time was the distribution of

1 vaccines? That didn't cross your
2 mind?

3 THE WITNESS: No. He has known
4 most of these people for decades and
5 he has independent relationships with
6 them beyond the vaccines. And the
7 vaccine distribution was done based on
8 a specific formula that had nothing to
9 do with discretion.

10 MR. KIM: So it is your
11 testimony that he knew each of the
12 county executive for decades?

13 THE WITNESS: Not all of them,
14 but most of them.

15 MR. KIM: Some of them were
16 new, correct?

17 THE WITNESS: Yes.

18 MR. KIM: Their only
19 relationship with Larry Schwartz was
20 that in dealing with vaccines, right?

21 THE WITNESS: I don't know.

22 MR. KIM: And you have since
23 heard or read that Larry Schwartz on
24 these calls actually had to start the
25 calls by saying: This is not about

1 vaccines, or did start the call that
2 this is not about vaccines. You read
3 that, right?

4 THE WITNESS: I don't think so.

5 MR. KIM: You haven't?

6 THE WITNESS: No.

7 MR. KIM: But in asking Larry
8 Schwartz to make those calls to county
9 executives, you didn't see the
10 possibility of county executives
11 feeling the pressure?

12 THE WITNESS: No.

13 BY MS. KENNEDY PARK:

14 Q Why don't you turn to Tab 67. We
15 will mark this as the next exhibit.

16 (Thereupon, Exhibit 41, Tab 67,
17 text message, was marked for
18 identification, as of this date.)

19 Q This is a text message between
20 you and Chris Cuomo, and on March 4th he
21 says: "I have a lead on the wedding girl
22 being put up to it."

23 Did you talk to Mr. Cuomo about
24 that?

25 A I don't think so.

1 Q You never spoke to him about a
2 lead on the wedding girl being put up to it?

3 A No.

4 Q Did you have any information
5 about what -- the wedding girl is Anna Ruch?

6 A Yes.

7 Q And do you have any information
8 about her being put up to it?

9 A No.

10 Q You never heard anyone discuss
11 that other than Mr. Cuomo?

12 A There were some rumors. I don't
13 remember where I heard them, but not from
14 Chris. As I said before, I get text
15 messages from people all the time. I don't
16 engage in three-quarters of them, with
17 unsolicited advice, thoughts, hey, you're
18 really screwing this up kind of stuff. So I
19 didn't talk to Chris about that.

20 There were rumors at some point
21 what she was potentially politically aligned
22 with the Lindsey, Biaggi, crew. But I never
23 thought that the wedding situation was -- in
24 my mind there was Charlotte, and then there
25 was a couple of other things that I didn't

1 think -- it was like these are not the same
2 category. I am not going to waste one
3 minute on it.

4 Q So in the category of "I am not
5 going waste one minute," who is in that
6 category?

7 A Karen Hinton, Anna Liss, Anna
8 Ruch. The Rochester woman.

9 Q Sheryl Vill?

10 A Yes.

11 Q Anyone else?

12 A I think that's it.

13 Q Who is in the other category?

14 A Charlotte, who I was very worried
15 about, like for her, very worried about.
16 And when the Brittany allegations came up.

17 MR. HECKER: Can we take two
18 minutes if you have got substantially
19 more?

20 MS. KENNEDY PARK: Sure.

21 (Thereupon, a discussion was
22 held off the record.)

23 THE VIDEOGRAPHER: Going off
24 the record at 5:17 p.m.

25 (Brief break.)

1 THE VIDEOGRAPHER: We are back
2 on the record at 5:25 p.m.

3 BY MS. KENNEDY PARK:

4 Q Let's talk about the prep for the
5 governor's press conference on March 3rd.
6 Tell us what you remember about that prep.

7 A We were in the pool house. Jeff
8 was there, Liz was there, Judy was there,
9 Rich was there, Peter was there. I think
10 that is everyone. Michaela came in for a
11 little bit of time.

12 And we went through the questions
13 we anticipated that he would get and the
14 responses that he would give. And then it
15 ended and I stayed up with Liz and Jeff and
16 Rich for a while talking and hanging out,
17 and then everyone went to bed.

18 Q During the press prep, were there
19 any debates about answers the governor
20 should give?

21 A I'm sure that there was by the
22 nature of what we were doing, but I can't
23 recall anything general or specific.

24 Q Was there a document that you
25 were all working off of?

1 A Liz had prepared a document, I
2 think.

3 Q Can you look at what is at Tab
4 255?

5 (Thereupon, Exhibit 42, Tab
6 255, summary outline, was marked for
7 identification, as of this date.)

8 Q Is this the document that Liz
9 prepared?

10 A I don't know who typed this.
11 This might be Peter. And I think it was a
12 summary takeaway, I think.

13 Q So this is the conclusion, sort
14 of, of the discussions about what the
15 governor should say at the press conference?

16 A Yes, it was an outline. I don't
17 know if the top he read directly or if that
18 was supposed to be the thrust.

19 Q There is a question on page
20 35774. It's actually the last page.
21 There's a couple of questions in here that
22 don't have any answers to them.

23 One of them is on the last page
24 and it says: "You never denied what
25 Charlotte said in her allegations. Are they

1 credible allegations?"

2 There is to answer to that,
3 right?

4 A Yes.

5 Q And during the prep session, did
6 you discuss what the governor would say in
7 response to that question?

8 A I think that the group felt like
9 he should say there is an investigation
10 underway, and we should respect that and not
11 get into any of the facts or the
12 circumstances, that we had called for the
13 investigation and we should let it play out.

14 Q And during that meeting to
15 prepare him for the press conference, was
16 there any discussion about whether the
17 governor disputed any of the things that
18 Charlotte claimed he had said to her?

19 A No, but we didn't talk about it
20 like that.

21 Q So that wasn't part of the
22 conversation?

23 A No, not that I recall.

24 Q During the lead-up to the press
25 conference, was there discussion amongst the

1 group at any point about whether there could
2 potentially be other women who might make
3 claims of sexual harassment against the
4 governor?

5 A I am trying to remember where
6 this is in the timeline.

7 Once the Anna Ruch thing
8 happened, I think that we were apprehensive
9 that there could be more things like that,
10 like where it could be like a Joe Biden
11 situation of, like, you know, older guy who
12 is out of touch, who is taking photos with
13 people in a way that made them feel
14 uncomfortable. And so, yes, in that way.

15 Q Putting aside that, were there
16 any discussions about whether there might be
17 somebody who was going to allege workplace
18 sexual harassment against the governor?

19 A We didn't know where things stood
20 with Kaitlin, but I don't know that we
21 talked about that.

22 Q Anyone else?

23 A I don't think so.

24 Q And earlier, before we took a
25 break, you kind of put two buckets together.

1 I think you said in your mind there was a
2 group that was Karen Hinton, Anna Liss, Anna
3 Ruch, Sheryl Vill and then Lindsey Boylan.
4 And there was a separate bucket of people:
5 Charlotte Bennett and Brittany Commisso.

6 Was Kaitlin [REDACTED] in which
7 bucket?

8 A Can I clarify something on that?

9 Q Sure.

10 A When I say, like, the two buckets
11 and I wasn't going to spend time on it, it
12 was like these were -- there is an
13 investigation that was going on. From a
14 press perspective, this was not worth our
15 energy, like, these were not things that
16 were worth our energy.

17 But that from -- on the other
18 ones, these were, like, serious, serious
19 allegations and serious public relations
20 issues that we had to figure out how to
21 respond to.

22 Q Okay. Thank you for the
23 clarification.

24 In which group did you put
25 Kaitlin [REDACTED] in?

1 A I don't think I put her in a
2 group mentally. I didn't -- the Kaitlin
3 situation was very strange.

4 Q How did you first come to -- you
5 can put the document away.

6 How did you first come to learn
7 about that a woman was making allegations
8 that the governor had groped her in the
9 executive mansion?

10 A Well, there was two
11 conversations. One with Elkan Abramowitz
12 and then one with Judy and Beth.

13 Q When did the conversation with
14 Elkan Abramowitz happen?

15 A The Monday morning that the
16 allegation, that the allegation came to our
17 attention.

18 Q Sorry, when it came to your
19 attention, what do you mean by that?

20 A I mean I understand, based on
21 conversations I had, that Brittany talked
22 about it that Saturday night but did not
23 come to chamber's attention, counsel's
24 attention until Monday morning.

25 Q So the first time it came to your

1 attention was a Monday morning?

2 A Yes.

3 Q And it came to your attention
4 from Elkan Abramowitz?

5 A Yes.

6 Q And then Ms. Mogul and Ms. Garvey
7 brought it to your attention?

8 A Yes.

9 Q Prior to that, did you have any
10 information or knowledge about that
11 allegation?

12 A No.

13 Q Did you speak to the governor
14 about the allegation?

15 A No.

16 Q Were you ever in the room when
17 the governor spoke about the allegation?

18 A Wait a minute. Are you saying
19 prior or after?

20 Q Let's just say at any point. Did
21 you talk to the governor about the
22 allegations that he had groped someone in
23 the executive mansion?

24 A Yes.

25 Q Let's just be clear. Do you know

1 who that person is who has alleged that she
2 has been groped by the governor in the
3 executive mansion?

4 A Yes.

5 Q Who is it?

6 A Brittany Commisso.

7 Q How did you come to know that?

8 A Beth and Judy told me.

9 Q And now why don't you tell us
10 about the conversations you have had with
11 the governor about Ms. Commisso.

12 A I had a conversation with him,
13 with counsel -- actually, I don't know if I
14 was on that call. There was a conversation
15 where it was relayed that we were --

16 Q Just be careful.

17 MR. HECKER: Sorry. Is the
18 conversation you are relaying one in
19 which it was just you, the governor
20 and counsel, or just you and counsel?

21 THE WITNESS: I don't remember
22 if I was actually a part of the
23 conversation or if I was told about it
24 afterwards.

25 MR. HECKER: If you were told

1 about it afterwards, were you told by
2 counsel?

3 THE WITNESS: Yes.

4 MR. HECKER: Then those are
5 privileged discussions.

6 THE WITNESS: I am trying to
7 think if I had any conversations with
8 him. I'm sure that I did in the
9 context of the press inquiry. And he
10 denied it. And there was a debate
11 over what to say to the Times Union.
12 And I ultimately wasn't a part of that
13 conversation.

14 BY MS. KENNEDY PARK:

15 Q And why were you not a part of
16 the conversation about what to say to the
17 Times Union?

18 A Can someone refresh my memory
19 about the date that this happened?

20 Q Sure. Let me put a document in
21 front of you. Look at Tab 224.

22 A But was this the first reporting?

23 Q This was not the first reporting.

24 The first reporting occurred on March 9th.

25 We will mark this Tab 224 as the next

1 exhibit.

2 (Thereupon, Exhibit 43, Tab
3 224, article from the Times Union, was
4 marked for identification, as of this
5 date.)

6 Q This is an article from the Times
7 Union. And then if you look at Tab 222...

8 A Uh-huh.

9 Q ... it's a text message chain
10 between you and a group of people on
11 March 9th where you say: "I trust no one."

12 (Thereupon, Exhibit 44, Tab
13 222, text message chain, was marked
14 for identification, as of this date.)

15 Q Does this refresh your
16 recollection about the time period when you
17 learned of Ms. Commisso's allegations?

18 A No. The reference to "I trust no
19 one" in not using my assistants to do that
20 call was that I came to learn that EA #2
21 was listening in on conversations, and I
22 didn't think that she should be listening in
23 on these really sensitive conversations.

24 Q And how did you come to learn
25 that EA #2 was listening in on the

1 conversations?

2 A The night that The Times story
3 came to our attention, after the call was
4 over, she called me.

5 Q And so just to refresh your
6 recollection, that Monday was March 9th.

7 MS. CLARK: March 8th.

8 MS. KENNEDY PARK: Sorry.

9 THE WITNESS: Was it? I
10 thought it was February 28th.

11 MR. HECKER: One second. One
12 second. Monday is the 8th.

13 MS. KENNEDY PARK: Why does my
14 calendar say -- we will defer to Ms.
15 Clark. Monday was the 8th.

16 MS. CLARK: I think we are in
17 agreement.

18 MR. HECKER: My calendar says
19 the same thing.

20 MS. KENNEDY PARK: My calendar
21 does not.

22 BY MS. KENNEDY PARK:

23 Q Monday was the 8th.

24 A I'm trying to remember. So there
25 was a period of time where it was, like it

1 was too much for me. I literally shut down,
2 and I couldn't be a part of it where I,
3 like, asked everybody else to take the
4 wheel. It happened a couple of times and I
5 think that this was around the time that
6 that was happening.

7 Q Is that because of the nursing
8 home issues?

9 A The nursing home issues started
10 it, but the constant snowballing and Rebecca
11 Traister did an article, and every day it
12 felt like someone was calling with an
13 article attacking me. And I, like, had a
14 very difficult -- those first two weeks of
15 March were really hard. And so there were
16 times when I just took myself out of it
17 because I knew I couldn't take it anymore.

18 Q Do you want to stop?

19 A I can keep going.

20 Q So you had no involvement in
21 drafting the governor's statement that was
22 in response to Ms. Commisso's allegations?

23 A I don't think so because I
24 remember when I read it thinking that was a
25 weird statement.

1 Q You mean the statement that
2 referred to the allegations as gut-wrenching?

3 A Yes.

4 Q Is that the part you thought was
5 weird?

6 A Yes.

7 Q Why did you think it was weird?

8 A Because I didn't think it was in
9 his voice. And I thought that anyone who
10 read that would think someone wrote this for
11 him.

12 Q Did you know what role the
13 governor played in drafting that statement?

14 A I don't.

15 Q Let's go back to now the
16 conversations that you had with the
17 governor.

18 You said at some point you
19 understood that the governor had denied the
20 interaction with Ms. Commisso.

21 A Yes.

22 Q Denied the groping or denied
23 other aspects of what Ms. Commisso had
24 alleged had occurred between her and the
25 governor?

1 A He said that the selfie --
2 because she had an allegation that he had
3 said, "Let's take a selfie," that had been
4 her idea, not his, and he said that he
5 absolutely did not grope her.

6 Q He said he absolutely didn't
7 grobe her breast?

8 A Yes. I don't mean to use the
9 word -- I don't know specifically if he used
10 the word "absolutely." I am saying he
11 strenuously denied to me that this happened.

12 Q And the "this" is the grabbing
13 her breast?

14 A Yes.

15 Q Did he deny to you that he
16 grabbed her butt?

17 A Yes.

18 Q Did he deny to you that he had
19 ever made comments to her of a sexual
20 nature?

21 A He did not deny the "mingle
22 mamma" comment. But, otherwise, yes.

23 MR. KIM: How about the hugs?

24 THE WITNESS: He had not denied
25 that he hugged her.

1 BY MS. KENNEDY PARK:

2 Q Did he deny that he hugged her in
3 a way that caused her chest to rub on his
4 body?

5 A I don't remember that being
6 reported.

7 Q How many occasions do you think
8 you spoke to the governor about Ms.
9 Commisso's allegations?

10 A I don't know. In that immediate
11 period, any time there was a press inquiry,
12 it was another round of conversations.

13 Q Was there any information
14 conveyed to you that made you call into
15 question Ms. Commisso's credibility?

16 A I had had an interaction with her
17 that I didn't feel squared with what she was
18 saying.

19 Q What was that interaction?

20 A On December 23rd, we were all in
21 the office: Stephanie, me, EA #2 , EA #3 ,
22 this woman [REDACTED]. I think that's her
23 last name, but she was one of the executive
24 assistants, and Brittany.

25 And we were sort of, like,

1 running around like little elves, like,
2 wrapping presents and getting ready for
3 Christmas. And she had asked to speak to
4 Stephanie and I. And we said okay. And she
5 came in to Stephanie's office, and we were
6 sitting there, like, wrapping presents while
7 we are talking, and she said: "I just want
8 you guys to know that this is the best job I
9 have ever had. I wake up every day excited
10 to come to work. I feel so lucky to be a
11 part of this. It gives me meaning. And I
12 just want to thank you for this
13 opportunity."

14 And so then when I heard this, I
15 was trying to square in my mind how she
16 could have said that in December, and then
17 this could be being said now.

18 Q Is there any other information
19 that you personally knew or came to your
20 attention that made you call into question
21 Ms. Commisso's credibility?

22 A No. Oh, I don't know that it's
23 about calling into question her credibility,
24 but it's relevant.

25 I knew that she was in the

1 process of getting divorced, and that the
2 divorce was [REDACTED], that she was [REDACTED]
3 [REDACTED] and that [REDACTED]
4 [REDACTED] [REDACTED]
5 [REDACTED] And so I didn't know
6 what to think.

7 Q Did you think that [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 A I didn't know.

11 Q Did you ask [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 A Yes.

15 Q What did he say?

16 A "No."

17 Q How did you come to understand
18 that Ms. Commisso's, I guess, [REDACTED]
19 [REDACTED]?

20 A It was a pretty big rumor around
21 Albany. I heard it from more than one
22 person. But I think Rich Azzopardi told me
23 that he had heard it. Oh, from Brendan
24 Lyons. I think Brendan Lyons said something
25 to Rich Azzopardi. Brendan Lyons is a

1 reporter for the Times Union, said to Rich
2 Azzopardi that he heard that [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q Any other rumors about Ms.
6 Commisso that you became aware of?

7 A No, not that's relevant.

8 Q Any that aren't relevant?

9 A No.

10 Q That's the only information you
11 have about Ms. Commisso is what you have
12 already conveyed to us?

13 A I mean, I know more about
14 Brittany than just that, but for the
15 purposes of this.

16 MR. KIM: What do you mean by
17 that, you know more?

18 THE WITNESS: Meaning, like, I
19 know she went to [REDACTED]. I know
20 she lives in the [REDACTED] area, like
21 those kinds of details.

22 MS. CLARK: Do you know if
23 anyone from the chambers spoke to the
24 [REDACTED] about [REDACTED]

25 [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]

THE WITNESS: No. I just feel like it's relevant, and I should say it.

The Times Union called at one point. Brendan Lyons called and said that -- he didn't say he had a recording, but it sounded like he had a recording of a conversation between Brittany and her [REDACTED] where he said to her: "The Cuomo people are running around town. They have got PIs on you. You're, you know, your story is going to come up and I'm not going to defend you." It was some version of that.

And they called -- Brendan Lyons called for a comment, and we talked about how to respond. I talked to Judy, I talked to Beth. And then Rich went back to Brendan Lyons to provide a comment. And Brendan Lyons said he was not running the story, so there was no need because he became aware that in the same conversation

1 [REDACTED] also said -- she
2 said, "You spoke to someone from the
3 chamber?" And then he said, "No."
4 And he acknowledged in the same
5 conversation that it wasn't true. And
6 so the Times Union didn't think that
7 it was worthy, with what they
8 described as [REDACTED]
9 [REDACTED]
10 [REDACTED] so we didn't
11 end up providing a comment.

12 BY MS. KENNEDY PARK:

13 Q What was the comment you were
14 going to provide?

15 A I don't think we were going to
16 provide a comment. I think that Rich was
17 going to send them to the governor's lawyers
18 to provide comment.

19 Q Did you understand what the
20 governor's lawyers' comment was going to be?

21 A Yes, but I learned it in a
22 privileged setting.

23 Q To your knowledge, was there any
24 investigatory work being done by anyone
25 affiliated with the executive chamber

1 relating to Ms. Commisso?

2 A No.

3 MS. KENNEDY PARK: Go to Tab
4 62. Sorry that is the wrong tab.

5 MR. KIM: Can I ask one
6 follow-up?

7 You mentioned earlier that you
8 found out that EA #2 was
9 listening in on a call, and then you
10 said she called you later or came in
11 later?

12 THE WITNESS: Called me later.

13 MR. KIM: What did she say?

14 THE WITNESS: It was the Friday
15 night of the, when we had gotten the
16 incoming from The Times about
17 Charlotte, and it was a really long
18 call where we were talking about how
19 we were going to respond. It
20 stretched from, I want to say, like 9
21 o'clock until midnight. It was a
22 really long call. I actually fell
23 asleep while we were on the phone.

24 And then after the call ended,
25 I woke up to my phone ringing, and it

1 was EA #2 . And she said, "EA #3 and
2 I want to help you; we don't think
3 Charlotte is telling the truth."

4 She -- in the morning where
5 she's claiming that she was upset by a
6 conversation she had with the
7 governor, that wasn't why she was
8 upset. She was upset because of an
9 interaction she had with Stephanie.
10 And they also said that Charlotte was
11 very [REDACTED] and that she often raised
12 the topic of sex with other people.

13 And so to the extent there were
14 any conversations, she doesn't think
15 she would have been uncomfortable with
16 them, or that she wouldn't have
17 prompted them. And she said --

18 MR. KIM: Who is "she"?

19 THE WITNESS: EA #2 . I don't
20 remember if EA #3 was on the phone
21 too. I was a little bit disoriented.

22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

[REDACTED]

[REDACTED]

MR. KIM: What did you do with that information?

THE WITNESS: Nothing. I stopped having her listen in on my phone calls.

MR. KIM: Did you convey it to anyone?

THE WITNESS: I believe I talked to Judy about it afterwards.

MR. KIM: Anyone else?

THE WITNESS: I don't think so.

MS. CLARK: I think you testified yesterday that the governor was acting as a quasi therapist or trying to provide advice to Ms. Bennett because [REDACTED]

[REDACTED]

[REDACTED]

Did you convey what EA #2 [REDACTED] told you to the governor?

THE WITNESS: No.

MS. CLARK: Did the governor tell you he had heard these stories?

1 THE WITNESS: After the fact.

2 MS. CLARK: Did he tell you
3 when or where he heard these stories?

4 THE WITNESS: No, but the way
5 that EA #2 was talking about them, it
6 was as if it was, like, common
7 information.

8 MS. CLARK: Did you hear from
9 anyone other than EA #2?

10 THE WITNESS: No. But I don't
11 really engage -- people don't really
12 tell me things. I don't really engage
13 with the junior staff.

14 MS. CLARK: Does the governor
15 engage with junior staff about gossip
16 about who is sexually involved with
17 who?

18 THE WITNESS: The junior staff,
19 he'll say, "What's going on? What do
20 you hear?" He asks everybody: "What
21 do you hear? What do you know?" And
22 people just tell him things. People
23 like to be a person that tells the
24 governor stuff.

25 MS. CLARK: And that includes

1 things about who, who is sleeping with
2 who?

3 THE WITNESS: Yes.

4 MS. CLARK: Did the governor
5 ever tell people not to share such
6 information with him?

7 THE WITNESS: Not to me.

8 MS. CLARK: Okay.

9 BY MS. KENNEDY PARK:

10 Q Let's go back to Tab 62, which is
11 the text message chain between you and Chris
12 Cuomo.

13 A Uh-huh.

14 Q These aren't page numbered, but
15 if you turn to the text messages that starts
16 on March 10th, 2021, at 11:01 a.m.

17 So Mr. Cuomo says: "Why didn't
18 you tell him about potential ATU interview I
19 think with six?"

20 A Uh-huh.

21 Q And you say: "I asked you not to
22 say anything until I talk to him." And he
23 responds: "That was a day ago. Stop hiding
24 shit." What was this about?

25 A We had heard a rumor that

1 Brittany was going to do an interview with
2 the Times Union. And I wanted to prevent
3 everyone running to the governor every time
4 we heard a rumor. It wasn't healthy, it
5 wasn't productive. 99 percent of the time
6 the rumor turned out not to be true. And it
7 was this constant principle management issue
8 for me where I was, like, keep the stuff,
9 like, we don't need to go to him with things
10 until we need to go to him with things. And
11 people shouldn't be running around reporting
12 every single rumor that they hear. And it
13 turned out not to be the case in that sense.

14 Q Did you have any conversations
15 with the governor about Alyssa McGrath?

16 A I think in the context of a press
17 inquiry.

18 Q Tell us about those conversations
19 you had with the governor.

20 A Can someone refresh my memory
21 what the date was?

22 Q Sure. Alyssa McGrath is
23 March 19th.

24 A Is that a Friday?

25 MS. KENNEDY PARK: I will look

1 to Ms. Clark for the accurate
2 calendar.

3 MS. CLARK: It is a Friday.

4 THE WITNESS: I remember these
5 days, like, not the date, but the day
6 number or the --

7 MS. CLARK: Day of the week.

8 THE WITNESS: Day of the week.
9 I talked to him about Alyssa in a
10 privileged conversation.

11 BY MS. KENNEDY PARK:

12 Q Did you have any conversations
13 with the governor about Ms. McGrath that
14 were not privileged?

15 A No.

16 Q Did you talk to the governor
17 about Kaitlin [REDACTED]?

18 A I'm sure that I did.

19 Q Actually, back up.

20 In the Alyssa McGrath
21 conversations, who were the lawyers that
22 were present?

23 A Robby Kaplan was on the phone,
24 and Rita Glavin and a couple of other
25 associates of hers were in the room. So it

1 was a joint privileged conversation.

2 Q Between your lawyers, the
3 governor's lawyers, and you and the
4 governor?

5 A Yeah.

6 Q And then you said you believe
7 there were conversations with the governor
8 about **Kaitlin**

9 A Yes.

10 Q Will you tell us about those
11 conversations?

12 A I take that back. There was
13 definitely conversations with him about
14 Kaitlin.

15 Q Tell us about those
16 conversations.

17 A This is now jumping --

18 Q Going a little back and forth.
19 Sorry.

20 A -- in chronology. So, after the
21 **Staffer #6**-Kaitlin conversation, two days later,
22 that Saturday morning, Judy Mogul called me
23 to inform me that Kaitlin --

24 MR. HECKER: Sorry. This is a
25 conversation with you and Judy?

1 THE WITNESS: Well, I'm
2 getting, I'm setting that up.

3 MR. HECKER: Can you skip that
4 part and then discuss --

5 THE WITNESS: Sure, but that
6 was why we talked.

7 MR. HECKER: I understand.
8 What happened next?

9 THE WITNESS: I got a group
10 together on the phone to talk about
11 it. And the governor was on that
12 call.

13 BY MS. KENNEDY PARK:

14 Q Who was the group that got
15 together?

16 A Elkan, Alfonso, Steve, Judy,
17 Linda.

18 MR. HECKER: It is a privileged
19 call with everyone also?

20 THE WITNESS: Yes.

21 MR. HECKER: Did you have any
22 discussions with the governor about
23 Kaitlin [REDACTED] before that without
24 counsel or after that without counsel?

25 THE WITNESS: Before that

1 without counsel? After that without
2 counsel? I don't think Kaitlin [REDACTED]
3 came up again until the Rebecca
4 Traister article, and I don't think I
5 talked to the governor about that.

6 BY MS. KENNEDY PARK:

7 Q In any of the conversations you
8 had with the governor about Kaitlin [REDACTED]
9 was Liz Smith present?

10 A I don't think so.

11 MR. HECKER: Can we take one
12 minute?

13 THE VIDEOGRAPHER: Going off
14 the record at 5:54 p.m.

15 (Brief break.)

16 THE VIDEOGRAPHER: We are back
17 on the record at 5:58 p.m.

18 THE WITNESS: Can I correct the
19 record on something?

20 BY MS. KENNEDY PARK:

21 Q Sure.

22 A I did have a conversation with
23 the governor about Kaitlin [REDACTED] the day
24 that, or around the time that the tweets
25 happened, that her tweet happened. I

1 flagged it for him.

2 Q Her tweet in December?

3 A Yes.

4 Q And so tell us about that
5 conversation with the governor.

6 A I said to him -- he said, "What's
7 going on?"

8 And I said, "Kaitlin [REDACTED] did
9 this tweet."

10 And he said, "Who?"

11 And I said, "She used to work
12 here."

13 And he said, "Has anyone talked
14 to her?"

15 And at that point I think the
16 answer was no, but I don't remember if I
17 spoke to him before or after I spoke to
18 Staffer #6. But he didn't have a recollection of
19 who she was.

20 Q After the conversation you had
21 with Staffer #6, did you speak to the
22 governor again about Kaitlin?

23 A No.

24 MR. KIM: In that conversation,
25 did he tell you to reach out to her?

1 THE WITNESS: No.

2 MR. KIM: Did he say anything
3 one way or the other?

4 THE WITNESS: That he was:
5 "Who is she? Did anyone talk to her?
6 Does anyone know what's going on?"

7 BY MS. KENNEDY PARK:

8 Q Did you take that as an
9 indication that someone should reach out to
10 her?

11 A I don't remember if I spoke to
12 him before or after I had already engaged
13 with Staffer #6.

14 Q If you had already engaged with
15 Staffer #6, then you would have been able to tell
16 him: Yes, we reached out to her, right?

17 A But not that they spoke, not that
18 anyone spoke. I don't like to talk to him
19 about half information.

20 Q So going back on the question we
21 were talking about before the break, in the
22 conversations that you -- the other
23 conversations that you had with the governor
24 about Kaitlin [REDACTED] where you said a variety
25 of attorneys were present, were any of the

1 press people present?

2 A I don't think so. I don't think
3 I was including them at that point, but I
4 don't remember. There were a lot of
5 conversations and different iterations of
6 people. But in that specific call, I asked
7 Elkan to participate, which is why it stands
8 out in my mind. And the other lawyers were
9 on.

10 Q And this was in December?

11 A Yes.

12 Q And why did you ask Mr.
13 Abramowitz to participate?

14 A Following the conversation I had
15 with Judy Mogul.

16 Q Who was Mr. Abramowitz a lawyer
17 to at that time?

18 A At that point, no one, but I was
19 engaging with him about hiring him.

20 Q In relation to what?

21 A The conversation I had had with
22 Judy Mogul.

23 Q About Kaitlin [REDACTED]?

24 MR. HECKER: Well...

25 Q You can tell me the topic of the

1 conversation if it was about Kaitlin [REDACTED].

2 A Yes.

3 Q Okay.

4 We are going to look at our last
5 document for the day. Let's turn to Tab
6 236, if I did this right. We will mark this
7 as the next exhibit.

8 (Thereupon, Exhibit 45, Tab
9 236, email chain, was marked for
10 identification, as of this date.)

11 Q This is a text message chain
12 between you, Peter Ajemian, Beth Garvey,
13 Linda Lacewell, Stephanie Benton, Liz Smith,
14 Judy Mogul and Rich Azzopardi and Richard
15 Harmozi, and it begins on March 14th and it
16 ends on March 15th.

17 Do you recall this back and
18 forth?

19 A I recall that it happened. I
20 don't remember everything chapter and verse.

21 I think an email chain, not a
22 text chain.

23 Q Say again?

24 A I think it is an email chain, not
25 a text chain.

1 Q Sorry, I keep saying that. It is
2 an email chain, you are correct.

3 And so what do you remember
4 about -- what was this back and forth about?

5 A This was about the Ronan Farrow
6 article.

7 Q And the chamber's response to the
8 Ronan Farrow article?

9 A Yes.

10 Q What was your perspective on how
11 to respond to the Ronan Farrow article?

12 A It's consistent with my
13 perspective on other press matters, which is
14 that I continued to believe that we should
15 respond to things point by point.

16 Q And that others in the group did
17 not believe that the chamber should engage
18 in a point-by-point refutation of the
19 articles?

20 A Correct.

21 Q And let's look at the very
22 beginning of the chain. You wrote an email
23 where you said: "If we can't send this, I'd
24 like to understand legally why. We cannot
25 just send the hostile work envir quote,

1 which doesn't answer the question." And
2 then you seem to have typed what looks like
3 a statement you were proposing making,
4 having the chamber make on the record, is
5 that right?

6 A Yes.

7 Q And the statement was that
8 Lindsey routinely circumvented the senior
9 staff and went directly to the governor
10 which disrupted communication and
11 organization. She was asked many times not
12 to go to the governor directly, but to
13 follow protocol and refused, which was an
14 ongoing source of tension. The opposite
15 dynamic that Lindsey now claims.

16 Do you see that?

17 A Yes.

18 Q What is your recollection of why
19 you were told that statement shouldn't be
20 issued?

21 A I don't have a recollection of
22 this specific conversation, but I know from
23 the emails that Beth didn't want to do it
24 because she thought it could possibly be
25 viewed as retaliatory.

1 Q Do you remember any other
2 conversation outside of the emails about it?

3 A I felt really strongly that we
4 should give this statement, and I wanted to
5 understand if we couldn't legally, why we
6 couldn't. And I think I expressed that view
7 to other members of the press team.

8 Q What did you understand was the
9 reason Ms. Garvey was telling you it could
10 be viewed as retaliatory?

11 A Because we were now in the midst
12 of an investigation and that anything that
13 we said on the record could be used in
14 litigation and that if it wasn't something
15 we had previously said, we shouldn't say it.

16 Q And it could be viewed -- did she
17 explain to you that it was retaliation in
18 response to Ms. Boylan making a sexual
19 harassment claim that she was concerned
20 about?

21 A Yes.

22 Q And in the email that she
23 responds to you, she says: "We are just
24 pushing back on an anecdote you acknowledged
25 to all of us earlier is true."

1 What is the anecdote she's
2 referring to?

3 A The phone call.

4 Q Which phone call?

5 A I apologize. The setup to this
6 quote was that Lindsey had talked to Ronan
7 Farrow about the conversation I had with her
8 in July 2018, where I called her and said
9 some version of "What the fuck?"

10 And so I wanted to provide the
11 explanation for why that conversation had
12 happened. And Beth didn't think that we
13 should.

14 Q But you had told everybody that
15 that anecdote that Ms. Boylan shared, that
16 was true?

17 A Yes, the conversation had taken
18 place.

19 Q And the words that Ms. Boylan had
20 said you said to her, you had said those
21 words?

22 A I didn't necessarily know the
23 precise words, but the thrust was correct.

24 Q And did you understand what Ms.
25 Garvey meant when she said: "We are just

1 creating" -- and she put stars around "new
2 liability"?

3 A She, at this point, because we
4 were in the midst of an investigation, she
5 was being very careful about anything that
6 was happening. And after Brittany reported
7 her claims, her lawyer immediately claimed
8 retaliation. Am I allowed to talk about
9 this?

10 MS. CROWLEY: How did you learn
11 about it?

12 THE WITNESS: From Beth.

13 MR. HECKER: Then don't. It is
14 not included if it is not including
15 some of the PR folks.

16 MS. KENNEDY PARK: I will ask a
17 better question.

18 BY MS. KENNEDY PARK:

19 Q So, did the new liability, did
20 you understand that Ms. Garvey or had Ms.
21 Garvey -- did you understand or had Ms.
22 Garvey conveyed a view to you that she
23 believed that the release of Ms. Boylan's
24 personnel file had created potential
25 liability for retaliation for the chamber?

1 A No.

2 Q You never had that discussion
3 with her?

4 A I don't think so.

5 Q The discussion about liability
6 revolved around something to do with Ms.
7 Commisso?

8 A Yes.

9 Q And then she said: "A
10 retaliation claim that is ultimately gov's
11 personally."

12 What did you understand her to
13 mean by that?

14 A I don't know. I think because --
15 I don't know. I think the law had been
16 changed so that if it was retaliation in the
17 context of a sexual harassment claim, that
18 the person was held liable, not the state, I
19 think.

20 Q Did you have any conversations
21 with the governor about whether he might
22 have personal exposure for retaliation?

23 A No, not that I recall.

24 Q Can you go to the first page of
25 the text message? In the second text from

1 the bottom you said --

2 MR. HECKER: Emails, emails.

3 MS. KENNEDY PARK: Emails,
4 thank you.

5 BY MS. KENNEDY PARK:

6 Q "Yes. And when they walk us
7 through the story, I still reserve the right
8 to re-raise the point on the LB argument she
9 and I had."

10 Did there come a time when you
11 re-raised the issue of whether you could
12 make a statement about the argument that you
13 and Lindsey Boylan had?

14 A Yes.

15 Q When did that happen?

16 A Sometime in this time frame when
17 we got the read-out from the story.

18 Q So after this text message --
19 after this email chain?

20 A Yes.

21 Q And what happened on that
22 occasion when you re-raised it?

23 A Beth said no.

24 Q Is there any occasion in which
25 you were told that you could off-the-record

1 make your points about the argument you had
2 with Lindsey Boylan?

3 A I don't think so. She -- I don't
4 know. I was at a point where I thought that
5 the advice I was getting was inconsistent
6 with what I understood the law to be and
7 what if it was factual and you were
8 rebutting something on the record that was
9 not factual or providing relevant context,
10 that that was allowed and I was frustrated
11 because I thought that that goalpost was
12 changing. And Beth really felt once the
13 investigation was going on, that we couldn't
14 do anything that could even be remotely
15 perceived as retaliatory.

16 Q Who gave you that advice that you
17 just referred to?

18 A Which advice, the original
19 advice?

20 Q The advice you just described as
21 that you understood the law to be that if
22 there's facts -- if it's factual and you are
23 rebutting something on the record that was
24 not factual or providing relevant context,
25 that that was allowed.

1 A Judy and Linda.

2 Q When had that occurred?

3 MR. HECKER: Were non-lawyers
4 on these conversations?

5 THE WITNESS: No, no.

6 MR. HECKER: Then I think it is
7 privileged.

8 BY MS. KENNEDY PARK:

9 Q Let's skip up two lines in the
10 text. Some discussion about Stephanie
11 Benton's haircut.

12 What did you understand -- did
13 you talk to Ms. Benton about the allegation
14 she had cried about a comment the governor
15 made about her haircut?

16 A Yes.

17 Q What did she say?

18 A That it was ridiculous.

19 Q Did she -- did you ask her
20 whether the governor had ever made her cry?

21 A No. I think I asked her
22 specifically about this.

23 Q About whether she cried about the
24 governor making fun of her haircut?

25 A Yes.

1 Q Did you ask her if the governor
2 had ever made fun of her haircut?

3 A I don't remember. I don't
4 remember if I put it that way or if it was
5 just specific to this.

6 Q You can close the binders.

7 Between today -- between
8 yesterday and today, other than your
9 counsel, did you talk to anyone about your
10 testimony here?

11 A Yes.

12 Q Who did you talk to?

13 A My husband.

14 Q Other than your husband and your
15 counsel, did you talk to anyone about your
16 testimony here?

17 A Yes.

18 Q Who?

19 A Steve Cohen called me this
20 morning to ask how I was feeling, and I said
21 I wasn't done yet.

22 And he said, "I'm so sorry, I
23 didn't realize. We shouldn't talk," and
24 hung up the phone.

25 Q Other than Mr. Cohen -- how did

1 Mr. Cohen know you were testifying today or
2 yesterday?

3 MR. HECKER: Do you know how he
4 knows? If it is discussions with
5 counsel, then you are not to talk
6 about it.

7 THE WITNESS: Yeah.

8 BY MS. KENNEDY PARK:

9 Q Other than Mr. Cohen, your
10 husband, and your personal counsel, between
11 yesterday and today, have you had any
12 conversations with anyone about your
13 testimony?

14 A No.

15 Q In advance of anyone else
16 testifying to us, did you reach out to
17 anybody before they testified to us?

18 A No.

19 MR. HECKER: You mean about
20 their testimony, obviously.

21 MS. KENNEDY PARK: I just mean
22 anyone.

23 THE WITNESS: Well, I talked to
24 a lot of people that are involved in
25 this case on an ongoing basis because

1 of work.

2 BY MS. KENNEDY PARK:

3 Q Are there people that you
4 understood the dates on which they were
5 testifying before us?

6 A Yes.

7 Q Who are those people?

8 A It is in the context of --

9 MR. HECKER: If it is
10 information you only have from
11 discussions with counsel, I am
12 instructing you not to answer the
13 questions.

14 BY MS. KENNEDY PARK:

15 Q Which counsel was telling you the
16 dates on which people were testifying before
17 us?

18 THE WITNESS: Do I say?

19 MR. HECKER: I am going
20 instruct her not to answer. The only
21 conversation she would have had about
22 this topic would be in discussions
23 with counsel in the context of our
24 advice to her.

25 BY MS. KENNEDY PARK:

1 Q So it is you, it is your personal
2 counsel that told you the dates of other
3 people's testimony?

4 A I am not going to answer.

5 MS. KENNEDY PARK: I am trying
6 to figure out if it was you all who
7 told her the dates or --

8 MR. HECKER: The order of when
9 people are going, have you had any
10 discussions with anyone other than
11 counsel about that topic?

12 THE WITNESS: Yes.

13 MR. HECKER: You can disclose
14 that.

15 BY MS. KENNEDY PARK:

16 Q Who did you have those
17 conversations with?

18 A The Wall Street Journal reached
19 out about Rich Azzopardi.

20 Q What did you discuss with The
21 Wall Street Journal?

22 A I didn't speak to The Wall Street
23 Journal. The morning that Rich Azzopardi
24 went in for his testimony, The Wall Street
25 Journal emailed Rich and said: I am going

1 to run a story later today that you recently
2 testified or you testified last week, some
3 time period, um, and that these are the
4 topics that they are asking about. Do you
5 care to comment?

6 Rich forwarded the email to me
7 and to [REDACTED], who is in our press
8 office, and was really upset that as he was
9 walking in to testify, that this leak had
10 happened. And he was like, "I'm signing
11 off."

12 And so during the day, [REDACTED] and
13 I talked about how to deal with The Wall
14 Street Journal.

15 Q What was your conclusion about
16 how to deal with the Wall Street Journal?

17 A That we weren't in a position to
18 deny anything.

19 Q How did you come to the
20 conclusion that you weren't in a position to
21 deny anything?

22 A At first the characterization of
23 the time frame of Rich was not correct
24 because I think that he said like a week
25 before or something like that. And so at

1 first we -- I talked to Rich about, like, do
2 we want to deny that piece of it because it
3 is not factually accurate? But we decided
4 that it was like engaging in a game and it
5 wasn't worth it.

6 Q And I understand your, you had
7 privileged conversations in which someone,
8 lawyers conveyed to you the dates on which
9 people were testifying before us.

10 Did learning that information
11 cause you to reach out to any of those
12 individuals?

13 A No.

14 Q If that happened, that was a
15 coincidence?

16 A I was told at the beginning of
17 this that I couldn't.

18 MR. HECKER: Hang on. Are you
19 disclosing discussions with counsel?
20 I am going to instruct you not to
21 disclose conversations with counsel.

22 THE WITNESS: Okay.

23 MR. HECKER: The answer to her
24 question is the answer that if you
25 reached out to someone, is it a

1 coincidence if it was someone who was
2 testifying. I take it to be the
3 question.

4 THE WITNESS: Yes.

5 BY MS. KENNEDY PARK:

6 Q Have you had conversations with
7 anyone other than your counsel about the
8 substance of what anyone has testified
9 before us?

10 A No.

11 Q We have covered an enormous
12 amount of information in two days. You
13 understand that the scope of our
14 investigation is the allegations of sexual
15 harassment and the surrounding
16 circumstances, the allegations of sexual
17 harassment against Governor Cuomo and the
18 surrounding circumstances.

19 Is there any information that you
20 have that you have not conveyed to us over
21 the last two days that you think is
22 relevant?

23 A No, but I want to correct the
24 record on one thing.

25 Q Sure.

1 A Yesterday I think Mr. Kim was
2 asking me about if I had ever been involved
3 in any trooper transfers, and I said no.
4 And then upon reflection last night when I
5 was replaying the testimony, I wanted to
6 come back and correct that I -- I don't know
7 if you could say I was involved in, but I
8 had discussions about the transfer of a
9 trooper.

10 Q Can you tell us what discussions
11 you were involved in about the transfer of a
12 trooper?

13 A Yes. [REDACTED] -- I am blanking on
14 his last name.

15 MR. KIM: [REDACTED].

16 THE WITNESS: Yes. He was
17 [REDACTED], and he
18 disclosed that he was [REDACTED] and
19 requested a transfer, and I spoke to
20 the state police about that at the
21 time.

22 BY MS. KENNEDY PARK:

23 Q Who did you speak to at the state
24 police?

25 A Vinny Straface and [REDACTED].

1 Q Did they reach out to you or did
2 you reach out to them?

3 A I don't remember what order it
4 happened in. And there were a number of
5 conversations.

6 Q Tell us the content of the
7 conversations with Mr. Straface and [REDACTED]

8 [REDACTED]

9 A It was a problem that a member of
10 the state police detail was [REDACTED]
11 [REDACTED]. And -- I feel a little bit
12 uncomfortable talking about [REDACTED]

13 [REDACTED]

14 [REDACTED] had disclosed to me that
15 [REDACTED] and that he was going
16 to tell his bosses and request a transfer.

17 Q Is that what caused you to get
18 involved in the situation?

19 A Yes.

20 Q And what did you contribute to
21 the conversation about the transfer?

22 A They kept me updated on the
23 process and what was going on.

24 Q Did you ask to be kept updated on
25 the process?

1 A Yes.

2 Q Were you briefing the governor on
3 what was going on with the process of the
4 transfer?

5 A Not in real time.

6 Q But at some point?

7 A I don't like to give him half
8 information, so at the conclusion I briefed
9 him.

10 Q What did you tell him?

11 A That [REDACTED] had requested a
12 transfer and that they were transferring him
13 to a troop that he had previously been
14 assigned to that was north of Albany.

15 MS. KENNEDY PARK: Mr. Kim, do
16 you have any questions about that?

17 MR. KIM: No.

18 BY MS. KENNEDY PARK:

19 Q So other than that correction, I
20 will ask the question I asked again, which
21 is: Is there any information that you have
22 that you believe is relevant to the
23 investigation that we are conducting that
24 you haven't told us?

25 A I don't think so.

1 Q I told you at the beginning of
2 yesterday that if you wanted to, you could
3 make a brief sworn statement. Would you
4 like to do that?

5 A I don't think I have any energy
6 left.

7 Q Do you want to take a break and
8 think about it?

9 A Could I?

10 MS. KENNEDY PARK: Sure.

11 THE VIDEOGRAPHER: Going off
12 the record at 6:19 p.m.

13 (Brief break.)

14 THE VIDEOGRAPHER: We are back
15 on the record at 6:23 p.m.

16 BY MS. KENNEDY PARK:

17 Q Ms. DeRosa, I wanted to again
18 offer you an opportunity to make a sworn
19 statement on the record while we are
20 together.

21 A I appreciate it, but I'm all set.
22 Thank you.

23 MS. KENNEDY PARK: I know it
24 has been a very long two days, and I
25 very much appreciate you spending the

1 time with us and you conveying the
2 information that you have conveyed to
3 us and appreciate you taking so much
4 time.

5 I do want to remind you again
6 what I told you at the beginning,
7 which is because this investigation is
8 being conducted under Executive Law
9 63(8), we have an expectation and the
10 law requires that you not disclose any
11 of the testimony that you have
12 provided to us to anybody else.

13 Do you understand?

14 A Yes.

15 MS. KENNEDY PARK: Okay.

16 Counsel, do you have anything
17 else to add?

18 MR. HECKER: No. Thank you.

19 MS. KENNEDY PARK: I don't
20 think I have anything else to add.

21 (Continued on following page to
22 include jurat.)

1 THE VIDEOGRAPHER: This
2 concludes the deposition of Melissa
3 DeRosa for July 6, 2021. We are going
4 off the record at 6:24 p.m.

5

6

7

MELISSA DeROSA

8

9

10 Subscribed and sworn to
11 before me this ____ day
12 of _____, 2021.

13

14

Notary Public

15

16

17

18

19

20

21

22

23

24

25

